

ORIGINAL

VOLUME I OF IV

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chester County

Benjamin H. Culbertson, Circuit Court Judge

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MAY 19 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

CHRISTOPHER MARQUAVIOUS MOORE,

APPELLANT

APPELLATE CASE NO 2016-001429

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF CHESTER
4 2015-GS-12-00086
5 State of South Carolina
6 vs.
7 Christopher M. Moore
8
9 Chester, South Carolina
10 February 12, 2015
11 Before the Honorable Benjamin H. Cuthbertson
12
13 APPEARANCES
14 For the State: Julie Hall
15 For the Defense: William Frick
16
17 Reported by: Michael C. Watkins
18 Official Court Reporter
19
20
21
22
23
24
25

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RANDY ST. CLAIR - DIRECT

1 THE COURT: This is Christopher Moore, he is charged
2 with murder. He is represented Devon Nielson. The
3 State -- I'm sorry, he's represented by William Frick, and
4 the State has filed a motion for collection of suspect
5 standards under Schmerber versus California. I'm going to
6 hand up a copy of the motion to the Court, and that's yours
7 to hold on to during this hearing, that copy has been
8 served on Mr. Frick and the State is ready to go forward on
9 this motion at this time.

10 THE COURT: All right. Mr. Frick, you represent
11 Christopher Marquavious Moore in this Schmerber hearing?

12 MR. FRICK: Yes, sir.

13 THE COURT: All right. Anything before we get started
14 from the defense?

15 MR. FRICK: Judge, I'll do my summation later, but
16 just to point you -- because I have not given you a copy of
17 the case that I intend to argue, it's Maryland versus King,
18 a United States Supreme Court case, but the cite is -- for
19 the record, it's a 2013 case, 133S.CT.1958. And I'll pass
20 this copy up so you can review it. And admittedly, Your
21 Honor, the case is five to four against my stand, I am
22 arguing the descent side.

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

24 MR. FRICK: No, Your Honor, nothing at this time.

25 THE COURT: All right. The State can call their first

RANDY ST. CLAIR - DIRECT

1 witness.

2 MS. HALL: State calls Detective Randy St. Clair.

3 The witness, RANDY ST. CLAIR, was first duly sworn and

4 Testified as follows:

5 DIRECT EXAMINATION

6 BY MS. HALL:

7 Q Detective St. Clair, if you would, state your full
8 name for the record, please.

9 A It's Randy Dean St. Clair.

10 Q And were you the primary investigator in the shooting
11 of Odell Williams?

12 A Yes, ma'am.

13 Q And that incident occurred on November 4th of 2014 at
14 approximately 8:20 in the evening; is that correct?

15 A Yes, ma'am.

16 Q And during the course of your investigation, did you
17 determine Chris Moore to be a suspect in the shooting?

18 A Yes, ma'am.

19 Q And could you just tell the Court briefly -- we're
20 going to get into the DNA part and the blood that was found
21 later, but if you could just tell the Court briefly how you
22 came to determine that Christopher Moore, the defendant
23 here seated next to Mr. Frick, was actually involved in the
24 shooting of Odell Williams?

25 A Through eye witness statements and investigation he

RANDY ST. CLAIR - DIRECT

1 was placed near the scene of the shooting the night -- or
2 during the time of the shooting.

3 Q All right. Did you -- ultimately did you take a
4 statement from somebody driving a Yukon?

5 A Yes, ma'am.

6 Q And did that -- what did that person -- just surmise
7 that statement for me.

8 A Brief statement, he was flagged down by Christopher
9 Moore who he identified, stated he grabbed the door handle
10 of the vehicle.

11 Q Who did? Christopher Moore grabbed the van door?

12 A Christopher Moore grabbed the door handle of the
13 vehicle as it stopped and blood was found on the vehicle,
14 which a collection was taken.

15 Q And the person driving -- you said this was a Yukon,
16 right?

17 A Yes, ma'am.

18 Q And the person driving the Yukon, did they say that
19 Chris Moore said anything to them or was he holding
20 anything in his hands when he flagged them down?

21 A He appeared to hold a long rifle in his hand, in one
22 hand, he asked for a ride to leave the area.

23 Q To your knowledge and according to the statement that
24 he gave, did he know the defendant in this case, Chris
25 Moore?

RANDY ST. CLAIR - DIRECT

1 A He did.

2 Q And so he told you that's who it was.

3 A Yes, ma'am.

4 Q And you said there was a blood sample found on the
5 Yukon, on the door handle where Mr. Moore tried to reach
6 obviously to grab it?

7 A Yes, ma'am. I believe it was the rear passenger door
8 handle.

9 Q And was a swab taken of that blood?

10 A It was. It was collected by Detective Cindy Henry
11 Taffe.

12 Q And was it submitted to SLED?

13 A It was.

14 Q And would that be item two on the SLED report that --
15 on the serology analysis report?

16 A Yes, ma'am.

17 Q All right. And then -- how long was -- the man who
18 gave the statement who was driving a Yukon, how long after
19 the shooting occurred did he report having seen Mr. Moore
20 and having the situation take place?

21 A The following day at -- I want to say on the 9th,
22 immediately after.

23 Q Let me rephrase that. The shooting takes place and
24 then this Yukon touching, seeing Moore with the gun thing
25 takes place, how long was it between the shooting and him

RANDY ST. CLAIR - DIRECT

- 1 seeing Moore?
- 2 A Several minutes.
- 3 Q Okay. All right. And then what was the next piece of
- 4 evidence that you found or that you collected that leaves
- 5 you to believe that Christopher Moore or anybody you talked
- 6 to or anything that puts him in the area of the shooting
- 7 that night?
- 8 A We have a written statement from a witness who spoke
- 9 to him directly during the time of the shooting --
- 10 directly after the time of the shooting asking for a ride.
- 11 Q So this is another person he is asking for a ride.
- 12 A This is additionally, yes, ma'am.
- 13 Q And was this after the Yukon incident?
- 14 A After the Yukon, yes, ma'am.
- 15 Q And was that person driving a Honda Accord?
- 16 A Yes, ma'am.
- 17 Q And did she give Mr. Moore a ride in the Honda Accord?
- 18 A Yes, ma'am.
- 19 Q And did you search the Honda Accord after she gave the
- 20 statement?
- 21 A Yes, ma'am.
- 22 Q Did you find blood, or what you believed to be at the
- 23 time blood in that Honda Accord?
- 24 A Yes, ma'am.
- 25 Q And was it where the witness said that Mr. Moore had

RANDY ST. CLAIR - DIRECT

1 been sitting?

2 A Yes, ma'am.

3 Q Did you swab those areas in the Honda Accord where you
4 found what you believed to be blood?

5 A Yes, ma'am.

6 Q All right. Was that 1.1 and 1.2 on the serology
7 analysis?

8 A Yes, ma'am.

9 Q Okay. And then did the dogs from York County come out
10 that night and track from the scene of the actual shooting?

11 A They did.

12 Q All right. And did they -- when they were tracking,
13 did you find any other blood samples in the area where they
14 tracked?

15 A I don't believe they did. It was -- as daybreak came
16 we found additional evidence.

17 Q Okay. And was that kind of on the path where the dogs
18 had gone?

19 A Yes, ma'am, it was.

20 Q And so tell me where you found that additional
21 evidence.

22 A Following the track that the dogs ran the night
23 before prior, we found blood on a chain link fence in the
24 area where witnesses stated Christopher Moore was seen,
25 and also directly in front of the fence was a white Crown

RANDY ST. CLAIR - DIRECT

1 Victoria with a blood stain on the hood of it.

2 Q And did you take the -- did you take samples of what
3 you believed to be blood off the fence?

4 A Yes, ma'am.

5 Q You swabbed that, and did you send that to SLED for
6 analysis?

7 A Yes, ma'am.

8 Q And is that number 43 on the serology report?

9 A Yes, ma'am.

10 Q And did you swab the area of the Crown Vic. where you
11 believed there to be blood?

12 A Yes, ma'am.

13 Q And did you send those samples to SLED for serology?

14 A Yes, ma'am.

15 Q And is that number two on the serology report -- I
16 mean number 42?

17 A Yes, ma'am.

18 Q Okay.

19 MS. HALL: Now, I've shown this to Mr. Frick, what has
20 been marked for State's Exhibit 1 for identification
21 purposes.

22 THE COURT: All right. Any objection?

23 MR. FRICK: No objection.

24 THE COURT: All right. This will be State's Exhibit 1
25 admitted into evidence for purposes of this Schmerber

RANDY ST. CLAIR - DIRECT

1 hearing without objection.

2 (The letter was received as State's 1.)

3 Q Can you identify this for me?

4 A Yes, ma'am. It's a letter from the State Law
5 Enforcement Division Forensic Laboratory. It's a COTIS
6 hit combined DNA index system stating that the analysis of
7 Item 43 and the DNA that was collected from the fence did
8 match Christopher Marquavious Moore.

9 Q And when you go on to paragraph two, could you read
10 that sentence to me, please?

11 A It says, "This information is provided for
12 investigative purposes only. If the suspect is charged an
13 additional biological specimen must be submitted for court
14 purposes."

15 Q Was Mr. Moore ultimately charged with shooting Odell
16 Williams?

17 A Yes, ma'am.

18 Q He was charged with murder in the shooting death of
19 Odell Williams; is that correct?

20 A Yes, ma'am.

21 MS. HALL: I don't have anything else, please answer
22 any questions Mr. Frick has.

23 THE COURT: All right. Mr. Frick?

24 CROSS EXAMINATION

25 BY MR. FRICK:

RANDY ST. CLAIR - CROSS

- 1 Q Investigator, are you aware of how Mr. Moore's DNA
2 ended up in COTIS to start with?
- 3 A I'm not aware, no, sir.
- 4 Q Was there a warrant that he was arrested on subsequent
5 to being charged with murder?
- 6 A Yes, sir. He was placed under arrest November 6th
7 for an active warrant for assault first degree.
- 8 Q Are you the investigator on that case? I don't know
9 anything about it.
- 10 A No, sir, it's with the City of Chester.
- 11 Q Was his DNA taken as a result of that arrest?
- 12 A I do not know.
- 13 Q Investigator, I'm going to show you a copy of this.
- 14 A Yes, sir.
- 15 Q Do you recognize what that is?
- 16 A Yes, sir.
- 17 Q Is that the affidavit for this hearing today?
- 18 A Yes, sir.
- 19 Q What I'm specifically looking at is point number two
20 here, it talks about something that happened -- have you
21 got it in your hand?
- 22 A Yes, sir.
- 23 Q Tell me what point number two is talking about there.
- 24 A November 6th of 2014, Christopher Marquavious Moore
25 was arrested for assault in the first degree under section

RANDY ST. CLAIR - CROSS

1 16-3-600C1 Code of Laws which provides for a penalty of up
2 to ten years in prison.

3 Q Okay. And then -- is that where his DNA came from? I
4 think it's further down in your affidavit if you'll take a
5 look.

6 A Okay, yes, sir. "Following Moore's arrest in
7 accordance with the section a DNA sample was obtained from
8 Moore by means of a buccal swab."

9 Q So to your knowledge prior to the arrest on the
10 assault and battery first degree was Mr. Moore's DNA in
11 COTIS?

12 A It must have been, yes, sir.

13 Q Prior to his arrest on that?

14 A The buccal swab was after he was placed under arrest.

15 Q Right. But for -- I'm sorry, it's making it more
16 confusing than I meant it to be. Y'all took a cheek swab
17 after you arrested him for assault and battery first
18 degree, correct?

19 A No, sir. Yes, sir, I'm sorry.

20 Q All right. Do you have any knowledge of whether his
21 DNA had been taken prior to that time?

22 A I don't have knowledge of it, no, sir.

23 Q But if y'all took the cheek swab presumably y'all
24 didn't have it, or it didn't come up, correct?

25 A Yes, -sir, it was collected by a SLED agent.

RANDY ST. CLAIR - CROSS

1 Q So to your knowledge his DNA wasn't in COTIS until
2 this cheek swab.

3 A I don't know.

4 Q Okay, that's fine. But the DNA that we're talking
5 about here today comes from this cheek swab, correct?

6 A Yes, sir.

7 Q Okay. And you're not aware of the facts of the case
8 on that assault and battery, are you?

9 A No, sir.

10 Q Okay, that's fine. The folks who you've testified
11 here this afternoon about having Mr. Moore on the scene of
12 this incident happened after the shooting occurred,
13 correct?

14 A Yes, sir.

15 Q Has Mr. Moore given any kind of statement about any
16 involvement?

17 A No, sir.

18 Q Did y'all obtain a search warrant to get any DNA or is
19 the DNA obtained simply through this arrest warrant and the
20 statute that allowed it?

21 A A search warrant was obtained from a special agent
22 from SLED for the buccal swab.

23 Q When did y'all do that? Was it after he was arrested
24 for the murder or before he was arrested for the murder?

25 A I believe it was prior to the arrest of the murder.

RANDY ST. CLAIR - CROSS

1 Q But you don't recall -- I know you don't have your
2 whole case file up there and I'm asking you specific stuff,
3 but do you recall in general when that happened? I mean,
4 he's sitting in the detention center on November 6th, I
5 think y'all charged him with this on what, the 13th or
6 something like that?

7 A Yes, sir, I believe that's right.

8 Q Do you know when you got the search warrant?

9 A I can't testify to an exact date, no, sir.

10 Q Okay. All right. But prior to the issuance of the
11 arrest warrant for the murder.

12 A Yes, sir.

13 Q Do you know why you got the search warrant?

14 A Because the blood was found.

15 Q Okay.

16 A I believe it was noticed that he had an injury to his
17 hand or his elbow, and then blood being found at the crime
18 scene or near the crime scene, it was an investigation
19 that did come back positive for matching his
20 identification.

21 Q Okay. So based on the COTIS hit you got y'all got a
22 search warrant -- is what it sounds like you're telling me,
23 correct me if I'm wrong, I don't want to put words in your
24 mouth, y'all had the COTIS hit, you got a search warrant
25 and got the buccal swab.

RANDY ST. CLAIR - CROSS

1 A Yes, sir.

2 MR. FRICK: Thank you, sir. That's all of the
3 questions I have.

4 THE COURT: Any redirect?

5 MS. HALL: Thank you, Your Honor. I don't really have
6 anything, thank you.

7 THE COURT: You may step down. The State can call its
8 next witness.

9 MS. HALL: The State doesn't have another witness,
10 that was it.

11 THE COURT: Anything from the defense?

12 MR. FRICK: Well, Your Honor, I have no information
13 about the search warrant that he testified to but it sounds
14 like they've got the DNA, that serves the purpose of why
15 we're here, there's no need for a subsequent DNA.

16 THE COURT: Okay. Y'all are looking for a cheek swab?

17 MS. HALL: Yes, sir. That's all we're looking for is
18 a cheek swab and we're looking for it through an order of
19 the Court. We all know that order for the search warrant
20 is one thing but an order from a general sessions court is
21 really what we're looking for.

22 THE COURT: I am going to go ahead and grant their
23 request. All right?

24 MS. HALL: Thank you.

25 MR. FRICK: I understand, Your Honor.

STATE OF SOUTH CAROLINA	)	GENERAL SESSIONS
	)	
County of Chester	)	2015-GS-12-86
	)	
State of South Carolina,	)	
	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Christopher Moore.	)	
	)	
	)	
	)	

December 17th, 2015
Chester, South Carolina

BEFORE:

THE HONORABLE BRIAN M. GIBBONS, JUDGE.

APPEARANCES:

JULIE HALL, ASSISTANT SOLICITOR
Attorney for the State

WILLIAM FRICK, ASSISTANT PUBLIC DEFENDER
Attorney for the Defendant

AMINAH R. HARDY, CM
Official Court Reporter

EXHIBITS

No.	Description	Page

(No exhibits were marked.)

P R O C E E D I N G S

1
2 MS. HALL: Your Honor, before you is Christopher
3 Natavious Moore. He's charged on 2015-GS-12-86 with the
4 offense of murder and on 2015-GS-12-85, possession of a
5 firearm during the commission of a violent crime. He's
6 currently being held on denied bond on both charges. I
7 believe Mr. Frick is here before you asking for bond to be
8 set in this matter.

9 The State also filed and served upon Mr. Frick a
10 motion -- it's a rule to show cause prior to this event.
11 Mr. Moore was charged with burglary in the first degree.
12 On June 28th of 2013, he was given a \$10,000 bond by a
13 magistrate -- I believe it was by -- no, actually, it was
14 by the circuit court judge and it was -- one of the
15 conditions of the bond was that he live at [REDACTED]
16 [REDACTED] and he be on house arrest with his mother.

17 And the basis for the rule to show cause was that he
18 moved from the residence where he was supposed to be
19 residing at [REDACTED] and moving to [REDACTED]
20 [REDACTED]. He did not give notice to the Court. He was on
21 Brendell Drive on October 13th of 2014 and on Featherstone
22 Drive, Homes Road and Parkway Drive, Roundtree Circle area
23 on November 4th, 2014 in violation of the order for house
24 arrest. He's also been rearrested for assault and battery
25 first degree and these two indictments which I just read

1 to the Court.

2 I'll pass the rule to show cause along with the
3 original bond on the burglary up to the Court at this
4 time. The State's asking that this bond be revoked on the
5 burglary.

6 THE COURT: All right, so two issues before the Court
7 today?

8 MS. HALL: And there will be another one in a minute.

9 MR. FRICK: And Your Honor, I've also filed a motion
10 for change in venue. I filed that with the Clerk of Court
11 a couple weeks ago. I think I gave your office a copy of
12 that and the solicitor.

13 THE COURT: I've reviewed it this week and my law
14 clerk is reviewing it now.

15 All right. Which motion y'all want to address first?

16 MR. FRICK: Your Honor, I'd ask to address the bond
17 situation first.

18 THE COURT: Let me hear from you, Mr. Frick.

19 MR. FRICK: Thank you, Your Honor. And I don't
20 know -- I mean, I don't believe -- this is the six-month
21 review. Of course, because of the charge, magistrate
22 could not set bond. Some months after that, we had a
23 hearing before -- I believe it was Judge Hall. Judge Hall
24 denied bond. It has now been six months; that's why we're
25 here today. So you may want to hear the facts from the

1 solicitor before you hear any more from me.

2 THE COURT: Okay. And, of course, I'll continue to
3 disclose, as I have when I heard some additional matters
4 in this case, that when I practiced law, one of my jobs
5 when I practiced law was I was part-time city attorney for
6 the City of Chester. I knew Mr. Williams. He was a city
7 councilman, who I gave advice to in his role as a city
8 councilman and with my role as city attorney. Of course,
9 after 1999, I was no longer the city attorney, but I did
10 know that -- I did know that -- I did know him. And also,
11 I know the Defendant, Christopher Moore, while not on a
12 personal basis, I knew him growing up with my oldest son.
13 They played baseball together.

14 MR. FRICK: And we're aware of that. Mr. Moore and I
15 have discussed those situations and we have no issue and
16 wish to go forward with the bond matters and the change of
17 venue motion in front of Your Honor.

18 THE COURT: And the State still wishes to go forward
19 as well?

20 MS. HALL: With -- I'm sorry?

21 THE COURT: I'm disclosing --

22 MS. HALL: Yes, absolutely, the State wishes to go
23 forward. I heard what you said about having known of and
24 known the Defendant as well as having known --

25 THE COURT: And, of course, that's what you run into

1 in smaller communities like Chester. I just always have a
2 duty to disclose I've done that and I have no problem
3 hearing these motions at this time.

4 Okay. Ms. Hall, why don't you give me a factual
5 basis or the alleged facts as we deal with the bond
6 hearing, the bond issue first on the murder charge.

7 MS. HALL: Okay, Your Honor. On November the 14th --
8 I mean, on November the 4th of 2014, this Defendant along
9 with four codefendants had basically armed themselves.
10 They were -- according to statements from everybody in the
11 case -- or not everybody in the case, all those who did
12 give statements, they were going to -- they were going to
13 a house located on Holmes Road with the intention of
14 robbing a house or -- these five individuals were -- it
15 was one gang situation and they apparently were going to
16 confront another gang house.

17 They get over to this place -- and Featherstone Road
18 runs parallel to Holmes Road. Odell Williams's shop was
19 located on Featherstone Road as was his wife's house.
20 There is a -- if you're on Featherstone Road and you want
21 to go to Holmes Road, all you have to do is walk across --
22 it's basically like a power line clearing area, which is
23 what they did.

24 They parked their truck at -- at or near Odell
25 Williams's shop, walked across the power line to go toward

1 the house on Holmes Road, at which point in time,
2 Ms. Williams pulls out of her driveway and kind of goes
3 slowly by the truck and one of the codefendants says,
4 "Hey, hold on a second, we need to get back to the truck,"
5 which they did.

6 They get in the truck. About that time, Ms. Williams
7 had called her husband. He comes over to see what's going
8 on. He falls in behind these individuals and begins to
9 follow them. At some point in time, there were shots
10 fired. There's evidence -- or witness testimony from
11 somewhere along the route that they took that shots were
12 fired. And it was -- it's unclear who fired those shots
13 at that time. I will tell the Court that Mr. Williams --
14 there was a gunshot residue kit done on him. He did have
15 gunshot residue on both his hands, but pointing to where
16 that actually shot -- he actually shot his gun -- is
17 unclear. He also had a gun with two shell casings that
18 were missing.

19 But the rest of it with regard to Mr. Moore, the
20 codefendants say as Odell Williams followed him, the truck
21 that he and the codefendants were riding in, there was one
22 shot that was fired I think from the truck toward
23 Mr. Williams's car. And then as we -- as they were going
24 around the corner, Mr. Moore fell out, rolled out, somehow
25 removed himself from the backseat of the vehicle with an

1 SKS assault rifle. He shot at Mr. Williams's car and hit
2 Mr. Williams. And as a result of that, Mr. Williams did
3 die.

4 Investigation showed -- linked him through people who
5 had been in the area after this happened, witness
6 statements said he was trying to get a ride. There has
7 been DNA evidence that's linked him to the gun. And
8 that's basically where we are right now.

9 THE COURT: He's currently on bond on this charge
10 with that happening?

11 MS. HALL: He was, and on house arrest.

12 THE COURT: All right. Thank you. State's position,
13 obviously, you want me to deny bond?

14 MS. HALL: Yes, sir. And along those lines, I will
15 also tell the Court that we -- I believe he was on
16 probation maybe for failure to stop for a blue light out
17 of York County at the time that this was committed or that
18 this murder occurred. He -- we -- well, SLED has been,
19 along with Chester County Sheriff's Department and Keith
20 Lewis from our office, we have continuously throughout the
21 course of the last year investigated -- continued the
22 investigation of this case. I tell the Court with
23 absolutely certainty we're starting to wrap that up and we
24 do foresee going -- trying to get this case resolved
25 within the next six months. So we're asking his bond

1 remain denied and revoked on that rule to show cause.

2 THE COURT: Mr. Frick?

3 MR. FRICK: Thank you, Your Honor. Your Honor, we're
4 asking for a bond on this charge because Chris is entitled
5 to one. This is not a capital case. Therefore, under our
6 constitution and our laws, he's entitled to a bond. Now,
7 of course, there are circumstances that you can consider
8 and that you have to consider and we know what that is as
9 far as whether he's a flight risk and a danger to the
10 community.

11 Judge, he appeared at court to answer his other
12 situations. As you heard, he was on bond for one. He had
13 a misdemeanor conviction for failure to stop for a blue
14 light. He was on bond for a burglary for -- that occurred
15 allegedly when he was 16 years old. And in that case, the
16 Solicitor's Office felt that he was appropriate for
17 pretrial intervention. He had the assault and battery,
18 which they attempt to revoke his bond about, assault and
19 battery charge that occurred early in 2014. It's an
20 unserved warrant and is not served on him until his arrest
21 this night of this event. And it actually becomes the
22 convenient excuse to detain him and arrest him that night.
23 And, in fact, the Solicitor's Office did not send that
24 warrant to the grand jury for indictment until last month,
25 well over a year past the alleged event.

1 So, Your Honor, you've got someone who is not really
2 a danger to the community because of that and he is
3 certainly not a flight risk. He's born and reared in
4 Chester, went to Chester High School. Got deep roots
5 here. If you look back here, I believe just about
6 everybody on this side of the courtroom is Chris's family.
7 I'll ask you to hear from them in just a few minutes. But
8 he has got strong roots and one of the strongest family
9 structures that I have had.

10 Your Honor, everyone else in this case got a bond.
11 His codefendants in this case all received \$50,000 bonds,
12 except one, Mr. McClinton. And that was a denial because
13 he's got the most extensive history with law enforcement.
14 There was, in fact, one of his codefendants who had a
15 bond, bonded out, is rearrested and was given a bond on
16 the subsequent charge. And the Solicitor's Office did not
17 seek to revoke the bond on this case. And yet, in this
18 matter, they're seeking to revoke his bond on a burglary
19 case that they allowed him to go to PTI on a year later.
20 So I don't -- I just find it curious.

21 Your Honor, of course, we're not here to litigate the
22 case. But you do get to hear about the facts from the
23 State's point of view and I want to talk about briefly
24 what the State tells you. What the State tells you is
25 you've got a truck full of young men who go to do a bad

1 thing. And they get there and the bad thing doesn't
2 happen and they're leaving. And as they're leaving, Odell
3 Williams pulls up. The truck is at the stop sign leaving.
4 Odell Williams comes up, passes the truck, turns around
5 and begins to follow it. Not only does he follow it, he
6 chases it through town at high speed. This is the State's
7 evidence; this is not me. This is the State's evidence.

8 Your Honor, you've got a person who's in law
9 enforcement for over 20 years. Does not call the cops,
10 but follows, chases, in fact, this carload of men through
11 town and shoots at them.

12 Now, I'm sure some will argue that because these
13 young men were armed that they brought the trouble
14 themselves simply because they were armed. Well, Your
15 Honor, that's an absolute ridiculous argument given the
16 number of people in this state that drive around in their
17 cars with guns. In fact, the State's victim in this case
18 was driving around with a gun and used it. Judge, the
19 simple fact of the matter is if Odell Williams doesn't
20 chase this car, doesn't shoot at this car, we're not
21 standing here today.

22 From the very beginning of this case, Chris has had
23 inaccurate, inappropriate and incorrect information
24 portrayed about him. He has, in fact, become the poster
25 child for this so-called war on gangs in Chester. Now, I

1 see the media coverage has diminished, but up until today,
2 that box has been filled with cameras every time he's
3 stepped in this courtroom. In fact, you have many of the
4 reports in my change of venue motions.

5 Judge, Chris is 19 years of age. As I said, he's
6 born and reared in Chester, attended Chester High School.
7 Judge, he understands the pain of losing a family member.
8 He had a brother who was killed in the streets of Chester,
9 but he and his family have not seen any justice in that
10 case. But he understands well that pain. Yes, he's got
11 the misdemeanor conviction. Yes, he's got the burglary
12 charge that he was allowed into PTI on. And yes, he had
13 this assault charge that was held onto until they needed
14 something to detain him on.

15 Judge, over the last year, I've gotten to know Chris
16 pretty well. He's a smart young man. He's growing into
17 an excellent man. Regardless of the outcome of this case,
18 Your Honor, Chris is going to do great things. The
19 Solicitor's Office was not wrong. They were not wrong
20 when they decided he was an appropriate candidate for
21 pretrial intervention.

22 Judge, at this time, I think a couple members of his
23 family would like to speak. I told them, of course, this
24 is a bond hearing, we're going to talk positive about
25 Chris. And I'd just ask you to hear from those members at

1 this time.

2 THE COURT: I'd be glad to.

3 LAWRENCE MOORE: My name is Lawrence Moore. Judge,

4 I --

5 THE COURT: Come on up here, sir, so we can make sure
6 we hear you.

7 LAWRENCE MOORE: My name is Lawrence Moore, Judge.
8 And I want to express my condolences to the Williams
9 family, I sincerely do. And I just want to let the Court
10 know that Christopher is a good -- he's a good kid. He
11 really is. You know, I'm not just saying that because
12 he's my son. He's very respectful. He's always yes, sir;
13 no, sir; yes, ma'am; no, ma'am, you know. And we just
14 believe that -- you know, just like his lawyer said, I
15 just believe he deserves a chance, you know, because we --
16 we going to do everything in our power to help him. I got
17 my own lawn care business. I'm going to have him with me
18 a whole lot helping me cut grass and doing things like
19 that. So, you know, we just want him to get out and be
20 with his family so that way, we can help him along his way
21 and give him a chance. That's all we're asking, that he
22 get a chance because we love him and we want him to do
23 well and we know he's has the potential to do well. He's
24 really a good kid.

25 THE COURT: Thank you, sir. Thank you for being

1 here.

2 MR. FRICK: Anybody else want to speak?

3 TONYA STEWARD: Good morning, good afternoon to
4 everyone. I'm Christopher Moore's mother, Tonya Steward.
5 My son is not a bad person. He's a very good child. And
6 I just feel like he deserve a second chance to be at home
7 with his family, too. But like I said, my heart go out to
8 the Williams family, but what if they had killed them? In
9 all actuality, what if my child had got killed? I done
10 lost one son. No justice have been done and nobody's been
11 pinpointed for my son being dead. I have no factors, no
12 nothing. Just give my child a second chance because I
13 know Chris is a very good child and he will do right. And
14 we are there to support him and always have been.

15 I just want your heart to go out to give him a second
16 chance and like you gave the other ones, a bond and a
17 second chance. Please give me child a second chance. I'm
18 begging you for a second chance for him to prove to other
19 people that he is a good person. He's not bad like the
20 media tried to make him out to be. That's not Chris. He
21 have a beautiful smile, yes, ma'am, no, sir. Just please
22 give him a second chance, that's all I'm asking. Thank
23 you.

24 THE COURT: Thank you, Ms. Steward.

25 MR. FRICK: Your Honor, I believe we've got one more

1 from the family.

2 THE COURT: Yes, sir.

3 TREYVION MOORE: My name is Treyvion Moore and I'm
4 Chris's older brother. And I do want to express my
5 condolences to this family. You know, there's two
6 families suffering right now. And we were always raised
7 with my dad in our life. We have a strong dad. You know,
8 always learned respect, grew up in a Christian-knit home.
9 My brother deserves a chance to be here. I mean, he's
10 done wrong, but who hasn't. And, you know, we got his
11 back, so when he get out, his foot is already in another
12 direction. So once we just -- I'm ready for him to come
13 home, Christmastime, spend time with my brother. It's
14 been a long time. He spent his last birthday in here.
15 This is not the type of place for my brother. It's not
16 who he was raised to be. It's just a whole different
17 situation. And I just want my brother home.

18 MR. FRICK: Your Honor, I'll be brief here. I've got
19 a couple things I want to say. As you know, it's not my
20 practice to allow my clients to normally speak at a bond
21 hearing. But as I told you, I've come to know Chris
22 pretty well and he told me he did want to address the
23 Court. Now, we've talked about what is appropriate and
24 not appropriate to say today. And I'm entrusting him to
25 stay within that, but I'd ask you to hear from Chris at

1 this time.

2 THE COURT: Yes, sir.

3 THE DEFENDANT: Yes, sir, Your Honor. I'm
4 Christopher Moore. And I'm so sorry for the victim's
5 family, I'm truly is, Your Honor. And I'm not this bad
6 guy that everybody's trying to make me out to be, Your
7 Honor. And I just beg and plead for a second chance, Your
8 Honor. I done did a lot of good things in the community,
9 Your Honor. And like I say, I played sports. And I know
10 you and I know your son very well, Your Honor. And like I
11 said, I just ask for a second chance, Your Honor.

12 And like I say, I'm not a bad guy. My whole time of
13 being in jail this year, Your Honor, I have learned
14 things, I done went through things, I cried. And if I
15 could give my life for the victim's family, I would. I
16 really would give my life for his because, like I say, I
17 know how it feels to lose someone at a gun, Your Honor.
18 And like I say, I'm just very, very sorry and if I could
19 give my life for his life, I would, Your Honor.

20 And I'm a changed young man and I'm not that same
21 young man that I was before I went to jail a year ago,
22 Your Honor. And if I get a second chance, I'll take house
23 arrest, bracelet, whatever, Your Honor. When I was on
24 house arrest with my mother back when I was 16 year, Your
25 Honor, I was still a little boy. I wasn't as mature as I

1 am now and I'm not that guy that I was then, Your Honor.
2 And I have really honestly and truly changed, Your Honor.
3 Like I say, a lot of people don't believe in change, but I
4 do, Your Honor. And I read my Bible and I pray all the
5 time, Your Honor. I just ask for a second chance and I
6 promise you will not see me back in this courtroom until I
7 have to be in this courtroom for trial or whenever I have
8 to be, Your Honor. Like I said, I'm just very, very sorry
9 to the victim's family and if I could take it back, I
10 would.

11 Like I said, you can't change things, but if I could
12 give my life for his life, I would, Your Honor. And
13 that's -- I'm really sorry and I just hope they could
14 accept my apologies and I'm not that bad guy that -- I
15 just got involved with some bad guys, Your Honor, and it
16 started going wrong. And I'm not that guy that everybody
17 is trying to make me out to be, Your Honor. I'm really a
18 nice guy. And like I said, if I could give my life for
19 his life, I would, like now. I'm very sorry to them.

20 THE COURT: Thank you, Mr. Moore.

21 MR. FRICK: Your Honor, briefly, just to sum up. As
22 I said, under our U.S. Constitution, under the laws of our
23 state, I think Chris is entitled to bond. I think he is
24 not a danger, a true danger to the community despite the
25 pending charges and the allegations.

1 Your Honor, I'm doing another thing I don't usually
2 ask you for. I am asking you for whatever safeguards that
3 you deem appropriate and necessary should you grant him
4 our request, which I believe he is entitled to. I would
5 ask for house arrest. I would ask for curfew. I'm asking
6 for GPS, whatever you think would be appropriate to ensure
7 the State's concerns. I will even consent to the State --
8 to the solicitor's immediate pickup provision that says he
9 would be arrested upon a violation of a single condition
10 of this bond. All things that you probably never hear me
11 say in a bond hearing, but we're asking for all that just
12 to prove -- not really just because I think Chris is
13 entitled to an opportunity to bond because of the law and
14 because of fairness and equity, but Chris does want to
15 prove that he is not what he has been portrayed. And by
16 following this, he can start by doing that. So I ask you
17 just simply set him bond.

18 THE COURT: All right. Thank you.

19 Anything further from the State on the issue of bond?

20 MS. HALL: Yes, sir. Coretta Williams wishes to
21 address the Court. Coretta, C-O-R-E-T-T-A, Williams.

22 CORETTA WILLIAMS: I keep hearing second chance,
23 second chance. I don't know that this is a second chance.
24 If I've heard correctly, I've heard burglary this,
25 attempted this. I don't know that this is the second

1 chance. And it's sad, it's a sad situation, right.
2 Church members. And when I hear all this, I'm sorry for
3 the family, I'm sorry for the family. You may be. This
4 is the first time I've heard it.

5 Undisciplined children become undisciplined adults.
6 This is what we have when you don't have a support system.
7 Where has that support system been? Has it been there all
8 the time? Clearly not. I can understand you getting
9 mixed up with the wrong crowd, but then all those things
10 that you've been taught year after year, they kick in.
11 You know right from wrong. We've all made bad decisions,
12 but this is life that we're talking about.

13 When you have a blatant disregard for human life,
14 there's a problem. And we should all have a problem with
15 that no matter if it's our family or not because that is a
16 danger to the community. That is a danger to the
17 community. Say that my mom hadn't left her house that
18 day, it wouldn't be just one Odell Williams that we laid
19 to rest. It would be whoever would have been in that
20 house possibly. Children. Children. A blatant disregard
21 for human life is a danger to this community. Thank you.

22 THE COURT: Thank you, ma'am.

23 MS. HALL: And Your Honor, just in summation, I
24 wanted to address a couple of things that Mr. Frick had
25 touched on. Again, while I appreciate the fact that he

1 has deep roots in the community, I would also submit to
2 the Court that he's also a documented gang member and he
3 has roots in that regard, too.

4 His codefendant -- Mr. Frick tried to draw
5 distinctions between codefendants getting bond and this
6 individual getting bond. I would submit to the Court that
7 this is the individual charged with the actual murder and
8 that's whether the delineation lies.

9 And there was some talk about people in South
10 Carolina being armed as they go down the street, including
11 Odell Williams. I would submit to the Court that most
12 people are not armed with SKS assault rifles as they drive
13 down the street. Maybe they've got a handgun or rifle in
14 their car, but I would submit to the Court that SKS
15 assault rifles are not the common gun that you find in
16 people's cars.

17 And I appreciate what Mr. Frick said about the State
18 not being wrong trying to put Mr. Moore in PTI and trying
19 to give him a second chance, which I would submit again,
20 that is what happened, we did try to give him a second
21 chance and he chose not to avail himself of that. Whether
22 he was 16 when he was given that chance or not, he didn't
23 take it. And I would submit that he doesn't need one
24 today in terms of getting a bond.

25 And the State does not assert he's a bad person, we

1 just assert that he's a threat to the community. And we
2 would respectfully ask -- he's failed at house arrest
3 once, you know, giving him bond and putting him back on
4 house arrest, there's no indicia that that would be
5 successful at this point in time. Given house arrest
6 under the supervision of his mom and it didn't work out.

7 For all those reasons, Your Honor, and what
8 Ms. Williams said, we would again ask the Court to deny
9 his bond at this time.

10 THE COURT: Talk to me about trial prep and trial
11 date. You mentioned something in the initial argument
12 that the case -- the State will be ready to try this case
13 within the next six months.

14 MS. HALL: Yes.

15 THE COURT: Tell me what that means.

16 MS. HALL: I mean, we will be ready to try -- we plan
17 to have the case completed within the next six months. I
18 know that SLED has a couple things hanging out there that
19 they're wrapping up with, not in term of the
20 investigation, but in terms of things that have gone on at
21 the lab.

22 There are also just -- I've been promised in the next
23 week or so, the actual SLED investigation itself will be
24 wrapped up barring any unforeseen things that come from
25 that and the statements from the codefendant will be given

1 to all the attorneys and everything like that. So that --
2 it is -- as an officer of the court, I am telling you that
3 this investigation is coming to an end and we are looking
4 forward, as obviously is Mr. Frick with his change of
5 venue motion, to trying this case and getting it resolved.

6 THE COURT: Would the State oppose a scheduling
7 order?

8 MS. HALL: The State would not --

9 MR. FRICK: Your Honor, I would like to speak to
10 that. I know you're asking her --

11 THE COURT: I'm talking to them. I'll come back to
12 you on everything I ask her.

13 MS. HALL: I would not oppose you've got to get a
14 trial within the next six months. I would oppose a
15 scheduling order simply because there's so many witnesses
16 in this case and there's so many moving parts. If the
17 Court were to impose a scheduling order, it would be
18 almost impossible to comply with it.

19 THE COURT: What about a date certain?

20 MS. HALL: That's what I'm saying, a date certain
21 order. I mean, I've got SLED witnesses, I've got
22 sheriff's department witnesses, I've got people coming
23 from all over the place. And in order -- I mean, as Your
24 Honor knows, when you're getting ready for trial, the
25 first thing you do is pick a couple of different dates,

1 maybe three even with the voluminous situation that exist
2 here, and start calling people and trying to hone in to
3 when everybody actually can come to court. And I think if
4 the Court imposed a date certain, all we're going to do is
5 set ourselves up to fail and we're going to be coming back
6 saying well, this witness can't come and this witness
7 can't come, so we're going to be moving it around
8 constantly. And a lot of that again is there's --
9 Mr. Frick, I know, has this motion for change of venue and
10 a lot --

11 THE COURT: Which I'm fixing to get to.

12 MS. HALL: Well, a lot of the scheduling is going to
13 depend on that, too, so I don't think we can say that. I
14 would be opposed to it. If the Court feels like they need
15 to ask us to try it in the next six months, I would
16 completely acquiesce to that without any hesitation.

17 THE COURT: Anything else on the issue of bond?

18 MR. FRICK: No, Your Honor. Are you considering the
19 State's motion as well with that? I just want to --

20 THE COURT: State's motion for what?

21 MR. FRICK: The rule to show cause that they filed,
22 are you considering --

23 THE COURT: I haven't got to that.

24 MR. FRICK: Okay. That's fine.

25 THE COURT: I'm going to take the issue of bond under

1 advisement.

2 MR. FRICK: Your Honor, I did have one more thing I
3 wanted to let you know. I spoke to my client's family.
4 And, of course, there is an issue about this previous
5 house arrest situation, staying with mom. Talked with the
6 family, he would not be staying with mom. He would be
7 staying with his stepdad. They're going to be outside of
8 town, so he's not even going to be in Chester city limits.
9 And again, whatever you deem appropriate, we're prepared
10 to abide by. So I did want the Court to know that we
11 understand being within the city limits of Chester is
12 probably not a good idea for Chris.

13 THE COURT: On the issue of the bond for the
14 underlying murder charge, I'm going to take that issue
15 under advisement to ponder my thoughts, collect my
16 thoughts. The Court will issue a written order on that as
17 soon as possible. I understand everybody wants this as
18 quickly as possible, but I want to make sure I make the
19 correct decision.

20 MR. FRICK: I understand.

21 THE COURT: I'm not just going to make a decision
22 just like that. I want to think about it. As to the
23 issue then -- the second issue is that of revocation of
24 bond for a burglary charge where the bond was set
25 June 28th of 2013. Tell me about that again, Madame

1 Solicitor.

2 MS. HALL: Well, Your Honor, that was on the
3 underlying burglary first charge. The State hasn't
4 brought that motion up until this point because he's been
5 on denied bond. The State is just trying to clean house.
6 Obviously, would be not of any detriment to the Defendant
7 if he were to get a bond. I mean, obviously, it must be
8 set concurrently with any other charges that he has or it
9 could be. But at the same time, I mean, he has violated
10 the terms of that bond. He's been out when he's supposed
11 to be on house arrest. He changed his address, didn't
12 live where he was supposed to be living. And he -- at
13 least, on two separate occasions, the occasion when he was
14 charged with assault and battery first and also on the
15 occasion when he was charged with murder, he was blatantly
16 in violation of his house arrest.

17 THE COURT: Got you.

18 On that motion?

19 MR. FRICK: Your Honor, they took a year to file the
20 motion. I know we don't argue laches in criminal court,
21 but how long do you have to file it? They've had since
22 November of last year. They talk about the assault
23 charge. Again, it was a warrant that was held onto for
24 months before it was even served on him. And the only
25 time it was served on him was when they needed -- he

1 became a suspect in the murder case and they needed
2 something to hold him on, so they served it. And the
3 State takes a full year from the arrest date to send it to
4 the grand jury.

5 THE COURT: My thinking was along the same lines when
6 I signed -- I'm the one who signed the rule to show cause.
7 And my thinking was of the same lines when I signed the
8 rule on the underlying bond for the burglary charge. But
9 again, all that's for naught if I don't set a bond on the
10 murder charge, so I've got to contemplate on this one as
11 well.

12 MR. FRICK: I understand.

13 THE COURT: What I do on this, on the rule is --
14 directly correlates with what I'm going to do on the
15 underlying main bond issue. So I'll take this matter
16 under advisement as well.

17 Let's talk about the change of venue motion.

18 MR. FRICK: Judge, it's my motion, so I think I get
19 to go on that one.

20 THE COURT: I've reviewed your motion along with the
21 76 pages, I believe is what I saw attached.

22 MR. FRICK: Yes, sir, yes, sir. And of course, the
23 main thrust is the affidavit that's in support that's
24 required under the statute that I have provided you, but
25 it lays out the reasons for our motion. And, of course,

1 the reasons, as you've read -- and you don't need me to go
2 through all of them, but plain and simple, you see the
3 attached media coverage that I have. And that's a
4 sampling of the media coverage that has occurred from the
5 arrest date all the way up until, at least, June of this
6 year. We're talking about they had budget hearings for
7 Chester County Council and an article gets written about
8 it and Chris Moore's name comes up in it because we're
9 talking about gangs.

10 Everything about this case has been covered in the
11 Charlotte media market. You see a map I've got in there
12 that shows the delineation of the Charlotte media market.
13 And they're just happens to be a county just south of here
14 in our circuit that is not in the Charlotte media market.

15 And looking at the statute that I am proceeding
16 under, it says if you grant the motion, the case needs to
17 be heard in a county in the same circuit. I'm asking you
18 to send it to Fairfield, Your Honor. That's in the
19 Columbia media market. There's been hardly any coverage
20 of this case down there. Outside of that -- and of
21 course, you see the cases I've attached there, that's not
22 the only reason that you can rule. Just because there's a
23 lot of media coverage is not the reason that you can hang
24 your hat on. But you have a person who is a well-known
25 member of the community, well-liked member of the

1 community, in law enforcement here for over 20 years, had
2 served on city council since 1997, well-respected
3 community. I believe there was a float in the past
4 Christmas parade that had a memorial to him. So I think
5 it's going to be very difficult to be able to find a jury
6 in this county that can hear this case.

7 And, of course, typically, what you do is you want to
8 bring the jury pool in, voir dire the venire about the
9 issues and then determine whether you can pick 12 or not.
10 But as you see in the Manning case, there's a footnote in
11 that Manning case that says you don't have to do that if
12 it's pretty obvious that that's going to be fruitless.
13 And I think in this case, it's going to be fruitless.
14 We're going to waste Chester County's money by bringing in
15 a hundred people and not be able to pick 12 of them when
16 we can just simply, possibly even coordinate with the
17 court schedule that are existing in Fairfield or find
18 another date, whatever is appropriate, move it 20,
19 30 miles down the road and pick from a jury panel that has
20 heard very little about this case.

21 I think it's appropriate, and I am concerned if we do
22 not do that, that one day, perhaps, we see this case back.
23 And I hate to say that and judges get concerned when I
24 threaten appeal, but, Your Honor, it's something we've got
25 to consider. When this case goes to trial, it's a complex

1 case, difficult case, I think everybody wants to see it
2 handled one time. And I'd like to do everything we can
3 possible to make sure that's what happens and I think this
4 ensures that.

5 THE COURT: All right. Thank you, Mr. Frick.

6 Ms. Hall.

7 MS. HALL: Your Honor, I appreciate what Mr. Frick
8 said. I want to leave this at the Court's discretion.
9 It's very clear in State v. Davis and really all the case
10 law, it's in the Court's discretion. It's a judicial
11 discretion, it's not an arbitrary discretion. I concur
12 with what Mr. Frick says about we want to do this right
13 the first time and we don't want to ever see it come back
14 once we're finished. But also at the same time, I know
15 that the family feels that they would like for it to
16 remain in Chester County. They, obviously, feel strongly
17 this is where both the individuals chose to live. And
18 they wanted me to express that to you as well.

19 THE COURT: Okay. What's the statute again, 17-21?

20 MR. FRICK: 17-21 --

21 MS. HALL: 80.

22 MR. FRICK: -- 80.

23 THE COURT: Let me look at that real quick.

24 Any further argument from either the Defense or the
25 State on the change of venue motion?

1 MS. HALL: The only other thing I want to say, Your
2 Honor, is what I don't want to see happen since I did just
3 state to the Court that, you know, we would be ready to go
4 in six months. I don't want to get to a position where we
5 call this case for trial and then Mr. Frick -- you know, I
6 appreciate his being diligent and preemptive in trying to
7 get this done because I don't want to call a case for
8 trial, have a judge determine that it should be moved and
9 then we're back in a position of starting over, at which
10 point, I'm not sure that I could actually get it
11 finished -- or, you know, have it scheduled within six
12 months if we had to schedule it twice.

13 THE COURT: Well, of course, I'm the chief
14 administrative judge over the three counties in our
15 circuit, which is Chester, Lancaster and Fairfield. I'm
16 holding court in Fairfield in February.

17 MR. FRICK: And Judge, just before you get too far on
18 February, I am unavailable for the second half of that
19 week. I've notified the solicitor's office in Fairfield
20 already, but...

21 THE COURT: The problem -- and, of course, y'all very
22 well know the problem because y'all deal with it on a
23 daily basis in your jobs, solicitor's and public
24 defender's office, but for the sake of the audience in
25 this courtroom, they may not realize Chester has 12 terms

1 of general sessions court a year, maybe sometimes 14, I
2 think maybe. Fairfield has maybe 10 or 11. And that's
3 it, that's the whole year. Out of a 52-week year, we've
4 got 11 weeks to choose from in Fairfield. And I sure hate
5 to lose a week in Fairfield for a Chester case.

6 Be that as it may, I'm looking at -- there's a March
7 term in Fairfield, there's an April term in Fairfield. I
8 was just seeing if there was any month in the next six
9 months. I'm not holding your feet to the fire on that
10 yet, Solicitor, I'm just looking to see if there's enough
11 court in the adjoining county if I were to grant the
12 motion to change venue. And it appears that there is.
13 And the only term that I'm actually going to be holding
14 criminal court or general sessions court in Fairfield over
15 the next six months is in February. Everywhere else is a
16 visiting judge from out of this circuit, which --

17 MR. NEWMAN: Well, that's what I was going to ask
18 you, are you retaining jurisdiction?

19 THE COURT: I'm not retaining jurisdiction. I don't
20 think it would be appropriate to, number one, for me to do
21 that especially given my knowledge of Mr. Moore and my
22 knowledge of Mr. Williams. I don't mind hearing motions
23 as the chief administrative judge like I'm doing now. I
24 just think it would make a cleaner record for both sides
25 to not have that issue even present. Agreed?

1 MR. FRICK: I agree with that, Your Honor, and I
2 think that's what makes Fairfield even more attractive.

3 THE COURT: Because I'm only going to be in Fairfield
4 one week for criminal court in the next six months.

5 Looking here --

6 MR. NEWMAN: Judge, if you ordered a case to be tried
7 in Fairfield County within the next six months, we can
8 work around the schedule, we can make that happen in
9 Fairfield.

10 THE COURT: Okay. I'm not here in January. Of
11 course, we're not talking January or February.

12 MS. HALL: Your Honor, I believe you're here in March
13 and May.

14 THE COURT: I'm here in February, the week of
15 February 22nd. I'm here in March.

16 MS. HALL: I believe -- Your Honor, I don't mean to
17 argue, but I believe we have Judge Henderson in January
18 and March and then you're here in February. We have Judge
19 Russo in April and I believe you're back in May here in
20 Chester.

21 THE COURT: I'm not here in April. I'm here in May.
22 My computer is not cooperating.

23 MS. HALL: And I believe Judge Burch is here in June.

24 THE COURT: I'm not here in May. Be that as it may,
25 I'm here in Chester more than I am Fairfield.

1 So Solicitor, Mr. Newman, you're saying the case can
2 be tried -- if I were to grant the change of venue motion,
3 which I haven't decided yet, the case can be tried within
4 the next six months in Fairfield County?

5 MR. NEWMAN: That's correct. Or in Chester County
6 for that matter.

7 THE COURT: Anything else from anybody concerning the
8 change of venue?

9 MR. FRICK: Your Honor, if the concern is the court
10 scheduling in Fairfield, as you're aware, I have, at
11 least, half the docket there, so I'm sure we can arrange
12 whatever necessary.

13 THE COURT: Okay. All right. Here's what we're
14 going to do, I'm going to -- I'm going to take this matter
15 under advisement as well and issue an order, one order
16 incorporating my decision on each of the three issues
17 presented today. I anticipate -- I know we have a full
18 afternoon with some other matters today and, of course,
19 we're here tomorrow morning. But look for something if
20 not tomorrow afternoon, Monday. And I'll make sure the
21 attorneys get a copy. And, of course, y'all can advise
22 your respective people, okay.

23 All right, that concludes this hearing. Thank you.
24 Good luck to you, sir.

25 (Whereupon, the proceedings were concluded.)

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I, Aminah R. Hardy, CM, Official Court Reporter for the 16th Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Court of General Sessions for Chester County, South Carolina, on the 17th day of December, 2015.

March 27th, 2016

Aminah R Herdani

Aminah R. Hardy

STATE OF SOUTH CAROLINA)
)
 vs.) TRANSCRIPT OF RECORD
)
) (DAY 1 - VOLUME I)
 CHRISTOPHER MARQUAVIOUS) (PAGES 1 - 117)
 MOORE)

BEFORE THE HONORABLE PAUL BURCH

JULIE HALL, DEPUTY SOLICITOR
CHESTER, SOUTH CAROLINA

RANDY NEWMAN, SOLICITOR
LANCASTER, SOUTH CAROLINA

WILLIAM FRICK, PUBLIC DEFENDER
CHESTER, SOUTH CAROLINA

ATTORNEYS FOR THE DEFENDANT

SHIRLEY BROOM
16TH Circuit Court Reporter

I-N-D-E-X

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Maurice James				
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Rafaell Jackson				
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Cornell Johnson				
By Ms. Hall	232			
By Mr. Frick		238		
Lashonda Wray				
By Ms. Hall	240			
By Mr. Frick		250		
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Cindy Taffe				
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Burly McDaniel				
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Brian Perry				
By Mr. Maxwell	300			
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Chuck Starnes				
By Ms. Hall	303			
Melinda Worley				
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Tiffany Hezel				
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Whitney Berry				
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Dr. Robert Thomas				
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Dan Defreese				
By Ms. Hall	490			
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By Ms. Hall	550			
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By Ms. Hall			597	
Derrick Dixon				
By Ms. Hall	609			
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By Ms. Hall	673			
By Mr. Frick		712		
By Ms. Hall			734	
Chris Reynolds				
By Ms. Hall	736			
By Mr. Frick		756		
Lee Blackmon				
By Ms. Hall	761			
By Mr. Frick		773		
By Ms. Hall			778	
Christopher Watkins				
By Mr. Frick	791			
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Christopher Moore				
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1 THE COURT - Counsel, anything before I call the
2 case and we proceed?

3 MS. HALL - Nothing from the State, Your Honor.

4 MR. FRICK - Nothing from defense.

5 THE COURT - Ladies and gentlemen of the jury
6 panel, if I could have your attention, the Court is calling
7 for trial the case entitled The State vs. Christopher
8 Marquavious Moore charged in the bill of indictment by the
9 grand jury of Chester County with the offenses of murder
10 and possession or display of a firearm or a knife during
11 the commission of a violent offense or a violent crime.
12 The allegations in the indictment allege that this offense
13 occurred in Chester County on or about November the 4th,
14 2015, the alleged victim being Odell Williams.

15 MS. HALL - Your Honor, just for purposes, it was
16 2014. I believe the 2015-085 may incorrectly say 2015, but
17 the murder indictment says it, and we'd just say that that
18 be amended to correct -- correctly reflect the date, and
19 that date being 2014.

20 THE COURT - We got a scrivener's error.
21 Everybody in agreement that that should be corrected to ---

22 MR. FRICK - Your Honor, we're certainly well
23 aware of the date of the allegations.

1 THE COURT - --- 2014. All right, so it's
2 corrected on the murder indictment and had a scrivener's
3 error on the weapon's charge.

4 Mr. Moore who's present in Court has entered a
5 plea of not guilty to these offenses.

6 Mr. Moore, I need you to stand and face the jury
7 so I can pose a question to see if anybody might be
8 related.

9 (WHEREUPON, MR. MOORE STANDS)

10 THE COURT - Thank you, sir. You may seated.

11 The first question, anybody on the jury related
12 by blood or by marriage or have any social, business,
13 fraternal or religious relationship with Christopher Moore?
14 If so, we need you to stand at this time.

15 (WHEREUPON, JUROR STANDS)

16 JUROR - I'm not related by blood, but I do know
17 his mom. We was friends.

18 THE COURT - Okay, you're friends with his mother?

19 JUROR - Yes, we friends.

20 THE COURT - And what is your number or name,
21 please?

22 JUROR - 178.

23 THE COURT - 178?

24 JUROR - Yes, sir.

25 THE COURT - Anyone else?

1 (WHEREUPON, JUROR STANDS)

2 THE COURT - Yes?

3 JUROR - Yeah, I know his mother, too.

4 THE COURT - And your name or number?

5 JUROR - Marvin Brice. Marvin Brice.

6 THE COURT - Brice. Anyone else?

7 (WHEREUPON, NO RESPONSE)

8 THE COURT - All right, the same question.

9 Anybody related by blood or by marriage or have any
10 business, social, religious or fraternal relationship with
11 any of these potential witnesses or individuals that I'm
12 going to call their name at this time. Gidget Alexander,
13 Laney -- excuse me -- Lana Williams Akin -- that's A-k-i-n
14 -- could be Akin -- Kira Bagley, Jason Binnall, -- that's
15 B-i-n-n-a-l-l -- could be Binnall -- Terrance Buchanan,
16 Kentoyea Carr, Brion Chisholm, Derrick Dixon, Richard Gray,
17 Rafaell Jackson, Maurice James, Cornell Johnson, Jennifer
18 Lowery, Quinton McClinton, D'Angelo Roseboro, Louise
19 Williams, Lashonda Wray, Officer Kyle Cummings, he's
20 presently with York City Police Department, formerly with
21 the Chester County Sheriff's Department, Johnny Roddey with
22 the Chester Sheriff's Department, Master Deputy Chris
23 Kinsey, York County Sheriff, Deputy Travis Shealey with
24 York County, Whitney Berry with SLED, Lee Blackmon with
25 SLED, Brittany Burke with SLED, Jennifer Clayton with SLED,

1 Dan Defreese with SLED, Jamie Green with SLED, Tiffany
2 Hezel -- that's H-e-z-e-l -- with SLED, Patrick Oliphant
3 with SLED, Melinda Worley with SLED, Cindy Henry Taffe or
4 Taffe, T-a-f-f-e, with the Chester County Sheriff's
5 Department, Major Burly McDaniel with that same department,
6 also Captain Phillip Perry with the Chester Sheriff,
7 Detective Chris Reynolds also with Chester County Sheriff,
8 Detective Randy St.Clair with Chester County Sheriff's
9 Department, Major Randy Marsh with the Chester County
10 Sheriff's Department, Chuck Starnes also with that
11 department, Barbara Cameron presently Magistrate of Chester
12 County, formerly with the sheriff's department, Kim Colson,
13 registered nurse, Phil Gregory formerly with the EMS over
14 in Chester County, Heather Terry with EMS at Chester
15 County, Robert E. Thomas, M.D., with York Pathology Group.

16 Any additional potential witnesses we need to
17 call from either side?

18 MR. FRICK - I believe I put the list on your desk
19 there, Your Honor.

20 THE COURT - Yes, okay, thanks.

21 Eric Simpson with Chester, Patrice Kennedy with
22 Chester, Jennifer Lowery with Chester, Kira Bagley with
23 Chester -- I may be repeating some of these names --
24 Maurice James with Chester, Tonga Stewart with Chester --
25 of Chester --, Jessica Camps of Chester, Andre Williams

1 with Chester, Gene Gilmore of Chester, Christopher Watkins
2 of Columbia, South Carolina. If so, we need you to stand
3 at this time.

4 (WHEREUPON, JURORS STAND)

5 THE COURT - Yes, sir?

6 JUROR - I know Burly McDaniel and Chris Reynolds.

7 THE COURT - And what is your name or number?

8 JUROR - 173.

9 THE COURT - 173. Yes?

10 JUROR - Number 21. My parents attend church with
11 Alana (sic) Williams.

12 THE COURT - With who?

13 JUROR - Alana (sic) Williams.

14 THE COURT - Okay.

15 JUROR - She has another last name, Akins.

16 THE COURT - All right, and your number?

17 JUROR - 21.

18 THE COURT - 21.

19 JUROR - 18. I'm 18. What am I saying?

20 THE COURT - Number 18?

21 JUROR - Yeah, I want to be 21 again.

22 (WHEREUPON, LAUGHING)

23 THE COURT - I'd rather be 18.

24 Anyone else?

1 (WHEREUPON DISCUSSION IS HELD BETWEEN THE COURT
2 AND THE COURT REPORTER WHICH WAS NOT REPORTED)

3 THE COURT - Who was it you knew?

4 JUROR - It was in the first set of names that you
5 called. Alana (sic) Williams. The first set of names.

6 THE COURT - Okay. Somebody help me with this. I
7 don't see the name or I'm missing it.

8 MS. HALL - Your Honor, it's Lana Williams Akin,
9 A-k-i-n. And I -- it's on -- it was on the State's witness
10 list.

11 THE COURT - Okay, I missed it somewhere.

12 MS. HALL - You said it. I know you said it. I
13 mean obviously, because she knew -- you called it.

14 THE COURT - All right, thank you.

15 All right, I'm going to ask beginning with the
16 State's side first, for all the attorneys involved in the
17 prosecution of this case and then we will move to the
18 defense team, to give their names. I can go ahead and tell
19 you that we're dealing with the Sixth Circuit Solicitor's
20 office and the Sixth Circuit Public Defender's office.
21 Now, if you've been represented in the past or presently
22 represented by any of these attorneys or by the public
23 defender's office or the solicitor's office, we're going to
24 need you to stand. So I'm going to ask all the attorneys

1 if they would to stand and introduce themselves where you
2 can get a look at them and respond to that question.

3 Solicitor?

4 MS. HALL - My name's Julie Hall; I'm the Deputy
5 Solicitor for Chester County.

6 MR. NEWMAN - My name's Randy Newman; I'm your
7 elected Solicitor for the Sixth Circuit.

8 MR. MAXWELL - My name is Riley Maxwell; I'm
9 Deputy Solicitor here in Fairfield County.

10 MR. FRICK - Thank you. My name is William Frick.
11 I'm a criminal defense attorney here in Fairfield County.
12 Assisting me in the trial will be Devin Neilson also with
13 our my office and for jury selection today I have Attorney
14 Kay Boulware.

15 THE COURT - Thank you, counsel.

16 The question once again, anybody presently
17 represented or represented in the past by any of these
18 attorneys or by their respective offices?

19 (WHEREUPON, NO RESPONSE)

20 THE COURT - Have you or a member of your
21 immediate family ever been the victim of a violent crime?
22 If so, we need you to respond.

23 (WHEREUPON, JUROR STANDS)

24 THE COURT - Your number, please?

25 JUROR - 101.

1 THE COURT - And how does that question apply,
2 please?

3 JUROR - My brother was murdered back in -- I
4 can't remember the year, but it's been about -- I think it
5 was probably about ---

6 THE COURT - And where was that?

7 JUROR - It was here in Fairfield County. His
8 name was Alfrolee (phonetic) Miller.

9 THE COURT - What was his name?

10 JUROR - His name was Alfrolee (phonetic) Miller.

11 THE COURT - Mr. Miller. Okay. Thank you.

12 Anyone else?

13 (WHEREUPON, JUROR STANDS)

14 DEPUTY CLERK - One more, Judge.

15 THE COURT - Yes, ma'am.

16 JUROR - My father was murdered in '92 in
17 Philadelphia, Pennsylvania.

18 THE COURT - That was in 1992?

19 JUROR - Yes.

20 THE COURT - And we need your number?

21 JUROR - 26.

22 THE COURT - 26.

23 JUROR - Yes.

1 THE COURT - Has any member of the panel or
2 immediate family member ever been accused of committing a
3 crime?

4 (WHEREUPON, JURORS STAND)

5 JUROR - My brother committed murder.

6 THE COURT - And your number or name?

7 JUROR - 30.

8 THE COURT - Thank you, sir.

9 THE COURT - Yes?

10 JUROR - My nephew was -- committed murder. I'm
11 101.

12 THE COURT - Thank you.

13 COURT REPORTER - What's her number?

14 THE COURT - 101.

15 Now, those of you that have already responded to
16 this question you don't need to stand again, but the next
17 question, is there any member of the panel or immediate
18 family member or friend been murdered or killed -- let me
19 rephrase that; that is not the way to phrase that. Has any
20 member of the jury panel had a family member or a close
21 personal friend that has been murdered or killed by another
22 person?

23 (WHEREUPON, JUROR STANDS)

24 JUROR - Have a brother.

25 THE COURT - And your number?

1 JUROR - 20.

2 THE COURT - Number 20.

3 Has anybody on the panel ever served as a
4 guardian ad litem in any case, Family Court, Circuit Court,
5 whatever?

6 (WHEREUPON, NO RESPONSE)

7 THE COURT - Anybody on the panel personally know
8 or worked with Odell Williams from Chester?

9 (WHEREUPON, JUROR STANDS)

10 JUROR - I do -- I know of -- I don't know him
11 personally but I knew of Mr. Williams. I knew of Mr.
12 Williams.

13 THE COURT - Did you ever work with him?

14 JUROR - No, sir.

15 THE COURT - And your number?

16 JUROR - 173. I resided in Chester for 39 years.

17 THE COURT - Okay.

18 (WHEREUPON, JUROR STANDS)

19 THE COURT - Similar question. Anybody on the
20 panel know or work with any member of ---

21 COURT REPORTER - Judge, we've got one more.

22 THE COURT - Yes?

23 JUROR - Number 18. My parents know him.

24 THE COURT - Any member of the jury panel know or
25 work with any family member of Odell Williams?

1 (WHEREUPON, NO RESPONSE)

2 THE COURT - Anybody on the panel attend the
3 funeral or wake for Mr. Williams?

4 (WHEREUPON, NO RESPONSE)

5 THE COURT - Anybody on the panel a member of,
6 served on the board of directors of or served as a
7 volunteer or worked for any organization advocating
8 victim's rights or strengthening criminal penalties or
9 supports law enforcement, for example, The South Carolina
10 Victim's Assistance Network, Mother's Against Drunk
11 Driving, The South Carolina Law Enforcement Association,
12 The Fraternal Order of Police or similar type
13 organizations? If so, we need you to stand.

14 (WHEREUPON, NO RESPONSE)

15 THE COURT - Has any member of the panel worked
16 for or served as a volunteer or served on the board of
17 directors or in any other capacity been associated with any
18 organization advocating defendant's or prisoner's rights?

19 (WHEREUPON, NO RESPONSE)

20 THE COURT - Has any member of the panel ever
21 received services from a victim's advocate program such as
22 Palmetto Citizen's Against Sexual Assault, Sister Care,
23 State Office of Victim's Assistance?

24 (WHEREUPON, NO RESPONSE)

1 THE COURT - Has anybody on the panel previously
2 served on a jury in either Magistrate, State or Federal
3 Court?

4 (WHEREUPON, JUROR STANDS)

5 THE COURT - Yes, sir?

6 JUROR - Yeah, served on a Magistrate jury back in
7 2014.

8 THE COURT - And what type of case was it?

9 JUROR - It was a -- DNR case where a guy was
10 shooting a firearm out a window ---

11 COURT REPORTER - If he could speak up. I'm not
12 picking him up.

13 THE COURT - It was a DNR case about somebody
14 firing a weapon out a window?

15 JUROR - Yeah, out ---

16 THE COURT - Was a -- hunting case.

17 JUROR - Yes, sir.

18 THE COURT - And what was the result?

19 JUROR - It was a guilty. One count was found
20 guilty, the other not guilty.

21 JUROR - I'm sorry. Did you say ever served on a
22 jury?

23 THE COURT - Yes, ma'am.

24 JUROR - Yes. I'm number 115, and this was in
25 Richland County. I believe it was Magistrate. It was a

1 traffic accident situation where someone rear-ended the
2 other client, and we -- we did find him minimal charges for
3 the ER visit and things like that.

4 THE COURT - Was it civil or criminal?

5 JUROR - I think it was probably civil.

6 THE COURT - So a monetary judgment was reached?

7 JUROR - (Indicating yes)

8 THE COURT - Okay, that was civil.

9 Anyone else?

10 COURT REPORTER - I think that other guy's number
11 was 173?

12 THE COURT - Your number, please, again, in the
13 very back?

14 JUROR - 173.

15 COURT REPORTER - Okay, I thought so.

16 THE COURT - Yes?

17 JUROR - I'm 42. I served on -- I don't know what
18 it was called, but a domestic dispute. They were fighting.
19 She was claiming that it was attempted murder. There
20 wasn't enough evidence.

21 THE COURT - So it was not guilty?

22 JUROR - (Indicating yes)

23 THE COURT - Yes?

24 JUROR - I served on a jury in Richland County. I
25 couldn't tell you what year it was. It's been more than 10

1 years ago. It was a dispute between an attorney and
2 someone that ---

3 COURT REPORTER - She needs to speak up. I can't
4 hear them, Judge.

5 THE COURT - If you'll speak up. It was a
6 dispute? Civil dispute?

7 JUROR - I don't know what it was.

8 THE COURT - Were y'all asked to reach a monetary
9 judgment verdict?

10 JUROR - Yes, sir.

11 THE COURT - All right. Thank you.

12 COURT REPORTER - What's her number?

13 THE COURT - Your number again?

14 JUROR - 17.

15 THE COURT - I cannot hear.

16 DEPUTY CLERK - 17.

17 THE COURT - Y'all please speak up. This fan's
18 blowing up here and it's blocking the -- blocking our
19 sound.

20 Anybody on the panel ever been a witness in a
21 criminal case?

22 (WHEREUPON, NO RESPONSE)

23 THE COURT - Anybody on the panel ever served in a
24 law enforcement position or you got a family member that's
25 ever served in law enforcement position?

1 (WHEREUPON, JURORS STAND)

2 THE COURT - We'll start way over here and move
3 this way, please.

4 JUROR - My brother-in-law is a retired highway
5 patrol.

6 THE COURT - And your number again?

7 JUROR - 17.

8 THE COURT - Okay. Yes, ma'am?

9 JUROR - 42. I have two nephews that is on
10 highway patrol.

11 THE COURT - Thank you. Yes, sir?

12 JUROR - I'm 143. I have a brother that's a Judge
13 up in Ohio.

14 THE COURT - A Judge?

15 JUROR - Yes.

16 THE COURT - Thank you. Yes, ma'am, in the back.

17 JUROR - I'm number 27, and I have a son who's
18 currently serving in the Marines as a military police.

19 THE COURT - MP in the Marines. And your number
20 again?

21 JUROR - 27.

22 THE COURT - 27.

23 173, Yes, sir?

1 JUROR - Had a brother-in-law that was a former
2 deputy and I have a first cousin who was a highway
3 patrolman.

4 THE COURT - Thank you.

5 Yes, sir?

6 JUROR - I'm number 2; I've got a cousin that
7 worked for Casey's, (sic) a sergeant.

8 THE COURT - Thank you.

9 Yes, in the back?

10 JUROR - 139. I have uncles that served for the
11 Fairfield County Sheriff's Office and my uncle, he passed -
12 -- uncle passed away. He worked for Richland County
13 Sheriff's Department.

14 THE COURT - Thank you.

15 Yes?

16 JUROR - 147. My husband's a retired police
17 officer with the City of Charleston.

18 THE COURT - Thank you.

19 MS. HALL - Your Honor, if you could -- I'm sorry,
20 the lady on the back, what was her number?

21 JUROR - 139.

22 THE COURT - 139.

23 MS. HALL - Thank you.

24 THE COURT - Yes, ma'am?

1 JUROR - 84, my father was retired from the South
2 Carolina Highway Patrol after over 20 years, and my sister
3 works for the Fairfield County Sheriff's Department --
4 about 30 years.

5 THE COURT - And your number again?

6 JUROR - 84.

7 THE COURT - 84?

8 JUROR - (Indicating yes)

9 THE COURT - Thank you.

10 Yes?

11 JUROR - 158. My husband work in -- and he's
12 chief in charge. Before that he was security, and he was
13 working in ---

14 COURT REPORTER - I can't understand her.

15 JUROR - --- in South Carolina ---

16 THE COURT - Worked at Fort Jackson with security?

17 JUROR - Yeah, he's the chief in charge.

18 THE COURT - Okay, and that's your husband.

19 JUROR - My husband.

20 THE COURT - And your number, please?

21 JUROR - 158.

22 THE COURT - 158.

23 Yes, ma'am?

24 JUROR - 126. My fiance's retired police of chief
25 of Winnsboro and I have a nephew that's DNR.

1 THE COURT - Yes?

2 JUROR - 164. My father was -- he's now deceased
3 -- used to work with Fairfield County Sheriff's Department
4 and Winnsboro Public Safety.

5 THE COURT - Thank you.

6 Anybody on the panel ever worked or sought
7 employment with the solicitor's office or prosecutor's
8 office?

9 (WHEREUPON, NO RESPONSE)

10 THE COURT - Anybody on the panel ever worked or
11 presently working in any security position like security
12 guard or any field of security?

13 (WHEREUPON, JUROR STANDS)

14 JUROR - Yes, I work at V C Summer 2 and 3 and as
15 a lieutenant in security.

16 THE COURT - And where was that?

17 JUROR - V C Summer.

18 THE COURT - That's the power plant. Right?

19 JUROR - Yes, uh-huh.

20 THE COURT - Thank you.

21 COURT REPORTER - What was her number? I need to
22 get her number.

23 THE COURT - That number again?

24 JUROR - 24.

25 THE COURT - 24?

1 JUROR - Yes, sir.

2 THE COURT - Anybody on the panel ever received
3 any law enforcement or legal training?

4 (WHEREUPON, NO RESPONSE)

5 THE COURT - Anybody on the panel or have an
6 immediate family member work for an attorney?

7 (WHEREUPON, JUROR STANDS)

8 THE COURT - Yes?

9 JUROR - My daughter is a paralegal for an
10 attorney in Columbia.

11 THE COURT - And your number?

12 JUROR - 51.

13 THE COURT - 51?

14 JUROR - Yes.

15 THE COURT - Anybody on the panel lived or worked
16 in Chester County in the past two years?

17 (WHEREUPON, NO RESPONSE)

18 THE COURT - Anybody ever employed by the City of
19 Chester?

20 (WHEREUPON, JUROR STANDS)

21 THE COURT - Yes?

22 JUROR - Okay, I -- I work in Chester County, but
23 I'm not employed by Chester County.

24 THE COURT - Okay. Thank you. And your number?

25 JUROR - 145.

1 THE COURT - 145.

2 (WHEREUPON, JUROR STANDS)

3 THE COURT - Yes?

4 JUROR - My husband is employed by Chester County
5 for the school district, but not the city. I didn't know
6 the previous question.

7 THE COURT - Your number?

8 JUROR - 148.

9 THE COURT - 148.

10 Do any of you on the panel regularly watch the
11 Charlotte News?

12 (WHEREUPON, JUROR STANDS)

13 THE COURT - Yes, sir, back there.

14 JUROR - 173. I do. I see the Charlotte News. I
15 moved out of Chester County in May of 2014.

16 (WHEREUPON, JUROR STANDS)

17 THE COURT - Yes?

18 JUROR - So I work in Charlotte, and during the
19 day I occasionally look at the Charlotte News on the news
20 feed but ---

21 THE COURT - Okay. Anyone else?

22 COURT REPORTER - What's his number?

23 JUROR - Number 88.

24 THE COURT - 88.

1 Does anybody on the panel regularly read The Rock
2 Hill Herald or The Chester News and Reporter?

3 (WHEREUPON, JURORS STAND)

4 THE COURT - 173 does.

5 Your number again?

6 JUROR - 18.

7 THE COURT - 18.

8 JUROR - Does every other weekend count?

9 THE COURT - No, that's not regularly.

10 JUROR - Okay.

11 COURT REPORTER - What's your number though, so
12 we'll have it?

13 JUROR - 84.

14 THE COURT - 84.

15 Would any of you if seated on a jury give greater
16 or lesser weight to the testimony of a police officer
17 merely because of their status as a police officer?

18 (WHEREUPON, NO RESPONSE)

19 THE COURT - Anybody on the panel have any
20 difficulty following the legal principle that a defendant
21 on trial is presumed to be innocent and must be found not
22 guilty of that charge unless each and every essential
23 element of offense charged is proved beyond a reasonable
24 doubt?

25 (WHEREUPON, NO RESPONSE)

1 THE COURT - Any member on the panel have a moral
2 or personal objection to firearms or persons carrying
3 firearms?

4 (WHEREUPON, NO RESPONSE)

5 THE COURT - Is there anyone on the panel who has
6 a philosophical, religious, moral or other belief that
7 would prevent you from sitting and passing judgment on
8 another person?

9 (WHEREUPON, JUROR STANDS)

10 JUROR - Not that I have nothing bad to say for
11 it, I am associate minister and do not like passing on
12 judgment of anybody. If you're guilty, you're guilty; if
13 you're not, you're not.

14 THE COURT - And your number, please?

15 JUROR - 178.

16 THE COURT - 170?

17 JUROR - 178.

18 THE COURT - 178.

19 Yes, sir?

20 JUROR - I'm a Christian, a person I believe that
21 I should not pass judgment on another person.

22 THE COURT - And your number, please?

23 JUROR - 121.

24 THE COURT - Thank you, sir.

1 Has any member of the jury panel read or posted
2 anything about this case on social media such as FACEBOOK?

3 (WHEREUPON, NO RESPONSE)

4 THE COURT - Anybody on the panel read or heard
5 anything about this case whereby it may affect your
6 decision if seated on the jury as to guilt or innocence?

7 (WHEREUPON, NO RESPONSE)

8 THE COURT - Has anybody developed any opinion
9 concerning any matters in this case?

10 (WHEREUPON, NO RESPONSE)

11 THE COURT - Does anybody have any belief or any
12 bias or any prejudice in any way whereby you could not be a
13 fair and impartial juror?

14 (WHEREUPON, NO RESPONSE)

15 THE COURT - Does anybody have any reason
16 whatsoever why you could not be both fair to the State and
17 the defendant if seated on this jury?

18 (WHEREUPON, NO RESPONSE)

19 THE COURT - Any further inquiries? From the
20 State?

21 MS. HALL - Your Honor, could we approach?

22 THE COURT - Sure.

23 (WHEREUPON, BENCH CONFERENCE WAS HELD IN THE
24 PRESENCE OF THE PANEL BUT OUT OF THE HEARING OF THE PANEL
25 WHICH WAS NOT REPORTED.)

1 (WHEREUPON, BENCH CONFERENCE IS HELD BETWEEN THE
2 COURT, COUNSEL, AND COURT REPORTER WHICH WAS NOT REPORTED.)

3 (WHEREUPON, JUROR STANDS)

4 MR. FRICK - I think there's a question, Your
5 Honor.

6 THE COURT - Yes?

7 JUROR - I am biased. 147.

8 THE COURT - All right. For previous -- I -- we
9 understand. And that number again?

10 JUROR - 147.

11 (WHEREUPON, DISCUSSION IS HELD IN THE PRESENCE OF
12 THE JURY PANEL BUT OUT OF THE HEARING OF THE JURY PANEL
13 WHICH WAS NOT REPORTED.)

14 (WHEREUPON, JUROR STANDS)

15 MS. HALL - Your Honor, there's another lady.

16 JUROR - This is a previous question. I just
17 thought of it. The violent crime, I was 15 and I pressed
18 assault charges against a boyfriend in like the late 80's.
19 I don't even -- I just thought of it, but I thought I'd
20 bring it up.

21 THE COURT - Okay. And you're ---

22 JUROR - 148.

23 THE COURT - 148?

24 JUROR - Yeah.

25 THE COURT - Thank you.

1 All right, madam clerk's going to prepare a jury
2 draw here for us. It'll take them just a few minutes.
3 Most courthouses are a little more spread out and we would
4 have you come down and face the tables, but it's sort of a
5 different situation here in this very historic courthouse
6 because of the arrangements of the seating, so what we will
7 do, if your name is called, we need you to just stand and
8 let the attorneys get a look at you and they will let you
9 know whether they want you on this jury or not.

10 (WHEREUPON, BRIEF PAUSE)

11 DEPUTY CLERK - Five and ten, Judge?

12 THE COURT - Five and ten. And let's seat two
13 alternates.

14 DEPUTY CLERK - When I call your name, if you'll
15 just stand, please.

16 Number 78, Carl Jarrell. What says the State?

17 MS. HALL - Please present this juror.

18 DEPUTY CLERK - What says the defense?

19 MR. FRICK - Please excuse the juror from the
20 trial of this case.

21 DEPUTY CLERK - You're excused, Mr. Jarrell. You
22 can have a seat.

23 THE COURT - No, stay with us. You won't be on
24 this jury, but we need you to stay with us.

1 DEPUTY CLERK - Number 27, Terry Brown. What says
2 the State?

3 MS. HALL - Please present this juror.

4 DEPUTY CLERK - What says the defense?

5 MR. FRICK - Please seat the juror.

6 DEPUTY CLERK - You'll be one of our jurors, Ms.
7 Brown.

8 (WHEREUPON, JUROR SEATED)

9 DEPUTY CLERK - Number 48, John Evans. What says
10 the State?

11 MS. HALL - Please excuse this juror.

12 DEPUTY CLERK - You're excused from this case, Mr.
13 Evans. You can have a seat. Number 44, Delydia Durham.
14 What says the State?

15 MS. HALL - Please present this juror.

16 DEPUTY CLERK - What says the defense?

17 MR. FRICK - Please excuse the juror from the
18 trial of this case.

19 DEPUTY CLERK - You're excuse from this case, Ms.
20 Durham. Number 112, Charles Peay. What says the State?

21 MS. HALL - Please excuse this juror.

22 DEPUTY CLERK - You're excused from this case, Mr.
23 Peay. Number 127, Angela Rowe. What says the State?

24 MS. HALL - Please present this juror.

25 DEPUTY CLERK - What says the defense?

1 MR. FRICK - Please seat the juror.

2 DEPUTY CLERK - You'll be one of our jurors, Ms.

3 Rowe.

4 (WHEREUPON, JUROR SEATED)

5 DEPUTY CLERK - Number 26, Tammy Brown. What says
6 the State?

7 MS. HALL - Please present this juror.

8 DEPUTY CLERK - What says the defense?

9 MR. FRICK - Please excuse the juror from the
10 trial of this case.

11 DEPUTY CLERK - You're excused from this case, Ms.
12 Brown. Number 30, Alexander Cason. What says the State?

13 MS. HALL - Please excuse this juror.

14 DEPUTY CLERK - You're excused from this case, Mr.
15 Cason. Number 81, Joseph Johaneman. What ---

16 MS. HALL - Please -- I'm sorry. Please present
17 this juror.

18 DEPUTY CLERK - What says the defense?

19 MR. FRICK - Please seat the juror.

20 DEPUTY CLERK - You'll be one of our jurors, Mr.
21 Johaneman.

22 (WHEREUPON, JUROR SEATED)

23 DEPUTY CLERK - Number 145, Amanda Spinks. What
24 says the State?

25 MS. HALL - Please present this juror.

1 DEPUTY CLERK - What says the defense?

2 MR. FRICK - Please excuse the juror from the
3 trial of this case.

4 DEPUTY CLERK - You're excused, Ms. Spinks.
5 Number 153, Louise Trapp. What says the State?

6 MS. HALL - Please present this juror.

7 DEPUTY CLERK - What says the defense?

8 MR. FRICK - Please seat the juror.

9 DEPUTY CLERK - You'll be one of our jurors, Ms.
10 Trapp.

11 (WHEREUPON, JUROR SEATED)

12 DEPUTY CLERK - Number 126, Teresa Rogers. What
13 say the State?

14 MS. HALL - Please present this juror.

15 DEPUTY CLERK - What says the defense?

16 MR. FRICK - Please excuse the juror in the trial
17 of this case.

18 DEPUTY CLERK - You're excused from this case, Ms.
19 Rogers. Number 17, Barbara Boney. What says the State?

20 MS. HALL - Please present this juror.

21 DEPUTY CLERK - What says the defense?

22 MR. FRICK - Please excuse the juror from the
23 trial of this case.

24 DEPUTY CLERK - You're excused from this case, Ms.
25 Boney. Number 117, Michelle Rabon. What says the State?

1 MS. HALL - Please present this juror.

2 DEPUTY CLERK - What says the defense?

3 MR. FRICK - Please seat the juror.

4 DEPUTY CLERK - You'll be one of our jurors, Ms.

5 Rabon.

6 (WHEREUPON, JUROR SEATED)

7 DEPUTY CLERK - Number 20, Hester Brasley. What
8 says the State?

9 MS. HALL - Please present this juror.

10 DEPUTY CLERK - What says the defense?

11 MR. FRICK - Please seat the juror.

12 DEPUTY CLERK - You'll be one of our jurors, Ms.

13 Brasley.

14 (WHEREUPON, JUROR SEATED)

15 DEPUTY CLERK - Number 106, Christopher Parker.

16 What says the State?

17 MS. HALL - Please present this juror.

18 DEPUTY CLERK - What says the defense?

19 MR. FRICK - Please seat the juror.

20 DEPUTY CLERK - You'll be one of our jurors, Mr.

21 Parker.

22 (WHEREUPON, JUROR SEATED)

23 DEPUTY CLERK - Number 141, Gerald Shearer. What
24 says the State?

25 MS. HALL - Please present this juror.

1 DEPUTY CLERK - What says the defense?

2 MR. FRICK - Please excuse the juror in the trial
3 of this case.

4 DEPUTY CLERK - You're excused, Mr. Shearer.
5 Number 82, Helen Johnson. What says the State?

6 MS. HALL - Please present this juror.

7 DEPUTY CLERK - What says the defense?

8 MR. FRICK - Please excuse the juror from the
9 trial of this case.

10 DEPUTY CLERK - You're excused, Ms. Johnson.
11 Number 91, Gladys Lymburner. What says the State?

12 MS. HALL - Please present this juror.

13 DEPUTY CLERK - What says the defense?

14 MR. FRICK - Please seat the juror.

15 DEPUTY CLERK - You'll be one of our jurors, Ms.
16 Lymburner.

17 (WHEREUPON, JUROR SEATED)

18 DEPUTY CLERK - Number 158, Nelva Vasquez. What
19 says the State?

20 MS. HALL - Please present this juror.

21 DEPUTY CLERK - What says the defense?

22 MR. FRICK - Please seat the juror.

23 DEPUTY CLERK - You'll be one of our jurors, Ms.
24 Vasquez.

25 (WHEREUPON, JUROR SEATED)

1 DEPUTY CLERK - Number 98, Kristy Mclean.

2 MR. NIELSON - I'm sorry, what was the number?

3 DEPUTY CLERK - 98.

4 MR. NIELSON - Thank you.

5 DEPUTY CLERK - What says the State?

6 MS. HALL - Please present this juror.

7 DEPUTY CLERK - What says the defense?

8 MR. FRICK - Please seat the juror.

9 DEPUTY CLERK - You'll be one of our jurors.

10 (WHEREUPON, JUROR SEATED)

11 DEPUTY CLERK - Number 139, Talesha Seibles. What
12 says the State?

13 MS. HALL - Please present this juror.

14 DEPUTY CLERK - What says the defense?

15 MR. FRICK - Please seat the juror.

16 DEPUTY CLERK - You'll be one of our jurors, Ms.
17 Seibles.

18 (WHEREUPON, JUROR SEATED)

19 DEPUTY CLERK - Number 103, Hannie Milling. What
20 says the State?

21 MS. HALL - Please present this juror.

22 DEPUTY CLERK - What says the defense?

23 MR. FRICK - Please excuse the juror from the
24 trial of this case.

25 DEPUTY CLERK - You're excused, Mr. Milling.

1 Number 61, Lamanda Grier. Lamanda Grier. Oh, I didn't see
2 you. Okay. Sorry. What says the State?

3 MS. HALL - Please present this juror.

4 DEPUTY CLERK - What says the defense?

5 MR. FRICK - Please seat the juror.

6 DEPUTY CLERK - You'll be our juror, Ms. Grier.

7 That's 12. For the first alternate, ---

8 MR. FRICK - Defense, two strikes per alternate,
9 Judge?

10 THE COURT - One -- two -- per alternate.

11 MR. FRICK - Thank you.

12 DEPUTY CLERK - Number 173, Ronald Wyatt. What
13 says the State?

14 MS. HALL - Please present this juror.

15 DEPUTY CLERK - What says the defense?

16 MR. FRICK - Please excuse the juror in the trial
17 of this case.

18 DEPUTY CLERK - You're excused, Mr. Wyatt. Number
19 42, Donna Driggers. What says the State?

20 MS. HALL - Please present this juror.

21 DEPUTY CLERK - What says the defense?

22 MR. FRICK - Please excuse the juror from the
23 trial of this case.

24 DEPUTY CLERK - You're excused, Ms. Driggers.

25 Number 84, Judy Jones. What says the State?

1 MS. HALL - Please present this juror.

2 DEPUTY CLERK - Any cause for challenge by the
3 defense?

4 MR. FRICK - No challenge.

5 DEPUTY CLERK - You'll be our first alternate, Ms.
6 Jones.

7 (WHEREUPON, ALTERNATE JUROR SEATED)

8 DEPUTY CLERK - Number 143 --- this is for our
9 second alternate - 143, Richard Smith. What says the
10 State?

11 MS. HALL - Please present this juror.

12 DEPUTY CLERK - What says the defense?

13 MR. FRICK - Please seat the juror.

14 DEPUTY CLERK - You'll be our second alternate,
15 Mr. Smith.

16 (WHEREUPON, SECOND ALTERNATE SEATED)

17 DEPUTY CLERK - When I call your names, if you'll
18 come down and have a seat in the juror box. Terry Brown,
19 Angela Rowe, Joseph Johaneman, Louise Trapp, Michelle
20 Rabon, Hester Brasley, Christopher Parker, Gladys
21 Lymburner, Nelva Vasquez, Kristy Mclean, Talesha Seibles,
22 Lamanda Grier, Judy Jones and Richard Smith.

23 (WHEREUPON, JURY SEATED)

24 THE COURT - Any matters concerning jury
25 selection?

1 MS. HALL - None from the State?

2 MR. FRICK - Nothing from defense, no, sir, thank
3 you.

4 THE COURT - Thank you, counsel. All right, I
5 need y'all to approach?

6 (WHEREUPON, SOMEONE IN THE GALLERY STANDS)

7 THE COURT - Yes, sir?

8 JUROR - My name is Eric Simpson. I was
9 subpoenaed to be here. You hadn't called my name but I
10 didn't want to stand up and not ---

11 THE COURT - Okay, give me just a minute and let
12 us check on it. What was the name?

13 MR. SIMPSON - Eric Simpson.

14 MR. FRICK - Eric Simpson, my subpoena.

15 (WHEREUPON, BENCH CONFERENCE WAS HELD OUT OF THE
16 HEARING OF THE JURY WHICH WAS NOT REPORTED.)

17 THE COURT - Counsel will talk to you in just a
18 minute.

19 All right, the jury that's seated here, we've got
20 matters of law that we've got to handle after lunch. So
21 this is what we're going to do. We're going to excuse
22 y'all for the day. I would love to be able to tell you
23 exactly what time to be back tomorrow, but still got to get
24 a little better gauge on our timing. So what we're going
25 to do is ask y'all to call in after 6:00 tonight to get a

1 report time. Okay? I do have some preliminary
2 instructions for you. Do not discuss this case with
3 anyone. Do not allow anybody to approach you in any form
4 or fashion, whether in person, by telephone, by third
5 person, by FACEBOOK. Do not discuss this case with anyone
6 and if anybody tries to approach you about it, immediately
7 notify the Fairfield County Sheriff's Department. If that
8 happens during court time you can let me know. Do not do
9 any independent research on this case. This case will be
10 decided by the evidence presented in Court, so don't --
11 don't attempt any kind of independent research. Until we
12 finish this case, avoid any local press coverage, whether
13 it be television, radio or news print. Now, I'm not going
14 to tell you not to watch the national news, that's fine,
15 but avoid local coverage.

16 Anybody have any questions before we let y'all go
17 for the afternoon?

18 (WHEREUPON, NO RESPONSE)

19 THE COURT - Okay. Every county is a little
20 different on their cell phone policy, but you don't need to
21 have activated cell phones in the jury room or during this
22 trial, so, you know, if you're going to carry a cell phone,
23 keep it on silent, but don't be doing any research or
24 trying to use that phone without getting permission of the
25 Court.

1 Anything before I release the jury that I may
2 have overlooked?

3 MS. HALL - No, sir.

4 MR. FRICK - No, sir.

5 THE COURT - All right. Thank y'all for coming
6 and being willing to help us. Probably going to start this
7 case some time tomorrow, but if you'll call in after 6:00
8 we'll give you a time to report.

9 Everybody else remain seated in the courtroom
10 until the jury departs. There's a elevator if anybody
11 needs to use it. Okay? See y'all probably some time
12 tomorrow.

13 (WHEREUPON, JURY EXITS THE COURTROOM)

14 THE COURT - For the jury panel, I want to
15 sincerely thank you for coming in and being willing to help
16 us. I have talked with counsel concerned and I have good
17 news for you, or to some of you it may be bad news. The
18 good news for those of you that would rather be somewhere
19 else, you are excused; we will not need you to come back.
20 The bad news, anybody that wanted to serve on a jury this
21 week, sorry about that; please come back next time. Okay?
22 Thank y'all so much. You're welcome to stay and watch this
23 case. It will be running for several days. I've spoken
24 with counsel and so they -- it's going to take a few days
25 to try this case, so if you want to come back and watch,

1 that's up to you, but we do thank you for coming and be
2 willing to help. If you're drawn again this year, you
3 won't have to serve, but if you're drawn next year, that'll
4 be an exemption, but we would encourage you to come and
5 help if you would. Y'all have a good afternoon. Thank
6 you.

7 (WHEREUPON, REMAINING JURY PANEL EXITS THE
8 COURTROOM)

9 THE COURT - All right, madam clerk, I have the
10 media coverage orders that we turn over to you, the
11 originals I think were -- fax some back -- back to y'all
12 last week. Got that covered.

13 Counsel, what's your pleasure. It is now 12:30.

14 MR. FRICK - I like lunch, Judge.

15 MS. HALL - I agree.

16 THE COURT - Okay. Let's take an hour and 15
17 minutes. That will be 1:45? Yep, 1:45.

18 (WHEREUPON, LUNCH RECESS TAKEN)

19 THE COURT - You may be seated. Thank you.

20 I'm ready any time y'all are.

21 MR. FRICK - Judge, I don't know how you want to
22 proceed on this. Have you got my motion that I sent you on
23 ---

24 THE COURT - I do.

1 MR. FRICK - --- request for immunity from
2 prosecution pursuant to 16-11-450? I know you've done
3 these hearings before, and we've done them before too, and
4 many times you have live testimony but I think even the
5 Duncan case they basically did a lot of affidavits and
6 statements. What I have done is I have given you my motion
7 with my statement of the facts, provided that to the
8 solicitor and I've put accompanying statements -- those are
9 statements from the incident report. So I think we agree
10 to go forward with that. The only other additional thing,
11 other than what is stated in here, would probably be
12 testimony from my client.

13 THE COURT - All right.

14 MR. FRICK - And, of course, I don't think I've
15 provided you yet, but I did --- did I give it to you?

16 MS. HALL - What are you ---

17 MR. FRICK - My other rule motions?

18 MS. HALL - Oh, yeah.

19 MR. FRICK - Okay. Judge, I did have three
20 additional motions that I'd pass up. One is a motion to
21 exclude reference to gangs, exclude reference to assault
22 rifle and to exclude some evidence that I believe the State
23 intends to introduce pursuant to a 404(B) and although
24 incorrectly spelled in my caption, Lyle.

1 THE COURT - Anything for the record, solicitor,
2 before we get started on the Duncan?

3 MS. HALL - No, sir, Your Honor, -- well, I would
4 put -- there is one statement I believe that -- while there
5 was a memorandum of information that was attached to Mr.
6 Frick's motion, the statement that was actually signed and
7 provided to defense counsel from D'Angelo Roseboro was not
8 included there and so I was going to give the Court a copy
9 of that.

10 (WHEREUPON, DISCUSSION IS HELD BETWEEN COUNSEL
11 WHICH WAS NOT REPORTED.)

12 THE COURT - You got it?

13 MR. FRICK - Yes, sir.

14 THE COURT - Okay. You may proceed.

15 MS. HALL - Mr. Frick and I did speak about doing
16 this just through -- through statements of witnesses which
17 is all the State would've put up anyway, so we don't have
18 any objection to any --

19 MR. FRICK - Judge, I don't know how you want me
20 to proceed on this. You just want me to state the
21 basically what my motion is on the record with the
22 supporting evidence on that?

23 THE COURT - Yeah, we can do that.

24 MR. FRICK - Okay. Your Honor, of course, what
25 I've done is I've filed a motion seeking immunity from

1 prosecution pursuant to 16-11-450 commonly referred to as
2 the -- well, the statute itself is The Protection of Person
3 and Property Act. What I am specifically seeking is
4 through 16-11-440(C) which is the stand your ground -- so-
5 called stand-your-ground provision of the law. Essentially
6 what we are saying is that Mr. Moore was acting in accord
7 with the law at the time of the shooting. As I put in my
8 statement of the facts, they were -- there were several
9 gentlemen in a car that had parked on Featherstone Road in
10 Chester County and apparently at or near the property of
11 the decedent. You see in their statement from his wife,
12 she lives at the end of the road, the car was parked
13 nearby, she drives by, sees the vehicle, contacts Mr.
14 Williams and then Mr. Williams comes to that property.
15 Then there is a pursuit through town -- rather lengthy
16 pursuit through town and is indicated in statements from
17 co-defendants in the car at some point during the chase
18 they state that they hear gunfire from behind them which
19 were shots fired by Mr. Williams. You see ultimately in
20 there too, because I believe I've included it, there was a
21 .32 pistol found in the driver's floorboard of Mr.
22 Williams' car and his hands did test positive for gunshot
23 residue clearly indicating that he did fire a firearm. Of
24 course, that is at the very end of this. After the shots
25 are fired, the vehicle where my client is sitting turns

1 onto another road and there at some point -- it's not clear
2 whether his vehicle comes to a complete stop or simply
3 slows down. In any event, Mr. Moore is exiting the
4 vehicle, has a rifle in his hand, falls out of the car
5 essentially. As he falls, he injured his hand and a shot
6 goes off. At that time the Cadillac driven by Mr. Williams
7 continues to pursue and Mr. Moore is attempting to escape.
8 I believe, and I'll elicit testimony from him shortly, he
9 says he hears other gunshots and feels he has no other
10 recourse other than fire the rifle that he has, and of
11 course, one of the bullets is a through and through shot of
12 Mr. Williams, which was the fatal shot. Of course, the
13 contention is, as I'm sure Ms. Hall will talk to you very
14 shortly, is why they went over there in the first place.
15 That is the nature of my 404(B) motion that we'll hear in a
16 little bit I suppose. The statements from the co-
17 defendants are that they went to go rob a house over on
18 Holmes Road, park on Featherstone, go through a field --
19 it's kind of a power-line right-of-way -- go through there
20 and go to this place. When they get there, the person that
21 they were going to go rob was not home, so they turn around
22 and are going back to the vehicle. It's my contention that
23 that is an abandonment of their scheme. They, in fact,
24 were getting in the car, were leaving. There was no
25 contact with Mr. Williams; there was no contact with Ms.

1 Williams or members of her car. There was no intent to do
2 anything to Mr. Williams, and they were withdrawing --
3 abandoning those plans, so it is my contention that they
4 comply with 16-11-440(C) by not being in violation of law,
5 because whatever their intent was, it did not occur, they
6 abandoned it and were leaving it before Mr. Williams
7 initiated contact with them. In addition, there may be
8 some question about the firearm itself, and as I've put in
9 there, some case law regarding the standard self-defense
10 law which says unlawful carrying of a firearm, of course,
11 those are all pistol. In this case it's a rifle, so the
12 unlawful carrying of a pistol doesn't even apply, but my
13 client did have a conviction for failure to stop for a
14 blue-light, so I'm sure the State would contend that he was
15 in unlawful possession of a firearm. State vs. Burris,
16 which I've included in this packet, clearly states that
17 that in and of itself does not violate self-defense in
18 bringing on the difficulty or being in violation of the
19 law, so I believe it would apply in our stand-your-ground
20 statute. So essentially what I'm saying is, my client,
21 according to 16-11-440(C) was not in violation of the law
22 as not being -- not being engaged in unlawful activity,
23 and, of course, if you look at Curry, State vs. Curry, that
24 case Judge Goldsmith ruled and the Supreme Court ultimately
25 agreed that you have to look at the standard self-defense

1 and one of those, of course, not being at default in
2 bringing on the difficulties. As I stated, my client and
3 his co-defendants were, in fact, the ones being pursued and
4 shot at first so they were not -- not at fault in bringing
5 the difficulties. That being said, Your Honor, I think
6 that kind of sums up what my written motion is and the
7 companion documents which I know you've reviewed, and I
8 believe my client would be entitled to immunity, and of
9 course, I'm prepared to call him to the stand to testify if
10 you're ready for that.

11 THE COURT - You may proceed.

12 MR. FRICK - Thank you. At this time the defense
13 calls Christopher Moore.

14 CHRISTOPHER MOORE, AFTER BEING FIRST DULY SWORN,
15 TESTIFIES AS FOLLOWS -

16 DIRECT EXAMINATION

17 BY MR. FRICK -

18 Q Give us your name for the record.

19 A Christopher Moore.

20 MR. FRICK - And make sure -- that microphone's
21 pretty good, but make sure you lean up so everybody can
22 hear you, and it'll feel like you're about to fall out of
23 the chair, but you're not, I promise.

24 Q Mr. Moore, you from Chester?

25 A Yes, sir.

1 Q Lived there your whole life?

2 A Yes, sir.

3 Q Okay. How old are you now?

4 A 19.

5 Q Okay. On November 4th of 2014, how old were you?

6 A 18.

7 Q Okay. All right. You remember that evening?

8 A Yes, sir.

9 Q Take us through it, man. Tell us what happened.

10 A At the beginning of -- on that day, we all was
11 chilling around, smoking marijuana.

12 Q Okay, who's we all?

13 A Me, Roseboro, Dixon, McClinton and Buchanan.

14 Q Okay.

15 A And then we all -- well, we was going back to get some
16 money from some guys that had owed us money.

17 Q Okay.

18 A And so they didn't want to pay us our money, so we
19 intended to go get our money back.

20 Q Where were you going to get that money?

21 A Holmes Road.

22 Q Okay. Okay. Is that where Timothy Franklin stayed?

23 A Yes, sir.

24 Q Okay. All right. Go on.

1 A And so we all -- well, we all went to the lady's named
2 Gidget's house. Once we arrived at her house, we all
3 started rolling up marijuana and started smoking, and by
4 that time we all started smoking and smoking and smoking
5 until we really got our mind situated of going to do it,
6 and so that's ---

7 Q Okay.

8 A --- when we all go into the truck. We all got into
9 the truck and we drove up to where them guys stayed, but we
10 parked on Featherstone.

11 Q Let me stop you real quick. Where is Gidget's place?

12 A Chester Homes.

13 Q How far away is that from Featherstone?

14 A Probably only five or ten minutes. Not even that,
15 probably five minutes.

16 Q Okay. All right. All right, so y'all get in the car
17 and y'all are heading over to Featherstone.

18 A Yes, sir.

19 Q Do you know why you're going over there?

20 A Yes, sir.

21 Q Okay. All right. Who all was in the car?

22 A In our car?

23 Q Yes, sir.

24 A Me, Buchanan, Dixon, Roseboro and McClinton.

25 Q Okay. All right. And everybody had a firearm?

1 A Yes, sir.

2 Q Okay. Do you remember who had what?

3 A Yes, sir.

4 Q Who had what?

5 A I had the SKS assault rifle, ---

6 Q Okay.

7 A --- and Roseboro had a .45 with a 30-round clip.

8 Dixon had a .40 with a 30-round clip.

9 Q Okay.

10 A Buchanan had a .38 and a 9 millimeter, and McClinton
11 had a -- I want to say a .40 with a 30-round clip.

12 Q Okay. All right. What time a day is it as y'all are
13 heading over to Featherstone?

14 A Around 7:30, 8:00.

15 Q Okay. And this is November. Was it light or dark in
16 that time?

17 A It was getting dark. It was almost dark.

18 Q Okay. All right. Y'all get to Featherstone; what do
19 you do?

20 A We all hops out of the car and -- see, at first we
21 didn't know where we was going to park on Featherstone,
22 because we was going to go to Holmes Road, but instead we
23 decided to go to Featherstone and we parked in like a
24 little parking spot.

25 Q Any particular reason why you went to Featherstone?

1 A No, sir.

2 Q Okay. All right, so y'all park whereabouts on the
3 road?

4 A It was almost at the end of the road, and it's like a
5 little parking spot right there.

6 Q Okay. All right. You said y'all hopped out.
7 Everybody got out of the car?

8 A Yes, sir.

9 Q All right, where'd y'all go?

10 A We ran -- well, we walked through a field.

11 Q All right.

12 A And by the time we walked through the field we
13 observed the house and we noticed there wasn't no one
14 there. We sat in the grass probably about ten or fifteen
15 minutes and we noticed that no one was there.

16 Q Did you go up to the house or ---

17 A No, sir.

18 Q You were in the field?

19 A We was in the field.

20 Q You could see from the field?

21 A Yes, sir.

22 Q Okay. And y'all were armed when you got out of the
23 car.

24 A Yes, sir.

25 Q Okay. And the intent was to go collect this money?

1 A Yes, sir.

2 Q Okay. Forcefully.

3 A Yes, sir.

4 Q Okay. When y'all saw nobody was home, what'd you do?

5 A We all decided to leave and go back to the truck back
6 in the same positions we was already seated.

7 Q Okay. And -- and we didn't go over that, but do you
8 recall where you were sitting?

9 A Yes, sir. I was sitting behind the passenger,
10 Roseboro was in the middle, Dixon behind the driver,
11 McClinton driving and Buchanan in the passenger's seat.

12 Q Okay. All right. Do you have any idea where y'all
13 were going after you got back in the car?

14 A Back to Gidget's house.

15 Q Okay. What were y'all going to do?

16 A Go back and chill with women and smoke and call it a
17 night.

18 Q Okay. So no intent to do anything else?

19 A No, sir.

20 Q Okay. When you got back in the car, is it -- is it
21 now dark?

22 A Yes, sir, yes, sir.

23 Q All right. You're leaving Featherstone. What's
24 happening?

1 A Leave Featherstone and by time we made it to the top
2 of the road there was a car parked like it was leaving off
3 Featherstone and looked like they had their hazard lights
4 on and it was a red car down the road like -- just like
5 that, and so we decided to go around them. We went around
6 them.

7 Q Okay. Did you recognize any one of those cars?

8 A No, sir.

9 Q Could you recognize anybody in those cars?

10 A No, sir.

11 Q Do you think they saw you?

12 A No, sir.

13 Q Okay. All right. Y'all drive around and then what?

14 A And then we head back to Gidget's house on Chester
15 Homes. By time we make it to Roundtree Store, McClinton
16 tells us that he notice the car following us flashing their
17 headlights, and so we didn't want to take the attention
18 back to Chester Homes, so we said -- decide -- we decided
19 to keep driving, so we keep driving -- I think his ---

20 Q All right, hold on. Let me -- because I know there's
21 a map down here and I hadn't brought it up, but y'all going
22 back past Gidget's?

23 A Yes, sir.

24 Q Okay. All right. But y'all didn't stop there.

25 A No, sir.

1 Q Where y'all heading?

2 A We headed -- just trying to see whether this car going
3 to keep following us. We just driving.

4 Q Did you know who was behind you at the time?

5 A No, sir.

6 Q Okay. Could you tell what kind of car it was,
7 anything like that?

8 A No, sir.

9 Q Okay. Did anybody indicate that they knew who it was?

10 A Not at that time.

11 Q Okay. All right. So y'all going down -- y'all
12 heading down York Road towards the bypass. Right?

13 A Yeah.

14 Q Okay. What happened next?

15 A And then we turned off onto Brawley Street, then we
16 turned onto Saluda Street.

17 Q Let me ask you, y'all -- there's a -- on York Road
18 there is a traffic light with the bypass. Right?

19 A Yes, sir.

20 Q Did y'all stop at that traffic light?

21 A It was green; we went straight through it.

22 Q Okay. All right. Now, y'all still going down York
23 Road and about how much further is it before you made the
24 turn you said you could turn?

1 A It was on down the road. It was -- I can't really
2 recall how long, but it was on down the road some.

3 Q At this point in time y'all driving the speed limit,
4 speeding, what?

5 A Yes, sir, we driving the speed limit.

6 Q Okay. All right. Car still behind you?

7 A Yes, sir.

8 Q Okay. Had it done anything?

9 A No, sir.

10 Q All right. Turn onto Brawley. Then what?

11 A And then we just keep driving and the car -- see, me I
12 -- I wasn't looking back, but McClinton, he was the driver,
13 so he said the lights was -- he kept flashing the lights,
14 so we don't know who it is behind us; we know that we got
15 guns in this car; we don't just want to stop, and so we
16 turned on to Saluda and then we keep going and we get a
17 little bit by Ruth's Salad and then we turns onto McClure
18 and so he just decided to stopped the truck. So we stopped
19 the truck ---

20 Q Who decided to stop the truck?

21 A McClinton.

22 Q Okay.

23 A McClinton decided to stop the truck.

24 Q Okay.

1 A And so we parked in the middle of the road on McClure
2 Street. I think it's McClure Street; we had parked in the
3 middle of the road, and so by that time Mr. Williams pulled
4 into -- it's like a barbershop. At that time none of us
5 knew it was him. Never once stepped out of the car. Never
6 once -- did none of it. And so by that time Buchanan
7 noticed that that was his car. He said that's that police,
8 mother f-er, Odell Williams.

9 Q Okay.

10 A And so McClinton said, oh, no, I don't f with no m-f-
11 ing police. And so we ---

12 Q Okay. Stop there for a second. All right. Did you
13 get a look at the car at any point?

14 A No, sir. It was -- like when we was looking back just
15 a couple times.

16 Q Okay. You didn't recognize it?

17 A No, sir.

18 Q Okay. Do you know if Odell Williams got out of this
19 car?

20 A I knew he didn't get out that car.

21 Q You looked and saw that?

22 A Yes, sir, when he pulled into this barbershop.

23 Q Okay. All right, so y'all drive out before he gets
24 out of the car.

25 A Yes, sir.

1 Q Okay. Did you -- do you know -- did you know that
2 name when it was said?

3 A I didn't know it, but I remember reading in the
4 newspaper of a incident with him and the chief of police
5 and a major of the police.

6 Q Okay.

7 A Yes, sir.

8 Q Did you know Odell Williams at any point though?

9 A No, sir. I ain't never know him.

10 Q Okay. All right. All right, but other than what you
11 read there?

12 A Yes, sir.

13 Q Okay. But you were aware of that?

14 A Yes, sir.

15 Q Okay. At that time anybody in y'all's car fire a gun,

16 ---

17 A No, sir.

18 Q --- do anything?

19 A No, sir.

20 Q Just drove off?

21 A Yes, sir.

22 Q Where were y'all heading?

23 A We were just basically trying to getting away, because
24 now we intended (sic) that this is a police; we got guns in
25 this car; we want to get away. That's our main thing is

1 trying to get away, and so we taking off down McClure
2 Street at a high rate of speed and you hear tires come
3 behind us (indicating sound) like that, take off, and so by
4 that time we turned onto Patrick Street. As soon as gets
5 probably about the middle of Patrick Street we heard
6 gunshots coming from behind us. I'm almost for sure that
7 it was Mr. Williams shooting.

8 Q Did you see fire?

9 A I didn't see fire, no, sir.

10 Q Okay. All right. You heard ---

11 A I heard -- yes, sir, I heard three gunshots. That's
12 when I -- that's when we turned onto First Street. We
13 slowed down just a little bit like we yielded and went onto
14 First Street. When we came up on First Street we hit the
15 gas immediately, just taking off. So we got to the top of
16 First Street, we was going so fast to the point that if we
17 didn't maneuver into the left like -- it was like a little
18 -- it's a florist shop right there. If we didn't maneuver
19 into there, we probably would've ran straight into the
20 pole. And so McClinton know how to drive, so that's
21 basically how we came up off First Street.

22 Q Okay.

23 A And so when we turned off of there, we went right onto
24 Saluda, and so by the time I looked back -- and Mr.
25 Williams almost hit a car coming off of First Street. And

1 so by that time we goes over the tracks and then we go down
2 Parkway. By time we make to the middle of Parkway by the
3 mill, you hear three more gunshots, and so by the time --
4 I'm almost for sure -- I know where gunshots coming from.
5 I been in incidents all my life which I know where gunshots
6 coming from. And so by that time we make it on up and
7 Roseboro he leans out the window and he attempted to fire a
8 shot back. He did fire the gun.

9 Q Where was Roseboro sitting in the car?

10 A He was in the middle of the car, in the middle of the
11 backseat.

12 Q What kind of gun did he have?

13 A He had a .45 caliber.

14 Q Okay.

15 A Yes, sir.

16 Q All right. And you said he attempted.

17 A Yes, sir.

18 Q What happened?

19 A He fired it.

20 Q Okay.

21 A Yes, sir.

22 Q Okay. Anybody else fire a gun?

23 A No, sir.

24 Q Okay. Whereabouts were y'all when that fire -- that
25 shot got fired?

1 A In probably the middle of Parkway.

2 Q Okay. All right, then what happened?

3 A And then that's when McClinton told him, no, that's
4 the mother-f-ing police, don't you fire no more, and so by
5 that time we jumped -- like went on over by Parkway and we
6 jumped the tracks, and once we jumped the tracks, it was
7 like he wasn't right behind us no more. I don't know
8 whether the shot -- Roseboro's shot slowed him down or
9 whether he was reloading or what. I don't know what he
10 could've been doing. I wasn't in his car, but by that time
11 made it over the tracks and McClinton told -- say that --
12 we was going to make it to the middle of Roundtree Circle
13 and we all was going to run. So by that time we turned
14 onto the top of Roundtree Circle, and I told him, brother,
15 let me throw this big gun out.

16 Q Why were y'all going back to Roundtree?

17 A So we all can get away, because we know that area, so
18 we all can hit pathways and just get away.

19 Q Okay.

20 A Yes, sir.

21 Q Okay. All right, so you said -- what'd you say?

22 A I told him, brother, let me throw this big gun out.

23 Q Okay.

24 A And so by that time he opened the door -- I opened the
25 door, and so I stepped one foot out and getting ready to

1 throw it into the ditch, and he told me, brother, there he
2 go, there he go, and he hit the gas and I fell out leaning
3 with my hand and the guy fired. I don't know whether that
4 shot could've hit him or whatnot, but I know the gun fired.

5 Q Where were you when you fell out of the car?

6 A At the top of the intersection of Roundtree Circle,
7 like -- if I could point it out, I could show it to you.

8 Q We might can do that. I'm going to see if I can hold
9 this thing up. All right.

10 A Right there. Exactly right there.

11 Q Okay. That's where y'all are ending up. Right?

12 A Yes, sir.

13 Q Where'd this whole thing start?

14 A From the -- from the shooting part or from where we
15 left part?

16 Q The whole thing. Y'all were on Featherstone. That's
17 Featherstone right there, isn't it?

18 A That's Featherstone right there.

19 Q Okay. So y'all -- this is where y'all come down, ---

20 A (Indicating yes)

21 Q --- past by Gidget's house.

22 A Yes, sir.

23 Q This is the bypass?

24 A Yes, sir.

1 Q Okay. And y'all continue down -- this is still York
2 Road?

3 A Yes, sir.

4 Q Okay. What street is this?

5 A That's Brawley Street.

6 Q Okay. That's where y'all turned?

7 A Yes, sir.

8 Q And then ---

9 A Back onto Saluda Street.

10 Q Okay.

11 A And then back on McClure Street.

12 Q Okay.

13 A And then to Patrick.

14 Q Okay. You said something about stopping on McClure
15 Street. Where -- whereabouts is that?

16 A Down here. Matter of fact, McClure start right here
17 and it's the top right there, and the barbershop is right
18 there, and we stopped right there in the middle of the
19 road.

20 Q Okay. All right. And then y'all continued on?

21 A Yes, sir.

22 Q And this -- does this accurately depict the path ---

23 A Yes, sir, ---

24 Q --- that you recall?

25 A --- that's exactly the path.

1 Q Okay, so y'all continue first back onto Saluda,
2 Parkway?

3 A Yes, sir.

4 Q Okay. Where -- where do you recall hearing shots?

5 A Down here on McClure Street, no on Patrick.

6 Q On Patrick.

7 A Yes, sir.

8 Q All right. All right, so now this is where you
9 essentially are.

10 A (Indicating yes)

11 Q Y'all are turning onto Roundtree?

12 A Yes, sir.

13 Q Okay. All right. Where are you at that point, side
14 of the road, middle of the road?

15 A In the middle of the road.

16 Q Okay. You see anything?

17 A No, sir. By that time when I was getting up, I saw
18 Mr. Williams coming; I saw the car coming.

19 Q Okay.

20 A Yes, sir. And you could see his headlights and he
21 wasn't slowing down.

22 Q Okay. Then what?

23 A And then I took off running into the grass and
24 immediately when I hit the grass I heard two shots, and I
25 just started shooting back.

1 Q Okay. You were certain of where those shots were
2 coming from?

3 A Yes, sir, I was for sure, certain where those shots
4 was coming from.

5 Q How do you know?

6 A Because I been in incidents when I know someone's
7 shooting me, and ---

8 Q Okay.

9 A --- you could hear him shooting at us from the whole
10 time we was getting chased. He was -- he was angry for
11 some reason. I don't know why he was angry.

12 Q Well, that's don't speculate on him right now. Let's
13 worry about you.

14 A Yes, sir.

15 Q Okay. You hear shots; you fired.

16 A Yes, sir.

17 Q Okay. How many times did you fire?

18 A Dang, I don't remember, but looking at the paperwork
19 they say I shot 18 times, but I had a 30-round clip. I --
20 I just was shooting just out of scared; I was just scared.

21 Q Okay. All right. Well, where was everybody else?

22 A They was in the truck. They had left me.

23 Q Okay. So you're basically standing on the road by
24 yourself.

25 A Yes, sir.

1 Q Okay. At any point did you have any conversation with
2 Odell Williams?

3 A No, sir.

4 Q How about when he's driving off? Did he pull up, talk
5 to you, did you talk to him?

6 A No, sir.

7 Q Okay. Any trees you could've run into?

8 A No, sir.

9 Q Okay. Bushes you could've hid behind?

10 A No, sir.

11 Q Cars?

12 A There was one car. There was a car sitting in a yard,
13 640 -- no, not -- it's the top of the Parkway where they
14 found the shell cases.

15 Q Okay. All right. Why didn't you go to that car?

16 A I ran behind that car.

17 Q Okay.

18 A That's the car I got behind.

19 Q Before or after you fired the shots?

20 A It was after.

21 Q Okay. All right. When you went on Featherstone, did
22 you have any idea that Odell William's property was there
23 or ---

24 A No, sir.

25 Q --- his family was down there?

1 A No, sir.

2 Q Okay. Y'all had no intent to do anything to Odell
3 Williams.

4 A No, sir, no, sir.

5 Q Your intent was to go deal with another person on
6 Holmes Road.

7 A Yes, sir.

8 Q Okay. And after that didn't pan out, do what?

9 A Then go back to Gidget's house ---

10 Q And?

11 A --- and smoke marijuana and just chill and call it a
12 night.

13 Q Okay. All right, in this whole chase, did you have a
14 cell phone?

15 A Yes, sir.

16 Q Did anybody else have a cell phone?

17 A Yes, sir.

18 Q Y'all didn't call the cops?

19 A No, sir.

20 Q Why not?

21 A Because our backgrounds and, dang, we got guns in the
22 car, so that wouldn't have been the safest thing to do is
23 call the cops.

24 Q At any point did you -- I mean -- there's a gas
25 station over here, isn't there, right here at the bypass?

1 A Yes, sir.

2 Q You didn't pull in there ---

3 A No, sir.

4 Q --- to see what was going on?

5 A No, sir.

6 Q Why not?

7 A Because we just decided to just keep going.

8 Q Okay.

9 MR. FRICK - Hold on one second. Beg the Court's
10 indulgence one second. (Pause) Thank you, Mr. Moore.
11 That's all the questions I have. Answer anything the
12 solicitor has.

13 MR. MOORE - Yes, sir.

14 CROSS EXAMINATION

15 BY MS. HALL -

16 Q Okay, Mr. Moore, you said that when you got to the car
17 you knew all these people had these handguns. Right?

18 A Yes, ma'am.

19 Q And you could even tell us exactly what they were.

20 A Yes, ma'am.

21 Q So -- and as I counted, I think there's -- you say
22 there were five handguns in the car?

23 A No, ma'am, there was -- I want to say six. There was
24 five of us and Buchanan had two -- two guns.

25 Q Okay, so Buchanan had two, Dixon had one ---

1 A Right.

2 Q --- Roseboro had one, ---

3 A McClinton had one.

4 Q --- McClinton had one, so that's five.

5 A And I had one.

6 Q And then you had an assault rifle.

7 A Right.

8 Q Okay, so that's five handguns that are in the car plus
9 the rifle.

10 A Yes, ma'am.

11 Q All right. And you said that you were going over to
12 collect a debt. What'd they owe you money for?

13 A Because we -- it was a drug deal that went bad.

14 Q Aren't these people that you don't necessarily
15 normally hang out with?

16 A Well, we can say that, but I'm cool with some of the
17 guys.

18 Q But in all reality they actually hang with a different
19 group than the group that you hang with, right?

20 A Yes, ma'am.

21 Q But you guys do business together?

22 A Sometimes.

23 Q How many times would you say you've done business with
24 them?

25 A I can't recall.

1 Q Does it always go bad?

2 A No, ma'am.

3 Q You say that as you were going on this route that you,
4 y'all all get back in the car in the same position that you
5 left in and you're behind the -- behind the passenger --
6 you're in the passenger's side but in the backseat.

7 Correct?

8 A Yes, ma'am.

9 Q All right. Then you say that you go -- start out on
10 this route and when you say that you hear other gunshots --
11 right? -- coming from behind you won't you get -- you said
12 on McClure or Patrick Street?

13 A On Patrick Street.

14 Q And I think what you tell Mr. Frick is that you were
15 almost positive that you heard gunshots but you weren't
16 actually quite sure.

17 A Yes, ma'am. I was positive that we heard gunshots.

18 Q But you didn't see where they were coming from.

19 A No, ma'am.

20 Q And then you state that when you get to Park Lane --
21 or Parkway -- that actually somebody within the car --
22 there was a conversation and somebody shoots back at Mr.
23 Williams.

24 A Roseboro.

1 Q Who -- who -- what was the conversation in the car at
2 that time?

3 A It was -- really -- well, no one was talking. He just
4 decided to shoot on his own will.

5 Q All right. And then you get on up and you say you
6 hear more gunshots after you've fallen out of the truck?

7 A Yes, ma'am.

8 Q All right. And you said that you guys had been at
9 Gidget's smoking and smoking and smoking. I think you said
10 it three times. I'm thinking that you were talking about
11 smoking weed at that point?

12 A Yes, ma'am.

13 Q And I would assume that if you were telling the Court
14 this, that you've probably smoked on many occasions.

15 A Yes, ma'am.

16 Q Do you ever find it makes you a little bit paranoid?

17 A No, ma'am.

18 Q It doesn't?

19 A No, ma'am.

20 Q Well, does -- how does it make you feel? How would
21 you describe yourself when you're smoking marijuana?

22 A When I smoke marijuana, I just sit back and relax.

23 Q So it -- it relaxes you.

24 A I'm not going to say it just relaxes me, but it just
25 calms me down and I just chill out.

1 Q Okay. So you said that you guys were -- you got in
2 the field, you sat and you waited for a while and nobody
3 came, so isn't it true that Terrance Buchanan -- I believe
4 it was Terrance Buchanan said, hey there's a car and we
5 need to get out of here?

6 A No, ma'am, no one never stated that.

7 Q So you guys just decided to abandon what you were
8 doing and just get back in the car.

9 A Because there was no one there.

10 Q And you've read -- you've had a chance to respond --
11 I'm sure you've reviewed the statements of the co-
12 defendants in this case, ---

13 A Yes, ma'am.

14 Q --- those who gave statements. And I'm sure you
15 realize that in those statements they do say that somebody
16 alerted on the car that was coming, that had pulled up and
17 said it's time to go.

18 A Two people actually said it. One of them say he said
19 it and the other one say he said it, so ner (sic) one of
20 them never said it. They both tried to make themselves
21 look good.

22 Q Isn't it true that you used to work at the car wash
23 with Mr. Williams?

24 A At Raymonds Woods's car wash.

1 Q Yeah, Mr. Williams worked -- Mr. Williams worked there
2 for ---

3 A No, sir, (sic) I never once saw Mr. Williams there.

4 Q So you never washed cars for Mr. Williams?

5 A No, ma'am.

6 Q You didn't know Mr. Williams at all?

7 A I never knew Mr. Williams.

8 Q Did you ever met him? (sic)

9 A No, ma'am.

10 Q Never played football -- on the little league football
11 team he coached?

12 A No, ma'am. No, ma'am.

13 Q All right and you stated when you heard him -- when
14 you thought might've been coming from Mr. Williams on the
15 gun on Patrick Street, you said you heard three shots?

16 A Yes, ma'am.

17 Q And then you say that they're shooting again by
18 somebody in ---

19 A Parkway.

20 Q --- your car on Parkway.

21 A No, he shot first, then Roseboro shot.

22 Q Okay, so now -- okay, so let me get this straight.
23 You're saying Mr. Williams shot at y'all three times.

24 A No.

1 Q Once -- you heard three shots on Patrick Street.

2 Right?

3 A Yes, ma'am.

4 Q Then you hear another shot coming from his car on
5 Parkway. How many were those?

6 A Yes, ma'am. Three more.

7 Q Three more?

8 A Yes, ma'am.

9 Q Okay, and then when you're coming around the corner on
10 Roundtree, you said you heard more shots?

11 A I heard twice. One was two more shots.

12 Q So now he shot -- what is that? -- eight times?

13 A Yes, ma'am.

14 Q Okay. And you want the Court to believe that at this
15 point in time you thought it was a good idea to ditch the
16 gun and to fall - to stop and get out of the car?

17 A Because he wasn't directly behind us no more.

18 Q Okay. So y'all had put some space between you and Mr.
19 Williams.

20 A Yes, ma'am.

21 Q Could you see his car at that point?

22 A No, you couldn't see his headlights.

23 Q Were you -- I mean why were you going to throw the gun
24 away?

1 A Because I had the biggest gun in the car. I knew if I
2 threw it on Roundtree Circle, I could come back and get it.

3 Q I'm sorry, you said -- tell me this first thing you
4 said?

5 A Because it was the biggest gun in the car.

6 Q It was the biggest gun in the car?

7 A Yes, ma'am.

8 Q And you got -- you were aware that at the time that
9 y'all had all those guns in the car all of y'all were
10 breaking the law. Right?

11 A Yes, ma'am.

12 MS. HALL - Give me just a second.

13 Q All right, and when you -- I just want to make sure
14 that I'm real clear on this; I'm going to use that map I
15 think Mr. Frick used. Did you say that you -- and it may
16 be clearer to do it on something else, but I'm going to
17 come up close so you can see what I'm talking about as best
18 I can. So you say when you -- this is -- so you're on
19 Roundtree Circle right here, ---

20 A Yes, ma'am.

21 Q --- and then you -- and you said you fell out of the
22 car somewhere right in there?

23 A Yes, ma'am.

24 Q And you -- did you run across the street this way?

25 A No, ma'am.

1 Q You ran across the street that way?

2 A Yes, ma'am.

3 Q Okay. And so when you ran across the street that way,
4 you said that you were trying to hide behind a car?

5 A (Indicating yes)

6 Q Do you remember what color the car was?

7 A No, ma'am.

8 Q You remember what kind of -- was it a big car, a
9 little car?

10 A It was small.

11 Q Was it parked in the driveway or on the street?

12 A It was in the driveway.

13 Q Mr. Moore, you gave a statement to Chris Reynolds on
14 November 14th, didn't you?

15 A Yes, ma'am.

16 Q And actually you called him in there and you left -- I
17 think you wrote a note, didn't you ---

18 A Yes, ma'am.

19 Q --- to the -- and gave it to the jailer and said,
20 would you please ask Mr. Reynolds to come talk to me.

21 A Yes, ma'am.

22 Q And you talked to him for a long time, didn't you?

23 A Yes, ma'am, 42 minutes.

24 Q About 45 minutes. Right?

25 A It was 42.

1 Q 42 minutes.

2 A Yes, ma'am.

3 Q During that time that you talked to him in that 42
4 minutes, I believe that you denied any involvement with any
5 of this or being ---

6 A I did. I did.

7 Q Probably about 35, 36 times you denied it all?

8 A Yes, I denied it. I swore and I said it a lot.

9 Q But during that 42 minutes you had ample opportunity
10 to tell this story that you're telling us now.

11 A I was paranoid; I was scared; I did not know what to
12 do; I was 18 at the time, a murder charge; I did not know
13 what to do; I didn't know what to say. Had all my family
14 in my ears telling me, son, don't take nothing, do with it,
15 do with it, do with it, (sic) so at the time I did not want
16 to confess to a murder charge.

17 Q But you know now and you probably knew then that -- I
18 mean -- and I think what you're trying to say right now is
19 that you -- that you were having, that you were worried
20 about yourself. Right?

21 A Ma'am, can you restate the question?

22 Q Do what?

23 A Can you restate the question, please?

1 Q Yeah. You said right -- you said you were worried
2 about a murder charge. Had you been served with a warrant
3 at that point in time?

4 A Yes, ma'am.

5 Q And you are aware now that if it's self-defense, it's
6 not murder.

7 A Ma'am?

8 Q You've heard of self-defense. Right?

9 A Yes, ma'am.

10 Q And you're aware now that if it's self-defense it's
11 not murder.

12 A Right.

13 Q And you knew that at the time as well.

14 A No, ma'am, I didn't.

15 Q You didn't know anything about self-defense ---

16 A I knew about self-defense, but I didn't know what it
17 was going to be within this case.

18 Q But you never shut -- you never told law enforcement
19 that -- any of this stuff about Mr. Williams shooting at
20 you eight times?

21 A (Indicating no) I didn't want to talk to them at all
22 really. What I was doing when I talked to Mr. Reynolds,
23 basically trying to push everything away from myself
24 knowing what I had done and put it on someone else.

25 Q Who were you trying to put it on?

1 A On McClinton and Buchanan, because they was saying --
2 a lot of people was saying McClinton and Buchanan was
3 putting it on me.

4 Q So rather than telling the truth, it was just
5 important to push it off on somebody else?

6 A That's what I thought it was best to do at the time.

7 Q And during the course of that statement, too, you also
8 talked about riding with McClinton and you -- you never
9 been in the truck and you didn't ride with McClinton
10 because you knew his license was suspended?

11 A Right.

12 Q But you didn't -- you obviously -- that was not true
13 either.

14 A Yes, ma'am.

15 Q And you've got -- you have a prior conviction. Right?
16 You were on probation at the time of this arrest?

17 A For failure to stop for a blue-light.

18 Q And that was out of York County?

19 A Yes, ma'am.

20 Q Let me -- I'm going to ask you one more thing. Again,
21 -- okay, we're talking about -- we're going back to the
22 marijuana stuff now, smoking weed at Gidget's house. How
23 high on a scale of one to ten would you say -- would you
24 say you were at the time of all this ---

1 A Because I smoked marijuana on a daily basis. It
2 wasn't nowhere near a ten. I would say four or five,
3 because it wasn't no good marijuana.

4 Q Oh, it wasn't any good?

5 A No, ma'am.

6 MS. HALL - That's it. Thank you.

7 MR. FRICK - Briefly.

8 RE-DIRECT EXAMINATION

9 BY MR. FRICK -

10 Q Chris, you remember talking to Chris Reynolds about
11 this?

12 A Yes, sir.

13 Q Okay. About how long had you been in -- you were in
14 jail when you talked to him. Right?

15 A Yes, sir, they had me in the holding cell for nine
16 days.

17 Q Okay. All right. When he came in -- or -- I guess
18 you asked to talk to him. Is that correct?

19 A Yes, sir. I saw him when he walked by. He said, hey,
20 man, how you doing?

21 Q Okay.

22 A And I said, I'm good, I need to talk to you.

23 Q Okay. Now, he sat you down and y'all went over your
24 Miranda Rights. Correct?

25 A Yes, sir.

1 Q You waived that ---

2 A Yes, sir.

3 Q --- and you agreed to talk to him. At that time had -
4 - did you have an attorney?

5 A No, sir.

6 Q Had you talked to an attorney?

7 A No, sir.

8 Q Had you talked to anybody about this case?

9 A No, sir.

10 Q Okay. Had you sought out any jailhouse advice in this
11 case?

12 A No, sir.

13 Q Okay. So when you say you didn't know the law on
14 self-defense, you didn't know the law on self-defense.

15 A No, sir.

16 Q You had no received any advice on that at that time.

17 A No, sir.

18 Q All right, let's go back to the very, very end of this
19 shooting when you -- you told the solicitor that when you
20 get out of the car, fall out of the car, that you didn't
21 see Odell Williams' headlights.

22 A No.

23 Q Okay. Did you ever see them again?

24 A No, sir, not him, but I saw his car coming once I got
25 up out of the road.

1 Q That's my question. Okay. When did you see his car?

2 A When -- if I can point it out, I can show it to you.

3 Well, I can remember by Vance Drive. He made it to about

4 Vance Drive when I was getting up out of the road.

5 Q Okay, I don't know that that map's going to help us on
6 that.

7 A That is Vance Drive right there. That's where I fell
8 out right there.

9 Q Okay. This little -- I'm trying to show this all to
10 the Judge here. This is where you're out of the car; this
11 is where you see the car?

12 A Yes, sir.

13 Q Okay. All right. Have you got any idea about how far
14 that is?

15 A Um, no, sir.

16 Q Okay.

17 A It's not that far away from the truck.

18 Q All right.

19 A It's really close actually.

20 Q Okay. All right. So as you're getting back up, you
21 do see his headlights.

22 A Yes, sir.

23 MR. FRICK - That's all I've got. Thank you, sir.

24 MR. MOORE - Yes, sir.

1 MS. HALL - I don't have anything else, Your
2 Honor.

3 THE COURT - You may step down. Thank you.

4 MR. FRICK - Your Honor, I think everything else -
5 - we -- obviously I'm not saying she agrees with my
6 summation of the facts, but the statements that are
7 involved and what we agree on, I have the testimony of my
8 client and I would simply rest with that.

9 THE COURT - Solicitor?

10 MR. FRICK - Unless he -- I mean -- further
11 argument it, it that -- as far as evidence ---

12 MS. HALL - Yeah, let me ask -- I just -- I need
13 to know if I need to put Special Agent Blackmon on the
14 stand or not, and I'm going to talk to Mr. Frick about that
15 real quick.

16 (WHEREUPON, DISCUSSION IS HELD BETWEEN COUNSEL
17 WHICH WAS NOT REPORTED.)

18 (WHEREUPON, BRIEF PAUSE IN THE RECORD WHILE MS.
19 HALL STEPS OUT OF THE COURTROOM AND RETURNS)

20 MS. HALL - I don't think I need to put anything
21 up. I'm just going to argue it. Mr. Frick has submitted
22 all the statements. I submitted one additional and then
23 we've agreed that the crime scene diagrams can be discussed
24 too during the course of argument.

25 THE COURT - All right.

1 MR. FRICK - I go first?

2 MS. HALL - (Indicating yes)

3 MR. FRICK - Sounds good to me. Your Honor,
4 you've heard -- of course you've got the statements ---

5 MS. HALL - I'm sorry.

6 (WHEREUPON, DISCUSSION IS HELD BETWEEN COUNSEL
7 WHICH WAS NOT REPORTED.)

8 MS. HALL - Okay. We're on the same page.

9 MR. FRICK - Your Honor, of course, as you heard,
10 my client was in a vehicle with some other guys intent on
11 doing a bad thing. They went over there to commit that
12 act. It did not occur; they withdrew from that act and
13 were leaving the area when Mr. Williams initiated the chase
14 with them. You've heard no testimony that -- or nothing in
15 those statements that indicate that Mr. Williams was in any
16 danger from these folks as they were attempting to exit.
17 They had no intent. In fact, I don't even think they knew
18 whose property they were at. If Mr. Williams had not, in
19 fact, followed this vehicle we would not be standing here
20 today. It is clear that he did have a firearm, that he did
21 fire the firearm. Obviously, there is a dispute on number
22 of shots. The pistol is found with -- it's a revolver, and
23 there are two shell casings in -- two fired shell casings
24 in that revolver when it's found in the in the floorboard
25 of Mr. William's car. Your Honor, my client, of course, as

1 we've indicated, I believe was on probation at the time. I
2 would say that that's not necessarily -- it would
3 definitely be a violation of his probation. I don't know
4 that it necessarily violates the criminal law. He would
5 not have been charged on a separate charge had he been
6 found in possession of that gun. He would have been,
7 however, in violation of his probation. I know that's
8 probably splitting hairs, but I think in this case that is
9 an important difference to note. Furthermore, I do go back
10 to Burris where it states that even if that is the case,
11 that in and of itself does not defeat self-defense. Your
12 Honor, they intended to go back to where they were, smoke
13 some weed and just kind of hang out, had no intent to
14 further any crime and or commit any other crimes. They
15 were trying to get away, and they knew that they simply did
16 not want to be seen in this car with these guns. At some
17 point they actually stopped, and either Mr. Williams is
18 getting out of the car or about to get out of the car,
19 according to the statements, when they drive off. Then Mr.
20 Williams continued to pursue them. And you see the map
21 over here. It's rather extensive. You're on one side of
22 town, across the bypass, we turn, go down Brawley Street
23 and you see in Ms. Williams's statement Mr. Williams lives
24 on Brawley Street, so, he, in fact, had an opportunity to
25 go home himself but continues to pursue this vehicle, make

1 several turns; they end up back -- basically the
2 intersection of Parkway -- yeah Park -- or Roundtree and my
3 client is trying to get away at that point. He's try -- I
4 got the biggest gun. He just didn't want to be around with
5 that gun, and he's trying to get out, and as he is getting
6 back up, as you heard from his testimony, sees the
7 headlights and he says he hears shots, additional shots,
8 had no other recourse; there wasn't anything for him to
9 hide behind; he was trying to get to a vehicle. He
10 eventually got over there, but not before he felt he had to
11 fire the gun. Your Honor, I do believe he -- of course,
12 it's a public road. He had every right to be where he was,
13 so that satisfies that prong of 16-11-440(C). In light of
14 all the circumstances, I ask you to grant immunity from the
15 prosecution pursuant to 16-11-450. Thank you.

16 THE COURT - Thank you.

17 MS. HALL - Thank you, Your Honor. I want to --
18 I'm just going to take this point by point in terms of the
19 statute itself. Obviously, the first prong is the
20 defendant must be without fault in bringing on the
21 difficulty. I'll submit to the Court that that's
22 absolutely not the case here. The defendant went to the
23 victim's property. I know that that was not what he
24 initially intended to do, according to what he said and
25 according to the other statements that you've been given as

1 part of this motion, then he went to another property to do
2 one thing. The witness testi -- other witnesses' testimony
3 included in those statements is that somebody alerted, hey,
4 there's a car coming, we need to leave, and then that's --
5 that's the reason why they left, not that they abandoned
6 what they were trying to do, but that they were broken up
7 from it and ended up having to get back into the truck to
8 try to get away. He -- they parked there with an intent to
9 commit crime at an adjacent property; they had unlawful
10 carrying; they had five handguns and an assault rifle in a
11 car -- in the car with them; they were trespassing on the
12 defendant's property at the time; they um -- you know, and
13 I would submit to the Court they're in right there; they're
14 not without fault in bringing on the difficulty and they
15 also fired shots back at the defendant (sic) during the
16 course -- I mean the victim during the course of this
17 pursuit. And as the Court is aware Slater (phonetic) said
18 that any act of the accusing violation of law and
19 reasonably calculated to produce the occasion amounts to
20 bringing on the difficulty and bars the right to assert
21 these claims that the defendant's asserting here today. I
22 would submit to the Court that being armed like that and
23 trespassing on somebody's property would -- would be
24 reasonably calculated to produce some sort of difficulty
25 and that that can be barred from the stand your ground

1 ruling. Even if the Court does find that he was without
2 fault in bringing on the difficulty, I think it fails right
3 there, that, you know, a reasonable person would have to --
4 if the defendant believes he was in imminent danger of
5 losing his life or sustaining serious bodily injury --
6 first of all, he's already in the car, he's ditching an
7 assault rifle in a ditch, I would submit to the Court he's
8 really not that scared. If he's trying to get rid of the
9 biggest gun in the car, that would be something you'd want
10 to hold onto if you're truly afraid for your life. So then
11 he goes out and falls out into the road, and there's --
12 within that -- those -- the packet that Mr. Frick has
13 presented to the Court, there's statement from co-
14 defendants he didn't fall out into the road; he said let me
15 out. I mean there's other expletives I believe used during
16 the course of that statement that, let me out of the car.
17 So, again, he fully intended to get out of the car and I
18 would submit to the Court he didn't fall. And you'd have
19 to use a reasonable person standard as well, Your Honor,
20 and I believe it fails on all three of those prongs, that a
21 reasonable person in this situation would not have
22 abandoned a car that they were riding in, which was a safe
23 place to be. They had cell phones in the car; they had
24 guns in the car; they had -- he had absolutely no reason to
25 jump out, and um -- (pause) -- and then -- and, Your Honor,

1 too, I would show the Court too -- I want to talk about
2 these diagrams real quick, and while I'm doing that I'm
3 going to tell the Court -- Mr. Frick touched on this as
4 well -- when the def -- I mean the victim was found, his
5 car was -- you know, they took inventory of his car, there
6 was a .32 caliber revolver in there -- there were six --
7 four live rounds and two spent casings in it, which does
8 not at all -- at all coincide with what the defendant here
9 is saying and I would submit that to -- that that in and of
10 itself shows the defendant's propensity to sort of
11 exaggerate the truth, if it's even true at all. And
12 there's really no preponderance of the evidence that's been
13 presented here as to where -- that that standard has not
14 been met -- as to where the victim actually did fire the
15 gun. You can see where -- and I did -- I turned this one
16 sideways so it makes a little bit more sense. This is 646
17 Parkway Drive. This is -- this is Roundtree Circle right
18 here which is where he was turning. And actually this is
19 the one I want to turn on it's side, so if you kind of put
20 them together it makes a map and -- it makes a map. And
21 this is where -- the evidence that was collected at the
22 scene shows that this is where the defendant fell out of
23 the car. There was a spent shell casing in the road and a
24 projectile that was found there as well. He -- there's
25 some evidence that he ran over into this yard before

1 running over into this yard. And regardless if the Court
2 believes what the defendant was saying at all, this is
3 Vance Drive right here, so when he sees the headlights
4 coming on Vance Drive, he's over here. According to his
5 own testimony, he's got plenty of -- stated he ran over --
6 he's got plenty of places, you know, where -- to go, and I
7 know that the duty to retreat's not part of the stand your
8 ground issue, but it does definitely apply to the
9 reasonable person being in fear as, you know, -- he had --
10 he had other options that he could've pursued rather than
11 doing what he did. That's it.

12 THE COURT - Okay, I've already reviewed the
13 statements and glanced back over them and what's before the
14 Court, and I don't want to get too deep into the finding or
15 State findings here, because for obvious reasons about the
16 comment on the facts, but it appears there was a
17 conspiracy, guns were involved, they were on property they
18 shouldn't have been on apparently and some type of robbery
19 or larceny was planned and the only way I know how to
20 determines a conspiracy, but laying all that aside, there's
21 just not enough clarity, Counsel Frick, for me to step in
22 and grant your motion. There's just not enough there for
23 me to make a finding that he was in imminent danger or
24 position that he thought his life was going to be taken, no
25 more than what I've heard here. So it appears to me it's

1 just going to have to be left up for the jury to decide, so
2 I'm going to deny the motion.

3 MR. FRICK - I understand, Your Honor. At this
4 time I want to take up my other motions.

5 And I think the State has a motion as well, too.
6 I don't know when they -- if they want to go ahead and take
7 it up or ---

8 MS. HALL - If you want to do yours first, then
9 I'll do mine, that's fine.

10 MR. FRICK - That'll be fine. That'll be fine.

11 Judge, deal with probably the more complicated
12 first. I'd ask you to look at my motion to exclude
13 evidence pursuant to 404(B) and Lyle, and, of course, it's
14 not a great deal of detail on there. It's just a simple
15 motion, and you probably can guess what I want to talk
16 about. I want to talk about the attempted robbery or the
17 planned robbery of the house on Holmes Road. I do believe
18 that that was a separate incident that they went to go
19 commit, did not commit, may have intended but intent is not
20 enough. You've got to actually do something. They didn't.
21 They looked at it. You heard my client's testimony, they
22 decided to abandon that plan and leave the area and were,
23 in fact, heading out of the area when a confrontation
24 occurred. I do believe then that that is bad act evidence.
25 It is not relevant to this case. This case can be tried

1 without that, because this incident occurs when Odell
2 Williams starts following the vehicle through town,
3 therefore, I think it -- one, it is absolutely unfair
4 prejudice. Obviously, you've got to look at it, if you
5 agree that it is, in fact, 404(b), then you've still got to
6 determine whether it's more prejudicial than probative.
7 Clearly it's prejudicial, so the question is, is it unfair
8 prejudice, and I submit that it is, because we're talking
9 about a robbery that did not occur and really has no part
10 of this case. It does -- it is the initial reason why
11 they're over there, but I think the State can present their
12 case, and I can present a defense without having to discuss
13 that. Further, it's not necessary for a full picture of
14 the case. This case begins as they're getting into the
15 vehicle and driving off of Featherstone. Whatever happened
16 occur -- before -- whatever was planned before is not
17 necessary for a full presentation and therefore it should
18 not be considered res gestae and should not come in that
19 way. So ultimately, I -- first I say it's not relevant
20 under 401, then I say if you do determine it's relevant,
21 then you've got to look at 404(b). If you determine that
22 it's appropriate under 404(b), then conduct a 403 balancing
23 test in that it does have too much unfair prejudice and
24 should be excluded, and alternatively it is also not res
25 gestae. Thank you.

1 MS. HALL - Yes, sir. And I -- I would take the
2 position that it is not a completely separate act, that
3 this was -- this was an act that was interrupted, and that
4 interruption of the act is what precipitated this whole
5 situation. Mr. Frick was saying something about an act in
6 furtherance of the conspiracy. I mean getting out with the
7 guns I think was an act in furtherance of the conspiracy in
8 and of itself, and I would submit to the Court that this
9 was not -- it's res gestae. It's not -- it's not
10 necessarily a previous bad act. It's just a continuation
11 of what had already stated. State v. Gilmore says the
12 evidence -- it's evidence -- if the evidence is part of the
13 body of the crime, it is not another act under 404(b) but
14 rather it's integral to the crime or event, and I would
15 submit to the Court it is integral to the time of event,
16 because that's how they got there in the first place. I
17 would submit that it is relevant. I mean if the Court
18 decides that it's not res gestae and it is a prior bad,
19 which I would submit that it is not, then it is relevant,
20 obviously, because there's -- they -- you know, they had
21 armed themselves; they had gone to do something; that got
22 interrupted; Mr. Williams comes in the picture and that's
23 how we get to where we are. And, Mr. Frick -- it's
24 interesting to -- well, with the Lyle evidence it's -- it
25 was a common scheme or plan. It was the -- mistake -- I

1 mean absence of mistake, intent, identity, motive. I mean
2 you can take any of those Lyle prongs and apply it to the
3 situation and -- we're not using it and -- to show action
4 in the conformity with what they were already intending to
5 do. It's just a continuation of what had already started,
6 and we would submit to the Court that it is relevant and it
7 is admissible.

8 THE COURT - I have to agree with the State on
9 that. This is too intertwined and, you know, right there
10 at that time and then you've got conflict in here about
11 whether it was abandoned or -- I believe it was Ms.
12 Williams spotting them. I'm going to have to -- I'll have
13 to deny that motion.

14 MR. FRICK - I understand. Your Honor, my next
15 two motions are just basically how we can talk about the
16 case. The State alleges that my client is a member of a
17 gang called Roundtree Circle. This other residence that
18 they went to go rob is the rival gang in Chester called Ten
19 Four. I know that we conducted the hearing and the
20 solicitor very adeptly was able to elicit testimony without
21 using the term gangs and talking about that. I just --
22 Judge, there's no positive connotations with gangs except
23 maybe Apply Dumpling Gang, and I don't know if anybody on
24 the jury's going to remember that movie. So as soon as you
25 mention that, it's got such a negative connotation to it,

1 that I think it is obviously highly prejudicial, unfairly
2 prejudicial and it is not necessary for the State mention
3 any -- or attempt to mention any affiliation with gangs in
4 this case.

5 MS. HALL - And, Your Honor, you know, I know that
6 there's situations in other cases where gang -- there's
7 gang motivation which actually for -- you know, to commit a
8 crime, and I'm not submitting to the Court in this
9 situation that that's the case at all. However, I would
10 tell the Court, I mean the co-defendants in the case talk
11 about some group activities. There's going to be a Denno
12 hearing in a little while. Mr. Moore himself in the
13 statement that he gave to law enforcement talks about gang
14 activity. I don't know that there's a way to divorce it
15 from the situation. I mean I don't intend to, you know,
16 make it -- this all about gangs and about -- he -- I don't
17 believe this was a gang-motivated shooting. I think that
18 it was just a by-product of gang activity that was already
19 taking place, but I don't think that we can truly divorce
20 it from the situation. I would take direction from the
21 Court in terms of me not harping on it. I don't intend to
22 do that anyway, but I don't think it can be completely
23 excluded.

24 THE COURT - I -- on this now, I'm going to have
25 to rule in favor of the defense. Y'all need to leave that

1 alone with what I understand to be, but if they open the
2 door, ---

3 MR. FRICK - I understand, Your Honor.

4 THE COURT - --- you know what happens.

5 MR. FRICK - Yes, sir.

6 MS. HALL - And I -- and I would ask direction
7 from the Court and we'll get to this in a minute -- when
8 the Court sees Mr. Moore's statement -- it's a video
9 statement -- I mean it's got -- touch -- it touches on it
10 all throughout the statement, and I don't know if the word
11 gang is every mentioned, but, you know, he -- he talks
12 about names of gangs within that, and I don't see any way
13 to, you know, redact it completely.

14 MR. FRICK - Well, Your Honor, I don't even know
15 if they're going to be able to get the statement in. My
16 client just said on the stand it was a complete lie, so
17 under 613, I don't know how they subsequently can get that
18 statement in as a prior inconsistent statement if he
19 admits, yeah, I've seen that and everything I told him was
20 a lie. So first, I think they've got to overcome that
21 hurdle before we worry about whether the jury's going to
22 hear it or not. It's 42 minutes long. The whole thing is
23 not about gang, gang, gang, gang, gang. There is some
24 mention of that. There is some mention of another

1 situation that occurred prior to all of this. I mean I
2 think it can be redacted.

3 THE COURT - All right, we'll cross that bridge
4 when we get to it. But leave -- y'all just need to leave
5 the gang business alone unless some unusual circumstances
6 there.

7 MR. FRICK - Judge, my final motion is in regard
8 to the gun itself. As you will see, and being a hunter
9 yourself I'm sure you're aware, this is a large gun. It is
10 going to be quite prejudicial itself to be seen. I think
11 adding in the term assault rifle, as I'm not sure it meets
12 the actual definition, the statutory definition of what an
13 assault rifle is, so I think using that term again has many
14 negative connotations. I don't think it's necessary. The
15 State's certainly going to be able to show the shell
16 casings and the bullets from this gun, which are large.
17 They have the clips that they will probably be able to get
18 in evidence and the gun itself, so I don't think they need
19 to use the term assault rifle as it is more prejudicial
20 than probative.

21 MS. HALL - And I find it's interesting since the
22 defendant just referred to it as an assault rifle while he
23 was on the stand a minute ago. I mean that is what it is
24 commonly referred to. Law enforcement refers to it as
25 that; the defendant himself refers to it as that; the

1 witnesses in the trial are going to refer to it as that.
2 And, I mean, again, not meaning to draw attention to -- or,
3 you know, emphasize the word assault, but I don't think
4 that it can be -- I don't think -- I think it's a recipe
5 for disaster to rule that it just be completely excluded,
6 because I think the witnesses themselves are going to
7 return to it in that (sic) and I don't think that they
8 divorce it from what they know it to be, just commonly.

9 THE COURT - I'll have to deny that motion, but it
10 wouldn't hurt for y'all to clean it up from the State side.
11 Was it an SKS?

12 MS. HALL - It was an SKS.

13 THE COURT - Once again, it gets back to opening
14 the door, but now that's -- I can't help you with that one.

15 MR. FRICK - Understand, Your Honor. Your Honor,
16 that would be all the motions I have at this time.

17 MS. HALL - Okay. And I filed a motion in limine
18 with the Court late Friday afternoon. I apologize for
19 that. I don't think the Court had time to review it before
20 coming to Court today, but Mr. Frick had explained to me,
21 there was a situation that occurred back in March of 2014
22 involving the victim in this case. Mr. Williams who was on
23 the city council, and he had gone to a city council meeting
24 -- he and the chief of police and I don't remember what
25 Officer Gilmore's rank was, but he's a high-ranking officer

1 in the police department -- they had gone into the
2 restaurant -- I don't know what had happened at the city
3 council meeting, if they had -- if there was some sort of
4 bad blood between them or if they'd gotten into some sort
5 of an argument or some heated debate within this council
6 chambers -- but they had gone into the restroom and there
7 was -- there was a case that was brought against the
8 victim, Mr. Williams -- which these guys are not related --
9 the chief and the victim are not related at all, although
10 they do have the same last name -- and where they -- where
11 - they -- there was statements by the chief of police and
12 Officer Gilmore who -- they said the victim had threatened
13 them and just made threats in general and said stuff to the
14 effect of, I have a gun and I know how to use it. I would
15 submit to the Court he never acted on these threats. He
16 actually left the building. I mean he walked out of the
17 bathroom. And um, Mr. Frick has -- he's indicated to me
18 that he does intend to go into -- or to, you know, bring
19 testimony about this or present testimony about this if he
20 puts up a case, and the State's making a motion in limine
21 to exclude all that, Your Honor.

22 MR. FRICK - Your Honor, and I've attached the
23 statements in my stand your ground motion. I gave you the
24 statements from Chief Williams, from Major Gilmore and from
25 Odell Williams in that case, and I believe I attached the

1 warrants in that. He was charged with threatening a public
2 official, which I think is a felony that carries up to five
3 years. Your Honor, you see in those statements he
4 confronts them, puts his hands in his pockets, says, I
5 always carry mine; I'm not afraid to use it basically and
6 said he was going to take a whole lot of people out before
7 he died. I think that is evidence of his character that is
8 relevant to the case. It indicates that he did carry a
9 firearm and also indicates his willingness to use it, and
10 it is admissible under 404(a)(2), evidence about the
11 victim's reputation. So I have Chief Williams and Major
12 Gilmore under subpoena to testify should we get to that
13 point, and, of course, my client indicated on the stand
14 while he was not overly familiar with Odell Williams, he
15 was aware that that was the man who threatened the chief of
16 police, so I think I can elicit that testimony possibly
17 from him to go to his state of mind while he's standing on
18 the road.

19 MS. HALL - And I just -- I'll be real brief. I
20 would submit to the Court that it's completely irrelevant.
21 It has nothing to do with this case whatsoever. The law
22 settles, State v. Day, talks about evidence -- talking
23 about the -- self -- I mean evidence of actions of the
24 deceased, evidence of other specific instances of violence
25 on the part of the deceased are not admissible unless they

1 were directed against the defendant or if directed against
2 others was so closely connected at point of time or
3 occasion with the homicide as to reasonably indicate the
4 state of mind of the deceased at the time of the homicide.
5 I would submit to the Court that situation does not exist
6 in this case. I would also submit to the Court that this
7 is -- this is hearsay, I mean it's -- saying what the
8 decedent said in this instant, I mean there's no -- it's
9 not reliable first of all. He was never convicted of it,
10 and it was a threat that was never carried out, and I would
11 just submit to the Court that it is absolutely completely
12 irrelevant to the case at hand.

13 THE COURT - I think I'm going to leave it open
14 right now. I think the solicitor's got a valid point
15 there, unless you can show somehow it was directed against
16 the defendant immediately be tied in you're going to be on
17 shaky ground there, and you know my general philosophy
18 about trying other folks' case other than the defendant, so
19 ---

20 MR. FRICK - I do. The only thing I would say
21 about that is there was an or in that. It's either got to
22 be directed at them or it's got to be in relation. What
23 I'm arguing is, very plainly, Odell Williams is the
24 aggressor in this situation, that he carried a firearm, had
25 it readily available, was prepared to use the firearm, and

1 this case indicates -- I mean he's threatening the chief of
2 police and the major, and that's -- I think it goes to his
3 having a firearm -- we don't know whether he had it that
4 night or not, because he didn't get charged with carrying
5 one, but I think it goes to his state of mind that night
6 and my client's having an awareness of it, it goes to his
7 state of mind when he's standing in the middle of the road
8 and seeing a car that's been shooting at him coming towards
9 him.

10 THE COURT - That's why I'm ---

11 MR. FRICK - I understand.

12 THE COURT - --- leaving it open. I'm going to
13 give you a chance to find something to back you up on that.

14 MR. FRICK - Yes, sir. Thank you.

15 MS. HALL - We would just ask the Court -- and I'm
16 just asking for clarification. Before Mr. Frick starts
17 asking his client about that, we're going to have to come
18 back and talk about it some more?

19 THE COURT - I'm challenging Mr. Frick to find
20 something to back him up on it.

21 MS. HALL - Because every case that I've ever
22 found it's -- it was something that was so closely related
23 in time or method and that, you know, that -- and I haven't
24 seen anything that would even come close to this. And um,
25 you know, that there's a 403 balancing test that has to go

1 along with it, even if Mr. Frick is able to find stuff and

2 --- Okay. So we finished with that?

3 MR. FRICK - Think so.

4 MS. HALL - Okay, then I'm going to just -- the
5 things that are quick and easy I will go ahead and take
6 those up real quick and then we'll go back to the Denno
7 hearing.

8 Okay. There's some things that Mr. Frick and I
9 have spoken about stipulating to, and I just want to make
10 sure that we are straight on that before we get going for
11 trial tomorrow. We talked about stipulating just to allow
12 the toxicology report to come in.

13 MR. FRICK - Yes.

14 MS. HALL - Toxicology report on the deceased
15 victim to come in.

16 MR. FRICK - No objection, Your Honor.

17 MS. HALL - Obviously, the map of the route is not
18 an issue as we just -- Mr. Moore just authenticated that
19 himself.

20 MR. FRICK - Correct.

21 MS. HALL - There's an affidavit of a lady by the
22 name of Haley Quam; she's with -- she's special agent with
23 the South Carolina Law Enforcement Division. She's swabbed
24 the butt of a magazine that -- it was submitted to them for
25 latent print analysis. She swabbed it, sent it to --

1 actually that's -- that's Hezel. Sorry. Haley Quam went
2 and took major case prints of the defendant at the
3 detention center and took those -- those prints to SLED for
4 comparison. She is supposed to be out of town this -- when
5 she was supposed to be testifying. We did an affidavit by
6 agreement of her involvement in the case and would submit
7 that to the Court. I just wanted to make sure we did it
8 without her actually coming.

9 MR. FRICK - And, Judge, just to protect myself on
10 the record, my understanding is this the person that just
11 took the fingerprints of my client while he was at the
12 detention center. They're -- of course, you don't know the
13 evidence in the case, but there were some fingerprints found
14 on some vehicles. She didn't collect that. What she does
15 is just get the ink card from him. That being the case, I
16 have no problem with the affidavit going in.

17 THE COURT - Okay.

18 MS. HALL - And then -- we had also -- there's a -
19 - the person who did the peer review at SLED on the latent
20 print analysis, she did her own independent analysis, and
21 she'll proffer testimony about that. Her name is Tiffany
22 Hezel, and the person who was the original analyst is out
23 on maternity leave, and we have -- there's been full
24 disclosure and lots of discussion about this.

25 MR. FRICK - Is it ---

1 MS. HALL - She does independent analysis of all
2 the fingerprints -- Tiffany Hezel does -- before we get to
3 far into it, I just want to make sure you understand that
4 we're doing that. Tiffany Hezel.

5 MR. FRICK - Tell me again now ---

6 MS. HALL - Tiffany Hezel. Remember Kimi Meeres
7 was the latent -- the original latent print analysis lady.

8 MR. FRICK - Right.

9 MS. HALL - She is on maternity leave. Tiffany
10 Hezel is her supervising agent and also did an independent
11 peer review of all the latent print evidence that was
12 submitted, and she is coming to testify since Kimi is out
13 on maternity.

14 MR. FRICK - This is like the firearm ---

15 MS. HALL - No, the print lady.

16 MR. FRICK - I know, but the ---

17 MS. HALL - But firearm thing is a new point.

18 He's going to be here, so ---

19 MR. FRICK - Okay. But I mean it's the same
20 situation.

21 MS. HALL - It's the same situation except his
22 prints are not -- and we've talked about this before.

23 MR. FRICK - Well, we talked about the card.

24 MS. HALL - We talked about the prints.

25 MR. FRICK - Okay.

1 MS. HALL - And I submitted a -- she made a
2 diagram that I gave her where she's done her own
3 independent analysis and she's got -- she did the diagram
4 of the prints and she's -- she's gone back and she's re-
5 done everything.

6 MR. FRICK - Judge, that's fine. Fingerprints
7 aren't determinative in this case.

8 MS. HALL - They're not. Okay. And I don't think
9 this is even issue, but just in an abundance of caution,
10 there's a transcript from a bond hearing that I'm going to
11 offer part of it into evidence at some point in time and I
12 just -- it's a self-authenticating document. I just want
13 to make sure that we don't need to go ahead and talk about
14 that, because if I need to get the court reporter here,
15 then I'll need to get the court reporter here, but this is
16 a certified transcript of record, and I would submit that
17 it's self-authenticating.

18 MR. FRICK - I mean I don't know exactly when
19 she's going to use it, so I can't say that I'm not going to
20 object when that occurs. I'm not going to object because --
21 - because she doesn't have the court reporter. I have read
22 the transcript; I'm aware of the transcript; I was present
23 at the bond hearing, so that is an accurate depiction of
24 the statement, but I'm not going to say -- I -- I just --
25 for whatever purpose she may intend to use it, I can't say

1 that I wouldn't object. I don't know what she intends to
2 do with it.

3 MS. HALL - That's fine. Just talking about the
4 authentication portion of it.

5 MR. FRICK - I have no problem ---

6 MS. HALL - As long as we deal with that I can ---

7 MR. FRICK - --- with the authentication, Judge.

8 THE COURT - Thank you.

9 MS. HALL - Okay. Witness rap sheets. If you
10 want to talk about the records or anything.

11 MR. FRICK - Whose records? Which ones? Yours?

12 MS. HALL - My witnesses.

13 MR. FRICK - Yeah. Yeah, I want to talk about
14 your witnesses' records.

15 MS. HALL - Do you want to talk about them now or
16 do you want to talk about them ---

17 MR. FRICK - Sure, if you want to. I don't have
18 rap sheets, so I have no idea what ---

19 MS. HALL - I do. And the only people who have
20 issues are people who Mr. Frick himself put on the witness
21 list, so I spoke with -- and I may come back to that in
22 just a second -- Gidget Alexander -- she's not on his
23 witnesses, but I'm just telling him -- just let you know
24 that she does have some fraudulent check convictions, and
25 those are from 2008.

1 MR. FRICK - Can you provide me a copy of the rap
2 sheets?

3 MS. HALL - I can just give them -- yeah, I've got
4 a copy for you, but just -- in terms of trying to go ahead
5 and settle it, I'll give you them, but do you want to talk
6 about them now or ---

7 MR. FRICK - I'd like an opportunity to review
8 them, so I can ---

9 MS. HALL - Here, let me give them to you. I
10 think they're back in the back.

11 MR. FRICK - Oh, okay ---

12 MS. HALL - Okay, well, then we'll talk about it
13 when? Later? They're all in the back in a big stack.

14 MR. FRICK - Okay.

15 MS. HALL - Okay. All right, then we need to have
16 a Denno hearing. Mr. Moore did give a statement to
17 Detective Chris Reynolds. He's here. I mean Mr. Frick did
18 put on the record that -- with the defendant on the stand
19 that, you know, this statement was given freely,
20 voluntarily, knowingly, and -- I mean I think we probably
21 still need to have a Denno hearing, but ---

22 MR. FRICK - I mean, Your Honor, I've reviewed the
23 video. I think -- you can review it if you want to just to
24 confirm. My client was advised of his rights. Officer
25 Reynolds or Investigator Reynolds went over his rights with

1 him. He waived his rights and did speak, so I -- I don't
2 know if you need necessarily a full-blown Denno hearing.
3 If you want to review that part and confirm it for the
4 Court's sake. I ---

5 THE COURT - No, if y'all agree that you don't
6 need it, that's enough for me.

7 MR. FRICK - Yeah, I don't -- I don't -- I don't
8 think I have any problem with it, because I think Chris was
9 very well aware of what was going on. My only issue would
10 be the introduction of the statement itself when she seeks
11 to introduce that and what's she's trying to get into and
12 all that, but as far as it being -- him being properly
13 mirandized, I think the video is pretty clear and I don't
14 see where I would be successful in challenging it. I don't
15 think there's any real issues there.

16 THE COURT - And you've thoroughly reviewed it.

17 MR. FRICK - I've reviewed it. My client and I
18 reviewed it on Friday and ---

19 THE COURT - All right.

20 MR. FRICK - And, in fact, his statement is, I
21 didn't do anything, so, I -- you know, it's not -- it
22 wasn't exactly an admission.

23 THE COURT - Both of you in agreement as to that,
24 that's fine with me. I don't have any problems as long as
25 y'all are in agreement on it.

1 MS. HALL - And I do ---

2 THE COURT - Miranda warnings were given and his
3 statement, whatever it was, was freely, voluntarily and
4 intelligently given. If y'all in agreement on that I'll so
5 find.

6 MS. HALL - Okay. And um, but ---

7 MR. FRICK - Judge, I -- just to clarify now, I --
8 I agree that it was properly done and when they seek to
9 introduce it for whatever cause that may be ---

10 THE COURT - Right.

11 MR. FRICK - --- I may have objection. That's --
12 that's as far as my agreement goes.

13 THE COURT - All right, upon both of y'all's
14 agreement. Both of you are probably the most knowledgeable
15 about this statement than anybody in this courtroom other
16 than the defendant. And y'all tell me that it was freely,
17 voluntarily, intelligently entered into after proper
18 Miranda warnings. I have no problems making that finding.
19 Now, is that what you want me to do?

20 MR. FRICK - Yes, sir, I agree to that, yes, sir.

21 THE COURT - All right, I so find.

22 MS. HALL - And I'm going to make this part of the
23 Court's records, Your Honor. This is the advisement of
24 rights form bearing the defendant's initials and signature.
25 We would just like to enter that.

1 THE COURT - You want to make this a Court's
2 Exhibit for now?

3 MS. HALL - Yes, sir.

4 (WHEREUPON, DOCUMENT MARKED AS COURT'S EXHIBIT 1.

5 THE COURT - Well, one other thing. Now, when I
6 say freely, voluntarily and intelligently made, there is no
7 indication of any coercion, threats or duress. Is that
8 correct, counsel?

9 (WHEREUPON, DISCUSSION IS HELD BETWEEN MR. FRICK
10 AND MR. MOORE WHICH WAS NOT REPORTED.)

11 MR. FRICK - Judge, in just speaking quickly with
12 my client, I think -- he was incarcerated at the time. He
13 had been served with a -- I don't know if he'd been served
14 with a warrant in this case, but I know he'd been served
15 with a warrant in another matter, had been in the jail for
16 about nine, ten days, so as a being an eighteen year old
17 young man incarcerated in jail, he felt that pressure. I
18 don't think, in my review of it and in reviewing it with
19 Mr. Moore and then discussing it with him, I don't think
20 it's -- it's enough for the coercive action. And, again,
21 the statement is -- it's not a confession. His statement
22 is, in fact, one of saying, I didn't do anything, I didn't
23 do anything about it, so I think that makes it a little bit
24 different.

25 THE COURT - Good enough.

1 MS. HALL - And, Your Honor, I want to clear it up
2 too just to make sure. He was incarcerated. He was -- you
3 know, he was well-rested at the time. That's what the --
4 Detective Reynolds would testify to. He had been served --
5 I believe he had been served with -- I know he had been
6 served with the murder warrant at the time that the
7 interrogation occurred; he'd already been incarcerated on
8 another warrant. He and Chris Reynolds were the only two
9 people in the room for the majority of the time. Detective
10 Phillip Perry does come in at a later time just very, very
11 briefly. The minute the -- there was some conversation
12 between the detectives and the defendants at which point
13 the defendant says, if y'all are going to call me a liar, I
14 don't want to talk to you anymore; the question immediately
15 stopped. The defendant never said, I'm hungry, I'm
16 thirsty, I have to go to the bathroom or anything like
17 that. He spoke intelligently during the course of the
18 interview. You know, they weren't really -- I mean they
19 were asking him questions, but it was not -- not -- and it
20 didn't rise necessarily to the level of any sort of a
21 argumentative interrogation, and, you know, he was
22 incarcerated, he was in jail, so I don't even know that --
23 well, he was in hand-cuffs, but he was -- and I just want
24 to make sure that we're very, very clear that the statement

1 was voluntarily given. I just don't want to set this up
2 for a problem later on.

3 THE COURT - You disagree with anything there?

4 MR. FRICK - No, sir, I don't disagree with it.

5 MS. HALL - Thank you.

6 THE COURT - All right, that reinforces the
7 finding and I still so find that it was freely, voluntarily
8 and intelligently given without coercion or duress. Or
9 proper promises.

10 (WHEREUPON, DISCUSSION IS HELD BETWEEN COUNSEL
11 WHICH WAS NOT REPORTED.)

12 THE COURT - Anything else?

13 (WHEREUPON, NO RESPONSE)

14 THE COURT - Okay.

15 MS. HALL - I don't have anything further. We'll
16 get together on the rap sheets and come before you before
17 that and settle any issues that rises as a result of that
18 conversation.

19 THE COURT - All right, what time we want to tell
20 them to be back? When I say them, the jury.

21 MS. HALL - 9:30. Is that -- if that's okay with
22 the Court and everybody else.

23 MR. FRICK - Fine with defense.

24 THE COURT - Okay. Madam clerk will take care of
25 that. I want to thank y'all for presentations and getting

1 this jury seated. Makes my job a lot easier when y'all can
2 work together on common ground that you can reach.

3 So rest up tonight; be ready to go in the
4 morning.

5 MS. HALL - Thank you.

6 MR. FRICK - Thank you, Your Honor.

7 (WHEREUPON, COURT IN RECESS FOR THE DAY AT 3:18
8 P.M.)

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
) SIXTH JUDICIAL CIRCUIT
 COUNTY OF FAIRFIELD) CASE NOS: 2015-GS-12-085, 086

STATE OF SOUTH CAROLINA)
)
 vs.) TRANSCRIPT OF RECORD
)
) (DAY 2 - VOLUME II)
 CHRISTOPHER MARQUAVIOUS) (PAGES 118 - 363)
 MOORE)

APRIL 19, 2016
 WINNSBORO, SC

BEFORE THE HONORABLE PAUL BURCH

APPEARANCES:

JULIE HALL, DEPUTY SOLICITOR
 CHESTER, SOUTH CAROLINA

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ATTORNEYS FOR THE DEFENDANT

SHIRLEY BROOM
 16TH Circuit Court Reporter

I-N-D-E-X

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S-2	Photos, a,b,c, truck (defects)	118	333
S-3	Disk - video - First & Patrick	118	195
S-4	Diagram	118	133
S-5	Photo, a,b,c,d Cadillac @ house		135,136
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S-7	Diagram		152
S-8	Statement		159
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S-11	Buccal/Chris Moore		470
S-12	SKS rifle		507
S-13	Swab/Yukon		793,455
S-14	Copy of photo - SKS under shed		330,282
S-15	Map		284
S-16	Photos, a,b,c		295
S-17	Swab/Honda Accord		455
S-18	32 caliber handgun		521
S-19	9 mm Keltec handgun		524
S-20	.38 firearm (.38 special revolver)		523
S-21	shell casing		510
S-22	shell casing		510
S-23	shell casing		510
S-24	shell casing		510
S-25	shell casing		510
S-26	shell casing		510
S-27	shell casing		510
S-28	shell casing		510
S-29	shell casing		510
S-30	shell casing		510
S-31	shell casing		510
S-32	shell casing		510
S-33	shell casing		510
S-34	shell casing		510
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S-36	shell casing		510
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1 (WHEREUPON, COURT RESUMES ON TUESDAY, APRIL 19TH,
2 2016)

3 (DOCUMENTS MARKED FOR IDENTIFICATION AS STATE'S
4 EXHIBIT'S 1 THROUGH 4.)

5 THE COURT - Thank you very much. You may be
6 seated.

7 All right, good morning everybody. I understand
8 the jury has reported.

9 (DISCUSSION IS HELD UNRELATED TO THE TRIAL WHICH
10 WAS NOT REPORTED.)

11 THE COURT - I understand the jury has reported.
12 Is there anything before we swear the jury and get started?

13 MS. HALL - Nothing from the State.

14 MR. FRICK - None from defense.

15 THE COURT - Bring them in and we'll get them
16 sworn.

17 (WHEREUPON, JURY ENTERS THE COURTROOM)

18 THE COURT - Good morning everybody. Thank y'all
19 for reporting. We ready to get started. The first thing
20 we have to do is get you under oath. Ms. Rabon? Am I
21 pronouncing that correctly.

22 JUROR - That's correct.

23 THE COURT - You'll be the forelady. Madam clerk?

24 (WHEREUPON, JURY IS DULY SWORN BY THE DEPUTY
25 CLERK)

1 THE COURT - I'm just going to make a few opening
2 remarks to you and let you know how we're going to proceed,
3 basically, we try the phases of the trial and then I'll
4 turn it over to counsel.

5 First thing that will happen, both sides, if they
6 so desire, can make brief opening statements to you to
7 outline their respective positions in the case. And that's
8 basically what it is, is a brief outline. After that will
9 come the evidentiary portion of the trial where you will
10 receive the evidence. Evidence may take different forms.
11 It may be testimony from this witness stand. It may be
12 documents, could be photographs, could be other physical-
13 type items. It is critical that you listen and observe the
14 evidence because you are the finders of the facts in this
15 case. I do not get involved in the facts. In South
16 Carolina a Judge sits essentially as a referee, mutual
17 referee. I don't have any opinions, can't have any
18 opinions about the facts in the case. That is solely for
19 y'all to find from the evidence that you hear. The Judge,
20 of course, is the Judge of the law in the case. From time
21 to time I may have to send y'all out back to the jury room
22 while I resolve matters of law. But basically what you
23 will follow in my closing instructions to do will be to
24 listen and observe the evidence, apply that evidence as you
25 find it to the law that I will give to you of the Judges

1 charge of the law and thus reach a verdict. After the
2 evidentiary portion of the trial will come the time for
3 closing arguments where both sides will be allowed ample
4 opportunity to make closing arguments to you to try to
5 persuade you to see the case as they see it, see the
6 evidence as they see it. Now, what counsel says during the
7 progress of this trial is not evidence. Now, they may
8 quote some evidence or refer to some evidence or speak of
9 some evidence that's been introduced, but what they say is
10 not evidence. After the closing argument portion of the
11 trial will come the Judges' charge on the law where I will
12 provide you the law of the State of South Carolina for you
13 to deliberate and use to reach a verdict. When you are
14 asked to reach a verdict, it will have to be a unanimous
15 verdict. All 12 deliberating jurors will have to be in
16 agreement on that. This is a criminal case and as anywhere
17 in the United States -- South Carolina's the same as all
18 the other states -- the State must prove the guilt of the
19 defendant beyond a reasonable doubt. I will give you an
20 explanation of that in the final charge that I give to you.
21 If -- let me ask you to do this. Normally don't have a
22 problem with this in the morning, but after lunch sometimes
23 you can be caught in a position where you might dose off on
24 us. Please don't do that. If you feel like that you're
25 going to fall asleep, let us know, we'll take a break and

1 find some coffee or coca-cola. Don't fall asleep on us,
2 because that can cause problems. Okay? So feel free to
3 get out attention and we will take necessary breaks that we
4 need to take. We'll try to take a break every hour or hour
5 and fifteen minutes and let everybody have a restroom break
6 and relax and stretch and we will take a lunch hour, just
7 sort of play things as they develop. As far as the
8 witnesses, we like to try to finish witnesses if we
9 possibly can, but sometimes we have to take a break during
10 testimony but that's unusual for that to happen. The key
11 to being a juror is to listen and observe, follow the law
12 after you find the facts. That's the basic outline of what
13 we're going to be doing here. So I'm going to turn it over
14 to counsel. As I said, the State has the burden of proof
15 in the case, so they will go first.

16 MS. HALL - Thank you.

17 THE COURT - Madam Solicitor.

18 MS. HALL - Thank you.

19 Good morning. I'm going to be brief with this.
20 This is not going to be a brief trial, and I would submit
21 to you it's not going to be an easy trial. We will do the
22 best we can to make it as painless as possible, but my name
23 is Julie Hall. I'm the deputy solicitor for Chester
24 County. Riley Maxwell is the other attorney who's going to
25 be working with me on this case. He's the deputy solicitor

1 for Fairfield County, and this is a Chester County case
2 which may seem odd, but for legal reasons it's been
3 entrusted to you the citizens of Fairfield County to hear
4 the evidence and render a verdict in this case. And that's
5 what we come seeking, a verdict. And the word verdict
6 comes from a latin word which means to seek the truth,
7 which is what we seek here. I'm assuming that for most of
8 you it's your first time on a jury and I -- as His Honor
9 just explained to you, you are the sole Judges of the
10 facts. He is the sole Judge of the law, and your job is to
11 take the facts as you find them to be through the evidence
12 we present to you and then apply the law as he gives it to
13 you and then render that verdict that I just talked about.

14 This is a very important case to the State. I
15 know it's a very important case to the defendant, and I
16 know that it's very important to the victim's family in
17 this case and they come seeking justice. The victim in
18 this case was -- his name's Odell Williams. You'll hear
19 more, you know, about all the players in this situation as
20 it goes along. I think that it does help to know the
21 elements of crimes when you start out on this journey so at
22 least you kind of know what you're looking for, and again,
23 as His Honor told you, he is the sole Judge of the law.
24 I'm going to tell you what the elements of the crimes are.
25 If he gives you any other information, obviously, take it

1 from him and not from me, but this defendant is charged
2 with murder, which is an unlawful killing with malice
3 aforethought. And all of those things will be explained to
4 you in much further detail later, but those are the two,
5 basically the two elements you have to find, unlawful
6 killing, malice aforethought, in order to find him guilty
7 of murder. He's also charged with possession of a weapon
8 during the commission of a violent crime. I would submit
9 to you the weapon in this case that was used was an assault
10 rifle. It by definition is a weapon, and murder by
11 definition is a violent crime. That's defined in the
12 statute in South Carolina law. Murder is a violent crime;
13 they're classifications of crime, and if you find that he's
14 guilty of murder and that he possessed a gun during the
15 commission of murder, then he would be guilty of the
16 possession of a weapon charge as well.

17 And I know Mr. Frick's going to come up here, and
18 I completely agree with what he's going to tell you, if he
19 tells you that the defendant is presumed innocent until the
20 State proves him guilty beyond a reasonable doubt. And
21 this is a con -- a basic concept in law, and sometimes it's
22 explained by the Court as a robe of righteousness that the
23 defendant wears when he comes to you, and it's the State's
24 job to present evidence to you to prove his guilt beyond a
25 reasonable doubt. And as the State does that, the robe of

1 righteousness is removed, and I would submit to you that's
2 what's going to happen throughout the course of this trial.
3 And reasonable doubt, as His Honor told you, he's going to
4 define that in more detail later as well, but you guys were
5 selected for your reasonableness, for your common sense and
6 for your life experience.

7 Nothing I say is evidence; nothing Mr. Frick says
8 is evidence. All the evidence is going to come from that
9 witness stand and through exhibits that we present to you
10 in the forms of videos or statements or evidence that was
11 collected during the course of the investigation. It is
12 your job to do several things, judge the credibility of the
13 witnesses, decide what's true, what's not true, what's
14 reasonable. You can believe some of a witnesses'
15 testimony, all of a witnesses' testimony or none of a
16 witnesses' testimony, and that is your complete
17 prerogative. You'll hear from reporting officers, the
18 first officers on the scene. You'll hear from witnesses
19 who observed things happen during the course of this
20 situation. You're going to hear from officers who
21 investigated this case from the Chester County Sheriff's
22 office and also from the South Carolina Law Enforcement
23 Division, as well as York County canine officers. There's
24 a route that was taken and we -- I'll just go ahead and
25 show y'all this. You're going to hear evidence that this

1 situation started on Featherstone Road in Chester County,
2 came all the way down through here, all the way around and
3 ended up on Roundtree Circle where the victim was killed.
4 Witnesses are going to paint picture of a defendant who had
5 an assault rifle that he used to kill the victim in this
6 case. You're going to hear witnesses testify about him
7 rolling out of the car, laying in wait for the victim to
8 come around the corner, firing on him, and you'll see
9 physical evidence where he shot 17 -- at least 17 times and
10 fatally wounded the victim by shooting him in the head.

11 You're also going to hear testimony the victim in
12 the case was a retired city police officer and yes he
13 carried a gun. He had the gun with him that night. You're
14 going to hear testimony that it was a .32 revolver, and
15 that the victim had gunshot residue on his hands and two
16 spent shell casings in his gun.

17 At the end of this case I submit the defendant
18 will be stripped of his robe of righteousness, that there
19 is absolutely nothing righteous about what the defendant
20 did to Odell Williams that night. I submit to you at the
21 end of this case the picture painted through testimony and
22 evidence will leave you firmly convinced beyond a
23 reasonable doubt that the defendant is guilty of both
24 charges. Thank you.

25 THE COURT - Thank you, solicitor. Counsel?

1 MR. FRICK - Thank you, Your Honor.

2 Solicitor, madam forelady, ladies and gentlemen
3 of the jury. My name is William Frick. I am the attorney
4 for Christopher Moore who is charged with murder and
5 possession of a weapon during a crime of violence and that
6 violent crime is alleged to be murder.

7 Now, I know none of y'all woke up yesterday
8 morning and said, boy, I really hope I get chosen on a
9 week-long murder trial, that's what I want to do, but
10 you're here, and you're performing a very, very valuable
11 duty. And I know you probably felt like you didn't have a
12 whole lot choice in that, and that's probably more true
13 that you'll ever understand, but it is a very valuable
14 service that you render, important to all the parties in
15 this case.

16 I want to tell you quick history lesson. Some of
17 y'all may know this; some of y'all may not. If you look at
18 that plaque that's above the wall over there, it talks
19 about an incident that happened in this very courthouse
20 almost a 101 years ago. A guy name Jewell Smith was
21 charged with an assault and the allegations of that
22 incident had become a little fuzzy over time, but what we
23 do know is, the victim's family in that case decided that
24 Jewell didn't need a trial; they wanted to take matters in
25 their hands, and so on the day June -- in June of 1915 when

1 Mr. Jewell Smith's trial date was coming, they stood at the
2 top of the stairs here in Fairfield County Courthouse
3 armed. Sheriff Adam Hood and his deputy Riley Boulware
4 were escorting Mr. Smith to his trial date, and they knew
5 what was waiting for them at the top of the stairs, but
6 they had taken an oath to defend the system and the process
7 and to make sure that the law applied, not just -- and the
8 people at the top of the stairs were fairly important
9 people, prominent people in the community. The sheriff is
10 an elected official. The sheriff's oath and his deputy's
11 oath was to make sure that the law applied equally to
12 everybody, not just the important people at the top of the
13 stairs but to Jewell Smith as well. Easiest thing in the
14 world for him to do was to turn and look at Mr. Smith and
15 go, well, good luck, you're on your own, there's the door.
16 They didn't do that. The sheriff and his deputy came up
17 the steps, a hail of gunfire occurred, and the three
18 parties, the sheriff, his deputy and Jewell Smith
19 ultimately succumbed to the injuries that they had. But
20 the sheriff and his deputy gave his life -- gave their life
21 to protect the right that we're here today for, and that's
22 the right to fair trial. Because the sheriff knew that if
23 it couldn't work for poor little Jewell Smith, that the law
24 only worked for the important people at the top of the
25 stairs, then it couldn't work for any of us. Now, no one's

1 asking you make that kind of sacrifice here this week, but
2 you are making a sacrifice, and we all recognize you're
3 making that sacrifice. It's important. It's important.
4 The oath that you took is no less important than the oath
5 that the sheriff took. We're here today to guarantee a
6 fair trial to the parties in this matter. Now, that's
7 great, Frick; how we do that. Well, what happens is, as
8 you've been told and will hear again, you're going to hear
9 testimony from this very witness stand; folks will be
10 called; they will testify; they will testify about
11 evidence; they'll be pictures; all kinds of stuff's going
12 to come in. Your job is to weigh that, determine what you
13 want to accept as the facts in this case, because just
14 because somebody stands up here, puts their hand on the
15 bible and says something, doesn't mean that you have to
16 accept it. You can determine whether you want to believe
17 all, part or none of what they've got to tell you. You get
18 to determine whether they've got some motivation to say
19 what they're saying. This is all within your purview as
20 you weigh the evidence to determine what happened on the
21 night of November 4th, 2014 in the city of Chester. Now,
22 the State alleges that Chris Moore murdered Odell Williams.
23 The State has to prove that beyond a reasonable doubt.
24 Now, let me tell you what I believe reasonable doubt is.
25 It's that there's no other reasonable explanation, other

1 than Chris Moore murdered Odell Williams. That's what the
2 State has got to prove to you, beyond a reasonable doubt.
3 Let me tell you what that's not. That's not sitting here
4 going, well, I'm looking at Chris, I don't know, he looks
5 like the kind of guy that might've done something like
6 that; maybe he didn't actually murder Odell; I think he did
7 murder; probably. These are not sufficient, ladies and
8 gentlemen. There's got to be no other reasonable
9 explanation other than Chris Moore murdered Odell Williams,
10 and the if the State has not reached that burden, then he
11 is not guilty. Now, the State is going to show you all
12 kinds of evidence, going to make this thing look all kind
13 of complicated. Now, part of the matter -- this is a very
14 simple case. See, this is not necessarily a who done it.
15 This is more of a why done it. What the State is going to
16 introduce is evidence trying to say it was a bad guy with
17 other bad guys going out to do bad things, and if they
18 hadn't been out there to do bad things, none of this
19 wouldn't happened. The simple fact of the matter is if
20 Odell Williams had not done what he did, we wouldn't be
21 here today. If he had not chased a car through town and
22 fired upon them, we would not be here today. The simple
23 fact of the matter is, Chris Moore did what he thought he
24 needed to do at that point in time to protect his life.
25 It's a right that we all have when we're threatened and

1 feel that we're in danger, to protect our life and he
2 exercised that. Now, I also submit to you that the State's
3 evidence that they intend to introduce to convict Chris of
4 murder is the same evidence that supports what he's telling
5 you. And if that, in fact, is the case, if you agree with
6 that, then Chris Moore is not guilty, that he did not, in
7 fact, murder Odell Williams but was simply protecting
8 himself.

9 Now, it's going to take a good deal of time.
10 It's not going to always be exciting. There's going to be
11 some slow testimony at points. It's not always like it is
12 on TV where it's an exciting thrilling time every minute,
13 but it's important, and I know you'll listen, and I know
14 you'll weigh the evidence carefully, and I know you will
15 honor your oath and give a fair trial to all parties in
16 this case. And once you've weighed that evidence, I
17 believe you will find that the State has not met their
18 burden and that Christopher Moore is not guilty.

19 Thank you very much for your time, your attention
20 and your service.

21 THE COURT - Thank you. You may proceed with your
22 witness.

23 MS. HALL - Thank you. State calls Kyle Cummings.

24 THE COURT - Come around and be sworn, please.

KYLE CUMMINGS - DIRECT BY MS. HALL

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1 KYLE CUMMINGS, AFTER BEING FIRST DULY SWORN,
2 TESTIFIES AS FOLLOWS -

3 DIRECT EXAMINATION

4 BY MS. HALL -

5 Q Mr. Cummings, where -- your full name is Kyle
6 Cummings. Correct?

7 A Correct.

8 Q And where are you employed?

9 A I am employed by the York Police Department, York,
10 South Carolina.

11 Q And on November 4th of 2014, where were you employed?

12 A The Chester County Sheriff's office.

13 Q And were you on duty on the 4th of 2014, on that night?

14 A Yes, ma'am, I was.

15 Q What -- do you remember what time you went on that
16 night?

17 A My shift started at around 6:00 o'clock that night.

18 Q Okay. And at some point did you get a call to go
19 somewhere around Roundtree Circle?

20 A I did.

21 Q Okay. Do you recall about what time that was?

22 A It was later in the evening. The exact time -- I'm
23 not sure exactly what time it was.

24 Q Okay. Did you respond to -- to that call?

25 A I did.

1 Q And where were you when you got the call?

2 A I was actually on a traffic stop in the nearby area on
3 Saluda Street, which is inside Chester, South Carolina.

4 Q All right, and when you responded to Roundtree Circle,
5 do you -- what did the call come out as?

6 A The call came out as a shooting. I believe I was
7 advised that the car had struck the residence on Roundtree
8 Circle. That's what I was responding to.

9 Q Okay. And what did you observe when you got to that
10 area?

11 A When I got to the area -- Roundtree Circle has two
12 entrances. I went to the second entrance; I bypassed the
13 first entrance to Roundtree Circle, made the second left
14 onto Roundtree thinking that if a vehicle was speeding out,
15 I'll be able to see it and therefore thereby cut it off.
16 Turned left onto Roundtree, proceeded down to Roundtree
17 Circle. That's when I noticed a burgundy -- burgundy
18 Cadillac vehicle against a residence.

19 Q And I'm going to show you what's been marked as
20 State's Exhibit 4.

21 (WHEREUPON, DISCUSSION IS HELD BETWEEN COUNSEL
22 WHICH WAS NOT REPORTED.)

23 MR. FRICK - Your Honor, just for the record we've
24 previously agreed on this exhibit.

25 THE COURT - Okay.

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1 MS. HALL - Well, do you have any objection to it
2 being entered into evidence.

3 MR. FRICK - No, no objection.

4 THE COURT - In without objection.

5 MS. HALL - Thank you.

6 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
7 STATE'S EXHIBIT NUMBER 4.)

8 (WHEREUPON, DISCUSSION IS HELD BETWEEN COUNSEL
9 WHICH WAS NOT REPORTED.)

10 THE COURT - Can the end juror see?

11 MR. FRICK - Judge, do you mind if I go stand over
12 there beside the table?

13 THE COURT - Sure, come on.

14 Q I'm going to give you this little laser pointer. It
15 might help to be able to -- all right. Since this is --
16 and all this occurred within Chester County. Is that
17 correct?

18 A That is correct.

19 Q All right, and since this is Chester County and we are
20 in Fairfield County, if you would just show the jury what
21 you were describing when you -- when you just went through
22 that part of your testimony?

23 A Yes, ma'am, I will. As we can see on the picture,
24 this is Roundtree Circle. The road outside of Roundtree
25 which leads into Roundtree is Parkway Drive. Parkway Drive

1 is accessible by York Road and also Saluda Street. I was
2 on Saluda Street which is back this way to the right. When
3 I was dispatched to the call, I came down Saluda -- came
4 down Saluda, turned onto Parkway and came down to the
5 second entrance thinking that if someone were to come out,
6 they are going to come out the second entrance and not the
7 first one and I could cut them off. However, that was not
8 the case; I did not see anyone. So I proceeded down
9 Roundtree. As I got around I located the vehicle against
10 the residence.

11 Q Okay, when you say the vehicle, what vehicle are you
12 referring to?

13 A The burgundy Cadillac.

14 Q All right, did you -- what else did you observe when
15 you came?

16 A As I got out of my vehicle I informed dispatch of my
17 location to where we were at, and at that time I approached
18 the vehicle.

19 Q And what did you see?

20 A When I approached the burgundy Cadillac, I did not see
21 any other vehicles around. I did locate a black male
22 inside the burgundy Cadillac. It was obvious that he was
23 in dyer need of medical attention. He had been shot in the
24 face. I could actually -- I could actually see the injury
25 to his face. There was no question of whether or not he

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1 had been shot just due to the serious injury that he
2 sustained. At that time I starting calling for EMS for
3 him, because he needed help then.

4 (WHEREUPON, DISCUSSION IS HELD BETWEEN COUNSEL
5 WHICH WAS NOT REPORTED.)

6 Q I'm going to show you what's been marked as State's
7 Exhibit 5(a). Tell me if you recognize that, please.

8 A I do.

9 Q What is it?

10 A This is the burgundy Cadillac up against the
11 residence.

12 Q And is that truly and accurately depicted as you saw
13 it that night?

14 A It is.

15 MS. HALL - Your Honor, I'd move State's 5(a) into
16 evidence at this time.

17 MR. FRICK - No objection, Your Honor.

18 MS. HALL - And I'd ask permission to publish it
19 to the jury.

20 THE COURT - In without objection; you may.

21 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
22 STATE'S EXHIBIT NUMBER 5(a).)

23 (WHEREUPON, DOCUMENT PUBLISHED TO THE JURY)

24 Q I'm showing you what's been marked as State's 5(b).
25 Do you recognize that?

1 A I do.

2 Q Is that the same thing?

3 A It is.

4 Q Does it truly and accurately depict it?

5 A It does.

6 MS. HALL - We would ask that that be entered into
7 evidence as well.

8 MR. FRICK - No objection.

9 THE COURT - In without objection; you may.

10 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
11 STATE'S EXHIBIT NUMBER 5(b).)

12 Q Where -- and I -- where was the defendant in the -- I
13 mean the victim -- where was he seated in that car?

14 A He was in the driver's seat.

15 Q Okay. Was he conscious when you ---

16 A He was.

17 Q Was he able to speak to you?

18 A He could not talk, no. He was grunting and sounding
19 like he was trying to talk, but he could not.

20 Q Okay. And he was in the car?

21 A He was.

22 Q All right. At any point in time did he exit the
23 vehicle?

24 A He did.

25 Q Could you tell the jury about that, please?

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1 A The black male, I guess, later identified as Odell --
2 I didn't know it was Odell at the time -- kept trying to
3 exit the vehicle. I decided not to restrain him in the
4 vehicle because I didn't want to try to hold him down and
5 make his injury worse -- head injury, I'm not sure if he
6 had anything going on with his neck, so I'm not trying to
7 hold him down in the vehicle. He actually exited the
8 vehicle, and if you look on the picture, there was some
9 chairs located in the driveway; we allowed him to sit in
10 the chair until medics arrived.

11 Q Did he get out of the car and walk to the chair
12 himself?

13 A He did.

14 MS. HALL - All right, Your Honor, we'd ask
15 permission to publish this to the jury, 5(b).

16 THE COURT - You may.

17 (WHEREUPON, DOCUMENT PUBLISHED TO THE JURY)

18 Q At this point in time did you call for EMS?

19 A I did. I believe I actually called the EMS prior to
20 him getting out of the vehicle.

21 Q Okay.

22 A As soon as I saw his injury I believe that's when I
23 started calling for it.

1 Q I'm just going to go ahead and show you 5(c) and (d)
2 and both of those accurately depicted the place where the
3 Cadillac was resting against the house.

4 A That is correct.

5 MS. HALL - All right, and we'd ask that these be
6 moved into evidence as well.

7 MR. FRICK - No objection.

8 THE COURT - In without objection.

9 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
10 STATE'S EXHIBIT 5(c) and (d).)

11 MS. HALL - And publish them to the jury.

12 THE COURT - Okay.

13 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY)

14 Q Okay. So did you -- what -- did you proceed to secure
15 the scene or what was your -- once you got Mr. Williams
16 seated in that chair, what did you do after that?

17 A Once Mr. Williams was seated in the chair, I started
18 to have backup deputies arrive on the scene. At that point
19 -- at that point in time my job was to actually gain
20 security of the crime scene. I wanted to preserve it, so
21 at that time we started putting crime scene tape out and
22 also started notifying our investigators and upper echelon
23 command staff to what we had.

24 Q And when you say we, who are you referring to?

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1 A I'm referring to myself, Sergeant John Kerrington of
2 Chester County Sheriff's office and Deputy Jason Newton of
3 the Chester County Sheriff's office.

4 Q Were they riding with you at the time?

5 A They were not riding with me, no, ma'am.

6 Q Did they arrive at the scene in separate cars?

7 A They did.

8 Q All right. And once you got the scene secured, did
9 you have any further involvement in this case?

10 A No.

11 Q Did you -- at any point in time did you observe --
12 were you on alert for any other cars that might be in the
13 area?

14 A The only other involvement I would really -- I really
15 had in this case was the fact that I pulled over a white
16 GMC Yukon.

17 Q And why did you pull it over?

18 A I believe the sheriff of Chester County was the one
19 who wanted us to be on the lookout for a white Yukon which
20 may have been involved in this case.

21 Q And so did you -- you said you pulled it over. Where
22 did you pull it over?

23 A I pulled it over on Saluda Street right before the J A
24 Cochran Bypass.

25 Q And did you make contact with the driver of that car?

1 A I did.

2 Q Who was it?

3 A Rafael Jackson.

4 Q And did you notice anything odd about the car?

5 A On the rear passenger door, the GMC Yukon four-door
6 vehicle on the rear passenger door there was -- there was
7 blood actually on the door -- on the outside of the door or
8 what appeared to be blood anyhow.

9 Q Okay. And did you -- what did you do when you saw
10 that?

11 A When I saw that I called for an investigator to meet
12 me at the traffic stop. Captain Perry and Detective Taaffe
13 showed up.

14 Q All right, and did you -- and was that the --
15 basically the extent of your involvement with this, or was
16 there anything else?

17 A That's my involvement.

18 MS. HALL - Thank you. I don't have any further
19 questions. Please answer anything Mr. Frick may have.

20 MR. CUMMINGS - Yes, ma'am.

21 CROSS EXAMINATION

22 BY MR. FRICK -

23 Q Officer Cummings, you were on patrol that evening?

24 A That is correct, sir.

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1 Q Okay. And you were with the sheriff's department or
2 the city?

3 A Sheriff's office.

4 Q Okay. All right. You said when the call came
5 through, you were on an un-related traffic stop?

6 A That is correct, sir.

7 Q Okay. Whereabouts were you?

8 A I was on Saluda Street. I was pretty close to the
9 intersection of First Street ---

10 Q Okay.

11 A --- First Street and Saluda.

12 Q Do you -- do you remember about what time that was?

13 A I believe I initiated the traffic stop probably ten,
14 fifteen minutes before the call for service came out. I'm
15 not sure exactly what time it was, so I'm not going to --
16 I'm not going to ---

17 Q I understand. I don't want you to ---

18 A I'm not going to definitely say is this time or since
19 time. Without having the actually CAD sheet in front of
20 me, it's going to be hard to ---

21 Q Yes, sir, I understand. I'm just trying to get an
22 approximate time. So you think it was about ten, fifteen
23 minutes ---

24 A Correct.

1 Q --- prior to getting a call. And what specifically
2 was the call that you got?

3 A Without looking at the actual CAD sheet, without
4 having it front of me, it's hard to tell you exactly what
5 all was said through the radio transmission, but it was,
6 you know, a shooting.

7 Q Okay. All right. And you said something about a car
8 had crashed into a house?

9 A Correct.

10 Q Was that part of what came across?

11 A I believe that was actually given out over the radio
12 while I was in route to it.

13 Q Okay.

14 A I'm wanting to say I was actually told of the vehicle
15 crashing into the house while I was on Parkway Drive.

16 Q Okay. Okay. Now, while you were on Saluda, was there
17 traffic going by?

18 A There was, but my main focus at that time was the
19 traffic stop that I was on and not my -- the vehicles
20 coming up and down Saluda Street. Evening time on Saluda
21 Street there's a steady flow of traffic, so I'm not
22 constantly, you know, watching cars coming by me; I'm
23 dealing with the traffic stop so I can go ahead and get
24 that person out, you know, and ease back onto Saluda.

1 Q Sure, sure. Okay. But you did notice that there was
2 traffic going up and down Saluda?

3 A There was.

4 Q Okay. You got the call over the radio?

5 A Correct.

6 Q Okay. And just kind of repeating it and I apologize
7 for that, but first you hear something about shots fired
8 basically, and then as you're arriving something about a
9 car.

10 A Correct.

11 Q Okay. Did you know where you -- well, I guess they
12 gave you address where the car was crashed, didn't they?

13 A I can't remember if they gave me the exact location
14 like numeric-wise of the house that the vehicle struck, but
15 I knew -- I was told the vehicle had -- did strike a
16 residence and wasn't hard to find.

17 Q And it wasn't difficult to find was it?

18 A No.

19 Q Okay. Were you the first officer on the scene?

20 A I was.

21 Q Okay. When you got there Mr. Williams was still
22 seated in the Cadillac.

23 A He was.

24 Q And you didn't know who it was at the time.

25 A (Indicating no)

1 COURT REPORTER - He needs to answer verbally.

2 Q Just say yes or no; she's got to take it down. You
3 shook your head. You responded no but you shook your head

4 ---

5 A Oh.

6 Q --- to my question of did you know ---

7 A Oh, I apologize. I did not realize it was Odell
8 Williams at the time.

9 Q Sorry. It ain't fun being up there, I know. All
10 right, no one else was in the car, his car?

11 A No.

12 Q Okay. He was still seated in the vehicle?

13 A He was.

14 Q Okay. You said something; I just want you to clarify
15 it. You said you didn't want to restrain him in his car.

16 What -- what'd you mean?

17 A He kept trying to get out of the vehicle; he wanted
18 out of that car. I don't know if he was trying -- you
19 know, come to me for help or what, but he was wanting to
20 come out of the car and ---

21 Q Did you want him out of the car?

22 A No. I didn't want him to move. You know, looking at
23 the nature of his injury, I didn't want him to move at all.

24 Q Okay.

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1 A But at the same token, I'm not going to restrain him,
2 you know, because I don't want to make the matter worse. I
3 don't know if he has anything going on with his neck and I
4 don't want my actions to cause him to be hurt any worse.
5 My ultimate goal at that point in time was to get Mr.
6 Williams the help that he needs so he can survive, ---

7 Q Sure. Okay.

8 A --- not hinder or hurt him any worse by holding him
9 inside of his car.

10 Q But he wanted to get out of the car.

11 A He wanted out.

12 Q Did you then assist him out of the car?

13 A I believe we kind of just walked beside him as he was
14 getting out, but Mr. Williams was coming out of that car.

15 Q Okay. Whether you wanted him to or not.

16 A Yeah. I didn't want him out of the car, but I wasn't
17 going to hold him in.

18 Q I got you. Okay. And you said he was not
19 communicative?

20 A He could not talk, no.

21 Q Noises?

22 A Yeah, he made -- he made grunting noises, growling,
23 gargling sounds. Best way I can describe Mr. Williams's
24 condition is something that you would see on TV just a brut
25 horror that he was experiencing. I mean if you watched

1 something pertaining to, let's say a zombie, they're
2 bleeding from their mouth, they're growling, moving about.
3 That's what his actions reminded me of. That's -- that --
4 if you put it in perspective that's the only way I can
5 describe it.

6 Q Okay.

7 A You know, looking at the left side of his face when
8 Mr. Williams moved his head left to right you could see
9 this gape whole on the side of his face, flesh moving
10 around, blood everywhere.

11 Q Okay.

12 A Horrific.

13 Q And, of course, you called EMS?

14 A I did.

15 Q And stayed with him until they got there?

16 A I did.

17 Q Okay. Did he -- you said he sat down in a chair. I
18 think it's in one of these pictures here.

19 A Correct.

20 Q Did he stay remain seated in that chair until EMS got
21 there?

22 A I believe he did. It didn't take -- it didn't take
23 medics long to arrive. They got there rather quick.

24 Q By that time you had become involved in securing the
25 scene?

1 A Once EMS arrived and started triaging Mr. Williams,
2 yes, I started trying to preserve the crime scene.

3 Q Okay. And -- and briefly, because I know it can get
4 into a whole lot of detail -- when you say preserve the
5 crime scene or secure the scene, what -- what did you do?

6 A Well, basically, my version, my idea of preserving the
7 crime scene is, one, I want to have containment of it. I
8 want to make sure no one is running around in my crime
9 scene, because you don't know -- may be shell case, may be
10 a weapon, article of clothing. There's no telling what
11 could be laying out here in the road, and the last thing I
12 want is for someone to come running through my crime scene
13 which could scatter evidence or even someone could pick up
14 the evidence and take off with it, so getting containment
15 is probably the most important thing you can do and that --
16 we do that by placing crime scene tape out, and that --
17 that actually we've gone on at that time. (sic) I believe
18 Sergeant Kerrington is the one who started actually putting
19 out tape; I directed him to put out the crime scene tape,
20 and we also started creating the crime scene log of people
21 who came in and out of the crime scene and the reason why
22 they're there.

23 Q Now, the area that was the crime scene at this point
24 in time, is that what's shown here in State's 5(a) and (b)?

1 A That -- that is correct. This -- this is the front
2 yard of Roundtree Circle, and at that time that's the only
3 crime scene that I really knew of. I didn't know how far
4 down the road it stretched or anything of that nature, but
5 I knew we had the vehicle here in the front yard, so
6 obviously I wanted to preserve what's right here, because I
7 don't know where Mr. Williams was shot at, like what part
8 of the road, so I knew I had the vehicle here in this yard,
9 and we're going to protect this yard.

10 Q Okay. Were you involved in collecting any evidence
11 from that scene?

12 A No.

13 Q Okay. Were you involved in collecting any evidence
14 whatsoever in this case?

15 A Do not believe I was.

16 Q Okay. Other than -- I mean you -- you secured that
17 Yukon, but you didn't do the collection of any evidence off
18 that car. Right?

19 A No. I did not take a blood sample.

20 MR. FRICK - All right. Give me one second. I
21 may not have anymore questions.

22 MR. CUMMINGS - Okay.

23 MR. FRICK - Thank you, Officer Cummings. That's
24 all the questions I have.

25 MR. CUMMINGS - All right.

1 MS. HALL - Beg the Court's indulgence just one
2 moment.

3 RE-DIRECT EXAMINATION

4 BY MS. HALL -

5 Q I want to just show you what's been marked as State's
6 6 for identification purposes. What is that?

7 A This the actual -- appears to be the CAD sheet from
8 incident -- excuse me ---

9 Q Is it from November -- from November the 4th of 2014?

10 A It is.

11 Q What was your call number at that time?

12 A 16, Chester 16.

13 Q Does it show you responded to that call?

14 A It does.

15 Q All right, what time did you respond?

16 A I was in route at 20 hours, 19 -- 20 hours, 19
17 minutes, 18 seconds. I arrived 20 hours, 20 minutes, 58
18 seconds.

19 Q Okay, for people like me who have hard time with
20 military time, could you translate that into normal people
21 time?

22 A Yes, ma'am, 20 hundred hours equals 8:00 p.m.

23 Q So that was ---

1 A I was dispatched; I was in route at 8:19; I arrived at
2 8:20, so it took a minute and 18 seconds for me to get on
3 scene.

4 Q How long were you with the Chester County Sheriff's
5 Department?

6 A Prior to the incident or altogether?

7 Q Altogether.

8 A Altogether around four years.

9 Q Okay. Is the -- is the entirety of Roundtree Circle
10 in Chester County?

11 A It is.

12 Q All right. Officer Cummings, did you ever see a gun
13 during -- when you -- when you dealing with that red
14 Cadillac?

15 A I don't remember seeing a gun; at the same token I
16 don't -- I wasn't really looking for one. As long as Mr.
17 Williams didn't have one in his hand I wouldn't be
18 concerned with it at the time. My main concern was with
19 Mr. Williams, not the vehicle at the time.

20 Q Did anybody ever come out of the house?

21 A I believe there may have been people standing around.
22 There may have been.

23 Q Okay.

24 A You know, to find Mr. Williams in that state kind of
25 created a state of chaos for everyone involved, so my main

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1 focus was Mr. Williams and not so much people in, you know,
2 garage or in the actual house itself.

3 MS. HALL - Thank you. I don't have anything
4 further.

5 MR. FRICK - One quick question.

6 RE-CROSS EXAMINATION

7 BY MR. FRICK -

8 Q That CAD sheet the solicitor had you look at, did it -
9 - did it show the traffic stop that you were initially on?

10 A No, it did not, sir.

11 MR. FRICK - Okay. Thank you. That's all the
12 questions I have.

13 MS. HALL - Your Honor, we ask that this witness
14 be excused.

15 MR. FRICK - No objection.

16 THE COURT - Thank you, sir. You're excused.

17 MS. HALL - State calls Louise Williams.

18 LOUISE WILLIAMS, AFTER BEING FIRST DULY SWORN,

19 TESTIFIES AS FOLLOWS -

20 DIRECT EXAMINATION

21 BY MS. HALL -

22 Q Your full name is Anna Louise Williams. Is that
23 correct?

24 A Annie Louise Williams, yes.

1 Q All right. And are you -- did you know the -- I mean
2 the victim in this case, Odell Williams?

3 A Yes, I do.

4 Q How did you know him?

5 A He was my husband.

6 Q Okay. And how -- when were you guys married?

7 A June, 1969, '68.

8 Q Okay. And do you have children together?

9 A We do.

10 Q All right, and did you and Odell Williams at some
11 point in time live together at [REDACTED]?

12 A We did.

13 Q Okay. I show you what's been marked as State's 7.

14 MR. FRICK - You wanting to move that into
15 evidence?

16 MS. HALL - And I will -- yes, sir, I do want to
17 enter it into evidence. I don't ---

18 MR. FRICK - Judge, no objection of the defense
19 this going into evidence.

20 THE COURT - All right, will be entered without
21 objection.

22 MS. HALL - Thank you, your Honor.

23 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
24 STATE'S EXHIBIT NUMBER 7.)

1 Q Ms. Williams, is this -- is this about where your
2 house is on Featherstone Road?

3 A Yes, it is.

4 Q Okay. And let me just ask you a couple of questions
5 about this situation. Is this a dead-end road? Like when
6 you come off of Old York Road and turn on Featherstone
7 Road, does it dead-end at some point?

8 A Featherstone is a dead-end road.

9 Q And to your knowledge is Holmes Road a dead-end road,
10 too?

11 A No, -- uh, yeah, you got houses or something across
12 the railroad track, but I guess it's a dead-end road. I
13 think it is.

14 Q Okay. So did you -- at the time of this incident on
15 November the 4th of 2014, were you and Odell living
16 together?

17 A No, we wasn't living in the same house.

18 Q Okay, had you been separated for some time?

19 A We didn't live together for about 20 years.

20 Q Okay. And then how long had you been separated?

21 A How long ---

22 Q 1968 to 1988 you lived together. Is that fair?

23 A We probably separated in 1992 or '93, somewhere along
24 in there.

25 Q Okay. And where was he living?

1 A He lived on Brawley Street.

2 Q On Brawley Street. Okay. Now, during the time that
3 you were married to Odell, was he a police officer?

4 A He was.

5 Q Where did he work?

6 A He did work at the Chester County Ambulance Service
7 and city policeman.

8 Q All right, and ---

9 A And he did concrete on the side sometimes.

10 Q Concrete on the side. Okay. And about how long was
11 he a police officer?

12 A About 20, 20 years or 24, 25 years.

13 Q Okay, and did he retire from the Chester City Police
14 Department?

15 A He did.

16 Q All right, and when he retired, what kind of business
17 was he involved in?

18 A He retired. He did concrete finishing.

19 Q Okay, and you'd said before that was a side job. Did
20 that become his main job once he retired from the police
21 department?

22 A Yes, I guess you would say so, yes.

23 Q Ms. Williams, do you know if Odell was right-handed or
24 left-handed?

25 A He was right-handed.

1 Q Okay. I'm going to show you this map one more time
2 and ask you, did Odell did have a concrete shop near your
3 house on Featherstone?

4 A Yes.

5 Q Did he -- what did he keep there?

6 A All kind of forms and stuff that he didn't just use or
7 had over at the shop on Saluda Street.

8 Q Okay, so he had a shop on Saluda Street, too?

9 A Yes, he did.

10 Q Did he keep heavy equipment and stuff on Featherstone
11 Road?

12 A Well, like, yeah, some different little tractor or
13 differing little -- I don't know -- scrap metal stuff, but
14 the old forms and old trucks.

15 Q Old forms?

16 A Well, forms that he wasn't using at that particular
17 time.

18 Q What's a form?

19 A It's a different form. It's something you use to do
20 your cement.

21 Q Oh, form. Okay, now I understand. I didn't
22 understand the concrete part. I -- okay, forms for the
23 concrete. All right, and then what -- where about on
24 Featherstone Road -- if you could just point for me -- I'm
25 going to get close to you -- where was -- in relation to

1 your house -- this is Old York Road -- where is his
2 concrete shop?

3 A This is Featherstone Road right here. Correct?

4 Q Yes, ma'am.

5 A Okay, well, maybe my house is in here and then ---

6 Q Okay.

7 A Okay, this is -- you got this as [REDACTED]

8 [REDACTED].

9 Q Yes, ma'am.

10 A Okay, well, the ---

11 Q Is the shop closer to York Road?

12 A Oh, no, it's closer to my house.

13 Q Okay, so if your house is here, is it between your
14 house and York Road?

15 A Yes.

16 Q Okay. That's -- and is there a driveway that goes
17 into that shop?

18 A Yes, it is.

19 Q Okay. And on November 4th of 2014, did you observe a
20 vehicle parked at that driveway?

21 A Well, yeah, but I -- we went in my house. My daughter
22 was visiting and I happened to go outside to get something
23 out of the drunk, and I thought I heard a trunk or a noise,
24 so I looked up the street, I didn't, so I went back in the
25 house and we was talking and they said they was going to

1 Walmart, and in a few -- and I said, well, I'll go with
2 you. So we got in the car and started up Featherstone Road
3 toward York Road.

4 Q And when you say we got in the car, can you tell me
5 who was in the car with you?

6 A My daughter, Lana, my granddaughter, Ashley.

7 Q Okay, and what were -- who was driving the car?

8 A My daughter, Lana.

9 Q Okay, and was she drive -- was it her car or your car?

10 A It was her car, a Prism, maybe '84 Prism.

11 Q Okay. And -- and so you got in the car and where were
12 you sitting in the car?

13 A I was in the back behind her.

14 Q Behind Lana?

15 A Yes.

16 Q In the driver's side back seat. All right, and you
17 said you starting going back toward York Road to go to
18 Walmart and tell me -- tell me what happened after that,
19 please.

20 A Well, we noticed the truck -- when we got a little
21 ways up, we noticed the truck parked right there at the
22 gate where we -- adjacent -- I would say at the property
23 where you talking about, next door to my house, Odell's
24 shop where he kept some of his equipment.

25 Q So you saw a truck parked there?

1 A Yeah, we noticed a truck.

2 Q What did it look like?

3 A Green, pink, I don't know. Pink. I think a pink.

4 Q Pink truck?

5 A Something like that. Green, champal (sic), I don't
6 know. (Pause) Really I can't remember what color it was.

7 Q Okay. Did you give a statement to law enforcement
8 back on November the 5th, 2014?

9 A I didn't hear your question.

10 Q Did you give a written statement to law enforcement
11 back on November the 5th of 2014?

12 A Yeah, I think that was the date.

13 Q Okay, I show you what's been marked as State's 7. I'm
14 going to refer you to -- about down the middle of the page.
15 What color did you tell law enforcement that truck was on
16 that day?

17 A You said in the middle?

18 Q Yes, ma'am. Just take your time, just until you find
19 it. That's fine.

20 A I'm not seeing it.

21 Q Okay.

22 MS. HALL - Your Honor, if I can approach the
23 witness and just kind of direct her attention to it. And I
24 apologize to the Court. It's State's Exhibit 8.

1 Q Right there. We pulled out and went by the lot and I
2 saw a ---

3 A Tan.

4 Q A tan.

5 A Tan, t-a-n.

6 Q Tan-colored pick up truck?

7 A (No response)

8 Q Okay. All right.

9 MR. FRICK - Your Honor, if the State wishes to
10 introduce that, I have no objection to it.

11 THE COURT - All right.

12 MS. HALL - That'll be fine, Your Honor. Thank
13 you very much. I -- we'll move State's (sic) into
14 evidence.

15 THE COURT - In without objection.

16 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
17 STATE'S EXHIBIT 8.)

18 Q Ms. Williams, was it -- what time -- was it light
19 outside at this point in time or dark outside?

20 A It was -- it was going to get dark; it was dark.

21 Q All right. And um could you see anybody in the truck?

22 A No, I didn't.

23 Q Okay. Were the lights on in the truck or the lights
24 off in the truck or could you tell?

1 A The lights were off. Wasn't any lights that I could
2 see.

3 Q All right, well, when you saw that truck then what did
4 you do?

5 A Well, we was continuing up the road and I -- it was
6 sitting there and we've had a lot of stuff going on in the
7 neighborhood lately and we had stuff at Odell's place right
8 there, so I called him. I decided to call him.

9 Q You had -- you had stuff. Can you explain that?

10 A Well, scrap metal, different things was stolen from
11 his shop at -- next-door to my -- our house.

12 Q Okay. All right, so tell me what you did when you saw
13 the truck?

14 A I don't my grand -- I just mentioned that we needed to
15 call Odell.

16 Q Okay. And did you call him?

17 A Yeah, we called him.

18 Q Did you call him on his cell phone or his house phone?

19 A I don't know. She was calling -- my grand-daughter
20 was calling and I was calling and I think she got him on
21 the house phone, no, on the cell phone.

22 Q All right, and -- did -- what -- did he tell you what
23 he was going to do?

24 A Yeah, we finally got him, because I think maybe she or
25 somebody -- his other phone was ringing too and I think --

1 I talked to -- I was starting to talk to him and he said --
2 he put me kind of on hold to answer something else but then
3 I continued to talk and told him that we saw a truck
4 sitting up there, and he said he would be on. And then we
5 continued on, but then I said, well, where the fire at,
6 y'all don't have to be in such a rush, and we -- we pulled
7 over and waited. We were waiting for Odell to come.

8 Q And did he come?

9 A He came.

10 Q All right, what happened when he got there?

11 A We was -- we parked -- we wasn't all the way at the
12 stop sign. We was pulled over in the left -- in the right
13 lane and when he come in -- I'm going to say the truck come
14 up behind -- the truck that was parked down the street come
15 up behind us. He got over from us, got in the other lane
16 and went out to proceed to -- at the stop sign and go. And
17 then about that time the truck went out and Odell was
18 coming in.

19 Q All right, did you see any people in the truck?

20 A Well, still I couldn't just see. I could maybe see
21 the driver, but no, I could not see. I do not know how
22 many people was in that truck.

23 Q All right, and is this the same tan truck that we just
24 talked about that you saw?

1 A It was the same truck that was parked down there at
2 the entrance.

3 Q Okay, so you said it came up beside you, pulled around
4 and then -- and then turned onto York Road.

5 A It made a left turn, yes.

6 Q A left turn on York Road. Okay. Did you have the
7 window in the car rolled down that you were riding in?

8 A Yeah, Odell come in a little bit and we pulled up a
9 little bit, and we -- I told him that that was the truck,
10 and he had to wait -- and wait for traffic and then traffic
11 got by and then he backed out and went on down the road the
12 same way behind the truck toward -- went down York Road.

13 Q Okay. When you rolled down your window to talk to
14 him, did he roll his window down, too?

15 A Yeah, he -- he had his window down.

16 Q Okay. Did he ever say anything to you?

17 A No, he didn't say much. We just told him and he said
18 okay.

19 Q Okay. And you said he backed up and -- did -- you
20 said he turned around?

21 A Yeah, he was coming in, so he stood (sic) right there.
22 The car -- he sit right there until the traffic cleared and
23 then he backed out, backed out of Featherstone Road onto
24 York Road.

25 Q All right, and which way did he go?

1 A He went that way.

2 Q All right, and did you at some point pull out?

3 A Yeah, we pulled out after we got traffic -- few cars
4 came -- was coming by, then we went on, we proceeded. We
5 turned left too; we went down York Road.

6 Q Okay, were you going -- were you following Odell or
7 were you going to Walmart?

8 A No, we wasn't following Odell. We just thought about
9 maybe which way he was going, but, no, we was going to
10 Walmart; we left to go to Walmart, and that's the way I was
11 going, we were going.

12 Q Okay, at any point after that did you try to call him
13 again?

14 A Yeah, later on -- no, not right then. I don't know.
15 We went on to Walmart and had got the items and we got a
16 call. Someone called my grand-daughter's phone, Ashley,
17 and said that she heard that Odell had got shot, did we
18 know it. So that's when we left Walmart.

19 Q Okay. And where -- did you call anybody or where did
20 you go?

21 A Yeah, well, my -- my daughter, Lana, was pregnant at
22 the time, so she was getting, you know, emotional; Ashley
23 was emotional, so I had to hold it together, so we left the
24 grocery, told Ms. -- told the lady that we had to go, and
25 we went to the car and um -- Burly McDaniel -- I knew -- I

1 had his number, so I wasn't thinking nothing, because the
2 lady say that Odell got shot in Rock Hill on the phone when
3 she talked to my grand-daughter, but um -- and I just
4 thought about calling him, and I happened to call him, and
5 he told us that we needed to get to the hospital.

6 Q And is that where you went?

7 A And that's where we left Walmart going. And then
8 later on -- well, no, that wasn't then. I don't know.
9 Somewhere along in there some of us did try to call Odell
10 back, but I'm not for sure what it -- where it was or what
11 time it was.

12 MS. HALL - Thank you. I don't have anything
13 further. Please answer anything Mr. Frick may have.

14 CROSS EXAMINATION

15 BY MR. FRICK -

16 Q Ms. Williams, you said you and Odell had been together
17 for how long total?

18 A Total ---

19 Q From '60 something till when?

20 A Maybe 1992 or so.

21 Q Okay. And then he -- you stayed on Feather -- did
22 y'all live together on Featherstone at that time?

23 A Between what time?

24 Q When y'all were -- when y'all were together. Did
25 y'all ---

1 A Yes, we lived on -- on Featherstone.

2 Q Okay. And after y'all separated, you stayed on
3 Featherstone, but he moved to Brawley Street?

4 A Yes.

5 Q Okay. And he was in law enforcement when y'all were
6 together.

7 A Yes.

8 Q Okay. Did y'all stay in regular communication then?

9 A Yes, you could say that, yes, we talked.

10 Q Okay. I mean ---

11 A He come up. He cut my grass; he took care of us.

12 Q Okay. Good deal. Good deal. Do you know whether he
13 carried a gun?

14 A Yeah, well, being a ex-policeman he probably would,
15 but I don't just know all of that, but, yes, I think he
16 did. I've seen him ---

17 Q You've seen him with a gun?

18 A --- at the house -- at his house, you know.

19 Q You got any idea what kind of gun he would've carried?

20 A No, I really don't. I don't know that.

21 Q I understand. Okay. Do you know whether he ever
22 carried more than one?

23 A No, now, I don't know that.

24 Q Okay. This -- this terrible night when this happened,
25 you were -- y'all were planning to go to Walmart. Right?

1 You and your family were planning to go to Walmart.

2 Correct?

3 A Correct.

4 Q Okay. Well, what draw -- what drew your attention to
5 this vehicle? I mean what initially drew your attention to
6 this vehicle?

7 A It's a truck. It don't -- it don't usually be in the
8 neighborhood. It pulled over to the side. It probably the
9 gate there (sic) at his place, and we been having thefts --
10 -

11 Q Okay.

12 A --- shootings, ---

13 Q Okay.

14 A --- different things in the neighborhood.

15 Q But other than hearing a car door, you didn't hear
16 anything, did you?

17 A Oh, no, I didn't hear a thing.

18 Q Okay.

19 A I didn't hear nothing.

20 Q You didn't see anybody getting out of the truck.

21 A I didn't see anybody get out; I didn't see anybody get
22 in.

23 Q Okay. Did you see anybody walking across ---

24 A Right then, no. When we went out, I did not.

25 Q Okay. Did you ever see anybody walking across?

1 A No.

2 Q Okay. Did -- so you didn't see anybody at the gate or
3 trying to get into the gate?

4 A No. Well, you can walk -- a person walking -- you can
5 walk under gate or walk over here where it's space between
6 some trucks and the fence, the gate, but no, I didn't see
7 anybody.

8 Q Okay. Didn't see anybody carry anything off the
9 property.

10 A No, I didn't.

11 Q Okay. Did this truck come over to your house?

12 A No, not to my knowledge.

13 Q Okay. Did -- did you -- did you get a threat in any
14 way from this truck?

15 A Well, you always getting a threat when you see
16 something odd. I'm going to say it's nighttime and a truck
17 parked right there, and like I say, we been having thefts
18 down there, so ---

19 Q Okay. So you called Odell.

20 A I did.

21 Q Okay. Why'd you call Odell?

22 A Cause -- well -- he had -- he had told me to always
23 call him, not to check nothing to go do (sic) -- checking,
24 but call him, ---

25 Q Okay.

1 A --- and I had called him previously in the past.

2 Q Okay. All right. And he'd come over there in the
3 past?

4 A Yeah, he come and check and see what's going on or
5 what -- yes, he has in the past, yes.

6 Q Okay. He would come check the property.

7 A Yes.

8 Q Okay. This case he didn't check the property.

9 A Well, -- well, the truck was the property right then.

10 Q Okay. And it was leaving, wasn't it?

11 A Yeah, and he know that; he knew that by us telling
12 him.

13 Q In fact, y'all point it out and said, that's the
14 truck, didn't you?

15 A Yeah, well, we told him that was the truck.

16 Q Okay. And he turned and followed it.

17 A Well, I guess you could say that, I guess.

18 Q Okay. Well, you don't know, do you? You don't know
19 what happened after both of them ---

20 A Right. I don't know how far he went behind them or
21 nothing. No, I don't know that.

22 Q Okay. But what you do know is the truck turned onto
23 York Road and Odell turned onto York Road. Correct?

24 A Correct.

1 Q Okay. No words exchanged between you or the truck.

2 Correct?

3 A Correct.

4 Q No -- no words exchanged between anybody in your car
5 and the truck. Correct?

6 A No.

7 Q Okay. While you're on Featherstone, any interaction
8 between Odell and the truck?

9 A No. No. They just met maybe going in and out, going
10 out and coming in.

11 Q Okay. Okay. But I believe your testimony was, and
12 please correct me, and I know you will, Odell actually
13 passed the truck and y'all told him, no, that's the truck.
14 Right?

15 A Yeah, the truck had -- was going out, had done gone
16 out like, ---

17 Q Okay. So if y'all hadn't pointed out the truck, he'd
18 never seen it.

19 A So he wouldn't have never seen it?

20 Q If y'all had not pointed out the truck, would he have
21 turned around?

22 A Maybe not. I don't know that now.

23 Q After both cars had turned onto York Road, y'all --
24 you and your vehicle continued on to Walmart?

25 A We did.

1 Q Did you say y'all -- your car and Odell's car, y'all
2 stopped and talked or was he just signaled? I was confused
3 on that.

4 A He was coming he. He come in Featherstone Road off of
5 York Road; he come in Featherstone Road, ---

6 Q Okay.

7 A --- and stopped right there like where we were,
8 because we pulled up a little bit and was right there.

9 Q Okay.

10 A Right -- we was together right there at the car.

11 Q Okay. I mean did y'all roll down the window and talk
12 to each other?

13 A Well, we told him that was the truck.

14 Q That's it?

15 A That's it.

16 Q Okay. And he turned left. Correct?

17 A Correct.

18 Q Now, Odell said to call him. Correct? If you saw
19 anything amiss, call him. Correct?

20 A He did.

21 Q Did he tell you to call the police?

22 A No, ---

23 Q Okay.

24 A --- I don't remember him saying anything ---

25 Q Okay.

1 A --- about the police.

2 Q Okay. And you didn't call the police this night; you
3 called Odell.

4 A I did.

5 Q Okay. And Odell had been in law enforcement for a
6 long time. Right?

7 A Yes, he had.

8 Q In fact, he was still kind of involved, wasn't he?
9 Wasn't he on city council?

10 A He was.

11 Q He'd been on there a long time, hadn't he?

12 A (No response)

13 Q Do you remember when he got elected?

14 A I don't.

15 Q Was it about 1997?

16 A It might have been. I really don't know all of that
17 and remember all of that.

18 Q I understand. I understand.

19 MR. FRICK - Beg the Court's indulgence one
20 moment. (Pause) Thank you, ma'am, that's all the
21 questions I have.

22 RE-DIRECT EXAMINATION

23 BY MS. HALL -

24 Q Ms. Williams, just real quick. When you guys called
25 Odell from the car, just the first time you called him when

1 you saw the truck, did -- y'all told him there was a truck
2 there. Correct?

3 A Correct.

4 Q Okay, and so when he pulled in, you just pointed to it
5 and said that's it, that's the one I was talking about. Is
6 that right?

7 A That's -- yes, that's correct.

8 MS. HALL - Thank you, Your Honor. I don't have
9 anything else.

10 THE COURT - Anything else?

11 MR. FRICK - No, sir, thank you.

12 THE COURT - You may step down.

13 MS. HALL - State calls Lana Williams Akin.

14 LANA WILLIAMS AKIN, AFTER BEING FIRST DULY SWORN,

15 TESTIFIES AS FOLLOWS -

16 DIRECT EXAMINATION

17 BY MS. HALL -

18 Q Your name is Lana Williams Akin. Is that correct?

19 A Yes.

20 Q Okay, and how are you related to Odell Williams?

21 A He was my father.

22 Q Okay, and is Louise Williams, the lady who just
23 testified, is that your mom?

24 A Yes.

1 Q And were you the lady driving the green Prism the
2 night on November the 4th, of 2014 when this happened?

3 A Yes.

4 Q All right, did you -- were you in the car when the
5 call was made to your dad to come to Featherstone?

6 A Yes, I was.

7 Q And did you see the truck sitting at the shop?

8 A Yes, I did. It was parked on my property, and that's
9 the reason why we called. If we wanted to get in the
10 driveway, we would not be able to have access to the entry.

11 Q And was your father's -- was your father's property --
12 was it in the driveway of the house or was it in the
13 driveway of your father's shop where his property was
14 located?

15 A It was in the -- on the -- on the property. The shop
16 -- you can't see the shop from the road. There's trees, so
17 there's the gateway, and the vehicle that we noticed -- it
18 was a tan four-door -- I believe it was a Dodge Ram truck,
19 something to that, and um it was parked in the driveway.
20 It did not belong to me; it did not belong to any of my
21 family members, so therefore, we knew that this vehicle
22 didn't belong here, so we had to call and see if my dad
23 could verify that vehicle.

1 Q Okay. And about how long -- from the time you guys
2 called him, about how long did it take your dad to get
3 there?

4 A I mean it didn't take very long. Brawley Street is
5 not that far from Featherstone Road, probably five minutes
6 away.

7 Q Okay. And you heard your mom's testimony.

8 A Okay.

9 Q Just now. Did you hear when your mom testified?

10 A Yes.

11 Q All right. And did you see and observe and everything
12 that she was and observed -- if you saw anything different
13 or additional, please tell us.

14 A Um, we observed the truck, and my dad came. The truck
15 did leave the road before he could see what was in the
16 truck, who was in the truck. We told them (sic) -- we told
17 him, I'm sorry, that that was the truck and he went after
18 the truck, drove after the truck.

19 Q How close -- you were talking about your mom's house
20 and then that gate that where the truck was parked -- how
21 close to your mom's house is that gate?

22 A The property is close. Um, probably from here to here
23 I would say, but it's trees in between.

24 Q When you were talking about from here to there, are
25 you talking about from that wall to that wall?

1 A Or a little further.

2 Q Width of the courtroom?

3 A Yes.

4 Q All right, when -- were you able to see it a very
5 easily when you pulled out to go out into the Featherstone
6 Road?

7 A No, like I said, it was trees. It's trees in between
8 the home house and the property, so you can't really see it
9 clearly at that particular time because trees are over the
10 road also, so as we continued to drive up the road, we
11 could see clearly that there is a vehicle sitting on my
12 property.

13 Q Could you see the people in the truck?

14 A No, I could not.

15 Q Could you tell how many people were in the truck?

16 A No, I could not.

17 MS. HALL - All right, thank you. I don't have
18 anything else. Please answer anything from Mr. Frick.

19 CROSS EXAMINATION

20 BY MR. FRICK -

21 Q Ms. Akin, did you see anybody going to or from that
22 truck?

23 A No, I did not.

24 Q Okay. Did -- so you didn't see anybody take anything
25 from that property and put it into that truck.

1 A No, I did not, sir.

2 Q Okay. So we don't know what happened with that truck.

3 A It was on my property.

4 Q Okay. It left your property.

5 A At some point in time, yes.

6 Q Okay. Y'all were pulled over on the side of the road
7 is what your mom said. Is that correct?

8 A That is correct, sir.

9 Q Okay. Y'all were waiting for Odell to get over there.

10 A Correct.

11 Q Okay. Didn't see anybody.

12 A Didn't see anybody.

13 Q Okay. Nobody made any interaction with y'all from
14 that truck.

15 A No, sir.

16 Q It drove off.

17 A It drove off.

18 Q In fact, I believe your testimony was it was leaving -
19 - did it leave before Odell turned onto Featherstone or
20 afterwards?

21 A It left before -- he was turning onto Featherstone
22 Road and the truck was going off of Featherstone Road.

23 Q Okay. And did y'all tell or signal in some way to
24 Odell that that was the vehicle?

25 A That is correct.

LANA WILLIAMS AKIN - RE-DIRECT BY MS. HALL

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1 Q How did that happen? What happened?

2 A He stopped his vehicle; my vehicle was already
3 stopped; we rolled down the vehicle (sic) and we pointed to
4 him and let him know that that was the truck.

5 Q Okay. Okay. And y'all made one phone call.

6 A I believe they made two. I was the driver, so
7 therefore I was not calling.

8 Q Do you know if anybody called the police?

9 A I'm not sure about that, sir.

10 Q Okay.

11 A I know it was two calls that was made to my dad.

12 Q To your dad. Okay.

13 MR. FRICK - Thank you, ma'am. That's all the
14 questions I have.

15 RE-DIRECT EXAMINATION

16 BY MS. HALL -

17 Q At what point did you first see the truck?

18 A I saw the truck when I pulled out of my driveway to
19 head up Featherstone Road.

20 Q Okay, about how long from the time you saw the truck
21 did y'all call your dad?

22 A I believe they called him immediately.

23 Q Okay. Did you have any way to know how long that
24 truck had been there?

25 A Had no idea.

1 Q Okay, and you say you pulled up going out toward Old
2 York Road and you pulled over for a few minutes. Is that
3 right?

4 A I did.

5 Q Okay, and could you see the truck -- could you see in
6 the rearview mirror -- you were driving ---

7 A I could see the truck in the rearview mirror; I waited
8 for a few minutes; I didn't see anybody coming to the truck
9 at that particular time.

10 Q Were you watching it in the rearview mirror the entire
11 ---

12 A I was watching it, yes, thinking that someone would
13 probably get in the vehicle and leave if they saw us drive
14 by, that they wasn't supposed to be there.

15 MS. HALL - Thank you.

16 MR. FRICK - Nothing further. Thank you.

17 THE COURT - All right, let's take ten minutes.
18 Jury may step back. We'll take about ten minutes.

19 (WHEREUPON, RECESS TAKEN)

20 THE COURT - Ready for the jury?

21 MS. HALL - Yes, sir.

22 MR. FRICK - Yes, sir.

23 THE COURT - Bring them in.

24 (WHEREUPON, JURY RETURNS TO THE COURTROOM)

25 THE COURT - Solicitor?

JASON BINNALL - DIRECT BY MR. MAXWELL

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1 MR. MAXWELL - If it please the Court. The State
2 calls Jason Binnall.

3 JASON BINNALL, AFTER BEING FIRST DULY SWORN,
4 TESTIFIES AS FOLLOWS -

5 DIRECT EXAMINATION

6 BY MR. MAXWELL -

7 Q Can you state your name for the record?

8 A Jason Binnall.

9 Q And, Mr. Binnall, can you spell your last name?

10 A B-i-n-n-a-l-l.

11 Q And, Mr. Binnall, where are you from?

12 A Chester. Originally from Boston, but I've lived in
13 Chester for the ---

14 Q How long have you lived in Chester?

15 A About six years.

16 Q And were you living in Chester back in November of
17 2014?

18 A Yes, sir.

19 Q What kind of vehicle did you have at the time?

20 A Gold Dodge Ram 1500, 2004.

21 Q I'm going to show you a group of pictures. Take a
22 second to look at those, and I'll ask you questions about
23 them. Those have been marked as State's Exhibit 1 for
24 identification purposes.

25 A (Witness complies)

1 Q What do those -- what is in those pictures?

2 A My truck.

3 Q And, again, what kind of truck is it?

4 A Dodge Ram 1500.

5 Q And is -- does that look like the truck you had back
6 in November of 2014?

7 A Yes, sir.

8 Q Do you recall talking to law enforcement on November
9 5th or around midnight on November 4th, 2014?

10 A Yes, sir.

11 Q Do you recall earlier that evening what you did with
12 your truck?

13 A I let Trev -- that's all I knew him by -- borrow it.
14 I'd let him borrow it a few times.

15 Q Say that name again, who you let borrow your truck.

16 A Trev.

17 Q Can you spell that?

18 A T-r-e-v.

19 Q Do you know who Trev was?

20 A I didn't know his whole name, but I mean I've done
21 some work for him, hung out with him.

22 Q Do you now know who Trev is?

23 A Yes, sir.

24 Q And who is that?

25 A Quinton.

1 Q Do you know his last name?

2 A No, sir.

3 Q Again, the first name you said, just so we're clear,
4 is what?

5 A Quinton.

6 Q And about what time on November 4th, 2014 did you lend
7 your truck to Quinton or Trev as you knew him by?

8 A It was right after work, so it was probably around
9 6:30, 7:00 o'clock or so.

10 Q Is that p.m.?

11 A Yes, sir.

12 Q Do you know if anybody was with him that you knew?

13 A No, there was two other people with him, but I didn't
14 know them.

15 Q When you lent your truck to Trev or Quinton on the
16 early part of the evening on November the 4th, 2014, was
17 there any damage to the top edge driver's side bed of the
18 truck that you noticed?

19 A No, sir.

20 Q I'm going to show you a couple more pictures that's
21 been marked State's Exhibit 2(a), (b), and (c) for
22 identification purposes. Take a second to look at that and
23 I'll ask you some questions.

24 A (Witness complies)

1 Q Do those pictures appear to be a part of that truck,
2 that Dodge Ram truck that you own?

3 A Yes, sir.

4 Q And are those pictures of the driver's side top edge
5 of the bed of the truck?

6 A Yes, sir.

7 Q Is there -- do the pictures show a defect or damage to
8 the truck that was not there when you lent the truck to
9 Quinton or Trev?

10 A Yes, sir, seems to be the paint is completely chipped
11 away, and that was not there when I let him borrow the
12 truck.

13 MR. MAXWELL - No further questions, Your Honor.

14 CROSS EXAMINATION

15 BY MR. FRICK -

16 Q On that night did you see Chris Moore?

17 A I can't -- I can't recall. There was two people in
18 the back, but I don't think so. I know one of them had
19 dreads. That's really all I remember.

20 Q Okay, so some guy with dreads. Was that Trel (sic) or
21 not?

22 A No, no. He was -- Quinton had -- Trev had short hair.

23 Q Okay. I got four pictures on one piece of paper.

24 Does that look familiar to you?

25 A Yes.

- 1 Q What is that?
- 2 A That's my truck.
- 3 Q That is your truck?
- 4 A Yes, sir.
- 5 Q It's got a license plate on it there?
- 6 A Yes, sir.
- 7 Q Do you recognize that being your license plate?
- 8 A Yes, sir.
- 9 Q Okay. Now, is that the bed of your truck?
- 10 A Yes, sir.
- 11 Q Okay. Does it appear to have some damage to it?
- 12 A Well, it appears to have damage right there.
- 13 Q Okay. All right. So it's fair to say the bed of your
- 14 truck was not in pristine condition.
- 15 A Oh, not by any means.
- 16 MR. FRICK - Your Honor, I'd move this into
- 17 evidence.
- 18 MS. HALL - Without objection.
- 19 THE COURT - In without objection.
- 20 MR. FRICK - Thank you.
- 21 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
- 22 DEFENDANT'S EXHIBIT NUMBER 1.)
- 23 Q Had you loaned Trev your truck before?
- 24 A Yes, sir.

1 Q Okay. All right, and was this a normal thing for him
2 to come by and ask for the truck?

3 A No, it was probably like four or five times I let him
4 borrow it.

5 Q Okay. Was there any payment for this transaction?

6 A Yeah, well, he always brought it back on full tank of
7 gas and it was like he drove it off a car dealership. It
8 was always cleaned up and full tank of gas and he gave me -
9 - I smoked weed; he gave me some weed, but that wasn't why
10 I let him borrow my truck I'd say.

11 Q Okay. All right.

12 MR. FRICK - Thank you, sir. No further
13 questions.

14 MR. MAXWELL - No further questions. Ask that Mr.
15 Binnall be released from his subpoena.

16 THE COURT - Any objection?

17 MR. FRICK - No, sir, no, sir.

18 THE COURT - Thank you, sir. You're excused.

19 MR. MAXWELL - State calls Jennifer Lowery.

20 JENNIFER LOWERY, AFTER BEING FIRST DULY SWORN

21 TESTIFIES AS FOLLOWS -

22 DIRECT EXAMINATION

23 BY MR. MAXWELL -

24 Q Ms. Lowery, would you state your name for the record?

25 A Jennifer Lowery.

- 1 Q And can you spell your last name?
- 2 A L-o-w-e-r-y.
- 3 Q Thank you, Ms. Lowery. And where are you from?
- 4 A Chester.
- 5 Q How long have you lived in Chester?
- 6 A Probably about 20 years.
- 7 Q And back in -- were you living in Chester back in
- 8 November of 2014?
- 9 A I was.
- 10 Q What was your address then?
- 11 A [REDACTED].
- 12 Q And you still reside at that residence?
- 13 A I do.
- 14 Q Were you home on the evening of November 4th, 2014?
- 15 A I was.
- 16 Q What grabbed your attention that evening?
- 17 A Um, my kitchen window was up and I heard some tires
- 18 screeching and after that I ran to the front door, but by
- 19 that time it was too late, I couldn't see exactly what was
- 20 going on other than two cars racing up the street.
- 21 Q Did they pass by in front of your house?
- 22 A No.
- 23 Q They didn't come by -- by your house?
- 24 A Oh, they passed by my house.
- 25 Q And, again, would that be on McClure Street?

1 A Yes.

2 Q How would you describe the first car that you saw?

3 A The first car was a truck.

4 Q Could you tell anything more about it, what kind it
5 was, what color it was?

6 A The color I can't, but it was in the form of maybe a
7 Dodge Ram.

8 Q And can you describe color, make of the second car?

9 A The color was a dark color, but I -- the body of it,
10 it was more like a long -- like a Chevrolet or something
11 like that.

12 Q A car?

13 A Yes.

14 Q Can you describe how the cars were moving as they came
15 by your house?

16 A They was moving pretty fast.

17 Q And what other street do you live close to or what
18 street intersects with McClure that you do live close to?

19 A Patrick Street.

20 Q How far do you live away from the intersection of
21 McClure and Patrick Street?

22 A Not that far.

23 Q How many houses are in between you and that
24 intersection?

25 A Two.

JENNIFER LOWERY - DIRECT BY MR. MAXWELL

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1 Q Were there cars that you saw heading towards Patrick
2 Street?

3 A I couldn't see after they passed my house so I ---

4 Q Well, let me rephrase that just so we're clear on it.
5 When they were -- when they passed by your house, were they
6 headed towards that intersection where McClure intersects
7 with Patrick Street?

8 A Right, they were.

9 Q When they got to that intersection, could you see them
10 at that point?

11 A No, I could not.

12 Q Do you know which way they went on Patrick Street?

13 A No.

14 Q Did you hear anything after they came by your house
15 after you lost sight of the cars?

16 A I heard two gunshots.

17 Q Could you tell where they came from?

18 A No.

19 Q How -- was it dark outside when the cars passed by
20 your house?

21 A It was.

22 Q Did you call 9-1-1 when you heard the gunshots?

23 A No.

24 Q Was there a reason why?

25 A Because in that neighborhood it's common for gunshots.

1 MR. MAXWELL - No further questions, Your Honor.

2 CROSS EXAMINATION

3 BY MR. FRICK -

4 Q Hey, Ms. Lowery. You said the cars passed by your
5 house?

6 A Yes.

7 Q Both vehicles?

8 A Yes.

9 Q Did you recognize either one of the vehicles?

10 A The only way I recognized the second vehicle is
11 because I was involved with the second car's former
12 girlfriend nephew at that time.

13 Q Okay. And how did you recognize the car?

14 A I knew the type of car it was, and I knew the front of
15 the tag, and I knew the name that was on the tag.

16 Q Okay. In fact, you -- do you remember talking to law
17 enforcement?

18 A Yes.

19 Q I want to show you this. Does that -- take a look at.

20 A Yes.

21 Q Okay. And in there you told them specifically what
22 the tag said.

23 A Yes.

JENNIFER LOWERY - CROSS BY MR. FRICK

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1 MR. MAXWELL - Objection, Your honor, just the
2 relevance of it. He can ask her questions about how she
3 knew what the car was ---

4 MR. FRICK - It's an identification of the car.
5 It's what she put in her statement, how she identified it.

6 MR. MAXWELL - That doesn't ---

7 THE COURT - I'll overrule that. Go ahead.

8 Q How did you recognize the car?

9 A I recognized the car because I knew him, the car.

10 Q Specifically what was it?

11 A The tag.

12 Q What did the tag say.

13 MR. MAXWELL - Objection, Your Honor.

14 A Magnifico. (Phonetic)

15 MR. FRICK - I -- there was an objection. I
16 didn't know if he ---

17 MR. MAXWELL - She ---

18 THE COURT - It came after the -- right at the
19 same time as the answer. Do you wish to preserve that
20 objection and have me rule on it?

21 MR. MAXWELL - No, sir.

22 MR. FRICK - Judge, the next thing I'm going to do
23 is show her a picture, see if she can identify it. State's
24 going to have that same objection. I don't know if you
25 want to do that outside the presence of the jury.

1 MR. MAXWELL - I would -- I'd object to the
2 picture, Your Honor, just to the relevance of it.

3 THE COURT - Let me see the picture. (Pause) I'm
4 going to overrule the objection. Go ahead.

5 Q Ms. Lowery, I'm going to show you the picture now.
6 It's a little beat up, but do you recognize that?

7 A Yes.

8 Q What do you recognize?

9 A The tag.

10 Q Is that the tag?

11 A Yes.

12 Q Okay. The one that you said you recognized.

13 A Yes.

14 Q Thank you.

15 MR. FRICK - Your Honor, at this time I'd move the
16 picture into evidence.

17 THE COURT - Subject to previous objections, but
18 I'll allow it in.

19 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
20 DEFENDANT'S EXHIBIT 2.)

21 Q Could you tell how fast the cars were going? I mean
22 faster than cars would normally go, the same rate of speed
23 they would normally go on your road?

24 A Faster than normal.

25 Q Okay. In fact, you said you heard tires screeching.

JENNIFER LOWERY - CROSS BY MR. FRICK

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1 A Yes.

2 Q Okay. Then you heard gunshots.

3 A Yes.

4 Q About how long after the cars passed? I know you
5 didn't time it, but ---

6 A Almost immediately, maybe 15 seconds or something like
7 that.

8 Q Okay. Now, you said gunshots are not unusual ---

9 A Yeah.

10 Q -- in this area. Did anything sound unusual about
11 these gunshots?

12 A No.

13 Q Were they boom, boom or quieter or do you know?

14 A No.

15 Q Okay. Did you notice them be particularly loud?

16 A They were loud enough that I could hear them.

17 Q Okay. All right. But you have no idea what kind of
18 gun?

19 A No.

20 Q Of course, I think you said in your statement it was
21 dark enough you couldn't -- you couldn't recognize anybody.

22 A Right.

23 Q Okay. But specifically you saw that vehicle following
24 the truck.

25 A Yes.

1 MR. FRICK - Thank you, ma'am. That's all the
2 questions I have.

3 MR. MAXWELL - No re-direct, Your Honor.

4 THE COURT - You may step down.

5 MR. MAXWELL - Ask for Ms. Lowery to be excused.

6 THE COURT - Any objection?

7 MR. FRICK - No, sir.

8 THE COURT - Witness is excused.

9 MR. MAXWELL - State calls Richard Gray.

10 RICHARD GRAY, AFTER BEING FIRST DULY SWORN,

11 TESTIFIES AS FOLLOWS -

12 DIRECT EXAMINATION

13 BY MR. MAXWELL -

14 Q Would you state your name for the record?

15 A Richard Gray.

16 Q And, Mr. Gray, could you spell your last name?

17 A G-r-a-y.

18 Q And, Mr. Gray, where are you from?

19 A Chester.

20 Q How long have you resided in Chester?

21 A Around 22 years.

22 Q And back in November of 2014, what was your address?

23 A [REDACTED].

24 Q And is that address on a corner?

25 A Yes, it is.

- 1 Q What's the other street that's on the corner?
- 2 A Patrick Street.
- 3 Q And your house faces First Street?
- 4 A Correct. It's fronted on First Street. I think the -
- 5 - tax record says [REDACTED], [REDACTED] and [REDACTED].
- 6 Q If you were looking out your front door, on your porch
- 7 outside your front door looking out onto First Street,
- 8 would Patrick be on your right or your left?
- 9 A On my right.
- 10 Q And where Patrick and First Street intersect, is that
- 11 a T intersection or ---
- 12 A Yes.
- 13 Q Do you have a camera system set up at your house?
- 14 A Yes, sir.
- 15 Q Where is -- where is the -- is there a camera on the
- 16 front porch?
- 17 A Yes, sir.
- 18 Q Does that face that intersection?
- 19 A Yes, it does.
- 20 Q Did law enforcement come to you either late on
- 21 November 4th or early on November the 5th, 2014?
- 22 A Yes, they did.
- 23 Q Were they aware that you had a surveillance system set
- 24 up?
- 25 A Yes, sir.

1 Q Did you or the officers look into the surveillance
2 system for things that it may have captured earlier that
3 evening?

4 A Yes, we did.

5 Q Did you view the video yourself?

6 A Yes.

7 Q Did you provide some portion of what it recorded that
8 night to law enforcement?

9 A Yes, I did.

10 Q When you watched it, did you see two cars go through
11 that intersection?

12 A Yes, I did.

13 Q And, again, did you -- that portion of it, did you
14 provide that to law enforcement ---

15 A Yes, I did.

16 Q --- either by thumb drive or disk?

17 A Thumb drive.

18 MR. MAXWELL - I'd offer the recorded portion of
19 that evening, November 4th, 2014, into evidence at this
20 time.

21 MR. FRICK - Your Honor, we've got this; I've
22 reviewed it. No objection.

23 MR. MAXWELL - And also at this time I'd go ahead
24 and ask to publish it to the jury.

25 THE COURT - In without objection; you may.

RICHARD GRAY - DIRECT BY MR. MAXWELL

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1 COURT REPORTER - State's 3?

2 MR. MAXWELL - State's 3.

3 THE COURT - 3?

4 COURT REPORTER - Thank you.

5 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
6 STATE'S EXHIBIT NUMBER 3.)

7 THE COURT - Beg the Court's indulgence for a
8 moment, Your Honor, so I can get the technology set up.
9 (Pause) Judge, we may need a couple seconds, couple more
10 minutes before ---

11 THE COURT - Take your time.

12 MR. MAXWELL - Your Honor, we have to set it up
13 with the computer. We may have to take 5 minutes to do
14 that. (Pause)

15 THE COURT - Couldn't you just play it straight on
16 the computer?

17 MR. MAXWELL - Won't be big enough to see. That's
18 what we're trying to do it with the -- cast it from the
19 computer to the TV.

20 MS. HALL - We tested it and it worked but ---

21 THE COURT - Well, if you put it -- could show it
22 twice or three times on the rail if push comes to shove.
23 Go ahead and take your time if you can get.

24 MS. HALL - We'll try this one little thing and if
25 it doesn't work we'll go to plan B. (Pause)

1 MR. MAXWELL - Thank you, Your Honor.

2 (WHEREUPON, VIDEO PUBLISHED TO THE JURY.)

3 MR. MAXWELL - Thank you, Your Honor. No more
4 questions.

5 MR. FRICK - Are you done, Riley?

6 MR. MAXWELL - Yes, no more questions.

7 MR. FRICK - Okay.

8 CROSS EXAMINATION

9 BY MR. FRICK -

10 Q Were you at your home when this occurred?

11 A Yes, sir.

12 Q Did you -- did you look outside and see anything?

13 A I didn't notice it.

14 Q Okay. All right.

15 A My building is cinderblock.

16 Q I got you. I got you. And you were right there at
17 the intersection of First and ---

18 A First and Patrick.

19 Q Okay. Is there a stop sign there?

20 A Yes.

21 Q Okay.

22 MR. FRICK - Thank you. That's all the questions
23 I have.

24 MR. MAXWELL - No re-direct.

25 THE COURT - You may step down. Thank you.

KIRA BAGLEY - DIRECT BY MS. HALL

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1 MR. MAXWELL - Ask that Mr. Gray be excused.

2 THE COURT - Any objection?

3 MR. FRICK - No, sir.

4 THE COURT - Thank you, sir. You're excused.

5 MS. HALL - State calls Kira Bagley.

6 KIRA BAGLEY, AFTER BEING FIRST DULY SWORN,

7 TESTIFIES AS FOLLOWS -

8 DIRECT EXAMINATION

9 BY MS. HALL -

10 Q Okay, Ms. Bagley, your name's Kira Bagley?

11 A Yes, ma'am.

12 Q Where do you live?

13 A [REDACTED]

14 Q Who lives there with you?

15 A My mom, grandmother and father and brother.

16 Q And on November the 4th of 2014, at that evening do you
17 recall being at your mom's house?

18 A Yes, ma'am.

19 Q Do you recall seeing anything odd at that address on
20 First Street?

21 A Yes, ma'am.

22 Q Tell me -- tell the jury where you work?

23 A Sitting in my car in the road.

24 Q Were you parked in the driveway or were you parked on
25 the side ---

1 A No, I was in the road -- on the side of the road
2 directly in front of the house.

3 Q And when you were sitting in the car, whose -- were
4 you in the passenger seat or the driver's seat of the car?

5 A Driver's.

6 Q All right. And what were you doing?

7 A Waiting on my boyfriend to come back out.

8 Q And um, had you been sitting out there for a little
9 while or how long?

10 A Just a couple of minutes. He went to take my laundry
11 in.

12 Q And did you come there with him or did you just go --
13 had y'all been inside together and you came out to the car
14 first?

15 A No, we came from the laundry mat to drop my clothes
16 off.

17 Q And so while you were sitting in the car, did you
18 notice anything odd?

19 A Yes, ma'am.

20 Q Can you tell the jury about that, please?

21 A I heard a couple of gunshots and then shortly after
22 that two vehicles came down Patrick Street and turned onto
23 First Street and flew past our house.

24 Q When you -- you stated you heard gunshots. Did you
25 see anybody shooting?

KIRA BAGLEY - DIRECT BY MS. HALL

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1 A No, ma'am.

2 Q Where were the -- could you tell where the gunshots
3 were coming from?

4 A The direction of East Chester.

5 Q Okay. I'm going to show you what's been entered into
6 evidence as State's Exhibit 7. If you'll show the jury --
7 if you would show the jury where your house is.

8 A (Indicating)

9 Q And where's Patrick Street?

10 A This direction.

11 Q Okay, so when you say East Chester, what area are your
12 referring to?

13 A This way.

14 Q Over in here?

15 A Yes, ma'am.

16 Q Okay. So you said you heard gunshots ---

17 A This -- the end of -- the opposite end of Patrick
18 Street will be East Chester.

19 Q Okay. So you said you heard the gunshots coming from
20 that area that you just showed the jury on the map and
21 where did -- did you -- did you look behind the truck at
22 that point or where were you looking when you first saw the
23 cars?

24 A I just started looking around. Gunshots are common in
25 that area, but it sounded kind of close.

1 Q All right, and when did you first see -- you described
2 two cars that came by. When did you first see those cars?

3 A As they were turning off of Patrick Street.

4 Q So they would've been behind you or in front of you?

5 A Like right behind my car.

6 Q And um, could you describe the cars?

7 A One -- the first one was a truck, and the second one
8 was a long car.

9 Q Was a what?

10 A A long ---

11 Q A long ---

12 A --- car.

13 Q Okay. And where did these trucks -- where did these
14 cars go?

15 A Past my house to the opposite end of First Street
16 where Saluda is.

17 Q Okay. And once you -- once they got -- could you
18 describe for me, did they go by fast? Did they go by slow?

19 A Fast. My car shook.

20 Q And could you see who was driving the car ---

21 A No, ma'am.

22 Q --- or the people in the car? All right. And when
23 you say when they got -- they went in the direction of
24 Saluda Street. Is that correct?

25 A Yes, ma'am.

KIRA BAGLEY - DIRECT BY MS. HALL

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1 Q At some point were you able to see them once they got
2 to Saluda Street?

3 A No, ma'am.

4 Q Why not?

5 A I can't see that far to the end -- from my house.
6 Like it's a small hill where you can't see past a certain
7 point.

8 Q Okay. So do you know which way they went ---

9 A No, ma'am.

10 Q --- once they got to Saluda? All right, what did you
11 do -- what did you do after that?

12 A Right after they went by I called my boyfriend to
13 hurry up and come outside and was telling him what had
14 happened.

15 Q Did you call him on the telephone or did you just yell
16 to him?

17 A Cell phone.

18 Q Okay. And did he -- and did he -- he came outside?

19 A Yes, ma'am.

20 Q Okay. And when you told him what happened, did he get
21 in the truck?

22 A Car.

23 Q I mean the car that you ---

24 A Yes, ma'am.

25 Q Okay. And where did -- did y'all go anywhere?

1 A Yes, ma'am.

2 Q Tell the jury about that.

3 A We went to the end of the First Street, took a right,
4 turned onto Saluda and went towards Roundtree.

5 Q And as you were going -- why did you go toward
6 Roundtree?

7 A That's what he suggested, to go see what happened.

8 Q Did you hear any other ---

9 A Before I left First Street there were more gunshots.

10 Q Before -- was that -- had your boyfriend made it to
11 the car at that ---

12 A He was on the way to the car.

13 Q Okay, and could you describe those gunshots?

14 A Loud and multiple, like several.

15 Q Were they louder than the gunshots you heard before --

16 -

17 A Yes, ma'am.

18 Q I think you were in the courtroom when Mr. Frick said
19 were they booming gunshots?

20 A Not like the -- I don't know how to explain it. I
21 mean they were loud.

22 Q They were loud? And they were multiple?

23 A Yes, ma'am.

24 Q Were they fast or slow? Like ---

25 A Fast.

KIRA BAGLEY - DIRECT BY MS. HALL

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1 Q Okay. And um, -- and you -- where did you think those
2 gunshots had come from?

3 A The Roundtree direction.

4 Q Okay. And you told your boyfriend that?

5 A Yes, ma'am.

6 Q And you said that you guys turned right on Saluda and
7 then you -- did you -- did you make any other turns after
8 that?

9 A Yes, ma'am, we turned left. I don't know the name of
10 the street. It's right before that church.

11 Q And where were you -- where were you trying to get to?

12 A Towards Roundtree.

13 Q Okay. And did you make it to Roundtree?

14 A Yes, ma'am.

15 Q And what did you do when you got to Roundtree?

16 A Circled around and came back.

17 Q Did you go to the first entrance or the second
18 entrance ---

19 A The first.

20 Q Okay. And did you go past -- did you notice anything
21 odd on Roundtree Circle?

22 A The red car was wrecked into a house.

23 Q I'm going to show you real quick what's been entered
24 into evidence as State's Exhibit 5(a), 5(b), 5(c) and 5(d).
25 Is that what you saw?

1 A Yes, ma'am.

2 Q If you could please flip through and just so make
3 sure that we're being thorough ---

4 A Ma'am?

5 Q If you could flip through to each of them ---

6 A I did.

7 Q Had the police gotten there yet?

8 A No, ma'am.

9 Q Were did y'all go?

10 A We just circled all the way through and went back ---

11 Q Did you stop?

12 A --- towards my house. No, ma'am.

13 Q Why not?

14 A Because we heard gunshots. I mean ---

15 Q Okay. And did you come back out on -- come back on
16 the other end of Roundtree Circle?

17 A No, we came back on Saluda.

18 Q Okay, and where did you go after that?

19 A My house.

20 Q And at some point -- I guess later on that night, did
21 you call the police or did you ---

22 A No, I contemplated on telling what I saw and just
23 keeping my mouth shut and ended up going to speak with
24 Officer Reynolds at the parking lot at the church.

KIRA BAGLEY - CROSS BY MR. FRICK

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1 Q Okay. So you went back to the area -- is that -- when
2 you're talking about the parking lot of that church, is
3 that where you were talking about you turned on the street
4 that you didn't know the name of?

5 A Yes, ma'am.

6 Q Okay, how long ---

7 A By the time I went back to talk to someone, they had
8 blocked the road off, and I met with Officer Reynolds in
9 the parking lot.

10 Q Okay, and you gave him a full statement that night of
11 ---

12 A Yes, ma'am.

13 Q --- what had happened. When you gave that statement
14 to Officer Reynolds, you classified those shots as machine
15 gun shots, the second round of shots ---

16 A Like repetitively. See, I don't know my different
17 types of guns. I just know it was fast shots.

18 MS. HALL - Please answer any questions Mr. Frick
19 may have.

20 CROSS EXAMINATION

21 BY MR. FRICK -

22 Q Hey, Ms. Bagley. Do you remember about what time of
23 night this -- when you ---

24 A I do not. It was dark.

1 Q Okay. That's what I'm getting at. Okay, so it was
2 dark. You couldn't see who was in any of the cars?

3 A No, sir.

4 Q Okay, could you recognize anything about the cars?

5 A The first truck looked silver; the second car looked
6 red.

7 Q Okay. All right. All right, as far as recognizing
8 the vehicles as belonging to anybody, you didn't ---

9 A No, sir.

10 Q Okay. But clearly the truck was in front of the
11 Cadillac.

12 A Yes, sir.

13 Q Okay. And First Street, that where you stay?

14 A Yes, sir.

15 Q That where you live? Okay. Were they going the same
16 speed cars normally go or faster than normal?

17 A They were going fast.

18 Q Okay. I believe you said that they went by so fast,
19 shook (sic) your car.

20 A It actually shook the car.

21 Q Okay. There a stop sign at Patrick and First?

22 A Yes, sir.

23 Q They made that turn?

24 A Yes, sir.

25 Q Did they stop at that stop sign?

KIRA BAGLEY - CROSS BY MR. FRICK

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- 1 A No, sir.
- 2 Q Did they slow down for that?
- 3 A I honestly couldn't tell you.
- 4 Q You don't know how fast they were going when they
- 5 turns. Um -- but you heard gunshots before the cars passed
- 6 you?
- 7 A Yes, sir.
- 8 Q Do you have any idea where those gunshots occurred?
- 9 A Coming from the East Chester direction.
- 10 Q Okay. Back down towards Patrick?
- 11 A Yes, sir.
- 12 Q Okay. Did those -- you said there's a lot of gunshots
- 13 in that area. Did these gunshots sound unusual?
- 14 A Those ---
- 15 Q Yes, ma'am.
- 16 A The first set of gunshots was something normal that we
- 17 hear ---
- 18 Q Normal -- I'm sorry, I'm getting old and deaf. Can
- 19 you ---
- 20 A That's normal for that area.
- 21 Q Can you scoot up just a little bit so I can hear you
- 22 in the microphone?
- 23 A (Witness complies)
- 24 Q They're normal for the area is what you said?
- 25 A Yes, sir.

1 Q Okay. And then the gunshots you heard later that you

2 ---

3 A Were different.

4 Q They were different how?

5 A That's not something I usually hear.

6 Q Well, I mean were they ---

7 A They were faster; they were louder.

8 Q Okay. All right. Did you -- you got a pretty good
9 look at the cars. You didn't recognize them, but you got a
10 pretty look at them -- Correct? -- as they passed?

11 A Yes, sir.

12 Q Do you have any idea about how far apart they were?

13 A Maybe a car length.

14 Q Okay. All right. And then, of course, there's a
15 little bit -- little bit of a hill down at the end of
16 First, isn't there?

17 A Yes, sir.

18 Q Okay. And you couldn't see which direction they went.

19 A No, sir.

20 Q All right.

21 MR. FRICK - One second. I may done. (Pause)

22 Thank you, Ms. Bagley. That's all the questions I have.

23 MS. HALL - That's it for this witness, Your

24 Honor. We'd ask that she be excused.

25 MR. FRICK - No objection.

MAURICE JAMES - DIRECT BY MS. HALL

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1 THE COURT - Thank you. You may step down.

2 MR. FRICK - And, Your Honor, I think she's under
3 subpoena for us; she's excused from that as well.

4 THE COURT - All right, thank you, ma'am.

5 MS. HALL - Thank you. State calls Maurice James.
6 And if you'll just step right around to this lady, Ms.
7 James.

8 MS. JAMES - Yes, ma'am.

9 MAURICE JAMES, AFTER BEING FIRST DULY SWORN,
10 TESTIFIES AS FOLLOWS -

11 DIRECT EXAMINATION

12 BY MS. HALL -

13 Q And your name is Maurice James. Is that correct?

14 A Yes.

15 Q And, Ms. James, where do you live?

16 A [REDACTED].

17 Q Okay. And were you living at that address back on
18 November the 4th of 2014?

19 A Yes, ma'am.

20 Q All right, I'm going to show you a map that's been
21 entered into evidence as State's Exhibit Number 7. Just
22 take a second to get oriented to it. Is that about where
23 your house is?

24 A Yes.

1 Q Okay. So if you look out your window, can you see the
2 beginning of Roundtree Circle?

3 A Yes, ma'am.

4 Q Okay. And on November the 4th of 2014, were you home
5 that evening?

6 A I beg your pardon?

7 Q Were you at home that evening?

8 A Yes, I was.

9 Q All right, did you -- did anything -- did you notice
10 anything odd?

11 A Well, yes, I heard gunshots. Well, I won't say I
12 heard gunshots, but I heard something like firecrackers at
13 first. I thought it was firecrackers, then they started
14 getting louder, and I was in my den at the time, then I got
15 up and went in the hallway and looked through the living
16 room window and I saw what I saw.

17 Q You saw -- tell the jury what you saw.

18 A When I looked through the living room window, I saw
19 this young man, young black man running towards -- right
20 across the street from -- I live on Parkway, but -- what's
21 the name of the street -- but anyway, I saw him running
22 that way and um, then the next thing I saw was this white
23 SUV, so when he -- SUV stopped and the young man looked
24 like -- he went -- he ran towards the SUV and he had
25 something like to the right side of his leg, and the SUV

1 stopped, so then I heard police cars and then um, -- then
2 the young man ran back towards Fieldcrest and then the SUV
3 went down -- I don't know -- I can't even think of the name
4 of the street ---

5 Q I'm going to show you -- I'm going to show you what's
6 been marked as State's 4 ---

7 A Okay.

8 Q --- and this is a bigger map of the Roundtree Circle
9 area ---

10 A Okay.

11 Q --- and um, -- okay --- so and we had stated that your
12 house is about right here.

13 A Yes, ---

14 Q Okay, and this is ---

15 A --- on this street.

16 Q --- the beginning of Roundtree Circle. Is that
17 correct?

18 A Yes, that's right.

19 Q Okay, now, using the map, would that make it a little
20 bit easier for you to describe to the jury where everybody
21 was? If you can -- if you could just ---

22 A Okay, if this is my house right there, and what --
23 right across the street is Roundtree Circle, and so that's
24 when I -- that's when I saw the young man running, you
25 know, towards Fieldcrest.

1 Q Well, can you -- okay, and the Fieldcrest is down here

2 ---

3 A Yes, (indicating yes) down this way.

4 Q Okay, when you first -- when you first looked out and

5 saw the SUV, can you -- can the tell the jury -- if you

6 can't it's okay -- but if you can tell the jury where the

7 SUV was stopped ---

8 A It was stopped like ---

9 Q If you could point on the map.

10 A Okay. Like it was turning on this way.

11 Q Okay. Going this way?

12 A Yes.

13 Q All right, and so you could see it from behind? Is

14 that right?

15 A Yes.

16 Q Okay. And where was the man that you're describing?

17 A He was in the yard of a neighbor.

18 Q If you could point that out, too.

19 A Okay, right across on Roundtree, then he ran back

20 towards the SUV, and then -- you know, the door opened and

21 he -- he had something in his -- in his -- you know, on the

22 right side, right side of the -- and next thing I know,

23 here comes the police cars, and that was it.

24 Q Okay. And you say when he ran off, he ran ---

25 A Yes, towards Fieldcrest.

- 1 Q Which is back up in here?
- 2 A Yes, ran around Fieldcrest, yes.
- 3 Q Did he run through the yard or down the road or ---
- 4 A Through the yard.
- 5 Q Through the yard? Like in here ---
- 6 A Yes, over here. (Indicating yes)
- 7 Q Okay. All right. Is it uncommon for you to hear
- 8 gunshots in that area, or is that something that happens
- 9 pretty often over there?
- 10 A I'm sorry, I didn't hear you.
- 11 Q Is it uncommon for you to hear gunshots, or do you
- 12 hear them pretty often?
- 13 A Oh, no, pretty often.
- 14 Q And did you call the police?
- 15 A No.
- 16 Q Did you give a statement to the police?
- 17 A Yes, I did.
- 18 Q And was that -- how did you -- did you go outside and
- 19 find them? How did you get in touch with them?
- 20 A No, they came and -- they was already in my yard
- 21 talking to other neighbors and thing, and so they came in
- 22 the house asked me questions, and so I just told them what
- 23 I saw.

1 Q And when you say that you -- that the man had
2 something in his right (sic) was -- could you describe the
3 man? Was he short, tall, fat, thin?

4 A He was a tall, slim black man.

5 Q And you say that he had something in his right hand.
6 Could you see what it was?

7 A No, I could not.

8 Q Was he walking funny or how do you know he had
9 something in his hand?

10 A Well, you could tell by the way he was holding his
11 hand to the right side.

12 Q Was he holding his arm straight or bent?

13 A No, he it was holding it straight, straight to the
14 side.

15 Q All right. If you don't mind, would you stand up and
16 show the jury what you're talking about when you say that
17 he's holding it straight to the side?

18 A Okay. Just like this, like stiff like.

19 Q Okay. Thank you.

20 MS. HALL - Please answer any questions Mr. Frick
21 may have.

22 CROSS EXAMINATION

23 BY MR. FRICK -

24 Q Okay, Ms. James. It was light or dark when you heard
25 those shots? Do you remember?

- 1 A It was dark.
- 2 Q Okay.
- 3 A (Indicating yes)
- 4 Q Do you remember what time it was?
- 5 A No.
- 6 Q Very well. You were sitting in your den?
- 7 A Yes.
- 8 Q Not trying to get into your business, but what were
- 9 you doing?
- 10 A Folding clothes and watching TV.
- 11 Q Okay. So you did have the TV on?
- 12 A Yes, I did.
- 13 Q You weren't watching a show that had shooting in it,
- 14 did you?
- 15 A No, I didn't. No.
- 16 Q Okay. All right. You hear some shots.
- 17 A Yes.
- 18 Q Then you hear some more shots.
- 19 A Correct.
- 20 Q Did the two shots sound different?
- 21 A Yes.
- 22 Q What was different?
- 23 A The first one I heard was like firecrackers, and then
- 24 it started getting louder.
- 25 Q Okay.

1 A (Indicating yes)

2 Q All right, and when you say louder, like slighter
3 louder, building louder?

4 A It was building up to get louder.

5 Q Okay. All right.

6 A (Indicating yes)

7 Q And then it sounded real loud or what?

8 A Yes, they really got louder as they got closer.

9 Q Okay.

10 A (Indicating yes)

11 Q You didn't call 9-1-1 at that time.

12 A No.

13 Q Not terribly unusual to hear shots over there?

14 A No.

15 Q Okay. The shots that you heard, did they sound
16 different than shots that you've heard before?

17 A I guess not, no.

18 Q Okay.

19 A No.

20 Q That's fine. All right. After you heard the shots,
21 did -- I believe in your -- you remember giving a statement
22 to law enforcement. Right?

23 A Yes.

24 Q I believe in there you said you went to your window?

- 1 A Yes, no, I walked into the hallway and looked out the
2 living room window.
- 3 Q Right after you heard the shots or when?
- 4 A Right after I heard the shots.
- 5 Q Okay.
- 6 A (Indicating yes)
- 7 Q And then you look out and you see a guy standing there
8 holding something?
- 9 A No, he was running; he wasn't standing.
- 10 Q Okay.
- 11 A And then when the white SUV came up, then he ran back
12 towards that SUV.
- 13 Q Okay.
- 14 A (Indicating yes)
- 15 Q Now, you -- you put in your statement, you've said
16 here it was a white SUV.
- 17 A Yes.
- 18 Q You're absolutely certain it was an SUV?
- 19 A Yes.
- 20 Q Not a pickup truck.
- 21 A SUV.
- 22 Q I just got to ask you this, Ms. James.
- 23 A I know, and I'll tell you, too.
- 24 Q Any kind a -- do you know what kind of model, any
25 idea?

1 A No. When it comes to that, I don't know the year and
2 stuff like that.

3 Q Okay. But it didn't have a bed on it?

4 A Funny, no.

5 Q Wasn't a sedan?

6 A I don't know the different -- no, white SUV.

7 Q Very good. Okay.

8 A (Indicating yes)

9 Q And I'm going to make sure you're just as certain
10 about the color.

11 A Okay.

12 Q You're absolutely certain it was white.

13 A It was white.

14 Q No doubt in your mind.

15 A No doubt in my mind.

16 Q Thank you, ma'am.

17 A You're welcome, sir.

18 Q And you saw this -- this person run up to it or go up
19 to it?

20 A Yes, I did. He ran up towards the SUV, the white SUV.

21 Q The white SUV at this time.

22 A (Indicating yes)

23 Q Had you seen any other vehicles?

24 A Not -- uh, well, they was passing, yes.

25 Q What you mean?

- 1 A It was cars coming and going, yes.
- 2 Q Oh, just regular traffic?
- 3 A Yeah, regular traffic, correct. (Indicating yes)
- 4 Q Did you recognize any of that traffic?
- 5 A Oh, no. (Indicating no)
- 6 Q Okay. About -- and I know you didn't time it -- or
- 7 you may have, I don't know, you're pretty sharp, Ms. James.
- 8 A (Indicating yes)
- 9 Q How long after you heard the last shot did you see
- 10 this SUV?
- 11 A I really can't say that, no. No, I can't say. No.
- 12 Q I mean what -- no idea ---
- 13 A No idea.
- 14 Q Very good. And then you heard police or saw them?
- 15 A No, I heard sirens and then knew the police was
- 16 coming, yes.
- 17 Q Okay. Okay. Very good. The young man that you saw
- 18 go up to this SUV, did you recognize him in any way?
- 19 A No. No.
- 20 Q Okay. Looked like they were holding something, but
- 21 you don't know what they're holding?
- 22 A No, looked like he was holding something to his side,
- 23 yes.
- 24 Q Okay. All right.
- 25 A (Indicating yes)

1 Q Did he get in that SUV?

2 A No, he did not.

3 Q Okay.

4 A It was only a quick second, and then the SUV just
5 left.

6 Q Do you know whether he was on the driver's side or the
7 passenger's side of that SUV?

8 A It -- uh, the driver's side.

9 Q Okay.

10 A Driver's side.

11 Q Okay. All right.

12 A (Indicating yes)

13 Q And then the SUV left.

14 A Yes.

15 Q And the young man was gone.

16 A The young man ran back towards Fieldcrest.

17 Q Okay.

18 A (Indicating yes) Hurry up now, I got to go to work.

19 Q I understand. I'm trying. Give me one second.

20 (Pause)

21 MR. FRICK - Ms. James, that's it. I'm done.

22 MS. JAMES - Okay, see. All right, say thank you.

23 MR. FRICK - Thank you. Sorry. I meant to say.

24 MS. HALL - Yes, Your Honor, we'd ask that she be
25 excused so she can go to work.

RAFAELL JACKSON - DIRECT BY MS. HALL

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1 MR. FRICK - Absolutely. No objection.

2 THE COURT - Thank you.

3 MS. JAMES - Oh, thank you.

4 MR. FRICK - And I believe we have Ms. James
5 subpoenaed as well, and she is released from our subpoena.

6 MS. JAMES - Well, thank you. I have time to go
7 to work.

8 MS. HALL - State calls Rafael Jackson. And,
9 Your Honor, after Rafael Jackson, just for purposes of
10 planning, I have two witnesses who are lay witnesses who
11 are here. I would like to try to get to those before --
12 they would be brief -- before we go to lunch.

13 THE COURT - That'll be okay. We can take a quick
14 break if y'all -- before then -- just let us know.

15 MS. HALL - Come and around to this lady right
16 here and she's going to swear you in.

17 RAFAELL JACKSON, AFTER BEING FIRST DULY SWORN,

18 TESTIFIES AS FOLLOWS -

19 DIRECT EXAMINATION

20 BY MS. HALL -

21 Q Mr. Jackson, your name is Rafael Jackson?

22 A Yes.

23 Q Do you have a nickname?

24 A Ray.

25 Q Ray-Ray.

1 COURT REPORTER - He's going to need to speak up,
2 Judge.

3 Q Ray?

4 MS. HALL - You might need to pull the microphone
5 a little bit closer. This lady has to take -- she has to
6 repeat everything you're saying, so we're going to have to
7 speak up a little bit. Okay? And these jurors are going
8 to have to hear you as well.

9 Q Back on November 4th of 2014, where did you live?

10 A Roundtree.

11 Q Is that Roundtree Circle?

12 A Roundtree Circle.

13 Q And that's in Chester?

14 A Yes.

15 Q All right. And what kind of car on November 4th of
16 2014 did you -- were you driving?

17 A I was driving a white Yukon.

18 MS. HALL - Can you tip that up to your mouth a
19 little bit more?

20 A A white Yukon.

21 Q Okay, that's better. All right, and some time that
22 evening did you -- where were you earlier that evening?

23 A I was at work.

24 Q Okay. And where were you working at the time?

25 A At the barber shop.

- 1 Q Okay. And where's that barber shop?
- 2 A On J A Cochran.
- 3 Q All right, and did you -- did you leave the barbershop
- 4 at some point after work was over?
- 5 A Yes.
- 6 Q Where'd you go?
- 7 A End up going home.
- 8 Q Okay. Did you stop anywhere along the way?
- 9 A Not really. I mean what you mean stop?
- 10 Q Did you have anybody in the car with you?
- 11 A Yes.
- 12 Q Who was in the car with you?
- 13 A Me and Hook, Cornell Johnson, and Steve.
- 14 Q Are Hook and Cornell Johnson the same person?
- 15 A Yes.
- 16 Q So there -- by the count I just made there were three
- 17 people in the car with you. Is that right?
- 18 A Right.
- 19 Q And you -- were you driving the car or was somebody
- 20 else driving the car?
- 21 A I was driving.
- 22 Q Did you -- did -- and you stated that you were going
- 23 home. When you were going home, to turn onto Roundtree
- 24 Circle, which way did you have to turn?
- 25 A Made a left.

1 Q Did you make a left in the first entrance to Roundtree
2 or the second?

3 A The first entrance.

4 Q Did you notice anything odd?

5 A Not really too much. I really didn't think too much
6 of it.

7 Q Did anything cause you to stop your car?

8 A Yes, I mean he asked for a ride.

9 Q Who?

10 A Quay asked me for a ride.

11 Q Okay, and who's Quay?

12 A Uh ---

13 Q How do you know Quay, or did you know Quay?

14 A I meant -- I know him -- he just a young kid in the
15 neighborhood.

16 Q Do you know his mama?

17 A Yes.

18 Q Had they lived next to you at some point in time?

19 A Yeah, at one point.

20 Q How long -- how long before this was -- did they live
21 next to you?

22 A Probably couple years or so.

23 Q How did he first get -- I'm talking about November 4th,

24 -- Okay? --- how did he first get your attention?

25 A He was just -- just asked me for a ride.

1 Q Was he -- where did you see him?

2 A He was, like when I turned in to go home, he just
3 asked me for a ride.

4 Q Was he -- how did you -- how did he make you stop your
5 car? Did he yell? Did he run out in front of you? Did he
6 -- what did he do?

7 A I think he was -- I can't remember all the way
8 clearly, but he was just like, hey, hey, can I get a ride
9 real quick.

10 Q Did you know him by -- did you know him to go by the
11 nickname Diesel as well?

12 A Some of the guys around would call him Diesel.

13 Q All right. And the person that you know as Quay, do
14 you see him in the courtroom today?

15 A Yes, Quay.

16 MS. HALL - All right, let the record reflect he's
17 point ---.

18 Q Are you pointing to the man seated at the defense
19 table in the orange shirt?

20 A Yeah.

21 Q And um, when he came to your car, did he have anything
22 in his hand?

23 A I think he had a stick or something in his hand.

24 Q Okay. Did you give a statement to the police on
25 November 6th of 2014?

1 A (Indicating yes)

2 Q Okay, and in that statement -- I'm going to refer to
3 you -- I'm going to -- is this the statement that you gave
4 to him?

5 A (No response)

6 Q Is that the statement that you gave to the police?

7 A (Indicating yes).

8 Q And that's your signature on the bottom of it right
9 there?

10 A Yes.

11 Q I'm going to refer you to a portion of that statement.
12 If you could read that for me, please, where it starts with
13 Diesel.

14 A Says, Quay, Diesel had a big rifle in his hand and
15 wanted me to give him a ride.

16 Q Thank you.

17 A Actually that's what I told the police, that he had a
18 stick in his hand.

19 Q Mr. Jackson, you don't want to be here today, do you?

20 A No, I definitely don't want to be here.

21 Q And has anybody promised you anything to get you to
22 come today?

23 A No.

24 Q You're here because you're under subpoena and you have
25 to be here. You don't have a choice. Is that right?

- 1 A I didn't want to be arrested.
- 2 Q Okay, when -- when Quay comes up to your car, what
- 3 side of your car did he come up to?
- 4 A Um, if I'm driving down the road, he was on the ride
- 5 side back side.
- 6 Q Right back side. Would that be the passenger's side?
- 7 A Yes. Not on my side but the passenger's side.
- 8 Q I'm sorry, say that again.
- 9 A On the back -- on the back. Was like on the back.
- 10 Q On the back passenger's side. Is that correct?
- 11 A (Indicating yes)
- 12 Q And when you first spotted him, where was he?
- 13 A He was just like on the side of the -- side of the
- 14 road.
- 15 Q Which side?
- 16 A On the right side.
- 17 Q On the passenger's side of the car.
- 18 A (No response)
- 19 Q Was he up in the yard?
- 20 A Yeah, about like on the side of the road, but that's
- 21 what I can remember.
- 22 Q Okay. And after -- you said that you pulled up, he
- 23 asked you for the ride, and what did you tell him?
- 24 A I told him I was going -- I was going on home.
- 25 Q And um, where did he go?

1 A He just turned around and went on ahead. I rode on
2 down the road, went on home.

3 Q And where did he go? What ---

4 A He just -- he just took off like where he was at.

5 Q But he just turned around and ran -- did he run?

6 A I can't remember him running. I don't know. Can't
7 remember whether he ran or not.

8 Q Okay. I'm going to show you this statement that you
9 gave to law enforcement, again, on November 6th. I believe
10 the question was, after you drove -- after you denied the
11 ride, what did Quay do? Can you tell -- tell the jury what
12 you told the police that night.

13 A He took off running behind the second house on the
14 right.

15 Q Okay. When you got onto Roundtree Circle, did you
16 notice anything unusual?

17 A Um, I really wasn't thinking it was nothing -- nothing
18 wrong, but um, I mean I seen a car -- I seen a car in a
19 yard; that looked kind of strange.

20 Q Was it -- what was strange about it?

21 A I mean it was just like in the front of the yard, like
22 -- in front of like one of my neighbor's driveway.

23 Q What color was it?

24 A Was a red car.

1 Q I'm going to show you what's been entered into
2 evidence as State's Exhibit 5. Is that the car you saw?

3 A Yeah.

4 Q Okay. And you can flip through if you need to look at
5 the other pictures. Is that what you saw?

6 A It was dark. I mean, you know, I couldn't -- I didn't
7 notice -- it was dark. I didn't know this was red or not.
8 I mean I couldn't see.

9 Q All right, I'm going to show you your statement one
10 more time, and again, that's the statement that you gave to
11 the police on November 6th. So what did you see in the area
12 after you pulled away? Read -- read the jury what your
13 answer was on that day?

14 A I noticed when I went down the street it was a car
15 wrecked at one of my neighbor's house and it was red-
16 looking.

17 Q How was Quay -- how was Quay acting when he -- when he
18 came up to your car? Was he acting odd?

19 A Well, looked like he was scared or something, you
20 know, maybe he was in a fight or something.

21 Q Okay, and I'm going to again show -- I've marked your
22 statement as State's Exhibit 9. I'm going to again show it
23 to you. That was the statement you gave to law enforcement
24 on November 6th, of 2014. Is that correct?

25 A (Indicating yes)

1 Q And is this your hand-writing? Did you write this
2 statement?

3 A (No response)

4 Q Is this your hand-writing?

5 A I don't know. I don't remember writing this.

6 Q At least the answer part.

7 A Um, probably the answer part.

8 Q The answer ---

9 COURT REPORTER - He needs to speak up. I'm
10 having trouble him.

11 A I said probably the answer part, yeah.

12 Q The answer part was your hand-writing, and that's your
13 signature at the bottom of the pages? All three. Is that
14 correct?

15 A (Indicating yes)

16 MS. HALL - Your Honor, State would move 9 into
17 evidence at this time.

18 MR. FRICK - No objection.

19 THE COURT - In without objection.

20 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
21 STATE'S EXHIBIT NUMBER 9.)

22 MS. HALL - Nothing further. Please answer any
23 questions Mr. Frick has for you.

24 CROSS EXAMINATION

25 BY MR. FRICK -

1 Q Mr. Jackson, you were just going home that night?

2 A Yes.

3 Q Just trying to get on home. About what time was it?

4 A I don't really know what time it was.

5 Q Okay. I mean but the sun still up? Was it dark?

6 A Yeah, it was -- it was kind of dark.

7 Q Okay. All right. And you drive what kind of
8 vehicle?

9 A White Yukon.

10 Q Yukon. Would you call that an SUV?

11 A Yes.

12 Q Okay. Where did you see Quay that night? What road
13 were you on?

14 A Um, I had just turned into Roundtree Circle.

15 Q Okay, so that little turn off Parkway right onto
16 Roundtree?

17 A Right.

18 Q Okay. Comes up to your car; y'all talk for a quick
19 second.

20 A No, I mean he just said, can I get a ride.

21 Q Okay. All right. Now, I'm not saying y'all hang out
22 or anything, but you've known -- you've known Quay for a
23 while?

24 A I mean I know him.

1 Q Okay. But I mean you see him around the neighborhood,
2 seen him around ---

3 A Yeah, like I say he's -- he's -- he always been a good
4 kid. You know, he's a lot younger than me.

5 Q Okay. When you saw him this night, he look different?

6 A He didn't look too much different.

7 Q Okay. You told the solicitor he looked scared.

8 A Well, I meant, yeah, he looked like he might've been
9 like -- like I say, like fighting or running from somebody,
10 somebody might've been chasing him or something.

11 Q Okay. All right.

12 MR. FRICK - Hang on one second, Mr. Jackson. I
13 may be done. Thank you, Mr. Jackson. (Pause) That's all
14 the questions I have.

15 MS. HALL - Your Honor, that's all. We'd ask that
16 Mr. Jackson be excused.

17 MR. FRICK - No objection.

18 THE COURT - You're excused. Thank you, sir.

19 MS. HALL - State calls Cornell Johnson.

20 CORNELL JOHNSON, AFTER BEING FIRST DULY SWORN,

21 TESTIFIES AS FOLLOWS -

22 DIRECT EXAMINATION

23 BY MS. HALL -

24 Q Your name's Cornell Johnson?

25 A Yes, ma'am.

1 Q Do you have a nickname?

2 A Hook.

3 Q Hook?

4 A (Indicating yes)

5 Q Do you know Rafael Jackson?

6 A Yes, ma'am.

7 Q On November the 4th of 2014 in the evening hours, were
8 you riding with Rafael Jackson?

9 A Yes, ma'am.

10 Q Where in his car were you sitting?

11 A On the back -- in the back seat.

12 Q On which side of the car?

13 A On the right.

14 Q Would that be behind the driver or behind the
15 passenger?

16 A Behind the passenger.

17 Q What kind of car was he driving?

18 A A white SUV.

19 Q All right, where were y'all going?

20 A To his house.

21 Q Okay, and that night did you notice anything -- where
22 -- where were you coming from to go to his house?

23 A Well, we come off of Vance Drive to Park Drive to
24 Roundtree Circle.

1 Q And would you have been turning left or right onto
2 Roundtree Circle?

3 A Turning left on it.

4 Q And would you have been turning into the first
5 entrance of Roundtree or the second?

6 A The first one.

7 Q Okay. And when you turned in the first entrance of
8 Roundtree, did you notice anything unusual?

9 A This guy run out to his car.

10 Q Okay. And um, could you describe what happened to the
11 jury so they can understand.

12 A Only thing I can recognize is the person came to the
13 vehicle he asked for a ride; he told him he was heading
14 home.

15 Q And that -- and Jackson told the -- told the guy he
16 was heading home?

17 A Yeah.

18 Q How was the guy acting when he ran up to the car?

19 A He just walked up -- no, because as we were turning he
20 walked up to the vehicle just by accident, could've got
21 hit. He walked out in front of us.

22 Q Did you give a statement to the police on November 6th
23 of 2014?

24 A Yes, ma'am.

1 Q Okay. It's been a while so I'm going to show you this
2 statement see if you can refresh your memory a little bit.
3 I think the officers asked you, what did Ray tell him, and
4 could you read your answer to the jury, please?

5 A (Pause) I don't have my glasses with me.

6 Q You want mine?

7 A Let me see. Where about -- start at?

8 Q Here, I'm pointing to it. I don't know if they're
9 going to help you.

10 A It's hard for me to read it myself. Oh, for a ride.

11 Q Okay. And I'm going to show you what's been marked as
12 State's Exhibit 10, again, it's your statement. Is that
13 your signature at the bottom of it?

14 A Yes, ma'am.

15 Q And did you remember talking with the police on
16 November 6th?

17 A Uh, ---

18 Q Is that your signature on the bottom of that page?

19 A Yes.

20 Q And, Mr. Johnson, are you happy to be here today?

21 A Is I'm happy?

22 Q Are you happy to be here today?

23 A Yes, ma'am.

24 Q You are? Okay. Are you here because you wanted to
25 come, or are you here because I subpoenaed you to come?

1 A Uh, you subpoenaed me to come.

2 Q All right, and um, ---

3 MS. HALL - I would just move State's 10 into
4 evidence.

5 MR. FRICK - No objection.

6 THE COURT - In without objection.

7 (WHEREUPON; DOCUMENT MARKED INTO EVIDENCE AS
8 STATE'S EXHIBIT NUMBER 10.)

9 Q All right, and, Mr. Johnson, isn't it true that when -
10 - you said -- the question was, what did the young man say
11 to you? He asked Jackson for a ride. And then what did
12 Ray tell him, and isn't it true that you told the police on
13 that night, no, I can't give you a ride, because you are
14 like hot?

15 A Yes, said that.

16 Q What does that mean to you?

17 A He -- something involved in trouble or something.

18 Q And then did the police ask you, how was the young man
19 acting, and you said nervous. You remember that?

20 A It's in that, yeah.

21 Q Do you remember where the young man went after you
22 told him -- after Ray-Ray told him he couldn't have a ride?

23 A Walked across the yard where he came from.

CORNELL JOHNSON - DIRECT BY MS. HALL

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1 Q Okay. And when he came up to the car, did he come --
2 where did he come in relation to where you were sitting in
3 the car?

4 A I was sitting in the back on the right passenger side
5 ---

6 Q Yes, sir.

7 A --- of the -- to the front.

8 Q And where did the man come?

9 A Cross out of the yard to the front towards the
10 vehicle.

11 Q On the side that you were sitting on?

12 A Yes.

13 Q And when you guys went on down to Roundtree Circle,
14 did you see anything unusual?

15 A No, ma'am, not going down.

16 Q Okay. When the police asked you that, did you see a
17 car out of place in the area? Did you tell them, I saw a
18 red car over to the left?

19 A Yeah. Yeah, coming from down there you could see if
20 as we coming back out, yes.

21 MS. HALL - I don't have anything further. Please
22 answer anything Mr. Frick may have.

23 THE COURT - Your witness.

24 CROSS EXAMINATION

25 BY MR. FRICK -

1 Q Mr. Johnson, where -- where -- you stay in Chester?

2 A Yes, sir.

3 Q You didn't want to come to Winnsboro you say?

4 A (laughing)

5 Q Where do you stay at in Chester?

6 A I stay at Chester, [REDACTED], Chester.

7 Q Whereabouts it that in Chester?

8 A It's out center.

9 Q Okay.

10 A (Indicating yes)

11 Q Okay. Is it anywhere near Roundtree?

12 A No.

13 Q Okay. All right. You know my client?

14 A No.

15 Q Okay. You've never seen him before?

16 A I done seen him before. (Indicating yes)

17 Q Okay. All right, but you don't know him?

18 A No, nah, not no -- nothing like that.

19 Q That's fine. That night you didn't recognize him?

20 A No. It was dark and I was sitting in a vehicle with
21 tinted windows.

22 Q I got you. Now, I'm going to -- I don't now quite how
23 we going to do this. I'm going to ask you something about
24 your statement in State's 10, but I don't have glasses, so

1 I don't -- that line right there; it's your answer. What
2 did you write there?

3 A Look like nervous. I can't really tell.

4 Q Is that what you wrote? Nervous? I think that's what
5 the solicitor said. I just wanted to make sure we're on
6 the same page.

7 A Yeah, yeah, yeah.

8 Q So what you said was, the young man -- they asked you
9 how was the young man acting, and you said nervous.

10 A (Indicating yes)

11 Q Is that ---

12 A Yeah.

13 Q --- correct?

14 A Yeah.

15 Q He seemed nervous?

16 A Seemed like to me when he ran up to the car.

17 Q I'm sorry, what'd you ---

18 A To the car, yeah.

19 Q That's what he was like when he ran up to the car? Is
20 that you said?

21 A Yeah. (Indicating yes)

22 MR. FRICK - Thank you, Mr. Johnson. That's all
23 the questions I got.

24 MR. JOHNSON - Okay.

1 MS. HALL - Your Honor, we'd ask that he be
2 excused as well.

3 MR. FRICK - No objection.

4 THE COURT - Thank you, sir. You're free to go.

5 MR. JOHNSON - Okay.

6 MS. HALL - State calls Lashonda Wray.

7 LASHONDA WRAY, AFTER BEING FIRST DULY SWORN,

8 TESTIFIES AS FOLLOWS -

9 DIRECT EXAMINATION

10 BY MS. HALL -

11 Q Ms. Wray, your full name is Lashonda Wray?

12 A Correct.

13 Q And um, Ms. Wray, do you want to be here today?

14 A No.

15 Q Why did you come today?

16 A Because I was subpoenaed.

17 Q You were subpoenaed by the State to be here?

18 A (Indicating yes)

19 Q And do you know the defendant in this case,
20 Christopher Moore?

21 A Yes.

22 Q On November the 4th of 2014 in the evening hours, what
23 were you doing?

24 A Getting some kerosene for my mom.

25 Q Where were you getting kerosene for your mom?

LASHONDA WRAY - DIRECT BY MS. HALL

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- 1 A Speed.
- 2 Q I'm sorry?
- 3 A The gas station, Speed.
- 4 Q What street's that on?
- 5 A J A Cochran Bypass.
- 6 Q On the bypass?
- 7 A (Indicating yes)
- 8 Q All right. And um what kind of car were you driving?
- 9 A A white Honda.
- 10 Q While -- while you were getting the kerosene, did you
- 11 hear anything odd?
- 12 A I heard gunshots.
- 13 Q Where were they coming from?
- 14 A The Roundtree Circle area.
- 15 Q Was it uncommon to hear gunshots over in that area?
- 16 A No, ma'am.
- 17 Q Are you around that area some?
- 18 A (Indicating yes)
- 19 Q Enough to know? And um, did you have anybody riding
- 20 in the car with you?
- 21 A (Indicating yes) A friend-girl of mine.
- 22 Q Okay. Did -- was there anything unusual about these
- 23 gunshots? Were there a lot? How many did you hear?
- 24 A It was multiple.
- 25 Q Five, ten, fifteen, twenty?

1 A I'm not sure.

2 Q Okay. Were they louder, loud, quiet, normal hearing
3 or do you even know the difference?

4 A I don't know the difference.

5 Q And did you make a decision to -- where'd y'all go
6 when y'all left the gas station?

7 A To Roundtree.

8 Q When you got there, what'd you see?

9 A A car wrecked and one police car.

10 Q And um, did you talk to the policeman?

11 A No, he just told me to keep going.

12 Q Were you able to get through down in around Roundtree
13 Circle?

14 A (Indicating yes)

15 Q All right, did you -- well, did you go in the front
16 entrance or the second entrance? Where ---

17 A The first one.

18 Q Okay, I'm going to show you what's been marked as
19 State's 4. I'm going to try to get you to -- so everybody
20 can see it. Okay, if that's Round -- Parkway -- Roundtree
21 Circle, where did you come in?

22 A Right here.

23 Q Which direction were you coming from?

24 A From the bottom of Parkway and made a left.

LASHONDA WRAY - DIRECT BY MS. HALL

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1 Q How far did you get before the police -- they said --
2 where were you when you saw the police?

3 A Somewhere up in here.

4 Q Okay. And when they told you to keep going, where'd
5 you go?

6 A Around.

7 Q Where'd you stop?

8 A At another house on Parkway.

9 Q Okay, about -- is it on this map? Do you see it
10 anywhere?

11 A I think it might be ---

12 Q So when you came back off of Roundtree, you turned
13 right?

14 A (Indicating yes)

15 Q Okay. And did you know somebody that lived at that
16 house?

17 A I did.

18 Q All right, so what'd you do when you got to that
19 house?

20 A Parked and got out and was talking.

21 Q Was there a lot of people there?

22 A Not many.

23 Q Was your friend who lived in the house outside?

24 A (Indicating yes)

25 Q Did the girl in the car with you get out as well?

1 A No, ma'am.

2 Q Okay. How long do you think you stayed there?

3 A I don't know, maybe 15 minutes or so; I'm not sure.

4 Q At some point in -- after you left, did you get a call
5 from Chris Moore?

6 A (Indicating yes)

7 Q Who was -- where'd the call come from, what phone, do
8 you know?

9 A From Derrick Dixon's phone.

10 Q Derrick Dixon's phone?

11 A (No response)

12 Q Do you know Chris Moore to go by a nickname?

13 A Yes, ma'am.

14 Q What is it?

15 A Diesel.

16 Q And do you know Derrick Dixon to go by a nickname?

17 A Yes, ma'am.

18 Q What's that?

19 A Hatchett.

20 Q All right, and how did you know it was Derrick Dixon's
21 phone?

22 A Because we're related.

23 Q Did you know the number?

24 A (Indicating yes)

LASHONDA WRAY - DIRECT BY MS. HALL

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1 Q All right, but when -- when you got -- when you picked
2 up the phone, who was on the phone, other end of it?

3 A Christopher Moore.

4 Q What'd he say to you?

5 A He had just asked me for a ride, which is normal.

6 Q Did you give him rides a lot?

7 A (Indicating yes)

8 COURT REPORTER - She needs to answer verbally.

9 MS. HALL - Please -- she's got to take it down,
10 so if you could say yes or no instead of nodding your head,
11 that'd be great.

12 A Oh, okay.

13 MS. HALL - Thank you.

14 Q So did you give him a ride a lot?

15 A Yes, ma'am.

16 Q Okay. And um, when -- that night when he called you,
17 did he tell you to meet him somewhere?

18 A No, he just told me where he was located for me to
19 come.

20 Q Okay, what'd he say?

21 A They was at they friend, Rosa's house.

22 Q Where's Rosa live?

23 A On York Street.

24 Q So -- and did you go over there?

25 A (Indicating yes)

1 Q Did you go directly there after he called?

2 A Yes, ma'am.

3 Q All right. How long did it take you to get there?

4 A Not long, because it was the direction I was going out
5 of Roundtree.

6 Q And when you got there, who was there?

7 A Chris Moore, Derrick and a dude named Debo.

8 Q And um, did they get in the car with you?

9 A Yes, ma'am.

10 Q Which door did they get in?

11 A The door behind the driver's side.

12 Q And you were driving the car?

13 A (Indicating yes)

14 Q So they -- was the door behind you that they we-re
15 getting into?

16 A Yes, ma'am.

17 Q Into the backseat?

18 A (Indicating yes)

19 Q And they all got in the same door?

20 A Yes, ma'am.

21 Q Who got in first?

22 A Chris Moore.

23 Q And did he just like scooch over all the way to the
24 other side of the vehicle?

25 A Yes, ma'am.

1 Q So when he finally got situated where he was going to
2 be, where was he in the car?

3 A Behind the passenger's side.

4 Q And then where did -- where did the other two get in?

5 A In the back. It was three people in the back that got
6 in on the same side.

7 Q Sorry.

8 A That got in on the same side.

9 Q Do you remember which one got in first?

10 A Chris Moore.

11 Q And then who after that?

12 A Derrick Dixon I believe, Debo, one of them.

13 Q Okay. And where did you take them?

14 A To Derrick's house.

15 Q What street was Derrick's house on?

16 A Saluda.

17 Q All right. Did you go inside?

18 A Yes, ma'am.

19 Q Okay. Did your -- did your girlfriend go inside too?

20 A Yes, ma'am.

21 Q All right. And all three of these people you picked
22 up, they all went inside?

23 A Yes, ma'am.

24 Q Okay, and what'd y'all do once you got inside?

1 A Nothing, I was just talking to the kids, which is my
2 cousins and then I left.

3 Q Because you said you were related to Derrick Dixon.

4 A (Indicating yes)

5 Q That was the phone that they used to call you?

6 A (Indicating yes)

7 Q And did you have any further communication with
8 Derrick Dixon or anybody in that car later on that night?

9 A Yes, ma'am, I told Derrick -- well, I texted his phone
10 and told him to stay out of trouble, I didn't want to see
11 anything happen to him.

12 Q Why'd you text him that?

13 A Because it just -- it was a lot going on.

14 Q Did you keep those text messages on your phone?

15 A No, ma'am.

16 Q What'd you do with them?

17 A Deleted them.

18 Q Why?

19 A Because I was afraid what -- because people kept
20 calling saying I had -- was involved in some stuff, which I
21 wasn't.

22 Q The next day, November 5th, did you -- or within the
23 next couple of days, did the police come to you or did you
24 go to the police ---

25 A They came to me.

1 Q Okay. And did you give them a statement?

2 A Yes, ma'am.

3 Q And you told them everything that you've said here
4 today.

5 A Yes, ma'am.

6 Q Did they -- do you remember them serving a search
7 warrant on your car?

8 A Yes, ma'am.

9 Q All right, and do you remember them collecting
10 evidence from the inside of your car?

11 A That what was said, but I didn't see it.

12 Q That was the point of the search warrant. Right?

13 A (Indicating yes)

14 Q Did y'all have any -- once those guys got in the car
15 with you, did y'all talk about anything?

16 A No, ma'am, they just told me what's up.

17 Q How -- were they acting normal?

18 A Normal.

19 Q Were they talking amongst themselves?

20 A No, ma'am.

21 Q How far -- how long were they in the car with you
22 before you got over to Derrick's house? How far is that?

23 A Like three minutes.

24 Q Did you -- did they -- did you see them with any guns
25 or ---

1 A No, ma'am.

2 MS. HALL - Please answer any questions Mr. Frick
3 may have.

4 CROSS EXAMINATION

5 BY MR. FRICK -

6 Q Ms. Wray, you had no idea what had happened that
7 evening, did you?

8 A No, sir.

9 Q Okay. And you got a phone call from a phone number
10 that you recognized?

11 A (Indicating yes)

12 Q You spoke to the person on the phone?

13 A Correct.

14 Q Okay. Did you recognize the voice?

15 A Correct.

16 Q Okay. And you said that person was whom?

17 A Christopher Moore.

18 Q Okay. You certain it's Christopher Moore?

19 A I mean if it wasn't, but I'm -- that's the voice that
20 I heard, but if it wasn't it really wouldn't matter if it
21 was him or not that called me off of my cousin's phone,
22 because either one of them could've called me for a ride
23 and I was going to give them a ride regardless.

24 Q Okay. It was, in fact, Mr. Dixon's phone, wasn't it?

25 A (Indicating yes)

LASHONDA WRAY - CROSS BY MR. FRICK

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1 Q Okay. All right.

2 MR. FRICK - Please say yes or no.

3 A Oh, yes, sir.

4 MR. FRICK - I don't want the court reporter
5 yelling at me.

6 Q Do you remember about what time you got that phone
7 call?

8 A No, sir.

9 Q Okay. And this person asked you to pick them up from
10 somewhere.

11 A (Indicating yes) Correct.

12 Q Where did they ask you to pick them up?

13 A From they friend, Rosa house.

14 Q Where that? (sic)

15 A On York Street.

16 Q York Street?

17 A (Indicating yes)

18 Q Okay. And that's where you went?

19 A (Indicating yes)

20 Q Got them?

21 MR. FRICK - Say yes or no, please.

22 A Yes, sir.

23 MR. FRICK - I'm sorry.

24 Q All right. Now, you know Chris?

25 A Yes.

1 Q How long you known Chris?

2 A For a couple years maybe.

3 Q Okay. Okay. When you saw him that night you
4 recognized him?

5 A (Indicating yes)

6 Q Okay. And you told us he was acting normal.

7 A Yes, sir.

8 Q Wasn't anything different about him?

9 A No, sir.

10 Q Okay. Was there any conversation?

11 A No, sir.

12 Q You said they got in the car and said, what's up.

13 A That's all.

14 Q That's it.

15 A (Indicating yes)

16 Q No other conversation in the car.

17 A No, sir.

18 Q Is that normal, unusual, ---

19 A It's normal.

20 Q Okay. And no one -- no one had any weapons or
21 anything with them when they got in your car.

22 A No, sir.

23 Q Okay. I'm going to ask you the same question I asked
24 you one time before. Do you know about what time they got
25 in your car?

1 A No, sir.

2 Q All right. Let's jump all the way back to the
3 beginning when you're at the Speed Store. That's on the
4 bypass. Right?

5 A Correct.

6 Q Okay. I'm going to try to get you to take a look at
7 this map here if I can hold it up. All right. I believe
8 this is the bypass. Is that correct? Do you agree with
9 me?

10 A (Indicating yes)

11 Q Okay, do you ---

12 COURT REPORTER - She needs to answer verbally.

13 Q --- about -- about where the Speed Store is?

14 A I'm not sure.

15 COURT REPORTER - I can't hear her. She needs to
16 speak up.

17 THE COURT - You've got to speak up.

18 MR. FRICK - Speak up just a little bit.

19 Q About right there?

20 A (Indicating yes)

21 Q Okay. And, of course, do you know where Crabtree
22 Circle is on this map?

23 A Yes, sir.

24 Q Okay, where is it?

25 A This area.

1 Q Okay. Not a great deal of distance, is it?

2 A Right.

3 Q Okay. You said while you were pumping kerosene you
4 heard shots.

5 A Yes, sir.

6 Q Okay. Are you any type of gun expert? Do you have
7 any idea what kind of shots they were?

8 A I don't know nothing about that.

9 Q Okay. Have you heard gunshots before?

10 A Correct.

11 Q Okay. Did these gunshots sound any different than
12 gunshots you heard before?

13 A Not really.

14 Q Okay.

15 MR. FRICK - Hang on one second. (Pause)

16 Q How many gunshots did you -- did you hear?

17 A It was multiple, but I wasn't counting.

18 Q Okay. Did they all sound the same?

19 A I guess. I'm not sure. I mean it was just gunshots.

20 Q Okay. All right. And, of course, you were just there
21 trying to get some kerosene. Right?

22 A Correct.

23 MR. FRICK - Thank you, ma'am. That's all the
24 questions I have.

25 MS. HALL - Really quickly.

1 RE-DIRECT EXAMINATION

2 BY MS. HALL -

3 Q How long did it take you from the time that they
4 called you to come pick them up? You said -- how long did
5 it take you to get to them?

6 A It was just right about the corner, like maybe a
7 couple seconds, probably not even a whole minute.

8 Q Okay. I'm going to show you that same map Mr. Frick
9 had showed you a second ago, if we can do this. All right,
10 you said you're familiar with this Roundtree Circle area,
11 right in there. And if that's Old York Road, where's
12 Rosa's house? This Parkway coming in, Old York Road and
13 that's Roundtree Circle. Just round about.

14 A (witness mumbling)

15 Q Can I get you to mark that on there?

16 A I can't even read this, like ---

17 Q Well, if this is Old York Road and Parkway comes out
18 and hits it -- right here ---

19 A Where the tracks, where the tracks meet?

20 Q Yes, ma'am. See the tracks coming there?

21 A Okay.

22 MR. FRICK - Your Honor, I'm going to object to
23 her marking it. I can't tell whether she's testifying to
24 that or the solicitor's telling her where it is.

1 MS. HALL - Well, I'm just asking her where Rosa's
2 house is. If she can answer it, then ---

3 THE COURT - All right, ask the question and
4 answer it.

5 Q Is that where Rosa's house is, that mark you made?

6 A Yes, ma'am.

7 Q Okay.

8 MS. HALL - That's it. I don't have any further
9 questions.

10 MR. FRICK - Nothing, thank you.

11 MS. HALL - We'd ask that she be excused as well.

12 MR. FRICK - No objection.

13 THE COURT - Thank you. You may step down. You
14 are excused.

15 MS. HALL - Your Honor, I think we're in a
16 position now to take a break at least until 2:00.

17 THE COURT - All right, we'll break for lunch.
18 The jury knows Winnsboro certainly better than I do, so
19 there are all kind of lunch places. Y'all enjoy lunch. We
20 need you back here at 2:00 o'clock, a little over a hour
21 and ten minutes.

22 (WHEREUPON, JURY EXITS THE COURTROOM)

23 THE COURT - All right, we're in recess til 2:00.

24 (WHEREUON, LUNCH RECESS TAKEN)

25 THE COURT - Ready for the jury?

CINDY TAAFFE - DIRECT BY MR. MAXWELL

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1 MS. HALL - Yes, sir.

2 (WHEREUPON, JURY ENTERS THE COURTROOM)

3 THE COURT - All jurors have reported. Solicitor,
4 you may call your next witness.

5 MS. HALL - State calls Cindy Taaffe.

6 CINDY TAAFFE, AFTER BEING FIRST DULY SWORN,

7 TESTIFIES AS FOLLOWS -

8 MS. HALL - Your Honor, beg the Court's
9 indulgence.

10 MR. MAXWELL - May it please the Court.

11 THE COURT - Yes, sir.

12 DIRECT EXAMINATION

13 BY MR. MAXWELL -

14 Q State your name for the record.

15 A Cindy Henry Taaffe.

16 Q And can you spell your last name, Ms. Taaffe?

17 A T-a-a-f-f-e.

18 Q Thank you. And are you -- where are you from, Ms.
19 Taaffe?

20 A Chester County.

21 Q And back in November of 2014, where were you employed?

22 A Chester County Sheriff's office.

23 Q And on November 4th, 2014, were you called out to
24 Roundtree Circle some time that evening?

25 A Yes.

1 Q Any idea about what time it was?

2 A It was fairly late.

3 Q And when you got there, were other officers already
4 securing the scene and conducting an investigation?

5 A Yes.

6 Q Do you recall a white Yukon being at the scene or
7 somewhere nearby?

8 A It was fairly close to the scene. It was stopped on
9 the bypass on Saluda Street.

10 Q Was it already in, I guess, the custody or being
11 stopped by law enforcement?

12 A Yes.

13 Q Were you instructed or did you do anything when you --
14 to that Yukon?

15 A Yes, I did. The vehicle ---

16 Q What was that?

17 A --- was stopped and I was called there by Lieutenant
18 Cummings because there was blood on the white Yukon driven
19 by Rafaell Jackson. I took a swab of blood off the back
20 passenger side of the vehicle.

21 Q How do you swab something? How does that process
22 work?

23 A You take a swab, a sterile swab, open it and swab the
24 blood or whatever fluid you're collecting.

1 Q Is that something like -- is a swab something like a
2 Q-tip?

3 A Yes.

4 Q And do you come to the scene with that kit to take the
5 swabs?

6 A Yes. Yes.

7 Q Did you use a Q-tip to swab that blood stain on that
8 Yukon?

9 A Yes, I did.

10 Q And what do you do with it after you take the swab?

11 A It is then placed in a box, both ends are sealed, it's
12 labeled date, time, what it was taken from, where it was
13 taken from, and then it's submitted into evidence.

14 Q And when you say it's sealed, can you describe briefly
15 kind of what that means?

16 A It's sealed with evidence tape on each end where it
17 closes; that way it cannot be messed with, you know,
18 without breaking that seal.

19 Q And once you leave the scene -- or did you leave the
20 scene with that kit?

21 A Yes, I did.

22 Q And where do you go with it from there?

23 A To the sheriff's office and log it into evidence.

24 Q Is it then put into an evidence locker ---

25 A Yes.

1 Q -- that is secured and has limited access to it?

2 A Yes.

3 Q Do you know what time you logged that kit in?

4 A Approximately, 1:50 a.m.

5 Q On what day?

6 A 11/5.

7 Q Shortly after midnight as the investigation was on-
8 going?

9 A Yes.

10 Q I'm going to hand you what's been marked for
11 identification purposes State's Exhibit 13. Just take a
12 second to look at that.

13 A (Witness complies)

14 Q Is that -- is that an envelope?

15 A Yes, it is.

16 Q Does it contain the swabs that you took from that
17 white Yukon?

18 A Yes.

19 Q Is what was -- is in the envelope what you put into
20 the evidence locker at the sheriff's office that ---

21 A Yes, it is.

22 Q --- on November the 5th?

23 MR. MAXWELL - No further questions, Your Honor.

24 CROSS EXAMINATION

25 BY MR. FRICK -

L. WRAY - CROSS BY FRICK/ B. MCDANIEL - DIRECT BY HALL 261

1 Q And was that the only evidence that you collect in
2 this case?

3 A Yes, it is.

4 MR. FRICK - Thank you. That's all the questions
5 I have.

6 MR. MAXWELL - Ask that the witness be excused,
7 Your Honor.

8 MR. FRICK - No objection.

9 THE COURT - Thank you.

10 MS. TAAFFE - Thank you.

11 MS. HALL - State calls Burly McDaniel.

12 BURLY MCDANIEL, AFTER BEING FIRST DULY SWORN,

13 TESTIFIES AS FOLLOWS -

14 CLERK - Please be seated. I need you to state
15 your name for the record.

16 MR. MCDANIEL - Burly McDaniel, Jr.

17 CLERK - Thank you.

18 DIRECT EXAMINATION

19 BY MS. HALL

20 Q All right, and Mr. McDaniel, what is your position?
21 What do you do for a living?

22 A I'm an investigator, medial investigations in Chester.

23 Q For Chester County Sheriff's Department?

24 A Yes.

25 Q And how long have you been working in that capacity?

1 A Probably 18 years.

2 Q Okay. And were you working on November the 4th of
3 2014?

4 A Well, I wasn't working; I got called out.

5 Q Were you on call?

6 A Yes.

7 Q Okay. So -- and were you called -- what was the
8 nature -- when somebody called you, what did you get called
9 out to go do?

10 A Well, we got called out for somebody being shot on
11 Roundtree Circle, so therefore we, as we call it, suit-up
12 and go work crime scene.

13 Q Okay, and so that's what you went there to do?

14 A Yes.

15 Q All right, once you got to the -- to the scene, had
16 the scene been secured?

17 A Yes.

18 Q At some point in time did you call for assistance from
19 the South Carolina Law Enforcement Division?

20 A I did.

21 Q All right, and did they come to the scene and respond
22 that night?

23 A Yes.

24 Q And did you also call for assistance from the York
25 Count Canine Unit?

1 A That's correct.

2 Q And did they -- did they come out and respond that
3 night?

4 A That's correct.

5 Q All right, and through your investigation -- I'm going
6 to show you what's been entered into evidence as State's
7 Exhibit 7. How long have you lived in Chester?

8 A Lifetime.

9 Q Your whole life?

10 A Yes.

11 Q And you've been working at the sheriff's department in
12 Chester for that 18 years you said?

13 A Actually, I've been in investigation for 18 years; I'm
14 -- I got 21 years in.

15 Q All with the Chester County Sheriff's Department.

16 A Yes.

17 Q I guess it's safe to say that you're pretty familiar
18 with Chester.

19 A I would say.

20 Q Okay. Through the course of your investigation, did
21 you guys determine at some point in time that Odell
22 Williams had been following a truck? Prior to coming to --
23 his car coming to rest at Roundtree Circle, did you through
24 your investigation determine that there was actually a

1 route that was established that the truck and the Cadillac
2 traveled?

3 A Correct.

4 Q All right, and can you -- this is a map, and like I
5 said, it's been entered into evidence -- is this -- if you
6 would just explain to the jury and maybe use that little
7 pointer thing I just gave you, just kind of show the jury
8 and narrate the route as ---

9 MR. FRICK - Before he does that ---

10 (WHEREUPON, DISCUSSION IS HELD BETWEEN COUNSEL
11 WHICH WAS NOT REPORTED.)

12 A You ready?

13 Q Yes, sir.

14 A All right, as you see -- there you see Featherstone
15 Road and coming from Featherstone Road this is where the
16 deceased turned around right here and came down York Road,
17 came all the way down York Road to the railroad tracks at
18 Brawley Street ---

19 Q Where is the bypass?

20 A Bypass is right there.

21 Q Okay. So -- okay, I'm sorry, keep going.

22 A All right, so he passed the bypass, go pass the
23 bypass, come down to Brawley Street, took a left onto
24 Brawley Street and go up Saluda where they took a left on

1 Saluda and went up to McClure Street, which I can't see
2 McClure Street from there.

3 Q Let me move this over. Who lives at [REDACTED]
4 [REDACTED]?

5 A Jennifer Lowery.

6 Q Okay. If you could keep using the point -- or marker.
7 Okay.

8 A Okay, so Jennifer Lowery lives there, and she lives
9 about half-way up on McClure Street.

10 Q Okay. Is there a barbershop? I think we've heard
11 mention of a barbershop. You've been sitting in the
12 courtroom during testimony. Right?

13 A Yes.

14 Q And you've heard mention of a barbershop during the
15 course of that?

16 A Correct, at the corner of McClure and Saluda.

17 Q Could you point that out, please? Is it right here at
18 this [REDACTED] ---

19 A Okay, that's Saluda right there. Okay.

20 Q Okay. All right. And then you say you go past
21 Jennifer Lowery's house on McClure.

22 A Correct, then turn left onto Patrick Street.

23 Q Turn left on Patrick Street?

24 A Yes.

25 Q Is that Patrick Street right there?

1 A Yes.

2 Q All right. And then what's at the corner on - right
3 here on Patrick Street?

4 A Well, that's where the gentleman had the video-tape
5 and there also a stop sign there and turned onto First
6 Street, turned left onto First Street.

7 Q Okay. And um -- and then you heard -- you heard the
8 testimony of Kira Bagley. Is that where she lives?

9 A Yes.

10 Q All right. And where did the -- where did the route
11 go after that?

12 A The route continued up First Street ---

13 Q Would you use the marker thing, the pointer?

14 A --- I'm sorry -- up First Street, back onto Saluda,
15 turned right on Saluda, crossed over the railroad track,
16 turned left onto Parkway. From Parkway, continued around
17 Parkway, crossed over the railroad track and stopped right
18 at the corner of Roundtree, the first entrance.

19 Q All right. And you heard testimony from -- from a
20 lady who lives at [REDACTED]. Who is that?

21 A Ms. Jackson.

22 Q Ms. Jackson?

23 A At Roundtree and Parkway?

24 Q Well, no, no, at [REDACTED]. Is that Maurice James's
25 house?

1 A Ms. James, I'm sorry.

2 Q All right, and then you said it turned there and then
3 ultimately came to rest there on Roundtree Circle.

4 A Correct.

5 Q Have you prior to coming to Court today had occasion
6 to measure any distances through this route?

7 A Yeah, we did it that night before -- the night of.
8 It's approximately 3.3 miles from where it started to where
9 it ended.

10 Q So from about right here ---

11 A Yeah.

12 Q --- to all the way about right there it's about 3.3
13 miles.

14 A Correct.

15 Q Do you know the distance from here to the bypass?

16 A I can say from the Featherstone Road at York Road to
17 Brawley Street is 1.2 miles, so I'm assuming it's probably
18 going to be probably about 1. -- 0.5 miles.

19 Q So it's about 1 -- so it's 1.2 from that location at
20 Featherstone?

21 A Yes, from Featherstone to Brawley Street.

22 Q To Brawley 1.2, and then the whole thing's 3.3.

23 A Correct.

1 Q All right, did -- at some point during this
2 investigation did you hear tell of a white Honda being
3 involved in any way?

4 A That's correct.

5 Q All right, and did you serve a search warrant on that
6 white Honda?

7 A I did not serve it, but I was present while I was
8 there. (sic)

9 Q Did you -- you heard the lady before you testifying
10 about swabs. Did you take any swabs off of that -- out of
11 that Honda?

12 A I did.

13 Q What caused you to take the swabs?

14 A Well, I got a call from Investigator St.Clair and
15 Investigator Reynolds who actually executed the search
16 warrant and they discovered what seemed to be blood in that
17 vehicle.

18 Q All right. And so did you take the Q-tip kit, the
19 sterile swab out and go and do anything with that car?

20 A Yes.

21 Q What did you swab?

22 A I swabbed the backseat, the lower on the passenger
23 side and the back, the lower -- the lower part and on the
24 side of the -- side of the seat as somebody would be
25 getting out.

1 Q Okay. And can you describe the swabbing process that
2 you used when you were swabbing that?

3 A Well, my swabbing process is -- I've always get a --
4 always get a sample, water sample from what we use,
5 evidence water. I always get a -- always put a sample in
6 there and also use that same water to process the cotton
7 swab.

8 Q Okay. And is that -- where do you get these cotton
9 swabs?

10 A We order them from the evidence -- evidence places.

11 Q Okay. So they come to you and they're used specif --
12 strictly for collect -- the collection of evidence. Is
13 that correct?

14 A That is correct.

15 Q All right, and I'm going to show you what's been
16 marked as State's Exhibit 14. Do you recognize that?

17 A I can't see what's on the inside, but I would appear
18 (sic) is what I swabbed that -- that night.

19 Q Okay. When you swab something, what do you do with
20 the swab when you're finished?

21 A When you swab, each swab has an individual box. Each
22 swab has to be packaged individually and tape them on each
23 side with evidence tape. We also, you know, put on where
24 they was located, who located them, date and time and then
25 it is also placed in evidence locker.

1 Q Okay, and if you look at the -- is there something
2 called like an evidence chain on that envelope?

3 A Yes.

4 Q Is your name on that?

5 A It is.

6 Q Okay. Could you explain to the jury what that means?

7 A What it means is, I actually swabbed it, I got the
8 evidence, so my name -- comes from me to wherever it's
9 going to go, so in this case it came from myself and went
10 to Investigator Randy St.Clair.

11 Q Okay. So you -- so, I guess it's safe to say that you
12 swabbed the back of the car like you just described and
13 then you packaged up the swab and gave it to Randy
14 St.Clair. Is that correct?

15 A Yes.

16 MS. HALL - I don't have anything further.

17 CROSS EXAMINATION

18 BY MR. FRICK -

19 Q Investigator McDaniel, what -- what was your official
20 role in this? You were on-call investigator?

21 A Well, I am the major so therefore my -- I had many
22 different roles. You could say I was probably quarterback.

23 Q Okay. All right. Did everything in this case kind of
24 flow through you then?

25 A Myself and the sheriff, yes.

1 Q Okay. All right, very good. I'm not going to pull
2 that map back up, but you said you measured the distance of
3 this route?

4 A Yes.

5 Q Okay. And you said it was about 3.3 miles ---

6 A Correct.

7 Q --- through Chester.

8 A Yes.

9 Q Now, lifelong resident of Chester. These fairly busy
10 roads?

11 A Sometimes.

12 Q Sometimes?

13 A (No response)

14 Q Okay. Well, about 8:00 o'clock on November 4th, 2014,
15 was there traffic on these roads?

16 A I would say, yeah, some.

17 Q Okay. Okay. I mean Saluda Road -- Saluda, that a
18 fairly busy road, well-traveled road?

19 A Yes.

20 Q Okay. Where York Road -- well, York Road itself a
21 fairly busy road?

22 A Yes.

23 Q The bypass, fairly busy road?

24 A Yes.

1 Q All right. In your investigation did you come across
2 any evidence that suggested that the truck was following
3 this Cadillac?

4 A No.

5 Q So everything you had suggested that Odell Williams
6 was behind this car, ---

7 A Yes.

8 Q --- the truck.

9 A (No response)

10 Q Did you -- did you collect evidence in this case,
11 other than one swab?

12 A No.

13 Q Were you aware of the evidence in this case?

14 A Yes.

15 Q Okay. In the Roundtree Circle area, how many
16 different types of shell casing got found?

17 A From my understanding I think there was two?

18 Q Two?

19 A (No response)

20 Q Okay. And those were? Do you recall?

21 A One was a -- the shell casing from the -- the rifle.

22 Q Right.

23 A I think there was a .40 caliber, ---

24 Q Okay.

25 A --- if I'm not mistaken in the center of the road.

1 Q Okay. And, of course, was there -- wasn't there a gun
2 recovered from Odell's car?

3 A Yes.

4 Q Okay. And that was what kind of caliber?

5 A .32.

6 Q Okay. That was the area that was secured. Did y'all
7 secure any other areas in this investigation?

8 A Yes.

9 Q What other areas did you secure?

10 A We secured the area where the truck was located.

11 Q Okay.

12 A After we located the truck, we secured it. After we
13 had the dog team there, we located firearms which we
14 secured that, as well. So we secured pretty much that
15 whole neighborhood.

16 Q Okay. But everything you secured was in the Roundtree
17 Circle area, ---

18 A Correct.

19 Q -- Parklane (sic) to Roundtree Circle area, Fieldcrest
20 ---

21 A Yes.

22 Q --- that -- basically that whole area is secured.

23 A Yes.

1 Q Okay. How about any parts of this route, from
2 Featherstone, down York Road, across the bypass, McClure,
3 First, Patrick.

4 A We actually searched up -- up and down Patrick Street
5 looking for shell casings, but we didn't secure anything.

6 Q Okay. All right. Any other places that y'all looked?

7 A No.

8 MR. FRICK - Beg the Court's indulgence. (Pause)

9 Q On Parkway did y'all look -- other than right there in
10 the immediate vicinity in front of Roundtree where it turns
11 in, did y'all look down that road for anything?

12 A We shut down the whole area.

13 Q Okay. But did y'all -- did investigations go down and
14 look?

15 A Yes.

16 Q Okay. Find anything?

17 A No, not -- not that night. We came back the next day
18 where we located the shell casings in the yard.

19 Q Okay. All right. And I think you're talking about
20 the rifle shell casings.

21 A That's correct.

22 Q Was there some shell case -- other shell casings found
23 on Parkway?

24 A Other than that one .40 that I described to you a
25 little earlier.

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1 Q Okay. Was it one or two?

2 A My understanding I remember one.

3 Q Okay. All right. How about across the railroad
4 tracks on Parkway? Anybody look back that way?

5 A We actually shut down that whole area and walked.

6 Q Okay.

7 A Yes.

8 Q All right. Good deal.

9 MR. FRICK - That's all the questions I got.

10 Thank you, sir.

11 RE-DIRECT EXAMINATION

12 BY MS. HALL -

13 Q Just to clarify, Major McDaniel, you said you secured
14 the whole area. How long did that area remain secured?

15 A Well, until we -- we -- when I got on the scene, the
16 actual area was already roped off. It was already shut
17 down, so it was then until we left, which I don't know what
18 time we left, but it was -- it was shut down until then.

19 Q Isn't it true that it was secured overnight, as well?

20 A Yeah, because we were out there all night.

21 Q And then on into the next day it was still secured.

22 Is that correct?

23 A Yeah. We were there for a while.

24 MS. HALL - Thank you. I don't have anything
25 else.

1 MR. FRICK - Thank you.

2 THE COURT - You may step down. Thank you.

3 MR. MAXWELL - State calls Chris Kinsey.

4 CHRIS KINSEY, AFTER BEING FIRST DULY SWORN,

5 TESTIFIES AS FOLLOWS -

6 CLERK - Please be seated. I need you to state
7 your name for the record.

8 MR. KINSEY - Chris Kinsey.

9 CLERK - Thank you.

10 DIRECT EXAMINATION

11 BY MR. MAXWELL -

12 Q And, Deputy Kinsey, where are you employed?

13 A The York County Sheriff's office.

14 Q And what is your position with York County?

15 A I'm a canine handler.

16 Q And how long have you been with York County Sheriff's
17 office?

18 A Since January, 2002.

19 Q And how long have you been a canine handler?

20 A December of 2004.

21 Q Can you describe some of your duties as a canine
22 handler?

23 A We train the bloodhounds for the sheriff's office and
24 other surrounding agencies.

25 Q And what do canines do?

1 A We respond to criminal cases, missing persons, missing
2 children, that nature.

3 Q And did you have a canine partner assigned to you back
4 in November of 2014?

5 A Yes, I did.

6 Q And what was that -- what was his name?

7 A His name was Dex.

8 Q What kind of dog was Dex?

9 A He is a bloodhound and a redbone cross.

10 Q And does that breed of dog have a specific trait that
11 lends him to this line of work?

12 A Yes, it does.

13 Q What is that?

14 A They have very sensitive old factory systems which is
15 basically your nose and they are trained specifically to
16 trail human scent.

17 Q And how old was Dex back in November of '14?

18 A He was approximately seven and a half.

19 Q How long had he been a canine -- or been a tracking
20 dog, I guess, up until that point?

21 A Since 2008 when I got him.

22 Q And since 2008 through 2014 was he assigned to you?

23 A Yes, he was.

24 Q Can you talk about the types of training that both you
25 and Dex received?

1 A Okay. We -- at the sheriff's office we train our
2 bloodhounds once a week, and we also have a annual training
3 seminar that we hold at Kings Mountain State Park every
4 year. Dex was a student at -- myself and Dex were a
5 student at the bloodhound seminar from 2008 to 2014 or '15,
6 and prior to that I was a student from 2003 to 2008 with
7 another dog or two other dogs. And from 2010 on, I was
8 considered an instructor with the school.

9 Q And what exactly does the dog track? What do they --
10 what do they try to find?

11 A Basically when -- when you move, your body loses skin
12 cells, and when your skin cells hit the ground, bacteria
13 eat the skin cells and through the digestive process of the
14 bacteria they release a gas which contains your specific
15 scent and that dog is trained to find that scent.

16 Q And had Dex been out in the field tracking human scent
17 prior to November 2014?

18 A Yes.

19 Q Any idea how many times, approximately?

20 A Eight hundred to a thousand.

21 MR. MAXWELL - Your Honor, we offer Deputy Kinsey
22 as an expert in canine human odor detection at this time.

23 MR. FRICK - Judge, I think that satisfies what's
24 required in State vs. White, so I don't have any objection.

1 THE COURT - All right, so qualified, without
2 objection.

3 Q Did you get called out on November 4th, 2014?

4 A Yes, I did.

5 Q Where were you called out to?

6 A I was called to Roundtree Circle, Parkway Drive
7 intersection.

8 Q And is it, I guess, the regular course of business for
9 York County to aid or lend their canines to Chester County?

10 A Yes, it is.

11 Q Do you know what time you went down to this scene --
12 the scene in Fairfield -- excuse me -- Chester County?

13 A I got called at approximately 10:20 that evening.

14 Q Do you know what time you arrived?

15 A It was around 11:15 or so. It takes me approximately
16 45 minutes from my house.

17 Q And did Dex go with you?

18 A Yes.

19 Q Did you also have another human partner?

20 A Yes, we did.

21 Q Do you know the exact address where you went or what -
22 -- at least the street -- street names?

23 A Yes, I knew where I was going. I mean they told me to
24 go to Roundtree Circle and Parkway Drive area, so just in

1 that area. They didn't give me a specific address at that
2 time.

3 Q Can you see that map, Deputy Kinsey?

4 A Yes.

5 Q Does that appear to be that area that you responded to
6 on November 4th, 2014?

7 A Yes, it is.

8 Q Is that Roundtree Circle and Parkway Drive, ---

9 A Yes.

10 Q --- that intersection?

11 MR. MAXWELL - Permission for the witness to leave
12 the stand, Your Honor.

13 THE COURT - Okay.

14 Q Could you step down, Deputy Kinsey?

15 A (Witness complies)

16 Q Can you talk about once you arrived and what you and
17 Dex did?

18 A Okay, when we arrived, we parked in this area here
19 because there was -- most of this was roped off already by
20 the detectives and the officers that were on the scene. I
21 spoke with some of the officers that were in this area and
22 they told me that a witness had possibly seen a subject go
23 behind this fence, and none of their officers had been over
24 there. There's a wooden -- wooden fence here, like a six
25 foot -- I think it's like a six foot privacy fence, and

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1 they had told me that the witness saw the subject go behind
2 the fence, basically, between the yards. They said none of
3 this had been contaminated by officers or anybody out
4 there, that as far as they know he was the only person to
5 go through here.

6 Q When you say he, are you referring to a suspect?

7 A A possible suspect was the only person to go through
8 there. So, basically, what I did was I started my dog here
9 and just kind of let him work the area and he would find
10 the hottest human odor in that area. Okay, when he finds
11 that hottest human odor, his -- basically, his body
12 language changes, his tail straightens up and he starts to
13 really pull and wanting to go on the trail. Well, he
14 started -- we went in behind the houses and we get -- it's
15 right here -- we get in behind the houses and we go around
16 a car in this yard and the dog goes to this shed and his
17 behavior changes; he started wagging his tail and usually
18 when he does that it's either a person hiding there or
19 something that the person had in their possession is there.
20 And I shined my light down and I could see the rifle
21 sticking out from under the shed. At that point I kind of
22 stopped the dog and we stopped everything we did, called
23 Chester County detectives over to where we were and waited
24 for them to come secure that weapon before we proceeded on.

1 Once we proceeded, we went between the houses, down
2 Fieldcrest, all the way back to Roundtree Circle ---

3 Q Sorry to interrupt. Let me ask you -- let me show you
4 one thing. I show you what's been marked State's Exhibit
5 14 for identification purposes. Take a look at that. Does
6 that picture appear to show what you saw underneath that
7 shed?

8 A Yes, it does.

9 MR. MAXWELL - Your Honor, I'd offer State's 14
10 into evidence.

11 MR. FRICK - No objection.

12 THE COURT - All right, in without objection.

13 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
14 STATE'S EXHIBIT NUMBER 14.)

15 Q If you waited -- once you found the firearm underneath
16 the shed, you wait (sic) -- did you wait until other
17 officers arrived to secure it?

18 A Yes.

19 Q And then after you finished that, what did you do
20 next?

21 A We let the dog continue with the trail that he was on,
22 which led between these houses and out to Fieldcrest and
23 down Fieldcrest to Roundtree where we actually ended up
24 losing the scent trail in this area, and, basically, when
25 we lose a trail we'll start cutting -- working circles in

1 that area trying to resume the track. And we cut circles
2 all the way around this area just to see if we could pick
3 it back up, and when we came around the corner, Major Marsh
4 with Chester County who was with us saw the gold Dodge
5 pickup truck in the driveway and he kind of held us up and
6 said that looks like the vehicle that we just sent a bolo
7 out on, which is a be on the lookout. And so we kind of
8 held up there and got more information and notified the
9 detectives again, they met us over there, and they asked if
10 we could run another trail off the driver seat of the
11 truck. So at that point, you know, I, basically, re-
12 scented the dog on the front seat of the truck, let him
13 smell the front seat and then we picked up the trail going
14 through the backyard, which end up back at the intersection
15 of Fieldcrest and Roundtree, and there -- it ends in this
16 area right in here.

17 Q One additional question.

18 A Yes.

19 Q Does that appear to be the gun that you saw underneath
20 the shed that night?

21 A Yes.

22 MR. MAXWELL - I'm showing the witness State's
23 Exhibit 12. Thank you. No further questions. Well, I'm
24 sorry, one additional question -- additional thing to do.

1 I offer the map into evidence at this time, Your Honor,
2 State's Exhibit 15.

3 MR. FRICK - No objection to the map.

4 THE COURT - Map's in without objection.

5 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
6 STATE'S EXHIBIT NUMBER 15.)

7 MR. MAXWELL - No further questions now, Your
8 Honor.

9 CROSS EXAMINATION

10 BY MR. FRICK -

11 Q Officer Kinsey, ---

12 A Yes, sir.

13 Q --- about what time did you get to this area? Do you
14 recall?

15 A To which ---

16 Q Well, just to the Roundtree Circle area.

17 A It was around 11:15-ish.

18 Q Okay.

19 A I probably started the track around 11:30.

20 Q Okay. All right. And -- I apologize -- tell me
21 again, how did you -- how did you find a place to start the
22 initial track? And if you want to come down, I got no
23 problem with that.

24 A Yes. When I arrived on the scene, the officers were
25 all in this area. Okay?

1 Q Okay.

2 A And they told me that no one had been any further into
3 Roundtree Circle ---

4 Q Right.

5 A --- than this fence right here.

6 Q Okay.

7 A And that was the only clean area that I, basically,
8 had to work in.

9 Q So I guess what I'm trying to figure out is where do
10 you find a starting point? Do you just run the dog until
11 it hits?

12 A I let -- I let the dog find it, yes.

13 Q Okay. Okay.

14 A He'll alert on the most recent human odor in that
15 area.

16 Q Okay. Well, at least the strongest one. Right?

17 A Correct.

18 Q Okay. Which would stand to reason, probably most
19 reason one, but ---

20 A Correct.

21 Q Okay. All right. At this point you've got no idea
22 exactly who you're looking for, though. Right?

23 A No.

24 Q You're going in kind of blind. Right?

25 A Correct.

1 Q Okay. Just having the dog work the area.

2 A (Indicating yes)

3 Q Okay, and so the dog works down -- down this way?

4 A Correct.

5 Q Okay. Tell me -- tell me -- somewhere down around the
6 bottom of Roundtree Circle you said you lost the trail?

7 A Yes, around Fieldcrest.

8 Q Fieldcrest. Okay. So the intersection of ---

9 A Fieldcrest and Roundtree.

10 Q Right about in this area here.

11 A In that general area, yes.

12 Q Okay. Okay. Then we start again over on the driver's
13 seat of the vehicle?

14 A Correct.

15 Q Okay. Do you have any idea whether that was the same
16 scent or a different scent?

17 A There's no way for me to know.

18 Q Okay. Okay. But it was, obviously, a strong scent,
19 too.

20 A Correct.

21 Q And this connects here.

22 A Right.

23 Q So is this the same scent trail or -- I'm just trying
24 to figure out what that line represents.

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1 A This is the -- this line here is the second track that
2 we ran, from the -- from ---

3 Q Right.

4 A --- the truck. This is -- where -- I guess you're
5 referring to this line here?

6 Q Yes, the bottom of it right here.

7 A All right, this -- this is an area we searched. There
8 was no trail actually here. We just searched this area
9 with the dog.

10 Q Okay. Okay. So that's where you said you were
11 circling the dog trying to find ---

12 A Correct. Correct.

13 Q Did you pick up on anything?

14 A No.

15 Q Okay. All right. All right, other than what's in
16 State's 14 -- other than what's in this box, did you find
17 anything else?

18 A No.

19 Q Okay. All right. Have a seat. I may be done, but
20 let me check real quick.

21 MR. FRICK - Thank you, sir. That's all the
22 questions I have.

23 MR. MAXWELL - Briefly, Your Honor.

24 THE COURT - Okay.

25 RE-DIRECT EXAMINATION

1 BY MR. MAXWELL -

2 Q Down here near Fieldcrest where you lost the scent, is
3 that a -- that's a road? Is that right?

4 A Yes.

5 Q Is there a difference between how scents are on grass
6 as opposed to concrete?

7 A Yes. On concrete it's a little more difficult for the
8 dog, because there's nothing really there to hold the scent
9 on the ground, you know. That's a fairly busy area with
10 foot traffic as well, so I mean there could be other
11 factors involved, other human scents in the area, but I
12 don't recall it being extremely windy that night or
13 anything, and uh -- but asphalt stays warmer during the
14 day, so it'll actually burn the scent off a lot faster than
15 it would on the grass or any softer organic surface like
16 that.

17 Q But this line does represent the path that you took
18 after you located the gun ---

19 A Correct.

20 Q --- at the shed down to where the ---

21 A Correct.

22 Q --- car was and then continuation of the trail ---

23 A Correct.

24 Q --- back towards the intersection.

25 A Yes.

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1 MR. MAXWELL - No further questions, Your Honor.

2 MR. FRICK - One quick one, Judge.

3 RE-CROSS EXAMINATION

4 BY MR. FRICK -

5 Q Can you determine, approximately, how old a trail is
6 when you take the dog out, or could you on this particular
7 one?

8 A I can only go by his body language. Usually, if it's
9 a really recent trail, he'll run it a lot faster than he
10 would an older trail, and he ran the trail pretty -- pretty
11 quickly, so I was assuming it was a fairly fresh track
12 going through that area.

13 Q Okay. As far as a time-frame, though, are you able to
14 put one?

15 A No, not -- not without, actually, setting it out
16 myself, no.

17 Q Okay. Very good. Sorry, I apologize. One final
18 question.

19 A Yes, sir.

20 Q You didn't have -- it didn't track back ever to a
21 person. Right?

22 A No, sir..

23 Q I mean this isn't one of those cases where the dog
24 leads right to ---

25 A No, sir.

1 MR. FRICK - Okay. Thank you.

2 MR. MAXWELL - Nothing further, Your Honor. Ask
3 that this witness be excused.

4 MR. FRICK - No objection.

5 THE COURT - Witness is excused. Thank you.

6 MS. HALL - State calls Randy St.Clair.

7 RANDY ST.CLAIR, AFTER BEING FIRST DULY SWORN,

8 TESTIFIES AS FOLLOWS -

9 CLERK - Please be seated. I need you to state
10 your name for the record.

11 MR. ST.CLAIR - Randy St.Clair.

12 CLERK - Thank you.

13 DIRECT EXAMINATION

14 BY MS. HALL -

15 Q Mr. St.Clair, where are you employed?

16 A Chester County Sheriff's office.

17 Q And what is your position there?

18 A I'm an investigator.

19 Q How long have you been employed with Chester County
20 Sheriff's office?

21 A Roughly seven years ---

22 Q How long have you been ---

23 A --- total.

24 Q I'm sorry?

25 A Total.

RANDY ST. CLAIR - DIRECT BY MS. HALL

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1 Q Okay, and how long have you been in law enforcement?

2 A Seven years.

3 Q And was -- were you working with Chester County
4 Sheriff's Department as an investigator on November 4th of
5 2014?

6 A Yes, ma'am.

7 Q And did you have occasion to become involved in this
8 case?

9 A Yes, ma'am.

10 Q All right, during -- were you present when the warrant
11 charging the defendant in this case, Chris Moore, with
12 murder was served on the defendant?

13 A Yes, ma'am.

14 Q Who served the warrant on him?

15 A Detective Reynolds, Chris Reynolds.

16 Q And was that on November 14th of 2014?

17 A Yes, ma'am, I believe.

18 Q And you stated that you were present there when it was
19 served upon him?

20 A Yes, ma'am.

21 Q Do you recall him making any statements at that time?

22 MR. FRICK - Your Honor, I'd just ask that -- if
23 we could talk about ---

24 (WHEREUPON, DISCUSSION IS HELD BETWEEN COUNSEL
25 OUT OF THE HEARING OF THE JURY WHICH WAS NOT REPORTED.)

1 MS. HALL - Okay, I'm going to back up and do some
2 other stuff and then we'll come back to that in a minute.

3 Q Okay, were you present when -- at some point in time
4 during this investigation you heard Detective McDaniel
5 testify that a white Honda came into focus as being
6 something that might've been involved in this case. Is
7 that right?

8 A Yes, ma'am.

9 Q All right, and were you present when the search
10 warrant was served on that Honda?

11 A Yes, ma'am.

12 Q All right, and did you -- were you present when
13 Detective McDaniel swabbed the Honda?

14 A Yes, ma'am.

15 Q All right, and did he -- and did he give the swabs to
16 you?

17 A Yes, ma'am.

18 Q All right, I'm going to show you what's been marked as
19 State's Exhibit 14. On that -- if I could draw you -- or
20 draw your attention to the portion where there's the chain
21 of custody. Did you take possession of those swabs from
22 Detective McDaniel?

23 A Yes, ma'am.

24 Q And is that information indicated on that envelope?

25 A Yes, ma'am.

1 Q What did you do with them once you got them from him?

2 A When I retrieved the swab from Major McDaniel, I then
3 returned it to the Chester County Sheriff's office and
4 secured it in evidence locker.

5 Q Okay. And once you put it in that evidence locker,
6 can you ever get it back out? I mean there's limited
7 access to evidence locker. Is that correct?

8 A Yes, ma'am. The evidence tech and when evidence is
9 physically logged into the -- into the locker, a report and
10 also the evidence key is placed into the locker itself.

11 Q Did you put -- can you tell from that envelope what
12 date and time you put that into the evidence locker?

13 A It was collected on November the 5th, 2014 at 9:13 p.m.
14 It was handed to me from Major McDaniel; it was returned to
15 the Chester County Sheriff's office and it was secured in
16 the locker at that time. As the case was beginning to
17 unfold, more evidence was coming. We were -- it was
18 secured in a locker and physically logged into evidence
19 along with the report and the key the following morning,
20 November the 6th at 9:00 a.m.

21 Q Thank you. Okay, I'm going to show you a group of
22 photos that are marked as 16(a), 16(b) and 16(c). Were you
23 present when those photographs were taken?

24 A Yes, ma'am.

25 Q What is 16(a) a photograph of?

1 A Christopher Moore.

2 Q Okay. And were these taken at the detention center?

3 A Yes, ma'am.

4 Q All right. And what is 16(b) a picture of?

5 A Picture of the hands -- the back of the hands of
6 Christopher Moore.

7 Q Okay, and what is 16(c) a picture of?

8 A It's a close-up picture of his right hand.

9 Q Why were these pictures taken?

10 A There was an injury on the middle finger of his right
11 hand. The pictures were collected by Special Agent Quam
12 with SLED, and it was to be documented of the injury on his
13 right hand.

14 Q And um what day were those pictures taken?

15 A I believe taken on the 6th, November the 6th.

16 Q All right. And you were present when they were taken?

17 A Yes, ma'am.

18 Q And do they truly and accurately, all three of them,
19 depict the condition of Chris Moore and the conditions of
20 his hand at the time they were taken?

21 A Yes, ma'am.

22 MS. HALL - State would move 16 (a), (b) and (c)
23 into evidence at this time.

24 MR. FRICK - No objection.

25 THE COURT - In without objection.

RANDY ST.CLAIR (PROFFERED) - DIRECT BY MS. HALL

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1 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
2 STATE'S EXHIBIT NUMBER 16(a), 16(b) and 16(c).)

3 MS. HALL - And, Your Honor, at this time the only
4 testimony that's left from this witness is the statement
5 testimony and I believe Mr. Frick might have some matters
6 of law that need to be taken up I think.

7 MR. FRICK - That's correct, Your Honor.

8 THE COURT - Ladies and gentlemen of the jury, if
9 you'll step back to your room. Let me take up some matters
10 of law, please.

11 (WHEREUPON, JURY EXITS THE COURTROOM.)

12 PROFFERED EXAMINATION

13 BY MS. HALL -

14 Q Did you hear Christopher Moore make a statement after
15 the murder warrant was served on him?

16 A Yes, ma'am.

17 Q Where was the statement made?

18 A He was inside the holding cell standing in the doorway
19 as Detective Chris Reynolds read the murder warrant to him.

20 Q And um, were any questions asked of him?

21 A (No response)

22 Q Did he state -- make the statement in response to any
23 questions?

24 A The statement that was heard?

25 Q Yeah, what did he say?

1 A He said, I ain't going down for this shit by myself.

2 Q Okay. And was that -- and did anybody ask him a
3 question before he made that statement?

4 A No, ma'am.

5 Q Was he being interrogated in any way?

6 A No, ma'am.

7 Q He just made it of his own free will and accord?

8 A Yes, ma'am.

9 MS. HALL - That's it.

10 MR. FRICK - Your Honor, obviously, he's in
11 custody at the time. He's at the detention center. I
12 think it's debatable as to -- I understand it's a -- it's
13 something that is stated not to a direct question, but my
14 client's just been read a murder warrant. I don't know if
15 there was a preg -- a pause or anything that could've
16 indicated a -- an interrogatory, so I question whether it
17 was -- whether or not it was, in fact, a statement to
18 questioning or supposed questioning. That's my issue. I
19 understand you're likely to call it a spontaneous
20 statement. I get that. But I do, (1) obviously, it is
21 hearsay, so it's got to be an exception to the hearsay,
22 and, (2) it's a statement that my client while in custody,
23 so I think I am obligated to try to protect him on this
24 issue.

25 THE COURT - Oh, yeah, I agree.

RANDY ST.CLAIR (PROFFERED) - DIRECT BY MS. HALL

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1 MS. HALL - Your Honor, with regard to his hearsay
2 argument, you know, it's a statement against interest. I
3 mean I think it could be classified as an excited utterance
4 even beyond that; it's a statement of a party opponent
5 against interest and I -- and I would submit to the Court
6 on that -- also, you know, regardless of whether the
7 defendant had been mirandized. It was not -- he was not
8 being interrogated in any way, shape or form. He was just
9 read a murder warrant and said this, so there was no -- and
10 I would submit it is admissible.

11 THE COURT - Did you have any question? Pretty
12 well satisfied with that testimony?

13 MR. FRICK - As far as this, I may a couple in
14 front of the jury, but, no, no, sir.

15 THE COURT - All right, I'll have to overrule that
16 objection.

17 Let's go ahead and take a brief recess, because
18 I've got a feeling we're going to be waiting on them for a
19 minute or two anyway. So everybody go ahead and stretch.
20 We'll come back in about ten minutes.

21 MS. HALL - Don't talk to anybody, because you're
22 still on the stand.

23 Your Honor, I've instructed him not to talk to
24 anybody.

25 THE COURT - Yeah, don't talk to anybody.

1 (WHEREUPON, RECESS TAKEN)

2 (WHEREUPON, DOCUMENTS MARKED FOR IDENTIFICATION
3 DURING RECESS)

4 THE COURT - Y'all ready?

5 MS. HALL - Yes, sir.

6 MR. FRICK - Yes, sir.

7 (WHEREUPON, JURY ENTERS THE COURTROOM)

8 THE COURT - All right, you may continue.

9 MS. HALL - Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MS. HALL (CONTD.)

12 Q Okay, Detective St.Clair, when you were at the jail
13 after the murder warrant was read to Chris Moore, where was
14 he?

15 A He was standing in the doorway of the holding cell,
16 still inside the holding cell but standing at the doorway.

17 Q And where were you?

18 A I was at the booking counter maybe five feet away, if
19 that.

20 Q All right, and did you hear Moore make any statements
21 when the murder warrant was read?

22 A Yes, ma'am.

23 Q What did he ---

24 MR. FRICK - Your Honor, I just want to my
25 contemporaneous objection to that. Thank you.

1 THE COURT - So noted.

2 Q What did he say?

3 A He stated, I ain't going down for this shit by myself.

4 MS. HALL - Thank you. I don't have any further
5 questions for this witness. Please answer any questions
6 Mr. Frick may have.

7 CROSS EXAMINATION

8 BY MR. FRICK -

9 Q Investigator St.Clair, you were the one who served the
10 warrant when he made that statement?

11 A No, sir.

12 Q You were standing there?

13 A Yes, sir.

14 Q Okay. You weren't wearing a body cam that day, were
15 you?

16 A No, sir.

17 Q Okay. Is that -- was anybody with you wearing a body
18 cam that day? At the serving of the warrant.

19 A No, sir.

20 Q Okay. Is that an area of the jail that has any video
21 recording?

22 A Yes, sir.

23 Q Okay. Was -- is there a recording of this statement?

24 A There is video recording. I don't know if it's audio-
25 recorded.

1 MR. FRICK - Okay. All right. Thank you, sir.
2 That's all the questions.

3 MR. ST.CLAIR - Yes, sir.

4 MS. HALL - I don't have anything further.

5 THE COURT - You may step down. Thank you.

6 MR. MAXWELL - The State calls Phillip Perry.

7 PHILLIP PERRY, AFTER BEING FIRST DULY SWORN,

8 TESTIFIES AS FOLLOWS -

9 CLERK - Please be seated. I need you to state
10 your name for the record.

11 MR. PERRY - Brian Phillip Perry.

12 CLERK - Thank you.

13 DIRECT EXAMINATION

14 BY MR. MAXWELL -

15 Q And where are you employed?

16 A Chester County Sheriff's office.

17 Q What's your opinion (sic) at the sheriff's office in
18 Chester?

19 A I am a captain in the criminal investigations
20 division.

21 Q And did you conduct some parts of the investigation
22 involving this shooting on Roundtree Circle?

23 A Yes, sir, I did.

24 Q Did you take some buccal swabs from Christopher Moore
25 on February 12th, 2015?

1 A Yes, sir, I did.

2 Q What is a buccal swab?

3 A It is the swab of the lining of the mouth intended to
4 collect a DNA sample.

5 Q And where did you take -- where did you swab Mr.
6 Moore's cheek at?

7 A Between his cheek and his gums on the lower portion.

8 Q Where were y'all physically?

9 A In the detention center.

10 Q Can you, again, briefly describe how you go about
11 taking the swab?

12 A Yeah, the first thing I would do is put on a pair of
13 latex gloves. That's to insure that the sample is not
14 contaminated. We then use a sterile Q-tip that's opened
15 from the package, and the swab is obtained from the lining
16 of the mouth between the cheek and gum, and then it is a
17 sealed in carton designed to hold that Q-tip. That carton
18 is sealed on both ends with evidence tape and then it is
19 transported to the evidence locker.

20 Q Did you yourself take the swab to the evidence locker?

21 A I did.

22 Q Did you turn it over or sign it in and log it in where
23 it's secured then?

24 A Yes, sir.

1 Q Again, is this the same evidence locker where there's
2 limited access to it?

3 A Yes, sir.

4 Q I show you what's been marked State's Exhibit 11.
5 Take a second to look at that.

6 A (Witness complies)

7 Q Does that envelope contain the buccal swab of
8 Christopher Moore that you took on February 12th, 2015?

9 A Yes, sir, it does.

10 MR. MAXWELL - No further questions, Your Honor.

11 CROSS EXAMINATION

12 BY MR. FRICK -

13 Q Investigator, just to clarify, when did you take this
14 swab?

15 A It was February the 12th, I believe it was. If I can
16 refer to my ---

17 COURT REPORTER - I can't hear him.

18 A If I could refer to that evidence envelope again,
19 please.

20 Q Was it in 2014 or 2015?

21 A 2015.

22 Q Okay. All right. Is that -- that the one they just
23 showed you?

24 A February the 12th, 2015.

25 Q Okay.

CHUCK STARNES - DIRECT BY MS. HALL

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1 A Yes, sir.

2 MR. FRICK - Thank you, sir.

3 MR. PERRY - You're welcome.

4 MR. FRICK - No more questions.

5 THE COURT - Solicitor, anything else?

6 MR. MAXWELL - No further questions, Your Honor.

7 THE COURT - You may step down. Thank you.

8 MS. HALL - State calls Chuck Starnes.

9 CHUCK STARNES, AFTER BEING FIRST DULY SWORN,

10 TESTIFIES AS FOLLOWS -

11 CLERK - Please be seated. Need you to state your
12 name for the record.

13 MR. STARNES - Roger D. Chuck Starnes.

14 CLERK - Thank you.

15 DIRECT EXAMINATION

16 BY MS. HALL -

17 Q MR. Starnes, where are you employed?

18 A Chester County Sheriff's Department.

19 Q How long have you been employed there?

20 A Since May the 1st, 2015.

21 Q So that was after this case came into being or after
22 this incident occurred. Correct?

23 A That's correct.

24 Q Who was the -- what is your job there at the sheriff's
25 department?

1 A Evidence technician.

2 Q Okay, so what are the -- what are your
3 responsibilities of -- in that position of evidence
4 technician?

5 A Maintaining the security of any evidence provided to
6 the evidence locker.

7 Q Okay, and what is the process when something is
8 submitted into the evidence locker? Could you please
9 explain to the jury the process that is gone to keep these
10 things -- gone through to keep these things secure?

11 A The detectives are part of the sheriff's department;
12 you know, whichever officer is the one that collects
13 evidence, puts it inside some type of an evidence envelope
14 or box, depending upon what the evidence is, they then log
15 on a Chester County Sheriff's Department what we call chain
16 of custody form and also if the evidence envelope has a
17 place for them to write their name and sign it there
18 they'll do that also. I will -- they will then take that
19 evidence -- if it's not something that needs to come
20 directly to me, they will put it in what we have as
21 evidence lockers, which has like a -- some of you will
22 remember an old bus station where you'd go in, put your
23 money in, take a key out, put your stuff in. We have
24 evidence lockers where they have keys that only fit the
25 specific locker that the key goes to. The officer comes

CHUCK STARNES - DIRECT BY MS. HALL

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1 in, opens up the locker, puts his stuff in there. He holds
2 that key until he's ready to have that evidence turned in
3 to me or whoever the evidence technician is. He will then
4 open the locker up when he's ready to give it to us, and he
5 will put the key on the inside and close that door, so now
6 he was the only one that had access to that information or
7 evidence up until the time he put the key inside the
8 locker. Once he does that, even he does not have or she
9 does not have access to that. Only the evidence technician
10 who has the master key to get in has that. When we see
11 that there's a locker that has no key, we open up that
12 locker; we check to make sure that there's a key in there,
13 if there is, and that let's us know, okay, it's ready for
14 that to be brought in to the evidence locker to be main --
15 or to the evidence vault to be held onto. I extract that,
16 whatever it is, from that evidence locker, log in what time
17 I take it out; I carry it into the evidence locker or back
18 in the vault, enter it into system where we store it, and
19 depending upon what the information is, the evidence is,
20 there's certain places we will put that, and it's stored
21 until such time as it's either needed to be taken to SLED
22 or needed for Court or when it's time to be destroyed after
23 Court's over with.

1 Q And I can't remember if I asked you this or not, but
2 when you took over in May, who was the evidence custodian
3 prior to you taking over?

4 A Barbara Cameron.

5 Q Okay, and um, did you leave the sheriff's department
6 to go to another job?

7 A Yeah, she was selected to be one of the local
8 magistrates.

9 Q And all this evidence and on this card and everything
10 that you -- that you -- did you bring all this with you
11 today?

12 A I did.

13 Q And has that, all of that evidence been in your
14 exclusive care, custody and control since May the 1st of
15 2015?

16 A It has. Some of it has come in to me from SLED after
17 I arrived, but yeah, it's been in my custody ever since I
18 took possession of it. And if it wasn't -- there might be
19 one or two items that may have been checked out to one of
20 the local detectives to fingerprint, and if it was, that's
21 documented that it went from me to them and then back to
22 me.

23 Q And isn't it true that you took item 31 back to SLED
24 at the request of the solicitor's office back on June the
25 15th of 2015?

CHUCK STARNES - DIRECT BY MS. HALL

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1 A I did.

2 Q And that -- was that for additional processing?

3 A Yes.

4 Q And isn't it true that you went back to SLED and
5 picked that item up after it was processed on October the
6 2nd, of 2015?

7 A I did.

8 Q And isn't it true that Barbara Cameron submitted 71,
9 72, 73, 74 and 77?

10 A That's correct.

11 Q And were those remaining at SLED when you took over?

12 A That's correct; they were.

13 Q And did you go back down there and pick those up at a
14 later time?

15 A I did.

16 Q And um since you've gotten all of those items back,
17 they have been in your exclusive care, custody and control
18 even through now while you're sitting here with them in
19 Court?

20 A That's correct.

21 MS. HALL - Please answer any questions Mr. Frick
22 may have.

23 MR. FRICK - No questions for this witness.

24 THE COURT - You may step down. Thank you.

25 MS. HALL - State calls Agent Melinda Worley.

1 Beg the Court's indulgence for just a minute, I've got to
2 get these ---

3 MELINDA WORLEY, AFTER BEING FIRST DULY SWORN,
4 TESTIFIES AS FOLLOWS -

5 CLERK - Please be seated. Need you to state your
6 name for the record.

7 MS. WORLEY - Melinda Worley.

8 CLERK - Thank you.

9 DIRECT EXAMINATION

10 BY MS. HALL -

11 Q Agent Worley, where are you employed?

12 A At the State Law Enforcement Division, SLED.

13 Q And how long have you been employed there?

14 A Since August of 2011.

15 Q How long have you been in law enforcement?

16 A Since August, 2011.

17 Q Okay. And what are your duties -- and have your
18 duties remained the same since the moment you became ---

19 A They have.

20 Q --- employed at SLED up until this time?

21 A Yes, ma'am.

22 Q And what are those duties?

23 A I am assigned to the crime scene unit at SLED. We
24 respond when requested to anywhere in the State of South

MELINDA WORLEY - DIRECT BY MS. HALL

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1 Carolina to process crime scenes, to document, preserve and
2 collect any evidence at the scene.

3 Q And were you called out to Roundtree Circle in Chester
4 County on October -- I mean on November the 4th of 2014?

5 A Yes, I was.

6 Q And were you called to process that scene and collect
7 evidence at that time?

8 A Yes, I was.

9 Q And you responded to that scene.

10 A Yes.

11 Q Did anyone go with you?

12 A Special Agent Brittany Burke was my partner for that
13 scene.

14 Q And is she still with the South Carolina Law
15 Enforcement Division?

16 A No, she's not.

17 Q Where does she work now, if you know?

18 A She's with the Tennessee Bureau of Investigation.

19 Q Okay, when you responded to the scene on Roundtree
20 Circle, what did you observe when you got there?

21 A The scene was secured with yellow crime scene tape and
22 law enforcement personnel. Evidence markers had been
23 placed on items before our arrival. There was a -- a red
24 Cadillac vehicle that had crashed into the front of a
25 house, a residence -- a residence at [REDACTED].

1 Q And was that -- did you refer to that in your report
2 as the initial scene?

3 A Yes, I did.

4 Q Okay. And were secondary scenes established?

5 A Yes, they were.

6 Q Okay, and what were those secondary scenes?

7 A There were several on -- there was another one on
8 Roundtree Circle and also on Fieldcrest Drive and Parkway
9 Drive.

10 Q Okay. I'm going to go ahead and try to use these maps
11 to -- so you stated that the initial scene was at 588
12 Roundtree Circle.

13 A Yes.

14 Q And then tell me the addresses or tell the jury the
15 addresses of the two additional scenes.

16 A I'd like to refer to my notes ---

17 Q Please.

18 A --- to make sure. [REDACTED], [REDACTED]

19 [REDACTED] and then also [REDACTED].

20 Q And were photographs taken of all these scenes when
21 you and Agent Burke got to these areas?

22 A Yes, we did.

23 Q All right, and I'm going to show you what's already
24 been entered into evidence as 5(a), 5(b), 5(c), 5(d) and
25 um, can you tell the jury what that is? I mean, well,

MELINDA WORLEY - DIRECT BY MS. HALL

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1 it's already been entered into evidence. It's the car
2 crashed into the house. Is that correct?

3 A Yes, that's right.

4 Q And was that the initial scene of the [REDACTED]
5 [REDACTED]?

6 A Yes, it was.

7 Q And that was what you observed once you got there?

8 A Yes.

9 Q And was that Cadillac -- I'm going to show you also
10 what's been marked as State's 58 and 57 -- and tell me, do
11 you recognize these document -- these diagrams?

12 A Yes, those are diagrams that I computed on a computer.
13 The one you're putting up there on the board is an overview
14 of the Roundtree Circle and Parkway Drive and the evidence
15 markers that were in place when we arrived.

16 Q I'm going to ask you to step and use this stick if you
17 don't mind.

18 A (Witness complies)

19 Q If you would -- and I don't know if you need your
20 notes, but if you would, if you could just describe for the
21 jury what all of these things -- like what you -- just
22 explain a little bit more with the stick so that we all
23 understand what you're talking about. And I'm going to
24 stop you as we go along, because I'm going to have some
25 photographs that I want you to look at. Okay?

1 A Right here, this ---

2 COURT REPORTER - I can't hear her. Could she go
3 over to the other side so her back won't be to me? I'm
4 having trouble hearing her.

5 A This red thing right here, this is the red Cadillac in
6 front of [REDACTED].

7 Q Did you look inside the Cadillac?

8 A We did.

9 Q All right, and -- I'm going to show you what's been
10 marked as State's 53(a). What does that show?

11 A The interior driver's floorboard of the red Cadillac.

12 Q And what evidence was collected from this area of this
13 Cadillac?

14 A There's a revolver in the floorboard.

15 Q Show you what's been marked as State's -- and does it
16 accurately and correctly depict that -- that driver's side
17 area where you found the gun before anything was altered?

18 A Yes, it does.

19 MS. HALL - Move State's 53(a) into evidence at
20 this time.

21 MR. FRICK - No objection.

22 THE COURT - In without objection.

23 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS

24 STATE'S EXHIBIT 53(a).

MELINDA WORLEY - DIRECT BY MS. HALL

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1 Q All right, and I'm going to show you what's been
2 marked as State's Exhibit 18. Did you take that gun into
3 evidence once you found it?

4 A We did.

5 Q All right, and I'll show you what's been marked as
6 State's Exhibit 18. And is this the gun that was found in
7 the floorboard of the victim's car on the driver's side
8 passenger as depicted in 53(a)?

9 A Yes, it is.

10 Q Okay. And once you took possession of this gun, did
11 you assign it a number or can you tell you from look at
12 this?

13 A After it was transported back to the SLED lab and all
14 the evidence was logged in, it was given an item number.

15 Q And can you tell from looking at this what it was?

16 A It's item 3.

17 Q Okay. And what did you do with it once you got it
18 back to SLED?

19 A I logged it in as evidence, and it was transferred for
20 processing to the latent print department and then onto
21 firearms department.

22 Q Okay, and when you put it in -- when you've put it
23 into SLED, or when you take it back to SLED -- one second -
24 - is it tracked as it goes through to the different
25 departments you just described?

1 A Yes, it is.

2 Q I think the easiest way to do this is to show you
3 what's been marked as State's 59. Do you know what this
4 is?

5 A This is a certified chain of custody.

6 Q And is that an internal document that's kept at SLED?

7 A Yes, it is.

8 Q And is it for the purpose of tracking these items as
9 they're entered?

10 A Yes, it is.

11 Q Okay. And so you, indeed, did take 18 back -- the
12 State's 18 that I showed you, the .32 revolver -- back and
13 logged it in and it would be reflected on this document.
14 Is that correct?

15 A Yes, that's correct.

16 Q All right. Show you a photograph that's 53(b). Do
17 you recognize this photograph?

18 A That is a cell phone in the floorboard.

19 Q Okay. And did you -- were you able through the course
20 of your investigations to determine whose cell phone that
21 was?

22 A I did not do any processing on the phone.

23 Q Where was it located?

24 A In the floorboard I believe on the passenger's side of
25 the car.

MELINDA WORLEY - DIRECT BY MS. HALL

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1 Q Okay. And does it truly and accurately depict the --
2 the condition of it as -- when you saw it that night, the --
3 - on the 4th of November?

4 A Yes, it did.

5 MS. HALL - All right, the State would move 53(b)
6 into evidence.

7 MR. FRICK - No objection.

8 THE COURT - In without objection.

9 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
10 STATE'S EXHIBIT NUMBER 53(b.)

11 Q All right, we'll move on to 53(c). Do you recognize
12 that?

13 A Yes, I do.

14 Q Okay, what is that?

15 A It is a projectile fired bullet that we recovered from
16 the front floorboard on the passenger side of the Cadillac.

17 Q Okay. And was this taken back to SLED and entered
18 into evidence?

19 A Yes, it was.

20 Q I mean entered into the SLED tracking system for
21 processing?

22 A Yes.

23 Q Okay. And does this photograph truly and accurately
24 depict the position that the projectile was found when it
25 was -- when you first saw it that night?

1 A Yes, it does.

2 MS. HALL - Okay, so we'd move 53(c) into
3 evidence, as well.

4 MR. FRICK - No objection.

5 THE COURT - In without objection.

6 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
7 STATE'S EXHIBIT 53(c).)

8 MS. HALL - And we would ask permission to publish
9 these photographs to the jury at this time.

10 THE COURT - Yes.

11 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY)

12 Q Okay, and you said that that Cadillac was marked with
13 -- I mean with evidence marker F, and all these items were
14 recovered from that Cadillac. Is that right?

15 A Marker F, I believe, was marking the bullet defect in
16 the top of the car.

17 Q Okay. Was there a marker assigned to the actual
18 Cadillac itself?

19 A (No response)

20 Q Okay, but that's the position of it according to your
21 diagram.

22 A Yeah, approximately, yes.

23 Q All right, and what does -- what does (e) depict?

24 A E is suspected blood. There was a car -- this right
25 here is supposed to be the carport on the side of the

MELINDA WORLEY - DIRECT BY MS. HALL

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1 house. There was a plastic chair sitting in the carport,
2 and there was blood, suspected blood, on this chair and
3 that's what E is marking.

4 Q All right, and I'm going to show you some more
5 photographs of the car. I'm going to show you 49(a). Do
6 you recognize that?

7 A Yes.

8 Q Okay. What is that a photograph of?

9 A That is the red Cadillac as we were processing it.

10 Q Okay. And it truly and accurately depicts it on the
11 night that you saw it. Correct?

12 A Yes.

13 Q And what at these -- what are these rods that are in
14 it?

15 A They're dowel rods just like this one used to try to
16 display trajectory of the path that the bullet entered this
17 vehicle.

18 MS. HALL - State would move 49(a) into evidence
19 at this time and request permission to publish it to the
20 jury.

21 MR. FRICK - No, -- is it just one picture or ---

22 MS. HALL - Well, it's going to be three others,
23 but I'm going to do them one by one.

24 MR. FRICK - Okay, no objection.

1 MS. HALL - Or actually 49 -- let me just go ahead
2 and do this.

3 Q 49(b), does that depict the same thing?

4 A Yes, it does.

5 MS. HALL - Okay. State would move 49(b) into
6 evidence. That is just a different view.

7 (WHEREUPON, DISCUSSION IS HELD BETWEEN COUNSEL
8 OUT OF THE HEARING OF THE JURY WHICH WAS NOT REPORTED.)

9 Q Okay, 49 -- I'm going to show you what's been marked
10 State's 49(c). What is that a picture of?

11 A That's a picture of the windshield on the Cadillac and
12 suspected bullet defects in the glass I believe here.

13 Q Okay. And that accurately depicts the condition of
14 the car at the time you saw it that night?

15 A Yes, it does.

16 MS. HALL - State moves 49(c) into evidence as
17 well?

18 MR. FRICK - No objection.

19 Q And then 49(d). What is that a picture of?

20 A That is the rear driver's side tire, hubcap, with
21 suspected bullet defects on that.

22 Q And it's an accurate depiction of the condition of the
23 car the night that you came to the crime scene. Is that
24 correct?

25 A Yes, it is.

MELINDA WORLEY - DIRECT BY MS. HALL

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1 MS. HALL - State moves 49(d) into evidence, as
2 well.

3 MR. FRICK - No objection.

4 COURT REPORTER - Judge, could I ask that they
5 speak up. There's not a mic. I'm having trouble hearing
6 them?

7 MS. HALL - Me or ---

8 COURT REPORTER - Both.

9 MS. HALL - Okay.

10 COURT REPORTER - Thank you.

11 THE COURT - All in without objection.

12 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
13 STATE'S EXHIBIT 49(a), 49(b), 49(c) and 49(d).)

14 MS. HALL - All right, and I'm going to ask
15 permission to publish them as well.

16 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY)

17 Q Okay, so what are (c) -- (a), (b) and (c)?

18 A (a), (b) and (c) are pieces of the mailbox from 596
19 Roundtree Circle.

20 Q Okay, and um, I'm going to show you what's been marked
21 as State's Exhibit 55(a) for identification. Do you
22 recognize that photograph?

23 A Yes, I do.

24 Q Okay, what does it show?

1 A I believe that's the entrance from the intersection of
2 Parkway Drive and Roundtree Circle.

3 Q Are you able to show the jury that on the map?

4 A This right here.

5 Q Okay, and it accurately depicts the condition of it as
6 you got there that night?

7 A Yes, it does.

8 MS. HALL - Move State's 55(a) into evidence.

9 (WHEREUPON, NO RESPONSE)

10 Q And is -- I don't remember if I asked you this -- is
11 there a marker that was placed in this -- in this 55(a)?

12 A Yes.

13 Q Okay, what number or letter is it?

14 A (i), number (i).

15 Q Okay, could you show the jury that on the diagram
16 please?

17 A (Indicating yes) (witness complies)

18 Q Okay, and what is that?

19 A It is a cartridge case.

20 Q And I'm showing you what's been marked as State's
21 55(b). Is that -- what is that?

22 A It's a closer picture of that same cartridge case.

23 Q Okay, and what is 55(c)?

24 A Another close-up.

MELINDA WORLEY - DIRECT BY MS. HALL

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1 Q And those both accurately depict the condition or the
2 placement of this cartridge case the night that you arrived
3 there. Correct?

4 A Yes.

5 MS. HALL - We'd move 55(b) and (c) into evidence,
6 as well?

7 MR. FRICK - No objection.

8 THE COURT - In without objection.

9 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
10 STATE'S EXHIBITS 55(b) and (c).)

11 Q Okay, I'm going to show what's been marked as 55(d).
12 Tell me what that is.

13 A This is a little further down this street on Roundtree
14 Circle with marker G which was suspected fluid from the
15 vehicle, the Cadillac.

16 Q And does this photograph accurately depict the
17 condition of the roadway and the fluid the night that you
18 arrived at the scene?

19 A Yes, it does.

20 MS. HALL - Your Honor, we would move 55(d) into
21 evidence, as well.

22 MR. FRICK - No objection.

23 THE COURT - In without objection.

24 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
25 STATE'S EXHIBIT 55(d).)

1 MS. HALL - And I'd request permission to publish
2 these, as well.

3 THE COURT - Okay.

4 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY.)

5 Q All right, and then I'm going to show you what's been
6 marked as 56(a). Can you tell me what that is?

7 A This is a picture of Parkway Drive closer to where it
8 intersects with Vance Drive.

9 Q Okay. And what does marker J represent?

10 A Marker J is a .40 caliber cartridge case.

11 Q And can you see that marker J in this photograph?

12 A Yes.

13 Q Is it -- and the photograph accurately depicts as you
14 -- when you got there that night to what you saw. Correct?

15 A Yes, it does.

16 Q And is the same thing true for 56(b)?

17 A Yes.

18 Q And is that mile marker J -- I mean not mile marker --
19 but marker J, as well. Correct?

20 A Yes, it is.

21 Q And what is 56(c)?

22 A It is a close-up on marker J in that cartridge case.

23 Q What about 56(d)?

24 A Even close on the cartridge case.

MELINDA WORLEY - DIRECT BY MS. HALL

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1 Q And those also are accurate depictions of what you saw
2 when you got there?

3 A Yes.

4 MS. HALL - State would move 56 (a), (b), (c) and
5 (d) into evidence.

6 MR. FRICK - No objection.

7 THE COURT - In without objection.

8 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
9 STATE'S EXHIBIT 56 (a), 56(b), 56(c) and 56(d).)

10 MS. HALL - Permission to publish them, Your
11 Honor?

12 THE COURT - Yeah.

13 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY)

14 Q Now, I'm going to show you what's been marked as
15 54(a). Do you recognize that?

16 A That is around in here, the intersection of Parkway
17 Drive and Roundtree Circle.

18 Q And is there a marker in this photograph?

19 A Marker H.

20 Q 54(b)?

21 A It is a close-up on marker H which is a metal jacket
22 or piece of a projectile.

23 Q Is that the same thing as like a fired bullet?

24 A Yes.

1 Q And these accurately depict the condition of this area
2 the night you reported to this area?

3 A Yes, they did.

4 COURT REPORTER - I would ask that they speak up a
5 little bit. I'm sorry, Judge, I'm having trouble ---

6 MS. HALL - Just that it accurately depicts the
7 scene as she saw it that night and state -

8 Q And it does. Correct?

9 A Yes, it does.

10 MS. HALL - And State would move 54(a) and (b)
11 into evidence.

12 MR. FRICK - No objection.

13 THE COURT - In without objection.

14 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
15 STATE'S EXHIBITS 54(a) and 54(b).)

16 MS. HALL - Request permission to publish them.

17 THE COURT - Yeah.

18 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY.)

19 Q All right, and did you collect all of these items that
20 -- you said you collected the gun. We've already -- that
21 was -- that was State's Exhibit 18. Correct?

22 A Yes.

23 Q And you submitted that to SLED for analysis.

24 A Yes.

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1 Q And then did you also collect what -- what was at mile
2 -- what was at marker J, the metal jacket.

3 A Yes.

4 Q And then the H, the metal jacket?

5 A Yes. We collected that.

6 MS. HALL - Just give me one second.

7 Q I'm going to show you what's been marked as State's 44
8 for identification.

9 A This is the metal fragment that was collected from
10 marker H.

11 Q Okay. And um -- and did you submit that to SLED for
12 analysis?

13 A Yes.

14 Q And that would be reflected on this verified chain as
15 well. Correct?

16 A Yes, it is.

17 Q And then did you -- I'm going to show you what's been
18 marked as State's Number 42. Do you recognize that?

19 A This is the cartridge case that we collected at marker
20 J.

21 Q All right, and did you submit that or take that back
22 to SLED for analysis?

23 A Yes, we did.

24 Q And you entered it into evidence?

25 A Yes.

1 Q And that would be reflected on this verified chain, as
2 well. Correct?

3 A Yes, it is.

4 Q I'm going to show you what's been marked State's 46.
5 Do you recognize that?

6 A This was a metal fragment that we collected from
7 inside of the red Cadillac in the carpeted area that's in
8 the back window.

9 Q Okay, and did you collect that?

10 A Yes.

11 Q And did you submit that to SLED for analysis, as well?

12 A Yes, I did.

13 Q And when you're doing all these things with these
14 little boxes that I'm handing you, are you sealing all
15 these things up or tell me the process that goes along with
16 that.

17 A Yes, we collect it and the item -- place it in this
18 box and the yellow seal tape that you see on the boxes are
19 from us in crime scene.

20 Q Okay, and I'm going to show you what's been -- what's
21 been marked as State's 45. Can you tell us what that is?

22 A This is the cartridge case collected at marker I.

23 Q Okay, and did you go through the same process in
24 sealing that up that you just described?

25 A Yes, I did.

1 Q And did you submit that to SLED for analysis?

2 A Yes.

3 Q And did you -- would that be reflected on the verified
4 chain, as well?

5 A Yes, it is.

6 Q All right, I'm going to show you what's been marked as
7 State's 41. Tell us what that is, please.

8 A This is the fired projectile, fired bullet that was
9 collected from the floorboard of the front passenger seat
10 of the Cadillac.

11 Q And did you collect that?

12 A Yes.

13 Q And did you go through the same sealing process we
14 just discussed?

15 A Yes, I did.

16 Q And did you submit it to SLED for analysis?

17 A Yes, I did.

18 Q And would that also be reflected on this verified
19 chain?

20 A Yes.

21 MS. HALL - Okay. Your Honor, at this time, also
22 the State would move 58 into evidence, the diagram created
23 by this witness.

24 MR. FRICK - No objection.

25 THE COURT - In without objection.

1 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
2 STATE'S EXHIBIT NUMBER 58.)

3 Q Okay, now I'm going to show you what's been marked as
4 State's 57. Tell me if you recognize that. Actually, I'm
5 going to -- let me go back. I'm going to stop and come
6 back and go -- and do that just -- again -- in a second.
7 I'm sorry. Okay. This is what I believe has already been
8 entered into evidence as State's 15. And were you present
9 at the scene when York County Canine Unit came out?

10 A I never actually saw them. I may have been there at
11 the scene, but I'm at a different area in the scene.

12 Q Okay. All right, regardless, were you called over to
13 -- hang on a second -- oh, I see it -- at some point were
14 you called over to a shed?

15 A Yes, I was.

16 Q Who called you over there?

17 A I'm not exactly sure who.

18 Q Was it one of the investigators from the sheriff's
19 department?

20 A Yes.

21 Q All right. And I show you what's been marked as a
22 series of photographs, 48(a), 48(b), 48(c), 48(d), 48(e)
23 and 48 -- these are not -- hang on a second.

24 MS. HALL - I'm sorry, Your Honor. I'm trying to
25 juggle here. Okay, this is what I'm looking for.

1 Q 52. 52(a). And what's the address on that?

2 A [REDACTED].

3 Q Okay. And does that accurately depict the scene as
4 you saw it that night?

5 A Yes, it does.

6 Q Okay, and 52(b)?

7 A It's the same, same residence.

8 Q Okay. 52(c)?

9 A It's the same residence.

10 Q 52(d)?

11 A That's the shed that's behind the residence.

12 Q 52(e)?

13 A The shed.

14 Q Okay. And all -- and all of these depicted the scene
15 or the house as you were going behind it that night?

16 A Yes, they do.

17 MS. HALL - Okay, State would move 52(a) through
18 (e) into evidence at this time.

19 MR. FRICK - No objection.

20 THE COURT - In without objection.

21 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS

22 STATE'S EXHIBITS 52(a), 52(b), 52(c), 52(d) and 52(e).)

23 Q Okay, I'm going to show you what's marked as 52(f).

24 Do you recognize that?

25 A I do.

1 Q What is that?

2 A That is a picture of the shed behind that residence
3 and marker K underneath the shed.

4 Q Okay. And what does marker K signify?

5 A It was a rifle with a magazine laying next to it.

6 Q And I'm going to show you what's been marked as
7 State's 14. Is that -- what is that?

8 A That's the rifle.

9 Q The same picture just a closer-up?

10 A Yes, that's right.

11 Q Okay. And do both of those accurately depict the
12 scene as it was that night?

13 A Yes, they do.

14 MS. HALL - Your Honor, I can't remember if 14 is
15 already in, but I would move it in if it hasn't been
16 admitted yet, and I would also move 52(f) in at this time.

17 MR. FRICK - No objection.

18 THE COURT - In without objection.

19 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
20 STATE'S EXHIBITS 14 AND 52(f).)

21 Q All right, 52(g) is -- what is that?

22 A That's a close-up showing the rifle and the magazine
23 that was collected with it.

24 Q Okay, and you collected these?

25 A Yes.

1 Q All right. And then 52(h)?

2 A That's a close-up on some of the markings on the gun.

3 Q Okay. 52(i)?

4 A The magazine from the gun.

5 Q And 52(j)?

6 A The magazine from the gun.

7 Q Okay, and all of these accurately depict the condition
8 of the rifle the night that you took it into evidence. Is
9 that correct?

10 A Yes, they do.

11 MS. HALL - I would move 52(g), (h), (i) and (j)
12 into evidence at this time.

13 MR. FRICK - No objection.

14 THE COURT - In without objection.

15 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
16 STATE'S EXHIBIT 52(g), 52(h), 52(i) and 52(j).)

17 Q All right, and you said you did take that rifle from
18 the scene. Correct?

19 A Yes, we did.

20 Q I'm going to show you what's been marked as State's
21 12. Is that the gun?

22 A Yes, it -- that appears to be the gun.

23 Q Okay, and when you took that into evidence, where did
24 you take it?

25 A To the laboratory at SLED.

1 Q And did you submit it for analysis?

2 A Yes, we did.

3 Q And that would be also reflected on the certified
4 chain. Correct?

5 A It is.

6 Q All right.

7 MS. HALL - State requests permission to publish
8 these photographs to the jury.

9 THE COURT - You got it.

10 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY.)

11 Q I'm going to show you what's marked as State's 1(a),
12 (b) and (c). Can you tell us what 1(a) is?

13 A It's a Dodge Ram pickup truck.

14 Q And where was that located?

15 A I believe that was [REDACTED].

16 Q Okay. And then 1(b)?

17 A It's a picture of the back of the truck.

18 Q Okay. And that's ---

19 A It's showing the truck and also the address of where
20 it's located.

21 Q Okay, and these all accurately depict the condition of
22 the truck and where it was situated when you arrived on the
23 scene on the 4th of November, 2014. Correct?

24 A Yes, they do.

MELINDA WORLEY - DIRECT BY MS. HALL

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1 MS. HALL - State would move 1(a), (b) and (c)
2 into evidence.

3 MR. FRICK - No objection.

4 THE COURT - In without objection.

5 (WHEREUPON, DOUCMENTS MARKED INTO EVIDENCE AS
6 STATE'S EXHIBIT 1(a), 1(b) and 1(c).)

7 Q All right, I'm going to show you what's been marked as
8 2(a), 2(b) and 2(c). Are all of those, basically, the same
9 photograph?

10 A Yes, they are.

11 Q And what do they depict?

12 A The suspected bullet defects on the side of the
13 railing on the bed of the truck.

14 Q Okay. And all of them accurately depict the condition
15 of the truck when you observed it that night. Correct?

16 A Yes, they do.

17 MS. HALL - We'd move 2(a), (b) and (c) into
18 evidence.

19 MR. FRICK - No objection.

20 THE COURT - In without objection.

21 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
22 STATE'S EXHIBITS 2(a), 2(b) and 2(c).)

23 MS. HALL - All right, I'm going to request
24 permission to publish them?

25 THE COURT - You got it.

1 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY.)

2 Q And can you -- show -- show the jury again where that
3 gun was found.

4 A The ---

5 Q The rifle.

6 A Here at this yellow square. There's a shed right
7 here, and it was underneath that shed.

8 Q All right, and the next day did Brittany -- did you go
9 back to Roundtree Circle the next day?

10 A I did not.

11 Q To your knowledge did Brittany Burke go back to
12 Roundtree Circle the next day?

13 A Yes, she did.

14 Q And did she return with some evidence and give it to
15 you?

16 A Yes, she transferred evidence to me.

17 Q Do you know -- or were -- do you know where that
18 evidence came from?

19 A Um ---

20 Q And I'm going to let you sit down in a second and go
21 back through it -- and go through that but um, do you --
22 and I think we can just leave that up while you do it, but
23 I also want to show you what's -- before you sit down --
24 what's been marked as State's 57. Is this a diagram that
25 you created?

1 A (Indicating yes)

2 Q okay, and what does it show?

3 A It is the residence at [REDACTED].

4 Q Okay.

5 A I believe it's this one; it's not marked on here.

6 Q Okay, but is it depicted on what's been entered on
7 your other diagram?

8 A Yes, it is.

9 Q Okay, where -- show it -- could you show it to the
10 jury on this one?

11 A This one right here.

12 Q Okay. All right. So -- I'm going to have to ask you
13 to step over here. Can you show the jury what was
14 collected in that area?

15 A Let's see. All of these markers -- all the numbered
16 markers are marking cartridge cases that were found in the
17 yard. The lettered markers are suspected bullet strikes
18 where bullets hit the ground, and two were recovered from
19 the grass.

20 Q All right, and um, you said there -- the ones that are
21 on there that are shell casings, what are the numbers?
22 They run through 1 through what?

23 A 1 through 18.

24 Q And were those all brought back to you at SLED?

25 A Yes, they were.

1 Q And I'm going to show you -- I mean -- this is the one
2 that's been marked as State's 21. What is that?

3 A That is from marker 1.

4 Q And was that given to you by Brittany Burke?

5 A Yes, it was.

6 Q And what -- well, did you enter it into evidence at
7 SLED?

8 A I did.

9 Q And you submitted it for analysis?

10 A I did.

11 Q And would that be marked -- and I'm just going to go
12 ahead and cover all this at the end -- 2 -- is that -- what
13 is that?

14 A That was from marker 2.

15 Q What about 3?

16 A Marker 3.

17 Q What's that one?

18 A Marker 4.

19 MS. HALL - And, Your Honor, 2 is State's 22, 3 is
20 State's 23, 4 is State's 24, 5 is ---

21 A Marker 5.

22 MS. HALL - Is State's 25.

23 Q 6?

24 A Marker 6.

25 MS. HALL - And that's State's 26.

MELINDA WORLEY - DIRECT BY MS. HALL

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1 A Marker 7.

2 MS. HALL - And that's State's 27.

3 A Marker 8.

4 MS. HALL - And that's State's 28.

5 A Marker 9.

6 MS. HALL - And that's State's 29.

7 A Marker 10.

8 MS. HALL - And that's State's 30.

9 A Marker 11.

10 MS. HALL - State's 31.

11 A Marker 12.

12 MS. HALL - State's 32.

13 A Marker 13.

14 MS. HALL - State's 33.

15 A Marker 14.

16 MS. HALL - State's 34.

17 A Marker 15.

18 MS. HALL - State's 35.

19 A Marker 16.

20 MS. HALL - State's 36.

21 A Marker 17.

22 MS. HALL - State's 37.

23 A Marker 18.

24 MS. HALL - And that's State's 38.

1 Q And all of these -- all of these are, basically, the
2 same thing. Is that -- I mean different ones are the same
3 thing. Is that correct?

4 A Yes, that's right.

5 Q All right, and all of these were brought to Brittany
6 Burke?

7 A Yes, they were.

8 Q And were all of these entered into -- or entered into
9 SLED evidence to be -- and request -- an analysis on these
10 requested. Is that correct?

11 A Yes, that's correct.

12 Q Okay, and that would all be reflected on this verified
13 chain.

14 A It is.

15 Q Okay, now, I'm going to show you what's been marked as
16 State's 39. Tell me what that is.

17 A This is one of the projectiles from markers C and D,
18 one of the projectiles that was collected from the ground.

19 Q Okay, and what is -- what is -- and State's 40?

20 A This is the other projectile that was collected.

21 Q And were both -- what did -- were these -- where did
22 you get these?

23 A Brittany Burke collected them and transferred them to
24 me.

1 Q Okay, and again, did you place them into evidence at
2 SLED?

3 A I did.

4 Q And you requested an analysis, as well.

5 A Yes.

6 Q And, again, that's going to be reflected on that
7 verified chain.

8 A Yes, it is.

9 Q I'm going to show you what's been marked as State's
10 43. What is that?

11 A This is a cartridge case that was collected by
12 Brittany Burke from this address, [REDACTED].

13 Q And was that given to you by Brittany Burke?

14 A Yes, it was.

15 Q And did you enter that into evidence at SLED?

16 A Yes.

17 Q And requested analysis on it?

18 A Yes, I did.

19 Q And that again would be reflected on this verified
20 chain.

21 A Yes, it is.

22 MS. HALL - Your Honor, we beg the court's
23 indulgence for just a second. (Pause)

24 Q I'm going to show what's been marked as State's 60.
25 Can you tell us what that is or where you got it?

1 A I received this via chain of custody from Agent Burke.

2 Q Okay. And did you place it into evidence at SLED and
3 ask that it -- that analysis be performed on it?

4 A Yes, I did.

5 Q And, again, that would be reflected on this verified
6 chain.

7 A Yes, it is.

8 THE COURT - Got to speak up.

9 MS. HALL - Sorry.

10 Q What about what's been marked as State's 61? What is
11 that or where did you get this?

12 A This is also -- was transferred to me from Agent
13 Burke.

14 Q Okay. And what did you do with it?

15 A I logged it in as evidence.

16 Q All right, and placed in evidence at SLED and it would
17 be reflected on the verified chain?

18 A Yes, it is.

19 Q And did you also receive a blood sample from a Crown
20 Vic? Was that brought to you by Brittany Burke?

21 A Yes, it was.

22 Q And did you -- did you place that into evidence at
23 SLED ---

24 A Yes, I did.

25 Q -- and request analysis?

MELINDA WORLEY - DIRECT BY MS. HALL

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1 A I did.

2 Q And did you receive a blood sample from a fence, also?

3 A Yes, I did.

4 Q And did you receive that from Brittany Burke?

5 A Yes, I did.

6 Q And did you log that into evidence at SLED?

7 A Yes.

8 Q Okay. And did you also receive -- receive a gunshot
9 residue kit from Patrick Oliphant?

10 A Yes, I did.

11 Q And was that on the victim in the case, Odell
12 Williams?

13 A Yes, it was.

14 Q And to your knowledge did that come from the autopsy
15 when it was performed on Mr. Williams?

16 A Yes, it did.

17 Q Okay, did you log that gunshot residue kit into
18 evidence at SLED and request analysis on it?

19 A Yes, I did.

20 Q And would that also be reflected in the verified
21 chain?

22 A It is.

23 Q And from that -- from that autopsy, did you also
24 received some sort of a bullet fragment from Patrick
25 Oliphant?

1 A Yes.

2 Q And did you log that into evidence at SLED and request
3 analysis?

4 A I did.

5 Q And, again, that was reflected on this verified chain?

6 A Yes, it is.

7 MS. HALL - Your Honor, may we approach?

8 (WHEREUPON, BENCH CONFERENCE WAS HELD IN THE
9 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY
10 WHICH WAS NOT REPORTED.)

11 Q At some point in time did you -- or did you take
12 prints off of an exterior door on the passenger's side door
13 in the rear on that Dodge Ram that we talked about in these
14 photographs?

15 A Yes, we did.

16 Q Okay. And did you take those -- the lifts of those
17 prints back to law enforcement division?

18 A Yes, I did.

19 Q And did you log those into evidence and request
20 analysis?

21 A I did.

22 Q And did you -- and that's again noted on this verified
23 chain. Correct?

24 A Yes, it is.

MELINDA WORLEY - DIRECT BY MS. HALL

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1 Q All right. And for purposes of that fingerprint
2 analysis on item -- on the item 52 which was the prints
3 that we just talked about, the ones that were lifted off
4 the Dodge, did you also receive some -- a set of major case
5 prints that were collected from the defendant in this case,
6 Chris Moore?

7 A Yes, I did.

8 Q Okay. And did you log those into evidence at SLED and
9 put those in there so that they -- that the analyst would
10 have something to compare the lifted prints to?

11 A Yes, I did.

12 Q All right. And that was also reflected on this
13 verified chain?

14 A It is.

15 MS. HALL - All right, I think that you can have a
16 seat for just a second and let me make sure that ---

17 (WHEREUPON, WITNESS RE-TAKES THE WITNESS STAND)

18 MS. HALL - Your Honor, at this time State would
19 move 57 into evidence, just this diagram.

20 MR. FRICK - No objection.

21 THE COURT - In without objection.

22 MS. HALL - Thank you.

23 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
24 STATE'S EXHIBIT NUMBER 57.)

1 Q All right, and, Agent Worley, I've already shown you
2 what's been marked as State's 59. Is that the actual
3 verified chain that we keep referring to?

4 A Yes, it is.

5 Q Okay, and that is a document that's kept in normal
6 course of business at the law enforcement division?

7 A It is.

8 MS. HALL - All right, Your Honor, at this time
9 State would move 59 into evidence.

10 MR. FRICK - Which one was that?

11 MS. HALL - That's the verified chain.

12 MR. FRICK - No objection on that, Your Honor.

13 THE COURT - In without objection.

14 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
15 STATE'S EXHIBIT NUMBER 59.)

16 MS. HALL - All right, just let me look real quick
17 and I think that's it. Let me make sure. (Pause) I don't
18 have any further questions for this witness. Please answer
19 any questions Mr. Frick may have.

20 CROSS EXAMINATION

21 BY MR. FRICK -

22 Q Agent Worley, I've got some more pictures for you.
23 Can you take a look at those? I think you've probably
24 already seen some of them, but can you just look through
25 there and see if you recognize those?

MELINDA WORLEY - CROSS BY MR. FRICK

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1 A (Witness complies) I do.

2 Q Are those, basically, the crime scene -- is that
3 y'all's pictures?

4 A I believe these were all taken by us, yes.

5 Q Okay. And you're familiar -- you were the agent that
6 helped process the scene. You were familiar with all the
7 things covered in this picture?

8 A Yes, I am.

9 Q Okay. All right.

10 MS. FRICK - Your Honor, I've shown them to the
11 State. At this time I would move these pictures into
12 evidence.

13 MS. HALL - No objection.

14 THE COURT - Okay, they're in without objection.

15 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
16 DEFENDANT'S EXHIBITS 3 THROUGH 12.)

17 Q Okay. Now, you are the agent who comes out to process
18 the scene. Correct?

19 A Yes, that's correct.

20 Q Just briefly, what does that mean? What does process
21 mean?

22 A Process, we document the scene, like taking
23 photographs and notes and also draw a diagram, a rough
24 sketch at the scene, and then we collect the evidence and
25 transport it.

1 Q Okay. You don't do any analysis of it, do you?

2 A No.

3 Q Just collect it and document it?

4 A Just collect it.

5 Q Okay. And I'm just going to hold up what's State

6 Number 15. This is the area that you processed, basically?

7 A Yes, it is.

8 Q The Roundtree Circle area?

9 A Yes.

10 Q Did you got to any other scenes to process in this
11 case?

12 A You mean besides what's on that?

13 Q Yes, ma'am, yes, ma'am. Beside -- basically, I guess
14 besides what you said. I think you said you processed
15 three scenes?

16 A Yes, we had the vehicles, the Dodge Ram and the
17 Cadillac transported, towed to the sheriff's office where
18 we processed those there.

19 Q Okay. Okay. But I mean you said you were at a place
20 on Fieldcrest, a place on Roundtree Circle and then the --
21 right here. I think you called this a scene, the Parkway
22 area?

23 A It's part of the main scene, yes.

24 Q Okay. Okay. But I mean you didn't do anything on
25 Featherstone Road or Saluda Street or Patrick?

1 A No, I did not.

2 Q Okay. Were you asked? I mean you're -- you have to
3 be requested. Correct?

4 A Made aware of the need to be there, yes.

5 Q Okay. No one told you to go to those places?

6 A Not that I recall, no.

7 Q All right. Let me ask you. Have you got your --
8 something on there that's got your item numbers?

9 A Yes.

10 Q All right. What I'm looking at is item -- y'all's
11 item number 8. You got ---

12 A Yes.

13 Q What is that?

14 A That is a -- an empty rifle magazine collected from
15 under a bush at 528 Fieldcrest Drive.

16 Q Okay. That's what I was trying to see if we're on the
17 same page. What do you have as your item number for what
18 was collected at J?

19 A Marker J is item number 10.

20 Q Okay. And what is J?

21 A It was a cartridge case, a .40 caliber cartridge case
22 laying in the roadway.

23 Q Okay, cartridge case, what does that mean for us who
24 don't know nothing about guns?

1 A The part of the -- when a gun is fired, the part that
2 actually ejects from the gun off to the side.

3 Q In extreme layman terms, is that a fired bullet?

4 A No, it's not.

5 Q Fired shell casing?

6 A Yes.

7 Q Okay. Means a bullet has been fired?

8 A Yes, that's right.

9 Q Okay. All right. All right, you mentioned something,
10 and since I don't have the ballistics that's jiving up with
11 yours right now, you said that there was another shell
12 casing collected. I believe it's 639, somewhere around
13 here, on Parkway?

14 A Yes, item 11.

15 Q Item 11. Okay. What's that?

16 A That was another .40 caliber cartridge case.

17 Q Okay, cartridge casing meaning that's a fired shell
18 casing?

19 A Yes.

20 Q Okay. Do you recall getting a .40 caliber gun in this
21 case?

22 A No.

23 Q Okay. All right, if I leave it down here, can you --
24 can you kind of see what I'm pointing at?

25 A Yeah, I can. Yes.

MELINDA WORLEY - CROSS BY MR. FRICK

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1 Q If you've got any issues, just let me know. All
2 right, well, now then I'm going to show you what's State's
3 Number ---

4 MR. FRICK - Is that 57?

5 Q Okay, State's 57 we talked about (a), (b) and (c).
6 What did you say those were?

7 A Areas where it appeared that bullets may have struck
8 the grass.

9 Q Okay. Okay. Now, you only collected something from
10 (c) and (d). Correct?

11 A Yes, that's right.

12 Q Okay. (a) and (b) are just holes in the ground?

13 A I actually wasn't there; Agent Burke was the one who
14 collected them.

15 Q Okay.

16 A I -- you know, I'm not -- I guess I can't testify to
17 how they appeared.

18 Q Okay. Okay. But nothing was collected from them

19 A No, no, as far as I know, no.

20 Q Okay. Do you know if they were photographed?

21 A That I'm not sure.

22 Q Okay. How about the shell casing that was found at
23 639? I know it was collected, but was there a photograph
24 of it?

25 A I am not sure.

1 Q Okay. How about this area here where you had all
2 these shell casings? Was that photographed?

3 A I believe the sheriff's office photographed the area
4 with markers in place, yes.

5 Q Okay. But the SLED crime scene did not.

6 A No, we did not.

7 Q Okay. All right. I'm going to get to my pictures.
8 I'm going to show you what's Defendant's Number 3. Can you
9 tell from that picture what that is?

10 A I believe this is the intersection of Parkway and
11 Vance with marker J.

12 Q Okay, I want to go back to the other diagram. I think
13 it's 50 -- 58. One day I'll read. All right, that's
14 right here?

15 A Yes, sir.

16 Q Is it looking this way or this way?

17 A Looking up.

18 Q Up towards this direction?

19 A Yes, sir.

20 Q Is there a railroad track up here somewhere?

21 A Yes, there is.

22 Q Okay. All right. And that -- can you -- I don't know
23 if you can see the track. Can you see the track?

24 A I can see the signs for it, yes.

1 Q Okay. See the signs. Okay. I want to show you
2 Defendant's Number 4. Do you recognize that?

3 A I believe that's the same area. I can't -- if there
4 are any street signs. I believe that's at Vance looking
5 the other direction.

6 Q Looking back, possibly back down towards Roundtree?

7 A Yes, that's right.

8 Q Okay. And all the cop cars are in front of this area
9 right here. Is that ---

10 A That's right.

11 Q --- kind of what it looks like? All right. Okay, did
12 -- did you process the car?

13 A Yes, sir.

14 Q Okay. You're the one who sticks the dowels in the
15 bullet holes and tries to show where angles would come from
16 ---

17 A Yes, sir.

18 Q --- potentially? Defendant's number 9, is that what
19 that is?

20 A Yes, it is.

21 Q Okay. Now, you stuck the -- tell me what you're doing
22 here. Tell me why those sticks are stuck in that car.

23 A There have to be a minimum of two -- two defects where
24 a bullet has traveled through the structure in order to run
25 a rod through. You can't just have one. Like if it's

1 through glass with no other holes for where it strikes, you
2 can't really tell where it goes, but these go from outside
3 the vehicle to where the bullet traveled through the car.

4 Q Okay. Why do you place the dowels in there?

5 A To try to show the path that the bullet took.

6 Q Okay. Okay. Now, you're -- you can't say
7 definitively, because you were not there. Correct?

8 A I wasn't there when it happened, no.

9 Q Right. So what direction of travel are you showing
10 with these dowels?

11 A It appears to have come from the rear driver's side
12 area.

13 Q Okay. Are they going up towards the sky or going down
14 towards the ground? Can you tell?

15 A The one on top of the car appears to have a slight
16 upward angle.

17 Q Okay. How about -- there's another one on there.
18 Right?

19 A It's kind of at an angle but I can't tell if it's up
20 or down.

21 Q Okay. All right. Is that the one that it goes in the
22 car door?

23 A Yes, sir.

24 Q Okay. I'm going to show you Defendant's Number 11.
25 Can you tell me what that is?

- 1 A This is the rear of the red Cadillac.
- 2 Q Okay. Did you note any defects to it?
- 3 A We did.
- 4 Q What did you note?
- 5 A You mean in this --
- 6 Q To the rear. Specifically, what's in that picture.
- 7 A In this photo is just showing the back of the car.
- 8 Q Okay, but I mean as you processed the car, did you
- 9 notice any suspected bullet holes or defects on the back of
- 10 the vehicle?
- 11 A Not on the exterior of the vehicle.
- 12 Q Okay. There was one that came through and a jacket
- 13 was found at the back windshield. Right?
- 14 A Yes, that's correct.
- 15 Q Okay. But as far as the trunk of the car, there's no
- 16 bullet hole back there.
- 17 A No.
- 18 Q Okay. Or the tail -- tail lights aren't shot out.
- 19 A No.
- 20 Q Okay. And then Number 10, defense number 10. What's
- 21 that showing us?
- 22 A This is a picture of the windshield of the Cadillac.
- 23 Q Okay. And it is, obviously, in disrepair. Those
- 24 bullet defects?
- 25 A Yes.

1 Q Okay. And where do they appear to be coming from?

2 A That I am not sure.

3 Q Okay. No dowels running through on that one because
4 nothing to connect to?

5 A Right.

6 Q Okay. I'm going to show you Defendant's Number 2.
7 What is that?

8 A This is the front bumper of the Cadillac.

9 Q Okay. It's pretty damaged. Did you find any -- any
10 defects other than it running into a brick wall?

11 A No, we didn't.

12 Q Okay. I'm going to show you Defendant's Number 12.
13 Can you tell me what we're looking at there?

14 A This is on Roundtree Circle where marker G is in the
15 road.

16 Q That's about right here?

17 A Yes.

18 Q Okay. What is G showing us?

19 A It was suspected fluid in the road.

20 Q Got any idea -- I mean did y'all test the fluid or ---

21 A We have no way to test it.

22 Q Okay. Did you take a guess?

23 A No.

24 Q Okay. Why was it of interest?

25 A The marker was placed before we arrived on scene.

1 Q Okay. Okay. Is there a trail leading from it?

2 A Yes.

3 Q Okay. Do you have any idea where the trail goes?

4 A It -- it appeared to have hit the mailbox that's noted
5 on the diagram, markers (a), (b) and (c) were pieces of
6 that mail box, ---

7 Q Okay.

8 A --- and then there were tire tracks leading from --
9 they came off the road and straight to the house at 588.

10 Q Okay. You can't make any assumptions as to what that
11 fluid is though. Right?

12 A It -- we suspected it to be from the vehicle, but we
13 have no way of knowing.

14 Q Okay. All right.

15 MR. FRICK - One second. I may actually be done.

16 (Pause)

17 Q All right, you were out that evening on -- well, I
18 guess probably the evening to the morning of the 4th to the
19 5th. Did you do any more processing in this case after
20 that?

21 A No.

22 Q Okay. All right.

23 MR. FRICK - Thank you, ma'am. That's all the
24 questions I have.

25 RE-DIRECT EXAMINATION

1 BY MS. HALL -

2 Q Agent Worley, just real quick. How many times was the
3 car hit, that you could tell?

4 A Let me refer to my notes. (Pause) By my count a
5 minimum of six times, but that doesn't account for if any
6 bullets struck the driver's side window was broken. (sic)
7 I'm not sure how many would've hit that to shatter it.

8 Q And was it possible to tell if the front had been hit?

9 A It was difficult because of the damage.

10 Q Okay, and so you say it was a minimum of six times.
11 Can you just summarize where the -- where the car was hit
12 those six times.

13 A There were three in the windshield. One was on the
14 driver's side, kind of in front of the steering column.
15 One -- and there were two on the passenger's side of the
16 windshield. One struck the driver's side of the car.
17 That's the one that traveled through the driver's door, and
18 then one that struck the rear driver's side tire.

19 Q Say that -- say that again, the last part.

20 A The rear driver's side tire.

21 Q And do you know anything about windshields and window
22 glass?

23 A A little bit.

24 Q Okay, could you tell us what you do know? Is it
25 tempered? Is windshield glass tempered or do you know?

1 A Laminate I believe.

2 Q Okay. So if you hit a bullet into a windshield, does
3 it shatter?

4 A It -- yes.

5 Q But does it necessarily fall in?

6 A Not -- not really, no.

7 Q Okay, in this case it did not. Is that correct?

8 A That's right.

9 Q Okay. And what about the driver's side window?

10 A It was shattered completely.

11 Q And did it -- as far as there was glass inside the --
12 on the floorboard of the driver's side. Is that correct?

13 A There was.

14 Q You can see those in those pictures that we entered
15 into evidence?

16 A Yes, you can.

17 Q And I just want to -- the path that the car took, you
18 talk about coming down the -- obviously, something happened
19 at G. Can you tell what happened at G?

20 A That was the suspected fluid.

21 Q Okay. And then where (a), (b) and (c) are located, I
22 think you stated before that those were broken pieces of
23 mailbox?

24 A Yes, that's right.

1 Q And you also testified that there tire tracks that led
2 from G over to this mailbox. Is that correct?

3 A I believe I said from -- from the mailbox to where the
4 car ended up, but there is a trail from the fluid leading
5 to the mailbox.

6 Q Okay. And is that -- that's pretty well depicted in
7 Defendant's 12. Right?

8 A Yes, it is.

9 Q And the only other thing that I need to ask you is,
10 Odell William's gun -- I think that we have that marked as
11 State's 18 -- did you open the gun up?

12 A Yes, we did.

13 Q Okay. What did you notice about the gun when you
14 opened it up?

15 A There were ---

16 Q It was a revolver. Is that correct?

17 A Yes, it's a revolver.

18 Q Okay. And if you can describe for the jury what a
19 revolver is -- I mean how you opened it up and what you
20 might find inside or what you did find inside in this case.

21 A A revolver has a cylinder in which the unfired
22 ammunition is loaded into each little slot in the cylinder.
23 We found two cartridge cases which -- that kind of show
24 that the gun had been fired at least two times, and then
25 the other three were loaded.

MELINDA WORLEY - RE-CROSS BY MR. FRICK

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1 Q So you found, basically, two fired cartridge casing
2 and then the other four had been left unfired.

3 A That's right.

4 Q And still in the gun.

5 A Yes.

6 Q And a revolver -- when you shoot a revolver, is there
7 any possible way that you can spit the casing out?

8 A It has to be manually removed from the gun.

9 Q And what about -- and is there any kind of gun that
10 does spit a casing out?

11 A An automatic handgun or rifle would, yes.

12 MS. HALL - Thank you. I don't have anything
13 else.

14 MR. FRICK - Very briefly.

15 THE COURT - Yes, sir.

16 RE-CROSS EXAMINATION

17 BY MR. FRICK -

18 Q The solicitor was asking you about that pistol in the
19 floorboard. Defense 5, is that the pistol?

20 A Yes, it is.

21 Q Okay. Is that how it was found?

22 A Yes.

23 Q Is that the exact spot it was found?

24 A When we arrived, yes.

1 Q Okay. Okay. To your knowledge, had anybody messed
2 with it before you got there and looked at it?

3 A Not that I'm aware of, no.

4 Q Okay. And you said that there -- there were two fired
5 shell casings in there.

6 A Yes.

7 Q Is there any way to determine the last time a fire was
8 gun was -- a gun was fired?

9 A No.

10 Q Is there any way to determine the last time a gun was
11 reloaded?

12 A No.

13 Q Okay. All it tells you is this gun was shot at least
14 two times.

15 A Right.

16 MR. FRICK - Your Honor, I'd ask to publish this
17 to the jury.

18 THE COURT - You may.

19 (WHEREUPON, DOCUMENT IS PUBLISHED TO THE JURY)

20 Q Okay, there was a large -- how many shell casings did
21 you find for the rifle or suspectedly come from this rifle?

22 A From that diagram there are 18.

23 Q 18.

24 A Yes, sir.

1 Q Okay, and you said that they were six -- approximately
2 six defects found in the car?

3 A Yes.

4 Q Okay. You remember the State showing you this box.
5 Correct?

6 A Yes, sir.

7 Q Is that -- is that the magazine that came with it?

8 A Yes, sir.

9 Q Okay. Are those the bullets that came out of that
10 magazine?

11 A They should be, yes.

12 Q Okay. Did you take any out or put any in?

13 A I did not take them out at the scene, no.

14 Q Okay. Okay. In fact, I think somewhere here there is
15 a picture as it's being pulled out. Does that accurately
16 reflect how it was found?

17 A The -- you mean pulling the magazine out of the gun or
18 ---

19 Q Yeah. The one that was found with this gun.

20 A Yes.

21 Q Okay. There were bullets in that ---

22 A There were.

23 Q Okay.

24 MR. FRICK - One quick second. (Pause) Thank you,
25 ma'am. That's all I got.

1 MS. HALL - Just two quick things.

2 RE-DIRECT EXAMINATION

3 BY MS. HALL -

4 Q Odell Williams's gun, the gun that was found in that
5 car, was a .32 caliber revolver. Is that right?

6 A Yes, it was.

7 Q Besides the shell casings that were just referred to
8 that were found inside that gun, were any other .32 caliber
9 shell casings found anywhere in the car or during the
10 course of this investigation?

11 A No, there weren't.

12 Q All right, and talking about State's 61, and you said
13 that this had been brought back to you by Brittany Burke
14 the next day ---

15 A Yes, that's right. That's right.

16 Q Was that -- is that -- what is that magazine?

17 A It is similar to the one that's in the box that went
18 with the rifle.

19 Q In the box with the rifle.

20 A Right.

21 Q Were there any cartridges in that magazine?

22 A That magazine was empty.

23 MS. HALL - Thank you. Nothing further.

24 MR. FRICK - Nothing further. Thank you.

25 THE COURT - You may step down.

1 MS. HALL - We'd ask that she be excused as well.

2 MR. FRICK - Absolutely. No problem.

3 THE COURT - Without objection. You're excused.

4 MS. HALL - I think that's all we have for today,
5 Your Honor.

6 THE COURT - All right, everybody have a good
7 evening. Remember all my instructions, no contact with
8 anybody, avoid any media coverage. Y'all have a good
9 evening. We'll see you at 9:30 in the morning. Does that
10 suit everybody?

11 (WHEREUPON, NO RESPONSE)

12 THE COURT - Hearing no complaints, we'll say
13 9:30.

14 (WHEREUPON, JURY EXITS THE COURTROOM)

15 (WHEREUPON, COURT IN RECESS FOR THE DAY AT 5:05
16 P.M.)

17 * * * * *

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STATE OF SOUTH CAROLINA)
)
 vs.) TRANSCRIPT OF RECORD
)
) (DAY 3 - VOLUME III)
 CHRISTOPHER MARQUAVIOUS) (PAGES 364 - 600)
 MOORE)

BEFORE THE HONORABLE PAUL BURCH

JULIE HALL, DEPUTY SOLICITOR
CHESTER, SOUTH CAROLINA

RILEY MAXWELL, ASSISTANT SOLICITOR
CHESTER, SOUTH CAROLINA

RANDY NEWMAN, SOLICITOR
LANCASTER, SOUTH CAROLINA

WILLIAM FRICK, PUBLIC DEFENDER
CHESTER, SOUTH CAROLINA

DEVON NIELSON, ASSISTANT PUBLIC DEFENDER
CHESTER, SOUTH CAROLINA

SHIRLEY BROOM
16TH Circuit Court Reporter

I-N-D-E-X

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Brian Perry				
By Mr. Maxwell	300			
By Mr. Frick		302		

WITNESSES:	DIRECT	CROSS	RE-DIRECT	RE-CROSS
Chuck Starnes				
By Ms. Hall	303			
Melinda Worley				
By Ms. Hall	308			
By Mr. Frick		344		
By Ms. Hall			356	
By Mr. Frick				359
By Ms. Hall	362			
Brittany Burke				
By Ms. Hall	368			
By Mr. Frick		394		
By Ms. Hall			402	
Tiffany Hezel				
By Ms. Hall	403			
By Mr. Frick		428		
Phil Gregory				
By Mr. Maxwell	430			
By Mr. Frick		434		
Whitney Berry				
By Ms. Hall	435			
By Mr. Frick		443		
By Ms. Hall			444	
By Mr. Frick				445
By Ms. Hall	445			
Jennifer Clayton				
By Ms. Hall	446			
By Mr. Frick		471		
Dr. Robert Thomas				
By Mr. Maxwell	478			
By MR. Frick		485		
Dan Defreese				
By Ms. Hall	490			
By Mr. Frick		530		
By Ms. Hall			546	
By Mr. Frick				549
Terrance Buchanan				
By Ms. Hall	550			
By Mr. Frick		582		

WITNESSES:	DIRECT	CROSS	RE-DIRECT	RE-CROSS
By Ms. Hall			597	
Derrick Dixon				
By Ms. Hall	609			
By Mr. Frick		647		
By Ms. Hall			669	
By Mr. Frick				671
D'Angelo Roseboro				
By Ms. Hall	673			
By Mr. Frick		712		
By Ms. Hall			734	
Chris Reynolds				
By Ms. Hall	736			
By Mr. Frick		756		
Lee Blackmon				
By Ms. Hall	761			
By Mr. Frick		773		
By Ms. Hall			778	
Christopher Watkins				
By Mr. Frick	791			
By Ms. Hall		794		
Christopher Moore				
By Mr. Frick	795			
By Mr. Maxwell		838		
Closings	872			
Jury Charge	922			

E-X-H-I-B-I-T-S

NO.	DESCRIPTION	ID.	EV.
S-1	Photos, a,b,c, truck	118	333
S-2	Photos, a,b,c, truck (defects)	118	333
S-3	Disk - video - First & Patrick	118	195
S-4	Diagram	118	133
S-5	Photo, a,b,c,d Cadillac @ house		135,136
S-6	CAD sheet		
S-7	Diagram		152
S-8	Statement		159
S-9	Jackson's statement		230
S-10	Cornell Jackson's statement		236
S-11	Buccal/Chris Moore		470
S-12	SKS rifle		507
S-13	Swab/Yukon		793,455
S-14	Copy of photo - SKS under shed		330,282
S-15	Map		284
S-16	Photos, a,b,c		295
S-17	Swab/Honda Accord		455
S-18	32 caliber handgun		521
S-19	9 mm Keltec handgun		524
S-20	.38 firearm (.38 special revolver)		523
S-21	shell casing		510
S-22	shell casing		510
S-23	shell casing		510
S-24	shell casing		510
S-25	shell casing		510
S-26	shell casing		510
S-27	shell casing		510
S-28	shell casing		510
S-29	shell casing		510
S-30	shell casing		510
S-31	shell casing		510
S-32	shell casing		510
S-33	shell casing		510
S-34	shell casing		510
S-35	shell casing		510
S-36	shell casing		510
S-37	shell casing		510
S-38	shell casing		510
S-39	projectile		519
S-40	projectile		520
S-41	projectile - Cadillac		516
S-42	40 caliber shell casing		527
S-43	40 caliber cartridge case		527

NO.	DESCRIPTION	ID.	EV.
S-44	projectile - fragment		513
S-45	cartridge case		511
S-46	projectile - carpeted area On back window of Cadillac		518
S-47	projectile fragment from Autopsy		
S-48	Photos, a,b,c,d,e,f		373
S-49	Photos, a,b,c,d		319
S-50	Photos, a,b		376
S-51	Photo		378
S-52	Photos, a-I	329,330,331	
S-53	Photos, a,b,c	312,315,316	
S-54	Photos, a,b		324
S-55	Photos, a,b,c,d		321
S-56	Photos, a,b,c,d		323
S-57	Diagram		343
S-58	Diagram		328
S-59	Chain of Custody		344
S-60	9 mm magazine w/bullets		525
S-61	empty rifle magazine		522
S-62	swab of blood from fence		465
S-63	Photos, a,b		389
S-64	Photos, a,b - Crown vic		387
S-65	Photos, a,b,c		381
S-66	Photos, swab of blood - Crown vic		465
S-67	Affidavit of Haley Quam		367
S-68	Latent print report 11/12/14		419
S-69	Latent print report 11/19/14		427
S-70	Right palm print		428
S-71	Finger print card		428
S-72	Left palm print		428
S-73	GSR kit		
S-74	Toxicology report		365
S-75	Trace report		440
S-76	Firearms report		530
S-77	DNA report 6/12/15		467
S-78	DNA report 8/28/15		470
S-79	Print lift card - truck		427
S-80	unknown/known comparison chart		413
S-81	DNA evidence/swab extract		470
S-82	Pathology report		485
S-83	Disk - audio		751
S-84	Video		746
S-85	Transcript		

NO.	DESCRIPTION	ID.	EV.
D-1	Copies of four photos		183
D-2	Photo		190
D-3	Photo		345, 195
D-4	Photo		345
D-5	Photo		345
D-6	Photo		345
D-7	Photo		345
D-8	Photo		345
D-9	Photo		345
D-10	Photo		345
D-11	Photo		345
D-12	Photo		345
D-13	Copy of dialed call sheets		793
C-1	Rights form	114	
C-2	Motion	608	
C-3	Motion	608	
C-4	Motion	608	
C-5	Motion	608	
C-6	Note from jury	942	
C-7	Note from jury	944	
C-8	Note from jury	944	
C-9	Note from jury	949	
C-10	Note from jury	949	
C-11	Note from jury	953	
C-12	Note from jury	954	
C-13	Note from jury	954	

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S-76	Firearms report		530
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S-78	DNA report 8/28/15		470
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NO.	DESCRIPTION	ID.	EV.
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D-5	Photo		345
D-6	Photo		345
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C-9	Note from jury	949	
C-10	Note from jury	949	
C-11	Note from jury	953	
C-12	Note from jury	954	
C-13	Note from jury	954	

1 THE COURT - Good morning. You may be seated. I
2 hope we've got everybody. God all the jurors, hadn't we?

3 DEPUTY CLERK - Yes, sir.

4 MS. HALL - Your Honor, may it please the Court.
5 There are some - just couple just housekeeping items that
6 we need to take care of this morning. I believe it was
7 yesterday, at some point in time the blood sample that was
8 taken by Burly McDaniel from the back of the Honda given to
9 Randy St.Clair and put into evidence in Chester, I believe
10 at some point in time that we had two exhibits marked 14.
11 This exhibit is actually 17 and I wanted to clear that on
12 the record as State's 17. It's not in evidence, but for
13 purpose of identification that's what it was referred to.
14 Also during the testimony of Melinda Worley from -- that we
15 approached the bench, Mr. Frick and I did about this, in an
16 effort not to have to dig through the boxes to find every
17 little thing we were looking for, we referred to a blood
18 sample from -- from -- of the car, on the Crown Vic --
19 that's State's Number 66 -- on the blood sample from the
20 fence which is State's 62 -- we also referred to some
21 prints from the Dodge -- from the -- actually from Moore's
22 fingerprints. That's item 71. And um -- that that was the
23 case prints that were taken. We -- there was some
24 conversation about that. 70 was the right palm print and
25 72 was the left palm print, and 79 was a lift that was

1 taken by Agent Worley from the Dodge Ram. 47 was the
2 bullet fragment that was found during the autopsy on the
3 victim's chest, and 73 we'll have -- we haven't referred to
4 that yet, so we're okay. Before we get started this
5 morning we're also going -- today's basically a bunch of
6 SLED witnesses in the morning. The -- I've marked item --
7 the toxicology report from SLED as item 74. Mr. Frick had
8 indicated prior to trial that he would stipulate to this
9 coming in and I just wanted to go ahead and enter that if
10 we could.

11 (WHEREUPON, DISCUSISON IS HELD BETWEEN COUNSEL
12 WHICH WAS NOT REPORTED.)

13 MR. FRICK - Yes, no problem. No objection to
14 that, Your Honor.

15 MS. HALL - And that's State's 74.

16 THE COURT - Yeah.

17 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
18 STATE'S EXHIBIT NUMBER 74.)

19 MS. HALL - We also discussed yesterday
20 eliminating the testimony of Barbara Cameron. She is --
21 she was the evidence custodian in Chester when this --
22 these items were brought in. She transported them to SLED.
23 Some of them she went back and picked up, and Mr. Frick's
24 going to stipulate to that portion of the chain so that we
25 do not have to have her come to Court and testify.

1 MR. FRICK - And to protect myself on the record,
2 Your Honor, Mr. Starnes has been the evidence custodian
3 since then. I've never had any issues with chain of
4 custody coming from the Chester Sheriff's Department, so I
5 -- and I didn't see anything in this case to cause me any
6 concern. I know well the work of Ms. Cameron before she
7 left that office. Chuck has kept it in good order as well,
8 so I have no problem with her not being here. I just
9 didn't think it was really necessary.

10 THE COURT - Thank y'all.

11 MS. HALL - Your Honor, prior to the call of the
12 case we'd also -- defense counsel and I have discussed a
13 lady by the name of Haley Quam. She's a special agent for
14 South Carolina Law Enforcement Division. She has -- she's
15 out of State. She's filled out an affidavit that,
16 basically, the only portion of this affidavit that is
17 pertinent to what we're dealing with here is that she was
18 actually the case agent who went to the law enforcement
19 division in Chester and collected major case prints from
20 Chris Moore. She has filled out an affidavit with regard
21 to those actions taken by her and you've heard the
22 testimony from Worley yesterday that Ms. Quam actually did
23 submit those to law enforcement division to the evidence --
24 through - through the evidence facility there and that
25 those were used -- we're going to have testimony about the

1 analysis and comparisons of those, so I would like to make
2 that affidavit -- put that affidavit into evidence at this
3 time, State's 67.

4 MR. FRICK - And, Your Honor, the solicitor
5 disclosed to me well before trial the conflict that that
6 witness would potentially have with this case or the trial
7 date. My understanding it, and I believe is correct, is
8 that the only thing she did was got the fingerprint card
9 from my client after he was incarcerated. She didn't do
10 any analysis so I have no problem with that.

11 THE COURT - All right.

12 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
13 STATE'S EXHIBIT NUMBER 67.)

14 MS. HALL - And she did collect other items of
15 evidence, but we're not intending to introduce those or
16 analysis that were performed on those items.

17 I think that's it for now.

18 THE COURT - Okay. Have a witness ready to go?

19 MS. HALL - Yes, sir.

20 THE COURT - Okay, bring them in.

21 (WHEREUPON, JURY ENTERS THE COURTROOM)

22 THE COURT - Good morning everybody.

23 (WHEREUPON, JURORS RESPOND)

24 THE COURT - We're ready to resume the testimony.

25 Solicitor, you may call your next witness.

BRITTANY BURKE - DIRECT BY MS. HALL

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1 MS. HALL - Thank you, Honor.

2 The State calls Brittany Burke.

3 BRITTANY BURKE, AFTER BEING FIRST DULY SWORN,

4 TESTIFIES AS FOLLOWS -

5 DIRECT EXAMINATION

6 BY MS. HALL -

7 Q Ms. Burke, where are you currently employed?

8 A I'm currently employed by the Tennessee Bureau of
9 Investigation.

10 Q And where were you -- how long have you been employed
11 with them?

12 A I've been employed with them since February of this
13 year.

14 Q And prior to that time, where were you employed?

15 A Prior to that, I was employed with the South Carolina
16 Law Enforcement Division in their crime scene unit.

17 Q And how long did you hold that job prior to
18 transferring to Tennessee?

19 A Just short of three and a half years.

20 Q And on November the 4th of 2014, were you working in
21 your capacity at the South Carolina Law Enforcement
22 Division?

23 A Yes, I was.

24 Q And explain what you did there during that time?

1 A As an agent in the crime scene unit I responded to
2 crime scenes at the request of other law enforcement
3 agencies or the South Carolina Law Enforcement Division.
4 When I responded to a scene I then collected the evidence
5 and documented the scene using notes, photographs and
6 sketches. I then transported the evidence back to the lab
7 where it would then be packaged and processed by other
8 members of the SLED laboratory.

9 Q And on October (sic) the 4th of 2014 did you respond to
10 Chester to the death of Odell Williams?

11 A Yes, I did.

12 Q And while you were there you collected evidence?

13 A Yes, I did.

14 Q Who accompanied you on the night of November 4th of
15 2014?

16 A Agent Mindy Worley.

17 Q And while you were there that night -- and as you're
18 aware she testified yesterday. While you were there that
19 night, did you have occasion to take photographs?

20 A Yes, I did.

21 Q Okay, and I'm going to show -- and did you go back to
22 Chester the next day on November the 6th -- I mean the 5th?

23 A Yes, I did. On my way home I received a call asking
24 to use my metal detector that was issued to me for my truck

1 and I turned around and went back and processed further
2 that day.

3 Q Okay. And that was on November the 5th. Correct?

4 A Yes, that was correct.

5 Q Okay, and I want to come back to the metal detector in
6 just a minute. When you -- well, let's go ahead and talk
7 about it. When you used the metal detector what were you
8 able to detect?

9 A Upon using the metal detector, we were able to locate
10 two projectiles from the ground, as well as some cartridge
11 cases that were located in a yard.

12 Q Okay. And I'm going to show you what's been marked as
13 State's 48 (a), and it's a series of photographs. It's 48
14 (a), (b), (c), (d), (e) and (f). Can you tell -- tell the
15 jury what those are. Did you take those photographs, or
16 were you there when they were taken?

17 A Yes, I took these photographs. These are photographs
18 of part of the crime scene that we processed. Part -- they
19 start during the night with (a) showing a shed, a car and a
20 bush. Then they proceed to daylight photographs and under
21 the bush you can see a magazine that would've been
22 collected.

23 Q Could you explain what magazines are?

1 A A magazine is what holds the bullets in your gun and
2 then you insert it into the gun and it feeds the bullets
3 into them.

4 MS. HALL - Give me just a second. Let me make
5 sure -- I'm going to ask, Your Honor, permission for the
6 witness to step down.

7 THE COURT - That's fine.

8 Q Do those photographs -- I'm going to get you to hold
9 this pointer and if you could show ---

10 MR. FRICK - Judge, can I go around back ---

11 MS. HALL - Okay. If you could come on the other
12 side so she can hear what you're saying.

13 MS. BURKE - Yes, ma'am.

14 MS. HALL - Thank you very much.

15 Q Now, using - do you recognize this map?

16 A Yes, I do.-

17 MS. HALL - And, Your Honor, I'm going to put on
18 the record that the witness is now referring to State's
19 Exhibit 4.

20 Q Using this map could you explain to the jury where
21 these photographs were taken, 48(a) through (f)?

22 A I can. The photographs that were taken were in this
23 area here. You can see the shed in the picture that is the
24 same shed that is presented in those pictures, and this
25 large bush at the corner of the fence here is the same bush

1 that is represented and you can see this fence and the bush
2 in those pictures, as well.

3 Q What is the significance of the shed? Were you
4 present when items were recovered from underneath that
5 shed?

6 A Yes, there was a gun recovered from underneath this
7 shed on the night of November the 4th.

8 Q Okay, and I want to show you what's been marked as
9 State's 12. And is this gun the one that was recovered
10 that night from underneath that shed?

11 A Yes.

12 Q Okay. And with regard to the bush that you just
13 pointed out in the picture, that -- the gun -- the gun was
14 recovered that night. Correct?

15 A Correct. The gun was recovered from underneath the
16 shed.

17 Q Okay. And then the next day with -- or this night
18 were -- with the pictures of the bush that you just
19 referred to, you took these and these accurately and truly
20 depict the condition of the car, the bush and the shed that
21 night and into the next day. Is that correct?

22 A Correct.

23 MS. HALL - The State would move these into
24 evidence at this time as 48 (a), (b), (c), (d), (e) and
25 (f).

1 MR. FRICK - No objection.

2 THE COURT - In without objection.

3 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
4 STATE'S EXHIBITS 48(a), (b), (c), (d), (e) and (f).)

5 Q And could you explain to the jury what, if any, items
6 you recovered as you walked around this area? And was it
7 that night or the next day?

8 A This -- this draw area?

9 Q Yes, please.

10 A Okay. We recovered a magazine from under the bush
11 here that is represented in that picture. It was
12 underneath the bush here kind of along the side of the
13 fence.

14 Q Okay, referring to 48(f), is that the magazine that
15 you recovered?

16 A That is correct.

17 MS. HALL - And, Your Honor, I just would request
18 permission to publish these to the jury at this time.

19 THE COURT - All right.

20 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY.)

21 Q And I want to show you what's been marked as State's 8
22 (sic). Tell me if you recognize that.

23 A Yes, this would be the magazine that we collected from
24 underneath the bush?

1 Q And that's the one that's depicted in this picture
2 that you just -- that you just identified. Is that
3 correct?

4 A That is correct.

5 Q I'm going to ask you if you will to mark that with --
6 since that's State's Exhibit 8 (sic) if you would mark that
7 as -- I'm mean 60 -- I'm sorry, State's Exhibit 61.

8 A Okay.

9 Q If you would mark as 61 where you found this.

10 A (Witness complies)

11 Q Are you able to see that. If you could make it big as
12 -- you know, big enough to where the jury can see.

13 A (Witness complies)

14 Q Okay, thank you. All right. And do you recall the
15 address of that location?

16 A If I can refer to my notes.

17 Q Yes, that's fine.

18 A (Pause) The yard with the fence behind it is 630
19 Parkway and was just behind that fence.

20 Q Okay, I'm going to ask you to bring the notes back and
21 come back and point the ---

22 A Okay.

23 Q --- point that house out to the jury. So you said 630
24 Parkway. Correct?

1 A Yes. This house would be [REDACTED] and it was in
2 this bush just behind the fence of that house.

3 Q Okay. And when you found it, did it have any -- the
4 magazine -- I'm talking about the magazine -- did it have
5 anything in it or was it empty? The -- the one that we
6 just looked at as 60 ---

7 A The one that we just looked at?

8 Q Yeah, 61.

9 A (Pause) It was empty.

10 Q I'm going to show you another series of pictures --
11 it's just two -- that are 50(a) and (b). Can you tell us
12 what these depict?

13 A These depict a yard located directly behind the bush
14 where we found the last magazine that contained a secondary
15 magazine belonging to a handgun.

16 Q Okay, could you point out where that was?

17 A That would be in this yard right here.

18 Q And are these -- do these accurately depict the
19 condition of the magazine when you found it?

20 A They do.

21 Q Okay.

22 MS. HALL - And we'd move these into evidence at
23 this time as 50(a) and 50(b).

24 MR. FRICK - No objection.

BRITTANY BURKE - DIRECT BY MS. HALL

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1 MS. HALL - And ask permission to publish them to
2 the jury.

3 THE COURT - In without objection and you may.

4 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
5 STATE'S EXHIBIT 50(a) and (b).

6 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY)

7 Q When you found this magazine, did it have any
8 ammunition in it?

9 A Yes, it did.

10 Q What did it have in it?

11 A The magazine was fully loaded when -- with ammunition
12 when we collected it.

13 Q And I'm going to show you what's been marked as
14 State's Exhibit 60 for identification purposes. Do you
15 recognize that?

16 A Yes, this would be the magazine we collected from the
17 yard.

18 Q Okay, and that's the one you were referring to with
19 the bullets with it.

20 A Yes, ma'am.

21 Q And what did you do with both 61 and 60, the empty
22 magazine that we just looked at and the -- the full
23 magazine or parts of it -- the magazine?

24 A I would've collected them at the scene in a paper bag
25 then transported them to the SLED laboratory where they

1 would've been packaged further and submitted to the lab for
2 testing.

3 Q Okay, and did you give those to Melinda Worley to
4 submit them?

5 A Yes, I did.

6 Q And on -- I just -- briefly, this picture that's
7 50(a), what is this -- what is that portion of it? I think
8 we could turn it around, but what is this right here?

9 A The chain link portion there is a chain link dog --
10 dog kennel that would've been in the back corner of the
11 yard there.

12 Q Okay, could you point that out on the map where that
13 was?

14 A Yes, it would've been right here behind the bush where
15 61 was located.

16 Q Could you put -- since that -- since that -- this was
17 the magazine that you found that was loaded as number 60,
18 could you write 60 where you found that, please?

19 A I can. (Witness complies)

20 Q And referring to that dog kennel that's depicted in
21 50(a), is that the same dog kennel that's also depicted in
22 48(b)?

23 A Yes, it is.

24 Q So the -- just different views of the same yard.

25 A Correct.

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1 Q Okay. And did you find anything else in that general
2 area?

3 A We also found two handguns in the same general area.

4 Q I'm going to show you what's been marked as State's
5 51. And do you recognize that?

6 A Yes, I do. It's ---

7 Q What -- go ahead.

8 A I was going to say, it's a picture of the two guns
9 that were found in the same area.

10 Q Okay, and it accurately depicts the condition that you
11 found the guns?

12 A Correct.

13 Q And was this on November the 5th?

14 A Yes, it was.

15 MS. HALL - Okay, State would move 51 into
16 evidence at this time?

17 MR. FRICK - No objection.

18 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
19 STTAE'S EXHIBIT NUMBER 51.)

20 Q All right, and I want to refer back to 48(b) which is
21 already in evidence -- it's that same dog kennel we were
22 referring to a minute ago -- are you able to ---

23 MS. HALL - And we'd ask permission also to
24 publish 51 to the jury.

25 THE COURT - In without objection; you may.

1 MS. HALL - Thank you..

2 (WHEREUON, DOCUMENT PUBLISHED TO THE JURY.)

3 Q Can you describe to the jury how these two pictures
4 are related?

5 A I can. The dog pen that you see in the top picture is
6 this fence or chain link portion that you see here, while
7 the fence on this side is the outside fence of the yard
8 there with the bush behind it.

9 Q I want to show you what's been marked as State's 20,
10 and ask if you recognize this.

11 A Yes, that would be the fire -- one of the firearms
12 that we collected.

13 Q Okay, and did it have any ammunition in it at the time
14 you found it?

15 A Yes, it did.

16 Q What did it have in it?

17 A It had five unfired cartridge cases in it.

18 Q And did you take -- did you collect this and take it
19 back and put it into evidence with Melinda Worley?

20 A Yes, I did.

21 Q All right, I want to show you what's been marked as
22 State's 19. Do you recognize that?

23 A Yes, that is the second handgun that I collected from
24 the same area.

1 Q All right, and um, was it -- did it have any
2 ammunition in it?

3 A Yes, it had 10 unfired cartridges in it.

4 Q And did you collect this gun as well and take it back
5 and submit it to Melinda Worley to put into evidence as
6 SLED?

7 A Yes, I did.

8 Q If you'll take this and if you will mark 18 and 19 to
9 represent those two guns and the area where you found them.

10 A (Witness complies)

11 Q Okay, when you found these guns and these magazines,
12 were they in plain view?

13 A Yes, they were.

14 Q Okay. And was there any -- did it look like they'd
15 been there for very long?

16 A No, they were laying on top of the grass with nothing
17 grown over them.

18 Q Okay. And nothing laid on top of them?

19 A No.

20 Q I'm also going to get you to refer to State's 57.

21 When you went back on November 5th -- I'm going to show you
22 a few pictures, 65(a), 65(b) and 65(c). Did you -- I'm
23 going to let you see them. What does that group of
24 photographs depict?

1 A This group of photographs depict -- depicts the area
2 where we found cartridge cases located in the front yard,
3 and it is them with markers showing how they are laid out.

4 Q Okay. And does it -- it truly and accurately depicts
5 the situation as it existed on November the 5th of 2014?

6 A Correct, it does.

7 MS. HALL - State would move these into evidence
8 at this time.

9 MR. FRICK - No objection.

10 MS. HALL - And request permission to publish
11 them.

12 THE COURT - In without objection; you may.

13 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
14 STATE'S EXHIBITS 65(a), 65(b) and 65(c).)

15 (WHERUEPON, DOCUMENTS PUBLISHED TO THE JURY.)

16 Q Now, referring to State's 57, which is this diagram we
17 talked about just a second ago, are you able to relate
18 these pictures from 65 (a) through (c) to the diagram 57?

19 A Yes. These -- the diagram represents where we found
20 the cartridge cases as well as where suspected bullet
21 defects were located and projectiles were recovered.

22 Q For purposes of -- did you collect every single one of
23 those cartridge casings while you were there?

24 A Yes, I did.

25 Q How many are there in total?

1 A There are 17. I'm sorry, 18.

2 Q Give me just a second. (Pause) Can you explain to
3 the jury what a cartridge casing is?

4 A A cartridge case is what holds the bullet. When you
5 fire a bullet from your gun, the cartridge case then ejects
6 from the gun after the bullet has been fired.

7 Q Okay, so does it have any -- I mean would you still
8 call it a bullet or has it been -- is it something that's
9 already been fired?

10 A It is something that has already been fired.

11 Q Okay. And I'm going to show you all of these, and I
12 think the best way to do it is lay them out, but 21 -- is
13 that what you collected from one?

14 A Yes.

15 Q And 22 you collected from two?

16 A Yes.

17 Q And 23 was from three?

18 A Correct.

19 Q 24 from four?

20 A Yes.

21 Q 25 from five?

22 A (Indicating yes)

23 Q State's 27 was from seven?

24 A Yes.

25 Q State's 28 was from marker eight. Correct?

- 1 A Correct.
- 2 Q 29 was -- State's 29 was from marker nine?
- 3 A Yes.
- 4 Q State's 30 was from marker 10?
- 5 A Yes.
- 6 Q State's 31 was from marker 11?
- 7 A Yes.
- 8 Q State's 32 was from marker 12?
- 9 A Yes.
- 10 Q State's 33 was from marker 13?
- 11 A Yes.
- 12 Q State's 34 was from 14?
- 13 A Yes, ma'am.
- 14 Q State's 35 was from 15?
- 15 A Yes.
- 16 Q State's 36 was from 16?
- 17 A Yes.
- 18 Q State's 37 was from 17?
- 19 A Yes.
- 20 Q And State's 38 -- I mean -- yeah, 38 was from 18. Is
- 21 that correct?
- 22 A Yes.
- 23 Q Now, all of these things, did you take them back to
- 24 the South Carolina Law Enforcement Division and submit them
- 25 Melinda Worley?

1 A Yes, I did.

2 Q All right, what is the signif -- are there any other
3 markers of significance on this (a) (b) (c) and (d)? If
4 you could you explain to the jury what those are.

5 A The (a), (b), (c) and (d) are where we saw suspected
6 bullet defects in the ground. We ran the metal detector
7 over them and dug underneath the ground, and we actually
8 were able to collect projectiles from marker (c) and from
9 marker (d).

10 Q Okay, I'm going to show you what's been marked as
11 State's 39. Do you recognize that?

12 A Yes, it's one of the fired projectiles that we
13 collected.

14 Q And what is a projectile?

15 A A projectile is the bullet part of a cartridge that
16 comes out of the gun.

17 Q Okay, and does it come out of those casing -- or the
18 cases that we just described earlier, could it?

19 A Yes.

20 Q All right, and I'm going to show you what's been
21 marked as State's 40. Do you recognize this?

22 A Yes, that is the other fired projectile collected from
23 the ground.

24 Q Okay, and that would've either from (c) or (d)?

25 A Yes, that's correct.

1 Q Okay, and did you take these two items collected from
2 (c) and (d) that are State's 39 and 40, did you take them
3 back to the South Carolina Law Enforcement Division and
4 submit them to Melinda Worley?

5 A Yes, I did.

6 Q All right, thank you. Did you -- I'm going to show
7 you what's been marked as State's 43. Could you tell me
8 what that is?

9 A This is a cartridge case collected from [REDACTED].

10 Q All right, and I'm going to ask you to step back over
11 to State's 4, if you could show the jury where you
12 collected that on that map.

13 A This would been collected from up at this house.

14 Q I'm sorry, say again.

15 A Up this way.

16 Q And did you -- where did you find it?

17 A It was found in the yard up near where the house was
18 located.

19 Q And did you -- did you take any photographs of that?

20 A That one was not documented with photographs. It was
21 just collected from the yard. It was not believed to have
22 been involved, but since it was there we wanted to make
23 sure that it was not involved and went ahead and collected
24 the cartridge case.

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1 Q Now, I'm going to show you what's been marked as
2 State's 64(a) and (b) -- give me one second. (Pause) All
3 right 64(a) and (b), can you tell us what that is?

4 A 64(a) and (b) is a Ford Crown Victoria that was
5 located at a residence on Parkway Drive that was believed
6 to have suspected blood on it.

7 Q Can you show -- referring to diagram or State's 4 over
8 there that map ---

9 A Yes, ma'am.

10 Q --- if could you tell the jury where you found this
11 car.

12 A Yes, ma'am. This car was located at the end residence
13 here. In the same vicinity that the car is located on the
14 diagram here is where that car was located.

15 Q Okay, and did you take -- were you present when these
16 photographs were taken?

17 A Yes.

18 Q Does it accurately and truly depict the position of
19 the car on November the 5th of 2014?

20 A Yes, it does.

21 Q Okay.

22 MS. HALL - Your Honor, I'd move these into
23 evidence and ask permission to publish them to the jury.

24 MR. FRICK - No objection on that, Your Honor.

25 THE COURT - In without objection; you may.

1 MS. HALL - Thank you.

2 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
3 STATE'S EXHIBIT 64(a) and (b).)

4 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY.)

5 Q Okay, what did you notice that was -- what did you
6 notice about the car that appeared to be significant to
7 you? I'm referring to 64(b) at this time.

8 A There was suspected blood located on the hood area of
9 the vehicle.

10 Q And what did you do when you saw that blood?

11 A When I saw the blood, I then took swabs of the
12 suspected blood and I tested the blood with
13 Phenolphthalein. That is a presumptive test for blood that
14 reacts with the heme molecules that are in your blood and
15 can say with a certain degree of likelihood whether or not
16 it is suspected blood.

17 Q Okay, and did you determine on this occasion whether
18 it was -- whether it was actually blood or not?

19 A Our field test did say that it was presumably blood,
20 so those swabs were packaged and sent back to the lab for
21 further analysis.

22 Q Okay, I'm going to show you what's been marked as 66.
23 Are those the swabs you took from that car?

24 A Yes, they are.

1 Q And did you take those back and give them to Melinda
2 Worley to submit to evidence at SLED?

3 A I did.

4 Q I'm going to show you what's been marked as State's
5 63(a) and (b). Do you recognize this?

6 A Yes, I do. It would be the fence that was located
7 next to the vehicle.

8 Q And could you show the jury on the map where the fence
9 is that you saw this on?

10 A Yes. The chain link fence is hidden kind of behind
11 trees here, but it is the other side of this chain link
12 fence running down between these two houses behind those
13 trees.

14 Q And um, does -- do these photographs accurately depict
15 the condition of the fence the day that you were there on
16 November the 5th?

17 A Yes, they do.

18 MS. HALL - State would move 63(a) and (b) into
19 evidence at this time.

20 MR. FRICK - No objection.

21 Q And what did you notice, if anything, that was odd
22 about this fence?

23 A We saw some suspected blood on the fence, as well, and
24 that we swabbed and collected and packaged and returned to
25 the lab.

1 Q Okay, I'm going to show you what's been marked as
2 State's Exhibit 62. Are those the swabs that you took from
3 this fence at this address or at this -- that's depicted in
4 these photographs?

5 A Yes, it is.

6 Q Did you take these back to SLED and give them to
7 Melinda Worley to submit for analysis?

8 A Yes, I did.

9 MS. HALL - Your Honor, we would ask permission to
10 publish these photographs to the jury.

11 THE COURT - In without objection and you may.

12 COURT REPORTER - I'm sorry, what number is that?

13 MS. HALL - I'm sorry?

14 COURT REPORTER - What number was that?

15 MS. HALL - I'm sorry, 63(a) and (b).

16 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
17 STATE'S EXHIBIT 63(a) and (b).)

18 (WHEREUPON, DOCUMENTS PUBLISHED TO THE JURY.)

19 Q Okay, and if we -- I want to just start at the
20 beginning real quick since we've had to go through this
21 tedious process, and if we could I'm going to -- if you
22 could use the pointer and refer to State's 4. Could you
23 show the jury -- and I might have to refer to one more to
24 paint the whole picture -- this is State's 56 -- 58, I'm
25 sorry. Do you recognize this diagram, as well?

1 A Yes, I do.

2 Q Okay. Could you show -- are you familiar with what
3 was found at mile marker (sic) J on Vance Drive?

4 A Yes, it was a cartridge case.

5 Q And what caliber cartridge case was that?

6 A It was a .40 caliber cartridge case.

7 Q And um, -- okay, that -- and could you point with the
8 pointer where that was found?

9 A That was found right here.

10 Q Okay, now referring back to State's 4 which is this
11 map over here, could you kind of give the jury a general
12 idea of where mile marker (sic) J would've been in relation
13 to that map?

14 A Marker J in relation to this map would've been over in
15 this area. It would've been slightly further down the road
16 and right across the street.

17 Q Okay, and then traveling to the direction where you
18 found that -- that .40 caliber shell casing in the yard at
19 [REDACTED] that you testified to earlier, could you show
20 the jury where that is again?

21 A That would be up in this area.

22 Q Okay. And then continuing to travel down, could you
23 show the jury where you found what's marked in State's 57
24 all the projectiles and things in the yard?

1 A Yes, those would've all been located in this yard
2 right here starting on this area and coming around the side
3 as depicted in the sketch.

4 Q All right, I'm going to refer to State's 57 one more
5 time. If you could, referring to H and I, what is H?

6 A H is a metal jacket.

7 Q Okay, and could you show the jury on State's 4 where
8 that metal jacket was found?

9 A It would've been located right here.

10 Q Okay. And referring to State's 57 again, 58 again,
11 could you tell me where -- what marker I indicates?

12 A Marker I is a cartridge case.

13 Q And could you point to that on State's 4 and show the
14 jury where that would've been found?

15 A It would've been found right here.

16 Q All right, and referring to 57 again, marker G, what
17 does that show?

18 A Marker G is suspected fluids from a vehicle.

19 Q Okay, and could you show the jury on State's 4 where
20 that would've been located?

21 A That would've been located in this general area here.

22 Q Okay. And where was the victim's car found?

23 A The victim's car was found down here at this
24 residence.

1 Q And you were present that night when that was located,
2 as well. Correct?

3 A Yes, I was.

4 Q Now, referring to the rifle, which is State's 12 and
5 the full magazine that were found under shed, could you
6 again point that out to the jury?

7 A Yes, those were found -- the shed is here and the
8 rifle was found underneath of it.

9 Q And then could you continue where -- to the point
10 where the empty magazine from the rifle was found under the
11 bush?

12 A Yes. The empty magazine was found right here
13 underneath this bush.

14 Q All right, and continue along to where the truck was
15 found parked at [REDACTED], if you're able to
16 point out where that house is.

17 A It would've been one of these houses located on this
18 street over here.

19 Q Okay. And I'm going to get you to come back to this
20 side, so she can hear you a little bit better and move this
21 out of the way. Okay, so -- and then going from the truck
22 to the area where the 9 millimeter gun with the 11 unfired
23 rounds and the .38 revolver with the five unfired rounds,
24 where were those located again?

1 A Those were located in the back corner of the fence in
2 this yard.

3 Q All right, and where was the 9 millimeter clip with
4 the 10 unfired rounds?

5 A It was also located in this yard in front of the dog
6 kennel.

7 Q All right, did you ever find any .40 caliber handguns
8 during your investigation of this case? Any .40 caliber
9 handguns.

10 A No.

11 Q Okay, you found -- obviously, you testified about two
12 spent shell casings, ---

13 A Yes.

14 Q --- but were any .40 caliber handguns ever recovered?

15 A Not to my knowledge.

16 Q Okay, were ever -- did you ever find any .32 caliber
17 spent shell casings? With the exception of the ones that
18 were found in the victim's gun, were there any found
19 anywhere else during the course of your investigation?

20 A No.

21 MS. HALL - Beg the Court's indulgence one second.

22 Q The shell casings that we referred to in State's 58 --
23 or 57 I'm sorry -- all the ones that were found in the 6 --
24 at the yard at [REDACTED], what type of shell
25 casings were they?

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1 A They were 7.62 by 39 was the head stamp on all of
2 them.

3 Q Okay, and were some of them from different
4 manufacturers?

5 A There were. They were from two different
6 manufacturers. I believe it's Tulammo and HMC were the two
7 different manufacturers.

8 Q By they were all the same caliber. Is that correct?

9 A Yes, they were.

10 Q Which is the 7.62 by 39.

11 A Yes.

12 MS. HALL - I think that's all. Please have a
13 seat and answer any questions Mr. Frick may have of you.

14 CROSS EXAMINATION

15 BY MR. FRICK -

16 Q Agent Burke, just so I'm clear, you went out on the
17 night of the 4th and then returned on the 5th?

18 A That is correct.

19 Q Okay. Okay. So that's why some of these are in
20 daylight and some of them are in dark?

21 A Yes, that's correct.

22 Q All right. And when you came back out on the 5th,
23 that's when you had the metal detector?

24 A Yes.

1 Q Okay. I think I can do this without you coming back
2 down. Can you see that from there?

3 A Yes, I can.

4 Q Okay. All right, (a), (b), (c) and (d) you said were
5 suspected defects. You used a nicer term for it. What is
6 the term you used?

7 A I called them suspected bullet defects.

8 Q Suspected bullet defects. Okay. What made them look
9 like suspected bullet defects?

10 A The way that the ground looked, the grass, and there
11 was a small hole that was observed.

12 Q Okay, okay. Did you photograph (a), (b), (c) and (d)?

13 A No, they were not photographed.

14 Q Okay. All right. Did the metal detector hit on all
15 four of them?

16 A The metal detector, I believe, hit on three of them.

17 Q Three of them? Okay. But only able to recover from
18 (c) and (d).

19 A That is correct.

20 Q Okay. In this yard did you find any other potential
21 projectiles, any potential bullets is what I'll call them?

22 A No, sir.

23 Q Okay. Just all these shell casings that were here.

24 A Yes, sir.

25 Q Okay. And there are how many of those?

1 A There are 18.

2 Q Okay, 18 shell casings. Did you go process the car?

3 Were you involved with that?

4 A Yes, sir.

5 Q Okay. Do you recall how many defect -- bullet,

6 suspected bullet defects were on the car?

7 A It was a minimum of six, I believe.

8 Q Okay. Let me ask you this.. Of course, for these to

9 be on the ground they have to come out of a gun. Correct?

10 They have to be fired. For you to find an empty shell

11 casing, it generally has to be fired. Right?

12 A Correct.

13 Q Okay. Do all guns eject shell casings?

14 A No, they do not. Revolvers do not eject their shell

15 casings after they have fired them.

16 Q Okay. All right. When a -- when a pistol ejects a

17 shell casing, would you expect it to just simply fall down

18 right there or is it ejected with some force?

19 A That would be a question for a firearms examiner, but

20 to the best of my knowledge they all eject with at least a

21 little bit of force.

22 Q Okay. Okay. And this is the area you processed.

23 Correct? Or this general area. It wasn't the entire

24 place, but, basically, the Roundtree Circle area?

25 A That is correct.

1 Q Okay. Did you -- did you go over to Featherstone or
2 any of -- on Saluda or First Street, any other place in
3 Chester to process any areas?

4 A No, we processed that area and then the vehicles after
5 they had been towed to the law enforcement center.

6 Q Back -- okay -- back to the sheriff's department.
7 Okay. Were you asked to process any areas other than the
8 vehicle at the sheriff's department and the area at
9 Roundtree Circle?

10 A No, I was not.

11 Q Okay. All right, and I believe you said there were --
12 there were two .40 caliber shell casings out on the scene.
13 Correct?

14 A That is correct.

15 Q And I'm going to point -- if I'm incorrect, you're
16 more than welcome to come down here and correct me. I
17 believe you said one was up towards this way?

18 A Yes, sir.

19 Q I -- I think it's marker J?

20 A Yes, sir.

21 Q Okay. And then there was another one you said in kind
22 of this area?

23 A Up in -- up further in the yard; that's not depicted
24 on the picture.

25 Q So kind of up here ---

- 1 A Yes, sir.
- 2 Q --- in this in general.
- 3 A Yes, sir.
- 4 Q Okay. Okay. That one was collected, but it wasn't
- 5 photographed.
- 6 A Yes, sir.
- 7 Q Okay. And you may have covered this -- and I
- 8 apologize if I'm making you repeat stuff -- the other
- 9 firearms that you found in this general area, what caliber
- 10 were those guns?
- 11 A May I refer to my notes?
- 12 Q Yes, ma'am, please.
- 13 A One was a .38, ---
- 14 Q Okay.
- 15 A --- and the other was a 9 millimeter.
- 16 Q Okay. You didn't find any .38 and or 9 millimeter
- 17 shell casings on this scene, did you?
- 18 A No.
- 19 Q Okay. Did you collect what's in State's -- State's
- 20 Number 12?
- 21 A I would've collected it with Agent Worley, yes.
- 22 Q Okay, okay. But you observed it when it was collected
- 23 if you're not the one who laid hands on it. Right?
- 24 A Correct.

1 Q Okay. Was the magazine in the gun or beside the gun,
2 or do you recall?

3 A I do not recall.

4 Q That's fine. Do you recall whether this magazine had
5 any unfired casings in it?

6 A I do not -- I do not recall; if I could refer to my
7 notes I can tell you.

8 Q Yes, ma'am, sure.

9 A I do not believe that there were any cartridge cases
10 in the magazine.

11 Q Okay. I'm going to -- I'm going to show you -- and I
12 think my numbers are different than yours, but I'm looking
13 at what on mine is ---

14 A Okay.

15 Q There is a gun box and it says something was
16 collected. Do you ---

17 A Yeah, there were 28 unfired cartridges collected from
18 that magazine ---

19 Q Okay.

20 A --- with that one.

21 Q Okay.

22 A I apologize.

23 Q Okay. That's fine. That's fine. There's a lot of
24 stuff going on there. Okay, and you said that of the two
25 firearms that were collected in this general area, those

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1 other two guns, you said they were on top of the grass, but
2 you certainly are not able to determine by that how long
3 ago they were put there, are you?

4 A No, I'm not.

5 Q I mean certainly it wasn't days and weeks, because it
6 wasn't covered by debris, but as far as the time-frame, you
7 can't place one, can you?

8 A No, I cannot.

9 MR. FRICK - Okay. Beg the Court's indulgence one
10 second. (Pause)

11 Q Agent Burke, at any time did you interview or come in
12 contact with my client?

13 A Yes, I took photographs of him and took a buccal swab
14 from him.

15 Q Okay. At any time did you -- other than taking those
16 photographs and a buccal swab -- and you took that buccal
17 swab from him at the detention center?

18 A That is correct.

19 Q Okay. Was -- how -- what was the means by which you
20 took that buccal swab?

21 A When we collect a buccal swab, it's, basically, a
22 large Q-tip that we ---

23 Q And I'm sorry; that's not the question I meant.

24 A Oh, I'm sorry.

1 Q I apologize. Not the method, but what -- legally
2 how'd you collect it?

3 A Legally, we had to get a search warrant in order to
4 collect it.

5 Q Okay. That's fine. That's all I wanted to get
6 clarified on that. Other than those two things, did you
7 collect any items of evidence in this case from my client?

8 A No, I did not.

9 Q Okay. And in State's Number 64(a) and 64(b), I
10 believe that's the car we were talking about that you found
11 some suspected blood?

12 A That is correct.

13 Q Where -- where did you find the blood? I know it's in
14 there, but I can't -- I'm trying to making it out exactly.

15 A We found it on the exterior -- what appears to be the
16 passenger side of the vehicle.

17 Q Up towards the front or the back or ---

18 A If I may refer to my notes.

19 Q Yes, ma'am.

20 A I believe it was towards the front of the vehicle.

21 Q Okay. Kind of looks like that right there.

22 A Yes.

23 Q Doesn't that look like the ---

24 A It looks like the hood and the front passenger side of
25 the vehicle.

BRITTANY BURKE - RE-DIRECT BY MS. HALL

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1 Q Okay. So if I'm somewhere over here?

2 A Yes.

3 Q Okay.

4 MR. FRICK - One more second. (Pause) Thank you,
5 Agent Burke. That's all the questions I have.

6 (WHEREUPON, DISCUSSION IS HELD BETWEEN MS. HALL
7 AND THE COURT REPORTER OUT OF THE HEARING OF THE JURY WHICH
8 WAS NOT REPORTED.)

9 RE-DIRECT EXAMINATION

10 BY MS. HALL -

11 Q And just to be clear about the -- this gun that's
12 marked as State's 12, this is the magazine that was found
13 with this gun. Right? That's the magazine that you found
14 with the gun under the shed. Correct?

15 A Correct.

16 Q And that was the one that was loaded with how many
17 cartridge casings -- I mean how many actual bullets did you
18 say it was loaded with?

19 A 28.

20 Q Okay. And then what's marked as State's 61, was this
21 the one that was found under bush?

22 A That is correct.

23 Q And was this one empty or did it have something in it?

24 A That one was empty.

1 Q And comparatively speaking, do you think it's safe to
2 say that this magazine looks similar to that magazine?

3 A It looks similar, yes.

4 MS. HALL - Okay. Thank you. I don't have
5 anything else. That's all.

6 MR. FRICK - Nothing further. Thank you.

7 MS. HALL - Your Honor, we'd ask that she be
8 excused.

9 MR. FRICK - No objection.

10 THE COURT - Thank you. You're excused.

11 MS. BURKE - Thank you.

12 MS. HALL - State calls Tiffany Hezel.

13 TIFFANY HEZEL, AFTER BEING FIRST DULY SWORN,

14 TESTIFIES AS FOLLOWS -

15 MS. HALL - May it please the Court.

16 DIRECT EXAMINATION

17 BY MS. HALL -

18 Q Ma'am, if you would please state your name for the
19 record.

20 A Tiffany Hezel.

21 Q And where are you employed?

22 A I'm employed with the South Carolina Law Enforcement
23 Division commonly referred to as SLED.

24 Q And what do you do there at SLED?

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1 A I'm employed at SLED as a crime scene agent and also a
2 special agent in the latent print unit.

3 Q What are you -- what are your education qualifications
4 with regard to the position you hold at SLED as a latent
5 print analyst?

6 A I have a bachelor's degree in criminal justice from
7 the University of Wisconsin at Platteville. I have a
8 master's degree in forensic science from the University of
9 Central Oklahoma. I have a national certification as a
10 medical legal death investigator and also as a crime scene
11 analyst. I have successfully completed numerous training
12 courses both in crime scene disciplines, as well as, latent
13 print disciplines, and I have been performing duties as a
14 latent print examiner at SLED since November of 2012.

15 MS. HALL - Your Honor, at this time we would
16 offer Agent Hezel as an expert in latent print analysis.

17 MR. FRICK - No objection to that, Your Honor.

18 THE COURT - So qualified.

19 Q Did you have occasion to -- and SLED -- SLED assigns
20 lab numbers to cases as they come in. Is that correct?

21 A Yes, they do.

22 Q And what is this lab number that was assigned to this
23 case?

24 A L1414199.

1 Q Okay, and in your capacity as a latent print analyst,
2 were you requested to analyze some of the evidence that was
3 presented to SLED for analysis in this case?

4 A The capacity of which I was involved was in completion
5 of a technical review of the initial analysis performed on
6 the evidence submitted for latent print examination and
7 comparison.

8 Q Could you explain to the jury what that means?

9 A Absolutely. Within our policy and procedures within
10 the latent print department every examination that is
11 completed is peer reviewed by another agent who is deemed
12 competent in the procedure. In this particular case there
13 was both processing and a latent print comparison completed
14 by Special Agent Kimberly Meeres. Upon her completion of
15 the case file it was routed to me for review. The
16 procedures that were followed for the processing were then
17 reviewed by me and met to be in accordance with our policy.
18 For the latent print comparison portion I perform an
19 independent comparison. I do the analysis, the comparison;
20 I evaluate my results and then I verify her results to my
21 results and make sure that we are in agreeance of this; we
22 were.

23 Q And so you were in agreement with everything that
24 Kimberly Meeres analyzed?

25 A Yes, I was.

1 Q And where is Kimberly Meeres?

2 A She is out on maternity leave; she just had a little
3 girl.

4 Q Okay. And did you -- could you explain to the jury
5 what you received with regard to Christopher Moore for
6 analysis in this case?

7 A The physical evidence that I received upon the
8 technical review were the latent lifts that were obtained
9 on scene by Special Agent Worley, known fingerprints from
10 Christopher Moore that were obtained through latent
11 incoming, and I also received known fingerprints on two
12 other individuals that were then used for comparison to the
13 unknowns upon the latent prints that were collected on
14 scene, and I received those directly from Kimberly Meeres
15 to complete the technical review upon the completion of her
16 analysis.

17 Q Okay. We're going to boil it down a little bit in
18 layman's terms and hopefully this will help. I'm going to
19 show you what's been marked as State's 71. Can you tell me
20 what this is?

21 A This is the fingerprint card that was collected by
22 Haley Quam and was submitted into evidence by Special Agent
23 Melinda Worley. This contains both the initials of
24 Kimberly Meeres who completed the initially examination,
25 and my initials are in the red to show that this is indeed

1 what I received upon performing the technical review of the
2 comparison. So these are the known standards taken from
3 Christopher Moore directly.

4 Q Okay, and in layman's terms does that mean that
5 somebody went to the -- tell me -- well, how did Haley get
6 -- Haley Quam get those?

7 A Haley Quam responded to a location that was designated
8 to her to meet with Christopher Moore and whatever
9 representative may have been present, and she obtained
10 known fingerprints directly from his person by applying ink
11 to his hand directly and then applying that inked hand to
12 the paper surface to obtain an inked or copy of those
13 ridges.

14 Q Okay, and that's -- those are the fingerprints from
15 Chris Moore that Haley Quam collected and that's State's
16 71. Correct?

17 A Yes, ma'am.

18 Q Okay. And with regard to State's Exhibit 70, can you
19 tell me what that is?

20 A This is still within the known fingerprint collection.
21 These are what we call palm prints, so when we obtain known
22 fingerprints from persons, we obtain not only the tips of
23 the fingers, which you commonly think of as fingerprints,
24 we also print the entire palm surface of the hand. So any
25 area of the hand that may have been used to touch or grasp

1 an object, that is what we're trying to obtain a copy or
2 stamped impression of. So this here is the palm and the
3 individual fingers from the right hand of Christopher Moore
4 collected at the same time and the same way as the initial
5 fingerprint card was.

6 Q And was that submitted to you, as well, for analysis?

7 A Yes, it was. Both palms and the known fingerprints
8 were all submitted to me under one item number within that
9 lab number.

10 Q And I'm going to show you what's been marked as
11 State's 72. You just testified that this was the right
12 palm print. Is that the left palm print?

13 A Yes. This is the left palm print, again, covering all
14 the same surface area of the palm surface of the hand where
15 all that ridge detail that you have exists. So we're just
16 trying to get a full and complete copy of the ridge detail
17 present on Mr. Moore's hands for comparison.

18 Q Okay, and you received those and used those in the
19 analysis that you performed during the course of your peer
20 review. Is that correct?

21 A Yes, ma'am, I did.

22 Q Okay. And I'm going to show you what's been marked as
23 State's Number 79, and if you'll tell me what that is,
24 please.

1 A This is a latent lift that was provided as item 52
2 upon submission at the SLED laboratory. This was a latent
3 lift collected by Brittany Burke on scene at the time of
4 the scene response, and again, this was the lift received
5 by Kimberly Meeres with her initials in blue. This is the
6 lift that was received for technical review by me with my
7 initials in red. And I don't know if you can see it from
8 there or not, but there are two fingerprints that are in
9 powder here that were deemed to be of value for comparison,
10 so those are the two unknown fingerprints that were then
11 compared with all three known standards submitted in this
12 case.

13 Q Okay, and when you're talking about the three known
14 standards, you're talking about these three things that we
15 just covered, the prints from his fingers, as well -- from
16 Chris Moore's fingers, as well as his palms. Is that
17 right?

18 A We compared then to not only Christopher Moore, but we
19 also compared the unknown impressions to known standards
20 from an Odell Williams and from a Quinton McClinton. So we
21 compared the unknown to all known standards in the case.

22 Q Okay. And I'm going to show you what's been marked as
23 State's 80. Could you tell the jury what that is, please?

24 A This is what is commonly referred to as a comparison
25 chart. This is just going to show areas within the unknown

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1 impression that match areas within the known impression.

2 May I explain what a fingerprint is and how we get there
3 first?

4 Q Yes, please.

5 A Okay. On the palm of your hand and the soles of your
6 feet you have raised portions of skin which are called
7 ridges. Those ridges make up a unique pattern or flow to
8 every individual person. So these individual ridges can do
9 one of three different things. They can flow and just
10 suddenly stop, which we call an ending ridge. The ridges
11 can flow and fork into two ridges, which we refer to as a
12 bifurcation, or the ridge may present very small and
13 resemble a period at the end of a sentence, which we refer
14 to as a dot. So as a latent print examiner, when we are
15 looking at an unknown impression and comparing it to a
16 known impression, we are looking for the characteristics
17 that are present and the relationship to each other within
18 that overall ridge flow. So although two people are going
19 to have a bifurcation, they're not going to have a
20 bifurcation in the same position in the ridge flow as
21 related to other characteristics in that pattern. Okay?
22 So the palm has unique characteristics, and the
23 fingerprints themselves come in three basic flow patterns.
24 There's an arch, there's a loop and a whirl. So based on
25 the overall pattern, you then work inward to the individual

1 characteristics and the ridge flow within that pattern. So
2 when we complete a comparison and we prepare a comparison
3 chart, we are going to mark those characteristics that are
4 unique in that print and then we're going to look for those
5 same characteristics in a known impression and make sure
6 that they are not only present but they're present in
7 relationship to additional characteristics and within that
8 overall ridge flow.

9 Q Okay, I'm going to show you what's been marked as
10 State's Exhibit 80. And can you tell the jury what that
11 is, please?

12 A This is the comparison chart with the one impression
13 that was represented on this card. It's going to the
14 impression that was designated as .1, and as we did the
15 comparison of this unknown to all three known standards of
16 those three individuals that were submitted, it was found
17 to be an agreement forming an identification with
18 Christopher Moore. And we went through and you found those
19 characteristics and then we found them in a finger upon the
20 fingerprint card belonging to Christopher Moore, and we
21 then went through and found a comparison of the
22 characteristics, the relationship to each other and the
23 overall ridge flow to all be a match.

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1 Q Okay. And did you -- you created this document that's
2 80 or what was it -- how was it -- how did you come to
3 this?

4 A I created the document using our computer software and
5 then it was then printed on the poster-type board in our
6 photography lab.

7 Q Okay.

8 MS. HALL - Your Honor, at this time we'd just
9 move State's 80 into evidence.

10 MR. FRICK - No objection to that, Your Honor.

11 MS. HALL - All right, and I would ask that we be
12 allowed to publish this to the jury and that the witness be
13 allowed to further explain what she was doing or how she
14 came to these conclusions.

15 MS. HEZEL - May I step down, Your Honor?

16 THE COURT - You may step down.

17 Sheriff, you're going to need to arrange a couple
18 of bunks over at the jail, because we've got some folks
19 sleeping in the courtroom. We need to get a place for them
20 to lay down and sleep a while.

21 SHERIFF - Yes, sir.

22 THE COURT - If I catch you asleep back there
23 again, that's what's going to happen. Now, if you feel
24 like you can't stay awake and pay attention, out the door,
25 please.

1 Go ahead, counsel.

2 MS. HALL - Thank you, sir.

3 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
4 STATE'S EXHIBIT NUMBER 80.)

5 Q All right, and I guess this might make it easier to
6 explain, where did these -- where did each of these come
7 from first of all and then what did you do to ---

8 A Can we move it a little closer?

9 Q Yes.

10 A I don't know if they're going to be able to see it
11 that far away; they're very small characteristics. This is
12 the impression off of the latent lift that was collected on
13 the scene by Agent Burke that was lifted from the vehicle.

14 Q And that -- was that what would be depicted on this
15 card ---

16 A Yes.

17 Q -- 59? Or what number?

18 A 79.

19 Q 79.

20 A Okay. So .1 is the impression that is on this latent
21 lift. And that is from the rear passenger side exterior
22 door is how it was labeled. This is finger four from the
23 known standard of Christopher Moore, and this is finger
24 four; finger four is your right ring finger. Okay? So
25 upon the initial analysis you look to see if this

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1 impression in and of itself is of value for comparison,
2 meaning does it have value in ridge flow, are there
3 characteristics that you can observe within it that can
4 then aid you in comparing to any known standard that you
5 might need to. In this case this print did present to be
6 of value. We then started to look at the overall ridge
7 flow, and this appears to be a whirl pattern; it has kind
8 of that bulls eye making a full circle effect with the
9 ridges. So then the eye is automatically going to be drawn
10 to any other whirl patterns on any of the known standards
11 that are submitted. Christopher Moore presented with the
12 whirl pattern. So we have a whirl and a whirl. So we're
13 going to look at little closer. We're then going to start
14 looking for individual characteristics present within this
15 fingerprint. So you have an ending ridge right here above
16 the center of the impression. You look here, you have an
17 ending ridge at the center of the impression here, as well.
18 Okay? So from there you're going to start building. That
19 in and of itself is not enough. So you're going to work
20 from that characteristic and we're going to do a ridge
21 count to where our next characteristic is. So you're going
22 to come back here and -- I apologize, but it's easier for
23 me to look in this -- kind of look sideways -- so if you go
24 from where (c) is and if you count one, two, three, four,
25 five ridges up to (b), one, two, three, four, five, you

1 have another characteristic. Okay? So we're working all
2 on the unknown. We're trying to find the stuff in the
3 unknown. Now we're going to come back to our known. We're
4 going to come back to (c); we're going to do our count up.
5 We have the same characteristics. We have a bifurcation,
6 that one ridge that forks into two. So now you have two
7 characteristics that are in the same location and ridge
8 flow, and they're the same ridge count away from each
9 other, both in the known and the unknown. You are then
10 going to work the entire print like that, always going back
11 to your unknown. Okay? You never want to force anything
12 to match. You're just going to work from your unknown and
13 see if it matches your known. Okay? There are eight
14 points marked in this chart. There are additional points
15 that match. If you all get to take this back, you can find
16 the additional points yourself and just kind of see how our
17 science works, but just to show you one that wasn't
18 initially marked, if you work from (c) and you go one, two,
19 three counts to your left, going to (c), one, two, three,
20 you have a ridge that stops, that little ending ridge that
21 flows along and then goes nowhere, come back to your known,
22 here is your (c), one, two, three. Here is your same
23 little ending ridge that stops and goes nowhere. Okay? So
24 that's the basis of our science. We look for the presence
25 of characteristics, the relationship to each other within

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1 the overall ridge flow. Okay? The ridge flow has to be
2 consistent and so does that positioning of those
3 characteristics. So based upon that concept, this was
4 deemed to be an identification, meaning that all of the
5 points that were observed within the unknown are present in
6 the same area and within the same relationship to each
7 other in the known.

8 Q So were you able to say conclusively through your
9 analysis that the prints found on the Dodge truck that are
10 included on the print card 70 ---

11 A 9.

12 Q --- belong to Christopher Moore?

13 A Yes. Both -- both of the prints that were deemed to
14 be of value in this case were identified to Mr. Moore. .1
15 is this one that you see here which was identified to his
16 right ring finger, and point two was identified to his left
17 little finger, but the same overall methodology of doing
18 those comparisons was performed not only to Mr. Moore but
19 also to the other two known standards we have.

20 Q Okay. And I want to talk about that for a second in
21 just a minute. I'm going to get you to have a seat.

22 A Sure.

23 Q I'm going to show you what's been marked as State's
24 68. State's 68. Can you tell me what that is, please?

1 A This is a copy of the latent print report that was
2 completed and signed by Kimberly Meeres showing the results
3 of the comparison of all of the latent prints that were
4 deemed to be a value and the results of those comparisons.

5 Q And I think that you stated that you'd gotten known
6 prints from -- print cards not only from Christopher Moore,
7 but also from Odell Williams and Quinton McClinton.

8 Correct?

9 A That's is correct.

10 Q And you were submitted more than just this one item
11 from the Dodge truck. Is that right?

12 A Yes, there were five latent lifts submitted for
13 comparison.

14 Q Okay, and how many of them came back to Christopher
15 Moore?

16 A The only prints that were identified to Mr. Moore were
17 the two impressions from that card that you are holding.

18 Q And there were other conclusions reached in this case,
19 just not as they pertained to this defendant. Is that
20 correct?

21 A That is correct.

22 Q And that document that I just handed you is signed by
23 Kimi Meeres. Is that correct?

24 A That is correct.

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1 Q And you -- for each of those items you conducted
2 independent peer analysis on the -- with regard to the
3 analysis that she'd already done. Is that right?

4 A That is correct. I do the technical review, however,
5 the report only retains the signature of the initial
6 analyst assigned the case.

7 Q And you reach all the same conclusions. Is that
8 correct?

9 A Yes, I did.

10 Q And had you not, would you have approved it?

11 A No, I would not. We have a policy and procedure in
12 place for if a technical reviewer comes to a different
13 conclusion than the initial examiner, that we have steps
14 and protocol to follow so that a final result may be
15 reached.

16 Q Okay, and so had you not agreed with her findings and
17 conclusions, that report never would've been generated. Is
18 that a fair statement?

19 A That is correct.

20 Q And with regard to item number 52 and the analysis
21 that you described on State's evidence 80 -- number 80, was
22 that -- were those findings referred to or documented in
23 State's 68?

1 A Yes, they are. The results for item 52.1 which is the
2 unknown standard represented on that chart, shows a result
3 identified with item 71, Moore, Christopher.

4 MS. HALL - All right, and at this time, Your
5 Honor, State would move 68 into evidence.

6 MR. FRICK - No objection, Your Honor.

7 THE COURT - In without objection.

8 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
9 STATE'S EXHIBIT NUMBER 68.)

10 Q All right, I'm going to show you what's been marked as
11 State's Number 69, as well. Can you tell us what -- and
12 let me ask you really quickly. On 68, what's the date on
13 that?

14 A The date that this report was published was November
15 12th of 2014.

16 Q Okay, and with reference to State's Number 69, what is
17 that?

18 A This is a supplemental latent print report also signed
19 by Special Agent Kimberly Meeres. This report shows the
20 results of her processing of items that were submitted for
21 latent print processing, so it will show the results of
22 whether or not fingerprint evidence was obtained, all swabs
23 that were collected and where they were forwarded to within
24 the SLED laboratory for additional analysis.

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1 Q And can you tell from this report if any fingerprints
2 were actually found on any of these items submitted?

3 A Fingerprint evidence was observed on several items,
4 however, it was deemed to be of no value for comparison,
5 meaning that the ridge detail was not sufficient to provide
6 enough characteristics or enough ridge flow to then compare
7 to a known, so although it had shown evidence of being
8 touched, there was not enough evidence remaining there for
9 anything else to occur, so it receives a result of no value
10 for comparison. There was no additional fingerprint
11 evidence developed on any of these items to then go to the
12 next step of a comparison.

13 Q And those finger -- that would've been the comparison
14 made or the -- you said that there wouldn't -- you wouldn't
15 have been able to compare anything because there wasn't
16 enough to even if -- anybody's prints -- even the known
17 standards that you had, you would not have been able to
18 compare them?. Is that correct?

19 A Correct. The unknown impression that was upon these
20 items of evidence was just too small or did not contain
21 enough detail to be of any value to do any further
22 comparison with. When you touch an item, what leaves the
23 fingerprint is the sweat and the oils that accumulate along
24 those raised ridges we talked about earlier, so when you
25 accumulate that sweat and that oil from touching your hair,

1 collected. So as a latent print examiner, you have to then
2 decide where on that piece of evidence you can swab for DNA
3 without jeopardizing any potential latent print evidence.
4 So you're going to look for the textured areas that --
5 where that oil isn't going to touch or transfer evenly.
6 You're going to look for very small areas where the surface
7 area just isn't large enough to hold any obvious full
8 fingerprint or area of a fingerprint that has that many
9 characteristics. So in this particular case, Special Agent
10 Meeres received multiple pieces of evidence and she did
11 collect swabs from several of those pieces and using that
12 methodology of where to swab to not jeopardize the latent
13 print evidence, but to also collect DNA evidence, she then
14 moved forward with collecting both swabs and then
15 processing the item for latent prints.

16 Q Okay, and referring to her report, she received --
17 item 3 was a gun that she received. Is that correct?

18 A That is correct. It was an H&R revolver.

19 Q Okay. And that was swabbed, and then item 4 she also
20 received a .38. Is that item 4?

21 A Yes.

22 Q Okay, and no fingerprints were found on that, but it
23 was swabbed. Is that correct?

- 1 A There were fingerprints found, but they were not a
2 value of comparison, and yes, she did, indeed, swab that
3 item, as well.
- 4 Q And item 5 was a 9 millimeter gun. She swabbed that,
5 as well?
- 6 A Yes, she did.
- 7 Q And did not find fingerprints that she could use.
8 Right?
- 9 A Nothing of value, correct.
- 10 Q Okay, number 6 was -- was a rifle?
- 11 A Yes.
- 12 Q And did she find any fingerprints on that?
- 13 A No prints that were of value for comparison.
- 14 Q Did she swab it?
- 15 A Yes, she did.
- 16 Q Okay, and item number 7 was a -- that was -- it
17 appears to be a magazine containing 10 cartridges. Is that
18 correct?
- 19 A Yes, ma'am.
- 20 Q And no fingerprints for comparison were found on that?
- 21 A Nothing of value for comparison. Correct.
- 22 Q And that was swabbed, as well?
- 23 A Yes, it was.
- 24 Q All right, and I'm going to talk about item number 8.
- 25 A Okay.

1 Q I'm going to show you what's been marked as State's 61
2 and tell me if you recognize this or if you can tell where
3 that came from. Was that what she received a swab or what
4 she received to try to get prints off of?

5 A I never seen this evidence. I'm trying to find where
6 she marked it with her initials on the item, but sometimes
7 when the firearms evidence goes to the firearms unit it is
8 removed, but her initials and the date she sealed it are
9 represented up here, and it was sealed on the 7th of
10 November, 2014 and KDM are her initials to show that this
11 was in her custody and sealed by her. And then it also
12 contains the unique lab number of the 14199 and the unique
13 item number assigned to this particular item as item 8.

14 Q Okay, and when you swab something, do you give it a --
15 so that's item 8. Correct?

16 A Yes.

17 Q Okay, and so when you swab something, do you give it
18 some other item number to be able to differentiate it
19 between the one it originated from?

20 A Yes, the way that our computer system work is this is
21 deemed a parent item. Any swab or latent that you would
22 then collect off of this is deemed a child, so it gets a
23 sub-item, so when she swabbed this particular item -- this
24 is item 8 -- her swab became item 8.1, so it's a sub-item
25 from the original.

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1 Q Okay, and -- and what do you do with the swabs once
2 they are taken?

3 A The way our policy is written, in order to collect
4 touch DNA swabs from a surface that presents as completely
5 dry, you will open a package of sterile swabs. They look
6 like long-sticked Q-tips; they come in a sterile packaging
7 that is then opened in a clean environment in our clean
8 processing room. You then apply distilled water to one of
9 the two swabs so you have a wet swab and a dry swab, and
10 then you will then swab the areas deemed sufficient for
11 possible touch DNA with both the wet and the dry swab. In
12 this particular case, Kimmi collected two swabs from top
13 and bottom seams of item 8, so both from the top of the
14 magazine with both the wet and dry swab and in the base of
15 the magazine with the wet and the dry swab. Those swabs
16 are then allowed to air dry within our clean processing
17 room. Upon the completion of them being dried, they are
18 packaged in a small manila envelope and they are sealed
19 with seal tape; they are then transferred to the DNA
20 department for additional analysis.

21 MS. HALL - Excuse me just one second.

22 (WHEREUPON, DISCUSSION IS HELD REGRADING ROARING
23 IN THE MICROPHONES THAT IS INTERRING WITH HEARING)

24 Q When you -- when you refer to Agent Meeres 8.1, where
25 did she swab that magazine?

1 A She swabbed it along the top and bottom seams, so the
2 top portion of the magazine at what I would refer to as the
3 loading port -- I don't believe that's the scientific name
4 for it -- but it's where the cartridges are going to be
5 pushed down into the magazine so that the magazines can
6 hold rounds to be fired from the project -- from the weapon
7 itself, and she also swabbed the bottom portion of the
8 magazine. It's a small area. It's also textured; it has
9 raised and lowered parts. So it was in her opinion that
10 these areas were the areas that were most likely to render
11 unusable latent evidence, if any, so that's what was
12 swabbed for touch DNA.

13 Q Okay, and I'm going to let you refer to what's been
14 entered into evidence as State's 59, and going to the 8 --
15 this verified chain from SLED, is this a document that
16 you're familiar with?

17 A Yes.

18 Q Okay, and refer to item number 8, what did she do with
19 the swab once she took them off -- off the seams of the
20 magazine?

21 A Once the swabs were collected, they were then
22 transferred to Courtney Thompson who is a forensic
23 technician with -- who used to be employed in the evidence
24 log-in area downstairs. They were then held until Jennifer

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1 Clayton who is a agent within the DNA unit then took them
2 into her custody for further analysis.

3 Q Okay. And referring back to State's 69, which is the
4 report, I believe, that you were just looking at, other
5 items were swabbed, as well, and recorded under the same
6 manner. Right?

7 A Yes, they were.

8 Q Okay. And none of these items were -- had any
9 fingerprint value for comparison. Correct?

10 A That is correct.

11 MS. HALL - Your Honor, at this time State would
12 move 69, which is the report they did November the 19th of
13 2014 into evidence.

14 MR. FRICK - No objection.

15 THE COURT - In without objection.

16 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
17 STATE'S EXHIBIT 69.)

18 MS. HALL - Along with State's 79, which is the
19 fingerprint card from the Dodge truck.

20 MR. FRICK - No objection.

21 THE COURT - In without objection.

22 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
23 STATE'S EXHIBIT 79.)

24 MS. HALL - And also 71, 72 and 70 which are the
25 known standards from Christopher Moore.

1 MR. FRICK - No objection.

2 THE COURT - In without objection.

3 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
4 STATE'S EXHIBITS, 71, 72 AND 70.)

5 MS. HALL - Beg the Court's indulgence just for a
6 second. (Pause) I don't have any further questions for
7 this witness. Please answer anything from Mr. Frick.

8 CROSS EXAMINATION

9 BY MR. FRICK -

10 Q Ma'am, can you tell me how many total items latent
11 print's looked at? (sic)

12 A Give me one second. There were one, two -- there were
13 five latent lifts; there were standard fingerprints from
14 three individuals; I count 28.

15 Q 28 items of -- I will call them evidence that were
16 submitted for y'all to examine to see if anything of value
17 was there?

18 A Yes.

19 Q Okay. And items for value were found on ---

20 A Only the latent lifts that were submitted.

21 Q Okay. Which is the print off of that Dodge truck?

22 A Yes, and then there -- that car -- that latent lift
23 presented with value for comparison, and there were two
24 other latent lifts that presented with value for
25 comparison, as well.

TIFFANY HEZEL - CROSS BY MR. FRICK

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1 Q And those two came off that truck, didn't they?

2 A Yes, the two upon that one card came from the same
3 lift on one vehicle.

4 Q Okay. And, of course, as we look at State's Number
5 80, how many total points do you -- did you find that
6 matched?

7 A I don't have a number ---

8 Q Okay.

9 A --- off the top of my head, because I didn't mark
10 every point on there. I left some of them open to explain
11 our methodology.

12 Q Sure.

13 A The way out science works is there is not a set number
14 of points. The FBI deemed that there wasn't a set number
15 to rule as an identification. It has more to do with, as I
16 explained, the overall flow pattern, the characteristics
17 and their relationship to each other within that flow
18 pattern.

19 Q But you found enough points to be certain that that
20 fingerprint is Christopher Moore's. Right?

21 A Yes, I did. And there were no discrepancies within
22 the ridge flow to cause any alarm.

23 Q Okay. So there's really no doubt that Christopher
24 Moore's fingerprints were on that Dodge truck.

25 A Correct.

1 MR. FRICK - Thank you, ma'am. That's all the
2 questions I have.

3 MS. HALL - Nothing further from this witness,
4 Your Honor.

5 THE COURT - May she be excused?

6 MS. HALL - Yes, please.

7 MR. FRICK - Yes, sir, yes, sir.

8 THE COURT - Thank you. You may step down.

9 All right, it's break time. Take about 10 or 15,
10 stretch a little bit. And if I can get some of the
11 technicians in the crowd and let's find out what's causing
12 that squealing.

13 (WHEREUPON, RECESS TAKEN)

14 THE COURT - Ready for the jury?

15 MS. HALL - Yes, sir.

16 THE COURT - We're ready.

17 (WHEREUPON, JURY ENTERS THE COURTROOM)

18 THE COURT - Okay.

19 MR. MAXWELL - State calls Phil Gregory.

20 PHILLIP THOMAS GREGORY, AFTER BEING FIRST DULY

21 SWORN, TESTIFIES AS FOLLOWS -

22 DIRECT EXAMINATION

23 BY MR. MAXWELL -

24 Q Could you state your name for the record?

25 A Phillip Thomas Gregory.

1 Q And, Mr. Gregory, where are you currently employed?

2 A Chester Regional Medical Center.

3 Q Back in November of 2014, where were you employed?

4 A Chester County EMS.

5 Q And as a ---

6 A As a paramedic.

7 Q --- as working for EMS, did you respond to emergency
8 calls?

9 A Yes, sir. I was the senior paramedic.

10 Q On November 4th, 2014, were you dispatched to a
11 incident on Roundtree Circle that evening?

12 A Yes, sir.

13 Q When you arrived, what was going on at that location?

14 A Some guys come to my ambulance and said, it's a
15 councilman, it's a councilman, so that's when I walked over
16 to the ---

17 Q What did -- well, what did you see when you arrived at
18 that location?

19 A The burgundy Cadillac up against the house with a
20 gentleman walking from -- or stepping out of the car to the
21 chair.

22 Q Was that gentleman you saw stepping out of the car to
23 the chair the person you ultimately treated?

24 A Yes, sir.

25 Q Was that person later identified as Odell Williams?

1 A Yes, sir.

2 Q Where was the chair in relation to the car?

3 A Just a couple of feet from the door of the car.

4 Q I'm going to show you what's been marked State's
5 Exhibit 5(a), a picture of a red car against a house. Is
6 the chair you saw him sit in in that picture?

7 A Yes, sir, it was closer to the house.

8 Q Was it closer ---

9 A I mean closer to the car, ---

10 Q --- to the car?

11 A --- yes, sir.

12 Q Okay, thank you. Did you treat Odell Williams?

13 A I did.

14 Q What were the injuries as you saw them when you first
15 treated him?

16 A He had a -- had a through and through gunshot to the
17 face.

18 Q Was he conscious?

19 A Yes, sir.

20 Q Was he able to say anything?

21 A He was trying to mumble, but you couldn't hear it,
22 understand it.

23 Q When you first came in contact with him, was he
24 sitting in that chair?

25 A Yes, sir.

1 Q What things did you do in order to treat him?

2 A We got him on -- he stood up and got on our stretcher.
3 Once I got him in the back of my ambulance, we tried to put
4 some oxygen on him while we was getting everything ready,
5 and that's when he became agitated and just tried to fight
6 us a little bit, and he laid back down and that's ---

7 Q Is that -- would that agitation as you described it be
8 common for someone ---

9 A Yes, sir, very ---

10 Q --- sustaining something like that?

11 A --- very common. Yes, sir.

12 Q That is common?

13 A Yes, sir. And then that's when he went out, become
14 pulseless and apneic and we started our ACLS protocols.

15 Q What does that mean pulseless and ---

16 A He quit breathing and his heart stopped.

17 Q Did you ultimately take him to Chester Hospital?

18 A We did. I called -- I called a helicopter but due to
19 the type of injury he had and once his heart quit beating,
20 helicopter couldn't take him anyway, so we went ahead to
21 Chester Regional.

22 Q Were you there when he was pronounced dead?

23 A Yes, sir.

24 Q Was that at the hospital or in the ambulance?

25 A At the hospital.

1 Q Was he treated at the hospital?

2 A We did CPR on him for a little while at the hospital,
3 yes, sir.

4 MR. MAXWELL - No further questions, Your Honor.

5 CROSS EXAMINATION

6 BY MR. FRICK -

7 Q So when you got there he was already in the chair?

8 A When I was getting out of the truck, they were moving
9 him to the chair. I seen them move him to the chair, but
10 when I got to him, yes, sir, he was in the chair.

11 Q Okay. Okay. I think that's what he was showing you
12 on 5(a). Is that the chair we're talking about?

13 A Yes, sir, and it was closer to the car.

14 Q Okay. You said he attempted to speak but couldn't say
15 anything?

16 A Yes, sir, couldn't say anything.

17 Q All right. Did you notice -- other than the through
18 and through gunshot wound, did you notice any other
19 injuries to him?

20 A No, sir, that's the only wound I noticed.

21 Q Okay.

22 A Only one I treated.

23 Q Okay. Okay. You said when you got there that
24 somebody came up and said, it's a councilman, it's a
25 councilman?

WHITNEY BERRY - DIRECT BY MS. HALL

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1 A Yes, there was first responders on scene before I got
2 there.

3 Q Okay. Okay. All right.

4 MR. FRICK - Beg the Court's indulgence one
5 moment. (Pause) Thank you, sir. That's all the questions
6 I have.

7 MR. MAXWELL - Nothing further, Your Honor.

8 THE COURT - Thank you. You may step down.

9 MR. MAXWELL - Ask that he be excused, Your Honor.

10 MR. FRICK - No objection.

11 THE COURT - Witness is excused. Thank you, sir.

12 MS. HALL - State calls Whitney Berry.

13 WHITNEY BERRY, AFTER BEING FIRST DULY SWORN,

14 TESTIFIES AS FOLLOWS -

15 DIRECT EXAMINATION

16 BY MS. HALL -

17 Q Your name's Whitney Berry. Correct?

18 A Yes, ma'am.

19 Q And where are you employed?

20 A With the South Carolina Law Enforcement Division also
21 known as SLED.

22 Q Okay. How long have you been employed there?

23 A I've been employed there for three years.

24 Q And what is your position there?

1 A I am a forensic scientist in the trace evidence
2 department.

3 Q Okay. Could you explain to the jury what your
4 qualifications and your education are that bring you to
5 that position?

6 A Yes, ma'am. I have a bachelors of science and
7 chemistry from the University of South Carolina. When I
8 was hired on at SLED I began the trace evidence and house
9 training program for gunshot residue analysis. That was a
10 nine month program that included hands-on, written and
11 practical examinations, as well as working under the
12 supervision of a Court-qualified analyst. It also included
13 courtroom testimony observation and it ended with a mock
14 Court test. I've also attended training at the College for
15 Applied Sciences in Westmont, Illinois for gunshot
16 residence identification, as well as gan electron
17 microscopy.

18 Q Okay. And how long have you been employed at SLED?

19 A Three years.

20 MS. HALL - Your Honor, at this time we would
21 offer Agent Berry as an expert in trace analysis, most
22 specifically gunshot residue analysis.

23 MR. FRICK - No objection.

24 THE COURT - So qualified.