

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY

Benjamin H. Culbertson, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RONDELL CARTER,

APPELLANT

APPELLATE CASE NO. 2011-195627

RECORD ON APPEAL

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	)	2009-GS-22-555, 556, 557, 559,
COUNTY OF GEORGETOWN	)	560, 561 and
	)	2011-GS-22-645
The State,	)	
	)	
Plaintiff,	)	Transcript of Record
	)	
vs.	)	Trial Transcript
	)	
Rondell Leon Carter,	)	June 27-29, 2011
	)	
Defendant.	)	

B E F O R E :

Honorable Benjamin H. Culbertson
Georgetown County Courthouse
Georgetown, South Carolina

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Circuit Court Reporter

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Motions

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1 (On the record, June 27, 2011.)

2 THE COURT: All right, this is State of South Carolina
3 versus Rondell Leon Carter. According to my notes this is
4 indictment numbers 2011-GS-22-645, 2011-GS-22-701, 2009-GS-22-
5 559, 2009-GS-22-560, 2009-GS-22-561, 2009-GS-22-555, 2009-GS-
6 22-556, and 2009-GS-22-557. Is that correct?

7 MS. BAILEY: Yes, Your Honor.

8 THE COURT: All right, I understand there's some
9 pretrial motions. Present at the call of the case, Erin
10 Bailey representing the State, and Jase Felts representing the
11 Defendant; is that correct?

12 MR. FELTS: Yes, sir, Your Honor.

13 THE COURT: All right, these are your motions, Mr.
14 Felts, or your motion, Mr. Felts?

15 MR. FELTS: Yes, sir, Your Honor.

16 THE COURT: All right, let me hear from you.

17 MR. FELTS: Your Honor, you - the Court's just read
18 off all of the indictments that are pending against my client.
19 Recently, last week I believe it was, beginning of last week I
20 was - I received two new indictments that were presented to
21 the Grand Jury on I believe, let's see here, give me just a
22 second, Judge. They were true-billed on June 15th, indictment
23 number 2011-GS-22-645 and 2011-GS-22-701, both of them are for
24 assault and battery with intent to kill. Judge, these
25 indictments, to my knowledge, have never been served on my

1 client, and I have gotten a copy of them, got them here in my
2 hand, but you know, the constitution provides that in a
3 criminal case the Defendant, you know, has a right to be fully
4 informed against or least of the nature of the action that the
5 State is seeking against them. Now, these are the same
6 charges, charge, excuse me, that was already indicted or that
7 my client was already indicted on back originally when the
8 bulk of the, of the rest of the indictments were presented and
9 that was back in May, looks like May of 2009, May 13th I
10 believe is when it, when it was true-billed for the same
11 charge; and so, Judge, I would - this is essentially a motion
12 to quash the two new indictments simply because they've never
13 been served on him and, Your Honor, it's our position that the
14 State should be forced to go forward on the original assault
15 and battery with intent to kill indictment. That's 2009-GS-
16 22-558, and Your Honor, the wording really is virtually
17 identical to one of the new ABWIK indictments wherein it
18 alleges that my client shot the victim, Christina Carroll,
19 that's virtually identical to the one from May of 2009 and
20 then the second one says that or alleges that my client hit
21 the - the victim, Christina Carroll, on the head with a gun;
22 and so, Judge, I would ask that they be quashed, number one,
23 because he hasn't been served with them, and then number two,
24 that there was already an ABWIK indictment and he was served
25 an arrest warrant with back when this incident occurred.

Opening by State

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1 THE COURT: Anything from the Defense?

2 MR. FELTS: No, sir, Your Honor, that's all we got at
3 this point. Thank you.

4 THE COURT: All right, let's go ahead and bring the
5 jury back in.

6 (Whereupon, the following takes place in the presence of
7 the jury.)

8 THE COURT: All right, ladies and gentlemen, welcome
9 back. Ms. Bailey, you ready to make your opening statement?

10 MS. BAILEY: Yes, Your Honor.

11 THE COURT: All right.

12 MS. BAILEY: May it please the Court?

13 THE COURT: Yes, ma'am.

14 MS. BAILEY: Greed, greed is a powerful motivator.

15 Some people work to get their wealth and some people just
16 steal it from other people. This is a case about greed.

17 Over the next couple of days you're going to hear lots of
18 testimony. You're going to see some evidence. You're going
19 to hear about an incident that happened on January 23rd of
20 2009, an incident that was motivated by greed. We'll get back
21 to that in just a moment, but first let me introduce myself.
22 My name is Erin Bailey and I am an assistant solicitor here in
23 Georgetown County. Sitting at counsel table with me right now
24 is Steve Brown. Steve is one of our investigators in house at
25 the Solicitor's Office. He helps me with the technology and

1 helps me with some of the exhibits. You may also see David
2 Richardson sitting with me. He's not in the courtroom at the
3 moment but he is also an assistant solicitor here in
4 Georgetown and Chelsea Moore who is a third-year law student
5 who is working with us this summer at the Solicitor's Office.

6 In South Carolina we call prosecutors solicitors,
7 prosecutors, DA's, state's attorneys, solicitors, there's a
8 bunch of different names for the same thing. I represent the
9 State of South Carolina, and when a crime is committed in this
10 county it's my job to prosecute that crime.

11 Sitting back here in the first row are William Douglas
12 and Christina Carroll. William and Christina are the victims
13 in this crime. On January 23rd of 2009 the State will show
14 over the next few days that Rondell Carter along with three
15 Co-Defendants, Herman McCray, Jr., Robert Richardson, Jr., and
16 Matthew Cobb, Jr., they all got together on January 23rd and
17 Rondell decided that they needed to do a lick. Now, a lick
18 means a robbery. They were looking for a target to rob. They
19 decided on William Douglas. They went to William Douglas's
20 house on [REDACTED] Drive. [REDACTED] Drive is in the country.
21 It's way out in the Carvers Bay, Rose Hill section of
22 Georgetown County. It's on the river way down a dirt road.
23 They went to William's house on [REDACTED] Drive and he wasn't
24 there. So, they went inside, waited for William to come home.

25 When William and Christina came home the Defendants,

Opening by State

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1 including Rondell Carter, were waiting for William and
2 Christina. They greeted them at the front door with a gun.
3 They demanded that they take things out of their pockets.

4 At several points along the way, Christina fought back.
5 Christina fought back before she entered the house and for
6 that she got hit in the head with a gun. Christina fought
7 back inside the house. She thought she saw an opportunity to
8 get out and for that she got shot in the leg. These three Co-
9 Defendants, including Rondell Carter, demanded large
10 quantities of money from William Douglas. Now, it was a
11 Friday night. January 23rd, 2009, was a Friday night and they
12 wanted thousands of dollars from Mr. Douglas. There is
13 nowhere to get thousands of dollars on a Friday night. So,
14 Mr. Douglas tried to explain that to them that you just can't
15 go - there's no banks open. There were no banks open
16 Saturday, the next day. So ultimately Mr. Douglas convinced
17 Mr. Carter to try to go cash some checks.

18 While they were out trying to cash checks, trying to get
19 Mr. Carter some money so that he would leave them alone
20 finally, is finally when these folks got some help. Mr.
21 Douglas was able to ask for help. When the police came on the
22 scene we had Mr. Douglas in the car with Mr. Carter. Mr.
23 Douglas immediately requested assistance. He asked that police
24 go back to the house on [REDACTED] Drive. When police got to
25 the house on [REDACTED] Drive they found Christina with a gaping

1 head wound, with a gunshot wound in the leg, asking for help.
2 They found Matthew Cobb, Jr., and Herman McCray, Jr., inside
3 the house hiding from the police and they found several pieces
4 of evidence there at the scene.

5 You're going to hear testimony from several people over
6 the next few days all about what happened on January 23rd into
7 the early morning hours of January 24th. Now, this was in
8 2009. So, it's a while ago, and we got a bunch of different
9 people who are going to tell you all what happened. So, I'm
10 going to warn you right now, not all the stories are going to
11 match up exactly. Now, as the jury it is your job to take the
12 law. The Judge will tell you what the law is, to take the
13 facts as you hear them here in court and to apply the facts to
14 the law. So, what I'm going to ask that you do over the next
15 couple of days is pay real close attention to the facts but
16 keep the law in mind because in the end that's what you're
17 going to have to do is apply those facts to the law.

18 Now, first I want to explain a little bit of the law
19 that's necessary for you all to analyze this case so that you
20 can go into it thinking about what's going on. Now, on your
21 monitors in front of you I'm going to explain to you the
22 different crimes that Mr. Carter is charged with. First of
23 all he's charged with first-degree burglary. Now, when you
24 hear the word burglary you think of a cat burglar wearing all
25 black sneaking up in the middle of the night. In the State of

Opening by State

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1 South Carolina that's not necessarily what that means.
2 Burglary means an unlawful entry into someone's house, into a
3 dwelling where someone lives without consent, uninvited. Now,
4 keep in mind they don't have to break in. There's no
5 requirement of a breaking. You don't have to break out a
6 window or jimmy a lock. They just have to enter someone's
7 house without consent and they have to intend to commit a
8 crime once they're inside. Now, for it to be a first degree
9 burglary there's some more things that, that I have to prove.
10 I could prove to you that when they entered the house without
11 consent they were armed with a deadly weapon or that they
12 caused physical injury to a non-participant of the crimes and
13 not to a Co-Defendant but to a victim or that the Defendant
14 used or threatened to use a dangerous instrument once inside
15 or that the Defendant displayed what was or appeared to be a
16 knife or a firearm once inside. So, to review, I have to
17 prove to you that Mr. Carter entered a dwelling without
18 consent with the intent to commit a crime therein and one of
19 the following things. So, that is what I would need to prove
20 the burglary in the first degree.

21 The next crime that Mr. Carter is charged with is assault
22 and battery with intent to kill. Assault and battery with
23 intent to kill is pretty straightforward. It's an unlawful
24 attempt to commit a violent injury to the person of another
25 with malicious intent accompanied by present ability to

1 complete the act. Mr. Carter is charged with assault and
2 battery with intent to kill for the shooting of Ms. Christina
3 Carroll.

4 The next crime that he's charged with is kidnapping.
5 Now, when you hear the word kidnapping I know you think
6 there's a ransom and there's a child involved and across state
7 lines. That's what you see on TV. In the State of South
8 Carolina a kidnapping is defined a little bit differently. In
9 the State of South Carolina basically a kidnapping is not
10 letting somebody go where they want to go or as the
11 legislature defines it more specifically an unlawful seizure,
12 confining, inveigling, decoying, abducting or carrying away of
13 a person by any means without the authority of law. Mr.
14 Carter is charged with the kidnapping of William Douglas and
15 Christina Carroll.

16 The next crime that he's charged with is an armed
17 robbery. Armed robbery is taking or attempted taking and
18 carrying away of the personal property of another with the
19 intent to deprive him of possession of that property by use of
20 force, threats or intimidation and while armed with a deadly
21 weapon or having in possession an object with which the victim
22 believed was a deadly weapon. Mr. Carter is charged with the
23 armed robbery of William Douglas and Christina Carroll.

24 Finally, Mr. Douglas is charged - Mr. Carter is charged
25 with possession of a weapon during the commission of a violent

Opening by State

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1 crime. Now, this is the only tricky one. You have to convict
2 him of one of the other crimes before you can consider this
3 charge. So if you find he didn't commit a violent crime he
4 couldn't have possessed a weapon during the violent crime.
5 So, the Defendant has to be convicted of committing or
6 attempting to commit a violent crime and at the time of the
7 crime the Defendant had a firearm or visibly displayed what
8 appeared to be a firearm.

9 Finally, there's one more legal principle that I would
10 like to explain to you all before you consider the evidence.
11 It is a legal principle called the hand of one is the hand of
12 all. The Judge is going to explain this to you. The hand of
13 one hand of all principle in South Carolina says that if a
14 crime is committed by two or more people who are acting
15 together in committing the crime the act of one person is the
16 act of all. A person who joins with another person to
17 accomplish an illegal purpose is criminally responsible for
18 everything that is done by the other person which occurs as a
19 natural consequence of the acts done in carrying out the
20 common plan or purpose. If two or more people act together
21 and they assist each other in committing an offense the act of
22 one is the act of all or as we sometimes say the hand of one
23 is the hand of all. What does that mean? That means that Mr.
24 Carter along with his Co-Defendants planned to go commit a
25 crime. It means that what one person committed in that - in

1 the course of that crime they are all criminally responsible
2 for it. What one person did they are all responsible for.

3 Now, you're going to hear a lot of testimony. You're
4 going to see a lot of evidence over the next couple of days.
5 So, what I'm going to ask you to do is to keep these legal
6 principles I have just explained to you in mind, to try to
7 focus on what's important. You're going to hear some
8 conflicting testimony. You might see some conflicting
9 evidence, but what I have to prove is what I just explained to
10 you. What I have to prove are the elements of each of these
11 crimes, and I have to prove that Mr. Carter is the one who
12 committed these crimes or that it was part of a common scheme
13 for the common purpose under the hand of one hand of all. So,
14 as you listen to this testimony try to focus on the elements,
15 try to focus on the crimes that have been charged against Mr.
16 Carter. I ask that you pay close attention and I appreciate
17 your jury service. I'll do my best to keep it brief and to
18 let you all go home to places that you'd rather be. Thank
19 you.

20 THE COURT: All right, Mr. Felts.

21 MR. FELTS: May it please the Court?

22 THE COURT: Yes, sir.

23 MR. FELTS: Ladies and gentlemen of the jury, I
24 haven't really gotten the chance to introduce myself. I'm
25 Jase Felts. I'm a lawyer here in Georgetown, practice right

Opening by Defense

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1 across the street over next to Sherwin-Williams Paint Store.
2 My law partner over here is Gerald Harmon and we're here
3 representing Mr. Rondell Carter. Rondell, stand up for me.
4 This is Rondell Carter.

5 Now, this is a really serious, serious set of charges
6 that my client been charged with, and the Solicitor just told
7 you that, you know, there's absolutely some conflicting
8 evidence and conflicting testimony and I agree with you and
9 you're going to find out about that. All right, and she just
10 talked to you about the law of the State of South Carolina
11 about what the legislature defined certain charges and
12 whatnot, and she went through a bunch of them and then she
13 came to the very last one and said, "Now, this one's a little
14 tricky." I disagree with that. I take major exception to
15 that because I'm going to tell you right now and you're going
16 to see it, all of them are tricky, every single one of them
17 are tricky and I want you to be thinking about this one thing,
18 excuse me, when you're listening to all of this conflicting
19 testimony, conflicting evidence and that is things are not
20 always as they seem, things are not always as they seem.

21 Now, let me tell you a little bit about this great nation
22 and our criminal justice system. Ms. Bailey touched on it
23 just a little bit. She talked about proof and she had to
24 prove stuff. When someone is accused of committing a crime in
25 this country they are innocent until proven guilty, cloaked in

1 innocence until proven guilty. It's her job to prove every
2 single element of every single charge that my client is
3 charged with, and she has to prove it beyond a reasonable
4 doubt, and that, that is a burden of proof and there's a
5 couple of different burdens of proof in the law and I want to
6 talk about those, but that's absolutely her burden. That
7 burden does not fall on me. That burden does not fall on my
8 client. My client doesn't have to say one word. She has to
9 prove everything. We don't have to say anything.

10 Now, let's talk about these burdens. There's a couple of
11 them that the law recognizes and I'm going to go from kind of
12 low, very, very low burden to the highest burden that we've
13 got. The highest burden is beyond a reasonable doubt. That's
14 her burden. The first burden is probable cause. Probable
15 cause is the lowest burden in the law, very, very, very low.
16 That is all that it takes, probable cause, for someone to be
17 arrested for a crime, charged with a crime, and I submit to
18 you that probable cause is if a police officer thinks that a
19 crime was committed then that's probable cause, very low,
20 absolute opposite end of the spectrum from beyond a reasonable
21 doubt.

22 All right, let's go to number two. Number two is
23 preponderance of the evidence. Now, yesterday when we had our
24 jury selection and qualification and I know you guys had a
25 great day doing that because it sure was fun. The Judge

Opening by Defense

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1 talked about civil cases and a breach of contract or a car
2 wreck. That is where a preponderance of the evidence burden
3 comes in. All right, in order to be able to succeed against
4 somebody who hits you with their car, they breached a contract
5 or whatever, all the person has to show is a preponderance of
6 the evidence. That's the second step up.

7 All right, let's go to number three. That's called clear
8 and convincing evidence. Folks, for DSS to come take a child
9 of yours, a child that you gave birth to, they have to show by
10 clear and convincing evidence that they can - that you've done
11 something wrong for that child. That's a, that's a
12 substantial burden. I think everybody would agree with that.
13 All right, that's number three.

14 The next stop, last stop, final stop, beyond a reasonable
15 doubt, the highest burden in the law, the highest burden in
16 the law, and that's Ms. Bailey's burden. Before you can find
17 my client guilty of anything she has to prove, has to have
18 proven each and every element of every offense beyond a
19 reasonable doubt, but think about that when you're listening
20 to all this testimony that you're going to hear and all this
21 conflicting testimony I submit you're probably going to hear.

22 Now, remember I told you things aren't always what they
23 seem and I told you that because the State cannot prove my
24 client, Rondell Carter, committed any of these charges; and
25 so, the only verdict that you can find at the close of all the

1 evidence is a verdict of not guilty on every single one of
2 these charges. Thank you.

3 THE COURT: All right, ladies and gentlemen, we will
4 begin the trial of the case or the presentation of evidence in
5 this case with the testimony of witnesses.

6 MS. BAILEY, you can call your first witness

7 MS. BAILEY: Thank you, Your Honor. The State calls
8 Rosa Milton.

9 THE COURT: All right.

10 MS. MILTON: Place my right hand on the Bible?

11 BAILIFF: Left hand.

12 THE COURT: Place your left hand on the Bible, raise
13 your right hand. There you go.

14 Whereupon, Rosa L. Milton was called to the stand, duly
15 sworn by the clerk and testified as follows:

16 THE CLERK: Thank you. Please be seated and state
17 your name for the record.

18 MS. MILTON: My name is Rosa Lee Milton.

19 THE COURT: Sorry, ma'am, please speak into the
20 microphone and give us your name again.

21 MS. MELTON: Rosa L. Milton.

22 THE COURT: All right, thank you, Ms. Milton. All
23 right, Ms. Bailey.

24 MS. BAILEY: Thank you.

25 DIRECT EXAMINATION

Rosa Milton - Direct by Ms. Bailey

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1 BY MS. BAILEY:

2 Q Ms. Milton, please remember to speak up and speak loud,
3 all right, so we can all hear you. All right, Ms. Milton, did
4 you have any occasion to be on [REDACTED] Drive on January 23rd,
5 2009?

6 A Yes, ma'am.

7 Q All right, tell us about how you got there.

8 A I was riding with a friend of mine who was riding with
9 William and Christina.

10 Q Okay, what was your friend's name?

11 A Thermond Seward.

12 Q All right, and so, how did you end up at [REDACTED] at the
13 [REDACTED] house?

14 A Well, I was with Thermond and he was with them and he was
15 going to pick up a truck so he could tow his car back from
16 Columbia and that's how I ended up there.

17 Q Okay, and so, in addition to Thermond who else were you
18 with?

19 A William and Christina.

20 Q Okay, do you see them here in the courtroom? Who are
21 they?

22 A Yes, ma'am, in front of me.

23 Q Okay, and what happened when you arrived at that house?

24 A Excuse me, when we got there it was just we were taking
25 groceries out of the truck and I don't know, everybody went

1 inside. So, when I got to the door I was met by someone that
2 says, "Oh, no, baby girl, wrong place, wrong time, come on
3 in."

4 Q And do you know who that was who met you at the door?

5 And ---

6 THE COURT: You need to give, I'm sorry, you need to
7 give a verbal response. We have a court reporter.

8 A Yes, ma'am.

9 THE COURT: Thank you.

10 Q Okay, and did you know that - had you ever met or seen
11 that person before that day?

12 A Yes.

13 Q Okay, and where had you seen that person before that day?

14 A At Thermond's house.

15 Q Okay, and so, when you saw that person at the door who,
16 who was it?

17 A Rondell Carter.

18 Q And is he here in the courtroom today?

19 A Yes, ma'am.

20 Q And where is he?

21 A To my right.

22 Q Okay, where is this - I'm going to need you to say
23 specifically where he is.

24 A Right at the table over there.

25 Q Okay, and so, when you walked in, and so, what did he say

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1 to you?

2 A He was like, "Oh, no," ---

3 MR. FELTS: Objection, Your Honor, hearsay.

4 MS. BAILEY: Your Honor, it's the Defendant's, it's a
5 statement of party opponent.

6 THE COURT: Yeah, I'm going to allow it. Go ahead.

7 A He said to me, "Oh, no, baby girl, wrong place, wrong
8 time."

9 Q And was he holding anything?

10 A Yes, ma'am.

11 MR. FELTS: Objection, Your Honor.

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

13 A Yes, he was.

14 Q What was he holding?

15 A A gun.

16 Q Okay, and can you describe that gun?

17 A In a way, no. All I know it was black. It was a gun,
18 maybe a nine.

19 Q Okay, what color was it?

20 A Black, dark gray, steel gray, but it was a dark in color.

21 Q Okay, and what happened next?

22 A I went on in.

23 Q All right.

24 A With the others.

25 Q And then what happened once you were inside the house?

- 1 A My belongings were taken.
- 2 Q Okay.
- 3 A And I was told to sit down.
- 4 Q Do you remember what belongings were taken from you?
- 5 A Cigarettes, cigarette lighter, \$15 in cash.
- 6 Q All right, and did you ever get any of those belongings
- 7 back?
- 8 A All except for my money.
- 9 Q Okay, and after you were told to sit down what happened,
- 10 what do you remember next?
- 11 A I sat down and I questioned the person next to me which
- 12 was Jamie and I asked her what did she think was going to
- 13 happen. I asked her. She thought we were going to die.
- 14 MR. FELTS: Objection, hearsay.
- 15 THE COURT: No, that's what she said. I'll allow it.
- 16 I'll sustain it as to what anybody else said.
- 17 Q Okay, so, what happened after you had a conversation with
- 18 Jamie?
- 19 A We were sitting there for a while and then Mr. Carter
- 20 called me and Thermond in the room.
- 21 Q Okay, and what happened then?
- 22 A He let us go.
- 23 Q All right, and did you go?
- 24 A Of course.
- 25 Q Okay.

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1 A Right then and there my question was asked. I knew we
2 weren't going to die.

3 Q Okay, and where did you go after you left?

4 A Straight to Thermond's house.

5 Q All right, and what happened after you got to the house?

6 A Well, we were told when we left there to go there leave
7 the keys in the truck and not go and say anything or call
8 anybody.

9 Q And who told you that?

10 A But we couldn't call anybody because he - they kept the
11 cell phone. So, and there's no house phone there.

12 Q Okay, and who told you that?

13 A Mr. Carter.

14 Q Okay, and so, why - just to clarify, why didn't you call
15 for help?

16 A Look, I was glad to get out of there alive. I live
17 beside - my kids live next door to me. He made a call before
18 we left there saying - and he told us what happen to us if we
19 did anything about it. So, that's why.

20 Q So, when - let's back up just a little bit to when you
21 were at the house, at the [REDACTED] Drive house. Who else was
22 there at the house?

23 A There was Christina. There was William. There was
24 Thermond. There was me. There was Jamie and it was four of
25 them.

1 Q And when you say them what do you mean?

2 A Mr. Williams, Richardson and two others I don't know.

3 Q Okay, but were they working together or how did you know
4 they were ---

5 A I guess so. All of them had guns.

6 Q Okay, and did you see anybody - did you see anything
7 happen to Christina while you were there?

8 A I'm going to put it like this. I know when she went out
9 - she was outside. When she came back I heard - we heard a
10 gunshot go off, but when she came - I don't know if she got
11 shot or what but when she came back in the door she was
12 bleeding from the forehead.

13 Q Okay.

14 A Okay, and another point in time we're, we're sitting on
15 the couch and the kitchen counter is behind us. She was in
16 the kitchen and a gun went off and she got shot in the leg.

17 Q Okay, and did you see that gunshot wound at some point?

18 A At some point, no, I never got to see it. I never did
19 get to see the gunshot wound, but I did see the gash in her
20 forehead when the - when she came through the front door
21 because the blood was coming down her face.

22 Q Okay, and since you were there did it seem to you that
23 William or Christina could leave the house at the time?

24 A No, none of us could really, not, not while we were
25 there, not until they told us we could leave.

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1 Q Okay, and did it seem to you like there was one person
2 who was calling the shots?

3 MR. FELTS: Objection, improper opinion.

4 A That ---

5 THE COURT: No, I'm going to allow it. Overruled.
6 Go ahead.

7 Q One person made the decisions?

8 A That, that I won't say because it was - didn't look like
9 one person was in charge. I can't - I would not say, no, I, I
10 - that I'm not going to say yeah to it, didn't look like one
11 person was in charge because everybody was talking. So, I
12 can't say.

13 Q But who gave you instructions?

14 A Well, the wrong place wrong time Mr. Carter did. When he
15 told me that to come on in and sit down he did and when he
16 told me - told us that we can leave he did.

17 Q Okay.

18 A But now the empty your pockets was another guy.

19 Q Okay.

20 A Which I don't know, he's not ---

21 Q All right, and had you planned on being at that house
22 that day?

23 A Oh, God, no.

24 Q Okay, had Thermond planned on being at that house that
25 day that you knew of?

1 A I knew the plan was to pick up the truck, but no, it
2 wasn't planned for us to go that far. We weren't supposed to
3 go over there but we went there because and there was an
4 argument between William and Christina.

5 Q Okay.

6 A And he told her to drop him off.

7 Q Okay, all right.

8 A But she was supposed to drop Thurmond off first to get
9 the truck but no, not there.

10 Q All right.

11 MS. BAILEY: Beg the Court's indulgence.

12 THE COURT: All right.

13 MS. BAILEY: The State has no further questions for Ms.
14 Milton at this time.

15 THE COURT: All right, cross examination.

16 MR. FELTS: Thank you, Your Honor.

17 CROSS EXAMINATION

18 BY MR. FELTS:

19 Q Good morning, Ms. Milton.

20 A Good morning.

21 Q You, you never called the police; did you?

22 A No.

23 Q You never called the police to report an armed robbery or
24 burglary or ABWIK or kidnapping or anything like that; did
25 you?

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1 A I can't say it was a burglary because I didn't know
2 nothing was taken. I can't say it was an armed robbery
3 because I didn't see nothing taken, okay. I really didn't
4 know what was going to happen after he let us go. So,
5 anything that happened after he let us go they would have to
6 report that. Do you understand what I'm saying? I mean, we
7 were there. We weren't supposed to be there; okay, but ---

8 Q But you didn't call the cops?

9 A Huh?

10 Q You didn't call the cops?

11 A I don't know what happened afterwards. So, I can't, I
12 mean, no, we didn't call the cops, but I can't actually say
13 what happened when we left there. I had no way of knowing. I
14 wasn't in touch with them and they wasn't in touch with me.
15 No, I didn't call the cops. You know why? Because they were
16 still there. They got - I mean, if I call the cops and the
17 cops busted in there something could have happened to the
18 people that were there. They, they, they, they, they made a
19 phone call before we left there. Okay, I have family. I live
20 with people. There are so many kids that live near me
21 anything could have happened, okay. Oh, but come daylight I
22 was going to call the cops but by daylight everything was
23 over.

24 Q But you didn't call the cops?

25 A No, I didn't again, no, I didn't.

- 1 Q And everything was over by daylight?
- 2 A By daylight it was done.
- 3 Q How do you know that if you weren't there?
- 4 A I got a phone call.
- 5 Q So, you - you're friends with these two people right
- 6 here, William and Christina; aren't you?
- 7 A Yes, I am, I think so.
- 8 Q So, you're telling this jury that you left [REDACTED] Lane?
- 9 A I left them. I'm more ---
- 10 Q Ms. Milton, answer my question, please. You left ---
- 11 THE COURT: Wait a minute.
- 12 Q --- [REDACTED] Lane, left your friends at some - you
- 13 testified that there was a ---
- 14 A What was I supposed to did?
- 15 Q --- everybody - please, let me finish. There was a
- 16 robbery or something going on and then you left your friends
- 17 there and didn't call the cops?
- 18 A What was I supposed to do?
- 19 Q Call the cops and you didn't do it.
- 20 A No, I didn't, again.
- 21 Q Ms. Milton, you use drugs?
- 22 A I have.
- 23 Q You smoke crack cocaine?
- 24 A I have.
- 25 Q You smoked crack cocaine at [REDACTED] Drive with William

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1 and Christina?

2 A No, I haven't. No, that was the first time I'd been
3 there and it was the last time I was there. Okay, it was a
4 new house he had. I had never been to the house. He wanted
5 to show us the house before but I had never been to that
6 house. That was the only time I was there and it was the last
7 time I was there.

8 Q But you admit you smoke crack cocaine?

9 A I have.

10 Q Did you smoke crack cocaine today?

11 A No.

12 Q Did you smoke it yesterday?

13 A No.

14 Q Did you smoke it the day before that?

15 A No.

16 Q Were you under the influence of any other drugs?

17 A No.

18 Q When you were at [REDACTED]

19 A No.

20 Q You had a lighter in your pocket?

21 A I smoke cigarettes, sir.

22 Q Did you drink any alcohol?

23 A No, I don't.

24 Q Do you remember what night of the week this was?

25 A You know what, I really don't. It's been a while now but

1 I think it was a Saturday if I'm not mistaken, may have been.

2 Q You weren't going out there to party or anything like
3 that to have drinks and smoke crack or anything like that?

4 A I wasn't supposed to even be there, no.

5 REPORTER: I can't get but one at the time.

6 THE COURT: Hold it, yeah, listen, please do not
7 answer the question until he has finished answering [sic] the
8 question completely. Then you can answer it and explain it
9 but we have a court reporter who can't pick up both people ---

10 A I got you.

11 THE COURT: --- talking at one time, okay?

12 A Yes, sir; yes, sir.

13 THE COURT: All right.

14 Q It was a weekend.

15 A Okay.

16 Q It was a weekend; correct?

17 A I guess. I don't know.

18 Q You just testified that it was a Saturday; didn't you?

19 MS. BAILEY: Objection, Your Honor, that's not a question.

20 A I said I think, it'd be ---

21 THE COURT: Hold it. Hold it. When there's an
22 objection quit talking. Let me hear your objection.

23 MS. BAILEY: Your Honor, at this point he's just
24 arguing with the witness. There was no question there. He
25 just stated a fact to her.

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1 THE COURT: Okay, overruled. I'll allow the question
2 but keep it in the form of a question. Go ahead.

3 A Can I say this?

4 THE COURT: Let him ask his question. He's going to
5 re-ask the question and then you can answer it and explain
6 your answer.

7 Q You - yes or no question, did you just testify that it
8 was a Saturday night?

9 A You asked me if it was a weekend. I said I don't know
10 what day of the week it was. I think it was a Saturday.

11 Q Okay.

12 A That's exactly what I said.

13 Q Okay.

14 A Okay.

15 Q Now, you said something about loading groceries or
16 something like that?

17 A I was helping them unload the groceries. They had
18 groceries on the back of their truck.

19 Q They being these two people right here, William and
20 Christina?

21 A Right.

22 Q Okay, and so, you're going to unload the groceries, you
23 take them into the house and hang out and do whatever?

24 A No, I wasn't about to hang out, but since they were there
25 they decided to take the groceries off of the truck, why ride

1 them - why take them back out again when I live out - we lived
2 out in Bloomingville. You understand me?

3 Q And you were in Pleasant Hill at this time?

4 A Is that where - that's - is that where it is? I don't
5 actually know where I was. It was dark.

6 Q Do you not know where you were because you were under the
7 influence ---

8 A No, I don't.

9 Q --- of crack cocaine?

10 A I told you I've never been ---

11 THE COURT: Hold it, hold it, hold it, don't answer
12 until he completes asking his question.

13 A No.

14 THE COURT: Go ahead.

15 A I don't exactly know where the house is, no.

16 Q But you didn't - did you not know where you were because
17 you were under the influence of crack cocaine?

18 A No, I did not know where I was because it was dark and
19 then besides that fact I've never been there before.

20 Q Ms. Milton, when was the last time you smoked crack?

21 MS. BAILEY: Objection, Your Honor. He's already
22 asked about the last several days which is all that's
23 relevant.

24 THE COURT: Okay, I sustain the objection

25 MR. FELTS: No further questions. Thank you, Your

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1 Honor.

2 THE COURT: All right, redirect

3 MS. BAILEY: None, Your Honor.

4 THE COURT: All right, you may step down.

5 A Thank you.

6 THE COURT: Thank you.

7 All right, you can call your next witness.

8 MS. BAILEY: Thank you, Your Honor.

9 A I'm so out of here.

10 MS. BAILEY: Your Honor, the State, the State calls

11 Investigator Michael Thacker.

12 THE COURT: All right.

13 Whereupon, Michael Thacker was called to the stand, duly

14 sworn by the clerk and testified as follows:

15 THE CLERK: Thank you. Please be seated and state

16 your name for the record.

17 MR. THACKER: It's Michael Thacker.

18 DIRECT EXAMINATION

19 BY MS. BAILEY:

20 Q Investigator Thacker, could you tell the jury what you do
21 for a living?

22 A Criminal investigations, crime scene for Georgetown
23 County.

24 Q Okay, and what does your job entail?

25 A It's a 24-hour response to crime scenes, collection of

1 evidence, some, some lab work at the office and evidence
2 collection, and also I maintain the evidence for the Sheriff's
3 Office.

4 Q And tell us about your schooling and training.

5 A Approximately 700 hours of crime scene training,
6 certified crime scene analyst through the International
7 Association of Investigations or certified crime scene analyst
8 but we'll just - it's an association certification.

9 Q Okay, and what type things did you learn in this, in this
10 training?

11 A Crime scene documentation, collection, evaluations.

12 Q Okay, and did you have reason in January of 2009 to
13 respond to [REDACTED] Drive?

14 A January 24th, I believe.

15 Q Okay.

16 A I was requested to respond to that residence, 159

17 [REDACTED]

18 Q And what did you find when you got there?

19 A Once I was there I was tasked with evaluating that scene
20 and the identification, documentation and collection of the
21 evidence.

22 Q Okay, and did you collect evidence there?

23 A Yes, ma'am.

24 Q All right, did you take pictures there?

25 A I did.

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1 MS. BAILEY: For the record, the State is handing up
2 to Investigator Thacker State's Exhibit 1, 2, 10, 11, 12, 13,
3 14, 15, 16, 17, 18, 19, 20, 21.

4 BY MS. BAILEY:

5 Q Could you take a moment to flip through those pictures?

6 MR. FELTS: Can I see those just a minute?

7 MS. BAILEY: Sure. Thank you.

8 BY MS. BAILEY:

9 Q All right, and do you recognize those pictures?

10 A Yes, ma'am.

11 Q What are those pictures of?

12 A These are pictures of the scene that I photographed
13 at 159 [REDACTED]

14 Q Are they a true and accurate representation of the
15 evidence that was collected on that day?

16 A Yes, ma'am.

17 Q Okay, and are they a true and accurate picture of the
18 crime scene as you found it?

19 A Yes.

20 MS. BAILEY: All right, at this time the State would
21 seek to move those pieces into evidence and publish them to
22 the jury.

23 THE COURT: All right, any objection?

24 MR. FELTS: No objection, Your Honor, at this time.

25 THE COURT: All right, State's Exhibits One, Two and

1 10 through 21 are admitted into evidence without objection.

2 (Whereupon, State's Exhibit Numbers 1, 2 and 10 through
3 21 admitted into evidence and appropriately marked. See index
4 for description of exhibit.)

5 MS. BAILEY: Thank you, Your Honor.

6 MR. FELTS: May we approach?

7 THE COURT: All right.

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

10 MS. BAILEY: Beg the Court's indulgence for just a
11 moment.

12 THE COURT: All right.

13 MS. BAILEY: For the record I'm showing the
14 investigator what's been previously marked as State's Exhibit
15 23, 24, 25 and 26.

16 BY MS. BAILEY:

17 Q And do you recognize what is in front of you, these
18 pieces of evidence?

19 A Yes.

20 Q And how do you recognize them?

21 A Each one has a canister that I've identified with a
22 number for record as well as my initials.

23 Q Okay, and where were these taken from?

24 A These were from the scene at 159 [REDACTED] inside.

25 Q And what county is that scene in?

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1 A In Georgetown.

2 Q Okay, and how do you know that these were the items that
3 were taken from [REDACTED] Drive?

4 A These items were collected by myself.

5 Q Okay.

6 A And again, I initialed, I initialed each one of these
7 canisters when I sealed them.

8 Q Okay, and then after you collected them from the scene
9 have you had reason to disturb those canisters?

10 A Just once when I opened them to place in these packages
11 for trial.

12 Q Okay, and how do you know those are the same packages
13 that you prepared them for trial?

14 A Well, I'm the one that took the packages out and heat
15 sealed them in these packages. So, they never left my
16 custody.

17 Q Okay, and is the writing on the outside of those plastic
18 packages?

19 A And I initialed the packages as well, yes.

20 Q Okay, and did you mark the packages with any identifying
21 information in addition to your initials?

22 A They'll have the date and on these items again on the
23 canisters have the dates and times and then I have the dates
24 on there.

25 Q Okay.

1 A And also the respective number that I used for the
2 identification from the scene.

3 Q Okay, and so, are those in the same condition as when you
4 last saw them?

5 A Yes.

6 Q All right, and are - that is the evidence that you
7 collected from [REDACTED] Drive?

8 A Yes, ma'am.

9 Q And is that evidence in the same condition as when you
10 collected it from [REDACTED] Drive?

11 A With the exception of me placing them in the heat-sealed
12 containers.

13 Q All right.

14 MS. BAILEY: At this time the State would like to move
15 those pieces of evidence in and publish them to the jury.

16 THE COURT: Any objection?

17 MR. FELTS: Yes, sir, Your Honor, yes, sir, I do have
18 an objection.

19 THE COURT: All right.

20 MR. FELTS: I think we need to approach at least at
21 this point.

22 THE COURT: All right.

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

25 BY MS. BAILEY:

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1 Q Could you identify for the jury what's contained in those
2 heat-sealed packages?

3 A One item is we have a bullet projectile, casing, a second
4 projectile and a casing.

5 Q Okay, so, how many projectiles?

6 A Two and two casings.

7 Q Okay.

8 MS. BAILEY: For the record I'm handing up what's been
9 identified as State's Exhibit Number Four.

10 BY MS. BAILEY:

11 Q Do you recognize that item?

12 A Yes.

13 Q Okay, and was that item located on the scene at [REDACTED]
14 Drive?

15 A Yes, it was.

16 Q Okay, and did you place that item into evidence?

17 A I did.

18 Q Okay, and have you kept it in evidence the entire time?

19 A It's been in evidence the entire time, yes.

20 Q Okay, and when did you take it out of evidence?

21 A I took it out for trial to bring it.

22 Q Okay, and how did you prepare that item for trial?

23 A It was originally in a box. I had it suspended in a box
24 and I removed that, made it safe, placed the gun lock on it
25 and placed it in this bag.

1 Q Okay, and did you check to make sure that there was
2 nothing, nothing in it?

3 A Yes, yes, I made, made it safe, yes.

4 Q Okay, and is that item in the same condition as the last
5 time you secured it?

6 A Yes.

7 Q Okay, and how do you know that?

8 A Well, I have - I'm the one that collected it, placed it
9 in the box, sealed, entered it in evidence and I maintain it
10 in evidence.

11 Q Okay.

12 MS. BAILEY: At this time the State would like to move
13 State's Exhibit Number Four into evidence and publish it to
14 the jury, Your Honor.

15 THE COURT: Okay, any objection?

16 MR. FELTS: Yes, sir, Your Honor.

17 THE COURT: All right, same objection?

18 MR. FELTS: Yes, sir.

19 THE COURT: All right, all right, let's go ahead. I'm
20 going to need to take this up on the record. Ladies and
21 gentlemen, I'm going to excuse you back to the jury room for
22 just a minute. As I told you we do have a matter of law that
23 I need to take up with the attorneys before we proceed in the
24 trial. So, I'm going to excuse you back to the jury room for
25 just a minute. Please do not discuss the case even among

Juror 36 Excused

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1 MR. FELTS: Okay, thank you, Your Honor.

2 THE COURT: All right, sir, thank you for being with
3 us. You're free to stay with us or you're free to go. Now,
4 you will - you should've been given a number. You'll need to
5 call that number after six p.m. today for further directions,
6 okay?

7 MR. CANTEEN: Oh, okay.

8 THE COURT: Have you got anything in the jury room?
9 Did you leave anything in the jury room?

10 MR. CANTEEN: No, no.

11 THE COURT: Okay, all right, well, you're free to go.
12 You can go ahead and step out that way but please call that
13 number after six p.m. today; all right?

14 MR. CANTEEN: Okay.

15 THE COURT: All right, thank you very much.

16 MR. CANTEEN: All right.

17 (Juror Number 36, James E. Canteen, exits courtroom.)

18 THE COURT: All right, anything from the State before
19 we bring the jury back in.

20 MS. BAILEY: No, Your Honor.

21 THE COURT: Anything from the Defense?

22 MR. FELTS: No, sir, Your Honor.

23 THE COURT: All right, let's go ahead and bring the
24 jury in.

25 (Whereupon, the following takes place in the presence of

1 the jury.)

2 THE COURT: All right, ladies and gentlemen, welcome
3 back. While you were out several things happened and I'll
4 explain that to you now. Number one, the reason we have
5 alternates is from time to time things come up through no
6 fault or nothing improper. Sometimes jurors get sick.
7 Sometimes things come out and we have to excuse jurors. Well,
8 we've had to excuse Mr. Canteen, James E. Canteen as a juror
9 on this particular case, not through anything improper or
10 anything of that nature, but as a result Ms. Eileen H. Snow,
11 you have now been made a part of the jury and that's why you
12 serve as alternate. So, you will sit with the remainder of
13 the jury. Mr. Wilson, you'll still maintain the seat where
14 you are at this point in time.

15 Also, in your absence I went ahead and ruled that State's
16 Exhibits Number 23, 24, 25, 26 and State's Exhibit Number Four
17 are admitted into evidence.

18 (Whereupon, State's Exhibit Numbers Four, 23, 24, 25, and
19 26 admitted into evidence and appropriately marked. See index
20 for description of exhibit.)

21 THE COURT: All right, Mr. Bailey.

22 MS. BAILEY: Thank you, Your Honor.

23 BY MS. BAILEY:

24 Q Investigator Thacker, you have before you State's Exhibit
25 Number Four which has been moved into evidence. Could you

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1 tell what the jury - tell the jury what that is?

2 A It's a Hi-Point 380 caliber handgun.

3 Q Okay.

4 MS. BAILEY: Okay, permission to publish to the jury.

5 THE COURT: All right.

6 BY MS. BAILEY:

7 Q And this is what you say you collected from the scene at
8 [REDACTED] Drive?

9 A Yes.

10 Q And in what way has it been changed since you collected
11 it from [REDACTED] Drive?

12 A It's been removed from the box and a lock has been placed
13 through the gun barrel.

14 Q Okay. Handing up what has been previously marked as
15 State's Exhibit Three. Do you recognize this?

16 A Yes.

17 Q And did you collect this piece of evidence?

18 A I did.

19 Q Where did you collect it?

20 A From 159 [REDACTED] Drive, Georgetown.

21 Q And then did you keep that piece of evidence?

22 A I did, maintained in evidence.

23 Q Okay, and did you disturb it at all between then and now?

24 A Just to place it in the heat-sealed package for court.

25 Q And how do you know it's the same piece of evidence that

1 you collected?

2 A It has the information for the particular case as well as
3 my initials.

4 Q And did you put those on there?

5 A Yes.

6 Q And is that your handwriting?

7 A That's correct.

8 Q So, is that package in the same condition as when you
9 last saw it?

10 A Yes.

11 Q Okay.

12 MS. BAILEY: At this time the State would like to move
13 State's Exhibit Number Three into evidence and have permission
14 to publish it to the jury.

15 THE COURT: All right, any objection other than what's
16 been placed on the record?

17 MR. FELTS: No, sir, Your Honor, thank you.

18 THE COURT: All right, all right, State's Exhibit
19 Number Three is admitted into evidence over Defendant's
20 objection. You may publish it.

21 (Whereupon, State's Exhibit Number Three admitted into
22 evidence and appropriately marked. See index for description
23 of exhibit.)

24 BY MS. BAILEY:

25 Q I'm going to let you take a look at these pictures. Let

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1 me know when you've flipped through all of them.

2 A Okay.

3 Q Thank you.

4 MS. BAILEY: For the record these are State's Exhibits
5 22, 27, 28, 29, 30 and 31.

6 BY MS. BAILEY:

7 Q And do you recognize these pictures?

8 A Yes.

9 Q Did you take these pictures?

10 A Yes.

11 Q And are these pictures a fair and accurate representation
12 of what you found at [REDACTED] Drive?

13 A Yes, ma'am.

14 Q Okay.

15 MS. BAILEY: The State would move to enter into
16 evidence State's Exhibits 22, 27, 28, 29, 30 and 31 and would
17 like permission to publish them to the jury.

18 THE COURT: Any objection?

19 MR. FELTS: No, sir, Your Honor, other than my
20 previous.

21 THE COURT: All right, there hadn't been any previous
22 addressed on this one.

23 MR. FELTS: Yes, sir, Your Honor, that's right. So,
24 no objection.

25 THE COURT: All right, State's Exhibits 22, 27, 28,

1 29, 30 and 31 are admitted into evidence without objection.

2 MS. BAILEY: Thank you, Your Honor.

3 THE COURT: All right.

4 (Whereupon, State's Exhibit Numbers 22, 27, 28, 29, 30
5 and 31 admitted into evidence and appropriately marked. See
6 index for description of exhibit.)

7 BY MS. BAILEY:

8 Q The State is handing up State's Exhibit Number Eight,
9 Nine, 32, 35, 34, 33 and 36. Do you recognize that evidence?

10 A Yes.

11 Q And did you collect that evidence?

12 A I did not.

13 Q Okay, how did you come into possession of that evidence?

14 A This evidence was turned in by another officer. I
15 maintained it in evidence.

16 Q Okay, and when you maintained it in evidence did you
17 disturb it at all between then and today?

18 A Only to place it in heat-sealed package for court.

19 Q Okay, and how do you know those are the same heat-sealed
20 packages that you prepared for court?

21 A These particular ones have my signature, oh, excuse me,
22 my initials on the heat-sealed line as well as the information
23 for the particular case.

24 Q Okay, and so, this is - you're sure that this evidence
25 in front of you is the same evidence that was placed into

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1 evidence at the Sheriff's Department for your safekeeping?

2 A Yes.

3 Q Okay.

4 MS. BAILEY: For the record I'm showing the witness
5 State's Exhibit Number Seven, along with two pieces of
6 jewelry.

7 BY MS. BAILEY:

8 Q Do you recognize what's before you?

9 A Yes.

10 Q Okay, and as far as the two pieces of jewelry how did
11 you come into possession of those?

12 A These items were turned in by and collected by another
13 officer and I maintained them in evidence.

14 Q And are those the same pieces that you maintained in
15 evidence that you're bringing here to court or that you are
16 presenting here today?

17 A Yes.

18 Q And how do you know that it's the same evidence.

19 A These were packaged and heat sealed by myself and have
20 my initials on the heat-seal line.

21 Q And did you have any reason to disturb that evidence
22 from the time that you took it in in the evidence room until
23 today?

24 A Just to place it in this packaging for court as well as
25 to photograph it.

1 Q Okay, and are those photographs a true and accurate
2 representation of those two pieces of jewelry?

3 A Yes.

4 Q All right, Investigator Thacker, at this time I'm going
5 to show you what's been pre-marked as State's Exhibit 37. Do
6 you recognize this?

7 A Yes, it looks to be a not-to-scale rendition of the
8 sketch of [REDACTED]

9 Q Okay, so, you were at the scene at [REDACTED] Lane, 159
10 [REDACTED] Lane?

11 A Yes.

12 Q And even though it's not to scale this is roughly, this
13 is what you remember the house being like?

14 A Yes, for the, the interior area, yes.

15 Q Okay, and is this a drawing?

16 A Yes, ma'am.

17 Q Okay, and, and would this piece of evidence assist you
18 in your testimony today?

19 A Yes.

20 Q Okay.

21 MS. BAILEY: At this time the State would like to
22 present State's Exhibit 37 for demonstrative purposes.

23 THE COURT: All right, what is, what is the exhibit
24 number?

25 MS. BAILEY: 37.

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1 THE COURT: All right, State's Exhibit 37 admitted
2 into evidence for purposes of demonstrative presentation to
3 the jury over the Defendant's objection.

4 MR. FELTS: Thank you, Your Honor.

5 MS. BAILEY: Thank you, Your Honor.

6 THE COURT: All right.

7 (Whereupon, State's Exhibit 37 admitted into evidence for
8 purposes of demonstrative presentation to the jury. See index
9 for description of exhibit.)

10 BY MS. BAILEY:

11 Q Investigator Thacker, this evidence that you have
12 authenticated as what you collected, could you ---

13 MS. BAILEY: Your Honor, can I have permission for Mr.
14 - Investigator Thacker to come down and assist the jury with
15 this?

16 THE COURT: Yes, that's fine. He needs to be near a
17 microphone, though ---

18 MS. BAILEY: Okay.

19 THE COURT: --- so that the court reporter can take up
20 his testimony.

21 MS. BAILEY: All right.

22 THE COURT: As a matter of a fact in past it's been
23 better if he gets on the other side and kind of faces ---

24 MS. BAILEY: This side.

25 THE COURT: --- the court reporter ---

1 MS. BAILEY: Okay.

2 THE COURT: --- that way. That's correct. You may
3 step down.

4 MS. BAILEY: All right, and Your Honor, may I get the
5 assistance of Assistant Solicitor David Richardson in holding
6 this up?

7 THE COURT: All right, that'll be fine. No, what I'm
8 talking about is having - have the witness on the other side
9 of the board facing the court reporter. There you go. That's
10 it.

11 MS. BAILEY: There we go, all right.

12 THE COURT: All right, now, please, kind of come
13 around so all the jurors can see it. There you go.

14 MS. BAILEY: Beg the Court's indulgence for just a
15 moment.

16 BY MS. BAILEY:

17 Q All right, I am showing the jury State's Exhibit Three.
18 Could you describe for the jury what this exhibit is?

19 A It's a bandanna.

20 Q And I'm also via the monitors showing the jury State's
21 Exhibit Five, which is this, and could you tell the jury what
22 they're looking at?

23 A This is a photograph of the item that you're holding
24 marked number 18 for my purposes.

25 Q Okay, and ---

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1 THE COURT: Wait a minute. Let me see the attorneys
2 up here for a minute..

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

5 MS. BAILEY: I apologize, Your Honor.

6 THE COURT: All right, all right, so, those are in
7 evidence. Go ahead.

8 BY MS. BAILEY:

9 Q Okay, so, State's 10, which is - could you describe what
10 that is?

11 A That's photograph of a blue bandanna marked number 18
12 for my, my numbered system.

13 Q Okay, and is this the blue bandanna that you took the
14 picture of in that picture?

15 A Yes.

16 Q Okay, and could you tell the jury where, where you
17 located that blue bandanna?

18 A How would you like me to mark it?

19 Q If you could point it out and then mark it on, on the
20 chart here.

21 A Okay, it would've, it would've been right in this area
22 here.

23 Q Okay, and do you want to ---

24 MS. BAILEY: Your Honor, if it's all right could he
25 write that it - he found the blue bandanna there?

1 THE COURT: That'll be fine, yeah.

2 MS. BAILEY: Okay.

3 BY MS. BAILEY:

4 Q Go ahead and write there and could you write on there
5 State's Exhibit Three as well.

6 MS. BAILEY: Thank you, Your Honor.

7 BY MS. BAILEY:

8 Q I mean, thank you, Investigator Thacker, and I'm also
9 showing you State's Exhibit 11 which should be coming up on
10 the jury's monitor and could you describe what they're looking
11 at now?

12 A Okay, it's a photograph of the blue bandanna that I just
13 marked. It's just an overhead 90 degree photograph of that
14 item.

15 Q All right, thank you.

16 MS. BAILEY: For the record, I have State's Exhibits
17 Number Four and 12 in my hand.

18 BY MS. BAILEY:

19 Q Could you describe for the jury what we're looking at in
20 State's Exhibit Number 12?

21 A This is a photograph of a handgun inside of the toilet
22 tank that was in the bathroom.

23 Q Okay, and that's where it was collected into evidence?

24 A Yes.

25 Q And this - what's, what is State's Exhibit Four?

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1 A This is the 380 caliber Hi-Point.

2 Q Okay, and could you show the jury on, on this drawing
3 where it was that you collected this evidence?

4 A Yes, it was in this toilet tank in the bathroom.

5 Q Okay, if you could mark on there what it was that you
6 found there.

7 A (Complies with request.)

8 Q I'm presenting to you State's Exhibit 24 and 13 and
9 could you tell the jury what, what it is that they're looking
10 at in the photograph?

11 A This is marked number 41 from my number, numbering
12 system. It's a projectile. It's in a pan in the hallway floor.

13 Q Is that what some people might call a bullet slug? Is
14 that the same thing?

15 A For a, for a bullet, yes, ma'am.

16 Q Okay, and you collected that from the scene?

17 A Yes.

18 Q And could you show the jury where it was that you
19 collected that?

20 A It's right in this area here.

21 Q Okay, could you write on there?

22 A Would you like me to write the photograph number exhibit
23 or ---

24 Q The State ---

25 A --- the exhibit number.

1 Q The, the exhibit number of the photograph would be
2 great. All right, I'm showing you State's Exhibit 16 and 26.
3 Could you describe for the jury what it is that I'm handing
4 you?

5 A Okay, this is a bullet, fired bullet with my number 36
6 for my information purposes of the sketch.

7 Q And where in the house did you collect that evidence?

8 A That was in - it was right outside of this sketch where
9 the laundry, hallway goes. It was about this area right here.

10 Q Okay, and could you write the exhibit number on there
11 and what it is that they're looking at there?

12 A (Complies with request.)

13 Q I'm showing you State's Exhibit 15 and could you
14 describe what it is that the jury's looking at?

15 A This is a fired bullet.

16 Q Okay, and is it the same as what's already been put on
17 here somewhere?

18 A Yes, it's the same as the Exhibit 16 from the
19 photograph.

20 Q Okay, is it just a more close-up picture or ---

21 A Just a 90 degree overhead photograph for a close-up
22 that's what we call it.

23 Q All right, okay, thank you. I'm showing you State's
24 Exhibit 23 and 17 and could you tell the jury what they are
25 looking at?

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1 A State's Exhibit 17 that's a photograph of my item number
2 seven which is a shell casing, 380 shell casing.

3 Q And could, and could you tell us where we located -
4 where you located that on the demonstrative?

5 A Right in this area here.

6 Q I'm showing you what has previously been marked as
7 State's Exhibits 25 and 18, and could you describe for the
8 jury what they're looking at?

9 A This is a photograph of my item number 31. It's a 25-
10 caliber shell casing that was located outside of the bedroom
11 number three, that I identified as bedroom number three.

12 Q Okay, and could you show us where on here it was found?

13 A (Complies with request.)

14 Q All right, and I'm showing you State's Exhibit 19. Just
15 tell the jury what they're looking at.

16 A This is a close-up of the casing.

17 Q And is it the same one that you just marked?

18 A Yes.

19 Q Okay, I'm showing you State's Exhibit 20, which should
20 be coming up on the jurors' monitors. Can you tell us what
21 we're looking at?

22 A This is a photograph of a hole that's in the wall
23 leading into the - what I had referred to as the laundry
24 hallway.

25 Q Okay, and could you show us on the map where, where or

1 on the drawing where that was located?

2 A In this area here.

3 Q I'm showing you State's Exhibit 21. It should be coming
4 up on the jurors' screens. Can you describe what it is that
5 they're looking at?

6 A This is damage to the wall that was from the bullet that
7 struck the wall.

8 Q And where was that located?

9 A It was on this side of the wall leaving the same room,
10 laundry.

11 Q Okay, and State's Exhibit 22?

12 A Twenty-two is the same photograph of the - well, it's a
13 photograph of the same damage just a close-up, 90 degree.

14 Q Okay, and so, point out again where that was located?

15 A This area.

16 Q Okay, all right, you can have a seat back in the witness
17 box.

18 A (Complies with request.)

19 Q Now I'm showing you State's Exhibit Number 30. Could
20 you tell the jury what it is that they're looking at?

21 A A photograph of a shell casing.

22 Q Okay, and where was that, where did you take that
23 picture?

24 A That was taken exterior, outside in the yard.

25 Q And State's Exhibit 29? What is it that they're looking

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1 at now?

2 A This is a photograph of a shell casing.

3 Q Was that taken outside?

4 A Yes.

5 Q Was that an additional shell casing to the one they just
6 saw?

7 A Yes, it's a separate than the, than the previous
8 photograph. It's identified with a different crime scene
9 number.

10 Q All right, I'm showing you State's Exhibit 28. Could
11 you describe what's in that photograph?

12 A A photograph of a shell casing.

13 Q Is that a separate shell casing from the other two that
14 were - that we just looked at?

15 A Yes.

16 Q And where was that one located?

17 A Outside of the residence.

18 Q Showing you State's Exhibit 27. Could you describe
19 what we're looking at there?

20 A This is a photograph of a shell casing as it was found.
21 It's a little hard to see in this one. It's kind of turned
22 up, up-ways, which if you look hard enough you can see it but
23 it's a shell casing outside separate than the others.

24 Q Okay, and you were there on scene; and so, you saw - did
25 you see it with your own eyes?

1 A I did and I think just maybe because this photograph
2 was a little bit not as identifiable as the others and the
3 rain was kind of hampering some of this on that day.

4 Q Okay, and I'm showing you State's Exhibit 31 and could
5 you describe what that is?

6 A It's a photograph of shell casing found outside as
7 well.

8 Q And where, where was that found?

9 A Outside, the exterior residence.

10 Q Okay, I'm showing you State's Exhibit Two and what is
11 that a picture of?

12 A This is a photograph of the residence, [REDACTED]
13 [REDACTED] Georgetown.

14 Q Okay, and I'm showing you State's Exhibit One and what
15 is that a picture of?

16 A This is a photograph of the same residence taken at a
17 separate angle.

18 Q Okay, all right, now, you collected a lot of evidence
19 that day. Did the Sheriff's Department do any ballistics or
20 DNA or fingerprint analysis on anything that was collected?

21 A No, not to my knowledge.

22 Q Do you know why that was?

23 A The only thing that as far as that, you know, when I,
24 when I go there to process the scenes I process the evidence,
25 evaluate the scene. There's a - usually someone is assigned

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1 the case. In this, in this instance I could tell you most
2 likely my experience would be there were individuals that were
3 located in and around the scene as well as other locations,
4 most probably identifications, and you know, some of that,
5 based with that and the pending evidence that was located
6 within, within the house may have led to not having anything
7 analyzed from that point.

8 Q Okay, so, in your opinion was fingerprint ---

9 MR. FELTS: Objection, Your Honor, improper at this -
10 there hasn't been a foundation for this question.

11 THE COURT: All right, I'll sustain it at this time.

12 MS. BAILEY: Thank you, Your Honor.

13 BY MS. BAILEY:

14 Q Based on your experience in law enforcement which you
15 testified to previously, if you had been - well, you did
16 investigate this case. While investigating this case did you
17 see it necessary to run any fingerprint analysis on any of the
18 evidence?

19 MR. FELTS: Objection, Your Honor, same, there's no
20 foundation for that question.

21 THE COURT: No, I'm going to overrule it. I'm going
22 to allow it. Go ahead.

23 A In this particular case no, no, ma'am.

24 Q Okay, and, and why was that?

25 A The individuals that were - that were all located they

1 were inside the residence as well as another location with,
2 within the same, you know, relating to the same case and with
3 the witness, witnesses that were able to identify.

4 Q And how about DNA evidence, was that necessary?

5 A I don't, I don't, I wouldn't believe so, not at that
6 time.

7 Q Okay.

8 MS. BAILEY: I beg the Court's indulgence.

9 THE COURT: All right.

10 BY MS. BAILEY:

11 Q By the time you were on scene were there already some
12 suspects identified in the case?

13 A Yes.

14 Q Okay, so, by the time you got on scene it was not a
15 whodunit; is that correct?

16 A That's right, yes, ma'am.

17 Q All right.

18 MS. BAILEY: No further questions.

19 THE COURT: All right, cross examination.

20 MR. FELTS: Thank you, Your Honor.

21 CROSS EXAMINATION

22 BY MR. FELTS:

23 Q Investigator Thacker, you, you just testified to a bunch
24 of evidence, we've seen a bunch of evidence. One thing you
25 said concerned me, that was you testified a little bit earlier

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1 this, this stuff that we've seen here had been in your custody
2 continuously; correct?

3 A That's correct.

4 Q When, in fact, you did not bring that, this - these
5 items to court today; did you?

6 A That's correct.

7 Q Who brought those items to court?

8 A The solicitor.

9 Q Okay.

10 MS. BAILEY: Your Honor, he would actually not have a
11 way to know that. He can testify as to where he last left
12 them but he just ---

13 THE COURT: I mean, do you have an objection?

14 MS. BAILEY: Just that, just as to speculation.

15 THE COURT: All right, sustained.

16 Q You didn't bring them to court; did you?

17 A I did not.

18 Q And you're the evidence custodian; correct?

19 A Yes.

20 Q And you testified that you are trained and certified
21 pursuant to some sort of certification association I guess;
22 correct?

23 A Yes.

24 Q Now, letting pieces of evidence for crimes out of your
25 custody and control and care is not part of the regulations

1 and the whatever that you are certified under; is it?

2 A For, for purposes of bringing them to court, not, not
3 from the maintaining the evidence. It stays in my custody
4 till which point that it was, it was brought here for court.

5 Q Right, but you didn't know what happened to it after it
6 left though; did you?

7 A It was, it was signed off on and that I came to court.

8 Q Now, you've never been out to this particular location;
9 have you, this [REDACTED]

10 A Yes, I was there.

11 Q And that's a fair question, a fair response. The better
12 question was before the incident date, January 23rd or the
13 24th, whenever it was that you got out there to this location,
14 this [REDACTED] Lane, before then you'd never been out there;
15 have you?

16 A I have not.

17 Q You'd never walked around the premises looking at leaves
18 or anything like that; have you?

19 A Prior to?

20 Q Prior to January 23rd or the 24th, yes, sir.

21 A No, I have not.

22 Q And this, this particular residence to your knowledge is
23 a remote location; correct?

24 A I would, I would say it's fairly remote from the main
25 roadway.

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1 Q It's out in the country; right?

2 A It is.

3 Q And you'd never been inside the residence other than the
4 day of the incident or the day that you responded to that
5 location?

6 A No, I haven't.

7 Q So, you got no idea what it looks like on the inside
8 until that day you go in there?

9 A That's right.

10 Q Got no idea what's there, no idea what's on the floor,
11 no idea if there's any damage on the walls or anything like
12 that?

13 A That's correct.

14 Q As a matter of a fact, these bullet, shells, all that
15 stuff that the State's showed you and you've been talking
16 about, this gun, the bandanna, everything, you don't know if
17 that was there before you got there or not; do you?

18 A As far as the casings I could not. The gun I could say
19 it's - it hadn't been in the water for any long period of
20 time.

21 Q Aside from that point you don't know if it's been - you
22 don't if it was there or not because you ain't been there;
23 have you, aside from the day of the incident.

24 A Prior to that day, no.

25 Q Now, Investigator Thacker, you didn't - you just ---

1 (Music begins to play in courtroom.)

2 THE COURT: Hold for a second, hold for a second.

3 Can we - we need to stop that music or whatever it is. Can we
4 send - have we got somebody that can go in there and have them
5 turn it off? Okay, go ahead.

6 MR. FELTS: Thank you, Judge.

7 BY MR. FELTS:

8 Q Investigator Thacker, you testified that the water or
9 that the gun that was there hadn't been in the water long;
10 correct?

11 A Right, yeah, I said it couldn't have been there for any
12 long extended period of time.

13 Q But you also testified that you didn't test the firearm
14 or anything for DNA or fingerprints or anything like that
15 though; didn't you? Didn't you say that?

16 A Not - I did not, no.

17 Q Right, as a matter of a fact none were - none of that
18 was done; right?

19 A That's right.

20 MR. FELTS: Could I have just a moment, Your Honor?

21 THE COURT: All right.

22 MR. FELTS: That's all I have for this witness.

23 Thank you.

24 THE COURT: All right, redirect.

25 REDIRECT EXAMINATION

1 BY MS. BAILEY:

2 Q The point of collecting evidence is in case you have to
3 go to court; is that right?

4 A Yes.

5 Q And when did you bring the evidence to the courthouse?

6 A It was this morning.

7 Q And who did you sign the evidence over to?

8 A I signed it over to Mr. Steve Brown.

9 Q And what time was that this morning?

10 A Approximately eight, I think we met at eight o'clock.

11 Q And for the record what time is it now?

12 A It's - appears to be 12:46.

13 Q And, and that evidence looks just like it was when you
14 left it; is that right?

15 A That's correct.

16 Q No further questions.

17 THE COURT: All right, you may step down.

18 A Thank you, Your Honor.

19 MR. FELTS: Your Honor, may I recross briefly?

20 THE COURT: I don't think she brought out any new
21 information. I'll allow a few questions just as to anything
22 new that she brought out on redirect that she did not - that
23 you did not address in your cross.

24 RECROSS EXAMINATION

25 BY MR. FELTS:

1 Q You just testified that you dropped this - these items
2 off here at the solicitor's office this morning at eight;
3 correct?

4 A That's correct.

5 Q You hadn't seen them again until now; right?

6 A That's correct.

7 Q So, you don't have any idea what has happened between now
8 and then?

9 A Other than the seals are still sealed as they were when I
10 left them.

11 Q No further questions. Thank you.

12 THE COURT: All right, you may step down.

13 A Thank you, Your Honor.

14 THE COURT: All right, let me see the attorneys for
15 one brief second.

16 (Whereupon, a bench conference was held in the presence
17 but out of the hearing of the jury.)

18 THE COURT: All right, you can call your next
19 witness.

20 MS. BAILEY: Thank you, Your Honor. The State calls
21 Investigator Dustin Morris, and just to put on the record
22 we're releasing Investigator Thacker from his subpoena.

23 THE COURT: Any objection?

24 MR. FELTS: No, sir, Your Honor.

25 THE COURT: All right, Mr. Thacker is free to go.

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1 A Thank you, Your Honor.

2 Whereupon, Dustin Morris was called to the stand, duly
3 sworn by the clerk and testified as follows:

4 THE CLERK: Thank you. Please be seated and state
5 your name for the record.

6 MR. MORRIS: Dustin Morris.

7 DIRECT EXAMINATION

8 BY MS. BAILEY:

9 Q Could you tell us what you do for a living?

10 A I'm an investigator employed by the Georgetown County
11 Sheriff's Office.

12 Q And did you have a reason to go to [REDACTED] Lane on
13 January 24th of 2009?

14 A Yes, ma'am, I did.

15 Q And what was your role when you got there?

16 A Assisted in processing the crime scene with other
17 investigators who were present on scene.

18 Q Okay, and did you find anything in a toilet bowl?

19 A Yes, ma'am, I did.

20 Q I'm going to show you what's been previously marked as
21 State's Exhibit 12 and ask that it be put up for the jury to
22 look at and how did you discover that at the scene?

23 A Basically, our job was to search for evidence at the
24 residence and based on the fact that we were searching for
25 specific items I lifted the toilet bowl lid off of the tank

1 and located the gun inside the back of the tank.

2 Q Okay, and is that picture a fair representation of
3 exactly how you found it when you lifted that, the top to the
4 tank?

5 A Yes, ma'am.

6 Q And to the best of your knowledge is [REDACTED] this
7 house on [REDACTED] Lane is it in Georgetown County?

8 A Yes, ma'am.

9 MS. BAILEY: No further questions for Investigator
10 Morris.

11 THE COURT: All right, cross examination.

12 CROSS EXAMINATION

13 BY MR. FELTS:

14 Q Investigator Morris, aside from the day you responded to
15 the scene you've never been to that particular residence; have
16 you?

17 A No, sir.

18 Q And you've never been inside, walked around outside or
19 done anything like that ---

20 A No.

21 Q --- before that day?

22 A Not prior to that day, no, sir.

23 Q So, you don't know if that gun was there or not; do you?

24 A Prior to me being there?

25 Q Yes.

Dustin Morris - Cross by Mr. Felts

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1 A No, I do not.

2 Q No further questions, thank you.

3 THE COURT: Redirect?

4 MS. BAILEY: None, Your Honor.

5 THE COURT: All right, you may step down. Thank you.

6 All right, ladies and gentlemen, it's about 10 till one.

7 I think we're going to go ahead and break for lunch. We've
8 ordered lunch for you. So, they'll serve it back there for
9 you. Give you an opportunity to stretch your legs, use the
10 restroom, eat some lunch, whatever the case may be. I hope
11 you have a good lunch. I caution you, do not discuss the case
12 even among yourselves at this point in time. It's still too
13 early for deliberations and I'll let you know when you can
14 begin your deliberations but we'll take a break now so you can
15 eat lunch and we'll see you back in just a few minutes.
16 Everybody else please remain seated while the jury is excused.

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

19 THE COURT: All right, anything from the State before
20 we recess for lunch?

21 MS. BAILEY: The State would just request that we
22 release Investigator Morris from the subpoena.

23 THE COURT: Any objection?

24 MR. FELTS: I don't have any objection to that, Your
25 Honor.

1 THE COURT: All right, he's free to go.

2 A Thank you.

3 MS. BAILEY: Thank you, Your Honor.

4 THE COURT: Anything else from the State?

5 MS. BAILEY: Nothing further.

6 THE COURT: Anything from Defense?

7 MR. FELTS: Just to keep the witnesses sequestered,
8 Your Honor.

9 THE COURT: All right, the witnesses will stay
10 sequestered. I mean, they'll be allowed to go to lunch if
11 they want to.

12 MR. FELTS: Yes, sir.

13 THE COURT: They just can't listen to any - well,
14 let's see, we need to keep them sequestered from people who
15 have already testified. How do we do that?

16 MS. BAILEY: Other than the use of courthouse security,
17 Your Honor, I'm not.

18 THE COURT: Well, I mean, they're going to have to
19 eat lunch.

20 MS. BAILEY: Right.

21 THE COURT: The people, I mean, basically, we're just
22 talking about they can't be around Ms. Milton, Mr. Morris or
23 Mr. Thacker.

24 MS. BAILEY: I can - I can certainly instruct our law
25 enforcement as to that and believe - I have every reason to

Dustin Morris - Cross by Mr. Felts

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1 believe that they will follow that instruction. As to Ms.
2 Milton that's another story. We'll probably need to find a
3 place for her and bring her food, yeah.

4 THE COURT: Okay, if you all can do that then.

5 MS. BAILEY: All right.

6 THE COURT: All right.

7 MR. FELTS: Thank you, Judge.

8 MS. BAILEY: Thank you, Your Honor.

9 THE COURT: All right, let's - we need to get this
10 thing moving. So, let's shoot for about a 45-minute lunch
11 break and then we'll get started back; okay?

12 MR. FELTS: Thank you.

13 THE COURT: All right.

14 OFF THE RECORD

15 (On the record.)

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

18 THE COURT: All right, anything from the State before
19 we bring the jury back?

20 MS. BAILEY: Nothing, Your Honor.

21 THE COURT: Anything from the Defense?

22 MR. FELTS: No, sir, Your Honor.

23 THE COURT: All right, let's go ahead and bring the
24 jury in.

25 (Whereupon, the following takes place in the presence of

1 the jury.)

2 THE COURT: All right, ladies and gentlemen, welcome
3 back. I hope everyone had a good lunch. We're ready to
4 resume the trial of the case. Ms. Bailey, you can call your
5 next witness.

6 MS. BAILEY: Thank you, Your Honor, the State calls
7 Lynn Picard.

8 THE COURT: All right.

9 Whereupon, Lynn Picard was called to the stand, duly
10 sworn by the clerk and testified as follows:

11 THE CLERK: Please be seated and spell your last name
12 for the record.

13 MS. PICARD: It's P-I-C-A-R-D.

14 DIRECT EXAMINATION

15 BY MS. BAILEY:

16 Q Thank you, and where do you work?

17 A Georgetown County Sheriff's Office.

18 Q And how long have you worked there?

19 A Five years.

20 Q Okay, did you have reason to respond to [REDACTED] Lane on
21 January 24th of 2009?

22 A Yes, ma'am.

23 Q And what was your role when you were out there?

24 A At that time my capacity was an investigator and
25 assisted with processing the scene.

Lynn Picard - Direct by Ms. Bailey

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1 Q Okay, did you collect any evidence out there?

2 A Yes, ma'am.

3 Q I'm showing you what's been previously marked for
4 identification as State's Exhibits 32, 33, 34, 35, and 36. If
5 you could just take a moment to look at these, 32 through 36.
6 Do you recognize those items?

7 A Yes, ma'am.

8 Q And did you collect those items?

9 A Yes, ma'am.

10 Q And where did you collect them from?

11 A The yard at the residence on [REDACTED]

12 Q So, did you collect them from the interior or the
13 exterior?

14 A These were exterior items.

15 Q Okay, and were they in a driveway or in the grass or in
16 woods?

17 A They were in a grassy area.

18 Q Okay, and how do you know those are the same ones that
19 you collected?

20 A It's my writing on the containers that they were placed
21 in and I also have it documented based on the numbers that are
22 listed on each one.

23 Q Okay, and what did you do with them after you collected
24 them?

25 A I placed them into an evidence locker.

1 MS. BAILEY: I have no further questions for this
2 witness.

3 THE COURT: All right, cross examination.

4 CROSS EXAMINATION

5 BY MR. FELTS:

6 Q Officer Picard, had you ever been to that location
7 before you got called to the scene or to that location?

8 A Yes, actually I had.

9 Q You had been there?

10 A Yes.

11 Q You're familiar with it?

12 A I wasn't there in a capacity as a law enforcement
13 officer if that's what you're asking.

14 Q No, that's not what I'm asking, just have you ever been
15 there?

16 A Yes, I had on one occasion previously.

17 Q Okay, had you been there, you been inside or you been
18 outside?

19 A I had been inside the residence previously, yes.

20 Q Okay.

21 Q No further questions. Thank you ---

22 A Thank you.

23 Q --- Officer Picard.

24 THE COURT: Redirect?

25 MS. BAILEY: No, Your Honor, the State would just seek

Lynn Picard - Cross by Mr. Felts

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1 to move those pieces of evidence actually into evidence and
2 have permission to publish them.

3 THE COURT: All right, any objection?

4 MR. FELTS: No, sir.

5 THE COURT: All right, State's Exhibits 32, 33, 34, 35
6 and 36 admitted into evidence without objection.

7 MS. BAILEY: Thank you, Your Honor.

8 (Whereupon, State's Exhibit Numbers 32 through 36
9 admitted into evidence and appropriately marked. See index
10 for description of exhibit.)

11 MS. BAILEY: And may Ms. Picard be excused from her
12 subpoena?

13 THE COURT: Any objection?

14 MR. FELTS: No, sir, Your Honor.

15 THE COURT: All right, you're free to go. Thank you
16 very much.

17 A Thank you.

18 MS. BAILEY: The State calls Phil Hanna.

19 Whereupon, Phillip Hanna was called to the stand, duly
20 sworn by the clerk and testified as follows:

21 THE CLERK: Thank you. Please have a seat and state
22 your name for the record.

23 MR. HANNA: It's Phillip Hanna.

24 DIRECT EXAMINATION

25 BY MS. BAILEY:

1 Q And what you do for a living?

2 A I'm an investigator for the Sheriff's Department here in
3 Georgetown County.

4 Q How long have you been an investigator?

5 A For Georgetown County just two and half years. I was an
6 investigator for the Florence County Sheriff's Office for 18
7 and half years.

8 Q All right, and did you have occasion to execute a search
9 warrant pertaining to this case?

10 A Yes, I did.

11 Q And what did you execute search warrant on?

12 A On January 26, 2009, myself, along with Investigator
13 Gary Todd, executed a search warrant at the Georgetown County
14 Detention Center to recover the property of the Defendant.

15 Q Okay, and you had a signed search warrant for that?

16 A Yes.

17 Q And who was - was it signed by a magistrate?

18 A Yes.

19 Q Okay, I'm showing you what's been previously marked as
20 State's Exhibit Number Eight and State's Exhibit Number Nine.
21 If you'll just take a look at those for me.

22 A That's right, yes, ma'am.

23 Q Do you recognize those items?

24 A Yes, ma'am.

25 Q And how do you recognize them?

Phillip Hanna - Direct by Ms. Bailey

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1 A Clearly the bullet hole in this one and this is some of
2 the items that we recovered from the property there at the
3 jail.

4 Q Okay, and whose property did you recover those from?

5 A These here, this one here I think was - have to refer
6 back to my - I think it was in Cobb.

7 Q Okay, would your notes help refresh your recollection?

8 A Yes, yes.

9 Q All right.

10 A Okay, yes, both of these - that would be Cobb.

11 Q Okay, so, those were both collected off of Matthew Cobb,
12 Jr.?

13 A From his property at the jail.

14 Q Okay, at this time - and what did you do with those
15 items once you recovered them?

16 A These items were photographed and logged into evidence
17 at the Georgetown County Sheriff's Office.

18 MS. BAILEY: At this time the State would like to move
19 those items into evidence.

20 THE COURT: Any objection?

21 MR. FELTS: Without objection, Your Honor.

22 THE COURT: All right, State's Exhibits Number Eight
23 and Nine are admitted into evidence without objection.

24 (Whereupon, State's Exhibit Numbers Eight and Nine
25 admitted into evidence and appropriately marked. See index

1 for description of exhibit.)

2 Q Could you describe what those items are for the jury?

3 A A camouflage blue bandanna and a white T-shirt or just a
4 white shirt.

5 Q Okay, and is there anything remarkable about that shirt?

6 A Yeah, the white shirt had a bullet hole which is in the
7 side of it.

8 Q If you could take a look at these two pieces of evidence
9 for me.

10 A Yes.

11 Q And that is - has been previously marked as State's
12 Exhibit Number Seven along with a necklace and a bracelet.

13 A Yeah, this, this also came out of the property of the
14 Georgetown County Detention Center. This was recovered from
15 the Defendant here.

16 MR. FELTS: Your Honor, at this time I'm going to
17 object to this line of questioning, this testimony based on
18 the improper foundation laid.

19 THE COURT: All right, overruled.

20 MR. FELTS: Your Honor, I think that we need to
21 approach, too.

22 THE COURT: All right, come on up.

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

25 THE COURT: All right, ladies and gentlemen, I need

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1 to excuse you back to the jury room for just a minute. Please
2 do not discuss the case even among yourselves at this point in
3 time. Thank you very much.

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

6 THE COURT: All right, Mr. Felts, what's your
7 objection?

8 MR. FELTS: Thank you, Your Honor. My objection is
9 to this particular line of questioning and the testimony or
10 discussing this particular piece of evidence that the witness
11 has is that our position we object to it simply because this
12 particular officer did not get this search warrant. It was
13 another officer that got it. So, this is improper at this
14 point based on this person not being the law enforcement agent
15 who got the search warrant to search my client's property at
16 the detention center.

17 THE COURT: All right, Ms. Bailey.

18 MS. BAILEY: Investigator Hanna actually executed the
19 search warrant and that's why he's testifying as to what he
20 found when he executed that warrant and he's laid that
21 foundation. He's the one that executed the warrant along with
22 someone else.

23 THE COURT: All right, all right, I'm going to
24 overrule your objection because as I understand you're not
25 challenging the validity of the warrant, just the fact that he

1 didn't obtain it.

2 MR. FELTS: He did not obtain it, the affiant is not
3 present. I mean, that, that's - essentially I am challenging
4 the validity of it because he is not the affiant of the
5 warrant. He didn't, he doesn't, he wasn't present or that I
6 can tell, his name's not on the search warrant affidavit. So,
7 therefore, I think that to be able to discuss whatever he ---

8 THE COURT: Well, I mean, who signed the return as to
9 what was found?

10 MS. BAILEY: Your Honor, it'll take me just a moment
11 to find that.

12 MR. FELTS: Judge, I've got Gary Todd, Investigator
13 Gary Todd on, on the one that I've got.

14 MS. BAILEY: Your Honor, I can make this a Court's
15 Exhibit. I have a document that's titled return at the top and
16 it has a list of all the evidence that was taken as a result
17 of this search warrant. It says, "This inventory was made in
18 the presence of Investigator Gary Todd," but it was signed by
19 Phil Hanna and I can authenticate this and admit it if
20 necessary.

21 THE COURT: Okay, let me see that. What - so, you're
22 saying that Phil Hanna ---

23 MS. BAILEY: He signed the return.

24 THE COURT: The return to the warrant?

25 MS. BAILEY: Yes, Your Honor.

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1 THE COURT: Well, if he's the one that signed the
2 return to the warrant then I overrule the objection. He can
3 testify to it.

4 MR. FELTS: Okay.

5 THE COURT: All right.

6 MS. BAILEY: Thank you, Your Honor.

7 THE COURT: All right, anything else?

8 MS. BAILEY: Nothing from the State.

9 THE COURT: All right, let's bring the jury back in.

10 (The following takes place in the presence of the jury.)

11 BY MS. BAILEY:

12 Q All right, let's back up for just one ---

13 THE COURT: Hold for one second, let the jury get
14 back. All right, now you can continue.

15 BY MS. BAILEY:

16 Q Investigator Hanna, this T-shirt was found on the person
17 of Matthew Cobb, Jr.?

18 A That's correct.

19 Q In his, in his items at the jail?

20 A That was in his property at the jail.

21 Q Okay, just want to show the jury. All right, and I've
22 handed you two pieces of jewelry and some pictures of that
23 jewelry. Do you recognize those items?

24 A Yes, I do.

25 Q And where were those taken from?

1 A These were recovered from the property of Mr. Rondell
2 Carter.

3 Q Okay.

4 A At the Georgetown County Detention Center.

5 Q All right, and could you describe what you have in your
6 hand?

7 A To the left here, my left it's a gold in color tennis
8 bracelet, to the right it's a gold in color necklace.

9 Q That picture that you have that's State's Exhibit Number
10 Seven are those true and accurate pictures of those items?

11 A Yes, they are.

12 MS. BAILEY: All right, at this time the State would
13 seek to move State's Exhibit Number Seven into evidence.

14 THE COURT: All right, State's Exhibit Number Seven
15 admitted into evidence over Defendant's objection.

16 MR. FELTS: Thank you, Your Honor.

17 THE COURT: Thank you.

18 (Whereupon, State's Exhibit Number Seven is admitted into
19 evidence and appropriately marked. See index for
20 description.)

21 MS. BAILEY: Permission to publish to the jury.

22 THE COURT: All right.

23 MS. BAILEY: The State has no further questions for
24 this witness.

25 THE COURT: All right, Mr. Felts, cross-examination?

Jamie Powell - Direct by Ms. Bailey

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1 MR. FELTS: Could I have just a moment, Your Honor?

2 THE COURT: All right.

3 MR. FELTS: No questions for this witness, Your
4 Honor.

5 THE COURT: All right, you may step down.

6 A Thank you, sir.

7 THE COURT: Thank you. All right, Ms. Bailey, you
8 can call your next witness.

9 MS. BAILEY: Thank you, Your Honor. The State calls
10 Jamie Powell and she's in lockup. Oh, Your Honor, is
11 Investigator Hanna released from his subpoena the State would
12 request?

13 THE COURT: Any objection?

14 MR. FELTS: No, sir, Your Honor.

15 THE COURT: All right, he's free to go. Thank you
16 very much.

17 Whereupon, Jamie Powell was called to the stand, duly
18 sworn by the clerk and testified as follows:

19 THE CLERK: Thank you. Have a seat and state your
20 name for the record, please.

21 MS. POWELL: Jamie Powell.

22 DIRECT EXAMINATION

23 BY MS. BAILEY:

24 Q Ms. Powell, I need you to scoot up and speak into that
25 microphone and talk real loud and clear so we can all hear

1 you; okay?

2 A Jamie Powell.

3 Q All right, and first right off the bat, Ms. Powell, are
4 you currently incarcerated?

5 A Yes, ma'am.

6 Q And in what county are you incarcerated?

7 A Williamsburg County.

8 Q And what's that for?

9 A It's for a paraphernalia charge.

10 Q Does it have anything to do with the case that we're
11 here today about?

12 A No, ma'am.

13 Q Okay, and when did that incident occur?

14 A About two months ago.

15 Q When you say paraphernalia do you mean drug
16 paraphernalia?

17 A Yes, ma'am.

18 Q Okay, and Ms. Powell, were you on [REDACTED] Lane, at 159
19 [REDACTED] Lane on January 23rd of 2009?

20 A Yes, ma'am.

21 Q Okay, can you tell us what happened that day?

22 A You talking about that night rather?

23 Q Wherever you want to start.

24 A I was asleep because William was in the process of going
25 to pick Christina up.

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- 1 Q Okay, did you know William Douglas?
- 2 A Yes, ma'am.
- 3 Q And how did you know William?
- 4 A I was friends with him and Christina.
- 5 Q Okay, and so, were you hanging out at his house?
- 6 A Yes, ma'am.
- 7 Q Okay, so, what's the first thing you remember after you
- 8 woke up?
- 9 A The first thing I remember after I woke up was Rondell
- 10 and them coming in kicking the door in and putting a gun in my
- 11 face.
- 12 Q Okay, and how many people do you remember coming into
- 13 the house?
- 14 A Four people.
- 15 Q All right, did you know any of them before this
- 16 incident?
- 17 A I knew two of them.
- 18 Q And who did you know beforehand?
- 19 A Junior and Cobb.
- 20 Q Okay, and when you say Junior, do you mean Robert
- 21 Richardson, Jr.?
- 22 A I assume that was his - yes, ma'am.
- 23 Q Okay, and you recognized him, you recognized him there?
- 24 A Yes, ma'am.
- 25 Q Okay.

- 1 A I didn't recognize anyone to start with because
2 everybody had masks.
- 3 Q And what kind of masks did they have on?
- 4 A Bandannas and their faces were covered up.
- 5 Q And what kind of bandannas?
- 6 A I presume a blue one, blue or a dark color.
- 7 Q All right, I'm going to show you what's been previously
8 marked as State's Exhibit Number Three. Does that look like
9 what they had on?
- 10 A Yes, ma'am; yes, ma'am.
- 11 Q And how many of them were covering up their face?
- 12 A All of them.
- 13 Q All of them, okay, and so, after they came in and
14 pointed a gun at you what happened next?
- 15 A They told me to strip.
- 16 Q All right, and then what?
- 17 A I took my clothes off.
- 18 Q Okay, did they take anything from you?
- 19 A I didn't have anything on but what I was sleeping in.
- 20 Q Okay.
- 21 A They didn't have nothing to take.
- 22 Q And where in the house were you sleeping?
- 23 A On the couch or the loveseat.
- 24 Q Okay, and was that near a door?
- 25 A It was faced as I am from the jury to the loveseat

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1 maybe, maybe as she is from the jury, excuse me, as she is
2 from the jury that's how the couch, loveseat was faced from
3 the door.

4 Q And who all was home when you were there initially?

5 A Just me.

6 Q Just you, and did you invite anybody into the house?

7 A No, ma'am, I didn't. I couldn't. I was sleep.

8 Q Okay, and how long had you been asleep?

9 A I had been asleep a good, a good 12 hours.

10 Q Okay.

11 A But I had been up for three or four days prior to that.

12 Q And were you using drugs?

13 A Yes, I was.

14 Q Okay, at that - before you fell asleep obviously?

15 A Yeah.

16 Q All right.

17 A Yes, ma'am.

18 Q And so, after they made you strip did you get to put
19 your clothes back on at some point?

20 A At one point, yes, I did.

21 Q Okay, and did any of them take their masks off at any
22 point?

23 A Yes, after a good hour everybody seemed to relax.

24 Q Okay, and so, did they take those bandannas off?

25 A Yes, ma'am.

- 1 Q And do you see anybody in the courtroom who was there
2 with you who was one of those guys that came in?
- 3 A Yes, ma'am.
- 4 Q And who do you see?
- 5 A Rondell.
- 6 Q And could you point to him?
- 7 A Yes, ma'am.
- 8 Q Tell us which one he is?
- 9 A Yes, ma'am.
- 10 Q Can you describe on the record which one he is?
- 11 A Yes, ma'am.
- 12 Q Okay, go ahead.
- 13 A That's him over there.
- 14 Q The one sitting at the defense counsel table?
- 15 A Yes, sir - yes, ma'am, I'm sorry.
- 16 Q And at some point did William and Christina come home?
- 17 A Yes, ma'am.
- 18 Q Okay, and before they came home did anybody - what did
19 the guys do?
- 20 A Tore the house apart.
- 21 Q All right, did you hear them discussing any kind of
22 plan?
- 23 A Yeah, they had - they were saying ----
- 24 MR. FELTS: Objection, hearsay.
- 25 MS. BAILEY: Your Honor, it's a statement of

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1 Defendants as to their purpose.

2 THE COURT: Only, no, not as to any others. I sustain
3 the objection. If you're talking about this Defendant, yes.
4 Any other Defendants I sustain the objection.

5 MS. BAILEY: All right.

6 BY MS. BAILEY:

7 Q Did you hear this - did you hear Rondell Carter state
8 anything about ---

9 MR. FELTS: Objection, leading.

10 THE COURT: Sustained.

11 Q Did you hear Rondell Carter say anything?

12 A Yes, he said a lot. He said that he was going to - that
13 I was going to die if William didn't come home in a certain
14 length of time. He asked where William was several times.
15 Several times I told him I didn't know.

16 Q What else did he say?

17 A He said if William wasn't home within a certain time I
18 was going to die.

19 Q Did Rondell Carter give orders to any of the other folks
20 that were there with him?

21 MR. FELTS: Objection, leading.

22 THE COURT: No, I overrule that. I'll allow it. Go
23 ahead. Ask it again.

24 Q Did Rondell Carter give any - specifically did he give
25 any orders to anybody that was there with him?

1 A Yes, he ordered them to take everything out the house.

2 Q Okay, what happened - at some point did William and
3 Christina come home?

4 A Yes, they did.

5 Q And what happened then?

6 A He did the same to them that he did to me.

7 Q Which was what?

8 A Made everybody strip and put guns to everybody's,
9 everybody that came in they had guns to their heads.

10 Q And what do you remember next?

11 A I remember, I remember bits and pieces because like I
12 say I was sitting - the way the loveseat was faced we were all
13 scattered out. I remember him making William strip and I
14 remember Christina flipping out because I guess, I mean, she
15 wanted to protect her home. She had just come home from rehab
16 and she wanted to protect her family and she wanted to protect
17 her new home, her new life. So, she was fighting and she told
18 them to get out of her home. She had tussled behind the,
19 behind the bar and I remember a gun going off.

20 Q All right, before that did Christina come in at the same
21 time as the other ---

22 MR. FELTS: Objection, leading.

23 MS. BAILEY: Your Honor, I'm not suggesting the
24 answer.

25 THE COURT: No, that's overruled. I'm going to allow

1 it. Go ahead.

2 BY MS. BAILEY:

3 Q Did Christina come in at the same time as William?

4 A No, William - I remember William coming in first.

5 Q Okay, and how long did it take for Christina to come in?

6 A I'm not sure.

7 Q When she came in did you observe anything strange about
8 her, any injuries or anything?

9 A I'm not sure. I don't remember.

10 Q Okay, so, let's go back to you mentioned there was a -
11 in your words there was a tussle in the kitchen. What
12 happened there?

13 A I remember her getting shot in the kitchen.

14 Q Okay.

15 A I don't remember where because it was beyond my eye
16 view.

17 Q Okay, so, you couldn't see what happened?

18 A No, I couldn't.

19 Q Did you hear a gunshot?

20 A Yeah, I did.

21 Q And who had a gun at that point?

22 A I'm not, I'm not sure.

23 Q Okay, did you see Rondell Carter with a gun?

24 A Yeah, I remember, I do remember Rondell hitting her in
25 the forehead with a gun.

1 Q Okay, and did you - what do you remember next after,
2 after she was shot?

3 A Not a whole lot.

4 Q Did you fall back asleep at some point?

5 A At some point I did because I have, like I said I had
6 been up for days. I was scared and honestly once I realized
7 that I wasn't going to die I went back to sleep once I
8 realized that the situation had lightened.

9 Q At some point did you leave the residence?

10 A Yes, I did.

11 Q And who went with you?

12 A The other guys, the other two guys.

13 Q Okay, so, two guys went with you and were they Rondell
14 Carter, either one of them?

15 A No, it was not.

16 Q Okay, so, two of the other guys went with you?

17 A Yes.

18 Q And where did you all go?

19 A I'm not sure where we went.

20 Q Okay, did you think about escaping at that point?

21 A I did but I have asthma. They had guns. I mean, had I
22 jumped out I wouldn't have made it far anyway because I have
23 chronic asthma.

24 Q And why did they take you with them?

25 A They wanted me to write a check, and at the time I went

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1 along with it because I was like well maybe at some point they
2 will allow me, you know what I'm saying, to go - walk into
3 somewhere where I can get help, but that never happened.

4 Q Okay, so, when you say they wanted you to write a check
5 what do you mean by that?

6 A They wanted me to actually take a check, one of
7 William's checks in somewhere and cash it.

8 Q Okay, and did that work out?

9 A No, it never happened.

10 Q Okay, did you, did you stop anywhere that you could cash
11 a check?

12 A No, we never stopped anywhere.

13 Q Okay, so, when you left the house where did you all go?

14 A I'm not sure. It was dark and I was in the back seat.

15 Q Okay, did you stop anywhere?

16 A We stopped at someone's house but I'm not sure where
17 exactly we stopped at.

18 Q All right, and then what happened?

19 A And then we left.

20 Q And?

21 A And went back.

22 Q When you say you went back where did you go back to?

23 A We went back to William's house.

24 Q Okay, and what's the next thing that you remember?

25 A The next thing I remember is the next day when the

1 police come in.

2 Q And tell us about that.

3 A I remember Christina being on the bed and had a gunshot
4 wound to her leg and I remember, I remember getting up at one
5 point and asking her is she all right and the guys were still
6 sitting there with the guns with me and Christina and then it
7 wasn't long the police come in and rescued us.

8 Q Okay, and at that point how many guys were at the
9 house?

10 A Two.

11 Q Okay, and do you know which ones?

12 A The two younger ones.

13 Q The two younger ones were there.

14 A Uh-huh.

15 Q Okay.

16 MS. BAILEY: Beg the Court's indulgence.

17 THE COURT: All right.

18 BY MS. BAILEY:

19 Q When you traveled away from William's house in the car
20 with the guys you testified just a minute ago that you went to
21 somebody's house?

22 A Uh-huh.

23 Q What happened there? Did anybody get out of the car or
24 did you all stay in the car?

25 A I think one of the guys had discussed something with

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1 someone and that was it.

2 Q Okay, do you know who?

3 A No, I'm not sure who.

4 Q Okay, did anybody exit the car?

5 A Huh-uh.

6 Q Okay.

7 REPORTER: Is that a no? I'm sorry.

8 A No, ma'am.

9 MS. BAILEY: All right, beg the Court's indulgence.

10 THE COURT: All right.

11 MS. BAILEY: The State has no further questions for
12 this witness.

13 THE COURT: All right, Mr. Felts, cross examination.

14 MR. FELTS: Yes, sir, Your Honor. May I have just a
15 moment?

16 CROSS EXAMINATION

17 BY MR. FELTS:

18 Q Good afternoon, Ms. Powell.

19 A Good afternoon.

20 Q Now, you, you know William Douglas and Christina
21 Carroll?

22 A Yes, sir.

23 Q And as a matter of a fact you were staying in that house
24 or the house out there.

25 A Yes, sir.

- 1 Q Is that a yes?
- 2 A Yes, sir.
- 3 Q You had been there for a few days?
- 4 A Yes, sir, off and on.
- 5 Q Staying there just for William or as a friend of
- 6 William's?
- 7 A As a friend of both of theirs.
- 8 Q And you - you said you had, you had been smoking crack,
- 9 been up for a couple of days, three or four days?
- 10 A Yes, sir, I had.
- 11 Q And after being up for a few days you slept for I think
- 12 you testified for like 12 hours at a time?
- 13 A Yeah.
- 14 Q Now, you've talked to the police at one point in time, I
- 15 believe after the fact you gave a statement to the cops ---
- 16 A Yes.
- 17 Q --- at some point, told them your, whatever your version
- 18 of the story was; correct?
- 19 A Yes, sir.
- 20 Q And you never mentioned, you hadn't mentioned it today,
- 21 you never mentioned the two black people that were there that
- 22 were with you all; correct, that were in the house, aside from
- 23 the Defendants that you've already talked about there was two
- 24 other people there that you hadn't talked about.
- 25 A I wasn't ask any questions about two other people.

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1 Q But you never mentioned them the first time you talked to
2 the police; did you?

3 A Yes, I did.

4 Q Okay, you didn't say anything to them about those two
5 people that, Rosa Milton, you didn't say anything about her
6 being there?

7 A Excuse me?

8 Q Rosa Milton and Thermond Seward they were present at the
9 house ---

10 A Uh-huh.

11 Q --- allegedly?

12 A Yes, they were.

13 Q And you hadn't said anything about them today?

14 A Because I wasn't asked.

15 Q But you talked about William and Christina being there;
16 correct?

17 A Yeah, because I were asked specifically about them.

18 Q Do you recall - you said at some point in time
19 everything quieted down or something to that affect?

20 A Yeah.

21 Q There was some drug use going on at that point in time;
22 wasn't there?

23 A I'm not sure.

24 Q Did you use drugs that night?

25 A No.

1 Q You didn't, you didn't smoke any crack or anything like
2 that?

3 A No, I did not.

4 Q Did you just decide not to since you had been smoking or
5 been up for three or four days?

6 A No, there was none to my ability to smoke.

7 Q You said something about a tussle in the kitchen but you
8 couldn't see anything?

9 A Exactly.

10 Q Okay, you didn't see who shot Christina?

11 A No, not exactly I didn't.

12 Q Now, you also mentioned that you fell back asleep at
13 some point?

14 A Yes, I did.

15 Q So, during the middle of a robbery and a shooting and
16 all this other stuff you fell asleep?

17 A Yes, I did.

18 Q At some point in time you left the residence; correct?

19 A Yes, I did.

20 Q You didn't call the police?

21 A I didn't have a phone.

22 Q But your friends were back at the house; correct?

23 A Some of them.

24 Q And then evidently the next morning you woke up and
25 there were two people there, two of the, I guess, the alleged

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1 whatever, my client wasn't in there?

2 A No, he was not.

3 Q Now, you gave a statement to the police; correct?

4 A Correct.

5 Q And at some point do you recall telling the police that
6 there was only three people that showed up at the house?

7 A I don't recall that.

8 Q Do you remember at any point in time telling the police
9 the incident didn't look like a robbery?

10 A No, I don't.

11 Q Perhaps after - you had testified that Christina had
12 gotten shot. I believe you - we've covered the fact that you
13 said everything calmed down at some point?

14 A Yeah.

15 Q And so, you don't, you don't recall telling the police
16 that it didn't even look like a robbery?

17 A I said it had calmed down.

18 Q Now, when you left was whoever you left with, and of
19 course you didn't call the cops, didn't you smoke some - at
20 some point smoke, on the ride smoke some weed or smoke some
21 crack?

22 A I don't smoke weed and, no, I didn't smoke any crack.

23 Q Now, you and Christina and William are friends; correct?

24 A Yes, we are.

25 Q You guys all use drugs together?

- 1 A Yes, we had.
- 2 Q You all use crack together?
- 3 A Yes, we had.
- 4 Q And you weren't there to smoke crack together at the
- 5 [REDACTED] house?
- 6 A Yeah.
- 7 Q You were there to smoke crack with them?
- 8 A I was there to smoke crack with them. I mean, crack
- 9 that's what - how I got introduced to them. That's how I met
- 10 them so.
- 11 Q It's how you met William and Christina?
- 12 A Yeah.
- 13 Q Now, you, you told law enforcement at some point that
- 14 you did leave with two of the suspects. I know we've covered
- 15 that here in some detail, but you told law enforcement you
- 16 went to Thermond Seward's house; do you recall that?
- 17 A Yes, that's where we went.
- 18 Q And then you went to Kingstree; is that correct?
- 19 A I'm not sure exactly.
- 20 Q But you were riding around ---
- 21 A Exactly.
- 22 Q --- with, with two of the suspects or two of the people?
- 23 A Exactly, yes.
- 24 Q Not Mr. Carter, not my client?
- 25 A Exactly.

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1 Q Okay, and this was all during this alleged robbery or
2 housebreaking, whatever you want to call it?

3 A Exactly, yes, sir.

4 Q You were riding around in a truck with two of them and
5 didn't call the police?

6 A It was not a truck.

7 Q Excuse me?

8 A It wasn't a truck.

9 Q A truck, I'm sorry.

10 A It was ---

11 Q You were riding around in some sort of vehicle?

12 A Yes.

13 Q Okay.

14 MR. FELTS: No further questions, Your Honor. Thank
15 you.

16 THE COURT: All right, redirect.

17 REDIRECT EXAMINATION

18 BY MS. BAILEY:

19 Q When you were out riding around with the two guys did
20 you have a phone?

21 A No, sir - no, ma'am, I didn't.

22 Q Did you have any way to call for help?

23 A No, ma'am, I didn't.

24 Q Did you have an opportunity to get help?

25 A No, ma'am, I didn't.

1 Q How long did this entire situation last until the police
2 got there?

3 A It lasted almost - it lasted from that night sometime
4 till that morning, the next day.

5 Q So, it was - was it daylight when the police got there?

6 A Yes, ma'am.

7 Q Did Rosa Milton and Thermond Seward come to the house at
8 any point?

9 A Yeah, they came in with, with William and Christina.

10 Q And what do you remember about them being there?

11 A I remember them being done the same way they were.
12 Everything they had was taken from them.

13 MR. FELTS: Your Honor, I'm going to object to this
14 question because it's cumulative.

15 THE COURT: I'll sustain it.

16 MS. BAILEY: Your Honor, he asked on cross about it.

17 THE COURT: Yeah, that's true. You did. I'll allow
18 it. Go ahead.

19 BY MS. BAILEY:

20 Q Go ahead.

21 A He asked them to - well, he made them take everything
22 out their pockets, everything they had, and for them to get on
23 their knees and with their hands behind their heads and at
24 some point he let them go, threatened their families, their
25 grandchildren if they told or got any help in any form

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1 whatsoever.

2 Q When you say he who do you mean?

3 A Rondell.

4 Q No further questions.

5 THE COURT: All right, you may step down.

6 MS. BAILEY: Your Honor, the State requests that Ms.
7 Powell be released from her subpoena. She is in the custody
8 of the Williamsburg County Sheriff's Department but here as
9 our guest because she's under subpoena.

10 THE COURT: All right, any objection?

11 MR. FELTS: No objection, Your Honor.

12 THE COURT: All right, she's released from her
13 subpoena then.

14 MS. BAILEY: Thank you.

15 THE COURT: All right, you can call your next witness.

16 MS. BAILEY: The State calls Christina Carroll.

17 THE COURT: All right.

18 Whereupon, Christina Carroll is called to the stand, duly
19 sworn by the clerk and testified as follows:

20 THE CLERK: Please be seated and state your name for
21 the record.

22 MS. CARROLL: My name is Christina Carroll.

23 THE COURT: Ms. Carroll, would you spell your last
24 name please?

25 MS. CARROLL: C-A-R-R-O-L-L.

1 THE COURT: Thank you. All right, Ms. Bailey.

2 DIRECT EXAMINATION

3 BY MS. BAILEY:

4 Q Christina, can you tell us a little bit about how you
5 got to [REDACTED] Drive on January - first of all, were you at
6 [REDACTED] Drive on January 23rd, 2009?

7 A Yes, ma'am, I arrived ---

8 Q What brought you there?

9 A William brought me to [REDACTED] Lane that evening. He
10 was bringing me home from Columbia.

11 Q Could you lean forward and speak into that microphone.
12 You can pull it little closer to you if that helps.

13 A Yes.

14 Q So, what were - why were you in Columbia?

15 A I was getting released from drug rehab.

16 Q Okay, and tell us what you remember about pulling up to
17 [REDACTED] Drive.

18 A What I remember is when we got to the house William
19 exited the truck and proceeded to go into the house and I was
20 trying to gather some belongings from the truck and I heard a
21 bunch of commotion and hollering and I got - I'm kind of - I'm
22 ---

23 Q Let's back up a little bit. Who was with you?

24 A Thermond Seward and Rosa and William.

25 Q Okay, and had you all been shopping or ---

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1 A Yes, ma'am.

2 Q --- somewhere? Okay, where had you been shopping?

3 A I was at the - we went to the Piggly Wiggly and got
4 groceries because it was a new house we were moving into and
5 coming home from a, from a institution like that I wanted a
6 home-cooked meal. So, we went to the grocery store and on the
7 way to the house.

8 Q Okay, and now tell us what you remember after you pulled
9 up.

10 A William and Thermond and Punkin was going to the door to
11 go in.

12 Q When you say Punkin who do you mean?

13 A Rosa.

14 Q Okay.

15 A Was going inside to the house and I had some stuff
16 inside the truck that I wanted to take in with me and once I
17 got it out of the truck I started to go to the door and I
18 heard them tussling inside and I heard a bunch of hollering
19 and ---

20 Q And when you pulled up to the house were there any other
21 cars there?

22 A No, ma'am.

23 Q And did you - do you remember passing any cars on your
24 way in or anything?

25 A No, no, ma'am.

1 Q Okay.

2 A The house looked empty when we got there.

3 Q Okay, and then what happened?

4 A Once I heard all the commotion and fighting inside the
5 house I went and I hid around the side of the house, behind
6 the air conditioner.

7 Q Okay, just hold that thought for just one second.

8 MS. BAILEY: I'm showing the witness what's been
9 previously marked as State's Exhibit Number Two.

10 BY MS. BAILEY:

11 Q And it'll be put up on the screen there for you. Is
12 this the door - first of all, do you recognize this picture?

13 A Yes, ma'am.

14 Q What's that a picture of?

15 A The house in Rose Hill.

16 Q And is this the door that you were just describing?

17 A No, ma'am.

18 Q Which door did you go in?

19 A The screen porch door.

20 Q Okay.

21 A Yes, we would pull up to park, we'd pull right there in
22 front of the house and we would go in that door.

23 Q All right, just one second. This is - the jury is
24 looking at State's Exhibit Number One; and so, which door did
25 you go in?

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1 A The screen porch door.

2 Q Okay, is that it on the screen?

3 A Yes, ma'am.

4 Q All right, and so, what happened after you heard the
5 tussle?

6 A I ran behind the house and hid behind the air
7 conditioner.

8 Q Okay, and now the jury is looking at State's Exhibit
9 Number Two. Is that the air conditioner and is it in that
10 picture?

11 A Yes, ma'am.

12 Q Okay, what happened next after you were hiding behind
13 the air conditioner?

14 A I heard somebody in front of the house hollering and
15 saying something, they just was hollering about, "I know
16 you're out there, come out, I'm going to get you," and he was
17 hollering out bad names and ---

18 Q I know it's difficult but when you say bad names what do
19 you mean?

20 A Bitch and stuff like that.

21 Q All right.

22 A And the next thing I know he was coming from around the
23 front of the house to the back of the house where I was and he
24 found me and he roughed me up and got me out from behind the
25 air conditioner and hit me in the head right here.

- 1 Q Okay, when you say he who do you mean?
- 2 A Rondell.
- 3 Q Okay, is he sitting in the courtroom today?
- 4 A Yes.
- 5 Q And could you describe for the court reporter and for
- 6 the record where he's sitting?
- 7 A Rondell is sitting at that table.
- 8 Q Okay, next to the two white guys over there?
- 9 A Yes, ma'am.
- 10 Q Okay, and what else happened then? So, did the gun go
- 11 off at all at that point?
- 12 A No.
- 13 Q Okay.
- 14 A They forced me into the house after that.
- 15 Q All right, I'm going to show you what's been previously
- 16 marked as State's Exhibit Number Five for identification only.
- 17 I just need you to take a look at that, and do you recognize
- 18 that photograph?
- 19 A Yes.
- 20 Q Is that photograph - what is it a picture of?
- 21 A That's a picture of my forehead above my left eyebrow.
- 22 Q And is that picture a fair and accurate - how did you -
- 23 what caused that?
- 24 A Injury, that was caused by butt end of a pistol.
- 25 Q Okay, and was that ---

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1 A A gun that they were - that he had.

2 Q Okay, and is that picture a fair and accurate
3 representation of your injury that day?

4 A Yes, ma'am.

5 Q All right.

6 MS. BAILEY: At this point the State would seek to
7 introduce State's Exhibit - what's been previously marked as
8 State's Exhibit Number Five into evidence.

9 THE COURT: Any objection?

10 MR. FELTS: Your Honor, my only objection would be a
11 403 objection.

12 THE COURT: All right, let me see it. All right, all
13 right, I'm going to overrule your objection. I'll allow it.
14 State's Exhibit Number Five admitted into evidence over
15 Defendant's objection.

16 (Whereupon, State's Exhibit Number Five admitted into
17 evidence and appropriately marked. See index for description
18 of exhibit.)

19 MS. BAILEY: And permission to publish it to the jury?

20 THE COURT: All right.

21 BY MS. BAILEY:

22 Q And again, could you describe what the jury is looking
23 at? They're looking at the picture now.

24 A I was - where he hit me in the head with a gun.

25 Q Okay, lean forward, talk into the microphone.

1 A That was where he hit me in the head with the gun when
2 he found me outside.

3 Q And when you say, when you say he, who do you mean?

4 A Rondell.

5 Q Okay, what happened next? What do you remember next?

6 A He forced me into the house and ---

7 Q When you say forced you, what do you mean?

8 A Drug me by my arms.

9 Q Okay, and then what happened?

10 A Once we got into the house I was forced into the kitchen
11 by the bar and they made me dump out my purse and my - and all
12 my belongings out on the counter and they stripped me of the
13 jewelry I was wearing and took all my money and stuff that was
14 inside my purse, my cell phone so I couldn't - and I was
15 trying to call for help, you know, but I couldn't.

16 Q Was there a gun involved at this point?

17 A They had, yeah, they had the gun.

18 Q Okay, and you say they. How many did you -- how many do
19 you remember there being then?

20 A There were four people there.

21 Q Four people and can you describe them as best you can
22 remember?

23 A Two were young, about young men and then there was a
24 middle-aged probably in his early thirties and then there was
25 Rondell.

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1 Q Okay, and did you know any of them?

2 A Yes, ma'am.

3 Q How - which ones did you know from before?

4 A I knew Richard Richardson, the one they call Jr.

5 Q Okay, and did you recognize him right away?

6 A After he pulled down the scarf from his face I
7 recognized him right away.

8 Q And do you remember - when you - you say pulled down the
9 scarf, were they wearing, were they disguising their faces in
10 any way?

11 A Yes, ma'am, with bandanas.

12 Q And how were they disguising their faces?

13 A With bandannas and scarves.

14 Q Okay, and what happened after - let's back up. You say
15 they took your jewelry. Can you describe some of the jewelry
16 that they took from you?

17 A William had given me a diamond tennis bracelet and a
18 diamond engagement ring. The only thing that they took that I
19 remember was the diamond tennis bracelet.

20 Q Okay, handing up what's been previously marked State's
21 Exhibit Number Seven, along with a diamond tennis bracelet.
22 Do you recognize that picture and that actual bracelet?

23 A Yes, ma'am.

24 Q And how do you recognize those?

25 A That diamond tennis bracelet belonged to me.

- 1 Q And when was the last time you saw it?
- 2 A The night of the robbery.
- 3 Q And where did you, where did you see it go the last time
- 4 you saw it? What happened to it?
- 5 A They took it.
- 6 Q Okay.
- 7 A Rondell and the other men took it.
- 8 Q All right, what happened next?
- 9 A I was bleeding from the forehead really bad and I was in
- 10 the kitchen and I was really mad and upset and this was my
- 11 first night home. I didn't - I really, really did not know
- 12 this was going to happen and then the - Richard Richardson was
- 13 in the kitchen. He was facing the side door. When you come
- 14 in the screen door the kitchen is right here and the other
- 15 door that you're seeing in the picture was - goes out that way
- 16 and he was standing right there in the kitchen and I started
- 17 to try and push him out the door, hollering and screaming,
- 18 "Get out of my house, get out of my house," and, and there was
- 19 also Matthew Cobb was in the kitchen, too, and one of them had
- 20 the gun and that's when I got shot in the leg.
- 21 Q When you say gun, what kind of gun did you see?
- 22 A It was a black handgun.
- 23 Q Was it big or little?
- 24 A Big.
- 25 Q Do you know anything about guns?

1 A Not very much.

2 Q What color?

3 A Black.

4 Q I'm going to show you what's been previously marked as
5 State's Exhibit Number Four. Take a look at that for a
6 minute. Do you recognize that?

7 A Yeah, yes, ma'am.

8 Q And please tell the jury how you recognize this, State's
9 Exhibit Number Four.

10 A That's what I got shot in the leg with.

11 Q Now, let's talk about that shooting. Tell us what
12 happened.

13 A I was trying to force, force them out of the kitchen to
14 outside and they kept threatening that they were going to
15 shoot me but I was just so angry and mad. I wanted them out
16 of the house so bad. I wasn't thinking that I could get hurt.
17 I wasn't - it never dawned on me that I would get shot.

18 Q And so, what happened?

19 A The gun went off and it went in my thigh and in the
20 front of my thigh and out the back of my thigh.

21 Q I'm going to show you what's been previously marked as
22 State's Exhibit Number Six. Do you recognize that picture?

23 A Yes, ma'am.

24 Q Or what's in that picture?

25 A My leg after, after they shot me.

1 Q Okay, is that a fair and accurate representation of your
2 injury?

3 A Yes, ma'am.

4 MS. BAILEY: All right, at this point the State would
5 seek to move what's been previously marked as State's Exhibit
6 Number Six into evidence and publish it to the jury.

7 THE COURT: Any objection?

8 MR. FELTS: Your Honor, my same objection as the last
9 picture. It's 403.

10 THE COURT: All right, all right, I'm going to
11 overrule the objection. I'll allow it, admit it into evidence
12 over Defendant's objection.

13 (Whereupon, State's Exhibit Number Six admitted into
14 evidence and appropriately marked. See index for description
15 of exhibit.)

16 BY MS. BAILEY:

17 Q Now, when you were shot in the leg did the bullet stay
18 in your leg?

19 A No, ma'am.

20 Q What happened?

21 A It went in the front of my leg and came straight out the
22 back of my leg. Well, actually, it is on the side of my, on
23 my - side of my thigh. So, it's not going straight through my
24 leg. It's going through the side of my leg, but I think, I
25 mean, I'm glad, you know, because if it would have went

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1 straight through the middle it might have hit a vein or a, you
2 know.

3 Q Do you remember who shot you?

4 A Yes, ma'am.

5 Q And what's your memory of that?

6 A Matthew Cobb.

7 Q Okay, and do you remember Rondell Carter making any
8 statements up to this point?

9 A He, he was instructing him to shoot me.

10 Q And so, what happened after you got shot?

11 A I fell down on to the floor and I started saying, "You
12 shot me." I said, "Somebody call an ambulance. I'm going to
13 bleed to death," and ---

14 Q Did anybody call them?

15 A No.

16 Q Okay, and what happened next?

17 A They let William come into the kitchen and pick me up
18 off the floor and tend to my leg to try and stop the bleeding
19 and they put me in the living room on the couch.

20 Q What's the next thing that you remember?

21 A I remember Rondell and trying to negotiate with William
22 on a ransom.

23 Q Okay, and did you hear Rondell say what he wanted?

24 A Lots of money.

25 Q Okay, do you remember a number?

- 1 A No.
- 2 Q Okay, and then what happened?
- 3 A Jamie and the two boys left to try and go get some
- 4 money.
- 5 Q You say the two boys, which ones do you mean?
- 6 A When I say boys I mean the young ones, McCray I think
- 7 his name was and Cobb.
- 8 Q Okay.
- 9 A No, no, she left with Richardson, Junior, and I think -
- 10 I'm not sure of the other one who went with her.
- 11 Q Okay, and then, then what happened?
- 12 A It was a long time before they came back, but when they
- 13 finally did come back and they didn't have any money then they
- 14 had to - they were trying to think of something else, a
- 15 different way for them to get money and that's when they
- 16 decided to take William and go and try and cash checks off his
- 17 business to get money.
- 18 Q And what's your relationship to William?
- 19 A William is my fiancé.
- 20 Q And what kind of business does he have?
- 21 A He had - it's not operating no more. He had a pallet
- 22 mill business.
- 23 Q And was it successful?
- 24 A Yes, ma'am.
- 25 Q Did he make a lot of money?

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1 A Yes, ma'am.

2 Q Okay, so, what's the next thing that you remember?

3 A I remember, I remember when they left they left me and
4 Jamie in the custody, in, you know, being guarded by Matthew
5 Cobb and the other young boy by gun, at gunpoint.

6 Q Okay, did you feel free to leave at that point?

7 A No.

8 Q All right, what happened next?

9 A I, I - Jamie was asleep on the loveseat and I was in my
10 bedroom and I was just praying and waiting and hoping for help
11 to come.

12 Q Okay, were you in a lot of pain?

13 A Yes.

14 Q At some point did somebody offer you some drugs?

15 A Yes.

16 Q And did you take them?

17 A Yes.

18 Q What kind of drugs?

19 A I smoked weed and I was drinking alcohol.

20 Q And how long did this - well, we'll get back to that.

21 What's the next thing that you remember after going into the
22 bedroom?

23 A I believe I went to sleep while they were gone with
24 William because there was a time period where I know I was
25 asleep. It - we got to the house and it all started about 11

1 o'clock at night. Then I woke up in the morning probably
2 about, about seven or eight o'clock and there was someone
3 guarding the door, the front door with the gun. They were
4 sitting on the floor to make sure that we didn't get out, and
5 I was just reading, I was reading the Bible and some
6 literature from rehab trying to, just trying to get a grasp on
7 the whole thing.

8 Q And what's the next thing that you remember?

9 A The next thing I remember was hearing a loudspeaker from
10 the Georgetown County SWAT team was outside, and they were
11 announcing their presence and the two suspects that were still
12 inside the house they had jumped up and started running around
13 the house and they were like, "Oh, my God, what are we going
14 to do now," and I told them, I said, "If I were you I would
15 run," and I went out the door and I said, I said, "I'm being
16 held against my will. I've been shot," and that's when they
17 helped me.

18 Q Okay, and at that point who were the two suspects in the
19 house?

20 A Matthew Cobb and McCray.

21 Q And do you know - when did you see Rondell Carter leave?
22 Did you see him leave?

23 A No, ma'am, I was asleep when they left.

24 Q Okay, now, how long would you say this whole thing
25 lasted? When did it start?

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1 A It started at 11 o'clock in the evening.

2 Q And about what time did the SWAT team get there?

3 A About 11 in the morning.

4 Q Okay, and during this point and I'm sorry that this is
5 embarrassing. I just want to get it all out there to show
6 we're not trying to hide anything. At some point did you and
7 William go into the bedroom?

8 A Yes, ma'am.

9 Q And what happened when you all were in there?

10 A We had intercourse.

11 Q Okay, did you feel like you could leave the house at
12 that point?

13 A No.

14 Q And why not?

15 A Because they were - it was all four of them against just
16 us and they had weapons and we didn't.

17 Q Okay, and you mentioned earlier that you smoked some
18 marijuana. Where did - how did you get that? Was it already
19 there?

20 A The suspects gave it to us.

21 Q And which ones?

22 A Rondell Carter.

23 MR. FELTS: Objection, Your Honor. We've got a matter
24 we need to take up outside the presence of the jury.

25 THE COURT: All right, ladies and gentlemen, let me

1 excuse you back to the jury room for a brief moment. We'll
2 bring you back out in just a second. Do not discuss the case
3 even among yourselves at this point in time.

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

6 THE COURT: All right, Mr. Felts, your objection?

7 MR. FELTS: Your Honor, there was testimony from the
8 witness that the marijuana she smoked came from my client.
9 It's highly, highly, highly prejudicial. That's a bell that
10 cannot be un-rung. At this time we're going to move for a
11 mistrial simply because of the testimony that came out of that
12 witness's mouth.

13 THE COURT: All right.

14 MR. FELTS: A curative instruction can't fix that. I
15 mean, it's - the bell's been rung.

16 THE COURT: All right, Ms. Bailey.

17 MS. BAILEY: Your Honor, given the serious nature of
18 this charge, sharing a little bit of marijuana is very minor
19 and not highly prejudicial at all. In addition to that,
20 there's been lots of testimony of drug use between the other
21 Co-Defendants and the victims and it's part of the res gestae
22 of the crime.

23 THE COURT: All right.

24 MR. FELTS: Judge, I mean, it's a very serious - a lot
25 of serious charges. My client is looking at life without

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1 parole. I mean, the jury cannot hear that information.

2 THE COURT: Okay, all right, I - I'm not going to
3 grant your motion for a mistrial. I don't think it's so
4 prejudicial as to deny your client - an unfair trial, plus, as
5 I recall, most of the drug use that has been made a part of
6 this trial was brought out by the Defense. So, I'm going to
7 deny your motion for a mistrial. All right, anything from the
8 State?

9 MS. BAILEY: Nothing from the State.

10 THE COURT: Anything from Defense?

11 MR. FELTS: No, sir, Your Honor.

12 THE COURT: All right, let's bring the jury back in.

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

15 THE COURT: All right, Ms. Bailey, continue your
16 questioning.

17 BY MS. BAILEY:

18 Q When you pulled up to the house did you expect anybody
19 to be there?

20 A Just Jamie.

21 Q Okay, did you invite anybody to the house?

22 A No, ma'am.

23 Q Was anybody allowed to go into that house other than
24 Jamie?

25 A No, ma'am.

1 MS. BAILEY: I have no further questions.

2 THE COURT: All right, Mr. Felts.

3 MR. FELTS: Thank you, Your Honor.

4 CROSS EXAMINATION

5 BY MR. FELTS:

6 Q Good afternoon, Ms. Carroll.

7 A Hello.

8 Q Now, you've already testified to - that you were in
9 rehab in Columbia, I believe, right about the time this
10 incident, was that for - that was for drug use?

11 A Yes, sir.

12 Q It was for - your drug of choice is that crack?

13 A It used to be.

14 Q Now, you, you've been ---

15 A I'd like to say I have over a year clean and sober.

16 Q I'm sorry, what was that? I couldn't hear you.

17 A I have over a year clean and sober.

18 Q You've been arrested before; haven't you?

19 A Yes.

20 Q You've been convicted of giving false information to the
21 police?

22 A No, not that I recall.

23 Q Not in 2006?

24 A I think that was just - that was a minor charge and some
25 kind of technicality. I can't remember. That was the first

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1 year I moved to South Carolina.

2 Q Now, you've been convicted of some drug offenses, too?

3 A Yes, sir.

4 Q I'm sorry, I couldn't hear you.

5 A Yes.

6 Q Now, William Douglas back here, that's your fiancé or
7 that's ---

8 A Yes.

9 Q --- he's, he's your fiancé?

10 A Yes.

11 Q You all have known each other for a while; haven't you?

12 A Yes.

13 Q And you've talked about this case with him since this
14 thing happened a couple of years ago; hadn't it?

15 A Of course.

16 Q And you've talked about it and talked about what you're
17 going to say?

18 A No.

19 Q But you love him; don't you?

20 A Yes, very much.

21 Q Okay, now, you're his fiancé; right? Now, you gave
22 statements - you told the police, excuse me, you gave the
23 police a couple of statements; correct?

24 A Yes.

25 Q And in those statements you never identified Rondell as

1 the shooter or as hitting you in the head; correct?

2 A I don't recall. I don't recall exactly what I gave in
3 my statement to them.

4 Q Well, would you agree with me that in your first
5 statement that you ---

6 A I ---

7 Q --- did not ID my client, Rondell Carter, as the person
8 who shot you or the person who hit you in the head?

9 A I may not have.

10 Q And quite - and furthermore, you testified on direct
11 examination that Matthew Cobb shot you?

12 A Yes, sir.

13 Q Do you recall that in your statement to the police that
14 you said whoever hit me in the head was the same person who
15 shot me?

16 A I remember saying that, but I, I stick by my testimony
17 that Rondell is the one that came outside and got me and hit
18 me in the head.

19 Q So, were you ---

20 A I had a ---

21 Q --- did you tell the police the truth at the time?

22 A That was the truth to my knowledge to my ability to
23 remember. I had sustained an injury to the head and it was a
24 very traumatic experience to go through.

25 Q So, you remember better right after the incident or do

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1 you remember better two and half years down the road after
2 you've had time to talk to people about it?

3 A I remember better after with a clear head.

4 Q Now, you said you smoked some marijuana the night of the
5 incident?

6 A Yes, I did.

7 Q And isn't it also true that you told the police that -
8 strike that. Did you drink some liquor ---

9 A Yes, I did.

10 Q --- when you smoked some marijuana?

11 A Yes, I did.

12 Q What did you drink?

13 A I believe it was some kind of clear liquor.

14 Q Clear liquor?

15 A Yeah.

16 Q How much did you drink?

17 A Probably quite a bit.

18 Q Quite a bit?

19 A I don't know, maybe a pint.

20 Q A pint of clear liquor?

21 A Yeah.

22 Q And marijuana?

23 A Yes.

24 Q Now, the solicitor asked you about having intercourse
25 with William during this whole thing.

- 1 A Yes.
- 2 Q And you said yes?
- 3 A Yes.
- 4 Q You had intercourse?
- 5 A I had blacked out. After I was shot in the leg I
- 6 blacked out for a period of time to - and then that's, that's
- 7 - I have a, a - from where they - we got home to the house and
- 8 after I got shot in the leg, which was a couple of hours,
- 9 probably about an hour or so later and then a couple of hours
- 10 after that I had, I had a blackout.
- 11 Q You had a blackout before you got to the house?
- 12 A Yeah - no, no, after I got shot in the leg.
- 13 Q So, did - but you said you had intercourse. Did you ---
- 14 A I don't, I don't ---
- 15 Q --- have intercourse while you were blacked out?
- 16 A --- I don't remember the physical act of doing it. I
- 17 remember being told that we did.
- 18 Q So, being told that you did evidently - did you do that
- 19 in front of everybody in the house during the commission of
- 20 this whatever happened at your house that night?
- 21 A I think that we were behind closed door.
- 22 Q You think?
- 23 A I think. You can't imagine what it was like going
- 24 through that situation. You just can't imagine what it was
- 25 like.

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1 Q Now, you have given a couple of statements to the
2 police; correct?

3 A Yes.

4 Q And in those statements you never said anything about
5 Thermond Seward or Rosa Milton; did you?

6 A I believe in my second statement we did discuss them.

7 Q But you didn't say it in your first statement; did you?

8 A No.

9 Q Now, you know Rosa; don't you?

10 A Yes..

11 Q And you know Thermond.

12 A Yes.

13 Q And you and Rosa and William you guys smoke crack
14 together?

15 A We ---

16 Q Or you used to?

17 A I used to.

18 Q Now, you didn't tell the police about Rosa or Thermond
19 there the first time?

20 A I didn't think that they - I didn't think that they had
21 anything to do with it. So, I didn't mention them. I didn't
22 think - I didn't want to have to drag them into it.

23 Q So, they were there, they were witnesses to all this and
24 you didn't tell the cops about them?

25 A No.

1 Q You said you'd been clean for a year; correct?

2 A Yes, sir.

3 Q If you took a drug test today would you pass it?

4 A Yes, sir. I have a newborn son. I have a five month
5 old son.

6 Q I'm sorry. I couldn't hear you.

7 A I have a five month old child.

8 Q Now, you're currently on probation in Williamsburg
9 County?

10 A Yes, sir.

11 Q What are you on probation for?

12 A Possession of cocaine and DUI.

13 Q Okay.

14 MR. FELTS: That's all I have, Your Honor. Thank
15 you.

16 THE COURT: Redirect?

17 REDIRECT EXAMINATION

18 BY MS. BAILEY:

19 Q When you gave that first statement to police when did
20 they take that?

21 A Directly after it had happened.

22 Q Were - what was the location of you when they took it?

23 A I believe I was in the hospital or I was in the van or I
24 can't remember exactly when they took it.

25 Q Did they give you pain medication at the hospital? Do

1 you remember what they gave you at the hospital?

2 A No, I don't.

3 Q Do you remember giving that statement?

4 A No. The only thing I remember when I was at the
5 hospital was asking for William.

6 Q Okay.

7 A I wanted to know where he was because Rondell took him
8 away.

9 Q Mr. Felts talked with you about your smoking and
10 drinking that night. Were you drinking and smoking marijuana
11 before or after ---

12 MR. FELTS: Objection, it's cumulative, Your Honor.

13 MS. BAILEY: Your Honor, it goes to timeline. He went
14 into how much she drank and I just want to make sure they know
15 when.

16 THE COURT: I think it's cumulative. I'm going to
17 sustain the objection.

18 BY MS. BAILEY:

19 Q As part of your probation in Williamsburg County do they
20 drug test you?

21 A Yes, ma'am.

22 Q Has your probation been violated?

23 A No, ma'am.

24 Q Have you failed any drug tests?

25 A No, ma'am.

1 Q No further questions.

2 THE COURT: All right, you may step down.

3 All right, ladies and gentlemen, we've been at it a
4 little while. Let's go ahead and take about a 15 minute
5 break, give you an opportunity to stretch your legs, use the
6 restroom, get something to drink, whatever the case may be.
7 Do not discuss the case even among yourselves at this point in
8 time. We'll take about a 15-minute break and then we'll
9 resume the trial. Everyone else please remain seated while
10 the jury is excused. All right, thank you.

11 (Whereupon, the following takes place outside the
12 presence of the jury.)

13 THE COURT: All right, anything from the State before
14 we recess?

15 MS. BAILEY: Nothing, Your Honor.

16 THE COURT: Anything from the Defense?

17 MR. FELTS: No, sir, Your Honor.

18 THE COURT: All right, let's take about a 15-minute
19 recess. Okay?

20 MS. BAILEY: Thank you.

21 OFF THE RECORD

22 (On the record.)

23 (Whereupon, the following takes place outside the
24 presence of the jury.)

25 THE COURT: All right, anything from the State before

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1 we bring the jury in?

2 MS. BAILEY: No, Your Honor.

3 THE COURT: Anything from the Defense?

4 MR. FELTS: No, sir, Your Honor.

5 THE COURT: All right, let's bring the jury back in.

6 (Whereupon, the following takes place in the presence of
7 the jury.)

8 THE COURT: All right, ladies and gentlemen, welcome
9 back. Ms. Bailey, you can call your next witness.

10 MS. BAILEY: Thank you, Your Honor. The State calls
11 William Douglas.

12 THE COURT: All right.

13 Whereupon, William Douglas was called to the stand, duly
14 sworn by the clerk and testified as follows:

15 THE CLERK: Please be seated and state your name for
16 the record.

17 MR. DOUGLAS: William Douglas.

18 THE COURT: All right, Ms. Bailey.

19 DIRECT EXAMINATION

20 BY MS. BAILEY:

21 Q Mr. Douglas, did you ever live on [REDACTED] in Georgetown
22 County?

23 A Yes, ma'am.

24 Q Is it [REDACTED] Drive or [REDACTED] Lane?

25 A I think it's lane.

- 1 Q Okay, and where was that?
- 2 A In the Rose Hill section.
- 3 Q Was it a remote location?
- 4 A Yes, ma'am, it was about a mile, mile and a half down a
5 dirt road on the river.
- 6 Q Okay, was it easy to find?
- 7 A No, ma'am.
- 8 Q How long did you live there?
- 9 A Probably a month, month and a half.
- 10 Q All right.
- 11 A All this happened I left, didn't want to live there
12 anymore.
- 13 Q And on January 23rd of 2009 what were you doing that
14 day?
- 15 A That was a Friday. I'm not sure about the dates. I
16 went to Columbia to pick Christina up from rehab. I came back
17 home. We went by the grocery store to get some groceries.
18 We didn't have any groceries in the house and as we was going
19 home, going down that dirt road going home a car come by us
20 out of there which I thought was strange because it was going
21 so fast but there's other people lives in there. So, I didn't
22 pay it much attention. We went on up and pulled up in the
23 yard. It was dark. The house was dark. I got out of the
24 truck and went in the house. When I got in the house I seen
25 Jamie laying on the couch and I hollered at her, you know, to

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1 get up, that me and Christina was back and that's when all
2 this chaos started and people started come running out of the
3 bedrooms. They run out with guns, shot in the floor, towards
4 my feet, screaming and hollering. I can't remember what they
5 said and I was just in shock.

6 Q And how many were - how many of them, how many people
7 were there?

8 A Four.

9 Q Were, were they concealing their identity?

10 A I only remember at this time one having a bandanna on.

11 Q Okay, but do you, do you remember a bandanna though?

12 A Yes, ma'am.

13 Q Okay, and do you remember guns?

14 A Yes, ma'am.

15 Q How many guns do you remember?

16 A Two.

17 Q Can you describe those?

18 A I remember a big black one and I remember a small one.
19 I don't remember exactly what it look like.

20 Q Mr. Douglas, I'm going to show you State's Exhibit
21 Number Four. It's been secured for the courtroom but if you
22 could take a look at this. Does that look familiar?

23 A Yes, ma'am.

24 Q Where have you seen that before?

25 A In that house that night.

1 Q Who had it?

2 A Rondell Carter.

3 Q Do you see Rondell Carter in the courtroom today?

4 A Yes, ma'am.

5 Q And could you describe for us where he is?

6 A He's sitting right there.

7 Q So, what's the next thing that you remember?

8 A When they come out they was hollering and screaming. I

9 didn't know what was going on. I was just kind of backing up

10 trying to keep my eyes on him to see what he was going to do.

11 I didn't have any idea what was going on, and then after a few

12 moments, whatever, he told me to take all my clothes off. I

13 took all my clothes off and they went through my clothes, took

14 my money and my jewelry and stuff and then I don't know within

15 a minute or two I got to put my clothes back on, and I

16 remember Christina when I first seen her she was hit in the

17 head and was bleeding. All I could see was like her eyes and

18 her teeth, you know, her whole face was covered in blood, and

19 she went into the kitchen and she started fighting with one of

20 them and then they had a tussle going on in there and then

21 that's when Rondell started telling Cobb to shoot her. Well,

22 the gun went off, and I don't know how this happened but the

23 gun went off and he shot hisself in the leg also and he cut -

24 like split his pants and burned him. He went to jumping up

25 and down and hollering and pulled his pants down to see what

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1 kind of shape he was in. Rondell at this time told me, said,
2 "Well look what I got for help," and I thought, you know, that
3 was kind of odd. Well, everything gets calmed down. She's on
4 the floor and I start hollering trying to get her to calm down
5 and I got some, I think, bed sheets or something and tied her
6 leg up and put her on the couch trying to get her to quit
7 bleeding.

8 Q And let's back up just a minute. Can you describe the
9 jewelry that you had on that day?

10 A I had on a two gold necklace.

11 Q I'm showing you what's been previously admitted as
12 State's Exhibit Number Seven along with an actual gold
13 necklace. Do you recognize anything in this photograph or
14 either of these pieces of jewelry?

15 A Yes, ma'am.

16 Q Where have you seen those before?

17 A That used to belong to me and that was Christina's, the
18 bracelet was Christina's. The necklace was mine.

19 Q Were you wearing the necklace that day?

20 A Yes, ma'am.

21 Q And is that picture an accurate picture of the necklace?

22 A Yes, ma'am.

23 Q And when was the last time you saw this jewelry?

24 A That night.

25 Q And where did it go that night?

1 A They took it.

2 Q When you say they who you mean?

3 A There was so much chaos I can't exactly say which one of
4 them took it.

5 Q Okay, how many were there?

6 A Four.

7 Q All right, well, what's the next thing that you
8 remember?

9 A Well, they kept screaming and telling me they had to
10 have money, they had to have money, if I didn't get them some
11 money they was going to kill me. I didn't ---

12 Q Now, hold on just one second. What did you, what'd you
13 do for a living back then?

14 A I owned a pallet mill. I built pallets and sold wooden
15 dunnage.

16 Q Was that a successful business?

17 A Yes, ma'am, very much till the economy went bad.

18 Q Did you normally have a lot of cash?

19 A At times I would.

20 Q Okay, and so, what happened next?

21 A Well, they were trying to figure out how they were going
22 to get money and I was trying to explain to them this is a
23 Friday night and I had no way to get any money. So, they was
24 wanting to go to the bank the next morning. When they finally
25 decided to do that and it took me an hour to convince them the

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1 bank's not open on Saturdays. So, then they decided that they
2 would, two of them was going to take Jamie and go try to get
3 checks cashed.

4 Q Now, did they give you an amount of money they wanted?

5 A The whole amount or just for that, at that ---

6 Q What, what did they tell you?

7 A At that time they figured about the most they could get
8 would be about \$250 out of a store.

9 Q Now, initially, did they demand more than that?

10 A The large amount they wanted was 75,000 what it
11 originally started and then as time went on somehow or another
12 it ended up being 60. I don't know exactly how, but it was -
13 they wanted a very large amount of money.

14 Q Now, when you say they who you mean?

15 A Rondell and Cobb and I can't remember the other one's
16 name right this second.

17 Q Okay, did you know any of these folks from before this
18 incident?

19 A Junior Richardson.

20 Q Okay, and how long before you recognized that he was
21 there?

22 A As soon as he walked out.

23 Q All right, were they concealing themselves in some way?

24 A He was I guess because he knew I knew him, but he -
25 time, time I seen him I knew who he was.

1 Q All right, so, what happened when you started trying to
2 get some checks cashed?

3 A The next morning?

4 Q Whenever you did.

5 A The next morning before I did, me and Rondell left that
6 morning, left there and went to the bail bondsman Chip Daniels
7 tried to get, he said that we could get some cash there. We
8 went there and he couldn't do nothing about it, said, told us
9 to come back Monday. We left there. Let's see where - we
10 left there and was going down 521, stopped at 521 store and I
11 was going to get one cashed in there and for some reason I
12 don't know why he let me go in that store by myself. I've got
13 no idea why but I wasn't in there but just a few minutes then
14 he came in.

15 Q Okay, now, let's back up just a second. When you all
16 were out riding around trying to get this money did - who were
17 you with?

18 A Rondell.

19 Q And did he have a gun with him?

20 A If he did I didn't see it.

21 Q Okay, so, why did you go along with him?

22 A Because he had a cell phone and he kept telling me that
23 all he had to do was mash that button and if that phone rung
24 that the other boys had they would know that I was trying to
25 do something and they was going to kill Christina and Jamie.

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1 I didn't know whether to believe it or not but I couldn't
2 trust it.

3 Q Okay.

4 A I couldn't take that chance.

5 Q So, what happened when you were in the 521?

6 A I went in there and I started talking to one of them
7 girls trying to tell her what was going on. There was a big
8 fan blowing there and she couldn't half understand me and I
9 didn't want to holler out loud because I didn't want him to
10 hear me and then I got mad, and when I got mad the woman, I
11 guess the manager of the store come out from behind that -
12 there was a divider, partition there. She came out and I told
13 her and she believed me. She was going to grab the phone
14 right then and call and I told her, I said, "No, let me leave
15 and get down the road," because I don't want, you know, him to
16 figure out what's going on and do what he said he was going to
17 do, because I didn't know whether he could or not but I
18 couldn't risk it.

19 Q All right, what's the next thing you remember?

20 A Us going down the road and the police coming up behind
21 us.

22 Q What happened next?

23 A We were, were we going down the road and the police come
24 up behind us and he started telling me that the police was
25 coming up behind us. So, I reached and put my seatbelt on. I

1 told him, I said, "Well, they probably just going somewhere
2 else, you know, one of them go - they'll probably just go
3 around us."

4 Q Who was driving?

5 A He was.

6 Q And what car were you all in?

7 A I had an '06 Toyota Tacoma.

8 Q Okay.

9 A And one come around us and when they got there the one
10 in front slid sideways in the road and got us stopped. I
11 jumped out and took off running back to the police car.

12 Q And what happened next?

13 A We went back to 521 store I guess ---

14 Q Let me start with this. What did you tell the police?

15 A I told them that this guy had me against my will and
16 that I had a girlfriend and another girl back at my house, at
17 my residence that they were holding hostage back there, they
18 needed to get somebody back there because the girl had been
19 shot.

20 Q All right, and what happened next?

21 A We went back to 521 store and the two deputies were
22 talking I guess to figure out that I was telling the truth and
23 when they did they called somebody else and we went back out
24 there.

25 Q All right, did you go back out to [REDACTED] Lane after

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1 that?

2 A I went to the hay field in the front, never back to the
3 house. We was at - there's a hay field right at the beginning
4 at the highway. We stopped right there.

5 Q Okay, all right, let's back up to the, the beginning and
6 get some details in here. About what time did all this start?

7 A Must've been around 11.

8 Q And when you pulled up to the house who was, who was
9 riding with you?

10 A When I originally went to the house?

11 Q Uh-huh.

12 A Christina and Thermond and Punkin.

13 Q And where did you pick up Thermond and Punkin?

14 A At the Piggly Wiggly. Thermond's car had broken down in
15 Columbia and he was going to borrow one of my trucks and get a
16 U-Haul tower and go back and get it.

17 Q All right.

18 A And that's why he went there with me.

19 Q Were you expecting anybody to be at your house when you
20 got there?

21 A Just Jamie.

22 Q Okay, had you invited anybody inside the house?

23 A No, ma'am. I didn't even want anybody to know where I
24 lived.

25 Q And why is that?

- 1 A I just didn't.
- 2 Q All right, at ---
- 3 A I was trying to get Christina somewhere off from
- 4 everything.
- 5 Q At one point in time were you involved with drugs?
- 6 A Yes, ma'am.
- 7 Q Okay, at this time were you involved with drugs in
- 8 January 2009?
- 9 A Yes, ma'am.
- 10 Q When they - when property was taken off of you did they
- 11 make you take your clothes off? Did you testify to that?
- 12 A Yes, ma'am.
- 13 Q At some point did you get to put your clothes back on?
- 14 A Yes, ma'am.
- 15 Q At some point did you end up in the bedroom?
- 16 A Yes, ma'am.
- 17 Q And how did that come about?
- 18 A It just, just got later on into the night, later on into
- 19 the night and just went to bed.
- 20 Q All right, did you ---
- 21 A I don't think I slept any but it was just somewhere to
- 22 get kind of by myself, you know.
- 23 Q Okay, did you feel like you could leave at that point?
- 24 A No, ma'am, there was no leaving there.
- 25 Q Did you try to, did you ever think about jumping out the

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1 window or calling for help or anything like that?

2 A Well, I couldn't jump out the window or run nowhere
3 being able to left these two girls there. Christina couldn't
4 run. She was shot in the leg.

5 Q And at any point did you feel like you could escape?

6 A No, ma'am.

7 Q Did you have a phone on you?

8 A They took it when I got there.

9 Q Did they ever give it back to you?

10 A No, ma'am.

11 Q Did Rosa or Punkin and Thermond did they stay for the
12 whole thing?

13 A No, ma'am.

14 Q When did they leave?

15 A Probably 45 minutes after we got there, maybe an hour,
16 I'm not real sure about the time. It wasn't that long.

17 Q Okay, this Defendant, Rondell Carter, what statements do
18 you remember him making to you?

19 A He kept telling me that he was - had to have that money
20 or he was going to have to shoot me.

21 Q What else did he say to you?

22 A He said so much I just I don't know exactly everything
23 he said. It was just, it was chaotic, it was crazy.

24 Q Okay.

25 MS. BAILEY: Beg the Court's indulgence.

1 THE COURT: All right.

2 BY MS. BAILEY:

3 Q Did they ever tell you why they went to your house?

4 A Why they came to my house?

5 Q Of all the houses in Georgetown County?

6 A He just told me that he, you know, he knew that I was
7 running a business, that I should have money.

8 Q Okay, have you been in trouble before?

9 A Yes, ma'am.

10 Q What have you been in trouble for?

11 A Possession.

12 Q Possession of what?

13 A Cocaine.

14 Q How long has that been?

15 A A year and a half, two years ago, two years ago I think.

16 Q Did I, did I handle that case?

17 A No, ma'am.

18 Q All right, and did I make any deals with you ---

19 A No, ma'am.

20 Q --- about that case?

21 MS. BAILEY: The State has no further questions for
22 Mr. Douglas.

23 THE COURT: All right, Mr. Felts.

24 CROSS EXAMINATION

25 BY MR. FELTS:

William Douglas - Cross by Mr. Felts

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1 Q Good afternoon, Mr. Douglas.

2 A Good afternoon.

3 Q Now, Ms. Bailey just asked you if you were involved with
4 drugs at the time of the incident back in 2009. You said yes;
5 right?

6 A Yes, during that time I was.

7 Q Your drug of choice is crack cocaine?

8 A It was. I've got over a year clean.

9 Q I'm sorry. I couldn't understand you.

10 A I said and I also have over a year clean.

11 Q You, you agree with me that there was crack pipes that
12 were found at your residence?

13 A I don't know if there was or not.

14 Q Did you smoke crack that night?

15 A No, I did not.

16 Q The day before?

17 A Yes.

18 Q And you smoke with Christina?

19 A No, she was in rehab. You talking about the day before?

20 Q Yes?

21 A No, she was in rehab.

22 Q But you got her that day from rehab though; didn't you?

23 A I got her that day, not the day before.

24 Q The day of the incident is what you're talking about,
25 that's when you picked her up from rehab the day of the

1 incident?

2 A Yes.

3 Q Now, you gave a statement to the police; didn't you?

4 A Yes.

5 Q And you never mentioned Rosa or Thermond being there;
6 did you?

7 A Not the first time I didn't.

8 Q You did not mention two people that were present that
9 were witnesses that got allegedly released. You didn't tell -
10 didn't say anything about that to the cops?

11 A I didn't the first time.

12 Q That's because you had something to hide from them?

13 A Hide from who?

14 Q Hide from the police perhaps the fact there were drugs
15 in the house?

16 A No.

17 Q Is that because you wanted to be out in the country away
18 from everybody?

19 A I mean, the police went there, the police went there
20 that ---

21 THE COURT: Hold it. Only one can talk at a time.

22 Let him ask the question, and then answer it at that time.

23 All right, go ahead and ask your question again.

24 Q Is that the reason that you wanted to be out in the
25 country so nobody knew where you were, the cops couldn't find

William Douglas - Cross by Mr. Felts

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1 you because you hide drugs in the house?

2 A No, it wasn't.

3 Q Now, you said on direct that it was just chaos?

4 A Yeah, I'm sure you've never lived through anything like
5 that.

6 Q It was chaos; right?

7 A Chaos.

8 Q Were you under the influence of crack at the time?

9 A No.

10 Q And you said you didn't know who took your jewelry?

11 A The chaos was them running out screaming and hollering,
12 being shooting in the - holes in the floor around my feet.

13 Q You didn't know who took your jewelry? That's what you
14 just testified to.

15 A I don't know, I don't know exactly which one of them
16 took it, no, I do not. I mean, I'm more worried about getting
17 shot than I am about which one of them got my jewelry in their
18 hand.

19 Q Now, you said you went to - at some point in time that
20 you and my client left; correct?

21 A Yes, the next morning.

22 Q You said my client didn't have a gun on him?

23 A Not as I know of he didn't. If he did I didn't see it.

24 Q And you're a pretty big guy; aren't you?

25 A Yeah.

1 Q You're bigger than my client; aren't you?

2 A Yeah.

3 Q So, you got in the truck with him and went to two places
4 of business, one to a bail bondsman and then one to 521 mini-
5 mart where you could have gotten away, could've called the
6 cops, could've done something, you didn't do it; did you?

7 A I did when I got to 521.

8 Q After you had been, you'd ridden to a bail bondsman's
9 office?

10 A Yeah, yes, you're right.

11 Q And when you went in the 521 you went in by yourself?

12 A He let me go in there by myself. I do not know why but
13 then he came in.

14 Q You accused him of kidnapping and he let you got into a
15 521 mini-mart by yourself?

16 A He told me, he, he told me ---

17 Q Answer the question.

18 A Ask me the question again.

19 MS. BAILEY: Your Honor, there is no question.

20 Q The question is you went in by yourself to 521 mini-
21 mart; correct?

22 A Yes, to begin with.

23 Q You're accusing my client of kidnapping you; correct?

24 A Yes.

25 Q And isn't it true that ---

William Douglas - Cross by Mr. Felts

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1 A Can I finish?

2 Q I'm asking you another question.

3 MS. BAILEY: Your Honor, he has a right to explain his
4 answer.

5 THE COURT: Okay, you can explain your answer.

6 A The reason being is like I told you a while ago, he told
7 me that if he made a phone call back to them that they would
8 kill those girls. I can't take this kind of chance. I can't
9 jump on him and go to wrestling him and he wins and gets these
10 girls killed. I can't do something stupid and him go and do
11 that and these girls get killed.

12 Q Isn't it true when you went into the 521 mini-mart that
13 the first girl that you tried to talk to didn't believe you?

14 A No, she didn't. She was young. The older lady walked
15 out there and she did. Thank God.

16 Q Now, isn't it true that my client actually came into the
17 521 mini-mart and asked you to buy some sausage wraps for him?

18 A No, that ain't what he asked me to buy him but he did
19 come in there.

20 Q Asked you to buy you - buy him some cigarettes?

21 A He asked me to buy him a pack of cigarettes.

22 Q Didn't tell you to buy him a pack of cigarettes; did he?

23 A He didn't what?

24 Q He just asked you to buy him a pack of cigarettes?

25 A He asked me would I buy him a pack of cigarettes. I

1 have no idea why.

2 Q I didn't ask you why but he asked you to buy him some
3 cigarettes and you bought them?

4 A Sure. What was I going to do? Tell him no?

5 Q Now, when you were --

6 A I was just, I was biding my time until I could get
7 something done and I did.

8 Q Mr. Douglas, I hadn't asked you a question yet.

9 A I was finishing explaining myself.

10 Q Now, my question - the question I have for you is that
11 when you talked to the cops right after this incident you said
12 that when you guys left 521 mini-mart you saw a blue light
13 behind you; correct?

14 A Yes, after we got down the road a piece.

15 Q And then you said - you told the police that my client
16 was worried about the police stopping him because he didn't
17 have a driver's license; correct?

18 A That's what he said.

19 Q Yeah, not about, "Hey, I'm kidnapping somebody, I'm
20 worried I'm going to get arrested?" He didn't say that; did
21 he?

22 A That's what he said. I don't know why he said that.
23 That's what he said.

24 Q But he didn't say it; did he?

25 A Didn't say what?

William Douglas - Cross by Mr. Felts

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1 Q He didn't say he was worried about being arrested for
2 kidnapping or armed robbery or anything like that. He said no
3 driver's license.

4 A No, he said - he was, "What am I going to do? I ain't
5 got no driver's license," but that's what he said. Why he did
6 I have no idea but that's what he said. I mean, why would I
7 tell - why wouldn't, why wouldn't I just tell him that he was
8 worried about that or not said anything at all. You asked for
9 the truth.

10 Q Mr. Douglas, you, you left the 521 mini-mart?

11 A Yes.

12 Q After you got the people to call the police?

13 A Yes.

14 Q You didn't stay there?

15 A No.

16 Q So, you went back and got in the truck with the alleged
17 kidnapper?

18 A Yes.

19 Q Let's go back to the house. There was some testimony
20 earlier from Ms. Carroll that at some point in time during
21 this chaos or whatever you guys had intercourse; didn't you?

22 A Yes.

23 Q And at some point in time she performed oral sex on you
24 in front of everybody?

25 A No.

1 Q That's not true?

2 A No.

3 Q But you had intercourse amidst this whole deal?

4 A Yes.

5 MR. FELTS: That's all I have, Your Honor. Thank
6 you.

7 THE COURT: All right, redirect.

8 REDIRECT EXAMINATION

9 BY MS. BAILEY:

10 Q When you were in the 521 mini-mart were you able to cash
11 any of those checks you were trying to cash?

12 A No, ma'am.

13 Q Why not?

14 A I don't have any clue other than the lady that run the
15 store it was no management there.

16 Q Okay, so, when you weren't able to get Rondell any cash
17 did he request anything else while you were there in the
18 store?

19 A He wanted me to buy him a pack of cigarettes.

20 Q Okay, was that - did he know that you weren't going to
21 be able to get cash from those checks?

22 MR. FELTS: Speculation, Your Honor, objection.

23 THE COURT: Sustained.

24 MS. BAILEY: No further questions.

25 THE COURT: All right, you may step down. You can

Herman McCray, Jr. - Direct by Ms. Bailey

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1 call your next witness.

2 MS. BAILEY: Beg the Court's indulgence for just one
3 moment.

4 THE COURT: All right.

5 MS. BAILEY: The State calls Herman McCray. Your
6 Honor, at this time the State would also request that William
7 Douglas and Christina Carroll be released from their
8 subpoenas.

9 THE COURT: Any objection?

10 MR. FELTS: Yes, sir, Your Honor.

11 THE COURT: Okay, if he objects we'll keep them here.
12 Whereupon, Herman McCray, Jr., was called to the stand,
13 duly sworn by the clerk and testified as follows:

14 THE CLERK: Thank you. Please have a seat and state
15 your name for the record.

16 MR. MCCRAY: My name is Herman McCray.

17 THE COURT: Mr. McCray, please spell your last name,
18 please.

19 MR. MCCRAY: M-C-C-R-A-Y.

20 THE COURT: All right, Ms. Bailey.

21 DIRECT EXAMINATION

22 BY MS. BAILEY:

23 Q For clarification are you a Junior?

24 A Yes, ma'am.

25 Q Okay, Mr. McCray, do you know the person sitting over

- 1 there at the defense table?
- 2 A Yes, ma'am.
- 3 Q Who do you see sitting over there that you know?
- 4 A Rondell Carter.
- 5 Q Okay, how do you know him?
- 6 A He was involved in a crime that I witnessed.
- 7 Q And were you - did you know him before that?
- 8 A No, no, ma'am.
- 9 Q Okay, so, how - let's go to January 23rd of 2009. What
- 10 do you remember about that day?
- 11 A So many things.
- 12 Q Well, what's the first thing that you remember?
- 13 A I remember him having a gun.
- 14 Q Let's, let's start with that morning when you woke up.
- 15 What's the first thing you remember that day?
- 16 A The first thing I remember that day, meeting up, meeting
- 17 up with him and Matthew Cobb.
- 18 Q Okay, and did you know Matthew Cobb from before?
- 19 A Yes, ma'am.
- 20 Q And how did you know Matthew Cobb?
- 21 A Because he used to be at my daddy girlfriend house,
- 22 well, baby's mother.
- 23 Q All right, and so, how did you meet up with, with Carter
- 24 and Cobb that day?
- 25 A At the, at the trailer beside the park on Prince

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- 1 Street.
- 2 Q And whose trailer was that?
- 3 A I think that was his people's trailer who he stay
4 with.
- 5 Q And who is he?
- 6 A Rondell Carter.
- 7 Q Okay, and what did you all do that day?
- 8 A I gave, I gave them a ride to, I think, that's the guy
9 behind you, I gave them a ride to his house.
- 10 Q Okay, and did you pick up anybody else along the
11 way?
- 12 A Yes, ma'am, Junior Richardson. I ain't know his first
13 name.
- 14 Q Okay, and how did you know where to drive?
- 15 A He gave me directions.
- 16 Q And were you the one driving the whole time?
- 17 A Yes, ma'am.
- 18 Q And who was it who was giving you directions?
- 19 A Who was it that was giving me directions, Rondell
20 Carter.
- 21 Q Okay, and did you hear anything said by Mr. Carter about
22 why you all were going there?
- 23 A No, ma'am.
- 24 Q Did he say whose house it was?
- 25 A No, ma'am.

1 Q Okay, and what, what do you remember from when you got
2 there?

3 A Where you want me to start?

4 Q Start at the beginning.

5 A When we first, when we first got there he was like
6 ---

7 Q Speak up into the microphone.

8 A When, when we first got there he was like, he was like
9 we can come in, he was like, "Daggone," I ain't got to sit in
10 the car. He said I could have come in, and ---

11 Q Who's he?

12 A Rondell Carter.

13 Q Okay, and then what?

14 A And all of us went, all of us went. He was saying
15 like, he was saying it like that guy right there had owe him
16 some money like he was working for the guy or something and
17 ---

18 Q That's what Carter said?

19 A Yes, ma'am.

20 Q Okay, and so, did you all go inside the house?

21 A Yes, ma'am.

22 Q All right, was anybody inside the house when you went
23 in?

24 A Yes, ma'am.

25 Q Who was there?

Herman McCray, Jr. - Direct by Ms. Bailey

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- 1 A It was a lady. I don't know her name.
- 2 Q White lady, black lady?
- 3 A White lady.
- 4 Q What color was her hair?
- 5 A Black.
- 6 Q Okay, short or long?
- 7 A Long.
- 8 Q Okay, and then what happened?
- 9 A He just told her she - well, when like when he walk in
- 10 she was like, I think she was sleeping or something. Then she
- 11 was like she got scared. Like she just jumped because it like
- 12 startled her and he just was asking her like where he was and
- 13 just telling her he been going to kill her.
- 14 Q Okay.
- 15 A Straight up.
- 16 Q Did you see any guns at that point?
- 17 A Yes, ma'am.
- 18 Q How many guns did you see?
- 19 A One.
- 20 Q What color was it?
- 21 A Black.
- 22 Q Do you know what kind of gun it was?
- 23 A I'm not sure exactly what kind of gun it was. I know it
- 24 was a Hi-Point.
- 25 Q Was it big or little?

1 A Probably like that big.

2 MS. BAILEY: I'm showing Mr. McCray what's been
3 previously marked as State's Exhibit Number Four and it's been
4 locked for the courtroom.

5 BY MS. BAILEY:

6 Q Do you recognize that gun?

7 A Yes, ma'am.

8 Q Where do you recognize that gun from?

9 A That's the thing he was holding.

10 Q And when you say he who do you mean?

11 A Rondell Carter.

12 Q What did he do with the gun?

13 A He was pointing it at her ---

14 Q All right.

15 A --- and telling her, and telling her to get on the floor
16 and then call, call him.

17 Q Okay, did you all go around and do anything else in the
18 house, any of the bedrooms or anything?

19 A Yes, ma'am, he told, he told us, he was like, you know,
20 search the house, and I mean, shoot, I been scared. I just
21 did what he told me to do.

22 Q Okay.

23 A Honestly, I'm just ---

24 Q Did anybody have any - were you all covering your faces
25 or anything?

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- 1 A Ma'am?
- 2 Q Were you covering your faces with anything?
- 3 A Yes, ma'am.
- 4 Q What were you covering your faces with?
- 5 A It was like a, with a like a bandanna.
- 6 Q Do you remember what color?
- 7 A No, ma'am.
- 8 Q Do you remember if it was light or dark?
- 9 A No, ma'am.
- 10 Q Okay, and how many of those bandannas were there that
- 11 you remember?
- 12 A I think it was two.
- 13 Q Okay, at some point did anybody else come home?
- 14 A Yes, ma'am.
- 15 Q Who came home?
- 16 A He came home.
- 17 Q All right, how many people were there?
- 18 A I think it was four.
- 19 Q All right, what do you remember happening when they came
- 20 home?
- 21 A He was like - just like, he just was like go hide and
- 22 ---
- 23 Q Who, who's he?
- 24 A Rondell Carter.
- 25 Q Okay.

1 A When we hide I went and sit like in the chair like when
2 the guy came in like he just hold him at gunpoint and he had
3 make them take off all their clothes and make them strip like
4 - well, not lot all their clothes but stripped down to like
5 their underwear.

6 Q All right, and did he take anything from them that you
7 remember?

8 A No, ma'am.

9 Q Okay, and then did they all come in at the same
10 time?

11 A Yes, ma'am, I believe so.

12 Q Okay, and you said there was four of them. What did
13 they look like?

14 A It was, it was him, it was her and I think it was two
15 black people.

16 Q Okay.

17 MS. BAILEY: And if the record could reflect that he
18 was pointing to the two victims that were sitting in the
19 gallery.

20 A Yes, ma'am.

21 Q And did the black people stick around?

22 A You said did they stick?

23 Q The two black folks who came in, did they stick around?

24 A If I'm mistaken - you mean for that point and period in
25 time?

Herman McCray - Direct by Ms. Bailey

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- 1 Q How long did they stay in the house?
- 2 A Probably for like a hour.
- 3 Q Okay.
- 4 A Probably for like a hour.
- 5 Q And why did they leave?
- 6 A Because he told them to take his truck and leave.
- 7 Q And who's he?
- 8 A Rondell Carter.
- 9 Q Okay, and did Rondell Carter make any statements about
- 10 what he wanted there?
- 11 A Yes, ma'am.
- 12 Q What did he say?
- 13 A He say he had want some money or he - somebody been
- 14 going to die.
- 15 Q All right, do you remember hearing any gunshots?
- 16 A Yes, ma'am.
- 17 Q When do you remember hearing gunshots?
- 18 A One time when he went outside and then the other time
- 19 when he told me go search the truck, he told me go search the
- 20 truck and I could have hear, I could have hear her screaming,
- 21 I could have hear her screaming. He had the gun in his hand
- 22 when I left out the house and I could have hear her screaming
- 23 and he must be, I think he hit her, I think he hit her in her
- 24 head or something.
- 25 Q Okay, only testify as to what you personally saw, okay.

1 Don't speculate. So, tell us what you saw with your own eyes.

2 A I saw him had the gun when I left out the house and when
3 I came back in the house he still had the gun.

4 Q Okay, and did she have an injury?

5 A Yes, ma'am.

6 Q Christina Carroll?

7 A Yes, ma'am.

8 Q Okay, and at some point in time did you observe a
9 gunshot wound on her?

10 A Yes, ma'am.

11 Q And when did you see that?

12 A When I came back in the house.

13 Q All right, what happened after, after that when you came
14 back in the house?

15 A She just - I just like went in and I just went, like
16 went into shock like I couldn't believe it because I never
17 witnessed nothing like that in my life and I just seen her
18 bleeding and stuff and I just was like, I don't know, it was
19 crazy. I was just like I just had my hand over my mouth
20 because I just, I just couldn't believe it.

21 Q All right, and what did you see? What happened next?

22 A He just was telling him to find some kind of way to get
23 some money.

24 Q And when you say he we need to use names here.

25 A Rondell Carter was telling Mr. - the victim that he

Herman McCray - Direct by Ms. Bailey

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1 needed some money.

2 Q Okay, and was there any money? Did any money ever show
3 up?

4 A No, ma'am.

5 Q So, what happened next?

6 A He was just telling him like he couldn't, he couldn't
7 get no money, it was nighttime and like there wasn't no place
8 he could have gone get no money because it was nighttime.

9 Q Okay, you were there and you personally observed this.
10 Did you - were William Douglas and Christina Carroll, were
11 they free to leave the house?

12 A No, ma'am.

13 Q What happened next?

14 A What happened next, so many things. I'm just trying to
15 think. It was, it was like it was so long ago and like so
16 many, so many things happened like all kind of different - a
17 lot of different things.

18 Q Okay, at some point did you leave the house?

19 A Ma'am?

20 Q Did you leave the house at some point?

21 A You said did I leave the house at some point, yes,
22 ma'am.

23 Q Okay, and where did you go?

24 A To Andrews.

25 Q And why did you go there?

- 1 A To take the items that was in the house to Junior
2 Richardson's house.
- 3 Q Okay, and did you return back to the house?
- 4 A Yes, ma'am.
- 5 Q To [REDACTED] Drive?
- 6 A Yes, ma'am.
- 7 Q Okay, was - did you ever leave the house with Jamie or
8 with the dark-haired lady?
- 9 A No, ma'am.
- 10 Q Okay, and what - when you came back to the house what's
11 the next thing that you remember?
- 12 A When I came back to the house like I remember - what
13 time - I think she had like something tied on her. Then she -
14 --
- 15 Q And when you say she, which lady? Let the record
16 reflect that he's pointing to Christina Carroll.
- 17 A I think she had like something tied on her to stop her,
18 stop her wounds from bleeding.
- 19 Q Okay, and what happened next?
- 20 A He just told us that we was spending the night.
- 21 Q All right, what happened then?
- 22 A And I think he had, I think he, I think he had roll up
23 some marijuana.
- 24 Q All right, stop right there.
- 25 A Okay.

Herman McCray - Direct by Ms. Bailey

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1 Q At some point what - at some point did Rondell Carter
2 leave the house?

3 A I think that next morning.

4 Q All right, and do you know why he left the house?

5 A No, ma'am. When I woke up the next morning because like
6 that night like when he said we was spending the night I just
7 been scared and I just walk in the room and sit down in a
8 corner and put my arms over my legs and just ball up and I
9 just like sit up the whole night in there and probably like a
10 hour before daylight I probably fell asleep for like a hour
11 and then when I woke up I remember when I came outside, when I
12 - well, when I came out of the, out of the room Matthew Cobb
13 he was sitting down and I asked him, I asked him where he was
14 at and he said that ---

15 Q All right, stop, don't, don't say what Matthew Cobb
16 said. That's, that's hearsay.

17 A Yes, ma'am.

18 Q Just tell us who was in the house when you woke up when
19 you came out of the house - out of the bedroom?

20 A She was there and the lady with the black hair and me
21 and Matthew Cobb.

22 Q Okay, and how long were you all there just the four of
23 you?

24 A Probably for like, probably for like a hour, two hours.

25 Q Okay, and what happened - why did you all leave?

1 A We was sitting on the floor in the house and I heard, I
2 heard, I heard, I heard the police department - the sheriff
3 department say, "This is the Georgetown County Sheriff
4 Department."

5 Q Okay, and so then what happened once you heard them?

6 A Ma'am?

7 Q What happened after you heard that the sheriff's
8 department was there?

9 A I just was so scared I thought they was just going to
10 come in shooting and I went in the room and I just hide under
11 the mattress.

12 Q Okay, did you ---

13 MS. BAILEY: I'm going to beg the Court's indulgence
14 for just a moment.

15 THE COURT: All right.

16 BY MS. BAILEY:

17 Q Were you charged with crimes in conjunction with this
18 case?

19 A Yes, ma'am.

20 Q Did you enter into any kind of agreement with the State?

21 A No, ma'am.

22 Q Did you plead guilty on Monday?

23 A Did I plead guilty?

24 Q Or I'm sorry not Monday, did you plead guilty earlier
25 today?

Herman McCray - Cross by Mr. Felts

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- 1 A Yes, ma'am.
- 2 Q And what did you plead guilty to?
- 3 A Burglary second.
- 4 Q Okay, and was that done under an agreement with me?
- 5 A You say was that done under an agreement with you?
- 6 Q Uh-huh.
- 7 A No, ma'am.
- 8 Q Okay, was - why are you testifying here today?
- 9 A To prove my innocence.
- 10 Q No further questions.
- 11 THE COURT: All right, Mr. Felts, cross examination.
- 12 MR. FELTS: Thank you, Your Honor.
- 13 CROSS EXAMINATION
- 14 BY MR. FELTS:
- 15 Q Good afternoon, Mr. McCray.
- 16 A Good afternoon.
- 17 Q Now, you - the solicitor just asked you if you pled
- 18 guilty. You said yes, you pled guilty to burglary second this
- 19 morning; correct?
- 20 A Yes, sir.
- 21 Q And you are, in fact, a Co-Defendant to my client?
- 22 A Yes, sir.
- 23 Q And you pled guilty because you said to prove your
- 24 innocence but you really pled guilty because you're getting a
- 25 deal to testify against my client?

1 A No, sir, I didn't receive a deal to testify against him.

2 Q Well, sure you did. You got a deal to testify against
3 my client. You signed a proffer agreement. The agreement
4 says you're going to testify against my client and they're
5 going to give you a deal afterwards. That's exactly what you
6 did.

7 MS. BAILEY: Your Honor, is there a question in this or
8 he just arguing with the witness?

9 A No, sir.

10 THE COURT: Yeah, ask a question.

11 Q You signed a proffer agreement to testify today;
12 correct?

13 A Sir, you said I signed a proffer agreement to testify?

14 Q Yes, that was my question.

15 A No, sir, I was going to testify from the beginning.

16 MR. FELTS: Your Honor, may I approach the witness?

17 THE COURT: Yes, sir.

18 BY MR. FELTS:

19 Q Is your lawyer Herman, excuse me, Cezar McKnight from
20 Lake City?

21 A Yes, sir.

22 Q And Cezar McKnight pled you guilty on the burglary this
23 morning; correct?

24 A Yes, sir.

25 Q Okay, well, what I handed you that's a letter to you;

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1 correct, or to your lawyer, excuse me?

2 A Yes, sir.

3 Q And in that letter it says that you're going to testify
4 for the State; correct? So you agree with me this is a, this
5 is a proffer letter from the State that tells you that you're
6 going to testify for them in exchange for a deal?

7 A But I suggested to testify for them.

8 Q You - and you signed it right here, Herman Eleton
9 McCray, Jr. That's you; isn't it?

10 A Yes, sir.

11 Q And then Cezar McKnight signed it right there, attorney
12 for Defendant?

13 A Yes, sir.

14 Q Herman McCray, Jr., dated 12-12 - no, excuse me,
15 it's upside down, 12-21-2010, December of 2010; is that
16 correct?

17 A Yes, sir.

18 Q Thank you very much. Now, you're testifying for the
19 State against my client; correct?

20 A Yes, sir.

21 Q And you, you testified on direct exam when Ms. Bailey
22 was asking you questions that you are friends with Matthew
23 Cobb?

24 A You say am I friends with him?

25 Q You are friends with him; correct?

1 A I know of him but we're not friends.

2 Q Now, you gave a statement to the police in this matter
3 on a couple of occasions; correct?

4 A Yes, sir.

5 Q And you told the police officers right after this
6 incident right after you got arrested that Ms. Carroll got
7 shot and you didn't see who did it?

8 A I told her that she got shot and I didn't see who did
9 it?

10 Q Yes.

11 A That's correct. I didn't see who did it but I saw who
12 was holding the gun when I left out the house and who was
13 holding the gun when I came back in the house.

14 Q You also told them there was only three people there,
15 too?

16 A Three people?

17 Q Yes.

18 A My mind may be had was messed up at the time from what I
19 witnessed.

20 Q Now, you're in a gang, aren't you, Mr. McCray?

21 A No, sir.

22 MS. BAILEY: Objection, Your Honor, I don't know what
23 the relevance of that would be.

24 THE COURT: What's the relevancy?

25 MR. FELTS: It's credibility, Your Honor, it's

Herman McCray - Cross by Mr. Felts

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1 witnessed.

2 Q And you were willing to tell all that in exchange for a
3 deal from the State; right?

4 A I didn't need a deal from the State because I was going
5 to tell it regardless.

6 MR. FELTS: That's all I got, Your Honor. Thank you.

7 THE COURT: All right, redirect?

8 MS. BAILEY: No redirect, Your Honor.

9 THE COURT: All right, you may step down.

10 MS. BAILEY: Your Honor, the State would request that
11 Mr. McCray be released - well, released from his subpoena.

12 THE COURT: Any objection?

13 MR. FELTS: Yes, sir, we object to that.

14 THE COURT: All right, we'll hold him under his
15 subpoena, then.

16 All right, let me see the attorneys for a second.

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

19 THE COURT: All right, ladies and gentlemen, it's
20 about 10 till five. So, it's a good time for us to go ahead
21 and break for the evening today. I'm going to excuse you to
22 go home for the evening. I caution you again don't discuss
23 the case with anyone even among yourselves at this point in
24 time. It's still too early for deliberations. Don't try to
25 conduct any independent investigations. Don't go looking in

1 the newspaper or listen to any news accounts about the case.
2 I hope everyone has a good evening. Now, having said that we
3 are progressing about where we expected to on this trial. If
4 we are going to go late for an evening it would probably be
5 tomorrow and then possibly Thursday. Now, I'm not going to go
6 very late but you should make arrangements in case we need to
7 stay till say six or 6:30 tomorrow. So, if you need - I'm not
8 saying we'll stay that late but you need to be prepared to
9 stay usually till about six tomorrow if we need to. If we
10 don't need to we won't but if you have to make arrangements to
11 pick someone up or to take care of some children or something
12 like that please go ahead and make those arrangements just in
13 case we go a little bit later tomorrow evening. I'm going to
14 ask that you be back in the jury room at 9:15 tomorrow morning
15 and we'll try to get started hopefully about 9:30 if we can.
16 Hopefully, they'll have some coffee or something for you for
17 tomorrow morning. So, please be back in the jury room at
18 9:15. I hope everyone has a good evening and we'll see you
19 back tomorrow morning. Everyone else please remain seated
20 while the jury's excused.

21 (Whereupon, the following takes place outside the
22 presence of the jury.)

23 THE COURT: All right, anything from the State before
24 we recess for the evening?

25 MS. BAILEY: No, Your Honor.

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1 THE COURT: Anything from the Defense?

2 MR. FELTS: No, sir, Your Honor.

3 THE COURT: All right, we'll stand in recess until - I
4 want to try to take the bench at 9:30 but I'll be here
5 certainly before that but I'll take the bench at 9:30 tomorrow
6 morning; okay?

7 MS. BAILEY: Thank you.

8 THE COURT: All right.

9 MR. FELTS: Thank you, Judge.

10 THE COURT: All right, thank you very much.

11 OFF THE RECORD

12 (On the record.)

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

15 THE COURT: All right, who are we - we're back on the
16 record in the case. Let's hold it down for a second. Who are
17 we releasing from subpoenas now?

18 MR. FELTS: Judge, we don't object to releasing
19 William Douglas, Christina Carroll, Rosa Milton or Thermond
20 Seward from their subpoenas.

21 THE COURT: All right, is it the State's subpoenas or
22 is it Defense's?

23 MS. BAILEY: They're State subpoenas.

24 THE COURT: And do you want to release them from those
25 subpoenas?

1 MS. BAILEY: Yes, Your Honor.

2 THE COURT: All right, they're free to go. Thank you

3 very much.

4 MS. BAILEY: Thank you.

5 MR. FELTS: Thank you.

6 THE COURT: All right, anything else we need before we

7 recess?

8 MS. BAILEY: Nothing from the State.

9 THE COURT: Anything from Defense?

10 MR. FELTS: Nothing from the Defense, Your Honor.

11 Thanks.

12 THE COURT: All right, good.

13 OFF THE RECORD

14 (On the record, Wednesday, June 29, 2011.)

15 (Whereupon, the following takes place outside the

16 presence of the jury.)

17 THE COURT: All right, anything from the State before

18 we bring the jury in?

19 MS. BAILEY: No, Your Honor.

20 THE COURT: Anything from Defense?

21 MR. FELTS: No, sir, Your Honor.

22 THE COURT: All right, let's go ahead and bring the

23 jury in.

24 (Whereupon, the following takes place in the presence of

25 the jury.)

Christopher Geno - Direct by Ms. Bailey

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1 THE COURT: All right, ladies and gentlemen, welcome
2 back. I hope everyone had a good restful evening. We're now
3 ready to resume the trial of the case of the State of South
4 Carolina versus Rondell Leon Carter. All right, Ms. Bailey,
5 you can call your next witness.

6 MS. BAILEY: Thank you, Your Honor, the State calls
7 Chris Howard, I'm sorry, Chris Geno.

8 THE COURT: While he's taking the stand I want to take
9 this opportunity to remind everyone if you have any cell
10 phones or pager devices or anything of that nature if you'd
11 please turn them off at this time. Thank you very much.

12 Whereupon, Chris Geno was called to the stand, duly sworn
13 by the clerk and testified as follows:

14 THE CLERK: Thank you. Please be seated and state
15 your name for the record.

16 MR. GENO: Sergeant Christopher Geno.

17 DIRECT EXAMINATION

18 BY MS. BAILEY:

19 Q Thank you, could you spell your last name for the
20 record?

21 A G-E-N-O.

22 Q Thank you, and did you have a reason to respond to
23 [REDACTED] Drive on January 24th of 2009?

24 A Yes, I did.

25 Q And what brought you out there?

1 A We had actually received - we were had at a training
2 exercise that day and right at the end of that while we were
3 debriefing we got a call about a possible hostage situation at
4 the time out at [REDACTED] Lane which wasn't too far from where
5 we were at.

6 Q In what capacity did you go out to that?

7 A I was a SWAT team team member.

8 Q And I'm going to show you what has been previously
9 marked as State's Exhibit Number One. It should be popping up
10 on your screen.

11 All right, once you arrived on the scene can you explain
12 what took place?

13 A Once we arrived on scene we actually stopped well short
14 of the house, waited for everybody to get there, came up with
15 a plan of action, and once we went ahead and put that plan
16 into motion we drove my Tahoe up to the scene, stopped short,
17 you get towards the end of the road and it kind of opens up to
18 this yard where this house is located and I on the PA of the
19 car I actually made several announcements, you know, "This is
20 the sheriff's office, SWAT team, come out of the house with
21 your hands up," you know, and tried to come to a peaceful
22 resolution. At that point we got no response. There was some
23 investigators I think that were on the perimeter around the
24 outside watching the house in case somebody did try to escape.
25 At that point we were told that they saw some maybe a curtain

Christopher Geno - Direct by Ms. Bailey

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1 move. I don't - it was some movement in one of the windows.
2 After we got no response from anybody in the house we went
3 ahead and moved up closer towards this front corner of the
4 house with the Tahoe. We drove, the SWAT members were stacked
5 up on the side, you know, putting the car between them and the
6 house in case any shots were fired.

7 Q When you say the front corner, do you mean the one near
8 the grill, could you be more specific?

9 A That's correct. This, looking at this picture, to the
10 left of the picture there's a side porch and to the front
11 there's a - looks like a screened-in, well, not a screened-in
12 but maybe like a sunroom, but it was actually like a porch and
13 that was actually coming down the road that would've been the
14 rear part of the house and there's a river just beyond that,
15 but we did come up towards this part of the house. When we
16 arrived at that part of the house a female came out of that
17 porch area and was, was injured on her leg, and there's -
18 either her face or her head there was - but she had an injury
19 and myself and Sergeant Bardon went to her and aided her back
20 to the Tahoe to get her out of harms way and then to an
21 ambulance from that point.

22 Q And do you see that lady that came out of the house in
23 the courtroom today?

24 A Yes, I do.

25 Q And could you identify her?

1 A She's right there.

2 Q Okay.

3 MS. BAILEY: Could the record reflect that he's
4 pointing to the victim, Ms. Christina Carroll.

5 BY MS. BAILEY:

6 Q And what was her demeanor when she came out of the
7 house?

8 A She was injured, afraid, like excited afraid. I don't
9 know really how to word it but she was glad to be out of the
10 house and out of harms way but - and she was injured. Like I
11 said, and too, and it looked like, I don't remember which leg
12 it was but it looked like she had tried to actually, you know,
13 bandage it or somehow stop the bleed. I don't remember
14 exactly how it was.

15 Q What was she doing with her hands? Do you remember
16 that?

17 A Well, when she, she showed us her hands were empty when
18 she came out of the house. Like when we were making the
19 announcements we do want to see empty hands because if there's
20 nothing in their hands they can't hurt us. So, she - you
21 know, she didn't come out when we first asked her to but when
22 we got there maybe she seen, I don't know, but she came out
23 and showed us that she did have empty hands.

24 Q And was she ambulatory? Was she able to walk up, right
25 up to you or how ---

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1 A No, we went to her. She was limping pretty good, and
2 just because of the nature of the call and not knowing, you
3 know, what was going on at the house at the time because we
4 went to her and got her out of the way quickly so we could go
5 ahead and make our own entry into the house.

6 Q And what's the next thing that you remember?

7 A We took her to the ambulance. Once we got her to the
8 ambulance we left, and at that time we were making an entry,
9 made our dynamic entry into the house to secure any other
10 witnesses, defend - or bad guys, suspects or any other victims
11 that were in the house.

12 Q And who all did you find in the house?

13 A There was another victim.

14 Q And what did she look like? Was she white or black?

15 A A white lady I believe. I didn't have any interactions
16 with her but they did bring her out. So, I saw another victim
17 in the house and then the two suspects.

18 Q And did you have any direct interaction with any of the
19 suspects in the house?

20 A Herman McCray ---

21 Q Okay.

22 A --- I did.

23 Q And what - where did you find him?

24 A He was in a bedroom trying to hide in a box when we got
25 in the house. We went into the side door on the porch that

1 you saw is where we actually made our entry and when you - we
2 do an entry you pretty much in pairs are going to go into
3 different rooms and clear them looking for suspects and he
4 was trying to hide in a box which was fairly obvious to us.
5 So, we got our hands on him, handcuffed him and brought him
6 back outside of the house.

7 Q Were there any other suspects that you located inside
8 the house?

9 A Not that I located, no, but the other SWAT team members
10 located one other person.

11 Q All right.

12 MS. BAILEY: I have no further questions for this
13 officer.

14 THE COURT: All right, Mr. Felts.

15 CROSS EXAMINATION

16 BY MR. FELTS:

17 Q Agent Geno, good morning, I mean, Sergeant Geno. Sorry
18 about that. You used to be an agent when you were with
19 narcotics?

20 A Yes, sir.

21 Q You, you guys did a dynamic entry. So, you went in the
22 house; correct?

23 A That's correct.

24 Q And inside the house do you recall seeing crack pipes
25 and perhaps unrolled cigars, marijuana, I guess, residue

Christopher Geno - Cross by Mr. Felts

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1 around? Do you recall seeing any of that?

2 A I don't recall residue but I want to say I remember
3 seeing a broken crack pipe in there.

4 Q And some copper shavings or whatever around the broken
5 crack pipe or something to that effect, that that's ---

6 A I don't remember exactly. It may not have even been
7 broken but I want to say I did see a broken crack pipe in
8 there.

9 Q And Rondell Carter wasn't in there when you got there;
10 was he?

11 A No, he was not.

12 Q Only I believe Herman McCray and you said there was
13 another suspect. You took Herman McCray into custody?

14 A That's correct.

15 Q And then the other suspect was Matthew Cobb; is that
16 correct?

17 A I believe so. I didn't have any interactions with him.

18 Q Thank you, Sergeant.

19 MR. FELTS: No further questions.

20 THE COURT: Redirect?

21 MS. BAILEY: None, Your Honor.

22 THE COURT: You may step down.

23 A Thank you, Judge.

24 THE COURT: Thank you.

25 MS. BAILEY: I would request that Sergeant Geno be

1 released from his subpoena at this time.

2 THE COURT: Any objections?

3 MR. FELTS: No, sir, Your Honor.

4 THE COURT: All right, you're free to go. Thank you
5 very much.

6 A Thank you.

7 THE COURT: Call your next witness.

8 MS. BAILEY: Thank you, Your Honor. The State calls
9 Robbie Owens.

10 THE COURT: All right.

11 Whereupon, Robert Owens is called to the stand, duly
12 sworn by the clerk and testified as follows:

13 THE CLERK: Thank you. Please be seated and state
14 your name for the record.

15 MR. OWENS: Robert Gerald Owens.

16 THE COURT: Thank you, Mr. Owens. All right, Ms.
17 Bailey.

18 DIRECT EXAMINATION

19 BY MS. BAILEY:

20 Q Mr. Owens, what's your job?

21 A I'm 911 communications manager.

22 Q And what does that job entail?

23 A Record-keeping, making tapes, handling personnel issues,
24 payroll.

25 Q Okay, I'm going to hand up to you what has been

Robert Owens - Direct by Ms. Bailey

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1 previously marked as State's Exhibit Number 38 for
2 identification only. Have you had a chance to review this?

3 A Yes, ma'am, I have.

4 Q Is it a CD?

5 A Yes, it is.

6 Q Okay, and what's on there, on that CD did you, did you
7 produce that to the solicitor's office or to the investigators
8 at the sheriff's department?

9 A Yes, I did.

10 Q Okay, and is that a record that is kept in the normal
11 course of business?

12 A Yes, ma'am, it is.

13 Q All right.

14 MS. BAILEY: At this time the State would request that
15 the 911 call be introduced as evidence and have permission to
16 publish it to the jury as a business record.

17 THE COURT: All right, any objection?

18 MR. FELTS: Your Honor, if counsel and I could
19 approach briefly?

20 THE COURT: All right.

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

23 THE COURT: All right, I'll go ahead and admit
24 Plaintiff's - excuse me, State's Exhibit Number 38 is admitted
25 into evidence. I'm going to put over Defendant's objection.

1 All right, go ahead.

2 (Whereupon, State's Exhibit Number 38 admitted into
3 evidence and appropriately marked. See index for description
4 of exhibit.)

5 MS. BAILEY: Permission to publish to the jury?

6 THE COURT: Yes, ma'am, go ahead.

7 (Whereupon, State's Exhibit Number 38 played in open
8 court.)

9 MS. BAILEY: I have no further questions for this
10 witness.

11 THE COURT: All right, Mr. Phelps, cross examination.

12 MR. FELTS: No questions for this witness, Your Honor.
13 Thank you.

14 THE COURT: All right, you may step down. Thank you
15 very much.

16 MS. BAILEY: Your Honor, may Mr. Owens be released from
17 his subpoena?

18 THE COURT: Any objection?

19 MR. FELTS: No, sir, Your Honor.

20 THE COURT: All right, you're free to go. Thank you
21 very much. All right, you can call your next witness.

22 MS. BAILEY: Thank you, Your Honor. The State calls
23 Jared Bardon.

24 THE COURT: All right.

25 Whereupon, Jared Bardon was called to the stand, duly

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1 sworn by the clerk and testified as follows:

2 THE CLERK: Thank you. Please be seated and state
3 your whole name for the record, please, spelling it.

4 MR. BARDON: I'm Sergeant Jared Bardon.

5 DIRECT EXAMINATION

6 BY MS. BAILEY:

7 Q Could you spell your last name, please?

8 A Yes, ma'am, B-A-R-D-O-N.

9 Q And how did you get involved in the case, this case?

10 A On January 24 of 2009 I was called to the 521 mini-mart.
11 That's in Georgetown on Highmarket Street, in reference to
12 somebody possibly being held hostage.

13 Q Okay, and what did you do from there?

14 A I left from the sheriff's office and the dispatcher
15 relayed information that she was told by the caller that ---

16 MR. FELTS: Objection, hearsay.

17 THE COURT: No, it's not for the truth of the matter,
18 it's to explain his actions. So, I'm going to go ahead and
19 allow that.

20 MS. BAILEY: Thank you, Your Honor.

21 BY MS. BAILEY:

22 Q Continue.

23 A The dispatcher advised that she received information from
24 the caller that a gentleman was in the store being held
25 hostage, that there was a white gentleman saying that he was -

1 he was accompanied by a black gentleman and there was
2 something going on. He told the clerk something and that they
3 were getting ready to leave the store. The dispatcher said
4 that the two gentleman got into a - it was a silver Toyota
5 truck and left towards Andrews. I almost made it to the store
6 before they left and there was Deputy Crabtree was in front of
7 me and as, as we were going toward the store we could barely
8 see that silver truck, what appeared to be a silver truck at
9 Nine Mile Curve. That's right there at 17 Alternate and
10 Highmarket Street, and I got in front of Deputy Crabtree. I
11 don't think we had a tag at the time of the vehicle, but it
12 was, I mean, matched the vehicle. So, we went ahead and I
13 initiated a traffic stop. Well, because of what the
14 dispatcher relayed and the type of situation we decided to
15 perform a felony traffic stop. That's where we get out of our
16 cars with the guns drawn just to make sure, you know, in case
17 somebody has a weapon, and as soon as that truck pulls over
18 the, the white, the white gentleman who was in the passenger
19 seat he starts running back toward our vehicles.

20 Q And I'm going to stop you right there. Do you see that
21 white gentleman in the courtroom today?

22 A Yes, ma'am.

23 Q And could you point to him?

24 A He's right there right behind you.

25 MS. BAILEY: And let the record reflect that he's

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1 pointing to the victim William Douglas.

2 BY MS. BAILEY:

3 Q Okay, continue.

4 A So, I mean, he, he starts running, it's like he's
5 really, really scared and starts running back toward the
6 vehicle. So, Deputy Crabtree goes around to the other side of
7 the car. He actually orders him to the ground with his gun
8 drawn because like I said we really don't know what was going
9 on.

10 Q And what was the demeanor of Mr. Douglas?

11 A He looked like he was scared to death, I mean, he was.

12 Q Was he acting - how was he acting?

13 A I mean like he was really, really happy for us to be
14 there, like he just, I mean.

15 Q Was he under the stress of the situation?

16 A I would definitely say so. I mean, he was somebody
17 looked like he was, I mean, running for his life when he got
18 out of the car, I mean.

19 Q Okay, and did he make any statements at that time?

20 A I mean, at that time I didn't talk to him until, you
21 know, I wasn't - I got out with the suspect.

22 Q Okay.

23 A Deputy Crabtree handcuffed Mr. Douglas, you know, like I
24 said we didn't know who was the victim or what was going on.
25 He puts him in the back of the patrol car and I focus on the

1 driver.

2 Q And who was the driver of the car?

3 A He was identified as Mr. Rondell Carter.

4 Q And is he in the courtroom today?

5 A Yes.

6 Q And where is he?

7 A At the defense table beside the attorney.

8 Q All right.

9 A And whenever I felony traffic stop, you know, I got him
10 out of the vehicle at gunpoint. He, he does exactly what I
11 tell him to. He gets out of the car with his hands up. I
12 told him to go straight to the ground. He goes straight to
13 the ground. I approach real slow and place the handcuffs on
14 him at which point I started searching him for weapons. I
15 check his waistband. I check his - around his ankles and
16 everything. I didn't find anything. So, I detained him in
17 handcuffs. I tell him we're investigating something, a
18 possible hostage situation. I told him about the call. I put
19 him back in the car.

20 Q And then what happened?

21 A Once we have both people in the back of the car we knew
22 everything was safe and we had them detained. I went and
23 talked to Mr. Douglas first.

24 Q Okay.

25 A I asked him what happened. I said, you know, I told him

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1 about the call, what was going on. I mean, he was really
2 upset and it was kind of hard to talk, I mean, he was kind of
3 hard to get anything out of him because, I mean, he was - you
4 could tell he was, you know, breathing hard. I mean, he was
5 scared. So, he said that ---

6 MR. FELTS: Objection to hearsay.

7 THE COURT: Sustained.

8 MS. BAILEY: Your Honor, I've laid the foundation for
9 an excited utterance.

10 THE COURT: No, I'm going to sustain it. I sustain
11 the objection, hearsay.

12 MS. BAILEY: Okay.

13 BY MS. BAILEY:

14 Q Was, was the victim acting in an agitated or excited
15 manner?

16 A Yeah, very much so.

17 Q Okay, and how so? Why would you, why would you say
18 that?

19 MR. FELTS: Objection, speculation.

20 Q What did you observe?

21 THE COURT: Sustained.

22 MS. BAILEY: Can I rephrase? What ---

23 THE COURT: Yeah, rephrase your question.

24 BY MS. BAILEY:

25 Q What did you observe in his mannerisms that made you

1 think that he was acting in an excited or agitated manner?

2 A Well, the fact that the police show up, he goes running
3 back to the vehicles toward law enforcement out of way. He
4 was breathing real heavy, sweating, just appeared to be
5 somebody who was, I mean, really, really scared.

6 Q Okay, and so, then what did he say to you?

7 MR. FELTS: Objection, hearsay.

8 THE COURT: Sustained.

9 Q Okay, what happened next?

10 A I went and talked to Mr. Carter in the back of the
11 vehicle.

12 Q All right, and then what happened?

13 A He was - after, after I got his side of the story of
14 what was going on, at the time we were going to the - at that
15 point based on the stories I got from both people we were
16 going to start an investigation.

17 Q Okay, were those - without telling us what Mr. Douglas
18 said were those stories different?

19 A Very different.

20 Q Okay, and what was Mr. Carter's story at the time?

21 A I explained to Mr. Carter why he was in the back of the
22 patrol car. I explained to him why we stopped the vehicles.
23 I - at - I told him, you know, why he was there. He said that
24 he didn't know why he was getting stopped. He said that they
25 were friends and he wasn't sure what was going on, whatever he

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1 said that - whatever Mr. Douglas said wasn't true. I advised
2 him I said, "Well, I mean, it's been said," and he needs to,
3 you know, obviously we're going to investigate.

4 Q Okay.

5 A I told him, I said, "As of right now," I said, "You're
6 driving a vehicle without a license," because he didn't have a
7 driver's license. I said, "You're being charged for driving
8 without a South Carolina driver's license," I told him, you
9 know, he was under arrest for that violation.

10 Q All right, and then what happened?

11 A From there me and several other deputies went back to
12 521 mini-mart. He was in the back of the car. He never got
13 out. We stopped. They went in to talk to the clerk about
14 everything and from there I took him to jail, to the detention
15 center on Highway 51.

16 Q You took Carter to the detention center?

17 A Yes, ma'am.

18 Q Okay, and what happened at the detention center?

19 A We take him out of the car and walk him into the booking
20 room ---

21 MR. FELTS: Objection, irrelevant.

22 MS. BAILEY: Your Honor, there's - I'm laying the
23 foundation for some statements.

24 THE COURT: I'm going to allow it right now. Go
25 ahead.

1 A I get out of the, we take him out of the car, put him
2 into the booking room.

3 Q At this, at this point it's for what?

4 A This is for - he does not have a driver's license. He
5 was driving a vehicle, that's, that's the only charge, just
6 driving without a license.

7 Q Okay.

8 A I explained to him, I said, "Hey, the fine on your - on
9 this charge is 200 and," at the time I think it was \$237. I
10 says, "We have a cash and dash thing at the jail which means
11 if you pay the money you can get out." Well, then his
12 demeanor changed ---

13 MR. FELTS: Objection to relevance.

14 MS. BAILEY: Your Honor, the ---

15 THE COURT: Overruled. Go ahead.

16 MS. BAILEY: Thank you.

17 A His demeanor changed and he started kind of, he started
18 kind of getting really antsy about talking on the phone. He
19 said, "I need to make a phone call right now, I need, and you
20 know, I need, I need to get out of here right now. I need to
21 make a phone call, "and I say, "About the money?" "Yep, I
22 need to get the money to get something, something here right,
23 you know, right now to get me out." Well, you know, and to me
24 that seemed really strange, I mean, because usually people
25 it's not a big deal to get out and somebody bring the money.

Jared Bardon - Direct by Ms. Bailey

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1 I've never seen somebody just hustle, I mean, he just got
2 really, really nervous about that time and like he was really
3 wanting to get out of jail. . I mean, I haven't really seen
4 that before based on that charge.

5 Q Okay.

6 A So, I found that strange.

7 Q And then what happened?

8 A From there, like I said, they booked him in and I called
9 my supervisor. They were already, you know, they were still
10 at the gas station, at 521 mini-mart, and I told him that, you
11 know, I says Mr. Carter was in jail and I said, "We need to
12 make a few phone calls," I said, "get the SWAT team together
13 and we need to go to the address that Mr. Douglas told us," I
14 said, "because we need to obviously see, you know, if this is
15 a real thing, if and what's going on."

16 Q Okay, and then what happened? Where did you go next?

17 A I went Rose Hill Road and [REDACTED] It was [REDACTED]
18 Drive. It's the house that Mr. Douglas lived in. It's Rose
19 Hill - [REDACTED] runs off Rose Hill.. I met with the SWAT team.
20 I met with some members of our command staff, like the
21 assistant sheriff.

22 Q Was this before or after the SWAT team went in?

23 A This is before.

24 Q Okay.

25 A We all - I told him, I said, "Hey, I'm the one that made

1 contact with these guys." I said, you know, "Here's - Mr.
2 Douglas told me this story about what's going on at his
3 house." I says, "The guy who was driving the car he's in jail
4 for no license," and I said, I told them, you know, what the
5 situation was, I said, you know, "We need to, we need to go up
6 there. We need to take full force because it might be
7 serious."

8 Q All right, and then when you got to the [REDACTED] Drive
9 house what do you remember?

10 A We, we decided to go in real tactical, you know, because
11 we didn't know what these people allegedly had in the house.
12 I was with the SWAT team. The SWAT team and me were - we
13 walked up to the house. We had a Tahoe we were - they were
14 kind of driving. We were kind of behind the Tahoe in case,
15 you know, somebody was shooting at us, and once we got on -
16 once we got in front of the house the guy driving the Tahoe,
17 who was Sergeant Geno, he said, he got on the PA and said, you
18 know, this is ---

19 MR. FELTS: Objection, this is hearsay.

20 MS. BAILEY: He's already been subject to cross
21 examination on those statements, Your Honor.

22 THE COURT: Yeah, but I'm going to sustain the
23 objection. Go ahead.

24 BY MS. BAILEY:

25 Q Okay, move on. We don't need to talk about what Geno

Jared Bardon - Direct by Ms. Bailey

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1 said. He's already testified as to that. So, what happened
2 next?

3 A They were ordered on PA to come out the house.

4 Q Okay.

5 A We as the sheriff's office made an announcement, "We're
6 the Sheriff's Office, if there's anybody in that house come
7 out." Didn't, didn't hear anything for a while. We already
8 set up a perimeter around the house, it was investigators and
9 deputies like me, you know, were around the house to make sure
10 nobody left and shortly after that the door opened. A white
11 female walks out.

12 Q Now, let's back up for just a minute. Before that did
13 you observe anything happening in the yard?

14 A There was a - it was, it was weird because there was
15 this - right after he made, you know, we made the comment,
16 "Come out of the house," I look over and there was like this,
17 it looked like a brand-new car. It was sitting kind of in the
18 driveway off to the side, and I see these - the lights on it
19 like you're unlocking your car, the lights do that. I saw
20 that happen. I thought that was really strange and that kind
21 of made me scared because I said, "Well, somebody going to run
22 to the car? I mean, do we need to move or something," and
23 after that it was a short time later that this white female
24 walks out the house.

25 Q And do you see that white female that walked out of the

1 house first? Is she here in the courtroom?

2 A Yes, ma'am.

3 Q And where is she?

4 A She's right behind you right there with the brown hair.

5 Q Okay.

6 MS. BAILEY: And let the record reflect that he's
7 pointing to the victim Ms. Christina Carroll.

8 BY MS. BAILEY:

9 Q And what happened then?

10 A Well, she came walking out - well, she came walking out
11 of the house and I - she was - had this nasty gash on her
12 head. I mean, it looked really bad and she had a what looked
13 like a gunshot wound in her leg; and so, me and another guy
14 she gets far enough out of the house to where we feel safe.
15 We went and actually grabbed her and helped her behind one of
16 our SWAT vehicles.

17 Q Okay.

18 MS. BAILEY: I have no further questions for this
19 officer.

20 THE COURT: All right, Mr. Felts.

21 CROSS EXAMINATION

22 BY MR. FELTS:

23 Q Good morning, Sergeant.

24 A Good morning.

25 Q So, you, you pulled over this Toyota pickup truck that

Jared Bardon - Cross by Mr. Felts

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1 my client was driving and then Mr. Douglas was in the
2 passenger side.

3 A Yes.

4 Q You testified to that. He pulled right over; didn't he?

5 A Yes.

6 Q Didn't run from you, didn't do anything like that.

7 A No.

8 Q And when you got Mr. Carter out of the car he didn't
9 have a weapon on him. You searched him, whatever, no weapon,
10 no gun, no nothing.

11 A There was no weapon on him. There was no weapon in the
12 truck.

13 Q And you just testified that there were two very
14 different stories between Rondell Carter and William Douglas.

15 A Absolutely.

16 Q Now, you talked about you charged Mr. Carter with no
17 driver's license and you took him to the detention center.

18 A Yes.

19 Q Typically when people get taken to jail it's not
20 uncommon for them to be antsy about getting out; is it?

21 A Not, not as antsy as him.

22 Q But, I mean, you would agree with me that you go to
23 jail, you want to get out.

24 A Oh, sure.

25 Q So, it's not necessarily out of the ordinary for that to

- 1 happen?
- 2 A No.
- 3 Q You went in the house once you got there as a SWAT team
- 4 member; didn't you?
- 5 A I wasn't a SWAT team member and I didn't go in the house
- 6 initially. I was with the SWAT team. I was with them but
- 7 they secured the house and I stayed outside.
- 8 Q You didn't - so, you didn't affect the dynamic entry or
- 9 whatever?
- 10 A No, I was outside the whole time.
- 11 Q You went in at some point though.
- 12 A After the SWAT team, I assisted investigations after,
- 13 the SWAT team was out, everybody was in custody, investigation
- 14 went in and started doing some things and then I went in after
- 15 it was all said and done.
- 16 Q Now, you, you recall observing some crack pipes, some
- 17 copper shavings?
- 18 A It's been so ---
- 19 Q Some kind of crack pipes?
- 20 A --- it's been so long I don't remember exactly what. I
- 21 just remember the house was just a mess. I mean, everything
- 22 was stuff torn up and ---
- 23 Q Do you remember seeing cigars cut up for - with
- 24 marijuana around them or anything like that?
- 25 A No.

Motions

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1 MR. FELTS: That's all I have, Your Honor. Thank you.

2 THE COURT: All right, redirect.

3 MS. BAILEY: None from the State, Your Honor.

4 THE COURT: All right.

5 MS. BAILEY: At this time the State would request that

6 Sergeant Bardon be released from his subpoena.

7 THE COURT: Any objection?

8 MR. FELTS: No objection.

9 THE COURT: All right, you may step down. You're free

10 to go. Thank you very much. Call your next witness.

11 MS. BAILEY: The State rests at this time, Your Honor.

12 THE COURT: All right, all right, ladies and

13 gentlemen, the State has presented their case in this trial

14 and now is the time for me to take up some legal matters with

15 the attorneys. So, I'm going to excuse you back to the jury

16 room, give you an opportunity to stretch your legs, get

17 something to drink, use the restroom, whatever the case may

18 be. Please do not discuss the case even among yourselves at

19 this point in time. We'll bring you back out in just a

20 minute. Thank you very much.

21 (Whereupon, the following takes place outside the

22 presence of the jury.)

23 THE COURT: All right, any motions?

24 MR. FELTS: Your Honor, at this time the Defense moves

25 for a directed verdict on all the charges. There hasn't - the

1 State hasn't set forth evidence sufficient to convict my
2 client on any of these charges. So, for those reasons I'd ask
3 directed verdict be granted on each and every one of those
4 charges. Furthermore, I want to renew my objections and renew
5 my motion for a mistrial.

6 THE COURT: All right.

7 MR. FELTS: For the, for the reasons already that - on
8 the record, Judge, and if you'd give me just a second. That's
9 all we have, Your Honor. Thank you.

10 THE COURT: All right, motions for directed verdicts
11 are noted but I'm going to deny those, likewise, your motion
12 for a new trial. As I understand the primary grounds for a
13 new trial was the reference to your client supplying marijuana
14 to one of the witnesses and I'm going to deny your motion.
15 All right, anything else?

16 MS. BAILEY: Nothing from the State, Your Honor.

17 THE COURT: All right, Mr. Felts, let's have your
18 client stand so I can question him on his right to testify and
19 then we'll take a short break so that you all can discuss that
20 further; okay?

21 MR. FELTS: Yeah.

22 MS. BAILEY: Your Honor, we're probably going to say
23 the same thing. If we could just verify on the Defendant's
24 previous record if he testifies what's going to be ---

25 THE COURT: Okay.

Verdict

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1 THE COURT: All right, ladies and gentlemen, welcome
2 back. Mr. Foderaro, I understand the jury has reached a
3 verdict; is that correct?
4 MR. FODERARO: Yes, sir.
5 THE COURT: As to all indictments?
6 MR. FODERARO: Yes, sir.
7 THE COURT: And have you placed those verdicts and
8 signed the verdicts on each indictment?
9 MR. FODERARO: Yes, sir.
10 THE COURT: All right, if you'd please hand the
11 indictments to the bailiff.
12 (Complies with request.)
13 THE COURT: Thank you, sir.
14 (Court reviews indictments.)
15 THE COURT: All right, I'll ask the clerk to please
16 publish the verdicts.
17 THE CLERK: Will the Defendant please stand?
18 (Complies with request.)
19 THE CLERK: Indictment number 2009-GS-22-00560, the
20 State versus Rondell Leon Carter, as to the charge of armed
21 robbery we, the jury, by unanimous consent, find the Defendant
22 guilty; 2009-GS-22-00561, the State versus Rondell Leon
23 Carter, as to the charge of armed robbery we, the jury, by
24 unanimous consent, find the Defendant guilty; 2009-GS-22-
25 00555, the State versus Rondell Leon Carter, to the charge of

Verdict

334.

1 burglary first degree we, the jury, by unanimous decision,
2 find the Defendant guilty; 2009-GS-22-00559, the State versus
3 Rondell Leon Carter, to the charge of kidnapping we, the jury,
4 by unanimous consent, find the Defendant guilty; 2009-GS-22-
5 00556, the State versus Rondell Leon Carter, to the charge of
6 kidnapping we, the jury, by unanimous consent, find the
7 Defendant guilty; 2009-GS-22-00557, the State versus Rondell
8 Leon Carter, to the charge of possession of a weapon during
9 the commission of a violent crime, we, the jury, by unanimous
10 consent, find the Defendant guilty; 2011-GS-22-00645, the
11 State versus Rondell Leon Carter, to the charge of assault and
12 battery with intent to kill, we, the jury, by unanimous
13 consent, find the Defendant guilty.

14 THE COURT: All right, Mr. Foderaro, is that the
15 jury's verdict on each of these charges?

16 MR. FODERARO: Yes, sir.

17 THE COURT: All right, if each member of the jury
18 would indicate that this is their verdict by raising their
19 right hand; please.

20 (All jurors raise their right hand.)

21 THE COURT: All right, let the record show that all
22 jurors raised their hand.

23 Any polling of the jury by the Defense?

24 MR. FELTS: Yes, sir, Your Honor, please.

25 THE COURT: All right.

Sentencing

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1 the possession of a firearm is a most serious; correct?

2 MS. BAILEY: Yes, Your Honor, and in the statute
3 section number where it says in violation of I add - I've
4 added the section for the most serious offense statute as well
5 so that the Department of Corrections can classify it
6 accordingly.

7 THE COURT: Okay.

8 MS. BAILEY: And there's the possession of a weapon
9 charge. The possession of a weapon, the possession of a
10 weapon charge carries five years mandatory unless the
11 Defendant is convicted of a life without parole and the
12 statute maybe is poorly worded. It just says that that five
13 years is not mandatory if he's convicted of life without
14 parole. The way I read it is then it becomes a zero to five.

15 THE COURT: Oh, okay, I see what you're saying.

16 Thank you. All right, all right, Mr. Carter, on the
17 charge of assault and battery with intent to kill, burglary in
18 the first degree, kidnapping, armed robbery, both counts of
19 kidnapping and both counts of armed robbery the sentence of
20 the Court is that you be confined to the State Department of
21 Corrections for life pursuant to the most serious conviction
22 enhancement statute. Likewise, possession of a firearm during
23 the commission of a violent crime the sentence of the Court is
24 that you be confined to the State Department of Corrections
25 for five years. The sentences will run concurrently, all

WITNESSES

Georgetown County Sheriff's Office

ARREST WARRANT NUMBER

J520469

CDR: 0079 §16-11-0311

DOI: January 23, 2009

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury *Jennifer Green*

Date: *5-13-09*

VERDICT

Guilty

Foreperson of Petit Jury *Albert Foderus*

Date:

2006/29/11

DOCKET NO. 2009-GS-22-00555x

The State of South Carolina

County of Georgetown

T. Will Andrew

09G00115

COURT OF GENERAL SESSIONS

MAY, 2009 TERM

THE STATE

vs.

RONDELL LEON CARTER

Georgetown, SC 29440

DOB:

SSN:

B/M

ATTORNEY:

Indictment for

**BURGLARY, 1ST DEGREE
(VIOLENT)**

J. Gregory Hembree, Solicitor

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GEORGETOWN)

INDICTMENT

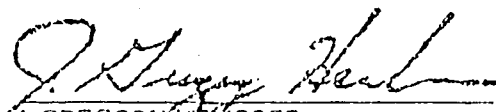
At a Court of General Sessions, convened on May 13, 2009, the Grand Jurors of Georgetown County present upon their oath:

BURGLARY, 1ST DEGREE

CDR: 0079 §16-11-0311

That Rondell Leon Carter did in Georgetown County on or about January 23, 2009 enter and or remain in the nighttime the dwelling of William Douglas located at without consent and with the intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight, the defendant was armed with a deadly weapon and/or caused physical injury to a non-participant in the crime and/or used or threatened the use of dangerous instrument and/or displayed what appeared to be a firearm, in violation of Section 16-11-0311(A), Code of Laws of South Carolina, 1976, as amended.

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


 J. GREGORY PEMBREE
 FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Georgetown County Sheriff's Office

ARREST WARRANT NUMBER

J520470

CDR: 0095 §16-03-0910

DOI: January 23, 2009

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury *Jeffrey Dean*

Date: *5-13-09*

VERDICT

Guilty

Foreperson of Petit Jury *Albert Fodden*

Date: *6/29/11*

208

DOCKET NO. 2009-GS-22-00556x

The State of South Carolina

County of Georgetown

T. Will Andrew

09G00115

COURT OF GENERAL SESSIONS

MAY, 2009 TERM

THE STATE

vs.

RONDELL LEON CARTER

Georgetown, SC 29440

DOB:

SSN:

B/M

ATTORNEY:

Indictment for

KIDNAPPING

J. Gregory Hembree, Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

INDICTMENT

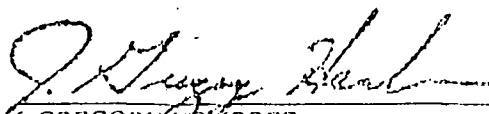
At a Court of General Sessions, convened on May 13, 2009, the Grand Jurors of Georgetown County present upon their oath:

KIDNAPPING

CDR: 0095 §16-03-0910

That Rondell Leon Carter did at or near _____ in Georgetown County on or about January 23, 2009, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one William Douglas, without authority of law, in violation of Section 16-03-0910, 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 CHEMBREE
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Georgetown County Sheriff's Office

ARREST WARRANT NUMBER

J520476

CDR: 0549 §16-23-0490

DOI: January 23, 2009

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 5-13-09

VERDICT

Guilty

Foreperson of Petit Jury

Date:

6/29/11
27

DOCKET NO. 2009-GS-22-00557x

The State of South Carolina

County of Georgetown

T. Will Andrew

09G00115

COURT OF GENERAL SESSIONS

MAY, 2009 TERM

THE STATE

vs.

RONDELL LEON CARTER

Georgetown, SC 29440

DOB:

SSN:

B/M

ATTORNEY:

Indictment for

POSSESSION OF A WEAPON
DURING THE COMMISSION OF A
VIOLENT CRIME

J. Gregory Hembree, Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

INDICTMENT

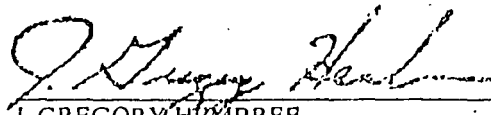
At a Court of General Sessions, convened on May 13, 2009, the Grand Jurors of Georgetown County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 §16-23-0490

That Rondell Leon Carter did at or near _____ in Georgetown County, on or about January 23, 2009, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, 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 HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Georgetown County Sheriff's Office

ARREST WARRANT NUMBER

DIRECT INDICTMENT

CDR: 0095 §16-03-0910

DOI: January 23, 2009

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 5-13-09

VERDICT

Guilty

Foreperson of Petit Jury

Date:

212

6/29/11

DOCKET NO. 2009-GS-22-00559x

The State of South Carolina

County of Georgetown

T. Will Andrew

09G00115

COURT OF GENERAL SESSIONS

MAY, 2009 TERM

THE STATE

vs.

RONDELL LEON CARTER

Georgetown SC 29440

DOB.

SSN:

B/M

ATTORNEY:

Indictment for

KIDNAPPING

J. Gregory Hembree, Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

INDICTMENT

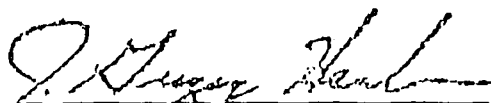
At a Court of General Sessions, convened on May 13, 2009, the Grand Jurors of Georgetown County present upon their oath:

KIDNAPPING

CDR: 0095 §16-03-0910

That Rondell Leon Carter did at or near _____, in Georgetown County on or about January 23, 2009, unlawfully seize, confine, inveigle, decoy, kidnap, abduct or carry away one Christina Carroll, without authority of law, in violation of Section 16-03-0910, 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 HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

* Georgetown County Sheriff's Office

ARREST WARRANT NUMBER

DIRECT INDICTMENT

CDR: 0139 §16-11-0330(A)

DOI: January 23, 2009

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury *Jeffery S. Green*

Date: *5-13-09*

VERDICT

Guilty

Foreperson of Petit Jury *Allet Foderus*

Date:

214 *6/29/11*

DOCKET NO. 2009-GS-22-00560X

The State of South Carolina

County of Georgetown

T. Will Andrew

09G00115

COURT OF GENERAL SESSIONS

MAY, 2009 TERM

THE STATE

VS.

RONDELL LEON CARTER

Georgetown, SC 29440

DOB:

SSN:

B/M

ATTORNEY:

Indictment for

ARMED ROBBERY

J. Gregory Hembree, Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

INDICTMENT

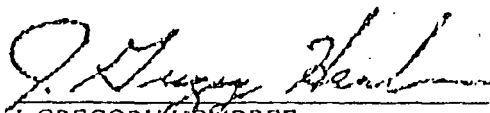
At a Court of General Sessions, convened on May 13, 2009, the Grand Jurors of Georgetown County present upon their oath:

ARMED ROBBERY

CDR: 0139 §16-11-0330(A)

That Rondell Leon Carter did at or near _____ in Georgetown County on or about January 23, 2009, while armed with a deadly weapon, to wit: a handgun, take and carry away personal property of William Douglas from or in the immediate presence of William Douglas with intent to deprive William Douglas of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), 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 HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2009-GS-22-00561x

The State of South Carolina

County of Georgetown

T. Will Andrew

09G00115

COURT OF GENERAL SESSIONS

MAY, 2009 TERM

ARREST WARRANT NUMBER

DIRECT INDICTMENT

CDR: 0139 §16-11-0330(A)

DOI: January 23, 2009

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 5-13-09

VERDICT

Guilty

Foreperson of Petit Jury

Date:

6/29/11

THE STATE

vs.

RONDELL LEON CARTER

Georgetown, SC 29440

DOB:

SSN:

B/M

ATTORNEY:

Indictment for

ARMED ROBBERY

J. Gregory Hembree, Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

INDICTMENT

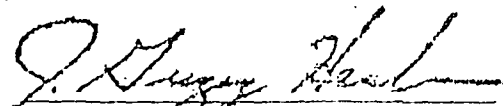
At a Court of General Sessions, convened on May 13, 2009, the Grand Jurors of Georgetown County present upon their oath:

ARMED ROBBERY

CDR: 0139 §16-11-0330(A)

That Rondell Leon Carter did at or near _____ in Georgetown County on or about January 23, 2009, while armed with a deadly weapon, to wit: a handgun, take and carry away personal property of Christina Carroll from or in the immediate presence of Christina Carroll with intent to deprive Christina Carroll of possession by use of force, threats or intimidation, in violation of Section 16-11-0330(A), 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 HEMBREE
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Georgetown County Sheriff's Office

DOCKET NO. 2011-GS22-00645x

The State of South Carolina

County of Georgetown

Erin Bailey

09G00115

COURT OF GENERAL SESSIONS

JUNE, 2011 TERM

ARREST WARRANT NUMBER

Direct Indictment

CDR: 0014 §16-03-0620

DOI: January 23, 2009

THE STATE

vs.

RONDELL LEON CARTER

GEORGETOWN, SC 29440

DOB:

SSN:

B/M

ACTION OF GRAND JURY

ATTORNEY: Felts, James R.

TRUE BILL

Indictment for

Barbara Eng
Foreperson of Grand Jury

Date: 6.15.11

VERDICT

Guilty

ASSAULT AND BATTERY WITH
INTENT TO KILL

J. Gregory Hembree, Solicitor

Foreperson of Petit Jury

Date:

Allet Podem
6/29/11

STATE OF SOUTH CAROLINA)
COUNTY OF GEORGETOWN)

INDICTMENT

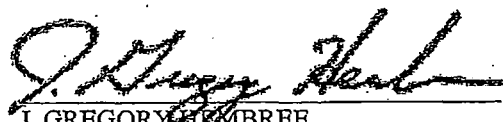
At a Court of General Sessions, convened on June 15, 2011, the Grand Jurors of Georgetown County present upon their oath:

ASSAULT AND BATTERY WITH INTENT TO KILL

CDR: 0014 16-03-0620

That Rondell Leon Carter did at or near _____ in Georgetown County on or about January 23, 2009, commit an unlawful act of violent nature to the victim, Christina Carroll, with malice, aforethought and while engaged with co-defendants in the commission of a crime, to wit: Defendant shot Christina Carroll, thus committing the crime of Assault and Battery with Intent to Kill, in violation of Section 16-03-0620, 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.

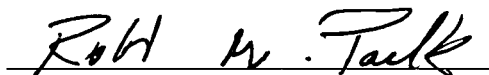

J. GREGORY PEMBREE
FIFTEENTH CIRCUIT SOLICITOR

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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

October 31st, 2012

A handwritten signature in black ink, reading "Robt M. Pachak", written over a horizontal line.

Robert M. Pachak
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
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ATTORNEY FOR APPELLANT