

STATE OF SOUTH CAROLINA

Volume I of II

In The Court of Appeals

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APPEAL FROM GREENVILLE COUNTY

JAN 20 2016

Edward W. Miller, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

MICHAEL ANTONIO WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2013-000091

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA)
2) COURT OF GENERAL SESSIONS
3 COUNTY OF GREENVILLE) 2011-GS-23-8010-8018.
4) 2012-GS-23-3838
5) 2011-GS-23-9239-9245
6) 2012-GS-23-3041,7491-79417
7)
8 STATE OF SOUTH CAROLINA) TRANSCRIPT OF RECORD
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January 7, 2013
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, Judge.

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CAROLINE HISKELL
Thirteenth Circuit Court Reporter

Shaquille Hogan - Guilty Plea

1 2012-GS-23-3843a, the State versus Shaquille Hogan, and he
2 is indicted for assault and battery by mob in the second
3 degree and he's pleading to the same. In the case of
4 2012-GS-23-3844a, Mr. Hogan is indicted for conspiracy and
5 he is pleading to the same. And, Your Honor, these are
6 both True Billed.

7 Sir, the best you can please raise your right
8 hand.

9 SHAQUILLE HOGAN, having been duly sworn,
10 testified as follows:

11 Thank you. Put your hand down.

12 THE COURT: How many days he's been in jail?

13 MS. SALISBURY: Judge, I don't have an
14 accurate count on that right now. I just ask that he be
15 awarded whatever credit he's owed.

16 THE COURT: Alright. Mr. Hogan, in the last
17 24 hours, have you had any drugs, alcohol or medication?

18 DEFENDANT HOGAN: No, sir.

19 THE COURT: Have you ever been treated for
20 substance abuse or for mental illness of any kind?

21 DEFENDANT HOGAN: No, sir.

22 THE COURT: You're up here on two
23 indictments. The first indictment is 2012-2843a and it
24 alleges that you did in Greenville County, July 17, 2011
25 unlawfully and willfully participate as part of a mob that

Shaquille Hogan - Guilty Plea

1 inflicted serious bodily injury to an Anthony Callaham
2 and/or Jamel Williams and/or Russell Moore Patterson
3 and/or Dontavious Sullivan and/or Raheem Adams and/or
4 Trevis Thompson and/or Thomas Walker and/or others in
5 violation of our statutes and laws and that carries up to
6 20 years in prison. Do you understand that?

7 DEFENDANT HOGAN: Yes, sir.

8 THE COURT: You're also here on 2012-3844a.
9 It alleges that you did in Greenville County on or about
10 July 17, 2011 willfully and unlawfully combine with
11 Tavarus Dean Holmes and/or Michael Antonio Williams and/or
12 Esaiveus Booker and/or Kinjta Saddler and/or Daquan
13 Bruster and/or Larry Johnson for the purpose of
14 accomplishing an unlawful object or a lawful object by
15 unlawful means, that is attempted murder and this carries
16 five years. Do you understand that?

17 DEFENDANT HOGAN: Yes, sir.

18 THE COURT: Understanding the nature of the
19 charges against you and the maximum possible punishment,
20 how do you want to plead?

21 DEFENDANT HOGAN: Guilty.

22 THE COURT: Is that your free and voluntary
23 decision?

24 DEFENDANT HOGAN: Yes, sir.

25 THE COURT: Do you understand you have an

Shaquille Hogan - Guilty Plea

1 absolute right to a trial by jury where you would be
2 presumed innocent unless and until the State could prove
3 you guilty beyond any reasonable doubt of each and every
4 element of each offense that you are charged with?

5 DEFENDANT HOGAN: Yes, sir.

6 THE COURT: You would have a right to
7 confront and cross-examine the witnesses and the evidence
8 put up against you by the State. You would have a right
9 to compel in court all relevant and competent evidence in
10 your own defense or you can remain silent. Your silence
11 can not be held against you and you can never be compelled
12 to incriminate yourself.

13 Do you understand all those right?

14 DEFENDANT HOGAN: Yes, sir.

15 THE COURT: And do you want to give all those
16 rights up to enter this plea?

17 DEFENDANT HOGAN: Yes, sir.

18 THE COURT: Are you totally and completely
19 satisfied with your attorneys?

20 DEFENDANT HOGAN: Yes, sir.

21 THE COURT: They done everything you think is
22 reasonable necessary to adequately prepare your defense in
23 this case?

24 DEFENDANT HOGAN: Yes, sir.

25 THE COURT: Do you have any complaints you'd

Shaquille Hogan - Guilty Plea

1 like to make against anybody?

2 DEFENDANT HOGAN: No, sir.

3 THE COURT: Have you had enough time to
4 review the evidence the State has against you?

5 DEFENDANT HOGAN: No, sir.

6 THE COURT: No. I can't take your plea if
7 that's the circumstances.

8 (Defendant and attorney conferred.)

9 DEFENDANT HOGAN: I know what they're
10 charging me with, but I haven't got the motion for this
11 charge, motion of discovery for this charge.

12 THE COURT: Do you know what evidence they
13 have against you?

14 DEFENDANT HOGAN: Yes, sir.

15 THE COURT: You know what evidence they have?

16 DEFENDANT HOGAN: Yes, sir.

17 THE COURT: Do you need any more time to talk
18 to your attorneys about this?

19 DEFENDANT HOGAN: No, sir.

20 THE COURT: I'm going to ask you to listen
21 carefully because the State is going to paraphrase what
22 they would prove at trial. Okay.

23 MS. SALISBURY: May it please the Court, Your
24 Honor.

25 THE COURT: Yes, ma'am.

Shaquille Hogan - Guilty Plea

1 MS. SALISBURY: On July 17, 2011, just after
2 about 3:30 in the morning deputies of the Sheriff's Office
3 responded to a reported shooting at the Li'l Cricket Gas
4 Station, 6008 Whitehorse Road in Greenville County.
5 Officers observed several individuals that suffered
6 gunshot wounds and all total as the investigation
7 progressed police learned that the shooting was planned as
8 a retaliation for an incident that occurred earlier that
9 evening at the Red Planet Nightclub also here in
10 Greenville.

11 This defendant ultimately gave a statement to
12 police describing exactly how that attack was planned
13 with the co-defendants including the shooters were
14 indicated exactly which firearm each of the gunmen was
15 carrying and indicated exactly how the plan was developed
16 and carried out that evening.

17 It is with this defendant's assistance as
18 well as some other cooperating witnesses that officers
19 were able to solve the case and make arrests of all of the
20 eight defendants involved in the case.

21 THE COURT: Alright. Is that true and
22 correct?

23 DEFENDANT HOGAN: Yes, sir.

24 THE COURT: And you made a statement in the
25 case?

Shaquille Hogan - Guilty Plea

1 DEFENDANT HOGAN: Yes, sir.

2 THE COURT: And is that statement true and
3 correct?

4 DEFENDANT HOGAN: Yes, sir.

5 THE COURT: You're doing a difficult thing up
6 here, a lot of pressure on you, I'm quite sure but I think
7 you're doing the right thing. I'm going to accept your
8 plea as being freely voluntarily entered with the advice
9 of two very competent attorneys with whom he states he is
10 well satisfied and there is a substantial factual basis
11 for the plea. Okay.

12 Defer sentencing this?

13 MS. SALISBURY: Yes, sir, and I'd like if the
14 Court will entertain me to have a few moments to allow
15 Mr. Hogan to specifically allocate regarding exactly who
16 the co-defendants were.

17 THE COURT: Go ahead and tell me about it.
18 Who else were involved?

19 DEFENDANT HOGAN: My co-defendants?

20 THE COURT: Yeah.

21 DEFENDANT HOGAN: Larry Johnson, Esaiveus
22 Booker, Varie(ph), I don't know his who name, Daquan,
23 Kinjta and Raymond.

24 THE COURT: Okay. And you made a statement
25 to police; is that right?

Daquan Bruster - Guilty Plea

1 DEFENDANT HOGAN: Yes.

2 THE COURT: And you're under oath up here and
3 is that statement true and accurate?

4 DEFENDANT HOGAN: Yes, sir.

5 MS. SALISBURY: Judge, I have to a specific
6 inquiry about Michael Williams. Was Michael Williams also
7 there that night?

8 DEFENDANT HOGAN: Yes, ma'am.

9 MS. SALISBURY: Did he participate as a
10 shooter in the attack?

11 DEFENDANT HOGAN: Yes, ma'am. I heard the
12 gunshots.

13 THE COURT: Alright.

14 MR. POSE: Your Honor, could he be in
15 protective custody ---

16 THE COURT: We'll certainly make sure that
17 happens, make sure he's protected during his
18 incarceration.

19 DEFENDANT HOGAN: I don't want it.

20 THE COURT: You don't want it.

21 MR. POSE: You sure.

22 DEFENDANT HOGAN: Yes.

23 THE COURT: Okay.

24 THE CLERK: Your Honor, this is Case 2011-GS-
25 23-7970, 7971, 7972, 7973, 7974, 7975 and 7976, the State

Daquan Bruster - Guilty Plea

1 of South Carolina versus Daquan Lavar Bruster, who is
2 indicted for all of these on attempted murder and he's
3 pleading to the same.

4 Also, in the case of 2011-GS-23-7968,
5 Mr. Bruster is indicted for possession of a weapon during
6 the commission of a violent crime. He's pleading to the
7 same.

8 In the case of 2011-GS-23-7969, Mr. Bruster
9 is indicted for conspiracy, pleading to the same. In the
10 case of 2012-GS-23-3852a, Mr. Bruster is indicted for
11 assault and battery by a mob second degree, pleading to
12 the same. And, Your Honor, these are all True Billed.

13 THE COURT: Would you raise your right hand
14 for me?

15 DAQUAN BRUSTER, having been sworn, testified
16 as follows:

17 In the last 24 hours, have you had any drugs,
18 alcohol, or medication?

19 DEFENDANT BRUSTER: No, sir.

20 THE COURT: Have you ever been treated for
21 substance abuse or mental illness?

22 DEFENDANT BRUSTER: No, sir.

23 THE COURT: You're up here on a number of
24 indictments. The first one I've got is 2011-7976 alleges
25 you did in Greenville County, July 17, 2011 unlawfully

Daquan Bruster - Guilty Plea

1 with malice aforethought attempt to kill Anthony Callaham.
2 This carries up to 30 years in prison. It is a Violent
3 Offense meaning no parole. It's a Most Serious Offense
4 and if you get convictions for two or more Most Serious
5 Offenses, you are eligible for life in prison without
6 parole, do you understand that?

7 DEFENDANT BRUSTER: Yes, sir.

8 THE COURT: You're also up here on 2011-7975
9 alleges you did in Greenville County, July 17, 2011
10 unlawfully with malice aforethought attempt to kill Jamel
11 Williams. That also is up to 30 years. It's a Violent
12 Offense and a Most Serious Offense. Do you understand
13 that?

14 DEFENDANT BRUSTER: Yes, sir.

15 THE COURT: You're also here on Indictment
16 2011-7974 alleges you did in Greenville County, July 17,
17 2011 unlawfully with malice aforethought attempt to kill
18 Raheem Adams. That's also up to 30 years. It's a Violent
19 Offense and a Most Serious Offense, do you understand
20 that?

21 DEFENDANT BRUSTER: Yes, sir.

22 THE COURT: You are also here on 2011-7973
23 alleges you did in Greenville County, July 17, 2011
24 unlawfully with malice aforethought attempt to kill Trevis
25 Thompson. That's also up to 30 years. It's Violent and

Daquan Bruster - Guilty Plea

1 Most Serious. Do you understand that?

2 DEFENDANT BRUSTER: Yes, sir.

3 THE COURT: You're also here on 2011-7972
4 alleges you did in Greenville County, July 17, 2011
5 unlawfully with malice aforethought attempt to kill Thomas
6 Walker. That's up to 30 years. It's Violent and Most
7 Serious. Do you understand that?

8 DEFENDANT BRUSTER: Yes, sir.

9 THE COURT: You're also here on 2011-7971.
10 It alleges you did in Greenville County, July 17, 2011
11 unlawfully with malic aforethought attempt to kill Russell
12 Morris. That's up to 30 years. It's a Violent and Most
13 Serious. Do you understand that?

14 DEFENDANT BRUSTER: Yes, sir.

15 THE COURT: You're also here on 2011-7970.
16 It alleges you did in Greenville County, July 17, 2011
17 unlawfully with malice aforethought attempt to kill
18 Dontavious Sullivan. That's up to 30 years. It's a
19 Violent and Most Serious. Do you understand that?

20 DEFENDANT BRUSTER: Yes, sir.

21 THE COURT: You're also up here on Indictment
22 2012-3852a. It alleges you did in Greenville County, July
23 17, 2011 unlawfully participate as part of a mob that
24 inflicted serious bodily injury upon Anthony Callaham
25 and/or Jamel Williams and/or Russell Moore Patterson

Daquan Bruster - Guilty Plea

1 and/or Dontavious Sullivan and/or Raheem Adams and/or
2 Trevis Thompson and/or Thomas Walker and/or others and
3 that carries up to 20 years and this is a Serious Offense.
4 Do you understand that?

5 DEFENDANT BRUSTER: Yes, sir.

6 THE COURT: And if you convictions for three
7 or more Serious Offenses, you're eligible for life
8 imprisonment without parole.

9 You're also here on 2011-7969 and that
10 alleges you did in Greenville County, July 17, 2011
11 unlawfully combine with Michael Antonio Williams, Esaiveus
12 Booker and/or Kinjta Sadler and/or Raymond Young, II
13 and/or Tavarus Holmes and/or Shaquille Hogan and/or Larry
14 Johnson for the purpose of accomplishing an unlawful
15 object or a lawful object by unlawful means. That is
16 attempted murder and that carries five years. Do you
17 understand that?

18 DEFENDANT BRUSTER: Yes, sir.

19 THE COURT: You're also here on 2011-7968.
20 It alleges you did in Greenville County, July 17, 2011
21 possess or visibly display a firearm during the commission
22 or attempted commission of a violent crime and that is
23 attempted murder and that's five years. Do you understand
24 that?

25 DEFENDANT BRUSTER: Yes, sir.

Daquan Bruster - Guilty Plea

1 THE COURT: Understanding the nature of the
2 charges against you and the maximum possible punishment,
3 how do you want to plead?

4 DEFENDANT BRUSTER: Guilty.

5 THE COURT: Is that your free and voluntary
6 choice?

7 DEFENDANT BRUSTER: Yes, sir.

8 THE COURT: You understand you have an
9 absolute right to a trial by jury where you would be
10 presumed innocent unless and until the State could prove
11 you guilty beyond any reasonable doubt of each and every
12 element of each offense that you are charged with. You
13 would have a right to confront and cross-examine the
14 witnesses and the evidence put up against you by the
15 State. You'd have a right to compel in court all relevant
16 and competent evidence in your own defense or you can
17 remain silent. Your silence can not be held against you
18 and you can never be compelled to incriminate yourself.

19 Do you understand all those rights?

20 DEFENDANT BRUSTER: Yes, sir.

21 THE COURT: Do you want to give all those
22 rights up to enter this plea?

23 DEFENDANT BRUSTER: Yes, sir.

24 THE COURT: Are you guilty?

25 DEFENDANT BRUSTER: Yes, sir.

Daquan Bruster - Guilty Plea

1 THE COURT: Are you totally and completely
2 satisfied with the representation of your attorney?

3 DEFENDANT BRUSTER: Yes, sir.

4 THE COURT: Do you have any complaints you'd
5 like to make about the way you've been treated in this
6 case?

7 DEFENDANT BRUSTER: No, sir.

8 THE COURT: Have you had enough time to
9 review the evidence the State has against you?

10 DEFENDANT BRUSTER: Yes, sir.

11 THE COURT: Please listen while they describe
12 the case they would prove at trial.

13 MS. SALISBURY: May it please the Court.
14 Your Honor, as I mentioned on July 17, 2011, at 3:30 in
15 the morning, officers responded to a shooting at the Li'l
16 Cricket Gas Station on 6008 Whitehorse Road in Greenville
17 County. Officers learned that seven individuals had been
18 shot at that location. Over the course of their
19 investigation police determined that the shooting was
20 planned as part of a retaliation for an altercation that
21 had occurred earlier that evening at the Red Planet
22 Nightclub also in Greenville County.

23 Police learned that after the initial
24 altercation, this defendant as well as the co-defendants
25 met at club 864 and eventually decided to ambush the

Larry Johnson - Guilty Plea

1 victims at the Li'l Cricket Gas Station. They wore masks..
2 They wielded handguns. This defendant travelled in a
3 vehicle with Larry Johnson who is one of the co-defendants
4 in this case and carried a handgun to this scene where he
5 opened fire along with five other co-defendants on the
6 victims.

7 Those are the facts as they would be
8 presented at trial.

9 THE COURT: Is that true and correct?

10 DEFENDANT BRUSTER: Yes, sir.

11 THE COURT: Okay. I'll accept the plea as
12 being freely and voluntarily made with the advice of a
13 very competent attorney with who he states he is well
14 satisfied and there is a substantial factual basis for the
15 plea. Is this also a deferred sentence?

16 MS. SALISBURY: It is deferred and I will
17 also tell the Court that as part of the defendant's plea,
18 the State has agreed to withdraw notice of intent to seek
19 life without parole in this case.

20 THE COURT: Anything else?

21 DEFENSE COUNSEL: I will save my part for the
22 sentencing, Your Honor.

23 THE COURT: Good luck to you.

24 THE CLERK: Your Honor, this is Case 2012-GS-
25 23-3845a, the State versus Larry T. Johnson, Jr., indicted

Larry Johnson - Guilty Plea

1 for assault and battery by a mob, second degree, pleading
2 to the same. Also the case of 2012-GS-23-3846a,
3 Mr. Johnson is indicted for conspiracy, pleading to the
4 same. And, Your Honor, these are both True Billed.

5 Mr. Johnson, the best you can, please raise
6 your right hand.

7 LARRY T. JOHNSON, having been duly sworn,
8 testified as follows:

9 Thank you.

10 THE COURT: Alright. Mr. Johnson, in the
11 last 24 hours have you had any drugs, alcohol or
12 medication?

13 DEFENDANT JOHNSON: No, sir.

14 THE COURT: Have you ever been treated for
15 substance abuse or for mental illness?

16 DEFENDANT JOHNSON: No, sir.

17 THE COURT: You're up here on two
18 indictments. The first one I'm looking at is 2012-3845a
19 and it alleges that you did in the Greenville County, July
20 17, 2011 unlawfully participate as part of a mob that
21 inflicted series bodily injury upon Anthony Callaham
22 and/or Jamel Williams and/or Russell Moore Patterson
23 and/or Dontavious Sullivan and/or Raheem Adams and/or
24 Travis Thompson and/or Thomas Walker and/or others and
25 this carries up to 20 years in prison. It is a Serious

Larry Johnson - Guilty Plea

1 Offense and if you get convictions for three or more
2 Series Offenses you're eligible for life in prison without
3 parole. Do you understand that?

4 DEFENDANT JOHNSON: Yes, sir.

5 THE COURT: You are also up here on
6 2012-3846a and alleges that you did in Greenville County,
7 July 17, 2011 willfully and unlawfully combine with
8 Tavarus Dean Holmes and/or Michael Antonio Williams and/or
9 Esaiveus Booker and/or Kinjta Sadler and/or Daquan Bruster
10 and/or Shaquille Hogan for the purpose of accomplishing an
11 unlawful object or a lawful object by unlawful means that
12 is attempted robbery and that carries up to five years.
13 Do you understand that?

14 MR. HARBIN: Does the indictment say
15 attempted murder or attempted robbery, Judge? It should
16 say attempted murder.

17 THE COURT: It says attempted murder. I
18 apologize to you, I've been reading a lot of these but the
19 penalty is five years on that, do you understand that?

20 DEFENDANT JOHNSON: Yes, sir.

21 THE COURT: Understanding the nature of the
22 charges against you and the maximum possible punishment,
23 how do you want to plead?

24 DEFENDANT JOHNSON: Guilty.

25 THE COURT: Okay. Is that your free and

Larry Johnson - Guilty Plea

1 voluntary decision?

2 DEFENDANT JOHNSON: Yes, sir.

3 THE COURT: Do you understand you have an
4 absolute right to a trial by jury where you would be
5 presumed innocent unless and until the State could prove
6 you guilty beyond any reasonable doubt of each and every
7 element of each offense that you are charged with. You
8 would have a right to confront and cross-examine the
9 witnesses and the evidence put up against you by the
10 State. You would have a right to compel in court all
11 relevant and competent evidence in your own defense or you
12 can remain silent. Your silence can not be held against
13 you and you can never be compelled to incriminate
14 yourself. Do you understand all those rights?

15 DEFENDANT JOHNSON: Yes, sir.

16 THE COURT: Do you want to give all of those
17 rights up to enter this plea?

18 DEFENDANT JOHNSON: Yes, sir.

19 THE COURT: Are you guilty?

20 DEFENDANT JOHNSON: Yes, sir.

21 THE COURT: Are you totally and completely
22 satisfied with your attorney?

23 DEFENDANT JOHNSON: Yes, sir.

24 THE COURT: Do you have any complaints you'd
25 like to make about the way you've been treated in this

Larry Johnson - Guilty Plea

1 case?

2 DEFENDANT JOHNSON: No, sir.

3 THE COURT: Have you had enough time to
4 review the evidence the State has against you?

5 DEFENDANT JOHNSON: Yes, sir.

6 THE COURT: Please listen, they're going to
7 tell us the facts.

8 MS. SALISBURY: If it please the Court, Your
9 Honor, very briefly, on July 17, 2011 just after 3:30 in
10 the morning deputies with the sheriff's office responded
11 to the Li'l Cricket on Whitehorse Road in Greenville
12 County and learned that seven individuals had been shot
13 while parked at that location.

14 During the course of that investigation,
15 police learned that the shooting was planned as part of a
16 retaliation for an incident that had occurred earlier that
17 evening at the Red Planet Nightclub which is also here in
18 Greenville County.

19 Police learned that after the initial
20 altercation, the involved parties dispersed and combined
21 at the club 864 which is also on Whitehorse Road in
22 Greenville to organize their retaliation. This defendant
23 was the driver of one of the vehicles involved in that
24 attack and carried Mr. Daquan Bruster to the scene.

25 Mr. Johnson remained in the car while the

Larry Johnson - Guilty Plea

1 others ran up to the gas station and opened fire on the
2 victims. This defendant then fired several shots in the
3 rear of the gas station and ultimately gave a statement to
4 police admitting his involvement in the planning of the
5 attack, his involvement in driving the vehicle, and also
6 describing exactly who the co-defendants were, which
7 handgun each carried and in which vehicles they travelled.

8 Those are the facts the State would present
9 them at trial, Judge.

10 THE COURT: Is all that true and correct?

11 DEFENDANT JOHNSON: Yes, sir.

12 THE COURT: Is there anything that you need
13 to change now?

14 DEFENDANT JOHNSON: I just didn't get the
15 part where I fired shots in the air or what?

16 MR. HARBIN: I don't think the solicitor was
17 making a particular statement about in what direction the
18 shots were fired but while he was in the rear of the
19 convenience store.

20 MS. SALISBURY: There's going to be evidence
21 at trial that shots occurred from the rear of the store
22 and it would be the State's theory that this defendant is
23 responsible for having fired those shots. There won't be
24 any evidence presented that he was shooting at anyone in
25 particular.

Larry Johnson - Guilty Plea

1 THE COURT: Is that true and correct?

2 DEFENDANT JOHNSON: Yes, sir.

3 THE COURT: And you made a statement in the
4 case?

5 DEFENDANT JOHNSON: Yes, sir.

6 THE COURT: And is that true and accurate?

7 DEFENDANT JOHNSON: To the best of my
8 knowledge.

9 MS. SALISBURY: This defendant made multiple
10 statements and I just want to make sure we're clear about
11 which one is the most true and correct. I believe that
12 they evolved over several days. I think the best way to
13 do that is have Mr. Johnson tell us who the co-defendants
14 were and what he did.

15 THE COURT: You made a couple of statements
16 and changed your story some?

17 DEFENDANT JOHNSON: Yes, sir.

18 THE COURT: Well, tell me now what you did.

19 DEFENDANT JOHNSON: I did, in fact, drive to
20 the location. I did not get out the car and I shot
21 several rounds in the air.

22 THE COURT: Who all was with you?

23 DEFENDANT JOHNSON: Me, Daquan, Esaiveus,
24 Mikey, Shaquille, Raymond and Tavarus.

25 THE COURT: They all had guns?

Tavarus Holmes - Guilty Plea

1 DEFENDANT JOHNSON: Yes, sir.

2 MS. SALISBURY: In one of your statements you
3 mentioned that a Ken Sadler was there. You didn't mention
4 his name just now, was he also there?

5 DEFENDANT JOHNSON: Yes.

6 MS. SALISBURY: In which vehicle was he
7 traveling?

8 DEFENDANT JOHNSON: In a green Toyota Camary.

9 MS. SALISBURY: Who was with him?

10 DEFENDANT JOHNSON: Esaiveus and Shaquille.

11 THE COURT: Alright. Are we going to defer
12 sentencing?

13 MS. SALISBURY: Yes, Your Honor.

14 MR. ABDALLA: I'm sorry, I didn't hear who
15 was riding with him.

16 THE COURT: Mr. Abdalla.

17 MR. ABDALLA: For the record, he made
18 multiple statements and I need to cross-examine him.

19 THE COURT: You're going to get to cross-
20 examine him, but not during his plea.

21 Good luck to you.

22 THE CLERK: Your Honor, this is Case 2011-GS-
23 23-7949, the State versus Tavarus Dean Holmes who is
24 indicted for conspiracy and pleading to the same. In the
25 case of 2011-GS-23-7956, Mr. Holmes is indicted for

Tavarus Holmes - Guilty Plea

1 attempted murder and he is pleading to the same.

2 Mr. Holmes, please raise your right hand.

3 TAVARUS HOLMES, having been duly sworn,
4 testified as follows:

5 Thank you.

6 THE COURT: Alright, Mr. Holmes, in the last
7 24 hours, have you had any drugs, alcohol or medication?

8 DEFENDANT HOLMES: No, sir.

9 THE COURT: Have you ever been treated for
10 substance abuse or mental illness?

11 DEFENDANT HOLMES: No, sir.

12 THE COURT: You're up here on two
13 indictments. The first one is 2011-7956 and it alleges
14 that you did in Greenville County, July 17, 2011
15 unlawfully with malice aforethought and with the intent to
16 kill attempt to kill Anthony Callaham. That carries up to
17 30 years in prison. It is a Violent Offense, it is a Most
18 Serious Offense. There is no parole for this offense. If
19 you get convictions for two or more Most Serious Offenses,
20 you are eligible for life in prison without parole, do you
21 understand that?

22 DEFENDANT HOLMES: Yes, sir.

23 THE COURT: You are also up here on
24 2011-7949, it alleges you did in Greenville County, July
25 17, 2011 unlawfully and willfully combine with Michael

Tavarus Holmes - Guilty Plea

1 Antonio Williams and/or Esaiveus Booker and/or Kinjta
2 Sadler and/or Daquan Bruster and/or Shaquille Hogan and/or
3 Larry Johnson for the purpose of accomplishing an unlawful
4 object or a lawful object by unlawful means, that is
5 attempted murder and that carries up to five years in
6 prison, do you understand that?

7 DEFENDANT HOLMES: Yes, sir.

8 THE COURT: Understanding the nature of the
9 charges against you and the maximum possible punishment,
10 how do you want to plead?

11 DEFENDANT HOLMES: Guilty.

12 THE COURT: Is that your free and voluntary
13 decision?

14 DEFENDANT HOLMES: Yes, sir.

15 THE COURT: You understand you have an
16 absolute right to a trial by jury where you would be
17 presumed innocent unless and until the State could prove
18 you guilty beyond any reasonable doubt of each and every
19 element of each offense that you are charged with. You
20 would have a right to confront and cross-examine the
21 witnesses and the evidence put up against you by the
22 State. You would have a right to compel in court all
23 relevant and competent evidence in your own defense or you
24 can remain silent. Your silence can not be held against
25 you and you could never be compelled to incriminate

Tavarus Holmes - Guilty Plea

1 yourself. Do you understand all of those rights?

2 DEFENDANT HOLMES: Yes, sir.

3 THE COURT: Do you want to give all those
4 rights up to enter this plea?

5 DEFENDANT HOLMES: Yes, sir.

6 THE COURT: Are you guilty?

7 DEFENDANT HOLMES: Yes, sir..

8 THE COURT: Are you totally and completely
9 satisfied with your attorney?

10 DEFENDANT HOLMES: Yes, sir.

11 THE COURT: And do you have any rights about
12 the way you've been treated in this case?

13 DEFENDANT HOLMES: No, sir.

14 THE COURT: And have you had enough time to
15 review the evidence the State has against you?

16 DEFENDANT HOLMES: Yes, sir.

17 THE COURT: Please listen while they tell us
18 the facts in the case.

19 MS. SALISBURY: On July 17, 2011 just after
20 3:30 in the morning, deputies with the sheriff's office
21 responded to a reported shooting at the Li'l Cricket Gas
22 Station on Whitehorse Road here in Greenville County. The
23 police learned that seven victims had been shot at that
24 location.

25 Over the course of the investigation police

Kiara Kerns - Guilty Plea

1 determined that this defendant was one of the six shooters
2 that parked behind the Li'l Cricket and walked up to the
3 north side of the parking lot and opened fire on those
4 victims. The investigation revealed that this defendant
5 carried a .380 handgun and travelled with both Raymond
6 Young and Michael Williams in a red Honda to and from the
7 scene.

8 Those are the fact as the State would present
9 them at trial.

10 THE COURT: Okay. Is all that true and
11 correct?

12 DEFENDANT HOLMES: Yes, sir.

13 THE COURT: Do you want to defer sentencing
14 on this?

15 MS. SALISBURY: Yes, sir. The State has
16 agreed to dismiss six counts of attempted murder, the
17 weapons charge, and assault and battery by mob as part of
18 the defendant's plea to these two charges.

19 THE COURT: Okay. Is that your
20 understanding?

21 DEFENDANT HOLMES: Yes, sir.

22 THE COURT: I'll accept the plea as being
23 freely, voluntarily and intelligently made with the advice
24 of a very competent attorney with whom he states he is
25 well satisfied and there's a substantial factual basis for

Kiara Kerns - Guilty Plea

1 the plea.

2 DEFENSE ATTORNEY: And, Judge, we ask that he
3 be allowed to stay out on bond.

4 MS. SALISBURY: I don't have any objection to
5 that, Judge. It's my understanding that his family has
6 posted the bond. As long as they are comfortable with the
7 bond then I don't have any issues.

8 THE COURT: Okay. We'll do that.

9 THE CLERK: Your Honor, in the case of
10 2011-GS-23-7988, the State versus Kiara Simone Kerns. She
11 is indicted for obstruction of justice. She is pleading
12 to the same and this is True Billed.

13 Ms. Kerns, please raise your right hand.

14 KIARA KERNS, having been duly sworn,
15 testified as follows:

16 Thank you.

17 THE COURT: Ms. Kerns, in the last 24 hours
18 have you had any drugs, alcohol or medication?

19 DEFENDANT KERNS: No, sir.

20 THE COURT: Have you ever been treated for
21 substance abuse or mental illness?

22 DEFENDANT KERNS: No.

23 THE COURT: Alright, you're up here on
24 2011-7988, it alleges that you did in Greenville County
25 between July 17 and July 26 of 2011, you knowingly and

Kiara Kerns - Guilty Plea

1 intentionally obstructed, impeded or hindered the
2 administration of justice during an investigation by
3 officers of the Greenville County Sheriff's Office of a
4 felony of attempted murder that occurred on Whitehorse
5 Road on July 17, 2011 by hiding firearms used in the crime
6 and/or by giving firearms to another person to hide. It
7 carries up to 10 years, do you understand that?

8 DEFENDANT KERNS: Yes.

9 THE COURT: Understanding the nature of the
10 charges against you and the maximum possible punishment,
11 how do you want to plead?

12 DEFENDANT KERNS: Guilty.

13 THE COURT: Is that your free and voluntary
14 choice?

15 DEFENDANT KERNS: Yes.

16 THE COURT: You understand you have an
17 absolute right to a trial by jury where you would be
18 presumed innocent unless and until the State could prove
19 you guilty beyond any reasonable doubt of each and every
20 element of the offense you're charged with. You would
21 have a right to confront and cross-examine the witnesses
22 and the evidence put up against you by the State. You'd
23 have a right to compel in court all relevant and competent
24 evidence in your own defense or you can remain silent.
25 Your silence can not be held against you and you can never

Kiara Kerns - Guilty Plea

1 be compelled to incriminate yourself. Do you understand
2 all those rights?

3 DEFENDANT KERNS: Yes.

4 THE COURT: And you want to give all those
5 rights up to enter this plea?

6 DEFENDANT KERNS: Yes.

7 THE COURT: Are you guilty?

8 DEFENDANT KERNS: Yes.

9 THE COURT: Are you totally satisfied with
10 your lawyer?

11 DEFENDANT KERNS: Yes.

12 THE COURT: Do you have any complaints you'd
13 like to make about the way you've been treated in this
14 case?

15 DEFENDANT KERNS: No.

16 THE COURT: And have you had enough time to
17 review the evidence the State has against you?

18 DEFENDANT KERNS: Yes.

19 THE COURT: Please listen while they tell us
20 the facts.

21 MS. SALISBURY: May it please the Court, Your
22 Honor, on July 17, 2011 just after 3:30 in the morning,
23 deputies with the sheriff's office responded to a shooting
24 that had occurred at the Li'l Cricket Gas Station on
25 Whitehorse Road in Greenville County.

Kiara Kerns - Guilty Plea

1 Over the course of their investigation
2 officers were determined to find and locate the firearms
3 and any other evidence that may have been used during this
4 crime. The information that officers received throughout
5 this investigation was that this defendant had been dating
6 one of the defendants, Mr. Esaiveus Booker.

7 Officers interviewed this defendant and she
8 described that she allowed Mr. Booker to travel in her
9 green Toyota Camary that night and described precisely in
10 her statement exactly how the evenings events transpired
11 as she recalled. Specifically Ms. Kerns referred to the
12 fact that at the end of the evening Mr. Booker returned to
13 the apartment -- I'm sorry, Judge. Another of the State's
14 witnesses referred to the fact that Mr. Booker entered the
15 apartment with a black duffel bag. That duffel bag became
16 important in that investigation as investigators learned
17 there may be guns inside that bag. That information led
18 them to this defendant's apartment and officers obtained
19 and executed a search warrant on July 26th of 2011.

20 We were not able to recover any firearms
21 inside, however, this defendant ultimately indicated to
22 police that she had given the guns to her brother
23 Mr. Adrian Kerns to get rid of them. Mr. Kerns
24 orchestrated a way to get those guns back on scene and one
25 of those handguns is a forensic match to one of the guns

Kiara Kerns - Guilty Plea

1 that was fired at the little cricket that night.

2 Those are the facts as would be presented at
3 trial?

4 THE COURT: Okay. Is all that true and
5 correct?

6 DEFENDANT KERNS: Yes.

7 THE COURT: I'll accept the plea as being
8 freely and voluntarily made with the advice of a very
9 competent attorney with whom she states she is well
10 satisfied and there is a substantial financial basis for
11 the plea.

12 Defer the sentence?

13 MS. SALISBURY: Yes, Your Honor, the State
14 has agreed to dismiss accessory after the fact charge as
15 part of the defendant's plea to the obstruction charge.
16 The State does not make any recommendation as to the
17 sentence.

18 MR. BANNISTER: Judge, may she stay out on
19 bond?

20 MS. SALISBURY: I don't have any objection to
21 that, Judge.

22 THE COURT: Alright.

23 MR. BANNISTER: Thank you, Judge.

24 THE COURT: Thank you. Anything else?

25 MS. SALISBURY: Not in the way of plea.

State versus Young, Booker, Williams, Sadler

1 THE BAILIFF: All rise, the Honorable Edward
2 Miller presiding.

3 THE COURT: Thank you. Please be seated.
4 Is there any voir dire, witness lists? I
5 have one from Mr. Robinson.

6 Is there anything before we bring the jury
7 up?

8 MS. SALISBURY: I would ask that through the
9 process of voir dire that if there are any jurors that
10 have any particular response to your questions,
11 particularly with regards to any press coverage of the
12 case or their familiarity with any of the parties
13 involved, I'd ask that you have them divulge that
14 information privately to avoid contaminating the jury
15 pool.

16 THE COURT: Fair enough.

17 MR. CHAMBERS: Your Honor, I would ask the
18 same. I don't -- I anticipate the Court is going to ask
19 if the potential jurors ever been victims of a violent
20 crime and if they are going to respond to that question in
21 the affirmative, I would ask that that be done in-camera.

22 THE COURT: Well, we'll see. I'm not going
23 to let them ---

24 MR. CHAMBERS: I just had the experience that
25 someone would say, my mom was killed by a drunk driver,

State versus Young, Booker, Williams, Sadler

1 and I feel at that point the jury was tainted. I don't
2 want something like that to happen here.

3 THE COURT: I'm not sure if I agree with that
4 but we'll certainly do our best to avoid anything like
5 that. We got 50 jurors coming. Do we have enough room in
6 here?

7 THE BAILIFF: Yes, sir.

8 THE COURT: Okay. There are a lot of people
9 in here and I presume there would be a lot of emotion
10 involved but any outburst in this courtroom during any
11 part of the trial will be dealt with pretty severely. So
12 if you are unable to contain your emotions and abide by
13 the decorum of this courtroom, then I would recommend that
14 you leave now. Okay. Is everybody ready?

15 MS. SALISBURY: Yes, Your Honor.

16 THE COURT: Has the defense counsel discussed
17 how you're going to handle your strikes?

18 MR. CHAMBERS: We have, Your Honor. We have
19 consulted and I want to make sure this is on the record,
20 we have all together gone over the entire list together
21 and made notes and come to a general agreement about who
22 we want and who we don't want. I am, for the sake of
23 convenience, going to be the one who speaks for the group.
24 There maybe at some point we would need to consult, but
25 for the most part probably not.

State versus Young, Booker, Williams, Sadler

1 THE COURT: Alright. Would everyone agree
2 with that?

3 MR. QUINN: Yes, Your Honor.

4 MR. ABDALLA: Yes, Your Honor.

5 MR. ROBINSON: Yes, Your Honor.

6 THE COURT: So that we're clear for the
7 record, defense counsel, pursuant to statute, will get 20
8 challenges, the State gets five, we're going to get two
9 alternates, the defense gets two for each alternate, the
10 defense gets one.

11 One last question, is there any reason why we
12 should not swear the jury once they are seated?

13 MS. SALISBURY: No, Judge.

14 THE COURT: I just been informed that No. 21
15 on our list has not returned from lunch. The sheriff will
16 locate him but he will not be part of the jury selection.

17 (Jury pool enters the courtroom.)

18 Ladies and gentlemen, I want to welcome you
19 up to Courtroom 8 and hope you had a pleasant lunch. As I
20 told you earlier this morning you all are part of a pool
21 from which a jury of 12 people will be selected along with
22 two alternates to serve in this case. And so we are going
23 to qualify you all to serve for this particular case so
24 please remember that you are under oath and we need for
25 you to give full complete and truthful answers to the

State versus Young, Booker, Williams, Sadler

1 questions for which we will propound to you.

2 Let me introduce this case to you, this is
3 the State of South Carolina versus Raymond Lewis Young
4 III, State of South Carolina versus Kinjta Kadeem Sadler,
5 State of South Carolina versus Michael Antonio Williams
6 and the State of South Carolina versus Esaiveus Frantrez
7 Booker.

8 There are a number of indictments that have
9 been filed with respect to each of these individuals so
10 let me publish those two you. I want to tell you that
11 this case revolves around an event which occurred on or
12 about July 17, 2011 at the Li'l Cricket in the Whitehorse
13 Road area. The first indictment which I'm looking at is
14 Indictment No. 2012-3838a, the State versus Raymond Lewis
15 Young, II. This indictment alleges that Mr. Young did in
16 Greenville County, July 17, 2011 willingly and unlawfully
17 participate as part of a mob that inflicted serious bodily
18 injury upon Anthony Callaham and/or Jamaal Williams and/or
19 Russell Moore Patterson and/or Dontavious Sullivan and/or
20 Raheem Adams and/or Trevis Thompson and/or Thomas Walker
21 and/or others.

22 The next indictment is 2011-23-8010. It
23 alleges that Raymond Lewis Young II did in Greenville
24 County on or about July 17, 2011 possess or visibly
25 display a firearm during the commission or attempted

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1 commission of a violent crime, that is attempted murder.

2 The next indictment I have is Indictment
3 2011-8011, the State versus Raymond Lewis Young II alleges
4 that he did in Greenville County on or about July 17, 2011
5 willfully and unlawfully combined with Michael Antonio
6 Williams and/or Esaiveus Booker and/or Kinjta Sadler
7 and/or Tavarus Holmes and/or Shaquille Hogan and/or Larry
8 Johnson and/or Daquan Bruster and/or Kiara Kerns for the
9 purpose of accomplishing an unlawful object or a lawful
10 object by unlawful means, attempted murder.

11 The next indictment that is 2011-8018 alleges
12 that Mr. Young did in Greenville County, July 17, 2011
13 unlawfully and with malice aforethought with the intent to
14 kill attempt to kill Anthony Callaham.

15 The next indictment that I have is indictment
16 2011-8017 alleges that Raymond Lewis Young II did in
17 Greenville County, July 17, 2011 unlawfully and with
18 malice aforethought and with the intent to kill attempt to
19 kill Russell Moore Patterson. The next indictment

20 2011-8016 alleges that Mr. Young did in Greenville County,
21 July 17, 2011 unlawfully and with malice aforethought and
22 with the intent to kill attempt to kill Jamaal Williams..

23 The next indictment I have is Indictment No. 2011-8015
24 alleges Mr. Young did in Greenville County on or about the
25 17th day of July of 2011 unlawfully and with malice

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1 aforethought with the intent to kill attempt to kill
2 Raheem Adams.

3 The next indictment I have is 2011-8014 and
4 it alleges Mr. Young did in Greenville County on or about
5 the 17th day of July 2011 unlawfully and with malice
6 aforethought with the intent to kill attempt to kill
7 Trevis Thompson.

8 The next indictment I have is Indictment
9 2011-8013 alleges that Mr. Young did in Greenville County
10 on or about July 17th of 2011 unlawfully and with malice
11 aforethought with the intent to kill attempt to kill
12 Thomas Walker. The next indictment 2011-8012 alleges that
13 Mr. Young did in Greenville County, July 17, 2011
14 unlawfully and with malice aforethought and with the
15 intent to kill attempt to kill Dontavious Sullivan.

16 The next indictment I have is Indictment
17 2011-9245. It alleges that Kinjta Kadeem Sadler did in
18 Greenville County July 17, 2011 unlawfully and with malice
19 aforethought with the intent to kill attempt to kill
20 Russell Moore Patterson. The next indictment I have is
21 Indictment 2011-9244 alleges that Mr. Sadler did in
22 Greenville County on or about July 17, 2011 unlawfully and
23 with malice aforethought and with the intent to kill
24 attempt to kill Jamaal Williams. The next indictment I
25 have 2011-9243 alleges that Mr. Sadler did in Greenville

State versus Young, Booker, Williams, Sadler

1 County July 17, 2011 unlawfully and with malice
2 aforethought with the intent to kill attempt to kill
3 Raheem Adams.

4 The next indictment I have is indictment
5 2011-9242 alleges that Mr. Sadler did in Greenville County
6 July 17, 2011 unlawfully and with malice aforethought with
7 the intent to kill attempt to kill Trevis Thompson. The
8 next indictment I have 2011-9241 alleges that Mr. Sadler
9 did in Greenville County July 17, 2011 unlawfully and with
10 malice aforethought and with the intent to kill attempt to
11 kill Thomas Walker. The next indictment I have is
12 2011-9240 it alleges that Mr. Sadler did in Greenville
13 County on or about July 17, 2011 unlawfully and with
14 malice aforethought and with the intent to kill attempt to
15 kill Dontavious Sullivan.

16 The next indictment I have is 2011-9239
17 alleges that Mr. Sadler did in Greenville County July 17
18 2011 unlawfully with malice aforethought and with intent
19 to kill attempt to kill Anthony Callaham. The next
20 indictment I have is 2012-3840a alleges that Mr. Sadler
21 did in Greenville County July 17, 2011 willfully and
22 unlawfully participate as part of a mob that inflicted
23 serious bodily injury upon Anthony Callaham and or Jamaal
24 Williams and or Russell Moore Patterson and or Dontavious
25 Sullivan and or Raheem Adams and or Trevis Thompson and or

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1 Thomas Walker and or others.

2 The next indictment I have is 2011-9237
3 alleges that Mr. Sadler did in Greenville County July 17,
4 2011 possession or visibly display a firearm during the
5 commission or attempted commission of a violent crime.
6 That is attempted murder. The next indictment 2011-9238
7 alleges that Mr. Sadler did in Greenville County July 17,
8 2011 willfully and unlawfully combine with Michael Antonio
9 Williams and or Esaiveus Booker and or Daquan Bruster and
10 or Raymond Young II and or Tavarus Holmes and or Shaquille
11 Hogan and or Larry Johnson for the purpose of
12 accomplishing an unlawful object or a lawful object by
13 unlawful means, attempted murder.

14 The next indictment I have is 2012-3839a it
15 alleges that Michael Antonio Williams did in Greenville
16 County July 17, 2011 willfully and unlawfully participate
17 as part of a mob that inflicted serious bodily injury upon
18 Anthony Callaham and or Jamaal Williams and or Russell
19 Moore Patterson and or Dontavious Sullivan and or Raheem
20 Adams and or Trevis Thompson and or Thomas Walker and or
21 others.

22 The next indictment is 2011-7957. It alleges
23 that Mr. Williams did in Greenville County July 17, 2011
24 possess or visible display a firearm during the commission
25 or attempted commission of a violent crime attempted

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1 murder. The next indictment is 2011-7958 alleges that
2 Mr. Williams did in Greenville County July 17, 2011
3 willfully and unlawfully combine with Raymond Young II and
4 or Esaiveus Booker and or Kinjta Sadler and or Tavarus
5 Holmes and or Daquan Bruster and or Shaquille Hogan and or
6 Larry Johnson for the purpose of accomplishing an unlawful
7 object or a lawful object by unlawful means and that is
8 attempted murder.

9 The next indictment 2011-7965 alleges that
10 Mr. Williams did in Greenville County July 17 of 2011
11 unlawfully with malice aforethought and with the intent to
12 kill attempted to kill Dontavious Sullivan. The next
13 indictment 2011-7964 alleges that Mr. Williams did in
14 Greenville County on or about the 17th day of July 2011
15 unlawfully and with malice aforethought and with the
16 intent to kill attempt to kill Russell Morrison. Next
17 indictment is 2011-7963 alleges that Mr. Williams did in
18 Greenville County July 17 of 2011 unlawfully with malice
19 aforethought or with the intent to kill attempt to kill
20 Thomas Walker.

21 The next indictment 2011-7962 alleges that
22 Mr. Williams did in Greenville County July 17, 2011
23 unlawfully and with malice aforethought and with the
24 intent to kill attempt to kill Trevis Thompson. The next
25 indictment 2011-7961 alleges that Mr. Williams did in

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1 Greenville County July 17 of 2011 unlawfully and with
2 malice aforethought with the intent to kill attempt to
3 kill Raheem Adams.

4 The next indictment 2011-7960 alleges that
5 Mr. Williams did in Greenville County on or about July 17,
6 2011 unlawfully with malice aforethought with the intent
7 to kill attempt to kill Jamaal Williams. The next
8 indictment alleges that Mr. Williams did in Greenville
9 County, July 17, 2011 unlawfully and with malice
10 aforethought and with the intent to kill attempt to kill
11 Anthony Callaham.

12 The next indictment 2011-7947 alleges that
13 Esaiveus Frantrez Booker did in Greenville County on or
14 about July 17, 2011 unlawfully and with malice
15 aforethought and with the intent to kill attempt to kill
16 Anthony Callaham. The next indictment 2011-7946 alleges
17 that Mr. Booker did in Greenville County July 17, 2011
18 unlawful and with malice aforethought and with the intent
19 to kill attempt to kill Russell Morris. The next
20 indictment 2011-7945 alleges that Mr. Booker did in
21 Greenville County July 17, 2011 unlawfully with malice
22 aforethought and with the intent to kill attempt to kill
23 Thomas Walker.

24 The next indictment 2011-7944 alleges that
25 Mr. Booker did in Greenville County July 17 of 2011

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1 unlawfully with malice aforethought and with the intent to
2 kill attempt to kill Trevis Thompson. The next indictment
3 2011-7943 alleges Mr. Booker did in Greenville County July
4 17 of 2011 unlawfully with malice aforethought and with
5 the intent to kill attempt to kill Raheem Adams. The next
6 indictment 2011-7942 alleges that Mr. Booker did in
7 Greenville County July 17 of 2011 unlawfully with malice
8 aforethought and with the intent to kill attempt to kill
9 Jamaal Williams.

10 The next indictment 2011-7941 alleges that
11 Mr. Booker did in Greenville County July 17, 2011
12 unlawfully and with malice aforethought and with the
13 intent to kill attempt to kill Dontavious Sullivan. The
14 next indictment 2012-3841a alleges that Mr. Booker did in
15 Greenville County July 17 of 2011 willfully and unlawfully
16 participate as part of a mob that inflicted serious bodily
17 injury upon Anthony Callaham and or Jamaal Williams and or
18 Russell Moore Patterson and or Dontavious Sullivan and or
19 Raheem Adams and or Trevis Thompson and or Thomas Walker
20 and or others.

21 The next indictment 2011-7939 alleges that
22 Mr. Booker did in Greenville County July 17, 2011 possess
23 or visibly display a firearm during the commission or
24 attempted commission of a violent crime and that is
25 attempted murder.

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1 The next indictment 2011-7940 alleges that
2 Mr. Booker did in Greenville County July 17, 2011
3 willfully and unlawfully combine with Michael Antonio
4 Williams and or Daquan Bruster and or Kinjta Sadler and or
5 Tavarus Holmes and or Shaquille Hogan and or Larry Johnson
6 for the purpose of accomplishing an unlawful object or a
7 lawful object by unlawful means that is attempted murder.

8 Now, ladies and gentlemen, to each of these
9 indictments each of these individuals has pled not guilt
10 and as such with the entry of that plea certain rights
11 attach that belong to each and every person in this
12 country who is charged with a crime and that is that
13 anyone charged with a crime is presumed to be innocent
14 unless and until the charging body which in this case is
15 the State of South Carolina can prove to a jury beyond any
16 reasonable doubt each and every element of each offense
17 that is charged.

18 Each indictment must stand or fail on its own
19 merit and that is with respect to each and every one of
20 these individuals so keep that in mind throughout the
21 course of these proceedings.

22 I would also tell you that the allegations
23 contained in these documents which I have read to you or
24 what we call publishing to you are just that, they are
25 allegations and you are to take no inference, make no

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1 presumption with respect to guilt or innocence because
2 they indictments have been issued. They are simply the
3 formal written documents which allow each of these cases
4 to wind its way through the judicial system and arrive
5 here in court for disposition. So please keep that in
6 mind throughout the course of these proceedings.

7 Now, before I go any farther, I'm going to
8 ask the attorneys to stand and identify themselves and
9 also their clients.

10 MS. SALISBURY: Good afternoon, ladies and
11 gentlemen, my name is Katrina Salisbury and I am a
12 prosecutor for Greenville County.

13 MR. CHAMBERS: Good afternoon, ladies and
14 gentlemen, my name is Randy Chambers. I practice law here
15 in Greenville and this is my client Esaiveus Booker who is
16 seated here beside me.

17 MR. ROBINSON: Good afternoon, my name is
18 Scott Robinson. I also practice in Greenville and this is
19 my client Michael Williams.

20 MR. ABDALLA: Good afternoon, my name is John
21 Abdalla, I practice in Greenville and my client is Raymond
22 Young.

23 MR. QUINN: Good afternoon, I'm Tom Quinn.
24 I'm a sole practitioner here in Greenville and I have the
25 opportunity to represent Kinjta Sadler.

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1 THE COURT: Thank you very much.

2 Ladies and gentlemen, is there any member of
3 the jury panel who is related by blood or marriage or who
4 has a business, personal or social relationship with any
5 of the attorneys involved in this case or any member of
6 the Thirteenth Circuit Solicitor's Office? If so, please
7 stand.

8 (No response.)

9 Is there any member of the jury panel who is
10 related by blood or marriage or has a business personal or
11 social relationship with either Mr. Raymond Lewis Young,
12 II, Mr. Kinjta Kadeem Sadler, Mr. Michael Antonio Williams
13 or Mr. Esaiveus Frantrez Booker? If so, please stand.

14 (No response.)

15 Is there any member of the jury panel who is
16 related by blood or marriage or have a business, personal,
17 or social relationship with Anthony Callaham, Jamaal
18 Williams, Russell Moore Patterson, Dontavious Sullivan,
19 Raheem Adams, Trevis Thompson, Thomas Walker? If so,
20 please stand.

21 (No response.)

22 Now, I'm going to read a list of potential
23 witnesses in this case and I'm going to need to know the
24 same about each of these individuals so please pay
25 attention; Deputy Chris McCalmont with the Sheriff's

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1 Office, Deputy James Brown with the Sheriff's Office,
2 Officer Greg Wood with the Police Department, Deputy Matt
3 Owens with the Sheriff's Office, Deputy Mason Hubber with
4 the Sheriff's Office, Deputy Chris Hill with the Sheriff's
5 Office, Deputy Michael Robertson with the Sheriff's
6 Office, Deputy Tim Fuller with the Sheriff's Office,
7 Investigator Wayne Campbell with the Sheriff's Office,
8 Deputy Shawnee Peeples with the Sheriff's Office, Deputy
9 Dustin Woodall with the Sheriff's Office, Deputy Jim Perry
10 with the Sheriff's Office, Deputy Renee Beauford with the
11 Sheriff's Office, Deputy Chris Pletcher with the Sheriff's
12 Office, Deputy David Whitlock with the Sheriff's Office,
13 Investigator Devin Hoover with the Sheriff's Office,
14 Investigator Mike Fortner with the Sheriff's Office,
15 Investigator Brandon Brown with the Sheriff's Office, Iona
16 Ooten with forensics, Dustin Kretschmar with forensics,
17 Ryan Reed with forensics, Jonathan Derby with forensics,
18 Jonathan Hamilton with forensics, Christopher Gary with
19 forensics, James Armstrong, crime lab, Tabitha Fricks,
20 property and evidence, Julie Thaxton, property and
21 evidence, Kara Bennick, property and evidence, Officer Cam
22 Hunter with the Police Department, Agent Lisa Quillen,
23 Federal Bureau of Investigation, Agent Rob Scott with the
24 Federal Bureau of Investigation, John Black, John Jones,
25 Brittany Moore, Josh Cline, Russell Moore Patterson,

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1 Raheem Adams, Javon Henry, Vincent Fant, Jamel Williams,
2 Justin Williams, Thomas Walker, Trevis Thompson, Carroll
3 Equan Jackson, Deon Dean, Anthony Callaham, Deion
4 Townsend, Eric Stroud, Damonte suber, Dontavious Sullivan,
5 Lycretta Smith, Roshonques Perry, Juwan Lomax, Tra'Vis
6 Ware, Joscelyn Mack, tierra Lowden, Joel Hall, Brandon
7 Davis, Quantavia Daniels, Artivicia McGowan, Adrian kerns,
8 Amanda Bell, Decoria Washington, Sgt. David Weiner of the
9 Sheriff's Office, Michael Moore formerly of the Sheriff's
10 Office, Kaelin Moon, Sabrina Bradley, Brandon Nedwards,
11 Davario Clinkscales, Brittany Phillips, Myeshia Hill,
12 Cherish Henry, Ronald Young, Twanada Barber, Iesha
13 Crawford, Karima Johnson, Quinten Collins, Tony Jeter,
14 Dishannon Workman, Dreek Glover, Jeremiah Black, Latricia
15 Hall, Andrea Eddy, Dishannon Workman and Shatevia Adams.

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

21 (No response.)

22 I have described to you that this event
23 occurred July 17, 2011 at the Li'l Cricket on Whitehorse
24 Road. Is there anyone who has any knowledge about the
25 events that are alleged in these indictments? If so,

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1 please stand.

2 (No response.)

3 Is there any member of the jury or jury
4 family member or a close personal friend who has ever been
5 a victim of or charged with this type of offense? If so,
6 please stand.

7 Ma'am, if you would please tell me your name
8 and your number.

9 JUROR 54: No. 54 and my name is Catherine
10 Chatelain.

11 JUROR 135: No. 135, Theresa Harris.

12 THE COURT: If I ask you to each come
13 forward. One at a time, ma'am.

14 (Bench conference with Jurors No. 135 and
15 54.)

16 Alright. Ladies and gentlemen, is there any
17 member of the jury panel who is aware of any bias or
18 prejudice towards any of the defendants for or against the
19 State? Let me tell you is what we're here for and why I
20 am going through this qualification and why I have
21 announced all these indictments and potential witnesses
22 and why I'm asking you these questions is I want to ensure
23 that we get a jury that can be fair and impartial and
24 judge this case solely on the evidence presented in this
25 courtroom and the law as I would give it to you. So

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1 that's why we're asking you these questions. It's a
2 solemn duty.

3 Yes, ma'am, what's your name and number,
4 please.

5 JUROR 38: No. 38, Linda J Braren.

6 (Bench conference with Juror No. 38.)

7 THE COURT: Is there any member of the jury
8 panel who is a member of or contributor a group whose
9 primary concern is the promotion of law enforcement or
10 victim's rights such as MAD, SAD, or CAVE?

11 (No response.)

12 Is there any juror who knows of any reason
13 whatsoever why you should not serve in this case with
14 particular inference on your ability to be fair and
15 impartial and to judge this case solely on the merits of
16 the evidence presented in this courtroom and the law as I
17 would give it to you? If you can not do that, please
18 stand.

19 (No response.)

20 Thank you very much. Anything else from the
21 State, Your Honor.

22 MS. SALISBURY: No, Your Honor.

23 THE COURT: Anything from the defense?

24 MR. CHAMBERS: No, Your Honor.

25 THE COURT: Alright, please proceed.

State versus Young, Booker, Williams, Sadler

1 THE CLERK: If I call your name, please stand
2 in place and wait for further instructions.

3 Juror 97, Kayla Failor. What says the State?

4 MS. SALISBURY: Please excuse this juror.

5 THE CLERK: You may be seated. You have been
6 excused from this case.

7 Juror 130, Douglas Harper. What says the
8 State?

9 MS. SALISBURY: Please present Mr. Harper.

10 THE CLERK: What says the defendants?

11 MR. CHAMBERS: Swear Mr. Harper, please.

12 THE CLERK: Mr. Harper, please bring your
13 things and have a seat in the jury box.

14 Juror No. 26, Teresa Bennett. What says the
15 State?

16 MS. SALISBURY: Please present Ms. Bennett.

17 THE CLERK: What says the defendant?

18 MR. CHAMBERS: Please excuse Ms. Bennett from
19 this case, please.

20 THE CLERK: Alright, ma'am, please be seated.
21 You have been excused from the trial of this case.

22 Juror No. 5, Johar Alam. What says the
23 State?

24 MS. SALIBSURY: Please present Mr. Alam.

25 THE CLERK: What says the defendants?

State versus Young, Booker, Williams, Sadler

1 MR. CHAMBERS: Excuse Mr. Alam from this
2 case, please.

3 THE CLERK: Sir, please be seated. Juror
4 293, Robin Thompson. What says the State?

5 MS. SALISBURY: Please present Ms. Thompson.

6 THE CLERK: What says the defendants?

7 MR. CHAMBERS: Please swear Ms. Thompson.

8 THE CLERK: Ms. Thompson, please bring your
9 things and have a seat in the jury box.

10 Juror No. 214, Lise Mizell. What says the
11 State?

12 MS. SALISBURY: Please present the
13 Ms. Mizell.

14 THE CLERK: What says the defendants?

15 MR. CHAMBERS: Excuse Ms. Mizell from this
16 case, please.

17 THE CLERK: Ms. Mizell, please be seated.

18 Juror 100, Chrisine Ferguson. What says the
19 State?

20 MS. SALISBURY: Please present Ms. Ferguson.

21 THE CLERK: What says the defendants?

22 MR. CHAMBERS: Please swear Ms. Ferguson.

23 THE CLERK: Ms. Ferguson, please bring your
24 things and have a seat in the jury box.

25 Juror No. 20, Phyllis Barber. What says the

State versus Young, Booker, Williams, Sadler

1 State?

2 MS. SALISBURY: Please present Ms. Barber.

3 THE CLERK: What says the defendants?

4 MR. CHAMBERS: Excuse Ms. Barber from this
5 case, please.

6 THE CLERK: Ma'am, you may be seated. Juror
7 66, David Connor. What says the State?

8 MS. SALISBURY: What says the State?

9 THE CLERK: What says the defendant?

10 MR. CHAMBERS: Excuse Mr. Connor from this
11 case.

12 THE CLERK: Alright, sir, please be seated.

13 Juror 55, Stanley Chen. What says the State?

14 MS. SALISBURY: Please excuse Mr. Chen.

15 THE CLERK: Sir, please be seated. You have
16 been excused from this case. Juror 29, Margaret Best.
17 What says the State?

18 MS. SALISBURY: Please present Ms. Best.

19 THE CLERK: What says the defendants?

20 MR. CHAMBERS: Excuse Ms. Best from this
21 case, please.

22 THE CLERK: Please be seated. Juror 106,
23 Cynthia Foxx. What says the State?

24 MS. SALISBURY: Please present Ms. Fox.

25 THE CLERK: What says the defendants?

State versus Young, Booker, Williams, Sadler

1 MR. CHAMBERS: Swear Ms. Foxx, please.

2 THE CLERK: Ms. Foxx, please bring your
3 things and have a seat in the jury box.

4 Juror 104, Jess Fortune. What says the
5 State?

6 MS. SALISBURY: Please present Mr. Fortune.

7 THE CLERK: What says the defendants?

8 MR. CHAMBERS: Excuse Mr. Fortune from this
9 case, please.

10 THE CLERK: Sir, please be seated. Juror
11 300, Kenneth Vaughn. What says the State?

12 MS. SALISBURY: Please present Mr. Vaughn.

13 THE CLERK: What says the defendants?

14 MR. CHAMBERS: Please excuse Mr. Vaughn from
15 this case.

16 THE CLERK: Juror 54, Catherine Chatelain.
17 What says the State?

18 MS. SALISBURY: Please present Ms. Chatelain.

19 THE CLERK: What says the defendant?

20 MR. CHAMBERS: Please excuse Ms. Chatelain.

21 THE CLERK: Please be seated. Juror 308,
22 Clarence Whitenburg. What says the State?

23 MS. SALISBURY: Present Mr. Whitenburg.

24 MR. CHAMBERS: Swear Mr. Whitenburg, please.

25 THE CLERK: Mr. Whitenburg, please bring your

State versus Young, Booker, Williams, Sadler

1 things and have a seat in the jury box.

2 Juror No. 3, Carla Aguirre. What says the
3 State?

4 MS. SALISBURY: Please present Ms. Aguirre.

5 THE CLERK: What says the defendant?

6 MR. CHAMBERS: Please swear Ms. Aguirre.

7 THE CLERK: Please, come have a seat, ma'am,
8 in the jury box.

9 Juror No. 266, Patricia Russell. What says
10 the State?

11 MS. SALISBURY: Please present Ms. Russell.

12 THE CLERK: What says the defendants?

13 MR. CHAMBERS: Please excuse Ms. Russell.

14 THE CLERK: Please be seated. Juror No. 30,
15 Stefon Bishop. What says the State?

16 MS. SALISBURY: Please excuse Mr. Bishop.

17 THE CLERK: Thank you. Please be seated, you
18 have been excused from this case. Juror 18, Melissa
19 Baker. What says the State?

20 MS. SALISBURY: Present Ms. Baker.

21 THE CLERK: What says the defendants?

22 MR. CHAMBERS: Swear Ms. Baker, please.

23 THE CLERK: Ms. Baker, bring your things and
24 have a seat in the jury box. Juror 258, Catherine
25 Robinette. What says the State?

State versus Young, Booker, Williams, Sadler

1 MS. SALISBURY: Present Ms. Robinette.

2 MR. CHAMBERS: Excuse Ms. Robinette.

3 THE CLERK: Please be seated. Juror 154,
4 Lisa Hudson. What says the State?

5 MS. SALISBURY: Present Ms. Hudson.

6 THE CLERK: What says the defendant?

7 MR. CHAMBERS: Swear Ms. Hudson.

8 THE CLERK: Ms. Hudson, please bring your
9 things and have a seat in the jury box.

10 Juror No. 127, Lisa Hall. What says the
11 State?

12 MS. SALISBURY: Please present Ms. Hall.

13 MR. CHAMBERS: Excuse Ms. Hall from this
14 case.

15 THE CLERK: Alright, please be seated. Juror
16 No. 297, Becky Tutiven. What says the State?

17 MS. SALISBURY: Please present Ms. Tutiven.

18 THE CLERK: What says the defendant?

19 MR. CHAMBERS: Please seat Ms. Tutiven.

20 THE CLERK: Ma'am, please come have a seat in
21 the jury box.

22 Juror 251, Clyde Rentz. What says the State?

23 MS. SALISBURY: Please present Mr. Rentz.

24 THE CLERK: What says the defendant?

25 MR. CHAMBERS: Please excuse Mr. Rentz from

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1 this case.

2 THE CLERK: Alright, sir, please be seated.

3 Juror 281, Valisa Smith. What says the
4 State?

5 MS. SALISBURY: Please excuse Ms. Smith.

6 THE CLERK: Ma'am, you may be seated.

7 Juror 278, Daniel Skelton. What says the
8 State?

9 MS. SALISBURY: Please present Mr. Skelton.

10 THE CLERK: What says the defendants?

11 MR. CHAMBERS: Please swear Mr. Skelton,
12 please.

13 THE CLERK: Mr. Skelton, please have a seat
14 in the jury box.

15 Juror 114, Nathan Garrett. What says the
16 State?

17 MS. SALISBURY: Please present Mr. Garrett.

18 THE CLERK: What says the defendant?

19 MR. CHAMBERS: Please excuse Mr. Garrett from
20 this case.

21 THE CLERK: Alright, sir, please be seated.
22 Juror No. 2, Beth Adair. What says the State?

23 MS. SALISBURY: Please present Ms. Adair.

24 THE CLERK: What says the defendant?

25 MR. CHAMBERS: Swear Ms. Adair.

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1 THE CLERK: Ms. Adair, bring your things and
2 hav a seat in the jury box.

3 Juror 81, Anatolya Dodd. What says the
4 State?

5 MS. SALISBURY: Please excuse Ms. Dodd.

6 THE CLERK: Please be seated.

7 Juror 275, Wilson Shealy. What says the
8 State?

9 MS. SALISBURY: Please present Mr. Shealy.

10 THE CLERK: What says the defendant?

11 MR. CHAMBERS: Excuse Mr. Shealy from this
12 case, please.

13 THE CLERK: Sir, please be seated. Juror
14 218, William Morrow. What says the State?

15 MS. SALISBURY: Please present Mr. Morrow.

16 MR. CHAMBERS: Excuse Mr. Morrow from this
17 case.

18 THE CLERK: Sir, please be seated. Juror 37,
19 Randy Bradley. What says the State?

20 MS. SALISBURY: Please present Mr. Bradley.

21 MR. CHAMBERS: Please excuse Mr. Bradley.

22 THE CLERK: Please be seated. Juror 60,
23 Clyde Cole. What says the State?

24 MS. SALISBURY: Please present Mr. Cole.

25 THE CLERK: What says the defendant?

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1 MR. CHAMBERS: Excuse Mr. Cole, please.

2 THE CLERK: Please be seated. Juror 175,
3 Michael Lancaster. What says the State?

4 MS. SALISBURY: Please present Mr. Lancaster.

5 THE CLERK: What says the defendants?

6 MR. CHAMBERS: Please excuse Mr. Lancaster
7 from this case.

8 THE CLERK: Please be seated. Juror 43,
9 Christy Brown. What says the State?

10 MS. SALISBURY: Present Ms. Brown.

11 THE CLERK: What says the defendants?

12 MR. CHAMBERS: Swear Ms. Brown.

13 THE CLERK: Ms. Brown, please come have a
14 seat in the jury box.

15 THE COURT: Two alternates, one and two.

16 THE CLERK: Juror 215, Lee Montgomery. What
17 says the State?

18 MS. SALISBURY: Please excuse Mr. Montgomery.

19 THE CLERK: Juror 180, Kendal Laue. What
20 says the State?

21 MS. SALISBURY: Present Mr. Laue.

22 THE CLERK: What says the defendant?

23 MR. CHAMBERS: Excuse Mr. Laue from this
24 case.

25 THE CLERK: Sir, please be seated. Juror 328

State versus Young, Booker, Williams, Sadler

1 Alcestis Thompson. What says the State?

2 MS. SALISBURY: Present Mr. Thompson.

3 MR. CHAMBERS: Swear Mr. Thompson, please.

4 THE CLERK: Mr. Thompson, please come and
5 have a seat in the jury box. Juror 24, David Benden.

6 What says the State?

7 MS. SALISBURY: Please present Mr. Benden.

8 THE CLERK: What says the defendant?

9 MR. CHAMBERS: Swear Mr. Benden, please.

10 THE CLERK: Mr. Benden, please, a seat in the
11 jury box.

12 THE COURT: Alright, any exception or
13 objection to the jury pursuant to Batson or Jeb.

14 MS. SALISBURY: Nothing from the State, Your
15 Honor.

16 MR. QUINN: I beg the Court's indulgence.

17 MR. CHAMBERS: Your Honor, we do have a
18 matter regarding jury selection we'd like to take up
19 outside the presence of the jury.

20 THE COURT: Alright. Ladies and gentlemen,
21 I'm going to excuse you back to -- you don't know where it
22 is but they'll show you.

23 (Jury exits the courtroom.)

24 The remaining members of the jury pool, I'm
25 going to excuse you all to Courtroom 7 until I hear this

State versus Young, Booker, Williams, Sadler

1 issue and get right back with you.

2 (Remainder of juror excused.)

3 Alright, you got a motion?

4 MR. CHAMBERS: I do, Your Honor, under Batson
5 versus Kentucky and all of its progeny, I would bring a
6 motion regarding the solicitor's strikes. Out of six
7 strikes she exercised, three of those were black. She
8 struck two from the jury and she exercised one for the
9 alternate.

10 THE COURT: For the record, Juror No. 293 is
11 an African American, that juror was seated. Juror No. 308
12 was an African American and that juror was seated. Juror
13 No. 18 was an African American and that juror was seated.
14 Juror No. 281 was an African American was struck by the
15 State with their 4th preemptory challenge. Juror No. 81
16 was an African American was struck by the State with their
17 5th preemptory challenge. Juror No. 215 was the first
18 alternate, he's an African American, and was struck by the
19 State. So who are you referring to?

20 MR. CHAMBERS: I'm referring to all three of
21 them, Your Honor.

22 THE COURT: Alright. Ms. Salisbury.

23 MS. SALISBURY: With respect to Juror 281,
24 Ms. Smith, I noted during jury qualifications that
25 Ms. Smith expressed some concerns regarding her ability to

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1 withstand the duration of the trial. She indicated she
2 had a substantial number of health issues and wanted to be
3 excused based on those issues. That's my basis for
4 striking Ms. Smith.

5 Ms. Dodd, is Juror 81, and my notes indicate
6 that Ms. Dodd lives on Prancer Avenue in Greenville
7 County. It's my understanding that some of the witnesses
8 in this case live in the area of Prancer Avenue and I was
9 quite simply concerned that juror may become family with
10 the witnesses even though she may not recognize their
11 names off hand. That's my basis for striking her. And
12 then Mr. Montgomery, Juror 215, again, Judge, I note that
13 Mr. Montgomery lives at Piedmont and I have the same
14 reservations. There are many of these witnesses that live
15 in the Piedmont area and have residences in Piedmont and
16 again just out of an abundance of caution, I was concerned
17 that he may be familiar with some of the witnesses in this
18 case and decided that another alternate may be a better
19 choice.

20 THE COURT: Okay.

21 MR. CHAMBERS: Well, just in response, in
22 particularly the last two, they certainly had the
23 opportunity to identify any witnesses they may know. They
24 heard the witnesses and they have not identified that.
25 Certainly it's clear to everyone, the Court took great

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1 pains to ensure that anyone who had any problems serving
2 could come forward and a couple of people were excused for
3 cause. We don't believe those to be satisfactory racial
4 neutral reasons. We think that ultimately what the State
5 was trying to do was have few African Americans on the
6 jury.

7 THE COURT: Well, certainly that is -- she
8 has stated race neutral reasons for her strikes. Y'all
9 going to have to show me something more than what you have
10 to show that there's purposeful discrimination. Do you
11 have anything else?

12 MR. QUINN: One thing I would point out to
13 the Court is Juror 106 lives in Piedmont and they did not
14 strike Juror 106, No. 12 on the list, Ms. Fox. So the
15 extent that they are striking the jurors in Piedmont,
16 Juror No. 106, Cynthia Fox, it was a white female and it
17 provides her address as in Piedmont, no
18 less, and yet she was not struck by the State.

19 MS. SALISBURY: Your Honor, I just didn't
20 indicate on my list that that was an address that I had
21 some concern about. So I do and some I don't, but that
22 doesn't make it the ---

23 THE COURT: I'll tell you what. I've made
24 one statement, one warning, and I'm not going to make
25 another one.

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1 Okay. Go ahead.

2 MS. SALISBURY: Judge, I'm not sure where I
3 left off. I've offered race neutral reasons. If the
4 Court wants a more specific inquiry. I didn't make that
5 address on Ms. Fox, it is something that I had no concern.
6 I had concerns about the Piedmont address but not this
7 one. I don't know the geography of Greenville County with
8 enough sophistication to appreciate the minor details of
9 the community the basis of my strike, Judge.

10 THE COURT: Okay. Well, Mr. Quinn makes a
11 very valid point. I'm going to rely on State versus
12 Tucker and Peyton versus Kirk Kearse(ph) that I don't see
13 a discriminatory intent inherent in the proponent's
14 explanation and so I believe those cases require me to
15 find the reason offered to be deemed race neutral. So I'm
16 going to deny your motion.

17 Anything else?

18 MR. CHAMBERS: No, Your Honor.

19 THE COURT: Call back after 6:00. Y'all want
20 to take a couple of minutes and come back -- how long will
21 the Neal v. Biggers going to take?

22 MS. SALISBURY: Very briefly, Your Honor. I
23 don't expect it to be lengthy at all.

24 THE COURT: Well, why don't we try and do
25 that right now.

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1 MS. SALISBURY: Okay. Judge, let me give you
2 some background on what's happening. There was a --
3 before the actual substantive shooting that's the subject
4 of this trial, there was an altercation that occurred at
5 the Red Planet Nightclub that occurred about 45 minutes
6 before the shooting. There was an individual -- there
7 were several individuals shot at the nightclub. One of
8 those individuals spoke with police and identified
9 Mr. Michael Williams as the individual with whom he was
10 fighting in the parking lot that night.

11 It's my intention to offer that victim,
12 Mr. Fant's testimony regarding the person he was fighting
13 at the club that night as it explains why the defendant
14 and his friends would have had an interest and motivation
15 to retaliate.

16 It is my understanding from Mr. Robinson that
17 he does not have any objection to the admission of the
18 line-up or any testimony regarding Mr. Fant's
19 identification.

20 THE COURT: Alright. Tell me about it. I
21 need to hear from the horse's mouth. Does anyone object
22 to the introduction of this identification?

23 Let me tell you this, just to keep the record
24 clear, when you stand please just say on behalf of
25 Mr. Young or Mr. Sadler or whoever so we can have the

State versus Young, Booker, Williams, Sadler

1 record clear.

2 MR. ROBINSON: On behalf of Mr. Williams,
3 Your Honor, we have no objection.

4 THE COURT: Any other objection from any
5 other defendant?

6 (No reply.)

7 Hearing no objection, it would be deemed
8 admissible, I guess. Anything else?

9 MS. SALISBURY: Yes, Your Honor, there's
10 another issue of a statement made by Mr. Michael Williams
11 to Investigator Peoples and it's my understanding that she
12 is at this minute on her way to the courthouse. If the
13 Court please I may move on to another couple of issues
14 that may happen.

15 THE COURT: Go ahead. Whatever we can get
16 to.

17 MS. SALISBURY: At some point during the
18 investigation there was a search warrant executed at a
19 residence on Davis Road here in Greenville and there were
20 some documents seized and observed in that house. I would
21 offer some testimony from the investigators that searched
22 that house to demonstrate that Mr. Young was a resident of
23 that location and Mr. Williams is a resident of that
24 location. My concern is that that the documents that
25 appear to make it more likely that Mr. Young lived in the

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1 residents are documents related to a prior investigation.

2 I just want to deal with that before we begin
3 the trial so I can instruct my investigator how to address
4 his discoveries in determining that Raymond Young was a
5 resident of this particular trailer on Davis Road.

6 THE COURT: Do they know what documents
7 you're talking about? Did it involve an arrest of that
8 individual?

9 MS. SALISBURY: Yes. It is my understanding
10 from the investigators that the documents seen inside the
11 house were incident reports, witness statements, and
12 discovery tape materials related to Mr. Young's 2005
13 arrest. So it is those documents that are personal in
14 nature that the State would suggest make it compelling to
15 believe that he lived in this residence. There is other
16 evidence but that is the one that proved particularly
17 concerning.

18 THE COURT: I'll be happy to hear from the
19 defense.

20 MR. ABDALLA: One moment. I'd like to talk
21 to my client.

22 I need to inquire. I'm not understanding the
23 purpose of what this is and what the State is trying to
24 prove.

25 THE COURT: My understanding is they're

State versus Young, Booker, Williams, Sadler

1 trying to prove that your client lived in the residence.

2 MR. ABDALLA: What is residence so I can make
3 sure we're not agreeing to consent of something.

4 MS. SALISBURY:

5 MR. ABDALLA: No problem. We're talking
6 about just establishing the residence and not the
7 admission of documents, correct?

8 MS. SALISBURY: I don't have any documents
9 related to that particular discovery that I plan to
10 admit. I do plan to admit, should they become relevant,
11 documents related to the defendant's gang affiliation.

12 THE COURT: To gang affiliation. .

13 MR. ABDALLA: We're going to make a motion
14 since we're on that topic.

15 THE COURT: We're not there yet.

16 MR. ABDALLA: Okay.

17 THE COURT: I would just caution the State's
18 witnesses to be careful about how they describe what the
19 documentation is so that you don't put a defendant's
20 character into issue in violation of the rules. Let's
21 keep a clean record. Any other motions from the State?
22 No. Now, Mr. Abdalla.

23 MR. ABDALLA: If it please the Court, the
24 defendants have a motion in limine to prevent the State
25 from any mention of gangs or use of the word gang because

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1 we believe the prejudicial effect outweighs any probative
2 value. Their theory is that this is a gang related
3 incident and the defense knows that if the jury starts
4 hearing about gangs and stuff, it's going to be very
5 difficult for them to give our client's a fair trial.
6 Either they can prove their case without that or they can
7 not, the evidence is either here or it isn't. It
8 shouldn't be left to the prejudicial aspects of the gangs,
9 Judge.

10 THE COURT: You're asking me to make an
11 assumption about that?

12 MR. ABDALLA: I'm asking you to make a ruling
13 about that they not be allowed to mention gangs, Your
14 Honor.

15 THE COURT: What am I supposed to base it on?
16 That the jury is going to be prejudiced because of the
17 mention of the word gang. Do you have anything, a
18 foundation, to put under that?

19 MR. ABDALLA: I'd like to get back to you
20 tomorrow morning, if I could.

21 THE COURT: That's fine. Okay. Anything
22 else?

23 MS. SALISBURY: Just the Jackson v. Denno
24 motion with respect to that one statement.

25 THE COURT: Any motion for sequestration or

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1 THE COURT: Alright, well, y'all -- does
2 anybody want to make an opening statement?

3 MS. SALISBURY: No, Your Honor, I would
4 prefer to wait until the morning.

5 MR. CHAMBERS: I would too, Your Honor.

6 THE COURT: Well, I would say this, with this
7 potential witness list and what I'm looking at, the close
8 of business is going to be a little bit later than normal.
9 So just need to be prepared for that. Okay.

10 MR. CHAMBERS: I understand that and I
11 certainly don't have a problem with it, but with this
12 being Monday the members of the jury may not have planned
13 ahead and just for their sake.

14 THE COURT: Mr. Chambers, how thoughtful of
15 you. I'm going to go ahead bring the jury in, swear them,
16 and cut them loose. When we swear this jury, I have
17 published the indictments and indictment numbers to the
18 whole jury pool so I'm going to request that madam clerk
19 merely list the charges and perhaps the indictment numbers
20 without going to each just to shorten the process.

21 (Jury re-enters the courtroom.)

22 Ladies and gentlemen, welcome back. What
23 we're going to do is I'm going to make a few opening
24 comments to you and then I'm going to swear you, put you
25 under oath to try the case and then we're going to break

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1 for today. As you can imagine at the beginning of the
2 trial there are a number of issues we need to address and
3 I wouldn't want to make y'all sit back there
4 unnecessarily. I'm going to make a few comments to you,
5 place you under oath and then excuse you for the evening
6 and get y'all back in the morning.

7 I want to tell you we have a dispute about
8 the facts in this case which requires a jury to come up
9 here to resolve that dispute. It couldn't be resolved in
10 any fashion other than to ask a jury to come up and listen
11 to the evidence presented in this case and the law as I
12 would give it to you and come to a resolution of the
13 dispute. I would remind you that all those indictments
14 that I read to you are not evidence. They are simply
15 pieces of paper which allow the cases to wind their way
16 through out system to arrive here in court for resolution
17 of the dispute.

18 So as such they contain allegations and you
19 should make not assumption and take no inference from the
20 fact that those indictments or arrest warrants or anything
21 else as issued with respect to the question of guilt or
22 innocence. That can only be determined from the evidence
23 presented in this courtroom while applying the law to that
24 evidence. So the fact that those things are issued, it
25 just allows the case to get here for resolution. Please

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1 keep that in mind throughout the course of the trial.

2 I would also tell you that every person in
3 this country who is charged with a crime is presumed to be
4 innocent unless and until the charging body, which in this
5 case is the State of South Carolina, can prove to each of
6 you beyond any reasonable doubt each and every element of
7 each offense that is charged and in that regard each and
8 every case must stand or fall on its own merits without
9 respect to any of the other charges or indictments. They
10 each have to stand on their own. So keep that in mind
11 throughout the course of the trial.

12 The burden is always on the charging body and
13 a person charged with a crime in this state is never
14 required to prove themselves innocent.

15 I want to tell you you can break a trial down
16 into as many parts as you like and if you like to watch
17 these shows on tv or go to the movies and watch them or
18 read the crime novels or whatever, they break trials down
19 into all these minute parts and that's well and good but I
20 break it into five parts so you all have sort of a
21 procedural road map to know where you are in the case.
22 The first part I guess you can say we're engaged in right
23 now but it's really tomorrow morning. The attorneys will
24 make their opening statements to you and those are brief
25 and they are non argumentative statements.

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1 The second part of the trial is the meat and
2 potatoes of every case and that is the presentation of the
3 testimony and the evidence in the case and evidence comes
4 to in a case generally in one of three ways and the most
5 common way we all think about is through oral testimony
6 from witnesses up here testifying under oath. The second
7 very common way is through tangible objects or documents
8 and the third less common way but still common is by
9 stipulation of the parties when they all agree that some
10 fact is so beyond dispute that you should accept it as
11 true.

12 Now, I don't know what combination the
13 evidence will come to you but that's generally the way
14 that it will be delivered in the courtroom.

15 And then the third part of the trial will be
16 at the close of all of the evidence. The attorneys will
17 make their closing arguments to you. It's a big
18 difference between what will be brief non argumentative
19 opening statements and their closing arguments where they
20 advocate their position and urge you to resolve the
21 dispute in their client's favor.

22 The fourth part of the trial is when I give
23 you the charge on the law. I tell you what the law is in
24 our state and how it applies to these cases. The fifth
25 part of the trial will be when you all retire to your jury

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1 room to deliberate and resolve the disputes on all these
2 different cases.

3 Those are the five parts. They are not of
4 equal length. As you can imagine the testimony and the
5 evidence is the longest part of the trial and I'll ask you
6 to do probably many things throughout the course of the
7 trial but there are three really important things that I
8 emphasize. One is to keep an open mind. Do not come to a
9 decision until the end of the case until you've heard all
10 of the evidence, until you've heard all of the law, until
11 you're back there deliberating and talking about the case,
12 keep an open mind.

13 The second thing is you I ask you to do it
14 seems pretty simple but it's very important is to pay
15 attention. If you allow your mind to wonder off during
16 the course of the trial, you might miss some important
17 piece of testimony or you might miss the way a witness
18 acts on the witness stand or what we call the witness's
19 demeanor and that might be very important in deliberations
20 and if you had not been paying attention then you would be
21 at a disadvantage back in the jury room. So pay attention
22 and, of course, you use your common sense while you're
23 doing all of that.

24 The third very important thing that I ask you
25 to do, instruct you to do, is to not discuss this case

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1 with anyone until you're free to deliberate at the end of
2 the trial. That means when you go home tonight and you
3 see a friend, a spouse, a family member, and they are
4 going to want to know what you're doing. It's human
5 nature. It's human nature for you all to want to talk
6 about what you're doing and it's fine to say I got
7 selected on a trial. It is not fine to say anything else.

8 Why is that, ladies and gentlemen? Even an
9 innocent comment from someone who you like and trust can
10 have an impact on your state of mind and we're not
11 interested in that and as the case goes along, it's going
12 to be more and more tempting to want to talk about it, to
13 seek advise from your family and your friends, the people
14 who you would seek advise from to make any kind of
15 decision like what movie you go to. You commonly do that
16 but you can not do that in this instance and that is a
17 solemn part of your oath. And the reason for that is
18 those people are not making the sacrifices that your
19 making and if you did that it would be unfair to the
20 parties involved in this case. It would be unfair to your
21 fellow jurors and it would be unfair to yourselves to
22 allow someone outside of this courtroom who is not making
23 the sacrifices to have any input in the outcome of this
24 trial. That's why we ask you to do that.

25 That also includes doing any independent

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1 research which would include going to the scene or getting
2 on the Internet or looking something up in a book. You
3 can't do that. You'll swear on an oath in just a minute
4 not to do that and the reason for that is is that
5 everything that you will need to know to decide this case
6 you will hear in this courtroom and we do not allow
7 outside influences to taint the outcome of the case.
8 That's how important it is. It's a very solemn part of
9 what you do in this case.

10 I want to tell you that you are the sole
11 judges of the fact in the case. The trial judge, by law,
12 is not allowed to have an opinion about the facts of the
13 case so don't think by anything I say or do throughout the
14 course of the trial I have an opinion. I don't. The law
15 does not allow it. You all are the sole judges of what is
16 true. You all are the sole judges of what to believe and
17 what not to believe. Okay.

18 That same law that makes you all the sole
19 judges of the facts makes me the sole judge of the law.
20 So if you have any ideas of what you think the law is or
21 what the law should be and it disagrees as to what I tell
22 you the law is during the course of the trial, under your
23 oath you must set aside your own opinion and apply the law
24 precisely as I state it to you.

25 Now, I'm sure there will be a lot of other

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1 things I'm going to ask you to do throughout the course of
2 the trial. One little explanation is I had to excuse you
3 all to leave and to discuss an issue and you all might
4 think well, they're trying to deceive us. We may be
5 trying to keep something from you but we're not trying to
6 deceive you. As you can imagine if we have to discuss a
7 piece of evidence that might not be properly admitted,
8 then you all shouldn't hear it and that's what we're doing
9 if we ask you all to leave. We just want to make sure
10 that everything you hear is constitutionally proper. So
11 we may have bench conferences and they all come up here
12 out of your hearing or we may ask y'all to leave, that's
13 what we're doing and why we're doing it.

14 There's one other thing I'm going to ask you
15 all to do when you get here in the morning and that is to
16 see if from the first 12 folks you all can determine who
17 you would like to be your fore person. I can do it for
18 you if you can't decide but I always like to give the jury
19 a chance to decide who they think would be their
20 fore person and that is really the jury's spokesperson in
21 the courtroom if it becomes necessary and the moderator of
22 the discussions during your deliberations. So the first
23 thing when y'all come back in in the morning when
24 everybody gets there if y'all can see if you can determine
25 who you would like to be your fore person, that would be

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1 great. If not, I have a scientific method. I cover my
2 eyes and I just put my finger down on the jury list and
3 one of y'all becomes the jury person.

4 In any event, y'all have a pleasant evening
5 tonight and we'll see you back at 9:15 in the morning..
6 Okay. Thank you. We've got to swear you so please stand.

7 THE CLERK: Please stand and raise your right
8 hand. The proper response will be "I will," and I'll do
9 one at a time.

10 You shall well and truly try the case
11 2011-GS-23-8012 through 8018 the State versus Raymond
12 Lewis Young II, indicted for attempted murder, 8011 for
13 conspiracy, 8010 for possession of a weapon during the
14 commission of a violent crime and 2012-GS-23-3838a for
15 assault and battery by mob in the second degree.

16 Also the State versus Kinjta Kadeem Sadler,
17 2011-GS-23-9239 through 9245 for attempted murder, 9238
18 for conspiracy, 9237 for possession of a weapon during the
19 commission of a violent crime, 2012-GS-23-3840a for
20 assault and battery by a mob in the second degree.

21 The State versus Michael Antonio Williams,
22 2011-GS-23-7959 through 7965 for attempted murder, 7958
23 for conspiracy, 7957 for possession of a weapon during the
24 commission of a violent crime and 2012-GS-23-3839a for
25 assault and battery by a mob in the second degree.

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1 Lastly, the State versus Esaiveus Frantrez
2 Booker, 2011-GS-23-7941 through 7947 for attempted murder,
3 7940 for conspiracy, 7939 for possession of a weapon
4 during the commission of a violent crime and 2012-GS-
5 23-3841a for assault and battery by a mob in the second
6 degree.

7 And a true verdict rendered according to the
8 law and the evidence so help you God. I will.

9 JURORS COLLECTIVELY: "I will."

10 THE COURT: Alright, ladies and gentlemen,
11 you have a pleasant evening and we'll see you in the
12 morning. Thank you.

13 (Jury dismissed for the evening.)

14 MS. SALISBURY: Your Honor, the State calls
15 Investigator Shawnee Peoples.

16 THE COURT: Alright, come on around.

17 MS. SALISBURY: Come up and be sworn.

18 THE CLERK: Please place your left hand on
19 the Bible and raise your right hand.

20 SHAWNEE PEOPLES, having been sworn, testified
21 as follows:

22 Thank you. Please seated. State your name
23 for the record.

24 MR. ROBINSON: Your Honor, on behalf of
25 Mr. Williams, I ask that the other officers in the

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1 courtroom, not the chief investigator, but the other
2 officers back there be sequestered.

3 THE COURT: Okay. Not just them, all the
4 witnesses.

5 (Witnesses sequestered from the courtroom.)

6 DIRECT EXAMINATION

7 BY MS. SALISBURY.

8 Q. Investigator, where do you work?

9 A. I work for the Greenville County Sheriff's
10 Office.

11 Q. In what capacity were you working in July, 2011?

12 A. In July 2011 I was actually cross training in the
13 violent crimes unit. At the time I was assigned to the
14 juvenile division still with NCIA.

15 Q. Do you remember assisting Investigator Campbell
16 on an investigation related to a shooting that happened on
17 July 17, 2011?

18 A. Yes, I do.

19 Q. Do you remember coming into contact with the
20 defendant Mr. Michael Williams on July 24th of 2011?

21 A. Yes, I do.

22 Q. Could you please describe for the Court how you
23 became involved with him generally?

24 A. I was taking statements and he was already
25 brought up to the office and I was asked to take a

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1 statement from him in regards to this case.

2 Q. At the time that you spoke with him, was he under
3 arrest?

4 A. I'm not sure.

5 Q. Did he indicate to you he was willing to give a
6 statement orally or draft a statement?

7 A. He was very cooperative with me at first. He
8 started to take the statement and he backtracked on some
9 things and he gave me his statement, but there was some
10 questions about it that I had.

11 Q. Do you remember where specifically you
12 interviewed him?

13 A. We were back in the homicide office. The door is
14 already in the back of CID but it was still open.

15 Q. It was in the Sheriff's Office?

16 A. Yes, it was. It was on the second floor.

17 Q. Do you remember what time of day it would have
18 been you were interviewing him?

19 A. Evening time. I believe it actually started from
20 the 23rd going into the 24th so it was late at night going
21 into the early morning.

22 Q. Do you remember whether he was in handcuffs
23 during the interview?

24 A. I do not.

25 Q. Do you remember whether anyone else was present

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1 with you during that interview?

2 A. No.

3 Q. Now, before you spoke with him, did you advise
4 Mr. Williams of his Miranda Rights?

5 A. I did.

6 Q. Did you read those from a form, did you recite
7 those from memory?

8 A. I read them from a form and I had him to read the
9 bottom paragraph so he could show me he could read. He
10 stated he could read and write and that he was able to
11 read it again and initial it after every sentence and he
12 signed the form.

13 Q. Were you able to read for the Court exactly what
14 you advised Mr. Williams.

15 A. "Before we ask you any questions you must
16 understand your rights. You have the right to remain
17 silent. Anything you say can be used against you in
18 court. You have a right to talk to a lawyer for advise
19 before we ask you any questions and have you there during
20 questioning. If you have no money to pay a lawyer's fee,
21 the court will appoint one to represent you at no cost if
22 you wish. If you decide to answer questions now without a
23 lawyer present, you will still have the right to stop
24 answering at any time. You also have the right to stop
25 answering at any time until you talk to a lawyer. The

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1 bottom portion of the Waiver of Rights portion will be
2 read out loud and it says I have read the statement of my
3 rights and I understand what my rights are. I am willing
4 to make a statement and to answer questions. I do not
5 want a lawyer at this time, understand and know what I am
6 doing. No promises or threats have been made to me and no
7 pressure or coercion of any kind have been used against
8 me." And he also initialed coercion and he knew what
9 coercion was and he read back through the first part that
10 I read to him and he read it himself and he initialed it
11 at the end of each sentence and he signed it.

12 Q. Do you remember how you explained to him what the
13 word coercion meant?

14 A. It depends on everybody's understanding. I am
15 trying not to insult people's intelligence. I am going to
16 ask them what it means to them and if they explain to me
17 what it means to them and that means they understand what
18 it means. I advised him that I was not trying to trick
19 him at any point in time. If he no longer wanted to talk
20 to me, he didn't have to talk to me, that I wasn't trying
21 to trick him into giving me a statement.

22 Q. In addition to initialing every one of those
23 sentences as you described and then signing the form, did
24 he indicate to you that he understood his rights?

25 A. Yes.

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1 Q. Did he indicate to you that he wanted to waive
2 those rights and give you a statement?

3 A. Yes.

4 Q. Have you, during the course of your tenure at the
5 Sheriff's Office and in law enforcement generally, have
6 you had occasion to deal with people who were under the
7 influence of drugs or alcohol?

8 A. Yes.

9 Q. Did he appear to you to be under the influence of
10 any intoxicating substances?

11 A. No.

12 Q. Did it appear to you that he understood the
13 questions that you asked him?

14 A. Yes.

15 Q. Did he appear to understand his rights as you
16 read them to him?

17 A. Yes.

18 Q. Was his speech clear?

19 A. Yes.

20 Q. Was it coherent?

21 A. Yes.

22 Q. Did it ever appear to you during the course of
23 your interview with him that he wished to invoke his
24 rights and instead remain silent?

25 A. No.

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1 Q. How long did your interview with Mr. Williams
2 last?

3 A. I can't recall. It wasn't very long. After I
4 did obtain that statement from him, he asked at one point
5 in time to speak with his sister in which I allowed him to
6 call his sister while he was there in the office.

7 Q. During that entire period, did it appear to you
8 that he understood the process and what was going on that
9 entire time?

10 A. He did.

11 Q. To the best of your knowledge, was the statement
12 that Mr. Williams gave freely and voluntarily given?

13 A. Yes, it was.

14 Q. Did you type the statement for him or did you
15 have him type it?

16 A. I typed it for him.

17 Q. And did you give him the opportunity to read back
18 over it?

19 A. Yes.

20 Q. Did he make any changes to it?

21 A. He did. When I typed one version he wanted to
22 delete everything and he wanted to give a smaller version
23 and it was giving me the indicators that he wasn't telling
24 me everything. I could only take what he gave me as a
25 statement and I have him my business card and told him if

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1 he wanted to talk and give another statement, that he
2 could contact me and I gave him that before he left.

3 Q. Nonetheless, when he gave the statement that he
4 directed you, did he read over that statement?

5 A. Yes.

6 Q. Did he make any changes to the final version that
7 you ended up preparing?

8 A. No, he did not and I had him at the bottom of it
9 in his own handwriting to advise that what he told me in
10 that statement was true.

11 Q. And did you have him sign that statement?

12 A. Yes, I did.

13 Q. Would you read for the Court what's in that
14 statement?

15 A. Do you want just the bottom of it or ---

16 Q. You can start with the, "I am at the Law
17 Enforcement Center."

18 A. "I am at the Law Enforcement Center and I have
19 given Investigator Peoples permission to type a statement
20 for me. I am not under the influence of any drugs or
21 alcohol at this time. I attended Hillcrest High School
22 but I dropped out in the 11th grade. I can read and
23 write. Last weekend I decided to go to the Red Planet
24 with Raymond. I rode with Raymond in his green Crown Vic.
25 We went into the VIP line. When we got inside a fight

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1 broke out behind everybody. We left and I heard ring
2 shots in the parking lot. We went to Club 864. We just
3 chilled and talked to a couple of people. I left and got
4 in a burgundy mini van. There was Pooh and (inaudible)
5 and a couple of his home girls. Then we went to the
6 Waffle House, the one by Fleetwood. We got there after
7 Raymond got there. And then I went to the Waffle House by
8 Whitehorse Road. After I left, I met Raymond back at his
9 house."

10 Q. I don't have any additional questions.

11 THE COURT: Cross.

12 MR. ROBINSON: May it please the Court.

13 THE COURT: Yeah.

14 MR. ROBINSON: I have no questions of this
15 witness, Your Honor.

16 THE COURT: Anybody else? Okay. Thank you.

17 (Witness leaves the witness stand.)

18 Any motions?

19 MR. ABDALLA: I'd like to have a moment to
20 discuss this with my client, please.

21 THE COURT: Okay.

22 MR. ABDALLA: Your Honor, we have no
23 objection.

24 THE COURT: I'm going to find that it is
25 freely and voluntarily given. Anything else?

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1 MS. SALISBURY: The only thing left is the
2 subject of gangs which I imagine we'll discuss in the
3 morning. Otherwise, I'm prepared to show the video to
4 these attorneys.

5 THE COURT: Alright, crank it up.

6 I'll tell you what, this is not the Greyhound
7 Bus Station. If you're going to take a nap, go to the
8 Greyhound Bus Station. I'm not going to allow you to
9 sleep in the courtroom, my friend. You're out. Out.

10 (Whereupon, video was played.)

11 Alright, anything else?

12 MS. SALISBURY: Nothing from the State, Your
13 Honor.

14 MR. CHAMBERS: Nothing, Your Honor.

15 THE COURT: 9:15.

16 --END OF TRANSCRIPT RECORD FOR DAY 1--
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18
19
20
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23
24
25

State versus Booker, Williams, Young, Sadler

1 STATE OF SOUTH CAROLINA)
 2) COURT OF GENERAL SESSIONS
 3 COUNTY OF GREENVILLE) 2011-GS-23-8010-8018
 4) 2012-GS-23-3838
 5) 2011-GS-23-9239-9245
 6) 2012-GS-23-3041,7491-79417
 7 STATE OF SOUTH CAROLINA) TRANSCRIPT OF RECORD
 8)
 9 -vs-)
 10)
 11 Raymond Lewis Young)
 12 Esaiveus F. Booker)
 13 Kinjta Kadeem Sadler)
 14 Michael W. Williams)

January 8, 2013
 Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, Judge.

A P P E A R A N C E S

Katrina Salisbury, Esquire
 Assistant Solicitor
 Attorney for the State

Scott Robinson, Esquire
 Attorney for Michael Williams

Randy Chambers, Esquire
 Attorney for Esaiveus Booker

Thomas Quinn, Esquire
 Attorney for Kinjta Sadler

John Abdalla, Esquire
 Attorney for Raymond Young

CAROLINE HISKELL
 Thirteenth Circuit Court Reporter

State versus Booker, Williams, Young, Sadler

I N D E X

WITNESSES	DR	CR	RED	REC
Vincent Fant	130	144	147	
Raheem Adams	148	163		
Russell Moore Patterson	170	180	184	185
Thomas Walker	186	195		
Javon Henry	199	207	210	
Roshonques Perry	237	244		
Jamel Williams	247	257		
Anthony Callaham	260	268	272	
Dontavious Sullivan	272	277		
Carroll Jackson	279			
Trevis Thompson	284	290		

E X H I B I T S

IDENTIFICATION	ID	IN EVD
State's Exhibit		
1 Photograph	135	173
2 Photograph	135	173
3 Photograph	--	--
4 Photograph	--	--
5 Photograph	--	--
6 Photo line-up	141	141
7 Photograph	155	155
8 Photograph	157	157
9 Photograph	240	241
10 Photograph	255	255
11 Photograph	254	--

Defendant Williams

1 Statement	165
2 Patterson Statement	181
3 Sullivan Statement	277

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P R O C E E D I N G S

THE BAILIFF: All rise. The Honorable Edward Miller presiding.

THE COURT: Thank you. Please be seated. Anything before we get them?

MS. SALISBURY: Judge, one issue I wanted to address one of my witnesses of my first group of witnesses in reading over the statement last night he mentioned that before he met with investigators, he went online and reviewed photographs of mug shots online and that's how he was able to identify Michael Williams as the person that he saw in the parking lot at the Red Planet. I just wanted to bring that to the Court's attention should I need to caution that particular witness about how he characterized what he saw.

THE COURT: Yes, I think you could. We don't need to draw their character into issue unnecessarily so I would just tell them that they reviewed photographs on line and just leave out the mug shot.

MS. SALISBURY: Okay. And I believe we left unsettled the defendants's shared motion yesterday.

THE COURT: What motion was that?

MR. ROBINSON: Your Honor, may it please the Court, Mr. Abdalla had made a motion or something as far as in limine to limited the State's witnesses from going

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1 into characterizing or employing the term gang or gang
2 related or criminal gang in this case and I wanted to put
3 that on the record if I could, Your Honor, as far as the
4 objection and in limine.

5 THE COURT: Sure, go ahead.

6 MR. ROBINSON: Your Honor, I believe that one
7 there is no evidence in this case or there's nothing and
8 they have not charged either Mr. Williams or the other
9 gentlemen in this case, the co-defendants with being a
10 criminal gang. In this matter under 16.8.230 which is the
11 Criminal Gang Prevention Act in this state it defines
12 criminal gang, criminal gang member and in the definition
13 as far as a pattern of criminal gang activity in this case
14 and it is my contention that when they haven't even
15 charged my client, Mr. Williams, with the offense of being
16 in a gang, being part of a criminal gang activity, that
17 that would be admissible in this matter under this because
18 they have not charged this in this case. That's the first
19 part of my motion in limine, Your Honor, and that would be
20 16.8.230.

21 THE COURT: What's the second part?

22 MR. ROBINSON: The second, Your Honor, is a
23 403 objection in terms of being unduly prejudicial and
24 inflammatory. Mr. Abdalla made a mention yesterday about
25 prejudice in this matter. Under 403 analysis the

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1 connotation of the word gang in this matter takes on an
2 inflammatory appeal such as the passion of the average
3 person which is the men and women of the jury which is
4 aroused to the point of prejudice. Because what the jury
5 would be hearing is because of a gang or gang activity
6 that this all took place and I believe on behalf of my
7 client, Your Honor, that that would ---

8 THE COURT: That's an assertion and what I
9 told Mr. Abdalla yesterday let's put some foundation under
10 that other than just in your mind that --- what you got?

11 MR. ROBINSON: I think what's most
12 illuminated is 16.8.230 as far as the definitions in this
13 case as far as type of what a criminal gang member is,
14 what a criminal gang is and it talks about -- and this is
15 16.8.230 definitions as far as criminal gangs -- that
16 criminal gang means, "formal or informal ongoing
17 organization, association, or group which consists of five
18 or more persons who are formed for the purpose of
19 committing criminal activities and who knowingly and
20 actively participate in a pattern of criminal gang
21 activity." And I believe there is nothing or no
22 indication or not having been charged in this matter of
23 criminal gang activity.

24 THE COURT: You all are asking me to rule in
25 a vacuum. Yes, I agree with you that this is the

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1 definition as pertained in the statute. If they can't put
2 substance, if they want to use that term, it's a pretty
3 wide open term to be perfectly honest about it. "Five or
4 more people who commit criminal activity and participate
5 in a pattern," that kind of thing. It's wide open. I
6 don't know what they're going to say so I can't rule at
7 this time on that.

8 MR. CHAMBERS: If I could follow up if I
9 could, Your Honor, I mean in looking through the discovery
10 material it is clear throughout all of the discovery
11 material that they pursued this as though these young men
12 were involved in a gang, the gang being the Folk Nation or
13 the G's. One of the officers that they intent to call is
14 Investigator Brown whose sole job at this point is to
15 investigate gangs in Greenville County. I think there's a
16 clear indication that they intend to go that direction and
17 by bringing a motion in limine, we are merely trying to
18 head that off before the cat gets out of the bag in front
19 of the jury and we can't put it back in. So there's your
20 substance. That's what we're talking about.

21 THE COURT: Well, I haven't seen the first
22 page of discovery so I don't know that that's the case or
23 not. You want me to make a ruling right now that you
24 can't mention gang?

25 MR. CHAMBERS: We're making motions that ---

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1 THE COURT: I understand that. Is that what
2 you're asking me to do?

3 MR. CHAMBERS: That is what I'm asking you to
4 do.

5 THE COURT: Can't do it. What if I make that
6 ruling now and they present evidence that shows that in
7 fact this is a gang?

8 MR. CHAMBERS: A motion in limine is also
9 subject to be reviewed by the Court and that position
10 changed but if they go down that road and -- it just opens
11 up a can of worms and that once that happens, we're not
12 going to be able to undue the prejudice. It's clear that
13 -- I guess she can stand up now and say she doesn't intend
14 to go that way and we won't have to worry about it.

15 THE COURT: What I'm telling you is I can't
16 make a ruling out of thin air. I don't have it. I think
17 we've made it clear that we are not just going to put
18 their character into issue. They're going to have to take
19 about the substance of what occurred and if they can show
20 that five or more people acted together in a pattern of
21 criminal activity, that fits the definition of gang under
22 our statutory law. And if it's prejudicial, there's a lot
23 of stuff that comes out in criminal cases that's
24 prejudicial.

25 MR. CHAMBERS: I understand that.

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1 THE COURT: If they can't show that, they
2 can't go there, it's as simple as that but I can't rule
3 right now, I don't know what the evidence is. So
4 certainly thank you. We'll be on alert for it.

5 MS. SALISBURY: Judge, if I could very
6 briefly state a couple of things to the Court, first with
7 respect to the issue, it's the State's position that
8 because there is no charge related to 16.8.230, there's no
9 reason for that definition to have any controlling
10 significance on how this case is presented.

11 The State is not alleging that this group of
12 defendants participated in a pattern of criminal gang
13 activity and quite frankly I'm not prepared to present in
14 my case in chief precisely the pattern of activity these
15 defendants have engaged in.

16 The substance of that particular section is
17 designed to prosecute a very limited set of crimes. The
18 threats made of violence to get people to participate gang
19 activity or to prevent them from withdrawing. There are
20 no allegations that these defendants threatened anyone to
21 participate in a gang or threaten them to commit violence
22 to keep them from withdrawing from the gang.

23 THE COURT: So why are we talking about this?

24 MS. SALISBURY: Because it will be apparent
25 as I anticipate from the very first witnesses that when

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1 the police arrived on scene and began investigating this
2 case what they were told from this witness was the guys
3 that we got into a fight with at the club were all in
4 black. We know them as the G's. Several of the witnesses
5 are going to indicate that they knew Raymond Young by
6 name. I plan to ask them how they knew him by name and
7 quite frankly it's my estimation that the answer to that
8 question is going to be they know him to be the leader of
9 the Folk Nation sect in Greenville.

10 It's going to be out there at the outset
11 because it's critical to how the case was investigated.
12 The investigators followed up on what the witnesses and
13 the victims told them which is that they believed that
14 Raymond Young was involved. They believe that it was a
15 gang responsible for having attacked them at the gas
16 station and that's exactly why police pursued the lead that
17 they did. It is critical to how the case was investigated
18 and that's how I would respond to the motion at this
19 point.

20 There are many other reasons why it's
21 intimately connected to how this case is presented. It's
22 going to be my theory of the case as I share with the jury
23 in opening statements that these defendants and their
24 other four defendants retaliated as a unit. As you know,
25 Judge, these defendants are charged with assault and

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1 battery by mob. The mob is the gang. It's that shared
2 intent, that shared objective working together as gang
3 members that makes that evidence beyond merely probative
4 but critical to ID, motive, and intent.

5 So I know that it's going to be out there as
6 soon as the very first witness takes the stand because
7 that is exactly what his perception and what he shared
8 with the investigators about what happened at the club
9 which preceded the gas station shooting.

10 THE COURT: Well, who is going to testify to
11 that? The witness that you're talking about?

12 MS. SALISBURY: Yes, sir.

13 THE COURT: Well, that's his state of mind.
14 Yes, Mr. Robinson.

15 MR. ROBINSON: I just wanted to respond when
16 she's finished and put in the last part of my motion.

17 THE COURT: Well, I think she's finished.

18 MR. ROBINSON: Your Honor, I appreciate
19 Ms. Salisbury doing this but I made the motion as far as
20 under the statute and under 403 in this case. I think the
21 next as far as objection goes would be under a 404a
22 analysis as far as being interjecting character into this
23 thing because I believe on behalf of Mr. Williams and
24 other counsel that when they hear the word gang or gang
25 related anything, the jury is going to automatically

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1 believe that Mr. Williams is a bad person or these guys or
2 bad people in this matter.

3 What we have here is we have witnesses that
4 are being -- that are cooperating in this matter that are
5 going to say certain things to get to this idea that this
6 is some sort of gang. I think it interjects character in
7 this case that I think is inadmissible in this matter
8 because ---

9 THE COURT: I'll tell you what.

10 MR. ROBINSON: Yes, sir.

11 THE COURT: It does interject character into
12 this matter that a group of people would get together with
13 a bunch of guns and go shoot other people. That is
14 character or lack of character. I'm going to have to see
15 how it plays out. You all are concerned about the word
16 gang. It's a group, it's a unit, they act cohesively and
17 that's one of the elements that they have to prove in
18 their certain charges in the mob case. So you want me to
19 limit them so they can't do that? We can't do that.

20 MR. ROBINSON: Thank you, Judge.

21 MR. ABDALLA: Your Honor, my position would
22 be they can dance around the issue all day long and get to
23 all of the elements without asserting the conclusion that
24 the ---

25 THE COURT: Without using the word gang?

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1 MR. ABDALLA: Yes. The word gang is so
2 prejudicial that it would not raise any probative value.
3 They either have the facts or they don't and I object also
4 them using my client's name as the head of the gang or
5 nicknames.

6 THE COURT: Well, if a witness gets up and
7 testifies that his frame of mind or his state of mind that
8 your client is the head of this group of people, you want
9 me to say he can't do that?

10 MR. ABDALLA: That's what I'm asking for,
11 Judge. I think he can testify without saying he's a part
12 of the gang or he's the head of the gang, because I think
13 the jury hears the word gang ---

14 THE COURT: Well ---

15 MR. ABDALLA: They're not going to get a fair
16 trial.

17 THE COURT: I think we're going to get them a
18 fair trial.

19 MR. ROBINSON: Thank you, Your Honor, for
20 hearing the motion.

21 THE COURT: That's it.

22 MR. ROBINSON: On behalf of Mr. Williams,
23 Your Honor, that's it.

24 THE COURT: I've just gone on the Internet
25 looking at the a website called Dictionary.com. The

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1 definition of gang, "A group or band, a gang of boys
2 gathered around the winning pitcher; a group of
3 youngsters, adolescents who associate closely often
4 exclusively for social reasons; a group of people with
5 compatible tastes or mutual interests who gather together
6 for social reasons. I'm throwing a party for the gang I
7 bowl with.' For all of the negative connotations that you
8 all want to associate with that word. The fifth
9 definition down on the list is, "A group of persons
10 associated for some criminal or other anti-social
11 purpose."

12 MR. CHAMBERS: Your Honor, if I could just
13 respond to the Court's comments, we're dealing with a very
14 specific assertion by the State in this case. We're not
15 talking about a bunch of boys gathering around the winning
16 pitcher, we're talking about they're going to take the
17 stand say these young men are members of a group called
18 the Folk Nation or the G's and there's certainly a
19 negative connotation that everybody at this point in
20 society knows about and that's exactly what they want to
21 introduce in.

22 I'm not stupid. I've been doing this a while
23 and any evidence that comes in against a client of mine is
24 prejudicial but there are things that are unduly
25 prejudicial. That has nothing to do with what the

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1 allegations against these young men are and it's exactly
2 the kind of thing that they want to bring in here trying
3 to poison the well for everybody here.

4 THE COURT: If what they're saying is true,
5 they're living in a poison well. What's your witness
6 going to say that he's a member of?

7 MR. SALISBURY: He's going to testify that
8 he's a member of a wrap group along with the other
9 victims.

10 THE COURT: A rap group and not a gang. Is
11 there anybody here going to question him about that?
12 Yeah, it's very prejudicial and so I would instruct you to
13 be very careful about how you proceed with that.

14 Bring them in.

15 (Jury enters the courtroom.)

16 (Note naming fore person was marked as
17 Court's Exhibit No. 1 for identification.)

18 Mr. Ferguson, I want to thank you for
19 agreeing to serve as the fore person of the jury.

20 Ladies and gentlemen, I understand some of
21 you want to take notes and I think that's fine and of
22 course all of you have an equal opportunity to take those
23 notes and you can stop or start at any time during the
24 course of the proceedings.

25 A couple of things I want to caution you

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1 about, one, if you're taking notes, sometimes you'll find
2 that it will draw your attention away from activity
3 perhaps from the witness stand or in the courtroom so just
4 be aware of that that you might miss something if you're
5 writing things down. The second thing that I caution you
6 is at the close of the case in your deliberations a
7 person's written notes are no better than another person's
8 recalled recollections. With that we are ready to begin
9 the trial.

10 Ms. Salisbury.

11 MS. SALISBURY: Thank you, Your Honor, may it
12 please the Court. Good morning, ladies and gentlemen, as
13 I was introduced to your yesterday my name is Katrina
14 Salisbury and I'm a prosecutor in Greenville County. And
15 before we begin the trial of this case I want to very
16 briefly tell you what this case is about, what the State
17 is required and intends to prove and how they intend to
18 prove it.

19 During the early morning hours of July 17,
20 2011, the victims in this case were hanging out in the gas
21 station called Li'l Cricket on Whitehorse Road in
22 Greenville County. They were visiting there together
23 after just having come from the hospital where they were
24 with their friend who had been shot at a nightclub just a
25 few moments before. What none of those victims realized

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1 is while they were seated at the gas station in and around
2 their cars, they were being hunted.

3 The defendants in this case, these four men
4 and four others, were devising a plan to park behind the
5 gas station, approach the gas station on foot and open
6 fire. And that's what these defendants did.

7 Seven of those victims at the gas station
8 were hit and fled in all different directions and you may
9 already be asking yourselves a critical question about
10 that incident, why? Over the course of this trial you're
11 going to hear how the entire incident began beginning at
12 the Red Planet Nightclub where some fights happened in the
13 parking lot and why it was that these four defendants,
14 along with their four friends, their four co-defendants
15 why they decided to retaliate by shooting the victims at
16 this gas station.

17 Now, you've heard from the judge that each of
18 these defendants are charged with seven counts of
19 attempted murder. To prove that the defendants are guilty
20 of each of those crimes, the State must prove that the
21 defendants with the intent to kill attempted to kill the
22 victims. There are seven counts attributable to each of
23 the individuals that were shot at the gas station that
24 night.

25 The defendants are each charged with

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1 possession of a weapon during the commission of a violent
2 crime which means exactly what it sounds like that each of
3 these four men possessed the weapon, in this case a
4 handgun, during their commission of a violent crime. The
5 judge is going to instruct you at the end of this case
6 that in the law of South Carolina attempted murder is a
7 Violent Crime.

8 Each of these four defendants is also charged
9 with conspiracy. To prove that the defendants are guilty
10 of conspiracy, the State must prove that they combined
11 together, that they entered into an agreement to commit a
12 crime. The agreement, itself, is the crime of conspiracy.
13 Nothing further is required to demonstrate that these four
14 men were part of an agreement to commit a crime.

15 And, finally, the judge informed you that
16 each of these four defendants were charged with assault
17 and battery by mob in the second degree. To prove that
18 the defendants are guilty of that crime, the State must
19 demonstrate that the defendants acted with a common
20 objective, a shared goal. The law defines a mob as a
21 group of two or more people who combine together for the
22 purpose of committing a shared objective, in this case the
23 attack, the assault, the shooting of the victims, that
24 they acted as a mob. Now, what makes that assault and
25 battery by mob a second degree assault and battery by mob,

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1 is the fact that the victims suffered serious bodily
2 injury and that being their gunshot wounds.

3 Now, to prove that each of these four
4 defendants is guilty of all of those crimes, you're going
5 to hear testimony from several witnesses. First you're
6 going to hear from the witnesses and victims on scene
7 themselves, the ones at the gas station, the ones who were
8 hit. They're going to testify about what they remember
9 happening that night, being at the nightclub, going to the
10 hospital and then ultimately ending up at the gas station
11 where they find themselves being ambushed.

12 You're going to hear from the clerk that was
13 working at the gas station. She's going to testify about
14 what she remembers from that nights. And after that
15 you'll hear about how law enforcement got involved.
16 You're going to hear testimony from responding officers
17 about how they became involved in the investigation, how
18 they prepared the scene and what they did to assist in
19 getting this investigation off the ground.

20 You're also going to hear from the forensic
21 team who processed the scene and began to connect all of
22 the evidence that was left behind. After that you're
23 going to hear from Investigator Wayne Campbell who was the
24 primary investigator in this case. Investigator Campbell
25 is going to testify about what he did to begin the

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1 investigation in the hours, minutes, and days following
2 the shooting and he's going to tell how the investigation
3 unfolded and he came to determine that these four
4 defendants were of the eight that anticipated in this
5 attack.

6 There were some investigators that assisted
7 Investigator Campbell in collecting some evidence
8 throughout this case and you're going to hear testimony
9 from them. They'll tell you about what they did. How
10 they assisted in the investigation and what they uncovered
11 in the days that followed this shooting.

12 You're going to hear testimony from Joseline
13 Mack. Joseline Mack is going to testify that in July of
14 2011 she was dating the defendant Raymond Young. Ms. Mack
15 is going to testify about what she remembers that evening
16 and precisely how Raymond Young instructed her to trade
17 cars with him in the moments before the shooting.
18 Ms. Mack is going to testify about what happened when
19 Raymond Young returned her car to her and told her his gun
20 and Michael Williams's gun was hidden under the front
21 seats of her car.

22 You're going to hear testimony from Kara
23 Kerns. Ms. Kerns is going to testify in 2011 she was
24 dating the defendant Esaiveus Booker. Ms. Kerns is going
25 to testify that within minutes after the shooting,

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1 Mr. Booker returned to her house and hid guns in her
2 apartment. She's going to testify that she made efforts
3 to get rid of those guns but ultimately she's going to
4 testify that she turned them over to police.

5 After that you're going to hear some
6 testimony from our ballistics examiner. The ballistics
7 examiner is going to testify about how he took all of the
8 casings that were left behind at the scene that night and
9 determined that six different guns were fired at the Li'l
10 Cricket. He's also going to testify that the gun
11 retrieved from Kara Kerns's apartment is a match to one
12 set of those casings at the gas station.

13 Now, ladies and gentlemen, you're going to
14 hear testimony throughout this trial that the defendants
15 in this case covered their faces before the shooting.
16 You're going to hear testimony that the defendants made
17 efforts to stay out of sight of any surveillance cameras
18 at the gas station. As I suggested, you're going to hear
19 testimony that there were efforts to trade cars to avoid
20 detection and as you can imagine since this crime was
21 committed after 3:00 in the morning, it was committed
22 under the cover of darkness. A lot of effort was made to
23 conceal the identity of the defendants. It's for that
24 reason that crimes like this aren't solved with basic
25 forensics. This isn't a fingerprint and photo line-up

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1 kind of case.

2 These defendants thought they'd never be
3 identified, they never thought they'd be prosecuted. The
4 only way that cases like this get solved is from the
5 inside out. And you're going to hear testimony from the
6 inside. Of the eight individuals that participated in
7 this attack, two of them drove the vehicles. Those two
8 men are going to testify about exactly which vehicle they
9 drove, exactly which defendants were in their vehicle, and
10 exactly what plan that was devised to ambush these
11 victims.

12 In addition to those two drivers, you're
13 going to hear testimony from two of the gunmen, two of the
14 gunmen who stood along side these four defendants and
15 fired handguns at the victims in this case. They're going
16 to testify about exactly why they did it including who
17 they were with.

18 Ladies and gentlemen, the trial of this case
19 may be lengthy and will likely last all week and I thank
20 you in advance for your patience. The evidence is likely
21 to be complicated and at times get confusing but I
22 appreciate in advance for your attention and at the end of
23 this trial I'll have another opportunity to talk to you
24 and I'll ask you at that point to return a verdict that
25 each of these defendants were guilty of the crimes for

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1 which they are charged. Thank you.

2 MR. CHAMBERS: Ladies and gentlemen, as I
3 told you when you were being picked as jurors my name is
4 Randy Chambers and I have the opportunity this week to
5 represent Esaiveus Booker who is seated here beside me who
6 I've gotten to know over the last year.

7 This is a very important day for him. It's a
8 day he's been waiting for a very long time because he
9 finally gets to hear the evidence against him. He finally
10 gets to hear these allegations and if they're going to be
11 flushed at all by the solicitor. He gets a jury that's
12 going to be here to hold them to the burden they have.
13 His mother Patricia Hill who is seated in the front row
14 likewise has suffered all these months waiting for this
15 day so we're glad you're here and we look forward to the
16 solicitor's case being present because we want to see what
17 they have.

18 Now, we are privy to some of the evidence
19 that they intend to present and who the witnesses are and
20 those sorts of things, so we have some idea about what
21 they say happened in this case and about what they are
22 going to try to prove to you. And as the finders of fact,
23 you need to listen closely and you need to hold them to
24 their burden as you go through it. I'm going to talk to
25 some more about that in a minute.

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1 In this particular case, and frankly in the
2 solicitor's opening statement have already alluded to what
3 it's going to do. I want to make this clear to and I need
4 to digress just a little bit. You see four young men
5 seated over here with their lawyers. I represent
6 Esaiveus Booker. I don't represent any of these other
7 young men. They have lawyers for them. The thing I want
8 you to keep in mind is this is not an all or nothing
9 thing. They have to prove beyond a reasonable doubt each
10 and every element of every offense as it pertains to each
11 one of these young men. My concern here today is
12 Esaiveus Booker. That is the responsibility with which I
13 am charged. That is what I want to talk to you about.

14 Now, with regard to Esaiveus Booker, there's
15 a couple of things that are going to become abundantly
16 clear to you as the evidence is presented in this case.
17 First of all, again, as the solicitor already alluded to
18 in her opening statement, there is no physical or forensic
19 evidence of any kind that will be presented that Esaiveus
20 Booker shot anybody or even possessed a gun.

21 There are going to be no fingerprints. There
22 are going to be no gun residue tests. There is going to
23 be nothing along those lines. More importantly they've
24 already talked about this eyewitness ID that they are
25 going to bring in and you will hear that in the early

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1 investigation, nobody mentioned the name Esaiveus Booker.
2 Nobody who was shot at, nobody. His name only surfaces
3 after the police start to zero in on the people that they
4 think were involved and started to put pressure on people
5 to talk resulting in, as you will see, lots of
6 inconsistent statements until eventually the name Esaiveus
7 Booker surfaces.

8 I would equate the case that they are going
9 to try to make against Esaiveus Booker to a house that is
10 sitting on shifting sands. It will not stand. There are
11 some things that we can look at and say, yeah, that's good
12 evidence but when it comes to statements, when it comes to
13 people telling you something, we all have experience with
14 that. We all look at people and say is that person
15 telling the truth, do I believe that person? And we make
16 that decision based on some pretty common sense things.
17 Their demeanor. Have they said anything to me before that
18 wasn't true. That's a good indication.

19 If somebody said something to you before and
20 they're telling you something else later, there's usually
21 a reason for that. They're lying. The easiest thing to
22 do is tell the truth. You can be consistent with the
23 truth but you've got to look at all of that. You've got
24 to ask yourself is this person have a motive to not tell
25 me the truth. Is there something in it for them? You've

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1 got to ask yourself that and that's what I want you to do.
2 That's what you're called upon to do.

3 Now, I would imagine that some of you came in
4 here today under the belief, and it's pretty common
5 actually, that if the police and the prosecutor have
6 accused somebody of doing something, well they must have
7 done it. Well, you took an oath a little while ago and
8 that oath was that you were going to well and truly try
9 this case and what that means is you're going to apply the
10 burden of proof of beyond a reasonable doubt of everything
11 that they will present to you.

12 Now, I want you to keep that in mind because
13 what that means is you have to be left firmly convinced
14 that you have to be left to not hesitate to act in this
15 case. You have to be certain to a moral certainty.
16 That's what we're talking about.

17 Now, the best way to look at is this and I've
18 seen judges do this a thousand times at least and that is
19 to think about scales at the beginning of the trial as
20 being perfectly balanced. The prosecutor's job is to tilt
21 that scale in her favor.

22 Ladies and gentlemen, there are other courts
23 that are going on right now in other courtrooms, civil
24 matters. There are a lot of important matters that are
25 being decided in civil court. A lot of money at stake.

State versus Booker, Williams, Young, Sadler

1 reasonable doubt.

2 Now, what's going to happen is they're going
3 to start putting their witnesses up and they're going to
4 come in here and they're going to put their hand on this
5 Bible right here and sit in this witness stand and they're
6 going to testify. Now, what you're called upon to do
7 based on what we just talked about with burden of proof is
8 that you look at each one of them with a cynical eye and
9 be skeptical of what they have to say, to judge them based
10 on their demeanor, to judge them based on anything they
11 may have said or done before, to judge them on their
12 consistency or inconsistency, to judge them on what they
13 may have to gain from not telling you the truth. Those
14 are the things you need to do in this case. And then look
15 to see if there's anything that corroborates anything they
16 have to say.

17 Do they have any forensic evidence? Do they
18 have physical evidence? Do they have anything that
19 corroborates the assertions, the allegation, the claim
20 that's being made against Esaiveus Booker? That's what
21 you're being called upon to do. Ladies and gentlemen,
22 they can not that in this case, they will not do that in
23 this case. I thank you for being here and I look forward
24 to seeing the solicitor's case.

25 MR. ROBINSON: Good morning, my name is Scott

State versus Booker, Williams, Young, Sadler

1 Some times people who are going to suffer for the rest of
2 their lives trying to get money so that they can survive
3 and do what they need to do. In those cases, the
4 plaintiff in a case like that has the lowest standard of
5 all by a preponderance of the evidence. That person
6 merely has to tip that scale just a little bit.

7 There are other hearings where the standard
8 is clear and convincing evidence. In other words it's
9 evidence that is so clear that it leaves you convinced.
10 But in a case like this where somebody's reputation, where
11 somebody's liberty is at stake, you have the highest
12 burden of all and that is beyond a reasonable doubt and
13 that means they have to tilt that scale almost all the
14 way.

15 Now, I always hesitate just a little bit
16 because I don't want you to feel like I'm giving you a
17 civics lesson when I'm standing up here but I do this in
18 every opening statement because I consider it to be very
19 important. You know the government can claim anything
20 they want to about anybody and there was a time and there
21 are countries even today where you can just lock somebody
22 up because you want to but you can't do it here. This is
23 a democracy. John Adams said that the jury is the heart
24 and lungs of our democracy and the reason is before they
25 can lock somebody up, they've got to prove to you beyond a

State versus Booker, Williams, Young, Sadler

1 Robinson and I represent Michael Williams who is sitting
2 to my left and I appreciate you coming here today and
3 listening this week to the two sides. Mr. Chambers
4 eloquently put out standards and so forth and did an
5 excellent job of the responsibilities of the jury in this
6 case.

7 But the State's case is based on garbage.
8 Garbage in, garbage out in this case. In this matter
9 they're trying to make you make a big jump in this matter
10 and not use your common sense. In this matter, any
11 criminal case, you use your common sense, your good old
12 fore sense. In this case what we're asking you to do, the
13 attorneys that represent the co-defendants in this matter,
14 are asking you to do is use your common sense.

15 Garbage in, garbage out, that's what this
16 case is about. Mr. Williams and the other co-defendants
17 are innocent in this case. Apply the standard in this
18 matter of beyond a reasonable doubt that the judge will
19 give you. If you do so, there could be one verdict and
20 that's not guilty in this matter. Thank you.

21 MR. ABDALLA: Your Honor, Madam Clerk,
22 Ms. Salisbury, ladies and gentlemen of the jury, my name
23 is John Abdalla and I have the pleasure of representing
24 Mr. Raymond Young who is right there seated to my left for
25 over a year. Mr. Chambers gave a quite eloquent opening

State versus Booker, Williams, Young, Sadler

1 so I'm not going to go over everything he already has and
2 everything he said and his position that we all have. The
3 State's job is to prove every element of every crime
4 against each and every one of our clients beyond a
5 reasonable doubt and to be viewed separately. Mr. Young
6 is to be viewed separately from all the others.

7 The State is going to throughout all of the
8 (inaudible) as Mr. Robinson said and expect you to be
9 overwhelmed with it. You may check out your common sense
10 and say well, there's an awful lot there and where there's
11 smoke, there's fire. Well, we do know there was a
12 shooting and some people were injured, but you as the jury
13 need to make certain that you know for sure if they've
14 proven beyond a reasonable doubt that our clients were
15 specifically involved in that. It's not just something
16 happened and these guys are here so they must be guilty.

17 It's not uncommon to think well they're in
18 court and charged with a crime, they must have done it.
19 There are a lot of people walking around thinking that and
20 there are a lot of people who served time in prison who
21 were acquitted years later, even death penalty questions.

22 So please hold them to the standards that
23 they are supposed to be held, proof beyond a reasonable
24 doubt. The fact that they don't have forensics and the
25 fact that don't have other evidence that may be conclusive

State versus Booker, Williams, Young, Sadler

1 should make you question. I'll be back at the end of the
2 trial to speak to you again and I thank you for your time.

3 MR. QUINN: Ladies and gentlemen of the jury,
4 I'm going to ask you instead of telling you what to do in
5 considering whether to write notes or not, it's your
6 decision, but I'm going to be last every time. Sorry.
7 I'm going to be the last person you hear except for the
8 judge. I'm going to be the last one to ask questions, I'm
9 going to be the last one of the lawyers to talk to you so
10 I'm going to ask for your patience because if I'm the last
11 one I'm going to repeat some things you've already heard.
12 I'm going to try to avoid doing that but the chances are
13 I'm going to be sitting over there and get up and say
14 something that sounds pretty similar. So I'm going to ask
15 you for your patience.

16 The judge asks you to keep an open mind until
17 the end of the case and I'm going to ask you to do the
18 same thing until you hear the last of the questions, the
19 last of the witnesses and their testimony.

20 I represent Kinjta Sadler who some of you may
21 not be able to see because of the podium but who is seated
22 with me. I mention his name because the solicitor didn't.
23 In her opening statement Mr. Sadler's name never came up
24 so we'll see what evidence there is against Mr. Sadler.
25 Apparently so little that she didn't even mention his

State versus Booker, Williams, Young, Sadler

1 name. There are questions I want you to keep in the back
2 of your mind for Mr. Sadler because you've heard these
3 charges, this long list of charges. I want you to listen
4 to see how was Mr. Sadler involved in the Red Planet
5 because the Red Planet is a club here in town that's
6 supposed to be where the entire incident starts because of
7 the difficulty at the Red Planet. If it's the State's
8 theory that was retaliation or retribution, I'm sorry I
9 don't know the word that was used, I want you to listen
10 and see how Mr. Sadler was involved and what interest he
11 would have had in retaliating.

12 I want you to listen who he is supposed to
13 have shot because according to the prosecutor these are
14 the gunmen, these are the people who were shooting guns.
15 So listen and see if you can determine who it is that
16 Mr. Sadler shot. That's going to be part of your decision
17 because there are seven counts of assault and battery and
18 you have to determine which person shot who so you can
19 make the final decision as to each individual count.
20 Which gun is his? They came there's all these guns found.
21 There's going to be two days of ballistics and where they
22 were hidden and who was involved. Which gun was his?
23 Where was it found? What connection does it have to
24 Mr. Sadler?

25 There's talk of an agreement, a conspiracy.

State versus Booker, Williams, Young, Sadler

1 So listen to this evidence that the solicitor
2 tells you he had about him trying to conceal his identity.

3 And finally I want you to consider when did
4 devils become angels because according to the prosecution,
5 these four fellows including Mr. Sadler, bad friends, bad
6 bad people. They pled not guilty, don't believe them.
7 That's what the solicitor said because if you believe them
8 you'll find them not guilty. But she doesn't want that,
9 but the other people that were involved in this case have
10 now become angels because they tell the story that the
11 solicitor wants to hear. These four are bad and the other
12 ones who will testify for the State, they're good and you
13 should believe them.

14 So as you've heard consider the manner in
15 which they testified and the manner in which they got
16 here. Were there any promises made? Did they give prior
17 statements that contradict what they're going to testify
18 to. The first time they had the opportunity to tell the
19 truth did they come forward say, hey, I made a terrible
20 mistake, did a terrible thing, got to clear my conscience,
21 help me out and let's clear this up.

22 This case may take days. Listen to evidence.
23 Things that you would rely on and that you would trust in
24 your own lives to make the most important decisions of
25 your lives because these decisions that you make about

State versus Booker, Williams, Young, Sadler

1 They all decided to do something together but who talked
2 to who? Who formed this agreement? Did you 12 agree to
3 come here yesterday or where y'all were told to come or
4 did y'all show up at the same place? What conspiracy is
5 it? What did they agree to do and when did they agree to
6 do it? What phone call were made or when did they talk to
7 each other?

8 You've heard that there is supposed to be a
9 lot of effort made to conceal the identify of the
10 defendants. So I want you to look and see what evidence
11 there is that Mr. Sadler hid his identity that night. Are
12 they claiming he wore a mask or a bandanna or what? But
13 look and see if they recovered what ever it is they claim.

14 Make sure Mr. Sadler is not visible on video
15 tapes, that he's not out in the public later because after
16 the shooting if they're concealing their identity they'll
17 obviously going into hiding. We've heard they're moving
18 all these guns around, see if Mr. Sadler was involved in
19 any of that. If he fell off the face of the earth that
20 night or as you're going to here if he went out to a
21 public place minutes later and had breakfast and that they
22 have him on video not concealing his identity, not hiding
23 from anybody, in fact, walking past a security guard into
24 a Waffle House minutes away from what they claim was a
25 shooting he was involved in.

State versus Booker, Williams, Young, Sadler

1 Mr. Sadler will be the most important in his life. The
2 verdict should be not guilty on every count against
3 Mr. Sadler.

4 Maybe the solicitor will mention it in your
5 closing argument and presume she has incentive but he's
6 presumed innocent as he sits here and will be not guilty
7 at the end of this case.

8 Thank you.

9 THE COURT: Call your first witness.

10 MS. SALISBURY: The State calls Vincent Fant.

11 THE CLERK: Mr. Fant, if you will stop there
12 and place your left hand on the Bible and raise your
13 right hand.

14 VINCENT FANT, having been duly sworn,
15 testified as follows:

16 Thank you. Please be seated. State your
17 name for the record.

18 THE WITNESS: Vincent Fant.

19 DIRECT EXAMINATION

20 BY MS. SALISBURY:

21 Q. Good morning, Mr. Fant.

22 A. Good morning.

23 Q. I'm standing way back here so I can be sure that
24 if I can hear you the jury can hear you so just try to
25 speak up.

Vincent Fant - Direct

1 A. Yes, ma'am.

2 Q. Do you work?

3 A. Yes, ma'am, today I'm off from work.

4 Q. Where do you work?

5 A. Southeast Productions.

6 Q. How long have you worked there?

7 A. Started today.

8 Q. How long have you lived in Greenville?

9 A. All my life.

10 Q. Where did you go to school?

11 A. Wade Hill.

12 Q. Where were you living generally in 2011,
13 Greenville?

14 A. Yes, ma'am.

15 Q. Do you remember the night of July 16, 2011?

16 A. Yes, ma'am.

17 Q. Do you remember what day of the week it was?

18 A. Saturday.

19 Q. What do you remember about that night?

20 A. My and my cousin was going out to Red Planet for
21 a concert.

22 Q. And whose your cousin?

23 A. Cornelius Sins.

24 Q. How do you remember getting to the Red Planet for
25 this concert?

Vincent Fant - Direct

1 A. Cornelius drove me.

2 Q. Do you remember what time you got there?

3 A. About 11:30, 12:00.

4 Q. Were you planning on meeting anyone there or were
5 you just planning on being with Cornelius?

6 A. Yes, ma'am.

7 Q. Who were you planning to meet?

8 A. My other cousin, Jamaal Williams and the rest of
9 my cousins.

10 Q. Do you remember when they arrived?

11 A. They were there before me.

12 Q. Do you remember taking a picture at the club that
13 night?

14 A. Yes, ma'am.

15 MR. ABDALLA: Your Honor, we have an issue we
16 need to take up.

17 THE COURT: Alright. Madam Fore Lady and
18 ladies and gentlemen of the jury, I am at this time going
19 to excuse you to your jury room and we'll get back with
20 you just as quickly as we can.

21 (Jury exits the courtroom.)

22 What's the issue?

23 MR. ABDALLA: I don't understand the
24 relevance of a crowd of people flashing gang signs. I
25 don't understand the relevance of this as it relates to

Vincent Fant - Direct

1 our clients.

2 THE COURT: You took a picture of the club;
3 is that right?

4 MS. SALISBURY: Yes, Judge.

5 THE COURT: He says it's not relevant.

6 MS. SALISBURY: Well, to the extent that
7 there's going to be testimony about who was there that
8 night and who may have been involved in the initial
9 altercation. I think it's relevant. This a photograph of
10 the victims in the case, Judge. Of course it's not
11 offered as it relates to these defendants so much as it is
12 to explain who was there at the Red Planet. If you like I
13 can explain how it can become more contentious as the
14 trial goes on.

15 THE COURT: Why is that not relevant?

16 MR. ABDALLA: I don't explain how it relevant
17 to our clients.

18 THE COURT: Because it is a visual offer of
19 evidence, how is that different from a verbal offer of
20 evidence about who is present at the Planet?

21 MR. ABDALLA: Well, my initial motion with
22 regards to gangs comes into play here. These are folks
23 showing gang signs and they're not even our clients. From
24 the relevance that it applies to clients seems to be
25 hinted around on that issue.

Vincent Fant - Direct

1 A. Yes, ma'am.

2 Q. Are those the photographs that were taken that
3 night at the club?

4 A. Yes, ma'am.

5 Q. Are you in those pictures?

6 A. Yes, ma'am.

7 Q. Now, who is in that picture? Was it everyone you
8 were with that night? What was the group that combined
9 for that picture?

10 A. My rap artists.

11 Q. What do you mean by that?

12 A. A group of rappers, singers, hip-hop.

13 Q. Is everyone in that picture part of that?

14 A. Yes, ma'am.

15 Q. What's the name of that group?

16 A. Hardliners.

17 Q. Now, there are several folks in that picture.

18 There are several folks making a gesture in that picture,
19 does that have any significance to you?

20 A. Yes. Hardliners you make a "h" and "l".

21 Q. Okay.

22 A. Music group.

23 MS. SALISBURY: Your Honor, I'd ask that
24 State's 1 and 2 be admitted.

25 THE COURT: Alright, subject to the previous

Vincent Fant - Direct

1 THE COURT: Your clients are not in the
2 picture.

3 MR. ABDALLA: My client is not in the
4 picture.

5 THE COURT: Okay. Overruled.

6 Is everyone aware there's a sequestration
7 order in effect?

8 MR. ABDALLA: Yes, Your Honor. I have no
9 witnesses in here.

10 THE COURT: Alright. Bring the jury.

11 (Jury re-enters the courtroom.)

12 BY MS. SALISBURY:

13 Q. Mr. Fant, before we left off we were talking
14 about some photographs that had been taken inside the
15 club. Could you describe a little bit of how that works
16 for those of us that may not have been in the Red Planet
17 before? How does that process happen? How do you get a
18 picture taken?

19 A. Get it all in a group so we can take one at one
20 time.

21 Q. So is there a photographer there on scene?

22 A. Yes, ma'am.

23 Q. I want you to take a look at two photographs are
24 marked as State's 1 and 2 and tell me whether you
25 recognize those photos?

Vincent Fant - Direct

1 ruling.

2 (Photographs marked as State's Exhibit Nos 1
3 and 2 for identification.)

4 BY MS. SALISBURY:

5 Q. You mentioned you came to the club and your
6 friends were already there. What happened as the evening
7 progressed?

8 A. I went over by the little group of guys and all
9 that and I noticed in the lady in the group, her name was
10 Laquan. I asked a question about her friend and they was
11 upset with me about me talking to her.

12 Q. Did you know anybody in the group besides the
13 lady that you mentioned?

14 A. I knew a couple of them. I went to school with a
15 couple of them, like two.

16 Q. I'd like you to take a look at State's Exhibits 3
17 and 4. Do you recognize the woman that you approached in
18 these pictures?

19 A. I see her. She in there.e

20 Q. And what did you say her name was?

21 A. Quan.

22 Q. So you approached her and something happened,
23 what was the problem?

24 A. They didn't want me to talk to her.

25 Q. What makes you think that?

Vincent Fant - Direct

1 A. They got in my face.

2 Q. Who got in my face?

3 A. Little Mike and Little Ray.

4 Q. Do you know these two men by name?

5 A. That night I didn't.

6 Q. How do you know them?

7 A. I met them that night but from way back.

8 Q. Did you recognize them?

9 A. I recognized Ray from way back.

10 Q. So after you got the impression they didn't want
11 you speaking with Quan, what happened next?

12 A. My cousin Jamaal Williams came and got me and we
13 went on the other side of the club to chill.

14 Q. And what happened as the night wore on?

15 A. A fight broke out and everybody was leaving
16 because of the fighting.

17 Q. Was the fight inside the club?

18 A. It was inside the club.

19 Q. And how did you go to leave?

20 A. I walked out into the parking lot because I
21 thought we was leaving and I walked to the car and
22 Mr. Williams approached me. I walked to the car and he
23 took his shirt off and I was like oh, my, God. He swung
24 twice and me and I hit him and something hit me in the
25 back of my head and I got shot.

Vincent Fant - Direct

1 Q. How long were the two of you swinging, fighting?

2 A. It was like two seconds.

3 Q. Did you see who hit you in the back of the head?

4 A. No. Somebody told me it was Ray.

5 Q. And did you see who shot you?

6 A. No.

7 Q. Where did you get shot?

8 A. In my arm.

9 Q. I want you to take a look at State's Exhibit 5.

10 Do you recognize what's in that picture?

11 A. It's the Red Planet parking lot.

12 Q. Is the Red Planet still open?

13 A. It's not now.

14 Q. Is that what the parking lot looked like that
15 night?

16 A. Yes, ma'am.

17 Q. Was it empty like it is in that picture?

18 A. No, it was full of cars.

19 Q. How large is that parking lot?

20 A. The size of the Bi-Lo Center.

21 Q. You said the size of the Bi-Lo Center parking
22 lot?

23 A. Yes.

24 Q. In your mind is that a large parking lot?

25 A. It's a large parking lot.

Vincent Fant - Direct

1 Q. And you said it was full of cars?

2 A. Yeah.

3 Q. Now, does that picture depict where your fight
4 with Michael Williams was happening?

5 A. It was a little bit to the end.

6 Q. You mentioned that after you fought with Michael
7 Williams you remember being hit in the head and shot. Do
8 you remember anything else about that night?

9 A. I had seizures so I blacked out.

10 Q. How long were you in the hospital?

11 A. Three days because I have cysts on the brain and
12 I guess he hit it and it triggered it so.

13 Q. Do you remember who took you to the hospital?

14 A. Yes.

15 Q. What do you remember about that?

16 A. I remember somebody taking me to the car and
17 Jamaal Williams and my cousin Thomas Walker we was in his
18 car.

19 Q. You mentioned you were in the hospital for three
20 days, did you ever got to the Li'l Cricket Gas Station?

21 A. Didn't get a chance.

22 Q. Do you remember speaking with the police about
23 what you remember from that evening?

24 A. Yes, ma'am, a little bit.

25 Q. Do you remember speaking with them about this

Vincent Fant - Direct

1 fight you had with Michael Williams?

2 A. Yes, ma'am.

3 MR. ROBINSON: I have an objection in terms
4 of relevance, Your Honor, regarding that picture.

5 THE COURT: Alright. Ladies and gentlemen,
6 I'll excuse you to your jury room. Don't talk about it
7 and we'll get back with you.

8 (Jury exits the courtroom.)

9 MR. ROBINSON: Your Honor, I would interpose
10 an objection to the introduction of the line-up that they
11 have. It is irrelevant in this matter and prejudicial as
12 well. It's got this six-person line-up and it puts in the
13 fact that he may have prior criminal offenses or something
14 of that nature. I would ask the Court if he could just
15 identify Mr. Williams as the person instead of putting
16 this in.

17 THE COURT: Let me look at the picture. I
18 don't see anything that would indicate that any of these
19 people are in custody. No orange jump suit or anything
20 like that. We discussed a Neil v. Biggers hearing prior
21 to starting the case and you said you didn't want one and
22 now you're objecting to this?

23 MR. ROBINSON: I'm objecting in terms of
24 relevancy, Your Honor.

25 THE COURT: Do a proffer? What are you going

Vincent Fant - Direct

1 to ask about this.

2 BY MS. SALISBURY:

3 Q. Do you remember looking at a series of
4 photographs with Investigator Campbell?

5 A. Yes, ma'am.

6 Q. Did he ask you to identify the person you were
7 fighting with in the parking lot?

8 A. Yes, ma'am.

9 Q. Did you identify this photograph?

10 A. Yes, ma'am.

11 Q. And is this your signature?

12 A. Yes, ma'am.

13 Q. And it's dated?

14 A. Yes, ma'am.

15 Q. Do you see the person in the courtroom that you
16 were fighting that night?

17 A. Correct.

18 THE COURT: How is that not relevant?

19 MR. ROBINSON: I'll withdraw the objection,
20 Your Honor.

21 THE COURT: I'll tell you this is going to be
22 a long case and I do not want to be sending this jury out
23 every time some new piece of evidence is going to be
24 introduced. Another thing I'm going to say before we
25 bring them back is no more outbursts from the audience.

Vincent Fant - Direct

1 MR. ROBINSON: Thank you, Judge.

2 (Line-up photograph marked as State's No. 6
3 for identification and admitted into evidence.)

4 THE COURT: The jury has requested that
5 because of the multiple defendants in the case that there
6 is a gesture or some sort of indication which of these
7 four gentlemen you're referring to. I'm not requiring you
8 to do that but the jury requested it.

9 (Jury re-enters the courtroom.)

10 Alright, you may proceed.

11 BY MS. SALISBURY:

12 Q. Mr. Fant, before we broke we were talking your
13 conversation with police about this incident and you
14 mentioned you were meeting with Investigator Campbell and
15 the events were happening that night. Did you talk with
16 him about the fight that you mentioned you had in the
17 parking lot?

18 A. Yes, ma'am.

19 Q. Do you remember looking over a series of
20 photographs with Investigator Campbell in an effort to be
21 certain about who you were fighting in the parking lot.

22 A. Correct.

23 Q. I want you to take a look at State's Exhibit 6.
24 Do you recognize that document?

25 A. Yes, ma'am.

Vincent Fant - Direct

1 Q. How do you recognize it?

2 A. It's my signature.

3 Q. Is that the document that you reviewed before you
4 identified the person you were fighting in the parking lot
5 at the Red Planet?

6 A. Yes, ma'am.

7 Q. Were you able to recognize from that series of
8 photographs the person that you were fighting in the
9 parking lot?

10 A. Yes, ma'am.

11 Q. Which photograph did you identify?

12 A. The third one.

13 Q. How do you know?

14 A. Looking at the face.

15 Q. Well, how do you know that's the picture you
16 selected?

17 A. Because my signature is on it.

18 Q. Okay, you signed and dated it after you
19 identified that was the person?

20 A. I wrote the time and everything.

21 Q. Now, do you recognize the person that you were
22 fighting in the parking lot of the courtroom?

23 A. Yes, ma'am.

24 Q. Could you identify for the jury exactly who it
25 was you had the fist fight in the parking lot of the Red

Vincent Fant - Direct

1 Planet?

2 A. The guy with the T-shirt.

3 Q. Mr. Michael Williams in the picture?

4 A. Yes, ma'am.

5 Q. Now, just for clarification you mentioned inside
6 the club when you initially approached this woman named
7 Quan not only did you have words with Michael Williams,
8 but you mentioned that you were also involved in a verbal
9 confrontation altercation with Raymond Young; is that
10 right?

11 A. Yes, ma'am.

12 Q. Mr. Young over here in the white shirt with the
13 black tie?

14 A. Yes.

15 Q. Those are those two gentlemen with whom you had a
16 confrontation both inside the club and then outside the
17 club.

18 A. Yes.

19 Q. Sir, I don't believe I have any questions for
20 you. Please answer any questions these attorneys may have
21 for you.

22 A. Yes, ma'am.

23 MR. CHAMBERS: Your Honor, counsel for
24 Esaiveus Booker, I have no questions for this witness.

25 MR. ROBINSON: If it please the court.

Raheem Adams - Direct

1 A. Correct.

2 Q. So you don't know whether that individual was
3 with these defendants or not?

4 A. Possible he was with them.

5 Q. But you don't know?

6 A. Correct.

7 MS. SALISBURY: I don't have any additional
8 questions, Your Honor.

9 THE COURT: Thank you. You can step down.

10 THE WITNESS: Thank you, sir.

11 THE COURT: Call your next witness.

12 MS. SALISBURY: The State calls Mr. Raheem
13 Adams.

14 Mr. Adams, please come to the witness stand
15 to be sworn.

16 THE CLERK: Mr. Adams, please place your left
17 hand on the Bible and raise your right hand.

18 RAHEEM ADAMS, having been duly sworn,
19 testified as follows:

20 Please be seated. Please state your name for
21 the record.

22 THE WITNESS: Brian Raheem Adams.

23 DIRECT EXAMINATION

24 BY MS. SALISBURY:

25 Q. Mr. Adams, what do your friends call you?

Raheem Adams - Direct

1 A. Dex.

2 Q. Do some of your friends call you RaRa?

3 A. Yes.

4 Q. Mr. Adams, do you work?

5 A. Yes, ma'am.

6 Q. Where do you work?

7 A. Dunkin Donuts.

8 Q. And how long have you worked there?

9 A. Four or five months.

10 Q. Do you live in Greenville?

11 A. Yes.

12 Q. And how long have you lived in Greenville?

13 A. All my life.

14 Q. Where did you go to school?

15 A. JL Mann.

16 Q. Generally speaking where were in July of 2011?

17 A. I'm not for sure. I mean Greenville, but I'm not

18 for sure of the exact location.

19 Q. Okay. Do you know Vincent Fant who just

20 testified?

21 A. Yes, ma'am.

22 Q. What do you call him?

23 A. Buddah.

24 Q. How long have you known Mr. Fant?

25 A. Going on two maybe three years.

Raheem Adams - Direct

1 Q. How do you know him?

2 A. From our rap group.

3 Q. Are you a member of that rap group?

4 A. Yes, ma'am.

5 Q. And how long have you performed with Mr. Fant?

6 A. Two years.

7 Q. Do you remember the events of July 16, 2001?

8 A. Yes, ma'am.

9 Q. What do you remember about that night?

10 A. We went to the club. The altercation with Buddah
11 and them happened first inside then I get outside I see
12 the fight and Buddah got shot and took to the hospital.

13 Q. Let me stop you right there. I have a few
14 questions about what happened inside of the club. Do you
15 remember taking those pictures with your other friends?

16 A. Yes, ma'am.

17 Q. I'm going to show you State's Exhibits 1 and 2.
18 Do you recognize yourself in those pictures?

19 A. Yes, ma'am.

20 Q. Now, tell me a little bit more about what you
21 remember and what you observed with Mr. Fant and the
22 people he was having the altercation with inside the club.
23 What do you remember about that?

24 A. There was just some commotion going on. At one
25 point in time it had broken up.

Raheem Adams - Direct

1 Q. Do you know who Mr. Fant was ---

2 A. No, not inside the club.

3 Q. So what happened after that fight? You mentioned
4 that that fight happened first and then it broke up, what
5 happened after that?

6 A. We got outside after that, get outside, I see the
7 fight with Buddah and Mikey and then Buddah got shot.

8 Q. Did you know Mikey by name?

9 A. No. I knew Mikey because I had seen him around a
10 few times.

11 Q. Did you know him well enough to know that his
12 name was Michael Williams?

13 A. Yes, ma'am.

14 Q. So what did you see regarding the fight between
15 Michael Williams over here in the pink shirt and Mr. Fant,
16 what did you see?

17 A. I saw when he swung, missed, and Buddah hit him.

18 Q. What happened after that?

19 A. Somebody hit Buddah in the back of the head. I'm
20 thinking it was Mr. Raymond but I'm not for sure, and then
21 I saw Buddah fall from the gunshot.

22 Q. Now, you think it was Raymond.

23 A. I'm pretty sure. Yes, ma'am.

24 Q. Do you know him by name?

25 A. I know if him by his name but I don't know him

Raheem Adams - Direct

1 personally.

2 Q. How do you know him?

3 A. Just from around town, I just know him, know of
4 him.

5 Q. Is the person you know to be Raymond, the person
6 you remember from that club that night in the courtroom
7 today?

8 A. Yes, ma'am.

9 Q. What is he wearing?

10 A. A white shirt and black tie.

11 Q. That's the person that you saw in the parking lot
12 with Mr. Fant?

13 A. Yes, ma'am.

14 Q. Do you remember anything specific about when
15 Mr. Fant was shot?

16 A. Yes, ma'am.

17 Q. What do you remember?

18 A. There was a dude there with short little dreads
19 holding the gun that shot him.

20 Q. Did you actually see someone shoot Mr. Fant?

21 A. Yes, ma'am.

22 Q. Do you remember speaking to the police about
23 that?

24 A. Yes, ma'am.

25 Q. Did they show you some pictures?

Raheem Adams - Direct

1 A. Yes, ma'am.

2 Q. Were you able to identify from those photographs
3 who you remember seeing shoot Mr. Fant?

4 A. Yes, ma'am.

5 Q. Now, do you know that person by name?

6 A. I don't know his real name but I know his street
7 name, though.

8 Q. How do you know his street name?

9 A. I just heard of it through the streets, you know.

10 Q. When you saw him in the parking lot that night,
11 did you know him by name? Were you able to tell the
12 investigators the name of the person that you know you saw
13 shooting was this person?

14 A. Yes, ma'am.

15 Q. And what is that name?

16 A. Smoke.

17 Q. After you see this shooting, what happens next?

18 A. People started shooting, (inaudible) picked up
19 Buddah and put him in the back of the car.

20 Q. Did you ride Mr. Fant to the hospital?

21 A. No, ma'am.

22 Q. How did you get to the hospital?

23 A. I rode with my cousin.

24 Q. Did you go to the hospital?

25 A. Yes, ma'am.

Raheem Adams - Direct

1 Q. How long were y'all there?

2 A. Like five to ten minutes.

3 Q. And what happened next?

4 A. We went to the gas station.

5 Q. Why?

6 A. I needed a pack of cigarettes.

7 Q. With whom did you go to the gas station?

8 A. Trap.

9 Q. Who ---

10 A. Trevis Thompson.

11 Q. In what car do you remember travelling?

12 A. The white Impala.

13 Q. Did anybody join you at the gas station?

14 A. Yes, ma'am.

15 Q. Why? Was it a coincidence or what?

16 A. No, we had rode to the gas station together.

17 Q. Why did you go together?

18 A. That's just where we went after we left the

19 hospital.

20 Q. Who do you remember being at the gas station with
21 you?

22 A. Russell, Ant (inaudible). I can't think of
23 everybody -- oh, TJ. That's all I can think of right now.

24 Q. How many cars do you remember being at the gas
25 station?

Raheem Adams - Direct

1 A. Three or four.

2 Q. Okay..

3 MR. ROBINSON: No objection.

4 MR. QUINN: No objection on behalf of
5 Mr. Sadler, Your Honor.

6 MR. ABDALLA: No objection.

7 MR. CHAMBERS: No objection on behalf of
8 Mr. Booker, Your Honor.

9 THE COURT: Alright.

10 (Photo marked as State's Exhibit No. 7 for
11 identification and admitted into evidence.)

12 BY MS. SALISBURY:

13 Q. I'm going to ask you to look at a picture that's
14 marked State's Exhibit 7 and ask you if you recognize
15 what's depicted in that photograph?

16 A. Yes, ma'am.

17 Q. What's in that picture?

18 A. I see four cars, three of which are parked at the
19 gas station and the cars that we brought into the gas
20 station.

21 Q. Is that an accurate depiction of how the vehicles
22 were situation?

23 A. Yes, ma'am.

24 Q. Is that how they stayed when you left them that
25 night?

Raheem Adams - Direct

1 A. Yes, ma'am.

2 Q. Do you remember exactly where you were physically
3 with respect to those cars?

4 A. Yes, ma'am.

5 Q. Where were you?

6 A. It was sitting on the back of the Crown Vic.

7 Q. Like sitting on the trunk?

8 A. Yes, ma'am.

9 Q. And what were the people you were with doing?

10 A. Just getting our heads together from what just
11 happened and trying to make sense of it.

12 Q. What do you mean?

13 A. Buddah had just got shot and we was all like awh
14 man ---

15 MR. ROBINSON: Objection, hearsay.

16 THE COURT: Yeah, don't.

17 BY MS. SALISBURY:

18 Q. What do you remember happening next?

19 A. I heard gunshots.

20 Q. Do you remember which direction you were facing?

21 A. I was facing straight of head sitting on the back
22 of the Crown Vic.

23 Q. Let me do it this way and see if we can make it a
24 little easier for you to describe.

25 MR. ABDALLA: No objection to this, Your

Raheem Adams - Direct

1 Honor.

2 MR. ROBINSON: No objection.

3 MR. QUINN: No objection.

4 MR. CHAMBERS: No objection.

5 (Photograph marked as State's Exhibit No. 8
6 for identification and admitted into evidence.)

7 BY MS. SALISBURY:

8 Q. I'm going to show you what's marked as State's
9 Exhibit 8, do you recognize what's in that photograph.

10 A. The gas station.

11 Q. Does that reflect what the gas station looked
12 like that night?

13 A. Yes, ma'am.

14 MS. SALISBURY: With the Court's permission,
15 I'd like to publish it.

16 THE COURT: That's fine.

17 MS. SALISBURY: I need to pull down the
18 screen.

19 BY MS. SALISBURY:

20 Q. From this photograph -- I'm going to give you a
21 little pointer -- if you can do it from this angle, could
22 you point out where the cars are in relation to the
23 picture that we're seeing here?

24 A. First, are these the gas pumps up under there?

25 MR. QUINN: I object. I don't think he can

Raheem Adams - Direct

1 ask a question.

2 THE COURT: You can't ask questions.

3 THE WITNESS: Well, those are the gas pumps.

4 The cars are up under here and I was facing back towards

5 this way.

6 BY MS. SALISBURY:

7 Q. So would your back have been to this side road?

8 A. Right here?

9 Q. Yes, sir.

10 A. Yes, ma'am.

11 Q. Now, what do you remember?

12 A. Before the gun shot?

13 Q. At any point? Anything that sticks out in your
14 mind?

15 A. The first gun shot and saw the people stand and
16 tried to jump off of the car and I was shot?

17 Q. Do you remember how many people you saw?

18 A. No, ma'am, but it was more than three or four.

19 Q. Could you tell if these people were men or women?

20 A. No, ma'am.

21 Q. Could you tell what race they were?

22 A. No, ma'am.

23 Q. Could you see anything in their faces?

24 A. No.

25 Q. How many shots do you remember hearing?

Raheem Adams - Direct

1 A. I heard the first shot and then after there were
2 a whole lot of shots.

3 Q. Would it have been five or ten?

4 A. Close to 100 plus.

5 Q. Now, when you mentioned that you heard the shots
6 and you jumped off the back of the car, what did you do?

7 A. I turned to look back to see where the shots were
8 coming from and I jumped off and I was shot and I fell to
9 the ground.

10 Q. Where were you hit?

11 A. In my underarm and the bullet came out the top of
12 my chest. It went in my neck and it stuck in my neck
13 towards my ear area.

14 Q. Is it still there?

15 A. Yes, ma'am.

16 Q. The doctors never pulled out the bullet?

17 A. No, ma'am, the doctor's said it's too ---

18 MR. ROBINSON: Objection, Your Honor,
19 hearsay.

20 THE COURT: You can state what your
21 understanding is. Go ahead.

22 BY MS. SALISBURY:

23 Q. I just asked did the doctors pull it out?

24 A. No, ma'am.

25 Q. What happened after you dropped to the ground?

Raheem Adams - Direct

1 A. They kept shooting and I crawled into the back of
2 TJ's Crown Vic and laid there until the shooting stopped.

3 Q. What do you remember happening then?

4 A. When they stopped shooting the first time it was
5 a little pause and then some more shots so I laid there a
6 little longer until I heard the car pull out. I got in
7 the car and I got in the van and they took me to the
8 hospital.

9 Q. Let me clarify something, you said you heard the
10 car pull off.

11 A. I heard the car leave from wherever they were.
12 Once I heard a second set of shots, I heard a car.

13 Q. This is while you were still in the back of TJ's
14 car?

15 A. Yes, ma'am.

16 Q. Okay. And what happened after? Did you feel
17 like it was safe to get back out?

18 A. Yes.

19 Q. And what happened next?

20 A. I got out and saw that the people who were shot
21 were laying there and we got into cars and made our way to
22 the hospital. I'm not for sure what anybody else did.

23 Q. You mentioned that you had your back to the
24 direction of where the shots came from.

25 A. Yes.

Raheem Adams - Direct

1 Q. When you turned to look at where you believe the
2 shots were coming from and you said you saw at least three
3 or four people, is that area of the gas station
4 illuminated? Does it have a street light over on that
5 side?

6 A. No, ma'am.

7 Q. Do you remember whether it was a dark area of the
8 parking lot?

9 A. Yes, ma'am.

10 Q. You had given a statement to police.

11 A. Yes, ma'am.

12 Q. Before I get to that, how long were you in the
13 hospital?

14 A. Probably a day and a half or something like that.

15 Q. At some point after that did you talk to the
16 police about what you remember from that night?

17 A. I talked to them a few days after being home.

18 Q. Do you remember giving them a statement?

19 A. Yes, ma'am.

20 Q. An actual written statement?

21 A. He typed it for me, but, yes, ma'am.

22 Q. Did you have a chance to look over that statement
23 to make sure it was accurate?

24 A. Yes, ma'am.

25 Q. And did you sign the statement?

Raheem Adams - Cross

1 A. Yes, ma'am.

2 Q. I want you to take a look at your statement where
3 you describe the fight going on inside the club.

4 A. Yes, ma'am.

5 Q. I asked you earlier if you recall, with regard to
6 the fight inside the Red Planet between Mr. Fant and at
7 least one individual you said was Mikey, you indicated you
8 didn't know who else was involved in that confrontation.

9 A. While we were inside the club?

10 Q. Yes, sir.

11 A. No, ma'am.

12 Q. Do you remember telling the police at the time
13 that you gave that statement that you remembered who was
14 involved in that confrontation?

15 A. At the time of the confrontation was between
16 Buddah and Mikey. The fight that actually broke out was
17 not between them. The fight that broke out outside was
18 Buddah and Mikey.

19 Q. Do you remember that inside of the Red Planet you
20 observed a fight between Mr. Fant and Raymond Young?

21 MR. QUINN: I object to the leading nature of
22 the question.

23 THE COURT: Don't lead.

24 BY MR. SALISBURY:

25 Q. Do you remember the individuals that you saw

Raheem Adams - Cross

1 involved in a fight inside the Red Planet?

2 A. Yes, ma'am.

3 Q. Do you know those individuals by name?

4 A. Yes, ma'am.

5 Q. Who do you recall being in a fight with Vincent
6 Fant inside the Red Planet? Not in the parking lot but
7 inside.

8 A. Raymond.

9 Q. Do you recognize Raymond in the courtroom today?

10 A. Yes, ma'am.

11 Q. Can you identify him for the jury?

12 A. The man in the white shirt and black tie.

13 Q. Okay. I don't have any additional questions.
14 Answer any questions these lawyers may have.

15 A. Okay.

16 MR. CHAMBERS: Your Honor, the attorney for
17 Mr. Booker, I have no questions.

18 MR. ROBINSON: On behalf of Mr. Williams.

19 CROSS-EXAMINATION

20 BY MR. ROBINSON:

21 Q. When you mention the name Smoke, Smoke is out in
22 the courtroom today?

23 A. No.

24 Q. None of the people who shot Mr. Fant are in the
25 courtroom today, are they?

Russell Patterson - Direct

1 be sworn.

2 THE CLERK: Sir, if you would put your left
3 hand on the Bible and raise your right hand.

4 RUSSELL MOORE PATTERSON, having been duly
5 sworn, testified as follows:

6 State your name for the record.

7 THE WITNESS: Russell Moore Patterson.

8 DIRECT EXAMINATION

9 BY MS. SALISBURY:

10 Q. Mr. Patterson, do you work?

11 A. Yes.

12 Q. Where do you work?

13 A. Southern Weaving.

14 Q. How long have you worked there?

15 A. A year.

16 Q. Do you live here in Greenville?

17 A. Yes.

18 Q. How long have you lived in Greenville?

19 A. All my life.

20 Q. Where did you go to school?

21 A. Carolina.

22 Q. You don't want to be here do you?

23 A. (Inaudible).

24 Q. Why don't you want to testify today?

25 A. I'd rather not speak. I don't want to be there.

Russell Patterson - Direct

1 today.

2 Q. Nonetheless, do you remember the night of July
3 16th?

4 A. Yes.

5 Q. What do you remember about that night?

6 A. We went to the club, got drunk, got shot.

7 Q. What do you remember about the club?

8 A. I went and I was talking to my home girl or
9 whatever and in the middle of the club there was an
10 altercation of people. I didn't pay it no mind because I
11 was doing my thing and I seen people running outside but I
12 didn't go an when I finally walked to the door and they
13 said don't nobody leave they shooting outside. So I went
14 back to the club and start talking to the same girl I was
15 messing with.

16 Q. You said there was some sort of commotion in the
17 middle of the club. Did you see who was in that
18 commotion?

19 A. Some of my friends, some of them.

20 Q. When you say some of them, what do you mean? Did
21 you see these defendants involved in that commotion
22 specifically?

23 A. I didn't see Tres, I didn't see them two.

24 Q. Which them two are you referring to?

25 A. Raymond and Mikey.

Russell Patterson - Direct

1 Q. With whom were they in a commotion with?

2 A. It was just a bunch of people and when it was all
3 over with I seen Mikey and TJ shake hands I believe.

4 Q. Do you remember taking a picture at the club that
5 night?

6 A. Yes.

7 Q. I'm going to show you State's Exhibit 1 and 2.
8 Do you recognize those pictures?

9 A. Yes.

10 Q. Are you in those pictures?

11 A. At the back.

12 Q. Are those pictures and accurate representation of
13 everybody that was with the group that night?

14 A. Yeah. Some people were just associates and some
15 of them were people we just know. Some of them were
16 people we see at the club and just cool with.

17 Q. So not necessarily everyone in the picture is
18 part of your rap group.

19 A. Yeah, they were all cool or whatever.

20 Q. So are you part of the Hardliners?

21 A. Yeah.

22 Q. Theres some folks in the pictures making some
23 gestures. What does that gesture mean to you?

24 A. It's an "H" and "L" and it stands for Hardliners.
25 We not a gang and we don't do no ratchet activities. We

Russell Patterson - Direct

1 party, we mac girls, and we make music most of all.

2 That's it.

3 MS. SALISBURY: Your Honor, I move in State's
4 Exhibit 1 and 2.

5 MR. CHAMBERS: No objection.

6 MR. ROBINSON: No objection.

7 MR. QUINN: No objection.

8 MR. ABDALLA: No objection.

9 THE COURT: Okay.

10 (Photos previous marked as State's Exhibit
11 Nos. 1 and 2 for identification were admitted into
12 evidence.)

13 MS. SALISBURY: I'd like to publish this to
14 the jury, Your Honor.

15 THE COURT: Pull down the screen. Pull down
16 the screen and they could come around if they want to view
17 it.

18 BY MS. SALISBURY:

19 Q. You have a point up there with you. Would you
20 pick up that pointer and identify yourself in that
21 picture?

22 A. In the back right here.

23 Q. With the sunglasses?

24 A. Yes, ma'am. Way in the back.

25 Q. We've heard from Mr. Raheem Adams this morning.

Russell Patterson - Direct

1 Do you see him in this picture?

2 A. Yeah, right there. He in front of me.

3 Q. What about Mr. Fant, could you see him in this
4 picture?

5 A. It's hard to see. You might have to bring me
6 down.

7 Q. If you look in State's 1, do you see him in this
8 picture?

9 A. That looks like him right there.

10 Q. When did y'all take this picture?

11 A. Maybe an hour after we got into the club. Yeah,
12 an hour. I don't really know anything like that. We're
13 spontaneous.

14 Q. You mentioned you saw this altercation between
15 Mr. Williams, Mr. Young, and Mr. Fant?

16 A. Yeah.

17 Q. You testified you started to leave but didn't
18 leave because the security guards wouldn't let you?

19 A. Yeah. Nah, I had seen a bunch of people running
20 outside. I didn't think it had anything to do with us so
21 I stayed what I was doing. Then I walked up to the front
22 eventually when I seen a whole bunch of people running to
23 the front. They said they was shooting so I went back.

24 Q. When did you eventually leave?

25 A. When the club was closed. I was walking out with

Russell Patterson - Direct

1 my home girl and somebody ran up and told me Buddah got
2 shot.

3 Q. So what did you do next?

4 A. I had got in the car with Deon and we went to the
5 hospital. We took my sister home first.

6 Q. Who was at the hospital when you got there?

7 A. Everybody.

8 Q. Talk about how many people you think was there?

9 A. Eight, nine.

10 Q. How long were you there?

11 A. About 10, 15 minutes.

12 Q. So what happened next?

13 A. It was an altercation with the group with two of
14 my group members. They got mad at each other and then we
15 had to leave the hospital when they got into it and then
16 we left.

17 Q. Did they fight?

18 A. They was swollen, ain't nobody fight. They broke
19 it up, came to an agreement. They left with each other,
20 you know what I'm saying. It was a joint dispute. So we
21 went to the Li'l Cricket and they went home.

22 Q. Who went home?

23 A. They went home.

24 Q. Why did you decide to go to the Li'l Cricket?

25 A. I was just riding. Man, we don't never go to

Russell Patterson - Direct

1 sleep. Like for real. As long as (inaudible) we're going
2 to party and we going to get through up. We're always up
3 and go to sleep when the sun comes up.

4 Q. Have you ever hung out at this particular gas
5 station before?

6 A. We hung out anywhere we party at straight up.

7 Q. So you mentioned that you road with Deon to the
8 Li'l Cricket. Did he stay?

9 A. He left.

10 Q. Do you remember who else would have been at the
11 gas station with you?

12 A. I was sitting on Tres car, Jet was beside me. He
13 was to the left of me and wasn't nobody to the right of
14 me. Quan's car was right in front of me. I can't
15 remember who was in front of it. They must not have been
16 talking about nothing because I was talking to Jet and I
17 was playing with my phone. And then pow, pow, pow, shots.

18 Q. Before we get into the shots, let's talk about
19 where you were sitting. I'm going to show you State's
20 Exhibit 7. Do you recognize what's in that picture?

21 A. Yeah. Quan's car, TJ car, Tres car and some
22 other car.

23 Q. Is that an accurate picture of how the cars were
24 situated at the gas pumps that night?

25 A. Yes, that's exactly where they was.

Russell Patterson - Direct

1 MS. SALISBURY: Your Honor, I move in State's
2 Exhibit No. 7.

3 MR. CHAMBERS: No objection.

4 MR. ABDALLA: No objection.

5 MR. ROBINSON: No objection.

6 MR. QUINN: No objection.

7 MS. SALISBURY: I hate to create a problem,
8 but I'd like to publish State's Exhibit No. 7 to
9 illustrate Mr. Patterson's testimony.

10 THE COURT: Alright. What if you just showed
11 it on the wall back there.

12 MS. SALISBURY: That might work.

13 THE COURT: The white part of the wall back
14 there.

15 THE BAILIFF: Let me raise this up.

16 THE COURT: Thank you, Mr. Frazer.

17 BY MS. SALISBURY:

18 Q. Could you use that pointer and explain what you
19 were just describing where you were sitting? If you need
20 to stand up and come around, that's okay.

21 A. Right there, right in the middle.

22 Q. Of this car?

23 A. Yes.

24 Q. Which direction?

25 A. Facing this car.

Russell Patterson - Direct

1 Q. Do you remember from which direction the shots
2 came?

3 A. Nah. I thought they was coming from over -- I
4 thought they was coming from behind me.

5 Q. I'm going to have to ask you to repeat that.

6 A. No. They way I thought they was coming was not
7 accurate.

8 Q. What makes you say that?

9 A. I thought somebody was on the highway shooting.

10 Q. How did you figure out you were mistaken?

11 A. I didn't realize it until later when I was in the
12 hospital and realize how I got shot and where I got shot.

13 Q. Where did you get shot?

14 A. In my leg like on the inside of my left leg.

15 Q. Where would your leg have been?

16 A. It was on the hood of the green car.

17 Q. Inside of the left leg?

18 A. Yes, it was kicked up do you know what I'm
19 saying. I was chilling with my foot kicked up.

20 Q. How long do you remember hearing gunshots?

21 A. It was like they kept coming. I crawled out of
22 the way and they was still shooting. I didn't count, I
23 was just tripping.

24 Q. Was it more than just a few shots?

25 A. Yeah, yeah, quite a more than a few.

Russell Patterson - Cross

1 Q. You said you crawled to where this Crown Vic
2 here.

3 A. Yeah.

4 Q. And what did you do?

5 A. I just turned around and put my back on it and
6 tried to call the ambulance.

7 Q. Were you on the back side of the Crown Vic?

8 A. I was in between the Crown Vic and the gas pump,
9 you know what I'm saying.

10 Q. Did you run?

11 A. I couldn't run.

12 Q. Why couldn't you run?

13 A. I got shot in the leg.

14 Q. How did you get to the hospital that night?

15 A. Deon pulled up and then I jumped in the car with
16 him.

17 Q. Is that the same Deon?

18 A. That I rode there with, yeah.

19 Q. What kind of car was that?

20 A. Silver Suzuki.

21 Q. Okay. Did they recover the bullet from your leg?

22 A. Yeah, they got it out.

23 Q. Did you ever see anybody shooting?

24 A. No.

25 Q. Did you ever see any flashing of fire from the

Russell Patterson - Cross

1 gun?

2 A. No.

3 Q. Do you know how many people were shooting?

4 A. No. Like I said I thought they was on the
5 highway like a drive-by.

6 Q. Alright, sir, if you answer any questions these
7 attorneys may have.

8 MR. CHAMBERS: For the record, Attorney Randy
9 Chambers for Mr. Booker.

10 CROSS-EXAMINATION

11 BY MR. CHAMBERS:

12 Q. You indicated specifically when you first sat
13 down there any testified you never saw Tres?

14 A. During the confrontation.

15 Q. When you say Tres, that's what Mr. Booker's
16 friends call him?

17 A. Yeah. I know him. I thought that was my friend
18 too. I been out with Tres.

19 MR. ROBINSON: On behalf of Mr. Williams, if
20 it please the Court. May I approach the witness, Your
21 Honor?

22 THE COURT: Yeah.

23 BY MR. ROBINSON:

24 Q. You gave a statement to the police, didn't you?

25 A. Uh-hum.

Thomas Walker - Direct

1 from inside the club.

2 THE COURT: Anything else?

3 MR. QUINN: No, Your Honor.

4 THE COURT: You can step down. Thank you.

5 (Witness leaves the witness stand.)

6 MS. SALISBURY: The State calls Mr. Thomas
7 Walker. Mr. Walker, would you please come up and be
8 sworn.

9 THE CLERK: Mr. Walker, would you place your
10 left hand on the Bible and raise your right hand.

11 THOMAS WALKER, having been duly sworn,
12 testified as follows:

13 Please be seated. State your name for the
14 record.

15 THE WITNESS: Thomas Walker.

16 DIRECT EXAMINATION

17 BY MS. SALISBURY:

18 Q. Mr. Walker, where do you work?

19 A. Dillion Supply.

20 Q. How long have you been there?

21 A. About seven or eight months.

22 Q. Do you live here in Greenville?

23 A. Yes.

24 Q. How long have you lived in Greenville?

25 A. Most of my life.

Thomas Walker - Direct

1 Q. Where do you go to school?

2 A. JL Mann.

3 Q. Do you remember the night of July 16, 2011?

4 A. Somewhat. It's a little sketchy.

5 Q. What do you remember about that night?

6 A. We went to Red Planet. I seen an altercation
7 going on with Mikey and Buddah and I stepped in because I
8 was cool with them. They squashed it, I guess, and then
9 everybody was going outside and I seen Buddah ---

10 Q. Before we get outside, let's stay with what was
11 going on inside. You said you saw an altercation between
12 Buddah, Mr. Fant, and Mikey. Did you know this Mikey
13 person by name?

14 A. Yeah.

15 Q. How do you know him?

16 A. I've known Mikey like through another guy I used
17 to go to the club with and we had became associates. I
18 seen him around and shake hands.

19 Q. Do you consider him a friend?

20 A. No. I consider him an associate. We wouldn't
21 like go out as friends, it's only like when we see each
22 other. It's like mutual respect.

23 Q. So you saw this altercation between the two of
24 them, what happened next?

25 A. I stepped in the middle of them and tried to

Thomas Walker - Direct

1 squash it. I told Buddah to chill down and shake hands
2 with Mikey and that was it.

3 Q. I wan you to take a look at State's Exhibit 1.
4 I'm going to put it on the wall over there. Do you see
5 yourself in that picture?

6 A. Yes.

7 Q. Where are you?

8 A. I'm on the right side upper hand behind the girl.

9 Q. Right here on the upper end behind this young
10 lady?

11 A. Yeah.

12 Q. Now, are you part of the rap group?

13 A. Yeah.

14 Q. How long had you been performing with them?

15 A. Like two years.

16 Q. Why aren't you any more?

17 A. I like (inaudible).

18 Q. After the incident in the club that you
19 intervened in that you thought was over, what happened
20 next?

21 A. After that we just went back to partying and a
22 fight broke out and everybody was going outside. I seen
23 Buddah go outside so I started walking out there. Once I
24 get out there, I hear the gunshots. I see Buddah
25 fighting. I didn't know who he was fighting with at the

Thomas Walker - Direct

1 time so once I heard gunshots, looked back, saw Buddah
2 laying on the ground. Me and Jamel picked him up, put him
3 in my car and took him to the hospital.

4 Q. Which car is your car?

5 A. The Crown Vic.

6 Q. You mentioned at the time that you walked out you
7 didn't see who Vincent Fant was fighting with. Did you
8 ever see who he was fighting with?

9 A. No.

10 Q. Did you ever see who shot him?

11 A. No.

12 Q. So you and Jamel put Mr. Fant and your car and
13 did what?

14 A. Took him to the hospital.

15 Q. What happened when you got there?

16 A. We were sitting around talking and me and Mont
17 got into an altercation.

18 Q. Over what?

19 A. Because when everything was going on, I didn't
20 see him out there so in my eyes you not helping your group
21 so that's a problem.

22 Q. How long were you at the hospital?

23 A. About 18 minutes.

24 Q. What happened next?

25 A. After that Mont and I squashed it or whatever and

Thomas Walker - Direct

1 I took him home and then me and (inaudible) went to Li'l
2 Cricket.

3 Q. Just for clarification, the person you said you
4 had an argument with is Damont. Does he go by any other
5 names?

6 A. Mont.

7 Q. What's his last name?

8 A. Suber.

9 Q. Does he go by Sub or young Sub something like
10 that?

11 A. That's his rap name.

12 Q. Is that the same person Damont is Suber.

13 A. Yes.

14 Q. Why did you go to the gas station next?

15 A. Because that's where everybody was meeting up at.

16 Q. Why was everybody meeting up?

17 A. Our home boy just got shot so we meet up, cool
18 down, talk about it or whatever.

19 Q. Who was there when you got there?

20 A. When I got there Russell was there, Dutchy was
21 there, I think Quan was there and Tres was there.

22 Q. Do you know how many cars were there?

23 A. Four. Mines was four.

24 Q. Yours was the fourth?

25 A. Yes.

Thomas Walker - Direct

1 Q. Okay. I'm going to put State's 7 up on the wall
2 and ask you to take a look at that picture. Do you see
3 your car in that picture?

4 A. The Crown Vic.

5 Q. On the far right?

6 A. Yes.

7 Q. Is that where it was parked at the gas station?

8 A. Yes.

9 Q. That's where it was left?

10 A. Yes.

11 Q. How long had y'all been at the gas station before
12 shots were fired?

13 A. No longer than 20 minutes.

14 Q. Where were you physically?

15 A. I was walking towards the gas station and about
16 to get a drink or whatever and from there I heard a
17 gunshot and didn't pay no mind to it. And then I heard a
18 couple of more.

19 Q. Why didn't the gunshot attrack your attention?

20 A. I'm from the hood so it really doesn't bother me.

21 Q. Where was it coming from?

22 A. It's a gunshot so I don't know.

23 Q. Did you hear more shots?

24 A. Once I started hearing more I turned around and
25 ran and fell behind the car because I got hit in the

Thomas Walker - Direct

1 thigh.

2 Q. Which car was that?

3 A. The white car.

4 Q. Is it an Impalla?

5 A. I think so. I don't know.

6 Q. You say that you fell behind the car, then what
7 did you do?

8 A. I got up and ran.

9 Q. How many shots do you think you heard?

10 A. It was a lot. Then they paused for a minute and
11 then started again.

12 Q. While you were hiding behind the car were you
13 ever able to coordinate yourself to see where those shots
14 were coming from?

15 A. No, I wasn't thinking about none of that. I was
16 just trying to get out of there.

17 Q. Did you ever see any shooters?

18 A. No.

19 Q. Did you ever see any flashes of gunshots?

20 A. No. I got shot in the back of my thigh so my
21 back was turned.

22 Q. Now, where did you go. You said you started
23 running so where did you go?

24 A. We ran across the bridge and down the ramp.

25 Q. How far do you think that was?

Thomas Walker - Direct

1 A. About a quarter of a mile.

2 Q. Who did you run with?

3 A. Tate and I think Tres was down there. That's all
4 I remember.

5 Q. Now, do you know their real names?

6 A. I don't know Tate real name.

7 Q. And what happened after that?

8 A. We ran down the ramp and we see the police coming
9 our way and we waived them down and they took us to the
10 hospital.

11 Q. Did they call an ambulance out to the scene?

12 A. Yes.

13 Q Now, did you carry a gun with you to the club
14 that night?

15 A. I did.

16 Q. What kind of a gun is it?

17 A. A .38 special.

18 Q. Did you carry it inside the club with you?

19 A. No.

20 Q. Where was it?

21 A. It was inside the glove compartment.

22 Q. Why did you think it was important to take a gun
23 to the club?

24 A. Because of stuff like this.

25 Q. Did you ever fire that gun that night?

Thomas Walker - Direct

1 A. No.

2 Q. Why not?

3 A. Didn't have a chance.

4 Q. Did the gun stay in the glove box throughout the
5 duration of the --

6 A. Yes.

7 Q. Just so I'm clear, what kind of gun is a .38
8 special? Is it a semi-automatic or is it a revolver?

9 A. It's a revolver.

10 Q. Did you ever fire the gun at the club that night?

11 A. No.

12 Q. Even though your friend had been shot?

13 A. No.

14 Q. Why not?

15 A. Once he was shot, we took him to the hospital. I
16 wasn't going to have no shoot out when he could be dying.

17 Q. How long were you in the hospital?

18 A. Like a day and a half.

19 Q. Do you remember talking to the police about what
20 you remember from that night?

21 A. When I was at the hospital?

22 Q. Some point after the --

23 A. Yeah.

24 Q. Did you tell them everything you remember about
25 the incident from that night?

Thomas Walker - Cross

1 A. Yeah.

2 Q. Thank you. Please answer any questions these
3 attorneys may have.

4 MR. CHAMBERS: On behalf of Mr. Booker, I
5 have no questions.

6 MR. ROBINSON: If it please the Court on
7 behalf of Mr. Williams.

8 CROSS-EXAMINATION

9 BY MR. ROBINSON:

10 Q. Mr. Walker, you said you took your gun to the
11 club that night, the Red Planet; is that correct?

12 A. Yeah.

13 Q. You took your gun there because of the type of
14 club it was; isn't that correct?

15 A. Yes.

16 Q. And the number of people who were there that
17 night, correct?

18 A. Yes.

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

20 MR. ABDALLA: I just have a couple of
21 questions.

22 BY MR. ABDALLA:

23 Q. Mr. Walker, you said you left the club, do you
24 remember what time you left the club?

25 A. In that type of situation, I'm not looking at a

Javon Henry - Direct

1 MR. QUINN: Nothing, Your Honor.

2 MR. ABDALLA: No, Your Honor.

3 (Whereupon, court was dismissed for lunch.)

4 THE BAILIFF: All rise. Court is now in
5 session.

6 THE COURT: Thank you.

7 MS. SALISBURY: I have one quick issue about
8 one of our witnesses. He's been transported from the
9 Department of Corrections and the jail has asked that I
10 make an effort to have an order signed so they will take
11 custody from the Department of Corrections.

12 THE COURT: All they want was an effort from
13 you?

14 MS. SALISBURY: I think they'd appreciate my
15 effort but I think they'd like your actual signature.

16 THE COURT: Are you ready to go?

17 MS. SALISBURY: Yes, sir.

18 THE COURT: Let's get them.

19 (Jury re-enters the courtroom.)

20 MS. SALISBURY: Your Honor, the State calls
21 Mr. Javon Henry. Mr. Henry, would you come up here to be
22 sworn.

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

25 JAVON HENRY, having been duly sworn,

Javon Henry - Direct

1 testified as follows:

2 Please state your name for the record.

3 THE COURT: My name is Javon Henry.

4 DIRECT EXAMINATION

5 BY MS. SALISBURY:

6 Q. Mr. Henry, do you work?

7 A. Yes, ma'am.

8 Q. Where do you work?

9 A. Jimmy's Barbershop.

10 Q. How long have you worked there?

11 A. Since about April.

12 Q. Do you live here in Greenville?

13 A. Yes, ma'am.

14 Q. How long have you lived in Greenville?

15 A. All my life.

16 Q. Where did you go to school?

17 A. JL Mann and then I went to Carolina.

18 Q. Do you know Vincent Fant? Do you know Buddah?

19 A. Yes, ma'am.

20 Q. Do you know Raheem Adams?

21 A. Yes, ma'am.

22 Q. Do you know Russell Patterson?

23 A. Yes, ma'am.

24 Q. TJ Walker?

25 A. Yes, ma'am.

Javon Henry - Direct

1 Q. How do you know those guys?

2 A. Rap, boys from way back when in the day.

3 Q. Are you part of the Hardliners Rap Group?

4 A. Yes, ma'am.

5 Q. How long have you performed with them?

6 A. About a year or two.

7 Q. Do you remember the night Saturday July 16, 2011?

8 A. Yes, ma'am.

9 Q. What do you remember about that?

10 A. Went to the club, spoke to the females, chilled.

11 Q. Do you remember what time you showed up?

12 A. No, I don't remember the time.

13 Q. Do you remember who arrived with?

14 A. All of them.

15 Q. Did y'all get there about the same time?

16 A. It was scattered.

17 Q. I want you to take a look at State's Exhibit 1

18 and 2. Do you see yourself in those pictures?

19 A. Yes, ma'am.

20 Q. What were you wearing that night?

21 A. A black shirt and a (inaudible) ball cap.

22 Q. Do you remember posing for that picture with your
23 friends?

24 A. Yes, ma'am.

25 Q. What do you remember about being in the club?

Javon Henry - Direct

1 What do you remember happening that night

2 A. We were having some fun. We got there and just
3 chilled, all over it was a good time.

4 Q. Do you remember any problems inside the club?

5 A. No, ma'am.

6 Q. What happened towards the end of the night as
7 best as you can remember?

8 A. It was a little altercation outside and by the
9 time I got out there it was just mayhem. I was kind of
10 stuck in the club.

11 Q. Were you outside in the parking lot to see any
12 fights?

13 A. No, ma'am.

14 Q. Were you outside in the parking lot to see any
15 shooting happening?

16 A. No, ma'am.

17 Q. Do you remember giving a statement to police
18 about what happened that night?

19 A. Yes, ma'am.

20 Q. Do you recognize your signature on that
21 statement?

22 A. Yes, ma'am.

23 Q. Is that the statement you gave to investigators
24 in the days after this incident?

25 A. Yes, ma'am.

Javon Henry - Direct

1 Q. Could you just read it over to yourself. When
2 you gave that statement, did you have an opportunity to
3 make sure it was accurate?

4 A. No, ma'am.

5 Q. Why did you sign your name to it?

6 A. I don't even know to be real. It was a whole
7 bunch of stress, pressure.

8 Q. So what you told the police in that statement not
9 the truth?

10 A. It's the truth, but it was basically -- he asked
11 me what happened but most of the stuff wasn't really
12 questions, it was already stuff that he had.

13 Q. So when you signed your name to that statement
14 and you said it was accurate and it was true, that wasn't
15 right?

16 A. I signed it, yeah, but half of the stuff that I
17 said or the statement it appears to be true, but as far as
18 what I said, yes, it's true.

19 Q. Maybe I'm getting confused. Do you remember
20 Buddah and Mikey fighting in the parking lot of the Red
21 Planet?

22 A. Like I said when I got outside the club it was
23 chaos. I seen the people that you're talking about, but
24 as far as that part I didn't see anything.

25 Q. Did you tell the police in that statement that

Javon Henry - Direct

1 you saw them fighting?

2 A. Yes, ma'am, as far as the statement goes.

3 Q. But you don't remember that today?

4 A. To this day like I said the stuff it wasn't me
5 saying it, it was more of an agreement. They were telling
6 me what they had.

7 Q. Do you remember seeing anyone put Buddah in the
8 back of a car?

9 A. Yes, ma'am.

10 Q. You do remember that?

11 A. Yes, ma'am. That was when the chaos and mayhem
12 and all that was going on.

13 Q. How do you remember seeing put Buddah in the back
14 of a car?

15 A. It was Quan.

16 Q. What did you do next?

17 A. We got in the car and they took Buddah to the
18 hospital.

19 Q. Did you ride in a separate car?

20 A. I rode in a separate car.

21 Q. What else do you remember, what happened next?

22 A. Went to the hospital, went to the store.

23 Q. What store did you go to?

24 A. Li'l Cricket.

25 Q. What did you go there in particular?

Javon Henry - Direct

1 A. To get some gas for one. It was one of the only
2 stores that was open that time of night, get some gas, get
3 some snacks, just make sure everybody, you know.

4 Q. Where were you physically?

5 A. It was between the first and the second car.

6 Q. I'm going to show you State's Exhibit 7 up on the
7 wall over there. Where would you have been standing as it
8 looked on this picture?

9 A. It was between the white car and the green car.

10 Q. So between the two cars?

11 A. Uh-hum.

12 Q. What do you remember happening?

13 A. I heard gunshot and my first instinct is to hit
14 the ground. That's the first thing I did.

15 Q. How long had you been there before you heard
16 those shots?

17 A. I don't even think it was ten minutes.

18 Q. What do you remember seeing?

19 A. Smoke.

20 Q. Do you know which directions the shots were
21 coming from?

22 A. I just heard shots.

23 Q. Do you remember how many shots? I realize you
24 may not have been counting but was it just a few, was it
25 many?

Javon Henry - Direct

1 A. It was just a whole bunch of shots.

2 Q. Did you ever see where these shots were coming
3 from? I want you to take a look again at your statement.
4 Do you remember telling the police you saw more than five,
5 possible ten people come around the corner at the Li'l
6 Cricket?

7 A. This is what this says, but as far as like
8 seeing, I seen the bodies and I seen smoke.

9 Q. Didn't see any faces. Could you tell whether
10 their faces were covered?

11 A. They were covered. It was like a split second
12 thing, pow.

13 Q. Do you remember seeing any flashes from the gun?

14 A. No, ma'am, I seen the smoke.

15 Q. Were you able to tell anything about the bodies
16 that you described?

17 A. No, ma'am.

18 Q. Could you tell whether they were men or women?

19 A. It wasn't like I was trying to focus on them. It
20 was like instinct. My focus wasn't on them or running, it
21 was basically hit the ground. I just hit the ground.

22 Q. Could you tell what race the people shooting
23 were?

24 A. No, ma'am.

25 Q. What happened next? What do you remember?

Javon Henry - Direct

1 A. The tire popped in my face, the car tire. As far
2 as that pow, pow, pow, pow, I hit the ground. I hear
3 scattering. As far as looking, I wasn't trying to look.
4 It calmed down a little bit and I heard more shots.

5 Q. The shots stopped and then started again and then
6 stopped. Okay. I want you to take a look at Exhibit 8.
7 I'm going to put it up on the wall again. Now, do you
8 recognize what this is?

9 A. I don't --

10 Q. We've heard some testimony that this is the Li'l
11 Cricket Gas Station.

12 A. I can't really tell.

13 Q. Let me let you look at it up close first. Does
14 that look familiar to you?

15 A. Yes, ma'am.

16 Q. Like I said I'm going to put it up on the wall so
17 that you can explain where you saw these bodies.

18 A. Right there where that car at.

19 Q. The yellow car?

20 A. Yes, ma'am.

21 Q. Was that car there at the time?

22 A. (Inaudible).

23 Q. When the shots stopped, what did you do?

24 A. My first instincts was to check on everybody, to
25 see who was still there, to see if everybody was alright.

Javon Henry - Cross

1 Q. Were you hit?

2 A. No, ma'am.

3 Q. What did you do after that?

4 A. I got up and make sure everybody was alright.

5 Like I said I heard scattering and I went to see was still
6 there.

7 Q. Did you end up going to the hospital?

8 A. I went to Greenville Memorial. We took somebody
9 there.

10 Q. Alright, sir. I appreciate if you would answer
11 any questions these attorneys might have.

12 CROSS-EXAMINATION

13 BY MR. CHAMBERS:

14 Q. Mr. Henry, I'm the attorney for Mr. Booker and I
15 just have a couple of question for you. You indicated
16 when you gave your statement to police that when you saw
17 these five possible ten people running into the parking
18 lot you said in your statement that they were all wearing
19 white tee shirts and black bandannas; is that correct?

20 A. I said they were covered.

21 Q. Much like the solicitor did a few minutes ago,
22 I'm going to ask you to take a look at your statement.
23 That is a copy of the statement you gave, correct?

24 A. Yes, sir.

25 Q. I want you to read this highlighted portion right

Javon Henry - Redirect

1 MR. ABDALLA: On behalf of Mr. Young, I have
2 no questions.

3 MR. QUINN: No questions.

4 MS. SALISBURY: Very brief redirect.

REDIRECT EXAMINATION

5
6 BY MS. SALISBURY:

7 Q. I just want to be clear, is the part of your
8 statement that refers to seeing at least five and possibly
9 ten people shooting from the corner of the Li'l Cricket,
10 are those your words as you remember them?

11 A. I did say I seen people coming around shooting.

12 Q. Is it your remember an accurate representation of
13 the way you remember the events that their faces were
14 covered?

15 A. Yes, ma'am.

16 Q. That's how you remember it today?

17 A. Yes, ma'am.

18 MS. SALISBURY: I don't have an additional
19 questions, Judge.

20 THE COURT: You can step down.

21 Ladies and gentlemen, I have a matter I need
22 to take up outside your presence. I need to ask y'all to
23 retire to your jury room.

24 (Jury exits the courtroom.)

25 (Whereupon, there was a bench conference.)

Javon Henry - Redirect

1 The issue before the Court is a note I
2 received from a juror serving in another case that stated
3 that while he was in the restroom during lunch, the note
4 reads, "I overheard jurors from Courtroom 8 discussing
5 what sounded like details of their case. ' Need to decode
6 language, I was chillin, he's going down." So in a bench
7 conference with all the attorneys, we discussed it an I
8 believe the defendants have a motion for a mistrial.
9 However, in the case of State v. Aldret(ph), 1999 case, we
10 are talking about premature deliberation and jury
11 misconduct. And I'll quote and of course no one was
12 prepared for this but, "According we hold the burden
13 alleging premature deliberations to establish prejudice.
14 Further to assist the trial courts of this state, we set
15 forth the following suggestive procedure to follow the
16 cases in which an allegation of premature deliberation
17 arises. If it arises during trial, the trial court should
18 conduct a hearing to ascertain if, in fact, such premature
19 deliberations occurred and if the deliberations were
20 prejudicial. If requested by the moving party, the court
21 may voir dire the jurors in a practable, tailor a
22 cautionary instruction and correct the ascertained damage.
23 If the trial court determines the deliberations were
24 prejudicial such findings should be set forth on the
25 record and a new trial ordered."

Javon Henry - Redirect

1 That's the law. So I spoke with Judge Young
2 and this juror and he didn't really have anything more to
3 add except he did indicate that the jurors had great
4 difficulty understanding the witnesses. So I believe it's
5 necessary to determine whether or not misconduct occurred
6 and whether it as prejudicial and in order to do that, I
7 think I need to discuss this with the jurors one by one so
8 I'm going to clear the courtroom of all non-parties when I
9 do this so I'll get back with you shortly.

10 (Courtroom cleared for purpose of hearing.)

11 Before I start bringing the jurors out in the
12 order they were seated, I believe defense might want to
13 put on the record their position.

14 MR. QUINN: Your Honor, if I might on behalf
15 of Mr. Sadler, Your Honor was nice enough to note for the
16 record we had that bench conference and I know you've
17 heard most of this but for the record, my motion is to
18 remove the two jurors that are alleged to have been
19 involved in the activities specified in the note. That
20 would then, unfortunately leave us with 11 jurors and so
21 you would have to declare a mistrial. That would be the
22 second part of my motion.

23 The basis for it is that Your Honor charged
24 the jury as part of his instructions and has consistently
25 charged the jury every time we've taken a break not to

Javon Henry - Redirect

1 discuss the case at all. Your Honor has not said don't
2 discuss the facts but you can discuss some other part of
3 the case, so clearly these jurors have violated the oath
4 that they took at the beginning of the case as a part of
5 which following your instructions.

6 As to the argument that somehow they have not
7 discussed the facts, first of all your instruction doesn't
8 go to just say the facts, secondly, the jury determines
9 the facts and what we're doing is stepping in and saying
10 we don't think those are facts so we're not going to say
11 the jury has been determining the facts, but that is their
12 determination and these comments may go to their
13 determination of the facts so I do believe it is an
14 improper conversation.

15 Finally, there was argument but at least
16 defense counsel. I do not remember if the State argued it
17 in opening argument about the demeanor and that's one of
18 things in determining whether a witness is believable,
19 these comments are clearly about the witness's demeanor.
20 And finally of course, this could be the tip of the
21 iceberg. We don't know what other comments are made. We
22 only know what was overheard by a juror from another
23 courtroom. The note that has been submitted to the Court,
24 the wording sounded to that juror like it was details of
25 the case. One comment of which included, "he's going

Javon Henry - Redirect

1 down." There has not been any witness that I recall that
2 has used those words, "he's going down." So there is no
3 need to determine what a witness meant by that phrase that
4 hasn't been used. "He's going down," is pretty much the
5 determination of whether somebody is going to be found
6 guilty or not.

7 So for all those reasons, I would move at
8 this time there is no need to go further. I have not, as
9 Your Honor, knows had the opportunity to shepardize this
10 case to determine if procedure that the Court intends to
11 follow is, in fact, appropriate but I object to the
12 procedure. I object to any further inquiry and I believe
13 Your Honor should declare a mistrial in this case.

14 THE COURT: We have shepardized it and it's
15 valid law.

16 MR. CHAMBERS: On behalf of Mr. Booker I join
17 in with Mr. Quinn's objection.

18 THE COURT: I presume both other defendants
19 join in the motion?

20 MR. ABDALLA: Yes, sir.

21 MR. ROBINSON: Yes, sir.

22 THE COURT: Okay. Well, we need to determine
23 if, in fact, it happened. The question is fundamental
24 fairness. Are these defendants going to be denied a fair
25 trial and that's the route of the issue. There was a

Javon Henry - Redirect

1 Court of Appeals case in 2010 which was State versus
2 Karmac in which the Court of Appeals -- clearly the trial
3 court in that case followed the procedure. Recommended in
4 the Aldret case and questioned the jurors. Karmac is 694
5 SE 2nd 224. The Aldret is 509 SE 2nd 811.

6 So procedure to follow is we're going to call
7 them out in the order in which they were chosen and then
8 put them in a separate jury room and they can't go back
9 and talk about it after they finish in here.

10 So let's start with Mr. Douglas Harper, No.
11 130.

12 MR. QUINN: And while he's on his way, can I
13 put one more thing on the record?

14 THE COURT: Yeah.

15 MR. QUINN: I think this procedure only needs
16 to be followed if there's an opposition to the motion for
17 a mistrial. In other words, if the State agrees that
18 there should be a mistrial at this point ---

19 THE COURT: That might be your opinion, but
20 once this jury is sworn, the case is under my jurisdiction
21 and I have a sworn duty to pursue cases unless there's a
22 violation of fundamental fairness. In other words, once
23 the jury is sworn, you all don't get to decide whether or
24 not we're going forward by agreement or otherwise.

25 MR. CHAMBERS: Only because I want to make

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1 sure the record is clear if this case were going up on
2 appeal, I want to make sure in my representation of
3 Mr. Booker and I again join with Mr. Quinn.

4 THE COURT: I'm going to assume, unless you
5 all stand up and say something else, that everybody joins
6 in with what's said. Okay.

7 Mr. Harper, how are you doing?

8 MR. HARPER: Fine.

9 THE COURT: Some information has come to
10 light that there may have been some discussion about the
11 facts of the case among our jury. I know you know you're
12 under oath and ask you if you're aware of any discussion
13 about this case that has gone on either in the jury room
14 or anywhere else? Do you know of any?

15 MR. HARPER: I would say, yes. Not anything
16 substantiative, but I would say that there hasn't been a
17 group thing.

18 THE COURT: Can you tell me what has been
19 talked about?

20 MR. HARPER: Probably at least what I'm aware
21 of in the context of almost sadness over some of the
22 things we've heard.

23 THE COURT: Has any of the discussion that
24 have been heard, would that impair your ability to be fair
25 and impartial in this case?

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1 MR. HARPER: No, sir, it would not.

2 THE COURT: Would it impair your ability to
3 judge this case based solely on the evidence that's
4 presented in the courtroom and the law as I would give it
5 to you?

6 MR. HARPER: No, sir, it would not.

7 THE COURT: Have you made any determination
8 about the guilt or innocence of any of these gentlemen at
9 this point?

10 MR. HARPER: No, sir.

11 THE COURT: Thank you, very much.

12 The next one that was chosen was Robin
13 Thompson.

14 (Juror exits the courtroom.)

15 Ms. Thompson, hi, how are you doing?

16 MS. THOMPSON: Fine.

17 THE COURT: I don't want you to think you're
18 in any trouble. I'm asking each juror to come out in the
19 order in which they were chosen and just speak with each
20 of you individually. Some information has come to light
21 that the case may have been discussed in some form or
22 fashion. Can you tell me whether or not you've heard any
23 discussion about the case at this point?

24 MS. THOMPSON: No, sir, I have not.

25 THE COURT: And I don't mean just necessarily

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1 deliberating but just discussion about what you all have
2 seen in the court. Have you heard anything like that?

3 MS. THOMPSON: No, sir.

4 THE COURT: Thank you very much.

5 (Juror exits the courtroom.)

6 The next one is Christine Ferguson.

7 Hi, Ms. Ferguson.

8 MS. FERGUSON: Hi.

9 THE COURT: I don't want you to think you're
10 in hot water or anything but some information has come to
11 light that there may have been some discussion about the
12 case and so I am calling each juror out individually to
13 determine whether or not y'all have heard some
14 discussion. I'm not talking about deliberation. I'm
15 talking about what's happened in court so far. Anything
16 along those lines.

17 MS. FERGUSON: There was some discussion
18 yesterday after the initial charges were made as to how
19 long this might take and that kind of thing. And then
20 there has been -- I'm trying to think -- some nature
21 curiosity I think. There's been some discussion I think
22 of the behavior of some people who have taken the stand
23 that kind of thing. I don't think there's been any
24 conclusions drawn. Does that make sense?

25 THE COURT: Yeah. So would it be discussions

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1 about the testimony that's been given but not the content
2 of the testimony.

3 MS. FERGUSON: No, there has not been
4 testimony about the content of the testimony. There has
5 been some -- discussion may be a little strong but there's
6 definitely been mention of behaviors, how people acted on
7 the stand it was clear that some people were not as clear
8 in their testimony.

9 THE COURT: Enunciation maybe?

10 MS. FERGUSON: Yeah enunciation, demeanor,
11 those kinds of things.

12 THE COURT: Have those discussions in any way
13 led you to begin to make a decision about the ultimate
14 outcome about this case?

15 MS. FERGUSON: No. There's still a lot of
16 questions and I don't think there have been addressed.

17 THE COURT: Would the fact that these
18 discussions having incurred impair your ability to be fair
19 and impartial to the State and the defendants?

20 MS. FERGUSON: No.

21 THE COURT: Could you follow your oath and
22 judge this case solely on the evidence and the law?

23 MS. FERGUSON: Yes.

24 THE COURT: Thank you very much.

25 (Juror exits the courtroom.)

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1 The next one is Cynthia Foxx.

2 Hey, Ms. Foxx, how are you?

3 MS. FOXX: Good.

4 THE COURT: I don't want you to think you're
5 being singled out. I'm just talking to each juror
6 individually. I don't want you to feel threatened or like
7 you're in any kind of trouble or anything. Some
8 information has come to light that there may have been
9 some discussions about the case and I'm inquiring of each
10 juror whether or not there have been or if you have heard
11 discussions or comments about the case.

12 MS. FOXX: Outside of this room?

13 THE COURT: In the jury room or in the
14 hallways or any place else.

15 MS. FOXX: I have not in the hallways and I
16 don't think we've been discussing the case particularly in
17 the rooms. We've been discussing names and trying to get
18 names of the witnesses but that's about it.

19 THE COURT: And there's been some -- has
20 there been any discussion about the demeanor or language
21 of the witnesses who've testified? Has there been any
22 discussion about that or talk about it?

23 MS. FOXX: As to whether we've understood
24 some of the conversations?

25 THE COURT: Yeah.

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1 MS. FOXX: Yeah.

2 THE COURT: Y'all have had some conversations
3 about that?

4 MS. FOXX: Yeah.

5 THE COURT: Would the fact that that
6 occurred, has that led you to any conclusion one way or
7 the other about the ultimate issue in this case?

8 MS. FOXX: No.

9 THE COURT: Could you remain open minded and
10 be fair and impartial to both the State and the
11 defendants?

12 MS. FOXX: I feel like I can, yes, sir.

13 THE COURT: And could you follow your oath
14 and decide this case based solely on the evidence and the
15 law presented in this courtroom?

16 MS. FOXX: Yes, sir.

17 THE COURT: Thank you very much.

18 (Juror exits the courtroom.)

19 Hey, Mr. Whittenburg, how you doing?

20 MR. WHITTENBURG: Good.

21 THE COURT: I don't want you to feel singled
22 out or anything. As you may have ascertained I'm talking
23 to each juror individually. I don't want you to feel
24 threatened or anything like that but some information has
25 come to light that there may be some discussion about the

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1 case among our jury and so I'm asking you whether or not
2 you've been privy to or heard any discussions about the
3 case.

4 MR. WHITTENBURG: No.

5 THE COURT: And I don't necessarily mean just
6 the substance of it but the demeanor and the language of
7 some of the witnesses who have testified. Has there been
8 any talk about that?

9 MR. WHITTENBURG: About the demeanor.

10 THE COURT: There has been?

11 MR. WHITTENBURG: Yes.

12 THE COURT: Well, would the fact that there
13 has been that discussion would that impair your ability to
14 be fair and impartial to either the State or the
15 defendants?

16 MR. WHITTENBURG: Not at all.

17 THE COURT: And have you made any judgment as
18 to the guilt or innocence of the defendants?

19 MR. WHITTENBURG: No.

20 THE COURT: And could you follow your oath
21 and make your decision on the ultimate outcome of the case
22 based solely on the evidence and the law presented in the
23 courtroom?

24 MR. WHITTENBURG: Absolutely.

25 THE COURT: Thank you very much.

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1 (Juror exits the courtroom.)

2 Ms. Aguirre, how are you?

3 MS. AGUIRRE: Fine.

4 THE COURT: You probably have surmised by now
5 that I'm talking to each juror individually so I don't
6 want you to feel singled out or anything or threatened in
7 any way. Some information has come to light that perhaps
8 there's been some discussion from our jury about the case
9 and I don't mean necessarily the substance of the case but
10 about perhaps the conduct or demeanor of some of the
11 witnesses who have testified. Have you been privy to any
12 of that?

13 MS. AGUIRRE: No, sir.

14 THE COURT: Okay. Have you made any decision
15 at this time with respect to the guilt or innocence of any
16 of these defendants?

17 MS. AGUIRRE: No, sir.

18 THE COURT: And can you keep an open mind
19 throughout the course of the trial?

20 MS. AGUIRRE: Yes, sir.

21 THE COURT: And can you be fair and impartial
22 to both the State and the defendants?

23 MS. AGUIRRE: Yes, sir.

24 THE COURT: And make your decision based
25 solely on the evidence and the law presented in this

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1 courtroom?

2 MS. AGUIRRE: Yes, sir.

3 THE COURT: Okay. Thank you very much.

4 (Juror exits courtroom.)

5 Hey, Ms. Hudson, how are you?

6 MS. HUDSON: I'm good.

7 THE COURT: I don't want you to feel singled
8 out or anything. As you've surmised by now I'm talking
9 with each juror individually. Some information has come
10 to light that there may have been some talk or discussion
11 about a case among our jurors and I don't necessarily mean
12 the content but perhaps some of the demeanor of some of
13 the witnesses who have testified. Have you been privy to
14 any of that, heard any of that discussion?

15 MS. HUDSON: No, sir.

16 THE COURT: Have you formed any opinion as to
17 the ultimate outcome at this time?

18 MS. HUDSON: No, sir.

19 THE COURT: Could you keep an open mind
20 through the course of this trial?

21 MS. HUDSON: Yes, sir.

22 THE COURT: Could you be fair and impartial
23 to both the State and each of these defendants?

24 MS. HUDSON: Yes, sir.

25 THE COURT: And judge this case solely on the

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1 evidence and the law that's presented in the courtroom?

2 MS. HUDSON: Yes, sir.

3 THE COURT: Thank you very much.

4 (Juror exits the courtroom.)

5 Hey, Ms. Tutiven, how are you?

6 MS. TUTIVEN: Fine.

7 THE COURT: I don't want you to think you're
8 being singled out or anything. You probably have surmised
9 by now that I'm talking with each juror individually.
10 Some information has come to light that there may have
11 been some discussion or talk about the case among our
12 jury. Have you been privy to any of that or heard any of
13 that?

14 MS. TUTIVEN: Not specifics. Nobody has
15 shared opinions. We have discussed or asked questions
16 about names and what was this person's name again just to
17 try to figure that out but nobody has really discussed how
18 we feel about the case or opinion. It's just been kind of
19 a reflection on different facts.

20 THE COURT: When you say different facts,
21 what do you mean?

22 MS. TUTIVEN: Names and how many people we've
23 listened to so far and how many witnesses that we've had,
24 sort of generic.

25 THE COURT: Have you made any decision one

Javon Henry - Redirect

1 way or the other with respect to the ultimate outcome in
2 the case?

3 MS. TUTIVEN: No, sir. I can't speak for
4 other people.

5 THE COURT: Could you fairly and impartially
6 judge this case based solely on the evidence and the law
7 that you hear in this courtroom?

8 MS. TUTIVEN: So far?

9 THE COURT: At the end of this case.

10 MS. TUTIVEN: At the end I'm hoping I'll be
11 able to make a decision after I heard everything.

12 THE COURT: So you have not made a decision
13 at this time?

14 MS. TUTIVEN: No, sir.

15 THE COURT: Okay. Thank you very much.

16 (Juror exits the courtroom.)

17 Hey, Mr. Skelton, how you doing?

18 MR. SKELTON: Good.

19 THE COURT: I don't want you feel singled out
20 or threatened or anything. As you've surmised I'm talking
21 to each juror individually and the reason is we've
22 received some information that there may have been some
23 discussion among our jury about the case. Have you been
24 privy to any discussions about the case?

25 MR. SKELTON: Not necessarily.

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1 THE COURT: Tell me what that means?

2 MR. SKELTON: Pretty much trying to figure
3 out names like whose who, but as far as being guilty or
4 anything there have not been any discussion of that.

5 THE COURT: The fact that you've had the
6 discussions that you've all had, has that caused you to
7 make up your mind one way or another?

8 MR. SKELTON: No, sir.

9 THE COURT: And do you still have an open
10 mind?

11 MR. SKELTON: Yes, sir.

12 THE COURT: And could you fairly and
13 impartially judge this case based solely on the law and
14 the evidence that you hear in the courtroom?

15 MR. SKELTON: As of right now?

16 THE COURT: No, at the end of the case. What
17 I'm asking is could you do it without any outside
18 influence?

19 MR. SKELTON: Yeah.

20 THE COURT: Can you be fair and impartial to
21 both the State and each of the defendants?

22 MR. SKELTON: Yes.

23 THE COURT: Thank you very much. I
24 appreciate it.

25 (Juror exits the courtroom.)

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1 Ms. Adair, how are you?

2 MS. ADAIR: Good.

3 THE COURT: I don't want you to feel
4 threatened or anything or singled out. You probably have
5 surmised by name that I'm talking to each juror
6 individually and the reason is I've had some information
7 come to light that perhaps there have been some
8 discussions among our jurors.

9 MS. ADAIR: Nothing pertaining to the case
10 itself, possibly individuals or just expression but not to
11 the case that would incriminate anybody.

12 THE COURT: When you say individuals or
13 expressions when you look at the witness chair are you
14 referring to the witnesses who testified?

15 MS. ADAIR: Yes, sir.

16 THE COURT: Have you come to any conclusion
17 about the guilt or innocence?

18 MS. ADAIR: No, sir, not at all.

19 THE COURT: And could you fairly and
20 impartially try this case based solely on the law and the
21 evidence that you have heard and will hear in the
22 courtroom?

23 MS. ADAIR: Absolutely.

24 THE COURT: And be fair and impartial to both
25 the State and each defendant?

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1 MS. ADAIR: Yes.

2 THE COURT: Thank you very much.

3 (Juror exits the courtroom.)

4 Hi, Ms. Brown, how are you?

5 MS. BROWN: I'm good, how are you?

6 THE COURT: Good, thanks. I don't want you
7 to feel threatened or anything or feel singled out. I
8 think you have guessed by now I'm talking to each juror
9 individually and the reason is some information has come
10 to light that there may have been some discussions among
11 the jury about the case. Have you heard any of that or
12 been privy to it?

13 MS. BROWN: Any information?

14 THE COURT: Yes.

15 MS. BROWN: Prior, right before the break, we
16 didn't have that much information and we were just -- but
17 after you said not to, we were just silent and there
18 hasn't been anything.

19 THE COURT: Have you heard any discussion
20 about the substance of the case? Has anyone said someone
21 is guilty or someone is innocent?

22 MS. BROWN: Absolutely not.

23 THE COURT: Have you, in any way, began to
24 form an opinion one way or another?

25 MS. BROWN: Not as of yet.

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1 THE COURT: Could you be fair and impartial
2 to both the State and to each defendant?

3 MS. BROWN: Absolutely.

4 THE COURT: And judge this case solely on the
5 evidence and the law presented in the courtroom?

6 MS. BROWN: Yes.

7 THE COURT: Thank you very much. I
8 appreciate it.

9 (Juror exits the courtroom.)

10 Hi, Mr. Thompson, how are you doing?

11 MR. THOMPSON: Good.

12 THE COURT: I don't want you to feel
13 threatened or singled out or anything. I am talking to
14 each juror individually for the reason is we've had some
15 information come to light that there may have been
16 discussions among our jury about aspects of the case and
17 have you been privy to that or heard any of that?

18 MR. THOMPSON: The question you're asking no
19 discussion.

20 THE COURT: Has there been discussion among
21 the jurors about the case?

22 MR. THOMPSON: I would say, no. If any
23 discussion has been, if I would call it discussion, it's
24 about names and identifying people and things like that.

25 THE COURT: Has the fact that there's been

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1 those discussions, has that in any way caused you to begin
2 to make a decision in the case about the ultimate issue
3 about guilt or innocence?

4 MR. THOMPSON: No, not the way it's been
5 presented so far.

6 THE COURT: Could you be fair and impartial
7 to both the State and the defense in this case?

8 MR. THOMPSON: Of course.

9 THE COURT: And could you make your decision
10 when you're free to deliberate at the end of the case
11 based solely on the law and the evidence that you hear in
12 this courtroom?

13 MR. THOMPSON: That's right.

14 THE COURT: Okay. Thank you very much.

15 (Juror exits the courtroom.)

16 Mr. Benden, how you doing?

17 MR. BENDEN: Fine.

18 THE COURT: I don't want you to feel
19 threatened or singled out. I'm talking to each juror
20 individually because some information has come to light
21 that there may have been some discussions among our jurors
22 about the case. Have you heard any of that?

23 MR. BENDEN: Nothing other than who was who
24 trying to put faces with names.

25 THE COURT: Have those discussions in any way

Javon Henry - Redirect

1 influenced you with respect to your decision on the
2 ultimate issue of guilt or innocence as to anyone?

3 MR. BENDEN: No. At this point I'm wide open
4 in trying to decide what's happening.

5 THE COURT: Can you be fair and impartial to
6 both the State and each of these defendants?

7 MR. BENDEN: Yes, sir.

8 THE COURT: Could you judge this case solely
9 on the evidence and the law presented in the courtroom?

10 MR. BENDEN: Yes, sir.

11 THE COURT: Thank you very much.

12 (Juror exits the courtroom.)

13 Okay. Based on what I've just done I'm going
14 to deny the motion for mistrial at this time. I don't
15 find any prejudice to any defendant. I will give more
16 cautionary instructions about discussion of the case and
17 we're get ready to go forward.

18 MR. QUINN: I understand the Court's ruling
19 and I want to put my objection on the record if I might.
20 Under the case the Court referred to and I believe it's
21 Albret it says, "Such allegation arises during that, the
22 trial court should conduct a hearing to ascertain given
23 facts should premature deliberations should occur," which
24 I believe it did in this case, "and if deliberations were
25 prejudicial. If requested by the moving party, the Court

Jayon Henry - Redirect

1 may voir dire the jurors." I am clear that we did not ask
2 the Court to voir dire the jurors. As a matter of fact I
3 objected to going forward. Further to the extent that the
4 Court believes a hearing was necessarily and obviously it
5 did because it conducted one, I don't believe the inquire
6 that has just been undertaken is the hearing that is
7 called for under this case. There was an inquiry into
8 specific allegation. The hearing did not allow counsel
9 the opportunity to establish their own appellate record
10 upon which prejudice could be determined and I think the
11 accuser, the person who wrote the note, while I understand
12 the Court had spoken with him, there is nothing in the
13 record at this point as to what the accuser said other
14 than the note and I believe the accuser should have to
15 testify for the appellate record.

16 So I would object to the manner in which this
17 hearing was conducted and that it was conducted at all
18 based on the case.

19 THE COURT: Everybody join in that?

20 MR. ABDALLA: I join in it but I also wanted
21 to add, Your Honor, that I believe the nature of the
22 inquiry was such that, the way the questions were framed,
23 I don't believe a juror was ever going to say what they
24 really thought. I don't think they could freely express
25 themselves. I thought they were soft balled and no issues

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1 were gotten to as far as those incidents of the two jurors
2 who made those remarks. I join in with Mr. Quinn.

3 THE COURT: You got anything?

4 MR. ROBINSON: I don't disagree with the
5 Court. I believe it was conducted properly.

6 MR. CHAMBERS: On behalf of Mr. Booker, I
7 join with Mr. Quinn.

8 THE COURT: Anything you want to tell me?

9 MS. SALISBURY: Not particular, Judge, but
10 frankly I'm concerned about Mr. Whittenburg. If he's been
11 identified as a party to this conversation, he, more than
12 anybody else denied any conversation having happened and
13 that concerns me.

14 THE COURT: It comes down to, I think, the
15 jurors interpretation of deliberation and maybe that's
16 something that an appellate court can define as a result
17 of this case but I don't find that they've entered into
18 any deliberations as to the ultimate outcome of this case
19 and I find that each one of those jurors was credible and
20 genuine in their expression of the open minded status of
21 their mental processes at this time.

22 The Aldret case suggested, it was a suggested
23 formate, that the moving party requested. I did it sua
24 sponte and the reason I did it, this is a multi defendant
25 case with a huge number of witnesses. We have spent two

Javon Henry - Redirect

1 days already on this case and so I don't think that the
2 party who moves for it can benefit from the fact that they
3 don't request a hearing.

4 With respect to how I conducted it, I ask
5 open minded questions and if I had wanted to obtain
6 desired answers, I know how to ask a closed question. So
7 all that said, you ready to go.

8 MS. SALISBURY: One more issue, Judge.
9 During the break it's come to my attention that some
10 members of my staff, my office's staff, observed an
11 individual in the courtroom who we believe is a friendly
12 related, acquainted or whatever fashion with one or
13 several of the defendants. My assertion is based on the
14 fact that I've seen them communicating during the course
15 of the trial. In any event, it is my understanding, and I
16 believe it would be an accurate reflection of what was
17 seen that this individual turned to the victims in this
18 case and made what we all recognize as the universal hand
19 gesture of a handgun and pretended to shoot it at the
20 victims.

21 We are entertaining the possibility of
22 securing a charge against that individual but I share it
23 with the Court because I want the Court to be aware of my
24 continuing concerns for both the victims safety as well as
25 the parties involved. I just ask you to caution anybody

Roshonques Perry - Direct

1 that you not discuss the case in any form or fashion.

2 Okay. Thank you very much.

3 MS. SALISBURY: The State calls Roshonques
4 Perry to the stand. Ms. Perry, please come up to be
5 sworn.

6 THE CLERK: Place your left hand on the Bible
7 and raise your right hand.

8 ROSHONQUES PERRY, having been duly sworn,
9 testified as follows:

10 Thank you. You may be seated. Please state
11 your name for the record.

12 THE WITNESS: Roshonques Perry.

13 DIRECT EXAMINATION

14 BY MS. SALISBURY:

15 Q. Ms. Perry, what do your friends call you?

16 A. Choc.

17 Q. What is that short for?

18 A. Chocolate.

19 Q. Do you work?

20 A. Yes.

21 Q. Where do you work?

22 A. (Inaudible).

23 Q. How long have you been there?

24 A. Three years.

25 Q. Do you live in Greenville?

Roshonques Perry - Direct

1 A. Yes.

2 Q. How long have you lived in Greenville?

3 A. All my life.

4 Q. Where did you go to school?

5 A. JL Mann.

6 Q. Jumping right in it, do you remember the night of
7 July 16, 2011?

8 A. Yes, ma'am.

9 Q. What do you remember about that night?

10 A. The shooting at Li'l Cricket.

11 Q. Did you ever go to the Red Planet?

12 A. Yes, ma'am.

13 Q. Did you drive your own car there that night?

14 A. Yes, ma'am.

15 Q. What kind of car do you drive?

16 A. At the time it was a Ford Focus.

17 Q. What color was it?

18 A. Green.

19 Q. Do you remember about when you got to the Red
20 Planet?

21 A. Everything was cool, we was there. I really
22 wasn't with them at the club, I was doing my own thing.
23 So what I didn't see anybody I was with, that's when I
24 knew something was wrong. When I found out they had got
25 into a fight, when I went outside everybody was gone and

Roshonques Perry - Direct

1 the parking lot was clear.

2 Q. Did you ever see any fight inside the club?

3 A. No.

4 Q. Did you ever see any fight in the parking lot?

5 A. No.

6 Q. Did you see any shooting in the parking lot?

7 A. No.

8 Q. So what did you do next when you got outside and
9 all of your friends were gone?

10 A. I was trying to find everybody and call everybody
11 and see what happened.

12 Q. What did you do after that?

13 A. I got in touch with TJ and he told me ---

14 MR. ROBINSON: Objection, Your Honor,
15 hearsay.

16 THE COURT: Don't testify to what he told you
17 but you can testify to what you did as a result of the
18 conversation.

19 BY MS. SALISBURY:

20 Q. After you talked to TJ, what did you do next?

21 A. I went over to the Li'l Cricket.

22 Q. Who was there when you arrived?

23 A. Everybody that was there -- should I call them by
24 name?

25 Q. Let's do this, were you the last car to arrive?

Roshonques Perry - Direct

1 A. Yes, I was the last car to arrive.

2 Q. Do you remember which other cars were there?

3 A. The Crown Vic and Escort.

4 Q. Was the Impalla there?

5 A. Yes, the Impalla was there.

6 Q. What were you doing at the gas station?

7 A. I pulled up to the far pump so I was away from
8 it. I was closer to the highway. I didn't even get a
9 chance to talk to them really.

10 Q. Did anybody ride in the car with you?

11 A. I was by myself.

12 Q. I'm going to show you real quick State's Exhibit
13 7. I realize you may not be able to see your car but can
14 you describe for the jury where you would have been
15 parked?

16 A. There's two more pumps and I was on that side in
17 the far back pump.

18 Q. Do you remember whether you were immediately
19 behind that Crown Vic?

20 A. No, I wasn't behind there.

21 (Photograph marked as State's Exhibit No. 9
22 for identification.)

23 BY MS. SALISBURY:

24 Q. I'd like you to look at what's been marked as
25 State's Exhibit No. 9. Do you recognize what's in that

Roshonques Perry - Direct

1 photo?

2 A. Yes, that's my car.

3 Q. Was that how it was parked at the gas station on
4 the night of this incident?

5 A. Uh-hum.

6 Q. Is that how it was left after you left the scene
7 that night?

8 A. Yes.

9 MS. SALISBURY: Judge, at this time I'd move
10 State's Exhibit 9 into evidence.

11 MR. CHAMBERS: No objection.

12 MR. ROBINSON: No objection.

13 MR. ABDALLA: No objection.

14 MR. QUINN: No objection.

15 THE COURT: Okay.

16 (Photograph marked as State's Exhibit No. 9
17 for identification was admitted into evidence.)

18 BY MS. SALISBURY:

19 Q. So what do you remember happening? You said you
20 just arrived and everyone was already there. What
21 happened?

22 A. Well, when I pulled up I was in the car and I had
23 my back turned like this and everybody was behind me. I
24 was on my cell phone and I was doing something and I just
25 remember seeing smoke. I wasn't paying attention to it at

Roshonques Perry - Direct

1 first. I just remember hearing the sound that time, I
2 just seen the smoke. I guess it's what's out the bullet,
3 I don't know, but I just started hearing the bullet
4 hitting my car so when I looked back I seen everybody
5 running. So I was like, oh, so I just squatted beside the
6 car and I was stuck. So I started thinking the pump might
7 blow up if I don't move and I just ran and I had to jump
8 over the bridge.

9 Q. You said you were seated in your driver's seat
10 you said, I think, sideways?

11 A. I had my feet out the door.

12 Q. So which direction would you have been facing?

13 A. I was facing the road.

14 Q. The main road, Whitehorse Road?

15 A. Uh-hum.

16 Q. Were you able to tell from which direction the
17 shots were coming?

18 A. I knew it was from behind me because the right
19 side of my car was getting shot up.

20 Q. Did you wait until the shooting stopped before
21 you ran?

22 A. No.

23 Q. You ran while there were still shots?

24 A. Because I thought it was going to blow up.

25 Q. Did you get hit?

Roshonques Perry - Cross

1 A. No. I could have.

2 Q. How many shots do you think you heard?

3 A. I couldn't even tell you.

4 Q. Was it more than just a few?

5 A. A few?

6 Q. How long do you think the shooting was going on?

7 A. I can't give you a specific time. To me it felt
8 like ten minutes.

9 Q. So you said that you ran away from the area.
10 Where exactly did you go?

11 A. I ran out of the Cricket and I ran to the left so
12 I was like where the bridge is.

13 Q. Let's take a look at State's Exhibit No. 8 and
14 see if it will help you describe exactly which direction
15 you ran. If you want, I can let you take a look at it
16 close up.

17 A. Yes, because I don't understand. What is that
18 the front here?

19 THE COURT: You can't ask questions.

20 BY MS. SALISBURY:

21 Q. If you can't answer, that's okay. But in any
22 event you ran towards the main road.

23 A. Uh-hum.

24 Q. And do you remember who you ran with?

25 A. Anthony, Quan, Justin and I can't remember who

Roshonques Perry - Cross

1 else.

2 Q. That's okay. Now, you mentioned you had your
3 back to where the fire may have been coming from?

4 A. No.

5 Q. Did you ever see any shooters?

6 A. No.

7 Q. Did you ever see any flashes of fire from any
8 guns?

9 A. No.

10 Q. Now, did you speak with the police that night on
11 the scene?

12 A. Yes.

13 Q. Did you tell them everything that you remember
14 happening that night?

15 A. Yes.

16 Q. Thank you very much. If you would answer any
17 questions these attorneys may have.

18 THE COURT: Cross.

19 MR. CHAMBERS: Briefly.

20 CROSS-EXAMINATION

21 BY MR. CHAMBERS:

22 Q. Did you go there to get gas?

23 A. No.

24 Q. And yet you pulled up by the pump.

25 A. I always do that.

Jamel Williams - Direct

1 whatever they give you through the window?

2 A. Yes.

3 MR. QUINN: Thank you.

4 MS. SALISBURY: Nothing further.

5 THE COURT: Thank you. You can step down.

6 MS. SALISBURY: The State calls Mr. Jamel
7 Williams. Mr. Williams, if you would please come up and
8 be sworn.

9 THE CLERK: Sir, if you would please place
10 your left hand on the Bible and raise your right hand.

11 JAMEL WILLIAMS, having been duly sworn,
12 testified as follows:

13 Thank you. Please be seated. Please state
14 your name for the record.

15 THE WITNESS: Jamel Williams.

16 DIRECT EXAMINATION

17 BY MS. SALISBURY:

18 Q. Mr. Williams, what do your friends call you?

19 A. D-boy.

20 Q. Do you work?

21 A. Yeah.

22 Q. Where do you work?

23 A. Mid2.

24 Q. What is that?

25 A. Make parts for BMW.

Jamel Williams - Direct

1 Q. Do you live here in Greenville?

2 A. I do.

3 Q. How long have you lived in Greenville?

4 A. I been here like half my life.

5 Q. Where did you go to school?

6 A. Wade Hampton.

7 Q. Do you remember the night of July 16, 2011?

8 A. Yeah.

9 Q. What do you remember about that night?

10 A. We got to the club and just drinking and just
11 having fun.

12 Q. I'm going to show you State's Exhibits 1 and 2,
13 do you see yourself in those pictures?

14 A. I do.

15 Q. Do you remember about what time of the evening
16 that y'all took those pictures?

17 A. I don't even know what time it was.

18 Q. How long have you been friends with those guys
19 that you were with that night in the club?

20 A. About a couple of years. It's been a long time.

21 Q. Are you part of the rap group?

22 A. About two or three years.

23 Q. So do you remember how you got to the club that
24 night?

25 A. I do. With Thomas Walker, my brother Justin, and

Jamel Williams - Direct

1 Anthony Callaham.

2 Q. Do you remember in whose car you went?

3 A. TJ's.

4 Q. And what kind of car does TJ drive?

5 A. Crown Vic.

6 Q. Do you know what color it is?

7 A. Kind of like a dark grey.

8 Q. What do you remember aside from partying that
9 night?

10 A. We were standing at one side and look around and
11 everybody standing in a group and I turned to my right and
12 I end up seeing Vincent in one area and some guys had
13 surrounded them. I had walked over to see what was going
14 on. It really wasn't nothing serious but after everything
15 got squashed, everybody went their separate ways.

16 Q. Do you know any of the people that Vincent was
17 having those words with?

18 A. No, I don't know.

19 Q. Do you remember in the days after this incident
20 speaking with the police about that night's activities?

21 A. I think I talked to like a day after when I was
22 in the hospital.

23 Q. Do you remember the investigator writing a
24 statement for you?

25 A. Yeah.

Jamel Williams - Direct

1 Q. Do you remember signing that statement?

2 A. Yes.

3 Q. Did you have a chance to read it over before you
4 signed it?

5 A. Let me see.

6 Q. Just take a look at it and scan it to see if it
7 can refresh your memory.

8 A. Okay. Yes.

9 Q. Do you remember telling the police that you
10 recognize the individuals with whom Vincent was having
11 that confrontation in the club?

12 A. I remember I told them we got outside he was
13 fighting a dark-skinned dude.

14 Q. Before we get outside and that part, inside the
15 club do you remember telling the investigators at least
16 one of the people with whom Vincent was having that
17 confrontation?

18 A. Yep.

19 Q. Do you remember now whether you recognize that
20 person?

21 A. It was kind of like I don't want to lie and say I
22 do but I really don't but inside the club everybody was
23 like surrounded. It was like a big group and it wasn't
24 like who's harder but at the same time, you know,
25 everybody was like you go our way and we go our way.

Jamel Williams - Direct

1 That's what happened.

2 Q. Let's move on and talk about what happened in the
3 parking lot. What do you remember happening after this
4 initial incident is squashed? What happened next?

5 A. I remember me and Thomas Walker, we walked
6 towards the door and opened the door a bit and a lot of
7 people in front of the door like arguing. And we saw
8 Vincent and we thought it was like him out there arguing
9 so we pushed the security guard out the way and it was
10 like you okay and he looked at us like it ain't us, we
11 ain't fighting. I guess it was some other guys fighting
12 out there. So we walked to car and the next thing we know
13 me and Thomas Walker was walking to the car and we looked
14 back we seen Vincent scuffling, just fighting.

15 Q. Do you know the person he was fighting?

16 A. No.

17 Q. What do you remember happening next?

18 A. After that we seen him and turned around and I
19 probably took like three steps and that's when I heard
20 gunshots, pow, pow, pow, and we ducked down and we didn't
21 see nobody. We seen security guard ran passed us. After
22 that we picked Vince up and put him in the car and went to
23 the hospital.

24 Q. So did you ride with ---

25 A. Thomas Walker.

Jamel Williams - Direct

1 Q. Was Vincent in the car with you and the three of
2 you rode to the hospital?

3 A. Thomas Walker, myself, Vince and Antony Callaham.

4 Q. Do you remember whether you carried the gun to
5 the club that night?

6 A. I did.

7 Q. Why?

8 A. I grew up in the wrong neighborhood.

9 Q. Did you carry it inside with you?

10 A. No.

11 Q. Where did you put it?

12 A. In the glove compartment of TJ's car.

13 Q. What kind of gun it was?

14 A. Nine millimeter (inaudible).

15 Q. Did you get a chance to fire that gun that night?

16 A. No chance.

17 Q. Now, when you went with TJ and Vincent and
18 Anthony Callaham to the hospital, how long were you there?

19 A. Not that long. Once we pulled up in front of the
20 emergency room, we walked him in, the nurse took him back
21 so we went outside and everybody else started pulling up
22 and then after that we just decided it's time to go.

23 Q. Where did you go next?

24 A. I rode with TJ to take Sub home and after that I
25 called Quan Jackson and asked where everybody was and

Jamel Williams - Direct

1 everybody was at Li'l Cricket.

2 Q. Did you go there?

3 A. Yes.

4 Q. Why?

5 A. To make sure everybody alright. You know
6 everybody was head was kind of fired up and every wanted
7 to kind of know what happened and once we pulled up we
8 were trying to find out what happened. After that, I was
9 like 10 or 15 years later I heard gunshots.

10 Q. Now, where were you when the gunshots started?

11 A. I had my back turned towards the store and like
12 first I didn't know it was gunshots and I looked around
13 and I seen everybody else started running so that's when I
14 took off running.

15 Q. Were you able to tell from which direction the
16 gunshots were coming?

17 A. I knew they were coming from behind me. I was
18 like facing the main road.

19 Q. So what did you do?

20 A. I took off running.

21 Q. Which direction did you head?

22 A. I took off towards the bridge and ran straight
23 and hit the left towards the bridge.

24 Q. Were you running with Ms. Perry?

25 A. I was.

Jamel Williams - Direct

1 Q. At any point during the shooting did you see any
2 gunmen?

3 A. No.

4 Q. Did you ever see any flashes of fire from the
5 guns?

6 A. No.

7 Q. Were you hit?

8 A. I was.

9 Q. Where did you get hit?

10 A. I got hit in my back and I guess it travelled up
11 and came out my chest.

12 Q. Did it go all the way through?

13 A. I guess it did. I didn't know I was hit until I
14 felt my shirt kind of wet and I looked at my brother and I
15 told my brother I got hit. I was kind of mad.

16 Q. What did you do next? You said you were running
17 towards the bridge.

18 A. I was running towards the bridge and the next I
19 know my instinct hit my head and I was like I bet they
20 were coming around so I had jumped over the bridge.

21 (Photograph marked as State's Exhibit No. 11
22 for identification.)

23 MR. QUINN: Your Honor, I have an objection
24 to State's Exhibit No. 11. May we approach?

25 THE COURT: Sure.

Jamel Williams - Direct

1 (Whereupon, there was a bench conference.

2 BY MS. SALISBURY:

3 Q. I'm going to show you a photograph State's
4 Exhibit No. 10. Do you recognize what's depicted in that
5 photograph?

6 A. The bridge, the street.

7 Q. Is that an accurate representation of the
8 direction you travelled when you left the little cricket?

9 A. Yes, ma'am.

10 Q. Is that the bridge you jumped over?

11 A. Yes, ma'am.

12 MS. SALISBURY: Your Honor, I'd like to offer
13 State's Exhibit No. 10.

14 MR. CHAMBERS: No objection.

15 MR. QUINN: No objection.

16 THE COURT: Okay.

17 (Photograph marked as State's Exhibit No. 10
18 for identification was admitted into evidence.)

19 BY MS. SALISBURY:

20 Q. What do you remember happening next? You said
21 you jumped over the bridge and what do you remember
22 happening?

23 A. I jumped down and had ran by the bottom, the
24 bottom of the bridge, and I realized I had run too far
25 because I was hit.. So I ran back up to like a grass area

Jamel Williams - Cross

1 and that's when I seen Choc and Anthony Callaham had
2 jumped down too and my brother jumped down there with me.

3 Q. Did the police ultimately find y'all there at the
4 bottom of the bridge?

5 A. Yes, ma'am.

6 Q. And did they get an ambulance out there?

7 A. Yes, ma'am.

8 Q. Now, we talked a little bit earlier about the gun
9 that you carried to the club that night. Was it still in
10 TJ's car at the time you guys were at the Li'l Cricket?

11 A. Yes, ma'am.

12 Q. And did you ever fire that gun?

13 A. No, ma'am.

14 Q. Did you ever have an opportunity to get to it?

15 A. No, ma'am.

16 Q. And just to be clear, what type of gun is that
17 again?

18 A. Nine millimeter seal pump.

19 Q. Do you remember ever taking it out of the glove
20 box that night?

21 A. Once I got in the car taking Vincent to the
22 hospital.

23 Q. Why?

24 A. Like I said once my instincts kicked in, I felt
25 like they might try to follow us and I wasn't going to get

Jamel Williams - Cross

1 caught shot in a car so that's why I took it out.

2 Q. At any point in the evening, did you ever fire
3 it?

4 A. No, ma'am.

5 Q. Thank you. If you would, answer any questions
6 these lawyers might have for you.

7 CROSS-EXAMINATION

8 BY MR. CHAMBERS:

9 Q. TJ also took a gun when y'all went to the club,
10 didn't he?

11 A. Yes, sir.

12 Q. What kind of gun did he have?

13 A. A .38 special.

14 Q. Was that also in the car?

15 A. Yes, sir.

16 Q. The statement that you gave to police, about a
17 seven-page statement, where did you give that statement?
18 Do you recall?

19 A. I was in the hospital in my room.

20 Q. And who took that statement from you?

21 A. I don't know her name but I know her face though.

22 Q. Was it Investigator Peoples, does that sound
23 right?

24 A. Yeah.

25 Q. And your reason for going to the Li'l Cricket was

Anthony Callaham - Direct

1 A. It depends on what you get.

2 Q. But you weren't getting gas?

3 A. No, sir.

4 Q. And you and TJ both had guns?

5 A. Yes, sir.

6 Q. And you say you didn't shoot the gun?

7 A. No, sir.

8 MR. ABDALLA: One moment, Your Honor. I have
9 no further questions.

10 MR. QUINN: No questions, Your Honor.

11 MS. SALISBURY: Nothing further.

12 THE COURT: You can step down.

13 (Witness leaves witness stand.)

14 MS. SALISBURY: The state calls

15 Mr. Callaham. Mr. Callaham, please come up to be sworn.

16 THE CLERK: Mr. Callaham, place your left
17 hand on the Bible and raise your right hand.

18 ANTHONY CALLAHAM, having been duly sworn,
19 testified as follows:

20 Please be seated. State your name for the
21 record.

22 THE WITNESS: Anthony Callaham.

23 DIRECT EXAMINATION

24 BY MS. SALISBURY:

25 Q. Mr. Callaham, what do your friends call you?

Anthony Callaham - Direct

- 1 A. Antro.
- 2 Q. Some of you refer to you as Ant?
- 3 A. Yes.
- 4 Q. Do you work?
- 5 A. Yes.
- 6 Q. Where do you work?
- 7 A. Cooper Grill.
- 8 Q. How long have you been there?
- 9 A. Three years.
- 10 Q. Do you live in Greenville?
- 11 A. Yes.
- 12 Q. How long have you lived in Greenville?
- 13 A. All my life.
- 14 Q. Where did you go to school?
- 15 A. I went to Woodmont.
- 16 Q. Do you know all of the witnesses we heard from
- 17 this morning?
- 18 A. Yes.
- 19 Q. How long have you known them?
- 20 A. A year, two years.
- 21 Q. Do you rap with them?
- 22 A. No.
- 23 Q. Do you remember the night of July 16, 2011?
- 24 A. A little.
- 25 Q. What do you remember about that night?

Anthony Callaham - Direct

1 A. The little altercation in the club and a little
2 bit of shooting and one at the gas station, too.

3 Q. Well, let's start at the club. What do you
4 remember seeing happen inside the club that night?

5 A. I was by the bar at the time so what I saw was I
6 seen that the people I was hanging out with was going
7 towards Buddah. I guess it was like an argument over
8 there or something like that and I guess I followed to to
9 see what's up and when I went over there I see like TJ
10 shaking Mike's hand. I guess they had squashed it.
11 That's all really I saw.

12 Q. Now, do you remember whether you took a
13 photograph with everybody else that night? Were you in
14 the picture?

15 A. I don't remember.

16 Q. Take a look at State's Exhibit 1 and 2. Do you
17 see yourself in either of those pictures?

18 A. Nah.

19 Q. You said you remember seeing Mr. Walker and
20 Mr. Michael Williams?

21 A. Yes.

22 Q. Do you know Michael Williams by name?

23 A. Yeah.

24 Q. How do you know him?

25 A. I used to work with him.

Anthony Callaham - Direct

1 Q. Did you recognize that night?

2 A. I recognize when I first saw him.

3 Q. Was there any specific person you saw in the club
4 that night in the courtroom today?

5 A. Yes.

6 Q. Could you point him out to the jury?

7 A. Pink shirt.

8 Q. After that altercation is resolved, what do you
9 remember happening next?

10 A. After that we just partying a little bit and then
11 all of a sudden -- I guess we was all looking for Buddah
12 to see where he was at and they said he went outside.
13 First I seen TJ and Jamel leave and so I followed behind
14 them and I guess they wouldn't let nobody out so I guess
15 they found their way out and I found my way out. As I
16 guess when I was coming out and I seen Mel talking to
17 Buddah and I guess Buddah was going somewhere else. And I
18 guess Mel and TJ walked to the call and followed them to
19 the car and I guess they was fighting. So I went over
20 there towards the fight to see what was going on and by
21 the time I got over there I heard some shots and everybody
22 spread out. Somebody said Buddah got hit so I went over
23 there and I kind of like helped him up. Me and Quan kind
24 of helped them up.

25 Q. Did you ever see Mr. Fant fighting anybody?

Anthony Callaham - Direct

1 A. I seen them fighting but I guess it was in the
2 distance so.

3 Q. Did you ever see anybody fire any shots?

4 A. I didn't see nobody fire any shots.

5 Q. Do you remember talking to the police in the days
6 after this incident happened?

7 A. A little bit.

8 Q. Do you remember giving them a statement?

9 A. Yes.

10 Q. Did you sign that statement?

11 A. Yes.

12 Q. I'm going to show you a copy. Is that your
13 signature on that statement?

14 A. No, that's not mine.

15 Q. I'm sorry. I got my pages backwards. Do you
16 recognize that one?

17 A. Yeah, I recognize that.

18 Q. Is that your signature on that statement?

19 A. Yes.

20 Q. Do you remember telling the police that you got a
21 call and Mr. Fant had been shot and you had came back to
22 the club?

23 A. Yeah.

24 Q. Read over your statement.

25 A. I don't remember telling the cops saying that. I

Anthony Callaham - Direct

1 told him -- he asked me what happened and I told him the
2 exact same thing I told you that when we was coming out
3 somebody had told me he had got shot so I went over there.
4 Buddah was already over there at the time. I don't know
5 how he got my words mixed up.

6 Q. The way you remember it is how you describe it
7 today?

8 A. Yes.

9 Q. After you hear that Mr. Fant had been involved in
10 a fight, you said that you had been walking towards Mel or
11 behind Mel and TJ went towards the fight?

12 A. I went over to the car at the time so I was
13 walking behind him. I seen them walking over and when
14 somebody told me Buddah got shot, that's when I ran over
15 there. I guess I didn't pay attention to them to see
16 what's happening.

17 We put Buddah in the car and I was in the
18 backseat with Buddah and we took him to like Saint Francis
19 and everything. After we left Saint Francis and
20 everything I guess everybody was outside after that.

21 Q. Where did you go next?

22 A. Li'l Cricket.

23 Q. Why did you decide to go there?

24 A. To see if everybody was okay, everybody meet at
25 the same place and try to see what was going on and what

Anthony Callaham - Direct

1 started everything. So we went in and leave out the same
2 way.

3 Q. How did you get to the gas station?

4 A. I don't remember who I rode with at the time.

5 Q. Do you remember who was there when you got there?

6 A. Yes, I do. It was Justin, Trev, Quan, Mel, TJ, I
7 didn't see Choc there but I guess she was still in the
8 car. Javon and RaRa, that's all I remember right now.

9 Q. Where do you remember being? What were you
10 doing?

11 A. My back was turned towards the store and I was
12 facing the main road so I sat right next to Jet when he
13 was sitting on the Vic so out in the open.

14 Q. So you were standing next to the Crown Vic?

15 A. Yes.

16 Q. What do you remember happening next?

17 A. All I know was that when I heard the first round,
18 I'm thinking it's like somewhere distance. I didn't move
19 at first but when I seen like RaRa and that's I saw
20 everybody running so I ran and that's when I got hit.

21 Q. Where did you get hit?

22 A. In my arm.

23 Q. Now, do you remember how many shots you heard?

24 A. It sounded like they emptied the whole clip, a
25 lot of shots.

Anthony Callaham - Direct

1 Q. You mentioned that you had your back to the
2 store.

3 A. Yes.

4 Q. Could you tell from which directions the shots
5 were coming from?

6 A. Not really.

7 Q. In which arm were you hit?

8 A. My left arm.

9 Q. Did you ever turn and see any gunmen?

10 A. No.

11 Q. Did you ever see any flashes of fire from guns?

12 A. No.

13 Q. You said you started running, what did you do?

14 A. As soon as I started running first I seen -- Mel
15 jumped over the bridge first and I decided to follow. I
16 guess I wasn't expecting how far I was, I just jumped it
17 so I just stayed close to the wall and I didn't move.

18 Q. What happened?

19 A. I guess everything got quiet and tend our wounds,
20 I guess.

21 Q. Did the police show up?

22 A. Yeah, they showed up but it was later.

23 Q. Did an ambulance ever come out there?

24 A. Yeah.

25 Q. Were you in the hospital for long?

Anthony Callaham - Cross

1 A. Not that long.

2 Q. Alright, sir, if you could answer any questions
3 your attorney may have.

4 CROSS-EXAMINATION

5 BY MR. CHAMBERS:

6 Q. When did you go to the Red Planet?

7 A. What time?

8 Q. Yeah.

9 A. Around 11:00 or something like that.

10 Q. Who did you go there with?

11 A. TJ, Justin and Jamel.

12 Q. Did you have a gun with you?

13 A. No, sir.

14 Q. Do you know that TJ and Jamel had guns with them?

15 A. Yes.

16 Q. You said you didn't see anything happening inside
17 of the club, right?

18 A. Yes.

19 Q. You said you didn't see Buddah get shot but heard
20 he got shot?

21 A. Yeah. They said he got shot and I seen him on
22 the ground.

23 Q. Buddah is a friend of yours?

24 A. Yes.

25 Q. Was he there with your group?

Anthony Callaham - Redirect

REDIRECT EXAMINATION

BY MS. SALISBURY:

Q. Did the hospital staff tell you to leave?

A. Basically, yeah. Honestly, yeah, because there was an altercation that had just a little mix up with my cousins and them but they did tell us to leave, though.

MS. SALISBURY: I don't have any additional questions.

THE COURT: You can step down. Thank you.

(Witness leaves the witness stand.)

MS. SALISBURY: The State calls Mr. Dontavious Sullivan. Mr. Sullivan, please come up and be sworn.

THE CLERK: Please place your left hand on the Bible and raise your right hand.

DONTAVIOUS SULLIVAN, having been duly sworn, testified as follows:

Please state your name for the record.

THE WITNESS: Dontavious Sullivan.

DIRECT EXAMINATION

BY MS. SALISBURY:

Q. Mr. Sullivan, what do your friends call you?

A. Tate.

Q. Do you know the witnesses that we've heard from today?

Dontavious Sullivan - Direct

1 A. Yes, ma'am.

2 Q. How long have you know them?

3 A. Five, ten years.

4 Q. Do you rap with them?

5 A. No, ma'am.

6 Q. Do you know about the Hardliners?

7 A. Yes, ma'am.

8 Q. Do you live here in Greenville?

9 A. Yes, ma'am.

10 Q. How long have you lived here in Greenville?

11 A. All my life.

12 Q. Do you remember the evening of July 16, 2011?

13 A. Yes, ma'am.

14 Q. What do you remember about that night?

15 A. I remember going to the club and partying in the
16 club.

17 Q. Do you remember what time you got there?

18 A. No, ma'am.

19 Q. Now, we've seen a little bit of the group photo.

20 Do you remember posing in the picture with your friends?

21 A. I don't even remember the photo.

22 Q. What do you remember about being in the club that
23 night?

24 A. I seen everybody in the club and I shook
25 everybody's hand and we were all chilling.

Dontavious Sullivan - Direct

1 Q. Do you remember seeing any altercation inside the
2 club?

3 A. No, ma'am.

4 Q. What happened when y'all decided to leave?

5 A. I seen a bunch of people run to the door and I
6 was curious what was going on so I went to the door. When
7 I got to the door, the security guard wouldn't let me out
8 so I just went back inside of the club.

9 Q. What happened when you were ultimately able to
10 leave?

11 A. When I left I had heard the Vincent had got shot
12 and they had took him to the hospital and me and Quan had
13 jumped in the car and went to the hospital.

14 Q. And who was there when you got to the hospital?

15 A. Mostly everybody was there that was with us.

16 Q. How long did you stay in the hospital?

17 A. Probably about five minutes.

18 Q. And where did you go next?

19 A. Quan said that he needed gas and so we went to
20 the Li'l Cricket.

21 Q. Was there anyone else there when you got there?

22 A. Basically everybody.

23 Q. What kind of car were you travelling in?

24 A. We were travelling in the white Impalla.

25 Q. How long do you remember being at the gas station

Dontavious Sullivan - Direct

1 before you heard shots fired?

2 A. Ten, fifteen minutes maybe.

3 Q. Do you remember where you were physically at the
4 gas station?

5 A. Yes, ma'am.

6 Q. Where was that?

7 A. I was leaning on the white impalla like in the
8 front of the pump.

9 Q. We heard some testimony that Mr. Patterson was
10 seated on the hood of that car. Do you remember whether
11 you were standing with him?

12 A. I just remember I was leaning on the hood and
13 everybody was talking.

14 Q. Do you remember the direction you were facing?

15 A. Towards the side road of the exit.

16 Q. What do you remember happening?

17 A. We were all sitting there talking and I had just
18 go back from the window and I had got some snacks and we
19 were eating some snacks and we were talking and then like
20 I just -- we were still talking and I heard gunshots.

21 Q. Could you tell which direction they were coming
22 from?

23 A. Yes, ma'am.

24 Q. Which direction?

25 A. Like at the side of the building.

Dontavious Sullivan - Direct

1 Q. Were you still facing that side road at the time?

2 A. Yes, ma'am.

3 Q. Would the have been coming form behind you, from
4 in front of you?

5 A. From my right side.

6 Q. Do you remember seeing any people shooting?

7 A. When the gunshots started I looked up and I just
8 seen feet -- shoes and I just ducked down beside the car.

9 Q. How long did you stay there?

10 A. It was a couple of minutes.

11 Q. Did you wait until the shooting stopped?

12 A. I had heard like a hissing sound and I thought it
13 was the pump so I just took off.

14 Q. Which direction did you go?

15 A. I just went down the bridge.

16 Q. Do you remember who you were running with?

17 A. TJ and (inaudible).

18 Q. Were you hit?

19 A. Yes, ma'am.

20 Q. Where were you hit?

21 A. In the back of my head.

22 Q. How far did you run away from the gas station?

23 A. I went down the bridge and I went down the ground
24 and up the ramp of the bridge and we made to like the
25 cemetery that was right there.

Dontavious Sullivan - Cross

1 Q. Did you encounter police at any point?

2 A. Eric Strouse was on the phone and he was calling
3 the police and we had seen the police and flagged them
4 down and that's when they called the ambulance.

5 Q. Did the ambulance come out to the scene?

6 A. Yes, ma'am.

7 Q. Do you remember how many shots you heard?

8 A. No, ma'am, there was a bunch of them.

9 Q. Alright, sir, if you would answer any questions
10 these attorneys may have.

11 MR. CHAMBERS: I don't have any questions for
12 this witness.

13 CROSS-EXAMINATION

14 BY MR. ROBINSON:

15 Q. Mr. Sullivan, you remember writing a statement;
16 is that correct?

17 A. Yes, sir.

18 MR. ROBINSON: I'd like to get this marked as
19 Defense Exhibit 3 for identification purposes.

20 (Sullivan statement marked as Defendant's
21 Exhibit No. 3 for identification.)

22 BY MR. ROBINSON:

23 Q. I'd like you to take a look at what's been marked
24 as Defendant's 3 for identification purposes only. Is
25 this the statement you wrote for police?

Carroll Jackson - Direct

1. Jackson. Mr. Jackson, please come up here and be sworn.

2. THE CLERK: Sir, please place your left hand
3 on the Bible and raise your right hand.

4. CARROLL JACKSON, having been duly sworn,
5 testified as follows:

6. Thank you. Have a seat. Please state your
7 name for the record.

8. THE WITNESS: Carroll Jackson.

9. DIRECT EXAMINATION

10. BY MS. SALISBURY.

11. Q. Mr. Jackson, what do your friends call you?

12. A. Warren.

13. Q. Do you work?

14. A. Yes, ma'am.

15. Q. Where do you work?

16. A. (Inaudible) House.

17. Q. Do you live here in Greenville?

18. A. Yes, ma'am.

19. Q. How long have you lived in Greenville?

20. A. All my life.

21. Q. Where did you go to school?

22. A. Carolina.

23. Q. Do you remember the night of July 16, 2011?

24. A. Yes.

25. Q. What do you remember about that night?

Carroll Jackson - Direct

1 A. The only thing I can remember is going to the
2 club, partying, having fun, drinking, that's about it.

3 Q. Do you know all the individuals that we've heard
4 from this morning?

5 A. Yes, ma'am.

6 Q. What is your relationship with them?

7 A. Friends, cousins.

8 Q. Do you rap with their rap group?

9 A. Not rap, I produce, beats and stuff like that.

10 Q. Do you remember posing for a picture that night?
11 You got State's Exhibits 1 and 2 in front of you, do you
12 see yourself in those pictures?

13 A. Yes, ma'am.

14 Q. How long did you spend at the club that night?

15 A. To be honest I can't even remember.

16 Q. Did you drive yourself to the club that night?

17 A. Yes, I drove.

18 Q. What kind of car did you drive?

19 A. The white Impalla.

20 Q. What do you remember happening at the club that
21 night?

22 A. The only thing I can remember is me going to the
23 bathroom and then coming back. They said something -- I
24 don't really know just what happened.

25 Q. Did you ever see a fight between Vincent Fant and

Carroll Jackson - Direct

1 anybody else?

2 A. No, ma'am.

3 Q. So what happened when you ultimately decided to
4 leave?

5 A. I heard there was an altercation outside but
6 security wasn't letting nobody out.

7 Q. So what happened when you were ultimately able to
8 get outside?

9 A. By the time I was out, I heard my cousin had got
10 shot so I was trying to run to him to see if he was okay
11 and I ended up finding him and I ended up helping TJ and
12 Jamel to the car.

13 Q. Did you ride with them to the hospital?

14 A. No.

15 Q. Did you go to the hospital?

16 A. Yes, ma'am.

17 Q. And what happened when you arrived to the
18 hospital?

19 A. I was asking what was going on if he was okay, if
20 he was okay.

21 Q. Where did you go next?

22 A. I went to the gas station so we can get some gas.

23 Q. And who was there with you?

24 A. Just about everybody was there when I got there.

25 Q. Was everybody already there by the time you

Carroll Jackson - Direct

1 arrived?

2 A. Some people was and some people wasn't.

3 Q. Where did you park?

4 A. I parked on the gas pump that was on this side.

5 Q. I'm going to show you State's 7 up on the wall
6 and see if you can recognize the vehicle you were driving
7 in that picture.

8 A. Yes, I do.

9 Q. Could you point out which vehicle it is.

10 A. The Impalla.

11 Q. What do you remember doing at the gas station?

12 A. I was getting some gas. I went up to the pump
13 and got some gas and started pumping some gas and I heard
14 shots.

15 Q. Could you tell from which direction the shots
16 were coming?

17 A. No.

18 Q. What did you do when you heard the shots?

19 A. I ran.

20 Q. Which direction?

21 A. I ran towards the bridge.

22 Q. Did you run towards the main road?

23 A. I ran towards the bridge and then jumped off the
24 bridge.

25 Q. Do you remember how many shots you heard?

Trevis Thompson - Direct

1 A. I can't tell you.

2 Q. Was it a handful?

3 A. It was more than a handful but I wasn't paying no
4 attention. I was just running.

5 Q. Do you remember how long the shots were going
6 on?

7 A. No, ma'am.

8 Q. Did you ever get hit?

9 A. No, ma'am.

10 Q. What did you do when you jumped over the bridge?

11 A. I found Ant and whatever, they was down there.

12 Q. At any point did you see any shooters?

13 A. No, ma'am.

14 Q. Did you ever see any flashes of fire from any
15 handguns?

16 A. No, ma'am.

17 Q. Did you stay there beside the bridge until the
18 police arrived?

19 A. Yes, ma'am.

20 Q. And did you talk to them that night about you
21 remember happening?

22 A. I didn't see anything so.

23 Q. Thank you, sir. If you could answer any
24 questions these attorneys may have.

25 MR. CHAMBERS: No questions for these

Trevis Thompson - Direct

1 witnesses, Your Honor.

2 MR. ROBINSON: No questions.

3 MR. ABDALLA: No questions.

4 MR. QUINN: No questions.

5 THE COURT: Thanks. You can step down.

6 (Witness leaves the witness stand.)

7 MS. SALISBURY: State calls Mr. Trevis
8 Thompson. Mr. Thompson, please come up and be sworn.

9 THE CLERK: Place your left hand on the Bible
10 and raise your right hand.

11 TREVIS THOMPSON, having been duly sworn,
12 testified as follows:

13 Thank you. Please be seated. State your
14 name for the record.

15 THE WITNESS: Trevis Thompson.

16 DIRECT EXAMINATION

17 BY MS. SALISBURY:

18 Q. Mr. Thompson, do you know all of the witnesses
19 that we've heard from this morning?

20 A. Yes, ma'am.

21 Q. What's your relationship like with them?

22 A. (Inaudible).

23 Q. Are you related to any of them?

24 A. A few of them.

25 Q. And do you actually yourself rap as part of the

Trevis Thompson - Direct

1 Hardliners Group?

2 A. Yes, ma'am.

3 Q. How long have you been doing that?

4 A. A couple of years, two, three.

5 Q. Do you live here in Greenville?

6 A. Yes, ma'am.

7 Q. How long have you lived in Greenville?

8 A. All my life.

9 Q. Where did you go to school?

10 A. Carolina.

11 Q. What do you remember about the evening of July
12 16, 2011?

13 A. Well, it all started -- I was at work. I didn't
14 get off until about 1:00 at night and I got a call from
15 somebody and the hold me that ---

16 MR. ROBINSON: Objection, Your Honor.

17 THE COURT: You can't testify as to what they
18 said. You can testify what you did as a result of the
19 conversation.

20 BY MS. SALISBURY:

21 Q. After you had that conversation, what did you do
22 next?

23 A. I'm confused.

24 Q. We'll back up a little bit. Did you ever go to
25 the Red Planet?

Trevis Thompson - Direct

1 A. No, I did not.

2 Q. Did you ever go to the hospital?

3 A. I was on my way but I seen my car and another car
4 also leaving from the hospital so I followed them to go to
5 the Li'l Cricket.

6 Q. You said your car. When car are you referring
7 to?

8 A. The Impalla.

9 Q. The Impalla is your car. So what car were you
10 driving?

11 A. I was driving the Escort.

12 Q. What color is that car?

13 A. Green.

14 Q. So you saw these cars travelling away from the
15 hospital, what did you do?

16 A. I just jumped behind them.

17 Q. And where did you go?

18 A. To the Li'l Cricket.

19 Q. Why?

20 A. I had heard my cousin got shot so I knew that
21 once they had left I knew he was okay so I wanted to make
22 sure everybody else was okay and whoever was in my car was
23 okay basically.

24 Q. Did everybody arrive the gas station sort of the
25 same time?

Trevis Thompson - Direct

1 A. It was pretty much like that, yes, ma'am.

2 Q. And I want you to take a look at State's Exhibit

3 7. I'm going to put it up on the wall again. Do you see
4 that car that you were describing in that picture?

5 A. Yes, ma'am.

6 Q. Could you point out for the jury where it is in
7 the picture?

8 A. That green Escort in the picture right here.

9 Q. The tail that you can see right there?

10 A. Yes, ma'am.

11 Q. That's the vehicle you were driving?

12 A. Yes, ma'am.

13 Q. So what did you do when you got on scene?

14 A. I think I went and got a pack of cigarettes. I'm
15 not sure but I think I did because it was a fresh pack. I
16 came back and sat on the car, lit one up, and I was
17 smoking and they was just telling me what was going on
18 because I didn't know what was happening and why did it
19 happen so I was just sitting there and we was talking.
20 I'd say we were there for about 15 minutes, maybe, and the
21 next thing you know that's when the shots started.

22 My first instinct was to duck down and crawl
23 under the car.

24 Q. Do you remember from which direction the shots
25 were coming from?

Trevis Thompson - Direct

1 A. I believe it was like right beside Li'l Cricket
2 like in a little dark area.

3 Q. Which side?

4 A. The left side.

5 Q. You mentioned it was a dark area.

6 A. Yeah.

7 Q. Were you ever able to see any people in that
8 area?

9 A. I don't believe so. I can't recall.

10 Q. Did you ever see any flashes of light from the
11 guns?

12 A. Yeah, in the area.

13 Q. Were you able to determine how many guns you saw?

14 A. When I was on the car, that was like the first --
15 when I ducked down it was first with the bullets and when
16 I crawled under the car that's when it started again and
17 then I just ran across the highway.

18 Q. When you were ducked down, were you hit then?

19 A. I believe so when I was crawling under the car,
20 yes, ma'am.

21 Q. Where were you hit?

22 A. My leg.

23 Q. Did the doctors ever recover the bullets from
24 your leg?

25 A. Yes, ma'am, went straight through.

Trevis Thompson - Direct

1 Q. How many shots do you remember hearing?

2 A. I can't recall how many bullets it was but I know
3 it was quite a few.

4 Q. Did you ever see any cars fleeing the scene?

5 A. I can't recall that really because my first
6 instinct was to run.

7 Q. Did you ever see any people running away from the
8 gas station?

9 A. Yeah. When I was running, they was running like
10 to the left side towards the bridge and I just kept
11 straight.

12 Q. Who is they?

13 A. Most of the people who got hit.

14 Q. Your friends?

15 A. Yeah.

16 Q. You ran up the ---

17 A. Straight across.

18 Q. Across the highway.

19 A. Yes.

20 Q. Into traffic?

21 A. Right.

22 Q. Did you go to the hospital that night?

23 A. Yes, ma'am.

24 Q. How long were you in the hospital?

25 A. A couple of hours.

Trevis Thompson - Cross

1 Q. Do you remember talking to the police about what
2 happened that night?

3 A. I do.

4 Q. Did you tell them everything you remember about
5 what happened that night?

6 A. Yes, ma'am, I do believe so.

7 Q. Thank you. If you would answer any questions
8 these attorneys may have for you.

9 MR. CHAMBERS: No questions for this witness,
10 Your Honor.

11 MR. ROBINSON: No questions, Your Honor

CROSS-EXAMINATION

12
13 BY MR. ABDALLA:

14 Q. A couple of points for clarification, you said
15 you were on your way to the hospital but you said your car
16 was headed away from the hospital?

17 A. I was in my other car, sir.

18 Q. Who was driving your car?

19 A. My brother was.

20 Q. What's your brother's name?

21 A. Carroll.

22 Q. Also in your statement you said you started
23 hearing gunshots and you ran across the street, the cops
24 came and you didn't see any cars going down the road?

25 MS. SALISBURY: I object, Your Honor, that's

State versus Booker, Williams, Young, Sadler

P R O C E E D I N G S

THE BAILIFF: All rise, court will come to session. The Honorable Edward Miller presiding.

THE COURT: Please be seated. Is everyone ready to go.

MS. SALISBURY: Yes, Your Honor.

MR. CHAMBERS: Yes, Your Honor.

THE COURT: Go ahead and get them..

(Jury enters the courtroom.)

Alright, ladies and gentlemen, welcome back. I hope you had a pleasant evening.

Ms. Salisbury.

MS. SALISBURY: Thank you, Your Honor.

The State calls Ms. Patricia Smith.

Ms. Smith, would you please come up to the stand to be sworn.

THE CLERK: Ma'am, please place your left hand on the Bible and raise your right hand.

PATRICIA SMITH, having been duly sworn, testified as follows:

Thank you. Please be seated. Please state your name for the record.

THE WITNESS: Patricia Smith.

DIRECT EXAMINATION

BY MS. SALISBURY:

Patricia Smith - Direct

1 Q. Good morning, Ms. Smith.

2 A. Good morning.

3 Q. Where do you work?

4 A. Li'l Cricket.

5 Q. Which Li'l Cricket?

6 A. Whitehorse Road.

7 Q. Do you have an address for it..

8 A. 6008 Whitehorse Road.

9 Q. And how long have you worked there?

10 A. Two years.

11 Q. Would you have been working there in July of

12 2011?

13 A. Yes.

14 Q. Do you remember whether you were working there

15 late at night on July 16, 2011 into the 17th?

16 A. Yes.

17 Q. What do you remember about that night?

18 A. It was a pretty slow night and I didn't have any

19 customers. There was a shooting that had happened around

20 3:30 or somewhere around there.

21 Q. About what time does the store sort of shutdown

22 accepting customers?

23 A. We don't. It's 24 hours.

24 Q. Do the front doors remain open through all 24

25 hours?

Patricia Smith - Direct

1 A. No, we lock the doors at 11:00.

2 Q. Now, you mentioned there was a shooting. In the
3 minutes or maybe hours before, what do you remember
4 happening before the shooting started?

5 A. I some guys were out -- maybe four or five cars,
6 I'm not sure, there was some guys outside getting gas. A
7 couple of them came to the window and got some items out
8 of the store and they were standing there talking.

9 Q. Okay. Were they doing anything in particular?

10 A. No.

11 Q. How long do you think they were at the gas
12 station before shots started?

13 A. Not long, maybe five or ten minutes.

14 Q. So what happened next?

15 A. I was to clean and mop and I was on the last
16 aisle of the store and I just heard shots.

17 Q. Do you know how many shots you heard?

18 A. No.

19 Q. Was it just a couple, two or three?

20 A. It was more than 10.

21 Q. And what did you do when you heard those shots
22 start?

23 A. I immediately ran into the cooler and called 911.

24 Q. Did you wait for the shooting to stop before you

25 --

Patricia Smith - Direct

1 A. No.

2 Q. Do you remember hearing the shots stop?

3 A. At some point, I'm not sure.

4 Q. How well can you hear what's going on from inside
5 the cooler of the store?

6 A. You can still hear pretty good, yeah.

7 Q. Now, are you able to tell or were you able to
8 tell from which direction the shots were coming from?

9 A. No.

10 Q. Were you in a position to see any of the
11 shooting?

12 A. No.

13 Q. Did you see any of the people who had been at the
14 gas station during the shooting?

15 A. No.

16 Q. Were you in a position to see any of the parking
17 lot?

18 A. No.

19 Q. You mentioned that you contacted 911 while you
20 were in the cooler?

21 A. Uh-hum.

22 Q. Do you remember when you contacted emergency
23 services?

24 A. No.

25 Q. I'm going to show you State's Exhibit 12 and I'd

Patricia Smith - Direct

1 like you to take a look at this item and tell me whether
2 you know what that is?

3 A. It says 911 call.

4 Q. Have you had a chance to review that particular
5 CD?

6 A. Yes.

7 Q. Have you listened to it?

8 A. Yes.

9 Q. Is it an accurate call that you made to 911 from
10 the cooler there that night?

11 A. That's correct.

12 MS. SALISBURY: Your Honor, at this time
13 State moves Exhibit No. 12, Your Honor.

14 MR. CHAMBERS: No objection.

15 MR. QUINN: No objection.

16 MR. ABDALLA: No objection.

17 MR. ROBINSON: No objection, Your Honor.

18 (CD marked as Plaintiff's Exhibit No. 12 for
19 identification and admitted into evidence.)

20 THE COURT: Okay.

21 MS. SALISBURY: With the Court's permission,
22 I'd like to publish it for the jury.

23 THE COURT: Okay.

24 (Audio CD played in open court.)

25 BY MS. SALISBURY:

Patricia Smith - Direct

1 Q. Now, Ms. Smith, what happens after you hang up
2 with the dispatcher?

3 A. She calls me right back and she lets me know that
4 law enforcement is there and I can come out.

5 Q. Okay. Did law enforcement arrive on scene?

6 A. Yes.

7 Q. How long do you think it was before they were
8 actually got there on scene?

9 A. I don't know. Maybe five minutes if that.

10 Q. What happened when law enforcement arrived? Did
11 you stay there with them?

12 A. Yes.

13 Q. Did you speak with them there that night about
14 what you remember?

15 A. Yes.

16 Q. Now, does the Li'l Cricket Gas Station have
17 surveillance video?

18 A. Yes.

19 Q. Do you know how many cameras the store actually
20 have?

21 A. At that time I think we had four. I think you
22 can see four different frames.

23 Q. And do you know exactly what is captured by that
24 surveillance video?

25 A. I know you can see the front door bar. You can

Patricia Smith - Direct

1 see a view of the store, the cash register, and a little
2 bit of the parking lot.

3 Q. Are there any cameras around the pumps?

4 A. No.

5 Q. Is there any camera, any recording system on the
6 outside of the gas station?

7 A. No.

8 Q. Do you know whether the cameras that you did
9 have, do you know whether they were working properly that
10 night?

11 A. I assume so.

12 Q. I'm going to show you State's Exhibit 13 and I'd
13 like you to take a look at it and tell me whether you know
14 what that item is?

15 A. That's the video.

16 Q. Have you had a chance to review the surveillance
17 video?

18 A. Yes.

19 Q. Based on what you remember from that night, is
20 that an accurate recording of the events that happened at
21 the gas station?

22 A. Yes.

23 Q. Do you have any information about how that video
24 is time stamped?

25 A. I know the time on it is slower than real time.

Patricia Smith - Cross

1 Q. Do you know about how much?

2 A. Ten or fifteen minutes.

3 Q. So is the time that's on that video accurate?

4 A. No.

5 Q. But is it within a few minutes of accuracy?

6 A. Yes.

7 MS. SALISBURY: Your Honor, at this time the
8 State moves Exhibit 13 into evidence.

9 MR. CHAMBERS: No objection, Your Honor.

10 MR. ROBINSON: No objection.

11 MR. ABDALLA: No objection.

12 MR. QUINN: No objection.

13 MS SALISBURY: With the Court's permission
14 I'd like to publish it for the jury.

15 BY MS. SALISBURY:

16 Q. Is there any audio on any of these surveillance
17 cameras?

18 A. No.

19 Q. It doesn't record sound at all.

20 A. No.

21 MS. SALISBURY: Your Honor, something has
22 happened with the computer. I'm going to publish it at a
23 later time.

24 BY MS. SALISBURY:

25 Q. Ms. Smith, thank you for your time. If you would

Christopher McCalmont - Direct

1 your left hand on the Bible and raise your right.

2 CHRIS MCCALMONT, having been duly sworn,
3 testified as follows:

4 Thank you. Please be seated. State your
5 name for the record.

6 THE WITNESS: Christopher McCalmont.

7 DIRECT EXAMINATION

8 BY MS. SALISBURY:

9 Q. Deputy, where do you work?

10 A. Greenville County Sheriff's Office.

11 Q. In what capacity?

12 A. I'm a deputy sheriff.

13 Q. How long have you been with the Sheriff's Office?

14 A. Since 2005.

15 Q. What are your specific duties and
16 responsibilities?

17 A. I am currently assigned the Uniform Patrol
18 Division which requires me to respond to 911 calls for
19 service, traffic control, suspicious people, stuff of that
20 sort.

21 Q. Would those have been your duties in July of
22 2011?

23 A. Yes, it was.

24 Q. Were you working as a uniformed patrol deputy in
25 2011?

Christopher McCalmont - Direct

1 A. Yes, I was.

2 Q. Do you remember becoming involved in the incident
3 that is the subject of this trial?

4 A. I did.

5 Q. How did you become involved?

6 A. I actually responded to the report of gunshots
7 being fired at 6008 Whitehorse Road at the Li'l Cricket
8 Gas Station. I think the clerk called us.

9 Q. Where did you go first?

10 A. When I initially pulled up, right in the parking
11 lot there a side road that pulls in and I pulled into the
12 parking lot from it.

13 Q. Do you know what time you arrived?

14 A. The call for service came in at about 3:35 and I
15 don't remember being very far. It was just a few minutes
16 after that.

17 Q. Now, I want to talk about that call for service.
18 You mentioned the call for service came at 3:35. Did you
19 record that in your report based on your estimation or --
20 when did you recall that that was when the call came out?

21 A. In what we call the CAD system, the computer
22 aided dispatching system. That would have been the
23 computer time stamped to the call when the 911 call was
24 received.

25 Q. So you mention you pull up into the parking lot.

Christopher McCalmont - Direct

1 What do you see when you arrive?

2 A. When I pulled up into the parking lot, there were
3 several cars parked at the gas pumps, several of the doors
4 were open. There was an actual gas pump, the hose
5 dangling that wasn't attached to any of the cars or
6 anything.

7 Q. What did you do?

8 A. I exited the patrol car and a gentlemen who we
9 later identified as Carroll Jackson came running basically
10 from the sidewalk south down Whitehorse Road and was
11 waving his arms. He was hysterical, yelling at me. At
12 first it was difficult to understand him but I was able to
13 gather that he and some of his friends had been shot at
14 while at the gas station and at least two of his friends
15 had been shot. He turned around started running away from
16 me north and telling me to follow him. He was taking me
17 to them.

18 Q. Did you follow him?

19 A. I did.

20 Q. Where did you go?

21 A. I'll estimate about 50 yards north. We were
22 behind the bridge that cross over Whitehorse Road, Hwy
23 124. And he stopped pointing over the bridge and I could
24 see what appeared to be blood that had dripped down the
25 side of the bridge.

Christopher McCalmont - Direct

1 Q. Were you able to see over the ---

2 A. I got out of the car and looked over the bridge
3 there and saw, I believe, four people that were probably
4 about 10 foot down before you reached the ground. There
5 were four people down there.

6 Q. What did you do?

7 A. Went over the wall and made contact with those
8 four people who we identified as Anthony Callaham, Justin
9 Williams, Jamel Williams, and I'm going to call her
10 Ms. Perry. I'm not sure how to pronounce her first name.

11 Q. Did you determine whether any of them were
12 injured?

13 A. Yes, two of them had been shot. Mr. Callaham had
14 been shot in the chest and Jamel Williams had been shot in
15 the left arm.

16 Q. What is the protocol after encountering a scene
17 like that? What do you do?

18 A. My first thing I wanted to do was to make sure
19 there were no weapons immediately right there to make sure
20 nobody else was going to get hurt. Obviously I don't know
21 who else was involved. Obviously they've been shot and I
22 didn't know if they had weapons and they were shooting
23 back. My primary duty was to secure the scene, make sure
24 there was no other weapons and then immediately after
25 getting the investigators and start treating the injuries

Christopher McCalmont - Direct

1 on the people.

2 Q. Did you get EMS to the scene?

3 A. We did.

4 Q. Were those folks transported to the hospital?

5 A. Yes, they were.

6 Q. While you have left the gas station to go tend to
7 these witnesses and victims, what's happening back at the
8 scene?

9 A. At that point -- I actually drove the car. I was
10 following Mr. Jackson in my car when he we running up the
11 road. At that point I left the scene completely there
12 unintended because he's telling me as he's running, hey,
13 there's people ---

14 MR. ROBINSON: Objection, Your Honor,
15 hearsay.

16 THE COURT: Okay.

17 MS. SALISBURY: Your Honor, it's not offered
18 to demonstrate it's true.

19 THE COURT: It's res just, I'm going to
20 overrule it. Go ahead.

21 MS. SALISBURY: Thank you, Your Honor.

22 BY MS. SALISBURY:

23 Q. In any event, did you return to the scene after
24 advantaging the victims that were happening over the
25 bridge?

Christopher McCalmont - Direct

1 A. Way later on. Once these two gunshot victims had
2 been transported to the hospital, I maintained scene
3 security there where they were at just over the bridge
4 until forensics came and processed that scene. It was a
5 significant time later that I actually went back to the
6 gas station.

7 Q. You were responsible at all for maintaining the
8 security of the original scene where all these cars were?

9 A. Not at the gas station.

10 Q. By the time you returned to the gas station you
11 mentioned it was way later, had the forensics team already
12 processed the scene?

13 A. They were probably skeleton the process. They
14 would have sent multiple people out to process a scene of
15 that size.

16 Q. Well; at any point either initially or when you
17 returned later to the gas station scene, did you ever
18 touch any material there on the scene?

19 A. I never touched anything, no.

20 Q. Did you ever inspect any of the evidence that was
21 left there on the scene?

22 A. Once I got back it was pointed out to me that
23 there was several empty spent shell casings. If you're
24 looking at the business on Whitehorse Road on the left
25 hand side, it's kind of dark on that corner. There's not

Christopher McCalmont - Cross

1 much lighting. Someone found several empty shell casings
2 over there.

3 Q. Did you move any of those casings?

4 A. I did not.

5 Q. Were any of the cars while you on the scene moved
6 from their position that you found them when you initially
7 arrived?

8 A. When I got back everything looked to be exactly
9 the same from what I remember.

10 Q. Now, after you returned to the scene, what else
11 did you do to assist in the investigation?

12 A. They already had crime scene tape up and
13 basically I just helped the other deputies and made sure
14 nobody came through the tape into the parking lot of the
15 gas station.

16 Q. In terms of your general responsibilities in an
17 incident like this, who makes the decision to summon an
18 investigator to the scene?

19 A. That would be my supervisor.

20 Q. Who would make the request that forensics respond
21 to the scene?

22 A. In a case like this it would be the investigators
23 or the supervisor on the scene.

24 Q. Okay. So do you have any additional
25 responsibilities generally after your responsibilities

Christopher McCalmont - Cross

1 there to maintain the scene?

2 A. No, ma'am. My primary task as attending to the
3 victims was maintaining that crime scene and once I got
4 back, it was a minimal road which was making sure nobody
5 came into the scene.

6 Q. Did you have any other involvement as the
7 investigation progressed?

8 A. No.

9 Q. After that night, did you do anything else to
10 assist in the investigation?

11 A. I did no.

12 Q. Thank you. Sir, if you would answer any
13 questions these gentlemen may have for you.

14 MR. CHAMBERS: No questions.

15 MR. ROBINSON: No questions.

16 MR. ABDALLA: No questions.

17 CROSS-EXAMINATION

18 BY MR. QUINN:

19 Q. Deputy, did you attempt to question Mr. Callaham,
20 just ask him questions?

21 A. I believe I did. Initially once we got over the
22 wall and he had made contact with us three or four people
23 were over the wall I do believe I asked a generalized
24 question to everybody, hey, what happened or something of
25 that nature.

Chris Hill - Direct

1 Hill.

2 THE CLERK: Please place your left hand on
3 the Bible and raise your right hand.

4 CHRISTOPHER HILL, having been duly sworn,
5 testified as follows:

6 Thank you. Please be seated. State your
7 name for the record.

8 THE WITNESS: Master Deputy Chris Hill.

9 DIRECT EXAMINATION

10 BY MS. SALISBURY:

11 Q. Deputy, where do you work?

12 A. Greenville County Sheriff's Office.

13 Q. How long have you worked with the Greenville
14 County Sheriff's Office?

15 A. A little over seven years.

16 Q. And what's your current capacity at the Sheriff's
17 Office?

18 A. (Inaudible).

19 Q. What does that mean in terms of your day to day
20 duties and responsibilities?

21 A. My day to day duties are answer calls for service
22 and routine investigations.

23 Q. Were you working in that same capacity in July of
24 2011?

25 A. I was.

Chris Hill - Direct

1 Q. Just so I can be clear, what do you mean when you
2 say answer calls for service? What does that mean in lay
3 terms?

4 A. In calls that come in through 911 or through a
5 dispatcher that are dispatched out I service the call.

6 Q. Now, do you remember becoming involved in the
7 investigation that's the subject of this trial?

8 A. I do.

9 Q. How did you become involved?

10 A. I responded in reference to a call of gunshots
11 being heard at a gas station and I responded. I was told
12 there were several possible victims or people involved
13 running away from the gas station down the side of the
14 road and as I responded and I pulled up I noticed two of
15 them going down the road.

16 Q. What did you do?

17 A. I made contact. I wasn't sure they were involved
18 or possible defendants in the case so I had both of them
19 get down and put their hands out where I can see them.
20 Once I was sure they didn't have any weapons on them, I
21 confirmed that both of them had injuries and I had EMS
22 respond.

23 Q. Now, do you remember who you encountered?

24 A. I can look at the report and tell you but I don't
25 remember the name without the report.

Chris Hill - Direct

1 Q. Sure. If your report will refresh your memory,
2 go ahead.

3 A. It was Dontavious Sullivan and Anthony Walker.

4 Q. And you described these gentlemen were injured?

5 A. Correct.

6 Q. So after you summoned for EMS to respond to the
7 scene, what did you do next?

8 A. I just stood by with the two of them until EMS
9 got there. When they did, I got them medical assistance
10 and they were both transported to the hospital.

11 (Due to technical difficulty the remainder
12 was this testimony can not be transcribed.)

13 (Whereupon, there was a brief break.)

14 THE BAILIFF: Court is now in session.

15 THE COURT: Are you ready to go?

16 COURT REPORTER: Yes, sir.

17 MS. SALISBURY: I have a solution for the
18 video. It's not ideal, but I would like to publish it
19 immediately.

20 THE COURT: She wants to publish the video.
21 Any objection to that?

22 MR. CHAMBERS: No, Your Honor.

23 MR. ABDALLA: No, Your Honor.

24 MR. ROBINSON: No, Your Honor.

25 MR. QUINN: No, Your Honor.

James Brown - Direct

1 THE COURT: Ladies and gentlemen, I think we
2 resolved some technical difficulties and I think we're
3 going to publish the video now.

4 (Video played in open court.)

5 MS. SALISBURY: Your Honor, the State calls
6 Deputy James Brown to the stand.

7 Deputy Brown, please come around to be sworn.

8 THE CLERK: Sir, please place your left hand
9 on the Bible and raise your right hand..

10 JAMES BROWN, having been duly sworn,
11 testified as follows:

12 Thank you. Please be seated. State your name
13 for the record.

14 THE WITNESS: My name is James Brown, deputy
15 for Greenville County Sheriff's Office.

DIRECT EXAMINATION

16 BY MS. SALISBURY:

17 Q. Deputy Brown, how long have you been with the
18 Sheriff's Office?
19

20 A. A little over four years.

21 Q. What's your capacity at the Sheriff's Office?

22 A. Uniformed patrol deputy answering calls for
23 service.

24 Q. Were you working in that capacity in July of
25 2011?

James Brown - Direct

1 A. I was.

2 Q. Do you remember becoming involved in the incident
3 that's the subject of this trial?

4 A. I do.

5 Q. How did you become involved?

6 A. There was a call that went out that said there
7 was a shooting and I responded to the incident location
8 which is the Li'l Cricket on Whitehorse Road. I was the
9 first deputy on the scene at the incident location, the
10 Li'l Cricket. Upon arriving at the scene I exited my
11 patrol vehicle, looked around the parking lot, checked all
12 the vehicles that remained in the parking lot, attempted
13 to make contact with the store clerk that was inside the
14 Li'l Cricket.

15 Q. Did you see anybody on scene when you arrived?

16 A. There was no one on scene when I arrived. There
17 was numerous vehicles in the parking lot but no
18 individuals were still in the parking lot.

19 Q. Do you remember which cars you saw there on
20 scene?

21 A. I do not.

22 Q. Did you make contact with the clerk?

23 A. I did. I make sure that she was safe and I
24 ordered her to remain inside of the store.

25 Q. What was your responsibilities on scene for

James Brown - Direct

1 purposes of that night?

2 A. Once I got there and assessed there wasn't anyone
3 on scene, no victims or suspects or anything of that
4 nature, and the scene was safe, I went ahead and taped the
5 scene off and remain there to maintain scene integrity.
6 And I was the one who placed the caution tape around
7 there.

8 Q. How did you decide what the parameters of the
9 scene were?

10 A. I just included the entire scene. I used the
11 parking lot, the building and the behind the building,
12 anything I could see.

13 Q. During your taping off of the scene, did you see
14 what could be evidence?

15 A. At the initial taping off, no, I did not. I just
16 kind of -- I was the only one there at that time so I kind
17 of placed it up in a hurry. Later on while looking
18 around, I did find shell casings and things of that nature
19 inside of the crime scene.

20 Q. Did you do anything to move any of those shell
21 casings?

22 A. No, ma'am.

23 Q. Did you touch any other evidence there on scene?

24 A. No.

25 Q. After that night in maintaining the security of

James Brown - Direct

1 the scene -- how long were you on scene?

2 A. I was there probably a good hour and a half,
3 maybe two hours.

4 Q. Were you there when forensics arrived?

5 A. I was.

6 Q. After that night, did you have any other
7 responsibilities?

8 A. I did not.

9 Q. Did you do any other thing to assist in the
10 investigation aside from just maintaining the integrity of
11 the scene?

12 A. I did. I took a couple of statements later at
13 the end of our tour of duty, I guess is what you want to
14 call it, right when we were getting off the shift. I took
15 a couple of statements for the investigators that were
16 there.

17 Q. Do you remember from whom you took those
18 statements?

19 A. I do not.

20 Q. Were they witnesses?

21 A. They were.

22 Q. Sir, if you would answer any questions these
23 lawyers may have for you.

24 MR. CHAMBERS: No questions.

25 MR. ROBINSON: May it please the Court.

James Brown - Cross

1 CROSS EXAMINATION.

2 BY MR. ROBINSON:

3 Q. Officer, you did a supplemental report; is that
4 correct?

5 A. I did.

6 Q. You had an opportunity to look at that while
7 preparing for trial?

8 A. I have.

9 (Report marked as Williams Defense Exhibit
10 No. 5 for identification.)

11 BY MR. ROBINSON:

12 Q. This is marked as Defense Exhibit 5 for
13 identification purposes only. Is that the report that you
14 did?

15 A. It is.

16 Q. If you read that report for a second, please.

17 A. It says, "Upon my arrival," ---

18 THE COURT: No, sir, don't read it.

19 BY MR. ROBINSON:

20 Q. I just want you to review it to yourself.

21 A. (Witness complies).

22 Q. What's been marked as Defense 5, you didn't put
23 anything in your report about any shell casings being
24 found, did you?

25 A. No.

Matthew Owens - Direct

1 MR. ROBINSON: Thank you. That's all the
2 questions I have.

3 MR. ABDALLA: No questions.

4 MR. QUINN: No questions.

5 MS. SALISBURY: Nothing further for this
6 witness.

7 THE COURT: Thank you, you may step down.

8 (Witness exits the witness stand.)

9 MS. SALISBURY: The State calls Deputy Matt
10 Owens. Deputy Owens, if you would come up and be sworn.

11 THE CLERK: Place your left hand on the Bible
12 and raise your right hand.

13 MATTHEW OWENS, having duly sworn, testified
14 as follows:

15 Thank you. Please be seated. Please state
16 your name for the record.

17 THE WITNESS: Matthew Owens.

DIRECT EXAMINATION

18 BY MS. SALISBURY:

19 Q. Deputy Owens, where do you work?

20 A. Greenville County Sheriff's Office.

21 Q. How long have you been with the Sheriff's Office?

22 A. Nine years.

23 Q. What's your capacity at the Sheriff's Office?

24 A. I am an Investigator with the Online Division.
25

Matthew Owens - Direct

1 Q. Were you working in that capacity in July of
2 2011?

3 A. No.

4 Q. How were you employed?

5 A. Uniformed patrol.

6 Q. And what were your particular responsibilities as
7 a uniformed patrol?

8 A. Answer calls, 911 calls, traffic stops, going to
9 disturbances so on and so forth.

10 Q. Do you remember becoming involved in the incident
11 that's the subject of this trial?

12 A. I do.

13 Q. How did you become involved?

14 A. I believe it was sometime around 3:30 in the
15 morning. We were dispatched to the Li'l Cricket on
16 Whitehorse Road with regards to some gunshots. Myself and
17 another deputy were the first ones on scene. It was kind
18 of spooky because there was four cars by the gas pumps.
19 Some doors were open to the vehicles and nobody around and
20 when we started looking for possible victims and what not
21 a young man came running down towards our direction and
22 starts staying, they're over there, they're over there.

23 I didn't know if he was a victim or a
24 suspect. We didn't know what was going on. So he turned
25 around and ran south onto Whitehorse Road and so I turned

Matthew Owens - Direct

1 my vehicle around and I go pass him and I go over the
2 bridge on Whitehorse Road down the exit ramp that leads
3 down to 124. When I got down to the exit ramp, I saw an
4 individual running down the ramp. Again, at this time I
5 had no clue who this person was, was he involved, was he a
6 victim, was he armed. I had no clue.

7 I immediately jumped out of my car and that's
8 when I made contact with a gentlemen named Trevis. I
9 un holstered my weapon, he got down, again, I didn't know
10 if he was a suspect or a victim and he cooperated and
11 that's how I realized he was shot.

12 So meanwhile I was dealing with him I could
13 see down 124 that there was other people running and the
14 scene was so. It was chaos. The other people down there
15 were yelling for us, dispatch was telling us they're
16 getting multiple calls, multiple people been shot. I'm
17 trying to get on a radio yelling for an ambulance for
18 Trevis.

19 Then you have other deputies dealing with the
20 other victims and they're on the radio calling for
21 ambulances. We have multiple gunshot victims. It was --
22 I mean in my 10, 12 years total law enforcement, this was
23 probably the most chaotic nights I've ever worked in my
24 entire life. You couldn't get on the radio because people
25 were walking on each other. What I mean by walking it's

Matthew Owens - Direct

1 somebody talking on the radio and somebody else is talking
2 on the radio and at the same time and dispatch doesn't
3 know what you're saying. It was like that. It was
4 chaotic.

5 Q. What did you with respect to Mr. Thompson?

6 A. I sat down with him and immediately called for an
7 ambulance and asked, hey, what's going on, what happened?
8 And Mr. Thompson pretty much said that he ---

9 MR. ROBINSON: Objection, hearsay.

10 THE COURT: Overruled. Go ahead.

11 THE WITNESS: Mr. Thompson said that he got a
12 phone call from a friend saying that another friend or
13 somebody was shot at a club and Mr. Thompson went to the
14 Li'l Cricket to meet up with some of his other friends
15 there and while he was standing there all of a sudden
16 shots were fired, bullets come flying and he said I'm out
17 of here, I'm going to run.

18 I asked him a few more questions about did he
19 see anything. At that time you could tell that the injury
20 was starting to get to him and he kept on -- he was
21 possibly passing out or whatever so I just kept talking to
22 him so he could stay with me.

23 BY MS. SALISBURY:

24 Q. When you finished dealing with Mr. Thompson and
25 his injury, did you return to the original scene?

Matthew Owens - Cross

1 A. I did just for a brief second.

2 Q. Did you have any responsibilities there on scene?

3 A. No. By the time I got back the caution tape was
4 already up, the investigators were all active. It was so
5 chaotic that I believe there were some many ambulances
6 coming that they forgot about us. They forgot about
7 myself and Mr. Thompson. I had to radio dispatch and
8 telling them I need an ambulance please, come now.

9 Q. When you went back to the scene, did you assist
10 in any evidence collection or no?

11 A. No, ma'am.

12 Q. Did you touch any evidence there on scene?

13 A. No, ma'am.

14 Q. Did you move any articles or anything there on
15 scene?

16 A. No, ma'am.

17 Q. After that night did you have any
18 responsibilities assisting in the investigation of the
19 case?

20 A. No.

21 Q. Sir, if you can answer any questions these
22 attorneys may have.

CROSS-EXAMINATION

24 BY MR. CHAMBERS:

25 Q. Deputy, when you got there you said you saw .

Matthew Owens - Cross

1 A. Correct.

2 Q. Thank you.

3 MR. ROBINSON: No questions.

4 BY MR. ABDALLA:

5 Q. Did Mr. Thompson tell you what car he was in?

6 A. I want to say it was a green car. I don't know
7 for sure but I want to say a green vehicle.

8 Q. Did he say when he came from?

9 A. He came from the Li'l Cricket if that's what
10 you're asking.

11 Q. Before.

12 A. Before, I don't know.

13 MR. ABDALLA: Thank you.

14 MR. QUINN: No questions.

15 MS. SALISBURY: No redirect, Your Honor.

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

17 (Witness leaves the witness stand.)

18 MS. SALISBURY: The State calls Ms. Iona
19 Ooten. Ms. Ooten, please come up to be sworn.

20 THE CLERK: Place your left hand on the Bible
21 and raise your right.

22 IONA OOTEN, having been duly sworn, testified
23 as follows:

24 Thank you. Please be seated. State your
25 name for the record.

Iona Ooten - Direct

1 THE WITNESS: Iona Ooten.

2 DIRECT EXAMINATION

3 BY MS. SALISBURY:

4 Q. Ms. Ooten, where are you employed?

5 A. I work for the Department of Public Safety Crime
6 Scene Unit.

7 Q. And how long have you been with the Crime Scene
8 Unit?

9 A. Five years.

10 Q. What are your responsibilities as part of that
11 staff?

12 A. I respond to scene to collect, preserve and
13 analysis evidence that may be associated with criminal
14 activity.

15 Q. And generally speaking, how do you become
16 involved in that process of responding to a scene? How
17 does that work?

18 A. Typically, the county or the city or law
19 enforcement agencies would contact our office and request
20 for us to respond.

21 Q. Are you part of the first sort of emergency
22 response team?

23 A. No, ma'am.

24 Q. At what point do you become involved in terms of
25 where the incident has happened? Explain how you become

Iona Ooten - Direct

1 involved in going to the scene.

2 A. Usually, law enforcement will respond to the
3 scene and they will request for our department to respond.
4 They will contact our dispatch service and then they will
5 call us by the radio.

6 Q. Do you remember becoming involved in the incident
7 that's the subject of this trial?

8 A. I do.

9 Q. How did you become involved? What happened?

10 A. I believe I was contacted at the office by the
11 phone and we were told that there has been a weapon's
12 discharge with possible gunshot victims at the Li'l
13 Cricket and then I responded to that scene.

14 Q. When you got there what was going on?

15 A. The scene had already been secured. There was
16 yellow police tape by the officers and they had the area
17 closed off to anyone else that was not law enforcement.
18 And then from there I was trying to get as much
19 information as I could from the responding officers.

20 Q. What did you begin to do as part of your
21 responsibilities in the crime scene staff?

22 A. When I got there I did a walk through of the
23 scene. I instantly observed the vehicles around the pumps
24 that they said were there when the incident occurred. I
25 was doing a walk around the parking lot and discovered

Iona Ooten - Direct

1 casings to the side of the gas station. At that point I
2 still waited for investigators to arrive on scene and then
3 we started doing photographs and pretty much doing an
4 analysis to see what all the evidence was so I would know
5 what I was going to be working around.

6 Q. The photograph process is before you do the
7 collection process?

8 A. Well, I always photograph it as it is so when I
9 got there I photograph how I found the scene and through
10 conversation with the investigator and things I observed,
11 I then laid down evidence plackers so we can mark the
12 evidence as what it was and then took additional
13 photographs of them.

14 Q. Ms. Ooten, I'm going to show you a series of
15 photographs marked State's Exhibit 7 and 13 through 18.
16 If you could take a look at those pictures.

17 A. (Witness complies).

18 Q. Do you recognize what's depicted in those
19 photographs?

20 A. Yes, ma'am.

21 Q. Are those the photographs that you actually took
22 there that night?

23 A. They are.

24 Q. Are they accurate representation of the scene
25 that you marked it and described it and managed it that

Iona Ooten - Direct

1 night?

2 A. They are.

3 MS. SALISBURY: The State moves Exhibits 13
4 through 18 into evidence.

5 MR. CHAMBERS: No objection, Your Honor.

6 MR. ROBINSON: No objection.

7 MR. ABDALLA: No objection, Your Honor.

8 MR. QUINN: No objection.

9 THE COURT: Okay.

10 (Photographs marked as State Exhibit Nos. 13
11 through 18 previous marked for identification and admitted
12 into evidence.)

13 BY MS. SALISBURY:

14 Q. Ms. Ooten, I'm going to have you explain for the
15 jury a little bit of what we're looking at in these
16 exhibits. Starting with Exhibit No. 7, could you describe
17 for the jury what we're looking at in this picture.

18 A. When I arrived on scene, these were vehicles that
19 were involved in the shooting. They were there when the
20 officers arrived on scene so we believed them to be
21 vehicles of the victims.

22 Q. Did you examine generally those vehicles?

23 A. I did do an observation of them.

24 Q. Did you observe any particular damage to those
25 vehicles?

Iona Ooten - Direct

1 A. I did. Some of the vehicles had actual gunshot
2 holes in them or ricochet marks from projectiles. The
3 majority of them did have some form of blood around them
4 and that's how we said the vehicles were either associated
5 with them or touched them as they were leaving the scene.

6 Q. Did you notice any damage to any of the other
7 surroundings?

8 A. I'm sorry.

9 Q. Did you notice any damage to anything other than
10 the cars; anything else in the gas station?

11 A. One of the pumps did have a gunshot hole in it as
12 well.

13 Q. During the process of you photographing,
14 collecting the casings, examining what's on the seat, did
15 you ever observe any casings around these vehicles?

16 A. No, ma'am.

17 Q. Did you observe actual projectiles or anything
18 else around the vehicles?

19 A. We did. We did notice some projectile fragments
20 and then once the vehicles were moved, I believe we
21 located another projectile underneath the car.

22 Q. Let's move to State's Exhibit 13. Could you
23 describe for the jury this photograph depicts?

24 A. This is from Whitehorse Road looking from the
25 side of the gas station straight down that way where it's

Iona Ooten - Direct

1 rather dark is where the casings was pretty much located.

2 Q. Based on your examination of the scene, were any
3 of the casings located anywhere outside that isolated
4 corner of the parking lot?

5 A. Not until later on in the day they were located
6 on the back row going behind the Li'l Cricket, but as far
7 as the parking lot area there of the gas station, that was
8 the only area where we collected or saw any casings.

9 Q. This photograph appears particularly dark. Did
10 you note whether there was any illumination in that
11 portion of the parking lot?

12 A. I don't believe I put it in my report as far as
13 where the lighting was. We usually just try to take the
14 photograph as things appeared.

15 Q. Do you remember that to be a particularly dark
16 area of the parking lot?

17 A. Yes, the camera was not changing the way it was
18 set up. It was very dark on that side of the building.

19 Q. Let's move to State's Exhibit 14, could you
20 explain to the jury what this image shows.

21 A. I'm not standing to the side of the building
22 where this photograph, it was darkening. You are now
23 looking towards the pumps from that side of Li'l Cricket.
24 This is where the casings started. This the location
25 where they started, they were coming down the side of the

Iona Ooten - Direct

1 building.

2 Q. Are these the plackers that you describe you
3 placed out there that night?

4 A. Yes, ma'am.

5 Q. Do each of those plackers represent an individual
6 casing that you observed?

7 A. They do.

8 Q. With respect to State's Exhibit 15, could you
9 describe again what this depicts?

10 A. This is just an additional photograph on the side
11 of the building showing how the casings are now coming
12 further out and down the side of the building.

13 Q. And with respect to State's Exhibit 16, could you
14 describe that.

15 A. I continued moving down the side of the Li'l
16 Cricket just showing how the casings are still aimed in
17 that direction.

18 Q. With respect to State's Exhibit 16, does this
19 image depict anything different?

20 A. No, it just shows continuing down the side of the
21 building.

22 Q. And finally with respect to State's Exhibit 18,
23 do you know what image is?

24 A. This was later on in the morning and it was
25 sitting beside that pole and we located it as it got a

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1 little lighter during the day.

2 Q. Do you recall exactly how many shell casings you,
3 yourself, identified in that particular area of the
4 parking lot?

5 A. I do not right at this moment. If you have my
6 report, I can ---

7 Q. I do, if that will refresh your memory, I will be
8 happy to let you review that.

9 A. It appears I collected 32 from the parking lot
10 and then six from the back row.

11 Q. Just with respect to the 32 that are in this
12 particular parking lot, based on the photographs that
13 we've seen utilizing State's Exhibit 14 where those first
14 plackers are in the distance, did you discover or any of
15 your team any shell casings closer to the vehicles that
16 are depicted by those plackers?

17 A. No, ma'am.

18 Q. Here is a series of photographs State Exhibits
19 19, 20, 21, 22, 23 and 9, 10 and 11. I'd ask you to take
20 a look at those photographs. Do you recognize what's
21 depicted in those photographs?

22 A. I do.

23 Q. Did you, yourself, take any of those photographs?

24 A. I did, I took all those photographs.

25 Q. Are they accurate depictions of what the scene

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1 appeared that night?

2 A. They are.

3 MS. SALISBURY: Your Honor, the State moves
4 Exhibits 9, 10 and 11, and 19 through 23 into evidence.

5 MR. CHAMBERS: No objection, Your Honor.

6 MR. ROBINSON: No objection.

7 MR. ABDALLA: No objection.

8 MR. QUINN: No objection.

9 (Photographs marked as State's Exhibit Nos.
10 9, 10 and 11 for identification were admitted into
11 evidence.)

12 (Photographs marked as State's Exhibit Nos.
13 19 through 23 for identification were admitted into
14 evidence.)

15 BY MS. SALISBURY:

16 Q. State's Exhibit No. 19, could you describe for
17 the jury what this image depicts?

18 A. This is a photograph of the Crown Vic that was
19 parked towards the front of the pumps and then we had a
20 little trail of some blood coming from it.

21 Q. With respect to State's Exhibit 20.

22 A. This is the same Crown Vic on the other side with
23 the rear passenger door open. There is some possible
24 blood on the exterior side of the vehicle.

25 Q. And as to State's Exhibit 9, do you recognize

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1 that image?

2 A. Yes, this is one of the vehicles that was on the
3 pump closest to Li'l Cricket. It had a gunshot hole
4 towards the front of the vehicle.

5 Q. And finally with respect to No. 21, can you
6 describe what we see in this picture?

7 A. This is the same vehicle with the gunshot hole
8 towards the front towards the tire. You can see a
9 ricochet mark going over the front passenger door on the
10 roof and then the rear passenger door we have a possible
11 projectile hole going through the glass with it being
12 shattered.

13 Q. Now, in addition to collecting the casing and
14 observing the damage and photographing it, what else did
15 you do to process the scene immediately at the gas
16 station?

17 A. We were advised the vehicles were going to have
18 search warrants put on them, so with that I basically
19 photographed the vehicles as best as we can, seal them off
20 with evidence tape and initial it, photograph it again and
21 then they were transported to the record service where
22 search warrants would be obtained at that point.

23 Q. Now, did you participate in the more detailed
24 search of any of these vehicles?

25 A. No, I did not.

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1 Q. Now, after dealing with immediately the vehicles
2 and the casing on scene, did you conduct any investigation
3 of any of the other areas of the gas station?

4 A. We did. None of the victims were available to me
5 at that time. We just had a blood trail leaving the Li'l
6 Cricket so we followed the blood trail up the bridge
7 across Old Easley Bridge Road ---

8 Q. I'm sorry to interrupt you, but I'm going to show
9 you State's Exhibit 10. Does that illustrate ---

10 A. Yes. This is the sidewalk just there at the Li'l
11 Cricket going up over the bridge and another photo that
12 shows that you have some blood spread over that wall. On
13 the other side of the wall there were items along with
14 gauze and blood and we got the idea that's where our
15 victims were and they had been getting some medical
16 treatment before leaving.

17 Q. You described that you followed a blood trail.
18 Were you able to determine whether that blood trail is
19 down this particular sidewalk?

20 A. Yes, it went right above this sidewalk. We had
21 blood trail going all the way up.

22 Q. I'm going to show you State's Exhibit 11, is that
23 what you described seeing on the bridge?

24 A. Yes.

25 Q. You were just describing what was on the other

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1 side of that bridge. I'm going to put up State's Exhibit
2 2 and if you could describe a little bit for the jury what
3 this image shows.

4 A. This is on the other side of the wall where the
5 blood was spread over it. On this side we just had items,
6 clothing, shoes and as I stated some gauze with some blood
7 on it, id and things of that nature.

8 Q. Was EMS still on scene when you arrived?

9 A. No, everyone was gone.

10 Q. With respect to State's Exhibit 23, is this what
11 you discovered there at the bottom of the bridge?

12 A. Yes, it is.

13 Q. Now, you mentioned that when you were collecting
14 some casings, not only did you find some in that isolated
15 corner of the parking lot, but you described going behind
16 the actual gas station.

17 A. Correct.

18 Q. How did that happen?

19 A. Investigator Campbell was doing a walk around the
20 area and he had located some casings on that street.

21 Q. I'm going to show you State's Exhibit 24 and ask
22 you to take a look at that. Do you recognize what's
23 depicted in that photograph?

24 A. Yes.

25 Q. What is that a photograph of?

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1 A. This is the back road behind the Li'l Cricket
2 where the casings were located.

3 Q. Is that an accurate representation of what you
4 observed there in the road behind the Li'l Cricket?

5 A. Yes.

6 MS. SALISBURY: Your Honor, the State would
7 move to admit No. 24.

8 MR. CHAMBERS: No objection.

9 MR. ROBINSON: No objection.

10 MR. ABDALLA: No objection.

11 MR. QUINN: No objection.

12 (Photograph marked as State's Exhibit No. 24
13 for identification was admitted into evidence.)

14 BY MS. SALISBURY:

15 Q. Would you describe for the jury what is seen in
16 this particular photograph?

17 A. This is basically on the backside of Li'l Cricket
18 on the opposite corner of where the casings were located
19 in the parking lot. So you are just basically on this
20 back street looking up towards the Li'l Cricket to the
21 opposite end.

22 Q. There appear to be some items in the roadway.
23 What are those?

24 A. Investigator Campbell had marked them with paper
25 by the time I got back there.

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1 Q. Are those the casings that you discovered and
2 identified in the roadway?

3 A. Yes, they are.

4 Q. Do you remember how many?

5 A. Six.

6 Q. Now, in addition to what you described in terms
7 of collecting the casings, what other evidence did you
8 collect immediately there from the scene that night?

9 A. We also by trying to find who all our victims
10 were, we collected pretty much anything we could find. We
11 collected cell phones, wrappers, cake wrappers, anything
12 that we could possible get any form of a latent print off
13 of, DNA, we collected cups just so we could find who in
14 all might have been involved either as a victim or
15 possible there on the scene as a suspect.

16 THE COURT: Ladies and gentlemen, we need to
17 talk about a couple of issues so I'm going to excuse you
18 to your jury room. Do not discuss the case. We'll get
19 back to you very shortly.

20 (Jury exits the courtroom.)

21 How do you want to do it this? She wants to
22 mark the shell casings and she's got some she wants to
23 single out. Why don't we mark all the ones that don't
24 need to be singled out as one exhibit?

25 MR. CHAMBERS: No objection.

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1 MR. ROBINSON: No objection.

2 MR. ABDALLA: No objection.

3 MR. QUINN: No objection.

4 THE COURT: Do they all come from the same
5 gun?

6 MS. SALISBURY: No, sir.

7 THE COURT: Are there multiple shells from
8 the same gun?

9 MS. SALISBURY: Yes, sir.

10 THE COURT: Why don't you mark them in groups
11 from the gun. The fewer exhibits the better.

12 MS. SALISBURY: Just for the Court's
13 information, the ballistic analysis indicates that shell
14 casings were collected from three different .380s and two
15 different .9 millimeters. So I can't separate them just
16 according to caliber but I'm going to try to use the
17 ballistic report to separate them according to which was
18 fired from the same gun according to what the testimony
19 will be.

20 THE COURT: Well, you might -- the group that
21 do not match to a seized gun come from different calibers?

22 MS. SALISBURY: Yes, Judge.

23 THE COURT: You can not distinguish in those
24 bullets or those casings, can you distinguish they come
25 from different guns?

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1 MS. SALISBURY: Yes.

2 THE COURT: I would make exhibits of the
3 casings from the same gun if you can do that. Does that
4 make sense to everybody?

5 MR. CHAMBERS: Yes, sir.

6 MR. ROBINSON: Yes, Your Honor.

7 MR. ABDALLA: Yes, Judge.

8 MR. QUINN: Yes.

9 THE COURT: We'll just take a 10 minute break
10 to try to get that done. Ma'am, you can stand down but
11 don't talk about your testimony with anybody.

12 (Whereupon, there was a brief break.)

13 You ready?

14 MS. SALISBURY: Yes, Your Honor. Ms. Ooten,
15 could you come back to the stand.

16 (Jury re-enters the courtroom.)

17 BY MS. SALISBURY:

18 Q. Ms. Ooten, where we left off we were talking
19 about the shell casings and other evidence that you
20 collected from the scene that night. Generally speaking
21 what do you do with a particular specific item when you
22 collect it from a scene?

23 A. After we have photographed it beside a placker,
24 we will place it in an envelop or a package to itself.

25 Q. What do you do with that item?

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1 A. After everything is then secured from the scene
2 we will take it back to our crime scene office and place
3 it in an evidence locker.

4 Q. Are each of the items that you collect
5 individually sealed?

6 A. Yes.

7 Q. Why?

8 A. Just to preserve the chain of custody on them and
9 to let us know we're the last person that was (inaudible).

10 Q. And how were able to determine that particular
11 item was one that you collected?

12 A. Typically by the seal that would be on it. My
13 initials would be on it.

14 Q. Okay. Let's talk about the specific items that
15 you collected. I'm going to show you State's Exhibits 25,
16 26, 27, 28, 29, 30 and 31. Take a look at those and see
17 if you recognize what's inside each of those envelopes.

18 A. You want me to open the packages or just looking
19 at the packages?

20 Q. If you believe that's necessary to identify it,
21 you can, but you can identify and be certain what they are
22 don't feel like you have to open them.

23 Are you finished looking at State's Exhibit
24 25?

25 A. Yes.

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1 Q. Do you recognize the items that are inside that
2 envelope?

3 A. I do.

4 Q. How do you recognize them?

5 A. I recognize them because they're sealed with
6 evidence tape with my initials on them.

7 Q. Would you have done the process of taping them
8 and initially them on the scene?

9 A. I did secure them on the scene with tape but I
10 did take them back to the office and that's where they are
11 looked at again.

12 Q. We'll talk about that process in just a second
13 but for purposes of those particular items, which specific
14 items are in State's Exhibit 25?

15 A. These are all casings.

16 Q. And did you specifically identify each casing one
17 my one?

18 A. I did.

19 Q. Which casings that you signed identification to
20 are inside that envelope that's State's Exhibit 25?

21 A. You mean what caliber they are?

22 Q. Yes.

23 A. Okay. All of the casings in this particular item
24 are .45 caliber casings.

25 Q. And what's specific number have you assigned to

Iona Ooten - Direct

1 them for having collected them on the scene?

2 A. Typically the item numbers are our initials and
3 what number that they are collected as so I got them as
4 IRO 20, IRO 45, IRO 13, IRO 12, IRO 14, IRO 7, IRO 19 and
5 IRO 25.

6 Q. And you indicated that those are .45 caliber
7 shell casings?

8 A. Yes, ma'am.

9 Q. Did you collect any other shell casings from the
10 scene that night that were .45 caliber?

11 A. May I look at my report?

12 Q. Of course, if that will refresh your memory.

13 A. These were all .45 caliber casings.

14 Q. And based on your observations there at that
15 scene, are you able to look at, analyze, do anything with
16 those casings to determine whether all of those .45
17 caliber casings came from the same firearm?

18 A. No, I can not.

19 Q. Let's move on to State's Exhibit 46. Let's look
20 at that particular envelope and tell me what's inside.

21 A. This is .40 caliber casing I collected.

22 Q. What item number have you assigned to it having
23 collected it on scene?

24 A. I listed it as IRO 6.

25 Q. Were there any other .40 caliber shell casings

Iona Ooten - Direct

1 collected from the scene that night?

2 A. May I look at my report?

3 Q. Of course.

4 A. It appears that this was the only .40.

5 Q. And, again, with Exhibit 26 and the item
6 contained therein, do you recognize your signature,
7 initials rather and the tape that you put on it?

8 A. I do. It is also initialed.

9 Q. Let's move on the State's Exhibit No. 27. Do you
10 recognize all of the items that are contained in that
11 particular envelope?

12 A. I do.

13 Q. How do you recognize them?

14 A. They are sealed with my initials.

15 Q. And what items numbers have you assigned with all
16 of the items inside State's Exhibit No. 27?

17 A. These are IRO 10, IRO 16, IRO 17, IRO 22, IRO 23,
18 IRO 26 and IRO 27.

19 Q. Are all of those items the same caliber of shell
20 casings?

21 A. They are, they're .9 millimeter.

22 Q. And, again, are you able to determine based on
23 what you do there on the scene whether all of those
24 particular casings came from the same firearm?

25 A. No, I can not.

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1 Q. Let's talk about State's Exhibit No. 28. Do you
2 recognize all of the items that are inside State's Exhibit
3 No. 28?

4 A. Yes, I do.

5 Q. How do you recognize them?

6 A. They are sealed with my initials.

7 Q. And which item numbers have you assigned to those
8 particular casings?

9 A. These are IRO 1, IRO 2, IRO 3, IRO 4, IRO 5, IRO
10 8, and IRO 9.

11 Q. Are all of those casings from the same caliber
12 firearm?

13 A. They are.

14 Q. And what caliber is that?

15 A. They are .380 auto.

16 Q. And are you able to tell based on what you do on
17 scene or any of your analysis whether those all came from
18 the same .380 firearm?

19 A. No, I can not.

20 Q. State's Exhibit No. 29. Do you recognize all of
21 the items that are inside that particular envelope?

22 A. Yes, I do.

23 Q. How do you recognize them?

24 A. They are sealed with my initials.

25 Q. What item numbers have you assigned all of the

Iona Ooten - Direct

1 casings inside State's Exhibit No. 29?

2 A. These IRO 18, IRO 21, IRO 24, IRO 29 and IRO 31.

3 Q. Are all of those casings from the same caliber
4 firearm?

5 A. They are.

6 Q. What's the caliber of those casings?

7 A. They are (inaudible) auto.

8 Q. And again, are you able to determine whether
9 those casings came from the same firearm?

10 A. No, ma'am.

11 Q. Moving on to State's Exhibit No. 30. Do you
12 recognize the items inside that envelope?

13 A. I do.

14 Q. How do you recognize them?

15 A. They are sealed with my initials.

16 Q. And what item numbers did you assign to those
17 that night?

18 A. IRO 11, IRO 15, IRO 28 and IRO 30.

19 Q. Are those casings from the same caliber firearm?

20 A. Yes, they are.

21 Q. What caliber is that?

22 A. They're .9 millimeter.

23 Q. Are you able to tell whether they were fired from
24 the same firearm?

25 A. No, I can not.

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1 Q. Can you tell whether they are fired from the same
2 firearm as any of the other .9 millimeters?

3 A. No.

4 Q. And finally take a look at State's Exhibit 31.
5 Do you recognize all of the casings that are contained
6 inside that envelope?

7 A. Yes, I do.

8 Q. How do you recognize them?

9 A. They are sealed with my initials.

10 Q. And what item numbers have you assigned to those
11 particular items?

12 A. They are IRO 66, IRO 67, IRO 68, IRO 70, IRO 69
13 and IRO 71.

14 Q. And are all of those from the same caliber
15 firearm?

16 A. They are.

17 Q. Which caliber is that?

18 A. .380.

19 Q. Now, with respect to the photographs that we've
20 seen, do you recall using State's Exhibit No. 24 do you
21 recall which item numbers were collected from this
22 particular location?

23 A. May I look at my report?

24 Q. Of course.

25 A. The item numbers collected from this scene were

Iona Ooten - Direct

1 IRO 66, IRO 67, IRO 68 IRO 69, IRO 70 and IRO 71.

2 Q. So then are all of the casings that are inside
3 State's Exhibit 31 from this particular location at the
4 gas station?

5 A. Yes.

6 Q. Utilizing State's Exhibit 16 that I'll project up
7 here, do these placker numbers in this photograph
8 correspond with the item numbers that you just recited?

9 A. Yes.

10 Q. So then the plackers that you see on the
11 photograph correspond with the particular casings that are
12 inside each of State's Exhibit 25 through 31?

13 A. Yes.

14 Q. In this particular area of the scene, did you
15 collect any projectile fragments?

16 A. I did not.

17 Q. Did you locate any bullet specimens or pieces of
18 bullets?

19 A. I did not. I did not locate any gunshot holes to
20 the building or anything.

21 Q. Do these plackers then represent only the casings
22 that were collected that we just talked about?

23 A. Correct.

24 Q. I'm going to show you State's Exhibit 32 and I'm
25 going to ask you if you identify some of the items

Iona Ooten - Direct

1 contained therein if not all. Do you recognize those
2 items?

3 A. I do.

4 Q. Could you tell us what's inside those envelopes
5 that you recognize?

6 A. They are either projectiles or projectile
7 fragments.

8 Q. And did you collect all of those projectiles or
9 projectile fragments?

10 A. I did.

11 Q. I apologize and it's tedious but could you tell
12 us exactly which item numbers you collected?

13 A. IRO 43, IRO 32, IRO 39, IRO 41, IRO 42, IRO 44,
14 IRO 59, IRO 60, IRO 61, IRO 63, IRO 64 and IRO 35.

15 Q. From which area of the parking lot do you
16 remember collecting each of those items?

17 A. The majority of these projectiles were collected
18 around the vehicles.

19 Q. Do you recall collecting them from any other area
20 of the parking lot?

21 A. I do not.

22 Q. And are you, based on what your role is on scene,
23 are you able to determine anything about those fragments
24 or those projectiles?

25 A. No, ma'am.

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1 Q. Are you able to determine what caliber projectile
2 they may be?

3 A. No.

4 Q. Now, after you've collected all of these items on
5 scene, you mention that you take them back to your storage
6 facility.

7 A. Correct.

8 Q. Why?

9 A. We take them back there to observe them to see if
10 there's anything that we can find identifying to, process
11 them for latent prints possible, and then there were
12 package them to send them to property and evidence.

13 Q. Let's talk specifically about fingerprints. Did
14 you, yourself, process all of the items contained in
15 State's Exhibits 25 through 31 for fingerprints?

16 A. May I look at my report?

17 Q. Absolutely.

18 A. I did process them for latent prints.

19 Q. Does your report reflect exactly which items you
20 processed?

21 A. Yes.

22 Q. Could you tell us specifically which ones just so
23 we're clear?

24 A. I processed items IRO 1 through 31 the casings
25 and then I processed IRO 47 through 54 -- excuse me. I

Iona Ooten - Direct

1 processed IRO 1 through 31 and then IRO 33, 34, 36, 37,
2 38, 46, 62 and 65 for the latent prints.

3 Q. Now, it sounds like just about everything but
4 which pieces of evidence did you not process for latent
5 prints?

6 A. Projectiles.

7 Q. Why not?

8 A. Projectiles typically do not carry a latent print
9 on them.

10 Q. Now, how does that process work? How do you go
11 about processing for latent prints?

12 A. With these items we placed them in the super glue
13 fuming chamber. It applies to any form of a latent print
14 on the item that would then allow it to be made visible
15 with powder so they were all placed in the fuming chamber
16 and then processed with black fingerprint powder.

17 Q. Is that how any other piece of evidence is
18 typically processed for fingerprints?

19 A. Yes.

20 Q. Were you able to develop any fingerprints from
21 any of those shell casings?

22 A. No.

23 Q. After you finished the processing, in this case
24 for fingerprints, what do you do with all of the items
25 that you've collected, the casings and everything else?

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1 A. The items are then packaged and placed in
2 property and evidence.

3 Q. What is property and evidence?

4 A. Property and evidence is basically where all the
5 evidence goes to be stored for chain of custody purposes.

6 Q. Do you have the ability to access that facility
7 whenever you want to in terms of going inside and
8 retrieving evidence?

9 A. No.

10 Q. Based on what you understand is it a secure
11 location?

12 A. It is.

13 Q. When you finish the process that you described,
14 this fuming chamber and the prints, how did you repackage
15 each of the individual items of evidence?

16 A. I placed the items in new clean envelopes and
17 then once again sealed them with tape and initialed them.

18 Q. And what did you do with the now newly sealed
19 items?

20 A. Well, we then made bar code labels for them
21 putting them into property and evidence and transported
22 them there.

23 Q. And have you do anything with any of those
24 particular items since dropping them off at property and
25 evidence?

Iona Ooten - Direct

1 A. No, I have not.

2 Q. I'm showing you State's Exhibit 36 and ask you to
3 open that up and see if you recognize what's inside.

4 A. Okay.

5 Q. Do you recognize that item?

6 A. I do.

7 Q. Did you collect the item that's contained in
8 State's Exhibit 36?

9 A. No.

10 Q. Can you tell the jury what the item is generally?

11 A. This item is cartridges unfired.

12 Q. So basically bullets.

13 A. Yes.

14 Q. How did you become involved with that item
15 State's Exhibit 36?

16 A. I believe this item was placed in property and
17 evidence by another officer and we then got it to do for
18 in-house processing.

19 Q. And what does that mean?

20 A. That means typically an officer may not call
21 crime scene unit out to the scene they'll just collect
22 evidence on their own, secure it, and put it in property
23 and evidence with an analysis request for it to be
24 processed for latent prints or DNA or trace evidence. I
25 received this through our in-house processing system and I

Iona Ooten - Cross

1 processed it myself.

2 Q. Did you receive that lab analysis request?

3 A. Yes.

4 Q. What was your understanding of the analysis
5 requested as it relates to those particular bullets?

6 A. They wanted it processed for latent prints.

7 Q. Did you conduct that processing?

8 A. I did.

9 Q. How?

10 A. Once again I packaged them, placed them in the
11 chamber and processed them with black fingerprint powder.

12 Q. Were you able to recover any fingerprints from
13 the bullets inside State's Exhibit No. 36?

14 A. Do you have that report? May I look at it?

15 Q. Yes, ma'am, I do have the report.

16 A. Thank you. Latent prints were not obtained from
17 any of those items.

18 Q. Okay. Now, back to the subject of scene
19 management and protocol, what else are your
20 responsibilities there when you respond to a scene like
21 this other than collecting this evidence? What else is
22 happening as it relates to the crime scene staff?

23 A. Typically the scene is blocked off for us to be
24 able to process the area. We usually speak with the first
25 responders or the investigator once they get there to

Iona Ooten - Cross

1 confirm any information.

2 Q. Do you remember speaking to any victims there on
3 the scene?

4 A. No.

5 Q. Did you speak with any witnesses?

6 A. No. Well, I'm sorry, I spoke with the clerk in
7 Li'l Cricket.

8 Q. Okay. Other than the analysis with respect to
9 the casings collected from the scene and the analysis with
10 respect to State's Exhibit 36 which are those bullets, did
11 you analysis any other evidence in the case?

12 A. I don't believe so.

13 Q. Ma'am, if you would answer any questions these
14 attorneys may have for you.

15 CROSS-EXAMINATION

16 BY MR. CHAMBERS:

17 Q. As you were testifying you talked about
18 projectiles and you talked about shell casings.
19 Projectiles are the part of the bullet that is expelled
20 from the gun and eventually hits something; is that
21 correct?

22 A. That's correct.

23 Q. And the shell casing in the case of a revolver
24 would stay inside the chamber in the gun and in the case o
25 the semi-automatic as you shoot would be ejected from the

Jonathan Derby - Direct

1 going to object to that you know?

2 MR. CHAMBERS: I'm not, Your Honor.

3 THE COURT: I'm trying to find out if we can
4 streamline this in some way.

5 MR. ABDALLA: I don't believe so.

6 THE COURT: Anything else before we break?
7 Okay. 2:30.

8 (Whereupon, there was a lunch break.)

9 THE BAILIFF: All rise, court is now in
10 session..

11 THE COURT: Please be seated. I just want to
12 make one comment to the gallery, I'm not going to tolerate
13 the moving around that's been going on. It's extremely
14 distracting for the jury and everyone else involved in the
15 case. So when you come in the courtroom, you sit down and
16 you stay there. I expect you to sit up and behave which
17 is hard to believe I even have to say that. Okay.

18 MS. SALISBURY: Your Honor, the State calls
19 Jonathan Derby. Sir, could you please come up and be
20 sworn.

21 THE CLERK: Sir, if you could place your left
22 hand on the Bible and raise your right hand.

23 JONATHAN DERBY, having been duly sworn,
24 testified as follows:

25 Thank you. You may be seated. Please state

Jonathan Derby - Direct

1 your name for the record.

2 THE WITNESS: John Derby.

3 DIRECT EXAMINATION

4 BY MS. SALISBURY:

5 Q. Mr. Derby, where do you work?

6 A. Greenville County Forensics.

7 Q. And how long have you been with forensics?

8 A. A little over four years.

9 Q. We heard from Ms. Ooten before lunch, do you work
10 with her?

11 A. Yes, I do.

12 Q. Y'all are both a part of the forensics group?

13 A. That's correct.

14 Q. Now, do you remember assisting in the
15 investigation of this case the examination of some
16 vehicles?

17 A. Yes.

18 Q. Would you describe for the jury how you became
19 involved and how you began the process of your part of the
20 investigation?

21 A. The vehicles were towed from the original scene
22 to a storage facility. Our responded there and processed
23 the vehicles for possible evidence.

24 Q. Let's start with how you began. Which is the
25 first vehicle you examined?

Jonathan Derby - Direct

1 A. May I look at my notes?

2 Q. Of course.

3 A. The first vehicle was a Ford Focus. It was a
4 green vehicle. I looked at the outside and then the
5 inside documenting things in the inside as well as the
6 outside as well as the projectiles and possible bullets.

7 Q. What were your specific observations about the
8 damage to this Ford Focus?

9 A. The projectile holes I found that were located on
10 the vehicle were on the passenger's side. There was one
11 above the front passenger tire; one to the passenger door
12 and one to the rear passenger window. The one through the
13 rear passenger window was later determined to have
14 continued through to the rear headrest to the column above
15 the trunk on the rear driver's side.

16 Q. Mr. Derby, I'm going to show you State's Exhibit
17 39 and ask you if you recognize what's depicted in that
18 photograph.

19 A. This is the green Focus, the first vehicle I
20 processed which I was referring to. The yellow rod
21 inserted into the rear passenger window, this documents
22 the trajectory, the flight path of the bullet as it
23 continues towards the back rear driver's side headrest and
24 to the rear seat cover.

25 Q. Did you take that photograph?

Jonathan Derby - Direct

1 A. Yes, I did.

2 Q. Is that an accurate representation of what you
3 observed after you set up those trajectory rods?

4 A. Yes, it is.

5 MS. SALISBURY: Your Honor, I move State's
6 Exhibit No. 39 into evidence.

7 MR. CHAMBERS: No objection, Your Honor.

8 MR. ROBINSON: No objection, Your Honor.

9 MR. ABDALLA: No objection.

10 MR. QUINN: No objection.

11 THE COURT: Alright.

12 (Photograph marked as State's Exhibit No. 39
13 for identification was admitted into evidence.)

14 BY MS. SALISBURY:

15 Q. Mr. Derby, I'm going to project this on the way
16 and if you could explain to the Court exactly what you
17 were just describing as it relates to this image. What
18 exactly is this depicting?

19 A. The GCPO are rods are (inaudible). They are
20 roughly two feet long. This one here ---

21 THE COURT: Whose phone was that? Give it
22 up. You can just bring it to us. Thank you, sir. Go
23 ahead. I'm sorry.

24 MS. SALISBURY: That's okay.

25 BY MS. SALISBURY:

Jonathan Derby - Direct

1 Q. You mentioned that you had set up this trajectory
2 rod inside this vehicle and you had pieced the two
3 together.

4 A. That's correct. Given that the first contact
5 force was going to be in the rear passenger window is kind
6 of clean through, a projectile going through, the point in
7 entrance showed the actual flight path of the bullet. I
8 found the hole towards the back rear head rest area into
9 the seat cushion, I inserted tubes all the way through
10 from one into the other.

11 Q. Now, how were you able to determine from which
12 direction the bullet came if it came from the passenger
13 window as opposed to the left side, the passenger's side
14 as you described?

15 A. You wouldn't be able to do that if the bullet
16 actually exited the vehicle. This one here didn't. It
17 actually entered the vehicle and stayed inside the
18 vehicle.

19 Q. Did you actually find a projectile in the rear of
20 this particular vehicle?

21 A. Yes, I did.

22 Q. Were you able to then sort of definitely
23 determine that the projectile, the bullet entered through
24 that passenger side of the vehicle?

25 A. Yes.

Jonathan Derby - Direct

1 Q. Now, I'm going to put up State's Exhibit 9 and
2 ask you if this -- I realize this photograph isn't during
3 the search warrant, but you were describing some damaged
4 to the car. Can you explain what you were talking about
5 as it relates to the damage you observed when you
6 ultimately inspected the car?

7 A. The projectiles I saw in the front passenger side
8 it's right there by the tire. It's right above the
9 passenger door right above that where the trash cans are.
10 Those are the two doors in the passenger's side.

11 Q. Well, in addition to the damage to the front
12 bumper area, the passenger's side door and through the
13 passenger's side window, what other damage did you observe
14 specifically to this green Focus?

15 A. The rear passenger tire was deflated and your
16 ricochet was above the passenger's side.

17 Q. After you get done sort of looking at and
18 surveilling the damage of the vehicle, what do you do next
19 as part of your role?

20 A. After photographing the scale showing the size of
21 the holes, we take apart the car and retrieve the possible
22 projectile.

23 Q. Were you able to recover any of those?

24 A. Yes.

25 Q. How many?

Jonathan Derby - Direct

1 A. Two.

2 Q. From where do you recall those projectiles
3 actually being in the car?

4 A. One was where the projectile inserted through the
5 rear side of the vehicle. That one was located in the
6 trunk. And the other one was inside the front passenger
7 door.

8 Q. Was it on the other side of the hole that we see
9 here in State's Exhibit 9?

10 A. It's below the side mirror.

11 Q. You found a projectile behind this hole?

12 A. That's correct.

13 Q. What other processing of this particular car did
14 you do next?

15 A. Swabs were taken from the steering wheel.

16 Q. What does that mean?

17 A. We'll take a used cotton tip with distilled water
18 and swab the area for possible.

19 Q. And at this point are you aware of any of details
20 of the particular case to know what or may not be
21 necessary in terms of your collection process?

22 A. Not necessarily.

23 Q. Did you observe any suspected possible blood
24 anywhere in this particular car?

25 A. No.

Jonathan Derby - Direct

1 Q. Let's move to the next car. What's the second
2 car you processed?

3 A. It's going to be the white Chevrolet Impala.

4 Q. How did you begin your examination of that car?

5 A. Same, focus the outside photograph as well as the
6 inside, look for possible projectiles, things of that
7 nature, DNA was also swabbed for suspected blood on the
8 outside and inside of the vehicle.

9 Q. What specific damage did you note with respect to
10 the Impala?

11 A. There was projectile holes in the front of the
12 vehicle, the headlight, suspected projectile strike
13 through the hood and suspected projectile strike through
14 the windshield.

15 Q. You mentioned that you observed damage to the
16 front of the car, which side driver's or passenger side?

17 A. Front passenger's side.

18 Q. I'm going to show you State's Exhibit 43 and ask
19 if you recognize what's depicted in that photograph?

20 A. The front passenger side Chevy Impala above the
21 passenger wheel. Trajectory rods inserted in that
22 suspected projectile hole above the wheel showing each
23 trajectory path of the projectile.

24 Q. Is that photograph an accurate representation of
25 the vehicle as you were inspecting it?

Jonathan Derby - Direct

1 A. Yes.

2 MR. SALISBURY: Your Honor, the State moves
3 Exhibit 43 into evidence.

4 MR. CHAMBERS: No objection.

5 MR. ROBINSON: No objection.

6 MR. ABDALLA: No objection.

7 MR. QUINN: No objection.

8 THE COURT: Okay.

9 (Photograph marked as Exhibit No. 43 for
10 identification was admitted into evidence.)

11 BY MS. SALISBURY:

12 Q. Again, Mr. Derby, if you could describe for the
13 jury what this picture actually depicts?

14 A. This is again the same trajectory rods. This was
15 inserted in in an attempt to find where it came out, but
16 we wasn't able to do that.

17 Q. Did you ever find a projectile on the back end?

18 A. No.

19 Q. You mentioned that you observed some damage to
20 the hood of the windshield of the car. Were you able to
21 develop any trajectory with respect to those particular
22 pieces of damage?

23 A. No.

24 Q. Why not?

25 A. The way that it struck the hood, I wasn't able to

Jonathan Derby - Direct

1 do an actual directional flight path there.

2 Q. Did the bullet actually enter the hood?

3 A. No, it ricocheted.

4 Q. I see. Now after you finished that same
5 examination about the damage to the car, what did you do
6 next to process this Impala?

7 A. Like I said DNA swabs were taken of the steering
8 wheel. The suspected blood on the inside and outside of
9 the vehicle were first tested with a phenolphalien test,
10 which is a resulted test for blood. The test was positive
11 so swabs were taken of certain areas of the vehicle that
12 containing suspected blood. After that, the car was
13 processed for latent prints.

14 Q. Were you able to develop any latent fingerprints
15 from this particular vehicle?

16 A. Yes, I was.

17 Q. And I may have skipped over this with respect to
18 the Focus but did you process that vehicle for latent
19 fingerprints as well?

20 A. Yes.

21 Q. Were you able to develop any latent fingerprints
22 from that car?

23 A. Yes, I was.

24 Q. Did you have any other discoveries with respect
25 to this particular white Impala aside from the damage and

Jonathan Derby - Direct

1 swabbing for DNA on the steering wheel?

2 A. I collected a shirt inside of there.

3 Q. Why collect that shirt?

4 A. The shirt had a spec of blood on it.

5 Q. Which is the third vehicle that you inspected?

6 A. Ford Escort.

7 Q. What color is that?

8 A. Green.

9 Q. And what did you discover with respect to the
10 Escort?

11 A. The same process, photographs inside and outside
12 of the vehicle. Several projectile strikes were observed
13 to the outside driver's side, several entered through into
14 the rear behind the radio and into the front passenger's
15 side.

16 Q. Now, you mentioned earlier with respect to the
17 Focus that you were able to recover some actual
18 projectiles from inside the car.

19 A. Uh-hum.

20 Q. Did you recover any projectiles at the end of the
21 bullet path in the Escort?

22 A. Yes, I did.

23 Q. Where?

24 A. The front and passenger floor board as well as
25 the front passenger door.

Jonathan Derby - Direct

1 Q. Alright. I'm going to show you State's Exhibits
2 44 and 45 and ask you if you recognize what's depicted on
3 those photographs.

4 A. Exhibit 44 is going to be from the driver's side
5 of the third vehicle and two projector rods inserted on
6 the outside of the driver door entered through the vehicle
7 and striking the radio of the vehicle.

8 Q. And did you recover a projectile at the end of
9 that bullet path?

10 A. I did not. Exhibit 45 is going to be the
11 passenger's side. It's got trajectory rod inserted in it
12 striking towards the front passenger rear.

13 Q. Were you able to find a projectile at the end of
14 that bullet path?

15 A. Yes.

16 Q. I'm going to put out State's Exhibit 4 and if you
17 could, sir, explain to the jury what we see in this
18 photograph?

19 A. These are actually trajectory rods. You can see
20 one shorter than the other. I didn't have enough
21 trajectory rods to have two many of them sticking through
22 there at one time lengthwise, but this is documenting to
23 two projectile holes made outside the driver's door. This
24 photograph is straight down towards the floor board.

25 Q. So these yellow rods represent two distinct

Jonathan Derby - Direct

1 bullet paths?

2 A. That's correct.

3 Q. And with respect to 45, could you explain what we
4 see here?

5 A. This is another flight path of another
6 projectile. This is going from the driver's side into the
7 passenger's side and coming towards the passenger mirror,
8 this is the one I collected.

9 Q. Now, it appears there's some broken glass on this
10 passenger window, is it broken?

11 A. Yes.

12 Q. Do you recall whether there's any glass inside
13 versus the outside of the vehicle, did you make a note of
14 that?

15 A. I'm sure if I noted it but looking at the
16 pictures, I can tell they were inside.

17 Q. Is there glass on the inside of the car?

18 A. Yes.

19 Q. Now, you mentioned that you found a projectile at
20 the end of this particular bullet path; is that right?

21 A. Yes.

22 Q. Where did you find it?

23 A. Right where the rod is basically in the weather
24 stripping.

25 Q. So based on this rod that you set up were you

Jonathan Derby - Direct

1 able to determine the angle from which the bullet
2 traveled?

3 A. From that side.

4 Q. Did you find any entry indicators on any other
5 part of the vehicle to indicate where the path of this
6 bullet might have started?

7 A. There's a projectile strike on the driver's side
8 weather stripping where the arm rest would be.

9 Q. I want you to look at State's Exhibit 46 and tell
10 me whether you recognize what's in that photograph?

11 A. This is the weather stripping.

12 Q. Did you take that photograph?

13 A. Yes.

14 Q. Is that an accurate representation of the damage
15 that you observed to the cars?

16 A. Yes.

17 MS. SALISBURY: Your Honor, I move in State's
18 Exhibit 46.

19 MR. CHAMBERS: No objection.

20 MR. ROBINSON: No objection.

21 MR. ABDALLA: No objection.

22 MR. QUINN: No objection.

23 (Photograph marked for identification as
24 State's Exhibit No. 46 was admitted into evidence.)

25 BY MR. SALISBURY:

Jonathan Derby - Direct

1 Q. Please describe for the jury what it is we're
2 seeing here?

3 A. Again, this is the rubber weather stripping.
4 This would be the bottom side of the exterior damaged to
5 the plastic part of the anterior.

6 Q. Was that the glass of that window in tact when
7 you were examining the car?

8 A. No.

9 Q. Could you tell whether it had been broken?

10 A. Yes.

11 Q. Rather than just rolled down.

12 A. Correct.

13 Q. And was there glass on the inside of the car?

14 A. Yes.

15 Q. So based on combining what we see in State's
16 Exhibit 46 and 45, did you determine that the beginning of
17 the flight path of this particular bullet is this
18 particular entry?

19 A. Yes, that's correct.

20 Q. From the driver's side door into the passenger's
21 side dash area?

22 A. That's correct.

23 Q. And the same thing, after this process of the
24 vehicles, what did you do next to process the Escort?

25 A. Swabs were taken from the steering but more

Jonathan Derby - Cross

1 photographs were needed. Latent prints were taken on the
2 inside and outside of the vehicle.

3 Q. Did you discover any latent prints on the outside
4 of this vehicle?

5 A. Yes.

6 Q. Any other processing after that?

7 A. No.

8 Q. Aside from the pictures, what do you do with the
9 material that you collect? You said you swab for DNA on
10 the steering wheel, you swab for any suspected blood, what
11 do you do with all that material?

12 A. Packaged all of this material, get back to our
13 office and then to property and evidence and transport it
14 there.

15 Q. Do you have any roll in the further processing of
16 any of that evidence?

17 A. No, I don't.

18 Q. Do you have any role in the actual comparison of
19 any fingerprints that are obtained?

20 A. No.

21 Q. Is there anything else that you do to assist in
22 the investigation aside from the pure collection of this
23 evidence?

24 A. Just documenting.

25 Q. Aside from just examining these three cars, did

Jonathan Derby - Cross

1 you analyze any other evidence in this case?

2 A. No.

3 Q. Thank you very much. Please answer any questions
4 these attorneys may have for you.

5 MR. CHAMBERS: Your Honor, I have no
6 questions.

7 MR. ROBINSON: No questions, Your Honor.

8 MR. ABDALLA: No questions, Your Honor.

9 CROSS-EXAMINATION

10 BY MR. QUINN:

11 Q. Using trajectory analysis with these rods and
12 equipment, it tells you the path of the bullet, isn't that
13 right?

14 A. Yes, sir.

15 Q. And you can go backwards from there? In other
16 words you marked just on the vehicle but you can go back
17 eight feet and determine what the path was eight feet
18 prior; isn't that right?

19 A. Yes.

20 MR. QUINN: I don't have any other questions.

21 THE COURT: Alright. Thank you.

22 MS. SALISBURY: The State calls Mr.

23 Hamilton. Mr. Hamilton, please come forward and be sworn.

24 THE CLERK: Please place your left hand on
25 the Bible and raise your right.

Jonathan Hamilton - Direct

1 JONATHAN HAMILTON, having been duly sworn,
2 testified as follows:

3 Thank you. Please state your name for the
4 record.

5 THE WITNESS: Officer Jonathan F. Hamilton.

6 DIRECT EXAMINATION

7 BY MS. SALISBURY:

8 Q. Mr. Hamilton, where do you work?

9 A. Greenville County Department of Public Safety,
10 Forensics Division.

11 Q. Do you work with Mr. Derby and Ms. Ooten?

12 A. Yes, I do.

13 Q. And how long have you been with forensics?

14 A. Right at six years now.

15 Q. Alright. We'll just jump right in. Do you
16 remember assisting in the investigation related to the
17 incident that's the subject of this trial?

18 A. Yes, ma'am.

19 Q. What specifically did you do to assist in the
20 investigation?

21 A. On 7-19-2011 I was advised via telephone by
22 Investigatory Campbell stating there was a vehicle
23 downstairs in our bay that had been secured and left at
24 our office so that it can be processed after a search
25 warrant is obtained.

Jonathan Hamilton - Direct

1 Q. And specifically which vehicle?

2 A. It's a 2004 Ford Crown Victoria which the owner
3 of it at that time was a Thomas Walker, Jr.

4 Q. Do you remember what color it was?

5 A. Not to my knowledge, ma'am.

6 Q. Tell us what you did to begin your analysis of
7 the car?

8 A. Whenever we get a search warrant for a vehicle in
9 our bay, first thing we do is we take digital photographs
10 of the outside of the vehicle that way we can show anyone
11 this is the way it was prior to me doing anything to the
12 vehicle, collection of any evidence, anything like that.
13 So we photograph the exterior of the vehicle first.
14 That's our first protocol.

15 Q. What specifically did you notice about this
16 vehicle before you began a more thorough inspection?

17 A. The doors and the trunk lid had been secured with
18 evidence tape. We put a piece of tape on it, normally
19 we'll initial it or put the case number down to show that
20 when the person does the search warrant that vehicle has
21 been sealed, it has not been tampered with prior to me
22 coming in and processing it.

23 The next thing I do is come in and look for
24 any biological or any kind of evidence that needs to be
25 taken off prior to me processing it for prints or doing

Jonathan Hamilton - Direct

1 anything extra to the vehicle to manipulate it at all. So
2 I notice outside of the vehicle many spots of suspected
3 blood.

4 Q. What did you do?

5 A. Once I digitally took the photograph of the
6 entire vehicle, then I take photographs of the spots of
7 blood with scale and without scale. Once I do that I
8 narrow it down to areas that I'm going to take swabs for
9 evidence collection. Before I collect that I try to make
10 a protocol for myself we do a phenolphalien presumptive
11 blood test. Long name, short version basically it
12 confirms that there is blood or there is not blood.

13 Q. So after doing all this swabbing of the
14 observations of the outside of the car, what's the next
15 process?

16 A. After collecting the swabs, then we open the
17 vehicle. I digitally take photographs of the inside of
18 the vehicle before anything is done as well as show the
19 scene as is. I photograph the interior of the vehicle.

20 Q. I'd like to start with State's Exhibit No. 37. I
21 ask you to take a look at that photograph and ask if you
22 recognize what's depicted in that picture?

23 A. That would be the 2004 Ford.

24 Q. Is that an accurate depiction of what you
25 observed when you began the inspection of the car on July

Jonathan Hamilton - Direct

1 19th?

2 A. Yes, ma'am.

3 MS. SALISBURY: Your Honor, the State offers
4 Exhibit No. 39 into evidence.

5 MR. CHAMBERS: No objection.

6 MR. ROBINSON: No objection.

7 MR. ABDALLA: No objection.

8 MR. QUINN: No objection.

9 THE COURT: Okay.

10 (Photograph marked as State's Exhibit No. 39
11 for identification and admitted into evidence.)

12 BY MS. SALISBURY:

13 Q. I'm going to put this up on the wall and ask you
14 to explain to the jury what it is that we see here on
15 State's Exhibit 39.

16 A. The first thing is you're looking at passenger's
17 side front seat of the vehicle, front area of the vehicle.
18 If you notice on top of the passenger's side front seat
19 bottom there is a gun. There's a shirt on the driver's
20 side front seat.

21 Q. And did you do any analysis with respect to this
22 firearm?

23 A. Yes, ma'am. After photographing the interior of
24 the vehicle, I noticed things that need to be collected.
25 We put the plackers down and collect that item. Now, once

Jonathan Hamilton - Direct

1 I collected that item, we make it safe. We take the
2 magazine out, check the chamber, make sure there's no ammo
3 inside the gun and it is safe to be transported and worked
4 on or whatever we need to do with it.

5 Q. I'd like you to look at State's Exhibit 38. Do
6 you recognize what's depicted in that photograph?

7 A. That's the clip that was -- magazine that was out
8 of the gun that's depicted there in that picture.

9 Q. Is that an accurate representation as the clip as
10 you retrieved it from that handgun?

11 A. Yes, ma'am.

12 MS. SALISBURY: The State offer's Exhibit No.
13 38 into evidence.

14 MR. CHAMBERS: No objection.

15 MR. ROBINSON: No objection.

16 MR. ABDALLA: No objection.

17 MR. QUINN: No objection.

18 (Photograph marked for identification as
19 State's Exhibit No. 38 as was admitted into evidence.)

20 BY MS. SALISBURY:

21 Q. Again, I'm going to put this up and explain to
22 the jury what it is we're looking at?

23 A. It's semi-automatic handgun magazine. I believe
24 that's a Smith and Weston emblem down at the bottom part
25 of that magazine. It does have cartridges inside of them.

Jonathan Hamilton - Direct

1 Q. Were you able to determine how many cartridges
2 were inside of that?

3 A. Yes, ma'am. There was 15 nine millimeter
4 cartridges all head stamped Nine Lugger Plus E. The head
5 stamp is going to be on the reverse side where the primer
6 is struck by the weapon.

7 Q. And what's the capacity, I guess for a nine
8 millimeter clip?

9 A. It ranges for different weapons. Different
10 weapons have different capacity magazines, different
11 caliber magazines.

12 Q. When you were disarming this handgun to make it
13 safe as you describe, did you note whether there was a
14 cartridge in the chamber of the handgun?

15 A. I noted that there was nothing in the chamber.

16 Q. After you begin this collection process you
17 described, you open the door, collected evidence, what do
18 you do next?

19 A. Once I collect all the physical evidence whether
20 it be biological blood, DNA or, you know, physical
21 evidence whatever the case may be, the last step that we
22 do is we process it for latent prints, which is applying a
23 powder to the outside or the smooth surfaces of the
24 vehicle where we can retrieve some kind of latent prints,
25 prints that brought visible by that powder.

Jonathan Hamilton - Direct

1 Q. Were you able to develop any fingerprints from
2 any of the items that you collected?

3 A. From the items, yes, ma'am. I have noted here
4 that I got it off of the magazine which you saw a picture
5 of and a CD which was collected from the center of the
6 rear passenger seat bottom.

7 Q. Did you note any damage to any component of the
8 car?

9 A. I can not recall.

10 Q. Now, generally during the process of processing
11 the car, you note all of the items that you observe?

12 A. No, ma'am.

13 Q. Do you remember whether you examined the glove
14 box of this vehicle?

15 A. I can't recall. It's not in my notes. I can tell
16 you by protocol I normally check the entire vehicle under
17 seats, glove box, glove handles, whatever the case may be.

18 Q. Had you found anything of note that you may have
19 included it in your report?

20 A. Absolutely, yes, ma'am.

21 Q. Had there been any other material that may have
22 developed fingerprints would you have made an note of it?

23 A. Yes, ma'am.

24 Q. I'm going to show you what's been marked states'
25 Exhibit 33.

Jonathan Hamilton - Direct

1 A. Yes, ma'am.

2 MS. SALISBURY: I'll note for the Court that
3 this exhibit is a firearm but it has been made safe by the
4 court staff.

5 BY MS. SALISBURY:

6 Q. Do you recognize what's inside that box?

7 A. The Smith and Wesson firearm.

8 Q. Do you recognize it as any particular firearm?

9 A. It would be the firearm that I collected out of
10 the vehicle.

11 Q. How do you know.

12 A. For one thing the serial number, the serial
13 number in the pictures and of course the box has been
14 sealed and stamped. I initialed the box upon me placing
15 it in the box.

16 Q. So you are certain this is the same gun you
17 collected from the front seat of that car?

18 A. Yes, ma'am.

19 Q. And is that the same clip that you retrieved from
20 that handgun?

21 A. Yes, ma'am.

22 Q. During your examination of the car, did you
23 recover any additional ammunition?

24 A. No, ma'am.

25 Q. Any other clips, magazines?

Jonathan Hamilton - Direct

1 A. No, ma'am.

2 Q. After this collectin process is completed where
3 you photograph the car, taken swabs of suspected blood,
4 fingerprints and that process, what do you do with any of
5 the items that you've collected?

6 A. Normally what I do is I collect the items and if
7 I'm not going to be able to process it that day, that
8 minutes, we place them into our secured evidence locker
9 which are lockers that are key locked. I have one, each
10 forensics officers has a locker designed for them to store
11 those items. Once I store them, then they await for me to
12 process them and one the date that I'm going to process
13 them, I'll put them out, process those items, package them
14 and then if I'm able to, take them to the property and
15 evidence section. If not, they'll go right back into my
16 evidence locker until I can take them to property and
17 evidence.

18 Q. Do they remain securely in your custody until you
19 deposit them into property and evidence?

20 A. Yes, ma'am.

21 Q. And after finishing with any of the items that
22 you recovered specifically this particular item, State's
23 Exhibit 33, did you ever retrieve it back from property
24 and evidence?

25 A. No, ma'am.

Jonathan Hamilton - Cross

1 Q. Have you had any reason to interact with it aside
2 from right here on the stand today?

3 A. No, ma'am.

4 Q. Did you do anything else to assist in the
5 investigation of the collection of evidence in this case?

6 A. No, ma'am.

7 Q. Thank you, sir. Please answer any questions
8 these attorneys would have.

9 CROSS-EXAMINATION

10 BY MR. CHAMBERS:

11 Q. Officer, do you still have your report there in
12 front of you?

13 A. Yes, sir.

14 Q. I'm looking at Page 3 of 5 and it says that you
15 took a swab for possible DNA blood from interior door
16 handle arm rest at the driver's side front door. When you
17 say swab for DNA, are you looking for something specific
18 or is it something you saw there or you merely checking
19 that area?

20 A. No, I wish that's possible left behind by
21 anybody.

22 Q. Okay. So it wasn't because you saw something
23 with the naked eye, you just were checking there, is that
24 correct?

25 A. Yes, sir.

Wayne Campbell - Direct

1 Investigator Campbell.

2 THE CLERK: Sir, please place your left hand
3 on the Bible and raise your right hand.

4 WAYNE TAYLOR CAMPBELL, having been duly
5 sworn, testified as follows.

6 THE CLERK: Sir, please place your left hand
7 on the Bible and raise your right hand.

8 WAYNE TAYLOR CAMPBELL, having been duly
9 sworn, testified as follows:

10 Thank you. Please be seated. State your
11 name for the record.

12 THE WITNESS: Wayne Campbell.

13 DIRECT EXAMINATION

14 BY MS. SALISBURY:

15 Q. Investigator Campbell, where do you work?

16 A. Greenville County Sheriff's Office.

17 Q. How long have you been at the Sheriff's Office?

18 A. Approximately ten years now.

19 Q. What exactly is your capacity at the Sheriff's
20 Office?

21 A. I'm a homicide investigator.

22 Q. How long have you been with the homicide
23 division?

24 A. For a little over three years now.

25 Q. What specific duties and responsibilities as an

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1 investigator with homicide?

2 A. Our unit investigates violent crimes where
3 possible death could occur as well as death
4 investigations.

5 Q. So just because someone wasn't killed doesn't
6 mean homicide doesn't investigate it?

7 A. That's correct.

8 Q. How is it that you get involved in any particular
9 case? How does that particular process work?

10 A. Most of the time we're on call every sixth week
11 and when a call comes in or we get called out there that
12 week, we usually end up with that particular case. My
13 supervisor also can assign cases if the person who is on
14 call that week is inundated with calls. So it sort of
15 gets spread around.

16 Q. Do you recall whether you were on call the week
17 of July -- during the week that would have included July
18 16, 2011?

19 A. That was my last day off call.

20 Q. How did you officially become involved in this
21 particular case?

22 A. Approximately 3:30, 4:00 in the morning I
23 received a phone call from the Lieutenant Marcus Davenport
24 informing me that they had two gunshot victims. One of
25 the gunshot victims was possibly not going to survive so

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1 at that point in time I started getting up out of bed and
2 getting dressed. While I was getting dressed Lieutenant
3 Davenport called me multiple more times increasing the
4 number of victims each time he called me to whether it was
5 ten gunshot victims in two locations.

6 Q. What was your understanding of the distinct
7 locations where there had been gunshot victims?

8 A. Club Red Planet on Cedar Lane Road, I found out
9 there were three gunshot victims from that location and at
10 Li'l Cricket they had found seven at that particular time.
11 There could have been more but they just hadn't found but
12 seven.

13 Q.. What was your next step at that point?

14 A. After I got dressed and tried to wake up I called
15 on-call Sergeant Scott Patheny who was my sergeant and
16 informed him of the incident, that I was going out and the
17 number of victims in the locations. He stated he would
18 call another investigator, Mike Robertson and have him
19 respond to Greenville Memorial Hospital where most of the
20 victims had been transported.

21 I, in turn, told him that I would make a call
22 to other investigators, Investigator Brandon Brown, and
23 have him respond to Li'l Cricket and I also would call
24 Investigator Peoples and have her get to the Red Planet
25 and that I would be going to the Li'l Cricket since there

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1 were more victims from that scene.

2 I asked Investigator Brown if he would all
3 Investigator Wells and have him respond and assist
4 Investigator Peoples at the Red Planet.

5 Q. So you mentioned you decided to go straight to
6 the Li'l Cricket scene?

7 A. That's correct.

8 Q. What was going on when you go there?

9 A. When I got there, they were holding in
10 investigative detention six people. The crime scene had
11 been taped off with yellow tape. There were deputies
12 there. Ms. Ooten with crime scene was there taking
13 pictures and marking evidence. So I approached Sergeant
14 Keith Robertson who is a Sergeant in my platoon and
15 basically got an overview of what was going on. He
16 informed about the situation of the people who were being
17 obtained. He informed me ---

18 MR. ROBINSON: Objection, Your Honor,
19 hearsay.

20 THE COURT: That's okay. We'll allow him to
21 do it. Go ahead.

22 THE WITNESS: He informed me that they had a
23 K-9 going and searching for possible additional victims as
24 well as trying to do an article search to see if there is
25 any guns or anything that we might need to find.

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1 At this point in time we didn't know what had
2 happened. We were just getting our feet on the ground
3 trying to look around and see what we needed to do next?

4 Q. Were there any victims on scene when you arrived?

5 A. No, there were not.

6 Q. So how did you approach what was now becoming
7 your investigation?

8 A. I asked Investigator Brown to talk the person who
9 were detained individually and get their name, address,
10 phone number and ask them what they might have seen heard
11 or what had happened. So he did that and I also informed
12 them that if they had pertinent information to let me know
13 that I would take a witness statement from them right
14 there on the scene otherwise we would let our uniformed
15 patrol deputies take a brief statement as far as what they
16 seen, heard, or did.

17 So after that fact I went and met with
18 Ms. Ooten who was processing the crime scene and discussed
19 what evidence was pertinent what I thought needed to be
20 done and what had been basically a brief conversation and
21 we sort of walked through the crime scene.

22 Q. Did you direct her specifically which items to
23 collect?

24 A. Well, certain items were obvious, of course, the
25 cartridge cases beside the building, but there were some

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1 debris, honey bun wrappers, drinks, cups, containers,
2 things like that at that point in time I didn't know the
3 significance of it but I asked them to collect
4 everything.

5 Q. And what did you note about what was physically
6 on scene? What did you see when you got there?

7 A. Well, there were four cars parked under the
8 awning of the line of gas pumps that were closest to Li'l
9 Cricket building. One was facing the other and two were
10 going in the same direction. The awning area was well lit
11 where other parts were quite dark. There was an
12 illuminated area around the building. Of course the front
13 sidewalk was lit also but it had plenty of dark spots.

14 Q. Did you know whether there was any damage that
15 you observed to the cars or any of the surroundings at the
16 gas station?

17 A. As you walk around the scene you can notice blood
18 on that concrete, on the asphalt leading away from the
19 Cricket. Also you could see it on the vehicles, you can
20 see it on cars, bullet holes in cars, ricochet marks on
21 cars and these were the cars that were under the awning
22 right at the gas pump.

23 Q. Did you see any other car on scene?

24 A. The only other car that I saw other than these
25 four cars was an SUV parked facing the building towards

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1 the end of the building away from Page Drive.

2 Q. Did you ever learn whose car that was?

3 A. That was Ms. Smith's car.

4 Q. Did you have an opportunity to speak with
5 Ms. Smith that night?

6 A. Yes, we did. I spoke with Chester Raynes who was
7 the manager at that particular time about video and camera
8 angles and such and I was informed basically that most of
9 the cameras or all four were inside of the store. The
10 only way you could see the exterior of those doors was
11 through the glass, the camera angle, so I asked her if I
12 could go ahead and obtain a copy of the surveillance
13 video. And at that point in time I turned my attention to
14 Ms. Perez Smith who was the clerk, interviewed her, and
15 took a written statement from her.

16 Q. Well, if you had learned that all the cameras
17 were internal, why bother with the video?

18 A. It's part of protocol. It's there and it showed
19 a little bit through the door a little bit of what
20 happened. You can see somebody running beside the white
21 Impala at the gas pump.

22 Q. Now, after you -- you said you spoke with the
23 clerk and took a statement, what did you do next?

24 A. Well, Ms. Raynes had got the video and, in fact,
25 I watched parts of it there. She saved it to a thumb

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1 drive for me. At that point in time Ms. Perry wanted her
2 pocketbook from her vehicle. We had told her that she was
3 not going to be able to take the vehicle that it was going
4 to be towed. She had asked for her pocketbook so
5 Investigator Brown asked me whether it was okay for her to
6 get it. She consented for us to search her pocketbook to
7 see if there was any contraband in it or anything illegal
8 and/or of anything of evidentiary value and she consented.
9 We looked there was nothing there. The pocketbook was
10 then turned over to her.

11 Ms. Ooten sealed the cars, but before she
12 sealed the cars, but she and I walked around looking at
13 the damage to the cars, looking at the angles of the --
14 where they were hit with bullets and only one didn't match
15 up with the direction of coming from the dark corner.

16 On the green Ford Escort, the windshield had
17 what appeared to be a 90 degree bullet mark or something
18 that had struck that windshield on a 90 degree angle
19 causing damage to it. It was the only one that was out of
20 character from coming from that area of the left side of
21 the Li'l Cricket which was the dark corner.

22 Q. Were you able to ever determine exactly what
23 caused the damage to the green Escort?

24 A. No, we were not. Ms. Perry had the Focus. This
25 was the one that Mr. Travis was driving. He was also the

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1 owner of the white Impala. That's the one he drove.

2 Q. Now, you mentioned that you were walking the area
3 of the vehicles looking at this damage, did you note any
4 damage anywhere else in the gas station?

5 A. One of the gas pump stands, the one farthest away
6 from that particular corner at a place where it had been
7 struck by a bullet. After we had the vehicles towed, I
8 personally walked around. I check Ms. Smith's vehicle for
9 any damage. I walked around the building checking the
10 front side of the Li'l Cricket, the sides of the Li'l
11 Cricket and there's a liquor store to the right of the
12 Li'l Cricket checking for any signs of a bullet hitting
13 any damage and none had any damage to it.

14 Q. Did you ever see any casings around the area of
15 the car or in any other area of the parking lot with the
16 exception of that isolated corner?

17 A. No, ma'am.

18 Q. We heard a little bit about this road that runs
19 behind the gas station. When is it that you ventured
20 behind the gas station?

21 A. After the vehicle were towed by Hale's Wrecker
22 Service, I made the decision to tow the silver Crown
23 Victoria to our crime scene where it could be locked up at
24 our law enforcement facility due to what I saw in the
25 passenger's seat. I did not want it to go to Hale's and

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1 take a chance of it walking off because I wanted to get a
2 search warrant for the vehicle.

3 The other three vehicles looking from the
4 outside in did not see anything of that nature so
5 Ms. Ooten sealed them with tape. She collected
6 projectiles that were underneath the cars. At that point
7 in time I wanted to release the scene to Ms. Raynes, the
8 manager. Due to blood being in her parking lot, she asked
9 if we could keep the tape up for a few moments longer
10 where they can wash the scene, get the blood off so they
11 could reopen for business.

12 My deputies were waiting there. It was
13 daylight now. I got into my car and road down to the
14 intersection. Page Drive runs beside the Li'l Cricket off
15 of Whitehorse Road and directly behind Li'l Cricket to the
16 right is like a T-intersection in the road that goes to
17 the right is South Old Whitehorse Road. And looking at
18 the scene and seeing the dark spot and the people that did
19 this, I would say they come from Whitehorse Road because
20 nobody saw them -- at this time, I didn't know if anybody
21 had seen them but I decided to go check the back road
22 because I felt like they probably came up from the back
23 side.

24 Q. I'm going to interrupt you right there and put up
25 State's Exhibit No. 8 which is this aerial image that

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1 we've seen. If you could describe exactly what you were
2 describing when you mentioned the angles in the road.

3 First of all, let's start with this dark
4 spot. Where exactly is this corner where these shell
5 casings were located which is poorly illuminated?

6 A. It's right here in this area right here and the
7 cars were parked around these inside pumps here. There's
8 a line of pumps here and a lot of pumps here. They were
9 around these set of pumps. The cartridge cases were here.
10 This is the liquor store I was saying. There is a fence
11 that runs along these three buildings. There's an
12 automotive shop here. There is fencing that runs from the
13 liquor store down to the automotive store fence and
14 there's a fenced in area here.

15 Q. What kind of fence is it?

16 A. It's a chain linked fence probably five or six
17 feet tall.

18 Q. Okay.

19 A. So you got a fence coming here going here from
20 the automotive store right in here between these two
21 buildings. There's no fencing or anything here.

22 When I left I pulled up to this area here and
23 walked to this area here. Right in this area right in
24 here I found six cartridge casings at that point in time.
25 I also check the back of these buildings, the Li'l

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1 Cricket, the utility pole here, the fencing and the
2 backside of this building and the cars that were parked
3 here. I saw no damage to done to anything there, but yet,
4 right here you had the six cartridge casings.

5 Q. Did you ever see any projectiles that might have
6 accompanied those casings?

7 A. No, ma'am, I did not.

8 Q. Investigator Campbell, I'm going to show you an
9 additional photograph that's State's Exhibit 47. Do you
10 recognize what's depicted in that photograph?

11 A. Yes, ma'am. This has got three cartridge casings
12 in the photo and it's showing part of the fencing for the
13 automotive shop.

14 Q. And is that an accurate depiction of what the
15 markings of those casings look like after you found them
16 there that night?

17 A. Yes, ma'am.

18 MS. SALISBURY: Your Honor, I move in State's
19 Exhibit No. 47.

20 MR. CHAMBERS: No objection.

21 MR. ROBINSON: No objection.

22 MR. ABDALLA: No objection.

23 MR. QUINN: No objection.

24 (Photograph marked as State's Exhibit No. 47
25 for identification was admitted into evidence.)

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1 BY MS. SALISBURY:

2 Q. Now, before we get rolling any further, I'm going
3 to put up State's Exhibit No. 24. This is a picture that
4 we've already seen, but Ms. Ooten described what we're
5 looking at here but could you reiterate for the jury
6 exactly what this photograph depicts?

7 A. As I said, this is the fenced area of the back
8 side of the yard here for Li'l Cricket, the automotive
9 shop. You've got white paper here, here, here, here and
10 here. You got five. Those are marking five of the
11 cartridge cases that I found that morning.

12 Q. Now, with respect to State's Exhibit 47, what do
13 we see in this picture?

14 A. I probably should have pointed out in the picture
15 you can see right here the manhole cover. These are
16 cartridge cases in the other picture, but that's the sixth
17 one right there the manhole cover.

18 Q. Now, at the time did that mean anything to you?

19 A. It raised a lot of questions as to why they were
20 there. If they were shooting on the side of the building
21 at these individuals, what were they doing there?

22 Q. Were you able to speak to any of the residents of
23 the nearby area?

24 A. On that particular street there are a lot of open
25 houses and you saw the business there right there close to

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1 Li'l Cricket. I found one family that lived back there.
2 It's an Hispanic family and basically didn't learn a lot
3 from them.

4 Q. So after you finally resolved that initial
5 assessment of the scene, what happened next to advance the
6 investigation?

7 A. We went back to the Law Enforcement Center and I
8 met with Sergeant Patheny, the investigators that worked
9 the hospital, the ones that were on the scene at Li'l
10 Cricket as well as the ones at the Red Planet.

11 We met back at the Law Enforcement Center and
12 try to figure out what information we had at this point in
13 time.

14 After that, I did four search warrants for
15 the for vehicles parked under the awning at the Li'l
16 Cricket.

17 Q. Now, are you the party that's responsible for the
18 analysis that we've heard. Ms. Ooten testified that she
19 examined each of the casings collected and a few other
20 items there on the scene for fingerprints, would that have
21 been your request?

22 A. I asked her to process the evidence so that we
23 can seek what information we can glean from that evidence
24 and that was just part of her job.

25 Q. And at that point, what was the purpose of that

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1 testing? What were you looking to learn?

2 A. I would have love to got a fingerprint off of it.
3 It would have made my job a little bit easier if we would
4 have got a fingerprint off of the cartridge casings from
5 that area.

6 Q. At that point, at the cars being towed, the
7 casings being collected, speaking with witnesses on scene,
8 did you have any leads?

9 A. A name came up due to the altercation at the Red
10 Planet. It was Mr. Gilliam's name.

11 Q. So what did you do with that information?

12 A. At that point in time we just held on to it and
13 see where the other information we may come up with as far
14 as his possible involvement. I wanted to interview people
15 from the club and see what happened there and see if it
16 was something that would cause the retaliation or
17 something like that.

18 Q. Now, that night on scene after you interviewed
19 the witnesses were there at the gas station, did you think
20 about gunshot residue?

21 A. On these people, I got a phone call -- well,
22 Ooten got a phone call from one of the forensic
23 technicians at the hospital. We did check with
24 Investigators Robertson and Peoples who went over there,
25 come to find out that a couple of the victims were in

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1 surgery.

2 MR. QUINN: Objection. It's clearly hearsay.
3 He wasn't there.

4 MS. SALISBURY: Judge, I'm asking him his
5 decision about whether to request testing of the victims.

6 MR. QUINN: It's still hearsay.

7 THE COURT: Well, he can talk about as a
8 result of the conversation.

9 THE WITNESS: I learned that a couple of the
10 individuals were in surgery.

11 MR. QUINN: Objection.

12 THE COURT: You can say what you did as a
13 result of the information.

14 THE WITNESS: Due to a couple of the victims
15 being in surgery, some being discharged from the hospital
16 and knowing about the shot residue kits, the life of
17 gunshot residue on your hands and how easy it is to get
18 destroyed, I decided at that point in time not to collect
19 it.

20 Something as simple as ringing of your hands,
21 smoking can contaminate it and make it dissipate. Since
22 they were at the hospital, this was hours later, I made
23 the decision not to have them tested.

24 BY MS. SALISBURY:

25 Q. So after we finished that night and initially had

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1 this meeting, what happened, I guess, now Monday morning?

2 A. We started interviewing as many people as we
3 could. Of course the cars we were trying to get them
4 processed. We had an investigator fill out analysis forms
5 for different cartridge casings and different casings and
6 things like that trying to see if anything was connected
7 if we could tie this in with any other shooting.

8 And later on once the (inaudible) had been
9 collected for the search warrant, it was included in the
10 comparison. We were going to find out how many guns were
11 used at the Li'l Cricket. All that was pertinent
12 information because that let's us know how many shooters
13 that probably were there. So we filed for paperwork for
14 all that to be done. Of course, we heard from the
15 forensic technician. It time to get it to that point, to
16 get it into property and evidence so that just prolongs
17 that part, but we started doing interviews with various
18 people.

19 Q. At that point in the investigation after being on
20 scene that night, seeing the casings, collecting evidence,
21 did you have any idea how many guns were fired out there?

22 A. I knew there were four different calibers
23 firearms used, a .380, a nine millimeter, .40 caliber and
24 .45 caliber, and of course, we knew there were semi-
25 automatic guns.

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1 Q. Where did the investigation lead after that?

2 A. Like I said we were interviewing who ever we
3 thought may have some knowledge of it. I received a lot
4 of phone calls but nobody wanted to really identify
5 themselves and give their name. Then Investigator Wiener
6 told me that he had interviewed two individuals on a later
7 date that gave him some information.

8 MR. ROBINSON: Objection, hearsay.

9 THE COURT: You can say as a result of a
10 conversation I had with.

11 THE WITNESS: I met with Larry Johnson.

12 BY MS. SALISBURY:

13 Q. Do you remember what date you met with Larry
14 Johnson?

15 A. That was on July 20th and I took an interview
16 with him. Subsequent with that interview I learned I
17 might need to go to the Waffle House and check on their
18 surveillance video.

19 Q. How did you know which Waffle House to go to?

20 A. I was instructed as to which one.

21 Q. Which Waffle House did you go to specifically?

22 A. It's the one right there on Melvin Drive close to
23 291.

24 Q. Is that South Pleasantburg?

25 A. That's South Pleasantburg. So I went out there

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1 and spoke with them and asked them for it and eventually I
2 obtained it, not on that particular day, but on another a
3 later date I obtained that particular surveillance video.

4 On the next day, I conducted another
5 interview in which some questions were raised so I got
6 Mr. Johnson to come in again and try to clarify that up,
7 those issues. On this date, I took a second statement.
8 On the 20th I took a statement from him, 21st I took a
9 statement for him.

10 So on Friday the 22nd, I finally got around
11 to interviewing the second individual that had been
12 mentioned to me?

13 Q. Who was this person?

14 A. It was Shaquille Hogan was the second individual
15 who had been mentioned also given information. I
16 interviewed Mr. Hogan with Investigator Poore(ph) present
17 and took a typed statement from him. His statement was
18 very beneficial in this investigation. In fact, it was
19 very helpful.

20 MR. ROBINSON: Objection, Your Honor. I
21 think he's making a conclusion in this case as far as his
22 statement.

23 THE COURT: Overruled.

24 BY MS. SALISBURY:

25 Q. Based on your conversations with Mr. Johnson and

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1 Mr. Hogan, what did you do next?

2 A. We had enough information at that time to obtain
3 arrest warrants for six individuals.

4 Q. And at some point during that process did you
5 visit a second Waffle House location?

6 A. Yes, I did. I went down -- through the
7 investigation, it was learned that the shooters had, or
8 some of them, had gone to a second Waffle House which is
9 located on Whitehorse Road right at I85 interchange.

10 Q. Approximately how far from the incident cite on
11 Whitehorse Road was this Waffle House on Whitehorse Road?

12 A. I don't know, a couple of miles, two or three
13 miles.

14 Q. I may be getting ahead of where the investigation
15 is, but at what point did you learn from a ballistics
16 perspective how many guns had been used?

17 A. A warrant was issued on 26th or 28th of July, I
18 handed this to James Armstrong from our crime lab.

19 Q. Before that date, did you have any information
20 about the ballistics analysis that was taking place to all
21 these casings that were collected?

22 A. Like I said, early on we filled out a request
23 form for him to analyze it and I didn't have the results
24 until he wrote that report.

25 Q. So during your conversations with Mr. Johnson and

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1 Mr. Hogan, did you have any information about exactly how
2 many gunmen would have been on scene from a ballistics
3 perspective?

4 A. No. The only thing I knew is it was four
5 different caliber firearms.

6 Q. Now, during the investigation, did you ever learn
7 that there was any significant to a specific nightclub
8 called 864?

9 A. Yes.

10 Q. What did you learn about that club?

11 A. During the investigation I learned that the
12 shooters had met up there before going to Li'l Cricket to
13 carry out the shooting.

14 Q. Did you go an obtain any surveillance from 864?

15 A. They have no exterior cameras whatsoever and it
16 is a rather large parking lot. That club is located on
17 the corner of Whitehorse Road and Highway 253. It's like
18 a little strip shooting center.

19 Q. Is it near the Walmart on Whitehorse Road?

20 A. It's before you get there.

21 Q. But nonetheless were you able to get any material
22 to advance the investigation from 864?

23 A. No.

24 Q. Now, as part of your investigation, did you
25 attempt to obtain some records regarding the defendants

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1 cell phones?

2 A. Yes, I did.

3 Q. And how do you go about even starting a process
4 like that?

5 A. In this case, two cell phones were collected upon
6 arrest, one was Mr. Young and the other was Mr. Johnson,
7 and a third party that was arrested was Dawkins. Between
8 the three cell phones a search warrant was done and we had
9 what we call a forensic data download on those phones.

10 Q. How do you go about determining someone's phone
11 number?

12 A. In this case we were looking at the contact list
13 on these three phones and trying to come up with the
14 suspects phone numbers so that we could do court orders to
15 the phone carrier and some we found and some of them we
16 did not find so we had to do what we call a subscriber
17 information court order that can be faxed to the carrier
18 trying to find out who this phone number belongs to.

19 MR. ABDALLA: Your Honor, I need to take
20 something up outside the presence of the jury.

21 THE COURT: Come up here.

22 (Whereupon, there was a off-the-record
23 discussion.)

24 BY MS. SALISBURY:

25 Q. How is it that you learned any particular

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1 suspect's phone number? Not just in this case but with
2 any person that finds themselves a suspect in a case or
3 part of an investigation how do you obtain information
4 about what their phone number is?

5 A. You can ask people who are known associates or if
6 you have their cell phone then you can get it off of
7 there.

8 Q. Is there any super secret way to learn someone's
9 phone number without having the phone itself?

10 A. No. Like I said the only way is to either ask
11 them or ask an associate to give it to you.

12 Q. If you don't have a phone number that actual
13 number, are you able to learn anything about the person
14 associated with that phone number or any other information
15 related to that phone?

16 A. If you don't have the phone number, no.

17 Q. Can you ask phone companies to search by name?

18 A. No.

19 Q. Getting back on track here, you mentioned there
20 was a forensic data analysis of each of these phones.

21 A. Correct.

22 Q. Just so I'm clear, whose phones did you actually
23 have physical custody of to be able to perform this
24 analysis?

25 A. Young, Johnson and Dawkins.

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1 Q. When you say Young, are you referring to
2 Mr. Raymond Young here in the courtroom?

3 A. Correct.

4 Q. And based on the information contained on these
5 phones, what were you able to determine about any of the
6 other suspects that you had already identified?

7 A. Learn possibly their cell phone number by phone,
8 basically.

9 Q. Were you ever able to definitively confirm
10 whether the phone numbers contained in these contact lists
11 are actually the correct phone numbers for any of the
12 defendants in this case?

13 A. A couple of them I did.

14 Q. For who?

15 A. Mr. Booker was one and then Hogan was another.

16 Q. How were you able to confirm with certainty that
17 those phone numbers were associated with those
18 individuals?

19 A. Booker's nickname is Traz and Hogan's nickname is
20 Lipz, L-I-P-Z.

21 Q. Is there any information that you can glean from
22 a contact that gives you any certainty about whether a
23 particular person uses that phone?

24 A. No.

25 Q. So after you have what you hope are accurate

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1 phone numbers, what did you do with that information?

2 A. I find out which phone carrier was the provider
3 for that phone number and sent them a court order asking
4 for phone records.

5 Q. Now, did you only ask for records related to just
6 the eight defendants involved in this case?

7 A. I send like 16 court orders off some were for
8 subscriber information basically asking who had the
9 account, whose phone number it was their address. Some I
10 sent it was both subscriber and what we call verbatim
11 where I ask for calls coming to and from the number,
12 missed calls, text messages, and also I ask for cell tower
13 locations.

14 Q. And of those 16 that you said you sent out, did
15 you get 16 responses from the phone companies?

16 A. No, I did not.

17 Q. Well, why not?

18 A. They didn't send some of them. All you can do is
19 basically call and ask a supervisor why he did not send
20 it. A couple I did not receive.

21 Q. Did you receive subscriber information related to
22 all of the phone numbers related in the case?

23 A. Some of them I did. The problem with that
24 information is some of the prepaid phones come back is no
25 subscriber information. What they send back is a N/A, so

Wayne Campbell - Direct

1 we have no knowledge of it.

2 Q. Of the responses that you actually received, did
3 you review those?

4 A. Yes, I did.

5 Q. Did any of the information that you obtained
6 advance the investigation?

7 A. No, it did not.

8 Q. Why not?

9 A. I was looking for information to help
10 corroborative or confirm what witnesses had said and the
11 phone records just didn't -- the phone records just didn't
12 come.

13 Q. Based on the interviews that you had with
14 Mr. Johnson and Mr. Hogan, did you have any indication
15 about how the eight defendants communicated with one
16 another through the course of the evening?

17 MR. QUINN: Your Honor, that's going to be
18 hearsay based on the conversation with these people that
19 you learned. They haven't testified yet.

20 THE COURT: I have to sustain it.

21 BY MS. SALISBURY:

22 Q. You mentioned you asked the phone companies for
23 information about the subscriber of the phone number and I
24 think you called it verbatim information?

25 A. That's correct.

Wayne Campbell - Direct

1 Q. What about text messages?

2 A. They don't keep the actual typed messages. They
3 can tell you date and time but that's the extent.

4 Q. So none of these phone companies had any text
5 messages associated with any of these phones that they
6 provided to you?

7 A. That's correct.

8 Q. Now, I want to talk a little bit about the
9 interviews that you had with the witnesses and the victims
10 in this case. We've heard some testimony about their
11 conversations with you. How are these conversations done?

12 A. What we usually do is get information such as if
13 they can read and write because believe it or not if they
14 can't read and write we have to change the interview. We
15 can't put it as a typed or handwritten statement because
16 he needs someone else to be with him that he trusts to
17 read back. So you ask them their education level, that
18 they can read and write and get a little bit of background
19 information, do they know these individuals, what's their
20 relationship and then go into what actually occurred on
21 that particular time and date.

22 Q. Do you conduct those interviews like a
23 conversation or invite the witness to speak to you?
24 What's the dynamic of how you conduct those interviews?

25 A. What you usually do is most people I deal with

Wayne Campbell - Direct

1 talk to I call them on the phone and have them come down
2 and we just do it in my office, but on occasion we have to
3 go to their house and take a statement. The thing is here
4 it is like a normal conversation, you ask questions and
5 they provide you information. Usually during the course
6 of the conversation it start of by, like in this case, on
7 July 17th of this year where were you at and they give you
8 the answer and then tell me what was going on; what
9 happened. I like them do that and then you ask questions
10 to fill in the gap because nobody really tells you
11 everything so you have to ask and fill in the gap; were
12 you intoxicated, were you not, things like that.

13 Q. Is it part of your interview style to tell the
14 witness what you want them to say?

15 A. The problem with that is **962 45. That should
16 not be any investigator's way of interviewing. You're
17 seeking information not trying to get information.

18 Q. Let's refer specifically to Mr. Devon Henry, he
19 testified earlier this week about his interview with you
20 and suggested that some of things that were in his
21 statement weren't things he remember. How do you remember
22 your interview with Devon Henry?

23 A. I called Mr. Henry on the phone and set up a date
24 and time for him to come to my office. When he arrived at
25 my office, he was not alone. He had his father with him.

Wayne Campbell - Direct

1 His father was brought to my office with Mr. Henry, even
2 though Mr. Henry was a young adult, his father was allowed
3 to come back.

4 MR. QUINN: Your Honor, I object and may we
5 approach?

6 THE COURT: Alright.

7 (Whereupon, there was a off-the-record
8 discussion.)

9 BY MS. SALISBURY:

10 Q. Investigator, let's start over. You mentioned
11 that Mr. Henry came to the Law Enforcement Center with his
12 father.

13 A. That's correct.

14 Q. How did the interview go?

15 A. I interviewed Mr. Henry. He gave a typed
16 statement, which I typed. I signed it. I had Ms. Shawna
17 Peoples who is an investigator as I mentioned and notarize
18 it. Once it was notarized, his father wanted to ask
19 questions about the case and wanted to express concerns
20 dealing with this case. That was the extend.

21 Q. And during your conversations, your interviews,
22 with all of the witnesses and the victims involved in the
23 case, did you tell them what you wanted them to say?

24 A. No.

25 Q. What about with respect to your interviews with

Wayne Campbell - Direct

1 Mr. Johnson and Mr. Hogan, did you tell them what you
2 wanted them to say?

3 A. No.

4 Q. Let's talk a little bit more about what happened
5 at the Red Planet, did that case ultimately end up
6 assigned to you?

7 A. Yes, it did.

8 Q. Did you identify any suspects in that case?

9 A. That's correct.

10 Q. We've heard a little bit of testimony about -- I
11 believe you testified earlier about there were three
12 victims that had been shot at the Red Planet.

13 A. That's correct.

14 Q. Do you remember who those people were?

15 A. Yes.

16 Q. Who was the first victim that you learned of?

17 A. It was a young man named 962 **3:18.

18 Q. And who else?

19 A. Brandon Edwards and Vincent Fant.

20 Q. Now, as part of your investigation of that
21 particular sum total incident, did you learn whether those
22 shootings, those injuries were related?

23 A. There were several confrontations within the club
24 that particular evening. The defendants group that was at
25 the club had a confrontation with the victims inside the

Wayne Campbell - Direct

1 club and also with another group inside the club.

2 Q. Did you ultimately as part of your investigation
3 of the Red Planet, did you identify the shooters related
4 to those three victims at the Red Planet?

5 A. Yes.

6 Q. How many suspects did you identify?

7 A. Two people were charged.

8 Q. Who was charged?

9 A. A young named Travar Blair was charged with
10 shooting Mr. Fant.

11 Q. Did you learn of what his nickname may have been?

12 A. It's Smoke. And then a young man named Desmond
13 Roberts was also charged in the shooting of Edwards and
14 the other young man.

15 Q. Based on your conversations with the victims in
16 this case, the witnesses in this case, who indicated they
17 were at the Red Planet, did you determine that they had
18 any relationship with Desmond Roberts who was ultimately
19 charged with shooting at the Red Planet?

20 A. No, he was with a totally different group. In
21 fact he was called by the group that had the altercations
22 in the defendant in there, in the club, he was called to
23 come up there due to that confrontation.

24 Q. Did the victims indicate to you whether they even
25 knew who Desmond Roberts was?

Wayne Campbell - Direct

1 A. Some knew of the victims did know who they was.

2 Q. Did you get the impression that they were
3 friends?

4 A. No, they were not friends. They just knew who he
5 was.

6 Q. As far as the investigation of these seven
7 victims in this particular case at the gas station, were
8 you ever able to recover any projectiles from the
9 hospital?

10 A. No.

11 Q. We talked a little bit about this analysis and
12 testing and everything else, did you request that all of
13 the material as it relates to firearms, projectiles,
14 fragments, casings, did you request that all of that
15 material be analysis and examined by the ballistics
16 examiner?

17 A. Yes, I did.

18 Q. Over the course of the investigation of this case
19 developing, did you have any other opportunity to continue
20 to make those requests? Let me try to rephrase that
21 question so it makes a little bit more sense. Aside from
22 just the handgun recovered from the scene and the casings
23 that were there on scene that night, as the investigation
24 develop, did you ever receive any other material that
25 could be compared to the evidence that you had in this

Wayne Campbell - Direct

1 case?

2 A. Yes.

3 Q. Was there ever any forward progress to the
4 investigation based on any of those additional pieces of
5 evidence?

6 A. A firearm was recovered during the investigation
7 and it was analyzed against the cartridge casing.

8 Q. How many firearms total as this investigation
9 wore on were compared to what was collected from the
10 scene?

11 A. How many firearms at the scene?

12 Q. No, sir. As this investigation wore on, how many
13 firearms was the ballistics examiner asked to compare to
14 the casings and the projectiles and the fragments
15 collected from this gas station scene?

16 A. I know of three. I went to Denmark, South
17 Carolina where one of the suspects was arrested and there
18 was a firearm involved with the arrest to which I got word
19 about it and I went down and brought it to Greenville and
20 had it test fired and returned it to Denmark.

21 Q. Do you remember what caliber firearm that was?

22 A. It was a .380.

23 Q. What other firearms were compared to what was
24 seized in this case?

25 A. The gun taken from Mr. Walker's car and also a

Wayne Campbell - Direct

1 gun that was found at another location due to the
2 investigators.

3 Q. We heard a little bit from the forensics team the
4 collection of swabs, swabs of blood, swabs of material for
5 DNA, what was done with that material?

6 A. Sealed in proper **963 4:49.

7 Q. Why not?

8 A. *** who the victims were and they were true
9 victims, there was no reason to go any further with it.

10 Q. Did you ever suspect based on your conversations
11 with the victims and Mr. Johnson and Mr. Hogan that the
12 blood was attributable to anybody else?

13 A. No, it was the victim's.

14 Q. And one last thing I want to address with respect
15 to the Red Planet investigation, we heard some testimony
16 very early on from Mr. Fant about his altercation at the
17 Red Planet. He described that he met with you as part of
18 that investigation and had an interview with you. Do you
19 remember that?

20 A. That's correct. His mother came with him to that
21 interview.

22 Q. Do you remember showing him a photo line-up in an
23 effort to identify who he was involved with?

24 A. In the altercation, yes, I did.

25 Q. I'm going to show you State's Exhibit 6 and ask

Wayne Campbell - Cross

1 you if you recognize that document?

2 A. I do.

3 Q. What is that document?

4 A. This is a six-person photo line-up. It was made
5 by the South Carolina Department of Motor Vehicles.

6 Q. And is that the line-up that you showed to
7 Mr. Fant during your interview with him?

8 A. Yes, ma'am, it's got his signature on it and date
9 and time.

10 Q. During that interview with him, did you tell him
11 -- how did you present those photographs to him?

12 A. Basically I told him I was trying to identify the
13 person who that he was in an altercation with in the
14 parking lot that night before he got shot, that I had a
15 photo line-up which consisted of six photographs. The
16 person may or may not be one of these people in this photo
17 line-up. Take your time and look at each face and tell me
18 if you see the person there and then I had them open a
19 folder, he looks at it, and then he picked out No. 3.

20 Q. Did you tell him to pick No. 3?

21 A. No.

22 Q. How long did it take him to identify the person
23 that he was involved in that fight with?

24 A. It didn't take him long at all.

25 Q. Do you feel that he was confident in his

Wayne Campbell - Cross

1 selection?

2 A. Yes, ma'am, he was nervous but he was confident.

3 Q. How is it that you arrived in a point in your
4 investigation to develop this line-up? How did you know
5 to include Michael Williams in this array?

6 A. Through talking to people, conducting interviews,
7 like I said we conducted a lot of interviews with various
8 people as well as phone calls to anonymous people giving
9 tips.

10 MS. SALISBURY: At this point I'd offer
11 State's Exhibit 6 into evidence.

12 MR. CHAMBERS: No objection.

13 MR. ROBINSON: No objection.

14 MR. QUINN: No objection.

15 MR. ABDALLA: No objection, Your Honor.

16 (Line-up marked as State's Exhibit No. 6 for
17 identification was admitted into evidence.)

18 BY MS. SALISBURY:

19 Q. Sir, I believe that's all the questions I have.
20 Please answer any questions these attorneys may have for
21 you.

22 CROSS-EXAMINATION

23 BY MR. CHAMBERS:

24 Q. Investigator, I'm not a trained homicide
25 investigator myself but there's a lot about this case that

Wayne Campbell - Cross

1 trouble and they were refused admission to that club at
2 that point.

3 Q. By a person or by a machine?

4 A. Sir, I wasn't there. I'm just taking the word of
5 an individual that I interviewed.

6 Q. And that's really what this whole case is about,
7 right, you're just taking somebody's word for it. Is that
8 fair to say?

9 A. The way you conduct an investigation is you talk
10 to people and you try to verify what they say. It's
11 either correct or it's wrong. Now, if you got physical
12 evidence that sort of takes that personal opinion out of
13 it, you know. If you talk to certain people, various
14 people, and they tell you this is what happened, this is
15 their account and they give you a small segment or you get
16 a piece of video that says this or a picture that
17 corroborates that information, then you can take that
18 pretty much -- that part, as a fact. That's the way you
19 have to do it. Personally I would love to have as much
20 evidence as I could because it's hard to deny it.

21 MR. QUINN: That's all.

22 THE COURT: Any redirect?

23 MR. SALISBURY: Very briefly, Your Honor.

24 REDIRECT EXAMINATION

25 BY MS. SALISBURY:

Wayne Campbell - Redirect

1 Q. I want to talk a little bit about TJ's gun.
2 There's been some discussion about Mr. Walker having a .38
3 resolver and I'd like to clear some things up. In your
4 experience with investigations and firearms, do revolvers
5 eject casings?

6 A. No, they remain in the cylinder until they're
7 ejected. You have to open it, swing the cylinder out and
8 it's usually a brake that kicks the cartridge casings out.

9 Q. So if TJ Walker had fired a revolver on scene
10 that night, would there have been any casing to compare to
11 that gun?

12 A. Not unless he physically opened the, dumped the
13 cartridge casings out on the roadway and the left.

14 Q. Based on your understanding of what was collected
15 there on scene that night, would there have been any
16 casings to correspond with a .38 revolver?

17 A. These cartridge casings that were behind the Li'l
18 Cricket on South Old White Horse Road were from a semi-
19 automatic caliber .380. There's no question about it.

20 Q. I want to talk just briefly about the Red Planet.
21 You mentioned two individuals that were initially shot,
22 what were their names again?

23 A. You're talking about the Red Planet Edwards and
24 Davis.

25 Q. What is Mr. Davis's full name?

Wayne Campbell - Redirect

1 A. It's Brandon Davis.

2 Q. You testified earlier that there was a handgun
3 recovered with Mr. Daquan Bruster.

4 A. That's correct.

5 Q. How did you learn about that?

6 A. I got word through my supervisor that an arrest
7 had been made and that word had come back that there was a
8 firearm involved in the arrest. They were stopped for
9 something but when they were stopped, the officer noticed
10 the firearm and both parties in the vehicle were taken
11 into custody.

12 Q. And is Daquan Bruster one of the defendants
13 charged in this case?

14 A. Yes, he is.

15 Q. Who was he with when he was arrested in Denmark?

16 A. Brandon Davis.

17 Q. The same Brandon Davis that was the victim at Red
18 Planet?

19 A. That's correct.

20 Q. Finally, with respect to Mr. Wear, you testified
21 earlier that that's the suspect you identified as having
22 shot Mr. Fant at the Red Planet?

23 A. That's correct.

24 Q. Did you learn what relationship Mr. Wear had with
25 these defendants?

Wayne Campbell - Recross

1 A. He's a part of that group.

2 MS. SALISBURY: No additional questions.

3 MR. CHAMBERS: Just brief recross.

4 RECROSS-EXAMINATION

5 BY MR. CHAMBERS:

6 Q. I want to follow up on this TJ Walker's gun. You
7 know from your investigation and his testimony that he had
8 a .38 revolver that was in the same car where the other
9 car was found, correct?

10 A. That's his testimony.

11 Q. No reason not to believe that's true.

12 A. That's correct.

13 Q. And the indication is that when he left the Red
14 Planet and eventually ended up at the Li'l Cricket, that
15 gun was with him?

16 A. That's what he testified.

17 Q. As you just testified a few minutes ago, had he
18 shot that gun, we would have had no shell casings to show
19 that he had shot it because those shell casings with a
20 revolver remain in the chambers until you physically pop
21 the cylinder out and eject those shell casings from a .38?

22 A. That's correct.

23 Q. So where ever that .38 ended up either -- well,
24 who knows where it went. It left the Red Planet and went
25 to the Li'l Cricket apparently, but where ever it ended up

Shawnee Peoples - Direct

1 those shell casings likely went with it.

2 A. Yes, sir, if it was loaded.

3 Q. And you already testified you didn't do a gunshot
4 residue test on Mr. Walker.

5 A. Didn't do it on anyone.

6 Q. So the truth is he could have been shooting that
7 .38 and we have no way of knowing?

8 A. At some point in time, you're right.

9 BY MR. ABDALLA:

10 Q. Also in the glove box or in that car TJ Walker
11 had a nine millimeter with an extra clip?

12 A. I believe that's what the forensic technician
13 said.

14 Q. The other thing I want to clarify is that there
15 were two Brandons shot that evening.

16 A. Yes, sir.

17 MR. ABDALLA: No further questions.

18 THE COURT: Thank you, sir, you may step
19 down.

20 MS. SALISBURY: The State calls Investigator
21 Shawna Peoples. Investigator Peoples please come up to be
22 sworn.

23 THE CLERK: Please your left hand on the
24 Bible and raise your right hand.

25 SHAWN A. PEOPLES, having been duly sworn,

Shawnee Peoples - Direct

1 testified as follows:

2 Thank you.

3 DIRECT EXAMINATION

4 BY MS. SALISBURY:

5 Q. Investigator Peoples, where do you work?

6 A. I work at the Greenville County Sheriff's Office.

7 Q. And how long have you been with the Sheriff's
8 Office?

9 A. I been with the Sheriff's Office eleven-
10 and-a-half years.

11 Q. And what's your current capacity?

12 A. Currently I'm an investigator in the family
13 violence unit and criminal investigations division.

14 Q. What was your capacity in July of 2011?

15 A. July of 2011 I was cross training in homicide but
16 I was assigned still in CID and my speciality was
17 juvenile crimes.

18 Q. Do you remember becoming involved in the
19 investigation that is the subject of this trial?

20 A. Yes.

21 Q. How did you get involved?

22 A. I was cross training and while I was cross
23 training I would go out with all of the investigators when
24 they had calls.

25 Q. Do you remember responding the Red Planet in the

Shawnee Peoples - Direct

1 earlier morning hours on July 17, 2011?

2 A. Yes.

3 Q. What was your role on scene there that night?

4 A. I went to Red Planet because Mr. Campbell was
5 over at Li'l Cricket. I was advised that that incident
6 happened earlier in the day. When I was there, there was
7 one subject who was still there, forensics was already
8 there, uniformed patrol was there so they were already
9 collecting evidence from the scene there. There were two
10 security guards that were still there and I obtained
11 statements from them and just made sure there was nothing
12 else that needed to be taken care.

13 Q. At that point, were you the primary investigator
14 for the Red Planet case or were you assisting Investigator
15 Campbell with that component?

16 A. I was the primary person at the moment while he
17 wasn't there.

18 Q. As the investigation developed, what else did you
19 do to assist Investigator Campbell or any of the other
20 investigators to further the case?

21 A. For them at the Red Planet or for the Li'l
22 Cricket?

23 Q. Generally speaking as it related to both cases?

24 A. Whatever they needed assistance with is what I
25 assisted them with. If it was statements, whatever they

Shawnee Peoples - Direct

1 asked for I would help them.

2 Q. Specifically, do you remember having an
3 opportunity to interview Mr. Michael Williams?

4 A. Yes.

5 Q. Do you see Mr. Michael Williams in the courtroom
6 today?

7 A. Yes, I do.

8 Q. Can you identify him for the jury?

9 A. He's the young man with the black tie and the
10 stripped shirt.

11 Q. How did you come to interview Mr. Williams?

12 A. I was already working at the homicide office and
13 they needed me to take a statement from him so they
14 brought him upstairs for me to take a statement from
15 Mr. Williams.

16 Q. Do you remember whether he was under arrest at
17 that point?

18 A. I do not right now.

19 Q. Before you began your interview with him, did you
20 advise him of his rights?

21 A. I did.

22 Q. I'm going to show you State's Exhibits 48 and 49.
23 Do you recognize both of those documents?

24 A. Yes, I do.

25 Q. How do you recognize them?

Shawnee Peoples - Direct

1 A. First of all I recognize my handwriting. I wrote
2 Michael Williams's name at the top of this waiver form and
3 it was signed and dated and also this is a statement that
4 I typed for him that I also signed as well.

5 Q. 48 is that the form that you used to advised
6 Mr. Williams of his rights?

7 A. Yes..

8 Q. And how do you go about doing that? Anytime you
9 go about interviewing someone and advising them of their
10 rights, what do you do?

11 A. The first thing I want to do is that I copied
12 their name and their date of birth and their social
13 security number at the top of that form so there would be
14 no question about whose it belongs to and then what I do
15 is I also ask them what's the highest level that they
16 finished in school and make sure they can read and write
17 because I don't want to insult anybody's intelligence.
18 I'll read out the first portion and when we get to the
19 paragraph that says waiver of rights I have them to read
20 it out loud back to me so that way I'm satisfied that they
21 can read as well. And then I'll have them go back through
22 it and read it again and initial at the end of each
23 sentence that they understood everything and read and go
24 over coercion and they'll also initial underneath the word
25 coercion.

Shawnee Peoples - Direct

1 Q. And in this particular case, did you read each of
2 those lines to Mr. Williams?

3 A. I read each line to him all the way to where it
4 stops at waiver of rights and he read that portion out
5 loud.

6 Q. And did you have him initial beside each line?

7 A. After asking him to read it again by himself and
8 then to initial after he read and understood.

9 Q. During that process, after you go through that
10 first part and then you say you get to the bottom part,
11 did he read that part aloud to you?

12 A. Yes.

13 Q. Did he indicate that he wanted to waive his
14 rights and give you a statement?

15 A. Yes.

16 Q. Have you had the occasion during your experience
17 at the Sheriff's Office and law enforcement generally to
18 interact with individuals who are under the influence of
19 substances?

20 A. Yes.

21 Q. During your conversation with Mr. Williams, did
22 he appear at any point to be under the influence of any
23 substance?

24 A. No.

25 Q. Did he seem to understand the questions that you

Shawnee Peoples - Direct

1 were asking him?

2 A. Yes.

3 Q. Did he respond clearly to your questions?

4 A. Yes.

5 Q. Was his speech clear?

6 A. Yes.

7 Q. Was it coherent?

8 A. Yes.

9 Q. How long do you think your interview with him
10 lasted?

11 A. I can't be sure. It wasn't an excessive amount
12 of time but I can't tell you for certain.

13 Q. At any point during the entire interview, did he
14 ever indicate that he wanted to instead invoke his rights
15 an remain silent and not give a statement?

16 A. No. And I also make sure when I read it that I
17 emphasize that at any point in time I make sure they
18 understand that so he did not.

19 Q. During this entire process, did it appear to you
20 that he understood what was going on?

21 A. Yes.

22 Q. To the best of your knowledge, was his statement
23 freely and voluntarily given?

24 A. Absolutely.

25 Q. Can you describe how you went about the process

Shawnee Peoples - Direct

1 of actually taking the statement? How did that happen?

2 Did you give him a pen and paper?

3 A. No, I asked for him to talk me through it just
4 not to take too fast because I'm going to write as he's
5 telling me what happened. As I always start out is to
6 make sure that we know that I'm the one who is actually
7 typing the statement for them and they are allowing me to
8 type that statement for them, then I just ask them to walk
9 me through the events of that evening.

10 Q. So do you type while ---

11 A. They are speaking.

12 Q. What happened in this particular interview?

13 A. In this particular interview, it actually got
14 close to a full page and he said never mind delete all
15 that and I deleted everything and then he gave me the
16 version that we have here today.

17 Q. Do you recall whether the version you originally
18 typed was substantially more detailed than the version you
19 have?

20 A. It was but it still appeared that he was not
21 being truthful with everything.

22 Q. Why did you feel like that?

23 A. Stopping, looking, yeah, and I just typed as he
24 said it so there's nothing that's interpreted as my words
25 or his words. It appeared that he wanted to be truthful

Shawnee Peoples - Direct

1 and that's when he stopped and asked me to delete it and I
2 did and then we took his statement here that we have here
3 today.

4 Q. Just to back up a little bit, would you read for
5 the jury from State's Exhibit 48 what you read to the
6 defendant?

7 A. You want the first paragraph?

8 Q. Whatever you read to the defendant as part of
9 your interview?

10 A. "Before we ask you any questions you must
11 understand your rights. You have the right to remain
12 silent. Anything you say can be used against you in
13 court. You have a right to talk to a lawyer for advise
14 before we ask you any questions and to have him with you
15 during questioning. If you have no money to pay a
16 lawyer's fee, the court will appoint one to represent you
17 without cost if you wish. If you decide to answer
18 questions now without a lawyer present, you still have the
19 right to stop answering at any time. You also have the
20 right to stop answering at any time until you talk to a
21 lawyer."

22 . The next paragraph says waiver or rights. "I
23 have read the statement of my rights and I understand what
24 my rights are. I am willing to make a statement and
25 answer questions. I do not want a lawyer at this time. I

Shawnee Peoples - Direct

1 understand and know what I am doing. No promises or
2 threats have been made to me, no pressure or coercion of
3 any kind has been used against me."

4 Q. Do you do any extra explanation of the expression
5 coercion?

6 A. I always ask what it means to them. Like I said
7 I don't want to insult somebody's intelligence. What
8 coercion means to them if they don't know I explain it to
9 them to make sure I know that I'm not trying to trick them
10 by not promising them anything for them to talk to me, and
11 also as I read it when I paused over that any time that
12 they could stop I made sure that's how I would read it to
13 them so they understand they could stop answering at any
14 time.

15 Q. And are you confident that Mr. Williams
16 understood exactly what the word coercion meant?

17 A. Yes.

18 Q. Did you feel as though he understood all of the
19 rights that you read to him and that you had him read to
20 himself?

21 A. Yes.

22 MS. SALISBURY: The State offers Exhibits 48
23 and 49 into evidence, Your Honor.

24 MR. CHAMBERS: No objection.

25 MR. ROBINSON: No objection.

Shawnee Peoples - Cross

1 MR. ABDALLA: No objection.

2 MR. QUINN: No objection.

3 (Waiver or rights marked as State's Exhibit
4 No. 48 for identification and admitted into evidence.)

5 (Statement marked as State's Exhibit No. 49
6 for identification and admitted into evidence.)

7 BY MS. SALISBURY:

8 Q. Would you please read for the jury the substance
9 of Mr. William's statement in State's Exhibit No. 49.

10 A. "I am at the Law Enforcement Center and I have
11 given Investigator Peoples permission to type a statement
12 for me. I am not under the influence of any drugs or
13 alcohol at this time. I attended Hillcrest High School
14 but I dropped out in the eleventh grade. I can read and
15 write. Last weekend I decided to go to Red Planet with
16 Raymond. I rode with Raymond in his green Crown Vic. We
17 went into the VIP line. When we got inside a fight broke
18 out behind everybody. We left and I heard three shots in
19 the parking lot. We went to Club 864. We just chilled
20 and talked to a couple of people. I left and got in a
21 burgundy mini-van. There was Pooh a boy and a couple of
22 his home girls. Then we went to Waffle House the one by
23 Fleetwood. We got there after Raymond got there. Then I
24 went to the Waffle House by White Horse Road. After I
25 left I met Raymond at the house." And it says end of

Shawnee Peoples - Cross

1 statement and at the bottom in his own handwriting it
2 says, "This statement is true to my knowledge."

3 Q. Did you have him sign that statement?

4 A. I did.

5 Q. Did he read it over?

6 A. He did.

7 Q. Did he indicate to you that he wanted to make any
8 changes to that statement?

9 A. Not to this one.

10 MS. SALISBURY: I don't have any further
11 questions.

12 CROSS-EXAMINATION

13 BY MR. CHAMBERS:

14 Q. I believe you said at the time that you were
15 called out on this investigation. You were cross training
16 so basically you were kind of learning the ropes of
17 homicide; is that correct?

18 A. I was cross training in the homicide division. I
19 was already an investigator in the criminal investigation
20 division at the Sheriff's Office.

21 Q. So you were an experienced investigator and cross
22 training to homicide?

23 A. That's correct.

24 Q. Well schooled in investigative techniques and how
25 to do interviews and interrogations and that sort of

Michael Moore - Direct

1 With that I turn it over to the State.

2 (Video marked as State's Exhibit No. 40 for
3 identification and admitted into evidence.)

4 (Video marked as State's Exhibit No. 41 for
5 identification and admitted into evidence.)

6 MS. SALISBURY: The State calls Mr. Mike
7 Moore.

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

10 MICHAEL MOORE, having been duly sworn,
11 testified as follows:

12 Thank you. Please be seated. State your
13 name for the record.

14 THE WITNESS: Michael M. Moore.

15 DIRECT EXAMINATION

16 BY MS. SALISBURY:

17 Q. Mr. Moore, where do you work?

18 A. Currently?

19 Q. Yes.

20 A. I am self-employed.

21 Q. Where were you working in July of 2011?

22 A. With the Greenville County Sheriff's Office.

23 Q. How long were you with the Sheriff's Office?

24 A. Approximately 12 years.

25 Q. Do you recall assisting in the investigation of

Michael Moore - Direct

1 this case that's the subject of this trial?

2 A. Yes, ma'am.

3 Q. What was your role in assisting in the
4 investigation?

5 A. My role was basically as a cover officer because
6 of the violence that went on that day. I was assigned to
7 the warrant task force and the gang task force at that
8 point in time as a cover officer.

9 Q. How did you become involved in assisting this
10 case?

11 A. I was basically assigned to ride with one of the
12 warrant officers and on the night in question I was
13 basically -- we were there to apprehend a suspect.

14 Q. And were you attempting to serve the warrants
15 related to this incident?

16 A. Yes, ma'am.

17 Q. Where did you go?

18 A. I can't recall the address. I know that we went
19 to a resident, a young man who was seen at that address,
20 and that's about it.

21 Q. Do you remember what day of the week this would
22 have been?

23 A. It was in July, Saturday night, Sunday morning.

24 Q. Now, when you got to this residence, what did you
25 do?

Michael Moore - Direct

1 A. We knocked on the door, the suspect came to the
2 front door. Once we came to the front door we placed him
3 in handcuffs. Then we conducted a protective sweep of the
4 house itself. It's basically conducted for officer safety
5 reasons in case there's another person inside with a gun
6 that they don't come on top of us and do harm to us while
7 we're trying to conduct the arrest.

8 Q. Do you remember exactly who it was you arrested
9 at that residence?

10 A. No, ma'am, I don't.

11 Q. And at this point in your role, were you familiar
12 with any of the individuals in the case?

13 A. No, ma'am, not at all.

14 Q. Now, you mentioned you did this protective sweep.
15 What do you remember seeing in the residence?

16 A. When we entered the residence, I immediately went
17 to the right inside of the trailer, went to the bedroom.
18 When we did the sweep, I saw laying on the floor on the
19 right hand side by the door a duffel bag, it looked like a
20 black bag and it had holsters inside of it. It was open,
21 it wasn't locked. I went in and made sure there was no
22 people inside the residence, did a quick check and went
23 right back out and cleared the rest of the building.

24 Q. How many people do you being at the residence at
25 that time?

Michael Moore - Direct

1 A. There were three. There were two females and a
2 male.

3 Q. Is the male the person that you arrested?

4 A. Yes, ma'am.

5 Q. Do you remember how many cars were parked at the
6 residence?

7 A. There were two cars in the driveway at that time.

8 Q. Did you look inside the duffel bag?

9 A. Not at that point in time.

10 Q. Why not?

11 A. Because we didn't have a search warrant at that
12 point.

13 Q. Did you collect the duffel bag as possible
14 evidence?

15 A. No, I didn't touch anything. I was looking for
16 people at that point in time with guns. That's the only
17 thing we did.

18 Q. What happened next?

19 A. We appended the suspect. Investigator Woodall
20 asked the female who was the resident, basically was the
21 tenant, for a consent to search. At first she said, yes.
22 We got the paperwork ready and then she denied the search
23 warrant. At that point in time we left the residence.

24 Q. And where did you go?

25 A. We went to three different addresses that night.

Michael Moore - Direct

1 We finally ---

2 Q. Immediately after that, did you escort the person
3 that you arrested to the detention center?

4 A. Yes, ma'am, we did.

5 Q. At some point in the evening did you return to
6 this residence?

7 A. Yes, ma'am. We had a meeting right about 1:00 in
8 the morning. We discussed what I had seen at the trailer
9 and at that point in time we basically came up with the
10 conclusion we did have enough probable cause to go back
11 because something that had happened. More information was
12 coming in at a regular basis because of the fact that
13 there were guns, there was a black bag involved so
14 therefore we had enough probable cause at that point in
15 time to get the search warrant and go execute the search
16 warrant. It happened at about 5:00 in the morning so
17 there was about anywhere from five to seven hours in
18 between the time that we saw the evidence versus the time
19 we got back.

20 Q. And did you assist in the execution of the search
21 warrant?

22 A. Yes, ma'am, I did.

23 Q. Did you find the duffel bag when you went back?

24 A. No, ma'am. When returned there was only one
25 female still in the residence. We did the protective

Michael Moore - Direct

1 sweep, of course, we came back with secured -- I don't
2 recall her name -- we secured her and we basically
3 conducted the room by room search. At that point in time
4 there was a vehicle missing. I want to say it was like a
5 light colored four door sedan, that was gone. The other
6 black female was gone and the evidence that we saw, the
7 duffel bag with the holsters right there. All that
8 evidence was gone.

9 Q. Were the holsters still there?

10 A. I can't recall.

11 Q. Okay. Other than assisting in the search, that
12 room by room search, did you handle any of the evidence
13 that was collected from the scene that night?

14 A. No, I did not. I basically was the security on
15 the black female.

16 Q. And after that night specific operation to serve
17 these search warrants and make arrest, did you have any
18 other involvement with the investigation of this case?

19 A. No, ma'am, I did not.

20 MS. SALISBURY: I have no further questions.

21 CROSS-EXAMINATION

22 BY MR. CHAMBERS:

23 Q. So you went out there to serve this arrest
24 warrant and you gained entry into this trailer; is that
25 correct?

Michael Moore - Redirect

1 BY MS. SALISBURY:

2 Q. Based on your understanding of your
3 responsibilities as a law enforcement officer at the time,
4 would it have been appropriate for you to go through this
5 bag without having to obtain a search warrant?

6 A. No, ma'am, it was not.

7 MS. SALISBURY: No additional questions.

8 THE COURT: Thank you. You can step down.

9 (Witness leaves the witness stand.)

10 MS. SALISBURY: State calls Deputy Dustin
11 Woodall.

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

14 DUSTIN WOODALL, having been duly sworn,
15 testified as follows:

16 Thank you. State your name for the record.

17 THE WITNESS: Dustin Woodall.

18 DIRECT EXAMINATION

19 BY MS. SALISBURY:

20 Q. Deputy, where do you work?

21 A. Greenville County Sheriff's Office.

22 Q. And what's your current capacity?

23 A. Currently investigator, master deputy.

24 Q. How about in July of 2011?

25 A. Investigator in Vice and Narcotics.

Dustin Woodall - Direct

1 Q. Do you recall becoming involved in the
2 investigation that's the subject of this trial?

3 A. Yes, I do.

4 Q. How did you become involved?

5 A. I was contacted by Investigator Brown on the 17th
6 of July, 2011.

7 Q. What did you do to become truly involved?

8 A. I responded originally to Li'l Cricket where I
9 met with Investigator Brown and the deputies who were on
10 the scene where they briefed me on the incident and
11 everything that was going on.

12 Q. So did you stay there on the scene at Li'l
13 Cricket?

14 A. No, I did not. I then responded to the Red
15 Planet on Cedar Lane Road where I met with Investigator
16 Peoples where I assisted her in getting statements.

17 Q. I want to show you a photograph State's Exhibit
18 5. Do you know what's depicted in that photograph?

19 A. Yes, that is what was then known as the Red
20 Planet.

21 Q. Is it still in operation?

22 A. Not that I'm aware of.

23 Q. Where was the Red Planet?

24 A. It was located on what's referred to the west
25 side of Greenville County which is the Berea area. It's

Dustin Woodall - Direct

1 kind of in between Hunts Bridge and 253 on Cedar Line
2 Road.

3 Q. Do you remember what time you got there?

4 A. I believe the phone call came in some around 3:00
5 or 3:30 in the morning, but it was early morning hours
6 when I responded.

7 Q. Was it still dark?

8 A. Oh, yes.

9 Q. And when you arrived were there still many people
10 on scene?

11 A. Not when I got there. There were some security
12 guard, Investigator Peoples and security people around the
13 parking lot.

14 Q. Had the parking lot cleared out?

15 A. Yes, ma'am.

16 Q. Is what's depicted in No. 5 an accurate
17 representation of the Red Planet and what the club looks
18 like?

19 A. Yes, ma'am.

20 MS. SALISBURY: Your Honor, I'd offer State's
21 Exhibit No. 5.

22 MR. CHAMBERS: On behalf of Mr. Booker no
23 objection.

24 MR. ROBINSON: On behalf of Mr. Williams, no
25 objection.

Dustin Woodall - Direct

1 MR. ABDALLA: On behalf of Mr. Young, no
2 objection.

3 MR. QUINN: No objection on behalf of
4 Mr. Suber.

5 (Photo marked as State's Exhibit No. 5 for
6 identification was admitted into evidence.)

7 BY MS. SALISBURY:

8 Q. Now, were you on scene when the evidence was
9 being collected from the Red Planet scene?

10 A. Later that morning I responded back because there
11 was firearm that had been located in one part of the
12 parking lot when they were cleaning it up. I responded
13 back until forensics got there to photograph it and
14 process it.

15 Q. Are you familiar with a different nightclub
16 called Club 864?

17 A. Yes, I am.

18 Q. Can you describe where that club is located?

19 A. Yes, I can. It is at Whitehorse Road and Highway
20 253 which is West Blue Ridge Drive which is also the west
21 side of Greenville County in Berea.

22 Q. How is it situated? What does it look like?

23 A. There's a shopping center that used to be the
24 former Walmart actually and it's tucked back in the corner
25 of this shopping center. It sits off the road a good 150,

Dustin Woodall - Direct

1 200 yard at least.

2 Q. Does it have a very large parking lot?

3 A. Yes.

4 Q. Now, how far away is the Red Planet from Club
5 864?

6 A. I don't know as far as mileage goes but it's a
7 couple of miles.

8 Q. You mentioned earlier that you initially
9 responded to the Li'l Cricket scene.

10 A. Yes.

11 Q. How far away is Club 864 from the Li'l Cricket
12 scene

13 A. Less than a mile I would think.

14 Q. Now, are all of those locations inside Greenville
15 County?

16 A. Yes.

17 Q. Now, specifically at the Red Planet you said you
18 assisted Investigator Peoples, what did you do?

19 A. When I got there, she was actually taking the
20 statements from the security guards. At that point in
21 time she had that under control so I canvassed the parking
22 lot, attempted to locate any possible evidence, anything
23 that can help the investigation of this crime.

24 Q. Did you have an opportunity to speak with
25 Mr. Travis Wear that night?

Dustin Woodall - Direct

1 A. Yes, I did.

2 Q. Do you know what his nickname is so to speak?

3 A. Smoke.

4 Q. And heard testimony about Mr. Wear being
5 ultimately charged with one of the shootings that took
6 place in the parking lot that night? Was he charged that
7 night?

8 A. I'm not sure. You'd have to ask Investigator
9 Campbell, the lead investigator.

10 Q. But do you remember speaking with Mr. Wear?

11 A. Yes, I do.

12 Q. And what happened after you finished there
13 immediately on scene?

14 A. As far as speaking with Mr. Wear?

15 Q. After you finished assisting Investigator
16 Peoples, what did you do?

17 A. I then responded to the hospital.

18 Q. What did you do at the hospital?

19 A. I actually met with the Sergeant Patheny who
20 asked me to assist in speaking with some of the victims
21 where I met with victim Russell Patterson.

22 Q. After you finished assisting immediately that
23 night, how did you then continue your role in your
24 investigation? What did you do?

25 A. Myself and another investigator who was in vice

Dustin Woodall - Direct

1 and narcotics at the time, Investigator Brown, we compiled
2 information, attempted to gain intelligence, any kind of
3 surveillance of anything because there had been some names
4 that had been brought up, any kind of surveillance that we
5 could use to assist.

6 Q. At that point in the investigation, based on your
7 interviews with the victims there at the Red Planet,
8 witnesses at the Red Planet or your conversations with
9 Investigator Brown, did you have any information about how
10 many shooters had been at the gas station, the Li'l
11 Cricket incident?

12 A. As far as the number of shooters?

13 Q. Yes, sir.

14 A. I had not been given a number, no.

15 Q. And did you have any affirmative leads about
16 where to direct the investigation from here?

17 A. As far as a name coming up through investigation
18 that's far as we went as far as going off that name.

19 Q. Which name was that?

20 MR. ABDALLA: Objection.

21 THE COURT: Overruled. Go ahead.

22 BY MS. SALISBURY:

23 Q. I'm sorry. Go ahead.

24 A. Raymond.

25 Q. Raymond who?

Dustin Woodall - Direct

1 A. Raymond Young.

2 Q. Can you identify Mr. Young in the courtroom?

3 A. Yes, ma'am, I can. He's sitting right there.

4 Q. What is he wearing?

5 A. White shirt and a tie.

6 Q. Fastfoward a few days later, what happens next
7 for you in this investigation?

8 A. Next we were attempting to locate suspects or
9 defendants who had arrest warrants on them.

10 Q. For this incident?

11 A. Yes. One in particular where I was involved in
12 was at where we had apprehend and arrested
13 Michael Williams.

14 Q. And can you identify Mr. Michael Williams for the
15 jury?

16 A. Yes, ma'am. He's sitting with the stripped
17 button down shirt and the dark tie.

18 Q. Were you working with Mr. Moore that night?

19 A. Yes, ma'am.

20 Q. You mentioned that you went to where?

21 A.

22 Q. What happened there specifically?

23 A. The first incident we went there is where we
24 apprehended and arrested Michael Williams at that point in
25 time.

Dustin Woodall - Direct

1 Q. Did you assist in this protective sweep of that
2 residence?

3 A. At the time of the protective sweep I did not.
4 Once Michael Williams was arrested, I then spoke to the
5 other occupants in the house and we were thinking there
6 would be some evidence of this crime at this house.

7 Q. Do you remember who else was at the residence?

8 A. Karima Johnson and Britney Phillips.

9 Q. Did you end of searching the house then?

10 A. No, ma'am. I offered a consent to search were
11 she first agreed then she said no, I don't want you
12 searching the house, so then we left, she refused to sign
13 and we left.

14 Q. What happened next?

15 THE COURT: Who?

16 THE WITNESS: Britney Phillips.

17 BY MS. SALISBURY:

18 Q. What happened next?

19 A. We left the residence.

20 Q. Did you ever return to that residence that night?

21 A. Yes, ma'am, we did.

22 Q. Under what circumstances?

23 A. Investigator Brown had obtained a document search
24 warrant for the residence through some information that he
25 had gained about some black canvass bag I believe that was

Dustin Woodall - Direct

1 in the residence that had been seen during the protective
2 sweep when Michael Williams was arrested.

3 Q. And did you assist in the search of that
4 residence?

5 A. Yes, ma'am, I did.

6 Q. Did you locate the black duffel bag?

7 A. They were not located in the house at that time.

8 Q. What did you end up seizing during that search
9 warrant?

10 A. I would have to refer to the report for
11 everything that was taken but there was some miscellaneous
12 documents and paperwork. There was some unspent .40
13 caliber ammunition, some holsters, I believe there was six
14 items totally that was seized, some marijuana was
15 received.

16 Q. Were you able to determine who lived in that
17 residence?

18 A. Based on what we were being told that night,
19 Britney said she was living there, but some of the
20 paperwork had Raymond's name on it. I was assuming it was
21 Britney at that point in time.

22 Q. Was it your understanding that Raymond Young
23 lived at this residence?

24 A. Yes, ma'am.

25 Q. Deputy, I'm going to show you State's Exhibit 50.

Dustin Woodall - Direct

1 That bag is sealed but if you could take a look at it and
2 if you need to open it you can, but tell me if you can
3 identify what's inside of that bag?

4 A. You happen to have a pair of scissors. Outside
5 of the bag is labeled as a black nylon pistol holster.
6 Inside is two holsters, one is a digital camera holster
7 and the other one is the black nylon.

8 Q. Do you recognize those holsters as the ones that
9 you recovered from the residence that night?

10 A. Yes, ma'am, I do.

11 Q. State's Exhibit 36, can you tell me whether you
12 recognize that exhibit?

13 A. This is going to be ammunition that's located
14 inside the house.

15 Q. Is that the ammunition that you remember
16 retrieving from the residence that night?

17 A. Yes, ma'am, .40 caliber.

18 Q. You mentioned there were some other documents and
19 items located, but after these pieces of evidence were
20 seized, what did you do with them?

21 A. DW1 some paperwork and documents, it was released
22 to Investigator Brown on a property and evidence sheet for
23 him to further investigate. Everything was taken to
24 property and evidence at the Law Enforcement Center. The
25 ammunition was put in for prints and do forensics.

Dustin Woodall - Cross

1 Q. What do you mean prints?

2 A. To get a possible positive match on fingerprints
3 or anything that they can do as far as processing.

4 Q. Did you deposit all of the evidence in property
5 and evidence that night?

6 A. Yes, ma'am.

7 Q. After that night's search warrant, did you have
8 any other role in the investigation in the case?

9 A. No, ma'am.

10 Q. If you would answer any questions these attorneys
11 may have.

12 MR. CHAMBERS: Randy Chambers on behalf of
13 Mr. Booker. I have no questions for this witness.

14 MR. ROBINSON: Scott Robinson on behalf of
15 Mr. Williams.

16 BY MR. ROBINSON:

17 Q. Officer, Michael Williams was not living at that
18 residence, was he? You have no evidence he was living at
19 that residence?

20 A. No, sir, not that I'm aware of.

21 Q. And in terms of the holsters and bullets you
22 can't say that those belonged to him?

23 A. I can not.

24 MR. ABDALLA: On behalf of Mr. Young.

25 BY MR. ABDALLA:

Joseline Mack - Direct

1 stolen through NCIS.

2 Q. Was that turned in for ballistics in this case,
3 do you know?

4 A. It was turned over to forensics, yes, sir.

5 Q. Thank you.

6 THE COURT: Anything else?

7 MS. SALISBURY: No, sir. The State calls
8 Ms. Joseline Mack. Please come up to be sworn.

9 THE CLERK: Place your left hand on the Bible
10 and raise your right hand.

11 JOSELINE MACK, having been duly sworn,
12 testified as follows:

13 Thank you. Please state your name for the
14 record.

15 THE WITNESS: Joseline Mack.

16 DIRECT EXAMINATION

17 BY MS. SALISBURY:

18 Q. Ms. Mack, what do your friends call you?

19 A. Joseline.

20 Q. Do some of them refer to you as Jos?

21 A. No.

22 Q. Do you work?

23 A. Yes.

24 Q. Where do you work?

25 A. Level One.

Joseline Mack - Direct

1 Q. How long have you worked there?

2 A. The past twenty months.

3 Q. Do you live here in Greenville?

4 A. Yes.

5 Q. How long have you lived in Greenville?

6 A. All my life.

7 Q. Do you know Mr. Raymond Young?

8 A. Yes.

9 Q. How long have you known him?

10 A. We were dating.

11 Q. When were you dating?

12 A. In 2011.

13 Q. How long did you date Mr. Young?

14 A. Two months probably.

15 Q. Were you dating him in July of 2011?

16 A. Probably not.

17 Q. Do you remember the night of July 16, 2011?

18 A. Vaguely.

19 Q. Starting as early in the evening as you can

20 remember, what do you remember about that night

21 specifically as it relates to the Red Planet?

22 A. Everybody was at the Red Planet and then it was a
23 shooting in the parking lot up there.

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

25 A. I drove.

Joseline Mack - Direct

1 Q. What kind of car did you drive?

2 A. 2009 Honda Accent.

3 Q. What color is it?

4 A. Burgundy.

5 Q. Did you drive that car that night?

6 A. Yes.

7 Q. You mentioned that there was a shooting in the
8 parking lot, were you outside to see that shooting?

9 A. Yes.

10 Q. What did you see?

11 A. It started out as a fight and I'm not sure who
12 was shooting but Raymond was in the car the whole time
13 they was shooting.

14 Q. What kind of car was that?

15 A. A green Crown Vic.

16 Q. Do you remember who you saw fighting?

17 A. No.

18 Q. What happened next?

19 A. After everybody had drove got in the car and left
20 and I ran in to see what happened and I met him off of
21 Whitehorse Road.

22 Q. Where did you meet him?

23 A. Club 864.

24 Q. Did you talk to him there?

25 A. Yes.

Joseline Mack - Direct

1 Q. What happened?

2 A. He was just mad about the shooting in the parking
3 lot and then everybody agreed to go to the Waffle House
4 and get something to get something to eat.

5 Q. Who else was in the parking lot?

6 A. The people that came with me, a few of Raymond
7 friends that I remember. I don't remember all that was
8 out there.

9 Q. You mentioned that the plan was to leave Club 864
10 and go to Waffle House. What was your understanding of
11 which Waffle House you'd be going on?

12 A. The one that was farther down on White Horse
13 Road.

14 Q. How far away is that from 864?

15 A. Probably about 10, 15 minutes.

16 Q. Did everyone leave at the same time to go to the
17 Waffle House?

18 A. Yes.

19 Q. Who do you remember being in that caravan so to
20 speak?

21 A. The what?

22 Q. The group of cars.

23 A. I know Raymond was in his car. I don't believe
24 anybody was in his car with him. Me in my car and then
25 Larry and then Trez because he was in my cousin's car.

Joseline Mack - Direct

1 Q. What kind of car was Larry driving?

2 A. A black something or other.

3 Q. What kind of car was Trez driving?

4 A. A green Toyota.

5 Q. Did you recognize Trez in the courtroom?

6 A. Yes.

7 Q. Could you point him out for the jury? What is he
8 wearing?

9 A. The navy blue vest.

10 Q. So what happened as you all left 864 together?

11 A. Heading towards White Horse Road and then
12 everybody just made a U-turn and went back to 864 parking
13 lot.

14 Q. Did you turn around with them?

15 A. Yes.

16 Q. What happened when you got back to the parking
17 lot?

18 A. Raymond asked to switch cars with me and told me
19 to drive his car to the Waffle House and he jump in mines.

20 Q. Why?

21 A. He didn't say.

22 Q. Do you remember what he was wearing that night?

23 A. No.

24 Q. Do you remember giving a statement to police at
25 some point during this investigation?

Joseline Mack - Direct

1 A. Yes.

2 Q. I'm going to hand you a copy of the statement.

3 Do you recognize that document?

4 A. Yes.

5 Q. Does it have your signature on it?

6 A. Yes.

7 Q. Could you read it over and see if that refreshes
8 your memory about what happened that night. After reading
9 that over, is that the statement that you gave the police?

10 A. Some of the things.

11 Q. Did the officer that interviewed you give you and
12 opportunity to read it over after he had typed it?

13 A. No.

14 Q. Why did you sign it?

15 A. Because I was ready to go.

16 Q. So is it now your testimony that what's in that
17 statement is not the truth?

18 A. Some of it is.

19 Q. Well, tell me what's the truth. What do you
20 remember about that night?

21 A. As I told you we were in 864 parking lot and when
22 we was leaving to go to the Waffle House everybody make a
23 U-turn. Raymond switched cars with me, first he was in my
24 car and then his. I pulled out of the parking lot at 864
25 and nobody was behind me. I was just straight on to the

Joseline Mack - Direct

1 Waffle House.

2 Q. I have a question, you said the person that was
3 in your car got into his?

4 A. Yes.

5 Q. Who?

6 A. Joel.

7 Q. So Joel got into the green Crown Vic?

8 A. Yes.

9 Q. With you?

10 A. Yes.

11 Q. Who else was in the green Crown Vic with you?

12 A. I don't know the other females, Brandon's
13 sisters.

14 Q. How many people were in that green Crown Vic with
15 you?

16 A. I think it was five or six.

17 Q. I'll ask you again, do you remember what Raymond
18 was wearing that night?

19 A. No.

20 Q. Do you remember telling police that in the
21 parking lot he changed from a black tee-shirt into a white
22 tee-shirt?

23 A. No, I never said that.

24 Q. Yet it's in your statement, is it not?

25 A. I told him that Raymond had on a black tee-shirt

Joseline Mack - Direct

1 that night.

2 Q. Could you read this sentence right here starting
3 with Raymond?

4 A. "Raymond took off his black tee-shirt and put on
5 a white tee-shirt."

6 Q. But it's your testimony today that's not what you
7 told the police?

8 A. No. I told him that Raymond had on a black
9 tee-shirt, they asked me if he had on a white tee-shirt
10 and I said no.

11 Q. So the investigator decided to put it in your
12 statement anyway and then you signed it?

13 A. I never read over the statement.

14 MS. SALISBURY: Your Honor, with the Court's
15 permission, I'd like to treat Ms. Mack as a hostile
16 witness.

17 THE COURT: Permission granted.

18 BY MS. SALISBURY:

19 Q. During your interview with the police you told
20 the investigator that Raymond took his gun out from under
21 the driver's seat of his car and took off his black
22 tee-shirt and put on a white tee-shirt, did you not?

23 A. I told him that Raymond took his gun out of his
24 car but I never said that Raymond switched tee-shirts.

25 Q. Alright. Did you not tell the police that you

Joseline Mack - Direct

1 saw several guys with Raymond pull out guns?

2 A. I did not.

3 Q. You told the police that you saw Larry get into
4 his car -- and just to be clear we're talking about Larry
5 Johnson, right?

6 A. I don't know his last name. I think.

7 Q. You also told the police that you saw Lipz, Trez,
8 Ken and Drek Glover get into Simone's green Toyota Camary,
9 didn't you?

10 A. If I'm not mistaken, Larry was in Devon's car.

11 Q. You testified a second ago that you saw Trez in
12 Simone's green Toyota Camary, correct?

13 A. Yes.

14 Q. Who else was in the green Toyota Camary?

15 A. Lipz.

16 Q. What's Lipz's real name?

17 A. I don't now.

18 Q. Do you know Ken's full name?

19 A. No.

20 Q. Do you recognize Ken in the courtroom?

21 A. Yeah, right there.

22 Q. What is he wearing?

23 A. The white vest.

24 Q. You told the police that Raymond and Michael
25 Williams got into your red Honda, correct?

Joseline Mack - Direct

1 A. No, that's what they told me. No one was in my
2 vehicle when I pulled out of the parking lot.

3 Q. So you left your car behind and never saw who got
4 into your car?

5 A. No, Raymond was still outside of my car when I
6 was pulling out of the parking lot is what I told them.

7 Q. So if the officer included in your statement that
8 you saw Raymond and Michael Williams get into your red
9 Honda Accent, that was made up, you didn't say that?

10 A. No.

11 Q. So you testified you left the parking lot and
12 nobody was behind you. Where did you go?

13 A. To the Waffle House.

14 Q. Which one?

15 A. On White Horse Road.

16 Q. How long were you there?

17 A. I was in the parking lot for like give or take
18 maybe 10, 15 minutes.

19 Q. Why didn't you go inside?

20 A. Because I was waiting for Raymond.d

21 Q. Did he ever show up?

22 A. No.

23 Q. Where did you go next?

24 A. He called me and told me to meet him at the White
25 House off of South Pleasantburg.

Joseline Mack - Direct

1 Q. Do you know if that's on Melvin Drive?

2 A. It's across the street from the Burger King and
3 Spinx.

4 Q. Is it near Fleetwood?

5 A. Yes.

6 Q. When you go there, who was there?

7 A. It was a lot of people.

8 Q. Who do you remember being there?

9 A. It was me, Joel, Raymond, Trez, Mikey, Ken and a
10 few other people.

11 Q. Do you remember whether they were already there
12 when you got there?

13 A. No, as I was pulling in Raymond was pulling in
14 behind me.

15 Q. In what car?

16 A. Mines.

17 Q. The red Accent?

18 A. The burgundy Accent.

19 Q. Who was in the car with him?

20 A. When he got out of the car it was him and Mikey.

21 Q. Did you see Travaris in the car with him?

22 A. Who is Travaris?

23 Q. If you don't remember, you don't remember, but
24 did you see anybody else?

25 A. No, I didn't.

Joseline Mack - Direct

1 Q. Do you remember what he was wearing when he got
2 out of your car in the Waffle House parking lot?

3 A. I don't remember.

4 Q. It wasn't a white tee-shirt?

5 A. No, because he had on a black tee-shirt, if I'm
6 not mistaken, some red shorts or black shorts that night.

7 Q. Okay. If that's what you remember. What
8 happened when y'all started arriving, what did you?

9 A. When everybody got out of their cars, Raymond
10 called a few people over to the parking lot and told
11 everybody else to go inside.

12 Q. Why?

13 A. I have no idea.

14 Q. What did you do?

15 A. I went inside and started ordering my food.

16 Q. Did you get your keys back to your car?

17 A. Yes.

18 Q. How?

19 A. He gave them to me.

20 Q. What did you tell you about the guns in the car?

21 A. Well, that night it was never mentioned that any
22 guns was in my vehicle, but the next day he called me to
23 go outside and look in my car and see if there was a gun
24 in my car.

25 Q. Did you find one?

Joseline Mack - Direct

1 A. Yes.

2 Q. What did you do with it?

3 A. I met him and I gave it to him.

4 Q. What did it look like?

5 A. It was black I think.

6 Q. Do you know the difference between a revolver and
7 a semi-automatic handgun?

8 A. No.

9 Q. What did you do after you got the keys to your
10 car back?

11 A. After he pulled up and I got my keys, I went
12 inside of the Waffle House and we ordered our food and
13 then I didn't eat there I left and went home.

14 Q. How did you get home?

15 A. In my car.

16 Q. Who was with you?

17 A. Joel, Simone and Tiara.

18 Q. Where did you go?

19 A. To my house.

20 Q. What do you remember happening when you got back
21 to your apartment?

22 A. As I was walking into the house Simone had went
23 in first and if I'm not mistaken Trez was already there
24 but I know him and Simone was going back and forth because
25 Tiara was there and that started up a whole lot of chaos.

Joseline Mack - Direct

1 Q. Why?

2 A. They don't like each other.

3 Q. Do you remember telling the police that you saw
4 Trez walk into your house with a black bag with several
5 guns?

6 A. I remember telling the police that Trez there was
7 a black bag in the house and they told me was there a gun
8 in that bag and I said I don't know because I didn't see
9 any.

10 Q. So you didn't tell the police that Trez put a
11 shot gun and black pistol with a long clip under Simone's
12 bed between the bed rails and the box springs?

13 A. I did not.

14 Q. The police made that up?

15 A. I seen the shotgun but I don't know where he put
16 it.

17 Q. What do you remember happening the next morning?

18 A. I don't remember.

19 Q. Did you tell the police that around noon time
20 Raymond started to reload his gun?

21 A. Yes.

22 Q. Do you remember telling the police that he was
23 very careful to wipe off every round with a shirt after he
24 touched it?

25 A. Yes.

Joseline Mack - Direct

1 Q. Did you tell the police that you saw him chamber
2 a round and then leave the house?

3 A. He left but I don't know about no chamber.

4 Q. So the police made that up too?

5 A. I don't even know what that is.

6 Q. Did you tell the police that Raymond told you to
7 tell Trez to call him that they needed to get together
8 when Trez got up?

9 A. Yes.

10 Q. Do you remember whether Trez stayed the night
11 that night?

12 A. Yes.

13 Q. After you gave this statement, do you remember
14 calling Investigator Brown?

15 A. We spoke a few times after I was arrested.

16 Q. Do you remember calling Investigator Brown a
17 couple days after you gave this statement and telling him
18 that you saw guns in your apartment?

19 A. Yes.

20 Q. And you told him that you had initially made a
21 mistake in your that you thought Drek Glover was one of
22 the individuals there in the 864 parking lot but that you
23 had been mistaken, do you remember that?

24 A. Right.

25 Q. Do you remember who you told him was actually in

Joseline Mack - Direct

1 the parking lot?

2 A. So many people I don't even know who they are
3 all.

4 Q. You don't remember telling Investigator Brown
5 that it was Buddah and not Drek Glover that was in the
6 parking lot?

7 A. I've never seen Buddah, I don't even know who he
8 is. I came across his picture the night that I was being
9 interrogated and he was showing me a lot of pictures of
10 people and was asking me did I know him and I told him no.
11 But I've never been around Buddah.

12 Q. What was the address that you were living at the
13 time?

14 A. I don't remember. I was only there for less than
15 two weeks.

16 Q. Was your apartment

17 A. That could be the address.

18 Q. How long do you think it took you to get from the
19 parking lot of the Whitehorse parking lot where you said
20 you were waiting for Raymond Drive to the Melvin Drive
21 Waffle House?

22 A. I would say less than -- maybe not even three
23 minutes. Once you get on the highway you pretty much stay
24 and once you get off the exit, you right there. So it's
25 not that far.

Joseline Mack - Direct

1 Q. So did you take the interstate that night?
2 A. Yes.
3 Q. When you got there immediately after you saw
4 Raymond pull up in your red car, correct?
5 A. Yes.
6 Q. Mikey was in the car with him, correct?
7 A. Yes.
8 Q. Do you know who Mikey is?
9 A. Yes.
10 Q. Do you see him in the courtroom?
11 A. Yes.
12 Q. What is he wearing?
13 A. A stripped shirt.
14 Q. You saw Trez in Simone's green Camary, correct?
15 A. Yes.
16 Q. Was he driving it?
17 A. Yes.
18 Q. Do you recognize Trez in the courtroom?
19 A. Yes.
20 Q. What is he wearing?
21 A. The navy blue vest.
22 Q. And you saw Ken in that car?
23 A. Yes.
24 Q. Do you see Ken in the courtroom?
25 A. Yes.

Joseline Mack - Cross

1 Q. What is he wearing?

2 A. The white vest.

3 Q. And who else was in the car with Trez?

4 A. Lipz.

5 Q. Do you know Lipz's real name?

6 A. No.

7 Q. And you saw Larry driving his car?

8 A. Yes.

9 Q. Do you remember who was in his car?

10 A. No, I don't think no one was in his car.

11 Q. You don't remember seeing Daquan Bruster in

12 Larry's car?

13 A. I don't know who that is.

14 Q. I don't have any additional questions.

15 MR. CHAMBERS: Randy Chambers on behalf of
16 Mr. Booker.

17 CROSS-EXAMINATION

18 BY MR. CHAMBERS:

19 Q. When the police officer in this case Investigator
20 Brown spoke to you it was at least according to this
21 statement July 24th of 2011, is that what you recall?

22 A. I'm not sure of the date.

23 Q. Is that the date that's on the statement?

24 A. Yes.

25 Q. And you were arrested that's why you ended up

Joseline Mack - Recross

1 MS. MOON: Uh-hum.

2 THE COURT: Ask whoever it is bring the paper
3 up here.

4 MS. MOON: Okay. Can I go out now?

5 THE COURT: No.

6 Okay, as soon as we get this dealt with.

7 MR. CHAMBERS: Your Honor, the solicitor has
8 indicated that the next witness is going to be
9 Investigator Brown who was very much involved in this
10 investigation. I anticipate if she does what she has done
11 with all the other witnesses, she's going to ask him what
12 he does at the Sheriff's Office to which I am afraid he
13 will respond he is in the gang investigation unit or
14 something to that effect. I would object to him
15 identifying that because I think at that point it goes
16 into the very thing we think we said we weren't going to
17 get into.

18 THE COURT: It's already come out from ---

19 MR. CHAMBERS: The officer also said he was
20 working in the warrant's division, Your Honor.

21 THE COURT: He said he was working with the
22 gang investigation unit.

23 MR. CHAMBERS: And warrant's unit.

24 MS. SALISBURY: That was Mr. Moore.

25 THE COURT: Is it an official department of

Joseline Mack - Recross

1 the sheriff's Department?

2 MS. SALISBURY: It's my understanding that is
3 specific title with respect to Investigator Brown a gang
4 investigator. He might be able to answer that question
5 better whether it is a distinct division.

6 THE COURT: How are we going to, you know,
7 that's what he does.

8 MR. CHAMBERS: What he does, Your Honor, is
9 he is an investigator with the Greenville County Sheriff's
10 Office. That's certainly sufficient. For him to say gang
11 investigator, that implies he was called into this because
12 they were investigating a gang.

13 MS. SALISBURY: Which is the truth.

14 MR. CHAMBERS: They've laid no foundation
15 from any witness that these young men were members of a
16 gang.

17 THE COURT: Your exception I think was noted
18 for the record.

19 MR. ABDALLA: For the record, Mr. Young joins
20 in the exception.

21 THE COURT: I presume everyone joins in that
22 and I notice that they're all acknowledging that they're
23 joining in.

24 MS. SALISBURY: I again trying to expedite
25 the process I see as the afternoon progresses, I may be

Brandon Brown - Direct

1 MS. SALISBURY: Deputy Weiner arrested Larry
2 Johnson and Larry Johnson's phone was in his possession at
3 the time of his arrest.

4 THE COURT: Larry Johnson is not a defendant.

5 MS. SALISBURY: That's what makes me think I
6 need to go through the exercise anyway, but in any event.

7 THE COURT: We'll just go through the
8 exercise. We'll just make it really quick.

9 You ready?

10 MS. SALISBURY: Yes.

11 THE COURT: Get the jury.

12 (Jury enters the courtroom.)

13 MS. SALISBURY: If it please the Court, Your
14 Honor, the State calls Investigator Brown. Investigator,
15 if you would please come up to be sworn.

16 THE CLERK: Investigator, if you would please
17 place your left hand on the Bible and raise your right
18 hand.

19 BRANDON BROWN, having been duly sworn,
20 testified as follows:

21 Thank you. Please state your full name.

22 THE WITNESS: Brandon Brown.

23 DIRECT EXAMINATION

24 BY MS. SALISBURY:

25 Q. Investigator, where do you work?

Brandon Brown - Direct

1 A. Greenville County Sheriff's Office.

2 Q. In what capacity?

3 A. Gang investigator assigned to the Federal Bureau
4 of Investigation as a task force officer.

5 Q. What are your responsibilities in that capacity?

6 A. To maintain all gang intelligence throughout
7 Greenville County area, be responsible for knowing all
8 players involved, all entities thereof throughout the
9 county involving everything from A to Z as long as it
10 pertains to gangs and violent crimes.

11 Q. How often do you assist in the investigation of
12 incidents like the one that's the subject of this trial?

13 A. On quite a regular basis. I get calls from all
14 the different divisions on the Sheriff's Office whenever
15 they believe there was possibly something involved in my
16 field.

17 Q. How is it you became involved in this
18 investigation?

19 A. I was contacted by homicide Investigator Wayne
20 Campbell and asked if I could respond to the Li'l Cricket
21 area off of Whitehorse Road in reference to multiple
22 shootings.

23 Q. When is it that you responded?

24 A. I don't recall exactly. It was early morning but
25 I'd have to look at my notes to know the exact time.

Brandon Brown - Direct

1 Q. Was it immediately to the crime scene as it
2 existed that night?

3 A. Yes.

4 Q. What was your role there on scene?

5 A. My immediate role anytime I get to an
6 investigation is not to take over the investigation from
7 the lead investigator which at this time would be homicide
8 due to the attempted murder aspect of it. My job is to
9 take the information that I can obtain from the incident
10 location whether it's victims, witnesses so on and so
11 forth various people around and try to gather whether
12 there is any information that I currently know in my job
13 description as gang investigator that can further the
14 investigation for the lead investigator.

15 Q. Did you collect any evidence on the scene?

16 A. No, ma'am, I did not.

17 Q. So what did you do there on the scene?

18 A. I spoke with what witnesses that were left. All
19 victims at the time had already been transported and there
20 was several deputies already on scene that were working
21 that night were able to maintain and keep a certain
22 location so that we could so we could talk with them as
23 soon as we arrived.

24 Q. Do you recall whether they were forthcoming with
25 information?

Brandon Brown - Direct

1 A. Most of them were very skeptical. They didn't
2 want to talk to us, didn't want to be seen talking to us,
3 were literally scared.

4 Q. Based on your conversations with those witnesses,
5 where did the investigation lead next?

6 A. While talking to several of the witnesses what we
7 were able to get out of some of them was that there had
8 been an altercation at another location and during that
9 altercation, them Folk Boys, as they kept referring to
10 them were involved. They further stated they were all
11 wearing black, they all showed up together, they were an
12 organized group and we continued to hear the name possibly
13 of Mikey.

14 Q. Did that have any significance to you?

15 A. At the current time, no, Mikey did not. It
16 didn't stand out that someone I dealt with on a regular
17 basis.

18 Q. So over the next few hours, how did the
19 investigation progress?

20 A. My partner Master Deputy Woodall also showed up
21 and due to multiple things going on as you can image he
22 went to a separate location at which time he had advised
23 me that an individual named Brandon Edwards had been shot
24 at a previous location.

25 Q. Did that name have any significance to you?

Brandon Brown - Direct

1 A. It absolutely did. I knew him to be involved
2 with several individuals specifically on the southern end
3 of Greenville County which lead me to possible names of
4 people that are typically involved with them.

5 Q. Specifically who came to mind when you heard that
6 Brandon Edwards was involved?

7 A. When I heard that name the very first name that
8 popped in my head was Raymond Young.

9 Q. Why?

10 A. The reason for that is is for one I knew that
11 they had associated close. In fact, they may even
12 possible be family.

13 Q. What did you do next to ---

14 MR. ABDALLA: Objection, Your Honor, to the
15 testimony involving this whole gang thing and throwing out
16 these names Mr. Edwards and Mr. Young.

17 THE COURT: I don't know what basis you have
18 for that objection, but objection is overruled.

19 MR. ABDALLA: The objection is that it's
20 prejudicial without a foundation as far as my client's
21 involvement with other people and appeared to be
22 associated with some gang.

23 THE COURT; it's overruled. Go ahead.

24 BY MS. SALISBURY:

25 Q. After what you did there on scene that night,

Brandon Brown - Direct

1 what happened next that night as you participated and
2 assisted in the investigation?

3 A. While on scene that night we kind of hit a dead
4 end. We had found out the victims that had been shot at
5 both locations, found up some more names, but a lot of
6 that night kind of came to a halt. So we turned to
7 electronic investigations is the best way to put it. We
8 began looking at Facebook and more specifically the
9 Facebook of Raymond Young.

10 Q. Were you able to learn any information of value
11 from what you saw on Facebook?

12 A. Yes, ma'am, I did. There was a conversation
13 which his Facebook was open, I didn't need any kind of
14 secret password or anything like that to get to it. It
15 was just open page so we could view without any kind of
16 issues basically and we started looking at -- there was a
17 conversation between him and a subject named Michael
18 Williams.

19 Q. At that point did that name have any kind of
20 significance for you?

21 A. The name still didn't, but however since the
22 conversation kind of lead that they were around that
23 incident or something happened that night at the club, it
24 lead me to maybe the name Mikey that we were hearing on
25 the scene could possibly be Michael Williams especially

Brandon Brown - Direct

1 given the fact that Brandon Edwards had been shot which
2 lead us to Raymond Young and now you had the two of them
3 conversating on Facebook.

4 Q. What was next for you in terms of substantive
5 investigation?

6 A. We continued to look at Facebook until the early
7 hours of the morning which lead us to a picture that was
8 labeled, "The Family."

9 MR. ABDALLA: Objection, Your Honor, to the
10 nature of going into a Facebook page because there is not
11 way to establish that, one, it's my client's Facebook page
12 and that nobody else could have tampered with it.

13 THE COURT: He's describing what he did in
14 his investigation subject to cross-examination, but he's
15 allowed to testify to what he did concerning his
16 investigation so overruled.

17 MR. ABDALLA: Thank you.

18 BY MS. SALISBURY:

19 Q. Investigator, I'm going to show you State's 4, do
20 you recognize that image?

21 A. Yes, ma'am, I do. That was the picture that we
22 located that was labeled, "The Family."

23 Q. Is that an accurate depiction of the image that
24 you saw posted there open to the public?

25 A. Yes, ma'am, it is.

Brandon Brown - Direct

1 MS. SALISBURY: Your Honor, State moves in
2 State's Exhibit 4.

3 MR. CHAMBERS: No objection from Mr. Booker.

4 MR. ROBINSON: No objection from
5 Mr. Williams, Your Honor.

6 MR. ABDALLA: No objection.

7 MR. QUINN: I object to the admissibility o
8 it because it does not contain my client.

9 THE COURT: Overruled. That's just
10 something you can argue to the jury.

11 (Photograph marked as State's Exhibit No. 4
12 for identification and admitted into evidence.)

13 BY MS. SALISBURY:

14 Q. How did that picture prove helpful in the
15 investigation?

16 A. Typically club pictures such as these help us a
17 lot especially identifying group members that are
18 associated together, similar like in dress, hanging out
19 together, so on an so forth helps us in our investigation
20 field as to who is associated together. In this specific
21 photo there were several that we did know, several that
22 did not know and later throughout the investigation that
23 was one of our main focus is not just necessarily involved
24 in the shooting but who everybody in the picture was
25 because it could (inaudible).

Brandon Brown - Direct

1 Q. Could you tell just from looking at this picture
2 who the suspects in the shooting case might be?

3 A. A couple of them. As far as who we previously
4 knew when we were looking at as far as them being involved
5 in the shooting, not necessarily.

6 Q. What do you remember doing next in terms of your
7 specific responsibilities and assistance in this
8 investigation?

9 A. The next portion in this investigation lead on
10 for very long hours and day after day with what we were
11 involved in between myself and my partner. But we were
12 able to sit in on an interview with another subject that
13 was quite forthcoming with both monikers or nicknames of
14 the subjects involved in the photo as well as legal names
15 of the people that were involved in the photo.

16 Q. Which interview was that?

17 A. That was with Larry Johnson.

18 Q. Do you remember what date you sat in on this
19 interview with Larry Johnson?

20 A. Without looking at my specific report, I wouldn't
21 be able to tell you what date or time that's listed in
22 there.

23 Q. Would it have been shortly after the actual
24 incident?

25 A. If I'm not mistaken it was possibly within hours

Brandon Brown - Direct

1 but it would have been the next day if I'm not mistaken.

2 Q. So as the week advanced and the days advanced and
3 you assist in these interviews, what happens next?

4 A. We continue to follow up on leads that we got.
5 Every day something new would come up and as it came up,
6 one, it was our job as gang investigators to be able to
7 determine if these individuals were involved together, if
8 they were associated together and furthermore were they in
9 the picture of the club that night. We were able to
10 identify certain people who were involved in the picture
11 and we continued our investigation focusing on people's
12 names that kept hearing that were possibly involved in the
13 shooting at Li'l Cricket.

14 Q. Did you ever learn of a young lady by the name of
15 Joseline Mack?

16 A. I did. I had heard at one piony that she was
17 possibly involved with Raymond. Whether it was an
18 intimate or a friendship based we weren't really sure but
19 we were told she was in some way involved with Raymond.d

20 Q. Did you have an opportunity to speak with her?

21 A. Yes, ma'am, I did. We were working in effort to
22 -- at this point several warrants had been signed on
23 people and so people who had identified as possibly being
24 involved and were just need to be questioned as to this
25 incident and what had happened at the nightclub that

Brandon Brown - Direct

1 night. I had been advised through this effort that some
2 one had made contact with her. So I left what I was doing
3 and personally went and spoke with her myself.

4 Q. Do you remember when that would have been?

5 A. It was late night, Friday or Saturday night, but
6 it was within three days of that original incident.

7 Q. Where did you go to actually speak with her?

8 A. I actually went to the location on the side of
9 the road where she was originally made contact at and then
10 if I'm not mistaken we responded back to the Law
11 Enforcement Center.

12 Q. Did you interview her there at the Law
13 Enforcement Center?

14 A. Yes, I did.

15 Q. What was her attitude during that interview?

16 A. She was initially shook up. She really appeared
17 as though she didn't really understand what was going on.
18 She didn't understand a lot of the aspect of some of the
19 things we were asking. But we tried to focus on her that
20 we needed certain information, certain names, vehicle
21 identification, so on and so forth which she ended up
22 being quite cooperative with.

23 Q. Did you tell her what you wanted her to say?

24 A. No. We went over specifically the investigation
25 we were looking at and advised her that we needed the

Brandon Brown - Direct

1 correct and accurate information which she ended up giving
2 us.

3 Q. Who actually typed what she shared with you that
4 night?

5 A. I honest can't recall if it was myself or one of
6 the other investigators.

7 Q. Did you allow Ms. Mack an opportunity to review
8 the statement that she had?

9 A. Yes, ma'am. Everyone is given an opportunity to
10 any statement if anything that's asked to be removed we
11 remove it. We want to be as close as to their accurate
12 words.

13 Q. Do you recall her reading over the statement?

14 A. Yes, ma'am I do.

15 Q. Did she sign the statement?

16 A. Yes, ma'am.

17 Q. Did she ever indicate that she wanted to make any
18 changes to what was in that statement?

19 A. Yes, ma'am. She did later call me and advised me
20 of one of the names she had given me was inaccurate. It
21 was along the same lines at what it ended up being but she
22 did call and give me a correction on it.

23 Q. What correction was that.

24 A. If I'm not mistaken she had originally said Drek
25 Glover was one of the subjects involved, I believe she --

Brandon Brown - Direct

1 I'd have to look at my statement, but I believe she
2 pointed to another suspect that was involved in this.

3 Q. During your conversation with her, did you learn
4 any information that would help you locate any other
5 evidence in this case?

6 A. At that initial time, no. She contacted me later
7 on and advised that before she left her residence at work
8 with her roommate there that she had seen several guns
9 inside the residence and wanted to make sure that I knew
10 about them and she was concerned that they were possibly
11 involved in the shootings.

12 Q. So she was aware the shootings had happened?

13 A. At this point, yes, ma'am, because we had already
14 interviewed her on initial incident and she knew that
15 everything at the Li'l Cricket had gone on based on our
16 conversation if nothing else.

17 Q. Was she specific with you about the particular
18 firearms that she had seen in her apartment?

19 A. Yes, ma'am, she said there was a shotgun and a
20 pistol.

21 Q. Did she indicate to you where they were located?

22 A. She did. She stated that they were under her
23 roommate -- almost beside the box spring in her roommate's
24 bed kind of next to the rails, if you will, where kind of
25 the like the bed holds the box spring.

Brandon Brown - Direct

1 Q. Now, based on your conversations with her that
2 night when you interviewed her, did you learn anything
3 that might help the investigation to collect evidence with
4 respect to what she was able to tell you?

5 A. We did learn that original night that she was in
6 fact involved with Raymond Young and that her roommate was
7 involved with Esaiveus Booker known as Trez, Trez, that's
8 what we kept hearing which we were able to positively
9 identify as Esaiveus Booker. Which now lead us to an
10 additional name that we could start looking at as being
11 involved in these shootings. During that incident also
12 she advised that they both ended up back at their location
13 after several hours had gone by from when she had
14 originally met Raymond at another location at which point
15 she gave him the keys to her car and was asked to drive
16 his car away.

17 Q. Did she ever mention to you anything about this
18 black duffel bag?

19 A. She did. She stated that the guns were brought
20 in by Esaiveus Booker and they were in a black canvas
21 duffel bag with carry handles. They were brought into the
22 apartment that way and then stowed inside the apartment.

23 Q. What did you do with that information?

24 A. At that initial time we were kind of unable to do
25 anything. We didn't know if it was still there, time

Brandon Brown - Direct

1 frame between when she had originally seen the duffel bag
2 inside of her house had been too great of a time period
3 for us to be able to get a search warrant based accurate
4 evidence. However, at the same time my partner was
5 involved in locating Michael Williams at a location 460
6 Davis Road. Inside that trailer upon protective sweep of
7 locating Michael Williams I was advised at time Deputy
8 Mike Moore who is now Mr. Mike Moore that he had seen a
9 black ---

10 MR. ROBINSON: Objection, hearsay.

11 THE COURT: Don't testify to what he said but
12 you can testify to what you did as a result of the
13 conversation you had with him.

14 BY MS. SALISBURY:

15 Q. After you spoke with Deputy Moore at the time,
16 what did you do?

17 A. Based on the information that i was provided
18 along with the information that was provided originally by
19 the description of the black canvass duffel bag, I
20 obtained a search warrant for

21 Q. Did you assist in the execution of that search
22 warrant?

23 A. Yes, I did.

24 Q. What do you remember locating inside that trailer
25 that was helpful for the investigation?

Brandon Brown - Direct

1 A. There was, if I'm not mistaken, .40 caliber
2 pistol rounds that were located in the bedroom. There was
3 personal paperwork of Raymond Young that was inside the
4 trailer as well as two canvass gun holsters.

5 Q. And to whom did you turn over the ammunition and
6 holsters?

7 A. Every thing was processed and put into property
8 and evidence.

9 Q. Do you remember who took it to property and
10 evidence?

11 A. If I'm not mistaken Master Deputy Woodall did.

12 Q. After executing that search warrant what happened
13 next that was specifically related to this investigation?

14 A. This investigation, we got several issues that
15 are coming up aside from our regular daily duties as gang
16 investigators. Our primary concern is getting the
17 firearms off the street. They've already caused one time.
18 That was our main focus as trying to find some of these
19 firearms along with still assisting Investigator Wayne
20 Campbell in his leads that were coming up, we began
21 focusing a lot on where are the firearms, where are the
22 people that are involved in this, how can we get this
23 stuff off the street.

24 Q. And I suppose as it relates to the conversation
25 that you had with Ms. Mack in the days after her original

Brandon Brown - Direct

1 statement ,what did you do?

2 A. Based on the fact that the duffel bag was
3 originally not found at however, the
4 ammunition and holsters were, we knew that the guns were
5 still on the street so as soon as she provided first hand
6 information of within moments of us being able to act on
7 it that there were firearms inside of her apartment, I
8 then drew a search warrant for her apartment.

9 Q. And did you assist to execute that search
10 warrant?

11 A. I was in on the original execution. Deputy David
12 Whitlock was also assisting us in this investigation and I
13 asked him based on myself and Master Deputy Woodall being
14 previously kind of business with some of the other
15 interviews and so and so forth that I asked him to serve
16 the search warrant.

17 Q. Did you ultimately arrive on the scene?

18 A. I did. Once the location was secured and I
19 finished up what I was doing, Deputy Whitlock called me
20 and advised they were safely inside the residence and I
21 might want to respond.

22 Q. Is it your understanding there was any evidence
23 collected from the apartment?

24 A. Not from the actual apartment, no.

25 Q. What happened when you arrived?

Brandon Brown - Direct

1 A. When I arrived Kiara Kerns which was Joseline
2 Mack's roommate was in there. She was very not
3 cooperative with us finding firearms even though we knew
4 that they had been in there at that location at least once
5 and now we're being told two occasions. She was not
6 cooperative at all with the furtherance of this
7 investigation as well as helping us find anything. So my
8 initial arriving on location was to advised her of the
9 seriousness of the nature and how important for us to get
10 the firearms off the street. At which time she did say
11 that, yes ---

12 MR. CHAMBERS: Objection, Your Honor,
13 hearsay.

14 MR.. ROBINSON: Yes.

15 BY MS. SALISBURY:

16 Q. Based on your conversation with Ms. Kerns what
17 did you do?

18 A. I was then able to talk with her and have her
19 basically deliver the weapons back to us.

20 Q. And how did that actually happen?

21 A. Her mom arrived on location, and her mom was very
22 helpful to us in convincing her that she needed to do the
23 right thing. Her mom cooperated with us in getting with
24 her son who at the time was in possession of the firearms
25 and convinced him to bring them back.

Brandon Brown - Cross

1 Q. Which guns did you receive there on the scene
2 that day?

3 A. We took possession of the shotgun and pistol.

4 Q. Investigator, I'm going to show you State's 42,
5 do you recognize that?

6 A. Yes, I do.

7 Q. How do you recognize it?

8 A. That is the weapon, magazine and ammunition that
9 was retrieved from that location.

10 Q. How do you know?

11 A. One it's listed as DW which is for Dustin Woodall
12 which is my partner. I know he took possession of those
13 items, and two it's the items that we recovered from the
14 back of her mother's vehicle.

15 Q. Just to be clear, I don't know that we've heard
16 any testimony that Deputy Woodall was on the scene that
17 day. Did he ultimately arrive and collect these items?

18 A. I believe he did if I'm not mistaken.

19 Q. Is it possible that DW is instead David Whitlock?

20 A. Actually, yes, it could be.

21 Q. What happened when that gun arrived back on
22 scene?

23 A. We were very careful in processing the evidence.
24 We wanted to make sure we could fingerprint every item so
25 every item that arrived on scene we made sure to hand

Brandon Brown - Cross

1 with care wearing latex gloves so that we could not
2 contaminate evidence any further than it already had been.

3 Q. Once you collected this evidence and assisted in
4 the arrest or investigation of the suspects in this case,
5 did you have any other role in the investigation of the
6 case?

7 A. We continued to help through out the entire
8 investigation as information led to possible suspects
9 involved, we were involved in every aspect of locating
10 them ,taking them into custody.

11 Q. Alright. If you would answer any questions that
12 these attorneys may have for you.

13 A. Yes, ma'am.

14 CROSS-EXAMINATION

15 BY MR. CHAMBERS:

16 Q. Deputy, you were the one after you arrived on
17 scene that started to provide names to Investigator
18 Campbell; is that correct?

19 A. Which scene, sir?

20 Q. Well, both incidents. We had the thing that
21 happened at the Red Planet and you indicated that a name
22 surfaced from the Red Planet and based on that in helping
23 in the investigation over at the Li'l Cricket you started
24 to name people that you thought to be associated with
25 Raymond Young?

Brandon Brown - Cross

1 A. Yes, sir, I did.

2 Q. At that point is when the investigation started
3 focusing on these people whose names you gave?

4 A. No, sir, it was not.

5 Q. You just gave the names?

6 A. I gave names and it gave us aspects to start
7 looking at, however, that wasn't what made us focus on.
8 The Facebook pages is what made us focus on.

9 Q. Specifically it had pictures in it and you
10 recognized elements in this picture that was labeled the
11 family which is a group of young men and young women
12 together at this club, correct?

13 A. Yes, sir.

14 Q. Are you familiar with the group that refers to
15 themselves as the Hardliners?

16 A. Yes, sir, I am.

17 Q. And it would be fair to say that they are a
18 fairly organized group as well, isn't it?

19 A. That hasn't been in our investigation at all, no,
20 sir.

21 Q. Have you seen them at the club where they were
22 altogether and they appeared to be flashing gang signs?

23 A. I have seen pictures, yes, sir.

24 Q. Did you see the HL sign that they all threw up?

25 A. I did, sir.

Brandon Brown - Cross

1 Q. And that's something that's common among gang
2 members, isn't it?

3 A. It can be, yes, sir.

4 Q. And typical when they were taking pictures like
5 that it would not be unusual for them all display their
6 gang signs to show pride, correct?

7 A. Hand signs in themselves we don't declare as gang
8 signs, so, no, sir.

9 Q. And you're aware from talking to these
10 individuals including your investigation and these young
11 men, these Hardliners, who you referred to as being
12 scared, most of them were themselves carrying weapons?

13 A. Carrying, no, sir, we did not find that.

14 Q. So they didn't have them on their persons but you
15 were aware of the fact that they had weapons in them in
16 their cars accessible to them, correct?

17 A. There were weapons inside of the vehicles.

18 Q. You were aware that they came to the Red Planet
19 with guns available to them, correct?

20 A. Later on we did find that, yes, sir.

21 Q. And there were other people who were there at
22 that club besides the young men who you said were Folk
23 Nation or whatever you call them and these Hardliners,
24 there were lots of other people there as well?

25 A. Yes, sir, there were.

Brandon Brown - Cross

1 Q. And it's not at all unusual at these clubs for
2 people to go as a group together wit ha group of friends
3 a group of girls and they meet there and they hang out
4 together?

5 A. Yes, sir.

6 Q. And it's not unusual for these groups to come in
7 conflict with one another once they get to these clubs, is
8 it?

9 A. That's correct.

10 Q. You indicated that you went to that trailer based
11 on what Officer Moore had said and executed the search
12 warrant but all you found was a bag and some holster,
13 correct?

14 A. And some ammunition.

15 Q. Those were in plain view, the holsters and the
16 ammunition, correct?

17 A. The holster was, the ammunition was not.

18 Q. And then later on you went to an apartment where
19 you said Kera Kerns lived?

20 A. Yes, sir.

21 Q. Now, Esaiveus Booker did not live at that
22 apartment, did he?

23 A. Not to my knowledge.

24 Q. So that was not his residence and you went there
25 looking for these guns?

Brandon Brown - Cross

1 A. Yes, sir, we did.

2 Q. And you said eventually with the help of her
3 mother that you obtained from her brother two weapons, the
4 one that was here in court today and a shotgun?

5 A. Yes, sir.

6 Q. Now, there was never any indication that a
7 shotgun was part of any of these incidents that you
8 investigated, correct?

9 A. Any of which incidents

10 Q. Let's be specific to the one that we're here for
11 now and that is the one at the Li'l Cricket. Nobody ever
12 said anything about a shotgun being used.

13 A. No, sir.

14 Q. Forensics went out there and they got all these
15 projectiles and these shell casings and they didn't get
16 any buck shot, they didn't get any plastic shell casings
17 from a shot gun shell, they didn't find anything like
18 that, did they?

19 A. No, sir, they did not.

20 Q. And you said you dusted these weapons for
21 fingerprints?

22 A. I didn't personally. I submitted them.

23 Q. To your knowledge, you never got any fingerprints
24 from Esaiveus Booker from any of these weapons, did you?

25 A. Not to my knowledge, no, sir.

Brandon Brown - Redirect

1 Q. That's all the questions I have for you.

2 MR. ROBINSON: To follow up. Scott Robinson
3 for Mr. Williams.

4 BY MR. ROBINSON:

5 Q. You did not get any fingerprints for anything off
6 the weapons tying it to Mr. Williams, correct?

7 A. Not to my knowledge.

8 MR. ROBINSON: Thank you.

9 MR. ABDALLA: On behalf of Mr. Young, I have
10 no questions.

11 MR. QUINN: No questions on behalf of
12 Mr. Sadler.

13 MS. SALISBURY: Briefly redirect.

14 REDIRECT EXAMINATION

15 BY MS. SALISBURY.

16 Q. Investigator, I'm going to show you some
17 photographs labeled State's 51, 52, 53 and 54. I'd like
18 you to take a look at those photographs. Do you recognize
19 those photographs as anything you've seen before today?

20 A. Yes, ma'am, I have seen those photographs.

21 Q. Did you receive those during the course of the
22 investigation in this case?

23 A. Several days after the initial incident occurred.

24 Q. Do you recognize the individuals in these
25 photographs?

Brandon Brown - Redirect

1 A. Yes, ma'am. Several of them at least.

2 Q. There's been a little bit of discussion about
3 hand signs and what they may or may not mean, do you
4 recognize the hand signs that are being exhibited in those
5 photographs?

6 A. Yes, ma'am, many of them.

7 Q. How did you recognize the hand signs?

8 A. As part of our job as gang investigators, we have
9 to have a basic knowledge and try to get as much advance
10 investigation tools as we can. One of the most popular
11 ways of identifying a gang member is very specific hand
12 signs that are universal across the board. Several of
13 these are them.

14 Q. Specifically as it relates to this particular
15 group, what hand signs are of significance to you based on
16 your education?

17 A. Given the fact that we were currently already
18 involved in working at Folk Nation or specifically
19 Gangster Disciples, there are several hand signs that are
20 very very significant. Along with hand signs are numbers
21 such as six and three. There is a six pointed crown and a
22 three pointed crown as well as pitch forks, pitch forks
23 facing up as well as a simple that looks like a
24 (inaudible) that stands from one of their six knowledges
25 as one love and some other acronyms.

Brandon Brown - Redirect

1 Q. And do you recognize the individuals in that
2 photographs that are exhibiting those hand signs?

3 A. Defendants or everyone?

4 Q. Let's start with State's Exhibit 51, do you
5 recognize the individuals in that photograph?

6 A. Yes, ma'am, there is one subject that we know as
7 Shequille Hogan.

8 Q. Before we get into that just generally do you
9 recognize those individuals in that photograph?

10 A. All but two off the top of my head out of the
11 five.

12 MS. SALISBURY: I'd offer State's Exhibit 51.

13 THE COURT: Subject to the objection.

14 (Photograph marked as State's Exhibit No. 51
15 was marked for identification and admitted into evidence.)

16 BY MS. SALISBURY:

17 Q. Investigator, I'm going to put it up on the wall
18 here and maybe you can help explain to the jury what it is
19 exactly that we're seeing in this photograph. What does
20 the photograph depict?

21 A. First of all looking at the picture one of the
22 things that stood out was they were standing in front of
23 "Spill the Beans," which is a restaurant downtown. It's a
24 great picture that's very common with subjects that are
25 associated with each specifically gang members throwing

Brandon Brown - Redirect

1 gang hand signs. In this instance, all they were throwing
2 was known as a three point crown and that was very
3 specifically to the Folk Nation.

4 Q. Can you identify for the jury the ones that you
5 recognize from the photographs?

6 A. Starting from the left in the red is Shaquille
7 Hogan aka Lipz and Esaiveus Booker aka Trez and then
8 Michael Williams aka Mikey. The other two I do recognize
9 but I don't know their names off the top of my head.

10 Q. Is it possible that this fourth gentleman is
11 Mr. Sadler?

12 A. It's very possible.

13 Q. But your not sure?

14 A. No, ma'am.

15 Q. Let's move on to the other photograph, do you
16 recognize individuals in State's Exhibit 52.

17 A. This is another photograph that's much the club
18 photos with multiple individuals. This one is a little
19 harder to identify just because it's a dark taken
20 photograph. You can't really make a whole lot of people
21 in it.

22 Q. Let's move on State's Exhibit 53. Do you
23 recognize whose in that photograph?

24 A. This is again a dark photograph, there is at
25 least one you can make out for sure. This one also

Brandon Brown - Recross

1 contains several females that are projecting hand signs.

2 Q. Let's talk about State's Exhibit 54. Do you
3 recognize the individuals in that photograph?

4 A. Yes, ma'am, I do, some. Again, this is a large
5 group photo.

6 Q. And are those individuals demonstrating what in
7 your experience appear to be specific hand signs?

8 A. Yes, ma'am, we have a couple of the three point
9 crowns again and a couple of the others and we've know as
10 the "L" symbol.

11 MS. SALISBURY: I'd offer State's Exhibit 54.

12 THE COURT: Same ruling.

13 (Photograph marked as State's Exhibit No. 54
14 for identification and admitted into evidence.)

15 BY MS. SALISBURY:

16 Q. Investigator, I'd put State's Exhibit 54 up on
17 the scene. As best you can, it appears to be a dark
18 photograph, can you tell the jury who it is that you
19 recognize in that photograph?

20 A. On the wall it's a little harder to depict as the
21 picture is -- if I can take a look at the picture. The
22 picture is a little bit lighter than when on the wall.
23 There are at least two that are definitely identifiable in
24 that one.

25 Q. There's a pointer laying right there. If you

Brandon Brown - Recross

1 could use that pointer to indicate who it is that you
2 recognize from those photos?

3 A. In the center right here, given almost the exact
4 same facial look as he did in the previous photograph at
5 the nightclub is Randy Young. This looks like possibly
6 Tavarious Holmes and possible Esaiveus Booker right there.
7 As far as positive identification these are a little more
8 difficult.

9 MS. SALISBURY: I don't have any additional
10 questions.

11 RECROSS EXAMINATION

12 BY MR. CHAMBERS:

13 Q. The picture that you saw from just a few minutes
14 ago from all these folks were at the club that night
15 people you say are member of the Folk Nation none of the
16 so-called signs that night, right?

17 A. Yes, sir.

18 Q. When you're talking about the Hardliners and
19 they're throwing up their signs, that's not a gang because
20 they're and the victims in this case.

21 A. No, sir, that's not true. Initially that's what
22 we looked due to the hand signs, later we did learn that
23 Hardliners were a rap association and just like anything
24 else you can have a hand sign on anything, that doesn't
25 make it traditionally a definite gang just because of hand

Brandon Brown - Recross

1 signs.

2 Q. In fact, lots of people throw up hand signs?

3 A. Yes.

4 Q. It's become a part of popular culture?

5 A. Yes, sir.

6 Q. Most of the hip hop artists have some sort of
7 sign they're associated with. Do you know that?

8 A. Yes, sir. There are a lot of hip hop artists
9 that are affiliated with national associated gangs that do
10 throw up hand signs.

11 Q. JayZ and how he throws up the rock as he calls
12 it?

13 A. I'm not much of a JayZ fan but I do know what
14 you're talking about.

15 Q. I figure since you worked in gangs you might be
16 familiar with the hip hop culture?

17 A. To an extent, sir.

18 MR. CHAMBERS: I have no further questions.

19 MR. ROBINSON: Nothing.

20 MR. ABDALLA: No questions.

21 MR. QUINN: No questions.

22 THE COURT: We're going to take a short
23 break. Don't talk about the case.

24 (Jury exits the courtroom.)

25 (Short break.)

Brandon Brown - Recross

1 We had a bench conference to discuss the
2 photographs that were introduced, two, and defense counsel
3 had an objection and I told them that I would allow them
4 to put their objection on the record at the break.

5 MR. CHAMBERS: The objection was that the
6 pictures that were offered up first of all there'd been no
7 foundation laid for them at all. It was not established
8 when they were taken, where they were taken, and so there
9 is an objection as far as not laying the proper foundation
10 for them. And secondly, they're just not relevant to
11 anything that's at issue in this case.

12 THE COURT: Everybody joins in that?

13 MR. ABDALLA: Yes and I want to add that I'm
14 restoring my objection to the prejudicial nature of the
15 gang information.

16 THE COURT: I overruled the objection. I was
17 told they came off of Raymond Young's cell phone.

18 MS. SALISBURY: And I'm prepared to offer
19 testimony hopefully later today about exactly how those
20 photographs -- the phone for which they were taken.

21 THE COURT: Let me see the lawyers up here
22 for just one second.

23 (Bench conference.)

24 MS. SALISBURY: Judge before we get rolling
25 again, I just wanted to settle up the issue of one of the

William Whitlock - Direct.

1 next witnesses that I'm call which is Mr. Adrian Kerns.
2 Mr. Kerns is in custody of the Department of Corrections.
3 He's been transported here and it's my understanding that
4 he has a conviction in 2007, it is a juvenile conviction
5 but it for assault and battery of a high and aggravated
6 and nature and then a 2010 conviction for burglary in the
7 third degree. I'm also showing a 2011 conviction for
8 unlawful carrying of a pistol but it's the State's
9 position that that is not a crime whose punishment exceeds
10 one year.

11 So I just wanted to settle that out before we
12 call him. I believe that's the only witness I anticipate
13 having a criminal record until we get to the
14 co-defendants.

15 THE COURT: Y'all agree with that, I guess.

16 MR. ABDALLA: My position about the gun since
17 guns are at play here and since he's not on trial, it's
18 not going to affect him (inaudible).

19 (Jury re-enters the courtroom.)

20 THE COURT: Call your next witness.

21 MS. SALISBURY: The State calls Deputy
22 Whitlock.

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

25 WILLIAM WHITLOCK, having been duly sworn,

William Whitlock - Direct

1 testified as follows:

2 Thank you. Please state your name.

3 THE WITNESS: William Whitlock.

4 DIRECT EXAMINATION

5 BY MS. SALISBURY:

6 Q. Deputy Whitlock, where do you work?

7 A. The Greenville County Sheriff's Office.

8 Q. And how long have you been with them?

9 A. Three and a half years.

10 Q. What's your current capacity?

11 A. Work with vice and narcotics as a liaison to the
12 ATF.

13 Q. Alright. Were you working in that capacity in
14 July of 2011?

15 A. I was not.

16 Q. What was your capacity in July of 2011?

17 A. I was with vice and narcotics assisting in gang
18 investigations.

19 Q. Do you remember becoming involved in the
20 investigation which is the subject of this case?

21 A. I do.

22 Q. What exactly did you do to become involved?

23 A. On July 26, 2011, Investigator Brandon Brown
24 stated he had a search warrant ---

25 MR. ROBINSON: Objection, hearsay.

William Whitlock - Direct

1 THE COURT: You can just state what you did
2 as a result of the conversation you had.

3 BY MS. SALISBURY:

4 Q. After speaking with Investigator Brown, what did
5 you do?

6 A. He gave me a signed search warrant for 515
7 Webster Road, Apartment 408 that was ready to be executed.

8 Q. Did you have any information at that point about
9 who lived at that apartment?

10 A. It stated that it was Keara Kerns and a roommate.

11 Q. Did those names mean anything to you at that
12 point?

13 A. No.

14 Q. What was your understanding of what you were
15 supposed to do to help out this investigation?

16 A. Obviously in this type of investigation, everyone
17 was aware of the type of investigation and stated there
18 was a possibility of their being firearms used in the
19 shooting at that location and it was time sensitive due to
20 the fact that people had already been picked up and the
21 guns had possibly been moved around.

22 Q. So did you attempt to execute that search
23 warrant?

24 A. I did.

25 Q. Do you remember what time of day you would have

William Whitlock - Direct

1 gone to that residence?

2 A. Not exactly. It would be roughly approximately 1
3 or 2 p.m.

4 Q. What happened when you got on scene?

5 A. When we got on scene I went to the apartment, we
6 knocked multiple times, we got no answer, we announced
7 ourselves as the Sheriff's Office, got no answer. We
8 breached the door at apartment 408 and then we conducted
9 the search there of.

10 Q. Was anybody home?

11 A. No.

12 Q. Did you find any evidence inside?

13 A. No.

14 Q. So what happened next?

15 A. During the course of that search who came to be
16 known as Keara Kerns mother Amanda Bell arrived. At that
17 point in time I did not continue to speak with her about
18 the investigation only that if she knew where to find
19 Keara give her a call and have her come to the scene.

20 Q. Did Ms. Keara Kerns eventually come to the scene?

21 A. She did.

22 Q. Did you speak with her?

23 A. I did.

24 Q. After speaking with her, what did you do next?

25 A. At that point in time I realized she may have

Adrian Kerns - Direct

1 more information concerning the investigation and I had
2 limited details about the investigation so I had contacted
3 Investigator Brandon Brown.

4 Q. And did he come out to the scene?

5 A. He did.

6 Q. Did you participate in any further interview of
7 Ms. Kerns?

8 A. No.

9 Q. Do you remember whether you eventually took
10 custody of a firearm in this case?

11 A. Yes.

12 Q. Do you remember what kind of firearm it was?

13 A. It was a .380 handgun and a shot gun.

14 Q. I'm showing you State's Exhibit 42. Take a look
15 inside that box and tell me whether you recognize what's
16 inside.

17 A. Yes.

18 Q. How do you recognize it?

19 A. Both by the markings on the outside of the box.
20 Once I place it into P&E I would have taped everyone on
21 the box, initial inside to make sure no one else had it
22 and be sure the serial numbers was consistent with my
23 records.

24 Q. Is the firearm that's inside that box be the
25 firearm that you received from Ms. Amanda Bell on the

Adrian Kerns - Direct

1 scene that day?

2 A. Yes.

3 Q. Outside of this particular search warrant, did
4 you have any other role in the assisting the investigation
5 in this case?

6 A. No.

7 MS. SALISBURY: No further questions.

8 MR. CHAMBERS: No questions.

9 MR. ROBINSON: No questions.

10 MR. QUINN: No questions.

11 THE COURT: Thank you, sir, you may step
12 down.

13 Let's take a short recess.

14 (Jury exits the courtroom.)

15 (Whereupon, there was a brief recess.)

16 THE BAILIFF: All rise.

17 THE COURT: Please be seated. Let me see the
18 lawyers, please.

19 (Whereupon, there was a bench conference.)

20 I have never seen such continued unrestrained
21 misconduct by people in a gallery, not ever, and I've been
22 doing this for going on 35 years. I will tell you this,
23 anybody who has any involvement in this case has any kind
24 of contact with a juror again, I will put them in jail.
25 You see somebody with a badge on their lapel, you turn and

Amanda Bell - Direct

1 Q. Alright. You spoke with your mother about
2 returning some guns to the police?

3 A. Not that I remember.

4 Q. If you would answer any questions these lawyers
5 have for you.

6 MR. CHAMBERS: I have no questions on behalf
7 of Mr. Booker.

8 MR. ROBINSON: No questions.

9 MR. ABDALLA: No questions.

10 MR. QUINN: No questions on behalf of
11 Mr. Sadler.

12 THE COURT: Alright, step down.

13 MS. SALISBURY: The State calls Ms. Amanda
14 Bell.

15 THE CLERK: Place your left hand on the Bible
16 and raise your right.

17 AMANDA BELL, having been duly sworn,
18 testified as follows:

19 MR. CHAMBERS: Before Ms. Bell testified and
20 I'm just acting on information that's been given to me but
21 apparently Ms. Bell has been sitting in the courtroom and
22 not sequestered.

23 THE WITNESS: I was asked to come here, sir.

24 MS. SALISBURY: It's my understanding
25 Mr. Bannister didn't have Ms. Kerns or Ms. Bell come until

Amanda Bell - Direct

1 1 or 2:00. I don't believe that I've seen her in the
2 courtroom.

3 THE WITNESS: I've been in the waiting area.

4 THE COURT: Alright.

5 DIRECT EXAMINATION

6 BY MS. SALISBURY:

7 Q. Are you Ms. Simone Kerns's and Mr. Adrian Kerns's
8 mother?

9 A. I am.

10 Q. Do you remember back in July of 2011 retrieving
11 some guns and giving them to police?

12 A. I do.

13 Q. Would you describe for the jury what it is that
14 exactly happened how you came into possession of these
15 guns?

16 A. I went and picked them up to my son and bought it
17 back to the police office and gave it back to them.

18 Q. Where did you go to retrieve them from your son?

19 A. In Roosevelt.

20 Q. Do you remember which guns you got from your son?

21 A. It was shotgun and a handgun.

22 Q. And what did you do with them?

23 A. Gave them to the police officer.

24 Q. Did you do anything else with those guns?

25 A. No, ma'am.

Devon Hoover - Direct

1 Q. Did you ever talk with the police again?

2 A. No, ma'am.

3 Q. Thank you, ma'am.

4 MR. CHAMBERS: On behalf of Mr. Booker no
5 questions for this witness.

6 MR. ROBINSON: On behalf of Mr. Williams no
7 questions.

8 MR. ABDALLA: On behalf of Mr. Young no
9 questions.

10 MR. QUINN: No questions, Your Honor.

11 THE COURT: Thank you, ma'am, you may step
12 down.

13 MS. SALISBURY: The State calls Investigator
14 Devon Hoover. Investigator Hoover, would you please come
15 up and be sworn.

16 THE CLERK: Investigator, would you please
17 place your left hand on the Bible and raise your right
18 hand.

19 DEVON HOOVER, having been duly sworn,
20 testified as follows:

21 State your name for the record.

22 THE WITNESS: Devon Hoover.

23 DIRECT EXAMINATION

24 BY MS. SALISBURY:

25 Q. Investigator Hoover, where do you work?

Devon Hoover - Cross

1 A. Greenville County Sheriff's Office.

2 Q. And in what capacity?

3 A. Armed robbery investigator.

4 Q. How long have you been with the Sheriff's Office?

5 A. About seven years.

6 Q. Do you recall whether you were assisting in the
7 investigation that's the subject of this trial?

8 A. Yes, ma'am, I was.

9 Q. Do you recall participating in the arrest of the
10 defendant, Mr. Raymond Young?

11 A. Yes, ma'am, I do.

12 Q. Where did that arrest take place?

13 A. County Square.

14 Q. Did you retrieve any items from Mr. Young at the
15 time of his arrest?

16 A. Yes, ma'am, there were two cell phones.

17 Q. Were both of them Mr. Young's cell phones?

18 A. No, ma'am, one was somebody else's.

19 Q. What did you do with the cell phone you collected
20 that day?

21 A. I took the cell phones, did a search warrant for
22 each one of them and turned them over to Investigator
23 Wear.

24 Q. How does that process work? What do you mean you
25 turned them over to a different person?

David Weiner - Direct

1 A. For a forensic search, the investigator or
2 officer per say isn't necessarily the one who goes through
3 the phone. We have them forensically searched.

4 Q. Are you the investigator that made the request
5 that the forensics be searched?

6 A. Yes, ma'am.

7 Q. And where did you put the phones after you took
8 it into custody and request that this analysis be done?

9 A. It would have been put into property and
10 evidence.

11 Q. Sir, if you would answer any questions this
12 lawyer has for you.

13 MR. CHAMBERS: Mr. Booker has no questions.

14 MR. ROBINSON: Mr. Williams has no questions.

15 CROSS-EXAMINATION

16 BY MR. ABDALLA:

17 Q. Isn't it true you recovered these phones from
18 Ms. Dawkins?

19 A. They would have been in the car with her, yes,
20 sir.

21 MR. ABDALLA: No further questions.

22 MR. QUINN: No questions.

23 THE COURT: You may step down. Thank you
24 very much.

25 MS.SALISBURY: The State calls Investigator

David Weiner - Cross

1 David Weiner.

2 THE CLERK: Sir, please place your left hand
3 on the Bible and raise your right hand.

4 DAVID WEINER, having been duly sworn,
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MS. SALISBURY:

8 Q. Currently where do you work?

9 A. Greenville County Sheriff's Office.

10 Q. In what capacity?

11 A. Currently I'm a supervisor in the crimes against
12 children unit.

13 Q. Where were you working in July of 2011?

14 A. I was employed as an armed robbery investigator.

15 Q. So you remember in July of 2011 assisting in this
16 investigation?

17 A. Yes, ma'am.

18 Q. Specifically do you recall participating in the
19 arrest of Larry Johnson?

20 A. Yes, ma'am.

21 Q. At the time of his arrest, did you collect any
22 items from Mr. Johnson?

23 A. Whatever personal property he had prior to his
24 arrest I had obtained a cell phone that was in his
25 property a little bit earlier in the day.

James Perry - Direct

1 Q. What did you do with that cell phone?

2 A. He consented to a search of it with a form that
3 he signed and I took it down to the investigator at the
4 Sheriff's Office by the name of Jim Perry and he's one of
5 the two investigators that handles computer forensics cell
6 phones.

7 Q. And after you turned over the cell phone, did you
8 have any other involvement with at piece of evidence?

9 A. No, ma'am.

10 CROSS-EXAMINATION

11 BY MR. CHAMBERS:

12 Q. And your reason for arresting Mr. Johnson didn't
13 have anything to do with the case we're here on today,
14 correct?

15 A. Yes, sir.

16 Q. Completely separate case?

17 A. Yes, sir.

18 MR. ROBINSON: No questions.

19 MR. ABDALLA: No questions.

20 MR. QUINN: No questions.

21 THE COURT: Thank you, sir, you can step
22 down.

23 MS. SALISBURY: The state calls Investigator
24 Jim Perry.

25 THE CLERK: Place your left hand on the Bible

James Perry - Direct

1 and raise your right hand.

2 JAMES PERRY, having been duly sworn,
3 testified as follows:

4 DIRECT EXAMINATION

5 BY MS. SALISBURY:

6 Q. Where do you work?

7 A. Greenville County Sheriff's Office.

8 Q. And how long have you been with the Sheriff's
9 Office?

10 A. Law enforcement about 30 years, some with
11 Greenville City, some with Greer but Greenville County
12 since '95.

13 Q. What is your capacity at the Sheriff's Office?

14 A. I work in the data recovery unit. We do computer
15 forensics, cell phone forensics, GPS, anything that has to
16 do with digital media pretty much comes through our
17 office.

18 Q. Do you recall whether you were asked to examine
19 some cell phones related to the defendants in this case?

20 A. I was.

21 Q. I'd like to show you State's 55. Do you
22 recognize that document?

23 A. I do.

24 Q. What is it?

25 A. It's a print out of the forensic report dealing

James Perry - Direct

1 with LG670 cell phone.

2 Q. And can you tell from whom the request to analyze
3 that phone came?

4 A. I am.

5 Q. Who requested that that phone be analyzed?

6 A. The LG670 was requested by Investigator Dave
7 Weiner.

8 Q. Alright. And how does that process work? What
9 do you do to forensically analyze that phone?

10 A. Well, we take the phones and cells phone
11 forensics is a lot different than computer forensics.
12 Computer forensics you take the hard drive out and you
13 connect it to a forensic machine. We have forensic
14 software and it pretty much all works the same. With cell
15 phones because it's such a changing environment all the
16 time different phones can give you different data when you
17 conduct forensic examination.

18 We take the phones, we find out which cord
19 through a process from a device and then we start the
20 analysis using Cell Bright. It's the forensic machine and
21 software that we use.

22 Q. And what happens after that software has
23 completed its magic?

24 A. After we've done an examination, downloaded the
25 information, the machine actually generates this report,

James Perry - Direct

1 puts it on to a thumb drive and then we transfer down to a
2 CD.

3 Q. It's State's Exhibit 55 the report that was
4 generate after the software finished its analysis of the
5 phone?

6 A. Yes, print out of it.

7 MS. SALISBURY: State offers 55.

8 MR. CHAMBERS: No objection.

9 MR. ROBINSON: No objection.

10 MR. ABDALLA: Subject to my earlier
11 objection.

12 MR. QUINN: No objection.

13 (Printout marked as State's Exhibit No. 55
14 for identification and admitted into evidence.)

15 BY MS. SALISBURY:

16 Q. When the phone generates its report, is it able
17 to retrieve any information that is not stored locally on
18 the phone?

19 A. Like deleted information?

20 Q. Sure. What information can it collect?

21 A. It all comes down to the type phone it is. If
22 you give me an Iphone 4s I can give you deleted text. I
23 can give you location you've been, I can give you the
24 whole ball game. The less advanced the phone is, the less
25 we're able to actually get off of it.

James Perry - Direct

1 Q. Specifically it relates to this phone was the
2 software able to get any deleted information from the
3 phone?

4 A. No.

5 Q. After reviewing that report, did you determine
6 that there were any text messages during the times of
7 midnight and July 17, 2011 until 5:00 a.m., July 17 of
8 2011?

9 A. No, there were not any.

10 Q. If there had been phone calls made, received or
11 missed that are not of record on the phone, is that report
12 going to note when those calls happened?

13 A. No. You can delete phone calls randomly. You
14 don't have to clear the whole phone. You can go in and
15 specifically say this phone number delete it and the one
16 before it and the one after it still show up. The report
17 is not going to show it.

18 Q. State's 56, do you recognize what that document
19 is?

20 A. This is another Cell Bright Forensic report.

21 Q. And what type of phone were you analyzing?

22 A. LS670 LG phone.

23 Q. Are you able to determine who asked you to
24 analyze that particular report?

25 A. Investigator Devon Hoover.

James Perry - Cross

1 Q. State's 56 was the report you generated after the
2 forensic analysis?

3 A. That is correct.

4 MS. SALISBURY: State moved in 56.

5 MR. CHAMBERS: No objection.

6 MR. ROBINSON: No objection.

7 MR. QUINN: No objection.

8 THE COURT: Same ruling.

9 (Report marked as State's Exhibit 56 for
10 identification and admitted into evidence.)

11 BY MS. SALISBURY:

12 Q. Were you able to determine that there was any
13 data on the phone in the way of text messages, made calls,
14 received calls or missed calls before the date of July 18,
15 2011?

16 A. No.

17 Q. There is no data on that phone before July 18th?

18 A. I do not believe so. There were some phone calls
19 before July 18th.

20 Q. What's the earliest phone call that was recorded
21 on that?

22 A. July 15, 2011.

23 Q. Answer any questions these attorneys have for
24 you.

25 MR. CHAMBERS: On behalf of Mr. Booker, I

James Armstrong - Direct

1 JAMES WILLIAM ARMSTRONG, having been duly
2 sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. SALISBURY:

5 Q. Mr. Armstrong, where do you work?

6 A. Greenville County Department of Public Safety,
7 forensics division, crime laboratory.8 Q. And what is your -- how long have you been
9 working in that capacity?

10 A. Almost 17 years.

11 Q. What are some of your responsibilities at the
12 crime lab?13 A. Split into two different fields, forensic drug
14 chemist and a firearm's examiner.15 Q. Let's talk specifically about the firearms, do
16 you have any special training to help you perform the
17 duties that your asked to do a a firearm examiner?18 A. Yes, ma'am, I have a bachelor of science degree
19 in chemistry. I trained in an apprenticeship and I
20 trained in that training process with a retired firearm's
21 examiner from the Philadelphia Police Department. I've
22 toured 13 different firearm manufacturing facilities where
23 I could watch the making of the firearm from raw material
24 to finished product. I did four different ammunition
25 manufacturing facilities to see how they process their

James Armstrong - Direct

1 ammunition. I've had five different armor course. I've
2 had over 224 hours of training on the microscope and
3 attended numerous courses sponsored by the Bureau of
4 Alcohol, Tobacco and Firearms. I'm a member of the
5 Association of Armor and Tool Marker Examiners and I've
6 testified in the area of firearm identification as an
7 expert 32 times.

8 Q. What are you looking for what you examine any
9 particular firearm?

10 A. I'm looking at the firearm and just the firearm
11 itself. I'm looking for manufacturer, make, model, serial
12 numbers. We also look down the barrel to look at the
13 riffling and then we make sure the firearm is actually
14 function or operable. We then go test fire the firearm
15 and the generate reports. If there is any comparison to
16 be done from the test fires, we then compare those by way
17 of using a comparison microscope or question the evidence
18 to the test fires.

19 Q. So in conducting your examinations, are you able
20 to tell if a particular bullet casing comes from a
21 particular firearm?

22 A. Yes, ma'am.

23 Q. Could you describe for the jury the difference
24 between how a semi-automatic firearm works as compared to
25 a revolver?

James Armstrong - Direct

1 A. In a revolver, it basically has the name of the
2 revolver. The magazine so the speak is a revolver, it
3 revolves in a circle around the frame with the projectiles
4 in line with the barrel. So when you pull the trigger,
5 the cylinder revolves, rotates, for the next line in the
6 fire.

7 A semi-automatic weapon is actually loaded
8 with a magazine. It's inserted in a magazine well and
9 then the slide is pulled back on a charging handle, and
10 when the firearm is fired, the trigger is pulled and the
11 projectile actually fire. And then the casings, the fire
12 cartridge casing is ejected from the firearm as with a
13 revolver it stays with the gun and does not come up unless
14 it is manually unloaded.

15 Q. What is your general process when you are asked
16 to examine any particular piece of evidence as it relates
17 to firearms, a gun, a casing, a projectile or any of those
18 items?

19 A. When I first receive an item, I make sure that
20 item is as labeled on the property and evidence sheet. I
21 then I do an inventory of the bags or whatever I may have,
22 I make my notes, identify each item individually, and as
23 working with the item if it has a serial number I record
24 that as a identifier. If it's a fire cartridge case or
25 projectile, I then engrave my initials and item number on

James Armstrong - Direct

1 those items so I can identify them later and then generate
2 my notes from my findings and then do comparisons.

3 Q. How is the comparison process actually work?

4 A. It actually taking each individual item such as
5 fire cartridge casings place one item on the left hand
6 side of the comparison microscope and another item on the
7 right hand side and it has a view changer, so to speak
8 that you can actually move and look at both items at the
9 same time and overlap them and then make a comparison that
10 way.

11 Q. How were you able to make that comparison, what
12 are you looking for?

13 A. We're looking for microscopic imperfections that
14 have been transferred to the fire cartridge case and
15 projectiles. Projectiles when they go down the barrel,
16 they pick up striations from the barrel. The fire
17 cartridge casings when it is actually fired it expands in
18 all directions and then it actually impresses the, what's
19 called a breech face region of the firearm and it is
20 impressed onto the fire cartridge case and it is unique to
21 that firearm.

22 Q. Does every firearm impress a unique imprint on a
23 casing that it ignites?

24 A. For the most part everyone that can be tested,
25 they are unique. Not all of them are identifiable at the

James Armstrong - Direct

1 time, but they are unique to that firearm.

2 Q. I want to know a little bit more about what you
3 mean by striations and I forget the other word that you
4 used, but what does that mean in terms of what you
5 actually see under the microscope?

6 A. When looking at a fire cartridge case, we're
7 looking at striations or impressions. The striations are
8 a movement is when a projectile is moving down the barrel
9 it leaves marks behind like a scratch. And impression is
10 basically an impression. The fire cartridge case is
11 sitting flat. The breech face of the firearm is say here
12 and when it's fired it's pressed against it, and those
13 marks impressed into the back side of the cartridge
14 casings.

15 MS. SALISBURY: Your Honor, I'd offer
16 Mr. Armstrong as an expert in ballistics analysis.

17 THE COURT: Any voir dire?

18 MR. CHAMBERS: None from Mr. Booker, Your
19 Honor.

20 MR. ROBINSON: None from Mr. Williams, Your
21 Honor.

22 MR. ABDALLA: None from Mr. Young, Your
23 Honor.

24 MR. QUINN: Mr. Sadler has no voir dire.

25 THE COURT: He's so qualified.

James Armstrong - Direct

1 BY MS. SALISBURY:

2 Q. Do you recall being asked to examine some items
3 in this investigation?

4 A. Yes, ma'am.

5 Q. When did you undertake that examination?

6 A. I received the bulk of the items on July 26,
7 2011.

8 Q. How do those items come to you? What's that
9 actual physical process?

10 A. First an officer must fill out a request form
11 which gives me permission to touch his evidence to go and
12 do the testing. They place it down in the property and
13 evidence room. It's in the basement of the Law
14 Enforcement Center. The property clerk actually pulls the
15 evidence, place it in a box for me to go and sign out.
16 Then I would go down to the property room, ask for any
17 firearm related cases and they would bring them to me at a
18 desk and then I would actually sign the items out.

19 Q. Did you examine, receive, touch, do anything with
20 any items in this case before July 26th?

21 A. No, ma'am.

22 Q. Now, once you've received those items that have
23 been delivered to you from property and evidence that have
24 been delivered to you from property and evidence and you
25 sign for them, what is the first thing you do?

James Armstrong - Direct

1 A. The first thing I do is actually notes of the
2 items of the inventory of what I have and then generate my
3 notes.

4 Q. Generally what did you find when you inventoried
5 this set of evidence?

6 A. I had a variety of different fire cartridge
7 casings and the projectiles and fragments.

8 Q. Let's talk about the projectile and fragments,
9 first. What do you do with that kind of evidence?

10 A. First with the projectile, I actually clean it to
11 make sure it doesn't have any biohazard material on it and
12 then I weigh the item, record that, identify it by its
13 caliber by it taking measurements. Then I look at the
14 lands and grooves and count the number of lands and
15 grooves it has on the projectile and record that. And
16 then actually engrave the item number and my initials on
17 the item as well and then set it aside and wait for
18 further comparison purposes.

19 Q. Could you describe what you mean by lands and
20 grooves?

21 A. In the barrel of the firearm we have what's
22 called lands and grooves, the raised and lower portions.
23 They are actually in a spiral shape. If you ever seen the
24 beginnings of a James Bond movie where it's coming on,
25 you're looking down the barrel of a firearm, raised

James Armstrong - Direct

1 portions, lower portions.

2 Q. I'm going to hand you Item 42. What is Item 42,
3 what is Item 42?

4 A. A .45 caliber bullet specimen.

5 Q. A .45 caliber bullet specimen.

6 A. Yes, ma'am. IRO 44 is a metal fragment which was
7 not suitable for comparison purposes, IRO 59 was a fire
8 bullet specimen caliber .40 or 10 millimeter.

9 Q. Now, is that the same as you described with the
10 .38 and the .9 millimeter?

11 A. Not exactly. The .40 and the .10 millimeter
12 actually have the exact same size projectile. You just
13 determine which cartridge casing came from.

14 Q. What are fragments or bullets?

15 A. RO 61 is a fire bullet jacket fragment, IRO 63 is
16 a fire bullet specimen caliber .45, and IRO 64 is a fire
17 bullet specimen caliber .45.

18 Q. Other than determining what caliber these
19 fragments are consistent with, are you able to determine
20 anything else about the firearm from which they came?

21 A. Yes, ma'am, by taking measurements of the lands
22 and grooves, I can get a rough ballpark idea of what type
23 of firearm it may have come from.

24 Q. If you do not have a firearm to compare to those
25 actual projectiles, is there anyway for you to determine

James Armstrong - Direct

1 definitely where they came from?

2 A. No, ma'am.

3 Q. Let's move on to the actual casings in this case,
4 looking at State's Exhibit 25, do you recognize the items
5 that are contained in State's Exhibit 25?

6 A. Yes, ma'am, I do.

7 Q. How do you recognize them?

8 A. My initials and the date that I've sealed along
9 with the red stamp.

10 Q. How is your analysis of a casing different than
11 an actual bullet or fragment?

12 A. It's similar in some nature, but the casing
13 actually tells the caliber of which the cartridge made or
14 manufactured for. From there I can actually tell the
15 manufacturing of the casing as well as the caliber. The
16 only thing I don't do is I don't have anything to measure
17 or weight. From there we do this comparison to see if the
18 like calibers were fired from the same firearm if we have
19 a firearm to compare it to.

20 Q. Can you describe exactly what you did to analyze
21 all of those casings that are contained within State's
22 Exhibit 25?

23 A. Each casing that came to me I cut open the
24 envelope, inventoried what I had in my notes, engrave the
25 item number and my initials in the mouth of the case so I

James Armstrong - Direct

1 can identify it later then compared like calibers with
2 each other and then write my report.

3 Q. Can you tell the jury what it is you determined
4 about those particular items?

5 A. Items R07, 12, 13, 14, 19, 20, 25 and 45 are
6 caliber .45 auto fire cartridge casings and they were
7 fired in the same gun but not the same as the other fire
8 cartridge cases submitted in this case.

9 Q. Did you have any other .45 caliber ammunition
10 that you examined?

11 A. No. Not that I recall.

12 Q. How is it that you can be sure that all of those
13 .45 caliber casings came from the same gun?

14 A. By doing an individual microscopic comparison
15 with each other.

16 Q. State's 26, did you perform any analysis with
17 respect to State's 26?

18 A. Yes, ma'am, I did.

19 Q. What did you determine about it?

20 A. Item No. IRO 6 I found it to be ,40 Smith and
21 Wesson fire cartridge case.

22 Q. Were there any other .40 caliber casings that you
23 analyzed or received in this case?

24 A. Not that I recall.

25 Q. Alright. State's No. 27, do you recognize the

James Armstrong - Direct

1 items that are inside that envelope?

2 A. Yes, ma'am, I do.

3 Q. How do you recognize them?

4 A. Date and initials.

5 Q. Could you describe to the jury what your findings
6 were with respect to those particular items?

7 A. The items are IRO 10, 16, 17, 22, 23 and 26, 27,
8 they are caliber .9 millimeter Lugger fire cartridge
9 casings and they were fired in the same firearm, but not
10 as the same firearm as any of the fire cartridge cases
11 submitted.

12 Q. Did you examine any other .9 millimeter casings
13 in this particular case?

14 A. Yes, ma'am, I did.

15 Q. Were you able to determine that this series of .9
16 millimeter casings was fired from a separate firearm as
17 the other .9 millimeter casings?

18 A. That's correct.

19 Q. And I'll show you 28, tell me if you recognize
20 what's inside that envelope.

21 A. Yes, ma'am, I do.

22 Q. How do you recognize those items?

23 A. My initials and the date.

24 Q. Could you describe for the jury your findings
25 with respect to those particular items?

James Armstrong - Direct

1 A. IRO 1, 2, 3, 4, 5, 8, and 9, I found them to be
2 caliber .380 auto fire cartridge casings that bare similar
3 but insufficient microscopic marks to the identification
4 to each other but they were not fired from any of the
5 other firearms as the other fire cartridge casings
6 submitted.

7 Q. So you had more than one set of .380 casings that
8 you examined?

9 A. Yes, ma'am, I did.

10 Q. Were you able to determine that this series of
11 .380 automatic casings were not fired from any of -- or
12 fired from the same gun as any of the .380 casings that
13 you examined?

14 A. Correct.

15 Q. Exhibit 29, could you take a look at that
16 envelope and tell me whether you recognize those items?

17 A. Yes, ma'am, I do.

18 Q. How do you recognize them?

19 A. I have the initials and the date on the red stamp
20 seal.

21 Q. Could you describe for the jury your findings as
22 it relates to that series of items?

23 A. Items RO 18, 21, 24, 29 and 31, they are also
24 caliber .380 auto fire cartridge cases. They were fired
25 in the same firearm, but not the same as the other fire

James Armstrong - Direct

1 cartridge cases submitted in the case.

2 Q. So were you able to determine that this series of
3 .380 automatic casings were fired from the same handgun as
4 those that we just talked about with State's Exhibit 28?

5 A. Yes, ma'am.

6 Q. With respect to State's 30, do you recognize the
7 items in that envelope?

8 A. Yes, ma'am, I do.

9 Q. How do you recognize it?

10 A. My initials and date on the red.

11 Q. What did you determine after analyzing those
12 particular items?

13 A. They are items IRO 11, 15, 28 and 30, they are
14 caliber .9 millimeter Luger fire cartridge casings. They
15 were fired in the same firearm but not the same as the
16 others submitted fire cartridge casings.

17 Q. So were you able to determine that this series of
18 .9 millimeter casings was fired from a distinct firearm as
19 the .9 millimeter in State's Exhibit No. 27?

20 A. That's correct.

21 Q. With respect to State's Exhibit 31, do you
22 recognize those items?

23 A. Yes, ma'am, I do.

24 Q. How do you recognize those?

25 A. My initials and date under the seal.

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1 Q. And would you describe for the jury your findings
2 with respect to those particular items?

3 A. Items IRO 66, 67, 68, 69, 70, 71, I found these
4 to be caliber .380 auto fire cartridge cases and they were
5 fired in the same firearm, but not the same as the other
6 submitted casings.

7 Q. Just so I'm clear, were you able to determine
8 that this series of .380 automatic casings were fired from
9 a now third and distinct .380 firearm from the other two
10 we've already heard?

11 A. Yes, ma'am.

12 Q. So based on your analysis of this series of
13 casings from how many firearms did you determine that you
14 had ejected shell casings?

15 A. Seven.

16 Q. Okay. Now, I want to talk a little bit about the
17 .9 millimeter handgun that's been labeled State's Exhibit
18 33. Can you tell me whether you recognize that item?

19 A. Yes, ma'am, I do.

20 Q. How do you recognize that?

21 A. I had my initials on the date on the box where I
22 actually open the box in the office. Also the serial
23 number on the firearm is DUS 4186 and recorded on my
24 report.

25 Q. What did you do with that firearm?

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1 A. Identify the make, model, serial number, caliber
2 and then test fired the firearm, collected the test
3 specimens and then compared to any of the .9 millimeters,
4 fire cartridge casings, and projectiles in the case.

5 Q. Did you determine whether any of the .9
6 millimeter casings that were collected in this case were
7 fired from that .9 millimeter firearm?

8 A. The JFH 6 pistol did not fire any of the fire
9 cartridge casings submitted in this case.

10 Q. So did any of the .9 millimeter casings come from
11 that firearm?

12 A. No, ma'am.

13 Q. I want to talk to you about the magazine that's
14 inside that particular box. Do their remain any
15 projectiles or cartridges inside that magazine?

16 A. No, ma'am.

17 Q. Specifically how this .9 millimeter would work
18 how is a projectile fed to be fired? How does the gun get
19 ready to fire a bullet?

20 A. Once you place a cartridge in a magazine, it is
21 held in by the lips of the magazine. And then you place
22 the magazine in the magazine well of the firearm. If the
23 slide is locked to the rear such as this one here, you can
24 hit the slide stop or pull the slide back and then release
25 it and then it would actually automatically feed or push

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1 the cartridge up into the chamber of the firearm and then
2 it's ready to fire.

3 Q.. What happens when the trigger is pulled on that
4 .9 millimeter and the cartridge is fired?

5 A. When the trigger is pulled, the fire
6 administrates the primer, the primer ignites a little
7 spark into the powder charge of the case. That case
8 starts burning, pressure builds, projectile goes down the
9 barrel, casing swells and pushes a slide to the rear. As
10 it pushes to the rear, it has an extractor and injector
11 which then kick the cartridge case out to the side. And
12 then once that is kicked away, the slide goes forward,
13 picking up another cartridge going into the chamber if it
14 has a round in the magazine.

15 Q. Is the next round automatically fed into the
16 chamber?

17 A. Provided there is not a malfunction.

18 Q. When is it that you generated the report that
19 documents all of these findings

20 A. The bulk was created on July 28, 2011.

21 Q. Now, fast forward a little bit, did you have the
22 opportunity to compare any other firearms as part of this
23 investigation?

24 A. Yes, ma'am, I did.

25 Q. With respect to Item No. RLR 1, do you know what

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1 item to which I am referring?

2 A. Yes, ma'am.

3 Q. What is RLR 1?

4 A. The European American Arms the model EA 380 semi-
5 automatic pistol caliber .380 auto with serial number AE
6 20175. It was made in Italy and imported by EAA
7 Corporation located in Florida and it was submitted with 7
8 caliber .380 auto cartridges.

9 Q. Did you test fire that weapon?

10 A. Yes, ma'am, I did.

11 Q. Did you find it to be operable?

12 A. Yes, ma'am, I did.

13 Q. Did you compare the casings that you developed
14 from that test fire to a .380 casings that were seized as
15 evidence in this case?

16 A. Yes, ma'am, I did.

17 Q. Did you determine whether that .380 handgun fired
18 any of these projectiles?

19 A. The RLR1 pistol was cross checked against the
20 fire cartridge casings from two different case numbers
21 including this one. There was one fire cartridge case
22 from Case No. County 2011-104-691 that was fired in the
23 RL1 but not from this case.

24 Q. Now, did you compare another firearm in this case
25 WTC1?

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1 A. Yes, ma'am, I did.

2 Q. What was Item WTC1?

3 A. It was a High Point Model CF .380 semi-automatic
4 pistol with serial number of P797784 caliber .380 auto and
5 it was submitted with four caliber .380 auto cartridges.

6 Q. Did you test fire that .380 handgun?

7 A. Yes, ma'am, I did.

8 Q. Did you find it to be operable?

9 A. Yes, ma'am, I did.

10 Q. Did you compare that casing that you developed to
11 the .380 casings in this case?

12 A. Yes, ma'am, I did.

13 Q. Were you able to determine whether that .380
14 firearm fired any of the casings in this case?

15 A. It did not.

16 Q. Now, let's talk about State's Exhibit 42. I'd
17 like you to open that box and tell me whether you
18 recognize that firearm?

19 A. Yes, ma'am, I do.

20 Q. How do you recognize it?

21 A. On the box it has my initials and the date when I
22 opened it, and I record serial number of the firearm in my
23 notes and it's the same as in my report.

24 Q. Did you test fire that handgun?

25 A. Yes, ma'am, I did.