

ORIGINAL

VOLUME II OF IV

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chester County

Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CHRISTOPHER MARQUAVIOUS MOORE,

APPELLANT

APPELLATE CASE NO 2016-001429

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WHITNEY BERRY - DIRECT BY MS. HALL

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1 Q And you stated that you do work in the trace
2 department and that you -- that your main duty is to
3 analyze gunshot residue submissions. Is that correct?

4 A Yes, ma'am.

5 Q And I'm going to show you what's been marked as
6 State's 75, and tell me if you recognize this, please.

7 A Yes, ma'am.

8 Q Okay, is this a report that you generated on lab
9 number L1414199?

10 A Yes, ma'am.

11 Q And is it indicated that the victim in that case was
12 Odell Williams?

13 A Yes, ma'am.

14 Q And that the defendant in that case was Christopher
15 Moore?

16 A Yes, ma'am.

17 Q Okay, could you explain to the jury what gunshot
18 residue analysis is?

19 A Gunshot residue is the primer residue that comes out
20 of a gun when it is fired or discharged. This residue is
21 comprised of three metal components, lead, barium and
22 antimony, and these particles are microscopic in nature.
23 They're about one micron to ten microns in size. So if you
24 pulled a hair out of your head, about one hundred GSR
25 particles would fit across the diameter of your hair. What

1 we do is we take GSR kits that were collected by officers
2 in the field and we analyze them on a scanning electron
3 microscope with an x-ray detector, and it's like a computer
4 program that goes back and forth and analyzes a stub or an
5 area for different particular matter that might be on it.

6 Q And did you perform that type -- what did -- what does
7 it take to find gunshot residue? I mean what -- how do
8 you determine whether gunshot residue exists or not?

9 A Once the automated analysis from the instrument is
10 complete, we go back through it manually and we look at
11 anything that contains the lead barium and antimony
12 components, and we look at the shape of the particle so we
13 can see these microscopic particles and what shape they
14 have, as well as what elements they're made of so we can
15 see if there's a lot of lead or a lot of barium or if there
16 are things like iron or magnesium in them; we can see all
17 of that.

18 Q Okay, I'm going to show you what's been marked as
19 State's Exhibit 73. Can you tell me what that is, please?

20 A Yes, ma'am. This is SLED lab number L14-14199, item
21 number 47, one GSR kit collected from Odell Williams.

22 Q Okay. And was that item of evidence submitted to you
23 for analysis in this case?

24 A Yes, ma'am.

1 Q All right, could you explain to the jury what your
2 findings were?

3 A Yes, ma'am.

4 Q And if you could explain as you do that how you go
5 about making your findings?

6 A Yes, ma'am. Each GSR kit contains four particle
7 lifts, like this, and each particle lift is labeled for a
8 different area of the hand that we want tested, so they're
9 labeled for the right palm of the hand, right back, left
10 palm and left back in the hand. So when we analyze, we
11 analyze each of these areas individually. So on the GSR
12 kit from Odell Williams, for the right palm, particles of
13 gunshot residue were found. Also, round particles
14 associated with gunshot residue were found. So an
15 associated particle would be a single component particle,
16 so that would be just round lead or just round barium or
17 just round antimony. By themselves these particles can be
18 found in the environment, but when you see them with
19 particles of gunshot residue, which is one particle that
20 contains all three elements, it can indicate that a person
21 or an item was in the vicinity to the discharge of a
22 firearm. On the right back of Odell Williams's hand, one
23 particle of gunshot residue was found, one particle
24 consistent with gunshot residue was found and round
25 particles associated with gunshot residue were found. So

1 you would have your one three component particle; you would
2 have one round particle that contains two of the elements
3 together, and then you would have multiple particles that
4 contain a single element of interest. For the left palm,
5 round particles associated with gunshot residue were found,
6 and for the left back, round particles associated with
7 gunshot residue were found, and again, those are the single
8 component particles that we're looking at.

9 Q Okay. And did you generate a report that stated your
10 findings?

11 A Yes, ma'am.

12 Q And is this your report?

13 A Yes, ma'am, that is a copy.

14 Q Okay.

15 MS. HALL - At this time, Your Honor, the State
16 would move 75 into evidence.

17 MR. FRICK - No objection, Your Honor.

18 THE COURT - In without objection.

19 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
20 STATE'S EXHIBIT NUMBER 75.)

21 Q All right, Agent Berry, can you tell me what this
22 means to you in terms of the conclusions that can be drawn
23 with regard to whether the victim in this case shot a gun
24 or not?

1 A We generally expect to find gunshot residue on the
2 victim of a shooting. When someone pulls the trigger of a
3 gun, the majority of the gunshot or primer residue is going
4 to follow the path of the projectile or bullet towards its
5 intended target. A smaller amount is going to come out of
6 the cylinder gap on a revolver or the ejection port on a
7 semiautomatic gun and that's going to engulf the hands of
8 the shooter. If you've ever seen an old western movie,
9 whenever they pull the trigger, you see the little plume of
10 smoke, that's what we're looking at, but then the majority
11 of it will actually follow the bullet. So in the case of a
12 GSR kit collected from a victim, we have no way to
13 determine if that gunshot residue is on them because they
14 were shot or if that gunshot residue is on them from
15 another reason.

16 Q And with regard to -- are you able to tell -- like if
17 some -- if there is gunshot residue on somebody's hands,
18 are you able to tell when they shot a gun or when they were
19 shot, like a time or how long it had been before the
20 gunshot residue kit is collected?

21 A Yes, we have a time-frame that we're looking at. We
22 won't test anything that was collected off of a living
23 person's hands if the incident was more than six hours from
24 the collection time. So once an incident occurs, an
25 officer has six hours to collect the GSR kit off someone's

1 hands or else we can't test it. The reason for that is
2 after six hours, it's expected that any gunshot residue
3 that is on somebody's hand will have been removed somehow.
4 It can be removed by wiping the hands on something, normal
5 everyday activity such as putting your hands in your
6 pockets. It can be removed through environmental factors,
7 such as excessive wind or rain. It can be removed through
8 having water on the hands, blood on the hands, can even
9 absorb through the skin. So after that six-hour cut-off we
10 have no way to tie that GSR back to a specific incident.

11 Q Okay, what about on somebody who's deceased?

12 A On a deceased person GSR will stay indefinitely. It
13 will stay until it's removed by an outside source, so it
14 could be that outside source is rain, if the person is
15 laying on the ground, or it could be any other number of
16 things that can remove the GSR off their hands, but there
17 is no time limit for collection on a deceased person.

18 Q And is this the only submission that you received in
19 this case?

20 A Yes, ma'am.

21 Q So you didn't receive gunshot residue collection kits
22 on any -- on the Defendant, Chris Moore, ---

23 A No, ma'am.

24 Q --- or on anybody else involved in this situation?

25 A No, ma'am.

WHITNEY BERRY - CROSS BY MR. FRICK

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1 MS. HALL - Thank you. Please answer any
2 questions Mr. Frick may have.

3 CROSS EXAMINATION

4 BY MR. FRICK -

5 Q Ms. Berry, when you get a GSR kit, can you look at the
6 particles and determine a caliber of a weapon?

7 A No.

8 Q Okay. In this particular case, you had -- is it four
9 items, basically, you were looking at?

10 A It was four sub-items from item 47, so this container
11 is item 47, and there are GSR stubs inside of it, ---

12 Q Right.

13 A --- so each one of them was analyzed, yes.

14 Q Okay. And so it had the palm of the right hand, the
15 back of the right hand, palm of the left hand, back of the
16 left hand of Odell Williams.

17 A Yes, sir.

18 Q And you found gunshot residue on all four of those
19 areas.

20 A I found gunshot residue on the right palm and the
21 right back, ---

22 Q Okay.

23 A --- and I found associated particles of gunshot
24 residue on all four area, ---

25 Q Okay.

1 A --- that one round consistent particle on the right
2 back.

3 Q Okay. Which doesn't tell you whether somebody fired
4 the gun or not but you were around the gun that was fired.

5 A That is correct.

6 Q Okay. But you certainly couldn't tell from that -- or
7 maybe you can -- I don't know -- you're the expert -- which
8 hand somebody was holding a gun in?

9 A No.

10 MR. FRICK - Thank you, ma'am. That's all the
11 questions I have.

12 MS. HALL - Just a second. (Pause)

13 RE-DIRECT EXAMINATION

14 BY MS. HALL -

15 Q Agent Berry, can you say definitely that the victim in
16 this case fired a weapon?

17 A No, I can't say whether he fired a weapon, no.

18 Q Okay. If we assume he did fire a weapon, can you say
19 definitely which hand he fired it with?

20 A No.

21 Q Can you say definitely that he didn't use both hands
22 to fire it?

23 A I would have no way of knowing that, no.

24 Q Are your findings consistent with somebody firing with
25 both hands?

WHITNEY BERRY - RE-CROSS BY FRICK - RE-DIRECT BY HALL 445

1 A They're as consistent as with firing -- or with
2 somebody firing with both hands as they are with a victim
3 being shot.

4 MS. HALL - Thank you. I don't have anything
5 further.

6 RE-CROSS EXAMINATION

7 BY MR. FRICK -

8 Q Just briefly on being shot. If it were a distant
9 shot, would you expect to find GSR in most instances?

10 A It would depend on the caliber of gun and what the
11 distance was.

12 Q Okay. If it were a greater distance, would there be
13 lesser or more gunshot residue you would expect to see?

14 A It would depend on the caliber and type of gun.

15 MR. FRICK - Okay. All right. Thank you.

16 RE-DIRECT EXAMINATION

17 BY MS. HALL -

18 Q Is it safe to say that something fired by an SKS rifle
19 would -- there would be greater chance of that -- that --
20 you could find residue from somebody being shot with that
21 at a distance than it would be with a .32 caliber pistol?

22 A Yes, there would be more likely a chance of that, yes.

23 MS. HALL - Thank you.

24 MR. FRICK - Nothing.

25 THE COURT - You may step down.

1 MS. HALL - Your Honor, we'd ask that she be
2 excused, as well.

3 MR. FRICK - No, -- nothing further.

4 THE COURT - Witness is excused. Thank you.

5 MS. HALL - The State would call Jennifer Clayton.

6 JENNIFER CLAYTON, AFTER BEING FIRST DULY SWORN,

7 TESTIFIES AS FOLLOWS -

8 DIRECT EXAMINATION

9 BY MS. HALL -

10 Q All right, Ms. Clayton, you are Agent -- Special Agent
11 Clayton with the South Carolina Law Enforcement Division.

12 Is that correct?

13 A That's correct.

14 Q And how long have you been employed with the South
15 Carolina Law Enforcement Division?

16 A It will be 14 years in August.

17 Q And what is your position there now?

18 A I am currently a DNA analyst.

19 Q And how long have you been employed by SLED in that
20 capacity?

21 A It will be 12 years in August.

22 Q Okay. And what is your educational background and
23 training that qualifies you to be a DNA analyst at SLED?

24 A I earned a bachelor's of science in biology from The
25 University of North Carolina at Chapel Hill. I've also

JENNIFER CLAYTON - DIRECT BY MS. HALL

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1 taken classes at NC State and USC. My course work includes
2 bio-chemistry, molecular biology genetics and statistics.
3 I completed an internship with The North Carolina State
4 Bureau of Investigations Molecular Genetics Department,
5 which is the equivalent of SLED'S DNA department. I
6 originally hired on with SLED as a forensic technician in
7 the DNA department, and I worked as a technician for two
8 years before being hired as an analyst. Once I was hired
9 as an analyst, I completed a one-year training program
10 under another qualified analyst and did case work under his
11 supervision before I was allowed to do case work on my own.

12 Q Okay. And did you ---

13 MS. HALL - Your Honor, at this time the State
14 would offer Special Agent Clayton as an expert in DNA
15 analysis.

16 MR. FRICK - No objection, Your Honor.

17 THE COURT - So qualified.

18 Q Did you have occasion to perform DNA analysis in this
19 case?

20 A Yes, I did.

21 Q Okay. And I want to show you what's been marked as
22 State's Exhibit 77. (Pause) I show you what's been marked
23 as State's 77, and tell me if you recognize that, please,
24 ma'am.

25 A Yes, I do.

1 Q Okay, and what is it?

2 A This is a copy of one of the reports I issued in this
3 case.

4 Q Okay, and what is the date on this report?

5 A This report is dated June 12th, 2015.

6 Q And I'm going to show you what's been marked as
7 State's Exhibit 17. Tell me if you recognize that.

8 A Yes, I do.

9 Q Okay, and what is that?

10 A This is three swabs that were submitted for evidence.
11 They are swabs from a Honda Accord, and I recognize the
12 item because I wrote the lab number that was assigned to
13 this case on the pouch, as well as the SLED item numbers
14 and my initials on the pouch.

15 Q Okay. And um, could you explain to the jury the
16 process that you go through when you receive an item in
17 preparation for analysis?

18 A When items of evidence are submitted, if there is a
19 DNA analysis request, they believe there might be skin
20 cells from touch DNA or blood from an individual on an
21 item, then a DNA request is placed on the item; I will then
22 retrieve the evidence, if it's my case, and before I begin
23 analysis, I will inventory the evidence to determine that
24 what is described on the item of evidence matches what is

1 in our system so that I am sure that what I'm analyzing is
2 the evidence that -- the correct evidence.

3 Q Okay, and what is the condition? Do you -- is there
4 anything that you observe about the condition of items when
5 you receive them?

6 A Yes. I check to make sure that they are properly
7 sealed and there is no indication of anything that might
8 affect the ability to develop a profile, such as if it was
9 packaged wet for a long period of time or had developed
10 mold or anything like that.

11 Q Okay. And if those conditions existed, if it was
12 packaged wet and developed mold or if the seal was broken
13 and -- would you -- would you at that -- what would you do
14 at that point?

15 A At that point I would have to follow up. Sometimes
16 even if an item is packaged wet or even becomes moldy, it
17 can still be analyzed. If the seal appears to be broken,
18 at that point I would have to stop analysis, follow-up to
19 determine if the integrity of the evidence is, in fact,
20 still in tact. If it is not, then no DNA analysis can be
21 performed on that item, because we have to insure that the
22 evidence that's submitted is, in fact, the correct
23 evidence.

1 Q Okay. And is it safe to say with regard to every item
2 that was submitted to you on this June 12th report, that --
3 that the seals were in tact, ---

4 A Yes.

5 Q --- and um, and that they were not wet or moldy or
6 there was no compromise of the evidence that was submitted?
7 Is that a fair statement?

8 A Yes.

9 Q Okay. All right, now did you perform analysis on the
10 -- on the samples that you're holding in your hand that
11 were sent from the Chester County Sheriff's Department and
12 came from the Honda Accord?

13 A I analyzed two of the three swabs; three swabs were
14 submitted. The third swab was just a water sample, so it
15 was, basically, a controlled swab. I did not analyze that
16 swab. Running a controlled swab is not relevant for our
17 particular analysis, so I only ran the two items that had
18 sample collected on them.

19 Q Okay, with regard to 1.1 on your report, are you able
20 to tell where that swab came from?

21 A Yes. It's listed as a swab from the backseat of a
22 passenger side of a Honda Accord.

23 Q Okay, and were you able to analyze that and draw
24 conclusions about -- about that item?

25 A Yes, I was.

1 Q Is the -- is the first test you run -- were -- do you
2 test to see if it's blood?

3 A If there is a request to test to see if the item might
4 contain blood or if I look at the sample and it has a stain
5 that it appears that it might be blood, then I will test
6 for the presence of blood. I performed a presumptive test
7 on this item and the presumptive testing for blood was
8 positive on this item.

9 Q All right, and then once you -- once you made that
10 determination, did you do any further analysis?

11 A Yes.

12 Q Okay, could you tell the jury about that, please.

13 A Once it was determined that there was possible blood
14 present on the item, I took the item to DNA analysis, and I
15 developed a DNA profile from the item for comparison to a
16 known standard if one was submitted. A known standard is a
17 sample that's taken directly from an individual, so I know
18 that when I develop a DNA profile from a standard, that
19 that profile came directly from a particular individual and
20 I can determine -- I can do a comparison between a piece of
21 evidence and a standard to determine if the individual who
22 donated the standard could have contributed DNA to the item
23 of evidence.

24 Q Okay, I'm going to show you what's been marked as
25 State's 11. (Pause) I'm going to show you what's been

1 marked as State's Exhibit 11. Can you tell -- tell the
2 jury what that is, please?

3 A That is SLED item number 77, and it is buccal swabs
4 taken from Christopher Moore, and that would be a known
5 standard from Christopher Moore.

6 Q Okay, so it was -- um, is it fair to say that when you
7 got -- when you found that there was blood on 1.1, that
8 there was a known standard that had been submitted from
9 Christopher Moore, would that enable you at that point in
10 time to do analysis to determine if that, the blood on 1.1
11 belonged to Christopher Moore?

12 A Yes, the -- I -- the DNA profile was developed from
13 the evidence and then separately DNA profiles are developed
14 from any standards and then a comparison is made between
15 those to determine if there's a match.

16 Q And um, was there a match in this case?

17 A Yes, the DNA profile developed from SLED item 1.1
18 matches the DNA profile of Christopher Moore.

19 Q Okay, and are there some statistics that go along with
20 that?

21 A Yes. When we determine a match, we include a
22 statistic to give weight to the match, and the probability
23 of randomly selecting an unrelated individual having the
24 DNA profile matching this item is approximately one in two
25 hundred and twenty sextillion. That means if I were to go

1 out into the population and choose one person at random
2 unrelated to the individual that left the DNA on the
3 evidence, the probability of it just by chance they would
4 have that same probab -- that same DNA profile is
5 approximately one in two hundred and twenty sextillion,
6 meaning it's very, very, very unlikely that you would
7 choose someone at random that just happened to have the
8 same DNA profile as the profile on the evidence.

9 Q All right, so can you state within -- with a good
10 degree of scientific certainty that the blood sample from
11 1.1 is Christopher Moore's?

12 A In my opinion, the DNA profile developed from item
13 1.1, assuming it does not have an identical sibling, came
14 from Christopher Moore.

15 Q And then did you perform the same analysis with regard
16 to 1.2?

17 A Yes, I did.

18 Q Okay. And that's also included with State's --
19 State's 17. Is that correct?

20 A Yes, that's correct.

21 Q All right. And um -- and you received that submission
22 as well and did you perform the same analysis?

23 A Yes, I performed a presumptive test for blood. The
24 test was positive. I took the item on to DNA analysis and

1 that -- the DNA profile developed from item 1.2, SLED item
2 1.2 also matches the DNA profile of Christopher Moore.

3 Q And are the statistics with regard to that match the
4 same as the ones you discussed with regard to 1.1?

5 A That's correct.

6 Q And so, again, you can say with a good degree of
7 scientific certainty or a confident degree of scientific
8 certainty that that 1.2 sample does belong to Christopher -
9 - did come from Christopher Moore, as well?

10 A In my opinion, assuming he does not have an identical
11 sibling, yes, it came from him.

12 Q All right. And um -- let me show you what's been
13 marked as State's 13. Can you identify that, please?

14 A This is SLED item number 2, and is swabs taken from
15 the back passenger door of the Yukon.

16 Q Okay, and did you perform analysis on that item?

17 A Yes, I did.

18 Q Did you first test it to see -- to do a presumptive
19 testing for blood?

20 A Yes, I did.

21 Q Okay, and was that positive?

22 A Yes, it was.

23 Q And then did you do the same analysis and develop a
24 profile from item number 2?

25 A Yes, I did.

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1 Q And did that -- and did you compare that with the
2 profile that you had developed from Christopher Moore?

3 A Yes, I did.

4 Q And did you reach a conclusion with regard to item
5 number 2?

6 A Yes, the DNA profile developed from item 2 also
7 matches the DNA profile of Christopher Moore, and it meets,
8 again, the same statistic of probability of randomly
9 selecting an unrelated individual from the population
10 having a DNA profile matching this item is approximately
11 one in two hundred and twenty sextillion.

12 Q Okay, and these -- so far the findings that you --
13 with regard to 1 -- item 1, 1.1, 1.2 and number 2, those
14 are included in your report. Is that correct?

15 A That's correct.

16 MS. HALL - Okay, Your Honor, at this time the
17 State would move to admit 17 and 13, 17 being the swabs
18 from the backseat of the Accord that she bases her analysis
19 on and conclusions on, we'd move that one into evidence, as
20 well as number 13, which were the swabs from the back
21 passenger door of the Yukon.

22 MR. FRICK - No objection to any of that.

23 THE COURT - Without objection.

24 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
25 STATE'S EXHIBIT NUMBER 17 AND 13.)

1 Q All right, and you performed other analysis on
2 different items throughout the course of this -- throughout
3 the course of your analysis of this (sic) submissions. Is
4 that correct?

5 A That's correct.

6 Q All right. And just to touch on item number 3, was
7 that -- that was a gun that was submitted to you?

8 A I did not receive the gun itself; I received the swabs
9 from the gun.

10 Q Okay. And you also received a known standard from the
11 victim in this case, Odell Williams. Is that correct?

12 A That's correct.

13 Q And is it true that 3.1 and 3.2, the swabs from the
14 gun, matched Odell Williams?

15 A That's correct, the profile developed from those items
16 matched the DNA profile of Odell Williams.

17 Q And um -- you indicated on that, on 3.2 that these two
18 swabs did come from a .32 revolver. Is that correct?

19 A That's correct.

20 Q And then you received many other items from -- swabs
21 from item number 4 which is a .38 revolver? Is that
22 correct?

23 A That's correct.

24 Q Okay, and were you able to develop a profile from --
25 from that?

1 A I did develop a profile from SLED item 4.1, however,
2 it was a mixture of at least three individuals and it was a
3 complex mixture, so it was determined to not be suitable
4 for comparison to standards.

5 Q Okay. With regard to 4.2 and 4. -- well, 4.2, did you
6 attempt to create a profile from that, as well?

7 A I did. No DNA profile was developed from SLED item
8 4.2, which means that either there was no DNA present on
9 those swabs or the amount of DNA was so low, such a small
10 amount of DNA, that our instruments were unable to detect
11 it.

12 Q Did that also come from the .38 revolver?

13 A Yes, it did.

14 Q Okay. And on some of these items no analysis is
15 performed. Is that correct?

16 A That's correct.

17 Q And why would you decide not to perform analysis on
18 something?

19 A When evidence is submitted, we typically start with
20 the items that are most likely to yield a probative result.
21 Some items are not a very good source of DNA. It's not to
22 say that we can't develop a profile from them, but the more
23 frequent result is that we do not develop a profile from
24 them, so if there are other items of evidence that are
25 relevant to the case that have a high probability of

1 developing a DNA profile, we start with those items of
2 evidence.

3 Q Okay. And if you're able to develop a profile from
4 those ones that are more likely to get that, do you -- and
5 you get the profile, do you stop there?

6 A Typically. If there is a request made for additional
7 analysis on some of those other items that we did not
8 initially analyze, we will go back and -- excuse me -- we
9 will go back and analyze additional evidence.

10 Q And you performed -- I'm just going to go kind of
11 through this pretty quickly -- item 5 were -- those were
12 swabs from a 9 millimeter handgun. Is that correct? 5.1
13 and 5.2?

14 A That's correct.

15 Q Okay, and ---

16 A Well, the -- 5.1 was swabs from the trigger and grip
17 of a handgun, and item 5.2 was swabs from head stamps of
18 unfired cartridges from the 9 millimeter handgun.

19 Q Okay, and were you able to determine whose -- if
20 anyone's DNA was on that, or if it was whose it was?

21 A The DNA profile developed from 5.1, which is the swabs
22 from the handgun, yielded a mixture that was not suitable
23 for comparison, and no analysis was performed on the swabs
24 from the head stamps from the unfired cartridges from the
25 handgun.

1 Q And what about item 6? Is that the rifle that was
2 submitted?

3 A That's correct. SLED item 6.1 was swabs from the
4 trigger and both grips and stock of the rifle, and item 6.2
5 was swabs from the head stamps from unfired cartridges from
6 the rifle. Item 6.1 yielded a complex mixture that was not
7 suitable for comparison, and item 6.2, the swabs from the
8 unfired cartridges were not analyzed.

9 Q And were you able -- okay, did you perform an analysis
10 on item 7, which was an unfired cartridge from a handgun
11 magazine?

12 A No, I did not.

13 Q Okay, and 8.1, I'm going to show you what's been
14 marked as item 8, which is State's 61, and item 8.1, which
15 is included in other -- (pause) -- and also State's 81.
16 Does State's 81 include a swabbing from State's 61?

17 A State's 81 actually has extracts -- let's see -- and
18 one of those extracts is from item 8.1, which was swabs
19 from item 8, which is State's Exhibit 61. An extract is
20 what I get during my process of analysis. I do an
21 extraction process which separates the DNA from the cotton
22 swabs and other skin cells, dirt, debris, so that I have a
23 clean DNA sample, and so this would be -- this, too,
24 contains the extracts from item 8.1, the swabs from the
25 magazine.

1 Q Okay. And were you able to develop a profile from the
2 -- from the -- and this was taken from the bottom seam of
3 the rifle magazine. Is that correct?

4 A That's correct.

5 Q Okay, and were you able to develop DNA profile from
6 that?

7 A Yes, I was.

8 Q Okay, and did you -- were you able to compare that and
9 determine whose DNA was on that rifle magazine?

10 A The DNA profile developed from item 8.1 is a mixture
11 of at least three individuals; that means at least three
12 individuals, possibly more individuals, contributed DNA to
13 that item. The DNA profile developed from a major
14 component is a mixture of two individuals. What that means
15 is that while multiple individuals contributed DNA to the
16 item, two individuals contributed the majority of the DNA,
17 so I was able to isolate a separate mixture profile of the
18 two individuals. Christopher Moore cannot be excluded as a
19 possible contributor to this major component. That doesn't
20 mean that he definitively is a contributor, but he is
21 included as a possible contributor. The probability of
22 randomly selecting an unrelated individual who could have
23 contributed to this mixture of two individuals is
24 approximately one in nineteen million. Odell Williams,

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1 Crystal Jones and Jason Binnall are all excluded as
2 possible contributors to this mixture.

3 Q Okay. And with -- with regard to Christopher Moore,
4 what is that -- in layman's terms, what does that mean?

5 A That Chris -- well, based on the results from the
6 evidence and based on the DNA results from Christopher
7 Moore, all of the information in his profile is present in
8 the profile, the mixture profile, from the evidence. Now,
9 it doesn't -- it's not like a single source profile where
10 you can look at the profile and everything in the profile
11 has to match the standard exactly and you can say this is a
12 match. There are multiple combinations that are possible
13 with a mixture, and so I just have to look at a mixture and
14 look at the profile from a standard and say are his numbers
15 -- are the numbers present in his profile -- because a DNA
16 profile is reported as a string of numbers -- are the
17 numbers in his profile present, so is it possible that that
18 mixture is made up partly of his profile and if - if that's
19 possible, then he's included as a possible contributor.
20 And if his numbers aren't present, then he's excluded as a
21 possible contributor. So Christopher Moore was included,
22 but I can't do a match like I do at the single source, so I
23 can't definitely say this profile came from Christopher
24 Moore, but he is included as a possible contributor.

1 Q And as you stated before, the chances of finding
2 somebody else on -- just randomly selecting somebody else,
3 the statistics of that are one in nineteen million people.
4 Is that correct?

5 A That's correct. If I were to choose someone from the
6 population at random, the probability that they would have
7 a DNA profile that could've contributed to this mixture is
8 approximately one in nineteen million.

9 Q Okay. And then there were several other cartridges
10 cases that were submitted, item 9, 10, 11, 12, 13, all the
11 way through -- keep going all the way -- I mean
12 chronologically -- and you can see this on your report --
13 through number 29, and um, these were cartridges cases that
14 were submitted to you?

15 A I actually received the swabs from cartridges cases,
16 but that's correct. There were multiple cartridges cases
17 that were submitted and no analysis was performed on those.

18 Q Okay. Okay, and then I'm going to show you what's
19 been marked as State's -- it's your item number 42, State's
20 item number 66. Can you tell us what that is?

21 A Item 42 is swabs from a Crown Victoria.

22 Q Okay, and that -- as we stated -- and that was your
23 item number 42. Is that Correct?

24 A That's correct. It's SLED item 42.

1 Q Okay, and did you do a presumptive testing for blood
2 on that?

3 A I did.

4 Q And did it test for blood?

5 A The presumptive test was positive indicating that
6 blood was present on the item.

7 Q Okay, and did you -- were you able to compare that
8 with any known standards that you were given?

9 A Yes, and a DNA profile was developed from item 42.
10 The DNA profile developed from item 42 also matches the DNA
11 profile of Christopher Moore.

12 Q I'm going to show you what's been marked as State's
13 Number 62. I believe it would be your number 43, but
14 please confirm that.

15 A That's correct.

16 Q All right, and where did that come from?

17 A Item -- SLED item 43 is swabs from a fence at 622
18 Parkway.

19 Q All right, and did you do a presumptive testing for
20 blood on that?

21 A Yes, I did, and that test was positive indicating
22 presence of blood.

23 Q Okay, and were you able to perform DNA analysis on it,
24 develop a profile and compare it to any other profile that
25 you'd already developed?

1 A Yes. The DNA profile developed from item 43 matches
2 the DNA profile of Christopher Moore.

3 Q And are those statistics on the blood from the fence
4 and the blood from the Crown Victoria, are those also one
5 in two hundred and twenty sextillion, the statistics are
6 one in twenty -- two hundred and twenty sextillion?

7 A Two hundred and twenty sex -- two hundred and twenty
8 sextillion. Correct.

9 Q Okay, thank you. And those -- and those conclusions
10 are also included in your report. Is that correct?

11 A That's correct.

12 Q Okay, and at the time that you received all of these
13 submissions, you also received a blood standard from Odell
14 Williams. Is that correct?

15 A I did receive a blood standard from Odell Williams.
16 Correct.

17 Q And at this time did you um -- did you develop a
18 profile on him?

19 A I did develop a profile from the standard of Odell
20 Williams. Correct.

21 MS. HALL - Your Honor, at this time State would
22 move 62, 66 and -- which are both the swabs that we just
23 talked about -- the 62 being from the fence, 66 being from
24 the Crown Victoria. We'd move those into evidence.

25 MR. FRICK - No objection to that.

1 THE COURT - In without objection.

2 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
3 STATE'S EXHIBITS 62 AND 66.)

4 A I believe I may have misspoken on some of my
5 presumptive test results.

6 Q Okay, go ahead.

7 A I'm not sure which ones I responded to and which ones
8 I did not, but on item 8.1 -- did you ask about item 8.1?

9 Q Yes, ma'am; that was from that rifle magazine.

10 A Okay, presumptive testing for that item was negative.
11 I apologize. I think I stated it was positive and it was
12 not.

13 Q For 8.1?

14 A Yes, that's correct. The swabs from the firearm, the
15 sums of item 8, presumptive testing for that item was
16 negative.

17 Q Okay, and it was negative for blood. Is that correct?

18 A That's correct, it was negative for blood, but I did
19 develop a DNA profile, yes.

20 Q And what would that have come from?

21 A It -- when an individual handles an item, they can
22 leave skin cells behind on an item. So it's very common if
23 you handle a gun, or anything that you handle, keys, a door
24 handle, that you can leave DNA behind on that item.

1 Q Okay, but you -- the conclusions that you reached with
2 regard to your DNA conclu -- the DNA conclusions -- or the
3 conclusions you reached from your analysis on item 8.1,
4 again, would be Christopher Moore could not be excluded as
5 a possible contributor. Is that correct?

6 A That is correct.

7 Q And are the statistics still one in nineteen million
8 chance of randomly selecting an unrelated individual?

9 A That could be included as possible contributor -- that
10 is correct.

11 Q Okay. All right, at this time -- I mean -- and I
12 wanted to give you a chance if you had anything else to say
13 about that to go ahead and do it.

14 A Yes. Did I -- did you ask about the presumptive
15 testing for item 4.1?

16 Q (No response)

17 A I don't believe you did. That was the one where I
18 developed an mixture that was not suitable for comparison.

19 Q Right. That was -- I just wanted to talk about the
20 conclusions, and that again was the -- that was from the
21 .38 revolver. Correct?

22 A That's correct.

23 Q Okay.

24 A Sorry about that. I just wanted to clarify.

25 Q Appreciate it. Thank you.

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1 MS. HALL - State would move 77, which is the
2 report from Agent Clayton dated June 12 of 2015 into
3 evidence at this time.

4 MR. FRICK - No objection.

5 THE COURT - In without objection.

6 MS. HALL - Okay.

7 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
8 STATE'S EXHIBIT NUMBER 77.)

9 Q Okay. And I'm going to show you what's been marked as
10 State's 78, which is your -- let you tell me what that is.

11 A Yes, this is a copy of another report that I issued in
12 this case.

13 Q Okay, and the date on that report is?

14 A August 28th, 2015.

15 Q And I think earlier that you stated sometimes in your
16 initial report you don't do analysis on certain items, and
17 then later maybe they would be resubmitted for further
18 analysis. Is that correct?

19 A That's correct. In some cases we do not initially
20 analyze all evidence.

21 Q Okay. And what was the reason for the August 28th of
22 2015 report?

23 A Additionally analysis was requested. The -- I believe
24 it was the solicitor's office requested analysis on item
25 31.1 which was a swab -- it's slight (sic) item 31.1, which

1 is a swab of possible biologic debris on item 31 which was
2 a bullet fragment.

3 Q I'm going to show you what's been marked as State's
4 41. Is that item 31?

5 A I did not actually receive item 31, however it is
6 labeled with the SLED lab number and the item 31. I
7 actually received a swab from item 31.

8 Q And do you know where you received that swab?

9 A It was routed from our -- I believe it was from
10 firearms department. I would have to check our chain of
11 custody to be certain, but I believe it was from our
12 firearms department.

13 Q Okay, and I'm going to show you what's been already
14 entered into evidence as State's 59, if you could tell us
15 with certainty where you received the 31.1?

16 A SLED item 31.1 was created by Dan DeFreese, and it was
17 originally returned to the submitting agency and then
18 resubmitted to SLED for analysis. And I retrieved it from
19 our evidence control department.

20 Q Okay. And um, did you perform analysis on that item?

21 A Yes, I did.

22 Q Okay. And um, what were you -- did you reach
23 conclusions?

24 A Yes, I did.

25 Q Okay, and what were those conclusions?

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1 A The partial DNA profile developed from item 31.1
2 matches the DNA profile of Odell Williams. The probability
3 of randomly selecting an unrelated individual from the
4 population having a DNA profile matching this item is
5 approximately one in seven hundred and twenty trillion. So
6 partial DNA means that I did not -- I did not obtain
7 complete results from the item, however, all of the
8 evidence, all of the results that I did obtain for that
9 profile did match the profile of Odell Williams.

10 Q And was that -- with regard to that August 28th, of
11 2015 report, is that the only difference or addition to the
12 report that was entered from June 12th of 2015?

13 A That was the only additional item analyzed. Correct.

14 MS. HALL - Your Honor, at this time State would
15 move Exhibit 78 into evidence, which is Agent Clayton's
16 report from August 28th of 2015.

17 MR. FRICK - No objection, Your Honor.

18 THE COURT - In without objection.

19 MS. HALL - And also item 11, which is the buccal
20 swab from Chris Moore that was collected on February the
21 12th of 2015.

22 MR. FRICK - No objection.

23 THE COURT - In without objection.

24 MS. HALL - It's 11.

1 (WHEREUPON, DOCUMENTS, MARKED INTO EVIDENCE AS
2 STATE'S EXHIBITS NUMBERS 78 AND 11.)

3 MS. HALL - And then item 81, which is the 8. --
4 and item 81 which is -- contains 8.1 which Agent Clayton
5 bases her analysis on.

6 MR. FRICK - No objection.

7 THE COURT - In without objection.

8 COURT REPORTER - And that was State's 81.

9 MS. HALL - Yes.

10 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
11 STATE'S EXHIBIT 81.)

12 Q And referring to State's 59, if you could -- we talked
13 about 8.1 and the swab from that magazine. If you could
14 tell the Court where you received 8.1, where you got it or
15 who swabbed it.

16 A Item 8.1 was created by Kimberly Meeres, and I
17 retrieved it from Courtney Thompson.

18 Q Okay. And where did she receive it?

19 A Courtney Thompson received it from Kimberly Meeres.

20 Q Okay. And um, how many people are there in the world?

21 A There are approximately seven billion people in the
22 world.

23 Q Can you relate that to sextillions?

24 A Well, it goes hundreds, thousands, millions, billions,
25 so seven billion is a seven with nine zeros behind it, so

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1 sextillion would be hundreds, thousands, millions,
2 billions, trillions, quadrillions, quintillions,
3 sextillions, so it would be -- one sextillion would be one
4 with twenty-one zeros behind it.

5 Q Okay. Could you tell just if you have an example for
6 nineteen million people, how would -- I mean could you
7 relate that to something in lay person's terms, like how --
8 where you would fine nineteen million people?

9 A The State of South Carolina has, I believe, it's four
10 point seven million, so nineteen million would be
11 approximately four states of South Carolina, the population
12 of four states the size of South Carolina.

13 MS. HALL - Thank you, Your Honor. I don't have
14 anything further. Please answer anything that Mr. Frick
15 may have.

16 CROSS EXAMINATION

17 BY MR. FRICK -

18 Q You said twenty-one zeros behind it?

19 A That's correct.

20 Q Okay. That's -- that's pretty long odds of finding
21 somebody else, isn't it?

22 A That's correct.

23 Q Okay. All right. So I'm going to try to give you a
24 more -- get you to give me a more definitive response than
25 you're probably going to want to do. Kind of like getting

1 a yes/no from a lawyer. But with -- with the odds of
2 finding someone else, assuming there's no identical twin
3 out there of Christopher Moore, one in two hundred and
4 twenty sextillion, matching what you find from 1.1, the
5 Honda, 1.2 the Honda, 2, the Yukon, 42, the Crown Vic, and
6 43, a fence on Parkway Drive, that's pretty definitively
7 Chris Moore's blood, isn't it?

8 A In my opinion the DNA profile came from Chris Moore.

9 Q Okay.

10 A Again, assuming it does not have an identical sibling.

11 Q Absolutely. All right. And so looking down at your
12 next one there when you did the analysis on 3.1 and 3.2,
13 one in ninety-eight quadrillion.

14 A That's correct.

15 Q How many zeros behind that?

16 A Hundreds, thousands, millions, billions, trillions,
17 quadrillions, so that would be ninety-eight with fifteen
18 zeros behind it.

19 Q That's still a lot of zeros.

20 A That's correct.

21 Q Still pretty long odds of finding somebody unless
22 Odell Williams had a twin out there.

23 A That's correct.

1 Q Okay. So pretty definitively the gun on that .32
2 pistol that you didn't see, but you got a swab from, was
3 Odell Williams's ---

4 A The -- in my opinion ---

5 Q --- DNA.

6 A --- the DNA profile developed from that item came from
7 -- or those two items came from Odell Williams. Correct.

8 Q Okay. And the same thing with 31.1. The swab that
9 you got there pretty definitively, that is Odell Williams's
10 DNA?

11 A Yes, that's one in seven hundred and twenty trillion
12 which is not as high of a probability, but, again, in my
13 opinion, the DNA profile came from Odell Williams.

14 Q But I mean a trillion's still got a lot of zeros
15 behind it. Right?

16 A Yes, it does.

17 Q Okay. And then, of course, on 8.1 you said it's not -
18 - it's not blood, it's DNA.

19 A It was negative -- the presumptive test for blood was
20 negative indicating that it was not blood or the blood was
21 present on the level that was too low to be detected by our
22 test, so it's possible that it's either from another body
23 fluid such as saliva or that it's transferred skin cells
24 from handling an item.

1 Q Okay. And it's a mixture, so you can't say as
2 definitively on that as you can on these other items I've
3 asked you about. Correctly? (sic)

4 A That's correct. Where a single source DNA profile can
5 be matched to a profile from a standard, a mixture cannot
6 be matched to a standard because it's made up of multiple
7 individuals.

8 Q Okay. But your match there is -- unless - unless Chris
9 Moore has got a twin, odds are one in nineteen million?

10 A That would not be a match statistic; that would be a
11 probability conclusion, ---

12 Q Okay.

13 A --- and that the probability of randomly selecting an
14 individual that would be included as a possible contributor
15 based solely on their DNA profile is approximately one in
16 nineteen million.

17 Q Okay. Now, you using the term in there unrelated,
18 and, of course, we had talked about identical twins.

19 A Yes.

20 Q What -- tell me what that means.

21 A Yes. Meaning it's unrelated to the individual that
22 left the profile -- left the profile on the other evidence.
23 It would be a difference -- the probability that there
24 would be similarities between two individuals that are
25 related is higher, so individuals that are closer related

1 like brothers would have a probability of sharing more
2 information than individuals that are completely unrelated.

3 Q Okay. So -- so, basically, your statistic is,
4 assuming that you have a random sample of unrelated
5 persons?

6 A (No response)

7 Q I'm just trying to figure out what -- here's what I'm
8 trying to figure out. Okay? Would the statistics change
9 if his brother had handled it? Could you -- I mean would
10 that statistic still be the same?

11 A If you want to determine if an individual that was
12 related to the individuals that left the sample on the item
13 could be included as a possible contributor to that mixture
14 based on their DNA profile, that would be a different
15 statistic, and that is not a statistic that we calculate.

16 Q Okay. So let's say -- let's say you had a community
17 of folks that were fairly closely related, that statistic
18 would change?

19 A Yes, you -- I -- I think what you're asking is if you
20 have a community where the majority of the individuals
21 related to each other, would the statistics change?

22 Q Yes.

23 A That would be a different statistic, because at that
24 point the question becomes, what is the probability that a
25 relative is -- would be included as a possible contributor.

1 That is a different statistics and it -- not only would it
2 change by the fact that they may be related but the
3 relationship would change the statistic, so if you're
4 saying what is the probability the cousin would be
5 included, that is a different statistics than what is the
6 probability the brother would be included or that an -- a
7 parent would be included. Those are all separate
8 statistics and we calculate a statistic that determines the
9 probability that an unrelated individual could be included
10 as a contributor.

11 Q Got you. But we got a fair amount of communities in
12 South Carolina don't have a lot of migration, don't we?

13 A I have not studied that, so I could not answer that
14 question. I'm sorry.

15 Q Okay. That's fine. And as far as the other items you
16 analyzed, I'm not going to say you didn't find anything;
17 you found stuff; you just weren't able to make a -- a
18 conclusion that was satisfactory to be reportable?

19 A That would depend on the item in question.

20 Q Okay. I'm just talking in general. I mean you -- the
21 rest of the stuff that you -- you looked at some stuff and
22 said, I'm not even going to report on this.

23 A There were several items that I did not do a
24 comparison due to the quality of the results, that's
25 correct.

1 Q Okay. So other -- other than the items that are
2 discussed here and the solicitor's gone over and I've gone
3 over, no other conclusions drawn by you as to whose DNA is
4 on what?

5 A There were other items that were analyzed. Items 37,
6 item 38, SLED item 37, SLED item 38 and several other
7 items, there were ---

8 Q But those items -- just in -- you're absolutely
9 correct on that, and I apologize. My question was poor.
10 But those items did not relate to Christopher Moore or to
11 Odell Williams. Correct?

12 A Odell Williams is excluded from the additional items
13 that were suitable for comparison.

14 Q Okay.

15 A I mean -- I apologize. Christopher Moore is excluded
16 as a possible contributor to those additional items that
17 were analyzed. Odell Williams was included as possible
18 contributor on a couple of those items, however, the
19 statistic was a very low statistic indicating that it's
20 likely that you could choose someone at random unrelated to
21 the individuals that left DNA on the item that would still
22 be included as possible contributors based on their DNA
23 profile.

24 MR. FRICK - Okay. Give me one second. I may be
25 done. Thank you, ma'am. That's all the questions I have.

1 MS. HALL - Your Honor, I don't have anything else
2 for this witness. We would ask that she be excused.

3 MR. FRICK - No objection.

4 THE COURT - Thank you. You're excused. It's
5 lunchtime.

6 MS. HALL - Yes, sir.

7 THE COURT - All right, ladies and gentlemen of
8 the jury, we're going to break for lunch. I need you back
9 here at 2:00 o'clock.

10 (WHEREUPON, JURY EXITS THE COURTROOM)

11 THE COURT - We're in recess til 2:00.

12 (WHEREUPON, LUNCH RECESS TAKEN)

13 THE COURT - We ready?

14 MS. HALL - Yes, sir.

15 THE COURT - Bring the jury in.

16 (WHEREUPON, THE JURY ENTERS THE COURTROOM)

17 THE COURT - All right, solicitor.

18 MR. MAXWELL - State calls Dr. Robert Thomas.

19 DR. ROBERT THOMAS, AFTER BEING FIRST DULY SWORN,

20 TESTIFIES AS FOLLOWS -

21 DIRECT EXAMINATION

22 BY MR. MAXWELL -

23 Q Could you state your name for the record?

24 A Robert Earl Thomas, Jr.

25 Q And, Dr. Thomas, where are you employed?

1 A York Pathology Associates.

2 Q And what is your title, duties there?

3 A I'm a pathologist. We perform pathology services for
4 the hospitals at Rock Hill, Piedmont Medical Center,
5 Chester Regional and Springs Memorial Hospital in
6 Lancaster, as well as perform forensic autopsies for York
7 Counties and Chester County.

8 Q What is a forensic autopsy?

9 A Forensic -- an autopsy is basically is a detailed
10 examination of a decedent, someone who has died, to try to
11 determine certain things, depending upon the particular
12 goal. If it's a hospital autopsy, we're trying to find out
13 why a person died in the hospital. If it's a forensic
14 autopsy, as this case was, is to try to document injuries
15 and determine exactly what happened to that individual to
16 cause the death, usually in a criminal-type setting.

17 Q Can you talk about your educational background?

18 A Sure. So I finished high school, four years of high
19 school; I went to Clemson and studied engineering for four
20 years, went to medical school at MUSC in Charleston for
21 four years, and then I did a four -- a five-year residency
22 in pathology, anatomic and clinical pathology also at MUSC
23 in Charleston.

24 Q How long have you been a doctor?

1 A So I graduated from medical school in 1995 and then
2 had five years of residency. I mean I've been at York
3 Pathology for over 16 years.

4 Q And in those 16 years, have you continuously conducted
5 autopsies during that time?

6 A I have.

7 Q Any idea how many autopsies you've conducted?

8 A Around 600.

9 Q Have you ever testified in Court before?

10 A I have.

11 Q Have you been qualified as an expert on those
12 occasions?

13 A I have.

14 Q How many times have you testified?

15 A Six to eight, in that range.

16 MR. MAXWELL - Your Honor, I'd offer Dr. Thomas as
17 an expert in forensic pathology.

18 MR. FRICK - No objection, Your Honor.

19 THE COURT - So qualified.

20 Q Dr. Thomas, did you conduct an autopsy on Odell
21 Williams?

22 A I did.

23 Q When did you conduct that autopsy?

24 A The autopsy performed November the 5th, 2014.

25 Q And do you know when Mr. Williams passed away?

DR. ROBERT THOMAS - DIRECT BY MR. MAXWELL

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1 A He passed away -- and I'm going to refer to my autopsy
2 report if that's okay -- and he was pronounced at 21:10
3 hours on the evening of November the 4th.

4 Q Can you describe -- well, where did you conduct that
5 autopsy?

6 A So the autopsy was performed in the morgue at Piedmont
7 Medical Center in Rock Hill.

8 Q Do you know how it (sic) gets from either a hospital
9 or a crime scene to your office?

10 A So in that case, the body would've been transported by
11 the Chester County coroner or any vender as he would've
12 used to transport bodies from, either the crime scene, or
13 in this case I believe at Chester Regional Medical Center
14 where the decedent actually died to the morgue at Piedmont
15 in Rock Hill.

16 Q Can you describe your examination of Mr. Williams's
17 body, as well as your findings?

18 A Sure. So, again, one more detail on what an autopsy
19 is. We would start by documenting clothes that might be on
20 the decedent, any medical therapy that might be done and
21 then move on to things like weighing the body, giving a
22 height to the body, any descriptors that might help in
23 identification and then move on to things like any injury
24 patterns that we might see that might help put the whole
25 story together.

1 Q What injuries did Mr. Williams have?

2 A So the most significant injury that Mr. Williams had,
3 he had an entrance gunshot wound in the right cheek, right
4 here (indicating) and he had an exit wound in the opposite
5 posterior or backend of the cheek over here. (Indicating)

6 Q And just to be clear on that, is it your finding that
7 a bullet entered his right cheek and exited his left cheek?

8 A Yes.

9 Q Any other bullet wounds on the body?

10 A No.

11 Q Was there a bullet found inside his body?

12 A There was not.

13 Q Any other injuries that Mr. Williams had, other than
14 that wound?

15 A They were all associated with that gunshot track.

16 Q Did Mr. Williams have any diseases or anything that
17 could've caused his death?

18 A He had some underlying diseases of the heart, minor I
19 would say, but nothing that contributed to his death.

20 Q Can you talk about how the bullet entered and caused
21 his death?

22 A So again, bullet entered approximately right here,
23 (indicating) and fractured this bone, his zygomatic bone,
24 progressed from this side to this side, slightly down and
25 slightly back, fractured some of the upper jaw bones, the

1 lower left jaw bone and it severed an external jugular vein
2 and a facial artery right here (indicating), and created
3 some soft tissue injuries in that pathway.

4 Q And how does - how does that injury to the vein cause
5 death?

6 A Basically, the person exsanguinates or bleeds out.

7 Q Exsanguinates means to bleed out?

8 A Correct.

9 Q Did you note anything else on Mr. Williams's body that
10 was not inside of his body or not natural?

11 A The only thing, there was a small metallic fragment
12 just on his chest, laying on his chest when we did the
13 autopsy, but that was pretty much it externally, other than
14 some other medical related -- there was a defibrillator pad
15 or two on the chest and a foley -- a foley catheter which
16 is -- just collects urine.

17 Q Could you tell what that metal fragment was?

18 A It looked -- it was very small. It could've been a
19 portion of a bullet.

20 Q Was it outside of his body on his chest or ---

21 A Yes.

22 Q Was it into the skin in any way?

23 A No, it was not.

24 Q And just to go back to the bullet wound, can you
25 describe the trajectory of the -- through his body again?

1 A Sir, it's from right to left, slightly downward and
2 slightly backward.

3 Q Does it -- does a bullet travel straight through, or
4 can you describe the path once it enters the body ---

5 A Sure.

6 Q --- how a bullet could or couldn't move?

7 A It all depends upon what it hits, depends upon the
8 velocity of the bullet, depends upon the size of the bullet
9 or caliber of the gun used. When a bullet enters the body,
10 if it hits bone, a lot of times it will fragment, the bone
11 may then -- or parts of the bone may travel with that path
12 and the path of the bullet might deviate a little bit. In
13 this case, for the most part it was a pretty straight shot
14 through even though there were a lot of fractures with the
15 jaw bones.

16 Q Were fluids collected from Mr. Williams's body in
17 order for a toxicology report to be done?

18 A They were.

19 Q Do you know what the results of -- of that
20 toxicological examination were?

21 A Yeah, so blood was sent to SLED to do the toxicology,
22 and those results were negative for alcohol and the
23 commonly used drugs and abuse that were tested for.

24 Q And to a reasonable degree of medical certainty,
25 again, what was the cause of Mr. Williams's death?

DR. ROBERT THOMAS - CROSS BY MR. FRICK

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1 A A gunshot wound to the -- to the head.

2 Q Did you produce a report with your findings?

3 A I did.

4 Q I'm going to show you what's been marked State's
5 Exhibit 82. Is that your report?

6 A It is.

7 MR. MAXWELL - Your Honor, I'd offer the report
8 into evidence.

9 MR. FRICK - No objection, Your Honor.

10 THE COURT - Without objection.

11 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
12 STATE'S EXHIBIT NUMBER 82.)

13 MR. MAXWELL - Beg the Court's indulgence. No
14 further questions, Your Honor.

15 CROSS EXAMINATION

16 BY MR. FRICK -

17 Q Doctor, you said upon examination it was clear that
18 there were no other injuries?

19 A Correct.

20 Q Okay. That the cause of death in your estimation was
21 caused by the bullet essentially hitting his jugular or
22 what?

23 A Jugular and facial artery and just causing too much
24 bleeding, basically.

1 Q Okay. In this case, car slams into something. I
2 think you noted that in your report or were you aware of
3 that?

4 A I -- I -- the historical information I had -- let me
5 again refer to my report. Yes, the information I had at
6 the time of autopsy was that it crashed into a residence.

7 Q Could you determine whether that contributed in any
8 way to his death?

9 A No.

10 Q You couldn't determine or it didn't?

11 A I didn't see any injuries that would suggest that that
12 was the cause of death.

13 Q Okay. All right. If you'll look at your report --
14 what I'm specifically looking at is under description of
15 injuries.

16 A (Witness complies)

17 Q You got it?

18 A Yes, sir.

19 Q All right. You took some measurements of the, I
20 guess, the entry and the exit wound?

21 A Yes.

22 Q In looking at this, you've got a through and through
23 shot. Right?

24 A Correct.

25 Q There is no bullet.

1 A Correct.

2 Q Are you able by looking at these measurements to make
3 a determination as to caliber?

4 A You can get some general idea, as a general statement,
5 and, you know, the entrance wound was measured, I believe,
6 at 5/16th of an inch, the actual hole, which would suggest
7 intermediate caliber, but, again, that's a generalization
8 and I can't tell for sure that it was a 9 millimeter or a
9 .38 or something to that effect, but ---

10 Q Okay.

11 A --- it looked bigger than a .22, ---

12 Q Okay.

13 A --- it wasn't a shotgun, ---

14 Q Right.

15 A --- so somewhere intermediate to the higher caliber is
16 -- would be by best guess.

17 Q Okay, but in that range ---

18 A Yes.

19 Q --- you're talking about intermediate.

20 A Yes.

21 Q Okay. And, of course you're not making a finding as
22 to what caliber it was. Right?

23 A No, sir, not at all.

24 Q One of the things you said is there was no surrounding
25 stippling identified. Tell us what stippling is.

1 A So when a gun is fired, as the projectile or the
2 bullet leaves the barrel, gun powder goes out in a cone-
3 shaped pattern, so if -- if someone was shot within, say, a
4 foot or, you know, short period of time, (sic) less than,
5 say, a yard, you in most cases, depending again upon the
6 gun and the ballistics of the gun, you're going to see a
7 pattern of stippling around that entranceway. Once you get
8 beyond, maybe, half a yard to a yard, you're not going to
9 see any stippling, so all that, basically, tells us is that
10 it was a shot fired from greater than a yard. It could've
11 been a yard; it could've been 40 yards.

12 Q Okay. So there is no evidence that suggests that this
13 shot was fired with the gun pressed up against his face or
14 within about three feet of his face.

15 A That would be my -- my belief. Now, I will caveat
16 that with a sense that if someone has a very close range
17 shot, you're not going to get that stippling, ---

18 Q Right.

19 A --- but if it's a close contact, usually you're going
20 to see an impression of the muzzle on the decedent, which I
21 did not see in this case.

22 Q Okay. And if it were that contact, would you expect
23 to see gun powder or some burning ---

24 A Yes.

25 Q --- at the entry wound?

- 1 A Yes, ---
- 2 Q I mean you're the ---
- 3 A --- at the entry wound.
- 4 Q Okay. And you didn't see that.
- 5 A I did not.
- 6 Q So you're -- your --- you're classifying this as a --
- 7 a distant gunshot -- I'll let you define distance, but ---
- 8 A Correct. That would be correct.
- 9 Q Okay. All right. The -- the metallic fragment on the
- 10 chest, ---
- 11 A Yes.
- 12 Q --- it was just simply laying on his chest. Right?
- 13 A It was.
- 14 Q Was it there -- I mean you receive him and you open up
- 15 -- he was in a bag. Correct?
- 16 A Correct.
- 17 Q And you open it up. Is it laying there as you open
- 18 the bag?
- 19 A Yes.
- 20 Q Okay. So you have no idea how that got there?
- 21 A I can't -- yeah, I can't speak to that.
- 22 Q Okay. And, of course, can't make any determination as
- 23 to -- other than it being a piece of metal ---
- 24 A Correct.
- 25 Q --- really what it is?

1 A Correct.

2 Q Okay. And I think I asked, but you saw no other
3 gunshot wounds ---

4 A That's correct.

5 Q --- or markings that would be injuries from gunshots?

6 A Correct.

7 Q Okay.

8 MR. FRICK - Hang on one second. Thank you,
9 doctor. That's all the questions I have.

10 MR. MAXWELL - Nothing further, Your Honor, and
11 ask that Dr. Thomas be excused.

12 MR. FRICK - No objection.

13 THE COURT - Thank you, doctor. You're excused.

14 MS. HALL - State calls Dan DeFreese.

15 DAN DEFREESE, AFTER BEING FIRST DULY SWORN,

16 TESTIFIES AS FOLLOWS -

17 DIRECT EXAMINATION

18 BY MS. HALL -

19 Q Okay, your name is Dan DeFreese?

20 A My name is Frank Dan DeFreese.

21 Q Okay, and where are you employed?

22 A I'm not employed; I'm retired.

23 Q And from where are you retired?

1 A For about 48 years, a little over 40 -- maybe my 49th
2 year I worked for the South Carolina Law Enforcement
3 Division in the forensic service laboratory in Columbia.

4 Q And what did you do there for 48 years?

5 A For the most part I was assigned to the firearms
6 department where we did the analysis of firearm and tool
7 mark evidence.

8 Q And what education and training did you receive to
9 enable you to do your job there?

10 A Well, I'm a graduate of the University of South
11 Carolina in Columbia, but most of my training to do firearm
12 and tool mark identification I received at SLED and after
13 my employment which began in 1967. I was assigned to the
14 firearms department directly and began a course of study
15 that lasted for about two and a half years. After that -
16 during that period of time I studied the techniques of
17 firearms identification under Lieutenant Miller Cate.
18 (Phonetic) Lieutenant Cate established the SLED forensic
19 laboratory when modern day SLED itself was established in
20 1948. After completing my training I began accepting cases
21 for analysis on my own and testifying as to my results.
22 I've been doing that since 1969.

23 Q How many cases do you think you've analyzed?

1 A I've never kept track of the cases. In fact, I didn't
2 even keep track of how many times I've testified, but I
3 estimate it to be something between 600 and 700 times.

4 MS. HALL - Your Honor, at this time the State
5 would offer retired Agent Dan DeFreese as an expert in
6 firearms analysis and ballistics analysis.

7 MR. FRICK - I have absolutely no issue with his
8 qualifications.

9 THE COURT - So qualified.

10 Q Back on November the 4th of 2014, were you still
11 working in your capacity as a firearms analyst at SLED?

12 A I was.

13 Q And did you have occasion to receive evidence in the
14 case that we're trying here this week?

15 A I did.

16 Q All right, and I want to go back really quickly and
17 I'm going to do something called ballistics 101. I'm going
18 to ask you some questions about guns and if you would,
19 please, explain in layman's terms what a revolver is.

20 A A revolver is the type of firearm that uses a rotating
21 cylinder that has a number of different chambers; the
22 number of chambers can vary. Most revolvers are handguns,
23 although they actually have made revolving rifles in the
24 past. And typically, revolvers are totally manually
25 operated. That is, the shooter has to supply all the

1 energy that's necessary to load and unload and cock and
2 fire the firearm. The typical revolver that we see like in
3 western movies has a barrel and a pronounced rotating
4 central cylinder, and then it has a hammer which is either
5 manually cocked or in the case of double action revolvers a
6 long pull of the trigger will cock it and then fire the
7 revolver.

8 Q Okay, I want to show you what's marked as State's 18.
9 Tell me if you can identify this item, please.

10 A I can identify it, and this is a revolver that was
11 submitted in this case. It's a Herrington and Richardson
12 Model 732 that's in .32 Smith & Wesson long caliber, and it
13 has a rotating central member, the cylinder, which has six
14 chambers. The gun can fire as many as six times without
15 reloading, and it does not expel cartridge cases on its own
16 during the firing sequence. In order to unload it, the
17 cylinder has to be swung open and the cartridges manually
18 extracted from the -- from the pistol -- from the revolver.

19 Q Okay, and how -- I mean -- is it safe to say that you
20 have to use two hands to achieve loading and unloading of
21 that gun?

22 A It would -- it could be done with one hand, but most
23 often it's done with two, because it's necessary -- I can't
24 do it with this one, because of the tie, but normally, you
25 have to pull forward on the ejector rod to release the

1 cylinder from its normal parked position, then swing it
2 out. And, you know, dexterous person could do it with one
3 hand, but it's most typically done with two.

4 Q And you had touched on the western movies before about
5 having to cock a gun to fire it or either that or being
6 able to squeeze -- it's harder to fire it -- what type of
7 gun is that?

8 A This is the double action revolver, and it's capable
9 of firing both in the single action mode whereby the hammer
10 is manually cocked, and then there's a light pull of the
11 trigger to fire it. Western style revolvers typically have
12 to be manually cocked, but this one, simply you can pull a
13 one long pull of the trigger, which is a heavy pull, will
14 cock, and then when a certain point is reached, it will
15 release the hammer and fire the gun.

16 Q When you say it's a heavy pull, what does that mean?

17 A It means it takes a great deal more effort to pull the
18 trigger in the double action mode than it does in the
19 single action mode, because your -- you're storing the
20 energy in the hammer that you would've done if you had
21 manually cocked it. It takes very little effort to fire
22 the gun in a single action mode; it takes significant
23 effort to fire it in a double action mode.

24 Q Okay, and during the -- and during -- and then let's --
25 - and if we can just before we go into that, if we can

1 package that back up, and I'm going to come back to it, but
2 I want to talk about semiautomatics, which would be
3 different than revolvers. Is that correct?

4 A Yes.

5 Q Okay, can you explain what a semiautomatic is?

6 A A semiautomatic firearm can be a handgun, a rifle or a
7 shotgun, but it's a type of firearm that's also known as an
8 auto-loading firearm, wherein some of the energy of the
9 firing of the previous round is used to extract and eject
10 the previous round, load a fresh cartridge into the chamber
11 and cock the weapon and prepare it for the next firing.

12 Q I'm going to show you what's been marked as State's
13 19. If you could tell us about that item.

14 A State's Exhibit 19 is a semiautomatic pistol. As you
15 see it, the slide is locked back and a safety trap's
16 inserted through the magazine. Well, inside the grip of
17 the pistol there's a -- in this case a steel box in which
18 the cartridges -- the unfired cartridges -- are placed,
19 which is known as a magazine. In order to fire this --
20 this type of handgun, either a -- an unfired round is
21 placed in the chamber, the enlarged area at the rear of the
22 barrel, or a loaded magazine is inserted and then the slide
23 is closed. At that point in time there is an unfired
24 cartridge in the rear of the barrel and the portion of the
25 barrel we call the chamber, and there are additional

1 unfired cartridges available in the magazine. Thereafter,
2 when the gun is fired, the bullet passes down the barrel
3 and out of the gun, and a short time later, the slide is
4 moved to the rear as a result of the energy of firing.
5 Sometimes the breaches are locked; sometimes it's done by
6 straight blowback, but in any event, at some point in time
7 a structure called an ejector rejects from the face of the
8 breach and causes the cartridge case of the cartridge,
9 which has just been fired, to be expelled out of the
10 firearm. This gun has another structure called an
11 extractor which is a hook-like device, which would pull an
12 unfired cartridge from the barrel if need be or it would
13 hold fired cartridge case. The bottom line is, with this
14 type of firearm or any semiautomatic repeating firearm, one
15 pull of the trigger produces one bullet's passing down the
16 barrel and one fired cartridge case being extracted and
17 ejected from the firearm to prepare it for the next firing.
18 This could be true ---

19 Q And um, so ---

20 A --- rifle or a pistol or a shotgun.

21 Q So if you were to empty that magazine, which I guess
22 is the box that you're holding in the hand (sic) ---

23 A Right.

24 Q --- that's the typical name for the box. Right?

25 A (No response)

1 Q If you were to empty that magazine by way of shooting,
2 shooting, shooting, shooting until there were no more
3 bullets left in there, how would you reload it?

4 A You would press the magazine latch, which is a small
5 button, which would release the catch which holds the
6 magazine in the gun; the magazine would be removed and
7 another -- either cartridge is placed back in this magazine
8 or another similar magazine with loaded cartridges in it
9 would simply be placed in the gun and then the slide
10 closed, and that would prepare it for the next sequence of
11 firing.

12 Q Okay.

13 A I think this particular pistol has a ten-shot magazine
14 meaning that it could be fired as many as 11 times if the
15 chamber were loaded and then a full ten-shot magazine were
16 placed in it.

17 Q Okay. Now, if -- going back to the revolver for just
18 a second if you could, and I can give it back to you -- and
19 I -- we might've been through this, but I want to make sure
20 it's really clear -- and that's, again, item 18, -- how is
21 -- what is the only way to reload that gun?

22 A In the case of item 18, if we assume the cylinder were
23 closed and there were fired or unfired cartridge cases in
24 it, we would pull forward on the ejector rod. By pulling
25 forward on the ejector rod, you unlock the cylinder from

1 its position in the middle of the gun, and then you would
2 manually swing the cylinder out. The cylinder rotates or
3 it's held on a yoke or a crane and it -- it opens in this
4 position, and then if you mash the ejector rod backwards,
5 there's a star-shaped structure called an extractor in this
6 gun, which will take all six fired or unfired cartridges
7 and move them to the rear. So you can just shake them out
8 or you can put them in your hand, throw them away or do
9 whatever you wanted to with them, but it's -- it's a
10 totally manual operation.

11 Q And then how would you reload it?

12 A You have to take the pistol or take the revolver and
13 drop individual cartridges into each chamber. After that,
14 you just simply swing the cylinder shut. You don't have to
15 actually pull forward on the ejector rod to reload it.

16 Q So would it be safe to say that it would be easier to
17 reload a semiautomatic than it is to reload a revolver?

18 A Yes, it would.

19 Q All right. I'm showing you what's been marked State's
20 12. I'm going to bring all the pieces to you rather than
21 the actual box, and I'm going to ask you if you recognize
22 this?

23 A I do.

24 Q What is that?

1 A This is a Romanian made Kalashnikov pattern firearm.
2 It's call a WASR 10, WSR slash -- or dash 10 slash 63.
3 It's a 7.62 millimeter semiautomatic rifle that's made in
4 Romania.

5 Q Okay, and did you -- what is -- what are the other
6 pieces of the -- you stated on -- just a second ago it's a
7 semiautomatic. Is that correct?

8 A It is semiautomatic. It fires once for each pull of
9 the trigger. It's not a fully automatic firearm, although
10 there are fully automatic firearms that look like this.
11 This one is not.

12 Q Okay, so every time you -- all you have to do to fire
13 it is fire -- is pull the trigger. Correct?

14 A Right.

15 Q But that would ---

16 A Like for instance, if I were to pull the trigger with
17 a loaded magazine, it wouldn't keep on firing so long as I
18 held the trigger back, like the fully automatic version of
19 it would. This one requires each -- each time. It has to
20 -- it has to have one pull of the trigger for each shot
21 fired, and, of course, each cartridge case that would be
22 expelled.

23 Q Okay, and how do you load it?

24 A It has a detachable box magazine, which is the spring-
25 loaded metal box that the cartridges go into, and if I

1 didn't have the tie strap on it, you simply take and hook
2 the front of the magazine and rotate it in and it's locked
3 in. After that, you simply pull the bolt, pull it to the
4 rear and release it, and it would grab the first cartridge
5 in the -- in the top of the magazine and load it, or you
6 can manually load one cartridge in and then put the
7 magazine in.

8 Q Okay, and when you -- how -- when you pull the trigger
9 to shoot it, what happens after that?

10 A So long as ammunition's present in the magazine, the
11 bullet would be expelled down the barrel of the gun; a
12 short time later the fired cartridge case would be
13 extracted and ejected, the bolt would come to the rear,
14 grab the next fresh cartridge from the magazine, load it,
15 and you'd be ready to let up on the trigger and pull the
16 trigger again.

17 Q Okay, and you were in the courtroom, I believe; I
18 can't remember which witnesses' testimony it was, but I
19 believe it was the testimony of Whitney Berry. I believe
20 she was asked at some point about ejection patterns of
21 cartridges. When they come out of the gun, is -- how far
22 do they come -- fly when they go out of the gun after it's
23 shot?

24 A It varies. It varies with the load, with the kind of
25 ammunition that you're using, the height of the shooter,

1 the -- how firmly you hold the gun or how loosely you hold
2 the gun, but generally speaking, they're expelled -- and
3 form firearms like this they're expelled with considerable
4 force. They want to clear the firearm and get out of the
5 way. Sometimes if they were held -- if a gun was held
6 vertically, it would tend to expel it straight out,
7 sometimes maybe a little -- you know, to the rear, but
8 there's no -- without -- without doing a study of this
9 particular gun with a particular kind of ammunition,
10 knowing all the parameters, it's not possible to say
11 exactly where it would deposit fired cartridge cases, but
12 it's generally speaking to the right, in some cases to the
13 right and slightly upwards.

14 Q And it would -- would it matter how the gun was being
15 held, as well?

16 A It would. And this assumes the gun's being held with
17 the magazine essentially up and down. If the gun's held at
18 some angle, either way it would significantly affect where
19 the cartridges would be deposited.

20 Q Okay. I don't want to make you hold that, but if you
21 -- that was submitted to you as a part of analysis in this
22 case. Is that correct?

23 A It was.

24 Q Okay. When you got it, what did you do with it when
25 you started to perform your analysis?

1 A Well, I collected some information regarding the
2 firearm, you know, measurements and other statistical
3 information. When I got it, there was also this laser
4 flashlight which was attached to it, which I removed so I
5 could close the box up and return the rifle. It had this
6 vertical handgrip. This -- this whole rail assembly with
7 the handgrip is not original equipment. It's an after-
8 market product. And it had, I believe, what, 28 unfired
9 cartridges. The magazine itself will hold as many as 30
10 rounds, which means the gun could fire as many as 31 times
11 without reloading. And from this -- this rifle I objected
12 test bullets and cartridge cases that I used to make my
13 microscopic comparison with the other submitted evidence
14 items.

15 Q Okay. And where do those test items and cartridge --
16 I mean -- and I want to stop you real quick and going back
17 to the educational portion of this. What is the difference
18 between a cartridge, a casing and a projectile?

19 A A complete round of ammunition -- I want to just break
20 one out here. A complete unfired round of ammunition is a
21 cartridge. A cartridge consists of the cartridge case, the
22 bullet, a primer, which is the little brass-colored device
23 at the rear, and then inside the cartridge case there is a
24 propellant powder. That's the complete cartridge. The
25 copper portion -- the pointed copper portion at the top of

1 the cartridge is the projectile or the bullet. The -- if
2 we were to fire this cartridge, we would burn up the powder
3 that's inside it; the bullet would be expelled out of the
4 firearm, and the primer would be punctured by the firing
5 pin. What would you would have then would be a fired
6 cartridge case. Those are the terms that I'm using. But
7 in popular use people would sometimes call this a bullet,
8 the whole -- the cartridge, they would call the bullet.
9 They would frequently call the cartridge, the fired
10 cartridge case, a hull or a shell. And, of course, the
11 bullet itself is a projectile, but it's a particular kind
12 of projectile.

13 Q Okay. And um, when guns are fired, do they make a --
14 does each gun make a specific mark when it's on a -- on the
15 cartridge case when it's fired?

16 A Most of them do. The pressure created inside the
17 cartridge case that's used to expel the bullet is really
18 quite high, and the pressure within the cartridge case
19 during the firing sequence causes the cartridge case to be
20 pressed very closely against the breach face of the gun and
21 against the chamber walls of the gun. Additionally, the
22 firearm itself has a firing pin which contacts the primer
23 to initiate the burning of the propellant powder, and the
24 firing pin itself can end up leaving its own impressions on
25 the cartridge case.

1 Q Okay.

2 A There can be extractor marks and ejectors marks which
3 are mechanism marks from the gun manipulating the cartridge
4 case within it's mechanism. As I look at the markings on
5 the cartridge case, the chamber marks and the breach face
6 marks and the firing pin impression, where they match would
7 be marks from which I could conclude that the cartridge
8 case was fired in a specific firearm. The extractor and
9 ejector marks would be marks that I could only conclude
10 that it was loaded into and could've been fired, but it
11 could've also been extracted and removed from the gun
12 without firing.

13 Q Okay. And so when you received those items which were
14 included in State's 12 which is your item number 6, did you
15 receive all of that at one time, everything that you have
16 up there?

17 A I did.

18 Q Okay.

19 A They were all in the same container.

20 Q Okay. And you stated that there's a little light
21 scope that was mounted to the gun at the time you got it?

22 A Right. It was a combination of a laser and
23 flashlight, and it was also mounted to the firearm at the
24 time I received it.

25 Q And what is that used for?

DAN DEFREESE - DIRECT BY MS. HALL

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1 A Well, the -- the flashlight it's sort of coaxially
2 mounted so that when you turn the flashlight on, it
3 projects light in the directed that the gun's pointed. And
4 if the laser were to work, which it did not, because the
5 battery cover was missing from the laser and there was no
6 battery in it, but at the time I received it, the
7 flashlight portion of it actually did work. And it was
8 mounted to one of the -- one of the rails on the side of
9 the gun, which made it too thick to close the box, so I --
10 that's why I took it off.

11 Q Okay. And you received that magazine, as well?

12 A I did.

13 Q And I believe you stated that there -- although it
14 could hold -- the magazine itself could hold 30 unfired
15 cartridges, this one actually had 28 in it. Is that right?

16 A Right. It can hold any number of cartridges up to 30.

17 Q And did -- and those were unfired cartridges and those
18 are what's included up there right now. Is that correct?

19 A That's correct.

20 Q And are those -- the cartridges -- what determination
21 did you make about the cartridges in relation to the actual
22 gun itself?

23 A Only that they were the correct caliber, they're the
24 correct type of ammunition to use in this firearm.

25 Q And what type of ammunition is that?

1 A It's a caliber that's known as 7.62 by 39 millimeter,
2 sometimes Russian Short, sometimes 7.62 by 39 millimeter
3 Soviet, but it's an intermediate power cartridge that
4 shoots a bullet that's about .30 caliber, and it shoots it
5 at a somewhat lower velocity than standard full power rifle
6 ammunition, but it's still a very powerful firearm.

7 Q Okay, and you said that you test-fired it. Is that
8 correct?

9 A I did.

10 Q And why do you do that?

11 A Well, I test-fire all the firearms to obtain known
12 bullets of cartridge cases, because my comparison is not
13 done with the firearm directly; it's done with -- between
14 bullets and between cartridges cases, so I needed to have
15 some known tests specimens to conduct my -- my microscopic
16 analysis.

17 Q And you actually used that gun to get those. Is that
18 correct?

19 A I did, and -- and the other guns to get similar ones.

20 Q I'm going to show you -- before -- well, let me take
21 that back.

22 MS. HALL - And, Your Honor, at this time the
23 State would move item -- or State's Exhibit 12, which is
24 his item number 6, into evidence, along with all of the
25 accessories.

1 MR. FRICK - No objection, Your Honor.

2 THE COURT - In without objection.

3 (WHEREUPON, ITEMS MARKED INTO EVIDENCE AS STATE'S
4 EXHIBIT NUMBER 12.)

5 Q I'm going to show you a whole bunch of envelopes, and
6 I'm just going to tell you it's State's Exhibits 21 through
7 38. Did you have a chance to look at these before -- I
8 mean earlier today when you came to Court to testify?

9 A I did.

10 Q And are these things that you were -- you performed
11 analysis on as part of this case?

12 A (Pause) They are.

13 Q Okay. And um, do they bear the markings on the
14 envelopes from the analysis who actually -- or the crime
15 scene analyst who actually picked them up?

16 A They do.

17 Q Okay, and are those item -- are those item numbers --
18 sorry -- are they marked 1 through, I believe, it's 18?

19 A Yes, they are.

20 Q Okay, and what are they?

21 A They are all fired 7.62 by 39 millimeter cartridge
22 cases.

23 Q And are they also marked with your item numbers that
24 you used to generate this report?

25 A They are.

1 Q Okay. And these are the cartridge cases. Correct?

2 A Yes, ma'am, these are fired cartridge cases. No
3 bullet, no powder.

4 Q And do they -- on your report are they indicated as
5 items 12 through ---

6 A Through 29.

7 Q Thank you. And what did -- what -- when you performed
8 analysis on them, what were you looking for and what were
9 your findings?

10 A I was looking to see if I could find matching chamber,
11 breach face, firing pin or other marks on the fired
12 cartridge cases and on my test cartridge cases that I had
13 fired in the Kalashnikov rifle. I forget what the State's
14 exhibit number is.

15 Q Okay. But it was your -- it your item number 6.
16 Correct? The rifle?

17 A Right, my item number 6.

18 Q Okay, and then you fired the -- you did test firings
19 and you got the pin markings and then you compared them
20 with what -- everything that's laying in front of you right
21 now. Right?

22 A Yes.

23 Q All right. And what -- what did you determine -- what
24 -- what findings did you make?

25 A I found matching markings on all of them.

1 Q Okay. So can you say that these guns were definite --
2 I mean those bullets were fired by these guns or this gun?
3 I'm sorry.

4 A These cartridge cases.

5 Q These cartridges were ---

6 A These cartridge cases were all fired by that rifle, by
7 my State's Exhibit -- my exhibit 6.

8 Q Okay. And were all of these bullets or the case, I
9 guess, the cases, were they all the same maker or
10 manufacturer?

11 A No, they weren't.

12 Q Okay. Were items number -- your item 12 through 27,
13 were those Tulammo?

14 A Yes, items -- my items 9 and 28 I think or 29, I
15 believe were the Hornady, the ones with the HMC head stamp,
16 they were the same caliber, but they were two different
17 makers of ammunition.

18 Q And what is the difference between a Tulammo and a
19 Hornady or HMC in terms of -- or just what are the
20 differences between them?

21 A Well, in our case here, the um -- all of the Tulammo
22 ammunition is made in Russia, and all of the Tulammo
23 bullets are what are -- we refer to as bi-metal bullet,
24 that the jacket portion of the bullet is actually made out
25 of steel, and it has a copper plating or a copper coating

1 to it, so that it looks like it's made out of copper, and
2 they, of course, are readily attracted to a magnet. Now,
3 the Hornady people bought a whole bunch of Russian steel-
4 made cartridge cases that were primed, because they were
5 looking to offer an economy product, but they loaded their
6 own powder and their own American-made bullets into them,
7 and their bullets have copper alloy jackets, which, of
8 course, are not attracted to a magnet, so that while the
9 ammunition is perfectly interchangeable for use in that
10 rifle, the bullet portions were different, one of them him
11 steel jackets, one of them having copper alloy jackets.

12 MS. HALL - Your Honor, at this time State would
13 move our Exhibit Number 21 through 38 into evidence.

14 MR. FRICK - No objection.

15 THE COURT - In without objection.

16 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
17 STATE'S EXHIBITS NUMBERS 21 THROUGH 38.)

18 Q Okay, I want to show you what's been marked as State's
19 45. Does that have markings on it from the person who
20 picked it up?

21 A It does.

22 Q And does it state that it was picked up at marker I?

23 A It does.

24 Q What is it?

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1 A This is a fired 7.62 by 39 millimeter Russian Short
2 caliber cartridge case.

3 Q Is it the same as the cartridge cases that we just
4 went over?

5 A It's the -- it's the same caliber and the same type.
6 It -- this is another one of the Hornady brand cartridge
7 cases.

8 Q Okay. And did you also -- it's your item 9. Do you
9 also compare it with the test bullets that were fired from
10 -- in your item 6, which is that rifle?

11 A I did.

12 Q And were you able to make a determination about
13 whether or not it was fired from that rifle?

14 A It was, and it was fired by that rifle.

15 Q Okay.

16 MS. HALL - Your Honor, at this time we'd move
17 this into evidence as State's 45.

18 MR. FRICK - No objection, Your Honor.

19 THE COURT - In without objection.

20 (WHEREUPON, ITEM MARKED INTO EVIDENCE AS STATE'S
21 EXHIBIT NUMBER 45.)

22 Q Okay. And I wanted to ask you one other question I
23 think I forgot to ask you about the firing -- the actual
24 firing of that rifle.

25 A Yes, ma'am.

1 Q Was the -- is it possible to -- or I mean is it likely
2 to pinch your finger in it or to cut your hand just by
3 firing it in a normal way?

4 A No, not if you know what you're doing. Yeah, I mean -
5 - it's -- I suppose it's possible for a lot of things to
6 happen, but it's -- normally you would not do that.

7 Q Okay. All right, I want to show you what's been
8 marked as State's 44. What is that?

9 A (Pause) Yes, I -- I recognize this.

10 Q Okay. What is it?

11 A These are fired copper alloy bullet jacket fragments.
12 They were too badly damaged to determine their caliber or
13 to measure their original diameter or to determine anything
14 about their rifling characteristics, and they were -- there
15 were essentially unsuitable for identification with a
16 specific firearm due to their damaged condition.

17 Q Okay, but you stated that they were copper alloy
18 jackets. Is that consistent with a Hornady ---

19 A These could be fragments of the bullets loaded into
20 the Hornady 7.62 by 39 millimeter cartridges but are not
21 consistent with the bi-metal jackets loaded into the
22 Tulammo cartridges.

23 Q And I'm also going to show you what's been marked as
24 State's 76, and I apologize if I haven't given it to you.

DAN DEFREESE - DIRECT BY MS. HALL

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1 Is this your report that you generated as part of this
2 case?

3 A It is.

4 Q Okay, and up until now, all of the conclusions that
5 we've talked about with regard to all of these items of
6 items, are those all included within that report?

7 A Yes.

8 MS. HALL - All right, Your Honor, at this time
9 State would move number 44, which is the one -- the
10 projectile fragment collected from mile marker (sic) into
11 evidence.

12 MR. FRICK - No objection.

13 THE COURT - In without objection.

14 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
15 STATE'S EXHIBIT NUMBER 44.)

16 Q Okay, I want to show you what's been marked as State's
17 41. Tell me if you recognize that?

18 A Yes, I do.

19 Q What is that?

20 A This is a fired copper plated steel bullet jacket
21 fragment.

22 Q And um, are you able to tell from the markings on the
23 outside of the box or from referring to your report where
24 that was -- where that was collected from?

25

1 A It says collected from front passenger floorboard
2 Cadillac.

3 Q Okay, and you stated it's what? That -- is it a
4 projectile? Is that what you said it was?

5 A This is actually most of the nose portion of a fired
6 bullet. The core and the base of the bullet are missing.

7 Q And what type of -- what -- I know you touched on it
8 and I apologize -- what type of metal was it or is it?

9 A This is what I referred to as the bi-metal. This is
10 the copper coated or copper plated steel.

11 Q Okay. And is that consistent with the Tulammo
12 cartridges that we talked about earlier?

13 A Yes.

14 Q All right, and you did analyze that item and compare
15 it to the item 6 on your report rifle. Is that correct?

16 A I did.

17 Q And what conclusions did you draw?

18 A Due it's damaged condition and the lack of sufficient
19 markings, I wasn't able to establish that this was fired by
20 my item 6 to the exclusion of other similar firearms. It
21 could've been fired by that firearm, but was not fired by
22 any of the other submitted firearms. It has the same
23 general rifling characteristics and is the same caliber but
24 it -- I just can't be specific about that particular gun.

DAN DEFREESE - DIRECT BY MS. HALL

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1 Q Is it safe to say that there are not markings on that
2 that would tie it to that gun?

3 A No, there are some markings that are similar, but
4 they're just not enough markings.

5 Q Okay. So it could've been fired from that rifle.

6 A Correct.

7 Q And it -- and it's consistent with being a Tulammo
8 type cartridge.

9 A Yes, it's consistent with being a bi-metal type bullet
10 jacket, which is the kind that Tulammo -- and there are
11 other Russian manufacturers that use the similar
12 manufacturing, but it's certainly consistent with these.

13 Q Okay. And with regard to this item, did you have
14 occasion to take any swabbings of it?

15 A I did

16 Q And why did you do that?

17 A As I progressed with my analysis of that fragment,
18 when I first saw it it had pulverized or what I thought was
19 pulverized glass, which is fairly typical of what you see
20 when you have cars shot up, but as I had looked at it under
21 my stereo microscope, I could see what appeared to be dried
22 blood or body tissue on it, so I decided to stop there and
23 make a swab of that material before I progressed with my
24 examination, and I made that available. I -- I created the
25 item; I gave it a number, and I returned it originally with

1 the item 31 bullet, because I didn't know what significance
2 it had, which is usually what I do.

3 Q Okay, and um, would that be -- I mean for the
4 possibility of DNA analysis at a different time?

5 A Correct, because -- just because -- it's not uncommon
6 to find blood on bullets, and sometimes it's probative and
7 sometimes it isn't.

8 MS. HALL - Your Honor, at this time State would
9 move 41 into evidence.

10 MR. FRICK - No objection.

11 THE COURT - In without objection.

12 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
13 STATE'S EXHIBIT NUMBER 41.)

14 Q Okay, I'm going to show you what's been marked as
15 State's 46. Did you receive this as part of the request
16 for analysis in this case?

17 A (Pause) I did.

18 Q Okay, and where was it collected?

19 A It is from carpeted area on back window.

20 Q Of -- of what?

21 A It just says -- it really doesn't say beyond that.

22 Q Okay, does it -- I mean on the report does it say? Is
23 that your item 32?

24 A That's my item 32. I'm just reading off of the box.

25 Q Okay.

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1 A It was collected from carpeted area in back window of
2 Cadillac.

3 Q Okay, and um -- were you able to draw any conclusions
4 about that item?

5 A I was.

6 Q And what were they?

7 A This is -- is the -- is a copper alloy bullet jacket
8 fragment which has a flat base. The nose portion of the
9 bullet and the core portion are missing. It's .30 or a
10 7.62 millimeter, and it has four lands and grooves with a
11 right-hand twist, which is the same rifling standard used
12 on my item 6 rifle. And my results of microscopic analysis
13 of the fragment with my test bullets was inconclusive due
14 to the damaged condition of this bullet. This bullet,
15 State's Exhibit 46 could've been fired by that rifle.

16 Q And is it consistent with the Hornady cartridge
17 casings that we discussed earlier with it being loaded in
18 there since it's copper alloy?

19 A Yes.

20 MS. HALL - Okay, at this time we'd move 46 into
21 evidence.

22 MR. FRICK - No objection.

23 THE COURT - In without objection.

24 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
25 STATE'S EXHIBIT NUMBER 46.)

1 Q I'm going to show you what's been marked as State's

2 39. Did you have occasion to examine that?

3 A Yes, I did.

4 Q And what is it?

5 A This is a fired copper plated steel jacketed bullet
6 fragment.

7 Q Can you tell from looking at the box where it was
8 collected or from looking at your report where it was
9 collected?

10 A According to the box, it says at [REDACTED],
11 collected from ground.

12 Q And um, what conclusions, if any, were you able to
13 draw about it?

14 A That this is -- this fragment's consistent with a .30
15 caliber or 7.62 millimeter bullet fragment. It had parts
16 of three land impressions remaining on it but the spacing
17 of the impressions were consistent with four groove rifling
18 as used in my item 6 rifle. Similarly, it was badly
19 damaged and it did not have enough unique markings on it to
20 tell that it was fired by that particular rifle, but it
21 could've been, so my results were essentially inconclusive.

22 Q And did you say it copper alloy or bi-metal?

23 A This is the bi-metal.

24 Q And is that consistent with the Tulammo?

25 A Yes.

DAN DEFREESE - DIRECT BY MS. HALL

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1 MS. HALL - State would move 39 into evidence at
2 this time.

3 MR. FRICK - No objection.

4 Q I'm going to show you what's been marked as State's
5 40. Can you tell me if that -- is that something that was
6 submitted to you for analysis as well?

7 THE COURT - That one was in without objection.

8 MS. HALL - Thank you. I'm sorry.

9 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
10 STATE'S EXHIBIT NUMBER 39.)

11 A Yes. I have examined this.

12 Q All right, where did it come from?

13 A It says, the fired projectile collected from ground at
14 [REDACTED].

15 Q Okay, and what is it or what did you ---

16 A It is a fired copper plated steel jacketed bullet
17 fragment.

18 Q Is that consistent with the Hornadys?

19 A No.

20 Q Is it consistent with the Tulammos?

21 A Yes. And it is similarly a .30 caliber or 7.62
22 millimeter caliber, although it's rather badly distorted,
23 it has what remains of two land impressions on it, that the
24 land impressions are consistent in their spacing with test
25 bullets fired by the item 6 rifle.

1 Q Okay, and you've noted that in your report as well.

2 Correct?

3 A Pardon?

4 Q You've noted that in your report as well. Correct?

5 A I don't remember whether I'd noted it in the report or
6 not, but essentially in the report, the results of my
7 analysis were inconclusive. I wasn't able to say that this
8 bullet fragment was fired by that gun, but it could've been
9 fired by that gun, ---

10 Q Okay, thank you.

11 A --- and not by any of the other firearms.

12 MS. HALL - I'd move State's 40 into evidence at
13 this time.

14 MR. FRICK - No objection.

15 THE COURT - In without objection.

16 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
17 STATE'S EXHIBIT NUMBER 40.)

18 Q Okay, I'm going to show you what's been marked as
19 State's 18. Was that submitted to you?

20 A Yes, ma'am.

21 Q All right, what is that?

22 A This is the H&R .32 long caliber revolver.

23 Q Okay. What else was submitted to you with that?

24 A With it were submitted two fired cartridge cases and
25 four unfired cartridges.

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1 Q Okay. Since those cartridges were in the gun, did you
2 do any analysis with those?

3 A No, I didn't purposely try to identify the cartridge
4 cases, the fired cartridges cases since they'd been removed
5 from the gun. I did observe that the fired cartridge cases
6 and the unfired cartridges were the correct caliber of
7 ammunition to use in that firearm.

8 MS. HALL - Okay, at this time the State would
9 move 18 into evidence.

10 MR. FRICK - No objection.

11 THE COURT - In without objection.

12 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
13 STATE'S EXHIBIT NUMBER 18.)

14 Q I'm going to show you what's been marked as State's
15 61. Was this submitted to you?

16 A Yes, it was.

17 Q What is that?

18 A This is the -- a 30 round box magazine for a
19 Kalashnikov rifle.

20 Q Okay, is that the type of magazine that would -- you'd
21 use in that big rifle, the ---

22 A It is, and it will fit in to that firearm.

23 Q And when it was submitted to you, did it have anything
24 in it?

25 A No.

1 Q And you didn't perform any other analysis on it.

2 Correct?

3 A Other than to -- to try it to make sure it would fit
4 in the gun, you know, to make sure it was the correct
5 thing, and to load and determine its capacity.

6 Q And was it -- it was functional?

7 A It was.

8 Q And it'd fit in that gun.

9 A Yes.

10 MS. HALL - Your Honor, we'd move State's 61 into
11 evidence at this time.

12 MR. FRICK - No objection.

13 THE COURT - In without objection.

14 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
15 STATE'S EXHIBIT NUMBER 61.)

16 Q Okay, I show you what's been marked as State's 20.

17 Can you tell me what that is?

18 A State's Exhibit 20 is a charter arms -- it's model is
19 Off Duty. It's a .38 special caliber revolver.

20 Q Okay, and when you received it, did anything come with
21 it?

22 A Yes, there were some unfired cartridges.

23 Q Was there a magazine as well?

24 A Pardon?

25 Q Was there a magazine with it as well?

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1 A No, being a revolver, it doesn't utilize the magazine,
2 and it has five unfired cartridges and it's cylinder is
3 made to receive five cartridges.

4 Q Okay, and did you do any testing on this item?

5 A I did; I test fired it and obtained bullets and
6 cartridges cases that I knew it had fired in the event I
7 needed them for comparison purposes.

8 Q Okay. And it was in working order.

9 A It was.

10 MS. HALL - At this time we'd move State's 20 into
11 evidence.

12 MR. FRICK - No objection.

13 THE COURT - In without objection.

14 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
15 STATE'S EXHIBIT NUMBER 20.)

16 Q I show you what's been marked as State's 19, and you
17 need to tell me what that is.

18 A State's 19 is a Kel-Tec P-11 9 millimeter lugar
19 caliber semiautomatic pistol.

20 Q And when that was submitted to you, was anything else
21 submitted with it?

22 A Well, it had its magazine and it had unfired
23 cartridges with it. Yes, it's got 11 unfired 9 millimeter
24 lugar caliber cartridges of various mix.

1 Q Okay, and those are the types of bullets that would be
2 used in that gun?

3 A They were. They were the correct caliber for use in
4 the gun and the magazine fit and functioned in the gun.

5 Q Okay, so the magazine worked; the gun worked, and
6 those bullets were -- you'd be able to use those in that
7 gun. Correct?

8 A That's correct.

9 MS. HALL - Okay, State moved item 19 into
10 evidence or State's Exhibit 19 into evidence.

11 MR. FRICK - No objection.

12 THE COURT - In without objection.

13 MS. HALL - Thank you.

14 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
15 STATE'S EXHIBIT NUMBER 19.)

16 Q All right, I'm going to show you what's been marked as
17 State's 60 and tell me what that is and if you recognize
18 it.

19 A This is another magazine that fits the kel-Tec pistol.
20 It was received with 10 unfired 9 millimeter lugar caliber
21 cartridges. And it fits and would function in the -- the
22 Kel-Tec pistol.

23 MS. HALL - Okay. Your Honor, at this time we
24 would move 60 into evidence.

25 MR. FRICK - You said 6-0?

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1 MS. HALL - 6-0. 60.

2 MR. FRICK - Thank you, ma'am. No objection.

3 THE COURT - In without objection.

4 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
5 STATE'S EXHIBIT NUMBER 60.)

6 Q Okay, and I want to show you what's been marked as
7 State's 42, and tell me if you recognize that, please.

8 A I do.

9 Q And what is that?

10 A This is a fired .40 Smith and Wesson caliber cartridge
11 case.

12 Q Okay. And did you do any analysis on that?

13 A I did.

14 Q What did you do?

15 A I compared with other fired cartridge cases and with
16 fired cartridge cases from some other firearms.

17 Q Okay. And along those lines I want to show you what's
18 been marked as State's 43. Do you recognize that?

19 A State's Exhibit 43 is another fired 40 Smith and
20 Wesson caliber cartridge case.

21 Q Okay. And can you tell from the outside of the -- or
22 the box if item 42 was found at marker J?

23 A It's marked marker J.

24 Q Okay. And can you tell if item number 30 -- or
25 State's 43 was found at [REDACTED] in the parkway?

1 A It is. It's marked [REDACTED].

2 Q All right, and you performed analysis on both of these
3 shell casings. Is that correct?

4 A I did.

5 Q Okay, and could you tell the jury what the (sic)
6 conclusions you reached regarding both of these items?

7 A I compared both of the two fired .40 Smith and Wesson
8 caliber cartridges cases with each other, and there were
9 differences in firing pin impressions and breach face
10 impressions were sufficient to conclude they were not fired
11 by the same firearm. It was also noted that the item 42
12 cartridge cases was very, very badly damaged and abraded
13 and was tarnished.

14 Q And is that the one that was found at mile marker
15 (sic) J or is that the one that was found in the yard?

16 A That's the one marked marker J.

17 Q Marker J. Okay

18 A So it was in physically deteriorated condition.

19 Q Having said that, could you conclude that it might've
20 been there for a long time?

21 A It was certainly consistent with it's just having been
22 there.

23 Q Just having been there or ---

24 A Just having been there -- well, having been there for
25 a long time, long enough to be -- to pick up a really good

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1 case of road rash where it's tumbled around or tossed
2 around on pavement, and -- where the whole end of the
3 cartridge case is completely collapsed and partially
4 missing and where it's color has turned dark and in some
5 places corrosion has started. So it -- it's consistent
6 with being weather-beaten, in addition to being physically
7 altered.

8 Q Did you receive any .40 caliber guns as part of the
9 submissions in this case?

10 A I -- there were no .40 caliber firearms submitted
11 under this case number.

12 Q Okay. But these other ones that you received, the
13 .38, the 9 millimeter, the SKS rifle and the um, .32 -- or
14 -- could any -- any of those guns fired these .40 caliber
15 bullets?

16 A No. Cartridge cases.

17 Q Or cartridge cases. Thank you.

18 MS. HALL - Your Honor, at this time, the State
19 would move these two items into evidence as State's 42 and
20 43.

21 MR. FRICK - No objection.

22 THE COURT - In without objection.

23 MS. HALL - Thank you.

24 (WHEREUPON, DOCUMENTS MARKED INTO EVIDENCE AS
25 STATE'S EXHIBITS 42 AND 43.)

1 Q Okay, and with regard to all of those 7.62 by 39
2 casing that were found or the projectiles that were found,
3 could any of those have been fired -- or let's go with the
4 casings I think for lack of confusion -- could any of those
5 casings have been fired by any of the other guns submitted?

6 A No.

7 Q Could they have been fired by a .40 caliber gun?

8 A No.

9 Q And on your -- on your report at the very last portion
10 of it is -- there was -- if I could refer you to
11 comparisons with another case ---

12 A Yes.

13 Q --- what is -- what is the purpose of that through
14 SLED?

15 A It's an investigative aid. You know, sometimes there
16 may be another crime that's close in place and time, or
17 they they think there might have been an association
18 between the firearms recovered in another case and the
19 firearms -- and the evidence specimens in this case. So
20 it's not all uncommon for use to get a request to do an
21 inner comparison of that nature.

22 Q And I think you touched on this before, that that's --
23 is that why you retained those test bullets, the test -- te
24 test firings?

DAN DEFREESE - DIRECT BY MS. HALL

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1 A It is. We retain them for a -- really a period of
2 time in case something does come up.

3 Q Okay, and did you do any comparisons with another case
4 as indicated on this report?

5 A I did.

6 Q And did anything in that have anything at all to do
7 with this case?

8 A No, there was no indication at all of being an
9 association between the two.

10 Q Is it uncommon when you find -- I mean we talked about
11 the Tulammo cartridge cases and the Hornady cartridges
12 cases which are the same thing as the HMC ones. Right?

13 A Right.

14 Q Is it uncommon when you get submissions to find
15 different types of ammunition loaded in the same gun?

16 A Oh, no, not at all. Sometimes it's all the same time;
17 sometimes it's many, many different brands. In fact, there
18 were several different brands submitted with the 9
19 millimeter.

20 MS. HALL - Thank you. I don't have any further -
21 - oh, I would move his report into evidence at this time as
22 State's 76.

23 MR. FRICK - No objection.

24 THE COURT - In without objection.

1 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
2 STATE'S EXHIBIT NUMBER 76.)

3 MS. HALL - Please answer any questions Mr. Frick
4 may have of you.

5 THE COURT - Your witness.

6 MR. FRICK - Thank you.

7 CROSS EXAMINATION

8 BY MR. FRICK -

9 Q Mr. DeFreese, I want to talk to you about that rifle
10 for just a minute.

11 A Yes, sir.

12 Q Is it legal?

13 A Oh, yeah, so long as you're not a prohibited person.

14 Q Okay. But in and of itself, nothing illegal about
15 that.

16 A There's nothing innately illegal about that firearm.

17 Q Okay. We hear a lot of talk about assault rifles. Is
18 there a specific definition of an assault rifle?

19 A Yes.

20 Q Does that gun meet that definition?

21 A It does not, because it is semiautomatic only. In
22 order to truly be an assault rifle, it has to be a man
23 portable firearm chambered for an intermediate caliber
24 cartridge that is selective fire, that is, it's capable of
25 either semiautomatic fire, one pull for -- one round for

DAN DEFREESE - CROSS BY MR. FRICK

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1 each pull of the trigger or fully automatic fire where when
2 you hold back on the trigger it keeps shooting until it
3 runs out.

4 Q And I believe you testified you've got to pull one
5 time for every time that comes out on that ---

6 A That's correct.

7 Q Did you note in your examination, had it been messed
8 with in any way to make it automatic?

9 A None that I could tell.

10 Q Okay. And, of course, you test fired it.

11 A And it test fired in the semiautomatic mode only.

12 Q Okay. That seems like a pretty big gun and it has
13 some pretty powerful ammunition. Would you say it makes a
14 pretty big noise?

15 A Yes. It's -- it's fairly loud.

16 Q Is it -- as far as compared to these other guns that
17 you have here, these -- well, how would you classify those
18 guns? What kind of -- intermediate or large caliber or
19 small caliber?

20 A Yeah, well, the handguns would be what the doctor
21 would approach as an intermediate caliber. It's bigger
22 than .22 but smaller than .45, ---

23 Q Okay.

24 A --- and they're -- they're all handguns and they all
25 hold a limited amount of powder. The 7.62 by 39 would make

1 more noise because it's super -- the bullet is supersonic
2 and because it fires a somewhat larger powder charge.

3 Q Okay. It's got a larger powder charge, but the bullet
4 -- is that an intermediate bullet?

5 A It's what he would classify -- he was saying 5/16ths
6 which is .3125. The bullet diameter on that is .310.

7 Q Right.

8 A So it's pretty close.

9 Q Okay. Is it significantly -- is that rifle
10 significantly louder than those other guns?

11 A Yes. You would be able to tell a difference if they
12 were fired from the same location, under the same
13 acoustical conditions, you could tell the rifle was louder.

14 Q I believe you said you looked at the magazines that
15 came with the rifle and the additional magazine. The capa
16 -- how many bullets can you put in there?

17 A Thirty.

18 Q In each one of them?

19 A In each one.

20 Q Okay. And you tested that?

21 A Yes.

22 Q And, of course, one came to you that had no bullets.

23 A Right.

24 Q One came to you had no -- what, 28?

25 A Had 28 with it. It had been unloaded by others.

DAN DEFREESE - CROSS BY MR. FRICK

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1 Q Okay, so when you received it was empty.

2 A When I received it, it was empty, but there were 28
3 cartridges that other people had removed from it.

4 Q Okay. Do you have any idea who unloaded it?

5 A No.

6 Q Okay. Now, let's talk about the .32. I think it's
7 State's 18. I think we already got it in evidence, but I'm
8 going to put the box up here.

9 A Sure.

10 Q Is that the .32 caliber we were talking about?

11 A It is.

12 Q Okay. Now, you said you -- tell me the thing about
13 the unloading it again. Can you please demonstrate that
14 for me again?

15 A Well, we were talking about does it require two hands
16 to unload it.

17 Q Right.

18 A And certainly it's easier to unload it with two hands.

19 Q Okay.

20 A But I've have seen some one-handed shooters do some
21 incredible things, because they've become really adept at
22 doing it. It's -- it's possible to unload it with one
23 hand, but it's a whole lot easier to do it with two.

24 Q If -- if you are well-practiced with it, though, could
25 you do it?

1 A If you were extremely well-practiced then, you -- you
2 know -- you know, you had done it before, ---

3 Q Right.

4 A --- yeah, you could do it.

5 Q Can you demonstrate the pushing of that lever so the
6 jury can see?

7 A It moves only a very tiny amount and it's sort of
8 obscured, but in order to open it, you have to pull the rod
9 forward probably an eighth of an inch or maybe a little
10 more than an eighth of an inch, which retracts the little
11 pin at the back of the -- of the cylinder, which is what
12 locks in the gun. When you do that, then you can push the
13 cylinder out of alignment with the barrel in order to
14 permit loading or unloading.

15 Q And then you just push that little pin in and it ---

16 A You push it in again, and, of course, if it weren't,
17 you know, captured by the nylon, I could push it and it
18 would um -- would have a star-shaped structure that is this
19 gun's extractor that grabs all six fired cartridge cases or
20 unfired cartridges and pushes them out the back.

21 Q All at the same time.

22 A All at the same time.

23 Q And you still -- can you dump it out at that point?

24 A You could.

25 Q Okay.

DAN DEFREESE - CROSS BY MR. FRICK

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1 A Yeah, it'd be real easy just to do that.

2 Q I mean it doesn't just simply eject them out. Right?

3 A Well, it's whatever pressure you put on it.

4 Q Okay. So if you hit it hard enough, you could ---

5 A If you hit it hard, it'll go hard.

6 Q Okay. And you said that is a firearm that you don't
7 necessarily have to cock it and fire, you just have to pull
8 hard enough.

9 A Yeah, if you just pull the trigger, give it a long
10 pull of the trigger, it will fire.

11 Q Okay. And, of course, if -- it'll fire if you have
12 two empty shell casings in there, won't it?

13 A So long as the two empties are not aligned with the
14 barrel.

15 Q Okay.

16 A If you have fired two, and they're out -- you know,
17 because of the -- the cylinder rotates to bring the next
18 cartridge up, to, you know, and it times up so that when
19 you start, the last fired cartridge is aligned with the
20 barrel, so that when the hammer starts to come back, the
21 cylinder rotates to bring the next unfired cartridge into
22 alignment with the barrel and then drops the hammer and
23 fires it.

24 Q Okay.

1 A If you had unfired cartridges in there and they were
2 just randomly located, you might pull the trigger and it
3 might land on a fired cartridge case, in which case nothing
4 would happen.

5 Q Right. But you don't have to have all unfired shot --
6 casings in there for the gun to operate, if, in fact, the
7 next bullet that comes up has a bullet in it.

8 A Right. So long as the next cartridge brought into
9 alignment with the barrel is an unfired cartridge, it's
10 going to fire.

11 Q Okay.

12 A If the next cylinder has nothing in it or has a fired
13 cartridge case in it, it won't fire.

14 Q Okay. Now, obviously, one way to load the thing is
15 put in bullet by bullet. Are there mechanisms you can get
16 that would pull all the bullets in at one time?

17 A You know, I don't know whether they make a speed
18 loader for that gun or not.

19 Q Okay.

20 A I think at one time they did, ---

21 Q Okay.

22 A --- but I don't know what's currently available. A
23 speed loader is a little round device that holds however
24 many cartridges your cylinder holds, and it's made to align
25 with the diameter and placement of your cylinder so that

1 you can just bring like five or six cartridges and dump
2 them all at one time in there. And, frankly, I don't know
3 whether there are or have been or still are speed loaders
4 available for that particular gun.

5 Q Okay. All right. And you mentioned comparison of
6 loading that. That is more difficult than loading a -- one
7 of these semiautomatic pistols.

8 A A semiautomatic pistol, if you have a fresh magazine,
9 a magazines with fully-loaded cartridges ---

10 Q That's my point. If ---

11 A Right. It's much faster ---

12 Q If you didn't have that and had to reload the
13 magazine, what would you have to do?

14 A It would take longer ---

15 Q Okay.

16 A --- with a semiautomatic. If all you had was just one
17 magazine, you would have to take the empty magazine out of
18 the gun and then hold the magazine while you place
19 cartridges back in the magazine, which can take every bit
20 as long, or maybe even longer than it would take to load a
21 revolver, and then put the loaded magazine back in the gun.

22 Q Okay. I want to ask you about a term, and I don't
23 know if it's a real term or a made-up term. Stopping
24 power. Is that a real term?

1 A It's a term you hear bandied about quite a bit in
2 terms of the effect that bullets have on incapacitating
3 whatever it is you're shooting at, but it's a -- it's
4 really sort of a nebulous term.

5 Q Okay. So -- but -- in reference to the guns we're
6 talking about -- if you will allow me to use that term ---

7 A Sure.

8 Q --- does a .32 have a significant stopping power?

9 A It certainly would have probably the least of any of
10 the firearms we're talking about today, and what I'm basing
11 it on is the actual computed energy of the moving bullet,
12 which is a function of its weight and its velocity. It
13 probably has the least energy of any of the firearms
14 involved in this case.

15 Q Compared to the 9?

16 A It's less than a 9, less than a .38 special and
17 significantly less than the 7.62 by 39.

18 Q How about a .40?

19 A It's less than a .40 S&W caliber.

20 Q Thank you. Have you got your report up there?

21 MS. HALL - It's right here.

22 A I've got one handy.

23 Q That's okay. I can get the one that's on the table.

24 A No, I've got it.

DAN DEFREESE - CROSS BY MR. FRICK

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1 Q Okay. I'm going to ask you about the -- get this out
2 of your way. That part at the very end when we were
3 talking about the additional case ---

4 A Yes.

5 Q --- are you ware of where those firearms came from?

6 A No.

7 Q Was there any notation given to you about where they
8 came from?

9 A There -- there may be some notation in the case file
10 document on the -- on the other case, but not for -- not in
11 this case.

12 Q Okay. Did you list on that report what those firearms
13 were?

14 A I did.

15 Q Can you tell us what they were?

16 A One of them was a Taurus model PT 99 AF 9 millimeter
17 lugar caliber pistol, serial number THD21728, and the other
18 was a Taurus model PT 100 AF .40 S&W caliber pistol, serial
19 number SKK03359/AFD.

20 Q Okay. So those are the only two additional pistols
21 that got submitted?

22 A Well, they were actually submitted in a different
23 case, ---

24 Q I understand; I understand.

1 A --- and we were requested to compare the test
2 specimens from those pistols with the evidence specimens in
3 this case.

4 Q Okay. And was it -- who asked you to test?

5 A The sheriff's department.

6 Q Okay. And what did you compare those guns to in the
7 case at hand?

8 A Well, one of those two guns in the other case were .40
9 S&W caliber, and they were specifically compared with items
10 10 and 11 ---

11 Q Okay.

12 A --- and they -- items 10 -- neither item 10 nor item
13 11 was fired by that particular pistol.

14 Q Okay. So just so I have it clear, the two fired shell
15 casings that were given to you in the Odell Williams case
16 that were found at that scene, submitted to you, were
17 compared against this additional .40 caliber gun ---

18 A Right.

19 Q --- that was submitted, and it was determined that
20 that gun did not fire those bullets.

21 A Correct.

22 Q Okay.

23 A I similarly looked at all the bullet jacket fragments
24 and other things versus the 9 millimeter gun in the other
25 case, ---

DAN DEFREESE - CROSS BY MR. FRICK

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1 Q Yes, sir.

2 A --- and I couldn't make any association there either.

3 Q So in essence, these extra two guns that show up
4 didn't fire anything that was submitted to you in this
5 particular case.

6 A Right. Like I said, this was just an investigative
7 aid ---

8 Q Right, I understand.

9 A --- that they got other handguns similar, close in
10 place and time and just wanted to see if there was an
11 association, and there wasn't.

12 Q Right. Okay. As far as items 10 and 11, your items
13 10 and 11, State's Number 42, you said it appeared weather-
14 beaten. Can it become weather-beaten before it's actually
15 placed in a gun and fired?

16 A It can.

17 Q Okay. And you said it's consistent with being --
18 basic -- I put down -- consistent with being run over. Is
19 that a fair statement?

20 A Yes.

21 Q Okay. So cars would've passed over it, and that's
22 where it got the abrasion ---

23 A Or walked over or something else hit it and pressed it
24 into pavement or gravel or something that made ---

25 Q Okay.

1 A --- numerous small indentations in it.

2 Q So it might need to be repetitive, but it doesn't have
3 to be a great deal of force that would cause those
4 abrasions that you saw?

5 A No.

6 Q Okay.

7 A You know, being kicked around or walked around, you
8 know, stepped on.

9 Q Okay.

10 A Of course, run over by a car really does it.

11 Q Okay. Well, I mean just one time maybe?

12 A Yeah, well -- it -- it could do a lot of damage.

13 Q Okay. Your item number 11, State's Number 43, it was
14 not in that condition. Right? It was in better condition?

15 A Oh, much better.

16 Q Okay.

17 A Yeah. It looked like it was undamaged and looked --
18 and did not appear weather-beaten at all.

19 Q Okay. All right, now, you know what I got to go to.
20 The bullet fragments that you found that are your items 31,
21 32, 33, 34, essentially you're finding is, obviously,
22 they're not fired by the handguns.

23 A Correct.

24 Q They could have been fired by this rifle, but you
25 cannot say conclusively that they were.

DAN DEFREESE - CROSS BY MR. FRICK

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1 A I can't say that they were fired by that specific
2 rifle.

3 Q Okay. They were fired by a rifle.

4 A They were -- well, they were probably fired by a
5 rifle, that ---

6 Q Okay.

7 A --- all the characteristics on the -- that remain on
8 the bullets that I've got are consistent with 7.62 by 39
9 millimeter rifle bullets ---

10 Q Yes, sir.

11 A --- to the extent that they're there.

12 Q Yes, sir. Okay.

13 A And they have -- the ones that have general rifling
14 characteristics have four groove right twist, which is
15 what's used on that rifle and on most all the other ones
16 just like it.

17 Q Okay. So probably fired by a rifle, could have been
18 fired by that rifle.

19 A Could've been fired by that rifle. Could not have
20 been fired by any of the handguns.

21 Q All right. And then your item number 35 was a
22 fragment that was collected from the autopsy. Could you
23 tell a thing about that?

24 A Well, there wasn't much to it. Item 35, for instance,
25 weighs 4/10ths of a grain, and a grain weighs 1/7000th of a

1 pound, so it's -- it's a little bitty fragment, but it was
2 a copper alloy fragment, and it was consistent with a
3 bullet jacket fragment, because it had a partial crimping
4 cannellure impression in it.

5 Q Okay, so you were able to look at it and make a --
6 sort of determination that it was actually part of a
7 cartridge.

8 A Right. It -- it looks like a bullet jacket fragment,
9 and it looks like the kind of jacket fragment that would've
10 been on the Hornady brand bullet.

11 Q Okay. Okay. But you weren't able to find anything to
12 make any kind of ---

13 A It really didn't have any markings left on it that the
14 gun would've placed on it.

15 Q Okay. And, of course, you analyzed it under the
16 microscope like you did the other fragment where you found
17 something that looked interesting to be swabbed to send to
18 DNA. Did you find anything on this one, or did you do that
19 analysis on this one?

20 A It was such a small area. I did see debris consistent
21 in appearance with dried blood; it was noted, but it wasn't
22 sampled.

23 Q Okay.

24 A And since it was on the guy's body from the autopsy,
25 it would be something we typically would not sample.

DAN DEFREESE - CROSS BY MR. FRICK

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1 Q I understand. All right. I'm about done with you I
2 believe. One more quick question on this State's Number
3 18. You said that when you got it, the shell casings were
4 not in the gun?

5 A Let me double-check.

6 Q Correct? (sic) I think your report says the two fired
7 casings were not in the gun. Is that -- is that a correct
8 statement?

9 A Well, the -- when I got it, the gun had been unloaded
10 by others, but it was reported to me that the gun was --
11 the gun contained the four unfired and two fired cartridge
12 cases at the time of its recovery, ---

13 Q Okay.

14 A --- although I did not physical -- I wasn't the one
15 that opened the cylinder and took them out.

16 Q Okay, but when you got it, you got a pistol and
17 separate ---

18 A Right, separate little envelopes that ---

19 Q --- separate -- okay.

20 A --- had ---

21 Q You got it just like this?

22 A Yes.

23 Q Every one of them in little individual envelopes.

24 A Right.

25 Q Okay. Do you have any idea who unloaded it?

1 A No. Usually the crime scene people do it.

2 Q Okay. Got a notation anywhere?

3 A No, I just got it as a revolver with something,
4 instead of a revolver containing something. It -- when I
5 unload them, I have it as a revolver containing.

6 Q Okay. All right.

7 MR. FRICK - Hang on one second. I might be done.

8 (Pause) Thank you, sir. That's all the questions I have.

9 MR. DEFREESE - Thank you.

10 MS. HALL - Just real quick.

11 RE-DIRECT EXAMINATION

12 BY MS. HALL -

13 Q Mr. Frick had asked you on cross about the loudness of
14 that gun.

15 A Yes.

16 Q It's pretty loud when you fire it, like when you're
17 firing it. Right? When you're holding it and firing it.

18 A Yes.

19 Q And it would be -- and it's not as -- it's louder than
20 those smaller handguns when you're actually standing there.
21 and firing those handguns. Correct?

22 A Yes.

23 Q But I -- you touched on this, and I want to make sure
24 that it's very clear. Is it true that if I'm 600 yards
25 away, that it's not going to make as much noise?

DAN DEFREESE - RE-DIRECT BY MS. HALL

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1 A Correct.

2 Q And if -- am I correct in saying, if you're 50 feet
3 away, it wouldn't make as much noise as if I was 10 feet
4 from you?

5 A Right. Your proximity to the source of the noise has
6 a direct influence on how loud it's going to be to you.
7 That's why I say under the same acoustical conditions,
8 which, you know, there's nothing interfering with it and
9 that the distances are the same and the direction of fire
10 is the same.

11 Q And I want to show you again what's been marked as
12 State's 18 and entered into evidence. Is there a diagram
13 on the front of that?

14 A There is.

15 Q Okay, and what does that diagram show?

16 A Well, it's a series of circles within a circle that to
17 me depicts the position of chambers one through six of the
18 cylinder of this gun.

19 Q Okay, and do those numbers on that -- on those little
20 circles relate to the numbers on these little packets that
21 have also been entered into evidence?

22 A I presume that they do.

23 Q Okay. And those numbers are one through ---

24 A Are one through six.

1 Q And these numbers are one through six as well.

2 Correct?

3 A Yes.

4 Q And does it also -- and inside these individual
5 envelopes, you were able to determine and include on your
6 report which ones are fired and unfired? Or I can't
7 remember -- here, let me look you look at it.

8 A I'm not sure I had that by the number on the envelope,
9 that I only had them in the aggregate of counting four
10 fired -- four unfired and two fired.

11 Q Okay, can you tell me which ones -- which numbers are
12 unfired? And I don't know, you might need a stable
13 remover.

14 A Numbers two and three are marked CC, which is our
15 usual parlance for cartridge case, and the other ones are
16 marked live, which is a usual parlance for unfired
17 cartridge.

18 Q Okay.

19 A I carried that over in my markings, in my engravings
20 on those cartridges, just to prevent them from being
21 inadvertently switched around. I so marked them, but I
22 didn't make the diagram.

23 MS. HALL - Thank you. I don't have anything
24 further.

25 MR. FRICK - One quick one.

DAN DEFREESE - RE-DIRECT BY MS. HALL

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1 MR. DEFREESE - Okay.

2 RE-CROSS EXAMINATION

3 BY MR. FRICK -

4 Q If that rifle and that .32 were fired at the same spot
5 and I was 600 yards away, or whatever the solicitor said,
6 assuming I could hear either one of them, which one would
7 still be louder?

8 A The rifle would still be louder. Under the same
9 acoustical conditions, the rifle is going to be louder.

10 MR. FRICK - Thank you, sir. That's all the
11 questions I have.

12 MS. HALL - I don't have anything further, Your
13 Honor. We would ask that this witness be excused.

14 MR. FRICK - No objection.

15 THE COURT - Thank you, sir. You're excused.

16 MS. HALL - One more witness for today. If we
17 could confirm that he's actually here. Give me just a --
18 or do you want to take a break.

19 THE COURT - We need a brief recess?

20 (WHEREUPON, JURORS RESPOND)

21 THE COURT - We do. We'll take about five
22 minutes.

23 MS. HALL - Thank you.

24 (WHEREUPON, JURY EXITS THE COURTROOM)

25 (WHEREUPON, RECESS TAKEN)

1 THE COURT - All right.

2 (WHEREUPON, JURY ENTERS THE COURTROOM)

3 THE COURT - All right, solicitor.

4 MS. HALL - Thank you, Your Honor. State calls

5 Terrance Buchanan.

6 TERRANCE BUCHANAN, AFTER BEING FIRST DULY SWORN,

7 TESTIFIES AS FOLLOWS -

8 DIRECT EXAMINATION

9 BY MS. HALL -

10 Q Is your full name Terrance Buchanan?

11 A Yes, ma'am.

12 Q Do you go by a nickname?

13 A Three Money.

14 MS. HALL - Put that microphone down to ---

15 Q Say it again?

16 A Three Money.

17 COURT REPORTER - I couldn't understand him. I'm
18 sorry.

19 A Three Money.

20 MS. HALL - And just so we're on the same page.

21 She's got to take down everything, repeat what you're

22 saying, so we're going to speak real clearly and not real

23 loud but loud enough where she can hear you. Okay?

24 Q So you go by Three Money?

25 A Yes, ma'am.

TERRANCE BUCHANAN - DIRECT BY MS. HALL

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1 Q All right, do you know the defendant in this case,
2 Chris Moore?

3 A Yes, ma'am.

4 Q Was he with you or were you with him on November 4th of
5 2014?

6 A Yes, ma'am.

7 Q All right, and the person you know -- what -- what do
8 you know him by, nickname?

9 A Diesel.

10 Q Diesel?

11 A Yes, ma'am.

12 Q Okay. And the person that you know as Diesel, also as
13 Chris Moore, is he seated in the courtroom today?

14 A Yes, ma'am.

15 Q Point him out for me.

16 A (Witness complies)

17 MS. HALL - Please let the record reflect that
18 he's pointed to the Defendant, Chris Moore.

19 Q Tell us about hooking up with Chris Moore on November
20 the 4th of 2014. Where were y'all?

21 A We had met up on an apartment at Chester Homes.

22 Q Okay. And why did y'all -- what we y'all doing there?

23 A It was like a little kickback; we was over there
24 chilling.

25 Q A little bit of kickback, a little like ---

1 A Yeah, like a little kickback.

2 Q Okay. So you -- I guess that's the same thing as
3 hanging out. Right?

4 A Yes, ma'am.

5 Q And so -- and so who were you with besides Chris
6 Moore?

7 A Trel, (sic) Debo and Hatchett.

8 Q Okay. Who's Debo?

9 A Roseboro.

10 Q Last name's Roseboro?

11 A Yes, ma'am.

12 Q And who's Hatchett?

13 A Dixon.

14 Q Derrick Dixon?

15 A (No response)

16 Q Okay. So -- and was Quinton McClinton also with
17 y'all?

18 A Yes, ma'am.

19 Q So was it five of you?

20 A Yes, ma'am.

21 Q At some point in time did the five of you get into a
22 gold Dodge Ram truck?

23 A Yes, ma'am.

24 Q Who was driving the truck?

25 A Quinton.

1 Q And where -- who was sitting the passenger's side
2 front seat?

3 A Me.

4 Q Who was sitting in the passenger's side backseat?

5 A Diesel.

6 Q Is that Chris Moore?

7 A Yes, ma'am.

8 Q And who was sitting in the middle of the backseat?

9 A Roseboro.

10 Q And who was sitting in the driver's side backseat?

11 A Dixon.

12 Q Okay. So um -- when -- when all of this happened --
13 this was on November 4th of 2014 -- how long did it take you
14 to get to law enforcement to talk to them to tell them what
15 happened?

16 A Probably like three weeks later or two weeks maybe.

17 Q So once y'all -- once the five of you get into the
18 truck, where were y'all going?

19 A On York Road.

20 Q Going to York Road?

21 A Yes, ma'am.

22 Q Okay. And what were y'all going to do there?

23 A We was going to rob the house on Holmes Road.

1 MR. FRICK - Your Honor, at this time I'd object
2 my previous objection under 404(B) evidence. We had the
3 hearing the other day.

4 THE COURT - Okay, I'll have to overrule you.

5 MS. HALL - Okay.

6 Q You said you were going to rob a house on Holmes Road.
7 Is that right?

8 A Yes, ma'am.

9 Q And um -- are you -- you're pretty familiar with
10 Chester. Right?

11 A Yes, ma'am.

12 Q Do you live there?

13 A A little bit, like growing up.

14 Q I'm going to show you what's been entered into
15 evidence as State's Exhibit 7. And I'm going to give you
16 this stick to point with. I'm going to actually give this
17 to you because I think it's going to be a little bit
18 easier. All right, there you go. Where about is Chester
19 Homes on this map?

20 A (No response)

21 Q If you can tell. If you can't, it's okay.

22 A Can't really tell on that map.

23 COURT REPORTER - He's going to have to speak up.

24 Q Say it again.

25 A I can't really tell on this map.

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1 Q Where is Holmes Road?

2 A Holmes Road would be this.

3 Q Okay. And where's Featherstone Road.

4 A Right here.

5 Q Okay. And when y'all started out that day at Holmes
6 Road -- or going to Holmes Road, where did you end up
7 parking the truck?

8 A We parked um at Odell's little garage, like work
9 building.

10 Q Okay, and is that on Featherstone Road?

11 A Yes, ma'am.

12 Q Okay. And when you parked there, where did you go?
13 Did y'all all get out of the car?

14 A Yes, ma'am.

15 Q Okay, let me stop you real quick and ask you some
16 questions. Did y'all have guns?

17 A Yes, ma'am.

18 Q Tell me what kind of guns you had?

19 A Had a .38 special and a 9 millimeter.

20 Q Okay. And what kind of gun did Quinton McClinton
21 have?

22 A Some type of handgun.

23 Q What about Roseboro?

24 A A handgun.

25 Q Do you know what kind it was?

1 A No, ma'am.

2 Q What about Dixon?

3 A A handgun.

4 Q Do you know what kind it was?

5 A No, ma'am.

6 Q Did Chris Moore have a gun?

7 A Yes, ma'am.

8 Q What kind of gun did he have?

9 A Assault rifle.

10 COURT REPORTER - He needs to speak up.

11 A Assault rifle.

12 Q All right, let me show you a couple of things real

13 quick. I show you what's -- some guns that have been

14 entered as the evidence. This one's marked State's Exhibit

15 20. Is that your gun that you had that night?

16 A Yes, ma'am.

17 Q I'm going to show you what's been marked and entered

18 into evidence as State's 19. Was this the gun -- one of

19 the guns you had that night?

20 A Yes, ma'am.

21 Q I'm going to show you what's been marked and entered

22 into evidence as State's Exhibit 12. Is this the gun that

23 Chris Moore had?

24 A Yes, ma'am.

1 Q Okay. So you guys go to Featherstone and you said you
2 parked at Odell's yard. Did you know Odell?

3 A Yes, ma'am.

4 Q How did you know him?

5 A Old football coach.

6 Q Your old football coach?

7 A Yes, ma'am.

8 Q How old were you when he coached you in football?

9 A About ten.

10 Q Okay, how old are you now?

11 A 26.

12 Q So you've known him for a long time.

13 A Yes, ma'am.

14 Q How long did he coach you in football?

15 A About a year.

16 Q Did you have any other -- you known him any other way?

17 A No, ma'am.

18 Q Okay. All right. So you say that you go to his house
19 and park -- to go to his shop. Is that where you parked?

20 A Yes, ma'am.

21 Q All right. And you parked the truck. Is that
22 correct? Or whoever you're riding with.

23 A Yes.

24 Q When y'all got out, did everybody take all the guns
25 that were just described -- that was -- I guess Quinton

1 McClinton had one, Derrick Dixon had one, Roseboro had one,
2 you had two, and Moore had the assault rifle. Correct?

3 A Yes, ma'am.

4 Q Did y'all get out of the car with your six guns?

5 A Yes, ma'am.

6 Q Okay, where were you going?

7 A To Holmes Road.

8 Q Okay. And why'd y'all park in Odell's shop?

9 A Somewhere to park.

10 Q Where were you going on Holmes Road?

11 COURT REPORTER - I can't hear him.

12 A Can't really see the houses; that's too small.

13 Q Okay. Was it -- why were you -- what were you going
14 to do? How were you going to get there?

15 A Walk.

16 Q How -- what were you going to walk through?

17 A It's a field you can walk through.

18 Q Field?

19 A Yes, ma'am.

20 Q All right. Did y'all walk through the field?

21 A Yes, ma'am.

22 Q Did you go to the house on Holmes Road?

23 A No, ma'am.

24 Q Did you know who lived at the house?

25 A Yes, ma'am.

- 1 Q Who?
- 2 A Guy named Tim-Tim.
- 3 Q Okay, and why were you going to rob Tim-Tim?
- 4 A We didn't get along with each other.
- 5 Q Didn't get along with each other?
- 6 A No, ma'am.
- 7 Q Okay. Was Tim-Tim home?
- 8 A No, ma'am.
- 9 Q How do you know?
- 10 A There were no lights on.
- 11 Q And where did y'all go? Did you stop somewhere or did
- 12 you go back ---
- 13 A We -- we just sat in the field.
- 14 Q You sat in the field?
- 15 A Yes, ma'am.
- 16 Q Were you watching Tim-Tim's house?
- 17 A Yes, ma'am.
- 18 Q Okay, were you waiting for him to come home so you
- 19 could rob him?
- 20 A Yes, ma'am.
- 21 Q And had all five of y'all discussed what you were
- 22 going to do before you went there?
- 23 A Yes, ma'am.
- 24 Q Okay, so everybody knew what was going on.
- 25 A Yes, ma'am.

1 Q At some point in time did you leave the field?

2 A Yes, ma'am.

3 Q Okay, and between the time you got in the field and
4 the time you left, did Tim-Tim ever come back?

5 A No, ma'am.

6 Q Okay. So what caused you to leave?

7 A We seen a car going down the street, it was passing
8 our car, it was creeping, so I spotted the car and I told
9 everybody let's leave, it didn't look right.

10 Q You saw a little car going by?

11 A Saw a car riding by the car where our truck was
12 parked.

13 Q You said it was creeping by?

14 A Yes, ma'am.

15 Q Okay. And so did -- I mean is it safe to say you got
16 spooked?

17 A Yes, ma'am.

18 Q Okay. So -- and you were the one who said let's go?

19 A Yes, ma'am.

20 Q All right, did everybody leave?

21 A Yes, ma'am.

22 Q And did everybody take their guns with them when they
23 left?

24 A Yes, ma'am.

25 Q Okay, did everybody get back in the truck?

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1 A Yes, ma'am.

2 Q Okay, tell me where everybody was sitting when they
3 got back in the truck.

4 A Everybody got back in the same spot.

5 Q Okay, let's go through that one more time, because it
6 was kind of fast. Where were you sitting?

7 A In the passenger front seat.

8 Q Where was -- where was the Defendant in the case,
9 Chris Moore, Diesel, where was he sitting?

10 A Behind me.

11 Q So he was right behind you.

12 A Yes, ma'am.

13 Q Who was driving?

14 A Quinton.

15 Q And who was behind Quinton?

16 A Dixon.

17 Q Derrick Dixon. And who was in the middle in the
18 backseat?

19 A Roseboro.

20 Q Okay. So when you got -- when you all got back in the
21 truck, what'd you do?

22 A We rode down the road to the -- back to the beginning
23 of the road, that's when we noticed the same car that was
24 sitting at the stop sign.

1 Q Okay, were you going the way that you came in, or were
2 you going back the other way?

3 A Going back out.

4 Q Going back out.

5 A Yes, ma'am.

6 Q Okay, and you saw that same car that you'd seen.

7 A Yes, ma'am.

8 Q Was it sitting at the end of the road at the stop sign
9 or was it sitting on ---

10 A It was sitting at the stop sign on the street ---

11 Q Okay. Did you notice anything else about that car?

12 A I notice it was the wife's -- well, the daughter's
13 car, Odell.

14 Q Whose daughter?

15 A Odell's daughter's car.

16 Q Did you know her?

17 A Yes, ma'am.

18 Q What's her name?

19 A I can't ---

20 Q Do you have family that lives on Featherstone Road?

21 A Yes, ma'am.

22 Q Who lives there?

23 A My grandmother.

24 Q Okay. And did you spend a good bit of time on
25 Featherstone Road?

1 A Yes, ma'am.

2 Q Had you seen that car, the car that you're talking
3 about today, the one that was creeping and sitting on the
4 side of the road, had you seen that parked at that 902
5 Featherstone, Odell's house before?

6 A Yes, ma'am.

7 Q And do you know who lived at that house?

8 A Yes, ma'am.

9 Q Who?

10 A His wife.

11 Q Okay, so when you passed the car going back to York
12 Road, did you know whose car it was?

13 A Yes, ma'am.

14 Q And so did y'all stop to talk to the people in the
15 car?

16 A No, ma'am.

17 Q What'd you do?

18 A We got to the edge, we was going around, but that's
19 when we seen the red Cadillac turned in, and he went up the
20 street a little bit. That's when we went around and pulled
21 out.

22 Q When you went around what and pulled out?

23 A Their car.

24 Q Okay. Ms. Williams's car?

25 A Yes, ma'am.

1 Q And what did Odell do?

2 A He turned around and started following us.

3 Q Did you know that it was Odell when he pulled in?

4 A No, ma'am.

5 Q Did you know what kind of car he drove?

6 A No, ma'am.

7 Q You didn't see him.

8 A No, ma'am.

9 Q Did you tell anybody that you knew the people in the
10 car?

11 A No, ma'am.

12 Q Did y'all ever have any conversation about who might
13 be in the car or what they were doing?

14 A As we got on down the road.

15 Q Where did y'all head?

16 A We went past -- we went down York Road and went past
17 Chester Homes, then we made a left on Bailey Street,
18 Brawley Street.

19 Q On Brawley Street?

20 A Yes, ma'am.

21 Q Okay. And could - was -- could you -- was anything
22 odd about when you were driving? Did you -- or riding or
23 whatever, did you notice anything odd going on?

24 A Yes, ma'am, we noticed a car following us.

25 Q Did you know who it was in the car?

- 1 A Not at the time.
- 2 Q Did you recognize the car?
- 3 A No, ma'am.
- 4 Q What did the car look like?
- 5 A It was a red Cadillac.
- 6 Q Okay, how do you know he was following you?
- 7 A Because we seen him jumping in and out of the lanes.
- 8 Q He was jumping in and out of the lanes?
- 9 A Yes, ma'am.
- 10 Q What else did you know about Odell Williams?
- 11 A That's about it. Oh, I knew he was a -- an ex-
- 12 policeman.
- 13 Q You did?
- 14 A Yes, ma'am.
- 15 Q When did you realize he was following you?
- 16 A When we -- by time we got to the light leaving off of
- 17 York Road.
- 18 Q Where does that -- what does that light -- where is
- 19 the light?
- 20 A That'd be -- by the -- that's the bypass.
- 21 Q On the bypass?
- 22 A Yes, ma'am.
- 23 Q Okay. Did y'all turn on the bypass or did you go
- 24 straight or what'd you do?
- 25 A We kept straight.

1 Q Okay. And then you stated earlier that you turned
2 left on Brawley Street.

3 A Yes, ma'am.

4 Q Okay, what'd you do after that?

5 A Kept straight and made another left onto Saluda.

6 Q Okay. At this point in time did you think the car was
7 still following you?

8 A Yes, ma'am.

9 Q Okay, did you -- was anybody in the car saying
10 anything to each other?

11 A Not at the time.

12 Q Okay. What'd y'all do next?

13 A That's when we made a left into -- no, a right into
14 East Chester. It's a little barbershop that sits on the
15 corner right there.

16 Q Okay, and then what -- what did you do when you got to
17 the barbershop?

18 A I told Quinton to slow down and see what he had -- see
19 what Odell wanted.

20 Q Did you know it was Odell then?

21 A Not at the time.

22 Q So did you tell -- what did you tell Quinton?

23 A I told him to slow down to see what he wanted.

24 Q And what did Quinton do?

25 A He stopped.

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1 Q Okay. Where did he stop?

2 A We stopped like as soon as we turned into the road
3 stopped on the side of the building that was right there to
4 the left.

5 Q Was this at the barbershop or was it another building?

6 A It was just that building right there.

7 Q Was that the barbershop?

8 A It was the barbershop.

9 Q Okay. What happened when y'all stopped at the
10 barbershop?

11 A That's when Odell pulled in on the side and he was
12 attempting to get off -- get out of the car, but we pulled
13 off.

14 Q Which side of the truck did he pull up on?

15 A The left-hand side.

16 Q Was that the driver's side?

17 A The driver's side.

18 Q Driver's side?

19 A Yes, ma'am.

20 Q Who was closest to him then? Who was driving the car
21 again?

22 A Quinton.

23 Q Quinton McClinton?

24 A Yes, ma'am.

25 Q Who was sitting behind him?

1 A Hatchett.

2 Q Which -- who -- what is really -- what's his name?

3 A Derrick Dixon.

4 Q So Derrick Dixon. So they were the ones who were
5 closest to him. Is that correct?

6 A Yes, ma'am.

7 Q All right, did you see -- did you see -- from where
8 you were sitting could you see Odell at that point?

9 A No, ma'am.

10 Q Did you recognize him? Did you know who it was? Did
11 you see anything about him?

12 A No, ma'am, he attempted to get out of the car, but he
13 didn't all the way get out.

14 Q So -- so what did y'all do?

15 A We pulled off and made a left on Patrick Street.

16 Q Okay. And where'd you go after that?

17 A Made a left on Patrick Street, and that's when we
18 heard gunshots firing at our car.

19 Q Did you hear gunshots?

20 A Yes, ma'am.

21 Q Did you see gunshots?

22 A No, ma'am.

23 Q How do you know they were firing at your car?

24 A We heard them, but nobody else was shooting at the
25 car.

1 Q Nobody was shooting at your car?

2 A No, ma'am.

3 Q How many gunshots did you hear?

4 A I heard about three shots.

5 Q Where were they coming from?

6 A From behind.

7 Q What -- what -- was anybody saying anything in the
8 car?

9 A No, ma'am.

10 Q Did you turn around and look back?

11 A Yes, I looked back.

12 Q Did you see anything when you looked back?

13 A No, ma'am.

14 Q Where'd you go after that?

15 A We made a left on First Street.

16 Q And then what?

17 A Then we got back on Saluda when we got to the end of
18 First Street.

19 Q Okay. At this point in time was there any
20 conversation in the car, anybody giving directions or
21 talking about where you were going to go or what you're
22 going to do?

23 A No, ma'am.

24 Q How fast were y'all going?

25 A I'd say probably about 70 miles an hour.

1 Q On Saluda or on Patrick or on First or where?

2 A When we got -- when we made -- when we got back on
3 Saluda, we made the left on ballpark (sic) -- well or right
4 -- going toward Roundtree.

5 Q Okay. So when -- then you started -- you got up to
6 about 70 where?

7 A When we made the left going towards Roundtree.

8 Q Okay, would that be Parkway?

9 A Yes, ma'am.

10 Q Okay. Is there railroad tracks over there?

11 A Yes, ma'am.

12 Q Okay, did y'all jump the railroad tracks?

13 A We went over them pretty fast.

14 Q And then where'd you go after that?

15 A Made a left onto Roundtree.

16 Q And y'all kind of skimming the corner or did y'all
17 slow down or what?

18 A Yeah, we was slowing down a little bit.

19 Q Okay. At that point in time what happened?

20 A We turned in -- that's when Diesel's like, let me out,
21 and then he opened the door, and that's when he fell out of
22 the car and the gun went off.

23 Q So he said, let me out, opened the door and fell out
24 of the car.

25 A Yes, ma'am.

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- 1 Q Okay, you said the gun went off?
- 2 A Yes, ma'am.
- 3 Q Did he have -- that gun right there, did he have that
- 4 in his hand when he got out of the car?
- 5 A Yes, ma'am.
- 6 Q How do you know it was that gun going off?
- 7 A That was the only gun that was in his hand.
- 8 Q Did you hear it?
- 9 A Yes, ma'am.
- 10 Q Pretty loud?
- 11 A Yes, ma'am.
- 12 Q What'd y'all do?
- 13 A We kept going.
- 14 Q Was the door open?
- 15 A It was kind of cracked.
- 16 Q Did you look back?
- 17 A Yes, ma'am.
- 18 Q And what'd you see?
- 19 A I seen Diesel getting off the ground.
- 20 Q You saw him getting off the ground?
- 21 A Yes, ma'am.
- 22 Q Did you see the gun in his hand?
- 23 A Yes, ma'am.
- 24 Q How was he carrying it or holding it?
- 25 A Can't really tell.

1 Q I'm going to show you that map I showed you again.
2 Again, this is State's 4. And if you can, show the jury on
3 this map where the car that you were riding in was coming
4 from.

5 A (Indicating)

6 Q And where's the car that you were riding in coming
7 from from the beginning?

8 A Turned in right there.

9 Q So that's where y'all turned in. Is this Roundtree
10 Circle right here?

11 A Yes, ma'am.

12 Q And is that Parkway?

13 A Where all this ---

14 COURT REPORTER - He needs to speak up. I can't
15 hear him.

16 A It might be. All I know is it's Roundtree.

17 Q Okay. Show the jury with the stick where you guys
18 turned onto Roundtree.

19 A Turned right here.

20 Q Where did Diesel get out of the truck?

21 A Right in this area.

22 Q Okay. And where did y'all go?

23 A We kept going down this road.

24 Q Okay. And where'd you end up?

25 A We got out right here at this house.

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1 Q Is that where you parked the truck?

2 A Yes, ma'am. We got out right there, yes, ma'am.

3 Q And was anything said at any time from about right
4 here on Parkway all the way around to there?

5 A Not really. All we was trying to do is get out of the
6 truck, pulled in the yard and everybody got out.

7 COURT REPORTER - He needs to speak up, and I'm
8 having trouble understanding him.

9 Q Try to talk a little louder.

10 A We all got out of the truck and went our own ways.

11 Q Okay. And once Diesel jumped out or Chris Moore
12 jumped out of the truck with the assault rifle, you said
13 you heard it go off and you saw him getting up, when did
14 you lose sight of him?

15 A When he got to this curve ---

16 Q When did you hear the -- I mean did you ever hear
17 shots?

18 A Yes, ma'am, we heard shots as we was riding.

19 Q Okay. Could you -- if you -- did you turn around and
20 look and see what was going on?

21 A No, ma'am.

22 Q If you had turned around to look to see what was going
23 on, would you have been able to see him, or do you know?

24 A No, ma'am.

1 Q When Moore fell out of the car or jumped out of the
2 car, which side of the car did he fall out of?

3 A The right-hand side.

4 Q Was that the passenger side?

5 A Passenger side, yes, ma'am.

6 Q And that's out of the backseat on the passenger side,
7 the same place he'd been sitting?

8 A Yes, ma'am.

9 Q And as far as you can tell, was he intending to get
10 out of the truck?

11 A No, ma'am.

12 Q When he said let me out?

13 A He said let me out, but he wasn't intending to get
14 out; he just fell out of the truck. When Quinton hit the
15 gas, he fell out of the truck.

16 Q Okay. Did he open the door?

17 A Yes, ma'am.

18 Q How long have you known Chris Moore?

19 A Known him for a few years.

20 Q You considered him a friend. Right?

21 A Yes, ma'am.

22 Q You still do.

23 A Yes, ma'am.

24 Q And you were charged in this case as well. Right?

25 A Yes, ma'am.

- 1 Q Not with murder.
- 2 A No, ma'am.
- 3 Q What were you charged with?
- 4 A Accessory.
- 5 Q Accessory?
- 6 A Yes, ma'am.
- 7 Q Has anybody made any promises to you to get you to
- 8 come here to testify today?
- 9 A No, ma'am.
- 10 Q Do you want to be here?
- 11 A Yes, ma'am.
- 12 Q You do?
- 13 A Yes, ma'am.
- 14 Q Why do you want to be here?
- 15 A To tell the truth.
- 16 Q What inspired you to do that?
- 17 A Thought it was right.
- 18 Q Sorry?
- 19 A I thought it was the right thing to do.
- 20 Q It's the right thing to do?
- 21 A Yes, ma'am.
- 22 Q Is that because you know Odell?
- 23 A Yes, ma'am.
- 24 Q Or knew Odell?
- 25 A (No response)

1 Q Where did you go -- after you -- you said y'all
2 stopped -- stopped in the truck on Roundtree Circle and the
3 four remaining people in the truck got out and went your
4 own separate ways -- sit up, if you can, and put your mouth
5 to the microphone ---

6 A (Witness complies)

7 Q --- thanks -- and tell the jury where you went after
8 that.

9 A I had run up the middle street of Roundtree.

10 Q Let me get the map back out just to make sure that we
11 understand -- everybody understands what you're talking
12 about. Again, this is 4. Okay, where'd you go?

13 A Down the middle street.

14 Q Okay, talk loud, so she can hear you. Okay?

15 A I ran through the woods right here and got on the
16 middle street of Roundtree.

17 Q Okay, and where'd you go?

18 A I ran through Ms. -- I forgot her name -- I ran
19 through her back yard, and that's where I had stashed my
20 guns at.

21 Q So you stashed both your guns up in there?

22 A Yes, ma'am.

23 Q And then where'd you go after that?

24 A That's when I ran into Chris Moore again in the back
25 yard.

1 Q Okay. So you saw him again in the back yard.

2 A Yes, ma'am.

3 Q Did he say anything to you when you saw him?

4 A Yes, ma'am, he was like I thought -- I think I shot
5 that man.

6 Q You said he said I think I shot that man?

7 A Yes, ma'am.

8 Q Okay. And did y'all leave together?

9 A Yeah, we ran through those two back yards, and once we
10 got over that fence, we went our separate ways. That's the
11 house right there where the white car at.

12 Q Okay, so you went over to the white car.

13 A Yes, ma'am.

14 Q And did you -- was -- was there a fence there or
15 anything?

16 A Yes, there's a fence right there.

17 Q And did y'all -- how did y'all get away around the
18 fence?

19 A Jumped over the fence.

20 Q Okay, you jumped over it?

21 A Yes, ma'am.

22 Q And which way did -- which way did you go?

23 A I ran across this, and I ran to my uncle's house.

24 Q Okay, and did you see where Chris Moore went?

25 A No, ma'am.

1 Q All right. When you guys were coming up Parkway Drive
2 and you said that McClinton sped up to somewhere around 70
3 miles per hour --- is that right? ---

4 A Yes, ma'am.

5 Q --- how many car lengths would you say -- I think in
6 one of your statements you gave you said that you put
7 distance between you and the Cadillac?

8 A Yes, ma'am.

9 Q How much distance?

10 A Say about four cars.

11 Q Four cars?

12 A Yes, ma'am.

13 Q And there was a railroad track between -- I mean both
14 of you had -- both you -- your truck and the Cadillac had
15 to cross a railroad track ---

16 A Yes, ma'am.

17 Q --- on Parkway. Is that right?

18 A Yes, ma'am.

19 Q Did anybody in the car ever make any phone calls?

20 A No, ma'am, not that I know of.

21 Q Did you have a gun -- I mean a phone in your pocket?

22 A Yes, ma'am.

23 Q Did you know -- to your knowledge, did anybody else
24 have a phone in their pocket?

25 A Pretty sure everybody else had a phone.

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1 Q Okay. And when you say you just wanted to get out of
2 the car, what were you worried about?

3 A One of us getting shot or wrecking, anything.

4 Q Were you worried about getting caught with all those
5 guns in the car?

6 A That too, yes, ma'am.

7 Q Did you -- did you call somebody to come pick you up?

8 A Yes, ma'am.

9 Q Okay, at some point in time later on did you give a
10 statement to law enforcement?

11 A Yes, ma'am.

12 Q How long was that between the time this happened and
13 the time that you actually talked to the police?

14 A Say three weeks maybe.

15 Q And how did that come about?

16 A My aunt knows Underwood.

17 Q Who's Underwood, because these people are all from
18 Fairfield County, so ---

19 A The Chief of police, the sheriff of the police,
20 Chester police.

21 Q The sheriff of the Chester police. So the sheriff of
22 Chester County. Is that right?

23 A Yes, ma'am.

24 Q And you said your aunt knows him?

25 A Yes, ma'am.

1 Q And where did you initially talk to him? The first
2 time ---

3 A At my aunt's house.

4 Q At your aunt's house?

5 A Yes, ma'am.

6 Q Did he call you to say he needed to talk to you or did
7 you -- how did you -- how did he get in touch with you?

8 A Through my aunt. He called and said he had -- I
9 needed to be questioned, they needed to talk to me about a
10 murder.

11 Q Okay. And when he came to talk to you, did you give
12 him a statement?

13 A Yes, ma'am.

14 Q And did you ultimately write that statement out?

15 A No, ma'am.

16 Q You didn't that day?

17 A No, not at the house.

18 Q Did you later on that day or another day write out a
19 statement?

20 A Later on that day, yes, ma'am.

21 Q Where'd you go to do that?

22 A The jailhouse.

23 Q And since then you -- a couple of different people
24 have talked with you. Right?

25 A Yes, ma'am.

TERRANCE BUCHANAN - DIRECT BY MS. HALL

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1 Q People from the South Carolina Law Enforcement
2 Division talked with you again and interviewed you again
3 later on after you were arrested. Is that correct?

4 A Yes, ma'am.

5 Q That was all done in the presence of your attorney.
6 Right?

7 A Yes, ma'am.

8 Q I show you real quick what's been entered into
9 evidence as State's 51. Is that where you threw your gun?

10 A Yes, ma'am.

11 Q Did you -- when you gave a statement to law
12 enforcement, did you tell them -- did you tell them about
13 the guns, too?

14 A Yes, ma'am.

15 Q In one of the statements you gave to law enforcement
16 you said when you got to Parkway you put some distance
17 between you and the Cadillac. Right?

18 A Yes, ma'am.

19 Q How close was it to you originally?

20 A It was up on us until we got on Parkway. We got a
21 little distance from them.

22 Q Were you looking behind you this whole time?

23 A No, ma'am.

24 Q When y'all turned on Roundtree were you looking behind
25 you?

1 A Yes, ma'am, when I turned in, yes, ma'am.

2 Q When you turned onto Roundtree, could you see the
3 Cadillac still?

4 A You could see the headlights coming up the street,
5 yes, ma'am.

6 MS. HALL - I don't have anything further. Please
7 answer any questions Mr. Frick has.

8 CROSS EXAMINATION

9 BY MR. FRICK -

10 Q All right, Mr. Buchanan, how long did you say you know
11 my client?

12 A A few years. A few years.

13 Q A few years. Okay. For those of us who are getting a
14 little older, what's a few years to you?

15 A About two or three years.

16 Q Two or three years? Know him pretty well?

17 A Yes, ma'am (sic); Yes, sir.

18 Q Y'all hang out?

19 A Yes, sir. Yes, sir.

20 Q Okay. On this night, November 4th, y'all were going to
21 go do something to Tim-Tim.

22 A Yes, ma'am (sic); yes, sir.

23 Q That was the intent.

24 A Yes, sir.

TERRANCE BUCHANAN - CROSS BY MR. FRICK

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1 Q Okay. Did y'all intend to do anything to Odell
2 Williams?

3 A No, sir.

4 Q Did y'all intend to do anything to Odell Williams's
5 family?

6 A No, sir.

7 Q Were y'all going to steal anything out of his shop?

8 A No, sir.

9 Q Did anybody say, hey, I'm going to grab something out
10 of his shop?

11 A No, sir.

12 Q Okay. Did anybody take anything out of his shop?

13 A No, sir.

14 Q Did anybody go down to his wife's house?

15 A No, sir.

16 Q Did anybody do anything to the car when y'all saw it?

17 A No, sir.

18 Q You said you recognized the car?

19 A Yes, once -- no, I didn't recognize it.

20 Q I mean the -- their car, Ms. Williams's car.

21 A Oh, their car, yes, sir.

22 Q Yeah. I'm back on Featherstone. I'm sorry.

23 Should've told you that. Back on Featherstone, you see the
24 car -- where -- you see it creep by is what you said.

25 Right?

1 A Yes, sir.

2 Q Where were y'all at that time?

3 A We was still sitting in the middle of the field where
4 you could see both sides of both roads in the middle of the
5 field.

6 Q Okay, about how far away? Do you know? Guess?

7 A Few feet, it's a good bit of feet.

8 Q Okay. And how far over to Holmes Road?

9 A About the same distance. We were about the middle ---

10 Q All right. Did you recognize Ms. Williams's car at
11 that time?

12 A No, sir.

13 Q Okay. You just saw a car.

14 A Yes, sir.

15 Q All right. Y'all decided to clear out.

16 A Yes, sir.

17 Q All right. Where were y'all going?

18 A We was fixing to head back home or just ---

19 Q Where's home?

20 A --- everybody go wherever they were going to go.

21 Q Okay. That was it.

22 A Yes, sir.

23 Q As soon as -- as soon as the thing with Tim-Tim was
24 done, y'all were done.

25 A Yes, sir.

TERRANCE BUCHANAN - CROSS BY MR. FRICK

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- 1 Q Going back home.
- 2 A Yes, sir.
- 3 Q Were you going back where you were chilling out?
- 4 A Maybe.
- 5 Q Maybe?
- 6 A (No response)
- 7 Q Didn't really have any plans.
- 8 A No, sir.
- 9 Q Okay. But you didn't plan on going through a chase
- 10 through Chester, did you?
- 11 A No, sir.
- 12 Q All right. That's what happened, isn't it?
- 13 A Yes, sir.
- 14 Q When do you recall first noticing the red Cadillac?
- 15 A On York Road.
- 16 Q On York Road?
- 17 A Yes, sir.
- 18 Q Y'all had turned onto York County?
- 19 A No, Featherstone when we first turned in.
- 20 Q (Indicating yes)
- 21 A Yes, sir.
- 22 Q When he turns in, where are y'all?
- 23 A We still parked behind his wife's car.
- 24 Q Okay. All right. So y'all passed by him on
- 25 Featherstone?

1 A He passed us when he turned in; that's how we know it
2 was his car.

3 Q Okay. So y'all were up near the end of Featherstone?

4 A Yes, sir, getting ready to get back on the main road.

5 Q Okay. Did he block y'all in or get in front of you in
6 any way?

7 A No, sir.

8 Q Did y'all pull over towards him or make a move towards
9 him in any way?

10 A No, sir.

11 Q Did anybody roll down the window, point a gun at him?

12 A No, sir.

13 Q Did anybody roll down the window and give him the
14 finger?

15 A No, sir.

16 Q Did anybody cuss at him?

17 A No, sir.

18 Q Nobody did anything.

19 A No, sir.

20 Q Did you pay any attention to that car?

21 A No, sir.

22 Q You turned on to York and then where are you headed?

23 A Down York Road.

24 Q Okay. You pass the bypass?

TERRANCE BUCHANAN - CROSS BY MR. FRICK

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1 A By the time we got to the light that's when we noticed
2 the car was following us.

3 Q Okay. At the light at the bypass?

4 A Yes, sir.

5 Q Was the light green or red?

6 A It was green.

7 Q Y'all went through.

8 A Yes, sir.

9 Q Okay. Still on York Road.

10 A Yes, sir.

11 Q Where's the Cadillac?

12 A Almost behind us.

13 Q (Indicating)

14 A Almost behind us.

15 Q Then what y'all do?

16 A Kept riding. That's when we kept going past Chester
17 Homes and made a left on Bailey (sic) Street, and still
18 know the car was following us.

19 Q All right. Y'all had originally -- well, before y'all
20 went to Featherstone, y'all had started out at Chester
21 Homes. Is that correct?

22 A Yes, sir.

23 Q Okay. Y'all didn't stop back there.

24 A No, sir.

25 Q Do you know why?

- 1 A No, sir.
- 2 Q Okay. Do you know why you kept on going?
- 3 A No, sir.
- 4 Q Okay. Was there any communication in the car?
- 5 A If there was, I couldn't remember. I was ---
- 6 Q You don't remember anybody ---
- 7 A No, sir.
- 8 Q Still on York; y'all turn?
- 9 A No, that's -- we turned on Bailey (sic) Street once we
- 10 passed Chester Homes.
- 11 Q Passed Chester Homes you turned where?
- 12 A Made a left on Bailey (sic) Street or Brawley Street.
- 13 Q Okay. All right.
- 14 A And that's when we kept straight and we made another
- 15 left on back onto Saluda.
- 16 Q Okay. Where's the Cadillac?
- 17 A Still behind us.
- 18 Q How close?
- 19 A He's pretty -- pretty on us right now.
- 20 Q Okay. Did he have his lights on?
- 21 A Yes, sir.
- 22 Q Were they high beam, low beam?
- 23 A It was high beam.
- 24 Q How you know?

1 A You can tell the bright lights through the back window
2 of the truck.

3 Q Okay. All right. All right, now y'all are turned
4 onto -- you said Saluda?

5 A Yes, sir.

6 Q Where y'all go from there?

7 A That's when we made another right right beside the
8 little barbershop I was telling you about earlier.

9 Q Yes, sir. At this point did you realize who was
10 behind you?

11 A No, we didn't know who was behind us, but we know
12 somebody was chasing us.

13 Q Okay, but at some point you told Quinton, hey, let's
14 see what he wants.

15 A Yes, sir.

16 Q Why?

17 A So we could ended that right there.

18 Q Okay. All right. He pulls over.

19 A Yes, sir.

20 Q You pull over.

21 A Yes, sir.

22 Q At that point do you recognize Odell?

23 A No, sir.

24 Q Okay. At any point did you recognize Odell?

25 A Not at the time, no, sir.

1 Q Okay. But the person is getting out of the car? The
2 person in the red Cadillac, were they getting out of the
3 car?

4 A He was attempting to get out of the car.

5 Q How you know that?

6 A Because when we pulled over, he pulled in and I told
7 him let the window down and that's when he had opened the
8 door and attempted to get out of the car and that's when
9 we pulled off.

10 Q Okay. So the Cadillac door was open.

11 A Yes, sir.

12 Q Okay. Quinton's driving. Right?

13 A Yes, sir.

14 Q Why'd he pull off?

15 A I don't know.

16 Q Okay. Anybody say anything?

17 A No, sir.

18 Q You didn't say anything?

19 A (No response)

20 Q You didn't recognize Odell at that point to tell
21 anybody?

22 A He ain't never got out of the car.

23 Q Did anybody recognize him?

24 A No, sir.

25 Q That you know of.

- 1 A No, sir.
- 2 Q Okay. Any threatening back and forth at that point?
- 3 A No, sir.
- 4 Q Okay. Y'all drive off where?
- 5 A We pulled off and that's when we made a left on
- 6 Patrick Street.
- 7 Q Patrick Street.
- 8 A Yes, sir.
- 9 Q Okay. Anything happen on Patrick Street?
- 10 A That's when we heard the gunshots.
- 11 Q Okay. Was there any other cars on Patrick Street at
- 12 that time?
- 13 A No, sir.
- 14 Q You and the Cadillac.
- 15 A Yes, sir.
- 16 Q Okay. Cadillac's still behind you?
- 17 A Yes, sir.
- 18 Q How many shots you hear?
- 19 A About three.
- 20 Q Okay. Y'all keep on going?
- 21 A Yes, sir.
- 22 Q Eventually y'all are back on Roundtree.
- 23 A Yes, sir.
- 24 Q Okay. As you're on Parkway, you're crossing the
- 25 railroad tracks.

1 A Yes, sir.

2 Q Okay. Just before you get to the railroad track, how
3 close this Cadillac to you?

4 A He might've been at the curve -- he might've been at
5 the curve behind us. It's like a little slight curve.

6 Q Okay. Okay. So Parkway's a pretty long street, isn't
7 it?

8 A Yes, sir.

9 Q Okay. That's where Clinton guns it?

10 A Yes, sir.

11 Q Okay. Cross over the railroad tracks. Can you still
12 see a Cadillac behind you?

13 A A little bit.

14 Q Little bit.

15 A Yes, sir, you can see his lights behind us.

16 Q Okay. As you make the intersection with Roundtree,
17 you still see the Cadillac?

18 A Yes, sir.

19 Q Okay. Is it right behind you? Where is it?

20 A He's still a little distance. He didn't get up on us
21 until we turned in and slowed down; that's when he gained
22 up on us.

23 Q Okay. All right. And that's when Chris said what?

24 A Let me out.

25 Q That's what he said?

- 1 A Yes, sir.
- 2 Q Didn't say anything else?
- 3 A No, sir.
- 4 Q Okay. So he didn't get out of the car before Quinton
- 5 pressed the gas?
- 6 A No, sir.
- 7 Q All right. You saw him fall out of the car?
- 8 A Yes, sir.
- 9 Q You saw him hit the ground?
- 10 A Yes, sir.
- 11 Q Okay. You heard the gun go off?
- 12 A Yes, sir.
- 13 Q That rifle right there?
- 14 A Yes, sir.
- 15 Q Okay. And then y'all drove down Roundtree.
- 16 A Yes, sir.
- 17 Q Ain't nobody get out and help Chris?
- 18 A No, sir.
- 19 Q Why not?
- 20 A I don't know, sir.
- 21 Q Okay. I mean y'all had guns. Couldn't y'all have
- 22 taken care of the situation right then?
- 23 A Could've. I was trying to get away.
- 24 Q Okay. That's what y'all were trying to do that night,
- 25 wasn't it?

1 A Yes, sir.

2 Q Okay. Chris say anything before he said let me out?

3 A No, sir.

4 Q Anybody tell him to get out of the car?

5 A Not that I know of, no, sir.

6 Q Okay. Did you see where he went?

7 A No, sir.

8 Q Okay. So after he's in the ground and the first
9 shot's fired, do you see him anymore?

10 A Not after that, no, sir.

11 Q Other than when you meet back up with him.

12 A Yes, sir.

13 Q Okay. You hear gunshots?

14 A Yes, sir.

15 Q You're carrying a gun. You familiar with guns?

16 A Yes, sir.

17 Q Did they sound like different gunshots or were they
18 same gunshots?

19 A I couldn't hear over that one gun.

20 Q Okay. All right. But you heard one gun.

21 A Yes, sir.

22 Q Loud gun.

23 A Yes, sir.

24 Q Okay. By this time you're down Rountree a bit.

25 A Yes, sir.

- 1 Q Okay. When you meet back up with Chris, he says I
2 think I shot that man.
- 3 A Yes, sir.
- 4 Q Or something to that effect.
- 5 A Yes, sir.
- 6 Q That's correct?
- 7 A Yes, sir.
- 8 Q You've known him for a couple of years.
- 9 A Yes, sir.
- 10 Q What was his demeanor? How's he acting?
- 11 A Paranoid.
- 12 Q Paranoid.
- 13 A Yes, sir.
- 14 Q Okay. Unusual?
- 15 A Yes, sir.
- 16 Q Not usually paranoid?
- 17 A No, sir.
- 18 Q Okay. And then y'all all went to another place.
- 19 A Yes, sir.
- 20 Q All right. The solicitor asked you about a statement
21 that you gave a couple of weeks after this. Did you talk
22 to law enforcement after that?
- 23 A Yes, sir.
- 24 Q Okay. In fact, you have talked to him about three
25 times or given statements three times.

1 A Yes, sir.

2 Q Fair to say you gave one in November? You gave one in
3 November of last year. Is that correct?

4 A Yes, sir.

5 Q And then one in March of this year.

6 A Yes, sir.

7 Q In each one of those statements, have you said the
8 same thing you're stating today?

9 A Yes, sir.

10 Q Have you told the -- did you tell law enforcement all
11 three of those times that you heard gunshots on Patrick?

12 A Yes, sir.

13 Q Have you told law enforcement all three of those times
14 that you saw Chris fall out of the car?

15 A Yes, sir.

16 Q At any point do you recall anybody telling Chris Moore
17 to get out of that car and take care of that guy?

18 A No, sir.

19 Q You're certain.

20 A Yes, sir.

21 MR. FRICK - Give me one second. (Pause) Thank
22 you, sir. That's all the questions I have.

23 THE COURT - Solicitor?

24 MS. HALL - Real quick.

25 RE-DIRECT EXAMINATION

TERRANCE BUCHANAN - RE-DIRECT BY MS. HALL

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1 BY MS. HALL -

2 Q Mr. Frick referred to the statements that you gave to
3 law enforcement the three times, November of 2014, two
4 weeks after this happened or three weeks according to your
5 estimation. Right?

6 A Yes, ma'am.

7 Q And that was given to Sheriff Underwood?

8 A Yes, ma'am.

9 Q And to some other people at the sheriff's department.
10 Correct?

11 A Yes, ma'am.

12 Q And during the -- when you gave that statement you
13 actually did say -- Mr. Frick asked you just a minute ago,
14 did somebody in the truck roll the window down.

15 A (Indicating yes)

16 Q Who rolled the window down in the truck?

17 A The back window? Dixon.

18 Q So Dixon did roll the window down.

19 A Yeah, the back window was cracked, yes, ma'am.

20 Q And that was the back window ---

21 A On the driver's side.

22 Q --- on the driver's side, and that was when you pulled
23 into the barbershop to talk to Odell. Right?

24 A Yes, ma'am.

1 Q And that's the -- and that's the same as the statement
2 that you gave in November of last -- of 2015, as well.

3 Correct?

4 A Yes, ma'am.

5 Q And that's the same thing that you told law
6 enforcement just a few weeks ago or a month -- about a
7 couple of months ago when you met again. Is that right?

8 A Yes, ma'am.

9 Q All right. At any point in time to your recollection
10 -- you were sitting in the front seat. Did you know of
11 anyone firing out of the truck that y'all were riding in?

12 A No, ma'am.

13 Q So are you saying they didn't or are you saying you
14 don't know?

15 A Not that I recall.

16 Q Not that you recall. And when you gave this first
17 initial statement to law enforcement, I believe it's dated
18 November 18th -- I'm going to let you look at it and tell me
19 if that's the case. Is this the first statement you gave?

20 A Yes, ma'am.

21 Q That's your signature on it, and it's actually in your
22 hand-writing, isn't it?

23 A Yes, ma'am.

24 Q All right. Were you under arrest at that time?

25 A No, ma'am.

TERRANCE BUCHANAN - RE-DIRECT BY MS. HALL

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1 Q Okay. Were you later arrested in this case with
2 accessory like you said before?

3 A Yes, ma'am.

4 Q And again, nobody from the solicitor's office or the
5 sheriff's department has promised you anything to get you
6 to come here today. Is that correct?

7 A No, ma'am. Yes, ma'am, that's right.

8 Q You're just coming here to tell the truth.

9 A Yes, ma'am.

10 MS. HALL - Thank you. I don't have any further
11 questions.

12 MR. FRICK - Nothing further, Your Honor.

13 MS. HALL - Your Honor, we ask that this witness
14 be excused.

15 MR. FRICK - No problem.

16 THE COURT - Witness is excused.

17 MS. HALL - Your Honor, that's the end of
18 testimony for today from the State.

19 THE COURT - All right, it's almost 17 til 5:00.
20 We're going to stop for the day. We'll fire back up at
21 9:30 in the morning. Remember all my instructions, avoid
22 media coverage; don't let anybody contact you; don't even
23 discuss this case with family members or anyone else.
24 We'll see y'all in the morning. Everybody else remain
25 seated while the jury departs for the evening.

1 (WHEREUPON, JURY EXITS THE COURTROOM)

2 THE COURT - All right, it's been a long day.

3 Everybody get a good night's rest and we'll fire back up in
4 the morning..

5 (COURT IN RECESS FOR THE DAY AT 4:45 P.M.)

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF FAIRFIELD) SIXTH JUDICIAL CIRCUIT
CASE NOS: 2015-GS-12-085, 086

STATE OF SOUTH CAROLINA)
vs.) TRANSCRIPT OF RECORD
(DAY 4 - VOLUME IV)
CHRISTOPHER MARQUAVIOUS) (PAGES 601 - 868)
MOORE)

APRIL 21, 2016
WINNSBORO, SC

BEFORE THE HONORABLE PAUL BURCH

APPEARANCES:

JULIE HALL, DEPUTY SOLICITOR
CHESTER, SOUTH CAROLINA

RILEY MAXWELL, ASSISTANT SOLICITOR
CHESTER, SOUTH CAROLINA

RANDY NEWMAN, SOLICITOR
LANCASTER, SOUTH CAROLINA

ATTORNEYS FOR THE STATE

WILLIAM FRICK, PUBLIC DEFENDER
CHESTER, SOUTH CAROLINA

DEVON NIELSON, ASSISTANT PUBLIC DEFENDER
CHESTER, SOUTH CAROLINA

ATTORNEYS FOR THE DEFENDANT

SHIRLEY BROOM
16TH Circuit Court Reporter

I-N-D-E-X

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S-1	Photos, a,b,c, truck	118	333
S-2	Photos, a,b,c, truck (defects)	118	333
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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	

1 (WHEREUPON, COURT RESUMES ON APRIL 21, 2016 AT
2 9:30 P.M.)

3 (WHEREUPON, CONFERENCE IS HELD IN CHAMBERS OUT OF
4 THE PRESENCE OF THE JURY AND THE COURTROOM)

5 MR. MAXWELL - Are we on the record?

6 THE COURT - Go ahead, solicitor.

7 COURT REPORTER - We're on the record.

8 MR. MAXWELL - Your Honor, yesterday afternoon
9 after we had shut down for the day, I was in the hallway
10 and saw Deputy Swearingen talking to a juror, trying to get
11 my attention, obviously, that she was telling him something
12 that needed the Court's -- needed the Court's attention. I
13 didn't talk to her other than tell her to sit down while I
14 got Deputy Swearingen in a room along with Mr. Frick,
15 Solicitor Newman and Julie, and Deputy Swearingen tell us
16 (sic) what, briefly, the juror told him, which was, there
17 was a wink between Terrance Buchanan, the last witness, and
18 co-defendant yesterday and another juror, not this juror
19 who's reporting it to us, but another juror, is our
20 understanding, and don't know where it happened. That's my
21 understanding -- is the wink was from him to her; it could
22 be vice versa, because we -- nobody has asked for details
23 in that brief information, and we -- I had Deputy
24 Swearingen just tell the juror not to tell anybody and we
25 would handle it this morning.

1 THE COURT - Okay, sheriff, if you'll go fetch
2 that juror that reported that to you.

3 (WHEREUPON, DEPUTY EXITS TO RETRIEVE THE JUROR)

4 THE COURT - And her name is?

5 MR. MAXWELL - Angela Rowe, I believe.

6 THE COURT - Rowe?

7 MR. MAXWELL - R-o-w-e.

8 (WHEREUPON, DEPUTY ENTERS WITH THE JUROR)

9 THE COURT - Good morning.

10 JUROR - Good morning.

11 THE COURT - Ms. Rowe, if you'd sit right here. We
12 have to talk with you just a minute. First of all, thank
13 you for reporting some possible contact yesterday. Will
14 you tell us exactly what happened?

15 JUROR - When the witness got off the stand and
16 was walking back towards the gate, the -- is it the
17 defendant? -- turned around at the guy that sits behind
18 him, and the guy winked at him. I'm -- I mean that's
19 pretty much telling me that, you know, take care of him,
20 you know, he's telling something I don't want them to tell
21 is what I got out of it.

22 THE COURT - Now, let me make sure I understand.
23 The defendant turned around and winked or ---

1 JUROR - No, the defendant turned around, and the
2 guy that sits behind him winked at him, and then he turned
3 back around.

4 THE COURT - Okay, so -- and there wasn't any
5 juror involved in this?

6 JUROR - (Indicating no)

7 COURT REPORTER - Is that a no?

8 JUROR - No.

9 THE COURT - Okay. We just wanted to make sure
10 there wasn't any kind of direct or indirect communication
11 or contact between a juror ---

12 JUROR - (Indicating no) There wasn't.

13 THE COURT - --- and a witness. (Pause)

14 Okay, thank you. You may return to your room.

15 JUROR - You're welcome.

16 (WHEREUPON, THE JUROR EXITS THE ROOM)

17 THE COURT - Well, folks, that is an observant
18 juror. Wonder if anybody else saw it.

19 (WHEREUPON, DISCUSSION IS HELD OFF THE RECORD
20 WHICH WAS NOT REPORTED.)

21 (WHEREUPON, THE COURT AND THE ATTORNEYS RETURN TO
22 THE COURTROOM TO RESUME THE TRIAL)

23 THE COURT - Okay.

24 MR. FRICK - Judge, I just want to go back on the
25 record, a motion I made on Monday regarding the pending

1 threatening public official charge against Odell Williams.
2 I was seeking to introduce those through 404(a)(2). You
3 had preliminarily ruled that I needed to demonstrate
4 further how it related. I've provided to the State and to
5 Your Honor this morning a copy of State vs. Day, D-a-y,
6 that is 341 SC 410. I'm not going to go into the details
7 of the case, but essentially in that case, the defense was
8 seeking to introduce a prior bad act of the victim. That
9 incident did not occur with the defendant in the Day case
10 but occurred with another person. And I will concede that
11 the facts between that case and the one that was tried in
12 Day are probably a little more similar than what I am
13 seeking to introduce. However, what the -- what the Court
14 ruled is, it's one of two things. Either it has to be the
15 prior bad act by the victim needs to be directed at the
16 defendant, or, it's something that is so closely related in
17 time that it can speak to the victim's state of mind at the
18 time of the incident. That is the part I'm seeking to
19 introduce. Obviously, the actions that occurred between the
20 chief of police and Odell Williams occurred not in the
21 presence of my client. He was aware of it, had read about
22 in the newspaper, as many people had in Chester, but he was
23 not present, and it wasn't directed towards him. So I'm
24 going under the or part that says close proximity in time.
25 This would -- that occurred in March of '14. Of course,

1 this incident occurred in November of '14, so some seven,
2 eight months. In Day, the prior incident was four months,
3 and the Court said that that was not too remote. Then they
4 go on to talk about another case that said that the
5 incidents were 23 years apart, and it had been ruled that
6 that was too remote. So I -- unfortunately, I don't think
7 we're given a whole lot of guidance on what the time-frame
8 is, so it's somewhere between four months and 23 years. I
9 am suggesting that seven months is close enough under Day,
10 and it would go to the victim's state of mind as in his
11 stating that he possesses a firearm, his intent to use a
12 firearm and his threatening of using a firearm in that
13 incident relate to his state of mind as he's following this
14 car through Chester. So with that in mind, I'd ask you to
15 consider my motion and allow me to introduce that evidence.

16 MS. HALL - Your Honor, this -- Mr. Frick, he --
17 and I have read this Day case; I'm familiar with the Day
18 case. In this situation Day was hired to -- by the victim,
19 Wayne, to kill Wayne's girlfriend. Day goes to get her; he
20 says I love you, I'm not going to kill you, but I will
21 harbor you and we will trick Wayne. Four months prior to
22 this incident -- and there was an altercation ultimately
23 where Wayne came to confront Day for double-crossing him,
24 and Day shot and killed him. And that was, basically, what
25 happened in this case. Four months prior to this -- the

1 incident what I just talked about, Wayne had -- somebody
2 else had double-crossed Wayne, the victim, in a drug deal,
3 and Wayne had held that person at gunpoint, ridden him
4 around in a car, basically kidnapped him for about 24
5 hours, and Wayne and Day were friends, Wayne -- obviously,
6 or Wayne would never have asked that he kill the girlfriend
7 -- and they were, you know, very close -- closely knew each
8 other very closely, and so that -- you know, that -- I
9 would submit to the Court that that would cause Day to be
10 more threatened, especially, due to the fact that not only
11 had Wayne made a threat, but he had carried it out. In
12 this case the victim in the case never -- he -- he was in a
13 heated argument at a politically charged moment where the
14 victim said -- or allegedly said something to -- he's never
15 convicted of it -- allegedly said something to the chief of
16 police, never carried out the threat, and he, actually,
17 walked out and disengaged and left before anything went
18 down, and I would say that those are markedly different
19 situations, and the State would ask the Court's ruling to
20 stand.

21 THE COURT - Okay. I believe y'all know the Court
22 has wide discretion in that area and based on what I
23 understand about this case, you had the victim in this case
24 who was a city councilman, apparently, had some kind of
25 political differences with the chief of police over there.

1 I don't know all those details, but words were passed back
2 and forth, and that was seven or eight months ago, has
3 nothing to do with the defendant in this case or anybody
4 directly related in any way that I know of in this case.
5 I've always been hesitant about trials where you try to
6 shift the emphasis of trying someone other than the
7 defendant, which I understand why that happens, but I --
8 I'm just going to have to rule against you on that one.

9 MR. FRICK - I understand, Your Honor.

10 THE COURT - So that motion's denied.

11 MR. FRICK - Your Honor, just a little
12 housekeeping for my purposes. Motions that you've ruled
13 on, I have the written copies; of course, I gave -- I
14 provided those to you on Monday and have provided them to
15 the State. Because of the somewhat unique nature of this
16 case being moved from Chester to Fairfield, I did not have
17 an opportunity to get them clocked in in Chester, but I
18 would like them to be part of the record here and I would
19 ask that those be marked as a Court Exhibit and just be put
20 in.

21 (WHEREUPON, DISCUSSION IS HELD BETWEEN MR. FRICK
22 AND MS. HALL WHICH WAS NOT REPORTED.)

23 MS. HALL - Oh, that's fine. I have them.

24 THE COURT - That's fine.

25 MR. FRICK - Thank you.

1 THE COURT - Madam Court Reporter, they'll be
2 Court Exhibits.

3 MR. FRICK - And Your Honor, it's -- they're four
4 separate ones.

5 (WHEREUPON, DISCUSSION IS HELD BETWEEN THE COURT
6 AND COUNSEL REGARDING THE NUMBERING OF COURT'S EXHIBIT
7 WHICH WAS NOT REPORTED.)

8 (WHEREUPON, DOCUMENTS MARKED AS COURT'S EXHIBIT
9 NUMBERS 2, 3, 4 AND 5.)

10 THE COURT - Ready for the jury?

11 MS. HALL - Yes, sir.

12 MR. FRICK - Yes, sir. That's all from the
13 defense at this time.

14 (WHEREUPON, JURY RETURNS TO THE COURTROOM)

15 THE COURT - Good morning.

16 (WHEREUPON, JURORS RESPOND)

17 THE COURT - Thank you for your patience this
18 morning. We had some matters of law we had to take care of
19 and we're ready to get back to the trial.

20 Solicitor?

21 MS. HALL - Thank you, Your Honor. The State
22 calls Derrick Dixon. I believe somebody's going to get
23 him.

24 DERRICK DIXON, AFTER BEING FIRST DULY SWORN,
25 TESTIFIES AS FOLLOWS -

DERRICK DIXON - DIRECT BY MS. HALL

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1 MR. FRICK - Your Honor, just to kind of expedite
2 this process, I think the State's going to elicit testimony
3 that I asked to be excluded under 404(B). I understand
4 your ruling. I just want to continue my objection
5 contemporaneous with the testimony.

6 THE COURT - Noted. Thank you.

7 MS. HALL - Thank you.

8 DIRECT EXAMINATION

9 BY MS. HALL -

10 Q Your full name is Derrick Dixon. Is that correct?

11 A Yes, ma'am.

12 Q And, Mr. Dixon, where do you live?

13 A In Rock Hill, South Carolina.

14 Q On November the 4th of 2014 where did you live?

15 A On Saluda Street.

16 Q On where?

17 A On Saluda Street.

18 Q Okay. Is that -- what town is that in?

19 A Chester, South Carolina.

20 Q Where -- if I asked you where you were from, what
21 would say?

22 A Chester, South Carolina.

23 MS. HALL - You're going to have to speak up and
24 speak real clearly, because this lady right here is trying
25 to take down everything you're saying. Okay?

1 Q All right. How old are you?

2 A 19.

3 Q Do you know the defendant in this case, Christopher
4 Moore?

5 A Yes, ma'am.

6 Q How do you know him?

7 A We went to school together.

8 Q What school did you go to?

9 A Chester High.

10 Q And do -- what -- do you know him by a nickname?

11 A Ma'am?

12 Q Do you know him by a nickname?

13 A No, I -- I know him by Quay.

14 Q Quay? All right. And were you with him on November
15 the 4th, 2014?

16 A Yes, ma'am.

17 Q All right, the person that you know as Quay or
18 Christopher Moore, the person you were with on November the
19 4th of 2014, is he present in the courtroom today?

20 A Yes, ma'am.

21 Q Okay, can you point him out for me, please?

22 A (Witness complies)

23 MS. HALL - Please let the record reflect he's
24 pointing to the defendant in the case, Christopher Moore.

DERRICK DIXON - DIRECT BY MS. HALL

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1 Q All right, where did you first connect with Quay on
2 the 4th of November of 2014?

3 A Chester Homes.

4 Q Okay. And did you -- who else was with you at the
5 time?

6 A Me, Roseboro and Buchanan.

7 Q Okay, and where were y'all? Were you at somebody's
8 house at Chester Homes?

9 A Yes, ma'am.

10 Q Okay, whose house were you at?

11 A This woman named Gidget's house.

12 Q Gidget?

13 A (No response)

14 Q Okay, and what were y'all doing there?

15 A Just chilling.

16 Q And at some point did y'all decide to go somewhere
17 else?

18 A Yes, ma'am.

19 Q And how did you get to the somewhere else?

20 A A car.

21 Q Well, what did the car look like?

22 A A gold truck.

23 Q A gold truck. Okay. And who all got into the car
24 with you?

25 A Me, Roseboro, Moore, Buchanan and McClinton.

1 Q And what were y'all going to do? Did y'all make a
2 plan before you left?

3 A Ma'am?

4 Q Was a plan -- did y'all make a plan? Did you know
5 where you were going when you got in the truck?

6 A Yes, ma'am.

7 Q Where were you going?

8 A To Holmes Road.

9 Q Holmes Road?

10 A Yes, ma'am.

11 Q Why were you going to Holmes Road?

12 A To get -- to get our money back from these people they
13 owed us.

14 Q People owed you money?

15 A Yes, ma'am.

16 Q Who owed you money?

17 A The member stayed there.

18 Q Oh, I'm sorry, say that again.

19 A The members on Holmes Road.

20 Q Some members on Holmes Road?

21 A (No response)

22 Q Okay. Do you know anybody's name?

23 A Ma'am?

24 Q Do you know any of their names?

25 A No, ma'am.

- 1 Q Okay. All right, and so you said the five of y'all
2 get in this truck. Who's driving the truck?
- 3 A McClinton.
- 4 Q And who's sitting on the passenger's side of the -- in
5 the front seat?
- 6 A Buchanan.
- 7 Q Terrance Buchanan?
- 8 A Yes, ma'am.
- 9 Q And did he have a nickname?
- 10 A Three Money.
- 11 Q Three Money?
- 12 A Yes, ma'am.
- 13 Q Okay, and where were you sitting in the truck?
- 14 A Behind the -- behind the driver.
- 15 Q Okay. Behind the driver.
- 16 A Yes, ma'am.
- 17 Q And who was sitting behind the passenger, on other
18 side of the truck?
- 19 A Moore.
- 20 Q Moore?
- 21 A Yes, ma'am.
- 22 Q And who was sitting in the middle of the backseat?
- 23 A Roseboro.
- 24 Q Okay. And did Roseboro have a nickname?
- 25 A No, ma'am.

1 Q Okay. All right, did you have a gun with you?

2 A Yes, ma'am.

3 Q What kind of gun did you have?

4 A A .40.

5 Q A .40? Was it a -- do you know the difference between
6 a semi-automatic and a revolver?

7 A Yes, ma'am.

8 Q Was you're a semi-automatic or a revolver?

9 A Semi-automatic.

10 Q Did everybody else in the truck have guns?

11 A Yes, ma'am.

12 Q What kind of gun did Roseboro have?

13 A A .40 -- a .45.

14 Q And what about Terrance Buchanan?

15 A A 9 and .38.

16 Q And what about McClinton?

17 A I'm not sure.

18 Q All right, and what about the defendant in the case,
19 Chris Moore?

20 A A rifle.

21 Q I'm going to show you what's been marked as State's
22 Exhibit 12. Is this the rifle that he had?

23 A Yes, ma'am.

24 Q That's the rifle Chris Moore had in the truck with
25 him?

- 1 A Yes, ma'am.
- 2 Q And so y'all were going over to Holmes Road I think
- 3 you said to rob these people because they owed you money.
- 4 A Yes, ma'am.
- 5 Q All right. And did you go over there?
- 6 A Yes, ma'am.
- 7 Q Do you remember where you parked?
- 8 A On Featherstone Road.
- 9 Q Okay. Could you describe where you parked? Was it
- 10 like a driveway or on the side of the road or what?
- 11 A Side of the road.
- 12 Q Okay. Did you know -- did you know where you were,
- 13 whose house it was or anything?
- 14 A No, ma'am.
- 15 Q Why did you decide -- why did y'all decide to park
- 16 there?
- 17 A We just parked -- we just parked on Featherstone.
- 18 Q And why'd you park on Featherstone?
- 19 A So we could see the house from Featherstone --
- 20 Featherstone Road.
- 21 Q Which house?
- 22 A The house on Holmes Road.
- 23 Q So from where you parked, you could see the house on
- 24 Holmes Road, ---
- 25 A Yes, ma'am.

1 Q --- the one that you were going to go to to rob. Is
2 that right?

3 A Yes, ma'am.

4 Q Okay. And once you got there, what did y'all do?

5 A We sit out there by about ten minutes.

6 Q Okay. Let me ask you this. Was it dark or was it
7 light? Do you remember what time ---

8 A Dark.

9 Q It was dark?

10 A (No response)

11 Q Do you remember what time of day it was?

12 A No, ma'am.

13 Q All right. So you got out of the car and you said you
14 stayed there. Did you stay in the car or did you get out
15 of the car?

16 A We got out of the car.

17 Q Okay, where'd you go?

18 A To the field right there on Holmes Road.

19 Q Okay. Did you walk from the truck toward the house
20 you were going to go rob?

21 A Yes, ma'am.

22 Q And is there a field there in the middle?

23 A Yes, ma'am.

24 Q And is that were y'all sat?

25 A Yes, ma'am.

- 1 Q And all five of y'all sat there?
- 2 A Yes, ma'am.
- 3 Q And all five -- did all five of y'all have the guns
- 4 that you just described to the jury just a minute ago?
- 5 A Yes, ma'am.
- 6 Q And so how long were you out there?
- 7 A About ten minutes.
- 8 Q Okay, and why didn't you keep going?
- 9 A Because it wasn't -- no one was there.
- 10 Q Nobody was home at the Holmes Road house?
- 11 A Yes, ma'am.
- 12 Q And why did you sit there for ten minutes?
- 13 A To see if anyone going to come.
- 14 Q How'd you know nobody was there?
- 15 A We didn't see no car.
- 16 Q Did you know what kind of car they drove?
- 17 A No, ma'am.
- 18 Q Did any car ever pull up at Holmes Road while y'all
- 19 were sitting there waiting?
- 20 A No, ma'am.
- 21 Q All right. And so at some point did y'all leave?
- 22 A Yes, ma'am.
- 23 Q And what caused you to leave?
- 24 A Because no one -- no one home.

1 Q Isn't it true that somebody -- that you left because
2 somebody warned you that a car was coming down the street?

3 A No, ma'am.

4 Q Okay. You don't remember. All right, so did y'all
5 all pick up all the guns that you came with and take them
6 on back to the car with you when you left?

7 A Yes, ma'am.

8 Q Okay, and where did you get into the car when you got
9 back in the car, to the truck?

10 A In the middle in the backseat.

11 Q You got in the middle in the backseat?

12 A Yes, ma'am.

13 Q At this point who was sitting by the window?

14 A Roseboro.

15 Q Is that the window on the driver's side or the window
16 on the passenger's?

17 A Driver's side.

18 Q Did everybody else sit in the same position or did
19 anybody else move around?

20 A Everybody else sit in the same position.

21 Q Okay, and from your testimony earlier, that would put
22 Chris Moore behind the passenger in the backseat. Correct?

23 A Yes, ma'am.

24 Q So what happened after that?

DERRICK DIXON - DIRECT BY MS. HALL

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1 A Then when we was leaving, when we got to the stop sign
2 we saw a car sitting side the road ---

3 Q When you said you were leaving, did you go back out
4 the same way you came?

5 A Yes, ma'am.

6 Q All right, and what road were you -- do you know -- I
7 mean you're familiar with Chester. Right? You're from
8 there?

9 A Yes, ma'am.

10 Q Okay, when you pulled back out, what road was right
11 there?

12 A York Road.

13 Q York Road?

14 A Yes, ma'am.

15 Q Okay, and so go ahead and describe to the jury what
16 happened when you started --

17 MS. HALL - Let's -- can we wait just a second. I
18 want the train to go by.

19 Q Okay. If you could, please, describe when you -- as
20 you were leaving what you observed or what you saw.

21 A When we was leaving we saw a car on the side of the
22 road.

23 Q A car on the side of the road?

24 A Yes, ma'am.

25 Q Do you remember what the car looked like?

1 A No, ma'am.

2 Q Okay. What drew your attention to the car?

3 A A red -- a red Cadillac has pulled up right up beside
4 the car.

5 Q So it -- are there two cars now?

6 A Yes, ma'am.

7 Q Okay. And what did you see going, if anything, going
8 on between the two cars?

9 A Seems like they was talking.

10 Q And was the -- the first car you talked about was --
11 which way was it pointing? Which way was the car going to
12 -- if it had pushed on the gas, which way would it have
13 gone?

14 A Toward the road.

15 Q Toward which road?

16 A You talking about the first car?

17 Q (Indicating yes)

18 A Like towards York Rod.

19 Q Okay. And so when the Cadillac pulled in, did you see
20 where it came from?

21 A No, ma'am.

22 Q Did you see any people in the car that was pulled
23 over?

24 A Yes, ma'am.

- 1 Q The first car? How many people did you see in there
2 or do you know?
- 3 A I don't know.
- 4 Q Okay. And but you said you see the Cadillac pull in
5 and the people between the two cars are talking now?
- 6 A Yes, ma'am.
- 7 Q All right, and did -- was there any conversation in
8 the car that you were in or the truck that you were in?
- 9 A No, ma'am.
- 10 Q Nobody said anything to anybody else?
- 11 A No, ma'am.
- 12 Q Did you know the person in the Cadillac?
- 13 A No, ma'am.
- 14 Q So what happened? Where did y'all go?
- 15 A We was pulling out.
- 16 Q How did you get around or between those cars?
- 17 A They was on one side, and we was on the other side.
- 18 Q Okay. So did you go around them?
- 19 A Yes, ma'am.
- 20 Q Okay, and you said you were pulling out; tell me more
21 about that.
- 22 A When we were pulling out, the red Cadillac started
23 following us.
- 24 Q Which way did you go?
- 25 A Towards town.

1 Q Okay. And how do you know it was following you?

2 A Because everywhere we turned the Cadillac would turn.

3 Q When did you first realize it was following you?

4 A When we was turning onto Brawley Street.

5 Q So you didn't realize it was following you until you -

6 - how did you -- what made you realize it was following

7 you?

8 A Every -- everywhere we turned, it -- the car would

9 turn right behind us.

10 Q Is anybody in the truck saying anything to each other

11 at this point?

12 A No, ma'am.

13 Q What'd y'all do after that?

14 A We kept riding, then it kept following and he started

15 blinking the lights.

16 Q Who started flashing the lights?

17 A The red Cadillac.

18 Q At that point did anybody say anything?

19 A No, ma'am.

20 Q Buchanan didn't say anything at all to y'all?

21 A Yeah, he say looked like he knowed him.

22 Q I'm sorry. Say ---

23 A He say he knowed him.

24 Q He said he knows who?

25 A The person who was driving the red Cadillac.

- 1 Q Did he say anything about the person driving the red
2 Cadillac?
- 3 A He used to be his football coach.
- 4 Q Did he say anything else about him?
- 5 A No, ma'am.
- 6 Q Where did the truck go?
- 7 A Talking about our truck?
- 8 Q (Indicating yes) Yes.
- 9 A We was riding, then we tried to stop to see what the
10 Cadillac had wanted.
- 11 Q You tried to stop to see what the Cadillac wanted?
- 12 A Yes, ma'am.
- 13 Q Whose idea was that?
- 14 A Buchanan.
- 15 Q Where'd y'all stop?
- 16 A In the middle of the road.
- 17 Q Do you remember what street you were on?
- 18 A No, ma'am.
- 19 Q Do you remember any landmarks or any buildings that
20 were nearby?
- 21 A A barbershop.
- 22 Q Okay. So you said you stopped in the middle of the
23 road. Were you in front of the barbershop, next to the
24 barbershop?
- 25 A On the side of it.

1 Q Okay. So when you stopped at the barbershop, what
2 happened?

3 A And the dude had got out of the car.

4 Q Okay, which -- okay, which dude in what car? Let's
5 start -- you got to be clear about that.

6 A Mr. Williams.

7 Q Sorry?

8 A Mr. Williams.

9 Q Mr. Williams?

10 A (No response)

11 Q When Buchanan was saying I know that guy used to be my
12 football coach, did he tell you his name?

13 A No, ma'am.

14 Q And -- okay, we got a -- so the truck stops; what does
15 the person in the red Cadillac do? Did they -- did he stop
16 too?

17 A He get out the car, yes, ma'am.

18 Q And where did he stop?

19 A He pulled in the barbershop.

20 Q Okay. And -- and go ahead and tell me what he did
21 once he stopped his car.

22 A Got out of the car.

23 Q He got out of his car?

24 A Yes, ma'am.

25 Q And where did he go?

- 1 A He was walking towards the truck.
- 2 Q Did you have your window down?
- 3 A No, ma'am.
- 4 Q Did you roll your window down?
- 5 A No, ma'am.
- 6 Q Did you -- could you see the man walking toward the
- 7 truck pretty easily?
- 8 A Yes, ma'am.
- 9 Q You could see him pretty well from where you were
- 10 sitting?
- 11 A Yes, ma'am.
- 12 Q Did he say anything to y'all?
- 13 A No, ma'am.
- 14 Q Did he have anything in his hands?
- 15 A No, ma'am. Looked like he had a cell phone; I
- 16 couldn't really tell.
- 17 Q You couldn't really tell?
- 18 A (No response)
- 19 Q Did you ever see a gun in his hand?
- 20 A No, ma'am.
- 21 Q Did he ever point a gun at you at that time?
- 22 A No, ma'am.
- 23 Q Did y'all ever talk to him?
- 24 A No, ma'am.
- 25 Q Why not?

1 A Because we pulled off; we thought he tried to call the
2 police.

3 Q You thought he was trying to call the police?

4 A Yes, ma'am.

5 Q Was there any conversation in the car that made y'all
6 think that?

7 A No, ma'am, we just saw the phone.

8 Q Okay. So -- so he was out of the truck when y'all
9 pulled off -- I mean out of the car when y'all pulled off?

10 A Yes, ma'am.

11 Q All right, what did -- well, did you look behind you
12 once you pulled off?

13 A Yes, ma'am.

14 Q You were watching the man in the Cadillac?

15 A Yes, ma'am.

16 Q What'd he do?

17 A Get in the car and started following us.

18 Q And where'd y'all go?

19 A We turned -- we turned on the street.

20 Q Which street? Do you know which street you were on at
21 that point?

22 A No, ma'am.

23 Q Okay. What'd you do ---

24 A Ma'am.

25 Q Where'd you go after that?

- 1 A We was leaving; he started following us, then we heard
2 a gunshot.
- 3 Q Could you still see his car at that point or did you
4 look back?
- 5 A Yes, ma'am.
- 6 Q Yes, ma'am, which part?
- 7 A We saw the car.
- 8 Q You could see his car?
- 9 A (No response)
- 10 Q Were all of you looking back or just you?
- 11 A All us looked back.
- 12 Q How many -- how many times did you hear shots? How
13 many shots did you hear?
- 14 A About two or three.
- 15 Q Did you see anything?
- 16 A The last shot I saw the flame coming from the car.
- 17 Q You saw a flame coming from the car?
- 18 A Yes, ma'am.
- 19 Q Okay. Where did -- where'd y'all go?
- 20 A We went to -- we was going through Parkway.
- 21 Q How fast were y'all going when you were making all
22 these little turns?
- 23 A We were going fast.
- 24 Q Do you -- I mean -- just you mean fast?
- 25 A Yes, ma'am.

1 Q Fast -- faster than you drive on the highway?

2 A No, ma'am, we wasn't going that fast.

3 Q So not highway fast.

4 A No, ma'am.

5 Q All right, and then at some point did y'all get back
6 on Saluda Street?

7 A Yes, ma'am.

8 Q Okay, and where were y'all going?

9 A To the Roundtree.

10 Q Why'd y'all decide to go to Roundtree?

11 A Because we're more familiar with the area.

12 Q You're familiar with that area?

13 A Yes, ma'am.

14 Q Was there a conversation in the car about going to
15 Roundtree?

16 A No, ma'am.

17 Q Okay, so you went on Saluda Street. Is that right?

18 A Yes, ma'am.

19 Q And then -- and then where'd you go after that?

20 A We turned on Parkway.

21 Q You turned left on Parkway?

22 A Yes, ma'am.

23 Q And that -- that was in the direction of Roundtree
24 Circle. Correct?

25 A Yes, ma'am.

- 1 Q Okay. And how fast are you going now?
- 2 A We still going fast.
- 3 Q Sorry?
- 4 A Fast.
- 5 Q Highway fast?
- 6 A Yes, ma'am.
- 7 Q Interstate fast?
- 8 A No, ma'am.
- 9 Q Where was the Cadillac?
- 10 A Still behind us.
- 11 Q How close to you?
- 12 A He's not that close, but he was close.
- 13 Q Could you see the driver?
- 14 A No, ma'am.
- 15 Q At some point did Roseboro lean out the window?
- 16 A Yes, ma'am.
- 17 Q Did he come across you to lean out the window or you
- 18 said -- well, he was on the -- that side by the window
- 19 according to your testimony. Right?
- 20 A Yes, ma'am.
- 21 Q Okay. Tell me what he did when he leaned out the
- 22 window?
- 23 A He fired one shot.
- 24 Q What did - where did he fire the shot? Where was he
- 25 shooting at?

1 A On the Cadillac behind us.

2 Q And it was just one shot?

3 A Yes, ma'am.

4 Q And I think you stated earlier that Roseboro had a
5 .45?

6 A Yes, ma'am.

7 Q Okay. And that was the gun he used to shoot back
8 toward Cadillac?

9 A Yes, ma'am.

10 Q And, again, just so we're really clear, he was sitting
11 behind the driver.

12 A Yes, ma'am.

13 Q And he turned around in the seat and shot toward the
14 back -- back of the truck, over the back of the truck
15 toward the Cadillac. Correct?

16 A Yes, ma'am.

17 Q How close were y'all to the intersection of Parkway
18 and Saluda when that happened?

19 A Parkway and Saluda?

20 Q (Indicating yes) How close -- I mean how far down
21 Parkway had you went? You said you turned from Saluda onto
22 Parkway and then Roseboro shot. How far had you made it up
23 Parkway before he shot?

24 A By the railroad track.

25 Q You were by the railroad tracks?

1 A (No response)

2 Q Do you remember if you'd crossed the railroad tracks
3 or if you were just getting up to them?

4 A Just getting up to them.

5 Q So what did y'all do when Roseboro shot?

6 A Kept going.

7 Q Were you going about the same speed, or did y'all
8 speed or did y'all slow down or what happened?

9 A Speed up.

10 Q All right, and -- and keep describing to the jury what
11 happened after that? Did y'all put distance -- let me ask
12 you this. Did you put some distance between you and the
13 Cadillac when you sped up?

14 A Yes, ma'am.

15 Q How far away is it from you now?

16 A About a little far behind us.

17 Q A little far behind you?

18 A Yes, ma'am.

19 Q Let me show you what's been marked State's 4. This is
20 the stick to use to point with because it might be tall.

21 And you said you were pretty familiar with Roundtree
22 Circle. Right?

23 A Yes, ma'am.

24 Q You got to speak up, because I don't think she can see
25 your mouth. Okay? All right, do you -- take a minute and

1 look at this map and tell me -- tell me where Roundtree
2 Circle is.

3 A Right there, Roundtree Circle.

4 Q Okay. And what direction are y'all coming in?

5 A This way.

6 Q Okay. So if you had to show me on this map where --
7 eventually y'all turned on Roundtree Circle. Right?

8 A Yes, ma'am.

9 Q And I -- I mean obviously Parkway goes way on back
10 there.

11 A Yes, ma'am.

12 Q About how far, if you can tell me, was the Cadillac
13 from you when y'all turned? Was it -- can you even see it
14 on this map?

15 A Yes, ma'am. The Cadillac probably right here ---

16 COURT REPORTER - I can't hear him.

17 MS. HALL - He said the Cadillac was probably
18 right here.

19 Q Thank you. All right, so -- and we've just
20 established that you did turn on Roundtree Circle
21 eventually. Right?

22 A Yes, ma'am.

23 Q Was there any conversations between anybody in the car
24 any time from the point you guys hit Parkway until you got
25 to the corner on Roundtree Circle and ---

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- 1 A No, ma'am.
- 2 Q Nobody said a word.
- 3 A No, ma'am.
- 4 Q Even after Roseboro shot out of the car, nobody said a
5 word.
- 6 A No, ma'am.
- 7 Q Okay, and what did y'all -- tell me about the turn
8 when you start -- y'all started to make the turn onto
9 Roundtree.
- 10 A Moore had got out.
- 11 Q Moore got out? Did he say anything?
- 12 A Ma'am?
- 13 Q What did he say to you as he was getting out?
- 14 A Nothing, he was fixing to get out.
- 15 Q Didn't you give a statement to police in the presence
16 of your attorney back on March the 25th of this year?
- 17 A Yes, ma'am.
- 18 Q Okay. And what did you tell the police in the
19 presence of your attorney that Moore said as he was going
20 to get out of the car?
- 21 A He was fixing to get out the car, he said he fixing to
22 get out.
- 23 Q Did you say I'm about to get out?
- 24 A Yes, ma'am.
- 25 Q So Moore said, I'm about to get out.

1 A Yes, ma'am.

2 Q Did he say it or did he not say it?

3 A He said it.

4 Q Okay. All right, and did anybody inside the truck
5 tell him to get out?

6 A No, ma'am.

7 Q Did he get out?

8 A Yes, ma'am.

9 Q Okay. So he opened the door, ---

10 A Yes, ma'am.

11 Q --- and got out.

12 A Yes, ma'am.

13 Q Did he take that gun with him when he got out?

14 A Yes, ma'am.

15 Q When he got out did he land on his feet?

16 A I think he fell.

17 Q You think he fell?

18 A (No response)

19 Q Did you hear -- did you hear any gunshots at that
20 point in time?

21 A Yes, the gun had went off.

22 Q And was it a loud gun?

23 A Yes, ma'am.

24 Q Did you think at the time that it was that gun?

25 A Yes, ma'am.

1 Q Did you know at the time it was that gun?

2 A Yes, ma'am.

3 Q Because at this point, according to your testimony,
4 you're in the middle of the backseat right next to Moore as
5 he's jumping out of the car. Right?

6 A Yes, ma'am.

7 Q How'd the door get closed, the door that he used to
8 get out?

9 A He pushed it.

10 Q He pushed on the door?

11 A Yes, ma'am.

12 Q And did that cause the truck door to close?

13 A Yes, ma'am.

14 Q What happened after that? Were you looking back?

15 A Yes, ma'am.

16 Q You were?

17 A (No response)

18 Q And what happened after that?

19 A Nothing. As we was going around the corner we heard a
20 gunshot.

21 Q You were going around the corner?

22 A Yes, ma'am.

23 Q Okay. I'm going to show you again what's been marked
24 as State's 4 and I'm going to give you your stick back.

1 All right, when you say you're going around the corner --
2 use this stick and tell me what corner you're talking
3 about.

4 A This corner right here.

5 Q Onto Roundtree Circle?

6 A Yes, ma'am, going around the corner.

7 Q Around that corner.

8 A Yes, ma'am.

9 Q Okay. Where did -- can you tell me around about where
10 y'all parked once you stopped, while we've got the map up?

11 A Right here.

12 Q Okay. That's where the truck ended up?

13 A Yes, ma'am.

14 Q Okay. All right, so you get on around the corner and
15 you hear the gun -- you hear gunshots again.

16 A Yes, ma'am.

17 Q How many gunshots did you remember hearing?

18 A A couple gunshots.

19 Q A couple?

20 A Yes, ma'am.

21 Q Isn't it true that on the statement that you gave to
22 police, the one I just referred to, I immediately heard
23 lots of gunshots behind the truck?

24 A Yes, ma'am.

25 Q Did you look back?

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1 A Yes, ma'am.

2 Q Didn't you tell the police on this same statement that
3 you didn't look back?

4 A No, I said I looked, but we was already around the
5 corner; we couldn't see nothing.

6 Q Oh, you couldn't see anything.

7 A Yes, ma'am.

8 Q Okay. I'm sorry. So you did look back, but you just
9 couldn't see anything at that point.

10 A Yes, ma'am.

11 Q Okay. And did you look back right as you heard the
12 gunshots?

13 A Yes, ma'am.

14 Q About -- when you say lots of shots, about how many
15 did you hear?

16 A A good many.

17 Q So -- and we -- when we were looking at the map we
18 established at some point in time the four of you were
19 still in the car -- Right? -- the other four people we
20 talked about earlier.

21 A Yes, ma'am.

22 Q Okay. And did McClinton stop the truck?

23 A Yes, ma'am.

24 Q And did you pull into a driveway or did you pull on
25 the side of the road?

1 A Side of the road.

2 Q You didn't pull into a driveway?

3 A No, ma'am, we pulled the side -- it was like a
4 driveway; we pulled in the grass.

5 Q You pulled in the grass.

6 A Yes, ma'am.

7 Q And did -- what did y'all -- what did you do?

8 A Get out of the car.

9 Q Did everybody get out of the car or just you?

10 A Everybody.

11 Q All right. Did you -- where did you go?

12 A Ran on York Road.

13 Q You ran on York Road?

14 A Yes, ma'am.

15 Q All right. Was anybody with you?

16 A Me and Roseboro.

17 Q You and Roseboro?

18 A Yes, ma'am.

19 Q Y'all stayed together?

20 A Yes, ma'am.

21 Q And y'all been friends for a long time. Right?

22 A Yes, ma'am.

23 Q About how long?

24 A Long time.

25 Q Where did you -- where did you and Roseboro go?

- 1 A We ran -- we ran -- we ran to the house on York Road?
- 2 Q You ran to a house on York Road?
- 3 A Yes, ma'am.
- 4 Q Whose house was it?
- 5 A One our -- Roseboro -- our friend's house.
- 6 Q Do you know the name of the person, just the first
- 7 name?
- 8 A No, I don't know his real name.
- 9 Q But y'all have your guns with you still?
- 10 A Yes, ma'am.
- 11 Q Did y'all knock on the door?
- 12 A Yes, ma'am.
- 13 Q And what happened when you knocked on the door?
- 14 A No one came to the door.
- 15 Q Okay. So what did y'all do?
- 16 A We went and um put the guns in the back yard.
- 17 Q Did you hide them?
- 18 A Yes, ma'am.
- 19 Q So what happened after that?
- 20 A Then we knocked on the door and no one came to the
- 21 door.
- 22 Q So did you hide the guns first and you knocked on the
- 23 door after?
- 24 A Yes, ma'am.

1 Q Okay. And then -- did you ever -- at any time did you
2 ever see anybody else from the truck?

3 A We heard something at the back.

4 COURT REPORTER - I'm sorry. I didn't understand
5 him.

6 Q You heard something in the back?

7 A In the back yard.

8 Q Is this the same house where you're standing?

9 A Yes, ma'am.

10 Q Okay. And you heard something in the back yard.

11 A Yes, ma'am.

12 Q And did you turn around to look to see what it was?

13 A Yes, it was Moore.

14 Q It was what?

15 A Moore.

16 Q It was Chris Moore?

17 A Yes, ma'am.

18 Q Did he have -- did he have that assault rifle with him
19 anymore?

20 A No, ma'am.

21 Q Did anybody call anybody?

22 A Yes, ma'am.

23 Q Whose idea was it?

24 A Moore.

25 Q Moore's?

- 1 A Yes, ma'am.
- 2 Q What did he say?
- 3 A Nothing. We called Shonda Wray.
- 4 Q Called Lashonda Wray?
- 5 A Yes, ma'am.
- 6 Q Did you call her?
- 7 A No, ma'am.
- 8 Q Who called her?
- 9 A Moore.
- 10 Q Whose phone did he use?
- 11 A Mine.
- 12 Q Did she come -- what did he say to her while he had
- 13 her on the phone?
- 14 A Nothing, she just came and picked us up.
- 15 Q She came and picked you up?
- 16 A Yes, ma'am.
- 17 Q Did y'all stay at the house where you were and wait
- 18 for her?
- 19 A Yes, ma'am.
- 20 Q Did she have anybody with her?
- 21 A Yes, ma'am.
- 22 Q Did you know the -- did you know the person in the car
- 23 with her?
- 24 A No, ma'am.
- 25 Q Was it a lady or a man?

1 A A lady.

2 Q So where did -- where was the lady in the car sitting?

3 A On the passenger's side.

4 Q And was Lashonda driving the car?

5 A Yes, ma'am.

6 Q And did the three, you and Roseboro and Moore all
7 three of y'all get in the car?

8 A Yes, ma'am.

9 Q Do you remember where Moore was sitting in the car?

10 A Behind the passenger.

11 Q Behind the passenger?

12 A (No response)

13 Q And where was Roseboro?

14 A In the middle.

15 Q And where were you?

16 A Behind the driver.

17 Q Did Lashonda Wray take y'all somewhere?

18 A Yes, ma'am.

19 Q Where'd y'all go?

20 A To my house.

21 Q To your house?

22 A Yes, ma'am.

23 Q What street's your house -- was your house on at the
24 time?

25 A Saluda Street.

- 1 Q And did all of you go inside?
- 2 A Yes, ma'am.
- 3 Q Lashonda went inside with you?
- 4 A Yes, ma'am.
- 5 Q And did her friend come in, too?
- 6 A Yes, ma'am.
- 7 Q If you remember.
- 8 A I think so.
- 9 Q You think so. Did Moore -- what did Moore do when
- 10 y'all got inside?
- 11 A Nothing, we was in there chilling.
- 12 Q You were just in there chilling? Who else was home?
- 13 A My mom.
- 14 Q Your mom?
- 15 A Yes, ma'am.
- 16 Q Were there any -- was anybody else in the house?
- 17 A Yes, ma'am, my sister and brother.
- 18 Q Did you notice anything about Moore's hands at the
- 19 time?
- 20 A Yes, ma'am.
- 21 Q Tell me about that?
- 22 A He had a cut.
- 23 Q He had a cut on it?
- 24 A Yes, ma'am.
- 25 Q How do you know?

1 A Because I saw -- I saw it.

2 Q You saw the cut?

3 A Yes, ma'am.

4 Q Did you give him a band-aid or anything?

5 A No, ma'am. A paper towel.

6 Q Sorry?

7 A Paper towel.

8 Q You gave him a paper towel?

9 A (No response)

10 Q Did Moore say anything to you ---

11 A No, ma'am.

12 Q --- about what had happened?

13 A Yes, ma'am.

14 Q Did he say anything -- was anybody talking in Lashonda
15 Wray's car as y'all were driving away?

16 A No, ma'am.

17 Q Okay. Where were you when Moore said something to
18 you? I mean were you at the house once you got back
19 inside?

20 A Yes, ma'am.

21 Q Do you remember what room you were in?

22 A We was in my room.

23 Q Was anybody else in there with you?

24 A Me, him and Roseboro.

25 Q What did he say to you?

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1 A Williams started shooting at him and they exchanged
2 shots.

3 Q You never told the police that before today did you?

4 A Ma'am?

5 Q I believe your statement on -- that you gave to police
6 that we just have been referring to said the old -- that
7 what you told them and Moore said to you was, the old man -
8 - me and the old man were shooting at each other and the
9 old man was shooting back.

10 A Yes, ma'am.

11 Q Is that what you told the police?

12 A I said they exchange -- they exchanged shots.

13 Q I'm sorry?

14 COURT REPORTER - I can't ---

15 Q They exchanged shots?

16 A Yes, ma'am.

17 Q Did Roseboro stay there with y'all?

18 A No, ma'am, he left.

19 Q Did Moore stay there with you?

20 A No, ma'am, he left.

21 Q Do you know what happened to those guns that y'all
22 hid?

23 A No, ma'am.

24 Q Did you ever try to go back and find them?

25 A No, ma'am.

1 Q To your knowledge did Roseboro ever try to go back and
2 find them?

3 A No, ma'am.

4 Q And the house that you went to to hide the guns, that
5 was never -- that was not on this map. Is that correct?

6 A No, ma'am.

7 Q And did you ever -- up until you talked with Special
8 Agent Lee Blackmon on August the 24th of 2015, had you ever
9 given a statement to law enforcement?

10 A Ma'am?

11 Q Up until the point of -- in August -- like this
12 happened in November of 2014 ---

13 A Yes, ma'am.

14 Q --- the next August, did you ever give a statement to
15 law enforcement?

16 A No, ma'am.

17 Q So is this the first time you ever told the law
18 enforcement where the guns were hidden?

19 A Yes, ma'am.

20 Q And that was in August of 2015 about nine months after
21 this happened. Correct?

22 A Yes, ma'am.

23 Q And you have charges that arose out of this. You've
24 been charged in this. Right?

25 A Yes, ma'am.

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1 Q And you have charges pending in the Chester -- with
2 the Chester County Sheriff's Department. Is that correct?

3 A Yes, ma'am.

4 Q Has anybody promised you anything to get you to come
5 here today?

6 A No, ma'am.

7 Q Do you want to be here?

8 A No, ma'am.

9 Q Are you here because I subpoenaed you to come?

10 A Yes, ma'am.

11 MS. HALL - I don't have any further questions.

12 Please answer anything that Mr. Frick may have.

13 CROSS EXAMINATION

14 BY MR. FRICK -

15 Q Hey, Dr. Dixon.

16 A Hey.

17 Q All right, let me -- let me make sure we straight on
18 this. You here because the State made you be here. Right?

19 A Sir?

20 Q You're here because the State made you be here today.
21 Right?

22 A Yes, ma'am. (sic)

23 Q Okay. And the State has charges against you. Right?

24 A Yes, sir.

1 Q Okay. All right. Now, you recall -- I think the
2 solicitor talked about this. You gave two statements to
3 law enforcement, one in August of 2015 and one in March of
4 this year. Is that correct?

5 A Yes, ma'am. (sic)

6 Q Do you recall those statements?

7 A Yes, ma'am. (sic)

8 Q Do you recall whether you gave different versions in
9 those statements or did you stay the same?

10 A Same.

11 Q Okay. And in your statement this year, did you tell
12 law enforcement that shots came from the Cadillac first?

13 A Yes, sir.

14 Q Okay. And in your statement back in August of last
15 year, did you tell law enforcement ---

16 A Yes, sir.

17 Q --- the same thing?

18 A Yes, sir.

19 Q Shots came from the Cadillac first?

20 A Yes, sir.

21 Q Okay. Y'all weren't going to Featherstone, were you?

22 A No, sir.

23 Q The goal that night was to go to Holmes Road, wasn't
24 it?

25 A Yes, sir.

1 Q To go deal with some other people. Right?

2 A Yes, sir.

3 Q Was Odell Williams or his family associated with these
4 people?

5 A No, sir.

6 Q Okay. When y'all parked on Featherstone, did you have
7 any idea where you were?

8 A We all go on Featherstone, but not -- not who stay
9 around there.

10 Q Okay. So you didn't know whether Odell and his family
11 even lived on that road?

12 A I ain't never -- I ain't know Odell -- I ain't know
13 none of them.

14 Q You didn't play ball for him?

15 A No, sir.

16 Q Okay. You didn't know him from town?

17 A No, sir.

18 Q Didn't know him at all?

19 A No, sir.

20 Q When you saw somebody getting out of the car, did you
21 recognize him?

22 A No, sir.

23 Q Okay. You didn't recognize the car?

24 A No, sir.

1 Q This other car that was parked on Featherstone, did
2 you recognize it?

3 A No, sir.

4 Q Did you recognize anybody in it?

5 A No, sir.

6 Q Okay. Let's go back to when y'all get on
7 Featherstone; you get out of your car. How -- explain a
8 little more detail how y'all getting over to Holmes Road.
9 I'm just not clear on it.

10 A Walking through a field.

11 Q Okay. Does it cut straight through to where y'all are
12 going?

13 A Yes, sir.

14 Q Okay. Y'all didn't go over to the house on Holmes
15 Road?

16 A No, sir.

17 Q Okay. Y'all just kind of hung out in the field.

18 A Yes, sir.

19 Q Why didn't y'all go over to Holmes Road?

20 A We didn't see no -- we didn't see no car there.

21 Q Okay. Said y'all hung out there for about 10 minutes
22 or so?

23 A Yes, sir.

24 Q All of y'all?

25 A Yes, sir.

DERRICK DIXON - CROSS BY MR. FRICK

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- 1 Q Did anybody leave at any point?
- 2 A No, sir.
- 3 Q Okay. At -- at the point that you decided that this
- 4 just ain't going to happen, what'd y'all do?
- 5 A We got back in the car to leave.
- 6 Q Okay. As y'all were coming back through, did -- did
- 7 you see Odell's shop?
- 8 A No, sir.
- 9 Q You didn't see it?
- 10 A No, sir.
- 11 Q Did anybody stop, pick anything up, take it with them?
- 12 A No, sir.
- 13 Q Did anybody break into anything?
- 14 A No, sir.
- 15 Q Anybody shoot a gun at that point?
- 16 A No, sir.
- 17 Q Anybody point a gun at that point?
- 18 A No, sir.
- 19 Q Anybody see anybody else at all other than y'all?
- 20 A No, sir.
- 21 Q Okay. Featherstone. Solicitor asked you which way
- 22 did you go; you said you went back towards York Road.
- 23 A Yes, sir.
- 24 Q Can you go the other way?
- 25 A No, sir.

1 Q Dead end road, ain't it?

2 A Yes, sir.

3 Q Okay. So you had to go back out that way?

4 A Yes, sir.

5 Q And y'all were, in fact, going out that way, weren't
6 you?

7 A Yes, sir.

8 Q Okay. When you first see the red Cadillac, where is -
9 - where is y'all's truck?

10 A From headed out fixing to turn on York Road.

11 Q Fixing to?

12 A Fixing to.

13 Q Okay. So you've stopped at the stop sign, or are you
14 in the middle of the turn?

15 A Right there in the stop sign fixing to turn.

16 Q Okay. At that point did anybody look and go, hey,
17 that's Odell's, that's that police guy?

18 A No, sir.

19 Q Okay. Did anybody make any comment at all about that
20 Cadillac?

21 A No, sir.

22 Q Okay. Y'all turned onto York Road.

23 A (No response)

24 Q Were any words exchanged with anybody on Featherstone?

25 A No, sir.

DERRICK DIXON - CROSS BY MR. FRICK

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1 Q Okay. Y'all didn't roll down the window and talk to
2 the people in this other car?

3 A No, sir.

4 Q Didn't roll down the window and talk to Odell?

5 A No, sir.

6 Q Didn't roll down the window and point a gun at
7 anybody?

8 A No, sir.

9 Q Didn't cuss anybody out?

10 A No, sir.

11 Q Okay. So y'all turn onto York Road heading back
12 towards town I believe is what you said. Right?

13 A (No response)

14 Q Can you see that if I lay that right there?

15 A Yes, sir.

16 Q Okay. And y'all are here. You turn and you're
17 heading back -- this is back towards town?

18 A Yes, sir.

19 Q Okay. Is this the bypass?

20 A Yes, sir.

21 Q Okay. There's a traffic light right there, isn't
22 there?

23 A Yes, sir.

24 Q Okay. Was it -- was it red or green?

25 A I don't remember.

1 Q That's fine. Y'all went through the intersection?

2 A Yes, sir.

3 Q You didn't turn.

4 A No, sir.

5 Q You keep going straight. Right?

6 A Yes, sir.

7 Q Okay. About where do you remember seeing the
8 Cadillac?

9 A When we was going all the way down York Road and
10 turned onto Brawley Street.

11 Q Okay. Going down, going down, going down. Does this
12 reflect ---

13 A Yes, sir.

14 Q --- to your recollection where y'all turned?

15 A Yes, sir.

16 Q That's Brawley Street.

17 A Yes, sir.

18 Q Okay. And at that point, do you notice the Cadillac?

19 A The Cadillac, yes, sir; he still behind us.

20 Q Okay. How close is it?

21 A It's a little closer, closer now.

22 Q What you mean by a little close?

23 A He behind us.

24 Q I get that, Mr. Dixon. How close? A car length? Two
25 car length? Half a mile?

- 1 A About two car lengths.
- 2 Q Two car lengths behind you. Okay. It's nighttime.
- 3 Right?
- 4 A Yes, sir.
- 5 Q He got his lights on?
- 6 A Yes, sir.
- 7 Q Okay, he got his high beam or low beam?
- 8 A Both. I think the high beam.
- 9 Q Okay. And it's fine. If you don't remember, just
- 10 tell me that. Okay?
- 11 A (No response)
- 12 Q All right. So y'all turn off of Brawley onto Saluda?
- 13 A Yes, sir.
- 14 Q Okay. And then onto McClure. Correct?
- 15 A Yes, sir.
- 16 Q Okay. At some point I believe you said -- who said
- 17 that they recognized Odell, if anybody?
- 18 A Buchanan.
- 19 Q Buchanan.
- 20 A Yes, sir.
- 21 Q Do you recall what he said?
- 22 A When he say he used to be his football coach.
- 23 Q All right. Now, I think you said something about that
- 24 the red Cadillac's lights were flashing. Do you recall
- 25 about where that was happening?

1 A No, sir, but I remember the lights was flashing. I
2 think was still on McClure Street.

3 Q Okay. Is it before y'all stopped?

4 A Yes, sir.

5 Q Okay. In fact, that's kind of what -- when Buchanan
6 said, I know that guy.

7 A Yes, sir.

8 Q Okay. And why'd y'all stop?

9 A Because see what he want.

10 Q Really? You didn't decide at that point we just going
11 to shoot this dude?

12 A No, sir.

13 Q I mean y'all got a bunch of guns in that car; y'all
14 could take care of this situation right there on McClure
15 Street. That's not what y'all did?

16 A No, sir.

17 Q Okay. Y'all stopped to talk?

18 A No, sir, when he got out of the car, he didn't make it
19 to the back of his car; we just pulled off.

20 Q Okay. Why? Any idea?

21 A We thought he got a phone in his hand.

22 Q Okay. Did you see the phone?

23 A No, sir.

24 Q Okay. Did you see a gun?

25 A No, sir.

DERRICK DIXON - CROSS BY MR. FRICK

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- 1 Q Could you see his hands?
- 2 A No, sir.
- 3 Q Okay. And Quinton was driving. Right?
- 4 A Yes, sir.
- 5 Q Okay. And he drives off.
- 6 A Yes, sir.
- 7 Q Was anything said as y'all drive off?
- 8 A No, sir.
- 9 Q Okay. At that point did anybody from y'all's car
- 10 decide, let's fire a little warning shot?
- 11 A No, sir.
- 12 Q Nobody fired a gun at that point?
- 13 A No, sir.
- 14 Q Okay. And the Cadillac follows y'all again, doesn't
- 15 it?
- 16 A Yes, sir.
- 17 Q All right. So y'all now turn onto -- what street is
- 18 this? Do you remember?
- 19 A No, sir.
- 20 Q Okay. I think the map says something about First
- 21 Street. Does that sound about right?
- 22 A Yes, sir.
- 23 Q You know the area, not necessarily the street names.
- 24 Right?
- 25 A Yes, sir.

1 Q All right. I understand. Okay. Might be Patrick.

2 Do you know whether that was Patrick or First?

3 A That's Patrick Street.

4 Q Okay. So y'all turn off of McClure onto Patrick.

5 Right?

6 A Yes, sir.

7 Q Okay. And you said at some point you hear gunfire.

8 A Yes, sir.

9 Q Do you remember where you heard gunfire?

10 A From the red Cadillac.

11 Q Okay. What street were y'all? (sic)

12 A Heard one gun fired on McClure Street and like two on

13 Patrick Street.

14 Q Okay. So y'all -- you heard at least three shots.

15 A Yes, sir.

16 Q Okay. You certain it's from behind you?

17 A Yes, sir.

18 Q Were there any other cars on this road?

19 A No, sir.

20 Q Just y'all two?

21 A Yes, sir.

22 Q Okay. And the Cadillac is where when you hear these

23 shots?

24 A Behind us.

1 Q Okay. In fact, you said you saw the fire from one of
2 the shots.

3 A Yes, sir.

4 Q That's correct?

5 A Yes, sir.

6 Q Okay. The final shot is what you said. That right?

7 A Yes, sir.

8 Q Okay. If I'm wrong, correct me. Okay? I'm just
9 trying to make sure we got the testimony straight. Then --
10 there's a little intersection right there with First and
11 Patrick. You know what I'm talking about? A little shop
12 right here?

13 A Yes, sir.

14 Q Okay. Is there a stop sign there or do you know?

15 A Yes, sir.

16 Q Did y'all stop for that stop sign?

17 A No, sir.

18 Q Okay. Turned onto First?

19 A Yes, sir.

20 Q Heading towards ---

21 A Back to Saluda.

22 Q Back to Saluda. Okay. Y'all get to Saluda?

23 A Turn on Parkway.

24 Q Okay. As y'all making these turns, where's the
25 Cadillac?

1 A Still behind us.

2 Q How close is he now?

3 A Probably about three cars, three car lengths.

4 Q Okay. When y'all get onto Parkway, -- is it -- I'm
5 going to get close. I'm going to make sure we get this.

6 Is this Parkway?

7 A Yes, sir.

8 Q Okay. Is it -- is it really this long of a street?

9 There's a curve down here and it straightens out and it
10 runs into Roundtree?

11 A Yes, sir.

12 Q In fact, runs on it, doesn't it?

13 A Yes, sir.

14 Q Okay. Y'all've turned onto Parkway in this curve
15 right here.

16 A Yes, sir.

17 Q Where's the Cadillac?

18 A Still behind us.

19 Q How -- how close is he at that point?

20 A Talking about when we turned up around the curve?

21 Q Yes, sir, yes, sir, the curve right there.

22 A Car should be about three -- three cars.

23 Q Okay. And there's some railroad tracks. Right?

24 A Yes, sir.

1 Q Okay. He's three car lengths before you hit the
2 railroad tracks. Right?

3 A Yes, sir.

4 Q Okay. Okay. Y'all slow down for the railroad tracks?

5 A No, sir.

6 Q Okay. Go over the railroad tracks, how far is the
7 Cadillac behind you if he's still following you?

8 A About the same length.

9 Q Okay. At some point does Clinton (sic) gun the car?
10 Does he mash the gas?

11 A Yes, sir.

12 Q Do you know where?

13 A No, sir.

14 Q Okay, but on Parklane (sic)?

15 A Yes, sir.

16 Q Okay, or Parkway, rather. Sorry. Okay. So who told
17 Chris Moore to get out and shoot Odell?

18 A Nobody.

19 Q Nobody.

20 A No, sir.

21 Q Did he say, I'm going to get out, I'm going to go hide
22 in that ditch and I'm going to shoot Odell?

23 A No, sir, he just said he fixing to get out.

24 Q He said, I'm about to get out.

25 A Yes, sir.

1 Q That's what he said.

2 A Yes, sir.

3 Q He -- he didn't say, I'm about to get out to go shoot
4 this guy.

5 A No, sir.

6 Q He's getting out.

7 A Yes, sir.

8 Q Okay. Did anybody get out with him?

9 A No, sir.

10 Q Okay. He gets out as y'all are turning onto
11 Roundtree.

12 A Yes, sir.

13 Q You told the solicitor y'all were going fast, maybe
14 highway fast, I believe, ---

15 A Yes, sir.

16 Q --- as you were coming down Parkway.

17 A Yes, sir.

18 Q As you make that turn onto Roundtree, y'all slow down?

19 A Yes, sir.

20 Q Okay. Did you come to a complete stop?

21 A No, sir.

22 Q Okay. So Chris is getting out of the car and it's
23 still moving.

24 A Yeah, they going slow but it's still moving.

1 Q Okay. And I believe in your two statements to law
2 enforcement you didn't say, I think he fell; you said, he
3 fell.

4 A Yes, sir.

5 Q Do you think he fell or did he fall?

6 A He fall. (sic)

7 Q He fell.

8 A Yes, sir.

9 Q You know he fell.

10 A Yes, sir.

11 Q Okay. You saw that gun go off when he hit the
12 ground, didn't you?

13 A Yes, sir.

14 Q Okay. After he gets out, y'all continue down
15 Roundtree?

16 A Yes, sir.

17 Q Okay. Why -- why didn't y'all stay and help your
18 friend?

19 A I don't know.

20 Q Okay.

21 COURT REPORTER - I didn't understand what he
22 said.

23 MR. FRICK - I believe he said I don't know.

24 Q Is that what you said?

25 A Yes, sir.

1 Q Okay. But no one else got out with Chris. Right?

2 A No, sir.

3 Q And no one told Chris to get out.

4 A No, sir.

5 Q Okay. Now, you said as you got -- you said as y'all -

6 - after you turned, you're about -- about down the road

7 here a little bit.

8 A Yes, sir.

9 Q That's when you hear gunshots?

10 A Yes, sir.

11 Q Okay. Could you tell any difference in gunshots that

12 you heard, or did they all sound the same?

13 A The first gunshots was kind of quiet.

14 Q Okay.

15 A Yes, sir.

16 Q Okay. How many of those do you recall?

17 A Not that many.

18 Q Not that many. Well, I mean give me some ---

19 A I didn't count.

20 Q Okay. All right. Ten? Two? Five?

21 A Probably about two or three.

22 Q Okay. And then you heard other shots?

23 A Yes, sir.

24 Q Were they louder or quieter than that?

25 A Loud.

1 Q Loud. Like maybe they came from that gun?

2 A Yes, sir.

3 Q Okay. Have you heard that gun fired before?

4 A Yes, sir.

5 Q Okay. Pretty loud, isn't it?

6 A Yes, sir.

7 Q All right. You don't see Chris anymore on Roundtree,
8 do you?

9 A No, sir.

10 Q Okay. In fact, you don't see him until y'all get back
11 over to -- did y'all go to your mama's house?

12 A Yes, sir.

13 Q Okay. And what you said today was that Chris said
14 that the guy shot at him first? Is that what you 0- is
15 that you telling us today?

16 A Yes, sir.

17 Q Okay. Now, that's not necessarily what is written in
18 these statements. Right? Or do you know?

19 A No, sir.

20 Q Okay. But y'all did have a conversation at your
21 mama's house between you and Chris ---

22 A Yes, sir.

23 Q --- about what happened?

24 A Yes, sir.

25 Q Brief as it may be. What did Chris say?

1 A Williams started shooting at him.

2 Q Okay. Was that it?

3 A Yes, sir.

4 Q That's the end of it?

5 A Yes, sir.

6 Q All right.

7 MR. FRICK - All right, Mr. Dixon, give me one
8 more second. We may be close.

9 Q There was one part that you said that someone from
10 y'all's truck did actually fire. Is that correct?

11 A Yes, sir.

12 Q Okay. Who shot?

13 A Roseboro.

14 Q Okay. And do you remember what kind of gun he had?

15 A A .45.

16 Q He had a .45.

17 A Yes, sir.

18 Q Did he ever switch guns with anybody?

19 A No, sir.

20 Q He kept the .45?

21 A Yes, sir.

22 Q How do you know it was a .45?

23 A Could see it was a .45.

24 Q Okay. Did you -- did you see it that night?

25 A Yes, sir.

- 1 Q Okay. And he was -- do you recall about where y'all
2 were when that shot got fired in this whole chase?
- 3 A On Parkway.
- 4 Q You were on Parkway?
- 5 A Yes, sir.
- 6 Q Before the -- before the railroad tracks?
- 7 A Yes, sir.
- 8 Q Okay. Before the curve?
- 9 A About right there at the curve.
- 10 Q At the curve but before the railroad tracks.
- 11 A Yes, sir.
- 12 Q Okay. One shot? Two shots? Five shots?
- 13 A One.
- 14 Q One shot. Did you see him shoot?
- 15 A Yes, sir.
- 16 Q Okay. Did you see the gun fire?
- 17 A Yes, sir.
- 18 Q Did you see what direction it went?
- 19 A Behind the truck.
- 20 Q Okay. Do you know if you it hit anything?
- 21 A No, sir.
- 22 Q Did you hear it hit anything?
- 23 A No, sir.
- 24 Q Okay. All right. You said Chester's home. Right?
- 25 A Yes, sir.

1 Q That's where you grew up, where you went to high
2 school?

3 A (No response)

4 Q You moved to Rock Hill now.

5 A (No response)

6 Q Once you get to the bypass, is there a quicker way to
7 get to Roundtree Circle?

8 A Sir?

9 Q Once you get to the bypass, coming down York Road
10 getting to the bypass, is there a quicker way to get to
11 Roundtree Circle?

12 A Yes, sir.

13 Q I mean this is not the most efficient way to get
14 there, is it?

15 A No, sir.

16 Q What -- what would you do if you wanted to get to
17 Roundtree Circle?

18 A (No response)

19 Q Can you describe it?

20 A Would've took a left at -- right there.

21 Q Uh-huh.

22 A And would've took a -- turned right there on Vance
23 Drive.

24 Q On Vance right there?

25 A Yes, sir.

DERRICK DIXON - RE-DIRECT BY MS. HALL

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1 Q Because doesn't that go right to Parkway?

2 A Yes, sir.

3 Q Okay.

4 MR. FRICK - Thank you, Mr. Dixon. That's all I
5 got.

6 RE-DIRECT EXAMINATION

7 BY MS. HALL -

8 Q Mr. Dixon, you got locked up for this, too, didn't
9 you, when you got served with your warrant?

10 A Yes, ma'am.

11 Q Was there a vent system at the Chester County jail?

12 A Ma'am.

13 Q Is there a vent system at the Chester County jail?

14 A What you mean?

15 Q Like is -- can you talk -- can you talk through the
16 vents at the Chester County jail?

17 A Yes.

18 Q And um, I'm going to show you a statement you gave law
19 enforcement back on -- on March the 25th of 2016. Isn't it
20 true that you say on the second page that you immediately
21 heard lots of gunshots behind the truck? Is that correct?

22 A Yes, ma'am.

23 Q At any point in time did you ever say anything about
24 hearing two gunshots and then a lot more?

25 A No, ma'am.

1 Q Not til here today. Correct?

2 A Yes, ma'am.

3 Q And you stated that you heard three gunshots on
4 Patrick Street?

5 A Yes, ma'am.

6 Q Are you sure it was three?

7 A Two or three.

8 Q Two or three. But immediately heard lots of gunshots
9 behind the truck ---

10 A Yes, ma'am.

11 Q --- once you guys -- once you -- once Chris Moore got
12 out?

13 A Yes, ma'am.

14 Q And you say that -- also in that statement and I
15 believe it was your testimony here today, that Moore -- you
16 saw Moore get up after he got out of the truck. Right? He
17 fell down, then he got up.

18 A Yes, ma'am.

19 Q And you saw him push the door closed?

20 A Yes, ma'am.

21 MS. HALL - That's it. Thank you. I don't have
22 anything else.

23 MR. FRICK - Very quickly, Your Honor.

24 RE-CROSS EXAMINATION

25 BY MR. FRICK -

- 1 Q I think the solicitor said y'all were talking through
2 the vent. Is that right?
- 3 A Yes, sir.
- 4 Q And you agree that you talked through the vent?
- 5 A Yes, ma'am. (sic)
- 6 Q Okay. While you were in the jail.
- 7 A Yes, ma'am. (sic)
- 8 Q Okay. I mean -- the vent we're talking about -- we're
9 talking about like air conditioning vent?
- 10 A Yes, sir.
- 11 Q Okay. When'd you bond out?
- 12 A February.
- 13 Q February.
- 14 A Yes, sir.
- 15 Q Okay. Of?
- 16 A 2015.
- 17 Q '15.
- 18 A Yes, sir.
- 19 Q So you've been out for over a year.
- 20 A (No response)
- 21 Q When's the last time you talked to Chris Moore?
- 22 A It's been a minute.
- 23 Q Been a minute. Been a good minute, ain't it?
- 24 A Yes, sir.
- 25 Q All right.

1 MR. FRICK - Thank you.

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

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

5 MS. HALL - And, Your Honor, we ask that Mr. Dixon
6 be excused.

7 MR. FRICK - No, objection.

8 MS. HALL - The State calls D'Angelo Roseboro.

9 Your Honor, I expect this will take about an
10 hour. I don't know if you want to break or ---

11 THE COURT - Let's take about 10 minutes,
12 otherwise, it'll be another hour.

13 (WHEREUPON, JURY EXITS THE COURTROOM)

14 (WHEREUPON, RECESS TAKEN)

15 THE COURT - All right, I believe we're ready.
16 Get the jury.

17 (WHEREUPON, JURY ENTERS THE COURTROOM)

18 THE COURT - All right, call your next witness,
19 solicitor.

20 MS. HALL - Your Honor, the State calls D'Angelo
21 Roseboro.

22 D'ANGELO ROSEBORO, AFTER BEING FIRST DULY SWORN,

23 TESTIFIES AS FOLLOWS -

24 DIRECT EXAMINATION

25 BY MS. HALL -

D'ANGELO ROSEBORO - DIRECT BY MS. HALL

- 1 Q Your name's D'Angelo Roseboro?
- 2 A Yes, ma'am.
- 3 Q Do you have a nickname?
- 4 A Yes, ma'am.
- 5 Q What is it?
- 6 A Debo.
- 7 Q Debo?
- 8 A Yes.
- 9 Q Do you know the defendant in this case, Chris Moore?
- 10 A Yes, ma'am.
- 11 Q Does he have a nickname?
- 12 A Yes, ma'am.
- 13 Q What is it?
- 14 A Diesel.
- 15 Q Diesel?
- 16 A (No response)
- 17 Q You might have to sit up just a little bit ---
- 18 (WHEREUPON, WITNESS COMPLIES)
- 19 Q Yeah, thank you.
- 20 A Diesel.
- 21 Q Diesel? Okay. How long have you known him?
- 22 A Since I was little.
- 23 Q Did you grow up in Chester?
- 24 A Some time -- at -- most of the time, but I -- I was
- 25 raised in Rock Hill, but ---

1 Q That's really ---

2 A --- I'm from Chester.

3 Q Where you are, and the microphone's perfect, if you'd
4 just stay right there. You said you're -- you're from Rock
5 Hill, but you've been ---

6 A No, I'm from Chester, but I was raised in Rock Hill.

7 Q Okay. When did you move to Rock Hill?

8 A Like third grade, fourth grade.

9 Q Did you and the defendant go to school together?

10 A When I stayed down here, yes.

11 Q On November 4th of 2014 were you with Chris Moore,
12 Diesel?

13 A Yes, ma'am.

14 Q When did y'all get together that day?

15 A At a friend's house playing a game.

16 Q Playing a game?

17 A (No response)

18 Q All right, and um, do you remember about what time
19 y'all met up that day?

20 A No, ma'am.

21 Q Had y'all been together all day?

22 A No, ma'am.

23 Q Who as this friend's house you were at?

24 A I can't remember his name. We was on Chester Homes.

25 Q At Chester Homes?

- 1 A (No response)
- 2 Q All right, at some point in -- was anybody else with
- 3 you.
- 4 A It was me, him, his friend and Derrick.
- 5 Q Derrick? Was that Derrick Dixon?
- 6 A Yeah.
- 7 Q Does he have a nickname?
- 8 A I just call him Derrick.
- 9 Q Do you -- have you ever heard him called a nickname?
- 10 A Yeah, Hatchet.
- 11 Q Hatchet? How long have you known him?
- 12 A All my life.
- 13 Q Are y'all related to each other?
- 14 A Sort of, kind of, not really.
- 15 Q Okay. But you're close to him?
- 16 A Yeah.
- 17 Q All right, and um, -- so -- and you -- I know you were
- 18 with other people; you just told me that, but at this point
- 19 in time it's you, Chris Moore, and Derrick Dixon, who the
- 20 three of y'all are definitely together.
- 21 A Yes.
- 22 Q At some point do y'all hook up with Quinton McClinton?
- 23 A Later on.
- 24 Q And Terrance Buchanan?
- 25 A Yeah.

1 Q And how did that happen?

2 A We all was just chilling, playing a game. Like, they
3 came over; all of us was chilling at that same house, but
4 we were there first.

5 Q Okay. And so they came over to the house where y'all
6 were?

7 A (No response)

8 Q Okay, so now the five of y'all are together. Do y'all
9 at some point make the plan to leave that house and go
10 somewhere else?

11 A Well, eventually, yeah, but not right then. We had
12 been chilling for a minute.

13 Q Okay, so y'all had been there for a while.

14 A Yeah.

15 Q Do you remember about what time of day it was that you
16 decided to go somewhere else?

17 A No.

18 Q Okay. What did y'all decide to go do? Where'd you
19 decide to go?

20 A Holmes Road.

21 Q To Holmes Road?

22 MR. FRICK - Your Honor, at this time I just want
23 to renew my objection to 404(B) evidence.

24 THE COURT - Noted.

25 MR. FRICK - Thank you.

D'ANGELO ROSEBORO - DIRECT BY MS. HALL

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1 Q Okay. So you said you decided to go to Holmes Road.

2 What were y'all going to do when you got there?

3 A We was going to, basically, rob, but get what we --

4 they owed us or something.

5 Q Did you know the people who lived on Holmes Road?

6 A (Indicating yes)

7 Q Were you friends with them?

8 COURT REPORTER - He needs to answer verbally.

9 I'm not getting a response.

10 A Yes.

11 MS. HALL - Okay, she's trying -- everything you

12 say she's got to say it right back into that mask, so if

13 you could just answer real clearly and with words.

14 Q Who lived in that house over on Holmes Road? Do you

15 know anybody's name that lived there?

16 A I can't remember.

17 Q But he -- they were your friends, but you don't know

18 their name?

19 A Like I knew them before we started doing all this.

20 Q Okay. But you don't remember their names now?

21 A No.

22 Q All right, um, so you guys are at this place playing

23 games and chilling out and you decided to go to Holmes

24 Road. How do you get there?

25 A A truck, pickup truck.

1 Q What color was it?

2 A Like silver or gold.

3 Q Had you ever seen the truck before?

4 A No.

5 Q Who was driving the truck when you left?

6 A McClinton.

7 Q And who was sitting in the passenger's seat?

8 A Terrance.

9 Q Okay, and um, who -- where was Chris Moore sitting?

10 A Behind the passenger.

11 Q And where were you sitting?

12 A On the driver -- the driver's -- behind the driver's
13 side.

14 Q Behind the driver's side?

15 A Yeah.

16 Q And where was Dixon sitting?

17 A In the middle.

18 Q You've given a couple of statements to law enforcement
19 since this happened, haven't you?

20 A Yeah.

21 Q And when you've talked to law enforcement before, you
22 actually said you were sitting in the middle of the
23 backseat and that Derrick Dixon was sitting behind the
24 driver. Is that correct?

25 A Yeah, that was on the way back.

1 Q That was on the way back?

2 A Yeah.

3 Q Okay. So when you guys set out and you're by the --
4 you're by the window behind the driver, Dixon's in the
5 middle and Moore was on the side behind the passenger.
6 Right?

7 A Yeah.

8 Q Okay.

9 COURT REPORTER - He needs to speak up.

10 MS. HALL - Sorry?

11 A Yes.

12 Q Okay. And, actually, at some point when you first
13 gave a statement to law enforcement, didn't you tell them
14 that Terrance Buchanan was actually driving the truck?

15 A Yeah, but I couldn't remember.

16 Q You couldn't remember?

17 A Yeah.

18 Q Weren't you told to say that?

19 A No.

20 Q Didn't you and I have a conversation at some point
21 within the last few months where you told me -- and I asked
22 you why did you say that in the beginning and you said
23 something different now? And what'd you tell me?

24 A I can't remember.

1 Q Didn't you tell me y'all were talking through the
2 vents at the jail and that's ---

3 MR. FRICK - Your Honor, I -- is she going to
4 testify for him or -- he's answered the question. He said
5 he can't remember.

6 THE COURT - You got to pose a question.

7 MS. HALL - I'll move on.

8 Q Okay, so -- but it's your testimony here today that
9 you're -- that Quinton's driving the truck, Terrance
10 Buchanan's in the drive - in the driver passenger's seat,
11 Moore's behind him, Derrick's in the middle and you're by
12 the window. Correct?

13 A (No response)

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

15 A To Holmes Road.

16 Q Okay. Did you park on Holmes Road?

17 A No, we parked the next street over.

18 Q Do you remember the name of the street?

19 A Featherstone.

20 Q All right, did you -- did you know anybody who lived
21 on Featherstone Road?

22 A Nah.

23 Q Had you ever been to Featherstone Road before?

24 A (Indicating no)

25 COURT REPORTER - He needs to answer verbally.

- 1 A No, ma'am.
- 2 Q Why'd y'all decide to park on Featherstone Road?
- 3 A I guess so we couldn't be seen.
- 4 Q Where was the house that you were trying to go to in
5 relation to Featherstone Road?
- 6 A It was on Holmes Road.
- 7 Q Okay. How were you going to get from where you parked
8 on Featherstone ---
- 9 A Walk.
- 10 Q --- over to Holmes Road? And were you going to walk
11 down a street, through a ---
- 12 A Through the grass.
- 13 Q Through the grass?
- 14 A (No response)
- 15 Q Okay, so did all -- did you have a gun with you when
16 you left this house where you chilling and hanging out?
- 17 A Yes, ma'am.
- 18 Q And when you got into the truck, you had the gun with
19 you.
- 20 A Yes, ma'am.
- 21 Q What kind of gun was it?
- 22 A A .45 Lemon Squeeze.
- 23 Q A Lemon Squeeze?
- 24 A (No response)
- 25 Q What's a Lemon Squeeze?

1 A It's a gun with two triggers.

2 Q Two triggers?

3 A (No response)

4 Q Okay, so it's a .45 Lemon -- is it a revolv -- do you
5 know the difference between a revolver and a semiautomatic?

6 A Yeah.

7 Q Was it a revolver or a semiautomatic?

8 A A semiautomatic.

9 Q Okay. Did -- when y'all all got into the truck over
10 at the house where y'all were chilling, did everybody else
11 have guns or do you know?

12 A Yeah.

13 Q Okay, what kind of gun did Dixon have?

14 A I don't know.

15 Q Was it a handgun or a rifle or a shotgun?

16 A Handgun.

17 Q A handgun?

18 A (No response)

19 Q Do you know if it was a semiautomatic or a revolver?

20 A No.

21 Q Okay. What about Quinton McClinton?

22 A I can't remember. I want to say a handgun.

23 Q Do you remember if he had a gun at all?

24 A I think so.

25 Q You think so?

- 1 A Yeah.
- 2 Q Did you ever see it?
- 3 A No.
- 4 COURT REPORTER - He needs to speak up. I'm not
5 getting his answers.
- 6 A No.
- 7 Q All right, and what about Buchanan?
- 8 A I think he had a gun.
- 9 Q He had a gun?
- 10 A Yeah, I think so.
- 11 Q You think so.
- 12 A (No response)
- 13 Q Did you ever see it?
- 14 A I think I did at one point.
- 15 Q Was it a handgun? Was it a semiautomatic or a
16 revolver?
- 17 A I think a handgun.
- 18 Q A handgun.
- 19 A (No response)
- 20 Q What about Chris Moore? Did he have a gun?
- 21 A Yes, ma'am.
- 22 Q What kind of -- put your ---
- 23 A Yes, ma'am.
- 24 Q Thank you. What kind of gun was it?
- 25 A A rifle.

1 Q I'm going to show you what's been marked as State's
2 Exhibit 12 right here on this table. Was this the gun that
3 Chris Moore had when y'all got in that car after playing
4 games that day?

5 A I didn't really look at it like that.

6 Q Did it look like this?

7 A I mean it was a big gun, but I can't ---

8 Q Okay. All right, so you guys get all -- all of y'all
9 are in the truck and everybody's gotten these guns, and so
10 you go over to Holmes Road or Featherstone Road and you get
11 out -- you've already testified about all this -- you get
12 out of the car and you're walking down into the grass. Did
13 everybody get out with the guns they had as far as you
14 know?

15 A I believe so.

16 Q Okay, and um, did y'all go all the way over to Holmes
17 Road?

18 A Like halfway through the grass to the next yard.

19 Q Okay, and um, did y'all stop or did y'all keep going?

20 A We stopped.

21 Q Why'd you stop?

22 A Well, first the lights was off; nobody was in the
23 house, so it wasn't no need of us going. We turned around
24 to leave and then that's when we seen that car.

25 Q You saw a -- what car did you see?

1 A I can't really tell; it was dark.

2 Q Did it have its lights on?

3 A I can't remember. I know the tail lights was on,
4 though, because they was on the brakes.

5 Q They were on the brakes?

6 A Yeah, like holding the brake.

7 Q Did anybody say anything while y'all were in the
8 field?

9 A I think so. I think -- I think I was like, there go a
10 car.

11 Q Is that why y'all left, because you saw the car?

12 A Not necessarily; we was already going to leave because
13 there wasn't nobody there.

14 Q Okay. When y'all got back in the car, where was --
15 could you see -- let me ask you this real quick. Did you
16 see anybody in the car?

17 A In what car?

18 Q In the -- the car that it was holding the brakes.

19 A Yeah.

20 Q Who'd you see in the car?

21 A I mean, I ain't even looked to see. I just seen
22 people.

23 Q Okay. All right, and then um -- so, did y'all make it
24 back to the truck, and did you take all the guns from the
25 field back to the truck with you?

1 A Yes, ma'am.

2 Q Okay. And where did y'all -- where did you get in --
3 when y'all got in the truck, where was everybody sitting
4 when you got back into it?

5 A Everybody sat the same way except for me and Derrick.

6 Q Okay, so you and Derrick switched seats.

7 A (Indicting yes)

8 Q So at this point in time ---

9 COURT REPORTER - I'm not getting a verbal
10 response.

11 A Yes.

12 Q Okay. So if you and Derrick had switched seats, who's
13 by the window now?

14 A Derrick.

15 Q Derrick's by the window now?

16 A Yeah, and I'm in the middle.

17 Q Okay. So, tell -- tell me what happened next.

18 A Well, we leaving Featherstone ---

19 Q Were y'all -- which direction were your going?

20 A Towards the stop sign. Towards York Road.

21 Q Toward York Road?

22 A (No response)

23 Q Okay. Did you see the car that you'd seen before?

24 A Yeah.

25 Q Where was it?

1 A Waiting probably like at the stop sign.

2 Q It was waiting at the stop sign? How do you know it
3 was waiting?

4 A Because we had to go around it and they was pointing
5 at the truck.

6 Q Who was -- it was pointing at the truck?

7 A (No response)

8 Q Who -- what -- was it pointing at you? Was it
9 pointing to somebody or what?

10 A It was pointing at the truck.

11 Q Pointing at the truck?

12 A (No response)

13 Q People in the car -- in the car were pointing at the
14 truck or the car itself was pointing at the truck?

15 A People in the car.

16 Q Okay.

17 A Car can't point.

18 Q Was there any other car around?

19 A Just that car.

20 Q Okay. At some point did another car come?

21 A Yeah, that's when that red Cadillac pulled on her, and
22 she started pointing even harder.

23 Q She started pointing harder?

24 A Yeah, like whoever was in -- on the driver side, they
25 was pointing back at the truck.

1 Q Let me ask you this. These people that you were going
2 over to Holmes Road to rob, did you know what kind of cars
3 they drove?

4 A No.

5 Q No?

6 A No, ma'am.

7 Q Okay. All right, so now the red Cadillac's come up,
8 and you said the lady in the car starts pointing harder.
9 What happened after that?

10 A We pulled off -- we made a left onto York Road, and
11 then the red Cadillac just back onto traffic and get behind
12 us.

13 Q Were you looking back?

14 A Yeah.

15 Q Sorry? Is that a yes?

16 A Yes, ma'am.

17 Q Okay. Was anything said to any -- was there any
18 conversation in the truck at this point? Did anybody say
19 anything to anybody else?

20 A (Indicating no)

21 COURT REPORTER - He needs to answer verbally.

22 A No.

23 Q Okay, and do you know where the bypass is?

24 A (No response)

1 Q Do you know where the bypass is? Like, were you
2 headed toward the bypass in the truck or were you headed
3 the other way?

4 A Where the light -- towards the light. We was headed
5 towards the light.

6 Q You said you were headed toward the light?

7 A Yeah, stoplight.

8 Q Okay. At what point did you realize that the Cadillac
9 was -- did you realize at that point that the Cadillac was
10 still behind you?

11 A (No response)

12 Q Did you think it was following you at this point, or
13 did you just knew it was behind you?

14 A We knew it was following us. I mean the light ---

15 Q How'd you know?

16 A The light was about to change, and there was a car
17 behind us, that way the Cadillac had to be behind that car,
18 so therefore, when we went through the light, the light
19 should've turned red, and he ran that light and kept
20 straight through it.

21 Q Okay. Did you know who was in the Cadillac?

22 A No, ma'am.

23 Q Did you know how many people were in the Cadillac?

24 A No, ma'am.

25 Q Where'd y'all go?

1 A Went down York Road, past Chester Homes, like, made a
2 left and went towards East Chester on Saluda Street by the
3 train tracks and Mary's store. Then we went over them
4 train tracks at Saluda, we kept going, we turned on McClure
5 Street by the barbershop.

6 Q Turned on McClure by the barbershop?

7 A Yeah. Yes, ma'am.

8 Q Was there anything being said at that point inside the
9 car?

10 A No, we had -- we had stopped, and then the Cadillac
11 had pulled over to the left.

12 Q Why did y'all stop?

13 A We -- I guess to see why he was following us and see
14 what was wrong, so when, uh, we got out the -- I mean when
15 we stopped, he got out of the car and started walking
16 towards the jeep, and that's when we took back off trying
17 to get away from him.

18 Q Why were y'all trying to get away from?

19 A I mean he following us.

20 Q Did at any point in time did you -- did anybody say
21 who it was?

22 A (Indicating no)

23 COURT REPORTER - He needs to answer verbally.

24 A No, ma'am.

1 Q When y'all stopped, did anybody roll the window down
2 to talk to him?

3 A Yeah, behind ---

4 Q Sorry?

5 A I said, yes, the passenger side back window rolled
6 down.

7 Q Who rolled it down?

8 A Derrick.

9 Q Did -- was anything said between you and the driver of
10 the Cadillac?

11 A (No response)

12 Q Nobody said anything to him?

13 A No, we just tried to hurry up and take off and get
14 away from him.

15 Q All right, where'd you go?

16 A We kept going on McClure Street and made a left on
17 Patrick Street.

18 Q Okay.

19 A Then we made the left on Patrick Street, and that's
20 when we heard the shots.

21 Q Tell me -- what did you hear exactly?

22 A I mean after the first shot, I ducked my head, so -- I
23 mean I know I heard like at least two -- two shots, but I
24 had ducked my head. But we just kept going; we got to the
25 stop sign, made a left, made a right back on Saluda, and

1 then that's when we made the left, he was coming real, real
2 fast ---

3 Q You mean when you made that left on -- from Patrick
4 Street the -- when you made the first -- the first time?

5 A (No response)

6 Q How close to you was he?

7 A Kind of close.

8 Q Kind of close?

9 A Yeah, he probably was about like a car length away,
10 two cars length. I mean he wasn't that far away.

11 Q Okay. Did anybody say anything in the car at that
12 point?

13 A (Indicating no)

14 COURT REPORTER - He needs to answer verbally.

15 A No, ma'am.

16 Q Okay, did you know -- where were y'all going?

17 A We was just trying to get away from that Cadillac.

18 Q Where did you go?

19 A To Roundtree Circle.

20 Q Did you -- how did you get from Saluda to Roundtree
21 Circle?

22 A We made a left on Saluda off of First Street.

23 Q Left on ---

24 A I mean a right.

25 Q Okay, right on Saluda?

1 A And we made a left onto -- by the church, what,
2 Parkway, made a left right there.

3 Q When you did that, how close was the Cadillac to you?

4 A Probably like two cars length or car length away. He
5 was close.

6 Q Still two cars. Okay. Were there some railroad
7 tracks there?

8 A On up there.

9 Q Okay, um, did anybody do anything between the time you
10 turned on Parkway until you got to the railroad tracks?

11 A Yeah, when he -- when we turned on Parkway, we made a
12 left. I leaned over Derrick, let the window down and shot
13 a shot, and that's when he backed up off us a little bit.

14 Q You said he backed up off you a little bit?

15 A Yeah.

16 Q What direction were you shooting?

17 A I mean I just shot backwards.

18 Q In the direction of the Cadillac?

19 A Yeah.

20 Q Anybody tell you to do that?

21 A No, ma'am.

22 Q Did anybody else try to shoot out of the car?

23 A No, ma'am.

24 Q What did -- what did McClinton do, if anything?

25 A Just drive.

1 Q Did he speed up, slow down ---

2 A Oh, yeah, speed up so we could get away from that
3 Cadillac.

4 Q Okay. And were y'all past the railroad tracks when he
5 sped up or before you got to the railroad tracks?

6 A Before we had -- you know, you got to go around a
7 little curve right there on Parkway. So we was going
8 around that curve, he sped up. Before we got to the
9 railroad tracks he slowed down a little bit.

10 Q How far was the Cadillac behind you when you hit the
11 railroad tracks?

12 A I mean I wasn't looking back.

13 Q And where -- did y'all keep going down Parkway?

14 A No, we made a left onto Roundtree Circle.

15 Q Okay. As you were making a left onto Roundtree
16 Circle, what did Moore do?

17 A He got out.

18 Q What did he say to you before he got out?

19 A Uh, let him out.

20 Q Sorry?

21 A Let him out.

22 Q How many times he say it?

23 A Like once or twice.

24 Q Did he open the door and get out?

25 A Yes, ma'am.

1 Q Did the truck stop to let him out?

2 A Yes, ma'am.

3 Q The truck stopped?

4 A Yeah.

5 Q In the statement you gave to law enforcement, isn't it
6 true that you told them the truck never completely stopped
7 and that he got out as it was going around the curve?

8 A No, the truck stopped ---

9 Q Is that what you ---

10 A --- as ---

11 Q The truck stopped ---

12 A --- as he got out, it pulled off.

13 Q Okay. All right, did he take that gun or the gun that
14 looks similar to that gun with him when he got out of the
15 truck?

16 A I think so.

17 Q What makes you think that?

18 A Because I wasn't really paying attention to him
19 getting out.

20 Q No, I mean why do you think he took it? Is there
21 something that makes you think he might've taken it with
22 him when he got out?

23 A Oh, yeah.

24 Q Okay, what's that?

1 A Because the whole plan was to get away from that
2 Cadillac and get to somewhere we knew to get rid of them
3 guns.

4 Q Okay, so the plan was to get away from the Cadillac?

5 A Yeah.

6 Q And get somewhere that you knew so that you could get
7 rid of the guns.

8 A Yeah.

9 Q How do you know that was the plan -- I mean if that's
10 a plan, was there conversation about that in the truck as
11 you were making this plan?

12 A We was about to get rid of the truck anyway when we
13 left Featherstone, but then that's when all this took
14 place, he started chasing us, so we ---

15 Q You were about to get rid of the truck?

16 A Yeah, we was about to go back to where we was.

17 Q And did -- were you familiar with that Roundtree
18 Circle area?

19 A Yeah.

20 Q Okay, well, as far as you know, was everybody in the
21 truck pretty familiar with that area?

22 A (No response)

23 Q Is that a place that y'all would hang out sometimes?

24 A Yeah, sometimes.

25 Q Okay. Did anybody in the truck live over there?

1 A (No response)

2 Q As far as you know.

3 A Yeah.

4 Q Because you said that you were going to go get
5 somewhere you knew to get rid of the guns.

6 A Yeah, and -- only thing we could think of from right
7 there at Patrick Street where he started shooting at was
8 Roundtree Circle. I mean it's the closest place we know.

9 Q Okay. All right, so when McClinton opens -- I mean
10 sorry -- when Moore opens the door and gets out of the car,
11 you said the truck stopped for just a second, he gets out
12 and you said -- that he got out with that gun. Is that
13 right? I'm not putting words in your mouth; I'm just
14 trying to get back to the point where we stopped. Did you
15 see him get out with the gun?

16 A (No response)

17 Q Did you see the gun still in the car ---

18 COURT REPORTER - He needs to answer verbally.

19 A No. No.

20 Q Okay. Did you see him get out with the gun?

21 A I think so.

22 Q You think so?

23 A Yeah, I wasn't paying attention. We was looking this
24 way; he got out on the right side.

1 Q Okay. Did you hear the gun go off or anything or any
2 shots once -- immediately when he exited the truck?

3 A No.

4 Q Did anybody else get out of the truck?

5 A No, ma'am.

6 Q Was the door to the truck in the back open after he
7 got out?

8 A (Indicating no)

9 Q It was closed?

10 A (No response)

11 COURT REPORTER - He needs to answer verbally.

12 MS. HALL - I'm sorry.

13 A Yes, it was closed.

14 Q It was closed. Okay. Were you looking back after
15 Moore got out?

16 A (Indicating no)

17 COURT REPORTER - He needs to answer verbally.

18 A No.

19 Q At some point did you hear gunshots?

20 A Yeah, when we got all the way around Roundtree Circle.

21 Q When you got all the way around Roundtree Circle you
22 heard gunshots.

23 A (No response)

24 Q Okay. Hold on one second. How many shots did you
25 hear?

- 1 A I can't remember.
- 2 Q I mean, five, six, eight, 12, 50, what -- how many did
3 you hear?
- 4 A I didn't count them.
- 5 Q Was it a lot or a couple or ---
- 6 A It was like -- a lot.
- 7 Q A lot. Okay. I want to show you what's been marked
8 as State's 4. I'm going to give you this little pointing
9 stick. Okay? Do you recognize this map or what it's a map
10 of?
- 11 A Roundtree Circle.
- 12 Q Okay. Can you use that stick to show the jury what
13 direction y'all were coming from when you turned onto
14 Roundtree Circle?
- 15 A This the circle. If this the circle, it was up here
16 this way.
- 17 Q Okay. So when you came off of and you turned in -- if
18 you'll use this stick and kind of help me out here --
19 turned in, how far around -- you said you were all the way
20 around Roundtree Circle when you heard the gunshots. Tell
21 -- show me whereabouts you were, if you can remember.
- 22 A Probably like right here.
- 23 Q Okay. And do you remember roundabout where y'all
24 stopped?

1 A We went -- went past the First Street and stopped like
2 right here.

3 COURT REPORTER - I'm not hearing him.

4 MS. HALL - He said, we went on round the -- past
5 the First Street and stopped here.

6 Q Is that what you said?

7 A Yeah, right here where this, uh, past Fieldcrest
8 Circle.

9 Q Past Fieldcrest Circle?

10 A (No response)

11 Q All right. I'm sorry. Once you stopped, all the rest
12 of y'all were still in the car or did somebody else get out
13 with Moore?

14 A No, ain't nobody get out. We had kept going.

15 Q Kept -- all four of you were still in the truck and
16 you kept going.

17 A (No response)

18 Q And were all four of you in the truck when you stopped
19 past that Fieldcrest Drive?

20 A Yeah, that's where we stopped at.

21 Q Okay. And what'd you do when you stopped -- when the
22 truck stopped, what happened?

23 A We ran.

24 Q All four of you ran?

25 A Yeah.

- 1 Q Is that a yes?
- 2 A Yes. Everybody.
- 3 Q All right. Did y'all run in the same direction, or
- 4 did everybody scatter?
- 5 A No, ma'am, we all scattered.
- 6 Q Okay. Where was Dixon?
- 7 A He was in front of me.
- 8 Q He was in front of you?
- 9 A Yeah.
- 10 Q Did you stay with him or did y'all separate?
- 11 A I stayed with him.
- 12 Q Do you know where McClinton went?
- 13 A No.
- 14 Q Do you know where Buchanan went?
- 15 A No. No, ma'am.
- 16 Q Where did you and Dixon go?
- 17 A Through some bushes, over some train tracks and over a
- 18 fence, through the fence to a backyard.
- 19 Q To a backyard? Did you know whose house you were at?
- 20 A I think so.
- 21 Q Was it a friend of yours house?
- 22 A Yeah.
- 23 Q Did you knock on the door?
- 24 A Once or twice.
- 25 Q Did anybody answer?

1 A No.

2 Q Before you knocked on the door -- did you still have
3 the guns when you knocked on the door?

4 A No.

5 Q Did you still have the guns when you got out of the
6 truck?

7 A Yeah.

8 Q Did you have your gun?

9 A Yeah.

10 Q And to your knowledge did Dixon have his gun?

11 A I think so.

12 Q Okay. And um -- well, since you don't have them in
13 your hand or with you by the time you're knocking on the
14 door, what'd you do with the guns?

15 A We hid them.

16 Q Where'd you hide them?

17 A In that backyard.

18 Q In the backyard of that house where you knew where the
19 person lives?

20 A Yeah.

21 Q And um -- and you knew who lived there, because you
22 were knocking on the door. Right?

23 A Yeah.

24 Q Okay, nobody ever came to the door. That was your
25 testimony. Correct?

1 A Yes.

2 Q Did you -- did y'all ever hook back up with Moore?

3 A Yeah, when we get through knocking on the door, he
4 came up.

5 Q Came up?

6 A Yeah.

7 Q Were y'all in the yard, in the front yard, in the
8 backyard? Do you remember?

9 A On the side.

10 Q On the side. Did he have the -- did he have that
11 rifle with him when he came back up?

12 A No, ma'am.

13 Q Did y'all talk to each other when he came back up?

14 A Not really, just - I think he asked Derrick if we had
15 a ride.

16 Q And what did -- do you remember if -- did y'all have a
17 ride?

18 A Yeah.

19 Q You had a ride already?

20 A (No response)

21 Q Okay, who was coming to get you?

22 A Shonda.

23 Q Okay. And um -- was she told where to come and pick
24 you up?

25 A (Indicating yes)

1 Q Is that a yes?

2 A Yes, ma'am.

3 Q All right, did y'all -- did she come to get you at the
4 house where you guys had hidden the guns?

5 A Yes, ma'am.

6 Q Okay. And did she -- did y'all wait there for her to
7 come?

8 A Yes, ma'am.

9 Q Where -- and did Moore wait with you?

10 A Yes, ma'am.

11 Q And were y'all talking about what had happened?

12 A No, ma'am.

13 Q Did y'all ever ask Moore anything about what happened?

14 A No, ma'am.

15 Q And he didn't say anything to you about it?

16 A No, ma'am.

17 Q Okay, and did Shonda come pick you up?

18 A Yes, ma'am.

19 Q And you and Moore and Roseboro, all three -- I mean
20 you and Moore and Dixon, all three of you got in the car
21 with her?

22 A Yes, ma'am.

23 Q Do you remember where everybody was sitting in the
24 car?

1 A Shonda was driving; there was another girl in the
2 passenger side, and Derrick was behind Shonda; I was in the
3 middle and Quay was on the passenger, behind the passenger.

4 Q So, Quay, Moore, was on the pass -- behind the
5 passenger.

6 A (No response)

7 Q Did you notice anything about Quay's hand?

8 A (No response)

9 COURT REPORTER - He needs to answer verbally.

10 A No.

11 Q Didn't you tell law enforcement that you saw it was
12 bleeding?

13 A Yeah, when we got back to Derrick's house.

14 Q So when you got back to Derrick's house, you saw it --
15 you noticed something was wrong with his hand?

16 A Yeah.

17 Q Okay. So -- and I guess you guys -- you went back to
18 Derrick's house. Is that right?

19 A Yeah.

20 Q Did -- did Shonda take you there?

21 A (No response)

22 COURT REPORTER - He needs to answer verbally.

23 MS. HALL - I'm sorry.

24 A Yes.

25 Q And did Shonda ---

1 A Yes.

2 Q --- take you there?

3 A Yes.

4 Q What did y'all do when you got there?

5 A Chill and watch TV.

6 Q Was anybody else there?

7 A Nah, just -- oh, yeah, his siblings was in the back,
8 like his mom and them.

9 Q Shonda go in with y'all for a little while?

10 A I think she went in and talked to his mom and went
11 right back out.

12 Q Did you spend the night there?

13 A Nah.

14 Q Did um -- did you -- did you and -- when you and -- I
15 guess did you leave by yourself?

16 A Yeah.

17 Q Did somebody come pick you up?

18 A (Indicating yes)

19 Q Yes or no?

20 A Yes.

21 Q And you um -- did Moore -- did Moore leave before you,
22 or was he still there when you left?

23 A I think he left before me.

24 Q And did he have somebody come pick him up, or do you
25 know?

1 A I can't remember.

2 Q And you got -- at some point in time you were arrested
3 and charged in this crime, as well. Correct?

4 A No, I was -- I turned myself in.

5 Q You turned yourself in?

6 A Yeah, I wasn't arrested.

7 Q But you knew there was a warrant that had been signed
8 for your arrest, didn't you?

9 A Oh, yes.

10 Q Okay, and you went to the detention center and turned
11 yourself in.

12 A (No response)

13 Q Okay. But you didn't give any statements or
14 information to law enforcement at the time that you were
15 initially arrested or did you?

16 A No.

17 Q Okay. And um -- do you know what happened to those --
18 did you go back to look for guns at Rosa's house?

19 A No, I hadn't been to Chester since.

20 Q By the time you told law enforcement about those guns,
21 that was several months later. Is that right?

22 A Yes.

23 Q Yes?

24 A Yes.

1 Q And has the State -- and you're not charged with
2 murder, are you?

3 A No.

4 Q All right, and has the State promised you anything to
5 get you to come to Court to testify today?

6 A No.

7 Q And do you want to be here testifying?

8 A No.

9 Q All right, and you were arrested -- or do you remember
10 the day you were arrested on these charges?

11 A November the 14th.

12 Q Okay. And um -- your rights were read to you then.
13 Correct? But you didn't give a statement. Is that right?

14 A Yes, ma'am.

15 Q And then at some point in time did you give a
16 statement?

17 A Yes, ma'am.

18 Q And was that about -- on or about April the 20th of
19 2015?

20 A I can't remember the date, but if that what it say,
21 yes.

22 MS. HALL - Beg the Court's indulgence.

23 Q And then you talked to law enforcement again later on.
24 Is that correct?

25 A Yes.

1 Q I believe it was Agent Blackmon who came to talk to
2 you at your attorney's office?

3 A Yeah.

4 Q And at that time -- and pretty much every time --
5 Right? -- you've given statement -- during your statement
6 you've said that -- that Dixon attempted to fire out of the
7 car -- or out of the truck before you actually shot out of
8 the back. Right?

9 A No.

10 Q You never said that?

11 A Nah, before I shot, he was going to be the one to
12 shoot, but I was right there. I already had my gun in my
13 hand, so I just shot that shot and then that's when he
14 backed up off of us.

15 Q And isn't it true that what you actually said -- when
16 you said, Moore, let me out, you told -- you told law
17 enforcement that Moore said, F this, let me out, let me
18 out. Is that what he said?

19 A (No response)

20 Q But you told law enforcement that two times before
21 coming here today. Correct?

22 A Probably, I don't know. I don't think he said, F
23 that, though.

24 Q I'm going to show you the statement you gave to law
25 enforcement. Is that your signature?

1 A Yes, ma'am.

2 Q And it says ---

3 A Yes.

4 Q Okay. And it says in the bottom, I have read each
5 page of this statement consisting of two pages, each of
6 which bears my signature and corrections, if any, bears my
7 initials, and I certify the facts contained herein are true
8 and correct. Isn't that what that says?

9 A Yes, ma'am.

10 Q Isn't that where you signed it, right below that?

11 A Yeah.

12 Q And isn't that your attorney's signature right below
13 it?

14 A Yes, ma'am.

15 Q And Special Agent Blackmon's signature right below it,
16 as well. Correct?

17 A (No response)

18 Q And in that statement right there ---

19 COURT REPORTER - He needs to answer verbally.

20 Q Please answer. Is that ---

21 A Yes.

22 Q And in that statement right there, you say, the truck
23 approached Roundtree Circle and Moore said, F this, let me
24 out, let me out. And that's your signature saying that's
25 true. Correct?

1 A Yes, ma'am.

2 Q And also in that statement you say, Dixon was armed
3 with a semiautomatic handgun. He stuck his gun out the
4 window and attempted to fire back toward the Cadillac. Is
5 that what that says?

6 A Yeah.

7 Q Dixon's gun would not fire; Dixon attempted to fire
8 again, but it would not fire. Dixon told me to shoot back
9 at the truck. Isn't that what that says?

10 A Yes, ma'am.

11 Q And I'm going to show you what's been marked as
12 State's 7. I'm going to give you the stick back. Okay.
13 Take a second to orient yourself to the map.

14 A I can see it.

15 Q You see Roundtree Circle?

16 A Yeah.

17 Q Do you see where y'all -- about where y'all stopped
18 the truck?

19 A Where that star is. Right?

20 Q It's your testimony. (Pause) Where did you run? And
21 where did you hide your guns?

22 A I ran up Fieldcrest and went to the left. You can see
23 these the train tracks here....

1 Q Okay. So somewhere over in that general vicinity is
2 where you hid your guns, and that's where you got picked
3 up.

4 A (Indicating yes)

5 COURT REPORTER - He needs to answer verbally.

6 Q Say yes or no.

7 A Yes.

8 MS.. HALL - Thank you. Please answer any
9 questions Mr. Frick may have.

10 CROSS EXAMINATION

11 BY MR. FRICK -

12 Q Hey, Mr. Roseboro. Do you remember how many times
13 you've talked to law enforcement on this case?

14 A Like two or three times.

15 Q Two or three times? And I think we've covered this,
16 but you gave about three statements?

17 A Yeah.

18 Q Do you remember when you gave those statements?

19 A Nah.

20 Q Have -- has anybody gone over with you these
21 statements?

22 A No.

23 Q Okay. So if I said you gave one on April 30th, would
24 you agree with that or disagree with that? Of '15.

25 A Yeah.

1 Q Okay. And then one in August of last year? That
2 sound about right?

3 A Yeah, but I -- yeah.

4 Q You -- you can finish what your thought was.

5 A Oh, yeah, that's -- all right.

6 Q Okay. And then one of March of this year. Is that
7 right?

8 A (Indicating yes)

9 COURT REPORTER - He needs to answer verbally.

10 A Yes.

11 Q Okay. In each one of those statements did you talk
12 about the shooting from the Cadillac?

13 A Yes.

14 Q Okay. In each one of those statements, where did you
15 say the Cadillac was?

16 A Behind us.

17 Q Okay. And in each one of those statements, who fired
18 shots on Patrick Street?

19 A The Cadillac.

20 Q Okay. That didn't change in any of these statements,
21 did they?

22 A No.

23 Q Okay. In each one of those statements, did you say
24 what happened to Chris Moore on Roundtree?

25 A No.

1 Q Okay. Did you talk about the truck turning onto
2 Roundtree?

3 A Yes.

4 Q Okay. Did you talk about a door opening?

5 A Yes.

6 Q Okay. Did you talk about somebody getting out of the
7 car?

8 A (Indicating yes)

9 COURT REPORTER - He needs to answer verbally.

10 Q May sure to say yes or no.

11 A Yes.

12 Q She's going to throw something at me in a minute if
13 you don't do that. Okay? All right. Who got out of the
14 car?

15 A On Roundtree Circle?

16 Q Yes, sir.

17 A I mean, technically, we all did, but who got out first
18 was Mr. Moore.

19 Q All right. That was my question. As y'all were
20 turning off of Parkway onto Roundtree.

21 A Yeah.

22 Q Did you say that in each one of these statements?

23 A I believe so.

24 Q Okay. In fact, did he -- did he step out of the car
25 or fall out of the car?

D'ANGELO ROSEBORO - CROSS BY MR. FRICK

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1 A I can't remember, but I think he fell.

2 Q He fell?

3 A Or stepped.

4 Q Okay. All right. And I believe you said just a
5 minute ago with the solicitor that he was getting out and
6 Quinton pressed the gas.

7 A Yeah.

8 Q Is that right?

9 THE COURT - You got to answer ---

10 Q Don't make her mad at me now.

11 A Yes.

12 Q All right. Let's go back to the very beginning of
13 that night, well, the beginning of this part of that night.
14 Where were y'all before you got in the truck to go over to
15 Featherstone?

16 A Chester Homes.

17 Q Chester Homes. What were y'all doing?

18 A Chilling, smoking, partying.

19 Q Okay. All right. And y'all left there to go over to
20 ---

21 A Holmes Road.

22 Q --- Holmes Road. Okay. To deal with some folks over
23 there. Right?

24 A Yes.

25 Q Now, you know Odell Williams?

1 A No, sir.

2 Q Okay. You know his family?

3 A No, sir.

4 Q Do you know anybody that lives on Featherstone?

5 A No, sir.

6 Q Okay. When you got over to Featherstone, did you know
7 where you were? Were you familiar with the road?

8 A No, sir.

9 Q Okay. When y'all parked, did you know that property?

10 A No, sir.

11 Q Okay. When y'all got out of the car, y'all were
12 heading over to Holmes -- tell -- tell me about that.

13 A We was headed to Holmes Road.

14 Q Right. Well, how y'all getting from Featherstone to
15 Holmes?

16 A Walking.

17 Q Walking how?

18 A Through the grass.

19 Q Okay. All right. Did you pass any buildings or sheds
20 that you recall?

21 A No.

22 Q Okay. Did anybody stop and go into a building or a
23 shed?

24 A No.

25 Q Okay. Y'all just stood in the field?

D'ANGELO ROSEBORO - CROSS BY MR. FRICK

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- 1 A The field's kind of long. As we was walking through
2 the field, we stood there looking, we realized wasn't
3 nobody there we was looking for, so we was about to leave.
- 4 Q Okay. So where y'all were standing you could see
5 Holmes -- the house y'all are looking at at Holmes?
- 6 A Yes, sir.
- 7 Q Okay. About how long did y'all stay there?
- 8 A Not long.
- 9 Q Okay. And then y'all decided what?
- 10 A I mean it was over. We was just about to go back
11 where we was and chill.
- 12 Q You were going back to where you was. Where was that
13 again?
- 14 A Chester Homes.
- 15 Q Okay. And do what?
- 16 A Just chill.
- 17 Q Just chill. Okay. So when you get back over to your
18 truck on Featherstone -- had anybody noticed anything
19 funny? Is there anything drew their attention?
- 20 A We seen the car.
- 21 Q Okay. Did you recognize that car?
- 22 A Yeah.
- 23 Q You did recognize that car?
- 24 A Yeah, but I didn't know him.
- 25 Q You didn't know him?

1 A Yeah.

2 Q Okay, well, how -- explain to me now. How you
3 recognize but you didn't know?

4 A I mean I don't know who cars that was, but I seen the
5 car. Their brake lights was on and he rode up the road.

6 Q Did you know who was in that car?

7 A Oh, no.

8 Q Okay. Did you know whose car that was?

9 A No, sir.

10 Q Okay. Was that a car that belonged to anybody over on
11 Holmes Road that y'all was looking for?

12 A No, sir.

13 Q Did anybody go, uh-oh, they seen us, we need to go get
14 that car?

15 A No, sir.

16 Q Okay. What'd y'all do when you saw the car?

17 A I mean we just still like to go back to where we was
18 and chill, and they was pointing -- they was pointing at
19 the truck when we seen that Cadillac.

20 Q Who was pointing at the truck? Who's they?

21 A Whoever was in that car.

22 Q Okay. Still didn't recognize them?

23 A Didn't know them.

24 Q Okay. Til today do you know them?

25 A No, not who was in the car.

D'ANGELO ROSEBORO - CROSS BY MR. FRICK

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1 Q Okay. Okay. Had y'all crunk (sic) up the truck, was
2 heading out?

3 A Yeah.

4 Q All right. Where were y'all -- where were y'all when
5 you see the Cadillac?

6 A At the stop sign turning left onto uh, York Road.

7 Q Turning onto York Road. Okay? At the stop sign.
8 Stopped at the stop sign or moving---

9 A Yeah, stopped -- stopped at the stop sign.

10 Q Okay. Where was the Cadillac?

11 A Just now pull out -- when we got to the -- it was just
12 now pulling onto Featherstone.

13 Q Okay. All right. Anybody recognize that car then?

14 A (Indicating no)

15 COURT REPORTER - He needs to answer verbally.

16 A No. No, sir.

17 Q Anybody say anything about that car?

18 A No, sir.

19 Q Okay. Anybody tell who was in that car?

20 A No, sir.

21 Q Okay. You go down York Road; I think you said -- tell
22 me about this traffic light thing again. You said
23 something about the traffic light at the bypass.

1 A When the car -- it was like a car, maybe two, but I
2 know for sure there was a car behind us before the
3 Cadillac.

4 Q Okay.

5 A And when we was going through, the light was green,
6 but it was turning yellow, then red.

7 Q Okay.

8 A Therefore, we go through on yellow ---

9 Q All right.

10 A --- if a car behind us, they can make it on yellow but
11 another car shouldn't make it.

12 Q Okay. Now, were you looking back and saw this or ---

13 A Yeah.

14 Q Okay. And you know the light was turning yellow as
15 y'all were going through.

16 A (No response)

17 Q You saw that with your own eyes.

18 A Yeah.

19 Q Okay.

20 A That's how I told her the first time, that's how I
21 knew that the car that was following us, but I didn't know
22 how many people was in the car. She asked me that.

23 Q Okay. All right. So by the time y'all get to around
24 the bypass you suspect something's going on with this
25 Cadillac?

- 1 A Yeah. The way he backed up onto traffic. Like if you
2 pull on Featherstone and we right here going this way, he
3 had to back up this way. There's cars coming both ways.
- 4 Q Okay. All right. So you saw him back up and come
5 back behind you?
- 6 A Yeah.
- 7 Q That look suspicious to you at that point?
- 8 A (No response).
- 9 Q Okay. You passed the bypass, then what y'all do?
- 10 A Just kept straight down York Road.
- 11 Q Okay. You see this little map I'm showing you here?
12 This is -- can you see that map?
- 13 A I can see it a little bit. Just slide it over a
14 little bit.
- 15 Q All right. I can hold it about right there. That'll
16 work. Cameras will be mad at me, but it'll be all right.
17 All right, is this York Road?
- 18 A Yeah.
- 19 Q Okay. Can you see this right here?
- 20 A Yeah.
- 21 Q What is that?
- 22 A A road.
- 23 Q Okay. Do you know which road?
- 24 A No.
- 25 Q Okay. Have you seen this map before?

1 A Yeah.

2 Q Okay. You've seen it today, haven't you?

3 A Yeah.

4 Q Okay. All right. This red line, is that what y'all
5 did? Does that look familiar? Is that the road y'all went
6 through?

7 A Yeah, I think -- yeah.

8 Q Well, I can bring it over there. Come on.

9 A Made a left off Featherstone. We went through the
10 light. We went over the train tracks, some we passed,
11 Chester Homes, went over the train tracks. We made a right
12 on Saluda where these train tracks was at.

13 Q Let me stop you for one quick second. Where -- where
14 is Chester Homes?

15 A If we coming from Featherstone, it'll be on right
16 side.

17 Q Okay, I mean but kind of point to it on the map, just
18 general idea on this map.

19 A Oh, I can't tell.

20 Q Okay. Well, you -- down here you say we pass Chester
21 Homes.

22 A Yeah, because this the train tracks or something,
23 ain't it? Like over here.

24 Q All right, but you passed it. Wasn't that where y'all
25 are going back to?

- 1 A Yeah.
- 2 Q Why didn't y'all stop there?
- 3 A Because that car was following us.
- 4 Q Okay. All right. How close is it?
- 5 A The car?
- 6 Q Yes, sir.
- 7 A No more than a car or two away from us.
- 8 Q Okay. At that point y'all driving the speed limit,
- 9 driving faster or what?
- 10 A I mean we probably doing the speed limit, but we sped
- 11 up.
- 12 Q Okay. Did that car have its lights on?
- 13 A Um, at that time I was not looking back, but ---
- 14 Q Okay.
- 15 A --- I think they did.
- 16 Q Okay. That's fine. If you didn't see, you didn't
- 17 see.
- 18 A All right.
- 19 Q Y'all make a couple more turns.
- 20 A Yes, sir.
- 21 Q Okay. Did anybody at some point say they recognized
- 22 that car, recognized anybody in it?
- 23 A No, sir.
- 24 Q Okay. Why'd y'all decide to pull over?
- 25 A To see why he was following us.

1 Q Okay. Anybody say, hey, I'm going to pull over or
2 let's pull over?

3 A We just stopped.

4 Q Okay. All right. And at that point did the person in
5 that car get out?

6 A In the Cadillac?

7 Q Yes, sir, yes, sir, the Cadillac.

8 A Yeah, he pulled over to the barbershop and got out.

9 Q Okay. All right. Come up to y'all's car?

10 A Not all the way, but he walked like to the tail of his
11 car.

12 Q Okay. All right. Did anybody recognize him at that
13 point?

14 A No, sir.

15 Q Okay. Did it look like any of the people that y'all
16 were looking for at Holmes Road?

17 A No, sir.

18 Q You sure?

19 A (No response)

20 Q Okay. Y'all drove off.

21 A Yeah.

22 Q Any idea why y'all drove off?

23 A To get away from him.

24 Q Okay. He was outside of his car?

25 A (No response)

D'ANGELO ROSEBORO - CROSS BY MR. FRICK

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1 Q Okay. Then what'd the Cadillac do?

2 A The same thing he did on Featherstone, back in the
3 street and get right back behind us.

4 Q Okay. Kept following y'all. Okay, and I think you
5 said at some point you heard shots?

6 A Yeah, on Patrick Street.

7 Q On Patrick Street. Okay. So that ---

8 A By the daycare.

9 Q Sir?

10 A By the daycare.

11 Q Okay. How many cars were on the road with y'all?

12 A None.

13 Q Just you and the Cadillac.

14 A Yeah.

15 Q You're certain of that?

16 A I'm positive.

17 Q Okay. How many shots do you hear fired?

18 A Probably two, maybe three.

19 Q Okay. And where did they come from?

20 A I mean none of us. We hadn't shot none.

21 Q All right. That was my next question. Anybody in
22 your car shoot at that point?

23 A No, sir.

24 Q Okay. So there's one car on the road besides y'all.

25 Right?

1 A That was the Cadillac, yes, sir.

2 Q Okay. Had you turned around and look?

3 A Probably, but I can't remember.

4 Q That's fine. Don't -- I ain't asking you to make it
5 up. Okay? Just tell me what you know. All right. You
6 hear two shots. I think you said after the first one you
7 ducked or something like that.

8 A Yeah.

9 Q Okay. Y'all keep on driving.

10 A Now, this is when we sped up, because we heard the
11 shots.

12 Q Got shot at; sped up. Okay. Let's get over to
13 Parkway. All right, are you familiar with the Parkway
14 Road?

15 A (No response)

16 COURT REPORTER - He needs to answer verbally.

17 A (No response)

18 Q Is it a long road or a short road?

19 A It's pretty long.

20 Q Okay. You know where the railroad tracks are on that
21 road?

22 A Yeah, by the baseball field.

23 Q Okay. Is there a curve in the road before you get to
24 the railroad tracks?

25 A Yes.

D'ANGELO ROSEBORO - CROSS BY MR. FRICK

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1 Q Okay. When y'all are at the curve in the road on
2 Parkway, where's the Cadillac?

3 A Behind us.

4 Q How close?

5 A Probably like two cars.

6 Q Okay. Now, earlier you said you ducked down. You
7 done got back up are you still ducked down?

8 A Oh, yeah, I'm up now.

9 Q Okay. Could you see the car behind you?

10 A (Indicating no)

11 Q Okay, well, how you know ---

12 COURT REPORTER - He needs to answer verbally.

13 Q --- it's there?

14 A Cause we was speeding up.

15 Q Okay. And then y'all got to the railroad tracks,
16 slowed down a little bit.

17 A Oh, no, go back.

18 Q Yes, sir.

19 A I messed up.

20 Q Okay.

21 A When you asked me if I looked back ---

22 Q Yes, sir.

23 A --- yeah, because on Parkway that's where I looked out
24 and fired my shot.

25 Q Okay, okay. And you were carrying a what?

- 1 A A .45 semiautomatic.
- 2 Q You positive you had a .45?
- 3 A Yeah.
- 4 Q Positive?
- 5 A Right.
- 6 Q Couldn't have been a .40?
- 7 A No.
- 8 Q Couldn't have been a .380?
- 9 A I ain't never seen a Lemon Squeeze .380.
- 10 Q Wasn't that rifle?
- 11 A No.
- 12 Q All right. So you have a .45 and you fire one time?
- 13 A Yeah.
- 14 Q Backwards?
- 15 A Yeah.
- 16 Q Were you before the railroad tracks or after the
- 17 railroad tracks as you're heading towards ---
- 18 A Before.
- 19 Q Before.
- 20 A The railroad tracks, yeah.
- 21 Q All right. We already covered getting to the corner
- 22 at Roundtree, but y'all -- did y'all speed up after the
- 23 railroad tracks or travel about the same speed or ---
- 24 A I can't remember.
- 25 Q That's fine. Slow down or stop at Roundtree?

1 A We slowed down, made a stop and then that's when he
2 was getting out.

3 Q Okay. And then what happened?

4 A He pulled off?

5 Q Who pulled off?

6 A McClinton.

7 Q Okay. Was Chris out of the car before he pulled off?

8 A I believe so.

9 Q Okay. All right. Did you see this gun go off?

10 A No.

11 Q Okay. Did you hear this gun go off?

12 A I mean I don't know how that gun sound, but I heard a
13 gun.

14 Q You heard a gun.

15 A Yeah.

16 Q When did you hear a gun?

17 A When we got on down to Roundtree, as we were going
18 around.

19 Q Okay. Before y'all got to the curve and on -- back
20 onto Fieldcrest?

21 A Yeah.

22 Q Okay. And you said you -- you heard a lot of
23 gunshots?

24 A Yeah, depending on what they say a lot is.

25 Q Okay. Well, we'll -- how many would you say?

1 A I mean I wasn't counting to say how many. I don't
2 know, but more than five, more than six, more than seven.

3 Q Okay. Did you hear any different type of gunshots?

4 A I wasn't really listening for no sound; they was all
5 quick.

6 Q Okay. All right. You said y'all were heading back to
7 Roundtree, because that was a familiar place, and that's
8 where you wanted to dump the guns?

9 A I mean not necessarily dump the guns, just get out and
10 get away from that Cadillac, just to get away. I mean we
11 knew around there. We knew the area.

12 Q Okay.

13 A So we go to that area, we all get out. I mean we get
14 out and run, try to pick somebody to chase (sic). We all
15 split up. We was getting back to get away from that
16 Cadillac.

17 Q So -- so nobody else gets out of the car with Chris?

18 A No, we had kept going, road around a little bit.

19 Q Okay. So nobody said, hey, we going to pull over at
20 this place, we going to get this guy over on Roundtree?

21 A No, sir.

22 Q In fact, y'all did run, didn't you?

23 A Yes, sir.

24 Q All right, you meet back up with Chris a little bit
25 later. Right?

1 A (No response)

2 Q Where'd you meet up with him?

3 A At the house where me and Dixon had ran to.

4 Q Okay.

5 A Dixon be on York Road.

6 Q On York ---

7 A Yeah, the house was off York Road.

8 COURT REPORTER - He needs to speak up a little
9 bit.

10 Q Did -- did Chris have a gun?

11 A No, sir.

12 Q Okay. You got rid of your gun?

13 A Yes, sir.

14 Q How about Dixon?

15 A Yes, sir.

16 Q Okay. So nobody had any guns?

17 A Nobody.

18 Q Chris say anything?

19 A Nah, he just -- when he came up, he asked if we had a
20 ride, and we was like yeah.

21 Q Okay. And then y'all all got in the car together, Ms.
22 Wray's car?

23 A Yes, sir.

24 Q Okay. And where'd y'all go back to?

25 A Derrick's house.

1 Q Okay. Any conversation when y'all got back over
2 there?

3 A (Indicating no)

4 Q Yes or no?

5 A No, sir.

6 Q Okay.

7 MR. FRICK - Give me one second, Mr. Roseboro.

8 (Pause)

9 Q Mr. Roseboro, you bonded out on this charge, did you
10 not?

11 A Yes, sir.

12 Q Okay. When did you get out of jail on this charge?

13 A I mean I don't know the exact date.

14 Q Okay. Well, I mean was it yesterday?

15 A No.

16 Q Was it two weeks ago?

17 A Couple months ago.

18 Q Couple months ago?

19 A (No response)

20 Q Okay. All right, so you were at the Chester jail for
21 a while?

22 A Yes, sir.

23 Q All right, did you talk to any of the fellows?

24 A You mean -- nah -- sometimes, but, no, not really.

25 Q Did y'all talk about the case?

1 A No.

2 Q Line up your stories, get it all straightened out?

3 A (No response)

4 Q No?

5 A (No response)

6 Q Okay. You said you from Chester but you stay in Rock
7 Hill now. Right?

8 A Yeah.

9 Q But you are familiar with the Chester area. Correct?

10 A Yeah.

11 Q Okay. If you're at the bypass and decide that you
12 want to go to Roundtree, is that the route that you would
13 normally take, the route in red here?

14 A The red line?

15 Q Yes, sir.

16 A No.

17 Q There's a quicker way to get to Roundtree?

18 A I'm saying I wouldn't take the red lines, because I'm
19 always coming from Rock Hill.

20 Q Okay. All right, all right. What I'm supposing is
21 though, is if you were here at the intersection of York ---

22 A Oh, yeah.

23 Q Which way would you go?

24 A Straight.

1 Q Okay. All right. So this is not the way that you
2 would get back to Roundtree if you wanted to?

3 A From where though?

4 Q From that traffic light.

5 A Well, which way am I heading? Am I making a left?

6 Q Go this way.

7 A I'm going down Featherstone? Oh, yeah, that would be
8 the way.

9 Q You would take that red line?

10 A Yeah.

11 Q Okay.

12 MR. FRICK - All right, sir.

13 MS. HALL - Just briefly.

14 RE-DIRECT EXAMINATION

15 BY MS. HALL -

16 Q Mr. Frick had asked you, when y'all got over to
17 Roundtree, the plan -- I think what you stated was the plan
18 to jump out and go run away and hide or get away from the
19 Cadillac?

20 A Yeah.

21 Q Was the plan to ditch the guns?

22 A (No response)

23 Q Sorry?

24 A Not necessarily ditch the guns. I mean we ditched
25 them, but ---

1 Q Okay, but that wasn't why you were trying get -- you
2 were trying to get away from the Cadillac. Is that right?

3 A Yeah.

4 Q Now, Mr. Frick -- let me ask you this, because you are
5 charged in this, and you have an attorney representing you.
6 Is that correct?

7 A Yeah.

8 Q And so with your attorney you've had -- have you had
9 the opportunity to go through the case file and look at the
10 evidence that the State has against you?

11 A No.

12 Q She hasn't done that with you?

13 A No.

14 Q She hasn't shown you all these statements?

15 A I mean yeah, I done seen the statements.

16 Q Okay. You've seen your statement?

17 A Oh, yeah.

18 Q Okay. And you've seen the statements of the other
19 people in the case.

20 A No, ma'am.

21 Q She's never shown you that?

22 A (No response)

23 Q But she's shown you the -- all the State's evidence
24 that the State has against you so that you can decide which
25 way you're -- what you're doing. Right?

1 A Yeah.

2 Q Okay.

3 MS. HALL - I don't have anything else.

4 MR. FRICK - Nothing further. Thank you.

5 MS. HALL - We'd ask that he be excused as well.

6 MR. FRICK - No objection.

7 THE COURT - You may step down.

8 MS. HALL - State calls Chris Reynolds.

9 CHRIS REYNOLDS, AFTER BEING FIRST DULY SWORN,

10 TESTIFIES AS FOLLOWS -

11 DIRECT EXAMINATION

12 BY MS. HALL -

13 Q Mr. Reynolds, where are you employed?

14 A Chester County Sheriff's office.

15 Q How long have you worked there?

16 A Almost seven years.

17 Q How long have you been in law enforcement?

18 A About seven years.

19 Q And what is your job with the Chester County Sheriff's
20 office?

21 A I work as an investigator with criminal investigations
22 division.

23 Q And was that your job or your position back on October
24 the 4th of 2014 -- I mean November the 4th of 2014?

25 A Yes, ma'am, it was.

CHRIS REYNOLDS - DIRECT BY MS. HALL

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1 Q All right. Were you involved in this case that we're
2 trying here this week?

3 A I was.

4 Q And during the course of your involvement with that
5 case, did you have occasion to serve the defendant in the
6 case with the warrant for murder?

7 A Yes, ma'am, I did.

8 Q Where were you when you went to serve him with that
9 warrant?

10 A I was standing inside the detention center in front of
11 a holding cell, and the holding cell door separated he and
12 I, before I read the warrant to him.

13 Q And he had already been arrested -- he was already in
14 the jail cell at that point in time. Is that correct?

15 A Yes, ma'am.

16 Q Okay. All right, and when you serve a warrant, what's
17 the process that you go through to serve it?

18 A We confirm that all his information is correct, social
19 security number, full name, date of birth, license, if the
20 has a license, an address -- normally is on his license is
21 what we put on the warrant, just all his personal
22 information, then we start from beginning of the warrant
23 and read through the warrant explaining the information in
24 the body itself that come from the Judge and the charges.

1 Q And so did you go through that process with the
2 Defendant, Chris Moore, in this case?

3 A Yes, ma'am, I did.

4 Q All right, and did he -- at the time that you were
5 serving him with this warrant, did he -- was anybody else
6 present, any other law enforcement present in that area?

7 A My partner, Detective Randy St.Clair, was.

8 Q Okay, where was he?

9 A He was standing probably 10 or 12 foot to my left.

10 Q All right, and once you served the defendant with the
11 warrant, did he make any statements to you at that time?

12 A Yes, ma'am, we uh -- once we opened the door, the cell
13 door, and I'm standing outside the cell door -- he's
14 standing just -- just inside the cell door -- once I
15 finished reading the warrant to him, he become upset and he
16 made the statement, I ain't going down for this shit by
17 myself.

18 MR. FRICK - And, Your Honor, at this time I'd
19 renew my objection to that statement that you've already
20 ruled on.

21 THE COURT - So noted.

22 A And once he made that statement, I -- we shut the
23 door.

24 Q At some point in time -- do you remember what day that
25 was?

1 A No, ma'am, I don't. It would be noted on the warrant.

2 Q So if I were to show you a copy of the arrest warrant,

3 you'd be able to tell me what day he was actually served.

4 Correct?

5 A Yes, ma'am. It should be located on the lower ---

6 Q Is that a copy of the warrant?

7 A Christopher Moore, 537 Second Street.

8 Q But is that -- does it show you -- is that the warrant

9 for the defendant ---

10 A Yes, it's got my signature on it.

11 Q Is that the one you served on him when ---

12 A Yes, ma'am, it was served on 11/14 of 2014.

13 Q Okay, on November the 14th of 2014.

14 A That's correct.

15 Q Okay, so at that time you served it, he makes this

16 statement, I'm not going down for this by myself, you close

17 the jail cell door, and you walked away. Is that right?

18 A He said, I'm not going down for this shit by myself.

19 Q Okay. And you closed the jail cell door and walked

20 away. Is that right?

21 A That's correct.

22 Q Okay. At some point in time later on did you have

23 another conversation with the defendant?

24 A The interview?

1 Q Did you have any other conversations with him that day
2 or ---

3 A No, ma'am.

4 Q --- days thereafter?

5 A No, ma'am.

6 Q Did -- did at some point in time did he contact you
7 asking you to talk to you? (sic)

8 A It was prior to being charged with murder.

9 Q It was before he was charged with murder.

10 A It was before. If I can -- if I recall.

11 Q Do you have your notes or anything?

12 A No, ma'am, I don't. It was all in the case file.

13 Q Did you -- how did you end up talking to him?

14 A He actually requested -- I was in the detention center
15 on a unrelated matter, and he saw me through the cell door,
16 and he requested to speak with me.

17 Q How did he request to speak to you?

18 A Through the cell door.

19 Q Did he just say, I want to talk to you, or did he ---

20 A If I remember correctly, it was Detective Reynolds or
21 Mr. Reynolds.

22 Q And so did you immediately go talk to him at the
23 moment, did you stand ---

24 A No, ma'am, I actually spoke with my major -- my
25 superior, which is Major Burly McDaniel, got his permission

1 to bring Mr. Moore over, because it was part of this
2 investigation that he was a suspect at the time.

3 Q Okay. And do you remember what date that was?

4 A No, ma'am, it was -- everything was audio and video-
5 recorded when we spoke.

6 Q All right. And so did you ultimately take him to an
7 interview room and speak to him?

8 A I did.

9 Q All right, and I'm going to show you what's been
10 marked as Court's Exhibit 1, and tell me if you recognize
11 this document, please.

12 A This is Chester County Sheriff's office Rights form
13 that I filled out with Christopher Moore on 11/14 2014 at
14 10:51 a.m. that morning.

15 Q Okay, so that was that morning.

16 A That's correct.

17 Q Was this the same day that he was served with the
18 warrant?

19 A That's correct.

20 Q But it was before you served him with the warrant? Is
21 that right?

22 A I'd have to look at the time, but it seems like it.
23 (Pause) There's no time stamp on here.

24 Q Okay. But regardless, it's the same day. Is that
25 correct?

1 A Right, it was the same day. That's correct.

2 Q All right. So you -- you're in the interview room
3 with the defendant and what do you do -- what is an
4 Advisement of Rights form? What's it look like?

5 A It's -- the Advisement of Rights form is a form that
6 we fill out with Miranda Rights that -- I can read it if
7 you like.

8 Q I would like for you to explain to the jury what you
9 do with it and how you ---

10 A Okay. We have a number of questions that -- a number
11 of questions -- statements that we actually read the person
12 that we are talking to and explains their rights -- right
13 to receive counsel, any questions they can use (sic) - to
14 be used against them in a Court of law ---

15 Q What -- as you're going through this, are you asking
16 him to do anything in response to these questions?

17 A Only them I'm asking him to do is, each one -- one
18 through six, each statement that I read to him, for
19 example, before we ask you any questions, you must
20 understand your rights, and he's actually initial --
21 putting his initials off of each line that I'm going
22 through. Each time I read a line, he initials it. The
23 initial beside it just means I read it to him and he
24 understands it.

CHRIS REYNOLDS - DIRECT BY MS. HALL

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1 Q Okay, and did you read each of those statements to
2 him?

3 A I did.

4 Q And did he initial each of those spaces after you read
5 them to him?

6 A Yes, ma'am, he did.

7 Q Okay, could you tell the jury what the statements are?

8 A One through six?

9 Q Yes, please.

10 A The top part of the paper is all his personal
11 information. The only thing that is not complete is his
12 social security at the time. I didn't -- I didn't realize
13 -- I didn't know his social security number, but the first
14 question is -- the first statement is, before we ask you
15 any questions, you must understand your rights. Number two
16 -- and then he initialed it. Number two, is you must --
17 you have the right to remain silent. Number three is,
18 anything you say can be used against you in Court. Number
19 four states, you have the right to talk to a lawyer for
20 advice before any questions and have him or her with you
21 during questioning. Number five, if you cannot afford a
22 lawyer, one would be appointed for you before any
23 questioning, if you wish. Number six states, if you decide
24 to answer any questions now without a lawyer present, you
25 will still have the right to stop answering at any time

1 until you talk to a lawyer. The bottom half of it is a
2 waiver of the person we're talking to, his rights or their
3 rights. And there's a few different ways we do it. We can
4 either have them read it out loud, and if they have any
5 questions we'll answer them before they sign it over or
6 we'll read it out to them, and I can't remember if I read
7 it to him or he actually read it out loud.

8 Q Okay.

9 A You want me ---

10 Q Go ahead.

11 A The Waiver of his Rights states, I have read the
12 statement of my rights and I understand what my rights are
13 and am willing to make a statement and answer questions. I
14 do not want a lawyer at this time; no promises, threats
15 have been made to me; no pressure or coercion was force --
16 of any kind has been used against me. Christopher Moore
17 signed it at the top on 11/14 and my signature is on the
18 bottom in between.

19 MS. HALL - Beg the Court's indulgence for just a
20 second. (Pause)

21 Q Okay, so that was the process that you would've gone
22 through before taking his statement. Is that correct?

23 A Yes, ma'am, that's correct.

24 Q Okay. And do you know that because it's document on a
25 piece of paper?

1 A Absolutely.

2 Q And did Chris Moore talk to you that day?

3 A He did.

4 Q And did you -- was that statement that he gave or the
5 interview that you did audio and video-recorded?

6 A Yes, ma'am, it was.

7 Q And have you had an opportunity to review that before
8 coming to Court today?

9 A I have.

10 Q Okay. And State's Exhibit 84 -- and the video that
11 you saw, State's 84, have you -- you said you had a chance
12 to look at it. Correct?

13 A Yes, ma'am, I have.

14 Q And that's the video and audio from the jail on the
15 day that you ---

16 A That's correct.

17 Q --- that you recorded the interview with Mr. Moore.
18 Is that correct?

19 A Yes, ma'am.

20 MS. HALL - Your Honor, at this time the State
21 would move 84 into evidence.

22 Q I'm going to show it to you. Is this the -- is that
23 the jacket it came in and everything and ---

24 A Yes, ma'am, that's it, 11/14.

1 MS. HALL - Okay, at this time the State would
2 move 84 into evidence.

3 MR. FRICK - May we approach?

4 (WHEREUPON, BENCH CONFERENCE WAS HELD IN THE
5 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY
6 WHICH WAS NOT REPORTED.)

7 MS. HALL - Your Honor, again, we are moving
8 State's 84 into evidence at this time.

9 MR. FRICK - Your Honor, the solicitor and I have
10 agreed upon some redactions in this video. There's some
11 irrelevant stuff in there, and with those redactions, no
12 objection.

13 THE COURT - Very good.

14 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
15 STATE'S EXHIBIT NUMBER 84.)

16 Q Okay, and I'm going to back up just for a minute to
17 the -- to November the 4th of 2014. Did you respond to the
18 scene after this crime was reported to the police?

19 A Yes, ma'am, I did. I was contacted by Major Burly
20 McDaniel and asked to come to the scene of the crime.

21 Q Okay, so you actually went out that night or the next
22 day?

23 A That night.

CHRIS REYNOLDS - DIRECT BY MS. HALL

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1 Q All right, and during the court of your investigation,
2 did you have occasion to go over to the neighborhood,
3 Patrick Street, McClure Street and First Street?

4 A Yes, ma'am, I did.

5 Q What caused you to go over there?

6 A I -- once I arrived on the scene, I was given
7 information that a possible witness wanted to speak with
8 us, which was Kira Bagley. I spoke with Kira ---

9 Q Where were you when you talked to her? Do you
10 remember?

11 A She was down at the church on Parkway, and she was
12 real nervous about talking out in public, so we actually --
13 I met her and her -- I think it was her fiancé or boyfriend
14 at the time -- behind Bi-Lo shopping center, and I
15 collected her statement at the time about what she seen,
16 which her statement was part of the First Street
17 information we heard earlier.

18 Q Okay, and based on the information that she gave you,
19 did you have occasion to go over to First Street or Patrick
20 Street and ---

21 A Yes, ma'am, I did.

22 Q What was the nature of going over there? What'd you
23 do over there?

24 A Well, when she give (sic) me the information, I was
25 familiar with the area by just working investigations and

1 working a couple of burglaries in the area, and I knew one
2 gentleman that lived there that I advised one time -- that
3 his house was broken into -- to put a camera up at his
4 house, and it was the first thing that came to my mind, so
5 we checked -- that was Mr. Richard -- that's where we found
6 ---

7 Q Mr. Richard?

8 A Richard Gray.

9 Q Okay.

10 A I contact -- I got in that area -- I went to the area
11 and spoke with Mr. Gray and he said that he did have a
12 camera on his front porch, that's when we viewed the video
13 surveillance and seen the two vehicles at the time that
14 came through. So we secured that scene and I actually
15 walked up and town Patrick -- First Street and Patrick
16 Street trying to locate any type of shell casings or any
17 type of evidence.

18 Q And were you able to locate any type of evidence at
19 all with ---

20 A No, ma'am, not at all.

21 Q --- regards to this case? And was this that night
22 that you went over there?

23 A That's correct.

24 Q Do you remember about what time it was?

25 A I don't.

CHRIS REYNOLDS - DIRECT BY MS. HALL

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1 Q All right, can you describe the phone system at the
2 Chester County Detention Center?

3 A Ma'am?

4 Q Can you describe the phone system at the Chester
5 County Detention Center?

6 A The phone system as in the inmates would use?

7 Q Yeah, the phones that the inmates at the detention
8 center -- they -- the phone system that they use.

9 A I think it's -- it's controlled by a system, Telmate,
10 that we have access to. Any outgoing phone calls that any
11 inmate with Chester County Detention Center makes, we can
12 log on the internet -- we all have the certain pass code we
13 use, and we can actually listen in to record the phone
14 calls. Once a inmate picks up the phone, they have a
15 certain code that they are issued through the detention
16 center where they can make personal phone calls. Before
17 any personal phone call was made, Telmates operator, which
18 is a recorded operator, actually says, this phone call will
19 be audio recorded, every -- you know, so everything that
20 they speak of is recorded so we can -- we can actually go
21 back and listen to it.

22 Q All right, so you can go back through and listen to
23 them ---

24 A Yes, ma'am.

25 Q --- after they're -- after the calls are made?

1 A That's correct.

2 Q And you can also listen to them simultaneously or no?

3 A Yes. You can listen to them live or it's recorded.

4 You can go back days on end, months on end and listen to
5 them.

6 Q And do you regularly use -- do you regularly listen to
7 phone calls ---

8 A Yes, ma'am, when we have time.

9 Q And so that's part of your job as an investigator to
10 do just that.

11 A Absolutely.

12 Q Is that correct? All right, I'm going to show you
13 what's been marked as State's Exhibit 83, and tell me if
14 you recognize that.

15 A This is the recording of Christopher Moore's audio on
16 December 17th, 2015 from the jail.

17 Q Okay, and did you listen to that audio?

18 A Yes, ma'am.

19 Q Okay, and without saying anything that's on the audio
20 or anything, did you -- did you find something of interest
21 that you thought was worthy of being ---

22 A I did.

23 Q And did you actually take that information off of the
24 recording system that you just described and place it on
25 that disk?

CHRIS REYNOLDS - DIRECT BY MS. HALL

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1 A We did.

2 Q And prior to coming to Court here today, have you had
3 a chance to listen to that again?

4 A No, I haven't listened to this again.

5 Q Is that the actual disk that ---

6 A Yes, ma'am, that's ---

7 Q --- it was recorded upon?

8 A That's it.

9 Q Is that your handwriting?

10 A It looks to be. Yes, ma'am.

11 MS. HALL - And, Your honor, at this time State
12 would move 83 into evidence.

13 MR. FRICK - Your Honor, with stipulation on the
14 redaction that I believe we've ---

15 MS. HALL - We've agreed to that.

16 MR. FRICK - No objection.

17 THE COURT - Okay. In without objection, subject
18 to the redaction.

19 (WHEREUPON, ITEM MARKED INTO EVIDENCE AS STATE'S
20 EXHIBIT NUMBER 83.)

21 MS. HALL - And, Your Honor, can we approach?

22 THE COURT - Yes.

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

1 MS. HALL - Your Honor, in the interest of time, I
2 would ask permission to publish these pieces of evidence,
3 but I would request to do so after the lunch hour, since it
4 is quite lengthy. At this time, though, I don't have any
5 more questions for Mr. Reynolds as long as I can reserve
6 the right to publish these -- these videos and this audio
7 and I would turn that over to Mr. Frick at this time.

8 MR. FRICK - I have no objection to that, Your
9 Honor.

10 THE COURT - All right.

11 MS. HALL - And I don't know if Mr. Frick needs to
12 cross examine Mr. Reynolds. I don't have anymore questions
13 for now.

14 THE COURT - You got any questions now or ---

15 MR. FRICK - Can I wait til after lunch?

16 THE COURT - After lunch. Okay.

17 MS. HALL - Okay, that'd be ---

18 MR. FRICK - That'd be great.

19 THE COURT - If we wait until after all that's
20 completed, lot of food will be gone around town or it might
21 be cold, so we'll go ahead and break. Let's try to hold it
22 to one hour. Be back here at 10 til 2:00 and we'll get
23 started with this.

24 Everybody else remain seated while the jury goes
25 to lunch.

CHRIS REYNOLDS - DIRECT BY MS. HALL

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1 (WHEREUPON, JURY EXITS THE COURTROOM)

2 THE COURT - All right, we're in recess for one
3 hour.

4 (WHEREUPON, RECESS TAKEN)

5 THE COURT - You ready?

6 MS. HALL - Yes, sir. I think so.

7 (WHEREUPON, DISCUSSION HELD REGARDING PROBLEMS
8 PLAYING THE VIDEO WHICH WAS NOT REPORTED)

9 THE COURT - Okay.

10 (WHEREUPON, JURY ENTERS THE COURTROOM)

11 MS. HALL - May it please the Court.

12 THE COURT - Yes, ma'am.

13 MS. HALL - Your Honor, at this time the State
14 request permission to publish Exhibit 84 to the jury.

15 THE COURT - All right.

16 (WHEREUPON, STATE'S EXHIBIT 84 IS PLAYED FOR THE
17 JURY)

18 MS. HALL - Your Honor, at this point we agree
19 that that's the end of the tape and there's no further ---

20 MR. FRICK - That's correct.

21 MS. HALL - Okay. I do have one more question for
22 Mr. Reynolds.

23 DIRECT EXAMINATION

24 BY MS. HALL (CONTD.) -

1 Q Mr. Reynolds, or Detective Reynolds, when you guys
2 were -- during this conversation that we just watched with
3 Christopher Moore, was (sic) the entirety of that
4 conversation, were you asking him questions and
5 interviewing him about the night of November the 4th of
6 2014?

7 A I'm sorry, I couldn't hear you.

8 Q The entire conversation that we just watched on video
9 ---

10 A Yes.

11 Q --- and that entire interview with Christopher Moore
12 that was done on the 14th of November in 2014, were all the
13 questions in that entire interview, what you guys were
14 talking about, the part that we just played, was that about
15 the events that occurred on the night in question of
16 November the 4th of 2014?

17 A Yes, ma'am, it was.

18 Q Did you have an opportunity during the course of your
19 investigation to look at all the phones from all the
20 individuals involved in this situation or as many as you
21 were able to find?

22 A Yes, ma'am.

23 Q Did that include the phones of the co-defendants in
24 the case?

25 A Yes, ma'am.

CHRIS REYNOLDS - DIRECT BY MS. HALL

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1 Q Was it -- did Mr. Moore have a phone?

2 A I don't think he did.

3 Q All right. And did -- and did you look at the phone
4 for Mr. Williams?

5 A Yes.

6 Q At any point in time, did -- to your knowledge, did
7 anyone involved in this situation ever attempt to call 911?

8 A No, ma'am, they did not.

9 MS. HALL - And, Your Honor, at this time the
10 State would ask to publish a portion of State's 83 as
11 agreed on, redacted by ---

12 MR. FRICK -- That's correct.

13 THE COURT - You may.

14 (WHEREUPON, A PORTION OF STATE'S EXHIBIT 83 IS
15 PLAYED FOR THE JURY.)

16 Q All right, and was that from the jail phone call that
17 you had listened to ---

18 A Yes, ma'am, it was.

19 Q --- where the defendant was calling somebody?

20 A That's correct.

21 Q And did you have an opportunity to listen to the
22 entire -- to the entire jail call?

23 A I did.

24 Q And when he's speaking in reference to that, is he
25 speaking in reference, to your knowledge, of Odell Williams?

1 A Yes, he is.

2 Q So he's referring to, he wouldn't be dead if he hadn't
3 followed the truck, as he's talking about Odell Williams?

4 A Yes, ma'am, he's talking about Odell.

5 MS. HALL - Thank you. I don't have any further
6 questions for this witness. Please answer anything Mr.
7 Frick may have.

8 THE COURT - Your witness.

9 CROSS EXAMINATION

10 BY MR. FRICK -

11 Q Investigator Reynolds, let's go back to what you
12 talked about before lunch. Have you -- I know before you
13 lunch you didn't have your notes up there. You got your
14 notes?

15 A No, I -- that's just notes from the video.

16 Q That's fine. You said that you -- you spoke to Kira
17 Bagley the night of the incident. Is that correct?

18 A Yes, sir.

19 Q I'm going to hand you and item. Do you recognize
20 that?

21 A That's correct. Yeah, this is her statement that she
22 wrote.

23 Q Okay. Does it have a date and time on it?

24 A It says 10:50 on -- 10:54 p.m. on November 4th, 2014.

CHRIS REYNOLDS - CROSS BY MR. FRICK

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1 Q Okay. So that's when you met with you and you took
2 that statement.

3 A Yes, sir.

4 Q And where did you meet with her?

5 A At first I met with her at -- it's a church on
6 Parkway. That's where she was kind of stationed at,
7 because we had the entire scene closed down from Parkway to
8 Roundtree, and they wouldn't let her through, and one of
9 the officers sent word up they had a witness that may have
10 seen something, and that's when my major instructed me to
11 go talk with her.

12 Q Okay.

13 A So I met with her there, and then she didn't want to
14 speak with me in front of people riding by, so um, we went
15 to a secure location, which was behind Bi-Lo grocery store.

16 Q Okay. And she gave you information that led you to,
17 what, First Street?

18 A Yes, sir.

19 Q Or Patrick Street?

20 A Yes, sir.

21 Q Okay. And I think you testified that you did go over
22 there that evening?

23 A Yes, sir.

24 Q Okay. And you said you walked around?

25 A Yes, sir.

1 Q Anybody go with you?

2 A I can't remember to be honest with you.

3 Q Okay, that's fine.

4 A I went to Richard Gray's house first. I was familiar
5 with Mr. Gray.

6 Q Yes, sir. Okay?

7 A He works at O'Reillys and a previous investigation --
8 I knew that he lived on the corner of Patrick Street.

9 Q Okay. And that's where we -- you -- you obtained the
10 video that's up here somewhere in evidence.

11 A I -- I witnessed the video.

12 Q Okay.

13 A He actually kept it upstairs, and I had to wait on him
14 to pull it up. When I knocked on the door, I noticed he
15 had the camera on the corner of the house, and he pulled up
16 the video, and I did witness the video of two vehicles
17 pulling around the stop sign.

18 Q Okay.

19 A And that's when I stopped and informed my major.

20 Q Okay. When you went over and looked around First
21 Street that night, you said you didn't find any shell
22 casings?

23 A No, sir. Actually, I stopped one -- I shut down one
24 side of Patrick Street, and Chief Sprouse was on the other
25 side.

1 Q Okay.

2 A And we walked up and down with our flashlights at the
3 time, ---

4 Q Okay.

5 A --- in the middle of the night.

6 Q Okay. You didn't have a metal detector that night,
7 did you?

8 A No, sir, I didn't.

9 Q Okay. Did you ever go back out with a metal detector?

10 A I did not myself.

11 Q Okay. Do you know if anybody did?

12 A I'm not sure.

13 Q Okay.

14 A I -- if I remember correctly, Agent Lee Blackmon did.

15 Q Okay. All right. Were you -- you've been here for
16 most of the testimony. Right?

17 A Sir.

18 Q You've been here for most of the testimony. Right?

19 A Yes, sir.

20 Q You remember when the SLED crime scene people were
21 here?

22 A Yes, sir, I do.

23 Q And they testified that they were only told to process
24 the area around Roundtree Circle. Is that accurate?

25 A If I recall.

1 Q Okay. All right. Didn't tell -- nobody -- nobody
2 told them to go over to Patrick Street.

3 A I can't testify to that.

4 Q Okay. You didn't tell ---

5 A I'm not sure. I didn't tell him, no, sir.

6 Q Okay. Did you pass this up or you ---

7 A Yes, sir.

8 Q --- looked around, didn't see anything and ---

9 A I passed all the information up to my superiors.

10 Q Okay. Let's talk briefly about the video that we just
11 saw. At one point in there you told Chris, we don't think
12 whoever did this meant to kill him.

13 A Yes, sir.

14 Q Is that what you thought?

15 A At the time we used different tactics in the interview
16 room. We actually give them outs to -- in other words,
17 give us -- we give them the opportunity to just let us know
18 what happened that night and why it happened.

19 Q Okay. So you're saying that's ---

20 A At the time I didn't have a real conclusion of what
21 happened, because we were still collecting evidence.

22 Q Okay. All right. But that's what you told him?

23 A That's what I told him.

24 Q Trying to get him to talk to you.

25 A Yes, sir.

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1 Q Okay. All right.

2 MR. FRICK - (Pause) Just trying to make sure I
3 got everything covered while I got you up there. I think
4 that's all I got. Thank you, sir.

5 MR. REYNOLDS - Yes, sir.

6 MS. HALL - I don't have anything further of this
7 witness, Your Honor.

8 THE COURT - You may step down.

9 MR. REYNOLDS - Yes, sir. Thank you.

10 MS. HALL - May it please the Court. The State
11 calls Special Agent Lee Blackmon.

12 LEE BLACKMON, AFTER BEING FIRST DULY SWORN,
13 TESTIFIES AS FOLLOWS -

14 DIRECT EXAMINATION

15 BY MS. HALL -

16 Q Your name's Lee Blackmon?

17 A I'm Special Agent Lee Blackmon with the State Law
18 Enforcement Division better known as SLED.

19 Q And what is your position at SLED?

20 A I'm a special agent assigned to the Midlands
21 Investigative Unit at SLED.

22 Q How long have you been in law enforcement?

23 A Twenty-three years.

24 Q And how long have you been working with SLED?

25 A Nine years.

1 Q Where were you before that?

2 A I was a lieutenant with the Lancaster County Sheriff's
3 office as an investigator for 10 years before that, and
4 four years prior to that I was a Lancaster city police
5 officer.

6 Q Were you working as an investigator with SLED on
7 November the 4th of 2014?

8 A I was.

9 Q And in the capacity of that employment did you become
10 involved with this case?

11 A I did.

12 Q Can you explain to the jury what SLED does in relation
13 to local law enforcement agencies and what -- is it an
14 assisting agency or could you just explain that
15 relationship to the jury?

16 A SLED was basically designed in South Carolina because
17 -- it was developed in the mid-1940s to really assist to
18 help rural sheriff's offices and sheriff's offices that may
19 not have all the resources that they may need to
20 investigate certain type of crimes that may occur, whether
21 it was violent crimes or just anything. And that is our
22 basic assignment now. We go out and assist agencies when
23 they call for our help. We also do investigations where we
24 are the primary investigation such as maybe misconduct and
25 things like that. So our main -- our main goal and mission

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1 is to assist local sheriff's offices, local police
2 departments with investigations.

3 Q And did you -- did y'all get a call from Chester
4 County Sheriff's office with regard to this investigation?

5 A Yes, we did, and I believe that came from Major Burly
6 McDaniel.

7 Q All right, and did you -- were you the agent who
8 responded to this to assist him?

9 A I was.

10 Q All right, and did other agents respond with you?

11 A On that particular night I was the only one that
12 responded. Within the next several days we had at least
13 three other agents, including a lieutenant that came and
14 assisted as well.

15 Q Okay. And just to make sure, you were in the
16 courtroom when Mindy Worley and Brittany Burke testified.
17 Did they come that night as well?

18 A They were there that night, yes, ma'am.

19 Q But they -- just to separate that out, are you talking
20 about investigators with SLED who became involved later or
21 just agents in general?

22 A Well, they're agents -- investigators such as myself
23 became involved in the next -- in the next few days.

24 Q And did y'all remain involved with this investigation
25 for a period of time?

1 A Yes, we did for approximately a week and a half or so.

2 Q Okay. And at some point in time did you become no
3 longer involved in this investigation?

4 A We did. We were just -- you know, when we come in to
5 assist, a lot of times what we're doing is basically
6 supplementing the resources to that sheriff's office or
7 local police department may have. You know, they need
8 investigators, because they're inundated with a case such
9 as this that can be -- have a lot of witnesses and things
10 that need to be interviewed and places to be searched, so
11 we -- we sometimes comes in and supplement their
12 investigators that they have and most often at a point
13 there's just not that need anymore for us to be there to
14 assist.

15 Q Well, at some -- and um -- so you said that you --
16 y'all stepped away after about a week and turn -- or a week
17 and a half and turned it back over to the sheriff's
18 department. At some point did you become involved again?

19 A Yes, I did.

20 Q And how -- could you explain to the jury how that
21 happened?

22 A It was around the end of May of 2015, we received a
23 request from the Sixth Circuit Solicitor's office to assist
24 with this case in preparing it for trial.

1 Q And in preparation for trial, did you have occasion to
2 interview the co-defendants or go back and talk to -- try
3 to talk to co-defendants again?

4 A I did.

5 Q Up until that point, had all of them given statements
6 to law enforcement or do you know?

7 A I believe they had at that point.

8 Q Had they given statements to South Carolina Law
9 Enforcement Division?

10 A They had not.

11 Q When you went back to talk with -- let's just start
12 with one of them. Let's start with Terrance Buchanan.
13 When you went back to talk with Terrance Buchanan, did you
14 go with members of the Chester County Sheriff's office or
15 did you go as the lead investigator with regard to that ---

16 A I went with -- as I was -- as if I was the lead
17 investigator.

18 Q Okay. And did any members of the Chester County
19 Sheriff's Department go with you to that interview?

20 A No, ma'am.

21 Q And did you actually take a statement from Terrance
22 Buchanan?

23 A I did.

1 Q And when you initially took the statement from
2 Terrance Buchanan, was that on -- that was -- did you -- did
3 he sign a statement at that time?

4 A The first initial time that I talked to Terrance
5 Buchanan he did not sign a statement or give a written,
6 what we call maybe a voluntary written statement, but he
7 did give that statement in the presence of his attorney.

8 Q And did he give you information that was useful to
9 this case?

10 A He did.

11 Q And was that -- do you know what date it was?

12 A I don't recall the exact date.

13 Q If I said November 13th of 2015, would that sound
14 somewhat correct?

15 A That -- that is correct.

16 Q Okay. And do you -- when people like certain
17 situations like that give you information that's helpful to
18 a case but don't want to sign a statement, do you document
19 that in some way?

20 A Yes, I do. What we do is we create a memorandum of
21 interview, which is basically a summation of things that
22 that person told us during the interview.

23 Q But they don't sign anything at that point in time.
24 Correct?

25 A No, ma'am.

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1 Q Or he didn't in this case anyway.

2 A No, ma'am.

3 Q All right, and did you have occasion to go back later
4 and interview him again?

5 A Yes, ma'am, I did.

6 Q And was that -- if I said it -- on March 29th, of 2016,
7 does that sound correct?

-8 A That's correct, in the presence of his attorney.

9 MR. FRICK - Your Honor, can we approach for a
10 second?

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

14 Q Okay, and so anyway, back on March 29th, of 2016 you
15 did take -- at that point in time did Terrance Buchanan
16 give you a written statement?

17 A He did.

18 Q And then -- and he signed that?

19 A He did.

20 Q And did -- is the same thing true with regard to
21 Derrick Dixon? Did you have occasion to interview him?

22 A Yes, I interviewed him in the presence of his
23 attorney, Nathan Shelton?

24 Q Was that on August 24th of 2015?

25 A It was.

1 Q And did he give a written statement that he had signed
2 at that time?

3 A He did not. In that same particular case he provided
4 me information and I memorialized that in a memorandum of
5 interview.

6 Q And at the time that you talked to him, did he give
7 you more information than you had initially?

8 A Yes.

9 Q Okay. And did you later go back on the 25th of March
10 of 2016 and talk with him again?

11 A Yes.

12 Q And at that time did he memorialize that information
13 in a written signed statement?

14 A Yes, he did give me a voluntary statement which he did
15 sign.

16 Q Okay. And with regard to D'Angelo Roseboro, did you
17 have occasion to interview him on August the 10th of 2015?

18 A I did.

19 Q Did he give a written statement at that time?

20 A He did not. He provided information and I
21 memorialized that in a memorandum of interview.

22 Q And on March 14th of 2016, did you go back and talk
23 with him again?

24 A I did, as I did the first time. It was in the
25 presence of his attorney, Leah Moody.

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1 Q And did he at that time reduce the information to the
2 form of a written statement?

3 A He did. He gave me a written statement which he
4 signed.

5 Q None of any of that happened until after SLED became
6 re-involved in the investigation.

7 A That's correct.

8 Q And you had spoken just a second ago about resources
9 that SLED has available that many local smaller, especially
10 law enforcement agencies do not have. Are you familiar
11 with the Fusion Center?

12 A Correct, I am.

13 Q Could you tell the jury what the Fusion Center is?

14 A Fusion Center is really a -- it's an intelligence
15 center. If you've ever watched shows and police shows and
16 you've seen the rooms with the televisions everywhere and
17 analyst are sitting around analyzing things and collecting
18 information, it's kind of like that. It's just really a
19 very -- it's just an intelligence center where we are able
20 to collect information from different resources, whether
21 it's probation and parole or through the National Crime
22 Information Center, things like that.

23 Q And once you became re-involved in the investigation,
24 did you have occasion to request some services from the
25 Fusion Center with regard to this case?

1 A Yes, I did.

2 Q And what -- what did you ask them to do?

3 A We asked them to -- one thing we always ask is to send
4 us all the information about the defendants or co-
5 defendants that may be involved in this particular case,
6 and they also have within the Fusion Center a --
7 individuals that are experts in telephone communications
8 and things along that nature.

9 Q And did you ask them to do some analysis on the all
10 the telephones that were involved in this case?

11 A I did.

12 Q And did that include the victim's telephone?

13 A It did. It included every person -- every known
14 number we had of those individuals that were involved in
15 this case.

16 Q Okay. And were you able to make a deter -- or was the
17 Fusion Center to your knowledge during the course of the
18 investigation able to make a determination if anyone in
19 this situation ever called 9-1-1 during this -- during --
20 on the night of November the 4th?

21 A The Fusion Center did not -- was not able to make any
22 indication that anyone involved in this case dialed 9-1-1.
23 I also reviewed the cell phone records that we had and
24 determined that there was not a 9-1-1 call, as far as the

LEE BLACKMON - DIRECT BY MS. HALL

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1 phone records we obtained, from any individual involved in
2 this case.

3 Q And as you were interviewing these co-defendants, and
4 we just ran through all that, did you attempt to make -- to
5 take a statement from Quinton McClinton? Did that
6 opportunity ever -- has that opportunity ever presented
7 itself?

8 A That opportunity never presented itself.

9 Q And did you either initially or after you became re-
10 involved have occasion to examine Odell Williams's red
11 Cadillac?

12 A I did.

13 Q And did you notice anything -- like do you know where
14 the radiator was in that car?

15 A It was at the front of the vehicle.

16 Q Did you actually see the radiator?

17 A I did.

18 Q Okay. And to your knowledge was it ever actually
19 pulled out of the car or anything?

20 A It was not pulled out of the vehicle.

21 Q And were you able to observe the -- what you heard
22 Melinda Worley or Brittany Burke testifying to regarding
23 the radiator fluid that was in the roadway?

1 A Yeah, I actually observed that the night of the
2 incident and also it was still there the following morning
3 in daylight.

4 Q All right, and did you on November 5th or 4th or any
5 time thereafter have occasion to go back to the area of
6 First, Patrick and McClure Streets in Chester?

7 A Yes, I did. It was on November the 6th. I returned to
8 Patrick Street with my personal metal detector that I have
9 and searched the roadway by looking in the roadway and
10 searched both sides of the road with the metal detector
11 from McClure Street to First Street, both sides.

12 Q And in doing so, were you able to find any shell
13 casings?

14 A I found no shell casings.

15 Q Any projectiles?

16 A No projectiles.

17 Q Any live ammunition?

18 A No live ammunition.

19 Q Any other evidence at all in this case?

20 A I found no evidence related to any kind of firearms or
21 ammunition.

22 Q Okay. And did you -- were present when inventory was
23 taken of Odell Williams's car?

24 A I was.

LEE BLACKMON - CROSS BY MR. FRICK

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1 Q All right. And with regard to cartridge casings, and
2 I'm talking about .32s cartridge casings, guns, were there
3 any other guns found in the car except for the .32?

4 A There were no other guns found inside the vehicle.

5 Q And were there any other shell casings -- there were
6 32 rounds -- or rounds of .32 ammunition found in the car,
7 spent, live or otherwise?

8 A No. The only shell casings that were found inside the
9 vehicle were the cartridges in the shell casings that were
10 inside the revolver.

11 MS. HALL - Beg the Court's indulgence.

12 Q Did you find any empty boxes where there -- that
13 would've contained .32 shell casings ---

14 A I found no empty boxes and I heard referred to as a
15 speed-loader earlier in the trial. There were no speed-
16 loaders found inside of the vehicle. There was no other
17 ammunition found inside the vehicle.

18 MS. HALL - Excuse me one second. (Pause) I
19 don't have any further questions. Please answer anything
20 Mr. Frick may have.

21 CROSS EXAMINATION

22 BY MR. FRICK -

23 Q Agent Blackmon, is it fair to say you are a field
24 agent?

25 A I'm a special agent, but often called -- often ---

1 Q Well, I understand ---

2 A --- called field agent, yes, sir.

3 Q Yeah, and I don't mean that in a ---

4 A It's -- it's not a derogatory thing. It's just ---

5 Q Okay. Okay. But I mean you're assigned to work kind
6 of an area, not necessarily out in the Columbia office?

7 A I'm a -- my home office is the Columbia office. I'm
8 assigned basically to the northland Midlands region, which
9 basically includes Lancaster County, Chester County,
10 Fairfield and Kershaw Counties.

11 Q Okay. All right. So you cover the area -- unlike the
12 folks that are in the lab in Columbia here are specialized,
13 you're just general law enforcement. Correct?

14 A I'm a law enforcement officer, yes, sir.

15 Q Yeah. But I mean Worley and Burke were here because
16 they were crime scene investigators themselves; they
17 processed the scene.

18 A Yes, and quite often, we as field agents, if you want
19 to call it that, we do assist in searches and things with
20 those -- with those crime scene investigators, especially
21 in my case, I came from the Lancaster County Sheriff's
22 office where I was employed for 10 years, and we did a lot
23 of our own crime scene investigations there, so I do have
24 some experience in that.

LEE BLACKMON - CROSS BY MR. FRICK

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1 Q Right. Right, and I'm not saying you don't. Okay?
2 But what I'm saying is CS -- the crime scene folks are
3 usually the ones who are processing the scene with y'all's
4 assistance. I mean y'all point out evidence and then they
5 collect it and document it, don't they?

6 A They do on -- on occasion. I mean there are times
7 when we assist local agencies in doing searches for
8 evidence and things like that.

9 Q Okay. And do you relay that information back to
10 whomever is doing a report?

11 A Sometimes we do and sometimes we don't, if it's
12 relevant to them to their report.

13 Q Okay. Searching for gun shell casings on Patrick
14 Drive or First on this case relevant?

15 A It would not have been relevant to Melinda Worley or
16 Brittany Burke in this particular case, because they never
17 responded over to Patrick Street.

18 Q Okay. No one told them to, did they?

19 A I have no knowledge that anyone told them to, or
20 whether they did or did not -- did not tell them to.

21 Q Well, I mean you were present when they testified.

22 A Correct.

23 Q That's what they said, wasn't it?

24 A That's correct.

25 Q Okay. You're not disputing them. Right?

1 A No way.

2 Q Okay. I'm going to show you this rather extensive
3 document just to see if you kind of recognize it.

4 A I'm familiar with it.

5 Q Okay. Basically, what is it?

6 A It's a crime scene investigative summary. When our
7 crime scene agents go out -- and most of the time they go
8 out in pairs. I mean well, there's two of them. Major,
9 larger crime scenes they may dispatch, you know, multiple
10 crime scene agents, but generally speaking we send two
11 crime scene agents out. One of those crime scene agents
12 become the lead agent -- crime scene agent for that
13 particular event that they're investigating, and that
14 person will in the end create a SLED crime scene
15 investigative summary.

16 Q Okay. Where, if anywhere, did you document going out
17 to First and Patrick?

18 A This is a crime scene investigative summary by Melinda
19 Worley.

20 Q Yes, sir. And do they not include information from
21 folks that are involved in this case in that summary? Look
22 on the second page.

23 A Yeah, there is information here related to individuals
24 within the crime scene investigative section including
25 Patrick Oliphant who actually went to the autopsy.

LEE BLACKMON - CROSS BY MR. FRICK

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1 Q Okay, so their report doesn't just include Roundtree
2 Circle, it included the autopsy in this case. Right?

3 A It did.

4 Q Okay. But it doesn't include what you just told us.

5 A No, this is a crime scene -- this is a SLED crime
6 scene investigative summary. In other words, it was --
7 it's a document produced from the crime scene section of
8 SLED.

9 Q Well, I'm having trouble understanding. You've got a
10 shooting; you've got a witness who says that they hear
11 shots in an area; you go out there and look at it after --
12 after the sheriff's department goes out there, you go out
13 there with your metal detector, but somehow it's not in the
14 report.

15 A I don't know that I ever indicated to Melinda Worley
16 or Brittany Burke that I had ---

17 Q Have you told that to anybody besides -- before today?

18 A That I searched Patrick Street?

19 Q Yeah.

20 A Yes, I have.

21 Q Who?

22 A The solicitor's office.

23 Q Really?

24 A (No response)

25 Q Okay.

1 MR. FRICK - Thank you, sir. That's all the
2 questions I have.

3 THE COURT - What's the problem back there? If
4 anybody's got any comments to make, you better get outside
5 and make them, because if I hear one, somebody's going to
6 be in some serious trouble, wherever that came from.

7 MR. FRICK - I'm -- I'm concluded, Your Honor.

8 MS. HALL - I just have one more question.

9 RE-DIRECT EXAMINATION

10 BY MS. HALL -

11 Q If you had found something on McClure or Patrick or
12 First Street, anywhere in that area where you walked with a
13 metal detector, would you have told Melinda Worley or
14 Brittany Burke?

15 A Most likely, in that situation, if I would have
16 located anything, observed anything, I would have preserved
17 it the best I could and would've contacted a SLED crime
18 scene specialist to come and photograph and collect it.
19 There was nothing found during that search on Patrick
20 Street.

21 MS. HALL - Thank you.

22 MR. FRICK - Nothing further, Your Honor. Thank
23 you.

24 MS. HALL - We'd ask that -- oh, he's not going to
25 be excused. I'm sorry.

1 THE COURT - You can step down.

2 MS. HALL - May we approach?

3 THE COURT - Sure.

4 (WHEREUPON, BENCH CONFERENCE WAS HELD IN THE
5 PRESENCE OF THE JURY BUT OUT OF THE HEARING OF THE JURY
6 WHICH WAS NOT REPORTED.)

7 THE COURT - Okay, we're going to take about a 10
8 minute recess. Y'all step back.

9 (WHEREUPON, JURY EXITS THE COURTROOM)

10 MS. HALL - I'm ready to rest.

11 THE COURT - Technically, you have to do that in
12 front of the jury unless y'all waive on the record that it
13 be done.

14 MS. HALL - I mean I don't have a problem with
15 going ahead -- saying I'm resting and if you want to go
16 ahead and talk to the defendant about what has to happen
17 from here on out, and then when the jury comes back in,
18 I'll be glad to rest again, and I'm not going to put
19 anything else up.

20 MR. FRICK - And we can go over that stuff. I can
21 tell you what I intend to do, because I'm sure now, based
22 on the testimony they've elicited, they're going to object
23 to one of my witnesses. Your Honor, I have had my
24 investigator here look over the victim's phone and just
25 simply -- it wasn't an analysis of it. It was just opening

1 it up, cutting it on, looking at the last numbers that
2 numbers were dialed, received and made. And I have that
3 information here, took photographs of it. That's how --
4 that's how complex we go about it, and my investigator made
5 a chart, and I intend to call him to ask him about that, to
6 ask him what the last phone call Odell Williams made was
7 and what time it was. And I am sure at this point the
8 solicitor's going to say that that's cumulative, because
9 they've elicited the testimony. So I'd rather deal with
10 that now before we get in front of the jury.

11 MS. HALL - And I think the part that is confusing
12 maybe is -- and I don't want to put words in your mouth --
13 but I think that we -- we spoke about this earlier, and I
14 believe that the only purpose for the testimony is to show
15 that the victim didn't call 911, in which I think we all
16 have established at this point. And I mean the chart I
17 have all kinds of issues with. The photographs -- I don't
18 understand -- the phone is here. You know, the truth be
19 told, you could just put the phone in, but ---

20 MR. FRICK - Well, Judge, here's the problem I've
21 got. We've talked about phone records; I was given a disk
22 of phone records, gave the disk to my investigator and
23 there was nothing about this phone on there. So I'm trying
24 to do the best I can. I just want to get this into

1 evidence so I can deal with this situation, enter my
2 evidence and simply be -- be done with that matter.

3 THE COURT - How wide a time period we talking
4 about here?

5 MR. FRICK - It's really from -- this is it right
6 here. One piece of paper. The first phone call he
7 received as at 6:26 in the morning; the last phone call was
8 11:46, which obviously is a missed phone call. What I'm
9 seeking to show on this chart is the last phone call that
10 he dialed was at 8:07 p.m. And it was not to 911, nor any
11 law enforcement official that we're aware of. My thing on
12 that is, Your Honor, he didn't have to call 911. He's a
13 city councilman, so he could've called anybody at the city
14 police department. This is not that person.

15 MS. HALL - My problem with the chart is that it -
16 - I mean it's created -- it says everybody's names of
17 whoever called plus -- I mean these are the photographs
18 that his investigator took of the actual phone itself. I
19 was standing there helping them with the phone holding it
20 so he could take pictures of it. I mean this -- I don't
21 understand why this dialed call photograph of the victim's
22 phone won't suffice.

23 MR. FRICK - Well, I'll do that. If that -- if
24 that's what we need -- I just simply want to get my
25 evidence in.

1 THE COURT - Well, naturally, I want to do what
2 y'all can agree to do, but ---

3 MS. HALL - And I can agree to this, ---

4 MR. FRICK - Okay.

5 MS. HALL - --- the dialed calls from the victim's
6 phone, pictures of them, I'll stipulate it was the victim's
7 phone, I was standing there when they did it. No problem
8 with that. It's the chart that I'm having a problem with.

9 THE COURT - Okay. That solve it?

10 MR. FRICK - If we can agree to this, Your Honor,
11 that'd be fine.

12 THE COURT - Okay.

13 MS. HALL - I agree.

14 MR. FRICK - Your Honor, I still need to elicit
15 that from my investigator, obviously.

16 THE COURT - Well, we're still going to play
17 musical chairs here. If we bring the jury back, you rest
18 in front of them, then you've got to go into your motions,
19 got to send them back out.

20 MR. FRICK - Your Honor, I have no problem going
21 ahead and going into the motions at this time, if you want
22 to do that, and then she can rest on the record. I mean I
23 -- obviously, we know that's what's got to happen. We know
24 that the State is going to rest next. I've done it before;
25 I've got no problem with going ahead and making my directed

1 verdict motion and then we can do the formalities in front
2 of the jury.

3 THE COURT - Okay. As long as y'all agree to it.

4 MS. HALL - Now, I'm totally fine with that, and
5 I'm absolutely going to rest the minute they walk in the
6 door.

7 THE COURT - Okay.

8 MR. FRICK - Your Honor, at this time the defense
9 would make a motion for a directed verdict taking the
10 evidence and the light most favorable to the State. I
11 don't think there's enough for this to be decided by a
12 jury, can't be decided as a matter of law, and I am
13 requesting you direct a verdict, (1) renewing my motion
14 under 16-11-450 -- I think you've heard more testimony
15 about that situation, and as you've said -- my motion --
16 there wasn't -- you said there wasn't enough there. You've
17 heard testimony from folks that said they were fired upon
18 first by the victim. You've heard testimony that my client
19 falls out of the car and was getting back up, and you've
20 heard testimony that they heard gunshots -- smaller
21 gunshots before they heard larger gunshots would be
22 indicative of the smaller caliber gun versus the large
23 caliber gun that my client had. I, basically, use the same
24 evidence to ask you, if you're not going to grant my stand

1 your ground motion to argue that you can direct a verdict
2 based on self-defense.

3 THE COURT - Okay, I'll have to -- State want to
4 make any response? If you want to.

5 MS. HALL - If -- if the Court intends to deny the
6 motions, the State doesn't need to respond. We've already
7 had the argument about stand your ground. Obviously, self-
8 defense -- I mean I can go through the four prongs of self-
9 defense and -- without fault in bringing on the difficulty,
10 that he had no alternative but to do what he did, and the
11 reasonable person standard and a duty to retreat, and I
12 would submit to the Court that all four of those -- I would
13 submit that all -- that he fails on all four of those to
14 even direct a verdict on self-defense. And additionally --
15 additionally, the State has shown evidence of intent. The
16 State has shown evidence of malice aforethought, and the
17 State has certainly shown intent -- evidence that the
18 actions of the defendant were the proximate cause of the
19 victim's death. I think that's enough for murder, and with
20 regard to possession of a weapon during the commission of a
21 violent crime, I mean you've seen State's 12 over and over
22 and over again. Obviously, that's a weapon. Obviously,
23 murder's a violent crime, and I think the State's shown
24 plenty of evidence with regard to that as well.

1 THE COURT - All right, making sure we're clear on
2 the record, as far as Castle Doctrine, I still -- I stand
3 by my previous ruling on that. As far as directed verdict,
4 all the evidence that I've heard -- even though there's
5 conflicting evidence about the sound of the various shots,
6 the -- and I don't want to comment too much about the
7 facts, but you had two spent cartridges in .32 pistol, and
8 you had conflicting testimony but some testimony that they
9 heard two shots initially from the car behind. When you
10 start taking all that, we going to have to leave this up to
11 the jury to hear y'all out on this, sort it out, so I'll
12 deny the motion.

13 MR. FRICK - And, Your Honor, not to try to get in
14 the charge, but I would ask at this time if you would
15 intend to charge self-defense? I do believe it is a jury
16 issue. I know I'm a little premature on that. I get it,
17 but I'm just trying to get a sense of where we're going in
18 this case.

19 THE COURT - Well, assuming what I think is
20 coming, I think certainly you would be entitled to it.

21 MR. FRICK - Thank you, sir. That's -- I was just
22 trying to get sense, not a definitive answer at this time.

23 THE COURT - Right. Anything else?

24 MS. HALL - Nothing from the ---

25 MR. FRICK - Nothing from defense.

1 THE COURT - All right, let me talk to the
2 defendant.

3 Mr. Moore, if I could have your undivided
4 attention at this time.

5 MR. MOORE - Yes, sir.

6 THE COURT - I need to speak with you about your
7 Fifth Amendment Rights.

8 MR. MOORE - Yes, sir.

9 THE COURT - I advise you, you have the right to
10 invoke the protections given to you by the Fifth Amendment
11 of the Constitution of the United States and the similar
12 counterpart provision of the Constitution of the State of
13 South Carolina. The Fifth Amendment of the Constitution of
14 the United States provides in part that no person shall be
15 compelled in any criminal case to be a witness against
16 himself. This provision of constitutional law means that
17 you cannot be compelled or required to testify in this
18 case. This is a right and a privilege which the law
19 extends to you. It is a personal privilege and no one can
20 waive that right except you. You have the right not to
21 testify, but you also have the right to testify. I will
22 grant you the right to consult your attorney before you
23 make a final decision in this regard. If you elect not to
24 testify, this cannot be used by the State as an inference
25 of guilt, and your election not to testify cannot be

1 considered by the jury in its deliberations. If you elect
2 to testify and waive the privilege extended to you by the
3 Fifth Amendment to the Constitution of the United States, I
4 advise you now that you will then assume the role of a
5 witness in this case and you then waive or give up your
6 constitutional privilege against self incrimination. This
7 means that if you voluntarily take the witness stand and
8 testify, you will then subject yourself to the same rules
9 that govern other witnesses, and you may be examined and
10 cross examined on any relevant issue in this case, and you
11 may be impeached to the same extent as any other witness,
12 all of which is subject, however, to the rules of evidence
13 and procedure. I further advise you that if you elect to
14 take the witness stand and testify, that this decision on
15 your part, it must be freely, voluntarily, intelligently
16 and with knowledge of the protections given to you by the
17 Fifth Amendment of the Constitution of the United States
18 and with knowledge of the consequences of your election to
19 testify.

20 Do you understand what I just went over with you?

21 MR. MOORE - Yes, sir.

22 THE COURT - Would you like to speak with your
23 attorney before you make a final decision in this regard?

24 MR. MOORE - No, sir.

1 THE COURT - Have you discussed with your attorney
2 the issues of testifying or not testifying?

3 MR. MOORE - Yes, sir.

4 THE COURT - Do you understand what he has
5 explained to you?

6 MR. MOORE - Yes, sir.

7 THE COURT - Do you have any questions of him or
8 of me?

9 MR. MOORE - No, sir.

10 THE COURT - Have you decided whether you will
11 testify or not?

12 MR. MOORE - Yes, sir, I will.

13 THE COURT - All right, good enough.

14 MR. FRICK - Your Honor, just to over the record,
15 I believe my client at the time of this event had a
16 conviction for failure to stop for a blue light for which
17 he was on probation at the time. I have -- I have no good
18 argument to keep that from coming in, however, I would -- I
19 would prefer it be couched as a -- he was on -- he had a
20 conviction for a misdemeanor charge.

21 THE COURT - That the safest route.

22 MS. HALL - And I -- I just want to -- my biggest
23 concern is getting into the fact that he was on probation.
24 Whether it was a misdemeanor or no, that's totally ---

25 MR. FRICK - And, Your Honor ---

1 MS. HALL - Except for the fact, Your Honor, we
2 would have to put on the record, somehow get it out - I
3 mean he was in violation of the law because he, under
4 federal law, he shouldn't have had the gun to begin with,
5 so -- because it's a federal -- a federal law violation for
6 him -- if he pleads or gets found guilty of a crime,
7 whether it be a misdemeanor or felony, if it carries over
8 more than one year, it's considered illegal for him to
9 possess a weapon.

10 MR. FRICK - Well, and it's a misdemeanor, so I
11 don't know, I think they could be debatable in federal
12 court as well. So I am -- we're certainly not standing in
13 federal court, so I would think that would be not a good
14 thing to try to track down.

15 MS. HALL - My understanding is if it carries more
16 than a year, then he can't have a gun.

17 THE COURT - Well, that's what I've always heard
18 to, but laying that aside, what approach the federal
19 government ---

20 MS. HALL - It says -- it actually says on the
21 bottom of -- I'm sorry. I didn't mean to interrupt you. I
22 thought you finished.

23 THE COURT - Probation situation he should not
24 have had a firearm.

1 MR. FRICK - Yes, sir. Agree on that. I mean
2 there's -- it was a violation of his probation. As I had
3 couched it the other day, he would've been served an arrest
4 warrant for that potentially, would've been served a
5 probation violation warrant for that, but it wouldn't show
6 up as an arrest for having an illegal firearm. That's my
7 issue with that. Now, I mean certainly -- if we could come
8 to some conclusion that -- I'll let you rule on it.

9 THE COURT - Well, I've always heard that but I
10 have not read that about more than a year. Has anybody got
11 the federal statute on them?

12 MS. HALL - I don't think so. I mean we can
13 probably get it in the next few minutes. All I know is
14 that at the bottom of the rap sheet it definitely says that
15 he's -- under the federal control law -- act of 1968 -- and
16 I've got a -- it's ATUSC 922G, so I think that that would
17 be -- that statute -- or code section would show us for
18 sure and give us something to hold on to.

19 THE COURT - All right, we'll take 10 minutes.
20 Y'all can check that out.

21 MS. HALL - Thank you.

22 (WHEREUPON, RECESS TAKEN)

23 THE COURT - Got everybody?

24 MS. HALL - We don't have Riley, but ---

25 (WHEREUPON, JURY ENTERS THE COURTROOM)

CHRISTOPHER WATKINS - DIRECT BY MR. FRICK

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1 THE COURT - Okay, solicitor.

2 MS. HALL - Your Honor, at this time the State
3 rests.

4 THE COURT - Okay.

5 MR. FRICK - Thank you, Your Honor. At this time
6 the defense would call Christopher Watkins.

7 CHRISTOPHER WATKINS, AFTER BEING FIRST DULY

8 SWORN, TESTIFIES AS FOLLOWS -

9 DIRECT EXAMINATION

10 BY MR. FRICK -

11 Q Can you please give us your name for the record?

12 A Christopher James Watkins.

13 Q Thank you, Mr. Watkins. And what is your job?

14 A I'm a private investigator. My company is Watkins
15 Digital Forensics and Investigations and it's based in
16 Columbia. I've been a private investigator for six -- over
17 six years. Um ---

18 Q Can anybody do that or you got to have some kind of
19 license?

20 A We're licensed through SLED.

21 Q Do you have that license?

22 A I do.

23 Q Okay. Have you had an occasion to work on the case
24 that is before us here today?

1 A Yes, sir, I was originally associated with this case
2 June 25th, 2015.

3 Q Okay. And in what capacity?

4 A Investigative.

5 Q Okay. In that capacity, have you had the opportunity
6 to look at the phone that was found in the red Cadillac?

7 A Yes.

8 Q Okay. Do you have any idea -- any information about
9 that phone, where it came from, anything like that, other
10 than coming from the red Cadillac?

11 A Can you rephrase that?

12 Q You ever find out whose phone that was?

13 A Oh, uh, yes, it's -- it belongs to Mr. Odell Williams.

14 Q Okay. And had you had an occasion to look at the
15 phone to look at dialed phone calls from Mr. Williams?

16 A I did.

17 Q I'm going to hand you this item. Can you look over
18 that?

19 A (Witness complies)

20 Q Can you tell me what that is?

21 A These are photographs taken of Mr. Odell Williams's
22 phone.

23 Q Okay. By whom?

24 A By me and one of my associates, Robert Watkins, who
25 works with me.

1 Q Okay. All right. And do you recall when you did
2 that?

3 A Let's see. I believe it was the 7th of -- no. I don't
4 remember. It was last month.

5 Q Okay. It was a couple of weeks, wasn't it?

6 A Couple weeks ago, yes, very recent.

7 Q All right. And do you recall where you took this?

8 A Yes, that was taken in the evidence room at the
9 Chester County Sheriff's Department.

10 Q Okay, and if I am not incorrect, I believe myself was
11 there, the solicitor was there and the evidence custodian
12 for Chester. Is that correct?

13 A That is correct.

14 Q Okay. And these are the phone calls for one specific
15 day. Is that correct?

16 A Yes. We were just looking at the date of incident, --
17 -

18 Q All right. Okay.

19 A --- records pertaining to that.

20 MR. FRICK - Okay. Your Honor, at this time I'd
21 move this into evidence.

22 MS. HALL - No objection.

23 THE COURT - In without objection.

24 (WHEREUPON, DOCUMENT MARKED INTO EVIDENCE AS
25 DEFENDANT'S EXHIBIT NUMBER 13.)

1 Q All right. Referring to that or any notes you've
2 taken from it, can you tell us about these dialed calls?

3 A Yes. On the -- on November 4th, the calls began at
4 6:26 a.m.; the last dialed call from this phone was at 8:07
5 p.m.

6 Q Okay. And did you do any research as to what numbers
7 these were?

8 A I did do some research pertaining to the called and --
9 the numbers communicated from the phone to determine
10 whether they were law enforcement or council members or
11 somebody that Mr. Williams was associated with.

12 Q Okay. To your knowledge, that 8:07 phone call, is
13 that a law enforcement person or any of those individuals
14 you talked about?

15 A Not to my knowledge, it isn't.

16 Q Okay. Is that last number 911?

17 A It is not.

18 MR. FRICK - Thank you. That's all the questions
19 I have. Answer any the solicitor has.

20 CROSS EXAMINATION

21 BY MS. HALL -

22 Q Do you remember if this phone was found on the
23 floorboard of Mr. Williams's car?

24 A Yes, ma'am.

1 Q Okay. On the passenger's side floorboard of Mr.
2 Williams's car.

3 A Yes, ma'am.

4 MS. HALL - I don't have any further questions.

5 MR. FRICK - Thank you, Your Honor.

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

7 MR. FRICK - Your Honor, defense calls Christopher
8 Moore.

9 THE COURT - All right.

10 CHRISTOPHER MOORE, AFTER BEING FIRST DULY SWORN,

11 TESTIFIES AS FOLLOWS -

12 DIRECT EXAMINATION

13 BY MR. FRICK -

14 Q Give us your name for the record.

15 A Christopher Moore.

16 Q Okay. And, Mr. Moore, you've been here all week, so,
17 you know, try to scoot up so we can hear you. Mr. Moore,
18 where are you from?

19 A I'm from Chester.

20 Q Been there your whole life?

21 A Yes, sir.

22 Q How old are you now?

23 A 19.

24 Q How old were you November 4th, 2014?

25 A 18.

1 Q Did you go to Chester High School?

2 A Yes, sir.

3 Q Had you completed?

4 A No, sir.

5 Q Okay. Do you recall what happened on November 4th?

6 A Yes, sir, I remember very well.

7 Q Okay. Take us from the beginning of the story that
8 we're here about.

9 A Dang, on the day of November the 4th me and my friends,
10 as you've seen, all the guys that got up, dang, we all was
11 at a lady named Gidget's house.

12 Q Okay, hold on. I know we're all here, but just for
13 the record, who all you talking about?

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

15 Q All right. Go on.

16 A And we was all at Gidget's house, and we was smoking.
17 We was doing a lot of smoking.

18 Q Where is Gidget's house?

19 A On Chester Homes.

20 Q Okay. Go ahead.

21 A And so some guys owed us some money and ours intention
22 was to go back and get the money. We knew we weren't going
23 to get the money easy, so we had to go get.

24 Q Okay. Where was this place?

25 A On Holmes Road.

1 Q All right. Do you know whose house that was?

2 A Yes, sir.

3 Q Who?

4 A Guy named Timothy Franklin.

5 Q Timothy Franklin. Okay. All right, so when were
6 y'all hanging out at Gidget's place?

7 A Dang, on the 4th probably around -- it was around
8 earlier that day until about 8:30, 9:00 until about the
9 time we left to go to Holmes Road.

10 Q Okay. Now, you said you was smoking.

11 A Yes, sir.

12 Q What was you smoking?

13 A Marijuana.

14 Q All right, Chris, now, come on, you hang out smoking,
15 planning to go collect some money from some people.

16 A Yes, sir.

17 Q That sounds a little funny to me. What does the
18 smoking do for you there?

19 A It don't do nothing; I just been smoking for a very
20 long time.

21 Q Okay. All right. Do you recall about how much you
22 had smoked?

23 A No, sir.

24 Q Okay. Would you say that you were intoxicated?

1 A No, sir, it was normal. That's something I do on a
2 daily basis.

3 Q Okay. All right. Did any one particular person come
4 up with this idea to go over to Holmes Road?

5 A No, sir.

6 Q Okay. Well, how did y'all come up with the idea?

7 A Dang, guys owed me and McClinton some money.

8 Q Okay. All right. Did y'all immediately go over there
9 or hang out some more?

10 A We hung out some more.

11 Q Okay. When did y'all decide to go over to Holmes
12 Road?

13 A Dang, basically once like -- we all just -- once we
14 really got high enough -- like we weren't really high
15 enough, once we decided to just to leave -- til it got
16 dark, basically until it got dark.

17 Q When it got dark.

18 A Yes, sir.

19 Q This is November. You have any idea what time that
20 was?

21 A No, sir.

22 Q Okay. How were y'all going to get over there?

23 A Dang, a truck.

24 Q Okay. What kind of truck?

25 A A Dodge -- the Dodge Ram that they been showing.

1 Q I'm going to show you this; it's defendant's exhibit -
2 - it's got four pictures on it. Do you recognize that?

3 A That's the truck.

4 Q That's the truck.

5 A Yes, sir.

6 Q That's the one that Mr. Binnall got up here and said
7 that he lent to Mr. McClinton?

8 A Yes, sir.

9 Q That's the one y'all got in?

10 A Yes, sir.

11 Q Okay. Do you remember who was sitting where?

12 A Dang, I was behind the passenger and Buchanan -- no --
13 yeah -- no, no, Buchanan was in the front passenger's seat,
14 McClinton was driving, Roseboro was in the middle and Dixon
15 was behind the driver.

16 Q Okay. Were y'all going to go knock on the door and
17 ask very nicely for this money?

18 A No, sir, we wasn't.

19 Q What were y'all going to do?

20 A We was going to go get our money; we was going to take
21 it.

22 Q Okay. Were y'all armed to go do this?

23 A Yes, sir.

24 Q Okay, who had what?

25 A Dang, I had the SKS, assault rifle, and ---

1 Q Hold on. What you're talking about is State's number
2 12. Right? Is this what you had?

3 A Yes, sir, that's it.

4 Q Okay. All right, tell me about other guns.

5 A Dang, ---

6 Q Take a minute.

7 A Yes, sir, um Roseboro had a .45 caliber gun with a 30-
8 round magat (sic), and Dixon had a .40 caliber with a 30-
9 round mag, and McClinton I want to say I think he had a .40
10 round (sic) with a 30-round mag, and Buchanan had a 9 and a
11 .38.

12 Q Okay. How far is it from Gidget's place to where
13 y'all were going?

14 A It's not that far. It's a good little drive, but it's
15 not far.

16 Q Okay. All right. Were y'all going to go park on
17 Holmes Road?

18 A No, sir.

19 Q Why not?

20 A Because we didn't want to park in front of the house
21 that we know what we was going to do to.

22 Q Okay. So where'd y'all go?

23 A We parked on Featherstone.

24 Q Okay. Now, are you from that area?

25 A No, sir, I'm not from Featherstone.

1 Q Okay. Okay. So you're not familiar with the folks
2 over there?

3 A No, sir.

4 Q Okay. Where did y'all park on Featherstone?

5 A It was a little parking lot. It was like a little
6 lot.

7 Q Did you -- can you see the little map right here?

8 A Yes, sir, I can see it.

9 Q Okay. This is Featherstone. How -- how far down did
10 y'all go?

11 A I can't see how far from right here.

12 Q All right. Take the end of the pen; just kind of
13 point to whereabouts y'all parked.

14 A Dang, probably like down this way. It was very from
15 the top. It was down here.

16 Q Okay. All right. Did y'all park in any particular
17 place?

18 A No, sir, we just pulled in the lot.

19 Q Okay. Did y'all know where y'all were parking?

20 A No, sir.

21 Q Okay. Did you know Odell Williams?

22 A No, sir.

23 Q Okay. Never played ball for him?

24 A No, sir.

25 Q Never knew him from being a police officer?

- 1 A No, sir.
- 2 Q Never knew him from around town?
- 3 A Only thing I knew about Mr. Williams is something that
- 4 someone had said.
- 5 Q Let's don't talk about that. Okay. Did you know he
- 6 had a shop on Featherstone?
- 7 A No, sir.
- 8 Q Okay. Did you know that his wife lived on
- 9 Featherstone?
- 10 A No, sir.
- 11 Q Did you know his wife?
- 12 A No, sir.
- 13 Q All right. Y'all park; y'all get out; where y'all
- 14 heading?
- 15 A Dang, to Holmes Road.
- 16 Q Okay. Well, how you get there?
- 17 A We all got out of the truck and we walked.
- 18 Q Walked how?
- 19 A Walked through the grass.
- 20 Q Okay. So -- show you this real quick again. All
- 21 right, this is Featherstone; where's Holmes?
- 22 A Holmes Road right there.
- 23 Q Okay. Y'all parked about right here?
- 24 A Yes, sir.
- 25 Q And where ---

1 A We walked through that grass and we stopped in the
2 middle of the field.

3 Q Right about here.

4 A Yes, sir.

5 Q Okay. Is that a clear area?

6 A Yes, sir.

7 Q Okay. I mean it's green on this thing but it's not
8 trees?

9 A It's clear; it's clear.

10 Q Okay. All right. Could you see the house y'all were
11 -- y'all were going to?

12 A Yes, sir.

13 Q Okay. Could you see back to Featherstone?

14 A Yes, sir.

15 Q Okay. Were y'all looking back at Featherstone?

16 A No, sir.

17 Q Were you looking back at Featherstone?

18 A No, I wasn't.

19 Q Okay. What was going on at the house on Holmes
20 Avenue?

21 A Dang, nothing really, wasn't no lights on, wasn't no
22 car in the yard, wasn't nothing going on. We was trying to
23 go back to get our money, but wasn't nobody there.

24 Q Nobody's there.

25 A No, sir.

1 Q How long'd y'all hang out?

2 A About ten or 15 minutes, no longer than ten or 15
3 minutes.

4 Q Then after about ten or 15 minutes what'd y'all do?

5 A Dang, we turned around and walked back to the truck.

6 Q Okay. What in your mind was your plan as you were
7 heading back to the truck?

8 A Go back to Gidget's house and smoke.

9 Q Okay. That's the place y'all were at on Chester
10 Homes.

11 A Chester Homes.

12 Q Okay. Did anybody say they noticed anything on
13 Featherstone?

14 A No, sir, didn't nobody say anything.

15 Q Okay. Did you notice anything strange on
16 Featherstone?

17 A No, sir.

18 Q Okay. As y'all getting back in the car, did you
19 notice any other vehicles?

20 A Not once we got back in the car.

21 Q Okay. Before you got back in the car did you notice
22 anything?

23 A No, sir.

24 Q Okay. Wasn't any cars parked right there near y'all
25 or driving by?

1 A No, sir, not driving by nor parked near us.

2 Q Okay. In fact, was there any traffic on Featherstone?

3 A No, sir.

4 Q Okay. As you're coming back through and getting in
5 your car, did you have a confrontation with anybody else
6 that wasn't in your group?

7 A No, sir.

8 Q Okay. You've heard -- you've obviously been here all
9 week; you've heard the testimony about there being a shop
10 over there. Did you see the shop?

11 A Yes, sir, I saw the shop.

12 Q Okay. Did anybody in your group or you go towards
13 that shop?

14 A No, sir, we never even stopped near it.

15 Q Did anybody or you take anything from that property?

16 A No, sir.

17 Q Did anybody or you threaten anybody on Featherstone?

18 A No, sir.

19 Q Did anybody or you threaten Odell Williams ---

20 A No, sir.

21 Q --- on Featherstone? All right, y'all are back in the
22 car at this point. Where is everybody sitting?

23 A In the same position that we got in, me behind the
24 passenger, dang, Roseboro in the middle, Dixon behind the

1 driver, McClinton in the driver seat and Buchanan in the
2 passenger seat.

3 Q Okay. Had there been any conversation as y'all were
4 walking back to the car?

5 A No, sir.

6 Q Okay. Still got your guns?

7 A Yes, sir, I still got the SKS assault rifle.

8 Q Okay. Everybody got the guns that they had?

9 A Yes, sir.

10 Q Okay. Y'all are in the car; what happens next?

11 A We drive back to the top of the street; once we got to
12 the top of the street there was a car parked -- well, I
13 want to say they think -- I think they had their hazard
14 lights on, and so ---

15 Q Okay. What -- what kind of car was that?

16 A I don't remember.

17 Q Okay. Was it a red Cadillac?

18 A No, sir. It wasn't the Cadillac. The Cadillac was
19 just now coming in.

20 Q Okay. All right. You said the Cadillac was coming
21 in.

22 A Yes, sir.

23 Q Okay. Where were y'all at that time?

24 A Behind that vehicle, behind the vehicle that was at
25 the stop sign.

- 1 Q Okay. All right. And what'd y'all do?
- 2 A We went around them.
- 3 Q Went around that vehicle?
- 4 A Yes, sir.
- 5 Q Where's the red Cadillac?
- 6 A It's like coming like in Featherstone.
- 7 Q Okay. What happened next?
- 8 A We goes around them, ---
- 9 Q Okay.
- 10 A --- then we goes onto York Road and head back towards
- 11 town.
- 12 Q Back towards town like ---
- 13 A Chester ---
- 14 Q --- this red line here?
- 15 A Yes, sir, Chester Homes way.
- 16 Q All right. So y'all heading back down -- was it York
- 17 Road?
- 18 A Yes, sir.
- 19 Q Is this the bypass?
- 20 A Yes, sir.
- 21 Q Okay. What's going on at the bypass? There's a
- 22 stoplight there, isn't here?
- 23 A Yes, sir.
- 24 Q Is it red, green?
- 25 A Light was green.

- 1 Q Okay. Y'all cross?
- 2 A Yes, sir.
- 3 Q Okay. Had y'all noticed anything by that point?
- 4 A Dang, we noticed -- myself noticing that the car was
- 5 following us once we got to about Roundtree Circle Store.
- 6 Q Roundtree Circle Store?
- 7 A Yes, sir.
- 8 Q Okay. Hold on. Whereabouts you talking about with
- 9 that -- kind a ---
- 10 A When you come down, that's the bypass; the store is
- 11 probably right in there.
- 12 Q Okay. All right. So y'all are still on York?
- 13 A Yes, sir.
- 14 Q Passed the bypass.
- 15 A Yes, sir.
- 16 Q That's where you notice ---
- 17 A That's where I noticed.
- 18 Q Okay. What did you notice?
- 19 A Dang, I noticed the car was coming after us, and I
- 20 think -- I want to say they was blinking their lights and
- 21 then they had their high beam lights on.
- 22 Q Okay. What made you think they were coming after you?
- 23 A Because I knew what we was going to do; we was already
- 24 paranoid, and I want to say McClinton said he think this
- 25 car following us.

1 Q Okay. All right. Y'all keep going down York. Right?

2 A Yes, sir.

3 Q Then what?

4 A Dang, we just keep going. We didn't want to take the
5 car back to where we was going, so we just kept going.

6 Q Where is Chester Homes? Did y'all go by it?

7 A Yes, sir, we passed by Chester Homes.

8 Q Okay. Why -- that's where you going back to, wasn't
9 it?

10 A Yes, sir.

11 Q Why didn't you stop there?

12 A Because we didn't want to take no attention to back
13 where the ladies and all that were.

14 Q Okay. All right. So you passed there. You've heard
15 testimony that next y'all turn onto Brawley Street.

16 A Yes, sir, we did.

17 Q Okay. Any of y'all live on Brawley Street?

18 A No, sir.

19 Q Okay. Anything happen on Brawley Street?

20 A No, sir.

21 Q Where's the Cadillac?

22 A It's still behind us.

23 Q How close is he to you?

24 A Probably about two, two cars away.

25 Q Okay. How fast y'all driving right now?

1 A Doing a little bit over the speed limit.

2 Q Okay. Well, what is the speed limit over there? You
3 got any idea?

4 A Speed limit like 35 in that zone.

5 Q Okay. All right. And y'all are exceeding that a
6 little bit?

7 A Yes, sir.

8 Q Okay. Anything else happen on Brawley Street?

9 A No, sir.

10 Q What'd y'all do then?

11 A We turned left onto Saluda Street.

12 Q Turned onto Saluda Street. All right. Then again
13 looking at this -- the red line ---

14 A Yes, sir.

15 Q --- show me Brawley Street.

16 A This is Brawley Street.

17 Q Okay. Show me where y'all turned onto Saluda.

18 A Turned left onto Saluda.

19 Q Okay. Anything happen on Saluda Street?

20 A No, sir.

21 Q Okay. Then what'd y'all do?

22 A We turned right onto McClure Street ---

23 Q Okay.

24 A --- then we just stopped in the middle of the road.

25 Q Stopped in the middle of the road.

- 1 A Yes, sir.
- 2 Q Tell me about that.
- 3 A Dang, we just stopped. I didn't hear no one in the
- 4 truck say nothing about no, stop, bro, let see what he
- 5 want, none of that; we just stopped.
- 6 Q Did you know who was behind you?
- 7 A No, sir.
- 8 Q Any clue?
- 9 A No, sir.
- 10 Q Okay. Was this car still behind you?
- 11 A Yes, sir, it pulled into the barbershop.
- 12 Q Okay. Pulled into the barbershop.
- 13 A Yes, sir.
- 14 Q Okay. Y'all pull in first or second?
- 15 A Dang, we pulled in first.
- 16 Q Okay.
- 17 A Then we in the middle of the road.
- 18 Q Okay. And then the car is still behind you?
- 19 A Yes, sir, he pulled into the barbershop.
- 20 Q Okay. Anybody in your car roll down a window?
- 21 A Yes, sir.
- 22 Q Who rolled down a window?
- 23 A The back left one, Dixon; Dixon rolled down the
- 24 window.
- 25 Q You got any idea why he did that?

1 A No, no, sir.

2 Q Okay. Did you see anybody get out of the Cadillac?

3 A No, sir.

4 Q Did you see anybody start to get out of the Cadillac?

5 A No, sir.

6 Q Okay. Did anybody approach your vehicle?

7 A No, sir.

8 Q Okay. Did y'all remain in that parking lot?

9 A No, sir. In what parking lot? Just sitting in the
10 road?

11 Q Well, wherever you were parked.

12 A In the road. Yes, sir, we remained in the road.

13 Q Okay. Sitting in the road on McClure?

14 A Yes, sir.

15 Q Okay. Did y'all stay parked there?

16 A No, sir.

17 Q Okay. What'd y'all do?

18 A We pulled off, because Buchanan stated, that's that
19 police mother f-ing Odell Williams and we took off.

20 Q Okay. So ---

21 A The only reason we took off so fast is because
22 McClinton said, I don't f with no police and we took off.

23 Q Okay. All right. Did anybody from your car get out?

24 A No, sir.

- 1 Q Okay. Did anybody in your car have any communication
2 with anybody from the Cadillac?
- 3 A No, sir.
- 4 Q Okay. Y'all got a bunch of guns. Did anybody point a
5 gun at that Cadillac?
- 6 A No, sir.
- 7 Q You certain?
- 8 A I'm positive.
- 9 Q Okay. Y'all drive off. Where you heading?
- 10 A Dang, I don't know; I'm not driving, so, I wasn't know
11 where we were going. We just running, basically, all was
12 just running.
- 13 Q Okay. All right. Well, where did y'all end up going?
- 14 A Dang, we ended up going to Roundtree Circle.
- 15 Q Okay. After you leave where you're initially parked
16 though.
- 17 A Yes, sir.
- 18 Q That's what I'm trying to get at.
- 19 A Yes, sir.
- 20 Q Okay.
- 21 A Yes, sir.
- 22 Q What's the next place y'all do? (sic)
- 23 A We turned left onto Patrick Street.
- 24 Q Patrick Street.
- 25 A Yes, sir.

1 Q Okay. Did anything happen on Patrick Street?

2 A Yes, sir.

3 Q What happened on Patrick Street?

4 A I got shot at three times.

5 Q Three times.

6 A Yes, sir, three times.

7 Q Okay. How many other cars were on Patrick Street?

8 A No other cars, sir.

9 Q Just y'all two?

10 A Just us two.

11 Q You sure?

12 A I'm a hundred percent sure.

13 Q Okay. You heard gunshots.

14 A Yes, sir.

15 Q How many?

16 A Three.

17 Q Okay. Big, small, any idea?

18 A They was small; they was small.

19 Q Okay. Did you see the gunshots?

20 A No, sir, I didn't see the gunshots.

21 Q Saw no fire from the gun.

22 A No, sir.

23 Q Okay. How far is the Cadillac behind you?

24 A He was probably like one or two cars still.

25 Q Okay.

- 1 A He's still pretty close.
- 2 Q Okay. Before the gunshots, how fast are y'all going?
- 3 A Dang, we took off pretty fast once we took off.
- 4 Q Okay.
- 5 A We took off over the speed limit.
- 6 Q Okay. That's when you -- y'all take off and leave the
- 7 Cadillac sitting there?
- 8 A Yes, sir.
- 9 Q The Cadillac comes behind you.
- 10 A Yes, sir.
- 11 Q Okay. You hear gunshots. Y'all still driving the
- 12 same speed?
- 13 A No, sir, we getting it; we going.
- 14 Q How fast -- do you have any idea how fast you were
- 15 going?
- 16 A Only thing I know is we was moving; we was going.
- 17 Q Okay. All right. Now, from First where y'all headed?
- 18 A Dang, from First we turned back right onto Saluda.
- 19 After we came off Patrick we yielded at the stoplight -- at
- 20 -- dang, stop sign and made that left, and we turned left
- 21 onto First Street, and that's when he really hit the gas --
- 22 hit the gas.
- 23 Q All right, well, let's go back. I was going to ask
- 24 you about that stop sign.
- 25 A Yes, sir.

1 Q There's a stop sign at First and Patrick ---

2 A Yes, sir, there's a stop sign.

3 Q --- where that little store is ---

4 A Yes, sir.

5 Q --- where the video came from?

6 A Yes, sir.

7 Q Okay. That video an accurate depiction of what was
8 going on?

9 A I didn't get to see the video.

10 Q Okay. All right. Y'all were still in front of the
11 Cadillac?

12 A Yes, sir.

13 Q Okay. Did y'all slow down for that stop sign?

14 A We yielded.

15 Q Yielded.

16 A Yes, sir.

17 Q So he didn't stop for it.

18 A Just imagine going 70 miles per hour and you yielding
19 at a stop sign.

20 Q Okay. All right. Anything happen on First Street?

21 A Dang, no, sir.

22 Q Okay. You stay on First Street or go to another road?

23 A No, sir. We turned onto Saluda Road.

24 Q Okay. Back on to Saluda. Where are you heading at
25 this point?

- 1 A Dang, I can't tell you that.
- 2 Q Or which direction?
- 3 A We turned right on to Par -- on Saluda.
- 4 Q Turned right onto Saluda.
- 5 A Yes, sir.
- 6 Q Okay. Anything happen on Saluda this go-round?
- 7 A No, sir, we hit some tracks that's right there, and we
- 8 went over them tracks fast.
- 9 Q Okay. So you didn't slow down for the tracks.
- 10 A No, sir. No, sir.
- 11 Q That's some pretty rough tracks right there, isn't it?
- 12 A We was getting it.
- 13 Q Okay. You keep going up Saluda? Do you stay on
- 14 Saluda?
- 15 A No, sir.
- 16 Q What happened?
- 17 A We turned left onto Parkway.
- 18 Q Parkway.
- 19 A Yes, sir.
- 20 Q Okay. So Parkway, is that a fairly long road?
- 21 A It's a very long road.
- 22 Q Okay. Show me, if you can ---
- 23 A This is Parkway all the way up through there.
- 24 Q That's where it starts?
- 25 A Yes, sir, it starts right here and ends ---

1 Q Right here?

2 A --- way up there.

3 Q Okay. All right. When y'all are turning onto
4 Parkway, y'all still got a Cadillac chasing you?

5 A Yes, sir.

6 Q Okay. Anything else happen on Parkway?

7 A Yes, sir.

8 Q Okay, well, let's take it one bit at a time. Before
9 you get to this curve here, anything happen?

10 A Yes, sir.

11 Q What happened?

12 A Dang, Mr. Williams shot three more times.

13 Q He did?

14 A Yes, sir.

15 Q That can't be true, Chris; he's only got two shell
16 casings in his gun.

17 A I don't understand that.

18 Q Did you see the shots?

19 A No, sir, but I heard them.

20 Q Okay. You heard shots.

21 A Yes, sir.

22 Q How many other cars were on Parkway with you?

23 A Wasn't no other cars on Parkway with us.

24 Q Just the two of y'all.

25 A Yes, sir.

- 1 Q Okay. How close was he at that time?
- 2 A Dang, he was pretty close.
- 3 Q Okay. What did y'all do as a result of that?
- 4 A Dang, Roseboro he hung out the window and shot one
- 5 shot back.
- 6 Q Okay. One?
- 7 A One, just one.
- 8 Q Just one?
- 9 A Just one.
- 10 Q Okay. What kind of gun did he have?
- 11 A A .45.
- 12 Q How do you know he had a .45?
- 13 A Because it was my gun.
- 14 Q Okay. All right. You gave it to him that night?
- 15 A No, he had been already had it.
- 16 Q Okay. He borrowed it from you some time before?
- 17 A It was a little minute before I had bought it.
- 18 Q All right. But you know it was a .45?
- 19 A I'm positive.
- 20 Q Okay. After that curve there's some railroad tracks.
- 21 A Yes, sir.
- 22 Q Okay. Let me ask you this first. When -- when the
- 23 shot was fired from y'all's car, is that before or after
- 24 the railroad tracks?
- 25 A That's before the railroad tracks.

1 Q Okay. Y'all go over the railroad tracks.

2 A Yes, sir.

3 Q Did you slow down for the railroad tracks?

4 A No, sir, we went over them just as fast as we was
5 going.

6 Q Okay. As you're doing that, how far away is the
7 Cadillac?

8 A Mr. Williams he got a little distance far back.

9 Q How -- give me some idea, man.

10 A Um, I would say probably about -- about three cars,
11 about three cars.

12 Q Three cars. Okay. All right. After you crossed the
13 railroad tracks, y'all still on Parkway.

14 A Yes, sir.

15 Q Did you stay on Parkway?

16 A No, sir.

17 Q What happened?

18 A We turned left onto Roundtree Circle.

19 Q Okay. As you're turning left on Roundtree Circle,
20 what happened?

21 A I told McClinton to let me throw the gun out. I never
22 asked just to get out; I asked him to let me throw the gun
23 out.

24 Q Throw the gun out. Why'd you want to get rid of the
25 gun?

1 A Because I had the biggest gun in the car.

2 Q Okay.

3 A And I knew once we got out of the car we was going to
4 be running, so I didn't want to run with that big old gun.

5 Q Okay. All right. And that was exactly where?

6 A Dang, exactly -- if I could show it to you I'll show
7 it to you.

8 Q Sure. I'm going to show you -- change maps -- State's
9 number 4. What does this picture show?

10 A Picture of Roundtree Circle.

11 Q Okay. Can you show us the intersection of Parkway and
12 Roundtree?

13 A That right there, that road up there at the top.

14 Q Okay. Is that where y'all came in at?

15 A That's where we came in right here.

16 Q Okay. Did y'all slow down or stop?

17 A We slowed down.

18 Q Okay. And how did you get out of the car?

19 A Dang, I fell out of the car; that's how I got out of
20 the car.

21 Q Okay.

22 A That's how I busted my hand up.

23 Q Okay. Why did you fall out of the car?

1 A Because once he slowed down, dang, he saw Mr. Williams
2 coming once again, and he hit the gas, and I fell out of
3 the truck.

4 Q With that gun in your hand?

5 A Yes, sir, with that gun right there in my hand.

6 Q Well, what happened to you?

7 A Dang, the gun -- the gun went off.

8 Q How many times?

9 A One time.

10 Q Okay. Why did it go off?

11 A Because I fell on the road and I fell on the road and
12 it went off.

13 Q With that in your hand.

14 A With that in my hand.

15 Q Okay. Did you get an injury?

16 A Yes, sir, my finger and my elbow.

17 Q Finger and elbow.

18 A Yes, sir.

19 Q What kind of injuries did you have to finger and
20 elbow?

21 A It was busted up pretty bad. It's still there. It's
22 -- my fingernail never came back after it. I still got a
23 bruise on my arm.

24 Q Okay. Were you laying in the road?

25 A Yes, sir.

- 1 Q Okay. At this point do you still see the Cadillac?
- 2 A Yes, sir, I see him coming; he's right by Vance Drive.
- 3 Q By Vance Drive.
- 4 A Yes, sir.
- 5 Q Can you see Vance Drive on this picture?
- 6 A Vance Drive's not on that map.
- 7 Q Okay. About where would it be?
- 8 A Vance Drive would be like right in here.
- 9 Q Okay.
- 10 A Because that's Newman's (sic) house right there.
- 11 Vance Drive is right there.
- 12 Q Okay. And where are you?
- 13 A I'm in the middle of the road right here.
- 14 Q Okay. Can you hear the Cadillac?
- 15 A Yes, sir, he's hitting it; he's gunning it.
- 16 Q He gunned you said?
- 17 A Oh, yeah, he's going fast.
- 18 Q What'd you do?
- 19 A I hopped up out of the road and took off running.
- 20 Q Okay. Where did you run?
- 21 A Dang, I can show it to you on the map. I'll show you.
- 22 I ran into this yard right here.
- 23 Q Okay. All right. Then what'd you do?
- 24 A Dang, Mr. Williams shot two more shots at me once he
- 25 made it right there, and I just started shooting back.

1 Q Right there at the turn?

2 A Yes, sir.

3 Q Okay. How many shots did you hear?

4 A Dang, from Mr. Williams?

5 Q Yes, sir.

6 A I heard two shots from Mr. Williams

7 Q Okay. What'd you do?

8 A I shot back.

9 Q How many times?

10 A A bunch of times. Like -- you know, I can't remember.

11 It's a 30-round clip; the clip wasn't empty after I got

12 done shooting it. I just started shooting.

13 Q Okay. Were you standing in one spot, or were you

14 moving?

15 A Man, I was moving; I was moving.

16 Q Can you show me what direction you were moving?

17 A Dang, I was running, because at first I was going to

18 go back here, but then I just took off running, because I

19 saw a car sitting in the yard.

20 Q Okay. You were trying to get to that car?

21 A Yes, sir, I was trying to make it behind the car,

22 because there are no trees or none of that right through

23 here.

24 Q Were you shooting as you were running?

25 A Yes, sir, I was shooting while I was running.

1 Q Okay. Before that night had you fired that gun
2 before?

3 A Yes, sir.

4 Q You know how to aim that gun?

5 A No, sir, I just know how to shoot it.

6 Q Were you aiming as you were running ---

7 A No, sir, no, sir.

8 Q How many bullets did you have in that clip?

9 A 30.

10 Q Okay. How many bullets were left after you got done
11 shooting?

12 A I don't remember.

13 Q Didn't count them.

14 A No, sir.

15 Q Did you have another clip that night?

16 A Yes, sir, I had another clip.

17 Q Okay. Did you hear anymore shots?

18 A No, sir, not after I had shot my gun.

19 Q Okay. Let me ask you this. When you said Mr.
20 Williams was sitting about at that intersection ---

21 A Yes, sir.

22 Q --- and you heard him shoot, ---

23 A Yes, sir.

24 Q --- was he driving or stopped?

25 A Dang, he came to a stop once I started shooting.

1 Q Okay. Do you know about where he was? Do you recall?

2 A Yes, sir, I remember.

3 Q Whereabouts was he?

4 A Like in the middle of the road right here.

5 Q Right about there?

6 A (Indicating yes)

7 Q So he was on Roundtree?

8 A Yes, sir, he was on Roundtree.

9 Q Did you get hit?

10 A No, sir, I didn't get hit.

11 Q After you shot, after you fired your last shot, what
12 did you do?

13 A Got behind the car.

14 Q The car in that driveway you were talking about?

15 A Yes, sir.

16 Q Then what?

17 A And I just sat there and waited and he took off.

18 Q Who took off?

19 A Mr. Williams took off.

20 Q Okay. Where was the truck?

21 A The truck was gone; they left me.

22 Q Why?

23 A I don't know; I can't say.

24 Q Nobody told you anything?

25 A No, sir.

1 Q Nobody got out of the truck with you.

2 A No, sir.

3 Q Nobody told you to get out of the truck.

4 A No, sir.

5 Q Did anybody at any point say, Chris Moore or Diesel or
6 Quay or whatever your name was that night, did anybody tell
7 you, go take care of that guy?

8 A No, sir.

9 Q You were not ordered out of that truck.

10 A No, sir.

11 Q Did you intend to shoot Odell Williams?

12 A No, sir, I did not intend to shoot Mr. Williams. I
13 just wanted to make it away.

14 Q Why'd you shoot him?

15 A Because I felt like my life was in danger. I just --
16 I had to defend my life.

17 Q How -- you lived in Chester your whole life. Right?

18 A Yes, sir.

19 Q Very familiar with this downtown area, aren't you?

20 A Very familiar with Chester.

21 Q From Featherstone down on York Road, on to Brawley, on
22 to Saluda, on to McClure, on to Patrick, on to First, back
23 to Saluda, on to Parkway and down to Roundtree Circle,
24 about how far is that?

1 A That's -- well, I was in here when the detective said
2 three point three miles.

3 Q Okay. Does that sound about right?

4 A Yes, it should be.

5 Q Did it take some time for y'all to make that ---

6 A Oh, yeah, we was being chased for a little minute.

7 Q Okay. If you wanted to go back to Roundtree and you
8 were coming from Featherstone, is that the way you would've
9 gone?

10 A No, sir, no, sir.

11 Q What would you have done?

12 A I would've easily just went over the train tracks and
13 went to Roundtree Circle.

14 Q Okay. Quicker way to do it, isn't it?

15 A It was real quick.

16 Q Okay. After you got out of the car, you did not stand
17 on the side of the road and wait for Odell Williams?

18 A No, sir.

19 Q Okay. Did you put the other clip in the gun?

20 A No, sir.

21 Q Okay. And no one came out with you and shot at Odell
22 Williams?

23 A No, sir.

24 Q Did you see the truck again that night?

25 A No, sir.

1 Q Did you see any of the fellows that were in that
2 truck?

3 A Yes, sir.

4 Q Who'd you see?

5 A Dang, Roseboro and Dixon.

6 Q Okay. Where'd you run into them?

7 A At Rosie's (sic) -- at Rosa's house.

8 Q Okay. Whereabouts is that? Is that on this ---

9 A Yeah, I can see it perfectly in that right there, the
10 one behind you.

11 Q The one on Roundtree Circle?

12 A (Indicating yes)

13 Q Number 4. All right. Where is Rosa's house?

14 A Go between these bushes and that's the house right
15 behind -- right behind these bushes right here, because the
16 train track this house right behind it.

17 Q All right, you're over here beside a car. How you get
18 over there?

19 A Dang, I ran through this yard right here, and then I
20 met up with Buchanan -- not -- yeah, Buchanan through this
21 yard, came through the back of it and came back here.
22 There's a fence that sit right here, and you come through
23 back yard and you come back here. And so by that time me
24 and Buchanan we met up right here, and so he started
25 stashing his guns there, and I ran around because I knew

1 there was a dog back here, and I ran around there and threw
2 my gun under that shed right there.

3 Q Okay. What about the other clip?

4 A Dang, I forgot that I had it in my pocket, so I ran
5 back and I threw it right here beside where bro guns was.

6 Q Okay. All right. Do you remember a car being parked
7 over there?

8 A Which one?

9 Q Over there behind that house right there?

10 A Which one? What house?

11 Q I'm saying over here.

12 COURT REPORTER - I'm having trouble understanding
13 him.

14 Q The house that you had -- you'd gone to this car.
15 Correct?

16 A Yes, sir.

17 Q Or wherever this car was.

18 A Yes, sir.

19 Q All right. Was there a car parked over here
20 somewhere?

21 A No, sir.

22 Q Okay. There's been talk about a fence that's got your
23 blood on it.

24 A Yes, sir, I bled there.

25 Q Where's that fence?

1 A That fence right there.

2 Q That's that fence.

3 A Yes, sir.

4 Q Was there a car over there?

5 A No, sir.

6 Q Okay. All right, your blood's on a car.

7 A No, sir, that -- on what car?

8 Q All right. Do you remember -- do you remember what
9 was back there when you were running?

10 A Dang, it was some dogs back there, a fence, dang, it's
11 like a little kennel where you keep some little puppies at
12 right there.

13 Q What was your state of mind at that time?

14 A Dang, just basically just get out of the area, because
15 I heard polices coming.

16 Q You have a phone that night?

17 A Yes, sir, I had a phone.

18 Q Everybody in that car had a phone.

19 A Yeah, everybody in that car had a phone.

20 Q None of y'all called 9-1-1.

21 A No, sir.

22 Q Why not?

23 A Because for one -- me -- it being me, I wasn't calling
24 no cops, and I know the rest of us wasn't. We had all

1 these guns; I had that big old gun in the car. My
2 intention is to get away.

3 Q Now, you've been in a little trouble before, hadn't
4 you?

5 A Yes, sir.

6 Q In fact, you -- you were in trouble at this time,
7 weren't you?

8 A Yes, sir.

9 Q Okay. Is it fair to say that you were on probation
10 for a misdemeanor conviction?

11 A Yes, sir, I was on probation.

12 Q Okay. As a condition of probation, were you supposed
13 to have any firearms?

14 A No, sir, I wasn't supposed to have it.

15 Q Okay. That part of the reason why you didn't want to
16 call the cops?

17 A That was one of them. I wasn't thinking of it at that
18 time. That some of the reasons.

19 Q Okay. When you got to Rosa's house, where were you
20 heading?

21 A Dang, to Rosa's house and try to get in the house with
22 him.

23 Q Okay. Did you?

24 A No, sir.

25 Q Okay. Then where'd you go?

1 A Dang, them boys -- I had ask them did they call a
2 ride, and they had told me, yeah, Shonda was already on the
3 way.

4 Q Okay. Did you call Shonda?

5 A No, sir, I didn't call Shonda.

6 Q Did someone call Shonda?

7 A They must've did before I got there.

8 Q Okay. You were here when she testified?

9 A Yes, sir.

10 Q She said she heard your voice.

11 A Yes, sir.

12 Q But it was on Dixon's phone.

13 A Yes, sir.

14 Q Okay. You don't -- you don't know whether Dixon
15 called or not.

16 A I know I didn't call her. I don't know if Roseboro or
17 Dixon called her, but I know I didn't.

18 Q Okay.

19 A If that the case, I would've used by own phone to call
20 them.

21 Q Okay. Did you get in that car?

22 A Yes, sir.

23 Q Okay. Were you bleeding at that time?

24 A I didn't notice I was bleeding at that time, but I
25 was.

1 Q Okay. What kind of car does Shonda have?

2 A She have a Honda.

3 Q Okay. There's been some testimony about your blood
4 being found in the Honda?

5 A It's a white Honda.

6 Q That your blood?

7 A Yes, sir, that's my blood.

8 Q Okay. You got into that car; where did you get into
9 that car?

10 A I got in behind the passenger.

11 Q Okay. All right. You also heard testimony that there
12 was another truck that -- or some vehicle that drove up ---

13 A Yes, sir.

14 Q --- before you left Roundtree Circle.

15 A Yes, sir, before I left Roundtree Circle.

16 Q Tell me about that.

17 A Dang, it was a SUV. It was Rafaell Jackson and I
18 stopped him down, waived him down, told him let me get a
19 ride, and so by the time, dang, when I walked up to the
20 car, I opened the back door, the rear passenger door,
21 opened the door and asked him for a ride; he told me no.

22 Q Okay. Did you still have the gun with you at that
23 time?

24 A I still had the gun in my hand.

25 Q Okay. He wouldn't give you a ride.

- 1 A No, sir.
- 2 Q Okay. Did he drive off?
- 3 A Yes, sir.
- 4 Q Okay. Did he ask you about the gun?
- 5 A No, sir.
- 6 Q Okay. Did you say anything more to him besides that?
- 7 A No, sir, I took off running.
- 8 Q All right. Ultimately where did you end up that
- 9 night?
- 10 A Dang, after everything was over with?
- 11 Q Yes, sir.
- 12 A Back at Dixon's house
- 13 Q Back at Dixon's house.
- 14 A Yes, sir.
- 15 Q All right, who all showed up back there?
- 16 A Dang, me, Dixon and Roseboro, Shonda and a girl that
- 17 was in the front seat.
- 18 Q Okay. Was there any conversation on the way over
- 19 there or back over at Dixon's house?
- 20 A No, sir.
- 21 Q Why not? I mean you'd just been through this thing
- 22 where you've had to shoot at somebody. You not talking to
- 23 anybody?
- 24 A Dang, no, sir, because I heard Mr. Williams's car when
- 25 it wrecked into the house, so I knew something was wrong

1 then, but I just was so scared to the point that I wasn't
2 trying to talk to nobody. I was trying to -- I was just
3 scared, man.

4 Q Okay. Could you see the car wreck into the house?

5 A No, sir, I just heard it was a violent boom; I dream
6 about it every night.

7 Q Did you ever go up to that car?

8 A No, sir.

9 Q After you were picked up on this charge, did you sit
10 down and talk to Detective Reynolds?

11 A Yes, sir.

12 Q Did you see -- you've seen the video?

13 A Yes, sir, I saw the video.

14 Q You saw the video today.

15 A Yes, sir.

16 Q You said in that video -- if it was one time, it was
17 50 -- I didn't do it, I didn't have nothing to do with
18 this.

19 A Yes, sir, I said that.

20 Q You said, I'm not bullshitting you, I didn't have
21 nothing to do with this.

22 A Yes, sir.

23 Q But you did.

24 A Yes, sir.

25 Q You were there.

- 1 A Yes, sir.
- 2 Q So you lied.
- 3 A Yes, sir.
- 4 Q You shot this man because you had to.
- 5 A Yes, sir.
- 6 Q Why didn't you tell him that?
- 7 A Well, it was just the feeling of getting a murder
- 8 charge and, you know that you don't -- you know, you don't
- 9 want to go down for the rest of your life. You'll say
- 10 anything you want to say. You'll have to be in my shoes to
- 11 see it.
- 12 Q How long had you been in jail when they did this?
- 13 A They had me in the holding cell for nine days.
- 14 Q Were you scared?
- 15 A I was very scared.
- 16 MR. FRICK - Chris, give me one second. (Pause)
- 17 Q You still think of that night?
- 18 A I think about it every night.
- 19 Q How's it make you feel?
- 20 A I just -- I just wish I could give my life for his
- 21 life.
- 22 Q In fact, you've said that before, haven't you?
- 23 A Yes, sir.
- 24 Q You were at a hearing in Court when you said that.
- 25 A Yes, sir.

1 Q You meant it.

2 A I meant it.

3 Q You didn't want to take his life that night, did you?

4 A No, sir, a person don't -- he don't deserve it.

5 MR. FRICK - Thank you, Chris. Answer any
6 questions the solicitor has.

7 MR. MOORE - Yes, sir.

8 MR. MAXWELL - May it please the Court.

9 THE COURT - Yes, sir.

10 CROSS EXAMINATION

11 BY MR. MAXWELL

12 Q Mr. Moore, ---

13 A Yes, sir.

14 Q --- again, what time did you get to Chester Homes? Is
15 that right?

16 A Dang, we was on (sic) Chester Homes for a little bit.

17 Q What's that mean? What time did you get there?

18 A Probably around 3:00.

19 Q In the afternoon?

20 A Yes, sir.

21 Q And this all took place 8:30 or so that night.

22 Correct?

23 A Yes, sir.

24 Q And starting at 3:00 o'clock were you smoking

25 marijuana beginning then ---

- 1 A Yes, sir.
- 2 Q --- through until you left to go over there?
- 3 A Yeah, sometimes we'd stop and just chill and, you
- 4 know, went to the store and got cigars and stuff like that.
- 5 Q And you said -- you smoked marijuana on a daily basis,
- 6 so it doesn't affect you all that much?
- 7 A No, sir.
- 8 Q Just a second ago you said to Mr. Frick that when you
- 9 got really high is when you decided to go over to Holmes
- 10 Road. Isn't that right?
- 11 A Yes, sir, I said that.
- 12 Q Whose idea was it to go over to Holmes Road?
- 13 A Dang, it was really everybody idea. It just wasn't --
- 14 wasn't just one man's idea.
- 15 Q And your point of going over there was to collect
- 16 money.
- 17 A Yes, sir.
- 18 Q That was a debt owned to who?
- 19 A Dang, it was a debt owned to me and McClinton.
- 20 Q How much money was owed to y'all?
- 21 A Dang, it was a good bit. I can't remember. It's been
- 22 a minute though.
- 23 Q What's a good bit? Hundred dollars?
- 24 A No, it was thousands.
- 25 Q Thousands of dollars.

1 A Yes, sir.

2 Q You a businessman?

3 A No, sir, I'm not a businessman.

4 Q How many -- again, everybody was armed that got in
5 that truck. Right?

6 A Yes, sir.

7 Q How many guns did you have?

8 A I had one gun.

9 Q How many guns did Quinton McClinton have?

10 A He had one.

11 Q How many guns did Derrick Dixon have?

12 A He had one.

13 Q How many guns did D'Angelo Roseboro have?

14 A One.

15 Q How many guns did Terrance Buchanan have?

16 A Two.

17 Q This is the gun you had. Correct?

18 A Yes, sir, that's the gun I had.

19 Q You stated a second ago that going over to Holmes Road
20 wasn't going to be easy. What did you mean by that?

21 A We knew we was going to have to get our -- take our
22 money back.

23 Q What do you mean? How were you going to take your
24 money back?

25 A We was going to take it.

1 Q How were you going to do that? What was the plan?

2 A We was going to take it.

3 Q Were you going to go bust down the door and shoot
4 everybody there?

5 A No, sir.

6 Q Were you going to shoot at the house?

7 A No, sir.

8 Q Were you going to point guns at other people?

9 A Dang, if we had to, because we knew these guys was
10 armed. We knew them guys had guns.

11 Q Do you know why Terrance Buchanan had two guns?

12 A No, sir.

13 Q When did you arm yourself with this gun on that
14 evening?

15 A Dang, it was already in the truck.

16 Q Had you ever been in that truck before?

17 A Yes, sir.

18 Q How did you get over to Chester Homes?

19 A Dang, I don't remember. I don't remember how I got
20 there.

21 Q Don't know who you road with over there?

22 A No, sir.

23 Q Did you ride in that truck over there?

24 A No, sir.

25 Q Whose gun is this?

1 A I don't know.

2 Q You say you shot it before. Right?

3 A Yes, sir, I shot it before.

4 Q Where have you shot it at before?

5 A In the country.

6 Q Who were you with when you shot the gun in the
7 country?

8 A Say what?

9 Q Who were you with?

10 A By myself.

11 Q So how did the truck go from out in the country where
12 you shot it before ---

13 A I didn't say the truck ---

14 Q --- and back into that truck?

15 A --- went from in the country. I say I shot that gun
16 in the country.

17 Q How did it go from the time you shot it in the country
18 to in that truck that evening?

19 A Dang, we -- from -- went country -- that evening -- we
20 didn't take that gun that evening.

21 Q I'm asking you. You stated you shot this gun in the
22 country before. Right?

23 A Yes, sir.

24 Q All right, whenever that was, whether it was a week
25 before this or a year before this, how does it go from that

1 country -- that place in the country wherever you shot it
2 at into that Dodge Ram truck? How does it get there?

3 A I have no clue, sir.

4 Q Does it magically appear in that Dodge Ram truck?

5 A Of course, it couldn't do that.

6 Q Did you put it there?

7 A No, sir.

8 Q But you've had it before?

9 A Yes, sir, I have shot it before.

10 Q Where'd the magazines come from?

11 A I have no clue, sir.

12 Q They magically appear, too?

13 A No, sir, they didn't magically appear.

14 Q You armed -- you gathered both of those magazines.
15 Right?

16 A Sir?

17 Q Both of those magazines that go in this gun, you
18 gathered those to go over to Holmes Road. Right?

19 A They were sitting in the truck, sir.

20 Q They were sitting in the truck.

21 A One was in the gun; one was beside it.

22 Q And what -- again, what side of the truck or where'd
23 you sit at in the truck?

24 A Beside the passenger.

1 Q And that just happened to be the gun that was assigned
2 to you.

3 A No, sir. I picked the gun up.

4 Q From where? Where was it at in the truck?

5 A In the backseat.

6 Q Where you were sitting at.

7 A Yes, sir.

8 Q Was everybody else's guns laid out so they ---

9 A No, everybody had they gun on them. I gave Buchanan
10 my gun, and I grabbed that gun.

11 Q How many guns do you have?

12 A Dang, what you mean, in general?

13 Q Yeah.

14 A Dang, I only had one gun.

15 Q Just that .45 you gave to -- I think it was Mr.

16 Roseboro?

17 A Yes, sir.

18 Q Did you ask for Buc -- did you ask Mr. Buchanan to
19 share one of his guns instead of taking this gun around?

20 A No, sir, I gave him the gun that I had on me at that
21 time.

22 Q Why did you give up that gun to pick up this gun?

23 A Because I just grabbed it.

24 Q Why did you have to give Mr. Roseboro your gun then?

1 A Dang, Roseboro had already had my gun. I had a gun
2 that I gave Buchanan, sir.

3 Q Did you pick up this gun first then give it to -- give
4 your gun to Mr. Roseboro?

5 A Yes, sir, I picked that gun up first.

6 Q You like this gun better than your gun?

7 A Just a nice gun.

8 Q And how do you describe what this gun is? When you
9 look at it, how would you describe this gun?

10 A I know the type of gun it is, so I know it's a SK.

11 Q SKS what?

12 A I don't know all the rest of it. I just call it a SK.

13 Q Well, I'm -- you've stated twice ---

14 A Oh, it's an assault rifle. It's an assault rifle.

15 Q It's an assault rifle.

16 A Yes, sir, it's an assault rifle.

17 Q You stated you weren't intoxicated, but then you got
18 really high and that's when y'all went up -- decided to go
19 to Holmes Road?

20 A Yes, sir.

21 Q Is that right?

22 A Yes, sir.

23 Q Were you intoxicated or were you not intoxicated?

24 A Nay, I wouldn't call it intoxicated, sir; I smoke a
25 bunch of marijuana on a daily basis ---

1 Q What is -- what does really high then mean?

2 A Dang, I was just high. I was just really high.

3 Q Where did you park at on Featherstone Road?

4 A In a lot.

5 Q And why -- again, why did you go over to Featherstone

6 Road to go to -- to park there and to plan to go to Holmes

7 Road? What was the purpose to going to Featherstone?

8 A The purpose was going to Featherstone because we

9 didn't want to go on Holmes Road.

10 Q Why not?

11 A Because why would we pull up at the house in our car?

12 Q Wanted to take them by surprise?

13 A Say what?

14 Q Wanted to take them by surprise?

15 A Not by surprise, it's just that we was just going to

16 go to the house from Featherstone Road.

17 Q Going to sneak up on them?

18 A No, we wasn't going to sneak up on them.

19 Q So knock -- you were going to go there and knock on

20 the door, ring the -- knock on the door, ring the doorbell

21 ---

22 A No, sir.

23 Q --- see if anybody's home?

24 A (Indicating no)

- 1 Q You don't want them to know you were coming though.
2 Right?
- 3 A No, we just know where they be at when they be there.
- 4 Q Did you walk through the little -- the field that goes
5 from Featherstone to Holmes Road?
- 6 A No, we didn't walk all the way to Holmes Road; we
7 stayed in the field.
- 8 Q How far did you walk off of Featherstone?
- 9 A In the middle of the field.
- 10 Q How long did you wait there?
- 11 A Dang, probably about ten or 15 minutes.
- 12 Q Staking it out?
- 13 A Say what?
- 14 Q Staking out the scene?
- 15 A Not staking out. Once we noticed the cars wasn't
16 there, we just sat there and waited.
- 17 Q Well, you could -- what were you waiting on?
- 18 A We was waiting on them, I guess, to come back and see
19 some lights come on or something.
- 20 Q To ambush them then?
- 21 A No, we wasn't going to ambush them; we was just going
22 to go look.
- 23 Q And you didn't see a car on Featherstone riding near
24 y'all's truck where y'all parked at.
- 25 A No, sir. All the attention was on the house.

1 Q So who made the decision to leave the field and
2 abandon this grand plan?

3 A We all just left.

4 Q Who said let's go?

5 A It wasn't a decision; it was just time to go. We just
6 knew it was time to go.

7 Q And where were you -- where'd you plan to go then?

8 A Back to Chester Homes.

9 Q When did you first -- well, before I ask that. You
10 got back in the backseat behind the passenger. Right?

11 A Right.

12 Q Did y'all turn back around to have to go back up
13 towards the stop sign?

14 A No, sir.

15 Q Y'all were already headed in that direction?

16 A Yes, sir.

17 Q So you turned the car around before you -- when you
18 parked it?

19 A I think so. We had to.

20 Q Why'd you have to?

21 A Because the car was already faced that way.

22 Q Well, ---

23 A Once we got back to the truck, we just drove back off,
24 so we had to turn the truck around once we already did it,
25 sir.

1 Q To get a quick getaway from what you were doing over
2 at Holmes Road.

3 A I don't want to call it a quick away; we just leave.
4 All the intention we was going to Holmes Road, sir, we
5 wasn't going to kill nobody, we was going to get our money
6 back.

7 Q But you had this with two magazines full of
8 ammunition. Right?

9 A Because them guys got guns, too, sir.

10 Q And you had -- and there was four other people besides
11 you in that truck, and there was five guns among those four
12 people. Right?

13 A Right.

14 Q When did you first see the car as you started getting
15 back up to the stop sign near York Road?

16 A Dang, once we got up there.

17 Q How close -- were you already at the stop sign?

18 A Yes, sir. We had made it to the stop sign once we
19 left.

20 Q How far back was that car from the stop sign?

21 A I mean it was at the stop sign.

22 Q So when -- when you pulled up to the stop sign, were
23 y'all in the left lane, the opposite coming lane?

24 A No, sir, we was in the same lane that the car was in.

25 Q Were y'all in front of him or behind him?

1 A We behind him.

2 Q How did you -- when'd you get around him?

3 A Dang, when Mr. Williams was coming in, we just took
4 off around them, went around them.

5 Q When -- again, when did you notice the car was behind
6 you when you got up on York Road?

7 A Once we got by Roundtree Circle Store.

8 Q And you stated a little earlier today that you became
9 paranoid when the car was behind y'all?

10 A I never said I got paranoid.

11 Q You didn't say paranoid when Mr. Frick was asking you
12 just a few minutes ago?

13 A No, sir. I never told him that, sir.

14 Q So marijuana doesn't make you paranoid. Right?

15 A (Indicating no) No, marijuana don't make me paranoid.

16 Q Did you see the car flashing its lights?

17 A Yes, sir.

18 Q And when y'all stopped near this barbershop, I think
19 on McClure Street, you didn't see the person in that
20 vehicle get out. Right?

21 A No, sir, I didn't see it.

22 Q Did anybody else say he was out of the car?

23 A No, sir.

24 Q Did anybody else say oh, he's got a gun?

25 A No, sir.

1 Q Did anybody else say he was coming -- he's coming to
2 get us?

3 A No, sir.

4 Q Or he's coming after us?

5 A No, sir.

6 Q How long were y'all stopped before Quinton took back
7 off?

8 A Probably about like a minute, no more than a minute.

9 Q A minute?

10 A Yes, sir, no more than a minute.

11 Q What made him take off?

12 A Because Buchanan stated, that's that policeman, the f-
13 er Odell Williams, and we took off.

14 Q Took off fast?

15 A Yes, sir, we took off very fast.

16 Q What was the plan when y'all took off? Where were
17 y'all going to go?

18 A I can't tell you; I wasn't driving, sir.

19 Q And it wasn't long after that that you -- when you
20 were on Patrick Street, you heard three shots. Is that
21 right?

22 A Yes, sir, I heard three shots.

23 Q Do you know where those shots came from?

24 A We knew they was coming from behind us.

1 Q Why do you say you knew they were coming from behind
2 you?

3 A Because there were no other cars on that street.

4 Q Could it come from someone inside that car?

5 A No, sir, it didn't come from no one inside that car.

6 Q Could it come from somebody standing on the street?

7 A No, sir.

8 Q It couldn't have? Why couldn't it?

9 A Because I didn't see no one on that street, sir.

10 Q You had -- can you see 360 degrees around you?

11 A No, sir.

12 Q And then you really hit the gas on First Street. Is
13 that right?

14 A That's right.

15 Q Going up to 70 miles per hour?

16 A Probably so. We was moving.

17 Q I think First Street is when you hit that -- you got
18 to up to hit that stop sign and take a left on ---

19 A We slowed down to yield.

20 Q You were stating earlier this week, again under oath,
21 that the plan was to go to Roundtree and jump out of the
22 car and everybody just scatter in different directions?

23 A Yes, sir.

24 Q That was the plan?

1 A Dang, once we got there and once I know that was the
2 plan, I knew what we was going back to.

3 Q Who formalized that?

4 A No one formalized it.

5 Q Was that ---

6 A I just know that ---

7 Q How did y'all talk about?

8 A We didn't talk about it. Once you hang with people
9 for a very long time, you know what they going to do, we
10 know what we doing.

11 Q Then you get back up, you go on Saluda, you get up to
12 Parkway. Is that right?

13 A Right.

14 Q And on Parkway you hear three more shots.

15 A Yes, sir.

16 Q Again, that's -- according to you, that's coming from
17 Mr. Williams.

18 A It was coming from behind us, sir.

19 Q So right now we got six shots.

20 A Yes, sir, six shots.

21 Q And Parkway's a long road.

22 A That's a long road.

23 Q Mr. Roseboro hit the gas a little bit harder on
24 Parkway.

25 A Roseboro not driving, sir, McClinton driving.

1 Q Excuse me, Mr. McClinton. I apologize for that. Mr.
2 McClinton hit the gas pretty hard there.

3 A Yes, sir.

4 Q And Mr. Roseboro fires a shot back at Mr. Williams at
5 that point. Is that right?

6 A Yes, sir, he did.

7 Q Did you see Mr. Dixon try to fire his gun or fire his
8 gun at that point?

9 A No, he never tried to fire his gun.

10 Q Never tried to?

11 A No, sir.

12 Q And that gun that Mr. Roseboro fired, according to
13 you, is your gun which was a .45.

14 A Yes, sir.

15 Q And at this time you're on probation.

16 A Yes, sir.

17 Q You can't have a gun.

18 A Yes, sir.

19 Q Whether you owned it or not, but it's in your
20 possession. Right?

21 A You're right, sir.

22 Q And under federal law you can't have a gun; you
23 realize that.

24 A Well, I don't realize it, but I know that now. It was
25 read to me by my probation officer.

1 Q Before or after this?

2 A To what?

3 Q Before or after you were arrested on this?

4 A It was before.

5 Q So you did know that you can't have a gun.

6 A Oh, yeah.

7 Q Mr. McClinton said, told y'all not to fire anymore
8 after Mr. Roseboro shot. Is that right?

9 A He told Roseboro that.

10 Q But at that point Mr. Williams has fired at y'all six
11 times.

12 A Yes, sir.

13 Q Has he hit the truck ---

14 A Man, I can't ---

15 Q --- that you've noticed?

16 A I don't' know.

17 Q Anybody else in the car hit?

18 A No, sir.

19 Q And then as you approach Roundtree, you -- Is it
20 correct? -- you say, let me throw this big gun out?

21 A Yes, sir.

22 Q Why is that the spot you chose to do that?

23 A Because it's a ditch right there.

24 Q You familiar with the ditch there?

25 A Yes, sir, I done threw stuff there before.

1 Q And how was that going to solve your issue of having
2 the gun, just throwing it in the ditch?

3 A Just throwing in there so I could take off running,
4 so, you see, it's big. How am I going to just run when
5 someone's shooting at me?

6 Q Could you have thrown it out on Parkway?

7 A Say what?

8 Q Could you have thrown it out on Parkway?

9 A I don't -- I didn't want to lose it. I wanted to keep
10 it, so that's why I was going to throw it on Roundtree
11 Circle.

12 Q So you could come back and get it later.

13 A Yes, sir.

14 Q You didn't think -- you couldn't do that on Parkway.

15 A No, sir, I knew because ---

16 Q Because it was a long road.

17 A Yes, sir.

18 Q Well, if you wanted to keep that gun -- was somebody
19 giving you that gun?

20 A No, sir, it just -- it wasn't mine, so why would I
21 lose it. It's like you giving me something. Would I want
22 to lose something that you give me?

23 Q And that's what you say, let me throw this big gun
24 out.

25 A Yes, sir.

1 Q Couldn't roll down the window and throw it out, could
2 you?

3 A No, sir.

4 Q Why is that?

5 A Because it's -- you can tell. Right?

6 Q Well, that wouldn't fit through a rolled down car
7 window?

8 A No, sir, you got -- it had a beam on it; it had a lot
9 of things on it.

10 Q Is that wider than a car window?

11 A Pull the back of it out, sir.

12 Q I'm talking about if you -- if you threw it out just
13 like that ---

14 A Pull that back ---

15 Q If you -- just like that ---

16 A No, you pull that back ---

17 Q If you do just like that, would that not go out of a
18 car -- out of truck window?

19 A Not really. I wasn't thinking of it at that time.

20 Q But you had to open the door to do that.

21 A Yes, sir.

22 Q You weren't going to get out. You were just going to
23 throw the gun out at that stage?

24 A Yes, sir. Yes, sir.

1 Q But did you tell McClinton to slow down so you could -

2 --

3 A Yes, sir, I told him that.

4 Q --- throw the gun out? But you fell out anyway when
5 he hit the gas? Is that right?

6 A When he hit the gas -- when he told Mr. Williams was
7 coming, he hit the gas and I fell out.

8 Q That's when you hurt your hand, ---

9 A Yes, sir.

10 Q --- and the gun went off.

11 A Yes, sir.

12 Q How'd the gun go off?

13 A I can't tell you, sir.

14 Q Is there a safety on that gun?

15 A Yes, sir. It wasn't on.

16 Q Safety wasn't on, was it?

17 A No, sir.

18 Q If the safety's not on, that means the gun is ready to
19 fire. Right?

20 A Oh, yeah.

21 Q The gun went off, and that's when you hurt your hand.

22 A No, I hurt my hand once I had fell and hit the road,
23 sir.

24 Q And when you fell, were you on Roundtree, or on
25 Parkway?

1 A I can show you map. I can show you like I showed my
2 lawyer.

3 Q Where were you at when you fell out?

4 A Right here, sir.

5 Q So on Roundtree, ---

6 A Yes, sir.

7 Q --- just inside of it?

8 A Yes, sir.

9 Q You were in the middle of the road at that stage?

10 A Sir?

11 Q You were in the middle of the road?

12 A Right there where I just showed you.

13 Q What was your first movement you did when you fell
14 out?

15 A I saw Mr. Williams's headlights, so I hopped up and I
16 took off running.

17 Q Did you have to pick the gun up, or is the gun ---

18 A I had to pick the gun up.

19 Q --- did it fall -- fall out of your hand?

20 A I had picked the gun up.

21 Q And when you went for the middle of the road, did you
22 go right or did you go left?

23 A I go right. I can show you on the picture. I'll show
24 it to you.

25 Q Did you go into the yard?

1 A Yes, sir.

2 Q Did you go right side of the road or left side?

3 A We turned this way here, be left side, sir.

4 Q Let's be clear. Which side?

5 A This side.

6 Q Went into that yard?

7 A Yes, sir, went to that yard.

8 Q Had you fired a shot before you went to that yard?

9 A No, sir, I didn't. The gun had went off in the road
10 when I fell.

11 Q Other than that shot -- you didn't fire any other shot
12 other than the accidental shot out in the road.

13 A No, sir.

14 Q Was Mr. Williams's car heading towards that front
15 yard?

16 A He was right there. If I can show it to you, I'll
17 show it to you.

18 Q Well, I'm just asking. I'm just asking. If his car
19 was going to go straight, would it have run into that yard?

20 A Oh, no, he -- he was going to go straight. He was
21 turning. He was turning no matter what.

22 Q What I'm saying is, his car stayed on the road there.
23 Right?

24 A On what road?

1 Q When he turned left -- from Parkway to Roundtree, his
2 car stayed on the road. Right?

3 A Right.

4 Q Didn't try to -- he didn't try to run you over in the
5 yard.

6 A He was there; he was coming towards, me, sir.

7 Q So he tried to run you over in the yard?

8 A How can he try to run me over in the yard, sir, if he
9 in the road?

10 Q That's my question. His car stayed in the road there.

11 A Right, right, right. Not on Parkway though.

12 Q You're in the yard.

13 A Yes, sir.

14 Q And that's when you start shooting.

15 A No, that's when he shoots at me first, two shots.

16 Q I'm sorry. Two shots there.

17 A Yeah.

18 Q So now Mr. Williams has fired eight shots. Right?

19 A Yes, sir.

20 Q Three on Patrick, three on Parkway ---

21 A Yes, sir.

22 Q --- now, two on Roundtree.

23 A Yes, sir.

24 Q Total of eight shots ---

25 A Yes, sir.

1 Q --- from Mr. Williams's car.

2 A Yes, sir.

3 Q Then you start shooting. Correct?

4 A Yes, sir.

5 Q Where is the car at when you fire your first shot?

6 Where's Mr. Williams's car at?

7 A I can't tell you, sir. I just started shooting over
8 my back like that, sir.

9 Q Was it on Parkway or was it on Roundtee?

10 A It had to be on Roundtree Circle, sir, because I was
11 just shooting like that.

12 Q Some of your bullets hit the left side of that
13 windshield. Right?

14 A Dang, that's what they say.

15 Q Are they lying?

16 A Dang, they didn't ---

17 Q These pictures lying that show that?

18 A Dang, I can't tell you that, sir. They didn't run him
19 down -- throwing -- to see which way they was coming
20 through. (sic)

21 Q And you tried to get behind the car that was parked
22 right there?

23 A Yes, sir.

24 Q And you just shot behind your back.

25 A Yes, sir.

1 Q Did you ever aim it?

2 A No, sir, I never aimed at Mr. Williams.

3 Q Never it aimed it.

4 A No, sir.

5 Q You hit -- you were able to hit Mr. Williams's car
6 without looking six times? Is that right?

7 A I was just shooting -- shooting just like that, sir.

8 Q Six times you did that.

9 A Yes, sir.

10 Q You ever try -- you ever practice that before?

11 A No, sir.

12 Q And you hit Mr. Williams in the head on one of those
13 shots. Right?

14 A Yes, sir.

15 Q You ever practiced that?

16 A No, sir.

17 Q There were 18 casings in that yard. Do you remember
18 firing it 18 times?

19 A No, sir. I remember a shooting it a bunch of times.

20 Q But all those casings you realize probably came from
21 this gun. Right? In that yard?

22 A All of them did come from that gun, sir.

23 Q And you fired all 18 times -- at least 18 times
24 shooting behind you without looking.

1 A Christopher Moore shot all 18 bullets out of that gun,
2 sir.

3 Q Just so I'm clear you shot them all behind ---

4 A Oh, yeah, all ---

5 Q --- looking in the opposite direction.

6 A All -- I was shooting just like that.

7 Q Did you see Mr. Williams's car run into the house?

8 A No, sir.

9 Q Where were you at when that happened?

10 A Still in the yard, ---

11 Q Still in the yard.

12 A --- and, dang, took off running down Vance drive.

13 Q You started -- you ran down Vance?

14 A I took off running down Vance Drive.

15 Q Did you come back the other way to get rid of the gun?

16 A No, sir, I came back, because I dropped my phone, same
17 thing I told you Monday.

18 Q And that's when you put the gun underneath the shed?

19 A No, sir, I ran back, started patting on the ground for
20 my phone, found my phone, because when the SUV pulled up,
21 that's when I asked Mr. Jackson for a ride, Mr. Jackson
22 told me no, I ran back in that yard behind that house,
23 dang, met up with Buchanan, Buchanan, dang, ditched his
24 guns, I ditched mine behind the shed, because I knew it was
25 some dogs back there, and I came back, realized I had

1 another clip in my pocket and threw it right there where
2 that fence at where I jumped over with my blood on the
3 fence.

4 Q This corner right here, this was dark -- this is
5 nighttime. Right?

6 A No, sir, there's a street light there.

7 Q But I'm saying it's nighttime though.

8 A Oh, yeah, it's nighttime.

9 Q Did you have the flashlight on to aim good with this
10 gun?

11 A No, sir. No, sir.

12 Q Did you -- did you see where the truck went?

13 A No, sir. They went back down Roundtree. They just
14 took off.

15 Q You didn't see those guys until you were in the
16 backyard?

17 A At Rosa's house.

18 Q And you saw Buchanan first ---

19 A No, sir, I didn't say -- I saw Buchanan behind the
20 house, and I made it to the backyard, I saw Roseboro and
21 Dixon.

22 Q And then y'all got a ride together.

23 A Yes, sir.

24 Q Now, you've seen the discovery in this case, you know,
25 basically the case file with your lawyer. Right?

1 A Yes, sir.

2 Q Were you provided copies of it?

3 A Dang, not all of it, most of it. There's some new
4 things right there at the table.

5 Q Did you put a copy of Derrick Dixon's statement to law
6 enforcement on Facebook?

7 A Dang, it wasn't just a whole copy. It was like just
8 his name.

9 Q But you did post something on Facebook regarding him
10 talking to the police.

11 A With his name, yes, sir, I did.

12 Q You call him a snitch?

13 A Dang, it was like, dang, how can your right-hand man
14 turn on you.

15 Q But you referred -- you made mention of snitching ---

16 A I didn't never mention ---

17 Q --- in that post.

18 A --- no snitching. I told him, how can your right-hand
19 man turn on you. Sir, I used to do a lot of childish
20 things in my time.

21 Q When you gave the statement on -- the recorded
22 statement we saw earlier today ---

23 A Yes, sir.

24 Q --- you denied everything.

25 A I denied it, yes, sir.

1 Q You were already in jail on the murder charge at that
2 point. Right?

3 A Yes, sir.

4 Q And you say the reason you lied is because you didn't
5 want a murder charge.

6 A Yes, sir.

7 Q But you were already charged. Correct?

8 A Yes, sir.

9 MR. MAXWELL - Beg the Court's indulgence.

10 (Pause) No further questions, Your Honor.

11 MR. FRICK - Nothing further. Thank you, Your
12 Honor.

13 THE COURT - You can step down. Thank you.

14 MR. FRICK - Defense rest, Your Honor.

15 THE COURT - Anything further?

16 MS. HALL - Excuse me one second. (Pause)

17 Nothing further.

18 THE COURT - Ladies and gentlemen of the jury,

19 that's completes the evidentiary portion of this trial.

20 The next phase will be closing arguments. It's almost 5:00

21 o'clock. Don't believe that we need to push any further

22 today. I know it's been a long day for you. So tomorrow's

23 Friday. Have you come back in the morning at 9:00 o'clock.

24 Fairfield County's a fairly large county like the one I'm

1 from. Does anybody have any problems about being back at
2 9:00 o'clock?

3 (WHEREUPON, NO RESPONSE)

4 THE COURT - Okay, we'll see you then. We'll
5 argue and charge and get this case to you to deliberate.
6 Remember my instructions, no media coverage until this is
7 over with and don't let anybody contact you.

8 Have a good evening. Everybody else remain
9 seated in the courtroom while the jury departs.

10 (WHEREUPON, JURY EXITS THE COURTROOM.)

11 THE COURT - All right, 9:00 o'clock in the
12 morning.

13 (WHEREUPON, COURT IN RECESS FOR THE DAY.)

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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 5 - VOLUME V)
 CHRISTOPHER MARQUAVIOUS) (PAGES 869 - 949)
 MOORE)

APRIL 22, 2016
WINNSBORO, SC

BEFORE THE HONORABLE PAUL BURCH

APPEARANCES:

JULIE HALL, DEPUTY SOLICITOR
CHESTER, SOUTH CAROLINA

RILEY MAXWELL, ASSISTANT SOLICITOR
CHESTER, SOUTH CAROLINA

RANDY NEWMAN, SOLICITOR
LANCASTER, SOUTH CAROLINA

ATTORNEYS FOR THE STATE

WILLIAM FRICK, PUBLIC DEFENDER
CHESTER, SOUTH CAROLINA

DEVON NIELSON, ASSISTANT PUBLIC DEFENDER
CHESTER, SOUTH CAROLINA

ATTORNEYS FOR THE DEFENDANT

SHIRLEY BROOM
16TH Circuit Court Reporter

I-N-D-E-X

WITNESSES: DIRECT CROSS RE-DIRECT RE-CROSS

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Kira Bagley

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WITNESSES:	DIRECT	CROSS	RE-DIRECT	RE-CROSS
Maurice James				
By Ms. Hall	209			
By Mr. Frick		214		
Rafaell Jackson				
By Ms. Hall	221			
By Mr. Frick		231		
Cornell Johnson				
By Ms. Hall	232			
By Mr. Frick		238		
Lashonda Wray				
By Ms. Hall	240			
By Mr. Frick		250		
By Ms. Hall			255	
Cindy Taffe				
By Mr. Maxwell	257			
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Burly McDaniel				
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Chris Kinsey				
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Randy St.Clair				
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By MR. Frick		299		
Brian Perry				
By Mr. Maxwell	300			
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WITNESSES:	DIRECT	CROSS	RE-DIRECT	RE-CROSS
Chuck Starnes				
By Ms. Hall	303			
Melinda Worley				
By Ms. Hall	308			
By Mr. Frick		344		
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Brittany Burke				
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By Ms. Hall			402	
Tiffany Hezel				
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Phil Gregory				
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Whitney Berry				
By Ms. Hall	435			
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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			
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By Ms. Hall			597	
Derrick Dixon				
By Ms. Hall	609			
By Mr. Frick		647		
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By Mr. Frick				671
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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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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	
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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	

1 (COURT RESUMES ON FRIDAY, APRIL 22, 2016 AT 9:15
2 A.M.)

3 (WHEREUPON, DISCUSSION IS HELD BETWEEN COUNSEL
4 AND COURT REPORTER AND THE COURT WHICH WAS NOT REPORTED.)

5 MS. HALL - Your Honor, we just -- the court
6 reporter called to our attention that perhaps -- we grouped
7 some of these pictures together as the Court's aware, and
8 for example, like 5(a), 5(b), 5(c) and 5(d), and she was
9 concerned that perhaps the (a), (b), (c), (d) -- every
10 chronology of every letter that followed the number did not
11 make it into evidence. She had checkmarks by every one of
12 the exhibits, including the letters, and so the State
13 relied on that information and wouldn't have rested and I -
14 - it's my contention that they're all in, and we just -- I
15 want to make that clear. I know if Mr. Frick has anything
16 to say about that.

17 MR. FRICK - I don't have any issue, Your Honor.
18 I --- the solicitor - of course, you saw me standing up
19 here and the solicitor showed me every picture as she was
20 showing them in, so if one inadvertently got by, I was
21 aware of it, and I don't have any issue, but I think they
22 are all in.

23 THE COURT - Okay. All right, very, good, they're
24 in.

25 MS. HALL - Okay, thanks.

1 (WHEREUPON, JUROR ENTERS THE COURTROOM)

2 THE COURT - Good morning.

3 JUROR - Good morning.

4 THE COURT - Was your juror number 20 or 153?

5 JUROR - 20.

6 THE COURT - 20? It's been a long week, and I
7 know you were very fatigued yesterday, obviously.

8 JUROR - I had a little headache, yeah.

9 THE COURT - We're going to go ahead and release
10 you and let you go on home. Okay?

11 JUROR - All right.

12 THE COURT - We want to thank you for your
13 service. Her check will be mailed to her?

14 DEPUTY CLERK - It will, at the end of the week.

15 THE COURT - If you don't get that expense check
16 in ten days, give the clerk's office a call, so they can
17 make sure you get it, but you're free to go.

18 JUROR - Okay, thank you.

19 THE COURT - Thank you.

20 (WHEREUPON, JUROR IS RELEASED AND EXITS THE
21 COURTROOM)

22 THE COURT - All right, we're ready for the jury.
23 We've got to determine who the alternate will be. Madam
24 Clerk, have you set up to do that draw between the two
25 alternates on the computer.

1 MS. HALL - Your Honor, I ---

2 DEPUTY CLERK - It would be the first alternate.

3 MS. HALL - I thought it would be the first
4 alternate. I was under the impression that ---

5 THE COURT - By statute you've got to put the two
6 names in the pot and draw or put it in the computer and
7 random draw.

8 DEPUTY CLERK - Can I put them in a pot and draw
9 them or let somebody draw them?

10 THE COURT - Does either side object to using the
11 paper method?

12 MR. FRICK - No, sir.

13 MS. HALL - Not -- no.

14 THE COURT - That's an obscure statute, but I
15 fortunately received very valuable education on that 24
16 years ago in the Nicholas Huggins trial.

17 (WHEREUPON, THE DEPUTY CLERK DRAWS AN ALTERNATE)

18 DEPUTY CLERK - Judy Jones.

19 THE COURT - Okay, that is juror ---

20 DEPUTY CLERK - Juror number 84.

21 THE COURT - Number 84.

22 DEPUTY CLERK - Judy Jones.

23 THE COURT - Which was alternate one anyway. All
24 right we ready?

25 MS. HALL - Yes.

1 THE COURT - Bring them in.

2 (WHEREUPON, JURY ENTERS THE COURTROOM)

3 THE COURT - Good morning.

4 (WHEREUPON, JURORS RESPOND)

5 THE COURT - Little order of business we got to
6 take care of before we move into arguments. Let the record
7 reflect that Juror Number 84, Ms. Jones, will move up to
8 the original 12 jurors. Okay.

9 MS. FRICK - Thank you, Your Honor.

10 THE COURT - You may proceed.

11 MR. FRICK - Solicitor, madam forelady, ladies and
12 gentlemen of the jury, it's been a full week; it's been a
13 long week, and we're at the end and it's almost time for
14 you to complete your task. The first part of that task is
15 sitting here and listening to all this evidence; now you
16 get to wait; now you get to consider it and determined what
17 happened on November 4th, 2014.

18 And in just a little while after I get done
19 talking, the State's going to come up here and tell you
20 that if Christopher Moore hadn't gotten in that truck with
21 those guys and these guns and gone over to Featherstone,
22 none of this stuff would've happened. Well, and there may
23 be some truth to that. But, you know, it's also true if
24 his mama hadn't met his daddy, we wouldn't be here today
25 either. They didn't charge her with murder. Why? Because

1 that's ridiculous. It's too far removed. It's the same
2 situation here. Yes, these guys went to go do something
3 bad, and they had guns, but Odell Williams wasn't the
4 intended victim; his property wasn't the victim; his wife
5 wasn't an intended victim. No one in his family was the
6 intended victim. They had a beef with the guys on Holmes
7 Road, and that's where they went. They parked on
8 Featherstone, walked across, told you they didn't even know
9 where they really were. Maybe one of them had an idea.
10 They didn't even know whose property they were at. They
11 stood there for a while, seen nothing and they decided to
12 leave. These guys who were so intent on doing bad stuff on
13 Holmes Road, armed with this huge gun, go home. That's
14 what they wanted to do. That's all they were doing. This
15 stuff that happened on Holmes Road had absolutely nothing
16 to do with Odell Williams, nothing. Yeah, they were parked
17 there, but what else were they doing? Leaving. Leaving.
18 They'd gotten in their car and they had driven away. And
19 not only the guys in the car told you that, not only Chris
20 Moore told you that, Odell's wife told you that. She saw
21 the car pull away. She didn't see them do anything to the
22 property. The other family members in the car told you, we
23 didn't see those guys do anything, other than sit there in
24 the car and then drive away. There is nothing offered by
25 anybody that refutes that that truck was at the very least

1 at the stop sign of Featherstone and York or possibly had
2 turned onto York before Odell even knew it was there. They
3 had to point it out to him. The people in his car had to
4 point the truck out to him. He had no idea what it was.
5 Chris Moore made bad choices that night, but Odell made
6 choices, too, and his choices count, too. He had a cell
7 phone on one side and a gun on the other, and he chose the
8 gun. This 20-plus year veteran of law enforcement, this
9 long-serving city councilman decides to go over there and
10 check on his property. That's perfectly fine; there's
11 nothing wrong with that; that's what you should do. And
12 when he's alerted to the truck and sees the truck, he
13 chooses to follow it. You heard the testimony; he had to
14 turn around to follow it. At this point he sees the truck;
15 he's got a pretty good description of the truck. Maybe he
16 can even see the license plate; who knows. This guy was a
17 copy for over 20 years. Does he call back-up? No. Does
18 he take this cell phone and call anybody? No. So he
19 didn't call 911. He's on the city council. Don't you
20 think he's got the chief's cell phone number? Doesn't call
21 him. Don't you think the chief wouldn't answered the call
22 if he'd called? No, he's going to handle it on his own.
23 And so he does. Now, if he'd have just simply not followed
24 the car, then these guys wouldn't have done anything. They
25 would've gone home. That's what they all told you. They

1 were going to go back, hang out, chill, smoke. That's what
2 they were going to do. But instead, he followed them. And
3 if you've seen this chart once, you've seen it 50 times
4 this week. Now, what the State wants you to do is pay
5 attention to what happens up here and what happens here,
6 but don't worry about this part here. Don't worry about
7 going down -- all the way down York Road, across the
8 bypass, continuing, turning onto Brawley Street, Brawley
9 Street. That's where Odell lived. He drove past his own
10 home. He could've turned and gone home. He ran these guys
11 off. That's what he wanted to do. No evidence they took
12 anything. No. I'm going to keep following. So we turn
13 onto Saluda. Saluda. What else do we know about Saluda
14 that night? I mean if he didn't want to call the cops, he
15 could've found one. Officer Cummings who testified here
16 almost first told you, he was on Saluda Street writing a
17 ticket. So now we're even passing cops. Nope, I'm going
18 to handle this on my own. At some point on McClure Street
19 we hear that maybe -- maybe got an idea who it is, maybe
20 somebody says, hey, that's Odell, I know him, let's find
21 out what he wants. Some indication that he's signaling,
22 asking them to pull over, and they do. You heard testimony
23 time and time again from multiple folks who told you they
24 pulled into -- either on the side of the road, in the road,
25 in the parking lot, but they pulled over. That's un-

1 refuted. What did they do? As either he's getting out of
2 the car, about to get out of the car or still just sitting
3 in his car, Odell, they decide, you know what, I -- we
4 don't want to be here, so they mashed the gas, they gone.
5 Now, remember they got these big guns. These are bad guys,
6 going to do bad things, because clearly their whole intent
7 is run this secure -- this route back to Roundtree and get
8 Odell in their trap. They could've taken care of it on
9 McClure Street, but they didn't do that. They drove away.
10 They were trying to get away. They didn't want to deal
11 with him. One of the testimony was, (sic) that's that
12 police guy, we don't want to talk to the police right now.
13 Yeah, that's right, they didn't call the cops either. They
14 had a real good reason not to call the cops; they would've
15 been in trouble; they knew that. But they're trying to get
16 away. What -- how do you describe turn, turn, turn, turn,
17 turn, turn, turn, turn, other than I'm trying to get away
18 from the guy that's behind me? So after the barbershop on
19 McClure Street, we hear that we're on Patrick Street. And
20 you know what happens on Patrick Street? Well, multiple
21 folks told you there were gunshots. Some folks told you
22 sounded like small gunshots. Small gunshots. And, you
23 know, I elicited the testimony but I -- which one do you
24 think makes the small sound? Well, we looked over there,
25 and there -- and there weren't any shell casings. There

1 weren't any shell casings, so we don't know that Odell
2 shot. Okay. Except this revolver and if you fired two
3 shots on Patrick, there wouldn't have been any shell
4 casings. He's got one, two, three, four, five, six shots
5 in this gun. It wouldn't have been emptied that. (sic)
6 The testimony from everybody that was in the car was that
7 they either heard or saw shots from behind them. These are
8 the State's own witnesses, folks. These are the guys they
9 put up here to present evidence that Chris Moore committed
10 murder, and, yet, I submit in a few minutes they're going
11 to come up here and tell you, well, you can believe part of
12 what they said, but don't -- pay not attention to the
13 middle part, folks. That's not important. No. Up here
14 and at Roundtree, that's what is important. The stuff in
15 the middle, that doesn't matter. It's not true. It all
16 matters. Because the chase, the shooting, is why we're
17 here. That's why we're here. You had folks even said they
18 saw fire from the car behind them. There is no evidence
19 there was any other car on that street. You have a video
20 that shows -- we know it was Odell's car behind the truck,
21 and that substantiates the evidence that you've heard from
22 the witnesses. One, you've got a video from the store at
23 First and Patrick Street. The truck, car. Besides that,
24 you've got statements by people who were on First Street
25 who say, I was sitting there and a truck goes by and a car

1 goes by right behind it, and it was moving so fast it shook
2 my car. Then you've got a statement by one person who
3 said, I recognized that red car, and I know who it is,
4 because I know the unique license plate he's got on the
5 front that says, Mandingo (phonetic). We know it's Odell
6 behind them. We know Odell has a gun, because it is at his
7 feet when this all ends. We know he shot the gun, not only
8 because there are fired shell casings in this gun, he's got
9 gun powder on the front and back of both of his hands.
10 That's what happens when you fire the gun; it comes out.
11 That's what's GSR person told you; it comes out and it gets
12 on your hands, and it's on both hands. So, was he right
13 handed or left-handed? Well, it really doesn't matter,
14 because he did it with either one of them or both of them.
15 And we know this. And the State will say, well, he only
16 fired twice; only fired twice because we only got two shell
17 casings. You know, he -- you know, the defense has to
18 suggest that he unloaded and loaded this gun while he's
19 driving this car. Yeah. I think that's entirely possible.
20 And it's not ridiculous. Because from this very stand,
21 Agent Defreese told you, practically showed you, all you
22 got to do is you pull this out and then you press this
23 button, and depending on the amount of force you use, the
24 shell casings either come out or eject out, and then you
25 can reload it. Ah, you find a speed loader -- he said he

1 didn't even know if they made speed loaders for this
2 caliber of gun, but he said you didn't need it. All you
3 got to do is put the thing in there. He also said that if
4 you've got enough skill and experience, that's not a
5 difficult task to do. Wouldn't you think that a guy that's
6 been in law enforcement dealing with guns for other 20
7 years would have that experience? But there's one other
8 thing along that line. As we look at Roundtree Circle and
9 the very nice little scene drawing of it, we see what we
10 document as a shell casing here, and then you hear
11 testimony that there was one that was found somewhere in
12 this area. It was down the road. And, folks, I will tell
13 you, looking at j looks pretty beat-up. It looks pretty
14 beat-up. There's a picture of it in there; you'll see it.
15 Scratched up. Looks like it might've been out there a
16 little while. I bet it wasn't. Again, Agent Defreese
17 said, if you kicked it down the road, stepped on it, if a
18 car ran over it, it could've caused that damage. Even if a
19 car ran over it just one time? Yes. That's what he said.
20 Well we know cars went up and down that road, because there
21 are cops all over here. There are civilians that went down
22 that road. You have one person who drives down that road,
23 and we know he did, because Chris Moore asked him for a
24 ride, and Chris Moore's evidence, blood or fingerprints is
25 on that car. So -- and then we've got the other folks who

1 said, after I heard gunshots, we drove to Roundtree, and
2 when we got up there, the cops told us we couldn't go that
3 way, so we had to go that (sic) -- so we know this thing
4 could have been run over that night. Why do I mention
5 that? Because the other one, which is the same caliber
6 shell casing, is found up here, and it's in good shape.
7 All right, I don't know what you're talking about, Frick;
8 where you going with this? Well, what I'm saying is -- and
9 that gun doesn't match anything, any of this stuff that we
10 find, doesn't match any of this stuff. And look at the
11 SLED report, we even got other guns. Doesn't match them
12 either. All I'm saying to you is, maybe Odell didn't have
13 to reload that gun. Agent Defreese said that this is not a
14 gun that has a great deal of stopping power. I suggest to
15 you that if you've got this on the front of your car, that
16 if you're driving through town chasing people, .30 (sic)
17 might -- .32 might not be your go-to. So, we get to
18 Roundtree. And I'll tell you from Chris's side, he was
19 getting out of the car, said, various versions of it you've
20 heard, I'm about to get out, let me out, I want to get out
21 of this car, something to that degree. And it all depends
22 on the tone as to how you take it. The tone of, I'm being
23 chased, I got a really big gun, I don't want to be here
24 anymore, I want to get out of the car, suggests he didn't
25 want to be there; maybe he did want to get out of the car.

1 He told you, you know, I was going to put the gun in that
2 ditch, and I was going to run, and that's what he tried to
3 do but for the fact, as he's getting out of the car, the
4 guy driving the car mashes the gas, and I suggests to you
5 that he mashes the gas, because, one, he sees the Cadillac,
6 two, he hears the Cadillac, and he hears Odell shooting.
7 Why else would he do that? Again, the State is going to
8 try to convince you that there's -- these guys have now,
9 after having this failed robbery up here, have devised on
10 the run some elaborate plot to lure Odell over to Roundtree
11 and track him and shoot him. And, folks, you saw (sic) the
12 testimony of the guys in that car, I suggest the State may
13 be giving some of those guys a little bit more credit than
14 they deserve for coming up with that. So, Chris falls --
15 falls to the ground with that gun in his hand, cuts his
16 finger on the road when the gun hits. It goes off. One
17 shot goes off. It's right in the middle of the road,
18 exactly where he tells you he's kind of right at. Okay?
19 Now, he's here; the shell casing is found up here. Okay?
20 It ejects, but it doesn't just fall where it goes. Pretty
21 powerful gun; it's got a pretty powerful ejection, so if he
22 falls there, it's not necessarily going to be in the exact
23 same spot. He tells you, as he's getting up, the
24 headlights coming at him, the railroad tracks not too far
25 down the road. He sees headlights; he hears the engine.

1 All right? This photograph looking back towards the
2 railroad track. This road right here is Vance Road. Okay?
3 Well, Vance is up here; Chris is down here. If you want to
4 get a view of that distance, here you go. Okay? This is
5 looking from -- that's where Roundtree Circle is, where all
6 the nice little police cars are. This is Vance Road.
7 Okay? This is where he is; this is where railroad tracks
8 are. I suggest to you that's not a terribly long distance.
9 And you can take a look at it yourself. The car hits the
10 railroad tracks and is coming towards him. Chris is trying
11 to run. Chris is trying to get behind a car that's over
12 here. He's over here. He said he runs; as he's running he
13 hears pop, pop, pop. Pop, pop, pop. When you have been
14 chased through town by someone, when you have been fired
15 upon by someone, when you're laying in the road being shot
16 at, or possibly being shot at -- see, you don't even really
17 have to be shot at. If somebody's shot at you before and
18 they're still chasing you and you're laying in the road and
19 they're coming at you, you really hadn't got to wait to
20 find out whether they intend to shoot at you again. That's
21 called acting on appearances. You know what they did
22 before; you know they could do it again. So he shoots, a
23 lot, a lot. Okay? Yeah. He shot 17, 18 times, and this
24 patterns suggests someone who is running. If the State's
25 theory is, I'm going to get out and we going to take care

1 of this on Roundtree, why's this scattered? Why didn't he
2 stop in one spot? Why aren't all these shell casings in
3 one place? No. That is a scared 18 year old boy with a
4 big gun he shouldn't have had, but he had it. And so he
5 did what he's allowed to do, defend yourself. Even if
6 you're not supposed to have a gun, you still have a right
7 to defend yourself if someone's shooting at you. But the
8 State would have you believe that that's just not correct.
9 Chris Moore doesn't have a right to defend himself. That's
10 ridiculous. That's a right that every one of us has, to
11 defend ourself, and that's what Chris Moore was doing that
12 night. Chased through town, fired upon. Yeah, he made bad
13 choices, but those choices were over; they were ending;
14 they withdrawing from there; they were going on. Odell
15 decided to take matters into his own hands.

16 Couple of things you got to do is stand with
17 self-defense, and my -- it's not my job to prove it. The
18 State's got to prove that it's not self-defense. That's
19 the law, and they've got to prove that to you beyond a
20 reasonable doubt. Okay? What we got to show is that we
21 were not at fault in bringing the problem. And they're
22 going to tell you, oh, yeah, they were at fault, they're
23 driving around with these guns, went to go commit a
24 robbery. Sure, they're at fault. You know what? If this
25 had been a shoot-out with Tim Franklin, they'd be right.

1 They would've been at fault. This wasn't with Tim
2 Franklin. This was Odell Williams with whom they had no
3 quarrel that night until he brought it. He brought the
4 action; he's at fault. See, the Judge will give you some
5 law on what you're -- what the appropriate consideration is
6 for what happened prior to all of this, but what I suggest
7 to you is, the State's going to come up here and talk
8 about it, trying to draw your attention saying that bad
9 guys doing bad things and bad stuff happened, and the truth
10 is, this stuff wasn't intended to Odell. Again, they were
11 leaving; they were turning onto York Road. So when you get
12 back there, based on what you've heard this week, you might
13 expect to see a verdict form that talks about these other
14 things, but it's not. You're here for a murder trial. Did
15 Chris Moore murder Odell Williams? That's it. We're not
16 talking about federal gun violations; we're not talking
17 probation violations; we're not talking about robbing
18 people. I ain't talking about trespassing. What we're
19 talking about is the murder of Odell Williams. How did he
20 die? And your choice is guilty or not guilty. And there
21 is no box for innocent. It's guilty or not guilty. Can
22 they prove to you beyond a reasonable doubt that Chris
23 Moore intentionally with malice aforethought killed Odell
24 Williams, that it was not justifiable, beyond a reasonable
25 doubt? Is there any other explanation? Yes. There's

1 plenty of explanation offered to you by the State. The
2 State's witnesses tell you Odell Williams shot. The
3 State's witnesses have the evidence that showed he shot.
4 He shot first. He shot on Patrick, and he shot on
5 Roundtree Circle or Parkway onto Roundtree Circle, and then
6 Chris Moore, acting as any person would, used the one thing
7 he had available, a gun, that gun, that ridiculously large
8 gun, and he fired until the threat was gone, which he's
9 entitled to do. Now, they're going to say that this right
10 here -- this is the truck -- that this is a bullet --
11 that's a bullet mark. I --so see, when the guy said he was
12 shooting back, it bounced off there and went that way --
13 well, one, you will see a picture of that truck and the
14 bed, and it is like most pickup trucks, rather beat-up.
15 Maybe it's a bullet, maybe not. But what you can't tell is
16 which direction it comes from. No one can tell you that.
17 Also, we're still going with this theory, and I'm telling
18 you, I'm going to tell you about this theory of lying in
19 wait for Odell, with a scattered bullet pattern, with
20 scattered shots that hit the car. All right? We got shots
21 on the front; we got shots on the side. No shots on the
22 back. Seems kind of interesting if you going to lie in
23 wait for someone. Oh, yeah, and you got another clip with
24 another 30 bullets in it. Seems kind of interesting that
25 there's no shots on the back of the car. This is a rather

1 random pattern. You got shots going up this way, down this
2 way, through this way, through this way, and whatever
3 direction, because we don't know, because they didn't check
4 it. Is that the pattern of a murder lying in wait or is
5 that the pattern of a scared 18 year old kid who's trying
6 to get away? And then the car's there. Okay? Everybody's
7 on the scene. The car is crashed into this house. The car
8 is sitting there and this -- this -- this intended
9 murderer, this bad guy intent on doing bad things with
10 another clip for that gun, doesn't go finish the job, he
11 runs away. And I suggest you Odell's state of mind and how
12 he was acting is not only supported by his intent to chase
13 these people, his intent at the barbershop to have a
14 confrontation with these people, is indicated just before
15 his very last breath. You heard testimony from the first
16 responder, the guy who was at the car. He said, you got a
17 guy who just crashed into a house. I don't know what his
18 injuries are. Could have a broke neck; he doesn't need to
19 move. I don't want him to move; I'm telling him to stay in
20 the car until EMS gets here. And he said, Odell wasn't
21 staying in that car; he was getting out; he was fighting
22 with him. You heard EMS even say he was combative with
23 him. This is an angry guy, and that's indicated by all of
24 his chase, a three-mile chase through downtown Chester
25 shooting at people.

1 Ladies and gentlemen, the simple fact of the
2 matter is, Odell Williams brought this controversy, and we
3 wouldn't be here today if Odell Williams had simply just
4 gone to Featherstone to go look at the shop to see if
5 anything was missing. If he'd have made the choice to pick
6 up that phone instead of that firearm, because he could've
7 called the cops. He could've still followed them if he'd
8 called the cops. And every cop will tell you, a car can't
9 outrun a radio. He didn't do that. He wanted to take
10 things into his own hands, and he did. And he did. Odell
11 Williams's choices are important, too, and he chose to turn
12 and follow this car, and he chose to chase this car, and he
13 chose to shoot this car. And Chris Moore chose to save his
14 life, and defend himself. If Odell doesn't follow this
15 car, Chris Moore's not standing on Roundtree in the yard
16 running, trying to get behind a car, because he's being
17 shot at. The trouble was not brought on by Chris Moore or
18 anybody in that car. It was brought by Odell Williams and
19 it was not here (sic) if he doesn't follow that car and
20 shoot at him. Chris Moore defended himself as we're all
21 entitled to do. It's as simple as that. Why are we here?
22 Who's at fault? Odell's why we're here. And that's a
23 difficult thing, ladies and gentlemen. I understand. I
24 certainly understand you've heard testimony and you -- I'm
25 asking you to put aside, as the law requires you to do I'd

1 say, put aside what the original intentions were, because
2 they don't matter. Once Odell turned onto York to follow
3 this car, that's where this case begins, not what the
4 State's going to come up here and tell you. That's when
5 this case began, because without that, there's nothing
6 more. It's over, and we're not sitting here.

7 I'm going to ask you to remember my story about
8 the sheriff coming up those steps and performing his duty,
9 even though he knew what was going to happen. And you're
10 not going to be going through a hail of gunfire, but you
11 might feel that way as you're sitting back there talking
12 about this. But I'm asking you to make sure the case is
13 fair to everyone. Self-defense does apply to Chris Moore.
14 If the system doesn't work for all of us, not just the
15 important people, it can't work for any of us. It's self-
16 defense, and the State cannot prove otherwise, and
17 therefore your verdict must be not guilty.

18 Thank you very much for your time and your
19 attention and your services.

20 MS. HALL - Thank you, Your Honor, Mr. Frick,
21 madam forelady, ladies and gentlemen of the jury. It's
22 been a long week and you've seen a lot of evidence. I
23 think we've entered almost a hundred exhibits and we've put
24 up about -- including the defense witnesses -- probably
25 about 35 people. You guys have paid really close attention

1 and um -- I don't at all envy Mr. Frick's position. I
2 respect what he's trying to do, but what he's doing is
3 blaming the victim. He's got a lying client and he's using
4 -- and the only choice he has is to blame the victim. And
5 I would submit to you that I'm not going to stand up here
6 and say that anything that they were doing over there,
7 robbing on Holmes Road is any way -- that sets the stage,
8 but that doesn't make him guilty of what he did to Odell
9 Williams. It does put the guns in his hand; it does -- if
10 you think about -- when Odell Williams comes up the street
11 and his wife, who he's told, call me up -- if somebody
12 comes to our house -- we've had shootings over here, we've
13 had stuff stolen -- come -- call me, I'm going to come,
14 please don't go over there by yourself, and that's exactly
15 what they did. They pulled out, they busted up whatever
16 was going on over there. And you heard some of the co-
17 defendants -- and Mr. Frick's going to fault the State for
18 bring co-defendant -- the only people who told the story to
19 tell you what happened. And, yes, you can believe all of
20 what they say; you can believe part of what they say, or
21 you can believe none of what that say, and that is
22 completely and solely your prerogative. But I would submit
23 to you they're riding the line, and Mr. Frick, he did
24 predict that we were going to say this and I -- it's true -
25 - they're riding the line. They're doing the best they can

1 to incriminate themselves as little as they possibly can,
2 and they're trying to take up for their friend at the same
3 time. And I submit to you that Chris Moore is their
4 friend. You don't go jump in trucks with bunches of guns
5 and go agree to do crazy things with people who are not
6 friends that you trust. They had known each other for a
7 long time; they'd gone to school together, they -- some of
8 them had grown up together; some of them they'd known him
9 all his life. They're riding the line, but they're telling
10 pieces of the puzzle, which is what you guys are going to
11 have to do. At the end of this you're going to have to put
12 the puzzle together, and that's going to give you a clear
13 picture of what happened, and I hope that what you've heard
14 from (sic) all these exhibits and all the people who
15 testified, that those are the pieces of the puzzle that
16 you're going to be able to go back to the jury room and put
17 together and get a clear picture of what happened. And I
18 respect the fact that Mr. Frick doesn't refer to his notes,
19 but I would submit to you that I have to. We have the
20 burden of proof. That -- it's a -- it's big burden of
21 proof, beyond a reasonable doubt. Not only do we have to
22 prove malice aforethought, not only do we have to prove an
23 unlawful killing, but he's raised self-defense, so we've
24 got to disprove all four prongs of self-defense, which I am
25 completely confident that we are able to do, but I am going

1 to refer to my notes as we do this so I'll make sure that I
2 don't leave anything out.

3 There's several things that we do know and that
4 we can agree upon, the defense and the State. We do know
5 some things about the victim. We know he was alive after
6 he was shot; he was alive for a while after he was shot.
7 He got shot, drives a car into a house, waits for the
8 police to get there; he's alive then. Mr. Frick's going to
9 fault him for being combative because he's been shot in the
10 face and he's in a car and he's disoriented and he doesn't
11 know what to do. He's trying to get to safety, which at
12 that point in time was not that car. And you heard the EMT
13 testify, yeah, I have people, when they're in shock or
14 something traumatic has happened to them, trying to move
15 around -- he wasn't fighting with them. I would submit to
16 you that never came out. He was just trying to get away
17 from the place where the bad thing had happened to him. He
18 was a tough cookie. He wasn't drunk; he wasn't high. You
19 heard the pathologist testify about that. He'd been shot
20 through the face, through his jugular, through a facial
21 artery, and he was bleeding out as he was trying to get out
22 of the car and get to safety. You heard testimony from his
23 wife that they were married for -- I tried to do the math
24 on this and I would submit to you it's about 50 years. For
25 27 years they lived together; for 22 years they were

1 separated. That was a long time. He took care of his
2 family; he cut the grass; he did everything over there. He
3 had his shop over there, which is why he told her, if you
4 see anything weird, call me, I'm law enforcement. And I
5 would submit to you if you ever have been friends or
6 related to in any way a law enforcement officer, or even if
7 you just retired from some other profession after you've
8 been in it for 25 years, you don't just completely etch-a-
9 sketch your head and that goes away. That is engrained in
10 you, and that was what was engrained in Odell Williams. If
11 you've ever been friends with or related to a police
12 officer, I would submit to you that you would know that
13 they don't really ever divorce themselves from their guns,
14 and neither did Odell Williams. Cops carry guns to protect
15 themselves. You also heard testimony that he was in Chest
16 -- that he was a city councilman, and he -- and I would
17 submit to you that that's true. That's something else we
18 can agree on. He had a concrete business on the side
19 during -- at least a portion of the time he was a law
20 enforcement officer, and once that -- once he retired from
21 law enforcement, that became a full-time business, and his
22 shop was right there on Featherstone Road right next to the
23 house where his wife was still living. You heard testimony
24 that was where -- that was where she lived. This is where
25 they had gone. They had gone -- and you can see it clearly

1 on this map. A couple of the co-defendants pointed to it.
2 There's a power line or some sort of tree-less area with a
3 field. They'd gone to sit and lie in wait for these people
4 to come home so that they could ambush them, is basically
5 what they were doing. They were armed to the gills; they
6 had extra clips; they had extra magazines; all their guns
7 were loaded to the gills, and they were going to sit there
8 and wait for these people to come home so they could
9 collect their money. Well, how -- do you think you might
10 have to use force to collect your money? Well, we're
11 willing to do that; we're going to point some guns at them,
12 and we'll have to do whatever we have to do. So they're
13 sitting in the field, they're waiting, and then what
14 happens is -- and their car -- right about here, -- this
15 was the place where Ms. Williams's house was; the shop was
16 right next to it. She pulls out of her driveway heading to
17 the Walmart and passes the truck. They see the headlights;
18 they get spooked. They don't just decide after 10 or 15,
19 minutes sitting there, after all this preparation they've
20 done to go sit and wait to collect thousands of dollars
21 that were owed to them, they don't just say, oh, we've been
22 here 10 minutes, gosh, it's really been a long time, let me
23 just go hop back in the car. They got spooked. They got
24 scared. They got scared that they were going to get
25 busted, not just with all this stuff that they had in the

1 car, they got scared that they were going to get busted for
2 doing what they were doing. Odell Williams comes up -- and
3 just for a minute try to think he might've thought. He
4 pulls in; he's familiar -- no -- never seen this truck
5 before. No. You heard testimony from his wife, nobody had
6 ever seen this truck before, and I would submit to you,
7 that shows again, they borrowed this truck simply to mask
8 who they were so that they could go over here and get this
9 done without being detected, but they got caught. He
10 drives up -- yeah, there's a truck. We've had things
11 stolen; we've had shootings. And I would submit to you, if
12 they had stolen stuff from his shop, it very well may have
13 been in the back of that truck, so he turns around on them,
14 and we all agreed to that, too. We also agree -- and you
15 heard testimony from Terrance Buchanan -- his grandmother
16 lived on this very road. He knew Odell; he knew the family
17 that lived at this house; he recognized Lana's car. And I
18 would submit to you at that point he knew that that was a
19 law -- that a law enforcement officer owned that house and
20 he was even more spooked by that fact, so he says, hey,
21 y'all we got to get out of here, and that was the reason
22 that they left. So the family does exactly what Odell had
23 told them to do, call me up, let me come over there and see
24 what's going on, so that's what he does. And he turns
25 around on them; we agree about that. We also agree that --

1 and I would submit this is just reasonable common sense --
2 if you're trying to get somebody to stop when you're behind
3 them, what do you do? You flash your lights. And that's
4 what he was doing; he was flashing his lights, trying to
5 get them to stop so he could talk to them, so he could see
6 what was going on. I would submit he didn't need to call
7 911 at that point. Mr. Frick will -- has submitted that he
8 needed to call 911, that there was a -- something -- he
9 just wanted to know what was up, and they did stop; they
10 did stop. But at the point -- and I would submit they
11 stopped so they could get away from him. They stopped the
12 car -- they never -- he gets out of the car, nobody sees
13 him with a gun, he starts back over towards them, and I
14 also would submit that when they stopped in the middle of
15 the road, they were hoping that he would just drive up to
16 the side of their car, and Derrick Dixon rolls the window
17 down on the left-hand side. He -- they were hoping he
18 would just pull up so they could talk to him, hoping that
19 he would never get out of his car so that he could look
20 inside and have them risk him seeing this, because that's
21 the only thing that truly could not be hidden in that car.
22 Now, all those handguns they had, they could've hidden
23 those, but they couldn't hide this, so he gets out and it's
24 like, oh, no, and they have to speed away to try to keep
25 him from actually seeing it. We know the route they took.

1 Mr. Frick made a big deal out of this, so I want to talk
2 about it for just a minute. Nobody -- and you heard Burly
3 McDaniel, the investigator from Chester, testify from here
4 to here to here to here, all the way around there, it's 3.3
5 miles I think is what he said, and I wrote it down right
6 here. And then he said from Featherstone to Brawley, which
7 by all accounts is where they realized they were being
8 chased, from Featherstone to Brawley. They never really
9 realized that they were being followed until they got to
10 about right there or being -- what they termed as chased.
11 And that -- from Featherstone to Brawley's 1.2 miles, so if
12 you think about it, that leaves 2.1 miles for them to
13 realize -- and they'd already passed Roundtree Circle at
14 this point. This was about where -- you know, why didn't
15 you just go there then? Well, because we were already past
16 it. So if you think about it, this is only 2.1 miles and
17 I'll -- how long does it really take -- at the speeds that
18 everybody testified they were going on these little tiny
19 streets, how long does it really take to go 2.1 miles?
20 This happened fast. So they get down to the corner -- this
21 is where they turned onto -- onto Brawley Street, they get
22 to Saluda, come on down, stop on McClure, this -- where the
23 barbershop is -- this is where they stopped, so they take
24 off again. Odell gets back in his car. Someone in here on
25 Patrick Street -- and I would submit that Mr. Frick wants

1 you to be -- this is important. This is absolutely
2 important. We get down in here, and you hear from Ms.
3 Jennifer Lowery who lived at [REDACTED] right there
4 on the map, she says, I saw some -- I heard some tires
5 squealing -- I would submit that's from the barbershop --
6 and she get -- and then I see some cars whizzing by my
7 house and somewhere probably in here somebody fires a gun.
8 And, yeah, there are two spent shell casings in here, and
9 we agree about that, but we got to figure out where these
10 came from. Somewhere in here somebody fires a gun. You
11 saw the video, Richard Gray came up -- he'd had issues at
12 his house before, so he had put up a video camera so that -
13 and Detective Reynolds goes by and picks that up -- and you
14 can see them going by in that video. And granted, they're
15 going around a corner, but I would submit they're going
16 pretty slow at that point, so they get to right about here,
17 which is where Kira Bagley lived. And she came and she
18 testified and she said she had heard some gunshots behind
19 her, and both of these people -- I mean did you call 911
20 when you heard gunshots? Well, no it happens all the time.
21 It's not really an uncommon occurrence. So they turned,
22 they go past Kira Bagley's house. She said at this point
23 they'd gotten back up to speed and their car was going --
24 cars were going so fast that they shook -- that it shook
25 hers. Get to Saluda, come back around -- at this point in

1 time they'd made a plan. And I want to talk to you again
2 about that middle part that Mr. Frick said that the State
3 was going to -- I mean there's so many different versions
4 of what actually happened. Jennifer Lowery says, well, I
5 heard two or three shots. Kira Bagley, well, I heard
6 several shots. Terrance Buchanan, well, it was two or
7 three. Derrick Dixon, two or three and I saw a flash flame
8 coming from a car. D'Angela Roseboro, at least two. Well
9 maybe, just maybe, Odell Williams did shoot over there.
10 Maybe, just maybe, somebody shot back at him. Maybe, just
11 maybe, somebody else in the car shot. There were no shell
12 casings found anywhere over here. And you've heard
13 testimony about -- we've got two of the guns that they had
14 in the car; Terrance Buchanan's guns were recovered.
15 There's still three hanging out there somewhere. You heard
16 testimony that D'Angelo Roseboro had a .45, and he says,
17 after SLED went back and talked to him again, he admits --
18 and we knew -- I mean this is clear. Jason, Binnall, this
19 was not on my car when I gave it to him. You heard Melinda
20 Worley say it -- she's a crime scene analyst -- or -- she --
21 -- you know, collects evidence. She's a crime scene --
22 that's who -- that's all she does for a living, every
23 single day. This was a bullet defect. And the State's not
24 trying to make some smoke cloud, which way was it going.
25 We don't need to do that. D'Angelo Roseboro said, I leaned

1 over, shot out of the back of the car on the side where the
2 bullet defect is, and I would submit to you it hit there.
3 So he's got a .45; you hear Dixon say, oh, yeah, I had a
4 .40 but it was an automatic. And you hear testimony about
5 Quinton McClinton's gun. He had a .40 caliber gun. Some
6 people say he did; some people say they didn't know what it
7 was, but nobody can say if it was revolver or a handgun.
8 Perhaps, just perhaps, he shot over here and his bullet
9 didn't fall out. Perhaps they just didn't find the shell
10 casing, and that's something that you guys are going to
11 have to think about when you go back in the jury room and
12 talk about. And again, we know at some point that Roseboro
13 shot from the back of the truck, and you heard testimony
14 from Roseboro, he says, yeah, I did it, but he said Derrick
15 Dixon tried to do it first, but his gun wouldn't go off,
16 and then Roseboro -- but Dixon won't say he did it, but he
17 -- but he changes the positions of the people in the car.
18 You know, these are things that you're going to have to
19 flush through, so when I say they're riding the line,
20 that's what I'm talking about. Trying to -- riding the
21 line just enough to tell the story without completely
22 putting themselves in trouble or throwing anybody else
23 under the bus. And you heard testimony from two cops, both
24 of whom did go back to this area, and they tried -- they
25 tried at night with flashlights walking up and down the

1 street; nobody saw any shell casings; that Lee Blackmon
2 went back there the next day and used the metal detector in
3 the daylight and still he couldn't find anything, but it's
4 not for lack of trying and -- but they felt that was
5 important, and they investigated that area. And then Mr.
6 Frick wants to talk about these -- you know, Vance Drive
7 and then there's a .40 there, and then he comes up with
8 some theory about how Odell -- I would submit to you, if
9 Odell Williams had another gun in his car, we probably
10 would've found it. He was, I mean, basically dead by the
11 time they got there. There's nothing else he could've done
12 with it. I mean it would've been in the car. They
13 certainly looked all over the place. Mr. Frick's theory is
14 he got rid of it somehow. I would submit to you that is
15 just absolutely ludicrous and unbelievable. If he had had
16 another gun or had something else, it would've been in the
17 car. And you also heard from Maurice James. I mean
18 there's shootings over there all the time, too. Maybe that
19 was something that was left over, the shell casing in the
20 yard. Maybe that was something -- they felt that those --
21 they collected them, but they -- you've heard testimony
22 from Melinda Worley, we felt this was unrelated to the
23 situation. And Mr. Frick was right when he said, yeah,
24 when we get right here -- this is the important part. This
25 is where they turned left on Roundtree Circle, and this is

1 where everything hits the fan. And I want to talk about
2 the things we know again first. We know the defendant
3 opened the door; we know he got out of the truck with the
4 big gun; we know he exited on the right passenger's side.
5 Let me get the bigger map now, because I think this is a
6 little clearer. He's coming up the street, rolls out.
7 Yes, that you saw marker h and i -- hits the ground, gun
8 goes off. The significant thing about that is he didn't
9 have the safety on. If he'd had the safety on, the gun
10 wouldn't have gone off. Mr. Maxwell asked him when he was
11 cross examining him, what was that mean, if you have the
12 safety off, what do you -- what does that mean? You ready
13 to shoot. And I would submit to you, he was ready to shoot
14 that gun when he rolled out of that car. He didn't intend
15 to roll. He was trying to get out of a moving car and
16 surprise, surprise, he fell down. And thankfully when he
17 did he cut his finger, and he comes up and -- and I'm going
18 to touch on this again in a little while -- but he comes up
19 with this -- I don't even know how -- other way to classify
20 it, but just ridiculous lie. When he's talking to
21 Detective Reynolds at the sheriff's department he's like --
22 and it's elaborate -- yeah, we've got a chimney in our
23 house and me and my brother we were wrestling, and I cut my
24 finger, and that's how I got this cut on my hand. Not
25 true. He got this cut on his hand when he fell out of the

1 truck or when he got out of the truck with the big gun and
2 fell down. And I would submit to you -- and I don't know
3 if the Judge is going to send this back with you --
4 sometimes they do; sometimes they don't without -- this
5 thing's heavy and I -- and I'll concede, Chris Moore's a
6 big guy, but that's also a very big gun, a heavy gun. So
7 he gets out, falls down, the gun goes off, you got the
8 casing in the -- in the roadway, you got a projectile in
9 the roadway, we don't really know if the projectile came
10 from this or from the action that was going on over here,
11 but nonetheless there's a projectile in the roadway. And
12 this is -- the other things that we agree about is that we
13 -- we know the rifle went off; we know the Cadillac
14 eventually at some point -- that's a little bit confusing -
15 - comes around -- and I'm going to touch on that again --
16 comes around the corner, stops somewhere back here, because
17 his radiator's hit, his car is hit and radiator fluid's
18 draining all over the - all over the roadway-. And we know
19 that happens, and then we know that he at some point guns
20 it, and there's tire tracks and he takes out a mailbox on
21 the way to hitting that house, which is where he finally
22 came to rest. We know he was alive at this point, and we
23 also know he was shot at this point. We know that he died
24 from a gunshot wound. We know that there's a projectile in
25 the car that has his DNA on it. It's consistent -- is it

1 consistent that that projectile's consistent with that
2 rifle? And we have reason to believe that that is possibly
3 the projectile that killed him. It was a through and
4 through shot; you heard from the pathologist nothing was
5 ever collected autopsy (sic) with regard to the bullet that
6 went through his head. You also heard testimony from Dan
7 Defreese that every single one of these 18 casings in this
8 yard were fired by that gun. Found two of them in the
9 ditch over there and you found -- and then there were two
10 that were -- just they showed things that it had actually
11 hit the ditch but you couldn't find anything in there.
12 Now, you're going to have all this stuff back in the jury
13 room, all, close to hundred pieces of it, all the pictures.
14 You'll have access and be able to look at all this stuff.
15 While I'm looking for this I'm going to tell you -- and you
16 have access to the videos that were shown, the audio-tapes
17 that were shown. This picture I think is significant,
18 because if you look at that ditch, that's where the ditch -
19 - where the projectiles were found. If you look -- this is
20 a more real pictured -- you can get an idea of it on that
21 map, but this shows you all the projectiles in the ditch
22 and all of this (sic) casings that were found out there.
23 And we know they all came from that gun. We also know that
24 at least six of them hit the car. We know that Maurice
25 James hears shots. She's in her house around about right

1 in here. House is about right back there. There's the
2 driveway. She's in her house. She hears shots again,
3 says, well, it's not an uncommon occurrence unfortunately,
4 comes to her window and she looks out and she sees a Yukon
5 coming around the corner. And you heard testimony from
6 Rafaell Jackson; he didn't want to be here; Cornell Johnson
7 didn't want to be here. I would submit to you a lot of the
8 State's witnesses didn't want to be here, but they had
9 information that I would submit is helpful to understand
10 what happened that night. Comes around the corner, stops
11 his car, Moore is flagging him down, help me, help me, I
12 got to get out of here, has got this big gun in his hand;
13 Rafaell Jackson is like, ooh, no, I'm not picking you up.
14 And he comes over from over here, because he's got the
15 blood on the left side of the car -- I mean on the
16 passenger's side of the car which would be the right side
17 of the car, on the back passenger door. And you heard
18 Cornell Johnson saying he's trying to get in, he touched
19 the car, and Rafaell said, nope, and he drove -- drives
20 off, because he lives around in here and he's trying to get
21 home. So we know that's the defendant's blood on the car.
22 We also know where the items of evidence were found, so we
23 can kind of (sic) that -- through that track the patch of
24 where the defendant went, and I had the SLED agent who was
25 testifying mark some of that stuff on here. And I would

1 submit to you what happens at some point is the defendant
2 runs. After he says, oh, Rafael Jackson's not going to
3 let me in his car, so now I got to come up with another
4 plan, he runs, back in here. And you heard testimony from
5 all those guys, they know this area, this is why they went
6 there, so that they could jump out and run away. He runs
7 back in here, he goes over here. He knew there were dogs
8 over in there, so I would submit that he's actually been
9 over here before. If he knows there are dogs, he knows
10 what to be aware of over in here. He goes to the shed; he
11 hides his gun, and he hides the magazine that Mr. Frick
12 would have you believe -- and I know he probably
13 accidentally misstated it -- the magazine with the 28
14 casings left in it, or the cart -- the bullets left in it --
15 you know, that's in here with this gun. This is what he
16 had left. And he says, oh, wait, I forgot, I got this one
17 in my pocket, let me ditch that, too. Okay, so we ditch
18 that over here, and that's where he runs into Terrance
19 Buchanan who's ditching his guns, because they got little
20 hiding spots on Roundtree Circle; that's where they hide
21 their stuff. Apparently, they had the same hiding spot.
22 He emptied this one on Odell Williams. You heard Dan
23 Defreese, this one fits that gun, he just stuck this one in
24 the gun, put the other one in the pocket and kept running.
25 And he said -- and just going back to how -- and I would

1. submit ludicrous his testimony was -- I didn't want to get
2. out with that gun and run. That's exactly what he did. He
3. got out -- I'd submit if he didn't want to get out with the
4. gun and run -- when he fell, maybe he shouldn't have
5. stopped and picked it up. He gets out with the gun and
6. runs. He said I didn't want to get out with the gun; I was
7. trying to throw in the ditch, whoops, I got -- fell out of
8. the car, and then I just had to do what I had to do. He
9. didn't intend to ditch the gun. If he'd intended to ditch
10. the gun -- Mr. Maxwell cross examine him about that --
11. throw it out the window, throw it out the window on
12. Parkway, throw it out the window anywhere. Don't open the
13. car door, just toss it. It fits through the window. But
14. he don't want to lose it; he liked it. Throws this empty
15. magazine under the bush -- I mean under the shed -- I mean
16. under the bush -- I'm sorry -- and the one that's already
17. in the gun that's loaded, he's got to -- he keeps that with
18. the gun. So now he's taken care of all of his --
19. everything he's got on him in terms of guns and ammunition.
20. But I think it is significant that there's two spent shell
21. casings out of that magazine that's loaded in that gun when
22. he sticks them under the shed. Shows that he -- he had --
23. he reloaded and he shot twice more. And they found 18
24. cartridge casings. That doesn't mean they found them all.
25. Maybe there were more, but 18's a lot. And you heard Dan

1 Defreese say two. I'm going to come back to this at some
2 point. It's not an automatic weapon. Automatic weapon,
3 you pull the trigger one time (indicating) -- he had to
4 deliberately -- every time he shot this thing he had to
5 pull the trigger. (Indicating) And let's do it 18 times,
6 one, two, three, four (indicating) -- it's a lot. Frick
7 would have you believe, yeah, he was doing that while he
8 was running away. I'm going to come back to that point. I
9 disagree. We also know there were three guns we didn't
10 find, the .40, the .45 and the other .40. And this is
11 where we get to the puzzle pieces. This is the stuff that
12 maybe we don't agree on. And this is where you guys have
13 to use your common sense, your life experience and your
14 reasonableness. This is what you were chosen to do. And
15 this is where we have to weigh credibility of witnesses;
16 you have to decide whether you're going to take all, some
17 or none of their testimony, and you have to take
18 circumstantial evidence and piece it together and make it
19 make sense. You hear differing testimony about what
20 happened when Moore got out of the car. What everybody
21 does say is, yeah, he -- and he tells you himself the
22 safety was off. And I would submit to you he intends to
23 get out. Terrance Buchanan says he said, let me out.
24 Derrick Dixon said, I'm about to get out. D'Angelo
25 Roseboro says, f this, let me out. Then when Terrance

1 Buchanan meets back up with them, he says, he's acting
2 paranoid and unusual, and he tells him, and again they're
3 right about here where they were ditching stuff, and he
4 says, I think I shot that man. Well, you think? You think
5 you shot him after you unloaded that gun 18 times in the
6 direction of his vehicle? This again is where Mr. Frick
7 wants to blame the victim. And I want to show you -- let
8 me get his stuff out of the way -- the windshield of that
9 car. And I submit to you in that pool of radiator fluid,
10 pooled up, that's why he stopped; he couldn't see where he
11 was going, because he was at least being fired upon. And
12 these were apparently people of little words, and I would
13 submit that that's not believable either. When you're in a
14 car with all the activity that was going on in that truck
15 while they were being pursued and followed -- nobody said
16 anything --- nobody said anything about ditching - and I --
17 I'll -- Chris Moore will tell you, nobody said anything
18 about ditching guns. Nobody said anything about being
19 scared of getting hurt. The only thing that they were
20 scared of was getting caught. And the only thing that's
21 reasonable to believe -- because there's some discrepancy -
22 - they all say, by the time we -- he -- he gets out of the
23 car -- by the time we -- we're over here before we ever
24 hear him start shooting. And I'll tell you the State's
25 theory of what happened. Chris Moore gets out of the car

1 with the safety off with the big gun intending to kill
2 Odell Williams. Malice aforethought is one of the elements
3 that's required, unlawful killing or killing with malice
4 aforethought, without unjustifiable excuse being self-
5 defense. That's the only thing that he's got to say to
6 justify having guns or the only thing he's come up with.
7 This is where malice is formed, let me out, I'm going to
8 get out, I'm going to get out with this big gun with the
9 safety off, and I'm going to go deal with this, because I'm
10 taking up for my people, I don't want us to get caught.
11 And I'm going to submit, if they're willing to go over to
12 Holmes Road with guns to collect money, they -- that's an
13 indication that they were willing to take care of the
14 business over there, because Chris Moore was willing to
15 take care of business over here. He's willing to do
16 whatever he can to keep from getting caught. He's on
17 probation; he's not supposed to have a gun, and he doesn't
18 want to get caught; he doesn't want to get caught by the
19 police, and Odell was a police. He doesn't want to get --
20 the police to get called and, you know -- first of all,
21 blame Odell Williams for not calling the police. I already
22 stated that he wasn't trying to get anybody in trouble; he
23 was just trying to figure out what was going on. By the
24 time it was time to possibly call 911, there had been this
25 drive around, turn around, drive around and you see from

1 the photographs where his phone ends up. I'd submit that
2 while he's driving his car he can't get to that phone. I
3 would also submit to you that while he's driving a car, he
4 can't reload a revolver. Mr. Frick tries to make this seem
5 simple. There are revolvers that have little -- little
6 buttons on the side that you can open with. This one's a
7 pin, you have to pull it, you have to open it. Yeah, you
8 can pop them out. That's not a problem, but trying to
9 drive the way they were driving and individually stick
10 bullets in this gun, I would submit to you that's close to
11 and probably is impossible. So he rolls out of the car,
12 got -- stops, picks up the big gun, and some of the co-
13 defendants say, yeah, we saw him -- I saw him get up -- he
14 was standing on the side of the road last time I saw him
15 when we rounded the corner. They never say anything about
16 the guy coming around the corner. He gets out -- and this
17 is important because part of self-defense is a duty to
18 retreat. If there's any way possible you can get away from
19 the danger, you got to take it, take that out. This is
20 where knew. He knew about dogs; he knew about hiding
21 spots; he knew about all kinds of stuff back up in here.
22 All he had to do was run. He chose not to do that. He
23 chose to wait, to wait on Odell Williams to come around the
24 corner, to open fire on the front of his car, which
25 shattered his windshield and put a hole in his radiator.

1 And once this happens, Odell Williams stops, because he
2 can't see, and maybe at this point was hit; maybe he
3 wasn't; I don't know. And I would submit to you, too,
4 Odell Williams is right-handed, and you heard Dan Defreese
5 talk about this gun. It's not easy to just pull the
6 trigger. (Indicating) It's hard to cock it, but it's also
7 kind of -- if you don't cock it, it's difficult to pull the
8 trigger. He said that. It takes a substantial amount of
9 weight. You heard his wife say he's right-handed. They're
10 going to have you believe is that somehow while he's
11 driving all around doing all this, he's firing out of the
12 car with his left hand or driving and reaching over with
13 his right hand and firing out of the car and then re-
14 loading while he's -- I don't know what he would be driving
15 with at that point -- just unbelievable. So Chris Moore
16 gets out; he's got the big gun; Odell comes around the
17 corner; he bust up his windshield; Odell stops here. It's
18 convenient for Chris Moore to say, which doesn't make any
19 sense, because he got out on this side of the car, he was
20 going to run away down to Vance Street, which was in the
21 direction of where the Cadillac was coming from, which
22 makes no sense at all, and then, oh, wait, I forgot my
23 phone. You know, there's cops all over, now there's
24 sirens, because I mean you heard Maurice James say there
25 was sirens almost immediately. Let me run back and get my

1 phone, I forgot it. This is not -- this is consistent with
2 somebody standing in the yard and doing this (indicating)
3 18 times or going like this (indicating) and the -- the
4 bullets -- or cartridge, they're going to come out the side
5 of this gun. He's standing in the middle of the yard and
6 he's running across the street right here. He's shooting
7 as he's running. The Cadillac's coming in, he stands over
8 here and waits for him, pow, pow, pow, pow and then he
9 comes -- or however many times he did it -- and then he
10 comes over here and he keeps -- he continues to do what
11 he'd already set out to do, and that's where those 18 shell
12 casings come from, and the pattern dictates that. It's not
13 a pattern of somebody trying to run away, because if he was
14 -- that's what makes sense. That's what's reasonable. So
15 then he runs. He does what he does. Now he knows the
16 Cadillac's incapacitated. He's done what he's set out to
17 do, and now he runs away to hide, which I would submit is
18 what he should've done in the first place. He was really,
19 truly scared, he has a duty to retreat. If you find beyond
20 a reasonable doubt that he didn't retreat, didn't try to
21 retreat when he had an opportunity to, you cannot find
22 self-defense. It's got to be all four. Without fault in
23 bringing on the difficulty -- I would submit to you he was
24 at fault in bringing on the difficulty; he trespassed. He
25 trespassed on Odell's property. I'm not saying he brought

1 on the difficulty by trying to go over here and -- the
2 moment that he gets caught, they get caught and they're
3 busted and they come back and their car is parked there and
4 they're at fault in bringing on the difficulty. That
5 knocks self-defense out, too. Then you got to say, well,
6 that's the first prong. Then you've got the fourth prong,
7 is you had a duty to retreat and you didn't take it. I've
8 already covered that. You have to be in reasonable fear of
9 imminent bodily harm or death. Reasonable person standard.
10 The defendant was in fear and that a reason -- those are
11 the two and three. Defendant was in fear and a reasonable
12 person would've felt the same way. And I would submit to
13 you that is not reasonable. He's in the safety of a truck;
14 he makes a decision that he articulates to the people in
15 the truck, I'm going to get out, I'm going to get out now.
16 That's not reasonable to put yourself -- that was another
17 form of retreat that he had available to him if he was
18 truly scared; I would submit he wasn't at all. And you
19 don't have to form malice in the truck. He can form malice
20 the moment he pulls the trigger the first time.
21 (Indicating) It can be simultaneously with the act that
22 brings upon the fatality. That's all it takes. So once
23 he's done what he's got to do, what he wanted to do, he
24 runs back across the street. He's attempting to get away
25 to go and ditch this stuff and he sees Rafaell Jackson, he

1 said, oh, goodness, there's a good -- I've got an idea, I'm
2 going to try to get away from him, and Rafaell says, nope,
3 I'm out of here, he leaves him. And Maurice James --- Mr.
4 Frick talks about pop, pop and pow, pow, pow and all that -
5 the different sounds, and I would submit that is consistent
6 with -- she lives over here. If she hears something
7 smaller as -- and it moves toward her and gets louder,
8 that's consistent with this being the only gun that's
9 fired. The other theory that I would pose to you, is that
10 once Odell Williams gets to right here and he's stopped and
11 his radiator -- and, you know, how did -- he -- I would
12 submit that when he started taking on fire right here
13 sitting his car, he turns his head, because, you know,
14 that's what you do, you flinch when something like that
15 happens, maybe he was shot at that point, maybe not. Maybe
16 he's sitting in his car taking on fire and he does what a
17 cop would do when fired upon. He turns around, he takes
18 this gun in both his hands -- GSR on both your hands for
19 gunshot residue, you heard Whitney Berry testified about --
20 he holds it like a cop would hold it, he turns around as
21 best he can inside the car and he opens fire, shot - shoots
22 twice, drops his gun because he's been shot, and that's
23 where it ends up. And the State's not going to try to
24 hoodoo you and say, no, he didn't shoot. I would submit,
25 yeah, he did shoot, he's got gunshot residue on his hands

1 and he's got two spent shell casings; he shot. If you
2 believe that he shot over here -- I submit to you again,
3 he's a cop. This doesn't make any sense, shooting -- the
4 only thing that he might've done is shoot (indicating) in
5 the air to try to get them to stop, but I submit doesn't
6 get gunshot resi -- that's not -- doesn't get it on you.
7 Gets it on one. I mean if you're trying to shoot out the
8 window like that and then go like on the other side, which
9 is again unreasonable. Drops his gun, he's hurt, mashes
10 the gas and ends up -- whether that was voluntary or not,
11 nobody knows but him and he's not here to tell us. He
12 mashes the gas and ends up over on that house. And the
13 possibility of him -- the probability of him shooting over
14 there is very good because, as we know, he was still alive
15 once the paramedics got there. And, again, Frick wants to
16 blame the victim. He passed cops, he shouldn't follow,
17 he's shot, he got out of the car, he was fighting with --
18 he wasn't fighting with the EMS, he was just trying to get
19 to a safe point. He could've called, why didn't he, well,
20 he's not here to tell us that either. And this is the
21 other thing that it was -- while Frick was talking -- I
22 mean whose to say -- Odell Williams was trying to find out
23 what was going on. Who's to say if he had dialed 911 that
24 it wouldn't be a cop that got shot over there. They were
25 trying to elude capture. That's -- that was their main

1 goal. And then you have the statements that he makes after
2 all this happens, when he catches up with Buchanan, I think
3 I shot that man; I've already covered that. Do you think
4 he shot him -- he shot at him at least 18 times, probably
5 hit him and he crashed into a house. So they -- they run.
6 Terrance Buchanan takes off and he runs to Rosa's house.
7 Who's to say this wasn't part of the plan that they just
8 read each other's mind about, because you heard him say,
9 when you hang out with these people long enough, you start
10 to -- we all start to think alike. I submit to you there
11 was actually a plan that was articulated within that car
12 before they ever got out of it. They go to Rosa's house.
13 And Lashonda Wray marked that on this map. Right here. So
14 they come off of here, about -- that's 520 Fieldcrest, 622
15 Parkway where the evidence was found. They come off of
16 there, they goes there (sic), then they call for a ride.
17 The ride takes them over to Derrick Dixon's house. Then --
18 I mean regardless -- who cares if Moore called or Derrick
19 Dixon called -- somebody called for a ride. We know he
20 gets in the car, because he's got -- and it's interesting,
21 they all end up getting in the same places that they always
22 -- I mean it's almost like they've got assigned seating in
23 these cars. And so he sits on the side -- behind the
24 passenger. His blood's in there, too; he's still bleeding.
25 Some people at this point he's got something over his hand.

1 They go back to Derrick Dixon's house, he goes back in the
2 back and he tells Dixon -- and this is important, so I want
3 to make sure I actually read it -- he tells Dixon, me and
4 that old man were shooting at each other, he shot back at
5 me. And I think that's very significant. That's what
6 Derrick Dixon said, is what he wrote in his statement. Me
7 and that old man were shooting at each other and he shot
8 back at me. And I would submit, too, that when he comes --
9 when Odell Williams comes around this corner, he's
10 blindsided, which again is sort of the M-O that went on
11 over here. You're going to lie there, sit here and ambush
12 him -- it's dark; he doesn't see Moore. And by the -- if
13 he does, by the time he's already -- it's because he's
14 firing at him and there's flames coming out or white coming
15 out of the gun or from that flashlight that Dan Defreese
16 talked about. And by the time he does see him, if he does
17 see him, he's so far into the turn, he can't turn back. If
18 he did see him and he wanted to hurt him, he would've tried
19 just to run over him; that would've been a lot simpler.
20 Frick talked about that. He stayed in the roadway. And
21 then he goes and ends up getting arrested. And Chris
22 Reynolds -- and this is, I think, speaks volumes. And,
23 again, you've got that video; if you happen to want to
24 watch the video again -- were he denies -- and I tried to
25 count it. It was about 35 times that he denies any

1 involvement in this, and yes, Chris Reynolds tries to get
2 him to save his face, saying, were you scared, I wasn't
3 scared, I'm not scared, I'm not scared. Maybe you didn't
4 mean to do it. I didn't have anything to do with it; I
5 wasn't there, nothing, nothing, nothing to do with it,
6 y'all are calling me a liar, I want to go back, I don't
7 want to talk to y'all anymore, I didn't have anything to do
8 -- I swear on my mama, I swear on my nephew, I swear on --
9 anybody he could think to swear on, he swore on. For 40
10 minutes he denied any involvement with any of this. And
11 they're sitting there telling him, we've got evidence
12 against you. Maybe he didn't believe them, but then once
13 he gets arrested for it and he gets an attorney and he
14 finds out what the evidence is, then he starts to try to
15 explain it away, which is what he sat right there and did
16 to y'all. It's just like he told Chris Reynolds, I'm not
17 going to B-S you man, if I -- I'd tell you what I did. I
18 submit to you that's exactly what he's doing, and he of all
19 people -- that's the person you've got to judge the
20 credibility of. He's the one whose got the most at stake.
21 We're seeking justice for Odell Williams and their family,
22 but it is too late for him. This -- he's the one -- he's
23 the one that's got the most at stake and the most reason to
24 repeat the pattern of behavior that he's already
25 established, the lying behavior and to try to take the

1 facts and meld them based on what he knows the co-
2 defendants have said, because he's got their statements,
3 and based on the evidence that he knows we have and the
4 police collected, and he's trying to weave a web, again, I
5 would submit of lies, and he's trying to sell it to you.
6 Don't buy it. Don't buy it. If he took the guns over to -
7 - over to Holmes Road to collect money and if he was
8 prepared to kill over the money, don't you think he'd be
9 prepared to kill over getting in trouble and going to jail.
10 He got out of that car; he postured himself in a position
11 and he opened fire when Odell Williams came around the
12 corner. That's what happened. He's a big man with a big
13 gun, and he was going to make sure he and his friends
14 didn't get into trouble for having an arsenal in the truck
15 and that they didn't get caught for what they were doing on
16 Holmes Road. That was his goal.

17 I want to talk about reasonable doubt real quick.
18 And His Honor is going to instruct you on all this stuff,
19 so, obviously, anything he says takes precedence over
20 anything I say. But I think it's important to touch on
21 some of the legal aspects of this situation. Murder is
22 defined as malice -- is killing with malice aforethought.
23 And malice is intentional killing of a person, knowing it
24 to be wrong, intending to do it without just legal excuse,
25 and what he's trying to say is self-defense, which if that

1 were believable, would constitute legal excuse. It doesn't
2 have to exist, malice, for any time before the act. It can
3 -- it can, but it doesn't have to. It can be conceded at
4 the very moment that the trigger is pulled and the fatal
5 blow is delivered, and I already talked about that a second
6 ago. It's an intent to kill without provocation or without
7 -- or any excuse. It's an intent to do serious bodily
8 harm.. It's conduct evident of a malignant heart conscious
9 of creating a very high risk of death, and I would submit
10 to you that's exactly what this was. That's going to
11 create a high risk of death, which is exactly what he
12 intended to do when he got out of the car. Maybe he
13 intended just to shoot up the car. It doesn't matter. If
14 he kills Odell Williams in the course of doing that or
15 kills anybody, even if he had killed Maurice James in her
16 house, that's still murder, because he intended it with
17 malice aforethought, he intended to shoot. And that was
18 conduct that shows that the defendant was conscious of
19 creating a very high risk of death.

20 Reasonable doubt. It's defined -- legally
21 defined as a doubt that would cause a reasonable person to
22 hesitate to act. And many charges that I've heard Judges
23 do before -- and I don't know what you're going to hear
24 later on -- but you can't know anything beyond a shadow of