

ORIGINAL

VOLUME I OF II

RECEIVED

MAY 19 2017

SC Court of Appeals

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Sumter County
George C. James, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RODNEY R. GREEN,

APPELLANT

APPELLATE CASE NO 2015-002443

RECORD ON APPEAL

SUSAN B. HACKETT
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

J. ROBERT BOLCHOZ
Chief Deputy Attorney General

DONALD J. ZELENKA
Deputy Attorney General

ALPHONSO SIMON, JR.
Assistant Attorney General
South Carolina Attorney General Office
P. O. Box 11549
Columbia, SC 29211-1549
(803) 734-6305

ERNEST A. FINNEY, III
Solicitor, Third Judicial Circuit
P.O. Box 836
Sumter, SC 29150-0836

ATTORNEYS FOR RESPONDENT

PAGES 1 - 500

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED NOVEMBER 9-11, 2015	1
OPENING STATEMENT BY MR. FINNEY	2
OPENING STATEMENT BY MR. JOHNSON	6
TESTIMONY	
TIFFANY LEWIS	
Direct examination by Mr. Finney	10
LAVITRA HARVIN	
Direct examination by Mr. Finney	13
Cross examination by Mr. Johnson	45
Redirect examination by Mr. Finney	52
Recross examination by Mr. Johnson	55
RAY'QUANN MONDELL JENKINS	
Direct examination by Mr. Finney	58
Cross examination by Mr. Johnson	95
Redirect examination by Mr. Finney	113
Recross examination by Mr. Johnson	115
STEVEN PIZZINO	
Direct examination by Mr. Finney	117
Cross examination by Mr. Johnson	127
Proffer cross examination by Mr. Johnson	129
Cross examination by Mr. Johnson continued	131
Redirect examination by Mr. Finney	136
Recross examination by Mr. Johnson	139
DEMETRICE BROOKS	
Direct examination by Mr. Finney	142
Cross examination by Mr. Johnson	172
AUNTACHIE BLANDING	
Direct examination by Mr. Finney	188
Cross examination by Mr. Johnson	210

DAVONTAE LAMAR BLANDING

Direct examination by Mr. Finney.....	216
Cross examination by Mr. Johnson.....	241

MYRON EUGENE CONYERS

Direct examination by Mr. Finney.....	247
Cross examination by Mr. Johnson.....	264
Redirect examination by Mr. Finney	275
Recross examination by Mr. Johnson.....	277

PATRICK WASHINGTON

Direct examination by Mr. Finney.....	278
Cross examination by Mr. Johnson.....	295
Redirect examination by Mr. Finney	309
Recross examination by Mr. Johnson.....	312

MISTY LEE

Direct examination by Mr. Finney.....	316
Cross examination by Mr. Johnson.....	330

MELISSA ADDISON

Direct examination by Mr. Finney.....	335
Cross examination by Mr. Johnson.....	352
Redirect examination by Mr. Finney	362
Recross examination by Mr. Johnson.....	364
Redirect examination by Mr. Finney	368
Recross examination by Mr. Johnson.....	369

MICHELE EICHENMILLER

Direct examination by Mr. Finney.....	372
Cross examination by Mr. Johnson.....	386
Redirect examination by Mr. Finney	394
Recross examination by Mr. Johnson.....	398
Redirect examination by Mr. Finney	402

WHITNEY BERRY

Direct examination by Mr. Finney.....	402
Cross examination by Mr. Johnson.....	418
Redirect examination by Mr. Finney	426

DERRON SOLOMAN

Direct examination by Mr. Finney.....	427
Cross examination by Mr. Johnson.....	439

MOTION REGARDING CHAIN OF CUSTODY	445

TESTIMONY

GREGORY HAWKINS (IN CAMERA)

Direct examination by Mr. Finney	454
Cross examination by Mr. Johnson.....	462

MOTION FOR MISTRIAL	469

TESTIMONY

DERRON SOLOMAN

Direct examination by Mr. Finney	475
Cross examination by Mr. Johnson.....	482

JANICE EDWARDS ROSS

Direct examination by Mr. Finney	487
Cross examination by Mr. Johnson.....	494
Redirect examination by Mr. Finney	496

ROBERT BURNISH

Direct examination by Mr. Finney	498
Cross examination by Mr. Johnson.....	508
Redirect examination by Mr. Finney	516
Recross examination by Mr. Johnson.....	517

GREGORY HAWKINS

Direct examination by Mr. Finney	519
Cross examination by Mr. Johnson.....	558
Redirect examination by Mr. Finney	577
Recross examination by Mr. Johnson.....	578

RENEWAL OF MOTION FOR A MISTRIAL	581

RULING BY THE COURT.....	583

MOTION FOR A DIRECTED VERDICT ON MURDER CHARGE	588

RULING BY THE COURT.....	591

MOTION FOR DIRECTED VERDICT ON ATTEMPTED MURDER CHARGE.....	593

RULING BY THE COURT.....	598

CHARGE CONFERENCE.....	604

CLOSING ARGUMENT BY MR. FINNEY	616

CLOSING ARGUMENT BY MR. JOHNSON.....	636
CHARGE ON THE LAW	649
JURY NOTE.....	677
JURY NOTE.....	680
RE-CHARGE ON MURDER.....	684
VERDICT	688
MOTION FOR A NEW TRIAL	690
RULING BY THE COURT.....	692
SENTENCING	696
STATE'S EXHIBIT #1 (GREEN'S STATEMENT)	697
STATE'S EXHIBIT #32 (HARVIN'S STATEMENT).....	700
STATE'S EXHIBIT #37 (PROPERTY VOUCHER).....	703
INDICTMENT.....	706
SENTENCE SHEETS	708
CERTIFICATE OF COUNSEL	712

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE'S EXHIBITS #20 - #22 (PHOTOGRAPHS)**

State of South Carolina)
)
County of Sumter)

The State of South Carolina,)
Plaintiffs)
 Transcript of Trial
 2014-GS-43-00524

vs.

Rodney Green,)
Defendant)
 November 9th-11th 2015
 Sumter, S.C.

Before the Honorable George C. James, Judge.

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

Mr. Ernest A. Finney, III,
Solicitor

Mr. Charlie Johnson,
Attorney for Defendant

Margaret T. Sullivan,
Court Reporter

1 will not happen. Because if they have rules on
2 television or in the movies, they certainly don't
3 follow them. And at least in South Carolina, that
4 is not how trials are conducted. The lawyers are
5 professionals and they certainly have been around
6 long enough to know how to conduct themselves
7 accordingly.

8 Any objections to those remarks from the
9 State?

10 MR. FINNEY: No, Your Honor.

11 THE COURT: Any from the defendant?

12 MR. JOHNSON: I have none, Your Honor.

13 THE COURT: Mr. Finney.

14 MR. FINNEY: My name is Chip Finney. And
15 I want to start my remarks this morning by saying,
16 good morning. And I want to start remarks by
17 thanking you for your service. The people that
18 you're going to hear from over the next 3 days are
19 very important to our system. You're going to hear
20 from police officers. You're going to hear from
21 evidence technicians. You are going to hear from
22 family members. You're going to hear from witnesses
23 who were at the Club Miami on March 16th 2014. It's
24 been about a year and a half.

25 You're going to hear from these people,

1 and they're not -- they're all trained. Some are
2 trained to do investigations. Some were just family
3 members celebrating a birthday. But they all want
4 to thank you, and they don't get to talk to you. So
5 I am going to do that for them. Your job as a jury is
6 the most important job that we have in our society,
7 because you get to decide the facts that we bring to
8 you. You don't have to have a law degree to do
9 that. You don't have to go to special school to do
10 that. All you have to do is use your common sense.
11 And you have to get together with people that you've
12 never met before this week and talk about it, and
13 weigh it, and come to a conclusion.

14 It's a beautiful process because it's very
15 simple, but it's very important. Tyrese Archie was
16 33-years-old. He was a husband. He was a father.
17 He was an uncle. He was a cousin. He was a man
18 enjoying his family at a nightclub called Club Miami
19 in Sumter County. He's not going to be here today
20 to talk to you. He's not going to be at home for
21 the second Thanksgiving with his family. And the
22 reason he's not is because Rodney Green took a
23 handgun in the parking lot of that club, and he
24 fired at Mr. Archie and he killed him, dead. And
25 then Mr. Rodney Green took that same handgun and

1 fired again, and hit another man named Mr. Jenkins,
2 shooting him in the leg, in the upper leg, causing
3 him serious injury for having to go to the hospital
4 for an extended period of time. And then he fired
5 that handgun again. He didn't hit anybody
6 thankfully this time, except he hit a car. He
7 knocked out the back window of the car and that's
8 where the bullet stuck in the glove -- the
9 dashboard. Three shots. This is not accidental.

10 Mr. Rodney Green is a very lucky man. No.
11 1, he is still here. His family gets to enjoy him.
12 No. 2, he's getting tried in the courts of the
13 United States, which gives him a lot of rights. He
14 has a right to an experienced and articulate lawyer.
15 He doesn't have to speak for himself. He has the
16 right to have an experienced investigator help put
17 his case together. He has the right to come into
18 this courtroom and stay here all week at that table
19 and not say a thing, because we have the burden of
20 proof. He doesn't have to say a thing. And doesn't
21 have to show you any documents or statements. He
22 doesn't have to do anything, but wait until the
23 judgment of the jury.

24 I promise you over the next 2 or 3 days,
25 the State of South Carolina is going to put before

1 you every piece of the puzzle so that you can see
2 clearly. When you go into that jury room; that the
3 State of South Carolina has properly and reasonably
4 charged that man, Mr. Rodney Green, with murder of
5 Tyrese Archie, of attempted murder of Ray'Quann
6 Jenkins. Of possession of a firearm during the
7 violent crime, because he shot the gun three times,
8 and tried to take out the life of two people, only
9 taking out the life of one. And a possession of a
10 stolen handgun. It will be clear at the end of this
11 case.

12 So what is Mr. Green going to do since he
13 doesn't have a burden. Well he might have a theory.
14 One theory might be self defense. We don't know,
15 because under the rules of court, he doesn't have to
16 tell us anything. We don't know what's going on
17 over there. And quite frankly, we're not concerned.
18 But you will hear stuff. Don't be swayed by
19 arguments that are over on the side. Listen to what
20 comes from those people that were there that night.
21 Listen to what comes from the evidence people who
22 gathered the evidence. No, we don't have the
23 bullets that went through the chest of Mr. Archie.
24 And we don't have the bullet that went through the
25 leg of Mr. Jenkins. We don't have those bullets.

1 Does that mean we don't have a good case.

2 At the end after you've heard everything,
3 your answer should be no. Because we've got
4 everything else that ties this case together. If I
5 had a theme for this case, it's not what you say,
6 it's what you do. Yes, this man has come into court
7 this week. His case has been called. We have been
8 waiting a year and a half to have this day in court.
9 And he has pled not guilty. That's what he says.
10 But what until you hear what he did on the night of
11 March 16th, when he shot that gun three times. When
12 he took the life of Mr. Archie, and almost took the
13 life of Mr. Jenkins. Then you will notice, it's not
14 what you say, it's what you do.

15 He says he's not guilty. The evidence
16 will show you that he is. Thank you.

17 THE COURT: Thank you, Mr. Finney. Mr.
18 Johnson.

19 MR. JOHNSON: Thank you, Your Honor. May
20 it please court, Ladies and gentlemen of the jury,
21 good morning. My name is Charlie Johnson, and I'm a
22 private attorney and my office is in Columbia.
23 Sitting at the table is Rodney Green my client. And
24 my investigator Mr. Amos Jones. I also would like
25 to thank you for being here today. You have a very

1 important job you have do. But, you're actually
2 going to have the opportunity to do something that
3 you very seldom are able to do in our day in
4 society. And you're going to have the opportunity
5 to do this in this case.

6 Now what that thing is, is it's going to
7 sound strange, but you actually get to think for
8 yourself. You know, there's no alarm clock to wake
9 you up. There's nobody at your job to tell you what
10 to do. There's no instruction booklet to go with
11 it. You actually get to use your mind and look at
12 the facts. And what's even better, each of you get
13 to decide by yourself, right from wrong. And
14 nobody, me, the judge, the solicitor or anybody in
15 this courtroom can say you are wrong. It's your
16 duty. Your separate decision.

17 Now together as a group, you have to come
18 to an agreement in order to find my client guilty,
19 because our law requires that. But you don't have
20 to be together to find my client innocent. Why?
21 Because the burden of proof is on the State. The
22 solicitor said my client would say he is innocent.
23 Well he has pled not guilty. Correct. But the law,
24 the law of our land, the constitution, says that as
25 he sits there right now, he is innocent. He

1 doesn't have to say he is innocent. That's the
2 reason we don't have to say anything. He is
3 innocent. They have to prove that he did something.
4 I submit to that you they cannot prove that. I was
5 going to give you a long list of things, but the
6 State just admitted it. There's a number of
7 problems in this case.

8 They have to prove and they my client
9 killed Mr. Archie. They have to prove that my
10 client shot the other individual in the leg. Now if
11 they can't prove that, they can be upset which they
12 should be about his death. They can be upset about
13 what happened. But that does not make my client
14 guilty of murder or attempted murder. It is just
15 that simple. After you look at the evidence, if the
16 State has not proven that my client was the
17 individual that shot Mr. Archie, or shot the other
18 individual in his leg, regardless of whatever my
19 client might have done or might not have done, he is
20 innocent. You don't have to like him. You don't
21 have to like where he's from. You may disagree with
22 some of the things he did or how he lives. But you
23 have taken an oath that that should not be the
24 reason that you find him guilty. You should only
25 find him guilty because you are sure beyond a

1 reasonable doubt, that my client was the person that
2 killed Mr. Archie and wounded the other individual.
3 Now short of that, the State hasn't proven their
4 point.

5 All I ask you to do is look at the
6 evidence, take your time, look at the evidence.
7 Think about this. This is very important. This is
8 not CSI where someone is going to come in. And it
9 is not Perry Mason where a person stands up and
10 admits that he does it half way through a trial.
11 That's not going to happen here. You are going to
12 have to make a decision. But you are a citizen.
13 You are a citizen of the United States of the State
14 of South Carolina, and the County of Sumter. You
15 decide what's fair. You decide who is telling the
16 truth. You are the triers of the facts. And you
17 should not do any less than you would want done for
18 yourself if were sitting in that same seat as my
19 client. That's all I ask you to do. Look at the
20 facts. Take your time. Do not prejudge. And use
21 your common sense has been mentioned, but also use
22 your brain. Use your brain. And do not let myself
23 or the solicitor tell you otherwise.

24 We are going to present facts to you. You
25 decide what the facts are and if they are true or

1 not true. And I submit to you that after you look
2 at all these facts, you will come to the same
3 conclusion that we have, and that is that my client
4 is not guilty. Thank you.

5 THE COURT: Thank you, Mr. Johnson. By
6 the way, Ladies and gentlemen, if anybody on the
7 jury does need to take a break at any given time,
8 don't hesitate to raise your hand. We'll probably
9 stop about quarter till 11 or 11. But if you need
10 to take a break before then, just raise your hand.
11 Mr. Finney, first witness.

12 MR. FINNEY: Thank Your Honor. Tiffany
13 Lewis.

14 Tiffany Lewis, being first duly
15 sworn, testified as follows:

16 THE CLERK: Please state your full name and
17 spell your last name for the record.

18 A. Tiffany Renee Lewis. L-E-W-I-S.

19 Direct Examination by Mr. Finney:

20 Q. Good morning, Ms. Lewis.

21 A. Good morning.

22 Q. Ms. Lewis, tell the Ladies and gentlemen
23 where you live?

24 A. In Sumter, South Carolina.

25 Q. And what do you do for living?

1 A. I'm a banker.

2 Q. Did you did know Tyrese Archie?

3 A. I did.

4 Q. How did know him?

5 A. I was his wife.

6 Q. For how long?

7 A. We were married for 7 years, and together
8 for 10.

9 Q. Did you all have children together?

10 A. We did.

11 Q. How many?

12 A. Three.

13 Q. I am going to show you what's been marked
14 as State's Exhibit No. 8, and ask if you can
15 identify that, please.

16 A. That's my husband Tyrese.

17 Q. Do you know when this picture was taken?

18 A. Not exactly, no.

19 Q. And do you know, I believe may have
20 mentioned this, but was 33-years-old at his death.
21 Is that accurate?

22 A. Yes.

23 THE COURT: Is 8 in without objection,
24 Mr. Johnson?

25 MR. JOHNSON: Yes, Your Honor.

1 MR. FINNEY: Permission to publish?

2 THE COURT: Yes, sir. No. 8 is in.

3 (Photo of Mr. Archie marked State's
4 Exhibit No. 8 into evidence.)

5 Q. Does it appear to you that he would have
6 been -- that that picture was taken close to the
7 time that he was killed?

8 A. Yes.

9 MR. FINNEY: I want to thank you for
10 coming. And answer any questions Mr. Johnson may
11 have.

12 THE COURT: Mr. Johnson.

13 MR. JOHNSON: I have no questions, Your
14 Honor.

15 THE COURT: Thank you, ma'am. You can you
16 step down.

17 Mr. FINNEY: Thank you, ma'am.

18 THE COURT: Mr. Finney.

19 MR. FINNEY: I would call Ms. Lavitra
20 Harvin. I want to introduce State's Exhibit No. 8.

21 THE COURT: It's in.

22 MR. FINNEY: It's in evidence, thank you.

23 THE COURT: Unless you all let me know
24 otherwise, I am going to consider all the other ones
25 that are on that rail for ID at this stage.

1 MR. FINNEY: That's fine, Your Honor.

2 Lavitra Harvin, being first duly
3 sworn, testified as follows:

4 THE CLERK: State your full name, and spell
5 your last name for the record.

6 A. Lavitra Harvin. H-A-R-V-I-N.

7 THE COURT: And how do you spell your
8 first name?

9 A. L-A-V-I-T-I-A.

10 Direct Examination by Mr. Finney:

11 Q. Ms. Harvin, I am going to need you to
12 speak up so the jury can hear you. Tell us where
13 you live.

14 A. In Asheville, North Carolina.

15 Q. And are you employed up there in
16 Asheville?

17 A. Yes.

18 Q. What do you do?

19 A. I'm a production worker, and I work at
20 Wal-Mart.

21 Q. And do you know Mr., the defendant here,
22 Mr. Green?

23 A. Yes.

24 Q. Rodney Green?

25 A. Yes.

Lavitra Harvin-Direct by Finney

1 Q. How long had you known him?

2 A. Since middle school.

3 Q. And would be fair to say all have had a
4 romantic relationship for a number of years?

5 A. Yes.

6 Q. Do you have children together?

7 A. Yes.

8 Q. How many?

9 A. Two.

10 Q. Were you and Rodney Green together on the
11 night March 16th 2014, at the Club Miami?

12 A. No.

13 Q. Where were you at?

14 A. I went to the Catchall Hall first.

15 Q. Ma'am, I need you to answer the questions
16 loud enough so the last gentleman on the jury can
17 hear you.

18 A. We went to the Catchall Hall first.

19 Q. And the Catchall Hall is a place where
20 there was a---

21 A. A party.

22 Q. A party. At the time that you went to the
23 party, what kind of party was it?

24 A. It was an all white party. Birthday
25 party.

Lavitra Harvin-Direct by Finney

1 Q. A birthday party. And did you attend with
2 Rodney and anyone else? Or just the two you went?

3 A. Just the two of us went.

4 Q. And did you know the people celebrating a
5 birthday?

6 A. Yes.

7 Q. At some point, did you leave the all white
8 party?

9 A. Yes.

10 Q. About what time?

11 A. About 1:45.

12 Q. And where did you go after you left the
13 all white party?

14 A. Club Miami.

15 Q. Had you been to Club Miami before?

16 A. Yes.

17 Q. When you went to Club Miami, who did you
18 go with?

19 A. Some girlfriends.

20 Q. And could you give us the names? Just
21 give us the first names.

22 A. Mia.

23 Q. One was named Mia.

24 A. Uh-huh. (Affirmative.)

25 Q. Was there any others?

Lavitra Harvin-Direct by Finney

1 A. I can't remember.

2 Q. There were some other, let me give you,
3 let me ask you this. Did you give a voluntary
4 statement to the police officers in this case after
5 the shooting of Mr. Archie?

6 A. Yes.

7 Q. I believe, I'm going to show what's been
8 marked as State's Exhibit 32. Would you look at
9 that document, please. It is 3 pages long. Do you
10 recognize that document?

11 A. Yes.

12 Q. Is that a statement that you gave to the
13 police officers shortly after the shooting?

14 A. Yes.

15 Q. Where were you when you gave the statement
16 to the police officers?

17 MR. JOHNSON: Your Honor, can we approach?

18 THE COURT: Yes.

19 (Whereupon, the attorneys approach and
20 confer with judge.)

21 Q. Did you give a -- that written statement
22 to law enforcement after the shooting?

23 A. Yes.

24 Q. Where were you when you gave the statement
25 to law enforcement?

Lavitra Harvin-Direct by Finney

1 A. The sheriff's department.

2 Q. Downtown Sumter.

3 A. North Main.

4 Q. North Main. And when you gave that
5 statement did they ask you to write it in your own
6 handwriting?

7 A. Yes.

8 Q. And did you -- is that your handwriting on
9 paper.

10 A. Uh-huh. (Affirmative.)

11 Q. Pardon me?

12 A. Yes.

13 Q. So you gave a handwritten statement to the
14 law enforcement officers that night telling them
15 what happened. And you said, do you see in that
16 statement the names of the girlfriends you said you
17 were with?

18 A. Uh-huh. (Affirmative.)

19 Q. Ma'am, you are going to have to say yes or
20 no.

21 A. Yes.

22 Q. And what were the names of the
23 girlfriends?

24 A. Faye and Mia.

25 Q. So the three of you all left the Catchall

Lavitra Harvin-Direct by Finney

1 party, and went to Club Miami. Is that right?

2 A. Yes.

3 Q. Tell the ladies and gentlemen once you got
4 to the Club Miami, you and your two other
5 girlfriends, what did you do?

6 A. We went and sat and went to the bar.

7 Q. Did you order drinks at the bar?

8 A. Yes.

9 Q. And what happened after that?

10 A. There was some fighting, and we went
11 outside.

12 Q. When the fight broke out, was it inside
13 the club or outside the club?

14 A. Inside.

15 Q. Did you know the people who were fighting?

16 A. No.

17 Q. And so why is it that you went outside?

18 A. Because they were fighting inside, so we
19 went outside.

20 Q. Were you told to leave the club, to clear
21 the club, or you just thought for your safety you
22 would go outside.

23 A. We were about to go.

24 Q. Pardon me?

25 A. We were about to leave.

Lavitra Harvin-Direct by Finney

1 Q. You were about to leave?

2 THE COURT: So you and your girlfriends
3 were in club. A fight broke out so you decided to
4 leave.

5 A. Uh-huh. (Affirmative.)

6 Q. Did you know where Rodney Green was when
7 the fight broke out?

8 A. No.

9 Q. Had you seen Rodney Green seen you left
10 Catchall hall with your girlfriends, had you seen
11 him?

12 A. No.

13 Q. Did you -- make sure the jury understands.
14 Did you travel from Catchall Club done to Club Miami
15 with Rodney Green?

16 A. No.

17 Q. Once you got outside, did you go outside
18 by yourself or with your girlfriends?

19 A. Everybody went outside.

20 Q. So you and your girlfriends got up out of
21 the club and went outside. What did you see or hear
22 outside?

23 A. It was a lot of commotion.

24 Q. Were there lot to people in the club a
25 that time?

Lavitra Harvin-Direct by Finney

1 A. Yes.

2 Q. More than 50?

3 A. Yes.

4 Q. And did you know some of the people who
5 were at club, you had seen them before, these are
6 people you were familiar with, or these are
7 strangers or what?

8 A. It was like a whole bunch of people.

9 Q. Once you got in the outside area, tell us
10 what happened.

11 A. I went outside, then heard the shots so I
12 dropped down by a black truck.

13 Q. And once you dropped down, you dropped
14 down for your safety?

15 A. Uh-huh. (Affirmative.)

16 Q. What happened after that?

17 A. After that, I saw the guy who got shot, he
18 ran past me and said he was shot.

19 Q. Do you know his name?

20 A. Ray'Quann.

21 Q. Ray'Quann Jenkins. Mr. Jenkins, Ray'Quann
22 you've seen him before?

23 A. Uh-huh. (Affirmative.)

24 Q. Did he say -- well did he when he ran past
25 you, you were still down, grouching down low?

Lavitra Harvin-Direct by Finney

1 A. Uh-huh. (Affirmative.)

2 Q. I'm going to have to ask you to say yes or
3 no.

4 A. Yes.

5 Q. After he ran past you, how -- did he run
6 right past you, I mean, close by you, or was feet?

7 A. It was kind of close.

8 Q. How do you know he was shot?

9 A. Because when he ran past he said he was
10 shot.

11 Q. Once he ran past, what did see then?

12 A. When I looked up, I saw gunfire.

13 Q. Gunfire?

14 A. Uh-huh. (Affirmative.)

15 Q. Now you are outside in the parking lot?

16 A. Uh-huh. (Affirmative.)

17 Q. Ma'am?

18 A. Yes.

19 Q. I am going to ask if you could look at
20 what's been State's Exhibit No. 30.

21 THE COURT: Is that in, or is that still
22 for Id.

23 MR. FINNEY: I believe it's in, Your
24 Honor.

25 THE COURT: Mr. Johnson, any objection to

Lavitra Harvin-Direct by Finney

1 Exhibit 30?

2 MR. JOHNSON: No, Your Honor.

3 MR. FINNEY: And 31?

4 MR. JOHNSON: Neither, Your Honor.

5 THE COURT: 30 and 31 are in.

6 (Diagrams marked State's Exhibit Nos. 30
7 and 31 into evidence.)

8 Q. Can you look at that and tell what that
9 State exhibit No. 31 is?

10 A. Club Miami.

11 Q. That's an aerial view of the club?

12 A. Uh-huh. (Affirmative.)

13 Q. Pardon me?

14 A. Yes.

15 Q. Do you see where the front door is?

16 A. Yes.

17 Q. And do you see where the parking lot is
18 where the cars were parked?

19 A. Yes.

20 Q. Can you take this pointer, please, ma'am,
21 and stand up? And tell the jury when you came out
22 of the club that night with your girlfriends, where
23 did you come out?

24 A. This door right here.

25 (Whereupon, the witness steps down from

Lavitra Harvin-Direct by Finney

1 the witness stand.)

2 Q. Do you see the highway that takes you to
3 Sumter?

4 A. Yes.

5 Q. Where is Sumter on that map?

6 A. Right here.

7 Q. Very good. And you say you came out which
8 door?

9 A. This one.

10 Q. The front door.

11 A. Yes.

12 Q. And then when you -- did you -- were you
13 on your way somewhere? Where were you going when
14 you came out the front door?

15 A. Going back to the car.

16 Q. Point to where you were going. Where was
17 your car?

18 A. My car was over here.

19 Q. In the field?

20 A. Uh-huh. (Affirmative.)

21 Q. Yes, ma'am?

22 A. Yes.

23 Q. And so where did you first hear the
24 gunshots where you dropped down?

25 A. Like in this area.

Lavitra Harvin-Direct by Finney

1 Q. And what in that area?

2 A. A black truck.

3 Q. Was it by itself or where there other
4 vehicles there?

5 A. I just remember the black truck.

6 Q. Was the parking lot area here full of cars
7 or was it?

8 A. Yes.

9 Q. Pardon me?

10 A. Yes.

11 Q. So point again where the black truck was.

12 A. In this area.

13 Q. You heard gunshots, you dropped down.

14 A. Yes.

15 Q. And then Mr. Jenkins ran by, Quann.

16 A. Yes.

17 Q. Where was Quann going when you saw him
18 running? Point to the direction he was running?

19 A. Back this way.

20 Q. Back that way.

21 A. Uh-huh. (Affirmative.)

22 Q. Was he by himself?

23 A. As far as I could see, yes.

24 Q. When you say you saw the gunfire after
25 that, what do you mean? Describe to the jury what

Lavitra Harvin-Direct by Finney

1 you mean.

2 A. I could see the fire coming from the gun.

3 Q. How close were you to the fire or to the
4 gun?

5 A. I was probably pretty close.

6 Q. When you got up, if you got up, did you
7 stand up to see where the gunfire was coming from?

8 A. No, I tried to see where everybody was.

9 Q. Where was the gunfire coming from?

10 A. Like close back behind the truck.

11 Q. You could hear it?

12 A. A little bit.

13 Q. How about, you say you saw something.

14 What does it look like? What are you seeing when
15 you---

16 A. Like a firecracker.

17 Q. Like a firecracker. Is it dark out here
18 in this field?

19 A. Not really. I guess a little dark.

20 Q. Once you stood. Go ahead and sit down.

21 (Whereupon, the witness resumes the
22 witness stand.)

23 Q. Once you stood up, did you see who was
24 firing the gun?

25 A. I never saw anybody firing it. Everybody

Lavitra Harvin-Direct by Finney

1 was like running.

2 Q. You didn't see who was firing the gun.

3 Did you see anybody running that you knew?

4 A. Yes.

5 Q. Who?

6 A. Mr. Green.

7 Q. Mr. Rodney Green?

8 A. Yes.

9 Q. Tell us how you knew it was him?

10 A. Because I remember he had on all white.

11 Q. He had on all white. What does that mean?

12 Tell us what you mean when you say that.

13 A. Everything was white he had on.

14 Q. So tell us what he had on that was all
15 white?

16 A. A white shirt and white pants.

17 Q. Did he have on white shoes?

18 A. Yes.

19 Q. I want to show you what's been marked as

20 State's Exhibit No. 9, and ask if you can identify

21 who is in this picture.

22 A. Rodney Green.

23 Q. Is that the same Rodney Green that you saw

24 that night running in an all white outfit?

25 A. Yes.

Lavitra Harvin-Direct by Finney

1 Q. Is that the same Rodney Green who is in
2 court today?

3 A. Yes.

4 Q. Would you point to Rodney Green who is in
5 court today?

6 A. Right there.

7 Q. When you saw Mr. Green -- I move this into
8 evidence, Your Honor.

9 THE COURT: Any objection.

10 MR. JOHNSON: No objection.

11 THE COURT: 9 is in.

12 (Photo of Rodney Green marked State's
13 Exhibit No. 9 into evidence.)

14 Q. When you -- did Mr. Green look like that
15 the night that you saw him running in the parking
16 lot at the Club Miami? Look like -- I don't know if
17 your screen is on.

18 A. It's on.

19 Q. Is that the way Mr. Green looked the night
20 that you saw him running in the parking lot of the
21 Club Miami?

22 A. Yes.

23 Q. Now the tell ladies and gentlemen how
24 Mr. Green got to the Club Miami.

25 A. He drove.

Lavitra Harvin-Direct by Finney

1 Q. What did he drive?

2 A. Grand Marquis.

3 Q. Who Grand Marquis is it?

4 A. Mine.

5 Q. I am going to show you what's been marked

6 as State's Exhibit No. 28, and ask if you can

7 identify what's in that picture?

8 A. My Grand Marquis.

9 MR. FINNEY: I'd move to publish this,
10 Your Honor.

11 MR. JOHNSON: No objection, Your Honor.

12 THE COURT: That's in evidence.

13 (Photo of Grand Marquis marked State's
14 Exhibit No. 28 into evidence.)

15 Q. How long have you had that Grand Marquis,
16 Ms. Harvin?

17 A. About a year.

18 Q. And is it your car?

19 A. Yes.

20 Q. Did you drive that Marquis to the club
21 Catchall earlier in the evening?

22 A. Earlier I did.

23 Q. And when you drove it to the club Catchall
24 you were with Mr. Green.

25 A. Yes.

Lavitra Harvin-Direct by Finney

1 Q. And then you left him at the Catchall
2 Center, is that correct? And you rode to Club Miami
3 with your girlfriends.

4 A. Yes.

5 Q. Did he have the keys to the car when you
6 left the club Catchall---

7 A. Yes.

8 Q. ---to the Grand Marquis.

9 A. Yes.

10 Q. When you got to the club Catchall with
11 Mr. Johnson -- excuse me, I'm sorry, with Mr. Green,
12 did you see a handgun in that vehicle?

13 A. No.

14 Q. Do you know whether he kept a handgun in
15 that vehicle?

16 MR. JOHNSON: Your Honor, objection to the
17 actual speculation.

18 THE COURT: Overruled.

19 A. Not as I know.

20 Q. So at that point that you were at the club
21 Catchall, you did not see Mr. Green with a gun in
22 Marquis.

23 A. No.

24 Q. And you left the club Catchall and left
25 your car with him.

Lavitra Harvin-Direct by Finney

1 A. Yes.

2 Q. And then after the shooting took place at
3 the Club Miami, what did you try to do? What were
4 you going to do after you saw this shooting? You
5 saw Mr. Quann run by, and you saw Mr. Green running
6 in the white, in the all white outfit.

7 A. Get in my car and go home.

8 Q. Your plan was to do what?

9 A. Get in my car and go.

10 Q. And did you do that?

11 A. Yes.

12 Q. Did you have the key to the Marquis?

13 A. No, it was on the inside.

14 Q. It was on the inside.

15 A. Uh-huh. (affirmative.)

16 Q. Is it the same key Mr. Green had?

17 A. Yes, we had two sets of keys.

18 Q. So he had a set that he used to bring the
19 car to Club Miami, is that right?

20 A. Yes.

21 Q. How did you know where the car was?

22 A. It was parked in the field, I saw it.

23 Q. You saw it when you got there?

24 A. No.

25 Q. You saw it after the shooting.

Lavitra Harvin-Direct by Finney

1 A. Yes.

2 Q. And you ran to your car.

3 A. Yes.

4 Q. Were you by yourself or were you still
5 with your girlfriends?

6 A. I was in the car by myself.

7 Q. The key that you needed to drive the car
8 was where?

9 A. In the car on the floor.

10 Q. So tell the ladies and gentlemen of the
11 jury what you did to the car that evening? How did
12 you get in the car?

13 A. Bust my back window.

14 Q. Is that the window that got busted in the
15 picture that's on the screen now?

16 A. Yes.

17 Q. After you broke the back window, what were
18 you able to do?

19 A. Open the door and get the keys.

20 Q. And then what did you do?

21 A. Left.

22 Q. Did you notice in the car either that
23 night or the next the night, that there was any
24 articles of clothing in the back seat?

25 A. No, I didn't pay any attention.

Lavitra Harvin-Direct by Finney

1 Q. I am going to show you what's been marked
2 as State's Exhibit 29, and ask if you can identify
3 this as the back seat area of the Mercury Marquis.

4 A. Yes, that's the back seat area.

5 Q. Do you see a white article in the picture?

6 A. Yes.

7 Q. What is that?

8 A. A white shirt.

9 Q. Whose shirt?

10 A. I don't know, because I never saw that
11 shirt.

12 Q. Well it's your car, Ms. Harvin.

13 A. Nothing was in my car when I went.

14 Q. Nothing was in your car.

15 A. No.

16 Q. When you went and broke the window out.

17 A. I didn't pay attention to the back window.

18 Q. Well you broke in the back window, right?

19 Which door did you open once you broke in the back
20 window?

21 A. The back door.

22 Q. So once you opened the back door, I'm
23 asking, did you see any articles---

24 A. I didn't pay attention, I just was trying
25 to get in the car.

Lavitra Harvin-Direct by Finney

1 Q. So you got in the car. And tell the
2 ladies and gentlemen what you did after you got the
3 car cranked.

4 A. Left.

5 Q. And where did you go?

6 A. To a cousin's house.

7 Q. Did you see anything on the way to the
8 cousin's house, involving Mr. Green? Did you see
9 Mr. Green while you were driving to your cousin's
10 house?

11 A. In the back of a police car.

12 Q. You knew that Mr. Rodney Green was being
13 arrested by the police.

14 A. Yes.

15 Q. And you left to go on to your cousin's
16 house.

17 A. Yes.

18 Q. Did you come back to the club that night?

19 A. No.

20 Q. Where did you park the Lincoln Marquis?

21 A. Behind my cousin's house.

22 Q. But not your house.

23 A. No.

24 Q. Why did you park it behind your cousin's
25 house?

Lavitra Harvin-Direct by Finney

1 A. Because I wasn't staying home, so I just
2 parked the car.

3 Q. You weren't going to stay home that night.

4 A. No.

5 Q. Now is it fair to say that you saw
6 Mr. Rodney Green with a gun that night?

7 A. I didn't see him with it.

8 Q. Is it fair to say that you saw Mr. Rodney
9 Green running with the gun when you saw him
10 running---

11 A. I never saw him running with the gun.

12 Q. You saw him running, is that right?

13 A. Yes.

14 Q. You saw him running.

15 A. Yes.

16 Q. Was he running -- show the ladies and
17 gentlemen of the jury which direction he was running
18 when you saw him. On State's Exhibit No. 31.

19 A. In the field area.

20 Q. Where did you first see him when you first
21 saw him that evening, as far as running, where was
22 he at first?

23 A. In the field area.

24 Q. And which way was he going?

25 A. Back towards this area.

Lavitra Harvin-Direct by Finney

1 Q. Point to it, please, ma'am.

2 A. Back towards this way.

3 Q. He was running by himself.

4 A. Yes.

5 Q. Dressed in all white, and he was going
6 away from the club, back towards, you said they're a
7 street over here called Mayfield.

8 A. Yes, sir.

9 Q. He was running by himself.

10 A. Yes.

11 Q. He had the keys to the Marquis, right?

12 A. Yes.

13 Q. In it, as far as you know, still in his
14 pocket.

15 A. Yes.

16 Q. Did you try to talk to him while you saw
17 him running, hey where are you going?

18 A. No.

19 Q. He didn't try to talk to you.

20 A. No.

21 Q. Now when you give the statement that's in
22 front of you to the police officers, did you tell
23 the police officers information different than what
24 you're telling us this morning?

25 A. No.

Lavitra Harvin-Direct by Finney

1 Q. So everything you told the police in March
2 of 2014, is what you're telling the jury today?

3 A. No.

4 Q. It's not the same, is it? Isn't it a fact
5 that you told the police officers that you saw
6 Rodney Green firing the weapon and you saw him
7 running away that night, after firing the weapon.

8 MR. JOHNSON: Your Honor, objection. That
9 is not in the statement, and that is not what she
10 said.

11 THE COURT: Could I see the statement,
12 please. I'm not going to comment on the factual
13 recitations in the statement, but the objection is
14 overruled.

15 Q. I'm going to reask the question,
16 Ms. Harvin.

17 THE COURT: You can refer -- you can just
18 point her to it, Mr. Finney. Mr. Johnson, you can
19 do the same.

20 Q. Page 2 of your statement, last paragraph,
21 Ms. Harvin. Did you tell the law enforcement
22 officers that you saw Rodney Green with a handgun
23 firing it, and that you saw him running away after
24 firing the gun?

25 A. Yes.

Lavitra Harvin-Direct by Finney

1 Q. And the reason you didn't say that this
2 morning is because you love him, and you are scared
3 to be here this morning, and you don't want hurt
4 him.

5 MR. JOHNSON: Your Honor, objection. He's
6 leading the witness.

7 THE COURT: I'll allow it. Overruled.

8 Q. Is that right?

9 A. No.

10 Q. Why is it that you didn't tell the jury
11 this morning, what you told the law enforcement in
12 March of 2014?

13 A. I don't know.

14 Q. I am going to show you what had been
15 marked as State's Exhibit No. 26, and ask you if you
16 can identify what is in that picture?

17 A. A gun.

18 Q. Pardon me?

19 A. A gun.

20 Q. Have you seen that gun in connection with
21 Rodney Green?

22 A. No.

23 Q. How many gunshots did you hear that night
24 when you saw Mr. Jenkins run by you?

25 A. I heard one.

Lavitra Harvin-Direct by Finney

1 Q. You heard one.

2 A. Uh-huh. (Affirmative.)

3 Q. Then you dropped down then you said you
4 saw fire. Pardon me?

5 A. Then I saw fire.

6 Q. So the gun fired more than one time.

7 A. Yeah, probably like twice.

8 Q. And after that, you stood up from where
9 you were and saw Mr. Rodney Green in all white,
10 running way toward Mayfield Drive.

11 A. Yes.

12 Q. Let me ask you if you can tell me, you
13 testified that was dropped down beside a black
14 vehicle. I am going to show you three photographs,
15 State's Exhibit No. 16, 17 and 18. I am going to
16 show you, see if you can identify what's in State's
17 Exhibit No. 16.

18 A. That's the black truck I dropped beside.

19 Q. Which side, when you say you dropped
20 beside it, which side were you?

21 A. The driver's side.

22 Q. Did that truck sustain any damage?

23 A. I think the window got broke.

24 Q. I am going to show you what's been marked
25 as State's Exhibit No. 17. Does that appear to be

Lavitra Harvin-Direct by Finney

1 the window that was shattered?

2 A. I think.

3 Q. You didn't look inside the car, did you?

4 A. Uh-uh. (Negative.)

5 Q. State's Exhibit No. 16.

6 THE COURT: Any objection?

7 MR. JOHNSON: No objection, Your Honor.

8 THE COURT: What numbers were those again?

9 MR. FINNEY: 16 right now, Your Honor. 16
10 and 17.

11 (Photographs marked State's 16 and 17 into
12 evidence.)

13 Q. You say to the ladies and gentlemen of the
14 jury that you dropped down beside the black truck.
15 Is it on your screen?

16 A. Yes.

17 Q. And which side of the truck? Do you
18 remember which side of the truck you were on?

19 A. The driver's side.

20 Q. And which window was it that got?

21 A. It think it was like a back window.

22 Q. The back window. If you look at State's
23 Exhibit No. 17, can you see anything inside the car?

24 A. You can see the seats right there.

25 Q. Which seats?

Lavitra Harvin-Direct by Finney

1 A. The back seats.

2 Q. So that window would be behind the back
3 seats.

4 A. Yes.

5 Q. Now let me ask you this, No. 17 shows the
6 window that was shattered in the black car? And can
7 you see the back of the back seats in that window,
8 in that picture?

9 A. Yes.

10 Q. Was way was that black truck in No. 16,
11 which way was the headlights pointing on that truck?

12 A. Straightforward.

13 Q. When I say which way, was it toward the
14 club or away from the club?

15 A. Towards the club.

16 Q. Towards the club. So the shot that hit
17 that back window would have come from which
18 direction as you look at that picture? The right or
19 the left?

20 MR. JOHNSON: Your Honor, objection.

21 First of all, there's been no evidence that that
22 window was busted by a bullet shot. There's no
23 evidence presented to the court.

24 THE COURT: You can lay a foundation,

25 Mr. Finney. Right now the objection is sustained.

Lavitra Harvin-Direct by Finney

1 Q. Look at this picture, Ms. Harvin. You say
2 that you dropped down beside the driver's side of
3 that black vehicle that's in State's Exhibit No. 16.

4 A. Yes.

5 Q. So you would have been right in the area
6 of where that tire is or where that door is in that
7 picture?

8 A. Yeah, right up in that area.

9 Q. Which way was the gunfire, the sparks, the
10 lights, the fireworks that you saw, which way was it
11 coming from the front of the vehicle or the back?

12 A. The back.

13 Q. And when you stood up to see what was
14 going on, which way did you look as in this
15 picture, did you look to the left or did you look to
16 the right?

17 A. To the right.

18 Q. And where Mayfield Drive? If you're
19 looking at this picture right here in this truck, is
20 Mayfield Drive to the left or to the right?

21 A. It'd be straight.

22 Q. Straight?

23 A. Yeah.

24 Q. Let me ask you to look at this map one
25 more time. Have you got your pointer. This is

Lavitra Harvin-Direct by Finney

1 State's Exhibit No. 31. Show the ladies and
2 gentlemen where the black truck was.

3 A. The black truck was up in this area.

4 Q. Where was it facing?

5 A. Toward the club.

6 Q. Toward the club.

7 A. Uh-huh. (affirmative.)

8 Q. Ma'am?

9 A. Yes.

10 Q. So the back of the truck would have been
11 where? Going, if you walked right out the back --
12 where is Mayfield Drive?

13 A. Over this way.

14 Q. So the back of truck would have been
15 facing Mayfield Drive.

16 A. Uh-huh. (Affirmative.)

17 Q. The front of the truck was facing the
18 club.

19 A. Yes.

20 Q. And you said you saw the sparks and the
21 fireworks coming from the back of the truck area.

22 A. Yes.

23 Q. And that's the same area where you saw
24 Mr. Rodney Green running toward Mayfield Drive.

25 A. If you look straight from---

Lavitra Harvin-Direct by Finney

1 Q. Straight from the back of the truck, going
2 back?

3 A. If you would have looked -- if you just
4 would have looked straight back to Mayfield, you
5 could have looked through the field.

6 Q. All right.

7 MR. FINNEY: 16 and 17 are in, Your Honor.

8 THE COURT: Yes, sir. there was no
9 objection from the defendant.

10 Q. Ms. Harvin, I understand this is not an
11 easy thing for you to be involved in. Do you
12 believe in telling the truth?

13 A. Yes.

14 Q. And it is true that you were at the Club
15 Miami on March 16th?

16 A. Yes.

17 Q. And is it true that Mr. Rodney Green had
18 the keys to your car, and drove the car---

19 MR. JOHNSON: Objection, Your Honor. All
20 this is has been asked and answered. He's just
21 going over the old testimony.

22 THE COURT: It will be one more time. I
23 understand, Mr. Johnson. Objection is overruled.

24 MR. FINNEY: Thank you, Your Honor.

25 Q. And did you see Mr. Rodney Green at the

Lavitra Harvin-Direct by Finney

1 club that night with a weapon?

2 A. No, I never saw him until we got outside.

3 Q. Is it true that you told the law
4 enforcement officers the same night of the shooting,
5 that Rodney Green was at the club with a weapon, and
6 you saw him firing.

7 A. I told him that, yeah.

8 Q. Why is your story different today?

9 A. Because I felt like they were pressuring
10 me.

11 Q. And how did they pressure you?

12 A. They said they were going to lock me up
13 and take my kids.

14 Q. That's how they got you to say something
15 different than you say today.

16 A. Yes.

17 Q. And after you saw Rodney Green running in
18 the field toward Mayfield Drive, you got in the
19 Marquis and left to go to your cousin's house.

20 A. Yes.

21 Q. Did you leave with anybody else?

22 A. No.

23 Q. So you left by yourself.

24 A. Yeah.

25 Q. You didn't go over to the police car to

Lavitra Harvin-Cross by Johnson

1 see why they were arresting Rodney.

2 A. No.

3 Q. You didn't go tell the police officers
4 anything about what you had seen.

5 A. No.

6 Q. And it was 12:27 in the afternoon before
7 you talked to the law enforcement officers.

8 A. Yes.

9 Q. And you wrote that statement.

10 A. Yes.

11 Q. And in wrote that statement.

12 A. Yes.

13 Q. And in your own handwriting on that
14 statement on page 2 at the bottom, the last two
15 sentences of that statement, I saw Rodney Green with
16 a black handgun. That's your words in your writing.

17 A. Yes.

18 MR. FINNEY: Nothing further. Answer any
19 questions Mr. Johnson may have.

20 THE COURT: Mr. Johnson.

21 MR. JOHNSON: Thank you, Your Honor.
22 Please the court.

23 Cross Examination by Mr. Johnson:

24 Q. Lavitra, good morning.

25 A. Good morning.

Lavitra Harvin-Cross by Johnson

1 Q. I know you're nervous, correct.

2 A. Yes.

3 Q. I know you're scared. I need you to tell
4 the truth okay. A minute ago you stated that the
5 reason you said you saw Rodney with a gun is because
6 the State pressured you. Is that truth?

7 A. Yes.

8 Q. How did they pressure you?

9 A. Saying they were going to lock me up and
10 take my kids.

11 Q. They were going to lock you up and take
12 your kids?

13 A. Yes.

14 Q. Now do you have the statement before you
15 that the solicitor was just talking to you about?

16 A. Yes.

17 Q. Look on the second page of that statement.
18 Now is that -- that's the statement you wrote,
19 right?

20 A. Yes.

21 Q. Do you see that line I just pointed to?

22 A. Yes.

23 Q. Now is that a statement that you wrote to
24 the police?

25 A. Yes.

Lavitra Harvin-Cross by Johnson

1 Q. And what do you say in statement?

2 A. I never saw Rodney shoot a gun. I just
3 heard gunshots.

4 Q. And that was the truth, right?

5 A. Yes.

6 Q. Now the part that's he talking about on
7 the bottom of the page, I notice that it's written
8 in like a different pen.

9 A. Yes.

10 Q. Why is that different on the bottom of the
11 page, those two statements that the solicitor had
12 just pointed out to the jury, why is that different
13 than the rest of the paper?

14 A. That's when they started pressuring me.

15 Q. So that statement at the bottom wasn't
16 written when you wrote your original statement, was
17 it?

18 A. No, it was after awhile when I was in
19 there.

20 Q. How long after you was in there that that
21 statement, that part of the statement was added to
22 your statement?

23 A. Maybe like an hour, hour and a half.

24 Q. An hour and a hour half after you wrote
25 your original statement where you have in there that

Lavitra Harvin-Cross by Johnson

1 you did not see Rodney shoot anyone, correct?

2 A. Yes.

3 Q. You wrote that statement. Why did you
4 add it? Or who made you add it? Let's put it that
5 way.

6 A. They were saying I was going to get locked
7 up.

8 Q. If you didn't write that.

9 A. If I said I didn't see him with a gun.

10 Q. Then you're going to get locked up.

11 A. Yes.

12 Q. So the truth is, you never saw Rodney with
13 a gun.

14 A. No.

15 Q. And you was only pressured by the police
16 to say that.

17 A. Yes, that's what I feel like.

18 Q. Now let's talk about the actual, what you
19 do know. You came out of the club and you heard
20 some gunshots.

21 A. Uh-huh. (Affirmative.)

22 Q. Now this is important, gunshots? So there
23 was other people shooting that night, wasn't there?

24

25 MR. FINNEY: Objection. Leading.

Lavitra Harvin-Cross by Johnson

1 THE COURT: Overruled.

2 Q. There was other people shooting that
3 night, wasn't there?

4 A. Yeah, I assume so.

5 Q. So it was more than just one person
6 shooting, correct?

7 A. Yes.

8 Q. So you heard a number of gun -- you heard
9 gunshots that made you drop down by that truck,
10 correct?

11 A. Yes.

12 Q. You don't know where those shots were
13 coming from, do you?

14 A. I just looked up and saw fire.

15 Q. Then you heard Mr. Archie run by and say
16 he was shot, correct?

17 A. Not Mr. Archie.

18 Q. I mean well you say somebody ran by you
19 and said he was shot?

20 A. Ray'Quann.

21 Q. Ray'Quann. So that wasn't Mr. Archie,
22 Ray'Quann ran by.

23 A. Yes.

24 Q. And said that he was shot.

25 A. Yes, sir.

Lavitra Harvin-Cross by Johnson

1 Q. So Ray'Quann is the person that was shot
2 in the leg or whatever.

3 A. Yes.

4 Q. He ran by and said he was shoot in the
5 leg.

6 A. Yes.

7 Q. After you heard a number of shots.

8 A. Yes.

9 Q. So it was more than one.

10 A. Yes.

11 Q. Then you heard some additional shots.

12 A. Yeah.

13 Q. That's when you turned and saw, I guess,
14 saw Rodney running away, correct?

15 A. Yeah.

16 Q. So someone was already shot before you
17 even saw or heard gunshots coming from the direction
18 where Rodney was standing, is that correct?

19 A. I never saw him standing, I just saw him
20 going through the field.

21 Q. Right. But the gunshots that you heard,
22 the first initial shots, you don't know which
23 direction they were coming from, do you?

24 A. No.

25 Q. So they weren't necessarily coming from

Lavitra Harvin-Cross by Johnson

1 directly behind you, because if they were coming
2 behind you, you wouldn't have dropped where you was,
3 would you?

4 A. No.

5 Q. So you dropped somewhere away from the
6 where the shots were coming from.

7 A. Yes.

8 Q. For protection.

9 A. Yes.

10 Q. So is it fair to say that if dropped down
11 beside a truck that's facing the back where Rodney
12 was standing.

13 A. Yes.

14 Q. To protect yourself from shots.

15 A. Yes.

16 Q. Then the shots that initially you heard
17 did not come from the direction of Rodney.

18 A. Yes.

19 Q. And let's be clear here, you heard more
20 than three shots that night, didn't you?

21 A. Yeah.

22 Q. Can you say how many you think there was?

23 A. Not off hand I can't.

24 Q. But it was definitely more than three.

25 A. Yes.

Lavitra Harvin-Cross by Johnson

1 Q. So the police kept you, questioning you,
2 like you wrote this statement within the first few
3 minutes of going to the police agreeing to
4 cooperate, correct? The statement that you're
5 reading.

6 A. Yeah.

7 Q. And they read that statement where you say
8 you did not see Rodney shoot anyone, correct?

9 A. Yes.

10 Q. And then they left you in that room for
11 how long? Or was they in the room with you?

12 A. They were sitting in there.

13 Q. For another hour and a half?

14 A. Yeah.

15 Q. And then you wrote the last two lines
16 where you said that Rodney shot someone.

17 A. Yes.

18 Q. And you only wrote those lines because you
19 were threatened.

20 A. Yeah.

21 MR. JOHNSON: I've got no other questions.

22 THE COURT: Redirect?

23 MR. FINNEY: Please, Your Honor.

24 Redirect Examination by Mr. Finney:

25 Q. Ms. Harvin, on the last paragraph of the

Lavitra Harvin-Redirect by Finney

1 second page of your sentence, do you see the last
2 sentence that starts with the word, I didn't?

3 A. Yes.

4 Q. What did you say to the police officers in
5 the statement?

6 A. I didn't tell the truth.

7 Q. When you wrote that, I didn't tell the
8 truth, what was the next word? Just read the whole
9 sentence.

10 A. I said earlier I---

11 Q. Read the sentence. I---

12 A. I saw Rodney with a black handgun.

13 Q. No, ma'am. Before that, I didn't.

14 A. I didn't tell the truth earlier.

15 Q. That's what you wrote. I didn't tell the
16 truth earlier. So let me understand it now, you
17 went into the interview room with the police
18 officers, right?

19 A. Yes.

20 Q. And they read you your rights. Is that
21 right?

22 A. Yes.

23 Q. And you understood that you had rights.
24 Is that right?

25 A. Yes.

Lavitra Harvin-Redirect by Finney

1 Q. And then you talked to them before any
2 writing took place at all, you talked to them, told
3 them what you saw, who you were with, all of that.
4 Isn't that right?

5 A. Yes.

6 Q. Now the beginning of the statement, page
7 1, in the beginning when you were talking to the
8 officers, you told a lie then, didn't you? About
9 how you got to the party that night, to Club Miami.
10 Look at page 1. So we left the party, about the
11 third line down. What did you tell the law
12 enforcement officers at that point, when you first
13 walked in the room?

14 A. Me and Rodney was together.

15 Q. I can't hear you.

16 A. Me and Rodney was together.

17 Q. And said to the law enforcement that you
18 and Rodney drove to club in the Lincoln Mercury
19 Marquis together. Isn't that in your statement?

20 A. Yes.

21 Q. That was lie No. 1. Then you said on the
22 second page, I never saw Rodney shoot, I just
23 gunshots. Didn't you put that on the second page?

24 A. Yes.

25 Q. That was lies No 2. Then down at the

Lavitra Harvin-Recross by Johnson

1 bottom you said, I didn't tell the truth earlier.

2 Rodney had a gun. Isn't that true? Isn't that what
3 you said in the statement at the bottom?

4 A. Yes.

5 Q. Let me ask you something. If you're
6 telling us today that the police officers pressured
7 you and told you what to say, how would you explain
8 to this jury that your statement says that Rodney
9 had a black handgun in the console? How would the
10 police know where the gun was?

11 A. (No response.)

12 MR. FINNEY: Nothing further.

13 THE COURT: Mr. Johnson.

14 Recross Examination by Mr. Johnson:

15 Q. Lavitra, let's clarify this. Look at me.
16 Look at the jury. Not sit up. Be a woman and tell
17 the jury the truth. Did you -- isn't it true that
18 you did not see Rodney shoot anything?

19 A. I didn't.

20 Q. Look at the jury, tell them.

21 A. I didn't.

22 Q. Tell them why you wrote that, and look at
23 them and tell them.

24 A. Because I felt like they pressured me at
25 the end.

Lavitra Harvin-Recross by Johnson.

1 Q. And how did they pressure you?

2 A. By saying they were going to lock me up
3 and take my kids.

4 Q. Now didn't they also tell you the second
5 part of that sentence that you wrote, the last part
6 that the solicitor keeps pointing at, did they not
7 tell you what to write?

8 A. Somewhat.

9 Q. And how -- and when you say somewhat, how
10 did they suggest to you what to write.

11 A. Because they kept saying he had the black
12 handgun.

13 Q. They told you that, right?

14 A. And they said I never saw -- Did I ever
15 see him with it.

16 Q. So they influenced you.

17 A. Yes.

18 Q. Because you would do anything to protect
19 your kids, right?

20 A. Yes.

21 Q. And you're afraid now, aren't you?

22 A. Yeah.

23 Q. Because you don't know what's going to
24 happen when you walk off that stand, do you?

25 A. No.

Lavitra Harvin-Recross by Johnson

1 Q. But are you telling the truth?

2 A. Yes.

3 MR. JOHNSON: No other questions.

4 THE COURT: Step down, ma'am. Thank you.

5 You can leave that up there. Ladies and gentlemen,
6 we are going to take a break at this point. It will
7 be between 10 to 15 minutes. Of course you may not
8 discuss the case at all. You can't discuss any
9 testimony or any other activity that is taking place
10 in the trial. If you need something to drink,
11 Mr. Bradley and the bailiffs can get it for you,
12 okay.

13 (Whereupon, the following takes place
14 outside the presence of the jury.)

15 THE COURT: We'll take a break for a few
16 minutes. Let me before I forgot, I have a 5 minute
17 hearing in a civil matter at 2 o'clock. So just
18 remind me that we're not going to get back together
19 at two when we break for lunch. It will be either
20 2:15 or 2:30. I just wanted to make sure I brought
21 that up, because I'll probably forget. Anything,
22 Mr. Finney or, Mr. Johnson, before we take a brief
23 recess?

24 MR. FINNEY: No, Your Honor.

25 MR. JOHNSON: I have nothing, Your Honor.

Ray'Quann Jenkins-Direct by Finney

1 up your note pads, and he will immediately secure
2 those, and nobody including me, will ever see them.
3 At the end of the case, they will be shredded. When
4 you break for lunch or for the evening, your note
5 pads will be put in a locked box, where they will be
6 secured. They will be locked. When you come back
7 into the courtroom, that's when you will get your
8 note pad. You will not have those note pads with
9 you during any breaks when you're in the jury room.
10 So I believe I counted five. But if you will just
11 raise your hands so Mr. Bradley can give you a pad
12 and pencil. And if you would, just write your name
13 on the first page so you will know which ones are
14 yours. Anyone else? Mr. Finney, you may call your
15 next witness.

16 MR. FINNEY: Ray'Quann Jenkins.

17 Ray'Quann Mondell Jenkins, being first
18 duly sworn, testified as follows:

19 THE BAILIFF: State your full name and
20 spell your last name for the record, please.

21 A. Ray'Quann Mondell Jenkins.

22 R-A-Y-Q-U-A-N-N, M-O-N-D-E-L-L, J-E-N-K-I-N-S.

23 DIRECT EXAMINATION by Mr. Finney:

24 Q. Can I call you Ray'Quann?

25 A. Yes.

Ray'Quann Jenkins-Direct by Finney

1 Q. What do your friends call you?

2 A. Ray.

3 Q. Where do you live Ray'Quann?

4 A. I live in Rembert, South Carolina.

5 Q. Columbia?

6 A. Rembert, South Carolina.

7 Q. I need you talk up a little bit. If you
8 get this microphone just a little bit closer, I
9 think we can hear you good? You want some water.

10 A. No, sir.

11 Q. How old are you?

12 A. 28.

13 Q. Have you lived in Sumter all your life?

14 A. Yes.

15 Q. And when do for a living?

16 A. Construction.

17 Q. How long have been doing that?

18 A. Many years.

19 Q. Many years. And do you, as far as,
20 construction, do you have specialty, bricks, roofs?
21 Do you have a specialty?

22 A. I do it all.

23 Q. Do it all. And are you employed now for
24 the last, let's say for this year 2015, have you
25 been working?

Ray'Quann Jenkins-Direct by Finney

1 A. Yes.

2 Q. So we've heard some testimony that you
3 were at Club Miami on March 16th 2014. Is that
4 true?

5 A. True.

6 Q. How did you get to the club that night?

7 A. Tyrese Archie and his nephew.

8 Q. They took you to the club?

9 A. Yes.

10 Q. And how did you know Tyrese Archie?

11 A. We grew up. I knew him all my life
12 basically.

13 Q. Are you related to him?

14 A. Not biological, but we grew up as family.

15 Q. So in the same community?

16 A. Yes.

17 Q. And is this community, what is it called?

18 A. Community of Wedgefield.

19 Q. Wedgefield. Now there's another community
20 called Cherryvale. Is that right?

21 A. Correct.

22 Q. Are you familiar with Cherryvale?

23 A. Yes.

24 Q. Cherryvale is actually in the area where
25 the Club Miami is, is that correct?

Ray'Quann Jenkins-Direct by Finney

1 A. Correct.

2 Q. And Wedgefield is right next door, is that
3 correct?

4 A. Correct.

5 Q. You and Mr. Archie grew up in the
6 Wedgefield Community.

7 A. Yes, sir.

8 Q. He was older than you?

9 A. Yes.

10 Q. He came by and picked you up that night?

11 A. Earlier that day.

12 Q. What was the purpose of you all getting
13 together that day?

14 A. We be together almost every day, for
15 different purposes. We was going to attend a
16 cookout.

17 Q. What was the purpose of the cookout?

18 A. A birthday party.

19 Q. For who?

20 A. Ms. Kathy.

21 Q. Kathy. She's a friend or family member?

22 A. Yes.

23 Q. And so Kathy going to have a cookout. Did
24 you and Tyrese Archie go to the cookout?

25 A. Yes.

Ray'Quann Jenkins-Direct by Finney

1 Q. And where was it held?

2 A. 15 at the Elk's Lodge.

3 Q. 15 South?

4 A. I am not sure if it was at 15 south or
5 north.

6 Q. And it's you say it's called the Elk's
7 Lodge. How many people would you say were there?

8 A. Approximately 100.

9 Q. And what time would you say you spent
10 there? What hours of the day?

11 A. About 4 hours.

12 Q. Starting about what time?

13 A. About 7.

14 Q. 7:00 p.m.?

15 A. 7:00 p.m.

16 Q. Until about?

17 A. Until about 12.

18 Q. Until 12:00 p.m.

19 A. Yes, sir.

20 Q. So you all were at the cookout together,
21 you and Mr. Archie and other people. And what were
22 you doing at the cookout?

23 A. Just having a good time.

24 Q. And at some point when the evening, the
25 cookout was over, you and Mr. Archie left?

Ray'Quann Jenkins-Direct by Finney

- 1 A. Yes.
- 2 Q. Whose car were you in?
- 3 A. His nephew.
- 4 Q. Was his nephew driving?
- 5 A. No.
- 6 Q. Who was driving?
- 7 A. Stymie.
- 8 Q. Now let's tell the ladies and gentlemen of
- 9 the jury who Stymie is, because we haven't heard
- 10 that name.
- 11 A. Stymie is Tyrese Archie.
- 12 Q. And that's a nickname that you called him
- 13 all his life?
- 14 A. Yes.
- 15 Q. And his nickname is what?
- 16 A. Stymie.
- 17 Q. Stymie. So when some of the witnesses or
- 18 family say Stymie did this. They're talking about?
- 19 A. Tyrese Archie.
- 20 Q. Mr. Archie. Now did you and Mr. Archie
- 21 work together?
- 22 A. No.
- 23 Q. He wasn't in construction.
- 24 A. No.
- 25 Q. So you spent a lot of time with him, and

Ray'Quann Jenkins-Direct by Finney

1 you were with him all afternoon, all evening, 7
2 until 12. Is that right?

3 A. Correct.

4 Q. When you left the cookout, did you and
5 Mr. Archie go to another place?

6 A. Yes.

7 Q. What place was that?

8 A. Club Cream.

9 Q. Club Cream. Now tell the ladies and
10 gentlemen of the jury where is Club Cream?

11 A. Behind the mall on Broad Street.

12 Q. This is the Sumter Mall?

13 A. Yes.

14 Q. And all of these events that we're talking
15 about today, did they happen in Sumter County?

16 A. Yes.

17 Q. Club Cream, you and Mr. Archie and another
18 fellow, you all go to the Club Cream around
19 midnight. Pardon me?

20 A. Yes, sir.

21 Q. And what do you do when you get there?

22 A. We stay maybe 30 minutes to an hour.

23 Q. Were there other people from the cookout
24 at the Club Cream?

25 A. Yes.

Ray'Quann Jenkins-Direct by Finney

1 Q. Had there been a plan to leave the cookout
2 and go Club Cream?

3 A. Yes.

4 Q. Other people were going to do this as
5 well.

6 A. Yes.

7 Q. When you got to Club Cream, did you, tell
8 us what you did.

9 A. The same thing we did at the other
10 cookout, have another good time, because it was
11 somebody else's birthday party.

12 Q. It was a different person having a
13 birthday party at Club Cream.

14 A. Yes.

15 Q. And did you, I'm just going to ask. Did
16 you eat cake, did you dance, did you have games?
17 What were you doing?

18 A. Just talking and having a good time.

19 Q. How long did you and Mr. Archie say at
20 Club Cream?

21 A. No more than an hour.

22 Q. And then you got back in the same car, the
23 cousin's car?

24 A. Yes.

25 Q. That means there were three of you leaving

Ray'Quann Jenkins-Direct by Finney

1 Club Cream?

2 A. Yes.

3 Q. And where did you go after that?

4 A. We swung by the hospital. Because my son
5 was there. My baby's mother called me saying he was
6 sick.

7 Q. So you went by the hospital to the
8 emergency room.

9 A. Yes.

10 Q. The baby was not in the hospital, he was
11 in the emergency room.

12 A. Correct.

13 Q. And did you have to take something to the
14 hospital?

15 A. No.

16 Q. You just went by to check.

17 A. Uh-huh. (affirmative.)

18 Q. How long did you stay at the hospital?

19 A. About 20, 30 minutes.

20 Q. Did Mr. Archie go into the emergency room
21 with you?

22 A. No.

23 Q. He stayed in the car, is that right?

24 A. Correct.

25 Q. You went in and checked on your family

Ray'Quann Jenkins-Direct by Finney

1 then you came back out.

2 A. Correct.

3 Q. What did you all do then?

4 A. Left and headed back towards Wedgefield.

5 Q. And that would be towards the area where
6 you grew up with Mr. Archie.

7 A. Yes.

8 Q. Now Wedgefield, tell us what you did on
9 the way. When you left the hospital, where did you
10 end up going that evening?

11 A. We stopped by Club Miami.

12 Q. And were you going to Club Miami for any
13 particular reason?

14 A. No.

15 Q. Just going to stop by?

16 A. Yes, sir.

17 Q. And so did you and Mr. Archie and the
18 other man in the car, did you the three of you all
19 park the cars at Club Miami?

20 A. Correct.

21 Q. And went in the club?

22 A. Correct.

23 Q. How long -- what time would you say you
24 got to the Club Miami that night?

25 A. About 12:30, one.

Ray'Quann Jenkins-Direct by Finney

1 Q. So was it after midnight. When you went
2 to the cookout, was it a Saturday cookout, or
3 Sunday cookout?

4 A. I am not sure what day it was.

5 Q. But after midnight, you got to Club Miami.
6 It would have been the next day.

7 A. Yes.

8 Q. When you went in to Club Miami, did you
9 and Mr. Archie get a table, were you, what were you
10 doing?

11 A. We was all chilling, having a couple of
12 drinks.

13 Q. What happened?

14 A. I asked him to take me back to where my
15 son was at, so I could check on him.

16 Q. And where would that have been?

17 A. In the Wedgefield Community.

18 Q. So you weren't going back to the hospital.

19 A. No.

20 Q. You were going to have Mr. Archie take you
21 back to where your son stayed.

22 A. Correct.

23 Q. And was it agreed that you all were going
24 to do that?

25 A. Correct.

Ray'Quann Jenkins-Direct by Finney

1 Q. But Mr. Archie wasn't driving or was he
2 driving?

3 A. He was driving.

4 Q. What was he driving?

5 A. A charger.

6 Q. What color was it?

7 A. Orange.

8 Q. Orange charger automobile?

9 A. Correct.

10 Q. Did you and Mr. Archie leave Club Miami?

11 A. No.

12 Q. Well what I'm saying is, did you leave the
13 bar area going out the door of the Club Miami?

14 A. Correct.

15 Q. What time would you say that was?

16 A. Maybe around between one and two.

17 Q. And when you and Mr. Archie were leaving,
18 did you have this other man still with you?

19 A. No.

20 Q. Where was he?

21 A. Still inside.

22 Q. How is it that Mr. Archie had a car out
23 there, whose car was he going to take you?

24 A. He was driving his nephew's car.

25 Q. A different person than...

Ray'Quann Jenkins-Direct by Finney

1 A. The same guy that rode with us.

2 Q. So were you all in this Dodge earlier?

3 A. Correct.

4 Q. So when you left the cookout, you were in
5 the Dodge. When you left Club Cream you were in the
6 Dodge.

7 A. Correct.

8 Q. Same car. So Mr. Archie was going to take
9 you, but the guy who owned the car was going to stay
10 in the bar?

11 A. I'm guessing he was going to stay there,
12 because we didn't see him when was headed out.

13 Q. You and Mr. Archie are heading out of the
14 club. Tell the ladies and gentlemen what happened.

15 A. We ran into some of his cousins that was
16 fighting.

17 Q. Some of whose cousins?

18 A. There was an altercation with some of
19 Stymie's younger cousins.

20 Q. Stymie, this is Archie, his younger
21 cousins were fighting where?

22 A. In the outside parking lot.

23 Q. Let's we have a map here. You have a
24 pointer right here. This is State's Exhibit No. 31.
25 I just want you to look at the map. Can you

Ray'Quann Jenkins-Direct by Finney

1 identify what's on the map?

2 A. Club Miami and the surrounding area.

3 Q. Can you tell us where, use the pointer,
4 tell the jury on State's Exhibit 31, where the
5 cousins -- where you saw, when you came out the
6 door, which door did you come out of?

7 A. The front.

8 Q. When you came out of the front door, you
9 say there was disturbance, some cousins were
10 fighting. Where were they at?

11 A. Somewhere up in this area here.

12 Q. And that is what is called the what?

13 A. Parking lot.

14 Q. So did the the parking lot have vehicles
15 in it?

16 A. Correct.

17 Q. How many vehicles?

18 A. It was full.

19 Q. Full. So a lot of cars were there.

20 A. Correct.

21 Q. When you say they were fighting, tell the
22 ladies and gentlemen, were they arguing, were they
23 swinging, were they on the ground? Tell us what the
24 fight looked like?

25 A. Like a fist fight.

Ray'Quann Jenkins-Direct by Finney

1 Q. How many people would you say would be
2 involved in it?

3 A. A total of between 6 people.

4 Q. And as a result of that commotion, did you
5 and Mr. Archie go over towards where they were
6 fighting?

7 A. Correct.

8 Q. And what did you do? What did Mr. Archie
9 do? Describe it to the jury.

10 A. He was telling them to stop, and everybody
11 get in their car and leave.

12 Q. Did Mr. Archie participate in the fight?

13 A. No.

14 Q. Did you participate in the fight?

15 A. No.

16 Q. As a result of him going over there, did
17 he put his hands on anybody and pull them away, or
18 anything like that?

19 A. He put his hands on his younger cousin and
20 telling them to you all go to y'all's car, and you
21 all leave.

22 Q. As far as you could tell, what you saw,
23 what kind of fight was it?

24 A. It was a fist fight.

25 Q. Did anybody have any weapons?

Ray'Quann Jenkins-Direct by Finney

1 A. No.

2 Q. Did anybody -- was there anybody bleeding?

3 A. No.

4 Q. Was anybody on the ground getting kicked
5 and stomped?

6 A. No.

7 Q. After Mr. Archie tried to break up the
8 fight, he was sending people to their cars.

9 A. Correct.

10 Q. What happened next?

11 A. He was -- he got on the phone and tried to
12 call his nephew, the one that rode with us, to tell
13 him to come on so we could leave.

14 Q. That was the guy that was in -- still
15 inside. What's his name?

16 A. Antwaine Bradley.

17 Q. Antwaine. So he got on the phone and
18 tired to call Mr. Antwoine. What happened next?

19 A. He never got in touch with him, because I
20 guess he was still in the club with all the loud
21 music.

22 Q. So what did, did either you or Mr. Archie
23 go back inside the club?

24 A. No.

25 Q. What happened next after the fight got

Ray'Quann Jenkins-Direct by Finney

1 broke up? Did the fight break up? Did the young
2 fellows listen?

3 A. Yeah, everybody was leaving, so we was
4 waiting his nephew so we could go.

5 Q. You were still waiting on the man from
6 inside, trying to reach the man Antwaine.

7 A. Correct.

8 Q. Where were you and Mr. Archie standing
9 after the fight broke up?

10 A. On the second row.

11 Q. The second row of what?

12 A. The parking lot.

13 Q. Of cars?

14 A. Correct.

15 Q. When the cars park in the parking lot, do
16 they park in a certain way? Which way are cars
17 facing that are in the first row?

18 A. Facing the club.

19 Q. So the first row of cars would be in that
20 area?

21 A. Correct.

22 Q. They would be facing the club, lined up in
23 a line.

24 A. Correct.

25 Q. And then there's another line behind it.

Ray'Quann Jenkins-Direct by Finney

1 A. Correct.

2 Q. What happened after the fight broke up,
3 and you and Mr. Archie were still standing in the
4 parking lot?

5 A. Three other guys came from around the
6 front.

7 Q. Show us, please. Three other guys came
8 from around the front of the club.

9 A. Came to where we was.

10 Q. They were heading towards who?

11 A. Mr. Archie.

12 Q. What did those guys -- did you know them?

13 A. I don't know names.

14 Q. And what happened to those three guys?

15 A. They tried to jump Mr. Archie.

16 Q. You saw this with your eyes?

17 A. Correct.

18 Q. And what happened as a result of that?

19 A. That's when I reacted to step in to break
20 that up.

21 Q. Who did you -- what did you do to break
22 it up?

23 A. Step in between in, and hold my hands out,
24 and telling everybody to you all just chill out,
25 just leave that alone.

Ray'Quann Jenkins-Direct by Finney

1 Q. Did you know these guys? These three
2 guys?

3 A. I mean, I know them but I don't them very
4 well.

5 Q. What happened next?

6 A. We were sitting breaking it up. Stymie
7 and one of the guys got into a fight, into a fist
8 fight.

9 Q. One of the guys that was....

10 A. That came with the three.

11 Q. Was he fighting with Stymie?

12 A. Correct.

13 Q. So there was a fist fight between Stymie
14 and this other guy.

15 A. Correct.

16 Q. Did that last very long?

17 A. No.

18 Q. What was the next thing that happened?

19 A. I stepped in to break that up. And the
20 two guys was trying to jump while Stymie and the
21 third guy was fighting.

22 Q. Right.

23 A. So I stepped in to break it up.

24 Q. Right.

25 A. So then the two guys listening, but that's

Ray'Quann Jenkins-Direct by Finney

1 when I turned around and Stymie and other guy were
2 still on the ground fighting. So I turned around to
3 break them up, and that's when I seen about 4 or 5
4 more guys coming from the behind the fence.

5 Q. When you say from behind the fence, show
6 the ladies and gentlemen of the jury what's the area
7 you are talking about. What kind of fence is there?

8 A. It's a property line.

9 Q. Is it wooden fence, a white picket fence?
10 Is it a -- what's it made out of?

11 A. A wire fence.

12 Q. A wire fence. And the wire fence runs on
13 the Sumter side of the club?

14 A. Correct.

15 Q. All the way down this line.

16 A. Correct.

17 Q. So you saw these other guys approaching
18 from that area near the wire fence.

19 A. Correct.

20 Q. Where were they coming?

21 A. Towards where we were standing. Towards
22 the fight.

23 Q. In the parking lot.

24 A. Correct.

25 Q. What happened after they got -- did they

Ray'Quann Jenkins-Direct by Finney

1 come up to where you and Mr. Archie were?

2 A. Yes.

3 Q. And what happened then?

4 A. I seen a couple of guys coming towards.

5 And then I seen the defendant coming in between and

6 saying, watch out.

7 Q. Was the defendant, when you say the

8 defendant, who are you talking about?

9 A. Mr. Green.

10 Q. Do you know Rodney Green?

11 A. Yes, I do.

12 Q. How long have you known him?

13 A. Half of my life.

14 Q. And where is he from?

15 A. The Cherryvale area.

16 Q. He's from the Cherryvale area. That's the

17 area where the club is.

18 A. Correct.

19 Q. And when you saw these four guys coming,

20 did you know all four guys?

21 A. I know three of them.

22 Q. And one of the four guys was Rodney Green.

23 A. Correct.

24 Q. When he -- when you first saw him, these

25 four guys, Mr. Green and the three others, were they

Ray'Quann Jenkins-Direct by Finney

1 coming towards you?

2 A. Correct.

3 Q. And what were they saying or doing?

4 A. I didn't hear none of them said anything
5 besides Mr. Green.

6 Q. And what did Mr. Green say?

7 A. You all watch out.

8 Q. After you heard Mr. Green say, you all
9 watch out, what happened?

10 A. I turned to look towards that way.

11 Q. Were you standing up?

12 A. Correct.

13 Q. Where was Mr. Archie?

14 A. Behind me.

15 Q. Standing up?

16 A. On the ground. But the other guy was
17 still fighting.

18 Q. So you heard this statement, watch out.

19 Then you say you turned to look at who said the
20 statement.

21 A. Correct.

22 Q. And that was who? Who said the statement?

23 A. Mr. Green.

24 Q. And then what happened?

25 A. I seen him reaching for -- in his shirt to

Ray'Quann Jenkins-Direct by Finney

1 pull out a weapon.

2 Q. How did he reach into his shirt to pull
3 out the weapon? Show the jury. Stand up, please,
4 and show the jury what you saw Rodney Green do.

5 A. Reaching towards his shirt like this.

6 Q. And what did he do with the weapon once he
7 got his hand on it?

8 A. He pulled it out.

9 Q. And what happened after that?

10 A. I turned around to pick Mr. Archie from
11 off the ground and break the fight up.

12 Q. And did anything happen after you got
13 Mr. Archie up?

14 A. When I picked him up to push him back
15 towards away from the scene, that's when I heard Mr.
16 Green say, watch out. And when I went to push him,
17 that's when I heard the first gunshot.

18 Q. When you saw Mr. Green pull the gun, did
19 you see any of the other fellows that were with him
20 pull weapons?

21 A. No.

22 Q. How far away was Mr. Green from you when
23 you saw him pull the weapon from his shirt? And
24 just use me. If I'm Mr. Green and you were there,
25 how far was Mr. Green from you when you saw him pull

Ray'Quann Jenkins-Direct by Finney

1 the weapon?

2 A. About from here to Mr. Hawkins.

3 Q. This police officer?

4 A. Correct.

5 Q. So you and Mr. Archie were there. Was
6 your back or front to the nightclub? To the Club
7 Miami?

8 A. To the -- it was towards the back.

9 Q. So your Club Miami would have been behind
10 you?

11 A. Correct.

12 Q. You and Mr. Archie would have been in this
13 area where these three guys were?

14 A. Correct.

15 Q. And Mr. Green and his -- the fellows with
16 him, would have been facing the club.

17 A. Correct.

18 Q. And how far away would you estimate this
19 is for the record, between you and I right now?

20 A. About 20, 25 feet from the car.

21 Q. So about 20, 25 feet away you see
22 Mr. Rodney Green, and you recognize him?

23 A. Correct.

24 Q. You heard his voice.

25 A. Correct.

Ray'Quann Jenkins-Direct by Finney

1 Q. And you saw him draw a weapon?

2 A. Correct.

3 Q. When you saw the first shot rang out, what
4 did you think or do then?

5 A. When the first shot hit me, I fell
6 forward.

7 Q. Tell the ladies and gentlemen of the jury
8 where you were shot.

9 A. In the left femur bone.

10 Q. And is that above the knee?

11 A. Right above the pelvis.

12 Q. So you were shot in this area where I've
13 got my hand here above the pelvis.

14 A. A little bit lower by the femur bone.

15 Q. Right in this area here?

16 A. Correct.

17 Q. You were shot there by the first shot.

18 A. Correct.

19 Q. Who fired the weapon that hit you?

20 A. Mr. Green.

21 Q. After you got shot, what did you do?

22 A. I feel forward and catch by myself on my
23 hands, and tried to pick myself back up.

24 Q. Do you remember what kind of shirt you had
25 on at the time?

Ray'Quann Jenkins-Direct by Finney

1 A. What kind of shirt had on?

2 Q. Yes, sir.

3 A. An orange shirt.

4 Q. I'm going to ask to look at what's been
5 marked as State's Exhibit No. 19. Do you recognize
6 anything in that picture?

7 A. The truck. That's the truck where I fell
8 when I was trying to reach Mr. Archie.

9 Q. What about that item on the ground right
10 next to No. 5?

11 A. I don't know if that's a shirt or what.

12 Q. You don't know.

13 A. No, sir.

14 Q. When you got shot, you say you leaned up
15 against a vehicle, a truck?

16 A. Correct.

17 Q. What happened to Mr. Archie once you got
18 shot?

19 A. By the time I could pick myself back up to
20 look towards where he was at, he was running away
21 from the incident.

22 Q. And did you hear anything or see anything
23 at that point?

24 A. I heard about 2 or 3 shots after I got
25 hit.

Ray'Quann Jenkins-Direct by Finney

1 Q. Could you tell where those shots were
2 coming from?

3 A. Yes.

4 Q. Tell the ladies and gentlemen where did
5 those shots come from?

6 A. From the same defendant.

7 Q. Who is who?

8 A. Mr. Green.

9 Q. How you know that?

10 A. Because once I got hit first, he had to
11 come past me to reach Mr. Archie.

12 Q. So he was on the move?

13 A. Correct.

14 Q. And was he moving left to right? Let's go
15 back to what we were talking about. You and
16 Mr. Archie were down there with your backs to the
17 club. Mr. Green was the 25 feet way you say.

18 A. Correct.

19 Q. When you saw Mr. Green run past you, was
20 he coming toward you?

21 A. Correct.

22 Q. And he was firing the weapon at the time
23 he was coming towards you?

24 A. Correct.

25 Q. And he ran past you?

Ray'Quann Jenkins-Direct by Finney

1 A. Correct.

2 Q. Where was he going when he was running
3 past you?

4 A. The same area Mr. Archie was going.

5 Q. And while you saw this, did he have,
6 Mr. Rodney Green did he have the weapon?

7 A. Correct.

8 Q. Can you describe it the jury?

9 A. A black handgun.

10 Q. And how many times do you think he fired
11 the black handgun?

12 A. Approximately 3 or four times.

13 Q. And while he was firing it, he was moving
14 from 25 feet away to where you were. And then he
15 ran past you.

16 A. Correct.

17 Q. Were you able to go anywhere or do
18 anything after you got hit?

19 A. I tried.

20 Q. But what?

21 A. I couldn't---

22 Q. You couldn't---

23 A. ---because of my injury.

24 Q. ---move? Did you see Mr. Archie get shot?

25 A. No.

Ray'Quann Jenkins-Direct by Finney

1 Q. And after Mr. Green ran past you, did you
2 hear any more shooting?

3 A. Correct.

4 Q. Correct, what?

5 A. Yes.

6 Q. Is that where you say you heard three, two
7 or three, 3 or 4 shots?

8 A. Yes.

9 Q. After that did you hear any other
10 shooting?

11 A. No.

12 Q. During the time that you were out there,
13 when you first saw Mr. Green, did you hear any shots
14 coming from any place else?

15 A. No.

16 Q. Was anybody saying anything about oh,
17 somebody is shooting, shots were fired anything like
18 that?

19 A. No.

20 Q. The first shot that you heard that evening
21 was fired by who?

22 A. Mr. Green.

23 Q. And then the 3 or 4 shots that you heard
24 after that, after you got hit, who fired those
25 shots?

Ray'Quann Jenkins-Direct by Finney

1 A. Mr. Green.

2 Q. Did you hear any other fire, firing that
3 night?

4 A. No.

5 Q. Once the firing stopped, you said you
6 didn't see Mr. Tyrese Archie get shot.

7 A. No.

8 Q. Once the firing stopped, did you see
9 Mr. Green again?

10 A. Correct.

11 Q. What was he doing?

12 A. Heading back towards the area he came
13 from.

14 Q. Show the ladies and gentlemen of the jury,
15 pick up your stick please, State's Exhibit No. 31.
16 Where would you say you were when you got hit with
17 the first bullet?

18 A. This area.

19 Q. And where was Mr. Green when you saw him
20 running run past you, where was he going?

21 A. Back towards the fence.

22 Q. Where Mr. Green running, as you heard him
23 fire after you got hit, the next set of shots that
24 you heard, where was Mr. Green and where was he
25 headed?

Ray'Quann Jenkins-Direct by Finney

- 1 A. After the first shot?
- 2 Q. After the first shot.
- 3 A. In this area.
- 4 Q. And where was he going?
- 5 A. Behind Mr. Archie.
- 6 Q. Going which way?
- 7 A. Towards this way.
- 8 Q. Towards which way?
- 9 A. Towards the second driveway. This is the
- 10 second driveway.
- 11 Q. So he was -- you were here.
- 12 A. Correct.
- 13 Q. Mr. Green ran past you. Which way was he
- 14 going?
- 15 A. Towards this way.
- 16 Q. And Mr. Tyrese Archie was in front him.
- 17 A. Correct.
- 18 Q. Then you say you saw Mr. Green again.
- 19 A. Correct.
- 20 Q. Going which way?
- 21 A. Back towards this way.
- 22 Q. Did you see how far he went when he was
- 23 going back that way?
- 24 A. No.
- 25 Q. Once you saw Mr. Green running back

Ray'Quann Jenkins-Direct by Finney

1 towards Sumter, is that right? Going towards

2 Sumter?

3 A. Correct.

4 Q. Did you notice anybody else running that

5 direction?

6 A. A security officer.

7 Q. Was the security officer with Mr. Green?

8 A. No.

9 Q. Where was he?

10 A. Coming from towards the front of the club.

11 Q. Going where?

12 A. In the area where the gunshots were fired.

13 Q. Now once you got hit, did you go down to the

14 the ground?

15 A. Yes.

16 Q. And did you stay there until you got -- an

17 ambulance came?

18 A. No, I picked myself up trying to go

19 towards the area when I seen Mr. Archie's fall. I

20 was trying to get to where he was at.

21 Q. Towards Mr. Archie.

22 A. Correct.

23 Q. Did you ever get to him?

24 A. No.

25 Q. Tell the ladies and gentlemen what was the

Ray'Quann Jenkins-Direct by Finney

1 description that you gave of Mr. Green that night?

2 A. All white.

3 Q. Tell us what you mean by all white.

4 A. White shirt, white pants, white shoes.

5 Q. I want to show you what's marked State's

6 Exhibit No. 9. Can you identify that?

7 A. Yes.

8 Q. Who is that in State's Exhibit No. 9?

9 A. Mr. Green.

10 Q. And what does he have on?

11 A. All white.

12 Q. And did he have on that outfit that night
13 that you got shot?

14 A. Correct.

15 Q. Is this what he had on when he fired the
16 weapon and hit you in the left femur?

17 A. Correct.

18 MR. FINNEY: Your Honor, I am going to
19 show counsel State's Exhibit No. 33. It's a map
20 that's been put together to show the area of Club
21 Miami.

22 THE COURT: Any objection?

23 MR. JOHNSON: No objection, Your Honor.

24 MR. FINNEY: Move it in as State's Exhibit
25 No. 33.

Ray'Quann Jenkins-Direct by Finney

1 THE COURT: It's in.

2 (Map marked State's Exhibit No. 33 into
3 evidence.)

4 Q. This is another picture of the Club Miami
5 property. Do you see where it says Ray'Quann
6 Jenkins.

7 A. Correct.

8 Q. And do you see a little arrow where it
9 says Ray'Quann Jenkins kind of in the middle of the
10 parking lot?

11 A. Correct.

12 Q. Is that an accurate representation of
13 where you were when you got shot?

14 A. No, I had came up a little bit.

15 Q. Came up a little bit. Do you see a name
16 Ray'Quann Jenkins where you see the s, and after the
17 s there is a little spot. It's kind of -- it's like
18 a marker?

19 A. Yes.

20 Q. Is that about the area that you were in
21 when you got shot?

22 A. Yes, that's about the area.

23 Q. Would you say it's a little closer --
24 were you closer to the club or closer to the fence?

25 A. I was closer to where it says casing. I

Ray'Quann Jenkins-Direct by Finney

1 got to where I was by hoping on one leg.

2 Q. Where casings. Where the word casings
3 is, you think you were a little closer to that word.

4 A. When I got shot.

5 Q. And then once you got shot, you moved away
6 trying to go check on Mr. Archie?

7 A. Correct.

8 Q. Do you see the word Tyrese Archie in red?

9 A. Yes.

10 Q. And do you know where Mr. Archie was when
11 he stopped running?

12 A. Right in that area.

13 Q. How do you know that?

14 A. Because I was watching him.

15 Q. Once Mr. Archie starting running after you
16 got shot, can you tell the Ladies and gentlemen of
17 the jury where he was running to?

18 A. Away from the scene.

19 Q. Away from the scene. Does that mean
20 toward the club or toward?

21 A. Towards the club.

22 Q. Once -- and did you see him running in
23 that direction where his name is on this picture?

24 A. Yes.

25 Q. And you saw Mr. Rodney Green follow him.

Ray'Quann Jenkins-Direct by Finney

1 A. Correct.

2 Q. And you heard, I believe your testimony
3 was, you heard 3 or 4 shots.

4 A. Correct.

5 Q. Now once you got taken to the hospital, I
6 am going to show you what's been State's Exhibit No.
7 10. Do you recognize that picture?

8 A. Yes.

9 Q. Who is that in that picture?

10 A. That's me.

11 Q. And where are you?

12 A. In the hospital.

13 Q. And what the situation with -- what does
14 this picture show?

15 A. Me being stabilizing there.

16 MR. FINNEY: State's Exhibit No. 10.

17 MR. JOHNSON: No objection, Your Honor.

18 THE COURT: It's in.

19 MR. JOHNSON: Well, Your Honor---

20 THE COURT: Previous.

21 MR. JOHNSON: Just so the record is clear,
22 I initially objected, and you overruled my
23 objection.

24 THE COURT: Right 403 objection?

25 MR. JOHNSON: Right.

Ray'Quann Jenkins-Direct by Finney

1 THE COURT: Well the same ones you made
2 earlier.

3 MR. JOHNSON: I want to preserve it for
4 the record, Your Honor.

5 THE COURT: They're overruled.

6 (Photo of Ray'Quann Jenkins in hospital
7 marked State's Exhibit No. 10 for evidence.)

8 Q. Mr. Jenkins, is that a picture of you
9 taken by law enforcement of you in the hospital?

10 A. Correct.

11 Q. How long were you in the hospital?

12 A. I'm not sure that long.

13 Q. Well...

14 A. A couple of hours, maybe an hour or two.

15 Q. And then did you have to have surgery?

16 A. Yes.

17 Q. So you had surgery after an hour or two?

18 A. I had immediate surgery.

19 Q. Immediate surgery. And then how long did
20 you stay in the hospital after surgery?

21 A. I had three different types of surgery.
22 Immediate surgery when I first got there. Then I
23 had to wait until another doctor to come perform
24 what the other one couldn't do.

25 Q. And how long did you end up staying in the

Ray'Quann Jenkins-Cross by Johnson

1 hospital until you came home?

2 A. About 3 weeks.

3 Q. 3 weeks.

4 MR. FINNEY: I beg the court's indulgence.

5 THE COURT: All right.

6 Q. Mr. Jenkins, point out to the ladies and
7 gentlemen of the jury, the man that you shot you at
8 the Club Miami on March 16th 2014.

9 A. Mr. Green.

10 Q. Is he in the courtroom?

11 A. Correct.

12 Q. Where is he sitting?

13 A. Over there.

14 Q. Is there any doubt in your mind that he's
15 the one that fired the weapon that hit you?

16 A. No.

17 MR. FINNEY: Answer any questions

18 Mr. Johnson may have.

19 THE COURT: Mr. Johnson.

20 MR. JOHNSON: Thank Your Honor. May it
21 please the court.

22 Cross Examination by Mr. Johnson:

23 Q. Good morning, Ray'Quann. Let me ask you a
24 few questions to start with. Let me clarify
25 something to start with, you do not know who shot

Ray'Quann Jenkins-Cross by Johnson

1 Mr. Archie, do you?

2 A. Sir?

3 Q. You did not see who shot Mr. Archie.

4 A. I didn't see him get shot.

5 Q. Right. So you don't know that my client
6 shot him or not, do you?

7 A. No.

8 Q. As a matter of fact when you were shot,
9 you were down between the cars, is that correct?

10 A. I went down and got back up.

11 Q. You did not see -- you went down
12 supposedly when you got shot. You did even see who
13 shot you, did you?

14 A. Yes.

15 Q. You saw someone -- you say you saw my
16 client shooting in your direction, but you did see
17 anyone shoot you, did you?

18 A. It don't take a rocket scientist.

19 Q. Well you're not a rocket scientist. So I
20 am not asking a rocket scientist, I'm asking you.
21 You're just assuming because you saw someone
22 shooting your way that's the person that shot you,
23 correct?

24 A. The gun was pointed me towards me in my
25 direction when I got shot.

Ray'Quann Jenkins-Cross by Johnson

1 Q. Also now you're saying that Rodney is the
2 person that shot you, correct?

3 A. Correct.

4 Q. You knew Rodney before, correct?

5 A. Correct.

6 Q. So when you went to the police, you told
7 them everything you knew, correct?

8 A. I told them when my mind was refreshed,
9 because I was still under the influence of
10 medication.

11 Q. Well yeah, let's get into the influence
12 part. You say you was out that night with you and
13 Mr. Archie, correct? You all went to a cookout, and
14 you all was having a good time, correct?

15 A. Correct.

16 Q. So you were drinking. Correct?

17 A. Correct.

18 Q. You were smoking.

19 A. No.

20 Q. Oh, you wasn't smoking no herb?

21 A. No.

22 Q. Then you left there, and you went to
23 another club, correct?

24 A. Correct.

25 Q. Were you drinking?

Ray'Quann Jenkins-Cross by Johnson

1 A. Socially.

2 Q. Were you drinking?

3 A. Yes, sir.

4 Q. How many drinks did you have?

5 A. Maybe two beers.

6 Q. Two beers. How many beers did you have at
7 the cookout before you went out there?

8 A. Maybe a beer.

9 Q. Maybe a beer. So we're up to 3 beers
10 already. Socially. No smoking. No smoking no
11 herbs. No nothing like that, right.

12 A. No.

13 Q. Then you left there and you go out to
14 another club, correct?

15 A. Correct.

16 Q. Club Miami. How many drinks did you had
17 there?

18 A. None.

19 Q. So you didn't go inside. You didn't have
20 any drinks inside.

21 A. I went in but I didn't have a drink.

22 Q. You didn't have any drinks. Then when you
23 came outside, you got into -- well Mr. Archie got
24 into a fight with three guys, correct?

25 A. One guy.

Ray'Quann Jenkins-Cross by Johnson

1 Q. One guy. But it was three guys together,
2 correct.

3 A. Correct.

4 Q. None of those guys was my client, were
5 they?

6 A. No.

7 Q. So there's three guys there they have ill
8 meanings toward Mr. Archie, where to the point that
9 he's actual fighting on the ground with one of them,
10 correct?

11 A. Correct.

12 Q. And you're trying to stop the other ones
13 from jumping on him, correct?

14 A. Correct.

15 Q. Then you said there's what, four other
16 guys that comes out of nowhere, four or 5 other
17 guys?

18 A. Approximately.

19 Q. And none of those 4 or 5 other guys is my
20 client, is it?

21 A. Yes, it is.

22 Q. Well you didn't say that before.

23 A. Yes, I did. When I say I seen 4 or 5
24 coming from the area, and one of them was your
25 client.

Ray'Quann Jenkins-Cross by Johnson

1 Q. You didn't say that before. But that's
2 okay, the jury can decide whether you said it or
3 not. But now you're saying that you did say that.
4 Okay. So one of those four or five other guys came
5 out was my client.

6 A. Correct.

7 Q. And then you say that my client say, watch
8 out, right?

9 A. Correct.

10 Q. But by that time, all the guys, the 3 guys
11 that was fighting with Mr. Archie, and the other
12 four guys that were with my client, was all now
13 standing away from your client almost 20 feet away,
14 the fight was over. And then my client is
15 supposedly shooting at you and Mr. Archie standing
16 there by yourself.

17 A. We weren't standing by ourself.

18 Q. Who was there?

19 A. It was me, Mr. Archie, the guy he was
20 fighting. The other two, the first two that came
21 with the guy he was fighting. And then it was 4
22 more that came in with your client.

23 Q. Okay. So now when we take about these
24 cars, I want you to look at the screen. You say you
25 was, let see if this will work here. I think you

Ray'Quann Jenkins-Cross by Johnson

1 say you were somewhere like -- you were somewhere in
2 that area, correct?

3 A. That's the area I was in when I went down.

4 Q. That's supposedly when you were shot.

5 A. No, after I got shot, I told you I hopped
6 on one leg trying to head towards Mr. Archie.

7 Q. I'm a little confused. When you say you
8 went down, you mean what?

9 A. When I couldn't get up to walk, and try to
10 walk, I hopped on one leg.

11 Q. So you was hopping that way to get
12 to Mr. Archie.

13 A. I was riding a car line, because I was
14 holding on for support.

15 Q. But Mr. Archie was in that area, correct?

16 A. Correct.

17 Q. So why were you hopping this way to get to
18 Mr. Archie on the other direction?

19 A. Because there was a rows of cars. I was
20 hopping to get to that direction.

21 Q. Once again we're talking about rows of
22 cars. How many rows of cars was there? Maybe
23 about 4 or 5 rows?

24 A. Something, yeah.

25 Q. I mean at least that many, right? And

Ray'Quann Jenkins-Cross by Johnson

1 they was all in rows, going across like that,
2 correct? I'm sorry. They were going across like
3 that?

4 A. No.

5 Q. They was going what, the other direction?

6 A. Yes.

7 Q. So they were going across like that.

8 A. Correct.

9 Q. Now you're standing over on, y'all forgive
10 me here. Over on where the X is. Mr. Archie is
11 over here. The cars are going across in front of
12 you, and you're saying you could see where
13 Mr. Archie was?

14 A. Correct.

15 Q. And it's 2 o'clock in the morning.

16 A. Correct.

17 Q. You've been shot in the leg. You've been
18 drinking. You were hobbling. You went down. But
19 initially you told the jury, because I wrote it down
20 when you said it. You said initially you didn't see
21 Mr. Archie; that he ran away. Then you told the
22 solicitor that you saw him.

23 A. I say I didn't see him get shoot.

24 Q. Why didn't you see him get shoot?

25 A. Because---

Ray'Quann Jenkins-Cross by Johnson

1 Q. Well get shot.

2 A. Because I got shot and I feel forward
3 first.

4 Q. You say you heard at least 3 or 4 other
5 shots.

6 A. Correct.

7 Q. So is it fair to say that if there's
8 evidence that my client shot three times, there's
9 other people that were shooting.

10 A. I wouldn't say that.

11 Q. Well tell me how you get four more shots
12 out of 3?

13 A. I'd say approximately 3 or 4.

14 Q. So would that be fair to say that you
15 don't know?

16 A. I can't say exactly how many shots, but I
17 can tell it was about 3 or 4.

18 Q. Now you said that Mr. Green said that,
19 look out, right?

20 A. Watch out.

21 Q. Watch out. But you said you turned around
22 to pick Mr. Archie up. After I heard him say that.
23 But then you testified later on that you was picking
24 Mr. Archie up, and you heard Mr. Green said, look
25 out, and then you turned around to see him shoot.

Ray'Quann Jenkins-Cross by Johnson

1 A. I heard that before I turned around and
2 picked him up.

3 Q. So when you turned around to pick him up,
4 you had your back towards Mr. Green.

5 A. Correct.

6 Q. You weren't shot then, were you?

7 A. No.

8 Q. So you didn't see who shot you?

9 A. Yes, I did.

10 Q. How could you see who shot you if you had
11 your back to the person that---

12 A. I didn't get shot until after I picked
13 Mr. Archie up.

14 Q. So you picked Mr. Archie up. Then you
15 turn around to look at Mr. Green again.

16 A. To defuse the situation.

17 Q. So you wasn't afraid about being shot when
18 you turned around and picked Archie up.

19 A. When I turned around and picked him up, I
20 wasn't shot yet.

21 Q. Right. You were trying to pick him up so
22 you could get out of there, correct?

23 A. Correct.

24 Q. And get away, correct? So if you're
25 trying to get away, why are you turning around going

Ray'Quann Jenkins-Cross by Johnson

1 back to the person you're trying to get away from?

2 A. I'm not going back to them. I turned to
3 tell everybody to calm down.

4 Q. And he just pointed a gun at you and shot
5 you. Is that what you're saying?

6 A. I'm not saying he pointed at me
7 deliberately, but he pointed in my direction.

8 Q. Well I'm just trying to clarify here,
9 because you're saying he shot you. That tells me
10 that you're saying that he pointed at you and shot
11 you, correct?

12 A. Correct.

13 Q. But now you're saying -- you're not saying
14 he pointing at you -- he's pointing in your
15 direction. So which is it, did he point at you,
16 did he point in your direction? Or you just heard
17 some gunshots and you were shot, and you assume he's
18 the that shot you?

19 A. He pointed in my direction. Me and
20 Mr. Archie were standing, after I picked him up,
21 obviously he had to have been right there, because I
22 picked him up.

23 Q. Uh-huh. (Affirmative.) But when he left
24 from that point, he wasn't shot yet, was he?
25 Mr. Archie.

Ray'Quann Jenkins-Cross by Johnson

1 A. I don't know.

2 Q. You didn't see any shots.

3 A. The first shot, I went forward.

4 Q. Right. So you didn't see Mr. Archie get
5 shot by my client, did you?

6 A. No.

7 Q. Now you gave a statement to the police,
8 right?

9 A. Correct.

10 Q. And do you remember -- and you told the
11 truth when you gave that statement, correct?

12 MR. JOHNSON: Your Honor, can I approach?

13 THE COURT: Yes, sir.

14 Q. Would you please take a look at that? Do
15 you recognize that?

16 A. Yes.

17 Q. Is that your statement you gave to the
18 police?

19 A. Yes, it is.

20 Q. Would you please read your statement to
21 the jury of what you said?

22 A. I was walking to the car with Taj. Archie,
23 when three males tried to jump him, so I stepped in.

24 Q. No, excuse me. Please slow down, speak
25 clearly.

Ray'Quann Jenkins-Cross by Johnson

1 A. I was walking to the car with Taj. Archie
2 when three males tried to jump him. So I stepped in
3 to break it up. When I turned around, it was about
4 8 others coming to join the 3 who was already
5 starting the confrontation. Then a guy with all
6 white said, watch out, and pulled a gun and started
7 shooting towards our way.

8 Q. That's your whole statement to the police,
9 right?

10 A. Correct.

11 Q. And that's what you wrote. Now where in
12 the statement do you mention that that person was
13 Mr. Green?

14 A. Nowhere.

15 Q. And you knew Mr. Green before you wrote
16 the statement, correct?

17 A. Correct.

18 Q. You don't have his name on here, do you?

19 A. No.

20 Q. Also in this statement, you said it was 8
21 people, correct?

22 A. Correct.

23 Q. That's what you wrote, right?

24 A. Eight total.

25 Q. Well you don't have any total. You said

Ray'Quann Jenkins-Cross by Johnson

1 of 8 others, plus the three.

2 A. Okay.

3 Q. I mean I'm not trying to put no words.

4 I'll give you your statement back. You take a look

5 at it. Take another look at it. I don't want you

6 to say anything you didn't say it that statement.

7 In statement you say there were three people,

8 correct?

9 A. Correct.

10 Q. Then you say 8 more people.

11 A. Correct.

12 Q. So now we're up to 11, right?

13 A. Correct.

14 Q. Coming at you and Mr. Archie. Nowhere in

15 that statement, even when you mention the person in

16 white, do you say that that person was Rodney, who

17 you knew.

18 A. Correct.

19 Q. And you were telling the truth, right?

20 A. Not on this statement.

21 Q. So if you wasn't telling the truth on that

22 statement, then you're saying you lied on the

23 statement.

24 A. I didn't tell the whole truth. None of

25 this is a lie, but it wasn't the whole truth.

Ray'Quann Jenkins-Cross by Johnson

1 Q. This is, wait a minute, I'm a little
2 confused here. Is that the truth or is that a lie?

3 A. It's part of the truth.

4 Q. So now the truth is, it was 5 guys. And
5 one of them was my client.

6 A. Correct.

7 Q. How many times did you meet with the
8 police after that statement to go over your
9 statement?

10 A. None.

11 Q. You didn't meet to the solicitor's office
12 prior to coming to trial today?

13 A. Oh, yeah.

14 Q. How many times?

15 A. Once.

16 Q. To go over that statement, right?

17 A. Correct.

18 Q. And when you read that statement, that's
19 when the other details got added to that statement,
20 correct?

21 A. Correct.

22 Q. But prior to you meeting with them, that
23 was your statement, correct?

24 A. Correct.

25 Q. And in that statement do you say Rodney --

Ray'Quann Jenkins-Cross by Johnson

1 that Rodney Green shoot you?

2 A. No.

3 Q. And you wrote that statement when? What
4 day?

5 A. 3/24/2014.

6 Q. So on march 24th 2014, right after this
7 happened, your statement did not mention Rodney
8 Green as being the person that shoot you, did it?

9 A. No.

10 Q. You didn't change your statement until you
11 meet with the solicitor this, when this week? Last
12 week?

13 A. Last week.

14 Q. Last week. So it's fair to say last week,
15 let's just say November 1st, you met with him,
16 right? Of 2015. So from March of 2014 until
17 November of 2015, your statement as you say was the
18 truth was, what's on that paper, correct?

19 A. Somewhat.

20 Q. And it didn't change until last week,
21 correct?

22 A. Correct.

23 Q. The first time you ever changed it, right?

24 A. No, not the first time.

25 Q. Well isn't today in the court, the first

Ray'Quann Jenkins-Cross by Johnson

1 time you ever said all the additional things you
2 said, other than when you met with the solicitor?

3 A. When I wrote that statement, I didn't want
4 to get in between them. Because I know your client
5 very well. I looked at him and his family members,
6 and I looked at Tyrone's family members. So I
7 didn't want to get in between him.

8 Q. Okay.

9 A. That's what I told. I wrote that just to
10 stop Mr. Hawkins from coming to investigate me.

11 Q. But for people -- stopping who from coming
12 to investigate you?

13 A. The investigator.

14 Q. The investigator. Why were you afraid of
15 the investigator?

16 A. I wasn't afraid of him. I'm just getting
17 tired of him aggravating me.

18 Q. Right. Because they were pressuring you,
19 correct?

20 A. They wasn't pressuring me, it was just
21 because I didn't get in between them.

22 Q. Well let's go back, because you're talking
23 about the investigator, Mr. Hawkins. Why were you
24 concerned about him.

25 A. I wasn't concerned, he was doing his job.

Ray'Quann Jenkins-Cross by Johnson

1 Q. That's not what I'm asking you. I'm
2 asking you, you just said to the jury that you was
3 tired, and didn't want to get involved, because of
4 Mr. Hawkins, correct?

5 A. I was tired in the bed. I was grieving
6 from both sides, so I didn't want to get into it.

7 Q. And right now you had still had those same
8 concerns about Mr. Hawkins you had then, don't you?

9 A. No.

10 Q. Why because you said what he wanted you to
11 say.

12 A. No, I told him the truth.

13 Q. Once again, in that statement that you
14 wrote, did you mention my client?

15 A. No.

16 Q. And today in court is the first time that
17 you ever mention him, isn't that correct?

18 A. No.

19 Q. The only other time that you said it was
20 in the solicitor's office a week ago, correct?

21 A. Correct.

22 Q. And you did not say it before then.

23 A. No.

24 Q. No other questions.

25 THE COURT: Redirect?

Ray'Quann Jenkins-Redirect by Finney

1 MR. FINNEY: Just a few.

2 Redirect Examination by Mr. Finney:

3 Q. Mr. Jenkins, when you got shot in your
4 left femur, where did the bullet come from, the
5 front or the back or the side?

6 A. From the front.

7 Q. So you didn't have your back to whoever
8 shot you, did you?

9 A. No.

10 Q. So when the bullet came in the front, the
11 man who shot you was in front of you.

12 A. Correct.

13 Q. And you saw the man who was in front of
14 you.

15 A. Correct.

16 Q. And when you gave that statement to the
17 police officers, were you still in the hospital?

18 A. The first day out.

19 Q. The first day out. Were you back home at
20 your grandma's.

21 A. Correct.

22 Q. The police officers came by your house the
23 first day home. You've been in the hospital for
24 8 days.

25 A. Correct.

Ray'Quann Jenkins-Redirect by Finney

1 Q. You said to Mr. Johnson just now, you
2 really didn't want to tell them who shot you.

3 A. Correct.

4 Q. Because you didn't want to get involved.

5 A. Correct.

6 Q. Who shot you?

7 A. Mr. Green.

8 Q. Why are you telling jury that today?

9 A. Because I prayed on it, and this is what
10 God is telling me to do, tell the truth.

11 Q. Do you know for a fact Mr. Green was
12 dressed in all white that night?

13 A. Correct.

14 Q. And was he the man that did the shooting?

15 A. Correct.

16 Q. And do you know who shot Mr. Archie?

17 A. Correct.

18 Q. Who?

19 A. Mr. Green.

20 Q. How do you know that?

21 A. Because it all happened right there
22 surrounding me.

23 Q. Was it like 30 minutes went by between the
24 time you got shot and Mr. Archie got shot?

25 A. No.

Ray'Quann Jenkins-Recross Johnson

1 Q. Tell the ladies and gentlemen how quick
2 this thing happened.

3 A. Between anywhere from 3 to 5 seconds.

4 Q. The whole thing just boom, boom, boom,
5 boom, boom, boom.

6 A. Yes.

7 MR. FINNEY. Nothing further.

8 THE COURT: Recross?

9 MR. JOHNSON: Yes, Your Honor.

10 Recross Examination by Mr. Johnson:

11 Q. Ray'Quann, you are changing again. A
12 minute ago you said you don't know who shot
13 Mr. Archie. Now when the solicitor gets up here,
14 now you're saying you did. Now do you want to tell
15 the truth, that's fine. You want to help out
16 that's fine.

17 A. I didn't see him get shoot. That's what I
18 said.

19 Q. If you didn't see him get shot, then you
20 don't know who shot him.

21 MR. FINNEY: Argumentative, Your Honor.

22 THE COURT: Sustained. You can rephrase
23 it.

24 Q. If you didn't see him get shot, how could
25 you know who shot him?

Ray'Quann Jenkins-Recross Johnson

1 A. Because I got shot first, and he went
2 right in the direction Mr. Archie was running
3 toward.

4 Q. So you're assuming that my client shot
5 him.

6 A. No, I am not assuming.

7 Q. You didn't see it.

8 A. Because the first shot hit me, I feel
9 forward.

10 Q. I am not asking that. You didn't see who
11 shot Mr. Archie. Did you or did you not?

12 A. I didn't.

13 MR. JOHNSON: I got no other questions.

14 THE COURT: Thank you, sir. You can step
15 down. Everybody okay on the jury?

16 (Whereupon, no response.)

17 THE COURT: Mr. Finney.

18 MR. FINNEY: Please the court, Your Honor,
19 we'd call Steven Pizzino to the stand.

20 Steven Pizzino, being first duly sworn,
21 testified as follows.

22 THE CLERK: Please state your full name, and
23 spell your last name for the record.

24 A. Steven Wayne Pizzino. Last name is
25 spelled P-I-Z-Z-I-N-O.

Deputy Steven Pizzino-Direct by Finney

1 Direct Examination by Mr. Finney

2 Q. Officer Pizzino, thank you for coming.

3 Where are you employed now?

4 A. I'm currently a police officer with the
5 Barnwell City Police Department in the Barnwell,
6 South Carolina.

7 Q. We appreciate you're traveling up here.

8 Were you in 2014 March, employed by the Sumter
9 County Sheriff's Department?

10 A. Yes, I was.

11 Q. What was your position?

12 A. I was a patrol deputy.

13 Q. And tell the ladies and gentlemen a little
14 bit about what you do as a patrol deputy.

15 A. Patrol deputy, patrol our assigned areas.
16 Respond for calls of service, do property checks,
17 little traffic enforcements, various things.

18 Q. And how long had you been employed with
19 Sumter County in 2014?

20 A. Approximately 3 years.

21 Q. And did you have title? Were you a
22 sergeant?

23 A. I was a corporal.

24 Q. Corporal.

25 A. Yes, sir.

Deputy Steven Pizzino-Direct by Finney

1 Q. Now did you have occasion to work a call
2 at the Club Miami on March 16th 2014?

3 A. Yes, I did.

4 Q. And did you have occasion to make an
5 arrest as a result of that call?

6 A. Yes, I did.

7 Q. I want you to tell the ladies and
8 gentlemen a little bit about what happened while you
9 were on duty that night. Tell us what time the call
10 came through.

11 A. We were on patrol in the 378 area, near
12 Cherryvale, and a call came out of a fight/slash
13 shooting incident at Club Miami. I responded along
14 with another deputy, Corporal Lee, heading to the
15 Club Miami. Corporal Lee was a few seconds ahead of
16 me. He was able to arrive on the scene prior to me.
17 And it was approximately 2:50, 2:45, 2:50 in the
18 morning. Actually Sunday morning at the time.

19 And Corporal Lee radioed that the shooting
20 suspect was running across the field wearing a white
21 shirt and white pants. As I was approaching the
22 area at Mayfield Road and Highway 378, I was
23 searching the field with my spotlight, and I saw the
24 individual in the white shirt and white pants,
25 running in front of some sand berms and a couple of

Deputy Steven Pizzino-Direct by Finney

1 individuals giving chase. I immediately jumped out
2 of my vehicle, and started yelling, sheriff's
3 office, get on the ground. Gave chase to the
4 subject. He turned and ran up over a sand berm.
5 And as I topped the top of the sand berm, pursuing
6 him, I saw him on the second sand berm trying to
7 negotiate to get over.

8 I Immediately tackled him, and attempted
9 to place him in handcuffs. At the time he resisted
10 and started pulling his hands away. And I deployed
11 my taser. He told me, when I told him give me your
12 hands, he told me, F you. So I deployed my taser.
13 And after the 5 seconds, again instructed him to
14 give me his hands. He kept pulling his hands away
15 and said F you again. So I reengaged my taser once
16 more. And he finally complied and stopped
17 resisting, and I was able to place him in cuffs, and
18 place him under arrest.

19 Q. If you don't mind, Officer Pizzino, I am
20 going to show you what's been marked as State's
21 Exhibit No. 24, and ask if you can identify that.

22 A. Those are the sand berms.

23 Q. And I'm going to ask you to look at 23 as
24 well.

25 A. Yes, sir. That's the sand berm it looks

Deputy Steven Pizzino-Direct by Finney

1 like we were struggling.

2 Q. Can you just describe to the jury what the
3 sand berms are?

4 A. It was piles of dirt that were placed
5 there by Glasscock individuals in that open field
6 that they were using for building purposes or
7 whatever they're doing. But large piles of dirt
8 with valleys in between them.

9 MR. FINNEY: Without objection, Your
10 Honor, State's Exhibit No. 23.

11 THE COURT: Any objection, Mr. Johnson?

12 MR. JOHNSON: No objection, Your Honor.

13 THE COURT: 23 and 24 are in.

14 (Photographs marked State's Exhibit Nos.
15 23 and 24 marked into evidence.)

16 Q. How high would you say the 20, the sand
17 berms are in 23 and 24? How high are they from the
18 ground level do they go up?

19 A. I would approximate 12, 10, 12, 15 feet
20 maybe.

21 Q. And as you were running, following this
22 gentleman that you were in pursuit of, you noticed
23 that he had on what kind of outfit?

24 A. He had a white shirt and white pants.

25 Q. And while he was running, you were trying

Deputy Steven Pizzino-Direct by Finney

1 to get him to stop, you were talking to him or
2 yelling out commands?

3 A. Yes, sir. I was yelling sheriff's office,
4 stop. Get on the ground.

5 Q. And how far would you say in distance did
6 you have to follow him before he started complying
7 with your request? Let me show you State's Exhibit
8 No. 31, you have a little marker right here. If you
9 can tell the jury, where were you when you first got
10 in the vicinity of the club? This is 378 out there.

11 A. That's 378 out here. That's Eagle Road.

12 Q. Yes, sir.

13 A. I was on 378 right near the Mayfield Road
14 cut here.

15 Q. Mayfield Road is not on this actual
16 picture. Let me see if it's on.

17 A. Yes, sir.

18 Q. Let's look at State's Exhibit No. 30.
19 This is the club here.

20 A. Yes, sir. I was en route heading
21 westbound on 378. And when I shined my light, I
22 saw the individual coming across the field. And I
23 pulled in approximately here. And the sand berms
24 ran parallel to 378 here. And I chased him from
25 here, approximately around here and then up over the

Deputy Steven Pizzino-Direct by Finney

1 first sand berm. He was trying to get over the
2 second one here so.

3 Q. So somewhere in this area here. Is this
4 right here Mayfield Drive?

5 A. Yes, sir. That's Mayfield.

6 Q. So you actually pulled your car off of 378
7 into the field?

8 A. Yes, sir. Right on the edge of it right
9 here.

10 Q. And you say you had a spotlight or search
11 light in the car?

12 A. Yes, sir.

13 Q. Once you crossed the first berm and you
14 were heading for the second berm, were you actually
15 able to stop him, and tackle him?

16 A. Yes. He was attempting to scramble up the
17 second berm, and that's when I jumped on his back.

18 Q. Was there anybody else besides you and the
19 gentleman in white that was out there at that spot.

20 A. Yes, sir. There was security officers
21 that were in giving chase to him, and they were
22 right behind me coming up the berm. And then
23 Lieutenant Lee arrived on the scene, and she went
24 around the back side of the berm.

25 Q. Very good. Once you detained the

Deputy Steven Pizzino-Direct by Finney

1 gentlemen in white, did you put him in handcuffs?

2 A. Yes, sir.

3 Q. And what was done with him next?

4 A. I mirandized him.

5 Q. And when you gave him his miranda, did he

6 identify himself to you?

7 A. I don't recall at the exact time, but I
8 was able to afterwards he told his name was Rodney
9 Green.

10 Q. And do you see Rodney Green in the
11 courtroom today?

12 A. Yes, I do.

13 Q. Would you point him out to the jury.

14 A. He's right there.

15 Q. Is that the man that was running across
16 the sand berm, who you arrested at the Club Miami?

17 A. Yes, sir.

18 Q. And let me show you what's been marked as
19 State's Exhibit No. 9, and ask if you can identify
20 what's in that picture.

21 A. That's Mr. Green wearing the outfit that
22 he was wearing when I arrested him that night.

23 Q. Same outfit.

24 A. Yes, sir.

25 MR. FINNEY: I beg the court's indulgence.

Deputy Steven Pizzino-Direct by Finney

1 THE COURT: Yes, sir.

2 Q. Once you got him in your patrol car, you
3 say Misty Lee was there.

4 A. Yes, sir.

5 Q. And she had other things to do out there
6 that evening?

7 A. Yes, sir.

8 Q. Did you ever go to the parking lot area,
9 look on the screen right there. Do you see, I want
10 to ask you where it says on this screen, Rodney
11 Green taken into custody. Do you agree that the
12 map, the picture that we have up now is State's
13 Exhibit 23, that that's an accurate description of
14 the area where you arrested Mr. Green?

15 A. Yes, sir.

16 Q. And did you ever leave that area to go
17 over to where Club Miami was, the parking lot area?

18 A. Yes, sir, I did.

19 Q. Did you know, or were you informed, did
20 you find out that there people shot there?

21 A. Yes, sir.

22 Q. Did you -- can you tell us what you saw
23 about the people that were shot there?

24 A. When I arrived on the scene, there were
25 several individuals outside the club, Corporal Lee,

Deputy Steven Pizzino-Direct by Finney

1 EMS, et cetera, and they were trying to do crowd
2 control. But on the back side of the club, an
3 individual was lying on the ground. There were
4 various medical supplies, bandages, et cetera around
5 him, and it looked as though that he been given
6 medical attention. But I was informed at the time
7 that he had expired.

8 Q. And did you see him with your own eyes,
9 and did you see what was going on there?

10 A. Yes, sir, I saw him with my eyes.

11 Q. Let me show you what's been marked State's
12 Exhibit 11 and 12. I want you to look at State's
13 Exhibit No. 11, and tell me if you can identify
14 that.

15 A. That's the individual I saw lying at the
16 back of Club Miami.

17 Q. In the top of that picture there's some
18 people standing there, they look like they're
19 officials. Can you tell who they are?

20 A. I can't tell who they are. I know that
21 they're ones one of our deputies. I don't know if
22 that's Corporal Lee, or that may be me.

23 Q. Is it's possible that's you standing in
24 that picture?

25 A. That could be me standing there in the

Deputy Steven Pizzino-Direct by Finney

1 picture.

2 Q. And is that position that the deceased was
3 found in when you all got there?

4 A. One -- yes, sir, when I arrived that's the
5 position he was in.

6 Q. And this is State's Exhibit No. 12. Tell
7 us what that is.

8 A. That's the same individual.

9 Q. A closer view?

10 A. Yes, sir.

11 MR. FINNEY: Move these into evidence,
12 Your Honor.

13 MR. JOHNSON: No objection.

14 THE COURT: 11 and 12 are in.

15 (Photographs marked State's Exhibit Nos.
16 11 and 12 into evidence.)

17 Q. Did you have any occasion to talk with or
18 be in contact with the other young man that was
19 there that night, a Mr. Jenkins?

20 A. No, sir. I saw from a distance him, but I
21 was trying to help with crowd control around the
22 other individuals.

23 Q. And because you were doing crowd control,
24 you didn't have anything to do with collecting any
25 evidence or taking photographs, or things like that?

Steven Pizzino-Cross by Johnson

1 A. No, sir.

2 MR. FINNEY: Thank you for coming. Answer
3 any questions Mr. Johnson might have.

4 THE COURT: Mr. Johnson.

5 MR. JOHNSON: Thank you, Your Honor.

6 Cross Examination by Mr. Johnson:

7 Q. You said that when you arrested Mr. Green
8 he had a white shirt and white pants on, correct?

9 A. Yes, sir.

10 Q. But you left out something. Didn't he
11 have a white cap on?

12 A. I don't recall a white cap. I don't
13 remember seeing a white cap when I took him in to
14 custody.

15 Q. Well that's what I was referring to. One
16 second.

17 MR. JOHNSON: Your Honor, could we
18 approach?

19 THE COURT: Yes, sir.

20 (Whereupon, the attorneys approach and
21 confer with judge.)

22 THE COURT: Ladies and gentlemen, step to
23 your jury room. You may not discuss this case at
24 all.

25 (Whereupon, the following takes place

Steven Pizzino-Cross by Johnson

1 outside the presence of the jury.)

2 THE COURT: Mr. Finney or Mr. Johnson, or
3 both, what Mr. Johnson or both what Mr. Johnson
4 mentioned up here at the bench was that he wanted to
5 question the witness along with a photograph that is
6 not in evidence, that purports to be of the same
7 individual, who is in the other photograph that has
8 been introduced which is No. 9, wearing all white,
9 except the one that's not marked shows the same
10 individual in the exact same room, exact same
11 clothes on, the exact same pose, with a white cap
12 on.

13 Mr. Johnson, what did you want to -- you
14 wanted to ask the witness some questions about that?

15 MR. JOHNSON: Yes, sir. Because I think
16 It goes to identification as to the shooter. The
17 statements prior to not have been a person with all
18 white on. No mention of a white cap. If my client,
19 I wanted to ask the officer, apparently that picture
20 that was shown indicates that my client had a white
21 cap. He was arrested with that white cap.

22 THE COURT: What I am going to allow you
23 to do in the proffer is to go through that with this
24 picture, just so we can gauge what the lay of the
25 land is. So this will be marked at least for now,

Steven Pizzino-Cross by Johnson

1 Defendant's No. 3 or 4 for ID. I don't remember
2 which.

3 MR. JOHNSON: I think it would 4 for ID.

4 THE COURT: 4. Has he already been
5 questioned about No. 9?

6 MR. JOHNSON: I think so, Your Honor.

7 THE COURT: No. 9. Mr. Finney, has the
8 witness already been questioned about No. 9?

9 MR. FINNEY: The witness identified the
10 gentleman that he arrested as No. 9.

11 THE COURT: Now you can show him the other
12 one, Mr. Johnson.

13 MR. JOHNSON: You can take a look at it.

14 THE COURT: And that is No. 4 for Id. for
15 the defendant just to make sure the record is clear.
16 You can ask him the question.

17 (6-person photo lineup marked State's
18 Exhibit No. 4 for Id.)

19 Q. And I just want to ask in looking at it,
20 do you remember now that he had a cap with him?

21 A. I can't recall exactly when I apprehended
22 him, I don't recall if he had on the cap on at the
23 time.

24 Q. Do you remember recovering any items at
25 the scene where you recovered them, where there was

Steven Pizzino-Cross by Johnson

1 a white cap laying there?

2 A. I don't believe I recovered the white cap
3 at the time. I was concerned with maintaining
4 control of Mr. Green.

5 MR. JOHNSON: Well, Your Honor, I don't
6 want to enter this as evidence, or attempt to enter
7 it into as evidence. Depending on what he said.
8 Maybe I can clarify that through another witness
9 that might have been there, because I think there
10 was some of the other officers that were present at
11 the time.

12 THE COURT: Help me out here, has he
13 already been questioned in front of the jury as to
14 whether or not he did or did not have a white cap,
15 or whether the witness does or does not remember. I
16 don't---

17 MR. FINNEY: He has not.

18 MR. JOHNSON: He's not. He just said
19 that, I asked him about---

20 THE COURT: You can ask him in front of
21 the jury if he remembers anything about the
22 defendant or the person he apprehended, having a
23 white cap on or having a white cap with him, or
24 whether one you found. But it would seem that using
25 that photograph would not bear any fruit for you.

Steven Pizzino-Cross by Johnson

1 MR. JOHNSON: That's correct.

2 THE COURT: So I am going to restrict you
3 just to the questions without using the photo.

4 MR. JOHNSON: That's fine, Your Honor.

5 THE COURT: Mr. Finney, while the jury is
6 out, I would assume that the testimony of this
7 witness will be winding down pretty shortly. Do you
8 want to break for lunch after that?

9 MR. FINNEY: I do, Your Honor.

10 THE COURT: You can bring in the jury.

11 (Whereupon, the following takes place in
12 the presence of the jury.)

13 THE COURT: Mr. Johnson, you can continue.

14 MR. JOHNSON: Thank Your Honor. May it
15 please the court.

16 Cross Examination by Mr. Johnson:

17 Q. Officer, so just for clarification as far
18 as you know, you don't remember my client having a
19 white cap or white hat on.

20 A. No, sir, I don't recall.

21 Q. But you can't say one way or another, well
22 you just don't remember.

23 A. I don't remember, sir.

24 Q. You said you read him his rights, is that
25 correct?

Steven Pizzino-Cross by Johnson

1 A. Yes, sir.

2 Q. At that time did he state that he did not
3 want to talk to you?

4 A. No, sir, I didn't ask him anything further
5 questions.

6 Q. You didn't ask him anything further
7 questions.

8 A. No, sir.

9 Q. Now when you arrested my client you say
10 you tased him twice?

11 A. Yes, sir.

12 Q. Did he get any medical treatment?

13 A. There was no need. I removed the the
14 probes myself. We're trained to do that when we go
15 through our taser training.

16 Q. Then you placed him in a car, correct?

17 A. Yes, sir.

18 Q. Now at the time that you arrested him, he
19 didn't have a gun on him, did he?

20 A. No, sir.

21 Q. You put him in your car.

22 A. Yes, sir.

23 Q. Then you took him back to almost to the
24 scene where everything happened, right?

25 A. Yes, sir.

Steven Pizzino-Cross by Johnson

1 Q. And you left him inside your car, right?

2 A. Yes, sir, within view of me, within the
3 close proximity of me.

4 Q. Right. And therefore, if you were near
5 the body, that's where you was at, right? Where the
6 individual had -- was laying or one of the
7 individuals got shot. That's what you just told the
8 prosecutor, right?

9 A. Yes, sir. I was in plain view of my car,
10 keeping an eye on Mr. Green in my vehicle, as well
11 as, right there close to where the body was, yes,
12 sir.

13 Q. So you took my client back after you
14 arrested him, back to the scene, and placed him in
15 your car in handcuffs, in the back seat, correct?

16 A. I placed him in handcuffs in the back seat
17 of my car prior to going back to the scene.

18 Q. Correct. But then you took the car with
19 him inside the car.

20 A. Yes, sir.

21 Q. In handcuffs.

22 A. Yes, sir.

23 Q. In the back seat. You didn't have tinted
24 windows, did you?

25 A. No, sir.

Steven Pizzino-Cross by Johnson

1 Q. And you take them back to the scene where
2 an individual had been shot, right?

3 A. Yes, sir.

4 Q. And you left him sitting in your car while
5 you went to check on the individual, right?

6 A. Yes, sir. Right close, like I say, I was
7 in the close proximity---

8 Q. Correct.

9 A. ---to where I could keep an eye on him.

10 Q. So anybody walking by could see him
11 sitting in the car, correct?

12 A. I suppose.

13 Q. And it's fair to assume that if you're
14 sitting in the police car, and my client is sitting
15 in the car, anybody walking by would assume he was
16 the one that had something to do with that, correct?

17 A. I can't, you know, suppose.

18 Q. Did you have anybody locked up?

19 A. I didn't have anyone else.

20 Q. Was there anybody else there standing with
21 handcuffs on?

22 A. Not that I saw.

23 Q. Was there another police car that had
24 anybody else sitting there in the back seat?

25 A. No, that I saw.

Steven Pizzino-Cross by Johnson

1 Q. So witnesses, people that was there, saw
2 him in the back seat of your car.

3 A. I suppose.

4 Q. And at that time you wasn't sure what
5 happened, did you?

6 A. I wasn't sure exactly what happened, I
7 just knew that I apprehended a suspect that I was
8 told that did the shooting.

9 Q. So is it fair to say by placing him in
10 back seat of your car with handcuffs on, and taking
11 him back to the scene, it could influence the
12 testimony of possible witnesses?

13 A. I can't say one way or another. I am not
14 a lawyer.

15 Q. That's correct. But you can't say one way
16 or another, can you?

17 A. No, sir.

18 Q. And let's clarify one other thing. You
19 did see my client shoot a gun, did you?

20 A. No, sir.

21 Q. You did not see him shoot anybody.

22 A. No, sir.

23 Q. And as far as related to this case, except
24 for arresting my client, you don't know who killed
25 Mr. Archie, do you?

Steven Pizzino-Redirect by Finney

1 A. Personally I don't know, sir.

2 MR. JOHNSON: I have no other questions
3 for you.

4 THE COURT: Redirect.

5 MR. FINNEY: Please the Court.

6 Redirect Examination by Mr. Finney:

7 Q. Officer Pizzino, while you were out there
8 effecting the arrest of Mr. Green, did you see or
9 come into contact with a handgun?

10 A. I saw -- yes, I saw Lieutenant Lee
11 recovered a handgun on the opposite side of the
12 berm, where I apprehended Mr. Archie. She held it
13 up and said she found a weapon.

14 Q. Do you know what kind of handgun it was?

15 A. I was told it was---

16 MR. JOHNSON: Your Honor, objection, that
17 would be hearsay.

18 THE COURT: Sustained.

19 Q. You didn't get to get close enough to tell
20 what kind of gun it was?

21 A. No, sir, I didn't.

22 Q. And once the gun was identified by
23 Sergeant Lee, you didn't see it anymore.

24 A. No, sir.

25 Q. You were informed on the radio that there

Steven Pizzino-Redirect by Finney

1 was a fight or shooting at the club. That's why you
2 were called to the club.

3 A. Yes, sir.

4 Q. And were you also informed on the radio
5 that the shooter was running in the field next to
6 the club?

7 A. Yes, sir.

8 Q. And did you see that -- did you see an
9 individual fitting that description in the field?

10 A. Yes, sir.

11 Q. You gave chase to him?

12 A. Yes, sir.

13 Q. Can you tell us about how far the handgun
14 that you described or heard about, was from the
15 individual when you tackled him?

16 MR. JOHNSON: Your Honor, objection. He's
17 already stated he did not find the gun, and he saw
18 an officer with it.

19 THE COURT: He can rephrase the question.
20 That particular objection to that particular
21 question is sustained.

22 Q. Do you have an opinion or recollection of
23 how far Misty Lee found the gun from where you
24 tackled Mr. Rodney Green?

25 MR. JOHNSON: Objection, Your Honor. That

Steven Pizzino-Redirect by Finney

1 calls for an opinion that he has no basis to know.

2 THE COURT: You better, the objection is
3 overruled from the distance between from where she,
4 just rephrase the question.

5 Q. Did you -- were you in the area of Misty
6 Lee, Sergeant Lee, when she recovered the handgun?

7 A. Yes, sir.

8 Q. How far were you away from her when she
9 recovered the handgun?

10 A. Probably 20 feet.

11 Q. And did she actually have the gun in her
12 hand?

13 A. Yes, sir.

14 Q. Did you see that?

15 A. Yes, sir.

16 Q. Were you 20 feet from Misty Lee when she
17 recovered the handgun?

18 A. Yes, sir.

19 Q. Were you still with Mr. Rodney Green when
20 she recovered the handgun?

21 A. Yes, sir.

22 Q. And so Mr. Green was arrested about
23 20 feet away from where Misty Lee was.

24 A. Yes, sir.

25 MR. FINNEY: Nothing further.

Steven Pizzino-Recross by Johnson

1 THE COURT: Mr. Johnson.

2 Recross Examination by Mr. Johnson:

3 Q. Officer, you was in the car with Mr. Green
4 after you arrested him, correct?

5 A. Yes, sir.

6 Q. You saw an officer standing there with a
7 gun, correct? You saw Misty with the gun, correct?

8 A. I saw Lieutenant Lee stand up on the other
9 side of the berm and say, I found the gun.

10 Q. Right. But you didn't see where she
11 picked the gun up from.

12 A. I saw where she stood up from and said she
13 found a gun.

14 Q. Found a gun, right. But You didn't see
15 her reach on the ground and pick the gun up, did
16 you?

17 A. No, I didn't see her actually---

18 Q. Because you couldn't see, right?

19 A. Right, it was over -- it was right over
20 the berm.

21 Q. So you don't know where the gun was where
22 she found it. She could have been walking up the
23 berm, and found the gun further away from the berm,
24 couldn't she?

25 A. I don't know.

Steven Pizzino-Recross by Johnson

1 Q. Right, you don't know, correct?

2 A. Not exactly, no. I just know where she
3 stood up and said that she found the weapon.

4 Q. Correct. Also you saw my client running,
5 correct?

6 A. Yes, sir.

7 Q. You didn't see a gun, did you?

8 A. No, sir.

9 Q. You didn't see him with a gun at all, did
10 you?

11 A. No, sir. I was pretty a far distance away
12 when I started giving chase.

13 Q. But you were close enough that you could
14 see him running.

15 A. Well, yes, sir. It's a wide open field.

16 Q. Right. There were no trees.

17 A. No.

18 Q. No cars.

19 A. No, sir.

20 Q. Nothing between you client, and you could
21 see him running. Enough that you were able to catch
22 him, right?

23 A. Yes, sir. It was probably 80 yards
24 between me and him when I started chasing him.

25 Q. Right so approximately, he ran for

Steven Pizzino-Recross by Johnson

1 approximately 80 yards.

2 A. Well he ran a lot further than that from
3 the club, to where I started giving chase to him,
4 when I first saw him and started chasing him, he
5 probably had about 80 yards.

6 Q. Right. And you watched him the whole
7 time, correct?

8 A. Yes, sir.

9 Q. And you didn't see him throw a gun, did
10 you?

11 A. No, sir.

12 Q. You didn't see him with a gun, did you?

13 A. No, sir.

14 Q. And you have no knowledge of him having a
15 gun, do you?

16 A. No, sir.

17 MR. JOHNSON: No other questions.

18 MR. FINNEY: Can the officer be excused?

19 THE COURT: Any objection, Mr. Johnson?

20 MR. JOHNSON: No objection.

21 THE COURT: You can step down, thank you.

22 Ladies and gentlemen we are going to stop for lunch
23 now. It's shortly before one obviously. During
24 lunchtime you may not discuss the case amongst
25 yourselves or with anyone else, and continue to

Demetrice Brooks-Direct by Finney

1 THE COURT: The jury is here, Mr.
2 Johnson, are you ready?

3 MR. JOHNSON: Yes, Your Honor.

4 THE COURT: How about your investigator,
5 are you going to wait on him to get back?

6 MR. JOHNSON: He's right here, Your Honor.

7 THE COURT: You may bring the jury.

8 (Whereupon, the following takes place
9 within the presence of the jury.)

10 THE COURT: Mr. Finney, you may call your
11 next witness.

12 MR. FINNEY: Ms. Demetrice Brooks. Her
13 nickname is Diamond. Ms. Diamond Brooks.

14 Demetrice Brooks, being first
15 duly, sworn as follows:

16 THE CLERK: Please state your full name
17 and spell your last for the record.

18 A. Demetrice Brooks. B-R-O-O-K-S.

19 Direct Examination by Mr. Finney:

20 Q. Ms. Demetrice, tell the ladies and
21 gentlemen of the jury how old you are.

22 A. 26.

23 Q. And what do you do for a living?

24 A. I just had a baby, so I am just
25 babysitting right now.

Demetrice Brooks-Direct by Finney

1 Q. Boy or girl?

2 A. A girl.

3 Q. Your first one?

4 A. No, my second.

5 Q. Are you related to Mr. Tyrese Archie?

6 A. Yes, that's my cousin.

7 Q. Is it a first cousin? Second cousin?

8 A. First cousin.

9 Q. First cousin. Did you know the young lady
10 who was having the birthday party at the lodge on 15
11 south?

12 A. No.

13 Q. Did you know somebody that was having a
14 birthday party at the Club Cream?

15 A. No.

16 Q. You didn't go to the cookout. You didn't
17 go to Club Cream.

18 A. Uh-uh. (Negative.)

19 Q. Was there anybody celebrating a birthday
20 on March 16th 2014, that you did know about?

21 A. Yeah, I heard about the party, but I
22 didn't go.

23 Q. Did you have occasion to go to the Club
24 Miami late Saturday night, March 15th?

25 A. Yes, sir.

Demetrice Brooks-Direct by Finney

1 Q. On over into the March 16th after
2 midnight?

3 A. Yes.

4 Q. How did you get to the club?

5 A. I ride with my cousin.

6 Q. Tell us what your cousin's name is.

7 A. Auntachie Blanding and Shataeja Rivers.

8 Q. Auntachie Blanding is one of your cousins.

9 A. Uh-huh. (Affirmative.)

10 Q. And Shataeja Rivers.

11 A. And Shataeja Rivers.

12 Q. So it was three girlfriends together.

13 A. Yes, sir.

14 Q. All of you all known each other a long
15 time?

16 A. Yes, sir.

17 Q. And what time would you say you got picked
18 up by Auntachie?

19 A. I can't remember.

20 Q. What time would you say you got to the
21 club?

22 A. We get the wrist bands before 12 o'clock,
23 so about 12.

24 Q. Tell the ladies and gentlemen about the
25 wrist bands.

Demetrice Brooks-Direct by Finney

1 A. Like before you go to the club, you can
2 get some wrist bands so you can be there before 12
3 o'clock so you can get in the club.

4 Q. Cost you anything?

5 A. No, it's free. That's why I get the wrist
6 band.

7 Q. So you get in the club free if you have
8 got the wrist band.

9 A. Yes.

10 Q. And did you have a wrist band?

11 A. Yes, sir.

12 Q. The other two ladies?

13 A. Uh-huh. (Affirmative.) They had a wrist
14 bands.

15 Q. How often do you go out to the Club Miami?

16 A. Not that much.

17 Q. But how did you get the wrist bands?

18 A. We went to the club.

19 Q. Earlier?

20 A. Earlier to get the wrist band to get in.

21 Q. And then after you -- you didn't go in
22 the club then.

23 A. Uh-uh. (Negative.)

24 Q. You got the wrist bands and left.

25 A. Go back home.

Demetrice Brooks-Direct by Finney

1 Q. So then you got ready to go out for the
2 evening and you went back.

3 A. Uh-huh. (Affirmative.)

4 Q. It was -- was it before midnight when you
5 got to Club Miami or after?

6 A. It's been right at 12 o'clock.

7 Q. Very good. So about midnight you and
8 your girlfriends go in.

9 A. Uh-huh. (Affirmative.)

10 Q. Do you see Tyrese Archie when you get
11 there?

12 A. No.

13 Q. How long were you there before you saw
14 him?

15 A. I been there since 12 o'clock. They came
16 later on. They came late.

17 Q. So what were you doing when you first saw
18 Mr. Archie that evening?

19 A. Partying and having fun. Listening to
20 music, dancing.

21 Q. Were you dancing?

22 A. Uh-huh. (Affirmative.) Having fun.

23 Q. You saw your cousin Mr. Archie.

24 A. Uh-huh. (Affirmative.)

25 Q. Were you expecting him?

Demetrice Brooks-Direct by Finney

1 A. No.

2 Q. So you just saw him.

3 A. Uh-huh. (Affirmative.)

4 Q. How was he looking? How was he feeling?

5 A. He was pretty happy.

6 Q. Any problems that he told you about or
7 anything like that?

8 A. No.

9 Q. After awhile, how long would you say
10 before, did you have to leave the club that night?

11 A. I only left for one reason, well we'll get
12 into that later on. But I only left for one reason,
13 but I been there the whole time.

14 Q. What was the reason that you left the
15 club?

16 A. Because they were shooting.

17 Q. Were you inside when the shooting started
18 or were you outside?

19 A. I was outside at that time.

20 Q. Why were you outside the club?

21 A. Because a fight broke out, and they was
22 pushing people out. So I saw my family going out, I
23 just followed behind them.

24 Q. Very good. So you were inside.

25 A. Uh-huh. (Affirmative.)

Demetrice Brooks-Direct by Finney

1 Q. Everything was going good.

2 A. Uh-huh. (Affirmative.)

3 Q. Was Mr. Archie inside?

4 A. Yeah, he was in the inside.

5 Q. Do you know Da-Quann Jenkins?

6 A. Yeah, I know him.

7 Q. Ray'Quann.

8 A. Yes.

9 Q. Is he a friend of yours, been knowing him
10 a long time?

11 A. Yes.

12 Q. Was he inside the club or outside the
13 club?

14 A. I can't remember.

15 Q. When you saw or heard about a fight going
16 on, was the fight inside the club or outside the
17 club?

18 A. It was both. One was inside and they was
19 pushing people out. Like I say, I saw my family
20 going out, I just followed behind them.

21 Q. How many family members would you say you
22 had there?

23 A. It was a lot of us out there. I can't
24 give you a number, but I just know it was a lot of
25 us out there.

Demetrice Brooks-Direct by Finney

- 1 Q. More than 4 or 5?
- 2 A. Yes.
- 3 Q. Was it mostly girls? Mostly guys?
- 4 A. Girls and boys.
- 5 Q. Mixed.
- 6 A. Uh-huh. (Affirmative.)
- 7 Q. When you got outside, did you see
- 8 Mr. Archie on the outside?
- 9 A. Yes.
- 10 Q. Did you have a conversation with him?
- 11 A. No, just one time and he tell us to go to
- 12 the car.
- 13 Q. Why was he telling you to go to the car?
- 14 A. Because people was acting crazy, fighting,
- 15 and stuff like that.
- 16 Q. So he directed you and your girlfriends to
- 17 go to the car.
- 18 A. My cousins, yes.
- 19 Q. Your cousins.
- 20 A. Uh-huh. (Affirmative.)
- 21 Q. And were you in a position to get to your
- 22 car?
- 23 A. Yeah, I could have went. Well before we
- 24 went, you know, right then and there, you know, a
- 25 commotion was going on. You know, and I was right

Demetrice Brooks-Direct by Finney

1 there looking, you know, at the same time---

2 Q. Right.

3 A. ---before we just walk off.

4 Q. Once you did get outside and once you
5 heard Mr. Archie tell you to go to your car, tell
6 the ladies and gentlemen what happened next.

7 A. Can you repeat that again?

8 Q. Once you saw Mr. Archie on the outside.

9 A. Uh-huh. (Affirmative).

10 Q. And he told you to go to your car.

11 A. Uh-huh. (Affirmative.)

12 Q. Tell the ladies and gentlemen of the jury
13 what happened next.

14 A. Well what happened next was, Rodney Green
15 he was like, he yelled out, Yo, Stymie. He yell to
16 him just like that, Yo, Stymie. And Stymie was
17 like, like what's up. You know, trying to find out
18 who called him. And after that -- after he was
19 trying to found out who was calling him, the next
20 thing you know, he's been like, you all go to you
21 all car. He say, Sha, Nay, our nicknames, you know,
22 go to the car.

23 Q. Who said that?

24 A. Stymie.

25 Q. Who is Stymie?

Demetrice Brooks-Direct by Finney

1 A. Tyrese Archie.

2 Q. That's the nickname that you all gave

3 him---

4 A. Yeah, stymie.

5 Q. ---Stymie. So stymie heard somebody call

6 his name.

7 A. Uh-huh. (Affirmative.)

8 Q. Who called his name?

9 A. Rodney. Yeah, Rodney Green. I saw him.

10 He called my cousin's name.

11 Q. This is Mr. Rodney Green.

12 A. Yes, this is Rodney Green.

13 Q. What did he look like that night?

14 A. He was in all white.

15 Q. Where was he standing or sitting?

16 A. I can -- if you put the board up, and I

17 will show you.

18 Q. This is State's Exhibit No. 30. 31, I am

19 sorry. And there is a little pointer right here.

20 Stand up, please, and talk as loud as you can. Do

21 you see the club on this Exhibit 31?

22 A. Yeah, this is the club.

23 Q. Do you see the front?

24 A. Uh-huh. (Affirmative.) I see the front.

25 Q. What is this area here beside the club?

Demetrice Brooks-Direct by Finney

1 A. This is the parking lot.

2 Q. Talk loud now.

3 A. This is the parking lot.

4 Q. Where did you see Tyrese Archie? Where
5 did you and Tyrese where were you all standing?

6 A. Well we were standing like right here.

7 Q. All right.

8 A. And, you know, there's cars all out there
9 also, and Rodney was standing back like behind a
10 car, like on the side. You could see him from the
11 back side. I saw his face. I know I saw his face.
12 And he was standing right. Rodney was like standing
13 back there.

14 Q. How far away was Rodney from where you
15 were standing with Tyrese?

16 A. Not that far.

17 Q. Further than from you to that lawyer
18 there?

19 A. Yeah, like something just like that, yeah.
20 Exactly.

21 Q. About that far?

22 A. Uh-huh. (Affirmative.)

23 Q. So you so Rodney standing that far away.

24 A. Like, no, were standing right here, but
25 he's like right here where I'm at. This is where

Demetrice Brooks-Direct by Finney

1 Rodney at where I'm at. Me, Stymie, Ray'Quann and
2 Davontae Blanding, we're standing right there.

3 Q. What happened after you saw or you heard
4 Mr. Green say, Stymie?

5 A. After that point, that's when Stymie say
6 you all go to the car, while he's still trying to
7 find out who's calling him back there. And we was
8 going to the car, as we're still walking to the car,
9 I'm looking back the whole time. I'm even getting
10 in the car looking back. I'm standing looking back.
11 And I saw him shooting. He was going like this.
12 And I told Auntachie Blanding, I said look at Rodney
13 shooting at someone. At the time I didn't know it
14 was Stymie. But I was like, look at Rodney shooting
15 at someone. I seen him. He was in all white. And
16 he was busting like this. And he bust about 3 or 4
17 times.

18 Q. When you say, bust, what do you mean?

19 A. Shooting.

20 Q. Firing the weapon?

21 A. Fired the weapon, yeah.

22 Q. What kind of weapon was it?

23 A. I'm not sure.

24 Q. Was it a rifle?

25 A. No, I knew it wasn't that. It was like a

Demetrice Brooks-Direct by Finney

1 handgun.

2 Q. Very good. Where was Mr. Rodney Green on
3 this map when you saw him firing?

4 A. He was still standing like right there
5 where I say he was.

6 Q. You said you were walking towards your
7 car.

8 A. Uh-huh. (Affirmative.)

9 Q. You're talking Auntachie's car.

10 A. Uh-huh. (Affirmative.)

11 Q. Where was Auntachie's car parked?

12 A. Over here. We had to walk over there.

13 The car was parked over here.

14 Q. After you hear the shooting,---

15 A. Uh-huh. (Affirmative.)

16 Q. ---what did you do and your girlfriends?

17 A. Was jumping in the car, opening the car
18 door, getting in, pulling off.

19 Q. Were you scared?

20 A. Yeah, I was terrified.

21 Q. When you were pulling off----

22 A. Uh-huh. (Affirmative.)

23 Q. ---did you see or hear anything else?

24 A. Yeah, a shooting. Some more shooting.

25 Q. Some more shooting?

Demetrice Brooks-Direct by Finney

1 A. Yes.

2 Q. Are you sure?

3 A. Yeah, I am positive.

4 Q. Where did you hear or see the shooting?

5 A. In -- right in front of us. Because I was
6 telling Auntachie Blanding it was a guy standing
7 with two pistols in his hand. And I said, don't go
8 this way. But by the time I could tell her that,
9 she drive off. And we couldn't go this way, because
10 Rodney this way, and we couldn't go this way,
11 because another guy was this way.

12 Q. Let's show the ladies and gentlemen of the
13 jury.

14 A. Our car right here, parked right here.
15 And a guy was right beside the car with the two
16 pistols.

17 Q. Do you know that guy's name?

18 A. His name is Carter Man.

19 Q. Do you know his name, or did somebody tell
20 you his name?

21 A. No, I know him from the club.

22 Q. So you saw this guy.

23 A. Uh-huh. (Affirmative.)

24 Q. Named Carter Man.

25 A. Uh-huh. (Affirmative.)

Demetrice Brooks-Direct by Finney

1 Q. Describe him to the jury.

2 A. He's dark skinned with dreads. About 5'6.

3 Q. When you say dreads, that's a hairstyle?

4 A. Yeah, hair.

5 Q. How long were his dreads? Were they down
6 to his shoulder?

7 A. I don't remember. I just know he had
8 dreads.

9 Q. What kind of clothes did this man, Carter
10 Man, have on?

11 A. I don't remember.

12 Q. You say that you saw Rodney in this area.

13 A. Uh-huh. (affirmative.)

14 Q. You say that you saw Rodney firing the
15 weapon.

16 A. Uh-huh. (Affirmative.)

17 Q. Several times.

18 A. Uh-huh. (Affirmative.)

19 Q. You don't know who or what he was shooting
20 at.

21 A. Uh-huh. (Affirmative.) Right.

22 Q. Is that right?

23 A. That's right.

24 Q. At that point when you saw those -- heard
25 those shots, you walked over or got, ran over to get

Demetrice Brooks-Direct by Finney

1 in your car.

2 A. Yeah, we was walking, and I was looking
3 back the whole time; just kept looking back. Even
4 when we got in the car, I was looking back until I
5 saw the guy with the two guns, when he bust, we just
6 duck down in the car. Uh-huh. (Affirmative.)

7 Q. Once you got in your car.

8 A. Uh-huh. (Affirmative.)

9 Q. Did you see this other man, named Carter
10 Man, did you see him before you got in the car?

11 A. Yeah.

12 Q. Before.

13 A. Yeah, I saw him before. Because that's
14 how I could tell, like, look at that man with two
15 guns, two pistols in his hands.

16 Q. So once you saw this other man, this is
17 the second man now, that you say.

18 A. Uh-huh. (Affirmative.)

19 Q. Did he fire a weapon, the man that you
20 were calling Carter Man.

21 A. Yeah, he did, but I heard a gunshot.

22 Q. You heard a gunshot. How many?

23 A. One time.

24 Q. One time.

25 A. Yes.

Demetrice Brooks-Direct by Finney

1 Q. And so when you heard that one gunshot,
2 you were in the car.

3 A. Uh-huh. (Affirmative.)

4 Q. Which way did you and your friends leave
5 the club that night in the car you were in?

6 A. We had to back out, because a car was in
7 front of us, and we had to turn this way to get.

8 And we ran into a ditch up there, and we left.

9 Pulled out.

10 Q. So from here you got in the car.

11 A. We had to back up.

12 Q. Back up.

13 A. And we went straight.

14 Q. Out this way on to Eagle Road.

15 A. On to Eagle Road.

16 Q. And then from Eagle Road, which way did
17 you go?

18 A. This way. Like where the planes is at.

19 Q. Where were you going when you left the
20 club?

21 A. We was going to go home, but I told
22 Auntachie Blanding, I said, no, turn around, because
23 that could have been one our people's who got shot.

24 Q. So Auntachie was driving.

25 A. Yeah, Auntachie was driving.

Demetrice Brooks-Direct by Finney

1 Q. And she's the one that ran in to the
2 ditch.

3 A. Yes, sir.

4 Q. It was her car.

5 A. Yes, sir.

6 Q. Where were you sitting in the car?

7 A. I was in the back seat.

8 Q. And there was one more passenger I guess
9 in the front seat?

10 A. Shataeja Rivers.

11 Q. When you saw Rodney Green in the parking
12 lot.

13 A. Uh-huh. (Affirmative.)

14 Q. How -- you said he was this distance?

15 About this distance---

16 A. Come up some more. Right there.

17 Q. He was about this distance from where you
18 and Mr. Archie were.

19 A. Uh-huh. (affirmative.)

20 Q. Let me ask you to look at State's Exhibit

21 No. 9. Do you recognize that picture?

22 A. Yes, sir.

23 Q. Who is that in the picture?

24 A. Rodney Green.

25 Q. And what does he have on?

Demetrice Brooks-Direct by Finney

1 A. All white.

2 Q. Tell the ladies and gentlemen is the same
3 outfit you saw him with on that -- the night he was
4 shooting?

5 A. Yes, sir. That's the same outfit.

6 Q. Did you give law enforcement statements,
7 written statements, in this case?

8 A. Yes, sir.

9 Q. How many did you give them?

10 A. Two.

11 Q. Look at this one if you don't mind, and
12 see if that's a statement that you remember giving
13 to law enforcement, and tell the ladies and
14 gentlemen of the jury the date on that statement.

15 A. March 19th 2014.

16 Q. So that would have been 3 days after the
17 shooting, is that correct?

18 A. The 16th.

19 Q. If the shooting was on the 16th.

20 A. Yeah, 3 days after.

21 Q. And did you write this statement, or did
22 law enforcement write it?

23 A. I wrote my own statement.

24 Q. And did you sign it?

25 A. Yeah, I signed it.

Demetrice Brooks-Direct by Finney

1 Q. And then on the second statement that you
2 gave to law enforcement, what was the date on that
3 one?

4 A. April 24th 2014.

5 Q. April 24th. So that was over a month
6 later after the shooting.

7 A. Yes.

8 Q. Do you know why you gave two statements?

9 A. First, we was talking about the car. But
10 my auntie told me to go talk to the man about the
11 car.

12 Q. Slow down a little bit, and let the jury
13 understand.

14 A. I had to put the car part in there also,
15 plus what I seen Rodney do to my cousin.

16 Q. So on the first statement that you gave on
17 3 days afterwards, you didn't talk about the car.
18 Is that what you're telling the jury? Take your
19 time, read through it.

20 A. Yeah, we talked about -- I talked about
21 the car on my first one. This is when I was
22 discussing about the car. I discussed about that
23 also too, but when I brought Rodney in, I had to
24 write it, the whole thing over.

25 Q. And so that's the reason for the second

Demetrice Brooks-Direct by Finney

1 statement?

2 A. Uh-huh. (Affirmative.) Yes, sir.

3 Q. Now it sounds like you're telling me that
4 your aunt wanted you to go back downtown to the
5 police officers the second time.

6 A. Yes.

7 Q. The police officers didn't come back to
8 you?

9 A. No, I went because my Auntie Mattie told
10 me to make sure I let you all know everything.

11 Q. Very good.

12 A. Yes.

13 Q. So that's the reason for the second
14 statement.

15 A. Yes, sir.

16 Q. Now did you change anything in the first
17 statement or you just added to it?

18 A. I added.

19 Q. Very good. Now I want you to look at the
20 first statement and read it to yourself. How many
21 lines did you write in that statement?

22 A. Five.

23 Q. Five lines?

24 A. Uh-huh. (Affirmative.)

25 Q. So that's not the whole story, is it?

Demetrice Brooks-Direct by Finney

1 A. Yeah, that's when I had to add some more
2 stuff.

3 Q. Did you tell the officers on the 19th,
4 that Rodney Green was the shooter?

5 A. At the time, during that time we was
6 talking about the car. So when I came back, after
7 what my auntie said or whatever, that's when I tell
8 everything, you know, I was talking, telling
9 everything what I seen.

10 Q. When you say you were talking to the
11 officers the first time.

12 A. Uh-huh. (affirmative.)

13 Q. About the car.

14 A. Uh-huh. (Affirmative.)

15 Q. Which car are you talking about?

16 A. Auntachie Blanding's car.

17 Q. The car you were in.

18 A. Uh-huh. (Affirmative.)

19 Q. Did you say anything in the first
20 statement about there, was a guy shooting, or you
21 heard some shoots?

22 A. I can't remember.

23 Q. Read it.

24 A. No, I didn't even mention Rodney at all in
25 my first statement. In that statement right here.

Demetrice Brooks-Direct by Finney

1 Q. Do you know why didn't mention him at all?

2 A. I was nervous also, and then we was
3 talking about the car. You know, I didn't bring
4 that up at first. We were talking the car
5 situation. That's why I had to go back to add
6 Rodney's part in it.

7 Q. Let met ask you something.

8 A. Uh-huh. (Affirmative.)

9 Q. In your first statement, did you say
10 anything about another man named Carter Man being
11 out there with two guns?

12 A. Yeah, this is the statement here. He was
13 who I was talking about, Carter Man. His name is
14 just not in there, but he knew who I was talking
15 about when I was talking about the shooting in the
16 car.

17 Q. So it said something about a dude got two
18 guns.

19 A. Yeah, that was Carter Man.

20 Q. That was Carter Man.

21 A. Yeah, that was Carter Man.

22 Q. So you were talking about in this first
23 statement.

24 A. Just about the car situation, point blank.

25 Q. In other words, once you got to the car.

Demetrice Brooks-Direct by Finney

1 A. Yeah.

2 Q. And got in the car and on your way out the
3 club.

4 A. Yes, sir.

5 Q. You didn't talk about what happened before
6 you got to the car.

7 A. Yeah, I didn't talk about it before that.

8 Q. And did you do that in the second
9 statement?

10 A. Yes, sir, I did.

11 Q. So in the second statement, what's the --
12 read the first line of your second statement.

13 A. I Demetrice Brooks saw Rodney Green kill
14 my cousin Stymie. I saw Rodney in the club, and I
15 remember he had on all white, a white shirt.

16 Q. So in the second statement you started
17 from the beginning.

18 A. Uh-huh. (Affirmative.)

19 Q. And went all the way through.

20 A. Yeah, in the second one. This statement
21 right here.

22 Q. In the first statement you started when
23 you got to the car.

24 A. To the car, uh-huh. (Affirmative.)

25 Q. Now tell the ladies and gentlemen, because

Demetrice Brooks-Direct by Finney

1 we want to be clear, when you got to the car, had
2 you already seen Rodney Green shooting?

3 A. Yes, he was already shooting. He been
4 already busting, which is shooting, somebody
5 already.

6 Q. But you don't know who he was shooting.

7 A. Yeah, I didn't know at that time. I
8 didn't know.

9 Q. And you and your girlfriends got in the
10 car to leave because there was shooting going on.

11 A. Uh-huh. (Affirmative.) Yes, sir.

12 Q. And that's when you saw Carter Man.

13 A. Yes, sir.

14 Q. And you testified in your statement that
15 Carter Man shot him.

16 A. Yes.

17 Q. Did he shoot at your car, the one you
18 were in?

19 A. Yes.

20 Q. And where do you think he shot that car?

21 A. Probably, he just, I don't remember.

22 Q. Where do you think? Take yourself back to
23 when you talked to the officers, on that first
24 statement. When you gave the officers that first
25 statement when you were talking about Carter Man,

Demetrice Brooks-Direct by Finney

1 with two guns, shooting.

2 A. Uh-huh. (Affirmative.)

3 Q. You thought he had shot at you and
4 Auntachie.

5 A. Yes, sir.

6 Q. You told the officers that Carter Man had
7 shot at you and your girlfriends in the car.

8 A. Yeah, because he was pointing towards the
9 car. So I know he fired, but I can't tell you where
10 the bullet went.

11 Q. Very good. So you think Carter Man had
12 two guns. You saw that.

13 A. Uh-huh. (Affirmative.) Yes, sir.

14 Q. You think he pointed the gun at you.

15 A. Yes, sir.

16 Q. And you think he fired one time.

17 A. Yes, sir.

18 Q. If he had fired more than once, would you
19 remember that?

20 A. Yeah, I was right there. So I would hear
21 them gunshots. I was right there.

22 Q. But you believe it was one shot.

23 A. One shot, yes, sir.

24 Q. Now after you left that day.

25 A. Yes, sir.

Demetrice Brooks-Direct by Finney

1 Q. That night. You said that you got the
2 idea that maybe somebody that you knew got hurt.
3 And so you asked Auntachie to turn around and go
4 back to the club.

5 A. Yes.

6 Q. How long did it take you all from the time
7 you left, until you got back?

8 A. Not long.

9 Q. How far did you go?

10 A. Like to the planes. Just right there.

11 Q. A couple of blocks?

12 A. A couple of blocks.

13 Q. A few minutes.

14 A. Uh-huh. (affirmative.)

15 Q. You turned around and came back. Did you
16 get out of the car when you came back?

17 A. Yeah, I got out of the car.

18 Q. And what did you find out?

19 A. I saw my cousin Stymie laying on the
20 ground.

21 Q. Did you know about the other man who had
22 been shot, Ray-Quann?

23 A. Yeah, I seen him too.

24 Q. Once you found out it was your cousin
25 Stymie that got shot, what did you do then?

Demetrice Brooks-Direct by Finney

1 A. Crying, hurt.

2 Q. Did you know at that point that your car,
3 Auntachie's car, had sustained any damage?

4 A. I didn't pay no attention to any of that.
5 I just -- when she turned around and got back to the
6 club, I got out; saw my cousin on the ground, and I
7 went to my cousin. We didn't pay none of that no
8 attention.

9 Q. Now let me ask you a question. The next
10 day, which would have been Sunday, is that right?

11 A. Yes, sir.

12 Q. Did you have occasion on Sunday to look at
13 Auntachie's car? Or the next day, Monday?

14 A. I don't remember, because I went home. I
15 went home.

16 Q. Do you ever remember seeing the damage to
17 Auntachie's car?

18 A. She told me about it.

19 Q. You don't remember seeing it?

20 A. No.

21 Q. Very good. That's all right. So after
22 coming back to club, staying there and finding out
23 your cousin had been shot, did you end up going back
24 home?

25 A. I left when the family left. I been there

Demetrice Brooks-Direct by Finney

1 the whole time to see everything.

2 Q. Was the sun up when you left, or was it
3 still dark?

4 A. No, it was still dark.

5 Q. Do you remember how the first statement
6 was given? Did you call the police officer, or did
7 they call you? How did they know to come and get
8 that statement from you?

9 A. When I went up there, we all went together
10 about the car. The car situation when my aunt said.

11 Q. So your aunt basically told you all to go
12 uptown and tell the police what you knew.

13 A. Yes, sir.

14 Q. And that's how you went to give the first
15 statement.

16 A. Yes, sir.

17 Q. Now can you tell that name of the witness
18 on your statement? You don't know who. Was it a
19 police officer?

20 A. Yeah, it was a police officer. Or a
21 detective or, I don't know, you all are all the same
22 to me. I don't know.

23 Q. Very good. Well you know, Mr. Hawkins and
24 I look just alike.

25 A. I do know that.

Demetrice Brooks-Direct by Finney

1 Q. Was it Hawkins?

2 A. I remember seeing him.

3 Q. Was it Hawkins that took the statement?

4 A. Probably my second one on the statement.

5 I want to say, I can't remember.

6 Q. Yes, ma'am, you're correct. Is this your
7 second statement?

8 A. Yes, that's my statement.

9 Q. Can you read the name of the witness on
10 that statement?

11 A. I see Hawkins.

12 Q. So Hawkins was on the second statement,
13 but you don't know who that was on the first
14 statement. But you went downtown to give it.

15 A. Yes, sir.

16 Q. At any time before you heard the gunshots
17 that you say came from Rodney Green's gun, before
18 that, at any time did you see Mr. Tyrese Archie
19 upset, angry, mad, aggravated, aggressive, in any
20 way?

21 A. No, sir.

22 Q. What was he trying to do?

23 A. He was just trying to tell us to go. He
24 was just really trying to get everybody to go home,
25 and looking for the family, and saying, let's go

Demetrice Brooks-Cross by Johnson

1 home. That's all he was trying to do.

2 MR. FINNEY: Thank you. Answer any
3 questions Mr. Johnson may have.

4 THE COURT: Mr. Johnson.

5 MR. JOHNSON: Thank you, Your Honor. May
6 it please the court.

7 Cross Examination by Mr. Johnson:

8 Q. Good afternoon. I just want to clarify
9 something. It's your statement that you saw
10 Mr. Green shooting, but you don't know who he shot
11 or anything.

12 A. At that time, I didn't know.

13 Q. Now when you said you saw Mr. Archie, your
14 cousin, you didn't see him on the ground fighting
15 with three people?

16 A. No, sir, I didn't.

17 Q. You didn't see three people and an
18 additional 8 people coming after him?

19 A. No, I didn't.

20 Q. So if this happened, if these things
21 happened, it had to happen after you saw him,
22 because when you saw him, it didn't look like he had
23 been in a fight or nothing like that, did it?

24 A. He was good. He was okay.

25 Q. So timeline wise, if he got into a fight

Demetrice Brooks-Cross by Johnson

1 with someone, it would have to have been after you
2 saw him.

3 A. I don't remember him fighting. I didn't
4 see him fighting. I ain't even saw him fighting at
5 all.

6 Q. I understand. So what I'm saying, but
7 you didn't see any evidence when you saw him that he
8 had been in a fight, right?

9 A. Say that again.

10 Q. You didn't see, when you were looking at
11 your cousin.

12 A. Uh-huh. (affirmative.)

13 Q. When he was telling you to go to the car.

14 A. Yes.

15 Q. You didn't see any evidence in looking at
16 him that he had been in a fight.

17 A. Yeah, he didn't look like nothing was
18 going on. Like he was just---

19 Q. He was just happy.

20 A. ---he looked straight. He was like a
21 happy person.

22 Q. So if there is some evidence that he had
23 been in a fight, it would have to happened after you
24 saw him.

25 A. I don't know.

Demetrice Brooks-Cross by Johnson

1 Q. So you left and was going towards the car,
2 correct?

3 A. Yes.

4 Q. Now you said that you heard Rodney said
5 what now?

6 A. Yo, Stymie.

7 Q. Now you know that in both of your
8 statements you never mentioned that before.

9 A. Yeah, I was nervous. When I can talk
10 better than I can write. I can speak better than I
11 can write. I know what I heard. I know what I saw.

12 Q. Now so you heard Rodney say, Yo, Stymie,
13 as you was going back to your car.

14 A. No, I was right there before I went to my
15 car. Before Stymie even told us to go the car, he
16 been done say, Yo, Stymie.

17 Q. So you're saying Rodney had to start
18 shooting before you even got back to your car.

19 A. I was walking towards my car and I was
20 looking back. Well not my car, but my cousin
21 Auntachie Blanding's car, and I looking back the
22 whole time and I saw him shooting.

23 Q. Okay. And this was with a few seconds of
24 you leaving your cousin, right?

25 A. We was walking together. Some of them

Demetrice Brooks-Cross by Johnson

1 been up a little bit ahead of me, but I was walking
2 too behind them. But I was looking back the whole
3 time. I never kept my eye off from looking back.

4 Q. And you were looking back at your cousin.

5 A. No, I was looking back at Rodney shooting
6 at my cousin.

7 Q. Right. Now but your cousin wasn't
8 fighting with nobody at that time.

9 A. No, I didn't see Stymie fighting at all.
10 I don't know nothing about no Stymie fighting
11 anybody. When I saw everybody acting crazy, I
12 didn't see Stymie nowhere but telling people to,
13 let's go. Let's go home. Go. Get in the car, go.

14 Q. So do you know the other person that was
15 shot? Do you know his name?

16 A. Yes.

17 Q. What's his name?

18 A. Carter Man.

19 Q. No, the other person that was actually
20 shot in the leg.

21 A. Oh, yeah. Ray'Quann Jenkins.

22 Q. Ray'Quann. Was he there?

23 A. Yeah, he was there.

24 Q. Do you see him breaking up a fight between
25 your cousin and some people on the ground?

Demetrice Brooks-Cross by Johnson

1 A. I ain't seen none of that. No, not
2 Ray'Quann doing nothing.

3 Q. At the same time that Rodney was there?

4 A. It was Rodney, Davontae Blanding, me,
5 Auntachie Blanding, and Shataeja Rivers at the time
6 just standing right there where I saw when I was
7 pointing on the thing, telling you where I saw
8 Rodney at.

9 Q. So you didn't see three guys? Well one
10 guy is fighting, and two guys standing up. And five
11 or eight coming?

12 A. I don't remember none of that. At that
13 time, I didn't see none of that. Uh-uh.
14 (Negative.)

15 Q. You didn't see none that.

16 A. Uh-uh. (Negative.)

17 Q. And once again you did not -- you saw
18 Rodney, you say you saw Rodney shooting, but you
19 cannot say that you saw Rodney shot your cousin.

20 A. At the time I didn't know it was my cousin
21 who he was shooting, but I saw him shooting.

22 Q. You saw him shooting.

23 A. I saw him shooting like busting.

24 Q. Yeah, you saw him shooting his gun.

25 A. Yeah, I saw him shoot. But I didn't know

Demetrice Brooks-Cross by Johnson

1 it was Stymie at the time. But I knew Stymie,
2 Ray'Quann and Davontae Blanding was right there in
3 that little section where I left them at walking to
4 my car.

5 Q. And you're only assuming, that it was
6 Rodney's shoots that hit him, because your cousin
7 was shot.

8 A. I ain't assuming that Rodney -- I'm not
9 assuming that Rodney did it. I saw him did it. I
10 know he did it. I was right there. I see him
11 busting. I see him.

12 Q. What I am asking you, calm down. What I
13 asking you is, you say saw Rodney shooting, but you
14 cannot at that time, you saw no evidence that it was
15 your cousin that was shoot.

16 A. Yeah, you're right, yeah.

17 Q. So you did Rodney shoot your cousin. You
18 saw Rodney shooting in the area where your cousin
19 was.

20 A. Yeah, right. Yeah.

21 Q. That's all I am asking.

22 A. Yeah, that's right.

23 Q. You also saw another man.

24 A. Yes.

25 Q. Carter man.

Demetrice Brooks-Cross by Johnson

1 A. Yes.

2 Q. Who had two guns.

3 A. Yes.

4 Q. And you know at least one time he shoot at
5 you. You was in the car.

6 A. Yeah. But before he even shoot, Rodney
7 been already shoot already.

8 Q. That's not what I'm not asking you. I'm
9 just asking you to tell what you saw, and give the
10 evidence. I'm not asking you to make up anything.

11 A. I'm not going to make it up. I was there.
12 I'm not making it up.

13 Q. So please listen to my questions.

14 A. Go ahead.

15 Q. You saw Carter Man.

16 A. Uh-huh. (Affirmative.)

17 Q. With two guns.

18 A. Yes.

19 Q. And at least one time he shot at your car.

20 A. Yes.

21 Q. You also said you heard other gunshots,
22 correct?

23 A. That was the gunshot that I heard.

24 Q. Right. But you say you also heard other
25 gunshots, correct? Because you said there was a lot

Demetrice Brooks-Cross by Johnson

1 of stuff popping off, right?

2 A. A lot of stuff was popping off. Rodney
3 shoot first, and then Carter Man bust his gun.

4 Q. But Carter Man---

5 A. So those are two shots. That's another
6 shot. Those are different shots.

7 Q. So you only heard 2 shots.

8 A. No, I heard 3 or 4 shots when it came to
9 Rodney. I only heard one shot when I was at the
10 car, when was inside the car ducking.

11 Q. Did you hear of any -- okay, did you hear
12 any other shots?

13 A. No, not after that. No.

14 Q. So you only heard 4 shots.

15 A. No, I heard 3 or 4 shots from Rodney. I
16 heard one shot when was in the car, and I was
17 ducking.

18 Q. So you at least heard 4 shots.

19 A. All together is what you're asking me,
20 right? All together, right?

21 Q. Uh-huh. (Affirmative.)

22 A. Yeah.

23 Q. But Carter Man, how big was Carter Man?

24 A. He was like 5'6.

25 Q. He had two guns.

Demetrice Brooks-Cross by Johnson

1 A. Yes, sir.

2 Q. So there was at least somebody else with a
3 gun shooting.

4 A. Yes, it was two people.

5 Q. Two people shooting.

6 A. Rodney was one and Carter Man was the---

7 Q. Was the other one. And your cousin was
8 shot, but you did not know -- you did not know who,
9 which one of the bullets hit your cousin.

10 A. No, I know which one of the bullets hit my
11 cousin.

12 Q. How if you didn't see it?

13 A. I saw Rodney shooting first. And Carter
14 man didn't start shooting until after, after I see
15 this shooting going on, I see Carter.

16 Q. But you did not see if your cousin was
17 shot at that time, did you?

18 A. No, I didn't see that.

19 Q. So you don't know when he was stop. All
20 you know he was shot, correct?

21 A. Yes.

22 Q. So let's clarify. You don't know which
23 one of those bullets hit your cousin, do you?

24 A. Out of Rodney's gun, right?

25 Q. No, I am not asking you. I'm asking you

Demetrice Brooks-Cross by Johnson

1 specifically what you know. Not what you think, and
2 what you believe, what you actually know. You did
3 not see your cousin get shot, correct?

4 A. Yeah, I just saw Rodney busting.

5 Q. You saw Rodney shooting, and you saw
6 Carter Man shooting, correct?

7 A. Yes.

8 Q. You don't which shot his your cousin, do
9 you?

10 A. Yeah, I know which shot.

11 Q. You know which one you believe, but if
12 your didn't see it yourself, you don't know, do you?

13 A. From where Stymie was standing at, and
14 where Rodney was at, I know Rodney shoot my cousin.
15 Carter Man way down here. Rodney right here.

16 Q. But you don't know when your cousin got
17 shot, do you?

18 A. I don't know, at the time, like I say, I
19 didn't know it was Stymie, or who was getting shoot.
20 But I saw him shooting his gun.

21 Q. True. You didn't find out your cousin was
22 shot until after you went away.

23 A. Yes.

24 Q. And came back.

25 A. Yes.

Demetrice Brooks-Cross by Johnson

1 Q. Within how many minutes?

2 A. A few minutes.

3 Q. 4 or 5 minutes?

4 A. I can't remember. I just know it wasn't
5 long. Planes ain't too far from my house.

6 MR. JOHNSON: One second.

7 Q. Right after you -- right after this, you
8 went back and gave the police a statement, correct?

9 A. Yes.

10 Q. You gave a statement on 3/19 2000, I mean
11 on 2014. Correct?

12 A. Yes.

13 Q. Would you take a look at that? Is that
14 your statement?

15 A. Yes, sir.

16 Q. Did you wrote down to the police telling
17 them what you knew, correct?

18 A. Yes, sir.

19 Q. And you told the truth, right?

20 A. Yes, sir.

21 Q. Read your statement.

22 A. On Saturday night a fight broke around
23 2 or 3 in the a.m. My cousin told me, which was
24 Tyrese Archie, he told me to get in the car. Me and
25 my other cousin, we went and got in the car. I told

Demetrice Brooks-Cross by Johnson

1 Shay, don't go right, because the dude got two guns.
2 But by then, it was too late. We drove off. The
3 dude started shooting. We went down the road, then
4 we turn around. When we got back to the club, I
5 seen that my cousin was shot.

6 Q. In that statement you gave the police, you
7 said, dude got two guns. You're referring to Carter
8 Man.

9 A. Yes.

10 Q. Where in that statement do you mention
11 Rodney?

12 A. At first this was only about the car.
13 That's why I wrote this statement was about the car.
14 That's why I had to add the rest of the stuff that I
15 knew before the car.

16 Q. Read your -- read in the first part of
17 your statement don't you say -- read the first
18 sentence in your statement.

19 A. On Saturday night a fight broke out.

20 Q. So wasn't that before you got in your car?

21 A. Yeah, but I'm talking about in the club.
22 I was just saying a fight broke out. We just got
23 out and talking about the car situation.

24 Q. But in that statement do you mention
25 Rodney?

Demetrice Brooks-Cross by Johnson

1 A. No, I didn't.

2 Q. Now, take a look at this statement.

3 That's on April 24th. Do you recognize that?

4 A. Yes.

5 Q. That is a statement you gave the police,
6 correct? Read that statement to the jury.

7 A. The whole thing?

8 Q. Yes.

9 A. I Demetrice Brooks saw Rodney Green kill
10 my cousin Stymie. I saw Rodney in the club, and I
11 remember he had a white shirt. Everybody got kicked
12 out of the club because a fight broke out. When I
13 got outside Stymie told us---

14 MR. FINNEY: Could I ask the witness to
15 just go slow.

16 THE COURT: For court reporter, please,
17 ma'am.

18 A. Yes, sir.

19 THE COURT: The lady down here has to take
20 down everything that's said.

21 Q. Could you please just start from the
22 beginning again. Take your time.

23 A. I Demetrice Brooks saw Rodney Green kill
24 my cousin Stymie.

25 THE COURT: Slow down for the court

Demetrice Brooks-Cross by Johnson

1 reporter. Read slowly.

2 A. I Demetrice Brooks saw Rodney Green kill
3 my cousin Stymie. I saw Rodney in the club, and I
4 remember he had on a white shirt. Everybody got
5 kicked out of the club, because a fight broke out.
6 When I got outside, Stymie told us to go to the car.
7 So me and my cousin went to the car. While we was
8 at the car, I seen Rodney shooting my cousin. At
9 the time I didn't know it was Stymie who he was
10 shooting. Because after I saw him shooting, I told
11 Shay to go. When I told her let's go, I told her
12 don't go the other way, because I seen a guy with
13 two guns.

14 So I told Shay to don't go that way, but
15 she done pulled off at -- she done been pulled off.
16 And that's -- she been done pulled off, and that's
17 when the guy is shooting at the car. And we drive
18 off down the road. I told Shay to go back because
19 that could have been one of our peoples who he been
20 shooting. So we went back, and we went to take --
21 we went to the club and I seen it was my cousin, the
22 one Rodney shooting.

23 Q. Now there you say you saw Rodney inside
24 the club. That's what you say in that statement,
25 correct? Now you know there's evidence Rodney

Demetrice Brooks-Cross by Johnson

1 never went inside the club.

2 A. He was at the back door. They had the
3 back door open where a security guard was at. He
4 was just talking, because he was outside, like I
5 say. But there was a back door where the club at,
6 and I saw him. That's when I told Auntachie
7 Blanding, then I said, look at Rodney. I see Rodney
8 out here. And she started shaking saying, she want
9 to go home. And I was like everything will be all
10 right.

11 Q. Right.

12 A. And that's what I mean when I say I saw
13 him in the club.

14 Q. So being out---

15 A. The back door was open, and he was right
16 there standing. Do I need to show you?

17 Q. No, I'm not asking you that. I'm asking
18 you what you wrote. You wrote he was in the club.

19 A. Yeah, I saw him at the back door.

20 Q. But now you're saying he was never in
21 club.

22 A. No, he was in that club. His foot went
23 right there. I saw him. He was talking to a
24 security guard at the back door.

25 Q. So his foot was at the back step. And the

Demetrice Brooks-Cross by Johnson

1 only thing different about this statement and your
2 first statement is that you say Rodney shot
3 somebody. But in both statements you mention Carter
4 Man, right?

5 A. I can't remember.

6 Q. You can't remember.

7 A. Because I got two different statements. I
8 got, my one and I was talking about the car, which
9 was Carter Man when he's shooting. And then on the
10 second statement I was also -- I talk about the
11 whole thing. Rodney first, I just brought it down,
12 Rodney first and then went on with Carter Man.

13 Q. At the time you gave this statement, did
14 you not know that your cousin was shot and had
15 passed away, when you gave that first statement?

16 A. Yeah, I know he was gone.

17 Q. And you didn't think it was important to
18 put in your first statement who shot him if you
19 knew?

20 A. I was nervous. I was writing about
21 Auntachie Blanding's car. And then I had to write
22 about Rodney. That's why I got another piece of
23 paper to add everything, so I could add all that.
24 Because I didn't add that at first.

25 Q. So let me say, let me make sure I

Auntachie Blanding-Direct by Finney

1 understand what you're saying. So you're telling
2 me that you're cousin's car was more important, as
3 far as putting information as to what happened to
4 your cousin's car, than who killed your cousin.

5 A. Well I was nervous. Like I say, I was
6 hurt about the situation with my cousin, and I was
7 just talking about the car at first.

8 MR. JOHNSON: I understand. Thank you.

9 THE COURT: Redirect?

10 MR. FINNEY: No, Your Honor.

11 THE COURT: Thank you, mama, you can step
12 down. Mr. Finney.

13 MR. FINNEY: I would call Auntachie
14 Blanding.

15 Auntachie Blanding, being first duly sworn,
16 testified as follows.

17 THE CLERK: State your full name, and
18 spell your first and last name for the record.

19 A. Auntachie Blanding. A-U-N-T-A-C-H-I-E,
20 B-L-A-N-D-I-N-G.

21 DIRECT EXAMINATION by Mr. Finney:

22 Q. Ms. Blanding, how are you doing?

23 A. Good.

24 Q. Are you nervous?

25 A. Uh-huh. (Affirmative.)

Auntachie Blanding-Direct by Finney

1 Q. First thing, this lady has to take down
2 everything you say, so you can't say, uh-huh. You
3 have to say yes or no. Please answer the questions,
4 yes or no.

5 A. Yes, sir.

6 Q. Have you ever testified before?

7 A. No, sir.

8 Q. Ms. Blanding, how old are you?

9 A. 21.

10 Q. Do you live in Sumter?

11 A. Yes, sir.

12 Q. Have you lived here all your life?

13 A. Yes, sir.

14 Q. Tell the ladies and gentlemen of the jury
15 what you do for a living.

16 A. Right now I just go to school at Central
17 Carolina. And I'm a mother of a 5-year-old and a
18 5-month-old.

19 Q. So Diamond Brooks, is she related to you?

20 A. Yes, sir.

21 Q. How?

22 A. She is my second cousin.

23 Q. Now did you know that Diamond just
24 testified?

25 A. Yes, sir.

Auntachie Blanding-Direct by Finney

1 Q. Were you able to listen to her testimony?

2 A. No, sir.

3 Q. Why is that?

4 A. I was outside.

5 Q. So did you know that there's a rule in
6 court that we use to keep witnesses apart that they
7 can't hear each other testify?

8 A. Yes, sir.

9 Q. Did you occasion to go to Club Miami in
10 March of 2014, the night of the shooting, when
11 Mr. Archie was killed?

12 A. Yes.

13 Q. And who were you with that night?

14 A. Who did I drive there?

15 Q. Yes.

16 A. There was me, Shataeja, Kayla, and that's
17 it.

18 Q. Did you see Diamond?

19 A. Yeah, when I got to the club.

20 Q. When you got to the club?

21 A. Uh-huh. (Affirmative.)

22 Q. So when you got to the club is Diamond,
23 you said she's a second cousin.

24 A. Yes.

25 Q. Are you all close?

Auntachie Blanding-Direct by Finney

1 A. Yes, sir.

2 Q. And what did you drive to the club that
3 night?

4 A. I have a gray Saturn. A 2002.

5 Q. And what time would you say you got to the
6 club?

7 A. It was around 12.

8 Q. And were you still at the club when
9 something happened inside the club, some kind of
10 fight?

11 A. Yes, sir.

12 Q. And did you then get put out, or asked to
13 go out, or somebody told you to go home or whatever?

14 A. Yes, sir.

15 Q. Well tell the ladies and gentlemen of the
16 jury what happened after that. After the
17 fight inside the club when you went outside the
18 club.

19 A. After the fight inside the club, we went
20 outside. And there was another big fight outside.
21 After, well after all that was going on, my cousin
22 told us -- well Stymie told everybody to go home.

23 Q. Let me stop you. I'm sorry to jump in.

24 Is Stymie your cousin?

25 A. Yes.

Auntachie Blanding-Direct by Finney

1 Q. His name is what?

2 A. Tyrese Archie.

3 Q. And so is he on the same side of the
4 family as Diamond is?

5 A. Yes.

6 Q. And so did you see Tyrese Archie in the
7 club before you went outside?

8 A. Yes.

9 Q. Once you all got outside, there were a lot
10 outside or just a few?

11 A. There was a lot of people outside.

12 Q. Mr. Archie told you what?

13 A. To go home.

14 Q. And did he know you were driving?

15 A. I'm pretty sure, yeah.

16 Q. And was it your intention to take Diamond
17 home?

18 A. No, none of that. No.

19 Q. I'm sorry.

20 A. We wasn't intending to even witness all
21 that stuff.

22 Q. I understand. What caused you to go to
23 your car?

24 A. When he told us to leave, because there
25 was a fight.

Auntachie Blanding-Direct by Finney

1 Q. What was the situation outside at that
2 point?

3 A. It was -- when I ran to the car, I heard
4 gunshots. When we got in the car---

5 Q. Which part of the car did you get in?

6 A. The driver's side.

7 Q. You were driving.

8 A. Uh-huh. (Affirmative.)

9 Q. Who got in the front seat with you?

10 A. Kayla.

11 Q. And who got in the back seat?

12 A. Diamond and Shataeja.

13 Q. And the four of you all, is that right?

14 A. Uh-huh. (Affirmative.)

15 Q. Were in the car.

16 A. Yes, sir.

17 Q. You had already heard gunshots.

18 A. Yes, sir.

19 Q. Did you see who was firing the weapon?

20 A. No, sir.

21 Q. Once you heard the gunshots, you cranked
22 up?

23 A. Yes.

24 Q. What was plan at that point?

25 A. To go home.

Auntachie Blanding-Direct by Finney

1 Q. And what happened as you were leaving the
2 club?

3 A. When I left -- when I pulled out of the
4 parking lot, I was trying to get out, instead
5 hitting people in cars, so I hit a pole and I ran in
6 the ditch.

7 Q. Tell the jury what side of your car
8 sustained the damage when you hit the pole?

9 A. The passenger side.

10 Q. Where?

11 A. The mirror on the side and the door.

12 Q. I want to show you what's been marked as
13 State's Exhibit No. 27, and ask if you can identify
14 what's in this picture.

15 A. It's a hole.

16 Q. Tell us what's in the picture.

17 A. My car.

18 Q. And who took this picture of your car?

19 A. The investigators at the sheriff's
20 department.

21 Q. Where was this picture taken? Do you
22 remember where the car was when they took this
23 picture?

24 A. It was at their mechanic.

25 Q. And did they ask you to bring your car

Auntachie Blanding-Direct by Finney

1 down there so they could look at it?

2 A. Yes, sir.

3 Q. Did the police officers who took this
4 picture, did they do some investigation in to your
5 car?

6 A. Yes, sir.

7 Q. What were they looking for?

8 A. A bullet.

9 Q. A bullet. Permission to publish 27.

10 THE COURT: Any objection to that picture?

11 MR. JOHNSON: No objection, Your Honor.

12 THE COURT: 27 is in. You can publish it.

13 (Photograph marked State's Exhibit No. 27
14 into evidence.)

15 Q. So when you hit the pole pulling out of
16 the parking lot, did it do something to the mirror
17 on the passenger side?

18 A. It knocked the mirror down.

19 Q. And how did you get the mirror back up in
20 this picture?

21 A. I taped it up.

22 Q. Can you see the tape on it? Look on the
23 screen right there.

24 THE FORELADY: There's nothing on our
25 screen.

Auntachie Blanding-Direct by Finney

1 A. Yeah.

2 Q. Did you put tape on the mirror and put it
3 back in place?

4 A. Uh-huh. (Affirmative.) Yes, sir.

5 Q. There are some marks on the door, the side
6 of the door, passenger door, those marks, were they
7 there on your car before you went in the ditch?

8 A. No, sir.

9 Q. And right down below the handle on the
10 left side, I guess it'd be on the back door,
11 there's a round injury to your car.

12 A. Yes, sir.

13 Q. When you saw that, what did you think?

14 A. My car was shot.

15 Q. And is that why you took your car down to
16 the police?

17 A. Yes.

18 Q. How long after you left the club, was it
19 that you took your car for the police to look at?

20 A. It was that Monday.

21 Q. So the next day. In other words, when you
22 woke up, excuse me, you left the club Sunday
23 morning.

24 A. Uh-huh. (Affirmative.)

25 Q. Is that correct?

Auntachie Blanding-Direct by Finney

1 A. Yes, sir.

2 Q. And it was sometime Monday that you took
3 the car down to the police.

4 A. Yes.

5 Q. Did the police look in your car and do an
6 examination to see if that was a gunshot?

7 A. Yes, sir.

8 Q. Did you believe that your car had been
9 shot?

10 A. Yes, sir.

11 Q. Who did you believe shot your car?

12 MR. JOHNSON: Your Honor, objection. It
13 calls for opinion.

14 THE COURT: Sustained. You can rephrase
15 it.

16 MR. FINNEY: Let me try to rephrase it.

17 Q. Did you see the man who you thought did
18 that damage to your car?

19 A. No, I just -- all I saw was a man with
20 dreads.

21 Q. So a man with dreads. Tell the ladies and
22 gentlemen of the jury, can you see the screen that's
23 right there beside you?

24 A. Yes, sir.

25 Q. Can you tell me where you saw the man with

Auntachie Blanding-Direct by Finney

1 dreads in relationship to this word that says

2 casings right here? You see the word casings?

3 A. Yes, sir.

4 Q. Tell the ladies and gentlemen of the jury

5 where you were parked if you can?

6 A. I was close to that word.

7 Q. To the word casings?

8 A. Uh-huh. (Affirmative.)

9 THE COURT: That's a yes or no?

10 A. Yes, sir.

11 Q. Were you on this side of the word casing,

12 or the road side to the word casings?

13 A. On the other side.

14 Q. This side?

15 A. Yes, sir.

16 Q. When you pulled out, first of all, when

17 you got in your car that night, where was the car

18 pointed? Where were the headlights pointed?

19 A. Towards the club.

20 Q. So you -- the back of your car would have

21 been here?

22 A. Yes, sir.

23 THE COURT: You can mark on the screen

24 with your hand.

25 MR. FINNEY: Thank you, Your Honor. I

Auntachie Blanding-Direct by Finney

1 learned something new today.

2 THE COURT: Yeah, you can go down to one
3 of those icons. I don't know which one it is.
4 Mr. Johnson can probably show you.

5 MR. FINNEY: I think I've got it right
6 here, Judge.

7 Q. Do you see me, I just put a red dot on the
8 screen.

9 A. Yes, sir.

10 Q. Your car was -- your car was in the area
11 of that red dot, or was it back further?

12 A. Back further.

13 Q. Let's put another dot.

14 A. Right there.

15 Q. Right there?

16 A. Yes, sir.

17 Q. And you're car was facing toward the
18 nightclub?

19 A. Yes, sir.

20 Q. When you pulled out, did you have to back
21 up first?

22 A. Yes, sir.

23 Q. And then which way, once you backed up,
24 which way did you go? Towards the road or toward?

25 A. Not toward Broad Street. I went towards

Auntachie Blanding-Direct by Finney

1 Eagle Road.

2 Q. Towards Eagle Road would be this way?

3 A. Yes, sir.

4 Q. And when you came out, the man that you

5 said had the gun with the dreads, did you say he had

6 dreads?

7 A. Yes, sir.

8 Q. Did you see him?

9 A. Yes, sir.

10 Q. Did he have guns in his hand?

11 A. Yes, sir.

12 Q. You saw that?

13 A. Yes, sir.

14 Q. When you saw him, what did you do then?

15 A. I went around him, and I hit the pole. I

16 went in the ditch.

17 Q. Would that been in this area here?

18 A. Yes, sir.

19 Q. When you went around him, I am going to

20 put another dot. Was he in that area, or was he on

21 the other side of the car?

22 A. He was on -- he -- when I backed out, he

23 was on the passenger's side. I went around him and

24 hit the pole. I went in the ditch.

25 Q. You went in the ditch over here. I am

Auntachie Blanding-Direct by Finney

1 going to clear this. Am I correct that you went in
2 the ditch around this part where I just put the
3 little x?

4 A. Yes, sir.

5 Q. Somewhere in that area?

6 A. Yes, sir.

7 Q. Where was the man standing in relationship
8 to that x? Was he over in the parking lot where
9 you see this dot?

10 A. Yes, sir.

11 Q. He was?

12 A. Yes, sir.

13 Q. So you had already driven by him.

14 A. Yes, sir.

15 Q. When you got to the ditch he was behind
16 you.

17 A. Yes, sir.

18 Q. When you think -- did you hear him shoot
19 the gun that night that he had?

20 A. No, sir.

21 Q. You didn't hear him shoot a gun.

22 A. No, sir.

23 Q. Did you give a statement to law
24 enforcement?

25 A. Yes, sir.

Auntachie Blanding-Direct by Finney

1 Q. Did you tell law enforcement on the 18th
2 of March that you think you knew who that man was,
3 or that somebody told you who that man was?

4 A. Somebody told me.

5 Q. Somebody told you.

6 A. Yes, sir.

7 Q. When did they tell you? The man with
8 dreads, when did they tell you the man with the
9 dreads' name?

10 A. Some time that Sunday.

11 Q. Sunday, the day after the shooting.

12 A. Uh-huh. (Affirmative.)

13 Q. So when you left the club that night, you
14 didn't know his name.

15 A. No, sir.

16 Q. Had you ever seen him before?

17 A. No, sir.

18 Q. All you know it was a man with dreads.

19 A. Yes, sir.

20 Q. Who had how many weapons?

21 A. Two.

22 Q. Two weapons.

23 A. Yes, sir.

24 Q. Did you tell the officers that somebody
25 told you his name was Carter Man?

Auntachie Blanding-Direct by Finney

1 A. Yes, sir.

2 Q. But that's all you know about him.

3 A. Yes, sir.

4 Q. By the time you got to your car and saw

5 Carter Man, did you hear gunshots already?

6 A. Yes, sir.

7 Q. How many gunshots do you think you heard?

8 A. Three.

9 Q. Do you know where the gunshots were coming
10 from when you heard them? Look at the map. Can you
11 tell me on the map based on where your car was
12 parked, am I correct, that your car was parked in
13 the area of, somewhere in this area where those two
14 lines are?

15 A. Yes, sir.

16 Q. You said that the man, Carter Man, was on
17 your passenger side?

18 A. Yes, sir.

19 Q. So that would be where the long line is at
20 the bottom.

21 A. Yes, sir.

22 Q. Can you tell where the shooting was coming
23 from?

24 A. It sounds like it was coming from closer
25 to Broad Street.

Auntachie Blanding-Direct by Finney

1 Q. Over in this area here, where I just made
2 a line.

3 A. Yes, sir.

4 Q. Did you hear Carter Man shoot his guns?

5 A. No, sir.

6 Q. When you gave your statement to the police
7 officers on the 18th, have -- I am going to let you
8 look at it. Look through your statement. I need to
9 know, did you tell -- did you the police that Carter
10 Man shot his gun?

11 A. Yes, sir.

12 Q. Read that part.

13 A. Diamond Brooks and Shataeja Rivers and I
14 was leaving, and Diamond Brooks yelled at me from
15 the back seat. And say, Shay, he got two guns,
16 don't go that way. It was too late. The guns --
17 no, it was too late to turn around. And I almost
18 hit a pole. Carter Man did shot at my car.

19 Q. So in that statement you told the police
20 officers you thought he shot at your car.

21 A. Yes, sir.

22 Q. Did you say that in that statement,
23 because of what you saw on your car, or because of
24 what you heard that night?

25 A. What I heard.

Auntachie Blanding-Direct by Finney

1 Q. So you heard a gunshot.

2 A. Yeah, I heard 3 gunshots.

3 Q. That was before you got in your car.

4 A. Yes, sir.

5 Q. I'm talking about as far as Carter Man.

6 A. Oh, no. Once I seen the hole, I assume he
7 shot it, because he had a gun.

8 Q. But you didn't see Carter Man shoot.

9 A. No, sir.

10 Q. But once you saw the hole in your car, you
11 thought it was a gunshot.

12 A. Yes, sir.

13 Q. Did you see Rodney Green at the club that
14 night?

15 A. No, sir.

16 Q. Do you know him?

17 A. No, sir.

18 Q. Do you know Mr. Archie? He is your
19 cousin.

20 A. Yes.

21 Q. You've known him for a long time.

22 A. Yes, sir.

23 Q. Was he doing anything out of the ordinary
24 that night when you saw him outside the club?

25 A. No, sir.

Auntachie Blanding-Direct by Finney

1 Q. What was he doing, as far as you can
2 remember, once you saw him that night, between the
3 time you saw him, and the time you got in your car
4 to leave?

5 A. He was making sure everybody in his family
6 would go home, and everything would be okay. Just
7 go.

8 Q. Once you left the club, you had to get
9 your car out of the ditch. Did you have to get out
10 of the car to do that, or you drove it out?

11 A. I drove it out.

12 Q. You left the club.

13 A. Yes, sir.

14 Q. Did you come back?

15 A. Yes, sir.

16 Q. How long did you leave?

17 A. It was probably just three minutes.

18 Q. So for about you 3 minutes you drove away.
19 And then you all came back. Why did you come back?

20 A. Because I thought somebody got killed.

21 Q. Did you find out what happened when you
22 came back?

23 A. Yes, sir.

24 Q. That's when you found out it was
25 Mr. Archie. Did you know Mr. Archie was injured

Auntachie Blanding-Direct by Finney

1 before you left?

2 A. No, sir.

3 Q. When you came out of the club the first
4 time, and you saw this confusion and whatever was
5 going on, was there any gunshots then?

6 A. No, sir.

7 Q. Then you were on your way to the car.

8 A. Yes, sir.

9 Q. And you say you heard how many shots?

10 A. Three.

11 Q. Once your heard those three shots, did you
12 hear any other shots that night before you went in
13 the ditch?

14 A. No, sir.

15 MR. FINNEY: I beg the court's indulgence.

16 Q. Just one more question, please, ma'am.

17 Looking at the map that were looking at here on the
18 screen, did you ever see Tyrese Archie over near
19 where your car was?

20 A. No, sir.

21 Q. When was the last time you saw -- where
22 was he on this map the last time you saw him?

23 A. At the door in the club. Like at the
24 door outside the club.

25 Q. Outside the club. On this map it has

Auntachie Blanding-Direct by Finney

1 name. It has the name Ray'Quann Jenkins written.

2 Do you see that?

3 A. Yes, sir.

4 Q. Is that the area on this map that you saw
5 him over near the club, Mr. Tyrese Archie, the last
6 time you saw him?

7 A. When I see -- when I seen Stymie, like, we
8 was coming out the door. That's when I see him. We
9 was coming out. I never see him nowhere else.

10 Q. Where your car was is a good distance away
11 from the door.

12 A. Yes, sir.

13 Q. You never saw Mr. Archie over there?

14 A. No, sir.

15 Q. Did you ever see Carter Man anywhere else,
16 except where you said he was beside your car?

17 A. No, sir.

18 Q. When you first saw Carter Man, was he
19 standing still, moving, running, walking, what was
20 he doing?

21 A. He was standing still when I seen him.

22 Q. He was standing still. And he was how far
23 from your car was Carter Man when you first saw him?
24 Put your hands like you're driving the car. Put
25 your hands on the steering wheel. Where is the

Auntachie Blanding-Direct by Finney

1 front of your car parked that night?

2 A. In front of the club?

3 Q. Going toward the club?

4 A. Yes.

5 Q. Where was Carter Man when you first saw
6 him?

7 A. They was behind my car.

8 Q. How did you see him, you were looking
9 back?

10 A. Well I had to look back, to back up.

11 Q. So when in the process of going backwards,
12 you looked back and saw him.

13 A. Yeah, he was on the driver's side at the
14 time.

15 Q. At that time?

16 A. Yes, sir.

17 Q. And did you have to drive by him?

18 A. Uh-huh. (Affirmative.)

19 Q. And the the whole time---

20 A. Around.

21 Q. ---he didn't move. He was just standing
22 there with the gun.

23 A. Yes, sir.

24 Q. And if he had fired the weapons, you would
25 have been able to hear it?

Auntachie Blanding-Cross by Johnson

1 A. Uh-huh. (Affirmative.) Yes, sir.

2 Q. And then you drove past him out towards
3 Eagle Road and ran in the ditch.

4 A. Yes, sir.

5 MR. FINNEY: Thank you, ma'am. Answer any
6 questions Mr. Johnson may have.

7 THE COURT: Mr. Johnson.

8 MR. JOHNSON: Thank Your Honor. May it
9 please the court.

10 Cross Examination by Mr. Johnson:

11 Q. I don't want to mess up your name. So Can
12 I ask it again?

13 A. Auntachie.

14 Q. Auntachie, let's clarify something. You
15 didn't know Rodney. You didn't see Rodney?

16 A. No, sir.

17 Q. You didn't see Rodney shoot.

18 A. No, sir.

19 Q. So let's talk about what you did see. Now
20 you say that you saw your cousin Stymie at the
21 front door of the club, correct?

22 A. Yes, sir.

23 Q. So the front of the club would be in that
24 area?

25 A. Yes, sir.

Auntachie Blanding-Cross by Johnson

1 Q. Was your cousin Diamond with you?

2 A. Everybody was scattered out.

3 Q. Everybody was together.

4 A. They were scattered out. We all got put
5 out.

6 Q. Right, but I'm saying when Stymie told you
7 all to go to the car, he told all of you to go to
8 the car, right?

9 A. Yes, sir.

10 Q. You all was together when he told you to
11 go, right?

12 A. Yes, sir.

13 Q. And you were standing at the front of the
14 club, correct?

15 A. Yes, sir.

16 Q. So you wasn't standing by the cars.

17 A. No.

18 Q. Nowhere near the cars.

19 A. No.

20 Q. You and Diamond and your other friends,
21 went straight to the car.

22 A. Yes, sir.

23 Q. You didn't see Rodney.

24 A. No, sir.

25 Q. You didn't see -- and Diamond was standing

Auntachie Blanding-Cross by Johnson

1 there with you or near you, right? You all was
2 altogether, right?

3 A. Yes, sir.

4 Q. Rodney didn't yell, Yo, Stymie. You
5 didn't hear him say that, did you?

6 A. I didn't hear nothing. I was trying to
7 go.

8 Q. Right. But so you don't hear anything
9 like that, did you?

10 A. No, sir.

11 Q. And as you were running you heard the
12 shots, correct?

13 A. Yes, sir.

14 Q. And you heard, you say, 3 shots. Correct?

15 A. Yes, sir.

16 Q. Diamond was with you, right?

17 A. Yes, sir.

18 Q. Could you see who was shooting from where
19 you was?

20 A. No, sir. I wasn't looking.

21 Q. Right. Because you were running, right?

22 A. Yes, sir.

23 Q. Was Diamond running with you?

24 A. She probably was behind me.

25 Q. Let me ask you this. When you got to

Auntachie Blanding-Cross by Johnson

1 your car, wasn't Diamond there with you?

2 A. Yes, sir.

3 Q. So if you was running, she had to be
4 running the same speed to stay with you, correct?

5 A. Yes, sir.

6 Q. But you didn't see who was shooting.

7 A. No, sir.

8 Q. You didn't see Rodney.

9 A. No, sir.

10 Q. And Diamond was with you.

11 A. Yes, sir.

12 Q. And initially, you told the solicitor if
13 you're looking at the picture, you told the
14 solicitor that you were closer to where it says
15 casings, right?

16 A. I wasn't that close right there.

17 Q. About right there?

18 A. A little bit over.

19 Q. A little bit over? About that side?

20 A. Yes, sir.

21 Q. So you was actually not that far away from
22 where the casing was located, correct?

23 A. Yes, sir.

24 Q. But you did see a person with two guns,
25 correct?

Auntachie Blanding-Cross by Johnson

1 A. I seen -- yes, sir.

2 Q. They had dread locks.

3 A. Yes, sir.

4 Q. And it wasn't Rodney.

5 A. No, sir.

6 Q. And you thought he had shot your car after
7 you ran in the ditch and saw the damage.

8 A. Yes, sir.

9 Q. Was that a bullet hole?

10 A. No, sir.

11 Q. It wasn't?

12 A. No, sir.

13 Q. And just for clarification, Diamond who
14 testified before you, was with you the whole time
15 that this happened, the first one from when Stymie
16 told you all to leave, until you got to your car
17 until you wrecked, she was with you the whole time,
18 correct?

19 A. Yes, sir.

20 Q. And basically you would have seen the same
21 thing.

22 MR. FINNEY: Objection.

23 THE COURT: Sustained.

24 Q. But you didn't see Rodney do anything.

25 A. No, sir. I never seen him before so....

Auntachie Blanding-Cross by Johnson

1 Q. And you only heard his name later on after
2 he was arrested?

3 A. On the news.

4 Q. On the news. Was Diamond with you when
5 you heard that?

6 A. On the news?

7 Q. Yes.

8 A. No, sir.

9 MR. JOHNSON: One second, Your Honor. No,
10 other questions.

11 THE COURT: Redirect?

12 MR. FINNEY: No.

13 THE COURT: Thank you, ma'am. You can
14 step down. Do you want to take recess?

15 MR. FINNEY: Yes, sir.

16 THE COURT: Mr. Johnson, does that suit
17 you.

18 MR. JOHNSON: That's fine with me, Your
19 Honor.

20 THE COURT: Ladies and gentlemen, we're
21 going to take about 10 minutes. Please go to jury
22 room. Of course leave your note pads in the chair.
23 Do not discuss the case at all. Thank you. We'll
24 take 10 minutes.

25 (Whereupon, the court takes a short

Davontae Blanding-Direct by Finney

1 the juror who asked that of the bailiff, to simply
2 write the question down on a piece of paper, fold it
3 in half, and then hand it to the bailiff before we
4 leave. That is not going to be an invitation for
5 the jury as a whole to discuss what should or could
6 be asked or a witness, because as you recall, you're
7 not permitted to discuss the case at all. And that
8 would include questions that you would like to see
9 asked, because that necessarily invites commentary
10 on what's been presented to you at this stage or any
11 pertinent stage during the trial. Mr. Finney, you
12 can call your next witness.

13 MR. FINNEY: Thank Your Honor. May it
14 please the court, we would call Davontae Blanding to
15 the stand.

16 Davontae Lamar Blanding, being first duly
17 sworn, testified as follows:

18 THE CLERK: Please state your full name
19 and spell your first and last name for the record.

20 A. Davontae Blanding. Davontae Lamar
21 Blanding. D-A-V-O-N-T-A-E, B-L-A-N-D-I-N-G.

22 Direct Examination by Mr. Finney:

23 Q. Good afternoon Mr. Blanding.

24 A. Good afternoon.

25 Q. Tell the ladies and gentlemen your name,

Davontae Blanding-Direct by Finney

1 please, sir.

2 A. Davontae Lamar Blanding.

3 Q. How old are you?

4 A. 19.

5 Q. And what do you do for a living?

6 A. I don't have a job.

7 Q. Do you live in Sumter?

8 A. Yes, sir.

9 Q. Have you lived here all your life?

10 A. Yes, sir.

11 Q. One of the things that I wanted to ask you
12 to do and you're doing a great job, is to say yes or
13 no to any question that I ask you so the court
14 reporter can take everything down. I need you to
15 talk enough so everybody on this jury panel can hear
16 you.

17 A. Yes, sir.

18 Q. Are you related to Auntachie Blanding?

19 A. Yes, sir, I am.

20 Q. How?

21 A. That's my cousin.

22 Q. And you are all close?

23 A. Yes, sir.

24 Q. And you all were both at the Club Miami on
25 the night that Mr. Tyrese Archie got shot.

Davontae Blanding-Direct by Finney

1 A. Yes, sir, I was.

2 Q. Tell the ladies and gentlemen of the jury
3 a little bit about your relationship with Tyrese
4 Archie. Was he related to you?

5 A. Yes, sir. That's my cousin.

6 Q. How close were you Mr. Archie?

7 A. Very close. I would see him on a daily
8 basis.

9 Q. And did you know he was going to be out at
10 the club that night?

11 A. No, sir.

12 Q. Who got there first, you or Mr. Archie?

13 A. I did.

14 Q. How did you get there?

15 A. I rode with some of my friends and one of
16 my cousins.

17 Q. And when Mr. Archie came in you were
18 already there.

19 A. Yes, sir.

20 Q. What did you do all during the time you
21 were inside the club.

22 A. Nothing but standing at the bar for a few
23 minutes, and then we went to other side of the club
24 by the front door.

25 Q. Now did you give the law enforcement

Davontae Blanding-Direct by Finney

1 agents in this case a statement that you wrote?

2 A. Yes, sir, I did.

3 Q. It says March the 19th. That would have
4 been about 3 days after the shooting?

5 A. Yes, sir.

6 Q. Have you read that statement?

7 A. Yes, sir.

8 Q. Is what's in that statement true?

9 A. Yes, sir, it is.

10 Q. Tell the ladies and gentlemen the very
11 first thing you told the police officers 3 days
12 later in your statement.

13 A. That I wasn't even supposed at the club or
14 in it. I used my brother's ID to get in the club.

15 Q. How did your brother's ID?

16 A. On his dresser and I just took it.

17 Q. And that's what you told the officers that
18 night.

19 A. Yes, sir.

20 Q. And you used his ID to get in the club.

21 Now who is the first person you bumped into when you
22 got in the club that night?

23 A. Him.

24 Q. Who?

25 A. My brother.

Davontae Blanding-Direct by Finney

1 Q. He wanted to know how you got in, didn't
2 he?

3 A. Yes, sir.

4 Q. Now, Mr. Blanding, after you saw
5 Mr. Archie in the club that night, how long was it
6 before some kind of fight or altercation broke out
7 in the club?

8 A. Not long. Maybe 45 minutes.

9 Q. At that point, did you all get asked to
10 leave the club?

11 A. Yes, the whole front side of the club was
12 pushed out.

13 Q. Pushed out by who?

14 A. The security guard.

15 Q. So you had inside security guards working
16 the club, and they were the ones that told you all,
17 everybody's got to get out.

18 A. Yes, sir.

19 Q. Once you got outside, what was the
20 atmosphere outside the club?

21 A. A bunch of people fighting.

22 Q. People you knew?

23 A. Not -- I didn't know them.

24 Q. Were you in any fights?

25 A. No, sir.

Davontae Blanding-Direct by Finney

1 Q. Was there anybody out there fighting that
2 you knew very well, you know, some of your friends.

3 A. No, sir.

4 Q. Did Mr. Tyrese Archie get in any fights?

5 A. No, sir.

6 Q. When you left the club were you and -- did
7 you know Diamond? A young lady named Diamond? Do
8 you know her?

9 A. Yes, sir, I know her.

10 Q. Do you know Auntachie.

11 A. Yes, sir.

12 Q. And you know Tyrese. Did all of you all
13 kind of go out of the club at the same time?

14 A. Yes, sir.

15 Q. Once you got outside, what was Mr. Archie
16 and you doing?

17 A. Well he was telling everybody to go home,
18 and like helping, you know. Like, you know, trying
19 to time everything out. And that's what he was
20 doing. He was trying to get everyone safe home.
21 Home safe.

22 Q. At some point, did you leave Mr. Archie
23 to go somewhere else to go get in a car to go?

24 A. No, sir.

25 Q. Did you see Mr. Archie leave from where

Davontae Blanding-Direct by Finney

1 you were go somewhere else?

2 A. Yes, sir.

3 Q. Where was he going?

4 A. I can't say exactly, but I know he was --
5 he went behind truck. That's why I know exactly
6 where he went. He was walking to the left when I
7 saw him, you know.

8 Q. How far away from you had he gotten when
9 you couldn't see him anymore?

10 A. Maybe like 2-yards.

11 Q. Two yards. Two big steps? Did you did
12 you hear any gunfire?

13 A. Yes, sir, I did.

14 Q. Tell the ladies and gentlemen of the jury
15 what happened when you heard the gunfire, where you
16 were, and where Mr. Tyrese Archie was.

17 A. Well you know where the front door is.

18 Q. Yes, sir. And on your screen, do you see
19 the club on your screen?

20 A. Yes, sir.

21 Q. And can you see if I put an x?

22 A. Yes, sir.

23 Q. Is that the location of the front door?

24 A. Yes, sir.

25 Q. And is that where and Mr. Archie were when

Davontae Blanding-Direct by Finney

- 1 you came out of the club?
- 2 A. Not exactly. A little more to the tight.
- 3 Q. To the right?
- 4 A. Yes, sir.
- 5 Q. Over in this area.
- 6 A. Farther.
- 7 Q. Farther over this area?
- 8 A. Yes, sir.
- 9 Q. Now in this area where I've got, I'm
- 10 going to put a circle. What was in that area?
- 11 A. Where the big circle is?
- 12 Q. The big circle.
- 13 A. Cars.
- 14 Q. And how were the cars parked? Which way
- 15 were the cars facing that were parked there?
- 16 A. They were facing towards the road.
- 17 Q. Towards the road?
- 18 A. Yes, sir.
- 19 Q. And I am going to put another circle out
- 20 here on the road.
- 21 A. Not that road.
- 22 Q. Not that road.
- 23 A. This one right here.
- 24 Q. This road over here?
- 25 A. Yes, sir.

Davontae Blanding-Direct by Finney

1 Q. Let me put another little line over here.

2 So the cars were facing this way like this.

3 A. All the cars are in the front, yeah. All
4 the cars are in the front.

5 Q. And they were facing this road over here
6 where I'm making the orange line.

7 A. Yes, sir.

8 Q. Do you know the name of that road?

9 A. Eagle.

10 Q. Eagle Road.

11 A. Yes, sir.

12 Q. Now when you all came out of the club,
13 were you heading towards the cars?

14 A. Yes, sir.

15 Q. Were you heading for a car that you were
16 in, or you were just walking with Mr. Tyrese?

17 A. I was walking out to wait for the rest of
18 my, you know, family. I wasn't really necessarily
19 going to any car.

20 Q. When Mr. Tyrese walked off from you, how
21 long was it after he walked off, that you heard the
22 gunshots?

23 A. 10 seconds. About, yeah.

24 Q. Very good. And once he walked off and you
25 heard the gunshots, what did you do then?

Davontae Blanding-Direct by Finney

1 A. I ducked, and then got behind the car.

2 Q. Did you hear anybody saying anything at
3 the time?

4 A. Yes, sir. Before the shooting, I saw a
5 young lady running towards Mr. Green, screaming,
6 don't do it.

7 Q. When you say a young lady was running
8 towards Mr. Green, do you know who this young lady
9 was?

10 A. I don't know.

11 Q. Do you know -- who is Mr. Green?

12 A. The suspect sitting right there.

13 Q. The defendant?

14 A. Yes, sir. The defendant.

15 Q. Do you know Mr. Green?

16 A. I don't know him.

17 Q. Did you know him that night?

18 A. No, sir.

19 Q. Did you know -- did you get a good look at
20 the man you're describing as Mr. Green that night?

21 A. Yes, sir, I did.

22 Q. How would you describe him to the jury
23 today. Tell us what he looked like to you that
24 night.

25 A. I didn't -- I got a look at his haircut

Davontae Blanding-Direct by Finney

1 and his -- like the top half of his body. He had on
2 a white shirt.

3 Q. And what kind of haircut did he have?

4 A. Not a very low, but kind of a low hair.

5 Q. And how would you describe his skin?

6 A. Dark brown skin. Medium brown skin.

7 Q. And did you tell the officers in your
8 statement that description of the man you saw
9 shooting that night?

10 A. Yes, sir, I did.

11 Q. Did you tell the officers that you saw the
12 man who was shooting?

13 A. Yes, sir, I did.

14 Q. And who did you say it was? Did you say
15 in your statement? Did you know his name?

16 A. No, I didn't know him name.

17 Q. How did you get his name? You're saying
18 today Mr. Green. How do know it was him?

19 A. I was told after I looked at the lineup
20 and I was asked. I was told then that was his name.

21 Q. Very good. Now let's get in to that.
22 After the nightclub shooting, it says about 3 days
23 later, you meet with an investigator. Do you
24 remember his name?

25 A. No, sir.

Davontae Blanding-Direct by Finney

1 Q. Do you see him in court today?

2 A. Yes, sir.

3 Q. Point him out. That gentleman in the
4 striped tie.

5 A. Yes, sir.

6 Q. That's Mr. Hawkins. He told you he was an
7 investigator for Sumter County?

8 A. Yes, sir.

9 Q. What did he ask you to do that day?

10 A. I think he asked me to look at the lineup.

11 Q. Did he also ask you to write a statement?

12 A. Yes, sir, he asked me to write a
13 statement.

14 Q. Let me ask you to look at this. Is this
15 a handwritten statement by you?

16 A. Yes, sir, it is.

17 Q. You wrote it in your own handwriting.

18 A. Yes, sir.

19 Q. Those are your words?

20 A. Yes, sir.

21 Q. And did you sign it?

22 A. Yes, sir, I did.

23 Q. And Mr. Hawkins was the witness.

24 A. Yes, sir.

25 Q. Now after you did the statement, did

Davontae Blanding-Direct by Finney

1 Mr. Hawkins ask you what the man's name was?

2 A. No, sir.

3 Q. At first. When you first went in there
4 and talked to Mr. Hawkins, did he ask you know the
5 man who was doing the shooting?

6 A. Did I know or?

7 Q. Yes.

8 A. He asked me did I know him.

9 Q. What did you tell him?

10 A. I did not know him.

11 Q. And then he asked you could you look at
12 some pictures, and see if the man is in the
13 pictures?

14 A. Yes, sir, he did.

15 Q. Do you know what that's called?

16 A. A photo lineup.

17 Q. A photo lineup.

18 A. Yes, sir.

19 Q. Did he, Mr. Hawkins, present you with a
20 photo lineup?

21 A. Yes, sir, he did.

22 Q. And did you look at them?

23 A. Yes, sir.

24 Q. I'm going to show you what's been marked
25 as State's Exhibit 3(a) and 3(b).

Davontae Blanding-Direct by Finney

1 THE COURT: For identification?

2 MR. FINNEY: Yes, they are.

3 Q. I am going to show you 3(a) for
4 identification and ask, do you recognize that
5 document?

6 A. Yes, I do.

7 Q. What is that?

8 A. This is the lineup that he showed me 3
9 days after.

10 Q. Tell the ladies and gentlemen of the jury,
11 what's in that lineup. What is it a picture of?

12 A. It's a picture of 6 males and one holding
13 the defendant in it; with the defendant in it.

14 Q. One of the pictures is of the defendant.
15 And I am going to show you, I guess I will go ahead
16 and ask. Did you recognize anybody in the lineup
17 when Mr. Hawkins showed you the lineup, did you
18 recognize anybody in the lineup?

19 A. Besides No. 3?

20 Q. No, just anybody.

21 A. Yes, sir, I did.

22 Q. And who did you recognize?

23 A. No. 3.

24 Q. No. 3?

25 A. Yes, sir.

Davontae Blanding-Direct by Finney

1 Q. What did Mr. Hawkins tell you to do after
2 you told him you recognized him?

3 A. He told me to circle the person that I
4 recognized.

5 Q. And did you do that?

6 A. Yes, sir, I did.

7 Q. What else did he tell you to do?

8 A. I can't recall.

9 Q. Did you have to put down the time and the
10 date and your initials?

11 A. Yes, sir.

12 Q. Did you do that on this document?

13 A. Yes, sir, I did.

14 Q. What are your initials?

15 A. DLB.

16 Q. And what time of day was it that you did
17 this lineup?

18 A. 3:54 p.m.

19 Q. On what day?

20 A. On the 19th.

21 Q. Of?

22 A. March.

23 Q. What year?

24 A. 2014.

25 MR. FINNEY: I move 3(a) into evidence.

Davontae Blanding-Direct by Finney

1 THE COURT: Mr. Johnson.

2 MR. JOHNSON: Your Honor, we had a hearing
3 before, but I just have to renew my objection.

4 THE COURT: It's overruled. 3(a) is in
5 evidence.

6 (Photo lineup marked 3(a) into evidence.

7 Q. I am going to have to zoom out. That's
8 the picture 3(a) State's Exhibit 3(a) is the picture
9 that Investigator Hawkins showed you.

10 A. Yes, sir.

11 Q. And after you looked at it, which one did
12 you pick out?

13 A. I picked out No. 3.

14 Q. And under No. 3 on the screen, tell the
15 ladies and gentlemen of the jury, what did you have
16 to do to identify No. 3 as the man you knew.

17 A. I had to circle the number, and put the
18 time and date down.

19 Q. And you did that?

20 A. Yes, sir, I did.

21 Q. Now I am going to show you what's been
22 marked as State's Exhibit No. 3(b) and ask if you
23 can identify this?

24 A. Yes, sir.

25 Q. What's the difference between 3(a) and

Davontae Blanding-Direct by Finney

1 3(b)? I will show them to you side by side.

2 A. Yes, sir. This is no difference.

3 Q. So the same people that are in 3(a) are in

4 3(b)?

5 A. Yes, sir.

6 Q. Is there any difference about how it
7 looks?

8 A. No, sir. Except one is black and white
9 and one is colored.

10 Q. Very good. One is in black and white and
11 one is in color. It's the same document.

12 A. Yes, sir.

13 Q. And did you see both documents, one was
14 colored and one was black and white?

15 A. I think so.

16 Q. And so when you looked at the black and
17 white one, which one did you pick out?

18 A. No. 3.

19 Q. And did you circle No. 3?

20 A. Yes, sir, I did.

21 Q. And did you put your initials on it?

22 A. Yes, sir. Date and time.

23 Q. Date and time. I move No. 3(b) into
24 evidence.

25 THE COURT: Subject to the defendant's

Davontae Blanding-Direct by Finney

1 objection, which is overruled.

2 MR. JOHNSON: Thank Your Honor.

3 (Photo lineup marked State's Exhibit No.
4 3(b) into evidence.)

5 Q. So you were shown two different lineups in
6 terms of, one was black and white and one was color.

7 A. Yes, sir.

8 Q. And you picked out No. 3 in both.

9 A. Yes, sir.

10 Q. And who was the man that you picked out in
11 No. 3?

12 A. Rodney Green.

13 Q. And you didn't know his name at the time.

14 A. No, sir.

15 Q. Somebody told you his name later.

16 A. Yes, sir.

17 Q. Now tell the ladies and gentlemen of the
18 jury, who No. 3 was in terms of this case.

19 A. The suspect.

20 Q. And what did the suspect do in terms of
21 this case?

22 A. He was the one who shot my cousin.

23 Q. How do you know that?

24 A. Well when I saw the young lady running
25 towards him screaming, don't do it, automatically I

Davontae Blanding-Direct by Finney

1 looked at her, and then I see him. I didn't see the
2 bullet. But I seen him raise his arm and started
3 shooting. Because as I told you, the thing -- well
4 the SUV or whatever it was blocking Stymie from me.
5 And then I saw the reaction, I saw him running. So
6 that was enough for me.

7 Q. When you saw the man in the No. 3 raise
8 his hand, what kind of weapon was he holding?

9 A. I don't know exactly, but I know it was
10 big.

11 Q. It was what?

12 A. Big.

13 Q. Was it a rifle?

14 A. No. It was a handgun.

15 Q. A handgun.

16 A. A big gun.

17 Q. It was a big handgun.

18 A. Uh-huh. (Affirmative.)

19 Q. And you see him fire that weapon?

20 A. Yes, sir, I did.

21 Q. How many times do you believe he fired it?

22 A. In my mind it was like 4 or 5 shots.

23 Q. You didn't count them?

24 A. I didn't count them. I was worried
25 about, you know.

Davontae Blanding-Direct by Finney

1 Q. When the shots started firing, was that
2 the first time that evening you had heard any
3 gunshots at that nightclub?

4 A. Yes, sir, It was.

5 Q. And once you heard those shots, what did
6 you do?

7 A. I took cover.

8 Q. Took cover.

9 A. Yes, sir.

10 Q. Did you see anyone who got shot that
11 night, anyone? Anyone? Did you see anybody with a
12 wound that night?

13 A. Yes, sir, I did.

14 Q. Who?

15 A. I saw my cousin Tyrese, and I saw
16 Ray'Quann.

17 Q. You know Ray'Quann Jenkins.

18 A. Yes, sir, I do.

19 Q. Where was Ray'Quann when you saw him?

20 A. He was standing by the front. Like right
21 beside the front door. Like as you walk out, you
22 just make a little right there.

23 Q. That was before the shooting.

24 A. That was after the shooting.

25 Q. Did you see Ray'Quann after he got shot?

Davontae Blanding-Direct by Finney

1 A. Yes, sir, I did.

2 Q. And he was by the front?

3 A. Yes, sir.

4 Q. Was he standing up or was he on the ground
5 or what?

6 A. He was on the ground when I saw him.

7 Q. Where was Mr. -- did you see Mr. Archie
8 after he got shot?

9 A. Yes, sir, I did.

10 Q. Tell the ladies and gentlemen of the jury
11 what you saw.

12 A. Well after I saw him shooting, I see
13 Tyrese running. He was running like to get away
14 from him. And I was following him. You know, to
15 make sure he was all right. And he just was like
16 telling me like, he got me. He went to the back of
17 the club and just collapsed.

18 Q. You see on the screen here that there's a
19 word written in green letters, it says casings.

20 A. Yes, sir.

21 Q. If you let me, I'm going to make it a
22 little bigger for you. Where you see the word,
23 casings on this screen, tell that ladies and
24 gentlemen of the jury, where were you and
25 Mr. Archie when the shots rang out? Were you above

Davontae Blanding-Direct by Finney

1 the word casings, below the word, to the left or to
2 the right?

3 A. I was below the word. He was like
4 directly beside the word.

5 Q. If I put a little dot here, I'm going to
6 put a dot below. You said below the word.

7 A. Yes, sir.

8 Q. And he was directly.

9 A. Yes, sir.

10 Q. Is that about where you all were in the
11 parking area?

12 A. Yes, sir.

13 Q. After you saw -- where was Mr. Rodney
14 Green when you saw him firing the weapon in
15 relationship to where you and Mr. Tyrese was?

16 A. Behind the word casings.

17 Q. In that area.

18 A. Yes, sir.

19 Q. Now this is all approximate. But that's
20 about where he was?

21 A. Yes, sir.

22 Q. And there were a bunch of cars out there.

23 A. There was.

24 Q. Once you saw him firing, you say that you
25 took cover. Did you drop to the ground?

Davontae Blanding-Direct by Finney

1 A. Yes, sir.

2 Q. Did you see -- who did you see first after
3 the shoots stopped being fired, did you see
4 Ray'Quann first or did you see Tyrese first?

5 A. I saw Tyrese first.

6 Q. And you testified that Tyrese started
7 running away from the shooter?

8 A. Yes, sir.

9 Q. Tell me where he was going on this map.

10 A. Where the dot is, and it's a red word back
11 here.

12 Q. Yes, sir.

13 A. That's exactly where he was.

14 Q. He was running toward the red word.

15 A. Yes, sir.

16 Q. So he was running this way.

17 A. Yes, sir.

18 Q. And once he got back there to that part of
19 the building, was he close to the building?

20 A. Yes, sir.

21 Q. Once he back to that part of the building,
22 what happened to him?

23 A. He collapsed.

24 Q. Were you with him when he collapsed to the
25 ground?

Davontae Blanding-Direct by Finney

1 A. Yes, sir.

2 Q. And did you stay with him until the EMS
3 and the ambulance got there?

4 A. Yes, sir.

5 Q. I want to show you what's been marked as
6 State's Exhibit No. 13, and ask if you can identify
7 it.

8 A. Yes, sir.

9 Q. What is that?

10 A. This is the back of Club Miami.

11 Q. Speak up loud.

12 A. This is the back of Club Miami.

13 Q. And where on this document, this picture,
14 did you see your cousin fall out?

15 A. Right in there.

16 Q. Would it have been in front of the
17 vehicles or behind the vehicle?

18 A. Behind.

19 MR. FINNEY: Move to admit No. 13.

20 MR. JOHNSON: No objection, Your Honor.

21 THE COURT: 13 is in.

22 (Photograph marked State's Exhibit No. 13
23 into evidence.)

24 Q. Now that's it on your screen, describe
25 where Mr. Archie collapsed at.

Davontae Blanding-Direct by Finney

1 A. This the car far to the right.

2 Q. The car far to the right.

3 A. Right here. All the way here. This car.

4 Q. What color is it?

5 A. Dark gray.

6 Q. Was it in front of the dark gray car or
7 behind it?

8 A. Behind.

9 Q. So Mr. Archie, according to you, he
10 collapsed behind the car, but between the car and
11 the building.

12 A. Yes, sir.

13 Q. What I am going to show you next is marked
14 as State's Exhibit No. 11. Is that a picture of
15 your cousin on the ground?

16 A. Yes, sir.

17 Q. Is he behind the car?

18 A. Yes, sir.

19 Q. Who is that a picture of?

20 A. Tyrese.

21 Q. And is this where Tyrese was once he
22 collapsed?

23 A. Yes, sir.

24 Q. Once you got over to where Tyrese was, did
25 you see the man who shot Tyrese any more that

Davontae Blanding-Cross by Johnson

1 evening? Speak up.

2 A. No, sir.

3 Q. And the man that you picked out in the
4 lineup with Investigator Hawkins, that you
5 identified as No. 3, he was the man who did the
6 shooting at the nightclub.

7 A. Yes, sir.

8 Q. And he's the man that you saw do the
9 shooting.

10 A. Yes, sir.

11 Q. And is in court today?

12 A. Yes, sir.

13 Q. Point him out to the jury. Are you
14 pointing at Rodney Green?

15 A. Yes, sir, I am.

16 MR. FINNEY: Nothing further.

17 THE COURT: Cross examination?

18 MR. JOHNSON: Thank you, Your Honor. If
19 it please the court.

20 Cross Examination by Mr. Johnson:

21 Q. Davontae, let's clarify, we go through
22 this again. You saw Rodney shooting, correct?

23 A. Yes, sir.

24 Q. But you did not see him shoot your cousin.

25 A. No, sir.

Davontae Blanding-Cross by Johnson

1 Q. Now you assume that Rodney shot your
2 cousin, because you saw Rodney shoot and your cousin
3 was in the vicinity, correct? I mean when you say
4 Rodney shot your cousin, you assume that because you
5 say you saw Rodney shooting a gun and your cousin
6 was shot.

7 A. Yes, sir.

8 Q. But you didn't see Rodney like you can see
9 clearly like me standing here shooting, you didn't
10 see that clearly?

11 A. No, sir, I didn't.

12 Q. Now, Your Honor, may approach the witness?

13 THE COURT: Yes.

14 Q. Would you please take a look at that? Do
15 you recognize that?

16 A. Yes, sir, I do.

17 Q. That's your statement, correct?

18 A. Yes, it is.

19 Q. Now in your statement that you gave the
20 police, you stated that there was two girls trying
21 to stop Rodney from shooting.

22 A. Yes.

23 Q. And that was right before, how many
24 seconds or so before you say he shot the two girls
25 who were standing there?

Davontae Blanding-Cross by Johnson

1 A. Before?

2 Q. Yeah. I mean, how long was it between you
3 saw -- between the time that you saw two girls
4 trying to stop Rodney from shooting and you heard
5 the shots? Or you saw Rodney shoot?

6 A. Nothing but three seconds.

7 Q. About three seconds.

8 A. No.

9 Q. I didn't hear you.

10 A. No, not three seconds.

11 Q. How long?

12 A. I would give it about 10 seconds.

13 Q. About 10 seconds. And was these girls
14 standing by Rodney when he was shooting?

15 A. They moved -- they ran towards him and the
16 firing started. He started shooting, so I can't
17 say, because I got down.

18 Q. But when Rodney started shooting, these
19 girls was running towards him.

20 A. No, he wasn't shooting when they ran
21 towards him.

22 Q. But within 10 seconds of him shooting,
23 these girls was talking to him and telling him don't
24 shoot.

25 A. After he shot, then I didn't him after he

Davontae Blanding-Cross by Johnson

1 shot.

2 Q. But before he shot.

3 A. I saw him.

4 Q. Him and two girls was talking; was doing.

5 A. Yes, sir.

6 Q. Was your cousin Archie, he's your cousin?

7 A. Yes, sir.

8 Q. Did you see him fighting with somebody on
9 the ground?

10 A. No, sir, I didn't.

11 Q. Did you see -- now the other person that
12 was shot, is that your cousin?

13 A. No, sir.

14 Q. What's his name?

15 A. Ray'Quann.

16 Q. Was Day'Quann (sic) with your cousin
17 Archie when you saw him?

18 A. When I saw him when?

19 Q. Before he -- before the shooting?

20 A. Before the shooting?

21 Q. Uh-huh. (Affirmative.) Did you see
22 Day'Quann (sic) and your cousin together?

23 A. Yes, sir.

24 Q. They was together.

25 A. Yes, sir.

Davontae Blanding-Cross by Johnson

1 Q. But you didn't see your cousin -- now did
2 your cousin appear that he had been in a fight
3 before you saw him?

4 A. No, sir.

5 Q. You didn't see three people with him -- I
6 mean one guy with him on the ground with one guy and
7 two other guys standing around and Day'Quann (sic)
8 trying to stop them from fighting?

9 A. No, sir, I didn't.

10 Q. Did you see five people coming from the
11 fence line coming towards him, and preparing to
12 attack your cousin?

13 A. No, sir, I didn't. All I saw was the girl
14 running.

15 Q. Uh-huh. (Affirmative.) Well you say
16 girl now. In your statement you say two. So was it
17 one or two?

18 A. It was two.

19 Q. Two girls running.

20 A. Yes, sir. When I saw them running, I
21 looked at them because of their screaming. And I
22 see him. I'm not dumb. I mean Stymie was right
23 there. He was only guy shooting. So it's common
24 sense. He's the only one shooting.

25 Q. I mean I understand what you're saying.

Davontae Blanding-Cross by Johnson

1 So if Day'Quann (sic) said that right before
2 Mr. Archie was shot, that he was fighting and laying
3 on the ground, you never saw that.

4 MR. FINNEY: I object, Your Honor. Pitting
5 witnesses.

6 THE COURT: Sustained. You can rephrase
7 it.

8 Q. If there is evidence that indicates
9 that -- well let me change that. You did not see
10 your cousin fighting anyone.

11 A. No, sir, I didn't.

12 Q. You did not see him on the ground.

13 A. No, sir, I didn't.

14 Q. You did not see three people standing
15 there with two standing and Day'Quann (sic) trying
16 to stop them from fighting.

17 A. No, sir, I didn't.

18 Q. And you did not see 5 or 8 people coming
19 out of the woods to attack him.

20 A. No, sir.

21 Q. But you did see Rodney shoot a gun?

22 A. Yes, sir, I did.

23 Q. But you did not see your cousin get hit by
24 a bullet.

25 A. No, I didn't see the bullet hit him.

Myron Conyers-Direct by Finney

1 MR. JOHNSON: One second, Your Honor.

2 Q. I don't know if I asked you this, but the
3 two girls or the girls, did you know them?

4 A. No, I don't know them.

5 MR. JOHNSON: No other questions, Your
6 Honor.

7 THE COURT: Redirect?

8 MR. FINNEY: No, Your Honor.

9 THE COURT: Thank you, sir. You can step
10 down. Mr. Finney.

11 MR. FINNEY: I call Mr. Myrone Conyers to
12 the stand.

13 Myron Conyers, being first duly sworn,
14 testified as follows:

15 THE CLERK: Please state your full name
16 and spell your first and last name for the record,
17 please.

18 A. Myron Eugene Conyers. M-Y-R-O-N.
19 Conyers, C-O-N-Y-E-R-S.

20 DIRECT EXAMINATION by Mr. Finney:

21 Q. Good afternoon, sir.

22 A. Good afternoon.

23 Q. Tell ladies and gentlemen where you live.

24 A. I live in Pinewood.

25 Q. How long have you lived in that area?

Myron Conyers-Direct by Finney

1 A. Most of my life. I spent some time in the
2 military, but most of my life.

3 Q. Very good. You went to high school here
4 in Sumter.

5 A. Yes, sir.

6 Q. And what kind of work do you do normally?
7 What kind of work are you doing now?

8 A. I work for Thompson Industrial Services.

9 Q. That's a Sumter outfit?

10 A. Yes, sir.

11 Q. What do you do for them?

12 A. It's an industrial cleaning company.
13 Vacuum and cleaning services.

14 Q. And that job, does it cause you to travel
15 quite a bit?

16 A. Yes, it does. I spend pretty close to
17 almost half a year on the road.

18 Q. Now I want to take you back to March 16th
19 of 2014, and the Club Miami. What was your
20 relationship to the Club Miami in March of 2014?

21 A. I was -- I'm a security officer. My
22 duties were to maintain the parking lot area, and
23 just make sure everything is going according to
24 plan.

25 Q. And do you have to get a certification or

Myron Conyers-Direct by Finney

1 a license to be considered a security guard,
2 security officer?

3 A. Yes. It's an annual renewal.

4 Q. You have to take some special training to
5 get this.

6 A. Yes. It's not as much as the regular
7 police, but there is some training that we require.

8 Q. And as part of your duties, were you hired
9 by Club Miami to perform security details?

10 A. Yes.

11 Q. And did you do that on a regular basis?

12 A. Yes, when I was in town.

13 Q. And were you doing this at the same time
14 you worked with Thompson, or was this your job then?

15 A. I was doing it at the same time.

16 Q. As part of your job, were you issued and
17 did you carry a handgun?

18 A. Yes, I have a handgun.

19 Q. And did you have to train on it to show
20 proficiency with the handgun?

21 A. Yes.

22 Q. Did you have one the night of the shooting
23 at the Club Miami? A handgun?

24 A. Yes, I did.

25 Q. Did you also have to wear a special

Myron Conyers-Direct by Finney

1 uniform? Did you have on an identification vest
2 saying you were security?

3 A. It's just a shirt. I didn't have a vest,
4 but I had a shirt. But it had a security badge and
5 it security on the back.

6 Q. Now we have seen, I have seen a voluntary
7 statement that you gave to the police officers 2
8 or 3 weeks after the shooting. Do you remember
9 talking with an investigator by the name of Hawkins?

10 A. Yes, I did.

11 Q. Do you know him?

12 A. Not personally.

13 Q. Do you see him in court today?

14 A. I think that's him right there. Let me
15 see.

16 Q. You're not sure.

17 A. I'm not sure. I saw him earlier today
18 though.

19 Q. As far as Mr. Hawkins was concerned, did
20 he contact you to get information from you about
21 that night, or did you contact him?

22 A. He called me in to make a statement.

23 Q. And did you wrote a voluntary statement?

24 A. Yes, I did.

25 Q. It is in your handwriting?

Myron Conyers-Direct by Finney

1 A. Yes, that's my handwriting.

2 Q. And it's a one page statement that tells
3 about what happened that night at the club.

4 A. Yes, sir.

5 Q. If you would be so kind, if you could
6 summarize to the jury, what your statement was to
7 Mr. Hawkins and what happened that night. If you
8 can start out by telling us, did you have authority
9 to do security inside the nightclub?

10 A. We were as security officers, we were
11 told by our boss not to go inside the club. We're
12 only required to patrol the outside and the parking
13 lot area.

14 Q. What did you all call the guys on the
15 inside of the club?

16 A. They're actually bouncers.

17 Q. Bouncers. So how many bouncers were
18 working inside the club, if you know.

19 A. I don't have the exact numbers.

20 Q. Was it more than one?

21 A. More than one.

22 Q. So you had one or two bouncers inside the
23 club doing security. Did they carry guns?

24 A. No.

25 Q. And then they had how many guys working

Myron Conyers-Direct by Finney

1 security outside the night of this shooting?

2 A. I think we had four.

3 Q. Do you know Mr. Washington?

4 A. Yes.

5 Q. I think his name is Patrick.

6 A. Yes, sir.

7 Q. Did you work security with him at the Club
8 Miami on a regular basis?

9 A. Yes.

10 Q. And did you have occasion to see Patrick
11 that night after the shooting, or during the
12 shooting?

13 A. Yes.

14 Q. Now as far as what happened that night,
15 there was fight inside the club?

16 A. Yes. Approximately, 2, 2:15, about 2:15
17 that morning, there was a fight. We were called.
18 We were notified that there was a fight going on on
19 the inside. And the bouncers proceeded to bring the
20 individuals outside that were fighting. And that
21 was their -- that's kind of like their duty to just
22 get them outside the club. Once outside, then we as
23 security take it over, and either get the
24 individuals under control or have them leave the
25 property..

Myron Conyers-Direct by Finney

1 And an argument continued for some time.

2 And I took it upon myself to separate one individual

3 from the crowd, in an attempt to gain control of the

4 argument or the situation. Upon talking to the

5 individual, trying to get him calmed down. I

6 noticed an individual subject appeared from the

7 fence line, and fired a shot. Paused. Fired two

8 more shots into the crowd. And turned and ran east

9 toward the El Cheapos. I attempted to -- or I

10 pursued them in the pursuit. And I cleared the

11 fence line, I noticed that Washington was on my

12 rear. And the individual continued east, running.

13 And he got out of the light, so I grabbed for my

14 flashlight and I shined it on him. And as I saw

15 Washington run by me, I saw the deputy on the

16 highway. And I quickly shined my light to the

17 deputy, and shined back to the subject that was

18 running. And Washington, you know, continued past

19 me.

20 I guess he -- we saw that the subject had

21 stopped because the deputy had gone down the road,

22 and cut off on the side road, cut off the subject.

23 And then he proceeded south toward the dirt pile

24 where the deputy and Washington later caught up with

25 him.

Myron Conyers-Direct by Finney

1 Q. Now just for the jury's edification, I
2 will show you State's Exhibit No. 30, and ask if you
3 can orient yourself. This is Highway 378.

4 A. Yes.

5 Q. Is this the Club Miami?

6 A. Yes.

7 Q. And is this the field that was the parking
8 area? Is this parking area here on State Exhibit's
9 No. 30 next to the Club Miami?

10 A. Yes.

11 Q. Now there's a yellow line on this exhibit,
12 is that the fence line you're talking about?

13 A. Yes, sir.

14 Q. What kind of fence is there?

15 A. It's a galvanized wire fence.

16 Q. So it's not like a wooden ranch type.
17 It's just a wire fence on sticks?

18 A. Yes.

19 Q. And is there a parking? That night was
20 there parking on the, I guess you call that east
21 side?

22 A. Yes.

23 Q. Was there any parked cars on the east side
24 of that fence?

25 A. Yeah, there were approximately two rows.

Myron Conyers-Direct by Finney

1 There was like one here. And then there was a
2 space, and then there was another row.

3 Q. And these cars were parked in the big
4 field here, were they facing the highway or facing
5 the club?

6 A. The majority of them were facing the
7 highway.

8 Q. How about the cars in the parking lot,
9 which way were they facing?

10 A. The ones along fence line area were facing
11 toward the club.

12 Q. And would you have more than one row?
13 Probably you had more than one row of cars?

14 A. There's approximately two rows, one back
15 to back. And then there's another row against the
16 fence.

17 Q. Now when you saw -- when you were trying
18 to stop or get control of the man that was acting
19 up.

20 A. Yes, sir.

21 Q. Where were you on this map? Here I've got
22 a pointer for you. Where were you?

23 A. I was in the two rows that are facing the
24 club.

25 Q. Yes, sir.

Myron Conyers-Direct by Finney

1 A. I was just behind that, right on the
2 bumper of the second row. And then this was the
3 rear -- the third row against the fence line.

4 Q. When you heard the shots, where were your?

5 A. I was approximately right here.

6 Q. And where were the shoots coming from as
7 far as you tell?

8 A. About right here.

9 Q. And you say you heard a shot. There was a
10 pause, and then you heard a couple more shots.

11 A. Yeah.

12 Q. Before you heard the first shot, had you
13 heard any gunshots that night in this location?

14 A. No.

15 Q. After you heard the shots that you just
16 testified to, did you hear any other shots?

17 A. No.

18 Q. How far would you say you got away from
19 the club when you were running after the man you saw
20 shooting that night? How far did you get down into
21 the field?

22 A. I was in probably this general vicinity
23 right there. Washington was a little ahead of me.
24 And the, I think the deputy had made his way to this
25 road here to cut off the subject. And the subject

Myron Conyers-Direct by Finney

1 was between the deputy and Washington.

2 Q. Now the dirt piles that were out there
3 that night, they're not pictured on this picture,
4 are they?

5 A. No.

6 Q. And how high would you say the dirt piles
7 are?

8 A. About 4 feet. Four or 5 feet.

9 Q. Let me ask you to look at what's been
10 marked as State's Exhibits 23 and 24, and ask if you
11 can identify what those are.

12 A. They look like the mound of dirt where
13 someone had gone across.

14 Q. And do those look like the mounds that
15 appeared in the field next to the Club Miami?

16 A. Yes.

17 Q. Now did you actually get all the way to
18 the mounds?

19 A. Not upon the apprehension of the subject.

20 Q. Your co-worker Mr. Patrick Washington, he
21 did get into the area of the mounds as far as you
22 could see?

23 A. Yes.

24 Q. Now at the point where you heard the
25 gunshots, and you turned your attention to the

Myron Conyers-Direct by Finney

1 gunshots, tell the ladies and gentlemen what you
2 saw, who was firing the weapon, what -- how did he
3 look, what was going on.

4 A. The subject, a black male, dressed in all
5 white. He, from what, from my memory, I saw him out
6 of the corner of my eyes. And I turned, and as soon
7 as I turned, is when he fired the first shot.

8 Q. And did he fire more additional shots
9 after the first shot?

10 A. Yes. It was a slight pause. And then he
11 fired two more times.

12 Q. Did you see anybody get hit as a result of
13 that gunfire?

14 A. No, I didn't turn to see where the -- see
15 whether anybody was hit at any time.

16 Q. Just for the jury's sake, how far would
17 you say you were from the shooter at the point of
18 first shot? And tell me to move. I'll move
19 whichever way. If I'm the shooter.

20 A. Yes, sir.

21 Q. How far was the shooter away from you when
22 you heard -- saw the first shot?

23 A. It was about that distance.

24 Q. Would you give me an estimate on this?

25 A. 30, 30 feet.

Myron Conyers-Direct by Finney

1 Q. 30 feet away. He was dressed in all
2 white.

3 A. Yes.

4 Q. Was he shooting, could you tell what kind
5 of gun in terms of, was it a rifle? Shotgun?

6 A. I was an automatic. What we call
7 automatics.

8 Q. And what kind -- was it a handgun?

9 A. It was a handgun.

10 Q. When you say automatic, how could you tell
11 it was an automatic?

12 A. I -- the weapon I carry is an automatic.
13 It's the same type. It was a slide hammer. A slide
14 on the top. It's different from a revolver, which
15 has a chamber that rotates. And it was an
16 automatic.

17 Q. Once you saw him fire, you decided to go
18 after him.

19 A. Yes, sir.

20 Q. He ran towards the field.

21 A. Yes.

22 Q. Were you on a radio?

23 A. We have radios, but at that time I wasn't
24 using a radio.

25 Q. So anything that was -- in other words,

Myron Conyers-Direct by Finney

1 anything that was going on it was either by mouth,
2 but it wasn't like on a speaker phone or a cell
3 phone or something like that.

4 A. No, it was strictly by mouth. When I
5 turned, Washington was immediately behind me. And I
6 pointed to that direction as he's running down
7 there. And Washington picked, you know, picked up
8 on him and followed him.

9 Q. At the point where you left what you were
10 doing, and went and followed this man in white, you
11 didn't know how many people had been shot.

12 A. No.

13 Q. Once Mr. Washington ran by you and the
14 deputy got in front of you, how long was it, before
15 the suspect was captured?

16 A. Maybe 30 seconds.

17 Q. Very good. And was the suspect
18 captured -- where was the suspect captured in terms
19 of the dirt piles that were in that field?

20 A. I had to clear one mound of dirt, and they
21 were between that first mound and the next one.

22 Q. Very good. After the arrest of the
23 suspect, did you know the suspect's name that night?
24 Did you know who he was?

25 A. No, I didn't.

Myron Conyers-Direct by Finney

1 Q. Did Investigator Hawkins ask you to come
2 and participate in a photo lineup?

3 A. Yes.

4 Q. And how did that procedure go? Where did
5 you go?

6 A. I went to the deputy's office at the time.
7 He called me in and told me where to meet him at
8 out. I went down to make a statement, and he
9 produced a lineup for me to look at.

10 Q. Do you remember how many people were in
11 the lineup?

12 A. I think it was 6.

13 Q. I am going show you what's been marked as
14 5(a) and ask if you could look at that, and identify
15 what that document is.

16 A. This is a lineup that Investigator Hawkins
17 had given me to look at.

18 Q. And once you saw the lineup, did you look
19 at the people who were pictured in the lineup?

20 A. Yes, I did.

21 Q. And did you identify anybody as someone
22 you had seen the night of the shooting?

23 A. Yes, the identity of the third subject.

24 Q. And what did Investigator Hawkins ask you
25 to do as part of your identification? Did he ask

Myron Conyers-Direct by Finney

1 you to make any marks?

2 A. Yeah, he asked me initial it. And there's
3 an initial and date on it.

4 Q. And did you have to circle the picture?

5 A. No.

6 Q. Circle the number?

7 A. Well yes, I think I did circle the number
8 and initial.

9 MR. FINNEY: I move State's 5(a) in.

10 MR. JOHNSON: I just renew my original
11 objection.

12 THE COURT: That's in over defendant's
13 objection. Thank you. That's 5(a).

14 (Photo lineup marked State's 5(a) into
15 evidence.)

16 Q. And the man you identified as No. 3 in
17 State's 5(a) is that the man who you saw running in
18 white, and firing the handgun?

19 A. Yes, sir.

20 Q. I want to show what's been marked as
21 State's Exhibit No. 9, and ask if you can identify
22 that photograph.

23 A. That appears to be the same individual.
24 It's a little further away but...

25 Q. And that individual, do you recognize him,

Myron Conyers-Direct by Finney

1 or the clothing he's wearing in this picture?

2 A. That looks like the outfit that he was
3 wearing that night.

4 Q. And that's the same man that you picked
5 out of the 6 person lineup.

6 A. Yes.

7 Q. Once Mr. -- once the suspect was arrested,
8 and put in the police car, did you go back to the
9 club?

10 A. Yes.

11 Q. Were you able to determine any injuries on
12 anybody at the club?

13 A. I saw two, well initially one individual,
14 he was -- the first set up, the first row of cars.

15 Q. Yes, sir.

16 A. The first row of cars, he was in that
17 area, a little further down than I initially was
18 when the shooting occurred. And he was telling, I
19 guess, people in the area that he been shot. And I
20 just stood around and listened to what was going on.

21 Q. Did you know that there was another person
22 shot somewhere else in the parking lot?

23 A. Yes. I later found that there was another
24 person to which was when I returned to the club, he
25 was behind the club area. And I think at this time,

Myron Conyers-Cross by Finney

1 I think that they -- well the, my owner, my boss,
2 excuse me, told me that the person had deceased.

3 MR. FINNEY: Thank you for coming today.
4 Answer any questions Mr. Johnson has.

5 THE COURT: Mr. Johnson.

6 Cross Examination by Mr. Johnson:

7 Q. Good afternoon, Mr. Conyers.

8 A. Good afternoon.

9 Q. Let me ask you some questions. First of
10 all, I notice that that night that you was working.

11 A. Yes, sir.

12 Q. Did you have your glasses on?

13 A. No.

14 Q. You didn't have your glasses on.

15 A. No. They was reading glasses.

16 Q. Those were reading glasses.

17 A. Yes, sir.

18 Q. But I just noticed a few minutes ago you
19 had a hard time seeing the deputy over there. You
20 had to kind to squint your eyes to see. So how far
21 can you see with your glasses off?

22 A. I can see pretty far. I just use these
23 for reading.

24 Q. You can. Let's see. Can you tell me what
25 color this is?

Myron Conyers-Cross by Finney

1 A. This looks like a greenish blue.

2 Q. Greenish blue?

3 A. Yes.

4 Q. Now at the time that this happened, it was
5 at night, wasn't it?

6 A. Yes, sir.

7 Q. Was it lit out there?

8 A. They have lights in the parking lot. And
9 at the time, the subject was underneath the light.

10 Q. The subject. So there was a pole there or
11 something?

12 A. Yes.

13 Q. So he was standing under a pole.

14 A. He was standing underneath the pole with
15 the light.

16 Q. When you saw him shoot.

17 A. Yes.

18 Q. And where exactly were you standing? As a
19 matter of fact, let me go back here. If you look at
20 the screen. So right here where I put my dot, I
21 guess where it says -- no, that's the wrong spot.
22 This would be here. Is that basically where you say
23 that he was standing?

24 A. A little closer to the highway, almost
25 parallel with the building.

Myron Conyers-Cross by Finney

1 Q. So he was standing where, in this area?

2 A. You see the grass area along the fence
3 line, and then it turns to dirt.

4 Q. Right. About right here.

5 A. Come down towards your first dot a little
6 bit.

7 Q. Right here?

8 A. Yes, sir.

9 Q. Let me rearrange this again to get all
10 these dots out of the way.

11 Q. So he was closer to here.

12 A. To that area, yes, sir.

13 Q. So the place where it says rounds, he
14 wasn't near that spot.

15 A. I beg your pardon.

16 Q. I mean where it says casings on the screen
17 there.

18 A. What now?

19 Q. So he was not standing in this area.

20 A. No.

21 Q. Nowhere near there.

22 A. No, not at the time of the shooting.

23 Q. Not at the time of the shooting. And he
24 was shooting back towards the building?

25 A. Yes.

Myron Conyers-Cross by Finney

1 Q. Or which direction was he pointing?

2 A. He was shooting toward the building.

3 Q. The front of the building? The back of
4 the building? I mean the side of the building?

5 Take a look at the screen and I'll try to.

6 A. Can I use that?

7 Q. Sure, I'll be happy to.

8 A. It's a lot easier for me.

9 (Whereupon, the witness steps down from
10 the witness stand.)

11 Q. That's the building there, correct?

12 A. Yes.

13 Q. And that's the front.

14 A. Yes. He was located in approximately in
15 this area, shooting in this direction.

16 Q. Shooting in that direction.

17 A. Yes. Because I was approximately here.

18 And he was shooting -- he was not shooting towards
19 me, he was shooting toward this way.

20 THE COURT: Can everybody on the jury see?

21 Q. And then when he ran, which way did he go?

22 A. He, after he left here and he ran around
23 this fence area, and then he continued -- excuse me,
24 and he continued along, there's a little, I guess
25 the cars actually drove here.

Myron Conyers-Cross by Finney

1 Q. Right.

2 A. He ran between the first set of cars and
3 the second set of cars in this direction.

4 Q. At that time, you just watched him running
5 at that time, or was you running behind him?

6 A. I was running behind him.

7 Q. Now at the time that he was shooting, did
8 you see other individuals standing up near him?

9 A. Yes, they were running away from.

10 Q. Girls?

11 A. They were probably females in the crowd.

12 Q. There was a female. But it was men
13 and....

14 A. Yes.

15 Q. So basically everybody was running.

16 A. The people that were in that area, yes.

17 Q. Was running.

18 A. Because there was some people that was
19 around the car area. And when the shooting started,
20 they started to scatter.

21 Q. About how many people was at the club that
22 night?

23 A. Maybe a couple of hundred.

24 Q. A couple of hundred.

25 A. Maybe.

Myron Conyers-Cross by Finney

1 Q. At the time of the shooting there was a
2 couple of hundred people there.

3 A. At least, yes.

4 Q. So it was kind of chaotic?

5 A. Yes.

6 Q. Now he was dressed in white, but he wasn't
7 the only person dressed in white, was he?

8 A. Not from what I can recall, but he was the
9 only one I saw shooting.

10 Q. That is not what I asked. I asked you
11 what he was wearing.

12 A. Was he the only one dressed in white?

13 Q. Right.

14 A. No.

15 Q. Did he have a white hat on?

16 A. No, the hat wasn't white.

17 Q. But he had a hat on.

18 A. Yes.

19 Q. That's interesting. So he had a hat on.

20 A. Yes.

21 Q. The one you saw shooting.

22 A. Yes.

23 Q. But it wasn't white.

24 A. No.

25 Q. What color was it?

Myron Conyers-Cross by Finney

1 A. It was a dark color.

2 Q. It was a dark colored hat. So and he had
3 it on his head at the time he was shooting?

4 A. Yes.

5 Q. So it would have been State's Exhibit No.

6 9. Can I approach, Your Honor?

7 THE COURT: Yes, sir.

8 Q. Take a look at that.

9 A. Okay.

10 Q. Now that is a picture of my client,
11 correct?

12 A. Yes.

13 Q. But there's no hat on his head.

14 A. No.

15 Q. So that is not the way he looked that
16 night.

17 A. No.

18 Q. So the person you saw had a dark colored
19 hat on.

20 A. Yes.

21 Q. You sure it was a dark colored hat. Just
22 take your time to think about. It's very important.

23 A. It was a hat that was dark, because---

24 Q. I mean he was standing under the light, so
25 you could see him clearly, right?

Myron Conyers-Cross by Finney

1 A. Yes. The reason I said that it was a
2 dark colored hat, because he a white outfit on, and
3 it didn't match his outfit.

4 Q. So the person you saw had a dark colored
5 hat on and a white outfit.

6 A. Yes.

7 Q. Now isn't it fair to assume that when you
8 picked him out of the lineup, picked my client out
9 of the lineup, that was after he was arrested and
10 you saw him clearly, correct?

11 A. I saw him that night when he was
12 apprehended.

13 Q. Then you picked him out of a lineup,
14 correct? After he was apprehended, then you did the
15 lineup, correct?

16 A. Yes.

17 Q. So you didn't pick him out just off of
18 memory from seeing him shoot. You actually had the
19 opportunity to see him arrested, in handcuffs, and
20 being held by Mr. Washington and the officer,
21 correct?

22 A. Yes.

23 Q. So when you looked at that lineup, your
24 memory was actually kind of refreshed, because you
25 remember what he looked like when you got close up

Myron Conyers-Cross by Finney

1 to him, right?

2 A. Yes.

3 Q. Let me ask you a question. The lineup
4 came a few days later.

5 A. Yes.

6 Q. Between the time that you saw a person
7 with white on and a dark colored hat shoot, you saw
8 my client being arrested, and the person running
9 away, you saw my client being arrested at the dunes
10 with all white on. Did he have a hat on?

11 A. Yes.

12 Q. He had a hat on when he was arrested.

13 A. Yes.

14 Q. Was it dark?

15 A. Yes.

16 Q. And the hat was a dark colored hat.

17 A. Yes.

18 Q. Are you sure of that?

19 A. From the best of my knowledge, yes.

20 Q. So you looked at his face, and then they
21 showed you a lineup a few days later, and you
22 identified the person that you saw -- that you saw
23 as being the person you saw running, correct?

24 A. Yes.

25 Q. Now the sand dunes, you mentioned earlier

Myron Conyers-Cross by Finney

1 the sand dunes were 4 feet high?

2 A. It was at least 4, probably 5. Because I
3 had to -- you had to climb up over them.

4 Q. So it wouldn't have been like 12 or
5 10-feet high.

6 A. No, I'm approximately 6 feet. And it was
7 maybe a little shorter than I.

8 Q. Now you didn't find the gun, did you?

9 A. Excuse me?

10 Q. Did you find a gun?

11 A. No. There was -- I didn't -- I wasn't
12 there when he apprehended. I wasn't physically in
13 that same location.

14 Q. Okay.

15 A. I was later called over. Washington
16 called me over and asked me is this the weapon that
17 was used. And I looked at it. When I cleared the
18 mound and saw the weapon, I said, yes, that looked
19 like the weapon.

20 Q. You said it looked like the weapon. And
21 the reason I say that is because it's important.

22 A. It was---

23 Q. Go ahead, I'll let you finish, I'm sorry.

24 A. When I saw the weapon when he fired it, it
25 was a black faced automatic. And then it looked

Myron Conyers-Cross by Finney

1 like the same type weapon in the sand dunes was a
2 black faced automatic.

3 Q. Now you mentioned you heard 3 shots. So
4 you didn't hear all the other shots that was going
5 on?

6 A. No.

7 Q. So you only heard 3 shots.

8 A. Yes.

9 Q. Can you explain why there was so many cars
10 with bullet holes in them, and it was only with
11 three shots?

12 A. I can't explain that.

13 Q. But there was a lot of cars there with
14 bullet holes, weren't there?

15 A. I assume.

16 Q. I mean, I wasn't there. You was there.
17 So I mean you can only tell me what you saw. I'm
18 not trying to put words in your mouth. But there
19 was a lot of cars there with bullet holes in it,
20 wasn't it?

21 A. I assume so. I....

22 Q. Don't assume.

23 MR. FINNEY: Objection, he's answered the
24 question.

25 THE COURT: Sustained.

Myron Conyers-Redirect by Finney

1 Q. Please finish.

2 A. I mean what is the question?

3 Q. Was there other cars there with bullet
4 holes in it?

5 MR. FINNEY: Asked and answered, Your
6 Honor.

7 MR. JOHNSON: He hasn't answered yet.

8 THE COURT: Don't argue with each other.
9 The witness can answer the question, and then we
10 will go on.

11 MR. JOHNSON: I'll move on.

12 THE COURT: You can answer the question.

13 A. I do believe there were vehicles with
14 bullet holes in them. How many, I don't know.

15 MR. JOHNSON: I will leave. Thank you.

16 THE COURT: Mr. Finney, redirect.

17 MR. FINNEY: Just a few questions.

18 Redirect Examination by Mr. Finney:

19 Q. Mr. Conyers, is there any doubt in your
20 mind that the man who had on all white, was firing a
21 weapon that night?

22 A. Yes.

23 Q. Is there any doubt in your mind that he
24 fired the weapon that night? The man in white.

25 A. I apologize. Yes, there's no doubt in my

Myron Conyers-Redirect by Finney

1 mind.

2 Q. Is he the man who fired the weapon three
3 times according to your recollection?

4 A. Yes.

5 Q. Is he the man who ran out of the parking
6 area, and into the field area with you behind him?

7 A. Yes.

8 Q. And is he the man who was arrested by
9 Washington and the officer 30 seconds later?

10 A. Yes.

11 Q. Is there anybody else who would have been
12 in that general description or area doing the same
13 thing that this man in white was doing?

14 MR. JOHNSON: Your Honor, objection. That
15 calls for an opinion he can't answer.

16 THE COURT: Overruled.

17 A. There was no one else that I seen in that
18 area as I was pursuing the subject.

19 Q. And so the man in white after firing the
20 weapon, ran into the field, chased by you and
21 Washington and within 30 seconds.

22 MR. JOHNSON: Your Honor, objection. He
23 is testifying.

24 THE COURT: Well that's leading. You
25 can't lead.

Myron Conyers-Recross by Johnson

1 Q. Was that man in white that you saw him
2 firing the weapon, how long after you saw him firing
3 the weapon, did you give chase to him?

4 MR. JOHNSON: Your Honor, objection. It's
5 been asked and answered.

6 THE COURT: Overruled.

7 A. Excuse me, repeat the question again.

8 Q. How long after you saw the man in white
9 firing, did you give chase to him?

10 A. After he fired, it was shortly after. I
11 mean a second.

12 Q. A second after.

13 A. Yeah.

14 Q. Was it possible that you lost sight of the
15 man who was firing, and gave chase to the wrong guy?

16 A. No.

17 Q. And the guy that you chased into the
18 field, he was the guy who was arrested?

19 A. Yes.

20 MR. FINNEY: Thank you. Nothing further.

21 THE COURT: Anyone else?

22 Recross Examination by Mr. Johnson:

23 Q. But the man you saw had all white on and a
24 dark hat.

25 A. Yes, sir.

Patrick Washington-Direct by Finney

1 MR. FINNEY: No other questions. One more
2 witness. We call Patrick Washington.

3 Patrick Washington, being first duly sworn,
4 testified as follows.

5 THE CLERK: State your full name and spell
6 your first and last name for the record.

7 A. Patrick Washington.

8 THE COURT: P-A-T-R-I-C-K.

9 A. Yes.

10 THE CLERK: Spell your last name too,
11 please.

12 A. W-A-S-H-I-N-G-T-O-N.

13 Direct Examination by Mr. Finney:

14 Q. Mr. Washington, good afternoon.

15 A. Good afternoon.

16 Q. Tell the ladies and gentlemen where you
17 live.

18 A. In Sumter, South Carolina.

19 Q. Very good. How long have you been here?

20 A. I've been here 24 years.

21 Q. And what is your occupation?

22 A. Security officer.

23 Q. And do you still security work today?

24 A. No, I don't.

25 Q. How long had you been doing that kind of

Patrick Washington-Direct by Finney

1 work?

2 A. I have been doing it for about 16 years.

3 Q. And were you able to have a license to be
4 a security officer?

5 A. Yes, sir.

6 Q. Did you carry a firearm on your job?

7 A. Yes, sir.

8 Q. And did you have to training for that?

9 A. Yes, sir.

10 Q. Is the training something you have to do
11 every year?

12 A. Yes.

13 Q. And do you still have the certification to
14 be a security officer?

15 A. No, I don't.

16 Q. So are you doing anything else different
17 now?

18 A. Other than just bouncing.

19 Q. Bouncing like security inside the club.

20 A. Right, inside the club. Yes, sir.

21 Q. When you do the inside---

22 A. Yes.

23 Q. ---you don't have a gun.

24 A. No.

25 Q. And did you work at the Club Miami back in

Patrick Washington-Direct by Finney

1 March of 2014?

2 A. Yes, sir.

3 Q. And had you been been doing that kind of
4 security work for awhile?

5 A. Yes.

6 Q. Did you -- tell the ladies and gentlemen
7 of the jury how many security officers were on duty
8 the night of the shooting when Mr. Tyrese Archie was
9 killed.

10 A. I believe it was three, three of us.

11 Q. And you and Mr. Washington. Did you know
12 Mr. Conyers?

13 A. Yes, sir.

14 Q. Was he there that night?

15 A. Yes, sir.

16 Q. And when you were working, do you work on
17 the inside or outside of the club?

18 A. Well I was searching at the door.

19 Q. So you're at the door.

20 A. Searching at the door, yes.

21 Q. And does every security guard there have a
22 job?

23 A. Yes, sir.

24 Q. Some have the parking lot, some have the
25 door.

Patrick Washington-Direct by Finney

1 A. Yes.

2 Q. As a result of, did you know Mr. Tyrese

3 Archie?

4 A. Yes, sir. He would come the club once in
5 a while.

6 Q. You recognize his face when you see him.

7 A. Yes, sir.

8 Q. Did you know Mr. Rodney Green?

9 A. Yes, I know him, but I haven't seen him in
10 a long time.

11 Q. And when you've seen him, is it somebody
12 you know like you knew his name, knew what he did,
13 you all were friends?

14 A. Not his name, no.

15 Q. You didn't know his name, but you knew his
16 face.

17 A. Yes.

18 Q. Now let me ask you on the night we're
19 talking about when the shooting took place, do you
20 remember about what time the shooting took place?

21 A. It was like a little after two.

22 Q. In the morning.

23 A. Yes, sir.

24 Q. What time does the club close usually on a
25 Saturday night?

Patrick Washington-Direct by Finney

1 A. About 4:30.

2 Q. So---

3 A. Because I don't come until 2:30, 2 to
4 2:30. 3:00 o'clock.

5 Q. So the doors open at what time?

6 A. I'd be there about 10:30.

7 Q. And the club is open, but the crowd gets
8 there at midnight and after.

9 A. I'd say about like I say, about two.
10 That's when the crowd gets there.

11 Q. And how many people would you say you had
12 there that night?

13 A. By 2 o'clock, I say we should have about
14 75, 80.

15 Q. Do you know how people were there when the
16 fights broke out and the shooting was going on?

17 A. About 100, because that's when they start
18 coming.

19 Q. You gave a statement to Investigator
20 Hawkins in this case.

21 A. Yes, sir.

22 Q. Do you know Investigator Hawkins?

23 A. Yes, sir.

24 Q. And do you see him in courtroom?

25 A. Yes, sir.

Patrick Washington-Direct by Finney

1 Q. Have you ever worked a case that you had
2 to deal with the police investigators before?

3 A. Like a shooting or something, I give my,
4 you know, testimony.

5 Q. You give a statement.

6 A. A statement.

7 Q. Have you ever looked at a lineup before to
8 try identify someone?

9 A. Just one time, yeah.

10 Q. Did you do a lineup in this particular
11 case?

12 A. Yes, sir.

13 Q. Did you do the lineup on the same day that
14 you gave your written statement?

15 A. Yes, sir.

16 Q. I want to show you what's been marked as
17 State's Exhibit No. 6 for Id. What is that, please,
18 sir, if you can identify it?

19 A. This is my statement.

20 Q. You wrote this.

21 A. Yes, sir.

22 Q. You wrote it for the investigator?

23 A. Yes, sir.

24 Q. And you told the investigator what in the
25 statement? What did you tell him?

Patrick Washington-Direct by Finney

1 A. What happened out there that night.

2 Q. And on the same day that you wrote the
3 statement the 19th of April, did you also
4 participate in a photo lineup?

5 A. Yes, sir. Black and white and color.

6 Q. Black and white and color. I'm going to
7 show you what's been marked as State's Exhibit 4(a)
8 and 4(b). I am going to ask if you can identify
9 those documents.

10 A. Yes, sir.

11 Q. What are they?

12 A. Pictures of 6 guys. And one of them
13 Green. The gentleman known as Green.

14 Q. Six guys. Did you know any of the 6 guys
15 before you looked at these pictures, or while you
16 were looking at these pictures?

17 A. No.

18 Q. Why did the officer ask you to look at the
19 the pictures?

20 A. If that was the guy that did the shooting.

21 Q. And did you recognize someone in the
22 lineup as the guy who did the shooting?

23 A. Yes, sir.

24 Q. Which one was the guy?

25 A. No. 3.

Patrick Washington-Direct by Finney

1 Q. And you did No. 3 on Exhibit 4(a). Did
2 you also do No. 3 on Exhibit 4(b)?

3 A. Yes, sir.

4 Q. And after you identified the guy, what did
5 you have to do as far as picking him out on this
6 document?

7 A. What else I had to do?

8 Q. Yeah, on the document. How did you
9 identify him as the one you recognized?

10 A. Excuse me, I don't understand.

11 Q. How did you identify the man that you
12 picked?

13 A. Because I know the guy.

14 Q. Well how did you identify on the document?
15 Did you make any marks on the document?

16 A. No.

17 Q. What is this right here, this writing?

18 A. That's my initials.

19 Q. Who put that on there?

20 A. That's my handwriting.

21 Q. So you put your initials?

22 A. Yeah.

23 Q. And what is this, these seven numbers?

24 A. 3/19/14.

25 Q. And what does represent?

Patrick Washington-Direct by Finney

1 A. The date.

2 Q. And what is this number down here?

3 A. 4:03 in the evening.

4 Q. And that's the time.

5 A. The time.

6 Q. The time of your meeting with the
7 investigator?

8 MR. FINNEY: I'd move the exhibits 4(a)
9 and 4(b) into evidence.

10 MR. JOHNSON: With my objection, Your
11 Honor.

12 THE COURT: And over the defendant's
13 objection.

14 MR. FINNEY: Thank Your Honor.

15 (Photo lineups marked State's Exhibit Nos.
16 4(a) and 4(b) into evidence.)

17 Q. The man that you saw shooting at the club
18 that night is identified as No. 3?

19 A. Yes, sir.

20 Q. This is a man you had seen before?

21 A. Yes, I saw him before at the club a long
22 time ago.

23 Q. But you didn't know him.

24 A. I knew him, but I didn't know his name at
25 the time.

Patrick Washington-Direct by Finney

1 Q. Very good. But you've seen his face
2 before.

3 A. Yes.

4 Q. Now tell the ladies and gentlemen of the
5 jury what happened that night, that brought your
6 attention to that man that put a circle around his
7 picture later on.

8 A. I was searching at the door and a fight
9 broke out inside the club. As they walked --
10 everybody that was in to the fight, they got outside
11 and they started arguing. They was arguing and then
12 another fight broke out outside. After that, one
13 guy, I heard one guy ran and said he's going to get
14 a gun. So I ran behind him. He went to his truck.
15 And I ran behind him, and I had my firearm. And I
16 told him, please don't have a gun in your hand.

17 And he went to turn around and have his
18 hand up in the air, and said, I didn't -- I don't
19 have a gun. I swear, I don't have a gun. So after
20 I said that -- I mean after he said, pow, pow, pow,
21 pow. When I went to look back, I seen someone in
22 white, all white shooting. Then after I put my gun
23 back in the holster and I went towards him. And he
24 went taking off running in the field. And he went
25 running off in the field, and I went right behind

Patrick Washington-Direct by Finney

1 him. So Conyers, my partner, was standing on the
2 edge of the fence, by the fence. And I told him to
3 keep an eye on him. I mean, keep his spotlight on
4 him, so I could see him.

5 And there was a patrol car coming down the
6 road. And he stopped and had his stoplight, and I
7 pointed at the guy in the white shirt and the white
8 sweat suit. So I went to chasing him. So the car
9 went and cut him off by the store down from Miami.
10 And he went to -- the guy in the white sweat suit
11 went to turn, and then he saw me coming, he went to
12 turn back around to go over this big like dirt pile.
13 And as he was going, like he had threw something.
14 And then when I ran over and jump on the dirt pile,
15 you all have got to excuse me, I'm nervous. This is
16 the first time I've been on---

17 Q. Testifying.

18 A. Testifying. So I went to jump off the
19 dirt pile, and landed on the guy in the white sweat
20 suit. And I didn't know who he was until he was
21 tussling, and the police told him, how did it go --
22 I am nervous, excuse me.

23 Q. Take your time.

24 A. I'm trying to be fast.

25 Q. Once you got the man in white, was he

Patrick Washington-Direct by Finney

1 actually tackled by you?

2 A. Yeah, because the police had came and cut
3 him off. And he came to turned back around. And
4 then he went to turn back around to go over the dirt
5 pile. And I just ran and just, I really tripped on
6 top of him, really.

7 Q. And once the two of you all are on the
8 ground, then the police offer came over?

9 A. Yeah, he came rushing over, and he was
10 telling him to put your hands behind your back. And
11 he started using profanity and cursing us out.

12 Q. Eventually he was arrested.

13 A. Yes, sir.

14 Q. The man in white.

15 A. Yes.

16 Q. And eventually when he got up off the
17 ground, you recognized who he was.

18 A. Yeah, after he had turned around, yeah.

19 Q. Now I want to show you a picture that's
20 been marked as State's Exhibit No. 24, and I want to
21 ask you to look at Exhibit No. 23. Can you tell the
22 ladies and gentlemen what those are in that picture?
23 What does it appear to be to you?

24 A. It's that dirt pile.

25 Q. And are those dirt piles located near the

Patrick Washington-Direct by Finney

1 Club Miami?

2 A. It's like---

3 Q. We have a picture here. State's Exhibit
4 No. 31. Can you point to where the dirt piles are?

5 A. It's like up in this field here.

6 Q. And when you left, the man that you were
7 trying to find out if he had a gun, the fellow you
8 say you went to his truck, where were you when you
9 were at that guy's truck?

10 A. He was like right there. Back here.

11 Q. Close to the club.

12 A. Yes.

13 Q. Then you say you heard.

14 A. Shooting.

15 Q. You heard.

16 A. Pow, pow, pow, pow.

17 Q. That was shooting?

18 A. Yeah.

19 Q. Where was the shooting coming from?

20 A. Like up here.

21 Q. And once you heard the shooting, you went
22 toward where you heard the shooting.

23 A. That's when he had turned around and just
24 took off running.

25 Q. Did you see the man who was firing the

Patrick Washington-Direct by Finney

1 weapon?

2 A. Yes, sir.

3 Q. Did you see the gun in his hand?

4 A. Yes.

5 Q. What kind of gun did it appear to be? Was

6 it a rifle? A shotgun?

7 A. No, it looked like a 40. A 45, like that.

8 Q. A handgun.

9 A. A handgun.

10 Q. Do you carry a handgun?

11 A. Yes, I carry a handgun.

12 Q. Do you carry that same kind of gun?

13 A. No.

14 Q. Yours is a?

15 A. A 38.

16 Q. Smaller?

17 A. Well bigger, revolver.

18 Q. And so once you saw the man firing the
19 handgun, did you see him turn around and start to
20 run?

21 A. Yeah.

22 Q. Which way did he start to run?

23 A. He ran through to go across through the
24 fence, and had to go back down there.

25 Q. And once he started running, you got

Patrick Washington-Direct by Finney

1 behind him.

2 A. Yes, sir.

3 Q. Conyers got behind him.

4 A. Yeah, because Conyers stopped right here.

5 And I told him to keep your light on him. And the

6 police car was coming up right here, and put the

7 spotlight on him.

8 Q. So how long did it take from the time you

9 saw him shooting, the man in white.

10 A. Yeah.

11 Q. Until the time you tackled him on the

12 dirt, how long a time went by?

13 A. It would have to be at least a minute and

14 a half to two minutes.

15 Q. Less than two minutes. Or about two

16 minutes.

17 A. Yeah.

18 Q. For all of this two minutes, did you ever

19 lose sight of him?

20 A. No.

21 Q. Did you ever think that maybe somebody

22 else was running in that field, and you got behind?

23 A. I didn't know if anybody else was running

24 or not---

25 Q. Did you see--

Patrick Washington-Direct by Finney

1 A. ---I know I was running.

2 Q. ---anybody else?

3 A. No.

4 Q. Did you see anybody else in all white
5 shooting that night?

6 A. No.

7 Q. Before you heard the pow, pow, pow.

8 A. Uh-huh. (Affirmative.)

9 Q. You were trying to get some guy under
10 control, because he was saying something about going
11 to his car.

12 A. Yeah.

13 Q. Did you hear gunshots that evening, before
14 you heard the pow, pow, pow?

15 A. No.

16 Q. After you heard the pow, 'pow, pow and you
17 turned and saw, did you hear any other gunshots that
18 night?

19 A. No.

20 Q. The man in white, you chased him down,
21 helped tackle him. Get him under---

22 MR. JOHNSON: Your Honor, objection. He's
23 testifying again.

24 THE COURT: Control the leading. Even if
25 it's in summary, you've got to---

Patrick Washington-Direct by Finney

1 MR. FINNEY: Thank you, Your Honor.

2 THE COURT: ---follow the rule.

3 Q. Did you happen to see the man in the white
4 after he got up off the ground?

5 A. Yes, sir.

6 Q. Was he placed---

7 A. I was standing right there, yeah.

8 Q. Was he placed in handcuffs?

9 A. Yes.

10 Q. I want show you what's been marked as
11 State's Exhibit No. 9, and ask if you can identify
12 that gentleman.

13 A. Yes, sir.

14 Q. Who is that?

15 A. Mr. Green.

16 Q. And is that the man you chased---

17 A. Yes, sir.

18 Q. ---across the dirt pile?

19 A. Yes.

20 Q. And did Mr. Green have that outfit on that
21 night?

22 A. Yes, sir.

23 Q. And do you see Mr. Green in the courtroom
24 today?

25 A. Yes, sir.

Patrick Washington-Direct by Finney

1 Q. Is he the man firing the firearm that
2 night?

3 A. Yes.

4 Q. Do you know if Mr. Green fired the firearm
5 in a -- do you know if he hit anybody as a result of
6 the firearm?

7 A. I didn't know. Because when he finished
8 shooting, he took off running, and I went on after
9 him. I didn't find out until I got back.

10 Q. I understand. You found out that somebody
11 had been injured.

12 MR. JOHNSON: Your Honor, objection.

13 THE COURT: Sustained. Just don't lead.

14 MR. FINNEY: I'm sorry.

15 Q. Mr. Washington, I wanted to ask you one
16 more question about when you got to the man and
17 crossing the dirt berms. I believe you said in your
18 testimony just now you saw him throw something.

19 A. Yes.

20 Q. Did you see what he threw?

21 A. No, I did not.

22 MR. FINNEY: Thank you, sir. Answer any
23 questions Mr. Johnson may have.

24 A. Yes, sir.

25 Cross Examination by Mr. Johnson:

Patrick Washington-Cross by Johnson

1 Q. Good afternoon, Mr. Washington.

2 A. Good afternoon.

3 Q. When this happened, you was at a, you said
4 you were doing security that night?

5 A. Yes, sir.

6 Q. And there was a fight inside, correct?

7 A. Yes, sir.

8 Q. And then people got outside there was
9 fight.

10 A. Yes, sir.

11 Q. How many people do you think was there
12 that night?

13 A. At that time, it was about 90 to 100
14 people.

15 Q. 90 to is 100?

16 A. Yeah.

17 Q. So it wasn't 200?

18 A. Not yet.

19 Q. Not yet.

20 A. They don't come until like, like I said,
21 they don't come until after 2, 2:30.

22 Q. Right.

23 A. That's when start piling up.

24 Q. But you were just doing -- well you was at
25 the door, so you were doing a count or something

Patrick Washington-Cross by Johnson

1 like that?

2 A. I was searching.

3 Q. Searching?

4 A. Yes, sir.

5 Q. Now but there was additional people
6 outside.

7 A. It wasn't that many, but there was people
8 outside.

9 Q. And then you rolled the people outside, is
10 that correct?

11 A. Excuse me?

12 Q. I said when the fight was inside, then you
13 basically rolled everybody outside.

14 A. Everybody that was involved in the fight.

15 Q. And then some incidents started happened
16 outside.

17 A. They started back fighting again.

18 Q. Now when you say they, was it like it
19 groups of people? Gangs or what was this?

20 A. We had two groups.

21 Q. Well I mean but what was their
22 relationship to each other. They would be just
23 groups fighting?

24 A. Well I don't know what relationship they
25 are, but it was the same group that was inside

Patrick Washington-Cross by Johnson

1 fighting.

2 Q. And when you say a group, how many?

3 A. About 10 people, 11. I mean 10, 12
4 people.

5 Q. On each side or all together?

6 A. All together.

7 Q. Now you said, do you remember you wrote a
8 statement, correct?

9 A. Yes, sir.

10 Q. Now in that statement you mentioned that
11 this person -- somebody said they were going to go
12 get a gun?

13 A. Yes, sir.

14 Q. And you followed him.

15 A. Yes, he ran past me, and say, I'm going to
16 get a gun.

17 Q. And what did you do then?

18 A. I went right behind him.

19 Q. And what happened then?

20 A. He ran to the truck, opened the door. And
21 I had -- I pointed my firearm at him, and told him,
22 please don't have a gun in your hand. He turned
23 around and said, I swear I don't have no gun in my
24 hand. And he held his hand up.

25 Q. Now do you remember in your statement when

Patrick Washington-Cross by Johnson

1 you stated that you started searching the truck?

2 A. When I did, yeah, I started search the
3 truck. As I, as soon as I put my head in the truck,
4 that's when pow, pow, pow. And I looked back and
5 that's when---

6 Q. Let's stop right there. I'm going to take
7 a step at a time, okay. I'll give you time to go
8 into the next part. You stuck your head in the
9 truck.

10 A. Yes, sir.

11 Q. So you was inside the truck.

12 A. I wasn't all the way, just my hand.

13 Q. I want to use this chart if I could.

14 THE COURT: What number, please, Mr.

15 Johnson?

16 MR. JOHNSON: Oh, I'm sorry, Your Honor.

17 This is State's Exhibit No. 31.

18 Q. You can see here that's the club, correct?

19 A. Yes, sir.

20 Q. Do you recognize it?

21 A. Yes, sir.

22 Q. Now that's the front of the club where you
23 was at, right?

24 A. Yes, sir.

25 Q. Could you point to where you went to and

Patrick Washington-Cross by Johnson

1 where the truck was located?

2 A. Back here.

3 Q. Back towards the back of the club?

4 A. The back of the club, yeah.

5 Q. And which way was truck facing, was it
6 facing towards the club?

7 A. Yes.

8 Q. So when you open the door to look inside,
9 you was actually looking inside and facing the club,
10 right? Away from where the shots was?

11 A. My back was turned from the street, yeah.
12 Facing like the truck was right here.

13 Q. And you heard, bam, bam, bam?

14 A. Bam, bam, bam, bam.

15 Q. So like 3 or 4. How many shots do you
16 think it was?

17 A. About 4 or 5 shots.

18 Q. About 4 or 5 shots. So you didn't hear
19 one shot.

20 A. I didn't hear one shot, no.

21 Q. You didn't hear one.

22 A. No, sir.

23 Q. It wasn't just one person firing one time,
24 and then two more, and that's all you heard.

25 A. Uh-uh. (Negative.)

Patrick Washington-Cross by Johnson

1 Q. It way more than that.

2 A. Way more, yeah.

3 Q. And I don't want to put words in your
4 mouth. So you tell me, take your time to think
5 about it. About how many do you think it was?

6 A. Oh, about 5 or 6.

7 Q. About 5 or 6 shots. Did it all sound like
8 it came from one gun?

9 A. Yeah, they all sound the same.

10 Q. They all sound the same.

11 A. Yes, sir.

12 Q. So 5 or 6 shots.

13 A. Uh-huh. (Affirmative.) Yes, sir.

14 Q. But they were to your back, because you
15 didn't hear it. I mean, you couldn't see -- you
16 didn't see the shot fired, you heard them. That's
17 when you turned around.

18 A. That's when I heard it, and that's when I
19 turned around. And I saw when he was holding the
20 gun, fire came out of the gun.

21 Q. So then you heard some more shots after
22 that.

23 A. No, I didn't hear no more shots after
24 that.

25 Q. You heard one shot then.

Patrick Washington-Cross by Johnson

1 A. No, he took off running then.

2 Q. But here's what I'm saying---

3 A. The final shot I heard after this, after
4 the 5 or 6 shots I heard, he took off running.

5 Q. So when you turned around, you never saw
6 him fire a gun.

7 A. Yes, I did.

8 Q. How?

9 A. Pow, pow, pow, and then I looked and
10 that's when I seen the final shot or whatever.

11 Q. Just slow down a little bit. If you have
12 your back to him when the shots are fired, how could
13 you see him shoot?

14 A. Anybody that knows me, that do security
15 work, if I hear anything, I jump right at it, and
16 look.

17 Q. True. But you turned around after you
18 heard the shots.

19 A. Not after, during.

20 Q. During. So when you turned around, how
21 many times did he shoot when you actually could see
22 him shoot?

23 A. About two.

24 Q. About two times. So he shot about 4 times
25 before you turned around.

Patrick Washington-Cross by Johnson

1 A. Yeah. Because when like it was, pow, pow
2 like that. He shot like pow, pow, pow. I'm just
3 saying, pow, pow, pow. But it was pow, pow, pow,
4 pow, pow. An automatic.

5 Q. So it was like an automatic.

6 A. Yeah.

7 Q. So now you know about guns. So was this
8 something like somebody pulling the trigger, or
9 somebody holding the trigger?

10 A. Holding it.

11 Q. Holding the trigger. But at least 5 or 6
12 times.

13 A. Yes, sir.

14 Q. You was at the back.

15 A. Yes, sir.

16 Q. And then you saw somebody dressed in
17 white. And you can put it back down. You saw
18 somebody dressed in white, run away.

19 A. Yes, sir.

20 Q. Did he have any type of hat on?

21 A. No.

22 Q. He didn't have a hat on.

23 A. No.

24 Q. Did he have a dark colored hat?

25 A. No.

Patrick Washington-Cross by Johnson

1 Q. Did he have a white hat?

2 A. No.

3 Q. The person---

4 A. I can't remember that, to tell you the
5 truth. I can't remember if he had a hat on or not.

6 Q. When you captured him, did you find a hat?

7 A. No, I didn't.

8 Q. Did you see a dark colored hat?

9 A. No, I didn't.

10 Q. You said the person had a white jump suit,
11 a white sweat suit.

12 A. That's what it looked like from where I
13 was standing.

14 Q. This has been previously marked State's
15 Exhibit No. 9. Take a look at that.

16 A. Okay.

17 Q. Is that a white sweat suit?

18 A. No, it's white pants and white tee shirt.

19 Q. If you was able to see clearly, you would
20 have noticed whether it was a sweat suit or
21 tee-shirt or that. You could tell the difference,
22 couldn't you?

23 A. Yes, up close, yeah.

24 Q. So the person you saw did not have that
25 on, did they?

Patrick Washington-Cross by Johnson

1 A. Yes, they had this on.

2 Q. Is that a sweat suit?

3 A. From where I was at was like a white tee
4 shirt. I didn't have my glasses -- no glasses on.

5 Q. You didn't have your glasses on.

6 A. No.

7 Q. So when you looked at him, you thought it
8 was a wet -- a white sweat suit.

9 A. Yeah.

10 MR. JOHNSON: Your Honor, can I publish
11 this to the jury?

12 THE COURT: Yes, sir.

13 Q. So that's the picture you said that he had
14 a white sweat suit on.

15 A. Yes, sir.

16 Q. But he didn't have a hat on?

17 A. I don't remember him having a hat on.

18 Q. And you would have remembered if he had a
19 dark colored hat on, right? Because it would have
20 set off on his suit, right?

21 A. Yeah.

22 Q. But it's definitely was -- he did have a
23 dark colored hat. At least the person you saw.

24 MR. FINNEY: I'm going to object to him
25 saying definitely, Your Honor. I think he's asked

Patrick Washington-Cross by Johnson

1 the question three times, and he's gotten the answer
2 three times.

3 MR. JOHNSON: I'll withdraw.

4 THE COURT: Sustained.

5 Q. And one other clarification, you did not
6 see him actually shoot any individual, did you?

7 A. Repeat that.

8 Q. You saw him shoot his gun.

9 A. Yes.

10 Q. But you did not see him shoot anybody.

11 A. No. I didn't find that out until I got
12 back.

13 Q. You found out that people had been shot.

14 A. Yes, sir.

15 Q. Now there was additional holes in cars,
16 and bullet holes out there, right?

17 A. I guess, yeah. Yeah, it was.

18 Q. In a number of cars, right?

19 A. A couple of them.

20 Q. That would have indicated that at least
21 more than 3 rounds was fired.

22 A. I never said it was three rounds.

23 Q. I'm not saying you did say it was three.

24 But there was indication there was more than three
25 rounds fired.

Patrick Washington-Cross by Johnson

1 A. Yeah.

2 Q. And I'm not putting words in your mouth
3 when I ask you to say that, but from the evidence
4 that you have.

5 A. Uh-huh. (affirmative.)

6 Q. Of your knowledge, was there evidence of
7 more than three rounds being fired?

8 A. Three rounds, I couldn't say.

9 Q. I mean, did you see evidence that more
10 than three rounds had been fired?

11 A. Oh, no.

12 Q. You didn't see the bullet holes?

13 A. I seen one car window was bust out, and
14 another car it was shot on the door. And the other
15 car, I don't know nothing about. I know the two
16 cars that was next to each other on the side.

17 Q. Oh, well I'll get this so you can show me
18 where the cars was at. Can you see?

19 A. The cars was like over here.

20 Q. Over here.

21 A. Closer over here.

22 Q. But it wasn't -- and you distinctly
23 remembering hearing at least 5 or 6 shots.

24 A. Yes.

25 MR. JOHNSON: One second, Your Honor.

Patrick Washington-Cross by Johnson

1 Q. How much would you estimate that your
2 distance was from yourself and the person shooting?

3 A. I'd say---

4 Q. When you was at the truck.

5 A. About 75 feet.

6 Q. Was it close enough to see his face?

7 A. No.

8 Q. So you went by identification of what he
9 had on, and his location.

10 A. By the time I ran and when I caught him, I
11 ran in the field.

12 Q. And you didn't find the gun.

13 A. No. Because during the time when was we
14 cuffing him, another police officer come across that
15 field. He said that he found the gun.

16 Q. And you saw something fall that you assume
17 was a gun, but you couldn't say it was gun.

18 A. Not fall. I mean...

19 Q. I meant throw.

20 A. Yeah.

21 Q. But you testified earlier you couldn't say
22 whether it was a gun or not.

23 A. No, I couldn't tell you or say.

24 MR. JOHNSON: No other questions, Your
25 Honor.

Patrick Washington-Direct by Finney

1 THE COURT: Redirect.

2 MR. FINNEY: Just a few questions.

3 Redirect Examination by Mr. Finney:

4 Q. Do you know enough about firearms to tell
5 the jury what happens when an automatic weapon fires
6 a shell?

7 A. The shell is ejected from the gun.

8 Q. Let me show you what's been marked as
9 State's Exhibit 20, 21 and 22.

10 MR. JOHNSON: Can we approach?

11 THE COURT: Yes.

12 (Whereupon, attorneys approach and confer
13 with judge.)

14 THE COURT: Your objection, Mr. Johnson,
15 would be a lack of foundation.

16 MR. JOHNSON: That's correct, Your Honor.

17 THE COURT: And provided you can lay a
18 general foundation, you can ask him what those
19 appear to be. Any specific knowledge about how they
20 fit into this case, you will have to lay a better
21 foundation.

22 Q. Can you look at what's been marked State's
23 Exhibit No. 20, and tell me what you see in that
24 picture.

25 A. A shell. A bullet shell.

Patrick Washington-Direct by Finney

1 Q. Is that a bullet or a casing?

2 A. A casing.

3 Q. What does a casing come from?

4 A. The ejectments you shoot -- when you are
5 firing a firearm, it ejects from the gun.

6 Q. And did that happen in all automatic
7 weapons?

8 A. Yes, sir.

9 Q. So if an automatic weapon is fired, it's
10 going to shoot a bullet out of the barrel.

11 A. Yes, and it will eject the shell on the
12 side.

13 Q. And does that, looks like a shell?

14 A. Yes, sir.

15 Q. And do you see the same thing in State's
16 Exhibit No. 21?

17 THE COURT: The first one was 20?

18 MR. FINNEY: Yes, sir.

19 THE COURT: And these are both still for
20 Id., right?

21 MR. FINNEY: Yes, sir.

22 THE COURT: Are they already in,
23 Mr. Johnson?

24 MR. JOHNSON: No, Your Honor. They're
25 submitted for Id.

Patrick Washington-Direct by Finney

1 Q. So 20, and 21 and 22, three pictures.

2 A. Yes, sir.

3 Q. And they have numbers on them. Do we have
4 them marked as 1, 2 and 3 on them?

5 A. Yes, sir.

6 Q. And do those appear to be casings?

7 A. Yes, sir.

8 Q. Now did you count any casings that night?

9 A. No, I did not.

10 Q. And you say that the weapon that you
11 saw -- would the weapon that you heard, you said
12 something about automatic.

13 A. Yes, sir.

14 Q. Would it left casings on the ground?

15 A. Yes, sir.

16 Q. So when the police officers came and did
17 their search, you weren't there. You don't know how
18 many casing they found.

19 A. No.

20 Q. Now when the man that you say you saw in
21 white.

22 A. Yes, sir.

23 Q. Fired the weapon, you say you saw him the
24 fire the weapon at least twice.

25 A. Yes. The last two times. That's when he

Patrick Washington-Recross by Johnson

1 took off running.

2 Q. And from the time he took off running,
3 until the time you tackled him---

4 A. I didn't took my eyes off of him not
5 once.

6 MR. FINNEY: Nothing further.

7 THE COURT: Anything else, Mr. Johnson?

8 MR. JOHNSON: Yes, Your Honor.

9 Recross Examination by Mr. Johnson:

10 Q. So when you turned around you saw him
11 shoot at least two times.

12 A. The last two times.

13 Q. But there was four shots before you saw
14 those two times, correct?

15 A. Yes.

16 Q. At least four.

17 A. You have to realize an automatic, if you
18 hold the trigger---

19 Q. Uh-huh. (Affirmative.)

20 A. ---it shoots fast.

21 Q. I understand. I am not arguing with you.
22 There was at least four shots before you saw my
23 client shoot two times.

24 A. No, that's how many I heard before.

25 That's when I---

Patrick Washington-Recross by Johnson

1 Q. Right.

2 A. ---because they're coming out so fast,
3 that's when I turned around the last two times.

4 Q. Just listen to what I'm saying. I am not
5 trying to trick you. Just take your time. I know
6 you're nervous, just take your time. There was at
7 least 4 shots according to your testimony, now if
8 I'm wrong, just tell me, before you turned around
9 and saw my client shoot two times, correct?

10 A. Correct.

11 Q. So from your own testimony, when you saw
12 my client shoot two times, there was already four
13 shots had been fired.

14 A. Yes, sir.

15 Q. Okay, I'm with you. Now if casings are
16 found at the location, these casings.

17 A. Uh-huh. (affirmative.)

18 Q. As you say, are ejected, right?

19 A. Yes, sir.

20 Q. So casings are ejected from the gun as you
21 testified for the State. They would be in the same
22 area from where the person shot, right?

23 A. Yes.

24 Q. So at that location where these casings
25 are found, it would indicate from your testimony

Patrick Washington-Recross by Johnson

1 that's where he was shooting from.

2 A. Yes, but he wasn't standing on one side
3 either.

4 Q. He wasn't.

5 A. He was backing up when he was shooting.

6 Q. That's fine. But at least two of the
7 casings that was found in the area where you say you
8 saw my client shooting from, came out of his gun
9 after four shots had been fired.

10 A. Repeat that.

11 Q. If some of these casings was found at the
12 location where you say my client was shooting from.

13 A. Uh-huh. (affirmative.)

14 Q. Two of casings---

15 A. Uh-huh. (affirmative.)

16 Q. ---would have been casings from two shots
17 that you saw after four shots had been already
18 fired.

19 A. Correct.

20 Q. If there's only three casings at a scene,
21 and no other casings are found, is it fair to say
22 from your understanding of how a gun works, that
23 only 3 shots were fired from that location?

24 A. True.

25 MR. JOHNSON: I have no other questions

Patrick Washington-Recross by Johnson

1 THE COURT: Mr. Johnson.

2 MR. JOHNSON: I am prepared, Your Honor.

3 THE COURT: You can bring in the jury.

4 (Whereupon, the following takes place within
5 the presence of the jury.).

6 THE COURT: Good more ladies and
7 gentlemen, while Mr. Bradley is handing out, I think
8 the 5 note pads, I just wanted to thank you for your
9 patience, and I hope everyone had a nice break
10 yesterday at least from juror responsibilities. Was
11 everybody or was there anybody on the jury who was
12 unable or found themselves unable to avoid any
13 communication about the case from any source at all,
14 or was everybody able to follow my instruction not
15 to talk about and so forth?

16 We're going to go forward now, ladies and
17 gentlemen. The State is still presenting its case
18 in chief. And, Mr. Finney, I will turn to you and
19 ask you for your next witness.

20 MR. FINNEY: Thank you, Your Honor. Good
21 morning, everyone. Misty Lee.

22 Lieutenant Misty Lee, being first
23 duly sworn, testified as follows:

24 THE CLERK: Please state your full name
25 and spell your last name for the record.

Lieutenant Misty Lee

1 A. Misty Lynn Lee. L-E-E.

2 Direct Examination by Mr. Finney:

3 Q. Good morning, Officer Lee.

4 A. Good morning.

5 Q. Tell us what you do for a living.

6 A. I work for the Sumter County Sheriff's

7 Office. I'm a lieutenant on the patrol division.

8 Q. How long have you been in law enforcement?

9 A. A little over 19 years.

10 Q. And how long have you been with Sumter
11 County in law enforcement?

12 A. Over 19 years.

13 Q. Very good. You are a patrol officer?

14 A. Yes, sir.

15 Q. Could you tell us a little bit about what
16 a patrol officer does?

17 A. Our main duty is to answer calls for
18 service when people call 911, or just ask for, like
19 if they have burglary, a car broken into, shootings,
20 that type of thing, we respond to those. And then
21 we check property to try to prevent burglary.

22 Q. Did you have occasion to receive a call on
23 the night of March 16th 2014, in relation to
24 something at the Club Miami?

25 A. Yes, sir.

Lieutenant Misty Lee

1 Q. Can you tell us, as a result of getting
2 that call, were you on patrol that night?

3 A. Yes, sir, I was.

4 Q. And sometimes you work night shift,
5 sometimes you work day shift.

6 A. Yes, sir.

7 Q. Tell the ladies and gentlemen of the jury,
8 when you're on patrol, do you work by yourself, or
9 do you have an officer in the car with you?

10 A. We're on -- well we have on our shift, we
11 have 9 people right now. But we are actually in a
12 vehicle by ourselves.

13 Q. So you have a radio. You get calls on the
14 radio.

15 A. Yes, sir.

16 Q. And do you remember getting a call to
17 respond to the Club Miami that night?

18 A. Yes, sir, I do.

19 Q. Do you remember what time of morning it
20 was?

21 A. I think it was close to three. I don't
22 think it was quite three yet.

23 Q. And do you remember what the nature of the
24 call was?

25 A. Yes, sir. There was a fight in progress,

Lieutenant Misty Lee

1 and I believe that it escalated from there.

2 Q. And do you remember, since you were
3 responding, do you remember where you were coming
4 into the Club Miami area, which way were you coming
5 from?

6 A. When I responded to the call, I was
7 traveling up 378 towards, I westbound on 378 towards
8 Columbia.

9 Q. I am going to show you what's been marked
10 as State's Exhibit No. 30. And we have a little
11 pointer right here.

12 A. Yes, sir.

13 Q. This is a detailed aerial shot, State's
14 Exhibit No. 30, showing the club Miami down here in
15 the corner. Can you show the ladies and gentlemen
16 of the jury, which way you were traveling?

17 A. Yes, sir, I was traveling up this way.

18 Q. Going towards Columbia.

19 A. Yes, sir.

20 Q. Tell us what happened next.

21 A. When the call came out Corporal Bob Lee
22 actually arrived first. I believe he was in the
23 back. That's at least where I saw his vehicle, the
24 lights. When I was coming up, I heard him say,
25 there was a subject running shooting, wearing

Lieutenant Misty Lee

1 white. And he said that he was near the road. So
2 as I was coming up Corporal Pizzino actually said
3 that, I got him. I got him. And as if he saw the
4 subject. So I came up here and I turned around,
5 because I saw lights over here in this field.

6 So I turned back around and I saw Corporal
7 Pizzino's car parked over here on Mayfield. So I
8 came up behind his car.

9 Q. Tell us a little bit about this area.
10 This field area, what do you remember about it?

11 A. Well at the time, there were some sand
12 berms. I don't know if was Glasscock or who put
13 them there. But there was sand berms going this
14 way.

15 Q. Parallel to the highway?

16 A. Yes, sir.

17 Q. Was it rows? In other words, the berms
18 would have been rows of dirt.

19 A. Yes, sir. They were pretty high.

20 Q. Taller than you?

21 A. Yes, sir.

22 Q. So once you got behind Pizzino's car, what
23 did you do?

24 A. I got out because I saw all the lights,
25 and I saw some subjects which were the security

Lieutenant Misty Lee

1 guards. And Corporal Pizzino running towards the
2 front or the first berm here. So I went, actually I
3 ran around the back in case, you know, he was -- the
4 subject was to get away at the time or if they
5 needed assistance on this side. As I ran around the
6 back, I started climbing up the berms coming in
7 back towards 378. As I did that, I heard Corporal
8 Pizzino, I could tell he was making contact with the
9 suspect, yelling commands at him.

10 So I as came up the, here is the first
11 berm on this side. As I was approaching that, I saw
12 a gun laying in the valley part, I guess so to
13 speak, of the berm. I went over that next one, and
14 that's where they had contact with him. At that
15 point, they had him detained and he was secure. So
16 I knew that they were safe. And so I just stepped
17 back down, so I got the gun over here.

18 Q. What did you do as it concerns the gun?
19 Did you do anything at that point as it concerned
20 the gun itself?

21 A. Yes, sir. What I did is, I photographed
22 the gun, because It was very hectic just to let
23 everybody know. My corporal was at Club Miami by
24 himself with a very large crowd. And he was trying
25 to give us information as it was coming in. So I

Lieutenant Misty Lee

1 photographed the gun. I secured it in a paper bag,
2 and secured it in my trunk and run over to Club
3 Miami.

4 Q. Secured it in the trunk of your car.

5 A. Yes, sir.

6 Q. You say you took a photograph of it.

7 A. I did.

8 Q. Let me show you what's been marked as
9 State's Exhibit No. 26, and see if you can identify
10 that.

11 A. Yes, sir.

12 Q. What is that?

13 A. That's the gun.

14 Q. Do you know what kind of gun it is?

15 A. I didn't at the time, but I know now that
16 it was 45 caliber Smith & Wesson.

17 MR. FINNEY: I'd move to publish State's
18 Exhibit No. 26.

19 THE COURT: Any objection?

20 MR. JOHNSON: No objection.

21 (Photo of gun marked State's Exhibit No.
22 26 into evidence.)

23 Q. Now that gun was photographed by you and
24 then put in the put in the trunk of your car.

25 A. Yes, sir.

Lieutenant Misty Lee

1 Q. And that gun who located, you say in the
2 valley, in the low part, between the high parts of
3 the berm.

4 A. Yes, sir.

5 Q. I want to show you what's been marked
6 State's 23, 24 and 25. So I'll do them in order.
7 23 first. Can you identify what's in State's
8 Exhibit 23?

9 A. Yes, sir. That's one of the berms. It's
10 obvious they ran over that one.

11 Q. And how can you tell it's obvious that
12 they ran over that dirt berm?

13 A. Because it's light colored. It's sand,
14 and you can tell it's all dark colored in the
15 picture. And it's just---

16 Q. Disturbed?

17 A. Yes, sir. Disturbed is a good word.

18 Q. Now tell us about 24.

19 A. What I did there is I actually, because I
20 knew it was important to notate where the gun was.
21 But I also knew I needed to get over to the club as
22 soon as possible. I had rubber gloves on when I
23 took the gun and secured it. So I took one of my
24 rubber gloves off, and left it where the gun was.
25 So that when our evidence person can come out, they

Lieutenant Misty Lee

1 would know exactly where it was.

2 Q. So you didn't take the picture that's
3 marked 24, but you put the glove there where you had
4 found the gun.

5 A. Yes, sir.

6 Q. And is this 25?

7 A. That's the glove.

8 Q. Is it just a closer view?

9 A. Yes, sir. That's the same glove.

10 MR. FINNEY: Permission to publish 23, 24
11 and 25 into evidence.

12 THE COURT: I think 23 and 24 are already
13 in. How about 25, Margaret?

14 THE REPORTER: It's not in yet.

15 THE COURT: Any objection, to 25,
16 Mr. Johnson?

17 MR. JOHNSON: No objection, Your Honor.

18 THE COURT: Just 23, 24 you are moving any
19 questioning they are in, I think they already were.
20 25 is now in.

21 (Photographs marked State's Exhibit Nos.
22 23, 24 of berm. State's Exhibit 25 photo of glove
23 in evidence.)

24 Q. Officer Lee, the picture that's on your
25 screen now, State's Exhibit 23, describe what you

Lieutenant Misty Lee

1 see in that for the jury.

2 A. Yes, sir. That's the disturbance in the
3 sand. I believe that's going to be the first berm.
4 Because I believe there's grass on the front of it.

5 Q. And State's Exhibit No. 24. Does that,
6 State's Exhibit 24 show you, can you see the
7 detailed area about where it is as opposed to the
8 top of the sand?

9 A. Yes, sir.

10 Q. Tell us about how far from the glove,
11 would you have to climb to get to the top of the
12 sand?

13 A. Seven feet maybe.

14 Q. And this is State's Exhibit No. 25, which
15 I believe is just a closer view of the glove.

16 A. Yes, sir.

17 Q. And that's the glove you dropped where the
18 gun was.

19 A. Yes, sir.

20 Q. Did you a chance to see the suspect that
21 was stopped by Pizzino?

22 A. Just briefly.

23 Q. Can you tell the ladies and gentlemen
24 anything? What description can you remember about
25 him?

Lieutenant Misty Lee

1 A. I don't actually remember much about him.

2 A black male, I don't remember.

3 Q. Do you remember anything about his dress?

4 MR. JOHNSON: Your Honor, objection. She
5 said she doesn't remember anything about him.

6 THE COURT: Overruled.

7 A. I don't.

8 Q. Very good. As far as you know, Officer
9 Pizzino effected an arrest?

10 A. Yes, sir.

11 Q. And you had the weapon in your car?

12 A. Yes, sir.

13 Q. Did you stay at the scene and turn all
14 this over to the evidence technician?

15 A. I stayed -- I went back to the Miami
16 scene; yes, sir. After I secured the gun, I went to
17 the Club Miami.

18 Q. And did you -- what did you do with the
19 gun?

20 A. I turned that over to the crime scene
21 investigator.

22 Q. Very good. And that would have been put
23 into evidence in Sumter County?

24 A. Yes, sir.

25 MR. FINNEY: Just a moment, Your Honor.

Lieutenant Misty Lee

1 Q. A couple of questions, officer. Did you
2 in your pursuit or your arrival at the scene, can
3 you describe what you saw in the field, as far as
4 who, how many people in the field running?

5 A. I believe I saw, now these were through
6 flashlights bouncing around, I believe I saw four
7 people total.

8 Q. And did you see -- in other words, it
9 wasn't a large group of people 5 or 6, 7, 8, 10
10 people out there running through the field?

11 A. Oh, no, sir.

12 Q. Four people you think were in the field
13 area?

14 A. Yes, sir. That was including Corporal
15 Pizzino.

16 Q. Would it include the suspect?

17 A. Yes, sir.

18 Q. And so then so there may have been two
19 other guys besides Pizzino and the suspect?

20 A. Yes, sir. I know the security guard was
21 chasing him as well.

22 Q. Do you have recollection of how far the
23 gun was found from where Pizzino and the suspect
24 were?

25 A. Yes, sir.

Lieutenant Misty Lee

1 Q. Tell us.

2 A. Can I see the picture of the berm again?

3 Q. This is State's Exhibit No. 23. And this
4 is State's Exhibit, let me just show them to you.

5 A. Yes, sir.

6 Q. 23 and 24, when you explain your answer,
7 tell us which picture you're looking at.

8 A. The one of the berm, the disturbance on
9 the berm.

10 Q. Which number is that?

11 A. I'm sorry, 23. I believe this was the
12 first berm, because you can see the grass at the
13 bottom here. When -- if you were to go up this berm
14 and down beside there, before you got up over the
15 second one, that's where they caught him, kind of in
16 between there. If you go completely over that
17 second one, that's where I located the gun. From, I
18 located it coming from the back way.

19 Q. Let me if I could, try to look at your
20 screen. There's a State's Exhibit No. 23 on the
21 screen. Is it your testimony that the berms ran the
22 way I am drawing this line on the screen?

23 A. Yes, sir.

24 Q. And you don't know how many berms were out
25 there.

Lieutenant Misty Lee

1 A. I do not know.

2 Q. Would it be fair to say that once you got
3 out of the car and ran out around the back, you were
4 in the area of where this x is?

5 A. Yes, sir.

6 Q. And were you heading towards the highway,
7 which would be toward top of the picture?

8 A. Yes, sir.

9 Q. So tell us again where was -- you,
10 encountered the gun first before you encountered
11 Pizzino and the suspect?

12 A. Yes, sir.

13 Q. So was the gun in the valley between the
14 first line and the second line where I just put an
15 orange dot?

16 A. No, sir.

17 Q. Tell me where the gun would have been.

18 A. The gun would have been in the next.

19 Q. In this.

20 A. The next one, yes, sir.

21 Q. That area there where I just put the
22 second dot?

23 A. Yes, sir.

24 Q. And the first dot, what would have been in
25 that location?

Lieutenant Misty Lee

1 A. That was where they captured him.

2 Q. So they were on the highway side of the
3 berm.

4 A. Yes, sir.

5 Q. And you were on the field side of the
6 berm.

7 A. Yes, sir.

8 Q. And the gun was on the field side of the
9 berm.

10 A. Yes, sir.

11 Q. They, Pizzino and the suspect were on the
12 other side of the berm.

13 A. That's correct.

14 Q. And how far a distance would that have
15 been from the gun to where they were?

16 A. It's just over one berm. I don't know how far
17 that would have been. I guess you would be, if they
18 were 7 feet high. But maybe 6 feet high, sir.

19 Q. Would you say that it was a greater
20 distance between you and I in the courtroom today?

21 A. No, sir.

22 Q. Closer?

23 A. Yes, sir.

24 MR. FINNEY: Very good. Thank you very
25 much. Answer any questions Mr. Johnson may have.

Lieutenant Misty Lee-Cross by Johnson

1 A. Yes, sir.

2 MR. JOHNSON: May it please the court,

3 Your Honor.

4 THE COURT: Yes, sir.

5 Cross Examination by Mr. Johnson:

6 Q. Good morning, Lieutenant.

7 A. Good morning.

8 Q. Just a couple of questions. Now you said
9 that you saw the defendant, I'm assuming, well you
10 saw a suspect running, correct? And someone was
11 chasing him.

12 A. I saw several people running, yes, sir.

13 Q. And they were coming from, if you look at
14 the screen that he has drawn, they were coming from
15 that side going towards the berm?

16 A. Yes, sir. The two which later I found out
17 were security officers, they were actually coming
18 kind of diagonal from the club area.

19 Q. So they were kind of like over here. And
20 then I saw Corporal Pizzino more so I guess a
21 little east of where.

22 THE COURT: She can draw on that too,
23 Mr. Johnson.

24 MR. JOHNSON: Oh, she can.

25 THE COURT: I think her finger will do it.

Lieutenant Misty Lee-Cross by Johnson

1 Q. Please draw. Okay, if you could, just the
2 normal dots there.

3 A. Do you want me to draw it now?

4 Q. Yes.

5 A. As I was coming up I saw, and it was
6 through lights bouncing basically, because people
7 were running. I saw what looked like two people
8 coming from this way. And then I saw two people
9 over here, which one of them would have, I'm sorry.

10 Q. That's fine.

11 A. There's two people there, which one of
12 them was Corporal Pizzino.

13 Q. And one of them you suspect was a suspect.

14 A. Yes, sir.

15 Q. So you came up behind the mound.

16 A. Yes, sir.

17 Q. I guess to cut him off.

18 A. Yes, sir.

19 Q. Now the dot in the second space where you
20 say you found the gun, if the defendant was caught
21 where the first dot is at, it would be fair to say
22 that he never got to the spot where that gun was,
23 correct?

24 A. That's correct.

25 Q. So the footprints you saw on that side

Lieutenant Misty Lee-Cross by Johnson

1 could not have came from him, correct?

2 A. The footprints were actually on -- were
3 actually here.

4 Q. So the pictures you took of the footprints
5 was from the first mound.

6 A. I actually didn't took those photos, but I
7 believe they were from the first mound, because
8 that's where the grass was.

9 Q. So you never -- but it's fair to say that
10 where the gun was found, the defendant, if he was
11 stopped at that first dot, never went across the
12 mound and never got on that side, correct?

13 A. No, sir. I saw no footprints coming down
14 to the gun.

15 Q. And as you got there, you never saw
16 anybody throw anything over the mound, did you?

17 A. No, sir, I did not.

18 Q. You just found a gun there.

19 A. Yes, sir.

20 Q. Now wasn't there also cars parked near the
21 mounds? Was any cars out there in that part of the
22 field near the mounds?

23 A. These lines were actually closer this way.
24 But I don't remember about the cars, but usually
25 when the club is crowded, there are cars parked in

Lieutenant Misty Lee-Cross by Johnson

1 this area here.

2 Q. So there could have been, you just don't
3 remember.

4 A. Yes, sir, that's true.

5 Q. But as you say, there was a lot of people
6 out there that night, right? Because you had back
7 for control?

8 A. Yes, sir. But Corporal Lee called and as
9 he was telling us, as we were over in this area, he
10 kept saying, you know, the crowd is getting bigger.
11 People are coming out of the club, that kind of
12 thing.

13 Q. How many people would you estimate was out
14 there?

15 A. I don't know, I am sure it was over
16 capacity though.

17 Q. So just for clarification, your testimony
18 is, you found a gun on a mound across from where the
19 defendant was found.

20 A. It was the next mound, yes, sir.

21 Q. And by your testimony there was, you did
22 not see a gun thrown over the mound.

23 A. No, sir, I did not.

24 Q. If the defendant was caught where -- well
25 you did not have -- you have no knowledge that he

Lieutenant Misty Lee-Cross by Johnson

1 ever went across the mound or even ran from that
2 side of the mound, correct? That you saw him come
3 from other direction of the mound from where you
4 found the gun.

5 A. When I saw him he had -- they had gotten
6 control of him in this area.

7 Q. And you just took a picture of where the
8 gun was, and you put---

9 A. Yes, sir.

10 Q. ---your glove there, correct?

11 A. Yes, sir.

12 Q. And you secured the gun.

13 A. Yes, sir.

14 Q. And that basically was everything you had
15 to do with this, correct?

16 A. Yes, sir. Other than just trying to
17 secure the scene at Club Miami.

18 Q. You never saw the defendant shooting --
19 shoot.

20 A. No, sir.

21 Q. And you can't remember what type of
22 clothes he had on.

23 A. No, sir.

24 MR. JOHNSON: No other questions.

25 THE COURT: Redirect?

Lieutenant Melissa Addison-Direct by Finney

1 MR. FINNEY: No, Your Honor.

2 THE COURT: Thank you, ma'am. You can
3 step down.

4 MR. FINNEY: I thank the officer for
5 coming. May she be excused?

6 THE COURT: Any objection?

7 MR. JOHNSON: No objection, Your Honor.

8 THE COURT: You can leave if you would
9 like, or you can stay.

10 THE COURT: Mr. Finney.

11 MR. FINNEY: We would call Investigator
12 Melissa Addison.

13 Melissa Addison, being first duly sworn,
14 testified as follows:

15 THE CLERK: State your full name and spell
16 your last name for the record.

17 A. Melissa Addison. A-D-D-I-S-O-N.

18 Direct Examination by Mr. Finney:

19 Q. Good morning, Lieutenant.

20 A. Good morning.

21 Q. Tell us who you are, please, ma'am, and
22 what you do for a living.

23 A. Like I stated earlier, my name is Melissa
24 Addison, and I'm a lieutenant at the Sumter County
25 Sheriff's Office. I'm currently assigned to the

Lieutenant Melissa Addison-Direct by Finney

1 professional standards division as a recent
2 transfer. And I'm currently doing training to be a
3 grant writer.

4 Q. And prior to the promotion you just
5 received, what was your specialty, and what was your
6 duties at the sheriff's department?

7 A. At the time of this incident, the case
8 that occurred, I was a sergeant in criminal
9 investigations, and I worked various types of cases
10 that occurred in the jurisdiction of Sumter County,
11 to include this murder case.

12 Q. On the night of March 16th 2014, at the
13 Club Miami, were you called out as an investigator
14 to help with crime scene?

15 A. Yes, sir, I was. I was one of the on call
16 investigators that night.

17 Q. And obviously by the time you got to the
18 club, things were quite different than they were
19 when the shooting was going on. Was there anybody
20 there when you got there, in terms of citizens and
21 parked cars and things like that?

22 A. Yes, sir. It was numerous people out
23 there at the time of course. Just based on the
24 unfortunate circumstances, it was very, very
25 chaotic. Lots of patrons that were at the club that

Lieutenant Melissa Addison-Direct by Finney

1 night, concerned family members as well, had already
2 just heard, and they had come upon the club that
3 night, and they were quite upset.

4 Q. Now let's talk about what was your -- what
5 did you do as an investigator to help put the case
6 together? And what did you do in this particular
7 case? Did you, for example, take any pictures that
8 night? Did you collect any evidence that night?
9 What did you do that night?

10 A. No, sir, that night I didn't collect any
11 pictures or take any evidence. We actually called
12 out an evidence technician. That team responded,
13 because the nature of the crime was a major crime
14 scene. I was there because I was on call just to
15 try to assist in any way possible that night, and
16 try to get names of anyone that witnessed the
17 incident itself, and just to be there to support the
18 staff. The crime scene if they need us to do
19 anything that particular night, they were well
20 staffed, where they were concerned, and they were
21 actually on scene to take care of those matters.

22 Q. Do you have a recollection of who was one
23 of the first witnesses that you might have spoken
24 with in terms of what happened that night?

25 A. I don't recall who the first witness was.

Lieutenant Melissa Addison-Direct by Finney

1 At a later time, I do recall speaking and taking a
2 statement from one of the female witnesses.

3 Q. Do you know if her name might be Lavitra
4 Harvin?

5 A. Yes, sir, that's it.

6 Q. I'm going to show you a document, and ask
7 if you can just identify what this document is.
8 It's 3 pages long.

9 A. Yes, sir. It looks like one page is a
10 miranda warning page. And that's just when we
11 advise the individual that we're speaking to of
12 their right to remain silent. And also to -- if
13 they agree to speak with us. And it's our
14 department letterhead. And the initials are there.
15 It's also my signature. The young lady Ms. Harvin's
16 signature, the date and time that the statement was
17 taken. And it also appears to be her two-page
18 statement that's also around the department
19 letterhead. It's a voluntary written statement, and
20 she actually wrote this statement herself. She
21 signed it, and I witnessed the statement.

22 Q. Tell the ladies and gentlemen what date
23 and what time were those documents executed?

24 A. The waiver of rights form or the miranda
25 warning sheet, was signed and dated on March 16th of

Lieutenant Melissa Addison-Direct by Finney

1 2014, at 10:45. And her statement appears to have
2 been written and completed on the same date at
3 12:27.

4 Q. And that would be 10:45 a.m.

5 A. Yes, sir.

6 Q. And 12, what?

7 A. 27.

8 Q. P.m.

9 A. Yes, sir.

10 Q. So roughly two hours she spent with you?

11 A. Yes, sir, I believe so. We had to or
12 course locate her and get in her. So there some
13 delay in time.

14 Q. Did you advise her -- them the ladies and
15 gentlemen of the jury what you advised her in terms
16 of her miranda rights.

17 A. Yes, sir. In regards to her miranda
18 rights, there's actually 5 lines advising of their
19 rights. Folks have seen miranda warnings possibly
20 on television shows. This is an actual document.
21 We read each line to whoever we do the statement
22 from or the interview. And each line is read, and
23 we request that they put his or her signature at the
24 end of each line just to ensure that they understand
25 each of their rights.

Lieutenant Melissa Addison-Direct by Finney

1 Once the individual does that, we'll go
2 ahead and read a statement that they have an
3 understanding of their rights. If there any
4 questions at that time, they are certainly
5 encouraged to do. So she indicated by her initials
6 that she understood her rights. And she signed
7 indicating that.

8 Also we read the final waiver of rights, a
9 final piece on the bottom, that they understood and
10 they're willing to go ahead and speak with law
11 enforcement. Again, she did that as well. She
12 signed her name. She indicated by date and time. I
13 witnessed it. And that's why we went over it again,
14 she wrote her statement in her own penmanship.

15 Q. Tell the ladies and gentlemen, where the
16 statement was given to you.

17 A. This statement was given at the law
18 enforcement center on North Main Street.

19 Q. Which is the sheriff's department.

20 A. The sheriff's office, yes, sir.

21 Q. And did she get brought into the sheriff's
22 officer by an officer? Was she under arrest, or did
23 she ride in, in her own car? How did she -- what do
24 you remember about that?

25 A. She was not under arrest. I remember it

Lieutenant Melissa Addison-Direct by Finney

1 was somewhat of an ordeal just to locate her. And
2 not even having in a year, I can recall that I
3 believe we were told that she worked at McDonald's
4 at the time. So we went about a process of trying
5 to locate a manager to find out if she was going to
6 be working that day, because it was so important
7 that we speak to her, because we were given
8 information that she possibly was dating the
9 defendant, and had attended a party. I believe they
10 had a white party at some location in the county
11 earlier. So we -- it really took quite an ordeal to
12 locate her.

13 And I also recall contacting Sheriff
14 Dennis to see if perhaps based upon his decision, it
15 would encourage the folks at McDonald's. Because
16 they're reluctant to give us the information to help
17 us out.

18 Q. At some point, she was in the sheriff's
19 office about 10:45 that morning.

20 A. Yes, sir. And she came on her own, I
21 believe. I don't know, I just was told that she was
22 there.

23 Q. So you sat down in the room and
24 interviewed her.

25 A. Yes, sir.

Lieutenant Melissa Addison-Direct by Finney

1 Q. And did you get in the two page statement
2 that you talked about, did you get her -- what's the
3 process? Do you just start writing, or did she just
4 start writing, or did you all talk for awhile?

5 A. Yes, sir. We talked about it. She talked
6 about it, and then at some point, you know, I had
7 asked her and requested that she go ahead and do the
8 formal statement in reference to what we talked
9 about, and she did.

10 Q. And after she did the point were you in
11 there while she writing her statement?

12 A. Yes, sir.

13 Q. After she wrote the statement, did you go
14 over it with her?

15 A. Excuse me a minute. Yes, sir, we went
16 over her statement just to ensure that everything on
17 there was what she said. So we did go over her
18 statement.

19 Q. Did you question her about her
20 truthfulness in the statement after you read what
21 she wrote?

22 A. Yes, we did question her. She -- memory
23 serves, she seems to be a little bit apprehensive in
24 regards to stating the defendant was involved, and
25 she based it upon the relationship. And at this

Lieutenant Melissa Addison-Direct by Finney

1 point, I don't recall if she stated they had any
2 kids in common or not. But she had some concerns,
3 but she finally indicated that it was important and
4 she wanted to tell the truth.

5 Q. And did you coerce her, threaten her, just
6 tell her you were going to take her children from
7 her to get her to give this statement?

8 A. No. Never would I would tell someone, I'm
9 going to take your children if don't tell me. You
10 know, we want you to cooperate on your own. Because
11 I don't want something like that to come and
12 backfire on me, you know. So no, I don't make
13 threats.

14 Q. Based on your recollection, and you are
15 free to look at this to refresh your memory if you
16 need to.

17 A. I probably do, yes, sir.

18 Q. Do you have any recollection of when she
19 wrote her statement the first time, did she indicate
20 that she knew Mr. Rodney Green had a handgun in car,
21 in a Mercury automobile?

22 A. Yes, sir. She did indicate that.

23 Q. Did she indicate at first that she had
24 been with Mr. Green at the time of the shooting?

25 A. I really -- It was like I stated, chaotic.

Lieutenant Melissa Addison-Direct by Finney

1 So it was some time has passed. I would have to
2 read it. But I know that I recall her saying she
3 was in the club. She said she was with a
4 girlfriend, you know, and I think a fight started.
5 And then it was some fights -- shots, I'm sorry,
6 fired. Some kind of, you know, scattered by that.
7 I believe she did state that they had been together.

8 Q. And after you questioned her, and talked
9 to her about what she wrote, did she change her
10 statement and add details that weren't there at
11 first?

12 A. Yes, sir. As I stated in the beginning,
13 she was concerned, apprehensive about it, because of
14 her relationship, she stated. But she finally
15 indicated that she want to go ahead and tell the
16 truth, that that was important.

17 Q. And in the end, at the end of her
18 statement, did she add some additional information?

19 A. Yes, sir, she did. Because like I stated,
20 first she didn't want to kind of talk about the
21 details other than, you know, it was really a
22 situation going on. But finally, you know, I'll
23 just talk to you. It's important that we tell the
24 truth, et cetera. And she did. She put the details
25 in there that she in fact saw him with the gun. I

Lieutenant Melissa Addison-Direct by Finney

1 believe she stated he fired it. And I haven't read
2 the confirmation but....

3 Q. Go ahead and refresh your memory on the
4 second page of the statement.

5 A. I beg the court's indulgence please.

6 Okay. I read the second page.

7 Q. Yes, ma'am. Did she indicate that she saw
8 Rodney Green, her friend, with a firearm that night?

9 A. She did.

10 Q. And did she indicate she saw him firing
11 the weapon.

12 A. She did.

13 Q. Did she also indicate she saw him running
14 away after the firing the weapon across a field?

15 A. Yes, sir, she did.

16 Q. I want to show you what's been marked as
17 State's Exhibit 32. And ask you if that's a copy of
18 the statement that you just reviewed by Ms. Lavitra
19 Harvin.

20 A. Yes, sir, it is. It appears to be the
21 same. Except for the third page.

22 Mr. FINNEY: Your Honor, I would offer
23 State's Exhibit 32, the statement of Lavitra Harvin
24 into evidence.

25 THE COURT: Number what?

Lieutenant Melissa Addison-Direct by Finney

1 MR. FINNEY: 32. I think it's in for Id.
2 right now. It's got a sticker on it.

3 THE COURT: Mr. Johnson.

4 MR. JOHNSON: I have no objection to it,
5 Your Honor.

6 THE COURT: 32.

7 MR. FINNEY: Yes, sir.

8 THE COURT: Is in without objection.

9 (Statement of Lavitra Harvin marked into
10 evidence as State's Exhibit No. 32 into evidence.)

11 Q. Referring to page 2 of the exhibit that
12 has been marked State's 32, if you would start
13 reading to the jury. Did she tell you during the
14 initial the first time that you reviewed the
15 statement that she had written, that she did not see
16 Rodney? Read to the jury what she said the first
17 time.

18 MR. JOHNSON: Your Honor, I am going to
19 object to her reading to the jury.

20 THE COURT: Well it's in evidence. You
21 didn't object. It can be published. It's in
22 evidence, it can be published.

23 MR. JOHNSON: That fine, Your Honor.

24 THE COURT: A different question about
25 whether -- she can read it.

Lieutenant Melissa Addison-Direct by Finney

1 A. Thank you, Your Honor. I never saw Rodney
2 shoot. I just heard gunshots. My nephew said
3 Tyrese Archie got killed, and Ray'Quann got shot
4 also. Faye and Mya had on all white, plaid shirts.
5 Eartha's -- Easa's, I'm sorry and husband, white and
6 denim. Whitney, pink, gray, with red in it shirt.
7 Black or blue. Kyra I believe white shirt with
8 jeans. Rodney all white. Lavitra light blue,
9 mixed shorts, long sleeved, beige glazed shirt.
10 Leopard shoes. I saw the cops had Rodney on
11 Mayfield Drive in handcuffs taking him to the car.

12 On the inside of the club, I saw a lot of
13 white tee shirts. I couldn't see pants. When a
14 fight started at the front, front of the bar, Delvin
15 called me and said, Head killed somebody. Stymie
16 dead. Head is Rodney Green. I didn't tell the
17 truth earlier. Rodney had a black handgun in the
18 console in my Mercury. When we got outside, I saw
19 Rodney firing a black handgun, and run across the
20 field.

21 Q. And did she sign that document?

22 A. Yes, sir, she did.

23 Q. And you witnessed it.

24 A. I did.

25 Q. Thank you very much know. Let me put that

Lieutenant Melissa Addison-Direct by Finney

1 document up. And ask you if you can identify what
2 is in State's Exhibit No. 28.

3 A. This appears to be the vehicle. And that
4 was---

5 Q. 28 is what kind of vehicle?

6 A. It looks like a Mercury.

7 Q. Did have any connection with that Mercury
8 in regard to this case?

9 A. Yes, sir. She indicated in her statement
10 that they were in the Mercury. And I believe she
11 indicated at some point of someone did. It shows a
12 window that was broken out. I believe she stated
13 they had to break a window out to get in, or
14 something to that effect.

15 Q. When you she, who are talking about?

16 A. I'm sorry, Ms. Harvin.

17 Q. So Ms. Harvin who gave you the statement,
18 told you that she had a connection or owned a
19 Mercury automobile.

20 A. Yes, sir, I believe so.

21 Q. And did you occasion to go to where that
22 automobile was to do any checking into it?

23 A. Yes, sir. I believe we went out to the
24 Cherryvale area, and located the vehicle, and had
25 gotten permission to actually search the vehicle at

Lieutenant Melissa Addison-Direct by Finney

1 that time.

2 Q. And the third document that's a part of
3 the State's Exhibit 32, tell us what that document
4 is.

5 A. Yes, sir. This third document is the
6 sheriff's office consent to search form. And it
7 also has the date of March 16th 2014, the location
8 being 1056 Babbitt Drive. Lavitra Harvin did sign a
9 consent to allow law enforcement to search the
10 vehicle, which is indicated a 2001 Mercury Grand
11 Marquis. We also, I indicted the vin number and the
12 color. It also indicates that the assignee is
13 giving his or her permission freely and voluntarily
14 without any threats or promises by the Sumter County
15 Sheriff's Office. In this case, myself and
16 Lieutenant Addison. She signed this document. I
17 witnessed it by printing my name.

18 We did go on to search this vehicle. It
19 looks like the property that was located was a
20 Motorola flip phone, which was silver. And a white
21 in color polo Ralph Lauren, long sleeved shirt.
22 Size extra large, which was taken and placed into
23 evidence.

24 Q. I want to show you what's been marked as
25 State's Exhibit No. 27, and tell me if you can

Lieutenant Melissa Addison-Direct by Finney

1 identify that item.

2 A. Yes, sir. This appears to be the white
3 shirt that was in the back of the vehicle.

4 Q. And was that item, that white shirt was
5 taken into evidence?

6 A. Yes, sir, I believe it was. Because, you
7 know, we weren't sure.

8 MR. FINNEY: And I would like to introduce
9 Item 27 a photograph of the white shirt in the
10 Mercury.

11 MR. JOHNSON: No objection, Your Honor.

12 THE COURT: That's in. What was the
13 number of the other one, Mr. Finney?

14 MR. FINNEY: 28 is the automobile
15 photograph, Your Honor.

16 THE COURT: I know that one. The other
17 one.

18 MR. FINNEY: 27 is the white shirt in the
19 back of the automobile.

20 THE COURT: The form she mentioned.

21 MR. FINNEY: 32 was the form. The third
22 page of Item 32 is the consent form.

23 THE COURT: To search?

24 MR. FINNEY: To search.

25 (Photo of white shirt marked State's

Lieutenant Melissa Addison-Direct by Finney

1 Exhibit No. 27 into evidence.)

2 Q. Now this shirt was in the back seat of the
3 Mercury.

4 A. Yes, sir.

5 Q. And you searched the Mercury later on, I
6 guess, 6, 7, 8 hours after the shooting.

7 A. I don't recall how long. I just recall
8 that she signed, and I remember going out to the
9 residence and meeting some relatives there. We
10 showed them the form and advised them. I don't
11 someone called her to double check. But at any
12 rate, we were allowed to get access to the vehicle.

13 Q. Now, if you would just, for one more time,
14 review this search form in Item State's Exhibit 32,
15 and describe the shirt please in detail. What did
16 you write on the consent form?

17 A. Yes, sir. White in color. Polo by Ralph
18 Lauren. Long sleeve shirt size 3x.

19 Q. Size what?

20 A. 3x.

21 Q. Very good. If I could have the court's
22 indulgence for just one moment.

23 THE COURT: All right.

24 Q. Officer, when you did the search of the
25 Mercury, did you find a gun in the console?

Lieutenant Melissa Addison-Cross by Johnson

1 A. No, sir.

2 Q. Was there any gun found as far as you
3 know, during that search?

4 A. No, sir.

5 MR. FINNEY: Nothing further.

6 THE COURT: Mr. Johnson.

7 MR. JOHNSON: Thank you, Your Honor.

8 Cross Examination by Mr. Johnson:

9 Q. Good morning, Officer Addison.

10 A. Good morning.

11 Q. A few questions for you. On the statement
12 that you took, well let's start with the car, the
13 Mercury. You say you inspected the Mercury?

14 A. Yes, sir, we did go out.

15 Q. In the statement Lavitra says, in the
16 second part, when you said there's a -- let's see
17 what we have. It was a black handgun in the
18 console, was in the console of the the car, right?

19 A. Yes, sir.

20 Q. The center console or whatever?

21 A. Yes, sir, I would assume so.

22 Q. When you inspected the car, didn't it look
23 a little peculiar to you that that wasn't true?

24 A. I am not following.

25 Q. There's no center console in a Mercury.

Lieutenant Melissa Addison-Cross by Johnson

1 So that didn't kind of tell you that maybe that
2 wasn't a true statement?

3 A. No, that wouldn't tell me that wasn't a
4 true statement.

5 Q. When you inspected the car, didn't you see
6 there wasn't a center console in a Mercury?

7 A. I don't recall whether there was a console
8 in it or not.

9 Q. But don't you think that would be
10 important to determine the credibility of the
11 statement that you're receiving from the person?

12 A. I would say that it wouldn't take away the
13 credibility whether the console was there or not.
14 Like I stated right now, I don't recall just whether
15 or not, when you asked me whether the console was in
16 there or not. You know, what I recall is her saying
17 that he fired the gun. And I thought that was very
18 important. More so than whether we got -- whether
19 the console was in there or not. It's certainly the
20 size of, you can place a gun in many different
21 places.

22 Q. I understand.

23 A. Yes.

24 Q. Because in her initial statement that she
25 wrote to you, she said that he didn't have a gun.

Lieutenant Melissa Addison-Cross by Johnson

1 A. She did.

2 Q. Now you wasn't at the scene, were you,
3 when it happened, were you?

4 A. I wasn't.

5 Q. You didn't see him shoot, did you?

6 A. I didn't.

7 Q. You didn't know anything about it except
8 what she was telling you, correct?

9 A. That's correct.

10 Q. So when she told you that she didn't know,
11 that he didn't have a gun, and that he had nothing
12 to do with, how do you know she was lying?

13 A. How do I know she wasn't telling the
14 truth? I mean---

15 Q. No, what I'm saying---

16 A. ---it's in her statement.

17 Q. What I'm saying is, you then questioned
18 her, and said, now you know, this ain't true, you
19 need to put more down; that he had a gun.

20 A. No, we had other witnesses as well that
21 were interviewed, and they indicated I believe that
22 they saw him, Mr. Green, running from the scene.
23 So---

24 Q. And they saw him---

25 A. And she was with him.

Lieutenant Melissa Addison-Cross by Johnson

1 Q. You had other witnesses that said that she
2 saw her running with Mr. Green from the scene?

3 A. I didn't say her, that he was there
4 running from the scene, and that she was there with
5 him. They had come from a party together.

6 Q. True.

7 A. Yes, sir.

8 Q. But how do you get to the point that she
9 would put in her statement, that the gun was removed
10 from the console, as you say, center console?

11 A. You have to ask her that.

12 Q. What I'm saying is, weren't you there
13 trying to determine the truth of what she was
14 telling you?

15 A. Yes, I was.

16 Q. So once you went to the car and saw there
17 wasn't a center console, why didn't you go back and
18 check? Or wouldn't that tell you that maybe she
19 wasn't telling you the truth?

20 A. No, not necessarily.

21 Q. Wouldn't that indicate to you that maybe
22 she was just trying to satisfy you so that from the
23 pressure that you were putting on her for 2 hours
24 while you interviewed her?

25 A. No, sir. She didn't need to satisfy me.

Lieutenant Melissa Addison-Cross by Johnson

1 She indicated that she wanted to tell the truth, so
2 I believe she wanted to satisfy herself.

3 MR. JOHNSON: Your Honor, may I approach
4 the witness?

5 THE COURT: Yes, sir.

6 Q. On the second page of her statement, if
7 you look at the bottom part where she wrote in that
8 it was in the console.

9 A. Uh-huh. (Affirmative.)

10 Q. Do you notify the handwriting is
11 different? I mean, how it seems like it's lighter,
12 like it was added in, correct?

13 A. I don't know if it was lighter or what.
14 It's still the same person writing the statement.

15 Q. The same person. But that means that it
16 was written after the first statement was put in,
17 correct?

18 A. No, I believe at that point she was
19 clarifying what the folks had on, because we were
20 told it was a white party.

21 Q. Now remember, you recorded it, right, on
22 video?

23 A. Yeah, we have recording system; yes, sir.

24 Q. So think about this, isn't it true that
25 she wrote the first part of the statement when she

Lieutenant Melissa Addison-Cross by Johnson

1 said that Rodney had nothing -- that she did not,
2 the first part where she didn't indicate that he had
3 a gun or that she saw him shooting.

4 A. Yes, sir.

5 Q. In that first part of the statement.

6 A. Yes, sir.

7 Q. And then you read it, and then you told
8 her, isn't it true that you told her, you need to
9 add more in here, you need to tell the truth. And
10 then she wrote the second part, correct?

11 A. I don't remember me saying you need to add
12 more. All I know is, she was interviewed. We asked
13 for the truth about the matter. Someone was killed.
14 We understood that she was the girlfriend, and she
15 had information. She indicated on her own what
16 happened.

17 Q. But isn't it true that she wrote two --
18 she wrote that statement on that paper at 2 separate
19 times in your interview. The second part of the
20 statement where she indicated that Rodney had a gun
21 in the console of the Mercury and was running away,
22 that was the second statement given after the
23 initial statement.

24 A. I don't consider a second statement. I
25 consider that a continuation.

Lieutenant Melissa Addison-Cross by Johnson

1 Q. I'm not asking you what you're
2 considering. I'm asking what actually happened.

3 A. Well you just asked me what happened, and
4 I'm answering. I consider that a continuation of
5 her statement.

6 Q. Is it not true that she wrote the first
7 statement, and there was a time lapse of
8 approximately maybe a half hour, an hour, before she
9 wrote the second statement?

10 A. I don't recall how much time had lapsed.
11 Like I stated, it was a continuation of her
12 interview in her statement.

13 Q. And you don't recall that there's not a
14 center console in a Mercury.

15 A. No, I don't.

16 Q. So that wasn't important to you, was it?

17 A. It wasn't that it wasn't important to me.
18 Like I stated, it was important that someone was
19 deceased, and someone else had gotten injured. And
20 I thought that was more important, whether or not
21 you're asking me now if there was a console in the
22 vehicle or not, I don't recall.

23 Q. What I'm trying to say is that, if you was
24 concerned with getting someone to admit that Rodney
25 had a gun and he committed a crime, correct?

Lieutenant Melissa Addison-Cross by Johnson

1 A. I was concerned about someone telling me
2 the truth about what had happened. That's what I
3 was concerned about. And that's what she said she
4 did, and that's what had finally indicated on her
5 statement.

6 Q. Well in her statement, then her statement
7 is incorrect. It was indicated that she did not
8 tell the truth. And you didn't check it.

9 A. Well apparently it was checked. And she
10 came later on, and said, I'm not telling the truth,
11 I want to tell the full truth.

12 Q. What I'm saying is the second truth, as
13 you have it, when she told the real truth, does not
14 match the evidence.

15 A. Like I stated whether or not the console
16 was inside the vehicle, and whether she called it a
17 console or not, I don't recall.

18 Q. Now this white shirt, State's Exhibit 29.

19 A. Uh-huh. (Affirmative.)

20 Q. Would you please take a look at that.

21 A. Yes, sir.

22 Q. You found that in the car, correct?

23 A. Yes, sir.

24 Q. What is the significance of that white
25 shirt?

Lieutenant Melissa Addison-Cross by Johnson

1 A. The significance was a white party, and I
2 had a white shirt in the back seat. So we decided
3 to take it.

4 Q. I understand. But to this case as far as
5 who committed a crime or not, what is significance
6 of that white shirt?

7 A. Like I indicated, it was a white party.
8 And it was a white shirt in the back of the car that
9 was at -- that was connected to this crime, this
10 incident, so we took the white shirt.

11 Q. But Mr. Green was arrested at the scene,
12 correct?

13 A. He was.

14 Q. That car left the scene and went back
15 home, and I guess you, how long after the incident
16 did you inspect the car?

17 A. I don't recall.

18 Q. But it was after the incident, correct?

19 A. That's correct.

20 Q. It could have been a day or so before
21 later?

22 A. Within the 24 hours. I don't recall.

23 Q. So there's evidence that when he was
24 arrested, that that white shirt wasn't on him, was
25 it?

Lieutenant Melissa Addison-Cross by Johnson

1 A. No, putting it on, it was in the car. He
2 was already arrested. So that's correct.

3 Q. Right. As far as related to this case,
4 that white shirt has no evidentiary matter to this
5 case, does it? It doesn't prove -- you can't even
6 prove it was his.

7 A. I can't say that it doesn't. I don't know
8 who had the shirt on. It was collected.

9 Q. Right.

10 A. So I don't know who had the shirt on.

11 Q. So can you prove it was his?

12 A. I can't. I just knew he had on white.

13 Q. And you just took a white shirt out of a
14 car.

15 A. Yes, sir.

16 Q. So that's the significance of that shirt.

17 A. That is the significance of that shirt.

18 MR. JOHNSON: One second, Your Honor.

19 Q. And during your interview, wasn't it also,
20 you wasn't the only one there interviewing her.
21 Wasn't the sheriff present at that time. Wasn't he
22 brought in?

23 A. I believe he came.

24 Q. Right. And you and the sheriff both
25 interviewed her, right?

Lieutenant Melissa Addison-Redirect by Finney

1 A. Yes, we did.

2 Q. And you interviewed her after she wrote
3 that first statement. Then you and the sheriff came
4 in when she wrote the second statement, right?

5 A. I don't remember all the -- how it all may
6 have played out. All I know is, it was a
7 continuation of her original statement based upon
8 investigations.

9 Q. After you and the sheriff came in and
10 questioned her some more.

11 A. I don't remember whether the sheriff came
12 in or not. I don't remember. I don't recall that.

13 Q. Do you remember it was two hours?

14 A. I do remember the time, it was 20:14. I
15 don't remember.

16 Q. You don't remember too much about this, do
17 you?

18 A. I remember enough.

19 MR. JOHNSON: Apparently so. Thank you.

20 THE COURT: Redirect.

21 Redirect Examination by Mr. Finney:

22 Q. Lieutenant, did you know Ms. Harvin
23 testified in this case on Tuesday of this week?

24 A. No, sir, I didn't.

25 Q. And did you threaten her, or coerce her to

Lieutenant Melissa Addison-Redirect by Finney

1 get her to come up here Tuesday and testify?

2 A. No, sir.

3 Q. Did you hear her testify Tuesday?

4 A. No, sir, I didn't know she testified.

5 Q. Now let me ask you this. Is it usual for
6 you and another -- did Investigator Hawkins, was he
7 there the night that or the day that Ms. Harvin was
8 interviewed?

9 A. Yes, sir. We were both on call, so we
10 both came out. We work long hours in time.

11 Q. So is it unusual for more than one
12 investigator or more than one officer to be in the
13 room during an interview?

14 A. No, it's not.

15 Q. Is it usual for people who you are
16 interviewing to tell you a story that's not true,
17 and you have to ask questions and prod and poke to
18 get the truth?

19 A. Yes, sir.

20 Q. Tell the jury how often does that happen?

21 A. More often than not. But again, it's
22 based upon the other corroboration as well.

23 Q. And you knew that Ms. Harvin was the
24 girlfriend of the suspect.

25 A. Yes, sir.

Lieutenant Melissa Addison-Cross by Johnson

1 Q. And you knew that she was a reluctant
2 witness.

3 A. Yes, sir.

4 Q. Did you find the Mercury automobile that
5 belonged to Ms. Harvin at her house?

6 A. I don't recall whose residence the house
7 was. I don't think it was her's, because like I
8 say, it had been some time. But as I just recall it
9 was raining that night. And someone did come to the
10 door. I believe she stated she was relative. So
11 I'm not sure that's her house or not. I don't think
12 it was.

13 MR. FINNEY: Nothing further.

14 THE COURT: Questions only in response to
15 those matters. No replowing. Go ahead.

16 Recross Examination by Mr. Johnson:

17 Q. Isn't it true that you pressured her about
18 threatening her about her babies?

19 A. No.

20 Q. If there was a video showing that, that
21 would not be correct?

22 A. You have to show me the video where I
23 threatened someone. It wasn't any need for me to
24 threaten her for her truth. She indicated that it
25 was important to tell the truth.

Lieutenant Melissa Addison-Cross by Johnson

1 Q. Did you mention to her during your
2 interview that she could lose her children, if she
3 didn't cooperate or tell the truth?

4 A. No, sir.

5 MR. JOHNSON: Your Honor, can I approach
6 the bench.

7 THE COURT: Yes sir.

8 (Whereupon, the attorneys approach the bench
9 and confer with judge.)

10 THE COURT: Ladies and gentlemen, we are
11 going to take a recess for just a few minutes. In
12 the meantime you may not discuss the case.
13 Mr. Bradley can find out if you need anything to
14 drink. But make yourself comfortable. We'll just
15 take a few minutes. Okay.

16 (Whereupon court takes a short recess.)

17 THE COURT: Lieutenant, you may step down.
18 You can't discuss the case with anybody.

19 A: Yes, sir.

20 THE COURT: Mr. Johnson, I understand that
21 it's easier said than done finding what you want to
22 find. If it goes on much longer than a normal 10
23 minute break to find it, of course, I know you
24 Mr. Finney, may need to take a break. I just don't
25 want to keep the jury out---

Lieutenant Melissa Addison-Cross by Johnson

1 MR. JOHNSON: I understand.

2 THE COURT: ---more than 10 minutes to
3 wait.

4 MR. JOHNSON: I'll think do it as fast as
5 I can, Your Honor.

6 THE COURT: Mr. Finney, or Mr. Johnson, is
7 there anything we need to put on the record before
8 we bring the jury in?

9 MR. FINNEY: We have had some discussions
10 and we believe that we have worked out the issue.
11 If the witness would resume the stand. She's going
12 to be asked the questions, and give an explanation
13 of her answers.

14 THE COURT: Mr. Johnson, and you just
15 conduct your cross examination as you see fit within
16 the rules obviously, and we'll just see where it
17 goes, okay?

18 MR. JOHNSON: Thank you, Your Honor.

19 THE COURT: Bring the jury.

20 (Whereupon, the following takes place
21 within the presence of the jury.)

22 THE COURT: Mr. Johnson.

23 MR. JOHNSON: Thank Your Honor. May it
24 please the court.

25 THE COURT: Yes, sir.

Lieutenant Melissa Addison-Cross by Johnson

1 Cross Examination by Mr. Johnson:

2 Q. Officer Addison, before we went to recess,
3 I was asking you a question about your what in your
4 interrogation of the witness, Lavitra Harvin, I
5 asked you did you tell her that she could lose her
6 children if she did not tell you the truth? You
7 thought about it, is there anything different than
8 when you said before?

9 A. The only thing I'd like to add is that, if
10 it was stated, it wasn't as a way to threaten her.
11 It would be an investigative tool, because it's
12 actually could be a possibility, if one does have
13 children, if you don't tell the truth, and we find
14 out that you did in that, it could be some pending
15 charges. Of course, if you have children and you're
16 charged, then the children are going to have to
17 someone to take care of them. So it was a
18 possibility.

19 Q. So you're now saying that you did mention
20 that to her.

21 A. What I am saying is, I could have. But I
22 wouldn't have said it to use in my opinion, in my
23 position, as a threat. It's actually to mean
24 something that's used like I stated as a tool, to be
25 a reality of what could happen. Not, I don't view

Lieutenant Melissa Addison-Redirect by Finney

1 it as a threat.

2 Q. But can you see how when you're telling
3 someone that, that that would be a threat, from
4 their point of view?

5 A. From their point of view they might view
6 it as a threat.

7 MR. JOHNSON: No other questions.

8 THE COURT: Redirect?

9 MR. FINNEY: Thank you, Your Honor.

10 Redirect Examination by Mr. Finney:

11 Q. Lieutenant, we asked you earlier about
12 people being truthful with you. If people are not
13 truthful with you when you interview them, what is
14 the consequence of that?

15 A. If they're not truthful, they could hinder
16 the case. Number one, they could get themselves in
17 trouble. So two things could happen.

18 Q. And what kind of charge would be placed
19 against somebody for not telling the truth in an
20 investigation?

21 A. They would be obstructing justice.

22 Q. And have you ever charged somebody with
23 obstruction of justice?

24 A. Yes, sir, I have.

25 Q. When happens to you when you are charged

Lieutenant Melissa Addison-Redirect by Finney

1 with that?

2 A. Well, you, of course, we draw a warrant up
3 and you get arrested.

4 Q. And where do you get taken?

5 A. You get taken to jail.

6 Q. Can your children go with you to jail?

7 A. No, sir.

8 Q. So when you told Ms. Harvin that she
9 needed to tell the whole truth and nothing but the
10 truth, and not leave anything out, were you
11 threatening her?

12 A. No, sir.

13 Q. If she did not comply with your
14 instructions and you found out the next day or the
15 day after, that she had not told you the truth and
16 had obstructed your investigation, would you have
17 charged her?

18 A. Yes, sir, I would have.

19 Q. And could she have gone to jail?

20 A. She most likely, yes, sir.

21 MR. FINNEY: Nothing further.

22 THE COURT: Recross?

23 MR. JOHNSON: Yes, Your Honor.

24 Recross Examination by Mr. Johnson:

25 Q. But once again, isn't the reason it's used

Lieutenant Melissa Addison-Recross by Johnson

1 an investigative technique because it's used as
2 pressure to put on someone to have them tell you
3 something, whether it be the truth or not the truth,
4 but to have them come and tell you something,
5 correct?

6 A. You say pressure. I stated instead to
7 help them out.

8 Q. And then once they tell you something,
9 then you go and look at it to see if it's true or
10 not, correct?

11 A. Yes, sir.

12 Q. So when she tells you that Rodney took a
13 gun out of the console in the car, and you go and
14 look at the car, and see there's not a console, then
15 when she told you wasn't true.

16 A. Like I stated earlier, I don't recall
17 there being a console. I would have to see a
18 photograph. I don't recall if it was some other
19 space there that would be deemed where she would
20 call a console. So that's why I said I am not sure.

21 Q. But you did mention her children; that she
22 could lose her children. Regardless of the reason
23 why, you did say that to her, correct?

24 A. I could. That's a possibility, yes, sir.

25 Q. So when you say that earlier that you

Lieutenant Melissa Addison-Recross by Johnson

1 didn't say it, you were not correct.

2 A. I wouldn't say I wasn't correct. What I
3 would say is that, you were asked me was using a
4 threat, and that's what I was trying to bring
5 across, that I did not use a threat. To me, I
6 didn't use a threat.

7 Q. So when you told the jury that you never
8 said that to her, that was your interpretation of, I
9 never stated it to her as a treat; not that you
10 never said it.

11 A. Right.

12 Q. So you didn't tell the jury the whole
13 truth.

14 A. What I told the jury was, in my position,
15 I didn't view it as I said, a threat.

16 MR. JOHNSON: I have no other questions.

17 THE COURT: Step down, please. Thank
18 you.

19 MR. FINNEY: May the witness be excused?

20 THE COURT: Any objection?

21 MR. JOHNSON: Just subject for me to
22 recall on my case, Your Honor.

23 THE COURT: Next witness.

24 MR. FINNEY: I'd like to call forensic
25 scientist, Michele Eichenmiller.

Michele Eichenmiller-Direct by Finney

1 Michele Eichenmiller, being first duly
2 sworn, testified as follows:

3 THE CLERK: Please state your full name and
4 spell your first and last name for the record.)

5 A. Michele Eichenmiller. M-I-C-H-E-L-E,
6 E-I-C-H-E-N-M-I-L-L-E-R.

7 (Shell casings and 45 caliber pistol marked
8 State's Exhibit Nos. 34 and 35 for Id.)

9 DIRECT EXAMINATION by Mr. Finney:

10 Q. Good afternoon, Agent Eichenmiller. I'm
11 sorry, it's still morning. Good morning. Tell us
12 what you do for a living, please.

13 A. I work at the South Carolina Law
14 Enforcement Division in the forensic's lab. I'm a
15 firearm examiner.

16 Q. And the examination laboratory is where?

17 A. It's located in Columbia.

18 Q. And as a result of your work, do you have
19 to travel all over the state to testify in cases
20 where items have been submitted to your lab?

21 A. We do.

22 Q. And tell the ladies and gentlemen of the
23 jury a little bit about your background, education
24 wise.

25 A. I have a bachelor's degree in Biology. I

Michele Eichenmiller-Direct by Finney

1 also have a Master of Science in Forensic Science.

2 In addition to that, to be a firearm's examiner,
3 you need to be in house training program. So once I
4 was hired at sled, I learned under the examiner's
5 that were there already. I did a lot of reading on
6 my own. I did microscopic examinations. I watched
7 them. And then by the end of 2 or 3 years, I took a
8 test. They said I was competent to do case work on
9 my own.

10 Q. Now tell us what you do in the firearm's
11 department.

12 A. On a regular day, we're in charge of our
13 own cases, so we just find a case to work on. Of
14 course, if someone calls and says it needs to be
15 done, we work that. If there is a firearm
16 submitted, we will test fire it. And then if there
17 are fired ammunition components, we'll take those
18 test fires and compare them to test fires from the
19 gun, to see if we can come up with an opinion on if
20 those components were fired by that firearm.

21 Q. So you do testing on firearms and on
22 ammunition.

23 A. Correct.

24 Q. And are you trained to give opinions about
25 things that have do with firearms and ammunition,

Michele Eichenmiller-Direct by Finney

1 like what kind of bullet fits in what kind of gun,
2 and things like that?

3 A. Yes.

4 Q. Have you testified in courts across South
5 Carolina as an expert witness on previous occasions?

6 A. I have.

7 Q. How many times?

8 A. About 35.

9 Q. Do you have to have special training
10 certifications to stay as a firearm's examiner, to
11 stay certified as an examiner?

12 A. We take competency tests every year, which
13 basically tests the tests that we did. So I take a
14 tool mark proficiency. I take a firearm
15 proficiency. And I take a serial number restoration
16 proficiency test every year.

17 Q. How many firearm examinations would you
18 say you've done in the last -- in your career?

19 A. I've been with sled approximately 10
20 years. And in those 10 years, thousands of
21 firearm's examinations.

22 MR. FINNEY: Your Honor, I would offer
23 Agent Eichenmiller as an expert to the court in the
24 field firearm examination.

25 THE COURT: Mr. Johnson, any questions?

Michele Eichenmiller-Direct by Finney

1 MR. JOHNSON: I have no objection, Your
2 Honor. And I have no questions.

3 THE COURT: Ladies and gentlemen, let me
4 have your attention for just a moment. Typically
5 when a witness testifies in a case, the witness
6 can't give opinions. We call the witnesses who
7 can't give opinions, lay witnesses. Typically those
8 witnesses can testify to what to saw or heard or
9 touched or smelled, or things like that. There is
10 an exception in these rules of evidence that I
11 mentioned to you at the beginning of the trial from
12 witnesses we call expert witnesses. An expert
13 witness is a witness who is qualified in a
14 particular field or art or science by education,
15 training, or experience.

16 Those witnesses can give opinions, and
17 they can give the reasons for those opinions. As I
18 will tell you in more detail at the end of the case,
19 you are not bound by the testimony of an expert just
20 because it comes from an expert. All and all, you
21 give -- taking, using all of your common sense, you
22 are to give the testimony of this witness, the
23 weight you believe it deserves. But the witness is
24 qualified as an expert in the field of firearm's
25 examination. Mr. Finney.

Michele Eichenmiller-Direct by Finney

1 MR. FINNEY: Thank you, Your Honor.

2 Q. Sled Agent, did you have the occasion to
3 receive a firearm from Sumter County Sheriff's
4 Department concerning a case of a shooting at Club
5 Miami?

6 A. Yes, I did.

7 Q. And when you received it, what was the
8 first thing you did with it?

9 A. The first thing we'll do is, I'll make
10 that the box is sealed when I receive it. I go down
11 to the log in department, where Sumter County has
12 dropped it off. I pick it up from them. I bring it
13 back up to my office. I'll make sure all the seals
14 are in tact, and then I'll document some pictures.
15 We also have worksheets we fill out, documenting
16 serial number, make and model, if the safety's work.
17 How many cartridges can go in the magazine if
18 there's a magazine submitted.

19 Then we'll test fire it. I'll recover
20 those test fires from our water tank. They're
21 perfect specimens so that we have the best test in
22 order to compare to any evidence we receive.

23 Q. I want to show you what's been marked as
24 State's Exhibit No. 35 for Id., and ask if can
25 identify that item.

Michele Eichenmiller-Direct by Finney

1 THE COURT: No. 35 you said?

2 MR. FINNEY: Yes, sir.

3 THE COURT: Could I stop you right there,
4 please, ma'am. Can you confirm that weapon is
5 incapable of being fired?

6 A. Yes. There's a---

7 THE COURT: Ladies and gentlemen, I want
8 to make sure you understand. If either side refers
9 to or handles or if a witness handles a firearm, at
10 all times it's certainly going to be pointed at the
11 floor. And I am going to ask the witness to do
12 that, even if she's showing something. It's
13 incapable of being fired. I want to make sure you
14 understand that we're cognizant of that.
15 Mr. Finney.

16 MR. FINNEY: Thank you, Your Honor.

17 THE COURT: And if the witness needs to
18 step down to abide by my instruction that it be
19 pointed down, it is not pointed down now, then she
20 can do that, down at the ground. At the floor.

21 Q. Agent, are you able to identify that
22 exhibit?

23 A. I am. That's the gun I examined in this
24 case.

25 Q. And tell us what kind of gun it is.

Michele Eichenmiller-Direct by Finney

1 A. It's a Smith & Wesson, Model mmp, 45, N45
2 auto caliber.

3 Q. And does that particular gun have a, what
4 we call a clip?

5 A. It did. It was received with a magazine.

6 Q. And could you point, I think I have got
7 the pointer. Could you point to the clip that is,
8 and where it is located inside the weapon when it's
9 used inside the weapon.

10 A. This is the magazine. And when it's in a
11 weapon it will go in here, in the magazine well. So
12 in the bottom.

13 Q. In the bottom of the handle?

14 A. Yes.

15 Q. And the clip or the magazine in this
16 particular model weapon, how many bullets would it
17 normally hold?

18 A. It holds 10.

19 Q. And when the item was submitted to you,
20 how many unfired bullets were in the magazine?

21 A. There were 6 unfired cartridges in the
22 magazine.

23 Q. And did you take those magazines -- those
24 unfired cartridges out, and put them in an envelope?

25 A. Actually they were already out when I

Michele Eichenmiller-Direct by Finney

1 received it. They were already in a heat-sealed
2 pouch when I got them.

3 Q. And do you see those unfired bullets
4 today?

5 A. Yes, they're in the box.

6 Q. Could you point them out to the jury?

7 A. They're right here.

8 Q. Now tell the ladies and gentlemen, is the
9 45 caliber Smith & Wesson is that considered a
10 medium, heavy, or light type handgun?

11 A. It's a pretty heavy caliber handgun.

12 Q. And tell us about the ammunition that you
13 found in it. Who makes the ammunition that was
14 inside the handgun?

15 A. The head stamp on the ammunition was
16 Remington. They were 45 caliber full metal or
17 total metal jackets.

18 Q. Can you tell the ladies and gentlemen,
19 what does it mean when you have 45 caliber full
20 metal jacket ammunition?

21 A. Full metal jacket means that the entire
22 bullet is covered. The other type of bullet that we
23 see a lot is a jacketed hollow point. There's is a
24 cavity in the top of the bullet in that case. These
25 are not, these are completely covered and rounded at

Michele Eichenmiller-Direct by Finney

1 the top.

2 Q. You said it was a heavy caliber weapon.
3 What kind of -- what kind of impact or what kind of
4 reaction would the bullet have upon entering the
5 human body?

6 MR. JOHNSON: Your Honor, objection. She
7 is not a medical expert? She is not---

8 THE COURT: You can lay a foundation for
9 that, Mr. Finney.

10 Q. Have seen cases where a 45 caliber full
11 metal jacket ammunition has been used in cases where
12 persons have been shot?

13 A. Yes.

14 Q. And have you been able to come to an
15 opinion as to whether different types of ammunition
16 creates different kinds of injury in the human body?

17 MR. JOHNSON: Objection again, Your Honor.
18 There's no foundation for that. She's not a medical
19 doctor. He keeps asking her about the effects on
20 the human body.

21 THE COURT: Overruled.

22 MR. FINNEY: You may answer the question.

23 A. In my experience, a full metal bullets,
24 they're intention is to go through targets. A lot
25 of people use them for target practice. Jacketed

Michele Eichenmiller-Direct by Finney v

1 hollow points are designed that when they impact
2 something, they will expand and then they'll stop.

3 Q. So would you have expected in a normal
4 situation if a person -- would you find it usual
5 that a person who was shot with type of ammunition,
6 would not have the bullet remain inside the body?

7 MR. JOHNSON: Your Honor, objection on
8 that.

9 THE COURT: Overruled.

10 Q. Would you have an opinion as to whether or
11 not it was more likely that this type of ammunition
12 would cause an injury where you would have an entry
13 wound and an exit wound, that the bullet would not
14 stay in the body?

15 A. It would depend on if it hit anything in
16 the body; such as, hard bone or if it went through
17 soft tissue.

18 Q. And if it went through soft tissue, what
19 would more likely happen?

20 MR. JOHNSON: Your Honor, objection.

21 THE COURT: Overruled.

22 A. I would expect if it hit soft tissue, that
23 it would keep going, until it something harder. So
24 if it were to leave a body and then hit something,
25 it would stop then. But it would have to impact

Michele Eichenmiller-Direct by Finney

1 something harder.

2 Q. Now, I also want to ask, did you receive
3 from Sumter County, in addition to this firearm,
4 three fired shell casings?

5 A. I did.

6 Q. And I want to show you what's been marked
7 State's Exhibit 34, and ask you to examine that
8 item.

9 A. Whenever I receive evidence in a case,
10 I'll mark it with the lab number, the item number
11 and my initials. These three are marked that way.
12 These are the cartridges I examined.

13 Q. Can you tell the ladies and gentlemen of
14 the jury, what type of cartridges casings those are?

15 A. These are three cartridges with cartridge
16 cases with Remington head stamps. They're 45 auto
17 caliber. And they're consistent in the construction
18 I saw with the items that were submitted with the
19 gun.

20 Q. When you say they were consistent, what
21 does it mean that these three items that you
22 examined were consistent with the -- with what?

23 A. The unfired cartridges that were received
24 with the firearm had brass cases with nickel
25 primers. That's about all I can tell from these; is

Michele Eichenmiller-Direct by Finney

1 that, they're brass cases with nickel primers. They
2 have a Remington head stamp, and they're 45 auto
3 caliber.

4 Q. So they're consistent with the type of
5 ammunition that you found loaded into the magazine
6 of the handgun that you examined.

7 A. It wasn't in the magazine. But the ones
8 that were submitted with the firearm.

9 Q. Can you tell us what's in these three
10 brown containers inside the heat sealed bag?

11 A. This is actually how I received them.
12 They came in the containers, and I took them out
13 specifically for court purposes so I could see them.

14 Q. Very good. And the three, did you run an
15 analysis on the three fired cartridges in
16 relationship to the gun that was submitted as item,
17 State's, for our purposes State's Exhibit No. 35?

18 A. I did.

19 Q. Tell the ladies and gentlemen, what your
20 result was.

21 A. In my opinion these three fired cartridge
22 cases were fired by that firearm.

23 Q. How do go about making that opinion, or
24 reaching that opinion?

25 A. As I said before, we obtain tests fires

Michele Eichenmiller-Direct by Finney

1 from the firearm. I had a comparison microscope in
2 my office, which has what is basically two different
3 microscopes connected by, it looks like a pair of
4 binoculars. I can look through those with one
5 cartridge case on one side and one on the other.
6 Evidence versus test. Then I try to find some
7 individual identifying characteristics that would be
8 specific to that firearm. And if I find enough of
9 those, and in my opinion they're individual, then I
10 can give an opinion as to those cartridge cases are
11 fired by that firearm.

12 Q. Tell us a little bit about how this type
13 of 45 caliber handgun operates when it fires a
14 bullet.

15 A. That's a semiautomatic weapon. Basically
16 every time you pull the trigger it will shoot as
17 long as there are cartridges in the magazine. It
18 will cycle. It will fire the bullet out of the
19 barrel. It will open the slide it is now. The
20 cartridge case will get ejected. And then as the
21 slide comes forward again, it will take the next
22 cartridge off the magazine. And so the next time
23 you pull the trigger, the bullet will go out the
24 barrel and just keep going until it's empty.

25 Q. How long would it take someone who's

Michele Eichenmiller-Direct by Finney

1 operating this to fire three, the three shells,
2 those three shells if they were fired at one time?

3 A. It would depend on the shooter.

4 Q. Would it take -- it wouldn't take a long
5 time?

6 A. I don't think it would take minutes, but.

7 Q. Now you said I believe in your testimony
8 that every time weapon fires a bullet out the
9 barrel, a cartridge casing like this is ejected?

10 A. Correct.

11 Q. Is there -- how far away from the gun
12 would cartridge casing be ejected?

13 A. There's really no test for that. It was
14 just depends on how the gun was handled to know how
15 far. And then did it anything on the way down. Did
16 it hit grass. Did it hit gravel. So there's no way
17 to tell exactly.

18 Q. Would you expect as a person who works
19 with firearms, would you expect the cartridge
20 casings that are ejected from that type of 45
21 caliber weapon, if the gun was stationary and not
22 moved, and it was fired three times, would the
23 cartridge casings land pretty close to one another
24 in a close area?

25 A. That's what I would expect.

Michele Eichenmiller-Direct by Finney

1 Q. Would you expect that if the gun was on
2 the move, and being fired as it was moving, that the
3 cartridges casings would fall in different places?

4 A. Yes.

5 Q. I want to show you what's been marked, I
6 beg the court's indulgence, as State's Exhibit No.
7 26, and ask if you can identify what type of weapon
8 is shown in that photograph.

9 A. It appears to be a black in color
10 semiautomatic pistol. I can't see any other
11 identifying marks, such as caliber, make or serial
12 number. But....

13 Q. In terms of the identifying features of
14 the gun that's in the photograph that's in your
15 hand, can you compare it to the item that was
16 submitted to you from Sumter County, which is marked
17 as State's Exhibit No. 35?

18 A. It appears it could be the same make and
19 model that we received in this case.

20 MR. FINNEY: I beg the court's indulgence.
21 Please answer any questions Mr. Johnson may have.

22 THE COURT: Mr. Johnson.

23 MR. JOHNSON: Good morning. Just a few
24 questions.

25 Cross Examination by Mr. Johnson:

Michele Eichenmiller-Cross by Johnson

1 Q. You said that the gun is a Smith & Wesson
2 45, correct?

3 A. Correct.

4 Q. Semi-automatic pistol, correct?

5 A. Correct.

6 Q. Now what is the difference between a
7 semi-automatic and an automatic?

8 A. An automatic, a semi-automatic requires a
9 separate pull of the trigger in order to get the
10 firearm to fire. An automatic weapon, you can hold
11 the trigger down, and gun will keep firing until the
12 magazine is empty.

13 Q. And isn't true that an automatic just by
14 that nature that you don't have to pull the trigger
15 each time if you hold the trigger down, it will
16 fire faster in successions, correct?

17 A. An automatic weapon would, yes.

18 Q. Right. So the sounds that it would make
19 would be different. It would be more like a bam,
20 bam, bam, type sound, correct?

21 A. Yes.

22 Q. Whereas with a semi-automatic it would be
23 bam, bam, bam, depending how fast you pull the
24 trigger.

25 A. Correct.

Michele Eichenmiller-Cross by Johnson

1 Q. But each time you pull the trigger you
2 only get one round in a semi-automatic.

3 A. Correct.

4 Q. So just by that nature, it would be a
5 slower, well depending like I say, depending on the
6 person pulling the trigger. Did you check that gun
7 to see how tight the trigger grip was on that one,
8 when you fired it?

9 A. The trigger pull?

10 Q. The trigger pull.

11 A. I did.

12 Q. How tight was it?

13 A. It was about 7 pounds.

14 Q. Seven pounds. Now how did that relate to,
15 is that a little stronger, or that's average on a
16 gun, or what would it be?

17 A. That's an average on a gun like this.

18 Q. So it wouldn't be extremely easy to pull,
19 but it wouldn't be extremely hard to pull.

20 A. Correct.

21 Q. But that differently is not an automatic
22 weapon.

23 A. Correct.

24 Q. Now let's talk about the rounds. On the
25 rounds that you have there, what types of rounds are

Michele Eichenmiller-Cross by Johnson

1 they?

2 A. They're Remington brand full metal jacket,
3 or total metal jacket, round nose.

4 Q. And they are made that when hit something,
5 they expand, right?

6 A. These are not the type that I would expect
7 to expand. They're covered on the top. So it's a
8 round nose. It's designed to go through targets.

9 Q. Go through targets. But wouldn't the
10 larger the caliber, the larger the exit wound would
11 be?

12 A. I am not an expert on wounds.

13 Q. Well you just answered about wounds a
14 minute ago, about the effect it would have on a
15 body, right?

16 A. On a target. In this case, it would be a
17 body but.

18 Q. I mean, yeah. You just answered to the
19 solicitor about the effect that a round would on
20 bodies, correct? But now you're not an expert in
21 it, correct?

22 A. I'm not an expert on the size of the exit
23 wound.

24 Q. Right. And you're not -- have you ever
25 seen anyone shot -- have you ever been there after

Michele Eichenmiller-Cross by Johnson

1 someone was shot and looked at the exit wounds and
2 all those things?

3 A. No.

4 Q. So when you was answering a minute ago
5 about what it would do, that was something you just
6 read in a book, correct?

7 A. I know what the ammunition is designed to
8 do.

9 Q. And you read that in a book.

10 A. And from my experience.

11 Q. And was your experience there when you saw
12 somebody get shot?

13 A. No.

14 Q. Were you there to see somebody get
15 examined by a medical examiner?

16 A. No.

17 Q. Did you ever see anybody that has been
18 shot after they was deceased on the ground, and the
19 effect the bullet had on them?

20 A. No.

21 Q. So when you was explaining to the jury, it
22 was based on what you read in a book.

23 A. And my experience working at sled. We see
24 several homicides a year.

25 Q. You see the homicide. When you say see a

Michele Eichenmiller-Cross by Johnson

1 homicide, what do you mean by that?

2 A. See the evidence from a homicide, and the
3 descriptions that come from where the bullet was,
4 where it came from in a body. And then I also know
5 how the bullets are designed to work.

6 Q. So when you see evidence you see what
7 pictures?

8 A. No, the fired ammunition.

9 Q. So you see the fired ammunition. And you
10 see a description of what happened.

11 A. We see a report from the examiner, yes.

12 Q. Something that you read.

13 A. Correct.

14 Q. So you base your opinion on something you
15 read.

16 A. Correct.

17 Q. Now in your examination of that gun, of
18 all the examination that you just gave the jury, do
19 you have any evidence to connect that gun to Rodney
20 Green?

21 A. No, I don't.

22 Q. You don't know who had that gun, do you?

23 A. No.

24 Q. All you know is that those rounds matched
25 that gun, correct?

Michele Eichenmiller-Cross by Johnson

1 A. Correct.

2 Q. Now there was three rounds.

3 A. Correct.

4 Q. If a person was shooting as he was backing
5 up, the three rounds, would the three rounds
6 normally be together? Grouped together?

7 A. They could be. It depends on the angle
8 that the firearm was held. And like I said before,
9 if it hit anything on the ground and moved, it would
10 probably have to go in a different direction.

11 Q. Did you find any damages to the casing to
12 indicate that they might have hit a rock or
13 something when they fell?

14 A. Not enough to document.

15 Q. Did you find anything abnormal about the
16 case to indicate that it had been damaged or so
17 after it was ejected from the gun?

18 A. No.

19 Q. Is that a right hand ejection or a left
20 hand ejection on a gun?

21 A. I guess it would be more towards the right
22 and out the top.

23 Q. Could you please explain to the jury the
24 difference between them, and the effect it would
25 have on the rounds when they was ejected?

Michele Eichenmiller-Cross by Johnson

1 A. This firearm's ejection port is right
2 here. So when it fires and the slide cycles, the
3 cartridge case will get kicked out this way. It's
4 possible that it could also go up, go upward to the
5 right. But again it depends on how it was held. So
6 if it was held in a different direction, not the
7 proper orientation for firing, the cartridge cases
8 would go in a different direction.

9 Q. So in most cases, a round when it's found,
10 is found to the right of where the individual was
11 standing. If that gun was used.

12 A. It depends on how he was holding it.

13 Q. It would either be at the location where
14 the person was standing, or to the right of the
15 person, not to left of where the person was firing
16 the gun.

17 A. Not necessarily. It depends on how the
18 firearm was held.

19 Q. So it means if it held upside down or
20 something?

21 A. Correct.

22 Q. Okay you had me confused. Thank you. But
23 from your description that you received from the --
24 I guess now what kind of evidence was you given, or
25 what type of description did you receive when you

Michele Eichenmiller-Redirect by Finney

1 got that gun? As far as, I mean do you get anything
2 from the investigator?

3 A. No, not in general. We just receive the
4 incident report. Just what happened, how the, I
5 guess, how the officers found the scene, and what
6 they collected.

7 MR. JOHNSON: Okay. One second, Your
8 Honor.

9 Q. And just finally, you wouldn't do the
10 fingerprint exam or none of that on that gun. You
11 had nothing to do with that, right?

12 A. Correct.

13 Q. But as far as your evidence, you have no
14 evidence that connects that gun to Mr. Green.

15 A. No.

16 MR. JOHNSON: No other questions, Your
17 Honor.

18 THE COURT: Redirect?

19 MR. FINNEY: Just a few questions, Your
20 Honor.

21 Redirect Examination by Mr. Finney:

22 Q. Agent Eichenmiller, Mr. Johnson was asking
23 you about automatic versus semi-automatic. Have you
24 ever seen an automatic 45 caliber handgun?

25 A. I have.

Michele Eichenmiller-Redirect by Finney

1 Q. And does it fire the same kind of
2 ammunition?

3 A. It does.

4 Q. And if there was an automatic firearm that
5 was fired at that scene where that firearm was
6 recovered, would it expend or throw out the casings
7 just like this weapon threw out casings?

8 A. It would.

9 Q. And so if there was one than one handgun
10 fired at the same location, you would expect the
11 officers to find empty casings from the automatic
12 weapon and the semi-automatic weapon.

13 A. Correct.

14 Q. And did Sumter County submit to you, any
15 unfired cases outside of these three?

16 A. Unfired case cartridges?

17 Q. Unfired.

18 A. That came with the firearm.

19 Q. Unfired.

20 A. Yeah, unfired. That came with the firearm
21 is what was submitted.

22 Q. I'm sorry. I'm getting ahead of myself.
23 Any other fired casings did Sumter County submit to
24 you, to your lab, any fired casings besides those
25 three?

Michele Eichenmiller-Redirect by Finney

1 A. No, they did not.

2 Q. If you had found other fired casings, you
3 could have examined them to determine whether or not
4 they were fired from that weapon?

5 A. Correct.

6 Q. And if you found different markings on
7 other unfired casings, you could make a report that
8 there was another gun there that night.

9 A. Yes. On other fired cartridges cases,
10 they would have different marks.

11 Q. When you testified earlier about the
12 effect of these kinds of bullets on the human body,
13 do you test bullets, fired bullets, that come back
14 to your lab?

15 A. Yes.

16 Q. Tell the ladies and gentlemen where some
17 of those fired bullets come from.

18 A. The majority of fired bullets that we see
19 have come from victims, so....

20 Q. Do they come from inside of victims?

21 A. Yes.

22 Q. If a bullet goes through a victim, would
23 you expect on most occasions for it to be found and
24 turned over to your lab for examination?

25 MR. JOHNSON: Objection, Your Honor. She

Michele Eichenmiller-Redirect by Finney

1 can't answer what the investigator would do at a
2 scene.

3 THE COURT: That's not the question.

4 MR. FINNEY: Let me rephrase the question.

5 THE COURT: Well you can restate it or
6 rephrase it, but that objection is overruled.

7 MR. FINNEY: Thank Your Honor.

8 Q. Have you had the occasion to examine
9 bullets, fired bullets, that have gone through a
10 human body and been found by the investigator?

11 A. Yes.

12 Q. Do you normally find that those bullets
13 are changed from when they left the gun?

14 A. On occasion.

15 Q. And do you sometimes find bullets that
16 were left inside a victim of a crime, and have been
17 then taken out by a doctor or a pathology and turned
18 over to your lab?

19 A. Yes.

20 Q. Can you always determine that a fired
21 bullet came from a particular weapon?

22 A. Not always.

23 Q. And that's why?

24 A. Sometimes the bullets are too damaged for
25 us to do anything. Sometimes they also lose their

Michele Eichenmiller-Recross by Johnson

1 jacket material, which is the part that impacts the
2 firearm. So all the marks that I would be looking
3 at would be missing.

4 MR. FINNEY: Thank you, ma'am. Nothing
5 further.

6 THE COURT: Mr. Johnson.

7 MR. JOHNSON: Just a few final questions.

8 Recross Examination by Mr. Johnson:

9 Q. You can't examine anything that is not
10 given to you, correct?

11 A. Correct.

12 Q. So your examination and the help that you
13 can give, because now tell me if I am wrong. But
14 your job is to examine evidence given to you,
15 correct?

16 A. Correct.

17 Q. And your job is to examine that evidence,
18 and assist in the collection of evidence related to
19 a crime, correct?

20 A. I don't do any collecting. All the
21 evidence is collected and then submitted to the sled
22 laboratory.

23 Q. Right. So you're more of an assistance as
24 far as examining evidence that's given to you.

25 A. Yes, for an existing agency.

Michele Eichenmiller-Recross by Johnson

1 Q. So therefore, you can only examine what's
2 given to you.

3 A. Correct.

4 Q. In this case, that's all that was given to
5 you.

6 A. Yes.

7 Q. However, you can examine rounds that have
8 went -- you have examined rounds that have went
9 through bodies, because they were found in other
10 locations, right?

11 A. Correct.

12 Q. And you examined rounds that have remained
13 in bodies.

14 A. Correct.

15 Q. So therefore it all depends on the
16 circumstances as it relate to what you're
17 inspecting. I mean the rounds that you get all
18 depends on whether you receive them from the police
19 or not.

20 A. Right.

21 Q. And that's only the result of their
22 examination, is that correct?

23 A. Yes.

24 Q. And in this case that's all you have.

25 A. Correct. The firearm and the three fired

Michele Eichenmiller-Recross by Johnson

1 cartridge cases.

2 Q. You examined the cases.

3 A. Yes.

4 Q. And it's your determination it came from
5 that gun.

6 A. Correct.

7 Q. It was three rounds you found.

8 A. Three rounds that were submitted to the
9 laboratory.

10 Q. Submitted to you.

11 A. Yes.

12 Q. Six in the chamber.

13 A. Yeah, six in the magazine.

14 Q. That would be consistent, because is it
15 not true that, have you found that all your, when
16 you get cartridge back, you said the cartridge holds
17 10. Do you find that all cartridges always have 10
18 rounds in them?

19 A. Not always.

20 Q. Because a lot of times people that
21 normally when they load a gun, would not load it all
22 the way up. They'd load it less to keep the
23 pressure off the spring, is that correct?

24 A. Yes. Sometimes people do that.

25 Q. So it would not be unusual for there to be

Michele Eichenmiller-Recross by Johnson

1 9 rounds in the gun.

2 A. Right.

3 Q. And in this case counting the cartridges
4 and the casings remaining, the spent casings, they
5 would equal 9.

6 A. Correct.

7 Q. Which would be consistent with a normal
8 loading process of that gun. So if there was
9 evidence of the other shots being fired, they
10 probably were not fired from that gun, at least, not
11 without somebody reloading or doing something before
12 that.

13 A. Possibly. This gun actually will hold 10
14 in the magazine and then one in the chamber, if
15 someone were to fully, we call, topping off.

16 Q. Right.

17 A. So it would be a total of 11.

18 Q. Right. But if it was more than -- but it
19 was more than, well you found 3 spent rounds.

20 A. There was submitted to the lab three.

21 Q. So you only have evidence that three
22 rounds was shot.

23 A. Correct.

24 Q. From that gun.

25 A. Correct.

Michele Eichenmiller-Recross by Johnson

1 MR. JOHNSON: No other questions, Your
2 Honor.

3 MR. FINNEY: Just one more question.

4 Redirect Examination by Mr. Finney:

5 Q. But there could have been 2 more rounds
6 shot from that gun that night, if it was fully
7 loaded, two more shots could have happened.

8 A. Possibly.

9 MR. FINNEY: Nothing further.

10 THE COURT: You may step down.

11 MR. FINNEY: I thank the witness and ask
12 for her to be excused.

13 THE COURT: Mr. Johnson, any objection?

14 MR. JOHNSON: No objection, Your Honor.

15 THE COURT: Thank you, ma'am. You can
16 stay if you want. You can leave if you want.

17 THE COURT: Mr. Finney.

18 MR. FINNEY: Whitney Berry is our next
19 witness, Your Honor.

20 Whitney Berry, being first duly sworn,
21 testified as follows:

22 THE CLERK: Please state your name for the
23 record.

24 A. My name is Whitney Berry. B-E-R-R-Y.

25 Direct Examination by Mr. Finney:

Whitney Berry-Direct by Finney

1 Q. Agent Berry, would you tell the ladies and
2 gentlemen of the jury where you work.

3 A. Yes, sir. I work for the South Carolina
4 Law Enforcement Division also known as sled.

5 Q. And how long have you worked there?

6 A. I worked for there for approximately and a
7 half years.

8 Q. And what is your job title there?

9 A. I am a forensic scientist in the trace
10 evidence department.

11 Q. And tell the ladies and gentlemen what
12 trace evidence means. What do you do in the trace
13 evidence department?

14 A. Trace evidence is any evidence that you
15 can't necessarily see with the naked eye. So it
16 would include things like paint chips, gunshot
17 residue, fibers that might be found, glass analysis,
18 fracture match analysis, paint dye analysis. All
19 these different microscopic tests.

20 Q. And how long have you worked in the trace
21 lab?

22 A. About 2 and a half years.

23 Q. Are you certified by an agency like sled,
24 or some, a board, like the national associations of
25 trace evidence examiners to be an examiner?

Whitney Berry-Direct by Finney

1 A. I have completed sled's in-house training
2 course, yes.

3 Q. And do you have to have continuing
4 education and updates to keep your certification?

5 A. Yes, sir. We have to complete a
6 proficiency test every year in every field of
7 analysis that we perform. So every year I can take
8 and complete a gunshot residue proficiency test.

9 Q. In your normal course of business, do you
10 do examinations on a day to day basis of evidence
11 that's submitted to you from counties in South
12 Carolina?

13 A. Yes, sir, I do.

14 Q. And do you, as a result of doing analysis,
15 do you make a written report that you submit back to
16 the county that sent you the evidence?

17 A. Yes, I do.

18 Q. And as a result of having the report, do
19 you have to come to court and testify in cases
20 throughout South Carolina?

21 A. Yes, sir.

22 Q. How many times have you had to do that?

23 A. Over 20.

24 Q. And have you been certified in the courts
25 of South Carolina as an expert in trace evidence?

Whitney Berry-Direct by Finney

1 A. I have been found as an expert in the
2 field of gunshot residue analysis.

3 " MR. FINNEY: Very good. Your Honor, at
4 this time I would offer Agent Berry as an expert
5 witness in the field of gunshot residue analysis.

6 THE COURT: Mr. Johnson, any questions or
7 objections?

8 MR. JOHNSON: I have no questions for her,
9 Your Honor. And no objections.

10 THE COURT: Ladies and gentlemen, the
11 earlier instruction I gave you about expert
12 witnesses applies to this witness as well.
13 Mr. Finney, you're asking her to be qualified as an
14 expert in gunshot residue analysis?

15 MR. FINNEY: Yes, sir.

16 THE COURT: She's so qualified.

17 MR. FINNEY: Thank you, Your Honor.

18 Q. Agent Berry, I want to ask you about
19 whether or not Sumter County submitted to your
20 laboratory, a gunshot residue test kits in a case
21 involving a victim by the name of Tyrese Archie, and
22 a suspect by the name of Rodney Green?

23 A. Yes, they did.

24 Q. And do you know when the lab got those
25 items?

Whitney Berry-Direct by Finney

1 A. These items were delivered to the
2 sled evidence control department on May 8th 2014.

3 Q. And what was the date of the incident, or
4 the date that the items were collected?

5 A. The items were -- or the incident date
6 items were submitted to us was March 16th 2014.

7 Q. So the first thing let me ask you is, if
8 items of gunshot residue were collected in March,
9 and turned over to your lab in May, would that have
10 any effect on your analysis or on your being to find
11 gunshot residue?

12 A. No, it would not.

13 Q. So it's not something that time, the
14 passage of time effects in the scientific field that
15 you're in?

16 A. No, sir. All of the evidence that we
17 receive at sled is kept in a climate controlled and
18 secure environment. So that would not be an issue
19 at all.

20 Q. Very good. Now tell the ladies and
21 gentlemen, what you do when you receive evidence.
22 Tell us, first of all, how does the collection of
23 the gunshot residue kit take place?

24 A. A gunshot residue kit is an envelope that
25 is -- that we give out think free to any agency who

Whitney Berry-Direct by Finney

1 asks. The kits we give out, we quality assure
2 ourselves. So the company that makes them sends us
3 samples, and we make sure that there is no
4 contamination with the locks. This is an example of
5 what's in the kit. It's called a particle lift.
6 And there are four of these in every kit. They are
7 labeled for the different areas of the hand that we
8 would like sample. The right palm, the right back
9 of the hand, the left palm, and the left back of the
10 hand. And when it's sampled by an officer, they
11 take and the black stick -- and the black part in
12 the center is sticky just like tape. So you would
13 dab it on the hand until it was no longer tacky and
14 put it back in its cover. That's how it was
15 collected, and then it is sealed in the envelope and
16 sent to us.

17 Q. And there are four containers in the kit
18 that you receive?

19 A. Yes, there are four.

20 Q. And you -- and you analyze all four.

21 A. Yes, sir, we do.

22 Q. And each one of the capsules is for a
23 different area of the hands.

24 A. Yes, sir.

25 Q. Why would you be looking or be interested

Whitney Berry-Direct by Finney

1 in examining the hands of a person who is involved
2 in a crime?

3 A. When gunshot residue comes out of a gun,
4 what we're looking for is the primer residue. So
5 that comes from the cartridge or the bullet as it's
6 fired. What happens is the firing pin hits the
7 primer powder in the bottom of the cartridge, and
8 that creates a small explosion. That explosion
9 makes the metal primer super heat to where it is
10 molten. So it goes from what you would you think of
11 is like metal shaving, to a round molten piece of
12 metal.

13 As these pieces of metal cool down in the
14 air and the atmosphere, and they land on things and
15 get deposited, they still maintain their molten or
16 round shape. We look at the hands because that's
17 typically the closest to the gun. The GSR is
18 ejected out of the ejection port on a semi-automatic
19 gun, so whenever it slides back and the cartridge is
20 ejected, it would come out there. It also comes out
21 of a cylinder gap on a revolver. And then the
22 majority of it actually comes out of the muzzle end
23 of the gun and follows the projectile or bullet
24 towards it target.

25 Q. So on the semi-automatic gun, did you have

Whitney Berry-Direct by Finney

1 any occasion to know what kind of gun caused or
2 might have been being examined in this case?

3 A. No, sir.

4 Q. So you didn't have any idea what kind of
5 weapon it was, you were just looking for evidence
6 that was submitted in the test kit.

7 A. Yes, sir. All primer residue essentially
8 has the same three components in it that we're
9 looking for. And these are lead, barium, and
10 antimony. These components are unique to gunshot
11 residue or gun primer residue. So they're unique
12 when you find all three of them molten together in
13 the same particle. There are no other sources for
14 those if they're a likely contaminant.

15 Q. So once you do your examination, if you
16 find evidence of those three elements, say them
17 again. Barium.

18 A. Barium, lead and antimony.

19 Q. Those are what you're looking for.

20 A. Yes.

21 Q. If you find the presence of those three
22 elements then you are aware, then you are positive
23 that that's a gunfire evidence.

24 A. Yes, they have -- there are
25 specifications; such as, they have to be round. So

Whitney Berry-Direct by Finney

1 we're looking for those round components that
2 indicate that it was under the high heat and
3 pressure that you would expect from gunfire. But
4 yes, we're looking for those elements.

5 Q. How many kits, evidence kits, did you
6 receive from Sumter County?

7 A. I received three gunshot residue kits that
8 were collected from hands of people.

9 Q. Three different people?

10 A. Yes.

11 Q. Can you give us -- let's just start with
12 the first one. Which was the first kit that you
13 gave analysis to?

14 A. I received one GSR kit from Tyrese Archie.

15 Q. And did you have any idea who Mr. Archie
16 was?

17 A. I was told he was the victim.

18 Q. Did you know whether he, at the time his
19 hands were done by a detective, did you know whether
20 he was alive or dead?

21 A. I would have to reference my notes. We do
22 have that information.

23 Q. Would it make a difference to your
24 examination?

25 A. Yes, sir. It does indicate that he was

Whitney Berry-Direct by Finney

1 deceased on the gunshot residue information form
2 that was submitted with his kit.

3 Q. Tell the jury why it would make a
4 difference whether he was alive or dead.

5 A. When a person is living, we don't expect
6 to find gunshot residue on their hands after 6 hours
7 from the incident time. So we, sled's policy is, we
8 won't analyze if it's collected after 6 hours off of
9 a living person. Off a deceased person, we no
10 longer have that time frame because they're
11 deceased. So they're no longer doing normal every
12 day activity; such as, rubbing their hands together,
13 or putting their hands in their pocket, washing
14 their hands. None of these things are happening.
15 They're not sweating it off. It's not absorbing
16 through their skin. So we can find GSR after that
17 6 hour period.

18 On someone who is living, of course, all
19 of those factors; such as, you know, touching
20 things, washing their hands, running, sweating,
21 things just absorbing through the skin, those can
22 eliminate the GSR within the 6-hour period.

23 Q. Would you tell the ladies and gentlemen,
24 what was the result of your examination on the test
25 kit from Mr. Archie?

Whitney Berry-Direct by Finney

1 A. The GSR kit from Mr. Archie, no gunshot or
2 primer residue was found on either one of his hands.

3 Q. And did you make a report of that effect?

4 A. Yes, sir, I did.

5 Q. And what does the absence of gunshot
6 residue on the hands mean to an examiner like you?

7 A. The absence means that they may not have
8 fired a fire -- or discharged a firearm. It means
9 they may have not been in close proximity to the
10 discharge of a firearm. It could also mean that
11 they washed their hands, which on a deceased person
12 is not necessarily the case usually. Or that
13 someone could have been wearing gloves. The hands
14 could have been wiped off, excessive bleeding could
15 have removed some of the GSR. Wind or rain,
16 environmental factors like that, they can remove the
17 GSR.

18 GSR is very delicate. If you imagine that
19 you're in your kitchen and your hands are covered
20 with flour, every time you clap your hands, or touch
21 something, a little bit of that flour comes off.
22 It's very much how gunshot residue can be
23 transferred. So it's very easy and very delicate to
24 get rid of.

25 Q. Very good. What is the next kit that you

Whitney Berry-Direct by Finney

1 looked at.

2 A. The next gunshot residue kit was from
3 Rodney Rodriguez Green.

4 Q. And tell us what examination you did on
5 the kit for Mr. Green.

6 A. I performed normal gunshot residue
7 examination where we load these particle lifts into
8 a scan electron microscope. And we set it up, and
9 it's on an automated run where it just sweeps back
10 and forth across the top of the particle lift, with
11 an electron beam. It's kind of like a laser beam.
12 And anything it finds, it makes a little note in the
13 computer program. And it takes a picture of that
14 particle. And it takes also a spectrum of that
15 particle, like an x-ray spectrum. And that will
16 tell us what it's made of for every particle.

17 Q. And you're only looking for round molten
18 particles, is that right?

19 A. Yes, sir. So once the automation is
20 complete, we have to go back and manually go
21 through. It will categorize and say, these are
22 antimony particles. But then we have to go through
23 and verify the shape, morphology, and make sure that
24 they're free of any contaminants.

25 Q. Did you find from the examination of the

Whitney Berry-Direct by Finney

1 test kit for Rodney Green, did you find the presence
2 of gunshot residue?

3 A. Yes, I did.

4 Q. Which part of the hand of Mr. Green did
5 you find the gunshot residue on?

6 A. I found it on his right palm.

7 Q. And the right palm would be the inside
8 portion of his right hand?

9 A. Yes, it would.

10 Q. Did you find any indication of gunshot
11 residue on the back of the right hand?

12 A. No, sir, I did not.

13 Q. What about the left hand, palm or back?

14 A. I found no gunshot residue there.

15 Q. So the evidence that you were submitted,
16 showed a positive result on this right palm of
17 Rodney Green.

18 A. Yes, sir.

19 Q. What does indicate to you?

20 A. When we do gunshot residue analysis, we're
21 looking for a population of particles. So one or
22 two particles by themselves may not hold necessarily
23 as much weight as if you found a bunch of three
24 component GSR particles with some round lead
25 particles or some round antimony particles with them

Whitney Berry-Direct by Finney

1 to back them up and support them.

2 So in this case, we could say he could
3 have been vicinity to the discharge of a firearm.
4 So that means he could been standing near someone
5 who fired. He could have fired it. Or he could
6 have come into contact with something that was in
7 the vicinity to the discharge of a firearm; such as,
8 if the gun was discharged over a table, touching the
9 table, or just picking up the gun or ammunition.

10 Q. Did you also have occasion to test for a
11 person by the name of Rodney Green? I'm sorry,
12 Ray'Quann Jenkins?

13 A. A GSR kit was submitted from a Ray'Quann
14 Mondell Jenkins. However, I could not analyze that
15 kit, because it was collected after 6 hours of the
16 incident time.

17 Q. And did you know why it was collected 6
18 hours after?

19 A. No, I do not.

20 Q. And so because it was collected, how did
21 you know it was collected 6 hours after?

22 A. Every GSR kit has a worksheet in it that
23 needs to filled out. We require the information of
24 the name of the person that it was being taken from.
25 Whether the suspect or subject that it's being taken

Whitney Berry-Direct by Finney

1 from is living or deceased. And then we have to
2 have the date and time of the incident, as well as,
3 the date and time of the collection in order to
4 analyze it.

5 Q. May I see that, please, ma'am?

6 A. Yes, sir.

7 Q. And the name of the collecting officer,
8 his name would be on here?

9 A. Yes, it's up at the top.

10 Q. And tell the ladies and gentlemen who
11 collected it.

12 A. This was collected by Greg Hawkins.

13 Q. And what date was it collected on?

14 A. It was collected on March 16th 2014.

15 Q. But it was 6 hours after the incident
16 date.

17 A. It was 6 hours after the incident time,
18 yes.

19 Q. Very good. Now did you also receive from
20 Sumter County, a piece of evidence identified as a
21 long sleeved white polo shirt?

22 A. Yes, sir, I did.

23 Q. And did you do a GSR examination on the
24 long sleeved white polo shirt?

25 A. Yes, sir, I did.

Whitney Berry-Direct by Finney

1 Q. Tell the jury what was your report on
2 that shirt.

3 A. On that shirt I found one particle of
4 gunshot residue. So that could indicate that the
5 shirt may have been in the vicinity to the discharge
6 of the firearm, or come into contact with something
7 that was.

8 Q. Would if the shirt that you are talking
9 about had the particle on it, are we certain that
10 you have identified that particle as gunshot
11 residue?

12 A. Yes.

13 Q. If that one particle of gunshot residue
14 was on that shirt, would you say that it was either
15 in close proximity to a fired weapon, or it had come
16 into a contact with a gun that had GSR particles on
17 it?

18 A. Both scenarios are equally as likely.

19 Q. And you don't know which one is more
20 likely from the fact that there's a particle on it.

21 A. No, sir.

22 Q. Let me ask you this, in your opinion, if
23 the, if the article, the white shirt, was not at
24 the -- was not in close connection to the firing of
25 the weapon would -- could it be explained that the

Whitney Berry-Cross by Johnson

1 particle got on the shirt because it was in close
2 proximity to the gun?

3 A. Yes, sir, that could be possible.

4 MR. FINNEY: I beg the court's indulgence.

5 THE COURT: All right.

6 Q. Let me ask you one more question. Does
7 the type of ammunition have anything to do with the
8 kinds of particles that you would be likely to find?
9 For example, does a smaller caliber ammunition, is
10 it harder to find GSR as opposed to a larger caliber
11 ammunition.

12 A. No, not necessarily.

13 MR. FINNEY: Very good. I beg the court's
14 indulgence. Answer any questions Mr. Johnson may
15 have, please. Thank you for coming.

16 Cross Examination by Mr. Johnson:

17 Q. Good morning.

18 A. Good morning.

19 Q. Good to see you again. A few questions.
20 Gunshot residue. Let's talk about transfer.

21 A. Okay.

22 Q. Please explain it to the jury what
23 transfer is.

24 A. Transfer is the process where you may have
25 something on your hands, and you can touch a

Whitney Berry-Cross by Johnson

1 surface, and some of what is on your hand can come
2 off. Then perhaps another person can come behind
3 you, and they could touch that same spot, and then
4 suddenly they would have up what was on your hand.
5 It's the same way that germs are spread, is a good
6 way to think about it. Gunshot residue can be
7 transferred the same way.

8 Q. So it could be transferred from one
9 individual's hands to another individual?

10 A. It's possible.

11 Q. Suppose say, an officer who came in
12 contact with a gun that had been fired, and then
13 grabbed someone else's hands after he had touched
14 that gun, could it possibility it could be
15 transferred that way?

16 A. There's potential for it. I can't say
17 whether or not it would have happened for sure.

18 Q. Right, but there's possible. Suppose an
19 individual falls in an area like and have his hands
20 say in sand, or in a pile or something where there
21 might be some particles there, is it possibility it
22 could be transferred that way?

23 A. It could be. In the situation that you
24 just gave me with sand, that would cause issues with
25 the analysis where we wouldn't really be able to see

Whitney Berry-Cross by Johnson

1 very much of anything.

2 Q. It would determine on how much gunshot
3 residue you could detect, correct?

4 A. What happens with things like sand is, it
5 creates a defect called charging whenever we go to
6 analyze it, because it's a reflective material. So
7 we would have to specially treat the sample in that
8 case, and we would carbon code it. So we would put
9 a layer of carbon over the top of it, and that would
10 kind of block out some of the charging. Whether or
11 not we would be able to find gunshot residue, we
12 might be able to, but because we have to look for
13 specific shapes, the charging may distort the shape
14 some.

15 Q. Now you was asking about the white shirt.

16 A. Yes, sir.

17 Q. The residue found on the white shirt. You
18 found one particle, correct?

19 A. Yes, sir.

20 Q. But I notice you put one particle. How
21 many particles did you find on Mr. Green's hands?

22 A. I found two.

23 Q. Two?

24 A. Yes, sir.

25 Q. Is that a lot?

Whitney Berry-Cross by Johnson

1 A. Not compared to some cases.

2 Q. Okay.

3 A. I mean how much is deposited by a gun
4 depends on the caliber of gun, the cleanliness of
5 the gun, the condition of the gun, any environmental
6 situation, if this was outside, if it was windy, if
7 it was raining. So there is really no set amount of
8 gunshot residue you could expect to find from firing
9 a specific gun. There are some guns where we've
10 tested in our lab, that we know someone just fired
11 it, and we sample their hands and they were
12 negative.

13 So you can't say for sure how much you
14 would expect from firing of the gun.

15 Q. So in that circumstances if you could fire
16 a gun and not be on your hands, well let me ask you
17 this, how long have you been doing this?

18 A. Two and a half years.

19 Q. How many guns -- how many examinations do
20 you think you have done over that two and a half
21 years?

22 A. I probably did about 200 cases while I was
23 in training for 9 months. They averaged about two
24 and a half kits a piece. I currently have, I think
25 the last count we did, I've done around 750 GSR

Whitney Berry-Cross by Johnson

1 kits. Not necessarily cases but kits.

2 Q. Can you give the jury any idea what's a
3 typical -- what would you consider an average amount
4 of particles that you normally would examine from
5 the gunshot residue?

6 A. There's really no average or normal when
7 it comes to that unfortunately. Every case is
8 different. It's all case dependent. It's all case
9 specific.

10 Q. But you would admit that 1 and 2 is on the
11 low end.

12 A. Again, I can't testify to what the gun
13 physically would have deposited to start with.

14 Q. Now when -- how many hours after the
15 incident did they take Mr. Green's examination?

16 A. His gunshot residue kit was collected
17 approximately 4 hours after the incident time.

18 Q. So about 4 hours.

19 A. About 4 hours.

20 Q. And therefore it was not immediately
21 thereafter. I mean, so that it's safe to assume
22 that's not immediately thereafter, correct?

23 A. Correct.

24 Q. Do you know who took it?

25 A. The GSR information sheet says Greg

Whitney Berry-Cross by Johnson

1 Hawkins.

2 Q. Now if the shirt that was found had one
3 particle that you say would indicate some location
4 to a gun or connection with a gun, if that shirt did
5 not belong to the defendant, that would indicate
6 that it would be a second person, correct?

7 A. It could. Everything submitted or
8 everything that comes into sled is on a said to
9 contain basis. So whenever it's logged in, whatever
10 the person whose submitting the evidence says it
11 belongs to, that's who we are going to believe it
12 belongs. So in this case it said it was collected
13 from Rodney Green. So our report says, collected
14 from Rodney Green. I don't know if it actually came
15 from him, or who it came from.

16 Q. So the report says it was collected from
17 Rodney Green?

18 A. It says one long sleeved white polo shirt,
19 submitted as SCSO PR number outer shirt collected
20 from Rodney Green.

21 Q. That's interesting. And how many hours
22 did they do the gun residue on the deceased?

23 A. On the deceased, it was collected
24 approximately an hour and a half after the incident.

25 Q. Okay. Does it say where it was collected?

Whitney Berry-Cross by Johnson

1 I mean, the location?

2 A. I don't know. It does not say whether it
3 was collected at the scene or anywhere else. It
4 didn't say where it was collected.

5 Q. And for someone undergoing medical
6 treatment, would it be unusual that if possible that
7 the residue -- if there was any residue there, that
8 it could be wiped off from being treated for the
9 medical treatment?

10 A. It could be, but in my experience the
11 majority of victims do have gunshot residue on them.

12 Q. So this was unusual to your experience
13 that they didn't have gunshot residue on them.

14 A. It depends on distance. Like how far away
15 the victim was from the gun. The different caliber
16 guns you can expect gunshot residue to go different
17 distances. So I don't know how far away he was from
18 the gun. So the majority of the cases, you know, I
19 would say I see GSR on a victim. That's not
20 surprising just because they're the victim of
21 gunshot wound. But then I do see cases where
22 they're negative. And that was because there was an
23 intervening object; such as, a window or a door or
24 car in between them and the gun. Or perhaps they
25 were of a greater distance away.

Whitney Berry-Cross by Johnson

1 Q. Right. So distance away would also effect
2 whether there was gunshot residue on the victim,
3 correct?

4 A. It could, yes.

5 Q. Is there any type of distance? I mean I
6 am not sure you can answer this if it is one. Is
7 there amount of distance where you would suspect to
8 be gunshot residue and some distance where it would
9 take away?

10 A. This is a 45 caliber.

11 Q. Uh-huh. (Affirmative.)

12 A. So on a 45 caliber we would probably
13 expect to find gunshot residue. The average would
14 be about 6 feet. So we could find it, or we could
15 stop finding it at 5 feet. We could find it at
16 8 feet, but the average would be 6 feet. That's
17 where we would expect to see it.

18 Q. So without the gunshot residue on this,
19 not knowing the exact figures, it's safe to say,
20 well I don't know if it's safe to say, but you
21 possibly say that the shot was taken at least
22 6 feet, or further away because no gunshot residue
23 on the deceased.

24 A. It's possible. But again, it would also
25 depend on the condition of the gun. If it was a

Whitney Berry-Recross by Finney

1 clean gun, perhaps not.

2 Q. But it definitely was not a close up shot.

3 A. I mean, I can't really say that. I wasn't
4 present.

5 MR. JOHNSON: Okay. One second, Your
6 Honor.

7 Q. And just for clarification when you
8 received that shirt, the white shirt, as you wrote
9 on here, you were told by the police that it was
10 collected from Rodney Green.

11 A. That's how it was submitted. That's how
12 it was logged in.

13 MR. JOHNSON: No other questions.

14 THE COURT: Redirect.

15 Redirect Examination by Mr. Finney:

16 Q. Agent, there was a question asked of you
17 earlier about an officer touching a handgun, and
18 then transferring the powder to a suspect. If an
19 agent had on a green latex glove at the time she
20 handled the firearm as is shown in State's Exhibit
21 No. 25, and then took off the glove, would she be
22 able to transfer anything on the glove to the
23 suspect?

24 A. No, I don't believe so.

25 Q. And if a person was shot with a 45 caliber

Officer Derron Soloman-Direct by Finney

1 from a distance of 20 feet away, would you expect to
2 see any gunshot residue on the victim?

3 A. No.

4 MR. FINNEY: Nothing further.

5 MR. JOHNSON: I have no other questions.

6 THE COURT: Thank you very much,
7 Ms. Berry.

8 MR. FINNEY: I'd ask that the witness be
9 excused, Your Honor.

10 MR. JOHNSON: I have no objection, Your
11 Honor.

12 THE COURT: You can leave, ma'am, or you
13 can stay. Everybody okay?

14 MR. FINNEY: We would call Derron Soloman.

15 THE COURT: Everybody on the jury all
16 right. Mr. Soloman.

17 Derron Soloman, being first duly sworn,
18 being first duly sworn.

19 THE BAILIFF: Please state your full name
20 and spell your last name for the record.

21 A. Derron Soloman. S-O-L-O-M-A-N.

22 Direct Examination by Mr. Finney:

23 Q. Mr. Soloman, Officer Soloman, tell us
24 where you work?

25 A. I work at Sumter County Sheriff's office.

Officer Derron Soloman-Direct by Finney

1 Q. And as a result of working there, what is
2 your job duties?

3 A. I am a crime scene investigator. What I
4 do is in-house. I do all the evidence, as far as,
5 office job. Outside the office, I do all crime
6 scene processing. I do as far as burglaries,
7 murder scenes, suicides. Just about everything that
8 calls to be processed outside, as far as,
9 fingerprints as well.

10 Q. Do you take fingerprints?

11 A. I do.

12 Q. And do you take photographs?

13 A. Yes, sir.

14 Q. And do you collect evidence?

15 A. Yes, sir.

16 Q. And as a result of those jobs, do you have
17 to maintain certain evidence logs in the evidence
18 room for the Sumter County Sheriff's Department?

19 A. Yes, sir. Just about everything that
20 comes, no matter where it comes from as far as
21 processing or any scenes, it comes to me.

22 Q. Now do you have records, as the evidence,
23 and if you don't mind, I am just going to call you
24 the evidence technician. Do you have records as the
25 evidence technician of things that were taken and

Officer Derron Soloman-Direct by Finney

1 collected into evidence in the Rodney Green case
2 where he was a suspect?

3 A. Yes, sir.

4 Q. Do you have a case number that was
5 assigned to that case?

6 A. Yes, sir, I do.

7 Q. And is that case number given to a case
8 once the incident is reported to the police, and an
9 investigator is assigned to the case?

10 A. Yes, sir.

11 Q. What is the case number in the case that
12 we're talking about today?

13 A. The case number that I have is 14039109.

14 Q. And does that number appear on all of the
15 official reports that come out of the Sumter County
16 Sheriff's Department in relation to this case?

17 A. Yes, sir.

18 Q. Now in reviewing your records, do you see
19 that case number what's been marked as State's
20 Exhibit No. 35 for Id.?

21 A. Yes, sir.

22 Q. Could you point it out to the ladies and
23 gentlemen of the jury?

24 A. It is right here on the top of the box in
25 this case because it has sled stickers on it. But

Officer Derron Soloman-Direct by Finney

1 normally we'll put it on the side of the box where
2 the bar code with all the information on it, as far
3 as the building number, gun room number, and the vin
4 number in which it's placed in.

5 Q. So this tag here on the backbone of the
6 box, is a Sumter County sticker?

7 A. Yes, sir.

8 Q. And this is the case number.

9 A. Yes, sir.

10 Q. And then you say it was sent to sled.
11 Does sled have identifying marks on this box?

12 A. Yes, sir.

13 Q. Once sled did the analysis on the firearm,
14 did sled return it back to Sumter County?

15 A. They did.

16 Q. And do you know when it was returned back?

17 A. Let me check. I don't see it in my
18 property report, but it was returned back.

19 Q. And once it was returned back from sled,
20 where did it come to?

21 A. It came back to the evidence room. You
22 have to go -- the gun room is actually located
23 inside the evidence room, so you have to go through
24 the main door in order to get the locked door on
25 which the gun was held.

Officer Derron Soloman-Direct by Finney

1 Q. And has it been held there until the call
2 of this case this week, where you brought it over
3 for us to look at today?

4 A. Yes, sir.

5 MR. FINNEY: Your Honor, at this point, I
6 would move State's Exhibit 35 into evidence.

7 THE COURT: Mr. Johnson.

8 MR. JOHNSON: I have no objection, Your
9 Honor.

10 (45 caliber marked State's Exhibit No. 35
11 into evidence.)

12 Q. Officer Soloman, did you also receive back
13 from sled, a heat sealed envelope containing 3 fired
14 shell casings, which has been marked as State's
15 Exhibit 34?

16 A. Yes, sir.

17 Q. And once that item was received back from
18 sled, where was it maintained?

19 A. It was maintained inside the gun box,
20 inside the evidence room, locked.

21 Q. Inside the gun box we just talked about?

22 A. Yes, sir.

23 Q. And inside the evidence room?

24 A. Yes, sir.

25 Q. And have you maintained that evidence in

Officer Derron Soloman-Direct by Finney

1 the same condition until we asked for it to be
2 brought to court?

3 A. Yes, sir.

4 MR. FINNEY: Your Honor, I would move
5 State's 34 into evidence at this time.

6 THE COURT: Any objection?

7 MR. JOHNSON: No objection, Your Honor.

8 THE COURT: 34 is in.

9 (Three fired shell casings marked State's
10 Exhibit No. 34 into evidence.)

11 Q. Did you bring today, Officer Soloman,
12 evidence that was collected by the crime scene
13 investigators on the night of the shooting at Club
14 Miami?

15 A. Yes, sir.

16 Q. Do have a report showing that several
17 items of white clothing were collected by the crime
18 scene investigators from Mr. Rodney Green on the
19 night of the 16th?

20 A. Yes, sir.

21 Q. And were those collected and maintained in
22 the Sumter County evidence room until they were sent
23 to sled?

24 A. Yes, sir.

25 Q. And when they were sent to sled, they were

Officer Derron Solomon-Direct by Finney

1 sent for what type -- what purpose?

2 A. In this case it was sent for a GSR trace.

3 Q. And once the report or the examination was
4 done at sled, were those clothing items from Rodney
5 Green returned back to Sumter County?

6 A. Yes, sir, they were.

7 Q. And where were they maintained?

8 A. They were maintained in the evidence room
9 on the shelves in which it was located at.

10 Q. At this time, can you tell us,
11 particularly, do you have a list of those items
12 particularly?

13 A. Yes, sir, I do.

14 Q. Tell the ladies and gentlemen, what items
15 you have on your evidence sheet.

16 A. From that, from the clothing?

17 Q. Yes, sir.

18 A. I have a hat, a tee-shirt, an under
19 tee-shirt, a pair of jeans, and a pair of shoes.

20 Q. And all of those items were collected
21 under Rodney Green's name.

22 A. Yes, sir.

23 MR. FINNEY: At this point, Your Honor, I
24 would like to have those items, they're in a white
25 bag. I would just like to mark them as one exhibit,

Officer Derron Soloman-Direct by Finney

1 under one number.

2 THE COURT: Was it four or five things? A
3 hat, tee-shirt and was there another tee-shirt?

4 MR. FINNEY: Yes, sir. There was like an
5 under tee-shirt.

6 THE COURT: So a tee-shirt, and then
7 another tee-shirt?

8 MR. FINNEY: Two shirts, a hat, a pair of
9 pants, and a pair of shoes.

10 THE COURT: Those will be marked as one
11 exhibit, you're asking, Mr. Finney?

12 MR. FINNEY: That's correct, Your Honor.

13 THE COURT: I will let you and Mr. Johnson
14 and the court reporter deal with the most efficient
15 way to do that. But they certainly can be marked.
16 Mr. Johnson, he wants to mark the clothes. I assume
17 in that bag.

18 MR. FINNEY: I just want to mark the bag.

19 MR. JOHNSON: Your Honor, can we approach?

20 THE COURT: Uh-huh. (Affirmative.)

21 MR. FINNEY: Just mark it for Id.

22 (Bag of clothes marked State's Exhibit No.
23 36, A-E for Id. only.)

24 (Whereupon, attorneys approach and confer
25 with judge.)

Officer Derron Soloman-Direct by Finney

1 THE COURT: The plastic bag will 36. And
2 just to make sure the record is clear, if it becomes
3 necessary to identify each one I will allow them to
4 be sub-marked 36 A through E.

5 Q. Mr. Solomon, I want to show you what's
6 been marked as State's Exhibit No. 29. It's a
7 white, long sleeved, I think it's triple x shirt.
8 Do you have any records of having that item in the
9 evidence room, taken into the evidence room?

10 A. Yes, sir.

11 Q. What do you have it described as?

12 A. It was described as a, on the property
13 description, it has WM, which means it will be
14 miscellaneous. And then you then have a description
15 which be cloth tee-shirt. Cloth.

16 Q. Does it say long sleeved?

17 A. On the shirt, I mean on the sheet it says,
18 Tandem Harland which would be, I guess will on the
19 tag. Which will be a description of the shirt. It
20 doesn't have long sleeved or.....

21 Q. Does that item have anything to do with
22 Mr. Jenkins, or Mr. Archie, or Mr. Green? Does it
23 say?

24 A. No, sir, It doesn't.

25 Q. I am wondering. Is there -- do you know

Officer Derron Soloman-Direct by Finney

1 if that item is in court right now?

2 A. Yes, sir. It should be in a bag.

3 Q. In the white bag?

4 A. Yes, sir.

5 Q. And you say it has a tag name or like a
6 company name that made it?

7 A. Yes, sir.

8 Q. What is that company name?

9 A. It's I guess it's pronounced Tanu Harland.
10 T-A-N-U, Harlem.

11 Q. Yes, sir. So that's the white shirt. Do
12 you have a piece of evidence that is described as a
13 pole or Ralph Lauren Polo, white shirt, long sleeve?
14 Let me ask you if you might look at that, and see if
15 that item is right.

16 A. Yes, that would be the voucher, in which
17 it was submitted.

18 Q. Submitted where?

19 A. To the Sumter County Sheriff's Office.

20 Q. Do you know whether that item is in court
21 with you today?

22 A. I didn't had a chance to go through the
23 actual bags.

24 Q. And let just ask you while you are on the
25 stand. There were the other articles and items

Officer Derron Soloman-Direct by Finney

1 submitted to the evidence room, which you have
2 custody of, that you have brought to court today?

3 A. Yes, sir.

4 Q. Do you clothing that was taken from
5 Mr. Archie?

6 A. Yes, sir.

7 Q. Do you have clothing that was taken from
8 Mr. Ray'Quann Jenkins?

9 A. Yes, sir.

10 Q. Do you have things like cell phones,
11 cigarette lighters, cash money, a tennis shoe, these
12 other items that were collected that are in the
13 evidence room associated with this case?

14 A. Yes, sir.

15 Q. Now let me ask you a couple of questions.
16 When did you become the evidence custodian?

17 A. I became the evidence custodian on July
18 3rd 2013, when I was promoted from patrol.

19 Q. And did you go yourself to the Club Miami
20 on March 16th 2014?

21 A. No, sir, I didn't.

22 Q. And you weren't the evidence technician a
23 that time?

24 A. No, sir.

25 Q. Now who was?

Officer Derron Soloman-Direct by Finney

1 A. Jim Atkinson was at the time.

2 Q. And who would have collected the evidence
3 on March 16th? Do you have any records showing who
4 collected the evidence on March 16th?

5 A. Yes, sir. The name on the property
6 reports, some of them will say Mike Bean or whoever
7 was the investigator at that time.

8 Q. Is Mike Bean still associated with the
9 Sumter County Sheriff's Department today?

10 A. No, sir.

11 Q. He no longer works there?

12 A. No, sir.

13 Q. Now who was the evidence custodian in
14 charge of the evidence once it was collected and put
15 into the evidence room in March of 2014? Who had
16 the job before you had the job?

17 A. Jim Atkinson.

18 Q. Jim Atkinson. Is he associated with the
19 evidence room now?

20 A. Yes, sir. No, no, no. No, sir, he's not.

21 Q. He no longer works in that capacity.

22 A. No, sir, he doesn't work in there.

23 Q. So basically the keys to the room were
24 given to you when those gentlemen left.

25 A. Yes, sir.

Officer Derron Soloman-Cross by Johnson

1 Q. And you took over in July?

2 A. Yes, sir.

3 Q. And when you took over in July, the
4 evidence that was collected at the Club Miami was in
5 the room turned over to you.

6 A. Yes, sir.

7 Q. You've maintained it since that time and
8 brought it to court today.

9 A. Yes, sir.

10 MR. FINNEY: I don't have anything
11 further. Answer any questions Mr. Johnson may have.

12 THE COURT: Mr. Johnson.

13 MR. JOHNSON: Thank Your Honor. May it
14 please the court.

15 Cross Examination by Mr. Johnson:

16 Q. Good afternoon. Your Honor, can I
17 approach the witness.

18 THE COURT: Yes, sir.

19 Q. How about take a look at that. Can you
20 tell me what that is?

21 A. This is a property evidence voucher.

22 Every -- any evidence that is submitted to the

23 sheriff's office, it has been to submitted with a

24 voucher. Once that voucher is submitted, it's

25 turned over to me, and I get it the next morning, or

Officer Derron Soloman-Cross by Johnson

1 whenever the evidence is submitted and then we go
2 about it like that. I look at the evidence. Look
3 at the voucher and make sure that everything matches
4 up, and it's submitted and turned over.

5 Q. Now who types that up?

6 A. Whoever submitted the evidence at the
7 time.

8 Q. So and it wouldn't be, just say if you was
9 in the evidence locker, this would already be typed
10 up when it was brought to you.

11 A. Yes, sir.

12 Q. So if you look the form about three pages
13 down, as a matter of fact, Your Honor---

14 THE COURT: Well you can show it to him.
15 It's not in evidence.

16 MR. JOHNSON: Right.

17 THE COURT: You can point it out
18 to him, three whatever down.

19 Q. It says, date and time seized, what does
20 that mean?

21 A. Date and time seized means the date that
22 it happened, and the time it was seized by the
23 officer.

24 Q. Now if that date and time is incorrect
25 with the evidence, it is your understanding would be

Officer Derron Soloman-Cross by Johnson

1 a break in the chain of custody?

2 A. Not necessarily. What a lot of times the
3 date would be exact. But the time, like when say
4 you, it's seized, is when you take it over as far as
5 when you collect it yourself, and then you bag it.
6 But it can be on the scene like just sitting there,
7 but you have to say what time you collected it.

8 Q. But the date would have to be correct,
9 right?

10 A. Yeah.

11 Q. But if the date was incorrect, then that
12 would be a broken. In your understanding, it would
13 be a break in the chain of custody, correct?

14 A. I really can't...

15 Q. I mean, you have been trained about it.

16 A. Yeah, but like I'm saying with that, if
17 this happened like on the 16th, then, you know, it
18 would have to be March 16th, and whatever time you
19 collected it.

20 Q. In your training.

21 A. Uh-huh. (Affirmative.)

22 Q. What have you been told about a break in
23 the date if it's not correct?

24 A. I've been told in my training was when you
25 are collecting evidence, you collect it. But, you

Officer Derron Soloman-Cross by Johnson

1 know, it may not be that time when you actually
2 collected the evidence. So you may collect it at 3
3 o'clock in the afternoon, but you don't finish your
4 paperwork and everything until 5. So you collect it
5 at 3 o'clock, but you don't turn it in until 5,
6 because you're trying to get everything situated
7 while the paperwork is being turned in.

8 Q. Let's try it again. If the date is
9 incorrect from your training.

10 A. Uh-huh. (Affirmative.)

11 Q. What have you been told that indicates?

12 A. I'm not....

13 Q. On your training. I'm not asking you to
14 make up anything. Haven't you been trained?

15 A. Yes, I have been trained.

16 Q. And you've trained about chain of custody,
17 correct?

18 A. Yes.

19 Q. You collect the evidence at first, right?

20 A. Yeah.

21 Q. And if you have been told that if the date
22 is not correct, it's a break in the chain of
23 custody, correct?

24 A. I'm not....

25 Q. That's okay. You're ain't got to answer.

Officer Derron Soloman-Cross by Johnson

1 A. Yeah, because I'm not -- as far as chain
2 of custody my concern is like, it's about me, if I'm
3 collecting it, it's about giving it to the next
4 person, to the next person, to the next person.
5 Like who all touches it, and that's when it breaks
6 the chain of custody.

7 Q. I'm not asking about you. I'm just asking
8 about your training.

9 A. Well I'm just saying, I'm just giving you
10 an example in general.

11 Q. I'm asking you about your training.

12 A. Uh-huh. (Affirmative.)

13 Q. The training that you received.

14 A. I'm going to get whatever goes on this
15 sheet. I don't -- I'm going to handle what's on
16 this sheet.

17 Q. I'm not trying to put this sheet on you.
18 I'm just asking you about your training. In your
19 training, haven't you been instructed that if the
20 date is not correct when the time that an item is
21 seized, that is very -- let me put it this way.
22 Haven't you been instructed, that it's very
23 important to be exact about the date more so than
24 the exact time, just as long as the date is correct?
25 Because you have to have a chain of custody?

Officer Derron Soloman-Cross by Johnson

1 A. You have to have a chain.

2 Q. And an incorrect date could be a broken
3 chain of custody, correct?

4 A. It can.

5 Q. That's all I have been asking you.

6 A. All I'm trying to clarify what you were
7 getting at.

8 Q. I understand. Now you have all these in a
9 bag when they was given to you. Were they kept in
10 this same bag, or were they in separate boxes or
11 what? How was the item kept?

12 A. It was in that same bag.

13 Q. So all of them came in one bag.

14 A. Those items came in one bag. Each item
15 was separated, but it came in one bag.

16 MR. JOHNSON: Okay. No other questions.

17 THE COURT: Redirect?

18 MR. FINNEY: Not at this time, but I
19 reserve the right to recall him.

20 THE COURT: Thank you, sir. You can step
21 down.

22 MR. FINNEY: Your Honor, at this
23 time, I have a matter for the court.

24 THE COURT: Ladies and
25 gentlemen, if you would please, as soon as the

Officer Derron Soloman-Cross by Johnson

1 witness clears the stand, I am going to ask you to
2 go to your jury room momentarily. You may not
3 discuss the case at all. I'll have you back out
4 shortly. Thank you.

5 (Whereupon, the following takes place
6 outside the presence of the jury.)

7 THE COURT: Mr. Finney.

8 MR. FINNEY: May I have a moment, Your
9 Honor?

10 THE COURT: All right.

11 MR. FINNEY: Your Honor, at this
12 time, I am going to bring a matter to the court's
13 attention.

14 THE COURT: All right.

15 MR. FINNEY: Mr. Johnson has
16 advised me that he wants me to get as a witness,
17 the man that put the evidence in. That would be
18 Officer Mike Bean. Officer Mike Bean and I had a
19 conversation about a week or so ago, asking for
20 him to be available for me. He is under medical
21 orders not to participate in any work related
22 activities regarding his former job as the
23 evidence technician.

24 My information is that he has
25 been diagnosed with some PTSD, and he cannot be

Officer Derron Soloman-Cross by Johnson

1 called to come as a witness, or talk about events
2 and things that he participated in, because it
3 will trigger a negative reaction. In that regard,
4 I'm asking the court to allow me to get the
5 evidence that this witness, that this last witness
6 has as his official duties into evidence, without
7 having to call Mr. Bean.

8 THE COURT: From my past
9 experience Mr. Bean would be the one who would
10 go to the scene, take the photographs, and perhaps
11 collect evidence That's what you're talking about?

12 MR. FINNEY: That's what I'm talking
13 about.

14 THE COURT: I've seen the, you
15 know, emblems that are put in various crime
16 scenes, one, two, three, whatever. Those are the
17 ones that he places and then takes photographs.

18 MR. FINNEY: That's correct.

19 THE COURT: Just while we're
20 talking, what were his activities in this case?

21 MR. FINNEY: The same. We have
22 about four photographs that have not been placed
23 into evidence yet, that were taken by Mr. Bean,
24 showing shell casings.

25 THE COURT: Well photographs, as

Officer Derron Solomon-Cross by Johnson

1 you all know, don't have to be vouched for by the
2 person holding the camera for them to come in.
3 Someone else can say that is a fair and accurate
4 representation of what x, y, z looks like at the
5 time in question. So what are you getting at with
6 those photographs?

7 MR. FINNEY: I would like to try
8 to have the photographs put in through
9 Investigator Hawkins. He didn't take the
10 pictures, but he was there at the crime scene, and
11 can identify what's in the pictures.

12 THE COURT: Well that would be
13 proper as long as a foundation was laid, much like
14 Lieutenant Lee saying yeah, that looked like the
15 area of disturbance. I didn't take that picture,
16 but that's an accurate representation of it.

17 MR. FINNEY: My only concern at
18 this point I believe, is the clothing items that
19 were talked about in evidence, in the evidence
20 room, but were not collected by this evidence
21 technician.

22 THE COURT: Evidence technicians
23 usually don't collect them.

24 MR. FINNEY: Mr. Bean collected them, and
25 he is unavailable to the State as a witness.

Officer Derron Soloman-Cross by Johnson

1 THE COURT: Mr. Johnson.

2 MR. JOHNSON: Your Honor, I
3 wasn't aware until just now. If not, I probably
4 would have made the court aware. But now I have a
5 problem, because the gun was collected by an
6 individual where she had the gun from. But all
7 the other items were collected by what's his name,
8 Mr. Bean?

9 MR. FINNEY: What other items?

10 MR. JOHNSON: Now we're talking
11 about the rounds. Not the rounds, the casings.
12 The casings was collected by him, and all the
13 other items were collected by him. If I am not
14 able -- and this case is unique, as far as the
15 location of the gunman, where the rounds was. And
16 without me being able to question him about where
17 he actually picked the items up from, or took
18 these pictures, I'm unable to cross examine him.

19 MR. FINNEY: Mr. Hawkins, who
20 was the chief investigator, who was at the scene
21 that night, would be able to furnish the court and
22 Mr. Johnson with all the information about
23 location, supported by the photographs that were
24 taken.

25 THE COURT: Well I guess as far

Officer Derron Soloman-Cross by Johnson

1 as where I sit, it has to be taken one step at a
2 time. If the investigator or some other officer
3 or even witness on the scene can say enough about
4 those casings and say where they are, what those
5 numbers in those photographs represent, and that
6 Mr. Bean picked them up. The case law is, it's
7 kind of like a little ping pong match about how
8 definitive that chain has to be. It doesn't have
9 to rule out all evidence of tampering. Or it
10 doesn't have to just solidly create a link. It
11 has to create enough of a link where a jury could
12 reasonably conclude that the evidence that you're
13 offering is what it purports to be. Or is what
14 the witness claims what it was.

15 So I can't give you any guidance
16 until I actually hear what the Investigator
17 Hawkins has to say, or someone else would have to
18 say, that would not necessarily alleviate Mr.
19 Johnson's concerns, but satisfy the rules.

20 MR. FINNEY: I understand, Your
21 Honor. And I would purport that there is -- I'm
22 asking the evidence technician to try to find, I
23 don't believe the white long sleeved shirt is in
24 the courtroom with us right now. I would like to
25 have that brought.

Officer Derron Soloman-Cross by Johnson

1 THE COURT: The one from the
2 back seat supposedly?

3 MR. FINNEY: That's right. And
4 it was collected at a different time, and that's
5 probably why it's not in this particular bag.

6 THE COURT: But that's a -- as
7 far as identifying it by Mr. Soloman, that's a
8 different question for Mr. Bean. Because did he
9 collect that shirt too?

10 MR. FINNEY: I don't believe so.
11 I believe Addison collected the shirt. She went
12 to the house with the consent. It's on her
13 consent form.

14 THE COURT: That's a second,
15 kind of a side point to what you're talking about.
16 I have the discretion to allow you to cover that
17 base later. But let's get back to Mr. Bean. I
18 can't -- certainly I can't deny Mr. Johnson's
19 rights to confront the accusers of one of whom is
20 Mr. Bean, by virtue of his job. As whether or not
21 the chain is in tact sufficiently to be supported
22 by the law---

23 MR. FINNEY: I understand.

24 THE COURT: ---I can't address a
25 hypothetical like that.

Officer Derron Solomon-Cross by Johnson

1 MR. FINNEY: And that's why I
2 had them marked for ID. And we will proceed, I
3 would suspect that after lunch, Mr. Hawkins will
4 be my next witness. Maybe the doctor. If she's
5 here, I'll do the doctor so she can leave first.
6 But Mr. Hawkins would be my witness who will lay
7 the foundation for the crime scene, the collection
8 evidence, the photographs, and several other
9 matters that are relative to this case.

10 THE COURT: Well the spent
11 casings, are they already in?

12 MR. FINNEY: Yes, sir.

13 THE COURT: And that's what
14 you've got a problem with?

15 MR. JOHNSON: That's one of the things I
16 have a problem with. Because as I said, I was under
17 the impression that the people collecting it was
18 available. This is the first I was aware that it
19 wasn't available. I mean, we had talked about going
20 outside of schedule just to get people in. But I
21 wasn't aware that Mr. Bean was not available.

22 THE COURT: He wasn't on the
23 witness list at all.

24 MR. FINNEY: That's correct,
25 Your Honor.

Officer Derron Soloman-Cross by Johnson

1 MR. JOHNSON: And, Your Honor, I
2 may have when we return, I guess after if you're
3 going to do the pathologist, I have no objection
4 to that. But I may make a motion if Mr. Bean, if
5 for some reason is ill, and not available. I may
6 have a motion for a mistrial. I don't know. I'll
7 have to think about this.

8 MR. FINNEY: Well as the court has said,
9 once you've heard the testimony of Mr. Hawkins, I
10 think we can address this issue. Because before I
11 go to move any evidence in, you will have a chance,
12 the court will have a chance to rule on whether or
13 not the State has covered the link substantially.
14 So it would allow the introduction of the clothes.
15 And I believe at this point, Your Honor, the shell
16 casings and the clothes would be the only things,
17 other than a few photographs, that the State would
18 be attempting to close.

19 THE COURT: The shell casings
20 are in technically. But as Mr. Johnson said, that
21 was based on his assumption that the collector
22 would be here. But anyway, may we do this. I can
23 release the jury to come back at 2:30.

24 MR. FINNEY: Yes, sir.

25 THE COURT: Between now and one,

Officer Derron Soloman-Cross by Johnson

1 and I'll have to cut you off at one, because of
2 what I told you earlier.

3 MR. FINNEY: Yes, sir.

4 THE COURT: Perhaps we can take some in
5 camera testimony from Investigator Hawkins, or if
6 you would prefer not to do that, before one, that's
7 fine too. I'm just trying to use our time
8 efficiently.

9 MR. FINNEY: If you will give me
10 10 minutes, maybe I can cover the matter so Mr.
11 Johnson can ask the relevant questions he wants to
12 ask.

13 THE COURT: Okay, we'll do what
14 we can. Bring in the jury, please.

15 (Whereupon, the following takes
16 place within the presence of the jury.)

17 THE COURT: Ladies and
18 gentlemen, we are going to stop a little bit
19 earlier for lunch right now. One of the reasons
20 has nothing to do with this case. Don't be
21 concerned about that. I'm going to ask you to be
22 back in your jury room at 2:30. We'll start
23 promptly at that time. In the meantime, you can't
24 talk about the case at all. Just put it out of
25 your mind until you come back at 2:30. Thank you

Investigator Greg Hawkins-Direct by Finney

1 very much.

2 (Whereupon, at 12:37 p.m. jury goes to
3 lunch.)

4 (Whereupon, the following takes place
5 outside the presence of the jury.)

6 MR. FINNEY: We call Investigator Hawkins.

7 THE COURT: Mr. Hawkins, go ahead.

8 Investigator Greg Hawkins, being first
9 duly sworn, testified as follows:

10 THE CLERK: State your full name and spell
11 your last name for the record, please.

12 A. It's Gregory Hawkins. H-A-W-K-I-N-S.

13 Direct Examination by Mr. Hawkins:

14 Q. Mr. Hawkins, you're an investigator with
15 the Sumter County Sheriff's Department?

16 A. Yes, sir.

17 Q. And this is a little in camera hearing.

18 The jury is not here, I just want to cover some
19 issues with you regarding the evidence that's been
20 collected in this case. Did you go to the Club
21 Miami after the call came out about a shooting
22 there?

23 A. Yes, sir. I was one of the investigators
24 on call that evening.

25 Q. And so you were there, did the case get

Investigator Greg Hawkins-Direct by Finney

1 assigned to you as the primary investigator?

2 A. It did.

3 Q. And you are aware of what was going on out
4 there that night in terms of the collection of
5 evidence?

6 A. Yes, sir.

7 Q. Did you know Mike Bean was out there in
8 terms of his participating in the investigation?

9 A. Yes, sir.

10 Q. Now Mike Bean is no longer with the
11 department.

12 A. That's true.

13 Q. Now he left the department. Has it been
14 more than a year that he's been gone?

15 A. I would say so, but I don't remember the
16 exact date that he left, but it seems like it's been
17 more than a year now.

18 Q. And the functions that he was carrying out
19 that night, are they now being carried on by
20 Mr. Soloman the witness that was just up there?

21 A. Yes, sir.

22 Q. And Mr. Soloman is in charge of the
23 evidence that's collected at a crime scene. And
24 also evidence that was collected before he became
25 the evidence technician in cases like this.

Investigator Greg Hawkins-Direct by Finney

1 A. Yes, sir.

2 Q. Did you see have occasion to see
3 photographs taken, and do you know what's the
4 location of things that are in photographs; such as,
5 State's No. 15, which I believe shows the yellow
6 markers on the parking lot area of the Club Miami.

7 A. Yes, sir.

8 Q. And what were those markers put down for,
9 and what do they indicate?

10 A. Those are marking the location where shell
11 casings were that night as I saw them.

12 Q. Can you describe for defense counsel, the
13 location of those markers in the parking lot of Club
14 Miami, relative to the building or a street light,
15 or highway?

16 A. If it's possible, the map that we had
17 earlier, I could point it out to you if that would
18 be easiest.

19 Q. The map that we were using, here it is
20 right here. I believe we cut the system off, the
21 elmo. Is this the map you are talking about,
22 State's Exhibit 23?

23 A. Yes, sir.

24 Q. So the areas that are marked on this map,
25 State's Exhibit No. 23, this item, shows things like

Investigator Greg Hawkins-Direct by Finney

1 casings, Ray'Quann Jenkins, Mr. Archie, Rodney
2 Green, taken into custody, and the gun location.
3 Those things were placed on this map by you?

4 A. Yes, sir.

5 Q. And they were placed on this map relative
6 to your knowledge of where things were that night?

7 A. Yes, sir.

8 Q. Besides the markers that were placed on
9 the ground and then photographed by Mr. Bean, did
10 you also take pictures yourself of Mr. Rodney Green
11 that are -- well there's actually only one in
12 evidence. The one that's in evidence is State's
13 Exhibit No. 9. Did you actually take that picture
14 yourself?

15 A. Yes, sir, I did.

16 Q. Where was it taken?

17 A. At the sheriff's office on North Main.

18 Q. What was the purpose of your taking the
19 picture?

20 A. The witnesses we spoke to that evening,
21 described the shooter as wearing all white. And we
22 thought that was significant that he was wearing all
23 white, to document that at that time.

24 Q. And those clothes that he had on that
25 night, were they all white?

Investigator Greg Hawkins-Direct by Finney

1 A. Yes, sir.

2 Q. Did you collect them and take them and put
3 them into evidence?

4 A. I did.

5 Q. And are those the evidence -- those are
6 the same clothes that are in this white bag, marked
7 as State's Exhibit No. 32?

8 A. Yes, sir.

9 THE COURT: 35?

10 THE REPORTER: 36.

11 MR. FINNEY: 36, I'm sorry, Your
12 honor.

13 Q. So after you took his photograph, the
14 clothes were removed from him and placed into
15 evidence?

16 A. When he was taken to the jail, they had
17 him change into an outfit that they had available.
18 And they were taken at the jail.

19 Q. And there's another photograph, the
20 photograph I just asked you about is State's Exhibit
21 No. 9. Does he have a hat on in that photograph?

22 A. No, sir.

23 Q. There's another photograph, who took this
24 photograph?

25 A. I took that one as well.

Investigator Greg Hawkins-Direct by Finney

1 Q. And this is marked as Defense Exhibit 4.

2 Does it show Mr. Rodney Green in the same outfit?

3 A. The same outfit, but he has a hat.

4 Q. And what color is the hat?

5 A. It's white.

6 Q. And you took this picture?

7 A. Yes, sir.

8 Q. And was the hat collected and put in the
9 bag with the other clothes that you've testified are
10 in bag No. -- State's Exhibit 36?

11 A. Yes, sir.

12 Q. As far as you know, they were put in
13 evidence at Sumter County and maintained there?

14 A. Yes, sir.

15 Q. Now the shell casings that were collected,
16 there brass empty shell casings, were they also
17 collected the night you were out there doing an
18 investigation?

19 A. They were.

20 Q. And were they photographed before they
21 were picked up off the ground?

22 A. They were.

23 Q. I want to show you what's been marked as
24 State's Exhibit No. 20, 21, and 22, and ask if you
25 can identify what's in those photographs.

Investigator Greg Hawkins-Direct by Finney

1 A. That's the three shell casings in the
2 parking lot.

3 Q. And those items are marked with police
4 markers?

5 A. Yes, sir.

6 Q. What do the police markers say?

7 A. One, two and three.

8 Q. And those markers were put down by a man
9 who probably took the photographs? Do you know who
10 took the photographs?

11 A. I actually put the markers down.

12 Q. You put the markers down?

13 A. When I located those casings, I actually
14 put those markers down so they'd be easier to locate
15 the casings as Bean came along to process them.

16 Q. So Bean would have taken pictures, but you
17 put the markers down.

18 A. Yes, sir.

19 Q. So you know where the markers were when
20 you put them down, is that right?

21 A. Yes, sir.

22 Q. And the Bean photographed the location of
23 the markings once you put the markers down?

24 A. He did.

25 Q. And is that shown in State's Exhibit No.

Investigator Greg Hawkins-Direct by Finney

1 15?

2 A. Yes, it is.

3 Q. Now did you search the premises yourself
4 that night along with other officers, looking for
5 other pieces of evidence?

6 A. Yes, sir.

7 Q. Did you see any other shell casings?

8 A. No, sir.

9 Q. Were any other shell casings collected?

10 A. No, sir.

11 Q. Did you see -- did you have anything to do
12 with the collection of the firearm that's been
13 marked and put in evidence as Exhibit 35?

14 A. No, sir.

15 Q. Another officer did that?

16 A. That's correct.

17 Q. And did you have occasion to collect any
18 evidence yourself? Anything yourself?

19 A. I was also handed a bag of clothes that
20 belonged to one of the victims, by EMS. And I
21 handed that over to Mike Bean.

22 Q. And would that have been Mr. Jenkins'
23 clothes?

24 A. I would have to look at the notes, but it
25 would have been Mr. Jenkins, because it is the guy

Investigator Greg Hawkins-Cross by Johnson

1 that they flew out, so it would have been him.

2 Q. And are those clothes have been in
3 custody.

4 A. Yes, sir.

5 MR. FINNEY: Nothing further. Answer any
6 questions Mr. Johnson may have.

7 THE COURT: Mr. Johnson.

8 Cross Examination by Mr. Johnson:

9 Q. Investigator Hawkins, Investigator Bean,
10 he was the -- what was his duties?

11 A. He worked at the crime scene division.

12 Q. Okay.

13 A. He would respond for processing crime
14 scenes, burglaries, major incidents such as this.
15 He would respond to collect the evidence and
16 document the crime scene.

17 Q. So you wasn't trained as a crime scene --
18 I mean, you wasn't trained in his duties, were you?

19 A. We're also trained to process scenes
20 ourselves. When they're not always available, we do
21 have crime scene training.

22 Q. But in this case, you didn't process that
23 scene, did you?

24 A. I was there as he was processing it.

25 Q. Correct, but you didn't process it.

Investigator Greg Hawkins-Cross by Johnson

1 A. I would safe to say that I assisted him,
2 as I helped him put the markers down to document
3 where those casings were.

4 Q. Right. So out of all the markers you put
5 down, you put down three.

6 A. Yes, sir. I put those down so that it
7 would be easy to locate the shell casing again.

8 Q. I understand.

9 A. So it wouldn't get lost.

10 Q. But how many markers did he put down?

11 A. I would have to look at the documentation
12 to see the exact number.

13 Q. And that's because you don't know,
14 correct? Because you didn't put those markers down,
15 correct?

16 A. It's been a year and a half now. Even if
17 I put them down myself, I don't know that I could
18 recall the exact number that were put down.

19 Q. That's not what I am asking you. You put
20 down three markers.

21 THE COURT: Let's just not argue. Let's
22 just get to the point. Does he know how many
23 markers he put down, he said, no.

24 MR. JOHNSON: He's told me he put down --
25 I thought he said, three, Your Honor.

Investigator Greg Hawkins-Cross by Johnson

1 THE COURT: Were put down I said.

2 A. I know there was markers. Those there
3 were put down. There were also markers that were
4 placed in a position where Mr. Ray'Quann Jenkins,
5 where there was blood there. I saw where those were
6 put down. And then I believe there also markers
7 where Mr. Archie was located.

8 Q. But as I said, you didn't put those
9 markers down.

10 A. Not all of them.

11 Q. You put three markers down.

12 A. Yes, sir.

13 Q. That's all you put down, three markers,
14 correct?

15 A. Yes, sir.

16 Q. I've been given a stack of pictures. Your
17 Honor, can I approach?

18 THE COURT: Yes, sir.

19 MR. JOHNSON: I just want to refresh his
20 memory.

21 THE COURT: Those are black and white?

22 MR. JOHNSON: Just black and white.

23 Q. Just take a quick look at them. But those
24 were pictures that were taken from the scene. You
25 didn't take those pictures. I mean, you didn't take

Investigator Greg Hawkins-Cross by Johnson

1 any pictures yourself, did you?

2 A. No, sir.

3 Q. Who took the pictures?

4 A. Mr. Bean should have taken those pictures.

5 Q. So any questions about those pictures you
6 couldn't answer, because you didn't take those
7 pictures, correct?

8 A. Not necessarily. I was a witness to the
9 scene, and that's what it looked like that evening.

10 Q. Any questions about those pictures and how
11 they were taken, you wouldn't answer, would you?
12 Because you didn't take those pictures.

13 A. I mean I press the button on the camera to
14 physically take the picture, but I can tell you
15 that's what it looked like that evening.

16 Q. Thank you. Investigator Bean actually
17 collected the evidence, correct?

18 A. Yes, sir.

19 Q. So any questions that I would have about
20 how they was collected, you couldn't answer because
21 you didn't collect them, correct?

22 A. I didn't physically pick them up; no, sir.

23 Q. Investigator Bean -- as you say, a number
24 of you search the area in different -- you went to a
25 different location, and the other officer to a

Investigator Greg Hawkins-Cross by Johnson

1 different location looking for rounds. Looking for
2 evidence, I guess, correct?

3 A. We walked through the parking lot, yes,
4 sir.

5 Q. But you went one direction, and the other
6 officer went another direction, correct?

7 A. There were numerous officers searching the
8 area, yes, sir.

9 Q. So you didn't search the whole area
10 yourself. But you searched the area that you went
11 into, and that searched that area, and the other
12 officers searched another area, correct?

13 A. That's correct.

14 Q. Investigator Bean actually searched --
15 went around the whole area and talked to all the
16 officers, correct?

17 A. Yes, sir.

18 Q. Because they had to report back to him,
19 correct?

20 A. They would have reported any evidence they
21 found to him, yes, sir.

22 Q. Right. So If I wanted to question you
23 about what they reported to him, you couldn't tell
24 me, could you?

25 A. No, sir.

Investigator Greg Hawkins-Cross by Johnson

1 Q. And all you can basically tell me is where
2 the rounds was found where you marked, correct?

3 A. Yes, sir.

4 Q. You couldn't tell how the evidence was
5 collected, could you?

6 A. No, sir.

7 Q. You couldn't tell me about any
8 conversation you might have with the other officer
9 about evidence collected, could you? The round that
10 was found in the -- well what appeared to be a round
11 in one of the pictures in the dashboard.

12 A. Yes, sir.

13 Q. Correct?

14 A. Yes, sir.

15 Q. Wouldn't it been Mr. Bean would have been
16 the one that collected that round?

17 A. Yes, sir.

18 Q. But he was the one that made a
19 determination as to why he didn't collect it, and he
20 reported it to you, right?

21 A. That's correct.

22 Q. So if I wanted to ask him how did he make
23 the determination he was going to get that round,
24 you couldn't tell me, because that was based on what
25 his opinion, correct?

Investigator Greg Hawkins-Cross by Johnson

1 A. Yes, sir.

2 MR. JOHNSON: I have no other questions.

3 THE COURT: You can step down. Has there
4 been any evidence submitted that this witness saw
5 Mr. Bean collect the casings, and what may have
6 been done with them?

7 MR. FINNEY: I believe he testified he was
8 there. He put the markers down.

9 THE COURT: No, he put markers down. I'm
10 talking about how picked them up, put them in a
11 plastic bag. Put them in another bag or whatever,
12 and then delivered to the evidence room.

13 MR. FINNEY: May I invite the court to ask
14 questions of the witness?

15 MR. JOHNSON: Your Honor, I think if you
16 check the court reporter, he answered it. I asked
17 him directly did he collect the evidence or observe
18 in, and he's told me no.

19 THE COURT: Okay. What's your position
20 now, Mr. Finney? What else would you like to do
21 to lay any other foundation?

22 MR. FINNEY: Your Honor, please, pursuant
23 to the comments that the court made earlier, I
24 believe this witness was an integral part of the
25 investigation and collection of the evidence. He

Investigator Greg Hawkins-Cross by Johnson

1 either assisted Mr. Bean, or he watched Mr. Bean
2 do his job. As a part, and that's why he was name
3 the chief investigator of this case. I don't
4 believe there's -- I understand that Mr. Johnson
5 has this idea that he would like to ask Mr. Bean
6 50 questions. There aren't any pieces of evidence
7 that are really missing except for the clothes
8 that this witness can take care of, because he
9 photographed the clothes, and asked the man to
10 take them off when he got to the jail.

11 THE COURT: Okay, I hear you there. I
12 want to hear from Mr. Johnson about what motions or
13 issues you want to raise at this stage based on
14 Investigator Hawkins' testimony or anything else
15 that has not been presented.

16 MR. JOHNSON: Based on Investigator
17 Hawkins' testimony, I wouldn't be doing my duty if I
18 didn't request a mistrial.

19 THE COURT: Based on?

20 MR. JOHNSON: Based on Investigator Bean
21 was an important element of this case. He was the
22 person that collected the evidence.

23 THE COURT: Let's just -- he did not
24 collect the clothes.

25 MR. JOHNSON: Right.

Investigator Greg Hawkins-Cross by Johnson

1 THE COURT: Investigator Bean, that's
2 evidence. So let's talk about specifics.

3 MR. JOHNSON: Investigator Bean collected
4 the rounds.

5 THE COURT: They're not rounds. They're
6 spent shell casings.

7 MR. JOHNSON: Spent shell casing. He
8 collected the spent shell casing. He took the
9 pictures of the scene, observed the scene. He
10 placed markers on all the other locations, except
11 for the three shell casings. I could not question
12 him about that. He talked to all the other
13 officers who searched the other scene. And he
14 would have information that would be related as to
15 what they observed, what they detected in the
16 scene. He took pictures of what the State has
17 submitted is blood and location to the gunman.
18 Without him being there, as I say, he is the one
19 person that would have full knowledge of all the
20 evidence, the location. And basically he was the
21 one person that I believe all the information came
22 into, and then was given to the investigator.

23 THE COURT: Mr. Finney.

24 MR. FINNEY: Your Honor, I guess my point
25 is this: what Mr. Johnson is asking for would

Investigator Greg Hawkins-Cross by Johnson

1 require us to have a witness who was in my
2 opinion, and I would hope the court would not find
3 indispensable, because there were other people
4 assisting and doing the job of collecting. Most
5 of the things that Mr. Johnson just said, for
6 example, the evidence of the other markers.
7 Although we have the photograph of them, I haven't
8 sought to introduce them. There's a I have shirt
9 on the ground over by a pickup, and it wasn't
10 introduced into evidence. If this witness can't
11 supply the information for the court to allow it
12 be coming in, I don't need him.

13 The only thing that Mr. Bean did was to
14 collect evidence with other officers who were
15 there, and an investigator putting the pieces of
16 the puzzle together. It would be, Your Honor,
17 impractical, if not, I don't know if the word is
18 outrageous to believe that if Mr. Bean had died 6
19 months ago, and we couldn't prosecute Mr. Rodney
20 Green for the murder of Mr. Archie.

21 THE COURT: Mr. Johnson, anything further?

22 MR. JOHNSON: Yes, Your Honor. First of
23 all, Mr. Bean didn't die.

24 THE COURT: I know that. Let's just talk
25 about his not being here.

Investigator Greg Hawkins-Cross by Johnson

1 MR. JOHNSON: His not being here is the
2 break in the chain of custody.

3 THE COURT: That's what I want to hear,
4 not generalities. What chain is broken?

5 MR. JOHNSON: The chain of custody from
6 collection at the scene.

7 THE COURT: Of what?

8 MR. JOHNSON: Of the shell casings.

9 THE COURT: What else?

10 MR. JOHNSON: Of the clothes.

11 THE COURT: He didn't collect clothes.

12 Lieutenant Addison collected the shirt from the
13 back seat. And Investigator Addison collected the
14 defendant's clothes from the police station or the
15 sheriff's office. Now Mr. Jenkins and Mr.
16 Archie's clothes, I don't know. I don't know who
17 collected those.

18 MR. FINNEY: And I'm not moving those in
19 to evidence.

20 MR. JOHNSON: Your Honor, from my
21 understanding is---

22 THE COURT: Let's talk about the shell
23 casings. Here is the issue, if I may jump in. If
24 the chain between the photograph or identifying on
25 the ground, which I think Investigator Hawkins can

Investigator Greg Hawkins-Cross by Johnson

1 do, if the chain between the collection of the
2 case and delivery to sled for testing is broken,
3 or is unsatisfactory in the eyes of the law,
4 should there be a mistrial or should I instruct
5 the jury to disregard the testimony of the fire
6 examiner. That's the issue.

7 MR. JOHNSON: I'm moving that there should
8 be a mistrial, because you can't instruct the jury
9 to disregard what the jury has already heard.

10 THE COURT: That's what I have got to
11 wrestle with. What I'll do, as you know, I have got
12 to go where I have got to go. I've got to be there
13 in 10 minutes. And I'm going to come straight back.
14 And any additional arguments on that we'll deal with
15 it. And if Investigator Hawkins when he testifies
16 and when I guess the pathologist wants to add
17 anything to it, I'll just have to make that
18 determination. I think the point Mr. Johnson raises
19 is valid, in the sense that it is an issue. But
20 what I have to resolve is whether or not it is of
21 necessity or something I can grant a mistrial on.

22 MR. FINNEY: I understand.

23 THE COURT: But I just don't know yet,
24 because we all know the relatively recent case law
25 on chain of custody witnesses is. And this may be

Investigator Greg Hawkins-Cross by Johnson

1 more serious, I don't know. I'll have to examine
2 it. I agree with you, that you don't have to have
3 a crime scene investigator testify in every case.
4 It doesn't have to. The fact that he's not here
5 in and of itself doesn't require a mistrial. But
6 the casings and the evidence that those casings
7 came from the gun recovered 10 or 15 feet away
8 from the suspect, you can't ignore that that the
9 cat is out of the bag. And if that cat shouldn't
10 have gotten out of the bag, then I have got to
11 grant a mistrial if I think the defendant has
12 suffered prejudice in that regard. So be ready to
13 argue any last minute points on that fact. Okay.

14 MR. FINNEY: 2:30, Judge?

15 THE COURT: Yes.

16 (Whereupon, the court breaks for lunch.)

17 THE COURT: I'm sorry to keep you waiting.

18 MR. FINNEY: Judge, could we met with you
19 off the record?

20 THE COURT: Yes.

21 (Whereupon, the judge and attorneys meet
22 in chambers.)

23 THE COURT: Are you going to recall the
24 witness now, or are you going to move on?

25 MR. FINNEY: I'm going to call Mr. Soloman

Officer Derron Soloman-Direct by Finney

1 now.

2 THE COURT: You may bring the jury.

3 (Whereupon, the following takes place
4 within the presence of the jury.)

5 THE COURT: Ladies and gentlemen, I want
6 to apologize for the late start. I want to let you
7 know it's solely my fault. It's not the lawyer's
8 fault, and not any party's fault. Are we are ready
9 to proceed, Mr. Finney?

10 MR. FINNEY: Please the court, Your Honor,
11 we would recall Derron Soloman to the stand.

12 THE COURT: Mr. Soloman, you are still
13 under oath.

14 Derron Soloman, being previously sworn,
15 testified as follows:

16 DIRECT EXAMINATION by Mr. Finney:

17 Q. Mr. Soloman, we were talking earlier this
18 afternoon about evidence that you had control over
19 in the evidence room. Did you go during the lunch
20 hour to check on a long sleeved white shirt that you
21 had a record of as being in evidence in this case?

22 A. Yes, I did.

23 Q. And what did you determine from looking at
24 the notes?

25 A. The notes, it was submitted by

Officer Derron Soloman-Direct by Finney

1 Investigator Hawkins. And once he submitted it, it
2 was later then collected Jim Atkinson the evidence
3 technician before me. Jim transported that item
4 specifically to sled. And with sled processed it.
5 They processed it, and normally what they would do
6 is take a sample and then they analyze it and then
7 they'll send an e-mail. And I did not receive that
8 e-mail, but I went into the sled account, it did
9 show that they processed it and sent the results
10 back.

11 Q. And did they send the white shirt back to
12 you at Sumter county?

13 A. They did not send the white shirt back.
14 But they sent the the collection kit that they test
15 the shirt with.

16 Q. And is this and what I have in this sled
17 evidence bag, is this the test kit that you had in
18 the evidence locker?

19 A. Yes, it is.

20 Q. And does this purpose to be test kit that
21 sled used on the white shirt that they tested?

22 A. Yes, it is.

23 Q. And where was this kit?

24 A. In the evidence room. Sent back to Sumter
25 from sled.

Officer Derron Soloman-Direct by Finney

1 Q. But the shirt was not.

2 A. The white shirt was not.

3 Q. Now as it relates to evidence that you had
4 control of in the evidence locker, in terms of this
5 case, have you ever seen this document before?

6 A. Yes, I have.

7 Q. What is it?

8 A. It's the property evidence voucher with
9 the evidence that was submitted.

10 Q. And does it have the same case number that
11 we were talking about in terms of this case, this
12 firearm, and other things associated with this case?

13 A. Yes, sir.

14 Q. Does those -- how many sheets of paper?
15 Is it a two-page report?

16 A. Yes, I have two.

17 MR. FINNEY: Can I mark this, please.

18 THE COURT: Show it to Mr. Johnson so he
19 can see it.

20 MR. FINNEY: I will.

21 (Property voucher marked State's Exhibit
22 No. 37 for Id. only.)

23 Q. What we've marked is State's Exhibit 37,
24 is a two page property voucher, is that correct?

25 A. Yes, sir.

Officer Derron Soloman-Direct by Finney

1 Q. And I want you to tell me on this property
2 voucher whether or not you see three items marked as
3 spent shell casings as 1, 2 and 3?

4 A. Yes, sir.

5 Q. Go to No. 1.

6 A. No. 1 is a fired bullet cartridge, marked
7 as No. 8, Item 1.

8 Q. And where was it located?

9 A. It was, it said, photo maker No. 1.

10 Q. Photo Marker No. 1?

11 A. Yes, sir.

12 Q. And do you have -- do you have any idea
13 what, I am now going to show what is State's Exhibit
14 No. 34. Do you have any idea where these little
15 round containers are?

16 A. Yes, sir.

17 Q. Tell us what they are?

18 A. They are cartridge casings. That's what
19 we use when we find any type of bullet or cartridge
20 casings, we use those specific cans to put those in,
21 so the bullet won't be damaged or anything won't be
22 damaged before we send it to sled.

23 Q. So Sumter County would have used these
24 cans, these three little cans here?

25 A. Yes, sir.

Officer Derron Soloman-Direct by Finney

1 Q. To put evidence in?

2 A. Yes, sir.

3 Q. And is there a tag on the top of each one
4 of those cans?

5 A. Yes, sir.

6 Q. And would you read -- is the case number
7 of this case on the top of that can?

8 A. Yes, it is.

9 Q. And what does it say in the writing on
10 here, down here, where it talks about photo marker?

11 A. The one that I just read off the evidence
12 property voucher, it says Case No. 14039109. The
13 PR, which is property room number, 5133. Lab Number
14 from sled, which was L14-3507. And Photo Marker No.
15 1.

16 Q. And does it have Photo Marker No. 2 on
17 another can?

18 A. Yes, sir.

19 Q. And Photo Marker No. 3 on another can?

20 A. Yes, sir.

21 Q. Who would have put those -- who would have
22 put evidence in those cans.

23 A. The person collecting evidence at the
24 time.

25 Q. And who does that report say that was?

Officer Derron Soloman-Direct by Finney

1 A. Michael D. Bean.

2 Q. And Mr. Bean collected the evidence at the
3 scene at Club Miami.

4 A. Yes, sir.

5 Q. He would have put it in the can.

6 A. Yes, sir.

7 Q. And sent it to -- would he have sent it
8 to Sumter County evidence room? Would he have taken
9 it there?

10 A. Yes, sir, he would have to take it back.

11 Q. Do you have a report showing who sent it
12 to sled? Who took it sled?

13 A. Yes, I do.

14 Q. And have you looked at?

15 A. Yes, sir.

16 Q. Who sent it to sled?

17 A. On the report it says, from the chain of
18 custody report, it says James Atkinson.

19 Q. He took it to sled.

20 A. Yes, sir.

21 Q. He was an officer.

22 A. Yes, sir. He was the evidence technician
23 at the time before I was.

24 Q. I think we talked about this earlier, but
25 just for the record, does Mike Bean or Jim Austin

Officer Derron Soloman-Direct by Finney

1 work there at the department, the sheriff's
2 department any longer?

3 A. Mike Bean does not, but James Atkinson
4 does.

5 Q. And where is he, James Atkinson?

6 A. He is in the civil department for court
7 security.

8 Q. He doesn't work with the evidence or--

9 A. No, sir, he doesn't.

10 Q. ---crime scenes anymore. He's in the
11 civil department.

12 A. Yes, sir. He's in the civil department.

13 Q. Very good. And his job Mr. Atkinson's job
14 was once it got in the evidence room, he took it
15 over to sled to be tested.

16 A. Yes, sir.

17 Q. Let me see that report I gave you. On
18 this report which is marked State's Exhibit No. 37
19 for ID, does each one of the bullet casings that's
20 on this report, does it have a photo marker
21 indicator by it?

22 A. Yes, it does.

23 MR. FINNEY: I'd move to introduce State's
24 Exhibit 37.

25 MR. JOHNSON: Just a sheet. I have no

Officer Derron Soloman-Cross by Johnson

1 objection to that, Your Honor.

2 THE COURT: That's 37?

3 MR. FINNEY 37 is in.

4 THE COURT: 37 is in.

5 (Property Voucher marked State's Exhibit
6 No. 37 into evidence.)

7 THE COURT: And that is what the witness
8 identified as a two-page property voucher.

9 MR. FINNEY: Yes, sir.

10 THE COURT: Mr. Johnson.

11 MR. JOHNSON: Yes, Your Honor. I would --
12 Your Honor, there is a third page to it. If he's
13 going to put it, I'd like the whole.

14 THE COURT: The record will show that the
15 third page would be attached to it. Now it's a
16 three-page property voucher.

17 MR. FINNEY: No objection, Your Honor.
18 It's a three-page document now. I believe that's
19 all I have. Mr. Soloman, thank you.

20 THE COURT: Mr. Johnson.

21 Cross Examination by Mr. Johnson:

22 Q. Good afternoon, Officer.

23 A. Good afternoon.

24 Q. The evidence that you collected that was
25 on the property and evidence voucher, you did not

Officer Derron Soloman-Cross by Johnson

1 collect this evidence, did you?

2 A. I did not.

3 Q. It was brought to you at the jail, or at
4 your evidence locker? But you had nothing to do at
5 the scene.

6 A. I had nothing to do at the scene.

7 Q. So you don't know who touched it, how it
8 got there. All you know is it came to you at your
9 location, and you took custody over it at that time.

10 A. Yes, I took custody of it.

11 Q. So if I was to have any questions about
12 that property prior to you having it at the
13 sheriff's department, as far as condition it was in
14 at the scene, where it was located and all that, you
15 could not tell me, could you?

16 A. No, sir.

17 Q. And the only person that could tell me,
18 would be the person who collected the evidence
19 correct?

20 A. Yes, sir.

21 Q. And according to this paper for the shell
22 casings, and all the evidence you listed, as a
23 matter of fact, if you look at that, could you tell
24 me if I'm missing anything. I've got a couple of
25 things, I want to talk to. Go down at the bottom of

Officer Derron Soloman-Cross by Johnson

1 the page No. 1. Do you have some fired -- one fired
2 bullet? I mean, one bullet cartridge. A fired
3 bullet cartridge.

4 A. Yes, sir.

5 Q. Then on the next page you have another
6 fired bullet cartridge. And a third fired bullet
7 cartridge, right?

8 A. Yes, sir.

9 Q. You didn't pick any of that up or had
10 nothing to do with that.

11 A. I did not.

12 Q. Then right under it, you have a 10 round
13 magazine, with six unfired 45 caliber bullets,
14 correct?

15 A. Correct.

16 Q. The person that collected that is Michael
17 Bean, correct?

18 A. Correct.

19 Q. If I wanted to ask you some questions
20 about that, to try to clarify was it tampered with
21 or anything like that, you could not give me any
22 information about that, could you? You didn't
23 collect it, did you?

24 A. I didn't collect it.

25 Q. So you couldn't tell me if you didn't

Officer Derron Solomon-Cross by Johnson

1 know.

2 A. Oh, yeah, I can't tell you about in that
3 condition that it was in. But all I know is I can
4 tell you about it after I got it.

5 Q. Right. But prior to it coming to you, you
6 could not tell me about it.

7 A. No.

8 Q. If you go down one more under that, there
9 was a DVR collected from Club Miami.

10 A. Yes, sir.

11 Q. And normally a DVR would have -- well
12 there was a DVR collected from Club Miami, correct?

13 A. Yes, it was.

14 Q. And it was collected by a Michael Bean.

15 A. Yes, sir.

16 Q. And you couldn't tell me anything about
17 that, could you?

18 A. I couldn't.

19 Q. Do you have any in evidence?

20 A. Yes, I do.

21 Q. If you go down under that on this same
22 form, there was a -- well as a matter of fact are
23 you looking at could you tell me exactly what that
24 is that was collected, the next thing down, after
25 the DVR?

Officer Derron Soloman-Cross by Johnson

1 A. It was a shirt, and it says: Ray'Quann
2 Mondell Jenkins.

3 Q. Okay, shirt recovered. So nothing on
4 that, you had nothing to do with collecting it, and
5 you could not tell me anything prior to it coming to
6 you at the sheriff's department.

7 A. Correct.

8 Q. And under the chain -- and the person that
9 brought it to you to sheriff's department was
10 Michael D. Bean?

11 A. Yes, sir. Michael as officer, and he
12 brought it to the sheriff's office. He was the one
13 that collected it at the scene.

14 Q. And he was the one that turned it in to
15 you?

16 A. No, he didn't turn it in to me. He turned
17 it into the evidence room.

18 Q. To the evidence room.

19 A. Yes, sir.

20 Q. Correct. I forgot because you wasn't at
21 the evidence room at that time. One second, Your
22 Honor. I don't have any other questions.

23 THE COURT: Redirect?

24 MR. FINNEY: No Redirect, Your Honor.

25 THE COURT: Thank you, Mr. Soloman. If

Dr. Janice Ross-Direct by Finney

1 there's a marked exhibit you can leave it up there.

2 Mr. Finney.

3 MR. FINNEY: We have Dr. Janice Ross here
4 from Newberry, and I would like to call her out of
5 order.

6 Dr. Janice Edwards Ross, being first duly
7 sworn, testified as follows:

8 THE CLERK: Please state your full name and
9 spell your last name for the record.

10 A. Janice Edwards Ross. R-O-S-S.

11 Direct Examination by Mr. Finney:

12 Q. Good afternoon.

13 A. Good afternoon.

14 Q. Thank you for coming to Sumter this
15 afternoon. Dr. Ross, tell the ladies and gentlemen
16 of the jury what you do for a living.

17 A. I am a forensic pathology in Newberry,
18 South Carolina.

19 Q. And would you tell them what a forensic
20 pathologist does?

21 A. Yes. A forensic pathologist is a doctor
22 who is trained to do autopsies and to identify
23 injuries, as well as, natural diseases, like cancers
24 and leukemias. We do autopsies, and we do autopsies
25 in Newberry for the county coroners.

Dr. Janice Ross-Direct by Finney

1 Q. Dr. Ross, tell us a little bit about your
2 background. Give us your educational experience,
3 please, ma'am.

4 A. Yes. I received a bachelor's degree from
5 the University of South Carolina. And then my MD
6 from upstate medical center in Syracuse, New York.
7 And that's where I did my residency in pathology
8 training.

9 Q. And have you become a board certified
10 pathologist?

11 A. Yes.

12 Q. How long ago?

13 A. 39 years ago.

14 Q. Over the course of 39 years, have you had
15 the occasion to testify in courts before?

16 A. Yes.

17 Q. How many times?

18 A. In South Carolina about 200 times.

19 Q. And in South Carolina over the last 39
20 years, how many autopsies have you performed?

21 A. From my 39 years, I've done over 9,000.

22 Q. Have you been qualified as an expert in
23 the field of pathology in the courts of this state?

24 A. Yes.

25 MR. FINNEY: I would offer Dr. Ross at

Dr. Janice Ross-Direct by Finney

1 this time as an expert in the field of pathology.

2 THE COURT: Mr. Johnson, any questions?

3 MR. JOHNSON: I have no objection, Your
4 Honor.

5 THE COURT: Ladies and gentlemen, the
6 witness is qualified as an expert in the field of
7 pathology, is that correct? Are you offering her,
8 Mr. Finney?

9 MR. FINNEY: Yes, sir.

10 THE COURT: My earlier instruction about
11 how you are to assess and weigh testimony of
12 experts applies to Dr. Ross as well.

13 MR. FINNEY: Thank Your Honor.

14 Q. Dr. Ross, did you have occasion to receive
15 the body of Mr. Tyrese Archie in Newberry, South
16 Carolina on the 17th of March, 2014?

17 A. Yes.

18 Q. Would you tell us a little bit about the
19 procedure you go through when you perform an
20 autopsy?

21 A. Yes. These patients are brought to us in
22 a body bag, which we open, and we took photographs
23 of a clothed body, if there is any clothing. We
24 take an inventory of what clothing there is;
25 including, jewelry. And we take the clothing off,

Dr. Janice Ross-Direct by Finney

1 and do an external examination of the body and do
2 photography of the body. In this case, we saw
3 evidence of a gunshot wound. So we also did x-rays
4 to see if there any residual bullet, any metal
5 inside the body. Then we proceed with an internal
6 examination to see what internal injuries there
7 would be.

8 Q. Doctor, did you prepare a written report
9 for your records and for my office as a result of
10 this autopsy?

11 A. Yes.

12 Q. Do you have a copy of it with you?

13 A. Yes, I do.

14 Q. On the last page, after page 5, do you
15 have a listing of the clothing that Mr. Archie had
16 on? And other things were identified with his body?

17 A. Yes.

18 Q. And were those items taken from him at
19 that time, and returned back to Sumter County?

20 A. Yes, they were.

21 Q. So things like shoes, clothes, a plastic
22 bracelet, things like that, were put in a bag and
23 given back to Sumter County Law Enforcement.

24 A. Correct.

25 Q. Also the part that you just testified to

Dr. Janice Ross-Direct by Finney

1 about metal in the body, did you find any metal
2 bullets, fragments in his body?

3 A. No, we did not.

4 Q. And what do you normally call that when
5 you see an entry wound? Did you see an exit wound?

6 A. Yes. It was an entry and an exit wound we
7 call a perforating wound. In other words, it was
8 through and through. It goes in the body and out
9 the body.

10 Q. Would you tell ladies and gentlemen of the
11 jury, a little bit about the examination. Where did
12 you see the entrance wound of the gunshot on
13 Mr. Archie?

14 A. Yes. The entrance wound went into the
15 left upper chest, way above the left nipple. It
16 went from the front towards the back. It went
17 downward and a little bit towards the right. But it
18 went through the left lung and it got caused a lot
19 of hemorrhage from the lung in to the chest cavity.

20 Q. And would you please describe for the
21 jury, the exit wound?

22 A. The exit wound was in the left back. Just
23 a few inches below where the entrance wound was, and
24 a few -- about an inch towards the midline. When we
25 measure the places of entry and exit, we measure

Dr. Janice Ross-Direct by Finney

1 from the top of the head, just for organization
2 purposes. So that's how we state when if somebody
3 is in a standing position, then this bullet went in
4 the front. It went downward, slightly to the right
5 and backward, and exited the left back.

6 Q. So just for the purposes, it went in the
7 left chest, in the lung area. The entrance wound.

8 A. Yes.

9 Q. But even though it was moving somewhat to
10 the right, it still came out of the left portion of
11 the back, left of the midline?

12 A. Correct.

13 Q. And the midline goes from the top of the
14 head down the center of the body.

15 A. Yes.

16 Q. So would you say that the bullet was
17 traveling almost unimpeded to go left in and left
18 out?

19 A. Correct.

20 Q. Did you have any opinion as to what
21 caliber or kind of bullet was causing the injury to
22 that young man?

23 A. It's difficult to say, but the skin
24 measurement, skin is elastic, so it'll move a little
25 bit. The measurement was consistent with what we

Dr. Janice Ross-Direct by Finney

1 call a medium caliber, which could be 38 or a 357.

2 Q. And those would be medium calibers as
3 opposed to a small caliber or a large caliber?

4 A. That's correct.

5 Q. Now were you able to identify anything
6 about the distance from the gun to the entry wound?

7 A. No, all I can say is it looked like a
8 distant wound. If you -- when a bullet comes out of
9 the gun so does soot and powder. But the soot and
10 the powder only travel at a certain distance. And
11 if you see some evidence of either soot or the
12 powder, and you can say that there is -- the gun was
13 fairly close to the person. But there was no
14 evidence of that, so I can't say exactly how far
15 away.

16 Q. Very good. Because Mr. Archie appeared to
17 you with his clothing, did you check not only the
18 clothing, but the body itself for this evidence?

19 A. Yes.

20 Q. So your opinion would be that Mr. Archie
21 died of a distant gunshot wound.

22 A. Yes.

23 Q. And would you say that the cause of death
24 occurred in what time frame?

25 A. Minutes.

Dr. Janice Ross-Cross by Johnson

1 Q. Would he have had the ability to run a
2 short distance?

3 A. Yes.

4 Q. Besides the gunshot wound, did you find
5 any other abnormalities or causes that would have
6 impeded Mr. Archie from living?

7 A. No, sir.

8 MR. FINNEY: Thank you, Doctor. Answer
9 any questions Mr. Johnson has.

10 Cross Examination by Mr. Johnson:

11 Q. Good afternoon, Dr. Ross.

12 A. Good Afternoon.

13 Q. Good to see you again. A few questions.
14 You mentioned that from your examination that the
15 caliber of the round, you thought to be a medium?

16 A. Yes, sir.

17 Q. You say a 38 or something of that nature?

18 A. A 357, 38, 9 caliber. Those are 9
19 millimeters. Those are the mediums.

20 Q. Now is a 45 caliber round considered a
21 medium?

22 A. No, sir. That's a large caliber.

23 Q. That's a large caliber.

24 A. Yes.

25 MR. JOHNSON: Your Honor, may I approach

Dr. Janice Ross-Cross by Johnson

1 the witness?

2 THE COURT: Yes, sir.

3 Q. Do you recognize what type of rounds those
4 are?

5 A. I'm not a ballistic's expert, but they
6 look like a large caliber.

7 Q. Would you, if I told you that that's a 45,
8 that would probably look what a 45 looked like?

9 A. Yes, to measure that and measure the base
10 of the bullet in inches with the...

11 Q. And that's considered a large caliber
12 round.

13 A. Correct.

14 Q. And by your examination this would be type
15 of round that your evidence or your examination that
16 the body showed was used in the death of -- in death
17 of the person that you examined in this case.

18 A. It doesn't appear to be, but again skin is
19 elastic so it can shrink a little bit.

20 Q. But I just want to clarify. You say it
21 doesn't appear to be.

22 A. That's correct.

23 Q. As your medical opinion that your
24 examination indicates that this would not be the
25 type of round that would be used in that case.

Dr. Janice Ross-Cross by Johnson

1 A. Correct.

2 MR. JOHNSON: I've got no other questions
3 for you.

4 THE COURT: Redirect?

5 Redirect Examination by Mr. Finney:

6 Q. Doctor, I just want to -- I'll just follow
7 up on that. Is there a measurement that you have in
8 your report about the wound that Mr. Archie
9 suffered?

10 A. Just the one in the skin is .3 by
11 .38 inches in diameter. Again that's through skin.
12 If a bullet goes through bone like in a skull, that
13 gives you a better measurement as far as diameter
14 goes. But again skin is elastic so it can...

15 Q. So your opinion would be, if you had an
16 opinion to a reasonable degree of medical certainty,
17 could you say that Mr. Archie's wound was not caused
18 by a 45 caliber bullet?

19 A. I couldn't say that a 100 percent, but
20 it's more consistent with a smaller caliber.

21 Q. And because it didn't hit any bony
22 structure, you don't have the ability to measure
23 that.

24 A. Correct.

25 Q. Did you have any kind of measurement on

Dr. Janice Ross-Cross by Johnson

1 the exit wound?

2 A. That was a .38 inches.

3 Q. So whatever made -- whatever made the --
4 whatever kind of bullet made the incision in the
5 front, it made about the same size incision going
6 out the back.

7 A. Correct.

8 Q. Is that unusual?

9 A. No, sir.

10 Q. And that's because if it didn't hit any
11 bony structure---

12 MR. JOHNSON: Your Honor, objection. He's
13 testifying.

14 THE COURT: Well he's leading. He's not
15 testifying.

16 MR. JOHNSON: Well he's leading.

17 THE COURT: You can't lead. So sustained.

18 MR. FINNEY: I withdraw the question.

19 Nothing further.

20 THE COURT: Anything else?

21 MR. JOHNSON: I have nothing else.

22 THE COURT: Thank you, Doctor.

23 MR. FINNEY: I ask that the doctor be
24 excused.

25 THE COURT: Any objection?

Officer Robert Burnish-Direct by Finney

1 MR. JOHNSON: No objection.

2 THE COURT: Thank you, Dr. Ross.

3 THE COURT: Mr. Finney.

4 MR. FINNEY: Your Honor, we would call
5 Investigator Burnish. I'll get him for you.

6 Investigator Robert Burnish, being first
7 duly sworn, testified as follows:

8 THE CLERK: State your full name and spell
9 your last name for the record.

10 A. Robert Burnish. B-U-R-N-I-S-H.

11 Direct Examination by Mr. Finney:

12 Q. Investigator, tell us where you work,
13 please.

14 A. I work for the Sumter Sheriff's Office.

15 Q. And are you an investigator in the
16 criminal division?

17 A. Yes. I'm now the captain over the
18 criminal investigations and the narcotic's division.

19 Q. In March of 2014, were you a criminal
20 investigator for the sheriff's department?

21 A. Yes, I was.

22 Q. And back then, or if you can tell us now,
23 how long have you been in law enforcement?

24 A. Going on 24 years now.

25 Q. And how long have you been captain?

Officer Robert Burnish-Direct by Finney

1 A. This is my first year.

2 Q. Officer, I want to bring you attention to
3 Club Miami, March 14, 2014, the shooting involving
4 Mr. Archie. Did you go out to the scene that night?

5 A. Yes, I did.

6 Q. And what capacity were you involved in
7 being called out there?

8 A. I was the lieutenant over their
9 investigation division at that time. And I was
10 called -- I wasn't on call, but I was called, being
11 made aware, and I responded in the capacity of an
12 investigator, and to assist the investigation's
13 division and the other officers out there on the
14 scene.

15 MR. JOHNSON: Excuse me, Your Honor.
16 Could we approach before he testifies?

17 (Whereupon, the attorneys approach and
18 confer with judge.)

19 THE COURT: Any objection, Mr. Johnson?

20 MR. JOHNSON: No objection, Your Honor.

21 Q. Mr. Burnish, as a result of your
22 responding to the call that night, did you see
23 Investigator Hawkins out there?

24 A. Yes, I did.

25 Q. And Investigator Addison?

Officer Robert Burnish-Direct by Finney

1 A. I did, yes.

2 Q. And also a gentleman by the name of Mike
3 Bean?

4 A. Yes, sir.

5 Q. And what was Mike Bean's position at the
6 time in March of 2014?

7 A. Mike Bean, he was the sergeant of the
8 crime scene investigation.

9 Q. And what was his normally, his duties be
10 when he responded to a crime scene?

11 A. Collect, or collect the evidence, process
12 the evidence, and those kind of things. It just
13 varies.

14 Q. Do you know if he took any photographs
15 that night?

16 A. Yes, he did.

17 Q. And do you remember the crime scene
18 itself?

19 A. Yes, sir.

20 Q. Do you remember seeing yellow markers
21 being placed on the ground at different locations?

22 A. Yes.

23 Q. What was the purpose of the yellow
24 markers?

25 A. To mark for at those locations, there were