

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of General Sessions

Thomas W. Cooper, Jr., Circuit Court Judge

Appellate Case No. 2015-000508
Case Nos. 2012-GS-07-1932 & 2014-GS-07-1940

The State,

Respondent,

v.

Aaron Scott Young, Jr.,

Appellant.

RECORD ON APPEAL - VOLUME I

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WITNESSES

Inv. L. Albertin-BCSO

ARREST WARRANT NUMBER

2012A0720300113

ACTION OF GRAND JURY

True Bill

Jennifer Smiden
Foreperson of Grand Jury
Date:

OCT 30 2014

VERDICT

Foreperson of Petit Jury
Date:
INDICT

DOCKET NO. 2012GS0701932

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

October Term 2014

THE STATE

vs.

Aaron Scott Young Jr

Amended Indictment for

Murder / Murder

SC Code: 16-03-0010; 16-03-0020
CDR Code:0116

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0701932

At a Court of General Sessions, convened on October 30, 2014, the Grand Jurors of Beaufort County present upon their oath:

Murder / Murder

That in Beaufort County on or about September 1, 2012, Aaron Scott Young Jr. did willfully, unlawfully and with malice aforethought, engage in mutual combat with Tyrone Robinson and thereby cause the victim Khalil Singleton to be shot and killed in the area of Marshland Drive and Allen Road, Hilton Head Island, SC, and that Khalil Singleton did die in Beaufort County as a proximate result thereof on September 1, 2012; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

"Murder" is the killing of any person with malice aforethought, either express or implied.

HISTORY: 1962 Code Section 16-51; 1952 Code Section 1

SC Code 16-3-10 "Murder" defined (South Carolina Code of Laws (2015 Edition))

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

[Signature]

Solicitor

CLERK OF COURT
BEAUFORT COUNTY
SOUTH CAROLINA
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WITNESSES

B Bromage and L Albertin- BCSO

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

True Bill

Jennifer Snider
Foreperson of Grand Jury
Date:

OCT 30 2014

VERDICT

Foreperson of Petit Jury
Date:
INDICT

DOCKET NO. 2014GS0701940

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

October Term 2014

THE STATE

VS.

Aaron Young, Jr

Indictment for
Attempted Murder

SC Code: 16-03-0029
CDR Code:3410

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After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
Hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

INDICTMENT
2014GS0701940

At a Court of General Sessions, convened on October 30, 2014 the Grand Jurors of Beaufort County present upon their oath:

Attempted Murder

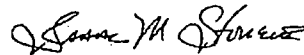
That in Beaufort County, South Carolina, on or about September 1, 2012 the Defendant, Aaron Young, Jr with intent to kill and malice aforethought, either express or implied, attempted to murder the victim, Tyrone Robinson, in violation of Section 16-03-29 of the Code of Laws of South Carolina (2010, as amended).

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SC Court of Appeals

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM BEAUFORT COUNTY
COURT OF GENERAL SESSIONS
THOMAS W. COOPER, JR., CIRCUIT COURT JUDGE
INDICTMENT NO: 2012-GS-07-1932

STATE OF SOUTH CAROLINA

RESPONDENT,

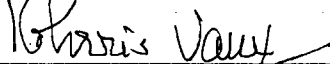
v.

AARON YOUNG, JR.

APPELLANT.

Aaron Young, Jr., appeals from his trial, conviction and sentence on the charge of Murder on February 25, 2015 before the Honorable Thomas W. Cooper, Jr., Presiding Judge, Fourteenth Judicial Circuit; and Aaron Young, Jr. appeals the Denial of his Motions on February 23, 24, and 25th, 2015 before the Honorable Thomas W. Cooper, Jr., Presiding Judge, Fourteenth Judicial Circuit.

VAUX MARSCHER BERGLIND, P.A.



BY: Roberts Vaux, SC Bar No. 5702 – Fed. No. 4459
James P. Scheider, Jr., SC Bar No. 4968 – Fed. No. 11003
Mark S. Berglind, SC Bar No. 74839 – Fed. No. 9859
Roberts Vaux, Jr. SC Bar No. 77421 – Fed. No.
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Bluffton, South Carolina 29910
Telephone 843-757-2888
Facsimile 843-757-2889

March 6, 2015
Other counsel of record:
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PO Box 1880
Bluffton, SC 29910

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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STATE OF SOUTH CAROLINA

RESPONDENT,

v.

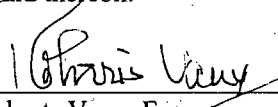
AARON YOUNG, JR.

APPELLANT.

AFFIDAVIT OF SERVICE BY MAIL

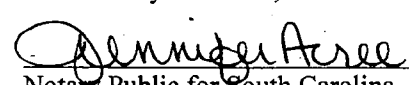
PERSONALLY appeared before me, Roberts Vaux, who being duly sworn, states:

1. That regular communication exists throughout the State of South Carolina, and this is the proper circumstances for first class mail.
2. That on March 6, 2015 an Original Notice of Intent to Appeal in the above captioned case was filed with the Beaufort County Clerk of Court, Post Office Drawer 1128, Beaufort, South Carolina 29901-1128 by depositing same in the United States Post Office at Bluffton, South Carolina with the proper postage prepaid thereon.
3. That an original Notice of Intent to Appeal in the above captioned case was served on the Clerk of Court, SC Court of Appeals, PO Box 11629, Columbia, SC by depositing same in the United States Post Office at Bluffton, South Carolina on March 6, 2015 with the proper postage prepaid thereon.
4. That a true copy of the Notice of Intent to Appeal in the above captioned case was served on the Solicitor, Fourteenth Judicial Circuit, Post Office Box 1880, Bluffton, South Carolina by depositing same in the United States Post Office at Bluffton, South Carolina on March 6, 2015 with proper postage paid thereon.



Roberts Vaux, Esq.
Attorney for Appellant

SWORN TO BEFORE ME
This 6th day of March, 2015



Notary Public for South Carolina

My Commission Expires: 02-01-2020

(S)

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM BEAUFORT COUNTY
COURT OF GENERAL SESSIONS

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SC Court of Appeals

THOMAS W. COOPER, JR., CIRCUIT COURT JUDGE

INDICTMENT NO: 2014-GS-07-1940

STATE OF SOUTH CAROLINA

RESPONDENT,

v.

AARON YOUNG, JR.

APPELLANT.

Aaron Young, Jr., appeals from his trial, conviction and sentence on the charge of Attempted Murder on February 25, 2015 before the Honorable Thomas W. Cooper, Jr., Presiding Judge, Fourteenth Judicial Circuit; and Aaron Young, Jr. appeals the Denial of his Motions on February 23, 24, and 25th, 2015 before the Honorable Thomas W. Cooper, Jr., Presiding Judge, Fourteenth Judicial Circuit.

VAUX MARSCHER BERGLIND, P.A.

Robert Vaux

BY: Roberts Vaux, SC Bar No. 5702 – Fed. No. 4459
James P. Scheider, Jr., SC Bar No. 4968 – Fed. No. 11003
Mark S. Berglind, SC Bar No. 74839 – Fed. No. 9859
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Other counsel of record:
Solicitor, 14th Judicial Circuit
PO Box 1880
Bluffton, SC 29910

(S)

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
JUN 02 2015
SC Court of Appeals

STATE OF SOUTH CAROLINA

RESPONDENT,

v.

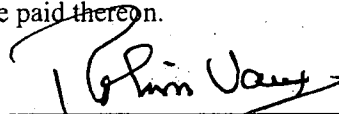
AARON YOUNG, JR.

APPELLANT.

AFFIDAVIT OF SERVICE BY MAIL

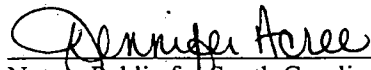
PERSONALLY appeared before me, Roberts Vaux, who being duly sworn, states:

1. That regular communication exists throughout the State of South Carolina, and this is the proper circumstances for first class mail.
2. That on May 28, 2015 an Original Notice of Intent to Appeal in the above captioned case was filed with the Beaufort County Clerk of Court, Post Office Drawer 1128, Beaufort, South Carolina 29901-1128 by depositing same in the United States Post Office at Bluffton, South Carolina with the proper postage prepaid thereon.
3. That an original Notice of Intent to Appeal in the above captioned case was served on the Clerk of Court, SC Court of Appeals, PO Box 11629, Columbia, SC by depositing same in the United States Post Office at Bluffton, South Carolina on May 28, 2015 with the proper postage prepaid thereon.
4. That a true copy of the Notice of Intent to Appeal in the above captioned case was served on the Solicitor, Fourteenth Judicial Circuit, Post Office Box 1880, Bluffton, South Carolina by depositing same in the United States Post Office at Bluffton, South Carolina on May 28, 2015 with proper postage paid thereon.



Roberts Vaux, Esq.
Attorney for Appellant

SWORN TO BEFORE ME
This 28th day of May, 2015



Notary Public for South Carolina
My Commission Expires: 02-01-2020

STATE OF SOUTH CAROLINA
14TH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF GENERAL SESSIONS
CASE NUMBERS 2012-GS-07-01932 & 2014-GS-07-01940

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

DAY ONE, MONDAY, FEBRUARY 23, 2015

TRANSCRIPT OF TRIAL

QUALIFICATION, VOIR DIRE, JUROR SELECTION

BEAUFORT, SOUTH CAROLINA

AARON SCOTT YOUNG, JR.

DEFENDANT

B E F O R E:

DOYET A. EARLY, JUDGE

AND THOMAS W. COOPER, JUDGE

AND A JURY

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

APPEARANCES

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FEBRUARY 23, 2015

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EXHIBITS

No exhibits were entered.

1 DAY ONE, FEBRUARY 23, 2015,

2 BEGINNING 11:20 A.M.

3 JUROR QUALIFICATION, BY JUDGE EARLY:

4 THE COURT: Thank you. Good morning. Please be
5 seated. All right. Ladies and gentlemen, welcome to
6 this week's term of court here in Beaufort. We actually
7 have two courts going on today. We have general
8 sessions, which is criminal court. We have two trials,
9 I know, to try in criminal court, at least two trials.
10 One is a murder case. One is a possession with intent
11 to distribute some type of drug.

12 On the other side of the coin, we have our civil
13 trials going on. We have one case there that we will be
14 picking a jury for. But what we'll probably do is, once
15 I get you qualified, Judge Cooper from Manning, South
16 Carolina, will draw the jury in the first case, which
17 would be the murder trial. Then, we'll draw the civil
18 jury. And then, we will draw the jury in the second
19 criminal trial. Trying to get as many juries drawn this
20 morning so you won't have to keep coming back and forth.
21 We'll try to make it efficient and easy on your
22 schedule.

23 My name is Jack Early. I've been assigned here by
24 the Chief Justice to hold civil court this week. Judge
25 Cooper's holding criminal court, so we will get you

1 started here in just a few minutes. And you've already
2 had the roll call. Is that correct, Madam Clerk?

3 MADAM CLERK: Yes, sir.

4 THE COURT: Okay. Now, we have to go through the
5 qualifying process for the general jury pool. And your
6 legislature and your House members and your senators,
7 over the years, have had certain requirements to make
8 you qualified. We will go through those. If any of
9 these questions apply to you, if you would please stand.
10 Once again, identify yourself by name and number, and
11 then answer the question.

12 Once we answer the qualifying questions, then we go
13 into a group of what we call exemptions; means that,
14 notwithstanding the fact that you are qualified, you can
15 say, Judge, I choose not to serve. So, if any of those
16 apply to you, then, also, please stand, identify
17 yourself by name and number, and respond to the
18 question.

19 They've already been sworn in?

20 MADAM CLERK: Yes, your Honor.

21 THE COURT: Thank you.

22 JUROR QUALIFICATION:

23 THE COURT: All right. First question. Do I have
24 any member of the jury panel who is not a citizen of the
25 United States? If so, please stand.

1 Do I have any member of the jury panel who is not a
2 citizen and resident of Beaufort County, South Carolina?
3 If so, please stand.

4 Do I have any member of the jury panel who is
5 unable to read, write, speak, or understand the English
6 language? If so, please stand.

7 Do I have any member of the jury panel who has less
8 than a sixth grade education or its equivalent? If so,
9 please stand.

10 Do I have any member of the jury panel who is
11 unable to render efficient jury service this week
12 because of some mental or physical infirmity that
13 normally requires some type of excuse from your doctor?
14 If so, please stand.

15 Yes, sir, your name and number.

16 JUROR NUMBER 117: Number 117, Larry Faulkner. I
17 have a nuclear stress tests scheduled for this Friday.

18 THE COURT: All right, sir. That will not
19 disqualify you. However, I will protect you on Friday
20 to make sure you're not drawn for Friday. And your name
21 and number again, please?

22 JUROR NUMBER 117: 117, Larry Faulkner.

23 THE COURT: Thank you. Madam Clerk.

24 MADAM CLERK: Yes, sir.

25 THE COURT: Do I have anybody -- yes, ma'am, your

1 name and number.

2 JUROR NUMBER 325: Kris Robertson.

3 THE COURT: I can't hear you.

4 JUROR NUMBER 325: Kris Robertson. Counseling
5 Thursday, at 2:00 p.m.

6 THE COURT: Thank you. We'll take care of you.

7 MADAM CLERK: Number?

8 THE COURT: What number are you, Ms. Robertson?

9 JUROR NUMBER 325: 325.

10 THE COURT: I can't hear her. Can you?

11 BAILIFF: 325.

12 MADAM CLERK: 325?

13 JUROR NUMBER 325: Yes.

14 MADAM CLERK: Yes, thank you.

15 THE COURT: Yes, ma'am.

16 JUROR NUMBER 36: Valerie Borders, Badge Number 36.

17 I have a medical appointment scheduled for Wednesday, at
18 8:15 in the morning.

19 THE COURT: Okay.

20 COURT REPORTER: Number? I didn't get the number.

21 THE COURT: What number are you, ma'am?

22 JUROR NUMBER 36: 36.

23 THE COURT: 36.

24 THE COURT: Yes, ma'am.

25 JUROR NUMBER 149: I'm sorry, but I have a severe

1 hearing problem, and I can hear very little of what is
2 going on.

3 THE COURT: Okay. Why don't you come sit right
4 here on the front row? Come sit on the front row.
5 Thank you, ma'am.

6 Hold on. What number are you, ma'am?

7 JUROR NUMBER 149: I'm sorry.

8 THE COURT: What number are you?

9 JUROR NUMBER 149: I'm sorry, I can't hear you.

10 THE COURT: What --

11 MADAM CLERK: What number are you?

12 JUROR NUMBER 149: What number? 149. I'm sorry.

13 THE COURT: All right.

14 MADAM CLERK: Yes, sir. Yes, sir.

15 THE COURT: I'll deal with her in just a second.

16 MADAM CLERK: Yes, sir.

17 JUROR NUMBER 368: Louis Smith, Number 368. I'm
18 diabetic and require injections periodically throughout
19 the day, and I'm also hard of hearing.

20 THE COURT: If you need an injection, raise your
21 hand. We will allow you to be excused.

22 JUROR NUMBER 368: I'm sorry?

23 THE COURT: We will allow you to be excused if you
24 need a insulin injection. In other words, you can step
25 out.

1 JUROR NUMBER 368: Thank you.

2 THE COURT: Thank you. Do I have any member of the
3 jury panel who has been convicted by way of guilty plea
4 or trial in a state or federal court of record of a
5 crime punishable by imprisonment for more than one year,
6 and your civil rights have not been restored by pardon
7 or amnesty? Punishable by more than one year means that
8 you could have received a sentence of more than one
9 year, regardless of what sentence you actually received.
10 If that applies to anyone, please stand.

11 Mr. Solicitor, do you have anybody?

12 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
13 HEARING OF JURORS. PRESENT: THE COURT
14 AND MR. THORNTON.
15 END BENCH CONFERENCE.

16 BY THE COURT:

17 THE COURT: Do I have any member of the jury panel
18 who is a clerk or deputy clerk of court, a constable,
19 sheriff, or other commissioned law enforcement officer,
20 a probate judge, a county commissioner, a magistrate or
21 other county officer, or employed within the walls of
22 any courthouse? If so, please stand.

23 Yes, sir, your name and number.

24 JUROR NUMBER 295: Name is Thomas Paige. Number is
25 295. I work for the town of Hilton Head, and I control

1 all of the software in the courthouse.

2 THE COURT: Control what?

3 JUROR NUMBER 295: The software in the courthouse.

4 THE COURT: Thank you. That does not disqualify
5 you.

6 MADAM CLERK: Not this one.

7 THE COURT: Hmm?

8 MADAM CLERK: Not this courthouse.

9 THE COURT: Any member of the jury panel who has
10 served on jury duty during this calendar year, year
11 2015. I doubt it. Any member of the jury panel who has
12 served on jury duty for the Grand Jury for Beaufort
13 County during the past several years. If so, please
14 stand.

15 May I see up here, please, Juror Number 323? 323.
16 Do I need to tell you your name?

17 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
18 HEARING OF JURORS.

19 END BENCH CONFERENCE.

20 THE COURT: All right. 205 is excused. Go right
21 over here.

22 BAILIFF: You're free to go, ma'am. You're free to
23 go.

24 JUROR NUMBER 205: Thank you.

25 THE COURT: Ms. Gradman? Are you Ms. Gradman? I'm

1 going to excuse you.

2 JUROR NUMBER 149: Thank you.

3 THE COURT: You're welcome.

4 COURT REPORTER: What was her number?

5 MADAM CLERK: 149.

6 BAILIFF: You're free to go, ma'am.

7 THE COURT: Let me have order.

8 MADAM CLERK: Hang on.

9 COURT REPORTER: Was it --

10 MADAM CLERK: 149.

11 BY THE COURT:

12 THE COURT: 149. Have a seat, sir, please. Ma'am,
13 please hold those doors back there. Thank you.

14 All right. Ladies and gentlemen, that concludes
15 the statutory qualifying questions. State law also
16 provides for what we call exemptions, which means,
17 Judge, notwithstanding the fact that I'm qualified, I
18 choose not to serve. The first one deals with those of
19 you who may be 65 years or older. Do I have anyone 65
20 or older who does not wish to serve? You obviously are
21 welcome to stay with us, but you can say, I don't want
22 to stay. Anybody in that category?

23 JUROR NUMBER 62: I'm 66, and I'm the legal
24 guardian of a twelve-year-old. So, I would like to be
25 excused.

1 THE COURT: Well, ma'am, you've earned it by being
2 66. Your name and number?

3 JUROR NUMBER 62: Colleen Callahan, 62.

4 THE COURT: Thank you, ma'am. You're free to go.
5 Anybody else over 65? I'm over 65, but I can't choose
6 not to serve. And it's not so bad being over 65; it's
7 just terrible being so close to 70.

8 You're not required to serve more often than once
9 every three calendar years. Do I have anyone who has
10 served in this courtroom, in this Common Pleas or
11 General Sessions during the last three calendar years,
12 '15, '14, or '13? Likewise, you may be exempt if you've
13 served on the --

14 Do you have a question, back there in the back?

15 UNIDENTIFIED JUROR: No, sir.

16 THE COURT: Likewise, you may be exempted if you
17 have served on the Beaufort County Grand Jury during the
18 last five calendar years, '15, '14, '13, '12, or '11.

19 The next exemption deals with those of you who may
20 have a small child or children. You may be exempt if
21 you are the primary and principal custodial parent of a
22 child or children under the age of seven, and you have
23 no means of providing care for that child while serving.
24 Does that apply to anyone?

25 Likewise, you may be exempt if you are the primary

1 and custodial care giver of a person who is severely
2 disabled, and you are unable to make arrangements for
3 the care of that person, whether it be a mental or
4 physical disability, we can exempt you. Yes, ma'am,
5 your name and number?

6 JUROR NUMBER 396: Heidi Tessmer, and my number is
7 396. And I have a ten-year-old, severe special needs
8 child who can go to school, but if, for any reason, I'm
9 here, they can't contact me for anything.

10 THE COURT: Well, ma'am, state law provides for you
11 to take care of that child, as opposed to having to
12 serve jury duty. So, you're welcome to stay, or you may
13 exercise your exemption.

14 JUROR NUMBER 396: I would like to.

15 THE COURT: If you would hand the bailiff, on your
16 way out, your number, please. Your card.

17 The next exemption deals with those of you who may
18 be attending school at this time, or working in some
19 capacity with the school. If this exemption applies to
20 you, I cannot excuse you, but I can transfer you to
21 another term of court, which would not interfere with
22 your school activities.

23 Do I have anyone who is a full-time student, school
24 teacher, school crossing guard, school bus driver, or
25 work in any other capacity with the school, and serving

1 on jury duty this week would interfere with your school
2 activities? I can't excuse you, but I can transfer you.
3 Does that apply to anyone?

4 Yes, sir, your name and number.

5 JUROR NUMBER 203: LaSalle Jenkins, 203, and I'm in
6 maintenance with Beaufort County School district, and we
7 have an HVAC test starting tomorrow.

8 THE COURT: Heating and air conditioning?

9 JUROR NUMBER 203: Yes, sir.

10 THE COURT: All right. I'll give you a choice.
11 You might want to stay here, so you don't have to go out
12 there and work in that cold weather. But I can't excuse
13 you; I can transfer you. It's your choice.

14 JUROR NUMBER 203: I would like to transfer to a
15 later date, sir.

16 THE COURT: All right. Does he come right up here,
17 Ms. Jerri?

18 MADAM CLERK: Yes, yes.

19 THE COURT: Right here. Come around here, sir.
20 Anyone else in school?

21 Do I have any member of the jury panel who is
22 employed at a prison with the South Carolina Department
23 of Corrections?

24 Do I have any member of the jury panel who is
25 employed with a business, whether it be commercial or

1 agricultural, and your services are so essential to the
2 operation of the business that, if you were required to
3 serve, the business would stop functioning? If so,
4 please stand.

5 All right. Ladies and gentlemen, that concludes
6 the statutory list of qualifications and exemptions. It
7 may very well be that you are qualified and no exemption
8 applies to you, but this week creates a severe personal
9 hardship.

10 You've got something that's been long-planned, or
11 if you have some personal need to attend to, I cannot
12 excuse you. However, I may transfer you to another term
13 of court, bearing in mind, this might not be a bad week
14 to serve. We don't have a lot of trials, but --
15 anybody?

16 MADAM CLERK: One standing.

17 THE COURT: And I'll be glad to -- personal or
18 whatever. Ma'am, in the back row, with the scarf on?
19 Your name and number?

20 JUROR NUMBER 307: 307.

21 THE COURT: I can't hear you.

22 JUROR NUMBER 307: 307.

23 THE COURT: 307?

24 JUROR NUMBER 307: Um-hmm.

25 THE COURT: And your situation?

1 JUROR NUMBER 307: Can I come up?

2 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
3 HEARING OF JURORS. PRESENT: THE COURT,
4 JUROR NUMBER 307, MR. THORNTON, AND MR.
5 STONE.

6 END BENCH CONFERENCE.

7 THE COURT: All right. That means you are
8 qualified, so sit tight. Judge Cooper is coming in, and
9 he will go through the qualifications on the first
10 criminal case. Following that, we'll come back and do
11 the civil case. Following that, we'll do the second
12 criminal case. Everybody sit tight. I'll get Judge
13 Cooper out, and we'll move along with the selection of
14 the first case. Thank you.

15 OFF THE RECORD 11:39 A.M.

16 BACK ON THE RECORD 12:05 P.M.

17 VOIR DIRE, BY JUDGE COOPER:

18 THE COURT: Thank you, ladies and gentlemen.
19 Please be seated.

20 MADAM CLERK: Juror Number 235? Sir, you're
21 excused. If you would just give your badge to the
22 bailiff on your way out.

23 Juror Number 430? Juror Number 430. Can you come
24 up and transfer, please.

25 Number 113. If you would just hand your badge to

1 the bailiff, please, sir, you're excused.

2 That's it, Judge. Thank you.

3 THE COURT: Ladies and gentlemen, I have been
4 introduced. My name is Tommy Cooper. I'm a retired
5 active circuit judge from up in Clarendon County, and
6 I've been assigned here to conduct trials in the court
7 of general sessions.

8 I guess you think it's unfair we've got two judges.
9 Judge Early comes over from Bamberg and wears you all
10 out, and he goes back there and takes a rest, and sends
11 me out here fresh, and you're still -- and you've been
12 here all day. And it's probably not completely fair,
13 but it's the only way we can do the selection process
14 that we're working under.

15 Ladies and gentlemen, as you all know, you all have
16 been summoned here to serve, potentially, as jurors in
17 the Court of General Sessions. You have been qualified
18 to serve as jurors generally, and now, we're going to
19 qualify you to serve as jurors in a particular case.
20 And so, the oath that you took earlier this morning to
21 answer the questions truthfully, of course, still
22 applies to the questions that we will put to you in this
23 process, as well.

24 I tell you again, as Judge Early, no doubt, told
25 you, if you don't understand some of the questions that

1 I might put to you, please stand. Get my attention in
2 some way. I'll be glad to put that question in another
3 way that might make it easier for you to understand.

4 And if it would cause you some measure of
5 embarrassment to have to answer one of these questions
6 in front of a roomful of strangers, get my attention in
7 the same way, and I'll be glad to bring you up here, and
8 in the relative privacy of the court reporter and the
9 lawyers, inquire further about your situation. Mr.
10 Solicitor, is the State ready to proceed?

11 MR. STONE: The State's ready, your Honor.

12 THE COURT: Mr. Vaux, is the Defense ready?

13 MR. ROBERTS VAUX: Yes, your Honor.

14 THE COURT: Thank you. Mr. Solicitor, you can call
15 your case.

16 CASE CALLED BY MR. STONE:

17 MR. STONE: Your Honor, the State calls Indictment
18 2012-GS-07-01932, charging Aaron Scott Young, Jr., (B
19 Jr. with the offense of murder; Indictment Number 2014-
20 GS-07-01940, charging Aaron Young, Jr., with the offense
21 of attempted murder. I'll hand your Honor the two
22 indictments and the -- as well as the potential
23 witnesses.

24 THE COURT: Thank you. Ladies and gentlemen, as
25 you have heard Mr. Stone tell me, the State has called

1 the case of the State against Aaron Scott Young, Jr.,
2 charged in these two indictments with murder in one of
3 the indictments, and attempted murder in the other
4 indictment.

5 Indictment Number 1932 accuses Mr. Aaron Scott
6 Young, Jr., with the crime of murder. And the
7 indictment alleges that, here in Beaufort County, on or
8 about September the 1st of 2012, Aaron Scott Young, Jr.,
9 did willfully, unlawfully, and with malice aforethought
10 engage in mutual combat with Tyrone Robinson, and
11 thereby caused the victim, Khalil Singleton to be shot
12 and killed in the area of Marshland Drive and Allen Road
13 in Hilton Head Island, and that Khalil Singleton did die
14 here in Beaufort County as a result thereof, in
15 violation of the law.

16 Indictment Number 1940 accuses Mr. Aaron Young,
17 Jr., with the crime of attempted murder. And that
18 indictment says that, here in Beaufort County, on or
19 about September the 1st, 2012, the same day as the
20 earlier indictment, the defendant, Aaron Young, Jr.,
21 with the intent to kill and malice aforethought, either
22 express or implied, attempted to murder the victim,
23 Tyrone Robinson, in violation of the law.

24 Now, ladies and gentlemen, I tell you that the
25 indictments which I have just read to you are not

1 evidence, nor are they proof of the charges that they
2 contain. They're simply charging documents, legal
3 documents that tell you or me or anybody who reads them
4 what this case is all about.

5 To the charges contained in these two indictments,
6 Mr. Young has entered pleas of not guilty, and has asked
7 for a jury trial at your hand.

8 Mr. Young, will you please stand and face the jury
9 behind you.

10 DEFENDANT COMPLIES.

11 THE COURT: Thank you. You can be seated.

12 Ladies and gentlemen, I need to know if any of you
13 all are related by blood or marriage, that is, or kin to
14 Mr. Aaron Young, Jr. Or are you a friend of his, or a
15 business associate, a casual acquaintance, a personal
16 acquaintance, or any person who has any direct or
17 indirect contact with Mr. Aaron Young, Jr. If so, will
18 you please stand?

19 Yes, ma'am, your name and number, please?

20 JUROR NUMBER 151: Victoria Granucci, Juror Number
21 151.

22 THE COURT: Number 151.

23 JUROR NUMBER 151: I know both of -- both of them
24 from work. They used to work at the restaurant where I
25 work at now.

1 THE COURT: All right. Is it Ms. Granucci Is that
2 right?

3 JUROR NUMBER 151: Um-hmm.

4 THE COURT: Did I say that right?

5 JUROR NUMBER 151: Yes.

6 THE COURT: And you know -- when you say both of
7 them, is that Mr. Young, Jr.?

8 JUROR NUMBER 151: Aaron, Sr., and Aaron, Jr., yes.

9 THE COURT: And who else?

10 JUROR NUMBER 151: Junior.

11 THE COURT: Junior?

12 JUROR NUMBER 151: Senior and Junior.

13 THE COURT: All right. You know both of them. All
14 right.

15 JUROR NUMBER 151: They both worked at the
16 restaurant I work at.

17 THE COURT: Okay. And which restaurant is that,
18 Ms. Granucci?

19 JUROR NUMBER 151: Kingfisher.

20 THE COURT: Were they working at the restaurant in
21 September of 2012?

22 JUROR NUMBER 151: I'm not certain. I know Aaron,
23 Sr., had worked there before alleged incidents, but they
24 both worked there after.

25 THE COURT: After that?

1 JUROR NUMBER 151: Yeah.

2 THE COURT: And --

3 JUROR NUMBER 151: That's when I became acquainted
4 with them.

5 THE COURT: I understand. Was your association
6 with them limited to that working relationship?

7 JUROR NUMBER 151: Pretty much, yes. I mean, we
8 were, you know, cordial and friendly at work, you know.

9 THE COURT: I understand.

10 JUROR NUMBER 151: Yes. They --

11 THE COURT: Well, let me ask you another question.

12 JUROR NUMBER 151: They were -- they were -- yeah,
13 they were good co-workers.

14 THE COURT: I understand.

15 JUROR NUMBER 151: Okay.

16 THE COURT: Would the association as you have just
17 described it to me --

18 JUROR NUMBER 151: Um-hmm.

19 THE COURT: -- make it difficult for you to serve
20 fairly and impartial as a juror in the case in which Mr.
21 Young is on trial?

22 JUROR NUMBER 151: I think it would, because I
23 heard --

24 THE COURT: All right. You don't have to go any
25 further.

1 JUROR NUMBER 151: Okay.

2 THE COURT: You've answered my question
3 sufficiently, and we understand that. We appreciate
4 that. We will stand you aside as a juror in this
5 particular case.

6 JUROR NUMBER 151: Okay.

7 THE COURT: Juror Number 151 will be excused from
8 this particular trial. But don't leave us just yet, Ms.
9 Granucci. Okay?

10 Yes, ma'am. Your name and number, please.

11 JUROR NUMBER 184: Deanna Holmes, 8 -- 184.

12 THE COURT: Ms. Holmes, tell me the nature of the
13 association, please, ma'am.

14 JUROR NUMBER 184: We're cousins.

15 THE COURT: You're cousins.

16 JUROR NUMBER 184: We're cousins.

17 THE COURT: All right. First cousin? Second
18 cousin?

19 JUROR NUMBER 184: No, not close cousins, but
20 definitely related.

21 THE COURT: You're definitely related.

22 JUROR NUMBER 184: Yes.

23 THE COURT: All right. I may ask you some other
24 questions later in the day, Ms. Holmes, that you might
25 have to answer, concerning knowledge about this case and

1 things of that nature. And if those questions apply to
2 you, I want you to respond to them, of course,
3 truthfully, as you will in this case, as well.

4 JUROR NUMBER 184: Okay.

5 THE COURT: What I need to know now is whether or
6 not the relationship that you have just described to me
7 would make it difficult for you to serve fairly and
8 impartially as a juror on which Mr. Young is on trial?

9 JUROR NUMBER 184: I don't think so.

10 THE COURT: Could you set aside that relationship
11 and decide this case on the basis of the evidence that
12 you would hear in court?

13 JUROR NUMBER 184: Yes.

14 THE COURT: Will you do that, please?

15 JUROR NUMBER 184: Yes.

16 THE COURT: Thank you, ma'am. Anybody else?

17 Ladies and gentlemen, the indictment charging Mr.
18 Young with murder alleges that the victim in that
19 particular case is Khalil Singleton. I need to know if
20 any of you all are related by blood or connected by
21 marriage to Khalil Singleton. Khalil Singleton was
22 eight years old at the time of his death. Are you
23 related to him by blood or by marriage, or friends of
24 him or his family, or business associates of him or his
25 family, or people who have any direct or indirect

1 contact with Mr. Singleton? If so, please stand.

2 BAILIFF: We have one still standing from before,
3 Judge.

4 THE COURT: Oh, I'm sorry. I'm sorry, did I miss
5 her?

6 BAILIFF: I'm not sure if she stood up at the very
7 last second.

8 UNIDENTIFIED JUROR: She's ill, your Honor. She's
9 ill.

10 THE COURT: Oh, she's ill?

11 UNIDENTIFIED JUROR: Yes, sir.

12 THE COURT: All right. Well, why don't we -- if
13 you all can help her outside, and see if you can't deal
14 with that. And if she's too ill to stay here today,
15 give her instructions to come back tomorrow.

16 I'll get back to my question. Are any of you
17 connected with Khalil Singleton by blood or marriage,
18 friendship, kinship, in any way whatsoever? If so,
19 please stand.

20 JUROR NUMBER 219: Oh, God.

21 THE COURT: All right. Yes, ma'am.

22 JUROR NUMBER 219: I'm employed by -- his aunt is
23 an employee of mine.

24 THE COURT: I'm sorry, your name and number,
25 please?

1 JUROR NUMBER 219: 219.

2 THE COURT: All right.

3 JUROR NUMBER 219: And the aunt of the deceased is
4 an employee of mine, so.

5 THE COURT: I'm going to ask you to wait just one
6 second, and let me get you located on my list. And
7 then, I'll get back to you. Ms. Kemp, is it?

8 JUROR NUMBER 219: Yes.

9 THE COURT: All right. Tell me about the
10 association, Ms. Kemp.

11 JUROR NUMBER 219: His aunt is an employee of mine
12 at Kemp International.

13 COURT REPORTER: At where?

14 JUROR NUMBER 219: Kemp International.

15 THE COURT: His aunt is an employee of yours?

16 JUROR NUMBER 219: Yes.

17 THE COURT: Is that relationship related to -- just
18 a business association, as you've described, working?

19 JUROR NUMBER 219: Yes.

20 THE COURT: Would the association, then, make it
21 difficult for you to be fair and impartial as a juror in
22 the trial of this case if you were asked to serve?

23 JUROR NUMBER 219: Yes.

24 THE COURT: It would?

25 JUROR NUMBER 219: Yes, it would.

1 THE COURT: All right. Ms. Kemp, we will stand you
2 aside as a juror in the trial of this case. Your Juror
3 Number is 219. You'll be stood aside as a juror in this
4 case.

5 Ms. Holmes, Juror Number 184, you also have a
6 connection with Mr. Robinson. Is that right?

7 JUROR NUMBER 184: Yes. I'm related to everyone,
8 yes. He's my cousin down the line somewhere, as well.

9 THE COURT: All right. Ms. Holmes, I'm going to --
10 recognizing the fact that you would do your best, I
11 know, to be fair and impartial in a case like this,
12 putting you in the middle of a family dispute of this
13 nature would be unfair to you, and it would be unfair to
14 the process, as well.

15 And so, rather than subject you or the process to
16 the chance of that undue pressure or unfairness, I'm
17 going to stand you aside as a juror in this trial.
18 Okay? Number 184 will be stood aside as a juror in the
19 trial. Thank you, Ms. Singleton.

20 BAILIFF: May I approach, your Honor?

21 OFF-THE-RECORD DISCUSSION, OUT OF

22 HEARING OF JURORS. PRESENT: THE COURT,

23 BAILIFF NORMAN JONES.

24 END BENCH CONFERENCE.

25 BY THE COURT:

1 THE COURT: Ladies and gentlemen, there are a list
2 of potential witnesses who may testify in the trial of
3 this case. It is quite a lengthy list. I don't want
4 you to be concerned or intimidated by it. These are all
5 potential witnesses. They will all not testify, but
6 they may testify, if the need should arise.

7 Because the list is lengthy, I'm going to break it
8 down into parts and read half of it, and then read the
9 other half. As I go through this list, I want you to
10 make a mental note as to whether or not you are kin to
11 these folks, or whether you know them, or have any
12 connection with them in any respect whatsoever. Because
13 then, I'm going to be asking you the same questions
14 about these potential witnesses that I've asked you
15 about the defendant, and about the potential alleged
16 victims in this case.

17 All right. Potential witnesses who may testify in
18 the trial of this case are: John Adams and Laurel
19 Albertin from the Sheriff's Office. Brittany Brinson
20 from Hilton Head. Bob Bromage from the Sheriff's
21 Office. Joseph Bryan from Hilton Head. John Burnett
22 from Atlanta. Andrew Calore from the Sheriff's Office.
23 Ebony Campbell from Hilton Head. Brian Chapman from the
24 Sheriff's Office. Brandon Cooler from the Sheriff's
25 Office. Wendy Conant from the Sheriff's Office.

1 Dan DeFreese from SLED. Tyrone Delaney from
2 Seabrook. Curtis Evans from the Sheriff's Office.
3 Andres Florencio from the Sheriff's Office. Larry
4 Forest from Hilton Head. Tim French from the Sheriff's
5 Office. Lawrence Glass from the Sheriff's Office.

6 Dominique Griffin from Beaufort. Benny Lee
7 Hamilton from Ridgeland. Tyreek Harrington from Hilton
8 Head. Roger Heaton. Charlese Jackson from Seabrook.
9 Michael Kaup, from Hilton Head Emergency -- Hilton Head
10 Hospital Emergency Room. Excuse me.

11 Are any of you related by blood or connected by
12 marriage to any of those potential witnesses, or friends
13 of theirs, business associates of theirs, casual
14 acquaintances of theirs, or people who have any direct
15 or indirect contact with any of those potential
16 witnesses? If so, please stand.

17 We'll start here and work our way across. Yes,
18 sir. Your name and number, please, sir.

19 JUROR NUMBER 8: Victor Alvarez, Juror Number 8.
20 I'm a volunteer with the Beaufort County Sheriff's
21 Office.

22 THE COURT: I'm sorry, I didn't get your number. I
23 apologize.

24 JUROR NUMBER 8: Number 8.

25 THE COURT: Number 8? Thank you, Mr. Alvarez. And

1 you were about to tell me that you were a volunteer, and
2 I cut you off.

3 JUROR NUMBER 8: Yes. I know Adams, Bromage,
4 Lauren, Florencio.

5 THE COURT: All right, sir. And are you -- in what
6 capacity do you volunteer?

7 JUROR NUMBER 8: Well, I was an interpreter, and I
8 would be on the desk in the southern office one
9 afternoon or two afternoons a week.

10 THE COURT: All right. Do you still act in that
11 capacity?

12 JUROR NUMBER 8: No. I'm still a member, but they
13 don't have need for as much interpreting.

14 THE COURT: All right, sir. Mr. Alvarez, would the
15 association that you've just described to me make it
16 difficult for you to serve fairly and impartially as a
17 juror in the case in which those gentleman -- or some of
18 them might testify?

19 JUROR NUMBER 8: No, it wouldn't.

20 THE COURT: Could you set aside that relationship
21 and decide this case on the basis of the evidence you
22 would hear in court, without regard to that association?

23 JUROR NUMBER 8: Yes, I could.

24 THE COURT: And will you do that, please, sir?

25 JUROR NUMBER 8: Pardon?

1 THE COURT: Will you do that?

2 JUROR NUMBER 8: Yes, sir.

3 THE COURT: Thank you, sir. You can be seated.

4 Yes, ma'am, in the back. Your name and number, please.

5 JUROR NUMBER 63: Marilyn Calore, Number 63.

6 THE COURT: Ms. Calore, tell me about the
7 association, please, ma'am.

8 JUROR NUMBER 63: My son, Andrew Calore, is one of
9 the witnesses. He's a sheriff's deputy.

10 THE COURT: All right. That would be the Andrew
11 Calore that I -- whose name I mentioned?

12 JUROR NUMBER 63: Yes.

13 THE COURT: Ms. Calore, we'll stand you aside as a
14 juror in this particular case.

15 JUROR NUMBER 63: Thank you.

16 THE COURT: Thank you, ma'am. Number 63 is
17 excused.

18 THE COURT: Yes, sir, in the front. Your name,
19 please?

20 JUROR NUMBER 399: Everett Thompson, 399. I'm
21 just --

22 THE COURT: All right. Mr. Thompson, tell me about
23 the association, please.

24 JUROR NUMBER 399: I'm retired from Hilton Head
25 Fire and Rescue as a fire captain. I did -- Bob Bromage

1 and Calore, Dan DeFreese with SLED, I just had
2 interaction with them over my career.

3 THE COURT: Okay. In your capacity as a
4 firefighter? Is that right?

5 JUROR NUMBER 399: Yes, sir. And also, as an
6 intern with SLED narcotics when I was in college, but
7 that was many years ago.

8 THE COURT: Okay. Would either of those
9 associations, Mr. Thompson, or all of them together,
10 make it difficult for you to be fair and impartial as a
11 juror in the trial of this case in which some of those
12 gentlemen might testify?

13 JUROR NUMBER 399: No, it would not.

14 THE COURT: Could you set aside those associations
15 and decide this case, then, on the evidence that you
16 would hear in court?

17 JUROR NUMBER 399: Yes, I could.

18 THE COURT: Will you do that, please, sir?

19 JUROR NUMBER 399: Yes, sir.

20 THE COURT: Thank you, Mr. Thompson. Yes, ma'am.
21 What's your name, please, ma'am?

22 JUROR NUMBER 255: Lindsey Marion, Juror Number
23 255.

24 THE COURT: Tell me about the association, Ms.
25 Marion.

1 JUROR NUMBER 255: Yes, sir. I used to work as a
2 police officer for the town of Bluffton, and in my
3 career, had several interactions with numerous deputies
4 that were listed at the Sheriff's Office in this case.

5 THE COURT: All right. And you were a police
6 officer?

7 JUROR NUMBER 255: Correct, sir.

8 THE COURT: But you're no longer a police officer?

9 JUROR NUMBER 255: Not at the moment. No, sir.

10 THE COURT: All right. Would the association that
11 you've just described to me make it difficult for you to
12 serve fairly and impartially as a juror in this case?

13 JUROR NUMBER 255: I think it would be in the best
14 interests if I --

15 THE COURT: Ma'am?

16 JUROR NUMBER 255: I said, I think it would be in
17 the best interests if I just was excused from this
18 trial.

19 THE COURT: We'll take your word for that, and I
20 can understand why it would put you in a difficult
21 situation.

22 JUROR NUMBER 255: Thank you.

23 THE COURT: Thank you, Ms. Marion. We'll stand you
24 aside as a juror in this trial. Yes, ma'am. In the
25 back. Your name and number, please. Yes, right here in

1 the --

2 JUROR NUMBER 56: I'm Juror 56. My name is Geri
3 Burr. I'm a registered nurse at a physician's practice
4 in Hilton Head, and I know Dr. Kaup, as well as Brandon
5 Cooler. He's my third cousin.

6 COURT REPORTER: Brandon who?

7 JUROR NUMBER 56: Brandon Cooler. Is my third
8 cousin. I think he was listed as one of the witnesses.

9 THE COURT: All right. Thank you for directing my
10 pronunciation of Dr. Kaup. I'm surprised you even
11 recognized it from the way I pronounced his name.

12 Ms. Burr, would any of those associations that you
13 just described to me make it difficult to serve fairly
14 and impartially as a juror in the trial of the case in
15 which they might testify?

16 JUROR NUMBER 56: No, sir.

17 THE COURT: Can you set aside those associations
18 and decide this case based on the evidence that you
19 would hear?

20 JUROR NUMBER 56: Yes.

21 THE COURT: And you'll do that, please, ma'am?

22 JUROR NUMBER 56: Yes, sir.

23 THE COURT: Thank you, Ms. Burr. Let's see. I
24 think you're furthest. Yes, sir, your name and number.

25 JUROR NUMBER 101: Number 101, Michael Dion.

1 THE COURT: Yes, sir, Mr. Dion. Tell me about the
2 association, please, sir.

3 JUROR NUMBER 101: I know Bob Bromage and Lauren
4 Albertin. I was in the food and beverage business for
5 over twenty years, and became friends with Bob, and
6 Laurie was a -- the detective on a burglary case against
7 my company -- or not my company; the company I work for.

8 THE COURT: I understand. Would those associations
9 make it difficult for you to be fair and impartial as a
10 juror in this case?

11 JUROR NUMBER 101: I believe so.

12 THE COURT: It would? Mr. Dion, we'll stand you
13 aside as a juror in this case. Juror Number 101 will be
14 excused. Thank you.

15 Yes, ma'am. Your name and number, please.

16 JUROR NUMBER 130: Lisa Fudjack, Number 130, and I
17 know Bob Bromage.

18 THE COURT: Ms. Fudjack, did I say that right?

19 JUROR NUMBER 130: Fudjack.

20 THE COURT: Fudjack. And tell me about the
21 association again. I'm sorry, who is it with?

22 JUROR NUMBER 130: Bob.

23 THE COURT: Mr. Bromage. How would describe the
24 association, Ms. Fudjack? Personal, business relation,
25 close, remote, casual? You describe it.

1 JUROR NUMBER 130: Just casual contact.

2 THE COURT: Just casual. Would that association
3 make it difficult for you to be fair and impartial as a
4 juror in the trial of this case?

5 JUROR NUMBER 130: No.

6 THE COURT: Can you set aside that association and
7 decide this case based on the evidence that you will
8 hear?

9 JUROR NUMBER 130: Yes.

10 THE COURT: Would you do that, please, ma'am?

11 JUROR NUMBER 130: Yes.

12 THE COURT: Thank you, ma'am. Yes, sir. Your name
13 and number, please, sir.

14 JUROR NUMBER 295: My name is Tom Paige, Number
15 295. I work for the town of Hilton Head for security
16 systems throughout the town. And I worked with Mr.
17 Adams and most of the deputies that you named on a daily
18 or weekly basis to compile films and help them try their
19 cases. So, it's most of the deputies and most of the
20 investigators.

21 THE COURT: I understand. Would that association,
22 Mr. Paige, make it difficult for you to be fair and
23 impartial as a juror in the trial of this case?

24 JUROR NUMBER 295: Possibly.

25 THE COURT: Possibly?

1 JUROR NUMBER 295: Yeah.

2 THE COURT: All right. We can't take a chance on
3 the possibly, Mr. Paige. We'll stand you aside as a
4 juror in the trial of this case. Thank you.

5 Additional witness who may testify in the trial of
6 this case are: Joseph Lear, L/e/a/r, from the Sheriff's
7 Office. Jeff Moran from the Sheriff's Office. Robert
8 Murray from Hilton Head. Derrick Nelson from the
9 Sheriff's Office. James Padgett from the Sheriff's
10 Office. Michael Perkins from the Sheriff's Office.
11 David Ott, a deputy coroner. Andrew Rice from the
12 Sheriff's Office.

13 Eileen Rios from the Sheriff's Office. Tyrone
14 Robinson. Doug Seifert, S/e/i/f/e/r/t, from the
15 Sheriff's Office. Ila Simmons, who is formerly with
16 SLED. Savoria Simmons from Hilton Head. Jontu
17 Singleton, Sr., from Hilton Head. Jontu Singleton, Jr.,
18 from Hilton Head. Melanie Smith from 911
19 communications. Jennifer Snyder from the Sheriff's
20 Office. Zachary Taylor from Hilton Head Fire and
21 Rescue. Martin Thomas from the Sheriff's Office.

22 Kenneth Thompson from BCDC, Detention Center. From
23 the Beaufort County Detention Center. Dr. Lee Marie
24 Tormos, T/o/r/m/o/s, from MUSC. Angela Viens,
25 V/i/e/n/s, from the Sheriff's Office. Marguerite

1 Washington from Hilton Head.

2 Are any of you related by blood or connected by
3 marriage to any of those potential witnesses, or
4 friends, casual acquaintances, business associates, or
5 other people who have any direct or indirect contact
6 with any of those particular witnesses? If so, please
7 stand.

8 Mr. Alvarez, I take it that the same connection you
9 told me earlier --

10 JUROR NUMBER 8: Yes.

11 THE COURT: -- applies in this case, as well?

12 JUROR NUMBER 8: And on your second list --

13 THE COURT: Sir?

14 JUROR NUMBER 8: Viens, I believe it is.

15 THE COURT: That's right.

16 JUROR NUMBER 8: Yes. She was there -- or I was
17 there during --

18 THE COURT: Would that association make it
19 difficult for you to serve fairly and impartially?

20 JUROR NUMBER 8: No.

21 THE COURT: You can set those things aside and
22 decide this case based upon what you would hear?

23 JUROR NUMBER 8: Yes.

24 THE COURT: Thank you, Mr. Alvarez. Mr. Thompson?

25 JUROR NUMBER 399: Yes, sir. Zachary Taylor, EMS.

1 I didn't understand the pronunciation earlier.

2 THE COURT: All right.

3 JUROR NUMBER 399: When I was in the business, I
4 worked with the majority of that crowd.

5 THE COURT: Would any of these associations with
6 these additional witnesses make it difficult for you to
7 be fair and impartial?

8 JUROR NUMBER 399: No.

9 THE COURT: Thank you, sir. You may be seated.
10 Yes, ma'am, on the aisle. Your name, please, ma'am.

11 JUROR NUMBER 45: Number 45, Samantha Britt.

12 THE COURT: Ms. Britt?

13 JUROR NUMBER 45: I work for Sauls Funeral Home in
14 Bluffton, and we know the coroner, David Ott.

15 THE COURT: Tell me who you work for again.

16 JUROR NUMBER 45: Sauls Funeral Home.

17 THE COURT: Okay. All right. That'll do it. Ms.
18 Britt, would that association with the deputy coroner
19 that you've described make it difficult for you to be
20 fair and impartial as a juror in this case?

21 JUROR NUMBER 45: No.

22 THE COURT: Can you set that aside and decide this
23 case based on the evidence you hear in court?

24 JUROR NUMBER 45: Yes.

25 THE COURT: You will do that, please, ma'am? Thank

1 you, Ms. Britt.

2 Yes, ma'am. Your name and number, please?

3 JUROR NUMBER 59: Patricia Cahill, Number 59. I've
4 known Angela Viens since she was a little girl, but I
5 don't think that would affect.

6 THE COURT: All right. I think you've anticipated
7 my question, Ms. Cahill. You can set that association
8 aside, and decide this case based on the evidence you
9 hear?

10 JUROR NUMBER 59: Yes.

11 THE COURT: And you will do that, please, ma'am?

12 JUROR NUMBER 59: Yes.

13 THE COURT: Yes, ma'am, in the back. Your name and
14 number?

15 JUROR NUMBER 126: Juror 126, Charlene Foss. I was
16 Tyrone Robinson's physical education teacher for grades
17 one through four, approximately 1984 through 1988.

18 COURT REPORTER: You were whose teacher?

19 THE COURT: Tyrone Robinson.

20 JUROR NUMBER 126: Tyrone Robinson.

21 THE COURT: And you said -- what were the dates
22 again, please, ma'am?

23 JUROR NUMBER 126: Approximately 1984 to 1988.

24 THE COURT: Since that time, Ms. Foss, did you have
25 any additional contact with Mr. Robinson?

1 JUROR NUMBER 126: No, sir.

2 THE COURT: All right. Would that association that
3 you've just described make it difficult for you to serve
4 fairly and impartially as a juror in this case?

5 JUROR NUMBER 126: No, sir.

6 THE COURT: Could you set aside that association
7 and decide this case based on the evidence that you
8 would hear in court?

9 JUROR NUMBER 126: Yes, sir.

10 THE COURT: And will you do that, please?

11 JUROR NUMBER 126: Yes, sir.

12 THE COURT: Thank you. Yes, sir. Your name and
13 number again, please, sir?

14 JUROR NUMBER 295: Thomas Paige, 295. There are
15 some names on there, Deputy Moran, Deputy Seifert, that
16 I recognize.

17 THE COURT: I'm sorry, Mr. Paige, I think I've
18 already excused you.

19 JUROR NUMBER 295: Yes, sir. I just wanted --

20 THE COURT: I appreciate that. You're fine.

21 BAILIFF NORMAN JONES: May I approach, your Honor?

22 THE COURT: Yes, sir.

23 OFF-THE RECORD DISCUSSION, OUT OF

24 HEARING OF JURORS. PRESENT: THE COURT,

25 BAILIFF NORMAN JONES.

1 END BENCH CONFERENCE.

2 THE COURT: Ladies and gentlemen, the lawyers who
3 will be involved in the trial of this case, on behalf of
4 the State, the case will be presented by Solicitor
5 Duffie Stone, the Solicitor of the Fourteenth Judicial
6 Circuit. Mr. Stone?

7 And he will be assisted by one of his deputy
8 assistants, Mr. Sean Thornton, both of the Fourteenth
9 Judicial Circuit Solicitor's Office. Thank you,
10 gentlemen.

11 MR. STONE: Thank you.

12 THE COURT: On behalf of the defendant, Mr. Young
13 is represented by Mr. Roberts Vaux of the Beaufort
14 County Bar. And your son -- is Tabor involved in this?

15 MR. ROBERTS VAUX: Yes, sir.

16 THE COURT: Tabor Vaux, his son, will also be
17 assisting them. Thank you.

18 Now, ladies and gentlemen, I need to know about
19 your connection with the lawyers. I need to know if you
20 are kin to them by blood or by marriage, if you are
21 friends with theirs, casual acquaintance of theirs,
22 business associates of theirs, if you have ever been
23 represented by any of them in the past, or if you've
24 ever been sued by any of them in the past. If so, will
25 you please stand?

1 Okay. Mr. Thompson, Number 399, tell me about the
2 association, please, sir.

3 JUROR NUMBER 399: My father was a business partner
4 with Mr. Vaux in a small venture on Hilton Head back in
5 the seventies.

6 THE COURT: In the seventies? Since that time,
7 have you had any business or personal relationships with
8 him?

9 JUROR NUMBER 399: Just a -- just an occasion at --
10 at his house.

11 THE COURT: Would either of those associations make
12 it difficult for you to be fair and impartial as a juror
13 in the trial of the case in which he's representing one
14 of the parties?

15 JUROR NUMBER 399: No problem.

16 THE COURT: Could you set that aside, and decide
17 this case based on the evidence that you hear in the
18 court?

19 JUROR NUMBER 399: Yes, sir.

20 THE COURT: And you will do that, sir?

21 JUROR NODDED HEAD.

22 THE COURT: Thank you, Mr. Thompson. Yes, sir.
23 Your name and number, please.

24 JUROR NUMBER 298: I'm Chris Paulus, 298.

25 THE COURT: Mr. Paulus, tell me about the

1 association, please.

2 JUROR NUMBER 298: It was my wife. She used to be
3 a paralegal for Mr. Vaux. She used to work for him.

4 THE COURT: Used to be a paralegal?

5 JUROR NUMBER 298: Yes.

6 THE COURT: How long ago was that, Mr. Paulus?

7 JUROR NUMBER 298: Probably about fifteen years
8 ago, I would think.

9 THE COURT: All right. Would that prior
10 association with your wife that you've just described
11 make it difficult for you to be fair and impartial as a
12 juror in this trial?

13 JUROR NUMBER 298: No, sir.

14 THE COURT: You can set that matter aside, and
15 decide this case, based on the evidence?

16 JUROR NUMBER 298: Yes.

17 THE COURT: You will do that, please, sir?

18 JUROR NUMBER 298: Yes, sir.

19 THE COURT: Thank you, Mr. Paulus.

20 Yes, sir. Your name and number, please.

21 JUROR NUMBER 278: Earl Monday, Number 278. Mr.
22 Vaux is a businessman in Bluffton. We casually know
23 each other from that.

24 THE COURT: Are you all in business together, or
25 are you just both in business in Bluffton?

1 JUROR NUMBER 278: No, I -- he owns a restaurant
2 there that I patronize.

3 THE COURT: Okay. Good. All right. Thank you.
4 Would that association make it difficult for you to be a
5 fair and impartial as a juror in this trial?

6 JUROR NUMBER 278: No, sir.

7 THE COURT: All right. Thank you. That means the
8 food must be pretty good.

9 Yes, ma'am, in the back. Your name, please.

10 JUROR NUMBER 11: Laurie Andrews, Number 11.

11 THE COURT: Ms. Andrews, tell me about the
12 association, please.

13 JUROR NUMBER 11: I used to teach Tabor in school,
14 and I have known them for quite a while.

15 THE COURT: All right.

16 JUROR NUMBER 11: And I used to work for Mr. Vaux's
17 wife.

18 THE COURT: All right. Would any of those
19 associations or all of them together make it difficult
20 for you to be fair and impartial as a juror in this
21 trial?

22 JUROR NUMBER 11: I could be fair.

23 THE COURT: It wouldn't?

24 JUROR NUMBER 11: No, it wouldn't.

25 THE COURT: It would not. I'm sorry. I

1 misunderstood. Would you be able to set aside that
2 association, then, and decide this case based on the
3 evidence that you will hear in court?

4 JUROR NUMBER 11: Yes.

5 THE COURT: And will you do that, please, Ms.
6 Andrews?

7 JUROR NUMBER 11: Yes.

8 THE COURT: Thank you, ma'am.

9 Yes, ma'am, your name and number again? I'm sorry.

10 JUROR NUMBER 56: 56, Geri Burr.

11 THE COURT: Ms. Burr, tell me about the
12 association, please.

13 JUROR NUMBER 56: Mr. Stone is married to someone
14 who has been a friend of mine for many years that I have
15 a lot of love for. Mr. Vaux has been a long-time
16 friend, and has assisted us and our family with some
17 dealings. And his son, Tabor, grew up with our
18 daughter.

19 THE COURT: All right. Would either of those
20 associations make it difficult for you to serve fairly
21 and impartially as a juror in this trial?

22 JUROR NUMBER 56: No, sir.

23 THE COURT: You don't mind getting caught in the
24 middle of this?

25 JUROR NUMBER 56: No.

1 THE COURT: Would you be able to set those
2 associations aside and decide this case based on the
3 evidence that you would hear in court?

4 JUROR NUMBER 56: Yes, sir.

5 THE COURT: And you will do that, please, ma'am?

6 JUROR NUMBER 56: Yes.

7 THE COURT: Thank you, Ms. Burr. Yes, ma'am, the
8 back. Oh, I'm sorry. I'm about to get the bailiff
9 involved. Your name?

10 JUROR NUMBER 70: Brenda Carn, Juror 70.

11 THE COURT: All right. Ms. Carn, tell me who the
12 association is with, please.

13 JUROR NUMBER 70: Roberts Vaux and Tabor. My son
14 is real good friends with Tabor. They grew up together.

15 THE COURT: All right. Thank you. Ms. Carn, would
16 that association of your son's and Tabor Vaux make it
17 difficult for you to be a fair and impartial as a juror
18 in this trial?

19 JUROR NUMBER 70: No.

20 THE COURT: You can set that matter aside and
21 decide this case based on the evidence?

22 JUROR NUMBER 70: Yes.

23 THE COURT: You'll do that, please, ma'am?

24 JUROR NUMBER 70 NODDED HEAD.

25 THE COURT: Thank you, Ms. Carn. Yes, ma'am. Your

1 name and number again, please.

2 JUROR NUMBER 360: 360, Jessica Shrieve.

3 THE COURT: Ms. Shrieve, tell me about the
4 association, please.

5 JUROR NUMBER 360: I also know Mr. Stone and Mr.
6 Vaux. Mr. Stone and I's children went to grade school
7 together. Mr. Vaux represented us on some paperwork
8 that we hired him for my company. And we also work out
9 at the same gym now together.

10 THE COURT: All right. Okay. Would any of those
11 associations make it difficult, Ms. Shrieve, for you to
12 be a fair and impartial as a juror in this trial?

13 JUROR NUMBER 360: No, sir.

14 THE COURT: You can set those matters aside and
15 decide this case based on the evidence?

16 JUROR NUMBER 360: Yes, sir.

17 THE COURT: You will do that, please, ma'am?

18 JUROR NUMBER 360: Yes, sir.

19 THE COURT: Thank you, Ms. Shrieve. Yes, ma'am.
20 Your name and number again, I'm sorry.

21 JUROR NUMBER 59: Patricia Cahill, Number 59. I
22 know both Roberts Vaux and Duffie Stone. I've taught
23 both of their children, children of both families, and
24 have been a good friend with Mary and with Holly,
25 Duffie's wife.

1 THE COURT: All right. Ms. Cahill, would any of
2 those associations make it difficult for you to serve
3 fairly and impartially as a juror in this trial?

4 JUROR NUMBER 59: No.

5 THE COURT: All right. You'll set those matters
6 aside, and decide this case based on the evidence that
7 you'll hear in court?

8 JUROR NUMBER 59: Yes.

9 THE COURT: And you will do that, please, ma'am?

10 JUROR NUMBER 59: Yes.

11 THE COURT: Okay. We'll let Mr. Stone and Mr. Vaux
12 decide whether or not they're going to pick you on this
13 particular case. You obviously have connections with
14 both of them. Thank you so much, Ms. Cahill.

15 Now, ladies and gentlemen, I have read to you the
16 indictments in this particular case. I remind you again
17 that the indictments are not evidence or proof of the
18 charges that are contained in the indictments. But they
19 are simply charging papers or documents that tell us
20 what the case is all about.

21 I tell you that, because I need to know now if you
22 know anything about this case. If you have seen or
23 heard or read anything about this case, or if you have
24 any knowledge about this case from any source at all, I
25 want you to stand, and I'll inquire of you further and

1 later about what knowledge you have. But for our
2 purposes right now, all I need to know from you is your
3 name and your number.

4 And to better acquaintance you with this case, if
5 some of you are not already familiar with it from the
6 indictments that I've read to you and the names of the
7 people, as the indictments indicate, this case arose out
8 of an event that happened on Hilton Head Island on
9 September the 1st of 2012. Mr. Young, Jr., is accused,
10 at that particular time, of the attempted murder of
11 Tyrone Robinson.

12 I tell you now that Tyrone Robinson has been
13 convicted in this courtroom at an earlier date of the
14 murder of the victim, Khalil Singleton. The theory that
15 brings us into court on this particular case will be
16 explained to you later, if you need to know it. I
17 simply indicate that information to you now, so that
18 you'll be able to put those things together, and
19 acknowledge whether you know anything about this case or
20 not.

21 Mr. Young, of course, is accused, also, with the
22 attempted murder of Tyrone Robinson. This case was
23 heavily covered in the *Island Packet* and the *Beaufort*
24 *Gazette* and other newspapers at the time it occurred two
25 years ago.

1 I need to know if you all know anything about this
2 case, if you have seen or heard or read anything about
3 the case, or if you have any knowledge about the case
4 from any source at all, would you please stand and let
5 me record your name and your number; and then I will
6 inquire of you further, at a different time, about what
7 you know about the case.

8 Let me start over here on this outside row, to
9 begin with, on the outside section. If any of you all
10 know anything about the case, have seen or heard or read
11 anything about it, would you please stand? All right.
12 I simply need to know your name and your number, and
13 give me a moment to mark that on my list. Mr. Thompson,
14 I believe?

15 JUROR NUMBER 399: Yes, sir. 399.

16 THE COURT: All right. You can be seated. Yes,
17 your name, please, ma'am.

18 JUROR NUMBER 124: Penny Fobes, 124. I just read
19 about it in the paper.

20 THE COURT: I'm sorry. Your number again?

21 JUROR NUMBER 124: 124.

22 THE COURT: 124? Thank you, Ms. Fobes. Okay. On
23 the row back there, on the wall. We'll come across.

24 JUROR NUMBER 395: Todd Taylor, 395.

25 THE COURT: 390?

1 JUROR NUMBER 395: Five. Yes, sir.

2 THE COURT: ^U Thank you, sir. You may be seated.

3 JUROR NUMBER 151: Juror Number 151, but I've
4 already been set aside, I believe, right?

5 THE COURT: Have you already been excused?

6 JUROR NUMBER 151: Yes.

7 THE COURT: If any of you have already been
8 excused, you don't have to stand. Thank you, though,
9 ma'am. Yes, ma'am. Your name and number, please.

10 JUROR NUMBER 357: Susan Shinton, Number 357.

11 THE COURT: All right. Ms. Shinton. You can be
12 seated.

13 JUROR NUMBER 206: 206, Shannon Jilly.

14 THE COURT: Thank you, Ms. Jilly. Yes, Mr.
15 Alvarez, you --

16 JUROR NUMBER 8: Mr. Alvarez.

17 THE COURT: Are you still in, Mr. Alvarez? I
18 haven't excused you, have I? You're still with us.

19 JUROR NUMBER 8: I'm still with you, yes.

20 THE COURT: All right. I got you. Thank you, Mr.
21 Alvarez. You may be seated. Yes, ma'am.

22 JUROR NUMBER 145: 145, Cynthia Gluszik.

23 THE COURT: Thank you, Ms. Gluszik.

24 JUROR NUMBER 11: Laurie Andrews, Number 11.

25 THE COURT: Thank you, Ms. Andrews.

1 JUROR NUMBER 41: Kevin Breedlove, 41.

2 THE COURT: Thank you. All right. Let's move to
3 this section right here. Let's start on the front row,
4 ladies on the front. Yes, ma'am.

5 JUROR NUMBER 133: Mary Gaddo, 133.

6 THE COURT: One which?

7 JUROR NUMBER 133: Huh?

8 THE COURT: Your number again?

9 JUROR NUMBER 133: 133.

10 THE COURT: 133, I'm sorry. Thank you, Ms. Gaddo.

11 JUROR NUMBER 133: Um-hmm.

12 JUROR NUMBER 415: Rebecca Voss, 415.

13 THE COURT: Thank you, ma'am.

14 JUROR NUMBER 225: Marianne Kinsey, 225.

15 THE COURT: Thank you, Ms. Kinsey.

16 JUROR NUMBER 400: Linda Tybee, 400.

17 THE COURT: Thank you, Ms. Tybee. Yes, sir. On
18 the end.

19 JUROR NUMBER 170: Robert Smith, 170 -- 370.

20 Robert Smith, 370.

21 THE COURT: Thank you, Mr. Smith.

22 JUROR NUMBER 260: David Masteller, 260.

23 COURT REPORTER: 260?

24 JUROR NUMBER 260 NODDED HEAD.

25 THE COURT: 260. Um-hmm. Thank you. Yes, sir,

1 I'm sorry. I had to make an additional note.

2 JUROR NUMBER 30: Alison Berlin, 30.

3 THE COURT: Thank you, Ms. Berlin. Yes, sir.

4 JUROR NUMBER 274: Jeffrey Miller, 274.

5 THE COURT: Thank you.

6 JUROR NUMBER 140: Tom Gerber, 140.

7 THE COURT: Thank you, Mr. Gerber.

8 JUROR NUMBER 70: Linda Carn, 70.

9 THE COURT: Thank you.

10 JUROR NUMBER 408: Brian Turrisi, 408.

11 THE COURT: Thank you, sir.

12 JUROR NUMBER 56: Geri Burr, 56.

13 THE COURT: Yes, ma'am.

14 JUROR NUMBER 200: Nancy Jauss, 200.

15 THE COURT: 200? Thank you, Ms. Jauss. Okay.

16 Everybody there. Let's move to this section now.

17 Everybody in this section who knows anything about the
18 case. And we'll start with the front row.

19 JUROR NUMBER 117: 117, Larry Faulkner.

20 THE COURT: Thank you, Mr. Faulkner. Yes, sir.

21 JUROR NUMBER 248: 248, Michael Loconte.

22 THE COURT: Thank you, Mr. Loconte. Yes, ma'am.

23 JUROR NUMBER 180: 180, Tara Hodges.

24 THE COURT: Thank you, Ms. Hodges. Who's next? On
25 the end.

1 JUROR NUMBER 352: 352, Anthony Sferlazzo.

2 THE COURT: Thank you, Mr. Sferlazzo. Who's next?

3 JUROR NUMBER 391: 391, Louanne Takach. 391,
4 Louanne Takach.

5 THE COURT: Thank you, Ms. Takach.

6 JUROR NUMBER 90: 90, Allen Crowther.

7 THE COURT: Thank you, Mr. Crowther. Yes, ma'am.

8 JUROR NUMBER 152: 152, Susan Green.

9 THE COURT: Thank you. Yes, ma'am.

10 JUROR NUMBER 59: Patricia Cahill, 59.

11 THE COURT: All right. Thank you, Ms. Cahill.

12 JUROR NUMBER 126: 126, Charlene Foss.

13 THE COURT: Thank you, Ms. Foss.

14 JUROR NUMBER 55: 55, James Burns.

15 THE COURT: Thank you, Mr. Burns. Okay.

16 Now, ladies and gentlemen, I've inquired of all of
17 you, and I will ask you momentarily some more
18 information about what you know about this case. Some
19 of you may not have heard about the case itself, but you
20 understand what the charges are all about. You
21 understand that the charges are crimes of personal
22 violence. Murder and attempted murder are crimes of
23 personal violence. So, I now need to inquire about you,
24 whether you all have had any connections with crimes of
25 personal violence.

1 Crimes of personal violence are, certainly, murder,
2 attempted murder, manslaughter, assault and battery of
3 any degree, criminal domestic violence, criminal sexual
4 conduct. Armed robbery is a crime of personal violence.
5 Those are the sorts of things that we talk about when we
6 talk about crimes of personal violence. I need to know
7 -- I've been off the air. Nobody's heard a thing I've
8 said for the last thirty minutes.

9 I need to know if any of you all have ever been
10 involved in a crime of personal violence, as I've just
11 described.

12 Now, involvement would apply not only to you, but
13 any members of your immediate family. And the
14 involvement could be a wide range of possible
15 involvement. You or your family member could have been
16 a victim of a crime. That is a person against whom the
17 crime is committed. You or your family member could
18 have been the defendant. That is, the person who has
19 been charged with committing the crime. Or, you or your
20 family member could have been a witness to the crime.

21 So, the question applies not only to you, but to
22 members of your immediate family. That's basically
23 members of your household. And it involves a wide
24 range, either as a victim or a defendant, or a witness
25 to the crime.

1 So, now, I need to inquire about that particular
2 connection, if any of you have it. And this time, we're
3 going to start over here on this side, out of fairness,
4 and work my way back across. So, if anybody in this
5 section right here, or any member of your immediate
6 family has ever been involved in a crime of personal
7 violence as I have described that to you, either as a
8 victim or a defendant or a witness, please stand.

9 Okay. Yes, sir. Your name again, sir.

10 JUROR NUMBER 352: Anthony Sferlazzo, 352. Judge,
11 this is in relation to --

12 THE COURT: I'll inquire of you at the side bar.

13 JUROR NUMBER 352: That's good.

14 THE COURT: Okay. All I need to know is what
15 you've given me, Mr. Sferlazzo, and that is your name
16 and your number, and I appreciate that. Okay. Thank
17 you, sir. Yes, sir. Your name and number, please.

18 JUROR NUMBER 368: 368, Louis Smith.

19 THE COURT: Thank you, Mr. Smith.

20 JUROR NUMBER 368: I have two very close family
21 members.

22 THE COURT: All I need to now is your name and
23 number.

24 JUROR NUMBER 368: I'm sorry, sir. I'm having a
25 little difficulty hearing.

1 THE COURT: Okay. All right. All I need right now
2 is your name and juror number, and you've given that to
3 me. Okay?

4 JUROR NUMBER 368: Oh. Okay. Thank you.

5 THE COURT: Thank you. Just like we did before
6 with the others. Yes, ma'am.

7 JUROR NUMBER 81: 81, Malia Cooler.

8 THE COURT: Thank you, Ms. Cooler. Yes, ma'am.

9 JUROR NUMBER 152: 152, Susan Green.

10 THE COURT: Thank you, Ms. Green. Yes, sir.

11 JUROR NUMBER 32: 32, Richard Blasey.

12 THE COURT: Thank you, Mr. Blasey. Yes, ma'am.

13 JUROR NUMBER 437: 437, Rosa Williams.

14 THE COURT: 437, is that it?

15 JUROR NUMBER 437: Yes, your Honor.

16 THE COURT: Thank you, Ms. Williams. All right.
17 Now, this section right here. Anybody have a family
18 member or friend involved in a crime of personal
19 violence? Yes, sir. Your name and number again?

20 JUROR NUMBER 370: Robert Smith, 370.

21 THE COURT: Thank you, Mr. Smith. Yes, ma'am.

22 JUROR NUMBER 133: Mary Gaddo, 133.

23 THE COURT: Thank you, Ms. Gaddo.

24 JUROR NUMBER 140: Tom Gerber, 140.

25 THE COURT: Thank you, Mr. Gerber. Yes, ma'am.

1 JUROR NUMBER 214: Mavis Jones, 214.

2 THE COURT: Thank you, Ms. Jones.

3 JUROR NUMBER 408: Brian Turrisi, 408.

4 THE COURT: Thank you, Mr. Turrisi.

5 JUROR NUMBER 119: Amy Fee, 119.

6 THE COURT: Thank you, Ms. Fee.

7 JUROR NUMBER 56: Geri Burr, 56.

8 THE COURT: Thank you, Ms. Burr.

9 JUROR NUMBER 200: Nancy Jauss, 200.

10 THE COURT: Thank you, Ms. Jauss. All right. Now,
11 on the outside over here. Okay. Mr. Thompson, I've got
12 you.

13 JUROR NUMBER 399: Yes.

14 THE COURT: All right. Yes, sir. Against the
15 wall.

16 JUROR NUMBER 40: Number 40, Andrew Branning.

17 THE COURT: Thank you, Mr. Branning.

18 JUROR NUMBER 49: 49, Pamela Brown.

19 THE COURT: Thank you, Ms. Brown.

20 JUROR NUMBER 103: 103, Danielle Doiron.

21 THE COURT: Thank you, Ms. Doiron.

22 JUROR NUMBER 357: 357, Susan Shinton.

23 THE COURT: Thank you, Ms. Shinton.

24 JUROR NUMBER 395: 395, Tom Taylor.

25 THE COURT: Mr. Taylor, thank you. Mr. Alvarez.

1 JUROR NUMBER 8: 8, Alvarez.

2 THE COURT: Yes, sir.

3 JUROR NUMBER 278: 278, Earl Monday.

4 THE COURT: 278. Thank you, Mr. Monday.

5 Now, ladies and gentlemen, I'm going to step down a
6 minute, side Bar, and I'm going to ask you all to come
7 forward individually, by sections, once again. When
8 your section is called, if you'll come and form a line
9 in this aisle right over here, and you'll be called
10 forward individually. And right here at side Bar, and
11 in the presence of the court reporter and the lawyers
12 and myself, I'm going to inquire further about the
13 answers that you've given me to the questions that I
14 just asked you a moment ago. All right?

15 All right. We'll start with this outside section
16 right here. Any of you and all of you who stood in
17 response to either of those questions, please form a
18 line in the aisle right here.

19 BAILIFF: Juror Number 40, your Honor.

20 THE COURT: All right. Thank you.

21 ON-THE-RECORD BENCH CONFERENCE, OUT OF
22 HEARING OF JURORS. PRESENT: THE COURT,
23 JUROR NUMBER 40, MR. STONE, MR. THORNTON,
24 MR. ROBERTS, MR. TABOR VAUX.

25 THE COURT: Mr. Branning, if you'll come and stand

1 right here.

2 JUROR NUMBER 40: Sure.

3 THE COURT: And speak so that she can hear you.

4 Mr. Branning, you indicated that you or a family member
5 or had some involvement with a crime. Was it your
6 family member?

7 JUROR NUMBER 40: My older sister.

8 THE COURT: Your older sister. And what was the
9 involvement?

10 JUROR NUMBER 40: She was involved in a drug-
11 related shooting. She was actually shot.

12 THE COURT: Was she an innocent victim, or was she
13 a --

14 JUROR NUMBER 40: She was innocent, caught in the
15 cross-fire.

16 THE COURT: I see. How badly was she injured?

17 JUROR NUMBER 40: She was shot in the head, but she
18 was fine. It was a glancing shot, thankfully.

19 THE COURT: How long ago did that happen?

20 JUROR NUMBER 40: Oh, about two years ago.

21 THE COURT: And where did it happen?

22 JUROR NUMBER 40: Hickory, North Carolina.

23 THE COURT: Was anybody ever caught or convicted as
24 a result of that?

25 JUROR NUMBER 40: No. They mishandled the

1 evidence, and nobody was charged.

2 THE COURT: The evidence in this particular case
3 will indicate that, as I've told you, that the victim,
4 Khalil Singleton, was shot by Mr. Robinson, who has been
5 tried and convicted of that particular crime.

6 JUROR NUMBER 40: Um-hmm.

7 THE COURT: That Mr. Singleton was not the intended
8 victim of that particular case.

9 JUROR NUMBER 40: Um-hmm.

10 THE COURT: I need to know if your situation and
11 that of your sister's somewhat, perhaps, similar would
12 that make it difficult for you to serve fairly and
13 impartially as a juror in the trial of this case?

14 JUROR NUMBER 40: It's possible. I mean, if I
15 heard the evidence that was presented to me.

16 THE COURT: Right. And, of course, I can't -- I
17 don't know what the evidence is going to be just yet --

18 JUROR NUMBER 40: Of course.

19 THE COURT: -- so I can't tell you, so. But it's
20 possible there might be something that might trigger
21 some concern of yours.

22 JUROR NUMBER 40: Sure, yeah.

23 THE COURT: I can appreciate that, and I'll
24 understand that.

25 JUROR NUMBER 40: We're not going to put you in

1 that unfortunate and uncomfortable position, Mr.

2 Branning. I'm going to stand you aside.

3 JUROR NUMBER 40: Thank you.

4 THE COURT: Okay? You can go back and have a seat.

5 END BENCH CONFERENCE.

6 THE COURT: Juror Number 40 will be stood aside as
7 a juror in this case.

8 BAILIFF: Juror 124, your Honor.

9 THE COURT: Thank you.

10 ON-THE-RECORD BENCH CONFERENCE, OUT OF

11 HEARING OF JURORS. PRESENT: THE COURT,

12 JUROR NUMBER 124, MR. STONE, MR. THORNTON,

13 MR. ROBERTS VAUX, MR. TABOR VAUX.

14 THE COURT: Ms. Fobes, is it?

15 JUROR NUMBER 124: Yes. Yes, it is.

16 THE COURT: Could you stand right here and speak so
17 that she can hear? You indicated that you had seen or
18 heard or read something about this case. Would you tell
19 me the source of your knowledge about the case?

20 JUROR NUMBER 124: Just the *Island Packet*.

21 THE COURT: Okay.

22 JUROR NUMBER 124: I didn't know if I was just
23 supposed to mention it, but I thought, you know, I
24 could.

25 THE COURT: Oh, yeah, you're supposed to.

1 JUROR NUMBER 124: But I didn't think it really --

2 THE COURT: Matter of fact, I required you to ask
3 it.

4 JUROR NUMBER 124: Oh, yeah.

5 THE COURT: So you did the right thing.

6 JUROR NUMBER 124: But I don't think it would
7 impair me at all from making a judgment.

8 THE COURT: Okay. Okay. Let me inquire further.
9 Was what you read at the time it happened, or was it
10 after that, or --

11 JUROR NUMBER 124: At the time, when it happened.

12 THE COURT: In 2012?

13 JUROR NUMBER 124: Yeah.

14 THE COURT: Based on what you heard or read at that
15 time, or what you may have seen or heard or read since
16 that time, did you, in your own mind, form any opinion
17 about the guilt or the innocence of Mr. Young in this
18 case?

19 JUROR NUMBER 124: No, absolutely not.

20 THE COURT: Would you be able to set aside what you
21 have seen or heard about this case, and decide the case
22 based on the evidence that you'd hear in this courtroom?

23 JUROR NUMBER 124: Yes.

24 THE COURT: And would you do that, please, ma'am?

25 JUROR NUMBER 124: Yes, I would.

1 THE COURT: Thank you, Ms. Fobes. You can go back
2 and have a seat.

3 JUROR NUMBER 124: Okay. Thank you.

4 END BENCH CONFERENCE.

5 BAILIFF: Juror Number --

6 THE COURT: Yes, sir. Mr. Thompson. Yes, ma'am.

7 BAILIFF: Juror Number 399, your Honor.

8 THE COURT: Thank you.

9 ON-THE-RECORD BENCH CONFERENCE, OUT OF

10 HEARING OF JURORS. PRESENT: THE COURT,

11 JUROR NUMBER 399, MR. STONE, MR. THORNTON,

12 MR. ROBERTS VAUX, MR. TABOR VAUX.

13 THE COURT: Mr. Thompson, let's take your two
14 responses in turn.

15 JUROR NUMBER 399: Okay.

16 THE COURT: First of all, you said that you had
17 seen or heard or read something about the case. Would
18 you tell us your source of knowledge about it?

19 JUROR NUMBER 399: When I retired, my crew was
20 first in responding to the incident, and my crew was the
21 one who worked with the victim.

22 THE COURT: Right. Were you a part of that crew at
23 that time?

24 JUROR NUMBER 399: I was not. No, sir.

25 THE COURT: Okay.

1 JUROR NUMBER 399: I was retired. I retired
2 November of 2011.

3 THE COURT: Okay. You still maintain contact with
4 those folks and with your crew.

5 JUROR NUMBER 399: Yes, sir. Um-hmm. Yes. With
6 the -- the ambulance crew, the medic crew.

7 THE COURT: All right.

8 JUROR NUMBER 399: First on scene.

9 THE COURT: And would it be fair to say that you've
10 discussed this at some time after that?

11 JUROR NUMBER 399: Yes, sir.

12 THE COURT: Okay.

13 JUROR NUMBER 399: I did.

14 THE COURT: Based on those discussions, or whatever
15 you might have from any other knowledge, did you form,
16 in your own mind, or did you express to anybody else,
17 any opinions you might have as to the guilt or the
18 innocence of Mr. Young, who is on trial in this case?

19 JUROR NUMBER 399: I unfortunately did from an EMS.

20 THE COURT: All right.

21 JUROR NUMBER 399: It's kind of a graphic thing.

22 THE COURT: Right. And what was that opinion?

23 COURT REPORTER: It's kind of a what? Kind of a
24 what?

25 THE COURT: Graphic.

1 JUROR NUMBER 399: Graphic.

2 THE COURT: And what was that opinion that you did
3 form, Mr. Thompson?

4 JUROR NUMBER 399: Just the way the scene played
5 out and what the guys experienced.

6 THE COURT: All right.

7 JUROR NUMBER 399: With everything.

8 THE COURT: If you were asked to serve as a juror
9 in the trial of this case, would you be able to set
10 aside those opinions and try this case, and decide this
11 case based on the evidence that would hear?

12 JUROR NUMBER 399: I think that was -- I don't
13 feel, with every -- my intimate knowledge of this, I
14 think this is going to be a little bit tougher.

15 THE COURT: And I can understand, and we appreciate
16 that. And that's the reason we ask you these questions.

17 JUROR NUMBER 399: I know.

18 THE COURT: Thank you, Mr. Thompson.

19 JUROR NUMBER 399: Sorry about that.

20 THE COURT: We'll stand you aside as a juror in
21 this trial.

22 JUROR NUMBER 399: All right.

23 THE COURT: Go back and have a seat. Thank you.
24 Appreciate it.

25 END BENCH CONFERENCE.

1 THE COURT: Number 399 will be stood aside as a
2 juror in this trial.

3 BAILIFF: Juror Number 49, your Honor.

4 ON-THE-RECORD BENCH CONFERENCE, OUT OF
5 HEARING OF JURORS. PRESENT: THE COURT,
6 JUROR NUMBER 49, MR. STONE, MR. THORNTON,
7 MR. ROBERTS VAUX, MR. TABOR VAUX.

8 THE COURT: Ms. Brown, if you would stand right
9 here and speak so she can hear you. You had indicated
10 that you or a family member was involved in a crime of
11 violence. Was it your or a family member who was
12 involved?

13 JUROR NUMBER 49: Myself.

14 THE COURT: Yourself? And will you tell me what
15 the involvement was, please, ma'am.

16 JUROR NUMBER 49: Domestic abuse.

17 THE COURT: All right. How long ago did that
18 occur?

19 JUROR NUMBER 49: Five -- five years.

20 THE COURT: Five years? Was that here in Beaufort
21 County?

22 JUROR NUMBER 49: No.

23 THE COURT: Okay. Was anybody prosecuted as a
24 result of that?

25 JUROR NUMBER 49: No.

1 THE COURT: Okay. Would your experience, your
2 unfortunate experience as a victim in that regard, Ms.
3 Brown, make it difficult for you to be fair and
4 impartial as a juror in this particular trial?

5 JUROR NUMBER 49: Yes.

6 THE COURT: It would? All right. Ms. Brown, we'll
7 stand you aside as a juror in this trial. You may go
8 back and have a seat.

9 JUROR NUMBER 49: Thank you.

10 END BENCH CONFERENCE.

11 THE COURT: Number 49 will be stood aside as a
12 juror in this trial.

13 BAILIFF: Juror 103, your Honor.

14 ON-THE-RECORD BENCH CONFERENCE, OUT OF
15 HEARING OF JURORS. PRESENT: THE COURT,
16 JUROR NUMBER 103, MR. STONE, MR. THORNTON,
17 MR. ROBERTS VAUX, MR. TABOR VAUX.

18 THE COURT: Ms. Doiron, is it?

19 JUROR NUMBER 103: Hi, everyone. Yes, sir.

20 THE COURT: If you'll stand right here and speak so
21 that she can hear you. Ms. Doiron, you've indicated
22 that you or a family member had been involved in a crime
23 of personal violence. Was it you or a family member?

24 JUROR NUMBER 103: Myself and my husband.

25 THE COURT: You and your husband. Was this a

1 single incident or two separate things?

2 JUROR NUMBER 103: Together, one single.

3 THE COURT: And tell me what the incident was.

4 JUROR NUMBER 103: We were at home, and our -- both
5 our cars in our garage were vandalized. There were a
6 string of burglaries going on in our neighborhood.

7 THE COURT: Okay.

8 JUROR NUMBER 103: And they didn't attempt the
9 house, thanks to our security system, but they got our
10 cars.

11 THE COURT: I see. All right. How long ago was
12 that?

13 JUROR NUMBER 103: A few years.

14 THE COURT: Was it here in Beaufort County?

15 JUROR NUMBER 103: Yes, sir.

16 THE COURT: Excuse me. Was anybody ever caught and
17 convicted for those things?

18 JUROR NUMBER 103: Yes, sir.

19 THE COURT: Okay. Would your experience and your
20 husband's experience in that regard make it difficult
21 for you to serve fairly and impartially as a juror in
22 this case?

23 JUROR NUMBER 103: No, sir.

24 THE COURT: You can set aside your experience, and
25 decide this case based on the evidence that you would

1 hear in court?

2 JUROR NUMBER 103: Yes, sir.

3 THE COURT: And you will do that, please, ma'am?

4 JUROR NUMBER 103: Yes, sir.

5 THE COURT: Thank you, Ms. Doiron.

6 JUROR NUMBER 103: Yes, sir. Thank you.

7 THE COURT: You can go back and have a seat.

8 MR. ROBERTS VAUX: I think I represented that
9 defendant.

10 THE COURT: The defendant in that case?

11 MR. ROBERTS VAUX: Yes, sir.

12 MR. ROBERTS VAUX: Do you remember Edith's son?

13 MR. TABOR VAUX: Yeah.

14 MR. ROBERTS VAUX: I think that's Santiago was the

15 --

16 THE COURT: Ms. Doiron, will you step back up here
17 for a minute? I've got one more follow-up question I
18 need to ask you. I'm sorry.

19 MR. ROBERTS VAUX: I think so.

20 THE COURT: Ms. Doiron, I'm sorry, can I get you
21 back? Yeah, whichever way is quickest.

22 ON-THE-RECORD BENCH CONFERENCE, OUT OF
23 HEARING OF JURORS. PRESENT: THE COURT,
24 JUROR NUMBER 103, MR. STONE, MR. THORNTON,
25 MR. ROBERTS VAUX, MR. TABOR VAUX.

1 THE COURT: Was that a plea or a trial?

2 THE COURT: I'm sorry.

3 JUROR NUMBER 103: That's okay.

4 THE COURT: Ms. Doiron, would it make any
5 difference if you knew that the person who represented
6 the men charged with breaking into your vehicle was also
7 involved in the trial of this case?

8 JUROR NUMBER 103: Yes.

9 THE COURT: It would?

10 JUROR NUMBER 103: Yes.

11 THE COURT: Okay. Well, that's the case, as a
12 matter of fact, and.

13 JUROR NUMBER 103: Huh.

14 THE COURT: Mr. Vaux did represent the defendant in
15 that particular case.

16 JUROR NUMBER 103: Well.

17 THE COURT: Okay?

18 JUROR NUMBER 103: Okay.

19 THE COURT: Coincidence. Isn't that something?

20 JUROR NUMBER 103: Crazy.

21 THE COURT: But we'll stand you aside, based on
22 that, and you can go back and have a seat.

23 JUROR NUMBER 103: Okay. Thank you.

24 THE COURT: All right. Thank you.

25 END BENCH CONFERENCE.

1 BAILIFF: Juror Number 206, your Honor.

2 THE COURT: Thank you.

3 ON-THE-RECORD BENCH CONFERENCE, OUT OF
4 HEARING OF JURORS. PRESENT: THE COURT,
5 JUROR NUMBER 206, MR. STONE, MR. THORNTON,
6 MR. ROBERTS VAUX, MR. TABOR VAUX.

7 THE COURT: Ms. Jilly?

8 JUROR NUMBER 206: Yes.

9 THE COURT: You indicated that you've seen or heard
10 or read something about this case.

11 JUROR NUMBER 206: Yeah, I read about it in the
12 *Island Packet* and online.

13 THE COURT: Okay. At the time that it happened, or
14 since that time?

15 JUROR NUMBER 206: Both.

16 THE COURT: Both?

17 JUROR NUMBER 206: Yeah.

18 THE COURT: So, you followed it as it's cropped up
19 in the papers?

20 JUROR NUMBER 206: Yeah.

21 THE COURT: Based on what you've heard or read at
22 any time during the course of time since this occurred
23 in 2012, have you formed, in your own mind, or have you
24 expressed to anybody else any opinion as to the guilt or
25 the innocence of Mr. Young, who is on trial in this

1 case?

2 JUROR NUMBER 206: Yes.

3 THE COURT: And what was that opinion?

4 JUROR NUMBER 206: That he's guilty.

5 THE COURT: If you were asked to serve a juror in
6 this trial, could you set aside that opinion and decide
7 this case based on the evidence, or would that opinion,
8 you feel, so color your decision that you couldn't set
9 it aside?

10 JUROR NUMBER 206: I don't think I can set it
11 aside.

12 THE COURT: You don't think what?

13 JUROR NUMBER 206: I don't think I can set it
14 aside.

15 THE COURT: You don't think you can set it aside.

16 JUROR NUMBER 206: Huh-uh.

17 THE COURT: All right. We can understand that.
18 Your name and -- your number again.

19 JUROR NUMBER 206: 206.

20 THE COURT: Thank you, Ms. Jilly. We'll stand you
21 aside as a juror in this case.

22 END BENCH CONFERENCE.

23 THE COURT: Number 206 will be stood aside as a
24 juror in this case.

25 BAILIFF: Juror Number 357, your Honor.

1 THE COURT: Thank you.

2 ON-THE-RECORD BENCH CONFERENCE, OUT OF
3 HEARING OF JURORS. PRESENT: THE COURT,
4 JUROR NUMBER 357, MR. STONE, MR. THORNTON,
5 MR. ROBERTS VAUX, MR. TABOR VAUX.

6 THE COURT: Ms. Shinton, is it?

7 JUROR NUMBER 357: Yes, it is.

8 THE COURT: Ms. Shinton, you have two responses.

9 JUROR NUMBER 357: Yes.

10 THE COURT: Let me inquire, first of all, about
11 your knowledge about the case. Where does that
12 knowledge come from?

13 JUROR NUMBER 357: The *Island Packet*, at the time
14 of the incident. And also, a few days ago online, they
15 were talking about the upcoming --

16 THE COURT: So, you followed it over time.

17 JUROR NUMBER 357: Yes.

18 THE COURT: Based on what you read at any time
19 during the history of this case, have you formed in your
20 own mind or expressed to anybody else any opinion about
21 the guilt or the innocence of --

22 JUROR NUMBER 357: No.

23 THE COURT: If you are asked to serve as a juror in
24 this case, could you set aside what you've heard and
25 read in deciding this case, based on the evidence?

1 JUROR NUMBER 357: On that particular question,
2 yes.

3 THE COURT: All right.

4 JUROR NUMBER 357: But maybe not on the next one.

5 THE COURT: Well, let's move on to the next one.

6 JUROR NUMBER 357: Okay.

7 THE COURT: You indicated that you had been
8 involved in a crime of personal violence, or some family
9 member had been.

10 JUROR NUMBER 357: Um-hmm.

11 THE COURT: Tell me about that, will you? Was it
12 you or a family member?

13 JUROR NUMBER 357: It was myself.

14 THE COURT: You.

15 JUROR NUMBER 357: I was a bank manager, and we had
16 a serious armed robbery and attempted murder, and I had
17 several guns to my head, as did my staff and customers.

18 THE COURT: Right.

19 JUROR NUMBER 357: And I was the primary witness at
20 the trial, because I was the only person that saw the
21 robbers before they put their ski masks down, so.

22 THE COURT: I see. How long ago did that happen?

23 JUROR NUMBER 357: 1979. A long time ago. I was
24 28 years old. That was --

25 THE COURT: I bet if I asked you the date, you

1 could tell me that, too.

2 JUROR NUMBER 357: Yeah, yeah, I could.

3 THE COURT: And where did it happen?

4 JUROR NUMBER 357: In Lancaster, Pennsylvania, at
5 National Central Bank.

6 THE COURT: So, somebody was caught and convicted.

7 JUROR NUMBER 357: Yes.

8 THE COURT: Or caught and tried and convicted?

9 JUROR NUMBER 357: Yes.

10 THE COURT: Okay.

11 JUROR NUMBER 357: I believe so.

12 THE COURT: Would that experience those years ago
13 make it difficult for you to serve fairly and
14 impartially as a juror in this particular case?

15 JUROR NUMBER 357: I think it would.

16 THE COURT: It would?

17 JUROR NUMBER 357: Um-hmm.

18 THE COURT: We can appreciate that, Ms. Shinton.
19 That's the reason we ask these questions.

20 JUROR NUMBER 357: Okay.

21 THE COURT: You can go back and have a seat.

22 JUROR NUMBER 357: All right. Thank you.

23 THE COURT: Thank you, ma'am.

24 END BENCH CONFERENCE.

25 THE COURT: Juror Number 357 is excused as a juror

1 in this trial.

2 BAILIFF: Juror Number 395, your Honor.

3 THE COURT: Okay.

4 ON-THE-RECORD BENCH CONFERENCE, OUT OF
5 HEARING OF JURORS. PRESENT: THE COURT,
6 JUROR NUMBER 395, MR. STONE, MR. THORTNON,
7 MR. ROBERTS VAUX, MR. TABOR VAUX.

8 THE COURT: Okay. Mr. Taylor.

9 JUROR NUMBER 395: Yes, sir.

10 THE COURT: If you'll stand here and speak so that
11 she can hear you. Mr. Taylor, you indicated that you
12 had seen and heard or read about this case. Let's deal
13 with the question, first of all. Tell me about the
14 source of your knowledge about the case.

15 JUROR NUMBER 395: Just the newspapers and hearing
16 people talking about it, when it happened and all that.

17 THE COURT: All right. Have you followed the case
18 since that time, since it initially happened?

19 JUROR NUMBER 395: No.

20 THE COURT: Okay. Based on what you've seen or
21 heard or read about the case at any time, did you form
22 in your own mind, or did you express to anybody else any
23 opinion that you might have as to the guilt or the
24 innocence of Mr. Young in this case?

25 JUROR NUMBER 395: No, sir.

1 THE COURT: Would you be able to set aside what you
2 have seen or heard or read, and decide this case based
3 on the evidence that you would hear?

4 JUROR NUMBER 395: Yes, sir.

5 THE COURT: And would you do that, please, sir?

6 JUROR NUMBER 395: Yes, sir.

7 THE COURT: Thank you, sir. Now, let's go to the
8 second response, that either you or a family member has
9 been involved in a crime of personal violence? Was it
10 you or a family member?

11 JUROR NUMBER 395: It was me. I was the victim.

12 THE COURT: Okay. And what was the crime?

13 JUROR NUMBER 395: I was attacked by eight people
14 and left on the side of the road for dead.

15 THE COURT: Attacked by whom?

16 JUROR NUMBER 395: Eight people, and left on the
17 side of the road for dead.

18 THE COURT: Goodness gracious. Where did that
19 happen?

20 JUROR NUMBER 395: In Bluffton.

21 THE COURT: Bluffton? How long ago?

22 JUROR NUMBER 395: It was in 2007.

23 THE COURT: Okay. Was anybody ever caught as a
24 result of that?

25 JUROR NUMBER 395: They didn't do anything to them.

1 THE COURT: I see. So, they were identified but
2 never brought to trial.

3 JUROR NUMBER 395: Huh-uh.

4 THE COURT: Would your experience, Mr. Taylor, in
5 regard, as a victim of a crime make it difficult for you
6 to be fair and impartial as a juror in this particular
7 case?

8 JUROR NUMBER 395: I honestly think it would.

9 THE COURT: All right, sir. Well, sir, that's the
10 kind of -- the honest answer is the answer that we want.
11 Whatever it happens to be, we can deal with it.

12 JUROR NUMBER 395: Yes, sir.

13 THE COURT: Mr. Taylor, we can appreciate that.
14 We'll stand you aside as a juror in this case. Okay?

15 JUROR NUMBER 395: Okay.

16 THE COURT: Thank you.

17 END BENCH CONFERENCE.

18 THE COURT: Number 395 will be stood aside as a
19 juror in this trial.

20 BAILIFF: Juror Number 8, your Honor.

21 ON-THE-RECORD BENCH CONFERENCE, OUT OF
22 HEARING OF JURORS. PRESENT: THE COURT,
23 JUROR NUMBER 8, MR. STONE, MR. THORNTON,
24 MR. ROBERTS VAUX, MR. TABOR VAUX.

25 THE COURT: Mr. Alvarez, let's start, first of all,

1 about your knowledge of the case. Where did your
2 knowledge of the case come from?

3 JUROR NUMBER 8: I don't know anything specific
4 about this case, but since I read all the articles --

5 THE COURT: That's right.

6 JUROR NUMBER 8: -- involved, I read about it.

7 THE COURT: Sure.

8 JUROR NUMBER 8: I don't know anything specific
9 about this one.

10 THE COURT: And that's what we're talking about.
11 We're talking about what you may have read in the paper.

12 JUROR NUMBER 8: No.

13 THE COURT: Now let me ask you, on the basis of
14 what you read, did you form in your own mind, or did you
15 express to anybody else any opinion that you might have
16 as to whether Mr. Young is guilty or not?

17 JUROR NUMBER 8: No.

18 THE COURT: Could you set aside what you've read
19 and decide this case on the evidence, if you're asked to
20 serve as a juror?

21 JUROR NUMBER 8: Yes, I could.

22 THE COURT: And you'll do that?

23 JUROR NUMBER 8: Yes, I can.

24 THE COURT: Thank you, sir. Now, secondly, you
25 said that or a family member had been involved in a

1 crime of personal --

2 JUROR NUMBER 8: My younger brother had a service
3 station years ago, and he was the victim of an armed
4 robbery.

5 THE COURT: All right. Where did that occur, Mr.
6 Alvarez?

7 JUROR NUMBER 8: When?

8 THE COURT: Where?

9 JUROR NUMBER 8: In Newark, New Jersey.

10 THE COURT: Okay. And that was some time ago?

11 JUROR NUMBER 8: About 55 years ago.

12 THE COURT: All right. Mr. Alvarez, would your
13 brother's involvement as a victim in that regard make it
14 difficult for you to be fair and impartial as a juror in
15 this trial?

16 JUROR NUMBER 8: No.

17 THE COURT: You can set that aside and try this
18 case?

19 JUROR NUMBER 8: Definitely.

20 THE COURT: And you can do that?

21 JUROR NUMBER 8: Yes, I can.

22 THE COURT: Mr. Alvarez, I note you don't have to
23 be here today, and I appreciate the fact that you're
24 willing to serve, in spite of the exemption.

25 JUROR NUMBER 8: Yes.

1 THE COURT: You can go back and have a seat.

2 JUROR NUMBER 8: Thank you.

3 THE COURT: Thank you, sir.

4 MR. ROBERTS VAUX: Can you ask whether he was
5 working at the Sheriff's Station at the time of this
6 incident. He said he was a volunteer in the Sheriff's
7 Department. I don't know whether he was -- he says he
8 wasn't now. He's sort of -- not working now. Nobody
9 asked him whether he was working at the time of the
10 incident.

11 THE COURT: Okay. Of course, now, he said that the
12 only knowledge he had was what he had gotten from the
13 newspaper.

14 MR. ROBERTS VAUX: Yes, sir.

15 THE COURT: And I also asked him about his
16 association with the folks. But I appreciate it. I'll
17 note that, but I think --

18 MR. ROBERTS VAUX: Okay.

19 THE COURT: -- I think we've covered that. Thank
20 you. Yes, sir.

21 END BENCH CONFERENCE.

22 THE COURT: Yes, ma'am.

23 BAILIFF: Juror Number 278, your Honor.

24 THE COURT: 278? No, yeah, Mr. Monday.

25 BAILIFF: Yes.

1 ON-THE-RECORD BENCH CONFERENCE, OUT OF
2 HEARING OF JURORS. PRESENT: THE COURT,
3 JUROR NUMBER 278, MR. STONE, MR. THORNTON,
4 MR. ROBERTS VAUX, MR. TABOR VAUX.

5 THE COURT: Mr. Monday, if you'll speak so that she
6 can hear you. You indicated that you heard or read --
7 no, excuse me -- you indicated that you or a family
8 member had been involved in a crime of personal
9 violence. Was it you or a family member?

10 JUROR NUMBER 278: It was me.

11 THE COURT: You? And what the crime of your
12 involvement?

13 JUROR NUMBER 278: Well, I taught in Jasper County
14 schools for five years, where they maintained an
15 atmosphere of violence. I was assaulted a number of
16 times.

17 THE COURT: While you were a teacher there?

18 JUROR NUMBER 278: Yes. And I witnessed assaults
19 inside and outside my classroom.

20 THE COURT: Right. Would that involvement make it
21 difficult for you to be fair and impartial as a juror in
22 this case?

23 JUROR NUMBER 278: No. What happened had nothing
24 to do with him what was done to me.

25 THE COURT: I understand. And your victimization

1 in that regard would not have any impact on your ability
2 to be fair and impartial in this case?

3 JUROR NUMBER 278: Oh, no.

4 THE COURT: All right, sir. Thank you, sir, Mr.
5 Monday. You can go back and have a seat.

6 END BENCH CONFERENCE.

7 BAILIFF: Juror Number 145, your Honor.

8 ON-THE-RECORD BENCH CONFERENCE, OUT OF

9 HEARING OF JURORS. PRESENT: THE COURT,

10 JUROR NUMBER 145, MR. STONE, MR. THORNTON,

11 MR. ROBERTS VAUX, MR. TABOR VAUX.

12 THE COURT: Ms. Gluszik, is it?

13 JUROR NUMBER 145: Yes.

14 THE COURT: Ms. Gluszik, you indicated that -- if
15 you speak so she can hear. I'm sure you will. You
16 indicated that you had some knowledge about the case.
17 Would you tell us what the source of that knowledge is?

18 JUROR NUMBER 145: The *Island Packet*.

19 THE COURT: Okay. All right. Have you followed it
20 since it occurred in 2012, or just here recently.

21 JUROR NUMBER 145: I moved here in 2013, June 2013.
22 So, what has been in the papers since then is what I've
23 read about.

24 THE COURT: I understand. Based on what you read
25 or heard at any time, did you form, in your own mind, or

1 did you express to anybody else any opinion that you
2 might have as to whether Mr. Young in this case is
3 guilty or not guilty of the charges?

4 JUROR NUMBER 145: No, I haven't.

5 THE COURT: Would you be able to set aside what
6 you've read, and decide this case based on the evidence
7 that you would hear, without regard to what you heard
8 already?

9 JUROR NUMBER 145: Yes.

10 THE COURT: And will you do that, please, ma'am?

11 JUROR NUMBER 145: Yes.

12 THE COURT: Thank you, Ms. Gluszik. You can go
13 back and have a seat.

14 END BENCH CONFERENCE.

15 BAILIFF: Juror Number 11, your Honor.

16 ON-THE-RECORD BENCH CONFERENCE, OUT OF
17 HEARING OF JURORS. PRESENT: THE COURT,
18 JUROR NUMBER 11, MR. STONE, MR. THORNTON,
19 MR. ROBERTS VAUX, MR. TABOR VAUX.

20 THE COURT: Ms. Andrews?

21 JUROR NUMBER 11: Yes.

22 THE COURT: You indicated that you had some
23 knowledge about the case. Let me ask you, first of all,
24 where did that knowledge come from?

25 JUROR NUMBER 11: The *Island Packet*.

1 THE COURT: Okay. And have you followed it since
2 the time that it occurred?

3 JUROR NUMBER 11: No.

4 THE COURT: Okay. Just at the time it happened.

5 JUROR NUMBER 11: Um-hmm.

6 THE COURT: Based on what you heard or read at any
7 time, did you form in your own mind, or did you express
8 to anybody else any opinion that you might have as to
9 the guilt or the innocence of Mr. Young?

10 JUROR NUMBER 11: No.

11 THE COURT: Could you set aside what you've heard
12 and read, and decide this case based on the evidence you
13 will hear?

14 JUROR NUMBER 11: I already forgot it.

15 THE COURT: You already forgot it? Okay. Good.
16 And you'll do that?

17 JUROR NUMBER 11: Yes.

18 THE COURT: Thank you so much, Ms. Andrews. You
19 can go back and have a seat.

20 END BENCH CONFERENCE.

21 BAILIFF: Juror Number 41, your Honor.

22 ON-THE-RECORD BENCH CONFERENCE, OUT OF
23 HEARING OF JURORS. PRESENT: THE COURT,
24 JUROR NUMBER 41, MR. STONE, MR. THORNTON,
25 MR. ROBERTS VAUX, MR. TABOR VAUX.

1 THE COURT: Mr. Breedlove?

2 JUROR NUMBER 41: Yes, sir.

3 THE COURT: If you would speak so she can hear you,
4 please. You told me that you have some knowledge about
5 this case. Would you tell me the source of that
6 knowledge?

7 JUROR NUMBER 41: I just remember reading about it
8 in the *Island Packet*, as well as we seen it on WHHI.

9 THE COURT: Okay. Based upon what you saw or heard
10 or read, did you form in your own mind, or did you
11 express to anybody else, any opinion that you might have
12 as to the guilt or the innocence of Mr. Young?

13 JUROR NUMBER 41: No, sir.

14 THE COURT: If you were asked to serve as a juror
15 in this trial, could you set aside what you saw and
16 heard, and decide this case based on the evidence that
17 you hear in court?

18 JUROR NUMBER 41: Yes, sir.

19 THE COURT: Would you do that, please, sir?

20 JUROR NUMBER 41: Yes, sir.

21 THE COURT: Thank you, Mr. Breedlove. You can go
22 back and have a seat.

23 JUROR NUMBER 41: Thank you.

24 END BENCH CONFERENCE.

25 BAILIFF: Juror Number 160, your Honor.

1 ON-THE-RECORD BENCH CONFERENCE, OUT OF
2 HEARING OF JURORS. PRESENT: THE COURT,
3 JUROR NUMBER 160, MR. STONE, MR. THORNTON,
4 MR. VAUX, AND MR. VAUX.

5 THE COURT: Number 160?

6 COURT REPORTER: Yes.

7 JUROR NUMBER 160: I didn't raise my hand. I
8 didn't understand the questions, sir.

9 THE COURT: All right. Mr. Hardeman. Which
10 question?

11 JUROR NUMBER 160: The one with the -- with the
12 violent crime.

13 THE COURT: All right.

14 JUROR NUMBER 160: I have a brother that's in the
15 state penitentiary doing -- for killing two people, and
16 I witnessed him do it. So, I figured I'd be --

17 THE COURT: Was that here in South Carolina?

18 JUROR NUMBER 160: No, it was in the State of
19 California.

20 THE COURT: Okay. How long ago did that happen,
21 Mr. Hardeman?

22 JUROR NUMBER 160: Almost twenty years ago.

23 THE COURT: Twenty years. Okay. Were you living
24 in California at the time it happened?

25 JUROR NUMBER 160: Yeah.

1 THE COURT: Were you living -- was your brother
2 living with you at the time?

3 JUROR NUMBER 160: Yeah, we were in California. We
4 were kids together, yeah.

5 THE COURT: Okay. So, you were -- that's when you
6 were obviously much younger.

7 JUROR NUMBER 160: Yeah.

8 THE COURT: How old was he at the time it happened?

9 JUROR NUMBER 160: Oh, my God, twenty years ago. I
10 was 30, 29.

11 THE COURT: Okay. And how old was -- that's how
12 old he was?

13 JUROR NUMBER 160: He's one year younger than I am.

14 THE COURT: Okay. Would the fact that your brother
15 was involved as he was in that regard, and you witnessed
16 it yourself -- who were the victims?

17 JUROR NUMBER 160: Just two random -- two random
18 people.

19 THE COURT: Yes, sir.

20 JUROR NUMBER 160: I mean, I can't even remember
21 that far as -- it's been so long.

22 THE COURT: Okay. But they were not relatives or
23 anything?

24 JUROR NUMBER 160: No. No, sir.

25 THE COURT: Okay. All right. Would your

1 experience in that regard as a witness and as the
2 brother of the defendant make it difficult for you to be
3 fair and impartial as a juror in the trial of this case?

4 JUROR NUMBER 160: Yeah. I mean, I've thought
5 about it. This is the only reason why, is because I
6 didn't feel that he got the fair end of the shake.

7 THE COURT: I see.

8 COURT REPORTER: Didn't feel he what?

9 JUROR NUMBER 160: He got the fair end of the
10 shake.

11 THE COURT: All right. Mr. Hardeman, we can
12 understand it. We appreciate that, and we'll stand you
13 aside as a juror in this trial.

14 JUROR NUMBER 160: All right. Thank you.

15 THE COURT: You may go back and have a seat.

16 END BENCH CONFERENCE.

17 THE COURT: Juror Number 160 will be stood aside as
18 a juror in this trial.

19 BAILIFF: Juror Number 368, your Honor.

20 ON-THE-RECORD BENCH CONFERENCE, OUT OF
21 HEARING OF JURORS. PRESENT: THE COURT,
22 JUROR NUMBER 368, MR. STONE, MR. THORNTON,
23 MR. ROBERTS VAUX, MR. TABOR VAUX. L905

24 THE COURT: Mr. Smith, you indicated that you or a
25 family member had been involved in a crime of personal

1 violence. Was it you or a family member?

2 JUROR NUMBER 368: A family member.

3 THE COURT: And what was the relationship to you,
4 please, sir?

5 JUROR NUMBER 368: A son and a daughter.

6 THE COURT: And what was the crime?

7 JUROR NUMBER 368: The son was convicted of
8 counterfeiting.

9 THE COURT: All right. And the daughter?

10 JUROR NUMBER 368: And the daughter was arson.

11 THE COURT: Both of them were convicted?

12 JUROR NUMBER 368: Yes.

13 THE COURT: All right. Where did those convictions
14 occur? What state?

15 JUROR NUMBER 368: New York.

16 THE COURT: Okay. How long ago did those things
17 occur?

18 JUROR NUMBER 368: This was about five years ago.

19 THE COURT: Were you living there at the time with
20 them? Were you --

21 JUROR NUMBER 368: Oh, yeah.

22 THE COURT: You were all together?

23 JUROR NUMBER 368: Yeah.

24 THE COURT: How old were your son and your
25 daughter?

1 JUROR NUMBER 368: At the time that this happened,
2 they were about 19 or 20.

3 THE COURT: Okay. And what was the outcome, as far
4 as they're concerned?

5 JUROR NUMBER 368: Well, the counterfeiting was a
6 matter of making driver's licenses.

7 THE COURT: All right.

8 JUROR NUMBER 368: And somehow or another, they got
9 ahold of these that were very well done, and the SWAT
10 Team came to our house and broke in the door and
11 everything, so it was pretty severe. The girl, on the
12 other hand, needed some help, which I got for her, and
13 she's doing fine now.

14 THE COURT: All right. Good, good. Would your
15 experience through that of your children make it
16 difficult for you to be fair and impartial as a juror in
17 this trial?

18 JUROR NUMBER 368: I think, in some respects.

19 THE COURT: All right. I can appreciate that. Mr.
20 Smith, we're going to stand you aside as a juror. We
21 don't want to put you in an uncomfortable position in
22 that regard. We'll stand you aside, and you can go back
23 and have a seat.

24 JUROR NUMBER 368: Okay. Thank you.

25 END BENCH CONFERENCE.

1 THE COURT: Number 368 will be stood aside as a
2 juror in this trial. Okay. All right. What's the next
3 section?

4 BAILIFF: Juror Number 370, your Honor.

5 ON-THE-RECORD BENCH CONFERENCE, OUT OF
6 HEARING OF JURORS. PRESENT: THE COURT,
7 JUROR NUMBER 370, MR. STONE, MR. THORNTON,
8 MR. ROBERTS VAUX, MR. TABOR VAUX.

9 THE COURT: Robert Smith. Mr. Smith.

10 COURT REPORTER: Just hold one second, please. We
11 need some quiet.

12 JUROR NUMBER 370: Obviously, read all the papers
13 and seen it all on television.

14 THE COURT: Based on that information, Mr. Smith,
15 did you form in your own mind, or did you express to
16 anybody else any opinion that you might have as to the
17 guilt or innocence of Mr. Young, on trial in this case?

18 JUROR NUMBER 370: I have a definite opinion, yes.
19 I believe that this is a waste of time.

20 THE COURT: Well, well, I can --

21 JUROR NUMBER 370: I believe he should go right
22 where he belongs.

23 THE COURT: I see. So, you feel like that we
24 really shouldn't be going through this process. All
25 right. Mr. Smith, we understand that. We'll stand you

1 aside as a juror in this trial. You can go back and
2 have a seat.

3 END BENCH CONFERENCE.

4 THE COURT: Number 370 will be stood aside as a
5 juror in this trial.

6 BAILIFF: Juror Number 133, your Honor.

7 ON-THE-RECORD BENCH CONFERENCE, OUT OF

8 HEARING OF JURORS. PRESENT: THE COURT,

9 JUROR NUMBER 133, MR. STONE, MR. THORNTON,

10 MR. ROBERTS VAUX, MR. TABOR VAUX.

11 THE COURT: Your name, please.

12 JUROR NUMBER 133: 133.

13 THE COURT: Thank you, ma'am. Let me get you
14 located on the list. Thank you. Ms. Gaddo?

15 JUROR NUMBER 133: Yes.

16 THE COURT: Ms. Gaddo, first of all, you said you
17 had some knowledge about this case. And would you Tell
18 us where did it come from?

19 JUROR NUMBER 133: Well, this wasn't this -- didn't
20 this go to trial one time, with the defendants together?
21 And then, a jury was picked, and then they decided they
22 wanted to be tried independently? My son was chosen for
23 that first jury. That's the only thing I -- so, he was
24 actually chosen for that jury.

25 THE COURT: Okay. The jury that the trial didn't

1 occur.

2 JUROR NUMBER 133: Right.

3 THE COURT: That's right. Okay.

4 JUROR NUMBER 133: Right. Then, they picked him,
5 and then, they -- the second day, they said they wanted
6 to separate them.

7 THE COURT: And then, the trials were separated.
8 that's exactly right.

9 JUROR NUMBER 133: Right. So, that's all I know.
10 We didn't even live here at the time, so.

11 THE COURT: Okay. It's ironic, the coincidences
12 that occur in these cases.

13 JUROR NUMBER 133: Can you believe that?

14 THE COURT: Ms. Gaddo, would that involvement that
15 you had --

16 JUROR NUMBER 133: Um-hmm.

17 THE COURT: -- as a result of that, did you, in
18 your own mind, form any opinion, or did you express to
19 anybody else an opinions to the guilt or innocence --

20 JUROR NUMBER 133: No. And my son would not
21 discuss it, because he is, you know, he's always -- so,
22 if he learned anything, he didn't say anything about it.

23 THE COURT: Well, most of the time, jurors don't
24 pay that close attention to what I tell them. I'm
25 delighted that your son did, because those were the

1 instructions that he got.

2 JUROR NUMBER 133: Yes.

3 THE COURT: So, you could set aside that
4 involvement and decide this case?

5 JUROR NUMBER 133: Oh, yeah. I just wanted you to
6 know that -- that I did know that.

7 THE COURT: Well, I'm glad.

8 JUROR NUMBER 133: My son getting on it again.

9 THE COURT: We did want to know that. Thank you,
10 ma'am.

11 Now, next, you indicated that you or a family
12 member had had some involvement with a crime of
13 violence. Was it you or a family member?

14 JUROR NUMBER 133: Well, it didn't go to court. I
15 was -- my first husband, in the late 1980's, I was
16 beaten.

17 THE COURT: I see.

18 JUROR NUMBER 133: He never -- but --

19 THE COURT: I understand.

20 JUROR NUMBER 133: It didn't go to court, because I
21 had to press charges, and.

22 THE COURT: I see. Okay. I can appreciate that,
23 and I'm sorry we had to recall you.

24 JUROR NUMBER 133: That's okay.

25 THE COURT: Based on that experience, would that

1 make it difficult for you to be fair and impartial as a
2 juror in this case?

3 JUROR NUMBER 133: No.

4 THE COURT: You can set aside that --

5 JUROR NUMBER 133: Yeah.

6 THE COURT: -- and decide this case based on the
7 evidence you hear?

8 JUROR NUMBER 133: Sure.

9 THE COURT: And you will do that, please, ma'am?

10 JUROR NUMBER 133: Um-hmm.

11 THE COURT: Thank you, Ms. Gaddo. You can go back
12 and have a seat.

13 END BENCH CONFERENCE.

14 BAILIFF: Juror Number 225, your Honor.

15 THE COURT: What's that number again?

16 MADAM CLERK: 225, Marianne Kinsey.

17 THE COURT: Thank you.

18 ON-THE-RECORD BENCH CONFERENCE, OUT OF
19 HEARING OR JURORS. PRESENT: THE COURT,
20 JUROR NUMBER , MR. STONE, MR. THORNTON, MR.
21 VAUX, AND MR. VAUX.

22 THE COURT: Ms. Kinsey.

23 JUROR NUMBER 225: Yes.

24 THE COURT: Ms. Kinsey, you said you had some
25 knowledge of the case. Where did that come from?

1 JUROR NUMBER 225: Yes. The newspapers and the
2 news.

3 THE COURT: Okay.

4 JUROR NUMBER 225: I live in a gated community
5 right next to Marshland Road for the past sixteen years.

6 THE COURT: I got you.

7 JUROR NUMBER 225: So, I follow everything that
8 happens.

9 THE COURT: I can imagine.

10 JUROR NUMBER 225: In that area.

11 THE COURT: Based on your information about the
12 case, did you form in your own mind, or did you express
13 to anybody else, any opinion about the guilt or the
14 innocence of Mr. Young in this case?

15 JUROR NUMBER 225: I may have. I -- I don't
16 recall.

17 THE COURT: Well, let me ask you, if you don't
18 recall the opinion, let me ask you the next question.

19 JUROR NUMBER 225: I mean, I know the opinion, but
20 I know if I've shared it.

21 THE COURT: Okay.

22 JUROR NUMBER 225: I guess it could put it that
23 way.

24 THE COURT: All right. Would you tell me, do you
25 remember what the opinion was?

1 JUROR NUMBER 225: Yes. I thought they were
2 guilty.

3 THE COURT: Okay. If you're asked to serve as a
4 juror in this trial, could you set aside that opinion
5 and decide this case based on the evidence that you
6 would hear in court?

7 JUROR NUMBER 225: I would hope so, yeah.

8 THE COURT: And of course, we all would, certainly.
9 But --

10 JUROR NUMBER 225: Yeah, I think I could.

11 THE COURT: You --

12 JUROR NUMBER 225: But I do want you to know, I do
13 have preconceived --

14 THE COURT: All right. If you were asked to serve
15 as a juror in this particular trial, Ms. Kinsey, would
16 you require that Mr. Young give you some reason to find
17 that he is not guilty of these charges?

18 JUROR NUMBER 225: Yes.

19 THE COURT: You would? All right. Ms. Kinsey, I
20 appreciate your candor in that regard, and I appreciate
21 your close connection to the place where this occurred,
22 but we have to have jurors who can come with an open
23 mind who don't have the connection you have with it.
24 So, I'm going to stand you aside as a juror in this
25 case.

1 JUROR NUMBER 225: Thank you.

2 THE COURT: Thank you.

3 JUROR NUMBER 225: Thank you.

4 THE COURT: All right.

5 END BENCH CONFERENCE.

6 THE COURT: Number 225 will be stood aside as a
7 juror in this case.

8 BAILIFF: Juror Number 400, your Honor.

9 ON-THE-RECORD BENCH CONFERENCE, OUT OF
10 HEARING OF JURORS. PRESENT: THE COURT,
11 JUROR NUMBER 400, MR. STONE, MR. THORNTON,
12 MR. ROBERTS VAUX, MR. TABOR VAUX.

13 THE COURT: Is it Tybee?

14 JUROR NUMBER 400: Tybee. Um-hmm.

15 THE COURT: Like -- like the --

16 JUROR NUMBER 400: Like the island.

17 THE COURT: Okay. Oh, that's right. That's right.
18 Ms. Tybee, you indicated that you had some knowledge
19 about this case. Would you tell us what the source of
20 that knowledge?

21 JUROR NUMBER 400: Well, I read extensively about
22 it in the paper.

23 THE COURT: Okay.

24 JUROR NUMBER 400: Online.

25 THE COURT: Okay.

1 JUROR NUMBER 400: Out of concern. I live very
2 close to where it all happened.

3 THE COURT: You live close to where it happened?

4 JUROR NUMBER 400: Um-hmm. Kind of made me want to
5 read a great deal about it.

6 THE COURT: That'll make you -- when it happens in
7 your neighborhood, you pay close attention.

8 JUROR NUMBER 400: Yeah. Um-hmm.

9 THE COURT: Based on what you read or heard or got
10 from any source at all, Mr. Tybee, did you form, in your
11 own mind, or did you express to anybody else any opinion
12 that you might have as to whether Mr. Young is guilty or
13 not guilty of these charges?

14 JUROR NUMBER 400: I probably have.

15 THE COURT: Okay.

16 JUROR NUMBER 400: On both counts.

17 THE COURT: Okay. And what would that opinion be?

18 JUROR NUMBER 400: Well, I have an eight-year-old
19 grandson myself.

20 THE COURT: Right.

21 JUROR NUMBER 400: And so, it makes me, probably, a
22 little harder in judgment since it was a child.

23 THE COURT: All right.

24 JUROR NUMBER 400: And it would probably be not
25 preferential, to be honest with you.

1 THE COURT: Well, that's -- and, of course, we want
2 you to be honest, because you're under oath.

3 JUROR NUMBER 400: I know. Yeah.

4 THE COURT: And this whole system depends on
5 honesty.

6 JUROR NUMBER 400: I know.

7 THE COURT: So, then, let me ask you the real
8 question.

9 JUROR NUMBER 400: Um-hmm.

10 THE COURT: If you were asked to serve as a juror
11 in this trial, could you set aside those opinions, and
12 decide the case, based on the evidence; or do you find
13 that those opinions would still follow you into the
14 Court?

15 JUROR NUMBER 400: I would try. I would put it
16 that way.

17 THE COURT: All right. And that's -- of course,
18 that's the best, I'm sure, that you know right now.

19 JUROR NUMBER 400: It is.

20 THE COURT: Would you require, Ms. Tybee, that Mr.
21 Young present to you some reason to find him not guilty
22 of these charges?

23 JUROR NUMBER 400: Probably.

24 THE COURT: Thank you. Ms. Tybee, we'll stand
25 you aside as a juror. We have to. I can appreciate

1 your involvement. I've got an eight-year-old grandson
2 myself, and we have to have folks who don't have
3 those --

4 JUROR NUMBER 400: Um-hmm.

5 THE COURT: -- issues in our own lives, as you do,
6 and we can appreciate that. And I appreciate your
7 candor. I'm going to stand you aside as a juror in this
8 trial. Okay?

9 JUROR NUMBER 400: Thank you.

10 THE COURT: Thank you.

11 END BENCH CONFERENCE.

12 THE COURT: Juror Number 400 will be stood aside as
13 a juror in this trial.

14 BAILIFF: Juror Number 56, your Honor.

15 ON-THE-RECORD BENCH CONFERENCE, OUT OF
16 HEARING OF JURORS. PRESENT: THE COURT,
17 JUROR NUMBER 56, MR. STONE, MR. THORNTON, MR.
18 VAUX, AND MR. VAUX.

19 THE COURT: Ms. Burr.

20 JUROR NUMBER 56: Yes, sir.

21 THE COURT: Let's, first of all, deal with the
22 knowledge that you have about the case. Tell me the
23 source of the knowledge, please.

24 JUROR NUMBER 56: Newspaper, primarily.

25 THE COURT: The Packet or the Gazette?

1 JUROR NUMBER 56: Yes.

2 THE COURT: All right.

3 JUROR NUMBER 56: But I work on Hilton Head, so
4 that's always --

5 THE COURT: So, there's been a swirl about it, at
6 least at the time, I'm sure.

7 JUROR NUMBER 56: Yes, there was.

8 THE COURT: Have you followed it since that time?

9 JUROR NUMBER 56: Just from what's been in the
10 newspaper.

11 THE COURT: Okay. Based on what you know about the
12 case from any source at all, have you formed in your own
13 mind, or have you expressed to anybody else, any
14 opinions you might have as to the guilt or the innocence
15 of Mr. Young?

16 JUROR NUMBER 56: Not particularly him, but I'm a
17 grandmother, so.

18 THE COURT: Right.

19 JUROR NUMBER 56: My sympathies have honestly
20 been --

21 THE COURT: And we can appreciate that, and I think
22 everybody feels sympathy for the victim, Khalil
23 Singleton. What I need to know is whether or not your
24 sympathy, the fact you are a grandmother -- and I'm a
25 grandfather --

1 JUROR NUMBER 56: Um-hmm.

2 THE COURT: -- or what you've heard about the case,
3 would any of those things, separately or all of them
4 taken together, make it difficult for you to be fair and
5 impartial as a juror in this trial?

6 JUROR NUMBER 56: I would not think so.

7 THE COURT: Would you be able to set aside those
8 matters, and decide this case --

9 COURT REPORTER: I'm so sorry. Did you say, I
10 would not think so, or I would think so?

11 JUROR NUMBER 56: Yes. I said, I would not think
12 that it would.

13 THE COURT: All right. Would you be able to set
14 aside those matters, and decide this case, based on the
15 evidence that you would hear in court?

16 JUROR NUMBER 56: Yes.

17 THE COURT: Will you do that, please?

18 JUROR NUMBER 56: Yes, sir.

19 THE COURT: Thank you, Ms. Burr. You may have a
20 seat.

21 JUROR NUMBER 56: Okay.

22 THE COURT: Thank you.

23 END BENCH CONFERENCE.

24 ON-THE-RECORD BENCH CONFERENCE, OUT OF

25 HEARING OF JURORS. PRESENT: THE COURT, MR.

1 STONE, MR. THORNTON, MR. ROBERTS VAUX, MR.
2 TABOR VAUX.

3 THE COURT: What was her number again?

4 THE COURT: 56.

5 MR. ROBERTS VAUX: She said she was a victim of
6 violence.

7 THE COURT: Oh, I'm sorry, you're right.

8 Ms. Burr, I forgot to ask you another question.
9 Sorry. It's like taking the MMPI.

10 THE COURT: I'm sorry. You had also told me that
11 you or a family member was the victim of violence or a
12 crime of violence, or had some connection. Was it you
13 or a family member?

14 JUROR NUMBER 56: It's our youngest son. It was
15 his senior year at the Citadel. He was -- he and his
16 fiancee were victims of a terrible assault.

17 THE COURT: All right.

18 JUROR NUMBER 56: And as a matter of fact, that's
19 when Mr. Vaux prosecuted the offenders.

20 THE COURT: I see. And that happened in Charleston
21 or here?

22 JUROR NUMBER 56: In Charleston.

23 THE COURT: I see.

24 JUROR NUMBER 56: While he was at the Citadel.

25 THE COURT: Gosh. How did your son -- how did your

1 son get. Is he okay?

2 JUROR NUMBER 56: Yeah, he had some residual
3 issues, but he's --

4 THE COURT: Okay. How long ago was that?

5 JUROR NUMBER 56: It was his senior year, so that's
6 -- October 2002.

7 THE COURT: Okay. Would you be able to set aside
8 that fact and decide this case based on the evidence
9 that you hear, without regard to the fact that your son
10 was victimized in that way? In other words, would the
11 fact that your son was the victim of a crime of
12 violence, would that have any impact or bearing on your
13 decision in this case?

14 JUROR NUMBER 56: No, sir.

15 THE COURT: So, you could set that matter aside,
16 and decide this case based on the evidence that you'd
17 hear in court?

18 JUROR NUMBER 56: Yes, sir.

19 THE COURT: And you will do that, ma'am?

20 JUROR NUMBER 56: Yes, sir.

21 THE COURT: Thank you, Ms. Burr. I'm sorry I
22 forgot to ask you those questions earlier.

23 JUROR NUMBER 56: That's okay. All right. Thanks.

24 END BENCH CONFERENCE.

25 BAILIFF: Juror Number 415, your Honor.

1 ON-THE-RECORD BENCH CONFERENCE, OUT OF
2 HEARING OF JURORS. PRESENT: THE COURT,
3 JUROR NUMBER 415, MR. STONE, MR. THORNTON,
4 MR. ROBERTS VAUX, MR. TABOR VAUX.

5 THE COURT: Ms. Voss?

6 JUROR NUMBER 415: Yes.

7 THE COURT: Yes, ma'am. Ms. Voss, you indicated
8 that you had some knowledge about this case. Would you
9 tell me where that came from?

10 JUROR NUMBER 415: Basically, because I live on
11 Hilton Head. I read the *Packet*. I'm well-aware that,
12 also, following the trial and the mistrial. It's only
13 through the paper.

14 THE COURT: Okay. So, you followed it pretty
15 closely since it happened?

16 JUROR NUMBER 415: Yes.

17 THE COURT: Based on what you've read, have you
18 formed in your own mind, or have you expressed to
19 anybody else, any opinion as to the guilt or the
20 innocence of Mr. Young in this case?

21 JUROR NUMBER 415: I believe I have.

22 THE COURT: And what would that opinion be?

23 JUROR NUMBER 415: I find him guilty.

24 THE COURT: Guilty or not guilty?

25 JUROR NUMBER 415: I would think he would be

1 guilty.

2 THE COURT: All right. If you were asked to serve
3 as a juror in this trial, would you be able to set aside
4 that opinion, and decide this case based on the evidence
5 that you hear in court; or do you feel that that opinion
6 might carry over into the trial of this case, as a
7 juror?

8 JUROR NUMBER 415: I think I would listen to the
9 evidence.

10 THE COURT: Would you be able to set aside what
11 you've seen or heard, and be controlled by the evidence,
12 and not by what you've seen or heard outside of this
13 courtroom?

14 JUROR NUMBER 415: Yes, I -- yes, I could.

15 THE COURT: Would you do that?

16 JUROR NUMBER 415: Yes.

17 THE COURT: Thank you so much, Ms. Voss. You can
18 go back and have a seat.

19 JUROR NUMBER 415: Thank you.

20 MR. ROBERTS VAUX: You didn't ask her about whether
21 or not she would require the defendant to --

22 THE COURT: Well, had she been more equivocal on
23 that -- on that last issue, I would have done that.

24 MR. ROBERTS VAUX: Thank you.

25 END BENCH CONFERENCE.

1 BAILIFF: Juror 140, your Honor.

2 THE COURT: Thank you.

3 ON-THE-RECORD BENCH CONFERENCE, OUT OF
4 HEARING OF JURORS. PRESENT: THE COURT,
5 JUROR NUMBER 140, MR. STONE, MR. THORNTON,
6 MR. ROBERTS VAUX, MR. TABOR VAUX.

7 THE COURT: Mr. Gerber?

8 JUROR NUMBER 140: Yes.

9 THE COURT: Mr. Gerber, you indicated that you had
10 some knowledge about this case. Would you tell us the
11 source of that knowledge?

12 JUROR NUMBER 140: Newspaper.

13 THE COURT: The *Packet*?

14 JUROR NUMBER 140: Yes, sir.

15 THE COURT: And -- or the *Gazette*? Was this at the
16 time that it happened?

17 JUROR NUMBER 140: Yes.

18 THE COURT: Have you followed it --

19 JUROR NUMBER 140: And following.

20 THE COURT: You have followed it since that time.
21 Based on what you heard or read since that time, have
22 you formed in your own mind, or have you expressed to
23 anybody else, any opinion that you might have as to the
24 guilt or the innocence of Mr. Young in this case?

25 JUROR NUMBER 140: Yes.

1 THE COURT: And what was that opinion, that he's
2 guilty or not guilty?

3 JUROR NUMBER 140: I couldn't be unbiased in the
4 case. I think he's guilty.

5 THE COURT: You could not. You skipped across and
6 answered -- avoided two questions, so I'll -- I won't
7 belabor the point anymore, Mr. Gerber. We appreciate
8 that, and we'll send you back.

9 JUROR NUMBER 140: I've got a couple questions.
10 I've got a couple titanium rods in my back. Can I stand
11 in the back?

12 THE COURT: Sure, well, sure, you can.

13 JUROR NUMBER 140: Thanks.

14 THE COURT: Yes, sir. Yes, sir.

15 END BENCH CONFERENCE.

16 THE COURT: Number 140 will be excused.

17 BAILIFF: Juror Number 260, your Honor.

18 ON-THE-RECORD BENCH CONFERENCE, OUT OF
19 HEARING OF JURORS. PRESENT: THE COURT,
20 JUROR NUMBER 260, MR. STONE, MR. THORNTON,
21 MR. ROBERTS VAUX, MR. TABOR VAUX.

22 THE COURT: Mr. Masteller?

23 JUROR NUMBER 260: Yes, sir.

24 THE COURT: Mr. Masteller, am I saying your name
25 right?

1 JUROR NUMBER 260: Yes, sir.

2 THE COURT: Okay. You indicated you had some
3 knowledge about this case from some source. Would you
4 tell us what that source is?

5 JUROR NUMBER 260: The *Island Packet* and online.

6 THE COURT: Okay.

7 JUROR NUMBER 260: I read about it when it was
8 first coming out.

9 THE COURT: Based on those things, did you form in
10 your own mind, or express to anybody else any opinion
11 that you might have as to the guilt or the innocence of
12 Mr. Young? Do you understand my question?

13 JUROR NUMBER 260: I think so. Form an opinion
14 about --

15 THE COURT: In other words, have you made up your
16 mind as to whether or not you think Mr. Young is guilty
17 or not guilty of these charges?

18 JUROR NUMBER 260: Okay. Yeah. From that, I kind
19 of did at one time.

20 THE COURT: Okay. And what would that opinion be,
21 that he is guilty or not guilty?

22 JUROR NUMBER 260: Guilty.

23 THE COURT: If you were asked to serve as a juror
24 in this case, could you set aside that opinion, and
25 decide this case based on the evidence that you would

1 hear in court?

2 JUROR NUMBER 260: I could.

3 THE COURT: I could?

4 JUROR NUMBER 260: Yes, sir.

5 THE COURT: Would you be willing to do that?

6 JUROR NUMBER 260: Yes, sir.

7 THE COURT: Would you require that Mr. Young
8 present some evidence to you to show you why he's not
9 guilty of these charges before you can find him not
10 guilty?

11 JUROR NUMBER 260: Yes, sir.

12 THE COURT: You would? Thank you, Mr. Masteller.
13 We're going to set you aside as a juror in the trial of
14 this case. You can go back and have a seat. Thank you,
15 sir.

16 END BENCH CONFERENCE.

17 BAILIFF: Juror Number 30, your Honor.

18 ON-THE-RECORD BENCH CONFERENCE, OUT OF
19 HEARING OF JURORS. PRESENT: THE COURT,
20 JUROR NUMBER 30, MR. STONE, MR. THORNTON, MR.
21 VAUX, AND MR. VAUX.

22 THE COURT: Ms. Berlin?

23 JUROR NUMBER 30: Yes.

24 THE COURT: Ms. Berlin, you indicated that you had
25 some prior knowledge about this case. Would you tell us

1 the source of that knowledge?

2 JUROR NUMBER 30: News, media.

3 THE COURT: Okay.

4 JUROR NUMBER 30: Social media.

5 THE COURT: All right. Thank you. Have you
6 followed the case since it occurred a couple years ago,
7 three years ago?

8 JUROR NUMBER 30: On and off.

9 THE COURT: All right. Based on any of the
10 information that you've accumulated about the case, have
11 you formed in your own mind, or have you expressed to
12 anybody else any opinion that you might have as to the
13 guilt or the innocence of Mr. Young in this case?

14 JUROR NUMBER 30: No.

15 THE COURT: If you're asked to serve as a juror,
16 could you set aside what you've seen and heard, and
17 decide the case based on what you would see and hear in
18 court, rather than what you've read?

19 JUROR NUMBER 30: I believe so.

20 THE COURT: And would you do that, please, ma'am?

21 JUROR NUMBER 30: Yes.

22 THE COURT: Thank you, Ms. Berlin. You can go back
23 and have a seat.

24 END BENCH CONFERENCE.

25 BAILIFF: Juror Number 274, your Honor.

1 ON-THE-RECORD BENCH CONFERENCE, OUT OF
2 HEARING OF JURORS. PRESENT: THE COURT,
3 JUROR NUMBER 274, MR. STONE, MR. THORNTON,
4 MR. ROBERTS VAUX, MR. TABOR VAUX.
5 JUROR NUMBER 274: Good morning.
6 THE COURT: Mr. Miller?
7 JUROR NUMBER 274: Yes, sir.
8 THE COURT: If you will speak so she can hear you.
9 JUROR NUMBER 274: Yes, sir.
10 THE COURT: Mr. Miller, you said that you have some
11 knowledge about this case. Would you tell us the source
12 of that knowledge, please?
13 THE COURT: Well, it was news outlets. I work on
14 the Island and live on the Island. So, I guess just
15 general knowledge, as well, too.
16 THE COURT: Right.
17 JUROR NUMBER 274: Small island.
18 THE COURT: Oh, yeah.
19 JUROR NUMBER 274: Everyone talks.
20 THE COURT: We can understand that. Based on the
21 information that you've accumulated about this case from
22 any source, have you formed in your own mind, or have
23 you expressed to anybody else any opinion that you might
24 have as to whether or not Mr. Young is guilty or not
25 guilty of these charges?

1 JUROR NUMBER 274: No, I have not.

2 THE COURT: If you are asked to serve as a juror in
3 this case, could you set aside what you have seen or
4 heard or read, and decide this case based on what you
5 would hear in court?

6 JUROR NUMBER 274: Definitely.

7 THE COURT: And you will do that?

8 JUROR NUMBER 274: Yes, sir.

9 THE COURT: Thank you, Mr. Miller. You can go back
10 and have a seat.

11 END BENCH CONFERENCE.

12 BAILIFF: Juror Number 70, your Honor.

13 ON-THE-RECORD BENCH CONFERENCE, OUT OF
14 HEARING OF JURORS. PRESENT: THE COURT,
15 JUROR NUMBER 70, MR. STONE, MR. THORNTON, MR.
16 VAUX, AND MR. VAUX.

17 THE COURT: Ms. Carn?

18 JUROR NUMBER 70: Um-hmm.

19 THE COURT: If you'll speak so that she can hear
20 you.

21 JUROR NUMBER 70: Okay.

22 THE COURT: You said that you have some knowledge
23 about this case. What was the source of that knowledge?

24 JUROR NUMBER 70: Just the newspaper.

25 THE COURT: Okay. Have you followed the case since

1 it occurred a couple years ago? Just --

2 JUROR NUMBER 70: Not really.

3 THE COURT: Based on what you have seen or heard at
4 any time about this case, have you formed, in your own
5 mind, or have you expressed to anybody else any opinion
6 that you might have as to the guilt or the innocence of
7 Mr. Young?

8 JUROR NUMBER 70: No.

9 THE COURT: If you were asked to serve as a juror
10 in this case, could you set aside what you have seen and
11 heard about this case, and decide the case based on what
12 you'd hear in court, without regard to those other
13 things?

14 JUROR NUMBER 70: Um-hmm.

15 THE COURT: Would you please do that, ma'am?

16 JUROR NUMBER 70: Yes, sir.

17 THE COURT: Thank you, Ms. Carn. You may go back
18 and have a seat.

19 END BENCH CONFERENCE.

20 BAILIFF: Juror Number 214, your Honor.

21 ON-THE-RECORD BENCH CONFERENCE, OUT OF
22 HEARING OF JURORS. PRESENT: THE COURT,
23 JUROR NUMBER 214, MR. STONE, MR. THORNTON,
24 MR. ROBERTS VAUX, MR. TABOR VAUX.

25 THE COURT: Ms. Jones?

1 JUROR NUMBER 214: Yes. Yes, sir.

2 THE COURT: You indicated that you or a family
3 member had been involved in a crime of personal
4 violence. Was it you or a family member?

5 JUROR NUMBER 214: It was neither, actually. I --
6 before I moved here, I worked in law enforcement for
7 sixteen years, and I witnessed violence. That was part
8 of the job, and I did investigations and so forth, so
9 I'm very much biased on the part of law enforcement.

10 THE COURT: All right.

11 JUROR NUMBER 214: I was law enforcement.

12 THE COURT: I understand, and we can appreciate
13 that. Where were you a law enforcement officer?

14 JUROR NUMBER 214: In Kentucky, North Carolina, and
15 Phoenix, Arizona.

16 THE COURT: I see. Okay. And was it everything,
17 like, investigations, street patrol, road patrol? What
18 was it?

19 JUROR NUMBER 214: In prison.

20 THE COURT: In a prison. I see. We would call
21 that a correctional officer here. Is that the same
22 thing it was called in those places?

23 JUROR NUMBER 214: Yes.

24 THE COURT: Okay. All right.

25 JUROR NUMBER 214: Yes, but it has other duties

1 besides just supervising inmates. You also had to
2 investigate crimes, you did surveillance, all those
3 things.

4 THE COURT: Within the prison system?

5 JUROR NUMBER 214: Yes.

6 THE COURT: I understand. You indicated that you
7 are biased in favor of law enforcement, and we can
8 appreciate that, with sixteen years' involvement. What
9 I need to know is whether or not that bias -- that
10 understandable bias would make it difficult for you to
11 be fair and impartial as a juror in the trial of this
12 case.

13 JUROR NUMBER 214: Yes, because my friends are all
14 still in law enforcement.

15 THE COURT: I see. All right.

16 JUROR NUMBER 214: As well as the number of years.

17 THE COURT: Right. And we appreciate that, and we
18 understand. That's the reason we ask these questions.
19 Thank you, Ms. Jones. You can go back and have a seat.
20 We'll stand you aside as a juror in the trial of this
21 case.

22 END BENCH CONFERENCE.

23 THE COURT: Number 214 will be stood aside as a
24 juror in this trial.

25 BAILIFF: Juror Number 200, your Honor.

1 ON-THE-RECORD BENCH CONFERENCE, OUT OF
2 HEARING OF JURORS. PRESENT: THE COURT,
3 JUROR NUMBER 200, MR. STONE, MR. THORNTON,
4 MR. ROBERTS VAUX, MR. TABOR VAUX.

5 THE COURT: All right. Is it Ms. Jauss?

6 JUROR NUMBER 200: Jauss.

7 THE COURT: Jauss.

8 JUROR NUMBER 400: Um-hmm.

9 THE COURT: Jauss. All right. Ms. Jauss, let's
10 talk about, first of all, your knowledge about the case.
11 Tell us what the source of the knowledge is.

12 JUROR NUMBER 200: The local newspapers in Hilton
13 Head and the television news.

14 THE COURT: Okay. Have you followed the case since
15 it occurred a couple years ago, or is it just at the
16 time that it happened that you --

17 JUROR NUMBER 200: Pretty much followed it.

18 THE COURT: Okay. Based on the information that
19 you've accumulated about this case over the course of
20 time, have you formed any, in your own mind, any opinion
21 about the guilt or the innocence of Mr. Young, or have
22 you expressed any opinion to anybody else about whether
23 you think he's guilty or not guilty?

24 JUROR NUMBER 200: I've not expressed it to anyone,
25 to my knowledge, but I --

1 THE COURT: But you have --

2 JUROR NUMBER 200: I have --

3 THE COURT: -- formed an opinion.

4 JUROR NUMBER 200: More or less, yes.

5 THE COURT: And was it that he's guilty or not
6 guilty?

7 JUROR NUMBER 200: I think I would need to know
8 more information, but I'm kind of sitting on the fence.

9 THE COURT: I understand. Would you require that
10 Mr. Young present some evidence to you to convince you
11 that he was not guilty to get you over the fence?

12 JUROR NUMBER 200: Um-hmm.

13 THE COURT: You would? All right. Ms. Jauss, we
14 appreciate that, and I'm going to stand you aside as a
15 juror in the trial of this case. I can appreciate that
16 honesty that you've expressed. We have to have folks
17 who can come to this with a completely open mind --

18 JUROR NUMBER 200: Um-hmm.

19 THE COURT: -- and who can set aside their
20 opinions.

21 JUROR NUMBER 200: Okay.

22 THE COURT: And would not require him to prove that
23 he's not guilty of these charges. I'm going to stand
24 you aside. You can go back and have a seat.

25 JUROR NUMBER 200: Thank you.

1 THE COURT: Thank you, Ms. Jauss.

2 END BENCH CONFERENCE.

3 BAILIFF: Juror Number 119, your Honor.

4 ON-THE-RECORD BENCH CONFERENCE, OUT OF
5 HEARING OF JURORS. PRESENT: THE COURT,
6 JUROR NUMBER 119, MR. STONE, MR. THORNTON,
7 MR. ROBERTS VAUX, MR. TABOR VAUX.

8 THE COURT: Ms. Fee?

9 JUROR NUMBER 119: Yes.

10 THE COURT: If you would come right here, and speak
11 so that she can hear you, please, ma'am.

12 JUROR NUMBER 119: Sure.

13 THE COURT: Ms. Fee, you indicated that you or a
14 family member had some involvement in a crime of
15 personal violence. Was it you or a family member?

16 JUROR NUMBER 119: It was me and family members.

17 THE COURT: In the same single incident, or just
18 two separate?

19 JUROR NUMBER 119: No, multiple incidents.

20 THE COURT: Okay. Let's talk about you, first of
21 all. What was it?

22 JUROR NUMBER 119: I was assaulted when I was
23 babysitting someone several years ago. Someone entered
24 the house and assaulted me.

25 THE COURT: Okay. Was anybody ever caught and

1 convicted of that?

2 JUROR NUMBER 119: No.

3 THE COURT: Where did that occur? What state?

4 JUROR NUMBER 119: That occurred in Bronx, New
5 York. New York.

6 THE COURT: All right. And tell me, you said there
7 was some family members involved in that.

8 JUROR NUMBER 119: Yes. My sister was assaulted by
9 her boyfriend and knocked unconscious.

10 THE COURT: Okay. And where did that occur?

11 JUROR NUMBER 119: And that was in New York, also.

12 THE COURT: All right. Was the boyfriend caught
13 and convicted?

14 JUROR NUMBER 119: Yes, he was.

15 THE COURT: Would either of those events or both of
16 them together make it difficult for you to serve fairly
17 and impartially as a juror in this trial?

18 JUROR NUMBER 119: I think it might, yeah.

19 THE COURT: All right. All right, Ms. Fee. We'll
20 stand you aside as a juror in this trial.

21 JUROR NUMBER 119: Thank you.

22 THE COURT: Thank you, ma'am.

23 END BENCH CONFERENCE.

24 THE COURT: Number 119 will be stood aside as a
25 juror in this case.

1 BAILIFF: Juror Number 408, your Honor.

2 ON-THE-RECORD BENCH CONFERENCE, OUT OF
3 HEARING OF JURORS. PRESENT: THE COURT,
4 JUROR NUMBER 408, MR. STONE, MR. THORNTON,
5 MR. ROBERTS VAUX, MR. TABOR VAUX.

6 THE COURT: Mr. Turrisi?

7 JUROR NUMBER 408: Yes.

8 THE COURT: Did I say it right? Mr. Turrisi, let's
9 deal with, first of all, your knowledge about the case.
10 What was the source of that knowledge?

11 JUROR NUMBER 408: Extensive reading in the
12 newspapers.

13 THE COURT: Okay.

14 JUROR NUMBER 408: About the -- not only this, but
15 the previous trial.

16 THE COURT: Okay. Based on what you read at the
17 time or any information that you have, have you formed
18 in your own mind, or have you expressed to anybody else
19 any opinion as to whether you think Mr. Young is guilty
20 or not guilty of the charges?

21 JUROR NUMBER 408: I kind of have, yeah.

22 THE COURT: Okay. And what would that opinion be?

23 JUROR NUMBER 408: Guilty.

24 THE COURT: Would you be able to set aside that
25 opinion, and decide the case based on the evidence that

1 you would hear in the court, without regard to that
2 opinion?

3 JUROR NUMBER 408: I'd like to say no, but I can't
4 be a hundred percent sure of that.

5 THE COURT: All right. Do you feel like that those
6 opinions might still follow you into the trial of the
7 case?

8 JUROR NUMBER 408: Yes.

9 THE COURT: All right. We can understand that. We
10 can appreciate that, and we -- I'm going to stand you
11 aside as a juror, because we don't expect a hundred
12 percent, but we do have to have folks who can come in
13 here with -- basically, with an open mind, and don't
14 have those opinions controlling them in the courtroom.
15 All right? Mr. Turrisi, you can go back and have a
16 seat. Thank you for coming up.

17 JUROR NUMBER 408: Okay. Thanks.

18 END BENCH CONFERENCE.

19 THE COURT: Juror Number 408 is stood aside as a
20 juror in this trial.

21 BAILIFF: Juror Number 263, your Honor.

22 ON-THE-RECORD BENCH CONFERENCE, OUT OF
23 HEARING OF JURORS. PRESENT: THE COURT,
24 JUROR NUMBER 263, MR. STONE, MR. THORNTON,
25 MR. ROBERTS VAUX, MR. TABOR VAUX.

1 THE COURT: Ms. McCrimon?

2 JUROR NUMBER 263: Yes.

3 THE COURT: Ms. McCrimon. Now, I don't have you
4 down as responding to a question.

5 JUROR NUMBER 263: Yeah, because at first, I
6 thought it was like, for here, like, for South Carolina.
7 But then, when you asked about, you know, if your family
8 member has been killed or stuff like that --

9 THE COURT: Yes, ma'am. Okay. So, you or a family
10 member has been involved in a crime of personal
11 violence.

12 JUROR NUMBER 263: Yes, my sister.

13 THE COURT: Your sister?

14 JUROR NUMBER 263: Yes.

15 THE COURT: And what was your sister's involvement?

16 JUROR NUMBER 263: Well, this was domestic
17 violence, and she got murdered in Chapel Hill, North
18 Carolina.

19 THE COURT: I'm sorry. How long ago did that
20 happen?

21 JUROR NUMBER 263: That's been since 2004.

22 THE COURT: And you say it was a domestic violence
23 situation?

24 JUROR NUMBER 263: Yes. Um-hmm.

25 THE COURT: Was the person convicted?

1 JUROR NUMBER 263: He killed hisself right beside
2 of her, too.

3 THE COURT: Oh, goodness gracious.

4 JUROR NUMBER 263: It was her husband.

5 THE COURT: I see. And she lived in North
6 Carolina?

7 JUROR NUMBER 263: Um-hmm.

8 THE COURT: At the time. All right. How much
9 difference in the age between you and your sister?

10 JUROR NUMBER 263: Well, I'm fifty -- I'm turning
11 52 today.

12 THE COURT: Okay.

13 JUROR NUMBER 263: So, she was -- I think she was
14 thirty-something years old, something like that.

15 THE COURT: Would your tragic involvement as a
16 victim through your sister make it difficult for you to
17 be fair and impartial as a juror in this particular
18 case?

19 JUROR NUMBER 263: In my heart, yes. For right
20 now, yes.

21 THE COURT: All right.

22 JUROR NUMBER 263: Because I'm still grieving over
23 her, too.

24 THE COURT: We can understand that, Ms. McCrimon,
25 and it will probably go on for some time, and I'm sorry

1 about that.

2 JUROR NUMBER 263: Yes, it will. Yes, it will.

3 THE COURT: We'll stand you aside. Go back and
4 have a seat.

5 JUROR NUMBER 263: Okay. Thank you.

6 END BENCH CONFERENCE.

7 THE COURT: Number 263 will be excused as a juror
8 in this trial.

9 BAILIFF: Juror Number 90, your Honor.

10 THE COURT: Thank you.

11 ON-THE-RECORD BENCH CONFERENCE, OUT OF
12 HEARING OF JURORS. PRESENT: THE COURT,
13 JUROR NUMBER R90, MR. STONE, MR. THORNTON,
14 MR. ROBERTS VAUX, MR. TABOR VAUX.

15 THE COURT: Mr. Crowther?

16 JUROR NUMBER 90: Yes.

17 THE COURT: Mr. Crowther, you indicated you have
18 some knowledge about the case. Tell us the source of
19 that knowledge, please, sir.

20 JUROR NUMBER 90: When you read the charges, it
21 seemed vaguely familiar to me. I believe I probably saw
22 the headlines in the *Beaufort Gazette*.

23 THE COURT: Right.

24 JUROR NUMBER 90: That's about it.

25 THE COURT: Okay. It would have been in the

1 Gazette and in the *Packet*, as well. Based on what
2 knowledge you have from any source about the case, have
3 you formed in your own mind, or have expressed to
4 anybody else any opinion you might have as to whether
5 Mr. Young is guilty or not guilty of these charges?

6 JUROR NUMBER 90: No. I have no opinion.

7 THE COURT: Could you set aside what you've heard
8 and read about this case, and decide this case based on
9 the evidence that you would hear in court?

10 JUROR NUMBER 90: Yes.

11 THE COURT: Would you do that, please, sir?

12 JUROR NUMBER 90: Yes, I would.

13 THE COURT: Thank you, Mr. Crowther. You can go
14 back and have a seat.

15 END BENCH CONFERENCE.

16 THE COURT: Yeah, but we're going to take -- let's
17 just take --

18 BAILIFF: Juror Number 36, your Honor.

19 THE COURT: Okay. And we're not going to take the
20 whole section, I have learned. We'll divide it.

21 ON-THE-RECORD BENCH CONFERENCE, OUT OF

22 HEARING OF JURORS. PRESENT: THE COURT,

23 JUROR NUMBER 36, MR. STONE, MR. THORNTON, MR.
24 VAUX, AND MR. VAUX.

25 THE COURT: I'm sorry. Miss, your number again?

1 JUROR NUMBER 36: 36.

2 THE COURT: 36. Ms. Borders?

3 JUROR NUMBER 36: Yes, sir.

4 THE COURT: Ms. Borders, you didn't respond to one
5 of the questions. Is this in response to knowledge
6 about the case, or a crime of violence?

7 JUROR NUMBER 36: No, your Honor, neither.

8 Actually, I do not apply to any of your questions --

9 THE COURT: Okay.

10 JUROR NUMBER 36: -- towards the whole juror
11 section.

12 THE COURT: Okay.

13 JUROR NUMBER 36: But since the age of the victim
14 was mentioned, I have been extremely uncomfortable. I
15 have two small children at home.

16 THE COURT: I see. That was one of the questions I
17 was going to ask later, about whether or not --

18 JUROR NUMBER 36: I'm jumping the gun.

19 THE COURT: No, that's okay. You might be saving
20 time. The victim, Mr. Khalil Singleton, was eight or
21 nine.

22 MR. STONE: Eight.

23 THE COURT: He was eight years old at the time this
24 occurred. The victim in the other case, Mr. Robinson,
25 was an adult in the attempted murder case charge. Do

1 you feel that the fact that one of the victims on these
2 charges was an eight-year-old boy, the fact that you
3 have young children yourself, would that make it
4 difficult for you to serve fairly and impartially as a
5 juror in this trial?

6 JUROR NUMBER 36: Yes, your Honor.

7 THE COURT: Really, that's all I need to know. You
8 don't have any further explanation, Ms. Borders. I can
9 appreciate that.

10 JUROR NUMBER 36: Thank you, your Honor.

11 THE COURT: We'll stand you aside as a juror.
12 Don't leave. There might be other cases that you would
13 qualify on.

14 JUROR NUMBER 36: I understand, your Honor.

15 THE COURT: All right.

16 JUROR NUMBER 36: Thank you, sir.

17 THE COURT: Thank you.

18 END BENCH CONFERENCE.

19 THE COURT: Juror Number 36 will be set aside as a
20 juror in this trial.

21 Folks, I have learned through experience, your
22 experience, or these folks' experience having to stand
23 up here, that, I'm not going to call the whole section
24 at one time. So, how many rows do we have there?
25 Somebody count them. Six?

1 BAILIFF: Six.

2 THE COURT: Six. Let's take those of you who are
3 seated on the first three rows. And if you all will
4 come around and form a line, that way you won't have to
5 stand for an extensive length of time. You folks were
6 MY teachers in that regard. I apologize to those of you
7 that had to stand so long.

8 BAILIFF: Juror Number 352, your Honor.

9 ON-THE-RECORD BENCH CONFERENCE, OUT OF
10 HEARING OF JURORS. PRESENT: THE COURT,
11 JUROR NUMBER 352, MR. STONE, MR. THORNTON,
12 MR. ROBERTS VAUX, MR. TABOR VAUX.

13 THE COURT: Your number again? I'm sorry.

14 JUROR NUMBER 352: 352, sir.

15 THE COURT: 352.

16 JUROR NUMBER 352: Yes, sir.

17 THE COURT: Mr. Sferlazzo.

18 JUROR NUMBER 352: Yes, sir.

19 THE COURT: Okay. Mr. Sferlazzo, you indicated,
20 first of all, that you had some knowledge about the
21 case. Let's explore that first.

22 JUROR NUMBER 352: I did. I'm local to the area,
23 and I was just -- I've read -- I read the media, based
24 on what -- what transpired.

25 THE COURT: I understand. Based on those things

1 that you have heard or read, have you formed in your own
2 mind, or have you expressed to anybody else, any opinion
3 that you might have as to whether you think Mr. Young is
4 guilty or not guilty?

5 JUROR NUMBER 352: No, sir.

6 THE COURT: Okay. If you are asked to serve as a
7 juror, could you set aside what you have seen and heard,
8 and decide this case based on the evidence that you'd
9 hear in court?

10 JUROR NUMBER 352: Yes, sir.

11 THE COURT: Would you do that, please, sir?

12 JUROR NUMBER 352: Yes, sir.

13 THE COURT: You also indicated that you or a family
14 member had been involved in a crime of personal
15 violence. Was that you or a family member?

16 JUROR NUMBER 352: Well, this is -- I was on active
17 duty in the United States Marine Corp. Do I need to go
18 further into that, or?

19 THE COURT: It was all in conjunction with active
20 duty?

21 JUROR NUMBER 352: That's right, sir. Combat
22 environment.

23 THE COURT: No, sir.

24 JUROR NUMBER 352: Okay.

25 THE COURT: Although, I do need to know, just in

1 general terms, whether or not your experience,
2 obviously, in dealing with violence, you were deployed,
3 obviously?

4 JUROR NUMBER 352: Yes, sir, Afghanistan.

5 THE COURT: Would that make it difficult for you to
6 be fair and impartial as a juror in this case?

7 JUROR NUMBER 352: No, sir.

8 THE COURT: Thank you, sir. You can go back and
9 have a seat. And thank you for your service.

10 JUROR NUMBER 352: Thank you.

11 END BENCH CONFERENCE.

12 BAILIFF: Juror Number 61, your Honor.

13 ON-THE-RECORD BENCH CONFERENCE, OUT OF
14 HEARING OF JURORS. PRESENT: THE COURT,
15 JUROR NUMBER 61, MR. STONE, MR. THORNTON, MR.
16 VAUX, AND MR. VAUX.

17 THE COURT: Mr. Caldwell?

18 JUROR NUMBER 61: Yes, sir.

19 THE COURT: Mr. Caldwell, you didn't stand earlier.
20 Is this in response to the information about the case,
21 or the crime of personal violence question?

22 JUROR NUMBER 61: Neither one. I don't know
23 anything.

24 THE COURT: All right, sir.

25 JUROR NUMBER 61: Is that what you're asking?

1 THE COURT: That's what I was asking.

2 JUROR NUMBER 61: I didn't stand for nothing, no.

3 THE COURT: Okay, then. Would you mind telling me
4 why you're standing now? Yeah. What questions do you
5 have of me?

6 JUROR NUMBER 61: None.

7 THE COURT: Okay.

8 JUROR NUMBER 61: I mean, you called everyone up
9 here, right?

10 THE COURT: No, no, no. No, no, no. I'm sorry.

11 JUROR NUMBER 61: I didn't stand earlier for
12 nothing.

13 THE COURT: I'm sorry. I wasn't real clear on
14 that, Mr. Caldwell. I'm sorry. I just wanted those
15 folks on the first three rows who had stood earlier.

16 JUROR NUMBER 61: Oh, okay.

17 THE COURT: And so, since you -- thank goodness.

18 JUROR NUMBER 61: Sounds good.

19 THE COURT: I'm delighted that you didn't stand.

20 JUROR NUMBER 61: I thought everyone was coming up.

21 THE COURT: It seems like that on the other cases.

22 JUROR NUMBER 61: It did.

23 THE COURT: No, sir. You can have a seat. We're
24 good.

25 JUROR NUMBER 61: Okay.

1 THE COURT: Thank you.

2 END BENCH CONFERENCE.

3 BAILIFF: Juror Number 81, your Honor.

4 THE COURT: Thank you.

5 ON-THE-RECORD BENCH CONFERENCE, OUT OF
6 HEARING OF JURORS. PRESENT: THE COURT,
7 JUROR NUMBER 81, MR. STONE, MR. THORNTON, MR.
8 VAUX, AND MR. VAUX.

9 THE COURT: Ms. Cooler?

10 JUROR NUMBER 81: Yes, sir.

11 THE COURT: You indicated that you or a family
12 member had had some involvement in a crime of personal
13 violence. Was it you or a family member?

14 JUROR NUMBER 81: It was a family member.

15 THE COURT: And what was the relation to you?

16 JUROR NUMBER 81: It was my uncle.

17 THE COURT: And what was his involvement in the
18 crime?

19 JUROR NUMBER 81: He was the victim. He was shot
20 in the head by the Mafia. A murder.

21 THE COURT: Shot and murdered.

22 JUROR NUMBER 81: Yes, sir.

23 THE COURT: Where did that occur?

24 JUROR NUMBER 81: Pennsylvania.

25 THE COURT: How long ago?

1 JUROR NUMBER 81: Over twenty years ago.

2 THE COURT: Twenty years ago? All right. How long
3 have you been living down here?

4 JUROR NUMBER 81: Over twenty years.

5 THE COURT: Were you in Pennsylvania at the time
6 this occurred?

7 JUROR NUMBER 81: No, sir.

8 THE COURT: So, you were down here at the time?

9 JUROR NUMBER 81: Yes, sir.

10 THE COURT: Would your uncle's -- obviously, the
11 victimization of your uncle in that regard make it
12 difficult for you to be fair and impartial as a juror in
13 this trial?

14 JUROR NUMBER 81: No, sir.

15 THE COURT: You could set aside that matter and
16 decide this case based on the evidence you would hear in
17 court?

18 JUROR NUMBER 81: Yes, sir.

19 THE COURT: Would you do that, please, ma'am?

20 JUROR NUMBER 81: Yes, sir.

21 THE COURT: I'm sorry we had to cause you to
22 re-live that unpleasant time, Ms. Cooler, but thank you
23 for your willingness to serve. You can go back and have
24 a seat.

25 END BENCH CONFERENCE.

1 BAILIFF: Juror Number 180, your Honor.

2 ON-THE-RECORD BENCH CONFERENCE, OUT OF
3 HEARING OF JURORS. PRESENT: THE COURT,
4 JUROR NUMBER 180, MR. STONE, MR. THORNTON,
5 MR. ROBERTS VAUX, MR. TABOR VAUX.

6 THE COURT: Ms. Hodges?

7 JUROR NUMBER 180: Yes.

8 THE COURT: You indicated that you had some
9 knowledge about the case. Would you tell us the source
10 of that knowledge?

11 JUROR NUMBER 180: I just recall reading about it,
12 eight-year-old being killed on Hilton Head, so.

13 THE COURT: Okay. Was this at the time that it
14 occurred?

15 JUROR NUMBER 180: Yes.

16 THE COURT: All right. Have you followed the case
17 since that time?

18 JUROR NUMBER 180: No.

19 THE COURT: Based on what you heard or read at that
20 time, or any knowledge that you may have about the case,
21 have you formed in your own mind, or have you expressed
22 to anybody else, any opinion that you might have as to
23 whether or not Mr. Young is guilty or not guilty of
24 these charges?

25 JUROR NUMBER 180: Probably, yes.

1 THE COURT: And what would that opinion be?

2 JUROR NUMBER 180: He's guilty..

3 THE COURT: If you were asked to serve as a juror
4 on this case, would you be able to set aside that
5 opinion, and decide this case based on the evidence, or
6 do you feel that that opinion will carry you over into
7 the trial of this case?

8 JUROR NUMBER 180: I think -- I think I'd be fair
9 and listen to the case.

10 THE COURT: Would you require that Mr. Young prove
11 he's not guilty of these charges, or would you be
12 willing to listen with an open mind, whatever you would
13 hear?

14 JUROR NUMBER 180: I would probably say he would
15 have to prove he was innocent.

16 THE COURT: He probably what?

17 JUROR NUMBER 180: Prove he was innocent. Sorry.

18 THE COURT: All right. Thank you, Ms. Hodges. I
19 appreciate that. I'm going to send you back. You'll be
20 excused from the trial of this case.

21 JUROR NUMBER 180: Thank you.

22 THE COURT: Thank you.

23 END BENCH CONFERENCE.

24 BAILIFF: Juror Number 248, your Honor.

25 THE COURT: Okay. Thank you.

1 ON-THE-RECORD BENCH CONFERENCE, OUT OF
2 HEARING OF JURORS. PRESENT: THE COURT,
3 JUROR NUMBER 248, MR. STONE, MR. THORNTON,
4 MR. ROBERTS VAUX, MR. TABOR VAUX.

5 THE COURT: Mr. Loconte?

6 JUROR NUMBER 248: Yes, sir. Loconte.

7 THE COURT: Mr. Loconte.

8 JUROR NUMBER 248: Loconte.

9 THE COURT: I'm sorry.

10 JUROR NUMBER 248: Loconte.

11 THE COURT: Loconte.

12 JUROR NUMBER 248: Yeah.

13 THE COURT: I apologize.

14 JUROR NUMBER 248: No problem. That's okay.

15 THE COURT: You indicated you have some knowledge
16 about this case. What's the source of that knowledge?

17 JUROR NUMBER 248: Through the media and chatter.
18 I live three weeks -- I live three blocks away from
19 where the incident happened.

20 THE COURT: Okay.

21 JUROR NUMBER 248: I live off of Marshland Road.

22 THE COURT: I see.

23 JUROR NUMBER 248: So.

24 THE COURT: Okay. You followed it pretty closely.

25 JUROR NUMBER 248: Very closely.

1 THE COURT: I appreciate that.

2 JUROR NUMBER 248: Yeah.

3 THE COURT: Based on the information that you have
4 about the case, have you formed in your own mind, or
5 have you expressed to anybody else, any opinion that you
6 might have as to whether Mr. Young is guilty or not
7 guilty of these charges?

8 JUROR NUMBER 248: No.

9 THE COURT: If you were asked to serve as a juror,
10 could you set aside what you know about this case, and
11 decide the case based on the evidence that would hear in
12 court?

13 JUROR NUMBER 248: Yes.

14 THE COURT: Would you do that, please, sir?

15 JUROR NUMBER 248: Yes.

16 THE COURT: Thank you, Mr. Loconte. You can go
17 back and have a seat.

18 END BENCH CONFERENCE.

19 BAILIFF: Juror Number 117, your Honor.

20 ON-THE-RECORD BENCH CONFERENCE, OUT OF
21 HEARING OF JURORS. PRESENT: THE COURT,
22 JUROR NUMBER 117, MR. STONE, MR. THORNTON,
23 MR. ROBERTS VAUX, MR. TABOR VAUX.

24 THE COURT: Mr. Faulkner?

25 JUROR NUMBER 117: Yes, sir.

1 THE COURT: You indicated that you have some
2 knowledge about the case from -- would you tell us the
3 source of the knowledge?

4 JUROR NUMBER 117: Newspaper and T.V., sir.

5 THE COURT: Okay. Have you followed the case since
6 it happened, or was this just at the time it occurred?

7 JUROR NUMBER 117: Just at the time that it
8 occurred.

9 THE COURT: Okay. Based on the information that
10 you have accumulated about the case from any source at
11 all, have you formed in your own mind, or have you
12 expressed to anybody else, any opinion that you might
13 have as to the guilt or the innocence of Mr. Young in
14 this case?

15 JUROR NUMBER 117: No, sir.

16 THE COURT: If you were asked to serve as a juror,
17 could you set aside anything that you have seen or heard
18 or read?

19 JUROR NUMBER 117: Yes, sir.

20 THE COURT: And you will decide this case based on
21 what you will hear in court?

22 JUROR NUMBER 117: Yes, sir.

23 THE COURT: And you will do that, please, sir?

24 JUROR NUMBER 117: Yes, sir.

25 THE COURT: Thank you, Mr. Faulkner. You can go

1 back and have a seat.

2 END BENCH CONFERENCE.

3 BY THE COURT:

4 THE COURT: Now, anybody on the last three rows who
5 has stood earlier in response to the questions, if you
6 all will now form a line and come around, please.

7 BAILIFF: Juror Number 437, your Honor.

8 THE COURT: Okay.

9 ON-THE-RECORD BENCH CONFERENCE, OUT OF
10 HEARING OF JURORS. PRESENT: THE COURT,
11 JUROR NUMBER 437, MR. STONE, MR. THORNTON,
12 MR. ROBERTS VAUX, MR. TABOR VAUX.

13 THE COURT: Ms. Williams?

14 JUROR NUMBER 437: Um-hmm.

15 THE COURT: If you'll speak so that she can hear
16 you, please, ma'am.

17 JUROR NUMBER 437: Okay. My --

18 THE COURT: Ms. Williams, you had indicated that
19 you or a family member had been involved -- first of
20 all, was it you or a family member?

21 JUROR NUMBER 437: Family member.

22 THE COURT: And what was the relation to you,
23 please?

24 JUROR NUMBER 437: He's my husband.

25 THE COURT: Your husband. And what was his

1 involvement?

2 JUROR NUMBER 437: He was a witness to domestic
3 violence.

4 COURT REPORTER: He was what?

5 THE COURT: He witnessed it?

6 JUROR NUMBER 437: The witness to domestic
7 violence.

8 THE COURT: Okay. All right. The -- the domestic
9 violence itself, did it involve relatives of yours or
10 his, or friends of his?

11 JUROR NUMBER 437: It was his parents, when he was
12 younger.

13 THE COURT: Oh, I see. I see. Okay. Would that
14 experience of your husband's make it difficult for you
15 to be fair and impartial as a juror in this case, Ms.
16 Williams?

17 JUROR NUMBER 437: No.

18 THE COURT: You could set aside that matter and
19 decide this case based on what you would hear in court?

20 JUROR NUMBER 437: Um-hmm.

21 THE COURT: You will do that, please, ma'am?

22 JUROR NUMBER 437: Um-hmm.

23 THE COURT: Thank you, Ms. Williams. You can go
24 back and have a seat.

25 JUROR NUMBER 437: Thank you.

1 END BENCH CONFERENCE.

2 BAILIFF: Juror Number 126, your Honor.

3 ON-THE-RECORD BENCH CONFERENCE, OUT OF
4 HEARING OF JURORS. PRESENT: THE COURT,
5 JUROR NUMBER 126, MR. STONE, MR. THORNTON,
6 MR. ROBERTS VAUX, MR. TABOR VAUX.

7 THE COURT: Ms. Foss?

8 JUROR NUMBER 126: Yes, sir.

9 THE COURT: If you'll speak so that she can hear
10 you. Tell me about the information or the knowledge
11 that you have about this case.

12 JUROR NUMBER 126: Just news coverage, newspaper,
13 T.V. It's -- it's --

14 THE COURT: Okay.

15 JUROR NUMBER 126: It just drew my attention,
16 because he was a former student of mine.

17 THE COURT: I'm sorry?

18 JUROR NUMBER 126: I said, it drew my attention
19 because --

20 THE COURT: I'm sure.

21 JUROR NUMBER 126: -- Tyrone was a --

22 THE COURT: Tyrone was a former student.

23 JUROR NUMBER 126: -- a former student.

24 THE COURT: So, you followed this case, and you
25 followed the other trial of Tyrone, I'm sure.

1 JUROR NUMBER 126: Not so much, to be honest with
2 you.

3 THE COURT: Okay. Based on the information that
4 you've accumulated from whatever source about this case,
5 have you formed in your own mind, or have you expressed
6 to anybody else, any opinion that you might have as to
7 whether Mr. Young is guilty or not guilty of these
8 charges?

9 JUROR NUMBER 126: No, sir.

10 THE COURT: If you were asked to serve as a juror,
11 could you set aside what you've seen and heard about
12 this case, and the fact that Tyrone was a student of
13 yours, and decide this case based on the evidence that
14 you would hear in court?

15 JUROR NUMBER 126: Yes, sir.

16 THE COURT: And would you do that, please?

17 JUROR NUMBER 126: Yes, sir.

18 THE COURT: Thank you, Ms. Foss. You can go back
19 and have a seat.

20 END BENCH CONFERENCE.

21 BAILIFF: Juror Number 391, your Honor.

22 ON-THE-RECORD BENCH CONFERENCE, OUT OF
23 HEARING OF JURORS. PRESENT: THE COURT,
24 JUROR NUMBER 391, MR. STONE, MR. THORNTON,
25 MR. ROBERTS VAUX, MR. TABOR VAUX.

1 THE COURT: Thank you. Takach?

2 JUROR NUMBER 391: Takach.

3 THE COURT: Takach.

4 JUROR NUMBER 391: Takach.

5 THE COURT: Thank you, ma'am.

6 JUROR NUMBER 391: Um-hmm.

7 THE COURT: Tell me about the information you heard
8 about this case, where it came from.

9 JUROR NUMBER 391: Just basically the news and --

10 THE COURT: Newspaper?

11 JUROR NUMBER 391: Newspaper. And just, you know,
12 the details of what happened, and knowing that there was
13 a shooting; it was family that was involved.

14 THE COURT: Right.

15 JUROR NUMBER 391: And basically, the day of the
16 incident, I was actually on that road. We were going to
17 dinner, and we did pass the scene with, you know.

18 THE COURT: After it occurred?

19 JUROR NUMBER 391: Um-hmm. I wanted to make sure
20 that you knew of that.

21 THE COURT: Yes, ma'am. That's helpful to know.
22 Now, I need to know what impact all that has on you,
23 because that's what's really important about this. Have
24 you formed, in your own mind, or have you expressed any
25 opinion to anybody else, any opinion that you might have

1 as to whether or not Mr. Young is guilty of these
2 charges?

3 JUROR NUMBER 391: No.

4 THE COURT: Could you set aside what you've seen
5 and heard, and the fact that you drove by the site, and
6 decide this case based on the evidence that you hear in
7 court?

8 JUROR NUMBER 391: I could.

9 THE COURT: Would you do that, please, ma'am?

10 JUROR NUMBER 391: Yes.

11 THE COURT: Thank you, ma'am.

12 JUROR NUMBER 391: Um-hmm.

13 THE COURT: You may go back and have a seat.

14 JUROR NUMBER 391: Thank you.

15 END BENCH CONFERENCE.

16 BAILIFF: Juror Number 59, your Honor.

17 ON-THE-RECORD BENCH CONFERENCE, OUT OF
18 HEARING OF JURORS. PRESENT: THE COURT,
19 JUROR NUMBER 59, MR. STONE, MR. THORNTON, MR.
20 VAUX, AND MR. VAUX.

21 THE COURT: Ms. Cahill, you've been standing all
22 day, either back there or in that line. So, finally,
23 you get to come up here.

24 JUROR NUMBER 59: Yes.

25 THE COURT: You indicated that you have some

1 knowledge about this case. Would you tell us the source
2 of that knowledge, where it came from?

3 JUROR NUMBER 59: *Island Packet*. I read one
4 article about the --

5 THE COURT: Okay. So, you haven't followed it
6 throughout the news, throughout the history of it, in
7 other words?

8 JUROR NUMBER 59: No.

9 THE COURT: Based on what you have heard or read,
10 have you formed in your own mind, or have you expressed
11 to anybody else, any opinion that you might have as to
12 whether Mr. Young is guilty or not guilty of these
13 charges?

14 JUROR NUMBER 59: I don't think so.

15 THE COURT: Let me ask it a clearer way. Have you
16 made up your mind as to whether or not you think Mr.
17 Young is guilty or not guilty of these charges?

18 JUROR NUMBER 59: No.

19 THE COURT: All right. If you were asked to serve
20 as a juror in this trial, could you set aside whatever
21 you know about this case, and decide this case based on
22 what you would hear in court?

23 JUROR NUMBER 59: Sure. Yes.

24 THE COURT: Would you do that, please, ma'am?

25 JUROR NUMBER 59: Yes.

1 THE COURT: Thank you, Ms. Cahill. You can go back
2 and have a seat.

3 JUROR NUMBER 59: Okay. Thank you.

4 END BENCH CONFERENCE.

5 BAILIFF: Juror Number 152, your Honor.

6 ON-THE-RECORD BENCH CONFERENCE, OUT OF
7 HEARING OF JURORS. PRESENT: THE COURT,
8 JUROR NUMBER 152, MR. STONE, MR. THORNTON,
9 MR. ROBERTS VAUX, MR. TABOR VAUX.

10 THE COURT: Ms. Green, how are you?

11 JUROR NUMBER 152: I'm okay.

12 THE COURT: If you'll speak so that she can hear
13 you right here.

14 JUROR NUMBER 152: Okay.

15 THE COURT: Ms. Green, first of all, let's inquire
16 about your knowledge about the case. Where did that
17 come from?

18 JUROR NUMBER 152: Newspapers.

19 THE COURT: Okay. Have you followed it throughout
20 the course of it, or was it just at the time it
21 occurred?

22 JUROR NUMBER 152: At the time it occurred. And
23 then, they had written something a couple weeks ago in
24 the papers about these trials coming up.

25 THE COURT: That's right. Based on anything that

1 you know about the case from any source at all, have you
2 formed any opinion in your own mind as to whether you
3 think Mr. Young is guilty or not guilty of these
4 charges?

5 JUROR NUMBER 152: I have been a teacher for thirty
6 years, and I think it would be very hard for me to deal
7 with a child that, as a kid, got murdered.

8 THE COURT: I see. I see. You taught grammar
9 school?

10 JUROR NUMBER 152: Yes, I did.

11 THE COURT: All right. And knowing that there's an
12 eight-year-old victim would make it difficult for you.

13 JUROR NUMBER 152: Yes.

14 THE COURT: We don't want to put you through that
15 emotional distress. It will be tough enough for folks
16 who have not taught children. We can appreciate that
17 special stress it might have for you. We're not going
18 to put you through that. Okay?

19 JUROR NUMBER 152: Okay. Thank you.

20 THE COURT: Ms. Green, is it?

21 JUROR NUMBER 152: Yes.

22 THE COURT: Number 152?

23 JUROR NUMBER 152: Yes.

24 THE COURT: You can go back and have a seat. Thank
25 you.

1 JUROR NUMBER 152: Thank you.

2 END BENCH CONFERENCE.

3 THE COURT: Number 152 is stood aside as a juror in
4 this trial.

5 BAILIFF: Juror Number 32, your Honor.

6 THE COURT: Okay.

7 ON-THE-RECORD BENCH CONFERENCE, OUT OF
8 HEARING OF JURORS. PRESENT: THE COURT,
9 JUROR NUMBER 32, MR. STONE, MR. THORNTON,
10 MR. ROBERTS VAUX, MR. TABOR VAUX.

11 JUROR NUMBER 32: Good morning. Or afternoon, I
12 guess, now,

13 THE COURT: Mr. Blasey?

14 JUROR NUMBER 32: Yes, sir.

15 THE COURT: Is it Blasey? Mr. Blasey, you
16 indicated that a family member or you had been involved
17 in a crime of personal violence. Was it you or a family
18 member?

19 JUROR NUMBER 32: My daughter.

20 THE COURT: Your daughter. And what was her
21 involvement?

22 JUROR NUMBER 32: Guy tried to kill her.

23 THE COURT: I see. And where did that happen?

24 JUROR NUMBER 32: Where we lived, on Hilton Head.
25 He drove his truck through her house.

1 THE COURT: Oh, my goodness. Was he an
2 acquaintance of you or your daughter?

3 JUROR NUMBER 32: He had dated her, in the past.

4 THE COURT: I see.

5 JUROR NUMBER 32: She was trying to break up with
6 him.

7 THE COURT: I understand. How long ago did it
8 happen?

9 JUROR NUMBER 32: 2002.

10 THE COURT: Okay. Was he caught and convicted of
11 that?

12 JUROR NUMBER 32: No, he shot himself.

13 THE COURT: Oh, he shot himself.

14 JUROR NUMBER 32: Um-hmm.

15 THE COURT: Okay. How badly was your daughter
16 injured in that situation?

17 JUROR NUMBER 32: Physically, not.

18 THE COURT: I see.

19 JUROR NUMBER 32: Emotionally, you know.

20 THE COURT: I understand.

21 JUROR NUMBER 32: He never did hurt her. She
22 jumped out of the window, and he shot himself.

23 THE COURT: How is your daughter doing now?

24 JUROR NUMBER 32: She died.

25 THE COURT: Did it have any connection with any of

1 this?

2 JUROR NUMBER 32: No.

3 THE COURT: I'm sorry.

4 JUROR NUMBER 32: It was poison by chemotherapy.

5 THE COURT: Oh, I'm sorry. I'm sorry. Would that
6 unfortunate set of circumstances in your family through
7 your daughter make it difficult for you to be fair and
8 impartial as a juror in this trial?

9 JUROR NUMBER 32: No.

10 THE COURT: Could you set aside those circumstances
11 and decide this case based on what you'd hear in the
12 courtroom?

13 JUROR NUMBER 32: Yes, I could.

14 THE COURT: And you would you do that, please, sir?

15 JUROR NUMBER 32: Yes, sir.

16 THE COURT: Thank you, Mr. Blasey. I'm sorry we
17 had to get you to re-live those memories. Thank you.
18 You can go back and have a seat.

19 END BENCH CONFERENCE.

20 THE COURT: Okay. Is that it? Okay. Have you got
21 a list of those excused?

22 MADAM CLERK: I'm sorry?

23 THE COURT: I'm trying to make sure my list and
24 yours are the same.

25 MADAM CLERK: Oh, okay.

1 THE COURT: Okay. You all want to start? Well, I
2 was just going to go down my --

3 MR. STONE: Just go down your list?

4 MADAM CLERK: Yeah, just go down your list, and
5 mine are not in order.

6 THE COURT: Okay. Number 36.

7 MR. ROBERTS VAUX: 136 or 36?

8 MR. STONE: 36.

9 THE COURT: 36.

10 MADAM CLERK: 36.

11 THE COURT: Number 40, 49, 103.

12 MR. TABOR VAUX: Did you miss 62? I'm sorry. I
13 had you excused at 62. }

14 MR. STONE: I had 62 excused.

15 THE COURT: 62?

16 MR. STONE: Didn't you all have 62 excused?

17 THE COURT: I didn't have anything by 62.

18 MADAM CLERK: 62 was excused for age.

19 COURT REPORTER: Over there, she was excused
20 earlier. Yeah, yeah.

21 MR. STONE: I'm sorry. I'm sorry.

22 THE COURT: Okay. All right.

23 MR. STONE: I'm sorry, Judge.

24 THE COURT: Where were we?

25 MR. STONE: 103.

1 THE COURT: 103. 119, 140, 152, 160, 180, 200,
2 206, 214, 225, 260, 263, 357, 368, 370, 395, 399, 400,
3 and 408. Did I miss any?

4 MADAM CLERK: I got 415 out.

5 COURT REPORTER: Yeah, that was Ms. Voss, but I
6 don't have her marked down as being excused.

7 THE COURT: What number is she?

8 COURT REPORTER: 415, Voss. Not excused.

9 THE COURT: Okay. Ladies and gentlemen, thank you
10 very much for your patience and for your stamina during
11 that long and tedious part of the process. But I'm sure
12 that each of you understands the need for us to engage
13 in that colloquy.

14 Now, ladies and gentlemen, I need to know whether
15 any of you are conscious of or aware of any bias or
16 prejudice that you might have, for or against the State,
17 or for or against Mr. Young? If so, will you please
18 stand?

19 Have any of you who have not formally previously
20 answered this question formed or expressed any opinion
21 as to whether or not you think Mr. Young is guilty or
22 not guilty of the charges? If you have, will you please
23 stand?

24 Understanding and knowing that the charges
25 contained in these indictments surround the death of an

1 eight-year-old boy, is there anything in your own
2 personal history, your own family background, your
3 religious beliefs, that would make it difficult for you
4 to serve fairly and impartially as a juror in the trial
5 of this case? If you know of any such reason, will you
6 please stand?

7 Do any of you know of any reason of any kind
8 whatsoever that would prevent you from being fair and
9 impartial to the State of South Carolina, and to the
10 defendant, Mr. Young? If you know of any such reason,
11 will you please stand? Thank you.

12 Mr. Stone, further questions from the State?

13 MR. STONE: Nos, sir, not from the State.

14 THE COURT: Thank you. Mr. Vaux, from the Defense?

15 MR. ROBERTS VAUX: No, sir.

16 THE COURT: Thank you. Ladies and gentlemen, it's
17 going to take us a few minutes to plug all this
18 information into the computer, and get this list up-to-
19 date. You all have been sitting here for -- I was going
20 to say you've been sitting here patiently, but nobody
21 can be patient long as you all have been there. So, I
22 would expect all of you to be patient. We're going to
23 take a brief break to let you step outside and excuse
24 yourself.

25 If you could be back as close to 2:00 o'clock as

1 you can be, that's not quite fifteen minutes.
2 Hopefully, we'll be in a position at that time to
3 conclude the jury selection process. We'll be at ease
4 until 2:00 o'clock. Please be back in your seats by
5 then. Thank you.

6 BAILIFF: Do not leave the building.

7 THE COURT: All right, folks, we'll stand down for
8 a few minutes. We'll be back at 2:00 o'clock. Thank
9 you.

10 OFF THE RECORD 1:50 P.M.

11 BACK ON THE RECORD 2:10 P.M.

12 BAILIFF: All rise, please. Court is back in
13 session. Come to order.

14 THE COURT: Thank you. You all can be seated.
15 Ladies and gentlemen, we go now to the very final phase
16 of the selection process. It started this morning when
17 you came in the door the roll call began, and since that
18 time we have been heading to this point of the phase to
19 be able to select a jury for the trial of this
20 particular case.

21 Is the State ready to proceed?

22 MR. STONE: Yes, sir, the State's ready.

23 THE COURT: Defense ready to proceed?

24 MR. ROBERTS VAUX: Yes, sir.

25 THE COURT: Ladies and gentlemen, as your names are

1 called, if you will please stand in the place right
2 where you are, the Clerk will give you further
3 instructions from that point on here. You don't need to
4 come forward. You just stand in place as your names are
5 called, and follow the instructions that the clerk will
6 give you.

7 There will be five for the State, ten for the
8 Defense. We'll select two alternates. That's each
9 alternate. One strike for the State, two strike for the
10 Defense. Madam Clerk?

11 JUROR SELECTION:

12 MADAM CLERK: Juror Number 123, Gerald Floresca.
13 What says the State?

14 MR. STONE: Please present Mr. Floresca.

15 MADAM CLERK: What says the Defense?

16 MR. ROBERTS VAUX: Seat the juror, please.

17 MADAM CLERK: Juror Number 61, Jeffrey Caldwell.
18 What says the State?

19 MR. STONE: Please excuse Mr. Caldwell from this
20 case.

21 MADAM CLERK: Juror Number 285, Tonya Mulligan.
22 What says the State?

23 MR. THORNTON: What number?

24 MADAM CLERK: 285. What says the State?

25 MR. STONE: Please present Ms. Mulligan.

1 MADAM CLERK: What says the Defense?

2 BAILIFF: Remain standing, ma'am.

3 MR. ROBERTS VAUX: Please seat the juror.

4 BAILIFF: Come around and be seated in the juror
5 box, please.

6 MADAM CLERK: Juror Number 347, Del Douglas Scott.

7 What says the State?

8 MR. STONE: Please present Mr. Scott.

9 MADAM CLERK: What says the Defense?

10 MR. ROBERTS VAUX: Please excuse the juror.

11 THE COURT: Sit down, sir.

12 MADAM CLERK: Juror Number 122, Hayley Flemetis.

13 What says the State?

14 MR. STONE: Please present Ms. Flemetis.

15 MADAM CLERK: What says the Defense?

16 MR. ROBERTS VAUX: Excuse the juror, please, for
17 purposes of this case.

18 BAILIFF: Sit down, ma'am.

19 MADAM CLERK: Juror Number 41, Kevin Breedlove.

20 What says the State?

21 MR. STONE: Please present Mr. Breedlove.

22 MADAM CLERK: What says the Defense?

23 MR. ROBERTS VAUX: Please seat the juror.

24 BAILIFF: Come forward, sir.

25 MADAM CLERK: Juror Number 437, Rosa Williams.

1 What says the State?

2 MR. STONE: Please present Ms. Williams.

3 MADAM CLERK: What says the Defense?

4 MR. ROBERTS VAUX: Please seat the juror.

5 BAILIFF: Come on around.

6 MADAM CLERK: Juror Number 327, Marta Rodriguez.

7 What says the State?

8 MR. STONE: Please present Ms. Rodriguez.

9 MADAM CLERK: What says the Defense?

10 MR. ROBERTS VAUX: Please excuse the juror.

11 MADAM CLERK: Juror Number 352, Anthony Sferlazzo.

12 What says the State?

13 MR. STONE: Please present Mr. Sferlazzo.

14 MADAM CLERK: What says the Defense?

15 MR. ROBERTS VAUX: Please excuse the juror.

16 MADAM CLERK: Juror Number 124, Penny Fobes. What
17 says the State?

18 MR. STONE: Please present Ms. Fobes.

19 MADAM CLERK: What says the Defense?

20 MR. ROBERTS VAUX: Please seat the juror.

21 MADAM CLERK: Juror Number 45, Samantha Britt.

22 What says the State?

23 MR. STONE: Please present Ms. Britt.

24 MADAM CLERK: What says the Defense?

25 MR. ROBERTS VAUX: Please seat the juror.

1 MADAM CLERK: Juror Number 105, Deborah Doty. What
2 says the State?

3 MR. STONE: Please present Ms. Doty.

4 MADAM CLERK: What says the Defense?

5 MR. ROBERTS VAUX: Please excuse the juror.

6 MADAM CLERK: Juror Number 117, Larry Faulkner.

7 What says the State?

8 MR. STONE: Please seat Mr. Faulkner.

9 MADAM CLERK: What says the Defense?

10 MR. ROBERTS VAUX: Please excuse the juror.

11 MADAM CLERK: Juror Number 59, Patricia Cahill.

12 What says the State?

13 MR. STONE: Please present Ms. Cahill.

14 MADAM CLERK: What says the Defense?

15 MR. ROBERTS VAUX: Please seat Ms. Cahill.

16 MADAM CLERK: Juror Number 367, Aaliyah Smalls.

17 What says the State?

18 MR. STONE: Please present Ms. Smalls.

19 MADAM CLERK: What says the Defense?

20 MR. ROBERTS VAUX: Please seat the juror.

21 MADAM CLERK: Juror Number 19, Marla Barger. What
22 says the State?

23 MR. STONE: Please present Ms. Barger.

24 MADAM CLERK: What says the Defense?

25 MR. ROBERTS VAUX: Please seat the juror.

1 MADAM CLERK: Juror Number 135, Sherri Gamrani.

2 What says the State?

3 MR. STONE: Please present Ms. Gamrani.

4 MADAM CLERK: What says the Defense?

5 MR. ROBERTS VAUX: Please excuse the juror.

6 MADAM CLERK: Juror Number 126, Charlene Foss.

7 What says the State?

8 MR. STONE: Please present Ms. Foss.

9 MADAM CLERK: What says the Defense?

10 MR. ROBERTS VAUX: Please excuse the juror.

11 THE COURT: The State has exercised one strike; the
12 Defense has exercised eight strikes.

13 MADAM CLERK: Juror Number 411, Ashley Vaughan.

14 What says the State?

15 MR. STONE: Please present Ms. Vaughan.

16 MADAM CLERK: What says the Defense?

17 MR. ROBERTS VAUX: Please seat the juror.

18 MADAM CLERK: Juror Number 55, James Burns. What
19 says the State?

20 MR. STONE: Please present Mr. Burns.

21 MADAM CLERK: What says the Defense?

22 MR. ROBERTS VAUX: Please excuse the juror.

23 MADAM CLERK: Juror Number 386, Leslie Suda. What
24 says the State?

25 MR. STONE: Please present Ms. Suda.

1 MADAM CLERK: What says the Defense?

2 MR. ROBERTS VAUX: Please seat the juror.

3 MADAM CLERK: Juror Number 130, Lisa Fudjack. What
4 says the State?

5 MR. STONE: Please excuse the juror.

6 THE COURT: Okay. We've got the State as having
7 accepted, and the Defense having excused. Is that
8 right?

9 MR. STONE: That's fine, Judge.

10 THE COURT: Okay.

11 MADAM CLERK: Juror Number 360, Jessica Shrieve.
12 What says the State?

13 MR. STONE: Please present this juror.

14 MADAM CLERK: What says the Defense?

15 MR. ROBERTS VAUX: Please seat the juror.

16 THE COURT: We'll now proceed to alternates. Madam
17 Clerk, the strikes will be one for the State, two for
18 the Defense, as to each.

19 MADAM CLERK: Juror Number 31, Daniel Bittick.
20 What says the State?

21 MR. STONE: Please present Mr. Bittick.

22 MADAM CLERK: What says the Defense?

23 MR. ROBERTS VAUX: Please seat the alternate.

24 MADAM CLERK: Juror Number 272, Mandy Michaels.

25 What says the State?

1 MR. STONE: Please present Ms. Michaels.

2 MADAM CLERK: What says the Defense?

3 MR. ROBERTS VAUX: Please seat the alternate.

4 THE COURT: Mr. Stone, are there any matters of law
5 regarding the jury selection process from the State?

6 MR. STONE: No, sir.

7 THE COURT: Mr. Vaux, from the Defense?

8 MR. ROBERTS VAUX: No, sir, your Honor.

9 THE COURT: Thank you. Ladies and gentlemen, those
10 of you who were not selected as jurors for the trial of
11 this case, I want to thank you again for your
12 cooperation through what has been a rather long and
13 tedious process. I wish I could say that I could let
14 you go home now, but Judge Early might need you this
15 afternoon. As a matter of fact, he will need some of
16 you this afternoon to draw a jury for the case that he's
17 going to be trying.

18 He would like for you to be back at 3:30. That's
19 an hour from now. I'll give you an hour, and hopefully,
20 you can get a lunch, then. You'll report back to the
21 jury assembly room when you come back. That's across
22 the hall, I believe, right?

23 MADAM CLERK: Yes, sir.

24 THE COURT: You'll report back to the jury assembly
25 room when you get back at 3:30. And then, Judge Early

1 or somebody from the Clerk's Office will tell you where
2 you need to go at that point in time.

3 I thank you again, folks. You have been very
4 patient. It has been a long process, and I'm certain
5 you all understand why. I doubt that you'll have to sit
6 through another qualification process quite that long
7 this week. I doubt that I'll get to see you again. I
8 appreciate the chance of having worked with you during
9 this brief time, and Judge Early will look forward to
10 seeing you back at 3:30 this afternoon. Thank you.
11 Everybody except this jury, please remain seated.

12 JURORS NOT CHOSEN LEAVE COURTROOM 4:11 P.M.

13 THE COURT: Now, ladies and gentlemen, you all have
14 been selected as jurors in the trial of this case, but
15 you deserve a lunch hour, too, and so do we, as a matter
16 of fact. And so, we're going to let you go to lunch
17 now, a little bit longer than an hour for you, because
18 not only do we have to take lunch here; we also have to
19 deal with a couple of preliminary matters of law that we
20 need to get out of the way before we can start the trial
21 of this case.

22 So, I want you back in the jury room, please, at a
23 quarter of four. When you leave here, you'll go out
24 this back hall, and they'll take you down to the jury
25 room, and you'll report back to the jury room at 3:45

1 this afternoon.

2 Now, when you come out at 3:45, I'll give you
3 some instructions on what you may or may not do as
4 jurors in the trial of this case. But to keep you from
5 wondering and mistakenly doing some of those things in
6 the meantime, without doing anything you're not supposed
7 to, let me tell you, preliminarily, the jury cannot talk
8 about this case with anybody, even among themselves,
9 during the trial of this case, until you have heard
10 everything that you're going to hear about the trial of
11 this case. And then, you can take as much time as you
12 want to, to talk about it, but you can't talk about it
13 until then.

14 And so, if someone should talk with you during the
15 lunch hour, or try to talk to you about this case, just
16 tell them you're a juror, and you're not supposed to
17 talk about it, and I'm sure that will end your
18 discussion at that point in time.

19 Everything we have been doing up until this point,
20 this long process that we have been doing all day long,
21 since you first got here, has been designed to assure
22 that, once we got fourteen of you folks up in those
23 chairs, that we're going to have fourteen folks who do
24 not have any pre-conceived ideas about this case, who
25 didn't have any connection with any of the parties or

1 the witnesses or the facts of this case, who didn't have
2 any opinions about this case that would keep you from
3 serving fairly and impartially as jurors in this trial.
4 That's what we've been doing. Every one of those
5 questions that was asked all day was designed to assure
6 that, and you've been a part of that, and you've
7 invested your time in it, as we have, too.

8 And so, if you should violate those instructions,
9 and all of the time and effort that we all have taken to
10 insure that we're going to have fourteen folks like you
11 in that jury box would have been wasted. So, please
12 don't discuss it with anybody, even among yourselves,
13 during the trial of this case, and certainly not while
14 you are on the lunch hour.

15 We'll bring you out about 3:45 this afternoon and
16 start the trial of this case. Enjoy your lunch, and
17 I'll see you then. Thank you.

18 BAILIFF: Follow me, please.

19 JURORS LEAVE COURTROOM 4:14 P.M.

20 MOTIONS:

21 THE COURT: Folks, we have a motion to quash the
22 indictment on the murder charge that's been filed by Mr.
23 Young. Other than that, are there any other pretrial
24 motions that we need to take care of?

25 MR. STONE: I would anticipate a *Jackson/Denno*. I

1 don't remember if we got through that or not in the very
2 first time we had this trial.

3 THE COURT: All right.

4 MR. STONE: And we're prepared to do that today. I
5 think that's probably out of an abundance of caution, we
6 want to go back over and cover that.

7 THE COURT: Okay.

8 MR. STONE: So, I would expect a *Jackson/Denno*,
9 obviously, the indictment charge. And quite frankly,
10 the *Jackson/Denno*, it's such a long statement, I believe
11 it's going to be rather protracted.

12 THE COURT: Okay.

13 MR. STONE: I'd try to get that uninterrupted.

14 THE COURT: See if you can get that jury room --
15 that jury box -- get them out of there before they
16 leave. Run down the hall, and stop them before they
17 leave to go to lunch, if you can. I'm going to give
18 them longer than I thought.

19 MR. STONE: I apologize. I should have --

20 THE COURT: That's okay. Anything other than that?
21 What about from Mr. Vaux? Any other pretrial motions
22 from the Defense?

23 MR. ROBERTS VAUX: Your Honor, the only thing I'd
24 ask is that the witnesses be sequestered. If you will
25 recall, last time, there were some people in the

1 courtroom. There were some conversations in the
2 hallway.

3 THE COURT: Yes.

4 MR. ROBERTS VAUX: This time, I'd like to keep them
5 separate and apart. The witnesses.

6 THE COURT: Out of the hall.

7 MR. ROBERTS VAUX: Out of the hall, and out of the
8 courtroom.

9 THE COURT: I think we -- I believe we did
10 sequester the witnesses last time, but we -- didn't we?

11 MR. ROBERTS VAUX: No, sir. They were in the
12 hallway, and there was a -- there was some discussion
13 during Mr. Robinson's trial.

14 THE COURT: I recall that. They were sequestered;
15 they were not in the courtroom. You're right.

16 MR. ROBERTS VAUX: Well, one witness actually ended
17 up being in the courtroom.

18 THE COURT: I know. Slipped in back there, in
19 spite of my -- our best. Do you have a problem with
20 that, Mr. Thornton?

21 MR. THORNTON: I don't have a recollection of that
22 going on during the Tyrone Robinson trial. However, I
23 will say, just so we're all clear, we will be happy to
24 sequester them, but they're not sequestered
25 individually. They're put in a room together. They

1 will be instructed, as they always are, not to have
2 discussions about the case.

3 THE COURT: That's okay. Yes, we don't have enough
4 space for that. Were you able to head them off?

5 BAILIFF: Yes, sir. Yes, sir.

6 MR. THORNTON: Your Honor, may I?

7 THE COURT: Let me deal with this -- the jury.

8 MR. THORNTON: That's what I wanted to address,
9 your Honor, about, if possible?

10 THE COURT: What was that? Go ahead.

11 MR. THORNTON: Judge, you know, unless Mr. Vaux
12 says something markedly different, although we may not
13 be trying to introduce the entire statement, --

14 THE COURT: Right.

15 MR. THORNTON: -- I think you have to look at the
16 entire statement --

17 THE COURT: Right.

18 MR. THORNTON: -- to make a decision. My request
19 would be that we not bring them back 'til in the
20 morning.

21 THE COURT: Okay. Does that create a problem?

22 MR. ROBERTS VAUX: No, sir.

23 THE COURT: Okay. That'll be good. We'll just
24 tell them.

25 MR. THORNTON: Thank you, Judge. I'm sorry to

1 interrupt, sir.

2 THE COURT: You all mind if I go tell them that?

3 MR. THORNTON: No, sir.

4 MR. ROBERTS VAUX: No, sir.

5 THE COURT: Let's just go ahead and take our lunch
6 hour anyway. let's just start back at quarter 'til
7 four, just like we planned.

8 MR. ROBERTS VAUX: Yes, sir.

9 MR. THORNTON: Yes, sir. Thank you, your Honor.

10 THE COURT: Okay. Thank you.

11 END DAY ONE, MONDAY,

FEBRUARY 23, 2015, 4:28 P.M.

CERTIFICATE OF REPORTER

DAY ONE, MONDAY, FEBRUARY 23, 2015

TRANSCRIPT OF TRIAL

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

I, Wanda H. Rowe, CVR-M, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing Day One, Monday, February 23, 2015, Transcript of Trial is a true, accurate, and complete record of the proceedings had on said dates, in the case of State of South Carolina versus Aaron Scott Young, Jr., Beaufort County, Court of General Sessions, Case Numbers 2012-GS-07-01932 and 2014-GS-07-01940; that no exhibits were admitted; that I am of neither kin, counsel, nor interest to any party hereto.

A CERTIFICATE OF REPORTER IS ATTACHED TO THE ORIGINAL OF THIS TRANSCRIPT AND CONTAINS MY DIGITAL SIGNATURE. PURSUANT TO SCACR 607, REQUESTS FOR COPIES OF THIS TRANSCRIPT MUST BE MADE TO THE COURT REPORTER. UNAUTHORIZED COPYING OF THIS TRANSCRIPT IS PROHIBITED.

Witness my signature May 2, 2015.

S/Wanda H. Rowe
Wanda H. Rowe, CVR-M
Official Court Reporter

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State of South Carolina.,)
)
)
County of Beaufort.)

In the General Sessions
Court of Beaufort

Case No.: 2014-GS-07-01940
2012-GS-07-01932

State of South Carolina.,)
)
Plaintiff.,)
)
-vs-)
)
Aaron Scott Young, Junior.,)
)
Defendant.)
_____)

Transcript of Record

February 23, 24, 25, 2015
Beaufort, South Carolina

B E F O R E:

The Honorable Thomas W. Cooper, judge, and a jury.

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

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Wanda Nelson, CVR-M
Official Court Reporter
To the Honorable John C. Hayes, III

I-N-D-E-X

E-X-A-M-I-N-A-T-I-O-N

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I-N-D-E-X - CON'T

E-X-H-I-B-I-T-S

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3				
4	St.1	Aerial photo scene incident	P.236	P.259
5	St.2	CD - 911 audio	P.236	P.262
6	St.3	Photo/playground area	P.236	P.276
7	St.4	Photo/grey Ford F150 pickup	P.236	P.278
8	St.5	Photo-Aaron Young, Senior	P.236	P.279
9	St.6	Photo - Tyrone Robinson	P.236	P.269-280
10	St.7	Photo - Blue Acura - front	P.236	P.284
11	st.8	Photo - backyard at		
12		S. Simmons' residence	P.236	P.318
13	St.9	Photo bag	P.236	P.374
14	St.10	Photo - inside bag	P.236	P.374
15	St.11	Photo - bag contents	P.236	P.374
16	St.12	Photo-Ford pickup - rear	P.236	P.284
17	St.13	Photo-shell casings	P.236	P.364
18	St.14	Photo-shell casings	P.236	P.364
19	St.15	Photo-shell casings	P.236	P.364
20	St.16	Photo-blue Acura-rear view	P.236	P.284
21	St.17	Photo	NOT ENTERED	
22	St.18	Photo	NOT ENTERED	
23	St.19	Photo-dowels in Acura	P.236	P.398
24	st.20	Photo-dowels in Acura	P.236	P.400
25		Rear view		

I-N-D-E-X - CON'T

E-X-H-I-B-I-T-S

	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3				
4	St.21	Photo-dowels in Acura	P.236	P.392
5	St.22	Photo-dowels in Acura	P.236	P.399
6		lower portion driver's side		
7	St.23	Photo-dowels in Acura	P.236	P.405
8		entire driver's side		
9	St.24	Photo-X-ray of victim	P.236	P.472
10	St.25	Photo-X-ray of victim	P.236	P.472
11	St.26	.9 mm semi-automatic	P.236	P.337
12		handgun		
13	St.27	Black bag	P.236	P.336
14	St.28	Large .9 mm, 33 round	P.236	P.337
15		magazine		
16	St.29	Black firearm suppressor	P.236	P.337
17	St.30	Bag containing bullets	NOT ENTERED	
18	St.31	3 .9 mm shell casings	P.236	429-430
19	St.32	Federal ammunition	P.382	P.383
20	St.33	spent projectile	P.382	P.405/431
21		(SLED Item #14)		
22	St.34	spent projectile	P.401	P.431
23		(SLED Item #16)		
24	St.35	spent projectile	P.401	P.431
25		(SLED Item #12)		

I-N-D-E-X - CON'T

E-X-H-I-B-I-T-S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
St.36	spent projectile (SLED Item #15)	P.407	P.431
St.37	spent projectile (SLED Item #13)	P.407	P.431
St.38	CD - Aaron Young, Junior interview		P.444
Def.1	NOT ENTERED		
Ct.1	Jury note @ 2:00 p.m. 2/24/2015		P.360
Ct.2	Jury note @ 12:45 p.m. 2/25/2015		P.555
Ct.3	Jury note @ 3:15 p.m. 2/25/2015		P.567

Reporter's Note: All Exhibits were filed with the Beaufort
County Clerk of Court's Office.

1 (COURT IN SESSION MONDAY, FEBRUARY 23, 2014 AT 03:50
2 P.M..)

3 THE COURT: All right, folks, I'm prepared now to go
4 forward with the motions. I understand we've got certainly
5 have a motion to quash the murder indictment and we've got
6 the *Jackson v. Denno* issues.

7 As to sequestration that was mentioned off the record
8 before we broke for lunch and the order of sequestration is
9 granted. It will be effective after the opening statements
10 have been made. It's my understanding that the witnesses -
11 and it will be reciprocal - if there are any witnesses for
12 the defendant they likewise will be sequestered, will be
13 couched out in the hallway except in the normal course of
14 coming and going.

15 All right, which motion should we take first,
16 gentlemen? Is there any --

17 MR. VAUX: Your Honor, I'd like to take the Motion to
18 Quash first because if it's granted the other one ---

19 THE COURT: That's right.

20 MR. VAUX: --- doesn't necessarily need to be heard.

21 THE COURT: It makes sense. All right, Mr. Vaux.

22 MR. VAUX: Your Honor, if it please the court, the
23 defendant Aaron Young moves to quash the indictment because
24 the indictment does not comport and comply with the
25 requirements of state law.

1 Murder is as stated in 16-3-30 at the time is any
2 person killing - is a killing of any person with malice
3 aforethought either expressed or implied.

4 The - Obviously the first part of it is that the
5 defendant didn't kill anybody as evidenced by the decision
6 that was rendered in this building before Your Honor as you
7 announced this morning.

8 THE COURT: Right.

9 MR. VAUX: The problem that we have, Your Honor, a
10 couple fold, primarily is the notice of how the state is
11 proceeding. The problem that we have is that the
12 indictment says that he engaged in mutual combat with
13 Tyrone Robinson. The first thing is, Your Honor, mutual
14 combat is not a criminal offense in this state. Mutual
15 combat is an exclusion to self-defense so he didn't commit
16 an unlawful act there and thereby caused the victim Call
17 Singleton to be shot and killed in the area of Marshland
18 Road.

19 The problem with that is this is not a civil case and
20 causation is not - is not a factor. It's interesting that
21 the factor in the sense that the bullet caused the death
22 but he didn't cause the bullet to be fired into the victim.

23 The law in the United States is long in this area
24 believe it or not though not in South Carolina. Probably
25 the most scintilla case is a case called Commonwealth

1 versus Redline out of Pennsylvania which came down in 1958
2 and that was 391 Pennsylvania 486. In all these cases that
3 I'm gonna cite to Your Honor. I have provided for you ---

4 THE COURT: Okay.

5 MR. VAUX: --- with a copy for the solicitor. And a
6 copy for Your Honor.

7 THE COURT: Thank you.

8 MR. VAUX: That represents, Your Honor, law in every
9 jurisdiction in the United States. And it's interesting
10 because in Redline it is 38, but in Redline it's cited more
11 importantly and closer to home in cases in North Carolina -
12 in a case in North Carolina. The first case in North
13 Carolina - and these cases in North Carolina stands for the
14 same principle as Redline does. The first case in North
15 Carolina is case called *Oxydine* at 122 S.E. 568 which was
16 affirmed and expanded upon in *Bonner* which is 411 S.E. 2d
17 598. Those two cases are found at Tab 33.

18 And they state the law clearly and concisely, Your
19 Honor. In *Oxydine* there was several defendant's, *Bonner*
20 and *Witherspoon*, who joined together with *El'Rico Stewart*
21 and a fellow named *Gainey* to rob a restaurant. And in an
22 attempt to thwart the robbery a off duty police officer
23 acting as a security guard at the restaurant shot and
24 killed *Gainey* and *Stuart* and following the indictments the
25 defendant's were found guilty and the Supreme Court in

1 North Carolina were reversed and said no. It said it is
2 unquestionably the law that where two or more persons
3 conspire or confederate together among themselves to commit
4 a felony each is criminally responsible for every crime
5 committed by his conspirators and furtherance of the
6 original conspiracy in which naturally or reasonably might
7 have been anticipated as a result there from.

8 And in the incident case if the deceased had been
9 killed and shot from Walter Oxidize's pistol each and every
10 one of this confederates would have been equally
11 responsible with him for the homicide.

12 And it is the general rule of law that a person may
13 not be held criminally responsible for a killing unless a
14 homicide were actually or constructively committed by him.
15 In order to be his act it must be committed by his own hand
16 or if someone acting in concert with him or in furtherance
17 of the design.

18 Now, when you get into the causation, Your Honor, in
19 Tab 10 which is the case of Bonner -

20 THE COURT: No.

21 MR. VAUX: I'm sorry. Ten is the Georgia law and
22 that's Jackson. And here's the difference. In Jackson you
23 had a similar situation as to the death of these people.
24 And the court says in Jackson it is 411 S.E 2d, 598 - I'm
25 sorry, not. Jackson is 697, S.E. 2d 757. And the court

1 says this is an easy case for a Georgia Appellate Court.
2 The question presented is what the term causes mean as used
3 in the felony murder statute.

4 A person who commits the offense of murder wherein the
5 commission of a felony he causes the death of another human
6 being irrespective of malice. Then he's caused the death
7 and he can be criminally held responsible.

8 The point of it is, Your Honor, that as stated in
9 Redline which is the point that I think needs to be
10 underscored. They say in Redline this - You can deal with
11 this problem with causation but you do it by going to the
12 legislature and getting the House and the Senate to get
13 together and change the law which is what they did in
14 Georgia.

15 Now how does that come back and impact on us in this
16 indictment? They haven't alleged the common law. They
17 haven't alleged felony murder. They haven't alleged any
18 theory and the theories that they have alleged are in
19 conflict with each other. It's impossible for the
20 defendant to accurately prepare himself when he - he didn't
21 willfully or malice aforethought kill or murder the
22 defendant with a - going into judicial estoppel yet he
23 obviously didn't pull the trigger. He wasn't acting in
24 concert with Tyrone Robinson. They were advisories. They
25 haven't alleged that he committed any kind of a criminal

1 offense because mutual combat isn't a criminal offense.
2 It's an exclusionary rule to the self-defense defense if
3 you will.

4 It's impossible for us to defend the thing. And they
5 need to - They don't be ledge common law - include the
6 common law violation of any sort. And they don't allege a
7 crime under the statute because he did not kill the person
8 and he wasn't working in concert with the person who did
9 kill the person. And it can't be - For that matter it
10 can't be manslaughter or voluntary manslaughter because for
11 all three of those crimes you have to have killed the
12 person.

13 Now, even if you go to the causation factor which I
14 think you shouldn't do, they didn't cause the death. What
15 caused the death was the bullet fired by Tyrone Robinson
16 and the acts of Tyrone Robinson certainly would have been
17 an intervening cause. And so the thing is just, Your
18 Honor, if it were a traffic offense it would be one thing
19 but you have no more serious crime - I'm not sure unless
20 perhaps treason - than the taking of a human life.

21 And it is not something that they ought to be treated
22 and handled with an indictment of this sort.

23 But the law is as we've provided to you in every
24 single jurisdiction. Some have passed statutes. For
25 example Illinois has passed the statute. Georgia has

1 passed the statute. I think Connecticut's passed the
2 statute. But they're all gone in and passed statutes to
3 address the fact that this theory that the solicitor
4 appears to be proceeding on we can't be sure what the
5 theory is but he appears to be proceeding under we can't be
6 sure what's the theory is but it appears to be proceeding
7 under violates the common law as it come from England as it
8 violates the common law as set out by the Supreme Court and
9 haven't alleged the common law.

10 He's alleged that we specifically violated a statute,
11 names the statute. But then says we didn't - He says we
12 violated it but the problem is by his own hand we didn't
13 kill anybody and it's a contradiction.

14 THE COURT: All right, Mr. Vaux, I missed a couple of
15 tabs that you mentioned. I got *Redline* at Tab 38,
16 *Jackson's* Tab 10. There are a couple of other tabs that
17 you mentioned in the twenties.

18 MR. VAUX: Thirty-eight is *Pennsylvania*, Your Honor.

19 THE COURT: That's *Redline*.

20 MR. VAUX: Ten is *Georgia* which is *State v. Jackson*.

21 THE COURT: All right.

22 MR. VAUX: And thirty-three is *North Carolina* which is
23 *State v. Oxydine* and *State v. Bonner*.

24 THE COURT: Okay. All right.

25 MR. VAUX: Now *Redline* cites the *Massachusetts* case.

1 Frankly that goes back to 1863 -

2 THE COURT: Right.

3 MR. FAUX: --- and I thought I would start a little
4 closer in time.

5 THE COURT: That's good.

6 MR. FAUX: And *Redline* is a 1958 case.

7 THE COURT: Right.

8 MR. VAUX: But *Conner* is - is 1992.

9 THE COURT: All right. Yes, sir, Mr. Stone.

10 SOLICITOR STONE: May it please the court, Your Honor.

11 Let me first start by addressing just the general
12 motion under *State versus Gentry* and then later on *State*
13 *versus Myron Samuels* which can be found at 403 S.C. 551.

14 What they talk about in those two cases basically is
15 the sufficiency of an indictment and what needs to be on
16 the indictment in order for the indictment to be the
17 sufficient notice document that in fact it is.

18 And I use *Samuels* because *Samuels* very - I think -
19 succinctly takes their indictment and runs it along side of
20 the *Gentry* rule and says, you know, this is what is
21 sufficient and this is what's not sufficient.

22 What *Samuels* says is that that indictment in that case
23 was sufficient because number one, it showed what crime he
24 committed. Number two, what the date was, where it took
25 place, the naming of the victims, and all of that would be

1 accomplishing two things. Giving you the ability as the
2 trial court to decide what judgment is passed and the
3 defendant with sufficient notice to know the defending is.

4 In this case if you look just basically at the front
5 of the indictment the charge is murder giving you a very
6 good idea about the - obviously the potential sentence in
7 this case would be thirty to life. The date September the
8 1st, 2012, the fact that it occurred on Marshland Drive and
9 Allen Road, Hilton Head, South Carolina, that Khalil
10 Singleton was the victim and that he was killed.

11 What our indictment does, Judge, and I quite frankly
12 its probably a good thing we address this now. It probably
13 gives you more information than was needed or was necessary
14 under either *Gentry* or *Samuels*. And it gets into the law
15 of mutual combat. And I must say that the cases that Mr.
16 Vaux handed up to you seem to all be directed toward the
17 felony murder rule and that's not what the state's going
18 under.

19 What we are going under, Your Honor, is the law of
20 mutual combat. And the cases that I brought today are
21 actually all from South Carolina, and I'd like to go ahead
22 and hand those up to you and then start talking about it if
23 I could. I have copies for Mr. Vaux as well.

24 The first one I will be discussing is *State versus*
25 *Brown*. This case is from 1918, January the 22nd.

1 THE COURT: Thank you.

2 SOLICITOR STONE: The second case will be *Thorough*
3 *Avery Taylor*. This case is from June of 2003. And I am
4 going to skip down, I've got some other cases as well that
5 may be relevant later but I want to also skip to State
6 versus Douglas Arthur Graham. This case from May the 9th
7 of 1973.

8 And first if we could, Judge, go into State versus
9 Brown. What they did in that case it was interesting it
10 was a - it was a strike and there were people that were on
11 one side of the strike and on the other side of the strike
12 and it became a fight. And in the midst of the fight one
13 of the participants brought out his knife and someone at
14 that point said, Mike has his knife out. One person got
15 stabbed and that entire case was tried against five co-
16 defendants all of which under the theory of mutual combat.

17 The jury charge in that case which was the subject of
18 the case itself, and I'll point you to Page 4, the second
19 paragraph on the right column is probably the best
20 description. That everyone is presumed to know the
21 consequences of his act and if one voluntarily enters a
22 mutual combat where deadly weapons are used knowing that
23 they are being used and death results to one of the
24 participating parties everyone engaged in such combat is
25 equally guilty regardless of whether he used a weapon or

1 not. And regardless of whether he was on one side or the
2 other makes no difference. Where all are participating in
3 mutual combat all are equally responsible for the national
4 consequences.

5 Further on that column when it gets to the very bottom
6 it also says "Where people to have a mutual combat they are
7 engaged in an unlawful act. They're all presumed to intend
8 the consequences which naturally flow from one to another
9 from an unlawful act and if one of the participants be on
10 one side himself and the other be slain by participating in
11 the mutual combat all are equally guilty.

12 Now granted this is from 1918, however, Chief Justice
13 Toal in her decision going to *State versus Taylor* the 2003
14 case, makes the statement under the law and analysis on
15 Page 2 the sixth paragraph down "the doctrine of mutual
16 combat has existed in South Carolina since at least 1843,
17 but has fallen out of the common use in recent years."

18 I will agree that this is not something that is
19 commonly used. "The case law does establish that there
20 must be mutual intent and willingness to fight to
21 constitute mutual combat. Citing *State versus Graham* which
22 is the case that I was going to refer to in just a few
23 moments.

24 At that point she also says "whether or not mutual
25 combat exists is significant because the plea of self-

1 defense is not available." That does not mean that it's
2 not the crime itself or the motive of the crime or - It
3 simply says that if you're involved in mutual combat you
4 can't claim self-defense. I would agree with that. I
5 would agree from the standpoint of the defense that that is
6 certainly a bar to self-defense. But that's not all it
7 does. And I think in order for you to hold that that's all
8 it does we have to ignore the Chief Justice's first
9 statement in which she says that it has been around since
10 1843 and the facts in *State versus Brown*.

11 The question of whether or not its voluntary
12 manslaughter or murder gets answered in *State versus*
13 *Douglas MacArthur Graham*, 1973. The first page of that at
14 the very bottom paragraph over to the right it references
15 *State versus Andrews*. We held in *State versus Andrews* that
16 where two persons mutually engaged in combat and one kills
17 the other and at the time of the killing getting
18 maliciously done it is murder. If it is done with sudden
19 heat and passion upon sufficient provocation without
20 premeditation or malice it is manslaughter.

21 So from that standpoint it outlines the difference
22 between murder and manslaughter using the theory of mutual
23 combat which is what we're going on today.

24 The only addition to that from a legal standpoint is
25 the concept of transferred intent. If a number of people

1 are shooting and they are responsible for killing someone
2 or if there's somebody else being killed in that mutual
3 combat then clearly they would be under the transferred
4 intent doctrine also responsible for killing an innocent
5 child that happens to be somewhere around. That is the
6 only difference in the cases that I read to you. *State*
7 *versus Brown, MacArthur* and the rest of 'em than if what we
8 have here.

9 Its additional - It's the addition of transferred
10 intent. Other than that the mutual combat is the same and
11 I believe that is the theory that is the proper way for us
12 to go forward. And that's what I put in the indictment.

13 MR. VAUX: May I be heard, Your Honor?

14 THE COURT: Yes, sir, please.

15 MR. VAUX: The problem the solicitor's got is that
16 other than the first case he cited which is a Greenville
17 County case as I recall, the defendant killed the other
18 person and in this case the defendant didn't kill anybody.

19 In the Greenville case they couldn't figure out who
20 killed him and one fellow that was killed and all these
21 people over here were charged. And the jury had the
22 opportunity to figure whether one killed him or all killed
23 him or what have you. Here we have the person who killed
24 the child. And so all these cases are distinguishable.

25 And transferred intent, Your Honor, requires - it

1 doesn't fit the build here because it transfers the intent
2 from one person to another. You can't transfer the intent
3 if it's not foreseeable that your co-felon is gonna do
4 something. It just doesn't fit.

5 THE COURT: Mr. Voux, I'm looking at the Brown case
6 and it talks about mutual combat as you know. But one of
7 the things that it says is that if two persons or two
8 groups of people are fighting in mutual combat and deadly
9 weapons are used, and everybody knows that deadly weapons
10 are being used, and death results to one of the
11 participating parties, it doesn't matter which side as I
12 read the case, could be on the side of the person who is
13 killed or on the side of the person who's doing the killing
14 because that's what the case says, it makes no difference
15 as to whether the shooter was on one side or the other if
16 all of them are out there participating then all are
17 equally responsible.

18 So if we just look at that part and it seems that
19 without transferred intent of course which is what carries
20 this case to little Khalil that if the Young's and Mr.
21 Robinson are out there shooting at each other that if
22 either one of them got shot and killed that everybody would
23 be guilty under mutual combat. Do you read that into that
24 case?

25 MR. VAUX: Your Honor, I think I understand what

1 you're saying. I think I agree with you. The word that
2 you used that distinguishes Brown from us is you said
3 participating parties.

4 THE COURT: Right.

5 MR. VAUX: Now, there's no question but the fact that
6 if Aaron Senior had gotten shot ---

7 THE COURT: Right.

8 MR. VAUX: --- then everybody would be responsible.

9 THE COURT: Right.

10 MR. VAUX: Okay. But that's not what happened.

11 THE COURT: Right.

12 MR. VAUX: Okay. We have an unrelated uninvolved
13 unparticipating third party.

14 THE COURT: Right.

15 MR. VAUX: And we know who killed this unparticipating
16 third party.

17 THE COURT: Right.

18 MR. VAUX: So it's totally distinguishable. And I
19 think the word that you read that's absolutely vital ---

20 MR THE COURT: Right.

21 MR. VAUX: --- is that a participant - I think the
22 phrase

23 MR. VAUX: I know you used the word participate.

24 THE COURT: That's what it is. You're right.

25 MR. VAUX: And that's the whole key.

1 THE COURT: Right. And of course that is the
2 distinguishing feature without a doubt. Mr. Stone is
3 stating that the doctrine of transferred intent then
4 expands that from participating parties to innocent
5 bystanders. And of course that's - that requires an
6 extrapolation in the extension from what these cases say to
7 reach that conclusion obviously.

8 MR. VAUX: That's a long reach. There is no law to
9 that affect. He hasn't presented any this afternoon and I
10 haven't been able to find any.

11 THE COURT: Right.

12 MR. VAUX: And how was it foreseeable that a non-
13 participating person would be shot and killed.

14 SOLICITOR STONE: May I hand one other case up to you?
15 And I apologize it didn't get that far.

16 THE COURT: All right.

17 SOLICITOR STONE: This is State versus Porter from
18 1977.

19 THE COURT: Okay. All right, Mr. Stone.

20 SOLICITOR STONE: This one, Your Honor, actually
21 involved a deceased who is not a participant. I want to
22 make sure that I get the characters - and they move back
23 and forth a couple of times with the people - but this was
24 a argument over somebody's - it was apparently a rural
25 farming community. It's an argument over some pigs that

1 had escaped from one property to another and the defendant
2 and the deceased had quarreled and threatened each other.

3 But - Well let me see. Let me make sure this is
4 . . . And I apologize, I should have read this out. Moore
5 is the actual victim in this case. Moore was as they
6 determined it. Moore and Emmett Williams were all
7 strangers to the Appellate. They were there simply - And I
8 believe you had basically a fight in which two people were
9 shot. One, Slagel not being shot particularly badly,
10 however, Moore is severely wounded.

11 And the question there became that one defendant
12 claimed self-defense against the other defendant and the
13 issue - And it's very interesting when the issue became
14 whether or not you could use transferred intent for self-
15 defense. In other words two people are shooting at each
16 other, one claims I shot back in self-defense, I missed and
17 hit an innocent bystander and killed them and I want to be
18 able to say that I had a self-defense.

19 The court says in that case that the self-defense -
20 that self-defense has to come from the victim and that that
21 transferred intent was not allowed. However in the case it
22 was a mutual combat case and it involved the death of
23 someone who is not a participant as far as the gun. In
24 fact what I think even on the over view, the first page,
25 the plead to self-defense was not available to the

1 defendant because he was engaged in mutual combat, again
2 referencing the existence of that theory.

3 MR. VAUX: The problem we've got with that one, Your
4 Honor, he was on Page 2 of the pleadings, in the right hand
5 column and the last full paragraph it says the legal theory
6 is recognized in some jurisdictions to absolve the
7 defendant who injures an innocent third party while
8 attempting to defend himself from bodily harm.

9 That's not the facts were have here. And he's talking
10 about transferred intent there. The other problem they
11 have, again, Your Honor, is -

12 THE COURT: I'm sorry. Mr. Vaux, point me to where
13 you're reading cause I'm looking at those cases and I want
14 to make sure that I -

15 MR. VAUX: All right. I assume we're still talking
16 about Porter. And on Page 2 ---

17 THE COURT: That's right. Yeah.

18 MR. VAUX: --- right hand column, the next to the last
19 paragraph or the last full paragraph on that page. It
20 starts off Appellate asserts error on part of the trial
21 judge for refusing to charge transferred intent.

22 THE COURT: Right.

23 MR. VAUX: So the fact situation you have and they're
24 engaged in mutual combat and A injures C and says wait a
25 minute you can't get me cause I plead self-defense from B.

1 That's not the facts we have here. Tyrone Robinson was
2 convicted. And what they're talking about there is - What
3 they're talking about there is the perpetrator is the one
4 who hurt the person not the other person so you have the
5 self defense.

6 And let me bring out the fact that Mr. Young did not
7 participate in the actual act that killed the child. But
8 I go back to the same thing that I hope Your Honor hadn't
9 lost sight of. We've been talking about self-defense. In
10 everyone of these things you can't use self-defense. Self-
11 defense is not available to you. That's not the situation
12 that we have here.

13 THE COURT: Just as an aside, it seems to me that I've
14 seen Porter before. I may have seen it when I tried
15 Robinson. It's my recollection is that I charged the jury
16 in that case as transferred intent in the law of self-
17 defense in that regard did I not?

18 I got some notes that reflect that I drafted a charge
19 in that regard. I don't know. And the only reason I
20 mention that is because I would not have done it in the
21 face of a clear holding of our court that I couldn't do it.
22 And what Porter says is that we don't need to pass on the
23 viability of this theory because we think Appellate got a
24 better charge anyway.

25 And what I'm trying to determine is whether or not by

1 putting these various cases together I can try to
2 understand the theory of the law or the theory of the
3 courts more correctly in applying to this unique situation
4 that we apparently have or that we do have, that is not the
5 hand of one being the hand of all in the traditional sense
6 but co-conspirators or aiders and abettors getting together
7 and committing a crime that results in the death of
8 somebody caused by a shooter making all the aiders and
9 abettors equally guilty.

10 We do have the - of that as you've said, Mr. Voux, we
11 have people engaged in shooting at each other which
12 obviously brings the law of mutual combat into play.

13 And so the narrow question is whether any mutual
14 combat the non-shooter can be held accountable if an
15 innocent party is killed. Now the cases are pretty clear
16 that you all have given me here that if a combatant is
17 killed then it doesn't make any difference which side the
18 shooter was on and which side the victim was on everybody
19 who was out there involved is guilty.

20 So in our case, the *Porter* case I think it is, is a
21 case which says our court has not acted on that yet. We
22 have not yet decided whether or not the defendant is
23 absolved while defending himself injuring an innocent third
24 party. And so I guess what I'm gonna have to do is read
25 some of these cases you've handed me, Mr. Vaux, and the

1 cases that Solicitor Stone has handed me to see if I can
2 get some sensible legal theory on one side of that issue or
3 another which makes the transferred intent doctrine
4 applicable in mutual conduct or which says no it cannot be
5 and should not be. And that of course is why you've cited
6 the Redline case and the others.

7 The Redline involved of course a policeman who shot
8 one of the two participants in a robbery and whether or not
9 in that particular case transferred intent or felony murder
10 would apply more directly.

11 Frankly it is as I see it it's a case of first
12 impression unless somebody can show you another situation
13 that is a little bit more on point than the ones that you
14 have shown me so far.

15 Another issue that deals with the efficiency of the
16 indictment itself Mr. Stone has raised in Mr. Vaux's motion
17 and it comes about as a result of that case that came out a
18 couple of weeks ago, State versus Baker which came down on
19 the heels of State versus Chavis I think which was a case
20 that now we're at the trial level and we're all trying to
21 decide what happens if we've got an expert witness
22 testifying in a criminal sexual conduct with a minor case.
23 And in that particular case we had plurality opinion, two
24 folks agreeing, a third one agreeing in the result which
25 got the case reversed, two others dissenting.

1 And the *Baker* case came out on the issue of course of
2 the sufficiency of the indictment and whether or not it was
3 acceptable to expand the time period with in which one
4 could be charged with CSC with a minor. And in that case
5 one of the things that created some confusion, I had that
6 case on my computer earlier, I don't have it in front of me
7 right now, was a case in which - And in the dissent Chief
8 Justice Toal writing the dissent, saying that the majority
9 had improperly conflated which is a word that we see more
10 and more of in Supreme Court and Court of Appeals opinions
11 any more - they conflated which is a polite way of saying
12 they got real confused on the issue of whether the
13 indictment was sufficient notice which was not what the
14 *Baker* case said entirely.

15 It said that in part because it cited *Gentry*. But
16 more than that it said expanding the dates in the
17 indictment made it virtually impossible for the defendant
18 to be able to defend himself by raising the defense of
19 alibi because now he would have to have an alibi for a much
20 greater period of time several years back behind the
21 original charge. And they said that that was enough reason
22 in itself to grant a reversal.

23 The Chief Justice said that's not an issue for the
24 sufficiency of the indictment. Whether or not the strategy
25 of the defense is made more difficult by the wording of the

1 indictment doesn't make any difference as long as - as long
2 as those points which you in Gentry had mentioned are in
3 place in the indictment.

4 Well, the majority spoke to that part of the dissent
5 which said that in fact it is an issue that they took into
6 account. Not only whether the indictment was proper notice
7 under *Gentry* but whether or not it made the defense more
8 difficult on the alibi. Of course the dissent said the
9 defendant had never raised a defense of alibi. The
10 majority opinion raised it for the first time.

11 And so that - I think that kind of focuses in on the
12 part of Mr. Vaux's argument here is what's he defending
13 against. He's saying that he doesn't know what he's
14 defending against so he can't be defending against a murder
15 for the shooting of Khalil Singleton because he didn't
16 shoot him and so what is he defending against.

17 In your argument, Mr. Stone, you made it perfectly
18 clear what he's defending against. He's defending against
19 mutual combat. And of course that's referred to in the
20 indictment itself. So the long and the short of it is I
21 need to look at these cases that you all have cited. I'm
22 somewhat familiar with *Redline* and I'm familiar with
23 *Porter*, I've seen it before, to see as I have said whether
24 or not there's some legal theory in these points which maps
25 a clear path for me to follow in deciding whether or not

1 the doctrine of transferred intent applies in the case of
2 mutual combat when an innocent third party is killed in
3 that -

4 SOLICITOR STONE: And for whatever it's worth, Your
5 Honor, I think that's exactly the issue. And I think it
6 might very well be and unfortunately welcome back to
7 Beaufort County where we have these law review issues and
8 coming up every time. But I think that's exactly what it
9 is. I cannot find a case directly on point that included
10 both transferred intent. It just seems to me that it would
11 be very difficult to understand how if multiple people are
12 shooting at each other and someone in the group is killed
13 and everyone's responsible how they would also not be
14 responsible if an innocent third party was shot.

15 And I think if this is something that has to go up and
16 I assume that it would to the Supreme Court ---

17 THE COURT: Right.

18 SOLICITOR STONE: --- my position is I don't know that
19 there is any case law directly on point but it is
20 unsatiable how that could not be the case. And so from
21 that standpoint that's how we're going forward and that's
22 been our intent all along. We do not allege that Aaron
23 Young Junior or Senior fired the bullet that killed Khalil.

24 THE COURT: Sure.

25 SOLICITOR STONE: Our theory is that they were involve

1 din mutual combat. They were armed, they knew they were
2 armed, and they knew both parties were armed and that as a
3 result of that - And in fact if you look at Brown which I
4 also found was interesting, Brown even said - and I think
5 they're going back to the concept that five people were
6 indicted, five people were charged in mutual combat, but
7 only one had a knife.

8 THE COURT: Right.

9 SOLICITOR STONE: Because they say in Brown it doesn't
10 even matter if they used the weapon or not, if they knew
11 they were armed and the knowledge in that case was inferred
12 to everybody by somebody saying Mike's got his knife out.

13 So anyway, I just wanted to be very clear on that
14 because I think it is a matter of first impression. I
15 think it is something that would probably have to be
16 reviewed by the Supreme Court. But I think it would be
17 infantumable if that's not the case.

18 THE COURT: All right.

19 SOLICITOR STONE: Thank you.

20 THE COURT: Thank you.

21 MR. VAUX: Your Honor, two things. One is it's not
22 foreseeable. And the second is in Brown - and I quote from
23 the first page, paragraph number seven, "everyone engaged
24 in such a combat is equally guilty regardless of - as to
25 whether or not - as to whether he used a deadly weapon or

1 not and regardless as to whether he was on one side of the
2 building makes no difference and when all are participating
3 in mutual combat all are equally responsible for the
4 natural consequences.

5 Well, all the people were engaged in the mutual
6 combat. And the point of it is, Your Honor, is that they
7 can't use self-defense against each other because it's -
8 mutual combat is a self-defense defense court ruling.

9 THE COURT: Right.

10 MR. VAUX: Well, A, B, and C are on one side and D, E,
11 F are on the other and they're fighting. Well one side
12 could claim self-defense against the other one. But the
13 mutual combat says you can't do that and that's the point.
14 And the point is again, and they used it twice in that
15 sentence, all are participating so you exclude the self-
16 defense.

17 THE COURT: Right.

18 MR. VAUX: And that's the whole point. Khalil
19 Singleton I haven't heard any allegation he was
20 participating in any way.

21 THE COURT: All right. And I'm trying to make sure
22 that there is a clear connect between the fact that all are
23 participating on one hand which makes them all equally
24 responsible and thereby takes away self-defense.

25 I'm trying to decide whether that same theory also

1 takes away transferred intent. That's the main thing.

2 MR. VAUX: And I thank you.

3 THE COURT: All right. Gentlemen, you all have given
4 me enough - Well you've given me everything there is.

5 SOLICITOR STONE: I think so. By the way, that's our
6 jury charge request. That's why I wanted to go ahead and
7 get that out there just so that --

8 MR. VAUX: Well the jury or -

9 SOLICITOR STONE: The Brown case.

10 THE COURT: State versus Brown.

11 SOLICITOR STONE: And I'll print it up separately.

12 THE COURT: Okay.

13 MR. VAUX: I would respectfully remind the court that
14 that went up on the charge on the facts.

15 THE COURT: Okay. And we'll deal with that if the
16 need should arise at a later juncture. But in any event,
17 Mr. Vaux, I'm gonna have to read over night - A whole lot
18 you've given me cause I have simply skimmed these today,
19 but I will read those four cases over night and be prepared
20 to rule on this tomorrow before we open before the jury is
21 sworn. All right.

22 Now, does that get us to the *Jackson v. Denno* issues?

23 SOLICITOR THORNTON: Your Honor, I've got another issue
24 that I always hesitate to say that something may be short.
25 I'm hoping so if the court will hear that one or entertain

1 that motion and then we can move into the *Jackson v. Denno*.

2 THE COURT: Okay.

3 SOLICITOR THORNTON: This is maybe an unusual request,
4 Your Honor. I'm not sure that Mr. Vaux is going to attempt
5 to get into this, but in case he does I'd like to go ahead
6 and take care of that now.

7 Your Honor, there has been - obviously there were some
8 quotes in the paper when all this first came out. I
9 believe even the sheriff was ask about the new charge, the
10 charge being murder on Khalil Singleton by the Young.

11 And investigators obviously are discussing in the
12 interview which you'll see on the *Jackson v. Denno* which is
13 why I wanted to kind of touch on this now in a few minutes
14 about whether they think that the Young's should have been
15 charged or what the charges are likely to be.

16 And I wanted to ask the court to preclude Mr. Roberts
17 from asking any law enforcement offices about what they
18 thought the charge should be or what they felt like was the
19 appropriate charge at the time or whether they intended to
20 charge the Young's with murder.

21 Going off - I'd like to hand these up, Your Honor, I'm
22 going off of several cases. *State versus Commander* which
23 is 396 S.C. 254, 2011 case and it cites *Dawkins v. Fields*
24 which is 354 S.C. 58, it's a 2003 case. If I could I will
25 hand those up to the court and I'll also hand them to - a

1 copy to Mr. Vaux.

2 THE COURT: Okay.

3 SOLICITOR THORNTON: And I apologize, Your Honor, I
4 grabbed the wrong stack. Basically, Your Honor, any
5 comment by - I'll try to keep it brief - under both those
6 cases I've just cited into the record it is invading the
7 judge's providence as far as what the law is of the case
8 for someone to ask a law enforcement officer or anybody
9 else for that matter what the proper charge for someone is
10 to be.

11 Charges are something that you determine and you after
12 hearing arguments from both sides and seeing all the facts
13 in the case, you were the one or who is the sole judge of
14 the law in the case and instructs the jury on what the law
15 is and if you felt that the law was not appropriate for
16 instance that mutual combat doesn't apply then you would
17 direct a verdict. And that would be an improper - improper
18 interference with your role as the judge of the law in the
19 case.

20 And again I don't know that Mr. Vaux is gonna go into
21 that but I did want to go ahead and touch base on it now
22 and get that out of the way and get a limiting instruction.
23 I do not think its appropriate any more for Mr. Stone or
24 Mr. Vaux to say what in their opinion the charge on the law
25 should be. That's for Your Honor to decide.

1 THE COURT: All right. Let me see if that's gonna be
2 an issue first then I'll read these cases.

3 SOLICITOR THORNTON: Yes, sir.

4 THE COURT: Mr. Vaux.

5 MR. VAUX: Well, Your Honor, I had no plans on asking
6 the officers what their thoughts are as to what the charge
7 would be - charges. It's interesting being used to two
8 different sentences here, one in the charge, your charge to
9 a jury on the law and the other being charges placed
10 against the defendant. I certainly would never ask a
11 witness what he thought the judge's charge ought to be. I
12 might ask Your Honor but I wouldn't ask the witness.

13 The reason I'm hesitating and quivocating is that in
14 some of these statements, and I'm not sure whether it was
15 in Young Junior or not, the officers says things like I
16 know you didn't kill the boy I know you're not guilty of
17 that. If he gets on the witness stand and in fact said
18 something like that I think that's fair game for me to ask
19 him.

20 THE COURT: Of course once the case begins to unfold
21 then I'm not gonna issue a script or an advisory opinion in
22 that regard. I think the point however in trying to elicit
23 on unplowed ground whether or not the charges in the
24 indictment is properly brought or not is - that shouldn't
25 be done as a practical matter of course in spite of what

1 Young Senior was told he got charged anyway so - as I
2 recall so whether the officer was serious about that a
3 great deal of controversy erupted around that particular
4 exchange well over a year ago when we were just starting
5 down this road.

6 But I agree, whether the charges are properly brought
7 is a matter of law and that's not something that should be
8 elicited. And I don't think it's gonna have an
9 approbative value. First of all arguably it would intrude
10 in the providence of the court, ultimately it would intrude
11 into the jury's providence as well. The jury is going to
12 decide ultimately if it has a charge sent to it at the end
13 of the day whether or not it was a proper charge.

14 MR. VAUX: Co-counsel reminds me of something that
15 could conceivably come up, Your Honor. I think this is a
16 third time that the defendant could have been indicted and
17 I hadn't thought about bringing up the fact that they had
18 been indicted and then nol. prosed and indicted again and I
19 guess nol. prosed and indicated again.

20 THE COURT: The indictments of course are not evidence
21 as I always instruct the jury and as I instructed them
22 today as well. They are just what we were arguing a while
23 ago and arguing in the earlier motion notice documents and
24 whether a notice is proper of course is a matter of law.

25 So unless there is some real good reason to trod down

1 that road -

2 MR. VAUX: I don't intend to, Your Honor.

3 THE COURT: All right. Thank you.

4 MR. VAUX: But if one of the officers says in this
5 statement I can't - As I said I can't remember whether he
6 does or not - if he said something like Aaron, I know you
7 didn't kill the boy, I think that's fair game.

8 THE COURT: As long - The problem is of course
9 everybody concedes that Aaron did not fire the fatal shot.
10 The question is whether or not under the legal theories he
11 is accountable for the death of Khalil. And how that is
12 addressed and how that is conveyed to a jury in such a
13 manner as to prevent misleading the jury would be a real
14 symantic tight rope it would have to go down when it gets
15 to that point.

16 You know and it would require quite frankly a curative
17 instruction from me if that is solicited. As I have
18 already told the jury this morning in provocation Mr.
19 Robinson has been convicted of a federal charge and of the
20 murder in that regard. That's not what brings Mr. Young
21 into court. What brings him into court is this whole
22 conflation of these other issues that we're dealing with.
23 So I'd have to make sure that the jury is not misled by
24 that line of questioning into thinking that just because
25 somebody else fired the fatal shot that as a matter of law

1 that is a defense to the charge, a complete defense to the
2 charge and he can't be charged with murder under those
3 circumstances. So hopefully we won't - If you all would
4 just confine your confusion to me and let me deal with the
5 confusion so we won't deal with the judge - I mean the jury
6 being confused. I'm confused enough already. All right.

7 SOLICITOR STONE: Thank you, Your Honor.

8 THE COURT: Let's go to the next one.

9 SOLICITOR THORNTON: Yes, sir, the state's ready to go
10 ahead with the *Jackson v. Denno* at this time.

11 THE COURT: All right. You want to call your witness?

12 SOLICITOR THORNTON: Doug Seifert.

13 THE COURT: Mr. Seifert, come forward please and be
14 sworn.

15 (WHEREUPON, THE WITNESS BEING
16 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

17 MADAM CLERK: Please be seated and state your name.

18 A. Investigator Doug Seifert.

19 DIRECT EXAMINATION - IN CAMERA

20 INVESTIGATOR DOUG SEIFERT BY SOLICITOR THORNTON:

21 Q. Investigator Seifert, who do you work for?

22 A. Beaufort County Sheriff's office.

23 Q. And did you work for them on or about September the
24 1st of 2012?

25 A. Yes, sir.

1 Q. And did you have the occasion to respond out to any
2 particular scene on that day?

3 A. Yes, sir.

4 Q. All right. And where did you go?

5 A. I went to the intersection of Gumtree Road and US
6 278, sir.

7 Q. And was the defendant Aaron Young, Junior at that
8 intersection?

9 A. Yes, sir.

10 Q. And where was he when you first pulled up when you saw
11 him?

12 A. He was in the back of a patrol car which would be
13 Corporal Garcia's.

14 A. All right. And is there anything unusual about
15 Corporal Garcia or the car that Corporal Garcia was
16 using that day?

17 A. Yes. He actually had his shift car that day.

18 Q. And what does that mean?

19 A. It's not his assigned vehicle that he has on a daily
20 basis with his shift.

21 Q. And on September the first, 2012 did the car used by
22 Garcia did it have audio video capabilities?

23 A. Yes, sir.

24 Q. Okay. Did the shift car that Aaron Young, Junior was
25 in the back of, was there audio recording going on?

- 1 A. No, sir.
- 2 Q. And I'm sorry if I ask an awkward questions. Not
- 3 Garcia's car, the car Garcia was using?
- 4 A. Correct.
- 5 Q. Okay.
- 6 A. Correct.
- 7 Q. So at some point did you speak with Aaron Young,
- 8 Junior?
- 9 A. I did.
- 10 Q. Now let me ask you a quick question. Did you also
- 11 that day speak with two other people who had been riding
- 12 with Aaron Young, Junior?
- 13 A. Yes, sir.
- 14 Q. And when I say riding with I mean in the same vehicle?
- 15 A. Yes, sir.
- 16 Q. And was one of those persons Aaron Young, Senior?
- 17 A. Yes, sir.
- 18 Q. And was the other one a Miss Ebony Campbell?
- 19 A. Yes, sir.
- 20 Q. Now did you issue Miranda warnings to any or all of
- 21 these people?
- 22 A. All three of them, sir.
- 23 Q. Now as to Miss Campbell and Mr. Young, Senior, was
- 24 your Miranda recorded in some fashion?
- 25 A. Yes, sir.

1 Q. And was that recorded inside the back of patrol cars?

2 A. Yes, sir.

3 Q. And were those cars different than the one that Aaron
4 Young, Junior was in that day?

5 A. Yes, sir.

6 Q. So just to go back again, is your Miranda of Aaron
7 Young, Junior was it recorded in this shift car?

8 A. Yes, sir.

9 Q. And did it have the ability to be recorded in the
10 shift car?

11 A. Yes, sir.

12 Q. All right. Did you at some point attempt to talk to
13 Aaron Young, Junior?

14 A. Yes, sir.

15 Q. And did you use a Miranda form or did you do it by
16 memory or how did you do it?

17 A. I had a card.

18 Q. A card. Do you have the same card with you?

19 A. I do, sir.

20 Q. And could you pull it out for me? And would you
21 please read the rights as you read them to Aaron Young,
22 Junior on that day?

23 A. "You have the right to remain silent, anything you -
24 that you say can and will be used against you in a court of
25 law. You have the right to an attorney if you can't afford

1 an attorney one will be appointed for you. Do you
2 understand these rights I explained to you?"

3 Q. And did Mr. Young, Junior are those the rights that
4 you read to him?

5 A. Yes, sir.

6 Q. And did Mr. Young, Junior, the defendant in this case,
7 did he appear to understand those rights?

8 A. Yes, sir.

9 Q. Did he appear to be under the influence of any
10 alcohol or drugs to the extent that he couldn't understand
11 you or converse with you?

12 A. No, sir.

13 Q. Once you gave him those rights and advised him of
14 those, by the way, did you threaten him in any way to get
15 him to talk to you?

16 A. No, sir.

17 Q. Did you promise him anything?

18 A. No, sir.

19 Q. Did he after you read those rights to him did he
20 say anything to you at all?

21 A. Yes, sir.

22 Q. All right. What if anything did you ask him once you
23 Mirandized him?

24 A. Mr. Young, Junior stated that he was getting dropped
25 off at work by his father. He also - I ask him about the

1 shooting that was down at the Allen Road area.

2 Q. And did he make any response?

3 A. He did.

4 Q. And what was that?

5 A. He stated it was just a thing. I did not know what
6 that meant so I ask him what that meant. And then he
7 stated that was between him and Tyrone Robinson.

8 Q. And did he - Did you attempt to interview him any
9 more at the intersection or did he make any other
10 statements to you at the intersection?

11 A. Yes, sir.

12 Q. While you were there he was - you indicated he was
13 in a car - shift car driven by Garcia; is that correct?

14 A. That's correct.

15 Q. Did anyone threaten him in any way during your - in
16 your presence?

17 A. Not in my presence, sir.

18 Q. And did anyone promise him anything while in your
19 presence?

20 A. No, sir.

21 Q. Did you make a decision at that point to continue
22 talking with Mr. Young, Junior, or to send him somewhere's
23 specific?

24 A. We decided to take him to the Hilton Head office which
25 is our branch office.

1 Q. And what was the purpose of that?

2 A. For many reasons. Where we were actually at we were
3 at there due to a lot of the traffic capability of, you
4 know, interview rooms, things like that. And also it was
5 just me as an investigator that - -

6 Q. And did you - Do you have an interview room that has
7 audio and video?

8 A. Yes, sir.

9 Q. All right. And do you know, and if you don't fine,
10 but do you know whether or not Mr. Young, Junior, was
11 talked to subsequent to that by anyone else?

12 A. I'm aware of that yes, sir.

13 Q. All right. And who if anybody talked to Mr. Young,
14 Junior?

15 A. That would be Sergeant Laurel Alberton.

16 Q. And did she perform the vast majority of the rest of
17 the interview to your knowledge?

18 A. Yes, sir.

19 Q. And was - Is that something that's recorded that
20 you've seen in preparation for this case?

21 A. Yes, sir.

22 Q. Excuse me. Now, did - to your knowledge did Sergeant
23 Alberton or anyone else in between leaving you and then
24 driving to the - where is it again?

25 A. The Hilton Head office?

1 Q. Yes, sir. Did he get mirandized again or was your
2 Miranda the one that people were using?

3 A. My Miranda was the one I used.

4 Q. And did you let anyone know that you had Mirandized
5 Aaron Young, Junior?

6 A. Yes, sir.

7 Q. And who did you tell that to?

8 A. Captain Brummage, Sergeant Alberton, Staff Sergeant
9 - I'm sorry, Wendy Conant and I believe that's it.

10 Q. All right. And to your knowledge at some point does
11 Aaron Young, Junior does he also talk with other officers
12 while at the Hilton Head office voluntarily?

13 A. Yes, sir.

14 Q. Okay.

15 SOLICITOR STONE: Your Honor, the court's indulgence
16 please just a moment.

17 THE COURT: All right.

18 SOLICITOR THORNTON: Thank you. I don't have any
19 further questions. Your Honor, just for yourself and for
20 Mr. Vaux's knowledge, what I will do is I have several - as
21 with any statement, Your Honor, especially as one as
22 extended as this there are certain clips of it that we will
23 introduce especially in light of some recent Supreme Court
24 cases that Your Honor knows about, so what I will do is
25 introduce those through Sergeant Albertin.

1 THE COURT: Okay.

2 SOLICITOR THORNTON: And then to the extent that Your
3 Honor needs to see the complete interview which is some
4 three hours long I have that behind this. But that part
5 will be transcribed. I will not seek to introduce it until
6 Sergeant Albertin gets on the stand. That's all I have at
7 this time.

8 Please answer any questions --

9 THE COURT: Mr. Vaux, you can cross-examine.

10 CROSS-EXAMINATION - IN CAMERA

11 INVESTIGATOR DOUG SEIFERT BY MR. VAUX:

12 Q. Detective Seifert, is it standard policy at the
13 sheriff's department that you orally mirandize people or if
14 you're not on video audio that you have them sign and
15 initial that they were read their rights?

16 A. It depends. There's situations that if they're
17 handcuffed or anything like that its just a verbal. As far
18 as anything on paper no, no, sir.

19 Q. Okay.

20 MR. VAUX: I have no further questions of this
21 witness. It might be helpful and less time consuming if
22 the solicitor would give us the written excerpts that they
23 wish to use. I would be more easily able to see if there
24 are complete/incomplete, out of context, what have you.
25 Not that I think they would do any of those things.

1 THE COURT: All right.

2 MR. VAUX: Otherwise we're gonna be sitting here and
3 I'll have to watch each one and look back and forth on the
4 pages.

5 SOLICITOR THORNTON: Your Honor, what I can do is
6 this. I can go ahead and I can play it right now. I can
7 get a printout for him of what our transcription is in case
8 he has any issues with errors. But I can go ahead and get
9 that done for him today so that in the over night he's got
10 time to do that. What we're playing I can assure you it's
11 not complete in the sense of the complete interview because
12 I don't think - I know for a fact its not admissible -

13 THE COURT: Right.

14 SOLICITOR STONE: --- in it's entirety. We have
15 certainly pulled clips that we think are relevant. I don't
16 think there's anything that could be argued that would be
17 out of context and if Mr. Vaux wanted to introduce parts of
18 it that we don't he's certainly able to do that.

19 But I'm happy to play the part that we have.

20 THE COURT: Right now of course we're talking about -
21 we're concerned more about voluntariness than anything
22 else.

23 SOLICITOR THORNTON: Yes, sir.

24 THE COURT: And so, Mr. Vaux, do you wish to cross
25 examine him any more on the voluntariness? That is the -

1 MR. VAUX: No, sir.

2 THE COURT: --- completeness of the Miranda and
3 things of that nature?

4 MR. VAUX: No, sir.

5 THE COURT: All right. Since right now I'm afraid
6 they're gonna have that transcript but let's try to go
7 through the way they're gonna do it. Just show me the
8 clips that you intend to offer; is that fair?

9 SOLICITOR THORNTON: Yes, sir.

10 THE COURT: Is that what you're gonna do?

11 SOLICITOR THORNTON: Yes, sir, Your Honor.

12 MR. VAUX: Can they at least tell us the page and
13 lines from the transcript that they plan on using?

14 SOLICITOR THORNTON: I can, Your Honor.

15 THE COURT: Okay. Do you have -

16 SOLICITOR THORNTON: The transcript is actually built
17 into this. As they watch it if they - and I can get it or
18 if the court wants to take a five minute break I can get it
19 printed. Makes no difference to me, Judge. I'm happy to
20 do it either way.

21 THE COURT: Well if you can get it in five minutes
22 let's do that. That will probably be the best way to spend
23 that five minutes.

24 SOLICITOR THORNTON: Yes, sir. I'll have it for you
25 in just a few minutes, Your Honor.

1 THE COURT: Okay. We'll stand down for about five or
2 ten minutes or however long it takes.

3 (COURT IN RECESS AT 04:55 P.M..)

4 (COURT BACK IN SESSION AT 05:15 P.M..)

5 THE COURT: All right, can we get Detective Seifert
6 back on the stand, please.

7 SOLICITOR THORNTON: Your Honor, I apologize, I have
8 talked to Mr. Vaux, and Mr. Seifert, we allowed him to go.

9 THE COURT: Okay.

10 SOLICITOR THORNTON: And I can get him back here if I
11 need to but -

12 THE COURT: If you all don't need him I don't need
13 him.

14 SOLICITOR THORNTON: Yes, sir. Thank you very much,
15 Judge.

16 THE COURT: Okay.

17 SOLICITOR THORNTON: Your Honor, at this time I've
18 given - would you like a copy, Your Honor, to follow along
19 with?

20 THE COURT: Yeah, if you would.

21 SOLICITOR THORNTON: Yes, sir. I've given Mr. Vaux
22 two copies of it.

23 THE COURT: Thank you. All right, thank you.

24 SOLICITOR THORNTON: Yes, sir.

25 THE COURT: Your Honor, at this time we're just gonna

1 go ahead and publish - and these would be the - this would
2 be the portion of the interview, Judge, that we would seek
3 to introduce that we feel like it is admissible based on
4 all the rules of evidence.

5 THE COURT: Okay.

6 MR. VAUX: Are you gonna take 'em up one by one or
7 how do you want to do it?

8 THE COURT: Let's just go through and however you all
9 can - -

10 SOLICITOR THORNTON: Yes, sir. We'll just go through,
11 it's - like I said we'll just go through each clip, Judge,
12 and go through them in their entirety would be and if
13 there's an argument to be made then we'll deal with it at
14 that time.

15 THE COURT: Okay. All right.

16 (AUDIO/VIDEO INTERVIEW OF DEFENDANT AARON YOUNG,
17 JUNIOR PUBLISHED TO THE COURT AT 05:16 P.M..)

18 THE COURT: Is this just a monolog? Is he in a room
19 by himself?

20 SOLICITOR THORNTON: He is right now in the room by
21 himself. They've been in and out of the room with him.
22 He's in the room by himself doing a monolog yes, sir.

23 THE COURT: Okay.

24 (AUDIO/VIDEO INTERVIEW OF DEFENDANT AARON YOUNG,
25 JUNIOR, CONTINUES TO BE PUBLISHED TO THE COURT.)

1 SOLICITOR THORNTON: Sorry, Your Honor, we're having a
2 little difficulty.

3 (AUDIO/VIDEO INTERVIEW OF DEFENDANT AARON YOUNG,
4 JUNIOR CONTINUES TO BE PUBLISHED TO THE COURT.)

5 SOLICITOR THORNTON: Your Honor, that would be the
6 extent of the interview that we would play. And I
7 apologize to the court and Mr. Vaux. The video had that
8 lag, it froze up part way through. Rather than start it
9 all over I just let it go ahead and play because the audio
10 obviously with - if Mr. Vaux has an issue as to the
11 transcription, you know, it would be the audio portion and
12 that's what we played.

13 Again, Judge, I've got - the actual video itself of
14 the interview is probably some three hours long which based
15 on the fact that it's already almost six o'clock I will
16 make available to the court - I don't remember how much the
17 court had already seen of a lot of these videos in the very
18 first go round.

19 THE COURT: And I don't either really.

20 SOLICITOR THORNTON: But clearly I think from a
21 Jackson v. Denno perspective, Your Honor, you can see what
22 the demeanor is. You can see what his behavior is and a
23 lot of the discussions he does frankly are when he's - you
24 know when he's by himself and not being ask a question.
25 That kind of pervades all through it. And I'll save my

1 argument until the end, that's to give Mr. Vaux an
2 opportunity but that would be the portion and it is in
3 chronological order that we would play of the interview,
4 Your Honor.

5 THE COURT: Do you intend to offer any other
6 interviews or any other statements made by Mr. Young,
7 Junior?

8 SOLICITOR THORNTON: I would not, Your Honor, except I
9 would reserve the right in rebuttal to do depending on what
10 Mr. Vaux may offer but that - other than the statements he
11 gave to - he gave to Detective Seifert -

12 THE COURT: Right.

13 SOLICITOR THORNTON: --- and he also the only other
14 one, Judge, he - Bob Bromage was actually and he wasn't on
15 there but in the very opening part Bob Bromage ask him
16 something to the effect of, you know, tell me what's going
17 on down there and Mr. Young Junior basically says I don't
18 know what you're talking about, I was home with Ebony
19 Campbell, something to that effect.

20 THE COURT: All right.

21 SOLICITOR THORNTON: Other than that and what's up
22 there that would be it for us, Your Honor.

23 THE COURT: Okay. Thank you.

24 Mr. Vaux.

25 MR. VAUX: Your Honor, it's impossible for me to

1 respond specifically because we just panned out which parts
2 they want to play but a lot of this is totally irrelevant
3 and prejudicial. I mean it has absolutely - And I can give
4 you one example of it. It has - The second slide it
5 appears apparently on page 1-0-8, line 3 of the transcript
6 and it reads "Oh, boy," and of course this comes out of
7 context as something - there's a line or two before that -
8 "Oh boy get that badge, they think they shit. They think
9 they the shit. Fuck that badge, nigger, straight up
10 nigger. Don't' know. Y'all think this shit a act. This
11 how I act everyday. For real I'm bad ass serious. That
12 bitch know I'm crazy boy. When I get mad I don't give a
13 Fuck about shit I don't care. Y'all about to go get the
14 gun y'all better hope I don't - better hope nothin I don't
15 give a Fuck I'll kill myself before y'all even get a chance
16 to prosecute me."

17 I mean what's that got to do with him talking about an
18 astronaut. It has nothing to do with whether or not he
19 engaged in mutual combat or in an attempt to murder.

20 THE COURT: And I - Frankly I don't know what a lot of
21 this has to do with anything in so far as the events are
22 concerned because to some extent this is sort of a
23 performance. It certainly was not rung from by scaling
24 cross examination even if he's running his mouth.. But at
25 the same time it could have a bearing on his credibility

1 how much of this if any the jury chooses to believe.

2 In other words it appears that the first line is a
3 criticism of the law enforcement. They think they know
4 everything, think the badge of course is all powerful and
5 they think I'm putting on an act, no this is how I act all
6 the time, I'm dead serious about this.

7 So I think all of those things whether they're
8 directly relevant to the events themselves or they're
9 relevant to his state of mind or relevant to his
10 credibility. These are statements which he's making
11 voluntarily and the jury is entitled to hear them and give
12 it the weight that they think it should receive on any of
13 those issues, credibility, state of mind, or the facts that
14 were involved in this particular case.

15 MR. VAUX: If I could be heard, Your Honor?

16 THE COURT: Okay.

17 MR. VAUX: First of all the probative value is
18 substantially outweighed by the danger of unfair prejudice
19 and confusion of the issues. And with regard to Rule 403
20 although it may be relevant evidence may be excluded if
21 it's probative value is substantially outweighed by the
22 danger of unfair prejudice and confusion of the issues or
23 misleading the jury or by consideration of undue at the
24 time of needless presentation of cumulative evidence.

25 My point is that what they're trying to do is just

1 show the grossness of the language and the outrageousness
2 of the talk. If you and I talk like that frankly I'd
3 probably not be a lawyer any more and you probably wouldn't
4 be practicing as a judge.

5 But that's solely the point of it is it has nothing to
6 do with whether or not he committed these offenses. And as
7 to his credibility, his credibility is not an issue unless
8 and until he takes the stand.

9 THE COURT: Credibility of his statement the state has
10 offered into it and the jury has the right to weigh the
11 credibility of what he's saying in regards to the statement
12 itself. The state has obviously offering this statement
13 because they think it has some probative value on the issue
14 of what was going on that day and whether he's being
15 truthful or not.

16 The unfair prejudice if it exist comes from his own
17 mouth. It is not evidence that comes from somebody else or
18 outside evidence or astringent evidence or anything like
19 that. It's evidence that comes directly from him. And I
20 suppose it's unfortunate but if you had to cull out the
21 vulgarities and the obscenities it would not much left here
22 but - and the jury's entitled to hear this in the context
23 in which it was offered.

24 Some of it has - Of course some of it has frankly it's
25 probably consistent with what your defense is.

1 MR. VAUX: Yes, sir.

2 THE COURT: And might avoid the problem of your
3 putting him on the stand. You might be able to get his
4 case in without ever having to call him. What I've seen so
5 far I feel that it is relevant on some of those issues if
6 not all of them. I suppose there might be one or two
7 statements in here that are less relevant than others but a
8 great deal of it is about the events of that day and how
9 the Robinson - how Mr. Robinson and he and his father came
10 together and chased him down the road - -

11 MR. VAUX: Yes, sir. I didn't mean that none of it
12 was relevant.

13 THE COURT: Right.

14 MR. VAUX: As I understand it, Your Honor, just so my
15 ground rules are straight, they're gonna put an officer up
16 to testify that he made these statements and this is the
17 tape and she or he were there and?

18 THE COURT: That's right.

19 MR. VAUX: Okay.

20 THE COURT: That he made these statement voluntarily
21 and of course you will have the opportunity if anything is
22 - If anything is prejudicial because it's taken out of
23 context then you have the right to offer anything that you
24 might chose to put it in context. Or if you can show me
25 that it's out of context so much as to be misleading and

1 you don't want to offer evidence because you don't want to
2 loose that right then in - under the rule of completeness
3 I'll require them to put it in to keep it in context.

4 MR. VAUX: Thank you.

5 THE COURT: All right. And so far as the portion of
6 the tape that was shown here today, I find that it was
7 voluntary; that Mr. Young received the benefit of the
8 Miranda warnings. Mr. Seifert has testified to that that
9 he was told as the law requires that he had the right to
10 remain silent, that anything he said could and would be
11 used against him in a court of law, that he had the right
12 to have an attorney present, if he could not afford one one
13 would be appointed to represent him free of charge.

14 He appeared to understand those rights and then made
15 this statement primarily to Officer Albertin and then to
16 himself in the room therefore the state has met it's burden
17 of proving by the preponderance of evidence at this stage
18 that the statement was voluntarily given, that there were
19 no threats or promises or anything of that nature that were
20 made that were - that would taint the voluntariness of the
21 statement. The ultimate relevance -

22 (PAUSE DUE TO COURT REPORTER COUGHING.)

23 THE COURT: All right. The statement is therefore
24 admissible and for the jury's consideration for the reasons
25 I have stated.

1 All right, any additional motions from the state?

2 SOLICITOR THORNTON: No, sir.

3 THE COURT: Okay. Anything further, Mr. Vaux, from
4 the defense?

5 MR. VAUX: No, sir. I just would like to reserve to
6 have a chance to see the statements tonight to respond to
7 you so I can complete, jumping around from page to page.

8 THE COURT: I understand. Do you have the copies of
9 the entirety of the statements on there?

10 MR. VAUX: Yes, sir.

11 THE COURT: Okay.

12 MR. VAUX: I just need to a chance to look at 'em.
13 They start on Page 108.

14 SOLICITOR STONE: And they are in chronological order
15 just to make it a little bit easier, Your Honor. All of
16 these clips are in the chronological order.

17 MR. VAUX: And I didn't mean that they were out of
18 order. You got a hundred and eight pages before they
19 start.

20 THE COURT: Okay. All right. Gentlemen, I will do my
21 homework that you all have assigned to me for the night and
22 will be prepared tomorrow to rule on the issue of the
23 transferred intent and its applicability or not to the
24 mutual combat situation. The jury's supposed to be back at
25 nine thirty, if we could be back at nine fifteen and be

1 prepared to go from that point on.

2 Once I've dealt with this issue the jury will be
3 brought in and sworn. I'll appoint a foreperson, make
4 brief introductory comments allow opening statements from
5 both of you all and then we'll start the testimony tomorrow
6 morning.

7 SOLICITOR STONE: Yes, sir.

8 MR. VAUX: Your Honor, could I, I just add one thing
9 on the transferred intent.

10 THE COURT: Right.

11 MR. VAUX: I bring your attention to *State versus*
12 *Fennell*.

13 THE COURT: Wait one second and let me . . .
14 Okay. Give me the caption again, Mr. Vaux.

15 MR. VAUX: *State versus Fennell*, F-e-n-n-e-l-l.

16 THE COURT: Yes.

17 MR. VAUX: 531 S.E. 2d 512. *State versus Childers* 645
18 S.E. 2d 233.

19 THE COURT: Okay.

20 MR. VAUX: And *State versus Worten* 672 S.E. 2d 786.

21 Those are 2007 and '09 cases.

22 THE COURT: All right.

23 SOLICITOR STONE: Here's a copy of *Childers*, Judge.

24 THE COURT: Okay. All right. All right, folks, if
25 there's nothing else we'll stand in recess until nine

1 fifteen tomorrow. We'll be in Courtroom Number One
2 tomorrow morning.

3 (COURT IN RECESS AT 05:50 P.M..)

4 (COURT BACK IN SESSION TUESDAY, FEBRUARY 24, 2015 AT
5 09:45 A.M..)

6 (WHEREUPON, STATE'S EXHIBITS ONE THROUGH THIRTY-ONE,
7 PREMARKED FOR IDENTIFICATION:)

8 THE COURT: Thank you, please be seated.

9 Folks, there is pending Mr. Robert's motion to - Mr.
10 Roberts. I'm sorry, Mr. Vaux's motion to quash the
11 indictment for murder in this particular case. Argument
12 yesterday and authority was given on either side of that
13 issue. I think we all agree that that is the case of
14 novel impression in this particular type of case involving
15 a charge against an individual for the murder of an
16 innocent bystander whose immediate death was caused by
17 someone else - in this case a mutual combatant - which
18 brings into play several theories of law, three of which I
19 address this morning. There are a lot more on this issue.
20 If it has to be decided by a higher court we'll of course
21 address all of the other issues which have not even
22 occurred to me.

23 We have here the juxed position - I use that word
24 instead of conflate. Conflate actually is in the footnote
25 in that opinion that I cited to you earlier, gentlemen.

1 The juxed position of at least three theories of law.
2 One is the hand of one is the hand of all which makes
3 accomplices, those who are aiding and abetting each other,
4 all responsible for the act of a shooter. All become
5 principle as a matter of law. All then are equally at
6 fault whether they actually were the agent that caused the
7 harm or just an accomplice to the one that did.

8 And in that particular case the doctrine of
9 transferred intent applies so that if an innocent bystander
10 happens to be shot by one of the accomplices then the
11 shooter is responsible as are all who were there engaging
12 in that enterprise.

13 In transferred intent then it is the mind - the state
14 of mind of the individual and not the identity of the
15 victim that controls because in every case of transferred
16 intent by definition someone is harmed who was not the
17 intended victim.

18 Nonetheless the state of mind if transferred intent is
19 applying - is applied to the case controls the guilt or the
20 innocence of the culpability or not of the person who is
21 involved.

22 Now against those circumstances which are pretty well
23 hammered out, that is, the hand of one the hand of all, the
24 transferred intent to an innocent victim, a bullet for
25 example, a shooting, and how it makes everybody

1 responsible, against that the law of mutual combat comes
2 into play. And the mutual combat case which I have relied
3 upon in this case is the one that was cited to me
4 yesterday, the case of *State versus Brown* a 1916 case, 108
5 South Carolina 490 is the cite, which involves the
6 responsibility of all of those who are involved in mutual
7 combat.

8 Mutual combat has it's most significant application in
9 the law in that it denies anybody who is involved in mutual
10 combat the defense of self-defense because none of them can
11 claim to be without fault in brining about the incident.

12 Citing - And quoting from *Brown* it says, that everyone
13 is presumed to know the consequences of his act and if one
14 voluntarily enters a mutual combat where deadly weapons are
15 used, knowing that they're being used and death results to
16 one of the participating parties, everyone engaged in such
17 combat is equally guilty.

18 Regardless of whether he used the deadly or not and
19 regardless of whether he was on one side or the other makes
20 no difference. And where all are participating in the
21 mutual combat all are equally responsible for the natural
22 consequences.

23 And so in this particular case we would all agree, I
24 think, that if in the shooting between Tyrone Robinson who
25 was on trial earlier, and Aaron Young, Junior and Aaron

1 Young, Senior, if for example Tyrone Robinson had shot at
2 Aaron Young, Junior and had missed and killed Aaron Young,
3 Senior, then obviously under Brown all would be guilty. In
4 this case clearly Mr. Robinson would have been guilty as a
5 party who fired the shot, but Aaron Brown, Junior - I mean
6 Aaron Young, Junior would have also been guilty under the
7 Brown case because it doesn't matter which side you're on.

8 That's a pretty clear case. The fact that Robinson
9 his intent was to shoot and kill Aaron Young, Junior, that
10 intent would have been transferred. Not because he
11 intended to kill Senior, but because he had the state of
12 mind that was necessary when he was trying to kill Junior.

13 But the facts as we know them tragically in this case
14 are not that any of those individuals were killed, I'm not
15 saying that's a tragedy, but the tragedy was an innocent
16 victim was indeed killed.

17 And so the question then becomes who then can be held
18 responsible and under the indictment that's really the
19 question that we're dealing with here today. Here an
20 innocent person, not a combatant, was killed. The question
21 is whether the law relieves the mutual combatants of the
22 responsibility of that. The responsibility of which had
23 been one of their's if they had killed an equally guilty
24 party involved are they now not responsible because an
25 innocent party was involved. And I hold that they would be

1 responsible.

2 Once again because it is not the identity of the
3 victim that controls, it is the intent, the state of mind
4 which led to the mutual combat in the first place and the
5 consequences that followed from that.

6 So the motion to quash the indictment is respectfully
7 denied.

8 MR. VAUX: Thank you, Your Honor.

9 THE COURT: Thank you, gentlemen.

10 All right. Are we ready now for the jury?

11 SOLICITOR STONE: The State's ready, Your Honor.

12 MR. VAUX: The defense is ready, Your Honor.

13 THE COURT: Thank you. You can bring us a jury.

14 (JURY ENTERS COURTROOM AT 10:56 A.M..)

15 THE COURT: You all leave that first chair on the
16 front row vacant please.

17 Ms. Fobes, would you please sit in that first chair
18 right there. Thank you, ma'am.

19 Ms. Fobes, I've ask you to occupy that chair, ma'am,
20 because I want you to act as the forelady of the jury. All
21 that means is that you'll be the jury's spokesperson here
22 in court. And when the trial is over you will be
23 responsible for writing the verdict of the jury but I will
24 tell you more about that before you have to do it. You
25 don't need to worry about that now. All you need to

1 remember is you've got a reserved chair. You will occupy
2 that chair throughout the trial of the case.

3 And, Mr. Bittick, Ms. Michels, is it?

4 A. Michels, yes, sir.

5 THE COURT: As alternate jurors, folks, you will
6 occupy those two chairs throughout the trial of this case
7 unless sometimes during the trial I ask you to sit
8 somewhere else. Okay. The rest of you folks don't have
9 reserved seats, you've got general admission you got to do
10 the best you can when you come in from time to time. Do
11 what you did this time though, walk all the way down before
12 you sit down. In other words don't leave an empty seat
13 beyond you because if you do somebody's got to step on your
14 feet to get to it. That could get kind of painful during
15 the trial of the case.

16 Ladies and gentlemen, you're gonna be sworn in now as
17 jurors and I want you to pay particular attention to the
18 oath that you're about to take. It is a time honored oath,
19 it's an artfully worded oath. It explains to you at the
20 same time very concisely but yet very completely what your
21 responsibilities are as jurors and I'm gonna be reminding
22 you during this trial and indeed after this trial as to
23 exactly what those responsibilities are. So please now
24 give attention to the Clerk as she administers the oath.

25 Madam Clerk.

1 MADAM CLERK: Please stand up and raise your right
2 hand, please.

3 (WHEREUPON, PETIT JURY SWORN AT
4 10:57 A.M..)

5 THE COURT: Folks, let me take just a few minutes to
6 tell you the process that we'll be following during the
7 course of this trial and what your role would be as jurors
8 in this trial.

9 In just a minute when I finish talking to you Mr.
10 Stone on behalf of the state is going to stand before you
11 and make an opening statement, and in this opening
12 statement he is going to outline to you in something of a
13 preview fashion what this case is all about from the
14 state's point of view. And may also indicate some of what
15 he intends to offer by way of proof in support of the
16 charges that they state has brought in these indictments.

17 After he has finished making the opening statement on
18 behalf of the state then Mr. Vaux on behalf of the
19 defendant has the right to make an opening statement but he
20 is under no obligation to do that and I'll tell you why
21 shortly. After the opening statements have been made then
22 you will actually begin to see and hear the presentation of
23 evidence.

24 Evidence for the most part will take the form of
25 testimony of witnesses who will sit right here in this

1 chair, under oath, and will answer questions the lawyers
2 from both sides will put to them. Evidence will also take
3 the form of photographs, documents, diagrams, and items of
4 evidence that will be introduced under our rules of
5 evidence. The state will offer its evidence and testimony
6 first. And after the state has put in all of it's evidence
7 and testimony, then the defendant Mr. Young has the right
8 to offer evidence and testimony if he chooses to but once
9 again, he doesn't have to.

10 And after all of the evidence has been presented then
11 the lawyers will come back before you and they will make
12 their closing statements or their final arguments as they
13 are sometimes called. And in those final arguments they
14 are allowed to summarize the evidence which you have seen
15 and heard and to submit to you conclusions that you should
16 draw from that evidence. Obviously conclusions which
17 support their side of the case.

18 And after the final arguments have been made then I
19 will instruct you or charge you as to what the law is in
20 this case. And then you will finally be able to go to your
21 jury room and start talking about this case among
22 yourselves. Until then you are not allowed to do that.
23 And the reason that you're not allowed to do that is this.
24 You might hear some testimony out here and it might
25 interest you and you might have some questions about it,

1 you'll want to go back there and talk among yourselves
2 about it and discuss it at that time. But once you start
3 to discuss the evidence you're going to start to make up
4 your mind about the evidence. You're going to start to
5 draw conclusions as a group about the evidence.

6 It could happen that later in the trial you hear some
7 evidence that's different from that that you've already
8 started to talk about. But if you have already started to
9 make up your mind based on the evidence that you've
10 discussed you're not likely to receive that later testimony
11 with an open mind. So that's the reason you have to keep
12 an open mind throughout the trial of this case and not talk
13 about it until it's entirely over.

14 And for the reasons that I've already made clear to
15 you, you can't talk with anybody else about it let anybody
16 else talk with you about it.

17 You can't try to find out anything on your own about
18 the evidence. You can look at the back and see that the
19 cameras are in the courtroom. You're not gonna be on TV,
20 they are not allowed to take your picture so no point in
21 looking at that.

22 Moreover you don't have to see what the television has
23 to say about this case to find out what's happening in the
24 courtroom. You folks are sitting twenty feet away from it
25 where it's happening yourselves. Right here, this is

1 where's its gonna happen so you don't need to read what
2 anybody else tells you about or find out from anybody else
3 about it. You are first hand witnesses to what's happening
4 in this courtroom. Nobody else can explain that to you any
5 better than you yourselves can understand, so that's the
6 reason you can't expose yourselves to any publicity about
7 the trial of this case.

8 Ladies and gentlemen, the oath that you took a few
9 moments ago said that you would well and truly try this
10 case and render a true verdict according to the law and the
11 evidence. Now I'm gonna tell you what the law is, you
12 don't need to concern yourselves about that. But now you
13 do need to concern yourselves about the evidence because
14 when it comes to the matter of evidence, you ladies and
15 gentlemen, actually act as the judges. You are the judges
16 of the evidence. That's what you do. And so it's
17 important that you understand first of all what is evidence
18 and what is not evidence.

19 The opening statements that you're going to hear in a
20 few minutes are not evidence. And the closing statements
21 that you're going to hear at the conclusion of the trial,
22 that's not evidence either. And the questions that the
23 lawyers ask, they are not evidence either. Now all of
24 those things are important. We could not conduct a very
25 orderly trial without those things to help us move through

1 the process, but they are not evidence. The evidence is
2 not a question that's ask. The evidence is the answer to
3 the question that comes from somebody who is under oath and
4 who is purporting to have some actual knowledge of the
5 things that they're talking about. That's the evidence.

6 And so some of you if you want to take notes and you
7 will be allowed to take notes if you choose to. You don't
8 have to but some folks do and some folks are note takers
9 and they like to rely on those notes. That's fine. But
10 you will only take notes during the evidence portion.
11 That's the reason you don't have your notepads right now
12 and you won't have them until the testimony actually
13 begins.

14 I caution you if you choose to take notes please don't
15 become so consumed in writing those things down that you
16 miss the next question and the next answer. You know how
17 it is, we've all taken notes in college and I feverishly
18 write that thing down and I'm about half way through and I
19 say now what did he say next. I could have missed the
20 point that was gonna make me pass or fail the case for all
21 I know. You can do that here but except it's a lot more
22 important than college classrooms. So please don't become
23 so consumed about it that you loose sight of what's going
24 on in the courtroom.

25 Now, so as judges of the evidence, ladies and

1 gentlemen, your job is to determine the truthfulness of
2 what you see and hear in this case and you're well equipped
3 to do that. Whether you have ever served as a juror before
4 or whether you have ever been in a courtroom before
5 yesterday or not you are well equipped to do the things
6 that we're gonna be asking you to do in this trial.
7 Because ever since you've been able to think on your own
8 and make up your mind for yourself you've been doing the
9 things that we ask you to do and that we expect you to do
10 in this courtroom.

11 Anytime there is a point in controversy, anything
12 there is a difference of opinion of things, anytime you
13 listen to something that you're trying to decide whether
14 you're gonna act on it or not and what you're gonna do and
15 whether you're gonna believe it or not, you use the same
16 qualities that you're gonna be using in this courtroom.
17 You use your common sense, you use your experiences in
18 life, you use your sense of logic and your sense of reason.
19 And once you do that, you will be able to decide the truth
20 of this case and once you have decided what the truth of
21 the case is, you'll take the law that I charge you and
22 apply it to the truth that you find, and those two things
23 will come together to result in the truth of this
24 particular case.

25 I told you a while ago that the defendant in this case

1 do not have to make an opening statement and he did not
2 have to offer evidence and testimony if he chose not to do
3 that, because as I told you yesterday, he has pled not
4 guilty to the charge contained in these indictments. And
5 under our Constitution when someone pleads not guilty to a
6 charge in an indictment, he is presumed to be innocent of
7 that charge. You all heard innocent until proven guilty
8 I'm sure. Well that's what I'm talking about. Innocent
9 until proven guilty.

10 There's noting in that phrase that says innocent has
11 to be proved. Innocent until proven guilty says that guilt
12 has to be proved. And so the burden of proof is on the
13 state, not just in this case but in every case of this
14 sort, to prove the guilt of the defendant beyond a
15 reasonable doubt before you can convict him and find him
16 guilty. When the trial of this case is over I will explain
17 to you in greater detail what we mean by proof beyond a
18 reasonable doubt but for our purposes right now let me tell
19 you that proof beyond a reasonable doubt is proof that
20 leaves you firmly convinced of the defendant's guilt. And
21 so after you've heard all of the evidence if you are firmly
22 convinced whether the defendant is guilty of the charge
23 then the state has met it's burden of proof and would be
24 entitled to a verdict of guilty.

25 But after you have heard all of the evidence if you

1 think there's still a real possibility that he is not
2 guilty the state would not have met it's burden of proof.
3 And in that case the defendant would be entitled to a
4 verdict of not guilty.

5 So you're gonna be listening for the next couple of
6 days to the evidence, the testimony, the lawyers, to me,
7 and then you will go into your jury room and you will
8 listen to each other and in your discussions you will come
9 to the conclusion of whether or not the state has met it's
10 burden of proof and you will express your conclusion by
11 writing a verdict that says we the jury find the defendant
12 guilty or we the jury find the defendant not guilty
13 according to your view of the evidence and the law that I
14 will instruct you.

15 Thank you, folks, so much for your attention to these
16 remarks. Now please listen to the lawyers as they make
17 their opening statements to you.

18 Mr. Stone.

19 SOLICITOR STONE: May it please the Court, Your Honor.

20 THE COURT: Yes, sir.

21 SOLICITOR STONE: September the 1st, 2012 Khalil
22 Singleton was eight years old, an eight-year-old child, and
23 he died as a result of a running gun battle between this
24 man over here, Aaron Young, his father, and a man named
25 Tyrone Robinson. See Aaron Young and Tyrone Robinson

1 didn't like each other, they fought before, they had
2 argued, they had even try to hurt each other before. And
3 on September the 1st, 2012 they tried to kill each other.
4 Robinson got a .38 caliber revolver, Young a .9 millimeter
5 handgun that held over thirty bullets in the clip and they
6 tried to kill each other. But they didn't, they didn't
7 kill each other, they killed Khalil Singleton whose only
8 crime was playing on the trampoline with two other of his
9 friends in his own neighborhood.

10 The facts that you're gonna hear over this next day
11 and maybe even into tomorrow, it's gonna tell you this,
12 Tyrone Robinson goes over to the Young's house, it's on
13 Wild Horse Road on Hilton Head, they get in a fight, they
14 get in an argument. Tyrone Robinson brings out his .38 and
15 he shoots three times. He doesn't hit the Young's, he
16 doesn't hit anybody, but he shoots and he gets in his car
17 and he flees. Aaron Young accompanied by his father go
18 into their house they get a bag that carries the gun, the
19 .9 millimeter, they get in their Ford F 150, Aaron Young,
20 Senior driving, Aaron Young, Junior in the passenger seat
21 along with a man by the name of Jontu Singleton who was
22 also there during the argument, and they go chasing after
23 him.

24 They leave their house on Wild Horse, they go across
25 Highway 278, they go down Spanish Wells Road and they catch

1 up with him. They catch up with him in Spanish Wells and
2 you will hear from Aaron Young, Junior's own mouth I tried
3 to kill him then but the gun jammed. Robinson escaped, he
4 went two miles further down the road down Marshland Road
5 under the Cross Island Expressway until he got to a
6 neighborhood that bordered on Allen Road.

7 Robinson escaped in Allen Road and hid and the Young's
8 came after him. They went also down Allen Road and they
9 looked for him and they couldn't find him but they found
10 his uncle. And this man held a gun out talked to the uncle
11 and said "you tell Tyrone we're looking for him". And they
12 left and went back to Wild Horse to drop off Jontu
13 Singleton.

14 They didn't stay. They dropped off Jontu Singleton
15 and turned right back around and went back hunting. They
16 went back to Allen Road and this time when they get to
17 Allen Road they see children outside playing. It doesn't
18 slow 'em down any. It doesn't cause them to hesitate, it
19 doesn't certainly cause them to stop. They're looking for
20 Tyrone Robinson. Aaron Young is looking to kill Tyrone
21 Robinson.

22 They don't find Robinson again but they find his car.
23 So Aaron Young takes his gun and he fires ten to twenty of
24 those bullets into Tyrone Robinson's car. And I would
25 submit to you in an effort to do what he's been doing is to

1 find Tyrone Robinson, get Tyrone Robinson to come out and
2 it worked. It worked.

3 Tyrone Robinson heard the shots, knew the shots and
4 took his .38 caliber and shot back at the Young's as they
5 were driving back by. The bullet didn't find Aaron Young,
6 it found Khalil Singleton. It went into his body and he
7 literally drowned in his own blood. Those are the facts
8 you're gonna hear. At the end of this case quite frankly
9 everybody in the courtroom's gonna know exactly what
10 happened or at least as much as we can possibly know.

11 Tyrone Robinson shot the fatal bullet that killed
12 Khalil Singleton. But that's not the issue in this case.
13 The issue is this. Who's responsible? As you heard when
14 the judge told you Tyrone Robinson's already been tried.
15 He's already been convicted. And I'm not standing here
16 today telling you that Tyrone Robinson shouldn't have been
17 convicted. I'm also telling you that Tyrone Robinson fired
18 that fatal bullet. But what I'm also suggesting to you,
19 Ladies and gentlemen, is that the case isn't over yet. The
20 responsibility goes deeper than just the person who happens
21 to be the one that kills the child and that's the issue in
22 this case.

23 The law in South Carolina says this, and the judge
24 will charge you, and if I get anything wrong obviously you
25 take whatever the judge tells you, but what the judge is

1 gonna tell you at the conclusion of this case is the law in
2 South Carolina is about mutual combat. It means if two or
3 three or five or ten people decide to arm themselves and
4 fight that every single one of them is responsible if
5 someone dies regardless of who pulled the trigger on the
6 fatal bullet because every bullet is fatal, every gun is
7 fatal, and that's what the law of South Carolina talks
8 about. Armed mutual combat everyone is responsible not
9 just the one that happens to shoot and kill the child.

10 Now I'm gonna ask you at the end of this case to do
11 what I ask every jury to do. Return a verdict that speaks
12 the truth. What happened in this case will be pretty
13 clear. That's part of the truth. The full truth is this.
14 The law in South Carolina says everyone's responsible -
15 everyone. And I'm gonna ask you to say the same thing.

16 Thank you.

17 THE COURT: Thank you, Mr. Stone.

18 Mr. Vaux.

19 MR. VAUX: Thank you, Your Honor.

20 Ladies and gentlemen of the jury, I'm Roberts Vaux,
21 I'm an attorney from Bluffton and I represent Aaron Young,
22 Junior, who's charged as Solicitor Stone told you with
23 murder and attempted murder. Murder of the child Khalil
24 Singleton and attempted murder of Tyrone Robinson the
25 fellow who sits in jail.

1 The solicitor and I agree on a couple of things and as
2 you would expect we disagree on a couple of things. We
3 certainly agree that the Young's were on this afternoon of
4 the 1st of September about four o'clock where standing in
5 their yard getting ready to go to work. And we certainly
6 agree that at that time uninvited Tyrone Robinson drove up
7 in their yard. And we certainly agree at that time that
8 Tyrone Robinson jumped out of his car and apparently
9 unprovoked started to shooting a gun and he shot into the
10 ground at their feet and he shot the neighbors house and he
11 shot one time and they still don't know where that bullet
12 went yet to this day. And then Mr. Robinson left.

13 That wasn't the first time that there had been a - Mr.
14 Robinson had - I'm gonna use the word terrorized the
15 Young's - but it was - it certainly was an additional
16 terrorism. And at that point in time the Young's were
17 angry. There's no question about that. Now you know we
18 call him Junior. Junior's grandmother and mother are
19 sitting in the courtroom today and they are going to be as
20 embarrassed as I when some of the language comes out
21 because - I apologize to you ahead of time - but I don't
22 use the word Mother Fucker, I don't use the word Shit -
23 Well, I take that back. Occasionally I do on the golf
24 course.

25 And I don't use the word Fuck. And those just are not

1 in my ordinary course of language. But you're gonna hear
2 that today, okay. And they're as embarrassed as I am and
3 I'm sure that you will be too. I don't live the life style
4 that you may see and hear about. You don't live that life
5 style. But the life style and the language don't
6 constitute murder. And the life style and the language
7 don't constitute attempted murder. If they did then the
8 jails would be full and we'd have a different definition of
9 murder and attempted murder.

10 Now, they were angry, there's not question about it.
11 You know if you came and shot at me and had done it before
12 I'd be angry too. Life styles would probably have dictated
13 that I dial 911 but that's not what they did. Had they I
14 wouldn't be standing here with you hopefully. But the
15 point is that this thing ensued.

16 Now in order to tack mutual combat you have to have
17 people in combat against each other. And that's fine. But
18 at some point in time you also have when people have calmed
19 down have become rational you then retreat and you stop and
20 you say you know I probably shouldn't ---- I've had enough
21 of this and let me go home. I'm just gonna stop I
22 shouldn't have done this. So I ask you to keep that in
23 mind cause I think you're gonna hear the fact that yes they
24 went somewhere's and this is gonna be interesting. I don't
25 think Judge Judy or Law and Order could write a script that

1 like you're gonna hear in the next couple of days.

2 But because the solicitor said they went down and
3 waved a gun around and tell Tyrone I'm looking for him.
4 Remember that phrase. I'm gonna ask you to remember a
5 couple of phrases. Tell Tyrone I'm looking for him. Then
6 look for the phrase or listen for the phrase I tried to
7 kill him then. That's a direct quote from what the
8 solicitor said. Some of these things you got to listen
9 for, okay, because some evidence you can see and you can
10 feel. And some evidence you're gonna have to listen for
11 and make them prove their case.

12 You're gonna hear from Tyrone Robinson and he's got a
13 history of - and he's an interesting fellow. I have no
14 idea what kind of testimony you're gonna get out of him
15 this time or you know I know what his statement was, I know
16 what he said the last time. But they went - No question
17 they went looking for him. They're not gonna be able - I
18 don't think - unless somebody comes up new with new
19 testimony to show that Aaron Young, Junior, took a gun and
20 pointed it at Tyrone Robinson and tried to pull the
21 trigger. But this does not happen. He certainly didn't
22 fire a bullet at Tyrone Robinson.

23 Now, in his mind he did - angry - find Tyrone
24 Robinson's car and he shot at it. Tyrone didn't see Tyrone
25 Robinson. The children were no where's near around, didn't

1 hit anything or anybody other than he hit the car. That
2 point anger frustration what have you over and he leaves.
3 In the law we call that retreating. And the testimony is
4 that he went down - and this is - the solicitor will show
5 you - he goes down Allen Road and he gets out to the
6 Marshland Road and they leave. And it's some time after
7 they get out on Marshland Road, and again, the state proves
8 this case, not us, we don't have to put up anything.

9 Hopefully they'll put a witness up who will say cause
10 there are witnesses out there who will say after they got
11 out on the road they heard shots and the child was killed.
12 So make us, both me and Solicitor Stone, prove to you the
13 case. Listen to the evidence. Don't become embroiled in
14 the Mother Fucker's and the rest of it that you just begin
15 to think they got to be guilty just because of the life
16 style and the language. Make them prove their case. Make
17 me substantiate what I say to you. Thank you.

18 THE COURT: Thank you, Mr. Vaux.

19 Mr. Stone, you can call your first witness.

20 SOLICITOR STONE: Thank you, Your Honor.

21 The State calls Melanie Smith.

22 THE COURT: Ms. Smith, come forward please and be
23 sworn.

24 (WHEREUPON, MELANIE SMITH,
25 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

1 MADAM CLERK: You may sit down. Please state your
2 full name.

3 A. My name is Melanie Smith. M-e-l-a-n-i-e, S-m-i-t-h.

4 SOLICITOR STONE: I'm gonna let the juror's get their
5 pads first.

6 THE COURT: Ladies and gentlemen, I remind you again
7 that you are under no compulsion to use those pads. They
8 are there to use if you wish to.

9 DIRECT EXAMINATION

10 MELANIE SMITH BY SOLICITOR STONE:

11 Q. And I think everybody was getting their pads when you
12 were introducing yourself. Your name is Melanie Smith?

13 A. Correct.

14 Q. And where do you work, ma'am?

15 A. Beaufort County Sheriff's Office 911 Center.

16 Q. What do you do there?

17 A. I was the records custodian. I'm currently now the
18 training officer. I was the record's custodian up until
19 last year.

20 Q. Now the dispatch center what does that - what is that
21 encompass, what does that - what land area I guess does
22 that cover?

23 A. We dispatch all law enforcement for Beaufort County,
24 fire and EMS, for Bluffton and Beaufort.

25 Q. And so everything in Beaufort County?

1 A. Correct.

2 Q. All right, anything that's going outside of Beaufort
3 County or pretty much everything you handle is just for
4 Beaufort County?

5 A. For Beaufort County.

6 Q. Okay. Now are you familiar with - And I guess you'd
7 almost have to with this job - the roads and the areas of
8 Beaufort County?

9 A. Yes.

10 Q. Let me show you what's been marked State's Exhibit
11 One.

12 SOLICITOR STONE: I'm gonna use this, Your Honor, as
13 an exhibit, I'm certainly gonna put it in evidence.

14 THE COURT: Okay. Without objection State's One.

15 (WHEREUPON, STATE'S EXHIBIT NUMBER ONE, PREMARKED FOR
16 IDENTIFICATION, IDENTIFIED AND RECEIVED INTO EVIDENCE.)

17 Q. Let me just show you this first of all before I ask
18 you. Are you familiar with this, the land area that is
19 depicted in State's Exhibit One?

20 A. Yes. That's Hilton Head.

21 Q. All right. And these particular dots around these
22 areas are you familiar with these areas?

23 A. Sort of. I am now.

24 Q. All right. By the map, that's what I'm talking about.

25 A. Okay.

1 Q. Okay. Let me if I could get you to come off the stand
2 just briefly.

3 (WITNESS LEAVES WITNESS STAND.)

4 Q. And I will hold this up instead of turning it around.

5 THE COURT: Ms. Smith, if you could sort of direct
6 your face toward the court reporter and keep your voice up
7 so that she can hear you as well please, ma'am.

8 A. Yes, sir.

9 Q. Okay. Again, referring to your State's Exhibit One,
10 first, this first number up here Number One, could you tell
11 us what roads are depicted in this area here?

12 A. Its showing Old Wild Horse Road so that's the Wild
13 Horse Road area.

14 Q. Okay. And this main road coming in here, what is
15 that?

16 A. That is - That's Highway 278, William Hilton Parkway.

17 Q. So now this comes down and curves around here. Is
18 this the - I guess Cross Island Parkway?

19 A. Yes. That's the access to the Cross Island Parkway
20 here.

21 Q. Okay. The road crossing over 278 coming in this
22 area here to this Number Two area, what road is that?

23 A. That's Spanish Wells Road.

24 Q. And then the area that's depicted in Number Two,
25 roads -

1 A. Oak View Road area.

2 Q. And I think Muddy Creek is down here somewhere as
3 well; is that correct?

4 A. Yes. Right in here.

5 Q. Okay.

6 A. Yes.

7 Q. Then this road goes - get this right - curves
8 around under - Marshland Road is somewhere along here; is
9 that correct?

10 A. Yes. Its this road right here.

11 Q. All right.

12 A. It goes back under the Cross Island.

13 Q. And that's going from area two to area three?

14 A. Correct.

15 Q. And the road here at the end of -

16 A. At the end, that's Allen Road.

17 Q. Okay. Thank you, ma'am, you can take the stand.

18 Thank you.

19 (WITNESS RETURNS TO WITNESS STAND.)

20 Q. Now as the records custodian for Beaufort County,
21 and I recognize that this is was a different position but
22 from the stand point of being the record's custodian, tell
23 me how calls work into the 911 Center, how the dispatch
24 takes place and things like that.

25 A. Well we receive all emergency and non-emergency calls

1 for Beaufort County. They come into our center and
2 they're recorded simultaneously. We also have a sister
3 dispatch center on Hilton Head. They sometimes receive
4 calls and they transfer them to us.

5 Q. And all of those are kept in basically the same
6 computer system. I'm sure there's a fancier word for that
7 but they're all kept in the same system; is that correct?

8 A. Correct.

9 Q. And they are recorded contemporaneously with the calls
10 coming in and with the dispatches going out?

11 A. Correct.

12 Q. And that is kept in the ordinary course of business
13 from the 911 Center?

14 A. Correct.

15 SOLICITOR STONE: Your Honor, at this time this is
16 State's Exhibit Two.

17 MR. VAUX: No objection, Your Honor.

18 THE COURT: I think that was two without objection.

19 (WHEREUPON, STATE'S EXHIBIT NUMBER TWO, PREMARKED AND
20 IDENTIFIED, RECEIVED INTO EVIDENCE.)

21 Q. Let me show you what's been marked State's Exhibit
22 Two, and I just want to make sure I cover that.

23 Have you reviewed that disc?

24 A. Yes.

25 Q. And are those the 911 calls that came in on September

1 the 1st, 2012?

2 A. Correct.

3 Q. And those are accurate?

4 A. Yes.

5 SOLICITOR STONE: And there is a transcript that goes
6 along with that, Your Honor, we will use that as well as an
7 exhibit.

8 Q. Is that accurate as to what you will hear on the 911
9 tape?

10 A. Correct.

11 Q. Okay.

12 SOLICITOR STONE: At this time, Your Honor, I move
13 this into evidence and ask to publish to the jury.

14 THE COURT: Its in evidence without objection and you
15 may publish.

16 SOLICITOR STONE: And the transcript will run and
17 obviously this is just audio off the tape. The transcript
18 will end there.

19 THE COURT: Some of you who are seated right above
20 that screen can you see okay? If not we can move you down
21 on the back row so you can see a little bit better.

22 THE JUROR: I need to move down.

23 THE COURT: All right. Ms. Phillips, can you see?

24 MS. PHILLIPS: I can. Thank you.

25 THE COURT: Okay. If you need to move back to the

1 back so you can see feel free to do that.

2 Yes, sir.

3 (WHEREUPON, STATE'S EXHIBIT TWO PUBLISHED TO THE JURY
4 AT 10:29 A.M..)

5 SOLICITOR STONE: Your Honor, just to clarify, this
6 does not have a transcript with it or it's not running on
7 this but I don't think it's necessary so we're not gonna -

8 THE COURT: Okay.

9 SOLICITOR STONE: Thank you.

10 (WHEREUPON, STATE'S EXHIBIT TWO CONTINUES TO BE
11 PUBLISHED TO THE JURY.)

12 BY SOLICITOR STONE:

13 Q. Ms. Smith, all of the events on that 911 tape took
14 place in that - in this area indicated by I guess Number
15 Three around the Allen Road area; is that correct?

16 A. Correct.

17 Q. And that's all in Beaufort County?

18 A. Correct.

19 Q. Thank you, ma'am.

20 SOLICITOR STONE: No further questions.

21 THE COURT: Thank you.

22 Mr. Vaux.

23 MR. VAUX: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 MELANIE SMITH BY MR. VAUX:

1 Q. Ms. Smith, do you - did you hear on the tape that
2 the fellow that did the shooting was in red shorts?

3 A. I don't recall.

4 Q. You don't? Have you read the transcript?

5 A. No, sir.

6 Q. But the transcript would be an accurate record of
7 what was said?

8 A. Correct.

9 Q. Did you hear in there that - that T shot him?

10 A. I'm sorry.

11 Q. Did you hear on the tape that T shot him?

12 A. I don't recall.

13 Q. You don't recall that? Okay. Thank you, ma'am.

14 THE COURT: Mr. Stone, any redirect?

15 SOLICITOR STONE: No, sir.

16 THE COURT: Thank you, Ms. Smith, you can step down.

17 (WITNESS LEAVING WITNESS STAND.)

18 SOLICITOR STONE: The state calls Zachary Taylor to
19 the stand.

20 THE COURT: Mr. Taylor.

21 SOLICITOR STONE: Yes, sir. All the witnesses are
22 sequestered out there and it takes a little bit to get them
23 in.

24 THE COURT: All right.

25 (WHEREUPON, ZACHARY TAYLOR,

1 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

2 MADAM CLERK: If you'll be seated and please state
3 your full name.

4 A. My name is Zachary William Taylor.

5 DIRECT EXAMINATION

6 ZACHARY TAYLOR BY SOLICITOR STONE:

7 Q. And, Mr. Taylor, what do you do, sir?

8 A. I'm a fire fighter and paramedic for the Town of
9 Hilton Head Island.

10 Q. How long have you been a paramedic? Now let me focus
11 strictly on that. How long have you been a paramedic?

12 A. I have been a paramedic since 1992.

13 Q. And what type of training do you receive to be a
14 paramedic?

15 A. Approximately nine months of advanced training beyond
16 my basic training of EMT.

17 Q. I've seen the shows but what exactly is a paramedic?
18 What do you do from that standpoint?

19 A. From the stand point of emergency medicine we do
20 advanced procedures. We can give IV's, start lines, give
21 medication. We have additional training as far as
22 identifying life threatening injuries. We can use advanced
23 electronic equipment, cardiac monitors, to determine the
24 state of a person's health and life.

25 Q. And so you're basically one of the I guess what we

1 would refer to as first responders? You're the first
2 responder when it comes to an emergency event?

3 A. Generally. Usually for medical events.

4 Q. And let me first talk to you specifically about
5 September the 1st, 2012. You were a paramedic at that
6 time?

7 A. Yes, sir.

8 Q. And you were working on Hilton Head?

9 A. Yes, sir.

10 Q. Did you respond to the Allen Road area that afternoon?

11 A. Yes, sir.

12 Q. What did you find once you got there?

13 A. I found the victim on the ground with a woman beside
14 him trying to protect him or try to render aid.

15 Q. Did you do any test on this victim? Do you recall
16 by any chance the name of the victim or the - anything
17 about the victim?

18 A. I do remember his name was Khalil. I don't remember
19 his last name at this time.

20 Q. And how old was he?

21 A. I was told he was seven.

22 Q. When you get there what condition is Khalil in?

23 A. He was apneic, he was pulseless, he was not breathing,
24 he was bleeding from the mouth. There was no response from
25 him.

ZACHARY TAYLOR: DIRECT BY SOLICITOR STONE
CHARLESE MITCHELL: DIRECT BY SOLICITOR STONE

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1 Q And what does that mean from the standpoint of
2 determining his condition?

3 A. Initially that I would assume that he was dead. There
4 was no obvious sign of life at that time.

5 Q. All right, sir. Thank you.

6 SOLICITOR STONE: Nothing further.

7 THE COURT: Mr. Vaux.

8 MR. VAUX: No questions.

9 THE COURT: Thank you, Mr. Taylor, you can step down.

10 (WITNESS LEAVING WITNESS STAND.)

11 SOLICITOR STONE: The state calls Charlese Jackson.

12 THE COURT: Ladies and gentlemen, all the witnesses in
13 the case are outside of the courtroom in what we call a
14 sequestration so that they are not here for anybody's
15 testimony so that's the reason it takes a moment to get 'em
16 in here.

17 Come forward please and be sworn.

18 (WHEREUPON, CHARLESE

19 MITCHELL, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
20 FOLLOWS:)

21 MADAM CLERK: Please be seated and please state your
22 full name.

23 A. Charlese Mitchell.

24 DIRECT EXAMINATION

25 CHARLESE MITCHELL BY SOLICITOR STONE:

1 Q. And I had called you Ms. Jackson before but that's
2 your former name; is that correct?

3 A. Yes, sir.

4 Q. You're name is Charlese Mitchell?

5 A. Yes, sir.

6 Q. I apologize for that. Ms. Mitchell, back in September
7 of 2012 where were you living?

8 A. 229 Marshland Road.

9 Q. And where is - Where is that in relation to - This is
10 down - Where is that in relation to the Cross Island
11 Expressway?

12 A. It's right off Spanish Wells.

13 Q. And Spanish Wells is on one side of it and then -

14 A. Marshland.

15 Q. --- Marshland Road connects the two?

16 A. Yes, sir.

17 Q. And you were living - Whereabouts were you living in
18 that area? What was the address?

19 A. 229 Marshland Road.

20 Q. Now I have shown you basically a model of the
21 neighborhood. Would that aide in your testimony today?

22 A. Yes, sir.

23 Q. And you have seen this model before have you not?

24 A. Yes, sir.

25 Q. Okay.

1 SOLICITOR STONE: Your Honor, at this time may we
2 bring this in front of the jury?

3 THE COURT: All right.

4 Q. Now what I'm gonna ask you to do, and I'd like you to
5 keep your voice up if you could, and I'd like you to come
6 down from the stand.

7 (WITNESS LEAVES WITNESS STAND.)

8 Q. And let's start originally where you lived.

9 THE COURT: Ms. Mitchell, if I could ask you to stand
10 at the other end where there is less obstruction.

11 A. Yes, sir.

12 THE COURT: That way you will - you will be more or
13 less facing the court reporter.

14 A. Yes, sir.

15 THE COURT: And so we'll coordinate with you.

16 A. Yes, sir.

17 THE COURT: Thank you.

18 BY SOLICITOR STONE:

19 Q. And I'll tell you what, I'll give you this rod.

20 A. Okay.

21 Q. Tell me what this depicts?

22 A. This right here, this mobile home right here is my
23 mobile home. Right here. This right here is my Uncle
24 Eddie Allen's old trailer. This is the trampoline that
25 sits by the front of his trailer. This trailer right here

1 is my old - Is Margarite's old trailer. This trailer that
2 sits right here is my cousin Ernie's trailer, this trailer
3 here is Margarette's trailer. This trailer here is Ms.
4 Mary's trailer and this trailer right here is Shirley's
5 trailer. And this right here is a little place that a lot
6 of people sits.

7 Q. Okay. And this main road that's going along here what
8 road is that?

9 A. This is Marshland Road.

10 Q. And Allen Road is where?

11 A. It's right here.

12 Q. Now, and I believe Tyrone Robinson lives or has
13 relatives that live down Allen Road as well; is that right?

14 A. Yes, sir.

15 Q. And where are they in this area? Are they off of
16 this board or are they - -

17 A. Pretty much. Well all of us that pretty much reside
18 here is related to Tyrone.

19 Q. Okay. All right. On September the 1st you were in
20 your home over here on the right, this house right here; is
21 that right?

22 A. That is correct.

23 Q. Okay. About four o'clock sometime in that time
24 frame tell me what - tell me what happened? What did you
25 hear?

1 A. I was inside the house. Me and my son and my step
2 kids was inside the house.

3 Q. What were your sons names?

4 A. My son's name is Calvin Maurice Junior. And my two
5 step sons was Xavier Delaney and Jashawn Washington.

6 Q. Okay.

7 A. We were inside the house and while we were inside the
8 house we heard some gun shots that went off like pop pop
9 pop pop pow is what we heard.

10 Q. About how many did you hear?

11 A. With the pow pow pow we - its' pretty much almost
12 like a rapid sound.

13 Q. Okay.

14 A. Is what we heard.

15 Q. What did you do after you heard the rapid firing?

16 A. After we heard the rapid sound we stayed inside and
17 we all stayed inside the house and then all of a sudden the
18 sound had ceased.

19 Q. Okay. What did you see after that?

20 A. After that took place Tyrone Delaney which is my
21 now fiancé came home. As he came home - As he came home we
22 heard a second round of pow pow pow shots but that was
23 before when he came home we had the kids to come outside
24 because Xavier - I'm sorry, Jontu Junior and Khalil came to
25 our house to get Tyrone's son which is Xavier. When they

1 came over there to get him they came over there and played
2 on his trampoline here. That's when we heard the second
3 round of pow pow pow pow.

4 Q. Okay. After the first - Let me back up. The first
5 set of gunshots that you heard that - the rapid fire, the
6 kids were not outside at that time; ---

7 A. They were not ---

8 Q. --- is that correct?

9 A. --- outside at that time no, sir.

10 Q. Did you see any cars or anything like that in the
11 area after that first shot?

12 A. No, sir.

13 Q. Okay. Tell me what you saw after that.

14 A. After we saw that like I said the kids came over
15 and got Xavier, they came on the trampoline and started
16 hearing the second round of shots. That's when we told the
17 kids to come inside the house. Xavier came inside the
18 house, Xavie and - I'm sorry, Jontu Singleton, Junior and
19 Khalil came walking back past this way. But at the time he
20 left his little - it's called a four wheeler by the
21 trampoline at that time. That's when after we heard the
22 second round of shots we told the kids to come inside the
23 house which the other two went a different way besides
24 Xavie. Then the last what we seen was a grey truck came
25 speeding up out of Allen Road onto Marshland Road and as of

1 that time -
2 Q. And I'll show you we've got a grey truck here.
3 A. Okay.
4 Q. It came along - You're seeing the truck coming this
5 way?
6 A. Yes. The grey truck started - The grey truck sped off
7 coming from out of Allen Road was turning this way. It was
8 coming - As we were coming me and - I was standing like in
9 the doorway, that's when I noticed who the driver was
10 driving the grey truck.
11 Q. And who was the driver driving the grey truck?
12 A. That was Aaron, Senior.
13 Q. Aaron, Aaron who senior? Aaron, last name?
14 A. Oh. I know him as Aaron Young.
15 Q. Okay. Aaron Young, Senior?
16 A. Yes, sir.
17 Q. Okay. And he's driving. Do you see who's in the
18 passenger seat?
19 A. There was somebody in the passenger seat but I
20 couldn't see who was the person in the passenger seat and
21 at that time that's when we heard the last three shots and
22 it was coming like from close to this area right here.
23 Q. And how much time separated the first set of shots and
24 the second set of shots and what - I'm not talking now
25 about the shots that came this way, I'm talking about the

1 first rapid fired shots and then the second set of rapid
2 fired shots.

3 A. I'll say within fifteen minutes, ten to fifteen
4 minutes afterwards.

5 Q. And your boyfriend at that time was Tyrone Delaney?

6 A. Yes, sir.

7 Q. And he came home at some point during that time; is
8 that correct?

9 A. Yes, sir.

10 Q. Okay. So put me in the order as far as the time line.

11 The first set of shots does Tyrone come home at that
12 time? Delaney, excuse me, come home at that time?

13 A. No.

14 Q. How does that - Tell me how that works?

15 A. The first sets of shots Tyrone is not home at the
16 first sets of shots. Tyrone came home -

17 Q. And let's use Tyrone Delaney because I don't want to
18 confuse him with Tyrone Robinson.

19 A. Okay. Tyrone Delaney came home during the second
20 round of shots.

21 Q. Before or after the second shots?

22 A. That was after the first sets of shots.

23 Q. Okay. But before the second set?

24 A. That's right.

25 Q. And the kids at that point were outside?

1 A. The kids were outside on the trampoline.

2 Q. Now, let me show you - First of all let me show you
3 what's been marked as State's Exhibit Three and ask you to
4 identify that please.

5 A. Yes, sir. This is my yard and that's my trailer and
6 this is the trampoline that sits right in front of Daveon's
7 trailer.

8 Q. Okay. All right.

9 SOLICITOR STONE: At this time, Your Honor, --

10 Q. And that's a fair and accurate depiction of how that
11 scene looked that day?

12 A. That is correct.

13 SOLICITOR STONE: At this time I offer State's Exhibit
14 Three into evidence.

15 MR. VAUX: No objection.

16 THE COURT: Thank you. Without objection.

17 (WHEREUPON, STATE'S EXHIBIT NUMBER THREE, PREMARKED
18 FOR IDENTIFICATION AND IDENTIFIED, RECEIVED INTO EVIDENCE.)

19 SOLICITOR STONE: And I'd like to publish that to the
20 jury please.

21 THE COURT: Yes, sir.

22 (STATE'S EXHIBIT NUMBER THREE PUBLISHED TO THE JURY
23 AT 10:56 A.M..)

24 Q. And what we're now showing up there that is State's
25 Exhibit Three. That is the trampoline and you told me I

1 think earlier, what's the trailer we see at the end of
2 that?

3 A. That's my mobile home.

4 Q. That's your mobile home?

5 A. Yes, sir.

6 Q. Okay. And the car is?

7 A. It was like - The white car is mine, the green
8 truck is Tyrone Delaney and the little blue car is my son
9 Calvin.

10 Q. Okay. All right. Let me show you what's been
11 marked State's Exhibit Four. Can you identify that please?

12 A. Yes, sir. That's the grey truck that came - -

13 THE COURT: I'm sorry, your voice has dropped a little
14 bit.

15 SOLICITOR STONE: Yeah.

16 Q. Don't let your voice drop. That's the - -

17 A. That's the grey - That's the grey truck that came
18 speeding down from Allen Road.

19 Q. Okay. And that's a fair and accurate depiction of
20 that truck?

21 A. Yes, sir.

22 SOLICITOR STONE: State's Exhibit Four, Your Honor, we
23 ask that that be moved into evidence.

24 MR. VAUX: Without objection.

25 THE COURT: Without objection.

1 (WHEREUPON, STATE'S EXHIBIT NUMBER FOUR PREMARKED FOR
2 IDENTIFICATION, IDENTIFIED AND RECEIVED INTO EVIDENCE.)
3 BY SOLICITOR STONE:

4 Q. All right. And that is the truck that you saw
5 speeding out of Allen Road after the rapid fire shots?

6 A. That is correct.

7 Q. Okay. I show you a picture of State's Exhibit Five
8 and ask if you can identify the person in that photograph?

9 A. Yes, sir. That's Aaron Young, Senior.

10 Q. Okay. That's Aaron Young, Senior?

11 A. Yes, sir.

12 SOLICITOR STONE: At this point, Your Honor, we move
13 State's Exhibit Five into evidence.

14 MR. VAUX: Objection, Your Honor.

15 THE COURT: What's the nature of the objection?

16 MR. VAUX: There's no relevance to the case.

17 THE COURT: He's been identified as the driver of the
18 truck.

19 MR. VAUX: But he's not the defendant.

20 THE COURT: That's right, not the defendant, but we're
21 talking about Aaron Young, Senior; is that -

22 MR. VAUX: Yes, sir.

23 SOLICITOR STONE: Yes, sir.

24 THE COURT: That's right. I'll allow it in. She's
25 already identified Aaron Young, Senior as the driver of the

1 pickup truck. I'll allow it in over objection.

2 SOLICITOR STONE: Thank you.

3 MR. VAUX: Is that Number Five?

4 THE COURT: Right. Number Five.

5 SOLICITOR STONE: And that is State's Exhibit Five.

6 (WHEREUPON, STATE'S EXHIBIT NUMBER FIVE PREMARKED FOR
7 IDENTIFICATION, IDENTIFIED AND RECEIVED INTO EVIDENCE.)

8 Q. And who is that person?

9 A. Aaron Young, Senior.

10 Q. All right. That is - And the person that you
11 identified driving State's Exhibit Four; is that correct?

12 A. Yes, sir.

13 Q. Let me show you what's been marked State's Exhibit
14 Six. Do you know who is depicted in that photograph?

15 A. Yes, sir.

16 Q. And who is that?

17 A. That's Tyrone Robinson.

18 Q. Okay. Now did you see Tyrone Robinson that day?

19 A. Yes, sir.

20 Q. Okay.

21 SOLICITOR STONE: State's Exhibit Six, Your Honor, we
22 move that into evidence as well.

23 MR. VAUX: No objection.

24 THE COURT: Thank you. Without objection.

25 (WHEREUPON, STATE'S EXHIBIT NUMBER SIX PREMARKED FOR

1 IDENTIFICATION, IDENTIFIED AND RECEIVED INTO EVIDENCE.)

2 Q. And that is a picture of Tyrone Robinson there; is
3 that correct?

4 A. That is correct.

5 Q. You said you saw Tyrone Robinson that day.

6 A. Yes, sir, I did.

7 Q. Now going back to the model. When did you see Tyrone
8 Robinson?

9 A. Right after --

10 Q. And let's put them back into the relevance as far as
11 the time is concerned with the rapid shots, the second set
12 of rapid shots and --

13 A. I seen Tyrone like I said after the first set of
14 shots.

15 Q. Okay. The first sets of shots, it happened then you
16 see Tyrone Robinson?

17 A. That is correct.

18 Q. And how does that happen? How do you see him?

19 A. He wanted to come into my front door and knocked on
20 the front door and as he knocked on the door I opened the
21 door and as Tyrone seen I opened the door he proceeded
22 inside the house and that's how I met - that's how me and
23 him was talking.

24 Q. Okay. What - How was he acting when you saw him?
25 What condition was he in?

1 A. He was a little hyped up and he had me a little
2 scared too.

3 Q. Okay. And when you say hyped up, he was excited?

4 A. To me he was excited.

5 Q. And how did he scare you?

6 A. Cause he had a gun hanging out to his side, a gun
7 handle.

8 Q. All right. Did you talk to Tyrone Robinson?

9 A. I did.

10 Q. And what did he say to you?

11 A. He said those M F was shooting at him.

12 Q. And what did you do at that point with Tyrone
13 Robinson?

14 A. I then ask him to leave and as I ask him to leave
15 my fiancé was pulling up in the drive.

16 Q. All right. And that's Tyrone Delaney?

17 A. Yes, sir.

18 Q. Okay. So you have this conversation. The rapid fires
19 had already shot the first time?

20 A. That's right.

21 Q. That's when you see Tyrone Robinson, Tyrone Delaney
22 then comes to your house. Do they go outside and talk?

23 A. No. He met Tyrone Delaney outside.

24 Q. Out in this area here?

25 A. Out in this area right here.

1 Q. Okay. All right. And how long did they stay outside
2 and talk?

3 A. No more than ten - I'll say no more than ten minutes.

4 Q. Were they outside talking when the kids went outside
5 to play on the trampoline?

6 A. That is correct.

7 Q. And tell me what happens then.

8 A. After that, after Tyrone left after he told Tyrone
9 that he had to leave Tyrone Delaney told Tyrone Robinson he
10 had to leave. That's when Tyrone disappeared. I don't know
11 where Tyrone what way he went but then all of a sudden and
12 like I said ten or fifteen minutes we started hearing the
13 rapid shots again.

14 Q. Okay.

15 A. And after that second round of rapid shots was going
16 on that's when we told the kids to come off the trampoline
17 and come inside the house.

18 Q. Okay. All of the kids - Did all of the kids come
19 into your house or did they scatter?

20 A. No. They scattered. Jontu Singleton and Khalil went
21 back toward - Well Margaret stays here and Devina stays back
22 here further back. They came so I figured that he had to go
23 by - he must a been going back to his momma's house and
24 Khalil was going over here to Shirley's house ---

25 Q. I see.

1 A. --- and Jontu was liven.

2 Q. Okay. Did you later go out and find Khalil?

3 A. No, sir.

4 Q. Did you ever see him?

5 A. I went out after the last three shots when I heard the
6 screaming from my bathroom right here which is right here
7 and we heard somebody screaming and that's when I came
8 outside and I found Brittany with Khalil.

9 Q. Okay. And where was Khalil at that point?

10 A. Khalil was laying right up in here.

11 Q. Okay. Go ahead and I'll ask you to take the stand.

12 (WITNESS RETURNS TO WITNESS STAND.)

13 Q. Let me show you what's been marked as State's Exhibit
14 Twelve and ask you if you can identify that please?

15 A. That's the grey truck.

16 Q. Okay. And that's the truck you saw Aaron Young,
17 Senior driving?

18 A. That is correct.

19 Q. Okay. And that's a fair and accurate depiction of
20 the back of the truck?

21 A. Yeah that is correct.

22 MR. VAUX: Objection.

23 Q. I show you what's been marked as State's Exhibit
24 Seven and State's Exhibit Sixteen and ask if you can
25 identify those two?

1 A. Yes. That's Tyrone Robinson's vehicle.

2 Q. And State's Exhibit Seven?

3 A. That is Tyrone Robinson's vehicle.

4 Q. Are those fair and accurate depictions of how the car
5 looked that day?

6 A. That is correct.

7 SOLICITOR STONE: Your Honor, at this time we move
8 State's Exhibit Twelve and Seven and Sixteen into evidence.

9 THE COURT: Any objection?

10 MR. VAUX: No objection, Your Honor.

11 THE COURT: Without objection. Thank you.

12 (WHEREUPON, STATE'S EXHIBITS SEVEN, TWELVE, AND SIXTEEN
13 PREMARKED FOR IDENTIFICATION, IDENTIFIED AND RECEIVED INTO
14 EVIDENCE.)

15 SOLICITOR STONE: Wish to publish to the jury State's
16 Exhibit Twelve.

17 Q. And you can see the monitor, Ms. Mitchell, up here.

18 That is State's Exhibit Twelve. And that's a fair and
19 accurate depiction of the truck that you saw go by I guess
20 after the second set of shots?

21 A. That is correct.

22 Q. State's Exhibit Seven. And then State's Exhibit
23 Sixteen. Did you see that vehicle that day?

24 A. That is correct. That's Tyrone Robinson's vehicle.

25 Q. And where did you see that car?

1 A. That car came speeding down Washington Road.

2 Q. And was that after the truck went by?

3 A. That is correct.

4 Q. All right.

5 SOLICITOR STONE: Excuse me just a moment, Your Honor.

6 THE COURT: Okay.

7 Q. And you had mentioned earlier I think that Tyrone
8 Robinson lives or has relatives that live somewhere back
9 into this neighborhood as well; is that correct?

10 A. That is correct.

11 Q. Okay. All right.

12 SOLICITOR STONE: I don't have any further questions at
13 this time, Your Honor.

14 THE COURT: Mr. Vaux, cross-examine.

15 MR. VAUX: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 CHARLESE TAYLOR MITCHELL BY MR. VAUX:

18 Q. Ms. Mitchell, without any intent to be disrespectful
19 I'm gonna call them Delaney and Robinson so that there is no
20 confusion between the two Tyrone's. Okay?

21 A. That's fine.

22 Q. Okay. Or I may call 'em Mr. Delaney Mr. Robinson.

23 That'll make things simpler. All right, if you would
24 come back down again for me please.

25 (WITNESS LEAVES WITNESS STAND.)

- 1 Q. Now as I understand it on September the 1st you were
- 2 at home?
- 3 A. Yes, sir.
- 4 Q. Okay. If you would go stand on this side of the
- 5 model. And you live in this house?
- 6 A. That is correct.
- 7 Q. Okay. And you were at home with your two step-sons?
- 8 A. And my son.
- 9 Q. And your son?
- 10 A. Yes, sir.
- 11 Q. Okay. The three of you are in the house?
- 12 A. Yes, sir.
- 13 Q. Okay. And what happens at that point?
- 14 A. While we were in the house we heard rapid gun shots
- 15 while we were in the house.
- 16 Q. Now you didn't think they were gunshots did you?
- 17 A. That's what we thought. That's what we thought they
- 18 were.
- 19 Q. Okay. And where did they sound like they were coming
- 20 from?
- 21 A. I actually thought they were coming from the back.
- 22 Q. From back there? Okay. Do you recall having
- 23 testified earlier?
- 24 A. Yes, sir.
- 25 Q. Okay. At that time of Officer Stone ask - I mean

1 Solicitor Stone ask you a question about the gun shots that
2 you heard and you had said the gun shots that were heard the
3 first sets were like pow pow pow pow pow pow were the first
4 set of shots that you heard the first time after you heard
5 the first set of gun shots me personally I didn't dawn on me
6 that it was shots. Do you remember saying that?

7 A. No. I remember saying that they were rapid shots.

8 Q. Okay. Now, how long after that do you say that the
9 next set of shots came?

10 A. Maybe ten or fifteen minutes after - -

11 Q. Okay. But between the first set and the second shots
12 ten to fifteen minutes?

13 A. Yes.

14 Q. Okay. Now, is it true that during that ten to
15 fifteen minute period Tyrone Robinson came to your door?

16 A. He came to my door.

17 Q. Okay. And is it true Mr. Robinson had on a pair of
18 shoes, red shorts, two beers, and a pistol sticking out of
19 his pocket?

20 A. I didn't see the beer.

21 Q. You didn't see the beer?

22 A. No, sir.

23 Q. But you saw the pistol?

24 A. I did.

25 Q. Okay. And you and Mr. Robinson had a conversation?

- 1 A. We did.
- 2 Q. And he ask you to use the telephone?
- 3 A. He did.
- 4 Q. Okay. And he made a call?
- 5 A. He did.
- 6 Q. Do you know who he called?
- 7 A. No, sir, I do not.
- 8 Q. Did you hear what he said?
- 9 A. No, sir.
- 10 Q. Okay. Do you recall if he ask if your cousin Patrick
- 11 Young was at home?
- 12 A. He did.
- 13 Q. Okay. Do you recall saying when he came in there he
- 14 walked - he pretty much - I opened the door he came inside.
- 15 When he came inside he walked in the house inside the house
- 16 I have like a bar. He walked in and set a brown paper bag
- 17 bottle with beer inside and ask if my cousin Patrick Young
- 18 was at home?
- 19 A. He ask if Patrick was at home.
- 20 Q. Do you remember seeing the brown paper bag with beer
- 21 in it?
- 22 A. No. At this moment no I don't remember the bag.
- 23 Q. Okay. Now, when did the boys go outside to play on
- 24 the trampoline?
- 25 A. They went outside to play after Tyrone Delaney came

- 1 home.
- 2 Q. Okay. So you're in the house?
- 3 A. Yes, sir.
- 4 Q. With the three boys?
- 5 A. Yes, sir.
- 6 Q. And Tyrone Robinson comes up and knocks on the door?
- 7 A. That is correct.
- 8 Q. Gun in his pocket?
- 9 A. That is correct.
- 10 Q. And he ask to use the telephone?
- 11 A. That is correct.
- 12 Q. And you let him use it?
- 13 A. That is correct.
- 14 Q. Then Mr. Delaney comes home?
- 15 A. That is correct.
- 16 Q. And Robinson is standing in the yard talking on the
- 17 telephone?
- 18 A. Yes he was talking on the phone, yes.
- 19 Q. So the two Tyrone's are talking in the yard?
- 20 A. Yes, sir.
- 21 Q. All right. At that point in time did Mr. Delaney
- 22 come up to you and say ask him to leave or tell him to leave
- 23 I'm not comfortable with him being here?
- 24 A. No I ask Tyrone Delaney to ask him to leave.
- 25 Q. You ask Tyrone Delaney to ask him to leave?

- 1 A. That is correct.
- 2 Q. Okay. So at that point does Mr. Delaney tell him to
- 3 leave?
- 4 A. Yes he did.
- 5 Q. Now where are the boys at this point?
- 6 A. When Tyrone came home the boys go on their trampoline.
- 7 Q. Okay. The three boys?
- 8 A. That is correct.
- 9 Q. Khalil, Jontu, and?
- 10 A. Xavier.
- 11 Q. And Xavier?
- 12 A. That is correct.
- 13 Q. All right. So the three boys are on the trampoline,
- 14 the two Mr. Delaney and Mr. Robinson are basically at your
- 15 front door?
- 16 A. They were right here.
- 17 Q. Right there in the yard?
- 18 A. Yes, sir.
- 19 Q. Okay.
- 20 A. That is correct.
- 21 Q. All right. And then Mr. Delaney tells Mr. Robinson
- 22 to leave?
- 23 A. That is correct.
- 24 Q. And Mr. Robinson leaves?
- 25 A. That is correct.

1 Q. And do you know where he went?

2 A. No, sir.

3 Q. Okay. So how long after that do you hear the next
4 set of shots?

5 A. Within ten or fifteen minutes we heard the next sets
6 of shots.

7 Q. All right. Ten to fifteen minutes after Mr. Robinson
8 leaves your house?

9 A. After he leaves the house.

10 Q. All right. So you had the first set of shots then
11 ten or fifteen minutes ---

12 A. Yes.

13 Q. --- and Mr. Robinson comes to your house?

14 A. That is correct.

15 Q. And he's there for a little while and then you have
16 another ten or fifteen minutes?

17 A. That is correct.

18 Q. So we narrow that twenty to thirty minutes ---

19 A. And -

20 Q. --- after the first set of shots?

21 A. That is about right.

22 Q. All right. Now do you know who fired the first set
23 of shots?

24 A. No, sir.

25 Q. Okay.

1 A. I do not.

2 Q. Now you say you identified if you look over your left
3 shoulder you identified Mr. Robinson's car?

4 A. That is correct.

5 Q. When you saw that car that day where was it parked?

6 A. To be honest I don't know where it was parked because
7 I never seen him have - with the car. I seen him as he was
8 leaving off of Allen Road onto Marshland Road.

9 Q. All right. So Robinson's at your house, he leaves.

10 A. He didn't have a car when he was to my house.

11 Q. He was walking?

12 A. That is correct.

13 Q. All right. And so he leaves on foot with the gun and
14 he - and ten to fifteen minutes go by?

15 A. That is correct.

16 Q. And you hear another set of shots?

17 A. That is correct.

18 Q. Okay. And then the next thing I think you say you
19 hear is or see is other than the yelling or what is the next
20 thing you hear or see?

21 A. After we heard the second round of shots like I stated
22 that's when we told the kids to come in the house.

23 Q. Yes, ma'am.

24 A. After that took place we heard the last three shots.

25 Q. Let me stop you there.

- 1 A. Okay.
- 2 Q. So you hear the second set of shots.
- 3 A. Uh-huh.
- 4 Q. And then you tell the kids to come in the house?
- 5 A. That is correct.
- 6 Q. All right. Now, do you - How far after the kids come
- 7 in the house do you see or hear the grey truck?
- 8 A. After. We heard the grey truck after.
- 9 Q. After what?
- 10 A. After the last - -
- 11 Q. Yes, ma'am, how close to when you tell the kids to
- 12 come in the house do you hear or see the grey truck?
- 13 A. As soon as we heard the first - the first sets of
- 14 shots we yelled at the kids to come inside.
- 15 Q. Okay. That's actually the second shots. The rapid
- 16 fired shots.
- 17 A. The second shots, right.
- 18 Q. Okay. And so you ask the kids to come in the house or
- 19 tell the kids to come in the house?
- 20 A. Yes, sir.
- 21 Q. All right. And you all almost immediately is that
- 22 you see or hear the grey truck?
- 23 A. I didn't see the grey truck after the second round
- 24 of shots.
- 25 Q. All right. The second or third?

1 A. The second. The third shots is when we seen the last
2 - the last three shots ---

3 Q. Okay.

4 A. --- they came by.

5 Q. So you hear the second set of shots?

6 A. That is correct.

7 Q. All right. And you tell the kids to come in the
8 house?

9 A. That is correct.

10 Q. And then you hear screaming?

11 A. We heard the screaming after the last three shots.

12 Q. Okay. Do you see the truck before the last three
13 shots?

14 A. We seen the truck before the last three shots.

15 Q. Okay. And where were you standing when you - when you
16 heard ---

17 A. When I heard the last three shots?

18 Q. --- heard the last three shots?

19 A. I was right here in the door. This is my front door
20 right here.

21 Q. Okay.

22 A. And that's when I was looking out the front door and
23 that's when the three shots came but as the three shots came
24 the grey truck was already coming down the road the last
25 three shots came out.

1 Q. Okay. And did you see the truck come down Allen Road?

2 A. I didn't see the truck until after the truck sped off.

3 Q. Okay.

4 A. And that's the last set round of shots.

5 Q. Okay. So you don't - I mean the truck could have
6 come from here, it could have come from anywhere?

7 A. I seen the truck sped out of Allen Road.

8 Q. Oh, you did?

9 A. Yes.

10 Q. Okay.

11 A. The truck came speeding out, came speeding out off
12 Allen Road and came straight this way.

13 Q. All right. So - Let me borrow your pointer just a
14 second. Make sure I got your testimony right.

15 A. Okay.

16 Q. You see or hear, you're standing here.

17 A. That is correct.

18 Q. Okay. So you see or hear and from there the truck
19 would be in this area somewhere's?

20 A. Yes cause the truck came speeding out of Allen Road.

21 Q. It comes down here?

22 A. That's right.

23 Q. And it comes across here?

24 A. That is correct.

25 Q. Right. And approximately where is it when you hear

1 the second ---
2 A. The last three shots?
3 Q. --- the last three shots?
4 A. The truck was right up in here.
5 Q. All right. In this area in here?
6 A. That is correct.
7 Q. Okay. Excuse me. What is - This is a driveway?
8 A. That is a driveway.
9 Q. Okay. How long is it between the time of the second
10 set of shots and the third set of shots? Approximate. The
11 best you can guesstimate.
12 A. I'd say maybe within maybe ten, ten minutes maybe.
13 Q. Okay. All right. So there's ten minutes between the
14 second set of shots and the last three shots?
15 A. The last three shots was different.
16 Q. A different sounding?
17 A. Yes, sir, they were different sounding.
18 Q. Okay. And when did you first realize that Khalil had
19 been killed after the three shots?
20 A. After the last three shots and after the last three
21 shots is like I said my bathroom is here.
22 Q. Uh-huh.
23 A. And that's when I heard somebody screaming.
24 Q. Okay. Now after all of this has gone on did you ever
25 inspect this - Whose house is this?

1 A. That's my ---

2 Q. Aunt?

3 A. --- Aunt Shirley.

4 Q. Aunt Shirley.

5 A. That is correct.

6 Q. Is that Shirley

7 A. Yes, sir.

8 Q. Okay.

9 A. That is her house.

10 Q. Now, did you ever come over here and inspect this
11 house?

12 A. No, sir.

13 Q. So you don't know if it had been shot up or hadn't
14 been up or if Tyrone's car had been there?

15 A. No, sir.

16 Q. All right. Now do you know Aaron Young, Junior?

17 A. Yes, sir.

18 Q. Okay. How do you know him?

19 A. That's my cousin.

20 Q. Okay. On September the 1st of 2012, did you see him
21 shoot a gun?

22 A. No, sir.

23 Q. On September the 1st, 2012, did you see him attempt
24 to kill Tyrone Robinson?

25 A. No, sir.

1 Q. On - When you saw Mr. Robinson I believe you said
2 he had a gun on him?

3 A. Yes, sir, I seen the black handle in his red shorts.

4 Q. Okay. Did you see anyone fire a gun that day?

5 A. I did not.

6 Q. I believe you said you saw the grey truck and you saw
7 Aaron Young, Senior driving the truck?

8 A. That is correct.

9 Q. Did you see Aaron Young, Junior in the truck?

10 A. No, sir. I don't - Like I said there was another
11 person in the truck. I don't know the other person in the
12 truck was.

13 Q. Okay. And - So you can't identify Junior as having
14 been in the truck that day?

15 A. No I don't know who the other person was inside of the
16 truck.

17 Q. All right. Did - After Khalil was shot did you see
18 Tyrone Robinson?

19 A. Not after.

20 Q. Not after?

21 A. No, sir.

22 Q. Thank you, ma'am.

23 MR. VAUX: I have nothing further.

24 THE COURT: Thank you. Redirect, Mr. Stone?

25 SOLICITOR STONE: Just briefly.

REDIRECT EXAMINATION

CHARLESE MITCHELL BY SOLICITOR STONE:

Q. How many times did you see that truck that day?

A. Briefly the time I seen it pass by the first and that was the last time after the last sets of shots.

Q. Okay. So you saw it pass by once or twice?

A. I seen it pass by the first time when it passed by and then the last time after the last three shots.

Q. But that's what I wanted to make sure I was clear about because I thought I picked that up. So you saw it pass by after the first set of shots and then you saw it also pass by after the ---

A. The last three shots.

Q. --- second and third - The last three shots; is that correct?

A. The last three shots.

Q. Okay. So actually you saw it go by your house twice that day?

A. That was twice.

Q. Twice; is that right?

A. That is correct.

Q. Aaron Young, Junior, do you see Aaron Young, Junior in the courtroom?

A. Yes, sir.

Q. Could you point him out for me?

CHARLESE MITCHELL: REDIRECT BY SOLICITOR STONE
RECROSS BY MR. VAUX

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1 A. Yes, sir.

2 Q. Okay. Please let the record reflect that she
3 identified the defendant.

4 (WITNESS INDICATED TOWARD DEFENDANT AT DEFENSE TABLE.)

5 THE COURT: Okay. Mr. Vaux, any followup?

6 MR. VAUX: Yes, sir.

7 RECROSS-EXAMINATION

8 CHARLESE TAYLOR-MITCHELL BY MR. VAUX:

9 Q. Did you see anybody in the grey truck fire a gun that
10 day?

11 A. I did not.

12 Q. Thank you.

13 THE COURT: Thank you. Please step down. Thank you,
14 ma'am.

15 (WITNESS LEAVING WITNESS STAND.)

16 SOLICITOR STONE: The state calls Tyrone Delaney.

17 THE COURT: Mr. Delaney, come forward please and be
18 sworn.

19 (WHEREUPON, TYRONE DELANEY,
20 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

21 MADAM CLERK: Please be seated and please state your
22 full name.

23 A. Tyrone Delaney.

24 DIRECT EXAMINATION

25 TYRONE DELANEY BY SOLICITOR STONE:

1 Q. All right, Mr. Delaney, I ask if you could pull that
2 microphone to you so that I can hear you, sir.

3 What do you do, sir?

4 A. I work at OC Welch.

5 Q. Okay. How long you worked at OC Welch?

6 A. Fourteen years.

7 Q. What do you do there?

8 A. I'm a technician.

9 Q. September the 1st, 2012, were you at that time living
10 over near the Allen Road area or staying over there?

11 A. Yes, sir.

12 Q. And who was that with?

13 A. Charlese Mitchell.

14 Q. Charlese Mitchell?

15 A. Yes, sir.

16 Q. Okay. And although she testified earlier and I know
17 you've seen this model, is it this house that you were
18 staying in?

19 A. Yes, sir.

20 Q. Okay. September the 1st, 2012, sometime around four
21 or five in the afternoon tell me what happened?

22 A. I was driving down Spanish Wells at Marshland when a
23 grey F 150 came over in my lane. I had to pull over so he
24 wouldn't hit me head on.

25 Q. All right. Now let me back you up. When you go -

1 You're coming from - Were you coming from OC Welch?

2 A. Yes, sir.

3 Q. So you're coming down Highway 278?

4 A. Yes, sir.

5 Q. All right. Let me ask you if you'd come down off the
6 stand. But I'm gonna ask you to keep your voice up if you
7 could.

8 (WITNESS LEAVES WITNESS STAND.)

9 Q. All right, let me show you, this is - I'm referring to
10 State's Exhibit One which is the map of the Hilton Head
11 area. And if you need to get closer and see it that's fine.
12 But what we've already had testimony is that this is
13 actually Highway 278. Do you see where we are here?

14 All right. Let me get you to keep your voice up a
15 little bit.

16 This is Spanish Wells here, this road going on here; is
17 that right?

18 A. Yes, sir.

19 Q. And is this the curve that you're describing here when
20 it curves in, is that Marshland Road that it curves into?

21 A. Yes, sir.

22 Q. Okay. And at that point what do you see?

23 A. A grey truck coming into my lane.

24 Q. So you're on the - I guess right lane, you're taking
25 a left turn?

1 A. Uh-huh.

2 Q. And it's coming around that same curve area?

3 A. Yes, sir.

4 Q. Okay. Now, let me show you what's been marked State's
5 Exhibit - I guess I can refer you to the monitor behind you.
6 This is State's Exhibit Twelve. And I will also go to
7 State's Exhibit Four. Is that the grey F150 that you saw
8 that day?

9 A. Yes, sir.

10 Q. And this is - You see that and I don't want you to
11 run into it, but you actually passed here at this curve here
12 going onto Marshland Road as you're heading towards Allen
13 Road and toward Charlese's house; is that correct?

14 A. Yes, sir.

15 Q. Okay. Go ahead and ask you to take the stand.

16 (WITNESS RETURNS TO WITNESS STAND.)

17 Q. Now as you - After the - After you go by the truck,
18 what do you do, do you continue on down to Charlese's
19 house?

20 A. Yes, sir.

21 Q. And that's near the Allen Road area. Is that the
22 Allen Road neighborhood?

23 A. Yes, sir.

24 Q. Tell me what happens when you get to Charlese's
25 house.

1 A. When I pull in the yard that's when Tyrone ask me if
2 I saw a grey truck.

3 Q. All right, now, when you say Tyrone, Tyrone who?

4 A. Robinson.

5 Q. Okay. And he was at Charlese's house when you get
6 there?

7 A. Yes, sir.

8 Q. And what is he - What's he wearing? What's he looking
9 like when you get --

10 A. He's wearing a red short pants and socks and a pair
11 of shoes.

12 Q. Okay. And what condition is he in? Is he excited is
13 he --

14 A. He's excited about something.

15 Q. Okay. Tell me what happens against this conversation
16 that you have here?

17 A. He ask me he said have you seen a grey truck? I said
18 yeah they almost hit me head on. He was like yeah they was
19 shootin at me so I shoot back at them.

20 Q. Okay. What happens after that? This conversation is
21 taking place where, out in the front yard here at the house?

22 A. Out in the yard. Yeah, out in the yard by my truck.

23 Q. Okay. And you parked I guess in front of this
24 house here?

25 A. Yes, sir.

1 Q. All right. And the conversation at this point how
2 far are you away from Tyrone Robinson when he's asking you
3 about the truck and saying that they were shooting at him?

4 A. He was like close, real close.

5 Q. Okay. Like just conversational length? In other
6 words say for instance --

7 A. Right there.

8 Q. Right here?

9 A. Uh-huh.

10 Q. Okay. All right. What do you do after that?

11 A. I went in the house and tell Charlese that to tell-
12 ask her to tell him to leave cause he's got a gun.

13 Q. Tyrone Robinson had a gun?

14 A. Yes.

15 Q. And you saw the gun?

16 A. Yes.

17 Q. Okay. And did Tyrone Robinson leave?

18 A. Yes, he did leave.

19 Q. What happens after Tyrone Robinson leaves?

20 A. After he left I heard some semi shots.

21 Q. What do you mean semi shots?

22 A. Semi automatic.

23 Q. Okay. How would you describe that?

24 A. Real rapid.

25 Q. Rapid fired shots?

1 A. Yes, sir.

2 Q. Okay. And what did you do or what happened after
3 that?

4 A. Charlese went outside to tell the kids to come in the
5 house. My son came in and the other two went the other way,
6 that's where he lived, I'm not sure, I'm not familiar with
7 the area but then after that we heard three more shots.

8 Q. Were the three shots that you heard after you heard
9 what you described as semi - semi shots or semi automatic
10 shots or rapid fired shots were they the same sound as the
11 three shots that you heard?

12 A. No, sir.

13 Q. Okay. And what was the difference between the two?

14 A. The three I heard was like pow pow pow after the semi.

15 Q. Did it sound to you like they were coming from two
16 different guns?

17 A. Yes, sir.

18 Q. And your son is Xavier; is that correct?

19 A. Yes, sir.

20 Q. And he came into the house?

21 A. Yes, sir.

22 Q. The other two, I think that was Jontu Singleton,
23 Junior and as well as Khalil Singleton, they were out -
24 still outside; is that right?

25 A. Yes, sir.

1 Q. They went the other way?

2 A. Yes, sir.

3 Q. When they went the other way when did you hear, did
4 you hear the three shots after they started going off the
5 other way?

6 A. Yes, sir.

7 Q. Can you tell me what happens after that?

8 A. That's when we heard screaming somebody help me. And
9 that's when Charlese went outside and I came later and I saw
10 Everett trying to bring him back.

11 SOLICITOR STONE: All right, Tyrone, if you will answer
12 any questions that Mr. Vaux may have for you.

13 A. Yes, sir.

14 THE COURT: Mr. Vaux, cross examine?

15 CROSS-EXAMINATION

16 TYRONE DELANEY BY MR. VAUX:

17 Q. Mr. Delaney, do you know Aaron Young, Junior?

18 A. No, sir.

19 Q. On September the 1st, 2012, did you see him shoot a
20 gun?

21 A. No, sir.

22 Q. Did you see or hear him say anything about trying to
23 kill Tyrone Robinson?

24 A. No, sir.

25 Q. On September the 1st, 2012, did you see Tyrone

- 1 Robinson?
- 2 A. Yes.
- 3 Q. And you know him of your own knowledge?
- 4 A. Yes, sir.
- 5 Q. Did you see Mr. Robinson have a gun on him?
- 6 A. Yes, sir.
- 7 Q. Did you see anyone fire a gun that day?
- 8 A. No, sir.
- 9 Q. Did you see Aaron Young, Junior, in possession of a
- 10 gun that day?
- 11 A. No, sir.
- 12 Q. Did you see Aaron Young, Junior as a passenger or
- 13 driving in a grey truck that day?
- 14 A. No, sir.
- 15 Q. Did you see anyone in the grey truck firing a gun
- 16 that day?
- 17 A. No, sir.
- 18 Q. Now, if you will please come down from the stand.
- 19 (WITNESS LEAVING WITNESS STAND.)
- 20 Q. Okay. If you would, after you hear the second round
- 21 of gun shots, about how long is it - I'm sorry, strike that.
- 22 After the second round of rapid gun shots, what did you do?
- 23 A. I'm in the house.
- 24 Q. You're in the house here?
- 25 A. Yes, sir.

1 Q. Okay. And what did you do at that point?

2 A. My old lady come and I told her to - -

3 Q. Ms. Mitchell?

4 A. Yes, sir.

5 Q. Okay.

6 A. I told her to tell the kids to come in this house.

7 Q. Okay. And so the kids came in?

8 A. My son came in.

9 Q. Right. And then what happened at that point?

10 A. That's when we heard screaming. After the first gun

11 shots I heard and told the kids to come in then we heard

12 three more shots.

13 Q. Okay. After you hear the first gun shots that you

14 hear, the rapid shots?

15 A. Yes, sir.

16 Q. Okay. And you told the kids to come in?

17 A. Yes, sir.

18 Q. And your son came in the house?

19 A. Yes, sir.

20 Q. Okay. And then you hear people screaming. Then what

21 happens?

22 A. I heard the third gun shots.

23 Q. Okay. Now, did you see or hear the grey truck between

24 the second - between the first set of gun shots that you

25 heard and the last three shots?

- 1 A. No, sir.
- 2 Q. Did you ever see the grey truck again that afternoon?
- 3 A. No, sir.
- 4 Q. All right. Now, did you go outside the house after
- 5 the rapid fire shots?
- 6 A. After the third.
- 7 Q. After the third you went out?
- 8 A. After the three gun shots.
- 9 Q. All right. And you never saw the truck?
- 10 A. No, sir.
- 11 Q. Okay. Was Ms. Mitchell with you that entire time?
- 12 A. No, sir. She was outside.
- 13 Q. Before you went outside?
- 14 A. Yes, sir.
- 15 Q. Okay. So after you hear the screaming Ms. Mitchell
- 16 comes out - Move that just a little bit for me - Ms.
- 17 Mitchell comes out of this house and is standing in this
- 18 area. Is that correct?
- 19 A. Yes, sir.
- 20 Q. Okay. And sometime after that you come by it?
- 21 A. Yes, sir.
- 22 Q. Okay. So if the grey truck had come down here she
- 23 could have seen it without your ever seeing it?
- 24 A. Yes, sir.
- 25 Q. Okay. Go back on the stand for me, please.

1 (WITNESS RETURNS TO WITNESS STAND.)

2 MR. VAUX: Nothing further.

3 THE COURT: Thank you. Redirect, Mr. Stone?

4 SOLICITOR STONE: I don't think so. I ask that this
5 witness be -

6 THE COURT: Thank you, Mr. Delaney, you can step down.
7 Thank you, sir.

8 (WITNESS LEAVING WITNESS STAND.) --

9 SOLICITOR STONE: May we approach, Your Honor?

10 THE COURT: Yes, sir.

11 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
12 THE JURY AT 11:29 A.M..)

13 THE COURT: Ladies and gentlemen, this is a good time
14 for the morning recess. I'm gonna send you to your jury
15 room. We'll take about a fifteen, maybe twenty minute
16 recess. Remember please do not discuss this case among
17 yourselves while you're in the jury room. Thank you.

18 (JURY EXITS COURTROOM AT 11:29 A.M..)

19 THE COURT: All right, folks, we'll stand down for
20 about fifteen minutes. Thank you.

21 (COURT IN RECESS AT 11:30 A.M..)

22 (COURT BACK IN SESSION AT 11:53 A.M..)

23 THE COURT: Thank you, folks, please be seated.

24 Folks, are both sides ready for the jury?

25 SOLICITOR STONE: Yes, sir.

1 MR. VAUX: Yes, sir.

2 THE COURT: You can bring your next witness into the
3 courtroom if you'd like.

4 SOLICITOR STONE: Tell them to bring Dominique Griffin
5 in, please.

6 (JURY REENTERS COURTROOM AT 11:54 A.M..)

7 THE COURT: Ladies and gentlemen, we now continue with
8 the state's presentation of testimony in the case.

9 Mr. Stone.

10 SOLICITOR STONE: The state calls Dominique Griffin.

11 THE COURT: Mr. Griffin, come forward please and be
12 sworn.

13 MADAM CLERK: Place your left hand on the Bible and
14 raise your right hand. Stand up please. Raise your right.

15 (WHEREUPON, DOMINIQUE GRIFFIN,
16 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

17 MADAM CLERK: Okay. Please state - You can be seated.
18 Please state your full name.

19 A. Dominique Griffin.

20 DIRECT EXAMINATION

21 DOMINIQUE GRIFFIN BY SOLICITOR STONE:

22 Q. Mr. Griffin, where do you live now, sir?

23 A. Uh - In Bridgetown in Hilton Head.

24 Q. And on September of 2012 where were you living?

25 A. Uh - 215 Marshland.

1 Q. 215 Marshland is off of the Allen Road area in Hilton
2 Head; is that right?

3 A. Yes.

4 Q. You have seen this model before have you not?

5 A. Yes.

6 Q. We've gone over it. All right, let me ask you if you
7 could if you could come down but I'd like you to keep your
8 voice up so that the court reporter as well as the jury can
9 hear you. And I believe the judge wants you on this side.

10 THE COURT: Maybe it would be better that way his back
11 would not be to the court reporter.

12 SOLICITOR STONE: So come to where I am if you
13 don't mind.

14 (WITNESS LEAVING WITNESS STAND.)

15 Q. Or I can do this, turn if you will so they can hear
16 you as well. All right, you were living in what type - in
17 what house in what area?

18 A. This house right off of Marshland on Allen Road.

19 Q. That house right there?

20 A. Yes.

21 Q. And who were you living there with?

22 A. Me and my fiancé Ms. Simmons and two kids.

23 Q. Okay. Were any of those kids your kids?

24 A. Yes.

25 Q. And what kid? Who is that?

- 1 A. Damian and Griffin.
- 2 Q. Okay. And how old was Damian at the time?
- 3 A. About three weeks to a month old.
- 4 Q. Okay. So are you at home sometime in the afternoon
- 5 around four o'clock with your three - is it three? I'm
- 6 sorry, you said three weeks? Three week old?
- 7 A. Yeah about three weeks to a month.
- 8 Q. Okay. Were you at home with your child sometime
- 9 during that day that afternoon?
- 10 A. Yes.
- 11 Q. All right. And where were you in the house?
- 12 A. Uh - In this room right here where the front porch is.
- 13 Q. And that's - Yeah, that's what I was gonna - That is
- 14 a- That's a front porch here and then there's a room behind
- 15 it?
- 16 A. Yeah. There's a room window right here to the
- 17 left when you enter the front porch.
- 18 Q. And that is in - I guess you got separated from the
- 19 front part of the house?
- 20 A. Uh-huh.
- 21 Q. Okay. Tell me what you hear?
- 22 A. Uh --
- 23 Q. What do you - Go ahead, I'm sorry.
- 24 A. From one - I mean from one minute went to another I
- 25 heard random machine gun fire riding sound like it's going

1 down towards - that's I think Indigo Plantation ---

2 Q. All right.

3 A. --- down there.

4 Q. All right.

5 A. I heard random gun shots and I dropped to the floor on
6 top of my son.

7 Q. Okay. All right, and at that - I think Indigo runs is
8 gonna be probably this direction, this goes all the way down
9 and going toward the Cross Island Expressway on this.

10 A. Yes.

11 Q. So Indigo is gonna be on that way. Right?

12 A. Yes.

13 Q. So you hear somewhat what sounds like machine gun
14 fire somewhere along here?

15 A. Yes.

16 Q. All right. And you are with your child at this time?

17 A. Yes. I was on top of him.

18 Q. Okay. What were you doing prior to hearing the gun
19 shots? Were you all asleep or awake?

20 A. Watching TV really.

21 Q. Watching TV?

22 A. Watching TV.

23 Q. All right. What do you do at that point? You roll
24 over on top of him. What do you do?

25 A. I waited until the gun shots stopped.

1 Q. Okay.

2 A. And then when they stopped I went to the back door
3 because my step son was outside playing and so I went
4 outside to check -

5 Q. Who is your step son?

6 A. Jontu Singleton, Junior.

7 Q. Okay. He was outside playing?

8 A. Yes.

9 Q. All right. So sometime after you hear the rapid fire
10 you go out the back. Why do you go out the back as opposed
11 to the front?

12 A. Because we never use the front door.

13 Q. When you go out of the back of the yard - Let me first
14 show you what's already been put into evidence as State's
15 Exhibit Seven. Can you identify that?

16 A. Yeah. That's the car that was parked outside the
17 house.

18 Q. All right. And this is a - it's a model of that car.
19 It was parked where in here?

20 A. Its between the den - this is the den area right here.

21 Q. Okay.

22 A. It was parked right here beside the house.

23 Q. As I'm putting it right here?

24 A. Yes.

25 Q. All right. And let me also show you what's been

1 marked as State's Exhibit Sixteen. Do you recognize that?

2 A. I recognize it.

3 Q. Okay.

4 A. Yeah, I recognize the car.

5 Q. All right. Now, State's Exhibit Sixteen - and we've
6 already shown this - has a window I guess broken out. Was it
7 like that when you originally saw it?

8 A. No.

9 Q. Okay. Tell me how - Tell me what happened.

10 A. There was a few bullet holes intact inside the back
11 window.

12 Q. You saw bullet holes in the window?

13 A. Yeah.

14 Q. Okay. What did you see as you're going out on the
15 back porch then?

16 A. Uh - My step son was actually run to me pointing to
17 the guy saying he shot Khalil, he shot Khalil.

18 Q. And your step son is Jontu Singleton?

19 A. Yes, sir.

20 Q. Okay. And you see the guy he's pointing to. Who is
21 the guy he's pointing to?

22 A. Mr. Robinson.

23 Q. Tyrone Robinson?

24 A. Yeah.

25 Q. What does Tyrone Robinson do?

1 A. He - I mean he actually practically just get in his
2 vehicle and backed up and left like he had to go somewhere,
3 you know what I'm saying.

4 Q. In a hurry?

5 A. Yeah, yeah. We had a four by four pole holding up
6 a fig tree in the back yard.

7 Q. Okay. So there is somewhere along this area there is
8 a post coming up; is that right?

9 A. Yes, sir, a post against the fig tree.

10 Q. All right. And when he hit the post is that when
11 the glass fell out of the car?

12 A. Yeah.

13 Q. And let me ask you, State's Exhibit Eight, is that a
14 fair and accurate depiction of the back yard?

15 A. Yeah.

16 Q. Okay.

17 SOLICITOR STONE: At this time, Your Honor, we move
18 State's Exhibit Eight into evidence.

19 MR. VAUX: No objection.

20 THE COURT: Thank you. Without objection State's
21 Eight.

22 (WHEREUPON, STATE'S EXHIBIT NUMBER EIGHT PREMARKED FOR
23 IDENTIFICATION, IDENTIFIED AND RECEIVED INTO EVIDENCE.)

24 Q. And I'll show that State's Exhibit Eight to the jury.

25 (STATE'S EXHIBIT NUMBER EIGHT PUBLISHED TO THE JURY AT

1 12:01 P.M..)

2 Q. Tell me where that is in relation to this photograph
3 that's up on the monitor? Where is that in relation to this
4 model?

5 A. That's between the shed and the trees right here.
6 That's right here.

7 Q. All right. So the car is parked as it is in this
8 model when you originally see it?

9 A. Yes.

10 Q. Robinson gets in it and pulls out and that's when the
11 glass falls out. But it's already been shot at the time
12 when you see it?

13 A. It was still intact with bullet holes in it.

14 Q. Okay. All right.

15 SOLICITOR STONE: I don't have any further questions
16 for you. Go ahead and take the stand and answer any
17 questions --

18 MR. VAUX: Actually stay there for me ---

19 SOLICITOR STONE: Okay.

20 MR. VAUX: --- if you will please.

21 If you will help me turn this thing around so that they
22 can see what we're talking about. I don't think they're
23 gonna be able to but, Your Honor, may the jury - -

24 Here's my problem, Your Honor. If you can stand the
25 cars on the back side of the house and you can't as you're

1 face it from that way you can't see where the car is.

2 THE COURT: Right.

3 MR. VAUX: Unless they stand up and take a look at it
4 and I turn it around. Is it all right if they stand up?

5 THE COURT: Sure. The jury can stand up but I'm not
6 sure whether that -

7 SOLICITOR STONE: Your Honor, I have a better
8 suggestion. Phil, come here a minute. Take Mr. Vaux's
9 position. Shawn, just pull this out and put it flat and
10 maybe they will be able to see it that way. Okay. Take
11 this thing out.

12 (STATE'S EXHIBIT MODEL REARRANGED FOR BETTER VIEWING.)

13 SOLICITOR STONE: Thank you. And does that help?

14 MR. VAUX: Okay. Thank you.

15 CROSS-EXAMINATION

16 DOMINIQUE GRIFFIN BY MR. VAUX:

17 Q. Good morning.

18 A. Good morning.

19 Q. All right. So now I think your testimony is that you
20 live here?

21 A. Exactly.

22 Q. Okay.

23 A. But I have to come on the front porch in order to be
24 in the front of the window of the room.

25 Q. Okay. So you were somewhere's in this part here with

1 your son?

2 A. Exactly.

3 Q. Okay.

4 THE COURT: Mr. Vaux, can I get you and Mr. Singleton
5 - Mr. Griffin to switch places. That way if you don't mind
6 so he would more or less facing the court reporter. Thank
7 you.

8 MR. VAUX: Yes, sir. I apologize.

9 THE COURT: That's okay.

10 BY MR. VAUX:

11 Q. All right. So you are here with your young son?

12 A. Yes, sir.

13 Q. Where is Jontu?

14 A. Out playing with the little boy Khalil.

15 Q. Now how long had you been home that day?

16 A. Maybe like - Since I probably got off the bus at 7:01
17 that morning.

18 Q. All right. But you had been home all day?

19 A. Uh-huh.

20 Q. Okay. So you're watching television with your young
21 son?

22 A. Uh-huh.

23 Q. And you hear rapid shots?

24 A. Yeah.

25 Q. Approximately how many shots did you hear?

- 1 A. Like a machine gun.
- 2 Q. Like with a machine gun. Just fast - -
- 3 A. Like a machine gun.
- 4 Q. A machine gun?
- 5 A. Yeah.
- 6 Q. Okay. Excuse me. Now at that time that you hear the
- 7 shots was Mr. Robinson's car parked here?
- 8 A. I don't know.
- 9 Q. All right. Did you ever hear Mr. Robinson or see Mr.
- 10 Robinson park his car there?
- 11 A. No.
- 12 Q. When did you first realize that the car was there?
- 13 A. After the gun shots stopped and I got up and ran to
- 14 the back door to check on my step son Jontu.
- 15 Q. Okay. So you hear the gun shots and you run to the
- 16 back door.
- 17 A. No. I hear the gun shots and run to the back door
- 18 after they stop.
- 19 Q. Okay. You hear the gun shots they stop you run to the
- 20 back door?
- 21 A. Yep.
- 22 Q. Okay. And you see the car?
- 23 A. Yep.
- 24 Q. Okay. Was the car shot up at that time?
- 25 A. Yep.

1 Q. Okay. And do you know if the car was shot up when it
2 got there?

3 A. Don't know.

4 Q. You don't know. So somebody drove that car in and
5 parked it there and you didn't know it?

6 A. Exactly.

7 Q. Okay.

8 A. No one never parks in the yard right there.

9 Q. Nobody does?

10 A. Never.

11 Q. Why?

12 A. It's actually not a parking space.

13 Q. Okay.

14 A. You got a separate tape right there.

15 Q. Oh, okay. Now, was the car headed in this direction
16 or in that direction?

17 A. I don't know the position it was in.

18 Q. Okay. So you come out the back door here and you see
19 Jontu Junior?

20 A. Yeah.

21 Q. Okay. And where approximately is Jontu here?

22 A. Exactly where your finger is with the marker.

23 Q. Right here?

24 A. In yellow.

25 Q. Okay. Do you see Khalil lying on the ground?

- 1 A. No, sir.
- 2 Q. Okay. What does Jontu say to you?
- 3 A. He was pointing to Mr. Robinson saying he shot Khalil.
- 4 Q. All right. Where is Mr. Robinson?
- 5 A. Actually in this shade right here coming.
- 6 Q. Coming this way towards his car?
- 7 A. Yes.
- 8 Q. Okay. Did you see a grey truck?
- 9 A. No.
- 10 Q. Okay. Have a seat for me.
- 11 (WITNESS RETURNS TO WITNESS STAND.)
- 12 Q. So you were home all day?
- 13 A. Ever since the - let's see, the LRT actually lets us
- 14 off exactly in front of Station One at 7:01 on the dot.
- 15 Q. Okay. So it took you what ever time to get home so -
- 16 A. Maybe five to forty minutes to walk there.
- 17 Q. So certainly by eight o'clock you're home?
- 18 A. Exactly.
- 19 Q. Okay. And you're home all day?
- 20 A. Yeah.
- 21 Q. And you heard one series of what you described as
- 22 machine gun fire?
- 23 A. Random.
- 24 Q. Random. Do you hear any other gun fire all day?
- 25 A. No.

1 Q. Okay. You didn't hear three shots?

2 A. No.

3 Q. Okay. Do you know Aaron Young, Junior?

4 A. No. Know of him.

5 Q. Okay. On September the 1st, 2012, did you see him
6 shoot a gun?

7 A. No.

8 Q. Did you see or hear him exhibit any behavior towards
9 killing Tyrone Robinson?

10 A. No.

11 Q. On September the 1st, 2012, did you see Tyrone
12 Robinson?

13 A. Yes.

14 Q. Did he have a gun on him?

15 A. I did not see.

16 Q. Did he have any beer in his hand?

17 A. I did not see none of that.

18 Q. Okay. And you saw no grey Ford?

19 A. No I didn't see a grey Ford.

20 Q. And you heard one set of gun fire?

21 A. Random gun fire.

22 Q. What do you mean by random?

23 A. Machine gun simultaneously.

24 Q. All of 'em - all of the sounds are the same?

25 A. No.

1 Q. The guns are -

2 A. It was all the same.)

3 Q. All the same?

4 A. All the same.

5 MR. VAUX: I have nothing further.

6 THE COURT: Thank you. Redirect, Mr. Stone?

7 SOLICITOR STONE: Nothing else, Your Honor. Thank you.

8 THE COURT: Mr. Griffin, you can step down. Thank you.

9 (WITNESS LEAVING WITNESS STAND.)

10 MR. VAUX: Your Honor, I have no objection to any of
11 these witnesses being excused.

12 SOLICITOR STONE: That's fine. Thank you.

13 THE COURT: Thank you.

14 SOLICITOR THORNTON: Jontu Singleton.

15 MR. VAUX: Senior or Junior?

16 SOLICITOR THORNTON: Senior.

17 THE COURT: Come forward please, sir, and be sworn.

18 MADAM CLERK: Stand up please. Left hand on the
19 Bible, raise your right.

20 (WHEREUPON, JONTU SINGLETON,
21 SENIOR, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
22 FOLLOWS:)

23 MADAM CLERK: Thank you. You need to speak up and
24 please state your full name.

25 A. My full name is Jontu Burgeo Singleton, Senior.

DIRECT EXAMINATION

JONTU SINGLETON BY SOLICITOR THORNTON:

Q. Mr. Singleton, where do you live currently, sir?

A. I live at Number 8 Burrito Drive off of Guntree Road, Hilton Head, South Carolina.

Q. All right. So you live in Hilton Head?

A. Yes, sir.

Q. All right. Did you live here in Beaufort County on or about September the 1st of 2012?

A. Did I live here at that time?

Q. Did you live in Beaufort County ---

A. Oh, yes, sir.

Q. --- in September of 2012?

A. Yes, sir.

Q. All right. And are you familiar with a man named Tyrone Robinson?

A. Yes, sir.

Q. And did you testify previously at a trial involving Tyrone Robinson right here in this very courthouse?

A. Yes, sir.

Q. Now that was about the murder of Khalil Singleton; is that correct?

A. Yes, sir.

Q. Let me ask you this. On September the 1st, 2012, and I realize, Mr. Singleton, you and I have talked and this is

1 gonna be a lot of the same thing, but this is what we need
2 to do today. On that day September the 1st, 2012, did you
3 see Tyrone Robinson?

4 A. Yes, sir.

5 Q. That morning?

6 A. No I seen him I believe it was that afternoon.

7 Q. Okay. So sometime in the afternoon of September the
8 1st, 2012, you saw Tyrone Robinson; is that right?

9 A. Yes, sir.

10 Q. And where did you see him at?

11 A. Off of Wild Horse Road at 215 Wild Horse Road.

12 Q. And whose house is that?

13 A. Darrell Ferguson.

14 Q. All right. So you went to Mr. Ferguson's house. Now
15 did you drive to Mr. Ferguson's or did you walk?

16 A. I walked, sir.

17 Q. I see. You walked over to 215 you said Wild Horse
18 Road and was Mr. Robinson, Tyrone Robinson was he already
19 there?

20 A. He was already there, sir, yes, sir.

21 Q. And did he have a vehicle? Was he in his car?

22 A. He was outside of his vehicle with the music playing
23 loud and his car was backed up and Mr. Ferguson knocked on
24 115 Wild Horse Road.

25 Q. All right. And without telling me specifically

1 what you all talked about, did you at some point talk to
2 Tyrone Robinson?

3 A. I ask Mr. Ferguson is here to see me and he told me
4 no not really. And that's when Tyrone had talked to me.

5 Q. Okay. And were you all talking? At some point did
6 you have a conversation with Mr. Robinson?

7 A. He did ask me if I wanted a beer yes, sir.

8 Q. Okay. And did you have a beer?

9 A. I went to his vehicle and got a beer.

10 Q. And when you say you went to the vehicle, whose
11 vehicle did you go to?

12 A. Mr. Tyrone Robinson.

13 Q. And what happened after - By the way, had you known
14 Tyrone Robinson before then? Did you know who he was to see
15 him?

16 A. Yeah I seen him, you know, around a few times. I know
17 him.

18 Q. About how long?

19 A. How long did I know him?

20 Q. Yeah.

21 A. I know of him. I don't know him like that.

22 Q. That's what I mean. How long did you know of him, a
23 month, two months, six months, a year, two years?

24 A. A couple of years.

25 Q. A couple of years?

1 A. Like about fifteen years or so you know. I know of
2 him. I don't viewed him like that.

3 Q. I understand. But you knew who he was?

4 A. I knew who he exactly was.

5 Q. Have you caught rides with him before?

6 A. Yes, sir.

7 Q. Okay. And had you drank beer with him before?

8 A. Yes, sir.

9 Q. So this wasn't - This particular afternoon wasn't
10 anything unusual?

11 A. No, sir.

12 Q. Now did you leave at some point from Darrell
13 Ferguson's house with Tyrone Robinson?

14 A. Uh - After I had got to Darrell after Tyrone offered
15 me a beer I went to his car and got the beer. About a
16 couple of minutes later he ask if I wanted to ride with him.
17 I told him yeah I'd go to the store with you but I ask him
18 could we stop and I can get some change from Aaron Young,
19 Senior so I can buy some cigarettes.

20 Q. All right. You ask him at some point to stop on the
21 way to the store to get some money you were gonna get some
22 from Aaron Young, Senior; is that correct?

23 A. Yes, sir.

24 Q. And did you go to Aaron Young, Senior's house?

25 A. Yes, sir.

1 Q. And what area is that in in Beaufort County?

2 A. It's off of Wild Horse Road. Wild Horse Road.

3 Q. Okay. And did you see Aaron Young, Senior there?

4 A. When I got out the vehicle they was - he was standing
5 outside, sir.

6 Q. All right. And by the way let me ask you a question..

7 Do you know the defendant in this case seated with
8 Mr. Vaux?

9 A. Oh, yes, sir.

10 Q. Okay. I'm sorry, if you need to stand up and look at
11 him you can. Do you know who that is?

12 A. Yes, sir.

13 Q. Who is it?

14 A. That's Aaron Young, Junior.

15 Q. All right. And so the person you were going to see
16 you mentioned earlier was Aaron Young, Senior. What
17 relation is he to Aaron Young, Junior? Is that his father?

18 A. That's his father, sir.

19 Q. So when you get there you said you saw Aaron Young,
20 Senior. Was Aaron Young, Junior, did you see him when you
21 all first got there?

22 A. When Mr. Robinson pulled to the under the road where
23 his yard is yes, sir, both of 'em was standing outside.

24 Q. All right. And when you say both of 'em, I know you've
25 already testified, both of who was standing outside?

1 A. Aaron Young, Senior and Aaron Young, Junior.

2 MR. VAUX: Excuse me, Your Honor.

3 THE COURT: Yes. I'm sorry.

4 MR. VAUX: Could you ask the witness that he speak
5 up. Maybe it's been my age but I can't hear him.

6 THE COURT: All right. Excuse me, Mr. Singleton, if
7 you could kind of get a little closer to that microphone it
8 might help a little bit. Thank you. And if you'd speak up
9 as well. Thank you.

10 SOLICITOR THORNTON: Did you get it pulled down a
11 little bit? All right.

12 Q. Mr. Singleton, let me ask you this. Just so we can
13 go back over it, you said you went to Aaron Young, Senior's
14 house to get some change to go to the store. You basically
15 ask for money; is that correct?

16 A. Yes, sir.

17 Q. All right. Now who was there when you got there with
18 - And you were riding with who now?

19 A. Mr. Tyrone Robinson.

20 Q. All right. And who was there at Aaron Young, Senior's
21 house? Who was there when you got there?

22 A. Aaron Young, Senior and Aaron Young, Junior was
23 standing outside when Mr. Robinson pulled up to the front of
24 the driveway in Aaron Young, Senior's yard.

25 Q. All right. And what happened after you all pulled

1 up?

2 A. I got out the vehicle to go walk to Aaron Young,
3 Senior to ask him for the change and he told me no because
4 of Tyrone. Tyrone got out the car and was approaching his
5 son with a gun.

6 Q. All right. So Tyrone to be Tyrone Robinson, you said
7 he had a gun?

8 A. Yes, sir.

9 Q. And he approached who?

10 A. Aaron Young, Senior, sir. I mean Junior.

11 Q. All right. Now that's what I want to get straight
12 because you said he approached his son. So do you mean the
13 defendant in this case Aaron Young, Junior?

14 A. Yes, sir.

15 Q. And is that who Tyrone Robinson approached with a gun?

16 A. Yes, sir.

17 Q. All right. What happened next?

18 A. Mr. Aaron Young, Senior walked off from me and tried
19 to help his son at the moment they was wrestling with the
20 gun Mr. Robinson and Mr. Senior. The gun went off Mr.
21 Senior Young backed up and he shot at him, you know, like
22 the ground wise.

23 Q. All right. Hang on just a second and slow down for
24 a second. So you see Aaron Young, Senior, the father of the
25 defendant in this case Aaron Young, Junior; you see him and

1 Tyrone Robinson tussling over a gun and the gun goes off; is
2 that correct?

3 A. Yes, sir.

4 Q. And don't let me put words in your mouth, I'm just
5 trying to recap what you just testified to. And then you
6 see - You said he shoots. Who is he when you say you saw
7 him shoot - I think you said at the ground - who is he?

8 A. Tyrone Robinson.

9 Q. All right. So he fires another round?

10 A. Yes, sir.

11 Q. And he fires it where, where does it shoot it?

12 A. Towards down towards Mr. Aaron Senior's feet.

13 Q. All right. And what happens after that?

14 A. After that I like duck for cover and after that Mr.
15 Robinson told me to come on he was leaving. I told him no
16 cause I didn't bring you here for that.

17 Q. Okay. So at the time this next shot was fired at
18 Aaron Young, Senior's feet you said Tyrone Robinson ask you
19 what, or told you what?

20 A. To come on let's go, go get in the car let's go. I
21 told him I didn't bring - came down here because I didn't
22 bring you here for that. I didn't came here for that.

23 Q. So did you go with Tyrone Robinson or did you stay
24 there at Aaron Young, Senior's?

25 A. I stayed there at Aaron Young, Senior's house at the

1 time.

2 Q. Then does Tyrone Robinson does he stay or does he get
3 in his vehicle and leave?

4 A. He got in his vehicle and left.

5 Q. And what did you do if anything, what did you do after
6 that, what happened after that?

7 A. After that Mr. Aaron Young, Senior walked off and went
8 and, you know, to the house. He went to his house and Mr.
9 Aaron Young, Junior was behind him as well. I stood outside
10 and they came back from out of the house with a bag.

11 Q. All right, let me stop you there real quick.

12 I'm gonna hand you what's been marked as State's
13 Exhibit Twenty-seven, and ask you if you can identify if
14 that's the bag that you were talking about?

15 A. Yes, sir.

16 SOLICITOR THORNTON: Your Honor, has it been --

17 q. I know you've seen it before but has this been changed
18 or altered in any way? Or does it appear the same as it did
19 on that day?

20 A. It appears the same that it was on that day, sir.

21 SOLICITOR THORNTON: I ask that State's Exhibit Twenty-
22 Seven be put into evidence, Your Honor.

23 MR. VAUX: Did I understand State's Exhibit Twenty-
24 seven is a black bag?

25 SOLICITOR THORNTON: It is.

1 MR. VAUX: No objection.

2 THE COURT: Thank you. Without objection.

3 (WHEREUPON, STATE'S EXHIBIT NUMBER TWENTY-SEVEN,
4 PREMARKED FOR IDENTIFICATION, IDENTIFIED AND RECEIVED INTO
5 EVIDENCE.)

6 BY SOLICITOR THORNTON:

7 Q. Mr. Singleton, what if anything did you see pulled
8 out of that black bag?

9 A. At the time - At the time he walked out the door I
10 didn't know what was in the bag, sir.

11 Q. Understood. Did you at some point find out what was
12 in the bag?

13 A. Yes, sir.

14 Q. And what was in the bag?

15 A. It was a gun.

16 Q. I'm gonna show you what's been marked as State's
17 Exhibit Twenty - It's actually three exhibits. Twenty-eight
18 - twenty-eight, twenty-nine, - twenty-six, twenty-eight,
19 twenty-nine. Now I ask you if you can identify these items?
20 Is that the gun you saw Aaron Young, Senior and Junior with?

21 A. Yes, sir.

22 Q. Has it been changed or altered in any way?

23 A. I don't - It don't - It doesn't look changed to me,
24 sir.

25 Q. All right. Does it appear the same as it did

1 assembled in this manner?

2 A. Yes, sir.

3 SOLICITOR THORNTON: Your Honor, at this time I'd ask
4 that State's Exhibit Twenty-six, --

5 THE COURT: Twenty-eight and Twenty-nine.

6 SOLICITOR THORNTON: Yes, sir, twenty-eight and twenty-
7 nine be moved into evidence.

8 THE COURT: Any objection?

9 MR. VAUX: No objection.

10 THE COURT: Thank you. Without objection.

11 SOLICITOR THORNTON: Your Honor, for the court's
12 information it has been pursuant to a Supreme Court rules
13 made safe.

14 THE COURT: All right.

15 (WHEREUPON, STATE'S EXHIBITS TWENTY-SIX, TWENTY-EIGHT,
16 TWENTY-NINE PREMARKED FOR IDENTIFICATION, IDENTIFIED AND
17 RECEIVED INTO EVIDENCE.)

18 Q. So this is the gun that Aaron Young, Junior and Aaron
19 Young, Senior had on that day; is that correct?

20 A. Yes, sir.

21 Q. What happened when they came out with the gun in the
22 bag? What happened next? And when is say they, you said it
23 was Aaron Young, Senior and Aaron Young, Junior. Did you go
24 anywhere with them or did they leave or did they stay right
25 there at their house?

1 A. No. We was - Once they came off their porch we went
2 to - I was already standing outside when they went inside
3 the house.

4 Q. Yes, sir.

5 A. And Mr. Aaron Young, Senior came back with the bag and
6 that's when we got in his truck and left.

7 Q. All right. When you say we got in his truck, who all
8 got in the truck?

9 A. It was me, Mr. Jontu Singleton, Mr. Aaron Young,
10 Senior and Mr. Aaron Young, Junior.

11 Q. All right. Did you all three get in the pickup truck?

12 A. Yes, sir.

13 Q. I'm gonna show you what's been marked as State's
14 Exhibit Number Four. And this is already in evidence.

15 Is that Aaron Young's truck?

16 A. Yes, sir.

17 Q. And that's Aaron Young, Senior; is that correct?

18 A. Yes, sir.

19 Q. What happened once you all got in the truck with the
20 gun that came out of that black bag?

21 A. We went down Spanish Wells Road towards - We went
22 down Spanish Wells Road like towards Marshland and Allen
23 Road - down Allen Road but toward Oak View, towards Oak
24 View.

25 Q. All right, let me stop you for a second. Who was

1 driving?

2 A. Mr. Aaron Young, Senior.

3 Q. So who had the gun?

4 A. Mr. Aaron Young, Junior.

5 Q. All right. Go ahead. What happened next?

6 A. We went off of Wild Horse Road down Spanish Wells
7 Road going towards Oak View and Mr. Aaron Young, Senior
8 thought he seen Tyrone car. But when we went down Oak View.

9 --

10 Q. All right. Now let me ask you a question. When Aaron
11 Young, Senior thought he saw Tyrone's car, what if anything
12 did he do?

13 A. At the time he was heading down Spanish Wells Road
14 Mr. Aaron Young, Junior and Senior was talking about getting
15 the gun out the bag and I didn't know what was in the bag so
16 I really didn't care at that moment. I said I
17 didn't --

18 Q. I understand. But did the gun come out of the bag?

19 A. The gun did come out the bag.

20 Q. Was it already assembled or were they loaded or
21 was somebody loading it?

22 A. Aaron Young, Junior was trying to put the gun
23 together, sir.

24 Q. Was he being very successful at it?

25 A. No, sir.

1 Q. All right. And who was helping him get it together?

2 A. No one helped him get it together cause Aaron Young,
3 Senior was driving, sir.

4 Q. Was Aaron Young, Senior giving him any instructions?

5 A. No, sir.

6 Q. Okay. So he was trying to put the - he being Aaron
7 Young, Junior, was trying to put the gun together. Did he
8 get it together at some point?

9 A. No, sir, not while I was in that vehicle.

10 Q. All right. What happened when they saw - thought they
11 saw Tyrone Robinson?

12 A. Went down Oak View but never seen the vehicle thought
13 Mr. Robinson.

14 Q. All right. So did they change direction is what
15 I'm asking?

16 A. Went all the way down Oak View and the way you can
17 go down Oak View you can come back out on Spanish Wells
18 Road off of Oak View on Spanish Wells Road towards like
19 where Muddy Creek is at. That's the end that we came out
20 on.

21 Q. All right. And what happened then? Did you go any
22 where else?

23 A. We took a left on Spanish Wells Road and they went
24 down - we went down Marshland where Tyrone always lived at
25 or, you know, he's down there. But when we got down on

1 Allen Road we never seen him.

2 Q. Now did you at some point get out of the truck on
3 Allen Road?

4 A. I don't definitely recall because my son do stay down
5 there. They got out on the porch where my son was on the
6 porch.

7 Q. Okay. You think you got out on - at your son's
8 mother's house?

9 A. Yeah.

10 Q. All right. And what is your son's name?

11 A. My son's name is Jontu Singleton, Junior.

12 Q. All right. And where - Who was is he living with if
13 it's his mother?

14 A. His mother.

15 Q. And what is her name?

16 A. Savoria Simmons.

17 Q. All right. And does she have a boyfriend or fiancé
18 that she at that time was staying with?

19 A. Yes.

20 Q. And who was that?

21 A. Uh - I think his - They call him Diamond.

22 Q. Okay.

23 A. I don't know his full name.

24 Q. All right. Is that Dominique - Dominique Griffin?

25 A. Yes, sir.

1 Q. All right. Now, Mr. Singleton, what happened after
2 that? Did you go - Did you go anywhere else before - I
3 mean obviously - I'm sorry, let me rephrase that. That's a
4 horribly phrased question. At some point did you leave the
5 Allen Road area?

6 A. When I got back in the truck from my son's porch,
7 mother's porch -

8 Q. Would you if I showed you on this model, if I showed
9 you the model would be able to recognize your son's house
10 where he lived do you think?

11 A. Yes. Yes, sir.

12 Q. All right. I'm gonna ask you, you don't have to come
13 down, just stand up if you would and identify which house is
14 it, if you can?

15 THE COURT: If he isn't over there to see that before
16 you might want to identify the streets or the roads.

17 Q. Yeah, you've got Marshland Road right here and you've
18 got Allen Road right here. And if you can't that's fine.

19 A. I believe it's this house right here.

20 Q. This one?

21 A. Yes, sir.

22 Q. All right. So that would be the house where Dominique
23 Griffin and Savoria Simmons and your son Jontu, Junior would
24 have been living at the time; is that correct?

25 A. You're correct about that, sir.

1 Q. All right. Now so after you leave the front porch of
2 where your son stays at, did you by the way did you get
3 anybody to come to the door at that time?

4 A. I don't recall anybody coming to the door. I'm not
5 sure.

6 Q. Okay. After you left there, where if anywhere did
7 you all go?

8 A. Back to Wild Horse, Old Wild Horse Road at Aaron,
9 Senior's house.

10 Q. All right. Now, did they drop or did you get out of
11 the truck at that point?

12 A. Yes, sir.

13 Q. And did you get dropped off right at the house or did
14 you have to walk there part of the way?

15 A. I had - It was down the road like where his father's
16 club is.

17 Q. All right.

18 A. It's on Old Wild Horse Road as well.

19 Q. Is that pretty close to Aaron Young, Senior's house on
20 Wild Horse?

21 A. It's right - It's real close to Aaron Young Senior's
22 house.

23 Q. Once you were let out, what did you do?

24 A. I walked up to Aaron Young Senior's house after I got
25 out the vehicle Aaron Young, Senior and Junior I was talking

1 to Ebony -

2 Q. All right. Now, let me stop you for a second. Who
3 is Ebony?

4 A. Ebony is Aaron Young, Senior's girlfriend at that
5 time.

6 Q. Now, excuse me, was Aaron Young, Junior and Senior
7 there at that time? Did you see them or were they not there
8 when you were talking to Ebony after they dropped you off?

9 A. At that moment they was leaving.

10 Q. They were leaving their house?

11 A. Yes, sir.

12 Q. All right. And was anyone in the vehicle with him or
13 was it just them?

14 A. Uh - At that moment at that time I think - No, Ebony
15 wasn't in that vehicle at the time after I walked up there.

16 Q. Did you speak with Ebony?

17 A. Yes, sir, I did.

18 Q. Now after you walked up to Mr. Aaron Young, Senior's
19 house, and they are leaving, did you have any other contact
20 with them that day?

21 A. No, sir.

22 SOLICITOR THORNTON: Your Honor, the court's indulgence
23 please.

24 THE COURT: Okay.

25 (PAUSE.)

1 Q. All right. When you - Just a couple of more things,
2 Mr. Singleton. When you - You testified that you got out
3 and went to where your son was staying. Did they - Did they
4 being Aaron Young, Junior and Senior, did they stay in the
5 vehicle or did they go up with you?

6 A. They stayed in the vehicle, sir.

7 Q. All right. And you were just talking about Ebony
8 Campbell. Now when you were talking with her was she inside
9 the truck with them or outside?

10 A. She was outside the truck, sir.

11 Q. All right. And did she stay there or did she - Are
12 you saying that you saw her get in the vehicle and drive
13 away with them or do you remember?

14 A. I did see her get in the vehicle with them and they
15 drove away to Aaron Young, Senior's dad's road which is I
16 believe Mustang Lane ---

17 Q. Okay. Is that --

18 A. --- which is like to go to Aaron Young, Senior's
19 house.

20 Q. All right. Thank you very much.

21 SOLICITOR STONE: I have nothing further.

22 THE COURT: Cross examine, Mr. Vaux?

23 MR. VAUX: Just a minute please, Your Honor.

24 THE COURT: Yes, sir.

25 CROSS-EXAMINATION

1 JONTU SINGLETON BY MR. VAUX:

2 Q. Mr. Singleton, how are you doing today?

3 A. I'm doing fine. How you doing?

4 Q. I'm fine thank you. It's nice to see you again.

5 A. Nice to see you again as well.

6 Q. On September the 1st of 2012, do you remember walking
7 up to Darrell Ferguson's house on Wild Horse Road?

8 A. Yes, sir.

9 Q. Okay. And is his house next door to Jake Washington's
10 house?

11 A. Yes, sir, it is.

12 Q. Okay. Was that shortly before four o'clock in the
13 afternoon?

14 A. If I'm correct I'm not - I'd say around that time, sir.

15 Q. Okay. Between three thirty and four or so?

16 A. Yes, sir.

17 Q. Okay. Now, did you see Tyrone Robinson at that time?

18 A. Yes, sir, I did.

19 Q. I'm sorry?

20 A. Yes, sir, I have.

21 Q. Okay. Now, how was Mr. Robinson behaving?

22 A. He was very loud and rude at the time.

23 Q. And arguing? Was he arguing?

24 A. Well he was arguing with Jake at the time and Darrell
25 Ferguson.

1 Q. Okay. Now, did you see a .38 revolver at that time?

2 A. I don't recall, sir.

3 Q. Okay.

4 A. No, sir. No, sir, not at that time at Darrell

5 Ferguson's house no, sir.

6 Q. Okay. Do you recall saying that Tyrone Robinson was
7 drunk up as a bitch?

8 A. Yes, sir.

9 Q. And was that true?

10 A. Yes, sir.

11 Q. Now you said you only had five dollars and you were
12 gonna try and borrow or get Mr. Young to loan you a couple
13 of dollars?

14 A. I didn't have no money on me, sir. I never said that.

15 Q. You never said you had five?

16 A. No, sir.

17 Q. You didn't have any money?

18 A. No, sir.

19 Q. Now how much beer did Mr. Robinson have in his car
20 with him?

21 A. At the time when I went to Mr. Robinson's vehicle to
22 get the beer that he offered to me he only had two quarts of
23 beer.

24 Q. Two quarts of beer?

25 A. Yes, sir.

1 Q. Okay. Now, when you got to - You and Mr. Robinson
2 go down to Mr. Young's house and you get out of the car;
3 is that correct?

4 A. Yes, sir.

5 Q. Okay. And at that time is it true that Aaron Young,
6 Senior was standing out on the porch of the steps of his
7 house?

8 A. He was outside in the yard, sir.

9 Q. Okay. Where was Aaron Young, Junior?

10 A. Standing outside in the yard by the road.

11 Q. By the road?

12 A. Yes, sir.

13 Q. Okay. Now, at - Did at some point Tyrone Robinson get
14 out of his car?

15 A. Yes, sir, he did.

16 Q. Okay. And what frame of mind or - Strike that.

17 What was - What behavior did he exhibit at that point?

18 A. He had the same behavior that he had when he left out
19 214 - No, 215 Wild Horse Road at Darrell Ferguson's house.

20 Q. Was he argumentative?

21 A. Yes, sir.

22 Q. Was he loud and cussing?

23 A. Yes, sir.

24 Q. Okay. And who was he loud and cussing at? Was it
25 Aaron Young, Junior and Senior?

1 A. Aaron Young, Junior at that time.

2 Q. At that time?

3 A. Yes, sir.

4 Q. All right. And how many shots did you say he fired in
5 Mr. Young's yard?

6 A. I believe it was two shots and maybe three.

7 Q. Okay. Now, and you say you and Aaron Young, Senior
8 and Aaron Young, Junior get in the truck and go to - down
9 to Spanish Wells?

10 A. Yes, sir.

11 Q. Okay. Now on September the 1st, 2012, how long would
12 you say that you were in the company of Aaron Young, Junior?
13 How long were you all together?

14 A. Probably no longer than ten minutes, sir.

15 Q. All right. So he comes up in the yard, you and
16 Robinson, the gun is fired and Robinson leaves; is that
17 correct?

18 A. Yes, sir.

19 Q. Okay. And then you get in the grey truck with Aaron
20 Junior and Aaron Senior?

21 A. Yes, sir.

22 Q. Okay. And so how long does it take the two - the
23 three of you to drive down to Spanish Wells?

24 A. About ten minutes, sir, I said.

25 Q. Okay. Excuse me. And then from - As I understand it

- 1 you all - Is Spanish Wells this way or this way? It doesn't
2 really matter. Did you all come in - -
3 A. I believe towards you, sir.
4 Q. Towards me? Okay. So you all come down Marshland
5 Road from Spanish Wells; is that correct?
6 A. Yes, sir.
7 Q. Okay. And you stop somewhere's around this house?
8 A. We at that time stopped where like it's a driveway
9 that goes right beside that little shed right there and
10 we -
11 Q. You talking about this shed?
12 A. Yes, sir.
13 Q. Okay. So it was at this driveway you're talking about?
14 A. Yes, sir.
15 Q. Okay.
16 A. Again its something like that, yeah.
17 Q. Okay. So you all come in here and you park and you
18 stop?
19 A. Yes, sir.
20 Q. And you get out?
21 A. Yes, sir.
22 Q. Okay. Do you knock on the door?
23 A. Yes, sir.
24 Q. Okay. Does anybody answer the door?
25 A. I don't recall.

1 Q. Okay. And then you leave here?

2 A. Yes, sir.

3 Q. And do you come around this way and come back out
4 this way?

5 A. Can I see you do that again, sir?

6 Q. Yes, sir. So you come in here you pull up you knock
7 on the door, you come around and come down Allen Road to
8 turn back onto Marshland.

9 A. Yes, sir. It looks right to me.

10 Q. Okay.

11 A. Yes.

12 Q. All right. Now, did at any time did - Well, did at
13 any time did you see Aaron Young, Junior get out of this
14 truck?

15 A. No, sir.

16 Q. Okay. At the time that you - At the time that you
17 came through here and got out and knocked on the door was
18 this little blue car parked there or green car?

19 A. I don't recall.

20 Q. You don't recall seeing it?

21 A. No, sir.

22 Q. Okay. All right. Have a seat.

23 (WITNESS RETURNS TO WITNESS STAND.)

24 Q. So you and the two Young's drive around to the bac of
25 the house, you get out you knock on the door, no answer you

1 get back in the truck and you get back out on Marshland
2 Road?

3 A. Yes, sir.

4 Q. And then you drive back to Wild Horse Road?

5 A. Old Wild Horse Road, sir, yes.

6 Q. Old Wild Horse Road. Okay.

7 A. Yes.

8 Q. Now, and then I think you said the Young's left and
9 went to Mustang Lane; is that correct?

10 A. Yes, sir.

11 Q. Okay. And Mustang Lane is where Benny Young, the
12 father of Aaron, Senior and the grandfather or Aaron Junior
13 live?

14 A. Yes, sir.

15 Q. Okay. Now, on that day in question, September the 1st,
16 2012, during the period of time that you were with Aaron
17 Young, Junior other than the time that you saw him take this
18 out of the bag did you see him with any other gun?

19 A. No, sir.

20 Q. Okay. Now, at any time on that day did you see him
21 fire that gun?

22 A. No, sir.

23 Q. Okay. At any time that day did you see him pull the
24 trigger on that gun and aim it at Tyrone Robinson?

25 A. No, sir.

1 Q. Okay. At any --

2 A. I was not with them, sir, at that time.

3 Q. Just while you were with him, while you were with
4 Junior did you see him take that gun, or any other gun, and
5 point it at Tyrone Robinson?

6 A. When I was with Aaron Young, Senior--

7 Q. Just answer the question yes or no.

8 A. No, sir.

9 Q. Okay.

10 A. No, sir.

11 Q. Now if you want to explain go ahead and explain.

12 A. That's all right, sir.

13 Q. Okay. Now, so you didn't see him shoot the gun, you
14 didn't see him aim and point the gun?

15 A. No, sir.

16 Q. Okay. Did you ever see him - Did you ever see him
17 try and kill Mr. Robinson in any fashion that day?

18 A. No, sir.

19 Q. Was Ebony in the yard that day when you and Robinson
20 drove up to the house and Robinson started shooting his gun?

21 A. Yes, sir.

22 Q. Did Robinson have any reason or provocation, any
23 justification, for coming up in somebody's yard and start
24 shooten a gun?

25 A. No, sir.

1 MR. VAUX: Nothing further.

2 THE COURT: Thank you. Redirect, Mr. Thornton?

3 SOLICITOR THORNTON: Just briefly.

4 REDIRECT EXAMINATION

5 JONTU SINGLETON, SENIOR, BY SOLICITOR THORNTON:

6 Q. Mr. Singleton, when you and the Young's went out
7 looking for Tyrone after he left, was it just y'all in the
8 truck?

9 A. Yes, sir.

10 Q. All right. And when they went out again were you in
11 the truck with 'em? You said that you saw them drive away
12 again. You were not in the truck at that time; is that
13 right?

14 A. No, sir.

15 SOLICITOR THORNTON: I don't have anything further.

16 Thank you, Your Honor.

17 THE COURT: Thank you. You can step down, Mr.
18 Singleton, thank you.

19 MR. SINGLETON: Thank you, sir.

20 THE COURT: How long will your next witness take?

21 SOLICITOR STONE: Its fairly short, Your Honor, but we
22 have a series of them that go together so we can do it
23 either way. It's gonna be smooth one way or the other.

24 THE COURT: Okay. Why don't we stop now and take the
25 lunch break rather than get into that next series -

1 SOLICITOR STONE: Yes, sir.

2 THE COURT: --- and have to interrupt half way through.

3 Thank you. Folks, we'll stop now and take the midday
4 lunch break, an hour and twenty minutes, it's a little bit
5 longer. Most of the time we try to get about an hour and a
6 quarter but that extra five minutes is not gonna hurt a
7 thing. Please be back in the jury room at two o'clock we'll
8 resume the trial then. And I remind you as always not to
9 talk about the case among yourselves or with anybody else.
10 I'll see you back at two o'clock. Thank you.

11 (JURY EXITS COURTROOM FOR LUNCH RECESS AT 12:42 P.M..)

12 THE COURT: All right, folks, anything further before
13 we break, Mr. Stone?

14 SOLICITOR STONE: No, sir.

15 THE COURT: Thank you. Mr. Vaux?

16 MR. VAUX: No, sir, thank you.

17 THE COURT: Two o'clock then, folks.

18 (COURT IN LUNCH RECESS AT 12:43 P.M..)

19 (COURT BACK IN SESSION AT 02:11 P.M..)

20 THE COURT: Thank you, folks, you all can be seated.

21 Gentlemen, before we bring the jury out, it's been
22 brought to my attention that there is one of our juror's,
23 Ms. Williams, Juror Number 437, she's the lady who sits in
24 the middle and ask to sit on the back, that was an issue
25 that occurred during the day, this morning. She sent word

1 to me during the break that, was it okay for her to sit on
2 the back because she would prefer not to sit in the midst of
3 folks, you know, felt perhaps being crowded in because of
4 that.

5 During the lunch break before she left she talked to
6 Ms. Jessica and said that she knows Mr. Griffin and she did
7 not know name but after he testified she recognized him and
8 she knew him. That's all the information that I have about
9 that, of course, I intend to inquire of her in what capacity
10 she knows him, how well she's known him and all that sort of
11 stuff and whether it would make - have any impact on her
12 decision, but I wanted you all to know about that before I
13 brought her out. And I'll be glad to make further inquiry
14 in that regard if you all have any suggestions that you
15 would like for me to inquire further about that.

16 Mr. Stone, what's the State --

17 SOLICITOR STONE: No, sir, I think your normal
18 questioning that you did individually up here at side bar is
19 the appropriate questions ask.

20 THE COURT: All right. Mr. Vaux.

21 MR. VAUX: Your Honor, I would agree. Is she the lady
22 that got up this morning and moved into the back row?

23 THE COURT: That's right. Would you - Would you ask
24 Ms. Williams I believe, she didn't sign this, but I think
25 it's Ms. Williams - Jessica knows which one she is.

1 (JUROR NUMBER 437 ENTERS COURTROOM.)

2 THE BAILIFF: Come stand right here, please, and face
3 the judge.

4 THE COURT: Hey, Ms. Williams. If you could come up -
5 You can have her come up and have a seat if you'd like
6 to and sit down.

7 MS. WILLIAMS: Thank you.

8 THE COURT: Good. Ms. Williams, we got the note that
9 you know MR. Dominique Griffin, or you found out you knew
10 him when he took the stand; that you did not recognize his
11 name but you recognized his face. That's not unusual in a
12 case with as many witnesses as we have. How long have you
13 known Mr. Griffin?

14 MS. WILLIAMS: I don't know him like very well but I
15 seen him like over the last maybe couple of years a couple
16 of times.

17 THE COURT: And in what capacity or how have you known
18 him?

19 A. MS. WILLIAMS: I've talked to him like maybe once or
20 twice but he sometimes he was at my neighbor's house.

21 THE COURT: At your neighbor's house? And it's your
22 next door neighbor or close neighbor?

23 MS. WILLIAMS: Yeah. They're right next door to me.

24 THE COURT: I see. And have you known him in any other
25 capacity other than the fact that he visits your next door

1 neighbor from time to time?

2 MS. WILLIAMS: I've seen him like maybe talk to my
3 husband but that was about it.

4 THE COURT: Right. Do you know what he does for a
5 living?

6 MS. WILLIAMS: No.

7 THE COURT: Okay.

8 MS. WILLIAMS: I don't know him very well at all.

9 THE COURT: And does your husband know him or do you
10 know?

11 MS. WILLIAMS: I think my husband knows him but I'm not
12 really sure.

13 THE COURT: Okay. And has your conversation with him
14 or your connection with him in any of the - other than the
15 casual relationship that you just told me a minute ago?

16 MS. WILLIAMS: No, that's it.

17 THE COURT: That's it? Now that you of course know
18 him now by name as well as by face -

19 MS. WILLIAMS: Uh-huh.

20 THE COURT: --- would the fact that he has testified
21 in this case and that you have some passing acquaintance
22 with him, would that have any bearing on your ability to be
23 fair and impartial as a juror on this case?

24 MS. WILLIAMS: No, sir.

25 THE COURT: Could you continue to set that relationship

1 aside and decide this case based on the evidence that would
2 be presented without regard to the fact that you have this
3 passing acquaintance with Mr. Griffin?

4 MS. WILLIAMS: Yes, sir.

5 THE COURT: You'll do that?

6 MS. WILLIAMS: Yes, sir.

7 THE COURT: Thank you, ma'am, you can go back in.
8 Thank you.

9 (JUROR NUMBER FOUR THIRTY-SEVEN EXITS COURTROOM.)

10 THE BAILIFF: The juror is clear and the door's closed,
11 Your Honor.

12 THE COURT: Thank you. Mr. Stone.

13 SOLICITOR STONE: Nothing from the State, Your Honor.

14 I think - I don't think there's any issue here.

15 THE COURT: All right. Mr. Vaux.

16 MR. VAUX: No issue on behalf of the defense, Your
17 Honor.

18 THE COURT: Very good. Thank you.

19 All right, are both sides now ready for the jury?

20 SOLICITOR STONE: Yes, sir, the State's ready.

21 MR. VAUX: Yes, sir.

22 THE COURT: Bring us the jury please.

23 (JURY REENTERS COURTROOM AT 02:18 P.M..)

24 THE COURT: Ms. Wanda.

25 MADAM COURT REPORTER: Yes, sir.

1 THE COURT: If you'll mark that as a Court's Exhibit.

2 (WHEREUPON, COURT'S EXHIBIT NUMBER ONE, IDENTIFIED AND
3 MARKED, RECEIVED INTO EVIDENCE.)

4 (JURY REENTERS COURTROOM AT 02:18 P.M..)

5 THE COURT: Good afternoon, folks. I apologize - I
6 can't apologize for the weather cause I'm not in charge of
7 that but I am in charge of getting you here and sending you
8 back out into it in the day so I'm hopeful that this winter
9 storm will pass. I would imagine with a peaceful and Boston
10 thought that we were describing this as a winter storm
11 warning they would laugh at us but - and with good reason
12 but it's still bad to be out in it and I appreciate your
13 good humor in doing what you're doing.

14 We continue now as the state continues to offer
15 evidence and testimony in this case.

16 Mr. Stone.

17 SOLICITOR THORNTON: Investigator Doug Seifert.

18 THE COURT: Mr Seifert, come forward please and be
19 sworn.

20 (WHEREUPON, DOUG SEIFERT,
21 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

22 MADAM CLERK: Please be seated. State your full name.

23 A. Investigator Doug Seifert.

24 DIRECT EXAMINATION

25 DOUG SEIFERT BY SOLICITOR THORNTON:

1 Q. Investigator Seifert, what is your current rank?

2 A. I'm a Sergeant for - in investigation South.

3 Q. All right. Investigation south, who do you work
4 for, what agency?

5 A. Beaufort County Sheriff's Office.

6 Q. And you said investigation south, what is it that you
7 do for the sheriff's office?

8 A. Mostly what I usually do is I do all different kinds of
9 crime, things like that. But my expertise that we usually
10 do is violent crimes, things like that.

11 Q. All right. Well let me ask you maybe a better
12 question. Are you a road officer, are you a detective,
13 what is it that best describes your position?

14 A. Detective. A detective.

15 Q. Okay. And did you work as a detective with the
16 Beaufort County Sheriff's Office on or about September the
17 1st of 2012?

18 A. Yes, sir.

19 Q. And did you have an occasion on 2012 to go out to the
20 scene where there was a Ford F150 stopped?

21 A. Yes, sir.

22 Q. I'm gonna show you what's already been entered into
23 evidence as State's Exhibit Twelve and ask you if you can
24 identify that truck?

25 A. Yes, sir.

1 Q. All right. And is that the truck that you went out to
2 that day?

3 A. That is correct, sir.

4 Q. Who was in this Ford F150 when you arrived?

5 A. There was - It was just like what it appears to be
6 when I pulled up just like that.

7 Q. And who were the people that were pulled out of it
8 that were waiting on you when you got there?

9 A. It was Aaron Young, Junior, Aaron Young, Senior, and
10 Ebony Campbell.

11 Q. And - I'm turning this around so it's probably a
12 little bit easier to see. So go back over those three
13 people again.

14 A. Aaron Young, Senior; Aaron Young, Junior and Ebony
15 Campbell.

16 Q. And is that Aaron Young, Junior you described do you
17 see him in the courtroom?

18 A. Yes, sir.

19 Q. And where is he?

20 A. Sitting there with the white shirt on.

21 (WITNESS INDICATED TO DEFENDANT AT DEFENSE TABLE.)

22 Q. Now what did you do when you got to - And where is
23 this scene by the way? Where is the truck stopped at?

24 A. The truck stopped on US 278 which is facing east bound
25 which is at the Guntree Road light.

1 Q. And what did you do if anything when you got there?

2 A. Once I got there I talked to the road officer which is
3 Corporal Evans and talked to him about what was - what was
4 going on at the time.

5 Q. All right. Let me ask you a question. I'm gonna ask
6 you if you can identify what's been marked for
7 identification as State's Exhibit Number Thirty-one. Can
8 you identify State's Thirty-one for identification?

9 A. Yes, sir.

10 Q. And what are those?

11 A. They're three shell casings of a .9 millimeter.

12 Q. And where did you find those three shell casings?

13 A. They were laying in the back of the truck that of the
14 Ford truck.

15 Q. Let me show you what's been marked as State's Thirteen,
16 Fourteen and Fifteen for identification. Can you identify
17 Thirteen, Fourteen and Fifteen?

18 A. Yes, sir.

19 Q. And what are those - Obviously they're photographs.
20 What are they photographs of?

21 A. These are the shell casings that I collected at the
22 scene.

23 Q. And are those photographs an accurate depiction of
24 what appeared in the bed of the truck occupied by Aaron
25 Young, Junior?

1 A. Yes, sir.

2 Q. And have they been altered or changed in any way?

3 A. No sir.

4 SOLICITOR THORNTON: Your Honor, at this time I'd move
5 State's Thirteen, Fourteen and Fifteen into evidence.

6 MR. VAUX: Without objection.

7 THE COURT: Thank you. Without objection.

8 (WHEREUPON, STATE'S EXHIBITS THIRTEEN, FOURTEEN AND
9 FIFTEEN PREMARKED FOR IDENTIFICATION, IDENTIFIED AND
10 RECEIVED INTO EVIDENCE.)

11 (EXHIBITS PUBLISHED ON THE COURTROOM MONITOR.)

12 BY SOLICITOR THORNTON:

13 Q. And I'm gonna ask you if you would look at the monitor.

14 Technology sometimes is wonderful but is the shell
15 casings one of the three that you speak of is it right next
16 to the pebble there that's in the bed of the truck?

17 A. Yes, sir.

18 Q. I'm gonna show you, these are a little bit closer up.

19 And can you - Would this be one of the other shell
20 casings right here?

21 A. Yes, sir.

22 Q. And finally, is this one of the shell casings?

23 A. Yes, sir.

24 Q. And you've already identified what's been marked as
25 State's Exhibit Thirty-one for identification. Who if

1 anybody did you turn those over to? What did you do with
2 them?

3 A. Once I collected those I turned them over to
4 Investigator Corporal Conant.

5 Q. All right. While these three shell casings pulled
6 out of the truck that Aaron Young, Junior was in, after you
7 had retrieved those were they altered or changed in any way
8 while they were in your custody?

9 A. No, sir.

10 Q. And did you turn them over then to who you said?

11 A. It was at the time Investigator Corporal Wendy Conant.

12 Q. All right. And she at that time did she work for the
13 Beaufort County Sheriff's Office?

14 A. Yes, sir.

15 Q. Did you have an occasion to speak with Aaron Young,
16 Junior while you were at the scene?

17 A. Yes, sir.

18 Q. And before you spoke to him did you advise him of
19 what everybody sees on television as Miranda rights?

20 A. Yes I did.

21 Q. And did you do that by memory or did you use a
22 form or did you do it - How did you do it?

23 A. I did it by a card.

24 Q. And do you have the same card with you?

25 A. I do, sir.

1 Q. All right. And would you please take your card out
2 and read the rights that you gave to Aaron Young, Junior
3 on that date?

4 A. "You have the right to remain silent anything you say
5 can and will be used against you in a court of law. You
6 have the right to an attorney and if you can't afford an
7 attorney one will be provided for you. Do you understand
8 these rights that I just read to you?"

9 Q. And are those the rights that you read to Aaron
10 Young, Junior on September the 1st of 2012?

11 A. Yes, sir.

12 Q. And did he appear to understand those rights that you
13 read to him?

14 A. Yes, sir.

15 Q. And did he appear to be under the influence of any
16 alcohol or drugs to the extent that he didn't understand
17 what was going on?

18 A. No, sir.

19 Q. And were you able to - After you read him those rights
20 were you able to then ask him any questions about the death
21 of Khalil Singleton and the shooting on Allen Road?

22 A. Yes, sir.

23 Q. And what did you ask him?

24 A. I ask him about the shooting incident that occurred
25 down Allen Road.

1 Q. Did he give you any response?

2 A. He did. At first Mr. Aaron Young, Junior stated that
3 he was being dropped off at work by his father first and
4 then once he then stated that about the shooting he stated
5 that it was just a thing.

6 Q. All right. And did you understand exactly what that
7 meant?

8 A. No, sir.

9 Q. Did you ask him another question?

10 A. I ask him what that meant and he stated that it was
11 between him and Tyrone Robinson.

12 Q. And at that point did you continue - continue your
13 interview with him or did you ask that he be transported
14 somewhere?

15 A. I ask for him to be transported.

16 Q. And where was he to be transported to?

17 A. That was the Beaufort County Sheriff's Office which
18 is our branch office at 70 Shelter Cove Lane.

19 Q. And was he going to be interviewed or do you know
20 whether he was interviewed by anyone in particular?

21 A. Over at the Hilton Head office?

22 Q. Yes.

23 A. Yes. Captain Bromage and Laurel Albertin.

24 Q. All right. And was Laurel Albertin the person who
25 spoke the majority of the time?

1 A. Yes, sir.

2 Q. You also mentioned Captain Bromage?

3 A. Yes, sir.

4 Q. Now, while you were on scene did anyone threaten
5 Aaron Young, Junior and try to get him to talk to you or
6 promise him anything to get him to talk to you?

7 A. No, sir.

8 Q. All right. And did you yourself threaten or promise
9 him anything to get him to talk to you?

10 A. No, sir.

11 Q. Did he again seem to understand your questions and
12 he was able to respond to them?

13 A. Yes, sir.

14 Q. All right.

15 SOLICITOR THORNTON: Your Honor, the Court's
16 indulgence, please.

17 THE COURT: All right.

18 SOLICITOR THORNTON: I have no further questions.
19 Please answer any questions Mr. Vaux has.

20 THE COURT: Mr. Vaux, cross-examine.

21 MR. VAUX: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 INVESTIGATOR DOUG SEIFERT BY MR. VAUX:

24 Q. Mr. Seifert, what time do your records show that the
25 sheriff's department pulled Mr. Aaron Young, Junior, Senior

1 and Ms. Ebony Campbell over on the side of Highway 278 at
2 the Gumtree Road light which is also is it not Spanish Wells
3 intersection?

4 A. Uh - As far as what intersection. I'm sorry.

5 Q. Were they pulled over at the corner of Gumtree Road
6 and Spanish Wells?

7 A. It was Gumtree Road and US 278.

8 Q. 278?

9 A. Yes, sir.

10 Q. Now, what time were they pulled over?

11 A. I don't have the exact time in front of me. I had
12 the time when I actually arrived.

13 Q. What time did you arrive?

14 A. Approximately 17:30 hours which would be about 5:30
15 p.m.

16 Q. Do you know how long they had been on the side of the
17 road at that point?

18 A. If I had to guess ---

19 Q. Five what?

20 A. --- between twenty, twenty minutes, thirty minutes if
21 I could guess.

22 Q. So they were stopped somewhere shortly after five
23 o'clock?

24 A. I would say so yes, sir.

25 Q. Were they in handcuffs?

1 A. Yes, sir.

2 Q. Okay. And you said you saw three -

3 Can you put the picture back up with the - Number
4 Thirteen?

5 All right. Looking at this red pencil and my fingers
6 you see that casing there?

7 A. Yes, sir.

8 Q. That's one. And then there's another one here?

9 A. Yes, sir.

10 Q. All right. And there's one more is there not?

11 A. Yes, sir.

12 Q. All right. Now can you tell the jury who put those
13 there?

14 A. No, sir.

15 Q. Can you tell when they were put there?

16 A. No, sir.

17 Q. Can you tell how they were put there?

18 A. No, sir.

19 Q. Can you tell how long they had been in the back of
20 the truck?

21 A. No, sir.

22 Q. Okay. Did - -

23 MR. VAUX: I don't have anything further.

24 THE COURT: Thank you. Redirect?

25 SOLICITOR STONE: None, Your Honor. We'd ask that