

22451

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM PICKENS COUNTY

Edward W. Miller, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LESTER DEVARIA MOSELY JR,

APPELLANT

APPELLATE CASE NO. 201-002064

RECORD ON APPEAL

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RECEIVED
COURT OF APPEALS
2015

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STATE OF SOUTH CAROLINA

COUNTY OF PICKENS

THE STATE OF SOUTH CAROLINA,

vs.

LESTER DEVARIA MOSLEY, JR.
DEFENDANT.

COURT OF GENERAL SESSIONS
THIRTEENTH JUDICIAL CIRCUIT
2014-GS-39-1545
2014-GS-39-1546
2014-GS-39-1547
2014-GS-39-1548
2014-GS-39-1597

TRANSCRIPT OF RECORD

 ORIGINAL

September 15-17, 2014
Pickens, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, JUDGE; AND A JURY.

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Official Court Reporter

I N D E X

(PW) - Denotes Plaintiff's Witness
(DW) - Denotes Defense Witness

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E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
	(State's Exhibits)		
1	911 CAD report	52	53
2	911 Tape	55	55
3	Blown-up aerial overview of Chimney Ridge	58	59
4	Blown-up overview of 1.5 mile area around Chimney Ridge	87	87
5	Photo of outside 201 Smoke Rise Dr.	60	61
6	Photo of outside 201 Smoke Rise Dr.	60	61
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11	Still photos of exit surveillance camera	60	66
12	Still photos of exit surveillance camera	60	66
13	Photo of contents of backpack	83	84
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19	Photo of contents of backpack	83	84
20	Photo of contents of backpack	83	84
21	Photo of contents of backpack	83	84

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
(State's Exhibits)			
22	Photo of contents of backpack	83	84
23	Schematic of 1st floor of apartment	90	91
24	Photo of inside the apartment	91	92
25	Photo of inside the apartment	91	92
26	Photo of inside the apartment	91	92
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50	Not an exhibit		
51	Not an exhibit		
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<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1	Witness statement	150	
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(Defendant's Exhibits)

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All Exhibits were retained by the Clerk of Court for Pickens County.

P R O C E E D I N G S

1
2 THE COURT: All right, ladies and gentlemen, let me
3 introduce myself to you. My name is Ned Miller. I am one
4 of your circuit judges here in the 13th Circuit. I am
5 very honored to be over here in Pickens County to hold a
6 term of General Sessions Court. General Sessions Court
7 is, also, I guess, commonly known as criminal court. And
8 it's always a pleasure to work with my fellow Judge, Judge
9 Welmaker, who qualified you all to serve as jurors this
10 week.

11 We now move into the process of qualifying you to
12 serve for this particular case. So while you all are
13 qualified under our law to serve as jurors, now we have
14 to make sure that you are qualified to serve in this
15 case. And what we're looking for is a fair and
16 impartial jury who will judge this case based solely on
17 the evidence presented in the courtroom and the law
18 that's presented to you in the courtroom. Okay.
19 That's what the purpose for all -- one of the purposes
20 of all this is and it's vital that we ensure that
21 happens to protect our system of justice.

22 So let me introduce the case to you. This is --
23 there are several indictments. The first one I'm looking
24 at is indictment 2014-1597, the State vs. Lester Devaria
25 Mosley, Jr. This is an indictment for burglary in the

1 first degree. This alleges that Lester Devaria Mosley,
2 Jr. did in Pickens County on or about the 8th day of
3 December 2012, unlawfully and willfully enter the dwelling
4 of Robert Benjamin McKinley, 201 Smoke Rise Drive,
5 Central, South Carolina, without consent with the intent
6 to commit a crime therein, and the crime did occur during
7 the nighttime, and/or the Defendant was armed with a
8 deadly weapon.

9 The next indictment is indictment 2014-1548. It is
10 an indictment for murder. This indictment alleges that
11 Lester Devaria Mosley, Jr. did in Pickens County or on
12 about the 8th day of December, 2012, unlawfully and with
13 malice aforethought kill Steven Grich by means of shooting
14 the victim, and that Steven Grich died as a proximate
15 result thereof.

16 The next indictment is indictment number 2014-1547.
17 It alleges that Lester Devaria Mosley did in Pickens
18 County on or about the 8th day of December 2012, while
19 armed with a deadly weapon or while alleging either by
20 action or words he was armed while using a representation
21 of a deadly weapon or any object, which a person present
22 during the commission of the attempted robbery would
23 reasonably believe to be a deadly weapon, attempt to take
24 by means of force or intimidation goods or monies
25 described as cash and/or drugs from the person or presence

1 of Robert Benjamin McKinley.

2 The next indictment is indictment 2014-1546. This
3 alleges that Lester Devaria Mosley, Jr. did in Pickens
4 County on or about the 8th day of December, 2012, possess
5 or visibly display a firearm during the commission or
6 attempted commission of a violent crime, that is murder
7 and burglary in the first degree.

8 And the last indictment I have is 2014-1545. It
9 alleges that Lester Devaria Mosley did in Pickens County
10 on or about the 8th day of December 2012, while armed with
11 a deadly weapon or while alleging either by action or
12 words he was armed while using a representation of a
13 deadly weapon or any object, which a person present during
14 the commission of the attempted robbery would reasonably
15 believe to be a deadly weapon, attempted to take by means
16 of force or intimidation, goods or monies described as
17 cash and/or drugs from the person or presence of Kevin
18 Shawn Keck, Daniel Persson, Perry Sam Voison, and
19 Johnathan Thomas Riordan.

20 Now, ladies and gentlemen, to these indictments,
21 Mr. Mosley has pled not guilty. And as such, that
22 requires that rights attach to Mr. Mosley that belong to
23 each and every one of us. And that is that every person
24 who is charged with a crime is presumed to be innocent
25 unless and until the State, who is the charging body in

1 this case, proves to a jury beyond a reasonable doubt each
2 and every element of each offense that Mr. Mosley is
3 charged with. Please keep that in mind throughout the
4 course of these proceedings.

5 I would, also, point out to you that these
6 indictments are nothing more than they appear to be and
7 that is a piece of paper. They are the formal documents
8 which contain allegations which allow this matter to wind
9 its way through our system to arrive here in court for
10 resolution. You should take no inference or make any
11 presumption from the fact that these documents or other
12 documents in this case, like an arrest warrant have been
13 issued. They are not evidence. The evidence will be
14 presented here in this courtroom throughout the course of
15 the trial. Please keep all that in mind throughout the
16 course of these proceedings.

17 Now, before we go forward, I would ask the attorneys
18 to stand, introduce themselves and their client.

19 Mr. Wilkins.

20 MR. WILKINS: Your Honor, may it please the Court?

21 THE COURT: Yes, sir.

22 MR. WILKINS: Good morning, ladies and gentlemen, my
23 name is Walt Wilkins and I am the prosecutor in this case.
24 Myself, along with William Timmons, will be representing
25 the State.

1 THE COURT: Thank you, sir.

2 All right. Yes, sir.

3 MR. ROBINSON: May it please the Court?

4 THE COURT: Yes, sir.

5 MR. ROBINSON: Good morning. My name is Scott
6 Robinson. I am the attorney representing Mr. Mosley.
7 This is my client, Mr. Mosley.

8 MR. MOSLEY: I'm Lester Mosley, the Defendant.

9 MR. ROBINSON: This is my investigator, Jerry Regan.
10 Thank you.

11 THE COURT: Thank you, very much.

12 All right. Members of the jury panel, is there any
13 one, any member of the jury panel related by blood or
14 marriage or who has a business, personal, or social
15 relationship with any of the attorneys involved in this
16 matter, or any member of the 13th circuit solicitor's
17 office? If so, please stand.

18 (There was no response.)

19 THE COURT: Okay. Is there any member of the jury
20 panel who is related by blood or marriage or who has a
21 business, personal, or social relationship with Mr. Lester
22 D. Mosley? If so, please stand.

23 (There was no response.)

24 THE COURT: Now, I'm going to read a list of
25 potential witnesses in this case and I'll need to know the

1 same about these folks. So please pay attention as I go
2 through these potential witnesses. Brian Jaynes; Michael
3 Torres; Gary Anthony; Tony Robinson; Johnathan Riordan;
4 Kevin Keck; Sam Voison; Daniel Persson; Laura Hill; Rob
5 McKinley; Connor Mann; Brian Gibson; Andy Robinson; Chuck
6 James; Michael Rainey; Jaron Dalton; Kadeem Ramsey; Jordan
7 Dalton; Imari Greenlee; Ericka Gibson; Tavis Campbell;
8 Kimberly Mears; Chad Smith; Douglas Leslie; Michael Ward;
9 Julian Anderson; Cosha Benson; Philip Bruce; Erica Gibson;
10 Kellan Goodine; Connor Mann; William Wingard.

11 Is there any member of the jury panel who is related
12 by blood or marriage, or who has a business, personal, or
13 social relationship with any of those potential witnesses
14 whose names I have just read? If so, please stand.

15 (Jurors stood.)

16 THE COURT: All right. Yes, ma'am, your name and
17 number?

18 PROSPECTIVE JUROR: Courtney Landreth.

19 THE COURT: What's your number?

20 PROSPECTIVE JUROR: 77, I think.

21 THE COURT: Who is it that you know?

22 PROSPECTIVE JUROR: The Jordans.

23 THE COURT: Okay. All right. Thank you.

24 Yes, ma'am?

25 PROSPECTIVE JUROR: 195.

1 THE COURT: Your name, ma'am?

2 PROSPECTIVE JUROR: Linda Winfree.

3 THE COURT: Yes, ma'am.

4 PROSPECTIVE JUROR: I know the Daltons.

5 THE COURT: The Daltons. Okay. Thank you.

6 All right. Yes, ma'am, your name and number?

7 PROSPECTIVE JUROR: I'm No. 186, my name is Brandy
8 Jones.

9 THE COURT: Who do you know?

10 PROSPECTIVE JUROR: Very casually, William Wingard.

11 THE COURT: All right. To those persons who
12 responded to that question, would the fact that you are
13 acquainted with those particular potential witnesses,
14 would that impair your ability to be fair and impartial in
15 this case to either the State or the Defense, and could
16 you follow the law as I would give it to you and judge
17 this case solely on the evidence presented in this
18 courtroom pursuant to your oath? If you cannot do that,
19 please tell us.

20 (There was no response.)

21 THE COURT: Okay. Thank you very much.

22 THE CLERK: She raised her hand.

23 THE COURT: Who did?

24 THE CLERK: This lady back here.

25 PROSPECTIVE JUROR: I was just going to say I'm kind

1 of close to the family. I don't how I would feel.

2 THE COURT: All right.

3 PROSPECTIVE JUROR: I want to be honest.

4 THE COURT: And you know the Daltons, is that right?

5 PROSPECTIVE JUROR: Yeah.

6 THE COURT: All right. Thank you very much, ma'am.

7 Now, ladies and gentlemen, I want to say that there
8 has been media coverage about this case. And so I need to
9 know is there any member of the jury panel who's read,
10 observed, or heard anything about this case from any
11 source, but, in particular, anything from the internet,
12 newspaper, radio, television, or any other person? Is
13 there anyone who is familiar with the events that I have
14 described in these indictments? If so, please stand.

15 (WHEREUPON, jurors stood.)

16 THE COURT: Okay. All right. Okay. All right.
17 Yes, sir, we'll start from my left, your right, go this
18 way. Your name and number?

19 PROSPECTIVE JUROR: Harry Ahlfeldt, No. 1.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR: I believe it was in the paper
22 this morning. I picked it up.

23 THE COURT: Yes, sir. All right.

24 Your name and number again, ma'am?

25 PROSPECTIVE JUROR: Courtney Landreth, 77.

1 THE COURT: Okay.

2 PROSPECTIVE JUROR: I'm friends with a lot of people
3 that are friends with the Daltons, so I've heard a lot.

4 THE COURT: Okay. All right.

5 Yes, ma'am?

6 PROSPECTIVE JUROR: The Dalton boys are my daughters
7 best friends. Their mother is my best friend, so I've
8 heard a lot of stuff.

9 THE COURT: And you are No. 195?

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: Okay. All right.

12 Yes, ma'am?

13 PROSPECTIVE JUROR: I'm No. 69, and just because I
14 live in Central, I've heard about it.

15 THE COURT: Your name, ma'am?

16 PROSPECTIVE JUROR: Vicki Jordan.

17 THE COURT: All right. Thank you.

18 All right. Yes, ma'am?

19 PROSPECTIVE JUROR: My name is Terri Dempsey and I'm
20 No. 36. I followed it, also, in the media. I live in the
21 Clemson, Central area. I had a student at Clemson at the
22 time.

23 THE COURT: Okay. Thank you.

24 Yes, ma'am?

25 PROSPECTIVE JUROR: 206, Sheila Underwood. I'm not

1 really sure I heard about this particular case. It was
2 just on the news, I was in another room and it sounds
3 similar. But I'm not sure if this is the guy or the real
4 actual case that I was hearing about.

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

6 Yes, ma'am?

7 PROSPECTIVE JUROR: Suzanne Atkinson, No. 3. I live
8 in the Clemson area. I followed it on the television and
9 news.

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

11 Yes, sir?

12 PROSPECTIVE JUROR: No. 5. This is the first thing I
13 seen on the news this morning.

14 THE COURT: Okay. Your name, sir? I'm sorry.

15 PROSPECTIVE JUROR: Craig Barksdale.

16 THE COURT: All right. Thank you very much.

17 All right. Now, ladies and gentlemen, for those of
18 you who responded to that, I would say, yes, it was in the
19 newspaper this morning. I didn't -- wasn't watching the
20 television or listening to the radio, so I don't know what
21 was on there. But what we need to know is the fact that
22 you have knowledge about the events that are alleged in
23 the indictment, and nothing has been proven yet, would
24 that impair your ability to be fair and impartial in this
25 case to either the State or the Defense?

1 And we are looking for jurors who will sit up here
2 under their oath, listen to the evidence presented in this
3 courtroom and the law as I will give it to you, and who
4 will judge this case based solely on the evidence
5 presented in the courtroom and the law as I would give it
6 to you.

7 Is there anyone who feels that because of the
8 knowledge that they've obtained that they would have a
9 problem with that? And I ask you to be perfectly honest
10 about it. There's no shame in that.

11 All right. Okay. Yes, ma'am, you are 77. Your
12 name?

13 PROSPECTIVE JUROR: Courtney Landreth.

14 THE COURT: Okay. Thank you. All right. Okay. All
15 right.

16 Now, is there any member of the jury panel or close
17 family member or friend or very close friend who has ever
18 been charged with or a victim of any of these types of
19 offense? If so, please stand.

20 (There was no response.)

21 THE COURT: Okay. Is there any member of the jury
22 panel, close friend or family member who is a contributor
23 of -- well, let me back up a little bit first. Is there
24 anyone who's aware of any bias or prejudice towards either
25 the State or the Defense? If so, please stand.

1 (There was no response.)

2 THE COURT: Okay. Is there any member of the jury
3 panel who is a member of or contributor to a group whose
4 primary concern is the promotion of law enforcement or
5 victim's rights, such as MADD, SADD, or CAVE? If so,
6 please stand.

7 Yes, sir, your name and number?

8 PROSPECTIVE JUROR: Bruce Evilsizor, No. 45. Retired
9 member of the --

10 THE COURT: Would that impair your ability to be fair
11 and impartial in this case?

12 PROSPECTIVE JUROR: No, Your Honor.

13 THE COURT: All right. Thank you very much.

14 All right. Is there any juror -- is there any member
15 of the jury panel who has a family member who is a member
16 of law enforcement? Is so, please stand.

17 Okay. All right. We'll start over here.

18 Yes, ma'am, your name and number?

19 PROSPECTIVE JUROR: Deidre Morgan, 104.

20 THE COURT: 104, okay.

21 PROSPECTIVE JUROR: I have a brother-in-law who works
22 at the detention center.

23 THE COURT: All right. Thank you.

24 Yes, ma'am?

25 PROSPECTIVE JUROR: Juror No. 58 and my uncle works

1 for the detention center.

2 THE COURT: Okay.

3 Yes, ma'am?

4 PROSPECTIVE JUROR: 135, and my brother is with the
5 sheriff's department and my sister-in-law works in Pickens
6 County. And then I have a couple nephews that are with
7 the police and sheriff's department.

8 THE COURT: All right. Maybe I should have asked you
9 if there's any member of your family who's not in law
10 enforcement? Okay. Thank you.

11 Your name, ma'am?

12 PROSPECTIVE JUROR: Rebecca Simmons.

13 THE COURT: Thank you, Ms. Simmons.

14 Yes, sir?

15 PROSPECTIVE JUROR: James Short, I'm 134, and my
16 cousin works with the Chesterfield County Sheriff's
17 Department.

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

19 Start at the back.

20 Yes, ma'am.

21 PROSPECTIVE JUROR: Teresa Henry. My daughter works
22 for the police department.

23 THE COURT: Your number?

24 PROSPECTIVE JUROR: Fifty-nine.

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

1 Yes, ma'am?

2 PROSPECTIVE JUROR: My brother-in-law is a retired
3 police officer.

4 THE COURT: Your name and number?

5 PROSPECTIVE JUROR: Linda Winfree, 158.

6 THE COURT: Okay.

7 Yes, sir?

8 PROSPECTIVE JUROR: No. 144, my dad is retired
9 highway patrolman.

10 THE COURT: And Your name?

11 PROSPECTIVE JUROR: Scott Suddeth.

12 THE COURT: All right. Thank you.

13 Yes, sir?

14 PROSPECTIVE JUROR: No. 167, Jeremy Brady. My
15 father-in-law is retired from the Pickens County Sheriff's
16 Office.

17 THE COURT: Thank you.

18 Yes, sir?

19 PROSPECTIVE JUROR: David Finn, 148. My brother was
20 a court officer.

21 THE COURT: Okay. All right. Thank you very much.

22 All right. Those of you who answered that question,
23 would the fact that you have that relative or relatives in
24 law enforcement, would that impair your ability to be fair
25 and impartial in this case to either the State or the

1 Defense? If so, please stand.

2 (There was no response.)

3 THE COURT: Okay. All right. Is there any juror who
4 knows of any reason whatsoever why you should not serve in
5 this case, with particular emphasis upon your ability to
6 be fair and impartial and to judge this case based solely
7 on the law and evidence as it's presented in this
8 courtroom and from nowhere else? Anyone know of any
9 reason why they couldn't serve based on those factors?

10 (There was no response.)

11 THE COURT: Okay. Let me invite the lawyers up here
12 one more time, please.

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

16 THE COURT: All right. Ladies and gentlemen, this is
17 my chance to do a little song and dance for you while
18 we're getting the list together. I do love coming to
19 Pickens County. I got to come over here when I was just a
20 lawyer and I love coming back since I've been a judge. I
21 always like to talk about -- well, this is, without
22 question, the finest courtroom in our circuit.
23 Greenville, in 1995 and '96, modernized the courthouse and
24 so we have a very modern courthouse over there. And I
25 used to make a bad joke saying it looked like you were

1 going into a Holiday Inn. It doesn't have the character
2 that this room has. This is just a beautiful old
3 courthouse.

4 I like to point out that when I was a young lawyer,
5 we'd come over here and family court was upstairs in just
6 an office back in the back. But if you'll look up on this
7 wall, you can see a crack that runs about two-thirds of
8 the way up. And that used to be an open area... It was a
9 balcony with three rows of seating up there. So while you
10 were waiting on your family court hearing, you could come
11 in here and sit down and watch the proceedings in circuit
12 court. It's kind of an interesting fact that's now been
13 covered up. I don't know what they did with the space.
14 It could be the seats are still up there. You can go up
15 there and sit and look at a blank wall, I guess.

16 THE CLERK: They're not there.

17 THE COURT: Oh, they're not there anymore. The clerk
18 of court has informed us of that.

19 When I started, we had those bingo things and you'd
20 spin the -- spin it around, the clerk would reach in.
21 Each one of your names was on a little piece of paper
22 inside a capsule. Anyway, somewhere I've got one. Yeah,
23 it looked a little bit like that. And your name would be
24 in there. They'd spin in, pull the name out, read the
25 name. Well, we've gotten very modern. You are now -- you

1 don't know it, but you are spinning around in cyberspace
2 and your name is being plucked out of thin air to be put
3 on a list. Some of you, in any event. So that's what
4 we're doing. And this is a program that has been
5 certified by the judicial department to be reliable and
6 impartial.

7 We did some more renovations in the courtroom in 2008
8 or 2009. There used to be one more row out where you all
9 are seated. And the bench or the bar there was forward.
10 And it was really cramped up here. This area was bigger,
11 this area, I think, was a little higher. And it was --
12 you couldn't really handle a case with multiple people
13 involved because there was just no room to move around.
14 So, in '08 or '09, I guess probably '08, they did some
15 renovations and expanded the working area up here in the
16 courtroom. And I'm running out of stuff.

17 What we're going to do is generate a list. You will
18 not know -- a number will be called by the clerk -- no, I
19 guess your name will be called, you will be asked to stand
20 in place and just await further instructions. Okay.

21 THE CLERK: As I call your name, if you would please
22 stand so the attorneys can see you.

23 You do want them to stand in place, don't you?

24 THE COURT: Yeah.

25 THE CLERK: Juror No. 116, Pamela J. Ramey.

1 (Pamela J. Ramey, a white female, stood.)

2 THE CLERK: What says the State?

3 MR. WILKINS: Please seat the juror.

4 THE CLERK: And the Defense?

5 MR. ROBINSON: Please seat the juror.

6 THE CLERK: If you would come forward, please, ma'am,
7 have a seat in the jury box.

8 Juror No. 100, James W. Moon.

9 (James W. Moon, a white male, stood.)

10 THE CLERK: What says the State?

11 MR. WILKINS: Please seat the juror.

12 THE CLERK: And the Defense?

13 MR. ROBINSON: Please excuse the juror.

14 THE CLERK: If would return to your seat, please,
15 sir.

16 Juror No. 46, Rebecca E. Ferguson.

17 (Rebecca E. Ferguson, a black female, stood.)

18 THE CLERK: What says the State?

19 MR. WILKINS: Please seat the juror.

20 THE CLERK: And the Defense?

21 MR. ROBINSON: Please seat the juror.

22 THE CLERK: If you would come forward, please, ma'am,
23 have a seat in the jury box.

24 Juror No. 75, Lameka R. King.

25 (Lameka R. King, a black female, stood.)

1 THE CLERK: What says the State?

2 MR. WILKINS: Please excuse the juror.

3 THE CLERK: If you would return to your seat, please,
4 ma'am.

5 Juror No. 70, April D. Keeler.

6 (April D. Keeler, a white female, stood.)

7 THE CLERK: What says the State?

8 MR. WILKINS: Please excuse this juror.

9 THE CLERK: If you would return to your seat, please,
10 ma'am.

11 Juror No. 186, Brandy L. Jones.

12 (Brandy L. Jones, a white female, stood.)

13 THE CLERK: What says the State?

14 MR. WILKINS: Please excuse the juror.

15 THE CLERK: If you would return to your seat, please,
16 ma'am.

17 Juror No. 161, Joseph Acampora, Jr.

18 (Joseph Acampora, Jr., a white male, stood.)

19 THE CLERK: What says the State?

20 MR. WILKINS: Please seat this juror.

21 THE CLERK: And the Defense?

22 MR. ROBINSON: Please seat this juror.

23 THE CLERK: If you would come forward, please, sir,
24 have a seat in the jury box.

25 Juror No. 24, Steven K. Chastain.

1 (Steven K. Chastain, a white male, stood.)

2 THE CLERK: What says the State?

3 MR. WILKINS: Please seat the juror.

4 THE CLERK: And the Defense?

5 MR. ROBINSON: Please seat this juror.

6 THE CLERK: If you would come forward, sir, have a
7 seat in the jury box.

8 Juror No. 30, Stephen L. Crocker.

9 (Stephen L. Crocker, a white male, stood.)

10 THE CLERK: What says the State?

11 MR. WILKINS: Please seat this juror.

12 THE CLERK: And the Defense?

13 MR. ROBINSON: Please excuse this juror.

14 THE CLERK: If you would return to your seat, please,
15 sir.

16 Juror No. 17, Cheryl F. Burton.

17 (Cheryl F. Burton, a white female, stood.)

18 THE CLERK: What says the State?

19 MR. WILKINS: Please seat this juror.

20 THE CLERK: And the Defense?

21 MR. ROBINSON: Please excuse this juror.

22 THE CLERK: If would return to your seat, please,
23 ma'am.

24 Juror No. 196, Cerrie C. Norris.

25 (Cerrie C. Norris, a white female, stood.)

1 THE CLERK: What says the State?

2 MR. WILKINS: Please seat this juror.

3 THE CLERK: And the Defense?

4 MR. ROBINSON: Please seat this juror.

5 THE CLERK: If would come forward, please, ma'am, and
6 have a seat in the jury box.

7 Juror No. 176, Katie D. Doyle.

8 (Katie D. Doyle, a white female, stood.)

9 THE CLERK: What says the State?

10 MR. WILKINS: Please seat this juror.

11 THE CLERK: And the Defense?

12 MR. ROBINSON: Please seat this juror.

13 THE CLERK: If you would come forward, please, ma'am,
14 and have a seat in the jury box.

15 Juror No. 5, Craig S. Barksdale.

16 (Craig S. Barksdale, a black male, stood.)

17 THE CLERK: What says the State?

18 MR. WILKINS: Please seat the juror.

19 THE CLERK: And the Defense?

20 MR. ROBINSON: Please seat this jury.

21 THE CLERK: Come forward, please, sir, and have a
22 seat in the jury box.

23 Juror No. 29, David C. Crawford.

24 (David C. Crawford, a white male, stood.)

25 THE CLERK: What says the State?

1 MR. WILKINS: Please seat this juror.

2 THE CLERK: And the Defense?

3 MR. ROBINSON: Please excuse the juror.

4 THE CLERK: If you would return to your seat, please,
5 sir.

6 Juror No. 35, Peggy D. Davis.

7 (Peggy D. Davis, a white female, stood.)

8 THE CLERK: What says the State?

9 MR. WILKINS: Please seat this juror.

10 THE CLERK: And the Defense?

11 MR. ROBINSON: Please seat this juror.

12 THE CLERK: If you would come forward, please, ma'am,
13 and have a seat in the jury box.

14 Juror No. 19, Cynthia Chapman.

15 (Cynthia Chapman, a white female, stood.)

16 THE CLERK: What says the State?

17 MR. WILKINS: Please seat this juror.

18 THE CLERK: And the Defense?

19 MR. ROBINSON: Please excuse this juror.

20 THE CLERK: If you would return to your seat, please.

21 Juror No. 144, Melvin S. Suddeth.

22 (Melvin S. Suddeth, a white male, stood.)

23 THE CLERK: What says the State?

24 MR. WILKINS: Please seat this juror.

25 THE CLERK: And the Defense?

1 MR. ROBINSON: Please seat the juror.

2 THE CLERK: If would come forward, please, sir, and
3 have a seat in the jury box.

4 Juror No. 21, Matthew D. Chappell.

5 (Matthew D. Chappell, a white male, stood.)

6 THE CLERK: What says the State?

7 MR. WILKINS: Please seat this juror.

8 THE CLERK: And the Defense?

9 MR. ROBINSON: Please excuse this juror.

10 THE CLERK: If you would return to your seat, please,
11 sir.

12 Juror No. 36, Terri L. Dempsey.

13 (Terri L. Dempsey, a white female, stood.)

14 THE CLERK: What says the State?

15 MR. WILKINS: Please seat this juror.

16 THE CLERK: And the Defense?

17 MR. ROBINSON: Please excuse this juror.

18 THE CLERK: If you would return to your seat, please,
19 ma'am.

20 Juror No. 4, Judy C. Bagwell.

21 (Judy C. Bagwell, a white female, stood.)

22 THE CLERK: What says the State?

23 MR. WILKINS: Please seat this juror.

24 THE CLERK: And the Defense?

25 MR. ROBINSON: Excuse this juror.

1 THE CLERK: If would return to your seat, please,
2 ma'am.

3 Juror No. 138, Andrew E. Stephens.

4 (Andrew E. Stephens, a white male, stood.)

5 THE CLERK: What says the State?

6 MR. WILKINS: Please seat this juror.

7 THE CLERK: And the Defense?

8 MR. ROBINSON: Please seat this juror.

9 THE CLERK: If you would come forward,, please, sir,
10 and have a seat in the jury box.

11 Juror No. 14, Milisa A. Brown.

12 (Milisa A. Brown, a white female, stood.)

13 THE CLERK: What says the State?

14 MR. WILKINS: Please seat this juror.

15 THE CLERK: And the Defense?

16 MR. ROBINSON: Please seat this juror.

17 THE CLERK: If you would come forward, please, ma'am,
18 and have a seat in the jury box.

19 Juror No. 48, David A. Finn.

20 (David A. Finn, a white male, stood.)

21 THE CLERK: What says the State?

22 MR. WILKINS: Please seat this juror.

23 THE CLERK: And the Defense?

24 MR. ROBINSON: Please excuse this juror.

25 THE CLERK: If you would return to your seat, please,

1 sir.

2 Juror No. 203, Eric K. Thomas.

3 (Eric K. Thomas, a white male, stood.)

4 THE CLERK: What says the State?

5 MR. WILKINS: Please seat this juror.

6 THE CLERK: And the Defense?

7 MR. ROBINSON: Please seat this juror..

8 THE CLERK: If you would come forward, please, sir,
9 and have a seat in the jury box.

10 THE COURT: Two alternates, one and two on each.

11 THE CLERK: This will be for the first alternate.

12 Juror No. 183, Matthew C. Hardin.

13 (Matthew C. Hardin, a white male, stood.)

14 THE CLERK: What says the State?

15 MR. WILKINS: Please seat this juror.

16 THE CLERK: And the Defense?

17 MR. ROBINSON: Please seat the juror.

18 THE CLERK: If you would come forward, please, sir,
19 and have a seat in the jury box.

20 Juror No. 148, Sherri R. Trantham.

21 (Sherri R. Trantham, a white female, stood.)

22 THE CLERK: What says the State?

23 MR. WILKINS: Please seat this juror.

24 THE CLERK: And the Defense?

25 MR. ROBINSON: Please excuse this juror.

1 THE CLERK: If you would return to your seat, please,
2 ma'am.

3 Juror No. 96, Royce V. Miller.

4 (Royce V. Miller, a black male, stood.)

5 THE CLERK: What says the State?

6 MR. WILKINS: Please seat the juror.

7 THE CLERK: And the Defense?

8 MR. ROBINSON: Please seat the juror.

9 THE CLERK: If you would come forward, please, sir,
10 and have a seat in the jury box.

11 THE COURT: All right. Any exception or objection to
12 the jury as impaneled pursuant to Batson or Jefferies from the
13 State?

14 MR. WILKINS: None from the State, Your Honor.

15 THE CLERK: From the Defense?

16 MR. ROBINSON: No, sir, Your Honor.

17 THE COURT: Okay. All right.

18 Looks great, I can sit up here and see your happy,
19 smiling faces as you're selected to serve. I want to tell
20 you, there are two groups in here. One has been selected
21 and one has not. I personally believe the group that has
22 been selected is the fortunate group because they are
23 participating in our justice system. And this system
24 belongs to each and every one of us. I hope you all will
25 get a chance this week, and if not this week, sometime in

1 the future to take on this responsibility and this
2 privilege.

3 But with that, I'm going to excuse you all back to
4 your jury room. And we'll get right back with you. We're
5 going to select a panel to send upstairs for Judge
6 Welmaker to pick a jury.

7 (WHEREUPON, the jury left the courtroom at
8 approximately 11:52 p.m.)

9 THE COURT: Okay. This case has generated a lot of
10 interest in the media. I am not allowing the use of cell
11 phones to text or send pictures or anything like that.
12 I've crossed it out on every order that I've seen it on.
13 So no cell phones in the courtroom. And then, of course,
14 you all know not to photograph any of the jurors and don't
15 cause any disturbance or anything. Okay.

16 Any motions before we get started?

17 MR. ROBINSON: Your Honor, the first motion I think
18 has been agreed to by the State is a motion to sequester
19 witnesses in this matter.

20 THE COURT: Okay.

21 MR. ROBINSON: The second motion, Your Honor, is a
22 motion to suppress flight, as I mentioned before.

23 THE COURT: Well, put it on the record.

24 MR. ROBINSON: Yes, sir. Your Honor, my client at
25 the time was living in Georgia.

1 THE COURT: Are you going -- all right, go ahead and
2 give me a little statement, but you're going to have to
3 put up the evidence.

4 MR. ROBINSON: Yes, sir, Your Honor. I would point
5 out, Judge, as well, we've been trying to find his
6 girlfriend, who is Ericka Gibson. The State has found her
7 and she, supposedly, is going to be here tomorrow to
8 testify. And I can hold back my motion until she's here
9 tomorrow before they put -- if they don't put any evidence
10 of flight in. I can make my motion before they put that
11 in or -- they talked to her.

12 THE COURT: Mr. Wilkins.

13 MR. WILKINS: Your Honor, we were able to subpoena
14 Ericka Gibson four or five days ago. We were able to
15 locate her. She lives in Georgia, so we had to
16 domesticate a subpoena and have her served. I have no
17 idea what she's going to say regarding flight. I'm not
18 even sure what means at this juncture. We intend to
19 present evidence through United States Marshal service,
20 Doug Leslie.

21 Doug Leslie did two things, Your Honor. He stopped
22 three individuals about a week before the Defendant was
23 arrested, but there was a warrant out for his arrest for
24 this particular case. And he put those individuals on
25 notice that Devaria Mosley was, in fact, a fugitive from

1 justice and harboring him is, in fact, against the law.
2 They were found with the Defendant four or five days later
3 in a hotel in Georgia where the Defendant was, actually,
4 arrested. Two of those individuals that were stopped
5 earlier were, in fact, charged with harboring a fugitive
6 in Stephens County, Georgia, and, actually, both pled
7 guilty.

8 One of those witnesses, we intend to call in our case
9 in chief. His name is Tavis Campbell, who we believe will
10 testify for the prosecution as to statements the Defendant
11 made to him as well as to the arrest that occurred in
12 Georgia. We also believe he will testify to the fact that
13 the night of the murder, the Defendant left for Georgia
14 because he realized that, in fact, the victim in this case
15 had, in fact, been killed.

16 THE COURT: Who is going to testify to that?

17 MR. WILKINS: Tavis Campbell is his name. He's on
18 our witness list as well. He is incarcerated in Oconee
19 County right now on unrelated charges.

20 THE COURT: Okay. So what is it that you want to
21 suppress?

22 MR. ROBINSON: We're wanting them to suppress --
23 they've given us all this information from Stephens
24 County. What they're trying to say is he knew about this
25 murder, he knew he did this, and he took off to Toccoa,

1 Georgia, and fled from justice. Our position is that he
2 was residing down there with his girlfriend, this Ericka
3 Gibson. She put him up in a hotel or motel down there.
4 That's where they found him and so forth, but it was not a
5 flight from justice as far as to avoid prosecution.
6 That's our position.

7 MR. WILKINS: Your Honor, the State's position is
8 that's just evidence they can put up in their defense.

9 THE COURT: One thing you can't do is testify to his
10 state of mind.

11 MR. WILKINS: Certainly.

12 THE COURT: No speculation.

13 MR. WILKINS: The task force agent from the Marshal
14 service -- or U. S. Marshal Service agent will testify
15 that he, in fact, gave a false name at the time of the
16 arrest and was, ultimately, arrested and extradited back.
17 That's all he's going to say.

18 THE COURT: You just have to be on your toes. I
19 don't know if there's anything to suppress at this point
20 based on what you've told me.

21 Anything else?

22 MR. WILKINS: Your Honor, just so you know, we've
23 entered into a stipulation. We can read it at the
24 appropriate time. And it, basically, just says that DNA
25 was swabbed on a number of items, but no profile was

1 obtained from any of those items that could be comparable
2 in this case. This keeps us from having to call a DNA
3 expert from SLED to come testify that there's no evidence.

4 THE COURT: Okay. All right. Anything else?

5 All right. Do you need five minutes? As I've told
6 you all, I cannot be here this afternoon. So, I would
7 suggest that we go until about 1:30. Can you fit
8 witnesses in or would you rather --

9 MR. WILKINS: I think I could get my first two
10 witnesses in, depending on opening statement if we roll.
11 The first one is relatively short, it's just a 911 call.
12 And my second witness is a couple of photos and overviews
13 and he was the initial responding officer to the scene.

14 THE COURT: Okay. All right.

15 MR. ROBINSON: Your Honor, I think that's fine. I
16 would just -- as the Court's aware, no argument in
17 opening, obviously.

18 THE COURT: It will be brief, nonargumentative
19 statements according to the rules.

20 MR. WILKINS: I need five minutes, Your Honor.

21 THE COURT: Five minutes.

22 Are there any witnesses in the courtroom?

23 MR. ROBINSON: Let me check real quick, Your Honor.
24 I've never met some of these people.

25 THE COURT: Let me just tell y'all, the parties have

1 agreed we're going to sequester witnesses, which means
2 that you all can't be in the courtroom listening to the
3 other testimony. It, also, means that once you've
4 testified, you can't discuss your testimony or what
5 happened while you testified with any other potential
6 witnesses. That's the reason behind this. This is for
7 both the State and Defense.

8 MR. ROBINSON: Thank you, Judge.

9 THE COURT: All right.

10 (Whereupon, a short break was taken.)

11 THE COURT: All right. Everyone make sure any
12 electronic devices are turned off.

13 (WHEREUPON, the jury entered the courtroom at
14 approximately 12:41 p.m.)

15 THE COURT: All right. Ladies and gentlemen, welcome
16 back. Thank for your patience. I want to tell you we had
17 a computer malfunction, which is what caused the delay.
18 We're trying to get a panel for the courtroom upstairs.
19 We couldn't get the computers to work, so that's what took
20 so long. So thank you for your patience.

21 At this time, we're ready to commence the trial, so I
22 would ask y'all to stand and take your oath.

23 THE CLERK: After the oath is administrated, please
24 answer by saying, "I will". Please raise your right hand.

25 (Whereupon, the jury was sworn.)

1 THE CLERK: Thank you. You may be seated.

2 THE COURT: Okay. Ladies and gentlemen, we have a
3 dispute about the facts in this case. And it's a dispute
4 that can't be resolved in any fashion other than to ask a
5 jury to come up and listen to the evidence and the law as
6 presented in this courtroom and reach a decision that
7 resolves the dispute. So that's your job and that's what
8 we ask you all to do.

9 I would remind you that every person in this country
10 that is charged with a crime is presumed to be innocent
11 unless and until the charging body, in this case, the
12 State of South Carolina, can prove to a jury beyond a
13 reasonable doubt each and every element of each offense
14 that a person is charged with. Please keep that in mind
15 throughout these proceedings.

16 Also, please keep in mind that those indictments that
17 I published to you or read to you are not evidence. And
18 the fact that they've been issued should not raise any
19 inference or give you any presumption as to guilt or
20 innocence. They are just the formal documents which allow
21 the case to wind its way through our system to arrive here
22 in court for disposition.

23 You can divide a trial into as many parts as you
24 like, but I have a little -- so you have a procedural
25 roadmap about what's coming, what's next, I've divided it

1 into five parts. The first part we're engaged in now
2 would be the opening statements to you. So I'll make
3 these brief remarks to you, and then the attorneys for
4 each side will get up and make a brief nonargumentative
5 statement to you about the case. And that's called an
6 opening statement. The second part of the trial is the
7 meat and potatoes of every case, and that is the
8 presentation of the testimony and the evidence in the
9 case. That's, generally, the longest part of the trial.
10 And evidence will come to you in one of three common ways.

11 The first is what we all think about and that would
12 be the oral testimony from this witness stand. The second
13 most common way would be through the presentation of
14 tangible items or documents or objects. And the third
15 most common way would be through a stipulation of the
16 parties, where the parties agree that some fact is so
17 beyond dispute that you should accept it as true. And
18 that's what we call a stipulation. I don't know the
19 combination of how the evidence will come to you, but it
20 will, generally, come to you in one of those three ways.

21 The third part of the trial, after all of the
22 evidence is in, the attorneys make their closing arguments
23 to you. So you notice it's an opening statement and then
24 it's a closing argument. And that's when they get up and
25 advocate their position and urge you to resolve the

1 dispute in their favor.

2 The fourth part of the trial will be when I charge
3 you what the law is in this case, as it applies to this
4 case. And then the fifth part of the trial will be when
5 you all retire to your jury room to deliberate this case
6 and resolve the dispute.

7 Now, as I told you, the parts aren't of equal length.
8 We anticipate the testimony will be by far the greatest
9 part of the trial. And so keep that in mind as things
10 proceed.

11 Now, I'll ask you to do, I'm sure, a lot of things
12 throughout the course of the trial, but there are three
13 main things I ask you to do. The first is to have an open
14 mind. We go through all of the qualification questions,
15 ask you the background questions and that sort of thing so
16 that we have a jury that is fair and impartial. A jury
17 with an open mind so you don't come in with a
18 predisposition about how the case ought to be resolved.

19 The second thing that I will ask you to do, it seems
20 a bit simple, but it's vital, and that is to pay
21 attention. If you were to let your mind wander off during
22 a portion of the trial, you might miss a piece of the
23 testimony or, perhaps, the way a witness answers a
24 question on the witness stand that might be important in
25 your deliberations. And if you weren't paying attention,

1 then you'd be at a disadvantage in your deliberations at
2 the end of the trial.

3 Then the third thing that I ask you to do and
4 instruct you to do, and this is vital, is that you not
5 discuss this case with anyone until you are free to
6 deliberate at the end of the case. That seems -- that's
7 difficult. We know human nature is you're going to want
8 to talk about it. You're going to want -- I anticipate
9 this case will last multiple days, three days or so. We
10 cannot go this afternoon and that's my fault. I have a
11 prior commitment. We're going to go for a while. So you
12 can't talk about it.

13 I mean, I can't go home and decide what to have for
14 dinner without talking about it with my trusted loved
15 ones. So we know that you're going to want to do the same
16 thing, but you cannot. Because even an innocent comment
17 from someone who you like and trust, maybe someone you
18 don't like can have an impact on your state of mind with
19 respect to this case. And that wouldn't be fair to the
20 parties involved. It wouldn't be fair to your fellow
21 jurors. And, most importantly, it would not be fair to
22 yourself to allow someone who is not making the sacrifices
23 that you are making, who is not in this courtroom watching
24 what goes on, listening to the testimony, looking at the
25 evidence to have any input in the outcome of this trial.

1 That's why I instruct you and ask you not to discuss this
2 case with anyone. That includes getting on social media,
3 getting on -- reading the newspaper, watching television,
4 listening to the radio, you cannot do those things. You
5 can't go visit some place that you might hear about in the
6 trial. Everything you need to know you will hear and see
7 in this courtroom. And all of that will be subject to
8 constitutional protections. So you all must do that to
9 ensure the integrity of our court system. It's vital.

10 Now, I would tell you that you all are the sole
11 judges of the facts in this and every case. That means
12 I'm not allowed by law to have an opinion about the facts
13 of the case. You all are the ones to determine what's
14 true, what's not true, what to believe, and what not to
15 believe. You are the judges of the facts. So don't think
16 by anything I might say or do throughout the course of the
17 trial I have an opinion about that, I don't. The law
18 doesn't allow it and it's up to you all to make those
19 decisions.

20 That same law makes me the sole judge of the law. So
21 if you have some idea about what the law is or what the
22 law ought to be and it disagrees with what I tell you the
23 law is throughout the course of the trial, you've sworn an
24 oath to set aside your own opinion and apply the law
25 precisely as I state it to you. And that ensures that

1 everyone tried in this court all over our state is tried
2 under the same law pursuant to the same guidelines. So
3 please keep all that in mind.

4 I will tell you, from time to time maybe throughout
5 the course of the trial, I ask the lawyers to come up and
6 speak with me up here, or I may have to ask you all to go
7 back to your jury room to discuss something. The reason
8 for that -- we're not trying -- we may be trying to keep
9 something from you, but we are not trying to deceive you.
10 It can be that we'll be talking about some piece of
11 evidence that is disputed and should not be admitted. Of
12 course, you can understand why you shouldn't hear about
13 it. That's what we're doing. We're not trying to deceive
14 you in any way, we just want to make sure that you receive
15 correct information.

16 That's all I've got to say. So at this time, I turn
17 it over to the attorneys for their opening statements.

18 MR. WILKINS: Thank you, Your Honor. May it please
19 the Court?

20 THE COURT: Yes, sir.

21 OPENING STATEMENTS

22 MR. WILKINS: Good afternoon. My name is Walt
23 Wilkins and I'm the prosecutor in this particular case.
24 This is William Timmons. He'll be assisting me in the
25 presentation of evidence for this case. And I first want

1 to thank you for your commitment to serve as jurors.

2 Thank you for coming today and serving.

3 As the Judge said, we have a dispute and we need your
4 help to resolve the dispute. He read you some indictments
5 earlier and those indictments are mere allegations. This
6 is what the State is alleging against the Defendant in
7 this case. And as we present evidence, you'll hear the
8 facts and, ultimately, decide whether we've met our burden
9 of proof beyond a reasonable doubt or not.

10 In this courtroom, there are a number of players that
11 you see. We're the prosecution. We're going to present
12 the evidence. We have to prove our case beyond a
13 reasonable doubt. That's our obligation. You have a
14 court reporter over here. She's typing down everything
15 that we're saying so that we can have a record of
16 everything that's being said and all of the evidence
17 that's presented. We have a Judge. He's sort of the
18 referee. And y'all have heard from him before now. He's
19 calling balls and strikes and he's making sure that we're
20 playing within the rules of the courtroom. And that's
21 what we're required to do. And, of course, you have the
22 Defendant over here and his attorney representing him.

23 So why are we here today? We are here today because
24 the State is alleging that the Defendant, sitting right
25 over here, his name is Lester Devaria Mosley, did on

1 December 8th, 2012, he entered into an apartment in
2 Pickens County in Chimney Ridge. It alleges that he and
3 three others went in there to rob them of personal
4 effects, specifically, to rob them of money and marijuana.
5 The indictments, also, allege that they went in there with
6 guns. They went in there with their faces covered. And
7 the indictment alleges that Devaria Mosley did participate
8 in the murder of Steve Grich.

9 And that's what this case is about today. This case
10 is about Steve Grich. So the State now has to present
11 those basic facts to you. They will be expanded upon
12 through testimony, witnesses, pieces of evidence to prove
13 our case that Devaria Mosley did, in fact, go in there
14 with a gun with three others; did, in fact, demand money
15 and drugs; did, in fact, assault individuals in there; and
16 did, in fact, kill Steve Grich.

17 So how are we going to do that? We're going to do
18 that through witnesses. We do that through direct
19 testimony. We do that through a witness who will,
20 actually, testify to that. In this case, you're going to
21 hear from three others who were with Devaria Mosley.
22 You're going to hear from three others who went in there
23 with Devaria Mosley. You're going to hear from three
24 others who went in there with him, one of them had a gun.
25 One of them had -- they all three had their faces covered

1 and they went in there and they robbed these individuals
2 at that apartment with Devaria Mosley. You're going to
3 hear from them right there from that stand right there.
4 You're going to hear the story of that day, December 8th,
5 2012. It was a day that changed many lives. It's a day
6 that changed lots of lives, especially the life of Stephen
7 Grich and his family.

8 We can do that through direct evidence. We can do
9 that through testimony. We can present witnesses. We can
10 do that through circumstantial evidence. Now,
11 circumstantial evidence is something you'll hear from the
12 Judge. You've probably heard it or seen it on TV, but
13 they are facts that put together draw you to make a
14 reasonable conclusion. For example, if we couldn't see
15 outside right now, there were no windows, and somebody
16 walked in that door wet with a raincoat on, then you would
17 assume that it's raining outside because they were wet and
18 had a raincoat, even though you can't, actually, see it
19 rain. That's circumstantial evidence. Direct evidence is
20 you can, actually, see the thing actually occurring. Both
21 are very important and both are to be weighed by you in
22 the manner in which you see fit.

23 You're, also, going to hear corroborating evidence.
24 You're going to hear from a number of witnesses about what
25 happened that day on December 8th when Devaria Mosley and

1 those three other individuals went to that apartment to
2 rob them when they, ultimately, killed Steve Grich. And
3 their testimony connected with other pieces of evidence or
4 other testimony corroborates what they're saying to make
5 -- you can decide to make it more believable or you can
6 make it not believable. That's for you to decide.

7 Ladies and gentlemen, we look forward to spending the
8 next couple of days presenting the State's case through
9 evidence, through direct testimony, through
10 circumstantial, through corroborating evidence. And I
11 think after -- I don't think, I know after you hear all
12 the evidence from the witness stand, you see all the
13 pieces of evidence put in, and you get to review all
14 those, you'll have but one conclusion, one conclusion
15 only. And it will be beyond a reasonable doubt, it will
16 be without hesitation that Devaria Mosley, sitting right
17 here, did, in fact, go into an apartment, commit burglary
18 first, he did have a weapon at the time, he wanted to rob
19 things, and he killed Steve Grich on December 8th, 2012.
20 Thank you.

21 THE COURT: All right. Mr. Robinson.

22 MR. ROBINSON: May it please the Court? Mr. Wilkins.

23 Good afternoon, my name is Scott Robinson. As I've
24 said, I represent Lester Mosley, who is sitting to my
25 right. It is my pleasure to be before you for the next

1 couple of days or so.

2 Now, before you came here this morning, you read the
3 paper and you got on the internet, looked at things and so
4 forth. And you probably may have seen something where the
5 police caught someone or arrested someone and so forth and
6 you may have thought to yourself, you know, they got the
7 guy. You made this assumption at that point that they got
8 the person that committed the crime. You made an
9 assumption. That assumption that you made at that point
10 has no place in this courtroom. In this courtroom, you
11 are dictated and bound by the presumption of innocence as
12 the Judge explained to you. The State has to establish
13 their case beyond a reasonable doubt to all of you.

14 See, all of you in this case has been chosen because
15 you all have common sense, you all have your worldly
16 experiences, the time you've lived. You know what's right
17 and wrong, when someone lies, if someone's got a motive,
18 you know all those things. That's why you're here in this
19 case..

20 And we ask you, I ask you, on behalf of Mr. Mosley
21 and his family to listen. Just listen to things and use
22 your common sense. Use the experiences that you've had in
23 this life. But listen, listen to the people that come up
24 here to testify. And think about what I just told you in
25 the beginning. That are no assumptions in this case.

1 There's no such thing as could have, would have, possibly.
2 They have to prove their case beyond a reasonable doubt.
3 And Mr. Mosley is presumed innocent.

4 In this case, as Mr. Wilkins said, you're going to
5 hear from witnesses in this matter. But there's a quote
6 that I want to use by our 16th president, Abraham Lincoln.
7 You may have heard this, but it's extremely apt for this
8 particular case based on the witnesses in this case that
9 are going to testify against Mr. Mosley. And here's the
10 quote -- you've all probably heard this in some form or
11 fashion. The quote is this, You can fool some of the
12 people all the time, and all the people some of the time,
13 but you can't fool all the people all the time. Don't be
14 fooled by the State's case. Lester Mosley is innocent in
15 this matter. He's an innocent young man in this matter
16 who's accused of something he did not do. But again, as I
17 said before, presumed innocent. The standard is beyond a
18 reasonable doubt. And listen. Thank you.

19 THE COURT: Okay.

20 MR. WILKINS: Your Honor, the State calls Brian
21 Jaynes, first witness.

22 THE CLERK: Place your left hand on the Bible, raise
23 your right.

24 BRIAN JAYNES,

25 after being duly sworn, testified as follows:

1 THE CLERK: Thank you. Have a seat and state your
2 name, please.

3 THE WITNESS: Brian Jaynes.

4 DIRECT EXAMINATION

5 BY MR. WILKINS:

6 Q Mr. Jaynes, will you tell this jury where you're
7 employed currently?

8 A Currently, Tri-Tech USA in the Pickens County
9 Commerce Park.

10 Q And back in 2012, where were you employed?

11 A Pickens County Sheriff's Office.

12 Q What did you do for the Pickens County Sheriff's
13 Office?

14 A I was the dispatch supervisor at the time.

15 Q What is a dispatch supervisor?

16 A I was over three or four people at the time and we
17 were working in the communications department receiving
18 911 calls, dispatching officers, ambulance, EMS.

19 Q So would you yourself, actually, receive 911 calls?

20 A Correct.

21 Q When you received the 911 call, what would you
22 typically -- what were your typical duties when a 911 call
23 would come into your office?

24 A Get the location of the incident, the parties' names,
25 and what's the chief complaint or whatever.

1 Q And when that occurs, what do you -- do you put that
2 information into a computer?

3 A Correct.

4 Q How do you document those calls?

5 A It goes into a computer system and then it's saved
6 and it's there forever.

7 Q So if I wanted to know about a report or 911 call
8 that occurred two years ago, could you give me that
9 information if you had access to the computer?

10 A Correct.

11 Q Okay. Is that document called anything?

12 A A CAD.

13 Q A CAD?

14 A Yeah.

15 Q And what is a CAD report?

16 A A computer-aided dispatch is what it stands for in
17 this case. It shows the call times, the times we received
18 it, sent the units, be it fire, EMS, police to the
19 incident, when they clear up. It, also, has the general
20 remarks that we put in. It's just general info as well as
21 phone numbers and that kind of information.

22 Q Are those CAD reports, typically, kept in the
23 ordinary course of business for 911 dispatch?

24 A Correct, they are.

25 (WHEREUPON, State's Exhibit No. 1 was marked for

1 identification.)

2 BY MR. WILKINS:

3 Q At this time, I want to show you State's Exhibit 1.
4 I just want to see if you can recognize that document for
5 me.

6 A I do.

7 Q Okay. Can you tell this jury what this is?

8 A That is a CAD form from the particular night of the
9 incident at Smoke Rise in Chimney Ridge.

10 Q Can you tell this jury what the date on it is?

11 A December 8th of 2012.

12 Q Okay. And about what time did the call come in?

13 A 8:30.

14 MR. WILKINS: Your Honor, the State moves Exhibit 1
15 into evidence.

16 MR. ROBINSON: No objection.

17 THE COURT: It's admitted.

18 (WHEREUPON, State's Exhibit No. 1 was admitted
19 into evidence.)

20 BY MR. WILKINS:

21 Q I'm going to put this up on the screen so the jury
22 can see it. Can you see that screen okay?

23 A Yes, sir.

24 Q So can you tell this jury specifically what this
25 report tells you?

1 A This one was taken by a fellow dispatcher in the
2 room. He took the call. This one, basically, just tells
3 you that the caller, which was John, that there was
4 subjects that came into his residence and beat them and
5 then discharged a 1059, which is a weapon, then left in an
6 unknown direction.

7 Q All right. So you see these things saying incoming
8 call, call created, sent time, dispatch, in or out,
9 arrival. Can you tell us what those are?

10 A Correct. The incoming call is when that came in,
11 when the phone started ringing on our end.

12 Q What time did that come in?

13 A 8:27.

14 Q Is that a.m. or p.m.?

15 A Sorry, p.m.

16 Q Okay. And what's call created?

17 A Call created, that's when we create the CAD. We push
18 a button and it pops up a screen for us to enter our
19 information into it.

20 Q And then the send time?

21 A Send time is when we first put a unit through the
22 computer onto that particular call.

23 Q And in or out time and arrival time, what are those?

24 A In or out time is when the officer or whatever other
25 unit, EMS officer are in or out. And arrival is when they

1 get to the scene.

2 Q Okay. And where did this call generate from, what
3 address?

4 A [REDACTED]

5 Q Do you know what city that's in?

6 A Central.

7 (WHEREUPON, State's Exhibit No. 2 was marked for
8 identification.)

9 BY MR. WILKINS:

10 Q I'm going to show you what's been marked as State's
11 Exhibit 2, and ask you if you recognize this.

12 A Correct. That's the tape I listened to just an hour
13 ago.

14 Q And is this a 911 call from that residence that
15 corresponds with this CAD right here?

16 A Correct.

17 MR. WILKINS: Your Honor, the State moves Exhibit 2
18 into evidence.

19 MR. ROBINSON: No objection.

20 (WHEREUPON, State's Exhibit No. 2 was admitted
21 into evidence.)

22 MR. WILKINS: I'd like to publish this to the jury.

23 THE COURT: All right. Without objection.

24 (WHEREUPON, State's Exhibit 2 was published to
25 the jury.)

1 MR. WILKINS: Mr. Jaynes, answer any questions
2 Defense counsel may have for you.

3 MR. ROBINSON: I have no questions, Judge.

4 THE COURT: All right. You may step down. Thank
5 you, sir.

6 MR. WILKINS: Your Honor, the State calls Michael
7 Torres.

8 THE CLERK: Place your left hand on the Bible, raise
9 your right.

10 MICHAEL TORRES,

11 after being duly sworn, testified as follows:

12 THE CLERK: Thank you, sir. Please be seated and
13 state your name for the record.

14 THE WITNESS: Michael Torres.

15 DIRECT EXAMINATION

16 BY MR. WILKINS:

17 Q Mr. Torres, with whom are you employed?

18 A Pickens County Sheriff's Office.

19 Q For the Pickens County Sheriff's Office, what do you
20 do?

21 A Master Deputy Michael Torres with the uniform road
22 patrol.

23 Q Okay. And as far as your duties as a uniform road
24 patrol, what's your daily job like?

25 A Primary functions is to answer calls for service as

1 well as protect property within the County of Pickens.

2 Q And how long you been doing that?

3 A I've been with the sheriff's office since 2007.

4 Q And Mr. Torres, I want to take you back to
5 December 8th, 2012. Do you remember that day?

6 A I do.

7 Q And were you called out to 201 Smoke Rise Drive on
8 that day?

9 A I was.

10 Q All right. Can you tell this jury how you got there
11 and what you did when you got there?

12 A At approximately 2031 hours, we received a call in
13 reference to a home invasion, possible robbery at 201
14 Smoke Rise Drive, which is the Chimney Ridge apartment
15 complex in Pickens County.

16 Q And for us nonmilitary folks, about what time is
17 that?

18 A That's going to be 8:30 in the evening.

19 Q Okay. And did you go out to Chimney Ridge apartment
20 complex?

21 A I did.

22 Q What did you do out there?

23 A I arrived on scene along with a South Carolina
24 highway patrolman. As we arrived on scene, we made our
25 way to the house. There were several subjects around the

1 front of the house that were victims of the crime. We had
2 them come out and stay on the porch. As I made entry
3 through the front door, there was two white males on the
4 floor. One laying on his back with his head towards the
5 front door and another white male was kneeling beside him
6 cradling him at his shoulders and head.

7 As I made my way through the doorway, the subject
8 that was laying on his back tilted his head back and
9 looked up towards me and exhaled. I asked the other
10 subject if there was anybody else here. He stated no, the
11 people that were there had left. At that time, I had that
12 subject, also, go on the porch with the patrolman. Then
13 at that time, we cleared the residence so the medics could
14 come in and render aid to the male subject that was lying
15 on his back.

16 (WHEREUPON, State's Exhibit No. 3 was marked for
17 identification.)

18 BY MR. WILKINS:

19 Q All right. I'm going to show you what's marked as
20 State's Exhibit 3, and ask you if you recognize that and
21 then I'll get you to explain it. Do you recognize this?

22 A Yes, that's an aerial of Chimney Ridge Complex.

23 Q Is it a true and accurate representation of the
24 Chimney Ridge Complex and this area?

25 A It is.

1 MR. WILKINS: Your Honor, the State moves Exhibit 3
2 into evidence.

3 MR. ROBINSON: No objection.

4 THE COURT: Admitted without objection.

5 (WHEREUPON, State's Exhibit No. 3 was admitted
6 into evidence.)

7 BY MR. WILKINS:

8 Q Mr. Torres, I may get you to come down here if you
9 would. If you can just tell this jury where you went and
10 I'll ask you a couple of questions. Tell this jury when
11 you got there and tell them what this is.

12 A This is going to be the Chimney Ridge apartment
13 complex, which is just outside the City of Clemson in
14 Pickens County. It's primarily an off-campus housing area
15 for Clemson students. This right here, there's a church
16 that -- this is Old Shirley Road and it's between a trail
17 that runs up this way at the edge of the parking lot of
18 the church. The entrance to Smoke Rise Drive or Chimney
19 Ridge is going to be right here, about a couple thousand,
20 maybe a thousand feet from the corner. There is a
21 gatehouse here with barricades that lift up and down as
22 well as a punch-in box for a code if visitors are coming
23 in.

24 The night of the incident, the gates were up. The
25 patrolman had just parked right here, which is in front of

1 the post office box and the main clubhouse. I pulled in
2 behind him where we were met by some of the victims in the
3 incident. We then came from this area here, approached
4 the front of the house. This is going to be the incident
5 location here. We came in there on this porch, actually,
6 a covered porch just under here, next to the front door of
7 the building. The patrolman stayed at the doorway with
8 all the victims that were involved in the incident inside
9 the house as I made entry into the home and cleared it.

10 As I cleared it, the subject was lying in the middle
11 of the living room area as you come into the front door.
12 There is a -- you immediately walk into what is the
13 kitchen area, which is divided by a bar top sink. The
14 first bedroom is just inside the front door. The living
15 room area is just in the middle followed by the back door,
16 which butts up to a rear bedroom, and then a stairwell
17 that goes upstairs. There was a heavy order of marijuana
18 coming from the back bedroom area near the back door of
19 the residence as I cleared it.

20 Q Have a seat. Thank you. Mr. Torres, I'm going to
21 show you a number of photos and ask if you recognize some
22 of these photos of 201 Smoke Rise Drive.

23 (WHEREUPON, State's Exhibit Nos. 5 through 12 were
24 marked for identification.)

25 BY MR. WILKINS:

1 Q I'm going to show you State's Exhibits 5, 6, 7, 8, 9,
2 10, 11, and 12 -- no, I'm sorry, 9 and 10. Stop at 10.
3 Just ask you to take a look at Exhibits 5 through 10 and
4 see if you recognize those?

5 A Exhibit 5 is going to be the corridor between the
6 edge of the hillside that leads up to the back of the
7 church --

8 Q Just say whether you recognize it or not and we'll
9 get further explanation in a second. Exhibit 6, 7, 8, 9,
10 and 10?

11 A Yes.

12 Q Are those all true and accurate representations of
13 Smoke Rise Drive on December 8th of 2012?

14 A They are.

15 MR. WILKINS: Your Honor, the State moves 5 through
16 10 into evidence.

17 MR. ROBINSON: No objection.

18 THE COURT: Okay.

19 (WHEREUPON, State's Exhibit Nos. 5 through 10
20 were admitted into evidence.)

21 BY MR. WILKINS:

22 Q Mr. Torres, is that -- what is that picture now that
23 it's going dark?

24 A That's the front of 201 Smoke Rise Drive.

25 Q Okay. How about that?

1 A That's, also, the front of 201 Smoke Rise Drive.

2 Q That's the front door. What is that yellow tape
3 around there?

4 A That's going to be the interior barricade tape, which
5 was placed around the house to secure the main crime
6 scene, which was inside the home.

7 Q Okay. Let me show you State's Exhibit 9 and 10.
8 I'll show you 10 first. What is that?

9 A That's going to be the back door of the residence.

10 Q That's going behind the house?

11 A Yes, sir.

12 Q Then, of course, State's Exhibit 9?

13 A That's another angle of the back door.

14 Q And that's the back door?

15 A Yes, sir.

16 Q I show you State's Exhibit 5, what is that?

17 A That's a picture of the corridor that's behind the
18 residence. At that angle, you're, actually, parallel to
19 the back of the house.

20 Q Is there a walking path that walks off behind all the
21 apartments that are next to each other?

22 A It's not a walking path per se, but it is a common
23 area that goes around the complete perimeter of the
24 property. More just a grassy area where people can walk,
25 but it's not a designated walking path.

1 Q But can you walk behind those apartments
2 consecutively?

3 A Yes, there's no barriers that would keep anybody from
4 being able to walk between the properties.

5 Q Then, finally, State's Exhibit 8?

6 A If you're standing at the front of the house, that's
7 going to be the back left corner of the residence.

8 Q Okay. After you arrived on scene, Mr. Torres, when
9 you got the witnesses out on the front, what did you do
10 next?

11 A As soon as all the witnesses were collected and as
12 EMS was coming to render aid, everybody that was on the
13 porch, that was detained on the porch was Mirandized. As
14 soon as we had more personnel, the barricade area was set
15 up as well as an outer perimeter with barricade. Other
16 units responded. And as soon as the head investigator in
17 charge of the scene arrived on scene, the scene was turned
18 over to them and we escorted all the witnesses from the
19 front porch to the clubhouse where management had met us
20 and opened it so we could obtain statements from them as
21 well as have access to the surveillance video of the
22 clubhouse so we could get an accurate description of the
23 suspect vehicle that was given out while we were in route
24 to the location.

25 Q Did you and others begin taking statements from the

1 individuals that were occupying the house at the time of
2 the incident?

3 A Yes, Sergeant Perry was facilitating the witness
4 statements as well as myself.

5 Q Okay. Now, let's turn to surveillance. What did you
6 do as far as the Chimney Ridge surveillance?

7 A When we were on approach to the location, the first
8 initial, what we call a BOLO, or be on the lookout, was a
9 black Nissan SUV-type vehicle, possibly an Armada or the
10 Infinity version of the Nissan Armada.

11 When we arrived on scene, the witnesses had stated
12 that there was a large black SUV that left. And, again,
13 they referred to it as possibly a Nissan Armada.

14 When we were in the clubhouse and had access to the
15 surveillance video, we went back to the time when the call
16 first came in to our arrival time and went back about 30
17 to 45 minutes before we arrived there and up until when we
18 arrived there. And we ran through the tape to see what
19 vehicles were exiting during the time, around the time
20 that the call first came in.

21 The only vehicle that matched close to the
22 description that was given initially was a large black
23 Dodge Durango, which on the video, the vehicle had exited
24 the gate house at such a high rate of speed, there's some
25 what they call -- they shred tires if you were to try to

1 reverse back through the exit. It's almost like a speed
2 bump. They hit it so hard that the vehicle bunny hopped
3 and you could, actually, see it in the video as it was
4 exiting.

5 Q So were you able to review the video or surveillance
6 video while you were there?

7 A Yes.

8 Q Were you able to nail down the time in which the
9 suspect vehicle may have left?

10 A Yes. We had a time established. I can't recall it
11 right now off the top of my head, but there was --
12 everything is time stamped on the surveillance. And they
13 were notified -- the head detective that was on scene was
14 notified of what the description was on the vehicle. And
15 we confirmed it with looking on Google just to make sure
16 about what year range the vehicle was as well as one of
17 the witnesses looked at a still of the surveillance and he
18 stated that that was the vehicle that did exit.

19 Q I'm going to show you State's Exhibits 11 and 12 and
20 ask you to identify these two photos. And that's State's
21 Exhibits 11 and 12.

22 A These are still frames from the surveillance photo at
23 the guard shack.

24 Q These are the ones that you reviewed that night?

25 A This one, I reviewed that night. I believe this one

1 was collected the next day or whenever the investigators
2 went and got all the surveillance stuff from the
3 clubhouse.

4 MR. WILKINS: Your Honor, State moves Exhibits 11 and
5 12 into evidence.

6 MR. ROBINSON: No objection.

7 (WHEREUPON, State's Exhibit Nos. 11 and 12 were
8 admitted into evidence.)

9 BY MR. WILKINS:

10 Q This is State's Exhibit 12, Mr. Torres. Can you tell
11 the jury what this is?

12 A That's a still frame of the surveillance video of the
13 suspect vehicle exiting the complex. And it, actually,
14 catches the vehicle as the rear tires are still off the
15 ground. Like I said, it appeared to bunny hop over that
16 speed bump on the way out of the gate house.

17 Q And what time was the exit of that particular car
18 according to the video?

19 A At 26 minutes after 8:00 p.m.

20 Q And as a result of this, did you put a be on the
21 lookout for anything?

22 A Yes, we updated -- as we were approaching the scene,
23 we were given one description, which was given out to
24 surrounding agencies since that complex borders Clemson
25 city and Clemson University is approximately about three

1 miles away from that location.

2 As we got more information, we were able to
3 positively identify that vehicle and the approximate year
4 range of that model, the BOLO was updated and given out to
5 those agencies as well to continue to look for that
6 vehicle.

7 MR. WILKINS: All right. Mr. Torres, if you could
8 answer any questions the Defense counsel may have. Thank
9 you.

10 THE COURT: Cross?

11 MR. ROBINSON: May it please the Court?

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. ROBINSON:

15 Q Officer, you were the one that got the tape from the
16 apartment complex, correct?

17 A I did not get the tape. I reviewed the tape as it
18 was in the system.

19 Q Do you have any knowledge as far as how far that tape
20 went back prior to these pictures, as far as did it go
21 back to a certain time in the evening, earlier in the
22 evening, do you know?

23 A They had the ability to pan back further into the
24 evening up until the current time.

25 Q Okay. Did you view those pictures?

1 A I did not.

2 Q Did not. So there, actually, is a video or pictures
3 that exists that has that scene prior to this time; is
4 that correct?

5 A As far as the entry of the vehicle?

6 Q Yes.

7 A That was collected by the investigators, I believe,
8 the next day during the course of that investigation.

9 Q Okay. That was when the vehicle came into the
10 apartment complex, correct?

11 A I believe so.

12 Q Okay. All right.

13 MR. ROBINSON: That's all I have. Thank you.

14 THE COURT: Anything else?

15 MR. WILKINS: No, Your Honor.

16 THE COURT: Thank you, Officer. You may step down.

17 Okay. Ladies and gentlemen, we're going to break for
18 day. And I apologize, I have a longstanding commitment
19 that I can't get out of this afternoon. I hate to break
20 the trial up, but we're going to break for the day, then
21 reconvene at 9:30 in the morning.

22 You haven't heard a lot, but you've heard enough that
23 you're going to want to talk about it. You all know that
24 you can't do that. The people you're going to see, your
25 friends, your loved ones, they're going to want to talk

1 about it. You know that if your friend was on a jury, you
2 would want to talk to them. You have to tell them you
3 can't do it and explain to them why. Hopefully, it's
4 pretty clear. If something like that happens, we've got
5 to stop and start the whole thing over again with a
6 different jury. So don't do it. Don't go on social
7 media. As you can tell, the media is here. There's going
8 to be reports, I'm sure. We have video cameras. I'm sure
9 there's going to be television statements on stations.
10 We've got still photos, so you know that various other
11 media is going to be out there. Just don't -- you don't
12 need to know what they have to say about it. You're going
13 to hear the real thing here.

14 With that, ladies and gentlemen, one other thing I'm
15 going to ask you to do when you get here in the morning is
16 from the first 12, we need a foreperson. And I like to
17 give you all an opportunity to see if you can select your
18 own foreperson. If you can't, I can help you with that.
19 But I'd like to see if y'all can make that decision on
20 your own. The foreperson is the jury spokesperson in the
21 courtroom should that become necessary and, also, the
22 moderator of discussions when you're in your
23 deliberations.

24 So with that, ladies and gentlemen, have a pleasant
25 afternoon. We'll see in the morning. Thank you.

1 (WHEREUPON, the jury leaves the courtroom at
2 approximately 1:30 p.m.)

3 THE COURT: Anything before we adjourn?

4 MR. WILKINS: Nothing from the State, Your Honor.

5 MR. ROBINSON: No, sir, Your Honor.

6 THE COURT: Is there anyway y'all can muffle your
7 cameras a little bit? I tell you, it's distracting. If
8 y'all can do that, that will be great.

9 Thank you very much. See you in the morning.

10 (WHEREUPON, Court was adjourned for the day to
11 be reconvened on Tuesday, September 16, 2014.)

12 TUESDAY, SEPTEMBER 16, 2014

13 THE COURT: I have a note from the jury, it says we
14 are unanimous in selecting Andrew Stephens as our jury
15 foreperson. They all signed the ballot. They, also, want
16 to know if they can take notes during the trial. And
17 we'll allow that. We're going to get the note pads right
18 now.

19 Is there anything before we get started?

20 MR. WILKINS: Nothing from the State, Your Honor.

21 MR. ROBINSON: Nothing from the Defense, Your Honor.

22 THE COURT: As soon as we know they have the note
23 pads, we'll get them back.

24 (WHEREUPON, Court's Exhibit No. 1 and 2 was
25 marked for identification.)

1 (WHEREUPON, the jury enters the courtroom at
2 approximately 9:47 a.m.)

3 THE COURT: Ladies and gentlemen, welcome back. I
4 hope y'all had a pleasant evening. We are happy to have
5 y'all take notes. A couple things I want to tell you.
6 The potential problems with that is if you're busy taking
7 notes, sometimes you might miss the way somebody reacts on
8 the witness stand, their demeanor, how they respond to a
9 question, or something like that. Just keep that in mind.
10 The other thing is during your deliberations at the end of
11 the trial, one juror's written notes carry no more
12 authority than another juror's recollection. Okay.
13 Great.

14 All right. Solicitor.

15 MR. WILKINS: Your Honor, may it please the Court?

16 THE COURT: Yes, sir.

17 MR. WILKINS: The State calls Gary Anthony.

18 THE COURT: Okay.

19 THE CLERK: Place your left hand on the Bible, raise
20 your right.

21 GARY ANTHONY,

22 after being duly sworn, testified as follows:

23 THE CLERK: Thank you, sir. If you would have a seat
24 and state your name for the record, please.

25 THE WITNESS: Gary Anthony.

DIRECT EXAMINATION

BY MR. WILKINS:

Q Mr. Anthony, where are you employed?

A Pickens County Sheriff's Office.

Q And make sure you speak up so this jury can hear you. And what do you do for the Pickens County Sheriff's Office currently?

A Currently, I work court security up here.

Q Back in December of 2012, what were your duties for the Pickens County Sheriff's Office?

A At that time, I was working in investigations with the Pickens County Sheriff's Office.

Q How long have you been with Pickens County?

A About 21, 22 years.

Q Now, back in December 2012, specifically, December 8th, were you called out to 201 Smoke Rise Drive?

A Yes, sir.

Q Can you tell this jury what you did and how you arrived there?

A I was working on-call that weekend and was notified by dispatcher road patrol to respond to 201 Smoke Rise Drive in reference to a gunshot victim. Once I arrived, the road patrol officers had already secured the scene. They had certain witnesses in the case at the office of the Chimney Ridge apartment complex and in the process of

1 taking statements from them. We were waiting for several
2 other people, supervisors, our ID officers and different
3 people to arrive. During the meantime, we were speaking
4 with potential witnesses out in the parking lot before we
5 went in the residence that night.

6 Q So were there a lot of officers taking statements
7 from various potential witnesses or victims?

8 A Yes, sir.

9 Q Did you have the occasion to go inside the residence?

10 A Yes, sir.

11 Q Tell this jury what you saw when you went in the
12 residence or what did you do?

13 A Once we went inside the residence, I noticed the
14 victim lying on the floor. Also, once entering the
15 residence, we noticed a strong smell of marijuana coming
16 from the residence. Lieutenant Robinson went in, also,
17 with us. Eventually, started photographing the scene as
18 we found it when we went in.

19 Q Now, Lieutenant Robinson, was he more on the forensic
20 side?

21 A Yes, sir.

22 Q Of the investigation?

23 A Yes, sir.

24 Q Okay. So what did you do specifically?

25 A More or less at that point in time, checking the

1 residence to see if there's anything that would pertain to
2 the case. And, eventually, statements were taken from
3 some of the witnesses that were outside. Narcotics dogs
4 was called out to check the property or the home,
5 actually, and then they checked the immediate area of the
6 home.

7 Nothing that I'm aware of that was pertinent was
8 located at that particular point in time, but due to the
9 fact that there was a large odor coming from the home, we
10 knew there had to be -- or I felt like there had to be
11 something more to it. So I wound up searching the outside
12 rear of the home. Up on a bank behind the residence, up
13 on a bank, I located a quantity of drug paraphernalia and
14 drugs. Some of it consisted of a glass bottle that was
15 used to crush drugs with and then about 20 yards above
16 that was another location where some drug paraphernalia
17 and items had been stashed.

18 Q Where were those located?

19 A Probably about 20 yards behind the outside -- the
20 back door up on top of a hill. And there was one section
21 there and about 20 yards to the right of that was another
22 location where some was found at.

23 Q As a result of that, was -- did you, through your
24 investigation, discover who those items belonged to?

25 A Yes, sir.

1 Q Who did those belong to?

2 A Robert McKinley.

3 Q Okay. Was Robert McKinley ever charged with
4 anything?

5 A Yes, our narcotics division charged him with charges
6 relating to drugs. I'm not sure of the actual charges,
7 but he was charged with those.

8 Q Did y'all -- you and others, did y'all confiscate
9 those items?

10 A They were photographed in the location they were
11 found and confiscated and brought back to the sheriff's
12 office and placed in evidence.

13 Q After that, did you do anything further at the scene
14 besides continue to take statements?

15 A No, sir. Other than take statements and speak with
16 people; that was pretty much all that took place that
17 night.

18 Q Were you sort of overseeing the investigation of the
19 other individuals involved?

20 A Yes, sir.

21 Q All right. So after you left that night -- was that
22 Saturday?

23 A Yes, sir.

24 Q And after you left that Saturday night, what else did
25 you do as far as the investigation is concerned?

1 A Monday morning in our normal early morning meetings
2 with investigations, we were notified by, at that time,
3 Captain Smith, that Leslie Daniels had spoke with a lady
4 at Daniel High School and said she may have some
5 information in connection with this case.

6 Q Now, who is Leslie Daniels?

7 A Leslie Daniels is the school resource officer with
8 Daniel High School..

9 Q Okay. So did she give you some information relating
10 to this case?

11 A She had provided the information to Captain Smith.
12 He related it to us. And then he sent myself, Chuck
13 Jaynes and Anthony Raines to the Daniel High School. And
14 at that location, we went with Ms. Greenlee.

15 Q Is that Imari Greenlee?

16 A Imari Greenlee, yes, sir.

17 Q Do you remember about what time y'all went to Daniel
18 High School?

19 A It was early, I'd say nine o'clock or so. The exact
20 time, I'm not sure. It was around 9:00 or so. We met
21 with her in the conference room beside the principle's
22 office and she had provided information to us --

23 MR. ROBINSON: Objection, Your Honor, hearsay.

24 THE COURT: He hasn't said what the witness said,
25 just said that they provided information. He can testify

1 to what he did as a result of that.

2 MR. WILKINS: Thank you, Your Honor.

3 BY MR. WILKINS:

4 Q So you spoke to Imari Greenlee?

5 A Yes, sir.

6 Q Who else was with you when you spoke to Imari
7 Greenlee?

8 A Leslie Daniels was there, Chuck Jaynes, Anthony
9 Raines and myself. And if I remember correctly, there was
10 personnel from the school there, but I don't recall their
11 name.

12 Q About how long did y'all talk to her?

13 A Probably 10, 15 minutes. It wasn't a great long
14 period, but it wasn't short either.

15 Q And as a result of you talking with Imari Greenlee,
16 what did you do?

17 A We then -- Leslie Daniels and we all went to a
18 classroom, located the classroom where Kadeem Ramsey was
19 at and brought Kadeem Ramsey to the same conference room
20 and sat down and spoke with him.

21 Q All right. And did the same people speak with Kadeem
22 Ramsey?

23 A Yes, sir.

24 Q As a result -- how long did y'all talk with Kadeem
25 Ramsey in that conference room?

1 A Probably a little longer with him, I'd say 25, 30
2 minutes.

3 Q And as a result of that conversation, what did you do
4 with Kadeem Ramsey?

5 A Kadeem Ramsey was then escorted back to the sheriff's
6 office and arrested for the murder of Steven Grich and
7 other charges were issued, burglary first, attempted
8 robbery, possession of a weapon during a violent crime.

9 Q At the law enforcement center, was Kadeem Ramsey
10 further interviewed as well?

11 A Yes. He was -- written statements were taken from
12 him. At the school, we took an audio recording of
13 statements that he gave. At the sheriff's office, he gave
14 a written statement with other investigators. I don't
15 believe I was in on that particular written statement, but
16 other investigators that were there took his written
17 statement.

18 Q And you issued warrants for, what did you say, the
19 murder --

20 A The murder of Steven Grich, burglary first, attempted
21 robbery and possession of a weapon during a violent crime.

22 Q What was the location of the burglary first that you
23 arrested him for?

24 A It was at 201 Smoke Rise Drive in Central.

25 Q And would you be able to identify Kadeem Ramsey?

1 A Yes, sir.

2 MR. WILKINS: Your Honor, at this time, I'd like to
3 bring in an individual.

4 THE COURT: Okay.

5 (WHEREUPON, an individual enters the courtroom.)

6 BY MR. WILKINS:

7 Q Mr. Anthony, do you recognize this individual?

8 A Yes, sir.

9 Q And who is this?

10 A Kadeem Bernard Ramsey.

11 Q And is this the person you spoke to at Daniel High
12 School on that Monday, December 10th?

13 A Yes, sir.

14 Q And is this the person that you, ultimately, arrested
15 for murder and burglary first?

16 A Yes, sir.

17 MR. WILKINS: Thank you.

18 (WHEREUPON, the individual leaves the
19 courtroom.)

20 BY MR. WILKINS:

21 Q Mr. Anthony, are you aware through your investigation
22 if Mr. Ramsey has pled guilty to those charges?

23 A Yes, sir.

24 Q What has he pled guilty to?

25 A Voluntary manslaughter, burglary first and attempted

1 robbery. That's my understanding, yes, sir.

2 Q Was there a possession of a weapon charge in there as
3 well?

4 A Yes, sir.

5 Q So let's take you back to that Monday. Kadeem Ramsey
6 is at the law enforcement center. He's taking statements.
7 Down at the law enforcement center on that Monday,
8 anything else happen in your investigation?

9 A While we were at the office, a Jaron Dalton showed
10 up.

11 Q Jaron Dalton?

12 A Jaron Dalton. He showed up at the sheriff's office
13 and he was driving a black Dodge Durango.

14 Q Do you know about what time Jaron Dalton showed up
15 approximately?

16 A It was later that afternoon, but I'm not sure of the
17 exact time without looking back at the statements. But it
18 was later on that afternoon when he arrived at the
19 sheriff's office. I was informed of that. He had spoke
20 with other investigators and, to my understanding, give
21 video statements of his involvement in this particular
22 case, along with other co-defendants.

23 Q Okay. And so he was interviewed and the statements
24 were taken at the law enforcement center?

25 A Yes, sir.

1 Q All right. Did anybody else arrive at the law
2 enforcement center?

3 A A short time later, Jordan Dalton arrived, which is
4 Jaron's brother.

5 Q Was he interviewed as well?

6 A Yes, sir.

7 Q Were statements taken from him that afternoon?

8 A Yes, sir.

9 Q All right. You said he arrived in a black Dodge
10 Durango. What did y'all do with the black Dodge Durango?

11 A It was confiscated. I think he relinquished rights
12 to it, if I remember correctly, and the vehicle was placed
13 in the impound lot.

14 Q Were y'all able to determine that that was the
15 vehicle that, actually, left Chimney Ridge that Saturday
16 night?

17 A Yes, sir.

18 Q And after speaking with Jaron Dalton -- is that the
19 older brother of Jordan or the younger brother of Jordan?

20 A It's the older brother.

21 Q The older brother of Jordan Dalton?

22 A Yes, sir.

23 Q After speaking with Jaron Dalton and taking his
24 statements, did y'all do anything?

25 A We had been informed by Jaron that the weapons that

1 were used in this case had been buried in the -- on his
2 grandparents' property on Black Bottom Road.

3 Q Do you know who the owner of that property is?

4 A The Daltons, his grandparents... Jaron and Jordan
5 Dalton's grandparents.

6 Q So as a result of that information, what did y'all
7 do?

8 A Consent was given by the grandparent to go to that
9 location. So myself, Kevin Durham and Brian Gibson
10 escorted Jaron in my investigator's vehicle at the time to
11 the property. And once we arrived at the property, we
12 went into the wooded area behind the home down near the
13 river.

14 Q Let me stop you there. Did y'all obtain consent to
15 search that location?

16 A Yes, sir.

17 Q Who gave you consent?

18 A Dale Dalton.

19 Q And is that the owner of the property?

20 A Yes, sir.

21 Q Is there any relation between Dale and Jordan and
22 Jaron?

23 A That's their grandmother.

24 Q That's their grandmother?

25 A Yes.

1 Q So what were y'all there to do?

2 A We had been advised that the weapons and other items
3 related to the case had been buried on the property down
4 near the river. So once we arrived at the property, Jaron
5 escorted us to the wooded area down near the river. And
6 it took us some time because it was dark and raining that
7 night. But we continued to look the property and he,
8 eventually, found the trail that led into the creek. And
9 once we arrived where he indicated that the items had been
10 buried, we could notice that the ground was disturbed
11 where it had been dug up. If I remember correctly, once
12 we got there, Brian Gibson photographed the scene as it
13 was. I took the shovel and dug into the hole and pulled
14 the items out.

15 Q Do you recall what you --

16 A There was a black book-satchel-type bag that was in
17 the hole. Then once we pulled the bag out, we located two
18 guns, a toboggan, hat, shirt, maybe a few other items,
19 bullets and things that were in there, in the bag.

20 (WHEREUPON, State's Exhibit Nos. 13 through 22
21 were marked for identification.)

22 BY MR. WILKINS:

23 Q I'm going to show you State's Exhibits 13 through 22.
24 And I'm just going to see if you can identify these
25 photos. Mr. Anthony, just briefly describe if you

1 recognize those items and are those accurate
2 representations of that December 10th night when you were
3 there?

4 A Yes. The first photo would be the actual location we
5 located. You can, actually, see --

6 Q Don't publish it to the jury. If you would just
7 scroll through them and just tell me if they're true and
8 accurate representations of that night --

9 A Yes, sir.

10 Q -- and you can recognize them?

11 A They are.

12 Q And do those disclose the contents of the bag that
13 you discovered there?

14 A Yes.

15 MR. WILKINS: Your Honor, the State moves 13 through
16 22 into evidence.

17 MR. ROBINSON: No objection.

18 (WHEREUPON, State's Exhibit Nos. 13 through 22
19 were admitted into evidence.)

20 BY MR. WILKINS:

21 Q All right. Mr. Anthony, I'm going to put these up on
22 the screen. What are we seeing there? This is State's
23 Exhibit 14.

24 A That's the location where you can see the dirt had
25 been disturbed on the ground there.

1 Q Was it raining that night?

2 A Yes, sir.

3 Q I'll show you State's Exhibit 13?

4 A Once we started digging into the hole, then you could
5 see the bag in there.

6 Q And there's a laser pointer to your left right there
7 and you can point if you need to.

8 A Looks like a bag there, but the picture looks blurred
9 to me for reason on here.

10 Q Let's look at State's Exhibit 15?

11 A That's the bag once we pulled it out of the hole.

12 Q That's the backpack that you recovered?

13 A Yes, sir.

14 Q State's Exhibit 16?

15 A The items inside the bag, the weapon, the toboggan,
16 and the shirt, I believe it is, up on the top there.

17 Q All right. I'm going to show you some of the
18 specific items that you located from there. I'm going to
19 show you State's Exhibit 21?

20 A That weapon was in the bag.

21 Q Did you every discover the caliber?

22 A I can't tell exactly from looking at that. One was a
23 380 and one's a 9mm. I'm not sure which one that
24 particularly is, but it was a 380 and a 9mm.

25 Q And I'll show you State's Exhibit 22?

1 A This is one of the weapons in the bag.

2 Q State's Exhibit 20?

3 A Hat that was in the bag.

4 Q State's Exhibit 17?

5 A Shirt that was in the back.

6 Q Is that a hoodie or a toboggan? It's hard to see on
7 this picture.

8 A I think it was a hoodie. But most of that was --
9 once it was taken out, Brian photographed it. He might be
10 able to identify it a little better, but I believe it was
11 a hoodie.

12 Q All right. And then finally?

13 A Toboggan.

14 Q And do you notice anything unique about that
15 toboggan?

16 A It had eye holes cut out.

17 Q And then, finally, State's Exhibit 19 -- that was
18 State's Exhibit 18. State's Exhibit 19, is that all the
19 weapons laid out?

20 A Combination -- everything that was in the bag laid
21 out and photographed.

22 Q And Mr. Anthony, let me go back one moment. When
23 y'all were interviewing Kadeem Ramsey, the person you
24 identified here, did anybody during the course of that day
25 show Kadeem Ramsey a lineup?

1 A Yes, sir.

2 Q A photo lineup?

3 A He was shown a photo lineup.

4 Q Is that sometimes called a six pack?

5 A Yes, sir.

6 (WHEREUPON, State's Exhibit No. 4 was marked for
7 identification.)

8 BY MR. WILKINS:

9 Q And finally, I'm going to show you what's marked as
10 State's Exhibit 4 and see if you recognize this?

11 A Yes, sir, I recognize it.

12 Q Can you --

13 A This is Chimney Ridge apartment complex where the
14 incident took place. Old Shirley Road, Old River Road is
15 going to be Highway 93. There's a road coming out from
16 Ridge Crest Apartments, Vista Drive, Creekwood Apartments,
17 all within a mile or so of this location.

18 MR. WILKINS: Your Honor, the State moves Exhibit 4
19 into evidence.

20 MR. ROBINSON: No objection.

21 THE COURT: Okay.

22 (WHEREUPON, State's Exhibit No. 4 was admitted
23 into evidence.)

24 MR. WILKINS: If you'll just answer any questions
25 Defense counsel may have.

1 MR. ROBINSON: May it please the Court?

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. ROBINSON:

5 Q Officer Anthony, you would agree with me that the
6 Dodge Durango belonged to one of the Dalton brothers,
7 correct?

8 A Yes, sir.

9 Q You would, also, agree with me that the persons that
10 showed you where this bag was were the Dalton brothers; is
11 that correct?

12 A Yes, sir.

13 Q And the Dalton brothers buried these items on
14 property belonging to their grandmother, correct?

15 A Yes, sir.

16 Q In that bag, you agree that was buried by the Dalton
17 brothers was, also, a 9mm gun; is that correct?

18 A Yes, sir.

19 MR. ROBINSON: That's all I have. Thank you.

20 MR. WILKINS: No redirect, Your Honor.

21 THE WITNESS: Thank you. You can step down.

22 MR. WILKINS: Your Honor, the State calls Tony
23 Robinson.

24 THE CLERK: Place your left hand on the Bible, raise
25 your right.

1 TONY ROBINSON,

2 after having been duly sworn, testified as follows:

3 THE CLERK: Please be seated and state your name for
4 the record.

5 THE WITNESS: Tony Robinson. .

6 DIRECT EXAMINATION

7 BY MR. WILKINS:

8 Q Mr. Robinson, with whom are you employed?

9 A With the Pickens County Sheriff's Office.

10 Q How long have you been with the Pickens County
11 Sheriff's Office?

12 A Twenty-five years.

13 Q What do you currently do for the sheriff's office?

14 A I'm a lieutenant in the forensic unit.

15 Q And as a lieutenant in the forensic unit, what are
16 your typical job duties?

17 A We go to crime scenes and we document, photograph,
18 collect evidence.

19 Q I'm going to take you back to December 8th, 2012.
20 Did you have the occasion to go to 201 Smoke Rise Drive?

21 A I did.

22 Q Why did you go there?

23 A I was notified there had been a shooting at that
24 address.

25 Q When you got there, what did you do?

1 A I met with another forensic officer, Officer Gibson.
2 He had arrived before me. He told me what we had, what
3 the situation was, and we began documenting that scene.

4 Q So explain to the jury how you would -- I imagine
5 y'all are pretty meticulous on how you go through a crime
6 scene?

7 A Most of the time, what we do is start by
8 photographing the scene. If there's evidence that needs
9 to be collected immediately due to the danger of losing
10 it, we would begin with that. But as a general rule,
11 photographs is where we begin.

12 Q And did you do that in this particular case?

13 A We did.

14 (WHEREUPON, State's Exhibit No. 23 was marked
15 for identification.)

16 BY MR. WILKINS:

17 Q All right. I'm going to show you what's marked as
18 State's Exhibit 23 and ask if you recognize it?

19 A I do. This is a diagram of the house at 201 Smoke
20 Rise Drive.

21 Q Is it a true and accurate representation of that
22 apartment?

23 A It is. It's the first floor, yes.

24 MR. WILKINS: Your Honor, the State moves Exhibit 23
25 into evidence.

1 MR. ROBINSON: No objection.

2 THE COURT: Okay..

3 (WHEREUPON, State's Exhibit No. 23 was admitted
4 into evidence.)

5 BY MR. WILKINS:

6 Q So tell this jury how you entered the house and what
7 you started doing. There's a laser pointer right there if
8 you want to use it.

9 A We entered the house through the front door, which is
10 here, walked through the house. The body of Steven was in
11 this area here. And as you proceed on through, you find
12 the back door, which is where we understood that someone
13 had entered the house and committed this crime.

14 Q Is there a bedroom right off right there?

15 A It is. There's a bedroom here and there was another
16 bedroom at the front.

17 (WHEREUPON, State's Exhibit Nos. 24 through 30
18 were marked for identification.)

19 BY MR. WILKINS:

20 Q I'm going to show you what's marked as State's
21 Exhibits 24 through 30. I'm just going to ask you if you
22 recognize these photos. Just tell me what -- generally,
23 tell me what they are and if they're true and accurate
24 representations of what you photographed that night?

25 A These are all photographs taken inside the house at

1 201.

2 Q Okay. All right. Let's start with State's Exhibit

3 29?

4 THE COURT: Are they in evidence?

5 MR. WILKINS: I'm sorry, Your Honor. Move State's 24
6 through 30.

7 MR. ROBINSON: No objection.

8 THE COURT: Okay. Without objection.

9 (WHEREUPON, State's Exhibit Nos. 24 through 30
10 were admitted into evidence.)

11 MR. WILKINS: Thank you, Your Honor.

12 BY MR. WILKINS:

13 Q I'm going to show you State's Exhibit 29 first. Can
14 you explain to the jury what's in this picture?

15 A This is a photograph taken just inside the front door
16 looking through the house. The body of Steven Grich is
17 covered by a sheet right here.

18 Q Okay. Is that from the front door or the back door?

19 A That's from the front door.

20 Q Okay. So we're standing close to the front door
21 looking towards the back of the house?

22 A That's correct.

23 Q Let me show you State's Exhibit 28 real quick.

24 A That's a photograph of the kitchen area. Once you
25 step inside the front door, the kitchen area was on the

1 left.

2 Q Where is the front door?

3 A Back over to the left of the way I'm facing or the
4 way that photograph is facing.

5 Q Then State's Exhibit 27?

6 A That's a photograph of the living room with the body
7 of Steven covered.

8 Q Are we standing at the front door or the back door?

9 A We're still toward the front door on that particular
10 picture.

11 Q I'm showing you State's Exhibit 24?

12 A That's in the living room and that is the back door
13 area here.

14 Q Looking back toward the front door?

15 A No, sir, that's the back door.

16 Q That's the back door looking towards the front door?

17 A Yes.

18 Q And State's Exhibit 26?

19 A That's standing near the back door looking into the
20 living room.

21 Q And State's Exhibit 25?

22 A The back door is to your left, that's a bedroom, and
23 then the living room area is over this way.

24 Q And where do those stairs go?

25 A Upstairs.

1 Q There's an upstairs?

2 A There's an upstairs, several bedrooms upstairs.

3 Q Once you took photos of all the inside, what did you
4 do next?

5 A We began looking for evidence that needed to be
6 collected.

7 Q Did y'all come across any?

8 A I did. I found a shell casing, a spent shell casing,
9 9mm shell casing on the floor near the foot of -- near
10 Steven's feet, actually, is where it was laying. I found
11 a -- when we examined the body closer, we found a
12 projectile, the actual bullet that had gone through his
13 body.

14 Q I'm assuming y'all were wearing gloves?

15 A Oh, yes, absolutely.

16 (WHEREUPON, State's Exhibit Nos. 31 and 32 were
17 marked for identification.)

18 BY MR. WILKINS:

19 Q I'm going to show you State's Exhibits 31 and 32. I
20 just ask you to identify those.

21 A These are photographs that were taken at the scene.

22 MR. WILKINS: Your Honor, the State moves 31 and 32
23 into evidence. 31 is the casing, 32 is the slug.

24 MR. ROBINSON: No objection.

25 THE COURT: No objection. Okay. Go ahead.

1 MR. WILKINS: I thought he was going to object, Your
2 Honor.

3 (WHEREUPON, State's Exhibit Nos. 31 and 32 were
4 admitted into evidence.)

5 BY MR. WILKINS:

6 Q Let me show you State's Exhibit 31. What is that?

7 A That is a spent 9mm pistol shell casing.

8 Q It's a 9mm?

9 A It is.

10 Q And then when you examined the body of Steve Grich,
11 were you able to locate the actual slug or the bullet?

12 A Yes.

13 Q All right. I'm going to show you State's Exhibit 32.
14 What is that?

15 A That's a photograph -- Steven was wearing a jacket
16 and an orange tee shirt. The tee shirt had been cut by
17 EMS before I got there. And when we moved the body just a
18 little bit, I, actually, saw that. That is the projectile
19 that passed through Steven's body.

20 Q And where was it located?

21 A It would have been on his left side just under his
22 left armpit.

23 Q Was it in between his skin --

24 A It was in between the skin -- it had passed through
25 his body and exited, but it didn't exit through the

1 clothing. It stopped at the clothing.

2 (WHEREUPON, State's Exhibit Nos. 55 and 56 were
3 marked for identification.)

4 BY MR. WILKINS:

5 Q Now, I'm going to show you two exhibits, State's
6 Exhibit 55 and 56 and see if you can identify these? I've
7 got some scissors if you need them.

8 A Yes, sir, I recognize these items..

9 Q Can you tell us real quick what they are?

10 A Exhibit 55 is the projectile that I collected from
11 Steven's body that was stuck in the clothing, and 56 is
12 the shell casing.

13 Q That you found at the scene?

14 A That I found on the floor.

15 MR. WILKINS: Your Honor, the State moves 55 and 56
16 into evidence.

17 MR. ROBINSON: No objection.

18 THE COURT: Okay.

19 (WHEREUPON, State's Exhibit Nos. 55 and 56 were
20 admitted into evidence.)

21 BY MR. WILKINS:

22 Q What did you do when you collected those?

23 A Those items were secured and then brought to the
24 Pickens County Sheriff's Office and secured in the
25 evidence room and later sent to SLED for analysis.

1 Q What kind of analysis did you request?

2 A I requested that they check for fingerprints on the
3 shell casing. I requested DNA and ballistics examinations
4 on both items to be compared to a firearm that we
5 recovered later.

6 Q What other forensic testing did you do while you were
7 at the scene?

8 A When we initially arrived at the scene, we didn't
9 know who had committed this crime. There were several
10 people present. We performed gunshot residue testing on
11 several people who were inside the house when this
12 occurred.

13 Q What is gunshot residue testing?

14 A It's a test to try to help determine if someone has
15 fired a weapon. When a weapon is fired, certain -- I call
16 it -- it's, basically, dust, gunpowder expels from the
17 weapon and it will land on the person who fired the
18 weapon. It will, also, land on everyone else in the room,
19 unfortunately, when a gun is fired. So anyone in the room
20 could have gunshot residue on them.

21 Q So did y'all swab everyone that was at the apartment
22 for gunshot residue?

23 A We did.

24 Q Did you, ultimately, ask SLED to test all those
25 gunshot residue kits?

1 A I initially sent everything to SLED, but it was
2 determined later as this case unfolded that we didn't need
3 those tests to be performed.

4 Q Did you do any fingerprint testing?

5 A We fingerprinted the back door area, the back door of
6 the house because that's where we were informed that
7 someone had come into the house.

8 Q I'm going to show you State's Exhibit 30 and ask you
9 to identify that?

10 A Yeah, this is a photograph of the back door after we
11 processed it for fingerprints.

12 MR. WILKINS: Your Honor, the State moves Exhibit 30
13 into evidence.

14 THE COURT: It's already in.

15 BY MR. WILKINS:

16 Q Is that your fingerprint dust on there?

17 A That's fingerprint powder on the back door.

18 Q Were y'all able to extract any fingerprints from the
19 door?

20 A We found no useable identifiable fingerprints on that
21 door.

22 Q So you sent those two items down to SLED for testing?

23 A Yes, sir.

24 Q You didn't find any fingerprints. Did you do
25 anything else at that scene?

1 A We collected some other evidence, some various items,
2 but most of them weren't necessarily directly related to
3 the shooting.

4 Q Now, later, two days later, did you have the occasion
5 to search a black Dodge Durango?

6 A I did.

7 Q How did you come to search a black Dodge Durango?

8 A The vehicle was, actually, brought to the law
9 enforcement center and I secured it in our impound yard.
10 Once a search warrant was obtained for it, I searched it
11 at that location.

12 Q And do you know who that Dodge Durango belonged to?

13 A It belonged to, I believe, it's Jaron Dalton. Or it
14 may be -- I think it may be officially in his mother's
15 name, but it was the Daltons.

16 (WHEREUPON, State's Exhibit Nos. 33 through 41
17 were marked for identification.)

18 BY MR. WILKINS:

19 Q I'm going to show you State Exhibits 33 through 41,
20 33 through 41. And is this the car that you searched that
21 day?

22 A Yes, sir. This is the vehicle.

23 MR. WILKINS: Your Honor, State's 33 through 41.

24 MR. ROBINSON: No objection, Your Honor.

25 THE COURT: Okay.

1 (WHEREUPON, State's Exhibit Nos. 33 through 41
2 were admitted into evidence.)

3 BY MR. WILKINS:

4 Q I'm just going to show you a couple of pictures. Let
5 me show you State's Exhibit 34. Is that the black Dodge
6 Durango that you were able to search?

7 A Yes, it is.

8 Q That was Jaron Dalton's car?

9 A Yes, sir.

10 Q Let me show you State's Exhibit 33. That's the car?

11 A That's the same car, yes, sir.

12 Q Did you find any ammunition?

13 A I found one round, one live round of ammunition in
14 the car.

15 Q And do you know what caliber it was?

16 A It was 9mm.

17 Q Let me show you State's Exhibit 39. Is that the
18 round?

19 A That's the round right there.

20 Q Let me show you State's Exhibit 41.

21 A That's the same round.

22 Q Do you know what kind of rounds? Were they hollow
23 point or regular point or any --

24 A I'm probably not the person to ask that question.

25 Q All right. Let me take you back. You asked for DNA

1 swabs on the two items you collected at the scene at 201
2 Smoke Rise Drive?

3 A I did. On the shell casing, I did.

4 Q On the shell casing, you asked for DNA swabs?

5 A Yes, sir.

6 Q And that was sent to SLED, correct?

7 A It was.

8 MR. WILKINS: If I can get you to answer any
9 questions of Mr. Robinson.

10 MR. ROBINSON: May it please the Court?

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. ROBINSON:

14 Q Officer Robinson, in the Durango that belonged to the
15 Daltons, Jaron or Jordan Dalton, besides the live bullet
16 that you found, you, also, found other items as well;
17 didn't you?

18 A I collected some other evidence out of the car.

19 Q Didn't you collect a black jacket and ski cap?

20 A Yes.

21 Q Out of the same Dodge Durango that belonged to the
22 Daltons?

23 A Yes, sir, I believe I did.

24 Q And these items were consistent to what the victims
25 advised the perpetrator had worn, correct?

1 A I didn't take statements from any of those people,
2 but, yes, it was my understanding they would be consistent
3 with that.

4 Q And these were in the Dodge Durango of the Daltons?

5 A Yes, sir.

6 Q Jaron or Jordan Dalton?

7 A Yes, sir.

8 Q And these were some of the items that were buried
9 later on the grandmother Dalton's property, correct?

10 A No, sir, that was separate items.

11 Q Separate items?

12 A Yes.

13 MR. ROBINSON: Thank you. That's all I have.

14 THE COURT: Anything?

15 MR. WILKINS: No further.

16 THE COURT: All right. Thank you, sir. You may
17 stand down.

18 How are y'all doing? You want to keep going or take
19 a short break? Keep going?

20 MR. FOREMAN: Yes, sir.

21 THE COURT: Okay.

22 MR. WILKINS: Your Honor, the State calls Kevin Keck.

23 THE CLERK: Place your left hand on the Bible, raise
24 your right.

25 KEVIN KECK,

1 after having been duly sworn, testified as follows:

2 THE CLERK: Thank you. Please be seated and state
3 your name for the record.

4 THE WITNESS: Kevin Shaun Keck.

5 DIRECT EXAMINATION

6 BY MR. WILKINS:

7 Q Mr. Keck, where do you live?

8 A Currently, I live at 1307 Oak Drive in Sandy Springs.

9 Q Sandy Springs?

10 A Yes, sir.

11 Q And how old are you?

12 A I'm 22.

13 Q And are you currently employed?

14 A Yes, sir.

15 Q What do you do for a living?

16 A I'm a cook at a sports bar and I deliver pizza.

17 Q Mr. Keck, I'm going to take you back to December 8th,
18 2012. Do you remember that day?

19 A Yes, sir.

20 Q Were you at 201 Smoke Rise Drive that day?

21 A Yes, sir.

22 Q Can you tell us -- did you live there or were you
23 just a friend hanging out there?

24 A I did not live there. I was a friend.

25 Q Who were you friends with that lived there?

1 A I knew Daniel Persson who lived there. A friend of
2 mine went to -- a friend of mine lived with him freshman
3 year in the dorms, a friend of mine that I've known since
4 I was five years old, Sam Voison. He was there that
5 night, too. That's how I know Daniel.

6 Q And that night on December 8th, what time did you go
7 over to 201 Smoke Rise Drive?

8 A I was there earlier in the day, maybe noon, for a
9 very short time, and I left to go to town. I got lunch
10 and came back a few hours later. So late afternoon, early
11 evening, five o'clock.

12 Q That day, who all was there at the apartment?

13 A In the room I was in, it was --

14 Q Which room was that?

15 A The living room.

16 Q The living room?

17 A Yes, sir. Me, Danny, Sam, J.T., or Johnathan, and
18 Steve.

19 Q Steve Grich?

20 A Yes, sir.

21 Q And were you there when the robbery occurred?

22 A Yes, sir.

23 Q Let me back up real quick. What were y'all doing,
24 just hanging out watching TV or?

25 A We were watching TBS.

1 Q TBS?

2 A Yes, sir.

3 Q That's a good memory.

4 A It was my stepbrother's movie.

5 Q Okay. Were you there when individuals came in and
6 tried to rob y'all?

7 A Yes, sir.

8 Q Can you tell this jury exactly what happened that
9 day?

10 A Yes, sir. Well, we were sitting there just watching
11 a movie. It was about eight o'clock Saturday night. The
12 back door came open, flew open, and, at least, three men
13 came in. The first one was a black male. He was waving
14 his gun around, jumping around real sporadic. The second
15 two that came in were white males. And the two white guys
16 moved behind the first couch next to the back door, the
17 tan-colored couch.

18 Q Let me show you State's Exhibit 27 up on the screen.
19 That may help us kind of identify. So where were you
20 sitting in this living room? And there's a laser pointer
21 right here. And you just push that middle button right
22 there and you can point.

23 A It would have been right here to the left of this
24 couch.

25 Q So you were sitting on that leather couch right

1 there?

2 A Right.

3 Q And where is the TV?

4 A (Witness indicated.)

5 Q Right there, okay. And where did the individuals
6 come in?

7 A The back door is right here. You can't see it, but
8 it's -- there's a stairwell right here and there's a back
9 door right here to the right of this window.

10 Q Where did the first person who came in go?

11 A He came in right here. He was waving his gun around.
12 And he came in this area right here and he aimed the gun
13 at me.

14 Q And was he black or white?

15 A He was black.

16 Q And what about the two other individuals that you
17 saw?

18 A The two white guys -- I don't remember which one, but
19 there was a shorter one and there was a taller one. They
20 moved behind this couch, one here and one here. And when
21 they first came in, everyone just kind of froze, no one
22 really knew if it was a prank or what. I just sat there,
23 didn't really know what to do. And the one on the left
24 right here, he hit J.T. with his gun right behind the head
25 as hard as he could. J.T. started bleeding everywhere.

1 After that, we all got down on the ground.

2 Q What was the first black male that came in doing and
3 saying?

4 A He came about right here -- J.T. got hit with the gun
5 and then immediately after, he was standing about right
6 here and he was aiming the gun at me and he said, Get on
7 the ground.

8 Q Did he hit anybody?

9 A Well, we got on the ground, and then he hit Danny.
10 Danny was laying right in front of -- Danny was sitting
11 here and Sam was sitting here.

12 Q That's Danny, what's his last name?

13 A Daniel Persson.

14 Q Okay.

15 A And he ended up laying right here and I was laying
16 right here. Our faces were just a foot apart. And he
17 looked up at him and he got kicked in the face a couple of
18 times.

19 Q By whom?

20 A The black man who was standing right here, I presume.
21 I could hear his voice. He was saying, Don't look at me
22 and stuff like that.

23 Q Was he asking for anything or saying anything?

24 A He said, Where's the dope at?

25 Q And then what happened?

1 A I was laying right here. There was a lot of
2 commotion. I got hit once. I had my hand on the back of
3 my head because he was pistol whipping everybody.

4 Q He was pistol whipping everybody?

5 A Not everyone got pistol whipped. J.T. did, Steve
6 did, I did, and Dan got kicked.

7 Q Okay.

8 A I just got hit once. He tried for my head, but he
9 just hit my finger right here. My fingers got a little
10 swollen. But Steve -- like, Sam and Danny were behind the
11 coffee table and I was to the left of it. J.T. was right
12 here and Steve had nowhere to go. He was right out in the
13 open and he was getting his ass kicked the whole time.

14 Q How many times you think he was getting beaten by
15 that individual?

16 A It felt like 20 minutes. It was probably only a few
17 seconds.

18 Q Repeatedly?

19 A Yes.

20 Q What happened?

21 A The gun went off. I smelled the powder. At first, I
22 thought they had shot up to the ceiling or something, a
23 warning shot. I looked to the right and there were no
24 feet, there were no legs, they were gone. So I stood up,
25 along with everyone else. We were looking around to see

1 where the bullet hole was in the wall. J.T. yelled Steve.
2 So we looked down and Steve didn't get up. He was shot, I
3 guess, he rolled over. And everyone said, Steve, are you
4 okay? He had a real calm look on his face, he just said,
5 No. And that was all he said. It was over.

6 Q And at that point, the house was cleared from anybody
7 that was not invited?

8 A Yes, sir.

9 Q What did y'all do next?

10 A From there, I kind of entered the twilight zone.
11 It's kind of like a daze. I don't remember the exact
12 order. But I know I called the police, I called 911. I
13 went outside to call them just to get away, I guess. I
14 went outside and I called the police. I believe right
15 before I did that, that we were standing there, you know,
16 waiting to see if Steve was okay. He looked around the
17 room and he just kind of -- he passed away. We knew he
18 did. And I checked his pulse, I didn't feel anything. I
19 lifted up his shirt, I didn't see any bullet holes. I
20 looked in his nose and I saw blood starting to come out.
21 We knew then he had been shot, you know. We knew then he
22 was gone already. It was pretty fast.

23 I went outside and called the police. I came back
24 inside, Daniel Persson, he was on the phone with the
25 police, too. He called 911. And that's pretty much it.

1 After I went back inside, Rob and Laura came in the front
2 door. I forgot they were even around. I forgot they were
3 in their room and everything.

4 Q Who are Rob and Laura?

5 A Rob lived in the room just to the right of the back
6 door. It would have been right here.

7 Q So that first bedroom right when you walk in the back
8 door?

9 A Right at the bottom of the stairs, yes, sir.

10 Q All right.

11 A And he came in the front door, him and Laura came in
12 the front door and they freaked out, you know. And after
13 that, we all just kind of walked around waiting for the
14 police. It felt like it was an hour. I don't know how
15 long it was. I remember Danny called the -- Danny was on
16 the phone with 911.

17 I think at some point, Laura said she had talked to
18 some girls up the street who saw some guys walking around.
19 So I went -- it was about four or five houses up. We went
20 and talked to them, and just said, you know, talk to the
21 cops when they got there. I guess they had seen some
22 people driving or walking around.

23 Q Let's go back to the individuals that you saw come in
24 the house. You said the initial one was a black male.
25 Was he short or tall?

1 A He was short.

2 Q Do you remember what he was wearing or how his face
3 was covered?

4 A I remember I saw -- I looked right in his eyes and I
5 saw right here. I saw his skin. I saw it was a black
6 guy, you know.

7 Q Did he have a mask on?

8 A Yeah, a ski mask and his mouth and his eyes were
9 uncovered, I guess.

10 Q And what about the other two individuals, the two
11 white individuals.

12 A They were covered as well. I don't know if they were
13 in masks or not. I'm pretty sure one of them had just
14 like sunglasses and a hat on or something like that, maybe
15 like a hoodie or something, like a jacket.

16 Q And what about the guns?

17 A I remember -- the first gun I saw was when J.T. got
18 hit on the side of the head. I don't remember what that
19 gun looked like.

20 Q And that was from a white individual, correct?

21 A Right. And then the only other gun I saw was the one
22 that got aimed at me before I got down on the ground. And
23 I don't remember, honestly -- well, I remember it not
24 being a huge gun. It wasn't a -- I don't really remember
25 what it looked like other than that, but it was a pistol.

1 Q And the person who shot Steve Grich, was he black or
2 white?

3 A I believe he was black because the man who came in --

4 Q It was the first guy in?

5 A I mean, he was standing right here the whole time.
6 He was the one dishing out the pistol whippings to
7 everyone. Steve was to my right and I heard he was
8 getting beat up and then the gun went off. I can only
9 assume it was the guy who came in first who took the
10 center of the room.

11 Q I'm going to bring an individual in and ask you if
12 this person's height is consistent with the person you saw
13 pistol whipping and kill Steve Grich, okay?

14 A All right..

15 (WHEREUPON, an individual enters the
16 courtroom.)

17 BY MR. WILKINS:

18 Q Mr. Keck, do you know this person?

19 A No, sir.

20 Q And I'm going to ask you is this person consistent
21 with the height of the person that you saw pistol whip,
22 kick and kill Steve Grich?

23 A No, sir.

24 Q Is he taller or shorter?

25 A Taller.

1 Q How much taller?

2 A I'm 6'2" and sitting down, this guy was, I mean,
3 just, you know, right above me. He wasn't --

4 Q And you were sitting down?

5 A Yeah, I was sitting down. He was pretty close to my
6 height sitting down, slightly taller.

7 MR. WILKINS: Your Honor, I'm going to ask that you
8 direct the Defendant to stand up in front of the jury.

9 THE COURT: Okay.

10 MR. WILKINS: He can come stand right over here, Your
11 Honor, if that's fine with you. The witness needs to be
12 able to see him.

13 THE COURT: Right.

14 (WHEREUPON, the Defendant stood.)

15 BY MR. WILKINS:

16 Q Is this individual consistent with the height of the
17 person that you saw come in?

18 A Yes, sir.

19 Q He is consistent?

20 A Yes, sir.

21 MR. WILKINS: Thank you, Mr. Keck. Mr. Keck, just
22 answer any questions Defense counsel may have, okay?

23 THE WITNESS: Okay.

24 MR. ROBINSON: May it please the Court?

25 THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. ROBINSON:

Q But you would agree with me, Mr. Keck, that you didn't see who the individual was, right? You didn't exactly see who this person was because they had a mask on; is that right?

A That's correct, yes, sir.

Q And I think that a moment ago, you were speaking about the height and so forth, but you're not exactly sure how tall this guy was at this time; isn't that correct? You're not exactly sure --

A I didn't have a tape measure, no, sir.

Q So you would agree with me that as far as measuring or looking at the height of this individual over here, you're not sure if that's the right height or not, are you?

A How sure?

Q You're not sure that at that point that's the exact same height of the person that was in --

A I'm pretty confident it is. I'm not a hundred percent sure.

Q You're not a hundred percent sure, correct. Now, at the time -- this was almost two years ago, correct?

A Correct.

Q Now, you would agree with me that at the scene when

1 this all happened was a pretty stressful kind of
2 situation, wasn't it? You agree with me?

3 A Yes, sir.

4 Q And you, also, agree with me that you had a short
5 period of time in which to look or observe this
6 individual; is that correct?

7 A That's correct.

8 Q Actually, it was a matter of seconds that you had to
9 see this individual, correct?

10 A That's correct.

11 Q And you couldn't really judge -- let me ask you this.
12 Is your background in measurements and things of that
13 nature as far as to know exactly how tall a person is and
14 so forth?

15 A No, sir.

16 Q So we have, at least, a number of months passed since
17 this time that you're making this observation -- and you
18 didn't see the individual that did this because they had a
19 mask on, correct?

20 A Correct.

21 Q And you're not sure exactly the height of this person
22 at that time, you're not sure, are you?

23 A I would say he was about a foot taller than me
24 sitting down.

25 Q A foot taller than you sitting down, okay. So how

1 many feet is that, would you have any idea?

2 A I'm probably three and a half feet sitting down and I
3 was sitting on that leather couch, so I sunk down a little
4 more than that. He was pretty short.

5 MR. ROBINSON: That's all I have. Thank you.

6 MR. WILKINS: No redirect, Your Honor.

7 THE COURT: All right. Thank you very much. You may
8 stand down.

9 Mr. Foreman, ladies and gentlemen of the jury, let's
10 just take a short morning break. Remember not to talk
11 about the case. We'll be right back with you. Thank you
12 very much.

13 (WHEREUPON, the jury leaves the courtroom at
14 approximately 10:47 a.m.)

15 THE COURT: Everyone else remain seated while the
16 jury exits. Thank you.

17 All right. Anything before we break?

18 MR. WILKINS: Your Honor, I just ask that the
19 witnesses be excused from their subpoenas once they've
20 testified.

21 THE COURT: Any objection to that?

22 MR. ROBINSON: I have no objection.

23 THE COURT: All right.

24 Let's take about 10 or 15 minutes.

25 MR. WILKINS: Thank you, Your Honor.

1 (WHEREUPON, a short break was taken.)

2 THE COURT: Is the State ready?

3 MR. WILKINS: Yes, Your Honor.

4 THE COURT: Defense?

5 MR. ROBINSON: Yes, Your Honor.

6 THE COURT: Okay.

7 (WHEREUPON, the jury entered the courtroom at
8 approximately 11:15 a.m.)

9 THE COURT: All right. Mr. Wilkins.

10 MR. WILKINS: Thank you, Your Honor, may it please
11 the Court. The State calls Sam Voison.

12 THE CLERK: Place your left hand on the Bible, raise
13 your right.

14 SAM VOISON,

15 after being duly sworn, testified as follows:

16 THE CLERK: Thank you, sir. Please be seated and
17 state your name for the record.

18 THE WITNESS: Sam Voison.

19 DIRECT EXAMINATION

20 BY MR. WILKINS:

21 Q Mr. Voison, where do you live?

22 A I live in Clemson, South Carolina.

23 Q What do you do?

24 A I'm a student.

25 Q What are you studying?

1 A Financial management.

2 Q How old are you?

3 A I'm 22.

4 Q And, Mr. Voison, did you ever go to 201 Smoke Rise
5 Drive back in December of 2012?

6 A Yes, sir.

7 Q Did you live there or did you know anybody there?

8 A I had friends that lived there.

9 Q You had friends that lived there?

10 A Yes, sir.

11 Q Who did you know that lived in that apartment?

12 A Steven Grich, Daniel Persson, Robert McKinley, and
13 Dalton Johnson as well.

14 Q And on December 8th, did you go to that apartment?

15 A Yes, sir.

16 Q Do you remember about when you went there?

17 A Maybe seven o'clock that night, 7:00 or 8:00.

18 Q What was the reason for you going over there?

19 A Just to visit my friends.

20 Q So that night, what were y'all doing?

21 A Just watching TV, hanging out.

22 Q And about -- I guess after eight o'clock that night,
23 did anything occur?

24 A Yes, sir.

25 Q Can you tell this jury what happened to you that

1 night?

2 A Yes, sir. So myself and my friends, Johnathan
3 Riordan, Steven Grich, Daniel Persson, Kevin Keck, we're
4 sitting in the living room watching television. I'm not
5 sure exactly what time it was, but the back door burst
6 open. Three or more men in ski masks entered the room
7 with guns and started shouting, Where's the money? We all
8 got on the floor --

9 Q Let me stop you right there. I'm going to show you a
10 photo here that may help you explain to the jury exactly
11 what was going on in there, okay? This is State's Exhibit
12 27. Do you recognize that picture?

13 A Yes, sir.

14 Q What is that?

15 A That is the living room at the house.

16 Q Okay. And there's a laser pointer right in front of
17 you if you want to use it, you don't have to. Can you
18 show the jury where you were sitting when the individuals
19 came in?

20 A Right there.

21 Q Right there, okay. And where did the individuals
22 come from, how did they enter the house?

23 A They came in through the door that's just around the
24 corner, right there.

25 Q All right. So tell the jury -- I'm sorry, I didn't

1 mean to interrupt you. Tell the jury what happened when
2 they came in and what you saw.

3 A I saw Johnathan Riordan get struck. He was sitting
4 right there. Steve was sitting right there. He fell to
5 the floor. After that, everyone got down on the ground.
6 I was right here. Covered my head, basically. They were
7 yelling about money. I think --

8 Q Do you know who was yelling about money?

9 A No, sir, it was just a male voice.

10 Q All right.

11 A Most of it -- I didn't see a lot. Like I said, I
12 covered my head. I could hear them hitting Steve and I
13 heard a gunshot go off. Then I didn't hear anything.
14 When we got up, they were gone and Steve was laying there.
15 He had, obviously, been shot.

16 Q The folks that came in, did you recognize -- I mean,
17 can you identify any familiarities with the first person
18 that came in?

19 A I recall seeing black skin between the glove and the
20 sleeve.

21 Q Okay. And what about the height of the first person
22 that came in?

23 A Probably about my height. I'm 5'7", so around there.

24 Q Around there. So not tall, but --

25 A I would say average.

1 Q Average height. And was that the person that was
2 hitting the individuals or do you know?

3 A I believe so.

4 Q Is that the person who shot Steven Grich?

5 A Yes, sir.

6 Q So when the first person came in, what did he --
7 where did he go and what did he go?

8 A He went to the front of the room and started yelling.

9 Q He started yelling?

10 A Yeah.

11 Q And what was he yelling for?

12 A Making orders, demanding money, drugs.

13 Q Okay. And you immediately got on the ground?

14 A That's correct.

15 Q Was your vision sort of impaired, you couldn't really
16 see exactly what they were doing?

17 A That's correct.

18 Q But you could hear?

19 A Yes, sir.

20 Q What was he doing to other individuals in there while
21 you were on the ground? You were behind the coffee table?

22 A Right there.

23 Q Okay.

24 A I could hear him striking Steve with a firearm.

25 Q Did you see a gun --

1 A Yes, sir.

2 Q -- When he came in?

3 A Yes, sir.

4 Q Do you recall what color that gun was?

5 A Black.

6 Q Okay. What did you do after you heard the gunshot?

7 A Paused for a second. Find space, my ears were
8 ringing. Then when I didn't hear anything, you know, I
9 cautiously got up as well as everyone else, looked around
10 the room and went to check on Steve.

11 Q At this point, I'm going to bring somebody in and I'm
12 going to ask you to -- if the height of this particular
13 individual is consistent or not consistent with the height
14 of the person that you saw come in first of the room,
15 okay?

16 A Okay.

17 (WHEREUPON, an individual enters the courtroom.)

18 BY MR. WILKINS:

19 Q Did the height of this individual -- do you know this
20 person?

21 A No, sir.

22 Q You ever seen him before in your life?

23 A No, sir.

24 Q Is the height of this individual right here
25 consistent with the person that you saw and heard shoot

1 Steve Grich?

2 A He seems a little bit tall.

3 Q He seems a little bit tall? A little bit tall, a lot
4 tall?

5 A He's definitely taller.

6 Q So it's not consistent?

7 A Not consistent.

8 Q And hold on.

9 (WHEREUPON, the individual leaves the
10 courtroom.)

11 MR. WILKINS: I'm going to ask the Defendant to come
12 stand right here, please.

13 (WHEREUPON, the Defendant stood.)

14 BY MR. WILKINS:

15 Q And I'm going to ask you the same question for this
16 individual right here. Is this person consistent with the
17 height of the person that you saw hit and kill Steve
18 Grich?

19 A Yes, sir.

20 Q He is consistent?

21 A Yes, sir.

22 MR. WILKINS: If you would, answer any questions that
23 Defense counsel may have.

24 MR. ROBINSON: May it please the Court?

25 THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. ROBINSON:

Q Didn't you just tell the prosecutor your vision was impaired?

A Yes, sir, after the individuals entered the room.

Q So your vision was impaired. Now, impaired would mean that you didn't see the people accurately; wouldn't that be correct?

A No, sir.

Q So you did see them accurately?

A I saw them when they entered the room.

Q So when you told the prosecutor -- when you testified a few minutes ago about your vision being impaired, what were you talking about?

A That was after the point where they entered the room. Johnathan Riordan was struck, realized it was a serious event, and then I got on the ground under the coffee table.

Q But you never saw what this individual -- who this individual was, did you?

A No, sir, he was wearing a ski mask.

Q You, actually, never saw Mr. Mosley at all that night, did you?

A No, sir.

Q And you didn't see who shot the gun or anything, did

1 you?

2 A No, sir, not that I know of.

3 Q Now, when you went over to this house, were y'all
4 smoking some marijuana at this time?

5 A No, sir.

6 Q Were other people smoking marijuana?

7 A Not that I know of.

8 Q Was there a smell at all that you know of in the
9 house?

10 A I don't recall.

11 Q You don't what?

12 A I don't recall.

13 MR. ROBINSON: That's all I have. Thank you.

14 THE COURT: Anything else?

15 MR. WILKINS: Nothing, Your Honor.

16 THE COURT: All right. Thank you, sir. You may step
17 down.

18 MR. TIMMONS: The State calls Daniel Persson to the
19 stand.

20 THE COURT: All right.

21 THE CLERK: Place your left hand on the Bible, raise
22 your right.

23 DANIEL PERSSON,

24 after having been duly sworn, testifies as follows:

25 THE CLERK: Thank you. Please be seated and state

1 your name for the record.

2 THE WITNESS: Daniel Persson.

3 DIRECT EXAMINATION

4 BY MR. TIMMONS:

5 Q Mr. Persson, where are you from?

6 A Well, my parents live in Charleston now, so I moved
7 there in 2005 before I came to Clemson. I was born in
8 Georgia.

9 Q Okay. I want to take you back to December 2012.
10 Where were you living?

11 A Chimney Ridge. I lived in a house.

12 Q Were you working or were you a student?

13 A I was a student.

14 Q What were you studying?

15 A Electrical engineering.

16 Q Who did you live in that house with?

17 A Steve and then another guy, Dalton.

18 Q Steve Grich?

19 A Yeah.

20 Q Do you remember December 8th, 2012?

21 A Yeah, after about eight o'clock at night, I remember
22 it pretty well.

23 Q So you don't remember what you did during the day?

24 A I mean, it was just a regular Saturday pretty much.

25 Q So what were y'all doing that night?

1 A We were just sitting around watching TV, drinking a
2 little bit. I think we were planning on staying up all
3 night, listening to music, that kind of stuff.

4 Q Can you tell this jury what happened that night?

5 A Yeah, I mean, I don't know exactly what time it
6 happened, but we were just sitting there and people with
7 guns and masks just came in the back door. One of them
8 just started yelling, you know, get on the ground --

9 Q Let me stop you for one second. There's a laser
10 pointer right here. Is this the room you were sitting in?

11 A Yeah.

12 Q Would you use the laser pointer to show the jury
13 where you were sitting?

14 A I was on the couch right there on the corner on the
15 right side.

16 Q Okay. Keep going.

17 A Okay. And then -- so after, you know, they came in,
18 started pistol whipping people. I got kicked in the head
19 like once or twice and then pistol whipped when I was
20 laying behind the table right there.

21 Q Could you identify any features of the individuals
22 that came into the room?

23 A I know the first person was black.

24 Q How do you know that?

25 A You can see like the holes in the mask and stuff.

1 Then I remember --

2 Q Was he tall or short?

3 A Definitely shorter than me, way shorter.

4 Q Okay.

5 A And then I can remember seeing one or two white guys.

6 And after that point, I was just like on the ground, like

7 he had a gun in my face, so I don't really remember much

8 after that.

9 Q Keep going.

10 A And then all of a sudden, it just ended. They ran

11 out. Turns out, gun went off and Steve's dead.

12 Q Where was Steve sitting when they came in the room?

13 A He was on this couch right their closest to the door.

14 And so when he got on the ground, he was just laying in

15 front of the table.

16 Q And you were behind the table?

17 A Yeah, I was behind the table.

18 Q And you got a hit a number of times?

19 A He just did a full circle.

20 Q And he, white, black?

21 A The black guy.

22 Q Okay. What were they saying?

23 A They were pretty much saying, Get on the ground,

24 where's the dope, get on the ground. Just kept repeating

25 the same thing until they left.

1 Q So they were looking for drugs?

2 A Yeah.

3 Q Were y'all smoking marijuana that night?

4 A I mean, honestly, I can't remember. I might have
5 smoked some. It was more of a drinking party kind of
6 thing.

7 Q And after you got hit, was the -- the Defendant was
8 -- or the person was hitting everyone?

9 A Yeah, he definitely -- I mean, from what I can
10 remember is that I know J.T. was immediately pistol
11 whipped and knocked on the ground. And then he might have
12 hit Steve a couple of times and hit Kevin, and then came
13 to me. I don't even know if he hit Sam or not, if he had
14 time for that.

15 Q After the gun went off, what did y'all do?

16 A I mean, I just went to go see if Steve was all right.
17 I tried my best to help him. There was nothing really I
18 could do.

19 Q Did he say anything?

20 A No.

21 Q He was clearly injured?

22 A Yeah. He was, I mean, gone, as you can say. He was
23 like staring beyond me. You could kind of see it in the
24 eyes.

25 Q Did you call 911?

1 A I was one of the people that called 911. And then --
2 I mean, from there, it was just waiting hoping that we
3 could do something. But it was just -- the police showed
4 up. We sat around for a couple of hours. And that's
5 pretty much the night.

6 Q I'm going to bring in a man and ask you if his height
7 is consistent with the height of the individual that you
8 saw come in the door that night?

9 A All right.

10 (WHEREUPON, an individual enters the courtroom.)

11 BY MR. TIMMONS:

12 Q Is this man -- is his height consistent with the
13 person you saw that night?

14 A No, he's way taller. You're like 6'1", right, 6'2"?

15 Q About six foot.

16 A He's way taller, yeah.

17 (WHEREUPON, the individual leaves the
18 courtroom.)

19 BY MR. TIMMONS:

20 Q Okay. I'm going to ask the Defendant to walk over.

21 (WHEREUPON, the Defendant stood.)

22 BY MR. TIMMONS:

23 Q Is he consistent with the height of the person you
24 saw?

25 A That seems a lot more what it seemed like.

1 Q So consistent, yes?

2 A Yes, most definitely.

3 MR. TIMMONS: Thank you. No further questions.
4 Please answer any questions Defense counsel may have.

5 CROSS-EXAMINATION

6 BY MR. ROBINSON:

7 Q What you didn't see was who this guy was, did you?

8 A No, he had a mask on.

9 Q He had a mask on. And I think that you were smoking
10 some marijuana maybe, and you were drinking, correct?

11 A A little bit, yeah, but not -- I was definitely not
12 drunk or intoxicated in that case.

13 Q And I think you testified that you were on the ground
14 with the gun in your face, correct?

15 A Say what?

16 Q You said you were on the ground with the gun in your
17 face?

18 A Pretty much, yeah. They ran in, pointing guns at
19 everybody and came over. I was on the ground when he
20 kicked me in the head and hit me with it.

21 Q And I think you just testified a moment ago when you
22 had an opportunity to view the Defendant in this case, you
23 said you're not sure if that was the height or not; am I
24 correct?

25 A Well, I mean, I know roughly that he was like a

1 shorter person. I mean, I can't point out the exact
2 height he was.

3 Q And you cannot identify this person as the person
4 that you saw that night, can you?

5 A I mean, not specifically, no.

6 MR. ROBINSON: That's all I have, thank you.

7 THE COURT: Anything else?

8 MR. TIMMONS: No, Your Honor. Thank you.

9 THE COURT: All right. Thank you. You may step
10 down.

11 MR. TIMMONS: The State calls Laura Hill to the
12 stand.

13 THE CLERK: Place your left hand on the Bible, raise
14 your right.

15 LAURA HILL,

16 after having been duly sworn, testified as follows:

17 THE CLERK: If you would have a seat and state your
18 name for the record, please.

19 THE WITNESS: Laura Hill.

20 DIRECT EXAMINATION

21 BY MR. TIMMONS:

22 Q Ms. Hill, where are you from?

23 A I'm from Clemson, South Carolina.

24 Q Did you grow up there?

25 A Yes.

1 Q Let me take you back to December 2012. Where were
2 you living?

3 A I was living in Clemson.

4 Q Were you working there, were you a student?

5 A I was working in Greenville.

6 Q Where were you working?

7 A At an engineering firm.

8 Q Were you commuting back and forth?

9 A Yes.

10 Q Do you remember December 8th, 2012?

11 A Yes.

12 Q Do you remember what you did during the day?

13 A Not exactly.

14 Q At some point, did you go over to Steve Grich's
15 house?

16 A Yes.

17 Q What were you doing there?

18 A I believe everyone had just eaten dinner. We were
19 just hanging out afterwards.

20 Q Big plans for the night, just hanging out?

21 A No plans that I recall.

22 Q Will you tell the jury what happened later that
23 night?

24 A I think it was around 8:00 p.m. I was in the bedroom
25 adjacent to the living room.

1 Q Let me show you State's Exhibit 23. There's a laser
2 pointer right there. Can you show the jury which bedroom
3 you were in?

4 A I was in bedroom one.

5 Q Okay. Keep going.

6 A I was in bedroom one and I heard the back door open
7 and close. And then about 30 seconds later, I heard
8 shouting, profanity, people like scuffling around. So
9 that's when I realized what was happening. And I jumped
10 out of the window in the bathroom.

11 Q Who were you in the bedroom with?

12 A I was with Rob and Martin.

13 Q Rob?

14 A McKinley.

15 Q And who's Martin?

16 A That's Rob's friend. I'm not sure what his last name
17 is.

18 Q What were y'all doing in the bedroom?

19 A We were just hanging out in there.

20 Q Okay. And you jumped out the window because you were
21 afraid?

22 A Yeah, because we realized that somebody was trying to
23 rob the house. So we went and jumped out the window and
24 ran a couple houses down to a neighbor's house.

25 Q I'm going to show you State's Exhibit 3. Can you use

1 the laser pointer to show where you ran, what direction?

2 A Yeah. The window was right around here.

3 Q Okay.

4 A And ran through this back little alley, maybe like
5 three or four houses down to like right here. We went and
6 knocked on the door.

7 Q Okay. And what happened when you knocked on the
8 door?

9 A I saw -- two girls opened the door. I saw several
10 people dressed in all black run in between the houses and
11 get into a black SUV.

12 Q What did you do after that?

13 A I talked to the girls that were in the house for
14 maybe 10 or 15 minutes. Then I went back to Steve's
15 house.

16 Q When you went out the window, what did Rob McKinley
17 do?

18 A He, also, went out the window and he went to the
19 house that I went to for the same amount of time. Then we
20 both went back to Steve's house.

21 Q Did he take anything with him when he went out the
22 window?

23 A Not that I recall.

24 MR. TIMMONS: No further questions for this witness,
25 Your Honor.

1 Please answer any questions Defense counsel may have.

2 MR. ROBINSON: I have no questions, Your Honor.

3 THE COURT: All right. Thank you, ma'am. You may
4 step down.

5 MR. WILKINS: The State calls Rob McKinley.

6 THE CLERK: Place your left hand on the Bible, raise
7 your right.

8 ROBERT MCKINLEY,

9 after having been duly sworn, testified as follows:

10 THE CLERK: Thank you. Please be seated and state
11 your name for the record.

12 THE WITNESS: My name is Robert McKinley.

13 DIRECT EXAMINATION

14 BY MR. WILKINS:

15 Q Mr. McKinley, where do you live?

16 A Currently, I reside in Greenville, South Carolina.

17 Q And what do you do currently?

18 A Right now, I'm in between jobs. Actually, I was
19 working for an E-cigarette manufacturing company. I got
20 laid off I think a week ago. I'm in between jobs right
21 now.

22 Q Did you ever attend Clemson University?

23 A I did.

24 Q When did you attend Clemson University?

25 A Let's see, it was a year and a half. I started in

1 2011 and went through 2012, halfway through 2012.

2 Q And did you ever live at 201 Smoke Rise Drive?

3 A Yes, sir.

4 Q When did you start living there?

5 A It was in August of 2012.

6 Q I'm going to take you back to December 8th, 2012. Do
7 you remember that day?

8 A I do..

9 Q Can you tell this jury what you were doing that day?

10 A Yes, sir.

11 Q On that Saturday?

12 A Yes, sir. I was studying for finals. We were
13 hanging out as a group. We had finals all the next week.
14 I got home at about 8:00, 8:10, went in to study for
15 finals. I was in my room. My friend, Martin, came over.
16 He was in the room with me. Me and Laura and Martin were
17 in my room.

18 Q I'm going to get you to look at State's Exhibit 23.
19 It says bedroom one and bedroom two, which room were you
20 in?

21 A I was in bedroom one.

22 Q Okay. Who were you in there with?

23 A Me, Laura and Martin.

24 Q What were y'all doing?

25 A I was studying. I was getting high. I was smoking a

1 little bit of pot and, also, studying for a chemical
2 engineering final for the next week.

3 Q And Laura and Martin, what were they doing?

4 A Martin was just stopping by shortly. We were smoking
5 together. Laura, I think, was watching a movie or
6 something. Me and Martin were over there smoking and
7 Laura was watching a movie or something.

8 Q And a good bit after, you know, 8:20 or so, were you
9 there when some folks tried to come in and rob everybody
10 there?

11 A Yes, sir. About 8:20, Martin looked at me -- we
12 heard some commotion, a little rustle going on out in the
13 den. He looked at me and said, I think you're getting
14 robbed. At that time, I agreed with him, I said, Yeah, I
15 think that's what happening. So at that time, I told them
16 -- they went to the bathroom, waited in the bathroom while
17 I packed up a backpack full of stuff to get out the door
18 with.

19 Q All right. When you realized that you were getting
20 robbed, what were y'all hearing?

21 A Just a commotion and them yelling, Where's the dope,
22 just a bunch of commotion. It sounded like the tables
23 were getting turned over outside. It sounded like a brawl
24 almost inside the den.

25 Q What could you hear, audibly hear?

1 A Where's the dope.

2 Q Where's the dope, okay. Where did you send Laura and
3 Martin?

4 A Into the bathroom. They were waiting in the
5 bathroom. And then once I got my back -- they closed the
6 door and once I got my backpack together, I knocked on the
7 door and we exited the bathroom together.

8 Q What were you putting in the backpack?

9 A Some marijuana.

10 Q How much?

11 A A good bit. A large amount.

12 Q Ounce, grams?

13 A Close to two pounds.

14 Q Two pounds of marijuana?

15 A Close to it.

16 Q And when you exited that window, what did you do?

17 A I told Laura to go to the closest neighbor and call
18 the cops. Martin took off. I went and hid the backpack
19 up in the woods about five houses up, six houses up. Ran
20 it up in the woods and stuck it in some brush. Then on my
21 way back down, I heard the robbers, three robbers running
22 behind me, when I was going back to check to see if Laura
23 had called the cops at that time.

24 Q Let's explain that to the jury here. I'm going to
25 put this back up. I'm going to show you -- can you see

1 that okay?

2 A Yes, sir.

3 Q All right. So as you can see, this is State's
4 Exhibit 3 that's been admitted into evidence. As you can
5 see, this was your apartment where you were living?

6 A Yes, sir.

7 Q So show this jury when you jumped out where you went?

8 A I ran --

9 Q And you can use that laser pointer if you would like.

10 THE COURT: Not with people out there. You can step
11 down.

12 MR. WILKINS: You can step down. I don't want you to
13 shoot anybody in the face with the laser.

14 THE WITNESS: Yes, sir.

15 I ran out and I hid the bookbag, apparently, in this
16 area, approximately in this area. And as I was coming
17 back down to check to see if Laura or anybody had called
18 911, I was in between the houses. That's when I heard
19 something rustling behind me and I turned around. That's
20 when I saw three shadows running behind me and take off.

21 Q What did you do?

22 A I started chasing them at that time.

23 Q Where did you chase them to?

24 A Approximately six, seven, or eight houses up, they
25 took a right. I followed them and I saw three of them

1 jump in a car and close the doors. I was running up to
2 them --

3 Q Was there already somebody in the car?

4 A There was somebody waiting in the car.

5 Q So how many people total did you see leave in that
6 car?

7 A Leave in that car, four.

8 Q And what kind of car was it?

9 A Dodge Durango.

10 Q Can you show us exactly where you saw them?

11 A Leaving in the car?

12 Q Yeah.

13 A It was somewhere up in here. It was parked exactly
14 right here. I know it wasn't on that side. It was parked
15 on this side up underneath about eight to 10 houses up
16 approximately.

17 Q So when they got in the car, what did you do?

18 A I chased after them.

19 Q How did you chase after them?

20 A On foot.

21 Q Where did you go?

22 A I was here whenever I saw them, took off up the
23 houses after them. They cut up, I cut up. One of them
24 kind of looked at me and I stopped and I started yelling
25 at them, hey, those were the guys that were at my house

1 robbing me with a gun and everything. I stopped yelling
2 at them. They peeled out and took off.

3 I started running after them and that's when I got
4 the make of the car. I saw the car jump -- go through all
5 the jumps and then a speed bump. They hauled butt through
6 there, you know, going extremely fast. That's when I ran
7 after them on foot. I knew I wasn't going to catch them.
8 I was yelling -- I think it was Kevin outside, I was
9 yelling at him, Hey, there they are. That's them. Stop
10 them. Stop them. They couldn't stop them in time. So I
11 circled back around to the house and that's when I found
12 out what had happened.

13 Q Please have a seat. Thank you. When you were
14 chasing after them, and you got to their car, could you
15 identify anybody that was in the car, their race, their
16 sex, or anything like that?

17 A They had masks on. I did see somebody of the
18 African-American race jump into the car at the time. But
19 they were pretty decked out with masks and gloves.

20 Q And you were able to identify the car?

21 A Yes, sir.

22 Q Do you remember what it was?

23 A Yeah, it was a Dodge Durango.

24 Q What color?

25 A Black. I was able to identify it in the surveillance

1 cameras as they were going through.

2 Q So that night when officers arrived, were you helping
3 identify the vehicle in the surveillance cameras?

4 A Yes, sir.

5 Q So what did you do after you returned back to your
6 apartment once they had left, once the car had left?

7 A That's when I found out what had happened. I gave
8 Steve a huge hug and asked everybody what had happened. I
9 stood there with him for about two or three minutes.
10 Everything hadn't set in.

11 I took -- I had some bongos and paraphernalia and
12 other smaller stuff that I took and hid on the back wall
13 there, which was later found during that time. And it was
14 just -- it was about, I think, eight to 10 minutes, what
15 it seemed like, from when the first cop showed up -- from
16 when we first called 911 to when the first cop showed up.
17 A lot of confusion, you know, disbelief of what was really
18 going on. Just hadn't set in. I was hiding stuff.

19 Q Were you ever charged with any crimes as a result of
20 the police coming to your apartment?

21 A Simple possession of marijuana.

22 Q So you weren't charged with the two pounds, were you?

23 A No, sir.

24 Q So let's talk about the marijuana. Two pounds is a
25 lot of marijuana?

1 A Yes, sir.

2 Q Were you selling marijuana during this time?

3 A Yes, sir. I'd sell it to some friends, yes, sir, I
4 was.

5 Q How often would you sell -- were you selling it out
6 of that particular apartment?

7 A Yes, sir.

8 Q So if I wanted to buy marijuana from you, what would
9 I do?

10 A Just get to know me first. I'd have to hang out with
11 you a couple of times, make sure you're somebody I'd like
12 to talk to and deal with.

13 Q Would I call you or how would I know to come --

14 A Yeah, call my cell phone. I had two different cell
15 phones at the time.

16 Q Would you actually -- when would you do the deal and
17 where would you do the deal?

18 A For the most part, it would take place in the
19 apartment or I'd go -- people that I was familiar with,
20 I'd go to their apartments as well.

21 Q About how many times would people come to your
22 apartment to buy marijuana?

23 MR. ROBINSON: Your Honor, I'm going to object to
24 relevance.

25 THE COURT: Overruled. Go ahead.

1 THE WITNESS: Six to eight times in a day.

2 BY MR. WILKINS:

3 Q So it was a lot of people coming and going from that
4 particular apartment?

5 A Mostly, they'd come and stay and hang out as a
6 friend, hang out on the couch for multiple hours. So it
7 wasn't a lot of coming and going. But six friends, mostly
8 closer friends that were coming. It wasn't a lot of in
9 and out, in and out, but I'd sell about six to eight bags
10 a day.

11 Q Did you ever sell marijuana to an individual named
12 Winton Botchway?

13 A Yes, sir, I did.

14 Q Did you know Winton Botchway?

15 A I did.

16 Q How do you know Winton Botchway?

17 A Through selling marijuana to him.

18 Q How about how many times did Winton Botchway come to
19 your apartment?

20 A About five times, three to five times.

21 Q And did he purchase marijuana on each of those
22 occasions?

23 A Yes, sir.

24 Q This was during this 2012 year?

25 A Uh-huh.

1 Q While you were living --

2 A I met him in August.

3 Q You met him in August?

4 A Uh-huh.

5 Q Did you ever go to Winton Botchway's apartment?

6 A I did.

7 Q When you went -- when was the last time you went to
8 Winton Botchway's apartment?

9 A About three months before this took place, beginning
10 of September.

11 Q In the beginning of September?

12 A Yep, sometime in September.

13 Q Do you recall going there that day?

14 A Very vividly.

15 Q And when you were there at Winton Botchway's
16 apartment, did you know who else was at that apartment?

17 A I did.

18 Q Were you introduced to the folks there?

19 A I was introduced, not by name, but just in person,
20 you know, quick introduction.

21 Q And was anybody in this courtroom there at Winton
22 Botchway's apartment when you went there?

23 A Yes, sir.

24 Q Can you point that person out?

25 A That man sitting right there.

1 Q Are you pointing to the Defendant?

2 A Yes, sir.

3 Q Devaria Mosley?

4 A Yes, sir.

5 Q And while there, did you sell or use marijuana or?

6 A We did, we smoked a blunt --

7 MR. ROBINSON: Your Honor, I'm going to object to
8 relevance.

9 THE COURT: No, this is relevant. Overruled.

10 Go ahead.

11 BY MR. WILKINS:

12 Q Did y'all use or sell marijuana?

13 A Yeah, I smoked some marijuana with them. I did. I
14 sold Winton some marijuana, then we smoked it all
15 together. The other people that were there were trying to
16 get my name and my number, trying to find out who I was,
17 trying to get their information digging on me. So I kept
18 it short talk. I didn't want to get -- I didn't know them
19 very well, so I kept them at bay.

20 Q Did that include the Defendant?

21 A Yes.

22 Q But Winton knew you?

23 A Yeah, I knew Winton. That's the one that could call
24 me and I'd answer his calls.

25 Q And Winton went to Smoke Rise Drive six to eight

1 times?

2 A Yep.

3 Q Then after that meeting at Winton Botchway's
4 apartment, did you, subsequently, from that point sell
5 Winton Botchway marijuana at your apartment?

6 A Yes.

7 Q And the day -- December 8th, the day that four people
8 robbed your apartment and killed Steve Grich, did you make
9 --

10 MR. ROBINSON: Your Honor, objection, facts not in
11 evidence in this case.

12 THE COURT: Ask the question again.

13 BY MR. WILKINS:

14 Q I'm sorry, I said -- on December 8th, 2012, did you
15 call Winton Botchway?

16 A Yes, sir.

17 Q Why did you call him?

18 A To let him know that I just got a shipment of a large
19 amount in. To let him know that I had just re-upped.

20 Q So you let him know that you had re-upped?

21 A Uh-huh.

22 Q Were you referring to the two pounds of marijuana
23 that you had that day?

24 A Yes, sir.

25 Q And were you expecting Winton Botchway to,

1 ultimately, come buy marijuana from you just like he
2 always did?

3 A Yeah.

4 Q And that was a normal occurrence?

5 A Uh-huh.

6 Q What's two pounds of marijuana -- what it would cost
7 you?

8 A About five grand.

9 Q Five thousand dollars?

10 A Uh-huh.

11 Q And you would sell it in small quantities?

12 A For more..

13 Q Mr. McKinley, I can't remember if I asked you, when
14 you were running after the individuals, could you tell the
15 race of the individuals that were getting in the car that
16 you ran after or not?

17 A Entering the car, I saw one black male,
18 African-American.

19 Q Okay.

20 A Entering the car.

21 MR. WILKINS: Thank you. Answer any questions
22 Defense counsel may have.

23 THE COURT: Yes, sir.

24 MR. ROBINSON: May it please the Court?

25 THE COURT: Yes, sir.

CROSS-EXAMINATION

BY MR. ROBINSON

Q Mr. McKinley, at some point, you gave a voluntary statement to the sheriff's department; is that correct?

A Yes, sir.

Q Would you recognize that statement if I showed it to you?

A Probably.

(WHEREUPON, Defendant's Exhibit No. 1 was marked for identification.)

BY MR. ROBINSON:

Q Do you recognize this statement?

A I do.

Q Is that the statement you gave to the sheriff's department?

A Yes, sir.

MR. ROBINSON: Please mark this as Defendant's Exhibit 2 for identification purposes.

(WHEREUPON, Defendant's Exhibit No. 2 was marked for identification.)

BY MR. ROBINSON:

Q I'll let you look at this statement, which is marked for identification purposes as Defendant's Exhibit No. 2. You see that statement? Why don't you review it for a second. Would you agree with me, turning to what's been

1 marked as Defendant's Exhibit No. 2 for identification
2 purposes, that you never mentioned in that statement
3 anything about this individual that bought drugs from you
4 or anything, did you? You didn't mention it in there
5 about this Mr. Greenway or Winton?

6 A Not in this statement.

7 Q You did not mention it, okay.

8 A No.

9 Q You, also, didn't mention that you saw anyone in this
10 vehicle, did you, in this black Durango vehicle?

11 A I did not mention that in there. This was done
12 directly after -- this was done an hour after the shooting
13 had occurred, two hours after the shooting had occurred.
14 I was extremely frightened at the time and scared. My
15 life had gotten turned upside down.

16 Q And you, also, had been doing marijuana as well;
17 hadn't you?

18 A By that time, it had worn off. I had earlier in the
19 day, it had been three hours. But with the adrenaline and
20 everything going on, it had worn off.

21 Q But you did have time, though, to take your stash of
22 marijuana and hide it up on a trail or a hill; didn't you?

23 A Yes, sir.

24 Q Okay. But the statement -- you would agree with me
25 that the statement does not contain anything about four

1 individuals; does it?

2 A That I saw three get into the car and then -- not in
3 the driver's seat. There was somebody already placed in
4 the driver's seat ready to get away. I saw all three
5 doors open, not including the driver door and them get in.

6 Q But as far as running -- you said you saw these guys
7 running; is that correct?

8 A Yes, sir.

9 Q You saw three guys running?

10 A I saw three guys running, yes, sir.

11 MR. ROBINSON: That's all I have.

12 REDIRECT EXAMINATION

13 BY MR. WILKINS:

14 Q Just to clarify, you did not -- when you saw them get
15 in the car, the driver's side did not open?

16 A No. It was just the three around the driver's side.
17 The driver's side door stayed closed the whole time.

18 Q Could you see somebody in the driver's side already?

19 A Yes, sir.

20 MR. WILKINS: Thank you.

21 THE COURT: Thank you, sir. You may step down.

22 MR. WILKINS: The State calls Johnathan Riordan.

23 THE COURT: All right.

24 THE CLERK: Place your left hand on the Bible, raise
25 your right.

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JOHNATHAN RIORDAN,

after being duly sworn, testified as follows:

THE CLERK: Thank you. Please be seated and state
your name for the record.

THE WITNESS: Johnathan Riordan.

DIRECT EXAMINATION

BY MR. WILKINS:

Q Mr. Riordan, where do you live?

A I live in New York.

Q What do you do up in New York?

A I do construction. I'm a contractor.

Q Mr. Riordan, did you ever attend Clemson University?

A Yes, I did.

Q When did you attend Clemson University?

A Between 2010 and 2012.

Q I'm going to take you back to December 8th, 2012.

Did you have an occasion to go to 201 Smoke Rise Drive in
Chimney Ridge?

A Yes, I was there.

Q Were you living there or just visiting?

A Just visiting. I lived down the street.

Q You lived down the street?

A Yes, sir.

Q Did you live in Chimney Ridge?

A Yes, I did.

1 Q Can you tell me about when you went over there?

2 A I went over there about 5:30, 6:00 in the afternoon.

3 Q Do you recall who was there when you went?

4 A There was a lot of people there. I couldn't remember
5 everybody's name, I don't think, but Rob was in his room
6 with his girlfriend.

7 Q Is that Rob McKinley?

8 A Yes, sir. And we were all hanging out. Me and Steve
9 were on the couch with our back facing toward the back
10 door where they came in.

11 Q Were you friends with Steve Grich?

12 A Yes. I was roommates, actually, with him when I
13 first came to Clemson.

14 Q I'm going to show you State's Exhibit 27, it's
15 already been admitted into evidence, and see if you
16 recognize this. Was that the apartment you went to?

17 A Yes, sir.

18 Q Later on that afternoon, about 8:00, did something
19 happen?

20 A Uh-huh.

21 Q Would you tell this jury what happened later after
22 8:00?

23 A Sure. Some men broke into the back -- well, they
24 didn't break in, it was open. They just barged in.

25 Q Will you show them where the back door is right

1 there. There's a laser pointer right in front of you.

2 A It's up on the top right-hand side.

3 Q There's a laser pointer right up there. You can just
4 point it right up there.

5 A Right up here.

6 Q Okay.

7 A So they came in through the back door. I was sitting
8 right here.

9 Q You were sitting next to --

10 A Next to Steven.

11 Q Okay.

12 A I was, actually, the first person they assaulted when
13 they came in through the door. I was pistol whipped in
14 the head twice.

15 Q Do you know how many people came in?

16 A I, basically, only saw the first guy and a couple
17 guys behind him. After that, I was semi-conscious. I
18 wasn't looking up or anything, I was just on the ground
19 bleeding.

20 Q When they came in, were you able to recognize any
21 characteristics of anybody that came in that you saw?

22 A I saw the person who hit me, I saw his eyes.

23 Q Were he black or white?

24 A He was black.

25 Q Okay. Proceed, tell us about when you got hit and

1 what happened.

2 A Well, he pistol whipped me with the butt end of the
3 pistol once. I was so surprised and it was just kind of
4 surreal and I didn't really know what to do. I was kind
5 of in a daze. He hit me again and that's when I went down
6 on the floor. I just heard ringing in my ears and
7 commotion. After some time, there was a shot. And we
8 didn't really know what happened. I was looking at the
9 ceiling. I thought they might have just fired a shot at
10 the ceiling or whatever.

11 Q Did you hear what they were saying?

12 A No.

13 Q Were you able -- the person that hit you that you
14 said was African-American, did you see him before he hit
15 you?

16 A Yeah.

17 Q Would you able to tell how tall or how short the
18 person may be?

19 A Yeah.

20 Q Before I get to that, I'm going to show you -- were
21 you injured when you were hit?

22 A Yeah, I was bleeding.

23 Q Where were you hit?

24 A I had a pretty good gash right up here.

25 (WHEREUPON, State's Exhibit No. 42 was marked

1 for identification.)

2 BY MR. WILKINS:

3 Q Let me show you State's Exhibit 42 and ask you to see
4 if you recognize that?

5 A Yep.

6 Q What is that?

7 A That's where I was hit, that's me.

8 MR. WILKINS: Your Honor, the State moves Exhibit 42
9 into evidence.

10 MR. ROBINSON: No objection.

11 THE COURT: Okay.

12 (WHEREUPON, State's Exhibit 42 was admitted into
13 evidence.)

14 MR. WILKINS: Let me publish this to the jury real
15 quick.

16 BY MR. WILKINS:

17 Q Does that show where you were struck?

18 A Yes, sir.

19 Q Tell the jury what you were struck with.

20 A The butt end of a pistol.

21 Q So did you see the pistol?

22 A Yeah.

23 Q Do you know what color it was?

24 A It was black.

25 Q So you're sitting on the far end of the couch when

1 they came in. Did you immediately hit the floor or?

2 A After the second hit, I realized that they meant
3 business, so I just went down on the ground.

4 Q All right. I'm going to bring in an individual and
5 I'm going to ask you if this person is consistent or not
6 consistent with the height of the person that you saw come
7 in and hit you?

8 A Okay.

9 (WHEREUPON, an individual enters the courtroom.)

10 BY MR. WILKINS:

11 Q Is this person consistent with the person that hit
12 you in the head?

13 A No.

14 Q Is he taller or shorter?

15 A Taller.

16 Q Too tall?

17 A Uh-huh.

18 Q Do you know this individual?

19 A No.

20 Q Haven't seen him before?

21 A No.

22 (WHEREUPON, the individual leaves the
23 courtroom.)

24 MR. WILKINS: Your Honor, I'm going to ask that the
25 Defendant come stand over here, please.

1 (WHEREUPON, the Defendant stood.)

2 BY MR. WILKINS:

3 Q Is this individual consistent of the height of the
4 person that hit you with the butt?

5 A Yes, sir.

6 MR. WILKINS: Thank you.

7 BY MR. WILKINS:

8 Q The person that hit you, was he wearing a mask?

9 A Uh-huh.

10 Q He was?

11 A Yes.

12 Q But you were still able to see the color of his skin?

13 A Yes.

14 MR. WILKINS: I'm going to ask you to answer any
15 questions Defense counsel may have.

16 MR. ROBINSON: May it please the Court?

17 THE COURT: Yes.

18 CROSS-EXAMINATION

19 BY MR. ROBINSON:

20 Q You never, actually, saw what this person looked
21 like, did you, as far as the facial features or anything
22 like that, did you?

23 A I only saw above the nose.

24 Q So you can't recognize this individual, the Defendant
25 sitting here as the person that did this, can you?

1 A I would say his eyes look familiar.

2 Q Okay. But you would agree you can't identify him as
3 the person who did this, can you?

4 A I didn't see his whole face, no.

5 Q Okay. Now, I'm going to ask you to look at your
6 statement. You gave a statement to the police at one
7 point, didn't you?

8 A Yes, sir.

9 MR. ROBINSON: Please mark this as Defendant's
10 Exhibit No. 3 for identification.

11 (WHEREUPON, Defendant's Exhibit No. 3 was marked
12 for identification.)

13 BY MR. ROBINSON:

14 Q Take a look at this. Is this the statement that you
15 gave -- this is marked as Defendant's Exhibit 3 for
16 identification purposes. Is this the statement that you
17 gave to the police?

18 A Yes.

19 Q It is. And that is your signature on the bottom of
20 the statement?

21 A Yes, sir.

22 Q All right. Now, looking at what's been marked as
23 Defendant's Exhibit No. 3, if you can go to the bottom of
24 the statement, can you tell the jury what you stated as
25 far as the height of the individual, the black individual

1 that hit you?

2 A I said he was approximately 5'9".

3 Q All right.

4 MR. ROBINSON: That's all the questions I have.

5 Thank you.

6 THE COURT: Anything?

7 MR. WILKINS: Nothing.

8 THE COURT: Thank you, sir. You may step down.

9 MR. WILKINS: The State calls Brian Gibson.

10 THE CLERK: Place your left hand on the Bible, raise
11 your right.

12 BRIAN GIBSON,

13 after having been duly sworn, testified as follows:

14 THE CLERK: Thank you, sir. Please be seated and
15 state your name for the record.

16 THE WITNESS: Brian Edward Gibson.

17 DIRECT EXAMINATION

18 BY MR. WILKINS:

19 Q Mr. Gibson, with whom are you employed?

20 A Pickens County Sheriff's Office.

21 Q And what do you do for the Pickens County Sheriff's
22 Office?

23 A I work in the forensics crime scene unit.

24 Q And as working in the forensic unit, what are your
25 basic job duties?

1 A We answer any kind of calls from burglaries,
2 malicious damage, to suicides, homicides, fingerprinting,
3 photography, latent print analysis. We do some drug
4 analysis. Just several various duties.

5 Q About how long have you been doing that?

6 A Since 1995, so 19 years.

7 Q I'm going to take you back, were you one of the
8 forensic investigators at a homicide at 201 Smoke Rise
9 Drive?

10 A Yes, sir, I was.

11 Q Can you tell this jury what you did that day and how
12 you got there?

13 A It was on the weekend. I had weekend duty. My
14 communications dispatch called me and advised that we had
15 a shooting incident and requested for me to respond to
16 Smoke Rise. I got there, met with officers that were on
17 the scene that had secured the perimeter and the area. I
18 talked with them, found out what they, actually, had
19 because I didn't get the full story. I just understood
20 that we had a shooting incident. We did have a deceased
21 subject there. The area was, like I said, roped off
22 already with crime scene tape. I called my supervisor,
23 Tony Robinson, which is standard procedure for us in any
24 kind of shooting incident such as this. And we began
25 processing the crime scene.

1 Q All right. Tell this jury how you went about
2 processing that particular crime scene.

3 A The first thing that I did was took photographs of
4 the outside of the apartment area, all the front, all four
5 sides so you could see everything, cars that were in the
6 driveway. Then we proceeded to go into the residence and
7 start taking photographs of the inside of the residence,
8 what it looked like when we got there on the scene.
9 Nothing had -- we had not touched anything as far as any
10 officers were in there. When we went in, we automatically
11 starting taking photographs of what we saw and how it
12 looked that day when we walked in.

13 Q Did you collect any evidence from this particular
14 crime scene?

15 A I'm sure I did. There were several -- like I said,
16 Lieutenant Robinson and I were both there, so I'm sure we
17 both collected various pieces of evidence.

18 Q Did you dust for any prints?

19 A Yes, sir, we did.

20 Q Did y'all find any prints anywhere that were of
21 value?

22 A No, sir, we did not develop any kind of latent
23 fingerprints or any kind of patterns that we could
24 identify any subject or any kind of material.

25 Q I'm going to take you to Monday after you were there

1 at Smoke Rise on that Saturday, did you have an occasion
2 to go to the property of Dale Dalton?

3 A Yes, I did.

4 Q How did you become involved in going there?

5 A I was already pretty much involved in the case, so
6 Monday when we came in, this was kind of later in the
7 afternoon, a lot of things had been developing and going
8 on in this case. We had some information to where we had
9 some items of evidence that needed to be found, collected
10 and taken into our possession. So I went with Detective
11 Gary Anthony and Agent Kevin Durham to the Daltons'
12 residence -- or property and we located some property that
13 was used in this crime.

14 Q Did Jaron Dalton go with y'all?

15 A Yes, sir, I believe that was his name. I was not
16 familiar with him, but I do know one of the Dalton
17 brothers did go with us, yes, sir.

18 Q Was he the one that took you to the particular
19 location where you found --

20 A Yes, he was.

21 Q What did you find at that location?

22 A When we got to the location, it was dark and rainy
23 and we were kind of following different trails. We got to
24 a trail that kind of went down to a little river. We
25 found an area where there was a section of dirt that

1 everything else -- this was in December, so you've got
2 leaves and stuff that had fallen in the woods. We found
3 one area that didn't have any kind of leaves on it. It
4 looked like it had been freshly cleared out. It was just
5 a big muddy spot. No dirt or leaves, anything like that
6 around it.

7 (WHEREUPON, State's Exhibit No. 44 was marked
8 for identification.)

9 BY MR. WILKINS:

10 Q I'm going to show you State's Exhibit 44 and see if
11 you can identify this object?

12 A Yes, sir.

13 Q Can you tell me what that is?

14 A It is one of the handguns that -- Taurus handgun,
15 automatic, 380 that we found in the backpack at the area
16 where we were led to by Mr. Dalton.

17 Q Okay. And did you collect that gun?

18 A Yes, sir, I did.

19 Q Was there any ammunition with it?

20 A Yes, sir, I believe so. Yes, there were -- rounds
21 that you see here is what we had in the bag. So
22 everything that was in that bag associated with this
23 weapon was collected from that bag.

24 Q When you collected that, what did you do with it?

25 A When we collected it, I brought it back to the law

1 enforcement center and allowed it to dry. Then we
2 packaged it to be sent to SLED for any kind of analysis we
3 needed, ballistics. We needed DNA. We needed latent
4 fingerprint processing. So it was allowed to dry and it
5 was packaged in this box, sealed up with evidence tape and
6 taken to SLED for any kind of analysis.

7 MR. WILKINS: Your Honor, the State moves Exhibit 44
8 into evidence.

9 MR. ROBINSON: No objection.

10 THE COURT: Okay.

11 (WHEREUPON, State's Exhibit No. 44 was admitted
12 into evidence.)

13 (WHEREUPON, State's Exhibit No. 43 was marked
14 for identification.)

15 BY MR. WILKINS:

16 Q Let me show you State's Exhibit 43 and see if you can
17 identify it?

18 A Yes, sir. It's a Springfield 9mm handgun automatic.

19 Q All right. Where did you locate that gun?

20 A It was, also, in the bag we collected at the Dalton
21 property.

22 Q What about the bullets?

23 A There was some bullets in the magazine that were
24 taken out. They were sent to SLED, which that packaging
25 is from State Law Enforcement Division, SLED, who packaged

1 them that way.

2 MR. WILKINS: Your Honor, the State moves Exhibit 43
3 into evidence.

4 MR. ROBINSON: No objection.

5 THE COURT: Okay.

6 (WHEREUPON, State's Exhibit No. 43 was admitted
7 into evidence.)

8 BY MR. WILKINS:

9 Q Real quick, these bullets, what kind of bullets are
10 these? Are you familiar with those?

11 A Yes, sir, they are 9mm caliber.

12 Q Is that hollow point or regular point? I don't know
13 a lot about that stuff.

14 A Yes, sir, these are what they call hollow point.

15 Q Okay. And what kind of analysis did you ask SLED to
16 conduct on this particular gun?

17 A We asked for DNA, ballistics, as well as latent
18 fingerprint processing.

19 (WHEREUPON, State's Exhibit No. 48 was marked
20 for identification.)

21 BY MR. WILKINS:

22 Q Let me show you State's Exhibit 48 and ask you to
23 identify it?

24 A This is the backpack that we located on the Dalton
25 property that Monday night.

1 MR. WILKINS: Your Honor, State moves Exhibit 48 into
2 evidence?

3 MR. ROBINSON: No objection.

4 THE COURT: Okay.

5 (WHEREUPON, State's Exhibit No. 48 were
6 admitted into evidence.)

7 (WHEREUPON, State's Exhibit No. 45, 46, and 47
8 were marked for identification.)

9 BY MR. WILKINS:

10 Q And 45?

11 A This appears to be a black hooded sweat jacket that
12 was found in the bag on the Dalton property.

13 BY MR. WILKINS:

14 Q And State's 46 --

15 MR. WILKINS: I'm sorry, Your Honor. State moves
16 Exhibit 45 into evidence.

17 MR. ROBINSON: No objection.

18 THE COURT: Okay.

19 (WHEREUPON, State's Exhibit No. 45 was admitted
20 into evidence.)

21 BY MR. WILKINS:

22 Q State's 46?

23 A That is a black University of South Carolina ball
24 cap.

25 Q Where was that taken?

1 A Out of the bag that we found on the Dalton property.

2 MR. WILKINS: The State moves 46.

3 MR. ROBINSON: No objection.

4 THE COURT: Okay.

5 (WHEREUPON, State's Exhibit No. 46 was admitted
6 into evidence.)

7 BY MR. WILKINS:

8 Q And I ask you to look at State's 47.

9 A It's a gray Carhartt stocking cap with holes cut out.

10 MR. WILKINS: State moves 47.

11 MR. ROBINSON: No objection.

12 THE COURT: Okay.

13 (WHEREUPON, State's Exhibit No. 47 was admitted
14 into evidence.)

15 BY MR. WILKINS:

16 Q Did you send any of these items down to SLED?

17 A Yes, sir. Those items were sent to SLED for DNA
18 analysis.

19 Q Okay. Other than that, Mr. Gibson, did you send
20 anything else down to SLED for analysis?

21 A Let me look at my paperwork and I can tell you
22 exactly what was sent down to SLED.

23 Q Absolutely.

24 A We sent several items -- you want me to read the
25 things that we sent down?

1 Q No, you don't have to do that.

2 A We sent several items, including a 9mm spent shell
3 casing, a projectile that we did recover, the items that
4 Solicitor Wilkins just showed to you, two handguns,
5 several other things that we did send down for some sort
6 of analysis.

7 Q On those two handguns, Exhibits 44 and 43, did you
8 determine who the owners of those guns were?

9 A Well, one of them definitely, yes, sir. Well, both
10 of them, we did determine that they were owned by Mr.
11 Dalton.

12 Q They were?

13 A Yes, sir.

14 MR. WILKINS: Please answer any questions
15 Mr. Robinson may have for you.

16 MR. ROBINSON: May it please the Court?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. ROBINSON:

20 Q Officer Gibson, you would agree with me that these
21 guns were found on the Dalton property; isn't that
22 correct?

23 A Yes, sir, we found them on the property of the Dalton
24 family.

25 Q These guns were found in a bag that belonged to one

1 of the Dalton brothers, correct?

2 A I don't recall if the bag was ever --

3 Q But it was found in a bag that you were led to by
4 Mr. Dalton, correct?

5 A Yes, sir.

6 Q So all these items here were found -- the items that
7 have been listed as exhibits here, these are items that
8 were found in that bag; is that correct?

9 A That's correct.

10 Q Okay. And this bag was -- this bag was found on the
11 Dalton property, the grandmother's property, correct?

12 A Correct.

13 Q And that was led to you -- you were led to that bag
14 that contained these items by one of the Dalton brothers;
15 is that correct?

16 A That is correct.

17 MR. ROBINSON: That's all I have. Thank you.

18 MR. WILKINS: No redirect, Your Honor.

19 THE COURT: All right. Thank you. You can step
20 down.

21 Let me talk to the lawyers.

22 (WHEREUPON, a bench conference was held in the
23 presence of the jury, but outside the hearing of the
24 jury.)

25 THE COURT: Okay. Solicitor.

1 MR. TIMMONS: The State calls Connor Mann.

2 THE CLERK: Place your left hand on the Bible, raise
3 your right.

4 CONNOR MANN,

5 After having been duly sworn, testified as follows:

6 THE CLERK: Thank you. Please be seated and state
7 your name for the record.

8 DIRECT EXAMINATION

9 BY MR. TIMMONS:

10 Q Please state your name for the record?

11 A Connor Mann.

12 Q Where are you from?

13 A I'm from Six Mile, South Carolina.

14 Q Did you grow up there?

15 A Yeah -- well, I grew up in Easley when I was younger
16 and then we moved to Six Mile about halfway through
17 elementary school.

18 Q I'm going to take you back to December 2012. Where
19 were you living?

20 A I was living in an apartment in Clemson. I forget
21 the name of the apartments, but they were behind Ace
22 Hardware.

23 Q Who was your roommate?

24 A Jaron Dalton.

25 Q Were you working then or were you a student?

1 A I was working at Fuddruckers of Anderson.

2 Q Do you remember December 8th, 2012?

3 A Yes.

4 Q Do you remember your roommate calling you?

5 A The 8th, which was a Saturday, I believe, is when I
6 woke up and no one was home. And from there, I went to
7 work and came home and still had not received any contact
8 from anybody.

9 Q Was that unusual?

10 A Yeah, a little bit, but he was an adult and I was an
11 adult, so we just kind of did our own thing.

12 Q Did he at some point contact you?

13 A Well, later that night after I got home from work, I
14 had seen some things going on on the news that kind of
15 made me curious and I, actually, called his brother,
16 Jordan, to see what was going on. They didn't seem to
17 know what was going on and they were getting ready for bed
18 or whatever. And we -- that was the -- that night was the
19 only conversation that we exchanged with each other. I
20 didn't, actually, speak to Jaron that night after I got
21 home from work.

22 Q Did he at some point ask you to bring him some items
23 from the apartment?

24 A The next day, he did. He did give me a call.

25 Q In the morning? What time?

1 A Yeah, it was in the morning time around lunchtime.
2 He gave me a call and asked me to get items and things and
3 put them in a bag and bring them to him where he was at at
4 his dad's house.

5 Q I'll show you some pictures. Is that the bag that
6 you put items into?

7 A Yes.

8 Q You see some items in there, a toboggan, a hat. Did
9 you put all those items in there for him?

10 A Yes, sir.

11 Q Is that the toboggan?

12 A Yes, sir.

13 Q Did you put all of those items?

14 A Yes, sir.

15 Q Into the bag for him?

16 A Yes, sir.

17 Q He, specifically, asked for them?

18 A He asked for the two guns, the little one and the
19 regular hand-held. The long clip in the picture was from
20 a rifle that he didn't ask for. I just put it in there
21 out of not really knowing what he wanted.

22 Q Did you ask him why he wanted these things?

23 A No. I just did what he wanted me to do. I mean,
24 sure, I had speculations, but I didn't ask why, I just did
25 it and met him at his dad's house as he asked on the

1 phone.

2 Q So you went out to his parents' house?

3 A Right.

4 Q And you went out there, who was there?

5 A When I got there, Jordan and Jaron were standing
6 outside in the driveway. They seemed to be the only ones
7 there.

8 Q Did you talk to them?

9 A Yeah, we had a conversation and we smoked a cigarette
10 and stood outside. I handed them the bag and that was
11 all.

12 Q This is the bag that you handed them?

13 A Yes.

14 MR. TIMMONS: Let the Court know that he has
15 identified State's Exhibit 48 as the backpack.

16 No further questions. Please answer any questions
17 Defense counsel may have.

18 THE COURT: Cross?

19 MR. ROBINSON: May it please the Court?

20 CROSS-EXAMINATION

21 BY MR. ROBINSON:

22 Q At some point that night, you received a call from
23 Jordan Dalton, didn't you?

24 A Yes, sir.

25 Q And in your conversation with Jordan Dalton, he

1 denied any knowledge of this incident, didn't he?

2 A Yes.

3 Q In fact, he, actually, told you that he was at his --
4 excuse me.

5 MR. WILKINS: Objection, hearsay, Your Honor.

6 THE COURT: Yeah. Sustained.

7 MR. ROBINSON: All right.

8 BY MR. ROBINSON:

9 Q Let's go back. You were Jaron's roommate at the
10 time, correct?

11 A Yes.

12 Q He had three different firearms; didn't he?

13 A Yes.

14 Q He had a 9mm, correct?

15 A Yes.

16 Q He had a 380?

17 A A small one.

18 Q A small gun?

19 A Yeah.

20 Q And, also, had a rifle; isn't that correct?

21 A Right.

22 Q And at some point, he called you to bring these items
23 to him; is that correct?

24 A Yes.

25 Q And at some point -- you couldn't find the 9mm at

1 first, could you?

2 A I had to ask him where it was.

3 Q And where did you find it?

4 A I believe I found it under the dresser.

5 Q Under a dresser in his room?

6 A Yes.

7 Q Okay. And, also, regarding the clips in this case,
8 were there clips laying around the apartment?

9 A Empty ones.

10 Q Empty ones?

11 A Yeah.

12 Q Were they in his room?

13 A No, they were just scattered.

14 Q Okay. Were they there when you left that apartment
15 earlier?

16 A Not in the same order that they were before.

17 Q Okay. How many shells -- or clips were laying on the
18 floor?

19 A I really couldn't tell you. I'm not sure.

20 MR. ROBINSON: Beg the Court's indulgence.

21 That's all the questions I have. Thank you.

22 THE COURT: Anything else?

23 MR. ROBINSON: No, Your Honor.

24 THE COURT: All right. Thank you. You can step
25 down.

1 Okay. Ladies and gentlemen, it's 12:30. I think
2 it's probably a good time to take a break for lunch. Ask
3 y'all to be back -- an hour for lunch, would that be
4 sufficient or does anybody need a little longer? Okay. I
5 ask y'all to be back at 1:30.

6 Remember not to talk about this. The farther, the
7 deeper you get into a case, the more tempting it's got to
8 be to want to discuss it. Don't do that. We'll see you
9 back in an hour. Thank you.

10 (WHEREUPON, the jury left the courtroom at
11 approximately 12:30 p.m.)

12 THE COURT: Okay. Anything before we break?

13 MR. WILKINS: May we approach and talk about the
14 schedule real quick?

15 THE COURT: Yeah come up.

16 (WHEREUPON, a bench conference was held.)

17 THE COURT: Okay. Are we ready?

18 MR. WILKINS: Yes, sir, Your Honor.

19 MR. ROBINSON: Yes, sir, Your Honor.

20 THE COURT: Okay.

21 (WHEREUPON, the jury entered the courtroom at
22 approximately 1:40 p.m.)

23 THE COURT: All right. Mr. Wilkins.

24 MR. TIMMONS: Thank you, Your Honor. The State calls
25 Michael Rainey.

1 THE CLERK: Place your left hand on the Bible, raise
2 your right.

3 MICHAEL RAINEY,
4 after having been duly sworn, testified as follows:

5 THE CLERK: Thank you, sir. Please have a seat and
6 state your name for the record.

7 THE WITNESS: Investigator Michael Rainey with the
8 Greenville County Sheriff's Office.

9 DIRECT EXAMINATION

10 BY MR. TIMMONS:

11 Q Investigator Rainey, where do you work?

12 A Greenville County Sheriff's Office.

13 Q How long have you worked there?

14 A Twenty years.

15 Q Have you ever received any specialized training in
16 regards to cell phone data recovery?

17 A Yes, sir, I have.

18 Q What are your current duties with the Greenville
19 County Sheriff's Office?

20 A Currently, assigned to the computer crimes unit.

21 (WHEREUPON, State's Exhibit No. 53 was marked
22 for identification.)

23 BY MR. TIMMONS:

24 Q Do you recognize this item?

25 A Yes, sir, I do.

1 Q For identification purposes, this is State's Exhibit
2 57. Did you ever forge or recover the data on this cell
3 phone?

4 A Yes, I did.

5 (WHEREUPON, State's Exhibit No. 53 was marked
6 for identification.)

7 BY MR. TIMMONS:

8 Q Is that called a Cellebrite report?

9 A Yes, sir, the particular program I use is Cellebrite
10 Forensics.

11 Q What is a Cellebrite report?

12 A The Cellebrite is a tool that we use produced by
13 Cellebrite to recover information off of cell phones.

14 Q Tell the jury how that works.

15 A Essentially, it's a two-part process. It's a unit.
16 You plug the phone into the Cellebrite device and we
17 download the information off of the cell phone and it
18 generates a report, at which point, I can put the report
19 onto a disk and turn it over to the investigators.

20 Q And you ran a Cellebrite report on this cell phone?

21 A Yes, I did.

22 Q Is that the Cellebrite report that you ran?

23 A It sure is.

24 Q And is this Kadeem Ramsey's cell phone and the
25 Cellebrite report from that cell phone?

1 A Yes.

2 MR. TIMMONS: The State moves to enter Exhibit 53
3 into evidence.

4 MR. ROBINSON: No objection.

5 THE COURT: Okay.

6 (WHEREUPON, State's Exhibit No. 53 was admitted
7 into evidence.)

8 BY MR. TIMMONS:

9 Q I'm going to show you a page on the Cellebrite report
10 and ask for you to explain to the jury what I'm showing
11 you. There's a laser pointer in front of you if you want
12 to use that. So will you explain what 29 and 30 is to the
13 jury?

14 A Can I, actually, see the piece of paper real quick so
15 I can see the top of it, or you can scroll it down to the
16 top of the page, either one.

17 Q I'll bring it to you.

18 A These are incoming phone calls. These are incoming
19 phone calls to the cell phone. It would show -- 29 and 30
20 will show the number that was called -- or calling this
21 particular phone.

22 Q So at 8:45 and 8:48 p.m. on December 12th, 2012, the
23 number (706) 391-1287 called this cell phone, Kadeem
24 Ramsey's cell phone back to back; is that correct?

25 A Yes, sir.

1 MR. TIMMONS: No further questions. Please answer
2 any questions Defense counsel may have.

3 THE COURT: Cross?

4 MR. ROBINSON: I have no questions.

5 THE COURT: Thank you, sir. You may step down.

6 MR. WILKINS: Your Honor, the State calls Jaron
7 Dalton.

8 THE CLERK: Place your left hand on the Bible, raise
9 your right.

10 JARON DALTON,
11 after having been duly sworn, testified as follows:

12 THE CLERK: Thank you. Be seated and state your name
13 for the record.

14 THE WITNESS: Jaron Dalton.

15 DIRECT EXAMINATION

16 BY MR. WILKINS:

17 Q Mr. Dalton, where do you currently reside?

18 A Pickens County LEC.

19 Q About how long you been there?

20 A Twenty-two months.

21 Q Mr. Dalton, before you were incarcerated in the
22 Pickens County law enforcement center, where did you live?

23 A At an apartment complex in Clemson.

24 Q Do you know the name of the complex? Do you remember
25 the name?

1 A I don't.

2 Q Do you remember about where it was located?

3 A Close to the Sonic in Clemson, Sonic drive-in.

4 Q Is that the Sonic on Highway 123?

5 A Yes.

6 Q Who did you live there with?

7 A My roommate, Connor Mann.

8 Q And how long did y'all live there together?

9 A Just a few months.

10 Q When did y'all start living there together?

11 A Probably somewhere in the middle of the summer. I
12 can't remember the exact month.

13 Q Do you remember what year?

14 A It was 2012.

15 Q All right. And Mr. Dalton, do you have a brother?

16 A I do.

17 Q What is your brother's name?

18 A Jordan Dalton.

19 Q And is he younger or older than you?

20 A Younger.

21 Q Younger than you. I want to take you back to
22 December 8th, 2012. Do you remember that day?

23 A I do.

24 Q What did you do that day?

25 A I was at my dad's house cutting trees up and getting

1 firewood and stuff for a bonfire.

2 Q Who's your dad?

3 A Brad Dalton.

4 Q Where does he live?

5 A Liberty, South Carolina.

6 Q After you were with your dad, what did you do?

7 A Just pretty much hung out all day at his house,
8 watched TV, played video games until later that night, I
9 ended up leaving with my brother to Clemson.

10 Q What kind of car do you drive?

11 A Black Dodge Durango.

12 Q And did you leave your father's house with your
13 brother?

14 A Yes.

15 Q Jordan?

16 A Yes.

17 Q Where did y'all go when y'all left?

18 A We went to Clemson to pay a bill and pick up Kadeem
19 Ramsey.

20 Q How did you come to go -- how did you know to pick up
21 Kadeem Ramsey, had y'all been communicating?

22 A Yes, we had called him.

23 Q Why were y'all going to pick up Kadeem Ramsey?

24 A To hang out and smoke some weed, just hang out, I
25 guess.

1 Q And how did you know Kadeem Ramsey?

2 A Through my brother. They went to school together.

3 Q And had you hung out with Kadeem before?

4 A Yes.

5 Q And did you talk to him on a regular basis?

6 A Pretty regular.

7 Q Would you consider him a friend?

8 A Yeah.

9 Q At that time?

10 A At that time.

11 Q I'm always referring to that 2012 time frame.

12 A Right.

13 Q So where did y'all pick up Kadeem Ramsey?

14 A At Abel Street.

15 Q Abel Street?

16 A Right.

17 Q Is that where -- did you know that to be where Kadeem
18 stayed at during that time?

19 A Sometimes, yes.

20 Q Okay. Do you remember about what time you picked up
21 Kadeem Ramsey?

22 A It was about 7:45, 7:50, somewhere in there.

23 Q 7:45, 7:50?

24 A Yes.

25 Q And what did y'all do after you picked up Kadeem

1 Ramsey?

2 A We was riding around. We went back to my apartment.
3 On the way there, we had called a few people trying to
4 find weed to buy, things like that.

5 Q Were y'all successful in locating any marijuana to
6 buy?

7 A No.

8 Q Okay.

9 A From there, we went back to my apartment and was
10 there for a little while. Then Kadeem had mentioned a
11 place to get weed that he had heard from Devaria Mosley.

12 Q Okay. And was this a place where you were going to
13 go purchase weed?

14 A No.

15 Q Okay.

16 A He had mentioned it was somewhere to go rob, steal
17 weed or something along those lines.

18 Q So at that point, did y'all have the intention of
19 purchasing weed from a location or taking the weed from
20 the person who owned it?

21 A He had mentioned taking it from the person who owned
22 it.

23 Q So in an effort to do that, what did y'all do?

24 A We -- he got in touch with Devaria, Kadeem did.

25 Q Devaria who?

1 A Mosley.

2 Q Okay. Do you see Devaria Moseley in this courtroom?

3 A Yes, sir.

4 Q Where is he?

5 A Right here.

6 Q Is that him sitting at the defense table?

7 A Yes.

8 Q And so after you were at your apartment, were y'all
9 able to contact the Defendant, Devaria Mosley?

10 A Kadeem did, yes.

11 Q Kadeem did?

12 A Yes.

13 Q Do you know how he contacted him?

14 A I think by cell phone.

15 Q Did Devaria Mosley have a cell phone?

16 A I believe he did at the time.

17 Q Did y'all do anything to prepare for this idea that
18 y'all had?

19 A Not a whole lot. I think my brother had made
20 something from a toboggan, but I had just used the hat and
21 sunglasses and things.

22 Q Okay. Well, let's stop there. Is this -- I'm going
23 to show you what's marked as State's 47. Do you recognize
24 that?

25 A Yes.

1 Q What is it?

2 A That's the baseball cap I wore.

3 Q Is this what you were wearing that night?

4 A That's it.

5 Q What else did you wear with it?

6 A A black hoodie.

7 Q I'm going to show you State's 45. Do you recognize
8 that?

9 A I do.

10 Q Is that your black hoodie?

11 A It is.

12 Q Is that what you were wearing that night?

13 A It is.

14 Q Now, I'm going to show you State's 46. Do you
15 recognize this?

16 A I do.

17 Q What is that?

18 A That's the mask my brother wore.

19 Q All right. And what are these in the front?

20 A Holes.

21 Q Why did he cut those holes?

22 A I guess to see out of.

23 Q Was he going to try to cover his face with this?

24 A I believe so, yeah.

25 Q Were you able to locate Devaria Moseley?

1 A Yes, we did.

2 Q How did y'all do that?

3 A Kadeem called him on his cell phone.

4 Q So once y'all contacted Devaria Mosley, did y'all
5 leave the apartment?

6 A Yes.

7 Q Where did y'all go?

8 A We went to Vista Drive.

9 Q Vista Drive?

10 A Yep.

11 Q And what was going on at Vista Drive when you got
12 there?

13 A I'm not sure. We never got out of the car. He come
14 and met us at the car.

15 Q So you pulled up in what car?

16 A My Dodge Durango.

17 Q Who was sitting in the front seat?

18 A I was the driver and my brother was in the passenger
19 seat.

20 Q Who was in the back seat?

21 A Kadeem Ramsey.

22 Q And you pulled up to Vista Drive, what happened?

23 A Devaria come out and he come up to the window and he
24 was telling us a little bit about where it was and stuff
25 like that. Then he got in the car.

1 Q So what was he telling you about where it was?

2 A He told me it was at Chimney Ridge, Chimney Ridge
3 apartment complex.

4 Q What was he telling you that was there?

5 A Somewhere around three to four pounds of marijuana.

6 Q All right. Let me ask you this, did you bring any
7 guns over there to pick up Devaria, pick up the Defendant,
8 Devaria Mosley?

9 A Yes, I got them from my apartment.

10 Q What kind of guns?

11 A It was a 9mm and a 380.

12 Q Okay. I'm going to show you State's Exhibit 43 and
13 44 -- actually, I'm just going to show you State's Exhibit
14 43. Do you recognize this gun?

15 A I do.

16 Q Is that the gun you took with you?

17 A Yes.

18 Q Where did you put the guns when you left your
19 apartment? Where did you conceal them?

20 A In the glove compartment of my car.

21 Q Of your car?

22 A Yeah.

23 Q So you spoke to Devaria Mosley about some
24 information. Did Devaria Mosley get in the car with you?

25 A He did.

1 Q And once he got in the car with you, where did you
2 go?

3 A We went to Chimney Ridge apartments.

4 Q And about how far away is Chimney Ridge from Vista
5 Drive?

6 A Maybe a mile, two miles.

7 Q So where was Devaria sitting?

8 A Behind me in the back seat.

9 Q Now, what was everybody -- do you remember what
10 everybody was wearing?

11 A I don't.

12 Q Do you remember what Devaria was wearing?

13 A I don't.

14 Q What about Kadeem?

15 A I think he had on like a purple hoodie or college
16 team hoodie or something like that.

17 Q All right. So what did you do -- well, on the way
18 there, did you discuss with Devaria or anybody else what
19 y'all were going to do?

20 A Just go in and, you know, get everybody down and just
21 try to find the weed and get out pretty much.

22 Q So did you have -- you had a plan to go rob
23 marijuana?

24 A Yes.

25 Q So did you go to Chimney Ridge?

1 A We did.

2 Q Where did you go once you got to Chimney Ridge?

3 A We pulled in the front gate. They were opened at the
4 time, and we pulled up. Devaria and Kadeem had pointed
5 out the house that we was going to go into. And --

6 Q So Devaria pointed out the house that you wanted to
7 go to?

8 A Right.

9 MR. ROBINSON: Objection, Your Honor, leading.

10 BY MR. WILKINS:

11 Q Did Devaria point out the house that you were going
12 to?

13 A Yes.

14 Q Did Kadeem point out the house that you were going
15 to?

16 A Yes.

17 Q Do you remember which house you, actually, went to?

18 A It was the first house on the left going in.

19 Q All right. I'm going to show you State's Exhibit 3.
20 And there's a laser pointer. And I may have to get you to
21 come down -- I'm going to get you to come down and stand
22 right here so you can show the jury exactly where you
23 went, okay?

24 A Okay.

25 Q Can you step on down?

1 A (Witness complied.)

2 Q Do you recognize this photo?

3 A I do.

4 Q Is this Chimney Ridge?

5 A It is.

6 Q Can you just point, you can point with your finger,
7 kind of stand inside so everybody can see, how you drove
8 in and where you parked?

9 A We drove in down here and we parked somewhere in one
10 of these houses up here.

11 Q Is that when -- when did Devaria or Kadeem show you
12 which house that y'all were going to rob?

13 A When we were pulling in.

14 Q So where did you -- do you know approximately where
15 you parked?

16 A Somewhere about three to four houses up, somewhere in
17 here.

18 Q So what did you do, did you pull in?

19 A Yeah, we pulled in?

20 Q What did you do?

21 A We sat there for a few minutes. There was a car
22 parked down in front with its lights on getting ready to
23 leave. We waited on that car to leave before we got out.
24 And from there, we went down behind the houses, down a
25 back alley.

1 Q Okay. Well, before y'all got there, did you have any
2 conversations about who was going to do what?

3 A Not really. I had the 9mm and my brother had the 380
4 at the time. And on the way to the -- in the back alley,
5 we had stopped and Devaria Mosley pointed -- didn't have a
6 weapon with him, that's when I give him my weapon.

7 Q Which caliber weapon did you give him?

8 A The 9mm.

9 Q Devaria Mosley, the Defendant?

10 A Yes, sir.

11 Q So show about where y'all walked down?

12 A We walked down through here and to the back door of
13 the apartment.

14 Q Okay. Where is the back door located?

15 A Right here.

16 Q So before y'all entered, did y'all discuss anything
17 or talk about anything or did y'all just run straight in
18 and go?

19 A Just pretty much just run straight in and go.

20 Q All right. You can have a seat back.

21 A (The witness complies.)

22 Q Once y'all decided to go into the house, who was the
23 first person in?

24 A Devaria Mosley.

25 Q Tell this jury what happened once y'all went inside.

1 A Devaria was in first, my brother was second. And
2 they immediately started yelling get on the ground. And
3 before they got on the ground, I think Devaria had hit
4 somebody with the pistol that was sitting on the couch.
5 Then that's when they got on the ground.

6 Q What did Devaria Mosley do after that?

7 A He continued to yell, Where's the dope at? Where's
8 the dope at? And he hit a couple of people with the
9 pistol, one repeatedly.

10 Q Okay. Hold on right there. I'm going to show you
11 State's Exhibit 27, do you recognize that picture?

12 A I do.

13 Q What is that?

14 A That's the inside of the apartment.

15 Q All right. Where did y'all enter into from?

16 A From the back door.

17 Q Okay. And where did you go when you entered?

18 A I come in right behind them and stood in front of the
19 coffee table.

20 Q In front of the coffee table?

21 A Yes.

22 Q There's a laser pointer if you want to point to it.
23 Where did Devaria go, Devaria Mosley?

24 A He was standing right about here and I was somewhere
25 right about here.

1 Q Where did your brother, Jaron, go?

2 A Jordan?

3 Q I'm sorry, Jordan?

4 A Jordan, I think him and Kadeem Ramsey went upstairs
5 to see if there was anybody upstairs or anything.

6 Q What did Devaria Mosley do once he got in the
7 apartment?

8 A He continued to hit people with the pistol and he
9 asked them where the dope was, and, you know, stay on the
10 ground, keep your faces down, stuff like that.

11 Q Okay. What happened next?

12 A As he was hitting them, you know, I was standing
13 there, you know, kind of watching over, I guess you could
14 say. After he hit him one time, he come up and the gun
15 went off.

16 Q How many times did he strike the individual that was
17 shot?

18 A A good many. I can't tell you exactly how many, but
19 it was around eight to 10 times probably or more.

20 Q Okay. Then describe in detail. So when did you see
21 the gun go off?

22 A When he was coming up from hitting him, he come up
23 and the gun just fired about halfway up.

24 Q What did y'all do?

25 A At that time, I think my brother and Kadeem had just

1 come back downstairs. And we all kind of stood there,
2 kind of shocked that the weapon had fired, you know. Then
3 I think it was my brother said run. That's when we
4 proceeded out of the house out the back door.

5 Q And where did y'all run to?

6 A We run up the back alley and back to my car.

7 Q And what did you do once you got to the car?

8 A We got in and we left Chimney Ridge and went back to
9 my apartment.

10 Q Now, when you got in the car and you left, did you
11 leave at a slow rate of speed or a high rate of speed?

12 A I guess a high rate of speed.

13 Q And what did you do with the guns once you got inside
14 the car?

15 A I think Devaria still had the 9mm and Jordan had the
16 380 at the time until we got back to the apartment.

17 Q Did y'all, actually, take anything from the
18 apartment?

19 A I think we got like one or two grams of weed.

20 Q Where was that taken from, do you know?

21 A I believe off the coffee table, maybe.

22 Q When y'all got back to the apartment, what did y'all
23 do?

24 A We smoked some of the weed and Devaria had made a
25 phone call to somebody to come pick him up. And probably

1 five to 10 minutes later, they come pick him up. From
2 then on, me and my brother left and went back to Liberty.

3 Q All right. So somebody came to your apartment about
4 10 minutes or so after you arrived?

5 A Yes.

6 Q Or smoked some marijuana?

7 A Right.

8 Q Do you remember what kind of car it was?

9 A I don't. I never seen the car.

10 Q Did you see the car?

11 A No.

12 Q Who left?

13 A Devaria and Kadeem.

14 Q Devaria and Kadeem?

15 A Yes.

16 Q Do you know where they went?

17 A No.

18 Q Have you seen them since then?

19 A Just at the jail.

20 Q You've only seen them since you've been arrested?

21 A Right.

22 Q What did you and Jaron do after they left?

23 A Me and Jordan?

24 Q I'm sorry, I apologize. I'm calling you Jordan.

25 A We went back to my dad's house and hung out there

1 throughout the night.

2 Q What did you do with the guns?

3 A We left them at the apartment.

4 Q Okay.

5 A And hung out to the next day when my brother
6 mentioned that we needed to get the guns and stuff and
7 take them and bury them somewhere in the woods.

8 Q Did you call anybody to go get those guns?

9 A I did. I called my roommate, Connor.

10 Q What's his last name?

11 A Connor Mann.

12 Q What did Connor do?

13 A He was asking me why and stuff like that. I just
14 told him we just needed to get it and there was too much
15 going on. They might try to point the finger at us or
16 whatever. So he got all the stuff and brought it to us.

17 Q Did you tell him what you had done?

18 A No.

19 Q Did he, in fact, bring you the guns?

20 A Yes.

21 Q What did he bring them to you in?

22 A A Duke Energy bag, backpack.

23 Q I'm going to show you State's Exhibit 48. Is this
24 the backpack?

25 A It is.

1 Q Why a Duke Energy bag?

2 A That's where I worked.

3 Q How long did you work at Duke Energy?

4 A Close to five years.

5 Q So what did you do with the bag, the backpack and the
6 contents of it?

7 A We took them in the woods, off back in the woods and
8 we buried them.

9 Q So after you buried them, what did you do?

10 A We sat around at the house the rest of the weekend.
11 I went to work Monday. I had left my dad's house and went
12 to stay at my mom's house Sunday night. I went to work on
13 Monday morning.

14 Q What did you do after work?

15 A I come and turned myself in at LEC.

16 Q Why did you do that?

17 A I guess I just couldn't take it anymore, everything
18 that was going on.

19 Q When you got to the LEC, what did you do? Did you
20 talk to law enforcement?

21 A I did.

22 Q And what did you tell law enforcement?

23 A That Devaria Mosley was the shooter and that me and
24 my brother and Kadeem was with him.

25 Q Did you take law enforcement out to find that

1 backpack and contents?

2 A I did.

3 Q When did you do that?

4 A It was probably about 7:30 that night..

5 Q And did you -- where did you take them?

6 A Took them to my grandma's house, which is right
7 beside my dad's house, or behind it. Took them in the
8 woods and we went and uncovered it.

9 Q And after you came in and told law enforcement what
10 happened, were you arrested?

11 A Yes.

12 Q And have you pled guilty to anything since then?

13 A I have.

14 Q What did you plead guilty to?

15 A Voluntary manslaughter, first degree burglary, and
16 possession of a weapon.

17 Q Okay. I thought you were charged with murder?

18 A I was.

19 Q Why did you plead to voluntary?

20 A That was the plea given.

21 Q Was that the deal you gave that the State's office
22 offered you, to plead to voluntary manslaughter?

23 A Right. Because I was not the shooter and it was
24 Devaria Mosley.

25 Q Devaria Mosley was the shooter?

1 A Right.

2 Q Have you always maintained since the time you walked
3 in with law enforcement on Monday, two days after the
4 murder, that Devaria Mosley was the shooter?

5 A Yes.

6 MR. ROBINSON: Your Honor, objection, relevance.

7 THE COURT: Overruled.

8 THE WITNESS: Yes.

9 BY MR. WILKINS:

10 Q Did you ever equivocate on that issue?

11 A No.

12 Q Real quick, this 9mm that you said was yours, is this
13 the gun you handed Devaria Mosley before you went into the
14 apartment?

15 A That's correct.

16 Q This gun right here, State's 43.

17 A Right.

18 MR. WILKINS: I'm going to ask you to answer
19 questions Mr. Robinson may have for you.

20 THE WITNESS: Okay.

21 MR. ROBINSON: May it please the Court?

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. ROBINSON:

25 Q Mr. Dalton, you would agree that voluntary

1 manslaughter carries less time than murder; doesn't it?

2 A I think so. I believe.

3 Q And you were offered a lesser included charge of
4 voluntary manslaughter versus murder in this case,
5 correct?

6 A Yes, because I was not the shooter.

7 Q Okay. And that's what you told law enforcement; is
8 that correct?

9 A Right.

10 Q Okay. But you would agree with me, though, that your
11 fate in this case is in the hands of the prosecutor, isn't
12 it, as far as what happens to you in terms of sentencing?

13 A I believe so, yeah.

14 Q You could either get a long sentence or a short
15 sentence from the prosecutor recommendation, correct?

16 A I believe so, yes.

17 MR. WILKINS: Objection, Your Honor, that's --

18 THE COURT: Sustained. The sentencing is up to the
19 Court.

20 MR. ROBINSON: Withdrawn.

21 BY MR. ROBINSON:

22 Q Now, when this first happened, it was you, Kadeem,
23 and your brother in the apartment, correct?

24 A Yes. And Devaria Mosley.

25 Q I'm sorry?

1 A And Devaria Mosley.

2 Q I thought you testified a few moments ago it was you,
3 your brother, and Kadeem were in the apartment together?

4 A My apartment?

5 Q Yes.

6 A My apartment, yes.

7 Q The three of you were first there, correct?

8 A Right.

9 Q And you testified that you and your brother were
10 friends with Kadeem Ramsey; isn't that correct?

11 A Correct.

12 Q And you and your brother had known Kadeem Ramsey for
13 a period of time prior to December 8th, 2012, correct?

14 A Correct.

15 Q And you had had dealings with him before; isn't that
16 correct?

17 A Correct.

18 Q Now, in terms of what happened that night as far as
19 when you went to the apartment that night, who went first?

20 A Which apartment?

21 Q The apartment at Chimney Ridge.

22 A Devaria was the first one in the apartment.

23 Q Okay. Who was next?

24 A My brother, Jordan.

25 Q And where was Kadeem?

1 A He was the third one in the apartment.

2 Q Third one, so it was, according to you, Devaria, your
3 brother --

4 A Kadeem.

5 Q And then you in the back?

6 A Right.

7 Q And you were standing at the door; is that right?

8 A I opened the door and once everybody went in, I went
9 in behind them, yes.

10 Q Okay. I think your testimony was that Kadeem and
11 your brother went upstairs in the apartment and were
12 searching around; is that right?

13 A Right.

14 Q Okay. And the vehicle, that Dodge Durango, that was
15 your vehicle, correct?

16 A Right.

17 Q And as far as the items that were in the bag that was
18 buried on your grandmother's property, that contained the
19 material or the clothing that was worn by you and your
20 brother that night, correct?

21 A Yes.

22 Q Now, you mentioned what your brother wore and that
23 was what? What did your brother wear?

24 A He wore a toboggan with holes in it.

25 Q What color was it?

1 A Gray.

2 Q Okay. And you wore what?

3 A I wore a hoodie with a baseball cap.

4 Q And Kadeem wore what?

5 A A purple hoodie, I think it was.

6 Q A purple hoodie?

7 A Yeah.

8 Q But you don't recall that night what Lester Moseley
9 wore?

10 A No.

11 Q The guns that were used in this, they were both your
12 guns; weren't they?

13 A Yes.

14 Q You had a 380 and a 9mm, correct?

15 A Correct.

16 Q Now, also, at the apartment that you shared with
17 Connor Mann, you had hidden the 9mm; isn't that correct?

18 A Yes.

19 Q So you hid the 9mm gun. And did the 9mm gun have any
20 bullets in it?

21 A I believe so at the time, yes.

22 Q Okay. All of the items from this incident that took
23 place were put in that bag, correct?

24 A Right.

25 MR. ROBINSON: That's all I have. Thank you.

1 THE COURT: Redirect?

2 MR. WILKINS: Briefly.

3 REDIRECT EXAMINATION

4 BY MR. WILKINS:

5 Q Jaron, do you know who's responsible for deciding
6 what your sentence is going to be?

7 A I believe it's the Judge.

8 MR. WILKINS: No further questions.

9 THE COURT: All right. You can step down. Thank
10 you.

11 MR. WILKINS: The State calls Kadeem Ramsey.

12 THE CLERK: Place your left hand on the Bible, raise
13 your right.

14 KADEEM RAMSEY,

15 after having been duly sworn, testified as follows:

16 THE CLERK: Please be seated and state your name for
17 the record.

18 THE WITNESS: Kadeem Ramsey.

19 DIRECT EXAMINATION

20 BY MR. WILKINS:

21 Q Mr. Ramsey, make sure you speak up because the jury
22 over here needs to hear everything that you say, okay.

23 Mr. Ramsey, where do you currently reside? Where do you
24 live right now?

25 A Clemson.

1 Q No, where do you live right at this moment?

2 A LEC.

3 Q Is that Pickens?

4 A Pickens County.

5 Q How long have you been there?

6 A Going on two years.

7 Q All right. And before that, before you were
8 arrested, before you went to the law enforcement center,
9 where did you live?

10 A In Clemson.

11 Q Do you remember what street?

12 A Madden Bridge Road.

13 Q And who did you live with?

14 A My mom.

15 Q Your mom?

16 A Yeah.

17 Q And Mr. Ramsey, I'm going to take you back to
18 December 8th, 2012. Do you remember that day?

19 A Yes, sir.

20 Q Okay. On that day, where were you staying on that
21 day?

22 A I was at my grandma's.

23 Q Do you remember where she lives, what street?

24 A Abel.

25 Q Abel Street?

1 A Yeah.

2 Q And did you ever start hanging out with Jaron and
3 Jordan Dalton that day?

4 A Yes, sir.

5 Q Do you know how y'all got together?

6 A Jordan texted me and he asks me -- he was asking
7 about some marijuana.

8 Q Okay. Do you remember about what time he started
9 texting you?

10 A I don't remember.

11 Q Was it in the morning or afternoon?

12 A It was afternoon.

13 Q Okay. And he texted you about some marijuana?

14 A Yeah.

15 Q When he texted you, what did you do?

16 A Texted him back and told him yeah.

17 Q Did you know anything about some marijuana?

18 A I knew, but the people I knew didn't have none.

19 Q Okay. All right. So what did you do next?

20 A I told him I know somebody that probably would.

21 Q Who did you know that probably would?

22 A Devaria.

23 Q Devaria who?

24 A Mosley.

25 Q Do you see Devaria in this courtroom?

- 1 A Yes, sir.
- 2 Q Where is he?
- 3 A Over there.
- 4 Q Are you pointing to the Defendant?
- 5 A Yeah -- excuse me?
- 6 Q Are you pointing to the Defendant, Devaria Mosley?
- 7 A Yes, sir.
- 8 Q Okay. So did the Daltons come pick you up that day?
- 9 A Yes, sir.
- 10 Q What kind of car did they pick you up in?
- 11 A Black Durango.
- 12 Q And when they picked you up, what did you do -- or
- 13 what did the three of you do?
- 14 A Went to Vista.
- 15 Q You went to Vista?
- 16 A Yeah.
- 17 Q Why did you go to Vista Street?
- 18 A Waiting on Devaria.
- 19 Q So you went there to go pick up Devaria?
- 20 A Yes, sir.
- 21 Q Had you been talking to Devaria?
- 22 A Yes, sir, I was texting him.
- 23 Q Did Devaria have a cell phone at the time?
- 24 A Yes, sir.
- 25 Q He did?

1 A Yes, sir.

2 Q So what happened when you got to Vista Street?

3 A We waited on Devaria. He got there, then we left and
4 went to Chimney Ridge.

5 Q So did he get in the Durango with you guys?

6 A Yes, sir.

7 Q Do you remember how Devaria was dressed that day?

8 A No, sir. I remember a sweater, it was like an orange
9 sweater. I don't remember what pants or shoes -- a red
10 sweater, excuse me.

11 Q Where did y'all go?

12 A Chimney Ridge.

13 Q I'm going to show you what's marked as State's
14 Exhibit 3. Can you show this jury where you went in
15 Chimney Ridge? Can you step on down here and just show
16 them what you did.

17 A (Witness complies.)

18 Q Do you recognize this?

19 A Yes, sir.

20 COURT REPORTER: I can't hear him, I'm sorry.

21 THE COURT: You've got to keep your voice up.

22 BY MR. WILKINS:

23 Q Is that where you parked?

24 A Yes, sir.

25 Q Okay. And once you parked, what were you planning to

1 do?

2 A I don't know who live there, see if he had some weed.

3 Q Were you planning to go buy it or were you planning
4 to go take it?

5 A Take it.

6 Q Okay. And did y'all have any guns?

7 A Not to my knowledge, but when we got in the car,
8 Jaron and Jordan had guns.

9 THE COURT: You've got to keep your voice up.

10 THE WITNESS: Jaron and Jordan had guns when we got
11 in the car.

12 BY MR. WILKINS:

13 Q So when you got out of the car, where did you go?

14 A Back alley right here and stopped right there.

15 Q Okay. At the end of the house?

16 A Yeah.

17 Q When you stopped at the end of the house, what did
18 y'all do?

19 A We looked in there and seen if anybody was there.
20 And when we looked in there, I told them -- told Jordan
21 Dalton that it was a bad idea, not to go in there. We was
22 carrying on back and forth. He told Jaron to give Devaria
23 the gun and we went in the house.

24 Q Okay. Did Jaron give Devaria the gun?

25 A Yes, sir.

1 Q All right. You can have a seat.

2 A (The witness complies.)

3 Q Kadeem, do you remember what the Dalton boys were
4 wearing?

5 A I remember a jacket. I don't remember no clothes. A
6 hat, one of them -- Jaron had on a Carolina hat. Jordan
7 had on a ski mask.

8 Q But you don't remember what Devaria had on?

9 A He didn't have a hat.

10 Q He didn't have a hat on?

11 A Neither me or him had a hat on.

12 Q So how did he cover his face?

13 A He didn't.

14 Q He didn't cover his face?

15 A Uh-huh.

16 Q What happened when y'all went in?

17 A The three of them went in first. I came behind them.
18 I went upstairs. And when I went upstairs is when --
19 coming back down, the gunshot went off.

20 Q Did you ever go into the living room here? Look at
21 State's Exhibit 29 that's on the screen. Did you ever go
22 in the living room?

23 A When you go in through the back door, you got to go
24 through the living room. I went through like the corner
25 right there where the steps at, I went to the living room,

1 I stopped right there and then heard something upstairs
2 and went upstairs.

3 Q What happened after you went upstairs?

4 A On my way back down, the gunshot went off.

5 Q And do you know who shot the gun?

6 A From -- I know who shot the gun.

7 Q Who shot the gun?

8 A Devaria.

9 Q When Devaria went in, what was he doing?

10 A When I seen him, he was just pointing the gun. But I
11 didn't -- that's all.

12 Q Was he saying anything?

13 A Not that I remember.

14 Q Once you heard the gunshot, where did you go?

15 A I ran out the back door.

16 Q And where did you go? What did you run to?

17 A The truck, back to the car.

18 Q Okay. And what happened there?

19 A We pulled off.

20 Q Did everybody get in the car?

21 A Everybody got in the car.

22 Q Okay. And where did y'all go?

23 A Back to Jaron's house.

24 Q To his apartment?

25 A Yeah, to his apartment.

1 Q Had you been to Jaron's apartment before, were you
2 familiar with it?

3 A Yeah.

4 Q And at that point, what did y'all do?

5 A We got back to Jason's apartment, we sat around and
6 waited until we had caught a ride.

7 Q Who did you call to come get you?

8 A Ericka. It was Ericka.

9 Q Ericka who?

10 A Gibson.

11 Q Anybody else?

12 A Well, Mari was with me.

13 Q Mari who?

14 A Greenlee.

15 Q Did you have a cell phone at the time?

16 A Yeah, I did.

17 Q All right. I'm going to show you State's Exhibit 53,
18 which is a report of your cell phone?

19 A Uh-huh.

20 Q I'm going to ask you to look at numbers 29 and 30.

21 Do you recognize that number?

22 A Yeah, by the area code.

23 Q You recognize that number by the area code?

24 A Yeah.

25 Q Whose number is that?

- 1 A That's Ericka's number.
- 2 Q So is it consistent that she called you at 8:45 and
- 3 8:48 on December 8th?
- 4 A Yes.
- 5 Q That's what that record says?
- 6 A Yes, sir, that's what the record says.
- 7 Q Did you talk to her or did Devaria talk to her?
- 8 A I didn't talk to her.
- 9 Q You did not talk to her?
- 10 A No, sir.
- 11 Q Did Devaria talk to her?
- 12 A Yes, sir.
- 13 Q And, in fact, did Ericka come and pick y'all up?
- 14 A Yes, sir.
- 15 Q What's Ericka's relationship to Devaria Mosley?
- 16 A They was dating.
- 17 Q They were dating? Were they dating at this time?
- 18 A Yeah. Yes, sir.
- 19 Q And where did they pick you up at?
- 20 A Where?
- 21 Q Where were you when they picked you up?
- 22 A At Jaron's house.
- 23 Q At Jaron's apartment?
- 24 A Yeah.
- 25 Q What kind of car was Ericka driving?

1 A A Honda.

2 Q Do you remember what color?

3 A Silver.

4 Q Okay. And about how much time passed after she
5 called your phone to come get y'all up did she, actually,
6 arrive there?

7 A I don't remember. I don't know the time.

8 Q Ten minutes, 15 minutes?

9 A Fifteen.

10 Q Did you and Devaria Mosley get in the car with her?

11 A Yes, sir.

12 Q Where did y'all go?

13 A To the -- went back to Issaqueena Trail.

14 Q You went where?

15 A To Issaqueena Trail.

16 Q Okay.

17 A And got there, I left, he stayed there.

18 Q Okay. When y'all went, who was there?

19 A His cousin and --

20 Q Whose his cousin?

21 A I get her name mixed up. I really don't know. I get
22 her name mixed up. I don't know her.

23 Q Did you go to Cosha's house?

24 A Yeah, that the one.

25 Q And who was at Cosha's house when you went there?

- 1 A It was me, Devaria.
- 2 Q Devaria Mosley?
- 3 A Yeah.
- 4 Q Who else?
- 5 A P.J., Chico.
- 6 Q P.J., what's P.J.'s last name?
- 7 A Phillip, I think, Phillip Bruce?
- 8 Q Bruce?
- 9 A Yeah.
- 10 Q And who else?
- 11 A Ericka -- I mean, Mari, Mari.
- 12 Q And Mari?
- 13 A Yeah.
- 14 Q Okay. Once you got there, did you stay there for a
- 15 long time or did you leave?
- 16 A I left.
- 17 Q Where did you go?
- 18 A I went to my aunt house.
- 19 Q Okay. How far away is your aunt's house?
- 20 A Not even five minutes.
- 21 Q Did you walk there or were you given a ride there?
- 22 A Gave a ride.
- 23 Q Somebody gave you a ride?
- 24 A Yes, sir.
- 25 Q Do you remember who?

1 A Huh-uh.

2 Q All right. Do you recall being pulled out of your
3 classroom at Daniel High School on that following Monday?

4 A Yes, sir.

5 Q Did you speak with anybody that day?

6 A Yes, sir.

7 Q All right. Do you remember what class you were in
8 when you were being pulled out?

9 A I think English.

10 Q English?

11 A Yeah.

12 Q Between the time you left right there and the time
13 you were pulled out by law enforcement, had you seen
14 Jordan or Jaron Dalton?

15 A Huh-uh.

16 Q Had you talked to Jordan or Jaron Dalton?

17 A No, sir.

18 Q Had you seen Devaria Mosley between that time?

19 A No, sir.

20 Q So you were pulled out. What did you tell law
21 enforcement when you were pulled out of class that day.

22 A Asked them -- I mean, I told them what happened, that
23 we went out there.

24 Q Who did you tell them went to Chimney Ridge?

25 A Me, Jaron, Jordan.

1 Q And who else?

2 A And Devaria.

3 Q And Devaria?

4 A Yeah.

5 Q And who did you tell shot the person at Chimney
6 Ridge?

7 MR. ROBINSON: Your Honor, objection.

8 THE COURT: Based on what?

9 MR. ROBINSON: Relevance, Your Honor.

10 THE COURT: Overruled.

11 BY MR. WILKINS:

12 Q Who did you tell law enforcement on that Monday at
13 Daniel High School had shot the person at Chimney Ridge?

14 A I told them I don't know. I told them it was between
15 the two people that had the gun, Jaron -- I mean, Jordan
16 and Devaria.

17 Q Jordan and Devaria?

18 A Yeah.

19 Q Who shot the person at Chimney Ridge?

20 A Devaria did.

21 Q Devaria Mosley?

22 A Yes.

23 Q Did you tell law enforcement that?

24 A No, I told them I don't know.

25 Q Did you eventually tell law enforcement that?

1 A No, sir. Because I ain't never changed my statement.

2 Q You never changed your statement?

3 A Yeah, I just told them I don't know. It was between
4 the two guys that had the gun.

5 Q Okay. Is that because you were upstairs?

6 A Yes, sir. Yes, sir.

7 Q Well, you're telling this Court today and this jury
8 today who shot the individual at Chimney Ridge that night?

9 A Yes, sir.

10 Q Who shot?

11 A Devaria.

12 MR. WILKINS: Answer any questions Defense counsel
13 may have.

14 THE COURT: Cross?

15 MR. ROBINSON: May it please the Court?

16 CROSS-EXAMINATION

17 BY MR. ROBINSON:

18 Q Well, you just said a minute ago that you didn't know
19 who shot the person?

20 A Yes, sir.

21 Q So you don't know who shot the person, do you? You
22 don't know who shot this person?

23 A I mean, I know because of where I was at in the house
24 and who else was with me in the house.

25 Q But you didn't see Lester Mosley shoot this person,

1 did you?

2 A No, sir, I didn't.

3 Q And you, actually, told law enforcement that you
4 don't know who shot this person?

5 A Yes, sir.

6 Q Now, you, also, said a few moments ago that that day
7 that -- you weren't really sure how Lester was dressed,
8 but he may have had an orange sweater on; isn't that
9 correct?

10 A Yes, sir.

11 Q And can you tell -- what was the order that you guys
12 all went into this apartment at Chimney Ridge? Who went
13 first?

14 A Oh, Jaron and --

15 Q Jaron went first?

16 A Jaron went first.

17 Q Okay.

18 A I think it was Jordan, then Devaria, then me.

19 Q So it was Jaron first, Jaron Dalton first, Jordan
20 Dalton second, Lester third?

21 A Yeah.

22 Q Then you were last, right?

23 A Yeah.

24 Q Let me ask you about your relationship with the
25 Dalton brothers. You knew them prior to this time -- back

1 in December of 2012, you had known them for a period of
2 time, hadn't you?

3 A Uh-huh.

4 Q You, actually, were friends with them, weren't you?

5 A Yes, sir. I was friends with Jordan first.

6 Q Jordan?

7 A Yeah, Jordan. We went to school together.

8 Q Went to school together?

9 A Yeah.

10 Q Okay. Now, you pled guilty to voluntary manslaughter
11 a little while ago; is that correct?

12 A Uh-huh.

13 Q That's to reduce -- the State reduced the charge from
14 murder to voluntary manslaughter?

15 A Yeah.

16 Q Correct?

17 A Yes, sir.

18 Q Now, in terms of Mr. Mosley, again, you testified
19 understood oath that he was not wearing a mask that day?

20 A Uh-huh.

21 MR. ROBINSON: That's all I have.

22 MR. WILKINS: Quick redirect.

23 REDIRECT EXAMINATION

24 BY MR. WILKINS:

25 Q You knew that Mr. Mosley had shot that day. Did you

1 have a conversation with him in the car afterwards? When
2 y'all got in the car at Smoke Rise Drive, did Devaria
3 Mosley say something to you?

4 A He ain't said nothing to me. I didn't have a
5 conversation with him. I had a conversation with Jordan.
6 I asked Jordan who shot who. He didn't say --

7 MR. ROBINSON: Your Honor, objection, hearsay.

8 THE COURT: Yeah, you can't say that. Well, excited
9 utterance --

10 MR. WILKINS: Excited utterance.

11 THE COURT: I'll allow it.

12 BY MR. WILKINS:

13 Q What did he say?

14 A He didn't say nothing. He asked Devaria have he ever
15 shot somebody before.

16 Q And what did Devaria say?

17 A Nothing.

18 Q Devaria said?

19 A Nothing.

20 Q So he said have you ever shot anybody before?

21 A Yeah.

22 MR. ROBINSON: Your Honor, asked and answered.

23 THE COURT: Okay.

24 BY MR. WILKINS:

25 Q And he said?

1 A Nothing.

2 THE COURT: Anything else?

3 MR. ROBINSON: No, Your Honor.

4 THE COURT: You may step down. Thank you.

5 MR. WILKINS: The State calls Jordan Dalton.

6 THE CLERK: Place your left hand on the Bible, raise
7 your right hand.

8 JORDAN DALTON,

9 after having been duly sworn, testified as follows:

10 THE CLERK: Thank you. Please be seated and state
11 your name for the record.

12 THE WITNESS: Jordan Dalton.

13 DIRECT EXAMINATION

14 BY MR. WILKINS:

15 Q Jordan, where do you currently live?

16 A At Pickens County LEC.

17 Q How long you been there?

18 A Twenty-one months now.

19 Q And before you lived at the Pickens County Detention
20 Center, where did you live?

21 A 924 Black Bottom Road.

22 Q Was that your house?

23 A Yes, sir. Well, it was my father's house.

24 Q Your father's house. And who is your brother?

25 A Jaron Dalton.

1 Q Now, I'm going to take you back to December 8th,
2 2012. You remember that day?

3 A Yes, sir.

4 Q Where were you staying on that Saturday,
5 December 8th, 2012?

6 A At my father's house.

7 Q What were you doing that day?

8 A Cutting trees.

9 Q Okay. And let me ask you this, Jordan, have you used
10 drugs before?

11 A Yes, sir.

12 Q On that day, were you using drugs?

13 A Yes, sir.

14 Q What kind drugs were you using?

15 A Methamphetamine and MDMA.

16 Q MDMA?

17 A Mollies.

18 Q What is that?

19 A Ecstasy.

20 Q Ecstasy?

21 A (The witness nodded head.)

22 Q And before that Saturday, had you been using drugs?

23 A Yes, sir.

24 Q Were you using those same drugs?

25 A Yes, sir.

1 Q When was the last time you had gone to bed before
2 that Saturday?

3 A Monday night.

4 Q So you had started -- did you start using drugs on
5 that Monday night?

6 A No, sir, the Tuesday night.

7 Q Tuesday night?

8 A Yes, sir. I slept Monday night and started using
9 Tuesday?

10 Q Started using drugs on that Tuesday before the
11 Saturday, December 8th?

12 A Yes, sir.

13 Q And you never went to sleep?

14 A No, sir.

15 Q On that Saturday, did you leave with your brother in
16 his Dodge Durango?

17 A Yes, sir.

18 Q Do you have any idea about what time you left?

19 A Probably around 7:45.

20 Q Where did y'all go?

21 A Went to Clemson.

22 Q Why did y'all go to Clemson?

23 A To get some marijuana.

24 Q How were y'all going to get some marijuana?

25 A At that point in time, we intended on buying it.

1 Q Were y'all able to do that?

2 A No, sir.

3 Q Did y'all contact Kadeem Ramsey?

4 A Yes, sir.

5 Q How did you contact him?

6 A My brother called him.

7 Q And did y'all pick him up?

8 A Yes, sir.

9 Q Did you ever go to your brother's apartment?

10 A Yes, sir.

11 Q At that apartment, what did y'all do?

12 A We got the guns and I made a -- cut holes in a
13 toboggan.

14 Q And how did y'all know where to go buy drugs? I
15 mean, I'm sorry, take drugs?

16 A Because we'd been getting high before so we brought
17 drugs at the same spots.

18 Q Well, were y'all able to locate any marijuana?

19 A No, sir.

20 Q So what was your plan then to do?

21 A We started talking, you know --

22 Q Who's we?

23 A Me, Kadeem and my brother. I mean, we couldn't find
24 anything, so he told us Devaria, he had a way to get some,
25 go get some.

1 Q And that's Devaria who?

2 A Mosley.

3 Q Do you see Devaria Mosley in this courtroom?

4 A Yes, sir.

5 Q Where is he?

6 A Sitting right there, sir.

7 Q At the Defense table?

8 A Yes, sir.

9 Q So when y'all started talking about that, what did
10 y'all do?

11 A We went and picked him up.

12 Q Where did you pick Devaria Mosley up?

13 A On Vista Street.

14 Q On Vista Street?

15 A Yes, sir.

16 Q All right. And when y'all got there, what happened
17 -- when you got to Vista Street, what happened?

18 A We got out of the car, talked for a second and got in
19 the car -- got back in the car and he pointed us in the
20 direction of Chimney Ridge.

21 Q Who told you to go to Chimney Ridge?

22 A Devaria did.

23 Q Did he know the location of where y'all could rob
24 some drugs?

25 A Yes, sir.

1 Q So did y'all drive to Chimney Ridge?

2 A Yes, sir.

3 Q Where were you sitting?

4 A In the passenger seat.

5 Q Where was Kadeem Ramsey?

6 A Right behind me on the passenger side in the back
7 seat.

8 Q And where was Devaria Mosley?

9 A On the driver's side in the back seat.

10 Q Do you remember what Devaria was wearing that day?

11 A No, sir.

12 Q Don't remember anything about it?

13 A No, sir. I believe he probably had a jacket, had a
14 black jacket.

15 Q Okay. Did y'all go to Chimney Ridge?

16 A Yes, sir.

17 Q When you got to Chimney Ridge, what did you do?

18 A He pointed out the house that we was supposed to be
19 going to. We drove up a little bit and parked and waited
20 on a car to leave.

21 Q Okay. And were y'all talking about what you were
22 going to be doing or what were y'all doing inside the car?

23 A Just waiting on the car to leave really. We didn't
24 really, I guess, have a specific plan. We just decided to
25 walk down the back stretch, there was a little alley back

1 behind the houses, and go to the back door.

2 Q When the car left, what did y'all do?

3 A We got out of the car and went down the back alley to
4 the back door of the house.

5 Q Did y'all bring any guns?

6 A Yes, sir.

7 Q Who had guns?

8 A Me and Devaria.

9 Q Did Devaria have one initially?

10 A No, sir.

11 Q All right. Tell me about that.

12 A When we got to the back of the house, I had a 380 and
13 my brother was holding the 9mm. And somewhere we got to
14 talking right there at the back of the house before we
15 went inside the house and decided to let Devaria have the
16 9mm.

17 Q And did you go in the apartment?

18 A Yes, sir.

19 Q I'm going to show you State's Exhibit 27. Where did
20 y'all come in?

21 A The back door.

22 Q Is that in the backside of this picture, the back
23 right?

24 A Yes, sir.

25 Q And who came in first, do you remember?

1 A Devaria came in first, I came in right behind him.

2 Q Where did you go?

3 A I went -- he stopped right there to lay everybody
4 down and tell them to get on the floor. I went straight
5 to the front door to make sure it was locked.

6 Q So you came through this picture right here?

7 A Yes, sir.

8 Q To the front door?

9 A Yes, sir.

10 Q Then where did you go?

11 A I went straight back to the back door and went up the
12 stairs.

13 Q Who else was upstairs?

14 A Kadeem Ramsey.

15 Q When you came through, what was Devaria Mosley doing
16 when you entered and came through the house?

17 A He was hitting them.

18 Q Was he saying anything?

19 A One time, there was a bigger fellow sitting right
20 there on the tan couch, love seat there, and he hit him
21 one time and told him not to look at his face.

22 Q Was he asking for anything?

23 A Yes, sir. Where's the drugs?

24 Q And so you went upstairs. What happened once you
25 went back upstairs?

1 A We went in the room right there on the right and
2 pretty much just looked around. I went back downstairs.
3 And by the time I got right there to the corner of the
4 love seat right there, he came down and hit Mr. Grich one
5 more time and the gun went off.

6 Q When the gun went off, what did y'all do?

7 A We ran.

8 Q Where was your brother during this time, do you know?

9 A He was standing right inside the back door.

10 Q And where did y'all run to?

11 A Straight back to the car.

12 Q Did y'all get in car?

13 A Yes, sir.

14 Q What did y'all do next?

15 A We drove straight to my brother's apartment.

16 Q What did y'all do at the apartment?

17 A We smoked marijuana.

18 Q Okay. And who all was at the apartment then?

19 A Jaron, Kadeem, Devaria and I.

20 Q Okay. Did Devaria and Kadeem ever leave the
21 apartment?

22 A Yes, sir.

23 Q About how much later did they leave?

24 A Ten minutes.

25 Q Do you know who picked them up?

1 A No, sir.

2 Q Do you know what kind car they were driving who
3 picked them up?

4 A Looked like a -- maybe a silver Toyota or Honda.

5 Q Did you talk to any of the people that picked them
6 up?

7 A No, sir.

8 Q And did they get in that car and leave?

9 A Yes, sir.

10 Q Did you ever see Devaria Mosley or Kadeem Ramsey
11 again after that?

12 A No, sir.

13 Q After they left, what did you do?

14 A We hid the guns in my brother's rooms upstairs in the
15 apartment and drove back to my father's house.

16 Q Did you stay there?

17 A Yes, sir.

18 Q Did you ever come to the law enforcement center
19 later?

20 A Yes, sir.

21 Q Do you remember when you came?

22 A December the 10th.

23 Q Was that a Monday?

24 A Yes, sir.

25 Q And when you came to the law enforcement center, what

1 did you do?

2 A I give a written statement on the accounts of what
3 happened.

4 Q And in that written statement, who did you say went
5 into that apartment at 201 Smoke Rise Drive?

6 A My brother, Jaron, Kadeem, Devaria and I.

7 Q Who did you say shot somebody there?

8 A Devaria Mosley.

9 MR. WILKINS: Answer any questions Mr. Robinson may
10 have for you, okay?

11 THE WITNESS: Yes, sir.

12 MR. ROBINSON: May it please the Court?

13 THE COURT: Yes.

14 CROSS-EXAMINATION

15 BY MR. ROBINSON:

16 Q Jordan, do you know a Connor Mann?

17 A Yes, sir.

18 Q Do you recall calling Connor Mann either the day of
19 the incident or the day after the incident?

20 A Yes, sir.

21 Q Do you remember telling Connor Mann that you had
22 nothing to do with this?

23 A Yes, sir.

24 Q I think you told him that twice, didn't you?

25 A Yes, sir, I did.

1 Q And then later on, you changed your story and said
2 you did have something do with it, right?

3 A Once I got to the law enforcement center, yes, sir.

4 Q I think your statement was as far as the order which
5 you went into the house was, you said that Lester was
6 first?

7 A Yes, sir.

8 Q Followed by you?

9 A Yes, sir.

10 Q Your brother and then Kadeem, correct?

11 A Yes, sir.

12 Q Okay. There was a couch or sofa inside this place as
13 well; wasn't there?

14 A Yes, sir.

15 Q You and your brother never stood behind the sofa; did
16 you?

17 A We stood right there at the back corner of that sofa
18 right there, the tan one. Not the leather one, but the
19 cloth one.

20 Q Okay. And you don't recall what Lester Mosley wore?

21 A No, sir. He had his shirt or jacket pulled up over
22 his head.

23 Q Jacket or shirt pulled up over his head?

24 A Yes, sir.

25 Q What color was the jacket?

1 A I believe it was back, sir, but I don't recall.

2 Q And who went upstairs?

3 A Me and Kadeem Ramsey.

4 Q And you pled guilty earlier this year to a reduced
5 charge of voluntary manslaughter, correct?

6 A Yes, sir.

7 Q The murder charge was dropped to voluntary
8 manslaughter, correct?

9 A Yes, sir.

10 Q Okay. And you and your brother were the ones that
11 buried the items?

12 A Yes, sir.

13 Q In that backpack on your grandmother's property,
14 correct?

15 A Yes, sir.

16 MR. ROBINSON: That's all I have.

17 MR. WILKINS: No redirect, Your Honor.

18 THE COURT: All right. Thank you. You can step
19 down.

20 Let's just take a short afternoon break. Don't talk
21 about it. We'll get right back with you. Thank you.

22 (WHEREUPON, the jury leaves the courtroom at
23 approximately 2:50 p.m.)

24 THE COURT: Everyone else remain seated until the
25 jury exits. Thank you.

1 Okay. Let me see the lawyers for a second.

2 (WHEREUPON, a bench conference was held.)

3 THE COURT: Let's bring them back.

4 (WHEREUPON, the jury enters the courtroom at
5 approximately 3:15 p.m.)

6 THE COURT: Okay. I want to thank y'all for your
7 note, your question. I just want to tell you that it's
8 premature. I will give you a charge on the law after all
9 the evidence is in. And y'all worry about these types of
10 questions when that time arrives. Okay. Great. Thank
11 you very much.

12 (WHEREUPON, Court's Exhibit No. 3 was marked for
13 identification.)

14 MR. WILKINS: Your Honor, briefly, the Defendant has
15 graciously agree to stipulate that this incident occurred
16 in Pickens County. I can't remember if I asked that
17 question early on, but I wanted to make sure and Defense
18 counsel stipulates this did occur Pickens County.

19 THE COURT: All right.

20 As I told y'all, there are three ways the evidence is
21 generally received, oral testimony, documents, objects,
22 and third is stipulation. That's where the parties agree
23 that some fact is so beyond dispute that you should accept
24 it as true. So that's what you've just heard.

25 Solicitor.

1 MR. TIMMONS: The State calls Michael Ward to the
2 stand.

3 THE CLERK: Place your left hand on the Bible, raise
4 your right.

5 MICHAEL WARD,
6 after having been duly sworn, testified as follows:

7 THE CLERK: Thank you. Please be seated and state
8 your name for the record.

9 THE WITNESS: Michael Eugene Ward..

10 DIRECT EXAMINATION

11 BY MR. TIMMONS:

12 Q Dr. Ward, where are you employed?

13 A I'm employed in Greenville County as the chief
14 medical examiner for Greenville County and as a
15 pathologist at Pathology Associates in Greenville.

16 Q Are you a licensed medical doctor in South Carolina?

17 A Yes, I am.

18 Q In what area?

19 A Well, I have a medical degree. My area of speciality
20 is pathology and forensic pathology.

21 Q How long have you been a doctor?

22 A I received my medical degree in 1988.

23 Q Would you tell the Judge and jury your educational
24 background?

25 A I received a Bachelor's Degree in biology from the

1 University of Alabama, a Master's Degree in forensic
2 science from the University of Alabama at Birmingham. I
3 received my medical degree from the University of South
4 Alabama, which was in Mobile. I did a four-year anatomic
5 pathology residency at the Medical University of South
6 Carolina in Charleston and a one-year fellowship in
7 forensics at the University of New Mexico in Albuquerque.
8 I'm certified by the American Board of Pathology in both
9 anatomic and forensic pathology.

10 Q Can you tell the Judge and jury your professional
11 working experience?

12 A I have performed well over 4,000 medical legal
13 autopsies. I've testified probably over a hundred times
14 in various courts in South Carolina, North Carolina and
15 New Mexico.

16 Q Are you a member of any professional organizations?

17 A I am a member of the America Medical Association, the
18 National Association of Medical Examiners, and the
19 American Academy of Forensic Sciences.

20 Q Would you please explain to the jury what forensic
21 pathology is?

22 A Well, pathology is the study of disease and disease
23 processes and how they affect man. Forensics takes that
24 one step further, disease, injuries, interpretation of
25 those injuries, how and why a person dies and then the

1 presentation of that information in the judicial process.

2 Q Who do you work for now?

3 A I'm employed by Pathology Associates of Greenville
4 and by Greenville County as the chief medical examiner.
5 Through Pathology Associates, we contract with other
6 counties in South Carolina, including Pickens and Laurens
7 County.

8 Q What are your duties as forensic pathologist for
9 Greenville County?

10 A For Greenville County, my responsibilities are to
11 investigate deaths that occur in Greenville County to
12 determine cause and manner of death.

13 Q That Pickens County as well, I apologize?

14 A When consulted by the Pickens County coroner, yes,
15 sir.

16 Q Okay. What is the purpose of an autopsy on someone
17 who's dead?

18 A An autopsy is a detailed physical examination
19 performed to determine cause of death, which is that
20 incident that happened, be it a natural disease process or
21 an injury, that resulted in the death. Also, to determine
22 the manner of death, how that happened, be it a natural
23 death, accident death, suicide, or a homicide.

24 MR. TIMMONS: Your Honor, the State moves to qualify
25 Dr. Ward as an expert in the topic of forensic pathology.

1 THE COURT: Any voir dire?

2 MR. ROBINSON: Without objection, Your Honor.

3 THE COURT: All right, Dr. Ward.

4 MR. TIMMONS: Thank you, Your Honor.

5 BY MR. TIMMONS:

6 Q Were you serving as a forensic pathologist for
7 Pickens County in December of 2012?

8 A Yes, I was.

9 Q Did you have the occasion to perform an autopsy on
10 the body of Steven Grich?

11 A Yes, I did.

12 Q In your initial examination of the body of Mr. Grich,
13 what injuries did you observe?

14 A On initial examination, he had a single gunshot wound
15 to the chest.

16 Q Was that the -- did you determine that to be the
17 fatal wound?

18 A Yes, I did.

19 Q Would you describe that injury?

20 A Certainly. Mr. Grich had a gunshot wound which
21 entered the right lateral chest or the right side of the
22 chest, basically, in the midline of the side. This wound
23 went through the skin and the chest wall at the level of
24 rib number five. It passed through the upper lobe of the
25 right lung, the area we call the pulmonary hilum, which is

1 where the blood vessels coming from the heart pass into
2 the lung. It then went through some fibers of the right
3 atrium of the of the heart, one of the chambers of the
4 heart, then through the left pulmonary hilum. So it got
5 the blood flow out to both lungs. Then through the
6 tissues of the left upper lobe of lung and it exited the
7 left chest, basically, at the same level of the fifth rib.

8 Q Were you able to determine the trajectory of the
9 bullet that caused this injury?

10 A This trajectory was, basically, from Mr. Grich's
11 right to his left without significant deviation either up
12 or down or from front to back.

13 Q Is that consistent with him lying on his left side?

14 A The trajectory is from Mr. Grich's right to his left.
15 So if it's -- the scenario is that he is laying on his
16 left side, then that would be consistent with that, that
17 the right side would be up and the left side would be
18 down.

19 The more confirming detail of this gunshot wound is
20 that as the missile exited the body of Mr. Grich, it did
21 so by pushing the skin from the chest wall outward. As
22 the missile passes through the body and pushes the skin
23 outward, it caused the skin to strike against a firm
24 object creating around the wound what we call an abrasion
25 collar. This is consistent with him being pressed up

1 against a firm object. So it could be the wall or it
2 could be the floor.

3 In this case, it was more consistent with it being
4 the floor. So he's lying on the floor, left side down,
5 shot from right to left and as the bullet exits the left
6 side of the chest, it causes the skin to strike up against
7 the hard surface of the floor creating that type of exit
8 wound.

9 Q Were you able to determine the location of his arms?

10 A Yes, I was.

11 Q What was that position?

12 A We, generally, describe injuries with the person in
13 what we call the anatomic position, which is standing
14 facing with the arms down at your sides with the palms
15 facing forward. With Mr. Grich in the anatomic position,
16 the gunshot wound at its location, the wound would be
17 lower than where it should pass through. So as I'm
18 looking at him on the autopsy table, at 19 inches below
19 the top of his head, that would be lower than the atrium
20 of the heart.

21 So to achieve that, to align this wound from the skin
22 surfaces and the organs that were involved, if his arms
23 are raised at the shoulder, then that pulls this part of
24 the chest upward and then forward so that they are out of
25 the way of the left side, so it can be laying on the

1 ground to get this abraded exit exist wound. So his arms
2 are elevated upward to pull the chest wall upward, and
3 then rotated forward to get the left arm out of the way of
4 the exit wound.

5 Q Is that consistent with his arms covering his face in
6 a defensive posture?

7 A It, certainly, could be, yes.

8 Q Did you perform a toxicology screen on Mr. Grich?

9 A Yes, I did.

10 Q What does that test screen for?

11 A This test would have been for commonly used drugs of
12 abuse and most narcotics.

13 Q What were the results of that testing?

14 A Toxicology testing of Mr. Grich's femoral blood
15 revealed marijuana as well as amphetamine. Amphetamine in
16 this case was at a therapeutic level and would be
17 consistent with a prescription that he was known to have
18 of Adderall.

19 MR. TIMMONS: No further questions of this witness,
20 Your Honor.

21 Please answer any questions Defense counsel may have.

22 THE COURT: Cross?

23 MR. ROBINSON: May it please the Court?

24 CROSS-EXAMINATION

25 BY MR. ROBINSON:

1 Q Dr. Ward, you don't know whether this was an accident
2 or not, do you?

3 A No, sir. I don't know any of the circumstances
4 immediately surrounding the gunshot wound.

5 MR. ROBINSON: Okay. Thank you. No further
6 questions.

7 THE COURT: All right. Thank you very much, Doctor.
8 Released from subpoena.

9 THE WITNESS: Thank you, sir.

10 MR. TIMMONS: The State calls Ericka Gibson to the
11 stand.

12 THE CLERK: Place your left hand on the Bible, raise
13 your right.

14 ERICKA GIBSON,

15 after having been duly sworn, testified as follows:

16 THE CLERK: Thank you. Please be seated and state
17 your name for the record.

18 THE WITNESS: Ericka Gibson.

19 DIRECT EXAMINATION

20 BY MR. TIMMONS:

21 Q Ms. Gibson, where are you from?

22 A Toccoa, Georgia.

23 Q Did you grow up there?

24 A Yes, sir.

25 Q I want to take you back to December of 2012. Were

1 you living there at that time?

2 A Yes, sir.

3 Q Were you working?

4 A Yes, sir.

5 Q Where were you working?

6 A Taco Bell.

7 Q Do you remember what kind of car you were driving?

8 A A Honda Civic, a 2000.

9 Q What color was it?

10 A Silver.

11 Q Who were you dating in December of 2012?

12 A Devaria.

13 Q So he's your boyfriend?

14 A Not anymore.

15 Q He was your boyfriend then?

16 A Yes, sir.

17 Q How long had y'all been dating?

18 A About five or six months.

19 Q In December of 2012, was your cell phone

20 (706) 391-1287?

21 A Yes, sir.

22 Q Do you remember December 8th, 2012?

23 A I remember a little bit.

24 Q A little bit. Do you remember being at Cosha's house
25 in Ridge Crest that evening?

1 A Yes, sir.

2 Q Do you remember talking to Devaria on a cell phone?

3 A Yes, sir.

4 Q This is State's Exhibit 53. Can you see that, ma'am?

5 A Yes, sir.

6 Q Is that your phone number at 29 and 30?

7 A Yes, sir.

8 Q So do you recall receiving two phone -- or making
9 phone calls at 8:45 and 8:48?

10 A Yes, sir.

11 Q You called Kadeem Ramsey?

12 A Uh-huh.

13 Q Who did you talk to when you called Kadeem Ramsey?

14 A Devaria.

15 Q Did Devaria ask you to do something?

16 A Well, all that day, we was just riding around and i
17 was going to pick him up and stuff, but, yeah.

18 Q So he asked you to pick him up?

19 A Yes, sir.

20 Q Would you please speak up, ma'am?

21 A I said yes, sir.

22 THE COURT: A little louder just so we can hear you,
23 okay. Thank you.

24 BY MR. TIMMONS:

25 Q So Devaria called you and ask you to pick him up?

1 A Yes, sir.

2 MR. ROBINSON: Your Honor, asked and answered.

3 THE COURT: That's okay. Go ahead.

4 BY MR. TIMMONS:

5 Q And you left Ridge Crest and went to pick him up.

6 Who were you with? Did you go with someone?

7 A Imari Greenlee.

8 Q Do you recall where you went?

9 A We went -- I don't know the name of the apartments,
10 but we went there to pick him up.

11 Q Was it in Clemson?

12 A Yes, sir.

13 Q Who did you pick up?

14 A Devaria.

15 Q Just Devaria or was it Devaria and someone else?

16 A And Kadeem.

17 Q Okay. Where did you go once you picked them up?

18 A We went to Cosha's house.

19 Q So you went back to the place you were before?

20 A Uh-huh.

21 Q Can you -- around what time was it when you got back
22 to Cosha's house?

23 A I really can't remember the time.

24 Q Well, if Kadeem's deem cell phone records are showing
25 you that you talked to Devaria at 8:45 and 8:48, was it

1 five minutes, was it 20 minutes, 30 minutes later?

2 A Yeah, around that time.

3 Q Around that time. Who was at Cosha's house?

4 A It was a lot of people there. It was Devaria, me and
5 Mari, Kadeem. I really don't know a lot of people that
6 was there.

7 Q Do you remember if Tavis was there?

8 A Yes, he was there.

9 Q Tavis Campbell. Where did you go after that?

10 A We went to Crocks, downtown Clemson.

11 Q Do you remember who was playing at Crocks?

12 A No.

13 Q No.

14 MR. TIMMONS: No further questions. Please answer
15 any questions Defense counsel may have.

16 MR. ROBINSON: May it please the Court?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. ROBINSON:

20 Q Ericka, you would agree that you and Lester were
21 involved as boyfriend/girlfriend at the time of this
22 incident back in December of 2012, correct?

23 A Yes, sir.

24 Q And at some point, you and Devaria or you and Lester
25 lived together in Toccoa; didn't you?

1 A No, sir.

2 Q Never lived together in Toccoa?

3 A No, sir.

4 Q Do you recall every putting Lester up in a hotel in
5 Toccoa at any time?

6 A No, sir.

7 Q Now, the day of the incident, which would have been
8 12/08/2012, was Devaria in Toccoa?

9 A I'm guessing because I was at work that day.

10 Q Is that a yes or a no? Was he in Toccoa?

11 A Yes, sir.

12 Q Okay. So what was he -- so the date of the incident,
13 which would have been 12/08/2012, you're telling this
14 jury, testifying that he was in Toccoa?

15 A No, on that day, no, sir.

16 Q Okay. What day was he in Toccoa before that?

17 A No, I'm saying after, after he got arrested.

18 Q Okay.

19 A Or the day that he got arrested.

20 Q Do you recall that day taking care of -- first of
21 all, you know Cosha, don't you?

22 A Uh-huh.

23 Q What is she to Lester?

24 A I guess his cousin or friend or something.

25 Q Okay. Did you babysit that day for Cosha?

1 A Yes, sir.

2 Q What time did you babysit?

3 A It was just for a few minutes. Imari was doing most
4 of the babysitting during that day.

5 Q You need to speak up a little bit, please.

6 THE COURT: Ma'am, let me get you to just get closer
7 to the microphone so the jury can hear what you have to
8 say.

9 THE WITNESS: Mostly that day, Imari was the one who
10 was babysitting.

11 BY MR. ROBINSON:

12 Q Now, at the time you went to Crocks, they all went to
13 Crocks, did you take care of the child?

14 A No.

15 Q So you went to Crocks with Lester?

16 A Yes.

17 Q Okay. And you don't recall what time you went to
18 Crocks, do you?

19 A No.

20 Q Okay. Who went to Crocks with Lester that night?

21 A In my car, it was me, him, and Tavis.

22 Q And who else? What other car was there?

23 A I don't know. That's who went with me.

24 Q So the persons who went with you would have been
25 Lester, Tavis and that was it?

1 A Uh-huh.

2 Q And y'all went to Crocks?

3 A Uh-huh.

4 Q Okay. And exactly what time was this, do you
5 remember?

6 A No, sir, I don't.

7 Q Was it in the evening?

8 A It was later that night.

9 Q Around about when, can you tell me approximately a
10 time? Was it dark outside?

11 A About tenish, ninish, tenish.

12 Q Okay. Before that time, where were you and Lester?

13 A At Cosha's house.

14 Q At Cosha's house?

15 A Uh-huh.

16 Q How long were you at Cosha's house?

17 A I'd say about an hour.

18 Q About an hour?

19 A Yeah.

20 Q Did you guys eat?

21 A No.

22 Q And how many folks were at Cosha's house?

23 A I just told him I really don't know how many.

24 Q Not really sure?

25 A No.

1 Q So you were at Cosha's house, then you and Lester and
2 Tavis went to Crocks, right?

3 A Uh-huh.

4 Q Is that right?

5 A Uh-huh.

6 Q You're not sure what time that was?

7 A No. It was later.

8 Q Now, prior to you being at Cosha's, where were you
9 and Lester?

10 A Before Cosha's?

11 Q Yes.

12 A We was at Tavis mother's house on Vista.

13 Q Tavis mother's house?

14 A Uh-huh.

15 Q And how long were you at Tavis mother's house?

16 A Well, kind of like all day.

17 Q All day?

18 A We was going and leaving.

19 Q So all day at Tavis mother's house was you, Tavis,
20 right, Tavis Campbell?

21 A (The witness nodded.)

22 Q Lester and, obviously, the grandmother or mother,
23 correct?

24 A Yeah.

25 Q What did you guys have -- did you guys have food, did

1 you watch movies, what did you do?

2 A We just hung out like on the porch.

3 Q Okay. This all happened on 12/08/2012. You were
4 working where in 2012?

5 A In Lavonia, Georgia, at Taco Bell.

6 Q What time did you get off that day?

7 A I didn't work that day.

8 Q Didn't work that day?

9 A Huh-uh.

10 Q Okay. So we have Crocks where you, Tavis and Lester
11 went after you were at Cosha's, right?

12 A Uh-huh.

13 Q And before you were at Cosha's, you, Lester, Tavis
14 were at Tavis's grandmother or mother's house, right?

15 A Uh-huh.

16 Q And you said that was all day, correct?

17 A Uh-huh.

18 MR. ROBINSON: That's all the questions I have.

19 Thank you.

20 THE COURT: Any redirect?

21 MR. TIMMONS: No, Your Honor.

22 THE COURT: Okay. You can step down.

23 MR. WILKINS: The State calls Tavis Campbell.

24 THE CLERK: Place your left hand on the Bible, raise
25 your right.

1

TAVIS CAMPBELL,

2

after having been duly sworn, testified as follows:

3

THE CLERK: Thank you. Please be seated and state

4

your name for the record.

5

THE WITNESS: Tavis Campbell.

6

DIRECT EXAMINATION

7

BY MR. WILKINS:

8

Q Mr. Campbell, where do you currently reside? Where

9

are you currently living right now?

10

A Oconee County Detention Center.

11

Q And how old are you?

12

A Nineteen.

13

Q And do you know Devaria Mosley?

14

A Yeah.

15

Q How do you know Devaria Mosley?

16

A My friend.

17

Q How long have y'all known each other?

18

A Some years, I don't know.

19

Q I'm sorry?

20

A Some years, I don't really know.

21

Q Are y'all friends?

22

A Yes.

23

Q As friends, did y'all hang around each other?

24

A Yeah.

25

Q Did y'all know each other back in 2012?

1 A Yeah.

2 Q Did you know each other back in December of 2012?

3 A Yeah.

4 Q Okay. I'm going to ask you some questions that
5 occurred on a Saturday, December 8th, 2012, okay? Do you
6 recall that day?

7 A Yes, sir.

8 Q Okay. On that day, do you remember where you were
9 staying, on December 8th, 2012?

10 A Creekwood.

11 Q What is Creekwood?

12 A Apartments.

13 Q And who lived there at Creekwood?

14 A My sister.

15 Q Were you staying with her that night?

16 A Yeah.

17 Q And do you remember seeing Devaria Mosley that day?

18 A Yeah.

19 Q Do you remember the first time you saw him that day?

20 A Yeah.

21 Q When did you see him that day?

22 A Creekwood.

23 Q At Creekwood?

24 A Uh-huh.

25 Q Did he come to your apartment at Creekwood?

- 1 A He came out there.
- 2 Q Do you remember what time he came?
- 3 A Early, when I woke up.
- 4 Q What time did you wake up?
- 5 A About 12 or one.
- 6 Q Twelve or one o'clock. Okay. Did he come over with
- 7 anybody else?
- 8 A Ericka.
- 9 Q Ericka who?
- 10 A I don't know her last name.
- 11 Q Was Ericka his girlfriend at the time?
- 12 A Yeah.
- 13 Q Anybody else come over there with him?
- 14 A Imari.
- 15 Q Imari who?
- 16 A Greenlee.
- 17 Q Do you know the relationship between Imari Greenlee
- 18 and Devaria Mosley?
- 19 A Huh-uh.
- 20 Q And how long did y'all stay at your sister's
- 21 apartment?
- 22 A Probably like two or three hours.
- 23 Q Did y'all leave there?
- 24 A Yeah.
- 25 Q Where did y'all go?

1 A I think we rode around a little bit and went to
2 Vista.

3 Q Vista. And who lives at Vista?

4 A I do.

5 Q You do?

6 A (The witness nodded.)

7 Q Does any of your family members live there?

8 A Yeah.

9 Q Who?

10 A My mom.

11 Q And that's Vista Drive?

12 A Yeah.

13 Q And how did y'all get from Creekwood to Vista Drive?

14 A Ericka.

15 Q Ericka. Do you remember what kind of car it was?

16 A Silver.

17 Q Silver?

18 A Honda.

19 Q Honda, is that what you said?

20 A (The witness nodded.)

21 Q I need you to speak up good for me, okay, Tavis.

22 A All right.

23 Q Thank you. I appreciate it. And how long were y'all
24 at your mother's house on Vista drive?

25 A We ain't in my mother's house, we was just outside.

1 Q You were outside?

2 A Yeah.

3 Q Did you ever see Devaria leave Vista Drive?

4 A One time.

5 Q What kind of car did he get into?

6 A Silver -- not silver, blue or black, one of them.

7 Q Blue or black. What kind, SUV, sedan?

8 A SUV.

9 Q SUV?

10 A I guess.

11 Q Okay. And did you see who he got in the car with?

12 A I just saw Kadeem.

13 Q You saw Kadeem. So you saw him get in the car with
14 Kadeem?

15 A Yeah.

16 Q Do you remember about when that was?

17 A About 6:00, 7:00.

18 Q Did you see anybody else in the car he got in with?

19 A Huh-uh.

20 Q Did you see if they were black, white or anything?

21 MR. ROBINSON: Objection, Your Honor, he said he
22 didn't see anyone.

23 BY MR. WILKINS:

24 Q Did you see anybody else in the car that he got in --
25 the SUV, did you see anybody else in the car that he got

1 in with?

2 A Huh-uh.

3 Q You didn't see anybody else?

4 A Huh-uh.

5 Q Who was driving?

6 A Some white dude.

7 Q Some white dude was driving it? Was anybody in the
8 passenger seat?

9 A I think Kadeem.

10 Q Kadeem might have been in the passenger seat?

11 A (The witness nodded.)

12 Q All right. Did you leave your mother's house?

13 A Yeah.

14 Q Where did you go when you left your mother's house?

15 A Some other apartments.

16 Q Do you know who was there?

17 A A bunch of people.

18 Q Okay. Do you know who owned the apartment or lived
19 at the apartment?

20 A Huh-uh.

21 Q Did you see Kadeem later?

22 A Yeah.

23 Q How much later between the time he left your mother's
24 house and when you saw him again at the other apartments
25 passed?

1 A I'd say about forty minutes to an hour.

2 Q Okay. When you saw Kadeem, how did he arrive there?
3 Who brought him there?

4 A I think Ericka.

5 Q And who else was in the car with him?

6 A Devaria.

7 Q And anybody else in the car?

8 A Not that I know of.

9 THE COURT: Speak up a little bit.

10 THE WITNESS: Not that I know of.

11 BY MR. WILKINS:

12 Q Was Kadeem in the car?

13 A Yeah, I just said it.

14 Q I'm sorry, I couldn't hear you. So Kadeem and
15 Devaria were in the car?

16 A Yeah.

17 Q And whose car were they in again?

18 A Ericka's.

19 Q Was that the silver car that you just described?

20 A (The witness nodded.)

21 Q So you saw Devaria Mosley leave in a black SUV from
22 your mother's house?

23 A Yeah.

24 Q And he arrived back at the other apartments in Ericka
25 Gibson's car?

- 1 A (The witness nodded.)
- 2 Q About an hour later?
- 3 A (The witness nodded.)
- 4 Q Did you ever talk to Devaria Mosley that night?
- 5 A Yeah.
- 6 Q Did you talk to him about what happened that night?
- 7 A A little bit.
- 8 Q What did he say?
- 9 A Kadeem --
- 10 Q Speak up.
- 11 A Kadeem said the most.
- 12 Q What did Devaria say? Was Devaria there?
- 13 A Where?
- 14 Q Who were you talking to at the apartments when
- 15 Devaria showed up?
- 16 A What you mean?
- 17 Q Did you talk to Devaria after he showed back up at
- 18 the apartments?
- 19 A Yes.
- 20 Q What did Devaria say?
- 21 A Something went wrong.
- 22 Q He said -- speak up again.
- 23 A Something went wrong.
- 24 Q What was he referring to?
- 25 A I guess --

1 MR. ROBINSON: Your Honor, objection, calls for
2 speculation.

3 THE COURT: See what he knows of his own knowledge.
4 Go ahead.

5 BY MR. WILKINS:

6 Q What was he referring to?

7 A I guess what they were doing that night.

8 Q Did he tell you what he was doing that night?

9 A He didn't tell me the whole detail.

10 Q What little details did he tell you?

11 A He said something went wrong. Kadeem said a gun went
12 off.

13 Q All right. After y'all were at that apartment, did
14 y'all go anywhere after that?

15 A Yeah.

16 Q Where did you go?

17 A Crocks.

18 Q Who all went to Crocks?

19 A Everybody.

20 Q Everybody? Who did you ride with?

21 A Devaria.

22 Q In whose car?

23 A Ericka's.

24 Q Anybody else ride with you?

25 A I can't even remember, really.

1 Q About what time did y'all go to Crocks?

2 A 8:00, 9:00.

3 Q 8:00, 9:00, sometime later that -- after Devaria got
4 back there?

5 A Yeah.

6 Q All right. Did you ever talk with the U.S. Marshal
7 service?

8 A (The witness nodded.)

9 Q About how far after this incident did you talk with
10 the Marshal service?

11 A I really don't know.

12 Q Day, month, week, year?

13 A Probably like a week.

14 Q A week. And what did you tell the Marshal service?

15 A I didn't know where he was at.

16 Q Who were they looking for?

17 A Devaria.

18 Q And did you ever see Devaria again after you met with
19 the Marshal service?

20 A Yeah, I got caught with him.

21 Q Where did you get caught with him?

22 A In Georgia.

23 Q In Georgia? Where at?

24 A Toccoa.

25 Q Did the Marshal service tell you anything about

1 Devaria Mosley when they stopped you?

2 MR. ROBINSON: Objection, Your Honor, hearsay.

3 THE COURT: Yes.

4 MR. WILKINS: I'll rephrase.

5 BY MR. WILKINS:

6 Q Where were you in Georgia with Devaria Mosley?

7 A Toccoa.

8 Q In a house, an apartment?

9 A Hotel.

10 Q In a hotel? What happened while you were at that
11 hotel?

12 A Nothing.

13 Q Did law enforcement ever show up there?

14 A Yeah.

15 Q What happened?

16 A Went to jail.

17 Q Who did?

18 A Me and Devaria.

19 Q What did you go to jail for?

20 A Hindering apprehension.

21 Q Hindering -- I just can't understand you?

22 A Hindering apprehension.

23 Q Hindering apprehension. Did you plead guilty to that
24 down there?

25 A Yes.

1 Q Whose apprehension were you hindering?

2 MR. ROBINSON: Objection, Your Honor, calls for legal
3 conclusion.

4 THE COURT: It's what he pled guilty to.
5 Go ahead.

6 THE WITNESS: Devaria.

7 BY MR. WILKINS:

8 Q Devaria Mosley's?

9 A Yeah.

10 MR. WILKINS: Answer any questions Defense counsel
11 may have, Mr. Campbell..

12 MR. ROBINSON: May it please the Court?

13 THE COURT: Yes.

14 CROSS-EXAMINATION

15 BY MR. ROBINSON:

16 Q Mr. Campbell, you're currently in jail on a burglary
17 first charge; isn't that correct?

18 A Yes, sir.

19 Q Is that correct? Now, do you recall -- let me --
20 you're up at the Oconee County Law Enforcement Center; is
21 that right?

22 A Yeah.

23 Q And do you have the opportunity there to use a fax
24 machine to communicate with the outside?

25 A Yeah.

1 Q Do you recall sending a fax to the solicitor's office
2 in this case?

3 A Yeah, I sent one Thursday.

4 MR. ROBINSON: May I approach the witness, Your
5 Honor?

6 THE COURT: Yeah.

7 BY MR. ROBINSON:

8 Q Can you identify this, please? What is that? Is
9 that the fax you sent?

10 A Yes.

11 MR. ROBINSON: Let's mark this as Defendant's Exhibit
12 No. 4 for identification purposes only.

13 (WHEREUPON, Defendant's Exhibit No. 4 was marked
14 for identification only.)

15 BY MR. ROBINSON:

16 Q Mr. Campbell, I'm going to let you read what's been
17 marked as Defendant's Exhibit No. 4 for identification
18 purposes only. What does it say the inmate's name is?

19 A Tavis Campbell.

20 Q And that's you?

21 A Uh-huh.

22 Q And who is it being sent to?

23 A Walt Wilkins.

24 Q And what did you say in that fax you sent?

25 A I will not be able to testify unless some

1 requirements are met for me.

2 Q I'm sorry?

3 A I will not be able to testify unless some
4 requirements are met for me. I would like to have
5 something to benefit me. Please contact me before the
6 trial date --

7 THE COURT: Are you introducing this as a piece of
8 evidence? Because you can't just publish it.

9 MR. ROBINSON: I'm going to introduce it, Your Honor.

10 THE COURT: Well, go ahead and do that before you
11 publish.

12 MR. ROBINSON: I would enter this, Your Honor, as
13 Defense Exhibit No. 1.

14 MR. WILKINS: Without objection.

15 THE COURT: It's in without objection. Now, go
16 ahead.

17 THE COURT REPORTER: It's, actually, No. 4, Judge.

18 THE COURT: No. 4.

19 (WHEREUPON, Defendant's Exhibit No. 4 was
20 admitted into evidence.)

21 BY MR. ROBINSON:

22 Q I would like you to read that.

23 A I will not be able to testify unless some
24 requirements are met for me. I would like to have
25 something to benefit me before participating. Would you

1 please contact me before the trial date.

2 MR. ROBINSON: I'd like to publish this to the jury,
3 Your Honor.

4 THE COURT: Okay.

5 BY MR. ROBINSON:

6 Q Now, Mr. Campbell, you recall when -- down in Georgia
7 that you were arrested, correct?

8 A Yes, sir.

9 Q You never said anything about what you just testified
10 to to Mr. Wilkins to them; did you?

11 A Huh-uh.

12 Q Now, it's your understanding today that when you
13 testified, you're hoping that you get benefits from this;
14 don't you?

15 A I never did get nothing.

16 Q So when you wrote that letter to Mr. Wilkins, that
17 was just --

18 A They never did come talk to me.

19 Q But that's what you're expecting; isn't it?

20 A Not really.

21 MR. ROBINSON: That's all I have. Thank you.

22 MR. WILKINS: Brief redirect, Your Honor.

23 THE COURT: Okay.

24 REDIRECT EXAMINATION

25 BY MR. WILKINS:

1 Q Mr. Campbell, am I in charge of your prosecution in
2 Oconee County?

3 A No, sir.

4 Q Can I -- do you know who is in charge of your
5 prosecution over there?

6 A No, sir.

7 Q Do I have any authority over there?

8 A No, sir.

9 Q Have I promised you anything for your testimony?

10 A No, sir.

11 Q Have you received any benefit from me as a result of
12 your testimony?

13 A No, sir.

14 MR. WILKINS: Thank you.

15 THE COURT: All right. You can step down. Thank
16 you.

17 MR. WILKINS: May we approach, Your Honor?

18 THE COURT: Yes, sir, come on up.

19 (WHEREUPON, a bench conference was held.)

20 THE COURT: All right. Mr. Foreman, ladies and
21 gentlemen, while we run a finely tuned machine up here, we
22 can't predict logistics. And we are at a point where we
23 are going to stop for the evening. It's a little early,
24 but you all may enjoy it. I tell you, it looks like the
25 weather has cleared up, so maybe you'll be glad to get out

1 of here.

2 You've heard a lot today. And as I said yesterday,
3 the deeper you get into a case, the more tempting it must
4 be to want to discuss it. Just remember what I told you
5 about you're the ones making the sacrifice. And no one
6 here in the court is interested in what somebody else
7 who's not been in here making those sacrifices, we don't
8 care what they have to think about it or say about it. So
9 don't talk about it. Don't do any research. Don't visit
10 the scene. Don't do anything like that. Y'all have a
11 pleasant night and we'll see you back at 9:30. Thank you
12 very much.

13 (WHEREUPON, the jury left the courtroom at
14 approximately 3:55 p.m.)

15 THE COURT: Okay. Mr. Mosley, let me get you to
16 stand and just raise your right hand for me.

17 (WHEREUPON, the Defendant was sworn by the
18 Court.)

19 THE COURT: Okay. While the State has not completed
20 their case, we've got witnesses coming from out of town, I
21 want to go ahead and discuss with you some of your rights.
22 And as you probably have already been told, you have an
23 absolute constitutional right to testify in your own
24 defense.

25 THE WITNESS: Yes, sir.

1 THE COURT: You have an equal absolute constitutional
2 right not to testify and that cannot be held against you.
3 There are a number of strategic decisions that go into
4 making a decision about whether or not to testify. And
5 those are things that I'm sure you have discussed and will
6 discuss with your lawyer. I'm not asking you now whether
7 or not you intend to testify, but I want to inform you of
8 those rights so that overnight, you can think about it,
9 discuss it with your lawyer so that when the time comes,
10 you can give me a decision about what you want to do?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you have any questions you want to ask
13 me about it?

14 THE DEFENDANT: No, sir.

15 THE COURT: Very good.

16 Anything else before we break for the evening?

17 MR. WILKINS: Nothing from the State, Your Honor.

18 THE COURT: All right. See y'all at 9:30.

19 (WHEREUPON, Court was adjourned for the day to
20 be reconvened on Wednesday, September 17, 2014.

21 WEDNESDAY, SEPTEMBER 17, 2014

22 THE COURT: Anything before we get started?

23 MR. WILKINS: Nothing from the State, Your Honor.

24 MR. ROBINSON: Nothing from the Defense.

25 THE COURT: Okay. Let's get them.

1 (WHEREUPON, the jury entered the courtroom at
2 approximately 9:45 a.m.)

3 THE COURT: All right. Ladies and gentlemen, welcome
4 back. We are ready to proceed.

5 MR. WILKINS: Thank you, Your Honor, may it please
6 the Court. The State calls Kimberly Mears.

7 THE CLERK: Place your left hand on the Bible, raise
8 your right.

9 KIMBERLY MEARS,
10 after being duly sworn, testified as follows:

11 THE CLERK: Thank you. Please be seated and state
12 your name for the record.

13 THE WITNESS: My name is Kimberly Mears.

14 DIRECT EXAMINATION

15 BY MR. WILKINS:

16 Q Ms. Mears, who do you work for?

17 A I'm employed by the South Carolina Law Enforcement
18 Division, which is commonly known as SLED.

19 Q And what do you do for SLED?

20 A I am a forensic scientist in the latent print
21 department.

22 Q Tell this juror what does a forensic scientist in the
23 latent print department do?

24 A Mainly, I process evidence submitted by local
25 agencies for fingerprints. I enter and search

1 fingerprints on AFIS, which is automated fingerprint
2 identification system. And I conduct fingerprint
3 comparisons.

4 Q And tell this jury a little bit about your
5 educational background.

6 A I have a Bachelor of Science degree in biology from
7 Winthrop University.

8 Q Do you have any specialized training in latent
9 prints?

10 A Once I was hired in the latent print department, I
11 completed their in-house training program. I was then
12 accepted into the latent print examiner training program
13 that was sponsored by the National Institute of Justice,
14 which was a 10-week program that took place in Florida and
15 had courses that covered all aspects of fingerprint
16 examination.

17 Q And tell this jury how you go about comparing latent
18 prints?

19 A Well, we have -- the latent print is the unknown
20 print and we have -- the latent print is going to be
21 what's on our evidence. And we have the known print,
22 which is going to be the inked print that was taken from
23 the individual. And we just lay them side by side and
24 compare the two.

25 Q And do you have the ability to make the determination

1 of whether those prints are the same or different?

2 A Yes. They can be identified for excluded from each
3 other.

4 Q Have you -- about how many examinations or prints
5 have you worked with in your career?

6 A It would be thousands.

7 Q And have you ever been qualified as an expert in
8 state court?

9 A No, I have not.

10 MR. WILKINS: Your Honor, I move to have Kimberly
11 Mears qualified as an expert for the first time as a
12 latent print expert.

13 THE COURT: Okay. Any voir dire?

14 MR. WILKINS: No voir dire.

15 THE COURT: Any objection?

16 MR. ROBINSON: No objection, Your Honor.

17 THE COURT: Okay. So qualified.

18 MR. WILKINS: Thank you, Your Honor.

19 BY MR. WILKINS:

20 Q Ms. Mears, did you have the occasion to receive some
21 items from the Pickens County Sheriff's Office regarding a
22 homicide of Steve Grich at 201 Smoke Rise Drive?

23 A I did.

24 Q Do you remember what items you received in this case?
25 And you can refer to your notes if you need to.

1 A I have my exam worksheet here. I had one cartridge
2 case, a 9mm cartridge case, two handguns and associated
3 carriages with each gun.

4 Q Okay. When you say cartridge, is that bullet or is
5 that --

6 A Yes, that's the unfired bullet.

7 Q Unfired bullet?

8 A Yes.

9 Q All right. I'm going to show you what's been marked
10 as State's Exhibit 55 and 56. And you're welcome to open
11 these and take a look and tell me if you can identify
12 these?

13 A Okay. This one, I did not examine.

14 Q Okay. That's exhibit?

15 A That's Exhibit 55, I believe.

16 Q Okay. All right.

17 A And I believe that may have --

18 Q Did it go in there?

19 A It should be my item one, yes. Yes, State's Exhibit
20 56 I did examine.

21 Q Okay. Can you tell us what that is?

22 A This is the 9mm cartridge case that is my item one.

23 Q What did you do to that item?

24 A I first did a visual exam of the item looking for
25 fingerprints. I then swabbed the head stamp, which is the

1 base of the cartridge for DNA and then those swabs were
2 sent to DNA. I then processed it for fingerprints.

3 Q All right. Were you able to retrieve any
4 fingerprints off that particular item?

5 A No, I was not.

6 Q Okay. I'm going to show you what's marked as State's
7 Exhibit 44 and ask you to take a look at that as well. Do
8 you recognize that item?

9 A Yes. This is my item 24. It is one of the handguns
10 I received as well as the magazine and cartridges that go
11 with it.

12 Q And in your notes, does it tell you where that
13 handgun came from or what incident it was related to?

14 A No, I just have one Torres handgun.

15 Q What did you do with that gun?

16 A I did my visual exam and then swabbed the -- swabbed
17 the base of the magazine, that would be at the bottom of
18 the grip here. Also, swabbed the grip of the gun and the
19 trigger of the gun for DNA. And then I, also, swabbed the
20 head stamps again of these cartridges for DNA and then
21 processed for fingerprints.

22 Q Okay. When you swab those -- these two items for
23 DNA, tell this jury what you do and what do you do with
24 the swabs?

25 A It's basically like a long Q-tip with cotton at one

1 end. I have two of those. I wet one of them with
2 distilled water and go across the area I'm going to swab
3 with the moistened swab and then follow behind it with the
4 other dry swab. And then those get packaged in separate
5 envelopes once they're dry and then they get transferred
6 to the DNA department.

7 Q And does SLED have a DNA department?

8 A Yes, they do.

9 Q Were you able to extract any fingerprints from
10 State's Exhibit 44, this 380 pistol?

11 A No, I was not.

12 Q Now, I'm going to show you State's Exhibit 43, and
13 ask you if you can identify that as well?

14 A Okay. Yes. This is the other handgun with
15 cartridges that I received.

16 Q Okay. What did you do to that gun?

17 A The same thing I did with the other one. I did my
18 visual exam, swabbed the bottom of the magazine, the grip
19 and the trigger, and then swabbed the head stamps of all
20 of the cartridges, and then processed for fingerprints.

21 Q And when you processed for fingerprints, were you
22 able to locate any fingerprints?

23 A No, I was not.

24 Q Let's talk about that for a minute. How are
25 fingerprints located? How does a fingerprint get on a

1 certain object?

2 A If you look at the tips of your fingers, you can see
3 tiny little raised lines on your skin. Those are what we
4 call ridges. That are lined with pores that exude sweat
5 throughout the day. As you touch your face, as you touch
6 certain foods, moisture and oils are going to accumulate
7 on those ridges. When you then go to touch an object,
8 that moisture is transferred to the surface corresponding
9 to the ridges on your skin. And you can't see it. The
10 word latent means hidden or invisible. So it needs some
11 form of processing or development to make it seen.

12 Q How do you process a latent print?

13 A Well, in this case, I used the super glue method,
14 which you've probably seen on TV. It hardens the residue
15 to the surface that it's on. I then follow behind that
16 with a florescent dye stain that stains the super glue
17 residue and then causes the print to fluoresce under an
18 alternate light source, which is similar to a black light.

19 Q Are some surfaces better than other surfaces?

20 A Yes, they are.

21 Q Tell us some good surfaces and tell us some bad
22 surfaces.

23 A If I were to touch my jacket, obviously, that's not
24 going to be a good surface as opposed to the smooth
25 countertop. Any kind of rough or textured surface isn't

1 going to be as good as a smooth, glass or shiny surface.

2 Q Are firearms good surfaces for latent fingerprints?

3 Do they adhere well?

4 A It really just depends on the type of gun. A lot of
5 them have textured grips or grooved areas on them, so it's
6 kind of hit and miss with guns.

7 Q Is it consistent to say that you can get fingerprints
8 off a gun or you cannot get fingerprints off a gun?

9 A Yes.

10 Q What about if the item has been handled subsequent to
11 the touching by a particular individual, does that have an
12 effect on whether there are fingerprints on there?

13 A Yes. That's going to depend on how it was handled
14 after the print was deposited or the type of environment
15 that the object was in.

16 Q Can you wipe prints away?

17 A Yes, you can.

18 Q Can other folks handling a particular weapon or item
19 cause fingerprints not to be there?

20 A Yes, they can.

21 Q And, finally, if somebody's wearing gloves, will they
22 leave a fingerprint behind?

23 A No, they will not.

24 MR. WILKINS: Answer any questions Defense counsel
25 may have. Thank you.

1 MR. ROBINSON: May it please the Court?

2 THE COURT: Yes.

3 CROSS-EXAMINATION

4 BY MR. ROBINSON

5 Q So, ma'am, there were no fingerprints found on any of
6 the items that you were given, correct?

7 A Correct.

8 MR. ROBINSON: Thank you.

9 THE COURT: All right. Thank you, ma'am. You may
10 step down.

11 MR. WILKINS: Your Honor, the State calls Chad Smith.

12 THE CLERK: Place your left hand on the Bible, raise
13 your right hand.

14 CHAD SMITH,

15 after having been duly sworn, testified as follows:

16 THE CLERK: Thank you. Please be seated and state
17 your name for the record.

18 THE WITNESS: My name is Chad Smith.

19 DIRECT EXAMINATION

20 BY MR. WILKINS:

21 Q Mr. Smith, with whom are you employed?

22 A I'm employed with the South Carolina Law Enforcement
23 Division, which is, also, known as SLED.

24 Q What do you do for SLED?

25 A I'm a firearms examiner in the firearms department at

1 SLED's forensic services laboratory in Columbia.

2 Q What does a firearms examiner do?

3 A Our primary responsibility is examination of
4 firearms, ammunition, ammunition components. We, also, do
5 examinations of tools and tool marks. What this is is
6 firearm and tool mark identification. And in that area,
7 it's a specialized area of forensic science under which an
8 examiner tries to determine if a particular firearm
9 component -- or ammunition component, such as a bullet or
10 a cartridge case was fired by a particular firearm or if a
11 tool mark was produced by a specific tool like pliers or
12 bolt cutters.

13 Q And do you have any educational background?

14 A Yes, sir. I attended Clemson University where I
15 earned a Bachelor of Science degree in biological
16 sciences. And I've, also, successfully completed the
17 SLED's course and instructional program for firearms and
18 tool mark identification. During this period, it's a
19 three to five-year training period taught in-house. It's
20 supervised by the court-qualified examiners of the
21 firearms department. It involves extensive reading and
22 studying. There's many examinations and practical testing
23 to complete during this time.

24 I, also, help other case -- or examiners complete
25 their case work and prep their case work. I've attended

1 various seminars and classes on the subject. At the end
2 of the training period, I was given a comprehensive
3 multi-part examination, which I successfully completed and
4 was deemed competent in the area of firearm and tool mark
5 identification. Then I began to receive my case work.

6 Q Have you ever been qualified as an expert in any
7 courts?

8 A Yes, sir, I have.

9 Q How many times have you been qualified?

10 A Six times.

11 Q Tell this juror, if you were going to try to
12 determine whether a particular bullet came from a
13 particular gun, how would you go about doing that?

14 A Well, considering we received the firearm, the
15 suspect firearm as well?

16 Q Absolutely.

17 A What we would do is test fire the firearm. What we
18 do in our laboratory is we have a vertical steel tank
19 that's filled with water that we shoot into. The water is
20 an ideal medium to shoot into because it doesn't add or
21 take away any markings what we're looking for for the
22 identification purposes. We collect those test fires,
23 compare them to each other to see what kind of markings
24 I'm looking for, make sure they agree. Then I would
25 compare those tests with the suspect bullet, the submitted

1 bullet.

2 How we're able to do that is we use a comparison
3 microscope. It's, basically, two microscopes separated by
4 optical bridge and we're able to simultaneously compare
5 two samples at the same time. And what we're looking for
6 in the case of a bullet is the rifling impressions from
7 the barrel, the bore of the firearm itself. And that
8 leaves microscopic marks that we use for identification.

9 MR. WILKINS: Your Honor, I move Mr. Smith to be
10 qualified as an expert in firearms identification.

11 MR. ROBINSON: No voir dire. No objection.

12 THE COURT: All right. Thank you.

13 BY MR. WILKINS:

14 Q Now, did you receive any items from the Pickens
15 County Sheriff's Office related to an incident at 201
16 Smoke Rise Drive?

17 A Yes, I did. I received a fired cartridge case, 9mm
18 caliber; a fired bullet; a 9mm semi-automatic pistol with
19 a magazine and several unfired rounds of ammunition, 9mm
20 caliber.

21 Q I'm going to show you State's Exhibit 55 and 56 and
22 see if you recognize those two items. Tell the jury what
23 they are.

24 A Yes, State's Exhibit 55, which is my SLED item number
25 two, is the fired bullet that I received in evidence.

1 State's Exhibit 56, which is my item number one, is a 9mm
2 caliber fired cartridge case, which I, also, received.
3 How I'm able to determine that these are the exact items
4 that I received, in the SLED laboratory, when we receive
5 evidence, we mark each piece of evidence with an electric
6 engraver. We mark it with the SLED lab case number, the
7 item number, and, also, our initials. Both of these items
8 do bear the initials and all the other information that I
9 placed on there.

10 Q I'm going to show you what's marked as State's
11 Exhibit 43. See if you recognize that item and tell the
12 jury what it is.

13 A Before I get started, ladies and gentlemen, this
14 firearm is safe to handle. It has been physically and
15 visually examined by myself, so it's clear.

16 Yes, this is my item number 14, which is the 9mm
17 Ruger caliber pistol that I received.

18 Q And did you do any testing on that firearm?

19 A Yes, I did. When I receive a firearm, we go over it
20 visually, physically examine it, make sure that there's no
21 issues with it, it's in proper working condition, which
22 this was. And then we test fire it to obtain our test
23 fires to compare with the submitted ammunition components.

24 Q And did you test that firearm the same way as you
25 previously described?

1 A Yes, sir.

2 Q What were you trying to conclude by the comparison?

3 A I'm trying to conclude whether or not the submitted
4 evidence, the fired cartridge case or fired bullet, was
5 fired by this particular item. During my investigations,
6 I concluded that they, indeed, were fired by this
7 particular firearm.

8 Q So that firearm, State's Exhibit 43, fired this
9 bullet, State's Exhibit 55?

10 A Yes, sir, that is correct.

11 Q Okay. And tell us, how were you able to make that
12 determination?

13 A Like I stated previously, by the rifling impressions
14 of the -- the barrel of the firearm contains what's known
15 as rifling. Basically, what rifling is is made up of a
16 series of lands and grooves, ridges, if you will, and it
17 imparts a spin on the bullet as it's traveling down the
18 barrel. The spin retains itself as it's going towards the
19 target. And what that spin does is makes the component
20 itself more accurate and more stable as it's traveling
21 towards the target.

22 In addition to that, those markings that the rifling
23 places on the bullet itself, the microscopic markings,
24 those markings can be individual to a specific firearm.
25 That's what we're looking at under the microscope when we

1 do our comparisons. We're looking for as many -- they're
2 striations. They're just scratches, really. But they're
3 microscopic and we're looking for those when we do our
4 comparisons. And that's how I was able to determine that
5 particular bullet was fired by this particular gun.

6 MR. WILKINS: Okay. Answer any questions Defense
7 counsel may have.

8 MR. ROBINSON: I have no questions, Your Honor.

9 THE COURT: Okay. Thank you.

10 THE WITNESS: May I be excused?

11 THE COURT: Yes, sir.

12 MR. WILKINS: Your Honor, the State calls Doug
13 Leslie.

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

16 DOUGLAS LESLIE,

17 after being duly sworn, testified as follows:

18 THE CLERK: Thank you. Please be seated and state
19 your name for the record.

20 THE WITNESS: My name is Deputy United States Marshal
21 Douglas Leslie.

22 DIRECT EXAMINATION

23 BY MR. WILKINS:

24 Q Deputy Marshal Leslie, who do you work for?

25 A United States Marshal Service.

1 Q And what do you do for the Marshal service?

2 A I am Deputy U.S. Marshal and our jobs range from
3 court security, prisoner production, fugitive warrant
4 apprehension. There's just several jobs that we have in
5 the Marshal service.

6 Q Were you ever involved in the location of Devaria
7 Mosley?

8 A Yes, sir.

9 Q Can you tell us how you got involved in that?

10 A As part of operation intercept, operation intercept
11 is the United States Marshal's fugitive task force.
12 We're, basically, made up of federal, state, and local
13 agencies. Out of the Greenville office, it includes
14 Pickens County Sheriff's Office, Greenville County
15 Sheriff's Office, Greenville Police Department, Anderson
16 County Sheriff's Office, Spartanburg County, and there's
17 several others. And shortly after the murder took place,
18 we were contacted by the Pickens County Sheriff's Office
19 and requested the assistance in the location and
20 apprehension of Lester Mosley.

21 Q And I'm going to take you to December 19th, 2012.
22 During that day, were you looking for Lester Devaria
23 Mosley?

24 A We were working the case. We had been working the
25 case probably for about two weeks then. And on the 19th,

1 which was a Wednesday, I received a call probably about 17
2 -- probably about 5:45 that evening. I remember I was on
3 the way to a Christmas party with my family at that time.
4 It was a Wednesday night. And got the phone call from
5 Deputy Scott Tickner, who is part of our task force. He's
6 with Pickens County. He had received information that --

7 MR. ROBINSON: Your Honor, objection, hearsay.

8 THE COURT: Well, you can testify to what you did as
9 a result of the conversation.

10 THE WITNESS: Okay. Received -- got a phone call
11 saying they had seen --

12 BY MR. WILKINS:

13 Q What did you do after you got the phone call?

14 A After I got the phone call, I turned around and went
15 to Clemson at the Falls Creek -- Falls Landing apartment.
16 There, Deputy Tickner had stopped a vehicle and there were
17 four subjects -- I wrote the names down just to make sure
18 I got them correctly from my report.

19 Q Can you tell us what kind of car?

20 A It was a silver Honda Civic.

21 Q Who was the owner of that vehicle?

22 A The owner of that vehicle was John Gibson.

23 Q Okay. Who was in the car?

24 A In the car were Devonte Montrel Hodges, Marticus
25 Travon Gibson, Tavis Campbell, and Antonio Scott.

1 Q When you pulled them over, what did you do -- when
2 you arrived to --

3 A When I got on the scene, we began to interview them
4 and just ask them if they knew Lester Mosley, knew his
5 whereabouts, when was the last time they had seen them.
6 And as part of the interview, I had them sign a statement.
7 Basically, the statement was if you -- basically, you tell
8 us the truth. If you don't, there's certain crimes that
9 you can be punished for for lying to us. And I had each
10 individual sign the statement.

11 Q Do you know -- the owner of the car was -- who was
12 the owner of the car?

13 A John Gibson.

14 Q Were you aware if there was any relation to Ericka
15 Gibson?

16 A Yes, sir, that's her father.

17 Q After you had them sign notices that you were looking
18 for Devaria Mosley and -- what does the notice say that
19 you had them sign?

20 A Basically, any false statements, if you're hiding a
21 fugitive, aiding, preventing us from his capture, lying to
22 us, statements of omission that you can be charged for
23 that.

24 Q And did you do anything else at the scene?

25 A No, just -- I told them if I find out you're lying to

1 me, we're going to charge you, you will be charged, and if
2 they had any information to contact me. I left my contact
3 information.

4 Q On December 21st, did you receive another tip as to
5 the whereabouts of Devaria Mosley?

6 A Yes, we did.

7 Q As a result of that tip, what did you do?

8 A We received information that he was at the Budget Inn
9 motel in Toccoa, Georgia, with his girlfriend, Ericka
10 Gibson. And we got members of our task force and we went
11 and met up with Stephens County Sheriff's Office and
12 attempted warrant service in the room.

13 Q Did you, in fact, serve warrants at the motel in
14 Georgia?

15 A We located and arrested Lester Mosley.

16 Q Who was located in that hotel?

17 A In the hotel at that time was Marticus Travon Gibson
18 and Tavis Campbell, also known as Chico.

19 Q Where did you find the Defendant?

20 A He was hiding in the bathroom and had a -- I remember
21 he had a hoodie on and the hood was pulled up.

22 Q And did he -- when you approached him, did he give
23 the Marshal Service his name?

24 A When we asked his name, he gave us the name Antonio
25 Scott.

1 Q As a result of that, what did you do with the
2 Defendant?

3 A Once we -- when we enter a room and secure the scene,
4 you know, you start your interviews, making sure you're
5 identifying everybody. I remember I had Mr. Gibson
6 outside -- they had brought him outside the room and I was
7 asking him, I said who else was in the room. And I just
8 remember him kind of hanging his head. And I said is --

9 MR. ROBINSON: Objection, Your Honor, hearsay, calls
10 for speculation.

11 THE COURT: It doesn't call for speculation, but it
12 is hearsay.

13 BY MR. WILKINS:

14 Q Let me stop right there. When you asked him, what
15 did Travon Gibson do, what were his mannerisms?

16 A He led me to believe that he wasn't being truthful.
17 I remember asking is Devaria in the room and he nodded his
18 head. And when I walked back in, I remember another
19 officer, one of our task force officers, they had stood
20 Lester up and pulled his hood back and he had the dyed
21 hair and they were able to identify him. And said -- and
22 he admitted who he was after that.

23 Q Was Trey Gibson and Tavis Campbell the same people
24 you had stopped a couple days earlier?

25 A Yes.

1 Q In Ericka Gibson's car?

2 A Yes. John Gibson's car.

3 Q John Gibson's car.

4 MR. WILKINS: Answer any questions Defense counsel
5 may have..

6 MR. ROBINSON: May it please the Court?

7 THE COURT: Yeah.

8 CROSS-EXAMINATION

9 BY MR. ROBINSON:

10 Q You would agree that he was not running or trying to
11 get out of that building or anything like that, wouldn't
12 you?

13 A He didn't have anywhere to go. He did not try to
14 leave the room.

15 Q Okay.

16 A He was not able.

17 Q Okay. As far as the -- you just testified a moment
18 ago that he was hiding. He was in the room, right? You
19 agree with me, he was in the room?

20 A He was in the bathroom.

21 Q In the bathroom. Was he doing -- what if he was
22 using the bathroom?

23 A I remember him having all his clothes on.

24 Q You don't know whether he was --

25 A I cannot testify to that, no.

1 Q So you just testified a moment ago to this jury that
2 he was hiding, but you don't know if he was hiding or not,
3 do you?

4 A When we come in the door and announce, normally,
5 people will come out. But as far as when we call people
6 out of the room and announce police, United States
7 Marshals, which we did, he did not come out of the
8 bathroom. The bathroom door was open and he did not come
9 out.

10 Q And as far as the dyeing of the hair that we're
11 talking about, what do you mean dyeing the hair?

12 A In a photo we had, the top of his head was dyed. I
13 guess it was a reddish color. And when they stood him up
14 and pulled the hood back, because he was wearing his
15 hoodie, they saw the red dye on the top of his hair. And
16 we were able to remember that and ask him and he admitted
17 that he was -- after he had given us the name Antonio
18 Scott, then he admitted that he was Devaria Mosley.

19 Q But as far as the hair, we're not talking about the
20 full head, we're talking about a section, correct?

21 A Yes, that is correct.

22 Q And the rest of the head was the --

23 A The natural color.

24 Q The natural color, right?

25 A Yes, sir.

1 Q I think you testified that he was at the Budget Inn
2 with his girlfriend; is that correct?

3 A She was not there.

4 Q But that's the information you got?

5 A That's the information we received, that is correct.

6 Q And the girlfriend, I believe, was Ericka Gibson,
7 correct?

8 A The information that we had that she was his
9 girlfriend.

10 MR. ROBINSON: Okay. That's all I have. Thank you.

11 MR. WILKINS: No redirect.

12 THE COURT: All right. Thank you, sir. You can step
13 down.

14 MR. WILKINS: May we approach, Your Honor?

15 THE COURT: Yeah.

16 (WHEREUPON, a bench conference was held.)

17 THE COURT: All right. Mr. Foreman, ladies and
18 gentlemen of the jury, we're just going to take a short
19 morning recess. We've got a couple of logistical issues
20 we've got to address. We'll get right back with you.
21 Please don't discuss the case.

22 (WHEREUPON, the jury left the courtroom at
23 approximately 10:20 a.m.)

24 THE COURT: All right. Yes, sir, Mr. Wilkins.

25 MR. WILKINS: Your Honor, I just want to put on the

1 record we had one more witness to call, Imari Greenlee --

2 THE COURT: And she is under subpoena?

3 MR. WILKINS: She is under court subpoena to be here.
4 She was here Monday at the start of this case. As a
5 result of her not being here yesterday, we requested and
6 obtained a bench warrant for her arrest. Officers looked
7 for her until about two o'clock this morning and were
8 unable to locate her. We have communicated with her
9 through text. We told her that she needed to be here
10 immediately. It is now almost 10:30 and she is not here.
11 She's our last witness, Your Honor. So if Your Honor will
12 give us maybe a 10-minute break, we will attempt to
13 determine whether she's going to be able to make it here
14 or if she will attend or not and then that's all we'll
15 have.

16 THE COURT: Well, certainly, we're going to take a
17 break. And if you're able to communicate through text, if
18 you would, tell her that the Court takes it very seriously
19 when someone consciously, intentionally, willfully ignores
20 an order of the Court, and that I will retain jurisdiction
21 over her when she is apprehended.

22 MR. WILKINS: Yes, sir. We'll do that immediately.

23 THE COURT: All right. Thank you very much.

24 Let's take a short break.

25 (WHEREUPON, a short break was taken.)

1 THE COURT: Mr. Wilkins.

2 MR. WILKINS: My understanding is that our last
3 witness is not going to show up to testify. So we'll
4 proceed as -- pursue all our available legal options.

5 THE COURT: Just tell the sheriff to pick her up.

6 MR. WILKINS: Will do.

7 THE COURT: And hold her until I'm available.

8 MR. WILKINS: Will do. I just have one stipulation
9 that I have to read into the record and the State will
10 then rest after that.

11 THE COURT: All right. Let's -- just so we can save
12 a little time, let's go ahead and handle any motions at
13 this time.

14 Mr. Robinson, have you got any motions?

15 MR. ROBINSON: I do. May it please the Court. Your
16 Honor, at this time, we made a directed verdict acquittal
17 motion at this time on all charges.

18 THE COURT: All right. Well, denied.

19 Mr. Mosley, have you had an opportunity to consider
20 your options with respect to testimony?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you have any questions that you would
23 like to ask me about your testimony?

24 THE DEFENDANT: No, sir.

25 THE COURT: Okay. Are there any impeachable

1 offenses?

2 MR. WILKINS: Not that I'm aware of, Your Honor. I
3 don't think he has any convictions that carry more than a
4 year on his record within the last 10 years.

5 THE COURT: Okay. And have you had ample opportunity
6 to discuss with your attorney?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Have you made a decision.

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Mr. Robinson, what are y'all going to do?

11 MR. ROBINSON: Your Honor, in conversation with my
12 client, he has decided to testify and take the stand.

13 THE COURT: Okay. All right.

14 Well, what we'll do then is bring the jury in. Read
15 the stipulation, consider your motions heard, and the
16 rulings have been made, and we'll move right into the
17 defense.

18 MR. ROBINSON: Yes, sir.

19 THE COURT: Okay.

20 (WHEREUPON, the jury entered the courtroom at
21 approximately 10:50 a.m.)

22 THE COURT: All right. Welcome back.

23 All right. Mr. Wilkins.

24 MR. WILKINS: Your Honor, the State would like to
25 read a stipulation into the record.

1 THE COURT: All right. Yes, sir.

2 MR. WILKINS: This is in the case of State of South
3 Carolina vs. Lester D. Mosley. The State, by and through
4 Solicitor Walt Wilkins, and the Defendant, Lester D.
5 Mosley, by and through his attorney, Scott D. Robinson, do
6 hereby stipulate that no DNA profile was obtained of any
7 evidence in the case of State vs. Lester D. Mosley that
8 could be used as a comparable to a known DNA profile.

9 THE COURT: All right. Thank you very much.

10 Again, ladies and gentlemen, that's a stipulation.
11 It's a fact that the parties agree that is so beyond
12 dispute that you should except it as being true.

13 Yes, sir.

14 MR. WILKINS: At that juncture, the State rest, Your
15 Honor.

16 (WHEREUPON, Court's Exhibit No. 4 was marked for
17 identification.)

18 THE COURT: Very good.

19 Mr. Robinson.

20 MR. ROBINSON: Your Honor, may it please the Court?

21 THE COURT: Yes, sir.

22 MR. ROBINSON: We would call Cosha Benson, Your
23 Honor.

24 THE CLERK: Place your left hand on the Bible, raise
25 your right.

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COSHA BENSON,

after having been duly sworn, testified as follows:

THE CLERK: Thank you. Please have a seat and state
your name for the record.

THE WITNESS: Cosha Benson.

MR. ROBINSON: May it please the Court?

THE COURT: Yes, sir.

DIRECT EXAMINATION

BY MR. ROBINSON:

Q Cosha, where do you reside?

A I stay in Clemson in Ridge Crest.

Q All right. And do you have children?

A Yes, I have a two-year-old.

Q And how do you spell Cosha?

A C-O-S-H-A.

Q All right. Are you familiar with Lester Mosley?

A Yes.

Q Is he sitting in the courtroom today?

A Yes.

Q Can you point him out to me, please?

A Right there.

Q You're pointing out the Defendant; is that correct?

A Yes.

Q How long have you known Lester?

A For a long time now.

1 Q I want to take you back to December 8th, 2013. Do
2 you remember that day?

3 A Yes.

4 Q Okay. Why don't you tell the jury what you did that
5 day?

6 A Well, I was at my house and I was doing William's
7 hair.

8 Q William who?

9 A William Wingard.

10 Q Who is he?

11 A He's Devaria's brother.

12 Q Okay.

13 A I was doing his hair. And a little bit after he
14 arrived, Devaria came.

15 Q Okay. What time was that?

16 A That was around 7:00.

17 Q All right.

18 A When he came, we sat at the house for a little bit.
19 We was previously drinking, you know.

20 Q Right.

21 A And then they left. Everybody went their separate
22 ways.

23 Q What time did they leave?

24 A Around 8:30, ninish.

25 Q Do you know where they went?

1 A Downtown to Crocks, that's where everybody went to.

2 Q What was Crocks?

3 A They had a party there, like a birthday party or
4 something.

5 Q All right.

6 A And everybody went to celebrate and have a good time.

7 Q Did you see Lester at the party?

8 A Yes.

9 Q At Crocks?

10 A Yes.

11 Q Did you see him all night?

12 A Yes.

13 Q Did you ever not see him?

14 A No.

15 Q To your knowledge, did he ever leave Crocks?

16 A Not until it was over when everybody left.

17 Q Cosha, have I met you prior to today?

18 A No.

19 Q Have I promised you anything to get you to come
20 testify today?

21 A No.

22 Q Are you under subpoena?

23 A Oh, yes, I did get a subpoena.

24 Q You were subpoenaed to come to court today; is that
25 correct?

1 A Uh-huh.

2 Q And what you're telling is the truth?

3 A Yes.

4 MR. ROBINSON: Thank you.

5 CROSS-EXAMINATION

6 BY MR. WILKINS:

7 Q Good morning, Ms. Benson.

8 A Good morning.

9 Q Your testimony is that on December 8th, Devaria
10 Mosley came to your house around seven o'clock; is that
11 correct?

12 A Uh-huh.

13 Q How did he get there?

14 A I'm not really sure how he got there. I was in the
15 house doing hair, so I don't know how he got there.

16 Q Did he arrive in a car, bus, taxi?

17 A I'm not sure.

18 Q You don't know?

19 A Huh-uh.

20 Q He just showed up at your house at 7:00?

21 A Yes.

22 Q Who was at your house?

23 A William, his brother, William's friend, Justin
24 Walker, Devaria, and then P.J. or Phillip, he walked from
25 his sister's house.

1 Q What time was all those other people there? Were
2 they there the same time that Devaria got there?

3 A No, William came earlier before Devaria, around like
4 6:45, him and Justin.

5 Q And when was P.J. there?

6 A He came once Devaria came.

7 Q So about 6:45 or 7:00, P.J. was at your house?

8 A Yes.

9 Q Did any of those people ever leave while you were
10 there?

11 A No, not until we all left.

12 Q So Devaria didn't leave?

13 A No.

14 Q P.J. didn't leave?

15 A No.

16 Q William didn't leave?

17 A No.

18 Q And William's friend, is that who you said?

19 A Yeah.

20 Q Did he leave your house?

21 A Not until everybody went to Crocks.

22 Q And that was about?

23 A Nine.

24 Q Nine when y'all went to Crocks?

25 A Uh-huh.

1 MR. WILKINS: May I approach?

2 THE COURT: Yes.

3 BY MR. WILKINS:

4 Q You realize that Devaria Mosley has been incarcerated
5 for what, 22 months now?

6 A Uh-huh.

7 Q And what you're telling this jury, you would agree,
8 you're telling this jury that Devaria Mosley was with you
9 at the time Steve Grich was murdered, is that what you're
10 telling this jury?

11 A Uh-huh.

12 Q And you've known about that for 22 months, correct?

13 A Uh-huh.

14 Q For 22 months, if your testimony is true, an innocent
15 man has been locked up; hasn't he?

16 A Uh-huh.

17 Q And for 22 months, you've had this information and
18 who have you told?

19 A No one.

20 Q Your friend, long-time friend, is wrongfully locked
21 up on bad charges and you wait 22 months to tell somebody.
22 An injustice has been done according to your testimony
23 right here and you wait 22 months to tell anybody. Is
24 that correct?

25 A Uh-huh.

1 Q Was your testimony not that important 22 months ago?

2 A I don't know.

3 Q You don't know?

4 A I mean, I just didn't say anything about it.

5 Q Did you not care that your long-time friend was
6 wrongfully charged and incarcerated?

7 A Oh, I care.

8 Q Did you not care enough to come tell law enforcement,
9 wait, he was with me? Did you not care enough to do that?

10 A (There was no response.)

11 Q So the first time we've ever heard this is today.
12 The first time you've told anybody is today, is that
13 correct?

14 A Yes.

15 MR. WILKINS: No further questions, Your Honor.

16 THE COURT: Anything else?

17 MR. ROBINSON: No redirect, Your Honor.

18 THE COURT: All right. You can step down.

19 MR. ROBINSON: Your Honor, we would call Lester
20 Mosley.

21 THE CLERK: Place your left hand on the Bible, raise
22 your right.

23 LESTER D. MOSLEY,

24 after having been duly sworn, testified as follows:

25 THE CLERK: Thank you. Please be seated and state

1 your name for the record.

2 THE WITNESS: Lester Mosley.

3 MR. ROBINSON: May it please the Court?

4 THE COURT: Yes.

5 DIRECT EXAMINATION

6 BY MR. ROBINSON:

7 Q Lester, how old are you?

8 A Twenty years old.

9 Q Twenty years old?

10 A Yes, sir.

11 Q And did you -- are you from Pickens County, South
12 Carolina?

13 A Yes, sir.

14 Q Where?

15 A I was born in Easley -- I'm from Clemson, but I was
16 born in Easley.

17 Q Born in Easley, okay. Let's go back to December 8th
18 of 2012. Now, you've been in jail now for how many
19 months?

20 A Twenty-one, about to be 22 months.

21 Q All right. Now, let's talk about you and Ericka
22 Gibson?

23 A Yes, sir.

24 Q Were you and Ericka Gibson dating at that time?

25 A Yeah, we started dating like on July -- I say like

1 July 29th, right before August.

2 Q Of 2012?

3 A 2012.

4 Q Now, where did she reside at that time?

5 A She stayed in Taccoa.

6 Q Is that Taccoa, Georgia?

7 A Yeah, Taccoa, Georgia.

8 Q All right. Did you have occasion to go to Georgia to
9 visit her?

10 A She wanted me to stay with her, you know what I'm
11 saying. I was staying with her without her parents'
12 consent, you know.

13 Q Where were you staying with her?

14 A At 33288 Clark Creek Road, Martin, Georgia.

15 Q Now, at some point, did you go to a motel?

16 A Yeah. See, I had got caught like three, four days
17 prior to me, actually, coming to jail. I got caught at
18 her house. I think like her uncle, her uncle and aunt,
19 they caught me in the house, you know what I'm saying, so
20 she got a hotel room for us.

21 Q Who do you mean caught you?

22 A Like, I was staying there without them knowing I was
23 staying there.

24 Q Without their permission?

25 A Yeah, without their permission. So they caught me in

1 the house and that's when she got us a hotel room.

2 Q What was the name of this hotel?

3 A Budget Inn.

4 Q Now, you had the opportunity to listen a moment ago
5 to Officer Leslie?

6 A Yes, sir.

7 Q In the hotel room that he described, what were you
8 doing?

9 A We was smoking. We was smoking and watching TV.

10 Q Okay.

11 A Then we heard a knock on the door. He said I was in
12 the bathroom when I really wasn't in the bathroom.

13 Q Where were you?

14 A I was standing up coming out of the door. Stood up.
15 Didn't have no hood on, didn't have a jacket on. I did
16 have a hat on, didn't have a hood on. I had just came out
17 of the bathroom standing in front of the bathroom door
18 when they kicked the door down, you know what I'm saying.
19 They came running in, you know what I'm saying, the guys
20 or whatever, they came running in, that's when they put
21 everybody to the ground. They didn't never take -- they
22 never took anybody out, never took Trey out the room,
23 never took him out. All three of us was sitting on the
24 bed together, me, Tavis and Trey Gibson.

25 Q Okay. Did you try to run?

1 A No.

2 Q Okay. What happened after that -- let's go back to
3 -- let's, again, go back to December 8th, 2012. Let's
4 start that day from the beginning. Tell the jury what you
5 did that day.

6 A 12:30 exactly, 12:30 that morning, I woke up. I set
7 my alarm on my phone because I went to sleep five o'clock
8 the prior day, you know what I'm saying, five o'clock in
9 the morning.

10 Q Where were you?

11 A In Taccoa.

12 Q In Taccoa?

13 A Yeah. So I woke up at 12:30. When I woke up, Ericka
14 wasn't there, you know what I'm saying, I don't know where
15 she went to. Probably an hour later, she came. But I was
16 there with her brother, Trey.

17 Q Okay.

18 A So when she came, we left, riding around Taccoa. We
19 smoked at somebody house, I don't know who it was, for
20 about an hour. Then probably 30 minutes later, we headed
21 to Clemson.

22 Q Do you remember what time that was?

23 A Around 3:00, 3:30. We about to head to Clemson
24 around 3:30.

25 Q Do you know if Ericka was working at the time?

1 A She was -- I don't know if she was at work, but I
2 know she was working at Taco Bell.

3 Q So after -- you left Taccoa at some point?

4 A Uh-huh.

5 Q How did you get from Taccoa to Clemson?

6 A Ericka.

7 Q Did she drive a car?

8 A Yeah, she drove us to Clemson.

9 Q What happened after that?

10 A Like we -- on the way to Clemson, that's when I got
11 the first call -- well, she got the first call. My phone
12 wasn't even on, so I don't know how they said they called
13 me. So Ericka got the first call from Kadeem, he called
14 her phone. And she was like your friend calling me. She
15 said, I ain't answering it, though, you know what I'm
16 saying. I was like, All right. Didn't pay no attention
17 to it. So we get to Clemson, he called again. She didn't
18 answer it. I don't know what time it was, but I know he
19 called twice back to back. Then we got to Clemson, went
20 straight to Creekwood. Get to Creekwood --

21 Q What's at Creekwood?

22 A Apartments, apartment complex.

23 Q Who lived there?

24 A That's where I grew up, really, so I know like a lot
25 of people out there. But when I get out there, I see

1 Octavius, Tay is what we call him, Octavius. He sitting
2 on the stairs smoking a cigarette. Me and Trey get out
3 the car. Ericka stayed in the car. Me and Trey get out
4 the car and talk to him for a second. He tell us --

5 Q Be careful of what someone says.

6 A Okay. Well, then like Tavis sleeping, you know what
7 I'm saying, from the night before, he still resting. He
8 went to go get him. That's when Tavis came in the
9 picture, you know what I'm saying. Then when Tavis came,
10 we smoked probably two or three hours, you know what I'm
11 saying. I'm going back and forth to the store, getting
12 cigars back and forth to the store. Only time we went to
13 Vista was when we dropped Octavius and Tavis off in Vista.
14 Then me and Ericka left and went to Cosha house. It was
15 nighttime, so it had to be around 7:00.

16 Q How long did you stay at Cosha's?

17 A Till I went to Crocks, probably about an hour, hour
18 and a half.

19 Q Who did you go to Crocks with?

20 A I went to Crocks with -- well, Ericka dropped me off,
21 you know what I'm saying, but my brother, they rode in
22 separate car with Octavius and -- I went with Trey, but
23 Tavis, Octavius and Poo, they rode the cab bus, you know
24 what I'm saying, because my brother don't like Tavis nor
25 does Cosha like him, so he never was with me at Cosha's

1 house.

2 Q Now, the cab bus, what is the cab bus?

3 A It's a transient, you know what I'm saying, Clemson
4 area transient.

5 Q In Clemson, okay. All right. What time did you
6 arrive at Crocks?

7 A I don't know. It was before nine o'clock, I know
8 that, probably about 9:00.

9 Q What was going on at Crocks?

10 A It was a party, birthday party.

11 Q For who?

12 A Dude named Boot I grew up with.

13 Q All right. Where did you go after you left Crocks?

14 A Went straight back to Cosha's, you know what I'm
15 saying. It's like 2:00 in the morning. I went to
16 Cosha's. Ericka and Imari was babysitting Cosha's son,
17 you know what I'm saying.

18 Q Now, at the time this all took place on December 8th,
19 2012, were you friends with the Daltons?

20 A No.

21 Q Who were you friends with?

22 A Kadeem.

23 Q How long had you known Kadeem?

24 A All my life.

25 Q All your life?

1 A Yeah.

2 Q Okay. Now, did you participate in going into that
3 apartment?

4 A No.

5 Q Where were you at the time?

6 A I was at Cosha's when everybody said that the
7 shooting took place.

8 Q Okay. Did you have anything to do with this?

9 A I did let Kadeem know, you know what I'm saying,
10 where the apartment was, but I never went with him, never
11 -- you know, never got in the car with the Daltons. I
12 didn't even know that he was with them, you know what I'm
13 saying. Kadeem called Tavis, that's how I know. That's
14 how I told him about it.

15 Q Did you shoot the victim in this case?

16 A No, I did not.

17 Q Did you hit anybody?

18 A No, I did not.

19 Q Did you go into that apartment?

20 A No, I did not.

21 Q Okay. Were you in the vehicle of Jaron Dalton, the
22 black vehicle?

23 A No, sir, I was not.

24 MR. ROBINSON: Answer any questions that the
25 prosecutor has.

1 MR. WILKINS: Your Honor, may it please the Court?

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. WILKINS:

5 Q Mr. Mosley, what time -- your statement is you spent
6 the night in Georgia and woke up on December 8th in
7 Georgia?

8 A Yes, sir.

9 Q Came to Clemson with Ericka Gibson?

10 A And her brother.

11 Q And her brother, Trey Gibson?

12 A Yes, sir.

13 Q And y'all drove what car?

14 A The Honda.

15 Q The silver Honda?

16 A That's her car.

17 Q That we've heard a lot of testimony about, that's
18 Ericka's car?

19 A Yes, sir.

20 Q And what time did you get to Cosha's house?

21 A About 7:00. I'd say about 7:35.

22 Q And who took you there?

23 A Ericka.

24 Q And was anybody else in the car with you?

25 A No, just me and her.

- 1 Q And when you got there, who was at that house?
- 2 A Cosha, my brother --
- 3 Q Who's your brother?
- 4 A William Wingard.
- 5 Q Okay.
- 6 A And Justin Walker, we call him J. Wall and that was
- 7 it.
- 8 Q Was P.J. there?
- 9 A P came when I came, but he wasn't already there.
- 10 Q He came -- when you say he came, was he in the car
- 11 with you?
- 12 A No, he came when he heard I was over there.
- 13 Q So he came over?
- 14 A Yeah.
- 15 Q So he would have gotten there by 7:15?
- 16 A No, not 7:15, around 7:50 because I got there bout
- 17 7:35.
- 18 Q Okay. So before eight o'clock?
- 19 A Yeah, before eight o'clock.
- 20 Q Do you know where P.J. was before that?
- 21 A At his sister's.
- 22 Q At his sister's house?
- 23 A Yeah.
- 24 Q Where does his sister live?
- 25 A Right two houses down, two doors down.

1 Q So he was at Ridge Crest?

2 A Yeah, two doors down.

3 Q So when you got there at seven o'clock, P.J. was --

4 A 7:35.

5 Q At 7:35ish, at 7:30, when you got to Ridge Crest at
6 Cosha's apartment, P.J. was two doors down?

7 A Yeah, at his sister's.

8 Q And he just waited to walk up to your apartment; is
9 that correct?

10 A Cosha's apartment.

11 Q I mean, Cosha's apartment?

12 A Yeah.

13 Q Okay. And did P.J., you or anybody ever leave that
14 apartment?

15 A No, sir.

16 Q Never left?

17 A No, sir.

18 Q And you went from Ridge Crest to Crocks?

19 A Yes, sir.

20 Q And whose car did you ride in to Crocks?

21 A Ericka's, me and Ericka.

22 Q Just you and Ericka by yourself?

23 A And Trey, Trey was with us, too.

24 Q And Trey Gibson?

25 A Yes, sir.

1 Q Her brother?

2 A Her brother, yeah.

3 Q Went to Crocks?

4 A Uh-huh.

5 Q So you didn't go to Chimney Ridge?

6 A Never.

7 Q December 8th?

8 A Never.

9 Q So you're telling this jury that Kadeem Ramsey is
10 telling a story?

11 A Yes, sir.

12 Q You're tell this jury that he just made your name up

13 --

14 A Yes, sir.

15 Q -- about this incident?

16 A Yes, sir.

17 Q And how long have you known Kadeem Ramsey?

18 A Twenty years.

19 Q Twenty years?

20 A Yeah.

21 Q And you're telling this jury that -- Kadeem Ramsey
22 was interviewed on the Monday after this murder and when
23 he was interviewed, he was pulled out of English class and
24 interviewed by law enforcement?

25 A Yes.

1 Q And when he was asked what happened, he immediately
2 said he and the Dalton brothers and you went into Chimney
3 Ridge?

4 A Yeah, that's right.

5 Q You're telling this jury that he just grabbed your
6 name out of thin air at that moment and inserted you into
7 that crime?

8 A I'm telling you I told them where to go to, so I
9 guess --

10 Q What do you mean you told him where to go to?

11 A I told him where to go to, you know what I'm saying,
12 what house.

13 Q I don't understand.

14 A What house in Chimney -- the house they went to, you
15 know what I'm saying.

16 Q Okay.

17 A Earlier that day, he called me and I told him, you
18 understand, told him which house it was. He asked me
19 which house to go to and I told him.

20 Q To do what?

21 A He didn't tell me.

22 Q What did he ask you?

23 A He told me he wanted to buy some weed. He didn't
24 tell me anything.

25 Q So you knew about that house at Chimney Ridge?

1 A Yeah.

2 Q And you knew you could buy weed there?

3 A I heard that you can buy weed there. I ain't never
4 tried to purchase no weed from him or nothing like that,
5 but, yeah.

6 Q You're telling this jury that you had information
7 that weed was at that particular location?

8 A Yeah.

9 Q And you're telling this jury that you told Kadeem
10 that the next day -- or the day before?

11 A Yeah.

12 Q And then you're telling this jury that when Kadeem
13 was asked, he just brought your name out of thin air --

14 A Yes, sir.

15 Q -- and inserted that and gave that to police officers
16 on the spot?

17 A Yes, sir.

18 Q And you're, also, telling this jury that all the
19 victims say it was a short black male who assaulted them.
20 And so he was able to grab -- you're telling this jury he
21 was able to grab your name that fit the description of an
22 individual that is exactly consistent with what the
23 victims said?

24 MR. ROBINSON: Your Honor, objection, assumes facts
25 not in evidence.

1 THE COURT: Overruled. Go ahead.

2 BY MR. WILKINS:

3 Q Is that what you're telling this jury?

4 A That's what I'm telling you.

5 Q So Kadeem Ramsey is smart enough to grab your name,
6 who two years later when the victims testify in this
7 courtroom meet the exact description of you?

8 A Yeah.

9 Q Independent?

10 A Yes, sir.

11 Q You're telling this jury that Jaron Dalton came in on
12 Monday and when asked what happened inserted your name?

13 A Yes, sir.

14 Q How would he know your name if you don't know him?

15 A Me and Kadeem was best friends.

16 Q He and Kadeem was best friends?

17 A No, me and Kadeem.

18 Q So are you telling this jury that Kadeem told Jaron
19 to say that you were there?

20 A Jaron knows me.

21 Q Jaron knows you?

22 A Yeah, him and his brother.

23 Q So you're telling this jury that Jaron Dalton comes
24 in on his own --

25 A Uh-huh.

1 Q -- and tells the police that he was involved in a
2 murder --

3 A Uh-huh.

4 Q -- involved in a burglary first --

5 A Uh-huh.

6 Q -- and magically inserts your name in that as well?

7 A That's what I'm telling you.

8 Q And you're telling this jury that your name happened
9 to independently meet the exact description of four
10 individuals who were victims of that crime?

11 A Yes, sir.

12 Q And you're saying Jaron Dalton comes in that day and
13 tells the police that he was involved in a murder, that he
14 was involved in a burglary first and magically inserts
15 your name as being there with them?

16 A Yes, sir.

17 Q Independent of Kadeem and Jaron?

18 A Yes, sir.

19 Q And your name, the magic name, fits perfectly with
20 the description by the victims independent of that?

21 A Yes, sir.

22 Q Trey Gibson -- what time did Trey Gibson get over to
23 Cosha's house?

24 A Same time I got there.

25 Q He rode with you?

- 1 A Yeah.
- 2 Q He was with you?
- 3 A No, no, no, me and Ericka.
- 4 Q Okay. How did Trey get there?
- 5 A He didn't get there. He wasn't there.
- 6 Q When did Trey get to Cosha's house?
- 7 A He didn't go to Cosha's house.
- 8 Q He never went to Cosha's house?
- 9 A No.
- 10 Q He stayed --
- 11 A Yeah, with Chico and them.
- 12 Q So you're telling me -- so you're, also, telling this
- 13 jury that Ericka Gibson --
- 14 A Yeah.
- 15 Q -- testified and you're saying that she didn't tell
- 16 the truth?
- 17 A No.
- 18 Q She didn't pick you up from the Daltons?
- 19 A No.
- 20 Q And Trey Gibson, how long have you known -- I'm
- 21 sorry, how long have you known Tavis Campbell?
- 22 A Not that long, couple years.
- 23 Q Couple years?
- 24 A Yeah.
- 25 Q Y'all friends?

1 A No, we ain't friends at all.

2 Q And you're saying Tavis Campbell didn't tell this
3 jury the truth either?

4 A No, he don't like me.

5 Q So he made up a story -- you're telling this jury
6 that he made up a story about you telling him at the exact
7 apartments that you claimed you were at?

8 A Yeah.

9 Q How would Tavis Campbell know that you were at those
10 apartments?

11 A I went there. I left from with Tavis and told him I
12 was going to Cosha's.

13 Q Okay.

14 A Okay.

15 Q And then Tavis makes up a story that you told him
16 that it went bad, the gun went off?

17 A Uh-huh.

18 Q And Tavis just made that up?

19 A That's what he said.

20 Q And you're saying Tavis just made that up?

21 A Yeah.

22 Q And then how did Trey Gibson get to Crocks?

23 A I guess -- he rode with us to Crocks.

24 Q I thought you said it was just you and Ericka just
25 went to Crocks? You just told this jury --

- 1 A I said me and Ericka went to Cosha's.
- 2 Q That's right.
- 3 A Trey rode with us to Crocks. He didn't go with us to
- 4 Cosha's house.
- 5 Q Okay.
- 6 A Yeah.
- 7 Q So from 7:30 to -- what time did y'all leave for
- 8 Crocks?
- 9 A Probably about almost 9:00, about 8:00 something.
- 10 Q P.J. was with you?
- 11 A Uh-huh.
- 12 Q How did P.J. get to Crocks?
- 13 A He didn't go to Crocks.
- 14 Q Where did he stay, he stay at Cosha's?
- 15 A I don't know where he went. He didn't go to Crocks,
- 16 I know that.
- 17 Q He was there with you?
- 18 A Yeah.
- 19 Q Trey was with you?
- 20 A No, Trey was not at Cosha's.
- 21 Q I'm sorry, Cosha was there, you were there?
- 22 A Yeah.
- 23 Q Trey wasn't at Cosha's?
- 24 A No.
- 25 Q Y'all never left Cosha's house before Crocks?

1 A Never.

2 Q I'm just getting confused, did y'all pick Trey Gibson
3 up to go to Crocks?

4 A Yeah, yeah.

5 Q Where did you pick Trey up from?

6 A From Creekwood.

7 Q From Creekwood?

8 A Yeah.

9 Q Where he was?

10 A Yeah, where all three of them was -- all four of them
11 was.

12 Q What time was that when you picked him up?

13 A Right before we -- soon as we left.

14 Q Nine o'clock?

15 A No, not 9:00. We got to Crocks around 9:00.

16 Q You got to Crocks around 9:00?

17 A Yeah.

18 Q So you --

19 A It had to be around 8:30, 8:40 something.

20 Q So you would have picked up Trey Gibson around 8:30,
21 8:45?

22 A 8:40 something.

23 Q And P.J. was still back at the apartments because you
24 had left him there?

25 A Yeah.

1 MR. WILKINS: No further questions, Your Honor.

2 THE COURT: Any redirect?

3 MR. ROBINSON: I have no redirect, Your Honor.

4 THE COURT: Okay. You can stand down.

5 Call your next witness.

6 MR. ROBINSON: May it please the Court, we would call
7 Mr. William Wingard.

8 THE CLERK: Place your left hand on the Bible, raise
9 your right.

10 WILLIAM WINGARD,

11 after having been duly sworn, testified as follows:

12 THE CLERK: Thank you. Please be seated and state
13 your name for the record.

14 THE WITNESS: William Wingard. On that night, my
15 friend --

16 THE COURT: Wait, wait, wait. Hold on. You don't
17 give a narrative, you respond to questions.

18 DIRECT EXAMINATION

19 BY MR. ROBINSON:

20 Q William, where do you reside?

21 A Excuse me?

22 Q Where do you live?

23 A I lived at University Village.

24 Q Where do you live now?

25 A Oh, at the Summit.

1 Q What do you do for a living?

2 A Right now, I'm looking for a job.

3 Q Okay. What's your -- what kind of job are you
4 looking for?

5 A Any kind of job right now.

6 Q Any kind of job?

7 A Yes, sir.

8 Q Where did you go to school?

9 A I went to school at Daniel High School.

10 Q Did you graduate?

11 A No, sir.

12 Q Did you get your GED?

13 A Working on it.

14 Q Where are you doing that?

15 A Liberty High School.

16 Q Okay. You're taking a GED program there?

17 A Yes, sir.

18 Q Are you related to Lester Mosley?

19 A Yes, sir.

20 Q What is he to you?

21 A My brother.

22 Q Your brother?

23 A Yes, sir.

24 Q Now, I want to take you back to December 8th of 2012,
25 all right?

1 A Yes, sir.

2 Q Tell me about that day.

3 A Okay. Okay. On that day, I was at the University
4 Villages waiting on my friend, Justin Walker. He picked
5 me up around 6:45ish. I went to Lulu's house to get my
6 hair done.

7 Q Who is Lulu, who is that?

8 A Cosha.

9 Q And what is she to you?

10 A That's my cousin.

11 Q And you said you were getting your hair done?

12 A Yes, sir.

13 Q What was she doing to your hair?

14 A She was retwisting my dreads.

15 Q What happened after that?

16 A When I was there, I was there with my friend, Justin
17 Walker. I was sitting there, she was doing my hair.
18 Devaria came in around, I'd say, 7:20ish. And he left a
19 little bit after that. Cosha got done doing my hair
20 around 8:30, 8:45, something between there. And Devaria
21 came in --

22 Q What time did he come in?

23 A It was between 8:30, 8:45.

24 Q Okay.

25 A He came in, asked me what time we was going to

1 Crocks. We sat there. I was drinking a little bit while
2 I was getting my hair done. And -- okay, then I got --
3 she got done with my hair. I got in Justin Walker's car.
4 Devaria had left a little bit before I did.

5 Q Who did Devaria go with?

6 A He left with Ericka Gibson.

7 Q Okay.

8 A And Kelvin.

9 Q Okay.

10 A And Trey Gibson.

11 Q Okay. Where did y'all go?

12 A We met them at Crocks in Clemson.

13 Q Okay.

14 A For the video shoot.

15 Q What was going on at Crocks that night?

16 A It was a big video shoot.

17 Q Video shoot?

18 A Yes, sir.

19 Q Was there a birthday party going on?

20 A I can't really remember. I just remember we was
21 going for a video shoot.

22 Q What time did you get there?

23 A We got there around 9:00, 10:00.

24 Q Was Devaria already there when you got there?

25 A Yes, sir.

1 MR. ROBINSON: That's all the questions I have.

2 Answer any questions the prosecutor may have.

3 MR. WILKINS: May it please the Court, Your Honor?

4 THE COURT: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. WILKINS:

7 Q Mr. Wingard, on December 12th, did you plead guilty
8 to assault and battery by mob second degree?

9 A Yes, sir.

10 Q Now, you said you went over to Cosha's around 6:45;
11 is that correct?

12 A Yes, sir.

13 Q When you went to Cosha's house, who was there?

14 A Just Cosha. P.J., Phillip Bruce, was at his sister's
15 house, but he was in and out the whole time, back and
16 forth.

17 Q He was in and out. Was he there the whole time
18 before you left to go to Crocks?

19 A Yes, sir.

20 Q So he never left there to go anywhere else?

21 A Besides to his sister's house, back and forth.

22 Q Back to his sister's house, but he never left those
23 apartments?

24 A No, sir.

25 Q And that's the Ridge Crest Apartments; is that

1 correct?

2 A Yes, sir.

3 Q All right. And what time did Devaria come over?

4 A Devaria came over around 7:20.

5 Q 7:20?

6 A Yes, sir.

7 Q How did he get there?

8 A I'm not too sure. I was in the house getting my hair
9 done.

10 Q Did he stay there the entire time?

11 A No, sir.

12 Q Where did he go?

13 A I'm not sure.

14 Q When did he leave?

15 A He left around 7:45.

16 Q So he left about 7:45?

17 A Yes, sir.

18 Q Okay. Where did he go?

19 A I don't know, I was getting my hair done.

20 Q So you don't know where he went?

21 A Yes, sir.

22 Q When did he return?

23 A Between 8:30, 8:45ish. I'm not too sure.

24 Q So he was gone between 7:45 and 8:45?

25 A Yes, sir.

1 Q You don't know if he left the apartment complex or
2 where he went?

3 A I was inside getting my hair done.

4 Q So you don't know?

5 A No, sir.

6 Q Do you know who he left with?

7 A No, sir.

8 Q Didn't you just tell this jury that he left with Trey
9 Gibson?

10 A He left with Ericka Gibson to go to Crocks.

11 Q Left with Ericka Gibson?

12 A Yeah.

13 Q Not Trey?

14 A Yes, sir.

15 Q Okay. Was Trey Gibson over there?

16 A He was with Ericka Gibson when they went to Crocks.

17 Q Was Trey Gibson at Ridge Crest?

18 A They came to Ridge Crest -- he came with Ericka
19 Gibson, his sister.

20 Q Okay. At 7:20?

21 A No.

22 Q At what time?

23 A Nine, or when they went to Crocks.

24 Q Okay. So Ericka brought him to Ridge Crest?

25 A Excuse me?

1 Q I'm just trying to understand. Trey Gibson, when was
2 the first time you saw Trey Gibson that day?

3 A About 9:00.

4 Q At Ridge Crest?

5 A Yes, sir.

6 Q So you saw Trey Gibson about nine o'clock and he was
7 brought there by Ericka Gibson, is that what you're
8 telling this jury?

9 A Yes, sir.

10 Q And P.J. never left?

11 A P.J. never left.

12 Q What is Trey Gibson's -- do you know Trey Gibson's
13 full name?

14 A No, sir.

15 Q And do you know how P.J. got to Crocks?

16 A He rode with Ericka Gibson.

17 Q Oh, he rode --

18 A He never left the house between 7:40 and nine
19 o'clock..

20 Q Okay. And he rode with Ericka to Crocks?

21 A Yes, sir.

22 MR. WILKINS: No further questions.

23 THE COURT: Anything else?

24 MR. ROBINSON: No redirect.

25 THE COURT: All right. You can step down.

1 Next witness.

2 MR. ROBINSON: Your Honor, the Defense rest at this
3 time.

4 THE COURT: All right. Let me see the lawyers for a
5 second.

6 (WHEREUPON, a bench conference was held in the
7 presence of the jury, but outside the hearing
8 of the jury.)

9 THE COURT: All right. Mr. Foreman, ladies and
10 gentlemen of the jury, this is one of those times -- I
11 can't remember what I told you about me having to talk to
12 lawyers outside of your presence. We do it to discuss
13 logistical matters and to discuss issues, legal issues,
14 or, perhaps, evidentiary issues. And as you can
15 understand, if that's inappropriate for that to be
16 admitted before the jury, you shouldn't hear about it.

17 Well, this is one of those times we need to have a
18 discussion out of your presence. So if y'all would just
19 step back to your room. We'll get back with you very
20 shortly. Thank you.

21 (WHEREUPON, the jury left the courtroom at
22 approximately 11:30 a.m.)

23 THE COURT: All right. We've had a bench conference.

24 Mr. Robinson, do you want to put anything on the
25 record?

1 MR. ROBINSON: May it please the Court, we renew our
2 motion for a directed verdict.

3 THE COURT: All right. Same rulings.

4 All right. We'll take about a 10-to-15-minute break.

5 MR. WILKINS: Thank you, Your Honor.

6 (WHEREUPON, a short break was taken.)

7 THE COURT: All right. Are we ready to go?

8 Y'all got any reply?

9 MR. WILKINS: Yes, sir, we've got two witnesses, Your
10 Honor.

11 THE COURT: Okay. Bring them in.

12 (WHEREUPON, the jury entered the courtroom at
13 approximately 11:52 a.m.)

14 THE COURT: All right. Mr. Wilkins.

15 MR. WILKINS: Your Honor, the State calls Imari
16 Greenlee.

17 THE COURT: All right.

18 THE CLERK: Place your left hand on the Bible, raise
19 your right.

20 IMARI GREENLEE,

21 after being duly sworn, testified as follows:

22 THE CLERK: Thank you. Please be seated and state
23 your name for the record.

24 THE WITNESS: My name is Imari Greenlee.

25 DIRECT EXAMINATION

1 BY MR. WILKINS:

2 Q Ms. Greenlee, I know it's hard, but I'm going to need
3 you to speak up into this microphone.

4 A My name is Imari Greenlee.

5 Q Ms. Greenlee, where do you currently live?

6 A I stay in Central.

7 Q In Central?

8 A Uh-huh.

9 Q And do you know Devaria Mosley?

10 A Yes, I do.

11 Q Is he in this courtroom?

12 A Yes, he is.

13 Q Where is he?

14 A Right there.

15 Q Are you pointing to Defense counsel's table?

16 A (The witness nodded.)

17 Q How do you know Devaria Mosley?

18 A That's my first cousin.

19 Q He's your first cousin?

20 A Uh-huh.

21 Q And I'm going to take you back to December 8th, 2012.

22 Do you remember that day?

23 A A little bit.

24 Q And on that day, what were you doing in the
25 afternoon?

1 A I was in Creekwood.

2 Q You were in Creekwood Apartments?

3 A Uh-huh.

4 Q Do you remember about what time you were in Creekwood
5 Apartments?

6 A We was there all day a little bit from the afternoon.

7 Q What were y'all doing there?

8 A Just out there.

9 Q Who was with you?

10 A Me, Devaria, Chico.

11 Q Who is Chico?

12 A Tavis.

13 Q Tavis?

14 A Tavis Campbell.

15 Q Okay.

16 A Kelvin, I want to say P.J., but I'm really not sure.
17 And I think that's it, and Tato.

18 Q Was Ericka Gibson there?

19 A Yeah, Ericka.

20 Q And did you ever leave Creekwood Apartments?

21 A Yeah.

22 Q Why did you leave Creekwood Apartments?

23 A I went to go get me something to eat.

24 Q Do you remember about what time you left Creekwood
25 Apartments?

1 A Like it was going on eight o'clock, but it wasn't
2 eight o'clock yet.

3 Q Where did you go eat?

4 A At McDonald's.

5 Q Who did you go with?

6 A I went with Ericka.

7 Q Did you ever receive a phone call from Devaria Mosley
8 while you were eating dinner?

9 A She never got a phone call while we were eating. We
10 were already back in Clemson -- well, we was at Exxon.

11 Q You were where?

12 A We was at Exxon.

13 Q Exxon gas station?

14 A (The witness nodded.)

15 Q And when you left Exxon, what did you go do?

16 A We went to go pick them up.

17 Q Who did you go pick up?

18 A Devaria and Kadeem.

19 Q Who was driving?

20 A I was.

21 Q Whose car were you in?

22 A Ericka's.

23 Q Was Ericka in the car?

24 A (The witness nodded.)

25 Q Where did you go pick up Devaria and Kadeem?

1 A The Daltons.

2 Q The Daltons' what?

3 A Their apartment.

4 Q What kind of car was at the apartment that you saw?

5 A A black car, black SUV.

6 Q I'm sorry, speak up.

7 A Like a black SUV.

8 Q When you got there, what happened?

9 A When I got there, we left.

10 Q Who got in the car?

11 A Devaria and Kadeem.

12 Q When they got in the car, where did y'all go?

13 A We went to Lulu house.

14 Q Who is Lulu?

15 A We went to Cosha's house.

16 Q Her name is Cosha?

17 A (The witness nodded.)

18 Q And do you remember about what time you picked up
19 Devaria and Kadeem from the Daltons' apartment?

20 A No. A little bit after 8:30.

21 Q And then once you got to Ridge Crest Apartments, what
22 did you do?

23 A I stayed there. I had to baby sit. Everybody else
24 went to Crocks.

25 Q Everybody else went to Crocks?

1 A (The witness nodded.)

2 Q On that Monday after that, when you took Devaria and
3 Kadeem to Ridge Crest, did you speak with anybody at your
4 high school?

5 A I spoke with the resource officer that came in with
6 some officers.

7 Q Some officers?

8 A (The witness nodded.)

9 Q Okay. And did they pull you out of class to talk to
10 you?

11 A (The witness nodded.)

12 Q Do you know where you talked to them?

13 A I was in the principle's office.

14 Q And what did you tell them?

15 MR. ROBINSON: Objection, Your Honor, hearsay.

16 THE COURT: No, sir, it's not hearsay. Go ahead.

17 MR. WILKINS: It's the declarant talking, Your Honor.

18 THE COURT: Yeah, that's right. It's not hearsay.

19 Go ahead.

20 BY MR. WILKINS:

21 Q What did you tell them?

22 A They may have been involved.

23 Q They may have been involved. Who's they?

24 A Devaria, Kadeem and the brothers.

25 Q Which brothers?

1 A The Dalton brothers.

2 Q That's what you told law enforcement that day at
3 school?

4 A Uh-huh.

5 MR. WILKINS: That's all I have, Your Honor.

6 Answer any questions Defense counsel may have. Thank
7 you.

8 MR. ROBINSON: May it please the Court?

9 THE COURT: Cross, yeah.

10 CROSS-EXAMINATION

11 BY MR. ROBINSON:

12 Q Ms. Greenlee, you gave a statement at one point to
13 the police; is that correct?

14 A Uh-huh.

15 Q Do you recall that statement?

16 A A little bit of it.

17 Q As far as what you said? If I were to show you a
18 copy of the statement, could you look at this and see if
19 it's yours or not?

20 A Uh-huh.

21 Q Can you identify this statement?

22 A Yeah.

23 Q You want to look at it?

24 A (The witness shook her head.)

25 Q Is that your name on top?

1 A Uh-huh.

2 Q Is that your signature on the bottom?

3 A Uh-huh.

4 MR. ROBINSON: Your Honor, at this time, I would have
5 this marked as Defendant's Exhibit No. 5 for
6 identification purposes.

7 (WHEREUPON, Defendant's Exhibit No. 5 was marked
8 for identification.)

9 BY MR. ROBINSON:

10 Q Ms. Greenlee, turning to what's been marked as
11 Defendant's Exhibit No. 5.

12 A Say what?

13 THE COURT: Would you like a little bit of water or a
14 Kleenex?

15 Do y'all have some of them?

16 MR. ROBINSON: Ms. Greenlee, I'm going to withdraw
17 that question. Thank you.

18 MR. WILKINS: No redirect, Your Honor.

19 THE COURT: All right. Thank you, ma'am. You can
20 step down. Thank you very much.

21 MR. WILKINS: Your Honor, the State calls Greg
22 Taylor.

23 THE CLERK: Place your left hand on the Bible, raise
24 your right.

25 GREG TAYLOR,

1 after being duly sworn, testified as follows:

2 THE CLERK: Thank you.. Please be seated and state
3 your name for the record.

4 THE WITNESS: Officer Gregory Taylor.

5 DIRECT EXAMINATION

6 BY MR. WILKINS:

7 Q Officer Taylor, with whom are you employed?

8 A Central Police Department.

9 Q And what do you do for the Central Police Department?

10 A I'm a police officer.

11 Q Back in 2012, who were you employed with?

12 A The City of Clemson.

13 Q I'm going to refer you to December 8th, 2012. And
14 you're welcome to refer to your reports if you need to
15 refresh your memory. Did you make a traffic stop on
16 December 8th, 2012?

17 A Yes, I did.

18 Q All right. Do you remember about what time that
19 traffic stop occurred?

20 A It was approximately 8:57 p.m.

21 Q All right. Can you tell this jury how you came to
22 make that traffic stop?

23 A Yes. I was driving through Creekwood Apartments in
24 the City of Clemson for a dark-in-color SUV, possibly
25 occupied by four individuals. As I was driving through

1 the parking lot, I observed a vehicle matching that
2 description. A subject jumped out of the vehicle and ran
3 into one of the apartments. I went ahead and stopped the
4 vehicle, had the driver step out. I identified him after
5 doing a frisk for weapons. While I was speaking with him
6 at the door of the vehicle, I observed an odor of what I
7 believed to be burnt marijuana coming from the vehicle.
8 At that time, I asked for consent to search the vehicle
9 and advised him why I had stopped him. And he gave
10 consent to search.

11 Q Had you received a be on the lookout prior to this
12 traffic stop?

13 A Yes, we had.

14 Q Is that why you initiated the stop?

15 A Yes, sir.

16 Q Okay. And then if you can refer to your notes, I
17 want you to identify -- again, what time was this stop?

18 A 8:57 p.m.

19 Q P.m.?

20 A Yes, sir.

21 Q Can you identify the individuals who were in that
22 particular car?

23 A Yes, sir. One was Kelvin Mario Lewis and Tavis Malik
24 Campbell, Phillip Germonte Bruce, and Marcus Trevon
25 Gibson.

1 Q Do you know who the owner of the car was?

2 A I believe it was the Lewis subject.

3 Q That would be Kelvin Mario Lewis?

4 A Yes, sir.

5 Q About how long did the traffic stop occur?

6 A I stopped it at 8:57 and I cleared at 9:14.

7 Q 9:14?

8 A Yes, sir.

9 MR. WILKINS: No further questions, Your Honor.

10 MR. ROBINSON: I have no cross, Your Honor.

11 THE COURT: All right. Thank you. You may step
12 down.

13 MR. WILKINS: The State rests.

14 THE COURT: Okay.

15 All right. Ladies and gentlemen, we do have some
16 legal matters we have to discuss. But I want to tell you,
17 if you remember, I told you that -- gave you a procedural
18 road map. And I told you there were five parts to the
19 trial. Well, we have now completed the first two parts.
20 The first part was the opening statements. The second
21 part is the presentation of the testimony and the
22 evidence. So all of the testimony, all of the evidence
23 that's going to be presented in this case is now before
24 you. We have some issues we need to talk about. And so
25 we'll move into the next part, which will be the closing

1 arguments of the attorney immediately after lunch.

2 So I would ask y'all -- it's a little bit after noon.

3 Ask y'all to be back here at 1:15. I will just caution

4 you that we are right down to the wire. Do not talk about

5 it. Do not go on the internet. Do not visit the scene.

6 This case is about to be yours to discuss, but don't do it

7 beforehand. All right. We'll see you at 1:15. Thank

8 you.

9 (WHEREUPON, the jury leaves the courtroom at
10 approximately 12:05 p.m.)

11 THE COURT: Any motions? You renew your motions, Mr.
12 Robinson?

13 MR. ROBINSON: Renew my motions, Your Honor. I do
14 have some potential prospective juror charges.

15 THE COURT: All right. We'll deal with the motion,
16 heard and denied.

17 What do y'all want?

18 MR. WILKINS: Felony murder, hand of one, hand of
19 all, whatever your reasonable doubt is, Your Honor, is
20 fine with us.

21 THE COURT: Well, here, let me tell you --

22 What do you have, Mr. Robinson? What do you want?

23 MR. ROBINSON: I have the lesser included of
24 voluntary manslaughter.

25 THE COURT: Based on what?

1 MR. ROBINSON: Based on I think there's some
2 testimony, if I'm correct, as far as the gun going off at
3 some point by one or two of the witnesses as far as what
4 they heard and so forth. That's my basis for a lesser
5 included.

6 MR. WILKINS: Your Honor, we argue there's no legal
7 authority to charge voluntary in this matter. State V.
8 Tucker specifically says when the Defendant is involved in
9 a felony, voluntary and involuntary are not appropriate
10 charges, are not permissible.

11 THE COURT: Okay. Well, you got a copy of the case?

12 MR. WILKINS: Yes, sir.

13 THE COURT: Just hand it up and I'll look at it over
14 lunch.

15 Mr. Robinson, you can do some research over lunch,
16 but I don't know how you would be entitled to voluntary
17 manslaughter.

18 I've got duties of the judge and jury, multiple
19 charges, credibility -- you want something on expert
20 witnesses?

21 MR. WILKINS: Yes, Your Honor.

22 THE COURT: All right. Presumption of innocence,
23 reasonable doubt. Do you want anything on identification?

24 Mr. Robinson?

25 MR. ROBINSON: Yes, I do.

1 THE COURT: All right. I think you would be entitled
2 to that.

3 You want circumstantial evidence.

4 MR. WILKINS: Yes, sir.

5 THE COURT: All right. Hand of one.

6 You want something on alibi, Mr. Robinson?

7 MR. ROBINSON: Yes, sir, Your Honor.

8 THE COURT: You want something on the defense of
9 accident, Mr. Robinson?

10 MR. ROBINSON: Yes, sir, Your Honor.

11 THE COURT: Okay. Then we've got murder, attempted
12 armed robbery, burglary first, possession of a weapon
13 during the commission of violent crime.

14 Anything else?

15 MR. WILKINS: Felony murder.

16 THE COURT: Well, I'm just charging them with murder.
17 If you have a specific thing you want me to charge with
18 respect to that, just let me know.

19 MR. WILKINS: Okay.

20 THE COURT: All right. I tell you what, I'm going to
21 work on it over lunch, so if you've got something, please
22 get it to me.

23 I'm not -- what's your position on the inference from
24 the use of a deadly weapon? I don't think under these
25 circumstances I can charge that.

1 MR. WILKINS: The inference?

2 THE COURT: When a deed is done with a deadly weapon,
3 there's an inference of malice. And I think based on
4 what's been testified today -- what's that recent case?

5 MR. WILKINS: And I pulled this, felony murder,
6 basically, said through the commission of a felony or
7 armed robbery and it's foreseeable consequences, then it's
8 murder. If the homicide occurs during a felony, then that
9 is murder.

10 THE COURT: State V. Belcher.

11 All right. Well, let's -- you guys get a short
12 lunch, be back at one o'clock and we'll get all this
13 ironed out.

14 MR. WILKINS: Okay.

15 THE COURT: All right.

16 (WHEREUPON, a lunch break was taken.)

17 THE COURT: Y'all ready?

18 MR. WILKINS: You know, before we begin, can we just
19 go over the charges? I think the issue we were discussing
20 was the inference to malice and you were going to charge
21 the felony murder inference?

22 THE COURT: Yes.

23 MR. WILKINS: And you're not going to charge the gun
24 as inference to malice?

25 THE COURT: Right.

1 MR. WILKINS: Okay. I just argue one quick thing
2 that why I think you need to include the gun inference.
3 Notwithstanding State V. Belcher, which I think is very
4 distinguishable from this case. There was no felony
5 deemed committed during that one. But if the Defense is
6 getting an alibi charge, how can there be a mitigating
7 factor, which would keep the inference out? Belcher says
8 if there's a mitigating factor, then you can't charge the
9 gun as an inference. But if he's charging alibi, how can
10 there be a mitigating factor?

11 THE COURT: Well, he, also, wants the defense of
12 accident. They are conflicting.

13 MR. WILKINS: They're conflicting.

14 THE COURT: Mr. Robinson, anything you want to say
15 about that?

16 MR. ROBINSON: I have nothing to add, Your Honor. I
17 did not research that particular case. But, obviously, we
18 would like accident and alibi.

19 MR. WILKINS: I think they're mutually exclusive,
20 Your Honor.

21 THE COURT: Well --

22 MR. WILKINS: I mean, theoretically.

23 THE COURT: You're absolutely right that you can't be
24 absolutely innocent and claim the defense of accident.
25 But, certainly, if the jury finds that he was the person

1 at the scene and I don't charge accident, this could come
2 back later.

3 MR. WILKINS: Does the accident charge refer to in
4 the commission of a felony or does it just say accident?
5 I worry that's going to confuse the jury, Your Honor.
6 Because if it's during the commission of a felony,
7 accident has nothing to do with it. So there needs to be
8 some language --

9 THE COURT: That's only with respect to the
10 inference --

11 MR. WILKINS: Sure. There can't be an accident
12 during the commission of a felony legally. It's legally
13 impossible is my position.

14 THE COURT: No, I don't think that's correct.

15 MR. WILKINS: Okay.

16 THE COURT: I just think there's more danger in not
17 charging it for the record than there is in charging it.
18 What is argued -- I mean, it, certainly, is -- I mean,
19 they are conflicting. And I don't know what the Defense
20 is going to argue. It sounds like they're going to argue
21 the alibi as opposed accident.

22 MR. WILKINS: Again, Your Honor, our position is they
23 can't argue accident if the jury finds -- well, I guess
24 they can argue accident, but I think you can put a
25 sentence in there if you find that he was in the

1 commission of a felony, then you cannot find that an
2 accident occurred or you may not find that an accident
3 occurred.

4 THE COURT: Well, let me read the Defense the
5 accident charge.

6 MR. WILKINS: Okay. That may help us.

7 THE COURT: The Defendant has raised a defense of
8 accident. An act may be excused on the ground of accident
9 if it is shown that the act was unintentional, that the
10 Defendant was acting lawfully, and that reasonable care
11 was used by the Defendant in the handling of the weapon.
12 For example, if a person is lawfully armed in self-defense
13 and the gun accidentally discharges, the defense of accident
14 would apply. The burden is on the State to prove beyond a
15 reasonable doubt that the act was not an accident, but was
16 caused by the negligence or carelessness on the part of
17 the Defendant in the handling of a dangerous
18 instrumentality or by the unlawful activity by the
19 Defendant.

20 It is -- I mean, it's way out there. But if I don't
21 charge it -- I mean, I think it's always better or safer
22 for the record to charge than not charge.

23 MR. WILKINS: Thank you, Your Honor.

24 THE COURT: Anything else?

25 MR. ROBINSON: Ready to go, Your Honor.

1 THE COURT: Okay. All right.

2 (WHEREUPON, the jury entered the courtroom at
3 approximately 1:20 p.m.)

4 THE COURT: All right. Mr. Foreman, ladies and
5 gentlemen, as I told you, we've completed the first two
6 parts of the trial, and we are now going to move to the
7 third part of the trial, which are the close arguments of
8 the attorneys.

9 You all have done a great job so far, you've paid
10 close attention. I've watched you throughout the course
11 of the trial. And I ask you to continue to pay close
12 attention during these arguments of these attorneys.
13 Thank you very much.

14 MR. ROBINSON: May it please the Court?

15 THE WITNESS: Yes, sir.

16 CLOSING ARGUMENTS

17 MR. ROBINSON: I want to say initially that I thank
18 you very much for coming and listening to this. I know
19 it's not something that you're doing voluntarily,
20 obviously, but I do appreciate it on behalf of my client's
21 family and my client.

22 Now, I want to take you back to December 8th of 2012.
23 And I want you to --

24 THE COURT: Hang on a second.

25 Let's close the door. Okay.

1 All right. Go ahead, Mr. Robinson.

2 MR. ROBINSON: I want to take you back to
3 December 8th of 2012. I want you to kind of visualize if
4 you can this scene at this time. Now, this was on a
5 Saturday night at the Clemson off-campus housing. You
6 have an apartment. You have a bunch of college kids
7 sitting around. The detective or the officer said when
8 they arrived there; they smelled marijuana. You, also,
9 had testimony from several of the victims that there was
10 drinking going on. There were, also, watching TBS. Just
11 imagine this scene on a Saturday night with no classes the
12 next day, watching TV, smoking, drinking. And it was
13 interesting, Robert McKinley, the tall fellow, he,
14 basically, had a whole pharmacy in his possession,
15 basically, two pounds of pot. But just imagine when those
16 officers arrived, the group of people there, all this
17 marijuana, but just think about what was going on that
18 night.

19 Now, in a moment, you're going to be getting some
20 exhibits in the back there. And I want you to pay
21 attention to State's Exhibit No. 2, which was the 911 call
22 regarding that night after the incident occurred. And
23 you're going to hear a very interesting call. Because the
24 prosecutor in his opening statements said that there were
25 four persons that did this act. But if you listen to

1 their own -- you'll have a boom box in the back there. If
2 you'll listen to this, you'll hear exactly what the person
3 said at the time this happened. He said three persons
4 busted in the house -- or busted in the apartment. Three
5 people. Not four, three. And it's interesting, too, if
6 you would note that the only people that say they were
7 four people are the defendants, the co-defendants of
8 Mr. Mosley. They say four. The victims say three. You
9 had an opportunity to listen to the victims in this case
10 and they all said three. The tape says three. So think
11 about that. Why are the victims saying three and the
12 co-defendants to Mr. Mosley saying four?

13 Now, Mr. Wilkins makes an issue saying well, everyone
14 says the same thing in terms of height and all that
15 nature. They didn't all say the same thing. You've got
16 to think to yourself, we're talking about 20 months away
17 that they testified, these victims in this case, and
18 they're all kind of different. Let's just talk about
19 this. They had marijuana and alcohol. Also, the victims
20 -- if you go and look at what the victims say, Kevin Keck,
21 which is the individual that had the kind of a short
22 haircut. He said that everyone was drinking, not sure of
23 the height. He was on the couch sitting down when he
24 identified this person. Now, Mr. Wilkins made an effort
25 to bring out a person, both Mr. Mosley and one of the

1 other fellows back there, and tried to make a point saying
2 is this consistent with what this person looked like?
3 Consistency or consistent is not law. Consistent is not
4 beyond a reasonable doubt. Because not one of those
5 fellows, not one of those victims identified my client,
6 Mr. Mosley, as the person who was there that night. Not
7 one.

8 The next issue that would come into effect is this,
9 this is what you've got to think about, too. Mr. Wilkins
10 said that how could -- basically, saying that, magically,
11 Mr. Kadeem Ramsey just suddenly just said well, let's just
12 blame it on Mr. Mosley. It's not magically. It's not
13 magically, ladies and gentlemen. Because if you listen to
14 the testimony of Kadeem Ramsey and the other folks, these
15 guys knew each other. The Daltons, the two brothers, and
16 Mr. Ramsey were friends. They knew each other. They had
17 the opportunity, according to the witness, one of the
18 defendants -- co-defendants. They sat at the apartment,
19 they planned this. They needed some drugs and they
20 planned this to go and get some drugs.

21 But pay attention to this, though, the guns,
22 everything was in the possession of the Daltons when they
23 buried all those things at the grandparents' property.
24 The only people that had access to that would have been
25 the Daltons. The Daltons had the 9mm. Why would Jaron

1 Dalton hide the 9mm gun under the dresser? Why would he
2 have clips, three clips laying around his room? Think
3 about it. Think about what the Daltons did, what the
4 Daltons and Kadeem Ramsey did, think about it.

5 And look at their statements they that gave. Look at
6 what they talked about. Because, you see, they gave --
7 and if you listen because you had the opportunity to
8 listen and write things down. They gave all conflicting
9 testimony. They gave all conflicting ideas. They knew
10 what each other wore, but they didn't know what Mr. Mosley
11 wore. I think Mr. Ramsey at one point said that
12 Mr. Mosley had no mask on, didn't know what he wore, but
13 was thinking he was wearing a orange sweater. The Daltons
14 had no idea what he wore, no idea. All they know is they
15 say he was the fourth person. That's what they say.

16 But the problem is this, you look at the evidence.
17 The victims said three people. Three people came in the
18 back door of this apartment and did this deed. And that's
19 what they said. Those three people are the two Dalton
20 brothers and Kadeem Ramsey. Mr. Mosley was not there.
21 You listened to persons that put Mr. Mosley in a totally
22 different place. He wasn't there. But you do have these
23 three co-defendants all testifying that he was there. But
24 look at what they said. All their testimony is different.
25 It's all different.

1 So what we have here are three individual
2 co-defendants looking for self-preservation. They have
3 had their charge of murder in this case down -- they have
4 had that dropped down to a voluntary manslaughter. That's
5 what they've gotten in exchange for cooperating with the
6 State.

7 You're going to have back there in a few moments a
8 fax from Tavis Campbell, who testified yesterday, that he
9 says well, you know, I'm not going to come unless you give
10 met what I want or I want something. You have to have
11 back up. That's where that comes from. The case that the
12 State is presenting is all based on three co-defendants
13 who are trying to help themselves and to get themselves
14 out of trouble. That's what they're trying to do.
15 They've already pled guilty to this. The victims say
16 there were three people. Those guys were the three
17 people, not Mr. Mosley.

18 A couple hundred years ago -- I'm going to close in a
19 second so you can -- I'm going to finish this up. A
20 couple hundred years ago, there was a trial in a place
21 called Boston, Massachusetts. There was a massacre there.
22 And a young lawyer defended a group of British seamen on
23 charges. This young lawyer used the idea of the
24 presumption of innocence and beyond a reasonable doubt.
25 That's what the State has to show you to prove their case

1 in this matter. They have to prove each and every element
2 of their case. It can't be maybe, possibly, could have,
3 and so forth.

4 And I would point out, too, I would point Imari
5 Greenlee, the last witness they had. She didn't say
6 definitely, she said maybe is what she said. Let me see
7 if I've got the quote in here from what she said. She
8 said I think. She didn't say yes, she said I think.

9 But going back to this trial over two hundred years
10 ago. The idea came about that the State has to prove
11 their case beyond a reasonable doubt. This lawyer was
12 successful in this case because a presumption of innocence
13 was with his clients. They weren't likable. People
14 didn't like the British back then, but there was a
15 presumption of innocence and the State had to prove their
16 case beyond a reasonable doubt. This young man was your
17 second president, John Adams. He was the person that was
18 arguing this case.

19 But I ask in this matter, just think about this. As
20 I told you from the beginning, listen, listen to the
21 witnesses in this case. When you look at the
22 self-preservation and the best interest of these people,
23 we'd ask you to come back with a verdict of not guilty.
24 Thank you.

25 MR. WILKINS: Your Honor, may it please the Court?

1 THE COURT: Yes, sir.

2 MR. WILKINS: Ladies and gentlemen, I want to thank
3 you as well for your service this week. Because of your
4 presence here, we're going to be able to resolve this
5 particular case. They've said serving as a juror is one
6 of the most noble things you can do for your community,
7 for your state, maybe other than serving in the military.
8 It is a noble duty. And I thank you for giving your
9 community your time and your energy to sit here and help
10 us resolve this particular dispute.

11 The Defense is correct, the State has to prove its
12 case beyond a reasonable doubt. And that's the standard.
13 You'll hear more of what that means from the Judge. The
14 Judge is going to give you a jury charge. He's going to
15 explain the rules in which you must follow in an effort to
16 help you make your decision in this case. He's going to
17 give you some law. And sometimes, the law can be a little
18 confusing. The law is not an easy thing to understand.
19 If you can imagine, we argue about what the law is on a
20 daily basis. So if we can't agree on it, how do we expect
21 individuals to come into our community and understand it
22 just from sitting here a couple of days. But the
23 instructions are supposed to give you a guide in which you
24 follow to make your decisions. You're going to be making
25 your decisions on a number of charges. We talked about

1 these in the opening.

2 You're going to be discussing the charge against the
3 Defendant, Devaria Mosley, who you just heard from, of
4 burglary first. And you're going to hear the elements of
5 that particular crime. The elements of burglary first are
6 very simple. If somebody goes into a dwelling without
7 permission at night or with a gun, then they can be found
8 guilty of burglary first. And you'll have those elements.

9 You have attempted robbery. That's when somebody
10 comes and tries to take something from somebody else
11 that's not theirs. Attempted robbery. You'll have two
12 counts of that.

13 You'll have the possession of a weapon during the
14 commission of a violent crime. That means if someone
15 possesses a weapon during the commission of a violent
16 crime, then they're guilty of a particular crime.

17 And you're going to have the charge of murder. And
18 murder is the killing of another with malice aforethought.
19 And we're going to talk about malice. So how do I prove
20 -- how does the State go about proving what malice is?
21 That means you're mean. It means your heart is mean and
22 as a result of your meanness, you kill somebody.

23 So how do you prove that meanness with somebody?
24 Well, one way you prove it under the law is that if
25 someone is committing a felony, a burglary first, a

1 robbery, and during that activity, during that crime, it's
2 a foreseeable consequence -- that means obvious it would
3 happen -- and someone dies during that, you can infer that
4 that is malice. That's meanness. So if someone decides
5 to go into a house and beat somebody with a gun and they
6 kill somebody, you can infer malice from that. And the
7 State, if you believe that, could prove beyond a
8 reasonable doubt that that is malice. And malice equals
9 murder.

10 It's not important what was going through the
11 Defendant's head at the moment he pulled the trigger and
12 killed someone. It's important what he was doing while he
13 pulled that trigger. And in this case, you can infer that
14 malice from the fact that he went into a house without
15 permission to commit a robbery and a burglary first,
16 because the evidence suggested that this was at night and
17 there were weapons involved.

18 And, finally, you're going to hear about a legal
19 theory called the hand of one is the hand of all. And
20 what that says, when a group of individuals go and act in
21 concert, when they act together, that whatever one person
22 does, everybody's responsible. So if you remember, the
23 other three co-defendants were charged with murder as well
24 as the Defendant, but they pled to a lesser charge. They
25 pled to a lesser charge for two reasons. One, that was a

1 deal that they cut with my office. Pled to burglary
2 first, voluntary manslaughter, and possession of a weapon
3 during the commission of a crime. All three of them did.
4 But there were only two guns involved. Because they were
5 acting in concert together. So you don't have to hold the
6 weapon, you don't have to use the weapon to be guilty of
7 murder or burglary first or robbery. You just have to be
8 acting in concert. And what any one person does,
9 everybody's responsible. That's the law.

10 So, ladies and gentlemen, y'all took an oath when you
11 were told to be jurors. You took an oath to follow the
12 law as the Judge gives you. And I know that you will take
13 that oath seriously in your deliberations and that you
14 will follow the law as it's given to you.

15 Let me start sort of backwards. The Defense
16 presented alibis. And that's what you've heard today.
17 You heard the Defense present a number of alibis that,
18 basically, stated that the Defendant was at a location
19 during when this murder could have occurred. We know the
20 murder occurred around 8:24, 8:25 p.m. We know that
21 because of the 911 calls and there's a CAD report. You
22 remember my very first witness talking about a CAD report.
23 It's the log for the 911 operators. It came in about
24 8:26. So I'm going to give them around a minute to make
25 that 911 call. It's going to be pretty immediate because

1 the evidence that we heard on the stand suggests that it
2 happened very quick. So we know the murder happened
3 around 8:25 p.m. That date is set in stone, that time
4 line. And they put up alibis that said he was at the
5 Ridge Crest Apartments.

6 Here's Chimney Ridge where the murder occurred.
7 Here's Ridge Crest Apartments, where the Defendant says he
8 was from about 7:30 to about ninish until he went to
9 Crocks. Here's Creekwood Apartments, where Tavis Campbell
10 says he was. And here's Vista Drive, where everybody
11 except the Defendant says that he was picked up by the
12 Dalton boys. Vista Drive is where the party was going on.
13 And that was, actually, Tavis Campbell's mother's house,
14 if you remember the testimony. They're all right here,
15 close to within a mile of each other. And you'll have
16 this during your deliberations.

17 But no one man is smart enough to keep up with his
18 own lies. The alibis that came and testified today
19 contradict common sense, they contradict all the previous
20 testimony, and they just weren't true. Cosha Benson says
21 that the Defendant was with her at Ridge Crest Apartments.
22 And he was at Ridge Crest Apartments, after he committed
23 this murder. She said she was with him the whole time.
24 But she wanted to wait 22 months while he sat in jail to
25 come and tell anybody. The first we ever heard of it was

1 today. You heard it the same time I did. His good friend
2 -- her good friend.

3 His brother, of course, I would hope my brother would
4 love me and want to take care of me as well. And I,
5 certainly, understand that. His brother says that Devaria
6 left for an hour. 7:45 to 8:45, Devaria Mosley was gone.
7 Well, that's not exactly what Cosha said. A little bit
8 different there, so that doesn't make any sense. Then
9 Devaria Mosley said he was there the entire time with
10 Ericka before he went to Crocks. And he, also, stated
11 they were with Tavis Campbell, who you heard testify,
12 expound on that a little bit by 8:45. But the last
13 witness that we put up, the officer, pulled over Phillip
14 Bruce, Phillip Drumont Bruce, P.J. Bruce, who they all
15 said was at Ridge Crest the entire time with them and
16 never left. Remember my questions, Did P.J. ever leave?
17 No. Was he there with you the entire time until you went
18 to Crocks later that night? Yes. P.J. and Tavis Campbell
19 were pulled over by that officer, the last witness you
20 heard from, at 8:58 p.m. and didn't get released until
21 9:14.

22 Trey Gibson was not there with Tavis Campbell. P.J.
23 was not there with Tavis Campbell. He was in a car with
24 three other individuals -- those two individuals were
25 there with two other individuals having their car searched

1 in Creekwood Apartments, over here. And the reason they
2 weren't there is because Devaria Mosley was not at Ridge
3 Crest. He was at Vista Drive until the Dalton brothers
4 and Kadeem Ramsey picked him up around eightish, a little
5 after 8:00. That's where Devaria Mosley was. And how
6 else do we know that? Because his ex-girlfriend, Ericka
7 Gibson, and his first cousin, Imari Greenlee, both say
8 that I picked him up at the Daltons' apartment after 8:45,
9 around 9:00.

10 So what did Devaria Mosley do? He was picked up at
11 Vista Drive by the Daltons and Kadeem. They drove to
12 Chimney Ridge. They committed a burglary first, attempted
13 robberies and a murder, and went back to the Daltons.
14 Remember, they lived back behind the Sonic on 123. Ericka
15 Gibson and Imari Greenlee picked up Kadeem Ramsey and
16 Devaria Mosley and bring them back to Ridge Crest where he
17 goes to Crocks later that night. And, ultimately, he
18 flees to Georgia before he's captured.

19 So what happened that night? As I told you in my
20 opening, this case is about Steve Grich. It's about the
21 night that there were college kids hanging out in their
22 apartment doing what college kids do on a Saturday night.
23 They were drinking a little bit. Yeah, there was a little
24 marijuana there. They were watching TV. Five guys
25 hanging out at their apartment on a Saturday night. The

1 night that changed a lot of people's lives. The night
2 that Steve Grich lost his life. The night that Steve
3 Grich's father and mother lost a son. You know why?
4 Because four individuals wanted some marijuana and they
5 didn't want to pay for it. They were going to take it.

6 So you're exactly right, the Defense was, Jaron
7 Dalton, Jordan Dalton and Kadeem Ramsey decided they were
8 going to go rob that apartment. They didn't know which
9 apartment to go to. Do you know who did? Who admitted it
10 on the stand right there today? Devaria Mosley. He knew
11 where to go. So what did they go do? They picked him up
12 at Vista Drive, Tavis Campbell's mother's house. Tavis
13 Campbell saw him get in the car. Tavis Campbell is his
14 friend. Tavis Campbell said I saw him get in the car with
15 Kadeem and some white boys. And they went to Chimney
16 Ridge. And the Dalton brothers both testified, yeah, he
17 told us where to go. We went to Chimney Ridge. As we
18 drove by, he pointed it out. And they went and they
19 parked up there and they waited until the right moment.

20 Jaron Dalton brought the guns. They're his guns. We
21 put in evidence that those were his guns. Jordan Dalton
22 said they were his guns. Kadeem Ramsey said they were his
23 guns. And they were ready to go over there and murder.
24 They had masks. He cut holes out in his mask. That's
25 preparation.

1 They walked down the back side of those apartments.
2 And Jaron gave Devaria Mosley that 9mm, that 9mm that we
3 know forensically killed Steve Grich. It's without
4 question that gun killed Steve Grich. Because we took the
5 slug that came from his body and compared it to a known
6 shot at the SLED lab and they looked in the microscope and
7 they said yep, same gun. That's what they can do
8 ballistically.

9 And they charged in there. Four people went in.
10 Devaria Mosley goes straight in. What does he do? He
11 yells and he starts beating individuals with a hand gun.
12 And every victim that was up there, he came through here,
13 he beat me, he kicked me. He went around there and he
14 beat another individual. And then he started whaling on
15 Steve Grich. Jordan Dalton said he stood there next to
16 Devaria Mosley while he was doing it. Jordan didn't
17 minimize his actions. He didn't minimize his actions two
18 days after this murder when he told the police what he
19 did. He didn't minimize his actions right there. He
20 fessed up. He did what was right.

21 Jaron Dalton went through, shut the front door, came
22 back, and went upstairs. Kadeem Ramsey went straight
23 upstairs. And if you look at the pictures, the stairs are
24 right in front of the back door. You open the back door
25 and you go straight to the stairs. So why do most of the

1 victims say three folks, three individuals were in there?
2 Because they were immediately getting beaten by Devaria
3 Mosley, their faces on the ground and they don't see
4 Kadeem Ramsey come in because he goes straight upstairs to
5 look for dope and money. And then when the shot's gone,
6 they all ran out and their faces are down. I know who
7 does see four individuals. Rob McKinley.

8 Rob McKinley is who admitted on the stand to being a
9 drug dealer. He admitted to y'all that he sold marijuana
10 out of there on numerous occasions. He had two pounds of
11 pot with him that night. Rob McKinley told the truth. He
12 saw four individuals. He chased after them. He was mad
13 they came to their house. And he saw four individuals get
14 in that car.

15 Devaria Mosley came in there, he beat everybody with
16 a gun. And as he was beating Steve Grich, six to eight
17 times, according to the victims' testimony, he was
18 beating, he was beating. Steve Grich had his hands above
19 his head. He's in a defensive posture. He's being caught
20 off guard as he's just sitting in his house. He's being
21 beaten and beaten and when he raises the gun, the gun goes
22 off.

23 Now, ladies and gentlemen, I can't tell you if
24 Devaria Mosley decided he was just going to kill Steve
25 Grich out of hate and meanness. I can't tell you what was

1 going through his head because I don't know and I'll never
2 know. But the State doesn't have to prove to you or tell
3 you that. Because if he's doing that during the
4 commission of a felony, while he's beating somebody with a
5 gun, that's meanness, that's malice. And malice equals
6 murder. The gun goes off and they take off. They run to
7 that Dodge Durango and go back to the Daltons' apartment,
8 Jaron Dalton's apartment.

9 Now, the victims' testimony is not a hundred percent
10 exactly consistent. And can you imagine being in a
11 traumatic scenario where you're robbed and beaten and
12 you're able to recount things exactly just like everybody
13 else? There's going to be slight distinguishing factors.
14 And that's human nature. We're human. But the one factor
15 they're all consistent with, all consistent with is that
16 it was a short, black male who beat them and killed Steve
17 Grich.

18 And so I brought Kadeem Ramsey, the only other
19 African-American individual who was involved in this
20 murder, Jaron and Jordon Dalton are white, and I brought
21 him in here so we could see the difference, see who's
22 telling the truth or not. Well, Devaria Mosley is a
23 short, black male. Kadeem Ramsey is a much taller black
24 male. Kadeem was taller than me and me and Devaria
25 Mosley. So four individuals all say the same thing that

1 fits the description of the Defendant.

2 So they go back to the Daltons and they need to get
3 out of there. They need to ride. So who does Devaria
4 contact? His girlfriend. Well, his girlfriend's with
5 Imari Greenlee in their silver car, all consistent. And
6 he and Kadeem get in that car and they go back to Ridge
7 Crest. At that time, I don't know if they had killed
8 somebody or not. I don't know what was going through
9 their head. Because the shot went off and they ran out.
10 They didn't stay to make sure if Steve Grich was okay.
11 They didn't stay there to try to perform CPR on him. They
12 left. They ran scared. Cowards. They went back to that
13 apartment.

14 But as Tavis Campbell said, he figured it out later
15 that night because it was on the news. Everybody's
16 looking to see what happened. And where does Devaria
17 Mosley go? He goes to Georgia. Because he knows things
18 are going bad. He knows he's going to get in trouble. He
19 knows he just killed somebody. He goes to Georgia to try
20 to get out of town. But we know he was picked up from
21 that apartment after 8:45, around 9:00, and went back to
22 Ridge Crest and then went to Crocks. Because that's what
23 Imari tells us, that's what Ericka Gibson tells us. And
24 they've got no reason to lie. They're just witnesses.
25 And that's what they told law enforcement two years ago.

1 The same thing.

2 So it takes us to the credibility of the cooperating
3 co-defendants. I've got three eyewitnesses that say
4 Devaria Mosley shot and killed Steve Grich and that he was
5 there. Why should you believe them? They got their
6 charges reduced from a murder to voluntary. They still
7 have to plead guilty to voluntary and to burglary first,
8 possession of a weapon during the commission of a violent
9 crime. Well, they came in on Monday voluntarily and told
10 the police. Before that, Kadeem Ramsey was pulled out of
11 his class, pulled out of his English class. And they said
12 what happened? And Kadeem Ramsey just tells them. I
13 mean, what does he say? This is Monday, two days after.
14 Me, Jaron, Jordan, and Devaria Mosley went to that
15 apartment and tried to rob it, the gun went off, and we
16 left.

17 So Kadeem Ramsey -- y'all get to use your impression
18 of the witnesses and how they testified and their
19 mannerisms, you can use all that in your deliberations --
20 was able to extract Devaria Mosley's name out of the air
21 and say hey, Devaria Mosley was there, by the way. Now,
22 Kadeem Ramsey was -- he hadn't talked to a prosecutor's
23 office. He hadn't cut any deals at that time. He was in
24 English class. And the first time he's asked, that's what
25 he says. Devaria Mosley was the shooter.

1 So you would have to believe that he has the ability
2 to grab somebody's name out of thin air, add it to the
3 three that were there, and then have that person that he
4 grabbed -- what if he said John Smith and John Smith was a
5 black male, but was 6'2"? Well, that wasn't going to make
6 any sense because all the victims said the shooter was
7 short and was African-American. So his description of
8 Devaria Mosley -- the description of Devaria Mosley and
9 Devaria Mosley's name connect perfectly, perfectly. You
10 think Kadeem Ramsey could do that? Maybe, maybe he's
11 smart enough to do that.

12 So then Jaron Dalton comes in on his own in a black
13 Dodge Durango and fesses up. He's never talked to a
14 prosecutor. He's never talked to an attorney. He goes in
15 and the police officer says, What happened? Me, my
16 brother -- implicates his brother, implicates Kadeem --
17 and Devaria Mosley went in there and Devaria shot him.

18 So Jaron Dalton would have to think okay, I'm going
19 to add this person in hopes that one day I can plead
20 guilty and then get a reduced charge and I can cooperate
21 against somebody that meets the exact description of what
22 the victims are going to say. How would he know what the
23 victims' description of this made-up person was going to
24 be? If it was just the three of them, then the
25 description was going to be a tall, black male, a tall,

1 white male, or another tall, white male. That's the only
2 possible description those three victims could give. But
3 they didn't give that. They said short, black male. So
4 Jaron Dalton was able to just make that up.

5 So then Jordan comes in and he does the same thing.
6 He says the same exact story. We went there, it was the
7 four of us, Devaria Mosley shot him, and we ran. So
8 that's how we know that Devaria Mosley was there.

9 So in an effort to try to corroborate their
10 statement, we try to go for other witnesses. And so
11 that's why we had Ericka Gibson and Imari Greenlee.
12 Because I put Devaria Mosley at the Daltons' apartment
13 after the murder. They've got nothing to lose.

14 Tavis Campbell is his buddy. Tavis Campbell was
15 harboring a fugitive down in Georgia. You know why?
16 Because Tavis Campbell said he pled guilty to harboring --
17 I think he said hindering an investigation. And I said,
18 What were you hindering? And he said, Devaria Mosley.
19 That's who I was hindering. He pled guilty to that down
20 in Georgia. And he said on that stand, Yeah, he told me,
21 Devaria Mosley told me, shit went bad, gun went off. So
22 Devaria admitted it to his friend, Tavis Campbell, who
23 testified.

24 So you've got the three cooperating co-defendants,
25 who all say the same story, but who said it two days after

1 the incident independent of each other that connects
2 exactly to what the victims told investigators that night.
3 You've got Devaria Mosley at the Daltons' apartment right
4 after with Kadeem Ramsey. You've got him telling his
5 friend what he did. You've got him telling -- we've got
6 Imari Greenlee, his cousin, telling investigators that he
7 was involved. That puts him there. That's well beyond a
8 reasonable doubt.

9 So when you're back there deciding burglary first,
10 robberies, attempted robberies, possession of a weapon
11 during the commission of a crime, and murder, remember
12 meanness is malice. Meanness can be inferred by
13 committing a felony. Burglary first, robberies are
14 felonies. So when you're committing those and you kill
15 somebody, that's meanness. And that's murder.

16 Ladies and gentlemen, I appreciate your time.
17 December 8th, 2012, changed a lot of lives. And when you
18 go back and you review all the evidence and you look at
19 everything, find Devaria Mosley guilty of those charges.
20 Thank you.

21 CHARGE OF THE COURT

22 THE COURT: Ladies and gentlemen of the jury, during
23 this trial, you and I have certain duties to perform. As
24 the trial judge, it is my responsibility to preside over
25 the trial of the case and rule on the admissibility of the

1 evidence that's offered during the trial. It is, also, my
2 duty to charge you the law applicable to the case. And it
3 is your duty as jurors to except and apply the law as I
4 now state it to you. If you think you have any idea as to
5 what the law is, or what the law ought to be and it differs
6 from what I now tell you the law is, you have sworn an
7 oath to set aside your own opinion and apply the law
8 precisely as I state it to you.

9 I, also, remind you that in every case tried in this
10 court before a jury, the jury is the sole and exclusive
11 judge of the facts. And the trial judge cannot comment on
12 or make a statement about the facts of the case. So
13 please don't think by anything I've said or done that I
14 have such an opinion, I don't. You all are the sole
15 judges of what to believe and what not to believe.

16 I, also, instruct you that the fact that the
17 Defendant was charged, arrested, and indicted in this case
18 is not evidence of guilt. That does not create any
19 presumption or inference of guilt. These documents are
20 simply the formal written instruments which contain the
21 charge made against the Defendant. They serve as the
22 formal documents by which the case is processed and
23 brought into court.

24 Now, there are five indictments in this case. They
25 allege several different offenses against the Defendant.

1 The charges are murder, burglary in the first degree, two
2 counts of attempted armed robbery, and possession of a
3 weapon during the commission of a violent crime. Each
4 indictment charges a separated and distinct offense. And
5 you must decide each indictment separately on the evidence
6 and the law that applies to that indictment uninfluenced
7 by your decision as to any other indictment. And the
8 Defendant may be convicted of or acquitted on any or all
9 of the offenses charged. You will be asked to write a
10 separate verdict of guilty or not guilty for each
11 indictment. In other words, ladies and gentlemen, each
12 one of these indictments stands on its on merit.

13 Now, necessarily, your job as jurors include that you
14 must determine the credibility or believability of the
15 witnesses who have testified. It becomes your duty as
16 jurors to evaluate the evidence and determine which
17 evidence convinces you that it is true. In determining
18 the believability of the witnesses, you may believe one
19 witness over several or several over one. You may believe
20 a part of the testimony of a witness and reject the
21 remaining part. You may believe the testimony of a
22 witness in its entirety or you may reject that same
23 testimony in its entirety. And you may consider whether
24 the witness has an interest in the result of the trial or
25 that the witness is prejudiced towards either the State or

1 the Defendant, the opportunity for the witness to have
2 seen the matters or things about which the witness has
3 testified, and the way the witness acts on the witness
4 stand or what we call a witness's demeanor.

5 I would, also, tell you that the rules of evidence
6 ordinarily do not permit witnesses to testify to opinions
7 or conclusions. An exception to this rule exist for
8 witnesses we call experts. A witness who by education or
9 experience has become expert in some art, science or
10 profession may give an opinion as to the subject the
11 witness has been qualified as an expert in, and may, also,
12 give the reasons for the opinion. And you all should
13 consider any expert opinion given by a witness and like
14 all the other evidence in this case, give it the weight
15 that you think it deserves.

16 The Defendant has pled not guilty to these
17 indictments. That plea puts the burden on the State to
18 prove the Defendant guilty. A person charged with
19 committing a criminal offense in South Carolina is never
20 required to prove themselves innocent. And I charge you
21 that it is a cardinal and signal rule of the law that a
22 defendant in a criminal trial will always be presumed to
23 be innocent to the crime for which an indictment has
24 issued unless and until guilt has been proven by evidence
25 satisfying you of guilt beyond a reasonable doubt.

1 And a reasonable doubt is the kind of doubt which
2 would cause a reasonable person to hesitate to act.
3 Reasonable doubt may arise from the evidence which is in a
4 case or from the lack or absence of evidence in a case and
5 you, the jury, must determine whether or not reasonable
6 doubt exist as to the guilt of this Defendant. The State
7 has the burden of proving each and every element of each
8 crime beyond a reasonable doubt. And any reasonable doubt
9 that you have in your deliberations should be resolved in
10 favor of the Defendant.

11 Now, there are two types of evidence which are
12 generally presented during a trial, direct evidence and
13 circumstantial evidence. Direct evidence directly proves
14 the existence of a fact and does not require deduction.
15 Circumstantial evidence is proof of a chain of facts and
16 circumstances indicating the existence of the main fact.
17 And crimes may be proven by circumstantial evidence. The
18 law makes no distinction between the weight or value to be
19 given to either direct evidence or circumstantial
20 evidence.

21 However, to the extent that the State relies on
22 circumstantial evidence, all of the circumstances must be
23 consistent with each other and when taken together point
24 conclusively to the guilt of the accused beyond a
25 reasonable doubt. If those circumstances merely portray

1 the Defendant's behavior as suspicious; the proof has
2 failed. The State has the burden of proving the Defendant
3 guilty beyond a reasonable doubt. And the burden rests
4 with the State regardless of whether the State relies on
5 direct evidence or circumstantial evidence or some
6 combination of the two.

7 An issue in this case has arisen as to the
8 identification of the Defendant as the person who
9 committed the crimes charged. The State has the burden of
10 proving identity beyond a reasonable doubt. And you must
11 be satisfied beyond a reasonable doubt of the accuracy of
12 the identification of the Defendant before you may convict
13 him. Identification testimony is an expression of belief
14 or an impression by a witness. You must determine the
15 accuracy of the identification of the Defendant. You must
16 consider the believability of each identification witness
17 in the same way as any other witness. And you may
18 consider whether the witness had an adequate opportunity
19 to observe the offender at the time of the offense. And
20 this will be affected by things like how long or short a
21 time was available, how far or close the witness was, the
22 lighting conditions, and whether the witness had a chance
23 to see or know the person in the past. Once again, I
24 instruct you the burden of proof on the State extends to
25 every element of the crime charged and, specifically,

1 includes the burden of proving beyond a reasonable doubt
2 the identity of the Defendant as the person who committed
3 the crime.

4 Now, if a crime is committed by two or more people
5 who are acting together in committing a crime, the act of
6 one is the act of all. A person who joins with another to
7 accomplish an illegal purpose is criminally responsible
8 for everything done by the other person which occurs as a
9 natural consequence of the acts done in carrying out the
10 common plan and purpose. For example, two people can be
11 guilty of killing another person when only one of the two
12 had a gun, there was only one bullet, and only one of the
13 two fired the shot that caused the death. If two or more
14 people are together acting together, assisting each other
15 in committing the offense, the act of one is the act of
16 all, or as it is sometimes said the hand of one is the
17 hand of all.

18 Now, the Defendant has raised the defense of alibi.
19 In order to establish an alibi, it must be shown that the
20 Defendant was at another specified place at the time the
21 crime was committed and that it was, therefore, impossible
22 for the Defendant to have been at the scene of the crime.
23 Mere denial of presence at the scene of a crime does not
24 constitute an alibi. There is no burden on the Defendant
25 to prove an alibi. The burden is on the State to prove

1 beyond a reasonable doubt that the Defendant was,
2 actually, present at the scene of the crime, actually,
3 participated in it, and was not somewhere else.

4 The Defendant has, also, raised the defense of
5 accident. An act may be excused on the ground of accident
6 if it shown that the act was unintentional, that the
7 Defendant was acting lawfully, and that reasonable care
8 was used by the Defendant in the handling of a weapon.
9 For example, if a person is lawfully armed in
10 self-defense, the gun accidentally discharges, the defense
11 of accident would apply. Again, the burden is on the
12 State to prove beyond a reasonable doubt that the act was
13 not an accident, but was caused by the negligence or
14 carelessness on the part of the Defendant in the handling
15 of a dangerous instrumentality, or by unlawful activity by
16 the Defendant.

17 Now, the Defendant is charged with murder. The State
18 must prove beyond a reasonable doubt that the Defendant
19 killed another person with malice aforethought. Malice is
20 hatred, ill will or hostility towards another person. It
21 is the intentional doing or wrongful act without just
22 cause or excuse and with an intent to inflict an injury or
23 under circumstances that the law will infer an evil
24 intent. Malice aforethought does not require that malice
25 exist for any particular length of time before the act is

1 committed, but malice must exist in the mind of the
2 Defendant just before and at the time the act is
3 committed. Therefore, there must be a combination of the
4 previous evil intent and the act.

5 Malice aforethought may be expressed or inferred.
6 And these terms expressed and inferred do not mean
7 different kinds of malice, but merely the manner in which
8 malice may be shown to exist. That is either by direct
9 evidence or by inference from facts and circumstances
10 which are proved. Expressed malice is shown when a person
11 speaks words which express hatred or ill will for another
12 or when the person prepared beforehand to do the act which
13 was later accomplished. Malice may be inferred from
14 conduct showing a total disregard for human life. If
15 facts are proved beyond a reasonable doubt sufficient to
16 raise an inference of malice to your satisfaction, this
17 inference would be simply an evidentiary fact to be
18 considered by you along with all of the other evidence in
19 the case and you may give it the weight that you think it
20 should receive.

21 Now, if one intentionally kills another during the
22 commission of a felony, the inference of malice may arise.
23 If facts are proved beyond a reasonable doubt sufficient
24 to raise an inference of malice to your satisfaction, I,
25 again, tell you this inference would simply be an

1 evidentiary fact to be taken into consideration by you
2 along with all the other evidence in the case and you give
3 it the weight you think it should receive. I would tell
4 you that burglary first and attempted armed robbery are
5 felonies.

6 The Defendant is, also, charged with first degree
7 burglary. The State must prove beyond a reasonable doubt
8 that the Defendant entered a dwelling without consent.
9 And dwelling is any building or portion of a building in
10 which a person ordinarily sleeps.

11 Now, in order to prove that the Defendant entered the
12 dwelling, the State does not have to show that the
13 Defendant's entire body entered the dwelling. The
14 smallest entry is sufficient. It may be any part of the
15 body, such as a hand or a foot, or even an instrument,
16 such as a hook or other instrument. In addition, the
17 State does not have to prove that force was used to gain
18 entry.

19 Next, the State must prove beyond a reasonable doubt
20 that the Defendant intended to commit a crime, either a
21 felony or a misdemeanor at the time of the entry. The
22 mere entry into a dwelling without consent is not
23 burglary. If the intent to commit a crime is formed after
24 the entry, it is not burglary. On the other hand, if the
25 Defendant intended to commit a crime at the time of the

1 entry, it is burglary even if the intent was abandoned
2 after the entry and it does not matter that the intended
3 crime was not committed. Now, intent may be shown by acts
4 and conduct of the Defendant and other circumstances from
5 which you may naturally and reasonably infer intent.

6 Finally, the State must prove beyond a reasonable
7 doubt, at least, one of the following. First, when
8 entering, while in the dwelling, or when fleeing, the
9 Defendant or an accomplice was armed with a deadly weapon
10 or explosive. A deadly weapon is defined as any article,
11 instrument, or substance which is likely to cause death or
12 great bodily harm. Whether an instrument has been used as
13 a deadly weapon depends on the facts and circumstances of
14 each case. The following are examples of instruments
15 which may be deadly weapons: A pistol, a shotgun, a
16 rifle, a dirk, a dagger, a knife, slingshot, metal
17 knuckles, razor, gasoline, fire bomb, and Molotov
18 cocktail:

19 Secondly, when entering, while in the dwelling or
20 when fleeing, the Defendant or an accomplice caused
21 physical injury to anyone not participating in the crime.
22 And remember, the State must prove, at least, one, but not
23 -- all they have to do is prove one of these conditions.

24 The third is when entering, while in the dwelling, or
25 when fleeing, the Defendant or an accomplice used or

1 threatened to use a dangerous object.

2 Four, when entering, while in the dwelling, or when
3 fleeing, the Defendant or an accomplice displayed what was
4 or appeared to be a knife, pistol, revolver, rifle,
5 shotgun, machine gun, or other firearm.

6 And, finally, six, the Defendant entered or remained
7 in the dwelling in the nighttime. Nighttime is the period
8 between sunset and sunrise during which there is not
9 enough daylight to recognize a person's face except by
10 artificial light or moonlight.

11 Now, the Defendant is charged with two counts of
12 attempted armed robbery. So let me first define what
13 armed robbery is, then I will define attempt. Now, in
14 order to prove armed robbery, the State must first prove
15 beyond a reasonable doubt that the Defendant took personal
16 property from the person or presence of another person.
17 Property is in the presence of a person if it is within
18 the person's reach, inspection, observation, or control so
19 that the person could, if not overcome with violence or
20 prevented by fear keep possession of the property.

21 The State must, also, prove beyond a reasonable doubt
22 that the Defendant carried the property away intending to
23 deprive the owner of the property and to keep the property
24 for the Defendant's own use. The slightest removal of the
25 property or the complete possession of the property even

1 for an instant by the Defendant is sufficient to show a
2 taking and carrying away of the property. And the taking
3 and carrying away of the property must have been done with
4 violence or by putting the owner of the property in fear
5 of violence.

6 And, finally, the State must prove beyond a
7 reasonable doubt that the Defendant was armed with a
8 deadly weapon during the robbery or alleged either by
9 actual words that he was armed while using a
10 representation of a deadly weapon or any object which a
11 person present during the commission of a robbery
12 reasonably believed to be a deadly weapon. And a deadly
13 weapon, again, is any article, instrument, or substance
14 likely to cause death or great bodily harm.

15 Now, this is what an attempt is. An attempt is an
16 effort to accomplish a crime, in this case, armed robbery,
17 which does not succeed. An attempt includes a specific
18 intent to do a particular criminal act along with an act
19 falling short of the act intended. The State must show
20 more than mere preparation and intent. There must be some
21 overt act committed in the effort to commit the crime.
22 Intent means intending the result which actually occurs,
23 not accidentally or involuntarily. Intent may be shown by
24 acts and conduct of the Defendant and other circumstances
25 from which you may naturally and reasonably infer

1 incident.

2 Finally, the Defendant is charged with the possession
3 of a weapon during the commission of or intent to commit a
4 violent crime. And the State must prove beyond a
5 reasonable doubt that the Defendant was in possession of a
6 firearm or visibly displayed what appeared to be a firearm
7 during the commission of a violent crime. Once again, a
8 firearm means a machine gun, automatic rifle, revolver,
9 pistol, or any weapon which will, is designed to, or may
10 be readily converted to expel a projectile.

11 In order to find the Defendant guilty of possession
12 of a weapon during the commission of a violent crime, you
13 must first find the Defendant guilty of either committing
14 a violent crime or attempting to commit a violent crime.
15 And I will tell you that murder, burglary first, and
16 attempted armed robbery are violent crimes under our law.

17 Now, for each of these five indictments, there are
18 two possible verdicts which you may come to. No
19 importance in the order in which I state them, one has got
20 to be stated first. They are guilty or not guilty. I
21 will tell you, ladies and gentlemen, that all 12 of you
22 must agree on your verdict with respect to each separate
23 indictment. Your verdict must be unanimous. Your verdict
24 cannot be based on sympathy, passion, prejudice, emotion,
25 or any other consideration which is not in evidence in the

1 case. You have no enemies to punish, you have no friends
2 to reward.

3 Mr. Foreman, we have prepared a verdict form which we
4 will send back into the jury room with you. When you are
5 ready and you all have unanimously agreed on each
6 indictment, I think it's self-explanatory, if you will
7 check the appropriate box when you have come to a full
8 verdict, please sign it, date it, check with the bailiffs
9 and we will receive you back in the courtroom to receive
10 your verdict.

11 Ladies and gentlemen, I just want to -- at this
12 point, we're going to excuse you back to your jury room.
13 I would tell you -- ask you not to begin your
14 deliberations just yet. We have to -- I want to make sure
15 I have not misstated or omitted something in my jury
16 charge to you, so when the evidence comes back to you with
17 the verdict form, you all may begin your deliberations.

18 So at this time, I would excuse the jurors, except
19 for Mr. Hardin and Mr. Miller. Please remain in the
20 courtroom. Thank you.

21 (WHEREUPON, the jury left the courtroom at
22 approximately 2:23 p.m.)

23 THE COURT: All right. Gentlemen, this is always the
24 hard part for me. I make you come up here, make up sit up
25 here. You all are just as qualified as every one of those

1 12 and it seems like you ought to be able to go back in
2 there and participate. The law only allows 12. I hope
3 you understand. We knew this was going to be a multi-day
4 trial and as often happens, one of the first 12 can get
5 sick or something can happen and if we didn't have
6 alternates, we couldn't proceed.

7 So I am happy to thank you for your service and,
8 also, tell you that you are released. You can -- and
9 released for the week. You can talk about this with
10 people if you want to, but if you don't want to talk about
11 it and someone persist, please, let the clerk's office
12 know and we'll fix that problem because we're not going to
13 have jurors be intimidated or harassed by anybody. So
14 thank you for your service. You can stay, go, whatever
15 you please to do. Mr. Still will show you the way out.

16 All right. Any exception or objection to the charge
17 from the Defense?

18 MR. ROBINSON: No, Your Honor.

19 THE COURT: From the State?

20 MR. WILKINS: No, Your Honor.

21 THE COURT: Okay. Y'all get together with the
22 outstanding court reporter we have and make sure we've got
23 all the evidence together and let's get them working.

24 (WHEREUPON, deliberations began at
25 approximately 2:25 p.m.)

1 (WHEREUPON, court was in recess awaiting a
2 verdict.)

3 THE COURT: We've got a note from the jury. What
4 means murder? Does the Defendant have to pull the trigger
5 to consider it murder? May we have a copy of the law?

6 So any comments?

7 MR. WILKINS: May we suggest the jury charge on
8 murder and hand of one, hand of all given to them.

9 THE COURT: How about that?

10 MR. ROBINSON: I do think I would ask for the
11 definition of murder, Your Honor, just the definition of
12 murder.

13 THE COURT: Well, you object to the hand of all is
14 the hand of all is what you're saying?

15 MR. ROBINSON: I do, just based on the question, Your
16 Honor.

17 THE COURT: I think that I'm going to overrule your
18 objection for the record. I'm going to have to --

19 MR. WILKINS: Fish it out.

20 THE COURT: Yeah, I'm going to have to do this.
21 Don't watch, it makes me nervous.

22 Y'all be at ease.

23 (WHEREUPON, Court's Exhibit No. 5 was marked for
24 identification.)

25 (WHEREUPON, a short break was taken.)

1 THE COURT: Y'all want to look at these? We'll send
2 three copies back.

3 MR. WILKINS: It's good with me.

4 THE COURT: All right.

5 (WHEREUPON, Court's Exhibit Nos. 6, 7 and 8 were
6 admitted into evidence.)

7 (WHEREUPON, Court was in recess awaiting a
8 verdict.)

9 THE COURT: All right. I understand we have a
10 verdict.

11 (WHEREUPON, the jury entered the courtroom at
12 approximately 3:50 p.m.)

13 THE COURT: All right. Ladies and gentlemen of the
14 jury, Mr. Foreman, I understand you've reached a verdict?

15 MR. FOREMAN: That's correct.

16 THE COURT: Hand it to the bailiff for me, please.

17 Okay. If you would, please publish the verdict.

18 VERDICT

19 THE CLERK: Yes, sir. This is case numbers
20 2014-GS-39-1548, 1597, 1547, 1545, and 1546, the State of
21 South Carolina v. Lester Devaria Mosley, Jr., as to the
22 charge of murder, we, the jury, find the Defendant guilty;
23 as to the charge of burglary first degree, we, the jury,
24 find the Defendant guilty; as to the charge of attempted
25 armed robbery of Robert Benjamin McKinley, we, the jury,

1 find the Defendant guilty; as to the charge of attempted
2 armed robbery of Kevin Shaun Keck, Daniel Persson, Perry
3 Sam Voison, and Johnathan Thomas Riordan, we, the jury,
4 find the Defendant guilty; as to the charge of possession
5 of a weapon during the commission of a crime, we, the
6 jury, find the Defendant guilty.

7 Is this your verdict and still your verdict so say
8 you all by raising your right hand?

9 (WHEREUPON, all members of the jury raised their
10 right hand.)

11 THE CLERK: Thank you very much.

12 THE COURT: All right.. Anything further from the
13 jury from the State?

14 MR. WILKINS: Nothing, Your Honor.

15 THE COURT: From the Defense?

16 MR. ROBINSON: Nothing, Your Honor.

17 THE COURT: All right. Mr. Foreman, ladies and
18 gentlemen of the jury, I want to thank you for your
19 service. It's a great responsibility and great privilege
20 to serve. I hope that you all appreciate what you've done
21 and how important your service has been. And I thank you
22 for your hard work, your attention, and your service.

23 I want to tell you that you all have completed your
24 service for the week and you are free to go, stay,
25 whatever you wish to do. You're free to talk about it

1 with whoever you'd like to talk to about it. If someone
2 approaches you and wants to talk about it and you don't
3 want to talk about it, just get their name, tell the
4 clerk, and we will take care of that. Because we're not
5 going to have you all being harassed or intimidated in any
6 way for this service.

7 Thank you all very much. You all are free to go or
8 stay, whatever you would like to do. Okay.

9 Mr. Stephens, if you would stay, we've got to get
10 your John Hancock on a couple of things.

11 (WHEREUPON, the jury was dismissed at
12 approximately 3:55 p.m.)

13 THE COURT: All right. Any motions?

14 MR. ROBINSON: Not at this time, Your Honor.

15 THE COURT: You renew your prior motions?

16 MR. ROBINSON: I do, Your Honor.

17 THE COURT: All right.

18 Do y'all have documentation?

19 MR. WILKINS: We do, Your Honor.

20 THE COURT: All right.

21 All right. Mr. Mosley, come on around.

22 Okay. Solicitor.

23 SENTENCING

24 MR. WILKINS: Your Honor, we're ready for sentencing.

25 You've, obviously, heard the case and the allegations the

1 State presented. I do want to let you know the Grich
2 family is to my right. I know they would like to address
3 Your Honor at the appropriate time. I don't think I need
4 to put any facts on the record. I think you've got them
5 all.

6 THE COURT: Does he have a criminal history?

7 MR. WILKINS: He has pending assault and battery by
8 mob second degree. That's currently pending, it's not a
9 conviction, but that's it.

10 THE COURT: All right. I'll be happy to hear from
11 the family.

12 MS. JEANNE GRICH: Your Honor, my name is Jeanne
13 Grich. Steven was my oldest son. He was pursuing his
14 dreams and goals by attending Clemson University. He was
15 studying a degree in electrical engineering. It was the
16 happiest time of his life. I've never seen my son so
17 happy. He was a wonderful man. He had so much to offer
18 this world. He would be the first one to say hello and
19 help anyone. My son lost his best friend, my oldest son,
20 Shawn. Our hearts are broken today. Thank you, Your
21 Honor.

22 THE COURT: Thank you very much.

23 MS. LYNN GRICH: My name is Lynn Grich. I'd like to
24 thank the Court for everything they did to pull this
25 together. There's no winners today. Events went in

1 motion December 8th where guns were loaded, people were
2 assembled, Steven's apartment was broken into. He was one
3 of five boys preparing for exams. He already had one
4 completed. Steven was killed at point blank range with a
5 hollow tip bullet. That bullet passed through our family,
6 our friends here today, and the ones that couldn't be
7 present. That wound has been open for 21 months. It will
8 always be open, but after today, we feel some closure.
9 And we're grateful for the outcome the jury found today.
10 Thank you.

11 THE COURT: All right.

12 MR. STEVE GRICH: Your Honor, my name is Steve Grich.
13 Steven was my son. Today -- these past few days were all
14 about Lester Mosley, but, in reality, it was all about my
15 son, Steven, his life. His is the one that was taken. I
16 know everyone has their right to a trial, to a fair trial,
17 but that right shouldn't be for someone who knows they
18 murdered my son and say they weren't involved at all. I
19 just hope this man gets the maximum sentence allowed.
20 He's taken our lives away. We'll live with this forever.
21 Thank you.

22 THE COURT: All right. Mr. Robinson.

23 MR. ROBINSON: May it please the Court? On behalf of
24 Mr. Mosley and his family, we are sorry for this
25 occurrence. This is an awful thing. It's a sad occasion.

1 Lester would like to address the Court.

2 THE COURT: All right. Be happy to hear from you.

3 MR. MOSLEY: I just wanted to tell the family.

4 THE COURT: Yeah.

5 MR. MOSLEY: I want to tell the family that I'm sorry
6 for their loss and all what happened to their son. I know
7 it wasn't meant to happen, but I can't take, you know what
8 I'm saying. Even though I still know that I didn't do it,
9 you know, but the Court feel like I did it, so I can't
10 take it back. I'm sorry, though.

11 THE COURT: Well, likely, this is your one day in
12 court. If there's anything you want to say, now is the
13 time to say it.

14 MR. MOSLEY: I'm just sorry, that's it.

15 THE COURT: Okay.

16 Anything else?

17 MR. ROBINSON: Your Honor, would you hear from his
18 family if that's all right?

19 THE COURT: Yeah, if there's somebody that wants to
20 say something.

21 MR. JONATHAN WARDEN: Your Honor, my condolences go
22 out to the family. I firmly believe that no one should
23 ever lose a child. On this day, the same thing has
24 happened to me. You know, I'm not bashing anyone or say
25 anything negative to the jury. They made their decision.

1 Once again, my condolences go out to the family for their
2 loss. My son has maintained his innocence. I mean,
3 that's not much else to say on that.

4 THE COURT: Could we have your name?

5 MR. JONATHAN WARDEN: Jonathan Warden, yes, sir. I'm
6 his father.

7 THE COURT: All right.

8 MR. ROBINSON: Thank you for listening, Judge, that
9 concludes our presentation.

10 THE COURT: What Ms. Grich said was right, there are
11 no winners and there are no losers today -- or everybody's
12 a loser. When I sentence somebody, I take into
13 consideration the facts of the case, the circumstances,
14 background, acceptance of responsibility, showing of
15 remorse. What I see here is just an incredibly stupid
16 plan by the Defendants, fueled by greed and drugs. I see
17 a Defendant who was, I'm guessing, 18 years old, whose
18 conduct was almost indescribably barbaric. I temper that
19 because I don't think you intended to -- I mean, the best
20 I can tell is that you didn't go in there and stand over
21 him and execute him or anything like that. You don't have
22 a terrible record. But you have no remorse and no
23 acceptance of responsibility. That's a serious
24 consideration.

25 Fifty years on murder, 50 years on burglary, 20 on

1 the armed robberies, five on the other. Good luck.

2 MR. WILKINS: Thank you, Judge.

3 MR. ROBINSON: Thank you, Your Honor.

4 *****END OF PROCEEDINGS*****

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CERTIFICATE OF REPORTER

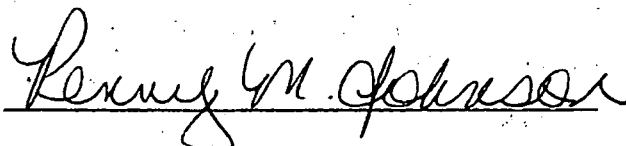
STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

I, PENNY M. JOHNSON, Official Court Reporter for the
Second Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate, and
complete Transcript of Record of the proceedings had and the
evidence introduced in the trial of the captioned case,
relative to appeal, in Court of General Sessions for Pickens
County, South Carolina, on the 15 - 17th day of September,
2014.

I do further certify that I am neither of kin, counsel,
nor interest to any party hereto.

March 9, 2015



Penny M. Johnson Court Reporter

My Commission Expires: 06/16/2018

STATE OF SOUTH CAROLINA
COUNTY OF Pickens
VS.
Lester Devaria Mosley Jr

IN THE COURT OF GENERAL SESSIONS
403

INDICTMENT/CASE#: 2014GS3901545
A/W#: 2012A3910600380
Date of Offense: 12/8/2012
S.C. Code § : 16-11-0330(B)
CDR Code #: 0026

SENTENCE SHEET

AKA:
Race: BLACK Sex: M Age: 20
DOB: [REDACTED]
Address: [REDACTED]
City, State: [REDACTED]
DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
TO: Robbery, Attempted Armed Robbery

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

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

ATTEST: Richardson, Doug SC Bar# 16740 Defendant Attorney for Defendant SC Bar# 66112

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

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

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

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

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/ Deputy Clerk Harold P. Wellman

Court Reporter: April Herron

SCCA/217 (03/2011)

Presiding Judge SEWING

Judge Code: 2 1 3 0

Sentence Date: 9/17/14

STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
ATTEMPTED ARMED ROBBERY

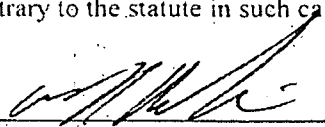
At a Court of General Sessions, convened on
County present upon their oath:

JUL 22 2014

the Grand Jurors of Pickens

That LESTER DEVARIA MOSLEY JR did in Pickens County, on or about the 8th day of December, 2012, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the attempted robbery would reasonably believe to be a deadly weapon, attempt to take by means of force or intimidation, goods or monies described as: cash and/or drugs from the person or presence of KEVIN SEAN KECK, DANIEL PERSON, PERRY SAM VOISIN AND JONATHAN THOMAS RIORDAN. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 66112

WITNESSES

Gary Dean Anthony

Pickens County Sheriff's Office

12/22/2012

ARREST WARRANT NUMBER
2012A3910600380

ACTION OF GRAND JURY

TRUE BILL

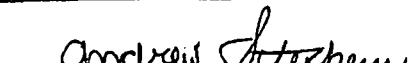
JUL 22 2014

Date


Foreperson of Grand Jury

VERDICT

Guilty


Foreperson of Petit Jury
Date:

DOCKET NO. 2014-GS-39-1545
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUL 22 2014

TERM 2014

THE STATE

vs.

LESTER DEVARIA MOSLEY JR

Indictment for

0026

ATTEMPTED ARMED ROBBERY

VIOLATION § 16-11-0330(B)

5 CT 406 OF SOUTH CAROLINA
COUNTY OF Pickens
STATE VS.
Lester Devaria Mosley Jr
AKA:
Race: BLACK Sex: M Age: 20
DOB: [REDACTED]
Address: [REDACTED]
City, St: [REDACTED]
DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3901546
A/W#: 2012A3910600372
Date of Offense: 12/8/2012
S.C. Code § 16-23-0490
CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Weapons / Poss. Weapon During Violent Cr

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)

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

ATTEST: [Signature] 168240
Richardson, Doug SC Bar# 66112 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ 133.90

PTUP _____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter: April Harrison

SCCA/217 (03/2011)

Presiding Judge: [Signature]

Judge Code: 2 1 3 0

Sentence Date: 9/17/14

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
POSSESSION OF A WEAPON DURING THE COMMISSION OF A
CRIME

At a Court of General Sessions, convened on

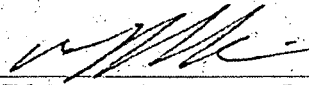
the Grand Jurors of Pickens

JUL 22 2014

County present upon their oath:

That LESTER DEVARIA MOSLEY JR did in Pickens County, on or about the 8th day of December, 2012, possess or visibly display a firearm during the commission or attempted commission of a violent crime, to wit: Murder and Burglary 1st Degree. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 66112

WITNESSES

Gary Dean Anthony

Pickens County Sheriff's Office

12/22/2012

ARREST WARRANT NUMBER

2012A3910600372

ACTION OF GRAND JURY

TRUE BILL

Date

JUL 22 2014

[Signature]
Foreperson of Grand Jury

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-39-1546
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUL 22 2014

TERM 2014

THE STATE

vs.

LESTER DEVARIA MOSLEY JR

Indictment for

0549

POSSESSION OF A WEAPON DURING THE
COMMISSION OF A CRIME

VIOLATION § 16-23-0490

OF SOUTH CAROLINA

COUNTY OF
STATE

Pickens

VS.

Lester Devaria Mosley Jr

AKA:

Race: BLACK Sex: M Age: 20

DOB:

Address:

City, Sta

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Murder (gs)

IN THE COURT OF GENERAL SESSIONS

409

INDICTMENT/CASE#: 2014GS3901548

A/W#: 2012A3910600369

Date of Offense: 12/8/2012

S.C. Code § : 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116

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

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

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

ATTEST:

Richardson, Doug

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 50 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

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

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 7.92
TOTAL		\$ 133.90

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning _____

\$ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

201 W. M. L.
2 1 3 2
9/17/14

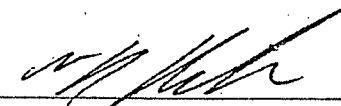
STATE OF SOUTH CAROLINA)
)
COUNTY OF PICKENS)

INDICTMENT FOR
MURDER

At a Court of General Sessions, convened on **JUL 22 2014** the Grand Jurors of Pickens
County present upon their oath:

That LESTER DEVARIA MOSLEY JR did in Pickens County, on or about the 8th day of December, 2012,
unlawfully and with malice aforethought kill STEVEN GRICH by means of shooting the victim, and that
STEVEN GRICH died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code
of Laws (1976) as amended.

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


SOLICITOR

BAR # 66112

WITNESSES

Gary Dean Anthony

Pickens County Sheriff's Office

12/22/2012

ARREST WARRANT NUMBER

2012A3910600369

ACTION OF GRAND JURY

TRUE BILL

Date

JUL 22 2014

[Signature]
Foreperson of Grand Jury

VERDICT

Guilty

[Signature]
Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-39-1548
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUL 22 2014 TERM 2014

THE STATE

vs.

LESTER DEVARIA MOSLEY JR

Indictment for

0116

MURDER

VIOLATION § 16-03-0010, 0020

COUNTY OF PICKENS
 VS.
 Lester Devaria Mosley Jr
 AKA: [REDACTED]
 Race: BLACK Sex: M Age: 20
 DOB: [REDACTED]
 Address: [REDACTED]
 City, S: [REDACTED]
 DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2014GS3901597
 A/W#: 2012A3910600370
 Date of Offense: 12/8/2012
 S.C. Code: § 16-11-0311
 CDR Code #: 0079

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
 In disposition of the said indictment comes now the Defendant who was
 TO: Burglary, First Degree

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC § 17-25-45 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 16740
 Richardson, Doug SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 50 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing: ☐ Ordered PTUP
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
☐ Set by SCDPPPS _____
 Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

_____ days/hours Public Service Employment
 Obtain GED ☐
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling ☐
 Random Drug/Alcohol testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk: [Signature]
 Court Reporter: April Harrison
 SCCA/217 (03/2011)

Presiding Judge: [Signature]
 Judge Code: 2 1 30
 Sentence Date: 9/17/14

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
BURGLARY FIRST DEGREE

At a Court of General Sessions, convened on

JUL 22 2014

the Grand Jurors of Pickens

County present upon their oath:

That LESTER DEVARIA MOSLEY JR did in Pickens County, on or about the 8th day of December, 2012, willfully and unlawfully enter the dwelling of ROBERT BENJAMIN MCKINLEY located at 201 Smoke Rise Drive, Central, South Carolina, without consent and with the intent to commit a crime therein and the crime did occur during the nighttime and/or the defendant was armed with a deadly weapon. This is in violation of §16-11-311 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 66112

WITNESSES

Gary Dean Anthony

Pickens County Sheriff's Office

12/22/2012

ARREST WARRANT NUMBER
2012A3910600370

ACTION OF GRAND JURY

TRUE BILL

Date

JUL 22 2014

[Signature]
Foreperson of Grand Jury

VERDICT

Guilty

4 *Onnecious Stephens*
Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-39-1597
WDR

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUL 22 2014 TERM 2014

THE STATE

VS.

LESTER DEVARIA MOSLEY JR

Indictment for

0079

BURGLARY FIRST DEGREE

VIOLATION §. 16-11-0311

STATE OF SOUTH CAROLINA
COUNTY OF Pickens
VS.
Lester Devaria Mosley Jr

AKA:
Race: BLACK Sex: M Age: 20
DOB: [REDACTED]
Address: [REDACTED]
City, St: [REDACTED]
DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Robbery, Attempted Armed Robbery

IN THE COURT OF GENERAL SESSIONS
415

INDICTMENT/CASE#: 2014GS3901547
A/W#: 2012A3910600371
Date of Offense: 12/8/2012
S.C. Code § : 16-11-0330(B)
CDR Code #: 0026

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-11-0330(B) of the S.C. Code of Laws, bearing CDR Code # 0026
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] 16740
Richardson, Doug SC Bar# 66112 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

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

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: \$ plus 20% fee: \$
Payment Terms:
☐ Set by SCDPPPS

Recipient:

*Fine:
§ 14-1-206 (Assessments 107.5%) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114 (BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 3.90
TOTAL \$ 133.90

PTUP days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. ☐
May serve W/E beginning ☐
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender Fund
Other:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk
Court Reporter: April Herron
SCCA/217 (03/2011)

Presiding Judge
Judge Code: 2 1 3 0
Sentence Date: 9/17/14

[Signature]

STATE OF SOUTH CAROLINA)
COUNTY OF PICKENS)

INDICTMENT FOR
ATTEMPTED ARMED ROBBERY

At a Court of General Sessions, convened on

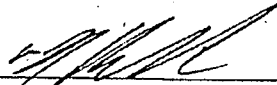
JUL 22 2014

the Grand Jurors of Pickens

County present upon their oath:

That LESTER DEVARIA MOSLEY JR did in Pickens County, on or about the 8th day of December, 2012, while armed with a deadly weapon, or while alleging either by action or words he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the attempted robbery would reasonably believe to be a deadly weapon, attempt to take by means of force or intimidation, goods or monies described as: cash and/or drugs from the person or presence of ROBERT BENJAMIN MCKINLEY. This is in violation of §16-11-330 of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

BAR # 66112

WITNESSES

Gary Dean Anthony

Pickens County Sheriff's Office

12/22/2012

ARREST WARRANT NUMBER

2012A3910600371

ACTION OF GRAND JURY

TRUE BILL

Date

JUL 22 2014

[Signature]
Foreperson of Grand Jury

VERDICT

Guilty

Andrew Stephens
Foreperson of Petit Jury

Date:

DOCKET NO. 2014-GS-39-

WDR

1547

The State of South Carolina

County of Pickens

COURT OF GENERAL SESSIONS

JUL 22 2014 TERM 2014

THE STATE

vs.

LESTER DEVARIA MOSLEY JR

Indictment for

0026

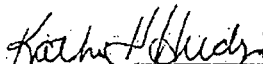
ATTEMPTED ARMED ROBBERY

VIOLATION § 16-11-0330(B)

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

September 10th, 2015



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

September 10th, 2015



Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

RECEIVED

SEP 11 2015

SC Court of Appeals