

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Roger M. Young, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RECO RAMONE FELDER,

APPELLANT

APPELLATE CASE NO 2016-002483

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2016-GS-10-4097
	)	2016-GS-10-5523
	)	2016-GS-10-4708
	)	
STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	
	)	
RECO RAMONE FELDER	)	
	)	
Defendant	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

December 5, 2016
Charleston, South Carolina

VOLUME 1 (OF 3)

B E F O R E:

THE HONORABLE ROGER M. YOUNG, JUDGE.

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1 PROCEEDINGS

2 THE COURT: What indictments are you going forward
3 on?

4 MS. BALDWIN: We are going forward on the attempted
5 murder, the CDVHAN, and then on 2016-GS-10-05523 which is
6 possession of a weapon during the commission of a violent
7 crime and it lists attempted murder and CDVHAN in the
8 body of it as to violent crimes. We do not intend on
9 going forward with the weapon one that just lists the
10 attempted murder.

11 THE COURT: So indictment 2014-GS-10-4709, which is
12 also a possession of a firearm during the commission of a
13 violent weapon [sic] that is, being nol-prossed?

14 MS. BALDWIN: It will be, Your Honor, after the
15 trial regardless of the outcome.

16 THE COURT: And 2013-GS-10-6529 criminal domestic
17 violence 2nd what about that one?

18 MS. BALDWIN: That is a separate incident, Your
19 Honor. It should be a CDVHAN.

20 THE COURT: I'm just going with what I got handed.
21 I do have a CDVHAN 2013-6797.

22 MS. BALDWIN: It should be a 2016, Your Honor, the
23 correct indictment.

24 THE COURT: I have five indictments in front of me.
25 One of them is attempted murder, 2014-4708.

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1 MS. BALDWIN: Yes, sir.

2 THE COURT: I have possession of a weapon during
3 the commission of a violent crime, that's 2016-5523.

4 MS. BALDWIN: Yes, sir.

5 THE COURT: I have CDVHAN, 2013-6797 and then I
6 have 2013-6529 CDV 2nd and 2014-4709 possession of a
7 firearm during the commission of a violent crime.

8 MS. BALDWIN: Those last three we don't plan on
9 going forward on. You should have a 2016-4097 CDVHAN.

10 THE COURT: 4097 I do not. I have a 4008. I do
11 have a 4709. I have two possession of a weapon during
12 the commission of a violent crime; one is 2016-5523, one
13 is 2014-4709.

14 MS. BALDWIN: 2014-4709 we are not going forward
15 on.

16 THE COURT: Okay.

17 MS. BALDWIN: There is a 2016-4097 CDVHAN that you
18 seem to be missing.

19 THE COURT: That sounds -- there is a 2016?

20 MS. BALDWIN: Correct ---

21 THE COURT: --- 4709 ---

22 MS. BALDWIN: --- the numbers are just flipped
23 between those two -- 2016 ---

24 THE COURT: --- that sounds awful coincidental ---

25 MS. BALDWIN: --- 4097.

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1 THE COURT: Okay. I don't have that. I have a
2 2016 -- the only 2016 that I have is 5523 possession of a
3 weapon during the commission of a violent crime.

4 MS. BALDWIN: I can provide you with a copy of it,
5 Your Honor.

6 THE COURT: Let me see what you've got.

7 [Whereupon, Ms. Baldwin provides documents to the
8 court]

9 THE COURT: Criminal domestic violence of a high and
10 aggravated nature. So what about the 2013 criminal
11 domestic violence of a high and aggravated nature?

12 MS. BALDWIN: We are not -- that is a different
13 incident, Your Honor and we're not going forward on that
14 one.

15 THE COURT: Okay.

16 MS. BALDWIN: The incident date for this particular
17 case is May 24, 2000 ---

18 THE COURT: --- so you're going forward today,
19 let's try this one more time, with criminal domestic
20 violence of a high and aggravated nature 2016-4709?

21 MS. BALDWIN: 4097.

22 THE COURT: 4097?

23 MS. BALDWIN: Yes, sir.

24 THE COURT: Okay. And possession of a weapon during
25 the commission of a violent crime 2016-5523.

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1 THE COURT: Yes, sir.

2 MS. BALDWIN: And then attempted murder 2014-4708?

3 MS. BALDWIN: Yes, sir.

4 THE COURT: Okay. And is this pronounced Reco?

5 MR. FELDER: Reco, yes sir.

6 THE COURT: All right. Mr. Felder, you are
7 pleading not guilty to each of those?

8 MR. FELDER: Can I say something, Your Honor?

9 THE COURT: Well, I suppose. You might want to
10 consult with your lawyer before you blurt something out
11 unless it's not guilty. I think they are expecting you
12 to say not guilty. Why don't you consult with them
13 before you say something else?

14 [Whereupon, Mr. Felder confers with his counsel]

15 MS. ERHLICH: Judge, his question and issue kind of
16 relates to some of the motions that we filed related to
17 the indictments. And he's had this question throughout
18 the process about how the State can go forward on two
19 different charges, the attempted murder and the CDVHAN
20 for the exact same incident and that is the issue that he
21 is raising to me right now.

22 THE COURT: Well, that's for later on, okay. I
23 just want to draw a jury right now and I need to know is
24 he pleading guilty or not guilty to each of these three
25 charges ---

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1 MR. FELDER: --- not guilty ---

2 THE COURT: --- it's not guilty?

3 MR. FELDER: Yes, sir.

4 THE COURT: Okay. We'll deal with all those
5 motions that you filed after we draw a jury.

6 MS. ERHLICH: Your Honor, my only concern with that
7 is if Your Honor did choose to have the State elect which
8 charge to go forward on and the jury is made aware during
9 jury selection of other charges that potentially don't go
10 forward that that could be confusing to them. We filed a
11 motion to dismiss the attempted murder and then also a
12 motion to either dismiss the CDVHAN or for the State to
13 elect which charge to proceed to at trial.

14 As far as that issue I think my research says that
15 the State can go forward and I'm basically arguing
16 against the case law that it is prejudicial to my client
17 for the State to be able to stack on charges before trial
18 to try and make him look worse in front of the jury when
19 it's the exact same set of allegations against him.

20 My issue with the attempted murder is I don't
21 believe that it would have been indicted had the grand
22 jury been presented with medical evidence that the State
23 found out about after ---

24 THE COURT: --- well, that's a directed verdict
25 stage issue. I don't know that I could quash an

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1 indictment based on your version of the facts.

2 MS. ERHLICH: I don't know that it is my version of
3 the facts as much as it is the State's version of the
4 facts too at this point.

5 THE COURT: Do y'all intend to go forward with all
6 of these or what is the deal?

7 MS. BALDWIN: Yes, sir. I'm going forward on all
8 of them ---

9 THE COURT: --- you I assume have a victim that is
10 saying this gun went off while aimed at ---

11 MS. BALDWIN: --- yes, that he fired the gun at her
12 head.

13 THE COURT: Okay. I only know what I got this
14 morning. But based on what I traditionally hear your guy
15 says gun went off accidentally and I hit her, etcetera
16 and she says aimed it, shot it; that's a jury question.

17 MS. EHRlich: And Your Honor the only reason I
18 raise it pretrial is because their version of the gun
19 being discharged at her was the version for quite a long
20 time. And then after the indictment was obtained in
21 October of 2015 they obtained her medical records where
22 the doctor said it is a blunt force trauma to the face
23 not a gunshot wound. And that's why I am raising it
24 pretrial. I understand the court's ruling but I wanted
25 to clarify that ---

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1 THE COURT: --- okay. Well, you've made your
2 argument but make it again at directed verdict stage.

3 MS. EHRLICH: Yes, sir.

4 THE COURT: And the same thing as to the other can
5 you have a CDVHAN and attempted murder and a possession
6 of a weapon during the commission of a violent crime all
7 at the same time the answer is yes. So motion denied as
8 to those two as well.

9 Anything else we need to deal with before the jury
10 comes in? I've got 11:20 now. Realistically by the time
11 we get all this done we'll break for lunch and come back
12 and take up your other pretrial motions. Does that work
13 for everybody?

14 MS. BALDWIN: Works for us, Your Honor.

15 THE COURT: How long are y'all anticipating this
16 takes?

17 MS. BALDWIN: I believe it can be finished by
18 Wednesday.

19 THE COURT: Wednesday? Does that work for you?

20 MS. EHRLICH: I think we'll finish on Wednesday,
21 Your Honor.

22 THE COURT: Okay. Well, let's see Mr. Felder
23 before I bring the jury in I traditionally like to talk
24 to you about your fight to testify. You'll hear me tell
25 the jury throughout the day in the trial that you have no

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1 burden of proof in this case. The State has the burden
2 of proving you guilty beyond a reasonable doubt. You
3 however have the right to testify if you want to. You
4 have the right to put up a defense if you want to but you
5 are not obligated to. And if you do not want to testify
6 and/or call any witnesses I will instruct the jury that
7 they are not to hold that against you in any way while
8 you are deliberating.

9 If you do decide you want to testify and tell the
10 jury your side of the story then if you get up on the
11 stand you'll be placed under oath. You are required to
12 answer the questions your lawyer asks you truthfully but
13 you will also be subject to cross examination as well by
14 the State.

15 I know there is some issue out there about prior
16 convictions about what you might have. We'll deal with
17 those separately. I'm telling you this now for the
18 purpose of saying you don't have to make a decision today
19 if you want to testify but I want you to be thinking
20 about it because ultimately it is your right to testify
21 or not testify. You can consult with your lawyers; you
22 can consult with whoever you want to if you value their
23 opinion. But ultimately it is your decision and your
24 decision alone because it is a constitutional right that
25 you possess. So before we get to that stage we'll have

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1 this conversation again but I want you to be thinking
2 about it. I know you probably have already discussed it
3 with your lawyers but I like to make sure that we have
4 this discussion on the record. So I'm just letting you
5 know you don't have to tell me now but you will have to
6 decide ultimately if you want to testify or not, okay?

7 MR. FELDER: Yes, sir.

8 THE COURT: How we doing on jurors? Do you have
9 the panel up?

10 CLERK OF COURT: Waiting for you to let us know.

11 THE COURT: Bring them up.

12 [Off the record momentarily]

13 THE COURT: Just for my information not that we are
14 getting into it right now what are the priors that you
15 might want me to consider if he testifies?

16 MS. BALDWIN: The only one that I can see, unless
17 the door is opened Your Honor, would be a harassment
18 first degree that he has and that's because it carries
19 over a year. He does have prior CDV convictions but the
20 State doesn't intend to get into those unless the door is
21 opened.

22 THE COURT: When was the harassment first degree?

23 MS. BALDWIN: 2010 I believe.

24 THE COURT: Okay.

25 MS. BALDWIN: I'm sorry it was 2012 was the

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1 harassment first degree. And he also has from that same
2 year a CDV first and he also has a 2008 CDV first.

3 [Whereupon, the jury panel enters at 11:30 a.m.]

4 THE COURT: Hello folks. My name is Roger Young.
5 I am one of the judges here for Charleston County holding
6 court here this week. I understand you've met Judge
7 Dennis who qualified the jury this morning. I am
8 presiding over a term of criminal court which Judge
9 Dennis may have explained to you we call General Sessions
10 Court.

11 We sometimes do simultaneous criminal and civil
12 terms at the same time. This is one of those weeks so
13 if you're somewhere and you see up on the board it says
14 General Sessions that means criminal court, Common Pleas
15 means civil court. We have all kinds of big fancy words
16 for stuff. We try to keep it incomprehensible so that
17 way someone will pay the lawyers money to interpret it
18 for them but I just let the cat out of the bag on the
19 biggest one there. Okay.

20

21

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23

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25

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VOIR DIRE

THE COURT: We are getting ready to draw a jury, which we will begin the trial after lunch but this process now you've been qualified so I'll be asking you questions specific to this case so that we can determine if we can find 12 of you who don't know anything about the case and don't know any of the parties or witnesses such that it would affect your ability to be fair and impartial.

It's entirely possible that you may know some of the people involved but the real question is is it that you are so close to them that you could not be fair and impartial to either side if somebody was called as a witness in the case. So, I'll begin by introducing you to the parties and telling you just a little bit about the case.

This is like I said a criminal case. And in a criminal case we begin -- we get jurisdiction by the State charging somebody with a crime. And the way we normally proceed to get a case in General Sessions court is somebody is indicted for a crime. And indictment is simply a charging instrument that puts somebody on notice that they have been charged with a crime. It tells them this is what you have been -- what particular statute or crime you have been charged with violating. And it gives

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1 them notice of the charges and gives the court
2 jurisdiction is order to hear the case. What is most
3 important about indictments for your purposes is that it
4 is not evidence. In other words when somebody is charged
5 with a crime they are always presumed to be innocent of
6 that crime unless and until the State brings enough
7 evidence to convince 12 jurors of guilt beyond a
8 reasonable doubt.

9 The fact that somebody has been charged or arrested
10 or indicted with a crime does not present any presumption
11 on the part of the defendant of guilt nor are you to
12 assume that there is any. The State always has the
13 burden of proving guilt beyond a reasonable doubt.

14 Now the three cases that we have here are -- or the
15 three indictments and it is the State of South Carolina
16 versus Reco Ramone Felder. Now in South Carolina when
17 somebody is accused of committing an offense at the
18 Circuit Court level the solicitor is what we call our
19 prosecutors in South Carolina. As far as I know we are
20 the only state in the union that refers to our
21 prosecuting attorneys as solicitors and the Solicitor for
22 this circuit is Scarlett Wilson. This circuit -- we have
23 16 judicial circuits in this state. The 9th circuit is
24 where we are at right now, which is comprised of
25 Charleston and Berkeley County. Ms. Wilson is the

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1 Solicitor for this circuit and she has designated two
2 people in her office to prosecute this case on behalf of
3 the state of South Carolina and she has designated Ms.
4 Jessica Baldwin and Ms. Debbie Herring-Lash. That's
5 these two ladies that are now standing in front of you.
6 Is there any member of the jury panel who is related by
7 blood or marriage or acquainted in any way with either
8 Ms. Scarlett Wilson or with Ms. Baldwin or with Ms.
9 Herring-Lash? If so, would you please stand?

10 [Whereupon, no one stands]

11 THE COURT: Okay. I find none. Now the defendant
12 in this case is Mr. Reco Ramone Felder. Mr. Felder would
13 you stand and face the jury panel.

14 [Whereupon, the defendant stands]

15 THE COURT: This is Mr. Felder. Is there any
16 member of the jury panel who is related by blood or
17 marriage or acquainted with Mr. Reco Ramone Felder? If
18 so, would you please stand.

19 [Whereupon, no one stands]

20 THE COURT: Okay. I find none. He is standing
21 with his lawyers Ms. Megan Ehrlich and Mr. Ted Smith. Is
22 there any member of the jury panel who is related by
23 blood or marriage or acquainted with either of these two
24 lawyers or perhaps been represented by them? If so,
25 would you please stand?

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1 [Whereupon, a juror stands]
2 THE COURT: Yes ma'am, your name and number?
3 MS. STIDHAM: Hi, I'm Lindsay Stidham and I can't
4 remember my number. I think it's 387.
5 THE COURT: What's your last name again?
6 MS. STIDHAM: Stidham, S-T-I-D-H-A-M.
7 THE COURT: Okay. And who do you know?
8 MS. STIDHAM: My husband is a former public defender
9 so I know both of these individuals.
10 THE COURT: So you know both of them? Would that
11 affect your ability to be fair and impartial ---
12 MS. STIDHAM: --- no ---
13 THE COURT: --- in this case either for or against
14 the State or for or against their clients?
15 MS. STIDHAM: Not at all.
16 THE COURT: Okay. Thank you.
17 CLERK OF COURT: That was juror 387, Your Honor.
18 THE COURT: Juror what?
19 CLERK OF COURT: 387.
20 THE COURT: 3-8-7 okay. Anyone else? Now, Mr.
21 Felder has three indictments and I am going to read you
22 the indictments solely for the purpose of determining if
23 you know anything at all about these cases. These again
24 are the charges that he is facing. He has pled not
25 guilty to these charges and so he is presumed to be

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1 innocent of them and the State must now give him a jury
2 trial and attempt to convince 12 of you of his guilt
3 beyond a reasonable doubt. He is again not required to
4 prove his innocence. And I'm reading these for you
5 again for the purpose of just asking if anybody knows
6 anything at all about the case.

7 So there are three charges. The first charge is
8 indictment 2014-GS-10-4708; it is for attempted murder.
9 It states that on or about -- in Charleston County South
10 Carolina on or about May the 24th, 2014 the defendant
11 Reco Ramone Felder did with intent to kill with malice
12 aforethought attempt to kill Chantelle Mitchell. This is
13 in violation of section 16-3-29 of the South Carolina
14 Code of Laws.

15 Indictment 2016-GS-10-5523 is possession of a weapon
16 during the commission of a violent crime and again
17 alleges in Charleston County on or about May the 24th,
18 2014 the defendant Reco Ramone Felder did possess a
19 firearm and did visibly display what appeared to be a
20 firearm or did visibly display a knife during the
21 commission of or an attempted commission of a violent
22 crime to wit attempted murder and/or criminal domestic
23 violence of a high and aggravated nature in violation of
24 16-23-490. And then the final indictment is 2016-GS-10-
25 4097 and that is for criminal domestic violence of a high

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1 and aggravated nature again alleging that in Charleston
2 County on or about May the 24th, 2014 the defendant Reco
3 Ramone Felder did cause physical harm or injury to
4 Chantelle Mitchell, a household member or did offer or
5 attempt to cause physical harm or injury to said
6 household member with apparent present ability under
7 circumstances reasonably creating fear of eminent peril.

8 That in addition one, the assault and battery
9 involved the use of a deadly weapon or resulted in
10 serious bodily injury to the victim or two, the assault
11 with or without an accompanying battery would reasonably
12 have caused a person to fear imminent serious bodily
13 injury or death in violation of 16-25-65 of the South
14 Carolina Code of Laws.

15 Again, those are the three charges. Mr. Felder pled
16 guilty to -- not guilty; excuse me, to each of those
17 charges. Is there any member of the jury panel who knows
18 anything at all about this case? If so, would you please
19 stand.

20 [Whereupon, no one stands]

21 THE COURT: Okay. I find none. I'm now going to
22 call you out the names of some people who may be called
23 as witnesses in this case. Not necessarily all of these
24 people will be called but we list them all out of an
25 abundance of caution and sometimes throughout trial they

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1 strike out people that they don't feel like it's
2 absolutely necessary but it's really difficult to add
3 somebody on later on because I'm going to ask you if you
4 know anybody, do you know them, related by blood or
5 marriage or acquainted in any way with them. If so, when
6 I call the name out would you please stand? First is
7 Chantelle Mitchell.

8 [Whereupon, no one stands]

9 THE COURT: I find none. Ja.M. . And
10 that's spelled Ja.M.

11 [Whereupon, no one stands]

12 THE COURT: I find none. J.M.

13 [Whereupon, no one stands]

14 THE COURT: I find none. A.M.

15 [Whereupon, no one stands]

16 THE COURT: I find none. Montez Perry.

17 [Whereupon, no one stands]

18 THE COURT: I find none. Bal Nelson.

19 [Whereupon, no one stands]

20 THE COURT: I find none. Mark Clemons.

21 [Whereupon, no one stands]

22 THE COURT: I find none. Robert Traynham.

23 [Whereupon, no one stands]

24 THE COURT: I find none. Sidney Leon Nelson.

25 [Whereupon, no one stands]

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1 THE COURT: I find none. Lashawd Grimes.

2 [Whereupon, no one stands]

3 THE COURT: I find none. Jamecia Rouse. That's

4 J-A-M-E-C-I-A Rouse.

5 [Whereupon, no one stands]

6 THE COURT: I find none. Travis Chapman.

7 [Whereupon, no one stands]

8 THE COURT: I find none. Teraneka Major. That's

9 spelled T-E-R-A-N-E-K-A.

10 [Whereupon, no one stands]

11 THE COURT: I find none. Felicia Gradic.

12 [Whereupon, no one stands]

13 THE COURT: I find none. Officer Daniel Curlee

14 with Charleston Police Department.

15 [Whereupon, no one stands]

16 THE COURT: I find none. Richard Burkhardt who was

17 with Charleston Police.

18 [Whereupon, no one stands]

19 THE COURT: I find none. Sergeant Edward Robinson

20 with Charleston Police.

21 [Whereupon, no one stands]

22 THE COURT: I find none. Randy Unterbrink with

23 Charleston Police.

24 [Whereupon, no one stands]

25 THE COURT: I find none. Richard Wiersma W-I-E-R-

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1 S-M-A with Charleston Police.
2 [Whereupon, no one stands]
3 THE COURT: I find none. Paul Krasowski with
4 Charleston Police. K-R-A-S-O-W-S-K-I.
5 [Whereupon, no one stands]
6 THE COURT: I find none. Sergeant Thomas Bailey
7 with Charleston Police.
8 [Whereupon, no one stands]
9 THE COURT: I find none. Mary Phillips with
10 Charleston Police.
11 [Whereupon, no one stands]
12 THE COURT: I find none. N-A-D-A Kerstein with
13 Charleston Police.
14 [Whereupon, no one stands]
15 THE COURT: I find none. Theodore Brown,
16 Charleston Police.
17 [Whereupon, no one stands]
18 THE COURT: I find none. Michael Maggio,
19 Charleston Police.
20 [Whereupon, no one stands]
21 THE COURT: I find none. Jerry Roberts, Charleston
22 Police.
23 [Whereupon, no one stands]
24 THE COURT: I find none. Peter Levine with
25 Charleston County EMS.

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1 [Whereupon, no one stands]

2 THE COURT: I find none. George Shirar, S-H-I-R-A-
3 R with Charleston EMS.

4 [Whereupon, no one stands]

5 THE COURT: I find none. Doctor Eric Larson with
6 Medical University, MUSC.

7 [Whereupon, no one stands]

8 THE COURT: I find none. Lieutenant Jennifer Nates
9 with South Carolina Law Enforcement also known as SLED.

10 [Whereupon, no one stands]

11 THE COURT: I find none. Kevan Sherbine with the
12 Sheriff's Office at the Detention Center.

13 [Whereupon, no one stands]

14 THE COURT: I find none. Josh Cheney with the
15 Solicitor's office.

16 [Whereupon, no one stands]

17 THE COURT: I find none. Sherry Niblock with the
18 Solicitor's office.

19 [Whereupon, no one stands]

20 THE COURT: I find none. C. Smalls with the
21 Charleston Victim's advocate.

22 [Whereupon, no one stands]

23 THE COURT: I find none. Sarah Lippe with the
24 Clerk's office, Charleston County Clerk's Office.

25 [Whereupon, no one stands]

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1 THE COURT: I find none. Dale Wilson with the
2 Public Defender's office investigator.

3 [Whereupon, no one stands]

4 THE COURT: I find none. And Quaintella Felder.

5 [Whereupon, no one stands]

6 THE COURT: I find none. Is there any member of
7 the jury panel either you or one of your immediate family
8 members or close personal friends either now or in the
9 past ever been prosecuted by either of the two solicitors
10 or the Charleston County Solicitor's office? If so,
11 would you please stand.

12 Again, I should have mentioned this earlier but if
13 anybody has any hesitancy to stand up and respond to the
14 question out loud because they don't want to be
15 embarrassed or anything please don't just sit there. You
16 are welcome to come up and talk about it more privately
17 but don't just sit there.

18 [Whereupon, a juror stands]

19 THE COURT: Your name and number?

20 MR. SALAS: Mario Salas 348 I believe it is.

21 THE COURT: 348? Okay.

22 MR. SALAS: My son is going to be prosecuted in
23 Mount Pleasant but I don't know under whose auspices it
24 is going to be.

25 THE COURT: Do you know what the charge was?

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1 MR. SALAS: Something about illegal threat with a
2 mobile device or something like that.

3 THE COURT: What's your son's name?

4 MR. SALAS: John Simon.

5 THE COURT: Okay. I don't know if that would be
6 handled by the Solicitor's office or if it is just a
7 misdemeanor offense but ---

8 MR. SALAS: --- it is a misdemeanor.

9 THE COURT: Okay. It probably would not be
10 handled by the Solicitor's office but I can't be positive
11 about that. Would that affect your ability in any way to
12 be fair and impartial either for or against the State or
13 for or against the defendant?

14 MR. SALAS: I don't think so.

15 THE COURT: Okay. Thank you. Anyone else?

16 [Whereupon, a juror stands]

17 THE COURT: Your name and number please?

18 MS. EAST: It's Lily East, number 111. My daughter
19 Julia Smith Simmons works at the Solicitor's office.

20 THE COURT: She what?

21 MS. EAST: She works in the Solicitor's office.

22 THE COURT: Oh, she works in the Solicitor's
23 office. In what capacity?

24 MS. EAST: I'm not sure. She mean she works with
25 the attorneys.

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1 MS. BALDWIN: I believe she is an administrative
2 assistant in our office.

3 MS. EAST: Yes.

4 THE COURT: Okay. Thank you. You can be seated.
5 Anyone else? Well, my next question was is there any
6 member of the jury panel either you or one of your
7 immediate family members or a close personal friend
8 related to or a personal friend or acquaintance of anyone
9 employed in the Solicitor's office? Other than the lady
10 that just stood up does that apply to anyone?

11 [Whereupon, no one stands]

12 THE COURT: Okay. I find none. Any member of the
13 jury panel either you or any of your immediate family
14 members have any criminal charges pending with the
15 Solicitor's office, 9th Circuit Solicitor's office? If
16 so, would you please stand.

17 [Whereupon, no one stands]

18 THE COURT: I find none. Any member of the jury
19 panel either you or any of your immediate family members
20 or close friends work for the Charleston County Public
21 Defender's office? If so, would you please stand.

22 [Whereupon, no one stands]

23 THE COURT: Okay. I find none. Any member of the
24 jury panel either you or any of your immediate family
25 members or close friends employed by the Charleston

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1 County Consolidated 911 Center or the telecommunications
2 department for the City of North Charleston Police
3 Department?

4 [Whereupon, no one stands]

5 THE COURT: Okay. I find none.

6 [Whereupon, the juror stands]

7 THE COURT: Yes, your name and number please?

8 MS. BLACK: Melvina Black. I don't know my number.

9 CLERK OF COURT: Juror 25.

10 THE COURT: Okay.

11 MS. BLACK: My sister works for the North Charleston
12 Police Department.

13 THE COURT: Okay. And what does she do?

14 MS. BLACK: She works in records.

15 THE COURT: She works what?

16 MS. BLACK: In records.

17 THE COURT: Okay. Currently?

18 MS. BLACK: Yes, sir.

19 THE COURT: Let me ask you this. Would that affect
20 your ability to be fair and impartial in this case either
21 for or against the State or for or against the defense?

22 MS. BLACK: No, sir.

23 THE COURT: Okay. Thank you.

24 [Whereupon, a juror stands]

25 THE COURT: I see someone else. Yes, your name and

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1 number please?

2 MR. SHIVERS: My name is John Shivers and my number
3 is 362.

4 THE COURT: 252?

5 MR. SHIVERS: No, 362.

6 THE COURT: Oh, 362. Okay.

7 MR. SHIVERS: I've got a nephew at North Charleston
8 Police Department.

9 THE COURT: Who does?

10 MR. SHIVERS: A nephew.

11 THE COURT: And he works for who?

12 MR. SHIVERS: North Charleston Police Department,
13 North Charleston.

14 THE COURT: Okay. Would that affect your ability
15 to be fair and impartial in this case either for or
16 against the State or for or against the defendant?

17 MR. SHIVERS: Yes.

18 THE COURT: Pardon?

19 MR. SHIVERS: Yes.

20 THE COURT: It would?

21 MR. SHIVERS: Yes.

22 THE COURT: Okay. Thank you. You can be seated.
23 Anyone else? Any member of the jury panel either you or
24 any of your immediate family members either current or
25 former law enforcement employees other than the folks

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1 that have already stood up? Anyone else?

2 [Whereupon, no one stands]

3 THE COURT: I find none. Any member of the jury
4 panel ever been a witness in either a civil or a criminal
5 case in court?

6 [Whereupon, a juror stands]

7 THE COURT: Yes, your name and number?

8 MS. WARE: Sarah Ware, 418.

9 THE COURT: Pardon?

10 MS. WARE: Sarah Ware, 418.

11 THE COURT: Okay. What would you like to tell me?

12 MS. WARE: I don't know exactly -- I was a witness
13 in a divorce.

14 THE COURT: Were you a witness in a courtroom?

15 MS. WARE: Yes.

16 THE COURT: What kind of case was it?

17 MS. WARE: It was a divorce.

18 THE COURT: Oh, a divorce case? Okay, thank you.

19 You can be seated. Anyone else?

20 [Whereupon, a juror stands]

21 THE COURT: Yes, your name and number?

22 MR. SIMPSON: I believe it's 370; Simpson.

23 THE COURT: Okay.

24 MR. SIMPSON: An expert witness in several
25 malpractice cases in the past.

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1 THE COURT: What kind of malpractice?
2 MR. SIMPSON: Medical malpractice.
3 THE COURT: Medical? Okay, thank you. Anyone
4 else?
5 CLERK OF COURT: And that's juror 372, Your Honor.
6 THE COURT: 372?
7 CLERK OF COURT: Yes, sir.
8 THE COURT: Anyone else?
9 UNIDENTIFIED JUROR: Was that witnesses or jury
10 members or...
11 THE COURT: It's a witness.
12 UNIDENTIFIED JUROR: Just witnesses? Okay.
13 THE COURT: Thank you. But my next question is
14 has anybody ever served on a jury before either in a
15 criminal or a civil suit?
16 [Whereupon, a juror stands]
17 THE COURT: Okay. Your Name and number?
18 MS. ABALOS: Was it this state only or...
19 THE COURT: Pardon?
20 MS. ABALOS: Was it this state only or...
21 THE COURT: It could be anywhere. What's your name
22 and number?
23 MS. ABALOS: Number 1, Abalos, A-B-A-L-O-S.
24 THE COURT: Okay. And you were a witness in what
25 kind of case?

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1 MS. ABALOS: One was a rape and the other one was
2 an attempted murder.

3 THE COURT: All right. Would that affect your
4 ability to be fair and impartial in this case in any way?

5 MS. ABALOS: No.

6 THE COURT: Thank you.

7 [Whereupon, a juror stands]

8 THE COURT: Yes, your name and number?

9 MR. NARDONE: Mario Nardone, 286 I believe.

10 THE COURT: Okay.

11 MR. NARDONE: I was a juror for a civil auto
12 accident case.

13 THE COURT: Would that affect your ability to be
14 fair and impartial in this case in any way?

15 MR. NARDONE: No.

16 THE COURT: Thank you.

17 [Whereupon, a juror stands]

18 THE COURT: Thank you. Yes ma'am, in the pink?

19 MS. PAGLIARO: Theresa Pagliaro, 301. Up in New
20 York, I was living in New York at the time and it was
21 several auto accidents.

22 THE COURT: Would that affect your ability to be
23 fair and impartial in this case.

24 MS. PAGLIARO: No.

25 THE COURT: What was your number again?

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1 MS. PAGLIARO: 301.
2 THE COURT: Okay.
3 [Whereupon, a juror stands]
4 THE COURT: Yes?
5 MR. BOYLE: Number 39, Tim Boyle.
6 THE COURT: Okay.
7 MR. BOYLE: I was on a jury for a murder case in
8 Pittsburg, Pennsylvania.
9 THE COURT: Would that affect your ability to be
10 fair and impartial in this case?
11 MR. BOYLE: No.
12 THE COURT: All right. Thank you.
13 [Whereupon, a juror stands]
14 MS. CHARLES: I'm Jane Charles and I'm number 74 and
15 I've been on a jury for both civil and criminal cases.
16 THE COURT: Would that affect your ability to be
17 fair and impartial in this case?
18 MS. BOYLE: No.
19 THE COURT: Thank you.
20 [Whereupon, a juror stands]
21 THE COURT: Yes, ma'am?
22 MS. EAST: Lily East, number 111. I've been on in
23 New York on a murder case and a civil case.
24 THE COURT: Okay. Thank you. Anyone else? Any
25 member of the jury panel either you or one of your

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1 immediate family members or close personal friends ever
2 been either the victim of a crime or ever been accused or
3 charged with a violent crime? Again, this might be one
4 that you just want to come forward and talk with me about
5 or if you are perfectly fine with standing from there if
6 you are comfortable with or coming down if you prefer.

7 [Whereupon, a juror stands]

8 THE COURT: Your name and number?

9 MR. RUFF: It's Robert Ruff, 345.

10 THE COURT: 345? Okay.

11 MR. RUFF: My sister was convicted of murder.

12 THE COURT: And where was that?

13 MR. RUFF: Missouri, St. Louis Missouri.

14 THE COURT: Okay. Would that affect your ability
15 to be fair and impartial in this case either for or
16 against the State or for or against the defendant?

17 MR. RUFF: No.

18 THE COURT: Okay. Thank you.

19 [Whereupon, a juror stands]

20 THE COURT: Yes ma'am, your name and number?

21 MS. GRAHAM: 152, Katrina Graham.

22 THE COURT: Okay.

23 MS. GRAHAM: My nephew was arrested for assault.

24 THE COURT: Okay. And where was that?

25 MS. GRAHAM: Charleston.

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1 THE COURT: Pardon?
2 MS. GRAHAM: In Charleston.
3 THE COURT: Okay. Would that affect your ability
4 to be fair and impartial in this case either for or
5 against the State or for or against the defendant?
6 MS. GRAHAM: No.
7 THE COURT: Okay. Thank you. Anyone else?
8 [Whereupon, a juror stands]
9 THE COURT: Yes, sir.
10 MR. SALAS: I'm currently involved in a case, 348
11 Mario Salas. My son Carl was t-boned by another
12 individual who was charged with four charges of assault
13 against the people in the vehicle using the vehicle as a
14 weapon.
15 THE COURT: Okay. Would that affect your ability
16 to be fair and impartial in this case either for or
17 against the State or for or against the defendant?
18 MR. SALAS: I don't think so.
19 THE COURT: Pardon?
20 MR. SALAS: I don't think so.
21 THE COURT: Okay. Thank you. Anyone else? Any
22 member of the jury panel either you or any of your
23 immediate family members or close friends reside at the
24 Ashley Oaks Apartments located in West Ashley?
25 [Whereupon, no one stands]

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1 THE COURT: I find none. Any member of the jury
2 panel either you or an immediate member belong to any
3 kind of victim's rights groups or organizations that
4 focus on domestic violence or community watch programs or
5 anything like that?

6 [Whereupon, no one stands]

7 THE COURT: I find none. Any member of the jury
8 panel have any reason why they feel like they could not
9 be a fair and impartial juror in this case either for or
10 against the State or for or against the defendant? It
11 could be any reason. I've heard all kinds of reasons and
12 I'm only going to give you a few examples. This is not
13 an inclusive list by any means but it's some that you
14 hear from time to time.

15 But you may have your own reasons and again I'm not
16 going to try to convince you to change your mind. I'm
17 solely trying to find 12 people who can sit in the jury
18 box listen to the evidence that we will present over the
19 next few days and you promise that you can base your
20 decision on the evidence that you will hear in this
21 courtroom and on the law that I will charge you.

22 Sometimes you have people that say you know I
23 believe that the country is on the wrong track and we got
24 to do something to fix the legal system. There are
25 people on both sides of fence I'm telling you. Sometimes

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1 you've got people who will say for instance in civil
2 cases I'm automatically going to rule for the plaintiffs
3 or I'm automatically going to rule for the defense.
4 Sometimes in criminal cases they are automatically going
5 to convict somebody. Other times they are automatically
6 going to find somebody not guilty.

7 You can have whatever beliefs you want but in
8 fairness to these folks they are entitled to a jury trial
9 of people that do not possess beliefs that would prohibit
10 them from making their decision based on anything other
11 than the evidence presented in this case and the law as I
12 charge it to you.

13 So if you have some beef on what you think the law
14 is I'm not going to try to change you. I just need to
15 know that you will accept the law as I charge it to you
16 whether or not it agrees with what you think the law is
17 or what you think it ought to be but you can take an oath
18 that says that's what I'll make my decision on.

19 Sometimes you have people who belong to religious
20 groups or they have religious beliefs that say well you
21 know what I don't think I'm allowed to sit in judgment of
22 people. That's an excuse or a reason that sometimes
23 people give. Valid reason or not I'm not going to try to
24 convince you to change your mind but I do need to know if
25 you feel like you cannot participate for some reason.

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1 Sometimes you have people who feel strongly about cases
2 that involve allegations of domestic violence or some
3 people have problems with people of a different race than
4 they are. I've heard all kinds of excuses. Again, I'm
5 not going to try to convince you to change your mind; I
6 just need you to tell me that you have a reason that is a
7 strongly held belief you cannot change your mind which
8 will not allow you to be fair to both parties, both the
9 State and Mr. Felder.

10 And you again are welcome to come up and discuss
11 this kind of think more privately. I'm not going to ask
12 you to stand up and talk in front of a group of strangers
13 about such things. But if anybody knows of any reason
14 either something that I mentioned or something that's got
15 nothing to do with what I mentioned would you please
16 stand and again you're welcome and in fact I would ask
17 that you come forward and speak to me about it. Anyone?

18 [Whereupon, juror stands]

19 THE COURT: Yes, come up.

20 [Whereupon, the juror comes forward]

21 THE COURT: What's your name and number please?

22 MR. HOARD: Akeem Hoard.

23 THE COURT: And what's the number?

24 MR. HOARD: I don't know it.

25 THE COURT: Tell me your name again?

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1 MR. HOARD: Akeem Hoard.
2 THE COURT: Who do you spell that?
3 MR. HOARD: A-K-E-E-M.
4 THE COURT: Oh, Akeem. What do you want to tell
5 me?
6 MR. HOARD: I know the guy and I don't want to judge
7 him.
8 THE COURT: I'm still not understanding. I'm hard
9 of hearing so tell me again.
10 MR. HOARD: I know the guy.
11 THE COURT: Oh, you know him?
12 MR. HOARD: Yes.
13 THE COURT: Okay. You don't think you could be
14 fair and impartial because you know him?
15 MR. HOARD: No.
16 THE COURT: Okay. Well, thank you for telling me
17 that. You're free to go back.
18 [Whereupon, the juror returns to the audience]
19 CLERK OF COURT: Juror 182.
20 THE BAILIFF: Tara Cobb.
21 [Whereupon, the juror comes forward]
22 CLERK OF COURT: Juror 78.
23 THE COURT: 98?
24 CLERK OF COURT: 78.
25 THE COURT: Okay. Yes ma'am, what would you like

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1 to tell me?

2 MS. COBB: Montez Perry I'm strongly sure that I may
3 know him.

4 THE COURT: How do you know him?

5 MS. COBB: I got to see his face.

6 THE COURT: And what was the name again of the...

7 MS. COBB: Montez Perry, P-E-R-R-Y.

8 THE COURT: All right. Is he going to be called
9 do you know?

10 MS. BALDWIN: Montez Perry? Yes, he's going to be
11 called.

12 THE COURT: Okay. If he is called as a witness
13 would that affect your ability to be fair and impartial
14 in this case for or against the State or for or against
15 the defense?

16 MS. COBB: No.

17 THE COURT: Okay. You'd be okay then?

18 MS. COBB: Yes.

19 THE COURT: Thank you.

20 [Whereupon, the juror returns to the audience]

21 [Whereupon, an off the record bench conference is
22 held]

23 THE COURT: Anybody on the jury panel have any
24 strong feelings about guns or firearms such that it would
25 affect your ability to be fair and impartial in this case

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1 either for or against the State or for or against the
2 defendant?

3 [Whereupon, no one stands]

4 THE COURT: I find none.

5 [Whereupon, an off the record bench conference is
6 held]

7 THE COURT: Okay. Folks, now the way we do this
8 in General Sessions court is a little bit different than
9 we would do it if we were in civil court but in criminal
10 court we just move right on into the striking. The way
11 we do this is the Clerk as soon as she finishes punching
12 in a few numbers there they just have an algorithm that
13 will randomly pick numbers. And she will call the name
14 and number out and you will bring your items up with you
15 because if you have any -- if you get picked on the jury
16 you will just move straight to the jury box.

17 I want you to come through the two little doors
18 there [indicates], stand in front of this littler podium
19 here [indicates] and turn around and face back towards
20 the door. At that point the State will have the
21 opportunity to say either present the juror or excuse the
22 juror. If the State says excuse the juror you go back.
23 If the State says present the juror then the defense will
24 have the opportunity to do the same thing. So if both
25 sides say present the juror you go to the box. If either

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1 side strikes you, you just go back and you'll go back in
2 the pool for another day, all right? So right now again
3 bring your stuff up with you if your name and number gets
4 called. So Madame Clerk whenever you are ready you may
5 begin. All right, five strikes for the State and ten for
6 the defendant. We'll draw one alternate.

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1 STRIKING OF THE JURY

2 CLERK OF COURT: Ladies and gentlemen when I call

3 your name and number please collect your belongings and

4 come to the podium and face the parties. Juror 304

5 Elizabeth Parker.

6 [Whereupon, the juror comes forward]

7 CLERK OF COURT: What say you for the State?

8 MS. BALDWIN: Please seat the juror.

9 CLERK OF COURT: What say you for the defendant?

10 MS. EHRLICH: Please seat the juror.

11 CLERK OF COURT: Ma'am, you have been chosen to

12 serve as a juror in the trial of this case. Please have

13 a seat in the jury box.

14 [Whereupon, the juror is seated in the jury box as a

15 juror]

16 CLERK OF COURT: Juror 345 Robert Ruff.

17 [Whereupon, the juror comes forward]

18 CLERK OF COURT: What say you for the State?

19 MS. BALDWIN: Please excuse the juror.

20 CLERK OF COURT: Sir, you have been excused.

21 Please have a seat in the audience.

22 [Whereupon, the juror returns to the audience]

23 CLERK OF COURT: Juror 260 William Medich.

24 [Whereupon, the juror comes forward]

25 CLERK OF COURT: What say you for the State?

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1 MS. BALDWIN: Please seat the juror.
2 CLERK OF COURT: What say you for the defendant?
3 MS. EHRLICH: Please excuse the juror.
4 CLERK OF COURT: Sir, please have a seat back in
5 the audience.
6 [Whereupon, the juror returns to the audience]
7 CLERK OF COURT: Juror 152, Katrina Graham.
8 [Whereupon, the juror comes forward]
9 CLERK OF COURT: What say you for the State?
10 MS. BALDWIN: Please excuse the juror.
11 CLERK OF COURT: Ma'am, please have a seat back in
12 the audience.
13 [Whereupon, the juror returns to the audience]
14 CLERK OF COURT: Juror 243 Randall Marvin.
15 [Whereupon, the juror comes forward]
16 CLERK OF COURT: What say you for the State?
17 MS. BALDWIN: Please seat the juror.
18 CLERK OF COURT: What say you for the defendant?
19 MS. EHRLICH: Please seat the juror.
20 CLERK OF COURT: Sir, you have been chosen to serve
21 as a juror in the trial of this case. Please have a seat
22 in the jury box.
23 [Whereupon, the juror is seated in the jury box as a
24 juror]
25 CLERK OF COURT: Juror 411 Linda Tyler.

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1 [Whereupon, the juror comes forward]
2 CLERK OF COURT: What say you for the State?
3 MS. BALDWIN: Please seat the juror.
4 CLERK OF COURT: What say you for the defendant?
5 MS. EHRLICH: Please seat the juror.
6 CLERK OF COURT: Ma'am, you have been chosen to
7 serve as a juror in this case. Please have a seat in the
8 jury box.
9 [Whereupon, the juror is seated in the jury box as a
10 juror]
11 CLERK OF COURT: Juror 310 Charles Phillips.
12 [Whereupon, the juror comes forward]
13 CLERK OF COURT: What say you for the State?
14 MS. BALDWIN: Please seat the juror.
15 CLERK OF COURT: What say you for the defendant?
16 MS. EHRLICH: Please excuse the juror.
17 CLERK OF COURT: Sir, please have a seat back in
18 the audience.
19 [Whereupon, the juror returns to the audience]
20 CLERK OF COURT: Juror 286 Mario Nardone.
21 [Whereupon, the juror comes forward]
22 CLERK OF COURT: What say you for the State?
23 MS. BALDWIN: Please seat the juror.
24 CLERK OF COURT: What say you for the defendant?
25 MS. EHRLICH: Beg the court's indulgence.

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1 [Whereupon, Ms. Ehrlich confers with her client]

2 MS. EHRLICH: Please excuse the juror.

3 CLERK OF COURT: Sir, please have a seat back in
4 the audience.

5 [Whereupon, the juror returns to the audience]

6 CLERK OF COURT: Juror 39 Timothy Boyle.

7 [Whereupon, the juror comes forward]

8 CLERK OF COURT: What say you for the State?

9 MS. BALDWIN: Please seat the juror.

10 CLERK OF COURT: What say you for the defendant?

11 MS. EHRLICH: Please seat the juror.

12 CLERK OF COURT: Sir, you have been chosen to be a
13 juror in the trial of this case. Please have a seat in
14 the jury box.

15 [Whereupon, the juror is seated in the jury box as a
16 juror]

17 CLERK OF COURT: Juror number 360 Denise Shepherd.

18 [Whereupon, the juror comes forward]

19 CLERK OF COURT: What say you for the State?

20 MS. BALDWIN: Please seat the juror.

21 CLERK OF COURT: What say you for the defendant?

22 MS. EHRLICH: Please excuse the juror.

23 CLERK OF COURT: Ma'am, please have a seat back in
24 the audience.

25 [Whereupon, the juror returns to the audience]

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1 CLERK OF COURT: I have two strikes for the State
2 and three strikes for the defendant.

3 THE COURT: I've got four for the defendant.

4 CLERK OF COURT: Yes sir, I'm sorry; four. Thank
5 you. Juror 295 Sean Olson.

6 [Whereupon, the juror comes forward]

7 CLERK OF COURT: What say you for the State?

8 MS. BALDWIN: Please seat the juror.

9 CLERK OF COURT: What say you for the defendant?

10 MS. EHRLICH: Please seat the juror.

11 CLERK OF COURT: Sir, you've been chosen to be a
12 juror in the trial of this case. Please have a seat in
13 the jury box.

14 [Whereupon, the juror is seated in the jury box as a
15 juror]

16 CLERK OF COURT: Juror 114 Monet Evans.

17 [Whereupon, the juror comes forward]

18 CLERK OF COURT: What say you for the State?

19 MS. BALDWIN: Please seat the juror.

20 CLERK OF COURT: What say you for the defendant?

21 MS. EHRLICH: Please seat the juror.

22 CLERK OF COURT: Ma'am, you have been chosen to be
23 a juror in the trial of this case. Please have a seat in
24 the jury box.

25 [Whereupon, the juror is seated in the jury box as a

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1 juror]

2 CLERK OF COURT: Juror 372 William Simpson.

3 [Whereupon, the juror comes forward]

4 CLERK OF COURT: What say you for the State?

5 MS. BALDWIN: Please excuse the juror.

6 CLERK OF COURT: Sir, please have a seat back in

7 the audience.

8 [Whereupon, the juror returns to the audience]

9 CLERK OF COURT: Juror number 78 Tara Cobb.

10 [Whereupon, the juror comes forward]

11 CLERK OF COURT: What say you for the State?

12 MS. BALDWIN: Please seat the juror.

13 CLERK OF COURT: What say you for the defendant?

14 MS. EHRLICH: Please excuse the juror.

15 CLERK OF COURT: Ma'am, please have a seat back in

16 the audience.

17 [Whereupon, the juror returns to the audience]

18 CLERK OF COURT: Juror 272 Jan Miller.

19 [Whereupon, the juror comes forward]

20 CLERK OF COURT: What say you for the State?

21 MS. BALDWIN: Please seat the juror.

22 CLERK OF COURT: What say you for the defendant?

23 MS. EHRLICH: Please excuse the juror.

24 CLERK OF COURT: Ma'am, please have a seat back in

25 the audience.

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1 [Whereupon, the juror returns to the audience]
2 CLERK OF COURT: Juror 175 Margarita Heyward.
3 [Whereupon, the juror comes forward]
4 CLERK OF COURT: What say you for the State?
5 MS. BALDWIN: Please seat the juror.
6 CLERK OF COURT: What say you for the defendant?
7 MS. EHRLICH: Please seat the juror.
8 CLERK OF COURT: Ma'am, you have been chosen to be
9 a juror in the trial of this case. Please have a seat in
10 the jury box.
11 [Whereupon, the juror is seated in the jury box as a
12 juror].
13 CLERK OF COURT: Juror number 348 Mario Salas.
14 [Whereupon, the juror comes forward]
15 CLERK OF COURT: What say you for the State?
16 MS. BALDWIN: Please seat the juror.
17 CLERK OF COURT: What say you for the defendant?
18 MS. EHRLICH: Please excuse the juror.
19 CLERK OF COURT: Sir, please have a seat back in
20 the audience.
21 [Whereupon, the juror returns to the audience]
22 CLERK OF COURT: Juror number 301 Theresa Pagliaro.
23 [Whereupon, the juror comes forward]
24 CLERK OF COURT: What say you for the State?
25 MS. BALDWIN: Please seat the juror.

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1 CLERK OF COURT: What say you for the defendant?

2 MS. EHRLICH: Please excuse the juror.

3 CLERK OF COURT: Ma'am, please have a seat back in
4 the audience.

5 [Whereupon, the juror returns to the audience]

6 CLERK OF COURT: The State has exhausted three
7 strikes and the defense has exhausted eight strikes.
8 Juror 60 Jacob Burgette.

9 [Whereupon, the juror comes forward]

10 CLERK OF COURT: What say you for the State?

11 MS. BALDWIN: Please seat the juror.

12 CLERK OF COURT: What say you for the defendant?

13 MS. EHRLICH: Please seat the juror.

14 CLERK OF COURT: Sir, please have a seat in the
15 jury box. You have been chosen to serve on the trial of
16 this case.

17 [Whereupon, the juror is seated in the jury box as a
18 juror]

19 CLERK OF COURT: Juror 320 Doristien Primus.

20 [Whereupon, the juror comes forward]

21 CLERK OF COURT: What say you for the State?

22 MS. BALDWIN: Please excuse the juror.

23 CLERK OF COURT: Ma'am, please have a seat back in
24 the audience.

25 [Whereupon, the juror returns to the audience]

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1 CLERK OF COURT: Juror 412 Josue Valentin.
2 [Whereupon, the juror comes forward]
3 CLERK OF COURT: What say you for the State?
4 MS. BALDWIN: Please seat the juror.
5 CLERK OF COURT: What say you for the defendant?
6 MS. EHRLICH: Please seat the juror.
7 CLERK OF COURT: Sir, you have been chosen to serve
8 as a juror in the trial of this case. Please have a seat
9 in the jury box.
10 [Whereupon, the juror is seated in the jury box as a
11 juror]
12 CLERK OF COURT: Juror 200 Nathalie Jensinssims.
13 [Whereupon, the juror comes forward]
14 CLERK OF COURT: What say you for the State?
15 MS. BALDWIN: Please seat the juror.
16 CLERK OF COURT: What say you for the defendant?
17 MS. EHRLICH: Please seat the juror.
18 CLERK OF COURT: Ma'am, you have been chosen to
19 serve as a juror in the trial of this case. Please have
20 seat in the jury box.
21 [Whereupon, the juror is seated in the jury box as a
22 juror]
23 CLERK OF COURT: Juror number 4 Latoya Alexander.
24 [Whereupon, the juror comes forward]
25 CLERK OF COURT: What say you for the State?

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1 MS. BALDWIN: Please seat the juror.

2 CLERK OF COURT: What say you for the defendant?

3 MS. EHRLICH: Please seat the juror.

4 CLERK OF COURT: Ma'am, you have been chosen as a
5 juror in the trial of this case. Please have a seat in
6 the jury box.

7 [Whereupon, the juror is seated in the jury box as a
8 juror]

9 CLERK OF COURT: Juror 341 Karla Rose.

10 [Whereupon, the juror comes forward]

11 CLERK OF COURT: What say you for the State?

12 MS. BALDWIN: Please seat the juror.

13 CLERK OF COURT: What say you for the defendant?

14 MS. EHRLICH: Please excuse the juror.

15 CLERK OF COURT: Ma'am, please have a seat back in
16 the audience.

17 [Whereupon, the juror returns to the audience]

18 CLERK OF COURT: Juror 394 Adam Taylor.

19 [Whereupon, the juror comes forward]

20 CLERK OF COURT: What say you for the State?

21 MS. BALDWIN: Please seat the juror.

22 CLERK OF COURT: What say you for the defendant?

23 MS. EHRLICH: Please seat the juror.

24 CLERK OF COURT: Sir, you have been chosen to serve
25 as a juror in the trial of this case. Have a seat in the

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1 jury box.

2 [Whereupon, the juror is seated in the jury box as a
3 juror]

4 THE COURT: That's 12. Why don't we draw one
5 alternate?

6 CLERK OF COURT: Yes, sir. How many strikes?

7 THE COURT: One and two.

8 CLERK OF COURT: One and two? Juror 349 Scott
9 Sampson.

10 [Whereupon, the juror comes forward]

11 CLERK OF COURT: What say you for the State?

12 MS. BALDWIN: Please seat the juror.

13 CLERK OF COURT: What say you for the defendant?

14 MS. EHRLICH: Please seat the juror..

15 CLERK OF COURT: Sir, you have been chosen to serve
16 as an alternate for the trial of this case. Please have
17 a seat in the jury box.

18 [Whereupon, the juror is seated in the jury box as
19 an alternate juror]

20 THE COURT: All right. Is there anything from the
21 State?

22 MS. BALDWIN: Nothing from the State.

23 THE COURT: The defense?

24 MS. EHRLICH: No, Your Honor.

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1 THE COURT: Well, folks you are our jury now and we
2 will begin this trial after lunch. I am going to send
3 you back with the bailiffs to the jury room and they will
4 tell you where you report back to after lunch. You don't
5 come right back into the courtroom. And they will also
6 show you how to get in and out of the courthouse.

7 Now while you are on lunch you may go to lunch with
8 anyone you want including other members of the jury panel
9 but as a standard instruction I'll tell you, you can't
10 discuss the case with anyone including other members of
11 the jury. Of course right you don't really know anything
12 about the case other than what little bit I told you
13 about but again this is an instruction we will have every
14 time we break. But don't discuss the case with anyone
15 including other members of the jury panel.

16 Don't go out and try to find out anything about the
17 case. Sometimes once people get on a case they will get
18 kind of invested and they'll want to go visit the place
19 or they will want to start looking up stuff on the
20 Internet or they'll start Googling on what the law is or
21 seeing what they can find on the public records. Don't
22 mess with any of that. When you come back before we
23 begin we will have you take an oath and you basically are
24 going to say I promise that I am making my decision based
25 on what I hear in this courtroom and on the law that I

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1 instruct you guys. So you don't need to know or go to
2 find out anything else. Just go have a nice lunch;
3 hopefully the rain has still held off but it's been
4 coming back and forth. But again you can go to lunch
5 anywhere you want and with whomever you want. You can
6 call a family member and tell them you got picked on a
7 jury.

8 We will probably go until about 5 o'clock this
9 evening and then we will break so if you need to make
10 arrangements for transportation or anything like that we
11 usually go from about 9:30 to 5:00 and take a lunch break
12 in the middle of the day. So we will see you back -- if
13 you would be back in the jury room by 2:15 and we will
14 hopefully get started right after that. Thank you very
15 much.

16 [Whereupon, the jury exits at 12:41 p.m.]

17 THE COURT: Okay. Now the rest of you folks we
18 just ask that you call after 6 o'clock tonight and that
19 will tell you whether or not you need to report tomorrow
20 or it will tell you just call back tomorrow night after 6
21 o'clock. We don't know yet -- we've had some last minute
22 settlements of other cases and so we will see what they
23 have got worked up for tomorrow but they won't know until
24 later on today. So you are free to go now. You don't
25 have to come back this afternoon but please do call that

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1 telephone number after 6 o'clock. Thank you very much
2 for your patience. I hope you enjoy the rest of your
3 week.

4 [Whereupon, the jury panel exits at 12:42 p.m.]

5 THE COURT: Let's meet back at 2 o'clock and we'll
6 take up any pretrial stuff. All right.

7 [Whereupon, court is in recess from 12:42 p.m. until
8 1:55 p.m.]

9 [Whereupon, State's exhibit numbers 1 through 30 are
10 marked by the court reporter]

11 THE COURT: Are we ready with the Jackson Denno
12 hearing?

13 MS. EHRLICH: Judge, my understanding is that the
14 State does not intend to offer his statement into
15 evidence so I don't think that we need the Jackson v
16 Denno hearing.

17 MS. BALDWIN: That is correct, Your Honor. We'd
18 use it to impeach him if he took the stand.

19 THE COURT: Okay. Prior convictions you just had
20 the one harassment?

21 MS. BALDWIN: Harassment 1st degree carries up to
22 three years.

23 THE COURT: Okay. And that was a conviction
24 against whom?

25 MS. BALDWIN: It was somebody that he was in a

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1 romantic relationship with. She's on our witness list
2 Teraneka Major. It was initially a stalking I believe.

3 THE COURT: She's on your witness list for what
4 purpose?

5 MS. BALDWIN: Just in case we need to call her in
6 rebuttal, Your Honor, in case the door -- in case the
7 defendant opened up a door and we needed to call her. I
8 don't anticipate calling her but she's on there out of an
9 abundance of caution.

10 THE COURT: Is that the same thing with prior bad
11 acts?

12 MS. BALDWIN: Yes, sir. I don't plan on
13 introducing anything in our case in chief; once again
14 unless the door is opened.

15 THE COURT: Well, unless you open the door I don't
16 see any prior bad acts or -- you know the prior
17 conviction of harassment what's your thoughts on that?

18 MS. EHRLICH: Your Honor, my position would be that
19 is too prejudicial.

20 THE COURT: How so?

21 MS. EHRLICH: Well, I think what you're going to
22 hear from testimony from the victim in the case is that
23 there were a lot of phone calls from Mr. Felder leading
24 up to the incident that she in some way -- I don't know
25 if she will use the word harass. But if there is similar

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1 sort of conviction where there has been some sort of
2 allegation of harassment toward a female victim or
3 whoever I think the jury could look at that and maybe
4 think that Mr. Felder has a pattern of this type of
5 behavior and that the jury then looks at that not for his
6 creditability but maybe that there is a pattern of
7 behavior and it increases the likelihood of a conviction.

8 THE COURT: What's the probative value of putting
9 that conviction in?

10 MS. BALDWIN: I think it falls under the rule, Your
11 Honor, because of the nature of the punishment; it's over
12 a year. If ---

13 THE COURT: --- but you have to show that the
14 probative value outweighs the prejudice.

15 MS. BALDWIN: And Your Honor I think if Your Honor
16 finds that the specific harassment is too prejudicial I'm
17 more than happy to say you've been convicted of something
18 that carries over a year in prison.

19 THE COURT: All right. Is it a felony or one of
20 those ten year misdemeanors?

21 MS. BALDWIN: It's one of those misdemeanors.

22 THE COURT: Well, I'll allow you to go with you've
23 been convicted of a crime that is punishable by more than
24 a year in prison without getting into the charge or the
25 specifics all right?

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1 MS. BALDWIN: And I do also want to make it clear,
2 Your Honor that he does have a prior CDV conviction as
3 well that I wouldn't anticipate going into unless the
4 door was opened. It involves a situation where he did
5 punch a mother of his child, a different person that this
6 victim ---

7 THE COURT: --- isn't that a Magistrate level CDV?

8 MS. BALDWIN: It was pled down from a CDV 2nd
9 offense to a CDV 1st.

10 THE COURT: Well, that makes it a 30 day offense so
11 that doesn't come in unless he says I've never been
12 convicted of a crime or something along those lines.

13 MS. BALDWIN: And because, Your Honor, it was
14 alleged and the facts were in that case that he punched
15 that victim and told her I have a gun and I'll shoot you
16 if you try to run. And given the facts in this case
17 where he did brandish a gun or we're alleging that he
18 brandished a gun at the victim. It may become relevant;
19 I don't anticipate going into it but if something were to
20 open up I just want to make the court aware of that.

21 THE COURT: Well, at this point no. But it sounds
22 like more of a prior bad act than a prior conviction
23 issue.

24 MS. BALDWIN: Yes, sir.

25 THE COURT: Okay. Anything else?

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1 MS. EHRLICH: Your Honor, in regards to prior bad
2 acts my understanding from my discussion with Ms. Baldwin
3 is that the State is not going to elicit any testimony
4 from their witnesses about a history or a pattern of
5 abuse between Mr. Felder and Ms. Mitchell, that they are
6 going to focus on the events the day before and the
7 morning of the incident and that her witnesses have been
8 instructed to not try to offer that testimony.

9 And I think we are in agreement but I just want to
10 place that on the record so that there aren't any issues.
11 I think one of the children gave a statement to Ms.
12 Baldwin saying that their relationship was fine until it
13 became abusive and I just want to make sure we're not
14 going to be getting into any of that.

15 MS. BALDWIN: And that is correct, Your Honor.
16 I've instructed them to not go into it. I don't plan on
17 trying to elicit that testimony at this time.

18 THE COURT: All right. Anything else?

19 MS. EHRLICH: Your Honor, I think the only thing
20 that we are trying to do right now is see if we can
21 consent to some of their photographs being entered into
22 evidence.

23 THE COURT: Okay.

24 MS. EHRLICH: So I'd like my client to be able to
25 look at those with us briefly.

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1 THE COURT: Okay. Go ahead.

2 [Whereupon, Ms. Ehrlich reviews photos with her
3 client]

4 [Off the record momentarily]

5 THE COURT: All right. Are we ready to begin?

6 MS. BALDWIN: Just two brief matters, Your Honor.
7 One I spoke with Ms. Ehrlich about sequestering the
8 witnesses. She is in agreement so I've got our case
9 agent and the victim, our witnesses will be outside and I
10 believe the same goes for her.

11 MS. EHRLICH: Yes, sir. The only person on our
12 witness list that is in the courtroom will be my
13 investigator, which I think they are in agreement with.

14 THE COURT: Okay.

15 MS. BALDWIN: And the other thing is, Your Honor,
16 the State has several photos. They are marked exhibits 2
17 through 30. Ms. Ehrlich has looked over those with her
18 client and I don't believe she has any objection to them
19 and so we could admit them now if she doesn't.

20 MS. EHRLICH: That's correct, Your Honor.

21 THE COURT: Okay. They're all admitted then.

22 MS. BALDWIN: Thank you.

23 [Whereupon, State's exhibit numbers 2 through 30 are
24 entered into evidence by the court]

25 THE COURT: Then you can just have the witness

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1 identify them and publish them.

2 MS. BALDWIN: Yes, sir.

3 THE COURT: Okay. Anything else?

4 MS. BALDWIN: Nothing from the State, Your Honor.

5 MS. EHRLICH: No, Your Honor.

6 THE COURT: Bring the jury in.

7 [Whereupon, the jury enters at 2:24 p.m.]

8 THE COURT: Welcome back folks. We will begin the
9 trial here by having the Clerk administer your oath to
10 you. So if you would, stand and raise your right hand
11 while the Clerk administers your oath.

12 CLERK OF COURT: Thank you, Your Honor. If you
13 would, please stand.

14 [Whereupon, all jurors stand]

15 CLERK OF COURT: Ladies and gentlemen of the jury
16 do you swear or affirm that you shall well and truly try
17 and a true deliverance make between the State of South
18 Carolina and defendant at the bar whom you shall have in
19 charge and a true verdict render according to the
20 evidence and the laws so help you God? Please indicate
21 by stating I do.

22 [Whereupon, all jurors comply]

23 CLERK OF COURT: Thank you.

24

25

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1 THE COURT: Folks, let me go over a few things with
2 you.. I like to give you a few remarks about telling you
3 how we do trials and what to expect so that you can
4 easily understand what we're doing and why we do some of
5 the things we do. If you've never been a juror in a case
6 before some of our procedures may not be familiar to you.

7 Some of them may not make any sense but I assure you
8 there is a reason for all of them and all of them are
9 designed to have a fair trial for both sides so that we
10 can give you the evidence in the best possible manner, I
11 instruct you on what the law is and you help us by
12 determining if the State has met it's burden of proof and
13 rendering a verdict. It's not more complicated than
14 that.

15 As I told you the case comes before us on three
16 charges. The way we do this is through indictments.
17 Indictments are simply brought about by the Grand Jury.
18 There is 18 people. There is a long history as to why we
19 have Grand Juries that go all the way back to 800 years
20 ago with the Magna Carta when the kings used to just pull
21 people off the street and put them in court and they had
22 to stand trial and they didn't even know why or what they
23 were on trial for. One of the things that you can trace
24 the history of is of the Grand Jury. Y'all are what is
25 known as the petit jury but the Grand Jury simply reviews

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1 a case, determines if there is enough evidence to decide
2 if a crime possibly occurred and try to identify who
3 might possibly have done it. There is absolutely no
4 presumption of guilt by the fact that somebody has been
5 charged or indicted with a case. And as I told you it is
6 simply passed down through history as this is how we get
7 jurisdiction, how this court gets jurisdiction of the
8 case, and it also allows the defendant to know what he is
9 standing trial for.

10 And in fact the three indictments are the only
11 pieces of paper that are going to be going back to the
12 courtroom [sic] with you at the end of the trial that are
13 not evidence in the trial. And the only reason why they
14 are going back is so that the foreman can write what the
15 verdict is which will either be guilty or not guilty all
16 right.

17 We have three indictments or three charges. And I
18 told you the State of South Carolina alleged that Mr.
19 Reco Ramone Felder committed three separate offenses on
20 or about May the 24th 2014 which resulted in the
21 indictment for attempted murder, criminal domestic
22 violence of a high and aggravated nature, and possession
23 of a weapon during the commission of a violent crime. He
24 pled not guilty to all three charges so now the State
25 must provide him with a jury trial, which is you 12

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1 folks, and they must try to present enough evidence to
2 convince all 12 jurors beyond a reasonable doubt that he
3 is guilty of those crimes. He does not have to prove
4 that he is innocent. He doesn't have to do anything
5 except show up for trial and he's done that. He doesn't
6 have to testify, he doesn't have to present witnesses.
7 He can if he wants but if he doesn't want to and he
8 doesn't testify you are not to hold that against him
9 during your deliberations at the end of the trial.

10 I don't even know if he plans to at this point.
11 He's not required to tell me because again the burden is
12 solely on the State to move forward with enough evidence
13 to convince you of his guilt beyond a reasonable doubt.
14 A defendant never has to prove they are innocent. And
15 that presumption rests with him from the time he is
16 arrested throughout this trial and unless or until at the
17 end of the trial you are convinced of his guilt beyond a
18 reasonable doubt.

19 Now because the State has the burden of proof they
20 are required to put up their evidence first. And
21 evidence is simply takes one of several forms. Most
22 commonly it is somebody who gets up, sits in the witness
23 stand there is put under oath and they tell you what they
24 heard, they saw, they touched, they felt, they smelled;
25 that's evidence, okay. Pictures or photographs that I

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1 allow into evidence, documents, medical records
2 sometimes, state written handwritten things, typewritten
3 things those things are evidence all right. Lawyers
4 getting up and talking to you is not evidence. They
5 weren't there, they weren't witnesses, they didn't see
6 anything and so when they talk to you what they say is
7 not to be considered by you as evidence, okay.

8 If they were witnesses they wouldn't be allowed to
9 act as lawyers in this case and they would get on the
10 witness stand, be put under oath and tell you what they
11 saw, they heard, they touched, they felt, they smelled.
12 So when they talk it's important for you to remember they
13 weren't witnesses, they're not testifying, don't consider
14 what they say as evidence. When a lawyer asks a question
15 of a witness that's not evidence but when the witness
16 answers the question the answer is considered to be
17 evidence. So that's important.

18 When we start off here in a few moments we are going
19 to have the lawyers get up and give you opening
20 statements is what we call them and I just call it the
21 Reader's Digest condensed version of the case where they
22 are going to in just about five minutes, maybe ten, give
23 you a brief overview of what this case is about from
24 their perspective and it will help you just to follow
25 along where we will be going a little bit easier. But

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1 again, don't consider what they say to be evidence.
2 After both sides have made their opening statements we
3 will move into the evidentiary portion of the trial which
4 is people testifying and we'll introduce photographs and
5 things like that. Because the State has the burden of
6 proof I told you, you are going to hear from their
7 witnesses first and maybe only their witnesses, but their
8 witnesses first. And so when their lawyers -- the
9 State's lawyers ask a question of a witness that they
10 call we call that direct examination.

11 But under our rules of evidence we have the ability
12 to have each side ask questions of those witnesses. So
13 after the State asks the questions then the defense
14 lawyers can ask any questions that they want to. That's
15 known as cross-examination. So you have direct exam by
16 the State and then cross-exam by the witness [sic] and
17 then I usually allow one follow up round. So we have
18 direct, cross, redirect, recross and then we move on to
19 the next witness, okay.

20 Now the State again when they put in their evidence
21 and call their witnesses after they put in all of their
22 evidence then the defendant will have the opportunity if
23 he wishes to put up evidence if he wants to, which would
24 include testifying if he wants to. There are some things
25 that I will repeat throughout the trial but it's because

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1 they are so important, he doesn't have to, he is not
2 required to and he has a constitutional right not to.
3 And you're not to hold it against him if he doesn't put
4 up any evidence or he doesn't testify. You cannot hold
5 that against him because he doesn't have a burden at all
6 in this trial.

7 At the end of all the evidence we will then have
8 closing arguments where the lawyers get up and review the
9 evidence that you've heard and then I will charge you on
10 the law and then you will retire and consider what your
11 verdict will be.

12 Now one of the things that I need to stress and it
13 seems so simple but it's really harder than you think and
14 that is keep an open mind until you've heard all the
15 evidence. That's why every time we go and take a break I
16 say don't begin deliberations or discussions about the
17 case because you're going to hear from witnesses one at a
18 time and you're going to hear direct and you're going to
19 hear cross.

20 Very often throughout the course of a trial your
21 mind is going to change from witness to witness. It may
22 go back to where you began. It may never change. But
23 it's not going to be unusual at all to go you know hear
24 some witness's first answers to the first set of
25 questions and go that's pretty strong. And then after

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1 you hear cross-examination you go oh, I didn't think
2 about that; I see it in a different light. That happens
3 all the time throughout the course of a trial that's why
4 it is so important that you don't talk about the case and
5 you keep an open mind until you have heard all of the
6 evidence that you will hear throughout this trial.

7 Now the final thing that I want to go over is we all
8 have roles in this trial. You are the judges of the
9 facts and I'm the judge of the law. So you are judges
10 just like I am; we just have different roles. Your judge
11 is to hear the evidence that comes in and where there is
12 a dispute as to what happened it's up to you to resolve
13 that dispute. I'm not allowed to tell you what I think
14 about evidence.

15 I really don't know anything about the case other
16 than a little bit that I heard this morning. But I don't
17 know anything more about it than you do but where you
18 will hear a difference between witnesses' statements or
19 stories if you will it's up to you to figure out what to
20 believe and what not to believe.

21 And you use such things as your common sense. You
22 can judge things like demeanor on the witness stand and
23 believability, how does what they say match up with the
24 physical evidence that's in the trial, whether or not
25 they have a bias or an interest or a motive in

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1 testifying; all of those things you decide collectively
2 on how to resolve where there is an issue of fact. And
3 there is an issue of fact; otherwise we wouldn't be here
4 okay. So that's your job and that's your role.

5 My role is two-fold as the trial judge. And that's
6 first of all to make sure we give each side a fair trial.
7 The State of South Carolina is entitled to a fair trial
8 and Mr. Felder is entitled to a fair trial. And we have
9 rules of procedure that we follow; you know the order
10 that we do things in.

11 We also have evidentiary rules. And evidentiary
12 rules are simply designed to make sure that you get the
13 evidence in the best or the most reliable form that we
14 have been able to develop as mankind. Some of these
15 rules may not make sense to you but they make sense to us
16 as lawyers.

17 And again, the whole purpose on one of these trials
18 is to do it right at least from my perspective is to do
19 it right and let's just do it one time because at the end
20 of the day if there is an appeal from the case and there
21 is any evidence in the record to support your findings of
22 fact the appellate courts are bound by that. Where they
23 send the case back and reverse it and say you've got to
24 give them a new trial and that sort of thing is because I
25 made a mistake. For instance I didn't follow the rules

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1 properly or I let you hear something that you weren't
2 supposed to hear or I kept you from hearing something
3 that you were supposed to hear or maybe I mischarged you
4 on the law incorrectly at the end of the trial. Those
5 are the things that are on me, if you would.

6 So why I'm saying this is sometimes you will have
7 one of the lawyers when a question is asked they'll say
8 objection. That's just kind of our code word for saying
9 Judge; you need to make a ruling because this witness is
10 getting ready to say something and it might violate one
11 of our rules. And so sometimes I can make a ruling
12 simply based on the context of what we're doing. I've
13 been doing this for a little while and you can just
14 simply say sustained or overruled.

15 Sometimes I just have to have the lawyers come up
16 out of your earshot and say explain to me where we're
17 going on this and then I can make a ruling. But
18 sometimes it's necessary for me to send you back into the
19 jury room so I can hear what the witness is going to say
20 before I can determine whether or not it is proper for
21 you to hear it because again, I don't know what you're
22 going to hear.

23 It's new to me today over the next two days as it
24 will be to you so sometimes we just slow it down for a
25 minute, I make a ruling and come back and determine

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1 whether or not you can hear it. We're not trying to keep
2 anything from you; we are simply trying to do it
3 correctly and correctly means do it in the best form
4 possible as far as the evidence is concerned that we've
5 been able to devise under our rules of court.

6 So that's where we're at. Procedurally it's 20
7 minutes to three now. We will probably like I said go to
8 about five o'clock. I usually go about every hour and a
9 half we take a break. Well in an hour and a half we will
10 be breaking for the day. But tomorrow when we start back
11 up at 9:30 we'll go for a little while, take a restroom
12 break and then we'll go for a while more, take a break
13 for lunch and then same thing in the afternoon.

14 So we will -- if you have to -- if you need to go to
15 the bathroom or something like that before it looks like
16 we're getting ready to take a break just send word down
17 to the bailiffs and they will get my attention and we'll
18 take a break. If you're like me and you have a bad back
19 if you need to stand or stretch sometimes just stand and
20 stretch or raise your hand and we'll take a break if we
21 need to.

22 We're trying to make this as comfortable for you as
23 possible but we're also trying to move it along because
24 we don't want you here any longer than you need to be
25 here. And we understand that we are taking away from

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1 your normal life and your normal work habits and things
2 like that so if you're not in this courtroom hearing
3 evidence then hopefully you are in deliberating or we're
4 just going to be there for a few minutes because we're
5 trying to minimize the inconvenience to you. So I like
6 to keep things moving and we're trying to get the case
7 heard as expeditiously but correctly as we possibly can.

8 So we don't get anywhere with me just standing up
9 and talking all afternoon so I will turn it over -- the
10 State having the burden of proof gets to go first so
11 Madame Solicitor if you want you may make your opening
12 statement.

13 MS. BALDWIN: Thank you, Your Honor.
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State v Reco Ramone Felder
Opening Statement-Remarks by Ms. Baldwin
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1 OPENING STATEMENT

2 BY MS. BALDWIN:

3 Good afternoon. As Judge Young just stated thank
4 you for being here. I know you're taking time out of
5 your day to do this and we really appreciate it. I think
6 everybody here appreciates that because no one could do
7 their job here if we didn't have you guys so thank you
8 again. I know probably when you got picked there were
9 some emotions going through your head. Some of you
10 looked a little less than pleased about being here but it
11 has to be done; that's why we're all United States
12 citizens.

13 I was talking about your emotions and everybody has
14 different emotions. There is anger, there is jealousy;
15 and those are very powerful emotions. And on the morning
16 of May 24th, 2014 the defendant Reco Felder turned those
17 emotions on the mother of his child when he put the gun
18 to Chantelle Mitchell's head and tried to kill her. And
19 it's actually only because of her quick actions that she
20 is here today to tell you all about it.

21 At the time of the incident the defendant and Ms.
22 Mitchell were no longer in a relationship together but
23 they were cordial, they had a small child together. In
24 fact the night before they actually went to Chuck E.
25 Cheese together with Chantelle's other children to

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1 celebrate the first birthday of the child that they have
2 together. Afterwards Chantelle took the kids home, the
3 defendant went a separate way and they were done. Or at
4 least that's what Chantelle thought.

5 When Chantelle got home she dropped her kids off.
6 They ranged in age from younger to 12 or 13. She went to
7 go pick up her friend, Montez Perry, from work downtown.
8 Unfortunately for Chantelle and what she didn't know at
9 the time was that the defendant happened to see her
10 picking Montez Perry up and that began a chain of events
11 that nearly cost Chantelle her life.

12 He started calling her constantly. He called her
13 house, he talked to her kids. He was asking where their
14 mother was. You'll hear from the children later on in
15 the trial. Chantelle actually did arrive home with
16 Montez and although the defendant continued to call her
17 everyone finally went to bed, Chantelle turned off her
18 phone and that was that; or what they all thought. But
19 Mr. Felder had another idea in mind.

20 The next morning was a Saturday morning, it was
21 early in the morning before seven o'clock and Chantelle
22 is getting ready for work. She and Montez left her
23 apartment and walked downstairs. You'll see some
24 pictures later on of the apartment set up. There are two
25 upstairs and then two apartments downstairs. So she came

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1 downstairs with Montez in tow, just an average Saturday
2 morning heading off but then the defendant appeared out
3 of nowhere. He then pulled out a revolver, cocked it and
4 pointed it first at Montez and then at Chantelle and then
5 he put the gun to Chantelle's head.

6 She did the only thing that she could think of in
7 that moment and she knocked the gun away and not a second
8 too soon because it was at that moment that she put her
9 hand on that gun that the defendant pulled the trigger
10 and narrowly missed her head.

11 And Chantelle will tell you she thought she was
12 dead. There was blood coming from her face. The
13 defendant grabbed her and put the gun back to her head.
14 Now in the meantime Montez actually ran off to find
15 somebody to call 911. He thought Chantelle was dead when
16 he heard the shot and I guess he didn't want to be the
17 one next. It wasn't the most chivalrous of things and he
18 and Chantelle are no longer in a relationship.

19 But the worse part about this whole situation was
20 that when Chantelle's kids who were inside of the
21 apartment at the time heard the shot two of the oldest
22 ran outside and saw Mr. Felder holding that gun to
23 Chantelle's head as she begged for him not to shoot her
24 in front of her kids. Now as more people came outside in
25 response to the gunshot the defendant let Chantelle go

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1 and he fled the scene. He was subsequently arrested.
2 Chantelle was transported to MUSC. They treated her for
3 cuts to her face and for a powder burn to her left eye.
4 Now Chantelle will tell you she doesn't know how she got
5 those cuts to her face. She got a broken nose as well
6 and she's not sure how she got that. She was busy
7 focused on the gun against her head. She wanted to make
8 sure she survived so she didn't leave her kids without a
9 mother.

10 What she does know though is that the defendant did
11 put that gun to her head and that gun was fired. And so
12 for Mr. Felder's actions that day he is charged with
13 attempted murder, criminal domestic violence of a high
14 and aggravated nature and possession of a weapon during
15 the commission of a violent crime. Both attempted murder
16 and criminal domestic violence of a high and aggravated
17 nature are deemed by statute to be violent crimes so if
18 he was possessing a gun he got that additional charge
19 that way.

20 You will hear over the course of the next couple of
21 days how the defendant's anger and his jealousy built
22 over the course of an evening, how he laid in wait for
23 Chantelle to come out of her apartment the next morning
24 and how after he didn't kill Chantelle the first time he
25 fired the gun he put that gun back to her head. And I am

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Opening Statement-Remarks by Ms. Baldwin
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1 confident that after you hear that testimony that you
2 will find him guilty.

3 THE COURT: All right. Ms. Ehrlich?
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State v Reco Ramone Felder
Opening Statement-Remarks by Ms. Ehrlich
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OPENING STATEMENT

BY MS. EHRLICH:

Things are not always what they seem. I was shot in the face. Those were the words that came out of Chantelle Mitchell's mouth. And that's what the police believed and that's what the State believed but that's not what really happened. And it's not what happened that day and you will hear from Mr. Felder during this trial what really happened and how he told the truth even when it didn't help him and even when it didn't make him look good.

We're here today because the State is accusing him of assaulting somebody with a weapon and attempted murder. They are telling you that he wanted to kill her. That's a big accusation. But your job is to figure out what really happened that day. What really was on Mr. Felder's mind, what was his intent because the State is required to prove without -- beyond a reasonable doubt that Mr. Felder wanted to kill.

The evidence though doesn't support that and the State has overcharged him even after learning physical evidence doesn't match up with the original allegations. On May 23rd Chantelle Mitchell and Reco Felder spent time together. Their son Son was turning one and that day included a celebration at Chuck E. Cheese with

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1 all the kids playing games and eating food; a nice
2 evening of family fun. The celebration ended when Ms.
3 Mitchell indicated she was tired and was ready to go home
4 so they parted ways. Mr. Felder runs an errand for her
5 at Walmart to get a sippy cup exchanged for the right
6 color for their son and tries to call her about it and
7 finds out she is not home.

8 But Mr. Felder is not worried because it's his day
9 off. He doesn't have to work and he decided to kind of
10 make a night of it. He goes to a friend's house and then
11 starts going to different bars. And it's true that while
12 driving downtown he does see Ms. Mitchell and they
13 actually exchanged -- have sort of a conversation. He
14 teases her a little bit about how she's not that sleepy
15 if she's out but they separate and go their own ways.

16 And Mr. Felder goes to different bars, talks to
17 different women and has a good time. At some point
18 during the night he goes to a club that doesn't have the
19 best reputation so he gets a gun, his gun, a little bit
20 worried about some of the younger folks that are hanging
21 out at the bar and he has a gun on him.

22 Also at some point during the evening instead of
23 driving he has somebody else driving him around because
24 he doesn't have a driver's license and he's out late at
25 night and he doesn't want that to become an issue with

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1 the police. So the clubbing kind of continues throughout
2 the night and it gets close to the early morning hours
3 and it's time for him to go pick up his son Son
4 because he sees him nearly every day. He works night
5 shift but when he gets off in the morning he picks Son
6 up, they do an exchange.

7 Ms. Mitchell was working two jobs at the time and
8 sometimes they meet at the apartment, sometimes meet at
9 McDonalds. It was normal for him to be at that house or
10 that apartment or meet up with Ms. Mitchell early in the
11 morning. It was part of their normal routine. So he
12 heads over to West Ashley to the Ashley Oaks apartment,
13 gets out of the car. He's got other people in the car
14 from his night out, smokes a cigarette and starts heading
15 to the apartment to get Son .

16 And as he is rounding the corner down comes Ms.
17 Mitchell. And you will see pictures during the trial of
18 the parking lot and how there is a turn to get to the
19 parking lot from the apartment, what the stairs look
20 like. You'll have a pretty good idea yourselves for what
21 it looked like and what people would have seen.

22 But he sees her coming down the stairs and he also
23 sees a man coming down the stairs; a man who has
24 obviously been in the home with his then only one year
25 old son and there is some sort of tension there. But Mr.

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1 Felder doesn't pull a gun out immediately. He is not
2 sticking a gun in people's faces. The situation starts
3 to get awkward though when Ms. Mitchell's friend, Mr.
4 Perry, is messing around with his duffle bag. And
5 you'll see a picture of the duffle bag and you'll see the
6 duffle bag was open and Mr. Felder starts to panic
7 because he thinks this is getting awkward because this
8 guy might be armed.

9 So he takes the gun that he had from earlier in the
10 night from the club pulls it out in his right hand and
11 holds it here [indicates]. To let the guy know like hey
12 dude, I'm armed too. But he's not pointing it at anybody
13 and he's not threatening anybody. And that actually
14 causes Mr. Perry to run. He runs before there is a shot
15 ever fired.

16 But Ms. Mitchell doesn't run. In fact she sort of
17 argues with Mr. Felder. And when he is ready to just go
18 get Son and move on with the day take Son like he
19 is supposed to do things escalate based on words said by
20 Ms. Mitchell that you will hear from Mr. Felder about.
21 And it upsets Mr. Felder. And you know what? He went --
22 he admits it. He took his hand, swings at her forgetting
23 he's got the gun in his hand and he basically pistol
24 whips her and hits her in the face. You will see the
25 injury on her face that is completely consistent with a

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1 gun hitting right here [indicates] and as he does that
2 the gun goes off. There is panic. She is screaming. He
3 is saying you're okay, you're okay. He's checking her
4 head out to make sure she wasn't hurt seriously. He's
5 telling her you weren't shot, that the gun went off when
6 he hit her. And he tries to stay and call 911 but she's
7 like just go. And his last words to her are I love you
8 and he leaves. And that's when he hears her screaming he
9 shot me. And he knows that things are about to get
10 really scary.

11 Throughout this trial you are going to hear from a
12 lot of State witnesses but none of them actually saw the
13 incident. They see what happens right before and right
14 after. But they don't actually see what happens. You're
15 going to hear from police who believed that Ms. Mitchell
16 was shot but who never looked at the medical records that
17 support she wasn't shot because if they had they would
18 have talked to the ER doctor who is going to testify at
19 some point during the trial whether it will be for the
20 State or for us but he'll say she wasn't shot; that that
21 injury is blunt force trauma, its pistol whip injury and
22 that the powder around the eye is consistent with a gun
23 discharging but not hitting her or no bullet hitting her.
24 The police overcharged Mr. Felder because they didn't
25 look into everything and the State over-indicted him.

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1 They accused him of trying to kill her. But that's not
2 what happened. It wasn't a plan. He didn't lay in wait.
3 There was no intent to kill which are required elements
4 of attempted murder. He didn't hold a gun to her face
5 and pull a trigger. There was no attempt on Ms.
6 Mitchell's life. This happened exactly how Mr. Felder is
7 going to tell you it happened.

8 And he doesn't have to get up on the stand and tell
9 you anything. It's his constitutional protection to just
10 sit there. But he's going to get up on the stand and
11 tell you what happened from his side. The truth in this
12 case is kind of a messy thing and it's not going to make
13 you feel good. And the truth is rarely pure and it's
14 never really simple but things really aren't what they
15 seem.

16 And I'm going to ask you at the end of the trial to
17 consider the Judge's instructions on the law, the
18 definitions and elements of these offenses and ask you to
19 see the truth and to find Mr. Felder not guilty.

20 THE COURT: All right. The State may call the
21 first witness.

22 MS. BALDWIN: Thank you.
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25

State v Reco Ramone Felder
Chantelle Mitchell-Direct Examination by Ms. Baldwin
December 5, 2016

1 MS. BALDWIN: The State calls Chantelle Mitchell.

2 [Whereupon, Ms. Mitchell comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please.

7 THE WITNESS: Chantelle Mitchell, M-I-T-C-H-E-L-L.

8 - - - - -

9 CHANTELE MITCHELL,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MS. BALDWIN:

14 Q. Good afternoon. Chantelle, why don't we just start
15 off with you telling the jury a little bit about
16 yourself? Where are you from?

17 A. I was born in Hollywood, South Carolina but raised
18 in North Charleston.

19 Q. What do you do for a living?

20 A. I work for Charleston County. I'm a quality
21 assurance specialist supervisor now with the Charleston
22 County Consolidated 911 Center. I am also employed by
23 Roper Hospital as well and I work in their call center.

24 Q. Where were you working back in 2014?

25 A. Charleston County and Roper.

State v Reco Ramone Felder
Chantelle Mitchell-Direct Examination by Ms. Baldwin
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1 Q. Do you have any children?

2 A. Yes, I have five beautiful babies. I have two
3 girls, three boys. They now range in ages from 14 to
4 three.

5 Q. Quite a range. How do you know the defendant Reco
6 Felder?

7 A. Me and Reco share a child together which is Son ,
8 my three year old.

9 Q. Okay. Do you see Mr. Felder in the courtroom
10 today?

11 A. Yes, ma'am.

12 Q. Can you point to where he is?

13 A. [Witness indicates]

14 Q. What is he wearing?

15 A. He's wearing the white shirt and bow tie.

16 MS. BALDWIN: Please let the record reflect that
17 the victim has identified the defendant.

18 THE COURT: So ordered.

19 Q. [Ms. Baldwin] Were you -- do you just have a child
20 together or were you in a relationship?

21 A. We were in a relationship for about a year and a
22 half and then we had Son in the midst of that.

23 Q. Okay. I'm going to bring you to May of 2014. What
24 was your relationship with Mr. Felder like at that point?

25 A. We weren't together because of...

State v Reco Ramone Felder
Chantelle Mitchell-Direct Examination by Ms. Baldwin
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1 MS. EHRLICH: Objection.
2 Q. [Ms. Baldwin] You guys weren't together anymore?
3 A. No.
4 Q. Okay. But you still spoke to each other, correct?
5 A. Yes, because we share a child.
6 Q. Okay. Were you seeing anybody else in May of 2014?
7 A. Yes, I was talking to Montez Perry. He was a friend
8 of mine from college so we were just really kind of
9 reuniting with each other basically.
10 Q. Where were you living during this time period?
11 A. Ashley Oaks.
12 Q. And where is that?
13 A. Charleston, West Ashley.
14 Q. Okay. I'm going to bring you to May 23rd, 2014.
15 Tell us about that day.
16 A. Son turned one on the . So me and Reco
17 decided we didn't throw like a big birthday party the
18 weekend before we decided that we were going to take just
19 Son and his siblings to Chuck E. Cheese so they could
20 celebrate with each other.
21 Not that weekend but the following weekend we were
22 going to discuss throwing a birthday party with Son --
23 I mean with all the family and friends. So that day we
24 took the kids to Chuck E. Cheese so we could kind of play
25 games and just a one year old cake and celebrate his

State v Reco Ramone Felder
Chantelle Mitchell-Direct Examination by Ms. Baldwin
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1 birthday just with his siblings. So we went to Chuck E.
2 Cheese. The kids played and I sat there and kind of just
3 watched them interact with their brother and basically
4 that's it. Me and Reco spoke. We were cool ---

5 Q. --- everything was fine?

6 A. Everything was fine so.

7 Q. What happened after Chuck E. Cheese? What did you
8 do?

9 A. I told Reco that I was ready to go. It was time for
10 me to go and I dropped the kids, -- me and the kids we
11 left and we went home.

12 And Montez called and he said that he was getting
13 off from work and he wanted me to come pick him up. So I
14 was like I'll come get you and drop you off.

15 Q. Where were you going to get him at?

16 A. He worked at I believe it was at Virginia's I think
17 that's the name of it off of King Street downtown
18 Charleston.

19 Q. Okay. So you came to get Montez downtown?

20 A. Uh Huh.

21 Q. Anything happen once you got downtown?

22 A. Well, while I'm on King Street when I'm on King
23 Street I keep hearing like someone is beeping the horn
24 but King Street is so busy on a Friday night I didn't
25 know whether it was just someone beeping a horn at

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1 someone else. Then I just happened to look in my side
2 mirror and I noticed that it was the silver Cadillac that
3 Reco drives and I saw him get out the car. And I'm
4 saying to myself like how in the world he knows that I'm
5 downtown or how he even -- I didn't even know how he was
6 behind me. It just didn't make sense to me.

7 So he got out the car and he was saying something
8 and the light turned green and I pulled off because I
9 knew that it wasn't going to be -- I just knew since he
10 saw me it wasn't going to be good.

11 So, when I pulled off Montez is sitting on the
12 corner. I can't remember the two streets that intersect
13 ---

14 Q. --- but you're still downtown?

15 A. We're still downtown and when I stopped Montez is on
16 the corner so I stopped right here [indicates] and I look
17 at Montez and say he's following me.

18 So I turned on the street and I tried to like turn
19 around and come back up -- I turned down the street and
20 tried to come back up on King Street so I can pick -- so
21 Montez can hop into my passenger side so I can just leave
22 and Reco was still behind me.

23 But when I went to make the turn he stops his car
24 right beside me and he says to me so you left me to go --
25 this is what you do bitch. You leave me to go pick up

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Chantelle Mitchell-Direct Examination by Ms. Baldwin
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1 another man.

2 Q. Were y'all joking around at all?

3 A. No, there was no joking.

4 Q. So what happened next? Did you go home?

5 A. Yes. So I told Montez I'll go ahead and drop you
6 off home because I didn't know what was going to happen
7 so he was like no, let me come to the house with you or
8 whatever just in case anything happens.

9 So we came home and we all went to bed because I
10 have to be at work at seven o'clock in the morning at
11 Roper. So after him seeing me downtown he starts
12 calling, and he starts calling and he starts calling.
13 So I keep declining, declining, declining. So by the
14 time I get home the kids was like Momma, Mr. Reco called
15 for you ---

16 MS. EHRLICH: --- objection, hearsay.

17 THE COURT: What you offering it for?

18 MS. BALDWIN: I'm sorry?

19 THE COURT: Why are you offering it?

20 MS. BALDWIN: I think we can move on from that.

21 THE COURT: Okay.

22 Q. [Ms. Baldwin] Without saying what the kids said so
23 you talked to the kids when you got home?

24 A. Uh Huh.

25 THE COURT REPORTER: Is that yes?

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- 1 A. Yes.
- 2 Q. [Ms. Baldwin] And had you talked to the kids at all
3 earlier in the evening?
- 4 A. Before I got home I know that they called my phone.
- 5 Q. Okay. What was your phone number at the time?
- 6 A.
- 7 Q. And do you remember what Reco's phone number was at
8 the time?
- 9 A. It was -- I can't remember the last...
- 10 Q. If I showed you some phone records would that help
11 refresh your recollection?
- 12 A. Yes, ma'am.
- 13 Q. Can you look at those and tell me what that is? I'm
14 showing you what has been marked as State's exhibit 1.
- 15 [Whereupon, the witness is shown document]
- 16 A. Yes. This is my Sprint phone log from my phone.
- 17 Q. When you get a bill?
- 18 A. Yes, when I get a bill and it gives me just a list
19 of all the numbers that I called or called me for the
20 timeframe of my phone billing. His number would be the
21
- 22 Q. You talk to him fairly often? You were familiar
23 with that number?
- 24 A. Yes.
- 25 MS. BALDWIN: Your Honor, at this time I would like

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1 to admit State's exhibit 1 into evidence.

2 MS. EHRLICH: No objection.

3 THE COURT: Admitted.

4 [Whereupon, State's exhibit number 1 is entered into
5 evidence by the court]

6 Q. [Ms. Baldwin] Chantelle, can you look at those
7 records and just count for me from the evening of the
8 23rd how many times there was an incoming call from that
9 phone number, from that phone number.

10 [Whereupon, the witness reviews document]

11 A. Just from the 23rd?

12 Q. And into the evening of the 24th, the early morning
13 hours.

14 A. Okay.

15 [Whereupon, the witness reviews document]

16 A. Like 13.

17 Q. Okay. And that's from about what time to what
18 time?

19 A. Starting at 7:41 in the morning until 12:21 -- no,
20 I'm sorry 12:30 at night.

21 Q. So we're talking into the 24th?

22 A. Yes.

23 Q. What did you eventually do?

24 A. I turned the phone off.

25 Q. Okay. So what did you do -- the next morning what

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1 happened?

2 A. The next morning I turned off my cell phone but I
3 had a house phone as well and he was calling that
4 continuously so I turned the ringer off but the phone
5 lights up when it rings so he literally was calling from
6 the previous night until 6 o'clock that morning.

7 And so I got up, got myself together, was getting
8 ready to drop Montez off home and go to work. I was only
9 going to work a half day so ---

10 Q. --- why were you only going to work a half day?

11 A. Because when I got off me and the kids were going to
12 go out. We were going to go to a cookout at Montez's
13 house. They were doing a big cookout.

14 But I noticed from when I got up I went outside and
15 I went to check because I know he usually hides under my
16 steps or along the ---

17 MS. EHRLICH: --- objection.

18 Q. [Ms. Baldwin] Without going into that Chantelle you
19 looked around outside.

20 MS. EHRLICH: Objection, Your Honor. I move to
21 strike that statement from the record.

22 THE COURT: The jury will strike the statement the
23 previous testimony about hiding under a step.

24 Q. [Ms. Baldwin] Let me ask you this Chantelle. When
25 you were getting ready when you were going outside what,

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1 if anything, did you notice about your door?

2 A. My sliding -- when I walked out my front door my
3 sliding door was open, the screen part. When I saw that
4 I looked outside and I went back in and I told Montez I
5 said I think he was here because my screen door is pushed
6 back.

7 Q. Is it typically not pushed back?

8 A. It's not typically pushed back but my sliding door
9 is typically left open because I just always used to
10 leave it open.

11 Q. You're talking about the glass part?

12 A. The glass part, yes.

13 Q. Open what do you mean?

14 A. Like unlocked.

15 Q. Okay.

16 A. Unlocked. And I told Montez it looks like he was
17 here because my screen was open. But when I looked
18 outside and looked toward the fence line I didn't see
19 anything. And so I said well come on let's go; let me
20 drop you off home so I can go to work.

21 Q. Was Mr. Felder supposed to come pick up Son that
22 morning?

23 A. No.

24 Q. Who was going to be taking care of Son while you
25 were at work?

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1 A. Well, my oldest daughter at the time was 12 so I was
2 going to let her watch Son because I was only going to
3 be at work for a couple of hours.

4 Normally when I do work a long shift on the weekends
5 Reco did watch him but he never came to my house to pick
6 up Son . I would take him downtown to where he was
7 staying with his sister and drop the baby off and go.

8 Q. So you said to Montez let's go?

9 A. Yes. I told him I said let's go. Let me drop you
10 off so I can head to work.

11 Q. What happened next?

12 A. So we're walking down the steps. I was ahead of
13 Montez and didn't think anything of it. Montez is coming
14 down behind me but he kind of paused up top because he
15 was saying something to the kids like lock the door or
16 something like that.

17 So when I'm walking down the steps I'm down the
18 steps and Montez is coming down and all of a sudden Reco
19 comes from under the steps.

20 Q. Did you see him come from underneath the steps?

21 A. I didn't see him hiding under the steps. I saw when
22 he jumped up from under the steps because when he did he
23 pulled out the gun and he cocked it.

24 Q. And what did he do next?

25 A. He pointed it at Montez first and when he did that I

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1 started saying like -- I was shocked because I've never
2 seen him with a gun. I've never known him to carry a gun
3 so to see him with the gun I was really, really shocked.

4 And he had it pointed at Montez and at the time I
5 was just thinking that I didn't want nobody to get
6 killed. I didn't want nobody to get hurt. So I asked
7 him I said Reco, please don't do this because I know
8 Montez has a daughter and I swear I thought he was going
9 to kill him.

10 He took -- he walked up to me and he took the gun
11 off of Montez and I just remember Montez backing up and I
12 started backing up with him. Then Montez ran and I was
13 thinking I need to run too but in my mind I was thinking
14 I didn't want him to shoot me in the back.

15 So I stood there and he walked up to me and he put
16 the gun to the middle of my forehead and he said you
17 think this is a game bitch. And I said Reco please. And
18 then all of a sudden I was thinking in my head I've got
19 my kids upstairs.

20 I cannot let this boy shoot me in the middle of my
21 head. I cannot have my babies -- they cannot find me
22 like this. So I just went and tried to push the gun from
23 off my forehead and that's when he pulled the trigger.

24 Q. And then what happened?

25 A. The gun went off and I just thought that I was only

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1 alive from the adrenaline because I could have sworn -- I
2 thought I got shot in the head and I just knew that I
3 only had a few seconds to live. And I just touched the
4 back of my head and I said Reco you shoot me in my head.

5 And he said no, I didn't. And he grabbed me by my
6 shirt and was trying to pull me to the side of the
7 apartment and he put the gun back to my head and I begged
8 him and I said please don't do this. Please don't shoot
9 me again; please.

10 And I just remember my kids coming outside saying
11 please don't shoot my momma and they was just screaming
12 and crying. And I just knew blood was pouring from my
13 face.

14 It just sounded like someone took a cup of water and
15 poured it on the sidewalk because nothing but blood was
16 coming from my face so I literally thought that he shot
17 me in the middle of my head.

18 Q. And I know this is hard for you. What happened
19 after that after he put the gun to your head the second
20 time?

21 A. He -- the kids were saying please don't shoot my
22 momma and he said well, I ain't going to shoot you but
23 call that nigga [phonetic] back and I'll kill him.

24 Q. And then what happened?

25 A. He walked off. He just walked off.

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- 1 Q. Do you know where he went?
- 2 A. No.
- 3 Q. Do you know how he got to your house?
- 4 A. After -- just from what they said was that someone
- 5 dropped him off.
- 6 Q. But you don't know, you didn't see him ---
- 7 A. --- no, no.
- 8 Q. And you didn't see where he went when he left?
- 9 A. I just knew that he walked off to the side of that
- 10 fence line where he usually jumps the fence.
- 11 Q. You mentioned a Cadillac that he drives earlier.
- 12 What does it look like?
- 13 A. It's a 2005 silver Cadillac. It's like a four door.
- 14 Q. Is it registered to him?
- 15 A. No, it was registered to me.
- 16 Q. Okay. You let him drive it though?
- 17 A. Uh Huh.
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

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1 THE COURT: Ms. Baldwin, if this is a good break
2 point I understand some of the jurors have to use the
3 restroom so let's take a break and we'll come back in ten
4 minutes. Again, don't begin deliberations or discussions
5 about the case. We'll have you back in ten minutes.

6 [Whereupon, the jury exits at 3:15 p.m.]

7 THE COURT: If you need to use the restroom there
8 is one back there and the bailiffs can take you to it but
9 you're not allowed to talk to anybody during the break.
10 You're welcome to sit there but if you need to go to the
11 restroom you can.

12 THE WITNESS: Thank you.

13 [Whereupon, court is in recess from 3:17 p.m. until
14 3:30 p.m.]

15 THE COURT: All right. We have the defendant back
16 in the courtroom. Let's bring the jury in.

17 [Whereupon, the jury enters at 3:31 p.m.]

18 THE COURT: Ms. Baldwin, you may resume.

19 MS. BALDWIN: Thank you, Your Honor.
20
21
22
23
24
25

State v Reco Ramone Felder
Chantelle Mitchell-Direct Examination by Ms. Baldwin (resumes)
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1 DIRECT EXAMINATION (RESUMES)

2 BY MS. BALDWIN:

3 Q. Chantelle, I'm going to show you what has been
4 admitted as State's exhibit 2. Can you tell me what that
5 is?

6 [Whereupon, the witness is shown photograph]

7 A. My apartment complex; my old apartment complex.

8 Q. The one you were living in at the time of this
9 incident ---

10 A. --- Ashley Oaks.

11 [Whereupon, photographs are shown]

12 Q. Okay. Some of the courtrooms we have a smart board
13 but this one you use an old fashioned pointer here. I'm
14 going to give you a pointer if you could show me where on
15 there your apartment building was.

16 A. This one right here [indicates] is my apartment.

17 Q. That was your building?

18 A. This one right here; sorry.

19 Q. So you mentioned earlier a fence line. Where was
20 that fence line?

21 A. It's right here [indicates].

22 Q. Okay. And what's on the other side of that fence
23 line?

24 A. I think it's another apartment complex on the
25 opposite side.

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1 Q. Do you know the name of the apartment complex?

2 A. No, ma'am.

3 Q. I'm going to show you what has been admitted as
4 State's exhibit 3 through 8. Look through those real
5 quick and tell me what those are.

6 [Whereupon, the witness views photographs]

7 A. These are pictures of the front of my apartment
8 building, the side, the steps that led up to my apartment
9 and the sidewalk.

10 Q. I'm going to put up on that screen State's exhibit
11 three. What is that?

12 [Whereupon, the witness is shown photograph]

13 A. That's the front of my apartment building.

14 Q. Can you show the jury where your apartment was?

15 A. My apartment will be on the side right here
16 [indicates].

17 Q. And State's exhibit 4?

18 A. This area right here [indicates] is where he pulled
19 me and put the gun back to my head and this is the fence
20 line [indicates] and those apartments on the other side.

21 Q. What's that view taken from?

22 A. The front of my apartment right here [indicates].

23 Q. Okay. From the balcony out front?

24 A. Yes.

25 Q. State's exhibit 5?

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- 1 A. These are the stairs, the steps that lead up to my
2 apartment.
- 3 Q. Okay. So if we're looking down the steps where is
4 your apartment?
- 5 A. This side right over here [indicates].
- 6 Q. Okay. And 6?
- 7 A. My apartment will be over that side [indicates].
8 This is the front view [indicates], this is the area
9 right here.
- 10 Q. And show us where were you when you first saw Mr.
11 Felder?
- 12 A. If you put the first picture up.
- 13 Q. The first picture up?
- 14 A. Just the front of the apartment with the stairs.
15 [Whereupon, photograph is shown]
- 16 A. I was right here [indicates] standing right here
17 [indicates].
- 18 Q. Okay. And where was Montez?
- 19 A. Montez is still actually coming down the steps so he
20 was right here [indicates] when he came from up under the
21 steps.
- 22 Q. Did you see which direction Mr. Felder came from?
- 23 A. He came from up under this way right here
24 [indicates].
- 25 Q. Okay. State's exhibit 7 what are we looking at?

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Chantelle Mitchell-Direct Examination by Ms. Baldwin (resumes)
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- 1 A. Right here [indicates] is my blood and still the
2 front part of my apartment building.
- 3 Q. That's the front part of your apartment building?
- 4 A. Uh Huh.
- 5 Q. Where is your blood?
- 6 A. Right here [indicates].
- 7 Q. And how did you blood get there?
- 8 A. Because he pulled me from this side [indicates] all
9 the way to right up in there [indicates].
- 10 Q. And what was happening when he pulled you up over
11 there?
- 12 A. He put the gun back to my head.
- 13 Q. And State's exhibit 8?
- 14 A. My blood again.
- 15 Q. State's exhibit 5?
- 16 A. Uh Huh. Yes.
- 17 Q. Chantelle, I would like to have you demonstrate you
18 know you told us about what happened but demonstrate
19 exactly what happened where you were and if I could have
20 the witness step down from the stand.
- 21 THE COURT: Sure.
- 22 [Whereupon, the witness steps down from the stand]
- 23 MS. BALDWIN: If I could have my investigator come
24 up.
- 25 [Whereupon, Ms. Niblock comes forward]

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1 Q. [Ms. Baldwin] So if Ms. Niblock is the defendant
2 show us what happened. I can be Montez is you want.

3 A. So when I walked down the stairs and I'm coming down
4 the steps Montez is probably about where that Bible is
5 right there [indicates]. That's when Reco came from up
6 under the steps, he cocks the gun but he's holding it at
7 Montez at this point.

8 Q. Was Montez still on the stairs?

9 A. He was still on the stairs. And that's when I was
10 telling him no, why are you trying to do this. And
11 Montez is slowly coming down but he's right behind me
12 this way [indicates].

13 So that's when all of a sudden I can see Montez
14 running off and that's when Reco walks up to me and he
15 puts the gun right here [indicates] and he said you think
16 this is a game, Bitch.

17 And when he says you think this is a game bitch and
18 all I just remember is like I said just thinking I cannot
19 let this boy kill me in front of my kids. And when I did
20 this [indicates] he pulled the trigger and it went off.

21 Q. When you went like this [indicates] you said?

22 A. When I went like this [indicates] because I just
23 knew that I could not just allow him -- I just knew that.

24 Q. Did you ever put your finger on the trigger?

25 A. No.

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Chantelle Mitchell-Direct Examination by Ms. Baldwin (resumes)

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1 Q. Did you ever struggle over the gun?

2 A. No.

3 Q. Did he ever punch you in the face?

4 A. No, ma'am. No, no, and no. He placed the gun on my
5 forehead.

6 Q. Let me ask you this. What did the gun look like?

7 A. It's a revolver. It just looks like one of those
8 guns that you kind of put the bullets in on the side.
9 That's what it looked like to me. I just know he cocked
10 the gun back.

11 Q. He cocked the gun back?

12 A. He cocked it -- yes.

13 Q. Are you fairly familiar with guns and different
14 types of guns?

15 A. No, I don't do guns.

16 Q. Do you remember what he was wearing?

17 A. I knew he had on some plaid shorts. That's the only
18 thing I can remember but I can't remember what he
19 actually had on.

20 Q. After he left what happened? What did you do?

21 A. When he left I was outside. I just remember
22 neighbors running outside and people coming to my rescue
23 and trying to help me out. The kids were coming down the
24 stairs crying, really hysterical and I just was shocked;
25 I couldn't believe this was actually happening. So the

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- 1 neighbors came outside. They were trying to get me a
2 towel to put pressure on the wound to my face and that's
3 when the responders came.
- 4 Q. You said the responders so the police?
- 5 A. Police, EMS, Fire.
- 6 Q. Did you go to the hospital?
- 7 A. Yes.
- 8 Q. You told the nurses and doctors what happened?
- 9 A. I did not talk to the nurses and doctors; never did.
- 10 Q. Okay. Did you talk to the EMS people?
- 11 A. No. The only person I knew I talked to was the
12 detective.
- 13 Q. Okay. You said you were in shock that day?
- 14 A. Uh Huh.
- 15 Q. Okay. You couldn't believe what happened?
- 16 A. No, I couldn't.
- 17 Q. Do you remember what your injuries were?
- 18 A. I had a huge gash right here [indicates] and my nose
19 was broken and I had gunshot powder residue on my face.
- 20 Q. Do you still have any leftovers from those injuries?
- 21 A. I have scars on my face and I have a small indentation
22 by my eye where a bullet fragment like pieces of metal I
23 assume.
- 24 Q. Now Chantelle I have to ask you this. Have you
25 spoken to Mr. Felder since this incident occurred?

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1 A. Uh Huh. Yes.

2 Q. Okay. Why on earth did you talk to him?

3 A. Because I thought that he would send somebody to
4 kill me so I think the best thing for me to do was talk
5 to him and just make it seem like I wasn't scared of him
6 anymore. But in the process of talking to him I wanted
7 him to admit what he did and just stop lying.

8 Q. He never admitted?

9 A. No.

10 Q. Do you want to be in a relationship with him?

11 A. No.

12 Q. Okay. Did you think that he was going to kill you
13 that day?

14 A. When I saw him with a gun yes, I knew he was going
15 to kill me.

16 Q. Okay. Why do you think he wasn't successful?

17 A. I can only think of the fact that spiritually I pray
18 every day and ask God to keep me and my kids covered.

19 That's the only reason why I'm here. I can't explain it
20 no other way except that's the only reason why I'm here.

21 MS. BALDWIN: Beg the court's indulgence.

22 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

23 Q. [Ms. Baldwin] Chantelle, that's all I have for you
24 right now. Please answer any questions Ms. Ehrlich has
25 for you.

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1 CROSS-EXAMINATION

2 BY MS. EHRLICH:

3 Q. Ms. Mitchell, in May of 2014 your job was working
4 for Consolidated Dispatch?

5 A. Yes, ma'am.

6 Q. And so part of your job was I guess taking 911
7 calls?

8 A. Not at that time but I have, yes.

9 Q. So you had training in taking 911 calls before?

10 A. Yes.

11 Q. And I assume that through your employment you get to
12 know police officers?

13 A. I know some.

14 Q. Okay. And so you have some sort of relationship
15 with law enforcement?

16 A. Sort of.

17 Q. Okay. The time that this happened you and Mr.
18 Felder were not officially together correct?

19 A. We were not together at all that is correct.

20 Q. And I think you had broken up maybe five months
21 earlier?

22 A. Yes, ma'am.

23 Q. But you still saw each other?

24 A. Because we exchanged Son whenever I worked.

25 Q. But y'all had -- are you saying you had no sort of

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1 romantic relationship then?

2 A. No, we did not.

3 Q. The Cadillac that was mentioned during your
4 testimony that was in your name.

5 A. Yes.

6 Q. But he had the car in May 2014?

7 A. Yes, ma'am.

8 Q. And is the reason that car was in your name was
9 because of his driver's license issues or something?

10 A. No, because he couldn't -- he didn't have the credit
11 to get one and I did.

12 Q. So you helped him get the car?

13 A. Yes.

14 Q. Okay. And y'all have Son together?

15 A. Yes, ma'am.

16 Q. And so Son and Mr. Felder actually spend a good
17 bit of time together, correct?

18 A. Yes, ma'am.

19 Q. Even when y'all were broken up he would see Son .

20 A. Yes.

21 Q. Okay. And he helped -- you were working the two
22 jobs.

23 A. Yes.

24 Q. He was working too at some point right?

25 A. Yes, he was.

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- 1 Q. But when he wasn't working he would try to help you
2 by watching Son since you were working the two jobs.
- 3 A. Yes. He watched Son on the weekend because I
4 worked at Roper on weekends.
- 5 Q. All right. And that was by -- y'all didn't have a
6 custody agreement. It was just something y'all were able
7 to work out right?
- 8 A. Yes, ma'am.
- 9 Q. Okay. And your testimony today is that you always
10 brought Son downtown?
- 11 A. Downtown, yes.
- 12 Q. So y'all never did a custody exchange at McDonalds
13 on Montague?
- 14 A. That was only one time.
- 15 Q. And your testimony is y'all didn't do exchanges at
16 your apartment complex?
- 17 A. We never did.
- 18 Q. Okay. But he did know where you lived?
- 19 A. Yes.
- 20 Q. And were there times that you would go pick up
21 Son downtown as well?
- 22 A. Yes.
- 23 Q. And downtown was because that's where Mr. Felder's
24 sister lived?
- 25 A. Yes.

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- 1 Q. And y'all -- what's her name?
- 2 A. Susie.
- 3 Q. She goes by Susie but her real name is Quaintella?
- 4 A. Yes.
- 5 Q. Okay. But as far as Son you and Mr. Felder
- 6 y'all were able to work together to take care of him
- 7 right?
- 8 A. At one point, yes ma'am.
- 9 Q. Okay. And y'all decided to celebrate his birthday
- 10 together, correct?
- 11 A. Yes, ma'am.
- 12 Q. And his birthday was the but y'all decided to
- 13 go to Chuck E. Cheese on the 23?
- 14 A. Yes, ma'am.
- 15 Q. And all your kids went with you.
- 16 A. Yes, ma'am.
- 17 Q. And I think you testified earlier the night ended
- 18 because you were ready to go, you were tired and ready to
- 19 go home correct?
- 20 A. That's correct.
- 21 Q. And then did you drive then to Walmart for Mr.
- 22 Felder to get his car at Walmart?
- 23 A. Yes.
- 24 Q. And he was going to do some sort of sippy cup
- 25 exchange because y'all got the wrong color ---

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- 1 A. --- yes ---
- 2 Q. --- it was too girly or something for Son right?
- 3 A. That's correct.
- 4 Q. And I think at some point later he called to let you
- 5 know he got the cup right because you did talk to him
- 6 before you went downtown.
- 7 A. I don't remember talking to him before I went
- 8 downtown so.
- 9 Q. You're not sure.
- 10 A. I don't remember talking to him.
- 11 Q. Let's talk about Mr. Perry for a bit. You kind of
- 12 described him as your friend. Was he your boyfriend at
- 13 the time or y'all were just dating?
- 14 A. We were just dating, we just started dating. I knew
- 15 him from college.
- 16 Q. And so the night of the 23 when you got back from
- 17 Chuck E. Cheese you went to go pick him up downtown.
- 18 A. That's correct.
- 19 Q. And the children were at the house or the apartment.
- 20 It's your home.
- 21 A. Yes.
- 22 Q. And all the kids were there.
- 23 A. That's correct.
- 24 Q. There wasn't an adult with them correct?
- 25 A. That's correct.

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- 1 Q. And so Mr. Perry ends of staying at the house that
2 night correct?
- 3 A. [Nods affirmatively]
- 4 Q. And he was at the house when you were coming down
5 the stairs correct?
- 6 A. Yes, he was there.
- 7 Q. Okay. And can we agree that Mr. Perry had some
8 sort of duffle bag with him when you picked him up.
- 9 A. His work bag, yes.
- 10 Q. And when he was coming down the stairs?
- 11 A. That's correct.
- 12 Q. He wasn't leaving his stuff at your place?
- 13 A. No.
- 14 Q. Because he doesn't live there.
- 15 A. That's correct.
- 16 Q. And so the children are still in the house when
17 you're coming down the stairs?
- 18 A. Yes.
- 19 Q. And he's a little bit behind you?
- 20 A. A little bit behind me.
- 21 Q. But y'all aren't chatting; he's saying something to
22 the kids?
- 23 A. Correct.
- 24 Q. And his attention is on them?
- 25 A. That's correct.

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1 Q. And that's when you say that Mr. Felder came and
2 that's when you saw him for the first time.
3 A. When Montez was coming down the steps.
4 Q. And that's when you saw Mr. Felder?
5 A. That's when he jumps up.
6 Q. Okay. And the gun was pointed first at Mr. Perry
7 is what you're saying?
8 A. It was -- he pointed the gun at Montez and that's
9 when he cocked it then.
10 Q. Okay. Let's go back a little bit. You said
11 something earlier about thinking that Mr. Felder had been
12 in the apartment because of something with the screen
13 door.
14 A. I don't think he was in the apartment. I think he
15 was trying to get in my apartment because my screen door
16 was slightly pushed back as someone was trying to get
17 into the glass part.
18 Q. Okay. But when you saw that you didn't call 911 or
19 the police about that did you?
20 A. No, I didn't.
21 Q. And you were still comfortable enough leaving your
22 children that you didn't call the police to report it at
23 that point?
24 A. At that point I mean I don't have enough evidence to
25 say that it's him or somebody trying to break into ---

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- 1 Q. --- even besides that you weren't worried about your
2 children.
- 3 A. As far as them trying to...
- 4 Q. You were fine leaving the kids ---
- 5 A. --- yes, definitely ---
- 6 Q. --- you were fine with that.
- 7 A. Yes, definitely, yes.
- 8 Q. And to the best of your knowledge Mr. Perry didn't
9 call the police about the sliding glass door or the
10 screen door did he?
- 11 A. No.
- 12 Q. And you never heard anybody at the door?
- 13 A. No, ma'am.
- 14 Q. And you didn't ask the police to like process that
15 scene or anything did you?
- 16 A. After I almost ---
- 17 Q. --- there was no discussion between you and the
18 police about that door?
- 19 A. About the door, no.
- 20 Q. And the calls from Mr. Felder you said he was
21 calling you a lot right?
- 22 A. Yes, ma'am.
- 23 Q. And at no point based on those phone calls did you
24 feel it was necessary to call the police did you?
- 25 A. No.

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1 Q. Okay. And to your knowledge Mr. Perry didn't call
2 the police about that?

3 A. He wasn't calling Mr. Perry's phone ---

4 Q. --- but he knew -- he would have known right?

5 A. That he was calling my phone?

6 Q. Or did you not tell him?

7 A. I didn't tell him. I told him that he was calling
8 my phone when we were coming back to my apartment but I
9 turned my phone off.

10 Q. Okay. You remember speaking with a Detective
11 Burkhardt at the hospital?

12 A. Yes.

13 Q. The phone calls never came up with your discussion
14 with Detective Burkhardt about what happened right?

15 A. No.

16 Q. Okay. You told that to the Solicitor when you gave
17 her the call log.

18 A. Yes.

19 Q. Okay.

20 MS. EHRLICH: May I approach the witness, Your
21 Honor?

22 THE COURT: Uh Huh.

23 Q. [Ms. Ehrlich] I'm going to give you the call log if
24 that's okay. I don't want to question you without you
25 being to look at it in your hand.

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1 [Whereupon, the witness is shown document]

2 Q. You testified earlier about the number of calls that
3 you received from Mr. Felder on that phone and that's
4 your cell phone right?

5 A. Yes.

6 Q. Let's just look at May 23rd to make it easier. I
7 think that starts at the top of that page where it says
8 829 of 35; will that help you?

9 A. 805?

10 Q. No. The page that is marked at the top says 829.

11 A. Yes.

12 Q. So that morning and throughout the day it wasn't
13 just him calling you, you called him too right?

14 A. That's correct.

15 Q. And so between if we just start at 8:05 a.m. through
16 let's say 7:30 p.m. you called him 13 times right?

17 [Whereupon, the witness reviews document]

18 A. Yes.

19 Q. Okay. And then I assume that sometime after -- in
20 the 7:30 hour that is when y'all are together at Chuck E.
21 Cheese probably because there are no calls between y'all
22 for a couple of hours.

23 A. Yes.

24 Q. And then after that he makes several calls to you
25 correct?

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- 1 A. That's correct.
- 2 Q. And you talk to him at 10:25 for maybe five minutes
- 3 or something right?
- 4 A. On the 23rd or the 24th? The 23rd?
- 5 Q. On the 24th sometime around midnight ---
- 6 A. --- yes ---
- 7 Q. --- you do talk to him for about five minute's
- 8 right?
- 9 A. On the 24th?
- 10 Q. Uh huh.
- 11 A. Yes, he called my phone.
- 12 Q. And you did talk to him because it says you were on
- 13 the phone for about five minute's right?
- 14 A. Yes, ma'am.
- 15 Q. And then the next call after 12:30 a.m. between
- 16 y'all's two phones is at 8:18 a.m. on the 24th correct?
- 17 A. Yes.
- 18 Q. And that's from your phone to his correct?
- 19 A. Yes.
- 20 Q. And then the next call between the two phones is
- 21 skipping ahead to May the 27th. Do you have those phone
- 22 records or did the Solicitor not give you those?
- 23 [Whereupon, the witness reviews document]
- 24 A. I don't have...
- 25 Q. Okay. Do you remember calling him twice on the

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1 27th?

2 A. Yes. If I did it was because I was talking to the
3 Marshalls. They already knew he was calling my phone and
4 I told the ---

5 Q. --- okay. That's not what I'm asking you.

6 A. Without me giving you a reason why I was calling
7 him.

8 MS. BALDWIN: Your Honor, I'd ask that she be
9 allowed to finish her answer.

10 THE COURT: If you need to explain your answer you
11 can explain. Answer her question first and then explain
12 it if you need to otherwise Ms. Baldwin will go over it
13 with you on cross -- on redirect; excuse me.

14 Q. [Ms. Ehrlich] Do you remember making calls to him on
15 the 27th?

16 A. Yes, I did.

17 Q. Okay. And it's because when they were looking for
18 him when he was still a fugitive at the time he called my
19 phone. When he called that time at midnight my family
20 was there and we were trying to record him because they
21 wanted to know where he was.

22 So when I let the Marshalls know that he was calling
23 my phone they told me that I could make that contact with
24 him because they had traces on my phone and they were
25 trying to locate where he was. So I was doing everything

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1 in my power to get the person who tried to kill me off
2 the streets.

3 Q. You were trying to catch him right?

4 A. Yes.

5 Q. The description of the gun you gave to police
6 officers was black, correct? You told them it was a
7 black gun?

8 A. Yes.

9 Q. Okay. And let's talk about the incident again.
10 You are saying today that you were surprised that Mr.
11 Felder would ever come to your house to get Son right?

12 A. I said I was surprised that he came from under my
13 steps with a gun.

14 Q. But you said before that he has never come to get
15 Son at your house ---

16 A. --- he's never -- ever since we broke up he has not
17 been back to my house because he is on trespass from
18 being on that property so he was not back there. So
19 that's why I always went downtown to drop the baby off to
20 him or I met him at his job to drop the baby off to him.

21 Q. Or at McDonalds correct?

22 A. That one time at McDonalds, that's correct.

23 Q. So your version of what happened is that you didn't
24 know he was coming there to get Son ?

25 A. That's correct.

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1 Q. Okay. And your version is that there were no words
2 from you to him to antagonize him.

3 A. No, ma'am.

4 Q. You deny saying anything about Mr. Perry spending
5 the night there and things like that?

6 A. No, ma'am.

7 Q. You deny that right?

8 A. I did not say that.

9 Q. Do you remember during the course of this case being
10 assigned a victim advocate?

11 A. Yes.

12 Q. I think her name is Ms. Smalls?

13 A. Yes.

14 Q. And you told her that during the incident your life
15 flashed your eyes, correct?

16 A. Yes.

17 Q. And that you didn't believe he was going to harm
18 you. You remember telling her that?

19 A. Yes.

20 Q. Okay. And you also spoke to my investigator Dale
21 Wilson. Do you remember ---

22 A. --- I remember speaking with him.

23 Q. A super tall guy.

24 A. Uh Huh.

25 Q. You talked to him in June, 2015. Does that sound

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1 about right?

2 A. Yes.

3 Q. And you told him that you thought Mr. Felder was
4 just trying to scare you with the gun.

5 A. That's correct. I never heard of him -- I never saw
6 him with a gun.

7 Q. Okay. But you told my investigator that you
8 thought he was just trying to scare you.

9 A. Not that day. I just believed that he said things;
10 he had a history of saying that he was going to kill me
11 so I thought that he would ---

12 MS. EHRLICH: --- Your Honor?

13 THE COURT: You're eliciting it so.

14 A. He ---

15 THE COURT: --- hold on a minute. Let me send the
16 jury out for a minute.

17 [Whereupon, the jury exits at 4:00 p.m.]

18 THE COURT: All right. If you're going to ask
19 them about their relationship prior to that day you're
20 going to get stuck with whatever she answers.

21 MS. EHRLICH: I'm not -- I'm just asking
22 specifically about that day. My investigator questioned
23 her about the incident and she told him that she felt Mr.
24 Felder was just trying to scare her with the gun. That's
25 all I'm asking; not what their history was or had he ever

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1 threatened her before. She never told my investigator
2 that she thought he was going to kill her and that's what
3 she testified to today is she thought he was going to
4 kill her. That's all I'm asking.

5 THE COURT: What's the State's position?

6 MS. BALDWIN: I think she's getting into allowing
7 her to say he has threatened her previously.

8 THE COURT: You did ask her -- you did ask did he
9 ever come up underneath, had he ever been there, come
10 under the stairs I guess.

11 MS. EHRLICH: I just was asking if he -- I didn't
12 ask if he had come from under the stairs. I just asked
13 if he had been there to pick up Son there before; if
14 he had been to the apartment.

15 THE COURT: And that's when she said well, he was
16 on trespass notice. If you go into those things like
17 that you're going to get stuck with whatever answer she
18 comes up with.

19 MS. EHRLICH: I think the proper answer for her was
20 no, he didn't come there after we broke up not adding in
21 testimony that we've already agreed isn't going to be
22 coming in. She's adding in the stuff about trespass. I
23 didn't ask her if he was on trespass notice.

24 THE COURT: Well, you asked if he had ever been
25 there and she was like no he was on trespass notice. I

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1 mean if you want to ask her about that day you need to
2 stick to that moment and not ask questions preceding that
3 event. And so asking about things that happened before
4 that day is going to open the door.

5 MS. EHRLICH: I moved on from that question and I
6 let her go with the trespass stuff. The only question I
7 was asking her was about during that incident did she
8 think he was going to kill her and she told our
9 investigator I thought he was just trying to scare me.
10 That's all I was asking. I'll move on though.

11 THE COURT: I'm saying it's a very, very fine line
12 if you're going to cross-examine her about statements
13 that she gave to other people I suppose she is going to
14 be able to explain why she said those things to other
15 people especially if you are going to insinuate that
16 there was no prior history between them.

17 I mean I don't know how you're going to do it but
18 it's the danger that you have when saying you told this
19 person one thing and now you're saying something
20 different. She's going to be able to explain why she
21 said something different if she did.

22 MS. EHRLICH: I'll move on from that line of
23 questioning.

24 THE COURT: Okay. Bring the jury back in.

25 [Whereupon, the jury enters at 4:05 p.m.]

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1 THE COURT: You may resume.

2 MS. EHRLICH: Thank you, Your Honor.

3 CROSS-EXAMINATION (RESUMES)

4 BY MS. EHRLICH:

5 Q. Let's move on to the statement that you gave to the

6 police. Do you remember -- I know you said you were in

7 shock after the whole thing happened. Do you remember

8 talking to a responding officer, Officer Curlee on scene

9 or do you not remember that?

10 A. I don't remember that.

11 Q. Okay. Do you remember speaking to Detective

12 Burkhardt at the hospital?

13 A. At the hospital, yes.

14 Q. And you remember giving a statement to him while you

15 were at the hospital?

16 A. Yes, ma'am.

17 Q. That was recorded?

18 A. Yes.

19 Q. I'm sure he told you I'm going to record this.

20 A. Yes.

21 Q. And you wanted to give police as much information as

22 possible like you just said you wanted Mr. Felder

23 arrested.

24 A. Yes.

25 Q. And prosecuted, right?

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- 1 A. Yes, ma'am.
- 2 Q. When you spoke to the detective at the hospital you
3 didn't tell him anything about seeing Mr. Felder earlier
4 that night did you?
- 5 A. I can't remember. I most likely told him what led
6 up to that incident. If I didn't I just only told him
7 what happened that day.
- 8 Q. You didn't tell him anything about your children
9 witnessing Mr. Felder holding the gun to your head do
10 you? You don't remember telling him that do you?
- 11 A. I can't.
- 12 Q. You don't remember?
- 13 A. I can't remember.
- 14 Q. Okay. Do you not remember telling Detective
15 Burkhardt also that he put the gun at your face after the
16 initial gun going off?
- 17 A. No, it was to my head so I don't know why I would
18 say face.
- 19 Q. Okay. Let's talk a little bit about the contact
20 you had with Mr. Felder after he was arrested. You know
21 that the jail keeps track of ---
- 22 A. --- yes ---
- 23 Q. --- who sends mail, right?
- 24 A. Yes.
- 25 Q. And who an inmate talks to on the phone?

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- 1 A. Yes.
- 2 Q. When money is put on a canteen account?
- 3 A. Uh Huh.
- 4 Q. And at some point you did have a cousin put money in
- 5 Mr. Felder's inmate account at the jail, correct?
- 6 A. One of my cousins?
- 7 Q. Or you sent somebody to correct?
- 8 A. He wanted me to.
- 9 Q. Do you remember if you did it or not?
- 10 A. I didn't.
- 11 Q. You did mail him a couple of letters, right?
- 12 A. I never wrote Reco Felder ever in my life.
- 13 Q. So if the jail has mail coming from Ms. Mitchell
- 14 you're denying that that came from you?
- 15 A. I'm denying it.
- 16 Q. Okay. And so you never sent him letters
- 17 encouraging him to have a relationship with God?
- 18 A. No. I don't have no reason to write Reco.
- 19 Q. Okay. But you did accept phone calls from him
- 20 correct?
- 21 A. I did. Yes ma'am, I did.
- 22 Q. And I think you were worried about people thinking
- 23 you were still supporting him correct?
- 24 A. Yes, yes.
- 25 Q. And you decided not to talk to him anymore.

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1 A. I decided to stop talking to Reco because I no
2 longer lived in the fear that he was going to kill me.

3 Q. Okay. Back to your statement to Detective
4 Burkhardt and I know it's been a long time. Do you
5 remember whether or not you told him that the gun was
6 cocked?

7 A. I can't remember.

8 Q. Did you remember -- I think you testified that when
9 you went to the hospital you didn't talk to anybody about
10 what happened.

11 A. No. The doctor didn't come in and ask me what
12 happened.

13 Q. So if they have stuff in their medical records that
14 they would say would have come from you, you deny that
15 you ---

16 A. --- yes I deny it. I didn't speak to anybody.

17 MS. EHRLICH: Beg the court's indulgence.

18 [Whereupon, Ms. Ehrlich confers with her client]

19 Q. [Ms. Ehrlich] Ms. Mitchell, is it your testimony you
20 were shot with the bullet or is it your testimony that
21 you don't know?

22 A. It's my testimony that he placed the gun to my
23 forehead and it was cocked and when I did this
24 [indicates] and went to swipe it he pulled the trigger
25 because it went off.

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1 Q. Okay. Do you believe though that you were shot
2 with the gun?

3 A. Yes, at that moment, yes.

4 Q. I'm talking about now.

5 A. Now I know I wasn't shot.

6 Q. So we can agree that you weren't shot?

7 A. Yes, we can agree that I was not shot.

8 MS. EHRLICH: Beg the court's indulgence.

9 [Whereupon, Ms. Ehrlich confers with her client]

10 MS. EHRLICH: I don't have any further questions,
11 Your Honor.

12 THE COURT: Redirect?

13 MS. BALDWIN: Thank you, Your Honor.
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State v Reco Ramone Felder
Chantelle Mitchell-Redirect Examination by Ms. Baldwin
December 5, 2016

1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. So the morning of May 24th was Reco supposed to come
4 pick up Son from your place?

5 A. No, he was not.

6 Q. Okay. But Reco knew where you lived?

7 A. Yes.

8 Q. Had he previously lived there?

9 A. He previously lived there, yes.

10 Q. But not at the time though?

11 A. No, ma'am.

12 Q. Wasn't invited there?

13 A. No, ma'am.

14 Q. Okay. When you walked outside you noticed the
15 screen door had been pulled. Ms. Ehrlich said you didn't
16 call the police. Did you see anybody around outside?

17 A. No, I didn't think it was a major issue where I
18 needed to call the police. It just wasn't -- I don't
19 know; I just didn't think I needed to call the police for
20 that.

21 Q. And you -- well, he called you several times the
22 night before and you talked to him.

23 A. I talked to him afterwards I think when he saw me
24 downtown and it just was a bunch of him cursing and you
25 know calling me names so that's when I decided to turn

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1 the phone off and turn the ringer off on my landline
2 phone.

3 Q. And that five minute conversation was just what you
4 said?

5 A. Yes.

6 Q. It wasn't a lovey-dovey conversation ---

7 MS. EHRLICH: Objection, Your Honor.

8 A. No.

9 THE COURT: Sustained.

10 Q. [Ms. Baldwin] What was -- about what time did if you
11 recall did he see you with Montez Perry? If you don't
12 remember that's okay.

13 A. I can't remember.

14 Q. And the call from 8:18 that next morning what was
15 that about?

16 A. I didn't have my phone then, I was in the hospital.
17 Actually I knew he called my phone after the incident
18 took place because I saw missed calls from him. But the
19 call didn't -- I'm not sure if whoever had my phone
20 called it but it wasn't from me because I didn't have my
21 phone for a period of time.

22 They finally brought my phone to me but I didn't
23 speak with him at all until that night when he called me
24 and my family was there and they told me answer the phone
25 to see if you can kind of figure out where he was seeing

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Chantelle Mitchell-Redirect Examination by Ms. Baldwin
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- 1 what he had to say.
- 2 Q. And Ms. Ehrlich mentioned a conversation that you
- 3 had with the victim advocate Ms. Smalls.
- 4 A. Yes.
- 5 Q. And she mentioned -- when you said your life flashed
- 6 before your eyes.
- 7 A. Yes, ma'am.
- 8 Q. Do you remember also telling her that you knew he
- 9 would have killed you if you didn't grab the gun?
- 10 A. I can't remember.
- 11 Q. If I showed you the report would it help refresh?
- 12 A. Yes.
- 13 MS. EHRLICH: Objection, Your Honor. It's improper
- 14 to refresh someone's memory with somebody else's report.
- 15 MS. BALDWIN: Your Honor, it's just her words. She
- 16 says she doesn't remember it and Ms. Ehrlich already
- 17 crossed her on her statement to Ms. Smalls.
- 18 THE COURT: I'll allow it.
- 19 MS. BALDWIN: Thank you.
- 20 Q. [Ms. Baldwin] About halfway down there [indicates].
- 21 [Whereupon, the witness is shown document]
- 22 A. Okay.
- 23 Q. Do you remember telling her that?
- 24 A. Yes.
- 25 Q. What was sort of your state of mind when you did the

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Chantelle Mitchell-Redirect Examination by Ms. Baldwin
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1 statement with Detective Burkhardt? It was pretty soon
2 -- how long after this happened did you talk to Detective
3 Burkhardt?

4 A. It was right after it happened so. The incident
5 took place at 6:48.

6 Q. That's a pretty specific time.

7 A. Because at 6:42 I looked at the clock to walk out
8 the door because my phone would not stop ringing. I
9 turned my phone on and at 6:46 I walked down the steps
10 and it happened right then. So I just knew I would never
11 ever forget the timeframe of 6:42 to 6:48.

12 Q. So it's 6:48 you say when it happened.

13 A. Uh Huh.

14 Q. And then how soon after did you talk to Detective
15 Burkhardt?

16 A. It would have to have been maybe 8:00 -- I knew I
17 was at the hospital for about an hour or so before he
18 came because they didn't even put the stitches in my face
19 or anything yet.

20 Q. Were you emotional?

21 A. Yes. How am I supposed to feel knowing that someone
22 almost killed me and my kids were there?

23 Q. And you told Detective Burkhardt about the screen
24 door being pulled back correct?

25 A. I honestly cannot remember.

State v Reco Ramone Felder
Chantelle Mitchell-Redirect Examination by Ms. Baldwin
December 5, 2016

1 Q. Ms. Ehrlich was asking you about letters that you
2 say you didn't send and something about the canteen but
3 you admit that you talked to him while he was in jail.

4 A. Yes.

5 Q. And why was that? Why did you talk to him?

6 A. I accepted his phone calls because when Reco was
7 still on the run he called me one day and he told me he
8 saw me at an auto shop and I didn't know like how would
9 you know I was there unless you actually saw me or
10 someone you know saw me and told you.

11 And then he called me from jail one day and he told
12 me that he -- why am I downtown with Montez and me and
13 Montez was actually on a date. So honestly I was still
14 in the mind frame if I didn't talk to him he would send
15 someone to finish what he tried to do.

16 MS. BALDWIN: Beg the court's indulgence.

17 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

18 MS. BALDWIN: No further questions.

19 THE COURT: Recross?

20 MS. EHRLICH: Beg the court's indulgence.

21 [Whereupon, Ms. Ehrlich confers with her client]

22 MS. EHRLICH: No more questions, Your Honor.

23 THE COURT: You may step down.

24 [Whereupon, the witness is excused and exits the
25 witness stand]

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1 THE COURT: Let me see the lawyers up here just a
2 second.

3 [Whereupon, an off the record bench conference is
4 held]

5 THE COURT: Okay. The state calls?
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State v Reco Ramone Felder
Robert Traynham-Direct Examination by Ms. Baldwin
December 5, 2016

1 MS. BALDWIN: The State calls Robert Traynham.
2 [Whereupon, Mr. Traynham comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please.

7 THE WITNESS: Robert Traynham, last name is T-R-A-
8 Y-N-H-A-M.

9

10 ROBERT TRAYNHAM,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. BALDWIN:

15 Q. Afternoon, Mr. Traynham.

16 A. How you doing?

17 Q. I'm good, how are you.

18 A. Pretty good.

19 Q. Mr. Traynham, where do you live?

20 A. I live in Ashley Oaks apartment complex off 61.

21 Q. And that's in West Ashley?

22 A. Yes.

23 Q. What do you do for a living?

24 A. I work for Good Will.

25 Q. You been working there for a while?

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Robert Traynham-Direct Examination by Ms. Baldwin
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- 1 A. A little over a year.
- 2 Q. Where did you live back in May of 2014?
- 3 A. The same place except it's a different apartment.
- 4 Q. A different apartment?
- 5 A. Right.
- 6 Q. So you're in a different apartment now than you were
- 7 then?
- 8 A. Yes.
- 9 Q. Did you know the victim in this case Chantelle
- 10 Mitchell?
- 11 A. I didn't know him personally but he's a neighbor and
- 12 you know how neighbors are they hello, how you doing.
- 13 Q. You had seen Ms. Mitchell?
- 14 A. Yes.
- 15 Q. Seen some of her kids?
- 16 A. Yes.
- 17 Q. Are you familiar with the defendant?
- 18 A. Yes.
- 19 Q. How do you know of him?
- 20 A. The same thing. He stayed there and was like a
- 21 neighbor you know hello, how you doing, good morning;
- 22 stuff like that.
- 23 Q. I'm going to get right to and bring you to the
- 24 morning of May 24th, 2014 okay. What do you remember
- 25 from that morning?

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Robert Traynham-Direct Examination by Ms. Baldwin
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- 1 A. Getting up in the morning and hearing a little noise
2 outside but I didn't pay any attention to it. Then I
3 heard a pop and then I heard two little girls screaming
4 and that's when I ran out the door.
- 5 Q. And what did you do when you ran out the door? What
6 did you see?
- 7 A. I seen the two girls crying and the momma had blood
8 coming out of her forehead, face.
- 9 Q. And who was the momma?
- 10 A. I forgot her name.
- 11 Q. That was your neighbor though?
- 12 A. Yes.
- 13 Q. Where did she live in relation to where you lived?
- 14 A. She lived upstairs right over me on the side.
- 15 Q. And you saw blood coming out of her forehead?
- 16 A. Yes.
- 17 Q. Okay. What else did you see?
- 18 A. I seen the kids crying and I looked to my right and
19 I seen the defendant standing there with a pistol in his
20 hand.
- 21 Q. What did the pistol look like?
- 22 A. It looked to me a little short revolver.
- 23 Q. What did you do after that?
- 24 A. Once I looked and seen him and she was bleeding I
25 went inside and got a towel to help her -- you know

State v Reco Ramone Felder
Robert Traynham-Direct Examination by Ms. Baldwin
December 5, 2016

- 1 wrapped it around her face, her head.
- 2 Q. You wrapped it around her head?
- 3 A. Yes. I handed it to her and she put it up to her
- 4 face.
- 5 Q. When you came back out with the towel was the
- 6 defendant there?
- 7 A. No, he was gone.
- 8 Q. Okay. We talked earlier about a fence line being
- 9 right by that apartment building.
- 10 A. Yes.
- 11 Q. What's on the other side of that fence?
- 12 A. Another apartment complex.
- 13 Q. And what -- do you know the name of the apartment
- 14 complex?
- 15 A. I know it but I can't remember right off hand. I
- 16 can't remember off hand.
- 17 Q. That's all right.
- 18 A. But I know it though.
- 19 Q. When you gave the victim the towel what was her
- 20 demeanor like?
- 21 A. She was like dazed. Like it didn't happen really
- 22 but it did. She sat on the step. She was like in a
- 23 daze.
- 24 Q. Kind of stunned?
- 25 A. Yes.

State v Reco Ramone Felder
Robert Traynham-Direct Examination by Ms. Baldwin
December 5, 2016

- 1 Q. Did she tell you what had just happened to her?
- 2 A. No, she didn't say a word.
- 3 Q. Do you remember talking to the police after this
- 4 happened?
- 5 A. Yes.
- 6 Q. To Detective Burkhardt?
- 7 A. I don't remember his name but yes, I sat in the car
- 8 and talked to him yes.
- 9 Q. Okay. You told him what happened?
- 10 A. Yes.
- 11 Q. Was your memory pretty spot on then?
- 12 A. Yep.
- 13 Q. Right after this happened?
- 14 A. Yep.
- 15 Q. Okay because now it's been some time, huh?
- 16 A. Right.
- 17 Q. Do you remember telling the police that she told you
- 18 what happened?
- 19 A. Yes. Right now I don't remember. I remember what I
- 20 just told you. But her saying anything I don't remember.
- 21 Q. If I showed you a transcript from your interview
- 22 with Detective Burkhardt would that help jog your memory?
- 23 A. A little bit.
- 24 MS. BALDWIN: Your Honor, may I approach?
- 25 THE COURT: Go ahead.

State v Reco Ramone Felder
Robert Traynham-Direct Examination by Ms. Baldwin
December 5, 2016

1 MS. EHRLICH: Ms. Baldwin, can we see that before
2 you...
3 [Whereupon, counsel confer over document]
4 Q. [Ms. Baldwin] This part right here [indicates].
5 Just read it to yourself real quick.
6 [Whereupon, the witness reviews document]
7 A. Yes, I remember that.
8 Q. Okay. So did she tell you what happened?
9 A. Yes. She told me that --
10 Q. She told you what?
11 A. She told me what was on there.
12 Q. Okay. And what was on there?
13 A. Where he was hiding under the stairwell and all
14 that.
15 Q. What's all that? What's the rest?
16 A. Well, he was standing under the stairwell when she
17 came out and he came from around.
18 Q. Did she say what else happened?
19 A. No.
20 Q. Let you refresh a little bit more. Why don't you
21 look down on there; what else?
22 [Whereupon, the witness reviews document]
23 A. She said that he shot her.
24 Q. She said that her boyfriend shot her?
25 A. Yes.

State v Reco Ramone Felder
Robert Traynham-Direct Examination by Ms. Baldwin
December 5, 2016

1 Q. That help you remember telling the police that now?

2 A. Yes. I remember telling them something. I can't
3 remember it's been so long.

4 Q. It has been a long time.

5 MS. BALDWIN: Beg the court's indulgence.

6 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

7 Q. [Ms. Baldwin] You said you brought the victim the
8 towel?

9 A. Yes.

10 Q. Did the guy that was standing out there with the gun
11 ever ask you to bring her a towel?

12 A. No, he just stood there with the gun in his hand. I
13 had seen him there but I was more concerned about her.

14 Q. And he was gone after you came back outside?

15 A. He was gone.

16 Q. Left?

17 A. Left.

18 Q. All right. That's all I have for you Mr. Traynham.
19 Thank you. Stay there; Ms. Ehrlich may have some
20 questions for you.

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State v Reco Ramone Felder
Robert Traynham-Cross-Examination by Ms. Ehrlich
December 5, 2016

1 CROSS-EXAMINATION

2 BY MS. EHRLICH:

3 Q. Good afternoon Mr. Traynham.

4 A. Good afternoon.

5 Q. You live in that downstairs apartment right?

6 A. Right.

7 Q. And you were able to hear the gun go off.

8 A. Right.

9 Q. Before that you didn't see anybody like hanging out
10 on the porch did you?

11 A. No, I was in the hallway.

12 Q. You didn't hear anything weird outside your door
13 until you heard the shot right?

14 A. No, I heard some shouts.

15 Q. Arguing?

16 A. Yes.

17 Q. Was it back and forth or you don't remember?

18 A. Well, you got kids out there and then you got some
19 in the hallway sometimes so there is always something
20 going on.

21 Q. So you weren't sure exactly what you heard before
22 you heard the pop?

23 A. No.

24 Q. And that's the reason you came outside because you
25 heard the pop?

State v Reco Ramone Felder
Robert Traynham-Cross-Examination by Ms. Ehrlich
December 5, 2016

- 1 A. I heard the pop and then I heard the girl screaming.
2 Q. Okay. But you never saw the gun fired correct?
3 A. No.
4 Q. And you didn't -- you don't know how the gun got
5 fired?
6 A. No.
7 Q. You don't know what happened before the gunshot went
8 off do you? You weren't out there.
9 A. No.
10 Q. And you testified that you saw him standing there
11 with the gun?
12 A. Yep.
13 Q. You didn't see it pointed at anybody did you?
14 A. No. He had it in his hand and he had his arm down.
15 Q. So his arm was down like this [indicates] with the
16 gun?
17 A. Yep.
18 Q. If my pen is the gun?
19 A. Yep.
20 Q. Okay. And that's when you went to go get the
21 towel?
22 A. Yes.
23 Q. And you didn't see Mr. Felder leave the area did
24 you?
25 A. No.

State v Reco Ramone Felder
Robert Traynham-Cross-Examination by Ms. Ehrlich
December 5, 2016

- 1 Q. And I think you told us you weren't really paying
2 attention to anything but Ms. Mitchell.
- 3 A. After he left, yes.
- 4 Q. Okay. And when you saw her she was by the stairs
5 right, sitting on the stairs?
- 6 A. She was like in a daze.
- 7 Q. But she was sitting on the stairs?
- 8 A. At one time she was like walking around to the
9 bottom of the stairs.
- 10 Q. Like kind of pacing around?
- 11 A. Yes.
- 12 Q. Like this [indicates]?
- 13 A. Yes. And I sat her down on the stairs and gave her
14 the towel and she put the towel up to her face.
- 15 Q. So before -- when you went inside to get -- when you
16 came out with the towel she was kind of walking back and
17 forth and then when you gave her to the towel that's when
18 she was on the stairs?
- 19 A. Yes, when I sat her down on the stairs and put the
20 towel on her face.
- 21 Q. Okay. And do you remember telling the police that
22 Mr. Felder said I love you to her before he left?
- 23 A. I don't remember saying that.
- 24 Q. Would looking at Ms. Baldwin's transcript of your
25 interview help with that, help your memory or are you not

State v Reco Ramone Felder
Robert Traynham-Cross-Examination by Ms. Ehrlich
December 5, 2016

1 sure what people said or didn't say?
2 A. Well, the transcript?
3 Q. Yes?
4 A. I can look at it again but I don't remember.
5 Q. Okay. Do you remember what everybody was saying or
6 do you just remember what she saw?
7 A. I remember a lot that I saw.
8 Q. But not much of what people were saying?
9 A. No.
10 Q. Okay.
11 MS. EHRLICH: Beg the court's indulgence.
12 [Whereupon, Ms. Ehrlich confers with her client]
13 MS. EHRLICH: No further questions, Your Honor.
14 THE COURT: Redirect?
15 MS. BALDWIN: Just briefly, Your Honor.
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State v Reco Ramone Felder
Robert Traynham-Redirect Examination by Ms. Baldwin
December 5, 2016

1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. When you saw the gentleman out there with the gun
4 where was he standing?

5 A. He was standing towards the back fence at the corner
6 of the building.

7 Q. Not near where the victim was?

8 A. No.

9 Q. No further questions.

10 THE COURT: Recross?

11 MS. EHRLICH: No, Judge.

12 THE COURT: All right. You can step down.

13 [Whereupon, the witness is excused and exits the
14 witness stand]

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State v Reco Ramone Felder
Proceedings
December 5, 2016

1 THE COURT: Okay folks, this is where we will break
2 for today. Let me send you home again with the
3 instructions we've been talking about. Don't begin
4 deliberations or discussions about the case with anyone
5 including your family members or other jury members. I'm
6 sure that if you haven't talked to anybody yet the first
7 thing that is going to happen with you get home they'll
8 say did you get picked and you'll say yes, I did but the
9 Judge said I really can't talk about the case.

10 Again, the reasons are founded just in fairness.
11 It's just not proper to get outside influences what other
12 people think about things. They're not here to see it,
13 they're not here to see how people -- what they say, how
14 they look and it's not fair to the parties to have you
15 talking to other people and getting influenced by other
16 people.

17 After the case is over with you can talk to whomever
18 you want for however long you want but please don't do
19 that during the trial. Again, don't try to go on the
20 Internet to try out anything. One of these strange
21 little charges we've had to come up with in the last few
22 years is about social media too. And sometimes people
23 want to get on Facebook or any number of social media
24 places out there these days and talk about their jury
25 experiences. During the trial it's completely improper

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1 to do that. It would be no difference between going and
2 talking to your neighbor and talking to 10,000 people on
3 Facebook. After the trial is over with you can say
4 whatever you want to whomever you want but during the
5 trial posting anything at all about the trial and about
6 your jury experience during the trial is improper. So
7 just wait until after it's all over with in order to do
8 anything like that.

9 So I'll send you home this evening. Just relax and
10 enjoy the evening. We're going to start back tomorrow
11 morning at 9:30 so if you could be here just a little bit
12 before 9:30 we will resume hopefully right at 9:30. So
13 enjoy your evening and we will see you tomorrow morning.

14 [Whereupon, the jury exits at 4:35 p.m.]

15 THE COURT: Okay. Is there anything that we need
16 to deal with before we break for the day?

17 MS. BALDWIN: Nothing from the State, Your Honor.

18 MS. EHRLICH: No, Your Honor.

19 THE COURT: Okay. Have your witnesses lined up
20 ready to go.

21 MS. BALDWIN: Yes, sir.

22 THE COURT: See you at 9:30.

23 [Whereupon, court adjourns at 4:37 p.m.]
24
25

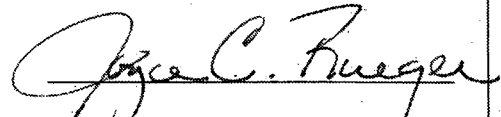
State v Reco Ramone Felder
Certificate of the Court Reporter
December 5, 2016

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 5th day of December, 2016.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

February 17, 2017


Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON

DOCKET NO. 2016-GS-10-4097

2016-GS-10-5523

2016-GS-10-4708

STATE OF SOUTH CAROLINA

vs.

RECO RAMONE FELDER

Defendant

TRANSCRIPT OF RECORD

December 6, 2016

Charleston, South Carolina

VOLUME 2 (OF 3)

B E F O R E:

THE HONORABLE ROGER M. YOUNG, JUDGE

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

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[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>	
32	Photo	159	281
33	Photo	159	280
34	Photo	227	

DEFENDANT

<u>No.</u>	<u>Description</u>	<u>Marked / Admitted</u>	
1	Photo	159	211
2	Photo	159	211
3	Photo	159	213
4	Photo	159	223
5	Photo	159	223
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PROCEEDINGS

THE COURT: We're waiting on three jurors. While we're waiting on those jurors do we have anything that needs to be addressed before we...

MS. BALDWIN: Yes, Your Honor. We have two small matters. One is our first witness today is Montez Perry. He's the new boyfriend who was there during the incident. When he fled the scene he dropped his book bag that he had with him. Crime scene processed it and they found among other items a small amount of weed in there and the State just wanted to make sure that Ms. Ehrlich does not intend to go into the fact that marijuana was found in his bag. We don't think it's relevant at all.

THE COURT: Do you intend to go into it?

MS. EHRLICH: I don't intend to go into it but there is an issue I guess we can address now with a picture that I did intend on trying to offer into evidence that was taken by crime scene because there is an allegation that my client sees Mr. Perry messing with the duffle bag during the incident and he said that his hand was inside.

And so when police find the duffle bag they did document that it was open and there were two pictures that were taken by crime scene that document that it was open. So I had two to enter in. One of them is from

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1 further back and you can see there is some plastic in
2 there but you can't see what it is. The other one does
3 show weed so I think I could use the other picture.

4 MS. BALDWIN: Your Honor, I think definitely the
5 second picture shows weed and I would object to that one.
6 The first one I still object to because people could
7 interpret it to be that. I have no problem with her
8 asking the crime scene person if the bag was open when it
9 was found but I don't want the jury to look at that and
10 go oh, that doesn't look a bit like a bag of weed in
11 there. .

12 MS. EHRLICH: I don't think that would be their
13 first....

14 THE COURT: In this day and age do you really think
15 anybody cares? I mean do you think they will hold it
16 against him if there is weed in there. I mean ---

17 MS. BALDWIN: --- they could, Your Honor. There
18 are some people that still have a problem with it.

19 THE COURT: Well, I get that but it was there so
20 what's the relevance of having it there or is there...

21 MS. EHRLICH: I just want the jury to see the bag
22 and see where it was open. That's it.

23 THE COURT: And does that picture show marijuana in
24 it?

25 MS. EHRLICH: May I approach, Your Honor.

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1 [Whereupon, Ms. Ehrlich provides photographs to the
2 court]

3 MS. EHRLICH: The one picture definitely you can
4 see that there is marijuana. This is the one I could
5 enter and I don't think the average juror ---

6 THE COURT: --- it's just a bag. Okay, so put that
7 one in. And that will take care of what you need?

8 MS. BALDWIN: Yes.

9 MS. EHRLICH: That's fine, Your Honor. Thank you.

10 MS. BALDWIN: The other issue that I would just
11 like to bring up is there is additional witness that the
12 State would like to call and it will probably be this
13 afternoon. She was on the defense's witness list so the
14 jury has heard her name. It's on their list as C.
15 Smalls, Catrice [phonetic] Smalls. She is the victim
16 advocate for the City Police Department. And Ms. Ehrlich
17 crossed the victim yesterday about statements that she
18 made to her.

19 Further on in Ms. Smalls' supplement, the supplement
20 that Ms. Ehrlich was referring to and that I showed the
21 victim yesterday, there is a paragraph where Ms. Smalls
22 says she referred the victim and her children for
23 counseling because the victim disclosed to her that her
24 12 year old daughter witnessed Mr. Felder put a gun to
25 the victim's head. So I would just like to elicit from

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1 the victim advocate that she referred them for counseling
2 services because it was her understanding that one of the
3 children did see a gun put to her mother's head.

4 THE COURT: You do want that in?

5 MS. BALDWIN: Yes, sir.

6 THE COURT: I thought you were excluding all prior
7 bad acts.

8 MS. BALDWIN: It's during that incident, Your Honor
9 and we'll have the children testify as well that they saw
10 -- that they saw after he pulled the trigger they ran
11 outside and they saw him put a gun back to her head. I
12 think Ms. Ehrlich ---

13 THE COURT: --- why do you need to have the victim
14 advocate testify?

15 MS. BALDWIN: Because I think that Ms. Ehrlich
16 yesterday on cross was implying that the children -- that
17 there was no knowledge of these children having witnessed
18 this until our office spoke with them and that's just not
19 the case.

20 THE COURT: Well, the children are going to
21 testify. Why do you need to elicit on direct hearsay
22 testimony?

23 MS. BALDWIN: Well, I think there was the
24 implication that the police department just never even
25 had any knowledge at all that ---

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1 THE COURT: --- wouldn't you save that for a
2 rebuttal?

3 MS. BALDWIN: Well, I would like to put it in our
4 case in chief, Your Honor, in order to ---

5 THE COURT: --- you want to bolster testimony that
6 you haven't one, heard yet and two, it hasn't been
7 impeached yet.

8 MS. BALDWIN: We can wait until to use it as
9 rebuttal if necessary, Your Honor.

10 THE COURT: Okay. Let's do it that way. So
11 Montez Perry is your first witness and he is here and
12 ready?

13 MS. BALDWIN: Yes, sir.

14 THE COURT: Is there anything else?

15 MS. BALDWIN: Nothing from the State.

16 MS. EHRLICH: No, Your Honor.

17 THE COURT: All right. As soon as we get all the
18 jurors here we'll get started.

19 MS. EHRLICH: Your Honor, are you okay with us pre-
20 marking exhibits?

21 THE COURT: Yes. I would prefer you premark them.

22 MS. EHRLICH: Thank you.

23 [Whereupon, defendant's exhibit numbers 1 through 12
24 are marked by the court reporter]

25 [Whereupon, State's exhibit numbers 32 and 33 are

State v Reco Ramone Felder
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1 marked by the court reporter]

2 [Off the record momentarily]

3 THE COURT: All right. Juror number 114 Monet
4 Evans has called in sick; she has a stomach virus. So I
5 am going to remove her and seat the alternate Mr. Scott
6 Sampson, juror number 349 as a regular juror. Anybody
7 have a problem with that?

8 MS. BALDWIN: Yes, Your Honor.

9 THE COURT: You have a problem with that or?

10 MS. BALDWIN: No problem.

11 THE COURT: And you're okay?

12 MS. EHRLICH: Yes, sir.

13 THE COURT: Well, everybody else is here then so
14 have them bring the jury in.

15 [Whereupon, the jury enters at 9:50 a.m.]

16 THE COURT: Welcome back folks. Juror Monet Evans
17 has called in sick and won't be able to be with us today
18 so Mr. Sampson you are now a regular juror with all the
19 privileges and responsibilities appertaining thereto so
20 you will be participating throughout. Now, folks we
21 will resume where we left off and that is with the State
22 calling their next witness so Madame Solicitor?

23

24

25

State v Reco Ramone Felder
Montez Perry-Direct Examination by Ms. Baldwin
December 6, 2016

1 MS. BALDWIN: Thank you, Your Honor. The State
2 calls Montez Perry.

3 [Whereupon, Mr. Perry comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please state your full name and
7 spell your last name please?

8 THE WITNESS: My name is Montez -- Jamal Perry,
9 P-E-R-R-Y.

10 - - - - -

11 MONTEZ PERRY,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MS. BALDWIN:

16 Q. Good morning Mr. Perry.

17 A. How you doing today?

18 Q. Good. How are you? Just make sure you speak up so
19 the lady next to can hear everything you're saying okay.

20 Where are you from?

21 A. Charleston.

22 Q. Born and raised here?

23 A. Yes.

24 Q. What area did you grow up in?

25 A. Downtown area.

State v Reco Ramone Felder
Montez Perry-Direct Examination by Ms. Baldwin
December 6, 2016

- 1 Q. Do you know the victim in this case Chantelle
2 Mitchell?
- 3 A. Yes, ma'am.
- 4 Q. How do you know her?
- 5 A. A longtime friend.
- 6 Q. Longtime friend? Was she ever more than a friend?
- 7 A. You could say that.
- 8 Q. Okay. Do you know the defendant, Reco Felder?
- 9 A. Yes, ma'am.
- 10 Q. And how do you know him?
- 11 A. A friend.
- 12 Q. Friend? How long have you known him?
- 13 A. For a long time.
- 14 Q. Okay. What was your relationship with Ms. Mitchell
15 back in May of 2014?
- 16 A. We were boyfriend and girlfriend I guess.
- 17 Q. Boyfriend and girlfriend you guess? Okay.
- 18 THE COURT REPORTER: Sir, I need you to speak up a
19 little bit please.
- 20 Q. [Ms. Baldwin] Everybody needs to be able to hear
21 what you're saying. I know you're a little quiet. Was
22 it serious at that point?
- 23 A. Headed in that direction.
- 24 Q. Okay. I'm going to bring you to the night of May
25 23, 2014 did you see Ms. Mitchell that evening?

State v Reco Ramone Felder
Montez Perry-Direct Examination by Ms. Baldwin
December 6, 2016

- 1 A. Yes, I think so.
- 2 Q. Okay. Were you working that evening?
- 3 A. Yes.
- 4 Q. Where were you working?
- 5 A. Virginia's on King Street.
- 6 Q. How did you see Ms. Mitchell that evening?
- 7 A. Normally I would ask her for a ride or something
- 8 like that. Sometimes she would come pick me up from work
- 9 being a friend and all.
- 10 Q. Okay. Did you see the defendant that evening?
- 11 A. Yes, ride by.
- 12 Q. Okay. You said ride by. Where?
- 13 A. My job.
- 14 Q. Okay. Downtown?
- 15 A. Yes.
- 16 Q. Okay. What did you do that evening?
- 17 A. After?
- 18 Q. After she picked you up?
- 19 A. Went home. I told her I probably needed to stay
- 20 home that evening. She was like don't let him ruin what
- 21 we trying to build you know --
- 22 THE COURT REPORTER: I'm sorry, repeat what you
- 23 just said.
- 24 A. She said don't let him ruin what we're trying to
- 25 build because I was going to stay home that night because

State v Reco Ramone Felder
Montez Perry-Direct Examination by Ms. Baldwin
December 6, 2016

1 I was upset.
2 Q. About seeing him?
3 A. No. I mean about the whole situation.
4 Q. Okay. But you said you did go back to her house
5 that evening?
6 A. Yes.
7 Q. Let's bring it to the next morning. What happened?
8 A. We had a conversation early that morning.
9 Q. Okay.
10 A. You know saying like she didn't mean to bring me
11 into the situation. She didn't know it was going to be
12 like this ---
13 MS. EHRLICH: --- objection, Your Honor ---
14 A. --- apologize.
15 THE COURT: Hold on a second.
16 MS. EHRLICH: Hearsay.
17 MS. BALDWIN: We can move on, Your Honor.
18 THE COURT: Okay.
19 Q. [Ms. Baldwin] Without saying what she said y'all had
20 a conversation that morning?
21 A. Yes, just a conversation.
22 Q. What -- did you guys end up leaving the house at
23 some point that morning?
24 A. Yes.
25 Q. Okay. What happened when you went outside?

State v Reco Ramone Felder
Montez Perry-Direct Examination by Ms. Baldwin
December 6, 2016

1 A. She left out first and we were walking down the
2 steps. I was probably like three or four steps behind
3 her. When I got down to the bottom she was hysterical
4 like what -- you know like hysterically said something.
5 And I looked up and there was a gun waving at both of us.

6 Q. Okay. And who was waving the gun?

7 A. Mr. Felder.

8 Q. Okay. And what happened next?

9 A. She was trying to go forward to talk to him to calm
10 him or whatever and I was kind of like stepping back. I
11 didn't want to make no false move.

12 After that he shot her and I took off running
13 because I thought that was the end for her you know.
14 There was nothing I could do so I just took off running.

15 Q. Let's go back a little bit. So you say he shot her.
16 What did you see exactly?

17 A. All I see was the gun was actually pointed in her
18 face. It's like a blur right now. It was like not back
19 and forth but just trying to don't do this, don't do this
20 you know.

21 Q. Who was saying don't do this?

22 A. Chantelle.

23 Q. Okay. And then what did you see. You said the gun
24 was in her face. What did you see next?

25 A. I just saw him pull the trigger and she fell back

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December 6, 2016.

1 and I just took off running. Like I said I thought that
2 was it you know.

3 Q. What went through your head?

4 A. I actually thought he was chasing me after that.
5 That's why I ran and ran and ran.

6 Q. What did you do when you ran?

7 A. Knocked on a few doors and tried to get some
8 attention. I actually got that one guy's attention and
9 he was like no, I don't want any -- he was just shrugging
10 me off. I didn't want to just run in his house. So I
11 actually thought I was being chased.

12 Q. What did you think was going on with Chantelle?

13 A. I had no idea but like I said when I saw him pull
14 the trigger I just thought how close the gun was to her
15 face and stuff like that.

16 Q. Which direction did you run?

17 A. I took off like behind the apartment area. Like I
18 said if you were standing on her porch I took off like on
19 the right side or whatever.

20 Q. Mr. Perry, I'm going to hand you this pointer. I'm
21 going to put a picture up on that screen for you and ask
22 you to kind of show us what direction you went in. I'm
23 going to show you what has been admitted as State's
24 exhibit 3.

25 [Whereupon, the photograph is shown]

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1 A. I took off around this way [indicates] around this
2 corner [indicates] because I was standing right here
3 [indicates].
4 Q. Okay. Did you have anything in your hands that
5 morning?
6 A. My bag.
7 Q. What does your bag look like?
8 A. It's like a duffle bag.
9 Q. I'm going to show you what has been admitted as
10 State's exhibit 9.
11 [Whereupon, the photograph is shown]
12 Q. What is that?
13 A. Yes, that's the bag.
14 Q. Can you point it out to us?
15 [Whereupon, the witness complies]
16 Q. State's exhibit 10?
17 [Whereupon, the photograph is shown]
18 Q. Look up there [indicates]. What's that bag? Is
19 there anything else of yours around there?
20 A. Yes, those are my shoes.
21 Q. Where did those shoes come from?
22 A. Those are my work shoes.
23 Q. Okay. Were you wearing them?
24 A. No, I wasn't. They were in the bag. They probably
25 fell out the bag when I tossed it.

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1 Q. Did you have a gun in that bag?

2 A. No gun.

3 Q. When you came down the stairs where were your hands?
4 When Mr. Felder showed up with the gun, where were your
5 hands?

6 A. Probably like this [indicates].

7 Q. Okay. Did you ever see a struggle between Ms.
8 Mitchell and Mr. Felder?

9 A. That day?

10 Q. That day did you see when he had the gun?

11 A. No, it wasn't really no struggle.

12 Q. Okay. Did you see him punch her in the face that
13 day?

14 A. No, I didn't see him.

15 Q. Okay. What did she -- was she arguing with him
16 that day?

17 A. She was trying to reason with him. At that point it
18 wasn't a need to actually argue with him.

19 Q. Why not?

20 A. Why you going to argue with a guy that puts a gun in
21 your face? I wouldn't really, no.

22 Q. Did you eventually come back to the scene?

23 A. A little while later.

24 Q. You talked with police?

25 A. Yes.

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1 Q. Okay. Are y'all together in a relationship now?
2 A. No, we're not in a relationship.
3 Q. Okay. What went through your head when you heard
4 that shot?
5 A. She was dead.
6 MS. BALDWIN: Beg the court's indulgence.
7 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]
8 Q. [Ms. Baldwin] Just a couple more questions for you
9 Mr. Perry. You had mentioned that you and Mr. Felder
10 were friends at the time. How long have y'all known each
11 other?
12 A. For a long time.
13 Q. Like how long?
14 A. I mean most of my childhood.
15 Q. You grew up together?
16 A. Not actually grew up together but we hung out. Our
17 families were close.
18 Q. So you were familiar with each other?
19 A. Yes.
20 Q. Okay. You weren't best friends or anything?
21 A. Not best friends but I liked him. We shake hands
22 every time and ask about each other's family when we see
23 each other and stuff like that.
24 Q. When you had your book bag on how were you holding
25 it?

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1 A. Just slung over me just like that [indicates], like
2 behind me.

3 Q. Just on one shoulder?

4 A. Yes. Just like a carry bag. This is a duffle bag
5 but I had like just strapped on so it would like sit over
6 me like an actual book bag.

7 Q. And initially what were y'all's plans for the day?

8 A. Well, I was going home to get some stuff started and
9 have a little cookout so our families could meet.

10 Q. Whose family?

11 A. Me and Chantelle's family. Well, not the whole
12 family but the kids and my mom and some of my family.

13 Q. Chantelle and her kids were going to come over?

14 A. Yes.

15 Q. Okay. I have no further questions. Please answer
16 any of Ms. Ehrlich.

17 MS. EHRLICH: Beg the court's indulgence.
18
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State v Reco Ramone Felder
Montez Perry-Cross-Examination by Ms. Ehrlich
December 6, 2016

1 CROSS-EXAMINATION

2 BY MS. EHRLICH:

3 Q. Good morning Mr. Perry.

4 A. Good morning.

5 Q. When you were testifying earlier and Ms. Baldwin was
6 asking you like where you went after Ms. Mitchell picked
7 you up from work you said you went home.

8 A. Yes.

9 Q. You were staying with Ms. Mitchell at that point?

10 A. No.

11 Q. Or did you just say home like in for the night?

12 A. No, I just went home and picked up a few items.

13 Q. Oh, so you went to your house before going to Ms.
14 Mitchell's house?

15 A. Yes.

16 Q. But you stayed the night at Ms. Mitchell's house?

17 A. Yes.

18 Q. Okay. I just wanted to clarify where you stayed.
19 And I know you testified that at some point you saw Mr.
20 Felder ride by. There was no -- you never called police
21 or anything about him riding by right?

22 A. I didn't think really nothing of it.

23 Q. And then that morning when you came down the stairs
24 you had the duffle bag on you right?

25 A. Yes.

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1 Q. And ---
2 A. --- I'm not that type of person. I don't get into
3 violence like that.
4 Q. I'm not even asking you that.
5 A. It sounds like you're trying to say -- it seems like
6 you're asking me --
7 Q. I'm just asking you if you had the bag. And I'm not
8 asking you what was in it. I'm just asking you -- you
9 did have a lot of stuff in it right?
10 A. No, just my work shoes and probably like...
11 Q. Personal items like your deodorant and stuff like
12 that right?
13 A. [Nods affirmatively]
14 THE COURT REPORTER: Is that yes?
15 A. Yes, ma'am.
16 Q. [Ms. Ehrlich] And the day of the incident I know
17 initially you ran but you did come back to the scene and
18 speak to police.
19 A. Yes.
20 Q. Okay. And I assume they had some sort of recorder
21 when they were talking to you. Do you remember that?
22 A. I think so. I'm not sure.
23 Q. But back then things were fresh in your head because
24 it had just happened right? And ---
25 A. --- it wasn't really clear. At one point I kind of

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1 like blacked out.

2 Q. Okay. So you blacked out during it ---

3 A. --- that's why everything don't come to me -- if it
4 didn't come back to me then too --

5 Q. So is it fair to say then you were in a panic?

6 A. Yes.

7 Q. And you're saying you blacked out you're not exactly
8 sure how everything happened then, okay?

9 A. Yes --

10 Q. So things can get kind of jumbled when you black out
11 and you're panicked. That's what you're saying right?

12 A. Sometimes.

13 Q. I'm not trying to put words in your mouth. I'm just
14 making sure I understand.

15 A. Maybe sometimes.

16 Q. Okay. So do you remember -- when you talked to
17 police -- when you testified today you said that he
18 pointed the gun at Ms. Mitchell's head.

19 But when you talked to police you told them that he
20 was waving the gun around. Do you deny that you said
21 that or is that potentially what you said?

22 A. Yes, when I came down the steps he was waving the
23 gun and she went forward.

24 Q. Okay. And today you testified that you ran after
25 the shot got fired.

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1 A. Uh Huh.
2 THE COURT REPORTER: Is that yes?
3 A. Yes, ma'am.
4 Q. [Ms. Ehrlich] But again when you spoke to police you
5 said you had already started running when you heard pow.
6 Is that what you said to the police?
7 A. I had already started running when I heard pow.
8 Q. I'm sorry?
9 A. I said I had already started running when I heard
10 pow?
11 Q. Yes.
12 A. It's the same thing.
13 Q. Okay. So you weren't right there when the gun went
14 off?
15 A. Yes, I was right there when the gun went off.
16 Q. Okay. So when you told police that you turned
17 around to leave because you thought they could talk it
18 out you had not left yet?
19 A. I don't remember saying that.
20 Q. Okay. Would listening to part of your statement or
21 looking at a transcript help you remember that?
22 A. That could help.
23 MS. EHRLICH: Your Honor, may I approach the
24 witness?
25 Q. [Ms. Ehrlich] I'm going to show you a transcript the

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1 Solicitor had done of your statement.
2 [Whereupon, the witness is shown document]
3 Q. You don't need to read anything out loud. If you
4 could just read this section [indicates] to yourself and
5 let me know if that refreshes your memory.
6 [Whereupon, the witness reviews document]
7 A. This first part in quotes --
8 Q. I'm sorry?
9 A. I think this first part I'm quoting what was said
10 when I was running; what Chantelle told me.
11 Q. The jury doesn't know what you're talking about Mr.
12 Perry because they don't have that. Does looking at that
13 refresh your memory?
14 A. Yes, it refreshes my memory.
15 Q. That you said I figured they could talk it out.
16 A. Yes. That was just me talking in general.
17 Q. Okay. Not about the incident?
18 A. Not about the incident.
19 Q. So when you said and I turned around and run I
20 figured they could talk it out you weren't talking about
21 the incident?
22 A. No, I wasn't talking -- I was talking about before.
23 Q. Okay. So when you said I turned around and ran and
24 heard pow that was incorrect what you told police?
25 A. Yes, that was.

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1 Q. Okay. So that wasn't accurate?

2 A. That wasn't accurate.

3 Q. Okay. But you do know there was some sort of
4 conversation going on between Ms. Mitchell and Mr.
5 Felder. And I'm not asking you what they were saying but
6 they were communicating right? They were talking ---

7 A. --- it was just like why are you doing this, why.

8 Q. But you were in a panic right? I'm just trying ---

9 A. --- yes, yes I'm in a panic.

10 Q. Okay. You were in a panic. You testified earlier
11 that you kind of blacked out and things are kind of fuzzy
12 about that day, right?

13 A. Yes.

14 Q. And those shoes that were on the ground in that
15 picture you said you weren't wearing those shoes; those
16 were shoes that fell out of your bag right?

17 A. Yes.

18 Q. Okay.

19 MS. EHRLICH: Beg the court's indulgence.

20 [Whereupon, Ms. Ehrlich confers with her client]

21 Q. [Ms. Ehrlich] Mr. Perry, I don't have any other
22 questions for you.

23 THE COURT: Redirect?

24 MS. BALDWIN: Briefly, Your Honor.

25

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Montez Perry-Redirect Examination by Ms. Baldwin
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1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. So you looked over part of this transcript from the
4 interview that you gave with Detective Burkhardt?

5 A. Yes.

6 Q. Do you remember telling Detective Burkhardt and she,
7 Chantelle was just like man, chill out you know and then
8 he just shot her.

9 A. That's basically what it is. It didn't go like
10 that. It was like ---

11 Q. --- were they arguing -- I'm sorry; go ahead.

12 A. I mean I wouldn't say arguing. I mean like please
13 don't -- that's what kind of moment it was. It was like
14 please don't do this.

15 Q. And what did you understand when she said please
16 don't do this what did you think she meant?

17 MS. EHRLICH: Objection.

18 THE COURT: It's speculation. Sustained.

19 MS. BALDWIN: Beg the court's indulgence.

20 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

21 Q. [Ms. Baldwin] Mr. Perry, when you and Ms. Mitchell
22 left the house that morning where were the kids? Where
23 were her kids?

24 MS. EHRLICH: Objection. It's beyond the scope of
25 redirect.

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1 THE COURT: Sustained.

2 MS. BALDWIN: I don't have any further questions.

3 THE COURT: Any recross?

4 MS. EHRLICH: No, Judge.

5 THE COURT: You can step down.

6 [Whereupon, the witness is excused and exits the
7 witness stand]

8 THE COURT: All right, next witness.

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State v Reco Ramone Felder
Daniel Curlee-Direct Examination by Ms. Baldwin
December 6, 2016

1 MS. BALDWIN: Thank you, Your Honor. The State
2 calls Officer Daniel Curlee. Your Honor, may Mr. Perry
3 be excused?
4 THE COURT: Do you need him for anything else?
5 MS. EHRLICH: No, Judge.
6 THE COURT: He's free to go.
7 [Whereupon, Mr. Curlee comes forward]
8 [Whereupon, the witness is duly sworn by the Clerk
9 of Court]
10 CLERK OF COURT: Please state your full name and
11 spell your last name.
12 THE WITNESS: Officer Daniel Curlee, C-U-R-L-E-E.
13 - - - - -
14 DANIEL CURLEE,
15 Having been first duly sworn,
16 Was examined and testified as follows:
17 DIRECT EXAMINATION
18 BY MS. BALDWIN:
19 Q. Good morning Officer Curlee.
20 A. Good morning.
21 Q. It may be fairly obvious given how you are dressed
22 but where are you employed?
23 A. Charleston City Police Department.
24 Q. And how long have you been there?
25 A. It will be five years in April.

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- 1 Q. And in what capacity are you employed there?
- 2 A. As a patrol police officer.
- 3 Q. And what is a patrol police officer's duties?
- 4 A. We respond to calls for service, conduct traffic
5 enforcement and do basic patrols to prevent crime.
- 6 Q. Explain to the jury, they may not be familiar with
7 what a call for service is.
- 8 A. A call for service is any time anybody picks up the
9 phone and calls the police department and requests an
10 officer to come out that's a call for service.
- 11 Q. And how did you become involved in this particular
12 case?
- 13 A. On the morning of April -- correction May 24, 2014 I
14 received a call for service in reference to a shooting at
15 which is Ashley Oaks
16 Apartments.
- 17 Q. Is that in Charleston County?
- 18 A. Yes ma'am, Charleston County and Charleston City.
- 19 Q. What was the call for service that went out
20 immediately before this?
- 21 A. The call for service immediately prior to this call
22 for service was a vehicle that was speeding out of a
23 neighboring apartment complex called Moss Creek.
- 24 Q. And what was the description of the vehicle?
- 25 A. It was a grey or silver Cadillac.

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1 Q. I'm going to show you State's exhibit 2 on the
2 screen there [indicates].

3 [Whereupon, the photo is shown]

4 Q. Can you show the jury please where Ashley Oaks
5 Apartment complex is?

6 A. Yes. So all of this right here [indicates] is all
7 Ashley Oaks Apartments complex to include this row
8 [indicates] of buildings on the bottom.

9 Q. And what is right below that row of buildings?

10 A. This right here would be the fence line that
11 separates Moss Creek and this bottom portion down here
12 [indicates] is Moss Creek.

13 Q. Thank you. You can have a seat.

14 [Whereupon, the witness complies]

15 Q. And what was the call that went out at Ashley Oaks?

16 A. It was in reference to a shooting for Ashley Oaks.

17 Q. What did you do when you arrived?

18 A. I got on scene, located the victim and then I
19 insured the victim's safety, secured the scene,
20 identified witnesses, separated witnesses and made sure
21 that EMS and Fire could respond safely.

22 Q. You made contact with the victim?

23 A. Correct.

24 Q. Did you speak with her about what happened?

25 A. Briefly.

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1 Q. How did she appear to you?

2 A. She was standing and she was holding a cloth to her
3 face where she was bleeding from but she was talking.

4 Q. What else did you do while you were at the scene?

5 A. I asked her what happened. She said that she got
6 shot. I asked her who shot her ---

7 MS. EHRLICH: --- objection.

8 THE COURT: Sustained.

9 Q. [Ms. Baldwin] After you spoke with the victim who
10 else arrived on the scene?

11 A. Detectives, additional patrol officers, Fire, EMS.

12 Q. When a shooting goes out what is the responding
13 officer's duty versus the detective?

14 A. The responding officer identifies all the parties
15 involved, separates everybody, ensures everybody's
16 safety, and clears a path for EMS and then releases the
17 scene to the responding detectives.

18 Q. Did you do anything else while you were there?

19 A. At the request of one of the detectives I pulled up
20 a picture through our RMS database of the defendant Reco
21 Felder.

22 Q. Were there any children on scene?

23 A. There were children on scene. There were several
24 children on scene and they were released to a relative.

25 Q. Whose children were they?

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1 A. The victim and the defendant's; one of which was and
2 then there were several other children there as well.

3 Q. One of the children was the defendant's?

4 A. Yes.

5 Q. Not all the children?

6 A. Not all of them. Not to my knowledge.

7 MS. BALDWIN: Beg the court's indulgence.

8 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

9 Q. [Ms. Baldwin] Do you recall which apartment number
10 the victim lived in?

11 A. I do not recall.

12 Q. Okay. If you looked at a copy of your report would
13 that help refresh your recollection?

14 A. Yes, ma'am.

15 [Whereupon, the witness is shown document]

16 A. .

17 Q. Okay. I'm going to show you State's exhibit 3. Do
18 you know what that is?

19 [Whereupon, the witness is shown photograph]

20 A. That would be the entrance to the apartment complex
21 or to that apartment building with .

22 Q. Can you point out for us where is?

23 A. was this top right one up here [indicates].

24 Q. Okay. And where is that fence line that you were
25 talking about earlier?

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1 A. Directly behind right here [indicates]. It would be
2 that kind of blacked out portion right there [indicates].
3 Q. What's on the other side of that fence line?
4 A. Moss Creek Apartments.
5 Q. Where the call for service went out before?
6 A. The prior call for service before this one, yes
7 ma'am.
8 Q. Did you put out the description of a car that the
9 defendant might be driving?
10 A. I did.
11 Q. And what was that description?
12 A. A grey or silver Cadillac registered to the victim.
13 Q. Do you have any idea about -- do you get calls
14 regarding that fence on a regular basis?
15 A. We do.
16 Q. In regards to what?
17 A. Subjects jumping the fence line crossing from Moss
18 Creek to Ashley Oaks and vice versa from Ashley Oaks into
19 Moss Creek.
20 Q. No further questions. Please answer any of Ms.
21 Ehrlich.
22 THE COURT: Cross?
23
24
25

State v Reco Ramone Felder
Daniel Curlee-Cross-Examination by Ms. Ehrlich
December 6, 2016

1 CROSS-EXAMINATION

2 BY MS. EHRLICH:

3 Q. Good morning Officer Curlee.

4 A. Good morning.

5 Q. When you got on scene Ms. Mitchell was alert

6 correct?

7 A. Correct.

8 Q. Conscious?

9 A. Correct.

10 Q. Standing?

11 A. Correct.

12 Q. And you were the responding officer which means you

13 were kind of the first one to take the call.

14 A. Correct.

15 Q. And before you became a sworn officer with the

16 police department you went to training at the Academy?

17 A. Correct.

18 Q. To learn how to become a police officer?

19 A. Yes, ma'am.

20 Q. You don't just wake up and go get a job. You have

21 to get trained on it right?

22 A. Yes ma'am, basic training.

23 Q. So one of the things that you learn at training is

24 how to secure a scene?

25 A. Correct, to an extent.

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- 1 Q. How to identify witnesses?
- 2 A. Yes, ma'am.
- 3 Q. How to write police reports?
- 4 A. Yes, ma'am.
- 5 Q. And police reports are important because that's how
- 6 you document what you saw.
- 7 A. Yes, ma'am.
- 8 Q. And what you heard.
- 9 A. Yes, ma'am.
- 10 Q. And what you knew at the time that you responded
- 11 right?
- 12 A. Yes, ma'am.
- 13 Q. Because a case can take two years or so before you
- 14 go to court right?
- 15 A. Yes, ma'am.
- 16 Q. And that's the best way to document and help you
- 17 know what happened looking back after you responded to
- 18 hundreds of calls since then, right?
- 19 A. Yes, ma'am.
- 20 Q. And it's important not only to help you remember but
- 21 all the parties involved can look at your report and know
- 22 what happened and what you saw.
- 23 A. Yes, ma'am.
- 24 Q. Who the witnesses were.
- 25 A. Yes, ma'am.

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1 Q. Okay. And so you wrote a report in this case.

2 A. Yes, ma'am.

3 Q. And you documented in your incident report that you
4 identified all the witnesses.

5 A. I identified several of the witnesses. I'm not sure
6 if that was all of them.

7 Q. Do you still have your report up there?

8 A. Yes, ma'am.

9 Q. On your supplemental report page three you said all
10 witnesses and bystanders were identified, right?

11 THE COURT: All witnesses what?

12 MS. EHRLICH: And bystanders were identified.

13 [Whereupon, the witness reviews document]

14 A. Are you talking about my supplemental?

15 Q. Yes.

16 A. Yes, I have written there were several bystanders at
17 the location.

18 Q. And you said that you identified all of them, right?

19 A. I did not write that I identified all of them.

20 Q. Okay. Would -- maybe you're not looking at the
21 same supplemental that I am. If I approach you with a
22 report would that help refresh your memory?

23 A. Yes, ma'am.

24 [Whereupon, the witness is shown document]

25 A. Oh, this is the initial -- narrative but the

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Daniel Curlee-Cross-Examination by Ms. Ehrlich
December 6, 2016

1 supplemental

2 THE COURT REPORTER: I'm sorry. The initial what?

3 A. Public narrative.

4 Q. [Ms. Ehrlich] But that is your report, right?

5 A. That is part of the report, yes ma'am.

6 Q. Okay. I'm sorry; I thought that was a supplemental
7 report. In that report did you say that you identified
8 all the witnesses?

9 A. Yes, ma'am.

10 Q. And then later on on a different page did you list
11 all the witnesses?

12 A. On my supplemental I stated there were several
13 bystanders at the location and then I proceeded to write
14 down their first and last names.

15 Q. Okay. And in your report you don't have anybody
16 named A.M. listed as a witness do you?

17 A. No, ma'am.

18 Q. And you don't have anybody named J.M.
19 listed as a witness do you?

20 A. No, ma'am.

21 Q. And you don't have anybody named Ja. M.
22 listed as a witness.

23 A. No, ma'am.

24 Q. And I believe that in your report you indicated that
25 the children were inside the residence when the incident

State v Reco Ramone Felder
Daniel Curlee-Cross-Examination by Ms. Ehrlich
December 6, 2016

- 1 occurred. That was your information.
- 2 A. When the incident occurred is what you said?
- 3 Q. Uh Huh.
- 4 A. I don't see it written down that I wrote that they
5 were in the apartment when the incident occurred.
- 6 Q. Do you have it written down that the five children
7 were in the residence at the time of the shooting? I
8 have another copy -- I have a different report of yours
9 if I can approach if that would refresh your memory.
- 10 A. Yes, ma'am.
- 11 [Whereupon, the witness is shown document]
- 12 A. Yes ma'am, five children in the residence at the
13 time of the shooting.
- 14 Q. So as far as your involvement with the case you
15 didn't interview the children.
- 16 A. No ma'am, I did not.
- 17 Q. Okay. And just kind of going back to reports in
18 your report you'll document the incident location right.
- 19 A. Yes, ma'am.
- 20 Q. You might document I think in your report you said
21 what agency responding.
- 22 A. Yes, ma'am.
- 23 Q. What time you responded and things like that.
- 24 A. Yes, ma'am.
- 25 Q. And you'll also include in there the crime incident

State v Reco Ramone Felder
Daniel Curlee-Cross-Examination by Ms. Ehrlich
December 6, 2016

1 or the type of incident you're responding to?

2 A. Yes, ma'am.

3 Q. And in this case you labeled it a CDV aggravated
4 assault?

5 A. Yes, ma'am.

6 Q. Not an attempted murder but a CDV right?

7 A. That is the title of the report as a CDV aggravated
8 assault which is not necessarily the actual offense.

9 Q. Right. But you labeled it CDV.

10 A. Yes ma'am, CDV aggravated assault firearm.

11 MS. EHRLICH: Beg the court's indulgence.

12 [Whereupon, Ms. Ehrlich confers with her client]

13 MS. EHRLICH: No more questions, Your Honor.

14 THE COURT: Redirect?

15 MS. BALDWIN: Thank you, Your Honor.

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State v Reco Ramone Felder
Daniel Curlee-Redirect Examination by Ms. Baldwin
December 6, 2016

1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. Officer Curlee when you -- when the call went out to

4 Ashley Oaks Apartments what did the call go out as?

5 A. As a shooting.

6 Q. Is shooting viewed as a serious crime at the City

7 Police Department?

8 A. Absolutely, yes ma'am.

9 Q. Do more officers that just the responding officer

10 show up?

11 A. Yes, ma'am. When a shooting goes out any available

12 officer is going to respond to that call.

13 Q. Are there detectives that get involved?

14 A. Yes, ma'am.

15 Q. Who conducts all of the interviews -- who conducts

16 further interviews of witnesses?

17 A. That would be the detectives.

18 Q. Do detectives sometimes learn of other witnesses

19 besides ones that you know of?

20 A. Yes ma'am, they do.

21 Q. Did you interview the children?

22 A. No ma'am, I did not.

23 MS. BALDWIN: Beg the court's indulgence.

24 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

25 Q. [Ms. Baldwin] Officer Curlee on the beginning of

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1 your report when you put the crime incident Ms. Ehrlich
2 mentioned that it was labeled as a CDV aggravated
3 assault?

4 A. That's the title of the report, yes ma'am.

5 Q. And what's next to that?

6 A. Firearm.

7 Q. So what does it say fully?

8 A. CDV aggravated assault forward slash firearm.

9 Q. And do you make the charging decision -- did you
10 make the charging decision in this case?

11 A. No ma'am, I did not.

12 Q. No further questions.

13 THE COURT: Recross?

14 MS. EHRLICH: No, Your Honor.

15 THE COURT: You may step down. Thank you.

16 [Whereupon, the witness is excused and exits the
17 witness stand]

18 THE COURT: If no one needs him he's free to go.
19 Do you need him any further?

20 MS. BALDWIN: No, sir.

21 THE COURT: Okay. You're free to go. Thank you.

22 Next witness.
23
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25

State v Reco Ramone Felder
Edward Robinson-Direct Examination by Ms. Baldwin
December 6, 2016

1 MS. BALDWIN: The State calls Edward Robinson.
2 [Whereupon, Mr. Robinson comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name.

7 THE WITNESS: It is Edward W. Robinson, R-O-B-I-N-
8 S-O-N.

9 - - - - -

10 EDWARD ROBINSON,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. BALDWIN:

15 Q. Good morning Sergeant Robinson.

16 A. Good morning, ma'am.

17 Q. How are you?

18 A. Fine.

19 Q. Where do you work?

20 A. Charleston Police Department.

21 Q. And in what capacity do you work there?

22 A. I work for the uniform patrol division in team 1.

23 Q. Is that what capacity you were working back in 2014?

24 A. Yes, ma'am.

25 Q. So how long have you worked at the City Police

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1 Department.
2 A. Going on 20 years.
3 Q. What are your general duties?
4 A. I'm a patrol supervisor. I supervise and patrol a
5 squad. We have rotating shifts.
6 Q. How did you become involved in this case?
7 A. Well, on my way to work on the 524 at about 6:52 in
8 the morning I was going down I-26 westbound around
9 Cosgrove and I heard a radio broadcast in reference to a
10 shooting that had just occurred at
11 ---
12 Q. --- let me interrupt you real quick. You're
13 referring to a piece of paper there. What's that you're
14 looking at?
15 A. This is my supplemental report.
16 Q. Okay. It's been a while since you...
17 A. It was 2014 ---
18 Q. --- since this happened.
19 A. Yes, ma'am.
20 Q. You're using that to help you remember a little bit?
21 A. Yes, I am.
22 Q. Please continue.
23 A. Just to give you some details. In reference to
24 hearing a broadcast in reference to a shooting that had
25 just occurred at which is

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1 the team 4 patrol area. Since I was at I-26 near
2 Cosgrove I pulled over because sometimes the cars come
3 out of West Ashley that way on Cosgrove.

4 Q. Did you get a name of the suspect and a vehicle
5 description?

6 A. Sure did, yes ma'am.

7 Q. What was that?

8 A. It was Reco Felder and the car was a grey Cadillac.

9 Q. Did you follow a Cadillac matching that description?

10 A. Yes, ma'am. At about 7:15 a silver color Cadillac
11 four door passed me in lane 3 heading to I-26 westbound
12 and -- yes, they were heading I-26 westbound.

13 Q. Okay. And so what did you do?

14 A. When they passed me the driver looked at me. I
15 could tell there were multiple people in the car and the
16 tags looked familiar. I couldn't tell because they were
17 going pretty quick so I pulled in behind them.

18 Q. And where did the car go then?

19 A. They exited off the North Meeting Street exit ramp.

20 Q. Okay. And where did they go?

21 A. They went up the ramp which goes back over the
22 interstate and then they accelerated down towards Irving;
23 that's Irving Street I believe.

24 Q. Are you particularly familiar with that area ---

25 A. --- Irving Avenue; I'm sorry, Irving Avenue. Ma'am?

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1 Q. Were you particularly familiar with that area?

2 A. No, ma'am. It is actually North Charleston Police
3 Department's jurisdiction that road is.

4 Q. Okay. So what happened then?

5 A. They accelerated beyond my sight and they turned off
6 of I guess its Meeting Street onto Irving Avenue and
7 accelerated down.

8 Q. And then what happened?

9 A. I followed them onto Irving Street. At Irving
10 Avenue I found out is a dead end. They went down to the
11 dead end and stopped, turned around and basically it was
12 so small that they couldn't get by me at all.

13 Q. At this point had you had your blue lights and
14 sirens on?

15 A. No ma'am, not at the time.

16 Q. Why not?

17 A. Because I wanted to try to identify the car. I
18 couldn't catch up with them to make sure the tags and
19 everything were correct at the time.

20 Q. At what point did you put on your blue lights?

21 A. At that point right there. It was clear that they
22 were trying to evade me to see that I was a police
23 officer and they were trying to evade me.

24 Q. And who was in the vehicle?

25 A. The driver was I later found out to be Mr. Sidney

State v Reco Ramone Felder
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1 Nelson and the back passenger was Lashawn Grimes.

2 Q. Was there anybody in the front passenger seat?

3 THE COURT REPORTER: I'm sorry; what was the name
4 again?

5 THE WITNESS: Lashawd, L-A-S-H-A-W-D I believe,
6 Grimes.

7 Q. [Ms. Baldwin] Was there anybody in the front
8 passenger seat?

9 A. There was not. Mr. Grimes was in the rear passenger
10 seat on the passenger side.

11 Q. What did you do once that car was stopped and the
12 driver was out of the car?

13 A. I initiated my blue lights, had the driver exit and
14 cuffed him, and had the passenger exit and cuffed him on
15 an investigative detention.

16 Q. Did you run the tags for the car?

17 A. Yes, ma'am. I confirmed that the tags were in fact
18 the vehicle that we were looking for.

19 Q. How did you confirm that?

20 A. Through the radio.

21 Q. Okay. Who did the tags come back to?

22 A. It came back to the victim.

23 Q. Okay. What else did you do after that?

24 A. At that point I called for Jennings Towing to come
25 get the vehicle. Obviously, I separated my two

State v Reco Ramone Felder
Edward Robinson-Direct Examination by Ms. Baldwin
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1 individuals as possible witnesses or may be involved in
2 the crime and then I had Jennings come to tow the vehicle
3 to our crime scene lab.

4 Q. Did you go with that vehicle?

5 A. I escorted all of them, yes ma'am.

6 Q. What else did you do with the car once it was at the
7 lab?

8 A. Once we got to the lab the only -- I did not go
9 inside the vehicle. At the scene it was no need because
10 we were going to take it straight to crime scene so I had
11 to clear the trunk to make sure there was nobody in the
12 trunk so I opened and cleared the trunk to make sure
13 nobody was in there.

14 Q. And nobody was?

15 A. No, ma'am.

16 Q. Okay. What happened after that?

17 A. The car was turned over to crime scene.

18 MS. BALDWIN: Beg the court's indulgence.

19 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

20 Q. [Ms. Baldwin] I don't have any further questions for
21 you Sergeant Robinson.

22 A. Okay.

23 THE COURT: Any cross?

24 MS. EHRLICH: Your Honor, I don't have any
25 questions for the officer.

State v Reco Ramone Felder
Edward Robinson-Direct Examination by Ms. Baldwin
December 6, 2016

1 THE COURT: Okay. You can step down. Thank you.

2 [Whereupon, the witness is excused and exits the
3 witness stand]

4 THE COURT: The next witness?

5 MS. BALDWIN: Your Honor, may we approach briefly?

6 THE COURT: Sure.

7 [Whereupon, an off the record bench conference is
8 held]

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1 THE COURT: Folks, let's go ahead and take a ten
2 minute restroom break while we get ready for the next
3 witness. Again, don't begin deliberations or discussions
4 and we'll have you back in about ten minutes.

5 [Whereupon, the jury exits at 10:40 a.m.]

6 THE COURT: Okay. See y'all back in ten minutes.

7 [Whereupon, court is in recess from 10:40 a.m. until
8 10:55 a.m.]

9 THE COURT: You got your next witness ready?

10 MS. BALDWIN: Yes, sir.

11 THE COURT: Okay. Bring the jury back in.

12 MS. BALDWIN: Your Honor, just briefly before the
13 jury comes in. My investigator noticed during testimony
14 earlier that one of the jurors named -- we can approach
15 actually.

16 [Whereupon, an off the record bench conference is
17 held]

18 [Whereupon, the jury enters at 10:56 a.m.]

19 THE COURT: Okay. The State may call the next
20 witness.

21 MS. BALDWIN: Thank you, Your Honor.
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State v Reco Ramone Felder
Randy Unterbrink-Direct Examination by Ms. Baldwin
December 6, 2016

1 MS. BALDWIN: The State calls Randy Unterbrink.

2 [Whereupon, Mr. Unterbrink comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please.

7 THE WITNESS: My name is Randall Unterbrink, U-N-T-
8 E-R-B-R-I-N-K.

9 - - - - -

10 RANDY UNTERBRINK,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. BALDWIN:

15 Q. Where are you employed?

16 A. I'm with the Charleston Police Department.

17 Q. And in what capacity?

18 A. I work currently at the crime scene unit.

19 Q. What do you do with the crime scene unit?

20 A. At the crime scene unit I respond to a wide variety
21 of calls. The point is to look for evidence that relates
22 to a particular event that I'm there for.

23 Q. How do you look for evidence? What do you tend to
24 do there?

25 A. It depends on what the case is. It could be things

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Randy Unterbrink-Direct Examination by Ms. Baldwin
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1 such as blood if there is an injury involved, it could be
2 pieces of paper if it's a burglary that might have
3 evidence on them such as fingerprints and we'll try to
4 collect those off of that.

5 It could be prints on a hard substance such as glass
6 or the exterior of a car, shoe prints and that kind of
7 thing. We document what the pattern of the shoe print is
8 like. So it's really a host of items.

9 Q. What was your involvement in this particular case?

10 A. In this particular case I was informed that there
11 was an injury and so my goal was to document that injury
12 and anything that might relate to that.

13 Q. Okay. How did the call come out to you?

14 A. The call came out over the radio stating that there
15 was a person in the apartment complex that had been
16 injured. The exact details of how that was actually
17 worded I don't recall but that I was to go.

18 Q. Do you have your report there with you?

19 A. I do.

20 Q. If you looked at that would it help you remember?

21 A. Well, yes it was that there was a firearm that had
22 been discharged and that there was an injury that related
23 to that.

24 Q. What did you do when you arrived on scene?

25 A. The first that I noticed was the people that were

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Randy Unterbrink-Direct Examination by Ms. Baldwin
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1 there which included EMS personnel and also police
2 officers there was a congregation of events going on at
3 one specific location on a patio.

4 I couldn't see initially but as I walked I could
5 tell that there was a person of interest there that
6 everybody was concentrated on and it ended up being an
7 injured black female.

8 Q. Okay. What was her demeanor?

9 A. She was quiet. She was cooperative with the
10 individuals that were treating her. And of course I
11 stayed out the way during this particular period of time
12 that she was being treated. It was not my job to
13 interject so I just took photographs and observed and
14 went from there.

15 Q. Besides taking photographs what else did you do?

16 A. After the photographs I was informed that there was
17 a black bag out of view but around the corner by the
18 nearby building and that I should take a look at that and
19 check it.

20 Q. And what did you do with that black bag?

21 A. I collected it.

22 Q. Okay. And when you collected it what do you mean
23 by that?

24 A. I took possession of it. I took it to the crime
25 scene office where I then put it in a much larger type

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Randy Unterbrink-Direct Examination by Ms. Baldwin
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1 bag to secure it and to protect it so that we could have
2 reference to it later.

3 Q. Okay. And you itemized what was in that bag?

4 A. I did.

5 Q. Was there a gun in that bag?

6 A. There was no gun in the bag.

7 Q. Okay. I'll hand you several photographs. I'll
8 show you State's -- what has been admitted as State's
9 exhibit 7 through 12. Could you tell me what those are?

10 [Whereupon, the witness views photographs]

11 A. These are photographs each one I took and it's of
12 the scene. Each one is an outside exterior scene that
13 involves the area where I first observed the victim as
14 well as the black bag.

15 Q. State's exhibit 13 through 21?

16 [Whereupon, the witness views photographs]

17 A. These are also photographs that I took. They
18 involve the victim, several photographs of her face with
19 interest on the injury.

20 Also photographs of the stairs that led up to the
21 second floor apartment complex, the steps as well with a
22 concentration of blood like substances like a trail that
23 led upstairs and then the black bag.

24 Q. Did you just take photographs of the victim on
25 scene?

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- 1 A. I took photographs of the victim on scene.
2 Q. Anywhere else?
3 A. And also at MUSC.
4 Q. Okay. I'll show you State's exhibit 7. I'll just
5 show you these photographs and just describe for the jury
6 what you are trying to document there.
7 [Whereupon, the photograph is shown]
8 A. This I'm concentrating on the red droplets blood on
9 the sidewalk. The staircase that you see in the
10 background is where I initially arrived and just behind
11 the staircase is a chair which is where the victim was
12 when I initially arrived. But that particular sidewalk
13 as you come back the other way leads you to the black
14 bag.
15 Q. And there should be a pointer up there. If you need
16 to step up and point out anything on there feel free to
17 do so. I'll show you State's exhibit 8.
18 [Whereupon, the photograph is shown]
19 A. That's also of the same sidewalk just documenting
20 the blood that is on it.
21 Q. Okay. State's exhibit 11?
22 [Whereupon, the photograph is shown]
23 A. Behind the stairs is where the victim was. Again,
24 I'm just documenting the red substance, the blood, that
25 leads from here [indicates] up to the second floor.

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Randy Unterbrink-Direct Examination by Ms. Baldwin
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1 Q. What's at the very bottom of the stairs in the
2 middle?

3 A. Are you talking about right here [indicates]?

4 Q. Yes, sir.

5 A. That would be blood.

6 Q. And State's exhibit 12?

7 [Whereupon, the photograph is shown]

8 A. This is where I saw the victim initially when I
9 came. She is sitting on the chair that you see there
10 [indicates]. So I just wanted to document where she was
11 sitting.

12 Q. State's exhibit 16?

13 [Whereupon, the photograph is shown]

14 A. This is the same stairs concentrating on blood that
15 was there. And this [indicates] leads up to the second
16 floor of that same apartment complex.

17 Q. Seventeen?

18 [Whereupon, the photograph is shown]

19 A. The same stairs and again I was concentrating on the
20 blood droplets that I saw on the steps.

21 Q. And where are you seeing those droplets? It's just
22 a little hard to see in this.

23 A. They are on every single one of them actually,
24 multiples all through here [indicates] and continuing on
25 the way up.

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Randy Unterbrink-Direct Examination by Ms. Baldwin
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- 1 Q. Eighteen?
- 2 [Whereupon, the photograph is shown]
- 3 A. This is when you reach to the top of the second
- 4 floor and this [indicates] would be additional blood
- 5 droplets at the top.
- 6 Q. Nineteen?
- 7 [Whereupon, the photograph is shown]
- 8 A. This would be also at the top of the stairs; the
- 9 same point just to document the blood that was there.
- 10 Q. Where does that door lead to that is shown there?
- 11 A. That will lead it's actually to the right as you
- 12 reach the top of the stairs you can take a right and the
- 13 apartment is right there that leads you to the front
- 14 door.
- 15 Q. And State's 20?
- 16 [Whereupon, the photograph is shown]
- 17 A. And these are additional blood droplets here
- 18 [indicates]. And this [indicates] is the threshold that
- 19 then leads into the apartment itself. And I noticed also
- 20 smaller blood droplets on the carpet.
- 21 Q. And I'll show you State's exhibit 9. What's there?
- 22 [Whereupon, the photograph is shown]
- 23 A. This -- my point of this photograph is to point this
- 24 [indicates] which is that black bag that you mentioned
- 25 earlier.

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1 Q. And where was the incident location at in relation
2 to...

3 A. It would be on the other side of this building
4 [indicates]. So if you continue to walk on the grass or
5 the sidewalk on the other side of the stairs that would
6 wrap around to the right to the staircase that we saw
7 earlier.

8 Q. And 10?

9 [Whereupon, the photograph is shown]

10 A. Just a closer view of that black bag, which of
11 course is right there.

12 Q. Okay. And then State's exhibit 21?

13 [Whereupon, the photograph is shown]

14 A. I just took one photograph of the black bag and the
15 contents that were visible because it was open.

16 Q. Okay. You said no gun was in that bag?

17 A. There was no gun in that bag.

18 Q. And then State's exhibit 15?

19 [Whereupon, the photograph is shown]

20 A. This is while we were still on scene after EMS has
21 already examined her initially and so I wanted to
22 document the injury and this is what I saw.

23 Q. Okay. And that was on the scene that you
24 documented it?

25 A. That was on the scene.

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1 Q. What injury did you observe?
2 A. What injury?
3 Q. Yes.
4 A. The one that was most prominent, of course is the
5 one between the eyes, between the eyebrows is that cut
6 that goes right between the eyebrows.
7 Q. Okay. And you mentioned you went to MUSC later?
8 A. I did.
9 Q. I'll show you State's exhibit 13.
10 [Whereupon, the photograph is shown]
11 A. Yes, that would be it. Yes, that's also another
12 angle of the injury.
13 Q. Okay. And State's exhibit 14 is that just another
14 angle?
15 [Whereupon, the photograph is shown]
16 A. That's right.
17 Q. Had she already received some treatment when you
18 arrived?
19 A. She had.
20 MS. BALDWIN: Beg the court's indulgence.
21 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]
22 Q. [Ms. Baldwin] I don't have any further questions for
23 you.
24 THE COURT: Cross?
25 MS. EHRLICH: Yes, sir.

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1 CROSS-EXAMINATION

2 BY MS. EHRLICH:

3 Q. So when you're responding to the scene you were

4 taking pictures of things that could be relevant to the

5 case right?

6 A. Yes, ma'am.

7 Q. And you take the photographs and document before

8 somebody moves something right?

9 A. I try to do that if possible.

10 Q. So if like that there [indicates] the scene had

11 already been secured by the time you saw the bag?

12 A. That's correct.

13 Q. And so nobody else would have touched the bag until

14 after you took the picture to your knowledge ---

15 A. --- I don't know that.

16 Q. But when you got there the scene had already been

17 secured?

18 A. That's right.

19 Q. And that bag I guess y'all took down to the station?

20 A. Eventually it did go to the station to store it.

21 Q. And then you took a photograph -- you took

22 photographs of the bag at the station as well.

23 A. Yes.

24 MS. EHRLICH: Your Honor, may I approach the

25 witness?

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1 THE COURT: You may.

2 Q. [Ms. Ehrlich] I'm going to show you what has been
3 marked for identification purposes only as defense
4 exhibits 1 and 2. Could you take a look at that and tell
5 me if you recognize it?

6 [Whereupon, the witness views photographs]

7 A. I do.

8 Q. Are those pictures of the bag?

9 A. That's correct, they are.

10 Q. On scene and at the station or the crime lab?

11 A. Yes. The one that you're holding is at the scene
12 and this one that I'm holding is the one actually at the
13 crime scene office that's where I took that photograph.

14 Q. Okay.

15 MS. EHRLICH: Your Honor, I'd move to enter into
16 evidence defense exhibits 1 and 2.

17 THE COURT: Without objection?

18 MS. BALDWIN: No objection, Your Honor.

19 THE COURT: They're entered.

20 [Whereupon, defendant's exhibit numbers 1 and 2 are
21 entered into evidence by the court]

22 MS. EHRLICH: Your Honor, may I publish those?

23 THE COURT: You may.

24 Q. [Ms. Ehrlich] What is that a picture of? I know
25 there is a glare. Actually, Your Honor, may I just

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1 publish to the jury without...

2 THE COURT: Sure.

3 Q. [Ms. Ehrlich] This [indicates] is the picture of the
4 bag?

5 A. That's correct.

6 Q. And when you found the bag one of the compartments
7 was open correct?

8 A. That's correct.

9 Q. And that's what you documented in defense exhibit 2
10 correct?

11 A. That's...

12 Q. That's one of the bags ---

13 A. --- that's how it was.

14 Q. And so you wouldn't have been the one that opened
15 that bag. It was already open when you found it.

16 A. That one was already open.

17 Q. Okay. And we saw pictures that the State already
18 showed. You took pictures of that top balcony area?

19 A. Yes.

20 Q. You didn't notice anything unusual about that
21 sliding screen door or anything?

22 A. No, ma'am.

23 Q. Okay. And nobody asked you to process that door
24 for prints?

25 A. No, ma'am.

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1 Q. Nobody asked you to process the screen for prints or
2 anything like that?

3 A. No, ma'am.

4 Q. Okay. Now I'm going to show you one more picture.
5 Its defense exhibit 3 for identification only. Do you
6 recognize that?

7 [Whereupon, the witness is shown photograph]

8 A. I do.

9 Q. What is that a picture of?

10 A. This is a photograph at the top balcony of the
11 second floor photographing down the stairs to the
12 sidewalk.

13 Q. Okay. So that would be the view you would see
14 coming down the stairs?

15 A. That's right.

16 MS. EHRLICH: Your Honor, I'd move to enter into
17 evidence defense exhibit 3; I believe without objection.

18 MS. BALDWIN: No objection, Your Honor.

19 THE COURT: Admitted.

20 [Whereupon, defendant's exhibit number 3 is entered
21 into evidence by the court]

22 Q. [Ms. Ehrlich] And so as you said --

23 MS. EHRLICH: May I publish to the jury?

24 THE COURT: You may.

25 Q. [Ms. Ehrlich] This is the view looking down the

State v Reco Ramone Felder
Randy Unterbrink-Cross-Examination by Ms. Ehrlich
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1 stairs as you're coming down?

2 [Whereupon, the photo is shown]

3 A. Yes.

4 Q. Do you remember the area well?

5 A. I do.

6 Q. When you're coming down the stairs to the left is
7 there a parking lot around the corner?

8 A. As you come down the stairs of course you have an
9 option of left or right, and to the left was the parking
10 lot where I parked.

11 Q. Okay. And you said that you also responded to the
12 hospital?

13 A. I did.

14 Q. And took pictures of Ms. Mitchell there.

15 A. I did.

16 Q. And you also took what is called a gunshot residue
17 kit on her?

18 A. I did.

19 Q. And that's where you swab somebody's hands?

20 A. Yes.

21 Q. And then you can submit that swab for testing?

22 A. Yes.

23 Q. And that can help determine if somebody had fired a
24 gun?

25 A. Gunshot residue is -- the point is to collect gun

State v Reco Ramone Felder
Randy Unterbrink-Cross-Examination by Ms. Ehrlich
December 6, 2016

1 powder. It can be an indicator.

2 Q. Right. It can be. You might collect it from a
3 suspect?

4 A. Yes.

5 Q. Sometimes y'all collect it from the accuser?

6 A. Yes.

7 Q. And you do that because when somebody fires a gun or
8 a gun discharges residue or powder comes out.

9 A. Yes.

10 Q. And the powder is kind of like I think people
11 describe it as flour; sort of like a flour like
12 substance.

13 A. Yes, very microscopic.

14 Q. So it would be possible then if somebody's hands
15 were near a gun when it discharged for there to be
16 gunshot residue found on a person's hands; it's possible.

17 A. True, yes.

18 MS. EHRLICH: Beg the court's indulgence.

19 [Whereupon, Ms. Ehrlich confers with her client]

20 Q. [Ms. Ehrlich] Thank you. I don't have any further
21 questions.

22 THE COURT: Redirect?

23 MS. BALDWIN: Just a few, Your Honor.
24
25

State v Reco Ramone Felder
Randy Unterbrink-Redirect Examination by Ms. Baldwin
December 6, 2016

1 REDIRECT EXAMINATION

2 BY MS. BALDWIN:

3 Q. How long -- in reference to GSR, a little bit more
4 on that, how long after an incident will you all collect
5 a suspect kit?

6 A. Within six hours.

7 Q. So if somebody is arrested over a week later would
8 it make sense to collect a kit?

9 A. No sense to do that.

10 Q. Why is that?

11 A. Because the gun powder is very temporary. It
12 brushes off easily just by rubbing your hands it's
13 already falling off, touching anything it falls off.

14 And so the rule is six hours. Beyond that it is
15 believed that there is not enough there left. In fact
16 SLED will not accept it beyond six hours.

17 Q. What if somebody is holding a towel to their head?
18 Would that make it rub off some?

19 A. Any contact will cause it to rub off.

20 Q. Speaking of SLED, the State Law Enforcement
21 Division, that's who tests for GSR?

22 A. Yes.

23 Q. What is their protocol regarding victim kits?

24 MS. EHRLICH: Objection, Your Honor. He doesn't
25 work for SLED.

State v Reco Ramone Felder
Randy Unterbrink-Redirect Examination by Ms. Baldwin
December 6, 2016

1 THE COURT: Only to the extent that he has any
2 participation in it.

3 Q. [Ms. Baldwin] To your knowledge in dealing with SLED
4 do they currently accept victim's kits in all cases?

5 A. Yes. If we do it and we submit it they will take
6 it.

7 Q. Will they test it?

8 A. If there is a request for it.

9 MS. BALDWIN: Beg the court's indulgence.

10 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

11 Q. [Ms. Baldwin] I don't have any further questions.

12 THE COURT: Recross?

13 MS. EHRLICH: No, Your Honor.

14 THE COURT: Okay. You can step down. Thank you.
15 You're free to go.

16 [Whereupon, the witness is excused and exits the
17 witness stand]

18 MS. BALDWIN: May this witness be excused, Your
19 Honor?

20 THE COURT: Yes. All right. Next witness.
21
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23
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State v Reco Ramone Felder
Richard Wiersma-Direct Examination by Ms. Baldwin
December 6, 2016

1 MS. BALDWIN: The State calls Richard Wiersma.

2 [Whereupon, Mr. Wiersma comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please?

7 THE WITNESS: Richard Wiersma, W-I-E-R-S-M-A.

8 - - - - -

9 RICHARD WIERSMA,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MS. BALDWIN:

14 Q. Where do you work Mr. Wiersma?

15 A. The City of Charleston Police Department.

16 Q. And what do you do there?

17 A. I'm currently in the crime scene unit.

18 Q. We just heard from Mr. Unterbrink. Do you do
19 similar...

20 A. Yes. Officer Unterbrink and I do the exact same
21 thing.

22 Q. Okay. How did you become involved in this
23 particular case?

24 A. On May 24th when I came into work a vehicle had been
25 towed into our crime scene unit. We have a secure bay

State v Reco Ramone Felder
Richard Wiersma-Direct Examination by Ms. Baldwin
December 6, 2016

1 that we keep there. Detectives had obtained a search
2 warrant to process the vehicle.

3 Q. Okay. And so did you process that vehicle?

4 A. Yes, I did.

5 Q. What was the vehicle?

6 A. It was a grey Cadillac, South Carolina license plate
7 .

8 Q. Okay. Do you know why you were asked to process
9 the vehicle?

10 A. I knew it was in reference to an assault. I didn't
11 have anything to do with the original scene.

12 Q. So what did you do with the car?

13 A. Took photographs of the vehicle, the outside and the
14 inside, the contents of the vehicle. After that I looked
15 through the vehicle to see if there was any evidence I
16 could see, inventoried evidence and any other property
17 that we found in the vehicle and then processed the
18 vehicle for any fingerprints.

19 Q. Okay. I'm going to show you State's exhibit 25
20 through 30. Could you look at these and tell me what
21 they are?

22 [Whereupon, the witness is shown photographs]

23 A. These are all photographs that I took of the vehicle
24 and the contents of the vehicle.

25 Q. I'm going to put those up there and you can explain

State v Reco Ramone Felder
Richard Wiersma-Direct Examination by Ms. Baldwin
December 6, 2016

1 to the jury what you are documenting. State's exhibit
2 25.

3 [Whereupon, the photograph is shown]

4 A. That's the license plate of the vehicle.

5 Q. Do you do that whenever you process a car?

6 A. Yes.

7 Q. And State's exhibit 26?

8 [Whereupon, the photograph is shown]

9 A. That's the vehicle from the front.

10 Q. And 27?

11 [Whereupon, the photograph is shown]

12 A. That would be the driver's side of the vehicle.

13 Q. And 28?

14 [Whereupon, the photograph is shown]

15 A. That's the inside passenger seat area of the
16 vehicle.

17 Q. Is there anything in particular that you're trying
18 to document there?

19 A. In that -- anything that we might have seen. I
20 believe in this one there is some cell phones on the
21 seat. And then I also must have seen some smaller stuff
22 that at the time I didn't know if it was relevant to the
23 case.

24 Q. And State's exhibit 29?

25 [Whereupon, the photograph is shown]

State v Reco Ramone Felder
Richard Wiersma-Direct Examination by Ms. Baldwin
December 6, 2016

1 A. That's a food container that was on the floor and I
2 noticed that there was an order name written on there.

3 Q. I'm sorry?

4 A. A word or it appeared to be a name written on there.

5 Q. And State's exhibit 30?

6 [Whereupon, the photograph is shown]

7 A. The name Reco is written on the food container.

8 Q. Did you recover any items from the vehicle?

9 A. I believe I recovered a handgun and several cell
10 phones.

11 Q. What kind of gun was it?

12 A. It was a black Kel-Tec model PF-9, a semi automatic
13 9 millimeter handgun.

14 Q. Is that different from a revolver?

15 A. Yes.

16 Q. Okay. How so?

17 A. A semiautomatic, the bullets are fed in a -- they
18 are in a magazine and they are fed into the chamber
19 through the magazine whereas a revolver the bullets are
20 held in a cylinder and every time you pull the trigger
21 the cylinder has to turn to get to the next bullet.

22 MS. BALDWIN: Beg the court's indulgence.

23 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

24 Q. [Ms. Baldwin] I have no further questions for you.

25 THE COURT: Cross?

State v Reco Ramone Felder
Richard Wiersma-Cross-Examination by Ms. Ehrlich
December 6, 2016

1 CROSS-EXAMINATION

2 BY MS. EHRLICH:

3 Q. So you were the officer that completed the search

4 warrant on the Cadillac?

5 A. Yes.

6 Q. And when you do that you photograph things before

7 you remove them?

8 A. Yes.

9 Q. You do an inventory where you list everything that

10 you find?

11 A. Yes.

12 Q. Because you don't know yet what is going to be

13 important to a case.

14 A. Correct.

15 Q. And I'm going to show you what has been marked for

16 identification only defenses exhibits 4, 5, and 6 if you

17 could let me know if you recognize those?

18 [Whereupon, the witness is shown photographs]

19 A. Yes. They are photographs that I took from the

20 vehicle and the contents of the vehicle.

21 Q. And what are those photographs of?

22 A. The first one is a photograph of the trunk and the

23 contents in the trunk. The next two are photographs of

24 cell phones that were recovered from the vehicle.

25 MS. EHRLICH: I'd move to enter defense exhibits 4,

State v Reco Ramone Felder
Richard Wiersma-Cross-Examination by Ms. Ehrlich
December 6, 2016

1 5, and 6 into evidence Your Honor.
2 MS. BALDWIN: No objection, Your Honor.
3 THE COURT: Admitted. You can publish.
4 MS. EHRLICH: Thank you, Judge.
5 [Whereupon, defendant's exhibit numbers 4, 5, and 6
6 are entered into evidence by the court]
7 Q. [Ms. Ehrlich] And so you said you took a picture of
8 the trunk?
9 A. Yes.
10 Q. And in the trunk did you find -- see like a car seat
11 or a stroller?
12 A. Yes, I believe there was -- let me find the trunk in
13 here and I'll tell you exactly what was in there.
14 [Whereupon, the witness reviews document]
15 Q. Will looking at the picture help you?
16 A. Probably.
17 Q. Is that the stroller or the car seat?
18 [Whereupon, the witness is shown photograph]
19 A. Yes it is.
20 Q. You also found several cell phones?
21 A. Yes.
22 Q. Multiple phones that were black in color I believe.
23 A. Yes.
24 Q. And that's what is in these pictures? I know they
25 are not all black, one is purple, but the rest of them

State v Reco Ramone Felder
Richard Wiersma-Cross-Examination by Ms. Ehrlich
December 6, 2016

1 are all black?

2 A. Correct.

3 Q. And so this was basically the extent of your
4 involvement with this case, correct?

5 A. Yes.

6 MS. EHRLICH: Beg the court's indulgence.

7 [Whereupon, Ms. Ehrlich confers with her client]

8 MS. EHRLICH: Your Honor, I don't have any further
9 questions.

10 THE COURT: Redirect?

11 MS. BALDWIN: Very quickly, Your Honor.

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State v Reco Ramone Felder
Richard Wiersma-Redirect Examination by Ms. Baldwin
December 6, 2016

REDIRECT EXAMINATION

BY MS. BALDWIN:

Q. Ms. Ehrlich showed you the picture of the stroller
in the trunk?

A. Yes.

Q. What were the other items located in the trunk?

A. The handgun was found in the trunk, the stroller,
the gas can, vehicle cleaning supplies and a black back
pack containing several other items.

Q. And the handgun was the one that you referenced
earlier?

A. Yes.

Q. No further questions.

THE COURT: Recross?

MS. EHRLICH: No, Your Honor.

THE COURT: You can step down.

[Whereupon, the witness is excused and exits the
witness stand]

MS. BALDWIN: May this witness be excused?

THE COURT: Yes. You're free to go. Call your
next witness.

State v Reco Ramone Felder
George Shirar-Direct Examination by Ms. Herring-Lash
December 6, 2016

1 MS. HERRING-LASH: The State calls George Shirar.
2 [Whereupon, Mr. Shirar comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please.

7 THE WITNESS: George Randall Shirar, last name is
8 S-H-I-R-E-R.

9

10 GEORGE SHIRAR,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. HERRING-LASH:

15 Q. And where do you work Mr. Shirar?

16 A. Charleston County EMS.

17 Q. And how long have you worked for them?

18 A. At this point almost five years.

19 Q. And what is your educational background?

20 A. A high school diploma and an Associate's degree in
21 Paramedics.

22 Q. So you have special training for your profession?

23 A. Yes, ma'am.

24 Q. And you said how long you had been with EMS?

25 A. Almost five years.

State v Reco Ramone Felder
George Shirar-Direct Examination by Ms. Herring-Lash
December 6, 2016

1 Q. And back in May of 2014 what were your duties?
2 A. I was an EMT crew member with Charleston County.
3 Q. And what are you now?
4 A. I'm a paramedic crew member.
5 Q. What's the difference?
6 A. A paramedic involves roughly four times the training
7 or advanced training. An EMT is more of a stabilization
8 and transport situation where a paramedic is more
9 medications, advanced life support and stuff like that.
10 MS. HERRING-LASH: May I approach the court
11 reporter, Your Honor?
12 THE COURT: You may.
13 [Whereupon, State's exhibit number 34 is marked by
14 the court reporter]
15 Q. [Ms. Herring-Lash] Now were you on duty on May the
16 24th of 2014?
17 A. Yes, ma'am.
18 Q. And did you respond to a call that day at
19 d, apartment ?
20 A. Yes, ma'am.
21 Q. What was your dispatch time?
22 A. May I reference my report?
23 [Whereupon, the witness reviews document]
24 A. Consolidated Dispatch received the call at 6:52 a.m.
25 We were -- the unit was dispatched at 6:53 and we were

State v Reco Ramone Felder
George Shirar-Direct Examination by Ms. Herring-Lash
December 6, 2016

1 responding at 6:54. So two minutes after the initial
2 call was received we were responding.

3 Q. And by responding does that mean when you arrived?

4 A. That means we were in the truck ---

5 Q. --- in route ---

6 A. --- actually responding to the call, yes ma'am.

7 Q. When did you arrive at the scene?

8 A. We arrived on the scene at 7:05.

9 Q. About how long were you there do you remember?

10 A. Roughly five or six minutes.

11 MS. HERRING-LASH: May I approach the witness, Your
12 Honor?

13 THE COURT: Uh Huh.

14 Q. [Ms. Herring-Lash] I'm going to show you what has
15 been previously marked as State's exhibit 34. Do you
16 recognize that?

17 [Whereupon, the witness is shown photograph]

18 A. Yes, ma'am.

19 Q. And what is that?

20 A. That is my partner and crew chief at the time as
21 well as the crew from CFD strapping the victim on the
22 stretcher preparing for transport.

23 Q. And that is how y'all prepare for transport?

24 A. Yes, ma'am.

25 MS. HERRING-LASH: May I publish to the jury?

State v Reco Ramone Felder
George Shirar-Direct Examination by Ms. Herring-Lash
December 6, 2016

1 THE COURT: You may.

2 [Whereupon, the photograph is shown]

3 Q. [Ms. Herring-Lash] And do you keep her on the -- the
4 witness [sic] on this as you transport or how does that
5 work?

6 A. Yes, ma'am. That's -- I strapped her and she is
7 placed on there and secured and then loaded into the
8 ambulance.

9 Q. And once you loaded her did you ride in the back or
10 did you drive?

11 A. I was in the back.

12 Q. And at that point in time did you take a medical
13 history, just the pertinent medical part without
14 identifying any...

15 A. Yes, ma'am.

16 Q. What was that medical history?

17 A. She stated that a gun was pointed in her face and
18 she attempted to strike the gun and the gun was fired and
19 she was unsure if she was struck because she just had
20 some injuries to her nose and burns to the left side of
21 her face.

22 Q. What did you do or did you observe as far as her
23 injuries yourself?

24 A. She had two lacerations to her nose as well as what
25 appeared to be powder burns to the left side of her face

State v Reco Ramone Felder
George Shirar-Direct Examination by Ms. Herring-Lash
December 6, 2016

1 around her left eye.

2 Q. I'll show you what has been previously admitted into
3 evidence as State's exhibit number 13.

4 [Whereupon, the witness is shown photograph]

5 Q. Can you point out to the jury what you mean by the
6 black -- there is a pointer up there if you want to use
7 it.

8 A. If you look to the left side you can see the black
9 ring which appears to be powder burn from a close range
10 gunshot.

11 Q. Do you deal with a lot of powder burns in your
12 profession?

13 A. Not a whole lot because normally they are --
14 shootings happen from a distance. It's not uncommon that
15 we have that.

16 Q. But that's more close range.

17 A. Yes, ma'am. That means it was very close and that's
18 not something that we can say definitely how far away.
19 We can just say it has to be close range.

20 Q. And what complaints did you note that she had?

21 A. Mostly just pain to her nose and pain to the left
22 side of her face with a burning sensation.

23 Q. So with those complaints you were still required to
24 transport?

25 A. Yes because the sole purpose of EMS is stabilization

State v Reco Ramone Felder
George Shirar-Direct Examination by Ms. Herring-Lash
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1 and transport to definitive care which would be a
2 hospital, a doctor, if needed a surgeon. Especially with
3 injuries like that there is no way for us -- we don't
4 have x-ray -- there is no way for us to tell exactly what
5 is going on.

6 Just because somebody initially presents stable they
7 could quickly deteriorate. So something like that we
8 always recommend be transported in an ambulance in case
9 something happens.

10 Q. Like you can't tell if there is an internal bleeding
11 into ---

12 A. --- no ma'am ---

13 Q. --- the sinus cavity?

14 A. There is sinus cavity, there is also with blast
15 injury, which a gunshot could be considered a -- blast
16 injury there is no way to tell whether that force could
17 have caused bleeding like in the brain and something like
18 that.

19 Q. And what was her demeanor and did it change?

20 A. Initially she was -- obviously awake and talking.
21 On the way to the hospital she was rather quiet. She
22 would answer our questions.

23 Once we arrived to the hospital she broke down and
24 kind of really started realizing what was going on and
25 what had happened and became visibly upset and was

State v Reco Ramone Felder
George Shirar-Direct Examination by Ms. Herring-Lash
December 6, 2016

1 crying. Before that she was relatively calm.

2 MS. HERRING-LASH: Beg the court's indulgence.

3 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

4 Q. [Ms. Herring-Lash] Is that change in demeanor pretty
5 common?

6 A. It is. It's -- everybody is different however that
7 is a relatively common thing. People after a traumatic
8 event once they finally get to the hospital they realize
9 okay because sometimes it happens when we show up.

10 Other times it happens once they actually arrive at
11 the hospital and realize the event is over, I'm at the
12 hospital, if anything else happens I'm at the best place
13 for that to be.

14 Q. Are people sometimes kind of in a daze when you get
15 there?

16 A. Yes. A lot of times you initially get -- it's what
17 commonly in the public refer to shock. It's not medical
18 shock that is different. But it's when you're just like
19 what's going on, did this really just happen, and then it
20 kind of just sinks in.

21 Q. I think those are all the questions I have. If you
22 could answer any Ms. Ehrlich may have.

23 THE COURT: Cross?

24

25

State v Reco Ramone Felder
George Shirar-Cross-Examination by Ms. Ehrlich
December 6, 2016

1 CROSS-EXAMINATION

2 BY MS. EHRLICH:

3 Q. The call you guys got was for a gunshot wound right?

4 A. Yes, ma'am.

5 Q. And you responded as quickly as possible to that

6 location?

7 A. Yes, ma'am.

8 Q. And you were classified I guess as the main

9 caregiver?

10 A. Yes, ma'am.

11 Q. Which means that your main purpose was checking Ms.

12 Mitchell out?

13 A. Yes, ma'am.

14 Q. Okay. And you noted in your report that she was

15 ambulated?

16 A. Uh Huh.

17 Q. And that she was able to talk?

18 A. Yep.

19 Q. No obvious distress.

20 A. No obvious ---

21 Q. --- medical distress.

22 A. Yes, medical distress.

23 Q. And you observed the laceration to her nose.

24 A. Uh Huh.

25 Q. And the powder burn to her left eye area.

State v Reco Ramone Felder
George Shirar-Cross-Examination by Ms. Ehrlich
December 6, 2016

- 1 A. Uh Huh.
- 2 Q. But you also noted no trauma to the left eye.
- 3 A. Yes.
- 4 Q. You mean the eye wasn't itself?
- 5 A. Yes, ma'am. After talking to her we were able to
- 6 presumably decide that she closed her eye in time which
- 7 is the reason that there is no damage to the actual eye
- 8 itself.
- 9 Q. Okay. But she did tell you she was in pain.
- 10 A. Yes.
- 11 Q. And she also told you that there was ringing in her
- 12 ear.
- 13 A. Yes, ma'am.
- 14 Q. And when you -- by the time y'all got there her
- 15 bleeding was somewhat controlled, correct?
- 16 A. Yes, by the time we got there the bleeding was
- 17 controlled.
- 18 Q. And y'all had her stabilized for transport.
- 19 A. Yes, stabilized for transport.
- 20 Q. And when you were getting information from her she
- 21 indicated she was unsure if she was struck with a bullet
- 22 or struck with a gun.
- 23 A. Yes, that's correct ---
- 24 Q. --- or the barrel of the gun. So she did give you
- 25 some information.

State v Reco Ramone Felder
George Shirar-Cross-Examination by Ms. Ehrlich
December 6, 2016

1 A. That's correct.

2 Q. And she was able to speak to you?

3 A. Yes.

4 Q. And she was unsure again if she was struck with a
5 bullet or struck with the barrel of the gun.

6 A. Yes.

7 MS. EHRLICH: Beg the court's indulgence.

8 [Whereupon, Ms. Ehrlich confers with her client]

9 Q. [Ms. Ehrlich] Thank you. I don't have any further
10 questions.

11 THE COURT: Redirect?

12 MS. HERRING-LASH: No, Your Honor.

13 THE COURT: All right. You may step down.

14 [Whereupon, the witness is excused and exits the
15 witness stand]

16 MS. BALDWIN: Your Honor, may we approach?

17 THE COURT: Sure.

18 [Whereupon, an off the record bench conference is
19 held]

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1 THE COURT: Folks, the morning last couple of
2 witnesses went a little bit faster than we anticipated
3 but the best you can do is guess on things like that.
4 The next witness was told to be here at 1:30 and so we're
5 just going to go ahead and break for lunch now. You get
6 a little bit of extra time. Hopefully, the weather has
7 cleared and you can walk around and visit downtown and do
8 a little Christmas shopping if you want to.

9 But we're going to let you go to lunch right now.
10 Again, you can go with anybody you want to including
11 other members of the jury panel but please do not discuss
12 the case, discuss witness, deliberations, or anything at
13 all about the case. You can talk about anything in the
14 world you want to except this case. Again, don't publish
15 anything on social media or the Internet. Don't try to
16 find out anything.

17 When you do come back try to get here just a little
18 bit before 1:30. When y'all are back I usually let the
19 jury pick their Foreperson so I'll let y'all when you
20 come back discuss amongst yourselves if anybody would
21 like to be the Foreman. You pick it; anybody can be the
22 Foreperson of the jury. You don't get any extra pay; you
23 just write the verdict down at the end of the day or the
24 end of the trial. So if you can't pick somebody I'll
25 pick somebody but I always like to let the jury pick the

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1 Foreperson of the jury. So go ahead and go on to lunch
2 and we will see you back at 1:30. Thank you.

3 [Whereupon, the jury exits at 11:42 a.m.]

4 THE COURT: Anything we need to discuss before we
5 break?

6 MS. BALDWIN: Nothing from the State, Your Honor.

7 MS. EHRLICH: No, Your Honor.

8 THE COURT: Okay. See you all a little before
9 1:30.

10 [Whereupon, court is in recess from 11:42 a.m. until
11 1:30 p.m.]

12 THE COURT: Okay. Bring the jury in.

13 [Whereupon, the jury enters at 1:36 p.m.]

14 THE COURT: All right. Ms. Parker, you have been
15 chosen to be the Foreperson. I understand.
16 Congratulations. We will now resume with the State
17 calling their next witness.

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State v Reco Ramone Felder
Dr. Eric Larson-Direct Examination by Ms. Herring-Lash
December 6, 2016

1 MS. HERRING-LASH: The State would call Doctor Eric
2 Larson.

3 [Whereupon, Doctor Larson comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please state your full name and
7 spell your last name please.

8 THE WITNESS: Eric John Larson, L-A-R-S-O-N.

9 - - - - -

10 ERIC LARSON,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. HERRING-LASH:

15 Q. Doctor Larson, what is your profession?

16 A. I practice emergency medicine.

17 Q. And where do you work?

18 A. I work mainly at the Medical University of South
19 Carolina. I also do some work at Sea Coast Hospital and
20 Loris Hospital.

21 Q. And what are your duties at MUSC?

22 A. To cover the Emergency Department and to cover our
23 Chest Pain Center. I also do some teaching of the
24 medical students and the residents in the art of
25 emergency medicine.

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Dr. Eric Larson-Direct Examination by Ms. Herring-Lash
December 6, 2016

1 Q. And what is your educational background?

2 A. I went to the University of Florida -- go Gators.
3 After that I went to Indiana University for medical
4 school and then Michigan State for residency at the
5 Kalamazoo Center.

6 Q. And your area of expertise I think you've already
7 said is emergency medicine.

8 A. Yes, ma'am.

9 Q. And what does that mean?

10 A. Well after you complete medical school then you pick
11 a residency to train in a specialty and there are all
12 sorts of different specialties you can do.

13 And what I went into was emergency medicine for
14 three years after medical school you train in how to take
15 care of emergencies in the Emergency Department.

16 Q. And so you do have specialized training in that
17 area?

18 A. Yes, ma'am.

19 Q. And have you testified before as an expert in
20 emergency medicine?

21 A. I have.

22 Q. In how many courts or states?

23 A. I don't remember the amount of courts. I've done
24 some testimony in cases like this that I've been the
25 physician for patients and I've done testimony I think

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1 three or four times in the court. And then I do some
2 expert witness testimony where they bring you on in
3 certain cases to ask your expert opinion.

4 Now as far as the expert witness I believe I've
5 testified in South Carolina, Kentucky, Maryland, and
6 Florida.

7 Q. And when you're talking about just as an expert
8 witness that's when you haven't seen the patient; you're
9 just testifying regarding some area of expertise.

10 A. Correct.

11 MS. HERRING-LASH: Your Honor, at this time we
12 would offer Doctor Larson as an expert in emergency
13 medicine.

14 THE COURT: Do you wish to voir dire or any
15 objection?

16 MS. EHRLICH: No objection.

17 THE COURT: Okay. Do you remember yesterday when
18 we were talking and I told you normally that witnesses
19 are allowed to testify and just tell you what they heard,
20 they saw, they touched, they felt, they smelt. Sometimes
21 the law says is that we don't usually let people tell you
22 what their opinion is about the evidence; you decide on
23 how much -- you know what to think about the evidence.
24 But sometimes the law says well when somebody because of
25 education or experience or specialized training in some

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1 field rises to the level of expertise then we'll let them
2 come in and testify if they're qualified as an expert
3 within a field and tell you not only about their
4 observations but they can give you their opinion and
5 their reasons for their opinion if it assists you in
6 evaluating the evidence.

7 Now this witness has been recognized as an expert or
8 qualified as an expert in emergency medicine and will be
9 allowed to testify about his observations and to give you
10 testimony in the form of an opinion as well. You're not
11 required to give an expert's testimony any greater weight
12 or any lesser weight for that matter simply because
13 they've been qualified as an expert.

14 You decide how much weight to give this witness and
15 any other witness testimony in the trial the weight that
16 you feel like it deserves based on all of the evidence
17 that you'll hear throughout the trial. All right. You
18 may continue.

19 MS. HERRING-LASH: Thank you, Your Honor.

20 Q. [Ms. Herring-Lash] Did you see Chantelle Mitchell
21 Doctor Larson?

22 A. Yes, ma'am.

23 Q. And where did you see her?

24 A. At the Medical University Emergency Department in
25 our trauma center.

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1 Q. And when was that?

2 A. I must admit I need to see the chart to remember.

3 MS. HERRING-LASH: Your Honor, may I give him a
4 copy of the chart?

5 THE COURT: Pardon?

6 MS. HERRING-LASH: May I give him a copy of the
7 chart so that he can give a date?

8 THE COURT: Oh certainly.

9 [Whereupon, the witness is shown document]

10 A. So it looks like I saw her the morning of May 24th,
11 2014.

12 Q. And do you know the arrival time from that? If you
13 don't that's fine. I think EMS has already testified as
14 to the time they dropped her off at the hospital.

15 A. Well, it appears that I made my note at 8:13 a.m. so
16 sometime before 8:13 is what we tend to do as the patient
17 arrives the resident evaluates them, I evaluate them and
18 then I make my note.

19 Q. So your note would have been made a little bit
20 after?

21 A. Yes ma'am, so somewhere around 8:13.

22 Q. And would you tell the jury what was the pertinent
23 medical history. And you're not allowed to identify if
24 she gave any identification of who did anything but just
25 what the pertinent medical history was excluding the

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1 person.

2 A. I'll do my best. The pertinent medical history she
3 is 32 years old when this occurred and she was assaulted
4 in the face. Her complaint was that she was pistol
5 whipped and attempted to be shot by ---

6 Q. --- and that's what you can't...

7 A. That she had no L-O-C and what that is is no lack of
8 consciousness. And that's important in the Emergency
9 Department because then you consider head injuries of
10 being a bigger option if they have lost consciousness but
11 she denied having lost consciousness.

12 And that she was bleeding from lacerations to her
13 face, which are cuts on her face and then she had
14 gunpowder to her left eye. Then it says no C-P which is
15 chest pain, no S-O-B which is shortness of breath and
16 then denied alcohol, tobacco, or illicit drugs.

17 And then we go on to in the H-P-I which is the
18 history of present illness so this is the information a
19 patient or the medics give us and under history of
20 present illness it says the injury mechanism was a direct
21 blow. The injury was related to alleged abuse and the
22 wounds were not self-inflicted.

23 Q. I think that would be enough for what we need here.

24 A. Yes, ma'am.

25 Q. Was there imaging done?

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1 A. There was.

2 Q. And what was the result of that imaging?

3 A. Well, we ordered a CT scan of both her head and her
4 face. And what that imaging shows was there was no
5 intracranial so there was nothing in her brain that was
6 abnormal that we found in the imaging and then she had
7 left side preseptal swelling and what preseptal is is
8 around the eye so kind of like a black eye; so swelling
9 around there.

10 No retinal -- what that is saying is there is no
11 bleeding behind the eye because that can be a
12 complication. And then there was a displaced left nasal
13 bone fracture; so her nose was broken. So there was
14 swelling around her eye and her nose was broken. That's
15 what the imaging showed.

16 Q. And what were the other injuries that you saw?

17 A. The injuries we saw was we saw what you can see; the
18 swelling around the eye obviously and the CT scan saw the
19 same thing. And there were a couple of lacerations we
20 saw on her face.

21 Q. And in the emergency room do you often see gunshot
22 patients that have been shot by guns?

23 A. Unfortunately we do.

24 Q. And so do you recognize when you see gun powder?

25 A. Yes, admittedly we see a lot more gunshot wounds

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1 than we see gun powder burns because most gunshots are at
2 further range. So I probably see two or three gunshot
3 wounds a week. We see the powder burns probably every
4 couple of months. You don't see it as commonly but you
5 do see it.

6 Q. Now I want to show you what has been marked as
7 State's exhibit number 14. It will be on the screen
8 behind you Doctor Larson.

9 And on this there should be a pointer up there. And
10 you may have to step over. What are you calling or
11 referring to as gun powder?

12 A. So obviously there [indicates] is swelling that we
13 saw there. There [indicates] is the lacerations that
14 we're talking about. Here's [indicates] what we had as
15 the powder burns.

16 Q. And that is from the gun?

17 A. Yes, ma'am.

18 Q. And you said normally you don't see that because
19 most gunshot wounds are not close, that close?

20 A. Correct.

21 Q. Now what treatment was done that day?

22 A. Well, we gave her something for her pain because
23 obviously that can be very painful.

24 Q. Do you remember what you gave her?

25 A. I don't but I'm sure it's in the chart here

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1 somewhere. I found it. We gave her Hydrocodone
2 Acetaminophen, so that is Tylenol and a narcotic pain
3 medicine and we gave her antibiotics, Amoxicillin to make
4 sure her wounds wouldn't get infected.

5 And we consulted with our facial trauma specialist.
6 At the Medical University facial trauma is divided it's
7 either plastic surgery, ear nose and throat or oral
8 maxillary facial.

9 Q. And did she have a follow-up surgery?

10 A. That's my understanding.

11 Q. But you would not have been involved with her after
12 that day?

13 A. No, ma'am. In emergency medicine we take care of
14 you that day and then we refer you on to somebody else.
15 So the ear nose and throat specialist came and sutured up
16 her -- stitched up her lacerations and then followed her
17 for her nasal fracture, her broken nose.

18 Q. So her surgery would have been for her broken nose
19 that she sustained?

20 A. That's my understanding, yes.

21 MS. HERRING-LASH: Beg the court's indulgence.

22 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

23 Q. [Ms. Herring-Lash] Now on page -- there is another
24 note about medication that was on page 5.

25 A. Yes, ma'am.

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1 Q. What is -- is that another medication that she was
2 given?

3 A. The morphine? Yes. While she was there she was
4 given some I.V. narcotic pain medicine morphine.

5 Q. Those are all the questions I have Doctor Larson.
6 If you would answer any Ms. Ehrlich may have. Thank you.

7 THE COURT: Cross?

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1 CROSS-EXAMINATION

2 BY MS. EHRLICH:

3 Q. Good afternoon Doctor Larson.

4 A. Good afternoon.

5 Q. You were limited to treating her in the emergency
6 room?

7 A. Yes, ma'am.

8 Q. And your determination was that a bullet did not
9 penetrate her face, correct?

10 A. Correct. She didn't appear to have a gunshot wound
11 that caused the trauma, yes.

12 Q. Okay. And your determination was that it was a
13 direct blow of blunt force trauma to the nose?

14 A. It was consistent with something hitting her face,
15 yes.

16 Q. Was it also consistent potentially with her being
17 hit with a pistol?

18 A. Yes, I think those are kind of the same thing. The
19 blunt force is just something blunt getting hit into your
20 face so a pistol would be one thing, a fist, a brick,
21 falling down on your face those are kind of blunt forces
22 as opposed to sharp forces which would be like a knife or
23 a stabbing.

24 Q. And if somebody was pistol whipped and hit in the
25 nose with the gun that powder burn on the eye is that

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- 1 consistent with that potentially having happened?
- 2 A. No, ma'am.
- 3 Q. The powder burn?
- 4 A. With the powder burn the bullet has to discharge
- 5 because that explosion is what causes the powder burn so
- 6 if somebody is just hit in the face with a gun and the
- 7 gun doesn't go off then you're not going to get a powder
- 8 burn. Maybe I misunderstood the question.
- 9 Q. But if you do hit somebody with a pistol and the gun
- 10 discharges it could cause the powder burn on the eye,
- 11 correct?
- 12 A. Yes, ma'am. You can get a powder burn whenever the
- 13 gun goes off that is really close to your skin.
- 14 Q. And your job, I mean you can't determine if the gun
- 15 was intentionally fired or not, correct?
- 16 A. I don't know if I can or not. It certainly isn't my
- 17 job and so I don't go into that, no ma'am.
- 18 Q. And when you were talking about the history of
- 19 present illness section of your records where you talked
- 20 about how it was a pistol whip, an assault to the face.
- 21 A. Yes, ma'am.
- 22 Q. That information -- I mean you don't just determine
- 23 that by looking at somebody. You get that information
- 24 from somebody else.
- 25 A. Right. How we work in emergency medicine and most

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1 forms of medicine is the history is provided by out
2 external sources so our history would be by the patient
3 or the medics or anything else. Then the next thing is
4 the physical exam and that's what we see and we
5 determine.

6 So it's broken up to the history of present illness,
7 the information that we're given, and then the physical
8 exam; the information we get from looking at the patient
9 and examining them.

10 Q. So in this situation the history of present illness
11 where it says pistol whipped that would have either come
12 from the patient or the medic or somebody who was with
13 her when you were getting ready to treat her.

14 A. Correct.

15 MS. EHRLICH: Beg the court's indulgence.

16 [Whereupon, Ms. Ehrlich confers with her client]

17 MS. EHRLICH: No further questions, Your Honor.

18 THE COURT: Redirect.

19 MS. HERRING-LASH: Just one follow-up.
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1 REDIRECT EXAMINATION

2 BY MS. HERRING-LASH:

3 Q. Doctor Larson, looking at that history Ms. Ehrlich
4 asked you about the patient was pistol whipped. What
5 does it say without naming right after that?

6 A. It says patient was pistol whipped and was attempted
7 to be shot.

8 Q. That's all the questions I have. Thank you.

9 THE COURT: Recross?

10 MS. EHRLICH: No, Judge.

11 THE COURT: Okay. You can step down. Thank you.
12 You are free to go.

13 [Whereupon, the witness is excused and exits the
14 witness stand]

15 MS. HERRING-LASH: Your Honor, may he be excused?

16 THE COURT: You don't need him any more do you Ms.
17 Ehrlich?

18 MS. EHRLICH: No, sir.

19 THE COURT: Next witness.
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1 MS. BALDWIN: The State calls Paul Krasowski.
2 [Whereupon, Mr. Krasowski comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please.

7 THE WITNESS: Paul Krasowski and my last name is
8 spelled K-R-A-S-O-W-S-K-I.

9

10 PAUL KRASOWSKI,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. BALDWIN:

15 Q. Detective Krasowski where are you employed?

16 A. I'm employed with the City of Charleston Police
17 Department.

18 Q. And in what capacity?

19 A. I'm a detective in the Central Investigations Bureau
20 specifically in the violent crimes unit also known as the
21 homicide unit.

22 Q. And how long have you been a police officer?

23 A. I have been a police officer I was hired on in 2006
24 so I attended the Police Academy in Columbia and started
25 out on regular patrol and progressed throughout my

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1 career.

2 Q. What capacity were you working at the City Police
3 Department in May of 2014?

4 A. So I was in the same position that I am now as part
5 of the violent crimes unit and the central investigations
6 bureau.

7 Q. What was your involvement in this particular case?

8 A. So my involvement began a little bit later in this
9 investigation. So this incident happened on May 24th of
10 2014 and I became involved on June 2nd of 2014.

11 Q. What did you do?

12 A. So -- we work in a close unit; there are about five
13 detectives. Detective Burkhardt who was mentioned in
14 earlier testimony this was his investigation but on June
15 2nd that's when the defendant was arrested and he was
16 brought down to the station.

17 And it was after hours. We typically leave at 4
18 p.m. or 4:30 and I was the on-duty detective so I had an
19 evening shift. And since I was part of that unit I was
20 asked to conduct the interview of the defendant at that
21 time.

22 Q. So you did an interview with the defendant. What
23 else did you do with him?

24 A. When I did the interview with him it was an audio
25 and video recorded statement. And after that there was

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1 information to suggest that some of the clothing that he
2 had on him at the time of his arrest was clothing what he
3 wore at the time of this incident. So I seized that
4 clothing just for additional evidentiary value and took
5 photographs of that clothing.

6 Q. I'm going to show you State's exhibit 22 through 24
7 which have already been admitted. Can you tell me what
8 those are?

9 [Whereupon, the witness is shown photographs]

10 A. So they are a blue pair of Polo sneakers or tennis
11 shoes, a blue shirt, a button down shirt and a pair of
12 multi-colored plaid shorts. These were all seized from
13 the defendant at the time of his arrest.

14 Q. You mentioned Detective Burkhardt being on the case.
15 Where is he now?

16 A. So Detective Burkhardt has since retired from the
17 City Police Department. So at the time I believe he
18 retired at the end of last year or midpoint of last year
19 so that's when I became the case agent in this case.

20 Q. So have you had an opportunity to review the reports
21 and other documents related to this case?

22 A. I have. There was a lot of court preparation and it
23 was at that point where I was able to go through this
24 case file and become informed of this case.

25 Q. You've reviewed his booking information?

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1 A. I have.

2 Q. Do you remember -- what sort of information is
3 contained on a booking report?

4 A. So a booking report is completed at the time of
5 arrest. It is going to be the arresting officer and it
6 lists biographical information so his name, his date of
7 birth, his basic information to include his cell phone
8 number or contact information as well as the arrest
9 charges that he was being processed for once he gets up
10 to the county jail.

11 Q. And do you recall what those charges were?

12 A. It was attempted murder and possession of a firearm
13 during the commission of a violent crime.

14 Q. You mentioned that you get biographical information?

15 A. I do.

16 Q. And does that include a phone number?

17 A. That does. And on his booking sheet his phone
18 number was listed as, I'm going from memory, its area
19 code .

20 Q. That's a good memory.

21 A. I try.

22 Q. Besides you speaking with the defendant what other
23 investigation was done on this case?

24 A. So the investigation began obviously when we were
25 called to the scene so that's when it started. That was

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1 early Saturday morning on the 24th of May. Detective
2 Burkhardt who had been the case agent he was actually
3 called to the scene to investigate.

4 So it happened on a Saturday so our bureau is not
5 typically staffed at that point other -- outside of just
6 the on-call detective. That actually happened in a
7 period where there were no detectives. There is an hour
8 in the morning where there is no assigned detective.

9 So when a serious incident like that happens a
10 detective is called in from the violent crimes unit so he
11 was called in to assist in the investigation and there
12 were a few other detectives that also responded to assist
13 in this investigation.

14 Q. Was crime scene called out?

15 A. Yes. So during the response the patrol officer that
16 you heard from earlier they get everything situated safe
17 for EMS to respond and provide medical treatment and then
18 they kind of get the ball rolling.

19 So the crime scene is set up at that point. A
20 detective will typically request for crime scene to come
21 where they will process the scene and they will collect
22 any kind of evidence.

23 They will also take photographs and that's when the
24 witness statements are obtained and also the victim's
25 statement and anything else that has to happen for the

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1 investigation is done at that point.

2 Q. Was there a car alleged to have been involved in
3 this?

4 A. There was. So there was a vehicle that the victim
5 had stated the defendant had used. It was her vehicle,
6 it was registered to her and the defendant had access to
7 it. It was the Cadillac that we heard that was processed
8 earlier today.

9 And so a BOLO was sent out through our radio, a
10 frequency that we have, and a BOLO is just be on the
11 lookout for. So we provided that description which is
12 how Sergeant Robinson who testified earlier today was
13 aware of this suspect vehicle that we were looking for.

14 It was found, it was seized at that point that day
15 and that vehicle was then taken to our crime scene office
16 and a search warrant was executed on that vehicle.

17 Q. And I believe we heard testimony earlier that a gun
18 was recovered from that car?

19 A. There was. So it was a semiautomatic firearm. It
20 was a Kel-Tec 9 millimeter firearm. It was a firearm
21 that was recovered and we know that there was a firearm
22 used in this incident but we don't believe that was the
23 firearm used in this incident for a couple of reason.

24 For one, we have witnesses who were able to
25 articulate that the firearm used in this was a revolver

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1 style. This was a semi automatic and there are very
2 clear distinctions in that. And also during the
3 processing of the crime scene you heard crime scene
4 officer Unterbrink who responded there was no shell
5 casing which is indicative of a semi-automatic firearm
6 being used. So with the absence of that it would be
7 consistent with a revolver.

8 Q. Was the gun used in this incident ever recovered?

9 A. The firearm in this incident was not recovered.

10 Q. How long after the incident was the defendant
11 arrested?

12 A. So that was about nine days. So again this incident
13 happened about the 24th of May and he was arrested on the
14 2nd of June.

15 Q. We've heard some testimony about kids being involved
16 in the incident or somehow. Were the kids ever
17 interviewed by anybody?

18 A. No. So you did hear the victim had several children
19 in the residence. They were not interviewed during the
20 initial response of this so the police department did not
21 interview them.

22 Q. You talked about other involvement. What initial
23 involvement did you have in this case?

24 A. So once I became the case agent in preparation for
25 this trial earlier this year I completed -- through the

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1 search warrant of that vehicle, the Cadillac there were
2 several cell phones that were seized and they were in our
3 evidence. So they were part of what the search said that
4 we would be searching for and so they were placed into
5 evidence and they had not been searched.

6 So you need an additional search warrant to search
7 those so I drafted search warrants for three phones that
8 we had recovered in that search of the vehicle to be
9 downloaded and processed by our digital evidence unit.

10 Q. And when you say they were to be downloaded and
11 processed by your digital evidence unit what is that?

12 A. So they -- it's an office, it's essentially part of
13 our crime scene division more or less and their expertise
14 is in recovering and extracting data from cell phones and
15 tablets and computers and things of that nature.

16 So after a search warrant is signed there is a
17 lawful -- we have a lawful reason to go into a phone.
18 That's when they complete their processing and attempt to
19 extract the data.

20 Q. And what happened with these phones?

21 A. So like I said there were three phones in this case
22 that were searched and were processed. Two of the phones
23 outright completely failed. They were not compatible
24 with the software to download so no data was extracted
25 whatsoever on those two phones. So the third phone there

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1 was a partial completion of the extraction or the
2 download. That phone was password protected which
3 limited the access to the phone itself but there was a
4 SIM card on that phone or associated with that phone
5 which we were able to extract the information on that SIM
6 card because that's all separately from that password.

7 Q. Was there anything of value on the text messages or
8 on the SIM card I guess?

9 A. So on the SIM card we knew that the victim's phone
10 number from our response and the investigation her phone
11 number was I believe and there were several text
12 message correspondence to that phone that we had searched
13 or dumped to her that was back and forth.

14 And there were also text messages that referenced
15 from the victim's number to that phone referring to that
16 person as Reco. So we believe it was, in fact, Reco's
17 phone.

18 Q. As to the other two phones was there any -- could
19 you examine them at all? I know you said you couldn't
20 download and process them.

21 A. So they're weren't compatible with the download
22 software and while the search warrant was still active I
23 physically pulled the phones again out of evidence and
24 manually searched them and I was able to determine the
25 phone numbers to two of those phones -- both those

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1 phones. On one of the phones it was not the phone number
2 that was when Reco was arrested. It was not that number
3 he identified as being him or what the victim had said.

4 And there was another number it was an 803 number
5 that had both the victim's phone number and also Reco's
6 phone number saved in the contact list. So there was an
7 association but it wasn't directly associated with our
8 investigation.

9 Q. And those were phones that were pulled out of the
10 grey Cadillac?

11 A. They were.

12 Q. We heard some testimony earlier from Officer Curlee
13 regarding the title in his report.

14 A. Yes.

15 Q. And the charge listed in the report. Tell us about
16 that; how you guys come up with that.

17 A. So Officer Curlee referred to the basic incident
18 report. Then you heard supplemental reports being
19 referred to and then also the public narrative he also
20 referred to.

21 The public narrative is the part of the basic police
22 report that can be -- you would typically see if you were
23 the victim of a crime you would see that basic report.

24 That basic report has a title for all types of
25 investigations or crimes. So that report said up at top

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1 CDV, I actually have it right here and I can refer to it
2 specifically, it says CDV aggravated assault with
3 firearm.

4 That's the title of this report and that title is
5 dictated by the South Carolina -- its called the SCIBRS,
6 which is an acronym for South Carolina Incident Base
7 Reporting System which just gives us different categories
8 of crimes that we have to label so that way the State can
9 keep statistical track of different crimes so they can
10 report it to the FBI and so on and so forth.

11 So hypothetically we have -- say we just have
12 somebody that was shot and it was an attempted murder
13 type of situation. That would just be listed as an
14 aggravated assault because an assault is what caused --
15 is the reason behind trying to kill somebody.

16 So it would just be listed as an aggravated assault;
17 it wouldn't say attempted murder on that. The actual
18 booking form that I referred to earlier that's where the
19 charge that somebody has lodged at the county jail that
20 was charged with. It's a little confusing so just to
21 clarify that.

22 Q. And correct me if I'm wrong but I would imagine as a
23 police officer you have some experience with firearms?

24 A. I do. So obviously I carry a firearm daily in our
25 daily activities and also we have to qualify several

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1 times a year so I'm fairly familiar with firearms.

2 Q. In your experience when a firearm is shot, when you
3 shoot a gun is there a kick back or what happens there.

4 A. There is. So it's referred to as a recoil. When a
5 firearm is fired it is a pretty violent action ---

6 MS. EHRLICH: --- Your Honor, I would object to
7 this. I think it's bordering on expert testimony.

8 THE COURT: Well, you can lay a foundation and see
9 if he can testify to it. He's not giving an opinion but
10 as a police officer he ought to know something about guns
11 and you can ask him that.

12 MS. BALDWIN: That's what I was getting at, Your
13 Honor.

14 Q. [Ms. Baldwin] So you have to get qualified to shoot
15 firearms?

16 A. Yes. So I've been at the Department now for 11
17 years. We have to qualify two times -- it's mandated we
18 qualify twice a year and we have range time where we can
19 go and shoot additionally to practice. And we have a
20 variety of scenarios and drills that we go through.

21 Q. And what types of scenarios and drills?

22 A. Situations where you have to determine if it is a
23 deadly force situation. Of course this is all simulated
24 at the range. On top of that we go through firearm
25 testing and training. We have different virtual training

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1 as well. We have to be able to strip the firearm down
2 and clean it so we're proficient with that firearm.

3 Q. And when you're trained to fire a gun how are you
4 trained to fire it?

5 A. Well we do ---

6 Q. --- I guess I mean what is the safest way you are
7 supposed to hold that gun when you're firing it?

8 A. You point it at -- you only point it when you can
9 articulate reasons to fire at somebody. You can't just
10 -- you don't point it around. Obviously it's a very
11 dangerous weapon so you don't -- you're not careless with
12 it or anything like that.

13 Q. How are you supposed to hold your gun when you are
14 shooting it?

15 A. Ideally with two hands in front of you and with a
16 stable platform with your feet.

17 Q. And why is that?

18 A. Because there is kickback. It's not like the movies
19 where everyone always hits their target or things like
20 that. It actually takes skill to be able to fire a
21 firearm and stability and some strength.

22 Q. And when you say kickback what do you mean?

23 A. So like I said when a firearm is fired there is an
24 explosion that occurs in that gun which causes the gun to
25 kickback. And so that's why it's important to hold a gun

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1 steady and sturdy because that will recoil and it will
2 come back.

3 MS. BALDWIN: Beg the court's indulgence.

4 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

5 Q. [Ms. Baldwin] Are you familiar with revolvers?

6 A. I am. So we carry semiautomatics but I'm familiar
7 with revolver style firearms.

8 Q. In order to shoot a revolver do you have to -- what
9 do you have to do?

10 A. So there is what is referred to as a hammer on most
11 revolvers and that is where you pull a mechanism back and
12 that's actually what strikes the back of the ammunition,
13 the bullet, to create an explosion to fire the weapon.

14 Q. In order to fire the weapon do you have to pull the
15 trigger?

16 A. You have to pull the trigger as well so you would
17 have to have that mechanism ready so that way when the
18 trigger was pulled it would move that hammer forward to
19 strike that.

20 MS. BALDWIN: Beg the court's indulgence.

21 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

22 Q. [Ms. Baldwin] I have no further questions for you at
23 this time.

24 THE COURT: Cross?

25

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CROSS-EXAMINATION

BY MS. EHRLICH:

Q. Detective when you spoke to Mr. Felder the information you had was that Ms. Mitchell had been shot.

A. I'm not positive. I believe it was something like that.

Q. You knew -- you had the warrant right?

A. I had the warrant. I believe I served it on him.

Q. Okay. And the information in the warrant was that she had been shot. Do you remember that or do you need to look at it?

A. If I could look at that. I haven't reviewed that.

MS. BALDWIN: Your Honor, I'm going to object as to hearsay.

THE COURT: It is; out of court statement.

MS. EHRLICH: I'm not offering it for the truth of the matter asserted that she was shot. I'm asking if that's the --

THE COURT: --- let me send the jury out for just a minute.

[Whereupon, the jury exits at 2:12 p.m.]

THE COURT: Okay. Why are you offering it?

MS. EHRLICH: I'm offering it so that I can ask him next did they get any medical records at the time to back it up because they swore out a warrant for him for

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1 attempted murder under a sworn affidavit saying that she
2 was shot and that's why they charged her -- charged him.
3 And I'm just going to ask the detective then did they get
4 the medical records to corroborate that; that's all. So
5 I'm not asking him if she really was shot. Did they have
6 information that she was shot and did they get the
7 medical records at that time to corroborate it; that's
8 it.

9 THE COURT: So the purpose in asking about it --
10 why do you need to refer to the warrant? Why don't you
11 just ask him if they got any medical records and if so
12 are they different from the ones that are in -- I don't
13 understand.

14 MS. EHRLICH: I guess they charged him with
15 attempted murder and said that he shot her. So the point
16 of asking the questions is did they get -- because there
17 was an allegation she was shot did the police ever get
18 medical records, which they didn't. That's all I'm
19 asking.

20 THE COURT: Well, it does sound to me like your
21 point is to prove whether or not she had been shot.

22 MS. EHRLICH: Basically I'm attacking their
23 investigation a little bit that they didn't do any follow
24 up investigation to corroborate what information they had
25 at the time.

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1 THE COURT: You can ask if they got medical records
2 but referring to the warrant to say she hadn't been shot
3 the purpose of that would be as I can see it is to prove
4 that she was shot or not. I'm not sure how you leap frog
5 that over to did you get medical records. You can just
6 ask him did you get medical records because you're saying
7 did you get medical records to back up what was in it.

8 MS. EHRLICH: Okay. I guess the only reason I was
9 referring to the warrant is because I wasn't sure if he
10 was sure that the information was that she had been shot
11 because he wasn't the detective who did the
12 investigation. But I can just ask him if he got medical
13 records.

14 THE COURT: Okay. Bring the jury back in.

15 MS. HERRING-LASH: Your Honor, just one thing that
16 I think a lot of us noticed is there is one of the jurors
17 that continues to kind of nod off. I don't know ---

18 THE COURT: --- You know I watched over there and
19 if you're talking about the same one that I'm talking
20 about ---

21 MS. HERRING-LASH: --- the second ---

22 THE COURT: --- I've noticed that it looks -- she
23 has large eyes so when her eyes look down it looks like
24 they are closed but I think she just has large eyelids
25 because I've been watching her and she will touch her

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1 hands and all that alertness but I think she has large
2 eyes; just a physical characteristic.

3 MS. HERRING-LASH: I know she does ---

4 THE COURT: --- that's my excuse when it looks like
5 I'm nodding off..

6 THE BAILIFF: She says she's not feeling well
7 today.

8 THE COURT: Okay. Bring the jury in.

9 [Whereupon, the jury enters at 2:16 p.m..

10 THE COURT: You may resume.

11 DIRECT EXAMINATION (RESUMES)

12 BY MS. EHRLICH:

13 Q. Detective during your course, the course of your
14 investigation did you ever obtain medical records related
15 to this case?

16 A. Me specifically?

17 Q. Yes.

18 A. When I became the case agent I reviewed all the
19 medical records in meeting with the Solicitor's office.

20 Q. But you never got them, correct?

21 A. That's correct.

22 Q. You didn't obtain them on your own.

23 A. That's correct.

24 Q. And so you took over the case basically from
25 Detective Burkhardt because he retired?

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1 A. I did.

2 Q. But the case from the CPD standpoint -- from y'all's
3 point of view the investigation was over, correct?

4 A. No, I wouldn't say the investigation was over. I
5 continued doing search warrants through the summer of
6 2016 so earlier this year. The investigation really was
7 continuing.

8 Q. But when you initially took it over there was kind
9 of like a pause in what was going on with this case from
10 the police department view until you were getting ready
11 for court?

12 A. Yes, from our standpoint there was a period where it
13 wasn't being actively worked.

14 Q. Okay. And having reviewed the file in its entirety
15 you testified earlier that none of Ms. Mitchell's
16 children were interviewed by the police, correct?

17 A. That's correct.

18 Q. I know that you work in the violent crimes unit but
19 you're familiar also with maybe some special techniques
20 somebody would use to interview a child witness?

21 A. Yes. So interviewing children we try to stay away
22 from that. That gets to be -- it gets a little dicey if
23 you will for lack of a better term. So there is the
24 Lowcountry Children's Center which does forensic
25 interviews. We typically utilize them in place of

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1 directly interviewing children.

2 Q. And in this case to your knowledge none of Ms.
3 Mitchell's children were set up with interviews at
4 Lowcountry Children's Center through the police
5 department, correct?

6 A. No. And typically we facilitate that in a way
7 especially if DSS becomes involved they will help us with
8 that. We did not do that in this situation. So that is
9 on us. That should have been done.

10 MS. EHRLICH: Beg the court's indulgence.

11 [Whereupon, Ms. Ehrlich confers with her client]

12 Q. [Ms. Ehrlich] I don't have any further questions.

13 THE COURT: Redirect?

14 MS. BALDWIN: No, Your Honor.

15 THE COURT: You may step down.

16 [Whereupon, the witness is excused and exits the
17 witness stand]

18 THE COURT: Next witness?

19

20

21

22

23

24

25

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1 MS. HERRING-LASH: The State would call J.M.
2 J.M.
3 [Whereupon, Mr. J.M. comes forward]
4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]
6 CLERK OF COURT: Please state your full name and
7 spell your last name please.
8 THE WITNESS: J.M.
9 - - - - -
10 J.M.,
11 Having been first duly sworn,
12 Was examined and testified as follows:
13 DIRECT EXAMINATION
14 BY MS. HERRING-LASH:
15 Q. J.M., you want to spell your first name also for
16 the court reporter?
17 A. J.M.
18 Q. Thank you. And what is your age J.M. ?
19 A. Thirteen.
20 Q. And what is your birth date?
21 A.
22 Q. And where do you live now?
23 A. In Goose Creek.
24 Q. And who do you live with?
25 A. My mother, Je. M., Ja. M., A.M. and Son.

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- 1 Q. And who are all those people you have listed?
- 2 A. My mother and my brother and sisters.
- 3 Q. And how long have you lived there in Goose Creek?
- 4 A. Two years.
- 5 Q. And where do you go to school now?
- 6 A. Middle.
- 7 Q. And what grade are you in?
- 8 A. Seventh.
- 9 Q. Pardon me?
- 10 A. Seventh.
- 11 Q. And what do you like about school?
- 12 A. A good education.
- 13 Q. What's your favorite thing to do at school?
- 14 A. Talk to my friends.
- 15 Q. Not study?
- 16 A. Yes, I do that.
- 17 Q. And before moving to Goose Creek where did you live
- 18 J.M. ?
- 19 A. Ashley Oaks.
- 20 Q. And do you remember when you lived there what grade
- 21 you were in or what school?
- 22 A. Fourth grade.
- 23 Q. And when you lived there who all lived there with
- 24 you?
- 25 A. My mother, my brother and sisters, me and Reco.

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- 1 Q. And who is Reco?
- 2 A. Him right there [indicates]; Son 's father.
- 3 Q. Okay. You said him right there. What does the
4 person you are pointed to have on?
- 5 A. White.
- 6 MS. HERRING-LASH: Your Honor, let the record
7 reflect he has identified Mr. Felder.
- 8 THE COURT: So ordered.
- 9 Q. [Ms. Herring-Lash] And whose father is he? I'm
10 sorry I interrupted you.
- 11 A. Son .
- 12 Q. And how old is Son now J.M. ?
- 13 A. Three.
- 14 Q. And do you remember when you first met Mr. Felder or
15 Reco?
- 16 A. No, ma'am.
- 17 Q. Did you know him before Son was born?
- 18 A. Yes.
- 19 Q. And when Son was born was he living with you?
- 20 A. Uh Huh.
- 21 Q. And now going back to the day that we are here about
22 on the 24th before that day when had you last seen Mr.
23 Felder?
- 24 A. At Chuck E. Cheese.
- 25 Q. And what were y'all at Chuck E. Cheese for?

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- 1 A. Son 's birthday.
- 2 Q. How old was Son going to be?
- 3 A. One.
- 4 Q. And who all went to Chuck E. Cheese?
- 5 A. Me, my mom, brother and sisters and Mr. Reco.
- 6 Q. And after y'all left there where did y'all go?
- 7 A. We went home.
- 8 Q. And who all went home?
- 9 A. Me and my brother and sisters.
- 10 Q. And did your mom stay there or did she leave?
- 11 A. She dropped us off and then she left to go pick up
- 12 her friend.
- 13 Q. Do you know who she was going to pick up?
- 14 A. Uh Huh.
- 15 Q. Who was that?
- 16 A. Montez.
- 17 Q. Now during the time when your mom was gone did you
- 18 receive any phone calls from Mr. Reco?
- 19 A. Yes.
- 20 Q. And how did you receive them; on what phone or
- 21 phones?
- 22 A. On our house phone.
- 23 Q. And what did he say?
- 24 A. At first he was like where is your mother and I said
- 25 she went to go pick up my cousin.

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- 1 Q. Was that the truth?
- 2 A. No.
- 3 Q. And then did he call back?
- 4 A. Yes.
- 5 Q. And what did he say when he called back?
- 6 A. He told us that he saw our mom downtown picking up a
7 friend.
- 8 Q. And do you know how many times he called?
- 9 A. No, ma'am.
- 10 Q. Was it more than three?
- 11 A. Uh Huh.
- 12 Q. Did he call on more than the house phone?
- 13 A. I don't -- I think more on the house phone.
- 14 Q. What other phone did he call on?
- 15 A. It might have been my phone.
- 16 Q. At some point did you call your mom?
- 17 A. Yes.
- 18 Q. And after calling your mom what did y'all do with
19 the phones?
- 20 A. Just kept letting it ring.
- 21 Q. And when your mom got home what did y'all do?
- 22 A. We just stayed up and watched T.V.
- 23 Q. Now where did y'all sleep that night?
- 24 A. I slept in my room.
- 25 Q. And now the next morning did you notice anything

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- 1 when you got up about the house?
- 2 A. No.
- 3 Q. What about the door?
- 4 A. The sliding door was -- the screen was open but the
- 5 sliding door wasn't.
- 6 Q. Was that unusual?
- 7 A. Yes, it was unusual.
- 8 Q. Now what were the plans for that day J.M. ?
- 9 A. To go to a cook out.
- 10 Q. And where was that cookout going to be?
- 11 A. At Mr. Montez house.
- 12 Q. And what about Son ; were there plans for him to
- 13 go anywhere?
- 14 A. No, ma'am.
- 15 Q. Was he going to go to the cookout?
- 16 A. He was going to go to the cookout.
- 17 Q. Now sometimes did Son visit with his dad?
- 18 A. Uh Huh.
- 19 Q. And where would he visit with him?
- 20 A. At his sister's house.
- 21 Q. And when you say his sister who do you mean by his?
- 22 A. I don't know her name.
- 23 Q. But whose sister is she?
- 24 A. Mr. Reco's.
- 25 Q. Now after -- that next morning what was your --

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1 before the cookout what was your mom going to do?

2 A. She was going to work.

3 Q. And did she -- where were you when she left for
4 work?

5 A. At first I was sleeping.

6 Q. You were what?

7 A. Sleeping.

8 Q. Okay. And was Mr. Montez going with her?

9 A. Yes.

10 Q. And then what was the next thing you remember after
11 your mom left?

12 A. I heard a gunshot going off and I heard her
13 screaming so we all woke up and went downstairs.

14 Q. Now you said we all got up who do ---

15 A. --- I got up.

16 Q. Now did you go outside?

17 A. Uh Huh.

18 Q. And J.M. did you call 911?

19 A. Yes, ma'am.

20 Q. Now I'm going to show you what --

21 MS. HERRING-LASH: Your Honor, may I approach?

22 THE COURT: You may.

23 Q. [Ms. Herring-Lash] I'm going to show you what has
24 been marked State's exhibit 33.

25 [Whereupon, the witness is shown photograph]

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1 Q. Do you recognize that J.M. ?

2 A. Yes, ma'am.

3 Q. And what is that?

4 A. Our house.

5 Q. And what part of our house is that?

6 A. It as the apartment right there -- .

7 Q. Okay. And I'm also going to show you what has
8 already been admitted into evidence as State's exhibit
9 number 3.

10 [Whereupon, the witness is shown photograph]

11 Q. And what is that?

12 A. The apartment --

13 Q. Is that your apartment complex?

14 A. Uh Huh.

15 Q. First I'm going to show you up here so the jury can
16 see State's exhibit number 3.

17 [Whereupon, the photograph is shown]

18 Q. Is that a picture of Ashley Oaks?

19 A. Uh Huh, yes ma'am.

20 Q. Here's a pointer. You may have to step over there a
21 little bit but if you can point to where your apartment
22 was.

23 A. Right here [indicates].

24 Q. Okay. And now --

25 MS. HERRING-LASH: Your Honor, at this time I'd

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1 offer State's exhibit 33 into evidence.

2 MS. EHRLICH: No objection, Your Honor.

3 THE COURT: It's admitted.

4 [Whereupon, State's exhibit number 33 is entered
5 into evidence by the court]

6 Q. [Ms. Herring-Lash] And now what is that J.M. ?

7 A. My apartment.

8 Q. And which one is yours?

9 A. [Indicates]

10 Q. And is that other part like the balcony?

11 A. Yes, it's the balcony.

12 Q. And you said when you heard the gunshot and you were
13 out where on that balcony were you?

14 A. I was right there [indicates].

15 Q. And what did you see when you were on that balcony?

16 A. I saw him with the gun over there --

17 Q. -- you may have to go to the microphone when you're
18 talking okay. What did you see?

19 A. I saw him over there with a gun to her head.

20 Q. Okay. And you saw who over there?

21 A. Mr. Reco and my mother.

22 MS. HERRING-LASH: Your Honor, at this time may I
23 approach the witness?

24 Q. [Ms. Herring-Lash] I'm going to show you what has
25 been marked State's exhibit 32.

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1 [Whereupon, the witness is shown photograph]

2 Q. What is that?

3 A. The place -- standing.

4 Q. You want to talk into the microphone.

5 A. The place where they were standing.

6 MS. HERRING-LASH: Your Honor, at this time I would
7 offer State's exhibit number 32 into evidence.

8 MS. EHRLICH: No objection, Your Honor.

9 THE COURT: Admitted.

10 [Whereupon, State's exhibit number 32 is entered
11 into evidence by the court]

12 Q. [Ms. Herring-Lash] That rail right there [indicates]
13 what is that; that piece of white what is that?

14 A. That's the balcony.

15 Q. The balcony? And where were they standing?

16 A. Right here [indicates].

17 Q. And where were the steps? Can you tell by that
18 picture?

19 A. No.

20 Q. Let me put this one back up. I'm now showing you
21 again State's exhibit number 33. Where are the steps in
22 that picture? Is that better?

23 A. Yes. Right there [indicates].

24 Q. And what was happening when they were standing over
25 there?

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1 A. I mean he had the gun to her head and he had her
2 arm.

3 Q. What do you mean by he?

4 A. Mr. Reco.

5 Q. And who is her?

6 A. My mother.

7 Q. And how did he have her arm?

8 A. Like right here like this [indicates]?

9 MS. HERRING-LASH: May the witness step down, Your
10 Honor?

11 THE COURT: You may.

12 [Whereupon, the witness steps down from the stand]

13 Q. [Ms. Herring-Lash] You want to show me how it was?
14 I'll be your mom and you can show me. Where was the gun?

15 A. Right there [indicates].

16 Q. You may sit back down.

17 [Whereupon, the witness returns to the stand]

18 Q. Now J.M. , when you saw this was this after you
19 heard the shot?

20 A. Yes, ma'am.

21 Q. And when you heard the shot where were you?

22 A. When we heard the shot we were in the house.

23 Q. So you came out after you heard the shot?

24 A. Yes, ma'am.

25 Q. And that is when you saw the other part ---

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- 1 A. --- yes, ma'am.
- 2 Q. And did you hear what either of them Mr. Reco or
- 3 your mom did you hear what either of them were saying?
- 4 A. No, ma'am.
- 5 Q. Where was your big sister?
- 6 A. I think she was behind me.
- 7 Q. And what about your little sister -- is it A.M. ?
- 8 A. A.M. , she ran downstairs.
- 9 Q. Did you big sister stay up on the balcony for
- 10 awhile?
- 11 A. Uh Huh.
- 12 Q. Now did you see where Mr. Reco went after he left
- 13 your mom?
- 14 A. I saw him walk behind the complex.
- 15 Q. And I don't know but I'm going to show you State's
- 16 exhibit number 32 if this shows the way he walked or not.
- 17 [Whereupon, the photo is shown]
- 18 Q. Does it?
- 19 A. Yes, ma'am.
- 20 Q. Which way did he walk?
- 21 A. [Indicates]
- 22 Q. Did you -- so you saw your mom?
- 23 A. Uh Huh.
- 24 Q. What did she look like?
- 25 A. She had blood on her face. She had it on her shirt

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1 and jeans.

2 Q. And you didn't hear what either of them were saying?

3 A. No, I didn't hear either of them what they were
4 saying.

5 Q. During some of this time J.M. were you talking on
6 the phone to 911?

7 A. Yes, ma'am.

8 Q. And were you telling 911 to come?

9 A. Uh Huh.

10 Q. And what happened after Mr. Reco went behind this
11 and left?

12 A. I was still on the phone and my brother and sister
13 was crying and the neighbor is talking to my mother.

14 Q. And did the police come?

15 A. Yes, ma'am.

16 Q. And what happened after the police came?

17 A. They called an ambulance and took her.

18 Q. And what about you and your brothers and sisters
19 where did y'all go?

20 A. Me, Ja. M. and Je. M. we went to Ja. M. 's dad's
21 hotel and then A.M. and Son they went our cousin's
22 house.

23 MS. HERRING-LASH: Beg the court's indulgence.

24 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

25 Q. [Ms. Herring-Lash] During that time did your mom

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1 come upstairs at some point?

2 A. Yes.

3 Q. When was that?

4 A. That was after the gunshot.

5 Q. After the gunshot?

6 A. And after he put the gun to her head.

7 Q. And after he put the gun to her head?

8 A. Uh Huh.

9 Q. Did you see him hitting her with the gun at all or
10 just pointing like that [indicates]?

11 A. Pointing; he didn't hit her.

12 Q. And when he was pointing was the gun touching her
13 head?

14 A. I think so.

15 MS. HERRING-LASH: Beg the court's indulgence for
16 one moment, Your Honor.

17 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]

18 Q. [Ms. Herring-Lash] Now during that time when you
19 were watching Mr. Reco did he ever get a towel to help
20 your mom?

21 A. No, ma'am.

22 Q. Did he ever call for you to call for EMS or
23 anything?

24 A. No, ma'am.

25 Q. I think those are all the questions I have J.M.

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J.M. 1-Direct Examination by Ms. Herring-Lash
December 6, 2016

1 If you would answer any that Ms. Ehrlich has okay.

2 A. Yes, ma'am.

3 THE COURT: Cross?

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State v Reco Ramone Felder
J.M. -Cross-Examination by Ms. Ehrlich
December 6, 2016

1 CROSS-EXAMINATION
2 BY MS. EHRLICH:
3 Q. Hi J.M. .
4 A. Hi.
5 Q. So when you were living at Ashley Oaks did you say
6 you went to College Park or you went somewhere ---
7 A. --- I went to Orange Grove.
8 Q. And what grade were you in?
9 A. Fourth.
10 Q. So you were -- and in May you still would have been
11 going to school right?
12 A. Well...
13 Q. Before the summer?
14 A. Yes.
15 Q. And you went to school every day I assume?
16 A. Uh Huh.
17 Q. And who watched your baby brother when you go to
18 school?
19 A. Mr. Reco --
20 THE COURT REPORTER: I'm sorry; who?
21 A. Mr. Reco.
22 Q. [Ms. Ehrlich] Because your mom was working two jobs
23 right?
24 A. Yes, ma'am.
25 Q. And the day before your mom got hurt y'all went to

State v Reco Ramone Felder
J.M. -Cross-Examination by Ms. Ehrlich
December 6, 2016

- 1 Chuck E. Cheese?
- 2 A. Yes, ma'am.
- 3 Q. To celebrate Son 's birthday.
- 4 A. Yes, ma'am.
- 5 Q. Played games?
- 6 A. Yes, ma'am.
- 7 Q. Ate cake?
- 8 A. Yes, ma'am.
- 9 Q. I guess y'all ate some food, right?
- 10 A. Yes, ma'am.
- 11 Q. So y'all had a nice night?
- 12 A. Yes.
- 13 Q. And then that night she dropped y'all off before
- 14 going to get Mr. Montez?
- 15 A. Yes, ma'am.
- 16 Q. And then she came back to your apartment?
- 17 A. Yes, ma'am.
- 18 Q. Let's talk about the morning that your mommy got
- 19 hurt okay.
- 20 A. Yes, ma'am.
- 21 Q. You didn't -- you heard like a pow.
- 22 A. Yes, I heard a pow.
- 23 Q. But you didn't see the pow.
- 24 A. I didn't see the pow.
- 25 Q. Okay. And you went outside because you heard that?

State v Reco Ramone Felder
J.M. -Cross-Examination by Ms. Ehrlich
December 6, 2016

- 1 A. Uh Huh.
- 2 Q. And I'm guessing you were scared.
- 3 A. Yes, ma'am.
- 4 Q. And I think your mom was screaming a little bit?
- 5 A. Yes, ma'am.
- 6 Q. But you don't know the words that she was saying or
- 7 that Mr. Reco was saying right?
- 8 A. No.
- 9 Q. And now when the police came to your house none of
- 10 the police officers sat down to talk to you right?
- 11 A. No, ma'am.
- 12 Q. And it has been quite a while since all this
- 13 happened right?
- 14 A. Yes, ma'am.
- 15 Q. Have you sometimes talked to your brothers or
- 16 sisters about it?
- 17 A. No.
- 18 Q. You don't talk about it?
- 19 A. No.
- 20 Q. Have you ever talked to your mom about it?
- 21 A. Maybe the day after the situation happened.
- 22 Q. But since then y'all don't really talk about it?
- 23 A. No, ma'am.
- 24 Q. Okay. But you do love your mom right?
- 25 A. Yes.

State v Reco Ramone Felder
J.M. -Cross-Examination by Ms. Ehrlich
December 6, 2016

1 Q. And you don't want anything bad to ever happen to
2 her right?

3 A. Yes, ma'am.

4 MS. EHRLICH: Beg the court's indulgence.

5 [Whereupon, Ms. Ehrlich confers with her client]

6 MS. EHRLICH: I don't have any other questions,
7 Your Honor.

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State v Reco Ramone Felder

J.M.

-Redirect Examination by Ms. Herring-Lash

December 6, 2016

REDIRECT EXAMINATION

BY MS. HERRING-LASH:

Q. J.M. , I just have a follow-up. Ms. Ehrlich asked you if you were -- you didn't want anything to happen to your mom.

A. Uh Huh.

Q. Were you afraid that day that something was going to happen to her?

A. I didn't know until the situation happened.

Q. When the situation was happening were you afraid?

A. Uh Huh.

Q. What were you afraid of?

A. That she was doing to die.

Q. Those are all the questions I have.

THE COURT: Recross?

MS. EHRLICH: No, sir.

THE COURT: All right. You may step down.

[Whereupon, the witness is excused and exits the witness stand]

State v Reco Ramone Felder

Ja. M. -Direct Examination by Ms. Herring-Lash

December 6, 2016

1 MS. HERRING-LASH: The State calls Ja. M.

2 Ja. M. .

3 [Whereupon, Ms. Ja. M. comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: State your full name and spell
7 your last name please?

8 THE WITNESS: Ja. M.

9

10 Ja. M. ,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MS. HERRING-LASH:

15 Q. And Ja. M. would you also spell your first name for
16 the court reporter?

17 A. Ja. M.

18 Q. And Ja. M. how old are you?

19 A. Fourteen.

20 Q. And what is your birth date?

21 A. .

22 Q. And where do you live now?

23 A. Ladson, College Park, Ladson.

24 Q. And who do you live with?

25 A. My mom and my four siblings.

State v Reco Ramone Felder
Ja. M. -Direct Examination by Ms. Herring-Lash
December 6, 2016

- 1 Q. Can you tell us your four siblings how old each of
2 them are?
3 A. J.M. is 13, Je.M. is 11, A.M. is 10, and Son
4 is 3.
5 Q. Okay. And they all live with you now and your mom?
6 A. Yes.
7 Q. And where do you go to school?
8 A. High.
9 Q. And what grade are you in?
10 A. Ninth.
11 Q. So this is your first year of high school?
12 A. Yes, ma'am.
13 Q. And what do you like about school?
14 A. I like English.
15 Q. What about extracurricular activities?
16 A. I play basketball.
17 Q. And you had a game last night right?
18 A. Yes, ma'am.
19 Q. And did you win?
20 A. Yes, ma'am.
21 Q. And you play on junior varsity?
22 A. Yes, ma'am.
23 Q. Well, congratulations.
24 A. Thank you.
25 Q. And before you moved to Ladson Goose Creek area

State v Reco Ramone Felder
Ja. M. -Direct Examination by Ms. Herring-Lash
December 6, 2016

1 where did you live?

2 A. We lived at Ashley Oaks.

3 Q. And let me show you what has been marked or entered
4 into evidence as State's exhibit number 3.

5 [Whereupon, the photo is shown]

6 Q. Is this your -- is this Ashley Oaks?

7 A. Yes, ma'am.

8 Q. And was your apartment in this picture?

9 A. Yes, ma'am.

10 Q. Can you point which one it was? There is a pointer
11 up there near you I think.

12 A. Right here [indicates].

13 Q. And when you lived at Ashley Oaks you've given us
14 the names of your siblings. Did anyone else live there
15 with y'all?

16 A. No.

17 Q. What about Son 's father?

18 A. Yes, he lived with us.

19 Q. How long did he live there with y'all do you
20 remember?

21 A. No, not like how many months or anything.

22 Q. Was he living there when Son was born?

23 A. He was living -- yes.

24 Q. And at some point did your mom and Mr. Reco break up,
25 and he not live there anymore?

- 1 A. Yes, ma'am.
- 2 Q. But after that did he still visit with Son ?
- 3 A. Yes, he came to visit him.
- 4 Q. Talk into the microphone so everybody can hear you,
- 5 okay. Before this date when had you seen Mr. Reco last?
- 6 A. When we went to Chuck E. Cheese.
- 7 Q. And when was that?
- 8 A. May 23rd.
- 9 Q. And what did y'all go there for?
- 10 A. Son -- to celebrate Son 's birthday.
- 11 Q. And how old was he going to be?
- 12 A. He was turning -- that was his first birthday
- 13 turning one.
- 14 Q. And did everybody in your family go?
- 15 A. Yes, ma'am.
- 16 Q. And what about Mr. Reco?
- 17 A. Yes, ma'am.
- 18 Q. And after y'all left there where did you go?
- 19 A. We went back home.
- 20 Q. And who is we?
- 21 A. My mom dropped me and my four siblings off.
- 22 Q. And do you know where she went?
- 23 A. She went to go pick up Montez.
- 24 Q. And who is Montez?
- 25 A. He was her friend.

State v Reco Ramone Felder
Ja. M. -Direct Examination by Ms. Herring-Lash
December 6, 2016

- 1 Q. And while she was gone did you all hear from Mr.
2 Reco?
- 3 A. He called.
- 4 Q. And when he called did you talk to him?
- 5 A. Uh Huh.
- 6 Q. And what did he say?
- 7 A. He asked where my mom was.
- 8 Q. And did you talk to him and tell him or did somebody
9 else?
- 10 A. No, none of us told him where she was.
- 11 Q. Did he call more than once?
- 12 A. Yes, ma'am.
- 13 Q. About how many times?
- 14 A. Maybe 15 or 10.
- 15 Q. And what phone was he calling on?
- 16 A. He called on my brother's phone and the house phone.
- 17 Q. And by brother which one do you mean?
- 18 A. J.M.
- 19 Q. Did J.M. have his own cell phone?
- 20 A. Yes, ma'am.
- 21 Q. And did y'all call your mom?
- 22 A. Yes, ma'am.
- 23 Q. And what did y'all do after calling her?
- 24 A. My mom said turn off all the phones until she got
25 home.

State v Reco Ramone Felder

Ja. M. -Direct Examination by Ms. Herring-Lash

December 6, 2016

- 1 Q. And what -- that's what y'all did?
- 2 A. Yes, ma'am.
- 3 Q. And where did you all sleep that evening?
- 4 A. My sister slept in our room and I slept in my
- 5 brother's room with my brothers.
- 6 Q. And after your mom got home was there a phone call
- 7 between her and Mr. Reco?
- 8 A. Yes, ma'am.
- 9 Q. And did you hear what he was saying?
- 10 A. Yes, ma'am.
- 11 Q. And how could you hear what he was saying?
- 12 A. My mom had the phone on speaker.
- 13 Q. On what?
- 14 A. On speaker.
- 15 Q. And what did you hear Mr. Reco say?
- 16 A. He said that he will kill her and come over and hit
- 17 her. He kept saying all that kind of stuff.
- 18 Q. Were you afraid?
- 19 A. Well, he said it before and so ---
- 20 Q. --- okay, don't talk about any -- just talk about
- 21 this night. Did you mom know -- do you know if your
- 22 mother heard -- knew that you heard that statement?
- 23 A. I don't know if she did.
- 24 Q. You didn't talk to her or tell her about it?
- 25 A. No.

State v Reco Ramone Felder
Ja. M. -Direct Examination by Ms. Herring-Lash
December 6, 2016

1 Q. Now the next morning what were the plans for the
2 day?

3 A. My mom was going to come off work and we were going
4 to a cookout after she got off.

5 Q. When you say come off work what time did she
6 normally get off work?

7 A. Usually she would get off around 3 but that day she
8 was getting off at 12.

9 Q. And where were you going to a cookout?

10 A. I think around Montez's neighborhood because --

11 THE COURT REPORTER: I didn't hear the last part
12 of what you said.

13 A. We was having a cookout at Montez's.

14 Q. At Montez's?

15 A. Uh Huh.

16 Q. And was Son going with y'all?

17 A. Yes, ma'am.

18 Q. Now if he went to stay with his father were would he
19 stay with him at?

20 A. His sister's house.

21 Q. And do you know where his sister lives?

22 A. I know she lives downtown.

23 Q. But that day the plan was to go with y'all?

24 A. Uh Huh.

25 Q. Now when your mom got up that morning did you get up

State v Reco Ramone Felder

Ja. M. -Direct Examination by Ms. Herring-Lash

December 6, 2016

1 at the same time or were you sleeping or what happened?

2 A. I got up right before she left.

3 Q. And what were you doing right before she left.

4 A. I went to fix Son something to eat.

5 Q. Where was everybody else like your sister and ---

6 A. --- everybody was still like in the living room or
7 still sleeping.

8 Q. And so do you remember when they left who went
9 first; your mom or Mr. Montez?

10 A. My mom went first.

11 Q. How do you remember that?

12 A. Because my little sister A.M. hugged Montez before
13 he left.

14 Q. So when she hugged Montez where was your mom?

15 A. My mom was on the way downstairs.

16 Q. Now are those the steps right there [indicates] that
17 we're talking about?

18 A. Yes, ma'am.

19 Q. And what is the next thing that you remember after
20 them leaving?

21 A. A couple -- a few seconds later we heard a loud
22 noise but we thought it was like a dumpster. But then we
23 heard my mom screaming and that's when we all ran
24 outside.

25 Q. And when you say outside let me show you what has

State v Reco Ramone Felder
Ja. M. -Direct Examination by Ms. Herring-Lash
December 6, 2016

- 1 | been marked or entered into evidence as State's exhibit
2 | 33. Let me show it to you first.
3 | [Whereupon, the photo is shown]
4 | Q. Is that where y'all went?
5 | A. Yes, ma'am.
6 | Q. And what is that?
7 | A. That was our patio.
8 | Q. And you could see the steps in that?
9 | A. Yes, ma'am.
10 | Q. Can you use that pointer and show the jury where on
11 | that balcony patio you were standing?
12 | A. Right around here at the end part[indicates].
13 | Q. You want to say it again so the jury can hear?
14 | A. At the end part right here [indicates].
15 | Q. And let me show you State's exhibit number 11.
16 | [Whereupon, the photo is shown]
17 | Q. When you first went out can you see in that picture
18 | where they were?
19 | A. Like around here [indicates].
20 | Q. Okay. I'm going to show you State's exhibit 11 so
21 | that the jury can see it. And when you first went out
22 | where were they?
23 | A. Where the blood is right there [indicates] on the
24 | stairs below.
25 | Q. Could you hear anything they were saying?

State v Reco Ramone Felder

Ja. M. -Direct Examination by Ms. Herring-Lash

December 6, 2016

1 A. All I heard at first was my mom screaming.

2 Q. And did you hear anything else?

3 A. No, not until she -- he moved her from there.

4 Q. When they were standing there [indicates] how were
5 they standing?

6 A. It was just like -- my mom was standing right here
7 and he was standing ---

8 MS. HERRING-LASH: May the witness step down?

9 THE COURT: Pardon?

10 MS. HERRING-LASH: May the witness step down?

11 THE COURT: Sure.

12 Q. You want to come and try to show me.

13 [Whereupon, the witness steps down from the stand]

14 Q. Now if I'm your mom and we're at the bottom of the
15 step -- say this [indicates] is the bottom of the step
16 right there [indicates].

17 A. She was standing right here [indicates] and he was
18 standing right here [indicates].

19 Q. Okay. And did you see what, if anything, he had in
20 his ---

21 A. --- he had a gun in his hand.

22 Q. Where was the gun at that point?

23 A. I think -- I don't know where he really had it but I
24 know he had the gun just like this [indicates].

25 Q. Now you want to say that a little bit louder. I

State v Reco Ramone Felder
Ja. M. -Direct Examination by Ms. Herring-Lash
December 6, 2016

- 1 know it's hard to be both places.
- 2 A. I knew he had the gun but I didn't know exactly
- 3 where he had the gun at that time.
- 4 Q. Was he saying anything that you could hear or was it
- 5 just your mom screaming?
- 6 A. At first it was my mom screaming.
- 7 Q. Did you hear him saying anything?
- 8 A. No.
- 9 Q. Did he go and try to get a towel or comfort her in
- 10 any way?
- 11 A. No, ma'am.
- 12 Q. What happened after they were standing there at the
- 13 bottom of the steps?
- 14 A. He moved her like all the way to the side.
- 15 Q. How did he move her?
- 16 A. He grabbed her.
- 17 Q. What part did he grab?
- 18 A. Like her arm and dragged her.
- 19 Q. Let me show you State's exhibit number 32.
- 20 [Whereupon, the witness is shown photograph]
- 21 Q. Can you see in that picture where he grabbed her and
- 22 took her to?
- 23 A. Like over around this part.
- 24 Q. So you can see it in this picture?
- 25 A. Uh Huh.

State v Reco Ramone Felder

Ja. M. -Direct Examination by Ms. Herring-Lash

December 6, 2016

- 1 Q. I'm going to show you State's exhibit number 32.
2 And you say he grabbed her and drug her and can you show
3 the jury where he drug her to?
4 A. Like over around where that bush is [indicates].
5 Q. Where the bush is?
6 A. Uh Huh.
7 Q. And that's after they were standing at the bottom of
8 the steps?
9 A. Yes, ma'am.
10 Q. And that's after the shot that you heard?
11 A. Yes, ma'am.
12 Q. And what happened when he drug her over to that
13 part?
14 A. He had the gun to the side of her head like this
15 [indicates] and was like I'll kill you, I'll kill you.
16 Q. And that's what he was saying?
17 A. Yes, ma'am.
18 Q. What was your mom saying?
19 A. She was saying don't kill me in front of my kids.
20 Please don't kill me in front of my kids.
21 Q. And what were you and sister and brothers doing?
22 A. I know me and my sister were the only two that were
23 out there and me and her was screaming.
24 Q. Did someone call 911?
25 A. Yes, a lady. My brother called -- J.M. called 911

State v Reco Ramone Felder
Ja. M. -Direct Examination by Ms. Herring-Lash
December 6, 2016

- 1 and a lady that was walking her dog called 911 too.
- 2 Q. And did you see Mr. Reco leave after he was holding
- 3 the gun to her head?
- 4 A. Yes, ma'am.
- 5 Q. Which way did he go?
- 6 A. Like around here [indicates].
- 7 Q. To the side that way [indicates]?
- 8 A. Yes, ma'am.
- 9 Q. What is that -- is that a fence there?
- 10 A. Yes, ma'am.
- 11 Q. Do you know what's on the other side of that fence?
- 12 A. I knew there was another apartment complex.
- 13 Q. Do you know the name of it?
- 14 A. No, ma'am.
- 15 Q. Now after Mr. Reco left what happened then?
- 16 A. 911 came and the ambulance came and everything like
- 17 that.
- 18 Q. What happened to you?
- 19 A. My dad took me, J.M. , and Je.M. .
- 20 Q. And did your family move out of Ashley Oaks?
- 21 A. Yes, ma'am.
- 22 Q. I think those are all the questions I have. If you
- 23 would answer any that Ms. Ehrlich has, okay
- 24 THE COURT: Cross?
- 25

State v Reco Ramone Felder
Ja. M. -Cross-Examination by Ms. Ehrlich
December 6, 2016

1 CROSS-EXAMINATION
2 BY MS. EHRLICH:
3 Q. So the night before all of this happened you guys
4 were celebrating Son 's birthday?
5 A. Yes, ma'am.
6 Q. And he was turning one?
7 A. Yes, ma'am.
8 Q. So you all went to Chuck E. Cheese?
9 A. Yes, ma'am.
10 Q. It was a nice night?
11 A. Yes, ma'am.
12 Q. Y'all played some games?
13 A. Yes, ma'am.
14 Q. Ate cake I guess?
15 A. Yes, ma'am.
16 Q. And I guess you're the oldest so you also kind of
17 helped look out for the kids right?
18 A. Yes, ma'am.
19 Q. After that your mom dropped y'all off?
20 A. Yes, ma'am.
21 Q. And I guess you were watching the kids?
22 A. Yes, ma'am.
23 Q. And then she came back home with Mr. Perry, right?
24 A. Yes, ma'am.
25 Q. You didn't call 911 at all the night before this

State v Reco Ramone Felder
Ja. M. -Cross-Examination by Ms. Ehrlich
December 6, 2016

- 1 happened right?
- 2 A. No one called 911.
- 3 Q. Okay. And the day that your mom got hurt you were
- 4 inside when there was a loud noise.
- 5 A. Yes, ma'am.
- 6 Q. So you didn't see what happened.
- 7 A. I didn't see her get shot.
- 8 Q. Okay. You didn't see what caused the sound.
- 9 A. No, ma'am.
- 10 Q. And that's because you were in the kitchen making
- 11 breakfast for Son .?
- 12 A. Yes, ma'am.
- 13 Q. But after you heard that that's when you went
- 14 outside?
- 15 A. After I heard my mom scream.
- 16 Q. And so you and your sister went outside and J.M. ?
- 17 A. J.M. was just at like the door step. He never
- 18 was...
- 19 Q. So he stayed at the door step.
- 20 A. Uh Huh.
- 21 Q. And your baby sister went outside too is that what
- 22 you said?
- 23 A. Yes.
- 24 Q. After that initial shot that you heard you never
- 25 heard the gun fired again did you?

State v Reco Ramone Felder
Ja. M. -Cross-Examination by Ms. Ehrlich
December 6, 2016

- 1 A. No, ma'am.
- 2 Q. And how old were you at the time this happened?
- 3 Eleven or twelve?
- 4 A. Yes, eleven or twelve.
- 5 Q. Somewhere in that neighborhood, right. When the
- 6 police came to your house they never sat you down to
- 7 interview you?
- 8 A. No, ma'am. They were just trying to calm us down.
- 9 Q. Okay. And they never brought you down to the
- 10 station to question you or anything like that right?
- 11 A. No.
- 12 Q. Since then have you talked to your mom about what
- 13 happened?
- 14 A. It'll pop up and we'll have conversations about it.
- 15 Q. Okay. And you love your mom.
- 16 A. Yes, ma'am.
- 17 Q. And you don't want anything bad to ever happen to
- 18 her do you?
- 19 A. Yes, ma'am.
- 20 MS. EHRLICH: Beg the court's indulgence.
- 21 [Whereupon, Ms. Ehrlich confers with her client]
- 22 MS. EHRLICH: I don't have any other questions,
- 23 Your Honor.
- 24 THE COURT: Redirect?
- 25 MS. HERRING-LASH: No, Your Honor.

State v Reco Ramone Felder
Ja. M. -Cross-Examination by Ms. Ehrlich
December 6, 2016

1 THE COURT: Okay. You may step down.

2 [Whereupon, the witness is excused and exits the
3 witness stand]

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State v Reco Ramone Felder
Proceedings
December 6, 2016

1 THE COURT: Folks, why don't we take about a 15
2 minute break and we'll find out our witnesses for the
3 rest of the afternoon and give y'all a few minutes to
4 refresh yourselves and we'll have you back in about 15
5 min. Again, don't begin deliberations or discussions.

6 [Whereupon, the jury exits at 3:00 p.m.]

7 THE COURT: How many more witnesses are you going
8 to have?

9 MS. BALDWIN: That was our last witness, Your Honor.

10 THE COURT: All right. Well, we'll have you rest
11 in front of the jury but you want to go ahead and make
12 your motions that you would make and then come back and
13 rest in front of the jury and you can decide if you want
14 to call anybody.

15 MS. EHRLICH: Your Honor, could we have five
16 minutes because I left my notes back at the office.

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State v Reco Ramone Felder
Fifth Amendment Rights
December 6, 2016

1 FIFTH AMENDMENT RIGHTS

2 THE COURT: Okay. Let me go ahead -- Mr. Felder,
3 the State has now called all of the witnesses they have
4 indicated they intend to call. And so yesterday you and
5 I talked about whether or not you were going to testify
6 in your defense and if you intended to call any
7 witnesses.

8 Well, the State has put up their entire case in
9 chief. Your lawyer's got some motions that we will be
10 making her when we get back. But when we come back you
11 will need to make a decision as to whether or not you
12 want her to call any witnesses and if you want to
13 testify. Again, you don't have to testify and if you
14 don't want to testify I will tell the jury they are not
15 to hold that against you while they are deliberating. Do
16 you understand?

17 MR. FELDER: Yes, sir and I am going to testify.

18 THE COURT: Okay. Well, we'll be back in about 15
19 minutes.

20 [Whereupon, court is in recess from 3:03 p.m. to
21 3:15 p.m.]
22
23
24
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State v Reco Ramone Felder
Proceedings
December 6, 2016

1 MS. EHRLICH: Judge, can we approach?

2 [Whereupon, an off the record bench conference is
3 held]

4 THE COURT: Bring the jury in. You want to let's
5 rest in front of the jury and then when I send them back
6 you can do your motions.

7 [Whereupon, the jury enters at 3:16 p.m.]

8 THE COURT: Welcome back folks. Is the State going
9 to call any more witnesses?

10 MS. BALDWIN: Your Honor, at this time the State
11 rests.

12 THE COURT: Okay. Folks you've heard now all of
13 the evidence that you're going to hear from the State.
14 So it's a point in the trial that we break and we do some
15 motions and we get ready for the next phase of the trial.
16 Sometimes -- 99 percent of the time in a trial we take
17 longer than we thought but this one is moving quicker
18 than we thought. The defense has asked if we could break
19 for today at this point and do their case, present it in
20 the morning and I've agreed to that.

21 So I'm going to send you home right now a little bit
22 early today and give you a chance to beat the traffic and
23 again remind you that even though you've heard all of the
24 State's case now you haven't heard all of the evidence
25 that is going to be presented in the trial so it improper

State v Reco Ramone Felder
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1 to begin your deliberations or discussions about the
2 case. So don't talk with each other, don't talk with
3 anybody else. And the same instructions I've been giving
4 you about not trying to find out anything on your own
5 about the case including going on the Internet or posting
6 things on social media still apply.

7 Now one thing I'd like to discuss with you I know
8 we've lost one juror today due to illness and I see, I
9 think somebody has sniffles. So if you're not feeling
10 good tomorrow morning we really, really need you.
11 Normally I get two alternates and I just did one on this
12 trial and we have to have all twelve.

13 So if you get up in the morning and you feel like
14 you're not feeling well please come in. If you are sick
15 see if you can get some medicine and we'll finish it up
16 on Thursday if we absolutely have to but we can't go
17 forward with only eleven jurors so I would have to
18 declare a mistrial if we lose another one of you.

19 So I know this time of year it concerns me because
20 if you have one juror that you've lost to a bug then you
21 don't know if somebody else might have gotten it if it's
22 one of those 24 hour bugs so hopefully nobody else is
23 going to wake up tomorrow morning feeling poorly. But we
24 don't have another alternate and I need all twelve of you
25 to come tomorrow so we can finish. But if somebody does

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1 wake up sick then we'll try to make arrangements and
2 we'll finish it up on Thursday I guess but please try to
3 be with us tomorrow. So I'll send you home now and
4 report back so that we can start at 9:30 tomorrow so get
5 here a little bit before then and we will finish up
6 tomorrow morning. Thank you for your patience and we'll
7 see you in the morning.

8 [Whereupon, the jury exits at 3:20 p.m.]

9 THE COURT: All right. Any motions?

10

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State v Reco Ramone Felder
Motion for Directed Verdict-Remarks by Ms. Ehrlich
December 6, 2016

1 MOTION FOR DIRECTED VERDICT

2 MS. EHRLICH: Yes, Your Honor. We'd make a motion
3 at this time for a directed verdict specifically with
4 respect to the charge of attempted murder. That charge
5 requires an intent to kill another person and I think the
6 State has failed to establish that element in this case.

7 Initially it was reported to police that Ms.
8 Mitchell is shot in the face. Police proceed under the
9 belief that she was shot and swear out an affidavit
10 indicating that she was shot in the face that it narrowly
11 missed her brain and I think that's how they established
12 initially the probable cause for attempted murder.

13 Over a year later during the course of this case
14 medical records come out that demonstrate that in fact
15 she wasn't shot in the face and there was testimony that
16 the injury was a pistol whip injury. And that
17 information either came from EMS or Ms. Mitchell. And so
18 this whole allegation that she was nearly shot in the
19 face by Mr. Felder I don't believe is supported enough by
20 the evidence for that charge to go to the jury.

21 The mere fact that the State waited until 2016 to
22 seek an indictment on criminal domestic violence of a
23 high and aggravated nature goes towards their concern
24 over whether or not this really was an attempted murder
25 because they sought an additional indictment as we were

State v Reco Ramone Felder
Motion for Directed Verdict-Remarks by Ms. Ehrlich
December 6, 2016

1 getting closer and closer to trial.

2 THE COURT: Would you like to respond?

3 MS. BALDWIN: I can if you would like briefly, Your
4 Honor.

5 THE COURT: Okay.

State v Reco Ramone Felder
Motion for Directed Verdict-Remarks by Ms. Baldwin
December 6, 2016

1 MS. BALDWIN: Looking -- specifically addressing
2 the attempted murder indictment because I believe that's
3 what Ms. Ehrlich's argument was addressed to. Looking at
4 the facts in the light most favorable to the State first
5 of all we have the victim's testimony that Mr. Felder put
6 the gun to her head and pulled the trigger as she knocked
7 the gun away. I don't think you have to be shot by a
8 bullet for there to be an attempted murder; there just
9 has to be an attempt to kill with malice aforethought.

10 We have evidence from the victim's daughter that he
11 said the night before I'll kill you. We also have the
12 daughter saying after he shot once I'll kill you again
13 and she begged for her life. Also we have him lying in
14 wait underneath the steps which I think shows some
15 malice. The date of the indictment is irrelevant. They
16 are not lesser included of each other so I think we have
17 enough to go forward.

18 THE COURT: I agree. In viewing the evidence in
19 the light most favorable to the State there is sufficient
20 evidence to support each of the indicted offenses so the
21 motion is denied. Okay. Be ready to go at 9:30 in the
22 morning.

23 MS. BALDWIN: Thank you, Your Honor.
24
25

State v Reco Ramone Felder
Certificate of the Court Reporter
December 6, 2016

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 6th day of December, 2016.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

February 17, 2017



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA)

COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON)

DOCKET NO. 2016-GS-10-4097

2016-GS-10-5523

2016-GS-10-4708

STATE OF SOUTH CAROLINA)

vs.)

RECO RAMONE FELDER)

Defendant)

TRANSCRIPT OF RECORD

December 7, 2016

Charleston, South Carolina

VOLUME 3 (OF 3)**B E F O R E:**

THE HONORABLE ROGER M. YOUNG, JUDGE

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

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[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

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PROCEEDINGS

1
2 THE COURT: While we're waiting on a juror what is
3 the defense's intention for today?

4 MS. EHRLICH: We're going to call Mr. Felder to
5 testify and then that's our only witness.

6 THE COURT: Okay. Well, Mr. Felder your lawyer
7 tells me you're going to testify. You and I have talked
8 about that a couple of times and again I'll just one last
9 time tell you you don't have to. You are certainly
10 entitled to; it is your constitutional right to testify
11 and not testify.

12 But if you do decide to testify you'll have to
13 answer the questions under oath truthfully and you're
14 subject to cross-examination by the State. If you do not
15 want to testify I will instruct the jury they are not to
16 hold that against you while they are deliberating.

17 MR. FELDER: Yes, sir.

18 THE COURT: Okay. You've made your decision and
19 you want to testify?

20 MR. FELDER: Yes, sir.

21 THE COURT: Okay. When the jurors all get here we
22 will get started.

23 MS. EHRLICH: Judge, I have exhibits 7 through 12
24 that are photographs that the State doesn't have an
25 objection to. If I can I'd just like to go ahead and

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1 move them into evidence now.

2 THE COURT: All right. They are admitted so when
3 you get to them you can publish.

4 MS. EHRLICH: Thank you, Judge.

5 [Whereupon, defendant's exhibit numbers 7 through 12
6 are entered into evidence by the court]

7 MS. BALDWIN: Your Honor, actually our victim is on
8 her way. She got stuck in traffic. Can we hold off
9 until she gets here?

10 THE COURT: All right. Let's hold off until she
11 gets here. Any idea how long she will be?

12 MS. BALDWIN: She was just on Meeting Street less
13 than five minutes ago so she's ---

14 THE COURT: --- I couldn't hear that. What?

15 MS. HERRING-LASH: She was on Meeting Street less
16 than five minutes ago.

17 THE COURT: Okay. And we also covered it on
18 Monday but the prior record you're just going to -- he is
19 going to be crossed, unless you bring it out, on a crime
20 conviction -- a conviction of which the punishment was
21 more than a year in prison, okay.

22 [Off the record momentarily]

23 THE COURT: Everybody is here now? Bring the jury
24 in.

25 [Whereupon, the jury enters at 9:42 a.m.]

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1 THE COURT: Welcome back folks. We are now in the
2 phase of the trial where the defense has the opportunity
3 to present any witnesses. So Ms. Ehrlich, call your
4 first witness.

5 MS. EHRLICH: Thank you, Your Honor.

State v Reco Ramone Felder
Reco Felder-Direct Examination by Ms. Ehrlich
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1 MS. EHRLICH: The defense calls Reco Felder.
2 [Whereupon, Mr. Felder comes forward]
3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name please.

7 THE WITNESS: My name is Reco Felder, F-E-L-D-E-R.

8 - - - - -
9 RECO FELDER,

10 Having been first duly sworn,
11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MS. EHRLICH:

14 Q. Mr. Felder, when you went to Ms. Mitchell's
15 apartment on May 24th did you go there to try to kill
16 her?

17 A. No, ma'am.

18 Q. Did you go there to assault here?

19 A. No, ma'am.

20 Q. And any point during the incident did you want to
21 kill Ms. Mitchell?

22 A. No, ma'am.

23 Q. Were you eventually arrested?

24 A. Yes, ma'am.

25 Q. And did you speak to the police?

State v Reco Ramone Felder
Reco Felder-Direct Examination by Ms. Ehrlich
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- 1 A. Yes, ma'am.
- 2 Q. Did you tell them what happened?
- 3 A. I told them truthfully what happened.
- 4 Q. Did you tell them even the stuff that made you look
5 bad?
- 6 A. Yes, ma'am.
- 7 Q. Okay. Let's give the jury a little bit more
8 information about you. How old are you?
- 9 A. I'm forty years of age.
- 10 Q. Where did you grow up?
- 11 A. Downtown Charleston.
- 12 Q. And who are your parents?
- 13 A. Sharon Thompson and Zola Simmons.
- 14 Q. And has your mom been here part of the trial?
- 15 A. Yes, ma'am.
- 16 Q. And who actually raised you? Did you dad raise you?
- 17 A. No ma'am, my mother.
- 18 Q. And was your mom married?
- 19 A. Yes, ma'am.
- 20 Q. Who is she married to?
- 21 A. Marion Thompson.
- 22 Q. So he's your stepdad?
- 23 A. I look at him as a father.
- 24 Q. Do you have any siblings?
- 25 A. Yes, ma'am. I got two sisters Laquanta [phonetic]

State v Reco Ramone Felder
Reco Felder-Direct Examination by Ms. Ehrlich
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- 1 Felder and Quaintella Felder --
- 2 THE COURT REPORTER: --- give me those names again
- 3 please?
- 4 A. Laquanta [phonetic] Felder and Quaintella Felder.
- 5 Q. [Ms. Ehrlich] Do you have any children?
- 6 A. Yes, I do.
- 7 Q. Who are they?
- 8 A. L.H. , Z.F.
- 9 , and Son
- 10 Q. How far did you go in school?
- 11 A. Tenth grade and then I get a GED.
- 12 Q. What type of work do you normally do?
- 13 A. I was driving a forklift, heavy equipment operator.
- 14 Q. And how did you become a forklift driver?
- 15 A. I got certified through Trident One Stop and then
- 16 after that recertified any time I could get hired for a
- 17 job.
- 18 Q. And what kind of -- where have you worked before?
- 19 A. I worked at Gerber warehouse, I worked at D-E-W
- 20 [phonetic] and I was currently employed at Cummins Engine
- 21 on College Park.
- 22 Q. When you say currently do you mean before you were
- 23 charged?
- 24 A. Yes, ma'am.
- 25 Q. And how did you like that job?

State v Reco Ramone Felder
Reco Felder-Direct Examination by Ms. Ehrlich
December 7, 2016

- 1 A. I loved it.
- 2 Q. And why?
- 3 A. Because it was an honest living.
- 4 Q. And what were your hours like?
- 5 A. I worked Monday through -- I worked six days a week,
6 Monday, Tuesday, Wednesday, Thursday, off Friday, worked
7 Saturday and Sunday. My hours were from six to six.
- 8 Q. So 12 hour shifts?
- 9 A. Yes. Six in the evening to six in the morning.
- 10 Q. And I have to ask you Mr. Felder do you have a
11 conviction on your record for a charge that could carry
12 up to a year?
- 13 A. Yes, I do.
- 14 Q. Did you eventually start dating Ms. Mitchell?
- 15 A. Yes, ma'am.
- 16 Q. And do you have a child together?
- 17 A. Yes, ma'am. We do, we share a three year old
18 handsome son, Son
- 19 Q. And how do you feel about him?
- 20 A. I love him. He look just like me.
- 21 Q. And at the time of the incident that brings us into
22 court were you and Chantelle Mitchell a couple?
- 23 A. No, not officially we wasn't a couple. But we still
24 was sometimes sexually active.
- 25 Q. Let's talk a little bit more about Josiah. Who did

State v Reco Ramone Felder
Reco Felder-Direct Examination by Ms. Ehrlich
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1 he live with?

2 A. He lived with him mom.

3 Q. Did you guys have any sort of formal custody
4 agreement through the court system?

5 A. No, we didn't have no formal custody agreement.
6 Chantelle is a hard worker. She's a very hard worker for
7 her kids; she takes care of his kids very well. She has
8 two jobs so I mind him every morning. I get him every
9 morning when I get off of work.

10 A lot of times like I said I would lose out on a
11 whole lot of sleep because by the time I get off from
12 work I got to get him. I meet her by McDonalds and I got
13 to get him.

14 He probably don't go to sleep until 10 so by the
15 time he goes to sleep I toss and turn and go to sleep so
16 by the time I go to sleep he wakes back up so I really
17 didn't get no rest.

18 Q. So you said that sometimes you get him at McDonalds.
19 Did you ever get him at the apartment at Ashley Oaks?

20 A. Yes, I have several times; a lot of times.

21 Q. And is it accurate that sometimes she would bring
22 Son directly downtown to your sister?

23 A. She wasn't doing it lately. When I got the job at
24 Cummins I was working night shift. When I used to work
25 day shift she used to drop him off at my sister's house

State v Reco Ramone Felder
Reco Felder-Direct Examination by Ms. Ehrlich
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1 before I get done from work when I was working at Gerber
2 warehouse on College Park Road.

3 Q. Okay. Mr. Felder I'm going to show you what has
4 been marked and admitted already as defendant's exhibit
5 four. What is that a picture of?

6 [Whereupon, the witness is shown photograph]

7 A. The trunk of the Cadillac.

8 Q. And what's inside the trunk?

9 A. That's the baby's car seat.

10 Q. Is that the car seat you would use ---

11 A. --- every morning to put him in.

12 Q. How would y'all decide where you were going to do
13 the exchange of Son ?

14 A. It would all depend on her work schedule. Sometimes
15 she work certain days early in the morning at Mount
16 Pleasant at the coliseum where she works at so she would
17 meet me at McDonalds on those days two days a week she
18 would meet me at McDonalds on Montague Avenue.

19 We would meet up right there I'd jump on I-26 and
20 she would turn around and head back up 526 and go to
21 work.

22 Q. The morning of May 24th what day of the week was
23 that?

24 A. That was a Saturday morning.

25 Q. So the day before May 23rd was Friday?

State v Reco Ramone Felder
Reco Felder-Direct Examination by Ms. Ehrlich
December 7, 2016

- 1 A. Yes.
- 2 Q. Did you work that day?
- 3 A. No, ma'am. I got up work early that day so I could
- 4 wash up and get ready for his one year old immunization
- 5 shot.
- 6 Q. We'll get to that in a minute. The morning of May
- 7 24th, the morning of the incident, was there an
- 8 arrangement for you to pick up Son ?
- 9 A. Yes. I called Chantelle.
- 10 Q. And was it decided -- where was it decided you were
- 11 going to pick him up?
- 12 A. I told her I was coming -- that I was on my way West
- 13 Ashley.
- 14 Q. Was that the morning of the 24th?
- 15 A. Yes.
- 16 Q. So you told her you were on the way?
- 17 A. Yes.
- 18 Q. So let's go back to May 23rd and I think you just
- 19 said you were off early because of immunizations for
- 20 Son . Where did you go for that?
- 21 A. I went to Savage Road on West Ashley.
- 22 Q. Was that for the pediatrician?
- 23 A. Yes.
- 24 Q. What did y'all do -- and who was there?
- 25 A. Me and Ms. Mitchell; Chantelle.

State v Reco Ramone Felder
Reco Felder-Direct Examination by Ms. Ehrlich
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- 1 Q. And Son ?
- 2 A. Yes.
- 3 Q. And what did y'all do after that?
- 4 A. I told her meet me at -- she followed me at the
- 5 Sunoco on 61 so I could pay her for my car payment and my
- 6 car insurance.
- 7 Q. So what is the story with that car? We've heard
- 8 about the car a lot.
- 9 A. It's my car but it's in her name. She got the car
- 10 for me when we was dating because we had -- we was
- 11 working so far apart and sometimes she would have to drop
- 12 off to work an hour early or an hour and half early and
- 13 sit around work until it's time for her to go to work.
- 14 Q. But why was the car in her name?
- 15 A. Because I don't have a license.
- 16 Q. So do you admit that you drive without a license
- 17 sometimes?
- 18 A. Yes.
- 19 Q. Okay. And when you do drive without a license are
- 20 there certain places that you try to avoid?
- 21 A. I try to avoid anywhere that there is a lot of
- 22 patrol, a lot of police patrol like Rivers Avenue, 17,
- 23 Ashley Phosphate and things of that nature.
- 24 Q. Okay. But that morning you were driving the car,
- 25 the Cadillac?

State v Reco Ramone Felder
Reco Felder-Direct Examination by Ms. Ehrlich
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- 1 A. No, ma'am.
- 2 Q. Well, when you met her -- I'm talking about when you
3 met her at the pediatrician?
- 4 A. Yes, ma'am.
- 5 Q. Y'all drove separately?
- 6 A. Yes, ma'am.
- 7 Q. And then you drove to Sunoco?
- 8 A. Yes, ma'am.
- 9 Q. And then what happened with Son ? Did he go with
10 you or ---
- 11 A. --- yes, he came with me. We had decided after that
12 we was going to get his pictures taken -- get some
13 pictures of him taken because we didn't have no pictures
14 of him. And from there we would depart -- we would
15 depart.
- 16 Q. Son was with you then?
- 17 A. Yes.
- 18 Q. When did Son go back with Ms. Mitchell?
- 19 A. Around 3 o'clock that afternoon she came to my
20 sister house. I guess she got off work early. She came
21 there to pick him up.
- 22 Q. Did y'all make plans to meet up later that night?
- 23 A. We agreed to go to Chuck E. Cheese and give him a
24 celebration. With none of my kids I never saw none of my
25 kids born and I never attended a birthday party for none

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1 of my kids so I wanted to experience being there for one
2 of my kids you know.

3 Q. Where did y'all -- did y'all meet anywhere before
4 Chuck E. Cheese?

5 A. Yes, we met at Walmart at Tanger Outlet.

6 Q. Why?

7 A. Because I don't have a license and I wanted to go to
8 Chuck E. Cheese on Rivers Avenue.

9 Q. And what's wrong with driving down Rivers Avenue
10 without a license?

11 A. Police liable to pull you -- random they will.

12 Q. So what happened at Chuck E. Cheese? What did y'all
13 do?

14 A. We enjoyed ourselves. I got acquainted back with
15 Ja'Hyza and J.M. , Je.M. and A.M. . We all had a nice
16 time and played games, played with the baby, and played a
17 lot of basketball games with Ja'Hyza because she likes
18 sports.

19 Q. Was everybody getting along okay?

20 A. Yes.

21 Q. Were you and Ms. Mitchell arguing or anything?

22 A. No. She was just sitting at the table watching us
23 enjoy ourselves.

24 Q. What time do you think y'all left Chuck E. Cheese?

25 A. A little after 10 or something like that.

State v Reco Ramone Felder
Reco Felder-Direct Examination by Ms. Ehrlich
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- 1 Q. Do you know why you left? Do you remember?
- 2 A. Yes. Ms. Mitchell said she was tired and she was
- 3 ready to go. She had to work in the morning.
- 4 Q. So where did y'all go from Chuck E. Cheese? Did you
- 5 go back to Walmart?
- 6 A. Yes, to pick up my car.
- 7 Q. And did you do anything else at Walmart?
- 8 A. Yes. She asked me to go in the trunk and get the
- 9 baby's sippy cup and exchange it because she got the
- 10 wrong colors.
- 11 Q. What do you mean the wrong colors?
- 12 A. I guess it was like more of a female, a baby girl
- 13 color so I had to exchange it for a male color.
- 14 Q. Did you do the exchange?
- 15 A. Yes, I did.
- 16 Q. And did you call Ms. Mitchell to let her know?
- 17 A. Yes, I did.
- 18 Q. What happened then? Well, where did you call her?
- 19 A. As soon as I left out Walmart I called her.
- 20 Q. What happened?
- 21 A. No answer.
- 22 Q. So what did you do next?
- 23 A. Then I called on the house phone.
- 24 Q. Did you speak to Ms. Mitchell?
- 25 A. No, I spoke to J.M.

State v Reco Ramone Felder
Reco Felder-Direct Examination by Ms. Ehrlich
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- 1 Q. Were you mad or anything when you called?
- 2 A. No ma'am, I wasn't mad. I was just concerned where
- 3 she was because she left the kids with the baby.
- 4 Q. Okay. Where did you go after Walmart?
- 5 A. I went downtown Charleston.
- 6 Q. To do what?
- 7 A. I decided I was going to go to Wet Willies.
- 8 Q. Did you go anywhere before Wet Willies?
- 9 A. Yes, I did.
- 10 Q. Where did you go?
- 11 A. I went to a friend's house on Congress Street.
- 12 Q. What did you do there?
- 13 A. He had a bottle of Jose Cuervo and he said man, you
- 14 want a shot. And I said man I ain't really want to drink
- 15 but I took one shot with him.
- 16 Q. Okay. What did you do after that?
- 17 A. I proceeded on my way to Wet Willies.
- 18 Q. Did anything unusual happen on the way to Wet
- 19 Willies? Where was Wet Willies at that time?
- 20 A. Wet Willies is on East Bay Street downtown
- 21 Charleston.
- 22 Q. What happened on the way to Wet Willies?
- 23 A. I was riding on Cannon Street and I say to myself
- 24 I'm a very spiritual guy and I say Lord something ain't
- 25 right. Please show me what you need to show me so I

State v Reco Ramone Felder
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1 wouldn't be in suspense or nothing. I said something
2 just ain't right. So this was when I was on the corner
3 of Cannon and Saint Phillips and the light was red.

4 The light turned green and I proceeded on. I got on
5 the corner of King and Spring -- I mean King and Cannon.
6 You know it was college night out there you know college
7 kids and everybody out and about so I said oh boy, look
8 at this here.

9 They walk across the green light and they walk
10 across -- so now they cleared out my light is red so I
11 made the right. When I made the right I ended up behind
12 Chantelle.

13 Q. Were you following her that night?

14 A. No, ma'am. Like I said I'm a spiritual guy. I
15 asked for something and then I received it.

16 Q. What happened when you saw her?

17 A. I didn't know it was her at first. I saw the
18 sticker on the back of the bumper said I'm a proud parent
19 of an Orange Grove Elementary School student. I saw a
20 dent on the back of the car -- on the trunk, so I said
21 that's Chantelle right there. I said what's she got
22 going on this time of night.

23 So traffic picked up a little bit so I clicked my
24 lights at her to try to gain her attention. I guess she
25 didn't notice that so we was back in traffic again so I

State v Reco Ramone Felder
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1 put the car in park I said hey Ms. Sleepy Head, Ms. Tired
2 going to bed, going to sleep, going home early, cut the
3 children off having fun with us. She said boy please;
4 you don't know what I'm doing.

5 I said I have no problem with that; we ain't a
6 couple. So she stated she said -- I want to quote it
7 verbatim. She said you don't know who I'm coming to get
8 a boy or a girl. I said I ain't got nothing to do with
9 that so traffic was going and she proceeded.

10 Q. Okay. Were you angry?

11 A. No, ma'am. We wasn't a couple. I didn't have a
12 reason to be angry. Every now and then she still give me
13 what I want.

14 Q. All right. So after you had that conversation with
15 her did you continue on to Wet Willies?

16 A. Yes.

17 Q. Did you see Ms. Mitchell again?

18 A. Yes, by Halls Chop House she made a left right
19 there. I saw a guy walking towards the truck. She made
20 a left so I made the left. I didn't know she was going
21 to pick him up you know what I mean.

22 Q. Did you care that she was picking him up?

23 A. No.

24 Q. What was your concern at that point?

25 A. My concern was going to Wet Willies and trying to

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1 find me somebody.

2 Q. Okay. Were there phone calls between you and Ms.
3 Mitchell during the night?

4 A. Yes, there was.

5 Q. Okay. And why were you calling her?

6 A. I was calling her -- no, I called back to the house
7 and I told J.M. I said well I just saw your momma. I
8 guess she's picking up her boyfriend. Just make sure the
9 door is locked.

10 My real concern about it was my son. I don't like a
11 ten year, eleven year old, eight year old watching a
12 baby. We as grownups we panic sometimes if a baby starts
13 choking. Sometimes we panic when each other starts
14 choking.

15 So a kid, a child don't know what really to do if a
16 one year old baby is choking on something. They are
17 going to panic. So my concern wasn't about what
18 Chantelle was doing. My concern was on Son ; my baby
19 boy.

20 Q. Okay. Did you -- you didn't go to the house to
21 check on him though did you?

22 A. No, ma'am.

23 Q. So did you go on to Wet Willies?

24 A. Yes, ma'am.

25 Q. What did you do at Wet Willies?

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- 1 A. I had a drink. I had a drink; I bought a call a
2 cab. I had half -- I drank half of it and that's when I
3 got a phone call from Ms. Mitchell and she said she
4 stated she said why did you call my kids with the mix up.
5 I said Chantelle I called checking -- I was calling
6 to tell you I got the sippy cup to start off with and
7 then when they said you wasn't there I was calling to
8 make sure everything was alright with Son .
9 So she said well, they my kids. You ain't got to
10 worry about them. I said all right. She said some other
11 things and I said some things. There wasn't no threats
12 or nothing like that and then we hung up.
13 Q. Did you spend the rest of the night contemplating
14 what you were going to do to Ms. Mitchell or anything?
15 A. She wasn't even on my mind.
16 Q. What was on your mind?
17 A. My mind was going on having a good time.
18 Q. So did you go anywhere else after Wet Willies?
19 A. Yes, from Wet Willies I went on Dorchester Road to
20 Club Aires. That's located on Dorchester Road under the
21 Clarion Hotel.
22 Q. Okay. How long -- what did you do after Aries?
23 A. I left there because they wasn't crowded so I went
24 to El Cheapo across the street.
25 Q. Is El Cheapo a gas station?

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1 A. Yes, ma'am.

2 Q. What happened there?

3 A. From there I got a pack of cigarettes and I saw a
4 guy I knew. He got a CTS Cadillac and he said hey Reco
5 what's happening? I said what's happening. He said what
6 you about to do? I said I ain't really know yet. He
7 said let's go to Pete and Rita's man. I said say no more
8 I'll follow you over there.

9 Q. Did you go to Pete and Rita's?

10 A. Yes, we did.

11 Q. Is that a bar?

12 A. It's a club.

13 Q. Were -- you there?

14 A. We never made it in. Once we get in the parking lot
15 one of the guys who was in the car, I don't know his name
16 but that one ended up being my driver, he had on tennis
17 shoes and Pete and Rita's you can't wear tennis shoes.
18 They said let's go to Four Stones in Mount Pleasant on
19 Clements Ferry Road.

20 I said say no more but I said I can't drive; I got
21 to jump in the car with you guys because I don't have a
22 license. That's when he said well, the guy right here
23 got a license and I man, is he good people and he went
24 like yeah. And they was like yeah and I said say no
25 more. So when he got in the car I tell him don't rev my

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1 engine. You got to drive this like an old man. So we
2 proceeded to Clements Ferry Road.

3 Q. Okay. So you weren't driving at that point?

4 A. No, ma'am.

5 Q. And you went to what Four Stones?

6 A. Yes, ma'am.

7 Q. How as that place?

8 A. When we got there I thought I was in heaven. We
9 been the only guys in there. It was 90 women.

10 Q. Did you have fun there?

11 A. You best believe it.

12 Q. Were you drinking a lot?

13 A. No, ma'am. We never drank. We stayed there. I
14 wasn't drinking. We stayed there until we find out -- so
15 I asked the female why are we the only guys in here. And
16 she stated and said you know this is a bachelorette party
17 but the strippers done gone. It was a bachelorette party
18 so we stayed there.

19 Then the young lady who was getting married she knew
20 me because she was employed at Charleston County
21 Detention Center but she doesn't work there anymore; she
22 work at MUSC medical building.

23 So she told me she was getting married so I gave her
24 50 dollars and I tell her congratulations. She asked me
25 how I was doing and I told her I was no longer was

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1 getting in trouble no more.

2 Q. What did you do though as this bar? Where did you
3 go next?

4 A. I went -- they said well, let's go to Crucial, and
5 Fantasy named Crucial --

6 THE COURT REPORTER: -- what's the name of it?

7 A. Crucial, Club Crucial.

8 Q. Did you go to Fantasy?

9 A. Yes, we went to -- well before we went to Fantasy I
10 went back downtown.

11 Q. Why?

12 A. Because I said I don't like that club Crucial. I
13 said man they doing all kinds of tripping drugs, Molly or
14 whatever that stuff called and all that stuff.

15 So I said let me go home and get my weapon you know
16 what I mean. I don't indulge in those kinds of drugs so
17 I ain't going to be on that same page they going to be
18 on.

19 Q. Okay. Did you get your weapon?

20 A. Yes, I did.

21 Q. What kind of weapon was that?

22 A. A 38 special.

23 Q. And what kind of gun is that?

24 A. A Smith and Wesson revolver.

25 Q. Tell the jury -- you got the gun because you were

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1 going to Club Crucial?

2 A. Club Crucial, yes ma'am.

3 Q. Did you get the gun to like use it or?

4 A. No, I got it to protect myself because I know the
5 environment of that club is. You know you see it on the
6 news. I ain't much know why we're going there.

7 I don't know -- I don't got no friend. I don't
8 usually go to places like that to be honest with you.

9 Q. Did you go there with the gun with the intention on
10 getting into trouble that day?

11 A. No, ma'am.

12 Q. Did you get the gun ---

13 MS. HERRING-LASH: --- Your Honor, I would object
14 to leading.

15 THE COURT: Sustained.

16 Q. [Ms. Ehrlich] Did you get the gun because you had a
17 plan to later hurt Ms. Mitchell?

18 A. No, ma'am.

19 Q. What happened after Club Crucial?

20 A. After Club Crucial we sit in the parking lot and the
21 guys was like let's go on Back Page. Let's get us two
22 girls from Back Page. I said man; I don't do no tricking
23 man. So ---

24 Q. --- so what did you decide to do?

25 A. They still going -- we still go because like I tell

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1 you he was driving my car and they find two girls at
2 Relaxing on Ashley Phosphate Road. Around this time here
3 it is almost six in the morning at this time.

4 Q. Okay. Were you calling Chantelle?

5 A. I hadn't called -- I didn't call her yet.

6 Q. What did you do after being at that hotel?

7 A. I look at my watch and I said oh, I got to go get my
8 baby boy. I said come on man. Come on and drive me so I
9 can get my baby boy.

10 Q. Where did you drive to? Were you driving?

11 A. No, ma'am. I still was a passenger.

12 Q. Where did y'all drive to?

13 A. We jumped back on I-26 and that's when ---

14 Q. --- where did you go ---

15 A. --- that's when -- I was going to go downtown so I
16 called Ms. Mitchell and I said what's up. She said you
17 ain't called -- excuse the language she used -- she said
18 you didn't call to dump shit. I said I don't want no
19 dump shit Chantelle.

20 She said are you getting Son . I said yes, I get
21 him all the time. I'm on my way to West Ashley right
22 now. She hang up the phone on me. That's the only time
23 I had called her and talked to her at that time.

24 Q. Did you go to Ashley Oaks?

25 A. Yes, ma'am.

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1 Q. So let's talk about the apartment complex and how
2 it's set up. Where did you -- were you driving?

3 THE WITNESS: Excuse me, Your Honor?

4 THE COURT: What?

5 THE WITNESS: I've got an issue about something.

6 THE COURT: You want to do what?

7 THE WITNESS: I said I got an issue about
8 something.

9 THE COURT: Let's send the jury out for a minute.

10 [Whereupon, the jury exits at 10:08 a.m.]
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1 THE COURT: What is your issue?

2 THE WITNESS: I notice a juror that was sitting
3 right there. I saw her yesterday but I wasn't sure that
4 was the same young lady until I get right here where I'm
5 sitting and my eyes are up on her. We was in a verbal
6 altercation back when we was by Kohl's. I was with
7 another ex-female and we was arguing out there. And she
8 threatened to call the police. She said if you hit this
9 young lady and I said I'm not hitting nobody so you mind
10 your own business.

11 She said well, I don't play like that I'm going to
12 call the police. So I didn't notice her until just now
13 but I wondered why yesterday why she keep looking at me
14 and then she would ball her face up and then she did it
15 again just now. And when I really looked at her I
16 noticed that it was the young lady from a little minute
17 back that was by Kohl's.

18 THE COURT: It was your what?

19 THE WITNESS: It was the young lady who was by
20 Kohl's West Ashley who threatened to call the police when
21 me and my girlfriend was having an altercation. I don't
22 know how she had knew me but a friend of hers came or a
23 family member came like a week later and said this is my
24 family. That lady you had talked to the other day by
25 Kohl's is my family. So evidently she had to know who I

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1 was but I didn't know who she was because ---

2 THE COURT: --- you're saying there is a juror over
3 there that was a witness to you having a fight with
4 another girlfriend?

5 THE WITNESS: It wasn't a fight it was an
6 altercation. It was verbally and she threatened to call
7 the police. She said if you hit her I'm going to call
8 the police.

9 THE COURT: What juror is this?

10 THE WITNESS: I don't know her name. I'll show
11 you, the dark skin juror.

12 THE COURT: Which one was she in the row?

13 THE WITNESS: She's the real -- the darkest female
14 in ---

15 MS. EHRLICH: --- is she the one with the longer
16 hair?

17 THE WITNESS: She's the darker one and she keeps
18 balling her face up at me.

19 MS. HERRING-LASH: He's been in jail since ---

20 MS. BALDWIN: --- May of 2014 ---

21 MS. HERRING-LASH: --- May of 2014.

22 THE WITNESS: But this incident happened. I
23 recognize her face and I know who she is.

24 THE COURT: And when did this happen?

25 THE WITNESS: This happened like 2013 and I wasn't

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1 there in 2013.

2 MS. HERRING-LASH: And Your Honor, he was with Ms.
3 Mitchell in 2013.

4 THE WITNESS: I was with her and I was with someone
5 else also, ma'am.

6 THE COURT: And so you're saying that now that this
7 lady witnessed you having an altercation ---

8 THE WITNESS: --- yes, sir the dark skin lady. I
9 didn't know who she was at first but yesterday she keep
10 balling her face up at me; I didn't thought of it. But
11 she did it again when I looked I said that's that young
12 lady right there by Kohl's when I went to meet a friend
13 by Kohl's and we get into an altercation.

14 I don't know if that is going to affect deliberation
15 or what but she balled her face up at me again and I
16 noticed that she was the same female from that day in the
17 store out there in the parking lot.

18 MS. HERRING-LASH: Evidently the juror hasn't
19 recognized him when he stood up, she saw him and she said
20 she didn't recognize him and she's made no indication at
21 all that she has recognized him at all if what he is
22 saying is true or if he has got the right person since it
23 was three -- more than three years ago and for a few
24 minutes. He could be wrong or she could not recognize
25 him.

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1 THE WITNESS: Evidently she know me, Your Honor,
2 she keeps balling her face up at me ---

3 THE COURT: --- hush. Ms. Ehrlich, what are your
4 thoughts on this?

5 MS. EHRLICH: I think we need to figure out a way
6 to ask her if she recognizes him.

7 THE COURT: Which juror are we thinking it is?

8 MS. EHRLICH: I'm not sure.

9 THE WITNESS: It's the dark skin female.

10 MS. HERRING-LASH: Because we have been I think all
11 of us, including Your Honor, has been paying special
12 attention to the jurors because of the fact that one of
13 them had been appearing to doze off. And none of them
14 had been making ugly faces at him.

15 MS. EHRLICH: Judge, I would say on my client's
16 behalf that juror is looking -- is not wanting to look at
17 him. She's looking forward while everybody else is
18 looking this way.

19 MS. HERRING-LASH: That's the juror on the front?

20 MS. EHRLICH: I think you're talking about the
21 juror on the front row.

22 THE WITNESS: I'm going to show you. She's the
23 dark skin female ---

24 THE COURT: --- on the front row or the second row?

25 THE WITNESS: This row right here [indicates].

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1 MS. EHRLICH: The front row right? Sitting like
2 right here [indicates]?

3 THE WITNESS: Right.

4 MS. EHRLICH: I think we do need to question her in
5 a way ---

6 THE WITNESS: --- I don't think that would be in
7 her best interest for her to be a juror because of y'all
8 got another juror ---

9 THE COURT: --- you need to hush right now. Let me
10 take a break and think about what the proper way to
11 handle this would be. You can go back over there.
12 You're not allowed to talk to your lawyers right now
13 while you're on the witness stand.

14 [Whereupon, the witness exits the witness stand]

15 [Whereupon, court is in recess from 10:08 a.m. until
16 10:40 a.m.]

17 THE COURT: Bring him back in and have him sit
18 there. Here's what I'm thinking of doing and I'll just
19 throw it out and just let you comment, bringing the whole
20 jury panel back in and just saying something to the
21 effect of on Monday when we drew the jury I asked if
22 anybody knew the defendant or any of the witnesses and
23 nobody responded that they did and just sometimes after
24 the course of-- in the course of time and events
25 sometimes you might recognize somebody that you didn't

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1 recognize before and is there any member of the jury
2 panel who feels like they recognize either the defendant
3 or any of the people who have testified in the trial and
4 see what response we get.

5 MS. BALDWIN: That's fine with us.

6 THE COURT: Anything from the defense?

7 MS. EHRLICH: We're agreeable to that.

8 THE COURT: Okay. Bring the jury back in.

9 [Whereupon, the jury enters at 10:42 a.m.]

10 THE COURT: Folks on Monday when we were drawing
11 the jury I asked a list of names of people who were
12 expected to testify during the trial and for the purpose
13 of seeing if anybody knew either the defendant or any of
14 the witnesses who were called as witnesses. Nobody that
15 is on the panel responded that they did but sometimes
16 it's only natural that after you've been around some
17 people for a couple of days you might go, oh, I did
18 recognize somebody and I didn't recognize them then.

19 Is there any member of the jury panel who feels like
20 now that they have seen all the witnesses and the
21 defendant that they now feel like you know what I do
22 recognize somebody that has testified in this trial?
23 Anybody on second thoughts? Second thought about that at
24 all?

25 MS. HEYWARD: I kind of know some of the family but

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1 I didn't know her nor him.

2 THE COURT: Okay.

3 MS. HEYWARD: But I recognized some of the family.

4 THE COURT: And give me your name and number for
5 the record.

6 MS. HEYWARD: It's Margarita Heyward, 175.

7 THE COURT: Okay. Anyone else?

8 [Whereupon, a juror stands]

9 THE COURT: Yes ma'am, your name and number?

10 MS. ALEXANDER: Latoya Alexander, 843 -- I'm sorry;
11 juror number 4.

12 THE COURT: Okay. Hold on a second, don't say
13 anything. Let me have the jury -- anyone else?

14 [Whereupon, a juror stands]

15 MS. JENKINSSIMS: I don't if it is a family member
16 or support but there is somebody here that I saw that I
17 knew.

18 THE COURT: Okay. Anyone else? Let me send the
19 jury panel back and then if you three ladies will just
20 stand out there in the foyer area.

21 [Whereupon, the jury exits at 10:45 a.m.]

22 THE COURT: Okay. What were the three numbers
23 again?

24 THE LAW CLERK: 175 Heyward, 4 Alexander --

25 THE COURT REPORTER: And the other one didn't give

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1 her number.

2 THE LAW CLERK: I didn't get her name or number.

3 THE COURT: Number 4 was the lady closest? Latoya
4 Alexander? Bring in Ms. Alexander.

5 [Whereupon, Ms. Alexander enters the courtroom]

6 THE COURT: Ma'am, would you mind coming around
7 here for just a second. You're not in any way in
8 trouble. Would you mind telling me why you responded to
9 that question?

10 MS. ALEXANDER: Well, Monday I saw a guy and I
11 thought I knew him or had seen him before but not
12 personally. A couple of years ago my aunt, we're like
13 five years apart, that I heard the first name but I don't
14 know the last name and I was like I wonder if that's that
15 guy that she would talk to or whatever.

16 And he had been also already talking to someone
17 else. And I heard the name Hollywood but I don't know if
18 that is the guy. I was already told that we could not
19 discuss it with anyone so I never contacted her to ask
20 what his last name was. So that's why I said something.

21 THE COURT: So you think he might be...

22 MS. ALEXANDER: The Montez guy I think he had a
23 relationship with my aunt ---

24 THE COURT: --- oh, Montez the witness?

25 MS. ALEXANDER: Yes. I think he might have had a

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1 little relationship with one of my aunts like years ago.
2 I heard his first name but I don't know his last name. I
3 never really spoke to him. When I would come around he
4 would kind of slide out the back door or he was always
5 kind of on the low end. At that time the person with the
6 name Montez had braids or some type of little dreads. I
7 didn't know whether that was him or not,

8 THE COURT: Do you think knowing that now that
9 would affect your ability to be a fair and impartial
10 juror in this case either for or against the State or for
11 or against the defendant?

12 MS. ALEXANDER: No sir because I really don't know
13 him at all. I don't know really any of them.

14 THE COURT: Okay. Thank you. And when you go
15 back you're not allowed to discuss what I've asked you
16 okay.

17 MS. ALEXANDER: Yes, sir.

18 THE COURT: You can go back into the jury room.

19 [Whereupon, the juror exits the courtroom]

20 THE COURT: Let's bring in Ms. Heyward, number 175.

21 [Whereupon, Ms. Heyward enters the courtroom]

22 THE COURT: Would you mind coming over here for
23 just a second. I want to stress you are not in any way
24 in trouble or anything. I just need to follow up on what
25 you said. Tell me again who you think you might know?

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1 MS. HEYWARD: He's not here today. I think the guy
2 was Roger who was here. And I recognize her to the back
3 but I couldn't tell you here name. We worked at the same
4 facility at one time.

5 THE COURT: Okay. But you're not close enough
6 that you even know their names?

7 MS. HEYWARD: No.

8 THE COURT: Would that affect your ability to be
9 fair and impartial either for or against the State or for
10 or against the defendant?

11 MS. HEYWARD: No, sir.

12 THE COURT: Okay. Please go back to the jury room
13 and don't discuss it with anybody.

14 [Whereupon, Ms. Heyward exits the courtroom]

15 THE COURT: Okay. And then the last lady?

16 [Whereupon, Ms. Jenkinssims enters the courtroom]

17 THE COURT: Just come right around here. Tell me
18 what you name and number is again?

19 MS. JENKINSSIMS: Natalie Jenkinssims, juror number
20 200.

21 THE COURT: Okay. Ms. Jenkinssims, you are not in
22 any way in any kind of trouble or anything like that. I
23 just need to follow up on what you responded to. Tell me
24 who it is that you know or you think you might know?

25 MS. JENKINSSIMS: Well, when I came in there was a

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1 young lady who was sitting in the audience. I don't know
2 if she is support or if she is family but it was just
3 somebody I recognized.

4 THE COURT: Okay. Is she in the courtroom?

5 MS. JENKINSSIMS: No, sir.

6 THE COURT: Okay. Would that affect your ability
7 to be fair and impartial in this case either for or
8 against the State or for or against the defense?

9 MS. JENKINSSIMS: Not at all.

10 THE COURT: Thank you very much. You can go back
11 to the jury room.

12 [Whereupon, Ms. Jenkinssims exits the courtroom]

13 THE COURT: All right. Anything from the defense?
14 Which one of those ladies -- was one of those ladies who
15 you were referring to?

16 MR. FELDER: Yes, sir.

17 THE COURT: Which one?

18 MR. FELDER: I think number 4.

19 THE COURT: The second lady Ms. Alexander ---

20 MR. FELDER --- yes sir, her.

21 THE COURT: Well she didn't seem to recognize Mr.
22 Felder at all.

23 MR. FELDER But that's the lady.

24 THE COURT: Well.

25 MS. EHRLICH: Yes, sir. I guess my concern from my

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1 client's perspective is that he is adamant that he knows
2 who she is and that she has witnessed some sort of
3 altercation with a female before which is concerning
4 given the allegations in this case. And I do think it
5 has been noticeable that she has been staring ahead
6 during testimony and not looking at him at all. I think
7 from my client's perspective his right to a fair trial is
8 jeopardized by having her continue to be on the jury. So
9 at this point we would move for a mistrial.

10 MS. HERRING-LASH: Your Honor, I thought that Ms.
11 Alexander appeared to be very truthful in her responses.
12 I obviously can't say positively he hasn't seen her
13 before but she doesn't recognize him. It was Montez that
14 she thought she may have recognized. And she appeared to
15 be very credible in her response so much following the
16 rules that she explained she wouldn't even call her
17 cousin to say was Hollywood's nickname or who we knew as
18 Hollywood was he Montez.

19 So there is no reason to believe that she would be
20 disingenuous to the court at all. So she doesn't not
21 recognize him. He very well may have noticed as Ms.
22 Ehrlich said that she is not looking at him and ---

23 THE COURT: --- well jurors ---

24 MS. HERRING-LASH: --- and want her off the jury
25 for that reason but that's not ---

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1 THE COURT: --- well jurors often look at -- nobody
2 does the same thing as everybody else. My concern with
3 bringing her back and asking her did you ever witness an
4 altercation with the defendant would prejudice the
5 defendant.

6 MS. HERRING-LASH: Extremely.

7 THE COURT: So the only thing I can go with at this
8 point is at the beginning of the trial she said she
9 didn't recognize the defendant. Now she also has stated
10 again she had the opportunity to state if she knew him in
11 any way. I agree she seemed entirely upfront and
12 credible the only possibility of having known somebody
13 was possibly Montez might have dated one of her aunts but
14 she was conscientious and didn't contact anybody about
15 that.

16 That would have been a good -- that would have been
17 a good opportunity to bring up that she might have
18 recognized him from some sort of previous altercation but
19 I don't believe that the situation warrants dismissing
20 her and we don't have any other alternates so I don't
21 want to declare a mistrial over that so your motion is
22 denied. All right. You can come back up to the witness
23 stand and we will continue with your testimony.

24 [Whereupon, the witness returns to the witness
25 stand]

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1 THE COURT: Bring the jury back in.

2 [Whereupon, the jury enters at 10:55 a.m.]

3 THE COURT: Okay folks, we will resume now with the
4 direct examination of the witness.

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Reco Felder-Direct Examination by Ms. Ehrlich (resumes)
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1 DIRECT EXAMINATION (RESUMES)

2 BY MS. EHRLICH:

3 Q. All right Mr. Felder I think we stopped at the point
4 where you were explaining how y'all drove to Ashley Oaks.
5 Is that what you remember?

6 A. Yes, ma'am.

7 Q. And I was going to ask you some questions about the
8 layout of the property so let's pick up there okay.

9 A. Yes, ma'am.

10 Q. I'm going to show you what has already been marked
11 and admitted as defendant's exhibit 10 and 12. If you
12 could look at those and tell me what those are pictures
13 of?

14 [Whereupon, the witness is shown photograph]

15 A. These are pictures of the side of the house, the
16 apartment.

17 Q. Looking at these pictures when you say the parking
18 lot why are you telling me about the parking lot?

19 A. Because that's where I parked at.

20 Q. The Cadillac?

21 A. Yes, ma'am.

22 Q. Where did you go, what did you do after the car was
23 parked?

24 A. I called Chantelle to let her know that I was
25 outside. I called her like two or three times but she

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1 never picked up.

2 Q. Okay. So what did you do next?

3 A. I get out the car to smoke a cigarette so I told the
4 driver I said get out -- and get in. I said I'm going to
5 smoke a cigarette. So I get out and smoke my cigarette
6 and then I proceeded to walk.

7 Q. Walk where?

8 A. To the building.

9 Q. I'm going to show you defendant's exhibit 9. Do you
10 recognize this?

11 [Whereupon, the witness is shown photograph]

12 A. Yes, that's the entryway to the apartment .

13 Q. Okay. How do you get here from the parking lot?

14 A. You can either come through the parking lot up the
15 sidewalk or you can walk up the grass to come around the
16 building right there [indicates].

17 Q. So where were you walking? You want me to put it up
18 here?

19 [Whereupon, the photograph is shown]

20 Q. You can just point to it. I think the jury can see
21 it from there.

22 A. I was walking on the grass on this hand side right
23 here [indicates].

24 Q. And where does that -- that sidewalk where does that
25 grass lead to?

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- 1 A. It leads to the parking lot where I was parked at.
2 Q. I'm sorry?
3 A. It leads to the parking lot where I was parked at.
4 Q. Okay. But which direction were you walking in?
5 A. I was walking in this direction [indicates] to go
6 right here [indicates] towards the steps.
7 Q. Okay. And I'm going to show you defendant's
8 exhibit 11 which has already been admitted. Is this
9 another angle?
10 [Whereupon, the photo is shown]
11 A. Yes, ma'am.
12 Q. Where did you walk to?
13 A. I was walking to the step.
14 Q. Okay. To do what?
15 A. To meet Chantelle. I was going to knock at the
16 door. When I was halfway by the corner of the building
17 that's when Chantelle was walking down the stairway.
18 Q. Let's stop. You testified earlier about having a
19 gun at Club Crucial. Where was the gun now?
20 A. The gun was still on me in my pocket, my right hand
21 pocket.
22 Q. Where?
23 A. My right pocket.
24 Q. Okay.
25 A. On my way walking ---

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- 1 Q. --- you want me to put a picture back up?
- 2 A. Yes, ma'am.
- 3 Q. This one [indicates]?
- 4 A. Yes, ma'am. No, the other one.
- 5 [Whereupon, the photograph is shown]
- 6 A. On my way walking I was about right here [indicates]
- 7 at the time.
- 8 Q. Okay.
- 9 A. And Chantelle was coming down.
- 10 Q. And what happened?
- 11 A. She probably been on her phone or something but she
- 12 had her head down. She was very saunters. When she get
- 13 right about here [indicates] she stopped, that's when she
- 14 turned and she saw me. Montez was just coming down the
- 15 stairway and he was about right here [indicates] so ---
- 16 Q. --- let me stop you right there. At that point in
- 17 your day were you upset with Ms. Mitchell?
- 18 A. No, ma'am.
- 19 Q. Okay. Keep going.
- 20 A. So when Chantelle stopped she turned, she saw me.
- 21 That's when Montez get like to the third or fourth step
- 22 and he saw that Chantelle stopped and then he looked and
- 23 that's when he saw me.
- 24 Q. Okay. And what was Montez doing?
- 25 A. Montez was in shock. He was in shock. So Chantelle

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1 looked at me and Montez looked at me. I told Montez I
2 said man, listen go ahead about your business. So he had
3 his hand in his duffle bag.

4 So I went like man I told you go ahead this ain't
5 got nothing to do with you man; go ahead man. You know I
6 mean I said go ahead to the car. So he had his hand
7 inside the duffle bag.

8 Q. Okay. I'm going to show you what has been marked
9 as defendant's exhibit 1 and 2. Is that the duffle bag?

10 [Whereupon, the photographs are shown]

11 A. Yes, ma'am.

12 Q. And where was his hand?

13 A. His hand was in one of the compartments, the smaller
14 compartment in the duffle bag.

15 Q. Okay. So what were you thinking?

16 A. I said he might got something in there you know
17 because we both ---

18 Q. --- what do you mean by got something?

19 A. He might got a handgun, he might have an object; I
20 don't know. He walking out the house. I come into the
21 house you know so anything could happen. He had a
22 standstill and I had a standstill.

23 Q. Okay. So what did you do?

24 A. I tell him leave, just go ahead and leave, man. I
25 said just go ahead. I just come to get my son. So he

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1 still had his hand in his bag so that's when I said you
2 got something and I whipped my gun out. When I whipped
3 my gun out Chantelle said Reco that boy just come here.

4 I said man; I ain't got nothing to do with that.
5 He's acting like he's got something. So by time when I
6 look at her he took off running.

7 Q. Okay. The gun. Stand up where you are and
8 demonstrate to the jury how you pulled out the gun. Just
9 pretend in your pants. You don't need anything.

10 A. I had the gun -- the gun was in my pocket. I keep
11 telling them I said man, go ahead and leave. I said what
12 you got in that bag so he never stated nothing.

13 So I cocked the hammer on the gun and I pull the gun
14 out. And I had the gun down like this right here
15 [indicates]. I never raised the gun at that time.

16 Q. What happened next?

17 A. Chantelle stated Reco that boy just come here. I
18 said I don't want to hear that man. I asked the man to
19 leave and he act like he got something. So I look at her
20 and when I look at her he take off running.

21 Q. Okay. At this point are you angry at Ms. Mitchell?

22 A. I still wasn't angry because that wasn't my woman.
23 And I came just to get my son.

24 Q. All right. So what happened after Mr. Perry took
25 off running?

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1 A. He took off running ---

2 Q. --- just stop for a second. Which direction did he
3 run? Did he run towards the parking lot or in a
4 different direction?

5 A. He ran towards the fence around that corner right
6 there [indicates].

7 Q. I'm going to show you defendant's exhibit 7. Do you
8 recognize that?

9 [Whereupon, photograph is shown]

10 A. Yes, ma'am.

11 Q. Okay. Show them on there which way he ran.

12 A. He ran this way [indicates].

13 Q. Okay. So he ran away from her.

14 A. Yes, ma'am.

15 Q. What did you do next?

16 A. Chantelle said that boy just come here Reco. I said
17 I don't want to hear that, man. I said man, just go
18 ahead to work. We never argued. It wasn't no argument.
19 I said go ahead to work.

20 I said that boy done -- this is what I said I said
21 quote unquote -- I say he done jump up and down like a
22 jumping castle all night and now he going to leave you. I
23 said boy, I tell you. So she turned around to walk and
24 she took four steps -- can you go back to the other
25 picture?

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1 Q. Sure.

2 [Whereupon, the photograph is shown]

3 A. At this time I'm right here [indicates]. I'm at the
4 base of the step and Chantelle is right here [indicates].
5 So I said so ahead to work. I said I can go -- I said my
6 son can come with me for the summer. I said he don't
7 need to be exposed to all this right here. And I said I
8 don't him exposed to this.

9 He can come with me for the summer. I said I'm
10 going to get the other little couple of stuff I had in
11 there because I still had like a couple of pants in there
12 and a warm up, a Hollister warm up in there and like
13 three or four pants.

14 So I said I'm going to get that up there, I'm going
15 to get my son and let him spend the summer with me. He
16 don't need to be exposed to this you know what I mean so
17 she ---

18 Q. --- let me stop you. Where is the gun at this
19 point?

20 A. The gun is still right here [indicates].

21 Q. Okay.

22 A. So she turn around and she took three steps and she
23 stopped and she said Reco anyway you don't pay no bills
24 in here. And I said I know. And she said if I wanted to
25 -- excuse the language jury -- she said if I wanted to

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1 fuck him I could fuck him on the couch, in the living
2 room, on the dining room table, on the washer, on the
3 dryer, on the kitchen floor, on the hallway and on the
4 bed while Son was sleeping. Son is my son.

5 So I said what the hell did you just say just now?
6 She repeated it. When she repeated it I had the gun like
7 this right here [indicates]. She repeated it, she said
8 like I said and on the bed while Son is on the bed
9 sleeping.

10 Q. Okay.

11 A. That's when I meant to slap her. That's what I
12 meant to do. I meant to slap her as hard as I can but
13 like I said the gun was in my hand at the time. So went I
14 went to swing at her and slap her the gun hit her boom,
15 and discharge.

16 Q. All right. Come --

17 MS. EHRLICH: May the witness come down, Your
18 Honor?

19 THE COURT: Yes.

20 [Whereupon, the witness steps down from the stand]

21 Q. [Ms. Ehrlich] Which side are you -- if this is the
22 base of the ---

23 A. --- this step right here [indicates].

24 Q. She's right here; I'm her, okay.

25 A. Yes. So she said it again when I went to swing I

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1 meant to slap her as hard as I can [indicates] then pow.

2 Q. Okay.

3 [Whereupon, the witness returns to the stand]

4 A. So when the gun discharged I said oh, my God. She
5 said Reco what you did to me. I said oh, Lord. She said
6 Reco I can't hear anything, my ear is ringing. I said
7 your ear is ringing because the gun went off.

8 She said oh my God, oh my God. I said man, why you
9 say that to me. So she said Reco, Reco, Reco is the kids
10 looking? I said no. She said is somebody coming? I
11 said no. So I put the gun in my pocket.

12 Q. Okay.

13 A. She said Reco you shot me. I said I didn't shot you
14 Chantelle. I said the gun discharged. So I grab her
15 head and I ran my hands through her dreads.

16 She had her dreads like two strings tied holding the
17 dreads so I unhooked it. I ran my hands through her head
18 to make sure she didn't get hit and I said no, you didn't
19 get hit.

20 Q. When you mean hit you mean hit with a bullet?

21 A. Shot. I said no, you didn't get shot Chantelle. So
22 at that time I said let me call....

23 Q. Where were -- were y'all still in the same area?

24 A. We still right here [indicates] at the time.

25 Q. All right. Then what happened?

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1 A. She said Reco why you did this, why you do this? I
2 said man listen I ain't shoot you, I ain't mean to try
3 and shoot you. I said let me call the police and the
4 EMS. She said no, Reco. You know you don't like the
5 police.

6 She said I just got to figure this out. She said
7 oh, I can't hear nothing. I said man, let me call the
8 police. She said no. She said I'm going to figure this
9 out.

10 Q. Where were y'all at that point?

11 A. We still standing right here.

12 Q. Okay. And where was the gun? The gun now was in
13 my pocket because I got a cell phone in my hand.

14 Q. What phone was your cell phone?

15 A. A black Kyocera.

16 Q. I'm going to show you defendant's exhibits 5 and 6
17 and let me know if you can look at these photos and tell
18 me which phone was yours; which one was in your hand?

19 [Whereupon, the witness is shown photographs]

20 Q. Describe the location of the phone on there so the
21 jury knows which phone it is.

22 A. The one to the far right.

23 Q. Not the purple one, the black one?

24 A. Yes, ma'am.

25 Q. Okay. So you were saying something about wanting

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1 to call 911?

2 A. Yes, ma'am. I said let me call the police. I said
3 well, I'm going to call the EMS. She said no, Reco
4 you're going to get in trouble. I don't want to see you
5 get in trouble, Reco.

6 She said where's the kids? I said no, they're not
7 looking Chantelle. By that time she took a couple of
8 steps like she was walking -- can you bring up the other
9 pictures --

10 [Whereupon, the photograph is shown]

11 A. She's holding her head like this right here
12 [indicates] because now she got a gash right here
13 [indicates]. She's holding her head and she is walking
14 somewhere up in this [indicates] right here. She's right
15 there [indicates] saying oh Lord, oh Lord.

16 Q. Where are you?

17 A. I'm right here [indicates] at the time. So when she
18 come back I took my shirt and I wipe her face.

19 Q. Okay. Let's take us back to when you hit her. Did
20 you intentionally hit her?

21 A. I didn't intentionally meant to hit her with the
22 gun. I meant to slap her. Did I assault her? Yes. Was
23 I intentionally assaulting her? No.

24 Q. Well, I mean did you want to hit her?

25 A. I wanted to slap her for the statement that she

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1 made.
2 Q. Was the gun still cocked?
3 A. No, ma'am. The gun ain't going to be cocked no more
4 because it already had discharged.
5 Q. I'm talking about before you hit her?
6 A. Oh, yes ma'am.
7 Q. And which hand was the gun in?
8 A. My right hand.
9 Q. All right. When you hit her were you trying to
10 kill her?
11 A. No, ma'am. I was trying to slap her.
12 Q. Did you try to shoot her?
13 A. No, ma'am.
14 Q. Did she push the gun away?
15 A. She never attempted to grab the gun.
16 Q. Okay. And before you struck her had you pointed
17 the gun at her?
18 A. No ma'am, the gun was never pointed at her. Her
19 life was never in danger. She was never afraid for her
20 life. Like I said when I whipped the gun out she never
21 been afraid for her life.
22 She was more afraid for -- she wasn't afraid for her
23 life. She just said that boy just came here. She never
24 was afraid period because if she was afraid she would
25 have never -- a person who is afraid ain't going to say

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1 nothing like that when a person is holding a gun.

2 Q. After the injury ---

3 A. --- yes, ma'am ---

4 Q. --- and after you said that you wiped her head and
5 you were going to call 911 what happened then?

6 A. Yes, ma'am. That's when the neighbor came outside
7 Mr...

8 Q. Did you know his name?

9 A. Mr. Robert. I didn't know his name until today -- I
10 mean until the other day when he testified, Mr. Robert,
11 he came outside. He came outside and he went like what
12 happened and he walked back in.

13 By that time I said I ain't know if this guy had a
14 gun or not so I pulled the gun back out and I had the
15 phone like this [indicates] and that's when Mr. Robert
16 ---

17 Q. --- the jury can't see Mr. Felder.

18 A. I had the gun back out like this right here
19 [indicates].

20 MS. EHRLICH: Judge, can he come back down.

21 THE COURT: He may.

22 Q. Come right here; they can't see you up there.

23 [Whereupon, the witness steps down from the stand]

24 A. I had the gun back right here on the side

25 [indicates] so that's when Mr. Robert came back outside.

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1 [Whereupon, the witness returns to the stand]

2 A. He was like what's going on here, what's going on
3 here? So he looked at Chantelle. Chantelle was right up
4 in here [indicates] during this time. She was standing
5 right there [indicates] still holding her head bleeding.

6 So that's when he walked to get Chantelle a towel
7 and that's why he saw me holding the gun. His statement
8 said he saw me holding the gun. At that time they walked
9 right there [indicates] so I peeped around the building.
10 So that was when -- I never ---

11 Q. --- when you said you peeped around the building ---

12 A. --- I looked around the building because he ran
13 around the building and I ---

14 Q. --- who ran?

15 A. Montez Perry.

16 Q. So when you say he are you talking about the
17 direction of the wall, the fence?

18 A. No. The direction of the fence but I been looking
19 around the corner around the other building.

20 Q. What did you do next?

21 A. I put the gun back in my pocket. Mr. Robert went
22 back in the house so that's when I went to Chantelle.
23 Chantelle said you tried to kill me. I said no, I ain't
24 try to kill you. That's when -- I never saw no kids.

25 Now that's what Ja.M. might have heard because I never

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1 said I'm going to kill you. Chantelle said you tried to
2 kill me and I said no, why would I try to kill you?
3 Q. Okay. So what did you do next?
4 A. That's when I say -- I said well what do you want me
5 to do. She said Reco just leave, just leave Reco. So I
6 said man, I love you and that's when Mr. Traynham was
7 coming outside and that's when he heard I said that ---
8 Q. --- don't worry about -- I'm just asking you what you
9 did.
10 A. All right.
11 Q. After you said I love you what did you do?
12 A. I walked off.
13 Q. Which direction?
14 A. I walked back off that direction [indicates].
15 Q. Towards the fence or towards the parking lot?
16 A. Towards the parking lot.
17 Q. And where did you go?
18 A. I went to the car. As I was walking to the car
19 Chantelle scream out somebody just help me. So I said oh
20 Lord. So that's when I walk to the car. I never told
21 the guy who was driving my car what happened. I get in
22 the car and he said everything all right. I said just
23 come on man let's go.
24 Q. So did you leave Ashley Oaks?
25 A. Yes, ma'am.

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1 Q. Did you keep that gun?

2 A. Yes, ma'am.

3 Q. All right. Was the gun that police found in the
4 car when they searched it the gun that you have?

5 A. No, ma'am.

6 Q. Did you want that gun to discharge?

7 A. No, ma'am.

8 Q. And when you spoke to the police did you tell them
9 what happened?

10 A. I told them everything that I told you today
11 verbatim.

12 Q. Okay. When -- did you turn yourself in?

13 A. No, ma'am.

14 Q. Why not?

15 A. While I was evading the police I lost the phone. I
16 thought I lost the phone. I thought I dropped the phone
17 running but the whole time it was still there for the
18 cops so I didn't have that phone.

19 Q. Okay.

20 A. The whole time that I was evading the police I had
21 two bank accounts. I had a Wells Fargo and I had a TD
22 Bank but I already messed the TD Bank account up because
23 I had to spend a bunch of money when the car was in the
24 shop. I had to catch a cab to and from work. She didn't
25 want to get me a rental. She said I'm just going to take

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1 the car back from you Reco so she didn't get me a rental.
2 So I said no problem. So I had to catch a cab back and
3 forth to work. That was like 35 dollars going and 35
4 dollars coming back. So that was 70 dollars a day that I
5 was spending.

6 Q. Why didn't you turn yourself in?

7 A. I didn't turn myself in because I needed some money
8 out the bank.

9 Q. For what?

10 A. So I could give the lawyer a down payment because
11 quote unquote she left me a message on the phone Monday.
12 I checked the phone through a mutual friend's phone I
13 checked my messages and she said I changed my answering
14 machine.

15 So on the message quote unquote she said Reco; I
16 just called to make sure you're all right. I see you
17 changed the message so I know you're doing fine. She
18 said Reco just do the right thing. Turn yourself in.
19 We'll work this out Reco.

20 And after that I didn't call the first day when I
21 hear the message. I called the next day. So when I
22 called the next day she said Reco she said I don't
23 deserve that. I said you don't Chantelle because I'm
24 going to pause that right there. She's a good lady. She
25 helped me out a lot. When I first met her was by City

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1 Gym and I told her the first day I met her I said you've
2 a very beautiful lady. She said I thank you. She helped
3 me out a lot.

4 Se at the time she didn't know I was going through a
5 whole lot. My family right there [indicates] they love
6 me and I love them. They had put me out the house so I
7 didn't have nowhere to go.

8 I just go and wash up at my sister Quaintella's
9 house sometimes and my cousin Tynesia [phonetic] right
10 there [indicates]. They used to live on Spring Street so
11 I sometimes would sleep in the hallway by their house and
12 just wake up early in the morning.

13 So she didn't know what I was going through. She
14 helped me out a lot. But if I had told her what was
15 going on I thought she would look at me different because
16 you know -- if I got a dollar or a million dollars in my
17 pocket I'm going to look like a million dollars.

18 So she helped me out a lot. She gave me a place to
19 stay and I lied. I lied because I needed a place to
20 stay.

21 Q. When you went to her house that day were you hiding
22 under the stairwell?

23 A. No, ma'am.

24 Q. Okay. Did you go there with the intention of
25 hurting her?

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- 1 A. No, ma'am.
- 2 Q. Tell the jury again why you actually pulled the gun
3 at all?
- 4 A. I pulled the gun out to protect myself against
5 Montez. I didn't know if he had a gun.
- 6 Q. What was your purpose of being at the house?
- 7 A. To get Son .
- 8 Q. After you were arrested did you continue to have
9 some contact with Ms. Mitchell?
- 10 A. Yes, ma'am.
- 11 Q. Did you call her?
- 12 A. Yes ma'am, I called her. I used to call her on my
13 sister's phone three way.
- 14 Q. Was that from the jail?
- 15 A. Yes, ma'am.
- 16 Q. Would she accept your calls?
- 17 A. She didn't have to accept because I was calling her
18 three way. Her house phone had minutes on it -- well,
19 not minutes but collect call because it said collect call
20 and I didn't know that at the time.
- 21 So I used to call her house phone but at the time
22 she told me she don't hardly be home. She only comes
23 home to pick up the kids at 3 o'clock. I mean she just
24 come there to pick the kids up.
- 25 Q. But when you first were arrested y'all still had

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1 contact?

2 A. Yes. Even before then I used to call her cell phone
3 while I was evading the police. And she told me she said
4 ---

5 MS. HERRING-LASH: --- Your Honor, I would object
6 to hearsay.

7 THE COURT: Sustained.

8 Q. [Ms. Ehrlich] You can't say what she said ---

9 A. --- all right. She let me know that her phone was
10 tapped so she said call me on J.M. 's phone.

11 MS. HERRING-LASH: Your Honor, I still object.

12 THE COURT: Sustained.

13 MS. EHRLICH: Beg the court's indulgence.

14 [Whereupon, Ms. Ehrlich and Mr. Smith confer]

15 Q. [Ms. Ehrlich] Mr. Felder, when you hit Ms. Mitchell
16 with the gun did you see the children outside?

17 A. No kids were never outside. She asked me twice. No
18 one never was outside. The only one was out there was
19 Mr. Robert.

20 Q. Okay. I'm going to ask you again did you go to
21 that apartment with the intention to hurt Ms. Mitchell?

22 A. No, ma'am. That was never on my mind.

23 Q. When you struck her was it in your mind to kill her?

24 A. No, ma'am.

25 Q. Did you try to shoot her?

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- 1 A. No, ma'am.
- 2 Q. Did you try to kill her?
- 3 A. No, ma'am.
- 4 Q. Did you shoot her?
- 5 A. No, ma'am.
- 6 Q. Did you ever point the gun at her head and hold it
- 7 like that [indicates]?
- 8 A. No ma'am, never.
- 9 Q. How did the gun go off?
- 10 A. The gun gone off from when I hit her it discharged.
- 11 Q. And did you tell the police everything about that
- 12 morning?
- 13 A. Everything that I'm telling you right now.
- 14 Q. Okay. How do you feel about Ms. Mitchell and the
- 15 situation?
- 16 A. I feel bad. No one deserved that. No woman,
- 17 nobody. I never went there with the intention to hurt
- 18 her. I went there to pick up my son. She's a lady. I
- 19 got a beautiful momma, I got sisters, I got cousins;
- 20 nobody deserves that.
- 21 You know I love Chantelle. I still do today. I'm
- 22 not in love with her but I love her because like I said
- 23 she helped me out a whole lot. I never went there to
- 24 hurt her. Everybody go through things in life as a
- 25 couple. Not everybody goes to that extent. I let her

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1 know that I was very apologetic to her.

2 Q. Are you sorry today?

3 A. Definitely. It eats me up every day.

4 Q. Okay. All right Mr. Felder; it's time for the
5 Solicitor to ask you questions, okay.

6 THE COURT: Cross?

7 MS. HERRING-LASH: Your Honor, I think we have a
8 point of law to discuss before we start.

9 THE COURT: Let me send the jury out. We'll go
10 ahead and take a ten minute break. Don't begin
11 deliberations or discussions about the case.

12 [Whereupon, the jury exits at 11:22 a.m.]

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1 THE COURT: Okay?

2 MS. HERRING-LASH: Your Honor, I think during the
3 last part of his testimony he over and over talked about
4 how he cared about Chantelle, how he didn't want to hurt
5 her, how he wouldn't hurt her, how he loved his mother
6 and other women so I think he's opened the door at least
7 to the two pending charges he has where he pushed her
8 down those stairs and that stairwell and hit her.

9 I don't think he's opened the door to all his other
10 CDV's but by talking about how he wouldn't hurt her and
11 loved her he's opened the door to those two pending
12 charges.

13 MS. EHRLICH: Judge, I heard that testimony
14 completely differently that he was apologizing for
15 hurting her and saying that she didn't deserve to be
16 treated that way. I don't think he did anything to open
17 the door. He never said I would never hurt Chantelle; I
18 would never do anything to hurt her like that.

19 He was explaining in that situation that he didn't
20 have the intention to hurt her to the degree that the
21 State is alleging. But he's saying all this in an
22 apology like I messed up, I hurt her; I shouldn't have
23 hurt a woman that way. I don't think he did anything to
24 open the door.

25 MS. HERRING-LASH: I heard him say no woman

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1 deserves to be hurt.

2 MS. EHRLICH: Which doesn't open the door. It's
3 just him saying men shouldn't hurt women. He didn't say
4 I would never hurt a woman. Having said I would never
5 hurt a woman then he would have opened the door but
6 that's not what he testified to.

7 THE COURT: Do you have the ability to play back
8 that?

9 [Whereupon, a portion of Mr. Felder's testimony is
10 played back for the court]

11 THE COURT: What was 'in there that you think opened
12 the door?

13 MS. HERRING-LASH: I thought when he started --
14 when he talked about the fact that she didn't deserve
15 that, that he respected her, that he loved her and that
16 nobody deserved that and that he -- I don't remember
17 verbatim but no woman deserves that and he made it up to
18 her and feels bad about what happened. And I just felt
19 like that opened the door to the fact that he's done this
20 to her twice before; not the exact thing but pushed her
21 down the steps and hit her.

22 THE COURT: All right. Well, I don't think any of
23 that rises to the level of opening the door to prior bad
24 acts so you're not to go into that.

25 MS. HERRING-LASH: Okay.

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1 THE COURT: All right. Take ten.
2 [Whereupon, court is in recess from 11:34 to 11:43]
3 THE COURT: Do we have everybody? Okay. Bring the
4 jury in.
5 [Whereupon, the jury enters at 11:44 a.m.]
6 THE COURT: All right. You ready for your cross?
7 MS. HERRING-LASH: Yes, Your Honor.
8 THE COURT: Go ahead.
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Reco Felder-Cross-Examination by Ms. Herring-Lash
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1 CROSS-EXAMINATION

2 BY MS. HERRING-LASH:

3 Q. Mr. Felder, you remember going to -- being taken to
4 the Charleston County police department on June the 2nd
5 and being interviewed at 6:57 by the detective?

6 A. Yes, ma'am.

7 Q. And that's the statement that you gave that day that
8 you referenced here?

9 A. Yes, ma'am.

10 Q. Now when y'all started out I guess y'all started out
11 talking about where you had been living do you remember
12 that?

13 A. Uh Huh. Yes.

14 Q. And that point in time I think you really didn't
15 have a place to live, may have given your momma's address
16 that you had just really kind of chilling at some woman
17 who you couldn't remember her name on Ashley Phosphate is
18 that right; that's what you told the officers?

19 A. Yes.

20 Q. And I think today you said you stayed away from
21 Ashley Phosphate because you didn't have a driver's
22 license?

23 A. Yes.

24 Q. Now you also told officers that day that you had
25 been working at Cummins for about six months.

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1 A. Right.

2 Q. Seventy hours from 9 p.m. to 7 a.m. seven days a
3 week.

4 A. That's my normal schedule but I can go in there
5 early if I want.

6 Q. But seven days a week.

7 A. Six days a week.

8 Q. Well you told them seven days a week.

9 A. Some days I do work seven days a week.

10 Q. And on the 23rd of May of 2014 you got off a little
11 early to go with Chantelle and the baby for his
12 appointment.

13 A. Correct.

14 Q. And she had to go on to work so you took the baby?

15 A. Correct.

16 Q. And where did y'all go?

17 A. I was going to go to Tanger Outlet to get him a pair
18 of tennis to go with his yellow Polo I bought him for his
19 birthday so I jumped to 526 but then I changed my mind
20 and I shoot back downtown.

21 From there me and Son we went to have lunch
22 together at Wild Wings downtown and then I went to my
23 sister's house.

24 Q. And I think you told the police that day that you
25 went to sleep.

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- 1 A. Yes.
- 2 Q. And so is that who cares for him -- who cares for
3 him when you sleep?
- 4 A. My sister sometimes but the majority of the time he
5 cry behind me -- he be on me.
- 6 Q. So you don't sleep?
- 7 A. I sleep but when I sleep my sister takes care of
8 him. But usually when I sleep he comes right back in the
9 bed and sleep with me.
- 10 Q. So do you keep him at your sister's house every day
11 or do you keep him up on Ashley Phosphate where you are
12 chilling?
- 13 A. I keep him at my sister's house every day.
- 14 Q. You go to your sister's house every day. And that's
15 downtown.
- 16 A. Yes.
- 17 Q. And she called you -- by she I mean Chantelle -- and
18 said let's go or y'all planned to go for the party.
- 19 A. Right.
- 20 Q. So you go to the party and everything is going
21 great.
- 22 A. Right.
- 23 Q. You meet up again with the kids and I think you said
24 you started hanging around with them and you got to
25 refresh your relationship with them and everything was

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1 great.

2 A. Right.

3 Q. But Chantelle has to leave a little early and kind
4 of spoiled the party by having to go home a little early?

5 A. Well, she didn't spoil the party for me she spoiled
6 the party for the kids because I just had give them 40
7 more dollars worth of tokens.

8 Q. What was a little early?

9 A. I thought we were going to stay until -- like I said
10 I just had gotten 40 more dollars worth of tokens and as
11 soon as I got the 40 more dollars of tokens that's when
12 she was ready to leave.

13 Q. About what time was it if you remember?

14 A. I'm not sure. It could be like 10 or something
15 around there.

16 Q. And Son was up and playing at 10?

17 A. Yes. All of us was up playing -- me and all the
18 kids.

19 Q. And that was his first birthday?

20 A. Yes, ma'am.

21 Q. And so after that you leave and go have a shot of
22 tequila.

23 A. Yes, ma'am.

24 Q. And then you decide you're going to go downtown to
25 Wet Willies.

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- 1 A. Yes, ma'am.
- 2 Q. But on the way there God kind of speaks to you and
3 sent you?
- 4 A. No, God didn't speak to me; I speak to Him.
- 5 Q. You spoke to God and He sent you in another
6 direction?
- 7 A. No, He didn't send me in another direction. I asked
8 Him to show me what I need to see because like I said
9 sometimes when you ask him things He shows it to you.
- 10 Q. And what He showed you was Chantelle?
- 11 A. Yes, ma'am.
- 12 Q. So because of your speaking with God you ended up
13 with Chantelle, seeing her?
- 14 A. Yes, ma'am. He answered my prayer.
- 15 Q. Pardon?
- 16 A. He answered me.
- 17 Q. Why was your prayer to see her that night?
- 18 A. I didn't ask to see her. I asked Him to show me
19 something ain't right. Just show me what I need to see.
20 That's all I asked Him.
- 21 Q. What wasn't right?
- 22 A. I can't explain that. I just tell Him show me what
23 I need to see.
- 24 Q. And what you saw was her.
- 25 A. Yes, ma'am.

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- 1 Q. And you go up and knock on her window?
- 2 A. I didn't knock at the window. I knocked on the side
3 of the door because the window was down. She had both
4 the passenger window and the driver's window down.
- 5 Q. And at that point you are kind of fussing at her
6 about here you were sleepy you had to leave to go home
7 and go to bed but here you are downtown.
- 8 A. No ma'am, I said it jokingly.
- 9 Q. You were joking.
- 10 A. I said it jokingly. I said hey Miss sleepy head Ms.
11 I'm tired where you headed at. That's what I said.
- 12 Q. Because she was out and you thought she was home in
13 bed.
- 14 A. No, that wasn't why I said that. I really thought
15 she was home in bed but that didn't bother me.
- 16 Q. So after that you followed her on and you saw her
17 pick up Montez?
- 18 A. I didn't follow her but we was behind each other at
19 the time and I did see her pick up Montez.
- 20 Q. And that made you mad.
- 21 A. No, ma'am.
- 22 Q. That didn't make you mad at all.
- 23 A. No.
- 24 Q. Not at all. But you start calling the kids wanting
25 to know where she is.

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- 1 A. No, I asked where she was because she left my one
2 year old son with an 11 year old, with a nine year old,
3 and with a seven year old so I got the right to know
4 where she is because if anything happens to my son they
5 don't know what to do.
- 6 Q. And they told you she was with a cousin.
- 7 A. No, they said she went to pick up their little
8 cousin Menka [phonetic].
- 9 Q. And then you got mad.
- 10 A. No, ma'am.
- 11 Q. You called back fussing about no she was really ---
- 12 A. --- I was not fussing.
- 13 Q. So at this point in time what time are we talking
14 about? I know you may not know ---
- 15 A. --- I called her, I called her it was probably about
16 11.
- 17 Q. So between 11, 11:30, 12 or so is when you realized
18 she is not home and you are concerned because your little
19 boy is there.
- 20 A. Yes, ma'am.
- 21 Q. You're really concerned.
- 22 A. Correct.
- 23 Q. So what you do is get in your car and go and pick
24 him up.
- 25 A. No, ma'am.

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- 1 Q. No, that's not what you do is it?
- 2 A. No, ma'am.
- 3 Q. Not at all. You continued going to bars.
- 4 A. Yes, ma'am.
- 5 Q. But your only concern was your child being there but
- 6 you didn't go get him.
- 7 A. No, ma'am.
- 8 Q. Now you knew if you had gone there because you have
- 9 a great relationship with this young lady and this young
- 10 man they would have let you in the door.
- 11 A. They wasn't home at the time.
- 12 Q. Who wasn't home?
- 13 A. Chantelle ---
- 14 Q. --- no I'm talking about Son and J.M. . They
- 15 would have let you in the door.
- 16 A. Yes, ma'am. But I know -- but like I said I wasn't
- 17 supposed to be on the premises.
- 18 Q. What do you mean?
- 19 A. I wasn't supposed to be on the premises. I can't go
- 20 there without her knowledge. I don't do that. I'm not
- 21 going to pop up at her house without her knowledge.
- 22 Q. So you couldn't have called her and said or when you
- 23 knocked on the door since you're not home I'm going to go
- 24 get him.
- 25 A. No, I can't do that.

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- 1 Q. You can't?
- 2 A. I ain't going to do that.
- 3 Q. But you did it the next morning.
- 4 A. No, I didn't do that. I called her and talked to
- 5 her.
- 6 Q. I thought you said she didn't answer the phone.
- 7 A. What are you talking about -- you're insinuating
- 8 something. I said ---
- 9 Q. --- well -- go ahead.
- 10 A. I stated that we talked that morning. When I called
- 11 her we talked. She said Reco are you getting Son . I
- 12 said yes, I'm in route now. I said I'm in West Ashley.
- 13 That's what I said.
- 14 Q. Rather than she didn't answer the phone. But anyway
- 15 even though your concern was the baby you didn't go and
- 16 get him. What you did was go to Wet Willies and get a
- 17 call a cab?
- 18 A. Yes.
- 19 Q. Is that -- that's grain alcohol. The strongest
- 20 drink they have there isn't it?
- 21 A. I don't know if it is the strongest drink but I
- 22 didn't drink the whole drink.
- 23 Q. But you had already been drinking tequila or a shot.
- 24 A. No, I drank one shot.
- 25 Q. And then you go up to a bar out on Dorchester Road.

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- 1 A. Yes, ma'am.
- 2 Q. And then you go to a bar on Clements Ferry.
- 3 A. Yes, ma'am.
- 4 Q. And that was heaven because you were around a bunch
5 of women.
- 6 A. Yes, ma'am. And I didn't drink anything.
- 7 Q. And then you go to -- what was the name of it?
- 8 A. Club Crucial.
- 9 Q. And you have to get a gun.
- 10 A. No, I went to get my gun because that club right
11 there is a real wild club.
- 12 Q. But you did already have a gun in the car.
- 13 A. Yes, ma'am. That gun was a registered gun. That
14 was a big gun ---
- 15 Q. --- what do you mean?
- 16 A. The gun was registered.
- 17 Q. So you didn't want to have a registered gun?
- 18 A. No, that was somebody else's gun.
- 19 Q. And you went and got your own gun.
- 20 A. Yes, ma'am.
- 21 Q. Which was your revolver?
- 22 A. Yes, ma'am.
- 23 Q. That was a good gun; nothing wrong with it.
- 24 A. Not to my knowledge.
- 25 Q. I mean it functioned fine?

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- 1 A. Yes, ma'am.
- 2 Q. Wasn't disabled in any way?
- 3 A. No, ma'am.
- 4 Q. Everything was fine about that gun?
- 5 A. That I know of.
- 6 Q. You'd had it about six weeks?
- 7 A. I can't recall how long I had the gun.
- 8 Q. I think you told the officers about six weeks.
- 9 A. If that's I told them then that could be correct.
- 10 Q. So then you go on to these bars and at some point
- 11 you call Chantelle and tell her you are going to kill
- 12 her.
- 13 A. No, ma'am. I never called her. She called me back
- 14 and asked me why did I call her children and tell her
- 15 children that she was out with some man. She called me
- 16 back. I didn't call her.
- 17 Q. So you did call the children and tell them that she
- 18 was out with a man.
- 19 A. Well, she didn't went to get Menka [phonetic]. I
- 20 said Chantelle didn't go to get Menka [phonetic]. I said
- 21 she went to get some dude. She will be coming home now.
- 22 That's why I called to let them know.
- 23 Q. I'm sorry I didn't understand you ---
- 24 A. --- that's why I called and let them know. I called
- 25 back and said well Chantelle I just see Chantelle. She

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1 just picked up some dude so she should be coming back
2 home. That's what I stated.
3 Q. And that's what you told the children.
4 A. I told the kids.
5 Q. That's what you were saying. So then after that you
6 decide that you after being out all night you're going to
7 go pick up your son is that right?
8 A. Correct.
9 Q. And where are you going to take him?
10 A. Where I take him at every time.
11 Q. Your sister's house?
12 A. Yes, ma'am.
13 Q. And you pick him up every day?
14 A. Every single day.
15 Q. Every single day even though you didn't really have
16 a place to live.
17 A. I picked him up every single day.
18 Q. He had a babysitter named Charelle Richardson
19 [phonetic] that he went to during the weekdays that lived
20 on Cooper's Point near where Chantelle worked during the
21 weekdays and you picked him up on weekends.
22 A. No ma'am, that's when I was still working at Gerber
23 in the evening time. I was working in the morning at
24 Gerber. When I started working at Cummins I tell her I
25 didn't want that lady minding my son no more because we

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1 take clothes there and she don't change our son and when
2 we pick him up he be looking bad so I said I'll take care
3 of my son.

4 Q. So you work all night and then take care of him all
5 day?

6 A. Yes, ma'am. I'd rather take care of him. That's my
7 boy.

8 Q. But you didn't go get him that night when you
9 thought he was not safe.

10 A. Because I don't go to her house without her
11 knowledge; that's why.

12 Q. All right. So now you decide that -- well, let's
13 say at the party you ought to know that this family has
14 plans for that afternoon so there is no plan for you to
15 pick up your baby that day.

16 A. I pick my baby up every single day.

17 Q. But they had plans that day and they told you about
18 those plans ---

19 A. --- no, they didn't. They didn't tell me about no
20 plan, ma'am. That was never on the agenda. I picked my
21 baby up ---

22 Q. --- you didn't know about them.

23 A. I pick my son up every single day. If she would
24 have had plans once she would have get off she would have
25 come to get him and they would have gone to their plans.

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- 1 I gets my son every single day.
- 2 Q. Okay. So you've been out all night and you're
- 3 going to pick up your son.
- 4 A. Yes, ma'am.
- 5 Q. And you don't have a car seat.
- 6 A. Yes, I do. My car seat is always in the backseat of
- 7 the car.
- 8 Q. It is?
- 9 A. Every day. It's on the picture.
- 10 Q. I know it is.
- 11 [Whereupon, the witness is shown photograph]
- 12 Q. I guess you're saying this is the car seat?
- 13 A. No, ma'am. See the car seat right there [indicates].
- 14 Q. This?
- 15 A. Yes ma'am that is the car seat.
- 16 Q. I'm going to put up what is defendant's exhibit
- 17 number 4.
- 18 [Whereupon, the photograph is shown]
- 19 Q. That's not a stroller?
- 20 A. No, ma'am.
- 21 Q. That's not a stroller?
- 22 A. No, ma'am.
- 23 Q. That's a car seat for a one year old and not a
- 24 stroller?
- 25 A. Yes, ma'am.

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- 1 Q. And you also parked in Moss Creek.
- 2 A. No ma'am, I didn't.
- 3 Q. Well you weren't allowed to park in Oak Ridge you
- 4 said.
- 5 A. I never said that. I never said I wasn't allowed to
- 6 park over there.
- 7 Q. You didn't tell the police you weren't allowed to.
- 8 A. I said I wasn't allowed to be over there.
- 9 Q. So you weren't allowed to be there.
- 10 A. Yes, ma'am.
- 11 Q. And parking there would be being there.
- 12 A. No ma'am because sometimes I sleep there sometimes.
- 13 Q. But you're not supposed to be there.
- 14 A. No, ma'am. I wasn't never supposed to be there if
- 15 you ask me because they said my name was on trespass
- 16 notice from '93 from downtown ---
- 17 Q. --- and that's why you parked across the fence?
- 18 A. No, ma'am. No, ma'am. I never parked there.
- 19 Q. That's why Officer Curlee saw your car speeding out
- 20 of Moss Creek on his way to the 911 call.
- 21 A. He never saw my car, ma'am.
- 22 Q. He never saw it.
- 23 A. No, ma'am.
- 24 Q. So that part didn't happen.
- 25 A. No, ma'am.

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1 Q. And you have a gun when you're going to pick up your
2 son.

3 A. Yes, I had the gun in my possession.

4 Q. And you're taking that to pick up your baby?

5 A. Yes, ma'am.

6 Q. And when you're waiting you get there and you don't
7 knock on the door.

8 A. No ma'am, because I never made it to the door.

9 Q. You didn't make it there.

10 A. No ma'am, not to the door.

11 Q. You made it just part way and then she starts coming
12 out is what you say.

13 A. When I was coming around the building that's when I
14 say when I was coming around the building she was already
15 walking down the steps.

16 Q. And first you see her and then you see Montez.

17 A. Yes, ma'am.

18 Q. And that's when you get really angry because you
19 know he spent the night.

20 A. No, ma'am.

21 Q. You didn't talk to her about he's got on the same
22 clothes. He stayed here all night?

23 A. I said he got the same -- she said Reco he just come
24 here. I said no he didn't; he got the same clothes on.
25 That's the same dude from that night.

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1 Q. So you knew he had spent the night.

2 A. It didn't bother me because we wasn't a couple.

3 Q. Oh, it didn't bother you at all.

4 A. No, we wasn't a couple.

5 Q. You didn't have a long conversation with her about
6 him spending the night?

7 A. No, ma'am. We ain't had a long conversation.

8 Refresh my memory.

9 Q. When you're talking about he's been here, he's been
10 around my kids, he's not supposed to be here, he's got on
11 those same clothes, he's been around my kids.

12 A. No, I didn't say all that. I said that -- this is
13 what I said quote unquote I said you got this man hanging
14 around my kid.

15 You said you just met him a couple of weeks ago he
16 could be a pedophile or anything; you don't know that.
17 She told me he's a college friend; he's an old friend
18 from college.

19 Q. But you were made that he was ---

20 A. --- no ma'am, we wasn't together for five months.

21 Why would I be mad?

22 Q. I don't know.

23 A. But you're insinuating.

24 Q. Yes, I am because -- well, we'll get to that. But

25 you were mad enough to slap her but we'll get to that in

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- 1 a moment. So you say you that see him coming down.
2 You're having this conversation with her about him
3 spending the night there and he has on a backpack.
4 A. Right.
5 Q. And that is why you get scared.
6 A. Yes, ma'am.
7 Q. And then he runs.
8 A. Yes, ma'am.
9 Q. He runs.
10 A. Yes, ma'am.
11 Q. Immediately; takes off. So he's gone; he ran. And
12 that's when you pull out the gun.
13 A. No, the gun never did been in my hand. I said I
14 took the gun out when he wouldn't take his hand out of
15 his bag. The gun was always in my hand.
16 Q. But he ran.
17 A. And the gun still was in my hand.
18 Q. So you kept the gun.
19 A. Yes ma'am, it was still in my hand.
20 Q. And so then you get in the argument with her.
21 A. It was never an argument. It wasn't an argument.
22 Q. Your plan was to slap her.
23 A. Yes, ma'am.
24 Q. Why were you going to slap her?
25 A. Because of what she said.

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- 1 Q. What she said. How do you slap somebody?
- 2 A. Slap them with an open fist -- open hand.
- 3 Q. Right. Just like that [indicates] you slap them
- 4 with an open hand.
- 5 A. That's right.
- 6 Q. But the gun was in that hand.
- 7 A. Yes, ma'am.
- 8 Q. So what happened to the gun when you opened your
- 9 hand to slap her.?
- 10 A. The gun would have fell.
- 11 Q. The gun fell?
- 12 A. You asked me what would happen ---
- 13 Q. --- yes what happened? I'm asking you what would
- 14 happened when you opened your hand to slap her ---
- 15 A. --- if I had opened my hand to slap her the gun
- 16 would fell out my hand.
- 17 Q. But you didn't open your hand to slap her because
- 18 you didn't slap her.
- 19 A. I swing my arm -- I said I meant to slap her -- I
- 20 swing my arm, I hit her and the gun discharged. I never
- 21 didn't one day say that I didn't assault Chantelle. I
- 22 told the officers from day one assault occurred. It was
- 23 never attempted murder ---
- 24 Q. --- and it occurred right here.
- 25 A. No, ma'am. I never pointed no gun at her.

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- 1 Q. Never?
- 2 A. Never. That came from a direct blow.
- 3 Q. If your intention was to slap her you would have
- 4 dropped the gun.
- 5 A. I meant to slap her.
- 6 Q. You meant to slap her?
- 7 A. Yes, ma'am.
- 8 Q. You didn't drop the gun.
- 9 A. I meant to slap her.
- 10 Q. And she had powder burns on her. So the gun was
- 11 really close to her when it went off, very close.
- 12 A. Because like I stated when I hit her with the gun
- 13 the gun discharged.
- 14 Q. So you hit her with the gun like this [indicates]?
- 15 A. No, ma'am. No, ma'am. No, ma'am. If I hit her with
- 16 the gun like that the bullet would have lodged in her.
- 17 Q. Well, that's where her injuries are right there.
- 18 A. No, ma'am. No, ma'am.
- 19 Q. They're not?
- 20 A. Just hear what you're saying. You're insinuating
- 21 something.
- 22 Q. No, I'm telling you where her injuries were.
- 23 A. Yes, her injury is right here [indicates]. It's a
- 24 gash from when I hit her with the gun.
- 25 Q. From when you hit her with it so that's where you

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- 1 hit her.
- 2 A. Yes, ma'am. But you're saying I pointed the gun --
- 3 I didn't point the gun at her.
- 4 Q. Let's look at her picture. You ended up hitting her
- 5 there [indicates] with the gun.
- 6 A. A direct blow yes, ma'am. I hit her.
- 7 Q. And then what you did was you felt so bad and you
- 8 felt sorry and you wanted to console her and you wanted
- 9 to -- you took off your shirt and you wiped the blood off
- 10 her.
- 11 A. No, I didn't take off my shirt. I just take my
- 12 shirt up.
- 13 Q. Up and wiped her.
- 14 A. Yes, ma'am.
- 15 Q. I have to get the picture of her because I think
- 16 what you say is you are so concerned that the gun may
- 17 have or that the bullet may have gone into her braids
- 18 that you take her hair down.
- 19 A. I never said I was concerned about the bullet
- 20 hitting her brain.
- 21 Q. I thought you said you rubbed her head ---
- 22 A. --- I rubbed her -- she said Reco you shot me. I
- 23 rubbed my hand in her head; that's all. I said no
- 24 Chantelle you never got shot.
- 25 Q. And you said you took her braids down.

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- 1 A. Yes, I loose her braids. I got to make sure she is
2 okay.
- 3 Q. Let's look at this picture.
4 [Whereupon, the photograph is shown]
- 5 Q. Her braids aren't loosened are they?
- 6 A. She had one right there [indicates] and one right
7 there [indicates].
- 8 Q. So you're saying those are the braids being
9 loosened.
- 10 A. The ones on the side. That right there [indicates]
11 was already on top. She had another one right here
12 [indicates].
- 13 Q. And you loosened that?
- 14 A. Yes, ma'am.
- 15 Q. And so that took awhile.
- 16 A. No ma'am it didn't take -- no.
- 17 Q. And you were wiping her up and you were talking to
18 her and nobody is around. Nobody is there and nobody
19 heard any of this. After the gunshot nobody came out.
- 20 A. Yes, ma'am.
- 21 Q. But not while this was going on.
- 22 A. No, ma'am.
- 23 Q. Nobody came from downstairs. Nobody looked out, no
24 child looked out; none of that.
- 25 A. No, ma'am.

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- 1 Q. And this -- Mr. Felder you never saw the children?
2 A. The children never came outside.
3 Q. They never came outside?
4 A. No, ma'am.
5 Q. Just Mr. Robert.
6 A. Yes, ma'am.
7 Q. And that's when you pulled your gun back out again.
8 A. No, that's not when I pulled the gun back out again.
9 That's not when I said I pulled the gun back out again.
10 I said when he came out he turned back around and go on
11 back in. That's when I walked to the end, then I pulled
12 the gun out and looked around the building.
13 Q. And that -- you know how we know that wasn't an
14 accident? Because you held the gun to her head a second
15 time.
16 A. The gun was never to her head, ma'am.
17 Q. When the children were watching you.
18 A. The children were never out there.
19 Q. You never saw them.
20 A. Never; they was never out there.
21 Q. So they never saw you with the gun.
22 A. No, ma'am.
23 Q. They never saw you holding her head back.
24 A. No, ma'am.
25 Q. They didn't see any of that.

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- 1 A. No, ma'am.
- 2 Q. And Mr. Felder the neighbor never saw you try to
3 comfort her or wipe her off or any of that when he came
4 out.
- 5 A. No, ma'am.
- 6 Q. Because you ran.
- 7 A. I didn't ran.
- 8 Q. When you ran the children were screaming.
- 9 A. I didn't ran, ma'am.
- 10 Q. You walked right?
- 11 A. Yes ma'am, because I told her -- if you read the
12 statement I told her I love you and I walked off.
- 13 Q. And she told you to go because she didn't want you
14 to get in trouble.
- 15 A. Yes, ma'am.
- 16 Q. She didn't want you to get in trouble.
- 17 A. Yes, ma'am.
- 18 Q. But she's screaming call the police, call 911.
- 19 A. She said that after I walked off.
- 20 Q. But she didn't want you to get in trouble.
- 21 A. That's what she said.
- 22 Q. She had her phone hooked up so the Marshalls could
23 track you but she didn't want you to get in trouble.
- 24 A. I just told you that's why she told me to call
25 J.M. s phone.

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- 1 Q. Well she was trying to help them find you.
2 A. Well at the time she was telling me to call J.M.
3 pone.
4 Q. But you would call her phone and J.M. 's phone.
5 A. Yes, ma'am.
6 Q. Both of them?
7 A. Yes, ma'am.
8 Q. And you knew the officers were looking for you.
9 A. Yes, ma'am.
10 Q. And you threw your gun away.
11 A. I threw it away while I was running.
12 Q. While you were running from the police you threw
13 your gun away.
14 A. Yes, ma'am.
15 Q. And you say that she was still having this
16 relationship and wanting to have a relationship with you
17 all this time.
18 A. Say that again.
19 Q. She was wanting while you were in jail to still have
20 a relationship with you.
21 A. That she wanted to have a relationship with me while
22 I was in jail?
23 Q. Uh Huh?
24 A. No, she said she would still be my friend.
25 Q. After all this?

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1 A. Yes, ma'am.
2 Q. When you talked to the police on June 2nd you'd had
3 nine days to turn yourself in.
4 A. Yes, ma'am.
5 Q. But you were waiting to turn yourself in.
6 A. Yes, ma'am.
7 Q. Until that day you were going to.
8 A. No, I called the Marshalls.
9 Q. What?
10 A. I called the Marshalls that morning.
11 Q. Oh you did?
12 A. Yes ma'am, I called them.
13 Q. And told them to come and get you?
14 A. No, ma'am. I told them I was going to turn myself
15 in around six o'clock.
16 Q. But they had to come and find you.
17 A. No, someone told them where I was before I could
18 turn myself in; that's what happened.
19 Q. So they came and got you.
20 A. Yes, ma'am.
21 Q. Even though you told them you were coming to turn
22 yourself in ---
23 A. --- yes ma'am.
24 Q. And you had had all this time to kind of thing about
25 what you were going to tell them.

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1 A. No, ma'am.

2 Q. You weren't thinking about this at all?

3 A. No, ma'am. I was thinking about what I did and
4 about how bad I felt about doing it. I wasn't thinking
5 about what I was going to tell them because what I told
6 them was verbatim. The same thing that you read is the
7 same thing that I'm saying.

8 Q. Well, it's not exactly but I don't think today that
9 you told the jury about getting upset about him having
10 the same clothes on and him spending the night. But
11 that's what made you mad. That's what made you assault
12 her because you found out she was with another man ---

13 MS. EHRLICH: --- objection, Your Honor ---

14 THE COURT: --- hold on. What?

15 MS. EHRLICH: Ms. Herring-Lash is making statements
16 and not really asking a question. I think ---

17 THE COURT: --- sustained. You have to ask a
18 question and give him a chance to answer before you move
19 on to the next one.

20 Q. [Ms. Herring-Lash] What you were mad and wanted to
21 hit her was because of her discussions about being with
22 another man.

23 A. No, ma'am.

24 Q. But you never heard her cry and screaming?

25 A. The only thing she did was scream out when the gun

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1 first going off. That's the only time she said anything.

2 She was never crying or screaming.

3 Q. She didn't cry and the children never screamed.

4 A. No, ma'am. I never heard them. After I walked off
5 they probably came out.

6 Q. And Mr. Robert didn't see you trying to comfort her.

7 MS. EHRLICH: Objection. It's already been asked
8 and answered.

9 THE COURT: Overruled.

10 Q. [Ms. Herring-Lash] Did he?

11 A. Repeat it.

12 Q. Mr. Robert didn't see you wiping her up.

13 A. No, ma'am.

14 Q. He in fact went and got a towel.

15 A. Yes, ma'am.

16 Q. So you are still telling us that this whole thing
17 was about your son.

18 A. Like I said before I was coming to get my son. She
19 told me weeks prior to all this here she had a friend.
20 She said Reco I got a friend. She said you don't got to
21 worry about nothing it ain't nothing serious.

22 She said you might know him. His name is Montez and
23 he got a brother named Earl. I know Montez and I know
24 Earl. Earl went to school with me but I wasn't -- Montez
25 is younger. I didn't even know about how he looked.

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1 MS. HERRING-LASH: Beg the court's indulgence.
2 [Whereupon, Ms. Baldwin and Ms. Herring-Lash confer]
3 Q. [Ms. Herring-Lash] I guess the bottom line Mr.
4 Felder is that you didn't slap her did you?
5 A. Ma'am?
6 Q. You didn't slap her.
7 A. No, ma'am. I hit her with the gun. I said I meant
8 to slap her. An assault occurred. I never denied none
9 of that. An assault occurred but it was never nothing
10 intentional.
11 Q. And a gun goes off when you pull the trigger.
12 A. I didn't pull the trigger because when I slapped her
13 the hammer was cocked back and it went off. I never
14 pulled the trigger.
15 Q. But a gun goes off when you pull the trigger.
16 A. No, but I had the hammer cocked and I hit something
17 the hammer is going to come forward sometimes.
18 Q. But you don't have to pull the trigger for a gun to
19 go off.
20 A. You don't.
21 Q. You do not.
22 A. No, ma'am. You can drop a gun and it will
23 discharge.
24 Q. If it's defective.
25 A. No, ma'am.

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1 Q. But you had a good gun.

2 A. No, ma'am. I don't know if it was good or not. I
3 had it hide outside so I don't know whether it was good
4 or not. I said it was okay. I'm not a specialist in
5 guns.

6 Q. But you know as everybody knows you have to pull the
7 trigger.

8 A. No ma'am, you don't.

9 Q. That's all the questions I have.

10 THE COURT: Redirect?

11 MS. EHRLICH: Your Honor, I don't have any further
12 questions.

13 THE COURT: All right. You can step down.

14 [Whereupon, the witness is excused and exits the
15 witness stand]

16 THE COURT: Does the defense intend to call any
17 further witnesses?

18 MS. EHRLICH: No your Honor, we would rest.
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1 THE COURT: All right. Well, folks it is 12:15
2 and your lunch is here so I'm going to send you back to
3 the jury room and let you eat your lunch while we get
4 ready for the next phase of the trial. We have some
5 legal matters that we have to take up and work on some
6 things to get it to you to deliberate on after lunch.

7 I'm going to give you an hour. Your lunch is here.
8 You can enjoy it and then if you want to stay in the jury
9 room you can but you are also free to wander about and
10 stretch your legs. If y'all would be back in the jury
11 room at 1:30 then we will have it ready for y'all for the
12 next phase of the trial.

13 So go ahead and don't begin deliberations or
14 discussions about the case. No posting on social media
15 or any investigation or anything like that and we will
16 see you back here at 1:30.

17 [Whereupon, the jury exits at 12:14 p.m.]

18 THE COURT: Okay. Are y'all intending to call
19 anybody in rebuttal or anything?

20 MS. BALDWIN: No, sir.

21 THE COURT: Okay. Then are there any motions that
22 you want to make or renew?

23 MS. EHRLICH: Your Honor, we would renew our motion
24 for directed verdict.

25 THE COURT: All right. There is still sufficient

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1 evidence in the record to support the indicted offenses
2 so the motion is denied. I've got some proposed jury
3 charges. I'm going to give them to you to look at. I
4 know there was some request from the defense for lesser
5 included. I put some of them in now; some of them I
6 don't think I'm going to allow it. But Dan is going to
7 run it off for you. You can take them and look at them
8 at lunch and why don't we meet back here at 1 o'clock and
9 we'll go over that okay?

10 [Whereupon, court is in recess from 12:18 p.m. until
11 1:10 p.m.]

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State v Reco Ramone Felder
Charge Conference
December 7, 2016

1 CHARGE CONFERENCE

2 THE COURT: All right. Let's go over the charges.
3 Anything from the State?

4 MS. BALDWIN: No, Your Honor. It looks like you
5 added in assault and battery of a high and aggravated
6 nature as well?

7 THE COURT: Okay. What about from the defense?

8 MS. EHRLICH: Judge, I didn't know that you had
9 added the ABHAN. Is that the only addition?

10 MS. BALDWIN: That's what it looks like.

11 MS. EHRLICH: Your Honor ---

12 THE COURT: --- it's on page six of the last
13 version.

14 MS. EHRLICH: We would oppose a jury instruction on
15 assault and battery of a high and aggravated nature. The
16 State has already chosen two charges for the same set of
17 facts and same set of allegations to go against Mr.
18 Felder with the attempted murder and criminal domestic
19 violence of a high and aggravated nature.

20 In addition I think the facts would better support
21 an assault and battery second degree when the allegation
22 was that her injuries were moderate bodily injury. I
23 think it fits the definition of moderate bodily injury
24 when you look at the statute 16-3-600. I don't see how
25 they get to a point of alleging that there is great

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1 bodily injury. More if their theory is that he was
2 firing the gun and trying to kill her then their theory
3 is attempted murder; not that this was some sort of act
4 by means likely to produce death or great bodily injury.
5 I don't see how they get to ABHAN.

6 MS. BALDWIN: How we get to the ABHAN is that one
7 it is obviously a lesser included of attempted murder but
8 I think the jury if they don't believe that he was
9 intending to kill her they could believe that the act,
10 the hitting in the face with the gun, was -- and that
11 battery was accomplished by means likely to produce death
12 or great bodily injury. I think a gun going off that
13 close to somebody's face could cause great bodily injury
14 or death.

15 We had the EMT testify during our case that they
16 have to take people who have these kind of blast injuries
17 to the hospital because they don't know what's happened.
18 They could have a brain bleed; they could have something
19 else going on in their sinuses. Luckily for Ms. Mitchell
20 that didn't occur in this case. But I do believe that
21 ABHAN is appropriate.

22 THE COURT: Well, I agree that the jury could find
23 great bodily injury by the severity of the gash and the
24 bridge of her nose accompanied by flash powder burns
25 could be defined as great bodily injury. So that would

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1 support that and if they don't find that it is great
2 bodily injury well then assault and battery second degree
3 would be appropriate because it would only be a moderate
4 bodily injury. Okay. What else?

5 MS. BALDWIN: Nothing more from the State, Your
6 Honor.

7 MS. EHRLICH: Judge, we had also asked for an
8 instruction for criminal domestic violence but not a high
9 and aggravated nature. If the jury believe Mr. Felder's
10 testimony that he tried to hit her but didn't remember
11 that he had the gun or realized he had the gun in his
12 hand when he did it I think there is a possibility that
13 they could instead of the CDVHAN see him guilty of a
14 regular CDV.

15 THE COURT: The State's response?

16 MS. BALDWIN: . Your Honor, CDVHAN encompasses
17 somebody having a deadly weapon in their hand when they
18 commit the assault or the assault and battery. Mr.
19 Felder admitted he had the gun in his hand, it was
20 cocked, he had his finger on the trigger when he hit her.
21 So I don't think simply CDV is appropriate in this
22 instance.

23 THE COURT: Well, I would have to agree with you.
24 If there would have been a question as to whether or not
25 the gun was in his hand then perhaps CDV only would have

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1 been an appropriate charge but it's uncontroverted the
2 gun was in his hand and according to his testimony it was
3 cocked and it went off when he hit her with it. He may
4 have forgotten it but it was still in his hand when it
5 went off.

6 Let me ask you this. How do you explain -- how are
7 you going to explain to the jury why you are asking for a
8 conviction of attempted murder or ABHAN or assault and
9 battery second as well as criminal domestic violence of a
10 high and aggravated nature?

11 MS. BALDWIN: In two ways, Your Honor. I think --
12 I was planning on explaining to the jury that ABHAN and
13 assault and battery second are lesser includeds of
14 attempted murder so if you don't believe that he intended
15 to kill her and continue on from there. As to the CDVHAN
16 and attempted murder I think the jury could find it two
17 ways. One that putting the gun to her head is a CDVHAN,
18 pulling the trigger is the attempted murder.

19 Or it could be two separate incidents when he puts
20 the gun to her head and pulls the trigger its attempted
21 murder then when he drags her off to the side and puts
22 the gun back to her head that's a CDVHAN. So they can
23 find one or the other or they can find both. It's up to
24 them.

25 THE COURT: Okay.

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1 MS. EHRLICH: Judge, may I be heard on that just
2 briefly?

3 THE COURT: Sure.

4 MS. EHRLICH: The CDVHAN indictment wasn't for a
5 separate second incident of dragging her and putting the
6 gun to her head. The CDVHAN indictment is for what they
7 say is the attempted shooting.

8 MS. BALDWIN: I don't believe the indictment says
9 specifically what it is for, Your Honor, except for that
10 date. I probably have the bill of particulars anymore.

11 THE COURT: It more or less cites the statute. It
12 doesn't cite the specific act.

13 MS. EHRLICH: But the assumption is its one
14 incident that they've charged him with. They didn't
15 indict him -- if they weren't particular or alleging now
16 a second incident that's not what we're supposed to be
17 here for. We're supposed to be here for what they say
18 was the attempted shooting.

19 THE COURT: No. It just says that on or about May
20 the 24th Mr. Felder caused physical injury to Ms.
21 Mitchell under circumstances of present ability under
22 circumstances reasonably creating fear of imminent peril.
23 In addition it involved the use of a deadly weapon or
24 resulted in serious bodily injury or the assault with or
25 without accompanied battery would reasonably have caused

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1 a person to fear imminent serious bodily injury or death.
2 That would certainly encompass her theory of the dragging
3 her off afterwards ---

4 MS. EHRLICH: --- right, but that ---

5 THE COURT: --- being a separate offense.

6 MS. EHRLICH: That wasn't what we were noticed for
7 as far as this case. That was something that came up
8 later this whole allegation of dragging her to another
9 area and pointing the gun. My understanding from the
10 testimony of the preliminary hearing and her statement
11 was that it was all one incident; not that he was
12 dragging her around to a whole other area and creating
13 another offense.

14 THE COURT: I don't think you're bound by only the
15 evidence that came up in the preliminary hearing. So the
16 State is not limited to just that. Facts develop, cases
17 develop later. You have made your objection and I deny
18 it.

19 MS. EHRLICH: Thank you, Your Honor.

20 THE COURT: I also agree that I don't think -- it's
21 either guilty of CDVHAN or not guilty of it. But I don't
22 see where there is any evidence that it's only CDV. Hit
23 again -- hitting her with a gun, hitting her with a hand
24 that contained a gun and or dragging her off threatening
25 her under no circumstances is that CDV. So I decline

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1 your request for a CDV first offense only.

2 MS. EHRLICH: Yes, sir. May I also -- I failed to
3 when I renewed my motion for directed verdict may I also
4 just renew for the record my motion for a mistrial based
5 on the juror issue.

6 THE COURT: Okay. Well, nothing new came out of
7 that to change my mind so noted and denied. Anything
8 else on the charges?

9 MS. BALDWIN: No, sir.

10 THE COURT: From you?

11 MS. EHRLICH: No, sir.

12 THE COURT: All right. How long do you think
13 you'll need?

14 MS. BALDWIN: I was planning on opening on the law.
15 I need about five minutes for that and then for my
16 closing maybe 15 to 20.

17 THE COURT: And how long do you think you might
18 need?

19 MS. EHRLICH: I think it's about 20 minutes.

20 THE COURT: Okay. Well, get yourself ready and
21 we'll be ready to go at 1:30 then.

22 MS. BALDWIN: Thank you, Your Honor.

23 [Whereupon, court is in recess from 1:20 p.m. to
24 1:28 p.m.]

25

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1 THE COURT: All right. All the jurors are back.
2 Are you ready for the State?

3 MS. BALDWIN: Yes, sir.

4 THE COURT: Ready for the defense?

5 MS. EHRLICH: Yes, sir.

6 THE COURT: Okay. The defendant is in the
7 courtroom so bring the jury in.

8 [Whereupon, the jury enters at 1:30 p.m.]

9 THE COURT: Folks welcome back. We are now going
10 into the final phase of the trial before you begin your
11 deliberations and that is the closing arguments that you
12 will hear from the lawyers and then I will charge you on
13 the law. After that you will retire to consider what
14 your verdict will be. Because the State has the burden
15 of proof they get to open and close so you will hear a
16 brief opening from the State and then you will hear from
17 the defense lawyer and then you will hear from the
18 Solicitor to close in final. After that I will then go
19 over the law with you.

20 Just to remind you these are closing arguments.
21 What the lawyers state is not to be considered as
22 evidence. You've heard all the evidence that you are
23 going to hear by way of testimony or pictures or
24 photographs; that sort of thing. So this is not
25 evidence. This is just argument about the evidence with

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1 a preview of the law with an attempt basically by the
2 lawyers to persuade you to render a verdict on their
3 client's behalf. So Madame Solicitor, if you are ready
4 you may begin.

5 MS. BALDWIN: Thank you, Your Honor.

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State v Reco Ramone Felder
Closing Arguments-Remarks by Ms. Baldwin
December 7, 2016

1 CLOSING ARGUMENTS

2 BY MR. BALDWIN:

3 Good afternoon everybody. I just want to take a
4 moment to thank you all for being here for the past two
5 days and being patient with us and for braving the
6 weather. I know it has been raining the last couple of
7 day. I'm just going to talk to you a few minutes about
8 the law of the case. The Judge will go more in depth
9 with you in a little bit but I wanted to give you a brief
10 overview. Then as the Judge stated Ms. Ehrlich will give
11 her closing arguments and then you will hear some from me
12 again.

13 So Mr. Felder is charged with attempted murder and
14 criminal domestic violence of a high and aggravated
15 nature. Along with that he is also charged with
16 possession of a firearm during the commission of a
17 violent crime. What that is is because statutorily
18 attempted murder and CDVHAN for short are known as
19 violent crimes and we're alleging that he possessed a
20 weapon during those crimes.

21 So the basic elements of attempted murder are an
22 attempt to kill somebody with an intent to kill them with
23 malice aforethought. And that malice can be either
24 express or implied. The basic definition of malice is
25 going of a wrongful act intentionally and without cause

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1 or excuse. As I said it can be express or implied. And
2 express malice would be something like I'm going to kill
3 you. An implied malice would be an example of that would
4 be waving a gun around at somebody.

5 Malice doesn't necessarily require ill will towards
6 a person but a general malignant recklessness of the
7 lives and the safety of others or a condition of the mind
8 that shows a heart regardless of social duty and fatally
9 bent on mischief. Now aforethought; sometimes people
10 think malice aforethought there has to be a great deal of
11 premeditation. It actually can happen in an instant. It
12 doesn't have to be a specific length of time. It just
13 has to be a moment when that malice is formed. Now it
14 can be premeditation like lying in wait for somebody.

15 The defendant is also charged with lesser includeds
16 of attempted murder. These lesser includeds are assault
17 and battery of a high and aggravated nature. That's
18 basically if you don't find that he intended, Mr. Felder
19 intended to kill the victim but rather that his actions
20 could have caused serious bodily injury or death then you
21 could find him guilty of ABHAN.

22 Another lesser included that the Judge will charge
23 you on is assault and battery second degree and that
24 means that his actions caused moderate bodily injury to
25 the victim. And the Judge will give you a more specific

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1 definition of what moderate bodily injury is. Now
2 separate from all those; assault and battery, attempted
3 murder all those charges you can also find the defendant
4 guilty in addition to these assault charges of criminal
5 domestic violence of a high and aggravated nature. And
6 this is a bit wordier than attempted murder. Attempted
7 murder is pretty straightforward.

8 CDVHAN means to cause physical harm or injury to a
9 household member with apparent present ability under the
10 circumstances reasonably causing fear of imminent peril
11 and the assault and battery either involved the use of a
12 deadly weapon like a gun or resulted in serious bodily
13 injury to the victim or that assault with or without a
14 battery would have caused a person to fear imminent
15 serious bodily injury or death.

16 So as I stated the last charge that he has is
17 possession of a weapon during the commission of a violent
18 crime. Basically that's if you find that he possessed
19 the gun during these incidents then you could find him
20 guilty of possession of a weapon during the commission of
21 a violent crime.

22 I do want to go back real quick and mention the
23 household member married, used to be married,
24 cohabitated, which means you live together or you used to
25 live together or if you have a child in common. So with

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1 that being said I want to thank you very much for your
2 attention. I'll turn the floor over to Ms. Ehrlich and I
3 look forward to speaking to you more in a few.

4 THE COURT: Ms. Ehrlich?

5 MS. EHRLICH: Thank you, Judge.
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1 CLOSING ARGUMENTS

2 BY MS. EHRLICH:

3 Things are not always what they appear to be. And
4 the State of South Carolina indicted Mr. Felder for three
5 different charges; the weapons charge, attempted murder
6 and criminal domestic violence of a high and aggravated
7 nature. And you will probably hear all of us say CDVHAN
8 a lot and that's what we are talking about.

9 The Judge will give you the actual instructions on
10 the law. What Ms. Baldwin and I say as far as the law
11 you defer to the Judge. But he will tell you what these
12 charges are, what the definitions are, including some
13 lower charges. And we want you to consider the evidence
14 and the testimony and consider whether or not Mr.
15 Felder's actions that day meet those definitions.

16 I told you in my opening statement that he hit her.
17 That is not disputed. We know that he hit her. He
18 admitted he hit her. He got up on the stand and said he
19 hit her but this was not an attempt on someone's life.
20 He wasn't pointing a gun at somebody's head. He
21 assaulted her and caused what is called moderate bodily
22 injury; a broken nose. This case is really not an
23 attempted murder. Attempted murder requires that you
24 intend to kill somebody and Reco Felder never intended to
25 try to kill somebody on May 24th, 2014. He came up on

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1 the stand and told you what happened. He told the police
2 what happened and he told the truth even when it doesn't
3 make him look that good. And you don't have to like
4 everything about Mr. Felder. You don't have to like
5 everything he did. But you do have to consider what he
6 told you and whether or not the evidence fits his
7 testimony.

8 And he did that without the benefit of knowing what
9 Mr. Mitchell's phone records were going to say when he
10 spoke to police, what physical evidence was going to be
11 that they found. He told the police what he knew because
12 he told them the truth.

13 Doctor Larson testified. He was the emergency room
14 doctor. And he said this wasn't a gunshot wound. It was
15 blunt force trauma; a broken nose from a pistol whip
16 injury. And when I asked Doctor Larson if the injury and
17 the powder burn was consistent with a pistol whip injury
18 where the gun went off he said yes, it could be.

19 At no point did the State ask him is that injury
20 consistent with somebody pushing a gun and the gun
21 kicking back. They didn't ask that question. He didn't
22 say that's how the injury could have happened. And let's
23 talk about the injury. You're going to take all these
24 pictures back. I'm not going to show you every picture
25 and make you relive every bit of testimony but look at

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1 that injury and remember his testimony of a broken nose
2 and gash. That doesn't come from somebody pushing a gun.
3 That comes from somebody hitting somebody hard with a gun
4 in the face.

5 Ms. Mitchell tried to tell us that she never spoke
6 to the emergency room staff ever; the nurses and EMS
7 worker. And we know that's not true but maybe she was in
8 shock because the EMS worker came in here and said she
9 was able to talk to him, that she gave them information
10 about how the injury occurred, and told them that she was
11 either pistol whipped or shot. So we know she talked to
12 them and we know that they described her as alert and
13 conscious. So we know that she was able to communicate
14 and not so seriously injured that she couldn't speak with
15 medical staff.

16 You know what else supports Mr. Felder's testimony?
17 The crime scene and the crime scene technician. Mr.
18 Felder told us that Montez Perry had a black duffle bag
19 with an open compartment that his hand was in. And those
20 pictures document the open pocket. At least one pocket
21 was open because we know they found a pocket open and we
22 know these big shoes are found right there and Mr. Perry
23 said they came out of the bag. And let's talk about Mr.
24 Perry. We don't really know if he was armed. We don't
25 really know. And you can judge his creditability for

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1 yourself. He obviously didn't want to be here when he
2 testified and he tried to say he saw the gun go off or he
3 saw when Mr. Felder pulled the trigger. We know that's
4 not what happened. He ran because Mr. Felder was able to
5 pull the gun before he could.

6 And he tried to tell us my mind is so fuzzy I
7 blacked out; I don't know. We tried to show the
8 transcripts to see if that would refresh his memory and
9 it was a transcript of what you said to the police and he
10 still didn't want to admit what he said. So he either
11 blacked out and doesn't remember anything and shouldn't
12 be testifying or he knows exactly what happened; that he
13 was putting his hand in that bag reaching for a weapon.
14 And he ran when he couldn't get his weapon first and
15 ditches the gun and ditches the bag and disappears for a
16 while.

17 We know police didn't search the area for a weapon.
18 They didn't look far for a gun that could have been
19 ditched. There are no pictures from the other side of
20 the fence that everybody kept talking about people
21 jumping over to go to Moss Creek. They didn't look over
22 there. But we don't know how long Perry was going
23 because nobody documented but we know Perry disappears
24 for a period of time and comes back. He never calls 911
25 and he says he goes to neighbors trying to ask for help.

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1 But where are those neighbors? Nobody came here to back
2 him up. So either he can't remember or he's covering up
3 for himself. Mr. Felder did have a gun and he told you
4 he had a gun. He said he had a black revolver. And we
5 are hearing all this testimony about how he pulled the
6 gun a second time and pointed it at her head near the
7 fence line. Well, was it a gun or was it the black phone
8 that he had in his hand that he's talking over.

9 And they are far away. They know she's screaming
10 about being hurt, don't shoot; whatever she is saying.
11 Maybe they assumed it was a gun. Maybe he even pulled
12 the gun a second time like he said looking for the guy
13 who had run off to make sure he wasn't coming back. But
14 things aren't always what they seem.

15 Then we got this crazy allegation about how the
16 screen door was moved and he was lying in wait. They
17 didn't process that scene because nobody ever said that.
18 They didn't process it for prints. They didn't look at
19 the screen door. And if she was so concerned that
20 somebody was messing with the screen door would she
21 really have just left her children, her five children
22 there to go to work? No, she would have called 911. And
23 if you look at the pictures you can see that nothing is
24 wrong with the screen door. And you can also see from
25 the angles of those stairs that she wouldn't have been

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1 able to see anybody hanging out under the stairs waiting
2 for her. You cannot see that but you can see that
3 somebody could come around the corner from the parking
4 lot and it would look potentially like they came from
5 under the stairs.

6 And don't you think the neighbors would have noticed
7 some guy hanging out on their porch downstairs, heard
8 something, saw something. The only think Mr. Traynham
9 said he heard was the pow and that's when he came
10 outside.

11 And let's talk about his testimony. He basically
12 said he can't remember the words from that day, what
13 people were saying. But he did say he remembered
14 movement and he said that he saw Mr. Felder but he
15 doesn't describe him as acting erratic, violent. He
16 doesn't say he was pointing the gun at anybody's face or
17 waving it at anybody. That's not what he said. He
18 didn't see it because it didn't happen. But he did say
19 that Ms. Mitchell was pacing back and forth, which is
20 understandable, and that could explain why there is blood
21 leading towards that fence.

22 I've got to talk about Detective Krasowski. Nice
23 guy but this isn't really this investigation. The
24 investigation was done by Detective Burkhardt who he
25 testified was retired. It doesn't mean he's not

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1 available to come in and answer questions and explain why
2 he did certain things or why he didn't do certain things.
3 Important things like interview witnesses. If these
4 children really saw everything that they said they saw
5 why didn't he interview them? This thing happened two
6 and a half years ago and the police never interviewed
7 either one of those children.

8 And Detective Krasowski told you how interviewing
9 children can be kind of a difficult thing and so they
10 have a special place to send kids, Lowcountry Children's
11 Center where they could have sent them and he said you
12 know what? We didn't do it and it's on us. So they
13 either didn't do it because Detective Burkhardt missed it
14 or maybe they weren't really witnesses to the actual
15 event. We don't know because Detective Burkhardt wasn't
16 here to explain these decisions.

17 The other thing that wasn't done is they didn't get
18 her medical records before arresting him. And if they
19 had they would have known that Ms. Mitchell wasn't shot;
20 that this was a pistol whip injury.

21 There was also an issue with gunshot residue
22 testing. If you will notice I didn't ask anything about
23 whether or not Mr. Felder was tested for gunshot residue.
24 Why would I? It had been nine days by the time he was
25 arrested. But what is important, very important, is that

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1 the crime scene tech went to the hospital and tested Ms.
2 Mitchell's hands. He testified that he took a gunshot
3 residue test. Do you know why you would do that?
4 Because you would send it off to get tested to back up
5 this whole thing that she pushed the gun away because if
6 she pushed the gun away you would expect gunshot residue
7 on her hands and they didn't test it. That alone is
8 reasonable doubt on the State's case.

9 Let's talk a little bit about kind of common sense
10 stuff. Detective Krasowski testified about how guns may
11 or may not go off. And I don't know if I even followed
12 that but I think it's pretty common sense that if
13 somebody punches me in the face with a cocked weapon it's
14 going to discharge. And that makes sense and that's
15 consistent with what the emergency room doctor said.

16 What's also common sense are a woman's children
17 coming in to support her. It's been two and half years
18 since this happened. They're not going to come in here
19 and try to make things look bad for their mom. They
20 don't want Reco Felder back in their life because no
21 matter what happened that day nobody would blame them for
22 that. But they are biased witnesses and they are biased
23 for their mother. But even with that their testimony
24 doesn't really help the State's case like they think it
25 does. The daughter said she knew Mr. Felder had a gun

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1 and described but I don't really know where he had it.
2 That's inconsistent with it being pointed at her head.
3 She also admitted that even though Ms. Mitchell said they
4 were broken up and that Mr. Felder didn't come to the
5 house that he did come there. She also said that J.M.
6 didn't cross the front door threshold which would impact
7 what he actually saw that day. And she also testified
8 something about a threat being made the night before over
9 the phone. If the threat was so real why didn't they
10 call 911?

11 J.M. also told us that Mr. Felder was watching
12 Son every day. They don't want to admit that but he
13 was. And that explains why he would be there including
14 on the weekend on a Saturday May 24th. Both of them
15 confirmed that the police never talked to them.

16 I want to talk about Ms. Mitchell. There is a
17 different side of Ms. Mitchell than what we saw in court.
18 She testified that he was calling her all kinds of times
19 but then when we looked at her phone records and I asked
20 her she called him a lot too; something like 13 times on
21 the 23rd. And if his calls are such a big deal and you
22 are so scared and threatened by him why didn't you call
23 the police. If you ran into him downtown and he's so
24 scary why didn't you call the police and say this guy is
25 following me. She didn't call because she wasn't being

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1 followed and she wasn't being intimidated and she wasn't
2 scared. And we know from Mr. Felder's testimony he was
3 very busy that night going to different clubs to try and
4 meet women.

5 There was also something interesting that came out
6 in her testimony about some sort of metal fragments that
7 were in her face. But there was nothing in her medical
8 records that supported that. She got a CT scan and
9 nothing showed up, no testimony from her doctor about
10 that.

11 Her testimony was that Mr. Felder pulled the gun and
12 cocked it at Mr. Perry. He's not charged with trying to
13 kill Mr. Perry or wanting to kill Mr. Perry. And that
14 gun came out that day because he was scared of Perry.
15 And Ms. Mitchell also admitted that she did maintain some
16 contact with Mr. Felder once he was arrested. And I
17 think she said something about being afraid that he would
18 come after her and wanted him to admit what he did. He
19 admitted what he did when he went to the police and he
20 was arrested and in jail. He wasn't a threat to her.

21 And if you were so scared of somebody and thought
22 that they had tried to kill you, you wouldn't be taking
23 their calls from the jail. You wouldn't take a call ever
24 from somebody. Mr. Felder testified and he didn't have
25 to. He did not have to get up there and answer my

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1 questions or the State's questions. And I'm not going to
2 go through every detail of his testimony; he just was up
3 there. But I do want to highlight that he told you why
4 he pulled a gun that he pulled it in fear that Perry ran.
5 And when he wanted to go get Josiah and leave Ms.
6 Mitchell said what she said.

7 I'm not going to repeat it. He made it very clear
8 what she said. And he swung, he swung forgetting that he
9 had the gun in his hand to hit her and he hit her and the
10 gun went off and she was shocked and he was shocked. But
11 he knocked her hard enough for the gun to go off.

12 And that's what really happened that day. There
13 wasn't an attempt to kill; he wasn't trying to take
14 somebody out. He wasn't trying to take her away from her
15 children. This was a shocking incident for everybody.
16 But he never caused anyone serious bodily injury and he
17 certainly wasn't trying to cause her death.

18 The State in this case has the burden of proof. If
19 you cannot rule out Mr. Felder's version of events you
20 must acquit him at the very least of attempted murder and
21 probably the CDVHAN and probably the assault and battery
22 of a high and aggravated nature. The evidence in this
23 case does not support their allegations beyond a
24 reasonable doubt. And if something doesn't sit right
25 with you on the State's case you have to give him the

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1 benefit of the doubt and acquit him. If you have
2 reasonable doubt you have to give him the benefit of the
3 doubt.

4 The Judge talked to you at the beginning of the
5 trial about how he is the judge of the law and you are
6 the judge of the facts. And nobody can change what you
7 decide as far as the facts. This is an important day for
8 Reco Felder and his fate is in your hands. And all we
9 ask is that you carefully consider the Judge's
10 instructions, the testimony from the witnesses, and stand
11 up for yourselves in deliberations. You can't just walk
12 in and have doubts and say he's guilty just to get this
13 over with. You have to follow the law.

14 Reco Felder told you he was sorry for how things
15 happened and how he regretted it and that he never tried
16 to cause anybody's death. He didn't have malice in his
17 heart or intent to kill in his head. He admits he hit
18 her and for that we expect a verdict that would reflect
19 that accordingly that he assaulted her and caused
20 moderate bodily injury; the broken nose.

21 But I'd ask you really to think about how things at
22 first just may not be as they seems. You heard it
23 directly from Mr. Felder that it wasn't attempted murder
24 and we'd ask that you vote accordingly in rendering your
25 verdict. Thank you.

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1 THE COURT: Before the State makes their final
2 portion let me send the jury out for just a second. I
3 need to discuss something with the lawyers before we do
4 that. It will just take a minute. Don't begin
5 deliberations or discussions just yet.

6 [Whereupon, the jury exits at 1:55 p.m.]

7 THE COURT: While Ms. Ehrlich was talking I picked
8 up something on the jury charges that I wanted to go over
9 with if she wanted to argue. You didn't touch on the
10 possession of a weapon charge but on page 8 the next to
11 the last bullet point it says I charge you that attempted
12 murder is a violent crime and criminal domestic violence
13 of a high and aggravated nature is a violent crime.
14 Assault and battery of a high and aggravated nature the
15 new one is the old one used to be a ten year misdemeanor.

16 So I wanted to clarify that in case you wanted to
17 touch on it and if you want to reargue I'll give you the
18 opportunity but you didn't touch on it. But before we
19 got through it all I wanted to bring it to everybody's
20 attention. Do you want to reargue on that?

21 MS. EHRLICH: No, sir.

22 THE COURT: Okay. Bring the jury back in.

23 [Whereupon, the jury enters at 1:57 a.m.]

24 THE COURT: All right folks welcome back. We will
25 now have the State make their final closing argument.

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1 CLOSING ARGUMENT REPLY

2 BY MS. BALDWIN:

3 Thank you, Your Honor. The defendant testified
4 earlier that he told Chantelle Mitchell I love you. That
5 is what he does to somebody he loves. I talked to you on
6 Monday about the anger and the jealousy of the defendant
7 and I hope that now you see exactly what happened and how
8 that anger and jealousy exploded on one Saturday morning.

9 I know you just heard Mr. Felder testify so I'm not
10 going to go into every single inconsistency in his
11 testimony but I would like to point out a few things
12 because it seems that he couldn't even tell the truth
13 about the most basic of facts. He testified that he
14 doesn't drive on Ashley Phosphate because he doesn't have
15 a license. But yet he admitted to Ms. Herring-Lash that
16 he was just -- he told the police he was just chilling on
17 Ashley Phosphate. It doesn't make any sense.

18 He does admit that he saw the victim the night
19 before the incident. They went to Chuck E. Cheese.
20 There was a sippy cup exchange. He went downtown and he
21 told you that his only concern once he realized that Ms.
22 Mitchell was downtown was for his son's well-being. He
23 was so concerned about his son's well-being that he
24 didn't go to the house to check on his one year old son.
25 He instead went to a friend's house for a shot of

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1 tequila, went to Wet Willies for a Call a Cab, went to I
2 believe the Club Aries, then Four Stones I think he
3 mentioned and then Club Crucial. So he was out all night
4 basically when he was supposed to come and pick up his
5 son the next morning. He went to a club that he thought
6 he had to bring a gun to even though there was already a
7 gun in the trunk of the car that he was driving around
8 in. Why was he even picking up a gun or picking up his
9 child with a gun in his pocket?

10 As Chantelle was leaving for work that morning and
11 Ja.M. for what she said was making the baby breakfast
12 because it didn't happen the way he said it happened.
13 Why was he underneath the stairs if he was just going to
14 pick up the kid? Because it didn't happen that way.
15 Chantelle is leaving for work that morning. It was a
16 half-day and they were getting ready to go on a cookout
17 with Montez so that the two families could meet.

18 I think the defendant said that they weren't really
19 arguing when he showed up at the bottom of the stairs.
20 They were just talking and he was calm. He wasn't
21 bothered by Montez being there. And yet he said he
22 wasn't bothered by Montez being there but he admitted
23 that he told the police why is this guy still wearing the
24 clothes from the night before? Who is this guy and what
25 is he doing here with you? It sounds like he was pretty

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1 bothered by it. You heard Montez tell you that Chantelle
2 actually instead of arguing was pleading with Reco. Why?
3 Why are you doing this? You don't have to do this. And
4 that is because Reco had brought out a gun immediately
5 upon arrival; not because Montez was fiddling with a bag.
6 He knew Montez. He knew what kind of guy he was like.

7 And we talked about this arguing. No one testified
8 for the State that they heard any arguing before. It was
9 a quiet Saturday morning; it was about 7 a.m. What they
10 did testify to I believe Mr. Traynham said that he heard
11 some girls screaming after he heard a shot. You heard
12 the kids say they heard a gunshot after their mom left.
13 No one heard any yelling back and forth between two
14 people.

15 Now when you guys get the pictures back in the jury
16 room look at Montez's bag, look at the small pocket that
17 they are alleging the gun was it. It's a small pocket.
18 It doesn't look like there is a gun in there. Think
19 about how Montez said he was holding the bag. It was
20 flung over his back shoulder. He wasn't messing around
21 with his bag.

22 Montez demonstrated what happened when he came down
23 the stairs. He came down the stairs, saw a gun and put
24 his hands up, which is a very natural response to
25 somebody pointing a gun at you. Why would he be even

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1 reaching for a gun? He was friendly; he said he'd known
2 Reco since they were kids. If Reco wasn't doing anything
3 as Mr. Felder said he was, he wasn't doing anything and
4 he just showed up to pick up the kid why would Montez
5 pick up a gun in the first place? It doesn't make any
6 sense. And then we have Mr. Perry telling us all and us
7 all realizing and Mr. Felder telling us that Montez ran.
8 Why did he run? Because Mr. Felder pulled a gun on him
9 and he was terrified for his own life.

10 I told you in opening that it wasn't very chivalrous
11 of him. It wasn't the best idea. Montez may have been a
12 bit of a coward but he did run; he didn't have a gun.
13 Why does it not make sense? Because it didn't happen the
14 way Mr. Felder told you it happened.

15 Mr. Felder also testified he had the gun in his
16 hands and Chantelle said something to him that got him so
17 enraged he forget he had the cocked and loaded weapon in
18 his hand and he went to slap her. He specifically said
19 slap several times and yet he also testified that if I
20 was going to slap her then I would have dropped the gun
21 so then he realized that I should probably say I hit her
22 because that makes more sense.

23 Did the gun accidentally go off? No because
24 Detective Krasowski testified to you that if your finger
25 is on the trigger that's how the gun is fired. I believe

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1 Mr. Felder also tried to make himself seen like he was a
2 great guy because he wanted to help Ms. Mitchell with her
3 wounds, wanted to make her feel better. He was checking
4 her head yet Mr. Traynham said she was bleeding while Mr.
5 Felder is standing over here with a gun in his hand and
6 Mr. Traynham was the one who actually brought the towel
7 out to help.

8 Mt. Felder said that there were no kids around and
9 yet you have Robert Traynham who doesn't have a dog in
10 the fight, he just happened to be there on Saturday
11 morning, said he saw the kids standing around with them.
12 He heard the girls scream after the shots. I think that
13 sometimes somebody does something so horrible that they
14 can't admit it even it themselves. They want to minimize
15 what happened and tell just enough of the truth of the
16 events to try to make things seem more plausible and more
17 palatable to themselves. Of course he said he was sorry.
18 He tried to kill the mother of his child.

19 Let's talk a little bit about what Chantelle
20 testified to. You heard her on Monday and it's been a
21 couple of days. She said that she and Mr. Felder were
22 cordial. She also said they went to Chuck E. Cheese.
23 She admitted to talking to him during the 23rd. But
24 things did change as soon as one event occurred and that
25 was Montez Perry. They weren't in a relationship -- she

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1 wasn't in a relationship with Mr. Felder anymore so it
2 shouldn't have mattered but unfortunately for Chantelle
3 that's when Mr. Felder's anger really started. He didn't
4 like that she was out with somebody else. Remember he
5 said he had a right to know where she was. He just had
6 to confront her, call her kids. He's calling the house
7 constantly. He's calling her constantly asking her young
8 son where his mom is. Her son had to lie to him and tell
9 him that she was with a cousin.

10 They had to unplug the phones that night because he
11 was calling so much but apparently it didn't work because
12 there was that five minute phone call and you have the
13 phone records you can look after midnight on the 24th
14 where I believe Chantelle said she and Reco were talking
15 and he was yelling and name calling. Ja.M. remembers
16 his saying I'm going to kill you.

17 And that anger was building. It had been building
18 all evening and it continued to build as he continued to
19 get be out drinking going from club to club. The next
20 morning Chantelle goes to work and she notices that
21 something is kind of weird. That screen door has been
22 moved. J.M. told you that as well. They thought that
23 was a little odd because it normally isn't like that.
24 But they didn't call 911 because no one wants to believe
25 that somebody is going to pull a gun on them and try to

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1 kill them; especially not somebody who you share a child
2 with. You hope that that's not going to happen.
3 However, who knew Chantelle's schedule, her work
4 schedule? Who knew what time she would leave? Mr.
5 Felder did. He knew to be there underneath those stairs
6 waiting for her to come down. And all that time his
7 anger is building and it continues to build.

8 And then Chantelle and Montez leave and that anger
9 bursts forth. He's lying in wait but he told you he is
10 there to pick up his child. It doesn't make any sense.
11 He's lying in wait but yet he's there to pick up his kid.
12 You heard from both Chantelle and Montez say that the gun
13 was to her face. She says to her head, Montez says to
14 her face. He's behind her. People have different
15 perspective.

16 If you think like a traffic accident somebody who is
17 in the car that gets hit has one perspective. Somebody
18 standing off to the side in one position has a different
19 perspective and so on and so forth because we all see
20 things in a different way.

21 But Montez was behind her and he couldn't see it all
22 but he did see that gun to her head and he ran. And he
23 did tell you all that it was a blur and he was in shock.
24 Of course he was. He was terrified. He told you he
25 thought he was being chased. I believe his statement to

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1 the police was all I heard is pow and I took up running
2 -- then I took off running; excuse me. He's still there
3 when the gun was fired. He told you again that she
4 pleaded with Felder and then he shot her, that Felder
5 shot her and that Montez thought Chantelle was dead.
6 Chantelle thought that she was dead for a moment as well.
7 She closed her eyes and hoped for the best.

8 Luckily for her she acted quickly and moved that gun
9 at the last minute. She closed her eyes because the EMT
10 testified that she had a powder burn around her eye and
11 not in her eye so he thought that meant that her eye had
12 been closed. She did the only thing that she could think
13 of just to move that gun but it wasn't quick enough
14 because she did suffer an injury.

15 As she stated it was like a cup of water that was
16 poured on her head. And let's face it she doesn't know
17 how she got this specific injury. She wasn't worried
18 about how she got the injury. She was worried about
19 surviving. And Doctor Larson doesn't know how she got
20 the injuries; he told you that. He says its blunt force
21 trauma.

22 And blunt force trauma could have happened in any
23 number of ways. It could have happened from him pressing
24 the gun so hard against her head that it split her head
25 open and then he fired the gun and there was a powder

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1 burn. It could have kicked back, we talked about recoil.
2 We don't know exactly and Chantelle doesn't know. She
3 told you the truth; she's not sure. She told the EMT the
4 truth. She said it's either from a bullet or from the
5 gun. She doesn't know but here's what happened. What we
6 do know is what Detective Krasowski said that a finger
7 has to be on the trigger for the gun to fire. And I say
8 to you that your finger isn't on the trigger unless you
9 mean to kill somebody.

10 And yet that still wasn't enough for the defendant
11 in this case. After that incident he still had anger and
12 jealousy. He had to hear her beg and plead more and say
13 please don't kill me in front of my children. Ja.M.
14 heard it but she never heard the defendant comforting the
15 victim as Mr. Felder testified because he didn't do it.
16 You heard Chantelle say call Montez back and I'll kill
17 him. It's only because Chantelle acted quickly that
18 there wasn't a bullet in the back of her brain.

19 Now the defendant said that he calmly got back in
20 the car that was parked in the parking lot and left the
21 scene. Of course he stopped trying to shoot her because
22 neighbors were coming out at that point, the kids were
23 coming out, the police were on the way and there were too
24 many witnesses to complete the act that he started. But
25 I pause it to you that he did go to the parking lot. He

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1 jumped the fence into the Moss Creek apartments and got
2 in that gray Cadillac that was registered to Chantelle
3 and fled the scene. He fled for nine days until he was
4 caught. You heard Officer Curlee say there was a grey
5 Cadillac speeding out of Moss Creek. That was the call
6 that went out right before the call about the shooting.
7 He BOLO'd [phonetic] a grey Cadillac. Officer Curlee
8 also testified that Moss Creek is right on the other side
9 of that fence line and they get calls about people
10 jumping that fence all the time.

11 You heard from Sergeant Robinson. He pulled over
12 that Cadillac and there was somebody in the driver's seat
13 and somebody in the back seat but no one was in the
14 passenger seat but there was a food box with the name
15 Reco on it. Reco wasn't in the car because he knew what
16 he did; he tried to kill Chantelle Mitchell.

17 And that's the thing -- if he was trying to go and
18 pick up his one year old child why was he in the car with
19 these two other random people. It doesn't make any
20 sense. I know Ms. Ehrlich brought up the police and
21 Detective Burkhardt who is retired and talked about the
22 kids not being interviewed. Don't blame the kids for
23 that. That's not their fault. It's the police's fault
24 and Detective Krasowski admitted that. We're not here to
25 pass judgment on the police. We're here to find Reco

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1 Felder guilty. Luckily this isn't a murder case. You
2 have the person who the incident happened to right here
3 and she testified for you. You have the other witnesses
4 who were right there testify for you. And you heard
5 those kids tell you what they saw and they were scared
6 when it happened. Don't let the defendant distract you
7 from the truth about what occurred that morning.

8 Unlike the defendant Chantelle didn't minimize the
9 bad parts. She told you the truth about what happened.
10 She told you all she knows. She doesn't remember
11 everything about talking to the EMS or talking to the
12 doctor. As they stated she was in shock. Both Traynham
13 and the EMT said she was in a daze. I don't believe the
14 EMT, the paramedic testified that she was pistol whipped;
15 that was just in the medical records.

16 And those medical records said pistol whipped and
17 attempted to be shot. I want you guys to keep that in
18 mind. Also remember that Doctor Larson testified she was
19 on morphine when she was in the hospital and morphine is
20 a very powerful pain killer.

21 I know the Judge will instruct you on this but the
22 State does have the burden of proving our case beyond a
23 reasonable doubt. It's not beyond all doubt or any
24 doubt. We have to give you proof that leaves you firmly
25 convinced of the defendant's guilt. It's proof that --

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1 he will talk to you about hesitating to act. And
2 hesitating to act doesn't mean he's not guilty. You
3 guys deliberate. You need to deliberate, you should
4 deliberate, you should go over the evidence, you should
5 talk about the testimony. But just remember there is
6 nothing we can know in this world beyond all doubt. I
7 think the phrase is death and taxes. Those are the only
8 things that are completely sure.

9 I also wanted to remind you that Judge Dennis during
10 jury qualification talked to you on Monday about using
11 your common sense. That's your life experience as
12 jurors. That's what you bring to this. And you should
13 use your common sense. What makes more sense? I forgot
14 that the gun was in my hand and I slapped her and the gun
15 miraculously went off. Also remember if he was slapping
16 somebody it would make more sense to slap somebody here
17 [indicates]. There was no injury to the side of her
18 face.

19 There was injury right in the middle because of that
20 gun. Does that make more sense or does it make more
21 sense that after seeing the mother of his child with
22 another man calling all night threatening to kill the
23 victim he actually tried to do it. And then tried to do
24 it a second time. And you have other witnesses.
25 Everyone is part of this timeline of events from that

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1 morning. You have Montez and Chantelle about the gun
2 being put to her head and the trigger being pulled. You
3 have Ja. M. and J.M. who came out afterwards. Ja. M.
4 saying she and her sister screamed while he was dragging
5 her down the sidewalk with a gun to the head saying I'll
6 kill you. Her mom saying please don't kill me in front
7 of my kids. You have J.M. saying he saw Mr. Felder's
8 hand on his mom's arm and the gun is to her head.

9 You have Robert Traynham who came out after that and
10 saw -- after he heard the girls scream and after that
11 happened and saw the defendant standing there with a
12 revolver. And mind you everybody says it is a revolver
13 not a phone. And a revolver being there matches the
14 scene. You heard Detective Krasowski say there was no
15 casing which would be consistent with a revolver being
16 used.

17 Now I talked to you about the law earlier and I just
18 want to put it back up to sort of show you how the law
19 applies with these facts. We have attempted murder as I
20 stated is an attempt to kill and intent to kill with
21 malice aforethought. Well attempt to kill he used a gun
22 and tried to shoot her, which would equal death. I think
23 that part is pretty simple. With intent to kill and
24 here's a list of everything that shows his intent to
25 kill. He shot at her and told her he was going to kill

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1 her. The phone calls the night before, lying in wait,
2 waving a loaded and cocked gun -- by his own admission --
3 around, putting the gun to her head, firing the weapon,
4 putting it back to her head, and then saying call Montez
5 back and I'll get him too. That's how angry he was.

6 I talked about malice earlier and about the
7 recklessness of the lives and safety of others. I mean
8 he's waving this gun around, this cocked and loaded
9 weapon around out in the open for anybody to come around
10 and he put the gun so close to the victim's head that it
11 caused powder burns.

12 Remember I believe both the doctor and the
13 paramedics told y'all that they don't really see those
14 types of injuries very often because often times people
15 shoot other people from far away. In this case it was
16 personal; he had to get it nice and close to her head.
17 If you believe all that, and you should, Mr. Felder is
18 guilty of attempted murder.

19 However, if you don't believe that he is guilty of
20 attempted murder, you don't think he was trying to kill
21 her you can find him guilty of assault and battery of a
22 high and aggravated nature if you think that his actions
23 could cause serious bodily injury or death. I pause it
24 to you that putting a gun up to somebody's head that is
25 already cocked could cause serious -- excuse me, great

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1 bodily injury or death. You could also find him guilty
2 of assault and battery 2nd degree. In addition to those
3 you can find him guilty of criminal domestic violence of
4 a high and aggravated nature. They're household members,
5 that lived together in the past and they have a child in
6 common. He has to try to cause physical harm or injury,
7 well we saw the pictures. She had physical harm to her
8 face. The assault and battery involved the use of a
9 deadly weapon. He used a gun.

10 And then the assault with our without an
11 accompanying battery; he actually put the gun to her head
12 twice so if you don't think it was a CDVHAN the first
13 time think about the second time. You can find it was a
14 CDVHAN the first time when he put the gun to her head and
15 attempted murder when he pulled the trigger. And then
16 the CDVHAN when he dragged her off to the side and puts
17 the gun back to her head you should find him guilty of
18 CDVHAN. And even by his own story he's guilty of CDVHAN.
19 Keep that in mind.

20 And also you can find him guilty of possession of a
21 weapon during a violent crime. Well, he had a revolver
22 during the commission of an attempted murder. The Judge
23 will also instruct you that ABHAN is a violent crime so
24 you can find him on that. You can find him guilty of
25 possession of a weapon during the commission of a violent

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1 crime and or CDVHAN; all violent crimes. However, I
2 believe that after you look over the evidence, after you
3 consider and after you deliberate and after you listen to
4 the Judge's instructions on the law that you will find
5 that that day Mr. Felder tried to kill Chantelle Mitchell
6 and I ask you to find him guilty of attempted murder,
7 CDVHAN, and possession of a weapon during the commission
8 of a violent crime. Thank you.

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JURY CHARGE

THE COURT: Okay folks, you remember at the beginning of the trial I told you, you have duties; I have duties in this trial. One of my duties was to preside over this case and make sure that both sides got a fair trial, rule on admissibility of evidence and that sort of thing.

Your job as jurors was to consider only the facts or the evidence that I allowed into evidence during this trial. You can only consider testimony that you heard from the witness stand, photographs or other exhibits that were allowed into evidence, and any stipulations that might have been made of counsel.

I also now have the additional duty of charging you on the law that applies to this kind of case. It's your duty as jurors to accept the law as I now charge it to you. If you think you have some idea of what the law or what it ought to be and it doesn't agree with what I now instruct you that the law is you are duty bound under the oath that you took at the beginning of the trial to accept the law as I now instruct you.

You as jurors are the judges of the facts and you are the sole judges of the facts. I as the trial judge cannot make any kind of comment on or make any kind of statement to you about how I feel about the facts of this

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1 case. You are the sole judges of the facts in this case
2 and you are not to infer from anything that I said during
3 the progress of the trial in either ruling on
4 admissibility of evidence or anything that I said or did
5 during the trial that I have any kind of opinion about
6 what the facts of this case are.

7 The law does not allow me to have an opinion about
8 the facts of this case and it is solely a matter for you,
9 the jury, to determine what the facts are in this case.
10 You judge such things as the effect, the value, the
11 weight, the truth of the evidence that was presented
12 during the trial. That is your job as jurors.

13 Now I want to go over some things some of which I
14 have already spoke to you about but I want to remind you
15 that the fact that the defendant was arrested, charged,
16 and indicted in this case is not evidence in this case
17 and it cannot be considered by you as evidence of guilt
18 in this case nor does it create any sort of presumption
19 or inference of guilt.

20 The indictments are simply the formal written notice
21 that contains the charges that were made against the
22 defendant and it is the formal document by which this
23 case is brought to this court and gives this court
24 jurisdiction to preside. There were three indictments
25 and I went over those with you but I remind you that

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1 there was an indictment for attempted murder. There was
2 an indictment for criminal domestic violence of a high
3 and aggravated nature and there was an indictment for the
4 possession of a weapon during the commission of a violent
5 act or a violent crime. Each of these indictments is a
6 separate and distinct offense. You must decide each
7 indictment separately on the evidence and the law that is
8 applicable to it uninfluenced by your decision as to any
9 other indictment. The defendant may be convicted or
10 acquitted on any or all of the offenses.

11 You may be asked to write a separate verdict of
12 guilty or not guilty on each of the charges. The
13 defendant pled not guilty to each of the indictments and
14 that plea puts the burden on the State to prove the
15 defendant guilty beyond a reasonable doubt. As I stated
16 at the beginning of the trial a person who is charged
17 with a criminal offense in South Carolina is never
18 required to prove that he is innocent.

19 This is an important rule of law in this country
20 that a defendant in a criminal trial will always be
21 presumed to be innocent of the crime for which he is
22 indicted unless and until his guilt has been proven by
23 evidence satisfying you of that guilt beyond a reasonable
24 doubt. The presumption of evidence [sic] is not a mere
25 legal theory. This isn't just some legal phrase. This

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1 is a substantial constitutional right to which every
2 defendant is entitled. And this presumption of innocence
3 accompanies the defendant from the time he is charged
4 throughout the trial unless and until you reach a verdict
5 of guilt based upon evidence satisfying you of that guilt
6 beyond a reasonable doubt. Again, the burden of proof in
7 this case is proof beyond a reasonable doubt and the
8 State has that burden.

9 As I explained during the beginning of the trial
10 some of you may have served as a juror in a civil case
11 where you were told that is necessary only to prove that
12 a fact is more likely true than not true. This is also
13 known as the greater weight of the evidence or a
14 preponderance of the evidence. In criminal cases the
15 State's proof must be more powerful than that. It must
16 be beyond a reasonable doubt.

17 Now proof beyond a reasonable doubt is proof that
18 leaves you firmly convinced of the defendant's guilt.
19 Reasonable doubt has also been defined as the kind of
20 doubt that would cause a reasonable person to hesitate to
21 act. There are very few things in this world that we
22 know with absolutely certainty and in criminal cases the
23 law does not require proof that overcomes every possible
24 doubt. If based on your consideration of the evidence
25 you are firmly convinced that the defendant is guilty of

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1 the crime charged then you must find the defendant.
2 guilty. If on the other hand you think there is a real
3 possibility that the defendant is not guilty then you
4 must give the defendant the benefit of the doubt and find
5 him not guilty.

6 Now in a trial there are two types of evidence that
7 are presented. There is direct evidence and there is
8 circumstantial evidence. Direct evidence directly proves
9 the existence of a fact and does not require any
10 deduction. Circumstantial evidence is a proof of a chain
11 of facts and circumstances that indicate the existence of
12 a fact. Cases can be proven by circumstantial evidence
13 and the law makes no distinction between the weight or
14 value to be given to either direct or circumstantial
15 evidence.

16 However, to the extent that the State relies on
17 circumstantial evidence all of the circumstances must be
18 consistent with each other and when taken together prove
19 point conclusively to the guilt of the accused beyond a
20 reasonable doubt. If these circumstances merely portray
21 the defendant's behavior as suspicious then the proof has
22 failed.

23 The State has the burden of proof again beyond a
24 reasonable doubt and this burden rests with the State
25 regardless of whether the State relies on direct

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1 evidence, circumstantial evidence or some combination of
2 the two. I also want to remind you that statements that
3 were made by the attorneys is not evidence in this case.
4 As jurors you must necessarily determine the
5 creditability of witnesses who have testified in this
6 case. Creditability simply means believability. It is
7 your duty as jurors to analyze and evaluate the evidence
8 and determine what evidence convinces you of its truth.

9 In determining the believability of witnesses who
10 have testified in this case you may believe one witness
11 over several witnesses or several witnesses over one
12 witness. You may believe the testimony of a witness in
13 its entirety or you can reject the testimony of a witness
14 in its entirety. You may believe part of the testimony
15 of a witness and reject the remaining part of the
16 testimony of that same witness. If you reject part of it
17 you can still accept the remainder of the witness's
18 testimony.

19 You may consider whether any witness has exhibited
20 to you any interest, bias, prejudice, or other motive in
21 this case and you can consider the appearance and
22 demeanor of a witness while on the witness stand. You
23 are not bound to decide this case based on the number of
24 witnesses that a side produces. I also talked to you
25 during the trial about expert testimony and I told you

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1 that we don't ordinarily let people come in and give
2 their opinion about evidence. But the law does make an
3 exception for expert witnesses and I told you then that
4 these are people who are experts because of experience,
5 education, specialized training in some area. They can
6 give their opinion and they can state the reasons for
7 that opinion. You give an expert's testimony as much or
8 as little weight as you think it deserves.

9 If you don't think it's based on sufficient
10 education or experience or you conclude that the expert's
11 opinions are not sound or that it is outweighed by other
12 evidence you are free to disregard the opinion entirely.
13 You are not compelled to blindly accept an expert's
14 opinion and you have the right to consider the testimony
15 in light of all the circumstances and give it such
16 weight, if any, that you think it is entitled to.

17 Now in order to establish criminal liability
18 criminal intent is required. For example, the mental
19 state required to be proven by the State for a particular
20 crime might be purpose, intent, knowledge, recklessness
21 or criminal negligence. Criminal intent must be proven
22 by the State beyond a reasonable doubt. Criminal intent
23 is always a matter that must be determined by you, the
24 jury, from the circumstances surrounding the situation.
25 There is no way to prove intent to a mathematical

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1 certainty. There is no way medical science can dissect a
2 person's brain and determine what the person had in mind.
3 So the law says that criminal intent may be inferred from
4 the circumstances shown to have existed.

5 This is how you make a determination of whether or
6 not the element requiring intent was present. It is not
7 necessary to establish intent by direct and positive
8 evidence but intent may be established by an inference in
9 the same way as any other fact taking into consideration
10 the acts of the parties and all of the facts and
11 circumstances of this case.

12 Criminal intent is a mental state, a conscious
13 wrongdoing. It is up to you to determine what the
14 defendant intended to do based on the circumstances shown
15 to have existed. Criminal intent can arise from an
16 action or a failure to act. It can arise from
17 negligence, recklessness, or indifference to duty or to
18 consequences that are considered by the law to be the
19 equivalent of criminal intent.

20 Now I want to go over the elements of each of the
21 charged offenses and we'll go over attempted murder
22 first. In order to prove attempted murder the State must
23 prove the defendant, with the intent to kill, attempted
24 to kill another person with malice aforethought which is
25 either express or implied. Malice is hatred, ill will,

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1 or hostility towards another person. It is the
2 intentional doing of a wrongful act without just cause or
3 excuse and with the intent to inflict an injury or under
4 circumstances that the law will infer an evil intent.

5 Malice aforethought does not require that malice
6 exist for any particular time before the act is committed
7 but malice must exist in the mind of the defendant just
8 before and at the time of the act that is committed
9 therefore there must be a combination of the previous
10 evil intent and the act.

11 Malice aforethought may be expressed or inferred and
12 these terms express or inferred do not mean different
13 kinds of malice but merely the manner in which malice may
14 be shown to exist. That is either by direct evidence or
15 inference from the facts and circumstances which are
16 proved. Express malice is shown when a person speaks
17 words which express hatred or ill will for another or
18 when the person prepared beforehand to do the act which
19 was later accomplished for example lying in wait for a
20 person or any other acts of preparation going to show
21 that the deed was within the defendant's mind would be
22 express malice.

23 Malice may be inferred from conduct showing a total
24 disregard for human life. If facts are proved beyond a
25 reasonable doubt sufficient to raise an inference of

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1 malice to your satisfaction this inference would simply
2 be an evidentiary fact to be considered by you along with
3 any other evidence in the case and you may give it the
4 weight you decide it should receive. Intent means
5 intending the result which actually occurred not
6 accidentally or involuntary. Intent may also be shown by
7 acts and conduct of the defendant and other circumstances
8 from which you may naturally and reasonably infer evil --
9 infer intent.

10 Evidence of the character of the act, the character
11 of the instrument used, the manner in which it was used,
12 the purpose to be accomplished, and the resulting wounds
13 or injuries may be considered in determining the intent
14 with which the act was committed. Intent may also be
15 inferred when it is demonstrated that the defendant
16 voluntarily and willfully commits an act the natural
17 tendency of which is to destroy another's life.

18 Now if you find that the State has not proven that
19 the defendant is guilty of attempted murder you must then
20 determine whether the State has proved beyond a
21 reasonable doubt that the defendant is guilty of assault
22 and battery of a high and aggravated nature. Assault and
23 battery of a high and aggravated nature is an unlawful
24 act of violent injury to the person of another
25 accompanied by circumstances of aggravation. An assault

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1 occurs when a person unlawfully attempts or offers to
2 commit a violent injury upon another person and had the
3 present ability to complete the attempted injury. An
4 assault is the intentional creation of a reasonable fear
5 of immediate bodily harm. It is not necessary that the
6 attempted injury or harm actually take place. For
7 example, if I walk up to you and when we are within arm's
8 reach I reach back to hit you, that is an assault.

9 A battery is an unlawful touching of another person
10 by a person who has committed the assault. But an
11 unlawful touching can also be caused by a part of the
12 accused body or by any object that puts the accused --
13 the accused puts in motion. A battery is the completion
14 of the assault by using or applying force to another
15 person however slight in a rude, angry, or resentful
16 manner without legal justification for doing so. Using
17 my earlier example, if I carry through the assault by
18 hitting you then that is a battery.

19 The State must also prove a circumstance of
20 aggravation. Circumstances of aggravation include the
21 use of a deadly weapon. The intent to commit a felony,
22 the infliction of a serious bodily injury, a great
23 disparity between the ages or physical conditions of the
24 parties, a difference in the gender of the parties, the
25 taking of indecent liberties or familiarities with the

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1 female through the use of force, the purposeful
2 infliction of shame and disgrace, and the resistance of
3 lawful authorities. These are only examples of
4 circumstances of aggravation.

5 Now, if you find that the State has failed to prove
6 that the defendant is guilty of attempted murder and
7 assault and battery of a high and aggravated nature you
8 must then consider whether the State has proven beyond a
9 reasonable doubt that the defendant is guilty of assault
10 and battery second degree.

11 A person commits the offense of assault and battery
12 in the second degree if the person unlawfully injures
13 another person or attempts or offers or attempts to
14 injure another person with the present ability to do so
15 and moderate bodily injury to another person results or
16 moderate bodily injury to another person could have
17 resulted.

18 Moderate bodily injury means physical injury that
19 involves prolonged loss of consciousness or that causes
20 temporary or moderate disfigurement or temporary loss of
21 the function of a bodily member or organ or injury that
22 requires medical treatment when the treatment requires
23 the use of regional or general anesthesia or injury that
24 results in a fracture or dislocation. Moderate bodily
25 injury does not include onetime treatment and subsequent

State v Reco Ramone Felder
Jury Charge
December 7, 2016

1 observation of scratches, cuts, abrasions, bruises,
2 burns, splinters or any other minor injuries that do not
3 ordinarily require extensive medical care.

4 Now the second indictment was for criminal domestic
5 violence of a high and aggravated nature. In order to
6 prove that the State must prove beyond a reasonable doubt
7 that the defendant caused physical harm or injury to a
8 member of the defendant's own household, or that the
9 defendant offered or attempted to cause physical harm or
10 injury to a member of the defendant's own household with
11 the apparent present ability to cause harm or injury
12 under circumstances reasonably creating a fear of
13 imminent danger.

14 A house hold member is a spouse, a former spouse, a
15 person with whom the defendant has a child in common or a
16 person of the opposite sex with whom the defendant is
17 living or has lived in the past. The State must also
18 prove the defendant committed one of the following: (1)
19 an assault and battery which involves the use of a deadly
20 weapon or results in serious bodily injury to the victim
21 or (2) an assault with or without an accompanying battery
22 which would reasonably cause a person to fear serious
23 bodily injury or death.

24 Again, an assault occurs when a person unlawfully
25 attempts or offers to commit a violent injury upon

State v Reco Ramone Felder
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1 another person and had the present ability to complete
2 the attempted injury. An assault is an intentional
3 creation of a reasonable fear of immediate bodily injury.
4 It is not necessary that the attempted injury or harm
5 actually take place.

6 And again I use the example if I walk up to you and
7 we are within arm's reach and I draw back to hit you that
8 is an assault. A battery on the other hand is the
9 unlawful touching of another person by the person who has
10 committed the assault. An unlawful touching can be
11 caused by a part of the accused body or by any object the
12 accused puts in motion.

13 A battery is the completion of the assault by using
14 or applying force to another person, however slight, in a
15 rude, angry, or resentful manner without legal
16 justification for doing so. And again my earlier example
17 if I follow through the assault by hitting you that is a
18 battery.

19 Then the third and final indictment was for
20 possession of a weapon during the commission of a violent
21 crime. The defendant is charged with possession of a
22 weapon during the commission of a violent crime. And in
23 order to prove that the State must prove beyond a
24 reasonable doubt that the defendant was in possession of
25 a firearm during the commission of a violent crime. A

State v Reco Ramone Felder
Jury Charge
December 7, 2016

1 firearm means any machine gun, automatic rifle, revolver,
2 pistol, or any weapon which will, is designed to, or may
3 be readily converted to expel a projectile. In order to
4 find the defendant guilty of possession of a weapon
5 during the commission of a violent crime you must first
6 find the defendant guilty of either committing a violent
7 crime or attempting to commit a violent crime.

8 I charge you that attempted murder and assault and
9 battery of a high and aggravated nature are violent
10 crimes and that criminal domestic violence of a high and
11 aggravated nature is a violent crime. So the State must
12 prove beyond a reasonable doubt that the weapon further
13 advanced or helped in the commission of the crime.

14 Now in determining your verdict of guilty or not
15 guilty you cannot consider any possible penalty for any
16 particular crime. Punishment for a crime is a matter for
17 me to determine and it should never be considered by you
18 in any way in determining a verdict of guilty or not
19 guilty.

20 Your verdict must be unanimous which of course means
21 all 12 jurors have to agree. Now Madame Foreman, I'm
22 going to go over this with you. On these indictments
23 you will see and again the only reason I am sending back
24 the indictments is so that you can write down what the
25 verdict is. And you'll see on the back of each

State v Reco Ramone Felder
Jury Charge
December 7, 2016

1 indictment there is a red marker that you can probably
2 see it from here it says true bill; that's the action of
3 the Grand Jury. But below that there is a place that
4 says verdict and you will write down what the verdict is.

5 Now on the attempted murder charge there are six
6 possible verdicts. There is guilty of attempted murder,
7 not guilty of attempted murder. And then if you find --
8 so if you find that the defendant is guilty of attempted
9 murder then you would write that down guilty, sign it,
10 and date it.

11 On the other hand if you find he is not guilty of
12 attempted murder you are to consider the lesser included
13 offense of assault and battery of a high and aggravated
14 nature and I have printed this separate form so that you
15 can then see if says if you find the defendant not guilty
16 of attempted murder you must consider the following
17 lesser included offenses and I put down first the lesser
18 included offense of assault and battery of a high and
19 aggravated nature with two choices; guilty or not guilty.

20 So if you have found him not guilty of attempted
21 murder consider assault and battery. If you find him
22 guilty of attempted murder stop as to that; you don't
23 consider lesser included. But if you find him not guilty
24 of attempted murder you can consider the attached form.
25 The first choice would be the lesser included of assault

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Jury Charge
December 7, 2016

1 and battery of a high and aggravated nature. If you find
2 him guilty of that mark the one that says guilty, sign
3 and date it. On the other hand if you find he is not
4 guilty of that one as well you consider the third charge,
5 the second lesser included which is for assault and
6 battery second degree. And again your choices are guilty
7 and not guilty. So I am going to put the paperclip with
8 the second sheet on the attempted murder indictment.

9 Now as to criminal domestic violence of a high and
10 aggravated nature there is only two verdicts; guilty and
11 not guilty and you write whichever one it is on the back
12 of that and sign it and date it.

13 Then on the possession of a weapon during the
14 commission of a violent crime again on the back under
15 verdict guilty or not guilty, sign and date it, let the
16 bailiff know you have reached a verdict when you have
17 completed all three.

18 Now, I'm going to send you back. Don't begin
19 deliberations just yet. I have to give the lawyers the
20 opportunity to tell me if I misspoke in any way. Once
21 they do that it's a little formality we have to go
22 through but sometimes in a lengthy charge like this I say
23 something wrong.

24 But before you begin your deliberations, just hold
25 off on a minute, I'll send the verdict forms along with

State v Reco Ramone Felder
Jury Charge
December 7, 2016

1 the evidence with the bailiff and he will tell you to
2 begin your deliberations in a few minutes. But don't do
3 that until I send that back with the bailiff, okay? So
4 you may go back but again wait until I send back with the
5 bailiff.

6 [Whereupon, the jury exits at 2:47 p.m.]

7 THE COURT: All right. Anything from the State?

8 MS. BALDWIN: Yes, Your Honor. It sounded like you
9 read the jury charge for common law ABHAN as opposed to
10 the statutory one. You were reading about circumstances
11 of aggravation instead of great bodily injury resulting
12 or accomplished by means likely to produce great bodily
13 injury.

14 THE COURT: Well, I might have. I don't recall. I
15 wish you had brought that to my attention before I just
16 charged the jury ---

17 MS. BALDWIN: --- I didn't get a chance to look at
18 it beforehand and it wasn't on the copy we got I think it
19 was last minute like when we were in here.

20 THE COURT: Do you have one that you are speaking
21 of?

22 MS. BALDWIN: I do not, Your Honor. I believe it
23 is the basic statute which I do have a copy of that with
24 me. I think it's 16-3-600(b)(1).

25 [Whereupon, the court reviews documents]

State v Reco Ramone Felder
Jury Charge
December 7, 2016

1 THE COURT: So you're asking me to just charge 16-
2 3-600(b)(1)(b) part A and B?

3 MS. BALDWIN: Yes, where it says the act is
4 accomplished by means likely to produce death or great
5 bodily injury.

6 THE COURT: And take out on page 6 and 7 all three
7 of those or all four of those bullet point?

8 MS. EHRLICH: Judge, in addition to that I had
9 asked that you also charge 16-3-600(a)(1) the definition
10 of great bodily injury.

11 THE COURT: The definition of great bodily injury
12 is that what you asked?

13 MS. EHRLICH: Yes sir, because part of the
14 statutory definition of assault and battery of a high and
15 aggravated nature talks about great bodily injury and I
16 think that will need to be defined to the jury just as
17 you did for moderate bodily injury.

18 MS. HERRING-LASH: And we would agree with that.

19 MR. SMITH: And Judge may my client step out? He
20 needs to use the restroom.

21 THE COURT: Go ahead.

22 [Whereupon, the defendant is excused momentarily]

23 THE COURT: I am going to send a copy of the
24 written instructions back. Does anybody have a problem
25 with that?

State v Reco Ramone Felder
Jury Charge
December 7, 2016

1 MS. BALDWIN: No, Your Honor.

2 MS. EHRLICH: No, Your Honor.

3 THE COURT: All right.

4 MS. EHRLICH: Judge, and just for the record I
5 would just renew my request for the CDV and would also
6 renew my objection to the ABHAN originally requested by
7 the State.

8 THE COURT: All right. I'm not charging the CDV.

9 [Whereupon, counsel and the court reporter review
10 the exhibits]

11 THE COURT: All right. Y'all ready? Bring the
12 jury back in. The defendant is in the courtroom.

13 [Whereupon, the jury enters at 3:05 p.m.]

14 THE COURT: Folks, I just need to recharge you on
15 assault and battery of a high and aggravated nature. I'm
16 going to give you a copy of all these. So I'll read it
17 to you now but you'll have it back in the jury room with
18 you to refresh your memory and to study if you need.

19 Again, when I send back written instructions you
20 will read them as a whole; don't just focus in on one
21 word or one part. Understand that these are a body of
22 work so if you need me to explain anything feel free to
23 ask to have me recharge or explain to you. But I
24 understand you sat and listened to me talk about the law
25 for 30 minutes and you might not remember it all so I am

State v Reco Ramone Felder
Jury Charge
December 7, 2016

1 going to send this back to you in writing. But the law
2 on assault and battery of a high and aggravated nature
3 which is again a lesser included offense of attempted
4 murder so if you find that the State has not proven that
5 the defendant is guilty of attempted murder you must then
6 consider whether the State has proven beyond a reasonable
7 doubt that the defendant is guilty of assault and battery
8 of a high and aggravated nature.

9 A person commits the offense of assault and battery
10 of a high and aggravated nature if the person unlawfully
11 injures another and (a) great bodily injury results to
12 another, great bodily injury to another person results or
13 (b) the act is accomplished by a means likely to produce
14 death or great bodily injury.

15 Great bodily injury means bodily injury which is a
16 substantial risk of death -- which causes a substantial
17 risk of death or which causes serious permanent
18 disfigurement or protracted loss or impairment of the
19 function of a bodily member or organ. Okay, now I'm
20 going to send you back one more time just to make -- just
21 to give the lawyers one more opportunity to see if I have
22 misspoken on anything then I will send the instructions
23 back, the indictments back, and the evidence back and
24 tell you you can begin your deliberations. But hold off
25 until the bailiff comes back and tells you it is okay all

State v Reco Ramone Felder
Jury Charge
December 7, 2016

1 right?
2 [Whereupon, the jury exits at 3:08 p.m.]
3 THE COURT: All right. Anything further from the
4 State?
5 MS. BALDWIN: No, Your Honor.
6 THE COURT: From the defense?
7 MS. EHRLICH: No, Your Honor.
8 THE COURT: You've got all the evidence there?
9 MS. BALDWIN: We're missing one photo.
10 THE COURT: You're missing it?
11 MS. BALDWIN: It's not up there so we're trying to
12 track it down, Your Honor.
13 THE COURT: Which one?
14 THE COURT REPORTER: State's 31.
15 THE COURT: Do you have another copy of it?
16 MS. BALDWIN: That's what I'm checking to see which
17 one it is and then I think we can...
18 [Whereupon, Ms. Baldwin and Ms. Herring-Lash review
19 documents]
20 [Whereupon, State's exhibit number 31 is withdrawn]
21 THE COURT: Do we have it now?
22 MS. BALDWIN: We sorted it out.
23 THE COURT: Okay. Tell them they can begin
24 deliberations.
25 [Whereupon, evidence out to the jury at 3:11 p.m.]

State v Reco Ramone Felder
Proceedings
December 7, 2016

1 [Whereupon, court is in recess awaiting verdict]

2 THE COURT: All right. The State is here, the
3 defense is here, the defendant is in the courtroom. All
4 right, I understand we have a verdict so let's bring the
5 jury back in.

6 [Whereupon, the jury enters at 4:36 p.m.]

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State v Reco Ramone Felder
Verdict
December 7, 2016

1 VERDICT

2 THE COURT: Madame Foreman, I understand the jury
3 has reached a verdict is that correct?

4 THE FOREPERSON: That is.

5 THE COURT: Is it unanimous as to all three
6 indictments?

7 THE FOREPERSON: Yes, sir.

8 THE COURT: Would you please hand it to the
9 bailiff?

10 [Whereupon, the Foreperson complies]

11 THE COURT: The defendant will rise.

12 [Whereupon, the defendant complies]

13 THE COURT: As to the indictment for attempted
14 murder, indictment 2014-GS-10-4708 the jury has found you
15 guilty of the lesser included offense of assault and
16 battery second degree.

17 As to indictment 2016-GS-10-4097 which is criminal
18 domestic violence of a high and aggravated nature the
19 jury has found you guilty.

20 And as to indictment 2016-GS-10-5523 possession of a
21 weapon during the commission of a violent crime the jury
22 has found you guilty. You may be seated. Do you wish
23 to have the jury polled?

24 MS. EHRLICH: Yes, Your Honor.

25 THE COURT: The Clerk will poll the jury.

State v Reco Ramone Felder
Polling the Jury
December 7, 2016

1 POLLING THE JURY

2 CLERK OF COURT: Starting with Madame Foreperson
3 Elizabeth Parker, 304 please stand. Is this your
4 verdict?

5 MS. PARKER: Yes, ma'am.

6 CLERK OF COURT: Is it still your verdict?

7 MS. PARKER: Yes, ma'am.

8 CLERK OF COURT: Thank you. Please have a seat.

9 Randall Marvin, 243 please stand. Is this your verdict?
10 MR. MARVIN: Yes, ma'am.

11 CLERK OF COURT: Is this still your verdict?

12 MR. MARVIN: Yes, ma'am.

13 CLERK OF COURT: Thank you. Linda Tyler, 411
14 please stand. Is this your verdict?

15 MS. TYLER: Yes, ma'am.

16 CLERK OF COURT: Is this still your verdict?

17 MS. TYLER: Yes, ma'am.

18 CLERK OF COURT: Thank you. Timothy Boyle, 39. Is
19 this your verdict?

20 MR. BOYLE: Yes, ma'am.

21 CLERK OF COURT: Is this still your verdict?

22 MR. BOYLE: Yes, ma'am.

23 CLERK OF COURT: Thank you. Sean Olson, 295. Is
24 this your verdict?

25 MR. OLSON: Yes, ma'am.

State v Reco Ramone Felder
Polling the Jury
December 7, 2016

1 CLERK OF COURT: Is this still your verdict?
2 MR. OLSEN: Yes, ma'am.
3 CLERK OF COURT: Margarita Heyward, 175. Is this
4 your verdict?
5 MS. HEYWARD: Yes, ma'am.
6 THE COURT: Is this still your verdict?
7 MS. HEYWARD: Yes, ma'am.
8 CLERK OF COURT: Jacob Burgette, 60. Is this your
9 verdict?
10 MR. BURGETTE: Yes, ma'am.
11 CLERK OF COURT: Is this still your verdict?
12 MR. BURGETTE: Yes, ma'am.
13 CLERK OF COURT: Josue Valentin, 412. Is this your
14 verdict?
15 MR. VALENTIN: Yes, ma'am.
16 CLERK OF COURT: Is this still your verdict?
17 MR. VALENTIN: Yes, ma'am.
18 CLERK OF COURT: Natalie Jenkinssims, 200. Is this
19 your verdict?
20 MS. JENKINSSIMS: Yes, ma'am.
21 CLERK OF COURT: Is this still your verdict?
22 MS. JENKINSSIMS: Yes, ma'am.
23 CLERK OF COURT: Latoya Alexander, juror 4. Is
24 this your verdict?
25 MS. ALEXANDER: Yes, ma'am.

State v Reco Ramone Felder
Polling the Jury
December 7, 2016

1 CLERK OF COURT: Is this still your verdict?

2 MS. ALEXANDER: Yes, ma'am.

3 CLERK OF COURT: Adam Taylor, 394. Is this your
4 verdict?

5 MR. TAYLOR: Yes, ma'am.

6 CLERK OF COURT: Is this still your verdict?

7 MR. TAYLOR: Yes, ma'am.

8 CLERK OF COURT: Scott Sampson, 349. Is this your
9 verdict?

10 MR. SAMPSON: Yes, ma'am.

11 CLERK OF COURT: Is this still your verdict?

12 MR. SAMPSON: Yes, ma'am.

13 CLERK OF COURT: Thank you. Your Honor, the jury
14 has been polled and the verdict stands.

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State v Reco Ramone Felder
Proceedings
December 7, 2016

1 THE COURT: All right. Ladies and gentlemen I
2 want to thank you for your jury service in this case. It
3 has been a very interesting trial I hope you think or I
4 hope you'll agree. You know we have them in various
5 degrees of difficulty and of interest. Some weeks are
6 better than others. If you get to be on a jury I'm sure
7 you would want to hear an interesting case and this has
8 been an interesting case.

9 And I hope it has also given you some perspective on
10 what we do and how we do it because you understood there
11 definitely was a difference in what people said happened
12 and it was up to you to listen and debate amongst
13 yourselves how to resolve those differences and it is
14 clear that is what y'all did. You did not rush the
15 verdict. You were out for a good long time. It's clear
16 that it got debated amongst each other and that you
17 resolved it and came back with a verdict and I want to
18 thank you for that.

19 That is all that we ask that people do is to show up
20 for jury service and then if you get picked on a jury
21 take it seriously and go through and give the case the
22 seriousness that it deserves. This will conclude your
23 jury service for the week. You are free now to not only
24 go but you are also free to not have to call after 6
25 o'clock. You don't have to come back tomorrow or Friday;

State v Reco Ramone Felder
Proceedings
December 7, 2016

1 you are finished for the week. I want to tell you also
2 I've been telling you all week long you're no longer
3 under any restrictions to not talk to anybody. You can
4 talk to whoever you want. You can talk to each other,
5 you can talk to family members, you can post stuff on the
6 Internet, you can put things up on Twitter. Do whatever
7 you want to; there are no restrictions.

8 In fact sometimes you will have somebody from the
9 Solicitor's office or the defense lawyer's office might
10 call you to say would you mind discussing your verdict
11 with us so that we can -- you know it helps them to
12 decide how to prepare better for their next case. It is
13 perfectly fine to do that. You're not breaking any laws
14 in doing that. If you want to talk to them you can.

15 If you do not want to talk to them you do not have
16 to. And if anybody calls you and you don't want to talk
17 to them and they persist please just report that to the
18 court and we will make sure that ceases. So you again
19 are free to go and I thank you sincerely for your
20 service. Have a safe evening.

21 [Whereupon, the jury is excused at 4:43 p.m.]

22 THE COURT: All right, any motions from the
23 defense?

24 MS. EHRLICH: Judge, we would renew all prior
25 motions, our motion for a mistrial, and also move for a

State v Reco Ramone Felder
Proceedings
December 7, 2016

1 new trial based on all other issues and arguments made
2 previously throughout the trial.

3 THE COURT: All right. Well, there was as I said
4 throughout the trial sufficient evidence to support the
5 indictments as well as the lesser included offenses so I
6 will deny your motions and your renewed motion for
7 mistrial. Let's move on into sentencing.

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State v Reco Ramone Felder
Sentencing
December 7, 2016

SENTENCING

THE COURT: Madame Solicitor, is there anything you would like to bring to my attention about his record, your recommendation or any statements from the victim?

MS. BALDWIN: Yes, sir. First I'd like to start off with his record. It's actually rather lengthy. He has from 1994 threats and intimidation; simple possession of marijuana '95; another possession of marijuana; 1996 false information, resisting arrest, receiving stolen goods and a driving offense; 1997 possession of cocaine base; 1998 possession of cocaine base; 2000 false information and open container; in 2003 open container; 2004 simple assault; 2005 simple assault times two, resisting arrest and there's also a parole revocation; in 2006 another open container; in 2007 another resisting arrest; in 2008 a CDV first which was a different victim; in 2010 using a vehicle without permission and cruelty to children; in 2011 D-U-I and open container; and then in 2012 a DUS; harassment first degree, which was previously discussed was a different person and a CDV first.

He also does currently have pending with this victim a CDV second offense, and a CDVHAN. The victim does not wish to address the court, Your Honor. I believe you heard her testimony and you can imagine her feelings. Regarding sentencing she is very fearful of the

State v Reco Ramone Felder
Sentencing
December 7, 2016

1 defendant. I'll let the court know that I had offered
2 CDVHAN and the weapons charge for ten and five
3 consecutively. We'd ask that the court at least impose
4 that. I believe that Mr. Felder is a danger to many of
5 the women of Charleston as he told Your Honor he thought
6 that one of the jurors had seen him in an argument with
7 another female and that person whoever this person is
8 wanted to call police.

9 So I think he is a danger and I'll leave it up to
10 you as to how you decide to sentence him on the assault
11 and battery consecutively or concurrently but we'd ask
12 that he receive the three on that as well.

13 THE COURT: All right. Ms. Ehrlich?

14 MS. EHRLICH: Thank you, Your Honor. With regard --
15 I don't know if Your Honor intends to take into
16 consideration the other pending charges or if I need to
17 address that or just move on from that.

18 THE COURT: It's completely up to you.

19 MS. EHRLICH: I do know that on the other pending
20 CDVHAN Ms. Mitchell wrote a statement that contradicts
21 the original allegations so I don't think that that case
22 is nearly as strong as this one. In this case Mr. Felder
23 while he was indicted later for a CDVHAN and a weapons
24 charge has been in jail continuously since June 2nd of
25 2014 and so I would ask that Your Honor indicate on the

State v Reco Ramone Felder
Sentencing
December 7, 2016

1 sentencing sheets for all of those that his start date be
2 the June 2nd 2014 to make sure he gets full credit for
3 those charges.

4 THE COURT: What was the date again?

5 MS. EHRLICH: June 2nd 2014.

6 THE COURT: Okay.

7 MS. EHRLICH: So he's been in jail now almost two
8 and half years. He's got good family support. None of
9 his family members wish to address the court today but
10 his mother is here, his sisters, and I believe his
11 cousin. They all love him and support him and I know
12 from my conversations with Mr. Felder I believe his main
13 concern with his situation was what impact his
14 incarceration would have on his mother. I know that is
15 his main concern is being able to spend time with her and
16 see her and be released at some point.

17 Mr. Felder has always recognized that with a
18 conviction or a plea that he was going to serve some sort
19 of active sentence. We would ask Your Honor not run the
20 time consecutive and that Your Honor impose a sentence in
21 the neighborhood of seven to ten years. I think that
22 that takes into consideration the seriousness of the
23 events but also doesn't reach a point where we're
24 punishing him excessively.

25 THE COURT: All right. Mr. Felder, do you wish to

State v Reco Ramone Felder
Sentencing
December 7, 2016

1 say anything?

2 MR. FELDER: Yes, sir. I would like to apologize to
3 Chantelle, her kids, my parents, and my sister for the
4 act that I caused against Chantelle. Sometimes in life
5 you've got to make the right choices. I choose to do
6 what I did and I'm here to accept the penalty. Thank
7 you.

8 THE COURT: Okay. Anything else from the defense?

9 MS. EHRLICH: No, Your Honor.

10 THE COURT: Okay. Well on the assault and
11 battery second that is a zero to three year offense I'm
12 going to give you a three years in the Department of
13 Corrections on that. Criminal domestic violence of a
14 high and aggravated nature is one to ten year offense and
15 I'm giving you ten years on that. Those two will run
16 concurrently.

17 On the weapons charge possession of a weapon during
18 the commission of a violent crime that's a zero to five
19 year offense. I'm giving you five years on that. It
20 will run consecutive to the other two charges. You will
21 get credit for the time served starting with June 2nd
22 2014. Good luck.

23 MS. HERRING-LASH: Your Honor, thank you.

24 MS. BALDWIN: Thank you, Your Honor.

25 [Whereupon, the jury trial concludes at 4:43 p.m.]

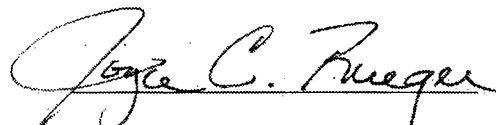
State v Reco Ramone Felder
Certificate of the Court Reporter
December 7, 2016

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 7th day of December, 2016.

I do further certify that I am neither of kin,
counsel, nor interest to any party hereto.

February 17, 2017



Joyce C. Rueger, CVR-M

Court Reporter

JAB/0239084/20140605451
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER
1408479

ARREST WARRANT NUMBER
2016-GS-10-04097

DATE OF ARREST

7/11/2016

ACTION OF GRAND JURY

TRUE BILL

JUL 12 2016

[Signature] Date:
VERDICT

Guilty

[Signature] 12-7-16
Foreperson of Petit Jury Date:

DOCKET NO. 2016-GS-10-04097

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
JULY TERM 2016

THE STATE

VS.

RECO RAMONE FELDER
B/M DOB:

Indictment for

CRIMINAL DOMESTIC VIOLENCE OF A
HIGH AND AGGRAVATED NATURE

SC Code: § 16-25-0065
CDR Code: 2988

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

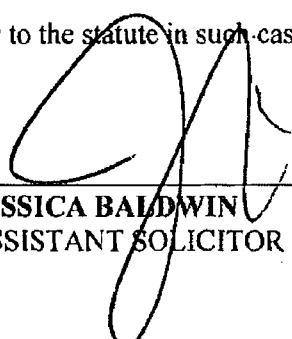
INDICTMENT

At a Court of General Sessions, convened July 2016, the Grand Jurors of Charleston County present upon their oath:

CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE

That in Charleston County, South Carolina, on or about May 24, 2014, the Defendant, Reco Ramone Felder, did cause physical harm or injury to Chantelle Mitchell, a household member, or did offer or attempt to cause physical harm or injury to said household member with apparent present ability under circumstances reasonably creating fear of imminent peril. That, in addition, (1) the assault and battery involved the use of a deadly weapon or resulted in serious bodily injury to the victim; or (2) the assault with or without an accompanying battery would reasonably have caused a person to fear imminent serious bodily injury or death. This is in violation of Section 16-25-65 of the South Carolina Code of Laws (1976) as amended.

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



JESSICA BALDWIN
ASSISTANT SOLICITOR

JAB/0239084/20140605451
WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1408479

ARREST WARRANT NUMBER

2016-GS-10-05523

DATE OF ARREST

09/12/2016

ACTION OF GRAND JURY

Chadwick
TRUE BILL SEP 12 2016
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-10-05523

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

SEPTEMBER TERM 2016

THE STATE

VS.

RECO RAMONE FELDER
B/M DOB:

Indictment for

POSSESSION OF A WEAPON DURING
THE COMMISSION OF A VIOLENT
CRIME

SC Code: § 16-23-0490
CDR Code: 0549

FILED

9/29/2016 11:22:45 AM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

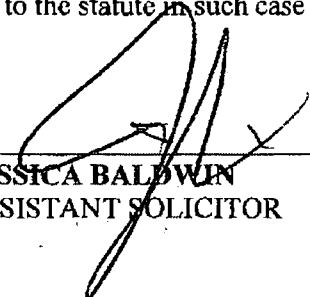
INDICTMENT

At a Court of General Sessions, convened September 2016, the Grand Jurors of Charleston County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That in Charleston County, South Carolina, on or about May 24, 2014, the Defendant, Reco Ramone Felder, did possess a firearm or did visibly display what appeared to be a firearm or did visibly display a knife during the commission of or attempted commission of a violent crime, to wit: Attempted Murder and/or Criminal Domestic Violence of a High and Aggravated Nature in violation of Section 16-23-490, Code of Laws of South Carolina, (1976, as amended).

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



JESSICA BALDWIN
ASSISTANT SOLICITOR

JBN20140605451

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1408479

ARREST WARRANT NUMBER

2014A1010202675

DATE OF ARREST

June 3, 2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: *C. M. H. H. H.* AUG 4 - 2014

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1004708

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

August Term 2014

THE STATE

VS.

RECO RAMONE FELDER

DOB:

B/M

Indictment for

Attempted Murder

499

FILED

8/8/2014 9:15:07 AM

JULIE J. ARMSTRONG

CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

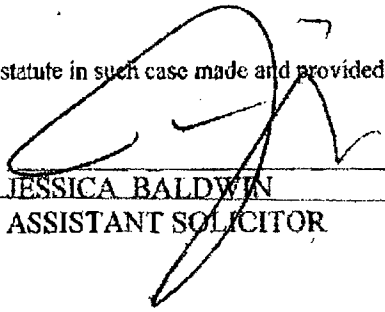
INDICTMENT

At a Court of General Sessions, convened on August 4, 2014 the Grand Jurors of Charleston County present upon their oath:

Attempted Murder

That in Charleston County, South Carolina, on or about May 24, 2014, the Defendant, RECO RAMONE FELDER, did, with intent to kill and malice aforethought, attempt to kill Chantelle Mitchell. This is in violation of Section 16-3-29 of the South Carolina Code of Laws (1976) as amended.

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

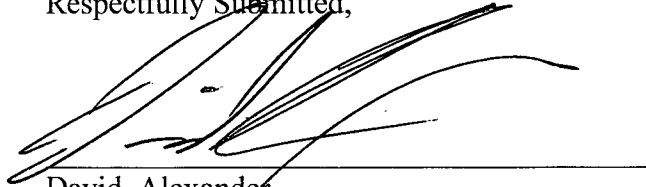


JESSICA BALDWIN
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David Alexander", is written over a horizontal line.

David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of August, 2017.