

VOLUME ONE OF THREE

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Charleston County

Honorable Deadra Jefferson, Circuit Court Judge

ANTHONY DOMINIQUE WILDER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-001697

APPENDIX

JOHN H. STROM
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

ALICIA OLIVE
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

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S.C. SUPREME COURT

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHARLESTON) IN THE COURT OF GENERAL SESSIONS
3
4 The State,)
5 -vs-) TRANSCRIPT OF RECORD
6 Keive Milik Smith,) 2008-GS-10-2395-2399
7 Anthony Dominique Wilder) 2008-GS-10-2383-2386;2390
8 and Leo Corderrel Gadsden,) 2008-GS-10-2405-2409
9 Defendants.) May 5 - 9, 2008
10 Charleston, South Carolina

11 B E F O R E:

12 J. DERHAM COLE, JUDGE; and a jury

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

14 NATHAN STUART WILLIAMS, ESQUIRE
15 JULIE CARDILLO, ESQUIRE
16 Attorneys for the State

17 W. TRACY BROWN, ESQUIRE
18 MARK ANDREW REDMOND, ESQUIRE
19 Attorneys for Defendant Smith

20 RODNEY DUANE DAVIS, ESQUIRE
21 CODY GROEBER, ESQUIRE
22 Attorneys for Defendant Gadsden

23 LIONEL S. LOFTON, ESQUIRE
24 V. LYNN LOFTON, ESQUIRE
25 Attorneys for Defendant Wilder

Linda D. Moffitt
Circuit Court Reporter

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Jury qualification

1 (Proceedings May 5, 2008)

2 THE COURT: Good morning, ladies and gentlemen.

3 As the bailiff told you, my name is Derham Cole. I'm
4 a resident circuit judge for the 7th Judicial Circuit,
5 which is Spartanburg and Cherokee counties.

6 Circuit judges in South Carolina rotate around the
7 state, and I'm presiding over a term of general sessions
8 court this week here in Charleston County. And that of
9 course is the term of court for which you have been
10 selected to potentially serve as jurors in.

11 The first case that we have that's going to require
12 some of your participation is the case of the State vs.
13 Keive Milik Smith, the State vs. Anthony Dominique Wilder
14 and the State vs. Leo Corderrel Gadsden.

15 Each of these three defendants have been accused by
16 the state of having committed various criminal offenses
17 which are alleged to have occurred back on or about August
18 the 31st of 2006. And there are several criminal offenses
19 that they are alleged to have committed, but they all arise
20 out of one particular event or course of events which the
21 state alleges did occur back in August of 2006.

22 Now, we're going to begin with jury selection in this
23 case. Twelve or more of you will be selected to
24 participate in the trial of the case. By way of your
25 participation you're going to be called upon to listen to

Jury qualification

1 the testimony and to consider other evidence that might be
2 introduced during the trial of the case.

3 By way of your participation you'll be called upon to
4 consider that evidence. From that evidence at the trial's
5 conclusion you'll decide the facts. And after deciding the
6 facts you'll apply the law that I'll have provided you, and
7 you will determine whether or not any defendant has been
8 proven guilty beyond a reasonable doubt of any crime that
9 the state alleges they have committed.

10 Now, any time that the state brings a charge against
11 another person it is the burden and obligation of the state
12 to prove that person's guilt beyond a reasonable doubt.
13 And you do that by the presentation of evidence and you do
14 that with participation by a jury. And the jury, as I have
15 stated, will make that determination in these cases.

16 Now, before we begin with jury selection in these
17 cases I've got some questions that I'm to be asking you.
18 And the purpose of the questions is to determine whether or
19 not there is some reason why any one of you jurors should
20 not be selected to participate in the trial of this
21 particular case. And so as these questions are asked,
22 should any question apply to you, I'm going to ask that you
23 please stand. And I'll address those matters with you
24 individually in the event that should become necessary.

25 Now, before we do that I'm going to read to you the

Jury qualification

1 allegations that are set forth in each of the indictments
2 alleged against each of these three defendants. And I'm
3 going to do so that you'll understand basically what the
4 case is about and what the state has alleged against these
5 defendants, because one of the questions is going to be
6 whether or not any member of the panel knows anything about
7 this case -- have you heard about it, seen anything about
8 it or received any information about it from any person or
9 any other source.

10 Solicitor, are each of the defendants charged with the
11 same offenses?

12 MR. WILLIAMS: Yes, Your Honor.

13 THE COURT: In other words, the indictments are
14 identical with each of the three defendants.

15 MR. WILLIAMS: Yes, sir, Your Honor, those that we're
16 calling right now.

17 THE COURT: Okay. All right. The defendants in these
18 cases are -- and I'm going to ask them to stand in a
19 moment. But first I'm going to read the indictments to you
20 so you'll understand what the case is about. And then I'll
21 ask each defendant to stand, and introduce them to you --
22 to you. I will introduce the lawyers to you. And I'll
23 also recite a list of witnesses for your benefit.

24 But each of the defendants in this case are charged
25 with the crimes of murder, of burglary in the first degree,

Jury qualification

1 of kidnapping, and assault and battery with intent to kill.
2 And I believe each are charged with two counts of
3 kidnapping.

4 The defendants are, as I told you, Keive Milik Smith,
5 Anthony Dominique Wilder and Leo Corderrel Gadsden. Each
6 of those defendants are charged with having committed the
7 crime of murder. The state alleges that each committed
8 that offense on or about August the 31st of 2006.

9 And by way of these indictments -- and indictments are
10 the charging papers. It's the charge that has been brought
11 against the defendants -- are set forth in a separate
12 indictment.

13 The indictment charging each with murder alleges that
14 on or about August the 31st of 2006 with malice
15 aforethought each defendant did alone or while acting with
16 others kill and murder Sterling Spann by shooting him and
17 that Sterling Spann did die in Charleston County as a
18 proximate result of that gunshot wound.

19 Each of the defendants is also charged with the crime
20 of burglary in the first degree. The state alleges that
21 that offense occurred on or about August the 31st of 2006.

22 And they allege that each defendant did alone or while
23 acting with others enter the dwelling of Patricia Green
24 which was located at [REDACTED] Road here in Charleston
25 County; that they entered that dwelling without consent and

Jury qualification

1 with the intent to commit a crime therein.

2 Each of the defendants is also charged with two
3 separate counts of kidnapping. And, again, the state
4 alleges on or about August the 31st of 2006 that each
5 defendant did alone or while acting with others, did
6 unlawfully seize, confine, kidnap or otherwise decoy,
7 inveigle or carry away Patricia Green and also Sterling
8 Spann without authority of law.

9 And each defendant is also charged with the crime of
10 assault and battery with intent to kill. Again, the state
11 alleges that occurred on August the 31st of 2006. And they
12 allege that each of the defendants did alone or while
13 acting with others commit the crime of assault and battery
14 with intent to kill in that each defendant did with malice
15 aforethought commit an unlawful act of a violent nature
16 upon the person of Jamie Williams by shooting him in
17 violation of the law.

18 Now, each defendant has entered a plea of not guilty.
19 And therefore that plea of not guilty places upon the state
20 to prove the allegations that are set forth in each of the
21 indictments, to prove the essential elements of each of the
22 crimes charged against each of the separate defendants; and
23 therefore the burden is upon the state to establish each
24 defendant's guilt beyond a reasonable doubt before any
25 verdict of guilty could be returned as to any of the

Jury qualification

1 indictments.

2 And in any criminal case where more than one defendant
3 is being tried at the same time, please understand that the
4 jury is always to consider each of the defendants
5 separately. And also where there are multiple charges
6 brought against a defendant, each of the charges are to be
7 considered separately.

8 Therefore a jury's decision in this case could be the
9 same as it relates to each of the defendants, or it could
10 be different. That will depend upon the proof.

11 And as to the charges that are brought against each of
12 the separate defendants, the verdicts may be the same or
13 they may be different. That will also depend upon the
14 evidence in the case, as well as the law that's applicable
15 as I will provide it to you before the jury goes back to
16 deliberate.

17 So, now I'm going to be asking you some questions,
18 again, the purpose being to find out whether or not there
19 is some reason why any one of you jurors should not be
20 selected to participate in the trial of this case. And
21 should you have such a reason or any question applies to
22 you, I will ask that you please stand, and I'll address
23 those matters with you accordingly.

24 Now, as I told you, we have three separate defendants.
25 One defendant is Keive Milik Smith.

Jury qualification

1 Mr. Smith, if you will, please stand and face the jury
2 panel.

3 (Whereupon, Defendant Smith stood.)

4 THE COURT: Now, this is like that game of What's My
5 Line. See, I've got three people standing up. But I asked
6 Mr. Smith to stand. So let me ask his lawyers if you'll
7 just be seated for a minute so we'll know which one is
8 Mr. Smith. And then I'll ask the lawyers to stand, and
9 you'll be introduced too.

10 All right. This is Mr. Smith.

11 (Whereupon, Defendant Smith stood.)

12 THE COURT: All right. Mr. Smith, you may be seated.

13 And Mr. Smith is represented by Tracy Brown and --

14 MR. REDMOND: Mark Redmond, Your Honor.

15 THE COURT: -- and Mark Redmond. They are his
16 lawyers. And they'll be assisting him in the trial of this
17 case.

18 All right. An additional defendant is Anthony
19 Dominique Wilder.

20 Mr. Wilder, if you will, please stand, and you face
21 the jury panel.

22 (Whereupon, Defendant Wilder stood.)

23 THE COURT: All right. Thank you, sir. You may be
24 seated.

25 Mr. Wilder is represented by Lionel Lofton --

Jury qualification

1 MR. LOFTON: And Lynn Lofton.

2 THE COURT: -- and Lynn Lofton. They are his lawyers.
3 They'll be assisting him in the trial of this case.

4 And the third defendant is Leo Corderrel Gadsden.
5 (Whereupon, Defendant Gadsden stood.)

6 THE COURT: That's Mr. Gadsden.

7 Thank you. You may be seated.

8 And he is represented by Rodney Davis and --

9 MR. GROEBER: And Cody Groeber.

10 THE COURT: Now, does any member of the jury panel --
11 oh, excuse me. Let me tell you who is representing the
12 state.

13 The state is being represented by Nathan Williams and
14 Julie Cardillo. Both of them are assistant circuit
15 solicitors for the 9th Judicial Circuit here in Charleston.
16 They'll be presenting the case on behalf of the state.

17 Now, does any member of the jury panel know any of the
18 defendants? That is do you know any person who has just
19 been identified to you as a defendant, the persons who are
20 accused of these crimes.

21 If you know any of the three defendants or any members
22 of their respective families, I would ask that you please
23 stand so that we can address that connection or that
24 relationship.

25 All right. I've got one juror standing.

Jury qualification

1 Ma'am, if you will, please tell me your name and your
2 juror number. And then tell me how that question relates
3 to you.

4 JUROR NO. 85: My name is Mary Franks.

5 THE COURT: Franks. All right. Ms. Franks, and
6 what's your juror number?

7 JUROR NO. 85: Juror 85.

8 THE COURT: I'm sorry?

9 JUROR NO. 85: Juror 085.

10 THE COURT: Eighty-five. All right. And you've
11 indicated that you know one or more of the defendants.

12 JUROR NO. 85: I don't know any of them.

13 THE COURT: Well, ma'am, that's my question.

14 JUROR NO. 85: I don't know them, but I know their
15 family, one of them's family.

16 THE COURT: All right. And which? Which one of these
17 defendants do you know their family members?

18 JUROR NO. 85: The Wilders.

19 THE COURT: Mr. Wilder. Okay.

20 JUROR NO. 85: But I don't know anything about this
21 court, but I know about his family members.

22 THE COURT: All right. And who, who are you
23 acquainted with in Mr. Wilder's family?

24 JUROR NO. 85: I work with his mother.

25 THE COURT: You know his mother. And do you know her

Jury qualification

1 well?

2 JUROR NO. 85: I work with her.

3 THE COURT: Okay. And where do you work with her?

4 JUROR NO. 85: At Bosh.

5 THE COURT: Okay. And do you know any other family
6 members? Is that a no?

7 JUROR NO. 85: No, I don't know them.

8 THE COURT: Know any other family members of
9 Mr. Wilder?

10 JUROR NO. 85: Just his mother.

11 THE COURT: Just his mother. And is there anything
12 about that connection that you have with his mother that
13 would affect your ability to be fair and impartial to all
14 parties in this case if you were selected as a juror?

15 JUROR NO. 85: To be honest with you, I pray for their
16 father every night.

17 MR. WILLIAMS: Well, Ms. Franks, of course I want you
18 to be honest. That's why I'm asking these questions. And
19 if you think that your connection with Mr. Wilder's mother
20 would have an impact upon your decision, I need for you to
21 just say.

22 JUROR NO. 85: It probably will; it probably will.
23 She had brought me --

24 THE COURT: It probably would.

25 All right. Ms. Franks, we'll excuse you from service

Jury qualification

1 in the trial of the case. But don't leave yet and don't
2 discuss your connection with the Wilders with any other
3 juror.

4 Okay. All right. Any other juror know any of the
5 defendants involved in the trial of the case? If so,
6 please stand. Or any members of their respective families.

7 (No response.)

8 THE COURT: All right. Now, as I have also indicated,
9 the person who is alleged to have been the victim of the
10 murder and of a kidnapping is Sterling Spann.

11 Also, a person who is alleged to have been the victim
12 of a kidnapping and of a burglary in the first degree is
13 Patricia Green.

14 And the person who is alleged to have been the victim
15 of an assault and battery with intent to kill is Jamie
16 Williams.

17 Now, are Ms. Green or Mr. Williams, are they present
18 in the courtroom? I'm asking the solicitor.

19 MR. WILLIAMS: They are not, Your Honor.

20 THE COURT: They are not.

21 Okay. Now, you may know somebody, and this is for the
22 jury's benefit. You might know somebody by the name of
23 Patricia Green. I don't know whether you do or not. It
24 may be this Patricia Green; it may be a different one.

25 So I need to know if any member of the jury panel knew

Jury qualification

1 Sterling Spann or had any connection in any way with
2 Mr. Spann or any member of his family.

3 I need to know if any juror has any connection in any
4 way with Patricia Green or any member of her family.

5 And I need to know if any member of the jury panel is
6 connected in any way with Jamie Williams or any member of
7 his family.

8 And if you know somebody by that name but you're not
9 sure if it's the same person, go ahead and stand. And I'll
10 have the solicitor identify these people for us in more
11 detail so that we can make that determination.

12 Okay, okay. I've got two jurors standing.

13 Sir, if you will, please give me your name and your
14 juror number. And then tell me how the question relates to
15 you.

16 JUROR NO. 177: Jeffrey McArthur, Juror 177. I knew
17 Sterling Spann.

18 THE COURT: And how did you know Mr. Spann?

19 JUROR NO. 177: He worked for me.

20 THE COURT: He worked for you. And where, sir?

21 JUROR NO. 177: I also know his mother.

22 THE COURT: Sir?

23 JUROR NO. 177: I also know his mother.

24 THE COURT: Also know his mother. And where are you
25 and where was he employed?

Jury qualification

1 JUROR NO. 177: Staffing 2000.

2 THE COURT: Where?

3 JUROR NO. 177: Staffing 2000.

4 THE COURT: Staffing 2000.

5 All right. Is there anything about your connection
6 with Mr. Spann or with his mother that would have any
7 impact upon your decision in this case or affect your
8 ability to be fair and impartial?

9 JUROR NO. 177: Yes.

10 THE COURT: Okay. We will excuse Juror 177,
11 Mr. McArthur, from service in the case. But don't leave.

12 All right. Yes, ma'am.

13 JUROR NO. 248: My name is Clay Ann Simmons. My
14 number is 248. If I am not mistaken, I played softball
15 with Mr. Spann's mother in high school. I think her name
16 was Diane Turner at the time.

17 THE COURT: All right. And your last name was what?

18 JUROR NO. 248: Clay Ann Simmons.

19 THE COURT: Simmons. All right. And is there
20 anything about that previous connection that you have or
21 may have had that would affect your judgment in this case?

22 JUROR NO. 248: I am a mother of a young man. I
23 would. Yes, it would affect me.

24 THE COURT: Okay. Then we will excuse you from
25 service in the trial of the case.

Jury qualification

1 That's Juror No. 248.

2 Don't leave yet though.

3 All right. Any anyone else know any of the persons
4 who are alleged to have been the victims of these incidents
5 or any members of their respective families? If so, please
6 stand.

7 (No response.)

8 THE COURT: All right. Is there any member of the
9 jury panel who has any connection or association in any way
10 with any of the lawyers involved in the trial of the
11 case -- any of the lawyers involved in the trial of the
12 case? If so, please stand.

13 Okay. And your name please, sir.

14 JUROR NO. 93: Kevin Gissell.

15 THE COURT: And your number?

16 JUROR NO. 93: 093.

17 THE COURT: Ninety-three. All right. Tell me how
18 that question relates to you.

19 JUROR NO. 93: Mr. Lofton represented us in a
20 roundabout way as a John Doe against Dioceses of
21 Charleston.

22 THE COURT: Which lawyer did?

23 JUROR NO. 93: Mr. Lofton.

24 THE COURT: Mr. Lofton.

25 Okay. Is there anything about that association that

Jury qualification

1 would have any impact upon your decision in this case?

2 JUROR NO. 93: I can't, I can't give you a yes or no,
3 because I'm still, I'm still at a loss of everything that
4 was going on.

5 THE COURT: You are still what?

6 JUROR NO. 93: I'm still at loss of everything that
7 came about that --

8 THE COURT: Okay, all right. So you think it might?
9 There's a reasonable possibility that it would affect your
10 judgment?

11 JUROR NO. 93: Yes, sir.

12 THE COURT: All right. We'll excuse you from service
13 in the case.

14 That's Juror 93.

15 Just have a seat where you are.

16 Yes, sir.

17 JUROR NO. 122: My name is Sean Houseal, Juror 122. I
18 know a few of the lawyers. I formerly worked for a brief
19 period of time with Mr. Davis.

20 THE COURT: Okay. And would that have any bearing
21 upon your decision in this case?

22 JUROR NO. 122: No, it wouldn't.

23 THE COURT: All right. Thank you. You may be seated.
24 Yes, ma'am.

25 JUROR NO. 125: I am No. 125, Jamie Ilderton. I can't

Jury qualification

1 think --

2 THE COURT: You can't think of what?

3 JUROR NO. 125: Attorney Brown. I know his mother.

4 THE COURT: Okay. And how do you know her?

5 JUROR NO. 125: She's a patient at the doctor's office
6 that I work at.

7 THE COURT: Okay. Would that have any bearing upon
8 your decision in this case?

9 JUROR NO. 125: No.

10 THE COURT: All right. Thank you, ma'am. You may be
11 seated.

12 Anyone else need to respond to that question, please
13 stand.

14 (No response.)

15 THE COURT: Okay. Now, I'm going to recite a list of
16 potential witnesses that could be called during the course
17 of this trial.

18 Don't get concerned. The list is a little bit long,
19 but all of these witnesses might not be called. But they
20 are potential witnesses. So I'm going to recite the list.
21 And I need to find out if any member of the jury panel
22 knows any of these potential witnesses.

23 Do you have any connection -- personal, familial,
24 social, business, professional or whatever? Any connection
25 whatsoever. Or if you know them, just please stand, and

Jury qualification

1 I'll address that connection with you.

2 All right. The following are potential witnesses:

3 Yvette Cook. She's a resident of Lincolnvile.

4 Patricia Green and Jamie Williams who've already been
5 identified for your benefit; Leroy Daniels; Aertha Daniels;
6 John Jones, Jr., John Jones, III. Each of those are
7 residents of Lincolnvile.

8 We also have Charles Gantt who is the chief of the
9 Lincolnvile Fire Department; Steven Murray with the E. M.
10 S., emergency medical services.

11 And the following persons are employed by the
12 Charleston County Sheriff's Department, Charleston County
13 Sheriff's Department. And they include Deputy Jackson;
14 Sergeant Isgett; Deputy Simpson; Deputy David Owen; Deputy
15 Nancy Peacock; Deputy Kathy Kjellman; Sergeant Paul
16 McManigal; Deputy Brent Roy; Deputy Brinson; Deputy Kraus
17 or Detective Kraus; Deputy Fuller; Detective Heide Drake;
18 Deputy Jacobik; Detective Denise Catlett; Detective
19 Perkins; Detective Stanley; Detective Diane Turner;
20 Detective Rywelski. And those are all officers with the
21 Charleston County Sheriff's Department.

22 In addition to those we have Charles Greer who is also
23 a resident of Lincolnvile. We have Drew Wolf who works
24 for Budget Rent A Car. We have nurses Cooper, Frazier, May
25 and Hutto. And these nurses are employed at what location?

Jury qualification

1 MR. WILLIAMS: They work out of the county jail, as
2 well as I believe Ms. Hutto works at Saint Francis.

3 THE COURT: Okay. Nurses Cooper, Frazier, May and
4 Hutto.

5 And the following individuals are employed by the
6 South Carolina Law Enforcement Division. You might have
7 heard it referred to as SLED. But it's the state law
8 enforcement division.

9 And they include agents John Roberts; Kenneth Whitler;
10 Jill Clark; Illa Simmons; Bruce Gantt; Patti Ruff; Amy
11 Stephens; Brook Reed; Selena Kinard; Sheree Brown; Lilly
12 Gallman.

13 And an additional witness is Erin Presnell, physician
14 with the Medical University of South Carolina.

15 Are there any other additional potential witnesses to
16 be called by the state?

17 MR. WILLIAMS: No, Your Honor.

18 THE COURT: By the Defendant Smith?

19 MR. BROWN: None, Your Honor.

20 THE COURT: Defendant Wilder?

21 MR. LOFTON: None at this time, Your Honor.

22 THE COURT: The Defendant Gadsden?

23 MR. DAVIS: Judge, No. 19 needs to be called, and then
24 we would add Adrian Lewis.

25 THE COURT: All right. What's Adrian Lewis --

Jury qualification

1 MR. DAVIS: He's a resident of Lincolnvillle, South
2 Carolina.

3 THE COURT: Okay. All right. Additional potential
4 witnesses are Adrian Lewis --

5 MR. BROWN: And also Harold Corley.

6 THE COURT: Harold Corley?

7 MR. BROWN: Corley, C-O-R-L-E-Y.

8 THE COURT: And Harold Corley. What's his connection?

9 MR. BROWN: He, he lives in Lincolnvillle as well.

10 THE COURT: Okay. All right. Two additional
11 residents of Lincolnvillle. Adrian -- Lincolnvillle is the
12 location where these crimes are alleged to have been
13 committed.

14 Adrian Lewis and Harold Corley are also residents of
15 Lincolnvillle. If anybody knows them, I would ask that you
16 please stand, as well as Sergeant Hallman with the North
17 Charleston Police Department.

18 (No response.)

19 THE COURT: All right. No jurors are standing in
20 response.

21 Now, as I told you, these are crimes the state alleges
22 occurred back on August the 31st of 2006. They are alleged
23 to have occurred on Stall Road in the Lincolnvillle
24 community of Charleston County.

25 Is there any member of the jury panel who believes you

Jury qualification

1 have been exposed to any type of information that might
2 relate to this case?

3 In other words, have you seen anything on the
4 television; have you heard anything on the radio; have you
5 read anything in the newspaper; have you talked to anybody
6 that had knowledge of the case; or have you overheard or
7 been exposed to other persons discussing any facts that
8 might relate to this particular case?

9 Any juror been exposed to any information from any
10 source that relates to this particular event? If so,
11 please stand.

12 (No response.)

13 THE COURT: None are standing.

14 Is there any member of the jury panel who has ever
15 been employed as a law enforcement officer of any type,
16 and/or are you related in any way to any person who has
17 ever been now or in the past employed as a law enforcement
18 officer? If so, please stand.

19 JUROR NO. 40: Juror 40. My name is Gabrielle
20 Burnett. I'm Juror No. 40. My dad works for SLED.

21 THE COURT: You said your number is 40?

22 JUROR NO. 40: Juror 040.

23 THE COURT: 040. And what's your father name?

24 JUROR NO. 40: John Burnett.

25 THE COURT: And does he -- is he in Columbia?

Jury qualification

1 JUROR NO. 40: He does polygraph. He's all over the
2 state.

3 THE COURT: Okay. But his office is in Charleston or
4 in Columbia?

5 JUROR NO. 40: It's in Charleston.

6 THE COURT: In Charleston. Okay. And is there
7 anything about that fact that would affect your judgment in
8 this case?

9 JUROR NO. 40: I would say yes.

10 THE COURT: You would say yes. Okay. Then we will
11 excuse you from service in the case.

12 That's Juror No. 40.

13 All right. Yes, sir.

14 JUROR NO. 308: My name is Harold Crawford. Juror No.
15 is 308. A cousin of mine's daughter, Danielle Fairman, is
16 a probation officer for Charleston County.

17 THE COURT: Anything about that connection that would
18 affect your judgment in this case?

19 JUROR NO. 308: I think not, Your Honor.

20 THE COURT: Thank you. Be seated.

21 Yes, ma'am.

22 JUROR NO. 50: My name is Barbara Cobb. I'm Juror 50.
23 I have an aunt that got caught up in a drug deal in North
24 Carolina.

25 THE COURT: Would that have any bearing upon your

Jury qualification

1 decision in the case?

2 JUROR NO. 50: No.

3 THE COURT: Okay. Thank you. Be seated.

4 Has any member of the jury panel -- oh, I'm sorry.

5 Yes, ma'am.

6 JUROR NO. 79: I'm sorry. Gail Ellis, No. 79. I'm
7 going back to your list of witnesses.

8 THE COURT: Yes, ma'am.

9 JUROR NO. 79: Bruce Gantt. He is a member of SLED.
10 I need to ascertain if it's the same one I know.

11 THE COURT: Okay. Bruce Gantt. Well --

12 MR. WILLIAMS: Your Honor, I'd say for the record, I
13 believe he has passed away. There may be a representative
14 in his place. Mr. Joe Butler, I believe, will be --

15 THE COURT: All right. So Mr. Gantt is not going to
16 be appearing.

17 MR. WILLIAMS: Mr. Porter will be here instead.

18 THE COURT: All right. Mr. Gantt will not be
19 appearing. Mr. Porter is the SLED agent that will be
20 coming in his place.

21 Did you know Mr. Gantt, the one who -- he's deceased
22 now.

23 JUROR NO. 79: He is a second cousin by marriage.

24 THE COURT: All right. Would that fact have any
25 bearing upon your decision in this case?

Jury qualification

1 JUROR NO. 79: No.

2 THE COURT: Okay. Thank you. You may be seated.

3 And your number was what, again?

4 JUROR NO. 79: Seventy-nine.

5 THE COURT: Seventy-nine. Thank you, ma'am.

6 All right. Now, the next question is I need to know
7 if any member of the jury panel or any member of your
8 immediate family -- now, I'm going to define an immediate
9 family member as a parent or a spouse or a child or a
10 sibling -- a parent, a spouse, a child or a sibling.

11 Is there any member of the jury panel or any members
12 of your immediate family that I've just defined for you
13 ever been the victim of a violent crime or ever been
14 accused of having committed a violent crime? In other
15 words, have you ever been the victim of a violent crime or
16 ever been accused of having committed a violent crime?

17 And I'm going to describe violent crimes. I'm going
18 to list those as those like murder, manslaughter, burglary,
19 armed robbery, criminal sexual conduct, assault and battery
20 with intent to kill, criminal domestic violence of a high
21 and aggravated nature or any other similar type of an
22 offense, any similar type of an offense.

23 Have you or an immediate family member been the victim
24 of such or ever been accused of having committed such? I'm
25 going to ask that you please stand.

Jury qualification

1 Now, I've got Ms. Franks. You're Juror 85. You've
2 already been excused from service in the case. So you
3 won't need to respond to any additional questions. But
4 thank you, ma'am.

5 All right. But those who this question does apply to,
6 I'll ask that you please stand.

7 And I'll start over here to my right. And I'm not
8 going to ask you to go into any specific details about the
9 thing. But if you need to provide me with any and you
10 don't want to do it standing where you are, you can feel
11 free to come down here. I'll discuss it with you
12 privately.

13 So I'll start over here to my right. If you'll give
14 me your name and your number, please, sir.

15 JUROR NO. 321: Joseph Lafayette, 321.

16 THE COURT: Okay. And tell me how that question
17 relates to you.

18 JUROR NO. 321: Both my parents were murdered May the
19 18, 1994.

20 THE COURT: And was someone charged with that?

21 JUROR NO. 321: Yes.

22 THE COURT: And have those cases been resolved and
23 disposed of?

24 JUROR NO. 321: Yes, sir.

25 THE COURT: And is there anything about that

Jury qualification

1 experience that would affect your judgment in this
2 particular case?

3 JUROR NO. 321: No, sir.

4 THE COURT: All right. Thank. You may be seated.
5 That's Juror 321.

6 Yes, ma'am.

7 JUROR NO. 10: Linda Bailey, Juror No. 10. I was
8 robbed at gunpoint in 2000.

9 THE COURT: Would that have any bearing upon your
10 decision in this case if you were selected as a juror?

11 JUROR NO. 10: No.

12 THE COURT: All right. Thank you, ma'am. You may be
13 seated.

14 Yes, ma'am.

15 JUROR NO. 16: I'm No. 16. My sister was murdered.

16 THE COURT: And was that in Charleston County?

17 JUROR NO. 16: Yes, sir.

18 THE COURT: How long ago?

19 JUROR NO. 16: About 12 years ago.

20 THE COURT: Was someone charged?

21 JUROR NO. 16: Yes, they were.

22 THE COURT: Has the case been ended and resolved and
23 disposed of?

24 JUROR NO. 16: Yes, it has.

25 THE COURT: And is there anything about that

Jury qualification

1 experience that would affect your judgment in this
2 particular case?

3 JUROR NO. 16: I believe it would.

4 THE COURT: All right. Juror 16, you will be excused
5 from service, but don't leave yet.

6 Yes, ma'am.

7 JUROR NO. 21: My name is Charlotte Bova, and my
8 number is 21. And at one time my stepson was accused of
9 lynching, and the case was settled out of court.

10 THE COURT: Okay. Is there anything about that
11 experience that would affect your judgment in this case if
12 you were a juror?

13 JUROR NO. 21: No, sir.

14 THE COURT: All right. Thank you, ma'am. You may be
15 seated.

16 Yes, ma'am.

17 JUROR NO. 313: Linda Goodwin, 313.

18 THE COURT: How does the question relate to you?

19 JUROR NO. 313: My nephew has been charged with
20 murder.

21 THE COURT: And is that case -- is it pending now or
22 has it been disposed of?

23 JUROR NO. 313: It's pending now.

24 THE COURT: It's pending now. And is it here in
25 Charleston County?

Jury qualification

1 JUROR NO. 313: Yes.

2 THE COURT: And is there anything about that fact that
3 would affect your judgment in this case?

4 JUROR NO. 313: No.

5 THE COURT: All right. Thank you. You may be seated.
6 That's Juror 313.

7 Yes, sir.

8 JUROR NO. 315: My son was killed by a drunk driver.

9 THE COURT: And you are?

10 JUROR NO. 315: 315, sir.

11 THE COURT: 315. And was someone charged with that?

12 JUROR NO. 315: Yes.

13 THE COURT: And has that case been disposed of?

14 JUROR NO. 315: Yes, sir.

15 THE COURT: Was it here in Charleston County?

16 JUROR NO. 315: No. It was in California.

17 THE COURT: In California. Is there anything about
18 that experience that would affect your judgment in this
19 case?

20 JUROR NO. 315: Not necessarily about the case. It
21 affects my ability to judge.

22 THE COURT: All right. Well, as a juror, you
23 understand what your obligation would be, would be to
24 consider all of the evidence in the case? From that
25 evidence you would determine the facts as you believe them

Jury qualification

1 to be. That is you would decide what you think occurred
2 back on, in August of 2006 as it relates to this case.

3 And then after deciding those facts you would apply
4 the law that I would provide you. And you'd have to
5 determine whether or not the evidence in the case supports
6 a verdict of guilty beyond a reasonable doubt as it relates
7 to a particular charge and as it relates to a particular
8 defendant.

9 Now, based upon your personal experience are you
10 telling me that you could not fulfill that obligation, or
11 you could?

12 JUROR NO. 315: I would prefer not to stand in
13 judgment of the allegations.

14 THE COURT: Okay. Then we'll excuse you from service
15 in the case. That's Juror No. 315 -- wasn't it?

16 JUROR NO. 315: Yes.

17 THE COURT: All right. And Juror No. 79, yes, ma'am.

18 JUROR NO. 79: My husband was a victim of an attempted
19 robbery and murder.

20 THE COURT: And how long ago was that?

21 JUROR NO. 79: It was in the 80's.

22 THE COURT: In the 80's. And was someone charged?

23 JUROR NO. 79: Yes, sir.

24 THE COURT: And was the case resolved to your
25 satisfaction?

Jury qualification

1 JUROR NO. 79: Yes.

2 THE COURT: And is there anything about that
3 experience that would affect your judgment in this
4 particular case?

5 JUROR NO. 79: I think so, yes.

6 THE COURT: All right. We'll excuse Juror 79 from
7 service in the case.

8 Anyone else need to respond to the question of you or
9 an immediate family member ever been the victim of or
10 accused of having committed any type of violent crime? If
11 so, please stand.

12 (No response.)

13 THE COURT: Is there any member of the jury panel who
14 is a member of, or do you contribute time or money to any
15 types of organizations that might be described or
16 characterized as law enforcement or victims' rights types
17 of organizations -- law enforcement support types of
18 organizations?

19 Those might include Mother's Against Drunk Drivers,
20 People Against Rape, Citizens Advocating Decency And Return
21 To Ethics, or Parents Empowered To Save Teens, or Citizens
22 Against Violent Crime or any other similar type of
23 organization.

24 I need to know if you belong to any of those types of
25 organizations, and/or do you contribute time, volunteer

Jury qualification

1 time, or do you contribute money to any of those types of
2 organizations? If so, please stand.

3 (No response.)

4 THE COURT: All right. None standing.

5 All right. Now, ladies and gentlemen, you have heard
6 from me basically what the case is about, that is who the
7 defendants are, who the persons alleged to have been the
8 victims are, who the potential witnesses are and the basic
9 facts that are alleged that relate to this particular case.

10 Is there anything about the nature of this case, that
11 is what the allegations are, what the evidence might be to
12 support those allegations or to not support those
13 allegations -- but is there anything about the nature of
14 this case that would prevent any juror from being able to
15 be fair and impartial if selected to participate? If so,
16 please stand.

17 (No response.)

18 THE COURT: None standing.

19 I also need to know if any member of the panel has
20 already made up your mind or formed an opinion as to what
21 you think the ultimate decisions in this case ought to be
22 based upon what you've heard up to this point or based upon
23 any other consideration. I just need to know if any juror
24 has made up your mind as to how you think this case ought
25 to come out. If so, please stand.

Jury qualification

1 (No response.)

2 THE COURT: None standing.

3 I also need to know if any member of the jury panel
4 has any reason whatsoever why you believe you could not be
5 fair and impartial if you were called upon to serve as a
6 juror in the case. If so, please stand.

7 (No response.)

8 THE COURT: None standing.

9 Any other questions requested by the state?

10 MR. WILLIAMS: No, Your Honor.

11 THE COURT: By the defendant Smith?

12 MR. BROWN: None, Your Honor.

13 THE COURT: By the defendant Wilder?

14 MR. LOFTON: No, Your Honor.

15 THE COURT: By the defendant Gadsden?

16 MR. DAVIS: Your Honor, may we please approach?

17 THE COURT: Sure.

18 (Bench conference held off the record.)

19 THE COURT: Okay. I've got one other question I want
20 to deal with.

21 This case -- there is a possibility -- now, I don't
22 think -- I think it could be considered a remote
23 possibility, but, you know, the remoteness of it doesn't
24 make any difference if it comes true. So that's why I'm
25 going to ask you. There is a possibility that this case

Jury qualification

1 could last more than this week.

2 In other words, it might go into Monday of next week,
3 or Tuesday. I can't see it going any further than that.
4 You're not going to be kept in a hotel; you're not going to
5 be sequestered; you're not going to be deprived of the
6 companionship of your family or anything like that.

7 But I need to find out if -- because the terms of
8 court are generally for one week. That would be today
9 through Friday. And it wouldn't ordinarily carry over into
10 another week. But there is some possibility that this case
11 could carry over.

12 So understanding the fact that it could carry over,
13 not likely to, but it may, is there any juror that could
14 not make arrangements to be able to participate past this
15 week? If so, please stand.

16 Okay. All right. Now, I've got four. Do I have any
17 more? Now I have six. Do I have any more?

18 Now, see this is real difficult for me. See, this is,
19 this is one of the reasons why the Court asks questions of
20 jurors. And it's real important when the Court asks a
21 question -- in other words, these questions are asked for a
22 purpose. It's not just to pry into your individual
23 affairs. They're asked for a purpose. And so when a
24 question is asked, it's not only important but it's
25 extremely important that jurors respond to the questions.

Jury qualification

1 Whether or not you want to or not is not the issue. You
2 can always discuss anything with me privately if you need
3 to. But it's important that when I ask a question that all
4 jurors who are affected by the question respond to it.

5 So, you see, I get somewhat concerned when I ask a
6 question and two jurors stand up, and I say anybody else,
7 and jurors keep standing up. I just need for you to stand
8 up when I ask the questions.

9 I really shouldn't have to ask if there are any more,
10 because, you know, just stand if the question applies to
11 you.

12 Okay. Now, I've got one, two, three, four, five, six,
13 seven, eight. I have eight jurors who stood in response to
14 a question that's it's not possible to make arrangements to
15 participate in this case past this week if that were to
16 occur. Is that why you are standing? Is that a fair
17 statement?

18 In other words, you can't make -- in other words, if
19 the case were to go into Monday, under no circumstances
20 could you make arrangements to be here on Monday. Is that
21 why you're standing?

22 Okay. Let me ask those eight jurors if you'll please
23 come forward. If you'll line up over here with the bailiff
24 where the doors are coming in, I'm going to talk with each
25 of you privately as to what your circumstance is.

Jury qualification

1 All right. First one.

2 THE BAILIFF: Juror No. 187.

3 (Bench conference held off the record with juror.)

4 THE COURT: Next.

5 THE BAILIFF: Juror No. 324.

6 (Bench conference held off the record with juror.)

7 THE COURT: Next.

8 THE BAILIFF: Juror No. 142.

9 (Bench conference held off the record with juror.)

10 THE COURT: Next.

11 THE BAILIFF: Juror No. 223.

12 (Bench conference held off the record with juror.)

13 THE CLERK: Excuse me, Your Honor. May I ask the
14 juror's name?

15 THE BAILIFF: 227.

16 THE COURT: Y'all be sure and check your numbers now
17 unless you give me your name too.

18 Okay. Next.

19 THE BAILIFF: Juror No. 277.

20 (Bench conference held off the record with juror.)

21 THE COURT: Next.

22 THE BAILIFF: Juror No. 146.

23 (Bench conference held off the record with juror.)

24 THE COURT: Next.

25 THE BAILIFF: Juror No. 305.

Jury qualification

1 THE COURT: You said 345?
2 THE BAILIFF: 305.
3 THE COURT: 305.
4 (Bench conference held off the record with juror.)
5 THE COURT: Next.
6 THE BAILIFF: Juror No. 233.
7 (Bench conference held off the record with juror.)
8 THE COURT: Okay. Let me see the lawyers up here just
9 a minute, please.
10 (Bench conference held off the record.)
11 THE COURT: Okay. I've discussed privately with those
12 jurors who had a difficulty or problem that would preclude
13 them from being able to participate next week, and those
14 who I've discussed it with, of those the following jurors
15 are excused based upon that hardship: And they are jurors
16 187, 324, 142 and 305. And the other jurors indicated to
17 me that they were okay. So long as it didn't go past next
18 Wednesday, they were good with it.
19 Okay. All right. Is that -- did I state that
20 correctly, or is there any other juror that still has a
21 problem that I've not addressed?
22 Yes, ma'am.
23 UNIDENTIFIED JUROR: You said -- you told me Tuesday.
24 THE COURT: Well, yeah, Tuesday. In other words,
25 you'll be able to meet your obligation Wednesday.

Jury qualification

1 UNIDENTIFIED JUROR: Okay.

2 THE COURT: Okay. For sure. And, now, you remind me
3 if I forget.

4 UNIDENTIFIED JUROR: I will.

5 THE COURT: I'm sure you will.

6 All right. Anyone else know of any reason whatsoever
7 why you believe you could not participate as a juror in
8 this particular case? If so, please stand.

9 (No response.)

10 THE COURT: Okay. We will draw the jury.

11 As your names are called you're going to be asked to
12 come forward. You just go with the bailiff to your right,
13 to my left, and come through the doors.

14 You'll see a podium in the middle of the floor here.
15 If you'll just stand in front of that podium and look back
16 towards your fellow jurors, each side has an opportunity to
17 have you excused from service in this case or to have you
18 seated for service in the case.

19 If all agree to have you seated, you'll be having a
20 seat in the jury box to my left and to your right. If
21 either side asks that you be excused from jury service,
22 then just go back and have a seat where you are now.

23 So if you'll come forward as your name is called,
24 you'll be instructed if you're to be seated for service in
25 the case or excused from service in the case.

Jury qualification

1 THE CLERK: Ladies and gentlemen, like the judge said,
2 as I call your name, follow the bailiff's directions up the
3 podium. Please bring your belongings as you come up.

4 Juror No. 48, Katherine Clark.

5 Please stand in front of the podium, please. That's
6 it.

7 What say you for the state?

8 MR. WILLIAMS: Please present the juror.

9 THE CLERK: What say you for the defendants?

10 MR. BROWN: Please excuse the juror.

11 THE CLERK: Ms. Clark, please have a seat back in the
12 audience. You've been excused from the trial of this case.

13 Juror No. 10, Linda Bailey.

14 What say you for the state?

15 MR. WILLIAMS: Please submit the juror.

16 THE CLERK: What say you for the defendants?

17 MR. BROWN: Please excuse the juror.

18 THE CLERK: Ms. Bailey, please have a seat back in the
19 audience. You've been excused from the trial of this case.

20 Juror No. 83, James Flowers -- Juror No. 83, James
21 Flowers.

22 MR. WILLIAMS: No. 84, maybe, Paul Flowers?

23 THE CLERK: No. This is 83, James Flowers. No.
24 That's a mistake.

25 (Juror was not in the courtroom.)

Jury qualification

1 THE CLERK: All right. Juror No. 197, William Nelms.
2 What say you for the state?

3 MR. WILLIAMS: Please submit the juror.

4 THE CLERK: What say you for the defendants?

5 MR. BROWN: Please seat the juror.

6 THE CLERK: Mr. Nelms, please have a seat in the jury
7 box. You've been selected as a juror in this case.

8 Juror No. 254, James Smith.

9 What say you for the state?

10 MR. WILLIAMS: Please submit the juror.

11 THE CLERK: What say you for the defendants?

12 MR. BROWN: Please excuse the juror.

13 THE CLERK: Mr. Smith, please have a seat back in the
14 audience. You've been excused from the trial of this case.

15 Juror No. 273, William Trull.

16 What say you for the state?

17 MR. WILLIAMS: Please submit the juror.

18 THE CLERK: Say what you for the defendants?

19 MR. BROWN: Seat the juror, please.

20 THE CLERK: Mr. Trull, please have a seat in the jury
21 box.

22 MR. DAVIS: Your Honor, on behalf of Mr. Gadsden we
23 move to excuse that juror in this case.

24 THE COURT: Okay. Let me see y'all just a minute.

25 (Bench conference held off the record.)

Jury qualification

1 THE COURT: All right. No. 273 is excused from
2 service in the case.

3 THE CLERK: Juror No. 297, Sharon Wood.
4 What say you for the state?

5 MR. WILLIAMS: Please submit the juror.

6 THE CLERK: What say you for the defendants?

7 MR. BROWN: Please seat the juror.

8 THE CLERK: Ms. Wood, please have a seat in the jury
9 box. You've been selected as a juror in this case.

10 Juror No. 43, Leslie Campbell.

11 What say you for the state?

12 MR. WILLIAMS: Please submit the juror.

13 THE CLERK: What say you for the defendants?

14 MR. BROWN: Please seat the juror.

15 THE CLERK: Ms. Campbell, please have a seat in the
16 jury box. You've been selected as a juror in this case.

17 Juror No. 253, Bachman Smith.

18 What say you for the state?

19 MR. WILLIAMS: Please excuse this juror.

20 THE CLERK: Mr. Smith, please have a seat back in the
21 audience. You've been excused from the trial of this case.

22 Juror No. 110, William Hawkins.

23 What say you for the state?

24 MR. WILLIAMS: Please submit the juror.

25 THE CLERK: What say you for the defendants?

Jury qualification

1 MR. BROWN: Please excuse the juror.

2 THE CLERK: Mr. Hawkins, please have a seat back in
3 the audience. You've been excused from the trial of this
4 case.

5 That's five strikes for the defendants.

6 Juror No. 327, Carolyn Moore.

7 What say you for the state?

8 MR. WILLIAMS: Please present the juror.

9 THE CLERK: What say you for the defendants?

10 MR. BROWN: Please excuse the juror.

11 THE CLERK: Ms. Moore, please have a seat back in the
12 audience. You've been excused from the trial of this case.

13 Juror No. 135, Thomas Johnson.

14 What say you for the state?

15 MR. WILLIAMS: Please present the juror.

16 THE CLERK: What say you for the defendants?

17 MR. BROWN: Please seat the juror.

18 THE CLERK: Ms. Johnson, please have a seat in the
19 jury box. You've been selected as a juror in this case.

20 Juror No. 75, Edward Dovell.

21 What say you for the state?

22 MR. WILLIAMS: Please excuse this juror.

23 THE CLERK: Mr. Dovell, please have a seat back in the
24 audience. You've been excused from the trial of this case.

25 Juror No. 307, Joseph Condon.

Jury qualification

1 What say you for the state?

2 MR. WILLIAMS: Please submit the juror.

3 THE CLERK: What say you for the defendants?

4 MR. BROWN: Please seat the juror.

5 THE CLERK: Mr. Condon, please have a seat in the jury

6 box. You've been selected as a juror in this case.

7 Juror No. 255, Jason Smoak.

8 What say you for the state?

9 MR. WILLIAMS: Please submit the juror.

10 THE CLERK: What say you for the defendants?

11 MR. BROWN: Please excuse the juror.

12 THE CLERK: Mr. Smoak, please have a seat back in the

13 audience. You've been excused from the trial of this case.

14 Juror No. 322, James Mattern.

15 What say you for the state?

16 MR. WILLIAMS: Please submit the juror.

17 THE CLERK: What say you for the defendants?

18 MR. BROWN: What's that number again?

19 THE CLERK: 322.

20 MR. BROWN: Please seat the juror.

21 THE CLERK: Ms. Mattern, please have a seat in the

22 jury box. You've been selected as a juror in this case.

23 Juror No. 149, Kathleen Laboard.

24 What say you for the state?

25 MR. WILLIAMS: Please submit the juror.

Jury qualification

1 THE CLERK: What say you for the defendants?
2 MR. BROWN: Please seat the juror.
3 THE CLERK: Ms. Laboard, please have a seat in the
4 jury box. You've been selected as a juror in this case.
5 Juror No. 20, Rick Bousquet.
6 What say you for the state?
7 MR. WILLIAMS: Please submit the juror.
8 THE CLERK: What say you for the defendants?
9 MR. BROWN: Please excuse the juror.
10 THE CLERK: Mr. Bousquet, please have a seat back in
11 the audience. You've been excused from the trial of this
12 case.
13 Juror No. 334, Catherine Sippell.
14 What say you for the state?
15 MR. WILLIAMS: Please submit the juror.
16 THE CLERK: What say you for the defendants?
17 MR. BROWN: Please excuse the juror.
18 THE CLERK: Ms. Sippell, please have a seat back in
19 the audience. You've been excused from the trial of this
20 case.
21 That's nine strikes for the defendants.
22 Juror No. 11, Kimberly Ball.
23 What say you for the state?
24 MR. WILLIAMS: Please submit the juror.
25 THE CLERK: What say you for the defendants?

Jury qualification

1 MR. BROWN: Please seat the juror.

2 THE CLERK: Ms. Ball, please have a seat in the jury
3 box. You've been selected as a juror in this case.

4 Juror No. 122, Sean Houseal.

5 What say you for the state?

6 MR. WILLIAMS: Please submit Mr. Houseal.

7 THE CLERK: What say you for the defendants?

8 MR. BROWN: Please excuse the juror.

9 THE CLERK: Please have a seat back in the audience.
10 You've been excused from the trial of this case.

11 Juror No. 34, Rena Brown.

12 What say you for the state?

13 MR. WILLIAMS: Please submit the juror.

14 THE CLERK: What say you for the defendants?

15 MR. BROWN: Please seat the juror.

16 THE CLERK: Ms. Brown, please have a seat in the jury
17 box. You've been selected as a juror in this case.

18 Juror No. 96, Anna Grant.

19 What say you for the state?

20 MR. WILLIAMS: Please excuse the juror.

21 THE CLERK: Ms. Grant, please have a seat back in the
22 audience. You've been excused from the trial of this case.

23 Juror No. 108, Tina Harrison.

24 What say you for the state?

25 MR. WILLIAMS: Please submit the juror.

Jury qualification

1 THE CLERK: What say you for the defendants?

2 MR. BROWN: Please excuse the juror.

3 THE CLERK: Ms. Harrison, please have a seat back in
4 the audience. You've been excused from the trial of this
5 case.

6 Juror No. 303, Bruce Boyd.

7 What say you for the state?

8 MR. WILLIAMS: Please submit the juror.

9 THE CLERK: What say you for the defendants?

10 MR. BROWN: Please excuse the juror.

11 THE CLERK: Mr. Boyd, please have a seat back in the
12 audience. You've been excused from the trial of this case.

13 That's 12 strikes for the defendants.

14 Juror No. 319, Jamie Hiscock Lynwincowski.

15 What say you for the state?

16 MR. WILLIAMS: Please present the juror.

17 THE CLERK: What say you for the defendants?

18 MR. DAVIS: Please excuse this juror.

19 THE CLERK: Madam juror, please have a seat back in
20 the audience. You've been excused from the trial of this
21 case.

22 Juror 310, Linda Formby.

23 What say you for the state?

24 MR. WILLIAMS: Please submit the juror.

25 THE CLERK: What say you for the defendants?

Jury qualification

1 MR. BROWN: Please excuse the juror.

2 THE CLERK: Ms. Formby, please have a seat back in the
3 audience. You've been excused from the trial of this case.

4 Juror No. 336, Steven Vanderweide.

5 What say you for the state?

6 MR. WILLIAMS: Please submit the juror.

7 THE CLERK: What say you for the defendants?

8 MR. BROWN: Please seat the juror.

9 THE CLERK: Mr. Vanderweide, please have a seat in
10 the jury box. You've been selected as a juror in this
11 case.

12 Juror No. 21, Charlotte Bova.

13 What say you for the state?

14 MR. WILLIAMS: Please excuse the juror.

15 THE CLERK: Ms. Bova, please have a seat back in the
16 audience. You've been excused from the trial of this case.

17 That's four strikes for the state.

18 Juror No. 233, Judith Rubino, 233.

19 What say you for the state?

20 MR. WILLIAMS: Please submit the juror.

21 THE CLERK: What say you for the defendants?

22 MR. BROWN: Please excuse the juror.

23 THE CLERK: Ms. Rubino, please have a seat back in the
24 audience. You've been excused from the trial of this case.

25 I have 15 strikes for the defendants.

Jury qualification

1 Juror No. 37, Veronica Brown.

2 What say you for the state?

3 MR. WILLIAMS: Please excuse the juror.

4 THE CLERK: Ms. Brown, please have a seat back in the
5 audience. You've been excused for the trial of this case.

6 Juror No. 222, Jaleitta Richardson.

7 What say you for the state?

8 MR. WILLIAMS: Please excuse the juror.

9 THE CLERK: Ms. Richardson, please have a seat back in
10 the audience. You've been excused from the trial of this
11 case.

12 Juror No. 123, Brian Howard.

13 What say your for the state?

14 MR. WILLIAMS: Please submit the juror.

15 THE CLERK: What say you for the defendants?

16 MR. BROWN: Please excuse the defendant, I mean, the
17 juror.

18 THE CLERK: Mr. Howard, please have a seat back in the
19 audience. You've been excused from the trial of this case.

20 Juror No. 125, Jane Ilderton.

21 What say you for the state?

22 MR. WILLIAMS: Please excuse the juror.

23 THE CLERK: Ms. Ilderton, please have a seat back in
24 the audience. You've been excused from the trial of this
25 case.

Jury qualification

1 Juror No. 141, Alexander Kelley.

2 What say you for the state?

3 MR. WILLIAMS: Please submit the juror.

4 THE CLERK: What say you for the defendants?

5 MR. BROWN: Please excuse the juror.

6 THE CLERK: Mr. Kelly, please have a seat back in the
7 audience. You've been excused from the trial of this case.

8 That's 17 strikes for the defendants.

9 Juror No. 317, Devon Hanahan.

10 What say you for the state?

11 MR. WILLIAMS: Please submit the juror.

12 THE CLERK: What say you for the defendants?

13 MR. BROWN: Please excuse the juror.

14 THE CLERK: Ms. Hanahan, please have a seat back in
15 the audience. You've been excused from the trial of this
16 case.

17 Juror No. 44, Aubrey Carpenter.

18 What say you for the state?

19 MR. WILLIAMS: Please submit the juror.

20 THE CLERK: What say you for the defendants?

21 MR. BROWN: Please seat the juror.

22 THE CLERK: Ms. Carpenter, please have a seat in the
23 jury box. You've been selected as a juror in this case.

24 Juror No. 316, Amy Hall.

25 What say you for the state?

Jury qualification

1 MR. WILLIAMS: Please submit the juror.

2 THE CLERK: What say you for the defendants?

3 MR. BROWN: Please seat the juror.

4 THE CLERK: Ms. Hall, please have a seat in the jury
5 box. You've been selected as a juror in this case.

6 We'll now pick for the first alternate. Strikes are
7 two and one.

8 Juror No. 50, Barbara Cobb.

9 What say you for the state?

10 MR. WILLIAMS: Please submit the juror.

11 THE CLERK: What say you for the defendants?

12 MR. BROWN: Please excuse the juror.

13 THE CLERK: Ms. Cobb, please have a seat back in the
14 audience. You've been excused from the trial of this case.

15 Juror No. 94, Jerry Goodwin.

16 What say you for the state?

17 MR. WILLIAMS: Please excuse the juror.

18 THE CLERK: Ms. Goodwin, please have a seat back in
19 the audience. You've been excused from the trial of this
20 case.

21 Juror No. 158, Dorothy Lewis.

22 Any challenge from the state?

23 MR. WILLIAMS: None.

24 THE CLERK: What say you for the defendants?

25 MR. BROWN: Please seat the juror.

Jury qualification

1 THE CLERK: Ms. Lewis, please have a seat in the jury
2 box. You've been selected as a juror in this case.
3 Now picking for the second alternate. Strikes are one
4 and two.
5 Juror No. 304, Sema Bennett -- Brent. Excuse me.
6 What say you for the state?
7 MR. WILLIAMS: Please excuse the juror.
8 THE CLERK: Mr. Brent, please have a seat back in the
9 audience. You've been excused from the trial of this case.
10 Juror No. 150, Luther Laboard.
11 Any challenge from the state?
12 MR. WILLIAMS: None.
13 THE CLERK: What say you for the defendants?
14 MR. BROWN: Please seat the juror.
15 THE CLERK: Mr. Laboard, please have a seat in the
16 jury box. You've been selected as a juror in this case.
17 Your Honor, the jury has been selected.
18 THE COURT: Let's have one more.
19 THE CLERK: One more alternate. Okay.
20 Juror No. 173, Betty Martin.
21 What say you for the state?
22 MR. WILLIAMS: Please submit the juror.
23 THE CLERK: What say you for the defendants?
24 MR. BROWN: Please excuse the juror.
25 THE CLERK: Ms. Martin, please have a seat back in the

Jury qualification

1 audience. You've been excused from the trial of this case.

2 Juror No. 308, Darrell Crawford.

3 What say you for the state?

4 MR. WILLIAMS: Please submit the juror.

5 THE CLERK: What say you for the defendants?

6 MR. BROWN: Please excuse the juror.

7 THE CLERK: Mr. Crawford, please have a seat back in
8 the audience. You've been excused from the trial of this
9 case.

10 That's two strikes for the defendants.

11 Juror No. 321, Joseph Lafayette.

12 What say you for the state?

13 MR. WILLIAMS: Please submit the juror.

14 THE CLERK: Any challenge from the defendants?

15 MR. BROWN: Seat the juror.

16 THE CLERK: Ms. Lafayette, please have a seat in the
17 jury box. You've been selected as a juror in this case.

18 Your Honor, the jury is selected and seated.

19 (Whereupon, a jury was impanelled.)

20 THE COURT: All right. Let me ask those jurors who
21 have been selected if you'll please go with a bailiff to a
22 jury room. And I'll bring you back in just a few minutes
23 to excuse you for lunch.

24 (The following takes place outside the presence of the
25 jury.)

Jury qualification

1 THE COURT: Are there any matters that need to be
2 addressed regarding jury selection by the state?

3 MR. WILLIAMS: No, Your Honor.

4 THE COURT: By the defendant Smith?

5 MR. BROWN: I'm sorry, Your Honor?

6 THE COURT: Do you have any matters you'd like to
7 address regarding jury selection?

8 MR. BROWN: None for defendant Smith.

9 THE COURT: Sir?

10 MR. BROWN: No, sir.

11 THE COURT: Defendant Wilder?

12 MR. DAVIS: Yes, Your Honor. I'm sorry; I'm sorry.

13 MR. LOFTON: Mr. Davis is going to address our issue,
14 Your Honor.

15 THE COURT: Okay.

16 MR. DAVIS: Your Honor, we would --

17 THE COURT: Well, let me see you up here first unless
18 you want to --

19 (Bench conference held off the record.)

20 THE COURT: Those jurors who were not selected, you're
21 going to be excused for the balance of today.

22 Please call back after 6:00 o'clock this evening to
23 the number that you have in order to receive further
24 reporting information. Call back after 6:00 o'clock this
25 evening to receive further reporting information.

Jury qualification

1 Have a good afternoon. Thank you for your
2 participation.

3 (Whereupon, the remaining members of the jury venire
4 were excused.)

5 THE COURT: All right. Mr. Davis, do you want put
6 anything on the record regarding jury selection?

7 MR. DAVIS: Judge, we had approached and made a Batson
8 motion as to four strikes by the state.

9 THE COURT: And tell us which those were.

10 MR. DAVIS: Yes, sir. Jurors 96, 37, 222 and 304.

11 THE COURT: Okay. And you question the exercise of
12 their challenge based on what?

13 MR. DAVIS: Judge, based on the fact that those
14 four -- three were African-American females and one was
15 African-American male. And there were others of a similar
16 nature that were seated by the state. And so that was the
17 basis for our motion.

18 THE COURT: Okay. Mr. Williams, do you want to tell
19 us why you made the determination to strike those jurors?

20 MR. WILLIAMS: Your Honor, regarding No. 96, Ms. Grant
21 had a 1987 fraudulent check, two convictions, as well as a
22 fraudulent check in '93, which I showed a disposition of
23 not guilty. That concerned me that she would have a case
24 acquitted.

25 No. 31, I believe, was Ms. --

Jury qualification

1 THE COURT: No. Thirty-seven is the next one.

2 MR. WILLIAMS: I'm sorry. Thirty-seven is Mr. Bova
3 (sic) who said that she knew Mr. Brown. I was concerned
4 about her relationship. She said she knew his, his child I
5 believe from playing soccer or something. That, that
6 relationship worried me.

7 I believe 222 has a conviction by our records for a
8 breach of trust incident to arrest in 2007. That was
9 dismissed. It concerned me that she had that type of
10 charge dismissed and the effect the juror would have
11 towards the state.

12 Your Honor, I don't have a name on 304. Is that Selma
13 Brent?

14 THE COURT: Black male, yes.

15 MR. WILLIAMS: I have it was a black female, Your
16 Honor.

17 THE COURT: No. That was a black male, wasn't it?

18 MR. WILLIAMS: I showed that he had a 1973 arrest;
19 1976 worthless check arrest; a '77 violation of Controlled
20 Substance Act and a '77 arrest for D. W. I., which were all
21 arrests. That was his prior record.

22 THE COURT: And did you seat any jurors that had
23 similar circumstances as those for which you have indicated
24 your reason for striking them?

25 MR. WILLIAMS: Your Honor, there was one juror who was

Jury qualification

1 selected as an alternate. I believe it was Mr. Laboard.
2 He has a pending charge, however, I did not have a strike
3 at the time, a peremptory. All I had was a for-cause, and
4 I don't feel a pending misdemeanor was a substantial enough
5 basis to strike him for cause.

6 THE COURT: All right. Mr. Davis, you've heard the
7 solicitor's explanation. Do you believe that he's just
8 making that up?

9 MR. DAVIS: Judge, as to all of them except 37, I
10 just, I'm not sure of the basis for that. We'd accept the
11 state's position on all, but I, I'm not sure what the
12 reason was on 37.

13 THE COURT: Thirty-seven said it was because she knew
14 Mr. Brown's son.

15 MR. WILLIAMS: I could be wrong, Your Honor. I had
16 some numbers confused of what was said at the bench.

17 MR. BROWN: The prosecutor is incorrect.

18 MR. WILLIAMS: I take that back, Your Honor. Veronica
19 Brown -- I thought was Ms. Bova for some reason.

20 Thirty-seven, Veronica Brown, had a 2007 arrest for
21 driving under suspended, as well as three other, looks
22 like, misdemeanors that are all, I suspect, pending right
23 now. That was the reason for excusing her.

24 THE COURT: All right. So all of those for which you
25 exercised a peremptory challenge has records or pending

1 charges?

2 MR. WILLIAMS: Yes, Your Honor.

3 THE COURT: Okay.

4 MR. DAVIS: That's satisfactory, Your Honor.

5 THE COURT: All right. Any other matters we need to
6 address before we excuse the jury for lunch?

7 MR. WILLIAMS: Not by the state, Your Honor.

8 MR. BROWN: No, Your Honor.

9 THE COURT: Okay. Bring them back, please.

10 (The following takes place in the presence of the
11 jury.)

12 THE COURT: Ladies and gentlemen, we're going to
13 recess at this time for lunch.

14 Before I let you go let me caution you that now that
15 you have been selected in the case you're under an
16 obligation and an oath and a duty not to discuss this case
17 in any fashion whatsoever with any person whatsoever. That
18 includes your fellow jurors.

19 You're only permitted to discuss the case at the time
20 that you are directed to go back into the jury room to
21 begin with your deliberations in the case. And that of
22 course will not be until after all of the evidence has been
23 received, until I have instructed you on the law that's
24 applicable in this case and until you've been asked to
25 begin with your deliberations. So from now until that time

1 comes at no time are you to talk about this case with any
2 person whatsoever in any fashion whatsoever.

3 It's also important that you not permit yourselves to
4 be exposed to any type of information that relates to the
5 case. And so you can't watch anything that might appear on
6 the television about the case; you can't listen to anything
7 that might come over the radio about the case; you can't
8 read anything that might appear in the newspaper about the
9 case; and you can't allow yourselves to be exposed to other
10 persons' conversations should there be any about the case,
11 because your decision has to be based upon what you see and
12 hear during the trial of the case. And you can't permit
13 yourselves to be influenced by any outside or extraneous
14 information.

15 So in addition you're also not to conduct any research
16 through the internet or otherwise. You're also not to
17 conduct any investigation or do your own research into any
18 facet of this case or anything that relates to it.

19 Again, your verdict must be based upon the evidence
20 received during the trial. You are not to be influenced by
21 any outside consideration.

22 So no discussions about the case, no exposure to media
23 about the case, no investigation done on your own, no
24 research or internet access of anything that might relate
25 to the case.

1 Okay. With that, you are going to be excused for
2 lunch. And I'll ask that you please report to your jury
3 room this afternoon at 3:00 o'clock, this afternoon at
4 3:00 o'clock, at which time we'll begin with the actual
5 trial.

6 All right. Have a good lunch. Please report promptly
7 at 3:00.

8 (The following takes place outside the presence of the
9 jury.)

10 THE COURT: Any other matters we need to address
11 before we recess for lunch?

12 MR. WILLIAMS: Not by the state, Your Honor.

13 MR. BROWN: No, Your Honor.

14 THE COURT: All right. Court is in recess until
15 3:00 o'clock.

16 (Whereupon, a recess was taken.)

17 THE COURT: All right. Any matters that need to be
18 addressed before the jury is sworn?

19 MR. WILLIAMS: Your Honor, I think Mr. Davis is going
20 to move to sequester our witnesses. I'm going to ask that
21 the victims be allowed to stay in the courtroom. That's
22 Jamie Williams and Ms. Green. I believe they're both here.

23 I believe all my other witnesses -- I believe this
24 lady here is a witness. I have no problem with them
25 waiting in the hallway.

1 THE COURT: Okay.

2 MR. DAVIS: Judge, I had talked to the state about
3 that during recess. We would ask for that. We understand
4 the victims and the lead detective can remain. But other
5 than that, we would ask that they be sequestered.

6 THE COURT: Okay. Apparently, that's agreed to.

7 MR. WILLIAMS: The lead detective is here as well,
8 Your Honor.

9 THE COURT: All right. Mr. Williams, you'll explain
10 to your witnesses the fact that they can't discuss their
11 testimony with any other witness.

12 MR. WILLIAMS: I will have my investigator do that
13 now, Your Honor.

14 THE COURT: Okay.

15 MR. DAVIS: Judge, may it please the Court, one other
16 matter.

17 I had talked to Mr. Williams over the recess as well.
18 We had talked in chambers about a couple of alleged
19 statements by a codefendant, Mr. Smith.

20 It is my understanding the state does not intend to
21 talk about those statements in opening nor try to address
22 that during the state's case in chief.

23 THE COURT: Is that true?

24 MR. WILLIAMS: That's correct, Your Honor.

25 THE COURT: Okay.

1 MR. DAVIS: And then, Judge, finally we would ask the
2 Court to -- we had mentioned this in chambers. We would
3 ask the Court to restrict the state from talking about any
4 alleged statements made by the deceased, Mr. Spann, in
5 their opening.

6 Of course if at the appropriate time during testimony
7 it does come up, then I'll make the appropriate objection.
8 But we would ask that it not be addressed in opening.

9 THE COURT: What's the state's position?

10 MR. WILLIAMS: Your Honor, I'd, I would probably make
11 reference to the statement he made while lying in the yard
12 about don't shoot me any more.

13 THE COURT: Okay. Well, what's the grounds for the
14 objection?

15 MR. DAVIS: Judge, we would, first of all, argue that
16 it has no relevance to the elements of the offenses against
17 my client that are alleged.

18 We would argue that it's highly prejudicial and very
19 little probative value. Therefore on the
20 weighing-and-balancing test you could, and we would argue
21 should, suppress it.

22 Finally, Your Honor, certainly Mr. Spann is deceased.
23 It raises the issues of confrontation based on the
24 statements he allegedly made.

25 THE COURT: Okay. Mr. Williams.

1 MR. WILLIAMS: Your Honor, I think the hearsay
2 exception is it's going to be either an excited utterance
3 or a present sense impression.

4 And, quite honestly, Your Honor, it goes to identity.
5 He is saying don't shoot me any more, and he is talking
6 about people that are over him right there. And the
7 witnesses are going to place those individuals into a Jeep.
8 So I think the statement is identity as well. And it
9 certainly is harmful to the defense, but I don't think it's
10 unduly prejudicial. It's definitely probative.

11 THE COURT: All right. I overrule the objection.

12 I find that it is probative, it is relevant and the
13 prejudice that might result does not outweigh the probative
14 value of the evidence.

15 MR. DAVIS: Thank you, Your Honor.

16 THE COURT: All right. Let's -- sir?

17 MR. LOFTON: Your Honor, just one other housekeeping
18 matter.

19 Do you want us when you rule to join in objections and
20 note it on the record; or unless we opt out, are we just
21 automatically in?

22 THE COURT: No. You need to opt in.

23 MR. LOFTON: Okay. We join in.

24 THE COURT: Okay.

25 MR. BROWN: We join in as well.

1 And, Your Honor, is the Court's ruling, does that
2 include the other segment by Sterling Spann with regard to
3 the fact that "I don't want to die like this"?

4 THE COURT: Well, I'm only addressing those that were
5 brought to my attention, and that was not brought to my
6 attention as I understood.

7 MR. BROWN: I'd also move to have it excluded in at
8 least their opening argument, any statement by, by Mr.
9 Spann with regard to him saying "I don't want to die like
10 this" or something to that effect.

11 THE COURT: Does the state intend to introduce that?

12 MR. WILLIAMS: No, I don't think, Your Honor.

13 THE COURT: All right. Okay.

14 MR. BROWN: Thank you, Your Honor.

15 THE COURT: Anything else?

16 (No response.)

17 THE COURT: All right. Bring the jury in. Ask
18 Ms. Brown, that's Juror 57, Ms. Brown, to take the
19 foreperson's seat. I said 57. Juror 34 is Ms. Brown.

20 THE BAILIFF: Yes, Your Honor.

21 THE COURT: Let me ask the defense.

22 Do you y'all intend to proceed in the order you are
23 seated, or how do y'all want to do it?

24 MR. DAVIS: That's fine, Judge.

25 MR. BROWN: I tell you what. Can we -- is that a

1 decision we can make as we go along with individual
2 witnesses?

3 THE COURT: No. I mean, you can make it right now,
4 however you want to go, but let's keep the order throughout
5 the trial.

6 MR. BROWN: Okay. Fair enough.

7 (The following takes place in the presence of the
8 jury.)

9 THE COURT: Good afternoon, ladies and gentlemen.
10 We are ready to begin with the trial for which you
11 have been selected.

12 And, Ms. Brown, I'm going to ask you to serve as the
13 foreperson of this jury. And as the foreperson you're
14 going to have three specific duties that none of the other
15 jurors will have.

16 Number one, you'll be asked to serve as the
17 spokesperson for the jury. And so if during the trial of
18 this case something arises that needs to be brought to my
19 attention, that is you or a fellow juror has any difficulty
20 or problem or question, if you'll let the bailiff know,
21 he'll let me know, and I'll address any question or
22 difficulty or problem that you may have.

23 Secondly, you're going to be asked to preside over
24 jury deliberations when the time comes. That of course
25 won't be until after all of the evidence has been received

1 and I have instructed you on the law that's applicable in
2 the case. But at the trial's end as you go back to begin
3 jury deliberations, you will be called upon to preside over
4 that process in the jury room simply to ensure that those
5 deliberations are carried out in some orderly fashion.

6 And, thirdly, you're going to be asked to actually
7 write the verdicts or the decisions of the jury. And
8 you'll do that on verdict forms that I'll provide you at
9 the trial's conclusion as you go back to begin
10 deliberations.

11 And, in fact, the indictments themselves will be
12 serving as the verdict form. That way there'll be no
13 confusion as to what your decision is as to a particular
14 defendant and as to a particular charge.

15 You'll simply be indicating the jury's unanimous
16 decision as to that defendant and as to that charge on the
17 back of the respective indictments. So you've got those
18 specific duties. No other juror will have those particular
19 duties.

20 But all jurors will have the same and equal say, voice
21 and vote, in what the ultimate decisions are. Someone
22 simply has to be delegated those responsibilities that I
23 have just indicated, and I have delegated those to
24 Ms. Brown in appointing her as the foreperson.

25 But all of you jurors are equally important so far as

1 the ultimate decisions in this case are concerned, because,
2 as I've stated, the verdicts have to be unanimous. All 12
3 jurors have to be in agreement before any decision can be
4 returned as to any particular indictment.

5 Now, Ms. Lewis and Ms. Laboard and Mr. Lafayette, each
6 of you have been selected as alternate jurors. And the
7 function of alternate jurors is to take the place of one or
8 more of the original 12 if during the trial one or more of
9 these jurors cannot continue to serve for some reason. And
10 if one becomes ill or an emergency prevents them from
11 continuing to serve as a juror, then one or two or all
12 three of you perhaps will be called upon to take those
13 jurors' places. And in that event you would then become
14 the 12th juror in the case.

15 Now, if the time comes for deliberation the original
16 12 jurors are able to participate, then the service of an
17 alternate juror --

18 (Pause for microphone malfunction.)

19 THE COURT: This thing might need to be worked on
20 sometime.

21 If at the time for deliberation to begin all of the
22 original 12 jurors are able to participate, then those
23 alternates who are not needed will be excused. And you
24 won't be allowed to participate in jury deliberations,
25 because the decision of a jury is that of 12. And no more

Jury sworn

1 than 12 are permitted to engage in the deliberation
2 process.

3 But it is important that each of you alternate jurors
4 pay just as careful attention as we ask of all of the
5 jurors in the case because it does occur from time to time
6 for one reason or another one or more of these original 12
7 may be called away. In that event one or more of you would
8 be called upon to become the 12th.

9 So we do appreciate your participation as alternate
10 jurors, just as we appreciate the participation of each of
11 you jurors who have been selected for the purpose of
12 deciding the verdicts in these particular cases.

13 You may swear the panel.

14 (Whereupon, the jury was duly sworn.)

15 THE COURT: All right. Ladies and gentlemen, as you
16 know, you have been selected to decide the verdicts in the
17 case of the State vs. Keive Milik Smith, Anthony Dominique
18 Wilder and Leo Corderrel Gadsden.

19 As I have told you, each of these defendants has been
20 charged with five separate and distinct criminal offenses,
21 although each of those offenses is alleged to have arisen
22 out of one particular event or course of events which the
23 state alleges occurred back on or about August the 31st of
24 2006.

25 And by way of separate indictments each of the

1 separate defendants are charged with the crimes of murder,
2 burglary in the first degree, two separate counts or
3 charges of kidnapping, and also an assault and battery with
4 intent to kill.

5 The allegations setting forth those charges against
6 each of the defendants are set forth in those documents
7 called indictments. Those are the documents that I read
8 from prior to your selection to inform you as to what the
9 case was about.

10 Every case that is brought into this court and brought
11 before a jury for trial is brought in that fashion. It's
12 brought by way of a document called an indictment.

13 The indictments set forth the allegations brought
14 against the defendant. It sets forth the charge that's
15 been brought against a defendant so that the jury will
16 understand what the charge is and so that a defendant will
17 be put on notice as to what the state claims they have done
18 by way of the commission of some criminal offense.

19 Please understand however that the indictments are not
20 evidence in the case. The indictments are not proof of
21 anything. The state has the burden of proving the
22 allegations they have set forth in these indictments to
23 your satisfaction beyond a reasonable doubt before any
24 verdict of guilty could be returned.

25 Now, as I've stated, the indictments will be in the

1 jury room when the time comes for your deliberations. But,
2 as I've stated, the indictments are not evidence of
3 anything. They're not proof of anything.

4 The sole purpose for which they are in the jury room
5 is to serve as the verdict forms, because as I told you,
6 Madam Forelady, it's going to be on the back of each of
7 these separate indictments with respect to each separate
8 defendant that you will indicate the jury's unanimous
9 decision as to the separate charge set forth in those
10 several indictments.

11 Now, as to the allegations contained in the
12 indictments and as to the charges set forth, each of these
13 defendants has entered a plea of not guilty. And, as I
14 told you, that plea of not guilty places upon the state the
15 burden of proving the allegations set forth in each
16 indictment, the burden of proving each of the essential
17 elements that make up the crime alleged in the indictment;
18 and therefore the burden is upon the state to establish the
19 defendant's guilt as to a particular charge beyond a
20 reasonable doubt before a verdict of guilty could be
21 returned as to that defendant and as to that charge.

22 The constitution provides that every person who is
23 accused of having committed a crime is presumed under the
24 law to be innocent of that charge. And that presumption of
25 innocence remains with any defendant, as it does with these

1 defendants, from the time that they are placed under arrest
2 and throughout the course of the criminal process and even
3 throughout the course of the actual trial in the case.

4 That presumption of innocence will be with each of
5 these defendants even as you go back into the jury room to
6 begin with your deliberations at this trial's conclusion.
7 That presumption of innocence will be with each defendant
8 in the jury room, and it will be with each of them forever
9 unless you 12 jurors unanimously determine that they are no
10 longer entitled to that presumption of innocence.

11 That is after you've carefully considered all the
12 evidence in the case, and from that evidence you've decided
13 the facts, and after deciding those facts you've applied
14 the law as it relates to a particular indictment, if you
15 are convinced beyond a reasonable doubt of a defendant's
16 guilt as to a particular charge, then that defendant would
17 no longer be entitled to that presumption of innocence as
18 it relates to that particular charge. But it's only if,
19 unless and until you are satisfied of a defendant's guilt
20 as to a particular charge beyond a reasonable doubt that
21 that defendant would no longer be entitled to that
22 presumption of innocence.

23 Now, as I've told you and as you know, there are three
24 separate defendants. Each defendant has five separate
25 indictments. So you're going to be making decisions as to

1 each separate defendant and as to each separate charge
2 separately.

3 As I told you, you base your decisions upon the
4 evidence in the case and your determination of fact from
5 that evidence. And once you decide the facts, you then
6 apply the law that I will have provided you. And you will
7 determine whether or not a defendant's guilt has been
8 proven beyond a reasonable doubt.

9 So in that regard, as I have previously stated, you
10 may find each defendant guilty; you may find each defendant
11 not guilty. You may find one or more defendants guilty and
12 one or more defendants not guilty.

13 The same applies to each of the charges. You may find
14 a defendant guilty of all of the charges; you may find him
15 not guilty of all of the charges. You may find a defendant
16 guilty of some charges and not guilty of other charges.
17 That will depend upon your determination of fact and then
18 your application of the law that I will have provided you.

19 I emphasize that simply so that you'll understand you
20 are going to be called upon to reach separate and distinct
21 verdicts as to each defendant and as to each of the
22 charges. And those verdicts may be the same; they may be
23 different. That will depend upon your determination of
24 fact and your application of the law.

25 Now, the way the trial will proceed is that in a

1 moment the lawyers are going to address you in what are
2 called opening statements.

3 There are two occasions in a trial where lawyers are
4 permitted to address the jury, and that is at the beginning
5 of the trial before any evidence has been introduced and
6 then again at the conclusion of the trial after all of the
7 evidence has been received.

8 Please keep in mind however that, as in the case of
9 indictments, the lawyers' statements are not evidence. And
10 that's because the lawyers aren't going to be telling you
11 anything they know about this case based upon their own
12 personal knowledge or perception.

13 If they had personal knowledge about the facts of this
14 case, then they'd be witnesses. They wouldn't be the
15 lawyers involved in the case.

16 So because the lawyers are not witnesses, they're not
17 going to be testifying under oath. They're not going to be
18 subjected to direct and cross-examination as each of the
19 witnesses will be. And therefore what they tell you in
20 their statements is not evidence upon which you will base a
21 decision. But the lawyers' statements do serve a purpose,
22 and therefore you should listen to what they have to say.

23 The opening statements will serve to provide you with
24 a basic understanding as to what this case is about so that
25 you'll have some context in which to place the evidence

1 that we will be receiving shortly thereafter.

2 After the evidence is received the lawyers will again
3 address in what are called closing statements. Again,
4 those statements aren't evidence. But it does permit the
5 lawyers an opportunity to discuss with you the evidence
6 that you have seen and heard during the trial of the case.
7 And through that discussion each will have an opportunity
8 to try to persuade you or to convince you that that
9 evidence does or does not support a particular decision.

10 Now, it's in between the opening and closing
11 statements of the lawyers that we actually receive the
12 evidence upon which you will base your decision.

13 The state, as you have been told, has the burden of
14 proof. And so the state has to present evidence because
15 they have an obligation to convince you of a defendant's
16 guilt beyond a reasonable doubt. So they have an
17 obligation and a burden to present evidence in the case.

18 After the state has concluded with their presentation
19 of evidence each defendant has the same opportunity to
20 present evidence by way of testimony or otherwise. But
21 defendants in a case do not have to testify. They do not
22 have to call any witnesses; they do not have to produce any
23 evidence, because the burden is not upon a defendant to
24 prove that he or she is not guilty. The burden is always
25 on the state to prove that he or she is guilty.

1 Sometimes you wouldn't able to prove that you were not
2 guilty in a given case. And that's why there is no burden
3 upon a defendant to testify or to present evidence.
4 However, they are given an opportunity to testify or
5 present evidence if they wish to do so.

6 So after all of the evidence has been received and
7 after you've heard again the final summations of the
8 lawyers, I will then instruct you on the law in detail as
9 it relates to each of these separate and particular
10 charges.

11 And then you'll be asked to go back into the jury room
12 and begin with your deliberations in the case. And through
13 that process you're going to be called upon through the
14 exercise of good judgment and common sense conscientiously
15 applied to the testimony and the evidence in the case to
16 decide what you believe to be the true facts as it relates
17 to these allegations.

18 In other words, you're going to have to determine
19 what, if anything, occurred back on August the 31st of 2006
20 as it relates to these allegations. And then once you
21 decide those facts you will apply the law that I will have
22 provided you. And you will determine whether or not a
23 defendant is guilty of a particular charge or not. And you
24 will indicate that decision, as I've previously stated.
25 You will indicate that on the back of the indictment.

1 Now, it's important that you keep an open mind
2 throughout the course of the trial. You've been called
3 upon to -- for a very special purpose, and that is to
4 consider evidence, to decide the facts, 'to apply law,
5 something that you might never have done before.

6 So it's important that you pay careful attention
7 throughout the course of the trial, and it's important that
8 you keep an open mind throughout the course of the trial.

9 You know, as human beings we sometimes have a tendency
10 to pay more careful attention to the first thing that's
11 going on or perhaps to the last thing that's going on. And
12 we kind of lose interest somewhere in the middle. But you
13 can't do that, because you've been selected for a very
14 special purpose, and that is to determine a verdict in a
15 criminal case.

16 So you've got to apply yourselves and your talents to
17 resolving these cases. And you can only do that if you pay
18 attention, and careful attention, from the beginning until
19 the end.

20 You should always give every witness the same degree
21 of attention as they testify, and that's because you've got
22 to decide the facts from the evidence in the case. And
23 part of that evidence is going to be witness testimony.

24 And in a given case there may be witnesses that
25 testify in conflict, or testimony might be contrary to

1 another witness' testimony. It might be something that
2 relates to a material fact. It might be something that you
3 have to resolve in order to come to a verdict.

4 As jurors you also have the prerogative to assess a
5 witness' credibility. And therefore as a witness testifies
6 you've got to watch them, listen to them and consider a
7 witness' testimony in light of not only that witness'
8 testimony but in light of all of the other testimony and
9 the other evidence received during the trial of the case.

10 In making your assessment you can take into account
11 the interest that a witness might have, the opportunity
12 that a witness might have had to observe a fact to which
13 they testified and that sort of thing.

14 But you've got to pay careful attention as they
15 testify and watch them as they testify so that you can make
16 that determination. That way you'll be in a fair position
17 at this trial's conclusion to evaluate each of the witness'
18 testimony.

19 And as you do that, of course you have the prerogative
20 to believe everything that they testify to, or none of it.
21 And at the same time you may believe one portion of a
22 witness' testimony and reject some other portion of that
23 same witness' testimony. So you will make that
24 determination as to a witness' credibility and as to a
25 witness' believability.

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1 You also are not to begin formulating your opinions as
2 to what you think the ultimate decision ought to be in this
3 case until all of the testimony has been presented, until
4 all of the evidence has been received, because it's only
5 then that you're going to have everything that you are to
6 consider in arriving at your decision in the case.

7 So I do want to thank you in advance for your
8 participation in this trial. I'll also thank you in
9 advance for your careful attention throughout the course of
10 the trial.

11 And I would ask that you please give the lawyers your
12 attention now as they give you their opening statements.

13 We will begin with the state.

14 Mr. Williams.

15 MR. WILLIAMS: Thank you, Your Honor. May it please
16 the Court. Counsel.

17 This is a case about violence, about violence that had
18 no boundaries and about violence that had no limit. It's
19 about three men working together to perpetuate this
20 violence.

21 They started with a burglary. They kicked in a door.
22 They beat a woman that lived inside with a gun. That
23 wasn't the end of their violence. They tied her up with
24 duct tape, bound her hands and her feet. And that wasn't
25 the end of their violence.

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1 Two men come to the house. They rushed out to meet
2 one of them, Jamie Williams. Hit him with a gun. That
3 wasn't the end of their violence.

4 They walked over to a young man in a car and shot him
5 while he was inside the car. You know, that wasn't enough.

6 They then turned the gun on Jamie Williams and shot
7 him four times trying to kill him. You know what? That
8 wasn't the end of their violence either. Jamie Williams
9 got up. He managed to run away. Somebody chased him.

10 The young man was still in the car, still shot. They
11 weren't done with him. They pulled him out of that car and
12 held him on the front lawn and executed him shooting him.

13 When there was no one left to shoot, no one left to
14 tie up, no one left to execute, they got back together and
15 left.

16 The three men who perpetrated that violence, whose
17 violence had no limits, are on trial here today in this
18 courtroom. All three of them are right here -- Anthony
19 Wilder, Leo Gadsden, Kelve Smith.

20 This case began with a burglary. And I'm going to
21 break this up into three different parts. But essentially
22 the beginning of the burglary starts outside the house of
23 Patricia Ann Green. She lived up in Lincolnville in this
24 house right here on Stall Road. She lives there with her
25 two sons.

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1 And she was home by herself back on August the 31st of
2 2006. And she'll tell you and you'll see in some of the
3 pictures in this case that they have a bunch of dogs that
4 are by the side of their house in kennels.

5 She heard the dogs barking, and she actually started
6 out looking out the upstairs window right out here. She
7 looked out that window, and she saw a person out on the
8 road in front of her house. And she saw what she thought
9 was a gun.

10 So she came down the stairs to her front door. And
11 she didn't have time to open that front door because when
12 she went to grab it, it was kicked in. And she was pushed
13 off of that door and was immediately jumped upon by the
14 first person that came in.

15 Several people came inside of her house. And they
16 started asking her about property, where's the stuff, where
17 is it at, where's the stuff. They were wearing masks, they
18 were wearing gloves and they had guns. So it was in the
19 daylight hours. And they were certainly covered up as far
20 as their faces go and their hands go.

21 At that point one of the men was beating Ms. Green
22 with a gun. One man stayed downstairs. Another man went
23 upstairs and started ransacking the house looking for
24 something.

25 One man was beating her with a gun. The other one

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1 tied her up, her wrists, her ankles and put duct tape over
2 her face. When I say tied up, duct tape they were wrapping
3 around her, binding her with.

4 As one man was holding her bound, the second man went
5 to a sofa and was looking out the window through the
6 blinds. The third man was still upstairs.

7 The man on the sofa said something's happening,
8 someone is coming. And someone did arrive. Two men then
9 pulled up in a car.

10 What happens then outside the house involves this
11 vehicle and that front door. Two young men had pulled up,
12 Sterling Spann whose vehicle you see there, the car, and
13 another young man named Jamie Williams.

14 And you'll hear Jamie say that Ms. Green had a small
15 drug problem and that she owed him \$10 for some drugs. And
16 I'm not going to hide that from y'all. That was what Jamie
17 was there for.

18 Jamie was walking up to the door. And he'll tell you.
19 As soon as he gets within a few feet of that door, somebody
20 comes out and just starts hitting him on the head with the
21 gun.

22 That man hit him with a gun, pushed Jamie back and
23 then walked over to the vehicle where Sterling Spann was
24 at. He got inside that vehicle. And Jamie started to run
25 when he saw that. He got about as far as the front of the

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1 garage door there when the gun was turned on him.

2 Jamie slips and falls in his hurrying. There was a
3 little bit of a moisture out there with the storm coming
4 through. He slips and falls in that driveway. That gun is
5 turned on him. He's shot four times laying there on the
6 ground, basically in the stomach. We'll show you those
7 injuries.

8 Jamie somehow isn't killed by these four shots. He
9 scrambles to his feet and runs off around the inside of
10 this house.

11 Directly behind this house is the Lincolnville Fire
12 Department. Jamie runs over to where the fire department
13 is and collapses right there in the driveway of the fire
14 department. And, fortunately, there was a bunch of firemen
15 working because there was a storm coming through. And they
16 tend to him and get an ambulance on the way as he goes
17 unconscious.

18 Sterling Spann doesn't get away. Once one of the
19 defendants chases Jamie around the house, he comes back.
20 And the three of those defendants then get ahold of
21 Sterling Spann and pulled him out of that car.

22 The neighbor across the street says Sterling Spann was
23 saying don't shoot me no more, don't shoot me no more.
24 They shot him some more. They held him on the ground and
25 fired shots at him, got up off of him. As cool as they

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1 walked in, they walked away.

2 Now, what happens afterwards? Well, there are several
3 neighbors that heard these gunshots, and you'll hear from a
4 couple of them. Their attention is then turned towards
5 what is going on in the front yard, and they notice a car
6 leaving the area, pulling off in the street that's right
7 around the corner, right across the corner.

8 It's a white Jeep-like vehicle. And there's somebody
9 else that's working that day. There's a Deputy Jackson.
10 He's actually over the Lincolnville fire station. He
11 sees -- he doesn't hear the shots because he's inside, but
12 he hears one of the paramedics, or the fireman I should
13 say, talking about the fact that Jamie Williams is in the
14 driveway entrance.

15 He comes out and assesses that and immediately heads
16 over to where somebody else is saying there's more gunshots
17 and there's more going on over there.

18 Deputy Jackson heads over there, and he gets a
19 description from one of the neighbors that says we saw a
20 white Jeep-like vehicle leaving.

21 There's other deputies now responding, and Deputy
22 Jackson calls in that description, white Jeep-like vehicle
23 leaving Lincolnville.

24 Deputy Simpson who you're going to hear from does
25 exactly what we expect police officers to do keeping his

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1 eyes open. As he's driving down Lincolnville Road he
2 passes a white Jeep. Minutes after the shooting he sees a
3 white Jeep going the other direction.

4 He turns on that Jeep and starts to follow it. And
5 what starts then can only be described as a high-speed
6 chase.

7 They go down Lincolnville Road. They turn on to
8 College Park. They go all the way back to I-26 and get on
9 the freeway and start heading down I-26 toward downtown.

10 It's a high-speed chase, 100 to 110 miles an hour. As
11 this is going on Deputy Simpson notices some items flying
12 out the window of this Jeep -- masks that were used in the
13 robbery, gloves that were used in the robbery, all found
14 there along the roadside picked up flying right out of the
15 window.

16 The next thing that happens is this. Deputies roll
17 out stop sticks. The Jeep tries to go around them and
18 loses control. And the Jeep crashes off of I-26.

19 Inside that Jeep all three of these defendants are
20 located. One of them is pinned inside. The other two are
21 pulled out by deputies. Located inside that Jeep are guns.
22 Located inside that Jeep is duct tape that matches the duct
23 tape that was used to bind Pat Green.

24 The charges in this case are the same against all
25 three of these codefendants, and they're really not very

Opening statements

1 complicated as I go through them quickly.

2 But, quite simply, burg first, the judge will tell you
3 what the law is. Burg first is when you break into
4 somebody's dwelling, you've got a firearm, you're going in
5 to steal, that's burg first.

6 No question in this case you're going to have that
7 breaking into Ms. Green's dwelling to steal property or
8 just to take whatever they were looking for, is burg first.

9 Kidnapping. This is really a kidnapping. You bind
10 somebody, you stop them from being able to do whatever they
11 want, that's kidnapping. So when they tie up Ms. Green,
12 binding her with the tape, holding her at gunpoint is
13 kidnapping on Ms. Green.

14 Assault and battery with intent to kill is pretty much
15 murder except a person survives. In this case Jamie
16 Williams manages to survive. So the charge, the tying up
17 against Jamie Williams, is assault and battery with intent
18 to kill.

19 Sterling Spann was kidnapped before he was murdered.
20 When they grabbed him, pulled him out, dragged him onto the
21 ground and executed him, they were kidnapping him,
22 restraining his free will and restraining his movement.

23 And, finally, shooting Sterling Spann on the ground is
24 nothing short of murder. Shooting Sterling Spann in the
25 car is nothing short of murder.

Opening statements

1 Now, at this point y'all might be asking yourselves
2 how were all of these people guilty of all of these crimes.
3 Technically, one or maybe two people pulled the trigger.
4 Ultimately, one or two people may have shot Jamie Williams.

5 Well, there's a principle in the law, and it's called
6 the hand of one is the hand of all. It's not a principle
7 exclusive for South Carolina. It's a common principle.

8 And what it says is that a person who joins together
9 or joins with another to accomplish an illegal purpose is
10 criminally responsible for everything which occurs or done
11 by the other person, which occurs as a natural consequence
12 of the acts done in carrying out the common plan or
13 purpose. That's a long explanation.

14 What it really comes down to is if you all get
15 together to do something bad, you don't get to complain
16 later when somebody gets killed. You go in to break into a
17 house, you've got gloves on, you're wearing a mask and
18 you're carrying guns, someone gets killed, you don't get to
19 say, hey, I didn't pull the trigger. You're all equally
20 responsible if you set out with a common purpose and a
21 common enterprise.

22 It doesn't matter if it's the get-away driver. It
23 doesn't matter if you're the one holding him on the ground.
24 It's doesn't matter if you're the one pulling the trigger.
25 You all go out to commit a crime and the natural

Opening statements

1 consequence of that you're responsible for. In this case
2 it's murder.

3 There is one thing I'd ask that y'all think about
4 during the course of this trial, is that one principle.
5 When you start hearing questions on cross-examination and
6 questions about who was doing what and who was where, I'll
7 submit to you we're going to have a pretty good idea in
8 this trial before it's over who did what. We're going to
9 have a pretty good idea who was the person that went in
10 that door, who was hitting people with guns and who was
11 shooting guns.

12 So I'll submit to you that that's not all that
13 important in this case. As much as we want to know that,
14 you don't need that in this case to convict all of these
15 defendants, because the law says as long you're just out
16 there joining together with another to accomplish an
17 illegal purpose, it doesn't matter if you pull the trigger
18 or somebody else does.

19 In this case illegal purpose of these three
20 codefendants is burglary, the natural consequence of
21 committing that burglary with those guns, with those masks,
22 and shooting and kidnapping, and it's murder.

23 The law says as long as they are called in for that
24 same criminal illegal purpose, they're all responsible for
25 the natural consequence. And I submit to you now, and I

Opening statements

1 will later on, there's only one realistic purpose when you
2 rob someone. Someone might get shot and someone might get
3 killed. And they're all under the law to be held equally
4 responsible.

5 This case, quite simply, is about violence. It's
6 about a violence that didn't have any end, about three
7 defendants who wouldn't stop until everybody had run away,
8 had been shot, had been tied up or had been killed.

9 At the end of this case I'm going to come back and ask
10 that you find all three of them responsible for that
11 conduct.

12 THE COURT: Mr. Brown.

13 MR. BROWN: May it please the Court. Counsel.

14 Ladies and gentlemen, as I stated earlier, my name is
15 Tracy Brown. And I, along with my co-counsel, Mark
16 Redmond, are here on behalf of Keive Smith at this trial
17 this week.

18 Now, this is my opportunity to make an opening
19 statement, and I'm going to make it very, very brief. As a
20 matter of fact, I'm just going to reiterate something the
21 judge said a few minutes ago, and that's this.

22 I ask only that you keep an open mind. You're going
23 to be provided with information over the next several days,
24 information that you will be able to use to come to an
25 ultimate decision in this case, a decision of guilt or

Opening statements

1 innocence.

2 And I would ask that you, again, keep an open mind.
3 Don't make a decision, don't make up your minds as far as
4 your choices until you've had the opportunity to take in
5 everything that's provided to you as far as that
6 information, that information goes. And then after you're
7 provided with that information, the attorneys, all of us,
8 will have the opportunity to talk with you and comment on
9 the information that was provided to you.

10 And, again, please refrain from making up your mind
11 until you have had the, you have heard the closing
12 arguments, if you will, from the attorneys who are
13 involved.

14 After that the judge is going to charge you with the
15 law. What that means is, is he's going to tell you exactly
16 what the law of South Carolina is so you can put the facts
17 and the information that you've been provided together with
18 the law that the judge gives you, and you can make an
19 informed decision.

20 At that point the judge will tell you to go back to
21 the jury room and to at some point begin your
22 deliberations. At that point, and only at that point,
23 after you've been provided with everything that you want to
24 be provided with, hold off in making up your mind.

25 Until then I would ask only that you pay close

Opening statements

1 attention to the witnesses and the evidence presented.
2 It's all very important and it's all going to be provided
3 to you so, again, at the end you can come to an informed
4 decision. Until then keep an open mind and don't make up
5 your mind. Thank you.

6 THE COURT: Mr. Davis.

7 MR. DAVIS: Thank you, Your Honor.

8 The state says they have a pretty good idea of what
9 happened but they don't need to know who did what because
10 the hand of one is the hand of all.

11 Well, it does matter. I represent Leo Gadsden. He's
12 got charges against him individually from the other folks.
13 It's important that you listen to what is testified to.

14 Now, the state did a brief summary of what they think
15 the facts show. If I had a chance to fill in some blanks
16 and smooth over some things, I might be able to paint a
17 clear picture too.

18 It's just an opening statement. It matters very much
19 to anyone who would be sitting there in that chair. It's
20 not a pretty good idea of what happened, not even if some
21 parts are pretty clear. You've got to have a full picture
22 of what happened here.

23 You have to be firmly convinced beyond a reasonable
24 doubt that Leo has been proven guilty of any of these
25 crimes.

Opening statements

1 Now, the state brings all of these charges against all
2 of these defendants. I'm here to remind you throughout
3 this trial Leo has the benefit of y'all listening, using
4 your common sense and deliberating. It's just not that
5 clean cut.

6 I'm not going to go into the discrepancies now.
7 You'll get to hear them from the witness stand, but it's
8 just not that clean cut.

9 I appreciate your time and I appreciate your
10 attention. It's not about what the lawyers say. It's
11 about what the state can prove from the witnesses up there,
12 or what they can't prove. Pay attention to that, and I'll
13 talk to you at the end. Thank you.

14 THE COURT: Mr. Lofton.

15 MR. LOFTON: If the Court please.

16 Ladies and gentlemen, I'm at the end of the line so
17 y'all get to hear me last. I'll try not to repeat what
18 everybody else has said. The judge has given you an idea
19 of how this case is going to proceed. He's told you what
20 the law is that you're going to be dealing with.

21 I want to take the opportunity on behalf of Anthony
22 Wilder, my client, to thank you for being here, because we
23 realize it's an inconvenience for you to be here. But it's
24 also a civic duty that you have, a very, very important
25 civic duty. We realize that there are other things you'd

Opening statements

1 rather be doing today than sitting in this courtroom here
2 in downtown Charleston. But for your attendance, all of us
3 participating in this trial are most appreciative because
4 under our law we couldn't go forward if you weren't here,
5 because any individual who is accused of a crime in this
6 country is entitled to have a trial before a jury of his or
7 her peers.

8 So, as the other lawyers, we're only at the very
9 beginning of this case. You've only heard opening
10 statements. You haven't heard the first piece of evidence.

11 I, like the others lawyers, just ask you to keep an
12 open mind throughout the trial of this case. And then once
13 you've had an opportunity to hear all of the evidence, then
14 you will have the opportunity to retire to your jury room,
15 deliberate. And you must consider each charge as to each
16 defendant. And at that time you can see whether or not the
17 state has come forward with sufficient evidence to prove
18 anybody guilty of anything beyond a reasonable doubt.

19 And, again, for your presence here today we are most
20 appreciative. And for your attention during the course of
21 the trial we're also most appreciative. Thank you.

22 THE COURT: Mr. Williams.

23 MR. WILLIAMS: Thank you, Your Honor. May it please
24 the Court. The state calls Yvette Cook.

25

Yvette Cook
Direct examination by Mr. Williams

1 YVETTE COOK, having been first
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. WILLIAMS

4 THE CLERK: Would you please speak into this
5 microphone? And state your full name, and then spell your
6 last name.

7 THE WITNESS: Yvette Cook.

8 Q Hi, Ms. Cook. How are you doing?

9 A Good. How are you?

10 Q I want you to try to talk loud enough for this big
11 room here. This thing makes a little bit of noise. Talk
12 loud enough where you can reach me. Is that all right?

13 A Yvette Cook.

14 Q Okay. Without telling me the address, where basically
15 do you live?

16 A I'm right in Lincolnvile.

17 Q Do you live near an intersection?

18 A Yes.

19 Q What intersection do you live near?

20 A It's off of, what, beside Lincolnvile Avenue.

21 Q How long have you lived there?

22 A Pretty much all of my life.

23 Q Since you were young?

24 A Yeah.

25 Q Do you remember a day back on August the 31st of 2006?

Yvette Cook
Direct examination by Mr. Williams

1 A Yes.

2 Q Where were you staying or where were you living then?

3 A At the time I was living with my mother. Should I say
4 the address?

5 Q Is it near that same intersection?

6 A Yeah. And --

7 Q What were you doing that day?

8 A My grandmother asked me and my cousin to run to the
9 store for her. And I just happened to be outside at the
10 time.

11 Q Do you recall what time of day approximately it was,
12 what the lighting situation was like?

13 A I want to say between, maybe like between, 5:00 or
14 6:00 o'clock.

15 Q It still was daylight out?

16 A It was still kind of.

17 Q Do you recall what the weather was like?

18 A It was clear.

19 Q Now, I'm going to show you what's been marked State's
20 Proposed Exhibit 75. Can you look at that? Does that sort
21 of show that area as far as like an overhead view?

22 A Yes.

23 Q Does that show more or less where you were at and
24 where you were at that night?

25 A Yes.

Yvette Cook
Direct examination by Mr. Williams

1 Q Ms. Cook, is that an fair and accurate depiction of
2 that area, although you didn't create this drawing? Does
3 that fairly and accurately show that area?

4 A Yes.

5 MR. WILLIAMS: Your Honor, move the admission of
6 State's Proposed 75.

7 THE COURT: Any objection?

8 MR. BROWN: None, Your Honor.

9 MR. DAVIS: No, Your Honor.

10 (Diagram marked State's Exhibit No. 75.)

11 Q Mr. Cook, I'm going to put this up on the overhead,
12 and I've got a pointer. I know it is kind of far, but if
13 you can just press -- if you press up on this, it'll give a
14 laser point.

15 A That's the street I was on, Front Street.

16 Q That's about where you live?

17 A Yes.

18 Q And as you were on Front Street did you notice any
19 vehicles there that were unusual?

20 A Yes. I did notice a, a white Jeep.

21 Q What was the white Jeep doing?

22 A It was just riding up and down the street.

23 Q Had you ever seen that white Jeep in that area before?

24 A No.

25 Q When you say riding up and down the street, what do

Yvette Cook
Direct examination by Mr. Williams

1 you mean?

2 A I mean it, it just came down the street and turned
3 around and came back.

4 Q That's a dead end there, right?

5 A That is a dead end.

6 Q How many times would you say you saw that white Jeep
7 go down the dead end?

8 A At least three or four times.

9 Q And can you just show the jury with the laser pointer
10 where it was driving up and down that dead end?

11 A It was just like up and down here.

12 Q Do you know where Ms. Green lives?

13 A No.

14 Q Do you know Ms. Green at all?

15 A I don't think I do, no.

16 Q So you saw the white Jeep. Did you see it park
17 anywhere?

18 A No. It never. I never saw it park. It did slow down
19 like where I stayed at, but it never came to a complete
20 stop.

21 Q What did you do then? Did you go anywhere?

22 A No. I just, I just proceeded to go back in the house.
23 I went to get my car keys. And, like I said, we were
24 supposed to go to the store.

25 Q Did you go to the store?

Yvette Cook
Direct examination by Mr. Williams

- 1 A Eventually, we did.
- 2 Q About when did you go to the store?
- 3 A Maybe around -- I don't know the exact time.
- 4 Q Well, let me ask you this. How long after you saw the
- 5 Jeep driving up and down did you go to the store?
- 6 A It wasn't even maybe five or ten minutes.
- 7 Q How long were you at the store?
- 8 A Not long.
- 9 Q When you say not long, more than five minutes?
- 10 A No. Just went to the C. V. S. and came right back.
- 11 Q Did you see the Jeep out there when you left?
- 12 A We saw it pass by one more time before we left.
- 13 Q As you were leaving did you see it or notice it?
- 14 A Yeah. I saw it come back again before I left.
- 15 Q What did you find when you came back from the store?
- 16 A When we came back from the store we seen a bunch of
- 17 people over there. Somebody was laying on the ground. At
- 18 the time I didn't know who.
- 19 Q When you say over there, can you show the jury on this
- 20 map?
- 21 A I'm sorry. Like right in front of my grandmother's
- 22 house.
- 23 Q Across, over in that area?
- 24 A Yeah, right, right.
- 25 Q Were there police cars there?

Yvette Cook
Direct examination by Mr. Williams

- 1 A I don't remember. I really don't remember.
- 2 Q Were there lights flashing like any kind of --
- 3 A Car lights. There was like a bunch, like a bunch of
- 4 people over there. There was people coming from that back
- 5 area, I guess, where the fire station was.
- 6 Q I show you what's been marked State's Exhibit 43.
- 7 Does that look familiar to you?
- 8 A Yeah. That's the one.
- 9 Q That's the Jeep?
- 10 A That's the Jeep I saw.
- 11 MR. WILLIAMS: I show to defense counsel.
- 12 Q Now, that's not the condition you saw it in.
- 13 A No.
- 14 Q But that's the same one?
- 15 A Yes.
- 16 MR. WILLIAMS: Your Honor, I move for the admission of
- 17 State's Proposed 43.
- 18 THE COURT: Any objection?
- 19 MR. BROWN: None.
- 20 MR. DAVIS: No, Your Honor.
- 21 MR. LOFTON: No, Your Honor.
- 22 (Photograph marked State's Exhibit No. 43.)
- 23 Q Ms. -- ma'am, I'm going to put that up on the
- 24 overhead. The Jeep that's crashed there is the same one
- 25 you saw outside your home?

Yvette Cook
Cross-examination by Mr. Brown

1 A Yes.

2 Q Just minutes before you came back. Okay. Just
3 minutes before you came back from the store?

4 A I, yeah, I saw it riding up and down the street. Like
5 I said, by the time we got back I didn't, I didn't see the
6 Jeep when we got back.

7 Q Just people in the front yard.

8 A Yeah, yeah, just the people in the front yard.

9 Q Thank you.

10 MR. WILLIAMS: I have nothing else of this witness,
11 Your Honor.

12 CROSS-EXAMINATION

13 BY MR. BROWN

14 Q Ms. Cook, I just want to make sure I understand your
15 testimony.

16 You said you saw this Jeep. But did you see who, who
17 was inside the Jeep?

18 A No, sir. The windows were tinted.

19 Q All right. So you didn't see his face --

20 A No.

21 Q -- or who the driver or passenger was.

22 A No. I didn't see any --

23 Q Is that correct?

24 A No. I didn't see, I didn't see anything.

25 Q Have you seen the picture that was just up? Have you

Yvette Cook
Cross-examination by Mr. Groeber

1 seen that picture before?

2 A He, they just showed it to me if that was the right
3 Jeep that I saw, because I think in my statement I said a
4 Cherokee, but it wasn't a Cherokee.

5 Q Right. So you did say a Cherokee in your statement,
6 correct?

7 A I said it in my statement. But when he showed me the
8 picture of the Jeep, I told him that was the Jeep.

9 Q And after you saw that crumbled vehicle in the woods
10 there, that's when you knew that you had made a mistake
11 on -- with regards to the identification.

12 A Yes, sir.

13 MR. BROWN: I don't have anything further.

14 CROSS-EXAMINATION

15 BY MR. GROEBER

16 Q Ms. Cook, in your statement you gave to the officers
17 you never stated that you saw a license plate of the Jeep
18 Cherokee that you said drove back up and forth.

19 A No. I didn't see the license plate.

20 Q So the picture that you were shown later and today
21 looks something like the Jeep that you saw on that day.

22 A Uh-huh. I knew what kind of car. I didn't know the
23 exact name of the car. I knew it was like a newer model
24 Jeep. I said Cherokee because that was what first came to
25 mind. But when he showed me the picture, I told him that

Patricia Ann Green
Direct examination by Mr. Williams

1 that was the Jeep that I saw.

2 Q The best you can say without any identifying, any
3 other identifying, qualities of this Jeep in the photo you
4 saw is that it was the same maybe make and model.

5 A Yes.

6 Q Similar style of Jeep.

7 A Yes.

8 Q Okay. Thank you.

9 MR. LOFTON: I don't have any questions, Your Honor.

10 THE COURT: All right. Thank you. You may step down.

11 MR. WILLIAMS: Can she be excused, Your Honor?

12 THE COURT: She may be.

13 (Whereupon, the witness was excused.)

14 MR. WILLIAMS: Thank you, Your Honor. The state calls
15 Patricia Green.

16 PATRICIA ANN GREEN, having
17 been first duly sworn, testified as follows:

18 DIRECT EXAMINATION BY MR. WILLIAMS

19 THE CLERK: If you could, please speak into this
20 microphone. State your full name, and spell your last
21 name.

22 THE WITNESS: Patricia Ann Green, G-R-E-E-N.

23 MR. WILLIAMS: May it please the Court, Your Honor.

24 THE COURT: Yes.

25 Q Ma'am, where do you live?

Patricia Ann Green
Direct examination by Mr. Williams

- 1 A [REDACTED] Street.
- 2 Q Is that in Charleston County?
- 3 A In Lincolnville, South Carolina.
- 4 Q Is that in Charleston County?
- 5 A Yes, it is.
- 6 Q And who do you live there with at this time?
- 7 A My two sons.
- 8 Q How old are your sons?
- 9 A Twenty-four and 21.
- 10 Q What are their names?
- 11 A John Tate Green and Quantis Green.
- 12 Q Did John Tate and Quantis have any money?
- 13 A Rusin and John Tate had money.
- 14 Q I'm sorry. Okay. I preceded myself. I presume that
- 15 John Tate -- John Tate lives with you, correct?
- 16 A That's the oldest, yes.
- 17 Q How does he have money?
- 18 A They was in an accident. He got electrocuted.
- 19 Q When was that?
- 20 A That was back. Oh, my God. They were like about
- 21 eight and 11 years old.
- 22 Q Was there any kind of settlement as a result of that?
- 23 A Yes, from SC & G. I sued SC & G. And I sued the
- 24 lady's property that the tree was on. And that's how they
- 25 inherited money.

Patricia Ann Green
Direct examination by Mr. Williams

- 1 Q Was there a settlement in that case?
- 2 A Yes.
- 3 Q What were the amounts of the settlement?
- 4 A John Tate got like about 1.5 million and Rusin either
5 got 1 million, somewhere in that vicinity, in that figure.
- 6 Q Did they have permanent injuries from that? Is that
7 right?
- 8 A Yes. John Tate lost his arm. He was badly burned.
9 Rusin was badly burned. The electricity came out of the
10 head, his side, his muscles and his leg. John Tate lost --
11 came out of his neck. Again, he lost half of his leg.
12 They were badly burned.
- 13 Q Do they still have access to that money? Do they
14 still get some of that money?
- 15 A They still have access to their money.
- 16 Q Is there like a trust set up?
- 17 A There is a trust set up.
- 18 Q So they get money regularly.
- 19 A Yes, for the rest of their life, yes.
- 20 Q I want to take you back to August the 31st of 2006.
21 Do you remember that day?
- 22 A Yes.
- 23 Q What were you doing that evening?
- 24 A That was the afternoon the storm was supposed to come.
25 And I had just got off from work.

Patricia Ann Green
Direct examination by Mr. Williams

1 And when I got home my two sons, Quantis and Rusin,
2 was at home. And I told them it was getting ready for the
3 storm.

4 So Rusin made the statement -- his girlfriend just had
5 a baby; and that they were going to bring Britney and the
6 baby back to the house. And we all was going to stay there
7 for the storm. So I told them okay. And so I told them I
8 was tired. So they told me to lay down and take a nap. So
9 I laid down to take a nap.

10 And by that time they had already left. I didn't know
11 they were gone. And so I heard the dogs barking in the
12 yard. So I got up and I looked out the window. And I saw
13 a young man standing across the street in front of Ms.
14 Daniels' house with his hands behind his back, pacing back
15 and forth with a black hat on and black, looked like, sweat
16 shirt and dark blue jeans and some black shoes.

17 So I figured that was her grandson or one of her
18 relatives coming to stay with them for the storm. So I
19 laid back down. So the dogs started barking again, but I
20 noted a difference in the bark. It was a raging bark. So
21 I said someone must be in the yard or someone's around the
22 house.

23 So by the time I was coming down the steps and I got
24 to that third step, and in order to get to the second step,
25 that's when he kicked the door in.

Patricia Ann Green
Direct examination by Mr. Williams

1 Q Let me stop you there. Let me put up State's
2 Exhibit 75. Does that fairly and accurately show your
3 residence?

4 A Yes.

5 Q And with the laser pointer, if you would, just press
6 up on this. It will give you a laser point. Can you tell
7 the jury where the front door is?

8 A How do you do it?

9 Q Press up on it at the top. Kind of tricky. You are
10 kind of far away, so do it real fast. Just press up right
11 there. See it there?

12 A Oh, okay. I still can't get it.

13 Q Why don't you hand it to me?

14 A Okay.

15 Q Does that show where your front door is?

16 A That's, yeah. My front door is right there.

17 Q And these are the stairs?

18 A Those are the stairs.

19 Q Those go up to the top floor?

20 A Upstairs to the second floor.

21 Q I'm going to show you State's Proposed 1, 2, 3, 4 and
22 5. Will you look at those quickly?

23 (Pause.)

24 Q Let me have those back. Do those fairly and
25 accurately represent the way your house looked that night?

Patricia Ann Green
Direct examination by Mr. Williams

1 A Yes.

2 MR. WILLIAMS: Show to defense counsel.

3 THE COURT: Mr. Bailiff.

4 MR. WILLIAMS: Your Honor, move to admit State's
5 Proposed 1 through 5.

6 THE COURT: Any objection?

7 MR. BROWN: None, Your Honor.

8 MR. DAVIS: No, sir.

9 MR. LOFTON: None, Your Honor.

10 THE COURT: They're admitted.

11 (Photographs marked State's Exhibits Nos. 1 through
12 5.)

13 Q Ms. Green, looking now at State's Exhibit 1, does that
14 show your house?

15 A Yes.

16 Q When you say you looked out the front window, that's
17 up on the second floor here?

18 A Yes.

19 Q And going back to State's 75, you said you saw
20 somebody walking across the front end of the house across
21 the street.

22 A No. He was standing in front of Ms. Daniels' house.

23 Q Okay. Where does Ms. Daniels live, in this house
24 here?

25 A Yes, directly in front of mine.

Patricia Ann Green
Direct examination by Mr. Williams

- 1 Q Would you say he was --
- 2 A Right there. That's where the gate is.
- 3 Q Right about here?
- 4 A Yeah, A little farther.
- 5 Q This way?
- 6 A Yeah.
- 7 Q Right here?
- 8 A Yeah, right up in there.
- 9 Q Okay. And when you saw this person what was he --
- 10 what did you say he was wearing?
- 11 A He had on a black -- back in the days we called it a
- 12 Marvin Gay hat, you know, the little turn-up, little, the
- 13 hat. And had on a, looked like a, black sweatshirt and
- 14 dark blue jeans and some black shoes.
- 15 Q Were you able to -- did he have -- could you see his
- 16 face?
- 17 A Yeah. He was brown skin and chunky looking.
- 18 Q When you chunky, what do you mean?
- 19 A Stocky, you know, big.
- 20 Q Could you tell about a haircut he had or what kind of
- 21 hair style?
- 22 A No.
- 23 Q If you saw him again would you recognize him?
- 24 A Yeah.
- 25 Q Do you see him in court today?

Patricia Ann Green
Direct examination by Mr. Williams

1 A Yes.

2 Q Could you point to him and describe what he's wearing?

3 A The young man on the end over there.

4 Q What, what does his shirt look like?

5 A Blue plaid shirt.

6 MR. WILLIAMS: Your Honor, could the record reflect
7 that he's identified -- that the witness has identified
8 defendant Wilder?

9 THE COURT: Well, where is Mr. Wilder?

10 Is this the, is this the gentleman you're referring
11 to, this one?

12 Raise your hand, please, sir.

13 THE WITNESS: Yes, sir.

14 THE COURT: That's the one you're referring to?

15 THE WITNESS: Yes, sir.

16 THE COURT: All right. The record shall reflect she
17 has identified Mr. Wilder.

18 Q Now, Ms. Green, as you were, you were saying you have
19 some dogs.

20 A Yes.

21 Q What type of dogs do y'all have?

22 A I have blue pits.

23 Q Let me put up State's 3. Do you see in that diagram
24 or that picture where the dogs are kept?

25 A Right on the side of the garage in the dog pen.

Patricia Ann Green
Direct examination by Mr. Williams

1 Q Got the -- got like a tarp over it?

2 A Yes.

3 Q Did you put that tarp up?

4 A Yes.

5 Q To keep them dry?

6 A To keep the sun off them.

7 Q You said that you heard, you noticed like increased
8 barking from them.

9 A Yeah. I know the difference in the barks.

10 Q And when you heard that, what did you do?

11 A I got up out of the bed because I was asleep, and I
12 was coming downstairs. And by the time I got to the third
13 step and about to hit the second step, that's when he
14 kicked the door in. And the door kicked me and threw me
15 backwards on the step. And that's when he grabbed me by my
16 chest, and he just started commencing beating me in my head
17 with the gun butt and keep asking me where everything is.
18 And I keep asking him what he's talking about.

19 And every time I said what he's talking about, he kept
20 hitting me. And the blood was just coming down. He keeps
21 saying, B, tell me where everything is. And I keep saying
22 I don't know what you're talking about. And the more I
23 keep saying I don't know what you're talking about, the
24 more he kept beating me. So that's when he said --

25 Q Okay. Let me stop you there. And go slowly. I'm

Patricia Ann Green
Direct examination by Mr. Williams

1 going to show you State's Proposed Exhibits 8 and 9. Do
2 you recognize those?

3 A My front door.

4 Q And that shows how it looked that night?

5 A Yes.

6 Q And I'm also going to show you State's Proposed 31 and
7 32.

8 A Yes, sir.

9 Q Does it also look the same way as that night?

10 A Uh-huh.

11 MR. WILLIAMS: I'm going to show this to defense
12 counsel.

13 Q I'm going to ask you --

14 MR. WILLIAMS: Your Honor, I move to admit State's
15 Proposed 31, 32 and 8 and 9.

16 THE COURT: Any objection?

17 MR. BROWN: None, Your Honor.

18 MR. DAVIS: No, Your Honor.

19 MR. LOFTON: No, Your Honor.

20 THE COURT: They're admitted.

21 MR. WILLIAMS: Thank you, Your Honor.

22 (Photographs marked State's Exhibits Nos. 8, 9, 31 and
23 32.)

24 Q Ms. Green, what kind of door is there on this -- what
25 kind of lock is on that door?

Patricia Ann Green
Direct examination by Mr. Williams

- 1 A I have a bolt lock and a, and a knob lock.
- 2 Q Was the door locked at the time?
- 3 A Yes.
- 4 Q Was it damaged?
- 5 A Yes. They knocked it off the hinge, I mean, you know,
6 everything. Everything came apart.
- 7 Q Let me show you State's 32. Does that show the damage
8 that was done?
- 9 A Yes.
- 10 Q As well as State's No. 9, does that show that same
11 damage?
- 12 A Yes.
- 13 Q Were you wearing anything at the time on your neck?
- 14 A My jewelry.
- 15 Q Did that come off?
- 16 A Yes.
- 17 Q Let me show you State's No. 8. Is that, does that
18 show where the jewelry was found or where the jewelry came
19 off?
- 20 A Yes.
- 21 Q How did that come off?
- 22 A When he snatched me off the step.
- 23 Q Does that show the steps there?
- 24 A Yes.
- 25 Q And the door almost hits those steps, right?

Patricia Ann Green
Direct examination by Mr. Williams

1 A Yes.

2 Q You can see there.

3 A Uh-huh.

4 Q Tell me now. When the first person came in, you say
5 he snatched you. What did he do?

6 A When I fell backwards from the door, that's when he
7 grabbed me by my shirt collar and he jacked up and he
8 started hitting me in the head with the gun butt. And so
9 when the blood came down, he asked me, B, where is
10 everything. And I told him I don't know what he's talking
11 about.

12 Q Now, you said B in curse words?

13 A Yes.

14 Q You're saying B, but it was a different word that he
15 used?

16 A Yeah.

17 Q So he hit you in the head with the gun. Where did the
18 gun hit you?

19 A In the head up here. He busted me up in here.

20 Q Could you tell what make the gun was?

21 A It was like a 9mm.

22 Q When you say a 9mm, what do you mean by that?

23 A It's got the clip in it and it's black.

24 Q Did it look like the kind of gun that has like a
25 barrel that's spins inside?

Patricia Ann Green
Direct examination by Mr. Williams

- 1 A No, no, no.
- 2 Q Or pull the slide back?
- 3 A No. The kind that pulls the slide back.
- 4 Q Where were you at when he was initially hitting you
- 5 with the gun?
- 6 A On the bottom step.
- 7 Q What was the -- what did the person that was hitting
- 8 you with the gun look like if you could tell at all?
- 9 A When he came in he had it -- he hit me back. When the
- 10 door hit me back on the step, that's when he had the gun.
- 11 He already the gun in his hand and that's --
- 12 Q Did he have anything on his face?
- 13 A A mask. He had a mask on.
- 14 Q Was it covering his face so that you couldn't
- 15 recognize him?
- 16 A Right.
- 17 Q Could you tell if he had anything on his hands?
- 18 A He had blue surgical gloves on.
- 19 Q And you said that he hit you there on the stairs. How
- 20 many times would you say he hit you with the 9mm, with the
- 21 gun?
- 22 A Multiple times.
- 23 Q How many?
- 24 A Multiple times.
- 25 Q More than five?

Patricia Ann Green
Direct examination by Mr. Williams

1 A Yes.

2 Q As you were getting hit with the gun on the stairs,
3 you said that you were bleeding.

4 A Uh-huh.

5 Q How badly were you bleeding at that point?

6 A The blood was just pouring down my face. It was in my
7 eyes. And I was trying to wipe the blood out of my eyes so
8 I could see. And that's when he made the remarks, B,
9 you're trying to hit me back. And I kept saying no, no,
10 no. I said blood is in my eyes. And that's when he hit me
11 again. That's when he made the statement come on in. But
12 I didn't know what he was talking about when he said come
13 on in. And that's when I seen the rest of them coming
14 through the door. And I said, oh, my God, I'm dead. And
15 that's when --

16 Q Let me stop you there. When you say the rest of them,
17 how many more do you remember seeing coming in?

18 A I could have sworn I seen five, but it's only three.

19 Q And why do you say it was only three?

20 A Because that's all they caught, was three.

21 Q I want to ask you about what you saw, not about who
22 they caught.

23 A Okay.

24 Q Let me ask you about -- you said the blood was in your
25 eyes.

Patricia Ann Green
Direct examination by Mr. Williams

- 1 A Uh-huh.
- 2 Q Were you able to see clearly?
- 3 A That's what I was trying to figure out. I probably
4 seen double.
- 5 Q And you had been hit how many times?
- 6 A Multiple times.
- 7 Q Now, when you saw people come in, where did you see
8 them go?
- 9 A One ran straight past me and went upstairs and the
10 other one ran downstairs in the dining room and kitchen and
11 living room. He told them to tear up everything and find
12 what you can find.
- 13 Q I want to keep perfect track of this now. So you see
14 people come in.
- 15 A Uh-huh.
- 16 Q And you see one person go past you upstairs.
- 17 A Yeah.
- 18 Q And you see one go in the kitchen.
- 19 A Right.
- 20 Q And yet one is still with you?
- 21 A Still beating on me.
- 22 Q Did you see anybody else go anywhere?
- 23 A No.
- 24 Q So the one that's still hitting you with the gun, what
25 was his build or what was his size?

Patricia Ann Green
Direct examination by Mr. Williams

- 1 A He was the brown-skinned one, because I could tell by
2 the holes in the mask that he had on. You could see the
3 browns of his eyes and around the mouth. And he had the
4 same clothes that he had on when he was across the street.
- 5 Q So the clothing that was worn by the person across the
6 street was the same one that kicked in the door.
- 7 A Yes.
- 8 Q And that person you saw across the street you've
9 identified as defendant Wilder?
- 10 A Right.
- 11 Q So the same person with those gloves was hitting you
12 with the gun.
- 13 A Right.
- 14 Q Did you get a look at the other two that had come in
15 at that point, their build, size, anything like that?
- 16 A I get a glimpse at the second one that was downstairs
17 with him and me. The other one, I couldn't see him. I
18 don't know what he had looked like. But the other one that
19 was downstairs, he was dark skin and he had dreads, because
20 the reason why I could identify him, his mask keep falling
21 off. And that's when the first one tell him, say fix your
22 mask, fix your mask.
- 23 Q Okay. I want to slow you down some --
- 24 A Uh-huh.
- 25 Q -- to make sure I know where we're at at the time.

Patricia Ann Green
Direct examination by Mr. Williams

1 So at that point the person you saw out on the street
2 is hitting you with the gun.

3 A Right.

4 Q One person's gone upstairs.

5 A Right.

6 Q You said the other person went to do what?

7 A To search downstairs to find what he can find.

8 Q Where did he go?

9 A Toward the kitchen.

10 Q When he went to the kitchen, what happened with you?

11 A He was still beating me down in front of the door.

12 Q When you say he, do you mean the person that initially
13 grabbed you and was hitting you?

14 A Hit the door, yes.

15 Q As that happens, what's the next thing that happens?

16 A Then that's when he threw me on the living room. From
17 the hallway by the door, he threw me on the living room
18 floor. And that's when he was beating me down on the
19 floor. And that's when he told the dark-skin one with the
20 dreads to go get the tape. And that's when he had the gun
21 down my mouth. And he said, B, I'm about to blow your head
22 off. And I was saying, Lord, please don't let them kill
23 me, don't let them kill me.

24 And that's the same time the dark-skin one with the
25 dreads, he jumped on the love seat, pulled down the blinds

Patricia Ann Green
Direct examination by Mr. Williams

- 1 at the window. And that's when the car pulled up.
- 2 Q Let me stop you right there. Let me show you State's
- 3 Proposed 24 and 25. Do you recognize those?
- 4 A Yes. That's the living room.
- 5 Q That's how it looked that night?
- 6 A Uh-huh.
- 7 (Pause.)
- 8 MR. WILLIAMS: Your Honor, I'm showing these to
- 9 defense counsel for the record.
- 10 Your Honor, I move to admit State's Proposed 24 and
- 11 25.
- 12 MR. BROWN: No objection.
- 13 MR. DAVIS: No objection, Your Honor.
- 14 MR. LOFTON: No objection.
- 15 THE COURT: They're admitted.
- 16 (Photographs marked State's Exhibits Nos. 24 and 25.)
- 17 MR. WILLIAMS: Again, put up State's Exhibit 24.
- 18 Q Is that your front room?
- 19 A Yes.
- 20 Q And the pictures we saw before, the stairs are right
- 21 here?
- 22 A Right there.
- 23 Q And this is the living room floor, as you said.
- 24 A Yes.
- 25 Q Do you know where that blood came from?

Patricia Ann Green
Direct examination by Mr. Williams

- 1 A From me.
- 2 Q And is this -- did you have a wig on, a hair piece?
- 3 A Yes.
- 4 Q Is that that there?
- 5 A Yes.
- 6 Q So at that point you said you were thrown on the
7 ground. Is that the area where that blood is?
- 8 A Yes.
- 9 Q So you were thrown down right in here. And what
10 happens at that point?
- 11 A That's when he told the other one, the dark-skin one
12 with the dreads, to get the tape. And that's when he
13 started execution, taping, duct-taping me up, made me
14 cross. He told me to cross my feet, put my hands behind my
15 back and crisscross it and turn on my stomach. And that's
16 when they began to start -- he began to start taping me up.
- 17 Q I want to get back to the who-he-is.
- 18 A The first one.
- 19 Q So the first one that came through.
- 20 A Right.
- 21 Q The one that kicked the door in and hit you with this
22 gun.
- 23 A Right.
- 24 Q That's Wilder.
- 25 A Right.

Patricia Ann Green
Direct examination by Mr. Williams

1 Q What was he doing?

2 A He was the one taping me up. And while he was taping
3 me up, the victim No. 2, the dark-skin with the dreads, he
4 jumped on the loveseat right there, pulled the blinds down.
5 And that's when the car pulled up. And that's when he said
6 someone is out there.

7 Q I'm going to put up State's 25. That's that same
8 room. It's a different perspective.

9 A Yes, that's the same one.

10 Q You say he jumped off. Do you mean onto this love
11 seat?

12 A Where you see where the pillows are, that's where he
13 jumped on the sofa and he pulled on the blinds where the
14 curtains are.

15 Q Do you mean these blinds here?

16 A Yeah, looking out the window.

17 Q That's looks over the front yard?

18 A The front yard.

19 Q Now, tell me about this. I'm going to call him right
20 now the second person, not defendant Wilder but the other
21 person that came in. You said he went to the kitchen.

22 A Yeah. He, see, the way my house is fixed, when you
23 come through the door you can go down the hall and go
24 through the kitchen, straight to the dining room. And
25 you've got the oval that you come through the dining room

Patricia Ann Green
Direct examination by Mr. Williams

1 right back to the living room and come back out.

2 Q And where did the tape come from?

3 A He -- the victim number -- I mean, the suspect No. 2
4 went outside and get the tape from somewhere.

5 Q So you saw him actually leave?

6 A He leaves out the door and come back in.

7 Q Okay. When he came back in did you see him with the
8 tape?

9 A Yes.

10 Q When you were being taped up, who was doing the
11 taping?

12 A Suspect No. 1.

13 Q That's defendant Wilder?

14 A Right.

15 Q The second person you saw, the one that you said
16 that's got the tape, what was he doing while the taping was
17 going on, standing on the sofa?

18 A He was out there looking out the window. And that's
19 when suspect No. 1 told them to go out there and get them.

20 Q Now, let me back you up some. You keep going fast
21 ahead.

22 So there's one person that's on the sofa. And you
23 said that he had darker skin?

24 A Yeah. He was real dark.

25 Q You said that his mask was falling down.

Patricia Ann Green
Direct examination by Mr. Williams

- 1 A Yeah.
- 2 Q Were you able to see his face?
- 3 A Uh-huh.
- 4 Q When did you see his face?
- 5 A When his mask fell down and he told him to go get the
- 6 tape.
- 7 Q And that was at the point when he went outside to get
- 8 the tape?
- 9 A Right.
- 10 Q If you saw him again do you think you would recognize
- 11 him?
- 12 A Yes.
- 13 Q Do you see him in court today?
- 14 A Yes.
- 15 Q Can you point to him for me and describe what he's
- 16 wearing?
- 17 A He's the young man right there with the green plaid
- 18 shirt.
- 19 MR. WILLIAMS: Your Honor, let the record reflect that
- 20 he identified defendant Leo Gadsden.
- 21 THE COURT: Let me be sure. The green shirt.
- 22 Raise your hand, please.
- 23 Is that who you were referring to?
- 24 THE WITNESS: Yes.
- 25 THE COURT: Okay. The record will reflect that she

Patricia Ann Green
Direct examination by Mr. Williams

1 has identified Mr. Gadsden.

2 Q So defendant Gadsden is on the sofa; defendant Wilder
3 is taping you up.

4 A Uh-huh.

5 Q And you mentioned earlier that somebody said something
6 about somebody coming up.

7 A Yes. The suspect No. 2 was in the window. He said
8 someone's coming up in the driveway. And that's when
9 Sterling and Jamie and them pulled up in the car.

10 Q Now, did you see them pull up?

11 A No. But I heard. I know their voices.

12 Q What did you hear? What did you? How did you
13 recognize that it was Sterling?

14 A I heard. Jamie must have got out of the car and said
15 what's going on in there. And that's when he, suspect No.
16 1, said go out there and get them and take everything.

17 And that's when the third party came from upstairs.
18 And that's when he went outside. And that's when I started
19 hearing gunshots.

20 Q All right. I want to slow you down.

21 Right now there's one guy on the sofa and one guy
22 holding you. And you say a third person comes in. Where
23 does he come from?

24 A No. He came from upstairs.

25 Q Okay. So the third person comes from upstairs.

Patricia Ann Green
Direct examination by Mr. Williams

- 1 A Yeah.
- 2 Q Did it look like the same person that had gone past
3 you earlier?
- 4 A Yeah.
- 5 Q Were you able to see his face?
- 6 A No.
- 7 Q What was his general description if you could tell at
8 all?
- 9 A He was tall.
- 10 Q Could you tell what color his skin was, like light?
- 11 A Dark skin.
- 12 Q Dark skin?
- 13 A Uh-huh.
- 14 Q And you said that he went outside.
- 15 A Yeah.
- 16 Q Did he have any kind of weapon that you could tell?
- 17 A He had a silver gun.
- 18 Q And defendant Gadsden who was standing on the sofa,
19 did you notice if he had a gun?
- 20 A He had a black gun.
- 21 Q Could you tell what kind of gun that was?
- 22 A All of them looked like a nine.
- 23 Q The silver gun, did that look like a nine too?
- 24 A Right.
- 25 Q So the person that was upstairs came downstairs and

Patricia Ann Green
Direct examination by Mr. Williams

1 went outside. What do you hear at that point?

2 A Gunshots.

3 Q How many gunshots would you say you hear?

4 A Several. I didn't count them.

5 Q What did the other two who you identified as defendant
6 Smith -- I'm sorry -- defendant Gadsden and defendant
7 Wilder, what did the two of them do when those gunshots
8 were going off?

9 A That's when suspect No. 2 went outside. And the
10 suspect from, the third suspect from, upstairs went outside
11 and started firing. No. 2 two went outside. And that's
12 when I heard more gunshots. And that's when suspect No. 1,
13 at that period of time he was taping my mouth up. And I
14 couldn't scream or say anything to tell them to run or
15 anything like that. So he was taping me up.

16 And when he finished taping me, that's when he pushed
17 me in the corner of the house where no one, I guess, can
18 find me or see me. And that's when he took off outside.
19 And that's when I heard more gunshots.

20 Q So at that point all three went outside.

21 A All three went out.

22 Q Did you ever see anybody else go out the front door?

23 A No.

24 Q The -- you heard the gunshots. Approximately how many
25 would you say you heard?

Patricia Ann Green
Direct examination by Mr. Williams

1 A I don't know. Like, it was multiple gunshots. I
2 didn't count them. It was a lot of gunshots.

3 Q More than five or six?

4 A Yes.

5 Q When you heard those gunshots and they were outside,
6 what was the next thing that happened?

7 A That's when I didn't hear any. Sounded like I heard
8 Sterling say don't shoot me no more, something like that.
9 But I was in the corner, so I didn't see who pulled the
10 trigger or who did what.

11 Q After you heard somebody talking outside, what was the
12 next thing that you saw or heard?

13 A It got quiet.

14 Q What happened after that?

15 A That's when the fire department and the police
16 department came into the house. But before they got there
17 Ms. Daniels and Mr. Jones, I could hear them outside my
18 house. And someone kept saying there's no one in there.
19 And at that time I was trying to wiggle my way out of the
20 corner, trying to crawl to wiggle a way to the front
21 entrance.

22 And that's when mom said, well, Ms. Daniels said, I
23 hear something moving in there. And that's when I kept
24 moving. And I couldn't scream or anything. So I just kept
25 crawling, crawling, crawling. That's when Mr. Jones then

Patricia Ann Green
Direct examination by Mr. Williams

1 came inside the house. And that's when he found me on the
2 floor and he untaped me.

3 Q Who is Mr. Jones?

4 A Mr. John Jones. He lives next door.

5 Q Approximately like the house the other side of the dog
6 pen?

7 A The other side of the dog pen.

8 Q Right here?

9 A Uh-huh.

10 Q And Mr. and Ms. Daniels live over here?

11 A Across the street in front of me.

12 Q Now, you say that -- who was the first one that came
13 inside your house of all of those people?

14 A I believe it was Ms. Daniels came in first. And then
15 Mr. Jones came in next. And he was the one that untied me.

16 Q You say untied you. What did he do?

17 A Take the tape off.

18 Q Did he get it undone at all?

19 A He had started. And after he got, took it off my
20 face, because I couldn't hardly breathe, and he got started
21 after my hand. That's when I took the rest of it off.

22 Q I want to show you a set of photographs. This is
23 State's 26, 27, 28, 33, 34, 35 and 36. Would you take a
24 look at those? Do those all show your house that night?

25 A Right.

Patricia Ann Green
Direct examination by Mr. Williams

1 Q Fairly and accurately show that area?

2 A Yes.

3 MR. WILLIAMS: Show to defense counsel.

4 (Pause.)

5 MR. WILLIAMS: Your Honor, show the defense counsel
6 and move to admit State's 26 through 28, and 33 through 36.

7 MR. BROWN: No objection.

8 MR. DAVIS: No objection, Your Honor.

9 MR. LOFTON: No objection.

10 THE COURT: They are admitted.

11 (Photographs marked State's Exhibits Nos. 26, 27, 28,
12 33, 34, 35 and 36.)

13 Q Ms. Green, I want to start with -- you said that the
14 kitchen was straight back. Does that show when you go in
15 that front door the direction of the kitchen?

16 A Right.

17 Q Let me zoom in on that. That item at the bottom is --
18 I'm going to also show State's 27. Do you recognize that
19 item next to the kitchen drawer?

20 A The tape.

21 Q Is that the tape that you cut?

22 A Yes.

23 Q Let me show you State's 28 as well. Does that show
24 more of the tape that you were cutting off there inside the
25 drawer?

Patricia Ann Green
Direct examination by Mr. Williams

- 1 A Right.
- 2 Q Did you do that yourself?
- 3 A That's when I already got my hands and stuff, and I
- 4 was trying to get my feet loose.
- 5 Q So you got loose and then you cut the rest of the tape
- 6 yourself.
- 7 A Yes.
- 8 Q I want to talk a little bit briefly about the rest of
- 9 your house. There are several bedrooms upstairs?
- 10 A Yes.
- 11 Q I'm going to show you State's 36. Do you know whose
- 12 room that is?
- 13 A John Tate's.
- 14 Q Does he normally keep it real neat like that?
- 15 A He's a neat freak, yes.
- 16 Q I'm going to show you State's 35 as well. Is that the
- 17 same room?
- 18 A Yes.
- 19 Q Would he normally mess it up like that?
- 20 A No.
- 21 Q You'd been in the house earlier that day and had been
- 22 through the house just right before this happened, right?
- 23 A No. John Tate wasn't at home.
- 24 Q What I'm saying is you were upstairs.
- 25 A Yeah. I was, I was in his bed.

Patricia Ann Green
Direct examination by Mr. Williams

- 1 Q Was his room a mess like that?
- 2 A No.
- 3 Q So it was apparently that something had happened?
- 4 A Yes.
- 5 Q I'm going to show you State's 34 as well. Do you
- 6 recognize that room?
- 7 A That's mine.
- 8 Q Had your, had that drawer been tossed onto your bed by
- 9 you or anybody else inside?
- 10 A Someone else did it.
- 11 Q Finally, I'm going to show you State's 33. Was that
- 12 room in that condition the last time you saw it before this
- 13 happened?
- 14 A No, no.
- 15 Q So it had been messed up as well?
- 16 A Yes.
- 17 Q You said that you had been untied inside the house.
- 18 Did people show up to give you help, aid?
- 19 A Pardon?
- 20 Q Did somebody come to help you like medics or anybody?
- 21 A The fire department, they did. And they called the E.
- 22 M. S.
- 23 Q Is the fire department close by your house?
- 24 A Right behind my house.
- 25 Q Walking distance?

Patricia Ann Green
Direct examination by Mr. Williams

1 A Yes.

2 Q Shouting distance?

3 A Yes.

4 Q Did they take you to the hospital?

5 A Yes.

6 Q Let me show you State's Proposed Exhibits 60 through
7 65. Would you take a look at those? Do those all show how
8 you looked that night at the hospital?

9 A Yes.

10 MR. WILLIAMS: Your Honor, I will show to the defense
11 counsel.

12 (Pause.)

13 MR. WILLIAMS: Your Honor, I move to admit State's 60
14 through 65.

15 MR. BROWN: Without objection.

16 MR. DAVIS: No objection, Your Honor.

17 MR. LOFTON: No objection.

18 THE COURT: They are admitted.

19 (Photographs marked State's Exhibits Nos. 60 through
20 65.)

21 Q I'm first going to show you State's 60. That's you in
22 the hospital bed?

23 A Yes.

24 Q Looks like you had a bandage on your ear. Is that
25 what it was?

Patricia Ann Green
Direct examination by Mr. Williams

- 1 A Yes.
- 2 Q What was that from?
- 3 A That's where they hit me in the side.
- 4 Q I'm going to show you now State's 61. What does that
- 5 show?
- 6 A Where they had me taped up.
- 7 Q That's the tape marks on your legs?
- 8 A Yes.
- 9 Q Let me show you State's 62. What does that show?
- 10 A That's where he took the gun butt and busted part of
- 11 my forehead open.
- 12 Q That's the cut that was on your head --
- 13 A Yes.
- 14 Q -- where all the blood was coming from?
- 15 A Uh-huh.
- 16 Q I show you State's 63. Does that show?
- 17 A Where he had my arms taped behind me.
- 18 Q As well as State's 64.
- 19 A Yes.
- 20 Q That shows the tape marks on your arms?
- 21 A On my arm.
- 22 Q And finally State's 65.
- 23 A That's where he had my face taped up.
- 24 Q And that's the --
- 25 A Tape.

Patricia Ann Green
Direct examination by Mr. Williams

- 1 Q -- tape mark that's still there. It's actually the,
2 probably the, adhesive from the tape.
- 3 A Right.
- 4 Q Once you got to the hospital did you speak with the
5 police?
- 6 A Yes.
- 7 Q Gave them a written statement?
- 8 A Yes.
- 9 Q You talked about -- well, I'll go back to that. I
10 want to ask you something that may be difficult for you,
11 Ms. Green. Did you know Jamie Williams?
- 12 A Yes.
- 13 Q Do you know why he came by your house?
- 14 A I owed him some money.
- 15 Q What did you owe him money for?
- 16 A I had got something from him.
- 17 Q Do you want to tell me what that is?
- 18 A Some drugs.
- 19 Q So you had actually gotten some drugs from
20 Mr. Williams?
- 21 A Yes.
- 22 Q Did you have a little drug problem then?
- 23 A I was tired and I was weary, and I just wanted
24 something to do.
- 25 Q Were you using a lot of drugs?

Patricia Ann Green
Direct examination by Mr. Williams

- 1 A No.
- 2 Q Do you use drugs now?
- 3 A No.
- 4 Q Are you embarrassed about that?
- 5 A Yes.
- 6 Q How much money did you owe Jamie Williams?
- 7 A \$10.
- 8 Q I want to ask you about the statement you gave to the
9 police.
- 10 I believe in there you said -- you had mentioned this
11 earlier -- that there was actually five people that came
12 in. Do you remember telling the police that?
- 13 A Yes.
- 14 Q I want to ask you now about what you actually saw as
15 far as the people you saw come in the house.
- 16 Apart from -- well, let me ask you this first.
17 Everybody that came in, did you see where they went?
- 18 A Yes.
- 19 Q And you saw one person go upstairs.
- 20 A Uh-huh.
- 21 Q And you saw one person come back downstairs.
- 22 A Uh-huh.
- 23 Q And you say that was the same person.
- 24 A Yes.
- 25 Q You saw a second person that hit you with the gun.

Patricia Ann Green
Direct examination by Mr. Williams

- 1 And you kept your eye on that person the whole time.
2 A Me and him was tussling the whole time.
3 Q So he never left your vision.
4 A No, no.
5 Q And the third person, you said, who I think you
6 identified as defendant Gadsden, had gone to the kitchen
7 and had came back up front.
8 A Yes.
9 Q All three of them went out the front.
10 A Yes.
11 Q Did you ever see more than those three people?
12 A Do I know them?
13 Q Did you ever see more than those three?
14 A Like I was saying, by him probably hitting me in the
15 head and the blood is in my eyes, that's why I probably
16 thought I seen more than one. It was probably just three.
17 Q But as far as keeping track of people.
18 A I only saw three after that.
19 Q And you only saw three at any given time.
20 A Any given time.
21 Q There was two of them. Well, the three of them is the
22 same three that came in.
23 A Right.
24 Q When you gave that statement to the police, that was
25 pretty much that same time?

Patricia Ann Green
Cross-examination by Mr. Brown

1 A Uh-huh.

2 Q So you were still sort of beaten up in the hospital?

3 A Yes.

4 Q Had you ever had a chance to -- I mean, you never
5 looked at a photo lineup or anything of these defendants.

6 A No.

7 Q The next time you see them is today in court?

8 A Yes.

9 Q You're certain that defendant Wilder is the one that
10 was in the front yard that hit you with the gun?

11 A Right.

12 Q And you're certain that defendant Gadsden was the one
13 that was on the front -- on the seat and then ran out the
14 front door?

15 A Right.

16 Q And as you said, the third person was taller, was
17 upstairs the whole time.

18 A Right.

19 Q And it was the third person, as soon as he went
20 outside, is when the gunshots went off.

21 A Went off, yes.

22 Q Thank you. There would be nothing else.

23 CROSS-EXAMINATION

24 BY MR. BROWN

25 MR. BROWN: May it please the Court, Your Honor.

Patricia Ann Green
Cross-examination by Mr. Brown

1 Counsel.

2 Q How are you doing today, Ms. Green?

3 A Pretty good.

4 Q I want to ask you a few questions to ensure that
5 everybody here understands your story. And first, this was
6 a horrendous story, wasn't it?

7 A Yeah.

8 Q It was a horrible thing that happened, wasn't it?

9 A A nightmare.

10 Q And you can still remember like it was yesterday,
11 can't you?

12 A Yeah. I'm seeing a psychiatrist about it.

13 Q Now, I want to go back through and, again, just clear
14 up a few things.

15 After this event happened you gave the police a
16 statement, didn't you? You gave the police a statement
17 after this happened, did you not?

18 A In the hospital.

19 Q And in that statement you told -- you explained to the
20 officer.

21 THE COURT: Excuse me just a minute.

22 Are you having a hard time hearing?

23 (Question was addressed to the jury.)

24 THE COURT: All right. Let me ask you to please speak
25 up, both of you.

Patricia Ann Green
Cross-examination by Mr. Brown

- 1 UNIDENTIFIED JUROR: It's Mr. Brown.
- 2 THE COURT: Oh, Mr. Brown, you need to speak up.
- 3 MR. BROWN: I'll speak up. I'm sorry.
- 4 Q And in that statement you told the officer what had
5 happened to you that day, is that correct?
- 6 A Yes.
- 7 Q And you explained about the first guy coming in. And
8 you said that that first guy that came in was -- well,
9 strike that. Let me ask you. How tall are you?
- 10 A 5'5".
- 11 Q Okay. And you said that that first guy was no taller
12 than you, right?
- 13 A He was a little taller than me.
- 14 Q Okay. Do you remember talking with me a week ago?
- 15 A Yes.
- 16 Q And when we talked did you not tell me that the first
17 guy was no taller than you were?
- 18 A No. I don't remember saying. I told you he was
19 taller, a little taller, than I was.
- 20 Q Okay. In fact, you said he was 5'6", did you not?
- 21 A No. I didn't give a height.
- 22 Q You didn't give a height in your statement?
- 23 A No, I didn't.
- 24 (Statement dated 8/31/06 marked Defendant Smith's
25 Exhibit No. 1 for Identification.)

Patricia Ann Green
Cross-examination by Mr. Brown

1 Q Ms. Green, let me show you what's been marked as
2 Defendant's Exhibit 1 and ask you if you recognize that as
3 your statement. Take a minute to read over it if you would
4 like.

5 (Pause.)

6 A Okay.

7 Q Okay. I direct your attention to page three. You
8 were asked --

9 THE COURT: I don't think she's answered your question
10 about if that's her statement or not.

11 MR. BROWN: I'm sorry.

12 Q Do you recognize that as your statement?

13 A Yes.

14 Q Okay. Is that your signature on each of those four
15 pages?

16 A Yes.

17 Q Okay. Thank you.

18 Now, on page three you were asked to describe the
19 first person that came in. You said he was about 5'6" and
20 200 pounds, did you not?

21 A Yes.

22 Q You went on to describe the second person as 6'4", is
23 that correct?

24 A Yes.

25 Q Okay. Now, you said the first guy came in and yelled

Patricia Ann Green
Cross-examination by Mr. Brown

- 1 come on to the other guys, right?
- 2 A Right.
- 3 Q And in your statement you said four others came in the
4 house, is that right?
- 5 A Right.
- 6 Q Okay. Not two others but four others. And in your
7 statement you also said three of those four went upstairs,
8 right?
- 9 A Right.
- 10 Q And you said the tall thin one, 6'4", stayed
11 downstairs.
- 12 A Right.
- 13 Q Is that correct?
- 14 A Right.
- 15 Q Now, earlier in your testimony you testified that the
16 first guy that came in, the shorter one, tied you up with
17 the tape, is that correct?
- 18 A Right.
- 19 Q But in your statement you say that the tall thin one
20 tied you up, correct?
- 21 A That's not what happened though.
- 22 Q So your statement was incorrect, is that right?
- 23 A Yeah. I mean, I just got beaten, I mean.
- 24 Q Your statement was incorrect, is that correct?
- 25 A Right.

Patricia Ann Green
Cross-examination by Mr. Brown

- 1 Q Now, you said that the first one or, excuse me, the
2 tall one's mask kept falling down, correct?
- 3 A Right.
- 4 Q And do you remember telling me the other day the mask
5 would fall down, you would look at him and then the other
6 one would hit you in the head with a gun?
- 7 A Right.
- 8 Q And he hit you in the gun (sic) repeatedly, didn't he?
- 9 A Right.
- 10 Q And I think you said the blood was just flowing.
- 11 A Uh-huh.
- 12 Q As a matter of fact, blood was everywhere, wasn't it?
- 13 A Right.
- 14 Q Didn't you tell me that blood is still all over your
15 house?
- 16 A Still on my walls.
- 17 Q Still on it. It was splattering everywhere.
- 18 A No. I cleaned some of it. Some of it is still there.
- 19 Q But the blood was splattering everywhere, was it not?
- 20 A Right.
- 21 Q Now, at some point somebody looked out the window and
22 yelled to the first guy, hey, somebody's coming, is that
23 right?
- 24 A Right.
- 25 Q Now, in your statement you say that the guys came

Patricia Ann Green
Cross-examination by Mr. Brown

1 down, one guy came down, the stairs, and they went outside,
2 is that correct?

3 A No.

4 Q What do you say?

5 A The tall dark-skinned one with the dreads, the suspect
6 number two, stand on my loveseat and pull down the blinds
7 and said someone's outside.

8 That's when the other one -- the suspect number one
9 told him to come on down. And that's when he came
10 downstairs. And in that period of time he's still tying me
11 up on the floor. And that's when he went, the suspect that
12 came from downstairs went out the door. And that's when I
13 started hearing the gunshots.

14 Q Okay. How many people went out the door?

15 A I only saw one at that time.

16 Q And then you heard gunshots.

17 A Right.

18 Q And, again, you and I talked about this the other day,
19 did we not?

20 A Yes.

21 Q Do you recall telling me that when Mr. Spann and
22 Mr. Williams showed up two went outside and one stayed
23 inside with you and, in fact, he went to the bathroom and
24 got a towel for your head?

25 A Suspect number one went to the bathroom and got the

Patricia Ann Green
Cross-examination by Mr. Brown

1 towel to put on my head to stop the blood.

2 Q Do you recall telling me that while this was going on,
3 that's when you heard the gunshots?

4 A No. The gunshots -- you're trying to cross me up.

5 Q I'm just asking you what happened, ma'am.

6 A Let me focus this like it happened. And it's like I
7 keep saying, and I ain't going to change my story.

8 He told them to come -- he told the party upstairs to
9 come down and go out there and take everything they got.
10 That's what he told them. And party -- in order for them
11 to, the party, the second party, suspect number two, that's
12 when he was on the sofa. And he had looked out the window.
13 And suspect number one was still tying me up on the floor.

14 After suspect number three went out that door and
15 started shooting, suspect number two went out the door
16 behind him. And that's when I heard more gunshots.

17 When he finished tying me up on the floor, that's when
18 suspect number one went out the door and that's when I
19 heard more gunshot. But he'd already put me in the corner
20 in the living room.

21 Q Okay.

22 A So who shot first, I cannot say.

23 Q You didn't see what was going on.

24 A No. I couldn't see outside.

25 Q But you saw the aftermath, didn't you?

Patricia Ann Green
Cross-examination by Mr. Brown

1 A Excuse me?

2 Q You saw the aftermath. There was a lot of blood out
3 there, wasn't there?

4 A Yes, yes.

5 Q As a matter of fact, I think you told me when it
6 rains, it would bubble up for a long time, bubble up in the
7 yard.

8 A No. I told you when it rains the spot where Sterling
9 got shot at, got killed in the yard, if you come to my
10 house, which I showed it to you, it looks like a body. And
11 when it rains, the rains, the dirt bubbles up over the
12 grass and looks like a pillow. And his head shape's in the
13 pillow. And I showed it to you. And I said people think
14 that I'm crazy. And I said I'm showing it to you myself.
15 And you saw the body print on the ground.

16 Q But there was a lot of blood there.

17 A Yes.

18 Q A lot of blood inside the house and outside the house.

19 A Right.

20 Q Now, you described the first guy. You already did
21 that. The second, the others that came in, you described
22 them at that time as wearing beige gloves, is that correct?

23 A Yes.

24 Q Okay. And you still remember that.

25 A Yeah. I remember that.

Patricia Ann Green
Cross-examination by Mr. Brown

1 Q Still remember the beige gloves.

2 Now, while the, while the others were either in the
3 kitchen or upstairs --

4 A There's only one downstairs.

5 Q -- the, the first guy had the gun in your mouth, is
6 that correct?

7 A That's when he was standing in the dining room floor.
8 That's when he's sending suspect number two outside to go
9 get the tape. And that's when he had the gun in my mouth.
10 He said he'd like to blow my brains out.

11 Q He actually had it inside your mouth.

12 A Inside my mouth. I was gagging on the floor.

13 Q You actually from gagging threw up, did you not?

14 A Yes.

15 Q All right. Now, other than the beige gloves, did you
16 recognize -- strike that.

17 MR. BROWN: Beg the Court's indulgence just a second.

18 (Pause.)

19 Q Just a couple of more questions.

20 The prosecutor asked you a moment ago about seeing
21 suspect number one and suspect number two here in the
22 courtroom. And he asked you if you -- if this was the
23 first time you had seen them since the night of this
24 incident.

25 A In person, yes.

Patricia Ann Green
Cross-examination by Mr. Groeber

1 Q But it's not the first time you've seen them.

2 A The second time I seen them was on T. V.

3 Q You saw them. Actually you saw them at a court
4 hearing, did you not?

5 A No. I've never been to a court hearing.

6 Q Did you see their pictures on T. V.? Did you see
7 their pictures on the T. V.?

8 A On the news.

9 Q After this you saw their pictures on the news. You
10 saw the three of them.

11 A Yes.

12 MR. BROWN: I don't have anything further.

13 CROSS-EXAMINATION

14 BY MR. GROEBER

15 Q Ms. Green, how are you doing? You only have to endure
16 a couple more of these. I'd like to focus a little bit on
17 some of your earlier testimony. And I wanted to clear up.

18 You said you've had some blue pits in your back yard
19 or on the side.

20 A No. On the side of my house.

21 Q Okay. Are those pit bulls?

22 A Yes.

23 Q How many pit bulls did you have at that time?

24 A Seven.

25 Q When you gave your statement to the police, you were

Patricia Ann Green
Cross-examination by Mr. Groeber

- 1 in the hospital.
- 2 A Right.
- 3 Q But you understood that it was very important that you
- 4 focus on and give them the most truthful answer that you
- 5 could.
- 6 A I did to the best of my knowledge.
- 7 Q And you did the best that you could that night.
- 8 A Yes.
- 9 Q You gave descriptions of the people who entered.
- 10 A Right.
- 11 Q And you described the first person that entered. You
- 12 said he had medium brown skin.
- 13 A Uh-huh.
- 14 Q He was wearing blue jeans.
- 15 A Uh-huh.
- 16 Q Black long sleeves.
- 17 A Right.
- 18 Q A black, a black mask over his face.
- 19 A Right.
- 20 Q Blue medical gloves.
- 21 A Yes.
- 22 Q And a black pistol.
- 23 A Right.
- 24 Q And he was about 5'6, 200 pounds.
- 25 A I guess at that time, yes.

Patricia Ann Green
Cross-examination by Mr. Groeber

1 Q You also described the other four people that entered.
2 You were asked the question can you describe the other four
3 guys.

4 A I didn't see the -- by the time he came in the door
5 when he kicked the door in, and he started hitting me, the
6 blood was pouring all over my face.

7 Like I said, I could have made a mistake. And I
8 thought I saw four people. Three people went upstairs and
9 two was downstairs with me. The blood was still coming.
10 That's why I kept trying to wipe my eyes, the blood out of
11 my eyes. That's when he said, B, you trying to hit my.
12 And I told him, no, I wasn't.

13 Q Okay. But you described those, those people as other
14 people.

15 A I described the three that I saw.

16 Q When you were asked the question can you describe the
17 first guy that came in -- we've already gone through that.

18 A Yes.

19 Q And you also were asked to describe the other four
20 guys. That was how the question was posed to you.

21 A At that time I was hysterical. I was scared. I
22 didn't know what to do. I was scared to go back to my
23 house, which I never went back in my house until four
24 months later because I was afraid someone else was going to
25 come and finish me off. I'm still scared at this point

Patricia Ann Green
Cross-examination by Mr. Groeber

1 now. I'm scared; I'm frightened.

2 Q And I was just asking you about the description that
3 you -- at this moment I'm just asking you about the
4 description you gave for the other people in the house.
5 You gave a description of the other people, not the first
6 guy.

7 A I gave a description of the second suspect, the dark
8 skinned one with the dreads. He was downstairs the whole
9 time with suspect number one. Suspect number three was
10 upstairs tearing up the house upstairs. I can't give an
11 account what he was doing up there, but he ransacked the
12 place up there.

13 Q But you gave a description in your statement that you
14 reviewed today, and you said they were all in black
15 pants --

16 A I didn't say black plants.

17 Q -- and black long sleeves.

18 A I did not tell no one they had on black. I said they
19 had on black shirts or sweat shirts and blue jeans.

20 MR. GROEBER: Your Honor, may I approach?

21 THE COURT: She has a copy of it, I think.

22 MR. GROEBER: She has a copy. Okay.

23 THE COURT: I think she still has it.

24 Q Do you have a copy of your statement still? Let me
25 direct you to page three.

Patricia Ann Green
Cross-examination by Mr. Groeber

1 A I've got it right here.

2 Q Okay. And it says after the question, can you
3 describe the other four guys, it says, you said, "All in
4 black pants."

5 A It says blue jeans, long-sleeve brown shirt. I don't
6 know if me and you reading the same thing.

7 Q I think we're -- look at the next question. "Can you
8 describe the other four guys?" And then the next sentence
9 says, "All in black pants."

10 A I made a mistake.

11 Q Okay. You also said black long sleeves.

12 A Shirts. Looks like sweat shirts.

13 Q You said they were wearing beige gloves.

14 A Yes.

15 Q Black masks.

16 A Yes.

17 Q You also said -- you described the taller one, one of
18 the taller ones.

19 A I couldn't describe the tall -- the only tall one I
20 could describe was the one downstairs with me as the tall
21 dark-skin one with the dreads. The other one, he looked to
22 be tall going upstairs. I never had eye-to-eye contact
23 with him.

24 Q I'd like to focus on the one downstairs. You said he
25 was about 6'4".

Patricia Ann Green
Cross-examination by Mr. Groeber

- 1 A I'm just roughly guessing. I can't judge a guy by his
2 height.
- 3 Q And you also said he was skinny.
- 4 A Yes. He was.
- 5 Q And this was the one that's mask was falling down.
- 6 A Exactly.
- 7 Q I believe in your statement -- after the suspects left
8 someone, you said that someone, came over and to help you
9 with your tape.
- 10 A Ms. Daniels and Mr. Jones.
- 11 Q Mr. Jones. Where does Mr. Jones work or where did he
12 work at that time?
- 13 A I couldn't tell you where he works. He was my
14 next-door neighbor.
- 15 Q You, you went to the hospital that night?
- 16 A Right after the incident happened they took me to E.
17 M. S. to Saint Francis.
- 18 Q And after you gave your statement you were released
19 that same night from the hospital?
- 20 A Yes.
- 21 Q And you stated that during the attack you had blood
22 running down your face --
- 23 A Yes.
- 24 Q -- and it was in your eyes and you were trying to wipe
25 it out. Is that your earlier testimony?

Patricia Ann Green
Cross-examination by Mr. Groeber

1 A Wipe it out, yes.

2 MR. GROEBER: Could I have one moment, Your Honor,
3 please?

4 (Pause.)

5 Q Just a couple more questions, Ms. Green.

6 After the incident happened you were taken to the
7 hospital by E. M. S.

8 A Yes.

9 Q Before you got to the hospital the -- they were able
10 to stop the bleeding on your head, correct?

11 A No.

12 Q After you were -- after the E. M. S. came they put you
13 in the E. M. S. bus?

14 A Yes.

15 Q And you had a small laceration.

16 A I had several cuts. That's the only one on the
17 outside that they took pictures of. But I have cuts all
18 through my head.

19 Q The -- you also had a contusion, I guess, with that
20 laceration on your right forehead. That was the one injury
21 we have a photo of.

22 A Right.

23 Q And that bleeding was controlled by putting pressure
24 on it.

25 A Pressure on it.

Patricia Ann Green
Cross-examination by Mr. Lofton

1 Q Okay.

2 MR. GROEBER: No further questions, Your Honor.

3 MR. LOFTON: If the Court please.

4 CROSS-EXAMINATION

5 BY MR. LOFTON

6 Q Ms. Green, as I understood your testimony, on the
7 afternoon or the evening of August the 31st of 2006 you
8 were in your bedroom taking a nap.

9 A Right.

10 Q Is that correct?

11 A Yes.

12 Q And the picture which is, has been identified as
13 State's Exhibit No. 1 that's on the projector, that is the
14 front of your house?

15 A Yes.

16 Q And your bedroom window is located where?

17 A It's in between the trees. You can't really see to
18 the top.

19 Q You can't see it because of the trees.

20 A I mean from the picture, from what you're looking at
21 now.

22 Q Well, the individual that you say that you saw from
23 that bedroom window --

24 A That tree is on the side of the house, in the front on
25 the side of the house. That's not directly in the front of

Patricia Ann Green
Cross-examination by Mr. Lofton

1 it. I don't have a tree in front of my house.

2 Q Okay. The individual that you say that you saw
3 standing across the street, when the prosecutor was asking
4 you questions, you said you saw him out of that window up
5 there with the tree in front of it, did you not?

6 A Yes.

7 Q Okay. So you saw through the tree and were able to
8 see somebody standing across the street.

9 A No, sir. My house -- this is my house. This is like
10 this, this thing right here. But I'll say where you're
11 standing, that's the tree. By the tree branch, by the
12 street facing my house and Mr. Daniels' house is a clear
13 view. But what you're looking at here is the side. From
14 the way he took the picture it's taken from an angle.

15 THE COURT: Be careful with the microphone, please.

16 THE WITNESS: I'm sorry.

17 A It's from an angle.

18 Q Okay. So if you're looking out of your bedroom
19 window, those limbs that are hanging down in front of your
20 window, they wouldn't obstruct your view, is what you're
21 telling us.

22 A Right. It ain't got nothing to do with the view.

23 Q You could see right through those.

24 A Street's -- I mean, it's not even in the front of the
25 window.

Patricia Ann Green
Cross-examination by Mr. Lofton

1 Q Okay. And you told them that you saw this individual
2 standing across the street. Now, how far from your window
3 is it to where you supposedly saw this individual standing
4 across the street?

5 A From here to the back of the room.

6 Q From here to the back of the room.

7 A Exactly.

8 Q And you also told the ladies and gentlemen of the jury
9 that you couldn't see his hair.

10 A No. He's got on a mask.

11 Q Got on a mask. Well, the mask didn't cover his face.

12 A You can see the mask doesn't cover the whole entire
13 eyes. It's not beady-eye mask holes. If they're big mask
14 holes you can see the eyes, the color of their skin through
15 the eyes and around the mouth.

16 Q Okay. So I just want to make sure I understand. So
17 from that room with a tree in front of the window, you were
18 able to see across the street and see somebody's eyes and
19 somebody's mouth.

20 A Excuse me. Let me back it up it, sir, if you don't
21 mind.

22 When he was across the street when I looked out of my
23 window, he didn't have the mask hooked on. The hat was
24 rolled up like a Marvin Gay. I made -- I stated that the
25 first time. And he was standing across here with his hands

Patricia Ann Green
Cross-examination by Mr. Lofton

1 behind his back pacing back and forth.

2 And I just laid back down because I thought it was
3 Mr. Daniels' grandson or some of his relatives came to stay
4 with them, by them being old people that someone came to
5 stay with them for the storm. So I got back in my bed.

6 Q And so how long was it that you looked through the
7 tree and saw this individual across the street that you've
8 identified as Mr. Wilder?

9 MR. WILLIAMS: Your Honor, I'm going to object to that
10 characterization, the tree allegation. I don't think
11 that's been testified to.

12 THE COURT: Well, I sustain it. She said the tree was
13 not blocking her view.

14 Q So how long was it that you observed this individual?

15 A When I first heard my dogs carrying on I got -- I'm
16 very alert. I got right up and I looked out of the window.
17 And that's when I saw him standing across without the mask
18 down on his face, and that's how come I can tell you he was
19 a brown-skin guy. From the distance he looked short and
20 stocky because I'm upstairs.

21 Q So you saw a brown-skin guy, short and stocky.

22 A Yes.

23 Q And you identified Mr. Wilder as being that --

24 A Same guy.

25 Q -- same guy.

Patricia Ann Green
Cross-examination by Mr. Lofton

1 A Same guy.

2 Q Now, is that identification based on what you saw out
3 of your window with that tree limb you say is in front of
4 the window or not -- the jury can see for themselves -- or
5 did you identify him from when you saw him on television
6 that night?

7 A I'm reviewing from what I can see. The tree was not
8 in the view of my window. The tree was on the side of the
9 house. I keep stating I saw him plain as I'm looking at
10 you.

11 Q Okay. And you saw him on television that night also,
12 did you not?

13 A I didn't see him on T. V. that night. It was
14 broadcasting that whole week. That particular night I
15 didn't want to see T. V., nobody, no nothing. I was
16 fearing for my life. That's the only thing I was wanting
17 to see, safety.

18 Q Right. It was broadcasting the whole week.

19 A It was in the papers and all over the news.

20 Q Okay. So how many times did you see Mr. Wilder on T.
21 V. during the week following this incident?

22 A Once.

23 Q Once?

24 A Once.

25 Q How many times did you see him in the newspaper?

Patricia Ann Green
Cross-examination by Mr. Lofton

1 A Once.

2 Q So you saw him in the newspaper one time and you saw
3 him on T. V. one time.

4 A Yes.

5 Q Now, after you saw him in the newspaper and you saw
6 him on the television, you didn't call the police and tell
7 them, "I saw the guy that was standing across the street --
8 street," did you?

9 A No. I already --

10 Q As a matter of fact, the police never came and showed
11 you any photographs of the three individuals that they had
12 apprehended, did they?

13 A No.

14 Q Now, Jamie Williams had brought you some crack earlier
15 that day, correct?

16 A No. It was not that day.

17 Q It wasn't that day?

18 A No.

19 Q What day was it that he brought you the crack?

20 A The day before.

21 Q The day before. When did you smoke the crack?

22 A The day before.

23 Q How much crack did you smoke on August the 31st?

24 A Excuse me?

25 Q How much crack did you smoke on August the 31st?

Patricia Ann Green
Cross-examination by Mr. Lofton

1 A None. I was at work.

2 Q Okay. When you got home from work, how much crack did
3 you smoke?

4 A None because I went to sleep.

5 MR. WILLIAMS: Objection, Your Honor. She has
6 answered that already that she didn't smoke any drugs that
7 day.

8 THE COURT: Overruled.

9 Q Now, you told the ladies and gentlemen of the jury
10 that the individual that you claim that you saw across the
11 street and the individual that you said was the first one
12 that came and kicked in your door, that that was also the
13 individual that taped you up.

14 A Yes, sir.

15 Q However, when you gave the statement to the police on
16 August the 31st, a copy of what you have in front of you,
17 that's not what you told the police, was it?

18 A Sir, I'm quite sure if you was in my shoes at that
19 particular time and was beaten the way I was beaten -- I
20 thank the Lord that I could be able to remember my name.

21 Q And I thank you for that and I understand. My
22 question was --

23 A So if I made an error at that period of time, by the
24 time I had time to sit down and got my thoughts together
25 and realized what happened, that's when I told my story.

Patricia Ann Green
Cross-examination by Mr. Lofton

1 Q Well, on August the 31st, right after the incident
2 occurred you told the police the one who was 6'4" was the
3 one that taped you up, didn't you?

4 A I'm not sure.

5 Q Well, turn over if you would to page three of the
6 statement.

7 A I have it.

8 Q Okay. Turn over to the third page down at the bottom
9 of the page. The last sentence starts on that page and
10 continues on the next page. Do you see that?

11 A Where it says black guy?

12 Q No. The sentence that starts, "The one who tied me up
13 was taller, maybe about 6'4", and skinny."

14 A Wait a minute. I don't have that. I said taller
15 maybe.

16 Q Okay. "The one who tied me up was taller, maybe about
17 6'4" and skinny."

18 A Look, I'm 5'5". Just like I said, I didn't have, I
19 didn't have a tape measurement to tell you how tall he was.
20 I was giving a rough estimate.

21 Q Ms. Green, you've told the ladies and gentlemen of the
22 jury that the short guy you saw across the street was the
23 guy that came in and taped you up.

24 A And that's who it was.

25 Q But it couldn't have been him and the 6'4" guy. Which

Patricia Ann Green
Redirect examination by Mr. Williams

1 one was it?

2 A He --

3 MR. WILLIAMS: Your Honor, I object to this argument.

4 THE COURT: Overruled.

5 MR. LOFTON: Bear with me one moment, Your Honor.

6 (Pause.)

7 MR. WILLIAMS: Did he say he was finished, Your Honor?

8 THE COURT: He just needs a moment.

9 (Pause.)

10 MR. LOFTON: That's all I have, Your Honor. Thank
11 you.

12 MR. WILLIAMS: I will be quick, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. WILLIAMS

15 Q I'm going to show you State's 4, State's 3 and State's
16 2. You've seen these before, right?

17 A Yes.

18 Q I'm going to show you those three pictures of your
19 house that the defense attorney, Mr. Lofton, did not show
20 you when he was asking the questions. All three of those
21 pictures show that same area of the front of your house,
22 correct?

23 A Exactly.

24 Q They show a better view --

25 A Without that tree. There is no tree.

Patricia Ann Green
Redirect examination by Mr. Williams

1 MR. LOFTON: Objection, Your Honor.

2 THE COURT: What's the nature of your objection?

3 MR. LOFTON: Well, he's characterizing what she could
4 have seen out the window. I don't know where these
5 pictures were taken from.

6 MR. WILLIAMS: I haven't asked the question, Your
7 Honor.

8 THE COURT: Okay. Overruled.

9 Go ahead.

10 Q These pictures show better what you were talking about
11 than what Mr. Lofton wanted to keep asking you about,
12 right?

13 A Yes.

14 Q He didn't give you a chance to see these, did he?

15 A No.

16 Q Just kept asking about the same one over and over.

17 A Over and over.

18 Q Oh, there's three here that are actually better.

19 A Right.

20 Q Okay. Now that you can see the pictures that show
21 better, please explain to the jury what Mr. Lofton wouldn't
22 give you the chance to explain.

23 MR. LOFTON: Objection, Your Honor.

24 A The upstairs window there is the --

25 THE COURT: Excuse me just a minute.

Patricia Ann Green
Redirect examination by Mr. Williams

1 A There is --

2 THE COURT: Excuse me just a minute. Just a minute.

3 I sustain the objection.

4 Mr. Williams, now, you're going to examine the
5 witness. The other lawyers get to examine the witness.
6 Y'all don't need to talk about each other's examination.
7 You just ask your own questions.

8 MR. WILLIAMS: All right. I'll rephrase it, Your
9 Honor, with a proper line of questioning.

10 Q Can you show the jury now what you were trying to tell
11 Mr. Lofton?

12 A Okay. This is the front of the house. The upstairs
13 double windows, that's the bedroom window where I was. And
14 that's where I was looking out the window. Across the
15 street in front of the house is Ms. Daniels' house.

16 Q I'm going to show the bottom photo. Is this
17 approximately the, the --

18 A That's the front door.

19 Q That's about the line of sight you would have had from
20 that window?

21 A Exactly.

22 Q There's no trees in the way. That tree doesn't cover
23 that area.

24 A That tree is on the side of the house.

25 Q I think you can actually see it over here.

Patricia Ann Green
Redirect examination by Mr. Williams

1 A Over there.

2 Q You had said in your statement that there was a fellow
3 on the street that had, you said, blue jeans. Can you
4 characterize better? Were they blue, dark blue, light
5 blue?

6 A They are dark denim blue jeans look like which color.
7 What you call it?

8 Q Like similar to what you're wearing, that blue?

9 A No. This is black; this is black.

10 Q Darker than the carpet here?

11 A Yeah. Dark like that.

12 Q So like a definitely darker blue.

13 A Like the Levi jeans or something like that.

14 Q Like dark as the suit I have on?

15 A Yeah. Dark, dark jeans. They're navy blue. They're
16 not black.

17 Q I want to ask you about the individual that went out
18 the door first or when that first person went out.

19 You said in your statement that the, the person from
20 upstairs had gone out the door. I take that back. You
21 said in your testimony the first person from upstairs went
22 out the door.

23 Could you tell who went out first among the two apart
24 from the one that was holding you on the ground, the one
25 that was --

Patricia Ann Green
Redirect examination by Mr. Williams

- 1 A The one that was downstairs with me?
- 2 Q Let's take away the one that was with you who you've
- 3 identified as Mr. Wilder. Could you tell when the other
- 4 two went out in sequence?
- 5 A The one upstairs went out first.
- 6 Q Did he go out -- what I want to find out is relative
- 7 to the second person that went out, would you say it was
- 8 almost at the same time or a long distance apart?
- 9 A Right behind each other.
- 10 Q So it was pretty much at the same time.
- 11 A Yeah.
- 12 Q Finally, I want to ask you about the statement you've
- 13 been asked about several times. That statement was three
- 14 and a half pages?
- 15 A Uh-huh.
- 16 Q Is it fair to say you gave a lot of information in
- 17 that statement? I mean, you talked about a whole lot of
- 18 different things in that statement.
- 19 A Officer Stanley was the one that wrote the statement
- 20 up. I didn't.
- 21 Q Okay. But that statement details a lot of different
- 22 situations, meaning pretty much this whole situation you
- 23 describe quickly.
- 24 A Right.
- 25 Q But it is three and a half pages where you talked

Patricia Ann Green
Redirect examination by Mr. Williams

1 about different clothing and the streets and where you saw
2 people and where they went and what they did, all the
3 things you've been talking about.

4 A Uh-huh.

5 Q And the only thing you're seeing now that, of all of
6 those details that has corrections, is the number of
7 people. We've talked about beige gloves and something
8 about which person may have been taping you.

9 MR. DAVIS: Your Honor, I'm going to object to the
10 leading and compound.

11 THE COURT: Well, don't lead her.

12 MR. WILLIAMS: I'm about through, Your Honor.

13 Q The only thing that -- with all of this
14 cross-examination you've talked about that is different is
15 what I talked to you about, the number of people.

16 MR. LOFTON: Your Honor, I'm going to object. The
17 jury has heard the testimony.

18 THE COURT: Sustained.

19 Q In your statement, Ms. Green, of those three and a
20 half pages, the part about who taped you up was confusing.
21 That was inaccurately stated?

22 A Yeah, because suspect No. 1 was the one that taped me
23 up.

24 Q And the question where you said there were five
25 people, that was inaccurate as well.

Patricia Ann Green
Redirect examination by Mr. Williams

1 A Yeah.

2 Q But of that three and a half pages that's the only two
3 things you're aware of that were inaccurate that you were
4 asked about?

5 A And as far as the height, I mean, probably. I can't
6 judge a person by looking and telling how high, how tall.
7 I can't even tell you how tall you are.

8 Q That would be my redirect. Thank you.

9 THE COURT: All right. Thank you, ma'am. You may
10 step down.

11 MR. WILLIAMS: Is she excused, Your Honor?

12 THE COURT: Yes, she may be excused.

13 (Whereupon, the witness was excused.)

14 THE COURT: Let me see you all just a minute, please.

15 (Bench conference held off the record.)

16 THE COURT: All right. Ladies and gentlemen, we're
17 going to recess for the afternoon. We will resume in the
18 morning at 9:15, at 9:15 in the morning.

19 Remember my caution previously given you, and that is
20 you can't discuss the case tonight with any family member
21 or any friends or anyone else. You can't even discuss it
22 among yourselves, as you've been told. So keep that in
23 mind. No discussions about the case. Do not permit anyone
24 to try to discuss the case with you.

25 Do not permit yourselves to be exposed to any type of

Patricia Ann Green
Redirect examination by Mr. Williams

1 media coverage that might relate to the case, whether it be
2 television or radio or newspaper. And don't conduct any
3 research or do your own investigation into any issue or
4 anything that relates to the case.

5 Do have a good evening, and please report to your jury
6 room by 9:15 in the morning, 9:15. Have a good evening.

7 Everybody else needs to remain seated.

8 (The following takes place outside the presence of the
9 jury.)

10 THE COURT: Any matters that need to be addressed
11 before we recess?

12 MR. WILLIAMS: Not by the state, Your Honor.

13 MR. BROWN: Nothing, Your Honor.

14 MR. DAVIS: No, Your Honor.

15 MR. LOFTON: No, Your Honor.

16 THE COURT: Court is in recess until 9:15 in the
17 morning.

18 END OF PROCEEDINGS MAY 5, 2008
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Jamie Williams
Direct examination by Mr. Williams

1 (Proceedings May 6, 2008)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Any matters that need to be addressed
5 before the jury is brought in?

6 MR. WILLIAMS: Not by the state, Your Honor.

7 MR. BROWN: None, Your Honor.

8 MR. DAVIS: No, Your Honor.

9 MR. GROEBER: No, Your Honor.

10 THE COURT: Okay. Bring them in.

11 (The following takes place in the presence of the
12 jury.)

13 THE COURT: Good morning, ladies and gentlemen.

14 As you know, when we recessed yesterday the state was
15 in the midst of their presentation. So we're going to
16 continue with that presentation this morning.

17 Mr. Williams.

18 MR. WILLIAMS: Thank you, Your Honor. May it please
19 the Court. The state calls Jamie Williams.

20 JAMIE WILLIAMS, having been
21 duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MR. WILLIAMS

23 THE CLERK: Please speak into that mic. And state
24 your full name, and spell your last name.

25 THE WITNESS: Jamie Williams, W-I-L-L-I-A-M-S.

Jamie Williams
Direct examination by Mr. Williams

1 MR. WILLIAMS: May it please the Court, Your Honor.

2 THE COURT: Yes.

3 Q Mr. Williams, I want to sit up as best you can. It's
4 sometimes hard to hear way back due to this equipment. And
5 talk into the microphone if you can.

6 Where do you live currently?

7 A Lincolnville.

8 Q Did you know a person named Sterling Spann?

9 A Yeah.

10 Q What did he go by? Did he have any nicknames?

11 A Sterlo.

12 Q How long had you known Sterling Spann back in August
13 of 2006?

14 A I knowed him from about maybe 15. I knowed him for a
15 long time, like ten years, ten.

16 Q Did you grow up in that area, Lincolnville?

17 A Yeah.

18 Q Did you grow up with Sterling Spann?

19 A Yeah.

20 Q What did he do? What were his, I guess, hobbies or
21 ways of making a living?

22 A Rap.

23 Q Did he have any kind of studios or anything like that?

24 A Yeah.

25 Q Were you with him on August the 31st of 2006?

Jamie Williams
Direct examination by Mr. Williams

- 1 A Yeah.
- 2 Q What were y'all doing that way?
- 3 A We was trying to get up some money for new studio
4 equipment.
- 5 Q What kind of studio equipment were y'all trying to
6 get?
- 7 A Trying to get a new keyboard.
- 8 Q When you say you get up money, how were you, were
9 y'all, going about that?
- 10 A He was pawning some stuff he had. He went and pawned
11 his chain.
- 12 Q Did he go and do that that day?
- 13 A Yeah.
- 14 Q Did he get money for it?
- 15 A Yeah.
- 16 Q How much money were y'all trying to put together?
- 17 A It was like, I think it was like, thirteen hundred.
- 18 Q About thirteen or fourteen, you said?
- 19 A Yeah.
- 20 Q Do you know approximately how much money y'all had put
21 together on August the 31st to get that keyboard?
- 22 A We had all the money.
- 23 Q You had all the money?
- 24 A Yeah.
- 25 Q At some point -- let me ask you. Who was driving that

Jamie Williams
Direct examination by Mr. Williams

- 1 day, if anybody?
- 2 A Sterling.
- 3 Q What kind of car did Sterling have?
- 4 A '98.
- 5 Q A '98?
- 6 A Yeah.
- 7 Q An older model?
- 8 A Yeah.
- 9 Q Kind of beat up?
- 10 A Yeah.
- 11 Q Did y'all go by Patricia Ann Green's house that day?
- 12 A Yeah.
- 13 Q About what time would you say you went by there?
- 14 A I don't recall what time it was. It was like in the
- 15 afternoon.
- 16 Q When y'all went by there, what were you going by there
- 17 for?
- 18 A I went over there. She owed me \$10 from the day
- 19 before. She called me and told me to bring, come and get
- 20 my money.
- 21 Q What did you want to get that \$10 for?
- 22 A For what I had?
- 23 Q Yeah, yeah. Why were you trying to get the money?
- 24 A She had owed me \$10 for some crack I had sold her.
- 25 Q And you were trying to get the money for the keyboard?

Jamie Williams

Direct examination by Mr. Williams

- 1 A Yeah.
- 2 Q Now, I want to ask you quickly about this. You've
- 3 been in some trouble before.
- 4 A Yeah.
- 5 Q You got in trouble for possession of crack before.
- 6 A Yeah.
- 7 Q And you got in trouble once for an assault case.
- 8 A Yeah.
- 9 Q Is that stuff -- are you done with that stuff?
- 10 A Yeah.
- 11 Q Are you on probation right now?
- 12 A Yeah.
- 13 Q You took responsibility for those crimes?
- 14 A Yeah.
- 15 Q In Lincolnville, who do you live with there?
- 16 A My mama.
- 17 Q Does she watch out for you?
- 18 A Yeah.
- 19 Q She's in court with you today?
- 20 A Yeah.
- 21 Q When you pulled up to the house, tell the jury
- 22 basically what happened, what you saw as you pulled up.
- 23 A I saw the door crack a little bit, and usually it
- 24 don't be like that.
- 25 Q Who was driving at that point?

Jamie Williams
Direct examination by Mr. Williams

1 A Sterling.

2 Q What did you do once you saw the door was cracked?

3 A I repeated --

4 Q And what happened then?

5 A I got out of the car and went up, walked up to the
6 door. Before I got to the door somebody pulled the door
7 open.

8 Q You said pulled the door open?

9 A Yeah, snatched it open and put a gun in my face.

10 Q This is State's Exhibit 2, Mr. Williams. Do you
11 recognize what that shows?

12 A Yeah.

13 Q Whose car is that?

14 A It's Sterling's.

15 Q When you say -- let me give you this laser pointer.
16 It's kind of hard. Press in the top there. That'll give
17 you a point. When you say you got out of the car, where
18 did you get out of the car from?

19 A Passenger's.

20 Q Did you go around to the front or the back of the car?

21 A The front of the car.

22 Q You say when you got up to the door somebody came out.
23 How close or how far from the door were you when somebody
24 came out?

25 A I was just about to grab the doorknob. I was going to

Jamie Williams
Direct examination by Mr. Williams

- 1 walk in.
- 2 Q You say the person put a gun to your face?
- 3 A Yeah.
- 4 Q Could you tell what kind of gun it was?
- 5 A Yeah.
- 6 Q What kind of gun did it look like?
- 7 A .357.
- 8 Q When you say .357, what are you talking about -- what
- 9 color was it?
- 10 A Chrome.
- 11 Q Did it have like a barrel that spins or was it like a
- 12 slide?
- 13 A Yeah, revolver.
- 14 Q Revolver. A barrel that spins.
- 15 A Yeah.
- 16 Q You said that person put a gun in your face. What did
- 17 that person look like?
- 18 A Skinny with dreads.
- 19 Q About how tall would you say he was?
- 20 A About a little, probably a little shorter than me.
- 21 Q About how tall are you?
- 22 A About six, six foot.
- 23 Q Would you say an inch or two, three? How much shorter
- 24 than you would you say?
- 25 A Not even an inch, I don't think. I would -- probably

Jamie Williams
Direct examination by Mr. Williams

- 1 an inch.
- 2 Q He had dreads?
- 3 A Yeah.
- 4 Q Skinny?
- 5 A Yeah.
- 6 Q Could you tell what he was wearing at that point?
- 7 A I don't remember what he was wearing.
- 8 Q He just got in your face.
- 9 A Yeah.
- 10 Q How close was the gun to your face?
- 11 A Like about as close as this mic.
- 12 Q About 5 inches or 6 inches?
- 13 A Yeah.
- 14 Q When he puts the gun in your face do you see anybody
- 15 else?
- 16 A Yeah.
- 17 Q Well, who else do you see, or what do you see at that
- 18 point?
- 19 A I see one more person come out the door behind him.
- 20 Q How close to the first person, the tall guy with the
- 21 dreads, was the second person?
- 22 A A few steps behind him.
- 23 Q Did you get a look at that person?
- 24 A Yeah.
- 25 Q How would you describe him?

Jamie Williams
Direct examination by Mr. Williams

- 1 A About a little -- probably about my size.
- 2 Q So about as, little taller than the first guy?
- 3 A No.
- 4 Q About the same?
- 5 A Yeah, about the same.
- 6 Q Could you tell what kind of hairstyle he had?
- 7 A Nah. He had a mask on.
- 8 Q Did the first guy have a mask on?
- 9 A He had a bandana around his mouth.
- 10 Q Did you see his face well enough to recognize him?
- 11 A Yeah.
- 12 Q If you saw him again would you recognize him?
- 13 A Yes.
- 14 Q Do you see him in court today?
- 15 A Yeah.
- 16 Q Would you point to him for me and tell me what he's
- 17 wearing?
- 18 A With the white, white-colored shirt on.
- 19 Q With the short hair?
- 20 A Yeah.
- 21 MR. WILLIAMS: Your Honor, the record reflect -- can
- 22 the record reflect he's pointed out Mr. Defendant Gadsden?
- 23 THE COURT: Mr. Gadsden, raise your hand, please, sir.
- 24 (Whereupon, the defendant raised his hand.)
- 25 THE COURT: Is that the gentleman you are referring

Jamie Williams
Direct examination by Mr. Williams

1 to?

2 THE WITNESS: Yeah.

3 THE COURT: Okay. The record reflects he's identified
4 Mr. Gadsden.

5 Q So Mr. Gadsden comes out and has a gun in your face.

6 You couldn't recognize the second person though?

7 A No.

8 Q What happens as defendant Gadsden and the second
9 person come out and the gun is in your face?

10 A I back up and put my hands up like this.

11 Q How far did you back up with your hands up?

12 A I took about six steps maybe.

13 Q Relative to -- let me put up State's 5. On this
14 picture would you say you made it past? Hand me that. Do
15 you think you made it past like where the grass begins?

16 A Yeah.

17 Q How far past that would you say? Over here, this far?

18 A Yeah.

19 Q So how far would you say?

20 A Like --

21 Q All the way back from the door?

22 A No, not that far.

23 Q About here?

24 A Yeah.

25 Q What is going on as you're backing up?

Jamie Williams
Direct examination by Mr. Williams

- 1 A He's just got the gun in my face. He told me to come
2 here, but I just kept backing up.
- 3 Q What did he say?
- 4 A He was like come here.
- 5 Q So you're backing up.
- 6 A Yeah.
- 7 Q What happens at that point?
- 8 A He hit me in the head with the gun.
- 9 Q This was defendant Gadsden?
- 10 A Yeah.
- 11 Q When he hit you in the head with the gun, where did he
12 hit you in your head, how far?
- 13 A Right there.
- 14 Q What happens at that point?
- 15 A I backed. I fell. I fell whenever he hit me.
- 16 Q You fell right there next to the car?
- 17 A Yeah.
- 18 Q After you fell, what did you see happen?
- 19 A I saw somebody else come out of the house.
- 20 Q Can you describe that person?
- 21 A I just remember he was, he was shorter than them and
22 he was, he was chubby.
- 23 Q The shorter and chubbier guy came out?
- 24 A Yeah.
- 25 Q After that were you able to see his face?

Jamie Williams
Direct examination by Mr. Williams

- 1 A No.
- 2 Q Why not?
- 3 A He had a mask on.
- 4 Q When the shorter, chubbier person, the third person,
5 comes out, what happens then?
- 6 A I jump back up. Then and I look over at Sterling, and
7 he looks like he was about to put the car in reverse.
- 8 Q Where was Sterling while all of this was going on?
- 9 A Sitting in the driver's seat.
- 10 Q When you say it looked like he was putting the car,
11 trying to put the car in reverse, what do you mean? What
12 did you see?
- 13 A I saw him grab the thing to put the car in reverse.
- 14 Q The shift knob?
- 15 A The shift.
- 16 Q And what happens as you see Sterling doing that?
- 17 A At the same time I ran, I was running, I ran to the
18 front of the car.
- 19 Q And when you say the front --
- 20 A Yeah.
- 21 Q -- would you show the jury with a laser pointer --
- 22 A Right there.
- 23 Q -- what you mean by the front of the car?
- 24 A Stayed right there in front of the garage area. I ran
25 right in front.

Jamie Williams
Direct examination by Mr. Williams

1 Q What were the three people, the three people that come
2 out of the house, doing when you ran past there?

3 A They was just standing there with the gun, pointing
4 the guns. That's all I remember.

5 Q When you say guns, you said the first person that came
6 out had what you thought was a silver .357 revolver.

7 A Yeah.

8 Q Did you the other two people with guns?

9 A Yeah.

10 Q Could you tell what kind of guns they had?

11 A It was black. I don't, I don't know what kind it was.

12 Q So when the -- at this point you're in the driveway.

13 What happens then?

14 A I fell again when I went -- when I ran to the front of
15 the car.

16 Q Was it wet out like it shows in this picture?

17 A Yeah.

18 Q And when you fell, what did you see happening?

19 A When I fell I saw the same person. He pointed the gun
20 at Sterling and shoot, he shoot, he shoot him. Looks like
21 he shot him in the chest, and he shot again.

22 Q Now, you said the first person. That was defendant
23 Gadsden?

24 A Yeah.

25 Q Can you show the jury? Where was defendant Gadsden

Jamie Williams
Direct examination by Mr. Williams

- 1 standing when you say that he shot?
- 2 A He was standing like right here.
- 3 Q And how many shots do you believe you saw him fire
- 4 into the car?
- 5 A Two.
- 6 Q You say you thought it hit Sterling in the chest. Why
- 7 do you think that?
- 8 A Yeah, because I saw him. And he was like, oh, shit.
- 9 And he, he leaned over. He leaned over the car like that.
- 10 Q And he was leaning over. And you indicated to your
- 11 right.
- 12 A Yeah, like going onto the passenger seat.
- 13 Q So he was leaning over towards the passenger seat.
- 14 A Yeah.
- 15 Q Did he go all the way on the passenger seat that you
- 16 could tell?
- 17 A Yeah.
- 18 Q After you saw defendant Gadsden fire those two shots,
- 19 what was the next thing you saw happen? What was the next
- 20 thing that happened?
- 21 A He walked over to me.
- 22 Q When you say he walked over to you, can you show the
- 23 jury where he walked from with the laser point?
- 24 A Came from right here and he came like to right here.
- 25 Q So he was up sort of on the sidewalk then?

Jamie Williams
Direct examination by Mr. Williams

- 1 A Yeah.
- 2 Q Where were you?
- 3 A Still on the ground.
- 4 Q What happened as you were on the ground and as he was
- 5 standing there over you?
- 6 A I just asked him. I just told him don't shoot, don't
- 7 shoot.
- 8 Q What happened?
- 9 A He just shooting, started shooting.
- 10 Q When you say he shot you, how many -- tell the jury.
- 11 How was he holding the gun?
- 12 A He was holding it down like this. I was on the
- 13 ground, so and he was like over me a little.
- 14 Q How many shots do you think he fired?
- 15 A I think he shot me four, but I think he fired more
- 16 than that. I don't know.
- 17 Q When you say he shot you four times, how many times
- 18 were you hit?
- 19 A Four times.
- 20 Q Where were you hit at?
- 21 A In my stomach area, in my --
- 22 Q And do you still have the scars there?
- 23 A Yeah.
- 24 Q If you could, stand up and show the jury where those
- 25 injuries are if you don't mind.

Jamie Williams
Direct examination by Mr. Williams

- 1 (Whereupon, the witness left the stand.)
- 2 A Right here. That's one, two, three. The other one
- 3 hit me right here.
- 4 Q So one in your stomach and looks like three in your
- 5 right side?
- 6 A Yeah.
- 7 Q Did those bullets exit as well?
- 8 A Yeah.
- 9 Q Where did they exit at? I don't mean to show the
- 10 scar. Just generally.
- 11 A It came out right here and in my back, and my back,
- 12 and one came out right here by my side.
- 13 Q So all were shots, were three shots?
- 14 A Yeah.
- 15 (Whereupon, the witness returned to the stand.)
- 16 Q After you were shot four times did you see defendant
- 17 Gadsden doing anything else? Did he still have the gun?
- 18 A Yeah.
- 19 Q Could you tell if he still if he was -- go ahead.
- 20 A He kept pulling the trigger.
- 21 Q What was happening as he kept pulling the trigger
- 22 after he shot?
- 23 A Clicking.
- 24 Q Clicking. After you were shot four times there on the
- 25 ground, what was the next thing that happened?

Jamie Williams

Direct examination by Mr. Williams

1 A As soon as, as soon as I saw that, I just jumped up
2 and ran, ran around the side of the house.

3 Q Did you have -- were you hurt bad enough where you
4 could actually run still?

5 A Yeah.

6 Q What happened then as you started to run?

7 A I started running. I looked back. You know, as soon
8 as, as soon as I started running, the first thing he said
9 go get 'em. He told, he told one of them go get 'em.

10 Q And that was defendant Gadsden said go get them.

11 A Yeah.

12 Q Let me go back to State's 2. Can you show the jury on
13 that exhibit where it was that you ran?

14 A Ran around here.

15 Q What is that? It looks like a tarp over there. What
16 is that?

17 A That's the dog pen.

18 Q Did you get past that?

19 A Yeah. I had to jump over it.

20 Q The person that like -- I think you were at a point
21 where you said defendant Gadsden was putting the gun and
22 said go get him. Did anybody come after you?

23 A I saw somebody start to come behind me. But I didn't,
24 I didn't keep looking. I just looked in front of me.

25 Q Could you tell which of the three people it was?

Jamie Williams
Direct examination by Mr. Williams

1 A It was the other one, not the, not the short one.

2 Q So we've got the first guy that came out, defendant
3 Gadsden, that hit you with the gun and shot in the car and
4 shot you.

5 A Yeah.

6 Q Was the first one, the one you identified.

7 A Yeah.

8 Q There was a taller person that wasn't, you say it was,
9 and then there was a shorter person.

10 A Yeah.

11 Q And you say of the taller and shorter person that you
12 haven't identified, which are the two that chase after you?

13 A The taller one.

14 Q The taller one chased after you?

15 A Yeah.

16 Q Where was the shorter one at that point?

17 A He was still by the doorway.

18 Q You say that you saw the taller one chasing after you.
19 Where was the last point you see him chasing you? Could
20 you show the jury with the laser pointer?

21 A Like right, right by the edge of the house here.

22 (Whereupon, the witness pointed.)

23 Q Were you able to tell how far at -- how far he got
24 chasing you?

25 A No.

Jamie Williams

Direct examination by Mr. Williams

1 Q What did you do once you got around that corner?

2 A I ran to the fire station.

3 Q How far away is the fire station?

4 A It ain't that far. It's like there's another house
5 right behind them. And it's right behind that house.

6 Q I put up State's 75. This building here is the fire
7 station?

8 A Yeah.

9 Q You just show the jury what route you took to get
10 there.

11 A Yeah. This is the side of the house where I came
12 through here.

13 THE COURT REPORTER: Speak up.

14 A I came through here right around the side of the
15 house, behind the house. And then I ran to the fire
16 station.

17 Q Where did you end up at at the fire station?

18 A On -- there right there in front of, right on the side
19 of it.

20 Q Were there firemen there?

21 A Yeah.

22 Q Were you able to make any contact with them?

23 A Yeah.

24 Q Were you able to remain conscious while you were out
25 there?

Jamie Williams
Direct examination by Mr. Williams

1 A Yeah, for a little while.

2 Q What happened as, as you were out there?

3 A All of them just crowded around me and asked me where
4 is, where's the gunshots coming from.

5 Q Let me show you what's been marked State's Proposed
6 Exhibit 23. Do you recognize that perspective?

7 A Yeah.

8 Q Does that show that same area?

9 A Yeah.

10 MR. WILLIAMS: Show to defense counsel.

11 Your Honor, I move to admit State's Proposed 23.

12 MR. BROWN: No objection.

13 MR. DAVIS: No objection, Your Honor.

14 MR. LOFTON: No objection, Your Honor.

15 THE COURT: It is admitted.

16 (Photograph marked State's Exhibit No. 23.)

17 MR. WILLIAMS: As well as put that on the overhead.

18 Q If you would just tell the -- just tell the jury,
19 first of all, what perspective that is. Do you know which
20 house that is we see the back of?

21 A That's, that's her neighbor's house.

22 Q So the house you ran from, you ran kind of between
23 those houses there?

24 A Yeah.

25 Q And on the driveway, do you see that blood mark there?

Jamie Williams

Direct examination by Mr. Williams

- 1 A Yeah.
- 2 Q Is that where you fell?
- 3 A Yeah.
- 4 Q So that was your blood there?
- 5 A Yeah.
- 6 Q You lost consciousness in that driveway?
- 7 A Yeah.
- 8 Q You were then taken to the hospital, I assume.
- 9 A Yeah.
- 10 Q How long were you in the hospital for?
- 11 A About two weeks.
- 12 Q What type of permanent effects have you had from that,
- 13 those injuries?
- 14 A A lot of pain all the time, you know. I can't do that
- 15 kind of stuff. There is certain stuff I can't eat.
- 16 Q Was there any kind of surgery done?
- 17 A Yeah.
- 18 Q What did they do during the surgery if you know?
- 19 A They, they took out half my bowels.
- 20 Q Your bowel?
- 21 A Yeah, bowel.
- 22 Q Now, you said you saw the chrome gun that was, that
- 23 defendant Gadsden had?
- 24 A Yeah.
- 25 Q I'm going to show you three items and have them marked

Jamie Williams
Direct examination by Mr. Williams

1 first.

2 (Taurus gun marked State's Exhibit No. 77 for
3 Identification; Smith and Wesson gun marked State's Exhibit
4 No. 78 for Identification; Bersa gun marked State's Exhibit
5 No. 79 for Identification.)

6 Q Let me show you what's been marked State's Proposed
7 77, 78 and 79. Do you recognize any of those, or are you
8 able to recognize any of those as looking similar to the
9 gun you saw that night or that day?

10 A Yeah, this one.

11 Q You've identified State's Exhibit 77?

12 A Yeah.

13 Q So this, this gun looks like the one that you saw that
14 night.

15 A Yeah.

16 Q Seventy-seven is the one that you saw there?

17 A Yeah.

18 MR. WILLIAMS: Show this to defense counsel, Your
19 Honor.

20 (Pause.)

21 MR. WILLIAMS: Your Honor, I move to admit State's
22 Proposed Exhibit 77.

23 THE COURT: Any objection to the offer?

24 MR. BROWN: None, Your Honor.

25 MR. DAVIS: No, Your Honor.

Jamie Williams
Direct examination by Mr. Williams

1 MR. LOFTON: No, Your Honor.

2 THE COURT: It's admitted.

3 (Taurus gun marked State's Exhibit No. 77.)

4 Q I'm going to show you, and I'm going to ask you,
5 Jamie. Are you -- you're not an expert on firearms by any
6 means.

7 A No.

8 Q This gun looks slightly different than the other. It
9 has a longer barrel. It's more polished.

10 MR. DAVIS: Objection, Your Honor. Leading the
11 witness.

12 THE COURT: Don't lead him.

13 Q I'll ask you. What makes this gun look like the one
14 that you saw that night?

15 A It's longer.

16 Q You're definite this is the gun.

17 A Yeah.

18 Q If it was a .38 Special, would that, would that be a
19 surprise to you at all? It looks like the gun you saw that
20 night?

21 A Yeah.

22 Q And you're no expert certainly on identifying
23 firearms.

24 A Uh-uh.

25 Q You gave a statement to the police after this

Jamie Williams
Direct examination by Mr. Williams

1 happened, I believe, on September the 7th of 2006.

2 A Yeah.

3 Q Was that the earliest you've actually given any kind
4 of written statement?

5 A Yeah.

6 Q And that was about a 3-and-a-half-page written
7 statement --

8 A Yeah.

9 Q -- with Detective Stanley. And in that statement did
10 you pretty much do the best you could to tell everything
11 that happened?

12 A Yeah.

13 Q And certainly it's fair to say you'd have more detail
14 and recollection if I'm asking you questions than you might
15 put in this statement.

16 A Yeah.

17 MR. DAVIS: Objection, Your Honor. Leading.

18 THE COURT: Don't lead him.

19 Q You hadn't identified defendant Gadsden prior to
20 today, is that correct?

21 A Yeah.

22 Q Is that based on the identification? What is that
23 based on?

24 A Saying what it's based on?

25 Q Yeah. Does it come from that day or some other time?

Jamie Williams
Cross-examination by Mr. Brown

1 A Yeah, from that day.

2 MR. WILLIAMS: I have no further questions, Your
3 Honor. Thank you.

4 MR. BROWN: May it please the Court, Your Honor.
5 Counsel.

6 CROSS-EXAMINATION

7 BY MR. BROWN

8 Q Mr. Williams, I've actually just got a few questions.
9 And, if I can, I want to clarify a few things here.

10 At some point you said a third person came out of the
11 house. And you identified him as the shorter person, is
12 that correct?

13 A Yeah.

14 Q When he was coming out of the house had you already
15 slipped and fallen?

16 A I think that would be -- that was before I slipped and
17 fell.

18 Q But, in any event, the third person came out of the
19 house before the first shot was fired.

20 A No.

21 Q No. I thought you testified earlier that you had
22 fallen with the two people outside and then the third
23 shorter person came out. But that's not correct?

24 A That's who I said was correct the first time. I'm
25 telling how it was the first time. That's what happened.

Jamie Williams
Cross-examination by Mr. Groeber

1 Q Okay. My question is, is by the time the third person
2 walked out of the front door had there already been shots
3 fired or not.

4 A Yeah. I say yeah.

5 Q Okay. So before he came out two shots had been fired,
6 or one shot?

7 A Two.

8 Q Two shots.

9 Okay. Now, you did give a statement to Detective
10 Stanley, did you not?

11 A Yeah.

12 Q And you gave that statement on September the 7th, a
13 week after this incident had occurred.

14 A Yeah.

15 Q And when you gave that statement you told Detective
16 Stanley that you only saw two people, is that correct?

17 A Yeah.

18 Q Okay. He asked you straight up how many did you see.
19 You said I only saw two, correct?

20 A Yeah. He asked me how much I saw, and I said two.

21 Q Okay. That's all I have. Thank you.

22 CROSS-EXAMINATION

23 BY MR. GROEBER

24 Q Good morning, Mr. Williams.

25 A Good morning.

Jamie Williams
Cross-examination by Mr. Groeber

- 1 Q I want to be clear about some of your testimony
2 earlier today. You stated that you were going by Patricia
3 Green's house in the afternoon.
- 4 A Yeah.
- 5 Q And you were going by there to get some money from
6 her.
- 7 A Yeah.
- 8 Q That was because you had given her crack earlier that
9 day.
- 10 A No. The day before.
- 11 Q You gave her crack the day before?
- 12 A Yeah.
- 13 Q You also stated earlier that there were three people
14 there that day. That was your testimony in direct.
- 15 A Yeah.
- 16 Q Do you remember giving your statement to Detective
17 Stanley?
- 18 A Yeah.
- 19 Q And you knew that on that day it was important that
20 you be completely honest with him.
- 21 A Yeah.
- 22 Q And you were completely honest with him.
- 23 A Yeah.
- 24 Q You gave him your best recollection of the facts --
- 25 A Yeah, yeah.

Jamie Williams
Cross-examination by Mr. Groeber

1 Q -- on that day, a week later.

2 Do you remember telling Detective Stanley that you
3 remember the second guy had a scarf on his face, the guy
4 who came out of the door?

5 A The first guy.

6 Q The first guy that came out of the door and put a gun
7 in your face, he had a scarf on his face?

8 A Yeah.

9 Q Do you remember Detective Stanley asking you, "How
10 many people did you see when you were there?"

11 A Yeah.

12 Q And do you remember saying, "All I seen was two"?

13 A Yeah.

14 Q You gave a description of the person who first came
15 out of the door. You said that he had on a white scarf.

16 A Yeah.

17 Q "I think jeans, blue jeans."

18 A Yeah.

19 Q And you remember seeing him wearing a black hoody.

20 A No. I didn't see no black hoody.

21 MR. GROEBER: Your Honor, may I approach?

22 THE COURT: Yes.

23 (Statement dated September 7, 2006, marked Court's
24 Exhibit No. 1.)

25 Q I'm handing you what's been marked for identification

Jamie Williams
Cross-examination by Mr. Groeber

1 purposes as Court's Exhibit 1. I'd like for you to read
2 through that. And when you're finished, look up, please.

3 (Pause.)

4 Q Are you finished, Mr. Williams?

5 A Yes.

6 Q Do you recognize this as your statement that you gave
7 to Detective Stanley?

8 A Yes.

9 Q Do you remember when he came and you gave a statement
10 and he wrote it down for you?

11 A Yeah.

12 Q And you signed at the bottom of every page. That is
13 your signature.

14 A Yeah.

15 Q And that is your signature.

16 A Yes.

17 Q On page one, page two, page three and page four.

18 A Yeah.

19 Q Later they gave you a copy of the statement.

20 A Yeah.

21 Q And you signed it again.

22 A Yeah.

23 Q You signed page one again, page two again, page three
24 again and page four again.

25 A Yeah.

Jamie Williams
Cross-examination by Mr. Groeber

1 Q Meaning that this was your statement that you could
2 remember on that day.

3 A Yeah.

4 Q Please turn to page two towards the bottom. You were
5 asked, "Can you describe the two guys you saw?"

6 The first guy, you give a description. You say, "He
7 had a white scarf and I think jeans, blue jeans. I think I
8 remember seeing a hoody, but I don't know."

9 A I think. I think I remember seeing a hoody.

10 Q And then you said, "I remember a black hoody." That's
11 what you said.

12 A Yeah.

13 Q Please turn to page three. Again, towards the bottom
14 of the page you were asked a series of questions.

15 "Why did Ann ask you to come over to her house?" And
16 you said, "She had owed me \$10 and told me to come and get
17 it."

18 A Yeah.

19 Q Then you were asked, "What did she owe you \$10 for?"
20 And you said, "It was for crack."

21 A Yeah.

22 Q And then you said, "I gave it earlier to her that
23 day."

24 A Yeah.

25 Q Mr. Williams, you're a drug dealer, aren't you?

Jamie Williams
Cross-examination by Mr. Groeber

- 1 MR. WILLIAMS: Objection, Your Honor. Relevance.
2 THE COURT: Overruled.
3 A No. I let that pass.
4 Q You were a drug dealer at the time of this incident.
5 A Yeah.
6 Q And you gave drugs to Ms. Green that day.
7 A No. I don't remember it being that day. I don't
8 remember why I wrote it. That might just be a mistake.
9 Q But your statement says that day.
10 A Yeah.
11 Q You also had a gun with you on that day.
12 A No.
13 Q Sterling Spann had a gun with him that day?
14 A No.
15 Q There was no gun in the glove compartment of Sterling
16 Spann's car.
17 A No.
18 Q You testified earlier that you, you're not an expert
19 on what guns are. Are you an expert?
20 A No.
21 Q But you recognize guns.
22 A Yeah.
23 Q You know which kind of guns are which kind.
24 A I don't know which kind, but I know, I know like
25 revolvers and handguns and 9's and stuff like that, know

Jamie Williams
Cross-examination by Mr. Groeber

1 the difference between those.

2 Q And your knowledge of that comes from dealing in
3 drugs.

4 A No.

5 MR. WILLIAMS: Objection, Your Honor.

6 THE COURT: Overruled.

7 A No.

8 Q So today you've identified Mr. Gadsden as the first
9 person who came out of that door.

10 A Yeah.

11 Q And you've never identified him before, before today,
12 as one of the people at the incident that day.

13 A Yeah, when I saw him, when I saw him on, I think it
14 was newspaper.

15 Q So you saw he and the other two defendants in the
16 newspaper.

17 A Yeah, yeah.

18 Q That week?

19 A Yeah.

20 Q Did you see him on T. V.?

21 A No.

22 Q Did you call the police and say, hey, that's the guy I
23 saw?

24 A No.

25 Q So the very first time that you have identified Mr.

Jamie Williams
Cross-examination by Mr. Groeber

- 1 Gadsden is today in court.
- 2 A Yeah.
- 3 Q You also met and spoke with the prosecutors before
- 4 today --
- 5 A Yeah.
- 6 Q -- to practice your testimony.
- 7 A No. I haven't really practiced. He just asked me how
- 8 it happened, and I told him how it happened.
- 9 Q You met with them more than once?
- 10 A Yeah.
- 11 Q So they asked questions about it more than once.
- 12 A Yeah.
- 13 Q They showed you guns during that practice.
- 14 A Showed me pictures of some guns.
- 15 Q They showed you pictures of guns.
- 16 A Yeah.
- 17 Q They showed you pictures of the defendants?
- 18 A No.
- 19 MR. GROEBER: Beg the Court's indulgence, Your Honor.
- 20 (Pause.)
- 21 Q Mr. Williams, you testified earlier and identified
- 22 Mr. Gadsden. You also testified that he was wearing a
- 23 scarf.
- 24 A Yeah.
- 25 Q And a hoody.

Jamie Williams
Cross-examination by Mr. Groeber

- 1 A No, no hoody.
- 2 Q We talked about your statement earlier. And in your
- 3 statement you said he was wearing a hoody.
- 4 A I think he was wearing a hoody.
- 5 Q Think he was wearing a hoody.
- 6 A Yeah. I think I remember a hoody.
- 7 Q You also testified about the revolvers. And both of
- 8 these revolvers have a wooden handle.
- 9 A Yeah.
- 10 Q They both have a silver barrel.
- 11 A Yeah.
- 12 Q They look pretty much the same.
- 13 A Yeah.
- 14 Q When you met with the prosecutors before they showed
- 15 you photos of the guns.
- 16 A Yeah.
- 17 Q They showed you revolvers.
- 18 A Yeah.
- 19 Q They didn't show you any photos of anything else.
- 20 A No.
- 21 Q And when you met with them they showed you photos of
- 22 the defendants.
- 23 A They didn't show me photos of the defendants.
- 24 Q They never showed you photos of the defendants?
- 25 A No.

Jamie Williams
Cross-examination by Mr. Groeber

1 Q They didn't show you a lineup, a photo lineup, did
2 they?

3 A No.

4 Q They didn't show you, give you a book of photos to
5 flip through and try to point out people?

6 A No. They didn't show me no pictures of nobody.

7 Q You started earlier that you are on probation right
8 now.

9 A Yeah.

10 Q That means you have to meet with your agent once a
11 week?

12 A No. Once a month.

13 Q You meet with them once a month.

14 A Yeah.

15 Q And if you mess up and do something wrong, they can
16 revoke you.

17 A Yeah.

18 Q And you can go back to prison.

19 A Yeah.

20 Q That's in Charleston County?

21 A Yeah.

22 MR. GROEBER: No further questions, Your Honor.

23 THE COURT: Mr. Lofton.

24 MR. LOFTON: If the Court please.

25

Jamie Williams
Cross-examination by Mr. Lofton

1 CROSS-EXAMINATION

2 BY MR. LOFTON

3 Q Mr. Williams, on August the 31st of 2006 were there
4 two people or three people that you saw?

5 A Three people.

6 Q Saw three people.

7 A Yeah.

8 Q Even though a week after the incident you said you
9 only saw two.

10 A Yeah.

11 Q But now you've had almost two years to think about it,
12 and you decided there are three people there.

13 A Yeah.

14 Q Okay. Now, the first guy that came out, and you've
15 identified him as Mr. Gadsden, what was Mr. Gadsden
16 wearing?

17 A I don't, I don't really know what he was wearing now.
18 But I remember the white scarf. That's all I remember.

19 Q All right. Well, when you gave that statement back on
20 September the 7th, you indicated he had on jeans too,
21 didn't you?

22 A Yeah. But that, but that was a while ago.

23 Q Okay. Well, I mean, when you gave that statement, was
24 that what you remembered that he was wearing, blue jeans?

25 A Yeah.

Jamie Williams
Cross-examination by Mr. Lofton

1 Q Okay. So he was wearing blue jeans. Dark or light
2 colored?

3 A Probably. I don't remember now. Whatever my
4 statement said.

5 Q Whatever your statement said is accurate --

6 A Yeah.

7 Q -- about the blue jeans.

8 And if you'll look on page two, you indicated he had a
9 white scarf, "And I think jeans, blue jeans."

10 A Yeah.

11 Q That's, that's what you told the police back then.

12 A Yeah.

13 Q Okay. Now, the second guy that you indicated that
14 came out, and I believe you indicated actually ran behind
15 you, what did he have on? What kind of pants was he
16 wearing?

17 A I don't know. I just remember black, dark clothing.
18 And I don't know --

19 Q I'm sorry?

20 A I just remember dark clothing.

21 Q Dark clothing.

22 A Yeah.

23 Q Were they jeans or just black pants?

24 A I don't know.

25 Q Okay. And now this, this other guy that you now

Jamie Williams
Cross-examination by Mr. Lofton

1 remember, somebody you saw standing over the doorway to the
2 house --

3 A Yeah.

4 Q -- what kind of pants was he wearing?

5 A I don't know.

6 Q You don't know.

7 A No.

8 Q Now, during the time period that you were there and
9 you dealt with either two people or three people, you never
10 saw a 9mm pistol, did you?

11 A I saw some blacks gun. I don't remember what kind of
12 guns it was.

13 Q Okay. The gun you saw was the gun that the fellow had
14 that was chasing you.

15 A No.

16 Q Okay. Where did you see other guns?

17 A I saw the guns in their hands.

18 Q Okay. And all you saw was black guns.

19 A Yeah.

20 Q All right.

21 MR. LOFTON: I don't have anything further. Thank
22 you.

23 MR. WILLIAMS: Briefly, Your Honor.
24
25

Jamie Williams
Redirect examination by Mr. Williams

1 REDIRECT EXAMINATION

2 BY MR. WILLIAMS

3 Q Sir, I want to ask you briefly about that statement.

4 I believe the defense lawyer for Mr. Gadsden had asked
5 you about page two where you gave a description.

6 A Yeah.

7 Q He asked you about only a part of the description of
8 what you wrote there, right?

9 A Yeah.

10 Q You said more than what he asked you about.

11 A Yeah.

12 Q What you actually said, the complete statement, was:

13 Question, "Can you describe the two guys you saw?"

14 And the answer was, "The only one I can describe is
15 the first guy. He was skinny with dreads, around 5'11",
16 dark skin, black male. He looked around 19 or 20. He had
17 a white scarf and, I think, jeans, blue jeans. And I think
18 I remember seeing a hoody, but I don't know I remember a
19 black hoody."

20 And that was a complete statement, right?

21 A Yeah.

22 Q You were just asked only parts of that. But that's
23 everything you said.

24 A Yeah.

25 Q I want to ask you about meeting with the prosecutor's

Jamie Williams
Redirect examination by Mr. Williams

1 office. You met with me, right?

2 A Yeah.

3 Q And you met with Investigator Jim NeSmith from our
4 office.

5 A Yeah.

6 Q That was -- and we came out and met you at your house.

7 A Yeah.

8 Q That was like a Saturday or a Sunday.

9 A Yeah.

10 Q And what did we do? What happened? Tell the jury
11 what the situation was.

12 A Y'all asked how, what happened. We walked down to the
13 house. And I told you how it happened, and I showed y'all,
14 showed y'all everything.

15 THE COURT REPORTER: I can't understand him.

16 Q Walked us around, walked us around that area, showed
17 us what happened like was on those pictures?

18 A Yeah.

19 Q Did anybody need -- anybody from our office tell you
20 what to say?

21 A No.

22 Q And nobody showed you pictures of who to identify or
23 anything like that.

24 A No.

25 Q And the guns were just pictures. And you described

Jamie Williams
Redirect examination by Mr. Williams

- 1 what you described in court today.
- 2 A Yeah.
- 3 Q I want to ask you about what happened that day as far
4 as the activity and what I didn't ask you on direct.
- 5 From the time you walked up to that door to the time
6 you ran away around the side of the house, how many seconds
7 would you say that was?
- 8 A Probably a minute at the most.
- 9 Q So it was, it was fast.
- 10 A Yeah.
- 11 Q Is it fair to say guns were going off and you were
12 scared?
- 13 A Yeah.
- 14 Q You said there was a gun in your face.
- 15 A Yeah.
- 16 Q As you were having that gun held in your face and as
17 you were being shot were you able to focus on much more
18 than your own safety?
- 19 A No.
- 20 MR. DAVIS: Objection, Your Honor. Leading.
- 21 THE COURT: Overruled.
- 22 Q You say no?
- 23 A No.
- 24 Q When you gave your statement though you did the best
25 you could at the time, is that fair to say?

Leroy Daniels
Direct examination by Mr. Williams

1 A Yeah.

2 Q Thank you. Nothing else.

3 THE COURT: You may step down.

4 MR. WILLIAMS: May he be excused as well, Your Honor?

5 THE COURT: He may be.

6 (Whereupon, the witness was excused.)

7 MR. WILLIAMS: Thank you, Your Honor. The state calls
8 Leroy Daniel.

9 LEROY DANIELS, having been
10 first duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MR. WILLIAMS

12 THE CLERK: Sir, if you will speak into this
13 microphone, please state your full name, and spell your
14 last name.

15 MR. WILLIAMS: My name is Leroy Daniels.

16 THE CLERK: Closer to the microphone, please.

17 THE WITNESS: Daniels, D-A-N-I-E-L-S.

18 MR. WILLIAMS: May it please the Court, Your Honor.

19 THE COURT: Yes.

20 Q Mr. Daniels, I know this is going to be tough with the
21 sound in here as far away as I am. I want you to try to
22 talk as loud as you can. Try to use that microphone. That
23 microphone will amplify your voice a little. So just lean
24 over into the microphone and talk as loudly as you can.

25 A I'm sorry. I've got a cold.

Leroy Daniels
Direct examination by Mr. Williams

- 1 Q You say you have a cold?
- 2 A Yes, sir.
- 3 Q Do the best you can. Try to reach me. Okay?
- 4 A All right.
- 5 Q And if you can, lean into the microphone.
- 6 Mr. Daniels, where do you live?
- 7 A Lincolnville, South Carolina.
- 8 Q And you live at an intersection? There are two roads
- 9 there at your house?
- 10 A Yes.
- 11 Q What are those two roads?
- 12 A [REDACTED] Street and Stall Street.
- 13 Q How long have you lived there?
- 14 A Lived there about 40 years.
- 15 Q At that same address?
- 16 A Yes, sir.
- 17 Q Lincolnville?
- 18 A Uh-huh.
- 19 Q Who have you lived with at that address?
- 20 A My wife and I.
- 21 Q What's your wife's name?
- 22 A Aertha Lee Daniels.
- 23 Q And do you remember August the 31st of 2006?
- 24 A Yes, sir.
- 25 Q Do you remember an incident that happened that day out

Leroy Daniels
Direct examination by Mr. Williams

1 there?

2 A Yes, sir.

3 Q I want to take you back to when that day happened and
4 right before that incident. What were you doing that day?

5 A My wife and I was sitting on the bed watching T. V.

6 Q Do you recall what you were watching on T. V.?

7 A Beg your pardon?

8 Q Do you recall what you were watching? If you don't,
9 it's okay.

10 A No, sir. I don't.

11 Q All right. So you and your wife are watching
12 television. Did something attract your attention?

13 A Yes, sir. I had some shots, sounded like
14 firecrackers.

15 Q When you say you heard some shots, about how many
16 shots would you say you remember hearing?

17 A Two or three.

18 Q When you heard those shots did you do anything?

19 A At first I didn't, but when I heard the third shot I
20 got up to investigate it. I went to the front door and
21 peeped out the door. And I saw these two fellows pulling a
22 man out of the car and pulling him onto the grass on the
23 ground and --

24 Q Let me stop you there. I want to make sure we
25 understand where you were at as these things were

Leroy Daniels
Direct examination by Mr. Williams

1 happening. Can you see that? Can you that diagram up
2 there on that screen?

3 A Yes, sir.

4 Q Do you see it well enough to recognize it as that
5 area? If this is West Stall, this is West Front. Can you
6 see it well enough to tell?

7 A No, sir.

8 Q Okay. Let me show a different picture. Do you
9 recognize that area?

10 A Yes, sir.

11 Q What do you recognize that as?

12 A I recognize the car and the house.

13 Q Is that, is that house across the street from you?

14 A Yes, sir.

15 Q Now, you say that you went to your -- you heard some
16 shots from your bedroom and went over to investigate at the
17 front door. About how long would you say it took you to
18 get from your bedroom to the front door?

19 A Well, it didn't take me but a second to get to the
20 door.

21 Q When you got to the front door were you able to see
22 this area that's showing up on the screen?

23 A Yes, sir; yes, sir.

24 Q You could see that from your front porch.

25 A Uh-huh.

Leroy Daniels
Direct examination by Mr. Williams

1 Q Now, tell the jury again what you saw going on out
2 there in that front yard.

3 A Well, I saw that the car door was opened.

4 Q And is this the car that you saw?

5 A Yes, sir.

6 Q So that door was opened.

7 A The door was open. And two mens was pulling this
8 young man out of the car and flung him on the ground.

9 Q Now, when you say they were pulling, two men were
10 pulling, him out of the car, were you able to get a look at
11 the two men that were doing that?

12 A I didn't get a look at the face because they was in a
13 bow position over the young man that was on the ground.

14 Q When you say you couldn't get a look at their face,
15 could you see sort of their build like their height, weight
16 and that kind of thing?

17 A No, sir.

18 Q Did you get a general impression as to whether one was
19 tall, one was short, one was heavy, one was thin or thing
20 like that?

21 A No, sir.

22 Q So when the two men pulled him, pulled the other
23 person out of the car, how did they do that? What did you
24 see them doing? You said pull. How were they pulling?

25 A I just seen them drag the man out of the car.

Leroy Daniels
Direct examination by Mr. Williams

1 Q And you say when they dragged him out he was on the
2 ground. Tell the jury what you saw.

3 A They dropped him on the ground by the car on the green
4 grass.

5 Q When they dropped him, where were the two standing by
6 the man that was on the ground?

7 A One was standing at the foot and one was standing at
8 the chest part.

9 Q Was he being held at all that you could tell?

10 A Looked like the one was at the head had his hands on
11 his shoulder, and the one at the foot was huffing something
12 to the man on the ground.

13 Q Was doing what?

14 A Was huffing something to the man on the ground.

15 Q Was huffing something?

16 A Yeah.

17 Q Does that mean saying something to him?

18 A Right.

19 Q Could you hear what anybody was saying?

20 A I couldn't, I couldn't hear anything.

21 Q Did you hear anybody else? Could you hear the boy on
22 the ground saying anything?

23 A The only thing I heard the boy was saying when they
24 dragged him out of the car, he said please don't shoot me
25 no more.

Leroy Daniels
Direct examination by Mr. Williams

1 Q When they pulled him out and he was on the ground,
2 what happened then?

3 A Well, they, they shot him. This man that had his foot
4 was huffing something to him on the ground in a bow
5 position, and he shot the fellow.

6 Q Do you know about how many times he shot him? Could
7 you tell?

8 A I only heard one shot when the man was on the ground.

9 Q And you say it was the man that was up at his head or
10 the one that was at his feet that shot him?

11 A One was at the head and one was at his feet.

12 Q Were you able to tell what kind of guns they had, if
13 any?

14 A No, sir.

15 Q After he was shot on the ground, what did you see
16 happen?

17 A Well, I was going to investigate. I thought it was my
18 grandson because the young man who drives the car, him and
19 my grandson usually be together because they make music.
20 And I was itching to get over there because I wondered why
21 they was doing my grandson like that.

22 But when I heard that shot, I backed up. And I, I
23 went back in the house and put on my pants and my shirt.
24 And the two young mens got up off the ground. They took
25 their time and walked slowly across Stall Street and to

Leroy Daniels
Direct examination by Mr. Williams

1 Front Street, which is a dead end.

2 Q Did you see -- I'm sorry. Go ahead.

3 A And when they walking to the dead-end street on the
4 side of my house, I didn't pay no more attention to them
5 because I wanted to get over there and see whether it was
6 my son, my grandson, on the ground.

7 So after they left, I didn't want to get-shoot, so I
8 walked over there after they left, and I looked down on the
9 ground to see whether it was my grandson or who it was.

10 Q Let me back you up some. You see the two men. One of
11 them fires a shot at the boy on the ground. You said you
12 saw them walk off. Did you see them walk off right then?

13 A Yes, sir. They walked. After they shot him, they got
14 up and walked a few times and walked across.

15 Q Did you see a third person out there?

16 A No, sir.

17 Q Do you recall giving a statement in this case?

18 A Beg your pardon?

19 Q Do you remember giving a statement in this case?

20 A Yes, sir.

21 Q Do you recall telling the officer that you saw three
22 people walk across the road?

23 A No, sir.

24 Q So you remember today seeing two people.

25 A Two people, yes.

Leroy Daniels
Direct examination by Mr. Williams

1 Q Is it fair to say your recollection of that may have
2 been better back on September the 1st of 2006? Do you
3 think you remembered it better then or you remember it
4 better now?

5 A I have dreams at night. I think I remember the same
6 thing.

7 Q I'm going to show you this item. Do you recognize
8 this document with your signature on it?

9 A Yes, sir.

10 Q I just want to show you page two. I want to show you
11 page one. You said on there that, "At that time the man
12 kneeling on the ground shot the man on the ground again.
13 After the shot a third man came up. Did not see where he
14 came from."

15 A No, sir. I didn't see the third man.

16 Q So you don't remember saying that?

17 A No, sir.

18 Q And it said after that the three guys walked across
19 the ditch in the street and they continued to walk down
20 Front Street.

21 A No, sir. I only seen two.

22 Q Okay. Today in court are you positive it was two or
23 three? Can you say for sure one way or the other?

24 A I didn't understand you.

25 Q What I'm trying to get at is how certain are you that

Leroy Daniels
Direct examination by Mr. Williams

- 1 it was two and not three versus, you know, at least two but
2 possibly three?
- 3 A I'm positive. I didn't see but two.
- 4 Q Okay. So you saw two men going across the street.
- 5 A Yes, sir.
- 6 Q And you say you went back and put on a pair of pants.
- 7 A Put on a pair of pants because I was in my pajamas.
- 8 Q How long would you say it took you to put on your pair
9 of pants and your shirt?
- 10 A Oh, you know, as soon as I could turn around and grab
11 my pants and shirt.
- 12 Q You thought that might be your grandson so you were in
13 a hurry at that point?
- 14 A Yes, sir.
- 15 Q Now, you say you went out. And you said there was --
16 you saw a car leave.
- 17 A I didn't see. I didn't know whether they was walking
18 or riding or what when I walk in the yard. And I heard Mr.
19 Jones said there he goes now in the white Jeep.
- 20 Q Did you look that direction?
- 21 A I looked at the direction. I seen the white Jeep, but
22 I didn't focus on the white Jeep.
- 23 Q Which direction was the white Jeep going?
- 24 A It was headed to Lincoln Avenue. I didn't know
25 whether they turned right on Lincoln Avenue or left on

Leroy Daniels
Direct examination by Mr. Williams

1 Lincoln Avenue.

2 Q I'm going to put up State's 43. Looking at that
3 screen, Mr. Daniels, does that look similar to the Jeep you
4 saw that day?

5 A Yes, sir; yes, sir.

6 Q I realize it's not the same position or anything, but
7 that's pretty much the same make and model you saw?

8 A Yes, sir.

9 Q Once you saw that Jeep go, you said you were walking
10 towards the house. What did you find as you got towards
11 that house?

12 A The young man laying on the ground.

13 Q What was his condition when you got to him?

14 A Well, he was laying there. His eyes were rolling back
15 in his head.

16 Q Was he able to speak at that point?

17 A No, sir. I didn't tarry. I walked back. I walked
18 back across the street to my property, and standing at the
19 gate, while the fire department came and started working on
20 him.

21 Q Did you ever go inside the residence there?

22 A No, sir; no, sir.

23 Q You said that a Mr. Jones was out there.

24 A Well, I didn't see him, but I heard him say there's
25 the Jeep.

Leroy Daniels

Direct examination by Mr. Williams

1 Q Okay. So you didn't see him. You just heard him.

2 A Uh-huh.

3 Q Mr. Daniels, do you remember seeing what color of
4 clothing the people that were walking and the people that
5 were in the front yard had on?

6 A They had dark, dark clothing on.

7 Q Did you notice if they had anything on their heads?

8 A When they was walking across the street, across Stall
9 Street, they might have recognized me. I don't know,
10 because I was fixing to step down the step there to go over
11 to see if that was my grandson on the ground. And they
12 pull up the black t-shirt over their head.

13 Q Were you able to see their faces at all?

14 A No, sir.

15 Q I have nothing else. Thank you, Mr. Daniel.

16 MR. BROWN: No questions.

17 MR. GROEBER: No questions, Your Honor.

18 MR. LOFTON: No questions, Your Honor.

19 THE COURT: Thank you. You may step down.

20 MR. WILLIAMS: The state calls Eartha Daniels.

21 Can he be excused, Your Honor?

22 THE COURT: He may.

23 (Whereupon, the witness was excused.)
24
25

Eartha Daniels
Direct examination by Mr. Williams

1 EARTHA DANIELS, having been
2 duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. WILLIAMS

4 THE CLERK: Just speak into this microphone. Please
5 say your full name, and spell your last name.

6 THE WITNESS: Eartha Lee Daniels, D-A-N-I-E-L-S.

7 Q Ms. Daniels, sounds like you're speaking pretty loud.
8 If you will, just try to talk loud enough to where it can
9 reach me. You're doing a great job.

10 A Okay.

11 Q Ms. Daniels, where do you live?

12 A I live at 201 West Stall Street in Lincolnville, South
13 Carolina.

14 Q How long have you lived there?

15 A Forty-one years.

16 Q And who do you live there with?

17 A My husband and five grandchildren.

18 Q They all live there with you?

19 A Yes.

20 Q Do you remember August the 31st of 2006?

21 A Yes.

22 Q Do you remember an incident that happened that day out
23 there?

24 A Yes.

25 Q I want you to tell this jury what you were doing just

Eartha Daniels
Direct examination by Mr. Williams

1 prior to that incident.

2 A My husband and I were in the bedroom watching "Judge
3 Judy", and we heard what I thought was fire crackers. I
4 heard four pops. So I thought it was fire crackers. So I
5 just say somebody is shooting fire crackers again.

6 So my husband, he got up to investigate because he
7 said it wasn't fire crackers. So he went outside, and I
8 got up and I followed him. I got as far as the front room
9 when he came back in. And he said call the police. He
10 said somebody just got killed. So I called 9-1-1. And I
11 stayed on the phone with them for a while explaining.

12 And they asked me to see was the young man breathing.
13 And I told them I was afraid to go outside because they
14 were shooting. But afterwards I went out. And I saw
15 Sterling laying on the grass. And I walked over, over
16 there, and he wasn't moving. He was unconscious, but he
17 wasn't dead yet.

18 And I went on in the house to check on Ms. Green, Ann,
19 because one of the neighbors had told me that she was tied
20 up with duct tape. So I went inside her house to check on
21 her and when I --

22 Q Let me stop you there. When you went inside the
23 house, who else was inside the house?

24 A There was a man in there I perceive to be a, a law
25 enforcer.

Eartha Daniels
Direct examination by Mr. Williams

- 1 Q Did you see Ms. Green?
- 2 A Yes. She was sitting in the chair, and he was
3 administering first aids to her. She was bleeding.
- 4 Q Did she seem to be upset, shaken up?
- 5 A Yes, very.
- 6 Q Did she seem to be excited at the time?
- 7 A Oh, yeah. She was very upset.
- 8 Q Did she seem to be under the stress of whatever it was
9 that had just happened to her?
- 10 A Yes, and very painful.
- 11 Q Did she talk to you about what she saw happen?
- 12 A Yeah. I got a chance to ask a few questions before I
13 was sent out.
- 14 Q What did -- did she tell you anything about how many
15 people were there?
- 16 A I thought she said that there were three. I thought
17 she said there were two upstairs and one downstairs. I'm
18 not sure. But later I heard that there were five.
- 19 Q I don't want -- I want you to talk about what she told
20 you when you walked in.
- 21 A Okay, okay.
- 22 Q When you walked in she said three?
- 23 A Yes.
- 24 Q And you're positive of that?
- 25 A Yes. That's what I thought. I could be wrong.

John Jones, Jr.
Direct examination by Mr. Williams

1 Q And at some point the law enforcement asked you to
2 leave so they could process that area.

3 A Yes. They said that was the crime area.

4 Q Thank you. I have nothing else, Mr. Daniels.

5 A Thank you.

6 MR. BROWN: No questions.

7 MR. GROEBER: No questions, Your Honor.

8 MR. LOFTON: No questions, Your Honor.

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

10 MR. WILLIAMS: Could she be excused as well, Your
11 Honor?

12 THE COURT: She may be.

13 (Whereupon, the witness was excused.)

14 MR. WILLIAMS: The state calls John Jones, Jr.

15 JOHN JONES, JR., having been
16 first duly sworn, testified as follows:

17 DIRECT EXAMINATION BY MR. WILLIAMS

18 THE CLERK: Please speak into this microphone, and
19 state your full name, and spell your last name.

20 THE WITNESS: John, J-O-H-N J-O-N-E-S.

21 Q Mr. Jones, where do you live?

22 A I live at [REDACTED] West Stall Street in Lincolnvile, South
23 Carolina.

24 Q Do you know your neighbors over there? Do you know
25 your neighbors, more or less?

John Jones, Jr.
Direct examination by Mr. Williams

1 A I know, I know some of them, but I don't know them by
2 name. I know Daniels and I know the Greens next door to
3 me. And I know the Daniels' brothers and sisters next door
4 to them. I know his kids live next door to them.

5 Q Where do the Greens live relative to where your house
6 is?

7 A Right the very next house to me.

8 Q Let me show you the diagram that's overhead. Does
9 that pretty much show the area where y'all lived if this is
10 West Stall and this is West Front, if this is Stall Street
11 that's in the front and Lincolnville Road is out this
12 direction? Is that the -- you can't recognize that?

13 A Could you bring that up again, please?

14 THE COURT: Why don't you just show them that
15 document? And then you can put it back up on the screen.
16 And maybe he'll recognize what it is if he can see it.

17 MR. WILLIAMS: I'll try that.

18 Q Take a closer look at that if you can.

19 A Yes.

20 Q That pretty much shows the area? I know you didn't
21 create that, but that shows the area?

22 A Yes.

23 Q And your house is right -- is this one right here?

24 A Yes.

25 Q This is the Greens' house?

John Jones, Jr.
Direct examination by Mr. Williams

- 1 A Correct.
- 2 Q Let me show you State's 1. Does that show your house
3 as well?
- 4 A Yes. It shows my front bedroom windows.
- 5 Q These are your windows?
- 6 A That's the front bedroom windows.
- 7 Q Let me show you also State's 3. That's your house
8 right there?
- 9 A Okay. That's showing my side -- my living room window
10 and my bedroom window right there.
- 11 Q Okay. I want to take you back to August the 31st of
12 2006. Do you remember something happening that day?
- 13 A Yes.
- 14 Q And I want to ask you what you were doing immediately
15 prior to that happening.
- 16 A Immediately prior to that happening I was laying in my
17 bed. I just got off from work at 4:00 o'clock.
- 18 Q And you were laying in your bed?
- 19 A I was laying. I just come in the house and I got --
20 after I got dressed I was laying there looking at the news.
- 21 Q Was there anybody else that was staying with you at
22 the time that was in the house?
- 23 A My son was in the house with me at the time.
- 24 Q And what's his name?
- 25 A John, III.

John Jones, Jr.
Direct examination by Mr. Williams

1 Q He's the third and you're a junior?

2 A Yes.

3 Q All right. And so as you are laying in your bed, do
4 you hear anything that attracts your attention?

5 A I heard several pops. And I said, I said, now, my
6 neighbor across the street and them be shooting fireworks.
7 I said but that's too close to my house. I said ain't
8 nobody shooting fireworks close to my house. And that's
9 when I got up and went to the living room window.

10 Q When you say the living room window, it that this one
11 here further down?

12 A That's the triple window right on the side right where
13 the -- that. If you see that barrel right there in the
14 yard --

15 Q Okay.

16 A -- right about that barrel is a triple set of windows
17 right there.

18 Q So you go to that window.

19 A I went to that window.

20 Q Did you look out?

21 A And I pulled back the blind at the middle window and I
22 look out the corner of the blind.

23 Q What did you see, if anything?

24 A And that's when I saw the young man come from the end
25 of this house right here at the front of this car. He came

John Jones, Jr.
Direct examination by Mr. Williams

1 running from it right there. He came running through
2 there, and he ran through the side of there where the door
3 pander at right there. And that's where he went through
4 and came out the back of that.

5 Q Did you recognize the young man?

6 A I didn't know him by name.

7 Q Okay. Did you see anything else when you saw him
8 running?

9 A He ran. I saw him running through. And I saw another
10 fellow standing behind him, a taller fellow, had hoodies
11 on. And I saw no face. He had a hoody on, and the hoody
12 was turned backwards and the eyes were cut off.

13 Q Could you tell what kind clothes he was wearing?

14 A No. I couldn't see the clothes because from -- if you
15 will see where that door panders --

16 Q Right.

17 A -- from where he was standing, I couldn't see his leg
18 parts. I could only see the upper part of his body.

19 Q How far -- well, what did that person do, the one that
20 standing there with the hoody on backwards, the eyes cut
21 out?

22 A Well, he stopped at the end of that wall right there.
23 That's when he shot at him again.

24 Q When you say again, did you see him shoot at him
25 before?

John Jones, Jr.
Direct examination by Mr. Williams

1 A I heard the first shot.

2 Q You don't know who fired those shots.

3 A No. I heard the first shot, but I saw the second shot
4 when the second shot was fired.

5 Q And he was shooting from around the side?

6 A Around at the end of the house right there. He's
7 standing at the end of the house, and that's when he shot
8 off.

9 Q As he was doing that, what did you see happen next?

10 A That's when I saw the young man run around the back of
11 the house, and he headed to the left, and he ran up to the
12 fire -- he ran up the street to the fire station. And then
13 I got from my living room window and I came down to the
14 front room that he showed me, the first one that he showed
15 me.

16 Q Is that other picture better or is this one okay?

17 A Okay. That's, that's, there's a window right above
18 the hood of the car, the window right above the hood of
19 that car right there.

20 Q Right here?

21 A I came to that window.

22 Q Did you walk directly to that window or did you take
23 your time? How long did it take you?

24 A No. I came back in through the house. When I came
25 through the house, I told my son. I told him to call Ann's

John Jones, Jr.
Direct examination by Mr. Williams

1 kids and tell that somebody is breaking in their house and
2 somebody is shooting in Ann's house.

3 Q Okay.

4 A And I opened the blind to the front window. That's
5 when I saw the fellow turn back from the end of the house
6 here and went back to the side of his car parked in the
7 driveway.

8 Q He went from this pointer to the car?

9 A He went back to the end of the porch, right, the
10 porch, the end of the porch.

11 Q Right.

12 A He went back to the end of the porch, and he was
13 standing up there near the car. And the car was right
14 there near the drive, not near the driveway. And right
15 when he was standing at the end of that porch by the pole,
16 then the heavy-set fellow, that's when he grabbed the other
17 fellow from the car.

18 Q Let me slow you down, now.

19 We've got one guy who was around the corner. What did
20 he -- I know you say you couldn't see his face. But the
21 person that was around the corner that looked like he was
22 behind the fellow that was running that had the gun, could
23 you tell what he was wearing apart from his color-wise?

24 A You mean the fellow who had the gun?

25 Q Yeah.

John Jones, Jr.
Direct examination by Mr. Williams

1 A I only saw, I only saw the hoody. I couldn't see the
2 lower part of his body.

3 Q Could you tell his build like his height, his weight
4 generally speaking?

5 A He was tall and slender.

6 Q Now, you say that, and you started talking about
7 another person. Did you see more than that person out
8 there?

9 A I saw him and I saw the other fellow that was standing
10 at the other side, at the driver's side, of the car.

11 Q Now, describe what that person looked like, the person
12 that was standing at the driver's side of the car as best
13 you can.

14 A Now, he was a heavy-set, kind of heavy set. He was
15 heavy set.

16 Q Was he taller or shorter, or could you tell?

17 A He was shorter than the fellow who had the gun.

18 Q And what did you see? Did you see anybody besides
19 those two people at that point?

20 A No. I saw nothing but those two and the one that was
21 on the ground.

22 Q Okay. Now, what was the heavy-set fellow doing?

23 A He had just snatched the fellow back from the car and
24 pulled him back to the ground.

25 Q When you first saw the person that you say was being

John Jones, Jr.
Direct examination by Mr. Williams

1 snatched from the car, what was he doing when you first
2 noticed him?

3 A Well, he was grabbing the doorhandle and trying to
4 open the car door.

5 Q Could you tell if he had been in the car earlier or
6 not?

7 A No, he didn't, hadn't gotten into the car.

8 Q What I'm asking you is you don't know if he had been
9 in there prior.

10 A No. I don't know whether he had been in the car or
11 not.

12 Q So what happened? You say he was dragged or he was --
13 what happened to him?

14 A He was grabbed by the shoulder and pulled back to the
15 ground.

16 Q And what happened then?

17 A When he pulled him back to the ground, then the fellow
18 from the side of the porch, the other fellow running around
19 the side of the wall, he was standing at the edge of the
20 porch. He walked back over to the front-end side of the
21 car. And that's when he was standing on the left side.
22 The fellow was kneeling to the ground with the other fellow
23 and pulled off and lowered to the ground.

24 Q So the shorter heavy-set guy was holding him, you say.
25 How was he holding?

John Jones, Jr.
Direct examination by Mr. Williams

1 A He was down on the ground and had a knee down, looked
2 like he had a knee down on him.

3 Q And the other fellow, what was he doing?

4 A Standing to the left side of him.

5 Q And at that point you say there was a shot fired?

6 A He reached over and pulled off the shot.

7 Q Do you know how many shots he fired?

8 A He fired once.

9 Q After that shot was fired did you see anything?

10 A That's when he, that's when he, the fellow on the
11 ground, got up. And the other fellow came out of the
12 house.

13 Q I want to ask you about that. You say he came out of
14 the house. Did you see him walk out of the door?

15 A No. I didn't see him. He came from the porch.

16 Q Okay. So when you say out of the house, you don't
17 know that he came out of the house.

18 A I'm not sure he came out of the house. I know was to
19 the porch, so therefore.

20 Q Let me ask you. I don't want you to make a
21 conclusion.

22 A Okay.

23 Q I just want you to tell us what you saw. What
24 direction did you see him come from?

25 A From the porch where the doorsteps --

John Jones, Jr.
Direct examination by Mr. Williams

- 1 Q So he came from the direction of the door?
- 2 A Right.
- 3 Q And is that a third person now or is that --
- 4 A That's a third person.
- 5 Q Okay. And what happens? What do these three people
- 6 do at this point?
- 7 A At this point they just take their time and got -- the
- 8 other one got up and took his time and walked back across
- 9 the street and stepped across the ditch and then walked
- 10 down Front Street and then come back up in a little white
- 11 Jeep.
- 12 Q I want to back you up.
- 13 You started saying somebody got up. I want to make
- 14 sure we understand who you're walking about because the
- 15 short stocky guy had fell down, correct?
- 16 A He was -- he kneeling down. He was --
- 17 Q The one that was kneeling down, is he the one that got
- 18 up?
- 19 A Right.
- 20 Q Not the guy that was shot at.
- 21 A No.
- 22 Q Did he ever move again that you saw?
- 23 A No. He didn't move.
- 24 Q So after he was -- that man was shot on the ground,
- 25 you say all three of them walked together?

John Jones, Jr.
Direct examination by Mr. Williams

1 A Yeah. The three of them walked and ran across the
2 street.

3 Q Did you watch this entire time out your window as they
4 walked through the street and as the Jeep left?

5 A No. After, after he done shot him and they were, they
6 were crossing the street going back, that's when I came out
7 of my front door. And I got on my porch. And I went to
8 the back end of my porch. And I hollered over at the fire
9 department. I told them that, I said, you got another
10 fellow over here laying on the ground and he's been shot
11 also.

12 And that's when the deputy in the burgundy Ford, he
13 pulled around the corner. And I was walking out and met at
14 the same time. And the paramedics and the fire department,
15 they came up. When the deputy pulled up --

16 Q Let me back you up a little bit. I want to make sure
17 we get this part about where the Jeep is.

18 You're looking out the window. You see the three of
19 them walk off. You keep your eye out the window at that
20 point and see the Jeep leave?

21 A No. During that time when he, when he done shoot him,
22 and by the time that I got back to the door they were going
23 across the ditch.

24 Q Okay.

25 A They were crossing the ditch. And as I was coming out

John Jones, Jr.

Direct examination by Mr. Williams

1 of my door, they were coming around the corner with the
2 Jeep.

3 Q Okay. I want to slow this down even more.

4 You're looking out the window. You see the shot and
5 then you see the three of them start walking.

6 A Right.

7 Q And then you go over to your porch?

8 A I come around to the porch door.

9 Q How far is the porch door from where your window was?
10 I mean, it's basically from here to steps away, would you
11 say?

12 A It's just one from around the wall from --

13 Q So you made the one move around to the porch. And
14 then you see the same three still walking?

15 A They wasn't rushing.

16 Q I understand that. I'm not asking if they were in a
17 hurry or not. I'm just asking. You still saw them walking
18 from the same direction.

19 A Right, yes, across the yard.

20 Q It was the same three.

21 A Right.

22 Q And those three walked to where, around the corner,
23 you said?

24 A They walked across the street towards the end of
25 Daniels' fence.

John Jones, Jr.

Direct examination by Mr. Williams

1 Q And this is Mr. Daniels' house?

2 A Right.

3 Q So they walked around. He has a fence up here?

4 A Daniels got a fence right on the side, right there.

5 Q So the three went around that corner together?

6 A They went around that corner.

7 Q And then what did you see next?

8 A That's when I saw the little white truck came back
9 out.

10 Q About how many seconds would you say after, or how
11 many much time passed between the time when they go around
12 that corner and the white truck comes up?

13 A No more than ten seconds they came back up because
14 they wasn't that far -- didn't look like that went that far
15 down that street.

16 Q Did you get a look at the, a look at the vehicle that
17 pulled out?

18 A From the side I couldn't tell what it was until they
19 get in full range of going down the street. And then I saw
20 the back of the tire on the back. I saw it was a Jeep.

21 Q Let me show you State's 43. Does that look like the
22 truck you saw that day?

23 A Yes.

24 Q Does that look like the tire you saw?

25 A Uh-huh.

John Jones, Jr.
Direct examination by Mr. Williams

1 Q After you saw that Jeep go around the corner, what was
2 the next thing that happened?

3 A After I saw the Jeep went around the corner, I was
4 standing up beside the car, beside the car when the young
5 man was laying on the ground that had just got shot.
6 That's when the deputy had came around. And he got out of
7 his car, and he came up over there.

8 And that's when I mentioned to him. I said the white
9 Jeep just ran down the street. I said actually you could
10 probably catch them, they're probably still on Lincolnville
11 Road because they wasn't rushing.

12 Q When, when you got up to the house did you notice
13 anybody inside?

14 A Ms. Ann, Ms. Green, was inside the house.

15 Q When did you first notice her?

16 A When the, when the paramedics asked me to back up so
17 they could work on the young man laying on the ground. And
18 I backed up to the side of the banister rail. And that's
19 when I heard Ms. Green inside. She was muzzling. And I
20 went to the door. When I went to the door, I look inside.
21 That's when I saw her on her knees with her hands taped
22 behind her back and tape around her mouth.

23 Q Let me back you up some and you ask you some things.

24 So you get out there and see the young man on the
25 ground.

John Jones, Jr.
Direct examination by Mr. Williams

- 1 A Right.
- 2 Q Had the paramedics gotten there yet, the firemen?
- 3 A They were coming. They were, they were running around
4 the side of the house during the same time.
- 5 Q So they're getting there the same time you are.
- 6 A I was there a little ahead of them.
- 7 Q And they start working on the young man?
- 8 A Right. They were trying to calm him down because he
9 was twisting and turning on the ground.
- 10 Q Was he able to talk at all?
- 11 A He was, he was gurgling.
- 12 Q As he's on the ground and the paramedics start working
13 on him, what did those -- when does, when does an officer
14 show up?
- 15 A Well, the officer was already arriving on the side of
16 the street. He was blocking off the street when the
17 traffic was coming down.
- 18 Q He had a car, a patrol car or a police car?
- 19 A He had a burgundy Ford parked there on the side.
- 20 Q Was it a marked car, an unmarked car?
- 21 A Unmarked.
- 22 Q So he blocks the traffic. At what point is it that
23 you notice Ms. Green inside the house?
- 24 A When the paramedics asked me to step back so they
25 could work on the young man on the ground.

John Jones, Jr.
Direct examination by Mr. Williams

- 1 Q Had the officer gotten up there yet?
- 2 A He was standing right beside. After he done parked
- 3 his car, he got up out and came over.
- 4 Q And so you went inside?
- 5 A No. After I stood on the side for a while and they
- 6 went by and I heard her, then I went inside.
- 7 Q Okay. So nobody had noticed her yet.
- 8 A No.
- 9 Q So you noticed Ms. Green. And what did you see about
- 10 her? What did you say?
- 11 A When I saw her she had tape on her mouth and her hands
- 12 taped behind her back, and her feet were taped. She was
- 13 kneeling down.
- 14 Q Did she look like she had been hurt?
- 15 A The house was dark inside. I couldn't see. I
- 16 couldn't see nothing.
- 17 Q Did you go inside?
- 18 A I went as far as to the foot of the steps right by the
- 19 living room wall and the step. And I popped the tape on
- 20 her mouth and I popped the tape on her hands and I come
- 21 back outside.
- 22 Q When you got closer did you notice that she had been
- 23 injured?
- 24 A I noticed she had blood on her.
- 25 Q How much blood did you see on her?

John Jones, Jr.
Direct examination by Mr. Williams

1 A Well, I didn't stay when I seen the blood on her
2 because I didn't want to be involved.

3 Q You didn't want to get involved with it?

4 A Right.

5 Q So you took the tape off her, her mouth and her hands,
6 you say?

7 A I popped the tape.

8 Q What do you mean by pop?

9 A I just pulled the tape down where she could get it
10 off, and I popped the tape on her hand where she could take
11 the rest off herself.

12 Q Okay. After you popped the tape on Ms. Green, where
13 did you go?

14 A Back outside standing by the porch, right there on the
15 edge of the porch.

16 Q Did you stay out there on that porch then as the
17 police showed up and everything?

18 A The police -- the deputy was already there when I,
19 when I came back outside.

20 Q Did you have any more involvement with Ms. Green
21 inside the house?

22 A No.

23 Q Did you do anything else outside the house?

24 A No.

25 Q Give the police a statement that night?

John Jones, Jr.
Direct examination by Mr. Williams

- 1 A Yes, I did.
- 2 Q Is that a 4-page statement written?
- 3 A Yes.
- 4 Q I want to ask you about -- were you able to notice any
5 guns out there?
- 6 A The only gun I noticed was the gun that they were
7 using.
- 8 Q And that was while a man was on the ground?
- 9 A Right.
- 10 Q What did it look like, more or less?
- 11 A It looked like a revolver. I know it was silver. It
12 looked like a revolver. And it looked like it was either a
13 .357 or a .3220.
- 14 Q Thirty-two?
- 15 A A .3220. It was old, long gun that the police used
16 back in the 60's -- .3220's.
- 17 Q Or a .357?
- 18 A Or a .357. It was silver.
- 19 Q Did it look like either one of these? And this is
20 State's Proposed 78, State's --
- 21 A Looked like that one right there.
- 22 Q This one.
- 23 A Fair enough.
- 24 Q And you're referring to State's 77.
- 25 A It looked just like that one.

1 Q It looked like this gun.

2 A Uh-huh.

3 MR. WILLIAMS: No further questions, Your Honor.

4 Q Thank you, sir.

5 MR. BROWN: May it please the Court.

6 THE COURT: Yes.

7 THE BAILIFF: Judge --

8 THE COURT: A juror needs a break.

9 Okay. Let's take a short break before we go further.

10 Please go to your jury room. Don't discuss the case.

11 (The following takes place outside the presence of the
12 jury.)

13 THE COURT: Mr. Jones, you can step down from the
14 witness stand, but you can't discuss your testimony with
15 anyone during the break.

16 Court is in recess for 15 minutes.

17 (Whereupon, a recess was taken.)

18 (Statement marked Defendant Smith's Exhibit No. 2 for
19 Identification.)

20 (Whereupon, a recess was taken.)

21 MR. WILLIAMS: Your Honor, we did want to take up one
22 thing with Mr. Jones prior to bringing the jury in.

23 I want to clarify his prior record. And Mr. Davis had
24 some questions about his rap sheet I thought we could ask
25 him before the jury comes in.

John Jones, Jr. (In-camera)
Cross-examination by Mr. Davis

1 THE COURT: Okay. Do y'all have his criminal history?

2 MR. WILLIAMS: Your Honor, I ran one on him. I don't
3 believe what we came up with is actually this witness, but
4 Mr. Davis is going to inquire. I really didn't look at it
5 that close to be honest and he certainly --

6 THE COURT: Okay.

7 MR. DAVIS: May it please the Court, Judge.

8 We've got two. One is a 3-page one. There's a
9 6-page. They both have the name John or Johnny Jones on
10 there with similar birth dates if I could be allowed to ask
11 the witness a few questions about these.

12 THE COURT: Okay.

13 MR. DAVIS: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. DAVIS

16 Q Mr. Jones, first of all, what is your date of birth?

17 A [REDACTED]

18 Q And what's your son's?

19 A [REDACTED].

20 Q Let me, let me just ask a general question to you,
21 sir. Do you have any prior arrests or convictions?

22 A Not that I can think of.

23 Q Okay. Would you have -- I think you talked about this
24 when the solicitor was asking you earlier. But have you
25 lived anywhere other than here near Lincolnville, South

John Jones, Jr.
Cross-examination by Mr. Brown

1 Carolina?

2 A Did I live anywhere else other than there?

3 Q Have you lived anywhere else?

4 A Yes.

5 Q Where else did you live?

6 A I lived in, off of Rivers Avenue, off Old Trandrum
7 Road.

8 Q Did you ever live outside the state of South Carolina?

9 A No.

10 Q Were you ever arrested outside the state of South
11 Carolina?

12 A No.

13 MR. DAVIS: Thank you, Your Honor. That's all we
14 have.

15 Q Thank you, Mr. Jones.

16 THE COURT: Okay. Bring the jury in.

17 (The following takes place in the presence of the
18 jury.)

19 THE COURT: All right. You may continue.

20 CROSS-EXAMINATION

21 BY MR. BROWN

22 Q Good morning, Mr. Jones.

23 A Good morning.

24 Q I want to go back to August the 31st of 2006 again.

25 And after the incident and the police came in, you had an

John Jones, Jr.
Cross-examination by Mr. Brown

1 opportunity to talk with the police, is that correct?

2 A Correct.

3 Q And they asked you what you saw, and then you told
4 them everything that you saw and everything that you heard,
5 is that correct?

6 A Yes.

7 Q In fact, you, you made this statement to Detective
8 Stanley, did you not?

9 A I didn't know who the detective was.

10 Q Let me show you that's been marked as Defendant
11 Smith's Exhibit 2. Do you recognize that as your
12 statement?

13 A Yes.

14 Q Is that your signature on the bottom of the page?

15 A Yes.

16 Q In fact, is that your signature on the bottom of each
17 of those four pages?

18 A Yes.

19 Q And when you gave this statement you were truthful and
20 honest, weren't you?

21 A Yes, I was.

22 Q You were trying -- you understood the importance of
23 your, your, your, your information for the police, didn't
24 you?

25 A Yes.

John Jones, Jr.
Cross-examination by Mr. Brown

1 Q Now, you testified earlier on direct examination that
2 when you first heard the pops you looked out the window and
3 you saw a young man running through between the houses, is
4 that right?

5 A Correct.

6 Q And you testified that you saw another young man
7 behind him, is that correct?

8 A Correct.

9 Q And you said that you saw that young man behind him
10 take a shot at him, is that correct?

11 A Correct, yes.

12 Q Now, if you look at your statement on page one, if
13 you'll follow with me, it says, "I was laying in my bed and
14 I heard several pops. I got up and I came to my living
15 room window. I looked out the window. That's when I saw
16 the first young man run through the house and dog pen,
17 between them then I came to the front-room window and I saw
18 three fellows drag the young man over to the car."

19 You didn't mention anything in your statement nearly
20 two years ago about seeing the second young man behind the
21 first one that was running, did you?

22 A No.

23 Q Okay. And you didn't mention in your statement at
24 that time seeing that second young man take a shot at the
25 first, did you?

John Jones, Jr.
Cross-examination by Mr. Brown

- 1 A Excuse me?
- 2 Q You testified on direct that when you saw the first
3 young man you saw somebody else behind him, right?
- 4 A Correct.
- 5 Q And that person behind the first young man, you say,
6 took a shot at the first young man.
- 7 A Right.
- 8 Q Okay. But you didn't say anything about that in your
9 statement, correct, in this statement?
- 10 A I'm pretty sure I mentioned it to the officer that,
11 that he was shot and they were shooting at him.
- 12 Q Take your time if you'd like and read through that
13 statement and see if you see something about that in there.
14 Let me know when you're done.
- 15 (Pause.)
- 16 A There's nothing there.
- 17 Q Okay. Now, you also testified a moment ago on direct
18 examination that when you looked out the living room window
19 you saw the three fellows with Mr. Spann, is that correct?
- 20 A Out the living room window? No. I --
- 21 Q Okay.
- 22 A I, I, I didn't say I saw three fellows out of the
23 living room windows.
- 24 Q Okay.
- 25 A No, I didn't.

John Jones, Jr.
Cross-examination by Mr. Brown

1 Q Where did you see them?

2 A I said I saw when one fellow come running between the
3 house they were -- the other fellow is chasing him with a
4 gun.

5 Q Okay.

6 A Now, the other fellow behind the car, I wasn't
7 watching him to know about that -- that it wasn't the third
8 fellow yet. He didn't ask me for that third, for that
9 fellow behind the car yet.

10 Q Okay.

11 A So the person I was talking about at the very moment
12 was the one that was chasing him with the gun.

13 Q That's the, that's the fellow you didn't mention in
14 your written statement, is that correct?

15 A Correct.

16 Q Okay. Now, you looked out; you looked out. Was it
17 the front room window?

18 A The living room window.

19 Q Where you can see the young man laying on the ground?

20 A That's the front bedroom window.

21 Q Okay. You looked out the front bedroom window and you
22 could see the young man laying on the ground?

23 A I couldn't see him laying on the ground. That wasn't
24 in the statement, or not. I could only see his leg part
25 from the front end of the car. From the way he was laying,

John Jones, Jr.
Cross-examination by Mr. Brown

1 I could only see his leg part from over the front end of
2 the car.

3 Q Didn't you testify a moment ago that you saw them drag
4 him from the car?

5 A I saw them snatch him back from the door by the
6 shoulder.

7 Q Was it from inside the car or --

8 A No.

9 Q Okay. So you didn't see any of that.

10 A No.

11 Q Okay.

12 A He never got into the car. He was holding the door
13 handle.

14 Q Okay. And at some point you saw him on the ground.

15 A Correct.

16 Q Okay. And you said someone was holding him down?

17 A The heavy-set fellow.

18 Q The heavy-set fellow was holding him down. How was he
19 holding him down?

20 A From the point of view that I could see the way he
21 was -- that way he had, looks like he had his hands to him,
22 and a knee.

23 Q Okay.

24 A By the way he was squatting there.

25 Q When you say he had a knee, what do you mean?

John Jones, Jr.
Cross-examination by Mr. Brown

1 A Like you put a knee, your knee, on somebody to hold
2 them down.

3 Q All right. So he had his knee on him and he was
4 holding him with his hands as well.

5 A Right.

6 Q Okay. Was the young man on the ground, was the young
7 man struggling?

8 A I couldn't only see him. All I could see was his
9 feet.

10 Q Okay. All you could see was his feet.

11 A Right.

12 Q Well, if all you could see was his feet, how were you
13 seeing the other man holding him down with his hands?

14 A Because he was higher than the hood of the car.

15 Q Okay, okay. But you saw him holding him down, is that
16 correct?

17 A Right.

18 Q Okay. Now, you testified a moment ago also that they
19 shot him one time.

20 A That's all I saw.

21 Q "That's all I saw." In your statement though you said
22 you saw three shots, correct?

23 A I heard several shots.

24 Q Okay. In your statement, as a matter of fact, it says
25 that's when they shot him three times, is that correct?

John Jones, Jr.
Cross-examination by Mr. Brown

1 A No. I didn't say shot him three times. I said shot
2 three times.

3 Q Well, let me direct you to your statement.

4 A Because I heard two shots from my bedroom and one when
5 I got to the window.

6 Q One when you got to the window.

7 A Right.

8 Q Let me direct you to your statement if you'd look down
9 at it about six lines down.

10 It says, "Then I came to the front-room window and I
11 saw three fellows drag the young man over to the car.
12 That's when they shot him three times." Is that what you
13 said then?

14 A No. I didn't say that.

15 Q Is that in your statement?

16 A Not that word, no.

17 Q Is that what your statement says?

18 A That's what the statement says, but I didn't use that
19 word.

20 Q Okay. And this is the statement that you gave a year
21 and a half ago, the day of the incident, is that correct?
22 Is it fair to say you disagree now with what's in that
23 statement?

24 A Do what, now? Well, this word wasn't mine. That word
25 wasn't mine.

John Jones, Jr.
Cross-examination by Mr. Groeber

1 Q So you disagree with what was in your statement made
2 the day of the incident, is that correct?

3 A That word, yes. I disagree with that word.

4 Q Okay.

5 MR. BROWN: I don't have anything further.

6 CROSS-EXAMINATION

7 BY MR. GROEBER

8 Q Good morning, Mr. Jones.

9 A Good morning.

10 Q You said you've lived in Lincolnville a long time?

11 A Only from '95.

12 Q Since '95. Thirteen years. So you know the Greens.

13 A Yes.

14 Q And you know the Daniels.

15 A I met the Daniels since they moved to Lincolnville.

16 Q And do you know a Harold Corley?

17 A Harold Corley, no, I don't.

18 Q Mr. Corley?

19 A No.

20 Q On the day of this incident you said you were taking a
21 nap.

22 A I was laying on the side of the bed looking at the
23 news.

24 Q You were laying on the side. Had you, had you been at
25 work that day?

John Jones, Jr.
Cross-examination by Mr. Groeber

- 1 A Yes.
- 2 Q Where were you working then?
- 3 A I worked at Northhand Protection.
- 4 Q What is Northhand Protection?
- 5 A A rubber company.
- 6 Q They make rubber gloves?
- 7 A Right.
- 8 Q You said that after you heard the shots you went to
- 9 your window and you saw through your window a person
- 10 running by and then you saw a second person running after
- 11 him.
- 12 A Correct.
- 13 Q And I believe you said in your direct testimony that
- 14 you could only see the lower parts of that second person.
- 15 A I could only see the upper part.
- 16 Q You could only see the upper part. You could not see
- 17 the lower part.
- 18 A Right, right.
- 19 Q And you said he was wearing a hoody --
- 20 A Right.
- 21 Q -- with the eyes cut out. And that was from your
- 22 bedroom window?
- 23 A Living room.
- 24 Q The living room. Why -- you couldn't see the lower
- 25 part because of a tree in the way?

John Jones, Jr.
Cross-examination by Mr. Groeber

1 A The dog pen.

2 Q The dog pen was in the way. When you gave the
3 statement to -- you did give a statement on that day. And
4 it was written by Richard Hallman?

5 A No. The lady wrote the first statement that I got.

6 Q So you gave a statement to a lady.

7 A A lady officer.

8 Q Did you give a second statement to anyone?

9 A I think there was officer came back after her. The
10 first -- he said he was going to finish up her, her report.

11 Q So you gave two statements that night.

12 A Right. He finished up the report after she did.

13 Q Was that Deputy Hallman?

14 A Excuse me?

15 Q That was Deputy Hallman --

16 A I don't remember the names, sir.

17 Q -- who finished. And he's the one who wrote this,
18 your statement that's in front of you.

19 A Well, the lady done the first part, and I think the
20 man, the man did the second. If you look at it you will
21 notice there was two handwritings on here.

22 Q I did see that.

23 A Okay. But there were two officers done the report.

24 Q You just said in your statement that you saw a little
25 white Jeep truck.

John Jones, Jr.
Cross-examination by Mr. Groeber

- 1 A Right.
- 2 Q You didn't see the people walking from the scene get,
3 actually get, into the truck, did you?
- 4 A No.
- 5 Q You didn't see when the truck drove by a little while
6 later. You didn't see how many people were in the truck?
- 7 A No, I didn't.
- 8 Q You couldn't see inside it?
- 9 A I only saw the side when he come around the corner
10 running. I saw the back of it.
- 11 Q So you couldn't tell how many people were in the
12 truck.
- 13 A No.
- 14 Q Later on you went into Ms. Green's house.
- 15 A Yes.
- 16 Q And you were the one who took the tape off of her?
- 17 A Yes, only off her mouth and hand.
- 18 Q Okay. Off her mouth and hand.
- 19 A I didn't take it off her feet.
- 20 MR. GROEBER: One moment, Your Honor.
- 21 (Pause.)
- 22 MR. GROEBER: No further questions.
- 23 MR. LOFTON: No questions, Your Honor.
- 24 THE COURT: You may step down. Thank you, sir.
- 25 MR. WILLIAMS: May he be excused, Your Honor?

John Jones, III
Direct examination by Mr. Williams

1 THE COURT: Yes, sir, he may.

2 MR. WILLIAMS: The state calls John Jones, III.

3 JOHN JONES, III, having been
4 first duly sworn, testified as follows:

5 DIRECT EXAMINATION BY MR. WILLIAMS

6 THE CLERK: Speak into this mic. State your full
7 name, and then spell your last name.

8 THE WITNESS: I'm John Jones, III, J-O-N-E-S.

9 MR. WILLIAMS: May it please the Court, Your Honor.

10 THE COURT: Yes.

11 Q Sir, where do you currently live?

12 A [REDACTED] West Stall Street.

13 Q Is that in Lincolnville?

14 A Yeah.

15 THE COURT: Could you speak up, please, sir, for the
16 benefit of the court and the jury?

17 THE WITNESS: (Groan.)

18 Q If you can, first off, we've got this thing that makes
19 a little bit of noise, plus I'm way back here. If you can
20 speak loud enough to you where you can reach me. You need
21 to just use that microphone.

22 A All right.

23 Q All right. You've got to say yes, no, and be clear.
24 West Stall, that is in Lincolnville?

25 A Yes, sir.

John Jones, III
Direct examination by Mr. Williams

- 1 Q Who do you live there with?
- 2 A My mama and my father.
- 3 Q What's your father's name?
- 4 A John Jones, Jr.
- 5 Q You have the same name as he does. You're the third?
- 6 A Yes, sir.
- 7 Q Do you remember something happening out there back on
- 8 August the 31st of 2006?
- 9 A Yes, sir. They had a home invasion.
- 10 Q Say that again.
- 11 A They had a home invasion.
- 12 Q Okay. So prior to that happening, what were you doing
- 13 immediately prior to that incident?
- 14 A I was on the phone calling my cousin telling him that
- 15 there was a shooting at his house and that --
- 16 Q I want to go. But before the shooting happened, what
- 17 were you doing?
- 18 A I was on the phone talking and looking at T. V.
- 19 Q Say that again.
- 20 A Talking on the phone and looking at T. V.
- 21 Q Okay. And you said there was some shooting. Is that
- 22 the first thing you noticed?
- 23 A Yes, sir.
- 24 Q Could you tell where that shooting was coming from?
- 25 A It sounded like it was real close, but I didn't know.

John Jones, III
Direct examination by Mr. Williams

1 Q When you heard the shooting, how many shots would you
2 say you heard?

3 A At the first shots I heard four, and I ran to the
4 window.

5 Q When you heard those shots, what did you do?

6 A I ran to the window.

7 Q Putting up State's Exhibit 1. Does that exhibit show
8 the windows that you were at?

9 A The window I was at, the tree blocking it.

10 Q Right back in here?

11 A Yes, sir.

12 Q When you went to that window what, if anything, did
13 you see?

14 A I saw Jamie run around to the side of the house with a
15 dude with all black on with red, white and green Nikes or
16 something.

17 Q When you say Jamie, do you know Jamie Williams?

18 A Yes, sir.

19 Q How long have you known Jamie for?

20 A Since I was young.

21 Q When you say you saw somebody chasing him --

22 A Yes, sir.

23 Q -- how close was that person to Jamie?

24 A I would say about three or four steps.

25 Q Were they both running?

John Jones, III
Direct examination by Mr. Williams

- 1 A Yes, sir.
- 2 Q Could you tell if anybody was shooting?
- 3 A When I looked out the window, ain't nobody been
4 shooting at that time. But after I heard the shooting, I
5 knowed somebody was getting shot at.
- 6 Q So you heard shooting coming from somewhere else?
- 7 A From that spot, but I could, I could not really tell
8 until I looked out the window and see where sparks are at.
- 9 Q You say you did what?
- 10 A When I looked out the window --
- 11 Q Right.
- 12 A -- I couldn't tell where the shots were at until I
13 looked out the window.
- 14 Q Okay. When you looked out, what did you see?
- 15 A I saw Jamie running around the side of the house, like
16 right there, there's a dog pen. He hopped over that.
- 17 Q Right beside there?
- 18 A And the dude was right behind him.
- 19 Q I'm going to put up State's 3. Does that show the dog
20 pen you're talking about right here?
- 21 A Yes, sir.
- 22 Q The guy that was chasing after Jamie, you said you
23 noticed his shoes.
- 24 A Yes, sir.
- 25 Q Did you notice anything else about him?

John Jones, III
Direct examination by Mr. Williams

1 A Like it happened so long ago, the only thing I can
2 actually pinpoint that I can remember are the back, is his
3 shoes.

4 Q And they were red?

5 A Yes, sir.

6 (Clothing marked State's Exhibit No. 80 for
7 Identification.)

8 Q I'm going to open what's been marked State's Proposed
9 80 and take out two items. Do you recognize these? Is
10 that a yes?

11 A Yes, sir.

12 Q What do you recognize them as?

13 A Nikes.

14 Q These are the shoes you saw that day?

15 A Yes, sir.

16 MR. WILLIAMS: Your Honor, I'm going to have these
17 marked separately as well as 80-A if that will work.

18 (Shoes marked State's Exhibit No. 80-A for
19 Identification.)

20 Q I have now had this marked State's Proposed 80-A. Do
21 you recognize these as the shoes you saw that night?

22 A Yes, sir.

23 MR. WILLIAMS: I will show to defense counsel.

24 (Pause.)

25 MR. WILLIAMS: Your Honor, I move to admit State's

John Jones, III
Direct examination by Mr. Williams

1 Proposed 80-A.

2 THE COURT: Any objection?

3 MR. BROWN: None.

4 MR. DAVIS: Yes, sir, Your Honor. Foundation and
5 chain has not been laid yet.

6 THE COURT: Well, he said those are the shoes.

7 Overruled.

8 Mr. Lofton.

9 MR. LOFTON: No objection.

10 (Shoes marked State's Exhibit No. 80-A.)

11 Q So going back, you stated a person that you only
12 remember wearing those shoes, those bright red shoes,
13 running by -- after you see him go by the side of the house
14 and Jamie going over the dog pen, what do you see happen
15 next?

16 A They ran past the house behind that house. Then I
17 couldn't see 'em anymore.

18 Q And once they ran past the house, what did you do?

19 A I called my cousin.

20 Q Did you see anything else happen out the front?

21 A No, sir.

22 Q Did you ever look back out the window? Is that a no?

23 A No, sir.

24 Q Did you hear any more shots coming from over there?

25 A It ain't really clear to me no more.

John Jones, III
Direct examination by Mr. Williams

- 1 Q You don't remember if you heard more shots or not? Is
2 that a no?
- 3 A No, sir.
- 4 Q But you're positive about remember seeing those red
5 shoes, that it was the person that was chasing Jamie.
- 6 A Yes, sir.
- 7 Q I want to ask you about -- you said that you then
8 called your cousin.
- 9 A Yes, sir.
- 10 Q What, who is your cousin?
- 11 A Quantis Green.
- 12 Q Why did you call him?
- 13 A Because I knew if someone was going at the house they
14 would want them -- they'd want me to call them.
- 15 Q Call who?
- 16 A Them. Quantis and his brothers.
- 17 Q Quantis and his brothers live there?
- 18 A Yes, sir.
- 19 Q How long have you known Quantis and his brother?
- 20 A Since I was young.
- 21 Q What's Quantis' brother's name?
- 22 A John Tate Green.
- 23 Q Do John Tate and Quantis both live there?
- 24 A Yes, sir.
- 25 Q You've known them a long time?

John Jones, III
Cross-examination by Mr. Brown

1 A Yes, sir.

2 Q They were hurt when they were kids?

3 A Yes, sir.

4 Q And you're aware that they got some money out of that.

5 A Yes, sir.

6 Q In your knowledge of them and knowing them, is it
7 pretty common knowledge that they had that settlement
8 money?

9 A Yes, sir.

10 Q People know that they got what could be millions of
11 dollars in a settlement?

12 A Well, I don't know what people know that they got, but
13 I know, just know like they do hit big.

14 Q Do you remember seeing or being able to tell what kind
15 of gun or what color the gun was that the person that was
16 chasing Jamie had?

17 A No, sir.

18 MR. WILLIAMS: Nothing else, Your Honor. Thank you.

19 CROSS-EXAMINATION

20 BY MR. BROWN

21 Q Good morning, Mr. Jones. I've got just a few
22 questions actually.

23 MR. BROWN: Will you turn that back on?

24 Q Just a few questions actually. The window that you
25 looked out of when you first saw Jamie Williams run by --

John Jones, III
Cross-examination by Mr. Brown

1 A Yes, sir.

2 Q -- is that the living room window?

3 A No. That's my bedroom window.

4 Q That's your bedroom window. And it's back over there
5 behind the trees, you said, is that right?

6 A Yes, sir.

7 Q And you looked out and you saw Jamie Williams run
8 between Ms. Green's house and the dog pens, is that right?

9 A Yes, sir.

10 Q And you said the other person was right behind him.

11 A Yes, sir.

12 Q So you're looking over the top of the dog pens and
13 everything, is that correct?

14 A Yes, sir.

15 Q Okay. So when you were looking over the top of the
16 dog pens, you can't see but the top part of them, right?

17 A Yes, sir.

18 Q Because the dog pens are in the way, is that correct?

19 A Yes, sir.

20 Q So you could see the top of these people. Okay. I
21 don't have anything further.

22 MR. GROEBER: No questions, Your Honor.

23 MR. LOFTON: No questions, Your Honor.

24 THE COURT: You may step down. Thank you.

25 MR. WILLIAMS: Can he be excused, Your Honor?

Charles Gantt
Direct examination by Ms. Cardillo

1 THE COURT: He may be.

2 (Whereupon, the witness was excused.)

3 MS. CARDILLO: The state calls Chief Gantt.

4 CHARLES GANTT, having been
5 first duly sworn, testified as follows:

6 DIRECT EXAMINATION BY MS. CARDILLO

7 THE CLERK: Please state your full name, and spell
8 your last name.

9 THE WITNESS: Full name is Charles Gantt, G-A-N-T-T.

10 Q Chief Gantt, can you hear me?

11 A Yes.

12 Q You might have --

13 THE COURT: Excuse me just a minute.

14 You might need to get a little bit closer to that
15 microphone. I'm having a hard time hearing you from here.

16 THE WITNESS: Yes, sir.

17 Q Chief Gantt, where are you employed?

18 A With the town of Lincolnville. I'm the fire chief.

19 Q For how long?

20 A Last 13 years.

21 Q I'm going to turn your attention to August the 31st of
22 2006. Were you on duty that day?

23 A Yes, ma'am.

24 Q For what reason?

25 A Well, I'm always on duty, but we were at the station.

Charles Gantt
Direct examination by Ms. Cardillo

1 Q Was there a lot of personnel present that day?

2 A Yeah. I had approximately about, I guess, a little
3 over half a dozen personnel in the station.

4 Q Is that common to have that many?

5 A No. We had a storm that day, storm warnings, so we
6 had additional personnel there.

7 Q Now, did anything unusual or out the ordinary happen
8 that afternoon?

9 A Yes, it did.

10 Q And what was that?

11 A While sitting in the bay in the station just general
12 conversation we heard rapid gunfire coming from behind the
13 station.

14 Q And what did you do as a result of hearing that?

15 A The first thing I said for nobody to go outside
16 obviously. It sounded real close. Two of us actually
17 stuck our head around the corner to kinda look out to see
18 if it was coming our direction.

19 Q What did you see, if anything, when you looked out?

20 A Okay. I, I looked out the rear of the station. I
21 didn't see anything. One of my other guys went towards the
22 front of the bay in front of the fire truck and kinda made
23 an unusual noise. And we knew something was going on on
24 that end. So we proceeded to that direction.

25 Q And once you got to that section, what, if anything,

Charles Gantt
Direct examination by Ms. Cardillo

1 did you see?

2 A We seen a young man laying right in front of the fire
3 truck, about 15 foot in front of the fire truck.

4 Q Did he look injured?

5 A Yes. He had multiple gunshot wounds.

6 Q And as a result of seeing this, what did you do?

7 A First thing I did, we were trying to identify where
8 the shooter was for our safety.

9 I immediately turned my radio over to the Charleston
10 County Sheriff's Department. I notified the dispatcher
11 what we had going on.

12 And also I had a neighbor out next door to us. And we
13 were trying to make sure that our safety was still there
14 while we rendered medical care for the young man on the
15 ground.

16 Q Now, was there an officer present at the fire
17 department?

18 A Yes, there was.

19 Q And who was that?

20 A Officer Jackson.

21 Q Now, once you determined -- did there come a point
22 where you determined it was safe to go out?

23 A We as it, yeah, kind of unfolded, the next-door
24 neighbor was pointing that they took off in that direction.
25 And so we felt it was safe at that time. There was still

Charles Gantt
Direct examination by Ms. Cardillo

1 some additional commotion going on around the corner.

2 Q What was your focus on at that point?

3 A Obviously, I had my guys take medical care of the
4 individual on the ground. We were trying to find out.

5 People were pointing kinda at the corner. And we, as
6 we reported to the sheriff's department and our dispatcher,
7 which is E. M. S., what we had unfolding, we went around
8 the corner and found the second individual laying on the
9 ground.

10 Q Let me. You said you went around the corner. Where
11 did you proceed? Where did you go?

12 A We went out of the station, took a left and went --
13 there's one house, and then there's the house where the
14 occurrence, where it occurred at.

15 Q Was this on the corner of West Stall and West Front?

16 A Right, West Stall and West Front, right.

17 Q And what, if anything, did you find when you arrived?

18 A We found Mr. Spann laying on the ground. The car was
19 running. There was blood all over the car and the ground.

20 Q Now, was -- where exactly was Mr. Spann when you came?
21 You said he was on the ground. But describe how he was
22 laying on the ground.

23 A The vehicle was in the driveway facing the house. He
24 was laying approximately 5 or 6-foot from the vehicle. The
25 car was open. He was laying on the ground.

Charles Gantt
Direct examination by Ms. Cardillo

1 Q Was the car off or on?

2 A It was on.

3 Q After -- so did you provide medical care for Mr. Spann
4 at this point?

5 A Right a few of my guys went with me down there. We
6 put attention on him kinda to see what, what was going on
7 with him.

8 While we were doing that we also had another report
9 that someone was inside.

10 Q And what was Mr. Spann's condition when he was on the
11 ground when you were helping him?

12 A We would call it a category two.

13 Q What does that mean?

14 A He was very unstable.

15 Q Was he awake?

16 A He wasn't quite conscious. He was making noises. We
17 never did get any verbal conversation or anything out of
18 him.

19 Q Was he laying still or was he --

20 A Yeah, kind of laying still. But, I mean, we were
21 getting no conversation or anything coherent out of him.

22 Q And you said that there was another victim. Where was
23 that person?

24 A Right. I believe it was one of the neighbors that
25 said there was somebody inside that got beat up or

Charles Gantt
Direct examination by Ms. Cardillo

1 something of that nature. And we proceeded in there. When
2 I entered the house she was standing in the kitchen area.

3 Q And did you make any physical observations of her?
4 Did she have any injuries?

5 A Yeah, to the head. She had an injury to the head. We
6 assessed that.

7 Q When you observed her injury to her head, did she have
8 any blood on her?

9 A Yes, right around the forehead area.

10 Q Was she bleeding?

11 A Yes.

12 Q Was she bleeding profusely at this point?

13 A I wouldn't say that. No, not that bad, I mean.

14 Q Was she in any type of -- was she bound in any way or
15 was she --

16 A Not when I entered the house, no.

17 Q Now, when you -- did you speak with this person?

18 A Yeah. We were obviously checking her injury out and
19 asked her was she was okay and --

20 Q Were you checking for her medical condition?

21 A Right.

22 Q And did she say anything to you?

23 A Basically, we heard that they had --

24 MR. DAVIS: Objection, Your Honor.

25 THE COURT: Overruled.

Charles Gantt
Direct examination by Ms. Cardillo

1 A That I was hit in the head and all of that.

2 Q I'm sorry?

3 A I'm sorry. She obviously said that she was hit in the
4 head with a pistol.

5 Q Once you had provided medical attention to the woman
6 in the house, what did you do at that point?

7 A Well, at that point we were getting another call to
8 come over our radio of a stabbing around the corner on the
9 other side of town, the east side of town. And we thought
10 all of this may be related.

11 So I had my guys kinda disbursed to all the victims
12 that were there. And I took off to the other side of the
13 town to see what we had going on over there, although it
14 had turned out it was not related.

15 Q Now, when you arrived at [REDACTED] were -- who
16 else was present other than Mr. Spann of course in the
17 yard?

18 A There was some neighbors out front. There was one
19 gentleman. I can't remember which one it was. It was the
20 neighbor beside them, I think, that was out in the driveway
21 area.

22 Q And Officer Jackson -- was he on the scene at this
23 point?

24 A He was -- there was a lot of commotion going on. He
25 followed up behind us. We was obviously at the office, at

Charles Gantt
Direct examination by Ms. Cardillo

1 the station, when all of this occurred. One of my other
2 guys was with them, and we sent somebody there to let them
3 know what was going on, so I --

4 Q Did you -- did it come a point that you spoke with the
5 police about what happened?

6 A Yes, ma'am.

7 Q And was that after -- well, did you return from the
8 other incident location?

9 A Right. As soon as we knew it wasn't related, I did
10 return back to the incident. And the E. M. S. was there.
11 And, you know, we proceeded packaging the patients and
12 putting them in the ambulance.

13 Q And did you provide any type of statements to the
14 police?

15 A Yes, I did.

16 Q Did you give a written statement to the police?

17 A Yes, ma'am.

18 MS. CORDILLO: One moment, Your Honor.

19 (Pause.)

20 Q I have no further questions for you. If you would,
21 answer any questions that the three defense attorneys may
22 have for you.

23 A Okay.

24 Q Thank you.

25 MR. BROWN: No questions.

Charles Gantt
Cross-examination by Mr. Davis

1 MR. DAVIS: Just briefly, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. DAVIS

4 Q You were called out to a second incident, is that
5 right?

6 A Excuse me?

7 Q You were called out to a second incident while you
8 were on the scene of this one?

9 A Right, yes, sir.

10 Q And that was also in the Lincolnville area?

11 A Yes, sir.

12 Q And you went and did what you needed to at the second
13 incident scene and then came back?

14 A Right, once I --

15 Q Because you made a determination that they were not
16 related?

17 A Right.

18 Q Thank you.

19 MR. DAVIS: No further questions.

20 MR. LOFTON: No questions, Your Honor.

21 THE COURT: You may step down.

22 MR. WILLIAMS: May he be excused, Your Honor?

23 THE COURT: He may be.

24 (Whereupon, the witness was excused.)

25 MR. WILLIAMS: The state calls Deputy Scott Jackson.

Scott Jackson
Direct examination by Mr. Williams

1 SCOTT JACKSON, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. WILLIAMS

4 THE CLERK: State your full name, and spell your last
5 name.

6 THE WITNESS: Scott Jackson, J-A-C-K-S-O-N.

7 MR. WILLIAMS: May it please the Court, Your Honor.

8 THE COURT: Yes.

9 Q Sir, where do you work?

10 A Charleston County Sheriff's Office.

11 Q What do you do for the sheriff's office?

12 A I'm a deputy in the traffic division.

13 Q How long have you been in law enforcement?

14 A I started working for the sheriff in 1988, so ten
15 years with the sheriff.

16 Q You say you're in the traffic division. What does
17 that mean?

18 A We handle accidents, fatalities, county vehicle
19 investigations.

20 | 0 You drive a marked car or unmarked car?

21 A An unmarked car, sir.

22 Q When you say you work for the county, you cover the
23 entire county?

24 | A Yes, sir.

25 Q On August the 31st of 2006 were you working for the

Scott Jackson
Direct examination by Mr. Williams

- 1 sheriff's office as a traffic deputy?
- 2 A Yes, sir.
- 3 Q Where were you patrolling on that day on August the
- 4 31st of 2006?
- 5 A I was in the area of Lincolnville.
- 6 Q Do you remember an incident happening that day?
- 7 A Yes, sir.
- 8 Q Where were you at when the case we're here for
- 9 happened, started happening?
- 10 A I was at the Lincolnville Public Safety Building in
- 11 the police office.
- 12 Q And is that somewhere you often go?
- 13 A Yes, sir.
- 14 Q And what did you first notice that day on August the
- 15 31st?
- 16 A Well, we were out working that day because there was a
- 17 hurricane. And we were on alert for that. I was sitting
- 18 in the office talking to some of the volunteer firemen when
- 19 one of the firemen came in and said we have some gunshot
- 20 victims.
- 21 Q Had you heard any gunshots?
- 22 A No, sir.
- 23 Q Is it pretty closed in there?
- 24 A Yes, sir.
- 25 Q So when that person came in and said that, what did

Scott Jackson
Direct examination by Mr. Williams

1 that cause you to do?

2 A At first I was disbelieving. I then followed the
3 firefighter out through the fire house to the truck bay.
4 And that's when I saw the victim on the ground.

5 Q What was his condition?

6 A He had several wounds to his torso which appeared to
7 be gunshot wounds.

8 Q What did you do as a result of seeing that?

9 A I radioed into our headquarters that there was a
10 victim indeed down on the ground.

11 Q After you radioed that into dispatch, what happened?

12 A We was informed at that point that there was another
13 victim at a residence around the corner. I went back
14 through the bay and through the police office to my vehicle
15 to drive around to the residence.

16 Q Did you do that?

17 A Yes, sir. As I was approaching the residence I was
18 flagged down by a citizen who said that a vehicle had been
19 seen fleeing the area.

20 Q Did you get a description of the vehicle from that
21 citizen?

22 A Yes, sir, I did. And I put that out over the air as
23 well.

24 Q Did you put that out as soon as you got it?

25 A Yes, sir.

Scott Jackson
Direct examination by Mr. Williams

1 Q What was the description that you put out?

2 A It was a Jeep-like vehicle.

3 Q So let me try to get an idea here of the time lapse.

4 You're at the desk inside the police department. You are

5 told there's a gunshot victim. You got out and talk to

6 him, or I should say see him, get to your car, drive over

7 to Stall Street. And then you get that description?

8 A Yes, sir.

9 Q About how much time would you say elapsed between when
10 you were first notified of somebody being shot and the time
11 you put that description out?

12 A Approximately two or two and a half minutes.

13 Q Now, when you put that -- once you put that
14 description out, what did you do?

15 A I then went to the residence.

16 Q What did you find at the residence?

17 A When I rolled up there was a vehicle in the driveway.
18 The door was open. There was a black male lying on the
19 ground face up. He also had what appeared to be gunshot
20 wounds to his body, as well as one that appeared to be in
21 his head.

22 Q And what did you do once you assessed? Was there
23 anybody treating him at that point?

24 A Yes. There was already firefighters on the scene
25 because they ran around the corner, where I drove around.

Scott Jackson
Direct examination by Mr. Williams

1 Q So once he was being treated and you saw him on the
2 ground, what did you do?

3 A The door was open. I went inside the residence.
4 There was an elderly black female inside, and there was a
5 firefighter inside tending to her. There was also another
6 elderly black female in there.

7 I asked was she a victim or if she had been present
8 during the incident. She said that she was just a
9 neighbor.

10 At that point I had her leave the residence. And
11 after clearing the residence to make sure there was no
12 suspects there, I secured it to try to preserve the crime
13 scene.

14 Q As a responding officer you say you tried to preserve
15 the crime scene. What do you mean?

16 A Well, we try to set up a perimeter to keep the curious
17 from coming in and possibly trampling evidence or picking
18 up souvenirs and to make sure that the first responders
19 have room to work.

20 Q Did you provide that room for them?

21 A Yes, sir.

22 Q And make sure nobody else come into the scene?

23 A Yes, sir. As we were sitting up the perimeter more
24 firefighters, first responders, arrived to tend to the
25 wounded. Other deputies arrived on the scene. We put up

Scott Jackson
Direct examination by Mr. Williams

1 crime scene tape.

2 Q Where there's a crime scene of that nature is it
3 eventually turned over to other officers?

4 A Yes, sir.

5 Q What type of officers conduct this type of
6 investigation?

7 A Well, our C. I. D., criminal investigation division,
8 the detectives, would be the primary, and of course the lab
9 personnel would come out and take pictures and collect any
10 evidence.

11 Q The crime scene comes out as well?

12 A Yes, sir.

13 Q And once they get there, the detectives and the crime
14 scene are in charge of the investigation?

15 A Yes, sir.

16 Q Did you remain there until they showed up?

17 A Yes, sir.

18 Q Let me show you what's been marked State's Proposed
19 Exhibit 70. Do you recognize this or you've seen this
20 before?

21 A Yes, sir.

22 Q And we just reviewed this, correct?

23 A Yes, sir.

24 Q What is on this disc?

25 A That is the audio tracks of the radio transmissions

Scott Jackson
Direct examination by Mr. Williams

1 for that day.

2 Q And you heard -- you would have been listening to and
3 hearing those transmissions as they went over your radio?

4 A Yes, sir.

5 Q And what's on this tape, you witnessed that as it was
6 happening.

7 A Yes, sir, except for the very beginning.

8 The problem with being inside the office in
9 Lincolnville is that you cannot receive or send out any
10 radio transmissions.

11 Q But you recognize the people that are on other
12 otherwise?

13 A Yes, sir.

14 Q And as a deputy you pretty much know what people's
15 call numbers are and what they're doing.

16 A Yes, sir.

17 MR. WILLIAMS: Your Honor, I move to admit and publish
18 State's 70.

19 (C. D. marked State's Exhibit No. 70.)

20 Q I am going to play a couple of tracks.

21 THE COURT: No objection?

22 MR. LOFTON: No Objection, Your Honor.

23 MR. BROWN: No objection, Your Honor.

24 MR. DAVIS: None.

25 (Whereupon, the C. D. was played for the jury.)

Scott Jackson
Direct examination by Mr. Williams

1 Q Let me go to --

2 (Whereupon, the C. D. was played for the jury.)

3 Q I will stop it right there.

4 Deputy Jackson, can you just explain what all of those
5 numbers and all that different talk on that disc means,
6 what was going on there?

7 A Yes. We were using ten-codes. We've since gone to
8 plain talk. But basically the information was that there
9 was several victims, more than one, with gunshot wounds.
10 They were on the ground.

11 The different numbers that you were hearing was the
12 different call signs of various deputies who were en route
13 and asking each other questions about the information.

14 The big thing that the units wanted to know was a
15 description of the vehicle, because as they're converging
16 on the scene, that's the time to look for a vehicle as
17 fleeing the scene. And it just so happened that 125 said
18 that he had thought he had passed that vehicle. 125 is
19 Deputy Simpson.

20 Q And you were on there, right?

21 A Yes, sir, I'm, I'm 250.

22 Q 250. And it said on there 250, 'small white Jeep
23 vehicle. You gave that description?

24 A Yes, sir.

25 Q And I believe right after you said that Deputy Simpson

Scott Jackson
Cross-examination by Mr. Brown
Cross-examination by Mr. Davis

1 asked for confirmation.

2 A Yes, sir.

3 Q And did Deputy Simpson then in reference to your call,
4 did he pursue?

5 A Yes, sir. He was able to catch up to that vehicle and
6 attempted a traffic stop, and it fled.

7 MR. WILLIAMS: I have no further questions of this
8 witness, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. BROWN

11 Q I've just got one question. The neighbor that gave
12 you the description of the vehicle, was that Harold Corley?

13 A I believe so, sir. I have to consult my notes. Yes,
14 sir. He was later identified as Harold Corley.

15 Q And he was one of the neighbors who lives right there
16 near the scene.

17 A Yes, sir.

18 Q I don't have anything else.

19 MR. DAVIS: Just briefly, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. DAVIS

22 Q When you arrived on the scene, I think you've already
23 told the jury that once you got to the residence one of the
24 things you did was you cleared the house, is that right?

25 A Yes, sir.

Scott Jackson
Cross-examination by Mr. Davis

- 1 Q Basically, so the jury will understand, you're going
2 in to make sure there is nobody in there that could hurt
3 you or anybody else.
- 4 A Yes, sir.
- 5 Q You go in the downstairs. You remember it's a 2-story
6 house, right?
- 7 A It's a 2-story, yes, sir.
- 8 Q Did you check upstairs first or downstairs first?
- 9 A Downstairs.
- 10 Q Do you remember?
- 11 A Downstairs, sir.
- 12 Q Downstairs first. Okay. Other than, I think you
13 said, Ms. Green who was injured, correct --
- 14 A Yes, sir.
- 15 Q -- you had Ms. Daniels, the other lady, leave because
16 she was not involved, correct?
- 17 A Yes, sir.
- 18 Q And then there was one, or do you remember how many
19 fire department or E. M. S. people are in there treating
20 her?
- 21 A There was only one E. M. S. person inside at that
22 time.
- 23 Q So those three folks and you. And that's all you saw
24 in the residence, is that right?
- 25 A That is correct, sir.

Scott Jackson
Cross-examination by Mr. Davis

1 Q Okay. You did observe some damage to the residence
2 like to the front door. Did you notice that?

3 A No, sir. I don't recall.

4 Q Did you notice a lot of blood all over the place?

5 A No, sir. The only blood that I noticed when I arrived
6 was at the vehicle on the outside.

7 Q Okay. But inside the residence -- all right. Strike
8 that.

9 Certainly had you found any items of what you thought
10 were evidentiary value in the house, you would have
11 collected it, right?

12 A No, sir.

13 Q You would have notified somebody about it.

14 A Yes, sir.

15 Q No weapons were found in the house.

16 A No, sir.

17 Q Do you recall the back sliding screen door being
18 knocked down in the back yard?

19 A No, sir.

20 Q You don't recall that?

21 A No, sir. I was looking for suspects at that time.

22 Q Okay.

23 A And then making sure that the scene remained as is.

24 Q So other officers maybe from C. I. D. or from the
25 crime scene would be able to talk to the jury about that.

Scott Jackson
Cross-examination by Mr. Davis

- 1 A Yes, sir.
- 2 Q Okay. Did you do any search of the vehicle that was
3 in the driveway?
- 4 A No, sir. I could see into it. There was no one
5 hiding in there.
- 6 Q You saw some blood in the vehicle?
- 7 A Yes, sir.
- 8 Q The door was open?
- 9 A Yes, sir, upon my arrival it was open.
- 10 Q The engine was running when you arrived?
- 11 A Yes, sir.
- 12 Q Glove box was open?
- 13 A I do not recall, sir.
- 14 Q But, again, other officers would have been responsible
15 for searching that car and checking it out.
- 16 A Yes, sir.
- 17 Q Thank you, Deputy Jackson. No other questions.
- 18 MR. LOFTON: No questions, Your Honor.
- 19 THE COURT: You may step down.
- 20 THE WITNESS: Thank you, Your Honor.
- 21 MR. WILLIAMS: May he be excused, Your Honor?
- 22 THE COURT: He may be.
- 23 (Whereupon, the witness was excused.)
- 24 MR. WILLIAMS: The state calls Deputy Elijah Simpson.
- 25

Elijah Simpson
Direct examination by Mr. Williams

1 ELIJAH SIMPSON, having been
2 first duly sworn, testified as follows:

3 DIRECT EXAMINATION BY MR. WILLIAMS

4 THE CLERK: State your full name, and spell your last
5 name.

6 THE WITNESS: Elijah Simpson, S-I-M-P-S-O-N.

7 MR. WILLIAMS: May it please the Court, Your Honor.

8 THE COURT: Yes.

9 Q Sir, where do you work?

10 A Charleston County Sheriff's Office.

11 Q What do you do for the sheriff's office?

12 A I'm in the traffic unit.

13 Q How long have you been in law enforcement?

14 A Sixteen years.

15 Q What is the traffic unit?

16 A We take care of all fatality accidents and enforce the
17 traffic laws in Charleston County.

18 Q Do you drive a marked car or an unmarked car?

19 A Drive an unmarked Dodge Charger.

20 Q Back in August 31st of 2006, is that what you were
21 driving?

22 A Yes, sir.

23 Q A Charger is a fast car, for lack of a better word?

24 A Yes, sir, high performance.

25 Q Do you use those for traffic stops and speeding

Elijah Simpson
Direct examination by Mr. Williams

- 1 tickets and things like that?
- 2 A Yes, sir.
- 3 Q Back on August 31st of 2006, where you were patrolling
- 4 that day?
- 5 A In the area of Highway 78 and Ladson Road.
- 6 Q Did you get a dispatch over to Lincolnville?
- 7 A Yes, sir.
- 8 Q How did that initial call go out you responded to?
- 9 A Shots fired.
- 10 Q Do you recall essentially where you were at when you
- 11 got that call?
- 12 A I was sitting in the parking lot of the Sinoko on
- 13 Highway 78.
- 14 Q And where did you go when you got that call?
- 15 A I went 78 towards Ladson Road. I made a left onto
- 16 Ladson Road, a right onto Lincolnville Road.
- 17 Q And were calls still going out as you were driving?
- 18 A Yes, sir.
- 19 Q And as you were going down Lincolnville Road did you
- 20 notice anything?
- 21 A A call came out in reference to a white Jeep. And at
- 22 that time a white Jeep had passed me a few seconds earlier.
- 23 Q Did you call in and confirm that description?
- 24 A Affirmative.
- 25 Q And what did you do after you confirmed the

Elijah Simpson
Direct examination by Mr. Williams

1 description?

2 A I made a U-turn on Lincolnville Road and went to
3 locate the vehicle that just had passed me.

4 Q Approximately how far would you say you were from the
5 corner of Front and Stall streets in Lincolnville when you
6 saw that white Jeep vehicle go by?

7 A A mile or two.

8 Q When you saw the Jeep go by, did you immediately turn
9 or did you have to confirm it?

10 A I had to confirm it first.

11 Q Did you confirm the description?

12 A I confirmed the description and then made a U-turn.

13 Q And once you made the U-turn, what did you do?

14 A I went searching for the vehicle. I went back down
15 Lincolnville towards Ladson Road. I went looking for the
16 vehicle.

17 Q And did you have lights on, and siren?

18 A Lights and siren was going at the time.

19 Q Were there other vehicles that joined in the attempt
20 to catch up to the vehicle?

21 A Yeah. I passed a couple of patrol cars when I made my
22 U-turn, and I believe one of them turned around and came
23 behind me. How close he was, I couldn't tell you.

24 Q But you don't recall who that was?

25 A I don't know which deputy it was.

Elijah Simpson
Direct examination by Mr. Williams

- 1 Q So as you went down Lincolnville Road, which direction
2 did you go?
- 3 A I went down Lincolnville and turned left back onto
4 Ladson Road towards College Park.
- 5 Q And did you go on to College Park?
- 6 A Went on to College Park.
- 7 Q Were you able to find anything?
- 8 A Yes. Once I got on College Park right before the
9 interstate, I-26 interstate, I located or rode upon the
10 white Jeep that I had noticed and attempted to make a stop
11 on it.
- 12 Q How far was the white Jeep when you were on the
13 Lincolnville Road, or, I'm sorry, onto College Park?
- 14 A Do you mean how far was I from it?
- 15 Q Yeah.
- 16 A Two or three blocks maybe.
- 17 Q Did it have lights and sirens?
- 18 A Light and sirens going at the time.
- 19 Q Did the vehicle stop?
- 20 A No, sir.
- 21 Q Where did, where did the pursuit then go?
- 22 A It turned right onto I-26 heading eastbound onto I-26.
23 It traveled in lane No. 2 while I traveled in lane No. 1.
- 24 Q On the freeway what type of speed were y'all reaching?
- 25 A The max speed we got up to was a hundred miles per

Elijah Simpson
Direct examination by Mr. Williams

1 hour.

2 Q And as you were driving down the freeway, how long did
3 this pursuit last down the freeway itself?

4 A Three to four minutes maybe.

5 Q As you were following the Jeep down the freeway did
6 you see anything coming from it?

7 A Yeah. I seen several objects coming out of the
8 passenger-side windows. All of them was black in color.

9 Q How far did -- did something happen as you were going
10 along the freeway that ended the pursuit?

11 A Yes, sir. The vehicle to me looked like it was trying
12 to get off on Ashley Phosphate, but he came back over and
13 struck the rear end of a pickup truck. When he struck --
14 prior to that when it avoided the stop sticks that another
15 deputy had put up it --

16 Q Let me back you up a little bit.

17 A Okay.

18 Q What are stop sticks?

19 A That's, they're the tools that the sheriff's office
20 uses when we're in a chase to flatten tires of a vehicle
21 where they will stop, to make them stop.

22 Q Is that something y'all call in, radio ahead, and
23 people come out on the road?

24 A The deputy who is placing the stop sticks in the road
25 will let us know so we won't run over them, to avoid them

Elijah Simpson
Direct examination by Mr. Williams

1 ourselves, to let the suspect be able to hit it and not our
2 vehicle hit.

3 Q And did that happen in this case?

4 A Yes, sir.

5 Q Did the, did the Jeep hit the stop sticks?

6 A Excuse me?

7 Q Did the Jeep hit the stop sticks?

8 A No. The Jeep avoided the stop sticks, which, in turn,
9 he went into the far lane. When he came back over he
10 struck the back of a pickup truck which put him into a
11 position of out-of-control, and he lost control of his
12 vehicle.

13 Q Where did the, where did the Jeep go?

14 A It wound up on the far right-hand side of I-26.

15 Q Did you get over to that vehicle?

16 A Yes, sir.

17 Q What did -- were you the first one up on the vehicle?

18 A I was the first one up on the vehicle. I placed my
19 car in lane No. 3 which is the farthest lane from the
20 median.

21 Q What did you find when you got to the vehicle?

22 A The vehicle was on its side. Three suspects was in
23 the vehicle.

24 Q Did you maintain control over those three individuals
25 in the vehicle?

Elijah Simpson
Direct examination by Mr. Williams

- 1 A Yes, sir, until backup arrived.
- 2 Q Did backup arrive quickly?
- 3 A Fairly quickly.
- 4 Q And then you just stayed there until the suspects were
- 5 removed from the vehicle.
- 6 A Yes, sir, until they was placed in custody.
- 7 Q Your vehicle is equipped with a camera?
- 8 A Yes, sir.
- 9 Q Was that camera --
- 10 A Custom Camera.
- 11 Q What do you mean by Custom Camera?
- 12 A That's the people who make it.
- 13 Q And it shows everything that we've just talked about?
- 14 A Yes, sir.
- 15 Q You've had a chance to review that with me?
- 16 A Yes, sir.
- 17 Q Let me show you what's been marked State's Proposed
- 18 69. Do you recognize that?
- 19 A Yes.
- 20 Q And this is a digital copy of that --
- 21 A Of the chase, yes, sir.
- 22 Q -- what that's showing.
- 23 MR. WILLIAMS: Let me show to defense counsel.
- 24 (Pause.)
- 25 MR. WILLIAMS: Your Honor, I move to admit State's

Elijah Simpson
Direct examination by Mr. Williams

1 Proposed 69.

2 THE COURT: Any objection?

3 MR. BROWN: None.

4 MR. DAVIS: No, Your Honor.

5 MR. LOFTON: No, Your Honor.

6 THE COURT: It's admitted.

7 (C. D. marked State's Exhibit No. 69.)

8 (Whereupon, the C. D. was played for the jury.)

9 Q We are going to pause this here. Deputy, can you see
10 that screen okay?

11 A Yes, sir.

12 Q What is this showing? What part of the -- is this
13 prior to or during the pursuit? What is this?

14 A This is, this is prior to. This will be headed
15 towards the area.

16 Q Okay. And I may stop it at times and ask you
17 questions. I'm just going to play it.

18 (Whereupon, the C. D. was played for the jury.)

19 MR. WILLIAMS: Your Honor, can I have the lights
20 dimmed a little so we can see it?

21 THE COURT: Sure.

22 (Whereupon, the C. D. was played for the jury.)

23 Q What does that turn there onto?

24 A That's me turning left onto Ladson Road.

25 Q Had you gotten the dispatch call at this point?

Elijah Simpson
Direct examination by Mr. Williams

- 1 A Yes.
- 2 Q You can hear some of the audio. Is that your mic
- 3 going at this time?
- 4 A No, sir. That's my lights, my lights. You can hear
- 5 that noise, you're hearing the siren.
- 6 Q You're driving pretty quick at this point?
- 7 A Yes, sir.
- 8 Q Okay. What road are you turning onto there?
- 9 A This is Lincolnville Road right here.
- 10 Q That's going towards Lincolnville?
- 11 A Going towards Lincolnville town, yes, sir.
- 12 Q Did you notice that vehicle go by?
- 13 A Yes, sir. The vehicle that you just seen was the Jeep
- 14 that went past me.
- 15 Q And that was when you called in to confirm?
- 16 A Confirm with the description again.
- 17 Q At this point had you confirmed the description?
- 18 A Yes, sir. That's when I'm going back to relocate the
- 19 vehicle that had just passed me.
- 20 Q Are there other vehicles out patrolling too?
- 21 A Yes, sir. They was all headed towards the town of
- 22 Lincolnville.
- 23 Q Did you radio to them that you had a pursuit going?
- 24 A Excuse me?
- 25 Q Did you radio to them that you had a pursuant started?

Elijah Simpson
Direct examination by Mr. Williams

- 1 A I radioed to them and asked them did they notice the
2 vehicle, the white Jeep, at that time.
- 3 Q What intersection is this?
- 4 A This is coming up on Ladson Road again.
- 5 Q Is that -- do you notice that vehicle there?
- 6 A That vehicle just made that left?
- 7 Q Yeah.
- 8 A Was the white Jeep.
- 9 Q Yeah. So here you was in eye sight of it?
- 10 A Yes, sir. This is College Park Road.
- 11 Q You made contact with the vehicle again at that point.
- 12 A Yes, sir. At this point here is when I got a good
13 visual on the tag and everything of the white Jeep.
- 14 Q What freeway is this?
- 15 A This is I-26 eastbound from the College Park exit.
- 16 Q What kind of speeds were you at in the pursuit?
- 17 A At a hundred miles per hour max.
- 18 Q Do you see those items coming out? Is that what you
19 saw?
- 20 A Yes, sir.
- 21 Q Did you radio in that there were items being thrown
22 from the vehicle?
- 23 A Every item that I noticed coming out of the vehicle at
24 the time, I called it out and tried to give a mile marker
25 where, where it was at. That's where he avoided the stop

Elijah Simpson
Direct examination by Mr. Williams

1 sticks and struck the pickup truck and went off to the
2 right.

3 Q Let me back up for one second so we can play that
4 again. Can you tell the jury? You said there were stop
5 sticks there.

6 A Yes. If you look right there to the left side you see
7 a deputy standing there. He have stop sticks in the road
8 or he deployed stop sticks right there.

9 Q Did you say the white Jeep had swerved to avoid those?

10 A Yes, sir. That's me. He struck the back of that
11 pickup truck.

12 Q And so as went around avoiding the stop sticks he took
13 the back end of that pickup?

14 A Yes, sir.

15 Q And that caused him to lose control off to the right?

16 A Yes, sir.

17 Q Is that you there?

18 A Yes, sir.

19 Q Was there another county deputy out there?

20 A Yes. That deputy that pulled up right there is called
21 Deputy Sawn James.

22 Q What were you doing at this point?

23 A Taking position to make sure the persons in the
24 vehicle doesn't have a weapon pointed at us and to secure
25 it.

Elijah Simpson
Direct examination by Mr. Williams

- 1 Q Were you able to get people out of the vehicle?
- 2 A I was told to cover it as the parties who was backing
- 3 me up was taking them out of the vehicle.
- 4 Q How many people were able to get out of the vehicle
- 5 initially?
- 6 A Two.
- 7 Q And that's what's going on right there?
- 8 A Yes, sir.
- 9 Q This is one of the people from inside the vehicle
- 10 being walked over to the patrol car?
- 11 A Yes, sir.
- 12 Q The second is being walked down in front of your
- 13 vehicle.
- 14 A Yes, yes.
- 15 Q How long did it take you to get the third person out?
- 16 A It took a few minutes because his arm was pinned up
- 17 underneath the B pillar, the middle post of the car.
- 18 Q The fire department had to come and cut him out?
- 19 A Yes, sir.
- 20 Q Were you able to see inside the vehicle at all and see
- 21 any weapons?
- 22 A I didn't recall.
- 23 Q You didn't stay there.
- 24 A I didn't stay, no.
- 25 Q You left at that point?

Elijah Simpson
Cross-examination by Mr. Davis

1 A Right. Once the C. I. D. units arrived, they took
2 over the scene.

3 Q And after this part of the video all that it shows is
4 the third person being taken out with paramedics and E. M.
5 S.

6 (Whereupon, the playing of the C. D. was concluded.)

7 A That is correct.

8 MR. WILLIAMS: No further questions, Your Honor.

9 MR. BROWN: No questions, Your Honor.

10 MR. DAVIS: Briefly, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. DAVIS

13 Q You were there when two of the three folks were taken
14 out of the vehicle, correct?

15 A Yes.

16 Q Were you -- I think you said you held a cover while
17 that happened.

18 A Yes.

19 Q So did you actually get people out of the vehicle or
20 you just were -- as we saw, had your weapon drawn in case
21 there's any trouble?

22 A Had my weapon drawn.

23 Q So it would have been Deputy James then who would have
24 gotten the folks out of there?

25 A Deputy Sawn James.

Elijah Simpson
Cross-examination by Mr. Davis

- 1 Q I'm sorry?
- 2 A Deputy Sawn James, yes. He physically went in and
- 3 took them.
- 4 Q So he'll be able to tell the jury who was sitting
- 5 where.
- 6 A I can't answer for Deputy James. I don't know.
- 7 Q He's the one that went and got them out, right?
- 8 A Yes.
- 9 Q And we saw there that it looked immediately after the
- 10 wreck, we saw you run out, first person, correct?
- 11 A That's correct.
- 12 Q With your weapon drawn.
- 13 A That's correct.
- 14 Q We saw another car pull in front. And that will be
- 15 Deputy Jones, correct?
- 16 A That's correct.
- 17 Q I believe we saw an officer in an all-blue uniform.
- 18 Do you recall that?
- 19 A Yes, sir. All blue?
- 20 Q I believe.
- 21 A Yes.
- 22 Q Now, would that be a North Charleston officer?
- 23 A No. That was a state transport officer.
- 24 Q Thank you.
- 25 And then there was a gentleman in a white t-shirt and

Elijah Simpson
Cross-examination by Mr. Davis

1 appeared to be dark pants. Was that another officer or was
2 that a bystander?

3 A No. That was an off-duty North Charleston officer.

4 Q Okay. And then if I recall there appeared to be an
5 officer with like a gray shirt but then some dark pants.

6 Do you recognize who that was?

7 A No, sir.

8 Q Seemed to have a weapon drawn.

9 A No. I couldn't tell you who that was.

10 Q Okay. But another officer on the scene.

11 A Yeah.

12 Q Okay. So that's right after the wreck. Of course
13 later you told the jury the E. M. S. and a bunch of other
14 folks get out there later in the video after we stop it,
15 correct?

16 A That's correct.

17 Q I just want to talk briefly about when you -- right
18 before you made the U-turn, and just after. Okay?

19 A Okay.

20 Q Again, you're heading down, I think you said, you were
21 in the Sonoco parking lot and then you head down Ladson
22 Road, from 78 down Ladson Road, is that right?

23 A Seventy-eight to Ladson Road, left onto Ladson, that's
24 correct.

25 Q And then right onto Lincolnville Road.

Elijah Simpson
Cross-examination by Mr. Davis

- 1 A That's correct.
- 2 Q During this time -- you headed in that direction
3 because you heard over the radio that some incident
4 happened up in Lincolnville.
- 5 A That's correct.
- 6 Q Okay. You're told a white Jeep-like vehicle.
- 7 A That's correct.
- 8 Q Okay. Unknown direction of travel. That's what's
9 being broadcast out.
- 10 A That's correct.
- 11 Q You identified to the jury on this video what appeared
12 to be to you a white Jeep traveling in the opposite
13 direction on Lincolnville Road go past you.
- 14 A That's correct.
- 15 Q Now, if we need to play it again, we will. But do you
16 recall -- well, first of all, let me back up.
- 17 On your camera system, as the jury can see, on the top
18 right there's a clocker-counter. Is that accurate?
- 19 A Is it accurate?
- 20 Q I'm saying on the top right that's a counter, that's a
21 clock, correct?
- 22 A That's right.
- 23 Q And would you recall or do I need to replay it for you
24 that when the Jeep passing was roughly 18:11:20? Would you
25 recall that?

Elijah Simpson
Cross-examination by Mr. Davis

- 1 A I don't know the exact time. It would show it on
2 there. I know there was a time up there.
- 3 Q Okay. Does that correspond to actual time on the
4 clock or is that just from when you turn your vehicle and
5 turn the camera on?
- 6 A No. That's time on the clock.
- 7 Q So is that in military time then?
- 8 A Yes.
- 9 Q Okay. So 1800 would be --
- 10 A 1800 would be 6:00.
- 11 Q Okay. So it's 6:11 and 20 seconds if that -- if what
12 I'm stating is accurate on the video, that would be 6:11
13 and then 20 seconds, correct?
- 14 A Right.
- 15 Q Would it surprise you that -- strike that.
- 16 Once you got confirmation, of course you talked on the
17 radio to other officers, right?
- 18 A That's correct.
- 19 Q Once you got confirmation, yes, we are looking for a
20 white Jeep-like vehicle, you turned around. We saw on that
21 driveway, correct?
- 22 A That's correct.
- 23 Q You head back town the Lincolnville Road in the
24 opposite direction you were just coming, correct?
- 25 A That's correct.

Elijah Simpson
Cross-examination by Mr. Davis

- 1 Q And at some point about a minute later another patrol
2 unit --
- 3 A Passes me.
- 4 Q -- passes you going towards Lincolnville, correct?
- 5 A That's correct.
- 6 Q Can you tell the jury who that was?
- 7 A At that particular time, no, I don't.
- 8 Q Okay. But it was some other law enforcement
9 vehicle --
- 10 A Passing, going, that's correct.
- 11 Q -- in the direction you had just traveled on
12 Lincolnville before you turned right.
- 13 A That's correct.
- 14 Q But, now, you've already radioed, hey, I just think I
15 saw a Jeep pass me and that's what we're looking for,
16 right, or something to that effect, correct?
- 17 A I had radio to find out if they noticed the vehicle
18 passing them.
- 19 Q And then, ultimately, we've seen the video and you
20 told the jury about, I believe it's on -- when you get back
21 onto Ladson Road, you hang a left back on Ladson Road. You
22 see a white Jeep-like vehicle again, correct?
- 23 A That's correct.
- 24 Q That's a couple of minutes later. It takes you that
25 long to get back down Lincolnville and get back on Ladson.

Elijah Simpson
Cross-examination by Mr. Davis

1 A That's correct.

2 Q Okay. And I think that's where the solicitor stopped
3 you and we saw a white Jeep-like vehicle make a left turn
4 pretty sharply.

5 A On College Park.

6 Q You kind of got caught in the intersection there, cars
7 going back and forth, and had to hit your siren a couple of
8 times to get through, is that right?

9 A That's correct.

10 Q Okay. So then it's about minute later until you get
11 up on a white Jeep-like vehicle right toward I-26.

12 A That's correct.

13 Q Okay. And it's at that time you get up close and you
14 get a tag number.

15 A That's correct.

16 MR. DAVIS: Your Honor, if I could have just a moment.

17 (Pause.)

18 Q Thank you, Deputy. No other questions.

19 MR. LOFTON: No questions, Your Honor.

20 MR. WILLIAMS: May he be excused, Your Honor?

21 THE COURT: He may be. You may step down. Thank you.

22 (Whereupon, the witness was excused.)

23 MS. CORDILLO: The state calls Steven Murray.

24 THE COURT: How long is that witness going to take?

25 MR. WILLIAMS: It is a quick witness, Your Honor.

Steve Frederick Murray, Jr.
Direct examination by Ms. Cardillo

- 1 STEVEN FREDERICK MURRAY, JR.,
2 having been first duly sworn, testified as follows:
3 DIRECT EXAMINATION BY MS. CARDILLO
4 THE CLERK: Please state your full name, and spell
5 your last name.
6 THE WITNESS: Steve Frederick Murray, Jr.,
7 M-U-R-R-A-Y.
8 Q Good afternoon.
9 A Hey.
10 Q Where are you currently employed?
11 A Charleston County E. M. S.
12 Q And how long have you been employed there?
13 A About five and a half years.
14 Q Were you working on back on August 31st of 2006?
15 A Yes, I was.
16 Q Do you recall what shift?
17 A The --
18 Q I know it has been a while, so.
19 A My normal shift is the night shift. We were called in
20 early that day for a hurricane, in case. There was bad
21 weather, and we couldn't make in at the normal time. So I
22 think we came in about noon, between noon and 2:00 o'clock.
23 Q Did you receive a call to respond to [REDACTED]
24 Street in Lincolnville?
25 A Yes, yes, we did.

Steve Frederick Murray, Jr.
Direct examination by Ms. Cardillo

1 Q And did you go there?

2 A Yes.

3 Q Other personnel with you, other E. M. S. workers with
4 you?

5 A There were three other, three other E. M. S. personnel
6 in the ambulance with me.

7 Q Now, what, what did you find upon your arrival?

8 A Upon arrival we found a black male that had been shot
9 several times.

10 Q And where was he located?

11 A I believe he was in a, in a, in a yard. I don't, I
12 don't recall the details of the, of the scene that well.
13 But I think he was lying in a yard.

14 Q And what did you do at that point?

15 A The fire department had already started to remove his
16 clothing. We removed the rest of his clothing quickly and
17 immobilized him on a long spine board to protect the, to
18 protect the integrity, the integrity of the spine and
19 loaded him in the ambulance and took him to the hospital.

20 Q Do you recall what his condition was when you arrived?

21 A I would say it was critical.

22 Q And what type of injuries did he have?

23 A I believe he had three gunshots wounds.

24 Q Was he awake, conscious at this point when you
25 arrived?

Steve Frederick Murray, Jr.
Direct examination by Ms. Cardillo

- 1 A He was. He was awake when we arrived.
- 2 Q And was he talking or is he -- at this point when you
- 3 arrived, how was his demeanor? How was he acting?
- 4 A He was. He was talking. He seemed very agitated.
- 5 And he, he resisted many of our treatments at first.
- 6 Q Did he, were you able to get him on the board though?
- 7 A We did get him on the board. We used several
- 8 personnel to get him on the board, as well as a couple of
- 9 straps to strap him down to the board.
- 10 Q Now, where at this point were you going to transport
- 11 him? Were you in the back? I'm sorry. Were you in the
- 12 back of the ambulance with him, or were you driving?
- 13 A I was in the back of the ambulance with, with one
- 14 other paramedic.
- 15 Q And where were you going to take them?
- 16 A Our initial desire was to transport him to M. U. C.,
- 17 the level one trauma center downtown.
- 18 Q And did you go there?
- 19 A We did not.
- 20 Q And for what reason you did not go there?
- 21 A While we were en route to M. U. S. C. before we had
- 22 gotten on the interstate, I believe it was at some point
- 23 when we were on Highway 78, the patient lost pulses and he
- 24 stopped breathing.
- 25 Q And what did you do at this point?

Steve Frederick Murray, Jr.
Direct examination by Ms. Cardillo

1 A We initiated C. P. R. and started providing positive
2 pressure ventilations with bag type mask.

3 Q Now, where did you go instead?

4 A We, we took the patient to Trident Medical Center
5 because it was, it was a lot closer than, than M. U. S. C.

6 Q Now, in the ambulance did he ever regain his pulse or
7 able to breathe?

8 A He did not.

9 Q Now, how long from the time you arrived at the
10 incident location and transported him to Trident, how long
11 of a time period was that?

12 A I'd have to look at the report for the exact times.
13 It was pretty quick though.

14 Q Now, while you were in the ambulance with Mr. Spann
15 did he say anything to you?

16 A He did right before he lost pulses and stopped
17 breathing. He said, "I don't want to die, please don't let
18 me go, not like this."

19 Q Now, once you arrived at the hospital were you
20 involved with his care any more once --

21 A Once we transferred him over to the hospital bed, the
22 doctor took over the care.

23 MS. CARDILLO: One moment, Your Honor.

24 (Pause.)

25 Q I have no further questions for you. If you would,

Steve Frederick Murray, Jr.
Cross-examination by Ms. Lofton

1 answer any questions defense counsel may have. Thank you.

2 THE WITNESS: Okay.

3 MR. BROWN: No questions.

4 MR. DAVIS: No questions, Your Honor.

5 MR. LOFTON: Just briefly Your Honor.

6 CROSS-EXAMINATION

7 BY MR. LOFTON

8 Q Mr. Murray, when you arrived at the scene where
9 Mr. Spann was on the ground, you indicated that the fire
10 department had begun removing his clothes.

11 A That's correct.

12 Q When you put him in, in the ambulance to transport
13 him, what clothing did he have on?

14 A I believe he still had his pants on. I think we cut
15 both legs of his pants up to the crotch. His shirt was
16 already removed.

17 Q Okay. So his pants was the only thing that he had
18 remaining on when you picked him up to transport.

19 A I believe that's correct.

20 Q Thank you.

21 MS. CORDILLO: Your Honor, may this witness be
22 excused?

23 THE COURT: He may be. Thank you. You may step down.

24 (Whereupon, the witness was excused.)

25 THE COURT: Ladies and gentlemen, we're going to

Elrey Isgett
Direct examination by Mr. Williams

1 recess for lunch.

2 Remember my caution previously given. No discussions
3 about the case. Don't do any research. Don't allow
4 yourselves to be exposed to any type of media coverage.

5 Please report to your jury room at 2:15, 2:15 this
6 afternoon. Have a good lunch. We'll see you at 2:15.

7 (The following takes place outside the presence of the
8 jury.)

9 THE COURT: Court is in recess until 2:15.

10 (Whereupon, a recess was taken.)

11 THE COURT: Are we ready for the jury?

12 MR. WILLIAMS: Yes, Your Honor.

13 THE COURT: Bring them in.

14 (The following takes place in the presence of the
15 jury.)

16 THE COURT: All right. Ladies and gentlemen, we're
17 going to continue with the state's presentation.

18 Mr. Williams.

19 MR. WILLIAMS: Thank you, Your Honor. The state calls
20 Sergeant Elrey Isgett.

21 ELREY ISGETT, having been
22 first duly sworn, testified as follows:

23 DIRECT EXAMINATION BY MR. WILLIAMS

24 THE CLERK: Please state your full name, and spell
25 your last name.

Elrey Isgett
Direct examination by Mr. Williams

1 THE WITNESS: Full name is Elrey Isgett. Last name,
2 Isgett, I-S-G-E-T-T.

3 THE COURT REPORTER: Spell your first name, please.

4 MR. WILLIAMS: Thank you, Your Honor. May it please
5 the Court.

6 THE WITNESS: Elrey, E-L-R-E-Y.

7 MR. WILLIAMS: May it please the Court, Your Honor.

8 THE COURT: Yes, sir.

9 Q Sir, where do you work?

10 A I work for the Charleston County Sheriff's Office.

11 Q What do you do for the sheriff's office?

12 A I'm the midnight shift supervisor.

13 Q How long have you worked in law enforcement?

14 A A total of 28 years.

15 Q How long have you worked as a supervisor or a
16 sergeant?

17 A As a sergeant, five years.

18 Q And when you work as a sergeant do you supervise road
19 deputies?

20 A Yes, sir, I do.

21 Q And you sort of direct them what to do and basically
22 have them respond different places?

23 A Correct.

24 Q Were you working August the 31st of 2006?

25 A Yes, I was.

Elrey Isgett
Direct examination by Mr. Williams

- 1 Q Were you supervising Deputy Sawn James?
2 A Yes, I was.
3 Q He was involved in a pursuit on August the 31st?
4 A Correct.
5 Q Did you collect the video from his patrol vehicle that
6 day?
7 A Yes, I did.
8 Q Is that video maintained in the ordinary course of
9 business through your supervision of Shawn Gaines?
10 A Yes, it is.
11 Q And that tape was seized and placed into evidence?
12 A Yes, it was.
13 Q You know Deputy James now, correct?
14 A Yes, I do.
15 Q Are you still a supervisor?
16 A Yes, I am again.
17 Q What is his status today?
18 A He had surgery, I think, like a week ago.
19 Q What kind of surgery did he have?
20 A Like throat surgery.
21 Q Has that taken him out of duty?
22 A Yes, it has.
23 Q Is he able to talk?
24 A No, he's not.
25 Q If he were to come in and testify would it be harmful

Elrey Isgett
Direct examination by Mr. Williams

1 to his health?

2 A Oh, yes.

3 Q But he can't appear because he had surgery.

4 A Correct.

5 Q You did however review the tape that was taken from
6 that cruiser back on August the 31st, 2006.

7 A Yes, sir, I did.

8 Q Reviewed that before you came into court today?

9 A Yes, sir, I did.

10 Q I'd like to hand you what has been marked as State's
11 Proposed 72. Do you recognize that tape?

12 A Yes, I do.

13 Q And that's the tape that was seized from Deputy James'
14 vehicle?

15 A Yes, sir, it is.

16 Q And that's kept in the ordinary course of business?

17 A Yes, sir.

18 MR. WILLIAMS: I'm going to show this to defense
19 counsel. They have a copy.

20 (Pause.)

21 MR. WILLIAMS: Your Honor, I will move to publish
22 State's 72 to the jury.

23 THE COURT: Any objection?

24 MR. BROWN: None, Your Honor.

25 MR. LOFTON: No, Your Honor.

Elrey Isgett
Direct examination by Mr. Williams

1 MR. DAVIS: If I may have just a moment, Your Honor.

2 (Pause.)

3 MR. DAVIS: No, Your Honor. Thank you.

4 (Video marked State's Exhibit No. 72.)

5 MR. WILLIAMS: With the Court's permission, Your
6 Honor, I will play the video.

7 THE COURT: You may.

8 Q Sergeant, I'm going to ask you if you could come
9 around here for just one second.

10 (Whereupon, the witness left the stand.)

11 Q I'm going to -- I don't see a pause button on here, so
12 I'm going to start playing this. Here it is.

13 If you could, tell the jury just briefly what the top
14 letters here mean on the tape. Does that indicate
15 something?

16 A Yeah, that's slow speed, and S. P. James.

17 Q So that's Sean James' vehicle?

18 A Yes, sir, it is.

19 Q And that's his number there?

20 A It's 122. That's his call number.

21 Q And these numbers at the bottom, what do those show?

22 A That's the time and the date.

23 Q And this D. L., does that mean anything? Does that
24 show lights or siren or anything like that, or is that just
25 the time of day?

Elrey Isgett
Direct examination by Mr. Williams

1 A Just the time of day.

2 Q I'm going to rewind this. Do you recognize this area?

3 A This is Myles Jamison Road.

4 Q What's that?

5 A That's kind of on the outskirts of Lincolnville, more
6 like Summerville, between Lincolnville and Summerville.

7 There is road miles. Jamison's partly our jurisdiction.

8 Q And this shows, essentially this tape shows, Deputy
9 James in pursuit that day?

10 A He's leading up to the pursuit. This is Ladson Road.
11 Myles Jamison hits Ladson, and on Ladson Road --

12 Q If you will just have a seat, I'm going to rewind it.
13 Thank you.

14 (Whereupon, the witness returned to the stand.)

15 (Whereupon, the video tape was played for the jury.)

16 Q Sergeant, I need for you to come back down here for
17 one second.

18 (Whereupon, the witness left the stand.)

19 Q Deputy James would have moved his vehicle after he had
20 initially made the stop and got the car out of the way?

21 A Correct, off the interstate.

22 Q All right. And that's standard procedure once a scene
23 is stopped, is to clear the vehicles and the --

24 A Get the emergency vehicles and clear the interstate.

25 MR. DAVIS: Your Honor, I'm going to object to that.

Elrey Isgett
Cross-examination by Mr. Davis

1 MR. WILLIAMS: Sorry, Your Honor.

2 (Pause for noise with projector.)

3 MR. DAVIS: This officer lacks personal knowledge. It
4 calls for speculation from this officer as to what Deputy
5 James did or did not do during a break in the tape.

6 THE COURT: Overrule the objection.

7 Q Have a seat back there.

8 MR. WILLIAMS: I have no further questions of the
9 witness, Your Honor.

10 (Whereupon, the witness returned to the stand.)

11 THE COURT: I don't think we are going to be able to
12 leave that right there.

13 MR. WILLIAMS: I can move it.

14 THE COURT: All right.

15 MR. BROWN: No questions.

16 CROSS-EXAMINATION

17 BY MR. DAVIS

18 Q Sergeant, you as a traffic supervisor, you arrived on
19 the scene and you retrieve the tape from Deputy James' car?

20 A Correct.

21 Q And your -- you do law enforcement for the Charleston
22 County Sheriff's Office. You're in no way E. M. S. or
23 medical expertise in any way, are you?

24 A No, sir.

25 Q Okay. Thank you.

David Owen
Direct examination by Mr. Williams

1 MR. LOFTON: No questions, Your Honor.

2 THE COURT: You may step down.

3 THE WITNESS: Thank you, sir.

4 MR. WILLIAMS: May he be excused, Your Honor?

5 THE COURT: Yes, he may.

6 (Whereupon, the witness was excused.)

7 MR. WILLIAMS: Your Honor, the state calls Deputy
8 David Owen.

9 DAVID OWEN, having been first
10 duly sworn, testified as follows:

11 DIRECT EXAMINATION BY MR. WILLIAMS

12 THE CLERK: Please state your full name, and spell
13 your last name.

14 THE WITNESS: David Owen, O-W-E-N.

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

16 THE COURT: Yes, sir.

17 Q Sir, where do you work?

18 A Charleston County Sheriff's Office.

19 Q What do you do for the sheriff's office?

20 A Forensics investigator.

21 Q How long have you worked in law enforcement?

22 A Twelve years.

23 Q How long have you worked in forensic investigation or
24 crime scenes?

25 A Four and a half.

David Owen
Direct examination by Mr. Williams

1 Q As a crime scene officer, what do you do? What's your
2 job?

3 A I respond to crime scenes, process, reconstruction,
4 process evidence, secure evidence.

5 Q Do you work with other officers in your department?

6 A Yes. Our unit currently consists of five
7 investigators with one supervisor.

8 Q Were you doing that same job back on August 31st of
9 2006?

10 A Yes, I was.

11 Q Did you respond to a crime scene?

12 A Yes, I did.

13 Q Where did you respond to?

14 A I responded to [REDACTED] Avenue in Lincolnvile,
15 South Carolina.

16 Q When you ordinarily arrive on a crime scene, what do
17 you first try to do or what is your standard typical
18 procedure?

19 A Ensure that the scene is secured, that there's no one
20 entering or exiting to contaminate the scene.

21 I locate the first responding deputies and gather as
22 much information from them about what may have happened as
23 possible.

24 Q And what do you generally do once you've ascertained
25 those things?

David Owen
Direct examination by Mr. Williams

1 A Photograph the scene, to document the scene, examine
2 the scene for any potential evidence and then continue to
3 process it.

4 Q Do you collect evidence on the scene?

5 A Yes.

6 Q And when you say process, you check for things like
7 fingerprints and blood and things like that?

8 A Correct.

9 Q What did you find or where did you go on August the
10 31st of 2006? Where did you respond to?

11 A I responded to the residence at [REDACTED]
12 Lincoln Avenue.

13 Q What was your first or initial impression when you
14 arrived?

15 A I was advised a shooting had occurred, to include a
16 home invasion or burglary. And there was a female victim
17 inside that had been transported. And I saw some
18 disturbing area in the front yard with some items of
19 clothing that had been removed from a victim.

20 Q Did you notice anything inside, initial impressions at
21 least?

22 A The inside of that house appeared to have been
23 rummaged through -- drawers emptied, closets emptied out,
24 other storage containers opened and emptied.

25 Q Was there a vehicle in the driveway?

David Owen
Direct examination by Mr. Williams

1 A Yes. There was a blue Oldsmobile in the driveway.

2 Q And did you process the exterior, interior and the
3 vehicle?

4 A I processed the exterior of that residence, as well as
5 the interior. The vehicle was secured and transported back
6 to our facility for later processing.

7 Q Did you at least do a visual inspection of the
8 vehicle?

9 A Yes, I did.

10 Q Processing for prints or anything?

11 A Correct, initial observation of the vehicle.

12 Q I want to start with the exterior of the front yard of
13 the house. And if you could, just tell the jury. What was
14 it that you found out in the front yard?

15 A The front yard, I found discarded clothing that was
16 removed from the victim by E. M. S., as well as a driver's
17 license, a cell phone and a shell casing and a spent
18 projectile.

19 Q I'm going to show you State's Proposed 6, 7, 10, 11,
20 12, 13, 15, 16, 17, 19 and 18. Take a look at those, those
21 photos. Are those pictures you would have taken or
22 pictures of things you would have seen?

23 A Correct. Pictures I have taken.

24 Q Do they show that area as it appeared that night?

25 A Yes, it does.

David Owen
Direct examination by Mr. Williams

1 MR. WILLIAMS: Show defense counsel.

2 (Pause.)

3 MR. WILLIAMS: Your Honor, I move to admit States 6,
4 7, 10, 11, 12, 13, 15 and 16 and 17 and 18 and 19.

5 MR. BROWN: No objection.

6 MR. DAVIS: No objection, Your Honor.

7 MR. LOFTON: No objection.

8 THE COURT: They're admitted.

9 (Photographs marked State's Exhibits Nos. 6, 7, 10,
10 11, 12, 13, 15, 16, 17, 18 and 19.)

11 Q I want to start, Deputy, with how you go about marking
12 and photographing evidence. What's the procedure y'all
13 take?

14 A Work from outside the scene and work in. Any
15 potential evidence that we locate, we'll mark. It's
16 photographed before, and we mark and photograph after we
17 mark. And they're either marked by numbers, placards or
18 letter placards.

19 Q I'm going to start with State's No. 6. That's the
20 area in the front yard. Those aren't marked yet, is that
21 correct?

22 A That is correct.

23 Q This is a different view of the same thing.

24 A Yes. It's a closer view of the items.

25 Q And what were the items that were found there?

David Owen
Direct examination by Mr. Williams

1 A The top right corner is a driver's license. Just
2 below that is a cell phone. And over to the left or center
3 is a yellow piece of paper.

4 Q And you marked those No. 2?

5 A I marked the driver's license and the cell phone as
6 No. 2.

7 Q Do you remember whose driver's license that was?

8 A Sterling Spann.

9 Q You said that there was some clothing found out there
10 too.

11 A That is correct.

12 Q I know this isn't coming off that as clear as the
13 photo, but do you see? Do you see the -- do you see the
14 clothing in that photo?

15 A Yes. It's a pair of pants. It's hard to see, but I
16 believe it's marked No. 6.

17 Q The clothing is marked six here. It looks like a
18 shoe.

19 A Correct. Four and five are a pair of black tennis
20 shoes, and No. 6, which is just below four and five, is a
21 pair of gray or black sweat pants.

22 Q That's what you had marked in your report?

23 A Correct.

24 Q So in this area here there's a pair of shoes. The I.
25 D. and the cell phone are over here, and the shirt's right

David Owen
Direct examination by Mr. Williams

- 1 here.
- 2 A No. That's a pair of sweat pants.
- 3 Q I'm sorry. A pair of sweat pants. Those items were
4 all collected?
- 5 A Yes, sir, they were.
- 6 Q They've been brought to court, and they're in court
7 today if anybody wants to look at them?
- 8 A Yes. They have been.
- 9 Q I want to ask you about Item No. 1. Do you recall
10 where that was found?
- 11 A Item No. 1, 9mm shell casing, was also found in the
12 front yard.
- 13 Q This is that same exhibit, No. 11. Can you see No. 1
14 in there?
- 15 A Yes. No. 2 is the cone at the top. It's over to the
16 left and down the center.
- 17 Q So this is No. 1 here?
- 18 A That is correct, No. 1.
- 19 Q And that was the casing you found?
- 20 A Correct.
- 21 Q State's 12, that's that same cone?
- 22 A That is correct.
- 23 Q Do you see that casing in that photograph?
- 24 A Yes. The casing is just off to the left.
- 25 Q Right here?

David Owen
Direct examination by Mr. Williams

1 A Correct.

2 Q If you could, tell the jury what the shell casing is.

3 A The shell casing is the bottom part of a bullet that
4 holds the gunpowder. And as in a semiautomatic handgun,
5 it's ejected after the bullet is fired. And in a revolver,
6 it stays in the chamber or in the wheel until emptied out.

7 Q Can you explain to the jury the difference between a
8 revolver and a semiautomatic or an automatic weapon?

9 A A semiautomatic or an automatic weapon can hold up to
10 eight to 16 rounds. And as you fire the weapon the shell
11 casing is ejected out the side port and the next round is
12 fed up into the chamber.

13 With the revolver, it's more a common term, a wheel
14 gun, holds anywhere from five to six rounds and just in a
15 circular chamber.

16 Q And how is a casing ejected from a semiautomatic
17 weapon?

18 A As the slide, as the slide -- as the round is fired
19 and the proj -- the slide comes back. The ejection on the
20 gun itself ejects the shell casing.

21 Q Are you familiar with firearms as a forensic
22 investigator, as a crime scene expert?

23 A Yes.

24 Q Do semiautomatic weapons have clips in them?

25 A Yes, they have clips.

David Owen
Direct examination by Mr. Williams

- 1 Q How do clips fit into a semiautomatic weapon?
- 2 A Into the grip of the weapon. It's slid up into the
- 3 bottom and locked into place.
- 4 Q And how does the bullet go from the clip into the
- 5 actual chamber of the slide?
- 6 A After one round is fired it's fed up into the chamber.
- 7 Q And if you were to take an empty gun and put a clip in
- 8 there, how would a round get chambered?
- 9 A You would have to pull the slide or the racket back to
- 10 feed the bullet up into the chamber.
- 11 Q So you could pull a slide back around the chamber and
- 12 you have to pull the trigger to fire it?
- 13 A Correct.
- 14 Q Is there any other way to load a first round out of a
- 15 clip into a chamber, apart from manually entering it in
- 16 with your hands?
- 17 A That would be basically the only other way.
- 18 Q It is either by hand or the slide.
- 19 A Correct.
- 20 Q If a round were chambered and a clip were to fall out
- 21 of the gun, would you still be able to fire the round that
- 22 was in the chamber?
- 23 A In some guns, yes, you can.
- 24 Q Would you be able to do that with a Glock 9mm?
- 25 A Yes.

David Owen
Direct examination by Mr. Williams

1 Q I want to ask you about what looks like sand particles
2 around that casing. Do you have any opinion as to the age
3 or how long that casing was there?

4 A I don't have an opinion on the age. It was -- this
5 incident occurred during a tropical storm with heavy rain,
6 and the yard was sandy. The rain could have splashed the
7 sand up into the shell casing that day or a prior day.

8 Q So it could either be there for a while or it could
9 have -- the rain could have gotten sand in the casing.

10 A Correct.

11 Q Did you seize all of those items that were in the yard
12 including the casing?

13 A Yes, I did.

14 Q I want to ask you about other inspections you would
15 have done in that front-yard area. Would you have used a
16 metal detector?

17 A Yes. We used a -- used a metal detector to examine
18 the front yard. I found several areas of interest.

19 Q Do you mark those areas with a detector?

20 A No. We mark them with a flag.

21 Q I'm sorry. A flag.

22 A An evidence flag.

23 Q Let me show you State's 10. Looking at this exhibit,
24 does that show, those flags show, where you would have hits
25 with the metal detector?

David Owen
Direct examination by Mr. Williams

- 1 A Yes, they do.
- 2 Q And did you go back over that area and check with all
- 3 of those, all of the areas?
- 4 A Yes, I did.
- 5 Q And why do you do that?
- 6 A With the metal detector alerting, it indicated some
- 7 type of metal in that area, and we have to determine what
- 8 it's hitting, hitting on.
- 9 Q Did you check all of those areas?
- 10 A Yes, we checked all of them.
- 11 Q Was there anything of value found?
- 12 A Nothing of value.
- 13 Q If a lead bullet had been fired into the ground would
- 14 you have been able to detect a lead bullet?
- 15 A No.
- 16 Q Why is that?
- 17 A The metal detector is not set for lead.
- 18 Q So it will find metal but not lead.
- 19 A Correct.
- 20 Q Is lead a common material used in bullets?
- 21 A Yes, it is.
- 22 Q I want to ask you next about the driveway. I want to
- 23 ask you, first of all, the vehicle that you saw, the car in
- 24 the driveway.
- 25 A Yes.

David Owen
Direct examination by Mr. Williams

1 Q Does this show the car that y'all saw there?

2 A Yes. It is.

3 Q And is that the same sweatshirt, or, I'm sorry, sweat
4 pants that you made reference to?

5 A Yes.

6 Q I noted -- go ahead.

7 A Actually, what you just pointed to, the clothing item,
8 is the black t-shirt marked No. 7.

9 Q Okay. Let me back up then.

10 There is a black t-shirt and a black sweatpants out
11 there.

12 A Yes.

13 Q So seven right here is a black t-shirt?

14 A Correct. And the sweat pants are off to the right.

15 Q Look at six. That's the pair of black sweat pants.

16 A That is correct.

17 Q So there's sweat pants and a shirt both out there.

18 A Correct.

19 Q I want to ask you about the driveway. Did you inspect
20 the driveway in front of the vehicle?

21 A Yes, I did.

22 Q Did you locate anything in the driveway?

23 A I located a spent projectile, as well as a mark in the
24 driveway that indicated to me that it's a ricochet mark.

25 Q And what is a spent projectile?

David Owen
Direct examination by Mr. Williams

1 A The spent projectile is actually the bullet that's
2 fired out of the weapon.

3 Q Let me show you State's 15. Do you recognize, first
4 of all, the placard that is set out there?

5 A Yes, No. 3.

6 Q And what is No. 3?

7 A No. 3 is the spent projectile.

8 Q And that's what you collected out there that night?

9 A That is.

10 Q How is a -- what is a projectile specifically?

11 A The projectile is the bullet that's fired from the
12 gun. It could be lead, which could either be encased in
13 brass, a brass fitting.

14 Q As far as the ricochet mark in the garage, what did
15 you do with that?

16 A Attempted to get a trajectory. Well, photographed it
17 and attempted to get a trajectory with the mark from the
18 ricochet mark in the driveway with the --

19 Q How do you go about getting a trajectory? What was
20 your process?

21 A We have reflective string that we affix to the
22 ricochet mark, to any other marks that we may find, which
23 we did find one on the garage door. So it was affixed to
24 the garage door, to the ricochet mark.

25 And you need a third point to where the gun or the

David Owen
Direct examination by Mr. Williams

1 shooter may have been. And without having that it's not a
2 true trajectory. But we stood next to the car, in between
3 the car and where the victim stood, where the victim was
4 removed from the scene.

5 Q Let me show you State's Proposed 14, 20, 21 and 22.

6 Do you recognize those?

7 A Yes, I do.

8 Q Do those show the trajectory y'all put together?

9 A Yes.

10 MR. WILLIAMS: Show defense counsel.

11 (Pause.)

12 MR. WILLIAMS: Your Honor, I move to admit State's 22,
13 21, 20 and 14.

14 THE COURT: Any objection?

15 (No response.)

16 THE COURT: They're admitted.

17 MR. WILLIAMS: Thank you, Your Honor.

18 (Photographs marked State's Exhibits Nos. 14, 20, 21
19 and 22.)

20 Q In fact, I'm going to show you State's Exhibit 14.

21 This is the driveway you talked about?

22 A Correct.

23 Q And I believe that placard is --

24 A Placard No. 3 is in the approximate center, yes.

25 Q And I'm going to show you State's No. 20. Do you

David Owen
Direct examination by Mr. Williams

- 1 recognize, first of all, the person that's there?
- 2 A Yes. That's one of my coworkers, Investigator Roy.
- 3 Q And he would have helped you or assisted you as far as
- 4 processing the scene?
- 5 A Yes, he did.
- 6 Q And what is this showing?
- 7 A It's showing the reflective string that is connected
- 8 to the garage door lining up with the trajectory mark which
- 9 Investigator Roy's left hand is on, and then the string
- 10 coming out of the camera view following the trajectory.
- 11 Q So, basically, you've got a mark in the concrete right
- 12 here that he's got his hand on, to put the string there.
- 13 You've got a mark in the garage door as well.
- 14 A Correct.
- 15 Q And then this line is just basically trying to
- 16 recreate the direction the bullet would take?
- 17 A Correct.
- 18 Q And you also have -- there's an actual projectile
- 19 right here.
- 20 A Projectile, yes, sir.
- 21 Q State's 22. That's just the opposite angle of what
- 22 y'all were looking at?
- 23 A Correct.
- 24 Q Did you also process his blood that was out there?
- 25 A Yes.

David Owen
Direct examination by Mr. Williams

1 Q That was swabbed.

2 A Yes, sir.

3 Q Finally, I'm going to show you 21, the same thing,
4 just showing the trajectory in the driveway.

5 A Correct.

6 Q Deputy, let me show you what's been marked State's
7 Proposed 81. Do you recognize the contents of that bag?

8 A Yes, I do.

9 Q What are they?

10 A It is the projectile that's marked No. 3, as well as
11 the shell casing that was marked No. 2 that I collected at
12 the scene.

13 Q And those items would have been furthered to the state
14 law enforcement division to process?

15 A Correct.

16 MR. WILLIAMS: Your Honor, I'm going to ask to mark
17 these separate for identification. I have the casing
18 marked 81-A or 82-B.

19 (Projectile marked State's Exhibit No. 81-A for
20 Identification; casing marked State's Exhibit No. 81-B for
21 Identification.)

22 MR. WILLIAMS: Your Honor, I move to admit what's
23 basically 81, 81-A and 81-B.

24 THE COURT: Identify for me what 81 is.

25 MR. WILLIAMS: Eighty-one is actually just the bag at

David Owen
Direct examination by Mr. Williams

1 this point. 81-B --

2 THE COURT: Well, do you need that marked?

3 MR. WILLIAMS: No. I don't guess I need that at all.

4 I mean, it's probably double marking. I can reuse it for
5 other items. It's labels on it, Your Honor. It's things
6 in it. So I would rather keep it with the chain.

7 THE COURT: Eighty is the bag. 81-A is what?

8 MR. WILLIAMS: 81-A is the projectile.

9 THE COURT: And 81-B?

10 MR. WILLIAMS: Is the casing.

11 THE COURT: Any objection?

12 MR. BROWN: None.

13 MR. DAVIS: No, Your Honor.

14 THE COURT: They are admitted.

15 (Projectile marked State's Exhibit No. 81-A; casings
16 from Taurus marked State's Exhibit No. 81-B.)

17 Q Deputy, just going over now 81-A, that's basically the
18 projectile or the flattened bullet that was found in the
19 driveway?

20 A That is correct.

21 Q And B is the, that same casing that we saw in the
22 picture?

23 A The shell casing marked No. 1, yes.

24 Q You seen both of those?

25 A Yes.

David Owen
Direct examination by Mr. Williams

1 Q And put them into evidence?

2 A Correct.

3 Q And they were later transported to the state law
4 enforcement division for analysis?

5 A Correct.

6 Q Did you find anything else in the front yard as far as
7 projectiles or casings?

8 A In the front yard, no.

9 Q I want to talk to you now about the inside of the
10 house. What did you find inside the house?

11 A Inside of the residence in the living room we found --
12 let me back up to the front door. The front door had been
13 forced open, so that was documented.

14 In the living room, which was to the left, we found a
15 red substance believed to have been blood. In the kitchen
16 area there was pieces of duct tape, silver duct tape, that
17 was photographed and collected.

18 There was a piece of yellow paper that had a red
19 substance believed to have been blood on the counter in the
20 kitchen that was also photographed and collected.

21 The front door was processed for latent prints, as
22 well as the laminate floor going into the foyer at the
23 front door, as well as the kitchen floor, the laminate in
24 the kitchen floor, as well as the sliding glass door and
25 the vertical blinds going out the back door, or the sliding

David Owen
Direct examination by Mr. Williams

1 glass door.

2 Q Starting with the front door, I'm going to show you
3 State's 32. Does that show the damage that was found in
4 the front area there?

5 A Yes. I am standing just into the hallway. The living
6 room is to the right; the front door is to the top left.

7 Q And there was -- do you recall there being blood found
8 on the stair post?

9 A Yes.

10 Q Was that swabbed by somebody in your office or your
11 department?

12 A Yes, Investigator Peacock.

13 Q Were you there when she swabbed that?

14 A Yes.

15 Q The living room you're talking about, there was blood
16 on the floor there?

17 A Yes.

18 Q Was that swabbed as well?

19 A It was.

20 Q You said there was duct tape found in the kitchen.

21 A Yes. There was.

22 Q I show you State's 27. Is that the tape that was on
23 the floor there?

24 A Correct, on the floor.

25 Q Was well as in a kitchen drawer?

David Owen
Direct examination by Mr. Williams

1 A In the kitchen drawer.

2 Q That duct tape was collected?

3 A Yes, it was.

4 Q That was preserved and sent for comparison?

5 A Yes.

6 Q Do you recall what else, if anything, was seized from
7 inside? Let me ask you. Was there a trash can?

8 A There was a trash can in the kitchen where a piece of
9 duct tape was also found with a piece of blue latex glove.

10 Q Let me hand you State's Proposed 29 and 37. Do you
11 recognize those?

12 A Yes, I do.

13 Q And those were from the scene that day?

14 A Yes. One is the duct tape and the glove and the trash
15 can, and one is a latent footwear impression from the foyer
16 at the front.

17 MR. WILLIAMS: Your Honor, I move to admit State's 29
18 and 37.

19 MR. BROWN: Without objection.

20 MR. DAVIS: No objection, Your Honor.

21 MR. LOFTON: No objection.

22 (Photographs marked State's Exhibits Nos. 29 and 37.)

23 Q Deputy, I want to talk first about State's 29. You
24 said there was a piece of duct tape with blue plastic on
25 it.

David Owen
Direct examination by Mr. Williams

- 1 A Blue latex.
- 2 Q And is that showing in this picture?
- 3 A Yes. The bottom of the picture is the piece of duct
4 tape, and then the blue latex glove.
- 5 Q And then you also talked about a shoe impression that
6 was taken. That's State's 37. Is that the impression?
7 You can't see it that well in this picture. But that's the
8 impression you tried to take?
- 9 A That is correct.
- 10 Q Were you able to make any kind of match off that
11 impression?
- 12 A No, I was not.
- 13 Q Why is that?
- 14 A There was insufficient detail in the footwear
15 impression.
- 16 Q What does that mean in layman's terms?
- 17 A Just like a fingerprint, when the foot or shoe hits
18 the ground, it will leave an impression. The more detail,
19 the depth of the ridge on the shoe, any nicks or cuts
20 that -- from gravel or glass that someone may step through,
21 or the normal wear pattern as the person walks, the wear
22 pattern on the bottom of the shoe, in my experience to get
23 a good comparison you need about three quarters of the shoe
24 or better. And the latent footwear impression that I
25 recovered, or I consider voids where they were stepped on,

David Owen
Direct examination by Mr. Williams

1 stepped over each other, or about a quarter or no more than
2 half of the shoe.

3 Q As far as what else was done inside the house, do you
4 recall anything else being done in there to process the
5 scene?

6 A We attempted to process the upstairs of the house,
7 which consisted of three other bedrooms and a bathroom. No
8 latent prints of -- or no latent prints were recovered.

9 Q I want to ask you about -- you said the door was
10 processed as well.

11 A That is correct.

12 Q Were you able to obtain any prints off the door?

13 A I obtained one latent footwear impression and four
14 fingerprint impressions.

15 Q Is that off the front door?

16 A Two latents from the front door. There were four
17 taken from the back door. Two latent fingerprints from the
18 front door and a latent footwear impression from the front
19 door.

20 Q And there was another investigator that processed the
21 back door?

22 A That is correct.

23 Q And that was Deputy Roy?

24 A Correct.

25 Q So inside the house you swab off all the blood off the

David Owen
Direct examination by Mr. Williams

- 1 post, off the floor, check for prints, wherever you can
2 find to lift those, and take footwear impressions, and they
3 don't come up, and see if there's everything in the front
4 yard that you could find.
- 5 A Correct.
- 6 Q Is there anything else at the house that y'all did?
- 7 A No, sir.
- 8 Q Do you need to review your report?
- 9 A We took -- other than measurements to place items.
- 10 Q As far as the fire station that was over there, did
11 you do anything over at the fire station?
- 12 A Yes. Investigator Peacock and I went to the fire
13 station where I obtained photographs. Investigator Peacock
14 video-taped that area and collected a blood swab from a
15 front tarmac or the concrete pad in front of the fire
16 station.
- 17 Q Was there anything else that you recall being done?
18 Do you recall swabbing the dirt in the front yard as well
19 for blood that was out there?
- 20 A Yes.
- 21 Q Apart from swabbing anywhere there was blood and
22 taking prints and collecting the evidence, that was it for
23 the scene at the house being processed?
- 24 A At the house, correct.
- 25 Q Now, you mentioned earlier that there were -- there

David Owen
Direct examination by Mr. Williams

1 was a car that was taken away. Did you take a look inside
2 that car when you got there?

3 A Yes. I looked inside the vehicle, and it appeared to
4 be a white cloth material, possibly a t-shirt, that was in
5 the front seat with a red substance on it and --

6 Q Go ahead.

7 A And fragments of a projectile appeared to be on the
8 floorboard.

9 Q Let me show you State's Proposed 40. Do you recognize
10 that photograph?

11 A Yes.

12 Q Does that show the vehicle?

13 A It is the front seat of the vehicle with the white
14 t-shirt.

15 Q Do you recall if there was a clip or anything found in
16 there that you saw?

17 A Yes. There was a clip on the doorjamb that was
18 covered by the door.

19 Q When you say that, which door are we talking about?

20 A The driver's door. It was a clip or a magazine for a
21 handgun.

22 Q Would that have been collected when the car was
23 processed?

24 A Yes.

25 Q That would have been by Sergeant McManigal?

David Owen
Direct examination by Mr. Williams

1 A Correct.

2 Q Just looking at the clip, can you tell what model or
3 make it was? Do you recall?

4 A At that time, no.

5 MR. WILLIAMS: Your Honor, I move to admit State's
6 Proposed 40.

7 MR. BROWN: No objection.

8 MR. DAVIS: No objection, Your Honor.

9 MR. LOFTON: No objection.

10 THE COURT: It's admitted.

11 (Photograph marked State's Exhibit No. 40.)

12 Q Deputy Owen, that shows the blood that was on the
13 inside of the car?

14 A That is correct, on the white t-shirt which is the
15 lower right of the picture.

16 Q Sergeant McManigal would have processed the vehicle
17 when it was towed back to impound.

18 A That is correct.

19 Q There was another crime scene y'all had out at the
20 crash scene?

21 A Correct.

22 Q Who processed that scene?

23 A Investigator Kjellman.

24 Q And she would have collected evidence there and
25 processed all of those items as well?

David Owen
Direct examination by Mr. Williams

1 A That is correct.

2 Q Did you collect the duct tape that was on the scene?

3 A Yes, the duct tape that was on the floor, the drawer
4 in the kitchen, as well as the trash can.

5 Q And that item, those items, have been brought to court
6 today as well?

7 A Yes, they have.

8 Q Apart from those items, I want to talk to you now
9 about what you would have done back at the crime scene,
10 Officer, back at your -- back at your compound, for lack of
11 a better word. Where is evidence stored when it's to be
12 sent to SLED or it's going to be processed by the sheriff's
13 office?

14 A If we're going to process it, we'll go ahead and
15 process it right then before it's put up. If not, it's
16 held in a secured area. Evidence that was -- is going to
17 be transported to SLED or the state law enforcement
18 division is also put in a secure area and held in its place
19 until it's taken to Columbia.

20 Q Did you do that in this case, process evidence that
21 you didn't necessarily seize?

22 A Yes.

23 Q What did you process to the best of your recollection,
24 or referring to your report?

25 A I attempted to or processed the duct tape that was

David Owen
Direct examination by Mr. Williams

1 found at the, at the house. I attempted to find latent
2 fingerprints on the sticky side of the tape.

3 Q Were you successful in being able to do that as far as
4 processing it?

5 A No latent prints were found.

6 Q What else apart from the duct tape and the -- I
7 believe you said the footwear impression -- did you
8 process?

9 A Handguns that were later found.

10 Q And what handguns did you process that you have
11 records of?

12 A Taurus .38 revolver.

13 Q Let's start with the Taurus .38 revolver. I'm going
14 to hand you what has been admitted, I believe, as State's
15 77. Do you recognize that item?

16 A Yes, I do. It's a Taurus .38 revolver.

17 Q And that's got your --

18 A Our evidence sticker on it as being found at the, at
19 the accident scene.

20 Q So that's the gun you would have processed?

21 A Yes.

22 Q That's a revolver?

23 A Yes, it's a revolver.

24 Q And when you received that gun, what did you do with
25 it?

David Owen
Direct examination by Mr. Williams

1 A I photographed it. I looked for any shell casings or
2 live rounds that may still be in the, in the wheel part of
3 the gun. I marked the wheel, as well as the shell casings,
4 so I could identify which shell casing came out of which
5 port, and then process it for latent fingerprints and/or
6 swabbed it, and swabbed the trigger.

7 Q You did that in this case?

8 A Yes, I did.

9 Q Did you find anything inside the chambers?

10 A Found all six casings to be spent.

11 Q Deputy, I'm going to hand you State's Proposed 82 and
12 83. Do you recognize those items?

13 A Yes. They are the .38 shell casings that were taken
14 from the Taurus.

15 Q And those came out of that gun?

16 A That is correct.

17 Q Did you collect them yourself?

18 A Yes, I did.

19 Q Just hand those to me.

20 MR. WILLIAMS: Show to defense counsel, Your Honor, 82
21 and 83.

22 (Pause.)

23 MR. WILLIAMS: Your Honor, I move to admit State's 82
24 and 83.

25 MR. DAVIS: No objection.

David Owen
Direct examination by Mr. Williams

1 MR. BROWN: No objection, Your Honor.

2 MR. LOFTON: No objection, Your Honor.

3 THE COURT: They are admitted.

4 (Shell casing from Taurus marked State's Exhibit No.

5 82; shell casing from Taurus marked State's Exhibit No.

6 83.)

7 Q Deputy Owen, if you could, just tell the jury. How
8 would casings in a revolver be different than casings in a
9 semiautomatic as far as where you might find them?

10 A Well, the casings in a revolver once the bullet has
11 been fired, the casing would still be in the wheel until
12 it's physically removed.

13 With a semiautomatic it's ejected out the ejection
14 port, normally the right side of the handgun.

15 Q So all of the casings in the Taurus .38 that you were
16 given were all fired.

17 A Correct.

18 Q That's a .38 Special.

19 A Yes.

20 Q You were also, apart from the duct tape that you
21 seized, you were provided with other tape that was found by
22 the other crime scene officers.

23 A Yes.

24 Q Who found that tape?

25 A Investigator Kjellman.

David Owen
Direct examination by Mr. Williams

- 1 Q And where did she locate it at?
- 2 A At the accident scene.
- 3 Q And that was a roll?
- 4 A That was a roll of duct tape, correct.
- 5 Q Deputy, I'm going to hand you what's been marked
- 6 State's Proposed 86, 87, 88, 84 and 85. I'm going to ask
- 7 you, first of all, do you recognize the packaging that's on
- 8 these items.
- 9 A Yes. I do.
- 10 Q And this is --
- 11 A The bags that we placed the evidence in, as well as
- 12 our evidence stickers.
- 13 Q And this is all evidence that you would have seized
- 14 based on what the labeling is --
- 15 A Yes.
- 16 Q -- with your office. And, finally, there's a, I
- 17 believe, 88 is the roll of duct tape from the accident
- 18 scene.
- 19 A Yes.
- 20 Q And that would have been seized by Deputy Kjellman?
- 21 A Correct.
- 22 Q All of these samples would have been sent to the state
- 23 law enforcement division?
- 24 A For comparison, correct.
- 25 Q You don't do the comparisons inside at the sheriff's

David Owen
Direct examination by Mr. Williams

1 office?

2 A No, not the physical. We photographed it, but the
3 examination is done at SLED in Columbia.

4 Q So you photograph it and look for prints and then send
5 it on to SLED.

6 A Correct.

7 MR. WILLIAMS: Let me show this to defense counsel.

8 (Pause.)

9 MR. WILLIAMS: Your Honor, I move to admit State's 86,
10 84, 85, 88 and 87.

11 THE COURT: Any objections?

12 MR. BROWN: None, Your Honor.

13 MR. DAVIS: Yes, Your Honor. As to 88, we don't
14 believe the chain has been established on the tape from the
15 accident scene.

16 THE COURT: What is 88?

17 MR. WILLIAMS: Eighty-eight is a roll that was found
18 at the accident scene.

19 THE COURT: Not by this witness?

20 MR. WILLIAMS: No, Your Honor.

21 THE COURT: All right. Mark it for identification.

22 (Roll of duct tape marked State's Exhibit No. 88 for
23 Identification; duct tape marked State's Exhibit No. 84;
24 duct tape marked State's Exhibit No. 85; duct tape marked
25 State's Exhibit No. 86; duct tape marked State's Exhibit

David Owen
Direct examination by Mr. Williams

- 1 No. 87.)
- 2 Q Eighty-eight you didn't actually find. Deputy
3 Kjellman would have found, but you would have actually
4 processed it.
- 5 A Correct.
- 6 Q Did you process any other firearms in the case?
- 7 A Yes.
- 8 Q What else did you process as far as firearms go?
- 9 A I processed a .380 semiautomatic.
- 10 Q I'm going to hand you what's been marked State's
11 Proposed 79. Do you recognize that item?
- 12 A Yes, I do.
- 13 Q Did you process that firearm?
- 14 A Yes.
- 15 Q What did you do to process it?
- 16 A I attempted to process it for latents, removed all of
17 the rounds from the magazine or the clip, as well as
18 swabbing the trigger.
- 19 Q What did you find as far as rounds in the clip?
- 20 A Give me just a minute to be exact on the number. A
21 total of seven rounds were found, one in the chamber and
22 six rounds in the magazine or the clip of the handle.
- 23 Q And the clip is actually with that handgun?
- 24 A Yes, it is.
- 25 Q Let me have this marked.

David Owen
Direct examination by Mr. Williams

1 (Bullets marked State's Exhibit No. 89 for
2 Identification.)

3 Q Deputy, let me show you what's been marked State's
4 Proposed 89. Do you recognize those items?

5 A Yes. They are the seven .380 rounds that I removed
6 from the .380 handgun.

7 Q So these rounds you took out of that handgun.

8 A That is correct.

9 Q You didn't recover that handgun?

10 A No, I did not. Investigator Roy did.

11 Q And where did he recover it from?

12 A At the, at the accident scene on I-26.

13 Q And he would have actually gotten the firearm as well?

14 A Yes.

15 Q Was there another firearm that you processed in this
16 case?

17 A Yes.

18 Q What was the other firearm that was processed?

19 A It was a .357 Smith and Wesson revolver.

20 Q I hand you what's been marked State's Proposed 78. Is
21 that that item?

22 A Yes, it is.

23 Q What did you find along with that item?

24 A A total of six rounds, .357 rounds, found in the wheel
25 of the handgun.

David Owen
Direct examination by Mr. Williams

1 Q Were there other items that you would have processed
2 as far as firearms go?

3 A A 9mm clip that was found --

4 Q Okay.

5 A -- in the '79 Oldsmobile.

6 Q And you processed that, although you didn't collect
7 it?

8 A That is correct.

9 Q I show you State's Proposed 90 and 91. Do you
10 recognize both of those?

11 A Yes, sir. Proposed 90 is a black Glock magazine or
12 gun magazine with rounds.

13 Q And that's the magazine that you would have processed,
14 although you didn't collect?

15 A Correct.

16 Q How many rounds did that have?

17 A Nine.

18 Q Those were in the clip?

19 A Correct. The proposed 91 are the nine .357 bullets or
20 rounds that were taken, were removed from the .357 handgun.

21 Q So 91 are the rounds that were inside the .357.

22 A Correct.

23 Q None of the rounds in the clip or in the .357 were
24 fired?

25 A That is correct.

David Owen
Direct examination by Mr. Williams

1 Q They are all live rounds?

2 A Live rounds.

3 Q There were no other firearms that you processed?

4 A No.

5 Q As far as processing those firearms you mentioned
6 earlier, did you take swabs?

7 A Yes.

8 Q Did you do that in this case?

9 A Yes. I took a swab of the Taurus .38 revolver and the
10 rounds, the six casings that came out of the .38 revolver.

11 Q And what exactly is a swab? Can you tell the jury?

12 A A swab is a sterile Q-tip that we put distilled water,
13 sterile distilled water, on and rub or swab the item
14 looking attempting to find D. N. A. or skin cells.

15 Q You did that on all these guns?

16 A All the guns and live rounds and spent shell casings,
17 correct.

18 Q And those swabs would have been sent to the state law
19 enforcement division as well for D. N. A. testing?

20 A Correct.

21 Q And those swabs are all in court today if anybody
22 wants to see them?

23 A Correct.

24 Q As well as the swabs with blood that was on the
25 driveway and inside the house?

David Owen
Direct examination by Mr. Williams

1 A Correct.

2 Q The transportation -- well, let me ask you. How do
3 items get transported to SLED that are submitted through
4 your agency?

5 A Any one of us from our investigative division will
6 take evidence to SLED, directly to their evidence intake
7 where their clerks enter the evidence, put it in a secured
8 locker room until the analyst that it is assigned to comes
9 down and retrieves the items to be processed, along with
10 the paperwork.

11 Q Was that done in this case?

12 A Yes, it was.

13 Q How many trips to SLED are you aware of that happened
14 for this case?

15 A Three or four trips.

16 Q Did you make one of those trips?

17 A Yes, I did.

18 Q Do you have a record of what you would have
19 transported?

20 A I believe so. Give me just a minute.

21 (Pause.)

22 A Yes. I've got my record.

23 Q And that was a trip you made on September the 7th of
24 2006?

25 A That is correct.

David Owen
Direct examination by Mr. Williams

- 1 Q And what do you have listed if you could just read off
2 the list of all the evidence you transported to SLED on
3 September the 7th?
- 4 A All 34 items?
- 5 Q Give it quickly.
- 6 A The black t-shirt found at the residence, as well as
7 all the swabs.
- 8 Q That's from the driveway, stair post and dirt in the
9 front yard and swabs from the living room?
- 10 A Correct.
- 11 Q Elimination prints?
- 12 A The elimination prints from -- two elimination prints
13 from two witnesses.
- 14 Q Did you take those prints?
- 15 A I took one of those elimination prints. Investigator
16 Peacock under my direction took the second.
- 17 Q And that was to make sure prints you might have found
18 for two people that were inside the Greens' house?
- 19 A Correct.
- 20 Q And you took four latent print cards?
- 21 A Correct.
- 22 Q And swabs from the fire station.
- 23 A Correct.
- 24 Q I believe there's also some G. S. R. gunshot residue
25 kits that you took that other people had obtained.

David Owen
Direct examination by Mr. Williams

1 A Yes.

2 Q Postmortem prints of the victim?

3 A Correct.

4 Q I believe there were gloves. There was a glove that
5 was recovered by Detective Stanley, as well as a mask that
6 was found.

7 A Correct.

8 Q Those were taken off the road?

9 A Yes.

10 Q There was three collection kits off of the defendants
11 Gadsden, Wilder and Smith, a kit for each of one them where
12 people take blood for D. N. A. comparison.

13 A Correct.

14 Q You took those to SLED?

15 A Correct.

16 Q And I believe there was the victim's blood also for
17 comparison, and you took that.

18 A Yes.

19 Q The white T-shirt from the driver's seat of the
20 Oldsmobile that had that blood on it, and sent that to
21 SLED.

22 A Yes.

23 Q The swabs from the Taurus casings, the Taurus handgun,
24 the swabs from the Bersa handgun, you transported that?

25 A Correct.

David Owen
Direct examination by Mr. Williams

1 Q As well as another knit mask and two other pairs of
2 black knit gloves.

3 A Correct.

4 Q So you're responsible for taking all of those items
5 from the office where they're collected. And you took all
6 of those items to the state law enforcement division.

7 A Correct.

8 Q And there were other items obviously that other
9 deputies took -- but I'm sorry. There's -- is there
10 another page to your report for that too?

11 A Repeat the question.

12 Q Is there a second page to that report?

13 A To the SLED report, yes.

14 Q So that's not the end of the list?

15 A All 34 items, and then the third page of my report is
16 my signature, as well as the technician at SLED who
17 accepted them.

18 Q Do you have a page that shows Items C-28, 29, 30, 31,
19 A-32, 33 and 34?

20 A Yeah, the second page.

21 Q Okay. So I didn't mention it. You also took a G. S.
22 R. kit from Jamie Williams, from the defendants Keive
23 Smith, Anthony Wilder and Leo Gadsden?

24 A Correct.

25 Q As well as two other swabs that were taken from the

David Owen
Direct examination by Mr. Williams

1 Jeep itself when it was processed by Sergeant McManigal.

2 A Correct.

3 Q As well as another black mask that was taken from the
4 accident scene.

5 A Correct.

6 Q So it looks like you had two pairs of black gloves, as
7 well as a separate glove, I believe, a black mask, all the
8 G. S. R. kits, all of those things, you took all to SLED
9 yourself.

10 A That is correct.

11 Q Like I said, other, other officers would have taken
12 other items. That's what you took personally.

13 A Correct.

14 Q As far as the scene and the duct tape, was there
15 another roll of tape that was found outside there?

16 A Yes. Across the street from the fire station,
17 opposite side of the station as the original scene on West
18 Stall, Lincolnville Police Officer Sergeant Richie Hill
19 found a roll of tape that he thought might be in question.
20 I went to photograph and examine the tape and observed the
21 tape to be packaging, brown packaging, tape. And it
22 appeared to have been there for some time.

23 Q So you excluded that as being part of the duct tape?

24 A That's correct.

25 Q That wasn't sent to SLED?

David Owen
Direct examination by Mr. Williams

1 A No, it was not.

2 Q Do you recall who Deputy Mills was working with when
3 he first started with y'all?

4 A He was my trainee.

5 Q Do you remember if he took any items to SLED?

6 A Yes.

7 Q Who would have went along with him?

8 A I believe Investigator Kjellman went with him and
9 under her direction logged the evidence in.

10 Q So Deputy Jones would have taken items, Deputy Peacock
11 and yourself?

12 A Correct.

13 MR. WILLIAMS: I have nothing else of this witness,
14 Your Honor.

15 THE COURT: Any juror need a short break before we
16 continue with the cross-examination? Anybody?

17 Okay. We'll take a short break. Please go to your
18 jury room. Don't discuss the case.

19 (The following takes place outside the presence of the
20 jury.)

21 THE COURT: We will be at ease for 15 minutes.

22 (Whereupon, a recess was taken.)

23 THE COURT: All right. Bring the jury in, please,
24 sir.

25 (The following takes place in the presence of the

David Owen
Cross-examination by Mr. Brown

1 jury.)

2 THE COURT: All right. We will continue with the
3 cross-examination, please.

4 MR. BROWN: May it please the Court, Your Honor.

5 THE COURT: Yes.

6 CROSS-EXAMINATION

7 BY MR. BROWN

8 Q Investigator Owen, I want to talk a few minutes first
9 about the scene outside of the -- of Patricia Green's house
10 and what you found in the yard. I think you said when you
11 got there that the scene had already been cordoned off, is
12 that correct?

13 A Correct.

14 Q And I think you said you typically work from the
15 outside in, correct? You photograph what you find.

16 A Yes.

17 Q Okay. And you attempt to photograph things as they
18 are when you get there.

19 A Correct.

20 Q Is that correct? And so if something's been moved or
21 something's been changed in some way, did you attempt to
22 find out if that had occurred?

23 A Yes.

24 Q And you processed the front yard. And I think you
25 said you went over it with a metal detector, is that

David Owen
Cross-examination by Mr. Brown

- 1 correct?
- 2 A Correct.
- 3 Q Did you have any time constraints in this --
- 4 A Yes.
- 5 Q -- that you had to finish this job by a certain period
- 6 of time?
- 7 A A certain period of time now.
- 8 Q Okay. So you had as much time as you needed to
- 9 process the front yard, is that correct?
- 10 A Yes.
- 11 Q And I want to make sure. You got what you found
- 12 there. You found some, some personal items of Sterling
- 13 Spann's like driver's license and some clothes and some
- 14 shoes and that kind of thing, correct?
- 15 A Correct.
- 16 Q You found, you found a shell casing.
- 17 A Correct.
- 18 Q Is that right?
- 19 A Yes.
- 20 Q And you said that's a 9mm shell casing.
- 21 A Correct.
- 22 Q In fact, do you know that's a 9m Lugar, 9mm shell
- 23 casing?
- 24 A I believe it is.
- 25 Q Okay. You also said you found -- strike that. The

David Owen
Cross-examination by Mr. Brown

- 1 shell casing that you found though, you don't know when and
2 how it got there, is that correct?
- 3 A That is correct.
- 4 Q Okay. You also found a projectile.
- 5 A Correct.
- 6 Q What was the projectile made of?
- 7 A It was copper jacketed, and I believe the inside was
8 lead.
- 9 Q Okay. Did that -- would that react with your metal
10 detector?
- 11 A It could, but the projectile --
- 12 Q The copper, the cooper would typically --
- 13 A Yeah.
- 14 Q -- react, is that right?
- 15 A Yes.
- 16 Q Now, the shell casing, excuse me, the bullet itself,
17 the projectile, I think is what you called it, you don't
18 know how long that had been there either, is that correct?
- 19 A The brass jacket on the projectile was shiny and it
20 appeared to be fresh.
- 21 Q And you don't know what gun or you can't identify a
22 particular gun from which that was fired, is that correct?
- 23 A I cannot, no.
- 24 Q Okay. In any event, you testified earlier also that
25 projectiles or bullets are often -- all made of lead and

David Owen
Cross-examination by Mr. Brown

1 you wouldn't necessarily find those with a metal detector,
2 is that correct? The casings, on the other hand, they're
3 not made of lead, right?

4 A No, they're not.

5 Q And typically those could be found using a metal
6 detector.

7 A Correct.

8 Q Is it fair to say that you processed the front yard
9 until you became convinced or your team became convinced
10 that the evidence that was there to be found was, in fact,
11 found?

12 A Yes.

13 Q So it's fair to say that you believe that you got
14 everything you went there to get in the front yard.

15 A I believe, yes.

16 Q And, again, you only found the one casing, right?

17 A Correct.

18 Q Let's talk about the car for a second. You said that
19 you found the clip, if you will.

20 A Yes.

21 Q It was a 9mm clip, is that right?

22 A Yes.

23 Q You found that in the car.

24 A It was on the -- it was in the doorjamb with the
25 driver's door resting on top of it and hidden from view

David Owen
Cross-examination by Mr. Brown

- 1 until you actually opened the car door.
- 2 Q When you opened the car door, you found the clip.
- 3 A Yes.
- 4 Q Is that right?
- 5 A Yes.
- 6 Q And I think you said that it had nine unspent shells
- 7 in it, is that correct?
- 8 A Yes.
- 9 Q Those were Winchester shells, were they not?
- 10 A I believe so, yes.
- 11 Q So it wasn't the same kind of shell as the shell
- 12 casing that you found in the yard.
- 13 A No.
- 14 Q Now, let's move on to the inside of the house if we
- 15 can. And strike that. Let me ask you.
- 16 Do you also, do you often process vehicles that have
- 17 been confiscated or have been part of some crime scene?
- 18 A Do I process them?
- 19 Q Yeah.
- 20 A Yes.
- 21 Q Okay. Do you process vehicles, for example, in which
- 22 people have been arrested for drug offenses?
- 23 A If the investigator requests it, yes.
- 24 Q Okay. So those are things that you've done before
- 25 too.

David Owen
Cross-examination by Mr. Brown

- 1 A Yes.
- 2 Q Is it unusual for you to find weapons in cars from
3 which people have been arrested on drug offenses?
- 4 A No.
- 5 Q Okay. Drugs and guns go together often, don't they?
- 6 A Possibly, yes.
- 7 Q Thank you.
- 8 Okay. Now, let's move on in to the inside of the
9 house.
- 10 You processed the blood that you saw. You swabbed it.
- 11 A Correct.
- 12 Q Is that correct?
- 13 A Correct.
- 14 Q You looked for other evidence, and you found, for
15 example in the kitchen you found, some yellow tape with
16 some red stain on it, is that correct, excuse me yellow
17 paper?
- 18 A Correct.
- 19 Q Okay. Found three pieces of duct tape.
- 20 A Correct.
- 21 Q You found two necklaces near the front door.
- 22 A Yes.
- 23 Q And you processed the scene for fingerprints, latent
24 fingerprints, correct?
- 25 A Correct.

David Owen
Cross-examination by Mr. Brown

1 Q And shoe impressions.

2 A Correct.

3 Q Okay. In particular, you processed -- where in the
4 house did you process for latent prints?

5 A I, I personally processed the front door of the
6 residence.

7 Q And you found two possible latent prints on the front
8 door, is that correct?

9 A That's correct.

10 Q Okay. Do you know where else in the house was
11 processed?

12 A Investigator Roy processed the sliding glass door in
13 the back which is on the dining room going outside, as well
14 as the vertical blinds. And Investigator Peacock processed
15 upstairs.

16 Q Do you know why they processed the vertical blinds and
17 the back door? Was that of particular interest?

18 A There was a screen to the back door that was knocked
19 down into the back yard, and the sliding glass door was
20 partially ajar when we got there.

21 Q And were you able to ascertain if that was -- was the
22 door open and the screen down when, when law enforcement
23 started to show up?

24 A I noticed it open when I was there. I was not told if
25 it was open when they got there or how it was opened.

David Owen
Cross-examination by Mr. Davis

1 Q Okay. But the bottom line is when you got there the
2 back door was open and the screen was sliding down.

3 A Correct.

4 Q Is that right?

5 A Correct.

6 Q Actually I don't have anything further. Thank you.

7 CROSS-EXAMINATION

8 BY MR. DAVIS

9 Q Deputy Owen, just a few questions. Let's start right
10 there where Mr. Brown left off.

11 You, you photographed the entirety of the outside of
12 the residence.

13 A Correct.

14 Q All different sides of the house.

15 A Correct.

16 Q And that would be normal procedure.

17 A Correct.

18 Q And you would have done the same thing for the
19 Oldsmobile that was parked in the driveway.

20 A That's correct.

21 Q Now, later the Oldsmobile was taken back to the
22 sheriff's compound to be further investigated at a later
23 time, right?

24 A Correct.

25 Q But you would have photographed it on the scene, so

David Owen
Cross-examination by Mr. Davis

- 1 the jury, for example, could see where everything was at
2 the time when you arrived on the scene.
- 3 A Correct.
- 4 Q Okay. So while you only processed the front door, you
5 did observe the back screen down on the ground, correct?
- 6 A Yes.
- 7 Q And you observed the back door somewhat open.
- 8 A Correct.
- 9 Q Now, it's important when -- strike that and start
10 again.
- 11 Was there a particular crime scene officer that was
12 the supervisor on the scene?
- 13 A Yes, Sergeant McManigal.
- 14 Q McManigal.
- 15 A Yes.
- 16 Q Okay. But it's fair to say that in this case either
17 by your direction or the sergeant's direction you collected
18 a lot of the items that were found at the scene, correct?
- 19 A That is correct.
- 20 Q Okay. And it's very important obviously -- I think
21 you said you have been in crime scene for four and a half
22 years now.
- 23 A That is correct.
- 24 Q That it's important to control the scene, I think you
25 said, when you arrive, correct?

David Owen
Cross-examination by Mr. Davis

- 1 A Yes.
- 2 Q Search the scene for any evidence, correct?
- 3 A Correct.
- 4 Q Seize and maintain any evidence.
- 5 A Correct.
- 6 Q Correct? All right. So you later come into court and
- 7 testify about what you found, correct?
- 8 A Right.
- 9 Q And so it's important that you collect that in an
- 10 appropriate manner, right?
- 11 A Yes.
- 12 Q Oftentimes, for example when you're looking for latent
- 13 prints, you will have gloves on to make sure you don't
- 14 leave your own prints behind, is that correct?
- 15 A That is correct.
- 16 Q Okay. Now, I think you saw a picture. You had blue
- 17 latex gloves on, did you not?
- 18 A Yes, I did.
- 19 Q Okay. And that'd be normal. Y'all have those to use
- 20 with the sheriff's department when you go out to crime
- 21 scenes.
- 22 A That is correct.
- 23 Q Did you actually do any attempt to process the
- 24 fingerprint you collected to compare?
- 25 A They were sent to SLED.

David Owen
Cross-examination by Mr. Davis

1 Q Okay. And so you personally didn't. You sent them on
2 for that testing.

3 A Correct.

4 Q And that would be the same as to any shoe impressions
5 as well.

6 A The shoe -- I looked at the shoe impressions, and they
7 were not sent.

8 Q Because I believe you've already told the jury you
9 didn't feel -- basically, the tread was remarkable enough
10 to do a comparison, is that fair enough?

11 A It did not appear to be enough information.

12 Q All right. We heard about the 9mm shell casing that
13 was found in the yard, right?

14 A Yes.

15 Q There was one spent.

16 A Yes.

17 Q It is a spending, a fired casing, no longer has the
18 projectile in it.

19 A That is correct.

20 Q Okay. We also heard about a 9mm clip found in the
21 door jamb of the Oldsmobile, correct?

22 A That is correct.

23 Q That had nine live rounds in it, correct?

24 A Correct.

25 Q With the one being a Winchester. I'm sorry. With all

David Owen
Cross-examination by Mr. Davis

- 1 of the ones in the clip being Winchester -- that's a brand
2 name, correct, a brand name of bullet?
- 3 A Yes.
- 4 Q So that the one found in the yard is a different
5 brand. It's a Lugar brand, correct?
- 6 A Correct.
- 7 Q Okay. Now, there's never any 9mm handgun recovered on
8 the scene, correct?
- 9 A No. There's not.
- 10 Q Is it fair to say in four and a half years it is
11 unusual to find a clip and no gun?
- 12 A It's unusual, but it's happened before.
- 13 Q But it is unusual. Normally, either you find the --
14 when we're talking about the semiautomatic guns, you find
15 the gun and the clip?
- 16 A Correct.
- 17 Q But not separate generally.
- 18 Were you ever asked to do any further comparison on
19 either that 9mm shell casing or the clip other than simply
20 recovering, storing it and bringing it to court today?
- 21 A All of the round -- the nine rounds from the clip, as
22 well as the shell casing, went to SLED.
- 23 Q Okay. So you forwarded it on SLED.
- 24 A Correct.
- 25 Q You didn't do any further processing.

David Owen
Cross-examination by Mr. Davis

1 A No. I did not.

2 Q Are you aware of a Charleston City Police Department
3 case where a shell casing was matched to the 9mm shell
4 casing found in the yard?

5 A I'm aware, but I didn't -- I have no information if it
6 was a match or not.

7 Q Okay.

8 A I'm aware that the shell casing from my scene went --
9 could have been related to a City of Charleston scene, but
10 I don't know if it was a confirmed match or not.

11 Q Okay. You wouldn't have been requested to do any
12 followup on that. You have not been requested to do any
13 followup on that.

14 A The shell casing from my scene went back to SLED for
15 comparison again, but I do not know the results of that
16 comparison.

17 Q So you wouldn't have been asked to do it. You would
18 have been asked to forward it to SLED to let them do it.

19 A Correct.

20 Q Okay. And you're not aware of any results from that
21 additional comparison.

22 A No, I am not.

23 Q You're still not aware that a 9mm weapon matching
24 either the City of Charleston case or your case has been
25 recovered. You're not aware of that.

David Owen
Cross-examination by Mr. Davis

- 1 A Not aware, no, sir.
- 2 Q You weren't asked. And it's not normally your job to
- 3 take statements from any witnesses, is it?
- 4 A No, it is not.
- 5 Q But certainly I believe you've already told the jurors
- 6 you -- did you go over to the fire department briefly?
- 7 A Yes.
- 8 Q The scene over there?
- 9 A To photograph, yes.
- 10 Q Okay. As you walked from -- did you walk over or ride
- 11 over?
- 12 A Walked.
- 13 Q Okay. As you walked over to the fire department,
- 14 there's a house behind Ms. Green's house that you pass on
- 15 the way, correct?
- 16 A Yes.
- 17 Q That's, again, that's on the back where the screen
- 18 door is knocked down, right, in that direction?
- 19 A Correct.
- 20 Q And it's in the back where that pen for the pit pulls
- 21 is, correct?
- 22 A The pens for the pit pulls are on the --
- 23 Q It's more the right side.
- 24 A -- right side of the house by the driveway.
- 25 Q As you're looking at the house, the pen is on the

David Owen
Cross-examination by Mr. Davis

- 1 right-hand side of the house, not around towards the house
2 at all. I mean, you can see it from the back, correct?
3 A You can see it from the back of the house.
4 Q Okay. All right. So then as you go down there is the
5 house that you pass. You didn't talk to Mr. Corley at that
6 address?
7 A No, I did not.
8 Q You were never given video tapes from his surveillance
9 cameras?
10 A I was not, no.
11 Q If, if you were aware of such evidence, it would
12 likely have come to you or one of the other crime scene
13 investigators, right?
14 A That is correct.
15 Q One final issue.
16 The Oldsmobile vehicle -- again, I think you've
17 already said -- you would have taken pictures around the
18 outside of the car, correct?
19 A Correct.
20 Q And you would have photographed the inside of the
21 vehicle as well?
22 A Through the windows, yes.
23 Q Right. You didn't go in the car.
24 A No.
25 Q Okay. But you would have peered in with the camera

David Owen
Cross-examination by Mr. Davis

1 and taken photographs, correct?

2 A Correct.

3 Q Do you recall if the glove box was open?

4 A Without looking at the pictures, no, I do not recall.

5 Q Okay.

6 MR. DAVIS: May I approach the witness, Your Honor?

7 THE COURT: Yes.

8 MR. DAVIS: Thank you, Your Honor.

9 Q I'm going to show you what's already been admitted
10 into evidence as State's No. 40. I'm going to ask you to
11 look in the top here past the steering wheel. Do you see
12 a -- do you see the edge of the glove box looking over in
13 there?

14 A Yes, I do.

15 Q And, again, you didn't go into the vehicle at all.

16 A No.

17 Q So you wouldn't have tampered with anything inside the
18 vehicle, right?

19 A No, sir.

20 Q But the glove box is open.

21 A Yes.

22 MR. DAVIS: Your Honor, if I could have just one
23 moment.

24 (Pause.)

25 Q Deputy Owen, thank you. No other questions.

David Owen
Redirect examination by Mr. Williams

1 MR. LOFTON: I have no questions, Your Honor.

2 MR. WILLIAMS: Just quick redirect, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. WILLIAMS

5 Q Deputy Owen, I want to ask you about clips and how
6 they are placed and removed from a 9mm, or for that matter
7 any semiautomatic weapon.

8 How does -- how do you eject a clip out of the gun?

9 A There is, there is a release on the gun that you --
10 normally, it's on the, by the hand grip somewhere near your
11 thumb, or it can be removed from the bottom.

12 Q Is there a pressure that has to be applied for the
13 clip to come out?

14 A Yes. You have to press the release button.

15 Q If somebody was hit with the butt of a gun would that
16 be a sufficient force possibly to eject the clip?

17 MR. DAVIS: Your Honor, I object. This asks for a
18 hypothetical. He has not been qualified as an expert.

19 THE COURT: Overruled.

20 Q Would that be sufficient force in your experience to
21 eject a clip from a 9mm?

22 A I have no knowledge of it happening in my experience.

23 Q I guess what I'm saying is if you press, if you press
24 on the clip, or if you press on the butt of the gun the
25 clip comes out, right?

Al Hallman
Direct examination by Mr. Williams

1 A If the release is on the butt of the gun, yes.

2 Q Do you know where that release is on a 9mm?

3 A On a Glock it is on the side.

4 Q On the side.

5 A Yes.

6 Q So if you press on the side of the gun the clip is
7 ejected.

8 A Yes.

9 Q Thank you. Nothing else.

10 MR. BROWN: Nothing further.

11 MR. DAVIS: No, Your Honor. Thank you.

12 MR. LOFTON: No, Your Honor.

13 THE COURT: Thank you. You may step down.

14 MR. WILLIAMS: May he be released, Your Honor?

15 THE COURT: He may be.

16 (Whereupon, the witness was excused.)

17 MR. WILLIAMS: Thank you, Your Honor.

18 The state calls Sergeant Al Hallman.

19 AL HALLMAN, having been first
20 duly sworn, testified as follows:

21 DIRECT EXAMINATION BY MR. WILLIAMS

22 THE CLERK: Please state your full name, and spell
23 your last name.

24 THE WITNESS: Al Hallman, H-A-L-L-M-A-N.

25 Q Sir, where do you work?

Al Hallman
Direct examination by Mr. Williams

1 A With the North Charleston Police Department.

2 Q What do you for the North Charleston Police
3 Department?

4 A Currently I'm a supervisor of the forensic
5 investigations unit.

6 Q How long have you been involved in law enforcement?

7 A I've been with North Charleston a little over 20
8 years.

9 Q Were you involved in assisting in a case with the
10 sheriff's department back on August the 31st of 2006?

11 A Yes, I was.

12 Q And what -- how did you get involved with that case?

13 A We received a radio transmission from our dispatchers
14 that the county sheriff's office was involved in a
15 vehicular pursuit down I-26. And during that pursuit
16 several items had been thrown from the suspects' vehicle
17 and landed on the interstate, on the side of the road. And
18 they were asking our assistance to attempt to locate these
19 items and secure them so that they didn't get lost.

20 Q Did you do that in this case?

21 A Yes, I did.

22 Q And what did you do?

23 A I responded to the area in question right there, I-26
24 eastbound. And I immediately located one glove on the side
25 of the road. And then I had another one of my

Al Hallman
Direct examination by Mr. Williams

1 investigators go further up I-26. And he radioed back that
2 another glove had been found. And as I was going up that
3 way we noticed that there was, I believe, a hat or some
4 kind of mask or something on the other side of the road
5 across the interstate.

6 Q Did you pick up those items?

7 A Not at -- not immediately. They were photographed
8 where they were located. And then I notified the county
9 sheriff's office, and they had one of their investigators
10 respond. And we then released the items to them right
11 there at the scene.

12 Q So that was -- you were involved in a pair of -- or
13 what exactly did you collect?

14 A I believe it was a pair of gloves and a mask of some
15 sort or a hat of some kind.

16 Q Do you recall if you took two pairs of gloves?

17 A I only took one pair, but I remember photographing two
18 pair.

19 Q And then the Charleston County officer or the
20 detective would have taken the other ones?

21 A They took them all at the scene, yes.

22 Q And do you recall who you were working with?

23 A No, I do not recall.

24 Q So you saw two pairs of gloves.

25 A Well, they were scattered. There were two sets of

Jeremy Krause
Direct examination by Mr. Williams

1 gloves, but they were scattered down the interstate.

2 Q As well as a black mask, you testified to.

3 A Yes.

4 Q And those would have been seized by you, along with
5 the detective in the case --

6 A Correct.

7 Q -- that was out there.

8 A Correct.

9 MR. WILLIAMS: Nothing further of this witness, Your
10 Honor.

11 MR. BROWN: I have nothing.

12 MR. DAVIS: No questions.

13 MR. LOFTON: No questions, Your Honor.

14 THE COURT: Step down.

15 MR. WILLIAMS: The state calls Detective Jeremy
16 Krause, Your Honor.

17 JEREMY KRAUS, having been
18 first duly sworn, testified as follows:

19 DIRECT EXAMINATION BY MR. WILLIAMS

20 THE CLERK: State your full name, and spell your last
21 name.

22 THE WITNESS: Jeremy Kraus, K-R-A-U-S.

23 Q Detective, where do you work?

24 A Charleston County Sheriff's Office.

25 Q What do you do for the sheriff's office?

Jeremy Krause
Direct examination by Mr. Williams

- 1 A I'm a detective.
- 2 Q How long have you worked in law enforcement?
- 3 A Approximately eight years.
- 4 Q Were you involved in a case back in August 31st of
- 5 2006?
- 6 A Yes, sir.
- 7 Q What was your involvement in the case?
- 8 A I responded with other detectives to the area in
- 9 reference to the homicide call and initially responded to
- 10 the area of Highway 26 eastbound from Highway 78 based on
- 11 information that had been received that the suspect vehicle
- 12 had thrown gloves and a mask and other items out the
- 13 window. And I met there with North Charleston Technical
- 14 Services Unit and recovered those items.
- 15 Q Do you recall what items were recovered?
- 16 A I believe it was some gloves and a mask.
- 17 Q What would you have done with those items once you
- 18 located them?
- 19 A I completed a chain of custody with the North
- 20 Charleston Technical Services officer, and then I delivered
- 21 them to Investigator Kjellman from our technical services
- 22 unit.
- 23 Q So any gloves that were found out there by North
- 24 Charleston and by you were turned over to Officer Kjellman
- 25 who was on the scene.

Jeremy Krause
Direct examination by Mr. Williams

- 1 A Yes, sir.
- 2 Q And those were -- you said you found the gloves out
3 there.
- 4 A Yes.
- 5 Q As well as did you find anything else that you recall?
- 6 A I believe a mask as well was turned over.
- 7 Q Were you working with Detective Stanley at the time?
- 8 A Yes, sir.
- 9 Q Were you under his -- was he the lead detective on the
10 case?
- 11 A Yes.
- 12 Q He would have been assisting you?
- 13 A Yes.
- 14 Q Once you picked up those items along with North
15 Charleston and gave them to Officer Kjellman, did you have
16 any other role out there at the crash scene on 26?
- 17 A At the crash scene I assisted Detective Stanley in
18 taking one of the suspects, Mr. Gadsden, to Saint Francis
19 Hospital to be evaluated.
- 20 Q Did you go to the hospital along with defendant
21 Gadsden?
- 22 A Yes..
- 23 Q What happened when you got to the hospital?
- 24 A He was evaluated just based on being in a car accident
25 by medical personnel there. I did a G. S. R. kit on him as

Jeremy Krause
Direct examination by Mr. Williams

1 well.

2 Q What is a G. S. R. kit?

3 A A gunshot residue test.

4 Q What is gunshot residue?

5 A It is the byproduct of shooting a firearm. It leaves
6 bits and pieces of the transmission that would stay on
7 their hand, on that person's hand. And we can collect
8 those and compare those to guns and firearms for
9 comparison.

10 Q How do you go about testing for G. S. R., for gunshot
11 residue? What's the process?

12 A It's a standardized kit that we have from SLED that
13 we, we put rubber gloves on ourselves. And we test a
14 certain part of their body that would never have been
15 exposed to gunshot residue like the bottom of their leg or
16 something like that to standardize it.

17 And then we use -- there's a collection thing that you
18 rub on the back of their hands and fingers. And that all
19 gets prepackaged up and sent off to SLED who identifies it
20 and can be matched up to any suspect gun that's turned in.

21 Q You did the swabbing in this case?

22 A Yes, sir.

23 (Photograph marked State's Exhibit No. 92 for
24 Identification.)

25 Q I'm going to show you, Detective, what's been marked

Jeremy Krause
Direct examination by Mr. Williams

- 1 State's Proposed 92. Do you recognize that item?
- 2 A Yes, sir.
- 3 Q That's got your signature on it?
- 4 A Yes, sir.
- 5 Q This is a kit that you would have taken that day?
- 6 A Yes.
- 7 Q Once you would have put the G. S. R. sample into this
- 8 bag, it would have gone to one of the crime scene officers?
- 9 A Yes, sir.
- 10 Q That's indicated as Deputy Kjellman.
- 11 A Yes, sir.
- 12 Q And she would have then taken it and sent it off to
- 13 SLED for testing?
- 14 A Yes, sir.
- 15 Q Did you stay at the hospital there along with
- 16 Detective Stanley?
- 17 A Yes, sir.
- 18 Q Was there a time where you were called out to
- 19 Lincolnville regarding a .357?
- 20 A Yes, sir.
- 21 Q What was your involvement regarding the .357?
- 22 A A juvenile had been caught at school with a handgun.
- 23 And in the course of that officer's investigation -- that
- 24 was a North Charleston officer -- they traced it back to
- 25 where he had allegedly stolen it out of a Mr. Green's

Jeremy Krause
Direct examination by Mr. Williams

1 vehicle.

2 I met with deputies who were out with Mr. Green who
3 runs a group home for troubled teenagers and spoke with
4 him. And he advised he had found it alongside the road a
5 few days earlier. And he showed me where he had found it,
6 and I photographed.

7 MR. DAVIS: Your Honor, I am going to object to this
8 as hearsay.

9 THE COURT: Sustained.

10 Q Without getting into what Mr. Greer told you, did you
11 investigate a .357 that had been found over in
12 Lincolnville?

13 A Yes, sir.

14 Q Was that in the area of Front Street and Stall Street
15 as far as where this crime happened?

16 A Yes.

17 Q And you spoke with Mr. Greer and basically recovered
18 that gun?

19 A The gun was recovered at the school by the North
20 Charleston officer. I recovered the holster.

21 Q So you got that from Mr. Greer as well?

22 A Yes, and photographed the location where it was
23 located.

24 Q And Mr. Greer obviously showed you where it was
25 located.

Jeremy Krause
Direct examination by Mr. Williams

1 A Yes, sir.

2 MR. WILLIAMS: No further questions of this witness,
3 Your Honor.

4 MR. BROWN: I have no questions.

5 MR. DAVIS: Judge, I have no questions. I'd ask for a
6 brief jury instruction as to Mr. Greer's statement.

7 THE COURT: Well, ladies and gentlemen, just disregard
8 the statement attributed to Mr. Greer.

9 The purpose of that is, of course, the hearsay rule
10 which provides -- there are some exceptions, but, generally
11 speaking, the reason there is a hearsay rule is because if
12 a person has made a statement and somebody else attributes
13 that statement to that person, then that person is not
14 available to be examined about it. That may or may not be
15 accurate.

16 So that's why ordinarily a person cannot testify as to
17 what somebody else said unless there's some exception. And
18 with that particular statement there was not an exception.
19 It's been objected to, and I've sustained it.

20 So you're to disregard any statement that was
21 attributed to Mr. Green. And of course the other testimony
22 is perfectly admissible, and you may consider it. You
23 simply are to disregard that statement which was attributed
24 to Mr. Green. Okay.

25 MR. LOFTON: I have no questions, Your Honor.

Paul David McManigal
Direct examination by Mr. Williams

1 THE COURT: All right. You may step down.

2 MR. WILLIAMS: May he be excused, Your Honor?

3 THE COURT: He may be.

4 (Whereupon, the witness was excused.)

5 MR. WILLIAMS: Thank you. The state calls Sergeant
6 Paul McManigal.

7 PAUL DAVID MCMANIGAL, having
8 been first duly sworn, testified as follows:

9 DIRECT EXAMINATION BY MR. WILLIAMS

10 THE CLERK: Please state your full name, and spell
11 your last name.

12 THE WITNESS: Paul David McManigal, M-C-M-A-N-I-G-A-L.

13 Q Sir, where do you work?

14 A I work for the Charleston County Sheriff's Office
15 currently in the forensic services.

16 Q What is forensic services?

17 A We are the crime scene investigation unit.

18 Q How long have you worked in forensic services of crime
19 scenes?

20 A I've been with the department for 20 years and been
21 working in forensic services for 11.

22 Q You supervise that department?

23 A I am the supervisor, yes, sir.

24 Q How many deputies do you supervise?

25 A I currently have five investigators in my unit and

Paul David McManigal
Direct examination by Mr. Williams

1 then one IBIS technician.

2 Q Were you involved in the processing crime scenes or
3 supervising crime scenes to be processed on August the 31st
4 of 2006?

5 A Yes, I was.

6 Q What was your involvement?

7 A I supervised the processing of the crime scene at [REDACTED]
8 [REDACTED], as well as a search warrant subsequent to the
9 investigation on two different vehicles.

10 Q I want to ask you first of all about the residence on
11 Stall Street that y'all processed. Who processed that
12 scene?

13 A Investigator Owen was assigned as the lead
14 investigator, but he was also assisted by Investigator
15 Peacock and Investigator Roy, as well as myself.

16 Q And you supervised what went on there?

17 A Yes, sir.

18 Q You got to look at the whole house in that area?

19 A Yes, sir.

20 Q Sergeant, I'm going to show you what's been marked
21 State's Proposed 94, 93, excuse me, and 39. Do you
22 recognize those photos?

23 A Yes, I do.

24 Q And those show the scene as you saw it that night?

25 A State's Exhibit 93 is from the inside of the blue car

Paul David McManigal
Direct examination by Mr. Williams

1 that was parked in the driveway, particularly a projectile
2 jacket.

3 State's Exhibit 94 is a view from the back of the
4 residence.

5 And State's Exhibit 39 is the driver's window of the
6 car that was parked in the driveway showing a projectile
7 mark.

8 Q And that shows it from that night?

9 A Yes, sir.

10 MR. WILLIAMS: Your Honor, the state would move to
11 submit State's Proposed 94, 93 and 39.

12 THE COURT: Any objection?

13 MR. BROWN: No objection.

14 MR. LOFTON: No objection.

15 MR. DAVIS: No, Your Honor.

16 (Photographs marked State's Exhibits Nos. 39, 93 and
17 94.)

18 Q Sergeant, I want to ask you first about State's 94.
19 Do you recall seeing the back door of the residence?

20 A Yes, sir.

21 Q And that back door, the screen looked like it had been
22 knocked off of the railing?

23 A Yes, sir. Upon my arrival that's exactly the way it
24 looked.

25 Q And that shows the back door of the house there?

Paul David McManigal
Direct examination by Mr. Williams

1 A It's from the back rear corner of the house. That's
2 the back door leading into the dining room area.

3 Q You had said that you had also -- that there was a car
4 that was processed. Were you involved in processing the
5 Oldsmobile?

6 A Yes, I was.

7 Q What was the process that you went through?

8 A Once we received a search warrant we photographed the
9 vehicle and began examining the marks that were found on
10 it.

11 We found a projectile mark in the driver's-window
12 area. We found portions of a projectile. A projectile
13 consists of a jacket and the actual projectile itself. The
14 jacketing was found inside the car. The projectile was
15 found on the rear seat, I believe, if you'll excuse me for
16 one moment.

17 (Pause.)

18 Q Okay.

19 A The projectile jacket was from the driver's-side
20 floorboard. The actual projectile was taken from the
21 driver's-side rear seat.

22 We also located a magazine with nine rounds of
23 ammunition and a white t-shirt that was on the driver's
24 seat that had some bloodstain substance on it.

25 (Projectile fragment marked State's Exhibit No. 95 for

Paul David McManigal
Direct examination by Mr. Williams

1 Identification; jacket fragment from Oldsmobile marked
2 State's Exhibit 96 for Identification.)

3 Q Sergeant, I'm going to show you State's Proposed 95
4 and 96. Do you recognize both of those items?

5 A Yes, I do. State's Exhibit 95 is the projectile that
6 was taken from the rear seat of the Oldsmobile and State's
7 Exhibit 96 is the copper jacket that was found on the
8 driver's-side floorboard of the Oldsmobile.

9 Q Let me show you State's Proposed 90. Do you recognize
10 that item?

11 A Yes, I do. State's Exhibit 90 is the magazine we
12 found with the nine rounds of ammunition.

13 Q Hand those back to me.

14 MR. WILLIAMS: Show defense counsel State's Proposed
15 95 and 96.

16 Q Sergeant McManigal, you would have seized the jacket
17 fragment, the bullet fragment, off the back seat, as well
18 as the clip for the ammo?

19 A The clip with the ammo came from the driver's-side
20 floorboard. The projectile itself came from the
21 driver's-side rear seat.

22 Q And you would have taken all of those into evidence?

23 A Yes.

24 MR. WILLIAMS: Your Honor, I move to admit State's 95,
25 96 and 90, and I move to admit 93 and 39 if those aren't

Paul David McManigal
Direct examination by Mr. Williams

1 already in.

2 THE COURT: What was the last one? Ninety-three and
3 39 are in.

4 Any objection to 90, 95, 96?

5 MR. BROWN: None.

6 MR. DAVIS: No, Your Honor.

7 MR. LOFTON: No, Your Honor.

8 THE COURT: They are admitted.

9 (9mm clip marked State's Exhibit No. 90; projectile
10 fragment marked State's Exhibit No. 95; jacket fragment
11 from Oldsmobile marked State's Exhibit No. 96.)

12 Q Sergeant, starting with the window or the bullet
13 impression you testified was found, I'm showing you 39.
14 Can you explain to the jury where that impression is?

15 A As you're facing the driver's side of the vehicle, the
16 front door where the driver would normally enter.

17 Q Just press up on that button.

18 A That's the post that is in front of the window. This
19 area here would be the front windshield, and this area
20 right here is where the driver's-side window would normally
21 be.

22 Q And where was the bullet mark if you can see this?

23 A The bullet mark is right here. And you can see where
24 the trim had been pulled away by the projectile traveling
25 through this area here all the way through the door post.

Paul David McManigal
Direct examination by Mr. Williams

1 Q And let me put up Exhibit 93. Can you tell the jury
2 what that shows?

3 A This is the floorboard of the vehicle. And that item
4 right there is the copper jacketing from a projectile of
5 the bullet.

6 Q And 96 is the --

7 A That is the copper jacket that was found on the
8 floorboard.

9 Q So you picked it up off that floorboard and bagged it
10 before sending to SLED?

11 A Correct.

12 Q And you said there was a fragment found in the back
13 seat. I'll put up 95. Is that the fragment that you
14 recovered?

15 A Yes, sir.

16 Q That was in the back seat?

17 A The projectile fragment was from the driver's-side
18 rear seat.

19 Q And the clip, you said, was in the door. Where was it
20 located at in the door if you recollect?

21 A It was actually where the door meets the door frame,
22 kind of stuck in between. So if you had tried to close the
23 door, it would have gotten caught.

24 Q I want to ask you about the rest of the car. Do you
25 recall if the glove box was open or closed?

Paul David McManigal
Direct examination by Mr. Williams

1 A I do not recall at the time.

2 Q And all that was seized out of the vehicle then was
3 the fragment, the jacket and the clip with the live round.

4 A There was also a white t-shirt that was taken from the
5 driver's side.

6 Q That is shown here in State's 40?

7 A That's correct.

8 Q That shirt was seized as well?

9 A Yes, sir.

10 Q Can you explain to the jury how a jacket and a
11 bullet -- what a jacket or a bullet core is?

12 A Yes. Bullets are manufactured differently depending
13 on who made them. There are several different types of
14 ammunition available.

15 In this case the actual bullet consists of a shell
16 casing which contains the gunpowder that's used to dislodge
17 a projectile from the front of the pistol. The actual
18 projectile is made up of lead core covered by a section of
19 copper, referred to as a copper jacket.

20 Very often when the projectile strikes an object the
21 copper jacket separates from the lead core and you'll find
22 both pieces separately.

23 Q Is it common for those to separate when a round hits
24 something?

25 A It's very common when it hits something solid, yes.

Paul David McManigal
Direct examination by Mr. Williams

1 Q There was a Jeep involved in this case as well, is
2 that right?

3 A Yes, sir.

4 Q Did y'all process that Jeep?

5 A Yes, sir, we did.

6 Q Was there -- what did you do with the Jeep to process
7 it?

8 A The Jeep had -- we received a search warrant on the
9 Jeep. But it had been involved in a severe accident and
10 the rescue squad had to cut off the roof of the vehicle to
11 extricate the passengers.

12 So when we got the search warrant we photographed the
13 vehicle over all. The steering wheel had been cut off by
14 the rescue squad. So we collected the steering wheel.

15 There was a silver Nokia cell phone that was on the
16 driver's-side floorboard that we collected.

17 Inside the glove box was rental paperwork, a Seigrams
18 gin bottle. That was actually behind the glove box. As
19 well as a Motorola cell phone, a SunCom SIM card and a
20 black Nokia cell phone and assorted receipts.

21 As an additional measure, we also collected the
22 gear-shift handle that was in the center console.

23 Q And were swabs taken from the vehicle?

24 A Yes. Swabs were taken from the items removed from the
25 vehicle, yes, sir.

Paul David McManigal
Cross-examination by Mr. Davis

1 Q And that would have been the steering wheel?

2 A Yes, sir.

3 Q And the gear shift?

4 A The steering wheel and the gear shift lever.

5 Q And those swabs would have been sent to SLED for D. N.

6 A. analysis?

7 A Yes, sir.

8 Q The paperwork, did it indicate who was the renter of
9 the vehicle?

10 MR. DAVIS: Objection, Your Honor. Hearsay.

11 THE COURT: Sustained.

12 Q Sergeant, those items were seized and were taken into
13 evidence?

14 A Yes, sir.

15 MR. WILLIAMS: I have no further questions of this
16 witness, Your Honor.

17 MR. BROWN: No questions.

18 MR. DAVIS: May it please the Court. Just briefly,
19 Your Honor.

20 CROSS-EXAMINATION

21 BY MR. DAVIS

22 Q Deputy, you have been with crime scene for 11 years,
23 is that right?

24 A Yes, sir.

25 Q With the Charleston County Sheriff's Office.

Paul David McManigal
Cross-examination by Mr. Davis

1 A Yes, sir.

2 Q Okay. And so when you responded with the other crime
3 scene officers, I believe at the residence there in
4 Lincolnville you supervised the activities and also were
5 involved in some of the activities, right?

6 A Yes, sir.

7 Q You would have been the lead person responsible for
8 cataloging, collecting and maintaining any evidence seized,
9 correct?

10 A I would be ultimately responsible, but I was not the
11 lead investigator, no, sir.

12 Q Fair enough, fair enough. You're not the lead
13 investigator of the whole case as far as the crime scene.

14 A Correct.

15 Q Okay. Ultimately, you ended up searching the
16 Oldsmobile pursuant to a search warrant, correct?

17 A Yes, sir.

18 Q After it had been towed to the sheriff's office
19 compound.

20 A Yes, sir.

21 Q The photos we have seen so far are actually -- were
22 taken by another crime scene officer, correct?

23 A Yes, sir.

24 Q At the residence in Lincolnville.

25 A Yes, sir.

Paul David McManigal
Cross-examination by Mr. Davis

1 Q There are no photos from the inventory during the
2 search warrant.

3 A There are photos from that, sir. I don't know if
4 they've been entered into evidence, but there are photos of
5 the --

6 Q All right. When you searched the Oldsmobile there
7 were no weapons, pistols, recovered from the Oldsmobile.

8 A No, sir.

9 Q Not in the floorboard anywhere?

10 A No, sir.

11 Q In the seats anywhere?

12 A No, sir.

13 Q Trunk anywhere?

14 A No, sir.

15 Q Not in the glove box.

16 A No, sir.

17 Q All right. Finally, you did not receive any video or
18 video tapes or recordings from a Mr. Corley?

19 A I'm not familiar with the name.

20 Q So you received no evidence of that sort.

21 A Give me a minute and I'll double check on it. I'm not
22 familiar with that name.

23 Q Okay.

24 (Pause.)

25 A The only videos we received are the crime-scene video

Paul David McManigal
Cross-examination by Mr. Davis

1 that was taken by one of my investigators and the in-car
2 videos from Deputy Simpson's car and Deputy James' car.

3 Q Okay. Two patrol-car videos.

4 A Correct.

5 Q And then it's an 8mm handheld camera from your
6 office --

7 A Yes, sir.

8 Q -- that video taped Ms. Green's residence.

9 A Correct.

10 Q Is that correct? On the night that you were out there
11 processing, correct?

12 A Yes, sir.

13 Q No other videos.

14 A No, sir.

15 Q And no evidence from Mr. Corley was given to you,
16 correct?

17 A No, sir.

18 Q Thank you, Deputy. No other questions.

19 MR. LOFTON: No questions, Your Honor.

20 MR. DAVIS: Your Honor, we have a matter we need to
21 take up outside the jury, please.

22 THE COURT: Well, does it relate to this witness?

23 MR. DAVIS: It does, Your Honor. May we approach?

24 THE COURT: Let me ask the jurors if you'll please go
25 to your jury room. It should take just a moment, and I'll

1 bring you right back.

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Mr. Davis.

5 MR. DAVIS: Thank you, Your Honor. May it please the
6 Court.

7 Judge, I asked the officer about any photographs in
8 the execution of the search warrant expecting no answer
9 because the defense has not received any photos. But the
10 officer indicates that he did take some during the
11 execution of the search warrant. Nothing was turned over
12 in discovery requests during the case.

13 THE COURT: Well, what do you know about that, Mr.
14 Williams?

15 MR. WILLIAMS: Your Honor, I haven't seen those
16 photos. I believe we've obtained everything from the
17 sheriff's office.

18 I know that Deputy Owen is here as well. Obviously,
19 if those exist we can get them to defense counsel tonight.

20 THE COURT: Well, let me ask the witness.

21 Is that book that you have, are those all the
22 photographs you took that relate to this case?

23 THE WITNESS: Yes, sir.

24 THE COURT: Just get those and let Mr. Davis have a
25 look at it.

1 MR. DAVIS: Actually, could the witness step down so
2 all the counsel can look at it? Will that be all right?

3 THE COURT: You can take the book.

4 MR. DAVIS: Okay. Thank you, Judge.

5 (Pause.)

6 THE COURT: Mr. Williams, who is the next witness?

7 MR. WILLIAMS: Deputy Kjellman, Your Honor, the crime
8 scene officer. She'll probably take a little while, Judge.

9 THE COURT: Well, have you got somebody else that
10 won't take a little while?

11 MR. WILLIAMS: I need to find out who is out there.

12 THE COURT: Okay.

13 MR. DAVIS: Judge, on the record, I have looked at the
14 book, along with co-counsel for the defendants. There are
15 two sheets that show both the Oldsmobile and the Jeep at
16 the sheriff's office compound.

17 Is that accurate, Deputy?

18 THE WITNESS: Yes, sir.

19 MR. DAVIS: One full page, full front page, of
20 multiple small photos, and then a line or two on the back,
21 which we had not received in discovery, and we can
22 certainly look at now. And I will just look at these.

23 THE COURT: Well, they weren't intending to introduce
24 them apparently. Do you think they might be exculpatory?

25 MR. DAVIS: We're seeing them for the first time,

1 Judge.

2 THE COURT: All right. Go ahead and have a look at
3 them.

4 They're supposed to turn over things they're going to
5 introduce and things that might be exculpatory or critical
6 to any defense that you might have. Otherwise, they don't
7 have to be produced.

8 (Pause.)

9 MR. DAVIS: Judge, on behalf of Mr. Gadsden, I have
10 certainly reviewed both pages.

11 I don't have concerns in general, but, Judge,
12 specifically, there are a couple of photos of the interior
13 of the Oldsmobile which had I known about I would like to
14 recross briefly as to the glove box. There are photos of
15 that. And I think it would refresh the officer's memory.
16 And I'd like to be able to recross just a few questions as
17 to that one issue.

18 THE COURT: Okay. Solicitor.

19 MR. WILLIAMS: Your Honor, I'd just like, want to at
20 least make a record.

21 Mr. Davis and Mr. Lofton and Mr. Brown all met with me
22 personally at the crime scene, all of this probably a week
23 and a half before this trial started.

24 All of these photographs, they would have had a chance
25 to ask about them. I had thought that we had copied

1 everything. We have hundreds of piece of evidence here,
2 and probably thousands of photographs, that they apparently
3 didn't get copied over, but I know that they were at the
4 crime scene office, and Sergeant McManigal was there.
5 Deputy Owen was there. And they certainly would have had a
6 chance to view all the evidence, including those
7 photographs.

8 MR. DAVIS: Judge, I was in trial. I was not there.
9 So I don't know. I was in trial in another case on a
10 separate date and did not meet with this officer.

11 I met with Officer Owen and Office Roy. And we were
12 not privy to this particular book.

13 So I understand and we're not -- I don't believe on
14 behalf of the defense, all three, we're not making any
15 argument or motion on the discovery issue. I would simply
16 like to be asked to -- I would simply ask to be allowed to
17 ask a few recross as to that one issue.

18 MR. WILLIAMS: I have no problem with that.

19 THE COURT: I don't either.

20 Bring the jury back.

21 MR. DAVIS: Thank you, Judge.

22 (The following takes place in the presence of the
23 jury.)

24 THE COURT: All right. Mr. Davis.

25 MR. DAVIS: Thank you very much, Your Honor.

Paul David McManigal
Cross-examination by Mr. Davis

1 BY MR. DAVIS

2 Q Deputy, during the break you've had a chance to review
3 some photos from the search warrant being executed on two
4 vehicles, is that correct?

5 A Yes, sir.

6 Q Okay. And I believe earlier, I think from the state
7 that you were asked about whether or not in the Oldsmobile
8 you recalled the glove box being opened or not. And you
9 didn't recall at that time.

10 A That's correct.

11 Q You have had a chance to look at some of those photos
12 again now, is that correct?

13 A You've looked at them closer than I have.

14 Q Okay. If looking at those photos from you executing
15 the search warrant, would that refresh your memory as to
16 whether the glove box was open or not?

17 A To the best of my recollection, at the time we served
18 the search warrant on the vehicle the glove box was open.

19 Q Okay. As to the all-blue Oldsmobile that was in the
20 driveway at the residence in Lincolnville.

21 A Correct.

22 Q Thank you, Officer. No other questions.

23 MR. WILLIAMS: May he be excused, Your Honor?

24 THE COURT: Yes. You may step down.

25 (Whereupon, the witness was excused.)

Brent Michael Roy
Direct examination by Mr. Williams

1 MR. WILLIAMS: The state calls Deputy Brent Roy.

2 BRENT MICHAEL ROY, having been
3 first duly sworn, testified as follows:

4 DIRECT EXAMINATION BY MR. WILLIAMS

5 THE CLERK: State your full name, and spell your last
6 name.

7 THE WITNESS: Brent Michael Roy, last name R-O-Y.

8 Q Sir, where do you work?

9 A Charleston County Sheriff's Office.

10 Q What do you do at the sheriff's office?

11 A I'm a crime scene investigator.

12 Q How long have you worked with crime scenes?

13 A About four years.

14 Q Were you working there back on August the 31st of
15 2006?

16 A I was.

17 Q Were you involved in an investigation involving a
18 shooting that happened in Lincolnville?

19 A I was.

20 Q Who was your supervisor at the time?

21 A Sergeant McManigal.

22 Q And what was your role in the investigation?

23 A My role in the investigation was to respond to three
24 hospitals to collect evidence.

25 I then assisted with the scene later on that evening

Brent Michael Roy
Direct examination by Mr. Williams

1 and went to the crash location the next day.

2 Q To start with the hospital, which hospitals did you
3 respond to?

4 A Initially, I went to Saint Francis. I then responded
5 to M. U. S. C., followed by Trident.

6 Q When you went to Saint Francis, what did you do?

7 A One second. Let me refer to my notes on that.

8 Q Sure.

9 A At Saint Francis I photographed one of the victims, a
10 black female.

11 Q Did you note what her -- what did you note about her?
12 What did you notice?

13 A I noticed that she had what appeared to be, reminded
14 me of duct tape. When you take duct tape and put it on
15 somebody's skin and pull it off, that's what it appeared to
16 be on her face, as well as her wrists. And I also
17 collected some items from Detective Stanley's vehicle.

18 Q That was -- what items did Detective Stanley give to
19 you?

20 A A glove and a mask that he stated he picked up on
21 Interstate 26.

22 Q So Detective Stanley gave you a glove and a mask?

23 A They were in the trunk of his vehicle. He just opened
24 the trunk and I got them from him.

25 Q What would you have done with the glove and the mask?

Brent Michael Roy
Direct examination by Mr. Williams

1 A They were bagged immediately. I wore gloves to do
2 this. Bagged and then secured in my vehicle and eventually
3 transported to the evidence compound.

4 Q So they would have went from Detective Stanley to you,
5 to the evidence compound.

6 A Yes, sir.

7 Q And they would have -- if they needed to go to SLED,
8 they would have been transported separately?

9 A Yes, sir.

10 Q Was there another individual at that hospital that you
11 photographed, at Saint Francis?

12 A No, sir.

13 Q Do you have your report there?

14 A I do.

15 Q I believe it says that you photographed one of the
16 suspects who was at Saint Francis.

17 A Let me check.

18 (Pause.)

19 Q I am looking up the sixth line down, your report from,
20 dated August the 31st, page 101.

21 A Okay. Yes. I did actually.

22 Q That's fine.

23 A I thought that was -- they were at M. U. S. C. But,
24 yes, one of them was at Saint Francis.

25 Q So you photographed one of the suspects there, as well

Brent Michael Roy
Direct examination by Mr. Williams

- 1 as one of the, one of the victims that had tape marks on
2 her.
- 3 A Correct.
- 4 Q And you were there with Detective Stanley?
- 5 A I was. Sergeant Willaby was also present.
- 6 Q Detective Stanley would have been there when you took
7 those photographs?
- 8 A Yes.
- 9 Q Then you said you went to M. U. S. C. as well.
- 10 A I did.
- 11 Q And was a detective there?
- 12 A Yes, Detective Dechico (sic).
- 13 Q Was there also a suspect there?
- 14 A One, one suspect was there, yes.
- 15 Q What was that suspect or suspects?
- 16 A All I have is his last name is Smith.
- 17 Q And you photographed him?
- 18 A I did.
- 19 Q And his -- had his hands been bagged?
- 20 A Yes.
- 21 Q Why would his hands be bagged?
- 22 A To, to preserve any evidence of gunshots, basically.
23 That's what it's for.
- 24 Q Did you, did test for gunshot residue on Mr. Smith?
- 25 A I did.

Brent Michael Roy
Direct examination by Mr. Williams

1 Q How do you go about testing for gunshot residue?

2 A I start out by removing the bag, one hand at a time,
3 wearing clean gloves, fresh gloves that come with it.
4 They're provided in the kit.

5 You start out with swabs. You swab both sides of the
6 hands -- the palm, and then the back of the hand.

7 And then you also use what they refer to as their
8 magnet, basically, look at -- you just kind of dab them on
9 both sides of their hand again. And then you do this for
10 each hand.

11 And then you get a control from a part of the body
12 that would have been covered by clothing, say the back of
13 the leg, the back of the knee, somewhere in there. And
14 then if you have any casings, those are also done. But
15 that's kind of at a different point.

16 But as far as the, the person goes, you do both hands,
17 control from another part of the body, and then that's
18 secured and sealed.

19 Q And you did that for suspect Keive Smith, or suspect
20 Smith in your report?

21 A I did.

22 Q And you also collected Mr. Smith's clothing from
23 another deputy.

24 A Yes. Excuse me. Deputy Jacobik handed me the, the
25 clothing already bagged.

Brent Michael Roy
Direct examination by Mr. Williams

- 1 Q And he was there when you arrived.
- 2 A He was.
- 3 Q What would you have done with that bag of clothing?
- 4 A That clothing, that bag of clothing, would have been
- 5 secured in my vehicle and taken to the evidence compound as
- 6 well.
- 7 Q Do y'all use evidence tags to mark and determine what
- 8 the items are when you collect them?
- 9 A We do.
- 10 Q After you collected suspect Smith's clothing at the
- 11 hospital, where was the next place you went?
- 12 A I then went to Trident Hospital.
- 13 Q And what did you do when you arrived there?
- 14 A I met with Detective Drake initially who provided me
- 15 with the clothing from Mr. Wilder that was in bags and
- 16 sealed.
- 17 I then went in the hospital and photographed
- 18 Mr. Wilder and then returned to my vehicle and secured the
- 19 evidence and left from there.
- 20 Q Do you recall collecting Mr. Spann's clothing or
- 21 anything from Mr. Spann at the hospital? Do you keep notes
- 22 on your cases?
- 23 A I do.
- 24 Q Do you have those notes with you?
- 25 A Yes. I have a copy of those notes.

Brent Michael Roy
Direct examination by Mr. Williams

- 1 Q Do they indicate whether you took Mr. Spann's clothing
2 as well as Mr. Wilder's?
- 3 A No. Just Mr. Wilder.
- 4 Q So you took Mr. Wilder's clothing.
- 5 A Yes.
- 6 Q How would you have seized his clothing? You said it
7 was in a bag.
- 8 A Yes, sir. It was in a sealed paper bag similar to
9 this one right here.
- 10 Q And once it was sealed, what did you do at that point?
- 11 A Secured it in my vehicle, and it was taken to the
12 evidence compound.
- 13 Q And do you have your notes there about Detective
14 Drake?
- 15 A I do.
- 16 Q Does it indicate below that note that you took victim
17 Spann's clothing as well?
- 18 A Yes, it does.
- 19 Q So according to your notes, you took Wilder and
20 Spann's clothing.
- 21 A Yes.
- 22 Q And that was at the hospital where Mr. Spann and
23 Mr. Wilder were.
- 24 A That's correct.
- 25 Q Let me ask you about what your normal course of

Brent Michael Roy
Direct examination by Mr. Williams

1 seizing evidence is when you're dealing with bodily fluids
2 and D. N. A. and blood and that sort of thing. Do you keep
3 items separated?

4 A Yes.

5 Q What is the usual approach, or how do you normally do
6 that?

7 A If an item has blood or is wet in any way, the item is
8 put into a bag, plastic bag, and sealed, initially placed
9 into a paper bag and then sealed again. That's initial
10 just to keep the, the biological hazard from affecting
11 anybody until it is transported.

12 Once it is transported to the evidence compound, it's
13 separated. Again, the bags are set out. They have
14 separate what we call drying cabinets. The bags are opened
15 and individual items from individual bags stay in each
16 separate drying cabinet and are dried.

17 Once they are dried they are returned to the bags that
18 they originally came out of and resealed in the bags.

19 Q You make sure they're kept separate?

20 A Correct.

21 Q No intermingling, no mixing up.

22 A None whatsoever.

23 Q So as far as the hospital goes, you did the G. S. R.
24 kit on the one suspect, photographed three different
25 suspects.

Brent Michael Roy
Direct examination by Mr. Williams

1 A I did.

2 Q And seized clothing from Deputy Jacobik as well as --
3 and that was on suspect Smith, as well as seizing clothes
4 from victim Spann, as well as defendant Wilder at Trident
5 Hospital.

6 A Yes, I did.

7 Q And that covers it.

8 Do you have a printout of the different items that
9 were logged into your evidence that would reflect those
10 items that were seized?

11 A I do.

12 Q Let me show you what's been marked as State's 80.
13 That's red sneakers, white socks. And that's -- your
14 number is 80565. Red sneakers, white socks, blue shorts,
15 black shirt and black belt.

16 A Okay.

17 Q And those were seized from M. U. S. C.

18 A They were.

19 Q And those are the clothing items inside that bag that
20 would have come from M. U. S. C.

21 A Those are.

22 Q And written on the outside of the bag is Smith.

23 A It is.

24 Q And so these were the items that went from -- would
25 have been taken from suspect Smith with Detective Stanley.

Brent Michael Roy
Direct examination by Mr. Williams

1 A Correct.

2 (G. S. R. kit from Keive Smith marked State's Exhibit
3 No. 97 for Identification.)

4 Q I'm going to hand you what's been marked State's
5 Proposed 97, as well as State's Proposed 66, 67 and 68. Do
6 you recognize those items?

7 A I do.

8 Q And 97 is the G. S. R. kit you would have taken?

9 A It is.

10 Q And the other three of photos of the suspects?

11 A They are.

12 MR. WILLIAMS: Your Honor, for the record, I am
13 showing defense counsel.

14 (Pause.)

15 MR. WILLIAMS: We would move to admit State's 97, 66,
16 68 and 67.

17 THE COURT: Okay. Ninety-seven, 66 and what?

18 MR. WILLIAMS: Sixty-six, 67, and 68.

19 THE COURT: Any objection?

20 MR. BROWN: No objection.

21 MR. DAVIS: No, Your Honor.

22 MR. LOFTON: No, Your Honor.

23 THE COURT: They're admitted.

24 (Photograph marked State's Exhibit No. 66, photograph
25 marked State's Exhibit No. 67; photograph marked State's

Brent Michael Roy
Direct examination by Mr. Williams

1 Exhibit No. 68; G. S. R. from Keive Smith marked State's
2 Exhibit No. 97.)

3 Q Deputy Roy, I know you've said that you didn't know
4 the people's name, but you took pictures of the suspects as
5 they were at the hospital the date these events occurred?

6 A Yes, sir.

7 Q I'm going to show you 66. One of the suspects had
8 dread locks --

9 A He did.

10 Q -- or braids in his hair. The second individual also
11 had braids in his hair?

12 A He does, yes.

13 Q And the a third individual, 67, didn't have any braids
14 in his hair?

15 A No. He did not.

16 Q So the three people that you saw the night that this
17 happened, these two had braids and a third had like short
18 hair.

19 A Correct.

20 Q The clothing that was seized from Mr. Wilder, that
21 would have been marked in your report as well with a
22 number. Do you have a record of 80559?

23 A I do.

24 Q And that's suspect Wilder's clothing?

25 A It is.

Brent Michael Roy
Direct examination by Mr. Williams

1 Q And that's what I'm holding here in my hand I'm going
2 to have marked now?

3 A Yes. It is.

4 (Clothing of Anthony Wilder marked State's Exhibit No.
5 98 for Identification.)

6 Q I am going to show you State's Proposed 98. This
7 would have been the items you received, suspect Wilder's
8 clothing, jeans, two black shirts from, based on your notes
9 and your reports from, Detective Drake?

10 A Yes, that is.

11 Q Sergeant Jacobik -- I'm sorry. Drake at the hospital.
12 So Wilder's clothing, Smith's clothing, as well as
13 Spann's clothing, you got from other people, seized and
14 kept separate and then put it into evidence and then sent
15 it to SLED.

16 A I did.

17 Q After the work at the hospital, you said you also went
18 out to the freeway.

19 A No. Actually, when I left the hospital I went to the
20 address in Lincolnville.

21 Q That's right. And you assisted with Detective or
22 Investigator Owen.

23 A I did.

24 Q Did you help him set up a string to find the
25 trajectory of the bullet?

Brent Michael Roy
Direct examination by Mr. Williams

- 1 A Yes, I did.
- 2 Q You assisted with whatever help he would have needed
3 processing the scene?
- 4 A Yes, I did.
- 5 Q Did you lift prints off the back-door window, the
6 back?
- 7 A I did.
- 8 Q And those prints would have been collected and sent to
9 SLED?
- 10 A They were. There was two of them.
- 11 Q After going -- when you went to the house, was there
12 anything else you assisted with or anything else you
13 processed?
- 14 A I assisted in the foyer, the front-door entry in
15 processing the floor for shoe wear impressions.
- 16 Q And you worked along with Investigator Owen on that as
17 well?
- 18 A I did.
- 19 Q Apart from the shoe impression, the prints and helping
20 with the trajectory string, was there anything else you
21 recall doing apart from just assisting if asked?
- 22 A No.
- 23 Q And you said that you also then went up to I-26 near
24 Ashley Phosphate.
- 25 A Yes. That was the next morning.

Brent Michael Roy
Direct examination by Mr. Williams

1 Q What did you do the next morning?

2 A I photographed some items that the detectives located.

3 Q Is it normal that a crime scene officer indeed go out
4 the next morning as opposed to the night of when it's dark
5 out?

6 A It is.

7 Q Why is that?

8 A Especially with a car, with vehicle accidents, items
9 tend to be thrown from them. And in the dark a lot of
10 times when, when vegetation is involved, you can't see
11 those things, and items are overlooked.

12 Q How did you -- what did you do the next morning when
13 you went out there?

14 A I photographed and collected, I believe, three items.
15 It was a handgun, a cell phone and a car stereo.

16 Q Let me show you State's Exhibits, Proposed Exhibits,
17 56, 57, 58 and 59. If you would, take a look at those. Do
18 you recognize those?

19 A I do.

20 Q Is that from when you went out and looked in that
21 area?

22 A Yes. Those are my photographs.

23 Q If you would hand those back to me, I am going to show
24 these to defense counsel.

25 (Pause.)

Brent Michael Roy
Direct examination by Mr. Williams

1 MR. WILLIAMS: Your Honor, I move to admit State's
2 Proposed 59, 58, 57 and 56.

3 MR. BROWN: No objection.

4 MR. DAVIS: No objection, Your Honor.

5 MR. LOFTON: No objection.

6 THE COURT: They're admitted.

7 (Photographs marked State's Exhibits Nos. 56, 57, 58
8 and 59.)

9 Q Investigator, starting with 56, could you tell the
10 jury what that depicts?

11 A That's the dish line on the side of I-26.

12 Q And that's where the vehicle was located?

13 A Yes. And there's also on the right-hand side of the
14 photograph just about the middle -- well, now that you've
15 moved it's actually almost center. On the screen there you
16 can see the orange. There's an orange cone marked No. 1
17 right there.

18 Q And did you put that marker out?

19 A I did.

20 Q And that was where you found evidence?

21 A Yes.

22 Q Let me show you State's 57. Is that that same marker?

23 A It is.

24 Q Fifty-eight, is that the same area?

25 A It is.

Brent Michael Roy
Direct examination by Mr. Williams

1 Q And finally 59, is that that same area uncovered some?

2 A It is.

3 Q And that was the item you found out there?

4 A Yes.

5 Q You say there was other debris out there, a car
6 stereo. Looks like there was a C. D. that was out in that
7 area.

8 A It was a car stereo in a plastic, white plastic, bag,
9 as well as a cell phone, a C. D., and other small parts.

10 Q Were these items consistent with coming from the
11 crash?

12 A They were.

13 Q Did you collect the item that you found out there,
14 that gun?

15 A I did.

16 Q What was the make and model of that?

17 A It was a Bersa Firestorm .380.

18 Q And that had a number on it, 80521, as far as your
19 log-in?

20 A You said 80521, correct?

21 Q Yeah, 80 -- 80521.

22 Well, let me just ask you. I'm going to show you
23 State's Proposed 79. Do you recognize that item?

24 A I do. That is the firearm.

25 Q And you're looking at the serial number on it?

Brent Michael Roy
Direct examination by Mr. Williams

1 A I am.

2 Q And you would have taken the serial number and
3 recorded that and put that in your report?

4 A I did.

5 Q And this is the item that you seized off the scene.

6 A That is.

7 MR. WILLIAMS: Your Honor, move to admit State's
8 Proposed 79.

9 MR. BROWN: No objection.

10 MR. DAVIS: No objection, Your Honor.

11 MR. LOFTON: No objection.

12 THE COURT: It's admitted.

13 (Bersa gun marked State's Exhibit No. 79.)

14 Q Once that item was seized would you have, apart from
15 securing it, taken it to be processed by another officer?

16 A I would. It would have been collected, again, wearing
17 gloves and put into a bag, secured in my vehicle and taken
18 to the evidence compound where it would be further
19 processed.

20 Q And to your knowledge did Deputy Owen, Investigator
21 Owen, process the gun in this case?

22 A I believe he did.

23 Q And he would have further processed it and looked at
24 the bullets and done all of those things.

25 A He would have, yes.

Brent Michael Roy
Cross-examination by Mr. Brown

1 MR. WILLIAMS: I have no further questions of this
2 witness, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. BROWN

5 Q Investigator Roy, I've actually only got a few
6 questions. Number one, this question deals with the
7 gunshot residue kit.

8 As I understand it, the purpose of bagging the
9 person's hands is to prevent any type of cross
10 contamination, is that correct?

11 A It is.

12 Q Okay. And that's to make sure that no other substance
13 comes, gets on the person's hands, correct?

14 A Correct.

15 Q And the substances on the hands don't then get off the
16 hands, correct?

17 A Correct.

18 Q And, as a matter of fact, when you're doing the test
19 you've got on gloves, is that right?

20 A I do.

21 Q So you take great pains to keep from cross
22 contaminating the individual's skin.

23 A Yes, sir.

24 Q Keive Smith -- I think you said that when you got to
25 M. U. S. C. his hands were bagged. His hands were bagged,

Brent Michael Roy
Cross-examination by Mr. Brown

- 1 is that correct?
- 2 A They were.
- 3 Q Just one or both of them?
- 4 A Actually, one. Both hands were G. S. R.'d, but it was
5 only a bag on the right hand.
- 6 Q As a matter of fact, the bag on Keive Smith's hands
7 was a Chick-Fil-A bag, was it not?
- 8 A I believe it was. I remember a Chick-Fil-A bag.
- 9 Q A bag from a fast food restaurant. Do you know what
10 restaurant that came from?
- 11 A I do not. I know it was Chick-Fil-A, is all.
- 12 Q Do you know if it had somebody's lunch in it before it
13 was placed on his hand?
- 14 A I do not.
- 15 Q Do you know whether it came from a trash can?
- 16 A No, I do not.
- 17 Q You have no idea where this bag came from, is that
18 correct?
- 19 A I do not.
- 20 Q And this was the bag that was placed on Mr. Smith to
21 prevent cross contamination, correct?
- 22 A It was.
- 23 Q And you don't know anything about the whereabouts of
24 that bag before you saw it.
- 25 A I do not.

Brent Michael Roy
Cross-examination by Mr. Davis

1 MR. DAVIS: I don't have anything further.

2 CROSS-EXAMINATION

3 BY MR. DAVIS

4 Q Deputy Roy, when you're processing the scene like you
5 just testified about with G. S. R., you said you wear
6 gloves. Those are generally -- those are issued by the
7 sheriff's department to you?

8 A The gloves come in the kits. We wear blue gloves.
9 However, we'll put those gloves on over our gloves to
10 ensure no cross contamination.

11 Q Okay. So in the G. S. R., there's extra gloves in the
12 kit, right?

13 A There are.

14 Q And the sheriff's department hands out blue gloves
15 like we would have seen in the picture when you were taking
16 impressions from the foyer.

17 A Correct.

18 Q Okay. I'm going to ask a more general question than
19 Mr. Brown just did.

20 As far as any of the suspects, you did not put bags on
21 their hands. So you wouldn't have known who or when that
22 happened, is that accurate?

23 A It is.

24 Q All right. You talked about several items that you
25 photographed and some that you collected the next day out

Brent Michael Roy
Cross-examination by Mr. Davis

- 1 at the wreck scene, correct?
- 2 A Yes, sir.
- 3 Q Okay. One of those items was a stereo, correct?
- 4 A Yes.
- 5 Q Did it have a face plate on it?
- 6 A No, it did not.
- 7 Q Okay. Would you have been present? Do you remember
- 8 the stereo being intact in the living room when you -- when
- 9 the search warrant was executed at the sheriff's
- 10 department?
- 11 A On the stereo that was collected the next day?
- 12 Q No. I didn't ask that very well.
- 13 What I'm asking is you're aware that a, the Jeep that
- 14 wrecked was taken to the sheriff's department compound to
- 15 be searched, correct?
- 16 A Yes.
- 17 Q Okay. And, again, that's the compound where a crime
- 18 scene unit is, correct?
- 19 A Correct.
- 20 Q And we've already heard from some of the other
- 21 officers you worked with at the crime scene, right?
- 22 A Yes, sir.
- 23 Q You're aware that the Jeep was taken.
- 24 A It was.
- 25 Q Are you aware that the stereo was intact in the

Brent Michael Roy
Cross-examination by Mr. Lofton

1 console of the Jeep?

2 A I'm not aware of that. I didn't do the search warrant
3 on the Jeep.

4 Q Okay. So okay. Nor would you have been present when
5 the Jeep was still at the scene of the wreck?

6 A No, sir.

7 Q Deputy, I think that's it if I could have just one
8 moment.

9 (Pause.)

10 Q No other questions. Thank you, Deputy.

11 MR. LOFTON: May it please the Court.

12 CROSS-EXAMINATION

13 BY MR. LOFTON

14 Q Deputy Roy, what time of the evening was it on the
15 31st when you were dispatched to the various hospitals to
16 collect this evidence that you told us about this
17 afternoon?

18 A Initially, I went to Saint Francis. I arrived at
19 Saint Francis at approximately 2021 hours, 8:21 p.m. I
20 then responded to M. U. S. C. and arrived there at
21 approximately 2103; and then to Trident and arrived there
22 about 2217.

23 Q Now, directing your attention specifically to Trident
24 Hospital where you told the ladies and gentlemen of the
25 jury that you obtained Mr. Wilder's clothing from Deputy

Brent Michael Roy
Cross-examination by Mr. Lofton

- 1 Drake -- and I want to make sure I understand your
2 testimony. When you arrived at the hospital, where was
3 Mr. Wilder?
4 A In the hospital in a -- I can't recall what room, but
5 he was in the hospital.
6 Q Did you actually see Mr. Wilder?
7 A I did.
8 Q Did you take a photograph of Mr. Wilder?
9 A I did.
10 Q At the time that you saw Mr. Wilder had his clothes
11 been removed?
12 A He was covered up with a blanket. I received his
13 clothes in a bag. So I'm assuming he was already
14 unclothed.
15 Q Now, when you say you received his clothes in a bag, I
16 believe you've identified this brown bag which is marked as
17 State's 98 for identification. Was that the bag that you
18 received them in?
19 A It was.
20 Q So what, what you received in the hospital from Deputy
21 Drake was this bag.
22 A Yes.
23 Q Okay. And you didn't open the bag.
24 A No, sir.
25 Q All right. When you say the bag was sealed, how was

Brent Michael Roy
Cross-examination by Mr. Lofton

- 1 it sealed, this paper bag?
- 2 A Top's folded down.
- 3 Q Okay.
- 4 A And stapled.
- 5 Q Top is followed down and stapled. So what was
- 6 actually in the bag, you never saw.
- 7 A No.
- 8 Q Okay. And so you don't know what process Detective
- 9 Drake went through to put whatever he put in the bag in the
- 10 bag.
- 11 A I do not.
- 12 Q Did you ever open the bag?
- 13 A No, I didn't.
- 14 Q The bag, once you took custody of it, where did it go?
- 15 A To the Charleston County Evidence Compound.
- 16 Q Okay. And do you know where it went from there?
- 17 A On the tag it actually has the storage location. And
- 18 I can tell you if anything was done with it. Give me one
- 19 second.
- 20 (Pause.)
- 21 A It appeared it was stored in Location 400.
- 22 Q I'm sorry?
- 23 A It was stored in Location 400, on it right in there.
- 24 Q Stored in Location 400 --
- 25 A Yes.

Brent Michael Roy
Cross-examination by Mr. Lofton

- 1 Q -- at the evidence shed.
- 2 A Yes, sir.
- 3 Q In this bag.
- 4 A Yes, sir.
- 5 Q Do you know when that bag was ever opened?
- 6 A It was opened because the -- as you see on the
- 7 evidence tag, it's broken down what's in it. It actually
- 8 says what the items are inside. So it was opened. And
- 9 after it was tagged, it was then placed into storage.
- 10 Q Do we know who opened the bag after it was placed in
- 11 evidence?
- 12 A I do not.
- 13 Q You do not know.
- 14 A No.
- 15 Q So all you know is that bag you obtained from Deputy
- 16 Drake at Trident.
- 17 A Yes, sir.
- 18 Q You never saw the contents.
- 19 A I did not.
- 20 Q And you don't know how the contents were handled prior
- 21 to being put in the bag.
- 22 A I do not.
- 23 Q All right, sir.
- 24 MR. LOFTON: Bear with me just one minute, Your Honor.
- 25 (Pause.)

Brent Michael Roy
Redirect examination by Mr. Lofton

1 MR. LOFTON: That all I have, Your Honor.

2 MR. WILLIAMS: I'll be brief, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. WILLIAMS

5 Q Investigator Roy, does the sheriff's office have a
6 standard hand-bag protecting against G. S. R. for
7 detectives that you're aware of; like is there a bag that
8 detectives are supposed to carry around and put on people's
9 hands?

10 A Usually the evidence bag similar to that except
11 smaller is what's used.

12 Q So that's not specifically made to protect against --

13 A No.

14 Q That's just a paper bag.

15 A Correct.

16 Q And detectives aren't necessarily outfitted with
17 those. They can use those or use whatever is available?

18 A Primarily, yeah. That's normal practice.

19 Q And is it better to bag a hand with whatever is
20 available, albeit a Chick-Fil-A bag, than not to bag the
21 hands at all?

22 A It is.

23 Q I want to ask you quickly about the accounting of
24 evidence. When evidence such as Mr. Wilder's clothes are
25 taken to y'all's crime scene office or compound, is it

Brent Michael Roy
Redirect examination by Mr. Lofton

1 logged in?

2 A It is. It comes in. In this case there's a large,
3 large volume of items. They're taken separately, opened,
4 checked to see if the items need to be dried primarily or
5 other processes. These are all done individually, and then
6 they're put back in the bags and put into storage.

7 Q And the particular items that you listed out on the
8 computer so you know it's there, right?

9 A Exactly.

10 Q So you can account for where the items go and what's
11 available.

12 A We can.

13 Q And that's done by crime scene officers.

14 A It is.

15 Q And it's done by those -- the standard protocol is
16 done inside your compound by whoever is working the case.

17 A It is.

18 Q Although you don't know who did it in this case, it
19 would have been one of the crime scenes officers involved.

20 A It would have.

21 Q Thank you. Nothing further.

22 THE COURT: You may step down.

23 MR. WILLIAMS: May he be excused, Your Honor?

24 THE COURT: Yes, he may.

25 MR. WILLIAMS: Thank you.

1 (Whereupon, the witness was excused.)

2 THE COURT: Ladies and gentlemen, we're going to
3 recess for the day.

4 Keep in mind the caution previously given you. Don't
5 discuss the case with anybody; don't permit anyone to
6 discuss it with you; don't permit yourselves to be exposed
7 to any type of media coverage that may relate to the case;
8 don't conduct any research or do your own investigation
9 into any issue.

10 Do have a good evening, and please report to your jury
11 room at 9:15 in the morning, 9:15 in the morning. Have a
12 good evening.

13 (The following takes place outside the presence of the
14 jury.)

15 THE COURT: All right. Court is in recess until 9:15.

16 END OF PROCEEDINGS MAY 6, 2008
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25

1 (Proceedings May 7, 2008)

2 (The following takes place outside the presence of the
3 jury.)

4 THE COURT: Do we have any matters we need to address
5 before the jury is brought in?

6 MR. WILLIAMS: Not by the state, Your Honor.

7 MR. DAVIS: Yes, sir, Your Honor. May it please the
8 Court.

9 Judge, in consulting with Mr. Gadsden's co-counsel, as
10 well as co-counsel for the other defendants, I respectfully
11 would renew. I know it's an ongoing obligation. But I'd
12 respectfully renew our Rule 5 and Brady requests that we
13 made quite some time ago.

14 THE COURT: You don't need to renew it.

15 MR. DAVIS: Well, Judge, I do believe I need to at
16 this point because --

17 THE COURT: It's an ongoing obligation.

18 MR. DAVIS: I understand. I would be asking for any
19 additional information that the state might have obtained
20 from any witnesses, any additional information other than
21 what was contained in the original case.

22 Specifically, Judge, we're now, we're quite a ways
23 down the chain on officers. All of the lay witnesses for
24 the scene have already testified. Every single lay witness
25 has testified except one. That is Mr. Harold Corley.

1 In talking with co-counsel we have reason to believe
2 Mr. Corley gave a different statement than he gave police.
3 And if the state was aware of it prior to the beginning of
4 trial --

5 THE COURT: Gave a different statement to who than he
6 gave to the police?

7 MR. DAVIS: That he discussed it with one of the
8 co-counsel.

9 THE COURT: You believe that he gave a contrary
10 statement to the solicitor?

11 MR. DAVIS: I don't know. I don't believe -- the
12 information I have is not that it's contrary. It's
13 additional information that we were not aware of prior to
14 the start of the trial. If the state was, we want that
15 information, and we want any other information that --

16 THE COURT: Have you asked them if they had any such
17 information?

18 MR. DAVIS: I have not, Your Honor. I just talked to
19 counsel this morning.

20 THE COURT: Do y'all have any additional information
21 about Mr. Corley's statement?

22 MR. WILLIAMS: Your Honor, I'll disclose what I know
23 and everybody can discuss whether it's additional.

24 We met with Mr. Corley. The information he gave me
25 was that he saw two people come from the side of the house.

1 He gave me information he thought it was from the back
2 door. When I pushed him on that, he said, well, actually
3 it wasn't from the back door, it was from the side of the
4 house.

5 So, you know, he said things, and I clarified what I
6 thought was confusions on his part. And I thought they
7 were consistent with his report.

8 Now, the reason I don't call him is I think he is
9 thoroughly confused about the case and I don't see the
10 necessity for the state to present witnesses that I think
11 will simply add confusion on top of a case that's pretty
12 clear as it is.

13 So I will say that he told me that. He did, does have
14 video surveillance equipment. He told us early on that
15 that surveillance equipment didn't cover anything. He
16 talked about that surveillance equipment in his statement.

17 So I understand. I think maybe defense counsel thinks
18 Mr. Corley will say these items came from the back door.
19 But when I pushed on that or I tried to clarify it, he
20 backed off on that and said, well, I never saw them come
21 out the door, I saw them in that general area. And that
22 was -- and then he said I saw them go over to the car, jump
23 in the car and the car left. So that's what I have.

24 THE COURT: All right. That's what they have.

25 Have you talked to Mr. Corley, Mr. Davis?

1 MR. DAVIS: I have not, Your Honor.

2 THE COURT: Well, you know, you can talk to the
3 witnesses too.

4 MR. DAVIS: I understand that, Judge. My investigator
5 prepared -- the bottom line, Judge is this.

6 THE COURT: I'm not talking about today. I'm talking
7 about this case has been going on for a long time.

8 MR. DAVIS: I understand that, Judge.

9 The bottom line is the state knew that he said at one
10 point that people came out the back door, and we need to
11 know that. And they clearly knew that before we started
12 this case.

13 THE COURT: Well, I thought you said that was what was
14 in the written statement.

15 MR. DAVIS: Yes, Your Honor. May I approach, Your
16 Honor?

17 THE COURT: Well, I don't need to see it. It's
18 containing -- that information is contained in the written
19 statement?

20 MR. DAVIS: No, Your Honor, it's not.

21 THE COURT: Well, I think y'all have got me confused
22 now.

23 I thought that was the whole point that Mr. Williams
24 was trying to clarify his statement. And the statement was
25 he came out the back door. He now tells Mr. Williams he

1 saw him on the side of the house.

2 MR. WILLIAMS: Your Honor, what --

3 THE COURT: Anyway, my view of that is you can talk to
4 those witnesses too. You can find out what they say rather
5 than just relying on Mr. Williams' interview.

6 I mean, everybody can talk to witnesses and find out
7 what they can say or will say if they're called to testify.
8 And if there's something that's conflicting or contrary or
9 discoverable, then it'll be provided.

10 MR. DAVIS: Judge, I certainly understand we can. But
11 if they knew and didn't disclose that, the two men, he
12 would say -- at least at one point he said two men came
13 from the back door.

14 No one else says that, and he never said that in any
15 information to the police.

16 THE COURT: Okay. But he's not going to be called as
17 a witnesses. So you know that now. And you can call him
18 if you want to. He's available to you.

19 MR. DAVIS: But, Judge, that could have and might have
20 changed my opening, my strategy. We intended not to call
21 any witnesses to preserve closing argument, to not have my
22 client testify.

23 THE COURT: Well, we're not through yet.

24 MR. DAVIS: And to not have to call anyone. And to
25 now have to recalibrate when they knew that he said two men

1 came out the back door, Judge, I just, respectfully I'm
2 going to ask for a mistrial on that. It's something that
3 should have been disclosed prior to the trial.

4 It's different than all of the other lay witnesses.
5 He was only one not called, wasn't called, because they
6 knew he gave a different story. And they didn't tell us.

7 THE COURT: Well, they don't have to have call him.

8 MR. DAVIS: I understand, Judge.

9 THE COURT: They don't have to call every person who
10 might have some piece of information about this case. They
11 get to call whoever they want to establish their case.

12 MR. DAVIS: I understand.

13 THE COURT: You also have the right to call any
14 witnesses you think might be appropriate.

15 So your motion for a mistrial is denied. There's no
16 prejudice here.

17 What else?

18 MR. DAVIS: That's all, Your Honor. Thank you.

19 THE COURT: All right. Bring the jury in.

20 Who is the next witness?

21 MR. WILLIAMS: She is in the hallway, Your Honor.

22 THE COURT: Let's go ahead and bring her in.

23 MR. WILLIAMS: Go on ahead and take the stand, Your
24 Honor?

25 THE COURT: No. I just wanted her available so when

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

1 the jury is in we won't have to wait around for her. I'm
2 trying to conserve time.

3 (The following takes place in the presence of the
4 jury.)

5 THE COURT: Good morning, ladies and gentlemen.

6 As you know, when he recessed yesterday evening the
7 state was still in the midst of their presentation. So
8 we'll continue with that presentation of evidence this
9 morning.

10 Mr. Williams.

11 MR. WILLIAMS: Thank you, Your Honor. May it please
12 the Court. The state calls Deputy Nancy Peacock.

13 NANCY ANN RITTER PEACOCK,
14 having been first duly sworn, testified as follows:

15 DIRECT EXAMINATION BY MR. WILLIAMS

16 THE CLERK: If you will, state your full name, and
17 spell your last name.

18 THE WITNESS: It's Nancy Ann Ritter Peacock,
19 R-I-T-T-E-R P-E-A-C-O-C-K.

20 MR. WILLIAMS: May it please the Court, Your Honor.

21 THE COURT: Yes.

22 Q Ma'am, are you currently working?

23 A No, I'm not.

24 Q Do you have children?

25 A Yes.

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

- 1 Q How many children do you have?
- 2 A Two.
- 3 Q Are you full time taking care of your kids?
- 4 A Yes.
- 5 Q Back on August the 31st of 2006, where did you work?
- 6 A Charleston County Sheriff's Office Crime Scene Unit.
- 7 Q And what did you do for the crime scene unit?
- 8 A I processed crime scenes.
- 9 Q And how long had you worked in law enforcement total
- 10 before you stopped to take care of children?
- 11 A Nine years.
- 12 Q How many years did you have working with crime scenes?
- 13 A At the time of this incident I was in the crime scene
- 14 unit about three weeks.
- 15 Q And how long after this incident did you work in crime
- 16 scenes?
- 17 A A year.
- 18 Q Do you recall an incident that happened on August the
- 19 31st of 2006?
- 20 A I do.
- 21 Q What was your role in that investigation?
- 22 A At the time I was in training. Like I said, I had
- 23 been in the unit for three weeks. Basically, I was there
- 24 to learn and assist the other investigators.
- 25 Q Who were you assisting in this case?

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

- 1 A Investigator Owen.
- 2 Q And what did you do to assist him? Where did you
3 respond to?
- 4 A The incident location, the house on West Stall.
- 5 Q When you got to West Stall Street, what were your
6 duties or what did you do there?
- 7 A I was assigned to video tape the scene and then
8 otherwise assist Investigator Owen.
- 9 Q And in assisting Investigator Owen, what did you do?
10 Did you take any samples or do any kind of evidence
11 collection?
- 12 A I did later on. Initially, I helped him with the
13 items in the front yard after the video-taping. We ran a
14 metal detector across the front yard and marked certain
15 items that were alerted by the metal detector.
- 16 Q You say you video-taped the scene. How do you go
17 about doing that?
- 18 A With an 8mm handheld video tape.
- 19 Q You did that in this case?
- 20 A Yes.
- 21 Q I'm going to show you what's been marked as State's
22 Proposed Exhibit 71. You and I reviewed this just prior to
23 trial.
- 24 A Yes.
- 25 Q And this shows. This is a copy of the video you took.

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

1 A Yes, it is.

2 MR. WILLIAMS: Show to defense counsel, Your Honor.

3 (Pause.)

4 MR. WILLIAMS: Your Honor, I move to admit State's
5 Proposed Exhibit 71.

6 MR. BROWN: No objection.

7 MR. DAVIS: No objection.

8 MR. LOFTON: No objection.

9 THE COURT: It's admitted.

10 (C. D. marked State's Exhibit No. 71.)

11 MR. WILLIAMS: With the Court's permission, I will
12 publish that to the jury.

13 THE COURT: You may.

14 (Whereupon, the C. D. was played.)

15 Q Does that show your placard where you are at the
16 scene?

17 A Yes.

18 (Whereupon, the C. D. was completed.)

19 Q Ms. Peacock, that's the video you would have taken of
20 the crime scene?

21 A Yes.

22 Q And is that consistent with Detective or Investigator
23 Owen?

24 A Right.

25 Q You said you also went inside the -- obviously, you

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

1 went inside the residence. But you also processed items
2 inside the residence.

3 A I did.

4 Q Did you take any kind of swabs inside?

5 A I did.

6 Q Do you recall where you took those swabs from?

7 A I believe one was from the living room floor from a
8 red stain that was visually consistent with blood. And the
9 other one was a similar stain on the stairwell post.

10 (Swab marked State's Exhibit No. 99 for
11 Identification; swab marked State's Exhibit No. 100 for
12 Identification.)

13 Q Ms. Peacock, I'm going to hand you what's been marked
14 State's Proposed 99 and 100. Do you recognize, first of
15 all, both of those?

16 A Yes, I do.

17 Q And if you could, look inside of those. Tell me if
18 you recognize the content as well.

19 A Yes, I do.

20 Q Those are the two swabs that you would have taken off
21 the stair post and off the floor?

22 A Yes. I did.

23 MR. WILLIAMS: Your Honor, I am going to show this to
24 defense counsel.

25 (Pause.)

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

1 Q Ms. Peacock, if you could, just tell the jury briefly
2 what these swabs are exactly.

3 A Basically, we saw some red stains visually consistent
4 with blood on the floor and on the stair post. And the
5 swab is basically a Q-tip that we generally put sterile
6 water drops on to make the Q-tip wet.

7 And then you basically wipe it into the stain so that
8 the Q-tip and the cotton absorbs the stain. And then you
9 put it inside the box and write the information on the box
10 with my initials. And did that for both areas.

11 Q And that's primarily done for D. N. A., hoping to get
12 D. N. A. results.

13 A Yes.

14 Q And that can be done on all types of things. It can
15 be done with guns, casings, any time you're trying to get
16 some kind of lift.

17 A Yes.

18 Q And those items then get sent for processing?

19 A They do.

20 Q Where do they go generally?

21 A They go to the SLED laboratory in Columbia.

22 Q And that's a separate -- it's stored at your office
23 for a while, and then somebody takes it to SLED for
24 testing.

25 A Yes.

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

1 MR. WILLIAMS: Your Honor, we move to admit State's 99
2 and 100.

3 MR. BROWN: No objection.

4 MR. DAVIS: No objection.

5 MR. LOFTON: No objection, Your Honor.

6 THE COURT: They are admitted.

7 (Swab marked State's Exhibit No. 99; swab marked
8 State's Exhibit No. 100.)

9 Q So apart from the video and the swabs, did you have
10 any other involvement at the actual crime scene at the
11 house?

12 A Just a little bit.

13 Q What else would you have done out there?

14 A I helped with the measurements of the items in the
15 front yard, triangulation measurements.

16 Q And that was part of the trajectory that was done on
17 the string or was that just plotting items out there on the
18 scene?

19 A That's plotting items. And I also did help with the
20 trajectory, doing the search of the yard and things like
21 that.

22 Q So you basically worked with the other crime scene
23 officer. And Investigator Owen was in charge of that crime
24 scene.

25 A Yes.

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

1 Q After your involvement at the house, what other work
2 did you do in this case?

3 A I went to the fire station, and I shot the video
4 there.

5 Q And that was -- it looked like a video later at night.

6 A It was. The sun had gone down.

7 Also, if I can back up a second, at the house I think
8 in my notes it says that I fingerprinted some items in the
9 upstairs, at least processed things like doorknobs, etc.

10 Q Attempted to find prints?

11 A Right, with negative results.

12 Q Did you -- do you recall getting an elimination print
13 from someone?

14 A I do.

15 Q And that's something you ordinarily do to -- so if you
16 do get prints, you don't confuse them with people that were
17 there.

18 A People that live in the house, exactly.

19 Q After working at the house did you have an opportunity
20 to process any vehicles?

21 A I did the next day.

22 Q And who did you work with in possessing the vehicle?

23 A Sergeant McManigal.

24 Q And he was your supervisor at the time?

25 A Yes.

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

1 Q And you would have worked at his direction?

2 A Yes.

3 Q So anything you would have done would have been in
4 cooperation with Sergeant McManigal.

5 A Exactly.

6 Q Were there any other items that you recall processing?

7 A Not off the top of my head, no.

8 Q Now, you also in your work with the sheriff's office,
9 you talked a little bit about with the swab, would
10 transport evidence to the state law enforcement division.

11 A Yes.

12 Q Did you transport evidence in this case?

13 A Yes.

14 Q Would you have a list of those items?

15 A I have from the check-in, the, in my notes.

16 Q Go ahead. There's a binder that's got all the crime
17 scene reports that you have?

18 A Right.

19 Q It would have your -- basically, your reports from the
20 state facility -- your transported items.

21 A Would you like -- I'm sorry. I'm with you now.

22 Q Do you have that list?

23 A I do.

24 Q And I just want to make sure I go through it and make
25 sure the jury understands what it is.

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

1 That was -- it indicates that on November the 22nd of
2 2006 you took a trip to the state law enforcement division.

3 A I did.

4 Q And you would have basically taken whatever items were
5 ready to go out there, out there in the big box or in a
6 patrol car.

7 A I'm sorry. I didn't hear the last part of that.

8 Q You just have all the items in a big box and you're
9 usually the one that does the run out to SLED for all
10 the --

11 A Right. And the items that are selected are usually at
12 the direction of the lead detective.

13 Q So detectives will say we want these items processed,
14 and then y'all take them out.

15 A Yes.

16 Q Or somebody. It could be a prosecutor; it could be a
17 detective; or it could be the crime scene officer.

18 A Yes.

19 Q But you don't take them unless somebody asks you to.

20 A Correct.

21 Q And you took approximately about 20 items out.

22 A I would have to count them up. They're not numbered
23 numerically, but that looks to be about the right number.

24 Q I'm going to go down the list. It looks like a -- you
25 took a 9mm shell casing.

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

- 1 A Yes.
- 2 Q A projectile from the driveway.
- 3 A Yes.
- 4 Q Looks like three, three items of duct tape, but four
5 pieces total that were found in the kitchen trash can and
6 the kitchen drawer and the kitchen floor.
- 7 A Yes.
- 8 Q A Taurus .38 Special revolver.
- 9 A Yes.
- 10 Q And a .38 Special shell casing. And there two
11 different items, but one bag had three casings from that
12 same .38 Special and the other bag had the other three
13 casings from that revolver. You took those.
- 14 A Yes.
- 15 Q You took a Bersa .380 auto handgun that was described
16 as coming from the accident scene.
- 17 A Yes.
- 18 Q The six unfired rounds in that bag containing --
- 19 A Yes.
- 20 Q And you took one from the chamber as well. Two
21 projectiles that came from the victim, Sterling Spann.
- 22 A Yes.
- 23 Q A copper-jacketed bullet and bullet fragments that
24 were found inside the Oldsmobile that I think you actually
25 helped process.

Nancy Ann Ritter Peacock
Direct examination by Mr. Williams

1 A Yes.

2 Q The, a Glock magazine with the 9mm unfired ammunition.

3 A Yes.

4 Q A .357 Smith and Wesson revolver, as well as six .357
5 rounds.

6 A Correct.

7 Q A swap from the Smith and Wesson, as well as a swab
8 from the six rounds.

9 A Yes.

10 Q A roll of duct tape that was found at the accident
11 scene.

12 A Yes.

13 Q A section of the duct tape that was taken. It looks
14 like it was separated from the duct tape itself for
15 analysis.

16 A Yes.

17 Q As well as a swab from the finger of a blue latex
18 glove.

19 A Yes.

20 Q So you took all of those items to SLED and would have
21 logged them in so that they could process those items.

22 A Yes.

23 Q Is there -- is that the only trip you took to SLED?

24 A According to the notes, that looks like the only one I
25 made.

Jonathan Jacobik
Direct examination by Ms. Cardillo

1 Q And it's common for different -- y'all sort of share
2 in those duties, meaning somebody different might go each
3 week so somebody doesn't have drive up to Columbia every
4 day.

5 A That's right. We do it on rotation.

6 Q So it's also common for other crime scene officers to
7 take trips at different times.

8 A Right.

9 MR. WILLIAMS: Nothing further of this witness.

10 Q Thank you.

11 MR. BROWN: No questions.

12 MR. DAVIS: No questions, Your Honor.

13 MR. LOFTON: No questions, Your Honor.

14 THE COURT: You may step down.

15 THE WITNESS: Thank you.

16 MR. WILLIAMS: May she be excused, Your Honor?

17 THE COURT: She may be.

18 (Whereupon, the witness was excused.)

19 MS. CARDILLO: The state calls Deputy Jacobik.

20 JONATHAN JACOBICK, having been
21 duly sworn, testified as follows:

22 DIRECT EXAMINATION BY MS. CARDILLO

23 THE CLERK: If you will, state your full name, and
24 spell your last name.

25 THE WITNESS: Jonathan Jacobik, J-A-C-O-B-I-K.

Jonathan Jacobik
Direct examination by Ms. Cardillo

1 Q Good morning, Deputy.

2 A Good morning.

3 Q How long have you been in law enforcement?

4 A For a total of 15 years.

5 Q And were you involved in an investigation of the
6 Lincolnville home invasion or shooting on August 31st of
7 2006?

8 A Yes, I was.

9 Q And where did you go as a part of that investigation?

10 A I responded to the scene. I was actually in Mount
11 Pleasant when it all started. I was on 526 when the call
12 came out of that vehicle pursuit. And I responded to the
13 scene at Ashley Phosphate and I-26.

14 Q Now, what did you do at the scene, at the crash scene?

15 A At the crash scene itself, I, I was directing traffic.
16 Sergeant Isgett came on the scene and directed me to follow
17 the ambulance with one of the suspects down to M. U. S. C.

18 Q And did you go to M. U. S. C.?

19 A Yes.

20 Q And what did you do upon your arrival at M. U. S. C.?

21 A Basically, I just did security with the suspect until
22 Deputy or Detective Pecheco (sic) arrived on the scene, and
23 then Detective Roy from F. S. I. showed up on the scene.

24 Q Now, were you present when this suspect's clothing
25 were collected?

Jonathan Jacobik
Direct examination by Ms. Cardillo

1 A Yes.

2 Q I'm going to show you what's been previously marked as
3 State's Exhibit 20. Were you involved in the transfer or
4 collection of this evidence?

5 A That evidence was given to me, the clothing was given
6 to me, from a nurse at the hospital.

7 Q Now, and what did you do with that, with this? Was it
8 in a bag?

9 A It was in a brown bag when she had given it to me. It
10 sat -- I was with the suspect. So it sat right next to the
11 bed in the emergency room. And then when Detective Pecheco
12 and Detective Roy showed up, I just turned it over to them.

13 Q So you then transferred the exhibit or the clothing to
14 the crime scene investigator, Roy.

15 A Correct.

16 MS. CARDILLO: One moment, Your Honor.

17 (Pause.)

18 Q What was the name of the suspect that you collected
19 the clothes from?

20 A Mr. Smith.

21 Q Keive Smith?

22 A Keive Smith, correct.

23 Q I'm sorry. And Exhibit No. 80?

24 A That's correct.

25 MS. CARDILLO: I have no further questions, Your

Jonathan Jacobik
Cross-examination by Mr. Brown

1 Honor.

2 MR. BROWN: May it please the Court.

3 THE COURT: Let me ask this question to clarify
4 something.

5 I understood that the bag was Exhibit No. 20. Is it
6 not --

7 MR. WILLIAMS: I'm sorry, Your Honor. I misspoke. It
8 was Exhibit No. 80.

9 THE COURT: Okay. All right. Mr. Brown.

10 MR. BROWN: May it please the Court, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. BROWN

13 Q Deputy Jacobik, you said you followed the ambulance
14 down to M. U. S. C., is that correct?

15 A That's correct.

16 Q And Mr. Smith was injured, was he not?

17 A Yes, he was.

18 Q And Mr. Smith went into the emergency room.

19 A That's correct.

20 Q Did you go into the emergency room with him?

21 A Yes.

22 Q Okay. And were you present with him at all times?

23 A Yes.

24 Q Okay. Did you actually -- you didn't take his clothes
25 off, is that correct?

Jonathan Jacobik
Cross-examination by Mr. Brown

1 A No. The nurses and the E. R. staff had taken that
2 stuff off.

3 Q The nurse did.

4 A Correct.

5 Q Okay. And identify for me exactly what was taken off.
6 What were the clothes?

7 A I don't recollect the exact colors of the clothing.
8 What they did was they put a bag down. And as they were
9 cutting the clothes, they just put it down in there.

10 The only thing I can really remember is he had a bag
11 on his hand that was a Chick-Fil-A bag. And that's what
12 sticks out to me. I don't remember the colors of the
13 clothing that he had on.

14 Q I'm not asking you what color the clothing was. I'm
15 asking you what particular articles of clothing there were.

16 A I know the shirt came off. I want to say they took
17 his socks. And his arm was injured, so.

18 Q You don't really know, is that right?

19 A No. I'm not -- I, I'm pretty sure there was a shirt
20 and socks. I don't remember the pants coming off.

21 Q Okay. Did you place a Chick-Fil-A bag on his, on his
22 hand?

23 A No, I did not.

24 Q Do you know who did?

25 A That was on when we got to the hospital.

Jonathan Jacobik
Cross-examination by Mr. Lofton

1 Q You don't know who placed it on there.

2 A I have no idea.

3 Q Don't know from where it came.

4 A No idea.

5 Q You don't know anything about this bag.

6 A I directed traffic up until the time the ambulance was
7 ready to leave, and then I followed the ambulance down to
8 the hospital.

9 Q Thank you. I don't have anything further.

10 MR. DAVIS: No questions, Your Honor.

11 MR. LOFTON: If the Court pleases.

12 CROSS-EXAMINATION

13 BY MR. LOFTON

14 Q Detective Jacobik, when you were in the E. R. and the
15 nurse took Mr. Smith's clothes off --

16 A Yes.

17 Q -- you indicated that there was just a bag seated by,
18 on the floor by the bed.

19 A Yeah. She was putting it into a bag on the side of
20 the --

21 Q What kind of bag was it?

22 A It was a plastic bag to begin with, but I believe that
23 it was then put into a brown paper bag.

24 Q Okay. This plastic bag, was it like a garbage bag?

25 A Same type of bag, yes.

Jonathan Jacobik
Cross-examination by Mr. Lofton

- 1 Q Okay. So the clothes were put in a garbage type of
2 bag and then put in the brown paper bag?
- 3 A Yeah. I mean, they were in a brown bag when, when I
4 turned them over to Detective Roy.
- 5 Q Okay. And that brown bag, where did the brown bag
6 come from?
- 7 A Came from the E. R.
- 8 Q So was it sort of like a grocery garbage -- a grocery
9 brown bag?
- 10 A Yeah, the same type of bags that are setting up here
11 right now.
- 12 Q Okay. And so you just put the -- did you actually
13 put --
- 14 A I didn't touch anything.
- 15 Q You didn't touch anything.
- 16 A No, sir.
- 17 Q Well, how did the plastic bag get into the brown bag?
- 18 A One of the nurses had to have done it.
- 19 Q You don't know.
- 20 A No, I don't know.
- 21 Q So the clothes were taken off by the nurse.
- 22 A Correct.
- 23 Q But you don't remember what clothes were taken off.
- 24 A No, sir. I stood at the end and let them do their
25 work on him.

Jonathan Jacobik
Redirect examination by Ms. Cardillo

- 1 Q And they were put in a plastic garbage type bag.
2 A Yeah. She started to put them into a plastic bag on
3 the side, and then she had a brown bag. And then she just
4 put everything down in there.
5 Q Okay. And then, then what happened?
6 A Then I just stood with them until the detectives
7 showed up. And once they showed up, I said here's the
8 stuff they took from him. And I left the scene.
9 Q You just handed them the bag.
10 A Correct.
11 Q The bag wasn't sealed in any fashion.
12 A I did not seal it.
13 Q Thank you.
14 MR. LOFTON: One second.
15 (Pause.)
16 Q Thank you, Detective. That's all I have.
17 REDIRECT EXAMINATION
18 BY MS. CARDILLO
19 Q Any of the clothes that the suspect Smith, defendant
20 Smith, was wearing was placed in that bag?
21 A That's correct.
22 Q And did you give that bag in turn to Crime Scene
23 Investigator Roy?
24 A Yes, I did.
25 Q Thank you.

William Brinson
Direct examination by Ms. Cardillo

1 MS. CARDILLO: May this witness be excused, Your
2 Honor?

3 THE COURT: You may be. You can step down. Thank
4 you.

5 (Whereupon, the witness was excused.)

6 MS. CORDILLO: The state calls Deputy Brinson.

7 WILLIAM BRINSON, having been
8 first duly sworn, testified as follows:

9 DIRECT EXAMINATION BY MS. CARDILLO

10 THE CLERK: Please state your full name, and spell
11 your last name.

12 THE WITNESS: Deputy William Brinson, B-R-I-N-S-O-N.

13 Q Good morning.

14 A Good morning.

15 Q Deputy Brinson, where are you employed?

16 A Charleston County Sheriff's Office.

17 Q And how long?

18 A I've been with the sheriff's office for five years.

19 Q Now, did you respond to I-26 near Ashley Phosphate on
20 August the 31st of 2006?

21 A Yes, ma'am.

22 Q And for what reason?

23 A For an accident from a vehicle chase.

24 Q And what did you find when you arrived?

25 A There was a white Jeep Liberty off the right shoulder

William Brinson
Direct examination by Ms. Cardillo

1 that was turned over on its side and debris scattered all
2 over the side of the road and police from all different
3 agencies.

4 Q What was your specific role at this crime scene?

5 A I was actually there for traffic direction and working
6 the accident.

7 Q Now, did it come a point where you were closer to the
8 actual crash site?

9 A Yes, ma'am.

10 Q Were you involved in any type of collection of
11 evidence?

12 A I was.

13 Q And what, if anything? Did you search the area?

14 A I did. Prior to all of that I was -- well, one of the
15 people in the vehicle was being extricated by the rescue
16 squad. I was up by the vehicle and standing by because of
17 the nature of the people that were in it. And at that
18 point one of the rescue or firemen pointed out that there
19 was a gun inside the car.

20 Q And I'm going to show you what's been already admitted
21 as Exhibit No. 77. Do you recognize this?

22 A Yes, ma'am.

23 Q And how do you recognize that?

24 A From the pictures, and it appears to be the Taurus
25 that was taken from the vehicle.

William Brinson
Direct examination by Ms. Cardillo

1 Q Did you look inside the vehicle when the E. M. S.
2 pointed out a firearm?

3 A Yes, ma'am. We -- they backed up for a second, and we
4 got pictures of it before it was disturbed inside the
5 vehicle.

6 Q So nobody touched it.

7 A No, ma'am.

8 Q And who was the first person to actually retrieve it?

9 A Actually, one of the firemen who had gloves on.
10 Because he was inside the vehicle, I couldn't get in it
11 from the way it was turned over -- handed it to the window
12 of the vehicle to me.

13 Q Thank you.

14 Now, once you retrieved this revolver, what did you do
15 with it?

16 A I turned it over to one of the crime scene
17 technicians, which if I recall was Detective Kjellman.

18 Q And did you -- were you instructed -- did you handle
19 it in any way or did you hand it directly to her?

20 A I handed it. Well, she was behind me taking pictures.
21 I turned around to her. And we tried to make a mark on
22 the, the wheel of the revolver, what position it was in
23 before it was opened or anything.

24 Q Why do you do that?

25 A Just so you know where the, the bullets were in the

William Brinson
Direct examination by Ms. Cardillo

1 gun after it was fired.

2 Q Had it been -- was it fully loaded?

3 A I believe so.

4 Q Had it been fired?

5 A Yes, ma'am.

6 Q Now, then you said you turned the revolver over to
7 Crime Scene Officer --

8 A I believe it was Inspector Kjellman from my memory.

9 THE COURT: I'm sorry. Could you repeat that?

10 Inspector who?

11 THE WITNESS: Kjellman.

12 Q Now, did you find anything else of evidentiary value
13 at the scene?

14 A There was debris scattered everywhere. I, we did, I
15 found the red bandana that was kind of tied in a knot that
16 there was something in it whenever I found it laying in the
17 grass just a few feet from the vehicle, which we later
18 determined to be narcotics.

19 MS. CORDILLO: Let me have this marked.

20 (Red bandana marked State's Exhibit No. 101 for
21 Identification; drugs marked State's Exhibit No. 102 for
22 Identification.)

23 MS. CORDILLO: Let me show this defense to counsel,
24 Your Honor.

25 Q Deputy Brinton, I'm going to show you what's been

William Brinson
Direct examination by Ms. Cardillo

1 marked as State's Proposed Exhibit 101 and State's Proposed
2 102 and ask you to open that, please. Do you recognize
3 that item?

4 A Yes, ma'am.

5 Q And what is it?

6 A It looks like the red bandana I found.

7 Q And what -- were there any pictures taken of those
8 items?

9 A I believe there were, yes, ma'am.

10 Q Do you recognize the next exhibit, proposed exhibit, I
11 handed to you?

12 A I just know it's narcotics, which it's --

13 Q Well, let me ask you this.

14 When you opened the bandana, or did you open the
15 bandana?

16 A Yes, ma'am, after it was photographed.

17 Q And what from your observations were located inside
18 the bandana?

19 A It was narcotics. The bandana, it was in almost like
20 a ball and tied up in a knot, something like that. And it
21 had a hard substance down in there, which when we opened it
22 it contained a couple of different types of narcotics.

23 Q And from your training experience, what did you
24 observe?

25 A That it appeared to be cocaine and crack. And I

William Brinson
Direct examination by Ms. Cardillo

1 believe there were some pills if I'm not -- some pink
2 pills.

3 Q What did you do with these items once you retrieved
4 them and opened the bandana?

5 A I turned them over to -- I actually took the drugs
6 myself since there was a picture and photographed by
7 Detective Kjellman. And I took the drugs to our crime lab
8 and submitted them in a BEST kit.

9 Q What is a BEST kit?

10 A It's sent to SLED for analysis, for drug analysis, of
11 what's actually inside of it.

12 MS. CARDILLO: Your Honor, the state would at this
13 time move for the admission of State's Proposed Exhibits
14 101 and 102.

15 MR. BROWN: No objection.

16 MR. DAVIS: Your Honor, I object to 102. I don't
17 believe the officer is able to identify it. Specifically,
18 I'd argue the chain has not been met.

19 THE COURT: All right. Mark 102 for identification.

20 MR. LOFTON: My pleasure, Your Honor.

21 THE COURT: 102 is marked for identification; no
22 objection to 101.

23 (Red bandana marked State's Exhibit No. 101.)

24 MS. CARDILLO: One moment, Your Honor.

25 (Pause.)

William Brinson
Direct examination by Ms. Cardillo

1 Q Deputy Brinson, I want to show you State's Proposed
2 Exhibits 54 and 55. Let me show you. Do you recognize
3 those?

4 A Yes, ma'am.

5 MS. CARDILLO: Show to defense, Your Honor.

6 THE COURT: What numbers are these?

7 MS. CARDILLO: I apologize, Your Honor. These are
8 State's Proposed 54 and 55.

9 THE COURT: Any objection?

10 MR. BROWN: None, Your Honor.

11 MR. DAVIS: No, Your Honor.

12 MR. LOFTON: No, Your Honor.

13 THE COURT: They are admitted.

14 (Photograph marked State's Exhibit No. 54; photograph
15 marked State's Exhibit No. 55.)

16 MS. CARDILLO: Thank you, Your Honor.

17 Q Deputy Brinson, do you recognize that?

18 A Yes, ma'am.

19 Q And is that in the same or similar condition when you
20 found it or after you first opened it?

21 A After it was opened. It was actually tied in a knot
22 when it was found.

23 Q How close to the vehicle was this red bandana located
24 when you located it?

25 A I'd say approximately 20 feet.

William Brinson
Direct examination by Ms. Cardillo

1 Q Do you recognize this?

2 A Yes, ma'am. That appears to be the contents that were
3 in the bandana.

4 Q I'm going to show you what's also been marked as
5 People's Proposed Exhibits 45 and 46. Just look at those.

6 MS. CARDILLO: Your Honor, the state at this time
7 would move for the admission of Exhibits, Proposed
8 Exhibits, 45 and 46.

9 MR. BROWN: No objection.

10 MR. DAVIS: Judge, I don't think they have been
11 identified or were authenticated by the officer yet.

12 MS. CARDILLO: I will follow up with that, Your Honor.
13 I apologize.

14 Q Do you recognize those?

15 A Yes, ma'am.

16 Q And how do you recognize those? Were you present?

17 A Yes, ma'am.

18 Q And what are they?

19 A They're pictures of the Jeep Liberty on its side with
20 one of the suspects that was trapped in it.

21 Q Was that the last suspect to be removed from the
22 vehicle?

23 A Yes, ma'am.

24 THE COURT: Just a minute. Any objection?

25 MR. DAVIS: No, Your Honor. Thank you.

William Brinson
Cross-examination by Mr. Davis

1 MR. LOFTON: No, Your Honor.

2 THE COURT: They are admitted.

3 (Photograph marked State's Exhibit No. 45; photograph
4 marked State's Exhibit No. 46.)

5 Q That's a little bit better. Can you see that better?

6 A Yes, ma'am.

7 Q What is that now if you can explain that to the jury?

8 A That is the passenger-side floorboard, front
9 floorboard, of the Jeep Liberty that was on its side.

10 Q And what is the item right there?

11 A That is the handgrip of the revolver that was taken
12 from the vehicle.

13 Q Is that a different closer-up version of the same
14 picture?

15 A Yes, ma'am.

16 Q I have no further questions, Deputy Brinton, if you
17 would be so kind to answer other defense counsel questions.

18 MR. BROWN: No questions.

19 CROSS-EXAMINATION

20 BY MR. DAVIS

21 Q Deputy Brinson, I believe you already indicated that
22 you received the weapon from either E. M. S. or fire
23 personnel that was inside the vehicle, is that right?

24 A Yes, sir.

25 Q Do you recall who that was?

William Brinson
Cross-examination by Mr. Davis

1 A No, sir.

2 Q There were several. I think you already said multiple
3 officers from multiple agencies were on the scene.

4 A Correct.

5 Q And E. M. S. Multiple ambulances on the scene. Do
6 you recall that?

7 A Ambulances, rescue.

8 Q Rescue, fire trucks, all of that.

9 Okay. And so that someone was already in the vehicle,
10 because they had to cut the roof off, right?

11 A The roof was. They did cut the roof off.

12 Q And so some fire personnel was already in there and
13 actually handed you the weapon we just saw on those
14 pictures.

15 A Correct. I actually could see it. I just could not
16 reach it from where I was standing.

17 Q Okay. And then I think you talked about that you
18 marked it, or checked and marked the cylinder of the
19 revolver, is that accurate?

20 A Correct.

21 Q Okay. And that was -- was that -- Deputy Jones was
22 also with you when you did that?

23 A Yes, sir.

24 Q Okay. Deputy Jones with crime scene investigation,
25 right?

William Brinson
Cross-examination by Mr. Davis

1 A Yes, sir.

2 Q Okay. And so the jury will understand, I think you
3 already explained part of it. But you marked on the
4 cylinder exactly where it was so that later if there's any
5 question about it being moved or not, you can see where it
6 started out, is that accurate?

7 A What we try to do is make a mark because the cylinder
8 rotates as it's fired. And we try to make a scribe on each
9 side so you know which one was at the top center.

10 MR. DAVIS: Your Honor, could the witness step off the
11 stand to stand in front of the jury?

12 THE COURT: Yes.

13 (Whereupon, the witness left the stand.)

14 Q Deputy, if you don't mind coming down, I believe this
15 is State's No. 77 that you were just asked about earlier.
16 Can you kind of show the jury what you're talking about
17 there?

18 A How it works?

19 Q Yes, sir. I am sorry.

20 A Well, if I --

21 THE COURT: Excuse me just a minute.

22 You're going to have to speak up louder because you're
23 talking to the jury, but you've got your back to the court
24 reporter.

25 THE WITNESS: Okay.

William Brinson
Cross-examination by Mr. Davis

1 THE COURT: So speak loudly so everybody can hear you.

2 THE WITNESS: Okay.

3 A When the cylinder is closed, what we try to do is make
4 a scribe on each side of it so you know which pull is the
5 top center line of the barrel whenever it was found.

6 Q Because ultimately there was some bullets -- there are
7 bullets in the cylinder.

8 A Correct.

9 Q You did not remove them.

10 A No.

11 Q And someone might later.

12 Also, you mark that so you can identify it later that
13 that's the one that you received that evening, right?

14 A Yes, sir.

15 Q Okay. So, for example, this is State's 78. This is
16 also a chrome revolver, right?

17 A Yes, sir.

18 Q But you'd be able to tell this jury. You didn't have
19 possession of this because there was no identifying marks
20 on it for you, correct?

21 A Somebody could have scribed that one as well. I
22 wasn't there when that --

23 Q But you'd be able to tell if you did it by looking at
24 it.

25 A Not necessarily. I mean, it's a -- take the tip of a

Charles Greer, Jr.
Direct examination by Mr. Williams

1 knife and make a, make a mark on it. So I couldn't tell
2 you if it's a mark from my knife or your knife.

3 Q Is there a way that you've identified this weapon so
4 that you know this is the one you received that night?

5 A Other than from the pictures and my recollection, no,
6 sir.

7 Q Okay. So there's nothing on that weapon specifically
8 from you to identify it from this other sort of revolver
9 which is No. 78.

10 A No, sir.

11 Q Okay. Thank you, Deputy. If you will give me just
12 one second, I think that's all the questions I have.

13 You can have a seat. Thank you.

14 (Whereupon, the witness returned to the stand.)

15 Q Deputy, thank you. That's all. I appreciate it.

16 MR. LOFTON: No questions, Your Honor.

17 MS. CORDILLO: May this witness be excused?

18 THE COURT: He may.

19 Step down. Thank you.

20 (Whereupon, the witness was excused.)

21 MR. WILLIAMS: The state calls Charles Greer.

22 CHARLES GREER, JR., having
23 been first duly sworn, testified as follows:

24 DIRECT EXAMINATION BY MR. WILLIAMS

25 THE CLERK: Please speak into that microphone. And

Charles Greer, Jr.
Direct examination by Mr. Williams

- 1 state your full name, and spell your last name.
- 2 THE WITNESS: Charles Greer, Jr., Greer, G-R-E-E-R.
- 3 Q Sir, where do you live?
- 4 A I live at 118 Lanser Drive in Summerville.
- 5 Q Do you work in Lincolnville?
- 6 A I work in Lincolnville, yes.
- 7 Q Where do you work at in Lincolnville?
- 8 A I work at a boys group home in Lincolnville.
- 9 Q And where is it located in Lincolnville?
- 10 A [REDACTED] West Front Street.
- 11 Q How far is that from Stall Road?
- 12 A About a block and a half.
- 13 Q Are you familiar with that area, the intersection of
- 14 Stall and Front?
- 15 A Yes.
- 16 Q Do you recall something of a crime or an incident that
- 17 happened out there on August the 31st of 2006?
- 18 A Yes.
- 19 Q Were you working there at the home at the time?
- 20 A I was working at the home but not on --
- 21 Q You weren't there that day.
- 22 A Right.
- 23 Q What do you do there? What's your job?
- 24 A I am the executive director, the owner of the group
- 25 home.

Charles Greer, Jr.
Direct examination by Mr. Williams

1 Q Who lives there with you or I should say stays there?
2 I know you don't live there.

3 A We have kids from different agencies that lives at the
4 home, and we have 24-hour staffing.

5 Q About how many kids were staying there back on
6 August the 31st of 2006?

7 A I think it was from three to four kids.

8 Q I show you State's Exhibit 75. It looks a little beat
9 up. Do you recognize that general area according to that
10 diagram? Take your time.

11 A Yes.

12 Q Does that pretty much show that intersection that
13 you're familiar with?

14 A Yes, yes.

15 Q If you will, just hand that back to me.

16 Is there a bus stop in that area that y'all go to,
17 that you take the kids to?

18 A Yes. There's the bus stop. It's around the corner by
19 the barber shop. It's on Lincolnville Road.

20 Q Let me give you. There's a laser pointer here.

21 This is Lincolnville Road. If you could, just tell
22 the jury where approximately that bus stop would be.

23 You've got to aim it at the picture up there.

24 A Okay. I'm trying to locate Lincolnville Road here.

25 Q Actually, I'll take it. I think you can show it by

Charles Greer, Jr.
Direct examination by Mr. Williams

1 computer.

2 If this is Lincolnville Road and this is Front and
3 this is West Stall, are you familiar with that area?

4 A Yes.

5 Q Where is the bus stop at relative to here, over off
6 Lincolnville?

7 A Yeah. It's on Lincolnville and West Stall.

8 Q Okay. So right up in this area.

9 A Yes.

10 Q And there's like a little hair salon or something,
11 building, there.

12 A Right, yes, yes, barber shop instead.

13 Q If -- and where you live is actually further down on
14 the right of this.

15 A Down, yes, yes.

16 Q Which route do y'all take when you go to the bus stop?

17 A Okay. The route, we walk up West Front.

18 Q Go up this way?

19 A Yes. And we turn the corner right there. And the bus
20 stop is right there.

21 Q You stop in there?

22 A Yes.

23 Q Although you weren't in Lincolnville that day, you do
24 recall the day that the incident happened over here at that
25 corner.

Charles Greer, Jr.
Direct examination by Mr. Williams

- 1 A Yes.
- 2 Q Do you remember hearing about it?
- 3 A I remember hearing about it.
- 4 Q Was there anything that you found or anything you came
5 across walking those kids to that bus stop?
- 6 A I found a gun and a holster.
- 7 Q When did you find that, how long after that incident
8 to the best of your recollection?
- 9 A Maybe a couple of days after, maybe.
- 10 Q Where was that found?
- 11 A It was found on the side of the road.
- 12 Q Which road?
- 13 A West Front.
- 14 Q I'm going to let you use the laser. Which side of
15 West Front, the right or the left?
- 16 A The right side.
- 17 Q And you tell me to stop when I get to the point where
18 you think it might have been.
- 19 A It could have been a little farther down, a little
20 farther down.
- 21 Q So right in this area?
- 22 A No. Lower than that really.
- 23 Q Right off where those words are?
- 24 A Yeah, maybe, yeah.
- 25 Q You say you found a gun. Tell the jury how you found

Charles Greer, Jr.
Direct examination by Mr. Williams

1 the gun and the holster.

2 A Well, I was walking the kids to school, and I noticed
3 something in the grass, right, laying on the side of the
4 road really. So I picked it up, and it was a gun.

5 Q Let me ask you about that. Was it buried, covered up?

6 A It wasn't buried, no.

7 Q On top of all of the stuff?

8 A Yes.

9 Q Did it look like it had been there a long time?

10 A Not that long.

11 Q And you say how many days after the incident happened
12 you found it?

13 A Maybe a couple of days later.

14 Q And when you found the gun and the holster, what did
15 it appear to you to be?

16 A It appeared to be just a gun and a holster.

17 Q And you took a good look at it?

18 A Yes.

19 Q And you took it out.

20 A Well, not at that time.

21 Q What did you do with it at that time?

22 A I put it in my pocket, you know, and walked the guys
23 to the bus stop.

24 Q How long were you at the bus stop for?

25 A Maybe about ten minutes before the bus came.

Charles Greer, Jr.
Direct examination by Mr. Williams

- 1 Q And what did you do after the bus came?
- 2 A I went back around to the group home and got my wife,
3 and we left and went home.
- 4 Q What did you do when you got home?
- 5 A Well, I showed my wife the gun, and we looked at the
6 gun and --
- 7 Q Did you get a good look at the gun?
- 8 A Yeah, pretty much, yeah.
- 9 Q You inspected it?
- 10 A Yes.
- 11 Q Did you see what kind of make it was?
- 12 A Pretty much, yes.
- 13 Q Do you recall? Do you recall what the make was?
- 14 A No. I don't know the name of it.
- 15 Q I'm going to show you what's been marked State's
16 Proposed 78. Do you recognize this item?
- 17 A Yes.
- 18 Q What do you recognize it as?
- 19 A As a Smith and Wesson.
- 20 Q Is that the gun?
- 21 A Yes, yes, that's definitely the gun.
- 22 Q You took a good look at it. It's a nice gun.
- 23 A Yes, a very nice gun.
- 24 MR. WILLIAMS: I show to defense counsel, Your Honor.
- 25 (Pause.)

Charles Greer, Jr.
Direct examination by Mr. Williams

1 MR. WILLIAMS: And I move to admit State's Proposed
2 78.

3 MR. BROWN: No objection.

4 MR. DAVIS: No objection, Your Honor.

5 MR. LOFTON: No objection.

6 THE COURT: It's admitted.

7 (Smith and Wesson gun marked State's Exhibit No. 78.)

8 Q When you looked at that gun did you pay any attention
9 to the ammunition that was in it?

10 A Yes.

11 Q What did you notice about the ammunition, if anything,
12 when you looked at the gun?

13 A Well, I think I took out one or two shells to look at
14 it, because I wanted to see, you know, was it a hollow
15 point or what kind of point was on there.

16 Q Do you recall if they were -- what type of cartridges
17 were inside the gun?

18 A I looked at it, but I wasn't familiar with it.

19 Q Could you tell? Do you recall if they were fired
20 casings in there or if they were like loaded casings and
21 they had a bullet inside of them, the projectile?

22 A Well, on the one I took out was -- it wasn't used.

23 Q But you only took out one?

24 A Yeah, one or two.

25 Q Was the -- were all the barrels full?

Charles Greer, Jr.
Direct examination by Mr. Williams

- 1 A Yes.
- 2 Q All the holes had a bullet in them?
- 3 A Yes.
- 4 Q And you only took a look of one or two.
- 5 A Yes.
- 6 Q Do you have any knowledge of whether the other bullets
- 7 in there had been fired or not?
- 8 A No, no, I didn't.
- 9 Q After you looked at the gun and took the bullets out,
- 10 you said you showed it to your wife.
- 11 A Yes.
- 12 Q What did you do with it?
- 13 A Okay. I put it back in my car because I was going to
- 14 turn it in to Sergeant Hill of the Lincolnville Police
- 15 Department right across the street. I was going to turn
- 16 the gun in to him.
- 17 Q And what day was -- what day was that? Was it the
- 18 same day you found it?
- 19 A No, it wasn't the same day because he wasn't there.
- 20 On the next day I came to work, he wasn't at work, because
- 21 I left it in the car.
- 22 Q So you still had the gun in your glove box or inside
- 23 the car?
- 24 A Yes, right, yes.
- 25 Q What happened with the gun to your knowledge?

Charles Greer, Jr.
Direct examination by Mr. Williams

- 1 A Well, what happened, one of the kids at the group
2 home. We was working that night, and the next morning we
3 got them up for school. And I think he took my key pad,
4 get my key pad for my car. And he opened the car door, and
5 he snuck around and he went in the car.
- 6 Q You didn't see him do that?
- 7 A No.
- 8 Q Did you find out where the gun was later that day?
- 9 A Yes, yes, I did.
- 10 Q Where did it end up?
- 11 A It ended up at Alice Birney Middle School.
- 12 Q That was where one of the group home kids went?
- 13 A Yes.
- 14 Q Is this the same gun that sounds like he would have
15 got out of your glove box?
- 16 A Yes, same gun, yes.
- 17 Q How would he know you had the gun?
- 18 A Really, I didn't thought that he knew I had the gun.
- 19 Q Was anybody, the kids, with you when you went, when
20 you found it?
- 21 A Yes. I didn't, I didn't think that they saw it. But
22 maybe they did.
- 23 Q When was the last time you saw the gun inside your
24 glove box and the last time you put it in there and knew it
25 was there?

Charles Greer, Jr.
Direct examination by Mr. Williams

- 1 A I put it in. I think it was the day before it was
2 stolen.
- 3 Q So let me track the timeline. You said you showed it
4 to your wife and put it in the glove box.
- 5 A Right.
- 6 Q And went the next day to give it to Sergeant Hill.
- 7 A Right, yes. He wasn't --
- 8 Q And he wasn't there that day.
- 9 A Right.
- 10 Q Then you went back the next day to give it to him.
- 11 A Right. And the kid stole it on the next day.
- 12 Q It wasn't there. And you went the next to give it to
13 him, and it wasn't there.
- 14 A Right.
- 15 Q And that was the day you found out that the kid had
16 it.
- 17 A Yes.
- 18 Q Did you -- there's one day in between where it's in
19 your glove box.
- 20 A Yes.
- 21 Q Did you check on it that day?
- 22 A I don't think I did, no.
- 23 Q So there's actually basically one full day that the
24 gun is in your glove box but you haven't seen it.
- 25 A Yes.

Charles Greer, Jr.
Cross-examination by Mr. Davis

- 1 Q So he could have taken it a day and a half earlier.
2 A Well, it's possible.
3 Q So you don't know when he took it.
4 A Right.
5 Q Just that he took it.
6 A Right.
7 Q That gun was then given to police once it was seized
8 from the kid that was in the group home?
9 A Yes, sir.
10 Q And the next time you have seen it has been in court
11 today?
12 A I beg your pardon?
13 Q The next time you saw it was today in court.
14 A Yes, yes.
15 Q Thank you. Nothing else.
16 MR. BROWN: No questions.
17 CROSS-EXAMINATION
18 BY MR. DAVIS
19 Q Just briefly, Mr. Greer.
20 A Yes, sir.
21 Q So the first time you had seen it since -- well, you
22 haven't seen that gun in two years? Is that what you're
23 telling the jury?
24 A Yes, sir.
25 Q Okay. Now, do you personally own a handgun?

Charles Greer, Jr.
Cross-examination by Mr. Davis

- 1 A I didn't at the time.
- 2 Q You did not at the time?
- 3 A No, sir.
- 4 Q Okay. You're not a firearm expert, are you?
- 5 A No, sir.
- 6 Q All right. I believe you said three or four boys at
7 the time back then in '06 were living at this group home,
8 is that right?
- 9 A Yes, yes, sir.
- 10 Q Various ages, I think you said.
- 11 A Yes, various ages.
- 12 Q Some of them are African-American boys?
- 13 A Yes.
- 14 Q And I think you told the state that your group home is
15 just down from West Front, is that right?
- 16 A Yes, sir.
- 17 Q Okay. And you found, you're telling the jury you
18 found, that particular chrome revolver kind of across the
19 ditch, across from Ms. Green's house. Do you know
20 Ms. Green?
- 21 A Ms. Green?
- 22 Q Yes.
- 23 A No.
- 24 Q Okay. But when you were shown on the diagram, I think
25 you kind of showed it across from a house. Do you recall

Charles Greer, Jr.
Cross-examination by Mr. Davis

1 that?

2 A Yes.

3 Q Okay. If I may. And so when you walked in -- you
4 walked to the bus stop five days a week with the boys?

5 A Well, not me every day. Various staff, yes.

6 Q Okay. But you've been at that group home.

7 A Yes.

8 Q You're the executive director.

9 A Yes.

10 Q You've been there many years.

11 A Yes, sir.

12 Q And so I think you said you walked down West Front and
13 then turned right on West Stall and go over to the bus
14 stop.

15 A Yes, uh-huh.

16 Q And so I think you were saying around --

17 A Somewhere in that area, yes.

18 Q Somewhere in this area, which is across from the
19 house.

20 A Yes.

21 Q Okay. And it's to the right of that house, to the
22 right of the road near the ditch.

23 A Somewhere in there, yes.

24 Q Okay. Thank you, Mr. Greer.

25 A Thank you.

Charles Greer, Jr.
Redirect examination by Mr. Williams

1 MR. DAVIS: No other questions.

2 MR. LOFTON: No questions, Your Honor.

3 MR. WILLIAMS: I have some redirect, Your Honor.

4 REDIRECT EXAMINATION

5 BY MR. WILLIAMS

6 Q Mr. Greer, I want to talk about August the 31st of
7 2006.

8 How many kids were at the group home, were staying at
9 the group home, to your best recollection?

10 A Maybe two or three, maybe four.

11 Q What were their ages?

12 A From 13 to 15.

13 Q And what -- how big were the kids and were they --

14 A Yeah. They're pretty big kids.

15 Q Are they like normal 13 or 15 year olds?

16 A Well, there was one in particular. He was maybe
17 175 pounds.

18 Q So one kid was kind of bigger?

19 A Yeah.

20 Q What kind of hairstyles did they have if you recall?

21 A Hairstyles?

22 Q Yeah.

23 A Regular hairstyles.

24 Q Just normal?

25 A Yes. We don't allow the various kind of haircuts.