

VOLUME ONE OF TWO

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Steven H. John, Circuit Court Judge

RECEIVED

OCT 19 2015

S.C. Supreme Court

THE STATE,

RESPONDENT,

V.

KAREEM HARRY,

APPELLANT

APPELLATE CASE NO. 2013-000336

RECORD ON APPEAL

MELIAH BOWERS JEFFERSON
Attorney at Law
Wyche, P.A.
44 East Camperdown Way
Greenville, South Carolina 29601

ROBERT M. DUDEK
Chief Appellate Defender

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

Attorneys for Appellant

ALAN WILSON
Attorney General

JOHN W. MCINTOSH
Chief Deputy Attorney General

DONALD J. ZELENKA
Assistant Deputy Attorney General

J. ANTHONY MABRY
Assistant Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211

JIMMY RICHARDSON
Solicitor, Fifteenth Judicial Circuit
Post Office Box 1276
Conway, SC 29528-1276
(843) 915-5460

Attorneys for Respondent

INDEX

<u>I. ORDERS & PLEADINGS</u>	<u>PAGES</u>
1. Arrest Warrant dated March 1, 2011	1
2. Indictment dated July 26, 2012.....	2-3
3. Sentence Sheet dated February 14, 2013	4-5
4. Notice of Appeal dated February 15, 2013.....	6
 <u>II. TRANSCRIPT</u>	 <u>PAGES</u>
Transcript of Record of the Trial of Kareem S. Harry dated February 11 – 14, 2013;	7 thru 531
 1. Testimony of William J. Muldoon	
Direct examination by Mr. Richardson.....	17
Cross examination by Mr. Chrisco	29
 2. Testimony of Jill Domogauer	
Direct examination by Mr. Holford	35
 3. Motion	
Motion by Mr. Chrisco	38
Argument by Mr. Holford.....	39
Court's Review of Cases and Ruling on Motion	39
Continued Argument on Motion by Mr. Chrisco	41
Court's Continued Review of Cases	41
Continued Argument by Mr. Holford	42
Court's Ruling on Motion.....	43

4. Testimony of Ashley Bledsoe	
Direct examination by Mr. Holford	46
Cross examination by Mr. Chrisco	62
Redirect examination by Mr. Holford.....	82
Re-cross examination by Mr. Chrisco	82
5. Motion	
Motion by Mr. Chrisco	84
Court's Ruling on Motion.....	86
6. Testimony of Jill Domogauer	
Direct examination by Mr. Holford	88
Cross-examination by Mr. Chrisco.....	108
Redirect by Mr. Holford	111
Re-cross by Mr. Chrisco	112
7. Testimony of Shantel Lehman	
Direct examination by Mr. Richardson.....	114
Cross-examination by Mr. Chrisco	123
8. Examination by the Court of co-defendant Thomas Byrne and his counsel Mr. Filiberto	
Examination by the Court of Mr. Filiberto	128
Examination by the Court of Mr. Byrne	129
9. Testimony of Thomas Byrne	
Direct examination by Mr. Richardson.....	131
Cross-examination by Mr. Chrisco	182

10. Testimony of Ginger Pop	
Direct examination by Mr. Holford	194
Cross-examination by Mr. Chrisco	200
11. Testimony of Brian Thomas McGarrahan	
Direct examination by Mr. Holford	202
Cross-examination by Mr. Chrisco	208
Re-direct Examination by Mr. Holford.....	210
12. Examination by the Court of co-defendant Sage Lee McPhail and his counsel Mr. Guest	
Examination by the Court of Mr. McPhail	212
Examination by the Court of Mr. Guest	212
Examination by the Court of Mr. McPhail	213
13. Testimony of Sage Lee McPhail	
Direct examination by Mr. Richardson.....	215
Cross-examination by Mr. Chrisco	246
Examination by Mr. Richardson (without the jury present)	252
Examination by the Court (without the jury present)	253
Examination by Mr. Chrisco (without the jury present).....	258
14. Motion based upon Rule 5	
Motion by Mr. Chrisco (without the jury present).....	260
Court's Examination of Rule 5 and Ruling on the Motion (without the jury present)	261
Cross-examination resumed by Mr. Chrisco	271
Re-direct examination by Mr. Richardson.....	276
Re-cross examination by Mr. Chrisco	277

15. Testimony of Tamara Willard	
Direct examination by Mr. Richardson.....	278
Cross-examination by Mr. Chrisco	283
16. Testimony of Christina Patterson	
Direct examination by Mr. Richardson.....	287
Cross-examination by Mr. Chrisco	336
Re-direct examination by Mr. Richardson.....	350
17. Motions	
Motion to Dismiss/Directed Verdict Mr. Chrisco	353
Argument by Mr. Richardson	354
Court's Ruling on Motions	359
18. Testimony of Saire Castro	
Direct examination by Mr. Chrisco	365
Cross-examination by Mr. Richardson	385
Redirect examination by Mr. Chrisco.....	401
19. Testimony of Allen Large	
Direct examination by Mr. Chrisco	405
Cross-examination by Mr. Richardson	432
Redirect examination by Mr. Chrisco.....	433
20. Testimony of Kareem Shamel Harry	
Direct examination by Mr. Chrisco	434
Cross-examination by Mr. Richardson	470
Redirect examination by Mr. Chrisco.....	507

21. Motions	
Motion to introduce the video and audio of the Defendant into evidence by Mr. Chrisco	509
Arguments by Mr. Richardson.....	510
Continued arguments by Mr. Chrisco	510
Continued arguments by Mr. Richardson	511
Continued arguments by Mr. Chrisco	512
Examination by the Court of Kareem Shamel Harry.....	512
Court's Ruling on Motions	512
22. Motions	
Renewed Motion to Dismiss/Directed Verdict Mr. Chrisco.....	514
Court's Ruling on Motions	515
23. Verdict	518
24. Motions	
Renewed Motions and Motion for New Trial by Mr. Chrisco	519
Court's Ruling on Motions	520
25. Sentencing.....	521
<u>CERTIFICATE OF COUNSEL</u>	532

ARREST WARRANT

M-840046

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Horry

THE STATE
against

Kareem Shamel Harry

Address:

Phone: SSN:

Sex: M Race: B Height: 5 8 Weight: 150

DL State: SC DL #:

DOB: Agency ORI #: SC0260400

Prosecuting Agency: Horry County Police Department

Prosecuting Officer: Troy Large - 2906

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010, 0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Kareem Shamel Harry
on 3-2-2011

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions

Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Personally appeared before me the affiant Troy Large

being duly sworn deposes and says that defendant Kareem Shamel Harry

did violate the criminal laws of the State of South Carolina (or ordinance of

03/01/2011

State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On March 1st, 2011 around 21:15 hours the defendant Kareem Shamel Harry did along with several co-defendants go to the victim's residence at 9601 Drayton Court, Murrells Inlet, South Carolina where they confronted the victim and shot him resulting in his death. The defendant and co-defendant went there with the purpose to take property from the victim in reference to a dispute. Witnesses stated they saw the victim outside his residence where the defendants approached him. The victim was shot multiple times at close range and the defendants were seen fleeing the scene in two vehicles which were located by the police less than a mile from the scene during a traffic stop. The defendant did use a deadly weapon to kill another person. Therefore, there is probable cause that the defendant did commit the offense of murder.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Horry

Affiant's Address

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/1/2011

defendant Kareem Shamel Harry

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Horry

) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 03/02/2011

(L.S.)

Signature of Issuing Judge
Bradley Dwyer Mayers

Judge Code: 5081

Judge's Address

Judge's Telephone

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 318

CERTIFIED COPY

who

violate the criminal laws of the

2013 FEB 15 AM 11:32

CLERK OF COURT
HORRY COUNTY

000001

Matthew Cox Horry County Police Department

P. 2

No. 2348

WITNESSES

ARREST WARRANT NUMBER

M840046

CDR: 0116 16-03-0010, 0020

DOA: 3/3/2011

ACTION OF GRAND JURY

Person of Grand Jury

Date:

VERDICT

Person of Petit Jury

Date:

FILED

DOCKET NO. 2012-GS-26-02938 COPY

FEB 15 AM 11:30

2013 FEB 15 AM 11:32

The State of South Carolina

County of Horry

MELANIE HUGGINS-WARD
CLERK OF COURT

CLERK OF COURT
HORRY COUNTY

Bradley C. Richardson
11H00823

COURT OF GENERAL SESSIONS

August, 2012 TERM

THE STATE

VS.

Kareem Shamel Harry

B/ M

ATTORNEY: Chrisco, William Edward

Indictment for

MURDER

J. Gregory Hembree, Solicitor

ORIGINAL

000002

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

INDICTMENT
MURDER

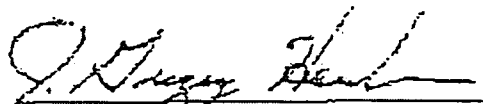
At a Court of General Sessions, convened on July 26, 2012, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Kareem Shamel Harry and/or his Co-Defendant(s) did in Horry County, on or about March 1, 2011, willfully, feloniously, and intentionally kill the victim, Kevin Bowens, with malice aforethought, either express or implied, by means of a shooting, and the victim did die as a proximate result thereof on or about March 1, 2011 in Horry County, in violation of Section 16-03-0010, S. C. 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.


J. GREGORY PEMBREE
FIFTEENTH CIRCUIT SOLICITOR

CERTIFIED COPY
2013 FEB 15 AM 11:32
Clerk of Court
Horry County
W. J. Huggins, Clerk

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
STATE VS.Karceem Shamel Harry

AKA:

Race: BLACK Sex: M Age: 28DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip:

DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / MurderINDICTMENT/CASE#: 2012GS2602938A/W#: M840046Date of Offense: 3/1/2011S.C. Code § 16-03-0010, 0020CDR Code #: 0116

SENTENCE SHEET

in violation of § 16-03-0010, 0020of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

SCB68305

Richardson, Bradley C.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 31 years or ☐ under the Youthful Offender Act not to exceed 31 yearsand/or to pay a fine of \$ [REDACTED]; provided that upon the service of [REDACTED] days/months/years and/or paymentof \$ [REDACTED]; plus costs and assessments as applicable*; the balance is suspended probation for [REDACTED]

with months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ [REDACTED] plus 20% fee: \$ [REDACTED]

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$ <u>100.00</u>
§ 56-5-2995 (DUI Assessment)	\$12	\$ <u>12.00</u>
§ 56-1-286 (DUI Breath Test)	\$25	\$ <u>25.00</u>
Proviso 47.9 (Public Del/Prob)	\$500	\$ <u>500.00</u>
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$ <u>150.00</u>
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$ <u>50.00</u>
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$ <u>40.00</u>
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ <u>5.00</u>
3% to County (if paid in installments)	\$	\$ <u>3.90</u>
TOTAL		\$ <u>133.90</u> <u>1740.00</u> = <u>173.90</u>

PTUP

[REDACTED] days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. ☐May serve W/E beginning [REDACTED]Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly payments of \$ 25.00 beginning 03/14/2014\$ [REDACTED] paid to Public Defender FundOther: [REDACTED]☐ Appointed PD or appointed other counsel.
§ 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code: [REDACTED]

Clerk of Court/ Deputy Clerk

Melanie Higgins-WardAmir Rondon

000004

SECRET
NOV 10 1953
U.S. DEPT. OF COMMERCE
WASHINGTON, D.C.

STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Steven H. John, Circuit Court Judge

CASE NO: 2012GS2602938

The State, ... Respondent,
V.
Kareem Harry, ... Appellant.

NOTICE OF APPEAL

Kareem Harry, appeals the conviction and sentence in this case. The sentence was imposed by the Honorable Steven H. John, on February 14, 2013.

February 15, 2013


Ed Chrisco
Public Defender
Horry County Public Defender's Office
Post Office Box 1666
Conway, SC 29528
843-915-5385
Attorney for Appellant

Other Counsel of Record

Brad B. Richardson
Solicitor
Post Office Box 1276
Conway, SC 29528
843-915-5460
Attorney for Respondent

RECEIVED

FEB 20 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY) 2012-GS-26-2938

State,)
)
Plaintiff,) Transcript of Record
)
vs.) Trial Transcript
)
Kareem Shamel Harry,) February 11-14, 2013
)
Defendant.)

B E F O R E :

Honorable Steven H. John
Horry County Courthouse
Conway, South Carolina

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

Brad Richardson, Esquire
Joshua Holford, Esquire
Attorneys for Plaintiff

Ed Chrisco, Esquire
Attorney for Defendant

Grace L. Hurley, CVR-CM-M
Circuit Court Reporter

1	I N D E X	
2	(February 11, 2013.)	
3	Voir Dire.	1
4	Jury Selection	14
5	Motions.	25
6	(February 12, 2013.)	
7	Instructions by Court.	43
8	Opening by Mr. Holford	48
9	Opening by Mr. Chrisco	53
10	William Muldoon	
11	Direct by Mr. Richardson	54
12	Cross by Mr. Chrisco	66
13	Jill Domogauer	
14	Direct by Mr. Holford.	72
15	Ashley Bledsoe	
16	Direct by Mr. Holford.	84
17	Cross by Mr. Chrisco	100
18	Redirect by Mr. Holford.	120
19	Recross by Mr. Chrisco	121
20	Jill Domogauer	
21	Direct by Mr. Holford.	126
22	Cross by Mr. Chrisco	147
23	Redirect by Mr. Holford.	150
24	Recross by Mr. Chrisco	151
25	Shantel Lehman	

1	Direct by Mr. Richardson	153
2	Cross by Mr. Chrisco	162
3	Thomas Byrne	
4	Direct by Mr. Richardson	169
5	Cross by Mr. Chrisco	221
6	Ginger Pop	
7	Direct by Mr. Holford.	233
8	Cross by Mr. Chrisco	239
9	Brian Thomas McGarrahan	
10	Direct by Mr. Holford.	244
11	Cross by Mr. Chrisco	250
12	Redirect by Mr. Holford.	252
13	Sage McPhail	
14	Direct by Mr. Richardson	257
15	Cross by Mr. Chrisco	287
16	Redirect by Mr. Richardson	318
17	Recross by Mr. Chrisco	319
18	Tamara Willard	
19	Direct by Mr. Richardson	320
20	Cross by Mr. Chrisco	325
21	Christina Patterson	
22	Direct by Mr. Richardson	329
23	Cross by Mr. Chrisco	378
24	Redirect by Mr. Richardson	392
25	Motions.	394

1	Saire Castro	
2	Direct by Mr. Chrisco.	408
3	Cross by Mr. Richardson.	428
4	Redirect by Mr. Chrisco.	444
5	Allen Large	
6	Direct by Mr. Chrisco.	447
7	Questioning Defendant Re: Rights.	467
8	Direct by Mr. Chrisco (Continued).	471
9	Cross by Mr. Richardson.	493
10	Redirect by Mr. Chrisco.	494
11	Kareem Harry	
12	Direct by Mr. Chrisco.	495
13	Cross by Mr. Richardson.	531
14	Redirect by Mr. Chrisco.	568
15	Motions.	575
16	Charges Discussed.	576
17	Closing Argument by Mr. Chrisco.	587
18	Closing Argument by Mr. Richardson	595
19	Charge	616
20	Question from Jury	628
21	Verdict.	632
22	Motions.	635
23	Sentencing	637
24	Certificate.	647
25		

1	E X H I B I T S		
2		ID	EVD
3	S-1	CD - Interview of Defendant (ID only)	
4	S-2	Photograph	133
5	S-3	Photograph	133
6	S-4	Photograph	133
7	S-5	Photograph	133
8	S-6	Photograph	135
9	S-7	Photograph	135
10	S-8	Photograph	135
11	S-9	Photograph	135
12	S-10	Photograph	135
13	S-11	Photograph	135
14	S-12	Photograph	135
15	S-13	Photograph	135
16	S-14	Photograph	135
17	S-15	Photograph	138
18	S-16	Photograph	138
19	S-17	Photograph	138
20	S-18	Photograph	138
21	S-19	Photograph	138
22	S-20	Photograph	138
23	S-21	Photograph	138
24	S-22	Photograph	138
25	S-23	Photograph	138

1		ID	EVD
2	S-24 Photograph		138
3	S-25 Photograph		138
4	S-26 Photograph		138
5	S-27 Photograph		138
6	S-28 Photograph		138
7	S-29 Photograph		138
8	S-30 Photograph		138
9	S-31 Photograph		138
10	S-32 Photograph		138
11	S-33 Photograph		138
12	S-34 Photograph		138
13	S-35 Photograph		138
14	S-36 Photograph		138
15	S-37 Photograph		138
16	S-38 Photograph		138
17	S-39 Photograph		138
18	S-40 Photograph		138
19	S-41 Photograph		138
20	S-42 Photograph		138
21	S-43 Photograph		138
22	S-44 Photograph		141
23	S-45 Photograph		141
24	S-46 Photograph		141
25	S-47 Photograph		141

		ID	EVD
1			
2	S-48 Photograph		143
3	S-49 Photograph		143
4	S-50 Photograph		143
5	S-51 Photograph		145
6	S-52 Photograph		145
7	S-53 Photograph		145
8	S-54 Photograph		145
9	S-55 Photograph		145
10	S-56 Photograph		145
11	S-57 Photograph		145
12	S-58 Photograph (ID only)		
13	S-59 Photograph (ID only)		
14	S-60 Police In-Car Video		60
15	S-61 Large Poster - Map		235
16	S-62 Diagram - Poster		130
17	S-63 Miranda Rights Form (ID only)		
18	S-64 Letter - Proffer Agreement (ID only)		
19	S-65 Letter - Proffer Agreement - Byrne (ID only)		
20	S-66 Letter - Proffer Agreement - McPhail (ID only)		
21	S-67 CDV Warrant (ID only)		
22	D-1 Rule 5 Motion (ID only)	309	
23	D-2 CD Interview - McPhail (ID only)	312	
24	D-3 Autopsy Report (ID only)	326	
25	D-4 Affidavit - Castro		424

		ID	EVD
1			
2	D-5 Pawn Ticket	568	569
3	C-1 Transcript of Interview		
4	C-2 Question from Jury		
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1 (On the record, February 11, 2013. The following takes place
2 in the presence of the jury venire.)

3 THE COURT: All right ladies and gentlemen, we are
4 going to pick the jury in the case of the State of South
5 Carolina versus Kareem Shamel Harry. He has been charged by
6 the State of South Carolina with the crime of murder. I'll
7 read to you the allegations that the State complains of as
8 against the Defendant from the indictment. Before I do that
9 I'm going to tell you, the indictment is merely the charging
10 document, the document which brings the matter to court. It
11 is not evidence, it cannot be considered by anyone as evidence
12 in the case. The only reason I am reading it to you is to see
13 if you happen to have any information or know anything about
14 this particular case before we get started. So, the State of
15 South Carolina has charged that the Defendant, Kareem Shamel
16 Harry and or his, I'm sorry, Solicitor. You all come up and
17 talk to me for one second, please.

18 (Whereupon, a bench conference is held in the presence
19 but out of the hearing of the jury venire.)

20 THE COURT: Very good, all right, good. All right,
21 that Kareem Shamel Harry and or his Co-Defendant did in Horry
22 County on or about March 1, 2011, willfully, feloniously and
23 intentionally kill the victim Kevin Bowens with malice
24 aforethought either express or implied by means of a shooting
25 and that the victim did die as a proximate result thereof on

1 or about March 1, 2011, in the County of Horry, State of South
2 Carolina in violation of Code of Laws, State of South
3 Carolina, 1976 as amended.

4 Is there any member of the jury panel that knows anything
5 about this case, has any information about this case or needs
6 to bring anything to the Court's attention at this time
7 regarding this particular matter? If so, please stand.

8 (No response.)

9 THE COURT: All right, the possible witnesses in this
10 case, the potential witnesses in this case, I do not believe
11 that all of these people will actually testify in this case,
12 but they're all possible or potential witnesses. Now, I'm
13 going to call them out and see if any of you all know any of
14 them: Ashley Bledsoe; Thomas Byrne; Lieutenant Peter Cestare,
15 Horry County Police Department; Jill Domogauer, Horry County
16 Police Department; Detective Neal Frebowitz, Horry County
17 Police Department; Detective Alan Jones, Horry County Police
18 Department; Senior Detective Troy Allen Large, Horry County
19 Police Department; Shantel Lehman; Captain Brian McGarrahan,
20 Horry County Fire Department; Sage McPhail; Sergeant William
21 Muldoon, Horry County Police Department; Christina Patterson;
22 Investigator Ginger Pop, 15th Circuit Solicitor's Office;
23 Investigator Brad Townsend, 15th Circuit Solicitor's Office;
24 Chief Deputy Coroner Tamara Willard, Horry County Coroner's
25 Office; Saire, S-A-I-R-E, Castro; Corporal Solomon Jones,

1 for Saire Castro for murder, never. This case is all about a
2 couple of people getting nothing. I'll explain that later
3 when we come back. Thank you.

4 THE COURT: All right, Solicitor, your first witness,
5 please.

6 MR. RICHARDSON: Thank you, Your Honor. The State
7 would call Sergeant Bill Muldoon.

8 THE COURT: All right, sir, please come around to be
9 sworn.

10 Whereupon, William J. Muldoon was called to the stand,
11 duly sworn by the clerk and testified as follows:

12 THE CLERK: State your full name and spell your last
13 name.

14 MR. MULDOON: William J. Muldoon, M-U-L-D-O-O-N.

15 DIRECT EXAMINATION

16 BY MR. RICHARDSON

17 Q Good morning, Sergeant Muldoon.

18 A Morning.

19 Q Could you tell us all a little bit about yourself, where
20 you're employed, in what capacity, and how long?

21 A I'm currently a sergeant with Horry County Police
22 Department. I've been with the Horry County Police Department
23 coming up on 20 years. I work out of our south precinct,
24 which covers the south end of the strand, beachside. What
25 else, I don't know.

1 Q And as sergeant what are your duties?

2 A My duties as a sergeant I have, I have seven officers
3 that work under me. I'm there. I answer calls as well as
4 supervise them, make sure, you know, if they need anything or
5 need some assistance or anything like that but I'm out there
6 patrolling the same as them.

7 Q Okay, so, as sergeant you don't just get to sit behind
8 the desk, you get to patrol and sit behind a desk?

9 A Yes, sir, yes, sir.

10 Q You assist in patrolling the South Strand District and
11 you've already told us that goes from Murrells Inlet?

12 A It goes from the county line right there at Georgetown,
13 Murrells Inlet. The south precinct goes all the way up to, if
14 you're familiar with where North Myrtle Beach picks up right
15 there at Barefoot Landing, and my district goes over to
16 Carolina Forest. So it's a pretty big area. Myrtle Beach
17 City and Surfside City cover in there as well so.

18 Q And you said you respond to calls; correct, correct?

19 A Yes, sir.

20 Q Now, back on March 1st, 2011, were you employed as a
21 sergeant with Horry County Police Department?

22 A Yes, sir, I was.

23 Q And were you working that night?

24 A Yes, sir, I was.

25 Q I want you to go back to approximately the timeframe

1 between nine and 9:30 p.m., or I believe that'd be 22, 2200?

2 A 21, 2100.

3 Q 2100, I'm sorry.

4 A 2130.

5 Q 2100 and 2130, where were you at that point?

6 A Myself and Corporal Brummett, who's my, my corporal, we
7 had just left a domestic call and we were coming out on
8 Tournament Boulevard. You're familiar where SBB, Four Corners
9 is right there at 17 Bypass and Tournament Boulevard, we were
10 at that red light right there.

11 Q And that's down near Murrells Inlet Square Mall?

12 A Yeah, close, close to the county line, still in Horry
13 County but we just had cleared a call and we were just
14 driving. We weren't going anywhere in particular. We had
15 just left.

16 Q Now in relation, are you familiar with the neighborhood
17 Kings Grant?

18 A Yes, sir.

19 Q And in relation to Kings Grant, how far away were you?

20 A We were just south of Kings Grant. I'd say a mile, I
21 mean, maybe not even, but just, just a little south of Kings
22 Grant.

23 Q You said you and Corporal Jason Brummett had just cleared
24 a domestic call?

25 A Yes, sir.

1 Q That'd be somebody was having trouble at the house?

2 A Yes, sir, yeah, a husband, wife fighting or ---

3 Q And after you cleared that did you have an opportunity to
4 become involved in an investigation of a shooting that
5 occurred on March 1st, 2011?

6 A Across our radio, our dispatch had dispatched that a
7 shooting had just occurred at Kings Grant and that they were
8 vehicles fleeing the scene being a, I believe it was a silver
9 car and a red pickup truck is how the description came across
10 the radio. Just so happens as luck would have it here comes a
11 silver car and a red pickup truck turning onto Tournament
12 Boulevard where we're sitting at the red light. They turned
13 and drove by us.

14 Q And Tournament Boulevard is there - does that run into -
15 are you familiar with McDowell Short Cut Road?

16 A It, it does run into McDowell Short Cut. That's a cross
17 street.

18 Q And you said that dispatch came over the radio. That's a
19 BOLO. Are you familiar with that term?

20 A Yes, sir, be on the lookout.

21 Q Be on lookout, okay. You got a description of the two
22 vehicles, a four-door or a sedan and a red truck.

23 A Right.

24 MR. CHRISCO: Objection, Your Honor, leading.

25 THE COURT: I don't consider that to be leading. I

1 think he was referring to previous testimony, but please try
2 not to lead your witness. Go ahead.

3 MR. RICHARDSON: Yes, sir.

4 BY MR. RICHARDSON:

5 Q You got a description and you see something matching that
6 description, and Corporal Brummett's right with you at this
7 point?

8 A Yes, sir. He's in the vehicle behind me and when the,
9 the BOLO, the vehicles, red vehicle, silver vehicle turned,
10 you know, what are the chances we're right there. We're going
11 to have to check it out. We swing around and turn around.
12 The vehicles have driven by us because we're, we're sitting at
13 the red light. So, they have driven by us and they make a
14 right turn onto McDowell Short Cut.

15 Q Now, after you've seen these vehicles, what if any - are
16 you - you're in your patrol car?

17 A I am. I'm in a marked patrol car. It doesn't have
18 lights on top, but there's lights inside, but it's fully
19 marked with Horry County Police markings on it. It's a Ford
20 Crown Vic.

21 Q Your patrol car, does it have any type of recording
22 device?

23 A It does. It has a, we call it a COBAN camera system.
24 It's a digital recording. I'm a - I have a mike on me as well
25 as a mike in the car and it, it also has video.

1 Q And what initiates that camera?

2 A I can turn it on manually or it comes on as soon as my
3 blue lights are activated. It automatically comes on, or -
4 and it also comes on at a speed, if, like if your car travels
5 over a certain speed it automatically comes on as well.

6 Q And when you hit your blue lights you said it activates
7 the camera?

8 A Yes, sir.

9 Q Does it just start from that moment?

10 A The way our IT department has it set up is when, when it
11 does activate it actually goes back a minute. It's useful in
12 catching like red lights and things like that. If you're
13 catching someone running a red light you turn your blue lights
14 on, it goes back a minute and you can see them going through
15 the stop sign at a red light. I think that's how they have it
16 set up like that.

17 Q So the camera's continuously running and it will just go
18 back and recapture the minute preceding the blue lights?

19 A Yeah, yes, sir.

20 Q Now, you said you gave chase to these vehicles that were
21 described in the BOLO. Your recording device working that
22 night?

23 A Yes, sir.

24 Q Allow me to show you what's been previously marked as
25 State's Number 60.

1 A Yes, sir.

2 Q Do you recognize State's Number 60?

3 A Yes, sir. It's a DVD from my in-car camera.

4 Q And you've reviewed the video on this DVD?

5 A Yes, sir.

6 Q And it's a fair and accurate depiction of the chase?

7 A Very fair, very accurate, exactly what happened.

8 MR. RICHARDSON: Your Honor, the State would seek to
9 introduce State's Number 60 and publish it for the jury.

10 THE COURT: Any objection, Mr. Chrisco?

11 MR. CHRISCO: No, Your Honor.

12 THE COURT: All right, it's in evidence and you may
13 publish.

14 MR. RICHARDSON: Thank you, Your Honor.

15 (Whereupon, State's Exhibit Number 60 [DVD - Police In-
16 Car Video] admitted into evidence and appropriately marked.)

17 BY MR. RICHARDSON:

18 Q Sergeant Muldoon, the video that we're referring to is
19 actually that center video, the first one that says Muldoon;
20 correct?

21 A Yes, sir.

22 Q Now, there's no volume at this point. Does the volume
23 eventually kick on?

24 A I have not activated my blue lights yet. This is the one
25 minute back. So, we have turned on McDowell Short Cut where

1 we're trying to catch up to the vehicles. I haven't activated
2 my blue lights. I didn't want to spook them or we were
3 waiting to get a little bit closer. When I get close enough
4 I'll activate my blue lights and then the sound will come on
5 at that point.

6 Q The BOLO that you got out over the radio, do you know
7 about when that happened?

8 A I actually heard it, I mean, we were sitting at the red
9 light and the BOLO came out as they turned by us, so, I mean,
10 almost as the same time as I saw the vehicles. Shortly, I
11 mean probably within just two minutes or less, I mean, just a
12 couple of minutes before this.

13 (State's Exhibit Number 60 [DVD - Police In-Car Video]
14 played in open court.)

15 MR. RICHARDSON: I'm sorry, Your Honor, my question.

16 THE COURT: Yes, sir.

17 FOREPERSON: Your Honor, we didn't hear the Solicitor's
18 question.

19 MR. RICHARDSON: I apologize. I apologize.

20 THE COURT: But Solicitor, when the video's playing

21 ---

22 MR. RICHARDSON: Just let it go.

23 THE COURT: --- just let it go. Don't ask any
24 questions. You can ask questions and replay it later. All
25 right?

1 MR. RICHARDSON: Thank you, Your Honor.

2 THE COURT: All right, thank you.

3 BY MR. RICHARDSON:

4 Q My question was Sergeant Muldoon was the lead vehicle?

5 A I was the lead vehicle. This is my camera in my car. My
6 corporal is behind me and at the - he was 4-65 so I said 65
7 stay with the, with the other, with the first car and I went
8 after the red truck.

9 THE COURT: Now, if you find it necessary to ask a
10 question this is what you need to do.

11 MR. RICHARDSON: Yes, sir. Yes, Your Honor.

12 THE COURT: You stop it and ask the question. All
13 right? Thank you very much.

14 MR. RICHARDSON: Yes, sir.

15 (State's Exhibit Number 60 [DVD - Police In-Car Video]
16 played in open court.)

17 MR. RICHARDSON: Your Honor, I'll stop it there to
18 avoid the question.

19 THE COURT: All right, sir.

20 BY MR. RICHARDSON:

21 Q Sergeant Muldoon, you familiar with the term felony stop?

22 A Yes, sir.

23 Q Could you educate us a little bit? What is a felony
24 stop?

25 A A felony stop, also called a high-risk stop, when you

1 have a known, when you know it's a high risk. They're all,
2 they're all risky, all traffic stops are risky, but a high
3 risk stop is when you're expecting there to be guns or, or
4 people that just committed a felony. I mean, they've just -
5 if they've just robbed someone, shot somebody, something like
6 that, they're, they're a lot more dangerous to us stopping a
7 vehicle like that.

8 MR. CHRISCO: Objection, Your Honor. Move to strike.

9 THE COURT: I don't find it to be objectionable. I'm
10 going to allow the question and the answer. Thank you very
11 much.

12 A When we refer to felony stop it's just a very, very high
13 risk because of something that we know. I mean, if they're
14 possibly involved in something we're going with a felony stop.
15 Normally a felony stop you'd like to have two officers, at the
16 least have two officers. This particular night there was only
17 me and my corporal behind me and he stopped another vehicle.
18 So we're doing the best we can with just one officer on each
19 one which is kind of a risky situation, but we made the best
20 of what we had at the time.

21 Q And we saw someone flee the red truck.

22 A Yes, sir.

23 Q Did you attempt to give chase?

24 A I did not. There's a driver in the vehicle. I don't
25 know if the driver has a gun, I don't know who the driver is.

1 I don't know anybody in the vehicle. So in that split second
2 it's always better to stay. I have a driver, I have a
3 vehicle, I'm going to stay with the driver and the vehicle.
4 I'm not going - I don't know how many people, if there's
5 someone hiding in the vehicle, I don't know if the driver's
6 more of a threat than the passenger. You know, in an ideal
7 situation if I had more officers then probably somebody would
8 have given chase immediately, but in the situation that we
9 were dealing with that night I did not give chase.

10 Q Did you ever learn the identity of the person who fled?

11 A Yes, the driver tells me.

12 Q Now, the person that fled from that truck you said you
13 did learn the identity. Did he ever come back to the truck
14 while you were there?

15 A No, sir, he did not.

16 Q To your knowledge was the driver of that truck
17 apprehended that night?

18 A The driver of the truck was, yes.

19 Q The driver, the passenger that ran, I'm sorry.

20 A Oh, the passenger? No, not to my knowledge, no.

21 MR. CHRISCO: Objection, Your Honor, leading.

22 THE COURT: I'm going to allow the question, thank you.

23 Q Now, you're on - you're a sergeant for a, for a whole
24 squad; correct? You said seven people?

25 A Yes, sir.

1 Q And you're on night shift? I assume you didn't end at
2 ten o'clock.

3 A No, sir.

4 Q Did your squad make any further attempts for
5 apprehensions that night?

6 A Not necessarily on, on Kareem Harry. We had another -
7 the, the other suspect had fled and we got diverted trying to
8 relocate him.

9 Q Okay, so, Saire Castro fled?

10 A Yes, sir.

11 Q And that's pretty much the extent of your involvement
12 with regard to Kareem Harry; correct?

13 A Yes, sir.

14 Q If you'll answer any questions Mr. Chrisco may have.

15 THE COURT: All right, Mr. Chrisco?

16 MR. CHRISCO: Your Honor, I'd like to see the rest of
17 the video before I ask any questions.

18 THE COURT: All right, so, you want to have the -
19 you're asking on behalf of the Defendant to have the rest of
20 the video played. Is that correct?

21 MR. CHRISCO: Yes, Your Honor.

22 THE COURT: All right, Solicitor.

23 (State's Exhibit Number 60 played in open court.)

24 THE COURT: Could you stop that for a second?

25 MR. RICHARDSON: Certainly, Your Honor.

1 THE COURT: Mr. Chrisco, come over here and talk to me
2 for a second, Solicitor. (Bench conference held in presence
3 but out of hearing of jury.)

4 MR. RICHARDSON: Resume, Your Honor?

5 THE COURT: Yes, sir, please. Thank you.

6 (State's Exhibit Number 60 played in open court.)

7 THE COURT: Cross examination.

8 MR. CHRISCO: Thank you, Your Honor.

9 CROSS EXAMINATION (BY MR. CHRISCO)

10 Q Why was the video turned off at that point?

11 A The, the suspect I had in the car got transferred to
12 Detective Large. There was no other, nothing else to video.

13 Q When you stopped the car and you got the driver out,
14 placed on the ground ---

15 THE COURT: I'm sorry, yes, sir?

16 FOREPERSON: Your Honor, we can't hear the ---

17 THE COURT: Mr. Chrisco, you got to stand behind the
18 microphone.

19 Q When you stopped the car or the pickup truck and then got
20 the driver out and put her on the ground, you were asking
21 questions and she was giving answers; is that correct?

22 A Yes, sir.

23 Q And at one point she said the person, talking about
24 Kareem Harry, he ran because there were warrants against him?

25 A Okay, are you asking me if she said that?

1 Q Yes.

2 A She might have. I don't, I don't remember exactly.

3 Q Did you watch the video?

4 A I did. I didn't hear that part, but she could have.

5 Q Did you watch it before you came to court today?

6 A Not in its entirety, just a little bit of it before I
7 came in.

8 Q At one point during the video you've got, you got a call
9 on your radio that says you do have the car with the shooter.
10 Were they talking to you?

11 A Yes, sir; yes, sir.

12 Q And where was this information coming from?

13 A If I remember correctly it was from another officer that
14 was on the scene. You got to understand there's a lot
15 happening. We have two felony car stops and we have the
16 shooting scene which is close by, but it's taking all of my
17 officers. Everybody's relaying information to me because I am
18 the supervisor, so they're all trying to give me the
19 information. We don't know exactly who shot who. So we're
20 still in the investigative part and we're trying to figure
21 that out. So when he calls me, if you, at one point I believe
22 the girl in the car says the shooter is in the other car that
23 we have stopped and then one of my officers from - he's on the
24 scene talking to other people on the scene and he tells me
25 well they think the shooter got into the red car. So you got

1 to process all that information ---

2 Q So you don't know for sure.

3 A I don't, I don't really know who the shooter is at this
4 point. I don't have any idea.

5 Q Exactly my question. Once the video stopped here, what
6 happened then?

7 A A wrecker comes and I tow the car.

8 Q Okay, and where was, where was it towed to?

9 A I'm, I'm guessing it was probably towed to the impound
10 lot because it would have been a crime scene. They would have
11 gone through it at the evidence, would have processed it at
12 the, at the Horry County Police Department. So I believe
13 Squeaky comes and tows our evidence. Squeaky is the name of a
14 wrecker service, sounds funny, but I believe it was probably
15 towed to the PD, to the impound lot.

16 Q But you don't know anything about that?

17 A Once it left my custody that was it.

18 Q The person you had in custody there was who?

19 A I believe her name was Ashley Bledsoe, something sounds
20 like that.

21 Q Bledsoe.

22 A Okay, that's right. That would be correct.

23 Q While she was sitting in the back seat, did you hear, it
24 was around the 9-38 mark there, did you hear her when she
25 said, "Kareem didn't do it because he was turned around when

1 shots were fired." Do you remember her saying that?

2 A I'm not saying she didn't say it. I don't remember
3 exactly her saying those exact words but she could have. She
4 changed her story a few times.

5 Q Changed it a few times?

6 A Well, the first time she didn't know if you - at the very
7 beginning she didn't know the person that ran and then she -
8 then all of a sudden she knew it was Kareem Harry. I believe
9 I asked if anyone else had a gun or if anyone had a gun she
10 wasn't sure she said.

11 MR. CHRISCO: No further questions.

12 THE COURT: Redirect.

13 MR. RICHARDSON: No, sir, Your Honor.

14 THE COURT: Do you wish the witness to be excused?

15 MR. RICHARDSON: I do, Your Honor.

16 THE COURT: Any objection? Mr. Chrisco, any objection
17 to the witness being excused?

18 MR. CHRISCO: No, Your Honor.

19 THE COURT: All right, sir, you are released from your
20 subpoena. You may go back to your regular duties.

21 MR. MULDOON: Thank you, sir.

22 THE COURT: Next witness, Solicitor.

23 MR. RICHARDSON: Your Honor, we do have a matter to
24 take up outside the presence of the Court, outside the
25 presence of the jury.

1 THE COURT: All right, Mr. Foreman, take your jury to
2 the jury room. We'll call you back out as soon as we can.
3 Thank you very much.

4 (Whereupon, the following takes place outside the
5 presence of the jury.)

6 MR. RICHARDSON: Your Honor, if we may approach the
7 bench?

8 THE COURT: Absolutely, not a problem. Mr. Chrisco?
9 (Whereupon, a bench conference is held.)

10 THE COURT: Yes, sir.

11 MR. RICHARDSON: Thank you, Your Honor.

12 THE COURT: Very good, all right, Mr. Chrisco, you had
13 a matter you wanted to place on the record?

14 MR. CHRISCO: Yes, yes, Your Honor. I had talked with
15 the Solicitor and I think it was agreed, but I didn't formally
16 place it on the record, record before we started that a motion
17 to sequester any witnesses and I realize that the State can
18 have the lead investigator and also the victim's significant
19 other here, Your Honor.

20 THE COURT: All right, very good. With, with those
21 exceptions and I believe we discussed that Solicitor and this,
22 of course, would go for the State and the Defense. Any
23 potential witnesses that you have they will be sequestered. I
24 mean, obviously once they testify then they're free to remain
25 in the courtroom if they wish, but before they testify they

1 will be outside the presence of the, the Court.

2 MR. RICHARDSON: Certainly, Your Honor.

3 THE COURT: As to the matter that you discussed at the
4 bench, if you want to - deputy, if you would speak with Mr.
5 Chrisco and the Solicitor, speak with the Solicitor and with
6 Mr. Chrisco being present about a request that the State has
7 made and the Court is granting and if you would carry forward
8 with that, please. All right, we'll take a short break at
9 this time. Thank you very much.

10 OFF THE RECORD

11 (On the record. The following takes place outside the
12 presence of the jury.)

13 THE COURT: All right, is the State ready to proceed?

14 MR. HOLFORD: Yes, Your Honor.

15 THE COURT: All right, Defense?

16 MR. CHRISCO: Yes, Your Honor.

17 THE COURT: All right, very good. Ask the jury to
18 come in, please.

19 MR. RICHARDSON: Your Honor, I have my next witness
20 available.

21 THE COURT: Great.

22 (Whereupon, the following takes place in the presence of
23 the jury.)

24 THE COURT: All right, Solicitor, your next witness,
25 please.

1 MR. HOLFORD: Your Honor, the State calls Investigator
2 Jill Domogauer to the stand.

3 THE COURT: All right, please come around to be sworn,
4 ma'am.

5 Whereupon, Jill Domogauer was called to the stand, duly
6 sworn by the Clerk and testified as follows:

7 THE CLERK: State your full name and spell your last
8 name.

9 MS. DOMOGAUER: My name is Jill Domogauer, D-O-M-O-G-A-U-
10 E-R.

11 THE COURT: All right, Solicitor.

12 MR. HOLFORD: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. HOLFORD:

15 Q Good morning, Investigator. Will you please introduce
16 yourself to the jury, tell them what you do?

17 A Yes, my name is Jill Domogauer. I work with the Horry
18 County Police Department. I am currently assigned to the
19 Crime Scene Division. I'm a forensic investigator with Horry
20 County. I've been with Horry County for about five years as a
21 police officer, was with the City of Conway for over 11 years.

22 Q And so you've been with crime scene for five years now?

23 A Three and a half, almost four years now.

24 Q Were you with the crime scene on March 1st, 2011?

25 A Yes, I was.

1 Q Will you tell the jury a little bit about your background
2 before coming to Horry County, any training or expertise you
3 may have?

4 A Like I said before, I was with Conway City Police
5 Department for over 11 years. Seven of those years I was
6 crime scene investigations with them. Along with the City of
7 Conway and since with Horry County I've done several crime
8 scene classes and certifications with SLED and other outside
9 agencies of forensic community varying from photography to
10 drug analysis to - that's with crime scene background
11 education, and also I have some college background with crime
12 scenes.

13 Q Now were you working on March 1st, 2011?

14 A Yes, I was.

15 Q And do you remember, do you remember anything happening
16 that evening?

17 A What was the date?

18 Q March 1st, 2011.

19 A Yes, I was actually off duty. I had done my normal eight
20 to five in the lab and was called out that evening around
21 22:08, 10:08 for a call out to respond to a crime scene.

22 Q And where were you called out to?

23 A I was called out to a subdivision of Kings Grant which is
24 in the Murrells Inlet area of Horry County.

25 Q That is here in Horry County?

1 A Yes, it is.

2 Q And what'd you do when you were called out to the scene?

3 A Well, when I was called out to the scene I was briefed by
4 officers in reference to a crime scene of a shooting. Once I
5 got there and the scene was secured I started with my
6 photography and then gathering of any evidence or pertinent
7 information that was on the scene.

8 Q So, so you're the one who took the pictures of the scene?

9 A Yes, I take pictures of the scene.

10 Q And gather the evidence?

11 A Yes, I also do sketching and all those things as well.

12 Q What'd you do with the pictures after you took them?

13 A Once I take the pictures I immediately download them to a
14 crime scene file that was associated with the case number to
15 this case.

16 Q And what do you do with the evidence?

17 A I log it into our department and secure it, again,
18 everything associated with the case.

19 MR. CHRISCO: Your Honor.

20 THE COURT: Yes, sir?

21 MR. CHRISCO: May we approach?

22 THE COURT: Sure, certainly.

23 (Whereupon, a bench conference is held in the presence
24 but out of the hearing of the jury.)

25 THE COURT: Mr. Foreman, ladies and gentlemen, there's

1 a matter that I need to take up outside your presence. If you
2 would go to your jury room for about two or three minutes and
3 we'll call you right back in. Thank you very much.

4 (Whereupon, the following takes place outside the
5 presence of the jury.)

6 THE COURT: All right, Mr. Chrisco, be glad to hear
7 from you, sir.

8 MR. CHRISCO: Yes, Your Honor. Your Honor, it's the
9 Defense's contention that the State is prosecuting Kareem
10 Harry, my client, for the hand, under the hand of one is the
11 hand of all because he, as the Court knows, is not the
12 shooter.

13 THE COURT: Yes, sir, but they are - yes, in the hand
14 of one hand of all their theory, as I understand it, is that
15 he is a principal in that, in the alleged or obviously there
16 was a crime, but in, in the matter that he was alleged to have
17 been a principal in that particular crime. So, you're
18 correct.

19 MR. CHRISCO: My study of the case law indicates that
20 before they can start proving the guilt that - of the murder
21 they have to start showing the common design and the
22 participation of my client under the hand of one of the hand
23 of all and until they prove that they can't offer any
24 evidence, and I would guide the Court to, oddly enough, a case
25 called the State versus Ronald Raymond Woomer, which was a

1 death penalty case out of Horry County.

2 THE COURT: And what's the citation to that, the
3 Southeast citation?

4 MR. CHRISCO: The Southeast citation is 277 S.E.2d 696
5 and that would be a 1981 case.

6 THE COURT: Yes, sir.

7 MR. CHRISCO: Didn't realize it was that old, and also,
8 Your Honor, I think it follows up in a state [sic] called
9 State versus Richard Condrey. That is 562 S.E.2d 320 and that
10 was out of the South Carolina Appeals, Appellate Court, Court
11 of Appeals that was not surprisingly reversed.

12 THE COURT: All right. All right, Solicitor?

13 MR. HOLFORD: Yes, Your Honor. The State believes that
14 we would be able to proceed with our case and call witnesses
15 in our order and not at the direction of the Defense.
16 Furthermore, the first witness did testify - there is evidence
17 in the record that Mr. Harry ran from the vehicle along with
18 Ms. Bledsoe, that that vehicle was attached to the crime scene
19 already referenced, as well as the vehicle of Mr. Castro and
20 Mr. Tommy Byrne. In that connection, there has been evidence
21 presented to the jury already that Mr. Harry was involved in a
22 common scheme or plan relating to this murder at - in Kings
23 Grant.

24 THE COURT: All right, clearly at the end of the
25 State's case and the State's presentation of the case, there

1 must be sufficient factual basis to support their theory of
2 accomplice liability, hand of one hand of all, that their
3 theory that the Defendant is a principal in this particular
4 crime. I do not believe it is necessary that the State
5 produce all of its evidence of that theory before it produces
6 evidence that a crime was committed. All of those things are
7 necessary in conjunction with, with the theory. Obviously
8 they're - you can conspire, but if there was nothing
9 transpired then what did you conspire to do. So I don't
10 believe that it is - there is any requirement by Appellate
11 Court decision to govern the presentation of evidence by the
12 State or to require the State to produce all of its evidence
13 of its theory before it produces the elements of the
14 underlying crime itself. Therefore, I respectfully decline to
15 grant your motion. Obviously I'll rehear you at the end of
16 the State's evidence as to any failures that you believe they
17 may have in the presentation of their theory, either by lack
18 of evidence and/or tying the Defendant to the matter and if
19 there of necessity, you know, we'll hear the motions and grant
20 the appropriate relief, whether it's directing a verdict or
21 disallowing certain testimony and/or evidence, but I believe
22 the matter at the present time is premature and will not grant
23 your motion at this point in time, obviously giving you the
24 ability to revisit it at a later time. Anything else, Mr.
25 Chrisco?

1 MR. CHRISCO: I would just ask the Court before it
2 brought the jury back in to read the State versus Woomer case,
3 Your Honor, and it's in and it's in ---

4 THE COURT: All right, well, I've looked, I've looked,
5 I'm looking at Condrey and I don't believe Condrey first and
6 I've looked through this one. I don't believe that one
7 supports your proposition at all. It's talking about, it
8 certainly indicates that the State has to prove its case. It
9 does talk about whether or not a directed verdict is proper,
10 whether or not the evidence supported the Court's charge on
11 accomplice liability. So, if you'd give me a second I'll go
12 to, I'll go to Woomer. Hold on one second, but I certainly do
13 not believe Condrey is - requires the outcome that you are
14 proposing. All right, and I remembered Woomer had gone up and
15 there were several decisions so, but the one that you are ---

16 MR. CHRISCO: This was the original one where they
17 affirmed the guilt phase ---

18 THE COURT: All right.

19 MR. CHRISCO: --- reversed the penalty phase ---

20 THE COURT: Okay.

21 MR. CHRISCO: --- and then remanded it for ---

22 THE COURT: All right.

23 MR. CHRISCO: --- the guilt phase, the penalty phase.

24 THE COURT: All right, hold on, hold on a second.

25 All right, here we go. All right, one thing they do say

1 evidence is admissible if it logically or reasonably tends to
2 prove or disprove a crime charged or any fact material to that
3 issue. So, I'm not sure what CSI Jill Domogauer is going to
4 say, but if there are, at the very least, photographs of the
5 crime scene that certainly would be something that could
6 reasonably tend to prove or disprove the crime charged. The
7 essence of Woomer, this decision is that there at least must
8 be some evidence of the common design and participation of the
9 accused. So what do you say to that, Solicitor? There must
10 be some - it does, I don't read it to say that you have to
11 have proved or elicited all of your evidence to show the
12 existence of the hand of one or the Defendant being a
13 principal in a common plan or scheme, but there must be some
14 evidence to show that theory before you would go into the
15 actual or other parts of it, and again, I don't have any idea
16 what this witness is going to say. So, I mean, it might very
17 well be part of her testimony is to show that. I don't know.
18 Let me hear from you.

19 MR. HOLFORD: Your Honor, I would say that the first
20 State's witness in that videotape that we watched, while the
21 Defense requested the rest of the video, Ashley Bledsoe does
22 talk about the TV and it being Kareem's TV and that they went
23 over there together to get the TV. I believe that evidence is
24 already in front of the jury as well as the fact that the
25 jury's seen that Mr. Harry ran from the car and the rest of

1 the first officer's testimony, which showed at least a little
2 bit of evidence of the common scheme or plan.

3 THE COURT: What is it that you intend to elicit
4 through, in general, through this witness? What are you
5 attempting to get from her?

6 MR. HOLFORD: Yes, Your Honor, Investigator Domogauer
7 will testify as to the crime scene, introduce the photos of
8 the crime scene, that death did occur there, where it occurred
9 and we'll discuss that. Her testimony does not have to do,
10 she doesn't know Mr. Harry, does not have to do with the
11 scheme or plan at all. It has to do with the crime scene
12 itself and that a crime occurred at, in Kings Grant at Drayton
13 Court.

14 THE COURT: All right, I'm going to, before you call
15 this witness, I'm going to have you elicit at least some more
16 testimony that would indicate a common plan or scheme before
17 you call CSI Jill Domogauer. All right?

18 MR. HOLFORD: Yes, Your Honor.

19 THE COURT: So if you'd step down, please, ma'am, and
20 with that, you'll fall back under the rules of sequestration
21 and you'll need to leave the courtroom.

22 MR. RICHARDSON: We'll bring the next witness in, Your
23 Honor.

24 THE COURT: All right, very good, and just so that
25 we're clear, I do not find it to be a requirement that the

1 State adduce all of its evidence regarding a common plan or
2 scheme, but at the present time I'm requiring them to produce
3 more information about a common plan or scheme than they have
4 already introduced ---

5 MR. HOLFORD: Yes, Your Honor.

6 THE COURT: --- before you proceed with other
7 witnesses.

8 MR. HOLFORD: Yes, Your Honor.

9 THE COURT: All right, Solicitor, who is your next
10 witness?

11 MR. HOLFORD: Your Honor, the State would call Ashley
12 Bledsoe.

13 THE COURT: All right.

14 MR. RICHARDSON: Let's call her in.

15 THE COURT: Before you, before you do that let me just
16 cover one thing. Now, Ms. Bledsoe, has she been charged with
17 a crime in this particular matter?

18 MR. HOLFORD: Yes, Your Honor.

19 THE COURT: And she's under indictment; correct?

20 MR. HOLFORD: Yes, Your Honor.

21 THE COURT: And is she represented by an attorney?

22 MR. HOLFORD: Yes, Your Honor, she is, Ms. Mary Ashley
23 Martin.

24 THE COURT: All right, Ms. Martin, you are present?
25 You are the counsel for Ms. Ashley Bledsoe?

1 MS. MARTIN: That's correct, Your Honor.

2 THE COURT: All right, and have you had sufficient
3 time to talk to your client about her proposed testimony in
4 this particular matter?

5 MS. MARTIN: Yes, Your Honor.

6 THE COURT: And you have advised her as to her
7 testimony that once she is placed under oath she would, if she
8 chooses not to exercise her constitutional rights in refusing
9 to testify, that she will then be open to all questions that
10 the State and the Defense have about this particular matter?

11 MS. MARTIN: She understands that, Your Honor, yes.

12 THE COURT: All right, very good. If you'd just have
13 a seat, ma'am, and we'll call you in just one second. When
14 the jury comes in I will, Ms. Martin, just tell you if there,
15 at any point in time there comes up some issue that you think
16 you need to bring to the Court's attention I'll be glad for
17 you to do so or indicate in somehow that you have some matter
18 of law that you need to take up with the Court just so that if
19 you think there is something that during the course of the
20 proceedings that comes up that you need to protect your
21 client's interest or in any way need to bring something to the
22 attention of the Court I'll be glad for you to do so; okay?

23 MS. MARTIN: Thank you very much, Your Honor.

24 THE COURT: All right.

25 MR. HOLFORD: Your Honor?

1 MS. BLEDSOE: Ashley Bledsoe, B-L-E-D-S-O-E.

2 THE COURT: All right, Solicitor.

3 DIRECT EXAMINATION

4 BY MR. HOLFORD:

5 Q Good morning, Ms. Bledsoe. Do you mind if I call you
6 Ashley?

7 A You can call me Ashley.

8 Q Now, I know this is going to be a little tough. You have
9 a microphone. Please speak up so the jury can hear you. If
10 you need me to stop at any time let me know. Now, how old are
11 you, Ashley?

12 A I'm 20.

13 Q And how far did you go in school?

14 A I graduated.

15 Q Where are you from?

16 A I'm from South Carolina, Myrtle Beach, South Carolina.

17 Q Ashley, what's your involvement to this case
18 specifically?

19 A I was in a relationship with Kareem Harry.

20 Q And do you see Mr. Harry in the courtroom?

21 A Yes, sir.

22 Q Where is he seated?

23 A Right over there, right there.

24 Q Let the record reflect that she's pointed at the
25 Defendant. Ashley, what was your relationship with, with the

1 Defendant?

2 A We were dating.

3 Q How long were you dating?

4 A I'd say roughly nine months.

5 Q Do you remember when you started dating?

6 A July of 2010.

7 Q During this relationship how would you describe your
8 relationship with the Defendant?

9 A It was a good relationship until about four or five
10 months into it and then it became abusive.

11 Q Was that difficult on you?

12 A Yes, sir.

13 Q Before I go any further, I'd like to approach you with
14 what's been marked as State's Exhibit 64. Let the record
15 reflect I'm showing it to opposing counsel. Copies have
16 already been provided.

17 Now, have you been, have you yourself been charged in
18 connection with this case?

19 A Yes, sir.

20 Q And what, what charges are pending against you?

21 A Murder and trafficking over an ounce of crack.

22 Q And are those charges still pending?

23 A Yes, sir.

24 Q In our office?

25 A Yes, sir.

1 Q I'm going to approach you with what's been marked as
2 State's Number 64, Your Honor.

3 THE COURT: Yes, sir.

4 Q Do you recognize this document?

5 A Yes, sir.

6 Q And for identification can you identify to the jury what
7 this document is?

8 A A proffer agreement.

9 Q Tell the jury what your understanding of a proffer
10 agreement is. What do you think you did when you signed this?

11 A I was just told that I may have to take a polygraph test.

12 Q Have we promised you anything?

13 A No, sir.

14 Q Is there, have I promised you anything for your
15 testimony?

16 A No, sir.

17 Q But you've agreed to testify?

18 A Yes, sir.

19 Q And those charges are still pending in our office?

20 A Yes, sir.

21 Q Now, obviously, you would hope that we'd be more lenient
22 with you in the future; would you not?

23 A I hope so.

24 Q But at this point we've made no, no promise how your
25 charges are going to be handled?

1 A No, sir.

2 Q You're here to testify?

3 A Yes, sir.

4 Q And are you here to tell the truth?

5 A Yes, sir.

6 Q Will you walk us through how you met the victim, Mr.
7 Kevin Bowens?

8 A I was introduced to him by my roommate Evelyn, and she
9 just gave him my number and we ended up he picked me up from
10 my house one night and I went out to a club with him. That's
11 the first time I ever met him.

12 Q Do you remember what day that was?

13 A The 28th, I'm not positive, the 27th or the 28th.

14 MR. HOLFORD: Your Honor, may I retrieve an exhibit or a
15 demonstrative? It's just a calendar from February and March?

16 THE COURT: Certainly.

17 MR. HOLFORD: Thank you.

18 BY MR. HOLFORD:

19 Q Ms. Bledsoe, I'm going to try and position this that way
20 you can see it and so can the jury. Can you identify what
21 this is?

22 A A calendar.

23 Q And what, what day is March 1st?

24 A A Tuesday.

25 Q And how many days prior to that do you think you met the

1 victim?

2 A Met him on the 26th.

3 Q On the 26th?

4 A Yes, sir.

5 Q What day is that?

6 A Saturday.

7 Q Now, what transpired between yourself and the victim on
8 the 26th?

9 A Was my first text message to him. I gave him my number
10 and he was going to come pick me up, but he never picked me up
11 that night.

12 Q Did you - so you didn't meet him on the 26th?

13 A I met him but not physically, but that's when I was first
14 introduced to him.

15 Q And did you, did you ever have a chance to physically
16 meet him face to face?

17 A I did, yes, sir, on the 27th would be the first day I met
18 him.

19 Q On that Sunday?

20 A Yes, sir.

21 Q And where'd you meet the victim?

22 A He picked me up from a gas station near my house.

23 Q Where'd you go from there?

24 A We just rode around. We went to T.G.I. Friday's. He
25 took me and my roommate out. We ate at Friday's and then

1 later that night we went to Club Isis.

2 Q Had you ever been to his home before?

3 A I only was in the driveway. When we were on our way to
4 Isis he stopped by his house to get something. I stayed in
5 the driveway.

6 Q Now, you said you were supposed to meet him on the 26th.
7 Why couldn't you meet him on the 26th?

8 A The police were called to my house, so I was just - I
9 told him it wouldn't be a good night for him to come over.

10 Q Who called the police to your house?

11 A I did.

12 Q And why'd you call the police to your house?

13 A For a CDV.

14 Q Who, who was involved in the CDV?

15 A Kareem Harry.

16 Q Did you beat Kareem Harry up?

17 A No, sir.

18 Q Kareem Harry assaulted you?

19 A Yes, sir.

20 Q And that's why you weren't able to meet the victim on the
21 26th?

22 A Yes, sir.

23 Q When did you report that criminal domestic violence?

24 A It would be that night.

25 Q And the police take a report on that?

- 1 A Yes, sir.
- 2 Q So let's go back to the 27th. That's the night you go out
3 with the victim, Mr. Bowens; correct?
- 4 A Yes, sir.
- 5 Q And what happened later that night after you left the
6 club?
- 7 A He ended up staying the night at my house.
- 8 Q So he stayed over into the 28th?
- 9 A Yes, sir.
- 10 Q Now, was Mr. Harry staying there that night?
- 11 A No, sir.
- 12 Q Where was he?
- 13 A I believe he was staying at the mother of his children's
14 house.
- 15 Q Do you know where that is?
- 16 A Yes, sir.
- 17 Q Where is that?
- 18 A On [REDACTED], [REDACTED].
- 19 Q And when you say the mother of his child who are you
20 talking about?
- 21 A Her name is Brianna.
- 22 Q So what happened on the 28th, on Monday? Do you know a
23 Sage McPhail?
- 24 A I do know who he is.
- 25 Q Did you have any interaction with him on the 28th?

1 MR. CHRISCO: Objection, Your Honor, leading.

2 THE COURT: I'm going to allow it.

3 Q Did you have any interaction with him?

4 A Yes, sir. He came and picked me up from my house with
5 his truck so that he could help me move all of Kareem's stuff
6 out of my house into his house.

7 Q And did you do that?

8 A Yes, sir.

9 Q And what happened when, when you moved Kareem's stuff out
10 of your house?

11 A I brought him everything but his plasma screen TV.

12 Q Why didn't you bring him his plasma screen TV?

13 A Because I didn't have it.

14 Q Why didn't you have it?

15 A Because Kevin had took it from my house and he told me
16 he'd be right back with the money and he never came back.

17 Q So what was your intention when Kevin took that TV?

18 A Was to get the money and give it to Kareem because he had
19 gave me \$400 for me to move into my apartment.

20 Q And so it was the TV that you gave to Kevin to try and
21 get money for it?

22 A Well, I had called Kareem and asked him if I could sell
23 it first and he said yes. Kevin was interested in buying it.
24 He agreed with the price. He put it in his car and he said
25 he'd be right back, his money was at the house. He never came

1 back.

2 Q Did the Defendant know Kevin?

3 A No, sir.

4 Q Did he know who you were going to sell it to?

5 A No, sir.

6 Q Did you tell him who you were selling it to?

7 A No, sir.

8 Q On the 28th when he found out his TV wasn't there, how did
9 he respond, the Defendant?

10 A He told me to get it back and he asked me to show him
11 where Kevin lived and to give him Kevin's cell phone number.

12 Q Did he know on the 28th that Kevin had it?

13 A No, sir, I'm sorry, I was thinking of the first. No on
14 the 28th I brought him his stuff. He told me just to make sure
15 I get the TV. I ended up leaving. Sage took me back home and
16 I stayed the night at my house alone that night.

17 Q On the 28th did you tell the Defendant who had his TV?

18 A I don't know if it was on the 28th or the 1st. I'm not
19 sure.

20 Q Okay, and so the next day on the 1st, tell me what
21 happened on the 1st.

22 A Me and my previous roommate were riding around looking
23 for an apartment because we had been evicted and that's when
24 Kareem had called me and was like, "Pull over wherever you're
25 at so that you can show me where Kevin lives because I need to

1 get this money, I have probation in the morning." So me and
2 Evelyn pulled over at the Waccamaw Hospital and Kareem showed
3 up about two minutes later and I got in the truck with him.
4 Then we drove to Tommy and Saire's house.

5 Q Let me, let me slow down real quick. So Mr. Harry called
6 you wondering about the TV or money?

7 A Yes, sir.

8 Q And he told you to pull over at Waccamaw?

9 A Yes, sir.

10 Q And that's where you met him?

11 A Yes, sir.

12 Q Do you know about what time that was on the 1st?

13 A It was about 7:30 or 8:00.

14 Q So he met you down at Waccamaw Hospital? Where was that
15 located?

16 A In Murrells Inlet.

17 Q And at that point did you come clean and tell him who had
18 his TV?

19 A Yes, sir.

20 Q Did you tell him where Kevin lived?

21 A Yes, sir. I told him it was Kings Grant.

22 Q Did Mr. Harry know where Kings Grant was?

23 A Yes, sir.

24 Q About how far is King's Grant from where you were at
25 Waccamaw?

- 1 A Not even five minutes.
- 2 Q What'd you do when Mr. Harry picked you up?
- 3 A We drove straight to Tommy and Saire's house. He went
4 upstairs, I stayed in the truck.
- 5 Q Where is Tommy and Saire's house?
- 6 A On Burcale Road.
- 7 Q All the way up in Myrtle Beach?
- 8 A Yes, sir, like Forestbrook area.
- 9 Q What happened when you got to Tommy and Saire's house?
- 10 A He went inside and I stayed in the truck and they were in
11 there for about five minutes and then they all three came
12 outside.
- 13 Q Do you know Tommy and Saire?
- 14 A Yes, sir.
- 15 Q How do you know them?
- 16 A I went to school with both of them.
- 17 Q After Tommy and Saire came out, you were still in the
18 truck?
- 19 A Yes, sir.
- 20 Q Who got in the truck with you?
- 21 A Kareem got in the car with me and Tommy and Saire got in
22 another car.
- 23 Q And where'd you go after that?
- 24 A We stopped by a gas station to get a pack of cigarettes
25 and then went straight to Kevin's house.

1 Q Do you know - do you remember what gas station you
2 stopped at?

3 A I believe it was the Kangaroo on Highway 17 Bypass.

4 Q So do you remember which way you came from Burcale down
5 to Kings Grant?

6 A I honestly don't remember.

7 Q But you stopped at a gas station on 17?

8 A Yes, sir.

9 Q You didn't back track down or did you back track down
10 707?

11 A I don't think so.

12 Q Who was leading the way this whole time?

13 A Me and Kareem were in the car in front of Tommy and
14 Saire.

15 Q Do you know if Tommy and Saire knew where you were going?

16 A No, sir, they did not.

17 Q You weren't privy to the conversation at Tommy's house
18 were you?

19 A No, sir.

20 Q Were you telling Kareem which way to go?

21 A Yes, sir.

22 Q You were telling him how to get to Kings Grant?

23 A Well, he knew how to get to Kings Grant, but once we got
24 in the neighborhood I was telling him where to go.

25 Q So he knew where Kings Grant was?

- 1 A Yes, sir.
- 2 Q And then you said when you got into the neighborhood you
3 told him where to go?
- 4 A Yes, sir.
- 5 Q Now, let's talk about that. When you actually got into
6 the neighborhood what happened?
- 7 A We pulled up into Kevin's driveway. Tommy and Saire
8 pulled up, also. Kareem got out of the truck first by himself
9 and was talking to Kevin while I was still in the truck and
10 Tommy and Saire were still in the car, and then about not even
11 a whole minute passed, Tommy and Saire both jumped out of the
12 car and they went where Kareem was and they were talking to
13 Kevin, also, while I was still in the truck.
- 14 Q Now, do you know if the Defendant had talked to the
15 victim before you arrived at Kings Grant?
- 16 A Yes, sir, he had talked to him on the cell phone.
- 17 Q And what - do you know what he talked to him about?
- 18 A Just that he wanted to get the TV back.
- 19 Q So you pull up, both cars at Kevin's house; correct?
- 20 A Yes, sir.
- 21 Q You said Mr. Harry gets out first?
- 22 A Yes, sir.
- 23 Q And then Saire and Tommy get out?
- 24 A Yes, sir.
- 25 Q Are you still in the truck at this point?

- 1 A Yes, sir.
- 2 Q Is there ever a point where you get out of his truck?
- 3 A Yes, sir.
- 4 Q Why?
- 5 A Kareem had waved for me to get out of the truck.
- 6 Q Do you know why he did that?
- 7 A When I got out he asked me - he just wanted me to confirm
- 8 that it was Kevin who had took the TV and I told him yes.
- 9 Q And what'd, what'd Kevin say?
- 10 A Kevin told me that I was lying.
- 11 Q What happened after that?
- 12 A Saire told me to turn around and get a lighter out of the
- 13 truck and I turned around. As I was walking back to the truck
- 14 I heard the shots fire. So I jumped in the car and ducked
- 15 down and then Kareem came running in the same side, the
- 16 passenger side, pushed me over to the driver's side and told
- 17 me to start driving.
- 18 Q So you got in the passenger's side?
- 19 A Yes, sir.
- 20 Q And then how'd you get to the driver's side?
- 21 A Kareem pushed me over.
- 22 Q So you're driving the vehicle?
- 23 A Yes, sir.
- 24 Q What happened after, after you got in the driver's side
- 25 of that vehicle?

1 A I was trying to drive. It was really hard. I didn't
2 know how to drive the truck that we were in and I was just
3 shaking really bad. I had lost my shoes. I eventually made
4 it out of the neighborhood. He told me to take a right. I
5 was on McDowell Short Cut when the police were behind us and
6 the blue lights come on.

7 Q Do you remember what color truck you were in?

8 A A red truck.

9 Q Do you know whose truck that was?

10 A It's Sage, Sage McPhail's. I didn't know at the time.

11 Q Now, we watched the video earlier that you weren't privy
12 to but you just said you were pulled over by the police?

13 A Yes, sir.

14 Q What happened when you were pulled over?

15 A They just made me get down on the ground face first.

16 Q Did you run from the police for a little bit?

17 A No, sir. I was - I didn't physically run from them, but
18 I, I didn't stop as soon I seen the lights. Kareem told me to
19 keep driving, keep driving, keep driving and I told him I was
20 going to pull over and he said no keep driving. I eventually
21 did pull over, he jumped out of the car and ran and I just
22 stayed where I was at.

23 Q This Defendant, Mr. Harry, was in the passenger side, he
24 jumped out and ran from the car?

25 A Yes, sir.

1 MR. HOLFORD: Court's indulgence.

2 THE COURT: Yes, sir.

3 BY MR. HOLFORD:

4 Q Ashley, let me go back a little bit. When you called the
5 police for the criminal domestic violence was anyone present
6 at your residence at that time?

7 A There was nobody in the house at the time.

8 Q Did the police make an arrest that day?

9 A No, sir, they didn't.

10 Q Why not?

11 A Because Kareem had jumped out of the window. He was
12 pulling up at the same time we were. He jumped out of the
13 car, ran through the house and jumped out the bedroom window.

14 Q And you mentioned being evicted, why were you evicted?

15 A Because of that, they found drugs in the house. So the
16 landlord told me I had to get out the next day.

17 Q Were they yours?

18 A No, sir.

19 Q Do you do drugs?

20 A No, sir.

21 Q Who was driving from Tommy's house down to Kevin's house?

22 A Kareem was driving.

23 Q And why did he want to go to Kevin's house?

24 A To either get the money or the TV back.

25 Q And why did he need money?

1 A For he had probation in the morning.

2 Q Who went upstairs at Tommy's house to get Saire and Tommy?

3 A Kareem did.

4 Q Thank you, Ashley. I have no further questions at this
5 time. Please answer any questions Mr. Chrisco may have for
6 you.

7 THE COURT: Cross Examination.

8 CROSS EXAMINATION (BY MR. CHRISCO)

9 Q Please help me to understand here, you said you and
10 Kareem had just pulled up and then he jumped out of the car
11 and did what?

12 A He was talking to Kevin.

13 Q No, this was at your apartment.

14 A Oh, when we were at the apartment he ran through the
15 house and jumped out the window.

16 Q Back up, you said you and he were just pulling up.

17 A He was in my car. He pulled up. I was with the police.
18 I pulled up. We all pulled up at the exact same time. He
19 seen the police, got scared and ran.

20 Q And the police had been out there?

21 A Yes, sir, the police were with me.

22 Q Okay, and how long had they been out there?

23 A We pulled up as soon as he pulled up, so.

24 MR. CHRISCO: Court's indulgence just one moment.

25 THE COURT: Yes, sir.

1 MR. HOLFORD: Your Honor ---

2 THE COURT: Just a second, just hold on one second.

3 I'm sorry. The Solicitor wanted to hand some tissue. You
4 don't have any problem with that, Mr. Chrisco?

5 MR. CHRISCO: No, go ahead.

6 MR. RICHARDSON: Thank you.

7 BY MR. CHRISCO:

8 Q How long did you know the victim?

9 A Four days.

10 Q Four days, and how did you meet him again?

11 A I met him through a friend.

12 Q Okay, and this was the friend that you shared an
13 apartment with?

14 A Yes, sir.

15 Q Okay, why were you leaving that apartment?

16 A Why was I being evicted from the apartment?

17 Q Yeah, why were you being evicted?

18 A Because the police had found drugs in it and they told my
19 landlord.

20 Q And that violated the lease?

21 A Yes, sir.

22 Q How long had you been living there?

23 A I moved in on the 15th of February, February 15th, so ---

24 Q So you had been there 12 days when this happened?

25 A Yes, sir, something like that.

- 1 Q How long had Kareem Harry been living there?
- 2 A I mean, he had been staying there pretty much the whole
3 time with me.
- 4 Q For the whole 12 days?
- 5 A Yes, sir.
- 6 Q And for the whole 12 days was the TV there?
- 7 A Yes, sir.
- 8 Q What day did the TV go, leave from there?
- 9 A The 28th, either the 27th or the 28th.
- 10 Q Now, what was this about February 26th, something about
11 the, the - in the, in the driveway or what, what was that
12 about?
- 13 A I don't ---
- 14 Q You met him on the 25th?
- 15 A Kevin?
- 16 Q Kevin, the victim.
- 17 A No, sir, I met him on the 26th.
- 18 Q On the 26th, and where did you go?
- 19 A We didn't go anywhere on the 26th. I met him through text
20 messaging on the 26th. On the 27th is when he took me to
21 T.G.I. Friday's and then later that night Club Isis.
- 22 Q And how long did you stay out?
- 23 A Until maybe 12, one o'clock at night.
- 24 Q And where were you working at this time?
- 25 A Creek Ratz.

1 Q And what was your schedule there?

2 A I would either work morning or night shifts.

3 Q And what had you been working? Did you work any on the
4 25th?

5 A No, sir, I remember I went to Creek Ratz and I had to
6 tell them that I wasn't going to be able to make it for a few
7 days because I had a lot going on at the time. So they let me
8 take off a few days until I could come back.

9 Q And what did you do there at Creek Ratz?

10 A I was a hostess.

11 Q You said that on the - is it the 26th that the victim
12 Kevin Bowens spent the night?

13 A No, sir, not on the 26th.

14 Q What night was that?

15 A The 27th or the 28th.

16 Q Which one was it?

17 A I don't remember. I mean, I knew when the calendar was
18 up here. I don't ---

19 Q This is a big event in your life that happened. You were
20 arrested for murder.

21 A Right.

22 Q You don't remember what happened in the days before?

23 A No, sir, I don't remember the prior days to that because
24 I didn't know any of this was going to happen.

25 Q You're charged with murder that carries a minimum of 30

1 years day for day up to life in prison and you don't remember
2 the events that happened two or three days before?

3 A Not every detail.

4 Q You had a cell phone. You mentioned text. What type of
5 text did you send to the victim?

6 A I said, "Hey, this is Ashley. This is my number."

7 Q Did you all do drugs together?

8 A No, sir. He did smoke a blunt with me.

9 Q What is a blunt?

10 A Marijuana.

11 Q There's something else in it, too, doesn't it?

12 A Just marijuana.

13 Q What did you tell Kareem happened to the television?

14 A I told him that I had sold it to somebody and they were
15 going to give me the money once they got it.

16 Q You told him you're selling it to a girl?

17 A Yes, sir.

18 Q What did you tell the victim?

19 A At first I had told the victim that it was one of my
20 girlfriend's TVs and then I eventually told him that it was my
21 boyfriend's and I'm scared and I need to get it back.

22 Q Did he give you any money for it?

23 A No, sir, he did not give me anything for it.

24 Q So Kareem thinks that you sold it to a girl?

25 A Yes, sir.

- 1 Q The victim, Kevin Bowens, thinks that it belongs to
2 another girl?
- 3 A Yes, sir.
- 4 Q Did you text about that?
- 5 A There was one text to Kevin.
- 6 Q What'd it say?
- 7 A I told him that the girl was going to call the cops on me
8 if I didn't get the TV back.
- 9 Q What'd he say?
- 10 A He said stop letting the police scare you.
- 11 Q Wasn't quite that clean was it?
- 12 A Could you repeat that?
- 13 Q I said it wasn't quite - the text wasn't quite that
14 clean, was it?
- 15 A You want me to say exactly what he said? He ---
- 16 Q It's what we're here for is to hear the truth.
- 17 A He said, "Stop letting that police shit scare you."
- 18 Q What other text did you text?
- 19 A I told him, "I'm homeless. Please give me the money."
- 20 Q Were you, in fact, homeless?
- 21 A Yes, sir, I was.
- 22 Q Let's go back a minute. What did you do on the, on the -
23 this text was on the 1st of March, was it not?
- 24 A No, sir, that text was not on the 1st.
- 25 Q That text was on the - after 11 o'clock on the 28th, was

1 it not?

2 A I'm not sure.

3 Q It was at - during the night of the 28th that that text
4 was done, was it not?

5 A I'm not sure.

6 Q If I told you that it was that night would you believe
7 that?

8 A Okay, yes, sir, I would.

9 Q Now, what happened on the 1st? What did you do on the
10 1st?

11 A Me and Evelyn, my old roommate, we went to her father's
12 house, he gave us a check for \$1000. We went and got a new
13 apartment and moved all of our stuff in there that day. We
14 were at the house for a little bit, until maybe 7:00 and then
15 we headed to Wal-Mart so we could get some stuff for our
16 apartment and that's when Kareem had called and told me to
17 pull over and we were passing the Waccamaw Hospital. So
18 Evelyn pulled over the car there and I got out.

19 Q So the girl that you moved in with she footed the whole
20 bill to get into the place?

21 A Yes, sir.

22 Q You didn't put a dime of it in?

23 A No, sir, but it was technically her dad's money. We, we
24 had set up a plan with him. I was going to give him 500 and
25 she was going to give him 500.

- 1 Q What about the money you had got from Kareem?
- 2 A What about the money?
- 3 Q You said you had gotten money from Kareem so you could
- 4 get an apartment.
- 5 A Yes, sir, and then we got evicted from that apartment.
- 6 Me and Evelyn got a check to get another apartment because we
- 7 had nowhere to live.
- 8 Q How big was this television?
- 9 A Maybe 47 inches.
- 10 Q You said it was a plasma?
- 11 A Yes, sir.
- 12 Q How do you know that?
- 13 A I seen it.
- 14 Q Did it say that on it?
- 15 A I mean, I don't know if it said plasma on it.
- 16 Q Did you ever use Evelyn's phone?
- 17 A Yes, sir.
- 18 Q Did you ever call Kareem Harry on Evelyn's phone?
- 19 A I don't remember.
- 20 Q How many times have you met with the Solicitor to go over
- 21 this testimony today?
- 22 A Twice.
- 23 Q And how long was each one of those?
- 24 A For about three hours.
- 25 Q Three hours each time?

- 1 A Yes, sir.
- 2 Q When you were arrested for murder sometime later you got
- 3 the discovery in the case, did you not?
- 4 A My motion of discovery?
- 5 Q Yes.
- 6 A I'm not sure.
- 7 Q You're not sure if you got the evidence in the case?
- 8 A Oh, yes, sir, I did.
- 9 Q Did you go through?
- 10 A Yes, sir.
- 11 Q Did you look at everything?
- 12 A Yes, sir.
- 13 Q Do you know how many text messages you text back and
- 14 forth, do you not?
- 15 A Yes, sir, I do.
- 16 Q Could you tell me each one that you text?
- 17 A I could try and remember. It was quite a few.
- 18 Q Do you want to refresh your recollection?
- 19 A Okay.
- 20 MR. CHRISCO: Your Honor, may I approach the witness,
- 21 please?
- 22 THE COURT: Any objection, Solicitor?
- 23 MR. HOLFORD: Your Honor, I would just like to see which
- 24 text messages he's talking about and the relevance of it.
- 25 THE COURT: Just, Mr. Chrisco, just show them to the

1 Solicitor first, please.

2 (Mr. Chrisco complies with request of Court.)

3 MR. HOLFORD: Your Honor, I'm not sure Mr. Chrisco can
4 lay a foundation that's - to these.

5 MR. CHRISCO: I don't - not wanting to get them into
6 evidence, Your Honor. I just wanted to refresh her
7 recollection.

8 THE COURT: Let me see them, please. Let me see them,
9 please. You all come over here and talk to me for a second.

10 (Whereupon, a bench conference is held in the presence
11 but out of the hearing of the jury.)

12 BY MR. CHRISCO:

13 Q Here to where it says 16.

14 THE COURT: Yes, sir, Mr. Chrisco, if you're talking
15 you need to be such that you can be heard by everyone. The
16 jury can't hear you.

17 MR. CHRISCO: Yes, Your Honor.

18 BY MR. CHRISCO:

19 Q I'm giving you the phone records. If you would look
20 through them I'll ask you certain text messages at a certain
21 time and at that point you can refresh your recollection as to
22 whether you sent that particular text. It's done in semi-
23 chronological order first of outgoing and then of incoming.
24 So there might be two different places where you have to look
25 in those records. You understand? You sent a message at

1 11:41 on the 28th of February. The time that is says in there
2 would be 23:41:08.

3 A I don't see any of my text messages.

4 THE COURT: I'm sorry, ma'am, you have to be behind
5 the microphone.

6 A I don't see any of my text messages here.

7 Q What was your cell phone number?

8 A [REDACTED], excuse me.

9 Q If you'll, if you'll look there you'll see your, your
10 number as the incoming number. Also pay close attention to
11 what the time is, if you can get to find anything that's
12 around 23:40, 42 as in the time because they would be in
13 chronological order there.

14 A Okay.

15 Q Did you text a message to the victim that said, "This
16 girl trippin on me talking about calling the po if I don't pay
17 her." First of all what does that mean?

18 A Talking about calling the police.

19 Q The po is the police?

20 A Yes, sir.

21 Q And who was the girl that you were referring to here?

22 A I was talking about Kareem.

23 Q Kareem is a girl?

24 A No, sir.

25 Q So you're saying that Kareem had threatened to call the

1 police?

2 A Yes, sir.

3 Q The people that he had jumped out a window and ran from,
4 now he's going to call them?

5 A No, sir. I had just told Kevin that in hopes to get the
6 TV back.

7 Q So you were lying to Kevin?

8 A Yes, sir.

9 Q Then you say, "You're right. So where can I meet you?"
10 This is to the victim?

11 A Where?

12 Q At two minutes after the one we just talked about. The
13 number on the outside on the left-hand side should be 21:56.

14 A Okay.

15 Q What did you mean there?

16 A So where can I meet you to get the money?

17 Q Okay, go down, refresh your recollection on 21:58.

18 A Said, "Okay, I'm not trying to rush you, but I have, but
19 I have to wake up early. So please let me know. I mean, I
20 can drive to your house if you need."

21 Q Then the next one.

22 A "I'm really sorry if I pissed you off."

23 Q Then the next one.

24 A "Damn, are we still going to be friends? I thought we
25 was going to chill tomorrow."

1 Q What time was that?

2 A 1:05.

3 MR. HOLFORD: Objection, Your Honor. I believe
4 counsel's publishing this, which hasn't been entered in
5 evidence.

6 THE COURT: You can ask her questions. You cannot
7 read from the document, sir.

8 MR. HOLFORD: Thank you, Your Honor.

9 Q So how many times did you text him between the 28th and
10 all day on the, on the 1st?

11 A Ten, text him ten times.

12 Q Ten times. Did you call and speak on the telephone any?

13 A I did call him. He would not answer.

14 Q And what time was that?

15 A Are these call logs or just text messages?

16 Q It would indicate in there that it was either an incoming
17 call or text. I'm just telling her how to read what she's
18 looking at.

19 A All of these ---

20 THE COURT: I appreciate that.

21 A All of these say text messages. There's no incoming or
22 outgoing calls on here.

23 MR. CHRISCO: Your Honor, I would ask for a recess for
24 her to go over the materials.

25 THE COURT: No, sir, continue on with the cross

1 examination.

2 BY MR. CHRISCO:

3 Q The other Co-Defendant in this case, a Tommy Byrne, do
4 you know him?

5 A Yes, sir.

6 Q How do you know him?

7 A I went to school with him.

8 Q When you say went to school for that - was it the - your
9 entire life or ---

10 A Yes, sir.

11 Q Had you ever dated him in any way?

12 A I did not date him, but I have had an encounter with him
13 before.

14 Q Did the victim ever answer your text about wanting -
15 about the money?

16 A No, sir.

17 Q When you got there that night you stated that Kareem
18 asked you to get out of the truck?

19 A Yes, sir.

20 Q Isn't it true that the victim also was wanting you to get
21 out of the truck so he could say something to you?

22 A I just remember Kareem waving me over.

23 Q Do you remember talking with the victim?

24 A All I said was, "You know you took the TV from me."

25 That's all I said to him.

1 Q And you also told him in a text earlier that, "You know
2 you stole the money."

3 A Yes, sir.

4 Q What money were you talking about?

5 A I'm just talking about the TV, the cash value of the TV.
6 He never paid me the money for it. So in my eyes he took the
7 money from me. The \$400 he said he would bring me for the TV
8 he didn't give to me. So that's why I said, "You know you
9 took the money from me."

10 Q At another point you said, "I don't care about the
11 television."

12 A Yes, sir, I was trying to get him to just answer my calls
13 or texts because I knew what would happen if I - I didn't want
14 to tell Kareem what had really happened. I was trying
15 everything to get it back myself and Kevin would not answer or
16 - my texts or calls.

17 Q What kind of deal have you cut with the State?

18 A No deal.

19 Q You're up here testifying, you're not sitting over here
20 where Mr. Harry's sitting?

21 A I have not had any deals with the State.

22 Q Not promised you anything?

23 A No, sir.

24 Q Out of the goodness of your heart you're up here
25 testifying today?

1 A Yes, sir. I believe it's the right thing to do.

2 Q Did that come to you while you were in jail or after you
3 bonded out?

4 A The whole time since the first time it happened, I would
5 have told my story that night.

6 Q So in every instance you're telling the truth?

7 A Yes, sir.

8 Q Did you ever lie or mislead the police?

9 A No, sir.

10 Q Not at all?

11 A No, sir.

12 Q So when you told the police that the television was yours
13 and Kareem Harry wanted the money for it that was the truth?

14 A I don't remember saying that. I said that it was
15 Kareem's TV. I remember the officer asking me, "So it was
16 Kareem's TV," and I said, "Yes, sir. It's Kareem's TV, but I
17 told him I would sell it for him for the money."

18 Q Do you remember talking with Detective Large?

19 A Yes, sir.

20 Q Do you remember telling Detective Large that it was your
21 television?

22 A No, sir.

23 Q Do you remember telling Detective Large that Kareem was
24 just wanting the money for it?

25 A Yes, sir, that he wanted the money or TV for it, wanted

1 either one.

2 Q But it was your television you had told Detective Large.

3 A I mean, it was our stuff. I mean, it was his TV, he took
4 it out of my house.

5 Q That night that the victim stayed over at your place,
6 that was the place down in Murrells Inlet?

7 A No, sir, it was in Oceanside Village.

8 Q Oceanside Village, and whose place was that?

9 A It was mine.

10 Q And that's the place you were evicted from?

11 A Yes, sir.

12 Q And what night was this?

13 A The 27th.

14 Q Did that night have a date, like February?

15 A No, sir, I don't know, I don't know what day it was.

16 Q Okay, answer it like this, how many days was it from the
17 date that you got arrested for murder?

18 A How many days was what?

19 Q How many days had passed since you had spent the night
20 with the victim at Oceanside till you were arrested for
21 murder?

22 A Not the next day, but the next day, so it'd be on the
23 27th.

24 Q Okay, so, on the morning of the 28th is when the victim
25 took the television?

- 1 A Yes, sir.
- 2 Q What time did he leave Oceanside?
- 3 A It was in the morning, I would say before noon.
- 4 Q Didn't later on that day he invited you to ride to
- 5 Georgetown with him?
- 6 A Yes, sir.
- 7 Q And what were you supposed to do on the way?
- 8 A I don't know. I didn't go with him.
- 9 Q But you had discussed what you would do if you went.
- 10 A No, all he said was, "I want you to ride with me to
- 11 Georgetown to pick up my son."
- 12 Q He said, "Ride with me and smoke."
- 13 A Okay, well, I don't remember that part.
- 14 Q Do you need to refresh your recollection?
- 15 A No, sir.
- 16 Q You don't need to?
- 17 A No, sir.
- 18 Q So you remember now ---
- 19 A Yes, sir.
- 20 Q --- that the word smoke was in there?
- 21 A Yes.
- 22 Q What does that mean?
- 23 A Smoke marijuana.
- 24 Q When you went over - who lives on Burcale Road?
- 25 A Tommy.

1 Q And who lives there with Tommy?
2 A I don't know, sir.
3 Q Had you ever been over to Tommy's house before?
4 A Yes, sir.
5 Q Isn't it true that you went over there that night to buy
6 some marijuana?
7 A No, not that I know of.
8 MR. CHRISCO: The Court's indulgence.
9 THE COURT: Yes, sir.
10 BY MR. CHRISCO:
11 Q You stated earlier that you - are you through with this?
12 A Yes, sir.
13 Q You had stated earlier that when you were arrested,
14 sometime afterwards you were given a copy of your discovery,
15 is that correct?
16 A Yes, sir.
17 Q And you've looked through that?
18 A Yes, sir.
19 Q Were you surprised when you read that a quantity of
20 marijuana was found in the truck?
21 A Yes, sir.
22 Q You were surprised?
23 A About the marijuana, I mean, I know that there was a -
24 all I know of is there was a gram in the car. I was rolling a
25 blunt. That's all that I know that they found in the car.

- 1 Q And where, where, where, where did this come from?
- 2 A Where did what come from?
- 3 Q The marijuana.
- 4 A Kareem had it. I don't know.
- 5 Q When did he have it?
- 6 A With him in the car.
- 7 Q At what point?
- 8 A Just the whole time, since when he picked me up from
- 9 Waccamaw Hospital.
- 10 Q When did you start rolling the blunt?
- 11 A Like after I left Tommy's house, on the way to Kings
- 12 Grant I remember I was rolling one.
- 13 Q Do you think your recollection was better almost two
- 14 years ago than it is?
- 15 A Yes, sir.
- 16 Q Has there been any talk about what's going to happen with
- 17 these charges here where you're facing 30 years to life?
- 18 A No, sir.
- 19 Q No one has discussed those with you?
- 20 A No, sir.
- 21 Q Isn't that a big concern that you have?
- 22 A Yes, sir.
- 23 Q Do anything not to go to prison, wouldn't you?
- 24 A Yes, sir.
- 25 MR. CHRISCO: No further questions.

1 THE COURT: Redirect.

2 MR. HOLFORD: Briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. HOLFORD:

5 Q Ashley, why did you, why did you lie to Kareem about who
6 had the TV?

7 A Because I was scared of what he was going to do to me.

8 Q And who wanted that TV so badly?

9 A Kareem did.

10 Q Who was driving the car to Tommy's house?

11 A Kareem.

12 Q Who went inside?

13 A Kareem.

14 Q Who got Tommy and Saire?

15 A Kareem did.

16 Q Who drove back to the victim's home?

17 A Kareem.

18 Q Who got out of the car first?

19 A Kareem.

20 Q For what reason?

21 A To get the money or TV.

22 MR. HOLFORD: No further questions, Your Honor.

23 THE COURT: Anything on those particular questions?

24 MR. CHRISCO: Yes, Your Honor, on the last question.

25 RECROSS EXAMINATION

1 BY MR. CHRISCO

2 Q Who, who talked about going to get the television?

3 A Kareem talked about getting the television.

4 Q Said, "That's my television"?

5 A Yeah.

6 Q "Going to go get it."

7 A Yes, sir.

8 Q Did you hear any conversations with anybody else?

9 A No, sir.

10 Q Did he actually say, "Going to go get the television," or
11 did he say, "Where does this person live?"

12 A He told me to show him where Kevin lived so he could get
13 his TV back.

14 Q Was this after you finally come clean and told him that
15 it wasn't a girl that bought it, that it was somebody else?

16 A Yes, sir.

17 MR. CHRISCO: No further questions, Your Honor.

18 THE COURT: You may step down.

19 MR. HOLFORD: Your Honor, we ask that this witness be
20 excused from her subpoena.

21 THE COURT: Any objection to the witness being
22 released from the subpoena?

23 MR. CHRISCO: Yes, Your Honor, at this time.

24 THE COURT: All right, ma'am, you remain under
25 subpoena. You are free to go at this point in time, but you

1 remain under subpoena to be recalled at a later date if the
2 Defense chooses to call you. Thank you, ma'am.

3 MR. HOLFORD: Thank you, Your Honor.

4 THE COURT: All right, ladies and gentlemen, we are
5 going to break for lunch at this time. I'm going to ask that
6 you please be back in your jury room at 2:15. Be back in your
7 jury room at 2:15. We'll resume the trial at that point in
8 time. Now, bunch of places to eat here in Conway if you want
9 to do that, obviously you don't have to, but if you do that, I
10 want you to wear your juror button if you're going to some
11 places right around the courthouse here because they'll be
12 other people there and I don't want them to unintentionally
13 say something about the case that they might otherwise say.
14 You have the juror button on they'll know not to say it. So
15 with that caution, please be back at 2:15. Everyone else
16 remain seated while the jury retires, please.

17 (Whereupon, the following takes place outside the
18 presence of the jury.)

19 THE COURT: Anything from the State at this point in
20 time?

21 MR. HOLFORD: Your Honor, the State would just ask the
22 Court if that's sufficient to bring Jill Domogauer to the
23 stand next?

24 THE COURT: What's your position, Mr. Chrisco?

25 MR. CHRISCO: Your Honor, I don't think she has - I'm

1 going to go back, I, I agree with the Court earlier when
2 it said that it didn't have to prove completely, I agree
3 with that. I think there should be some proof, but I
4 don't see it through this witness because it had no,
5 nothing about anything except going to go and get a
6 television.

7 THE COURT: And obviously he recruited other
8 individuals to accomplish that.

9 MR. CHRISCO: If you want to call visiting someone's
10 house recruiting.

11 THE COURT: Whatever there may be, he recruited other
12 individuals to go along with him.

13 MR. CHRISCO: I don't think she said he recruited other
14 individuals, Your Honor.

15 THE COURT: He drove out of his way, clearly drove out
16 of his way. He did not take a direct path to the place where
17 the TV was. He drove out of his way, many miles to have two
18 other individuals go with him to accomplish this purpose and
19 then he went to the place where the TV was.

20 MR. CHRISCO: I don't think ---

21 THE COURT: The State has adduced sufficient evidence
22 of a common plan or scheme at this point in time when you
23 combine that with the testimony of the first officer, what was
24 on the CD, the questions you asked on cross examination, all
25 that combined there's sufficient evidence at this point in

1 time that the State has adduced sufficient evidence regarding
2 a common plan or scheme in this matter and I will not require
3 further testimony of the State on that. Now, again, you are
4 welcome to bring the matter to the Court's attention by a
5 proper motion as to whether or not the State has proven
6 sufficiently at the directed verdict stage, but at this point
7 in time regarding the presentation of evidence only I believe
8 there is sufficient evidence for the State. I'm not going to
9 require them to produce other testimony. That's all I'm
10 saying.

11 MR. HOLFORD: Thank you, Your Honor.

12 THE COURT: All right.

13 MR. CHRISCO: And I would object to that ruling and just
14 like that placed on the record.

15 THE COURT: I understand that. You've raised a motion
16 and I've overruled your objection. So obviously you take
17 exception to it, goes without saying.

18 MR. CHRISCO: Thank you, Your Honor.

19 THE COURT: Thank you very much.

20 MR. CHRISCO: Thank you, Your Honor.

21 THE COURT: All right.

22 MR. RICHARDSON: Thank you, Your Honor.

23 THE COURT: Thank you all.

24 OFF THE RECORD

25 (On the record.)

1 (Whereupon, the following takes place outside the
2 presence of the jury.)

3 MR. RICHARDSON: Your Honor, if I may put one matter
4 on the record.

5 THE COURT: Yes, sir.

6 MR. RICHARDSON: In lieu of the sequestration order we
7 - our Fifteenth Circuit Solicitor's Office Investigator Ginger
8 Pop, all she, all she'll testify to is the distances she drove
9 between the, the points of interest in this case.

10 THE COURT: All right.

11 MR. RICHARDSON: I - I've asked Mr. Chrisco if he had
12 a - an objection to her remaining in the courtroom. I believe
13 ---

14 THE COURT: Any objection to that, Mr. Chrisco?

15 MR. CHRISCO: No, Your Honor.

16 THE COURT: All right, very good.

17 MR. RICHARDSON: Thank you, Your Honor.

18 THE COURT: All right, the State ready for the jury?

19 MR. RICHARDSON: We are, Your Honor.

20 THE COURT: And Defense?

21 MR. CHRISCO: Yes, Your Honor.

22 THE COURT: Very good. Ask the jury to come in,
23 please.

24 MR. RICHARDSON: Your Honor, we'll go ahead and have
25 Investigator Domogauer come in.

1 THE COURT: Yeah, ask her to come into the courtroom
2 and then we'll - you can call her in just a minute.

3 (Whereupon, the following takes place in the presence of
4 the jury.)

5 THE COURT: Yes, sir.

6 FOREPERSON: Well, before you start there are certain
7 jurors that are having difficulty in hearing the Defense
8 attorney's questions.

9 THE COURT: All right, I'll just remind all counsel
10 you all remember be behind the microphones. The box in front
11 of the jury box is a microphone if you want to stand there or
12 stand here or at your table, but please be behind the
13 microphone, please. All right?

14 All right, your next witness, Solicitor.

15 MR. HOLFORD: Yes, Your Honor. The State calls
16 Investigator Jill Domogauer to the stand.

17 THE COURT: All right, please come around, ma'am, and
18 if you remember you were previously placed under oath and you
19 remain under oath, ma'am.

20 MS. DOMOGAUER: Yes, sir.

21 THE COURT: All right, Solicitor.

22 DIRECT EXAMINATION

23 BY MR. HOLFORD:

24 Q Investigator Domogauer, we're going to go over briefly
25 some of the stuff we talked about before, but will you please

1 reintroduce yourself to the jury?

2 A Again my name is Jill Domogauer. I'm an investigator
3 with the Horry County Police Department. I'm currently
4 assigned to the Crime Scene Divisions, a crime scene
5 investigator.

6 Q And where'd you work prior to crime scene at Horry
7 County?

8 A I worked with Conway City. I was a road officer, road
9 supervisor and also crime scene specialist in the City of
10 Conway.

11 Q And again, how long have you been with Horry County Crime
12 Scene?

13 A I've been with the County Crime Scene Division for three
14 and a half to four years.

15 Q And what kind of special training or education do you
16 have?

17 A I have a college background in criminal justice. I also
18 have forensic specialty classes that I've taken through the
19 years, crime scene photography, sketching, evidence collecting
20 and so on and so forth.

21 Q Now, in relation to this case were you working on March
22 1st, 2011?

23 A Yes.

24 Q And how'd you become involved in this case?

25 A Well, I had worked my original eight to five police shift

1 and I was on call for that week and received a call out to
2 respond to Drayton Court in reference to a crime scene at
3 10:00 at night.

4 Q And can you tell us where Drayton Court is located?

5 A It's in the Murrells Inlet Section of Horry County.

6 Q And what'd you do when you were called on scene there?

7 A When I got called on scene I, of course, get briefed by
8 the - well, not the investigators, but the patrolmen. I then
9 begin processing the scene by taking photography, diagram with
10 sketching and doing evidence collection.

11 Q And once you've collected evidence or taken photographs
12 what do you do with that evidence?

13 A Everything stays with me in my complete control. The
14 photographs get downloaded immediately upon my clearing of the
15 scene and responding back to our main office. I also secure
16 the evidence in our main office at that same time.

17 Q And do you turn that over to us, that evidence or ---

18 A When you, when you request it, yes.

19 Q Was there anything else that you did other than take
20 pictures and collect evidence in connection with this case?

21 A Like all crime scenes, we do a diagram sketching of the
22 crime scene itself.

23 Q And you did a diagram in this case?

24 A Yes, sir.

25 MR. HOLFORD: Your Honor, may I approach the witness

1 with what's been marked for ID as State's 62?

2 THE COURT: You may.

3 MR. HOLFORD: Showing opposing counsel.

4 BY MR. HOLFORD:

5 Q Investigator, will you please identify what this is?

6 A It's my crime scene diagram, much bigger of course.

7 Q And what does it show?

8 A Well, it shows - I'm sorry, go ahead.

9 Q You don't have to get too much into the specifics quite
10 yet, just generally.

11 A It shows incident location by street and possibly a mark
12 of like a building or of such.

13 Q Is that a true and accurate reflection of the crime scene
14 as you observed it?

15 A Not to scale, but yes, sir.

16 MR. HOLFORD: Your Honor, the State offers Exhibit 62
17 into evidence.

18 THE COURT: Any objection?

19 MR. CHRISCO: Your Honor, I'd like to see the original
20 schematic that the officer made.

21 MR. HOLFORD: Your Honor, let the record reflect showing
22 opposing counsel the original as well as the blown up.

23 MR. CHRISCO: No objection, Your Honor.

24 THE COURT: All right, it's in evidence without
25 objection. You may proceed.

1 MR. HOLFORD: Thank you, Your Honor.

2 (State's Exhibit Number 62 [Diagram of Crime Scene]
3 admitted into evidence and appropriately marked.)

4 MR. HOLFORD: May I publish to the jury?

5 THE COURT: Yes, sir.

6 MR. HOLFORD: I'm going to try and place this somewhere
7 where you can see it and the jury can see it as well.

8 THE COURT: If you can, I know you'll probably speak
9 up, but you put it right in front of the microphone, so you
10 probably want to put it behind or to the side of the
11 microphone, okay?

12 MR. HOLFORD: Yes, Your Honor.

13 THE COURT: All right, thanks.

14 A I have a smaller version if you want to put it closer for
15 the jury.

16 Q Can everyone in the jury see this? Can you see it, Ms.
17 Domogauer?

18 A Yes, sir.

19 Q Now, can you, can you show us what's represented by this
20 sketch?

21 MR. HOLFORD: Your Honor, I would ask that the witness
22 be able to come down.

23 THE COURT: If you're going to have, ask her to come
24 down then you need to take it right in front of the jury box
25 right next to that microphone then, please.

1 Q Thank you, and did you take pictures of this crime scene
2 as well?

3 A Yes.

4 MR. HOLFORD: Your Honor, may I approach the witness
5 with State's Two through Five?

6 THE COURT: You may.

7 MR. HOLFORD: Let the record reflect I'm showing
8 opposing counsel.

9 MR. CHRISCO: No objection, Your Honor.

10 THE COURT: All right, just have the witness to
11 identify them first.

12 MR. HOLFORD: Yes, Your Honor.

13 BY MR. HOLFORD:

14 Q Investigator, will you please identify State's Two
15 through Five? What are these pictures of?

16 A These are pictures of my incident location that night.

17 Q And did you take those pictures?

18 A Yes, I did.

19 Q Are they true and accurate reflection of how the crime
20 scene was that evening?

21 A Bigger than yes.

22 Q They've been blown up?

23 A Well, yes, yes, they are.

24 MR. HOLFORD: Your Honor, the State offers Exhibit Two
25 through Five into evidence.

1 THE COURT: I understand without objection; is that
2 correct?

3 MR. CHRISCO: Yes, Your Honor.

4 THE COURT: All right, so, they're in evidence without
5 objection. Thank you very much.

6 MR. HOLFORD: Thank you.

7 (State's Exhibits Two, Three, Four and Five [Photographs]
8 admitted into evidence and appropriately marked.)

9 BY MR. HOLFORD:

10 Q Will you show that to jury and explain what we're looking
11 at in State's Exhibit Two?

12 A May I approach them?

13 THE COURT: Yes, ma'am. If you - you can step down,
14 but again, you've got to stand right over there by that
15 microphone, ma'am.

16 A Might be hard to see this one. If you can see in the
17 background this is the roadway of Drayton. This would be the
18 residence in question and the yard, and of course, the tail
19 end of my truck, but that's what this picture is.

20 Q State's Exhibit Three.

21 A Okay, this will show you the driveway, of course, the
22 residence in the front, the yard off to the side, two vehicles
23 in the driveway like my sketch showed.

24 Q State's Exhibit Four.

25 A The numerical numbers on the house that I was taking

1 photographs and being present on the scene shows [REDACTED]

2 [REDACTED].

3 Q And State's Exhibit Five?

4 A Again getting the numerical in the front of the house,

5 [REDACTED] and the two vehicles in the driveway.

6 MR. HOLFORD: Your Honor, I'd ask to approach the
7 witness with State's Six through 14 for identification
8 purposes.

9 THE COURT: You may do so.

10 MR. HOLFORD: Let the record reflect I'm showing
11 opposing counsel.

12 MR. CHRISCO: No objection.

13 BY MR. HOLFORD:

14 Q Investigator, will you please identify generally what
15 State's Six through 14 are?

16 A Want me to look through them first or ---

17 Q Yes, please.

18 A They're pictures I took that evening.

19 Q And are these true and accurate reflection of the
20 pictures that you took that evening at the crime scene?

21 A Yes, sir.

22 MR. HOLFORD: Your Honor, State offers State's Six
23 through 14 in evidence.

24 THE COURT: As I understand it without objection? Is
25 that correct?

1 MR. CHRISCO: No objection, Your Honor.

2 THE COURT: They're in evidence without objection.

3 (State's Exhibit Numbers Six through Fourteen
4 [Photographs] admitted into evidence and appropriately
5 marked.)

6 MR. HOLFORD: Your Honor, may I publish to the jury?

7 THE COURT: You may do so.

8 BY MR. HOLFORD:

9 Q Investigator, will you please explain to the jury what
10 State's Six is?

11 A This would be the front yard of that residence. See the
12 vehicles in the driveway.

13 Q State's Seven?

14 A This would, I don't know if you guys can make it out, a
15 pool of blood that was in the yard by the driveway.

16 Q And in relation to State's Six, where is that pool of
17 blood?

18 A That would be what this mark is up here, but this is just
19 a closer up picture of it.

20 Q Can you identify State's Eight?

21 A This might be hard to see. What you're looking at is a
22 driveway. Underneath a vehicle this, this here is the actual
23 vehicle, this here is the concrete and a projectile that's
24 kind of underneath it somewhat.

25 Q And then I'm going to hand you nine through 13 and if

1 you'll just walk through those as well.

2 A This is a little bit of a closer picture trying to take
3 away most of the car, but you can see this projectile, and
4 again, this is the undercarriage of a vehicle. Same thing,
5 projectile and again the undercarriaging of a vehicle. This
6 is a - more of the vehicle itself. You see the mark from it
7 and again the projectile somewhat underneath it. This is me
8 zooming in underneath the car. You just get the projectile on
9 the concrete underneath the vehicle, same thing with this
10 picture, close-up of the projectile with evidence marker.

11 Q Why do you do an evidence marker?

12 A Collates what evidence I gathered from a scene. I can
13 always identify where that came from, where it was through
14 sketching and measurements. That always will be item number
15 two.

16 Q And that diagram we looked at earlier that you have
17 marked two coincides with this number two?

18 A Yes, it, yes, it does.

19 Q And State's 14?

20 A This is just an open picture of the garage now that the
21 door was pushed up.

22 MR. HOLFORD: Your Honor, may I approach with State's 15
23 through 47?

24 THE COURT: You may do so.

25 MR. HOLFORD: Let the record reflect I'm showing

1 opposing counsel.

2 BY MR. HOLFORD:

3 Q Investigator, I'm going to ask you to look through these
4 briefly and just identify generally what these pictures are.
5 This is State's 15 through, through 43.

6 THE COURT: While she's doing that, Solicitor, before
7 you said 15 through 47. Is it now 15 through 43?

8 MR. HOLFORD: No, Your Honor, I did say through 47. I'm
9 going to have her ---

10 THE COURT: Do some separately?

11 MR. HOLFORD: Yes, Your Honor.

12 THE COURT: All right, very good. Okay, good deal.

13 A I'm sorry. I just don't want to drop them.

14 Q Can you identify generally what those pictures are of?

15 A Pictures of inside the residence, [REDACTED].

16 Q And did you take those pictures?

17 A Yes, I did.

18 Q Are they a true and accurate reflection of what you
19 observed that evening?

20 A Yes, they are.

21 Q On March 1st, 2011?

22 A Yes, they are.

23 MR. HOLFORD: Your Honor, State offers 15 through 43
24 into evidence.

25 THE COURT: Any objection?

1 MR. CHRISCO: No objection, Your Honor.

2 THE COURT: All right, they're in evidence without
3 objection.

4 MR. HOLFORD: Thank you, Your Honor.

5 (State's Exhibit Numbers 15 through 43 [Photographs]
6 admitted into evidence and appropriately marked.)

7 BY MR. HOLFORD:

8 Q Investigator, will you - I'll set these down here. If
9 you don't mind will you just flip through them.

10 MR. HOLFORD: Permission to publish?

11 THE COURT: Yes, you may.

12 BY MR. HOLFORD:

13 Q And just briefly describe what we're seeing. You said
14 they were pictures inside the house, correct?

15 A Yes, with the crime scene with the residence. I also
16 take interior pictures of the residence, taking all the rooms.
17 So, that's what you'll be seeing. This would be ---

18 THE COURT: All right, please keep your voice up,
19 ma'am. Please keep your voice up.

20 A I'm sorry. Yes, sir. This would be a picture of the
21 entranceway of the living room. This would be a picture of
22 the kitchen from the living room entrance. This is the
23 picture of a kitchen. This is the picture of the living room
24 and a dining area, again another picture of the living room at
25 a different angle, again another picture of the living room

1 backside, over here is that kitchen area wall, again living
2 room area. This is the living room area looking back towards
3 the house. This is the kitchen wall. This is a picture of
4 the living room showing an entrance into a hallway. This is a
5 child's room. This is the entrance to the child's room from
6 that hallway, a picture of the child's room. I apologize.
7 They might be out of order a little bit. This is a picture
8 looking back into the hallway from a baby's room. This would
9 be the picture of the entrance into the baby's room from the
10 hallway. This would be the picture of the baby's room,
11 picture of the baby's room, picture of the baby's room. This
12 is a picture of the living room area. On the opposite wall
13 there's another hallway entrance. That hallway entrance goes
14 to the master bedrooms, picture of the master bedroom, another
15 picture of a different angle on the master bedroom. This
16 would be the entrance from the hallway into the master
17 bedroom, same thing, the view from the entrance of it. This
18 is a view from the opposite corner of the master bedroom.
19 Inside the master bedroom there was a bathroom and a closet.
20 This shows you the entrance to those two rooms. This is the
21 bathroom in the master bedroom, the sink top, countertop. By
22 the bedroom there was a closet. This is a picture of the
23 interior of the closet, and interior of the closet that was in
24 the master bedroom, interior of the closet in the master
25 bedroom showing the entrance from the bathroom, and again, the

1 master closet in the master bedroom.

2 Q Now, I know that's a lot of pictures. Do you do this
3 normally?

4 A Yes.

5 Q In every case?

6 A Yes, sir.

7 Q Just a - for what reason?

8 A Document all aspects of the crime scene, whether it be
9 indoors or outdoors, take pictures of everything.

10 Q I'm going to show you what's been marked as State's 44
11 through 47, previously shown to opposing counsel, and ask you
12 if you can identify these.

13 A Pictures I took that night.

14 Q Do they truly and accurately reflect the way the crime
15 scene was when you observed it?

16 A Yes, sir.

17 Q And they are pictures you took?

18 A Yes, sir.

19 MR. HOLFORD: Your Honor, State offers 44 through 47 in
20 evidence.

21 THE COURT: Any objection?

22 MR. CHRISCO: No, Your Honor.

23 THE COURT: They're in evidence without objection.

24 You may publish.

25 MR. HOLFORD: Thank you, Your Honor.

1 (State's Exhibit Numbers 44 through 47 [Photographs]
2 admitted into evidence and appropriately marked.)

3 BY MR. HOLFORD:

4 Q Will you please tell us what State's 44 is?

5 A In the bathroom countertop you might have saw a metal box
6 on the countertop. That's the inside contents of that metal
7 box, a scale and some money and razor blade, some white
8 residue. That was, again, in the master bathroom.

9 Q State's 45?

10 A You saw in the closet there was a lot of stuff on the
11 floor and I don't know if you can see it, but in this picture
12 I located a firearm in a box that was hidden in the closet in
13 the master bedroom.

14 Q State's 46?

15 A A close-up picture of the firearm inside of a box in the
16 master bedroom's closet.

17 Q And then State's 47?

18 A This is the weapon from the box that I took out of the
19 box and rendered safe and that just means I unloaded it and
20 took the round that was outside of the chamber to make it
21 safe.

22 Q Now, did you take pictures elsewhere?

23 A In ---

24 Q What, what'd you do earlier in the investigation?

25 A Well, the initial crime scene, I worked the initial crime

1 scene. Then I sometimes get dispatched to secondary scenes,
2 and this particular case I responded to Grand Strand for a
3 secondary scene and I also responded to the Horry County
4 Police Department impound for secondary scenes.

5 MR. HOLFORD: Your Honor, the State would like to
6 approach the witness with State's 48 through 50.

7 THE COURT: All right, sir.

8 MR. HOLFORD: Let the record reflect I'm showing
9 opposing counsel.

10 MR. CHRISCO: No objection, Your Honor.

11 Q Will you please identify State's 48 through 50?

12 A These are pictures I took at a secondary scene, being our
13 police department's impound lot. Vehicles from this
14 particular incident were secured in tow-in during that
15 incidence - occurrence and towed to our department, kept under
16 lock and I believe it was the next day I processed the
17 vehicles in question and these are pictures of that.

18 Q Are they a true and accurate reflection of the pictures
19 you took that day?

20 A Yes, they are.

21 MR. HOLFORD: State offers Exhibit State's 48 through 50
22 in evidence.

23 THE COURT: As I understand they're without objection.

24 MR. CHRISCO: No objection.

25 THE COURT: So, they're in. Very good.

1 MR. HOLFORD: Thank you, Your Honor.

2 THE COURT: So, they're in evidence without objection.

3 (State's Exhibit Numbers 48 through 50 [Photographs]
4 admitted into evidence and appropriately marked.)

5 THE COURT: You may publish.

6 BY MR. HOLFORD:

7 Q Will you please show the jury what State's 48 is?

8 A This is a vehicle that the road officers towed in the
9 night of the incident, a Chevy, Chevrolet Malibu, I believe.

10 Q Why would they have towed that in? Do you know?

11 A The only thing I knew at the time was that they had
12 interest in this case.

13 Q Exhibit 49?

14 A This would be the rear-end of the Chevrolet Malibu with
15 the license plate.

16 Q And State's 50?

17 A This would be a driver's license that was found in the
18 floorboard of that vehicle.

19 Q In State's 49 and 48?

20 A I believe so. I'd have to look, but I believe so, yes
21 sir.

22 Q Whose name is on that driver's license?

23 A I might miss-say it, but I believe it's Saire Jerrel
24 Castro.

25 Q Did you take pictures of another vehicle?

1 A Yes, sir.

2 Q Do you remember where that vehicle was?

3 A The vehicle was also towed in that evening pursuant to
4 this case and located to the police department impound lot
5 where it was kept locked for me to process I believe also the
6 following day.

7 Q Do you remember what kind of vehicle it was?

8 A Pickup truck.

9 MR. HOLFORD: Your Honor, the State would ask to
10 approach the witness with State's 51 through 57. Let the
11 record reflect I'm showing opposing counsel.

12 MR. CHRISCO: No objection, Your Honor.

13 THE COURT: All right, sir.

14 BY MR. HOLFORD:

15 Q Now, you said you took pictures of what you believe to be
16 a red truck. Will you look through these and identify
17 generally what's State's 51 through 57?

18 A They are pictures of a red truck I processed in reference
19 to this case.

20 Q So you took these pictures?

21 A Yes, sir.

22 Q Do they truly and accurately reflect the truck as you
23 found it that day?

24 A Yes, sir.

25 MR. HOLFORD: Your Honor, the State offers exhibit 51 -

1 State's 51 through 57 into evidence.

2 THE COURT: They are in evidence without objection.

3 MR. HOLFORD: Thank you, Your Honor.

4 (State's Exhibit Numbers 51 through 57 [Photographs]
5 admitted into evidence and appropriately marked.)

6 THE COURT: You may publish.

7 A This is pictures of a red truck, I believe it's a
8 Chevrolet S10.

9 Q And where did you find this truck when you took a picture
10 of it?

11 A The vehicle was secured at our Horry County impound lot.

12 Q Now, it wasn't secured by you, was it? It was brought
13 there by someone else?

14 A It was secured. They towed it in the night before. It
15 was secured and then dropped there that night.

16 Q And then you took pictures just to process the crime
17 scene?

18 A Yes.

19 Q State's 52?

20 A Again, pictures of the truck showing the rear end and the
21 plate.

22 Q 53?

23 A Same truck only the front end. We take it from all four
24 angles.

25 Q And then 54 through 56?

1 A After we're done with the outside of the truck, we then
2 take photographs of the inside of the truck. This would be
3 the inside if you were looking from the passenger door. You
4 see a cell phone and you can see the steering wheel and a
5 purse. This, of course, is the angle of the truck from the
6 driver's side view looking in the interior, and again, this is
7 an angle from the passenger's side again showing more of the
8 floorboard with a purse and the phone.

9 Q And then finally State's 57?

10 A This was a driver's license that was found inside that
11 vehicle.

12 Q And can you tell us the name on that driver's license?

13 A Ashley Janine Bledsoe.

14 Q Thank you, Investigator Domogauer. You can return to
15 your seat. As part of your job as an investigator is it - do
16 you ever attend autopsies?

17 A Yes, I do.

18 Q Did you in this case?

19 A Yes, I did.

20 Q Who was the autopsy of?

21 A The autopsy was of a Kevin Bowens.

22 MR. HOLFORD: Your Honor, the State has no further
23 questions at this time.

24 THE COURT: All right, cross examination.

25 MR. CHRISCO: Thank you, Your Honor.

1 CROSS EXAMINATION

2 BY MR. CHRISCO:

3 Q Is your job only to take pictures at a crime scene?

4 A No, sir.

5 Q What other duties do you perform?

6 A I take the photographs, I do diagrams, sketching, take
7 measurements, collection of evidence.

8 Q And evidence was what that you collected in this case?

9 A From the crime scene I believe I collected blood swabs, I
10 collected projectiles and various other items from inside the
11 residence.

12 Q What did you collect outside on the ground?

13 A Outside of the incident scene I collected the projectile
14 and blood swabbing.

15 Q And where was the gun found?

16 A Inside the residence in the master bedroom closet.

17 Q Had the gun been found outside what would you - what
18 duties would you have performed?

19 A I would have photographed it, sketched it, measured it
20 and gathered it in.

21 Q When you say gathered it in, would there be ---

22 A Collecting it, taking it.

23 Q Would there be any special way that you would secure the
24 weapon for maybe later testing?

25 A I would have, if the weapon would have been found outside

1 I would have done DNA swabbing of the trigger and the grips.
2 I would have packaged it and brought it back to the police
3 department.

4 Q Were you aware at the time that you took the pictures of
5 the - let's go back. In the closet you found what?

6 A In the closet itself I found the firearm.

7 Q Now I'm going to hand you what has been marked State's
8 Exhibit 45, 46 and 47.

9 A Yes, sir.

10 Q How was this gun found? Was it like that?

11 A It was found in a box, I believe, on a shelf in the
12 closet.

13 Q Was it in the bottom of the closet or the top of the
14 closet?

15 A I would have to refer to my notes. I don't know off the
16 top of my head.

17 Q Please do.

18 A My notes just refer to it being found in the closet. I
19 would have to take the original photograph of the closet to
20 identify the box.

21 Q Was there any type test performed on this particular
22 item?

23 A Not that I'm aware of, no, sir.

24 Q You didn't request any particular stuff to be tested on
25 the, on the, on the gun?

1 A No, sir.

2 Q And why is that?

3 A The gun was identified being the victim's and was located
4 inside the residence, not outside in the crime scene.

5 Q If you had known that the gun was outside and had been
6 moved to the closet would that have made a difference on how
7 you handled the gun?

8 A No, it would not have.

9 Q You wouldn't have done any testing or anything whatsoever
10 on it?

11 A You would gather DNA swabbings from the handle and the
12 triggers, but I do that with all the guns but would not have -
13 if you're asking did I send it off ballistically, no, I did
14 not.

15 Q Did you run a test on anything else within the household?

16 A Not that I'm aware of, no, sir.

17 Q Without going through all the pictures there is one
18 picture that's taken inside of a bathroom of a handrail. Do
19 you remember taking a picture like that?

20 A I might have, sir.

21 Q And what would be the purpose of that?

22 A You take pictures of all angles of a room, so that just
23 might have gotten picked up in an angle of the room.

24 Q But you didn't test anything within the house?

25 A Not that I'm aware of, no, sir.

1 Q Was anything else found outside on the ground in or near
2 where Mr. Bowens' body was that is not shown in the pictures
3 that you were shown today?

4 A No, sir, not that I can recall.

5 Q Where in the gold Chevrolet Malibu did you find the
6 driver's license of Saire Jerrel Castro?

7 A Let me refer to my notes, the rear passenger side floor.

8 Q Not in the driver's area but in the backseat?

9 A Yes, sir, in the rear passenger side floor.

10 MR. CHRISCO: Court's indulgence?

11 THE COURT: Yes, sir.

12 MR. CHRISCO: No further questions, Your Honor.

13 THE COURT: Redirect?

14 MR. HOLFORD: Yes, Your Honor, briefly.

15 REDIRECT EXAMINATION

16 BY MR. HOLFORD:

17 Q Investigator Domogauer, sometimes I forget and skip over
18 things that I know that other people may not. In relation to
19 casings with a semiautomatic, what happens to a casing if the
20 semiautomatic pistol like the one you photographed, what would
21 happen to the casing?

22 A It - unlike a revolver it doesn't stay with the weapon.
23 It gets shot out a side cartridge or a top cartridge.

24 Q Did you find a casing outside?

25 A No, I did not.

1 Q Do you believe this gun that you pictured to be the
2 murder weapon?

3 A Are you asking my opinion or ---

4 Q I'm asking you if you know. If you don't.

5 A I don't know.

6 Q Unlike a semiautomatic, you said a revolver is different
7 in the way that it treats a casing. How is it different?

8 A It - when you shoot a revolver it - the casing stays with
9 the weapon.

10 Q And the casing would not be projected and found on the
11 ground?

12 A No, it would not.

13 MR. HOLFORD: No further questions, Your Honor.

14 THE COURT: Anything on those questions?

15 MR. CHRISCO: Yes, Your Honor, just a couple of things.

16 RECROSS EXAMINATION

17 BY MR. CHRISCO:

18 Q If the, if the gun in any one of those photos, State's
19 Exhibit 44, 45 and 46, if it was not fired it wouldn't leave
20 any trace that it had been outside, would it?

21 A I don't understand the question.

22 Q In other words if the gun had not been fired, there
23 wouldn't be any - it couldn't have ejected any casings from
24 it?

25 A If the gun wasn't fired I would say no casings would be

1 ejected from it.

2 Q To your knowledge was the murder weapon in this case ever
3 found?

4 A No, sir.

5 MR. CHRISCO: No more questions, Your Honor.

6 THE COURT: All right, sir. You may step down, ma'am.

7 MR. HOLFORD: Your Honor, the State asks that
8 Investigator Domogauer be excused from her subpoena.

9 THE COURT: Any objection?

10 MR. CHRISCO: No objection, Your Honor.

11 THE COURT: All right, ma'am, you are released from
12 your subpoena. You may go back to your regular activities.

13 A Thank you.

14 MR. HOLFORD: Thank you, Your Honor.

15 THE COURT: Next witness, please.

16 MR. RICHARDSON: The State would call Shantel Lehman.
17 The Court's indulgence, Your Honor.

18 THE COURT: Yes, sir.

19 MR. RICHARDSON: I think she may have stepped out.
20 She's on her way, Your Honor.

21 THE COURT: All right, thank you. Please come around
22 to be sworn, ma'am.

23 Whereupon, Shantel Christine Lehman is called to the
24 stand, duly sworn by the clerk and testified as follows:

25 THE CLERK: If you'll state your full name and spell

1 your first and last name.

2 MS. LEHMAN: Shantel Christine Lehman, S-H-A-N-T-E-L,
3 L-E-H-M-A-N.

4 THE COURT: All right, Solicitor.

5 MR. RICHARDSON: Good afternoon. Thank you, Your
6 Honor.

7 DIRECT EXAMINATION

8 BY MR. RICHARDSON:

9 Q Good afternoon, Ms. Lehman.

10 A How you doing?

11 Q Thank you for coming to court today. Could you tell us a
12 little about yourself, when you came to Horry County and where
13 you're from?

14 A Originally Wisconsin. We moved there, actually to West
15 Virginia and my brother actually bought into a nightclub, Club
16 Kryptonite. I moved down here to be with him. My whole
17 family actually moved here and a couple of years later I met
18 my fiancé, we had two children and bought a house and living
19 the happy life.

20 Q Okay, and when you all bought a house back whenever you
21 all bought it where was that?

22 A In Kings Grant.

23 Q Okay, and Ms. Lehman, I'm going to ask if you'll just
24 speak into the microphone ---

25 A Okay.

1 Q --- so that the Madam Reporter needs to take it down.

2 I know it's a little difficult. Let's go back to March 2011.

3 Where were you residing back then?

4 A Where did I what?

5 Q Where did you reside, where were you living back in
6 March?

7 A In Kings Grant.

8 Q And Kings Grant that's a neighborhood, correct?

9 A Uh-huh.

10 Q What type of neighborhood?

11 THE COURT: You need to answer yes or no, ma'am.

12 A Yes.

13 Q What type of neighborhood is it?

14 A Very kid friendly, it's great. There was a lot of -
15 every - we all get along, we all hang out together, we do a
16 lot of stuff together in the neighborhood.

17 Q So you're familiar with your neighbors?

18 A Very, yes.

19 Q And Christina Patterson and Kevin Bowens, do those names
20 ring a bell to you?

21 A Yes, they do.

22 Q And how?

23 A Their children and my children play together. We were
24 very good friends.

25 Q And in relation to Christina and Kevin Bowens house where

1 was your house?

2 A Their house was here [indicating], mine's like right
3 here. It's kind of diagonal.

4 Q Here let me show you State's Number 62, which has already
5 been entered into evidence, as a approximation of Kevin and
6 Christina's house, in relation here is Drayton Court and Kings
7 Grant Drive. In relation to - are you on Kings Grant Drive or
8 in Drayton Court?

9 A I'm on the Kings Grant Drive.

10 Q Okay, are you up at the top up here or down ---

11 A There would be a house right across from her and then
12 there's another house and then I'm right there. So we're kind
13 of like catty-corner, like in her back, her backyard and my
14 backyard are kind of little diagonal, right across the road.

15 Q Okay, so you're up here?

16 A Yes.

17 Q Okay, from your yard, your driveway can you see into
18 Kevin and Christina's house or into their yard?

19 A Yes.

20 Q Do you recall the night of March 1st, 2011?

21 A Yes.

22 Q And why do you recall that?

23 A Something very bad happened.

24 Q I know it's tough. Could you just tell us what that bad
25 thing was?

1 A I was cleaning up my kitchen like I always do, just kind
2 of getting the kids ready for bed. I was taking out the
3 trash. When I walked out the front door I saw two vehicles
4 kind of along the side of their, their yard, between - by the
5 grass and the road. I saw a couple of people talking to
6 Kevin. I didn't think anything of it and I walked and opened
7 the hatchback to our Montero to throw the trash in and I heard
8 a gunshot.

9 Q And we'll get to that gunshot in just a second. Now, you
10 said you were taking the trash out to your Montero?

11 A Uh-huh.

12 Q So you're walking out your driveway?

13 A Just out my door, a little pathway and just walked around
14 to the back of the vehicle.

15 Q And the hatch of your Montero, is it facing the road or
16 facing back towards the house?

17 A Facing my house.

18 Q Your, your vehicle is pulled in front-ways to the house?

19 A Uh-huh.

20 Q So the hatch in back facing the road?

21 A Correct.

22 Q These two vehicles you saw over in Kevin and Christina's
23 yard ---

24 A Yes.

25 Q --- did you notice anything about them?

1 A It was really cold out that night. I don't know why I
2 remember, but it just I remember the smoke from the mufflers.
3 It was freezing out. It was, it was weird.

4 Q So, obviously, the vehicles were still running?

5 A Yes, they were.

6 Q And you said you saw people out in the yard around Kevin?

7 A Yes.

8 Q Now you said you went and you, you put the trash in your
9 Montero ---

10 A Went around just kind of tossed it in.

11 THE COURT: You need to speak up, ma'am, please.

12 A I was tossing it into the vehicle.

13 Q Okay, so, you toss it in the vehicle and you hear [claps
14 hand]? Now, you hear a shot or a loud noise?

15 MR. CHRISCO: Objection, Your Honor, leading.

16 THE COURT: Let the witness testify.

17 Q After you hear the shot, what do you do?

18 A I looked over there.

19 Q So you whipped around and looked over there?

20 A Uh-huh.

21 Q When you turn around what did you see?

22 A I mean I remember seeing Kevin standing with his arms
23 like this and I remember it just - it happened so fast. I -
24 one - I don't know, but one turned around and kind of put his
25 arm back and shot two more times.

1 Q Now, the people that were around Kevin at this time when
2 the shots fired and the second and third shot are fired do
3 they stay there, do they run? What, what do you see?

4 A Kind of just moving, going towards their vehicles.

5 Q They're going towards their vehicles?

6 A Yes.

7 Q Are they running, walking fast?

8 A Not really.

9 Q Just kind of moving back to their vehicles?

10 A Yes.

11 Q Now, you've just heard a shot and seen two more shots
12 fired into Kevin?

13 A Yes.

14 Q What are you doing?

15 A Honestly, I yelled, "Oh, shit," and I went running into
16 my house.

17 Q When you got inside your house, what did you do?

18 A I yelled at my fiancé that was holding my son on the
19 recliner and I said Kevin had just been shot and he - I
20 grabbed my son and the front of our house we have a big bay
21 window and my - our bed's right there and my daughter was
22 sitting up in the bed and I pulled her off the bed and threw
23 her on the floor and I laid on top of her.

24 Q Were you able to see out of that big bay window?

25 A No.

1 Q Did you ever see the vehicles that were pulled up in that
2 yard again?

3 A Did I see them again?

4 Q Yes, ma'am.

5 A No, I mean, I know they drove past the house because I -
6 there's like little crevices in between my curtains and you
7 could see the light, you know, they drove by the house, the
8 front of our house.

9 Q Could you tell how fast they were going?

10 A They weren't going fast at all.

11 Q So they were kind of easing out of there?

12 A Yes.

13 Q This is after Kevin's been shot three times?

14 A Yes.

15 Q Your fiancé, you tell him that Kevin's been shot. Does
16 he take any action?

17 A Uh-huh.

18 Q What's that?

19 A He ran out the front door and he ran around our house and
20 up to the front of the neighborhood and hid behind a bush
21 waiting for them to come around and ---

22 Q And he's not a superman?

23 A No.

24 Q But he's trying to run cars down?

25 A Uh-huh, and he was on the phone, I guess, with the

1 police.

2 Q You've seen the vehicles leave, you saw Kevin get shot,
3 your fiancé's left, do you stay in the house?

4 A No, my neighbor came over, Brian McGarrahan. We were -
5 his wife was out there, also, their children came over to my
6 house.

7 Q And what do you do?

8 A They're older. I put them in the back room with my
9 children. At the time I did not know where my fiancé went. I
10 opened the front door, and I seen a couple people over there
11 around Kevin and I'm assuming that one of them was Charlie and
12 I went over there and I saw Kevin, you know, laying there.

13 Q Did you see Christina?

14 A No.

15 Q Is it a hectic situation at this point?

16 A Yes, she was on the - I mean, I know - but she came out a
17 few minutes after that and they just, you know, Brian, a
18 couple of the other people that were there were telling her to
19 stay inside, that she didn't need to see that.

20 Q What's Christina's demeanor whenever you see her? How's
21 she acting?

22 A She's, she's just shocked, I mean, just - I think
23 everybody was, didn't know why.

24 Q Do you know about how long Kevin had lived there before
25 that?

1 A A couple of years I want to say.

2 Q The vehicles that you had seen over in Kevin and
3 Christina's yard, pulled in their yard, do you know what kind
4 of vehicles they were? Could you describe them?

5 A I know it was red vehicle and maybe a tan or a gold car I
6 want to say.

7 Q The red vehicle could you tell, compact, sedan, truck?

8 A Compact and it was a truck.

9 Q Okay.

10 A Yes.

11 Q Now, you spoke with police after this, correct?

12 A I think I did at one time when Brian was talking to Kevin
13 or trying to do whatever he was.

14 Q Brian ratted you out? He told the police what you had
15 seen?

16 A Yes, he did.

17 Q And you gave a statement?

18 A Yes.

19 Q And that statement that's the same thing you're telling
20 us here today basically?

21 A Yes.

22 Q A little more detail?

23 A Yes. I can't remember.

24 Q Ms. Lehman, I know it's tough, but just answer any
25 questions Mr. Chrisco may have, okay? Thank you.

1 THE COURT: Cross examination.
2 MR. CHRISCO: Thank you, Your Honor.
3 CROSS EXAMINATION (BY MR. CHRISCO)
4 Q Good afternoon. You were out at the Montero. What is
5 that, what is a Montero?
6 A It's our vehicle, Montero Sport, Mitsubishi.
7 Q And you were putting what in it?
8 A Our trash from the kitchen.
9 Q When did you notice across the - where - first let's,
10 let's - how far away were you from where they were standing?
11 A Probably from me to that door, a little - maybe a little
12 further than that.
13 Q Were all three standing on the same side?
14 A I couldn't tell you that. I don't, I don't, I don't
15 remember, you know, I just, honestly I've tried to put this
16 behind me and ---
17 Q You gave a statement to the police the next day. I think
18 it was Detective Frebowitz.
19 A Okay.
20 Q Do you remember giving that statement?
21 A Yes.
22 Q I believe you just sat in his car and gave the statement,
23 did you not?
24 A Uh-huh.
25 THE COURT: Was that a yes, ma'am?

1 A Yes, yes.

2 Q You told him that day that there was, there's always been
3 a lot of traffic over there, did you not?

4 A I might have, yes.

5 Q And you said that you, because of the traffic you
6 suspected drug dealing. Did you not say that?

7 A I don't recall.

8 Q Do you remember what the person was wearing that was
9 doing the shooting?

10 A I know I remember the next day. Of course I didn't sleep
11 at all. I thought it - I remember I thought it was a long
12 white shirt maybe, again it was ---

13 Q Do you remember what kind of vehicle that the person that
14 did the shooting ran to?

15 A No.

16 Q In your statement that was dated March the 2nd of 2011,
17 which would have been the next day, you didn't state anything
18 about exhaust. The only thing you stated were that the
19 headlights were on. Do you remember saying that?

20 A Probably did, yes.

21 Q You said you saw the victim Kevin Bowens, he had his arms
22 crossed.

23 A Uh-huh.

24 THE COURT: I'm sorry, ma'am, was that yes or no?

25 A Yes.

1 Q At that exact time that you saw that did he look relaxed?
2 A Did what?
3 Q Did he look relaxed?
4 A I couldn't tell you that. I don't know.
5 Q Was he leaning up against the car or was he just standing
6 there?
7 A Could have been leaning up against it. I know he was
8 kind of back - I know he was right up against his car.
9 Q Did you hear any of the, the ones that you saw over there
10 at all?
11 A Did I what, hear?
12 Q Did you hear them talking?
13 A I heard them talking, yes.
14 Q Was it talking in a regular tone?
15 A It was loud. I mean, it wasn't, I mean, obviously they
16 were having conversation.
17 Q No argument, just a conversation?
18 A I couldn't, I couldn't hear what they were saying. So, I
19 mean, I know that they were - it was loud enough where I
20 obviously could hear it.
21 Q Did it sound like someone arguing ---
22 A No.
23 Q --- or did it just sound like someone talking?
24 A Say talking.
25 MR. CHRISCO: The Court's indulgence.

1 THE COURT: Yes, sir.

2 BY MR. CHRISCO:

3 Q You said you heard a shot.

4 A Uh-huh.

5 THE COURT: Again, ma'am, you need to answer yes or
6 no.

7 A Yes.

8 Q And when you heard a shot you were not looking that way?

9 A No.

10 Q You stated when you looked back two were running. Could
11 one of those people have been running already and the other
12 one was just turning as you turned around to look?

13 MR. RICHARDSON: Objection, Your Honor. Asking for
14 speculation.

15 THE COURT: I'm going to allow the cross examination
16 question. The witness can answer if she can or not.

17 MR. RICHARDSON: Thank you, Your Honor.

18 Q If you know. You stated back on March the 2nd, 2011, that
19 you saw - that you heard a pop ---

20 A Uh-huh.

21 Q --- you turned around and you saw two people running.

22 A They were going towards the vehicles and one had his arm
23 back and ---

24 Q Do you know which vehicles they were running to?

25 A Didn't pay attention, I just saw them.

1 Q You stated on March the 2nd, 2011, that after they turned
2 and ran the other person stepped up and fired two more shots
3 and you saw the muzzle flash.

4 A I don't remember saying that.

5 MR. CHRISCO: No further questions.

6 THE COURT: Any redirect?

7 MR. RICHARDSON: No, sir, Your Honor.

8 THE COURT: All right, you may step down, ma'am. Do
9 you wish the witness to be excused?

10 MR. RICHARDSON: I do, Your Honor. If we may
11 approach?

12 THE COURT: All right, first, is there any objection
13 to the witness being excused?

14 MR. CHRISCO: No, Your Honor.

15 THE COURT: All right, ma'am, you're released from
16 your subpoena. You may go back to your regular activities.
17 Thank you. Yes, counsel? You all can come on up.

18 (Whereupon, a bench conference is held in the presence
19 but out of the hearing of the jury.)

20 THE COURT: All right, ladies and gentlemen, we'll
21 take a short break and then we'll resume the trial. So, Mr.
22 Foreman, take the jury back to the jury room for a little bit.
23 Everyone else remain seated, please.

24 (Whereupon, the following takes place outside the
25 presence of the jury.)

1 THE COURT: Before we take a break, anything else from
2 the State?

3 MR. RICHARDSON: No, sir, Your Honor.

4 THE COURT: From the Defense?

5 MR. CHRISCO: No, Your Honor.

6 THE COURT: All right, we'll take a short break, ten
7 minutes. Thank you.

8 MR. RICHARDSON: Thank you, Your Honor.

9 OFF THE RECORD

10 (On the record.)

11 (Whereupon, the following takes place outside the
12 presence of the jury.)

13 THE COURT: State, Defense?

14 MR. CHRISCO: Yes, Your Honor.

15 THE COURT: Ask the jury to come in, please.

16 MR. RICHARDSON: Your Honor, you may want to just
17 question - Mr. Byrne is the next one. He is a Co-Defendant
18 and his attorney is Mr. Filiberto. He is present.

19 THE COURT: All right, very good, hold on a second
20 then.

21 MR. RICHARDSON: Your Honor, you want him on the stand
22 to question him?

23 THE COURT: No, not yet.

24 All right, Mr. Filiberto, you represent the individual
25 named as Thomas Byrne, is that correct?

1 MR. FILIBERTO: I do, Your Honor.

2 THE COURT: All right, sir. As I understand it,
3 Solicitor, Mr. Byrne is a Co-Defendant in this case, is that
4 correct?

5 MR. RICHARDSON: That's correct, Your Honor.

6 THE COURT: And he is charged with what crimes?

7 MR. RICHARDSON: He's been charged with murder in this
8 case, Your Honor.

9 THE COURT: All right, sir.

10 All right, Mr. Filiberto, have you had an opportunity to
11 speak to Mr. Byrne regarding his testimony in this particular
12 case?

13 MR. FILIBERTO: I have, Your Honor.

14 THE COURT: And the affect that it may or may not have
15 upon him regarding his own criminal trial?

16 MR. FILIBERTO: Yes, Your Honor.

17 THE COURT: Including, but not limited to, his
18 constitutional right to not testify and to not incriminate
19 himself?

20 MR. FILIBERTO: Yes, Your Honor.

21 THE COURT: All right, sir, and you have, as I've
22 asked, had a full opportunity to explain all the ramifications
23 of that with him, is that correct?

24 MR. FILIBERTO: I have, Your Honor, yes.

25 THE COURT: All right, sir. All right, and Mr. Byrne,

1 you've had a full opportunity to speak to your attorney, is
2 that correct?

3 MR. BYRNE: Yes, sir.

4 THE COURT: All right, very good. All right, Mr.
5 Filiberto, if during the course of the testimony of Mr. Byrne
6 if there's any matter that comes up that you believe it is
7 necessary to approach the Court or you believe you have a
8 matter of law or something of that nature, please feel free to
9 so inform the Court and we'll stop and take care of that
10 matter.

11 MR. FILIBERTO: Thank you, Your Honor.

12 THE COURT: All right, very good. All right, ask the
13 jury to come in and while you - why don't you have a seat, Mr.
14 Byrne, and the State will call you in a minute.

15 (Whereupon, the following takes place in the presence of
16 the jury.)

17 THE COURT: All right, Solicitor, your next witness,
18 please.

19 MR. RICHARDSON: Thank you, Your Honor. The State
20 would call Thomas Byrne.

21 THE COURT: All right, sir. Come up here and meet the
22 clerk at the corner over there, please.

23 Whereupon, Thomas Byrne was called to the stand, duly
24 sworn by the clerk and testified as follows:

25 THE CLERK: Please state your full name and spell your

1 last name.

2 MR. BYRNE: Thomas Byrne, B-Y-R-N-E.

3 DIRECT EXAMINATION

4 BY MR. RICHARDSON:

5 Q Mr. Byrne, could you tell us a little bit about yourself,
6 where you're from, where you live, where you work, so on, so
7 forth?

8 A From Pittsburgh, Pennsylvania. I've been down here about
9 seven years, do landscaping.

10 Q And your name's Thomas. Do you go by another name?

11 A Tommy.

12 Q Tommy?

13 A Yes, sir.

14 Q All right, Tommy, if you'll just come forward a little
15 bit to the microphone. The court reporter's just got to take
16 down everything.

17 A All right.

18 Q The jury needs to hear it; okay?

19 A Yes, sir.

20 Q As well as the Judge. You moved down here - how old are
21 you right now, Tommy?

22 A 21.

23 Q 21, so seven years ago you would have been 14 when you
24 moved down here?

25 A Yes, sir.

1 Q Thereabouts. Now, currently you're living where, in what
2 city?

3 A Myrtle Beach, Myrtle Beach Resort.

4 Q Myrtle Beach Resort.

5 A Yes, sir.

6 Q How about back in February and March of 2011 where were
7 you staying?

8 A Burcale Road.

9 Q Off Burcale Road?

10 A Yes, sir.

11 Q In a house, apartment?

12 A In an apartment.

13 Q What were those apartments?

14 A As in?

15 Q Was there a name of the apartment, Courtyard I?

16 A Courtyard II.

17 Q Courtyard II?

18 A Yes, sir.

19 Q Courtyard II Apartments off Burcale Road. When did you
20 move into those apartments?

21 A Around Thanksgiving.

22 Q So, November of 2010?

23 A Yes, sir.

24 Q And these apartments, could you describe for us how are
25 they situated, and by that I mean is it like an apartment on

- 1 the bottom and one on the top or just one townhouse or what?
- 2 A It's when you pull in it's just a parking lot with three
- 3 houses downstairs and three on top.
- 4 Q Okay, and the, the apartment in which you all were
- 5 living?
- 6 A It was the top right.
- 7 Q Top right?
- 8 A Yes, sir.
- 9 Q Okay, so one, two, three, top right corner.
- 10 A Yes, sir.
- 11 Q And the parking lot for that area, where is that located?
- 12 A Right in front of the houses.
- 13 Q Right in front of the front door?
- 14 A Yes, sir.
- 15 Q When you first moved into Courtyard II apartments back in
- 16 around Thanksgiving 2010, who all moved into that apartment
- 17 with you?
- 18 A Me, my sister and my father.
- 19 Q Okay, was anybody else living there?
- 20 A My friend Richard. It was his apartment, but then we
- 21 took over his lease.
- 22 Q And what happened to Richard?
- 23 A He moved next door to his girlfriend's.
- 24 Q And when was that?
- 25 A Around New Years, after New Years.

1 Q Around New Years?

2 A Yes, sir.

3 Q Now, once your friend Richard moved out, you said your
4 dad and your sister and you were living in there?

5 A Yes, sir.

6 Q How many bedrooms were there?

7 A Two.

8 Q Two bedrooms, who slept where?

9 A Mine was the master upstairs, my sister slept in the
10 other one downstairs by the kitchen.

11 Q How about your father?

12 A He slept on the couch.

13 Q So he slept on the couch. Did there come a time when
14 anyone else moved into that apartment after Richard moved out?

15 A Saire Castro.

16 Q And when was that?

17 A That was about middle, middle of February, beginning of
18 February.

19 Q February 2011?

20 A Yes, sir.

21 Q Where'd Saire sleep?

22 A On the floor.

23 Q And did anybody move in with him?

24 A His girlfriend Olivia.

25 Q Now, how did they come to move in, I mean, you've got two

1 bedrooms, you've already got three people living in there,
2 how, how did they come to live with you?

3 A They had got into trouble and they had their kid
4 involved, so she had to be so far away from her kid. So I let
5 them stay in my house for a couple of weeks.

6 Q Now, you said you stayed in the master bedroom.

7 A Yes, sir.

8 Q I assume that's where your belongings were?

9 A Yes, sir.

10 Q And your sister you said stayed in the downstairs
11 bedroom. So, I mean, it's an upstairs but you've got a
12 bedroom and like a loft bedroom? Your sister's clothes were
13 in there?

14 A Yes, sir.

15 Q How about your dad's clothes?

16 A They was upstairs in my room.

17 Q Okay, he kept his stuff there. How about Saire and his
18 girlfriend?

19 A In the living room and that's about it.

20 Q Was there anywhere else in the house where he kept any of
21 his belongings?

22 A In the kitchen.

23 Q And where in the kitchen, in the stove, in the
24 refrigerator?

25 A On top of the cabinet.

1 Q There's a top cabinet and he kept some stuff up there.

2 MR. RICHARDSON: Your Honor, if I could have Mr. Byrne
3 come down here.

4 THE COURT: Where do you want him to stand?

5 MR. RICHARDSON: In front of the jury box.

6 THE COURT: All right, sir.

7 MR. RICHARDSON: I'm going to have him draw a sketch
8 if he can.

9 THE COURT: All right, you can step down, sir, next to
10 the Solicitor.

11 BY MR. RICHARDSON:

12 Q Tommy, if you'll come down here. Now, Tommy, if you're
13 talking you need to make sure you're talking where the box is
14 going to pick you up. That's a microphone, okay?

15 A All right.

16 Q Do you think you might be able to draw a sketch of the
17 apartment?

18 A Not too good, but yeah, I can draw.

19 Q You can draw a sketch, that's affirmative?

20 A Yes, sir.

21 Q Okay, I'm going to hand you a pen. If you could just
22 draw a rough sketch, I don't expect an architect's diagram.

23 A All right.

24 Q And just draw it out and then I'll let you explain it.

25 A All right, the door's down here ---

1 REPORTER: He's going to have to speak up.

2 THE COURT: All right, sir, you're going to have to

3 stand right next to that, that microphone. Move the, move the

4 drawing closer to you, right on top of you and speak up.

5 A All right, here's ---

6 Q And Tommy ---

7 A Yes, sir.

8 Q --- if you'll just sketch it out first and then we can

9 point to where everything is, okay?

10 A Yes, sir.

11 Q Okay, do you have a ---

12 THE COURT: Are, are you, was he saying something

13 because we couldn't pick it up, can't hear it.

14 MR. RICHARDSON: I think he's talking to himself, Your

15 Honor.

16 A I was talking to myself, yeah.

17 THE COURT: All right, sir, you can't do that.

18 A All right, I'm sorry.

19 Q Okay, this bottom portion right here, what do we see

20 here?

21 A That's the front door to the steps that leads up to the,

22 to the living room.

23 Q Okay, so you have front door to steps and that leads

24 upstairs ---

25 A Yes, sir.

1 Q --- to the apartment.

2 A Yes, sir.

3 Q Here what are we seeing?

4 A That's just the little entrance to the living room.

5 Q That's an entrance to the living room?

6 A Yes, sir.

7 Q Okay, is this the living room or down here?

8 A This is the living room right here.

9 Q This is the living room here?

10 A Yes, sir.

11 Q All down in here?

12 A Yes, sir, this right here.

13 Q Okay, how'd you get up to your bedroom that was upstairs?

14 A These steps right here.

15 Q Okay, so there are more steps going up?

16 A Yes, sir.

17 Q How about the kitchen, where is that located?

18 A Through this door right here.

19 Q Okay, so there's a door around here?

20 A Yeah, a open, open door.

21 Q It's an open door?

22 A Yes.

23 Q Okay, opening, now, is there - where do you all eat?

24 A Right here in the kitchen.

25 Q Is there a table in the kitchen?

- 1 A Yes, sir.
- 2 Q Can you draw me a picture where that table is?
- 3 A (Complies with request.)
- 4 Q Okay, and you say this is pretty open.
- 5 A Yes, sir.
- 6 Q So you can see from the table down into the living room?
- 7 A Yes, sir.
- 8 Q Now, you indicated that Saire Castro kept some belongings
- 9 in the kitchen?
- 10 A Yes, sir.
- 11 Q Up above a cabinet?
- 12 A Yes, sir.
- 13 Q What types of belongings did he keep in there?
- 14 A He kept his gun up there.
- 15 Q He kept a gun up there. What type of gun was it?
- 16 A It was a 357, 357.
- 17 Q 357, is that a revolver or a semi-auto?
- 18 A Revolver.
- 19 Q It's a revolver.
- 20 A Yes, sir.
- 21 THE COURT: All right, Solicitor, is it still
- 22 necessary for him to stay there? Can ---
- 23 MR. RICHARDSON: No, sir, no sir.
- 24 BY MR. RICHARDSON:
- 25 Q Well, in relation to where the table is where is that

1 cabinet?

2 A It'd be right up here.

3 THE COURT: What, what was that? I can't hear a word

4 you're saying, sir.

5 A It's right up here, sir.

6 Q He - if you'll put an "X" where that is located with the

7 red pen.

8 A (Complies with request.)

9 Q All right.

10 THE COURT: All right, have him come back and sit

11 down.

12 MR. RICHARDSON: Your Honor, if he could resume the

13 stand.

14 BY MR. RICHARDSON:

15 Q Thank you, Mr. Byrne, if you'll take the stand. Thank

16 you.

17 Tommy, you indicated that Saire Castro moved in with you,

18 he and his girlfriend, sometime in February of 2011?

19 A Yes, sir.

20 Q Prior to his moving in with you, how long had you known

21 Saire Castro?

22 A Around seven years, six years.

23 Q So from about the time you moved down here?

24 A Uh-huh, yes, sir.

25 Q And what was your degree of friendship, how tight were

1 you?

2 A About my best friend, sir.

3 Q He was about your best friend?

4 A Yes, sir.

5 Q So much so that you let him move in with you?

6 A Yes, sir.

7 Q Were you charging them rent?

8 A No, sir.

9 Q You let them keep stuff in your house?

10 A Yes, sir.

11 Q Including his revolver?

12 A Yes, sir.

13 Q How about Kareem Harry, do you know him?

14 A Yes, sir.

15 Q How long have you known Kareem Harry?

16 A About three to four years.

17 Q So you've known Saire longer than you've known Kareem?

18 A Yes, sir.

19 Q Going back to Saire, where did you all meet?

20 A In my mom's neighborhood, in our old neighborhood; we

21 lived in the same neighborhood.

22 Q And how close are you all in age?

23 A He would be 23, I'd be 21, so about two years difference.

24 Q Did you all go to school together?

25 A He was two grades above me.

1 Q But you met him in your mom's neighborhood?
2 A Yes, sir.
3 Q What neighborhood was that?
4 A Island Green.
5 Q Island Green, and you all hung tight for a while.
6 A Yes, sir.
7 Q Back on to Kareem Harry, how'd you meet Mr. Harry?
8 A Just around the area, around Burgess area.
9 Q Well, when you say around the Burgess area we're talking
10 about the playground, the church or where at in the Burgess
11 area?
12 A Just, just random people's houses, you know, just running
13 into him here and there.
14 Q So you would run into Kareem Harry from time to time?
15 A Yes, sir.
16 Q Did there ever come a time when he came over to your
17 house?
18 A Yes, sir, like a couple of years later down the road when
19 we got to know each other.
20 Q So prior, prior to March 1st, 2011, you had known him for
21 three or four years at that point?
22 A Yes, sir.
23 Q And a couple of years into that friendship or knowing him
24 he would come to your house ---
25 A Yes, sir.

1 Q --- wherever your house would be. To your knowledge did
2 Saire Castro and Kareem Harry know one another?
3 A Yes, sir.
4 Q Between Kareem Harry and Saire Castro who were you closer
5 with?
6 A Saire.
7 Q So, you were closer with Saire?
8 A Yes, sir.
9 Q Between you and Saire Castro who was Kareem Harry closer
10 to?
11 A Saire.
12 Q So they hung tight pretty good? Is that a ---
13 THE COURT: Did you answer the question, sir?
14 Q --- yes or a no?
15 A Yes, sir.
16 Q Yes, they hung tight, and you already indicated that Mr.
17 Castro kept his gun up above the kitchen cabinet?
18 A Yes, sir.
19 Q Was he known to carry a gun?
20 A Yes, sir.
21 Q Common knowledge?
22 A Yes, sir.
23 Q And you said that gun was what?
24 A A 357 revolver.
25 Q Now, Mr. Castro, you said he got into some trouble and

1 that's when he moved in with you?

2 A Yes, sir.

3 Q And do you know what kind of trouble it was?

4 A He got caught with pistols and drugs.

5 Q But not his 357?

6 A No, sir.

7 Q He still had that at your house?

8 A Yes, sir.

9 Q Prior to March 1st, 2011, had Kareem Harry ever been to

10 your house off Burcale Road?

11 A Yes, sir.

12 Q Was Saire Castro there when he went?

13 A I don't believe so, no.

14 Q How about Ashley Bledsoe, did you know her?

15 A Yes, sir.

16 Q And how did you know Ashley?

17 A I went to school with her since seventh grade.

18 Q So she's your age?

19 A Yes, sir.

20 Q So you've known her for a while?

21 A Yes, sir.

22 Q Sage McPhail, do you know Sage?

23 A Yes, sir.

24 Q How do you know Sage?

25 A From school.

1 Q And did you know what kind of vehicle Sage McPhail had?
2 A I knew he had a truck, yes, sir.
3 Q What color truck?
4 A A red truck.
5 Q A red truck, how about you, did you have a vehicle at
6 this time?
7 A No, sir.
8 Q So back March 2011 you didn't have a vehicle?
9 A No, sir.
10 Q How about Saire Castro, did he have?
11 A Yes, sir.
12 Q Tommy, before we go any further, let's discuss something.
13 Currently you have charges, correct?
14 A Yes, sir.
15 Q What charge is currently on you?
16 A Murder.
17 Q You've been charged with murder?
18 A Yes, sir.
19 Q And who's the victim in that case?
20 A Kevin Bowens.
21 Q No doubt about it, that's still pending right now?
22 A Yes, sir.
23 Q Allow me to show you what's been marked as State's
24 Exhibit 65 for identification purposes, if you'll take a
25 moment, take a look at that. Do you recognize State's 65?

- 1 A Yes, sir.
- 2 Q And what do you recognize State's 65 to be?
- 3 A A proffer agreement.
- 4 Q It's a proffer agreement. You entered this proffer
5 agreement with the State, correct?
- 6 A Yes, sir.
- 7 Q Educate us, what is your understanding of this proffer
8 agreement?
- 9 A It just says to tell the truth.
- 10 Q Does it say anything about disposition of your charges,
11 what's going to happen?
- 12 A No, sir, no promises were made.
- 13 Q So the same, same charges are still on you right now?
- 14 A Yes, sir.
- 15 Q You promise to testify?
- 16 A Yes, sir.
- 17 Q Truthfully?
- 18 A Yes, sir.
- 19 Q No promises have been made?
- 20 A No, sir.
- 21 Q I mean, certainly you hope this works out for you,
22 correct?
- 23 A Yes, sir.
- 24 Q You don't want to go to prison?
- 25 A No, sir.

1 Q Let's go back to March 1st, 2011. How do you remember
2 that day?

3 A Just waking up and then just hanging around the house and
4 then going to help Saire's mother move and then going back to
5 her - going back to my house with Saire, just hanging around.

6 Q Okay, Tommy, you said you woke up on March 1st, 2011, but
7 what causes you to remember that specific day?

8 A The murder.

9 Q Only time you ever been charged with murder?

10 A Yes, sir.

11 Q What time did you wake up?

12 A Around 11 o'clock in the afternoon.

13 Q Around 11 o'clock, late riser? When you got up, what'd
14 you do?

15 A Just hung around the house.

16 Q And you just mentioned something about helping Saire
17 Castro's mother move that day.

18 A Yes, sir.

19 Q Tell us a little bit about that.

20 A We rode out to Conway to the country, came back right
21 there to Canterbury, helped her move in some stuff and then
22 went back to my house.

23 Q That's Canterbury Apartments?

24 A Yes, sir.

25 Q Is there a major road near Canterbury Apartments?

- 1 A 501.
- 2 Q So, it's off of 501?
- 3 A Yes, sir.
- 4 Q And how close is that to Burcale Road?
- 5 A Approximately about four miles.
- 6 Q Pretty close?
- 7 A Yes, sir.
- 8 Q Now, you said you had to go way out in the country in
- 9 Conway and then back to Canterbury apartments, you're helping
- 10 her move?
- 11 A Yes, sir.
- 12 Q How many trips?
- 13 A We took one trip.
- 14 Q One trip?
- 15 A Yes, sir.
- 16 Q Was the stuff already loaded whenever you got to the
- 17 country?
- 18 A Most of it, yes, sir.
- 19 Q And did you help unpack when you got to Canterbury
- 20 Apartments?
- 21 A Yes, sir.
- 22 Q How long did it take?
- 23 A About 45 minutes to an hour.
- 24 Q To unload or the whole trip?
- 25 A To unload.

1 Q To unload.

2 A The whole, the whole trip took about two and half, three

3 hours.

4 Q Two and a half, three hours. So you wake up at 11, you

5 eat ---

6 A Yes, sir.

7 Q --- mess around, then you help her go move?

8 A We - around two, 2:30 we helped her go move.

9 Q So we're talking about two and a half, three hours,

10 you're moving at two, we'll say four to 5 o'clock sometime?

11 A Yeah, about five o'clock we got done, sir.

12 Q So you knock off, you're getting done moving?

13 A Yes.

14 Q It's no fun?

15 A No, not at all.

16 Q Who's with you?

17 A Me and Saire, and his mother and her, her boyfriend.

18 Q Okay, so Saire and his momma and her boyfriend, you just

19 help them move?

20 A Yes, sir.

21 Q You all get done, it's about five o'clock. At any point

22 during this day had you seen Kareem Harry?

23 A No, sir.

24 Q Had you gotten a call from Kareem Harry?

25 A No, sir.

1 Q When you all get done helping with the move, where do you
2 go and what do you do?

3 A We go back to my apartment, me and Saire.

4 Q Now it's five o'clock and it's March. Going back to your
5 apartment, what's it like outside, light, dark?

6 A It was sunset. The sun was going down.

7 Q The sun was going down?

8 A Yes, sir.

9 Q Were street lights popping on?

10 A Yes, sir.

11 Q Once you got back to your house, this is the upstairs
12 apartment, what do you do?

13 A Just hang out, hang around.

14 Q Now when you get to your apartment who's there?

15 A My father.

16 Q Your father, how about your sister?

17 A She was there.

18 Q How about Saire's girlfriend?

19 A She was there.

20 Q Now, we've got the rough sketch you just did. I think
21 you indicated the kitchen's over here, correct?

22 A Yes, sir.

23 Q And there's a table in the kitchen, right?

24 A Yes, sir.

25 Q Your dad's there, it's late. Are you all fixing dinner

1 or anything?

2 A Yeah, my dad's cooking.

3 Q Do you remember what he's cooking?

4 A I think chicken.

5 Q Okay, now, are you all just sitting around watching him
6 cook, you all are playing ---

7 A Playing cards.

8 Q Okay, playing cards, and where are you all playing cards?

9 A At the kitchen table.

10 Q So you all are up here, your dad's cooking. Does he
11 leave stuff unattended on the stove sometimes?

12 A Most of the time, yeah.

13 Q Most of the time. So he'll go about and do other
14 business while he's cooking?

15 A Yes, sir.

16 Q You all are sitting at the kitchen table and your front
17 door is over here, correct?

18 A Front door is down the stairs.

19 Q Downstairs.

20 A Yeah.

21 Q How long are you all playing cards?

22 A About 45 minutes, 30 minutes.

23 Q About 45 minutes?

24 A Yes, sir.

25 Q Okay, for a little while?

1 A Yes, sir.

2 Q Does anything occur to interrupt your card playing?

3 A Mr. Harry comes over.

4 Q Kareem Harry comes over. Are you talking about Kareem

5 Harry right here?

6 A Yes, sir.

7 Q Now, when Kareem Harry comes over do you get a phone call

8 or anything beforehand?

9 A No, sir.

10 Q Did anybody come by and say, "Hey, Kareem's coming by"?

11 A No, sir.

12 Q What happens when he arrives?

13 A He comes upstairs and talks to Mr. Castro.

14 Q Well, let's talk about that. Now, Kareem Harry comes to

15 your front door that's downstairs.

16 A Yes, sir.

17 Q He's got to walk up the steps. Is the door unlocked?

18 A Yes, sir.

19 Q So he just walks right in?

20 A Either he walked in or Olivia let him in.

21 Q Okay, Olivia may have gone down?

22 A Yes, sir.

23 Q Somehow he gets in. You're still at the table?

24 A Yes, sir.

25 Q Kareem Harry still at the table?

1 A He was never at the table.

2 Q I mean not Kareem Harry, Saire Castro still at the table?

3 A Yes, sir.

4 Q And you see Kareem Harry come up the stairs, correct?

5 A Yes, sir.

6 Q Now, when he comes up the stairs what does he do?

7 A Grabs Saire and has a conversation with him in the living

8 room.

9 Q How does he get Saire's attention?

10 A Just tells him come here.

11 Q So Kareem Harry says, "Saire, come here"?

12 A Yeah, yes, sir.

13 Q And Saire comes up, pops up from the table and walks over

14 to him?

15 A Yes, sir.

16 Q I'm going to let you stay right up there see if you can

17 guide me a little bit. Tommy, can you see your diagram?

18 A Yes, sir.

19 Q Okay, you all are at the kitchen table, right?

20 A Yes, sir.

21 Q I'm going to call it 12 o'clock, three o'clock, six

22 o'clock and nine o'clock. Where are you sitting at the table?

23 A About ---

24 Q You've got 12, three, six, nine.

25 A About four, 3:30, 4:00.

1 Q So, about right here is Tommy, right?

2 A No, that's Saire.

3 Q Oh, that's Saire, okay.

4 A Yeah.

5 Q That's Saire Castro.

6 A To the right, sir.

7 Q Sorry about that. How about you, where are you sitting,

8 you sitting over here, over here?

9 A That's a clock, three 3 o'clock.

10 Q Okay.

11 A Yeah, right there.

12 Q I'm sorry. I did it as I was looking at it. Was your

13 dad playing cards with you?

14 A No, he's cooking still.

15 Q He's cooking still, so he's back here cooking and that

16 cabinet with the gun is right here. Now, you said that Kareem

17 Harry comes up the stairs and this is the entranceway?

18 A Yes, sir.

19 Q And the living room comes all the way down here. Is he

20 up at the top of the living room or down at the bottom?

21 A He's standing right by my couch that's against the wall.

22 Q Where's the couch, here?

23 A Move your hand up to the - where the square is right by

24 the kitchen door, about right there, yes, sir.

25 Q Okay, so, he's standing ---

1 A A little up.
2 Q Right here?
3 A A little up, right there.
4 Q Okay, so, that's where Kareem Harry is and he called
5 Saire Castro over, correct?
6 A Yes, sir.
7 Q Castro pops up and goes right over there.
8 THE COURT: Was that a yes or no?
9 A Yes, sir.
10 Q Just need to answer yes or no. I know it's common to
11 shake your head ---
12 A Yes, sir.
13 Q --- but Mrs. Hurley can't pick that up. How far away
14 are, are Saire and Kareem after Saire runs over to Kareem?
15 A About a foot, two foot away.
16 Q From you how far are they?
17 A Oh, about ten feet, 12, 12 feet.
18 Q And they're talking?
19 A Yes, sir.
20 Q You can tell they're talking?
21 A Yes, sir.
22 Q Do you overhear what they say?
23 A No, sir.
24 Q They're kind of close together?
25 A Yes, sir.

1 Q How long did they stay here talking?

2 A About five to eight minutes.

3 Q Five to eight minutes?

4 A Yes, sir.

5 Q And you're still at the table at this point?

6 A Yes, sir.

7 Q How about your dad, is he still in here?

8 A He's still in the kitchen, yes, sir.

9 Q So, Kareem and Saire have had some kind of conversation

10 for five to eight minutes?

11 A Yes, sir.

12 Q How does that end?

13 A As in Saire comes up to me and asks me I want to take a

14 ride.

15 Q Okay, and you're still at the table at this point?

16 A Yes, sir.

17 Q And what do you do?

18 A Get up and start heading out.

19 Q Does Saire go out in front of you?

20 A No, sir.

21 Q Where is he whenever you start to go outside?

22 A Walking into the kitchen.

23 Q So, he keeps on going into the kitchen ---

24 A Yes, sir.

25 Q --- where he's got his gun?

- 1 A Yes, sir.
- 2 Q How about Kareem, is he still in the house at this point?
- 3 A No, sir, he's in front of me going down the steps.
- 4 Q Okay, so you're heading towards the steps already and
- 5 Kareem's in front of you?
- 6 A Yes, sir.
- 7 Q But make, make no mistake about it, immediately after
- 8 Kareem talks to Saire he goes into the kitchen where he keeps
- 9 his gun?
- 10 A Yes, sir.
- 11 Q And Saire tells you you're going to ride with them?
- 12 A Yes, sir.
- 13 Q And you agree?
- 14 A Yes, sir. He didn't tell me I was going to ride, he
- 15 asked me if I want to take a ride.
- 16 Q Okay, he asked you if you were going to take a ride?
- 17 A Yes, sir.
- 18 Q And he goes on to where his gun's kept?
- 19 A Yes, sir.
- 20 Q Now, at this point, other than you want to ride, did
- 21 Saire say anything else to you?
- 22 A No, sir.
- 23 Q So you followed Kareem Harry downstairs, correct?
- 24 A Yes, sir.
- 25 Q And you get down to the parking lot, that faces your

1 front door?

2 A Yes, sir.

3 Q Do you all ride together?

4 A No, sir.

5 Q Who goes where?

6 A I ride in Saire's car and Kareem and Ashley ride in the

7 truck.

8 Q The red truck?

9 A Yes, sir.

10 Q So you see Ashley in this truck at this point?

11 A Yes, sir.

12 Q Did she ever come upstairs with him?

13 A No, sir.

14 Q She's just down in the truck?

15 A Yes, sir.

16 Q And where is she sitting in the truck?

17 A I don't know, sir.

18 Q Was she driving?

19 A No, I don't think she drove there, sir. I'm not too

20 sure.

21 Q That's all right. Now, prior, prior to, prior to Kareem

22 coming over to your house had you taken any kind of narcotics

23 or drugs?

24 A Yes, sir.

25 Q What had you taken?

1 A Xanax.

2 Q Now, with the Xanax in your system at this point how does
3 that affect you?

4 A Just makes you relaxed.

5 Q Makes you relaxed?

6 A Yes, sir.

7 Q Pliable, I mean, kind of easy going?

8 A Yeah, yes, sir.

9 Q Had Saire had any Xanax?

10 A No, sir.

11 Q You all are down in the parking lot and Saire's asked you
12 if you want to take a ride, you get in the car with him?

13 A Yes, sir.

14 Q Do you all just take off?

15 A Yes, sir. Well, we follow Kareem out the parking lot.

16 Q So Kareem leads you all out of the parking lot?

17 A Yes, sir, the truck, I'm not sure who was driving, but
18 the truck.

19 Q The, the red truck ---

20 A Yes, sir, we followed the truck.

21 Q --- leads you right out of the parking lot?

22 A Yes, sir.

23 Q Now, we have Burcale Road. Where does that lead, how,
24 how do you get to where you're going?

25 A Down 17 Bypass.

1 Q You get down 17 Bypass.

2 A Yes, sir.

3 Q And does Burcale run into 17 Bypass?

4 A No, sir. You go down Burcale to Clay Pond Road, to over
5 the - I'm not sure of the road, Harbor, Fantasy Harbour Drive
6 over the new bridge.

7 Q The new bridge?

8 A Yes, sir.

9 Q The next right on the 17 Bypass?

10 A 17, yes, sir.

11 Q Do you know where you're going at this point?

12 A Not exactly where we're going, no.

13 Q Do you know why you're going?

14 A Not exactly, no.

15 Q Does there ever come a time when you learn what your
16 purpose in this drive is?

17 A Yes, sir.

18 Q And when is that?

19 A To go collect a TV.

20 Q How do you learn that?

21 A Saire tells me on the ride.

22 Q So you're on the ride, you're already in the car.

23 A Yes, sir.

24 Q Saire tells you, "We're going to get a TV."

25 THE COURT: Was that a yes or no, sir?

- 1 A Yes, sir.
- 2 Q You're going down 17 Bypass towards, towards Georgetown
- 3 or North Myrtle Beach?
- 4 A Georgetown.
- 5 Q Okay, so, you're going south. Do you just go straight
- 6 down the road?
- 7 A Yes, sir, and then we stop at a gas station.
- 8 Q You stop at a gas station. Do you know where that gas
- 9 station's located?
- 10 A At the end of Glenns Bay Road.
- 11 Q At the end of Glenns Bay Road?
- 12 A Yes, sir.
- 13 Q Where Glenns Bay intersects 17 Bypass?
- 14 A Yes, sir.
- 15 Q And what's the purpose of stopping at that gas station?
- 16 A To get a pack of cigarettes.
- 17 Q Now, at this point, who pulls into the gas station first?
- 18 A Kareem.
- 19 Q So Kareem's still leading you all?
- 20 A Yes, sir.
- 21 Q No doubt about it, he's the lead car?
- 22 A Yes, sir.
- 23 Q And when he pulls in you all pull in?
- 24 A Yes, sir.
- 25 Q And you go in and get cigarettes you say?

- 1 A Yes, sir.
- 2 Q How long are you at the gas station?
- 3 A No longer than seven minutes, six minutes.
- 4 Q A short time?
- 5 A Yes, sir.
- 6 Q Long enough to get a pack of smokes?
- 7 A Yes, sir.
- 8 Q And whenever you leave the convenience store where do you
9 go?
- 10 A We go to the neighborhood Kings Grant.
- 11 Q Okay, and who's taking you there, who's leading the way?
- 12 A Kareem.
- 13 Q So Kareem's still leading the way to Kings Grant?
- 14 A Yes, sir.
- 15 Q And you're in Saire's car at this point?
- 16 A Yes, sir.
- 17 Q Had you been in this neighborhood before?
- 18 A No, sir.
- 19 Q Did you know where Kings Grant was before this?
- 20 A No, sir.
- 21 Q When you pull into Kings Grant are you asking Saire any
22 questions or ---
- 23 A No, sir.
- 24 Q You're just kind of chilled out?
- 25 A Yes, sir.

1 Q Now, once you all get into the neighborhood of Kings
2 Grant, what happens?

3 A We pull up to his house. Kareem pulls into the yard. We
4 pull up next to the driveway and we hop out.

5 MR. RICHARDSON: Your Honor, if I may have Mr. Byrne
6 come down just for a moment and he won't be sketching anything
7 this time. I just want him to demonstrate where the vehicles
8 were.

9 THE COURT: All right, pull whatever it is you want
10 him to demonstrate right up next to, next to.

11 MR. RICHARDSON: Yes, sir. Yes, sir.

12 THE COURT: All right, go ahead and step down.

13 BY MR. RICHARDSON:

14 Q Mr. Byrne, if you'll come down. For the record, this is
15 State's Number 62, I believe, 62, this has been already
16 admitted into evidence. It's a diagram of [REDACTED].
17 Does this appear to be the same address at which you all
18 pulled up?

19 A Yes, sir.

20 THE COURT: Again I can't, can't hear him.

21 Q Speak into the microphone. Now, I'll pull it closer.

22 A Yes, sir.

23 Q Okay, if you could demonstrate, looks like we have a BMW
24 here and a Camry here. This is the yard. Now, you indicated
25 that you all - that Kareem pulled up in the yard.

1 A Yes, sir.

2 Q He pulls up first?

3 A Yes, sir.

4 Q Where does he pull up?

5 A Right here in the yard, sir.

6 Q So his vehicle's on up in the yard?

7 A Yes, sir.

8 Q Is he just on the edge of it or up in the yard?

9 A He's, he's in the yard, sir.

10 Q He's up in the yard. How about Saire, where is he

11 pulled?

12 A We pulled right here along the driveway, sir.

13 Q And you - are you in the grass as well?

14 A No, sir.

15 Q Okay, you're just on the roadway?

16 A Yes, sir.

17 Q Leave the cars running?

18 A No.

19 Q Okay, but no doubt about it Kareem pulls up?

20 A Yes, sir.

21 Q Go ahead and have a seat.

22 A (Complies with request.)

23 Q Now, you indicate that, you indicate that Kareem pulls in

24 first into the yard with you all right behind him. Are you

25 watching Kareem's vehicle at this point?

- 1 A Yes, sir.
- 2 Q How fast is he going when he pulls up in the yard?
- 3 A Not fast, just pulls up casually.
- 4 Q Pulls up casually?
- 5 A Yes, sir.
- 6 Q And once you all pull up in the yard or Kareem pulls in
7 the yard and Saire pulls up beside him.
- 8 A Yes, sir.
- 9 Q You're over in the passenger seat of Saire's vehicle.
10 What happens?
- 11 A We hop out the car and stand there and then Mr. Bowens
12 walks outside of his garage while we were standing in his
13 yard.
- 14 Q Okay, so you all got out of your vehicles first?
- 15 A Yes, sir.
- 16 Q What's going through your head at this point?
- 17 A Nothing.
- 18 Q You don't know why you're there?
- 19 A Exactly, yes, sir.
- 20 Q Except to get a TV.
- 21 THE COURT: Was that a yes or a no, sir?
- 22 A Yes, sir.
- 23 Q Now, you all get out of the vehicle. Do you all get out
24 at the same time or you first or Kareem first or Saire first?
- 25 A All at the same time, sir.

1 Q So you all pull in and pop right out?

2 A Yes, sir.

3 Q Now, when you all get out in their yard, you said Mr.
4 Bowens's not out in the yard yet?

5 A No, sir.

6 Q So you all just pull up in the yard and you just hop out
7 in the man's yard?

8 A Yes, sir.

9 Q And as you all were standing in the yard what are you
10 all's moods like?

11 A I mean, I'm, I'm in a good mood. I can't tell you what
12 the other guys' moods were.

13 Q Well, how did they appear?

14 A Saire was quiet and Kareem was quiet until Kevin came
15 out.

16 Q Now, Kevin comes out of his house, come out the front
17 door, out the garage, what?

18 A Out, out the garage.

19 Q Comes out the garage and we saw a white BMW and a Camry.
20 Where does he stand in relation to those vehicles?

21 A Right, right in front of the car that's on - closest to
22 the grass, sir.

23 Q The BMW?

24 A Yes, sir.

25 Q White car?

1 A Yes, sir.

2 Q Now, when he comes out, where are you standing?

3 A I'm standing by the car, by Saire's car on the grass.

4 Q Okay, let's pretend the jury's sitting in the house.

5 There's the garage over there.

6 A All right.

7 Q You're indicating Kareem's vehicle is over here, correct,

8 you all are pulled here?

9 A Yes, sir.

10 Q Where are you standing with relation to the house, you

11 standing further away from the house?

12 A I'm standing probably about right here, sir.

13 Q About right here?

14 A Yes, sir.

15 Q And how about Saire?

16 A He's standing about correctly like in the middle of the

17 BMW but about ten feet in the grass.

18 Q Middle of the BMW, so about here?

19 A Yes, sir.

20 Q And how about Kareem?

21 A He's standing on the other side of Saire.

22 Q So, about here?

23 A Yes, sir.

24 Q How far away are Kareem and Saire? You said they're

25 standing side by side?

- 1 A About three foot away, two foot away, yes, sir.
- 2 Q Three feet, two feet away from Kevin Bowens?
- 3 A They're about seven feet back from Kevin.
- 4 Q Okay, so some distance, so me to the box here?
- 5 A Yes, sir, about.
- 6 Q And how far away are you from Kevin Bowens?
- 7 A Probably about 12 feet, 13 feet.
- 8 Q I'm guessing about over here where our court reporter is?
- 9 A Yes, sir.
- 10 Q You all pull in the yard and you're surrounding Kevin
- 11 Bowens, what's the lighting conditions like?
- 12 A Only his lights on his house, sir, on his garage and his
- 13 garage door is open, so his garage light was on, too.
- 14 Q But you could see him?
- 15 A Yes, sir.
- 16 Q It's not pitch black?
- 17 A No, sir.
- 18 Q Now, once Kevin comes outside and you all are out in the
- 19 yard he leans up against the BMW, what happens?
- 20 A Him and Kareem were just talking, nothing was getting
- 21 loud or nothing and all of a sudden Saire pulls out and shoots
- 22 him.
- 23 Q Now, how was, how was Kevin standing? Was he standing
- 24 hands down by his side, up in the air, crossed?
- 25 A They're going from crossed leaning on the car to just

1 dropping down trying to like move talking with his hands, you
2 know.

3 Q So he's just leaned back against his car?

4 A Yes, sir.

5 Q Arms against his side or arms crossed?

6 A Going from crossed to talking with his hands, you know.

7 Q To talking like this?

8 A Yes, sir.

9 Q You ever see him go down near his waistband?

10 A No, sir.

11 Q You ever see him go down near his pockets?

12 A No, sir.

13 Q And the view you have of Kevin is from his side, correct?

14 A Yes, sir.

15 Q But Kareem and Saire are basically head on to him?

16 A Yes, sir.

17 Q Prior to the shooting does anyone else get out of the
18 vehicle?

19 A Ashley comes up to Kareem and where Saire and Kareem were
20 standing and starts talking to Kevin.

21 Q So Ashley comes up about where Kareem is?

22 A Yes, sir.

23 Q Do you hear what's said?

24 A She just said that, "You have the TV," and that's about
25 all I remember she said.

1 Q Now after that, how long had you all been there by the
2 time Ashley got out?

3 A About three to, three to five minutes.

4 Q Three to five minutes.

5 A Yes, sir.

6 Q Somewhere in there? So you all have been talking for
7 some time?

8 A Yes, sir.

9 Q Because I believe you stated you all pulled up in the
10 yard, you all got out and then Kevin came out in the yard.
11 Didn't take long?

12 A Yes, sir.

13 Q Now, after Ashley says, "You took the TV," or whatever,
14 did you hear anybody else saying anything? Did you hear Mr.
15 Bowens say anything?

16 A No, Kareem told Ashley go back to the truck.

17 Q Did Kevin ever say anything about giving the TV back or
18 money back?

19 A All he said, "I don't have your TV and I ain't got no
20 money to give you."

21 Q So he said, "I ain't giving you a TV, I ain't giving you
22 money"?

23 A Yes, sir, and he also said, "You can come in my house and
24 look."

25 Q Now, after he says this "You ain't going to get a TV, you

1 ain't going to get any money," how long before the shooting?

2 A They say that back and forth about three or four times
3 and then he shoots him.

4 Q So it's obvious Kareem Harry's not getting his TV by this
5 point?

6 A Yes, sir.

7 Q It's obvious he's not getting money?

8 A Yes, sir.

9 Q And then and only then Saire Castro pulls out a gun and
10 shoots him?

11 A Yes, sir.

12 Q No doubt about it, it's Saire that pulls the gun?

13 A Yes, sir.

14 Q And what gun is it?

15 A The 357 revolver.

16 Q The one you had seen in your house?

17 A Yes, sir.

18 Q You saw it in his hand then?

19 A Yes, sir.

20 Q Total, how long were you all there in the yard before
21 these shots were fired?

22 A Anywhere from six to eight minutes, five to eight
23 minutes.

24 Q Six to eight minutes before the shots were fired. I
25 think you said three to five before Ashley gets out of the

1 vehicle?

2 A Yes, sir.

3 Q Somewhere between a minute or two before - after Ashley?

4 A About, about two minutes after Ashley got back in the
5 truck.

6 Q And who told her to get back in the truck?

7 A Kareem.

8 Q Kareem told her to get back in the truck, and do you hear
9 or see or both the shots into Kevin Bowens?

10 A Both.

11 Q Describe it for us.

12 A I looked back. I see Saire point the gun, shoot him,
13 Kevin falls and he runs over, two more times, he shoots him
14 two more times or runs up on him and shoots him two more
15 times.

16 Q So you see Saire shoot boom ---

17 A And walk up and shoot him.

18 Q --- boom, boom.

19 A Yes, sir.

20 Q What's Kareem Harry doing at this point?

21 A Running back to the truck.

22 Q So he takes off back towards the truck at that point?

23 A Yes, sir.

24 Q Didn't get his TV?

25 A No, sir.

- 1 Q What do you do?
- 2 A Stand there and look at Kevin on the ground.
- 3 Q You in shock?
- 4 A Yes, sir.
- 5 Q Do you ever see anybody else in the yard?
- 6 A When we were leaving and getting in the cars his
- 7 girlfriend or the lady comes out of the house and walks up to
- 8 him.
- 9 Q And describe the lady.
- 10 A She's a white lady.
- 11 Q What color hair?
- 12 A I can't remember, sir.
- 13 Q You're just in shock at this point, you know it's a white
- 14 lady?
- 15 A Yes, sir.
- 16 Q And she comes out of the house?
- 17 THE COURT: Again, yes or no?
- 18 A Yes, sir.
- 19 Q Do you see any neighbors come out of the house?
- 20 A No, sir.
- 21 Q You all get back in the vehicles?
- 22 A Yes, sir.
- 23 Q Who's driving Saire's car?
- 24 A Saire.
- 25 Q Do you know who's driving the red truck at this point?

1 A No.

2 Q Now, whenever you all leave as Saire has pulled
3 headlights facing away from the house on Drayton Court or back
4 towards Kings Grant Drive?

5 A When he pulled out he backed straight out onto the road
6 and then went forward to leave the neighborhood.

7 Q So did kind of a three point turn?

8 A Yes, sir.

9 Q And how about the truck, what did it do?

10 A He backed out the same way and we had to wait for him to
11 move so we could go, too.

12 Q Are you all spinning tires at this point?

13 A I don't remember, sir.

14 Q You all are just leaving?

15 A Yes, sir.

16 Q When you all go to leave do you separate at this point?
17 Did the vehicles separate at this point?

18 A I don't remember, sir. I know we followed them out the
19 neighborhood.

20 Q You followed Kareem Harry's vehicle out of the
21 neighborhood?

22 A Yes, sir.

23 Q And you've just seen Saire Castro shoot somebody?

24 A Yes, sir.

25 Q And you're following Kareem out of the neighborhood. Did

1 Saire say anything to you in the car?

2 A No, sir.

3 Q How about the gun, where is it at this point?

4 A By my feet on the floorboard, sir.

5 Q How'd it get there?

6 A He threw it down there.

7 Q Okay, you all leave out of Kings Grant. Do you remember
8 which direction you go?

9 A Towards the McDowell, Suck Bang Blow, Tournament Road,
10 Tournament Boulevard Road.

11 Q So you ride onto 17 ---

12 A Headed south, headed south.

13 Q --- and then on McDowell Short Cut?

14 A Yes, sir.

15 Q You manage to get on McDowell Short Cut. Anything
16 happen?

17 A Yes, sir. When, when we pulled by Suck Bang Blow at that
18 red light the officer turned around and followed us and then
19 we turned on McDowell and then Saire was saying, "Throw the
20 gun, throw the gun." I said, "Where is it?" He said, "By
21 your feet." I reached down and touched it. By that time I
22 figured I already touched my fingerprints on it, so I threw it
23 out the window.

24 Q Before we get into the stop you said you'd never been in
25 Kings Grant neighborhood before?

- 1 A No, sir.
- 2 Q How about Kevin Bowens, did you know him?
- 3 A No, sir.
- 4 Q A complete stranger to you?
- 5 A Yes, sir.
- 6 Q Weren't going to get your TV?
- 7 A No, sir.
- 8 Q To your knowledge did Saire Castro know KB before that?
- 9 A I couldn't tell you, sir.
- 10 Q You, you and Saire had hung around a lot?
- 11 A Yes, sir.
- 12 Q And you had never seen KB?
- 13 A No, sir.
- 14 Q Now, you all get on McDowell. You said you dump a gun
- 15 out?
- 16 A Yes, sir.
- 17 Q That's the handgun, that 357?
- 18 A Yes, sir.
- 19 Q Saire kept above the cabinet in the house?
- 20 A Yes, sir.
- 21 Q Known to keep it there?
- 22 A Yes, sir.
- 23 Q Known to carry that gun?
- 24 A Yes, sir.
- 25 Q And he tells you dump it out?

1 A Yes, sir.

2 Q And after you dump that gun out what happens?

3 A The police hit the blue lights and we pulled over.

4 Q You all pulled over immediately?

5 A About twenty yards, yes sir.

6 Q Now, while Saire's driving does he make any statements?

7 How - what's his behavior like?

8 A Just bouncing up and down in the car like, "What'd I just

9 do," you know.

10 Q After you get pulled over, Kareem pull over at the same

11 time?

12 A No, sir.

13 Q They keep on getting it?

14 A Yes, sir.

15 Q And what happens once you're pulled over?

16 A They ask Saire, the driver to step out the car, and then

17 they ask me to step out the truck - car.

18 Q You didn't try to run that night?

19 A No, sir.

20 Q And you, you got put under arrest that night, correct?

21 A Yes, sir.

22 Q You were Mirandized, correct?

23 A Yes, sir.

24 Q And you gave a statement to police?

25 A Yes, sir.

1 Q In the course of your statement to police that night,
2 what'd you tell the police with regard to Xanax?

3 A I told them I was sleeping in the car and I didn't know
4 what they were talking about.

5 Q Was that a lie?

6 A Yes, sir.

7 Q And why?

8 A Because I was scared.

9 Q Never seen anybody shot before?

10 A No, sir.

11 Q Did you tell the police about throwing the gun out that
12 night?

13 A No, sir.

14 Q Did you tell the police what your purpose for being in
15 Kings Grant was?

16 A No, sir.

17 Q Freaking out a little bit?

18 A Yes, sir.

19 Q And did there come a time later on that you went back to
20 talk to the police again?

21 A Yes, sir.

22 Q How long after the arrest did you talk to police?

23 A That same night.

24 Q That same night?

25 A Yes, sir.

- 1 Q So within 24 hours you're talking to police?
- 2 A Yes, sir.
- 3 Q And what do you tell them at that point?
- 4 A I told them everything except for I threw the gun.
- 5 Q Did you ever make any attempts to find the gun with
- 6 police?
- 7 A Yes, sir. I told my lawyers and then we, the detectives
- 8 took us out to try to find it.
- 9 Q Were you successful in that?
- 10 A No, sir.
- 11 Q But you all - you did try to?
- 12 A Yes, sir.
- 13 Q You did take some Xanax, correct?
- 14 A Yes, sir.
- 15 Q How high were you at the time of the shooting?
- 16 A On a level one to ten probably about a seven.
- 17 Q Still know what was going on around you?
- 18 A For the most part, yes, sir.
- 19 Q And again, what type of firearm was used in the murder?
- 20 A A 357 revolver.
- 21 Q Had you seen that weapon before?
- 22 A Yes, sir.
- 23 Q Where had you seen it?
- 24 A At my house.
- 25 Q And where at your house?

- 1 A On top of the cabinet.
- 2 Q And who did that murder weapon belong to?
- 3 A Saire Castro.
- 4 Q And it was common knowledge that he kept it there?
- 5 A Yes, sir.
- 6 Q Common knowledge that he carried it?
- 7 A Yes, sir.
- 8 Q When you got home earlier in the evening from helping
- 9 Saire's momma move, what were your plans that night?
- 10 A Just to hang around the house.
- 11 Q So until Kareem Harry came over your, your plans were to
- 12 hang at the house?
- 13 A Yes, sir.
- 14 Q How about Mr. Castro's plans?
- 15 A Same thing.
- 16 Q He was going to hang in the house till Kareem Harry came
- 17 over?
- 18 A As far as I know, yes, sir.
- 19 Q And after he came over what were your plans?
- 20 A To take a ride with Saire.
- 21 Q To do what?
- 22 A To go get Kareem's TV.
- 23 Q To go get that TV, and Kareem Harry led you all the way
- 24 over to Kevin Bowens' house?
- 25 A Yes, sir.

1 Q Kareem's the first one to pull in that yard?
2 A Yes, sir.
3 Q Kareem's the closest one to Kevin Bowens?
4 A Yes, sir.
5 Q No doubt he's looking dead on at him?
6 A Yes, sir.
7 Q Did you ever see Kareem try to leave before the shooting?
8 A No, sir.
9 Q Does he appear scared?
10 A No, sir.
11 Q And you heard Kevin say, "I ain't got your TV and you
12 ain't getting any money"?
13 A Yes, sir.
14 Q And then and only then did Saire Castro shoot Kevin
15 Bowens?
16 A Yes, sir.
17 Q And after the shots you all were starting to leave that's
18 when you see Christine Patterson ---
19 A Yes, sir.
20 Q --- or the girlfriend?
21 A Yes, sir.
22 Q Tommy ---
23 A Yes, sir?
24 Q --- Mr. Chrisco's probably going to ask you some
25 questions, you just try and answer them, okay?

1 A Yes, sir.

2 Q Thank you.

3 THE COURT: Cross Examination.

4 CROSS EXAMINATION

5 BY MR. CHRISCO:

6 Q You said Kareem didn't seem, you said Kareem didn't seem
7 upset or he just stood there in the yard?

8 A Yes, sir; yes, sir.

9 Q How about you?

10 A Was I upset? No, sir.

11 Q Were you afraid?

12 A No, sir.

13 Q It was just one talking to another, was there not?

14 A Yes, sir.

15 Q Then all of a sudden there was a gunshot?

16 A Yes, sir.

17 Q No particular reason?

18 A No, sir.

19 Q How many times has Kareem been to your house?

20 A The one on Burcale, once or twice.

21 Q What about all the houses you've lived on, lived in,
22 544, all the other places?

23 A Good bit of times.

24 Q When he shows up what does he usually want to do?

25 A Either I buy drugs off of him or he buys weed off of me.

- 1 Q And did you, who was the purchaser that night?
- 2 A Can you rephrase that?
- 3 Q Did you sell him some marijuana that night?
- 4 A No, sir.
- 5 Q Did you see Saire take the gun?
- 6 A No, sir.
- 7 Q Did you ever see a gun on Saire?
- 8 A That night, no, sir.
- 9 Q That's not quite true, is it?
- 10 A I seen him have the gun at the shooting, sir. That's the
- 11 only time I seen him have the gun.
- 12 Q Exactly. How did Kareem meet Sage?
- 13 A I'm not quite sure.
- 14 Q Didn't he meet him at your house?
- 15 A I know they met at my house. I didn't know that's the
- 16 first time they initially had met.
- 17 Q When Kareem showed up at your house that night did he
- 18 know that Saire Castro was there?
- 19 A I couldn't tell you that, sir.
- 20 Q I thought you said you answered the door?
- 21 A I said his - Saire's girlfriend could have answered the
- 22 door or he could have walked in my house, sir.
- 23 Q You all have a recording studio somewhere around there,
- 24 is that correct?
- 25 A Yes, sir, a couple of apartment complexes down.

1 Q And you were with Kareem Harry the night before?

2 A I don't remember, sir.

3 Q Till about three a.m. in the recording studio?

4 A I don't remember, sir.

5 Q Where did you get the Xanax that you were taking? Are
6 they prescribed?

7 A No, sir.

8 Q How many had you taken?

9 A About two, sir.

10 Q And what strength were they?

11 A I'm not quite sure of the strength.

12 Q That night when you initially talked with the police you
13 told them that you slept all the way down?

14 A Yes, sir.

15 Q You also told them that when you left you didn't know how
16 they got out and where you got to?

17 A Can you rephrase that?

18 Q You told them you didn't know how you got out of the
19 neighborhood or wherever you got to?

20 A I didn't know how we got out the neighborhood. I didn't
21 drive in the neighborhood, sir.

22 Q You told them that Saire threw the gun out his side of
23 the car?

24 A I told them I didn't know what happened to the gun. I
25 said he could have threw it out his side of his window.

1 Q When you came back to show them where you had - where the
2 gun was thrown what side of the road were you showing them?

3 A My side, sir.

4 Q How many times have you met with the Solicitor?

5 A Twice, sir.

6 Q And how long did each one of those meetings last?

7 A Anywhere from 45 minutes to an hour.

8 Q Are you testifying today for some deal that is being
9 roughly created?

10 A They never offered me no deal, sir.

11 Q You doing this out of the kindness of your heart?

12 A I'm telling the truth, sir. That's what the proffer
13 agreement says, to tell the truth.

14 Q I think the Solicitor said you hope this works out for
15 you, certainly you don't want to go to prison.

16 A Yes, because I hope they take my cooperation into
17 consideration.

18 Q You get off scot-free? Is that what you want?

19 A That's what I deserve because I had nothing to do with
20 it, sir.

21 Q You didn't tell the police all this stuff that night.

22 A No, sir, because I was scared.

23 Q And a proffer agreement makes you unafraid?

24 A No, sir. It was already said and done when I signed that
25 proffer agreement.

1 Q You never heard any conversation between Kareem or Saire,
2 did you?

3 A No, sir.

4 Q You testified earlier that Saire said they were, you all
5 were going to get a television?

6 A Yes, sir. He told me on the ride, sir.

7 Q What did that mean to you?

8 A That we were going to get Kareem's TV.

9 Q Big TV?

10 A I didn't know the size, sir. I knew it was a TV.

11 Q Well, if I told you it was a 47 inch television, pretty
12 good size?

13 A That's a pretty good size.

14 Q So you don't know what in the world that they were
15 talking about?

16 A No, sir.

17 Q And when was the first time you realized that Saire had
18 the gun?

19 A When he pulled down and shot him, sir.

20 Q Now you had known Saire for seven years?

21 A Yes, sir.

22 Q He was two years older?

23 A Yes, sir.

24 Q Ever been in trouble before?

25 A He has gotten in trouble prior weeks to this happening.

- 1 Q What kind of trouble was that?
- 2 A He had got caught with pistols and drugs, sir, with a kid
- 3 in the car.
- 4 Q Was he a bully or ---
- 5 A No, he wasn't a bully, sir.
- 6 Q He, he lived with you for about a month and a half?
- 7 A About three weeks, sir.
- 8 Q Oh, about three weeks. Ever cause any trouble there at
- 9 the house?
- 10 A No, sir.
- 11 Q Ever give you any indication that he was this type of
- 12 person?
- 13 A Not towards me sir, no, sir.
- 14 Q You hung around with him a lot over the seven years,
- 15 didn't you?
- 16 A Yes, sir.
- 17 Q Did he ever display any of this behavior before?
- 18 A No, sir, he wasn't a violent person, sir.
- 19 Q Did you ever see him threaten or did you ever see him
- 20 threaten people?
- 21 A No, sir, not with no guns, sir.
- 22 Q So when he shot that night were you surprised?
- 23 A Yes, I was surprised, sir.
- 24 Q Did you run that night?
- 25 A Excuse me, sir?

- 1 Q Did you run that night?
- 2 A Did I run?
- 3 Q Uh-huh.
- 4 A No, sir, I hopped back in the car.
- 5 Q Excuse me?
- 6 A I hopped back in his car, in Mr. Castro's car.
- 7 Q You hopped from where you were standing into the car?
- 8 A No, I walked fast, sir. I was still in shock, sir.
- 9 Q In fact I think you told the police that you couldn't
- 10 remember anything because you were shell-shocked?
- 11 A Yes, sir.
- 12 Q Do you remember saying that?
- 13 A Yes, sir. I was scared, sir.
- 14 Q Now, when you talked to the police, I think you said you
- 15 were at a seven as far as being under the influence of the
- 16 Xanax. You were at - on a scale of ten, you were at a seven?
- 17 A Yes, sir.
- 18 Q How long after your car was pulled over ---
- 19 A It wasn't my car, sir.
- 20 Q Well, how long after the car that you were riding in was
- 21 pulled over before you were transported to talk with the
- 22 detectives?
- 23 A About 45 minutes after the car is pulled over they
- 24 transported us to Holmestown.
- 25 Q And were you the first one that they talked with?

- 1 A I'm not sure, sir. I was in a room by myself.
- 2 Q And how long did you have to wait in the room before
- 3 someone came to talk with you?
- 4 A About 10 or 15 minutes.
- 5 Q So it's about an hour or so after you were stopped?
- 6 A Yes, sir.
- 7 Q Now, did you have a, a timepiece, a watch on?
- 8 A No, sir.
- 9 Q So you're just guessing at the time?
- 10 A Yes, sir, estimation, sir.
- 11 Q Did you go to sleep in the room?
- 12 A No, sir.
- 13 Q Were you handcuffed in the room?
- 14 A No, sir.
- 15 Q Could you have left if you wanted to?
- 16 A Would I have left?
- 17 Q No, I said could you have left if you wanted to?
- 18 A If I wanted to, but I didn't want to, sir.
- 19 Q Why was that?
- 20 A Because I didn't do nothing.
- 21 Q And you wanted to tell the truth and set, set it
- 22 straight?
- 23 A I wanted Mr. Castro to own up to what he did, sir.
- 24 Q But you were there to tell the truth?
- 25 A That night, sir, yes, I did.

1 Q You lied.

2 A I did.

3 Q Why?

4 A Because, because I was scared, I just seen someone get
5 killed in front of my eyes. I'm 19 years old. I was scared.

6 Q You didn't have anything to do with it, did you?

7 A No, hands of one hands of all down here in South
8 Carolina, sir.

9 Q You knew that at the time?

10 A I know the law, sir.

11 Q You know the law?

12 A Most of them, yes, sir.

13 Q Are you being truthful when you make that statement?

14 A Yes, sir.

15 Q If that's so you would know that lying to the police,
16 giving false information to the police is also a crime, too.

17 A Yes, sir, it is.

18 Q Have you been charged with that?

19 A No, sir.

20 Q Is that part of that agreement, too?

21 A No, sir.

22 MR. CHRISCO: The Court's indulgence?

23 THE COURT: Yes, sir.

24 BY MR. CHRISCO:

25 Q When did you tell the police that it was you that threw

- 1 the weapon out the window?
- 2 A Approximately about a month and a half afterwards.
- 3 Q Month and a half after?
- 4 A Yes, sir.
- 5 Q Now, when you were standing beside, you were standing
- 6 beside the victim, is that right?
- 7 A No, sir.
- 8 Q Just trying to figure out. You said they were standing
- 9 over here and you were about right where you are?
- 10 A Yes, sir.
- 11 Q Where was Kevin Bowens, the person that was shot?
- 12 A If that right there that wall was the BMW, Kevin would,
- 13 Kevin would be at that.
- 14 Q This would be the BMW?
- 15 A That's the BMW, Kevin would be standing right there.
- 16 Q Now, is that the back of the BMW?
- 17 A Yes, sir.
- 18 Q And that's the front?
- 19 A Yes, sir.
- 20 Q And you were standing?
- 21 A Right here, sir.
- 22 Q So you were five or six feet away from the BMW?
- 23 A About 10 to 12 feet standing by Saire's car on the grass,
- 24 sir.
- 25 Q He was facing this way?

1 A Yes, sir.

2 Q So you saw his left side?

3 A Yes, sir.

4 Q You, you know the law so well, what is the sentence range
5 for murder?

6 A It'd be 25 to life, right, sir?

7 Q No, it's 30 years day for day to life, but you don't have
8 to worry about that, do you?

9 A I don't know, sir. I might.

10 Q According to the Solicitor.

11 A He hasn't promised nothing, sir.

12 Q You lied that night to the police. Don't you think that
13 if you would have told the truth maybe they could have
14 investigated a little bit differently?

15 A Yes, sir.

16 Q Now, that month and a half later that you go to the
17 police do you go by yourself?

18 A No, sir.

19 Q Who do you go with?

20 A My lawyer and the two detectives, sir.

21 Q So you met your lawyer over there and then you all
22 talked?

23 A I met him at J. Reuben, sir.

24 MR. CHRISCO: Court's indulgence one more time.

25 THE COURT: Yes, sir.

1 BY MR. CHRISCO:

2 Q Did you that night standing 10, 12 feet away see Kareem
3 Harry with a gun shoot somebody?

4 A No, sir.

5 Q Did you that night or any other time hear Kareem Harry
6 arrange anything?

7 A No, sir.

8 Q Going to get a television means a lot of things, does it
9 not?

10 A Means going to get a television.

11 MR. CHRISCO: No further questions.

12 THE COURT: Redirect?

13 MR. RICHARDSON: None, Your Honor.

14 THE COURT: You may step down. Do you wish the
15 witness to be excused?

16 MR. RICHARDSON: I would ask that the witness be
17 excused, Your Honor.

18 THE COURT: And objection to that?

19 MR. CHRISCO: No, Your Honor.

20 THE COURT: All right, sir, you're released from your
21 subpoena. All right, counsel, you all come over here and talk
22 to me for a second.

23 (Whereupon, a bench conference is held in the presence
24 but out of the hearing of the jury.)

25 MR. RICHARDSON: Your Honor?

1 THE COURT: Yes, sir?

2 MR. RICHARDSON: For purposes of scheduling tomorrow.

3 THE COURT: All right, you all come up here and talk
4 to me.

5 (Whereupon, a bench conference is held in the presence but out
6 of the hearing of the jury.)

7 THE COURT: Good deal, thank you.

8 All right, who's the next witness, Solicitor?

9 MR. HOLFORD: Your Honor, the State calls Ginger Pop to
10 the stand. She's going to get her notes.

11 THE COURT: All right, all right, very good.

12 Whereupon, Ginger Pop is called to the stand, duly sworn
13 by the clerk and testified as follows:

14 THE CLERK: Please state your name and spell your last
15 name.

16 MS. POP: Ginger Pop.

17 THE COURT: All right, ma'am, can you sit, sit
18 directly behind the microphone, please, ma'am. Speak directly
19 into the microphone. Thank you, go ahead, Solicitor.

20 DIRECT EXAMINATION

21 BY MR. HOLFORD:

22 Q Good afternoon, Ms. Pop. How are you this afternoon?

23 A I'm good. How are you?

24 Q Can you tell this jury where you work?

25 A I'm an investigator with the Solicitor's Officer here.

1 Q And can you tell the jury your involvement in this case?

2 A My only involvement was last Friday I was asked to go
3 take some mileage from different locations.

4 MR. HOLFORD: Your Honor, may I approach the witness
5 with what has been marked as State's 61 for ID?

6 THE COURT: Yes, sir.

7 MR. HOLFORD: The record will reflect I'm showing
8 opposing counsel State's 61.

9 MR. CHRISCO: No objection, Your Honor.

10 BY MR. HOLFORD:

11 Q Ms. Pop, can you identify this exhibit?

12 A Yes, those are the locations I was asked to take distance
13 between.

14 Q And are you familiar with this area of Horry County?

15 A Not really.

16 Q Did you, what did you do on that day that you were asked
17 to take distances?

18 A I was given locations to go to and the roads to travel
19 and to document the distance from each - from this destination
20 to that destination, from this road to that road and so that's
21 what I did.

22 Q And are you familiar with those areas now?

23 A Yes.

24 MR. HOLFORD: Your Honor, I would ask that State's 61 be
25 entered in evidence.

1 THE COURT: I understand there's no objection, is that
2 correct?

3 MR. CHRISCO: That's correct, Your Honor.

4 THE COURT: All right, so, State's 61 is in evidence
5 without objection.

6 (State's Exhibit Number 61 [Poster - Map] admitted into
7 evidence and appropriately marked.)

8 MR. HOLFORD: Your Honor, may I publish?

9 THE COURT: You may do so.

10 MR. HOLFORD: May I ask that the witness come off the
11 stand? I'll have her stand right next to the microphone.

12 THE COURT: All right, and you need to keep your voice
13 up, ma'am.

14 A Yes, sir.

15 Q This is a microphone. Please speak loud enough so the
16 court reporter can hear you.

17 Now, what was the first location I asked you to go from
18 and to?

19 A The first location that I was asked to go from and to was
20 the Waccamaw ER in the Murrells Inlet Section of Georgetown
21 County to an address of [REDACTED], which is in the
22 Murrells Inlet Section of Horry County.

23 Q And by your notes can you tell how far that is?

24 A 2.9 miles.

25 Q Is how far it took you in your car?

- 1 A Yes, sir.
- 2 Q About how long did it take you?
- 3 A 15 minutes or so, I started at 14:29 and I would have
4 ended at 14:37. It didn't take long at all.
- 5 Q Would that be eight minutes difference.
- 6 A I'm not good at math, yes, yes.
- 7 Q And what was the second distance I asked you to go?
- 8 A I went back to the Waccamaw ER in the Murrells Inlet
9 Section of Georgetown County and went to [REDACTED] in
10 the Myrtle Beach Section of Horry County.
- 11 Q And can you tell by your notes which direction you drove?
- 12 A Yes, I can. I left the ER and I went to Highway 707. I
13 went 10 miles and then I took Dick Pond Road and then I took
14 Forestbrook Road to McCormick to Burcale, to the [REDACTED]
15 [REDACTED].
- 16 Q Is this McCormick here?
- 17 A Yes.
- 18 Q And this is Forestbrook?
- 19 A Yes.
- 20 Q And this is Dick Pond?
- 21 A Correct.
- 22 Q And this is Burcale?
- 23 A Yes, sir.
- 24 Q About how long, how many miles did that take?
- 25 A 16.3.

- 1 Q About how many minutes, can you tell?
- 2 A I started at, let's see, was it 14:42 and ended at 15:16.
- 3 Q Does that sound like 34 minutes to you?
- 4 A Yes, it does.
- 5 Q And what was your third location that I asked you to
- 6 travel from?
- 7 A I went from [REDACTED] in the Myrtle Beach Section
- 8 of Horry County back to [REDACTED] in the Murrells
- 9 Inlet Section of Horry County.
- 10 Q And how many miles was that?
- 11 A 11.6.
- 12 Q And about how long did it take you?
- 13 A With traffic that day, I started at 15:16 and ended at
- 14 15:58.
- 15 Q About 32 minutes?
- 16 A Correct.
- 17 Q Have you added these numbers up? I don't believe I asked
- 18 you to do that before. Have you added the total from Waccamaw
- 19 up to Burcale back down to Drayton?
- 20 A Waccamaw to Burcale, no, I have not. The each ending
- 21 mileage is what you're asking me, Solicitor?
- 22 Q The total mileage.
- 23 A The total, the whole, all three trips together?
- 24 Q The 16.3 plus 11.6.
- 25 A I did not add that up.

1 Q Would that be 27.9?

2 A Yes, it would.

3 Q Does it sound correct?

4 A Yes, it does.

5 Q And the 34 minutes plus 32 minutes would be 66 minutes.
6 Does that sound right?

7 A Thank you, you're catching me off guard, yes.

8 Q I'm sorry. I didn't ask you to do this math before. I
9 apologize.

10 A Thank you.

11 Q And one more time, the distance from here to here, the
12 first distance I asked you to go?

13 A I think it was, what did we say 2. ---

14 THE COURT: From here to here is where, Solicitor, for the
15 record?

16 MR. HOLFORD: Excuse me, Your Honor.

17 Q (By Mr. Holford) From Waccamaw to Drayton Court.

18 A From the Waccamaw ER Community Hospital to [REDACTED]

19 [REDACTED] was 2.9 miles.

20 Q Thank you, Ms. Pop. I have no further questions, Your
21 Honor.

22 THE COURT: All right, if you'd take the witness
23 stand. Cross examination.

24 MR. CHRISCO: Just a few. Can we get rid of the ---

25 THE COURT: Yes, sir, would you take the ---

1 MR. HOLFORD: Yes, Your Honor.

2 THE COURT: Ma'am, you go ahead and have a seat.

3 CROSS EXAMINATION

4 BY MR. CHRISCO:

5 Q Did you measure it all three ways that you can get from
6 Burcale Road down to Waccamaw Hospital?

7 A Did I measure it ---

8 Q All three different ways?

9 A I measured it the direction I was told to go, yes, but I
10 mean, I did three separate measurements on that day.

11 Q Three separate ways to get from Waccamaw Hospital to
12 Burcale Road?

13 A No, I only went one particular way.

14 Q Which way was that?

15 A From the Waccamaw ER to Burcale ---

16 Q Uh-huh.

17 A --- was when I did the Dick Pond Road to Forestbrook to
18 McCormick to Burcale.

19 Q Okay, you didn't go up 707?

20 A I did go up 707 to Dick Pond Road.

21 Q Okay, you didn't go up 17 North?

22 A I came back 17 North, 17 South.

23 Q Okay, did you go up to the George Bishop and go over that
24 way?

25 A When I came back south to [REDACTED] I did do George

1 Bishop.

2 Q So, you ---

3 A When I left [REDACTED] I went to Clay Pond to George
4 Bishop to Highway 17 Bypass South.

5 Q And you were told what roads to take to measure this;
6 right?

7 A Correct.

8 Q And what time did you do this?

9 A I began around three, 2:30, three o'clock last Friday
10 afternoon.

11 Q A lot of traffic on the road on a Friday afternoon; is it
12 not?

13 A It was busy.

14 Q Be less traffic on the road 7:30, eight o'clock at night;
15 would it not?

16 A I would imagine.

17 Q Thank you.

18 A Thank you.

19 MR. CHRISCO: No further questions.

20 THE COURT: Any redirect?

21 MR. HOLFORD: No, Your Honor.

22 THE COURT: All right, you may step down.

23 Any reason the witness should not be excused?

24 MR. HOLFORD: No, Your Honor.

25 MR. CHRISCO: None from the Defense.

1 THE COURT: All right, is the State ready to proceed?

2 MR. HOLFORD: Yes, Your Honor.

3 THE COURT: All right, and the Defense?

4 MR. CHRISCO: Yes, Your Honor.

5 THE COURT: All right, very good.

6 All right, ask the jury to come in then, please.

7 (Whereupon, the following takes place in the presence of
8 the jury.)

9 THE COURT: All right, Solicitor, your next witness,
10 please?

11 MR. HOLFORD: The State calls Captain Brian McGarrahan.

12 THE COURT: All right, sir. Please come around to be
13 sworn, sir.

14 Whereupon, Brian Thomas McGarrahan is called to the
15 stand, duly sworn by the clerk and testified as follows:

16 THE CLERK: Please be seated. Please state your full
17 name and spell your last.

18 MR. MCGARRAHAN: Brian Thomas McGarrahan, M-C-G-A-R-R-
19 A-H-A-N.

20 DIRECT EXAMINATION

21 BY MR. HOLFORD:

22 Q Captain McGarrahan, will you tell this jury a little bit
23 about what you do?

24 A I'm a firefighter with the Horry County Fire Rescue
25 serving currently in the capacity as a captain. I've been a

1 member of the department for 18 years.

2 Q And unrelated to this case did you have a late night last
3 night?

4 A I did.

5 Q Pretty tired right now?

6 A I am.

7 Q Did you just get off?

8 A I did.

9 Q I'm going to try and make this as quick and painless as I
10 can, but we need to talk about some, some events that actually
11 relate to this case. Where do you live?

12 A [REDACTED] in Murrells Inlet, South Carolina.

13 Q And where, where on [REDACTED] do you live?

14 A [REDACTED].

15 Q How is that in relation to Drayton Court?

16 A It's right across the street about 150 feet from, from
17 Drayton Court.

18 Q And do you know where Christina Patterson and Kevin
19 Bowens live?

20 A Yes.

21 Q Where would they live in relation to your house?

22 A Directly across the street, the side of their house faces
23 mine.

24 Q And do you remember March 1st, 2011?

25 A I do.

1 Q What happened on that date?

2 A That was the night that Mr. Bowens was shot in front of
3 his house. I was actually asleep when it began. Something
4 woke me up. I'm not sure what that was and then immediately
5 after I woke up there were three gunshots.

6 Q So, it wasn't a gunshot that woke you up?

7 A No, it was not.

8 Q It was something else ---

9 A Yes, sir.

10 Q --- but you can't be sure.

11 A Yes.

12 Q What'd you do when you woke up?

13 A I immediately exited my house. As I was going through my
14 house I checked with my kids. They were, they were okay. I
15 yelled at them to go to their room and I went out the front
16 door.

17 Q So, did you hear the gunshots when you were inside or
18 outside the house?

19 A I was inside.

20 Q When you got outside what did you see?

21 A I saw two vehicles going from right to left from my point
22 of view leaving from Kevin's house and then I went - as I was
23 going across or going out through my driveway I could see him
24 laying in the front yard and I immediately went to him.

25 Q Do you know what kind of vehicles these were?

1 A There was a truck and a car.

2 Q Can you identify them any further?

3 A Not, not now I cannot.

4 Q What'd you do after you saw the vehicles leave and you
5 saw Kevin laying there?

6 A Had a brief exchange with my neighbor who he was coming
7 out of his front door. He said he was going to the front
8 where they were going and then I saw Kevin over there and I
9 went immediately to him.

10 Q What'd you do when you got to Kevin?

11 A Did a quick assessment. As I got over to him I saw him
12 take one agonal respiration, did a quick assessment. I found
13 one gunshot wound on his, I believe it was his right lower
14 back and then another person came up. I instructed him to
15 maintain C-spine, which is to hold his head straight. Gunshot
16 victims can have massive trauma and you want to maintain
17 cervical spine to prevent any further injury. We rolled him
18 onto his back and found another gunshot wound center chest and
19 checked pulse, pulse in three places, found him to be
20 pulseless and he was not breathing.

21 Q Now, you said that you're currently with the Horry County
22 Fire Department. How long have you been with the Fire
23 Department?

24 A 18 years.

25 Q And are you trained as an EMT as well?

1 A I am.

2 Q And how long have you been trained as an EMT?

3 A 18 years.

4 Q You said something at the very beginning. I'm not going
5 to be able to pronounce it correctly, agural [spelled
6 phonetically] ---

7 A Agonal respiration.

8 Q Respiration, will you please explain what that is?

9 A An agonal respiration is basically the body's last ditch
10 effort to overload its cells with oxygen. It's, it's a, a
11 condition that's basically end stage, in irreversible shock.

12 Q Was Kevin alive at this point?

13 A No.

14 Q You said you saw one shot on his side?

15 A Yes.

16 Q You rolled him over and he had a shot in his chest.

17 A Center chest, yes.

18 Q What did you do after this?

19 A Like I said I checked a pulse in three places, also did a
20 modified jaw thrust which did not create any respiratory
21 effort and it was within a few seconds later that I was
22 actually on the phone with the dispatcher and I said that he
23 was pulseless and apenic, which means no respirations, and
24 that injuries incompatible with life.

25 Q So, at this point he was ---

1 A I, I would have termed him dead, yes, with the diagnostic
2 equipment that I had, which was just my senses.

3 Q Anyone arrive on the scene after that?

4 A Yes, Murrells Inlet Fire Department arrived on the scene
5 initially and they did a quick assessment using a LifePak 12
6 monitor, cardiac monitor and found him pulseless electrical
7 activity, which is basically just the heart's - heart
8 continuing to try to provide electrical current and a rate of
9 around 20.

10 Q If you have an electrical current but you have no pulse
11 can you be brought back from that?

12 A In the medical situations, yes, in trauma situations
13 typically no.

14 Q Which was this, a medical or a trauma?

15 A This would have been a trauma situation.

16 Q Did you have any further involvement after that point,
17 after that?

18 A When they determined him to have pulseless electrical
19 activity they did initiate resuscitative measures and I
20 provided bag valve mask resuscitation to breath for him.

21 Q Were you, were you able to resuscitate him?

22 A No, not in the, the approximately one minute that I
23 performed that and then they took him into the ambulance and
24 it was shortly thereafter they transported.

25 Q Thank you, Captain. Please answer any questions the

1 Defense may have for you.

2 A Yes, sir.

3 THE COURT: Cross examination

4 MR. CHRISCO: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MR. CHRISCO:

7 Q Good morning.

8 A Good morning.

9 Q You said you were asleep when you heard something?

10 A Yes, sir.

11 Q Were you undressed and had to dress or were you already
12 dressed?

13 A No, I was undressed and I did not dress.

14 Q And how long did it take you to get out of the house?

15 A I was probably at Kevin within 40 seconds.

16 Q And once you got there who was there?

17 A There was nobody there when I got there.

18 Q Okay, how was he laying at that point?

19 A I believe he, I believe he was laying on his right side.

20 Q And did you leave him as he was or did you move him in
21 any way?

22 A No, when a - another person got there within a few
23 seconds after I did and that was when I instructed that person
24 to take C-spine and we log-rolled him onto - into a supine
25 position laying flat on his back.

1 Q And who was this person?

2 A I am not sure.

3 Q Was it a neighbor?

4 A I've - the person I have not seen before nor since.

5 Q When you were working with Mr. Bowens that night did you
6 see any items on his person or about him?

7 A A firearm.

8 Q And what type of firearm was this?

9 A I am not positive. It, it fell out of his waistband.

10 Q Did you - when you gave a statement to the police did you
11 tell them that there was a weapon that fell out of his
12 waistband?

13 A I'm not sure if I did or not.

14 Q If I told you that you didn't.

15 A Then that would be correct. I have not read that
16 statement since, since that night.

17 Q When - you think that's important?

18 A I don't know. I - when I'm typically outside of work I
19 have a firearm on me.

20 Q Did you see any other item?

21 A No, I did not.

22 Q Did you at any time within your presence see anyone
23 remove the weapon?

24 A No, I did not.

25 Q Did you - at any time in your presence did you see anyone

1 remove anything else?

2 A No, I did not.

3 Q Describe the person that you haven't - you seen that
4 night and have not seen since.

5 A Short guy, close-cropped hair, probably about five-six,
6 five-seven, dark complexion, I think. I'm not even sure he
7 was dark.

8 MR. CHRISCO: No further questions, Your Honor.

9 THE COURT: Any redirect?

10 MR. HOLFORD: Briefly, Your Honor.

11 THE COURT: Yes, sir.

12 REDIRECT EXAMINATION

13 BY MR. HOLFORD:

14 Q Captain, you mentioned a statement you gave to police
15 that night; did you not?

16 A I'm sorry?

17 Q You mentioned you gave a statement to police?

18 A I did.

19 Q A written statement?

20 A Yes, I did.

21 Q Was that your only statement?

22 A Yes.

23 Q And so, if you did not mention a firearm in there ---

24 MR. HOLFORD: Your Honor, may I approach the witness
25 with this?

1 THE COURT: Yes, sir.

2 BY MR. HOLFORD:

3 Q Just to refresh your recollection I believe opposing
4 counsel alluded to you mentioning a weapon in your statement.
5 Could you find that in there?

6 MR. CHRISCO: Your Honor, I think the question was
7 misunderstood. It was quite ---

8 A If it ---

9 THE COURT: Well, just, just, gentlemen ---

10 A No, no, I, I did not and I believe he said that if, if I
11 did not put it in there.

12 Q Thank you. No further questions.

13 THE COURT: Anything on that particular question?

14 MR. CHRISCO: No, Your Honor.

15 THE COURT: All right, very good. You may step down,
16 sir, or do you wish the witness to be excused?

17 MR. RICHARDSON: I would ask that he be excused so he
18 can go home and get some sleep, Your Honor.

19 THE COURT: Any objection?

20 MR. CHRISCO: No objection, Your Honor.

21 THE COURT: All right, sir, you're released from your
22 subpoena, may go back to your regular activities. Thank you,
23 sir.

24 All right, next witness, Solicitor.

25 MR. RICHARDSON: Your Honor, if we may approach on

1 this one.

2 THE COURT: Certainly.

3 (Whereupon, a bench conference is held in the presence
4 but out of the hearing of the jury.)

5 THE COURT: All right, ladies and gentlemen, there is
6 a short matter that I have to take up outside your presence.
7 It'll take about two, three minutes. Go to your jury room and
8 I'll call you right back out. Thank you.

9 (Whereupon, the following takes place outside the
10 presence of the jury.)

11 THE COURT: All right, Mr. McPhail?

12 MR. MCPHAIL: Yes, sir.

13 THE COURT: All right.

14 MR. RICHARDSON: And Your Honor, we would have covered
15 this earlier. Mr. McPhail had some car trouble this morning.

16 MR. MCPHAIL: Yes, sir.

17 THE COURT: That's all right. It's not a problem.
18 We're just - you can stay, stay right there is fine.

19 Now, as I understand it, Mr. Guest, you represent the
20 interest of Mr. McPhail; is that right?

21 MR. GUEST: Yes, Your Honor.

22 THE COURT: All right, and Solicitor, Mr. McPhail is
23 charged in this particular action?

24 MR. RICHARDSON: Yes, sir, he is charged with
25 accessory after the fact to the felony of murder.

1 THE COURT: All right, very good, and as I understand
2 it with your assistance, Mr. Guest, the - Mr. McPhail has
3 entered into a proffer agreement with the State of South
4 Carolina; is that correct?

5 MR. GUEST: That's correct, Judge.

6 THE COURT: All right, very good. Now, have you
7 explained to him regarding his testimony in this matter and
8 the waiver of his Fifth Amendment Rights and the protections
9 given to him not to incriminate himself?

10 MR. GUEST: I have, Your Honor.

11 THE COURT: All right, sir, and have you had
12 sufficient time to discuss his testimony and any ramifications
13 therefrom?

14 MR. GUEST: I have.

15 THE COURT: All right, very good, and Mr. McPhail, you
16 have discussed this with your attorney; correct?

17 MR. MCPHAIL: Yes, sir.

18 THE COURT: All right, sir, can you take your hands
19 out of your pocket, please, and you understand that by
20 testifying in this case you would be waiving your Fifth
21 Amendment protection?

22 MR. MCPHAIL: Yes, sir.

23 THE COURT: All right, sir, and that if you decide to
24 testify and start answering questions you'll be required by
25 the Court then to fully respond to any questions that the

1 State or the Defense asks you. You understand that?

2 MR. MCPHAIL: Yes, sir.

3 THE COURT: All right, very good. Thank you very
4 much.

5 All right, you all just have a seat for just a minute.
6 Anything else from the State?

7 MR. RICHARDSON: No, sir, Your Honor.

8 THE COURT: For the Defense?

9 MR. CHRISCO: No, Your Honor.

10 THE COURT: You want to check and see if they're ready
11 to come back in and if they are bring the jury back in,
12 please.

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

15 THE COURT: All right, Solicitor, your next witness,
16 please.

17 MR. RICHARDSON: Thank you, Your Honor. The State
18 would call Sage Lee McPhail.

19 THE COURT: All right, sir, please come around, sir,
20 and meet the clerk over here at the corner.

21 Whereupon, Sage Lee McPhail was called to the stand, duly
22 sworn by the clerk and testified as follows:

23 THE CLERK: Please state your full name and spell your
24 last name.

25 MR. MCPHAIL: Sage Lee McPhail, M-C-P-H-A-I-L.

1 DIRECT EXAMINATION

2 BY MR. RICHARDSON:

3 Q Good morning, Mr. McPhail.

4 A How you doing, sir?

5 Q Thank you for being with us today. Can I call you Sage?

6 A Yes, sir.

7 Q Sage, could you please tell us a little bit about
8 yourself, where you're from, how you arrived in Horry County,
9 South Carolina.

10 A I was born in Maine. I've lived down here since I was
11 one, so. I do carpentry work, remodeling. I got my own
12 business now, make myself better.

13 Q Okay, and I know you're a little bit nervous.

14 A Nervous.

15 Q But if you'll just try to speak into the microphone,
16 okay?

17 A Yes, sir; yes, sir.

18 Q And when did you move to Horry County?

19 A When I was one.

20 Q When you were born.

21 A Basically, yes, sir.

22 Q So you've pretty much lived here your entire life?

23 A Yes, sir.

24 Q Born in Maine, down here though.

25 A Yes, sir.

1 Q Back in 2011 where were you living?

2 A I was living in Loris.

3 Q Loris, and that's on the north end of the county;
4 correct?

5 A Yes, sir.

6 Q Tell me about Tommy Byrne, you know him?

7 A Yes, sir.

8 Q How do you know Tommy?

9 A From Middle School, St. James Middle School.

10 Q And St. James Middle School where is that located, which
11 end of the county?

12 A I'm trying to think. It's right, right by, I guess,
13 Socastee or Myrtle Beach.

14 Q South end of the county?

15 A Yes, sir.

16 Q Away from Loris though.

17 A Yes, sir, definitely.

18 Q And so, you met him in middle school.

19 A Yes, sir.

20 Q You went to school with him?

21 A Yes, sir.

22 Q What's your degree of friendship back in middle school at
23 least?

24 A Well, I mean, we were good, we hung out all the time.

25 Every once in a while I'd spent the night at his house. We

1 just - we're just good friends.

2 Q And that's whenever you all were kids?

3 A Yes, sir.

4 Q Now, did there come a time when you all grew apart?

5 A When I moved to Loris my ninth grade year. I moved to
6 Loris and I didn't see any of my friends for about two years.

7 Q Didn't see any of your friends from St. James when you
8 moved to Loris?

9 A Yes, sir.

10 Q And educationally did you graduate from Loris High
11 School?

12 A No, sir, I wanted to work.

13 Q So you dropped out?

14 A Yes, sir.

15 Q And when was that?

16 A That was - I was 16, so.

17 Q And how old are you now?

18 A 21, about to turn 22 this month, yes, sir.

19 Q Okay, so about five years ago?

20 A Yes, sir.

21 Q Even though you'd moved to Loris did you see Tommy from
22 time to time after you moved to Loris?

23 A No, sir, I think I stopped by his house one time and he
24 wasn't there. I seen his parents.

25 Q Did there come a time after you moved to Loris when you

1 kind of hooked back up with Tommy?

2 A Yes, sir, that was when I worked at the hotel. I started
3 - I seen him and we started hanging out from then.

4 Q Which hotel?

5 A Caribbean Resort and Villa.

6 Q And where is that located?

7 A Right there in Myrtle Beach on 21st Avenue.

8 Q Now, when did you begin working at the Caribbean Beach
9 Motel?

10 A I was 19, so, yes, sir, two years ago, three.

11 Q About two years ago.

12 A Almost three, yeah, yes, sir.

13 Q 2010, 2011, somewhere in there?

14 A Yes, sir.

15 Q And you said you ran into Tommy again and you all began
16 hanging out.

17 A Yes, sir.

18 Q Now, when you and Tommy would hang out what would you do,
19 miniature golf, see a movie, what would you do?

20 A We would just hang out at his house every once in a
21 while, we'd just, we'd just go out, have some fun, stayed at
22 the house most of time though.

23 Q And where was his house?

24 A I'm trying to think, right there by the, the roller
25 coaster there. I don't know the street, sir.

- 1 Q Over near the Hard Rock Park?
- 2 A Yes, sir; yes, sir.
- 3 Q And is that Courtyard II Apartments?
- 4 A Yes, sir.
- 5 Q So that's where Tommy was living. It was an upstairs
- 6 apartment?
- 7 A Yes, sir.
- 8 Q And you all would hang out there in his apartment and it
- 9 might be a little bit embarrassing, but tell us about any drug
- 10 use you may have had back then.
- 11 A Yes, sir, I would smoke weed.
- 12 Q Anything else?
- 13 A Cocaine every once in a while, yes, sir.
- 14 Q Okay, so, you'd smoke some weed?
- 15 A Yes, sir.
- 16 Q That's marijuana?
- 17 A Yes, sir.
- 18 Q And you'd do cocaine every now and again?
- 19 A Yes, sir.
- 20 Q And when you got the weed or you got the cocaine where
- 21 did you get them?
- 22 A From there.
- 23 Q From Tommy?
- 24 A Yes, sir.
- 25 Q From anybody else?

1 A Yes, sir.

2 Q Who else?

3 A Kareem.

4 Q So, you got cocaine or marijuana from Kareem as well?

5 A Yes, sir.

6 Q Now, you said, I believe now you have a carpentry,
7 handyman business type?

8 A Yes, sir.

9 Q But back then you were working at did you say Caribbean
10 Beach Resort?

11 A Caribbean Resort and Villa, yes, sir.

12 Q What kind of work did you do there?

13 A I was a maintenance man. I ran all the buildings there
14 at night.

15 Q Okay, so, you were working night shift?

16 A Yes, sir.

17 Q And what were your hours, midnight?

18 A Three to midnight, yes, sir.

19 Q Now, at that time did you have any other skills that you
20 used, make any side money or anything?

21 A Yes, sir, being a carpenter I did stuff on the side.

22 Q Did you ever do any kind of mechanical work?

23 A Yes, sir, I worked on my own vehicles. Whenever I had a
24 chance I'd help, help somebody out if they needed it, you
25 know.

- 1 Q Who'd you learn how to do mechanical work from?
- 2 A My uncle.
- 3 Q Okay, did you have your own mechanical tools?
- 4 A Yes, sir, my - well, my uncle did.
- 5 Q And where'd your uncle live?
- 6 A In Loris.
- 7 Q Okay, so, if you were working on cars it was in Loris?
- 8 A Yes, sir.
- 9 Q How about Ashley Bledsoe, did you know her?
- 10 A Not very well, but I knew her, yes, sir, seen her a few
- 11 times.
- 12 Q And how did you know Ashley?
- 13 A Through Kareem.
- 14 Q Through Kareem?
- 15 A Yes, sir.
- 16 Q How about Saire Castro, did you know him?
- 17 A Yes, sir, that was - because he used to hang out with
- 18 Tommy whenever they were younger whenever we went to middle
- 19 school together and I'd see him every once in a while and then
- 20 I got to know him more whenever I went to Tommy's house later
- 21 on.
- 22 Q And why'd you get to know him better whenever he was at
- 23 Tommy's house?
- 24 A Because he was always there.
- 25 Q He was always there?

- 1 A Yes, sir.
- 2 Q Do you know where he was living at that point?
- 3 A With Tommy.
- 4 Q So, he was living at Courtyard II Apartments?
- 5 A Yes, sir.
- 6 Q And you'd been over there when Saire was there?
- 7 A Yes, sir.
- 8 Q How about Kareem, had you ever seen him over there?
- 9 A No, sir.
- 10 Q Kareem Harry, did you know Kareem?
- 11 A Yes, sir.
- 12 Q Where and when and how did you all meet?
- 13 A I just met him through somebody just ---
- 14 Q Met him through some people?
- 15 A Yes, sir.
- 16 Q Back in 2011 you knew him though?
- 17 A Yes, sir.
- 18 Q And from time to time would you help him out, work for
- 19 him or anything?
- 20 A I fixed his girlfriend's car, well, I tried, you know, to
- 21 fix his - her brakes.
- 22 Q Do you know anything with regard to the relationship
- 23 between Kareem Harry and Ashley Bledsoe?
- 24 A Yes, sir, I think they were just dating.
- 25 Q You thought they were dating?

- 1 A Yes, sir.
- 2 Q And that was back whenever Tommy was living at Courtyard
- 3 II Apartments?
- 4 A Yes, sir.
- 5 Q How well did you know Kareem?
- 6 A I mean, I knew him pretty good, not, not too much, you
- 7 know. I only seen him whenever I needed to. We kind of, I
- 8 mean, I'd hang out with him every once in a while.
- 9 Q You'd hang out with him?
- 10 A For a little while, yes, sir.
- 11 Q Kind of an acquaintance?
- 12 A Yes, sir.
- 13 Q But you'd try and help him out if you could?
- 14 A Well, that's just - I mean, somebody needs help you
- 15 always try to help them out.
- 16 Q What kind of crowd were you hanging out with at the time?
- 17 A Probably wasn't the right crowd.
- 18 Q Before we go any further you've been charged with a
- 19 crime; correct?
- 20 A Yes, sir.
- 21 Q Related to this case?
- 22 A Yes, sir.
- 23 Q What charge have you, what, what charge has been leveled
- 24 on you?
- 25 A Accessory to murder after the fact.

1 Q Accessory to murder after the fact and that charge is
2 still pending today?

3 A Yes, sir.

4 Q You've been indicted?

5 A Yes, sir.

6 Q I'm going to show you what's been marked as State's 66
7 for identification. If you would take a minute, Sage, and
8 look over that and see if you recognize it.

9 A Yes, sir.

10 Q Could you tell us what State's Number 66 is?

11 A Off that?

12 Q This item, could you tell us what that is?

13 A I just kind of briefed it.

14 Q Is it a proffer agreement?

15 A Yes, sir.

16 Q And that's the proffer agreement you entered into with
17 the State; correct?

18 A Yes, sir.

19 Q Myself in particular?

20 A Yes, sir.

21 Q Now, with that proffer agreement what's your
22 understanding of it?

23 A It could help me out, but then again, it could not.

24 Q What have you promised to do with that proffer agreement?

25 A Do the right thing, just tell the truth.

1 THE COURT: I'm sorry, sir, I didn't understand your
2 answer.

3 A Just to do the right thing and tell the truth.

4 Q Okay, and has there been any promises made to you with
5 regard to your charges?

6 A No, sir.

7 Q Haven't promised you probation or ---

8 A No, sir.

9 Q --- to let it go?

10 A No, sir, they haven't, no, sir.

11 Q You want something good to happen though; correct?

12 A Of course.

13 Q You don't want to go to prison?

14 A No, sir.

15 Q But there have been no promises?

16 A No, sir.

17 Q And you promise to tell the truth?

18 A Yes, sir.

19 Q And to testify?

20 A Yes, sir.

21 Q Now, you said earlier that Saire Castro was living at
22 Tommy's house; correct?

23 A Yes, sir.

24 Q Do you know where he kept his belongings?

25 A Yes, sir, he - upstairs.

- 1 Q Upstairs.
- 2 A In the - yep.
- 3 Q In the apartment, but ---
- 4 A Yes, sir.
- 5 Q --- where specifically in the apartment? Do you remember
- 6 where he kept his belongings?
- 7 A Like all of his clothes and stuff? Yes, sir, that was
- 8 upstairs with - and his bed and everything was up there.
- 9 Q Did you know Saire to have any weapons?
- 10 A Yes, sir.
- 11 Q what kind?
- 12 A A 357.
- 13 Q That's a revolver?
- 14 A Yes, sir.
- 15 Q Do you know where he kept that?
- 16 A In the kitchen.
- 17 Q In the kitchen, do you know where in the kitchen?
- 18 A Above the cabinets.
- 19 Q Up above the cabinet?
- 20 A Yes, sir.
- 21 Q No doubt about it you knew it was there?
- 22 A Yes, sir, I seen it once.
- 23 Q You had seen it once, wasn't shy about it?
- 24 A No, sir.
- 25 Q Let's go back to Kareem. Kareem Harry, did there ever

- 1 come a time when you offered to help him out moving?
- 2 A Yes, sir.
- 3 Q Now, you remember when this murder occurred; correct?
- 4 A Yes, sir.
- 5 Q March 1st, in relation to that murder when did you help
- 6 Kareem move?
- 7 A It was I think the day before.
- 8 Q The day before, the 28th ---
- 9 A Yes, sir.
- 10 Q --- of February 2011. Now, you offered to help Kareem
- 11 move, where was he moving from?
- 12 A Those apartments right by the back gate to the Air Force
- 13 Base.
- 14 Q But he was moving ---
- 15 A I think, I think, yes, sir.
- 16 Q --- from some apartments. Did you meet anybody when you
- 17 went to get his stuff?
- 18 A I think that's when I met Ashley I think. I'm not
- 19 positive.
- 20 Q Okay, so, you think you met Ashley ---
- 21 A Yes, sir.
- 22 Q --- at the apartments and you got Kareem's stuff. Was
- 23 Kareem with you?
- 24 A Yes, sir.
- 25 Q He was with you at the apartments?

1 A Yes, sir, I think, I think so, yes, sir.

2 Q Now, you gathered his stuff. Where was he moving to? Do
3 you remember where you took his stuff?

4 A Down by CVS on 544.

5 Q So off of Highway 544?

6 A Yes, sir.

7 Q And he wasn't staying in the CVS. What kind of home was
8 it?

9 A It was a mobile home.

10 Q Do you know who was living at the mobile home?

11 A I think his girlfriend was, Ashley.

12 Q Now, when you rode back over there to Highway 544 you
13 picked up Kareem's stuff at the apartments?

14 A Yes, sir.

15 Q And you drove over to 544, you had his stuff. You said
16 you thought Ashley may have been there. Do you recall Ashley
17 riding with you?

18 A Yes, sir.

19 Q Okay, so, she rode with you?

20 A Yes, sir.

21 Q And when you all got over to 544 you have all of Kareem's
22 stuff. You ever hear any discussion about a TV?

23 A The day after I think so, sir. I'm kind of - I'm not too
24 positive. I think he said that he had to go - he wondered if
25 he could use my truck to go get - to get a TV or something. I

1 wasn't too positive about it.

2 MR. RICHARDSON: The Court's indulgence.

3 THE COURT: Yes, sir.

4 BY MR. RICHARDSON:

5 Q Did you know a lady named Bri?

6 A No, sir.

7 Q Okay, now, you said you - let's move on. You get done
8 moving. Do you - what do you do that night after he moved?

9 Do you stay with Kareem? Do you go home? What do you do?

10 A I went home, sir.

11 Q You went home and that's on February 28th. You've helped
12 him move his stuff. Do you remember taking Ashley back to her
13 apartment?

14 A Not offhand, no, sir, it was a while ago.

15 Q Okay, and when it happened you weren't expecting a murder
16 to happen the next day?

17 A No, sir.

18 Q The next day, March 1st, 2011, do you recall meeting up
19 with Kareem Harry?

20 A Yes, sir.

21 Q Let's talk about March 1st. What time do you get up that
22 day, roughly?

23 A Probably ten.

24 Q Probably ten or so?

25 A Yes, sir.

- 1 Q And when you get up what do you do?
- 2 A Had some coffee.
- 3 Q Had some coffee. When do you decide to hook up with
- 4 Kareem Harry?
- 5 A Later on that afternoon.
- 6 Q Okay, so, it's after lunch?
- 7 A Yes, sir.
- 8 Q And you say later on in the afternoon. So, it's not
- 9 right after lunch?
- 10 A Yes, sir, I would say probably around lunch. I'm not
- 11 good trying to ---
- 12 Q Okay, probably around lunch but it, but no earlier than
- 13 lunch?
- 14 A Yes, sir.
- 15 Q Now, what's the purpose of your - where do you meet
- 16 Kareem that day?
- 17 A At his mobile home.
- 18 Q At his mobile home, and that's off 544?
- 19 A Yes, sir.
- 20 Q Now, at that point what's your purpose in being over at
- 21 Kareem's?
- 22 A To get a little bit of cocaine.
- 23 Q So, you went over there to purchase some cocaine from
- 24 him?
- 25 A Yes, sir.

1 Q And did he ask you to do anything for him while you were
2 over there?
3 A Yes, sir, he asked me if I knew how to do the brakes on
4 vehicles.
5 Q And what was your answer?
6 A Yes, sir.
7 Q And did Kareem Harry have a vehicle?
8 A Yes, sir, I think it was a white Explorer looking thing.
9 I'm not too sure on the make.
10 Q An SUV ---
11 A Yes, sir.
12 Q --- of some sort? Now, did you - before you agreed to do
13 this brake job for him did you check out the brakes on the
14 vehicle?
15 A Yes, sir.
16 Q What was the condition of them?
17 A Bad, real bad.
18 Q Bad.
19 A Yes, sir.
20 Q So, it - they needed a brake job?
21 A Definitely.
22 Q And you agreed to do it?
23 A Yes, sir.
24 Q Was that in trade for the cocaine?
25 A Yes, sir, I think, I think so, yes, sir.

1 Q And so you didn't pay cash for it. You were doing a
2 trade out, basically.

3 A Yes, sir.

4 Q You agreed to do the brake job. Now, the parts and
5 supplies for the brakes was it, was it the shoes or the
6 rotors?

7 A Shoes and the rotors, sir.

8 Q So, a complete brake job?

9 A Yes, sir.

10 Q Did you do it right there at 544?

11 A No, sir, I didn't have the tools.

12 Q Didn't have the tools. Where did you have to take the
13 Explorer?

14 A In my uncle's barn up in Loris where he had all of his
15 tools.

16 Q You had to take that back to Loris. How long a drive is
17 it from 544 to Loris?

18 A 45 minutes I would say.

19 Q 45 minutes?

20 A 40, 45 minutes, yes, sir.

21 Q Okay, and the brakes and rotors, who supplied those?

22 A They did, sir.

23 Q By they who do you mean?

24 A Kareem and Ashley.

25 Q Now, you're taking this - what kind of vehicle do you

1 have, Sage?

2 A I had a red S10, burgundy I think.

3 Q I'm going to show you what's been previously admitted as
4 State's 53.

5 A Yes, sir.

6 Q Do you recognize the vehicle in State's 53?

7 A Yes, sir.

8 Q And what do you recognize that vehicle as being?

9 A It's mine.

10 Q That's your truck?

11 A Used to be, yes, sir.

12 Q Used to be. Now, you'd driven your truck, your red S10
13 over to Kareem's new house on 544?

14 A Yes, sir.

15 Q And you got over there and you're taking his SUV back to
16 Loris?

17 A Yes, sir.

18 Q Can't drive two vehicles?

19 A No, sir.

20 Q What do you do with your truck?

21 A I left it there.

22 Q You left it there. Did you leave the keys with it?

23 A Yes, sir, if he needed to go to the store or anything I
24 made sure he had a way.

25 Q Okay, so, you told Kareem if he needed to go to the store

1 or anything to use the truck?

2 A Yes, sir, whatever, I mean, whatever he needed to use it
3 for, yes, sir.

4 Q So, he had access to it?

5 A Yes, sir.

6 Q And then you leave with the truck, with the SUV rather
7 and you head to Loris?

8 A Yes, sir.

9 Q And it takes at least 45 minutes. By the time you get to
10 Loris what's it like outside? Is it, is the sun starting to
11 go down, the day ---

12 A Yes, sir, I mean the sun was still up.

13 Q The sun was still up?

14 A Yes, sir.

15 Q A little bit later in the day?

16 A Yes, sir.

17 Q And the brake job, how long did that take?

18 A Longer than I planned.

19 Q Longer than you planned?

20 A Yes, sir.

21 Q How long does a normal brake job?

22 A It, it was, it was night by the time I finished, just -
23 well, it was going on night by the time I finished it.

24 Q So, it was dark before you left?

25 A Yes, sir.

1 Q Before you got done?

2 A It was getting dark, yes, sir.

3 Q You get done with the brake job, what do you do? Do you
4 sit down and eat? Do you grab your keys and go? What do you
5 do?

6 A Yes, sir, I ran inside the house, got something to drink,
7 got myself cleaned up.

8 Q Okay, so, you wanted to get cleaned up afterwards, so.

9 A Yes, sir.

10 Q It's dark when you finish, darker before you get ready to
11 take the vehicle back?

12 A Yes, sir.

13 Q Was that your plan to return the vehicle to him?

14 A Yes, sir.

15 Q And where were you supposed to return that SUV to?

16 A I was going to bring it back where I got it from, his ---

17 Q That was Highway 544?

18 A Yes, sir.

19 Q Now, when you get back to Highway 544 it's, it's dark
20 when you leave and it takes 45 minutes. So, I assume it's
21 still dark whenever you get to Highway 544?

22 A Yes, sir.

23 Q Do you know for certain what time, what time it was?

24 A Seven or eight I would think.

25 Q Seven or eight.

- 1 A I'm not positive, yes, sir.
- 2 Q It's later?
- 3 A Yes, sir.
- 4 Q And you could tell it was dark and that's about it.
- 5 A Yes, sir.
- 6 Q You got a watch on at the time?
- 7 A My phone, yes, sir.
- 8 Q Your phone?
- 9 A I didn't ---
- 10 Q But are you watching a clock at that point?
- 11 A I just can't remember it. Yes, huh?
- 12 Q Are you watching a clock at that point?
- 13 A Yes, sir.
- 14 Q Okay, now, when you get there who meets you?
- 15 A Nobody.
- 16 Q Nobody's there?
- 17 A Yes, sir.
- 18 Q So you arrive in the yard, you got this SUV, you've done
- 19 the brake job. Do you go get in your truck and leave?
- 20 A No, sir, it wasn't there.
- 21 Q Your truck's not there. What do you do?
- 22 A Lean the seat back and fall asleep, waiting.
- 23 Q But just going to wait on him?
- 24 A Yes, sir.
- 25 Q So you lean the seat back, recline it and fall asleep?

- 1 A Yes, sir.
- 2 Q How do you wake up?
- 3 A Knock on the window.
- 4 Q So you're asleep in the vehicle, dark outside?
- 5 A Yes, sir.
- 6 Q There any street lights around you?
- 7 A Not that I remember, no, sir.
- 8 Q Off 544 where a mobile home is ---
- 9 A Oh, no, sir, it was in a mobile home park.
- 10 Q --- it's country?
- 11 A Yes, sir.
- 12 Q But pretty dark?
- 13 A Yes, sir.
- 14 Q You get (taps on witness stand)?
- 15 A Yes, sir.
- 16 Q What's your reaction?
- 17 A Jump up.
- 18 Q You jump up, startles you?
- 19 A Yes, sir.
- 20 Q Now, when you hear that rap on the, on the window what -
- 21 you say you're startled. Do you find out who's rapping on the
- 22 window?
- 23 A I think it was Kareem.
- 24 Q You think it was Kareem?
- 25 A Yes, sir; yes, sir.

1 Q And what do you do?

2 A They told me to just get in real quick.

3 Q Now, Kareem is he just out there, did he walk there, run
4 there, has he got your truck?

5 A No, sir.

6 Q How'd he get there; do you know?

7 A It was a white SUV, another white SUV.

8 Q There was another white SUV there?

9 A Cleaner, yes, sir.

10 Q The same type as this one?

11 A No, sir, this was a nice one.

12 Q This was a nice one?

13 A Yes, sir.

14 Q By nice what do you mean?

15 A Just looked brand new.

16 Q Looked brand new.

17 A Yes, sir.

18 Q Does it have tint on it or anything?

19 A Yes, sir.

20 Q Okay, so, it's fully tinted and that's on the windows and
21 you think it's Kareem that's knocking on your window?

22 A Yes, sir.

23 Q Anybody else with him?

24 A Yes, sir.

25 Q Who else is with him?

1 A I think there was a girl in a passenger seat and then his
2 brother was with him.

3 Q And what's his brother's name?

4 A Kason.

5 Q Kason, that's Kason Harry?

6 A Yes, sir.

7 Q Who's driving?

8 A Kason.

9 Q So Kason's driving this SUV and Kareem Harry is tapping
10 on your window?

11 A Yes, sir.

12 Q No doubt about it and then when you get out of the
13 vehicle you don't see your truck. Do you ask him about it?

14 A Not offhand, no, sir.

15 Q Does he say anything to you?

16 A The cops got your truck.

17 Q Does he say any reason why the police have your truck?

18 A No, sir.

19 Q He just tells you, "I ain't got your truck. The police
20 have it."

21 A Yes, sir.

22 Q Doesn't tell you anything about, "Saire went fool and
23 shot somebody?"

24 A No, sir.

25 Q Now, you said they tell you to get in?

- 1 A Yes, sir.
- 2 Q To get in this newer model SUV?
- 3 A Yes, sir.
- 4 Q And where do you get in in the vehicle?
- 5 A The back right passenger seat.
- 6 Q Back right passenger seat.
- 7 A Yes, sir, passenger back seat.
- 8 Q And is Kareem in the vehicle with you?
- 9 A Yes, sir.
- 10 Q Where is he sitting?
- 11 A Beside me.
- 12 Q He's sitting right beside you?
- 13 A Yes, sir.
- 14 Q And once again Kason's driving?
- 15 A Yes, sir.
- 16 Q Do they say anything about what they're doing? Do you
- 17 all just sit there at 544?
- 18 A No, sir, we left and they brought me down to Tommy's
- 19 house.
- 20 Q Brought you down to Tommy's house that's off Burcale
- 21 Road?
- 22 A Yes, sir.
- 23 Q So, you leave 544 and go over to Burcale Road?
- 24 A Yes, sir.
- 25 Q Do they say anything to you while you're riding?

- 1 A No, sir, "You haven't seen me, just you didn't see me."
2 Q Who tells you ---
3 A Probably just trying to keep me out of trouble.
4 Q --- "You haven't seen me"?
5 A Yes, sir.
6 Q Who says that?
7 A Kareem.
8 Q Kareem tells you, "You ain't seen me."
9 A Yes, sir.
10 Q He tells you basically, "Don't tell anybody you've seen
11 me."
12 A Yes, sir.
13 Q That's your understanding?
14 A Yes, sir.
15 Q And they drop you off at Tommy's house?
16 A Yes, sir.
17 Q On the ride over there are they discussing anything?
18 A No, sir, not really.
19 Q Do you notice anything in the vehicle?
20 A No, sir.
21 Q But when you get there he says, "You ain't seen me."
22 A Yes, sir.
23 Q Does he say where he's going?
24 A No, sir.
25 Q You get to Tommy's house, do you stay in the parking lot?

- 1 A No, sir, I went inside.
- 2 Q And how do you go inside?
- 3 A I walked upstairs and ---
- 4 Q Was the door unlocked?
- 5 A --- I walked through the front door, yes, sir.
- 6 Q So it was unlocked?
- 7 A But I knocked of course, but ---
- 8 Q Who answers the door?
- 9 A It was Tommy's sister if I'm not mistaken or they just
10 yelled to tell me to come in. I'm not positive, sir.
- 11 Q And you walk inside. Do you know what time of day it is
12 at this point?
- 13 A It's night.
- 14 Q It's ---
- 15 A It's dark.
- 16 Q --- night. Could it be early morning?
- 17 A No, sir. It, it, it was probably around ten, 11 I would
18 think.
- 19 Q Ten or 11?
- 20 A Yes, sir, I think.
- 21 Q So but it's good and dark at this point?
- 22 A Yes, sir, it's dark out.
- 23 Q Okay, what are you feeling at this point?
- 24 A I don't know. I didn't know what was going on.
- 25 Q You confused?

- 1 A Yes, sir.
- 2 Q And you get up in Tommy's apartment. You say you walk
3 upstairs in Tommy's apartment. Who's there?
- 4 A It was Amanda, her dad and Saire's girlfriend, Olivia.
- 5 Q Okay, do you say, "Oh, thank God, I get to go to sleep
6 now?"
- 7 A No, sir, I'm wondering what's going on.
- 8 Q You're confused?
- 9 A Yes, sir.
- 10 Q Does there come a time when anybody else comes to the
11 house?
- 12 A That was later on, that was probably around two or three,
13 it was probably three o'clock in the morning I would think.
- 14 Q Well, what happens at three o'clock in the morning? Who
15 comes to the house?
- 16 A Knock on the back door, it was Saire Castro.
- 17 Q So, Saire Castro comes back to Tommy's house?
- 18 A Yes, sir.
- 19 Q And once he comes there does he hide out there? What
20 happens?
- 21 A No, sir, he grabbed his stuff and he was real anxious to
22 leave.
- 23 Q Okay, and how does he leave?
- 24 A With me, I drove him.
- 25 Q And what are you driving at this point?

- 1 A Amanda's car, Tommy's sister.
- 2 Q So Saire Castro comes back, tells you to give him a ride.
- 3 A Yes, sir.
- 4 Q And Amanda gives you her keys ---
- 5 A Yes, sir.
- 6 Q --- to drive him away?
- 7 A Yes, sir.
- 8 Q And he comes back to Tommy's house where Kareem Harry
- 9 dropped you off?
- 10 A Yes, sir.
- 11 Q And your purpose is to drive him away?
- 12 A Yes, sir.
- 13 Q Now, at this point when Saire comes in, he's knocking on
- 14 the window saying or whatever he says, you end up driving him
- 15 away, do you see a gun on him?
- 16 A No, sir.
- 17 Q And how well did you know Saire?
- 18 A I knew him pretty well.
- 19 Q Did you know him to carry a gun?
- 20 A No, sir, he didn't carry it on him.
- 21 Q But he had one up above the cabinet?
- 22 A Yes, sir.
- 23 MR. RICHARDSON: The Court's indulgence, Your Honor.
- 24 BY MR. RICHARDSON:
- 25 Q Prior to this night had you seen Saire and Kareem

1 together before?

2 A No, sir.

3 Q Hanging out at the same places?

4 A No, sir, not really, no.

5 Q Most of the time when you were hanging out it was when

6 Tommy was there?

7 A Yes, sir.

8 Q And without telling us a few things Saire said, we don't

9 want to get into hearsay, what was he acting like when he came

10 in at Tommy's house?

11 A He was jittery, scared.

12 Q He was jittery and scared?

13 A Just ready to leave.

14 Q And he was ready to leave and he came to Tommy's house

15 ---

16 A Yes, sir.

17 Q --- where Kareem had dropped you off to drive him ---

18 A Yes, sir.

19 Q --- Saire away?

20 A He had his head shaved and everything.

21 Q He'd already shaved his head?

22 A Yes, sir, changed clothes.

23 Q Sage, thank you, if you'll answer any questions Mr.

24 Chrisco may have.

25 A Yes, sir.

1 THE COURT: Cross examination.

2 MR. CHRISCO: Thank you, Your Honor.

3 CROSS EXAMINATION

4 BY MR. CHRISCO:

5 Q Good morning.

6 A How you doing, sir?

7 Q I'm going to start back when - the day before on the 28th.

8 A Yes, sir.

9 Q You said you moved Kareem's personal belongings from an
10 apartment.

11 A Yes, sir.

12 Q Did you do that by yourself?

13 A No, sir, I think Kareem was there. I'm not, I'm not too
14 positive, sir. I've been trying to remember.

15 Q If I was to tell you that he wasn't there, would that
16 surprise you?

17 A I'm trying to remember. No, sir, it wouldn't. I, I -
18 no, sir, I knew his girl - Ashley was there, yes, sir, for a
19 fact.

20 Q You stated earlier that you took the stuff to a mobile
21 home on 544; is that correct?

22 A Yes, sir.

23 Q And you stated that Ashley lived there.

24 A Yes, sir.

25 Q Would it surprise you to know that that is the Bri that

1 was mentioned by the Solicitor that lives there?

2 A Oh, sir, I didn't, I didn't know that. They were always
3 there.

4 Q Did you know who the vehicle that you were going to
5 replace the brakes on belonged to?

6 A No, sir, I thought, thought it was Kareem's girlfriend's.

7 Q Would it surprise you to learn that it belonged to Bri
8 who lived in the mobile home on 544?

9 A No, sir, I, I knew there was kids and they were riding in
10 it and it was dangerous. I just wanted to fix it.

11 Q Let's go to the next day, March 1st, what time did you
12 first see Kareem?

13 A When was that again, sir?

14 Q On March 1st ---

15 A Yes, sir.

16 Q --- what time was it that you first came in contact with
17 Kareem?

18 A The day it happened?

19 Q That would be March 1st, yes, sir.

20 A It was in the afternoon, sir.

21 Q You testified earlier that Ashley was with him at that
22 time.

23 A Yes, sir, they, they came in in a car with some other
24 girl in the car that I was going to do the brakes on. They
25 were just arriving not too long after I'd showed up.

1 Q So, it was Kareem, Ashley and who?

2 A Some other female. I don't know, sir. I don't know her
3 name. It was probably that Bri girl.

4 Q Isn't it true that you went over there because you wanted
5 to use a phone because your phone was dead? You remember
6 that?

7 A Yes, sir, I lost my phone.

8 Q And that was the reason that you stopped by there to see
9 if you could use a phone because yours was dead?

10 A Was that the reason?

11 Q Yes.

12 A No, sir.

13 Q What was the reason that you stopped by there?

14 A To get some stuff.

15 Q Wasn't the deal that if you fixed the brakes, once you
16 fixed the brakes then that is when the cocaine would be
17 exchanged for it?

18 A No, sir, not really. It wasn't really like a trade or
19 nothing.

20 Q Describe Tommy's house if you would.

21 A Yes, sir, soon as you open the front door there's steps
22 leading up and then you walk into the living room, but as soon
23 as you walk up the stairs, if you look to the right, well,
24 straight ahead there's more stairs that go up higher into
25 another bedroom and once you go up the first flight of stairs

1 you go to the left that's the living room and then to the
2 right there's a kitchen, back door.

3 Q Okay, you said the first set of steps. Is there a second
4 set of steps?

5 A Yes, sir, that leads up to the, the bedroom upstairs.

6 Q And where does the first steps lead to?

7 A The living room and the kitchen.

8 Q What is on the floor, what is on the floor where the
9 steps begin?

10 A Just the front door, it's just a hallway that goes
11 upstairs.

12 Q So you just go straight upstairs?

13 A Yes, sir.

14 Q How big a place is it?

15 A It's not that very big, probably 2000 square foot,
16 something like that.

17 Q 2000 square foot?

18 A It's, it's not that.

19 Q Not very big?

20 A No, sir.

21 Q Anytime during the times that you were moving his stuff
22 or going over and picking up vehicles to be fixed or riding in
23 a vehicle to Tommy's house did Kareem say anything about a
24 plan or a design ---

25 A No, sir.

1 Q --- to kill someone?

2 A No, sir.

3 Q You were arrested by the police.

4 A Yes, sir.

5 Q You didn't tell them anything. When was the first time
6 that you talked with the police?

7 A When I was in the - they, they picked me up from inside
8 the room and brought me to the interrogation room,
9 interrogation room.

10 Q When is the first time that you gave a statement to the
11 police?

12 A In the interrogation room. They turned off the little
13 speaker thing, the recording box and I told them.

14 Q Well, they did that twice; didn't they?

15 A Brought me to the interrogation room?

16 Q Right.

17 A Yes, sir.

18 Q When did - after that when did you give a statement?

19 A It was, it was the second time, they had turned off the,
20 the box, the recording box.

21 Q And you told them everything in that statement that
22 you've said on the stand today?

23 A Yes, sir, any, any questions they asked me I'd answer
24 them.

25 MR. CHRISCO: Your Honor, I have a matter of law to take

1 up.

2 THE COURT: All right, sir. Ladies and gentlemen, if
3 you'd go to the jury room, please. Thank you very much.

4 (Whereupon, the following takes place outside the
5 presence of the jury.)

6 THE COURT: Yes, sir, Mr. Chrisco.

7 MR. CHRISCO: Your Honor, I have received in the
8 discovery one CD that has two recorded statements that the
9 witness gave, Sage McPhail. The first one lasted about three
10 and a half minutes and he invoked his right to counsel.

11 THE COURT: Okay.

12 MR. CHRISCO: The second one he was brought back up
13 there at his request and was told that since he had made a
14 statement and had invoked his right to an attorney that they
15 couldn't talk with him. He made just a couple of statements,
16 very short, mostly talking about Saire Castro that, and the
17 whole tape of the whole, audio portion of that is only about
18 three and a half minutes long, also, Your Honor.

19 THE COURT: Okay.

20 MR. CHRISCO: Nothing he said today, I mean, nothing
21 that he is testifying to today was said at that time and I
22 have not received anything that he has stated to the police
23 since then.

24 THE COURT: All right, Solicitor, do you want to ask
25 Mr. McPhail any questions?

1 MR. RICHARDSON: I, I can, Your Honor.

2 THE COURT: Well, I'm just giving you the opportunity.

3 MR. RICHARDSON: Yes, sir.

4 THE COURT: If you don't want to then that's fine,
5 too.

6 EXAMINATION

7 BY MR. RICHARDSON:

8 Q Mr. McPhail, you did indicate to the officers whenever
9 they spoke with you, they read you Miranda; correct?

10 A Yes, sir.

11 Q And after they read you Miranda you said something to the
12 effect, "I think I need my attorney," or, "I think I want an
13 attorney."

14 A Yes, sir.

15 Q And they ceased the interview at that point; correct?

16 A Yes, sir.

17 Q You're still calling out to them at that point?

18 A Yes, sir.

19 Q I mean, you don't get all the way into a cell before you
20 holler you want to talk to them?

21 A Yes, sir.

22 Q And they come back out and you start talking a little bit
23 and then they tell you again, "You have invoked your right to
24 counsel," and they can't speak with you?

25 A Yes, sir.

1 Q That is correct?

2 A Yes, sir.

3 Q And they didn't seek to ask anymore questions at that
4 point; correct?

5 A Yes, sir, I think so, yes, sir.

6 MR. RICHARDSON: And Your Honor, the lead detective on
7 the case is Allen Large. He can testify to the same.

8 THE COURT: Well, I, I appreciate that.

9 EXAMINATION

10 BY THE COURT:

11 Q Mr. McPhail.

12 A Yes, Your Honor.

13 Q The second time when you called the officers back, just
14 tell me that story as best you can what happened.

15 A I, I was scared at the time but I had agreed to, tried to
16 agree to tell them everything that they wanted to know and to
17 tell them where I'd, I dropped off Saire Castro, and they said
18 it was too late, but I think I recall telling them where I
19 dropped him off at and I, I told them I would show them.

20 Q You said that and then they responded it was too late?

21 A Yes, sir.

22 Q Okay, so kind of set the scene for me. As I understand
23 it you had declined to talk to them and wanted an attorney,
24 which is your right, and then they had left and they were in
25 the process of leaving and you called them back.

1 A Yes, sir.

2 Q Okay, so when you started telling them about Saire had
3 they fully come back into the room next to you or were they on
4 the way back or how did - set, set that scene. How did that
5 take place?

6 A I'm trying to remember. If - I think I was walking up
7 the stairs to my cell when I had told them I'd tell them. I,
8 I'm not too positive, sir, it's been a while.

9 Q Okay, well, I'm just - just as best you can remember.

10 A Yes, sir.

11 Q Okay, so would it be fair that this is not a formal
12 interview session then?

13 A Yes, sir.

14 Q All right, when you started talking to them and told them
15 something did they let you finish or did they interrupt you
16 and say, "Look, it's too late. You asked for an attorney?"

17 A Yes, sir, they did say that.

18 Q Okay, and did they, did they interrupt you or did they
19 let you tell everything you wanted to tell and then say it was
20 too late? How'd that happen?

21 A No, sir, I, I told them exactly where I dropped him off,
22 but of course, I had lied to them the first time because I
23 was, I was scared. I didn't know what to do.

24 Q Okay, and when did they tell you about ---

25 A And they didn't ---

1 Q --- "It's too late, you, you have an attorney?"

2 A I'm not positive, sir.

3 Q Okay.

4 A Sorry.

5 Q All right, okay.

6 MR. RICHARDSON: Your Honor, I do have a copy of his -
7 the two brief recordings if you wish to hear that, if that
8 might be illustrative.

9 THE COURT: All right, well, how about, Mr. Chrisco,
10 you, you've got them?

11 MR. CHRISCO: Yes, Your Honor.

12 THE COURT: What, what, what you received?

13 MR. CHRISCO: Yes, Your Honor.

14 THE COURT: All right, well, let me hear that then.
15 Let me, let me hear ---

16 MR. RICHARDSON: Certainly, Your Honor.

17 THE COURT: --- let me hear what - do we have a
18 recorder of some kind that we could play this? Does somebody
19 have a laptop?

20 MR. RICHARDSON: I can certainly try and get - Mr.
21 Holford just stepped downstairs. I can reach him on the
22 phone.

23 MR. CHRISCO: Your Honor, I have a laptop here if you'll
24 just let me bring.

25 THE COURT: That'd be great, if you could do that and

1 maybe ---

2 MR. RICHARDSON: And I have a set of speakers if we
3 need to set it up for him.

4 THE COURT: That, that's fine. Well, maybe we can
5 just set it next to the, to the microphone. Hopefully
6 that'll, that'll work. Let's just see if that'll work first.

7 MR. CHRISCO: Your Honor, this is the first one.

8 THE COURT: Okay, great, go ahead.

9 (Taped Statement of Sage McPhail [Defense Exhibit Number
10 Two] played in open court.)

11 THE COURT: Can you turn that up a little bit?

12 (Taped Statement of Sage McPhail [Defense Exhibit Number
13 Two] played in open court.)

14 MR. CHRISCO: Your Honor, now here is the second
15 interview.

16 (Taped Statement of Sage McPhail [Defense Exhibit Number
17 Two] played in open court.)

18 EXAMINATION

19 BY THE COURT:

20 Q All right, so, Mr. McPhail, you heard that recording of
21 the two interviews you had with the police; correct?

22 A Yes, sir.

23 Q All right, besides what you heard do you remember telling
24 the police anything else than what was on the recording?

25 A Yes, sir.

- 1 Q All right, and what was that?
- 2 A I told them where I dropped Saire off.
- 3 Q So, you gave them a specific location?
- 4 A Yes, sir.
- 5 Q All right, sir, and when was that that you gave them a
6 specific location?
- 7 A After they had turned off the record.
- 8 Q Okay, so, did they ask you a question or did you just
9 tell them?
- 10 A I think I just told them.
- 11 Q You just told them that, that Sage [sic] is wherever?
- 12 A Yes, sir.
- 13 Q All right, sir, now, in response to that what if anything
14 did they say to you?
- 15 A Well, they didn't know if they should believe me because
16 I had given them a false answer before.
- 17 Q So, that, that was their response to you?
- 18 A Yes, sir.
- 19 Q All right, and after they said that to you what if
20 anything transpired? Did you tell them anything else? Did
21 they ask you anymore questions?
- 22 A No, sir, not that I can remember.
- 23 Q Okay, so, that was the end of it?
- 24 A Yes, sir.
- 25 Q All right, thank you.

1 THE COURT: Mr. Chrisco, you want to ask the witness
2 anymore questions?

3 EXAMINATION

4 BY MR. CHRISCO:

5 Q The things that you've testified here today in court ---

6 A Yes, sir.

7 Q --- have you ever told those to anyone?

8 A No, sir, my lawyer.

9 Q And that's it?

10 A Yes, sir.

11 Q You've not talked with the police since then?

12 A No, sir.

13 Q You've not talked with the Solicitor since then?

14 A No, sir.

15 Q You've had, you had no ---

16 A I ---

17 Q --- conversations with the Solicitors?

18 A Yes, sir, I talked to the Solicitor.

19 Q Okay, and when was that?

20 A Couple of days ago.

21 Q And how long did you ---

22 A Not very long, sir, maybe an hour.

23 Q And during that hour you told him what you have testified
24 to here today?

25 A No - not, not every - well, anything that he asked me I

1 would answer, sir.

2 Q Okay, what things have you said today that you did not
3 discuss with the Solicitor?

4 A Anything to do with the tapes we didn't discuss.

5 Q What now?

6 A Anything with the tapes and being in the, being in the
7 jail, we didn't discuss anything about that. He basically was
8 just going over with me what was going to go on here.

9 Q Can I just stop you for a minute?

10 A Yes, sir, yes, sir.

11 Q When you say tape you're referring to the audio that you
12 just listened to?

13 A Yes, sir.

14 Q You didn't talk about that?

15 A No, sir.

16 Q Anything else that you've testified to here today that
17 you did not talk with the Solicitor about?

18 A No, sir, I think we went over everything.

19 Q And the - you went and talked with the Solicitor about my
20 client tapping on the window ---

21 A Yes, sir.

22 Q --- saying to you, "Let's get out of here"?

23 A Yes, sir.

24 MR. CHRISCO: No further questions, Your Honor.

25 THE COURT: All right. All right, let me, let me hear

1 you on your, your motion.

2 MR. CHRISCO: Your Honor, I think that is evident that
3 once the Solicitor finds out about it, whenever he finds out
4 about it, he has a duty to disclose that to the Defense
5 because it's flight that he's trying to show my client and
6 that is very prejudicial toward my client and I think it
7 violates the rules where it says that anything that, that is
8 inculpatory toward my client I deserve notice of.

9 THE COURT: What's, what's your position, Solicitor?

10 MR. RICHARDSON: Your Honor, I believe the rule is
11 exculpatory statements. I don't ever record trial
12 preparation, rarely if ever. I did sit down with both Mr.
13 McPhail and Mr. Guest, I think it was last week, and we
14 discussed what questions I'd ask, I asked him to tell me what
15 happened that night. He's related basically the same thing
16 here today. I spoke with him very briefly yesterday in
17 anticipation of his testifying yesterday, but it was the same
18 thing, I told him that it's natural to be nervous.

19 THE COURT: All right.

20 MR. RICHARDSON: That's it, Your Honor.

21 THE COURT: All right, Mr. Chrisco, you're making the
22 motion based upon Rule 5?

23 MR. CHRISCO: Yes, Your Honor.

24 THE COURT: Okay, all right, so. Okay, I'm sorry. Go
25 ahead.

1 MR. CHRISCO: I'm asking that that portion of his
2 testimony be stricken from the record.

3 THE COURT: All right, well, let's, let's look at,
4 let's look at Rule 5. The Rule 5 it's disclosure in criminal
5 cases. It says Subsection A, "Disclosure of evidence by the
6 Prosecution," and then it goes subset 1 and then it has A, B,
7 C and D. A is a statement of Defendant; B is Defendant's
8 prior record; C is documents and tangible objects; and D is
9 reports of examinations and tests. So, it probably, if it
10 falls it falls within C, so documents and tangible objects..
11 "Upon request of the Defendant the Prosecution shall permit
12 the Defendant to inspect and copy books, papers, documents,
13 photographs, tangible objects, buildings or places or copies
14 or portions thereof which are within the possession, custody
15 or control of the Prosecution and which are material to the
16 presentation of his defense or are intended for use by the
17 Prosecution as evidence in chief at trial or were obtained
18 from or belong to the Defendant." We go on then to Subsection
19 2 that says and it's entitled, "Information not subject to
20 disclosure." So it says, "Except as provided in paragraphs A,
21 B and D." Now, A, B and D, again, were - A was a statement of
22 the Defendant, B was the Defendant's prior record and D was
23 the reports of examinations and tests. So it excludes
24 Subsection C, the documents and tangible objects. "This
25 rule," so it goes on, "except as provided in paragraphs A, B

1 and D, this rule does not authorize the discovery or
2 inspection of reports, memorandum or other internal
3 prosecution documents made by the attorney for the Prosecution
4 or other Prosecution agents in connection with the
5 investigation or prosecution of the case or of statements made
6 by Prosecution witnesses or prospective Prosecution witnesses
7 provided that after a Prosecution witness has testified on
8 direct examination the Court shall on motion of the Defendant
9 order the Prosecution to produce any statement of the witness
10 in the possession of the Prosecution which relates to the
11 subject matter as to which the witness has testified and
12 provided further that the Court may upon sufficient showing
13 require the production of any statement of any prospective
14 witness prior to the time such witness testifies."

15 Now, what I see here in Rule 5 is it's common for the
16 State to provide copies of any statements that they have of
17 any witnesses or potential witnesses to the case because they
18 know just as soon as the Defense makes the motion in
19 accordance with Rule 5 the Court's going to say, "Turn it
20 over," and there aren't - there's not going to be any argument
21 about that. They're going to have to. So, they might as well
22 go, just go ahead and do it from the beginning and that's the
23 right thing to do, but the rule says all they have to do is
24 once their witness testifies basically you stop the trial, the
25 Defense makes a motion, they got to turn over everything, you

1 got to stop everything, the Defense has to look at all of it
2 and then be prepared to do their cross examination. Well,
3 that's not in the interest of justice of anybody truthfully
4 but that's what the rule says. So you now know everything
5 that the witness said in a written statement and in
6 conversation with the Solicitor, which wasn't recorded,
7 they're not required to record it and the rule doesn't require
8 them to give it to you, doesn't require the State to go and
9 say, "Okay, I just had a conversation with John Doe, one of
10 the Prosecution witnesses, and he told me X, Y and Z." They
11 don't have to tell you that.

12 So I'm not going to strike what he has said. If you need
13 some time now to take a break and discuss with your client
14 what was said and ask some further cross examination questions
15 about it I'll be glad for you to do that if you want that
16 time.

17 MR. CHRISCO: Yes, Your Honor, I want the time.

18 THE COURT: All right.

19 MR. CHRISCO: And I also want to state that I believe
20 that withholding evidence ---

21 THE COURT: What did they withhold?

22 MR. CHRISCO: When he testified as to the flight of the
23 Defendant they're going to use that as part of the guilt that
24 shows guilt on my client's part and ---

25 THE COURT: Okay, well, again ---

1 MR. CHRISCO: --- I believe ---

2 THE COURT: --- show, show me, please show me
3 somewhere, either - it's either in a rule or show me a case
4 that says when the Prosecutor talks to a prospective
5 Prosecution witness it is the duty of the Prosecutor to relay
6 that conversation to the Defense.

7 MR. CHRISCO: Didn't, didn't state that, Your Honor.

8 THE COURT: Okay, well, what is it that they didn't
9 tell you?

10 MR. CHRISCO: What it - what I am stating is the fact
11 that they're going to use that as the flight is inculpatory
12 toward my client.

13 THE COURT: And you knew that.

14 MR. CHRISCO: And they should have disclosed that this
15 witness was going to - had made the statement and was going to
16 say that in court, Your Honor. I just think it violates the
17 due process, his due process rights, Your Honor.

18 THE COURT: Okay, is there any recorded statement, is
19 there any recordation of what occurred that they didn't turn
20 over to you that you know of?

21 MR. CHRISCO: I don't know of anything ---

22 THE COURT: All right.

23 MR. CHRISCO: --- because I only know what I got.

24 THE COURT: Fine, you want, you want to - you haven't
25 presented it to me. All I can go on is what's been presented.

1 I haven't been presented with anything. Now, and I'm not
2 telling you what to do and you can do it or not. If you want
3 to put the detective on the stand and say, "Okay, you just
4 heard, you know, the witness testify about this extra
5 statement after you cut off the recording. Did you make any
6 notes of that? Did you write it down somewhere? Did you put
7 it in your file? What did you do with it? Did you tell the
8 Solicitor?" I'll be glad for you to do that, but again, if
9 it's not recorded anywhere, okay, it's not written down
10 anywhere, they haven't violated the duty of turning it over to
11 you because it doesn't exist. They can't turn over something
12 to you that doesn't exist and I don't understand the rule to
13 require oral conversations to be, the essence of oral
14 conversations to be turned over to the Defense. Now, if
15 you've got something, something in the rule that I don't see,
16 something in a case that I don't see that says if the police
17 have an oral conversation, the agent of the Solicitor or the
18 Solicitor has an oral conversation with a prospective
19 Prosecution witness they have to tell you the results of that
20 oral discussion that wasn't recorded in any fashion, I'll be
21 glad for you to give that to me. Do you want ---

22 MR. CHRISCO: The Court's ---

23 THE COURT: --- do you want to present any other
24 testimony to me?

25 MR. CHRISCO: The Court's indulgence for just one

1 moment.

2 THE COURT: Yes, sir.

3 MR. CHRISCO: I understand where the Court is coming
4 from, Your Honor.

5 THE COURT: All right, I ---

6 MR. CHRISCO: I just want to put on the record ---

7 THE COURT: Well, and I appreciate that, and again,
8 I'm giving you the opportunity if you want to present some
9 other kind of testimony to me about what occurred or you got
10 some questions of somebody else you want me to hear, but I
11 just don't see a violation of the rule at this point in time.
12 All right, I don't see how the Solicitor either is on duty or
13 the duty of his agents has been violated, his duty to disclose
14 information that he has. It appears that they've given you
15 everything written, recorded that we have as far as what's in
16 front of me. I'm giving you the opportunity if you want to
17 call some other people to find out if anything else got
18 recorded, I'll be glad for you to do that if you want me to,
19 but what - based on what you've presented to me I don't see a
20 violation of the disclosure rule. Again, now, if you want to
21 take a little bit of time and talk about this with your client
22 I'll be glad for you to do that. Do you want to take a short
23 recess and talk about this with your client before you resume
24 cross examination of the witness?

25 MR. CHRISCO: Just, I will take just a few minutes, Your

1 Honor, no more than two or three minutes with him at the, at
2 the appropriate time, but right now, Your Honor, I would just
3 like to have my Notice and Motion for Production of Specific
4 Evidence marked and handed up to the Court.

5 THE COURT: Absolutely. You want to mark that for,
6 Defense Exhibit for identification I'll be glad for you to do
7 so. That's your, your motion under Rule 5; is that right?

8 MR. CHRISCO: Yes, Your Honor.

9 THE COURT: All right, very good. It'd be a Defense
10 Exhibit for identification whatever number.

11 (Defense Exhibit Number One [Rule 5 Motion] marked for
12 identification.)

13 MR. CHRISCO: You want me to hand that up to Your Honor?

14 THE COURT: Yes, sir, if you don't mind, yeah.

15 All right, great, thank you. I got it. Thank you.

16 All right, so, let me, let me just take a second and look
17 at it, see if I have any other questions for you.

18 All right, I have looked at the 12 subcategories in your
19 Rule 5 motion. It does not appear to me that what has
20 transpired either violates Rule 5 because this information is
21 requested pursuant to Rule 5, that's what your motions says,
22 South Carolina Rules of Criminal Procedure, and again, I don't
23 see a violation of Rule 5. I don't see a violation of the
24 specific production motion that you have made in those 12
25 categories. What has transpired from the information in front

1 of me the State has provided to you all recorded statements,
2 all notes of statements as far as I can tell, again, from
3 what's been provided to me. Now, they did not, apparently,
4 tell you the essence of an oral conversation the Solicitor had
5 with the witness shortly prior to him testifying. They did
6 not do that, but I'm saying I do not find it to be a
7 requirement of Rule 5 to do that, that in the State's
8 preparation for trial, in their interview of the witness for
9 trial that if he makes some oral statement to you, I'm sorry,
10 makes a oral statement to the Solicitor that the Solicitor is
11 then required to communicate with the Defense attorney and
12 say, "I just had in preparation for trial an oral conversation
13 with one of my witnesses and he told me A, B and C." I just
14 don't see that as required under the, under the rule. Now, I
15 do find and I believe you've asked for the time, just some
16 period of time, that when it did come out in accordance with
17 the rule on direct examination you now have the opportunity to
18 take some time and you've now explored it fully with him and
19 found out exactly everything that transpired and I'll give you
20 some time to, you know, to work on that and if you think of
21 any other cross examination questions be glad for you to ask
22 them. So, we'll take a short recess at this time.

23 MR. CHRISCO: Your Honor, I need no more than three or
24 four minutes, a five minute recess would be fine.

25 THE COURT: Great, all right, great.

1 MR. CHRISCO: If I could just have that much time.

2 THE COURT: That'll, that'll be good. So we'll just
3 take a short break right now. All right, thank you all.

4 MR. RICHARDSON: Your Honor, if I may inquire for the
5 witness if he needs to use the restroom if he may?

6 THE COURT: Yes, you - sir, you can step down. You
7 cannot talk to anybody except your attorney.

8 A Yes, sir.

9 THE COURT: All right.

10 MR. RICHARDSON: Thank you, Your Honor.

11 THE COURT: Thank you. Mr. Chrisco.

12 MR. CHRISCO: Yes, Your Honor.

13 THE COURT: For identification purposes and part of
14 your motion do you want that disk marked as a Defense Exhibit
15 for identification for the purposes of your motion?

16 MR. RICHARDSON: Your Honor, it'd probably be easier
17 for me to ---

18 MR. CHRISCO: Yes, Your Honor, just give me a second and
19 let me turn it back on so I can get it back out.

20 MR. RICHARDSON: We will substitute.

21 THE COURT: All right, why, why don't you do that.
22 Well, it, it'd probably be best if it was the one that he
23 played ---

24 MR. RICHARDSON: Yes, sir.

25 THE COURT: --- is the one that goes into, into

1 evidence ---

2 MR. CHRISCO: His has, his has probably got more on it.

3 THE COURT: --- and we'll just mark that as Defense
4 Exhibit Two for identification. Thank you all.

5 (Defense Exhibit Number Two [CD - Interview of Sage
6 McPhail] marked for identification.)

7 OFF THE RECORD

8 (On the record.)

9 (Whereupon, the following takes place outside the
10 presence of the jury.)

11 THE COURT: Thank you very much. You may be seated.
12 Thank you all.

13 MR. RICHARDSON: Your Honor, would you like Mr.
14 McPhail to take the witness stand?

15 THE COURT: Yes, please, Mr. McPhail, can you come
16 back up to the witness stand?

17 (Sage McPhail returns to witness stand.)

18 THE COURT: All right, is the State ready to resume?

19 MR. RICHARDSON: We are, Your Honor.

20 THE COURT: And Mr. Chrisco, on behalf of the Defense
21 you ready to resume?

22 MR. CHRISCO: Yes, Your Honor.

23 THE COURT: All right, very good. Ask the jury to
24 come on back in, please.

25 (Whereupon, the following takes place in the presence of

1 the jury.)

2 THE COURT: All right, Mr. Chrisco, you may resume any
3 further cross examination.

4 MR. CHRISCO: Thank you, Your Honor.

5 BY MR. CHRISCO:

6 Q Let me ask you when you made your prior statements to the
7 police and that would have been back on March the 2nd ---

8 A Yes, sir.

9 Q --- of 2011, you mentioned nothing to them at that time
10 about Kareem knocking on your window or anything?

11 A No, sir, not that I recall.

12 Q The first time that you gave that information was last
13 week; was it not?

14 A Yes, sir, besides my lawyer.

15 Q Last week when you gave that information that is when the
16 proffer ---

17 A Yes, sir.

18 Q --- State's Exhibit 106 [sic] for identification
19 purposes, I now hand that to you ---

20 A Yes, sir.

21 Q --- you didn't make that statement until this document
22 was secured; is that correct?

23 A Yes, sir.

24 Q The charge, the charge that you - what they charged you
25 with was accessory after the fact of a murder.

1 A Yes, sir.

2 Q Did they tell you what that sentence is on that if you
3 were found guilty?

4 A No, sir.

5 Q It could be up to 15 years.

6 A Yes, sir.

7 Q You understand that?

8 A Yes, sir.

9 Q So you agreed to cooperate and testify for the State; did
10 you not?

11 A Yes, sir, with no knowledge of any help for that, for my
12 case.

13 Q Well, as the Solicitor said on direct examination you
14 don't want to go to prison; do you?

15 A Of course not, nobody does.

16 Q Well, certainly. So, your testimony is rather new and it
17 just was created last week and not two years ago; is that
18 correct?

19 A No, sir, everything I said was true. It wasn't, I mean,
20 I don't understand what you're asking me.

21 Q Okay, let's move on. Later that night you go to - you
22 testified you went to Tommy Byrne's house.

23 A Yes, sir.

24 Q You stated that Tommy's father and sister and Saire
25 Castro's girlfriend was there?

- 1 A Yes, sir.
- 2 Q Tommy Byrne's sister is named Amanda Byrne?
- 3 A Yes, sir.
- 4 Q You also testified that Saire got there around three
5 o'clock.
- 6 A Sometime like that, yes, sir.
- 7 Q And he looked very differently.
- 8 A Yes, sir.
- 9 Q What happened?
- 10 A At - when he was at the house?
- 11 Q Yeah.
- 12 A He, he was just rumbling everywhere. He was just - he's
13 grabbing his stuff. Alls he kept on saying was, "I got to go.
14 I got to go." Actually Amanda pulled out her phone and we
15 asked him what he did and everything and she was recording it.
16 He had thrown his gun in the, in a pond by Laurel Woods, swam
17 through the pond and dumped the gun out there and then he had
18 showed up, he had shaved his head at his friend's house in
19 Laurel Woods and changed his clothes and came to Tommy Byrne's
20 and we basically just recorded what he said because we were
21 going to tell the police.
- 22 Q Did you volunteer to drive him away?
- 23 A No, sir, I didn't want to.
- 24 Q Well, were you made to?
- 25 A No, sir, I'm - we all make our own decisions. I just did

1 it.

2 Q Whose car was it?

3 A Amanda's.

4 Q She give you the keys?

5 A Yes, sir, she had to be at work within the next hour or
6 so I think. So she had to get ready for work.

7 Q What time did you leave?

8 A I think it was around five, I think. I'm not positive on
9 the times.

10 Q What time did she have to be at work?

11 A I think it was like six, six or seven, sir. I'm not, I'm
12 not positive.

13 Q Well, if it's seven o'clock then she's got two hours
14 before she has to go to work.

15 A Yes, sir, alls I know is she had like an hour to get to
16 work.

17 Q Where did you take him?

18 A We took - I took him to his grandmother's house.

19 Q That night when you was up there you testified all about
20 the kitchen cabinets up there.

21 A Yes, sir.

22 Q Did you look at the kitchen cabinets that night?

23 A No, sir.

24 Q Did you inspect them?

25 A No, sir.

1 Q Anything missing from them?

2 A I didn't check, sir.

3 Q So you didn't go to sleep the whole night?

4 A No, sir, never went to sleep.

5 Q I think you said, you testified, you testified that you
6 got up at ten o'clock the prior day.

7 A Yes, sir.

8 Q What time did you return to Tommy's?

9 A When I got dropped off there, sir?

10 Q No, when you drove Saire Castro away?

11 A I didn't, I didn't get to go - get back. They, they
12 arrested me, they seen the car and arrested me first.

13 Q They arrested you in the car?

14 A Yes, sir, they, they pulled me over. I was at the stop
15 sign and they - like 20 cars showed up.

16 Q What time was this?

17 A I think it was seven, I think.

18 Q You'd already dropped Saire Castro off?

19 A Yes, sir.

20 Q Then that's when you were arrested.

21 A Yes, sir.

22 MR. CHRISCO: The Court's indulgence.

23 THE COURT: Yes, sir.

24 MR. CHRISCO: No further questions for this witness.

25 THE COURT: All right, redirect?

1 MR. RICHARDSON: Very briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY MR. RICHARDSON:

4 Q Mr. Chrisco asked you, you had lost your phone?

5 A Yes, sir.

6 Q Okay, and whenever I had you on direct you indicated that
7 you try to keep up with time by your cell phone; right?

8 A Yes, sir.

9 Q Okay.

10 A I thought, yes, I ---

11 Q And if you don't have the phone you can't look at the
12 time?

13 A Yes, sir, I can't remember.

14 Q So, we're having to get by with it was real dark, real
15 late, real early; correct?

16 A Yes, sir.

17 Q And when police initially arrested you you indicated you
18 wanted to speak with their attorney, with an attorney?

19 A Yes, sir.

20 Q And they didn't talk to you, I mean, they didn't talk to
21 you anymore?

22 A No, sir.

23 Q And you asked one more question and they tried to answer
24 your question but they didn't ask you anymore questions?

25 A No, sir.

1 Q And you're saying everything you told the Court today you
2 told that to your attorney before?

3 A Yes, sir.

4 Q And that hasn't changed because that's the truth.

5 A That's the truth, sir.

6 MR. RICHARDSON: Thank you, Your Honor, no more
7 questions.

8 THE COURT: Anything on those questions, Mr. Chrisco?

9 MR. CHRISCO: Just two questions.

10 RE CROSS EXAMINATION

11 BY MR. CHRISCO:

12 Q That whole day you couldn't find a receptacle to plug
13 your phone into?

14 A I had lost my phone, sir. I still don't know where it's
15 at.

16 Q The battery wasn't dead on it?

17 A No, sir.

18 Q Thank you.

19 THE COURT: All right, do you wish the witness to be
20 excused, Solicitor?

21 MR. RICHARDSON: I would ask that this witness be
22 excused, Your Honor.

23 THE COURT: Any, any objection to that?

24 MR. CHRISCO: No objection, Your Honor.

25 THE COURT: All right, sir, you are released from your

1 subpoena and may go back to your regular activities.

2 A Thank you, sir.

3 MR. RICHARDSON: The State calls Chief Deputy Coroner
4 Tamara Willard.

5 THE COURT: All right, just come on up here and meet
6 the clerk at the corner up here, please, ma'am. Thank you.

7 Whereupon, Tamara Willard is called to the stand, duly
8 sworn by the Clerk and testified as follows:

9 THE CLERK: Please state your full and spell your last
10 name.

11 MS. WILLARD: Tamara Willard, W-I-L-L-A-R-D.

12 DIRECT EXAMINATION

13 BY MR. RICHARDSON:

14 Q Good afternoon, well, good morning still, I guess.

15 A Yes, morning.

16 Q Ms. Willard, if you could tell us a little bit about
17 where you're employed, how long and in what capacity.

18 A I'm the chief deputy coroner for Horry County.

19 Q Okay.

20 A And I've been there for - since August of 2002.

21 Q Okay, and I always like to call officers by their titles,
22 but I never know what to call the coroner. So, I'll - is Ms.
23 Willard all right?

24 A That's fine.

25 Q Ms. Willard, could you educate us a little bit? What are

1 the duties of a coroner in South Carolina?

2 A The coroner's responsibility is to determine the cause
3 and manner of death.

4 Q And with that are you separate and apart from the police
5 department?

6 A We are.

7 Q And, and to determine the cause and manner of death is
8 that a forensic investigation basically?

9 A Basically.

10 Q And what steps or tools do you utilize in this forensic
11 investigation of death?

12 A We, we talk to the police department, work with them as
13 the investigation is, is proceeding. We also determine
14 whether or not there needs to be an autopsy, making
15 arrangements for that and then working with the family to, to
16 release the body to a funeral home.

17 Q And with regard to autopsies, is there a particular area
18 where the coroner's office for Horry County does autopsies?

19 A We usually use Grand Strand Hospital.

20 Q And the chief pathologist there is Dr. Lee - Edward Lee
21 Proctor?

22 A That's correct.

23 Q Now, in the course of your duties as chief deputy coroner
24 for Horry County did you have the opportunity to investigate
25 the death of one Kevin Bowens?

1 A I did.

2 Q And first and foremost, where did his death occur?

3 A His death occurred at his, at Waccamaw Hospital.

4 Q And Waccamaw Hospital is actually in Murrells Inlet, in
5 Georgetown County; right?

6 A Georgetown County, right.

7 Q Do you know if the body was transported there?

8 A It was transported there.

9 Q And where was it transported to and from?

10 A From, I believe, his residence.

11 Q And that was in Horry County?

12 A Yes.

13 Q Okay, so, jurisdiction would really be proper where he
14 was injured?

15 A That's right.

16 MR. CHRISCO: Objection, Your Honor. I don't think she
17 knows what jurisdiction means as in far as the legal sense.

18 THE COURT: Why don't you rephrase your question,
19 Solicitor, make it more clearer.

20 MR. RICHARDSON: Your Honor, I'll move, I'll move on.

21 BY MR. RICHARDSON:

22 Q In the investigation of the death of Kevin Bowens what
23 steps did you take?

24 A I arrived to the hospital. I went in to see the victim.
25 I took a look at his injuries. I spoke to the doctor and the

1 EMS staff that were there that transported him and then I went
2 out to speak to the family.

3 Q And what type of injuries did he have?

4 A He had gunshot wounds.

5 Q Gunshot wounds, do you know where he was when he received
6 those gunshot wounds?

7 A In his yard.

8 Q In his yard, so, that was at his residence here in Horry
9 County?

10 A Correct.

11 Q Now, did you have an autopsy performed?

12 A Yes, I did.

13 Q And where was that?

14 A It was at Grand Strand Hospital.

15 Q And in a position of coroner do - did you obtain an
16 autopsy report?

17 A I did.

18 Q Did you use this report to make your determination as to
19 the manner and cause of death of Kevin Bowens?

20 A Yes.

21 Q Were there any findings with regard to the presence of
22 foreign substances in - foreign elicited substances in Kevin's
23 body?

24 A There was not.

25 Q No alcohol, no drugs?

- 1 A None at all.
- 2 Q And in the course of that forensic autopsy investigation
- 3 were you able to determine how many times Kevin Bowens had
- 4 been shot?
- 5 A Three.
- 6 Q Three times. When did Kevin Bowens die?
- 7 A 10:37 I believe was the actual time of death on March the
- 8 1st.
- 9 Q That's where I was going. It was March 1st, 2011?
- 10 A Yes, 2011.
- 11 Q And in what county - they sent an Horry County Coroner
- 12 over to Georgetown County?
- 13 A It happens regularly actually.
- 14 Q Because that's the closest hospital?
- 15 A That was the closest hospital to where he was injured,
- 16 yes.
- 17 Q And he's an Horry County resident?
- 18 A Yes.
- 19 Q And he was injured in Horry County?
- 20 A In Horry County, correct.
- 21 Q And they just called it at Waccamaw?
- 22 A They did. It was the closest hospital.
- 23 Q Okay, were you able to determine the cause of death of
- 24 Kevin Bowens?
- 25 A Yes.

1 Q What was the manner of death of Kevin Bowens?

2 A The manner of death was homicide.

3 Q And a homicide is what?

4 A Where someone takes someone else's life.

5 Q The killing of another person?

6 A That's correct.

7 Q And what is the cause of death?

8 A The cause of death was gunshot wound to the chest with,
9 with massive hemorrhage.

10 Q And the other two gunshot wounds?

11 A And the other two gunshot wounds.

12 Q And that would conclude the - your portion of the
13 investigation?

14 A That was it.

15 Q Kevin Bowens was killed by another.

16 A By someone else, yes.

17 Q And his injuries were suffered here in, in Horry?

18 A That's correct.

19 Q Thank you. If you'll answer any questions Mr. Chrisco
20 may have.

21 A Okay.

22 THE COURT: Cross examination.

23 CROSS EXAMINATION

24 BY MR. CHRISCO:

25 Q A few things here. Good morning.

1 A Good morning.

2 Q When you look at the autopsy reports ---

3 A Uh-huh.

4 Q --- you read the entire autopsy report?

5 A Yes.

6 Q Do you have a copy of the report with you?

7 A No, I don't.

8 Q This is not the original but I want to show it to you ---

9 A Okay.

10 Q --- and you can tell me if there's any difference between

11 this and the one that you looked at.

12 A Okay.

13 MR. CHRISCO: I guess I better mark it for ID so I can

14 refer to it.

15 (Defense Exhibit Number Three [Autopsy Report] marked for

16 identification.)

17 THE COURT: Did you want to show it to the Solicitor?

18 Solicitor, you need to look at it?

19 MR. RICHARDSON: You want to use the original was sent

20 to me? Okay, all right, appear to be the same.

21 BY MR. CHRISCO:

22 Q Look over that quickly and tell me if that's what you

23 based your opinion on.

24 A Yes.

25 Q What were the - how many shots were found on Mr. Bowens?

- 1 A How many actual wounds were found?
- 2 Q Yes.
- 3 A I believe that there were three wounds found.
- 4 Q Now, when you say three wounds, it was more than that,
5 but some of them were where the bullet entered and then where
6 the bullet exited; right?
- 7 A The - correct.
- 8 Q So, all total how many were there?
- 9 A There would be exit wounds on the back and entrance
10 wounds from the front, so approximately six.
- 11 Q And from your determination where - what angle did the
12 bullets come from?
- 13 A That's not my.
- 14 Q Okay, did you look at the toxicology on ---
- 15 A I did.
- 16 Q --- of - could you - do you remember what it said for and
17 does that refresh your recollection on what the - when they
18 tested for canna - what is it? How do you say that?
- 19 A Cannabis?
- 20 Q Yes.
- 21 A There is no test for it.
- 22 Q What were there tests for?
- 23 A Well, there, there's no - there's nothing detected in the
24 test so ---
- 25 Q It was tested but there was nothing?

1 A --- it was, exactly.

2 Q Okay, if someone had smoked, used, whatever marijuana the
3 day before would it have been detected on that test?

4 A It should have been.

5 Q When you state the time of death what is that based on?

6 A That's based on when the doctor at the ER called his
7 death.

8 Q If someone had said that he had died earlier then this
9 would just be a technical issue of when he actually died
10 because a doctor has to sign the death certificate; is that
11 right?

12 A Well, the doctor or a coroner has to do the
13 pronouncement, so the, the patient would have been worked in
14 the field meaning that EMS would have worked them until they
15 arrived at the hospital or until the coroner arrived or they
16 put him on a heart monitor and there was no more heart
17 activity.

18 Q I understand.

19 MR. CHRISCO: The Court's indulgence.

20 THE COURT: Yes, sir.

21 MR. CHRISCO: No further questions.

22 THE COURT: Any redirect?

23 MR. RICHARDSON: No, sir, Your Honor. I'd ask that
24 this witness be excused to return to her duties.

25 THE COURT: Any objection to that?

1 MR. CHRISCO: No objection, Your Honor.

2 THE COURT: All right, ma'am, you're released from
3 your subpoena. You may go back to your regular activities.
4 Thank you.

5 All right, you all come up and talk to me for a second,
6 please.

7 (Whereupon, a bench conference is held in the presence
8 but out of the hearing of the jury.)

9 THE COURT: Very good, all right, your next witness
10 then, Solicitor?

11 MR. RICHARDSON: The State would call Christina
12 Patterson.

13 THE COURT: All right.

14 Whereupon, Christina Patterson was called to the stand,
15 duly sworn by the clerk and testified as follows:

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

18 MS. PATTERSON: Christina Patterson, P-A-T-T-E-R-S-O-
19 N.

20 DIRECT EXAMINATION

21 BY MR. RICHARDSON:

22 Q Christina, if you could tell us just a little bit about
23 yourself, where you're from, where you work, how long.

24 A I'm from Pawleys Island, I was born and raised, been here
25 all my life in South Carolina in this area. I work at Bank of

1 America.

2 Q Christina, I know it's hard. Everybody doesn't get to
3 talk in front of a microphone all the time, but everybody
4 needs to hear what you say. So, just try and lean forward and
5 talk into the microphone, please, ma'am.

6 So, you work at Bank of America I believe you said?

7 A Yes, and I've been there this month made nine years.

8 Q Nine years at Bank of America?

9 A Yes, sir.

10 Q And if you could educate us a little bit. Kevin Bowens,
11 we've heard a lot about him. How are you related to Kevin
12 Bowens?

13 A He was my boyfriend at the time of death.

14 Q At the time of his death ---

15 A Yes.

16 Q --- he was your boyfriend?

17 A Yes.

18 Q And were you all living together?

19 A We were since December of 2009.

20 Q So, you all had lived together since December 2009. Any
21 kids?

22 A We have one daughter.

23 Q And at the time of Kevin's death how old was that
24 daughter?

25 A She was five and a half months.

1 Q Five and a half months. We heard a little bit about KB.

2 That's Kevin Bowens; correct?

3 A Yes.

4 Q So, anytime we hear KB that means Kevin?

5 A Right.

6 Q And what'd you call him?

7 A Kevin.

8 Q And that was your live-in?

9 A Yes.

10 Q Kevin and you were living together back in March of 2011

11 at the time of his death?

12 A Yes.

13 Q Take us back a little bit, help us see how you got there.

14 When did you meet, where and when?

15 A I had, had went through a stage of partying and I

16 actually met him it was February 18th, 2006, at a party in

17 Pawleys Island. It was a small hole-in-the-wall club and we

18 just hung out.

19 Q On February 18th, 2006, that's almost seven years ago.

20 A Yes.

21 Q How can you remember that date so certain?

22 A I've gone back and looked a couple of times over the

23 years just to remember because we always stayed in contact and

24 it was just he's just someone once you meet him you can't

25 really forget him.

1 Q And when you all first met, you and Kevin, at this party
2 on February 18th, 2006, did you all immediately become
3 romantically attached or how did your relationship develop?

4 A We did spend the night together. There was sexual
5 involvement that night. I didn't expect anything after that.
6 I thought after that morning when he left that that would be
7 it, but he continued calling me and he continued coming over
8 and hanging out and we would go to bars and hang out with
9 friends.

10 Q And you weren't living in Kings Grant at that point?

11 A No, sir.

12 Q But Kevin kept in contact with you? You had given him
13 your phone number?

14 A Yes, sir.

15 Q Did there come a time when you all kind of had a cooling
16 off period?

17 A Yes, sir.

18 Q How'd that occur?

19 A He lived in Pawleys Island at the time that I met him.
20 He had told me that he did have a son and that the mother of
21 his son he had been with for quite some time, but that they
22 weren't on good terms and she called me one night and at first
23 I wasn't willing to speak to her but then afterward I kind of
24 put myself in her shoes and spoke to her and found out that
25 they were still trying to work on a relationship and that they

1 also had a daughter that was only a couple of months old.

2 Q But that's Patsy; correct?

3 A Patsy, yes.

4 Q And Patsy was, was the mother of Kevin's two other
5 children?

6 A Yes, sir.

7 Q A son and a daughter?

8 A Right.

9 Q And when you found out they were still trying to work
10 things out what was your reaction?

11 A We just had some words. He wasn't happy that I told
12 Patsy about what me and him had going on; and so, we stopped
13 talking.

14 Q But things cooled off for a little while?

15 A For quite a few months.

16 Q Now, you said it cooled off for quite a few months.
17 After a few months did you all reach back out to one another
18 or what happened?

19 A He actually called me on New Year's Eve of, of 2006.

20 Q That's 2006 going into 2007?

21 A Going into 2007.

22 Q And just summarize how the relationship developed from
23 there.

24 A He was living in North Carolina at that point in time.
25 We would talk on the phone. We would - he would come by and

1 see me on his way through the Myrtle Beach area to see his
2 children. It would only be, you know, maybe to stay the night
3 or just hang out for a couple of hours and then I went up to
4 visit him one time in North Carolina and we would go, you
5 know, sometimes a month or so before talking. So, we just had
6 phone communication and random visits for a few years.

7 Q So, Kevin was staying in North Carolina at the time?

8 A Yes.

9 Q And you were down here, you all would see each other
10 infrequently?

11 A Right.

12 Q But whenever you all would see each other it was
13 exciting. Is that a fair statement?

14 A Yes.

15 Q Would you all date other people while you all were apart?

16 A Yes.

17 Q Who'd you always run back to?

18 A He always ended up being number one no matter who I was
19 with.

20 Q And he always came back to you?

21 A Yes.

22 Q Now, how long did Kevin live up in North Carolina?

23 A The whole time that - from, from the time we started
24 talking again in December of 2006 up until the time that I had
25 bought the house in December of 2009.

- 1 Q Kevin eventually moved back ---
- 2 A Yes.
- 3 Q --- from North Carolina.
- 4 A Correct.
- 5 Q And moved in with you; correct?
- 6 A He did officially January of 2010.
- 7 Q And let's just put all the cards on the table, while he
- 8 was up in North Carolina Kevin got into some trouble; didn't
- 9 he?
- 10 A He did.
- 11 Q He got put on probation?
- 12 A Yes.
- 13 Q But he got that transferred down to South Carolina?
- 14 A Correct.
- 15 Q And got caught I think it was selling imitation drugs;
- 16 correct?
- 17 A Yes, sir.
- 18 Q We just want to be honest with the jury, so let's put it
- 19 out there, and when he came down here he was on probation, no
- 20 doubt about it.
- 21 A He was and was still on it when he died.
- 22 Q But you still love him?
- 23 A Yes.
- 24 Q And he moved in with you?
- 25 A Yes.

1 Q And that was January of 2010?

2 A Yes.

3 Q Now, you said that you and Kevin have a daughter?

4 A We do.

5 Q That was about five, five and a half months old at the
6 time of his murder.

7 A Yes.

8 MR. CHRISCO: Your Honor ---

9 THE COURT: Yes, sir.

10 MR. CHRISCO: --- leading.

11 THE COURT: All right, Solicitor, please don't lead
12 your witness.

13 Q Did you have ---

14 MR. RICHARDSON: I'm just trying to put the question
15 in context, Your Honor.

16 THE COURT: All right, sir.

17 BY MR. RICHARDSON:

18 Q Did you have any other children?

19 A He's now a ten year old boy.

20 Q Two years ago he would have been eight?

21 A Right.

22 Q And he lived with you?

23 A Yes.

24 Q And he lived with you - where - when Kevin moved in the
25 house where was your son living?

- 1 A He lived with me. He's lived with me his whole life.
- 2 Q After Kevin moved in in Kings Grant with you his children
- 3 he had with Patsy where did they live?
- 4 A They lived with Patsy.
- 5 Q And that was down where?
- 6 A It's North Santee, which is on the other side of
- 7 Georgetown, in between Georgetown and Charleston.
- 8 Q South of Georgetown, heading towards Charleston?
- 9 A Heading towards Charleston.
- 10 Q Okay, now, we've seen some photographs. You said you
- 11 moved in the house December 2009; correct?
- 12 A Correct.
- 13 Q Kevin moved in officially I believe it was January 2010?
- 14 A Right.
- 15 Q Take a look at State's Number Three. It's already been
- 16 put into evidence. You'll see two vehicles there, a white
- 17 car, I believe a BMW, and what kind of car is that, Toyota or
- 18 a Honda?
- 19 A Camry, Toyota.
- 20 Q Toyota Camry, who was the primary driver of each vehicle?
- 21 A I primarily drove the Camry and he the BMW.
- 22 Q Kevin's out on probation and he moves in with you in
- 23 January of 2010 and you're still working at the bank at this
- 24 point; correct?
- 25 A Yes.

- 1 Q As you continue to do today?
- 2 A Right.
- 3 Q How about Kevin did he get a job when he got out?
- 4 A It wasn't as easy as he thought it was going to be based
5 on his prior record, so no, at that point he was not able to
6 get a job in South Carolina.
- 7 Q Did he have a cell phone at the time?
- 8 A Yes.
- 9 Q And he had clothes?
- 10 A Yes.
- 11 Q And some spending money?
- 12 A Yes.
- 13 Q How did - who paid for those?
- 14 A Some of it I paid for. Some of it he paid for.
- 15 Q So he didn't have a solid job.
- 16 A No.
- 17 Q Did he work part-time anywhere, Labor Ready or anything
18 like that?
- 19 A No, he worked a couple of days doing some painting but
20 that didn't last long because of his record.
- 21 Q And I know some of these questions are going to be hard,
22 but do you know if Kevin was faithful to you?
- 23 A No, he was not.
- 24 Q But you still love him?
- 25 A Yes.

1 Q What was the daily life like? I mean, you're working at
2 the bank. It's not open at night; correct?

3 A Right.

4 Q So you're working I guess what most people call nine to
5 five.

6 A Right.

7 Q Describe the daily life. You're working during the day.
8 How about Kevin what's he doing?

9 A Just hanging out at the house. He usually slept in. He
10 would stay up sometimes late at night and watch movies or play
11 video games and then sleep until I came home at lunchtime.

12 Q And at night I assume you're having to sleep because you
13 got to get up and work the next day.

14 A I would try to sleep.

15 Q You said Kevin would stay up late. Was he always staying
16 at the house when he stayed up late?

17 A Not all the time.

18 Q Sometimes he'd get in the BMW?

19 A We didn't own the BMW for very long before he died. He
20 drove my car sometimes and he had a Cadillac.

21 Q But he was allowed to come and go as he pleased?

22 A Yes.

23 Q No doubt about it he's living in your house with you for
24 lack of a better term like man and wife almost?

25 A Right.

1 Q When did you become pregnant with your daughter?

2 A December 2009, shortly after the house was purchased.

3 Q So pretty quick?

4 A Yes.

5 Q And when you got pregnant what type of relationship did
6 you and Kevin have?

7 A It was good at first, but then when I wasn't able to go
8 out with him to the bars and things like that it, it changed
9 our relationship a little because that wasn't the lifestyle
10 that we had built our relationship on.

11 Q A fair statement he wanted to have a good time?

12 A Right.

13 Q Now, you said your son was living in the house with you
14 and Kevin?

15 A Yes.

16 Q And had you ever met Kevin's other children?

17 A Yes, they would come every weekend.

18 Q They would come over and visit and your son would be
19 there?

20 A Yes.

21 Q And then you had a daughter together for five months
22 before he got murdered?

23 A Right.

24 Q What kind of father was Kevin?

25 A He was a very good father.

1 Q He was a good father. Like to play with the children?

2 A Yes.

3 Q Kind of a big kid himself?

4 A Uh-huh, yes.

5 Q And you indicated previously that Kevin wasn't always
6 completely faithful to you.

7 A No.

8 Q Why did you stay with him?

9 A Because I loved him and I know he had the potential to
10 eventually change and be a good husband.

11 Q Did you know Kevin kept a gun at the house?

12 A I did.

13 Q You did? Do you know the purpose of the gun?

14 A He just had it for protection just in case. I didn't
15 agree with it but he always wanted to have it just in case
16 something happened. We had had a couple of - where somebody
17 had broken into my car one time and ---

18 Q So he wanted to protect the house?

19 A Right.

20 Q And drugs, did you know if he ever had drugs?

21 FOREPERSON: You have to speak up, please. People are
22 having difficulty.

23 Q I'm sorry. I apologize. How about drugs, do you know if
24 he ever kept drugs in the house?

25 A Not on a regular basis.

- 1 Q Did you ever know Kevin to sell drugs?
- 2 A Yes.
- 3 Q Did you agree with that?
- 4 A No.
- 5 Q But he couldn't find a job anywhere else?
- 6 A No, he, he went a while without going back to selling
- 7 drugs to try to change his life but from having trouble
- 8 getting a job it, it discouraged him, and so he did go back to
- 9 selling drugs because I was the primary source of income.
- 10 Q And you were pregnant.
- 11 A Right.
- 12 Q And the gun, where did he normally keep his gun?
- 13 A I'm honestly not sure. I want to say it was in the
- 14 closet or in - it was in the bottom, the bottom drawer of the
- 15 nightstand.
- 16 Q The gun, are you familiar with guns?
- 17 A No.
- 18 Q We'll come back to it. We'll come back to it. After
- 19 your little girl was born what month, in what month was she
- 20 born?
- 21 A September 2010.
- 22 Q September, September of 2010. Did your relationship
- 23 change at all at that point?
- 24 A No.
- 25 Q Still running the roads?

1 A Right.

2 Q Now, when you gave birth to your daughter did you take
3 any time off work?

4 A Four months.

5 Q You got four months of maternity leave?

6 A Three months of maternity and I took a couple of vacation
7 and because it ran from 2010 into 2011, so I had vacation and
8 sick time that I was able to use to extend it another four
9 weeks.

10 Q You wanted to spend as much time at home as you could?

11 A Right.

12 Q Because your children are eight years apart?

13 A Yes.

14 Q Okay, now, once you had the baby and you went back to
15 work. You said you took four months off. When did you return
16 to work?

17 A I returned to work the first week of January 2011.

18 Q Okay, the first week of January 2011. Now, at that point
19 you're going into work during the day?

20 A Right.

21 Q Who's caring for the baby?

22 A Kevin did.

23 Q Kevin cared for the baby.

24 A Yes.

25 Q Stayed at home with the - let's see September, October,

1 November, December, three month old baby.

2 A Right.

3 Q And you trusted him to stay home with his little
4 daughter?

5 A Yes, she did better with him than me.

6 Q Kevin stick around more after he began I guess his
7 daycare we'll call it?

8 A I - when I, when I would come home from work?

9 Q Whenever you went back to work, I'm sorry, whenever he
10 was home.

11 A When I would come home from work he would leave and go do
12 whatever.

13 Q Now, his leaving was this an every night occurrence?

14 A No.

15 Q Did you all ever have, for lack of a better term, family
16 time at home?

17 A We did. We would watch TV. He was real big on watching
18 movies. We would eat dinner together. He would sit down at
19 the table and have dinner on a regular basis. We would play,
20 the last couple of months we, we had a competition on, on
21 playing Scrabble to see who could get the most points.

22 Q So he just didn't run the roads all night. He had family
23 time, too.

24 A He did.

25 Q Now, you mentioned your son earlier. Kevin's not the

1 father; correct?

2 A No.

3 Q Now, did there come a time as we move towards January and
4 February 2011, towards the end of February 2011, did there
5 come a time when Kevin's attitude at home changed a little?

6 A Yes.

7 Q Do you have an idea as to why?

8 A My son's father had been in prison for about five or six
9 years and, and his release date was March 1st.

10 Q And so, he was getting out. This is a man you had a
11 child with?

12 A Right.

13 Q In what way did Kevin's attitude change?

14 A He stayed around more. He, he just seemed to, to be
15 different. I don't, I don't know exactly how to explain it.

16 Q More attentive?

17 A Yes.

18 Q A little more caring?

19 A Like he had something to lose.

20 Q Do you know if he was nervous about your son's father
21 returning?

22 A He, he wasn't very good at showing nervous emotions, but
23 the comments that he would make I could tell that he was a
24 little scared that there was a chance that it would break us
25 up.

1 Q Did there come a time when Kevin brought a TV into your
2 home at the end of February 2011?

3 A Yes, on it was a Monday night, which was February 28th.
4 It was - I was already home with the kids and it was dark
5 outside and he brought - he carried the TV and he came into
6 the house with the TV, well, he came ---

7 Q How many people helped him bring that TV in the house?

8 A He carried it by himself.

9 Q So he brought that TV in by himself, all by himself?

10 A Yes, set it up in the bedroom, hooked it up.

11 Q Set it on the floor in the bedroom?

12 A Nope, he put it on top of a bookshelf.

13 Q So Kevin all by himself, is he a Superman?

14 A No.

15 Q He's able to pick up that TV and put it up on a
16 bookshelf.

17 A Right.

18 Q All by himself?

19 A Right.

20 Q This TV, the one Kevin brought on February 28th, 2011,
21 have you ever made any attempts to move it?

22 A One.

23 Q And when was that?

24 A A couple of nights ago.

25 Q And how many people did you need to help you move the TV?

- 1 A None, I could pick it up:
- 2 Q So you could pick it up all by yourself?
- 3 A Yes.
- 4 Q You didn't need two other individuals with you?
- 5 A No.
- 6 Q But now Kevin brings the TV home and you said he sets it
7 on a bookcase where?
- 8 A In front of our bed.
- 9 Q In front of your bed?
- 10 A In the bedroom.
- 11 Q So that's in your bedroom. Let's see if we can find a
12 picture of that in your room.
- 13 Do you know why that - why Kevin brought that TV to the
14 bedroom?
- 15 A We had been discussing getting a bigger TV. We still had
16 a 19 inch in there and coming from watching the bigger TV in
17 the living room into the bedroom it was, it was difficult to
18 be able to see from ---
- 19 Q Now, the TV in your living room what size was that?
- 20 A A 65 inch.
- 21 Q A 65, so, a big old TV?
- 22 A From a 65 to a 19 is not - once you watch on a big screen
23 it's kind of difficult to readjust. So, he ---
- 24 Q And the TV that he brought into your bedroom do you know
25 how big that is?

1 A I thought it was a 42 inch until this trial started and I
2 measured it last night and it was a 47 inch.

3 Q And it's the same TV he brought in?

4 A Right.

5 Q The TV fairy hasn't come in and delivered a new TV?

6 A No.

7 Q So that's the same TV. It's a 47 inch TV?

8 A Right.

9 Q Flat screen?

10 A Yes, it is flat screen.

11 Q Thin?

12 A Thin.

13 Q Pretty light?

14 A Yes.

15 Q And what was your understanding with regard to how Kevin
16 obtained that TV?

17 A When he brought it home that night, that Monday night the
18 28th, he said that he had bought it off of somebody. He didn't
19 disclose whether it was a female or a male. He told me that
20 he had given them a little bit of money for it and that he had
21 bought an ounce of weed at a really good price to make up the
22 difference and that he still owed a little bit of money on it,
23 but I don't remember the exact amount.

24 Q No day - no doubt about it this is all the day before
25 Kevin's murder?

1 A Right.

2 Q Now, you get the TV in your house, he puts it in the
3 bedroom on the 28th. That night did Kevin stay in or go out or
4 what happened?

5 A He stayed, he stayed in but he left after I got the kids
6 to bed and I gave him my debit card to go to the Redbox and he
7 got two movies and came back but it was already - I think it
8 was around 11 when he had left. So by the time he had gotten
9 back I was already in the bed. I think he watched one or two
10 of the movies, but I didn't watch it with him.

11 Q So by and large he stayed at home that night?

12 A Yes.

13 Q The next day could you take it - take us through it from
14 the time you get up and go to work.

15 A That Tuesday morning he was actually awake early, which
16 was extremely unusual, and I don't exactly remember what went
17 on. I mean, we did ---

18 Q What was your ---

19 A --- we were ---

20 Q --- normal routine like?

21 A Usually just getting up, taking a shower, getting dressed
22 and taking the baby - she had already been in daycare for
23 about a week at that point and then going to work.

24 Q So Kevin's no longer watching the baby during the day,
25 your daughter, his daughter.

- 1 A Right, but he ---
- 2 Q She's going to daycare. Where is she going to daycare?
- 3 A In in-home daycare in Pawleys Island.
- 4 Q So, somebody was keeping her in Pawleys?
- 5 A Right.
- 6 Q And the bank where you work, at that time where was that
- 7 located?
- 8 A Surfside.
- 9 Q You worked - at that point you worked at the Surfside
- 10 Bank of America?
- 11 A Right.
- 12 Q And so you go to work that day?
- 13 A Yes.
- 14 Q And lunch break do you take a lunch break that day?
- 15 A I did.
- 16 Q And what time did you get off that day?
- 17 A Around 5:15, 5:10, 5:15.
- 18 Q Now, when you left work that day and you left the bank at
- 19 5, 5:15 what was your plan?
- 20 A That that night, the night before, the night of the 28th
- 21 my son had actually stayed with his, his father's family
- 22 because his father was getting out of prison; and so my plan
- 23 on the 1st when I got off was to go down to Pawleys Island,
- 24 pick him up from his father and go pick my daughter up and
- 25 come home.

- 1 Q So you were going to go down to Pawleys and pick up your
2 son and your daughter and return home?
- 3 A Correct.
- 4 Q Did you end up going by yourself?
- 5 A No, Kevin called and wanted to ride with me and ---
- 6 Q Still nervous about your son's father?
- 7 A Yes, I figured that was why he wanted to go.
- 8 Q So you have two separate cars; correct?
- 9 A We do.
- 10 Q Because at this point you have the BMW and the Camry?
- 11 A And I was driving the Camry.
- 12 Q How did you all arrange to meet up?
- 13 A He just called me and told me that he was riding down
14 there, for me to meet him down at the Inlet Square Mall. I
15 met him at the Inlet Square Mall. He had me get in the BMW
16 with him and we drove down to Pawleys.
- 17 Q So you drive from Inlet Square Mall with Kevin. Was it
18 in the BMW or the Camry?
- 19 A BMW.
- 20 Q And you drive down to Pawleys Island to pick up your son
21 and yours and Kevin's daughter?
- 22 A Right.
- 23 Q At this time what are the light conditions like outside,
24 you got off at five, 5:15?
- 25 A I, I know it was still light when I met him at Inlet

1 Square but I remember by the time we got to my son's, to pick
2 my son up it was already kind of dark. It was not completely
3 dark but I just remember it being dark in the yard because
4 there were a lot of people.

5 Q Kind of dusk?

6 A Yes.

7 Q And while you're riding do you witness Kevin - Kevin's
8 driving?

9 A Yes.

10 Q Does he - and you said earlier he's got a cell phone. Is
11 he on the phone at all?

12 A No.

13 Q Do you hear his phone ringing, see him getting texts?

14 A I did not, not that I recall.

15 Q And when he's with you what's your - what's his attitude
16 like?

17 A I don't recall that we had any type of major conversation
18 on the way down there. I think I was - I was nervous because
19 it had been a few years since I saw my son's father and I
20 don't know what he was thinking.

21 Q Small talk?

22 A Maybe, nothing that I can recall.

23 Q Now, you pick up your son and your daughter and at that
24 point do you return home?

25 A No, we drive up to, to a gas station at the back gate on

1 Bypass, the Scotchman and he meets a guy there and the guy
2 fills up the gas tank in the BMW.

3 Q Now, after he gets, I guess he's filling the BMW up;
4 correct?

5 A Correct.

6 Q After he fills the BMW up do you all make any other
7 stops?

8 A We don't.

9 Q What happens with your car?

10 A Oh, we stopped. We had to come back by from 17 Bypass to
11 Inlet Square Mall to get my car and then we went to the house.

12 MR. RICHARDSON: The Court's indulgence.

13 THE COURT: Yes, sir.

14 BY MR. RICHARDSON:

15 Q Now, when you finally, you go by Inlet Square and you get
16 - pick your car up and do the kids get out of Kevin's car into
17 yours or do you recall?

18 A I don't recall. They most likely stayed in his car
19 though.

20 Q And do you go straight to your house at that point?

21 A Yes.

22 Q And what is the address of that house?

23 A [REDACTED].

24 Q And that's here in Horry County?

25 A Yes.

1 Q When you get to the house what are the lighting
2 conditions like?

3 A It's dark at that point.

4 Q So it's gotten dark at this point?

5 A Yes.

6 Q And are you keeping up with the time on your watch or
7 anything?

8 A No, not at that point. I know it was before, it was
9 before 8:30 because my son went in and went straight to bed.

10 Q Your son was tired and went straight to bed?

11 A Yes, he had a headache. So it was before his normal
12 bedtime.

13 Q In the photographs we saw earlier I believe there was a
14 picture of a room with some bunk beds in there.

15 A Yes.

16 Q I'm guessing that was not yours and Kevin's?

17 A No.

18 Q Who did that room belong to?

19 A That was my son's room and, well, we called it the kids'
20 room because when we would get his kids on the weekend ---

21 Q Everybody slept ---

22 A --- they would all sleep in there, uh-huh, yes.

23 Q So your son goes directly to bed. He doesn't eat
24 anything?

25 A No.

1 Q He's just wore out?

2 A Right.

3 Q How about you and Kevin and your little girl? What do
4 you all do?

5 A I was in the kitchen fixing dinner and Kevin was playing
6 with her on the couch taking pictures and just tending to her
7 while I was fixing dinner.

8 Q I'm going to show you what's been previously marked as
9 State's 22, I'm sorry, 21, let's go in order, 20, 21 and 22.
10 What are we seeing in these photographs?

11 A That's the dining room table.

12 Q Okay, and so 20 is the dining room table and that's the
13 one with I'm guessing some folders and whatnot on there?

14 A There's no telling. I know that, that cup was - that,
15 that's where he sat when he tried to eat dinner.

16 Q That cup was where who was eating dinner?

17 A That's where Kevin was sitting that night for dinner.

18 Q So Kevin had been sitting right here in this chair on
19 State's Number 20, the chair with the orange juice in front of
20 it?

21 A Right.

22 Q 21 and 22 what are we seeing here?

23 A That's the living room from standing from the back side
24 of the house looking towards the front side with the, the
25 dining room on the back side by the big window to the right of

1 the door.

2 Q So, the camera angle is faced back out towards the front
3 yard?

4 A Right.

5 Q And when you say living room you're talking about that's
6 where Kevin was playing with your daughter?

7 A Right.

8 Q Now, you went in the kitchen and cooked dinner; correct?

9 A Right.

10 Q Have any idea what you were cooking that night?

11 A No clue.

12 Q Just something quick?

13 A Yes.

14 Q Did there come a point when you all sat down to eat
15 dinner?

16 A Yes.

17 Q And I believe ---

18 A Right after I finished it.

19 Q Right after you finished it?

20 A Yes.

21 Q I know it's a little tough but in relation to Kevin's
22 death how soon before Kevin's murder did you all sit down to
23 eat?

24 A Very soon.

25 Q Within an hour.

1 A I would say within an hour.

2 Q You all sit down to eat and you've indicated where's

3 Kevin's sitting by the orange juice glass in State's Number

4 20. Are you sitting over on my right hand side or on the left

5 hand side?

6 MR. CHRISCO: Your Honor ---

7 THE COURT: Yes, sir.

8 MR. CHRISCO: --- relevancy.

9 THE COURT: I'm going to allow it. You may continue,

10 sir.

11 Q Were you sitting on the right or the left, Christina, my

12 right?

13 A Where he was sitting was the end of the table and it's a

14 long rectangular table. So I was sitting on the other end.

15 Q Okay, so Kevin would have been facing you from that

16 orange juice glass.

17 A Right.

18 Q Now while you're sitting down to eat, Kevin's sitting at

19 the, I guess the head of the table. Is there anything that

20 interrupts dinner?

21 A He had already received a phone call prior to sitting

22 down and then there were some text messages that had come in

23 and then he began to tell me the story while we were at the

24 table.

25 Q Now, you said there was a phone call earlier before he

1 sat down to eat. When he sat down to eat what was his mood
2 like?

3 A He seemed agitated. He wasn't really eating. He didn't
4 finish dinner.

5 Q And you said - did you say during dinner he received some
6 text messages?

7 A He did. I remember him saying something about rob or
8 steal. There was some kind of message that came in. At that
9 time that's when he disclosed to me it was a female that he
10 had received the TV from.

11 Q And did Kevin ever admit to you to robbing or stealing
12 the TV?

13 A No, he said that she had some guy that was calling him
14 about the TV and the guy didn't even know the situation to be
15 getting into the middle of it and he said, "And she's causing
16 all this drama. I'm not even going to give her the rest of
17 the money for the TV."

18 Q Now, you said he didn't finish his dinner, Kevin didn't
19 finish his dinner.

20 A No, he said he, he, he couldn't even eat. He was
21 irritated; and so he got up and put his plate in the
22 microwave.

23 Q And does he sit back down at the table?

24 A No, he goes into the bedroom.

25 Q Let me show you State's 36 and 35. They've already been

- 1 introduced. Those the master bedroom pictures?
- 2 A Yes.
- 3 Q And that's the TV we're talking about ---
- 4 A Yes.
- 5 Q --- on State's 36? So, Kevin goes into the master
- 6 bedroom. You and your daughter still at the table?
- 7 A We are.
- 8 Q How much longer are you all at the table?
- 9 A Not very long. I think I had just about finished eating.
- 10 Q And after you finished eating where - what do you do?
- 11 A I take her into her room and get her changed into her
- 12 pajamas.
- 13 Q 29, 30 and 31, they're already into evidence. Do you
- 14 recognize that room?
- 15 A Yes, that's my daughter's room.
- 16 Q And your daughter's room on State's 30 and 31 we see what
- 17 would appear to be a window. Where is that window located?
- 18 A Directly in the front of the house.
- 19 Q So, you could look out that window and see the front
- 20 yard; correct?
- 21 A Yes.
- 22 Q Once you take your daughter into her nursery room you
- 23 said you were going to play with her in there I believe?
- 24 A Yes.
- 25 Q Do you have the opportunity to play with her once you get

1 in there?

2 A After I take her off the changing table we start to sit
3 down on the floor but I don't get on the floor good with her
4 until I see these headlights come through her bedroom window
5 because I used to keep the blinds open.

6 Q And you say you see headlights.

7 A It was extremely abnormal from the way they would
8 normally come through the window and I could hear a loud noise
9 like a muffler and there's a speed bump right before you turn
10 onto Drayton Court and you could hear them flying over the
11 speed bump.

12 Q When you say you could hear them flying over the speed
13 bump what do you mean?

14 A Just like if, you know, if you hit a speed bump too hard
15 the noise that it makes and the muffler.

16 Q A bu-boomp [spelled phonetically]?

17 A Yeah, just and, and then the headlights just came
18 directly into the middle of the yard and ---

19 MR. RICHARDSON: Your Honor, if I may have Ms.
20 Patterson come down off the stand.

21 THE COURT: You may step down, ma'am.

22 BY MR. RICHARDSON:

23 Q Ms. Patterson, I've placed before the jury State's Number
24 62. I would ask that you stand in front of the microphone.
25 I'm going to ask you a few questions with regard to that

1 diagram which has been entered into evidence as a crime scene
2 sketch of your house. Now, where's the nursery located?

3 A Right here.

4 Q And by right here you're talking about the, let's see, as
5 you face the diagram to the far left ---

6 A The ---

7 Q --- towards, towards the front yard.

8 A Yes.

9 Q And when you saw headlights you were standing here in the
10 nursery?

11 A Yes.

12 Q And the location of the window you said was on - was
13 towards the front yard?

14 A Yes.

15 Q From which direction did you see these headlights?

16 A Coming off of Kings Grant Drive from down here.

17 Q Coming from below your house up towards your house?

18 A Came straight.

19 Q And the speed bump if this road extends on further down
20 where's that speed bump, and Ms. Patterson, I think the
21 foreman is having a little bit of difficulty. He just needs
22 to be able to see, too. You indicated the nursery's up here
23 in the top, top left as you face; correct?

24 A Yes.

25 Q And you said that the cars are coming in from this

1 direction?

2 A Yes.

3 Q Where's that speed bump located?

4 A The speed bump would be about right here.

5 Q Just before Drayton Court, the entrance to Drayton Court?

6 A Yes.

7 Q Now, you're standing in the window and you see these
8 headlights. You said they came in your yard?

9 A Yes.

10 Q Whereabout in your yard did those, those headlights come?

11 A The truck pulled directly into the middle of the yard and
12 then the car came up right here and parked.

13 MR. RICHARDSON: Your Honor, if the record will
14 reflect she's indicating up into the yard at approximately the
15 - as you face the map the left corner of the house into the
16 yard, the secondary car she's indicating just before the
17 driveway and by her indication it would appear to be half in
18 the yard on the side of the road.

19 A Yes.

20 Q Could you describe the manner in which these cars pulled
21 up in your yard?

22 A Very fast.

23 Q Very fast. Were you startled?

24 A I was because I, I wasn't sure what was going on at that
25 point from the text messages.

1 Q And if you'll speak up just a little bit, okay? I know
2 it's hard. Now after you sees these cars pull up, I mean,
3 real fast in your yard you said this is the truck closest to
4 the nursery I guess?

5 A Yes.

6 Q Headlights stay on or off or what?

7 A I don't remember at that point.

8 Q And you're in the nursery. What if anything do you do at
9 this point?

10 A I run all the way across the house to our bedroom to tell
11 him that two vehicles just pulled up in the middle of our
12 yard.

13 Q And the bedroom where is that located?

14 A The back corner.

15 Q And as you face the map the right upper corner?

16 A Right.

17 Q And this box that comes off of the house what is that?

18 A The garage.

19 Q And is there an entrance from the garage to the yard?

20 A Yes, right there.

21 Q Christina, prior to going into any more detail I think we
22 understand everything about the house, there's a window you
23 indicated here in the nursery. Are there any more windows
24 along the front of the house?

25 A There's another window right here where the dining room

1 is. It's a double window.

2 Q Going back to State's 21 is that the dining room table in
3 the center?

4 A Yes, and that's the double window.

5 Q That's the double window you're referring to?

6 A Yes.

7 Q Now, Christina, you get to the master bedroom. Where's
8 your baby at this point?

9 A In my arms.

10 Q So, you go into Kevin. You said Kevin went there earlier
11 and you've got the baby in your arms. What if anything do you
12 say?

13 A I just say that two vehicles just pulled up in the middle
14 of our front yard.

15 Q And is that all you had seen in the yard just the two
16 vehicles?

17 A I know that three people jumped out of the vehicle. I'm
18 not sure if at that point I didn't see that until I came back
19 to the dining room window.

20 Q Okay, so, you ran to Kevin real quick?

21 A Yes.

22 Q Weren't looking out at any more windows at that point?

23 A No.

24 Q And you immediately told Kevin two vehicles just pulled
25 up in our yard?

- 1 A Yes.
- 2 Q What was Kevin's reaction?
- 3 A He stood up from the side of the bed and just said that
- 4 he would take care of it and walked out the garage door.
- 5 Q Before Kevin went outside did he, did he equip himself
- 6 with anything?
- 7 A He did have a handgun that he stuck in his front belt in
- 8 the front of his pants and had his shirt tucked in behind it
- 9 so it was completely visible.
- 10 Q So, he had his - he had a handgun?
- 11 A Yes.
- 12 Q Right, right here in his waistband?
- 13 A Yes.
- 14 Q Plainly visible?
- 15 A Yes, it was black and I believe his shirt was blue or
- 16 white.
- 17 Q You could see the handgun when he put it there?
- 18 A Yes.
- 19 Q And your lighting outside what kind of lights do you have
- 20 out here?
- 21 A We have the garage light but then this street light
- 22 lights up the whole yard.
- 23 Q So good lighting in your yard?
- 24 A Yes.
- 25 Q After you tell Kevin two strange cars had pulled up and

1 he feels a need to arm himself with a handgun?

2 A Yes.

3 Q Places it where everybody can see. He doesn't go out
4 waving it?

5 A No.

6 Q What does he do at that point?

7 A When he walks out the garage door I go to the dining room
8 window and I look out. As he walks outside all the guys are
9 standing outside the vehicles. I had actually seen them all
10 jump out and they're yelling across the vehicle and across the
11 yard. I don't know exactly what they're yelling. They're
12 just being loud and I could remember hearing him tell them to
13 come over into the yard.

14 Q Move that towards you. Now, you said Kevin came out.
15 Where did Kevin come to?

16 A He came to the edge of the BMW and stood.

17 Q About where this spot is or the number one?

18 A I just remember seeing him lean up against the - over the
19 top of the tire on the front driver's side.

20 Q So around where the hood is?

21 A No, where the tire is. He stood and leaned against
22 there.

23 Q On the fender I guess?

24 A Yes.

25 Q And you're looking out the dining room window; correct?

- 1 A Yes.
- 2 Q And you said you saw three guys jump out?
- 3 A Yes.
- 4 Q When you first saw those guys where were they?
- 5 A There was a guy that was by the truck. There was another
- 6 guy that got out of the passenger of the car and then there
- 7 was another guy, the driver of the car.
- 8 Q Now, could you describe these three people?
- 9 A I just know the - there was a black guy that drove the
- 10 truck. There was another black guy that drove the car. I
- 11 just remember him having an Afro and then I remember the white
- 12 guy from the car had on a baseball cap that was turned
- 13 backwards and he had actually jumped. I just remember seeing
- 14 him jump up on the side of the passenger of the car.
- 15 Q Jump up on the side ---
- 16 A Like, like ---
- 17 Q --- on the passenger side of ---
- 18 A --- he was standing like maybe standing on, on the ledge
- 19 of the door and you could just see him up over the top of the
- 20 car.
- 21 Q And that's of the car that pulled in your yard?
- 22 A Yes, it was.
- 23 Q We're not talking about your car or Kevin's car?
- 24 A No.
- 25 Q So they're out in the yard at this point?

1 A Yes.

2 Q And you said you're at the window. Can you hear
3 anything?

4 A I couldn't hear anything after Kevin told them to come
5 into the yard and stop yelling across the neighborhood.

6 Q So before that they were yelling across the neighborhood?

7 A Yes, they were all loud.

8 Q Now, from the time Kevin runs outside or from the time
9 they rush up in your yard and Kevin goes outside does he run,
10 walk, what?

11 A Kevin?

12 Q Kevin.

13 A No, he goes to the - he stands in the same place.

14 Q How long has passed?

15 A Before?

16 Q From the time you first see the headlights in your yard
17 till Kevin makes it outside?

18 A I would say less than a minute.

19 Q Less than a minute. So, you're, you're to him pretty
20 quick and he's outside pretty quick?

21 A Yes.

22 Q Now, you're still at the dining room window. Where's
23 your daughter at this point?

24 A Still in my arms.

25 Q And you say that you heard Kevin calling them over?

1 A Yes.

2 Q Do you witness anything else after you see Kevin call
3 them over?

4 A Wasn't sure what to do at that point. I just continued
5 to watch. They all three kind of made a semi-circle around
6 him.

7 Q And if Kevin is here, you said there were two black males
8 and one white male; correct?

9 A Yes.

10 Q Do you remember where the white male was?

11 A Not exactly where he was, not positive.

12 Q But when you said you originally saw him he was on the
13 passenger side ---

14 A Of the car.

15 Q --- of that car?

16 A Yes.

17 Q Now, as you're in the window who's closer to you, a black
18 male or a white male?

19 A I'm not sure at this point.

20 Q Okay, that's fair. Now, you said you didn't know exactly
21 what to do after Kevin calls him over.

22 A Right.

23 Q Do you make any decisions on what to do?

24 A I decide to go ahead and, and lay the baby down.

25 Q And that's back in the nursery?

1 A Right.

2 Q Now, how long do you stand at the dining room table
3 before you go back to the nursery?

4 A I would say no more than a minute or two.

5 Q Okay, so a minute from when they pull in your yard till
6 Kevin goes outside, then a minute or two here at the dining
7 room window; correct?

8 A Right.

9 Q Three minutes and are you running back to the nursery or
10 are you trying to stay calm? What's your demeanor at this
11 point?

12 A I think I'm nervous. I'm not exactly sure what's going
13 to happen.

14 Q How about your daughter, what's - she's just asleep?

15 A She's just tired.

16 Q Tired. What's the next thing you remember? Take us
17 through from, from walking from the dining room into the
18 nursery, laying your daughter down, just take us through that.

19 A When I went back into the nursery I looked out the window
20 and I saw a white female get out of the truck and start
21 walking into the yard and then I lay the baby down in the crib
22 and I look back out the window again and they're all standing
23 there talking and then I walk out of the bedroom, close the
24 door, go into the dining area, living area to turn off a few
25 lights and then I hear the gunshots.

- 1 Q Okay.
- 2 A And then I run out the garage door.
- 3 Q And let me stop you because we need to understand the
- 4 timing. You've left the dining room three minutes after they
- 5 pulled in the yard and you walk down to the nursery; correct?
- 6 A Right.
- 7 Q Lay your baby down in the crib, you don't just toss her
- 8 in there?
- 9 A No.
- 10 Q So you're taking some time and then you close the door.
- 11 I assume you don't slam it?
- 12 A No.
- 13 Q And you walk back towards the dining room. You just
- 14 indicated you're turning lights off.
- 15 A Yes.
- 16 Q And you hear a gunshot, ten gunshots, what?
- 17 A Three.
- 18 Q Three, can you describe to the jury what they sounded
- 19 like?
- 20 A It was just bam and then a pause and then two more.
- 21 Q So, bam.
- 22 A Real fast.
- 23 Q Bam, bam.
- 24 A Yeah.
- 25 Q And you're in the dining room whenever you hear this?

1 A Yes.

2 Q Go ahead and take the stand back, please, Christina.

3 A (Complies with request.)

4 Q Now, Ms. Patterson, you said that you heard the gunshots.
5 Did you turn around and look out the dining room window at
6 that point?

7 A No, I ran straight through the garage.

8 Q Straight through the - you ran straight from the dining
9 room, through the garage outside?

10 A Yes.

11 Q You get outside and what do you see?

12 A I don't even get out the garage door and I see Kevin
13 laying on the ground and he's just looking up at them and then
14 I'm scared because I, I'm not sure if they're going to try to
15 shoot me. So I run back in the house but then I think I can't
16 just leave him laying there. So I run back outside and in
17 that time I hear them say, "Let's go, let's go," or something
18 along those lines, "Oh, shit," something like that.

19 Q Now, you said you saw Kevin laying on the ground. He was
20 laying on stomach, on his back?

21 A He was laying on his stomach like leaned up on his
22 forearms.

23 Q Right by his car?

24 A Right.

25 Q And at first you run out and these strangers are still in

1 the yard?

2 A Yes.

3 Q When you say they're still in the yard, three, four?

4 A I don't remember how many. I know there was more than
5 one. There - I don't know exactly who it was.

6 Q And so I assume you don't remember where everybody was
7 located.

8 A No, not today.

9 Q You said you ran outside and you saw them in the yard.
10 You got scared, you ran back in the garage?

11 A Ran back in the house.

12 Q Back because you said you never made it past the garage
13 at first.

14 A Right.

15 Q Ran back in the house. How long are you in the house
16 before you go back out?

17 A No more than a second. I just remember running in and
18 then coming right back out and ---

19 Q What's going through your head at this point?

20 A I wasn't exactly sure where he was shot, just knowing
21 that I wanted to get to him to find out what was going on.
22 I thought he was okay because of the way he was looking up at
23 them.

24 Q But he wasn't. When you do get back outside is there
25 anybody there?

1 A No, they're speeding off in the vehicles.

2 Q Does anybody else ever come up in your yard after you
3 arrived at Kevin's side?

4 A I don't remember because when I was coming out his face
5 just dropped straight in the ground and at that point I knew I
6 needed to call 911 and I heard a neighbor saying, "Do we need
7 to call 911," but I couldn't remember where my phone was.

8 Q Your neighbor, Brian McGarrahan, do you remember seeing
9 him in the yard?

10 A He was at one point because he asked me to go get some
11 towels.

12 Q And you knew Brian was a medic; correct? You knew Brian
13 was a fireman?

14 A I knew he was a fireman, yes.

15 Q Did other people come in your yard, other neighbors?

16 A There were other neighbors in the yard.

17 Q And did you recognize each and every one?

18 A No, I don't - I mean, I only remember Brian and Shantel.

19 Q Would it be fair to say you were in shock at this point?

20 A I would say so.

21 Q Now, at some point Brian's trying to help Kevin, you're
22 in shock. Do you remember at any point if anybody took items
23 from Kevin to give to you?

24 A Yes.

25 Q What were those items?

1 A At one point there was a gun. At another point there was
2 some cash and a bag of drugs.

3 Q And when you said at one point you're not talking about
4 over a period of days? I mean this is pretty, [snaps
5 fingers]?

6 A Yes.

7 Q Boom, boom, boom. Do you know who handed you these
8 items?

9 A I don't know who gave me the gun but Shantel had given me
10 the money and the drugs.

11 Q Okay, she didn't know what it was.

12 A No.

13 Q Now, you get a baggy of dope, given some cash, you get a
14 gun, what do you do with these items?

15 A When I got the money and the drugs I put the money in the
16 jewelry box and I put the drugs in a box in the room. When I
17 got the gun I wiped it down and threw it in the box in the top
18 of the closet.

19 Q And do you leave the drugs at your house?

20 A No. I later flushed them down the toilet.

21 Q I've got to ask you because I know the question is there,
22 why, why do you throw the gun in the closet? Why do you hide
23 the money? Why do you flush the drugs?

24 A I, I wasn't exactly sure what was going to happen. At
25 that point I didn't know how serious things were with Kevin,

1 that he was going to die. I didn't want to jeopardize
2 anything happening with him and if something did happen I
3 didn't want to lose the children, just everything was going
4 through my mind, protecting him, protecting my children,
5 protecting my family.

6 Q Your head kind of swimming at this point?

7 A Yeah.

8 Q You didn't tell the police about the drugs or the gun?

9 A No.

10 Q You ended up telling me; correct?

11 A Yes.

12 Q And that was shortly after Kevin was murdered?

13 A Yes.

14 Q Came in, met with me. You, you had an attorney at that
15 point, a family friend?

16 A Yes.

17 Q Mr. Hilliard. The police eventually had found the gun;
18 correct?

19 A They did when they searched the house that night.

20 Q And that was the only gun in your house?

21 A Yes.

22 Q Before we finish up I just want to make sure we've got a
23 couple of things straight. Kevin had been living at [REDACTED]
24 [REDACTED], that was his house, his home for a year and a
25 half at the time of his death?

- 1 A Yes.
- 2 Q He shared the home with you, your son and the daughter
3 you all shared?
- 4 A Yes.
- 5 Q Prior to these cars rolling up in, in the yard he got
6 some text messages?
- 7 A Yes.
- 8 Q And it upset him?
- 9 A Yes.
- 10 Q You are the first one to see the cars roll up in the
11 yard?
- 12 A Yes.
- 13 Q And you told Kevin?
- 14 A Yes.
- 15 Q The gun, you said he grabbed a gun. Where again did he
16 place that handgun?
- 17 A In his waistband
- 18 Q In his waistband, and when you looked out the window, the
19 dining room and the nursery window could you see Kevin?
- 20 A Yes.
- 21 Q Where was - where - could you tell where his arms were?
- 22 A He was leaned up against the car with his arms crossed
23 the whole time.
- 24 Q Arms crossed, never dropped to his side?
- 25 A No.

1 Q Never saw him wave the gun around?

2 A No.

3 Q You saw Kevin's head drop there in your yard?

4 A Yes.

5 Q And this is right after he got shot?

6 A Right.

7 Q And it was a red truck?

8 A Red truck and a, a silver car.

9 Q And which one pulled in the yard first?

10 A The red truck.

11 Q And when they were leaving which one was in the lead?

12 A The red truck backed out first.

13 Q Christina, thank you. I think Mr. Chrisco may have some
14 questions. If you'll answer any of them.

15 A Okay.

16 THE COURT: Cross examination.

17 MR. CHRISCO: Your Honor, due to the late hour ---

18 THE COURT: I appreciate it. We'll finish the cross
19 examination before we stop. Thank you very much.

20 CROSS EXAMINATION

21 BY MR. CHRISCO:

22 Q The Prosecutor here said that shortly after this is when
23 you came and told about the gun and the drugs and whatever you
24 got, else you got off of him; is that correct?

25 A Yes.

1 Q It was August of 2011 five months after, five months
2 after ---

3 A Okay.

4 Q --- your boyfriend was shot and killed in your yard that
5 you came forward with that information; is that correct?

6 A I guess so.

7 Q You didn't think that the police are trying to
8 investigate and determine what took place?

9 A At that point in time?

10 Q At any time?

11 A I am not sure. I was just going by the advice of my
12 attorney.

13 Q He told you to withhold evidence?

14 A He did not tell me to withhold evidence. He told me to
15 let them know whenever they called me in for questioning.

16 Q That was in August.

17 A I can't help when they called me in for questioning.

18 Q How do you propose that police investigate something when
19 the crime scene has been tampered with and evidence has been
20 destroyed and moved? How do you expect that?

21 A I don't know.

22 Q So, when you told your story to the police that night
23 basically lied?

24 A Just about that part I left out.

25 Q You told the police that night in just these words, "Two

1 cars drove up. I felt uneasy and I went to put" - let me
2 correct myself. "Two cars drove up with some unexpected
3 guests and I went - and I felt uneasy and I went to put the
4 baby down. I heard a pop. I went to the window and Kevin was
5 on the ground."

6 MR. RICHARDSON: Your Honor, is there a question
7 coming here? He's asked a whole lot of statements.

8 THE COURT: Solicitor, you don't need to make ---

9 MR. RICHARDSON: Yes, Your Honor, I apologize.

10 THE COURT: All right, sir.

11 MR. RICHARDSON: Objection, I would ask that he break
12 the questions down.

13 THE COURT: Very good, very good. Mr. Chrisco ---

14 Q Is that not ---

15 THE COURT: --- please ask a question. Thank you.

16 Q Is that not what you told the police that night?

17 A No, the first time I saw him laying on the ground was
18 when I came out the garage.

19 Q So that's not what you said. The answer would be no?

20 A No.

21 Q Thank you. Now, when - how much money was taken off of
22 him that night?

23 A It was enough to make our mortgage payment because that's
24 the money I withdrew from my bank account and gave to him
25 earlier that day.

- 1 Q And how much was that?
- 2 A At that point our mortgage payment was \$825, I believe.
- 3 Q And where does that mortgage payment, where is it made
- 4 to?
- 5 A Bank of America.
- 6 Q Is that the place where you work?
- 7 A Yes.
- 8 Q He was going to make the payment for you?
- 9 A No, not at that point. He needed the money to do
- 10 something and then he was going to give it back to me in a
- 11 couple of days to make the mortgage payment.
- 12 Q You mentioned there was a text that said rob or steal?
- 13 A Yes.
- 14 Q Right at about the time you were eating?
- 15 A Yes.
- 16 Q Do you know who wrote that text?
- 17 A He said it was the girl that he had gotten the TV from.
- 18 Q Would it surprise you to know that it was him that wrote
- 19 in the text rob and steal in the same text?
- 20 A No.
- 21 Q It wouldn't surprise you?
- 22 A No. He had asked her, "What did I do rob or steal it
- 23 from you?"
- 24 Q So you were reading the texts that night.
- 25 A I - yes, I did go through his phone later on.

1 Q Oh, later on, not right then?

2 A No.

3 Q It was later on that you went through it? Where did -
4 where was his cell phone?

5 A I'm not exactly sure. Somehow I ended up with it later
6 that night and I was looking at it.

7 Q Was it on - was it on him when he was shot?

8 A It may not have been. I don't, I don't remember. It may
9 have been in the bedroom. I'm not sure how I ended up with
10 it.

11 Q You can't remember where the cell phone was?

12 A No. I don't remember how I ended up getting it.

13 Q When did you talk with the Solicitor?

14 A The last time I spoke with him or ---

15 Q How many times have you spoken with him?

16 A I've spoken with him quite a few times. I don't remember
17 exactly how many. There's ---

18 Q And ---

19 A --- quite a few people involved in this.

20 Q And how, how much time have you spent discussing this
21 case with the Solicitor's Office?

22 A This particular case?

23 Q Do you have another case?

24 A Well, there was the case of Castro that came up before
25 this one.

1 Q Okay, anything involving the events where your boyfriend
2 was killed, how much time have you spent with the Solicitor's
3 Office?

4 A Each time I met with him it would be an hour or two long.
5 I would say that over the course of two years I've met with
6 him maybe three or four times.

7 Q You stated to the Solicitor that it was cocaine in the
8 bag that was handed you by some unknown neighbor.

9 A Right.

10 Q Now that neighbor has a name.

11 A Yes.

12 Q And her name is?

13 A Shantel.

14 Q Did she not testify here in this court?

15 A Yes, she did.

16 Q Did you hear her mention anything about removing any
17 items from Kevin while he lay on the ground?

18 A No, I don't believe she was asked that question.

19 Q She didn't volunteer it either, did she?

20 A No.

21 Q The Toyota you drive, is that in your name?

22 A It is.

23 Q BMW, whose name is that in?

24 A That's in my name as well.

25 Q And when was it purchased?

1 A The BMW, September 2010, right - a week before our
2 daughter was born.

3 Q And what year is it?

4 A A '97 or '98.

5 Q How much did you pay for it?

6 A We had to pay what the guy was behind on the payments. I
7 believe it was like between 700, \$900, something like that.

8 Q How much are the payments on it?

9 A \$75 a week until December when it was paid off.

10 Q And who made those payments?

11 A Kevin paid the 75 a week. I paid the lump sum.

12 Q On - you were asked earlier, you said he only worked a
13 couple of days doing some painting and that didn't work out
14 because of his record.

15 A Right.

16 Q So where would he come up with the \$75 a week?

17 A I'm not sure exactly where he would come up with the
18 money. He did different things.

19 Q You sat here and you heard Ashley Bledsoe testify; did
20 you not?

21 A Yes.

22 Q She said that Kevin had spent the night with her on the
23 27th and left in the morning of the 28th.

24 A I heard that.

25 Q Was Kevin home on the night of the 27th ---

1 A He might have come home ---

2 Q --- through the morning of the 28th?

3 A He was home the morning of the 28th. He might have come
4 in late the morning or that night going into the morning.
5 Sometimes he would not come in until three, four o'clock in
6 the morning, but he was home.

7 Q Would that television have fit in the BMW?

8 A It did fit in the BMW. That's what he brought it home
9 in.

10 Q Did you notice it in the car on the 28th when you went to
11 work?

12 A No.

13 Q It was later when you noticed it?

14 A It was later when he brought it home. He had pulled up
15 in the driveway with it in the car.

16 Q How many kids you have?

17 A Two.

18 Q You and Kevin share one child?

19 A Yes.

20 Q What's the ages of the children now?

21 A Now my son is 10 and my daughter is two.

22 Q You have a lot of traffic in and out of Kings Grant?

23 A In and out of Kings Grant or in and out of our house?

24 Q In and out of Kings Grant.

25 A There's a good amount of traffic in and out of there.

1 Q How much of that traffic was directed at your house?

2 A Not a whole lot. I mean, we had a good amount of friends
3 that would come over and my family came over, nothing more
4 than the normal.

5 Q Would a lot of people drive up and Kevin go out and talk
6 with them maybe for a minute or two and then they, they would
7 leave?

8 A Normally they would come in the house.

9 Q If you're unfamiliar with a neighborhood and it has the
10 speed bumps, if you ran over them would it make the same sound
11 or would you have to - a car be going fast to make the sound
12 that you heard that night?

13 A It would have to be going fast to make that sound.

14 Q You stated that the car drove up fast in your yard.

15 A Yes.

16 Q Have you seen the photos that were taken of your yard
17 that night by the crime scene investigator?

18 A No, I have not.

19 Q I now hand you what has been marked as State's Exhibit
20 Number Seven, Number Six and Number Two. Do you, do you
21 recognize those?

22 A Yes.

23 Q And what are those pictures of?

24 A The yard.

25 Q Which one shows the most of the yard?

- 1 A Number Two.
- 2 Q Number Two, somewhere in that picture is where one of the
3 cars you saw fly in there and stop?
- 4 A Yes.
- 5 Q You see any marks?
- 6 A I don't.
- 7 Q And the other two pictures is that an area where you saw
8 the cars?
- 9 A No.
- 10 Q Does the yard in State's Exhibit Number Two, does it look
11 like it's been disturbed in any way?
- 12 A Not from this picture.
- 13 Q Does that show where the cars would have been that flew
14 in there and stopped?
- 15 A It shows where the truck would have been, yes.
- 16 Q Does it show where the car would have been?
- 17 A The back end of that truck would block where the car
18 would have been.
- 19 Q The back end of the truck in the picture. So there was
20 not a picture of the other side?
- 21 A No.
- 22 Q Okay.
- 23 A It's missing a corner of the yard.
- 24 Q And that's where the car flew in and stopped?
- 25 A In that area, yes. There's a tire mark that's on the

1 driveway from whenever they sped out of the yard.

2 Q Okay.

3 A Or sped in, whichever way.

4 Q Now I show you what has been marked as State's Exhibit 46
5 and 47. Is that the weapon that was found in your closet?

6 A It was black. I don't know very much about guns but I
7 would say if it's in the picture, yes.

8 Q Is that the gun that you transported from where it was
9 handed to you by someone to the closet?

10 A Yes.

11 Q You testified earlier that you just threw it in the
12 closet. You heard the testimony that it was in a brown box in
13 the closet.

14 A Yes, I said ---

15 Q Could you explain the difference?

16 A I said earlier that I wiped it down and put it in a box
17 in the top of the closet.

18 Q You took the time while your boyfriend lay on the ground
19 and wiped a weapon down and put it in the closet?

20 A Yes, it had my fingerprints on it and I didn't want - I,
21 I had never touched the gun before.

22 Q In which bathroom did you pour the drugs down?

23 A The master bathroom.

24 Q Where did you place the money?

25 A It was in the jewelry box but then whenever I dumped the

1 drugs out I took the money out of the jewelry box and put it
2 inside my purse.

3 Q Let me get this straight, you come in with the money and
4 you put it in the jewelry box.

5 A Right.

6 Q Then you wipe down the weapon and hide it in the closet?

7 A Not all at the same time. That happened in different
8 times.

9 Q Well, how long did it take you to do all this?

10 A I'm not exactly sure. I wasn't watching the clock.

11 Q When did the police first come into your house in
12 relationship to when your boyfriend Kevin was shot? How long
13 - how much time had elapsed?

14 A I'm not sure. That night was very long. I was left in
15 the house by myself for a very long time.

16 Q At some point they came with a search warrant; is that
17 correct?

18 A Yes.

19 Q They read the search warrant to you?

20 A I don't remember.

21 Q What was he convicted of up in North Carolina?

22 A I don't know the exact charge. I know it had something
23 to do with selling imitation drugs.

24 Q And where was that in North Carolina?

25 A In the Greensboro area.

1 Q Guilford County?

2 A I'm not sure of the counties. I'm not that familiar with
3 North Carolina.

4 MR. CHRISCO: The Court's indulgence.

5 THE COURT: Yes, sir.

6 BY MR. CHRISCO:

7 Q You said you came out and then you ran back in; is that
8 correct?

9 A Yes.

10 Q And then when you ran back out you come back out again?

11 A Yes.

12 Q Who was there when you came back out that second time?

13 A I'm not exactly sure.

14 Q Was there somebody there or were you there with him by
15 yourself?

16 A I believe that they ran off after I ran back in the
17 house; and so when I came back out the second time I believe
18 they were already in the vehicles.

19 Q Let me re-ask the question. I'm talking about people
20 coming to give aid, to help with Kevin on the ground. Let's
21 just assume that the other people have left. When you come
22 out is there any neighbor there with Kevin?

23 A When I come out the second time, no.

24 Q Was there one the first time?

25 A No, the people who shot him were there.

1 Q So when you came out the second time you were the only
2 person there?

3 A Right.

4 Q Where was the gun at that particular time? Was it in his
5 hand?

6 A No. I don't know where the gun was. I wasn't looking
7 for the gun.

8 Q How much time passed before you received the gun?

9 A I'm not exactly sure of the timeframe. I know that there
10 were already quite a few people in the yard and I was being
11 kept in the garage. I wasn't allowed to come out of the
12 garage, so between the garage and, and pacing back and forth
13 in the house.

14 Q Did you see police talking with any of the neighbors to
15 find out maybe what they had seen? Did you observe that?

16 A No, by the time the police had gotten there I don't
17 remember.

18 Q How long had passed since the time of the shooting and
19 the time that the police arrived?

20 A I'm not sure. It seems like it took a long time for the
21 police and, and the ambulance to get there.

22 Q How much is a long time?

23 A I'm not very sure.

24 Q Questions that the Solicitor was asking you had ready
25 answers and you just - could you just take a minute, close

1 your eyes and think and try to answer my question?

2 A I just remember after I came out the second time and he
3 had fallen to the ground I went in to get my cell phone and
4 then whenever I came back out with the cell phone I know it
5 took a while for me to find it. That's when people were in
6 the yard. The 911 call from my cell phone I can remember
7 going back and looking was at 9:30.

8 Q Nine what?

9 A 9:30.

10 Q 9:30 and about what time did the police get there?

11 A I'm not exactly sure when the police came. I would say
12 within a 30 minute timeframe they were there. I can remember
13 a deputy being in, in the garage with me and keeping me from
14 going in the yard.

15 Q Was it a deputy or a county policeman?

16 A I don't - it was a policeman. I'm not sure exactly what
17 he was.

18 MR. CHRISCO: The Court's indulgence.

19 THE COURT: Yes, sir.

20 MR. CHRISCO: No further questions.

21 THE COURT: Any redirect?

22 MR. RICHARDSON: A few brief questions.

23 REDIRECT EXAMINATION

24 BY MR. RICHARDSON:

25 Q You made a 911 call you said? That was basically

1 screaming; correct?

2 A I don't even remember what was said on the call. I just
3 remember calling but then I ---

4 Q Others made 911 calls as well?

5 A Yeah.

6 MR. CHRISCO: Objection, Your Honor.

7 THE COURT: I'm going to allow it.

8 MR. CHRISCO: All right.

9 MR. RICHARDSON: That's all, Your Honor.

10 THE COURT: Anything on those questions?

11 MR. CHRISCO: No, Your Honor.

12 THE COURT: You may step down, ma'am.

13 Any other witnesses on behalf of the State?

14 MR. RICHARDSON: No, sir, Your Honor, at this time the
15 State rests.

16 THE COURT: Thank you.

17 All right, ladies and gentlemen, the State has rested its
18 case. There are a number of matters I need to take up outside
19 your presence regarding the stage of the case that we're in.
20 I apologize for the late lunch but I wanted to have the
21 State's case finished before we stopped.

22 I would ask that you be back by three o'clock. Obviously
23 that's an extended time period. As I told you there are
24 things that have to take up outside your presence, no sense in
25 you sitting in the jury room while we do that. Hopefully

1 we'll get started when you're back at three o'clock or I'll
2 call you out as quickly as I can.

3 See you back at three o'clock. Remember about your
4 buttons if you go to lunch around here, please.

5 MR. CHRISCO: Your Honor, may we approach before the
6 jury leaves?

7 THE COURT: Sure. You all come over here. Just go to
8 the jury room and then we'll ---

9 (Whereupon, the following takes place outside the
10 presence of the jury. A bench conference is held.)

11 THE COURT: All right, gentlemen, why don't you all be
12 back by let's say 2:30, 2:40.

13 MR. RICHARDSON: Thank you, Your Honor.

14 THE COURT: We'll take a break. You all be back by
15 2:30, 2:40, all right?

16 MR. RICHARDSON: Thank you, Your Honor.

17 THE COURT: Thank you very much.

18 OFF THE RECORD

19 (On the record.)

20 (Whereupon, the following takes place outside the
21 presence of the jury.)

22 THE COURT: Thank you very much. You may be seated.
23 Thank you all.

24 All right, the State having rested its case, Mr. Chrisco,
25 do you have any motions at this time?

1 MR. CHRISCO: Yes, Your Honor, the first motion that the
2 Defense would make is a motion to dismiss because of - it did
3 not meet the elements of the case, Your Honor. I think we all
4 can agree that there's no direct evidence in this case and the
5 evidence that they have presented if the Court determines that
6 it is a circumstantial evidence that I think all the
7 circumstantial evidence must point in the same direction, Your
8 Honor. What they've presented could be interpreted as not
9 even being liable for, for anything. The case that I'm
10 looking at here is a case called State versus Langley. The
11 cite on it is 515 S.E.2d 98 and that's a '99 case, Your Honor,
12 Supreme Court of South Carolina. It says there's three ways a
13 Defendant can be convicted of murder. First it's if, if he
14 actually shot, I will go right to the facts of this case,
15 first is if he actually shot the victim. The second one is
16 the hand of one and the hand of all theory and he would have
17 to show that he would only be guilty of murder if he aided
18 Castro, who was the shooter in this case. There's nothing
19 been shown that he aided Castro in - when he shot the victim,
20 and under this theory of the hand of one the hand of all one
21 who joins with another to accomplish an illegal purpose is
22 liable criminally for anything done by Castro incidental to
23 the design and participation of the, of, of my client, Your
24 Honor.

25 There's nothing that has been shown that would fill that

1 illegal purpose, Your Honor. I just don't believe that the
2 State has proved a common design and purpose in their case in
3 chief.

4 THE COURT: All right, sir.

5 All right, Solicitor, any arguments about that?

6 MR. RICHARDSON: Your Honor, I assume this is a
7 directed verdict motion. As Your Honor I'm sure will state
8 that the Court should be concerned with the existence of
9 evidence not the weight, further the evidence should be viewed
10 in the light most favorable to the State as the non-moving
11 party.

12 In the present case the State seeks, seeks to establish
13 Kareem Harry's guilt under the theory of hand of one, hand of
14 all or accomplice liability, and in doing so the State - it's
15 the State's understanding that we have to show a common scheme
16 or plan. We've done that by showing the - the testimony shows
17 that after learning the location of his TV Kareem Harry
18 personally drove to the home of Saire Castro and spoke with
19 him five to seven minutes. I think the testimony was five to
20 eight minutes, and requested Castro and Tommy Byrne follow him
21 to get the TV and this is in opposition to him driving 2.9
22 miles from where he learned the location of the TV, to where
23 the TV was. Immediately after that conversation Castro goes
24 to location where he stores his 357 Magnum, the gun that was
25 used in this murder, and then he follows Kareem Harry out of

1 the house, down to a vehicle. Kareem Harry leads the way out
2 of - out to Kings Grant without instruction from Bledsoe,
3 indicating he knows where Kings Grant is and he's the one
4 leading the way. He's driving the train, Your Honor.

5 When they stop at a gas station and Kareem Harry does,
6 Saire Castro pulls in right behind him. When he pulls back
7 out, he pulls back out. When he pulls into the yard of Kevin
8 Bowens, Saire Castro pulls in the yard. That shows a common
9 scheme and plan. The testimony establishes that Harry needed
10 the TV both from, I believe the statements made on the video
11 of the, of the arresting officer that night or the one that
12 attempted to arrest Mr. Harry as he ran, that he needed the
13 money for probation fees. I believe Ms. Bledsoe may have
14 testified to that as well. He needed that TV and wanted the
15 TV or he wanted his money. Following the shooting he was
16 present at the scene. He was there talking with Kevin Bowens
17 with Saire Castro right beside him for five to seven minutes,
18 acting together, Your Honor, and following the shooting the
19 testimony shows that Harry instructed Bledsoe where to drive,
20 how to drive slowly out of the neighborhood and onto Highway
21 17 Bypass to McDowell Short Cut Road and we heard on the - on
22 that same video that that road leads to Highway 707. I
23 believe we heard Sergeant Muldoon say, "They're on McDowell
24 Short Cut Road heading towards 707," which ultimately would
25 lead back to Tommy Byrne's house.

1 We also heard from Sage, Sage McPhail who stated that
2 even after the fact the plan is still in the works. He goes
3 and picks up Sage and delivers him over to Tommy's house where
4 Saire eventually comes to get a ride away.

5 Evidence of the planning, Your Honor, that they drove
6 out, out of his way to get Saire Castro, who is known to carry
7 a firearm, that he led the way to Kings Grant, that they got
8 out of the vehicle and assisted in surrounding Kevin Bowens,
9 holding him there, Your Honor, standing directly in front of
10 Kevin Bowens and immediately adjacent to Saire Castro and he
11 led the way out of Kings Grant by instructing Ashley Bledsoe
12 where to drive and how to drive.

13 In my research I found the cases, not terribly unlike
14 Langley but a lot closer to State v. - I think it's listed as
15 State v. Gibson, it may be State v. Adams Gibson, Your Honor.
16 That's 390 S.C. 347. In that case Gibson or Adams Gibson was
17 found guilty of murder under accomplice liability or hand of
18 one hand of all. In that case Adams Gibson could not, not be
19 proved to have shot the victim but instead the State showed
20 that Adams Gibson called the shooter to the scene. It was a
21 bar called Chance's in Columbia. The shooter was his
22 brother. When the shooter arrived instead of leaving with the
23 shooter and avoiding any trouble he walks in the bar with the
24 shooter and points out the man he had a beef with. There's a
25 fight that occurs and it spills out into the parking lot, Your

1 Honor, and a witness testified, slightly different here, that
2 a, that a witness testified that Adams Gibson went out to his
3 car and retrieved a gun from the shooter's vehicle, a small 22
4 or 25, but the victim in this case was shot with a nine
5 millimeter. Both shooter and Adams Gibson fled separately but
6 at the same time. The victim, as I stated, was shot with a
7 nine millimeter and the shooter, Mr. Adams Gibson's brother,
8 admitted that he fired a nine millimeter. He did argue with
9 the State and said he only shot it up in the air. It was a
10 Court of Appeals case, Your Honor, and the Court of Appeals
11 held that here at a minimum, and I'm quoting directly, Your
12 Honor, "Here at a minimum the evidence creates the inference
13 that Adams informed the shooter, Jacques, of the situation,
14 that the reason for the call may not have been solely for the
15 purpose of removing Adams from the scene and that Adams was
16 aware a firearm was available for him to retrieve from
17 Jacques's white sedan When viewed in the light most favorable
18 to the State, the circumstantial evidence in the case infers
19 Adams and Jacques may have acted together in concert in
20 assaulting the men from Winnsboro."

21 Here there's only one person to be enriched by going to
22 Kings Grant, Kareem Harry. He's there to get a TV he believed
23 rightfully belongs to him. We heard from Tommy Byrne, Kevin
24 Bowens wasn't giving up that TV. We heard from Christina
25 Patterson a statement made by Kevin Bowens, "I'm not giving up

1 the TV. She ain't getting paid or the TV." At the very least
2 if he would have brought the TV out they were ready to snatch
3 the TV from him, greatest is they could have rushed in and get
4 the TV but they were confronted by a man who had a gun.

5 Regarding Langley the court goes further and says, they
6 cite State v. Ward, "Holding in a case with similar facts that
7 evidence the Defendant and his Co-Defendant together chased
8 after two men in the melee of a parking lot brawl and fired
9 shots, killing a bystander, that was sufficient to overcome a
10 directed verdict motion." Also, Langley, they indicate that,
11 "Evidence that the Defendant and Co-Defendant were seen
12 together, circumstantial evidence placing the Defendant at the
13 scene of the crime, eyewitness testimony was sufficient to
14 warrant submitting the case to the jury on the theory of
15 liability, including hand of one hand of all."

16 Your Honor, they just said that the decision in Adams
17 Gibson was proper. In the present case not only did Kareem
18 Harry call Saire Castro to the scene, he went out of his way
19 to get him, he led him to the scene, Harry spoke to Castro
20 prior to leaving the Byrne's household, stated he needed to
21 get the TV. We know that because Castro indicates to Tommy
22 Byrne, "We're going to get a TV." Harry had the beef with
23 Kevin Bowens, not Castro. The jury could impute that Harry
24 had knowledge of the gun by the mere fact that he did not flee
25 when the victim came out with a gun in his waistband where

1 anybody standing in front of him could, could have seen, Your
2 Honor. Kevin Bowens was shot and this shooting was the
3 reasonable outcome of bringing muscle to collect a TV or money
4 for that TV in the victim's yard in his neighborhood. The
5 victim didn't bring the TV out; and therefore, the Defendant
6 would have had to get that TV that he so desperately needed
7 and wanted he would have had to enter the house, snatch it
8 away, thereby robbing the victim or burglarizing him, Your
9 Honor.

10 It was cold-blooded malice. The State has established
11 circumstantial evidence through, through the witnesses and the
12 scene that, that should overcome any directed verdict.

13 THE COURT: All right, sir. Thank you.

14 You all give me a second. I want to review that case
15 that ---

16 MR. RICHARDSON: I've got a copy of Langley, Your Honor.

17 THE COURT: That's all right, I'm - I've got it right
18 here. I just want to take a minute to review it.

19 MR. RICHARDSON: Yes, sir, and Your Honor, I believe I
20 neglected to say, I believe Adams Gibson is a 2010 case if I
21 recall correctly. I do not have a copy of that present.

22 THE COURT: That's all right.

23 I've looked at, just so that the record reflects, I've
24 also gone through now the case of State versus Curry found at
25 636 S.E.2d 649. Let me look at State versus Langley here.

1 All right, based on the Defendant's motion basically for
2 a directed verdict based on insufficient evidence of the crime
3 charged, the murder under the theory of the hand of one is the
4 hand of all basic law regarding directed verdict, of course,
5 is that the Defendant's entitled to a directed verdict when
6 the State fails to produce evidence of the offense charged,
7 and again, the trial court's concerned with the existence of
8 evidence, not with the weight of the evidence and if there's
9 any direct evidence or substantial circumstantial evidence
10 reasonably tending to prove the guilt of the accused the case
11 properly goes to the jury. Obviously their standard is much
12 different. The Court's standard and I think we would all be
13 in agreement this is a substantial or a circumstantial
14 evidence case and obviously the Defense disagrees whether it's
15 substantial or not but it's a circumstantial evidence case and
16 the standard then is is there substantial circumstantial
17 evidence reasonably tending to prove the guilt of the accused.
18 The trial court grants a directed verdict motion when a - in
19 the trial of a case when the evidence merely raises a
20 suspicion that the Defendant is guilty of the crime charged
21 and where a jury would only be speculating as to the guilt of
22 the accused or where the evidence is sufficient only to raise
23 a mere suspicion of guilt. Suspicion is defined as implying a
24 belief or opinion as to guilt based on facts or circumstances
25 which do not amount to proof.

1 In this case, and again in the Court's view, it is a
2 circumstantial evidence case and I'm going to highlight some
3 facts. These are not all the facts the Court has reviewed or
4 using in making its decision, but there are, and some of these
5 are the same that the State brought out in its, in its
6 argument, the - it's clear that the Defendant wanted the TV or
7 the funds, that there's evidence that there was some urgency
8 to his need, that being his probation meeting or hearing the
9 next day, that he knew and was informed where the TV was
10 located, that at the time that he was informed where the TV
11 was located he had a direct path to go to the location of the
12 TV, which was in the testimony approximately 2.9 miles. He
13 decided not to do that. He decided to go to a place where an
14 individual by the name of Saire Castro was located, the
15 testimony indicating a person common knowledge was that he
16 carried a weapon, had him after a conversation with that
17 individual come along and accompany the Defendant to the
18 location and to accomplish this he had to travel distances far
19 out of his way as testified to, many, many miles out of his
20 way to recruit this person, and then to go back to the
21 location. He goes to the location. The testimony indicates
22 that the multiple vehicles arrived at the location and drove
23 into the yard of the location. There's testimony that they
24 did so in a fast manner, that they exited the vehicles in a
25 hurry, they met the person who had the TV and as a result of

1 the discussion the person that Mr. Harry had recruited to come
2 along with him to collect the TV or the money who the
3 testimony indicates was known to carry a weapon, pulled out
4 that weapon and shot and killed the victim in the presence of
5 Mr. Harry. After that Mr. Harry does not stay at the location
6 to answer questions to the police or to explain his position.
7 He flees the scene. When the police attempt to stop him he
8 flees from the police, not once but twice. All this the Court
9 finds is, in addition to all the other testimony and evidence
10 presented in this case, I'm just highlighting those facts,
11 those aren't the only ones in this case, that there is
12 substantial circumstantial evidence which reasonably tends to
13 prove the guilt of the accused or from which his guilt can be
14 fairly and logically deduced, and therefore, the motion for a
15 directed verdict is denied.

16 Further motions on behalf of the Defense?

17 MR. CHRISCO: None at this time, Your Honor.

18 THE COURT: All right, before the jury comes in, so, I
19 guess more for planning purposes and so that it may alleviate
20 having to send the jury in and out what is the Defense's
21 position at this point in time? Do you intend to present
22 evidence and/or testimony at this point in time, Mr. Chrisco?

23 MR. CHRISCO: Yes, Your Honor.

24 THE COURT: All right, very good. Excuse me,
25 regarding that testimony then will there be evidence and

1 THE COURT: --- when I ask him that because I'm not
2 questioning him about his right to testify or not.

3 MR. RICHARDSON: Certainly, certainly, Your Honor.

4 THE COURT: If you've got a copy of his record have
5 you already given a copy of that to Mr., to Mr. Chrisco?

6 MR. RICHARDSON: Went out with discovery, Your Honor.

7 THE COURT: Great.

8 MR. RICHARDSON: There's only one conviction on there.

9 THE COURT: Okay, well, that's good, well, we'll talk
10 about that then when, when they're done presenting their other
11 evidence, okay?

12 MR. RICHARDSON: Thank you, Your Honor.

13 THE COURT: All right, great. Is the State then ready
14 for the jury to come back in?

15 MR. RICHARDSON: We are, Your Honor.

16 THE COURT: And the Defense?

17 MR. CHRISCO: One question, Your Honor.

18 THE COURT: Yes, sir.

19 MR. CHRISCO: My next witness is in lockup.

20 THE COURT: Okay.

21 MR. CHRISCO: How do you want to handle him coming out
22 here?

23 THE COURT: Well, as I understand and would that be
24 Mr. Castro?

25 MR. CHRISCO: That would be Mr. Castro.

1 THE COURT: Okay, I mean, I'm certain it's going to
2 come out in his testimony ---

3 MR. CHRISCO: He's wearing ---

4 THE COURT: --- besides how he might be dressed that
5 he is currently convicted of a crime in this particular matter
6 and he's in prison.

7 MR. CHRISCO: Yes, Your Honor.

8 THE COURT: That's certainly going to come out in his
9 testimony, so I don't see any harm or prejudice for the
10 Defendant to come out ---

11 MR. CHRISCO: I just wanted to ask in advance how the
12 Court wanted it handled.

13 THE COURT: Right, I, I mean, I, I don't really see
14 any reason just as long, gentlemen, you are prepared to bring
15 him out? Is he upstairs or up here, great. So you ready for
16 the jury to come out or you need, need a short break or are
17 you ready?

18 MR. CHRISCO: No, Your Honor, I'm ready to go.

19 THE COURT: Great. Ask the jury to come on in then.

20 (Whereupon, the following takes place in the presence of
21 the jury.)

22 THE COURT: All right, Mr. Chrisco, your first
23 witness, please, sir?

24 MR. CHRISCO: The Defense calls Saire Castro.

25 THE COURT: All right, gentlemen, could you all bring

1 him out, please?

2 Whereupon, Saire Castro was called to the stand, duly
3 sworn by the clerk and testified as follows:

4 THE CLERK: Please be seated. State your name and
5 spell your first name and last name.

6 MR. CASTRO: All right, my name is Saire Castro, S-A-I-
7 R-E, C-A-S-T-R-O.

8 THE COURT: Go ahead, Mr. Chrisco.

9 MR. CHRISCO: Thank you, Your Honor.

10 DIRECT EXAMINATION

11 BY MR. CHRISCO:

12 Q Good afternoon.

13 A All right, how you doing?

14 Q You're currently wearing a prison uniform. Why is that?

15 A On September 12th I was sentenced to 30 years, South
16 Carolina Department of Corrections.

17 Q And what were you sentenced for?

18 A Voluntary manslaughter.

19 Q Did you plead guilty or go through a trial?

20 A Pled guilty.

21 Q Had you spent any time in, in jail before you pled
22 guilty?

23 A About a year and a half in the county jail.

24 Q The night that this happened was March the 1st, 2011; is
25 that correct?

- 1 A Correct.
- 2 Q I want to go back earlier that day. When was the first
- 3 time that you saw Kareem Harry?
- 4 A Had to be probably sometime around 9:30 at night.
- 5 Q And how did you happen to see him at that time?
- 6 A He ended up coming over to a friend of ours house.
- 7 Q And who was that friend?
- 8 A Tommy Byrne.
- 9 Q Who was there at Tommy Byrne's house that night?
- 10 A My mother was there, his father, the girl I ---
- 11 Q Go back, let me stop you just a minute. You said your
- 12 mother was there?
- 13 A My mother, yes.
- 14 Q Your mother was there and who else?
- 15 A His father, the girl I was seeing at the time and Tommy.
- 16 Q And did - how did Kareem get into the house?
- 17 A He came, he came over to the house. It was Tommy's
- 18 house, you know, so Tommy let him in.
- 19 Q And what happened then?
- 20 A Well, I guess them, them two was speaking to each other
- 21 and then they decided, you know, Tommy came back and decided
- 22 that he wanted to go with Kareem and to go take care of
- 23 something and then go over to Kareem's house when, when they
- 24 were finished doing what they had to do. So I told Tommy, you
- 25 know, go ahead and ride in my car. He ride with me so that

1 way I be able to take you back home whenever everything's
2 done.

3 Q And was there any talk of where you were going?

4 A No.

5 Q Where did you go?

6 A We ended up going to - I don't remember the name of the
7 neighborhood. We was in, I believe it was Murrells Inlet we
8 were in. We ended up going to Kevin's house.

9 Q Is that someone you knew?

10 A No.

11 Q And why did you think you were going there?

12 A On the way it was explained to me that Kevin had stole
13 some items and he was supposed to pay, he was supposed to pay
14 for things that he took, half, half money and half for a TV.

15 Q And what did he supposedly took?

16 A Some drugs.

17 Q And who did he take these drugs from?

18 A Ashley Bledsoe.

19 Q So you got there and then what happened?

20 A When I got there him and Kareem were speaking about the
21 situation, you know, telling him, "You know what you did. You
22 took my stuff. You need to give me my money," and he start,
23 he start cussing at Kareem and telling him, you know, "I ain't
24 do nothing. I ain't gonna' pay you nothing, nothing like that,
25 that girl lying," and everything like that. So, Kareem got

1 Ashley out the car. When he brought Ashley out the car Ashley
2 told him, "And I ain't lying. You know what you did and you
3 said that you was going to pay this money. You was going to
4 give this man his TV," and then he start screaming, "Well, if
5 you want that TV then you can come inside my house and get
6 this TV," and you could see that he had a weapon, you could
7 see the imprint of the weapon on him, and Kareem telling him,
8 "Man, I'm not going inside your house." So when Kareem turned
9 around to put Ashley in the car the man pulled out his gun,
10 and when he pulled out his gun I shot him.

11 Q You had not discussed this with Kareem?

12 A No, sir.

13 Q And when you say that Kareem had turned around what do
14 you mean by that?

15 A I mean Kareem like he gave the man the head nod. I guess
16 the man thought he was about to get into a fight because he
17 just disrespected him and Kareem when I say turned around I
18 mean did a 1-80 to put the girl back in the car, to put Ashley
19 back in the car that she came out of because we was in two
20 separate cars, my car and the car that he was driving.

21 Q Okay, let's stop right there for a minute, back up a
22 little bit. When you came into that neighborhood who was in
23 front? What vehicle was in front?

24 A My car was in front.

25 Q And who was - well, let me ask you, did you know where

- 1 you were going?
- 2 A No.
- 3 Q Well, how were you in front if you didn't know where you
4 were going?
- 5 A Ended up - to be honest with you ---
- 6 Q Take a minute and think about it.
- 7 A --- I pulled in front inside the neighborhood. I believe
8 they was on the phone with each other. Tommy and Kareem was
9 on the phone with each other telling them where to stop at.
- 10 Q And how did you come into the neighborhood? What was
11 your speed?
- 12 A Regular.
- 13 Q Describe entering, what all you encountered by entering
14 the neighborhood. Were there speed bumps?
- 15 A No.
- 16 Q You don't remember speed bumps?
- 17 A Not that I, no, not that I remember.
- 18 Q Where did you park?
- 19 A In front of his house.
- 20 Q Were you on the street, in the yard, in the driveway?
- 21 A My car was in front, in the, in the front of - off to the
22 side of the driveway the front of the grass.
- 23 Q Were you parked in the grass?
- 24 A No.
- 25 Q Were you parked completely on the road?

1 A Uh-huh.

2 REPORTER: Is that a yes?

3 A Yes.

4 THE COURT: Yes or no, yes?

5 Q Please, please answer yes or no.

6 A All right.

7 Q What was your speed when you came to the house?

8 A Whatever the speed limit was. I wasn't speeding.

9 Q Did you go in there fast and slide or ---

10 A No.

11 Q How did you - once the car was stopped describe how you

12 and your passenger got out of the car.

13 A Casually, you know, I wasn't there for anything that I

14 had to do or any problem that was mine to deal with, you know,

15 I got out the car casually like nothing, the whole time that

16 everything was happening I was just on the sideline watching

17 everything, you know, so.

18 Q Do you remember how Tommy got out of the car?

19 A The same way, casually, you know, just, just got out and

20 kind of stood to the side.

21 Q Did he stand on the car or ---

22 A No.

23 Q Now, when you got out of the car and Tommy got out of the

24 car who else that came with you got out of their vehicle?

25 A Kareem.

1 Q And at what time did Kevin Bowens come out of his house?
2 Was it right away, five minutes or what ---

3 A I believe that he was on the phone with Ashley and he
4 came outside the house right away.

5 Q And in relationship to you where you're sitting right now
6 on that night, March 1st, where was Tommy, to your left or to
7 your right?

8 A To my left.

9 Q And how far to your left was Tommy?

10 A Standing behind me about far as you see my hand reaching.

11 Q You indicate about two feet?

12 A Probably a little bit more.

13 Q To your left and a step over?

14 A Uh-huh, yes.

15 Q Where was Kareem Harry?

16 A To my right in front of me.

17 Q To your right and in front?

18 A Right.

19 Q How far to your right and how far to your front?

20 A Probably about where the box of tissues is.

21 Q So the three of you are standing pretty closely aligned?

22 A Right.

23 Q Now, how far is Kevin Bowens from you?

24 A Probably about where you are.

25 Q Do you remember what Kevin Bowens was wearing that night?

1 A No.

2 Q You stated earlier that Kevin Bowens had a weapon. What
3 type of weapon was it?

4 A Pistol.

5 Q A pistol?

6 A Right.

7 Q When you say a pistol was it a revolver pistol or was it
8 a pistol that's got one of those clips in it? Do you know?

9 A Right, it wasn't a revolver. It was not a revolver.

10 Q So it was a semiautomatic or automatic weapon?

11 A Right.

12 Q When you say you could see it in his waistband what did
13 you mean by that?

14 A I mean you could see the bulge, you could see the imprint
15 and then you could - when he pulled it out that's when you
16 know what it was.

17 Q Do you what now?

18 A When, when he pulled it out that's when I knew what it
19 was but to actually be able to tell you that I seen the
20 markings on the pistol and I got to look at the numbers and I
21 got to look at the name and all that, no, I did not, but to
22 see the pistol, know he had a gun, yes.

23 Q So it was in his waistband and then you said he pulled it
24 out. At what point did he pull the weapon out?

25 A At end, at the end of the conversation when Ashley got

1 out to tell him that he did what he did and that he agreed to
2 pay what he agreed to pay and Kareem told Ashley to go ahead
3 and get back in the car and he turned around to put Ashley
4 back in the car.

5 Q Now, how do you know Ashley?

6 A From being around.

7 Q How do you know Tommy?

8 A Kind of grew up with him.

9 Q Does Tommy sell drugs?

10 A Sometime.

11 Q How long - where were you living at this time?

12 A I was living on Peachtree Road, Socastee.

13 Q Were you living at Tommy's house?

14 A I would stay over there.

15 Q Did you have clothes there?

16 A I did have some clothes there.

17 Q And when you stayed there where would you sleep?

18 A Tommy would let me use his, his room.

19 Q You slept in the bed?

20 A Uh-huh.

21 Q During your time there were there people that came there,
22 talked with Tommy for a few minutes and left?

23 A Yes.

24 Q That particular night when Kareem Harry got there did he
25 knock on the door or just walk in?

- 1 A Knocked on the door.
- 2 Q Who answered the door?
- 3 A Tommy answered the door.
- 4 Q Where were you when Tommy answered the door?
- 5 A In the living room.
- 6 Q How - describe - what's the size of the house, big house?
- 7 A No, it's a two, two bedroom apartment, about two stories,
- 8 soon as you, soon as you come into the apartment you got to
- 9 come up a flight of steps, then take a left at the top of
- 10 those steps at the living room and at the back of the living
- 11 room make a right there's a kitchen, bedroom and a bathroom
- 12 and then you come back to where the steps are there's another
- 13 flight of steps that shoots upstairs to another bedroom.
- 14 Q And which bedroom would you stay in when you stayed over?
- 15 A The one all the way upstairs.
- 16 Q The living room and the kitchen how big is the living room?
- 17 A Not very big.
- 18 Q How big is the kitchen?
- 19 A It's got a small dining area in it and then it's got a
- 20 kitchen. You got a sink on one side and your appliances on
- 21 the other side.
- 22 Q Now, this door that Kareem Harry knocked on how far is it
- 23 from the kitchen?
- 24 A It's a good ways back. The kitchen, the kitchen is towards
- 25 the back of the house and the door, the front door that he

1 came in is in the front of the house.

2 Q So you have to go through the living room to get to the
3 kitchen?

4 A Right.

5 Q Fifteen, 20, 25 feet, what would you estimate that
6 distance is?

7 A You could fit a, you could fit a large truck in the
8 living room.

9 Q Okay, when Kareem came in and talked with Tommy where
10 were you?

11 A I was in the living room speaking to my mother.

12 Q You said Kareem talked with Tommy. Where did they talk?

13 A They were in the kitchen.

14 Q So when Kareem Harry got there and was let in by Tommy
15 they walked to the kitchen?

16 A Yes.

17 Q How long were they in the kitchen?

18 A Probably about 10 minutes, 15 minutes.

19 Q Then once they came out of the kitchen what happened
20 then?

21 A When they came out the kitchen Tommy had said that, you
22 know, they was, they was going to go leave and that he was
23 going to end up at Kareem's house, and that's when I told him,
24 you know, "I'll go ahead and take you in my car, Kareem take
25 his and that way when everything's done I'll bring you back to

1 your house," because I had my mother at his house still and we
2 was about to cook and everything.

3 Q When you said that did you leave directly or did you go
4 someplace else in the house?

5 A Kareem and Tommy started to go down the steps to leave.
6 I went back into the kitchen.

7 Q And you went back in the kitchen for what purpose?

8 A I went back in the kitchen to grab my gun.

9 Q So you went out of your way to go back into the kitchen?

10 A Right.

11 Q Why would you want to get your gun?

12 A At the time with me personally in my life I had people
13 shooting at me and things just really wasn't going, I can't
14 say really wasn't going well for me, but I had a couple of
15 people just do some crazy things, people shot at me and ---

16 Q Why in the world would somebody be shooting at you?

17 A Somebody robbed my brother. Somebody robbed my brother
18 for his money and shot at us in the car and every since then I
19 been carrying a gun.

20 Q Now, every time that you would stay over over at Tommy's
21 when you got there is there any particular place that you kept
22 the weapon?

23 A Same spot, take my gun to the kitchen.

24 Q Why was that?

25 A Just so that it wouldn't be on me while I'm in his house.

1 Q Let's go back earlier when we're at the point where you
2 say that the - Kevin had pulled the weapon from his waistband.
3 What happened then?

4 A He started to raise the gun towards Kareem. That's when
5 I shot him in his leg. When I shot him in his leg he use his
6 left arm to grab the bullet hole in his leg and, you know, the
7 gun in this right hand came down and he went to start to raise
8 the gun again. I shot him two more times.

9 Q Then what did you do?

10 A Got in my car.

11 Q Then what?

12 A I left.

13 Q Where did you go?

14 A Around the corner to McDowell Short Cut where I got
15 pulled over by the police.

16 Q How far away was that from where you had left in that
17 subdivision?

18 A About two minute drive.

19 Q When the - did you pull over immediately or did you try
20 to outrun the police?

21 A I blew through one stop sign. After I blew through the
22 stop sign I pulled over for them.

23 Q And why was that? Why did you have a change of heart?

24 A I wasn't going to try to run. I ain't a good driver. So
25 I just pulled over the car for them.

- 1 Q And that was your thoughts at the time?
- 2 A That was.
- 3 Q That you wasn't going to run?
- 4 A Right.
- 5 Q Now, describe how you got out of the car.
- 6 A The police officers came up to the car, took me out the
7 car, put me in the back of a police SUV.
- 8 Q And did the police retrieve the weapon at that time?
- 9 A No, they did not.
- 10 Q And why was that?
- 11 A The weapon was not in the car.
- 12 Q The weapon was there in the subdivision. Now, you get to
13 where you're stopped and there's no weapon. Please explain.
- 14 A I guess Tommy got rid of the weapon, threw it out the
15 car.
- 16 Q How did Tommy get a hold of the weapon?
- 17 A It was on the floor.
- 18 Q You're carried where? You're in the back of the police
19 car. Did they take you anywhere?
- 20 A Took me to police subdivision on Holmestown Road.
- 21 Q And were you questioned there?
- 22 A Yes, I wasn't questioned about a murder. They just asked
23 me did I, did I know why I was being brought to them, you
24 know, and ---
- 25 Q What did you tell them?

1 A I told them that, that I blew through a stop sign is the
2 reason why I got pulled over. They already had their blue
3 lights on me. So I told them that, that the reason why they
4 got me is because I blew through the stop sign and maybe they
5 was chasing somebody else. The police officers left my room,
6 went into another room.

7 Q Wait, let's stop a minute. How long did the police
8 officers talk with you?

9 A Not even a minute.

10 Q Well, it was a little bit longer than a minute.

11 A All together maybe about three minutes.

12 Q And what happened then?

13 A Police officers left, went to another room. I don't know
14 if they went to Tommy's room or Ashley's room and then they
15 come back to my room and he told me that, that the man died on
16 the way to the hospital; and so when, when the police tells me
17 that they left the room. When they left the room I wasn't
18 under arrest, so I left the police station.

19 Q Where did you go?

20 A Florida.

21 Q And when were you brought back to Horry County?

22 A I believe it was April.

23 Q Late April or early April?

24 A The middle of April.

25 Q And were you arrested?

- 1 A I was arrested in Florida.
- 2 Q And why were you arrested there?
- 3 A The U.S. Marshals picked me up for murder.
- 4 Q They transported you back here?
- 5 A Yes.
- 6 Q And where did you go once you got here?
- 7 A I went to J. Reuben.
- 8 Q J. Reuben Long, that's the jail?
- 9 A County jail.
- 10 Q While you were out at J. Reuben Long were you - did you
- 11 get a lawyer?
- 12 A I had a lawyer appointed to me.
- 13 Q Was that lawyer a public defender?
- 14 A Pro bono.
- 15 Q Private attorney?
- 16 A Private.
- 17 Q I now show you what has been marked as Defense Exhibit
- 18 Number Four. Do you recognize that?
- 19 A Yes.
- 20 Q What do you recognize it to be?
- 21 A An affidavit stating that Kareem Harry is not guilty of
- 22 murder.
- 23 Q And did you sign that?
- 24 A Yes, I did.
- 25 Q And did someone notarize that?

1 A Yes, they did.

2 MR. CHRISCO: Your Honor, at this time the Defense would
3 like to enter Defense Exhibit Number Four into evidence.

4 THE COURT: Any objection from the State?

5 MR. RICHARDSON: No, sir, Your Honor.

6 THE COURT: All right, it's in evidence without
7 objection.

8 (Whereupon, Defense Exhibit Number Four [Affidavit of
9 Saire Castro] entered into evidence and appropriately marked.)

10 BY MR. CHRISCO:

11 Q I'm going to let you read that. Go ahead.

12 THE COURT: You want him to publish it?

13 MR. CHRISCO: Yes, Your Honor.

14 THE COURT: All right, go ahead.

15 A "Dear To Whom This May Concern, I, Saire Castro, am
16 respectfully writing you concerning my legal matter. I am
17 currently being housed here at J. Reuben Long Detention Center
18 and I state that my Co-Defendant, Kareem S. Harry, on March
19 1st, 2011, did not commit the charge that he is being accused
20 of in the matter of warrant number M840046 voluntarily."

21 Q And what is the date on that particular document?

22 A May 9th, 2011.

23 Q Is that your, not counting your signature, I'm going to
24 ask you about that in a minute, is that your handwriting?

25 A No, it's not.

1 Q Whose handwriting is it?

2 A It's Kareem's.

3 Q Did you read - how did you come, become in possession of
4 it?

5 A I sat down with Kareem and I let Kareem know, you know,
6 "Man, you really don't need to be in here behind this mess,"
7 and he, he tell me, "Well" ---

8 Q Why would you tell him that?

9 A Because he, he, he's not guilty of nothing, nothing,
10 there was no preplanning, there was - he did not call my phone
11 and we was not in contact when he, when he got to the house.
12 He said, "What's up," to me, but other than that there's, as
13 far as what happened he really didn't have anything to do with
14 me shooting the man except for the fact that he could have
15 been a victim.

16 Q So you got this document. Do you agree with the words
17 that were written by someone else?

18 A I do.

19 Q And the date on that is when?

20 A May 9th, 2011.

21 Q This is just a few months after Kevin was killed; is that
22 correct?

23 A Yes.

24 Q How long from that date until when you pled guilty to
25 manslaughter?

1 A A year and four months.

2 Q Sixteen months later?

3 A Yes.

4 Q How long have you been in prison? Since - how long has it
5 been since September - since you went to prison, not J. Reuben
6 Long but to prison?

7 A Five months.

8 Q And let's see, five months and 16 is 21 months?

9 A Yes.

10 Q 21 months have passed since you signed that document. Is -
11 that's still what you want to say?

12 A Yes.

13 Q You were originally charged with murder; is that correct?

14 A That's right.

15 Q Did your attorney tell you what the sentence was for murder?

16 A Yes, he told me 30 to ---

17 MR. RICHARDSON: Your Honor, I'd object. He's -
18 sentencing again.

19 THE COURT: I appreciate that but it's already been ---

20 MR. RICHARDSON: Certainly, Your Honor.

21 THE COURT: --- discussed previously, so I'll allow the
22 question. Go ahead and answer it.

23 A Told me for murder I could be facing 30 years to life.

24 Q And you did not plea to that. You pled to manslaughter.

25 A Voluntary manslaughter, yeah.

1 Q And you received how much time?

2 A Thirty years.

3 MR. CHRISCO: The Court's indulgence.

4 THE COURT: Yes, sir.

5 Q (Mr. Chrisco) I'm going just to ask a few other
6 questions. How long have you known Tommy?

7 A I've known Tommy for eight years.

8 Q And how long have you known Kareem Harry?

9 A For about six years.

10 Q If you had to pick one that you were closer to which one
11 would you pick?

12 A Tommy.

13 Q Tell me about music. Did you and Kareem Harry do something
14 that concerned music?

15 A Yes.

16 Q And what was that?

17 A Kareem raps and I rap. Kareem pretty much like a producer,
18 too. He does everything.

19 Q Do you have a place where you do this?

20 A Kareem has a couple of studios. I have a couple of studios.

21 Q And when you say studio is that where you record stuff?

22 A Yes.

23 Q And how long have you been doing that?

24 A I been doing that since I was nine.

25 Q How long have you been doing it with Kareem?

1 A Maybe about three years.

2 Q Do you know me?

3 A No, I do not.

4 Q Have we met?

5 A About a couple of hours ago.

6 Q How long did we talk?

7 A For about ten minutes.

8 Q What did I ask of you?

9 A You asked me to get, get up here and tell the truth.

10 Q Thank you.

11 THE COURT: Anything else, Mr. Chrisco?

12 MR. CHRISCO: No, Your Honor.

13 THE COURT: Very good, cross examination.

14 MR. RICHARDSON: Thank you, Your Honor. May it please

15 the Court?

16 CROSS EXAMINATION (BY MR. RICHARDSON)

17 Q Mr. Castro, you do know me; don't you?

18 A Yes, sir.

19 Q I'm the one that put you before a judge back in

20 September; correct?

21 A Yes, sir.

22 Q And we were getting ready to go to trial, that's what

23 your attorney told you; right?

24 A Yes, sir.

25 Q You got a plea offer and you accepted your responsibility

1 for what you did?

2 A Yes, sir.

3 Q No doubt about it, March 1st, 2011, you were in Kings Grant?

4 A Yeah.

5 Q You were in Kevin Bowens' yard?

6 A Yeah.

7 Q Kareem Harry was there?

8 A Yes, he was.

9 Q He was driving that red truck?

10 THE COURT: Solicitor, is it necessary for you to
11 approach the witness for some reason?

12 MR. RICHARDSON: I'm sorry, Your Honor. I was going to
13 ask him about some of his ink on his arm. There was some
14 mention of ---

15 THE COURT: Well, you don't - it's not necessary to do
16 that right on top of him.

17 MR. RICHARDSON: Yes, sir, Your Honor.

18 Q (Mr. Richardson) Kareem Harry was there; correct?

19 A Yes, sir.

20 Q Tommy Byrne was there?

21 A Correct.

22 Q Actually Byrne stayed in the truck for most of the part;
23 correct?

24 A Yes.

25 Q Kevin Bowens came outside; correct?

- 1 A Yes, he was outside.
- 2 Q Leaned up against his BMW?
- 3 A Standing close to it.
- 4 Q Close to it, had his arms crossed?
- 5 A Not that I recall.
- 6 Q Not that you recall. You remember a lot of other details
- 7 though; right?
- 8 A I remember a lot.
- 9 Q Things that help your buddy Kareem?
- 10 A No, things that actually happened.
- 11 Q Things that actually happened and no doubt about it
- 12 things that actually happened you dump three rounds into Kevin
- 13 Bowens.
- 14 A Yes.
- 15 Q Shot him in the chest; correct?
- 16 A Yes.
- 17 Q Shot him in the leg?
- 18 A Yes.
- 19 Q Shot him in the back?
- 20 A No.
- 21 Q So if the autopsy report says he was shot in the back
- 22 that doctor just got it wrong?
- 23 A I was told that he had a, he had a wound that it looked
- 24 like, it appeared that maybe he had been shot in the back but
- 25 to say that that's actually what happened is I do not believe

1 that, that's what happened because that's not what happened.

2 Q Okay, so you're saying the doctor is wrong, and after you
3 shot him you fled; correct?

4 A Yes.

5 Q And as you fled the truck Kareem Harry had drove to Kings
6 Grant you were right behind them; correct?

7 A I was in front of him.

8 Q You were in front of Kareem Harry leaving Kings Grant?

9 A Right, yes.

10 Q You were locked up you said in April 2011?

11 A Correct.

12 Q And you got your discovery motion; correct?

13 A I got, I received my motion of discovery around the time
14 that I, I received the plea offer. My attorney advised me not
15 to get it sent to the county jail because of the fact that
16 people inside the county jail will try to go in my paperwork.

17 Q How many times did you talk with your attorney about your
18 discovery?

19 A I spoke to him one time.

20 Q So for that long you only spoke to your attorney one
21 time?

22 A That's correct.

23 Q How about whenever you had a bond hearing, you had a bond
24 hearing at some point; didn't you?

25 A Yes.

1 Q Towards the end of 2011; right?

2 A Yes.

3 Q Your bond got denied?

4 A Yes.

5 Q You weren't happy about that either; were you?

6 A Not, not really.

7 Q So you didn't meet with your attorney at the bond
8 hearing?

9 A I met with him at the bond hearing but you asked me if I
10 spoke to him about my motion of discovery.

11 Q So he only spoke to you about the case one time in 14
12 months?

13 A I, I spoke to him when I first seen him. At, at that
14 time I did not have my motion and after the motion been sent
15 to the house we never discussed actually all the full details
16 up until I was approached with the plea deal.

17 Q So at that point prior to your plea you knew about all
18 the discovery?

19 A No, I did not.

20 Q Well, you just said you talked about all the discovery
21 before your plea.

22 A No, we - he spoke to me about placement, where, where the
23 vehicles was at, where I was standing at and he, he spoke to
24 me about basically what, what different laws that I had in my
25 motion of discovery, standing ground law and a couple of other

1 laws, case files that he, he pointed out with, dealing with
2 manslaughter and murder.

3 Q How about since you've been in prison, have you looked at
4 any of the discovery?

5 A No.

6 Q You had to think about that.

7 A Correct.

8 Q Now you indicated to Mr. Chrisco that the gun that Kevin
9 Bowens had definitely wasn't a revolver; right?

10 A That's right.

11 Q And you know semi-auto guns; correct?

12 A I do.

13 Q Because you got busted with two of them about three weeks
14 prior to this.

15 A Yes.

16 Q And some drugs.

17 A Yes.

18 Q That was a nine millimeter and a 380; is that correct?
19 That sound about right?

20 A That's correct.

21 Q No doubt about it Kareem Harry came to the apartment
22 where you were on, on Burcale Road on March 1st?

23 A Yes.

24 Q You didn't just happen on Kings Grant. You all followed
25 them there.

1 A Yes.

2 Q So you're saying you lived on Peach Road, but that was
3 before you got arrested at the first part of February; right?

4 A Yes.

5 Q So you had to move off of Peach Road by March 1st?

6 A I was still staying on Peachtree. I had, I had clothes
7 over at Tommy's house. I had clothes on Peachtree Road. My
8 girlfriend had a baby at the time and the judge told her that
9 she can't be around her, her daughter. So her mother lives
10 next door and we let her keep the, keep the baby and we stayed
11 away from the house for a couple of days.

12 Q And that order was because that baby was in the car
13 whenever you got busted with drugs and guns; right?

14 A Correct.

15 Q Mr. Chrisco said you didn't have a public defender. You
16 had Mr. Mullins.

17 A Yes, sir.

18 Q You didn't pay for him; did you?

19 A No.

20 Q He did it pro bono.

21 A Pro bono.

22 Q That document, Defense, I believe, Exhibit One, you
23 indicated that Kareem Harry brought it to you; right?

24 A Yes.

25 Q Kareem Harry wrote everything out and you signed your

1 name?

2 A Yes.

3 Q And at some point didn't you indicate you didn't have
4 anything to do with it, too?

5 A When, when the police officer had, had questioned me in
6 the, in the police station then I kind of was leaning that
7 way.

8 Q So at your bond hearing you didn't say anything about you
9 didn't have anything to do with it?

10 A No.

11 Q Now you said that you're a rapper and Kareem's a rapper?

12 A Yes.

13 Q You said Kareem's a producer.

14 A Yes.

15 Q You looking for him to be your producer?

16 A No.

17 Q No?

18 A No.

19 Q But you did mention he's a producer.

20 A Yes.

21 Q Kareem Harry's truck led you all to Kevin Bowens' house;
22 correct?

23 A Correct.

24 Q And when you were staying over at Tommy's you said Tommy
25 let you stay in his room, in his bed?

1 A Yes.

2 Q So basically you got to tell Tommy what to do. You got
3 to take his bed.

4 A No.

5 Q You mean a man's going to let you come in, stay in his
6 house in his bed and you're telling me he doesn't do what you
7 say?

8 A Correct.

9 Q Didn't know Kevin Bowens?

10 A No.

11 Q Your TV wasn't at his house?

12 A No.

13 Q Ashley wasn't your girlfriend?

14 A No.

15 Q Let's talk about that night. You get arrested; correct,
16 March 1st, you get pulled over, you get arrested?

17 A I was pulled over. I was never placed under arrest.

18 Q You were taken to an interview room; correct?

19 A I was, I was taken to the, to the police subdivision.

20 Q Now you said you spoke to officers for three minutes,
21 tops; is that what you told Mr. Chrisco?

22 A Correct, yes.

23 Q Would it surprise - you escaped that night?

24 A I left the building.

25 Q Would it surprise you to know that you were there for

- 1 A Yes.
- 2 Q So basically you got to tell Tommy what to do. You got
- 3 to take his bed.
- 4 A No.
- 5 Q You mean a man's going to let you come in, stay in his
- 6 house in his bed and you're telling me he doesn't do what you
- 7 say?
- 8 A Correct.
- 9 Q Didn't know Kevin Bowens?
- 10 A No.
- 11 Q Your TV wasn't at his house?
- 12 A No.
- 13 Q Ashley wasn't your girlfriend?
- 14 A No.
- 15 Q Let's talk about that night. You get arrested; correct,
- 16 March 1st, you get pulled over, you get arrested?
- 17 A I was pulled over. I was never placed under arrest.
- 18 Q You were taken to an interview room; correct?
- 19 A I was, I was taken to the, to the police subdivision.
- 20 Q Now you said you spoke to officers for three minutes,
- 21 tops; is that what you told Mr. Chrisco?
- 22 A Correct, yes.
- 23 Q Would it surprise - you escaped that night?
- 24 A I left the building.
- 25 Q Would it surprise you to know that you were there for

1 Q You're saying you didn't say it?

2 A I'm telling you I do not remember.

3 Q You don't remember it. You remember telling police you
4 got behind the red truck?

5 A No.

6 Q Once again are you saying you didn't say it or you don't
7 remember saying it?

8 A I do not remember saying anything like that.

9 Q Do you remember telling police you don't know who Ashley
10 was with?

11 A I do not remember.

12 Q Your memory's getting kind of sketchy now. Do you
13 remember saying you've been in South Carolina eight years?

14 A I don't recall too much of the conversation.

15 Q You don't recall too much of the conversation. Do you
16 remember Detective Todd Cox talking with you about your
17 tattoos?

18 A No, I do not remember speaking to the detective about my
19 tattoos.

20 Q You do recall telling police that you got caught with a
21 380 Ruger?

22 A No, I do not recall telling the police I got caught with
23 a 380.

24 Q Do you recall telling police you're not allowed to have a
25 gun because you got caught with a 380 Ruger?

- 1 A No.
- 2 Q Do you recall telling police you didn't see anything?
- 3 A Yes.
- 4 Q No doubt about it you told police you didn't know the
- 5 dead guy?
- 6 A Yes.
- 7 Q You told police you didn't get out of the car; correct?
- 8 A I don't remember.
- 9 Q You remember telling police you didn't call Ashley?
- 10 A I don't remember.
- 11 Q And once again, did you - do you recall telling police
- 12 you were there to see Manny Austin?
- 13 A It's possible.
- 14 Q It's possible. "There's a lot I don't remember and then
- 15 there's some possible"?
- 16 A Yes, I did. I did - I was, I was not completely honest
- 17 with the police at the, at the beginning and finally, you
- 18 know, when I got arrested and they had me in Florida I decided
- 19 to get extradited back to South Carolina and tell everybody
- 20 what happened and ---
- 21 Q You decided to get extradited back to South Carolina?
- 22 A Well, I signed a, a signed a paper instead of, instead of
- 23 trying to fight extradition I went ahead and agreed to it,
- 24 come back to South Carolina and ---
- 25 Q Prior to signing that extradition you didn't turn

1 yourself in; right?

2 A No.

3 Q I mean you went down, you hid out with your dad and then
4 your uncle; correct?

5 A I was with a few friends.

6 Q You were with - you were hiding out?

7 A Yes and no, I, I was in contact with my, with my brother
8 and I let my brother know he was asking me did I want to turn
9 myself in and at that time he was in touch with, I believe,
10 Russell Long at the time. He was in touch with Russell Long
11 and he asked me did I want to turn myself in on the morning
12 that the U.S. Marshals got me. I was - I just got off the
13 phone with my brother about that subject, about turning myself
14 in when the U.S. Marshals got me inside of a convenience
15 store.

16 Q When they pulled their guns you figured it was a pretty
17 good time to turn yourself in?

18 A They kind of had me before they pulled their guns.

19 Q You remember telling police that, "The detectives that -
20 the police went around me to get the red truck."

21 A No, I do not remember.

22 Q Thought it.

23 A That's, that's what happened though, but I do not
24 remember telling the police that.

25 Q Well, I thought you just told us a minute ago that you

- 1 were in the lead, you were ahead of the red truck.
- 2 A The red truck went around me. I was driving and when I
- 3 pulled over the red truck went around, the police went around.
- 4 Q Do you remember telling the police you don't even know
- 5 Kareem Harry?
- 6 A It's possible.
- 7 Q You told them you knew Kason Harry?
- 8 A I do not recall.
- 9 Q Do you recall telling the police you lived with Kason
- 10 Harry before?
- 11 A I do not recall telling the police that.
- 12 Q Do you remember telling the police that the last time you
- 13 saw Kason Harry and that's Kareem's brother, do you remember
- 14 telling them it was at a Super Bowl party just a month and a
- 15 half before?
- 16 A I do not recall telling the police that.
- 17 Q At 56 minutes and ten seconds do you recall telling the
- 18 police once again, "I do not know Kareem Harry"?
- 19 A No, I do not recall that.
- 20 Q So you don't recall any of those but you recall plenty of
- 21 fine details on everything else.
- 22 A Yes.
- 23 Q Your mom, she moved that day, correct?
- 24 A Yes.
- 25 Q Tommy helped you move her?

1 A Yes.

2 MR. RICHARDSON: The Court's indulgence.

3 THE COURT: Yes, sir.

4 BY MR. RICHARDSON;

5 Q After you ran away from police that night from I think
6 you called it Glenns Bay Road to Scipio Lane, right off Glenns
7 Bay or Holmestown, where'd you go?

8 A Went to Tommy's house.

9 Q You went to Tommy's house and prior to getting to Tommy's
10 house did you do anything?

11 A Cut my hair.

12 Q Cut your hair because you had a big, your hair was poofed
13 out; right?

14 A Yes, I had an afro.

15 Q And you shaved it down before you ever got to Tommy's
16 house?

17 A Yes.

18 Q Did you do that out in the woods, at somebody else's
19 house?

20 A Somebody else's house.

21 Q Whose house was that?

22 A My brother's house.

23 Q Your brother's house. Your brother give you a ride over
24 to Tommy's house?

25 A No.

- 1 Q When you got to Tommy's house who was there?
- 2 A Tommy, Tommy's dad was there. Tommy's sister was there.
- 3 The girl I was seeing at the time was over there and Sage was
- 4 over there.
- 5 Q And that girl that you were seeing at the time that's the
- 6 one you got busted with drugs and guns?
- 7 A Correct.
- 8 Q You were known to carry a gun?
- 9 A Some places to some people.
- 10 Q Did Sage drive you away from Tommy's house?
- 11 A Yes.
- 12 Q Where'd he drive you to?
- 13 A My brother's house.
- 14 Q Let me get this right, you go to your brother's house,
- 15 shave your head down; correct?
- 16 A Yes.
- 17 Q Then you get over to Tommy's house; right?
- 18 A Yes.
- 19 Q And then Sage drives you back to your brother's house?
- 20 A Correct.
- 21 Q Tommy wasn't at Tommy's house because Tommy was at the
- 22 precinct; correct?
- 23 A Yes.
- 24 Q He stayed there?
- 25 A Yes.

1 Q Ashley wasn't at Tommy's house?

2 A No.

3 Q And this wasn't your beef?

4 A No.

5 MR. RICHARDSON: No further questions, Your Honor.

6 THE COURT: Any redirect?

7 MR. CHRISCO: Yes, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. CHRISCO:

10 Q What's easier for you to remember, the truth or the lies
11 you told?

12 A The truth.

13 Q That night when you were taken from the car to the
14 Holmestown Road, whatever they call it, were you in handcuffs?

15 A I was, I was in, I was in handcuffs in the police car.

16 Q And at some point were those handcuffs removed?

17 A Yes.

18 Q And where were they removed?

19 A In the interrogation room.

20 Q I'm going to ask this question anyway, where would Tommy
21 sleep when you stayed over?

22 A Sometimes he'd go over to a girl's house and he had - his
23 sister had the bedroom that was in the back by the kitchen and
24 sometimes she wouldn't stay there, so he stay in that bedroom.

25 Q The gun charges that the Prosecutor spoke about, what

1 happened to those charges?

2 A The charges got dismissed.

3 Q And that's when you pled guilty to ---

4 A Yes.

5 Q --- manslaughter?

6 A Yes.

7 Q Did your lawyer go over the elements of manslaughter with
8 you?

9 A No.

10 Q You said a few people knew that you carried a gun.

11 A Yes.

12 Q Was Kareem Harry one of those people?

13 A No.

14 MR. CHRISCO: No more questions, Your Honor.

15 THE COURT: Anything on those questions, Solicitor?

16 MR. RICHARDSON: No, sir, Your Honor.

17 THE COURT: All right, gentlemen, Mr. Castro is
18 remanded to the custody of the South Carolina Department of
19 Corrections. Thank you very much.

20 Solicitor, Mr. Chrisco, could you all come up and talk to
21 me for a second?

22 (Whereupon, a bench conference is held in the presence
23 but out of the hearing of the jury.)

24 THE COURT: All right, ladies and gentlemen, we're
25 going to take a short break at this time and we'll call you

1 back out in about five, ten minutes, all right? Thank you
2 very much. Everyone else remain seated, please.

3 (Whereupon, the following takes place outside the
4 presence of the jury.)

5 THE COURT: All right, is there anything before we
6 take a break from the State?

7 MR. RICHARDSON: No, sir, Your Honor.

8 THE COURT: From the Defense?

9 MR. CHRISCO: No, Your Honor.

10 THE COURT: Very good. We'll take a short break,
11 about five, ten minutes. Thank you very much.

12 OFF THE RECORD

13 (On the record.)

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

16 THE COURT: Thank you very much. You may be seated.
17 Thank you all.

18 All right, the State ready for the jury to come in?

19 MR. RICHARDSON: Yes, sir, Your Honor.

20 THE COURT: All right, Defense?

21 MR. CHRISCO: The Defense is ready, Your Honor.

22 THE COURT: Ask the jury to come in, please.

23 Other witnesses besides the next one that you plan on at
24 this point in time?

25 MR. CHRISCO: Maybe ---

1 THE COURT: I know it could change.

2 MR. CHRISCO: --- maybe one more.

3 THE COURT: All right, very good, thanks. I'll just
4 tell you it's my intention that we finish the testimony today
5 no matter how long it takes.

6 MR. RICHARDSON: Yes, sir, Your Honor.

7 THE COURT: All right, just so that you all ---

8 MR. CHRISCO: All right with me, Your Honor.

9 THE COURT: --- you all are clear. We're, you know,
10 and I'll - you do whatever you need to do but ---

11 MR. CHRISCO: I've got somebody to take care of my dogs.
12 I'm fine.

13 THE COURT: --- well, that, that's good because we, we
14 just going to be here till we get done with the evidence.

15 (Whereupon, the following takes place in the presence of
16 the jury.)

17 THE COURT: All right, Mr. Chrisco, next witness,
18 please, sir.

19 MR. CHRISCO: The Defense calls Detective Allen Large.

20 THE COURT: All right, sir. Please, sir, if you would
21 come forward and meet the clerk at the corner of the witness
22 box.

23 Whereupon, Troy Allen Large is called to the stand, duly
24 sworn by the clerk and testified as follows:

25 THE CLERK: State your full name and spell your last

1 name.

2 MR. LARGE: It's Troy Allen Large, L-A-R-G-E.

3 THE COURT: All right, Mr. Chrisco.

4 MR. CHRISCO: Your Honor, Your Honor, want to treat this
5 witness as per the rules.

6 THE COURT: I don't believe it's necessary anymore to,
7 to do that or to declare.

8 MR. CHRISCO: Thank you, Your Honor.

9 THE COURT: So, just ahead and ---

10 DIRECT EXAMINATION

11 BY MR. CHRISCO:

12 Q Detective Large, who do you - who, who are you employed
13 by?

14 A I'm currently employed with the Horry County Police
15 Department.

16 Q And how many years has it been now?

17 A Twenty-five years.

18 Q You're retire, retirement age?

19 A Yes, sir.

20 Q On March 1st, 2011, what were your duties within the Horry
21 County Police Department?

22 A I'm assigned to the violent crimes section of the
23 Criminal Investigative Division.

24 Q And were you called out on this particular case?

25 A Yes, sir, I, I was on call that night and received a call

1 of a shooting in Kings Grant.

2 Q And what, what were your duties as, as it pertains to
3 this Kings Grant shooting?

4 A Based on the call schedule I would be the primary person
5 in charge of the investigation. There's 12 of us assigned to
6 the C.I.D. Division that work violent crimes, but you're on
7 call a certain number of days a month and when those days come
8 up and you're on call you're the lead investigator of that
9 particular case if you're called out.

10 Q What does ---

11 A So I was the investigator in charge.

12 Q --- and what does a lead investigator do?

13 A Just responsible for being the supervisor over the
14 investigation to coordinate with crime scene, other
15 investigators, road patrol, make sure the autopsy, everything
16 is coordinated, put into a case file.

17 Q And doing that job is it your responsibility to look over
18 everything that is collected by the other detectives?

19 A The majority of it, I mean, at least to make sure that
20 it's in the case file.

21 Q And you use that as a determination to know what to do
22 with the case?

23 A Well, no, basically the case is built from the moment
24 that you're called out as you're starting your investigating,
25 you start gathering information about what has happened and

1 that's part of the tools that you use to bring together the
2 case file. So, it - you can make a determination on an arrest
3 or all before a total case file is completed. You can have an
4 arrest.

5 Q In this particular case there were - you conducted
6 various interviews; is that correct?

7 A Yes, sir.

8 Q And did you conduct the interview with Saire Castro?

9 A Part of it, Detective Todd Cox and Brad Townsend were
10 also present at the south precinct.

11 Q Basically all he did during that interview was deny any
12 part of being involved with this particular shooting?

13 A Yes, sir, he denied any part of any knowledge of any
14 shooting.

15 Q And at some point he excused himself and left the
16 building?

17 A Without permission, yes, sir. He, he escaped. He, he
18 left without - while we were in the process of interviewing
19 him.

20 Q Well, let's stop a minute. He wasn't under arrest, so he
21 didn't technically escape. He just left.

22 A Well, it'd, it'd be an interpretation, sir, I mean, he
23 was handcuffed. He was brought there. He didn't have a
24 choice. He was going to go to the precinct regardless based
25 on the preliminary information that we had gathered and an

1 ongoing investigation that the two vehicles that were stopped
2 on McDowell Short Cut had possibly been involved in a shooting
3 at Kings Grant.

4 Q But he wasn't in handcuffs at the time that he left the
5 building?

6 A No, sir, we took them off for the interview.

7 Q And he hadn't been arrested, told that he was being
8 arrested?

9 A No, but his freedom was, was - but he has not been served
10 a warrant yet.

11 Q So you hadn't told him that, "You're under arrest"?

12 A Right, hadn't told him officially he was under arrest.

13 Q Now, during your investigation Kareem Harry's name came
14 about; is that correct?

15 A Yes, sir.

16 Q And you learned that or didn't you learn through a stop
17 of the red pickup that he ran?

18 A Well, later on we learned that he was the one that - on
19 the video that actually ran from the traffic stop.

20 Q Ashley Bledsoe was behind the steering wheel when it was
21 stopped; is that correct?

22 A Right, yes, sir.

23 Q And she told the officer at that point who it was?

24 A I - after watching the video, yes, sir, I saw that, that
25 was part through my interview that I gained knowledge that it

1 was possibly Kareem Harry who was in the truck with her.

2 Q When you watched the video of that stop here in court was
3 that the first time that you had seen that?

4 A That - no, I had reviewed it one time making sure that it
5 was on a disk, that it was properly done for discovery, but I
6 didn't pay attention to the exact words that were exchanged.

7 Q I understand. During the course of your investigation
8 you came in contact with Kareem Harry again?

9 A Yes, sir.

10 Q When was that?

11 A I believe it was on March 3rd, 2011.

12 Q And about what time was that?

13 A I believe it was in the morning hours.

14 Q So, it's like a day and a half later?

15 A Right, yes, sir.

16 Q And where did you meet him?

17 A What I had done once identified Mr. Herring [sic] as
18 being one of the subjects involved in the shooting incident I
19 reached out to his mother and started making phone calls to
20 the family and arranged for him to turn himself in at the
21 Horry County Police Department.

22 Q And he did that on March the 3rd?

23 A Yes, sir.

24 Q And at that time that he turned himself in was there a
25 warrant at that time for his arrest?

- 1 A Yes, sir.
- 2 Q Did you serve that warrant upon him?
- 3 A Yes, sir.
- 4 Q What happened once the warrant was served on Mr. Harry?
- 5 A Read him his Miranda Rights.
- 6 Q And where was this done?
- 7 A At the Horry County Police Department.
- 8 Q And when you - is that when you - I mean, he turns
- 9 himself in and right at that point where he turns himself in
- 10 that is done or is that done later?
- 11 A I, I can't remember if I served the warrant prior to the
- 12 Miranda Rights or afterwards, but he had knowledge that there
- 13 was an active arrest warrant for him in reference to murder
- 14 for the shooting at Kings Grant.
- 15 Q And how long after that - well, you said it was done.
- 16 Was it - in whose presence was this done?
- 17 A Me and Detective Brad Townsend conducted the arrest and
- 18 interview at the Horry County Police Department.
- 19 Q Now, is Detective Brad Townsend still with the Horry
- 20 County Police Department?
- 21 A No, he is currently employed as an investigator for the
- 22 15th Solicitor Circuit as an investigator for them.
- 23 Q For the Prosecution?
- 24 A Prosecution.
- 25 Q So you and he sit down or how did you conduct the

1 interview?

2 A Oh, we did it in our interview room at the Horry County
3 Police Department. We sat down.

4 Q And how is that interview room equipped?

5 A Well, it's equipped with video camera and also I have a
6 digital recorder.

7 Q Is there video in the - a video camera in the room that
8 you can see?

9 A No, sir. It's, it's off.

10 Q And how is that, how is that done?

11 A I'm not sure how it's done but they've got it set up to
12 operate. I mean, I know how to remove the disk and press to
13 get it going and to retrieve the disk, but that's all. I
14 don't know how they've got it audio, the video set up.

15 Q Did you inform Mr. Harry that he was being recorded?

16 A No - yeah, I did with my digital recorder.

17 Q And you - were his rights read while the camera was on?

18 A Yes, sir.

19 Q Was that also audio collected at the same time?

20 A Yes, sir, they both - there was two disks, one audio and
21 one audio video.

22 Q And was - and he was aware that he was being videotaped?

23 A I'm not sure if he was aware. He knew it was being
24 recorded, but I'm not sure if he knew the full extent.

25 Q And did he understand his rights?

1 A Yes, sir.

2 Q And how were these rights given to him?

3 A Basically we have a standard form that we use at the
4 Horry County Police Department. It's called a Miranda form.
5 It states you have a right to remain silent, anything you say
6 can and will be used against you in a court of law, you have a
7 right to talk to an attorney and have him or her present with
8 you before you're being questioned, you cannot afford to hire
9 an attorney one will be appointed to represent you before any
10 questions and then we usually ask them how far they went, not
11 to insult them but ask them how far they went educational
12 wise, if they're under the influence of any drugs or alcohol
13 and then there's a box for them to check and then you sign,
14 the person you're questioning signs and then you witness and
15 date and time it.

16 Q And did - do you always read from the, the form or do you
17 do it off the, off the ---

18 A I read from the form. It's just standard practice even
19 though I've done it so many times I've memorized it, but I
20 like to go along the form as I'm reading it.

21 Q And if - when you ask the question about education and
22 those other questions do you write the answers on the form?

23 A Yeah, that sometimes - there's a place on the form and
24 we'll check it or if there's not then I'll initial the
25 educational level.

1 Q And did you do that in this case?

2 A In this particular one I believe on the form it's on,
3 it's marked on there.

4 MR. CHRISCO: Your Honor, I don't know where that
5 particular form is.

6 A It should be up at the top right.

7 Q I now show you what's been marked as State's Exhibit
8 Number 63.

9 MR. CHRISCO: I might have to ask the Court, is this in
10 or is it for identification purposes?

11 THE COURT: I think that was only for the purpose of a
12 motion, so it's not in evidence at this point in time.

13 MR. CHRISCO: Thank you, Your Honor.

14 Q I'm now handing you what's been marked as State's Exhibit
15 63. I think I'm going to get it remarked with ---

16 THE COURT: I'm sorry?

17 MR. CHRISCO: How does the Court want me to do that?

18 THE COURT: You would have to - do you want to
19 introduce it into evidence at this point in time? Are you
20 going to be asking to introduce it into evidence at this time?

21 MR. CHRISCO: I'm going to be talking about it, so ---

22 THE COURT: Well, if you're going to talk about it I
23 think you can still identify it by that document. Now, if you
24 want to at some point in time introduce it into evidence then
25 we'll have to put an additional sticker on there.

1 BY MR. CHRISCO:

2 Q Is that the form that you have been talking about?

3 A Yes, sir.

4 Q And it's got the various notations that you have talked
5 about?

6 A Yes, sir.

7 Q And you witnessed Kareem Harry sign that particular
8 document?

9 A Yeah, well, Detective Brad Townsend witnessed it but I
10 was the one that read it to him and was present when this form
11 was filled out.

12 Q And when I say Kareem Harry is Kareem Harry in the
13 courtroom?

14 A Yes, sir, right over there.

15 Q Now, once the interview was over what did you do?

16 A I think we transported him to J. Reuben Long.

17 Q And what about the audio video and the audio?

18 A That was collected for the case file.

19 Q And who collected that?

20 A I did.

21 Q And what did you do with it?

22 A Made a copy, well, had an original for us and then made a
23 copy for the Solicitor's Office.

24 Q And where is the original now?

25 A It's in the case file.

1 Q And where is the case file?

2 A In my car.

3 Q And where are you parked?

4 A In, in the, right out here in the court.

5 MR. CHRISCO: Your Honor, I hate to ask but I need to go
6 ahead and ---

7 THE COURT: All right, ladies and gentlemen of the
8 jury, go to your jury room, please.

9 (Whereupon, the following takes place outside the
10 presence of the jury.)

11 THE COURT: So, you're requesting the detective go
12 retrieve the case file? Is that what you're saying?

13 MR. CHRISCO: Yes, Your Honor.

14 THE COURT: All right, any objection to that from the
15 State?

16 MR. RICHARDSON: Your Honor, I have no objection to
17 it. I don't know that Detective Large had a subpoena for
18 those documents but I'm sure he'd be happy to go get that.

19 THE COURT: Well, I appreciate that. I think we ---

20 MR. RICHARDSON: I'm saying we have no objection, Your
21 Honor.

22 THE COURT: All right, very good. I think we
23 discussed the matter the other day and I think it was ---

24 MR. RICHARDSON: Yes, sir, and he did bring the file,
25 yes, sir.

1 DIRECT EXAMINATION (CONTINUED)

2 A Yes, sir.

3 Q Is that the case file that was in the car?

4 A Yes, sir.

5 Q And you've got the audio video?

6 A Right, I have a - the audio is in - with me. The video
7 was used in the Jackson v. Denno earlier.

8 Q Okay, and I'm going to switch gears. We're going to come
9 back to that.

10 A Okay.

11 Q You've sat here while the Prosecution was putting up
12 their case; did you not?

13 A Yes, sir.

14 Q And you heard the various witnesses testify?

15 A Yes, sir.

16 Q Now, some of what you heard from the witnesses that
17 testified were different than what they said at an earlier
18 time; were they not?

19 A They've been different stories, statements made
20 throughout the investigation, yes, sir.

21 Q Let's go back to Ashley Bledsoe. Her story was somewhat
22 different than what was told that particular night.

23 A Yes, sir.

24 Q You remember what she stated that night?

25 A Not exactly. It's been recorded and we have an interview

1 with her.

2 Q During that interview she stated that she never ---

3 MR. RICHARDSON: Your Honor, I object. He's trying to
4 get into Ms. Bledsoe's statements. Ms. Bledsoe has taken the
5 stand and she's had the - he's had the opportunity to cross
6 examine her with regard to those statements. Getting them in
7 through Detective Large would be hearsay, Your Honor.

8 MR. CHRISCO: It's not hearsay. She's already been
9 subject to cross examination, Your Honor.

10 THE COURT: I - all right, hold one second.

11 Why don't you ask your next question before I rule on
12 that? Go ahead.

13 MR. CHRISCO: Changing my train of thought, Your Honor.

14 BY MR. CHRISCO:

15 Q You heard Christina Patterson testify that she took a gun
16 from the crime scene; did you not?

17 A Yeah, I heard about the gun, yes, sir.

18 Q When you were doing your examination of witnesses you
19 were under the impression that there was no gun at the crime
20 scene as far as the victim was concerned; is that correct?

21 A Yes, sir, that was correct. No one had stated about a
22 gun.

23 Q You were also unaware that drugs were taken from the
24 crime scene and destroyed. You wasn't aware - you was aware
25 of that only after Ms. Patterson came forward five months

1 later; were you not?

2 A Yes, sir.

3 Q So, for five months you were thinking that there was no
4 weapon and you didn't know about drugs or money ---

5 A Well, there, there was one statement later on that said
6 there was possibly a gun involved.

7 Q And who made that statement?

8 A I believe it was Mr. Harry.

9 Q And while you were interviewing Mr. Harry that was two
10 days after this event, after the incident date?

11 A Yes, sir, that was our formal interview.

12 Q Every time he mentioned that it was more or less
13 disregarded by you and Detective Townsend because your
14 information was that there was no weapon.

15 A Well, right, the only weapon that was found was inside
16 the residence. It was found in a box and other statements
17 that had been made by witnesses and Co-Defendants had not
18 indicated that there was a gun.

19 Q Would knowing that the victim had a gun change the way
20 that you would have investigated this incident?

21 A It, it depends on where the gun was found, a lot of other
22 particulars, how statements were made, but any, any kind of
23 new introduction could change an investigation.

24 Q Had your officers arrived to the shooting and found the
25 gun in the hand of the victim all stretched out would that

1 have changed the way that you investigated this crime?

2 A It'd depend on how tests came out. We did GSR kits on
3 the subjects that were detained and I believe we also did a
4 GSR kit on the victim.

5 Q But if the person had never fired the weapon would he
6 test positive on a GSR kit?

7 A He should but in this particular case Mr. Castro didn't.

8 Q And please explain to the jury what a GSR kit is.

9 A I, I can tell you what we use it as a tool. It's a
10 gunshot residue kit. It is used by police to examine the
11 hands of a person that may or may not have shot a gun. It's
12 usually done within four hours from the time the person has
13 shot a gun. Elements, weather can change it, if it's indoor,
14 outdoor, but what we do is we take a sample on some q-tip and
15 swab the hands, the front and the back and also do a magnet
16 thing to detect particles of metals on the hand and we send
17 that off to the State Law Enforcement Division for them to
18 examine it and send us back a report.

19 Q Is there also any type test that can be done to the, to
20 the weapon itself?

21 A To see if it's, it's fired it would need usually a shell
22 casing or a projectile to compare, do a ballistics check but
23 the only other thing that we would do off of that is find out
24 who had had contact with it by doing a DNA swab, but as far as
25 telling - testing where a gun's been fired or not would be

1 compared to the scene at hand.

2 Q Well, if that particular gun had been fired there would
3 have been a shell casing somewhere; would there not be?

4 A With this particular gun that was taken during the search
5 warrant, yes, there should have been a casing.

6 Q And explain why that would be to the jury.

7 A Well, unless somebody moved it but the type of weapon
8 that was recovered and I'm no firearms expert, ejects when it
9 - when the firing pin hits the bullet it ejects the shell
10 casing out and the bullet comes through the barrel of the gun
11 and usually unlike a revolver, a revolver the pin hits the
12 back of the bullet and spins it around so when a person fires
13 usually six rounds they're done and can reload the weapon.

14 Q When this particular gun was found in the closet there
15 were no tests done on it.

16 A No, sir, nothing - at the time there would be no reason
17 to do a test on it because of where it was found at and there
18 was no testimony or statements to us that the gun was outside.
19 So we assumed it was just in the closet.

20 Q So at that time there were no connection with that gun
21 being at the crime scene.

22 A No, it was at the crime scene but it was inside the
23 house. We considered the inside the house, the whole area,
24 but it - we didn't connect it to the outside.

25 Q Where the body was found, it could not be connected back

1 to the body.

2 A Right, where, where Mr. Bowens was shot and then
3 transported from there.

4 Q You were told five months later is when you found this
5 information out that there was a weapon removed from the crime
6 scene? Is that when you found out?

7 A It was way afterwards, but it was sometime way past the
8 case file had been turned in and most of the paperwork had
9 been done on it.

10 Q Do you know about what time that was?

11 A No, sir.

12 Q Was it - the statement was made in August, so when did
13 you receive it from that August date ---

14 A No, just ---

15 Q --- of 2011.

16 A --- it was information passed along confirming that the
17 weapon had been in the victim's waistband.

18 Q Given the testimony of Mr. Harry what would you have
19 asked differently had you known?

20 A I believe I asked everything at the time that was ---

21 MR. RICHARDSON: Your Honor, I believe he said given
22 the testimony of Mr. Harry.

23 Q Given the - your interview with Mr. Harry.

24 THE COURT: All right, go ahead.

25 A Basically I conclude all my interviews, "Is there

1 anything that - to, to add or take out or add to it that I
2 didn't question?" That is very important when, when we do
3 conduct an interview to tell everything that you know, so what
4 I'm saying is I'm pretty sure, you know, I covered everything
5 as far as that evening and leading up to that evening.

6 Q And did you discuss the weapon that the victim had in
7 great detail?

8 A Not in great detail. He said that it was - he noticed it
9 in the waistband of the victim. He never said that it was
10 displayed or anything like that. Nobody ---

11 MR. RICHARDSON: Your Honor, he's getting into Mr.
12 Harry's statement at this point.

13 THE COURT: I'll allow them to continue with the
14 answer and then you'll move on to something else, Mr. Chrisco.

15 MR. CHRISCO: Thank you, Your Honor.

16 BY MR. CHRISCO:

17 Q Sage McPhail, the - you interviewed or attempted to
18 interview him?

19 A Yes, sir.

20 Q Twice?

21 A Yes, sir.

22 Q Did he make any statements ---

23 A No, sir.

24 Q --- post-Miranda that of anything that he testified to
25 today?

1 A No, he didn't make any statements to us. He invoked his
2 right for an attorney and we shut down our interview once he
3 did that.

4 Q And so you never went back and re-interviewed him?

5 A The only - we have, we have an interview that we read his
6 Miranda Rights to and he invoked his right for an attorney.
7 Then as we were taking him back to his cell he said he wanted
8 to talk, so we asked him to reinitiate and then it was still
9 unclear, so we stopped the interview from anything further
10 since there was a - I didn't want there to be a question here
11 in court.

12 Q Just to be on the safe side?

13 A Yeah.

14 Q Now, when you first interviewed Saire Castro, he didn't
15 even acknowledge being there; did he not?

16 A Correct, he, he lied the whole time.

17 Q And at some point he left the building?

18 A Yes, sir.

19 Q And at some point he was rearrested?

20 A Yes, sir.

21 Q When he was rearrested was he given his Miranda Rights
22 and interviewed at that time?

23 A In Florida, no, sir, and by the time he was brought back
24 here Mr. Mullins had been appointed to represent him.

25 Q And did you ever contact Mr. Mullins about maybe talking

1 with his client?

2 A No, sir, I just spoke to him briefly about the
3 acknowledging the letter I got for discovery and told him if
4 he needed anything holler or let me know, not holler at me.

5 Q Now, at some point, correct me if I'm wrong, the next
6 morning you went to Tommy Byrne's residence?

7 A Are you referring to once we cleared the south precinct
8 with the, the subjects we had there then I went to Burcale
9 Road, yes, sir.

10 Q And the reason was what?

11 A Furthering the investigation, got information to - also
12 since we had lost Mr. Castro, was going back to where he was
13 originally staying at with Tommy to see if we could gather
14 some information and conduct our investigation.

15 Q Were any additional arrests made there?

16 A Yes, that's where Tommy Byrne's sister, Amanda Byrne, got
17 arrested for accessory after the fact, along with Sage.

18 Q And ---

19 A There, that was in a time period. They both got arrested
20 for accessory after the fact.

21 Q Why was she arrested?

22 A Because she aided Castro in escaping. She knew that he
23 was involved in a shooting incident and provided him
24 transportation from, from the location to allude the police.

25 Q While there at Tommy Byrne's residence did you have the

1 opportunity to go inside the residence?

2 A No, sir, I never entered the residence.

3 Q Was there ever a search warrant for that address?

4 A No, sir.

5 Q And what would be the reason why there wasn't?

6 A We didn't have any information that there would be any
7 evidence there for us to obtain a search warrant. There,
8 there was never enough probable cause to go present it in
9 front of a judge that there might be evidence from the Kings
10 Grant shooting or another crime had been committed.

11 Q Going back to the Shantel witness that lived across the
12 street with the - taking the garbage out, did you have an
13 opportunity to listen to that particular audio recording?

14 A No, I just collected the CD, disk from I believe it was
15 either Detective Frebowitz or Detective Weaver did the canvas
16 of the neighborhood.

17 Q Did you get a synopsis or a summary of what she had
18 stated?

19 A No, sir.

20 Q So, none of that was put into your being the lead
21 investigator that you looked at for the evidence?

22 A Right, I didn't, I didn't get any report from - well, I
23 think I might have gotten one from Frebowitz. Let me check.

24 THE COURT: Yes, sir.

25 FOREPERSON: Your Honor, could we ask Mr. Chrisco to

1 speak up a little bit, please?

2 THE COURT: All right, let's not ---

3 MR. CHRISCO: I'll get closer. It's late in the day,
4 Your Honor.

5 THE COURT: All right, sir.

6 A I did get a report from Mr. Frebowitz or Detective - let
7 me review it real quick.

8 Q Had it stated in the report that she had removed evidence
9 and disturbed a crime scene would that have gotten your
10 attention?

11 A Yes, sir, that, that's not in there.

12 Q Left that portion out?

13 A Yeah, he's got in here where he interviewed her, but no,
14 there's no - that statement wasn't made.

15 Q Nor was the statement that she made concerning,
16 concerning exhaust fumes.

17 A No, sir.

18 Q How many people, how many people were arrested for ---

19 A For this case?

20 Q --- murder in this case?

21 A Four.

22 Q And the probable cause was what you had gone through and
23 collected at that point?

24 A Right, the unlawful taking of another person's life was,
25 was the cause. Mr. Bowens died of his injuries sustained from

1 the gunshot wounds and that these four people went together at
2 the residence in Kings Grant and that actually which came to
3 my surprise it was arguing over a TV and I kept looking for
4 some other motive, but it was an argument over the TV.

5 Q Was the TV taken into evidence?

6 A No, at the time we didn't know that it was missing. It
7 wasn't reported stolen or anything like that. We wouldn't
8 know whose TV was what.

9 Q So the - you did - actually did a check on the
10 television, serial number?

11 A No, I'm just saying there was never a report done for a
12 stolen TV. There was never - any of these individuals,
13 instead of calling the police, didn't report it to us. They
14 were disputing over the TV amongst themselves.

15 Q Oh, I - now I understand.

16 A Yeah, I didn't - I wouldn't have - we wouldn't have taken
17 the TV unless we would have known one was stolen or it would
18 have been some reason to take it.

19 Q Did anyone ever take the serial number from the
20 television that was in the house?

21 A No, sir, it would have been, I mean, for us there would
22 have been no reason. We don't - when we do a search warrant
23 unless we're doing it in reference to stolen property we don't
24 take the serial numbers off of people's property.

25 Q So, the fact, the fact that this shooting was over a

1 television gave no rise to look at the televisions inside the
2 premises at the crime scene?

3 A It, it was - it took a while to find out, I mean, months
4 later that it really was over a television. There wasn't any
5 other indication. At first Ms. Bledsoe had said, made a
6 statement in reference to going to get a TV. I just thought
7 that was a lie, that somebody would end up losing their life
8 over a TV, but - so, I mean, there wasn't any direct knowledge
9 at the time the first few weeks that it was a TV. It had been
10 suggested but nothing concrete.

11 Q When the car that Castro and Byrne was stopped was Byrne
12 arrested for something other than murder?

13 A I believe they also made a charge with the pills in his
14 pocket. There was drugs, prescription drugs without a
15 prescription. He had some on him. Whether he had a
16 prescription or not I don't know but the patrol officer wrote
17 him a summons for that.

18 Q And you wouldn't have any of that stuff in your file
19 there?

20 A No.

21 Q You just knew about it because it happened that night?

22 A Right, because they went ahead and did it along with the
23 traffic stop, suspicion of being involved in the shooting at
24 Kings Grant.

25 Q So you wouldn't know how many pills or the quantity or

1 the strength or whatever?

2 A No, that officer handled that case.

3 Q Do you remember if they were drugs or pills?

4 A I don't know. I think they were illegal or not illegal
5 but they were illegal in the fact that he didn't have a
6 prescription with his, with the pills. That's a violation of
7 the law. You're supposed to keep your prescription with your
8 pill bottle or your prescription with your pills.

9 Q Did you go out to the shooting residence?

10 A No, sir, at the time I was - at the time of the shooting
11 I was in Myrtle Beach. I was actually out working an arson.
12 I was just finishing it up and the call came out. So, I took
13 17 Bypass and I actually drove by the crime scene because the
14 Sergeant Muldoon and Corporal Brummett had actually made a
15 traffic stop and we had several subjects in custody that
16 that's why I went straight to there so I could try to find out
17 what, what happened.

18 Q And toward the end of that video we hear you conversing
19 with Ms. Bledsoe at some point?

20 A Yes, sir, that was me.

21 Q Did you review the pictures taken by the crime scene
22 specialist?

23 A Yes, sir; yes, sir.

24 Q In reviewing those pictures taken the night of the
25 incident did you see anything in the yard that would indicate

1 that a car came flying in and skidded to a stop?

2 A I - I'd have to look at the, the ones. I didn't examine
3 them that close because like I said other than the two,
4 description of the two vehicles that was the most important
5 thing to me.

6 Q But you did review the ---

7 A I looked over them and put them in the, in the case file,
8 yes.

9 Q Would after having looked over them if there were
10 anything like that denoted in the picture would it have caught
11 your attention?

12 A It might have, but yeah, usually something like that if,
13 if - we'd paid a lot more attention to it if we hadn't had the
14 two subjects that left the scene. You know, there'd been
15 other things that we might have done, looked for tire
16 impressions, things like that.

17 Q And if you looked at the pictures now would that refresh
18 your recollection of what those pictures looked like?

19 A I could look at ---

20 Q Could you make that determination?

21 A Yeah, I'm no expert, but yeah, I can look at them and see
22 if there's any, any marks in it but ---

23 Q Well, you're ---

24 A --- I wouldn't know for sure.

25 Q --- you're a trained professional in solving crimes.

1 A I don't know about that. I do my best.

2 Q Take a, take a peek, can you?

3 A What's that?

4 Q Do you have hard copies that you could look at or are
5 they ---

6 A I just have the small frames.

7 Q --- are they totally on disk?

8 A Let me see.

9 Q Are they large enough frames that you can actually see
10 something or would you need to see them through something
11 else?

12 A I - I'd need to see because what they do is they scale it
13 down for the case file.

14 MR. CHRISCO: Your Honor, what I'm going to ask is this
15 witness step down and have time to review those pictures and
16 I'll call another witness, Your Honor.

17 THE COURT: You want him to look at those photographs
18 right there; right, the ones that are right here in evidence?

19 MR. CHRISCO: I want him to look at all of the - there
20 were more than this, Your Honor and I do not have hard copies
21 of those. The question I'm asking is after reviewing his
22 pictures did he see anything.

23 THE COURT: Okay, so, you want him to look at his
24 file?

25 MR. CHRISCO: He's got his file, Your Honor.

1 the jury.)

2 THE COURT: All right, please continue, Mr. Chrisco.

3 MR. CHRISCO: Thank you, Your Honor.

4 Your Honor, during the intermission I had the detective
5 look at the pictures.

6 THE COURT: Great.

7 MR. CHRISCO: He saw all of them.

8 BY MR. CHRISCO:

9 Q After, after reviewing all the photographs of the grass
10 surrounding the crime scene the - where the shooting occurred
11 did you see anything that would indicate a speeding car
12 suddenly stopping in that yard?

13 A Not at the photos I looked at.

14 Q And you looked at several photos?

15 A Yes, sir.

16 Q From different positions around the house?

17 A Yes, sir.

18 MR. CHRISCO: No further questions at this time, Your
19 Honor.

20 THE COURT: All right, very good.

21 MR. CHRISCO: Reserve the right to recall the witness.

22 THE COURT: I understand that.

23 Any questions by the State?

24 MR. RICHARDSON: Extremely brief, Your Honor.

25 CROSS EXAMINATION

1 BY MR. RICHARDSON:

2 Q You couldn't do GS - you said GSR is gunshot residue;
3 correct?

4 A Right, yes, sir.

5 Q Was there a GSR done on Kareem Harry?

6 A No.

7 Q Why not?

8 A Because he fled the scene.

9 Q And how long after the fact do you need - do you need to
10 have somebody to do a GSR?

11 A Oh, within four hours, that's required by SLED.

12 Q And the, the absence of skid marks that doesn't mean that
13 somebody didn't fly up in that yard, it just means they didn't
14 dig up the ground.

15 A Yes, sir.

16 MR. RICHARDSON: No further questions, Your Honor.

17 THE COURT: Anything on those questions, Mr. Chrisco?

18 MR. CHRISCO: Yes, Your Honor.

19 REDIRECT EXAMINATION

20 BY MR. CHRISCO:

21 Q There would have been some indication of it; would it
22 not?

23 A I'm not sure. I mean, if it's in the picture and I can
24 identify it, yeah, but I'm just saying from what I saw of
25 those angles and all I didn't see anything.

1 Q If there would have been something of that sort would a
2 responding detective or police officer have made notes about
3 that in his incident report?

4 A More than likely. Like I said it may have slipped
5 through the cracks because we had the vehicles, two vehicles
6 stopped, but yes, usually something like that, tire
7 impressions, things like that we look for at crime scenes.

8 Q Thank you.

9 THE COURT: All right, you may step down, Detective,
10 subject to being recalled.

11 All right, Mr. Chrisco.

12 MR. CHRISCO: Your Honor, the Defense now calls Kareem
13 Harry.

14 THE COURT: All right, sir, please come around to be
15 sworn, sir.

16 Whereupon, Kareem Harry is called to the stand, duly
17 sworn by the clerk and testified as follows:

18 THE CLERK: Please state your full name and spell your
19 last name.

20 MR. HARRY: My name is Kareem Shamel Harry, first name
21 is spelled K-A-R-E-E-M, Shamel, S-H-A-M-E-L, Harry, H-A-R-R-Y.

22 THE COURT: All right, Mr. Chrisco.

23 DIRECT EXAMINATION

24 BY MR. CHRISCO:

25 Q Mr. Harry, let me ask you this question first. Have you

1 ever been convicted of a crime?

2 A Grand larceny.

3 Q And when was that?

4 A I pled to it in 2008.

5 Q Where do you reside?

6 A Stay on 544 off of Peachtree in Socastee with my - the
7 mother of my children and my kids.

8 Q At any time did you live with an Ashley Bledsoe?

9 A I stayed with her a couple of times. We only had the
10 place for - well, I gave her the \$400 to move in because she
11 didn't have a place to stay with one of her roommates, Evelyn,
12 and I stayed there a - like I would go there during the
13 daytime and then I'd go back to my kids, and I mean, go back
14 and stay at my kids' house at night.

15 Q And what's the distance between those two places?

16 A Depending on which direction you take, I mean, a straight
17 distance from 544 to Oceanside Village probably take 25
18 minutes.

19 Q Now, when did you give the \$400 to Ashley?

20 A It was before we moved my stuff. I believe it was around
21 February 12th, 13th, two weeks before she was evicted.

22 Q You had some belongings there?

23 A Well, my - the mother of my children she found out that I
24 was - well, she already knew I was dating Ashley. So she told
25 me, you know, not to come back to the house. So I had to move

1 all my stuff out. I didn't have a place to stay at that time,
2 so I moved all my stuff into Ashley Bledsoe's place in
3 Oceanside Village.

4 Q And at some point you were moving out. When was that and
5 why?

6 A The police came to the house and they found cocaine in
7 the house and she was being evicted by her landlord the day
8 after. So I told her, you know, to bring my stuff over to 544
9 because I - me and my - mother of my children had, you know,
10 reconciled and we talked and we decided that we're going to
11 try to make this work, you know, for the sake of our children
12 and recently she had got sick, pancreatic cancer, and I told
13 her, you know, I'm going to stop all the childish things that
14 I'm doing and stop dealing with these other girls out in the
15 street and, you know, I'm a good father, but I could have been
16 better towards her, you know, being faithful.

17 Q How old are your kids?

18 A At the time we just had a five month old daughter, well,
19 she was born October 31st, 2010, and a three year old son at
20 the time and four year old daughter and my oldest was seven,
21 she just turned seven February 22nd.

22 Q Something was mentioned earlier about a CDV, criminal
23 domestic violence. Can you explain that?

24 A I was at this club called Friends in Low Places. It's
25 located in Murrells Inlet and earlier that day Ashley had let

1 me hold her car and I took her to - I dropped her off at work,
2 you know, we got into like this argument about, you know, me
3 going back to my baby mother and stuff like that. So she let
4 me hold her car and she called me around nine o'clock, told me
5 she was getting off work. So I was at the club by that time.
6 I'm trying to call her back and I got in touch with her. She
7 said she didn't need a ride again. So, I pulled up to the
8 place probably around ten o'clock maybe and I went and, you
9 know, she was - I never seen her there but she was - I guess
10 soon as I pulled up, you know, the police was there, you know,
11 pulled behind me and I been drinking a little bit. I had like
12 a gram or two weed on me. I didn't want to go to jail for it,
13 you know, so went inside the house and then, you know, I left,
14 you know, outside the window and ran.

15 Q Where did you go?

16 A I stayed in the, I stayed in the neighborhood for
17 probably a couple of hours, in Oceanside Village. The police
18 was riding around, you know. Stayed in there for about a
19 hour, hour or two, just sitting, you know, and I finally
20 decided to get out of the neighborhood, called a cab and went
21 to my baby's mother - the mother of my children's house.

22 Q And that was on the - what date?

23 A February 27th.

24 Q So you went home that - you went home - you went back to
25 the mother of your children that night?

1 A Uh-huh.

2 REPORTER: Is that a yes?

3 THE COURT: You need to answer yes or no..

4 A Yes, sir.

5 Q When did you - what happened - how long did you stay
6 there?

7 A I stayed there the whole night and the next day up until
8 this all happened.

9 Q At some point did you ask a person named Sage McPhail to
10 go get your belongings?

11 A I seen Sage that, right, two days ago at Saire's house, I
12 mean, Tommy's house, sorry. He told me, you know, if I needed
13 anything to just call him. So that day he - I think we stayed
14 together till probably four, four that morning and he popped
15 up at my place the next day and I'm like, you know, "How you -
16 what's up, how you doing, you know?" He was like, "Oh, you
17 need anything done," you know, because I guess he wanted a
18 little weed or a little cocaine, anything like that, and I was
19 - I knew his - that he fixed cars because he told me and the
20 mother of my children she just had bought a jeep and the
21 brakes were bad on them and I asked him could he fix them for
22 me. He said, "Okay," he said, "Yeah, I'll fix them," and we,
23 we went to Advance Auto. We bought brake pads, rotors, we had
24 to rent something to take the rotors off. I'm not sure
25 exactly what it's called but we ---

1 Q Puller?

2 A I'm not sure. We, we had to rent that to take the, the
3 rotors off the car, I believe. He came back to my house and
4 the mother of my children she had to go to work. So I took
5 her to work and after that, you know, Sage left, too, and he
6 said he was going to his uncle's house to take the truck to
7 get it fixed because his uncle had a shop and the bolt that we
8 rented from Advance Auto we couldn't - he couldn't take it off
9 himself. So he had to go to his uncle's place and take, have
10 his uncle help him take it off so he could fix it, you know,
11 because I didn't want my kids riding around in something like
12 that and the brakes go bad.

13 Q Now, after - did you all make a trade as far as the drugs
14 for the labor?

15 A No, we didn't.

16 Q When was that to be completed?

17 A That happened at the - when I rode - when I came back to
18 the house later that night because that happened March 1st
19 after Kevin Bowens was killed, came back to the house and I
20 had to make sure I get, you know, cocaine, make sure there
21 wasn't no large amounts or nothing at, at the place which it
22 wasn't. It was probably like a gram or two, you know, and I
23 got rid of that and I gave it all to Sage. I was like - that
24 was at right prior, 20 minutes maybe. No, it was like a hour
25 after, you know, the killing had happened and I gave it all to

1 him.

2 Q Okay.

3 A So I don't need it.

4 Q Let's go back. At some point Sage McPhail went to get
5 your belongings out of the apartment in Murrells Inlet.

6 A Yes, that was - I want to say that was - yeah, it was
7 actually February 28th. He went to get my belongings by
8 himself because I didn't want to go to Oceanside Village and
9 the police have a warrant for me, you know, for drugs and
10 stuff like that and so I sent himself and I gave him Ashley's
11 number. I think, yeah, I gave him Ashley's number and he was
12 supposed to call when he got to Ashley's place.

13 Q And what was her telephone number? Do you remember that?

14 A I'm not sure which was - what was Sage's number.

15 Q No, Ashley's number.

16 A Ashley's, I'm trying to think, I believe it was [REDACTED] I
17 want to say [REDACTED].

18 Q Okay, now, did Sage McPhail come back with your
19 belongings at any time?

20 A He brung Ashley back with him. He brung clothes, boxes
21 of shoes, just that. He, he didn't have - the TV wasn't on
22 him.

23 Q And did you ask him about it?

24 A No, because Ashley was there. She said, "It's at the
25 house. It's at the house. I'll just send it tomorrow or

1 I'll," first actually she said she was going to send it back
2 with Sage that night after she dropped all the clothes and
3 boxes of shoes off they was going to go back and Sage was
4 going to drop her off at home and she was going to put the TV
5 on it and bring it over to my mother of my children's house.

6 Q So what did you do then?

7 A After they left, oh, when Ashley came over?

8 Q No.

9 A Okay.

10 Q After the clothes came over without the television ---

11 A Okay.

12 Q --- what did you do?

13 A When they came over Ashley had some weed she wanted to
14 roll up and smoke a blunt or something. So we sat around the
15 table, me, her and Sage and smoked a blunt and then she left.
16 Sage took her back home and that was really the - it wasn't no
17 big deal.

18 Q Did you stay home?

19 A Yes, I stayed at home. After they left I just sit and
20 wrote some music because my kids was with the babysitter for
21 the night and I was there by myself because I had dropped my
22 baby - the mother of my children off to, to work, and I was
23 just sitting there writing music and smoking a little weed by
24 myself.

25 Q The next morning what happened?

1 A The next morning I woke up.

2 Q Which would have been?

3 A The first.

4 Q March 1st.

5 A March 1st.

6 Q Okay, what happened?

7 A Sage popped up. He just, he showed up to my place and
8 that's when he asked me did I need anything done and that's
9 when I asked him to, you know, can you fix the, the brakes on
10 my baby - the baby mother's car, the mother of my children.

11 Q Is that when you got the red pickup?

12 A Yes, he left it because he had to take the truck to his
13 uncle's.

14 Q And after you got the red pickup where did you meet
15 Ashley again?

16 A I dropped my - the mother of my children off at work and
17 we had discussed some things and I was, I was done. I told
18 her, "I'm done with this life, you know, I'm, I'm, I'm done.
19 You getting sicker." I didn't think she was serious at first
20 about the cancer but I was like, "I got to give this up. I
21 got to stop everything that I'm doing right now and leave
22 these drugs alone, leave these women alone, you know," and
23 after I drop her off I get back to my place on 544 and I'm
24 sitting around the house, you know, working on, you know, my
25 new album and I get a call from Ashley and this is the first

1 time I ever hear about a girl having - she sold the TV to the
2 girl at her job and the girl, someone was going to give her
3 the rest of the money and she told me that I would have to get
4 the, the money from the girl's boyfriend. So, I'm like,
5 "Well, okay," you know, because I, I tried to get in touch
6 with her earlier that day about the TV because we had cut
7 ties, you know, and I was like, "I'm going to call the police
8 on you if you don't, you know, give me my TV," and that's when
9 she had called me back from Evelyn's phone and explained to
10 me, you know, about the situation about the girl, that the
11 girl that worked with her bought the TV, that she was supposed
12 to get the rest of money from the girl's boyfriend.

13 Q Now, did you call and tell her that or did you text her
14 that?

15 A I text her.

16 Q And you texted from what phone?

17 A I text from my phone, my cell phone.

18 Q And what's the number of your cell phone?

19 A At the time it was [REDACTED].

20 Q And then she called you back or did she text you back?

21 A She never text me back. She called from Evelyn's phone
22 because I couldn't get with, in touch with her through her
23 phone either, you know, after I text earlier that day I tried
24 to, you know, call her like, "Hey, what's going on, you know,
25 about the TV, you know." She called me back from Evelyn's

1 phone and this, and this is when the first time I ever heard
2 of a KB, you know, I never knew who he was, you know, and I, I
3 got another friend that's named KB. They call him KB, too, as
4 well. So I thought it was the same people.

5 She said, "Oh, here's his number. You can call him." I
6 called him two or three times. He didn't answer the phone.
7 So I'm like, "Oh, okay, well, maybe, maybe he don't know the
8 number, you know," and I don't know if he - I don't think he
9 called me back while I was at the house because Ashley called
10 me and from Evelyn's phone again and she said she was heading
11 back from I think Super Wal-Mart to her new place that she had
12 just - her and Evelyn had just - they was kicked out the - not
13 a day and they had already got a new place. So she said,
14 "Meet me at Waccamaw because we 'bout to - Waccamaw Hospital
15 because we're about to leave again." So, I has - I have Sage
16 truck and I drive to Waccamaw from 544. I took 707 all the
17 way up to - down 544 and it was - I took 544 to 707 and I
18 ended up on - I went through Burgess. It's Holmestown Road.
19 I drove down there and I proceeded up to Highway 17 and I had
20 pulled up at the Waccamaw Regional - I think Waccamaw Medical
21 Center, the hospital, and she was outside sitting beside the
22 sign and her friend, Evelyn, had just dropped her off. So I
23 picked her up and we got in the car.

24 Q What time was this?

25 A It was nighttime. I'd say it was probably around 7:45,

1 eight o'clock.

2 Q Okay, and what did you do then?

3 A She got in the car. She had a little weed, you know,
4 marijuana, excuse me, and she wanted to smoke. So, we go back
5 down the Waccamaw, the Waccamaw Regional Medical Center. It's
6 a, it's a road that comes in there and then it makes a right
7 off of - you can - it's a place called like the Hot Road down
8 there in Murrells Inlet. If you make a right behind the
9 hospital you can come to the end of that road and make another
10 right at the gas station.

11 So we went to the gas station and we picked up a, we
12 picked up a cigar and she rolled a blunt and we proceeded down
13 707 down 544. We smoked. We just, you know, riding, talking,
14 we smoked a little bit, you know, and I believe we got to 544
15 and we were turning by - we had smoked, you know, and we was
16 going to chill some more later that night. So we decided to
17 get some more weed, you know, smoke some weed, probably go
18 back to her place, you know, chill, you know, so I called my
19 brother and I wanted to see where he was at because I needed,
20 you know, to buy some weed. He was, I believe, coming from
21 Conway and I was already, you know, at 544.

22 So I called Tommy and I asked Tommy, you know, did he had
23 some weed because Sage told me that he had some, you know. So
24 I called him and he said, "Oh, I got this, you know." People
25 that sell weed they might call you sometimes and be like,

1 "Hey, I got this good weed, you know, come try it out, you
2 know, it's just and that," and so I called him because I
3 couldn't get in touch with my brother, and well, my brother
4 was out of the area and it would be a long time and I was
5 already probably 15 minutes from Tommy's at the gas station
6 across the turning bridge. I was turning and so I called
7 Tommy and asked him did he, you know, have any weed. He say,
8 "Yeah, come on by."

9 So right when I get to the gas station I get a call from
10 Kevin Bowens. I thought he was, you know, my, my home boy KB,
11 you know, because like I say I have another friend named KB
12 which is, you know, Dustin Holmes. He stays in Burgess. They
13 call him KB, too, as well, and so I'm talking on the phone
14 like, "Yeah, what's up?" He was like, "Who is this?" I was
15 like, "This Kareem." He was like, "I don't know you," and I
16 was like, "Hum," and then I looked at the number and I was
17 like, "Calling you, did you get that TV from Ashley." We
18 talked on the phone. We found out that we knew the same
19 people, you know, because 707 and Burgess and Murrells Inlet
20 it's a, it's a fairly small area. Everybody knows everybody.
21 So I figured I would have knew him. Come to find out I didn't
22 know him, you know, personally.

23 Well, we talked and we found out we knew the same people
24 we have in common because he also - say he also goes to
25 Friends in Low Places, too, as well, and he - it was the owner

1 of Friends in Low Places which was we call him, everybody
2 calls him Rich, Rich Black, you know, he, he was running the
3 club at the time and that was a person we had in common at the
4 time and he, he knew a lot of other people I knew, too, as
5 well. So, we talked and we was like okay, and I told him,
6 "You can meet me, you know, in Burgess if you want." He said,
7 "Nah, I'm not, I'm not going out that way," you know, and
8 that's when I proceeded to Tommy's house about, okay, you
9 know, "I'll hear about it later, you know." It wasn't no, no
10 big deal. It wasn't no rush for no TV, you know.

11 We went to Tommy house. We took Forestbrook Road because
12 that's where the gas station is at. We took Forestbrook Road,
13 took it to, it's a little a curve in the road that links
14 Forestbrook up to Burcale Road. We got to Burcale Road. We
15 got to Tommy's place. I - soon as we get to Tommy house I
16 pull up, you know, and I'm thinking the whole time, you know,
17 because I'm wondering where Sage at because I couldn't get in
18 touch with Sage because Sage ain't had his phone that whole
19 day and I'm wondering where's the mother of my children's car
20 at. So, you know, that was another reason for me going by
21 that way, too, as well to see if they seen Sage because we
22 couldn't get in touch with each other because Sage was
23 supposed to be back like earlier that day, way earlier. He
24 never showed back up at the place. So, I, I was like, you
25 know, "I'm down here anyway. I might as well get some weed

1 from Tommy and see if Sage is over there."

2 When I got there I went upstairs. We talked, you know,
3 he's showing me the weed and stuff. We talked a little bit
4 and I'm telling him, "I need you to come and take Sage back
5 his truck because I don't know where he's at," you know, and,
6 and it just he went to - he was never supposed to come with me
7 to Kevin's house at all. You know, I told him, I said, "I got
8 to go by down here over to Murrells Inlet to pick up my TV. I
9 need you all to take me to - after we get the TV I needed to
10 drop it off at my place on 544. After that, you know, I need
11 you all to take Sage his, his truck," you know, because I was
12 going to go with Ashley, you know, because the mother of my
13 children already knew that her car was getting fixed. So she
14 had made arrangements to get another ride home. So I'm like,
15 "It's no big deal, you know. Sage'll be back in the morning,
16 he's" - I met him. He seemed like a real good guy, so you
17 know, I was like, "He fixing the car still probably late." He
18 was never at Tommy's place. So they was going to take the
19 truck back, you know, and we got - we driving down - I believe
20 we took - after we left Tommy's house, asked Tommy, you know,
21 to come ride and take Sage back his truck, and so we left and
22 Saire had came with him. I'm thinking nothing of it, you
23 know, it's not really a big deal, you know, just going to
24 bring the truck, go pick up the truck, go pick up my TV.
25 Tommy was going to take the truck back to Sage and I was going

1 to go with Ashley and chill at her new place she had got.

2 We got to - we took - we rode back out down Burcale Road
3 to Forestbrook Road. After that we took a left across the
4 turning bridge, came through Socastee and it puts you back on
5 544 down 17. So we took 17 and then we stopped by a gas
6 station because I had the blunt, which the gram I had just
7 bought from Tommy, Ashley wanted to roll it up. Well, yeah,
8 roll it up if they know what that is, you know, put it in a
9 cigar and break it and roll it up so we could smoke it. So we
10 stopped by the gas station to get a Dutch Masters. I guess
11 Saire and them needed a Dutch Masters, too. We was all
12 together, you know, and we proceeded to go to Kings Grant and
13 Ashley - I never knew where Kevin stayed at. I never knew
14 him. So she showed me how to get to Kevin's house. I don't
15 know how she knew how to get there but she was telling me that
16 the girl she worked with was - Kevin was the girl's boyfriend.
17 So I'm thinking the whole time we going over here, you know,
18 okay, it's cool, you know, we done talked, everything okay.
19 So we proceed to go to Kevin's house.

20 We get there. We pull up, and I had called Kevin before
21 I got, got to his house and I said, you know, "I'm here."
22 "Okay." He came outside. He came outside. I was still in
23 the truck in the driveway over here and like towards the grass
24 because he had a Cadillac, a yellow Cadillac parked probably,
25 okay, this, had a yellow Cadillac parked this way. He had the

1 Toyota parked straight and then he had a white BMW parked
2 straight, too, as well.

3 So I parked up in the yard and that's when I, I got off
4 the phone with him because obviously I'm here, you know. We
5 stay on the phone probably two or three seconds. I'm sitting
6 in the car because I never seen Kevin before, but we talked
7 and it was cool. He waved for Saire to, to and Tommy to get
8 out the car. He did like this, he say, "Come on. You all
9 come on," and then I hop out the car because Tommy and Saire
10 got out because Kevin Bowens told them to get out of the car.
11 He didn't know which car I was in. So he thought I was in
12 their car, I mean, I guess, because he waved to them. He
13 thought it was me. So I hop out the car like, "No, no, no,
14 it's me. It's me, you know, I'm the one, you know."

15 So I see Kevin holding a gun in his hand. It was in his
16 waistband. I can show you how it was when he came out.

17 Q Sure.

18 A When he came outside, you know, he had it like this, like
19 this and then he walked up and I was like, I was like, "Whoa,"
20 I was like to myself thinking like, "Oh, man, what, you know,
21 when you, when you showing a gun like that that's, what's
22 going on, you know," and so I'm like, "Whoa," but I'm like, I,
23 I look over and I see a neighbor outside and it was a guy and
24 I seen somebody - I believe I seen her, the girl, it's whoever
25 stays - I'm not sure who it was, but I know when you - it's a,

1 it's a cul-de-sac. When you pull up in Kevin's place it's a
2 cul-de-sac. It's like a circle, and it's the house that would
3 be straight on the road. I don't know who house that was but
4 somebody was - it was - I believe it was a woman was standing
5 outside. I guess she was just, you know, heading to her car
6 and back. I don't know who the woman was. I didn't get a
7 good identification of her and I seen the guy over in the
8 corner towards the right because it's a circle. So you can
9 see everybody. They - I guess they was just out doing, you
10 know, what, you know, what, what they do usually. So I'm
11 like, "Okay, well, the neighbor's outside so I'm sure he's not
12 going to try to shoot me out here with his neighbors out here,
13 you know."

14 So Kevin was like, "Come on," you know. I got up close
15 to him. He said - because Saire and them was walking up ---

16 Q When you say close how close did you get?

17 A Well, when he, he waved for me to come towards him, you
18 know, he's like, "Yeah, come on, you know, you all good." So
19 I was probably this distance like from here to Kevin was
20 probably you come up, right here, there.

21 Q About five feet?

22 A Yeah, he was - Kevin was walking, he say, "You can come
23 in my house." He was like, "Come in the house." I seen the
24 gun. I'm like, "I don't need to come in your house," you
25 know, "I don't need to come in your house. It's just you got

1 a gun and I don't have no gun," and so I didn't go in his
2 house, you know, because he, he said it to me two times, "You
3 can come in the house. Come on in the house," you know, and
4 I, I just seen the gun and I thought it was kind of weird, you
5 know what I'm saying? So I just said, "Let's stay out here,"
6 to myself in my head, "in front of the neighbors, you know."
7 So everything was cool. When I walked up to Kevin I
8 recognized Kevin because I do - I was doing shows at, at
9 Friends in Low Places and I had just got off the stage
10 performing and I was with Ashley Bledsoe and we were leaving
11 out the club and Kevin, he was standing with a couple of
12 people, a cool guy, you know what I'm saying, he's, he's cool.

13 Q And when was this?

14 A I'd say maybe three weeks before I ran into him again.

15 Q Okay, continue.

16 A He was at Friends in Low Places. He was drinking, having
17 a good time. I'm just getting off stage. He congratulated me
18 on, you know, my performance and he was just a good guy. We
19 shook hands. He gave me he gave me dap and he said, "Man,
20 you, you a lucky man to be with that, be with that girl," and
21 I was just like, "Thank you. I appreciate that." I mean, I'm
22 not a jealous kind of guy, you know, and the way he came at me
23 you couldn't get jealous because it was the way he came at it.
24 He was complimenting me and he did it in a way where there
25 would be no animosity. It was just cool, like, "Thanks, man."

1 I appreciate that," and when I got to his house that night I
2 recognized him. So I was like, "Cool," you know what I'm
3 saying, "You met me before and" - I remembered him from the
4 club that night.

5 So we was talking about the TV and we was just sitting
6 talking and he said, "You know, "I paid her for the TV and
7 stuff," and we didn't - we weren't arguing or nothing. We was
8 just talking calmly like it was cool. I mean, he didn't, he
9 didn't yell or anything. We was just talking. He was sitting
10 chilling, I mean, with his gun, you know, and he was like,
11 Man, get her and tell her to come here." You know, it was
12 cool. It was a misunderstanding, you know. She came out the
13 car because after he told me he gave her the money and he was
14 like, you know, "I smoked her out, and stuff like that, you
15 know, gave her some weed and gave her the money." I'm like,
16 "What?" I'm like, he was like, "Call her." So I called her
17 outside of the car like, "Ashley, come here," because I
18 figured she was lying because she's - she lies a lot, you
19 know, you can't believe too much she says and ---

20 MR. RICHARDSON: Your Honor, he's characterizing a
21 witness that's already testified.

22 THE COURT: All right, sir, let's ---

23 A I'm just, I'm just - sorry.

24 THE COURT: I appreciate that. We'll strike that from
25 the record. Continue on, sir.

1 A Okay, so, she hop out the car. I mean, we, we been out
2 in this yard talking for maybe five minutes, me, him, Saire,
3 Tommy because Tommy and them had already hopped out the car
4 before I did. So, they was already up to Kevin and we was all
5 talking. So we was just all casually talking. Tommy was
6 leaned up against Kevin's BMW. The BMW we was - Kevin was
7 standing like this, you know, he had his hand in his pants
8 first and then I guess he, he put his hands up like that after
9 we talked and I guess he kind of was calm at that point and we
10 just kicking and talking. Tommy's right here no longer than a
11 arm length away from, from Kevin and he's leaned up against
12 Kevin's car, too, as well. I'm in front of Tommy and Saire is
13 in front of Kevin. So we just talking and when Ashley got out
14 the car we was talking five minutes and Ashley came out the
15 car and I said, I looked at Ashley I said, "He, he said he
16 gave you money and weed for the, for the TV," and then she
17 started fussing at Kevin in the yard like, "You know I gave
18 you, you know I gave that TV and you didn't give me no money
19 and you stole it from me," and Kevin said, "You know I gave
20 you that money." He said, "I smoke you out, too."

21 Q What does that mean smoke you out?

22 A He had smoked some weed with her I guess. I was
23 oblivious to this. I didn't know anything about it, you know,
24 it wasn't really a big deal. What struck me is that when we
25 got there that's when I found out the whole situation about he

1 gave Ashley money for it and she lied about it, you know, and
2 that there was no need to lie at all about this. So, I was
3 like, you know, it's just a misunderstanding, there ain't no
4 animosity, you know, it's not a big deal, you know, "I believe
5 what you say," because he had no reason to lie. I mean,
6 what's a 47-inch TV to, to me or even to Kevin. I mean, look,
7 he has a nice place. I mean, he has his girlfriend, you know.
8 He had - Ashley, I guess she seen the TV before but I guess
9 you could see it through the window and she say he had a 65 or
10 a big screen TV. I mean, he was doing pretty good for
11 hisself, I mean, and his family, you know what I'm saying? So
12 I was like this guy has no reason to lie to me about no 47-
13 inch TV or steal nobody TV because it just didn't add up. He
14 didn't seem like the bum type and he wasn't. I mean, he was a
15 pretty cool guy, you know. So I just, I just was like, okay,
16 you know, and him and - while him and Ashley was - I mean,
17 Ashley argued at him first. When she got out the car she
18 started yelling at Kevin for no apparent reason. He didn't
19 get loud with her off the jump. All he wanted to do was ask
20 her a question and verify that he did give her the money, but
21 she found out that she was lying and she caught a attitude
22 with him off the jump, you know. When I mean off of the jump
23 I mean soon as she got out the car she started yelling at
24 Kevin and it wasn't no need for it at all. Right then as they
25 were - Kevin, he didn't argue with her not one time. He just

1 told her, "I gave you weed and I gave you money," and that's
2 when Saire yelled, "Ashley, get in the car." He yelled it,
3 "Ashley, get in the car," like real loud. I'm looking at
4 Saire like, "Why you yelling at her like that," you know what
5 I'm saying? I mean, you understand what I'm saying? I'm
6 sorry, and so she went back to the car, and while she was
7 walking back to the car I turned around and I told her, "Go
8 ahead in the car, baby, you know, go ahead in the car," you
9 know, I could show them how I was standing.

10 Q Sure.

11 A Okay, we was - me and Kevin, Saire and Tommy was just
12 talking, just kicking it and I was standing right here. So
13 when Ashley walked off I had to turn around like this, it was
14 like, "Yo, baby, go ahead to the car, go ahead to the car,"
15 because it wasn't a big deal. She lied, you know, it wasn't a
16 big deal. So soon as I turned my back, soon as I turned my
17 back I heard gun - I heard a shot. I instantly turned around
18 and I'm shocked. I'm looking at Kevin because I didn't know
19 where the shots came from because I know he had a gun and I'm
20 looking at Kevin and he's leaned up against the car and I just
21 hear shots but I never seen no reaction from his body or never
22 seen no bullets going into his shirt or skin. I just didn't
23 see it. I'm looking like, what, and then he falls and that's
24 when I know, I guess it was after the second shot or while the
25 third shot was going on that he fell, he fell like, he just

1 fell and that's when I know he was shot. I stood there for a
2 second because I was shocked like, "What the heck just
3 happened?"

4 Saire hit me, "Let's go." I snap out of it. I'm still
5 looking back at Kevin because I'm trying to - I'm, I'm, I'm
6 getting ready to - I'm heading to leave. I seen a girl come
7 outside who I now know as Christina Patterson. She came
8 outside and I'm running and I'm looking back as I'm running
9 like this and she comes and I couldn't hear anything and she
10 comes over Kevin outside the house and lean over him. I'm
11 looking back. I see Kevin lift up his, lift up his gun and
12 point it towards my direction.

13 Q Left hand or right hand?

14 A Okay, he was laying like on his side like this. So it
15 would have been his left hand. I was trying to get away
16 because I seen him raise the gun up, too. After Saire hit me
17 I seen him raise the gun while I'm trying to run. I see
18 Christina Patterson come outside. I mean, I don't know her.
19 I'm just using her name, I mean, just because I seen it in the
20 reports and he lift up the gun and he pointed towards my
21 direction and I'm trying to get in the truck to dodge the
22 bullet, you know, because he can shoot. He held it up for no
23 longer than three seconds, four seconds it seemed like and
24 then his hand dropped. He lift up like this and then his hand
25 just dropped and by the time I'm trying to get in the truck on

1 the driver's side but I couldn't. So I hop in the - try to
2 get in the passenger side and Ashley's inside the car like
3 she's just shocked, and I'm like, "Baby, baby, drive, drive,
4 drive, drive, drive, get out of here," you know what I'm
5 saying because I'm trying to jump in the truck because I, I
6 didn't know how seriously injured Kevin was at the time and I
7 was just trying to get out of there because I didn't have no
8 gun and I didn't want to get shot, you know, and we left. We
9 backed out and she hit the, she hit the gas and was, was
10 leaving and I'm looking. I don't see Saire and them nowhere,
11 and then they just suddenly end up behind us. So they end up
12 behind us and we make a right out of the neighborhood and we
13 head down a - it's a frontage road and it leads to a stop sign
14 and then you can go towards the light. So we got towards the
15 light. It wasn't even two minutes and before we pulled to the
16 light it was two cop cars, one in front of the other right by
17 Suck, Bang and Blow. We made a right. She didn't put on her
18 blinker or anything. She's going. She's driving.

19 Suddenly the police turn around as we're looking in our
20 rear view like, "Oh, my" just like we just shocked. The
21 police pull, both of them, I guess, turn around. They made a
22 loop. We driving down a road for maybe seems like five
23 minutes. You know, Saire's done behind us. I just wanted
24 them away from me. I just don't want them nowhere near me at
25 this time. Finally the police blue lighted them after being

1 behind them for probably like a minute or two, and I'm like,
2 "Okay, cool, cool." I'm looking out the rear view mirror
3 like, "Okay, they got Saire. They got who did it. They got
4 who did it," you know, and Ashley tried to brake. She was
5 trying to brake the car but Saire was driving behind her. So
6 she couldn't stop. So she kept going. So I'm like, "Okay,
7 just keep going. Just keep going," because the police pulled
8 over Saire. They got the gun. They got the suspect, they - I
9 don't want to be involved nothing in this, you know.

10 So then right when they pulled over Saire and Tommy in
11 their car the police came around and another one was right
12 behind them and just put, flashed his blue lights. Ashley's
13 panicking at that time and she's trying to slow down. She
14 don't know whether to slow down or go fast, and I'm just like,
15 "Yo, just calm down. Calm down. Calm down, just pull over,
16 pull over," and I say we didn't take the police on a chase.
17 She pulled over maybe a minute, two. The police was like
18 trying to run her off the road, I guess he was doing a felony
19 stop, I mean, somebody had just been shot. He didn't know who
20 and which suspects were in what car. So, I mean, it's
21 understandable how he was pulling, trying to pull us over but
22 I was so afraid because I'm like, I got probation in the
23 morning I have to go to. I don't want to be involved in none
24 of this. They got theirs - they man. Hopefully they don't
25 bring my name up, you know. So the cops try to pull us over.

1 She pulled over to the side. I hopped out the car and ran
2 because I was scared. I didn't want to be violated for
3 probation at that time. I didn't ---

4 Q Didn't you know that she was going to tell them who the -
5 who you were and ---

6 A At that time I didn't know how many times, what to answer
7 your question, yes, I knew she was going to tell and ---

8 Q Why run?

9 A I didn't know Kevin was seriously injured as he was. I
10 was just praying like, "I hope he, like I hope he's not
11 injured. I hope he make it, you know, I hope, you know, he's
12 not injured seriously." So, at that time I wasn't looking at
13 it as a murder. I was looking it like somebody got shot. I
14 didn't, I didn't know if Saire had got shot, too, or, or just
15 Kevin, you know, I just got to get out of there. I don't want
16 to be involved in none of this. None of this was supposed to
17 happen. It went from us just talking to after Ashley came
18 outside and Saire yelled for her to get back in the car and I
19 turned my back for no longer than two seconds, it got bad that
20 quick, just heard shots and just was bad.

21 Q Now, earlier you had said that when you met Sage McPhail
22 you traded the drugs for the labor because he was waiting at
23 your house, you had said that earlier.

24 A Not at that time. It was later that night when I came
25 back after all of it happened. I just - I didn't - I gave him

1 just it was like probably two or three grams. I gave it to
2 him. I'm gone.

3 Q First of all what time was it when you got back to where
4 Sage was at your - what is the mother of your children's name?

5 A Brianna Zaduniack [spelled phonetically].

6 Q When you got back to Brianna's house ---

7 A Uh-huh.

8 Q --- and Sage was there what time was that?

9 A It was probably 45 minutes after this happened and
10 probably around almost ten maybe, ten, 10:15.

11 Q How far is that where you jumped out of the truck to
12 Brianna's house?

13 A Actually, I'm sorry. I'm sorry. It was, it was probably
14 actually longer than that. It was - I didn't get there till
15 probably almost 11 o'clock because after I ran from the police
16 I hid in the - I didn't know at the time but it was a path
17 that led to this neighborhood behind Pines of St. James and I
18 sat there for a little bit and then I went to my house after
19 that. I got a ride and went there.

20 Q You still have your cell phone at that time?

21 A Nah, not at that time. I ---

22 Q Where was the cell phone?

23 A The cell phone got lost while I was, I think, probably
24 running, when I hopped out the truck maybe. It was a deep
25 pond. It was a deep pond back there behind this place. I

1 guess it was used for horses and I was running and I fell into
2 it. So I'm soaking wet and I lost the phone then. I thought
3 it was in my pocket. So, I mean, it's probably like when I
4 fell the water went over my head this high. So I lost the
5 phone. So I had to use one of my friend's phones in the
6 Pines, the Pines of St. James, and I got a ride out of there
7 and I went to my house and Sage was sitting in the yard just
8 laying down sleep and that's when I came up and I said, "Yo,
9 we got to go." I said - when he hopped in the car, I said,
10 "Saire just shot somebody." I said, "Look, go." We, we
11 dropped him off at - we dropped him off at Tommy's house and I
12 had just bought weed over there earlier and I knew Tommy had a
13 large amount over there. So I told him to tell Tommy's dad to
14 get rid of it because the police might be over here soon
15 trying to search the place. I said, "Saire just shot
16 somebody. They got, they got Tommy and they got Saire," and
17 that was it. I told Sage what happened and I left.

18 Q Now, when did you turn yourself in?

19 A I turned myself in at March 3rd. My brother had received
20 a call from Al Holcomb because he was on bond with Al Holcomb
21 and Al said, "I know your brother's involved in some stuff,"
22 because he seen it on the news. He said, "He's wanted for
23 murder," and I'm like, "What," and ---

24 Q Now, your brother Kason is he older or younger?

25 A We're twins.

1 Q Identical?

2 A I'm older than him by six minutes.

3 Q Identical twins?

4 A Yes, sir.

5 Q And after you got the message that - from the bondsman
6 what did you do?

7 A I talked to my mom. You know, she said the police had
8 been by the house, and I told her, you know, she said,
9 "Everything'll be all right, you know," and I was crying and I
10 told her, you know, for the sake of my kids, you know, I have
11 to go turn myself in so I can get this behind me and, and let
12 the police know that I had nothing, you know, to do with it,
13 you know, it just happened.

14 So my brother took me to Al Holcomb and me and Al, I
15 hopped out the car. He left because he was telling me I
16 needed to turn myself in, too, if I didn't do it. So I turned
17 myself in and me and Al talked. Al tried to call the
18 detectives numerous times, couldn't get in touch with them.
19 We - me and Al drove together, went to Bojangles'. We talked,
20 grabbed a bite to eat. I bought him some - he didn't have his
21 wallet on him. So I bought him some food.

22 Q Al Holcomb didn't have his wallet on him?

23 A He didn't have his wallet on him, no. He can testify to
24 that. We went to Bojangles' and we got something to eat. We
25 sat at Bojangles' because he called the - he got in touch with

1 the detectives maybe 10 to 15 minutes, 10 minutes before we
2 got to Bojangles' and I guess they wasn't in the south
3 precinct yet. So he called them, told them, "I have Kareem
4 Harry with me." We sat at Bojangles'. Me and him talked, ate
5 the food. You know, he ate his food. I wasn't really hungry
6 because I was like, "I'm about to go to jail for, you know,
7 turn myself in." I didn't have a appetite. We sat. He finally
8 got a call from the detectives and we left Bojangles' and we
9 went to the south precinct I believe. Not - no, not the south
10 precinct, I'm sorry, but whichever precinct is in Conway.

11 Q It's the police station.

12 A The police station in Conway. They wanted to question
13 me. So I went in because I was like, "I'm not guilty of
14 this," and there was no need for Kevin to have to be murdered.
15 There was no reason at all. He didn't deserve it and ---

16 Q Now, they - after you turned yourself in they put you in
17 a room and read you your rights?

18 A When I turned myself in I went to the room. They
19 handcuffed me to a chair and I sat there and finally Detective
20 Large, and I believe it was a younger guy, maybe Townsend,
21 Brad. I'm not sure what was his name, maybe it was Townsend.
22 They proceeded to question me, you know. They, they read me
23 my Miranda Rights. He did do that and I told him I have
24 nothing to hide.

25 Q Did you sign anything?

1 A At the time I didn't remember but I believe I did sign my
2 initials. They read me my rights and I believe I signed my
3 initials.

4 Q And how long did that interview last?

5 A The interview lasted two hours, almost three hours.

6 Q When was the arrest warrant for murder given to you, served
7 on you?

8 A After I talked to them, after the interview.

9 Q I'm trying to think if there's anything that was left out
10 of that. I'll ask you this, there were text messages that
11 night, that night to Kevin Bowens.

12 A Yes, there was. I was driving at the time. Ashley phone
13 was supposedly dead. I told her to text Kevin to meet me at
14 Burgess. She text him. I never seen the message, a return
15 message, but he - she text him from my phone because I gave
16 her my phone because I was driving. I couldn't text it. You
17 know, I could text and drive but I say, you know, "Go ahead
18 and text him and tell him meet me in Burgess." So she text him
19 and said, "Meet me in Burgess." Not even two minutes that's
20 when Kevin called and we talked, everything was cool.

21 Q Now, was she texting them before her phone went dead, too?

22 A She was texting - I - I didn't find out till I got my
23 motion of discovery.

24 Q Now, what is a motion of discovery?

25 A Supposedly all the evidence the State has.

1 Q And you got that and what happened?

2 A I was reading through the text messages and I found out
3 that it was really never, you know, a girl that she sold the
4 TV to and that her and Kevin was texting each other like 30,
5 40 times and I also learned that Kevin text back after she
6 text him, "Meet me in Burgess," off my phone. I'm not sure
7 what he says, but I believe it was like, "I don't - stop
8 calling me. Stop texting me," but I never seen that because
9 right after that he had called the phone and I also found out
10 that Ashley was in the car with me while she was texting off
11 my phone, she was texting Kevin, I guess she charged her phone
12 up for a brief second or had a different phone now and somehow
13 she was texting Kevin, too, and she told him, "You know you
14 stole the TV from me," and this and that and then Kevin said,
15 I know this because I reread it and reread it, I believe he
16 said, "Look, bitch, you can have niggers thinking that, that I
17 stole," I'm not sure if it said TV but, "I stole," he said,
18 "Stealing, robbing, it's not my thing," and that's the first
19 time I ever knew about that text message but in previous text
20 messages she told Kevin she just gave him the TV, so all of a
21 sudden he stole it. He never stole it. She gave it to him,
22 and like I said when I got to, you know, his place and we
23 talked, this guy doesn't need no 47-inch TV. If he wanted a
24 47-inch TV I'm sure him and his girlfriend could buy a 47-inch
25 TV out of Wal-Mart if they wanted to.

1 Q You explained how you got to Tommy's house the first but
2 I want to just ask you plain, did you plan or scheme or set up
3 anything to go down there to get your television?

4 A No, sir, I didn't, not at all, and none of this was never
5 supposed to happen. I mean, a lot of people say that Kevin
6 died over a TV. Kevin didn't die over no TV. Supposedly he
7 pulled out a gun and Saire shot him, but my back was turned.
8 The conversation was cool between us. I don't know what
9 happened when I turned my back. I just know Kevin got shot
10 and it wasn't over no TV.

11 Q The statement that Saire signed, how did he get that?

12 A When he first came into the pod, you know, I seen him. I
13 was sitting at the table when they arrested him. I never knew
14 he was arrested and he came into the pod. He was like, "I'm
15 not going to let you go down for this." He was like, "You
16 didn't know none of this was going to happen." He said, "When
17 you turned around Kevin shot, I mean, he pulled out a gun and
18 I shot him." I got good handwriting. Saire's handwriting is
19 not really that good. So I wrote, you know, the statement of,
20 I wrote it the best way try to, the legal way that I could.

21 Q Let me approach you with what has been marked as Defense
22 Exhibit Number Four. Do you recognize that?

23 A Yes, sir.

24 Q What do you recognize it to be?

25 A An affidavit stating that I'm not guilty of this crime

1 and that I didn't know that this was going to happen.

2 Q Did you write, did you, did you write that?

3 A Yes, I did.

4 Q Did - was it signed by Saire?

5 A Saire Castro looked over it for a day and decided to sign
6 it.

7 Q And when you got that signed who did you send it to?

8 A See with the notarizations if that person's not there to
9 verify that he's agreed to this and these are his true words
10 it won't be notarized. So Jonesy came to the pod and ---

11 Q Jonesy, who was this?

12 A Corporal Solomon Jones.

13 Q Okay.

14 A And he called Saire out of the room. He called me and he
15 read it and he said, "Do you know what you're signing?" He
16 say, "Yes. I'm clarifying his name because he had nothing to
17 do with it," and I also signed him an affidavit stating that,
18 it was another affidavit stated that I seen Kevin Bowens with
19 a gun at the time because I did and it was the truth.

20 Q And you had said that when you were questioned by the
21 police; did you not?

22 A I told them that, that was the - like one of the first
23 things I, I probably told them.

24 Q On this particular document here, Defense Number Four,
25 there's four names listed right after it says what it says.

1 Who are those names?

2 A Melanie Huggins, she the Clerk of Court, Orrie E. West.

3 Q Who is Orrie West?

4 A She's, I believe, the head of the Public Defender's
5 Office in Georgetown and Horry County. I'm not sure, I mean,
6 sent it to Brad Richardson.

7 Q And who is that?

8 A Solicitor - I didn't - I never seen him or knew who he
9 was at the time but Solicitor.

10 Q Is he here today?

11 A Yes, sir.

12 Q And who's the last one?

13 A To my Public Defender, Edward Chrisco.

14 Q And did you, besides putting their name on the document,
15 did you send that to them?

16 A I sent it to each of these people, a copy.

17 Q You sat here for the last two days, two and a half days
18 and you've heard the people testify.

19 A Yes, sir.

20 Q Not getting into who told the truth or who didn't told
21 the truth was there - what discrepancies did you see or hear
22 from people?

23 A I seen a lot of people who I thought were friends and
24 testify against me knowing that I'm not guilty of these
25 charges, putting the blame on me and a lot of lies, evidence

1 not being put into the ---

2 MR. RICHARDSON: Your Honor, once again this is
3 commentary on other testimony.

4 THE COURT: Sustained, sustained. The jury will
5 disregard that statement.

6 MR. RICHARDSON: Thank you, Your Honor.

7 THE COURT: Next question.

8 Q You can't say anything about lying. Answer any questions
9 that the Solicitor might have for you.

10 THE COURT: Cross examination.

11 MR. RICHARDSON: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. RICHARDSON:

14 Q Back in March 2011 where were you working?

15 A I was doing a little lawn care, lawn service, Carolina
16 Forest, but it was very slow. I was doing music. I was doing
17 a lot of talent searches, about to get signed to Koch Records
18 before this all happened and I was trying to do good in my
19 life, leaving the drugs alone, but I got the majority of my
20 money from selling drugs.

21 Q Now, you talked about I believe it's Brianna Zaduniack?

22 A Zaduniack, sir.

23 Q Zaduniack, I'm sorry, and could you describe Brianna to
24 us?

25 A Blond hair, blue eyes, Irish, about 120 pounds, 30

1 pounds.

2 Q Similar in looks to Ashley Bledsoe?

3 A Taller, she's not, I mean hair color and eye color, yes.

4 Q But somebody like Sage could easily confuse one for the
5 other?

6 A No.

7 Q Ashley Bledsoe was not staying at your house on 544;
8 correct?

9 A Yes, sir, that's correct.

10 Q So, if he would have seen a blond girl there that would
11 have been Brianna?

12 A Yes.

13 Q What time of day, you said that on the 27th Sage McPhail
14 brought Ashley Bledsoe over to the house where you were
15 staying on 544.

16 A No, it was the 28th because the 27th ---

17 Q The 28th, I'm sorry about that, you're right. The 28th,
18 that was a misstatement on my part, the 28th Sage brings Ashley
19 over to the house on 544?

20 A Yes, sir.

21 Q Who's there at that time?

22 A Just myself.

23 Q Just yourself, how about your kids?

24 A They was with babysitters.

25 Q And what time of day does Ashley come over to your house

- 1 on 544?
- 2 A It was, it was nightttime, maybe 9:30, maybe.
- 3 Q Maybe 9:30?
- 4 A Yes, sir.
- 5 Q Prior to her coming over did you call her?
- 6 A I don't know, maybe I text her.
- 7 Q Your number is 597-8331; correct?
- 8 A Yes, sir, it is.
- 9 Q Her number 318-6053?
- 10 A Yes, sir.
- 11 Q Okay, at approximately nine o'clock did you call her and
- 12 speak to her for approximately three minutes?
- 13 A I mean, I couldn't recall it but if you have the phone
- 14 records I did then, yes, sir..
- 15 Q So you talked with her a good bit?
- 16 A I talked to her and I told her Sage was coming over to
- 17 get my stuff.
- 18 Q Did you tell her she had to come with him?
- 19 A Not at all.
- 20 Q When she arrived what kind of stuff did she have?
- 21 A She had my clothes, boxes of shoes. That was it. I
- 22 mean, that took up the whole back truck.
- 23 Q So, it was enough to fill up the back of that truck?
- 24 A Yes, it was.
- 25 Q That's a lot of clothes and stuff.

1 A Yes, it was.

2 Q Because you had been living with Ashley Bledsoe at
3 Oceanside Village.

4 A I put my stuff at her house because me and the mother of
5 my children had an argument, you know, she was just upset that
6 I was out there with other girls and she was threatening to
7 leave me if I didn't get myself together, and before I leave
8 her for Ashley I'll stay with her and my kids and try to work
9 things out.

10 Q The question was were you living with Ashley at Oceanside
11 Village?

12 A No, I wasn't.

13 Q But you had a majority of your clothes there?

14 A Yes, she only stayed there for no longer than two weeks.
15 I couldn't just, just not come home and something - that would
16 have outed me really out the door really quick if I wouldn't
17 have came home for a night. She's going to wonder where I'm
18 at.

19 Q Well, didn't you tell police that they got evicted, "So I
20 was basically homeless?"

21 A Yes, I was.

22 Q Well, if they got evicted and that made you homeless that
23 means you were living with them; correct?

24 A No, I, I was - had a - I put my clothes at Ashley's house
25 because me and my baby mother had got into an argument. She

1 kicked me out of the place that I got for her and I kept my
2 clothes at Ashley's house. So when they got evicted I was
3 basically had - was homeless and had nowhere to put my
4 clothes. So I had to - I didn't want to go back to my mom's
5 house, you know, when I just bought the mother of my children
6 a place, you know, I'm kicked out.

7 Q Brianna kicked you out?

8 A Yes, she did, sir.

9 Q Well, where'd you lay your hand down at night? When did
10 she kick you out?

11 A It's been an on, off and on thing since she found out
12 that I was still associating with Ashley. It probably was up
13 to - I been out of the house for maybe a week maybe, kicked
14 out for like a week. She made me - basically I couldn't come
15 back to the house. She changed the locks.

16 Q A week before the murder?

17 A Actually I still wasn't staying there when the murder
18 happened. I just happened to go there that night because when
19 I left Oceanside Village and they evicted, they had evicted
20 Ashley out of the place she wouldn't let me come back to the
21 place. So I had to ask my mom to let me, you know, stay at
22 her place. I stayed at, I stayed up all night sometimes and
23 just, you know, went to the studio, you know.

24 Q Where was that studio?

25 A It was on 544 near Courtyard I.

1 Q You said Ashley got evicted. Why did she get evicted?

2 A Because there was cocaine in her place. The police found
3 cocaine in her place.

4 Q And that was in one of your jackets at that place;
5 correct?

6 A No, not at all.

7 Q Well, Mr. Chrisco asked you about a CDV charge. That was
8 from the 26th of February; correct?

9 A The warrant was on the 27th. It was supposedly the
10 morning of the 27th.

11 Q You've been served with your warrant on that; correct?

12 A I wasn't served it till I came to jail for the murder. I
13 was never charged with it until I came in jail for the murder.

14 Q I'm not, I'm not trying to trick you. Your drug warrant
15 that was on the 27th but what's the date it says on that CDV or
16 first do you recognize this document?

17 A Yes, sir, I do recognize this document.

18 MR. RICHARDSON: Just merely for identification
19 purposes, Your Honor.

20 THE COURT: All right.

21 Q Looking at that document does that refresh your
22 recollection of when the allegations of the criminal domestic
23 violence occurred?

24 A Yes, I didn't - the police didn't come to the house till
25 the 27th. That's when they found the cocaine inside the house.

1 Q Well, that was late night, early morning; correct?

2 A It was around almost 11 o'clock, 10 o'clock.

3 Q 11 o'clock on the 27th or the 26th?

4 A On the 27th.

5 MR. RICHARDSON: The Court's indulgence, Your Honor.

6 THE COURT: Yes, sir.

7 MR. RICHARDSON: I'll be very brief.

8 BY MR. RICHARDSON:

9 Q You've seen your discovery; correct?

10 A Yes, sir.

11 Q You said you looked through all the text messages on
12 there?

13 A Yes, I did.

14 Q And you saw all of Ashley's text messages to Kevin
15 Bowens?

16 A I read Kevin's text messages.

17 Q But you saw some coming from Ashley's phone; correct?

18 A Yes, I did.

19 Q Do you remember reading one on February 27th, 2011, at
20 1900 hours, that'd be about seven p.m. that says, "Hey, my bad
21 about last night," ---

22 MR. CHRISCO: Objection, Your Honor. If he wants to
23 enter these records into evidence then he can talk ---

24 THE COURT: Why don't you show it to him and see if he
25 recognizes it and has read it in the past without reading it?

1 Why don't we do that?

2 Q Do you recognize these texts?

3 A Yes, I do.

4 Q And we'll go and you recognize these as the texts from
5 Kevin Bowens' phone?

6 A Let me look at it one more time. It's Ashley and him
7 having a conversation.

8 Q So you've read these?

9 A I mean, I can read them right now if you want.

10 THE COURT: No, sir, the question is before ---

11 Q Do you recognize these, have you read these?

12 THE COURT: --- before right - let me ask it, before
13 right now have you ever seen that document?

14 A I mean, in ---

15 THE COURT: Yes or no, before right now have you ever
16 seen it?

17 A I may have ran across it.

18 MR. RICHARDSON: I'll get the original, Your Honor.

19 THE COURT: All right.

20 MR. RICHARDSON: If you'll find me those cell phone
21 records. I'll move along at this time, Your Honor.

22 THE COURT: Good.

23 BY MR. RICHARDSON:

24 Q When Mr. Chrisco was talking to you you mentioned

25 jealousy. Nobody had brought that up. Were you jealous of

1 Ashley Bledsoe finding a new guy?

2 A I never knew about Kevin.

3 Q Well, you said you had seen him before.

4 A At the club and he complimented me on her and I ---

5 Q And did you mention that to the police when you gave a
6 statement, "Hey, I've seen Kevin Bowens before?"

7 A It didn't - I didn't - he asked me so many questions, I
8 mean, I have the tape. He asked me so many questions. It
9 wasn't about Kevin Bowens. I told him the complete truth and
10 it wasn't over Kevin Bowens. I never knew Kevin Bowens, I
11 mean, Kevin Bowens and Ashley Bledsoe was texting each other
12 until I was in jail and I read these text messages.

13 Q It wasn't about Kevin Bowens. This is exactly about
14 Kevin Bowens. He's the man who lay dead getting murdered in
15 his front yard; correct?

16 A I understand he was murdered in his front yard, yes, I
17 do.

18 Q And you just told us that whenever you walked up you
19 said, "Hey, I recognize this guy."

20 A I said in my head I said I recognized him.

21 Q But in your head you realized it; correct?

22 A Yeah.

23 Q And you go into the police the next day or two days
24 later, I'm sorry. You don't tell the police, "Hey, I actually
25 recognized him. I had seen him before."

1 A Me, it wasn't a big deal. I told him, I mean, it wasn't
2 even a big deal because it didn't matter.

3 Q You told him, "We might have some of the sample people.
4 We might know some of the same people."

5 A Yeah.

6 Q But you didn't think it was a big deal to say, "Hey, I'd
7 actually seen him before. We'd talked?"

8 A It was irrelevant to the case. I was there to tell the
9 truth and the whole truth, to clear myself and explain to them
10 what happened to Kevin and how he was murdered wrongfully in
11 his yard.

12 Q You've seen all the discovery, all the reports.

13 A It's over 500 pages.

14 Q But you've seen it all. You've had some time to review
15 it?

16 A Yes, I did, sir.

17 Q You got to make everything fit in the right place?

18 A When you're telling the truth it just fits.

19 Q You left the keys in the truck whenever you pulled in
20 that evening; correct?

21 A I'm not - Ashley was in the truck still, yes, so ---

22 Q You left the keys in it. You left the car cranked?

23 A Yeah, it was, it was off.

24 Q It was off?

25 A Yes, it was.

- 1 Q So if somebody saw smoke pouring out the back it must
2 have been burning oil somehow?
- 3 A It wasn't no smoke coming out the back of the car. I had
4 to crank it up to leave.
- 5 Q You had to crank it up to leave.
- 6 A Yes.
- 7 Q Well, you pushed Ashley over in the driver's seat; didn't
8 you?
- 9 A Cranked it up.
- 10 Q So you cranked it for her after you pushed her over to
11 drive you out of there?
- 12 A I never pushed her over. I said ---
- 13 Q Because you're controlling her.
- 14 A I wasn't controlling her. She was shocked at the time.
15 I was shocked at the time. She was in the passenger seat and
16 when I'm trying to get away from the bullets she's in the car
17 and she's shocked. I'm like, "Baby, baby, get over," because
18 I couldn't get in on the driver's side because I'm afraid that
19 I'm going to get shot. So she hopped in there and we cut on
20 the, cut on the car and backed out.
- 21 Q No doubt you pulled up in the yard; right?
- 22 A Yes, I did.
- 23 Q And you were faced up towards the house?
- 24 A Yes.
- 25 Q And you tried to go around to the driver's side first?

1 A I backed out of the driveway. I backed out. I pulled
2 up, then I backed out to the side because there was room on
3 the side because we pulled in easy and we just backed out
4 easily and parked the car on a, on a side this way, like guess
5 it was kind of at an angle towards the end of the road.

6 Q Now, you told us that you felt bad for your wife. You
7 were going to straighten up, fly right, put everything to
8 rest; correct?

9 A Yes, sir, I did.

10 Q You were going to do it for your kids, you were going to
11 do it for your wife?

12 A Yes, sir.

13 Q Yet on March 1st, 2011, when you're going to change your
14 life, turn it around, you go get Ashley Bledsoe and start
15 smoking dope.

16 A We got together. We smoked weed on a usually every day.

17 Q And Ashley Bledsoe - I'm sorry, go ahead.

18 A Smoke marijuana on a everyday basis, all day, I had a
19 problem. It was just that my access I can buy whatever I
20 needed, smoke all day. It wasn't the right thing to do. Now
21 that I'm looking at it I was addicted to it. It was like I
22 wake up in the morning smoke, all day I smoke. It was just
23 something to do, you know what I'm saying, like I was addicted
24 to the weed and Ashley called me that night. I was just at
25 home chillin'. I wasn't planning on going anywhere because I

1 was changing. I didn't want no involvement with her or
2 nothing.

3 Q I get it, Ashley's controlling you?

4 A No, not at all. She called me and said we could go get -
5 we could get the TV.

6 Q Had you tried to call her earlier in the day?

7 A I'm not sure. Maybe I called her, maybe.

8 Q Maybe ten times you tried to call her that day or text
9 her?

10 A She didn't answer one time. I text her and say, "I'm
11 going to call the police if you don't give me my TV."

12 Q And did you call the police?

13 A She called me later on and told me that we can go get it
14 and that was around nine o'clock.

15 Q That was around nine o'clock.

16 A Eight, maybe 8:30 maybe. It's the first time I seen her
17 in two days.

18 Q So the first time you had seen Ashley in two days was
19 nine o'clock on the 1st?

20 A Around eight, 8:30 on the 1st.

21 Q Eight, 8:30 on the 1st, you just told us that she came
22 over to your house on the 28th, that's a day before.

23 A The 1st was - 28th, she came over for a brief second and
24 brought me my things.

25 Q So you did see her on the 28th?

- 1 A Yes, and that was - I have ---
- 2 Q You asked her where your TV was?
- 3 A Uh-huh.
- 4 Q You wanted your TV?
- 5 A She told me it was at the house.
- 6 Q Why'd you need the TV?
- 7 A I wanted the TV because me and her wasn't together. I
- 8 wanted it to put it in my kids' room so they could have it to
- 9 watch movies on. You know, I could have went out and bought
- 10 another one, but I had one and it was supposed, it was
- 11 supposed to be at Ashley Bledsoe's house and she was supposed
- 12 to be sending it over there. I never knew nothing about Kevin
- 13 until, up until I talked to Kevin and that was on the 1st, the
- 14 first time I ever talked to him on the phone. I didn't know
- 15 him. That's why I didn't tell the police that I knew him
- 16 because I ran into him at the club. I run into a lot of
- 17 people and I didn't know him or I didn't even know of him.
- 18 We never had a - you know, you could talk to people, shake
- 19 their hand, he congratulated me, you know, on a good
- 20 performance and that was, that was pretty much it. I didn't
- 21 know Kevin at all, never seen him before that night or after
- 22 that night until I got to his place.
- 23 Q You said you got to Kevin's place and, you got to Kevin's
- 24 place, he came outside and you saw his gun?
- 25 A When he was walking outside it was in his waistband.

1 Q You didn't run though?

2 A I figured because the neighbor's were outside, you know,
3 and he didn't have no animosity about him. He just had a gun.
4 So, I decide, you know, he said, he looked - he thought Saire
5 and - was me in their car and he called them and waved them
6 over, "Hey, you know, you all come," and I hopped out the car,
7 the truck and I said, "No, it's me," and we walked up and I
8 recognized him. I never forget a face. I recognized him. I
9 was like, "Oh, everything's cool, heck yeah, what's up," in my
10 head and we talked and we had a good conversation. He, we
11 never came out of the way, yelled at me. We never argued. It
12 was a misunderstanding. He didn't know it was my TV. I
13 didn't know he had my TV. I didn't know what transpired
14 between him and Ashley Bledsoe. I never knew them to talk.

15 Q Okay, but my question was you saw him come out with a gun
16 in his waistband; correct?

17 A Yes, I did.

18 Q When did you - when did Ashley first tell you Kevin
19 Bowens had your TV?

20 A I mean, she told me the girl's boyfriend was going to
21 give me the money. She never said she sold it to Kevin. She
22 said she sold it to a girl at her job and that her boyfriend
23 was going to give me the rest of the money. So it was never
24 about Kevin stealing the TV. I never knew he supposedly - he
25 didn't steal the TV. So I didn't know about that till I got

1 there and she told him he stole it.

2 Q When did Ashley tell you the TV was with KB, when?

3 A She never told me it was with KB. She said that she sold
4 it to his girlfriend.

5 Q When did she inform you the TV was in Kings Grant?

6 A It wasn't until the 1st.

7 Q At what time?

8 A Around about eight that night. She said - she didn't
9 inform me that it was in Kings Grant. She said that - she
10 gave me his number to call him. I'm like, "I don't know him,"
11 but I figured because he was KB I never thought more than two
12 people to have the same name as KB but now I know it's for his
13 initials, but I thought it was one of my friends KB.

14 Q Where were you when you received this information?

15 A I was at home by myself just, I just got back from
16 dropping my girl off, I mean, the mother of my children and I
17 was just at the house for the night. I wasn't planning on
18 doing anything.

19 Q You're at the house?

20 A Yes.

21 Q That's on 544?

22 A Yes, sir.

23 Q And you get a call from Ashley?

24 A Yes, I did.

25 Q From her phone?

- 1 A From Evelyn's phone.
- 2 Q From Evelyn's phone.
- 3 A Her phone was dead.
- 4 Q Her phone was dead, and you're at 544 and she gives you a
5 number?
- 6 A Evelyn's her best friend, she's always with Evelyn.
- 7 Q I'm saying, I'm sorry, Ashley calls you and gives you a
8 phone number of who has your TV?
- 9 A She says, "KB, he has your - he's going to give you the
10 money. He has the TV."
- 11 Q And you're up at 544 at this point?
- 12 A Yeah, uh-huh.
- 13 REPORTER: Is that a yes?
- 14 THE COURT: Is that a yes or no?
- 15 A Yes, yes, sir.
- 16 Q And what do you do when you get that phone number?
- 17 A Proceeded to lock up the house, head down to go pick
18 Ashley up at - well, after I got the phone call to call Kevin
19 I called him three times. He never answered. So me and
20 Ashley had got together and she told me to meet her at
21 Waccamaw Hospital because she was coming from, I believe, Wal-
22 Mart and they was heading back to the house, so meet her at
23 Waccamaw Hospital.
- 24 Q You called Kevin Bowens' phone at 7:30 and 7:46; correct?
- 25 A I believe that is it.

1 Q Is that immediately after the first call, was that
2 immediately after you received the number from Ashley Bledsoe?

3 A I called him one time. He didn't answer. I tried to
4 call back. He didn't answer. So I was just like, "Okay,
5 cool, you know." It wasn't a big deal. It's a 47-inch TV.

6 Q Well, if it's not a big deal why you running out at nine
7 o'clock, 9:30 at night to go get it?

8 A She called me to - I didn't originally go to get the TV
9 at nine o'clock because I didn't hear from Kevin until me and
10 her was going to Tommy's to get weed. She had just got a new
11 place and I was planning on going to see it, too. So we was
12 going to get up and chill, you know.

13 Q So if you get Kevin's number and immediately call him,
14 the first time you call, miscall at 7:30 in the evening.

15 A Uh-huh.

16 Q You said then you lock up the house and you leave to go
17 pick up Ashley down at Waccamaw Hospital; right?

18 A I didn't pick her up till maybe - yeah, probably was
19 around eight o'clock, 8:30.

20 Q So you pick her up at eight o'clock, 8:30, and at this
21 point you know the TV is in Kings Grant; correct?

22 A I didn't know where Kevin stayed at at that time. I
23 didn't even know Kevin. I didn't even know he stayed in Kings
24 Grant.

25 Q And Ashley didn't tell you where it was?

1 A No.

2 Q So she just hops in the car and says, "Dah, dah."

3 A No, we, we get - he didn't call back. So we drove down -
4 we smoked. We headed - we was on 544 and I called my brother,
5 tried to get some weed. He wasn't in the area. So I figured
6 I was close to Tommy. So I called Tommy to see if he had any
7 weed and at that time, exactly that time Kevin called my phone
8 back.

9 Q You texted Kevin Bowens at 8:40 and 54 seconds, "Meet me
10 in Burgess." You texted that; correct?

11 A Ashley Bledsoe text. I was driving.

12 Q She texted, "Meet me in Burgess?"

13 A I told her tell him to meet me in Burgess.

14 Q But that was from your phone?

15 A Yes, it was.

16 Q A phone that he doesn't know from Adam's housecat?

17 A He didn't know my number. That's why I figured he didn't
18 answer.

19 Q And you got a text back from his phone, "Stop texting and
20 calling my phone, yo."

21 A I never seen that text message until I got to jail
22 because I believe right after that text message he called and
23 we talked.

24 Q He called or you called him first?

25 A I believe he called me.

1 Q You're sure you didn't call him and speak for a minute
2 and 23 seconds?

3 A I thought he called.

4 Q Regardless there was a call to him and from him; correct?

5 A Yes.

6 Q Now, when you talked to him you said he said, "Come on
7 over"; right?

8 A First we talked and he didn't know who I was and when I
9 talked to him I thought he was one of my home boys, KB.

10 That's what we call him. I found out that it wasn't and we
11 talked and we found out we had the same people in common, you
12 know, and that's what basically solidified it, me coming over
13 there.

14 Q Your home boy KB, would you have had his number on your
15 cell phone?

16 A He probably have like two or three phones.

17 Q Why does he have two or three phones?

18 A Because he sells drugs.

19 Q You told police you only have one phone.

20 A I do.

21 Q And you sold drugs.

22 A I did.

23 Q Real convenient that he's got three phones, you have one.
24 So he's got - your friend KB has three phones. You don't
25 recognize his numbers?

1 A I only got one number for him.

2 Q You told police that you weren't going to hold Kevin
3 Bowens accountable, correct, for the TV?

4 A Isn't there more to that statement?

5 Q I'm just asking you one portion of it. Did you tell
6 police, here I'll do the full quote, "So I figured I went
7 through somebody and get my stuff back, you know, without
8 problems because he didn't know you took my stuff and I wasn't
9 going to hold him accountable. I was just like, you know,
10 going to get my stuff back, be cool." Is that - you remember
11 stating something like that?

12 MR. CHRISCO: Your Honor, if we're going to use it let's
13 use the entire transcript.

14 THE COURT: Well, we'll talk about that. Solicitor,
15 you need to ask him if he made a statement and if he doesn't
16 remember it, you can show it to him. He can refresh his
17 memory and you can ask him the question if you need to do that
18 or we can just move along.

19 Q You've seen a copy of the transcript; correct?

20 A Yes, sir, I remember what I said. I just want you to
21 read it so the jury can hear it.

22 Q I'm sure you do, but I'm asking you ---

23 MR. RICHARDSON: And Your Honor, I'd ask the witness
24 just to instruct or I'd ask you to instruct the witness to
25 answer the question.

1 THE COURT: All right, let's go over the rules. The
2 attorney asks the question. The witness answers the question.
3 If it calls for yes or no the witness will say yes or no and
4 then the witness may explain the answer if he so chooses.
5 Continue on. Thank you very much.

6 BY MR. RICHARDSON:

7 Q You've seen the transcript; correct?

8 A I said I wasn't going to hold him accountable, yes.

9 Q Did that change when he told you you weren't going to get
10 the TV?

11 A Kevin, I didn't hear him say he wasn't going to give me
12 the TV. He didn't say that to me. He's - I'm - he didn't
13 strike me as that kind of person. He's not that kind of
14 person from where I, I met him that night. He did not say,
15 "I'm not going to give you back your TV." He told Ashley, "I
16 gave you weed and I gave you money for the TV," and I was
17 shocked and I was like, I looked at Ashley like, "What?"

18 Q Did you ever tell police about Kevin saying, "I smoked
19 you up?"

20 A When I was being questioned he was asking so much random
21 questions at that time. He would jump from this question to
22 that question. I didn't say it in those words.

23 Q You told them about the hundred dollars; right?

24 A Yeah.

25 Q Didn't say anything about marijuana?

- 1 A Probably not.
- 2 Q Probably not because it didn't happen?
- 3 A It happened.
- 4 Q You had pawned your TV some time before that; correct?
- 5 A Yes, I did, sir.
- 6 Q Because you needed money.
- 7 A Not because I needed money. I didn't have a place to
- 8 stay. So I figure why not have a place to stay and carry
- 9 around a TV and a camera? I pawned it though, yes, I did.
- 10 Q Where, where did you pawn it?
- 11 A Actually my - Dick's Pawn Shop over off of 544. My
- 12 cousin, he pawned it in his name.
- 13 Q And when you got it out of pawn - you did get it back out
- 14 of pawn?
- 15 A I believe I paid almost \$400 to get it back out.
- 16 Q Well, you paid 400 for your camera and your TV; correct?
- 17 A Yes, I did.
- 18 Q The TV you indicated was about \$150; correct?
- 19 A It was \$383 to get it out because that was how long it
- 20 sat in there.
- 21 Q And whenever you took it out where'd you take the TV?
- 22 A Ashley Bledsoe had got her place by then. So I took it
- 23 over there to hold it over there.
- 24 Q And that would have been February 15th, 2011?
- 25 A I'm not sure of the date, but ---

1 Q You told police that you had not been over at Ashley's
2 apartment for like two weeks; correct?

3 A Yes, I did.

4 Q And that was a lie?

5 A I haven't stayed over there in two weeks.

6 Q You told them you had not been over there in two weeks;
7 correct?

8 A And the reason I told them that is because the drugs were
9 found in the house and they was trying to blame me for it.

10 Q But you admit you lied, yes or no?

11 A That case was irrelevant to this case that's going on.

12 MR. RICHARDSON: Your Honor.

13 THE COURT: Sir ---

14 A I'm sorry.

15 THE COURT: --- answer the question as asked if you
16 know the answer and you may explain it if you choose to do so.
17 Thank you.

18 A Thank you, sir. Yes, and I told them that because I
19 didn't want them to charge me with the cocaine that was found
20 inside her residence.

21 Q You told the police that you talked to Kevin Bowens and
22 you texted him, "Meet me in Burgess"; correct?

23 A Ashley text him.

24 Q Did you tell police that you texted him?

25 A I said I text him.

1 Q Thank you. You told police Ashley gets scared easy;
2 correct?

3 A Yes.

4 Q Is that because you beat the tar out of her?

5 A No, it's not. It's - Ashley's, she just try to go out
6 like she's, she thinks she's a thug or something like that and
7 she just scares very easily like in a situation like what was
8 going on because that night it's the first time I ever seen
9 her scared like that, eyes wide open, you know. Recently
10 before that she stole money from one of her friends, Evelyn,
11 \$300, and I told Evelyn she took \$300 from her but she was so
12 scared about me telling Evelyn, you know, about her taking the
13 money from her.

14 Q Who took money from who?

15 A Ashley Bledsoe stole money out of Evelyn's place,
16 Evelyn's home.

17 Q The home that she shared with Ashley?

18 A The place that she stays with her dad.

19 Q Ashley and Evelyn were roommates; correct?

20 A They wasn't roommates until she got that place, February,
21 whatever day that was, February 14th, 13th when she got the
22 lease on the place. Evelyn didn't have a place to stay. So
23 she moved into the room and her boyfriend stayed there as
24 well.

25 Q When did you tell Evelyn about this?

1 A I told Evelyn about this two weeks prior.

2 Q Two weeks prior to the murder?

3 A Two to three weeks.

4 Q And yet ---

5 A Prior to the move in, a month and a half before the
6 murder.

7 Q And yet she's still moving in not just to one apartment
8 but to a second apartment with Ashley.

9 A She never stayed into an apartment. She lived with her
10 father and that's where Ashley went and stole the money out of
11 and she two or three weeks later her and Ashley got back cool,
12 you know, and she didn't have a place to stay. So she asked
13 Ashley to stay at the place because it was a two bedroom and
14 her boyfriend stayed with her there as well and after they got
15 evicted is when they got another place that same day.

16 Q You got upset because you all - you couldn't resolve this
17 TV issue with Kevin; correct?

18 A No, that's not correct. I never knew about the issue
19 until I got to the house. The TV didn't really matter. I
20 could have bought another TV. I just wanted it for my kids to
21 put in their room so they can watch movies on.

22 Q You just said that you were basically homeless at this
23 time but you're saying you could, you could buy another TV?

24 A After the night that Ashley was evicted and my clothes
25 moved to the mother of my children's house, Brianna Zaduniack,

1 we had reconciled and we had, you know, I told her, you know,
2 "I'm going to put down all this stuff, I'm not going to be
3 doing those things that I used to do, I'm putting away my
4 childish ways and I can't - I don't want to lose you. You got
5 cancer. I don't want to lose you right now. I want to make
6 the last part of your years the best."

7 Q And yet you went out with Ashley once again and smoked
8 dope that night?

9 A Smoked marijuana and Ashley called me and when she was
10 with Evelyn.

11 Q And you went from 544 to Waccamaw Hospital.

12 A Yes, I did.

13 Q Out of the goodness of your heart.

14 A I wasn't doing nothing at the time. I was at home by
15 myself. She called me, so I went.

16 MR. RICHARDSON: The Court's indulgence, Your Honor.

17 THE COURT: Yes, sir.

18 Q You told police that you and Ashley pulled out from Kings
19 Grant in front of Saire?

20 A Yes, we did.

21 Q No doubt you all pulled out in front of Saire?

22 A When we left Kings Grant I didn't know they was behind me
23 at first. I sped out. I had to leave. I, I left.

24 Q Saire was never in front of you; right?

25 A No, he was not, that I'm sure, no, I pulled out first.

1 Q When you went in and talked with the police you started
2 giving a lot of details about right there at Kings Grant;
3 right?

4 A No, I didn't.

5 Q You didn't?

6 A No, I gave details about what happened at the scene of
7 the crime.

8 Q That was at Kings Grant; correct?

9 A Yes, it was.

10 Q And when they started pushing you on what happened before
11 and after it got kind of fuzzy; right?

12 A My story always stayed the same.

13 Q It stayed the same?

14 A Yes, it did.

15 Q At one point you said Saire hollered for Ashley to get
16 back in the car; correct?

17 A He did.

18 Q And at one point you said, "I told Ashley to get back in
19 the car"; correct?

20 MR. CHRISCO: Objection, Your Honor, he's testifying
21 from the document. Can ---

22 THE COURT: I'm going to allow him to ---

23 A Okay.

24 THE COURT: --- ask the questions. Go ahead.

25 A When Kevin Bowens and Ashley - when Ashley came out the

1 car she started yelling at Kevin, "You stole the TV. You
2 stole the TV. You know you did," and Kevin like, "Bitch, I
3 smoke you out and I gave you \$100," and then Saire yelled to
4 Ashley, "Get in the car, Ashley," and I looked at Saire and
5 I'm like, "What the heck you yelling at her for like." I'm
6 looking like, "Why are you yelling at her," put it in plain
7 words like, "this girl that is with me." So I turned around
8 and I said, "Go ahead in the car, baby. Go ahead in the car."
9 She said, "Okay," and then right when I turned around the
10 shots were fired.

11 Q You told police that Sergeant Muldoon was trying to run
12 you all off the road; correct?

13 A Yes, I did. He had a felony stop. He didn't know who
14 was the murderers. It's his job.

15 Q Well, if he was trying to run you all off the road we
16 should see it?

17 A He came over the side. You can't really see in the
18 camera, but like I said in my - in the transcript maybe she
19 swerved.

20 Q No doubt about it when that car - the truck wasn't even
21 stopped when you bailed out?

22 A It was slowing down to pull over and I jumped out and
23 ran, yes, I did, sir.

24 Q Jumped out and ran?

25 A Yes, I did, sir.

1 Q You didn't stop and say, "Whew, thank God, that crazy man
2 back there just shot somebody?"

3 A I didn't know the seriousness of Kevin's injuries and ---

4 Q Is a shooting serious?

5 A Yes, it is. I didn't know he was dead or well ---

6 Q But a shooting's serious; right?

7 A Yes, it is, sir, yes, it is.

8 Q You told officers you heard bam, bam, bam, three shots.

9 A I told them five pows. I thought it was five at first.

10 Q So you thought it was five and you didn't think it was
11 serious?

12 A Thought - I didn't know who got shot. I just know I see
13 him get - I didn't know whether Saire got shot, too, or, or
14 whether it was just ---

15 Q Didn't know if Saire got shot, too. So you knew he had a
16 gun?

17 A I didn't know, I didn't know until when I turned around
18 he was shooting the victim. I never knew he had a gun until
19 he pulled out and shot Kevin.

20 Q You knew Saire had been arrested just a few weeks before
21 with guns?

22 A Yes, sir, me and Saire wasn't associating with each other
23 like that prior to when he got pulled over because he always
24 resided in Myrtle Beach.

25 Q Well, you just ---

1 A I knew through, I knew through people in the streets
2 through Tommy that he got pulled over for guns and drugs. I
3 did know that and I thought he - I, I figured he didn't have
4 no more.

5 Q Now, you just said he lived all the way in Myrtle Beach;
6 right?

7 A Yes, he did. He was - him and his brother they hustled,
8 and well, they sell drugs in Myrtle Beach in Racepath.

9 Q Earlier you stated that Myrtle Beach is a small place,
10 correct, Murrells Inlet and Myrtle Beach a small place.

11 A Small places but two different places.

12 Q So it's small when you say we might know somebody but not
13 too small whenever you want to shy away from them?

14 A It's, it's a big area, but I don't associate myself in
15 places like Racepath. You're just asking to get locked up if
16 you're down there selling drugs. I wasn't selling drugs to be
17 a dope boy or nothing. My job was slow. I had to provide for
18 my kids. I didn't want to ask my baby mother for money all
19 the time even though she gives it to me, but I can't take out
20 of my kids' mouth. I like to provide.

21 Q You said, you said your cell phone got lost when you were
22 on the run?

23 A Yes, sir, I did.

24 Q You toss it so they couldn't track you by the cell phone?

25 A No, I ran into - I ran behind this place. I hopped out