

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
General Sessions Court
Kristi L. Harrington, Circuit Court Judge

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SC Court of Appeals

Case No. 2015-GS-08-01333
Appellate Case No. 2015-002668

The State,

Respondent,

v.

Sha'Quille Washington,

Appellant.

RECORD ON APPEAL
VOLUME 2 OF 2

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Bobby Shuler
Direct Examination by Mr. West
October 14, 2015

BOBBY SHULER,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. Captain Shuler, if you would tell the jury where
you work.

A. The Berkeley County Sheriff's Office.

Q. How long have you worked there?

A. Going on almost sixteen years.

Q. What is your job title and rank?

A. Current title is the commander over the
investigation division, and I'm a captain.

Q. Were you in that same capacity back in 2013?

A. No, I wasn't.

Q. What were you doing then?

A. I was a sargent in the criminal investigations
division as a supervisor.

Q. Did you have an opportunity to become involved in
the investigation of this case?

A. Yes, I did.

Q. Did you ever respond to 1020 Hammond Corner Road in
the Huger area of Berkeley County on August 25th, 2013?

A. Yes, I did.

Q. Tell me a little bit about Huger.

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1 A. Huger is -- if anybody is familiar with Berkeley
2 County, that's kind of a rural area of our county. It's out
3 towards going towards the Cainhoy -- kind of between Cainhoy
4 and Cordsville. But it's a very rural area of our county.

5 Q. That's sufficient.

6 A. Okay.

7 Q. Any major roads or highways out there? How would
8 somebody travel from Moncks Corner to Huger?

9 A. They could get out -- to go to Huger they could get
10 out on 402, take 402 to 41, Highway 41 to Cainhoy Road. You
11 can get -- or you can come over 526 to Clemens Ferry, come
12 back down that way, and come back into Huger that way.

13 Q. What makes it hard to investigate a crime from
14 Huger?

15 A. It's a small --

16 MR. DAVIS: I'm going to object, Your Honor, to the
17 characterization of the word hard. I think that's
18 leading.

19 THE COURT: I'm not going to sustain it on that
20 basis.

21 But rephrase that question, Mr. West.

22 Q. [Mr. West] Have you ever had difficulty
23 investigating crimes in Huger?

24 A. Yes.

25 Q. Okay. Why?

Bobby Shuler
Direct Examination by Mr. West
October 14, 2015

1 A. It's a rural area. It's a small community out
2 there in the Huger area. There's a lot of family.

3 We've had previous incidents out there where we
4 just didn't get a lot of cooperation out in that area of the
5 county.

6 Q. You said you arrived on scene. Tell the jury what
7 you first did when you arrived.

8 A. When I first arrived on scene, the first -- you
9 know, the first thing I do is I just kind of observe to see
10 what we have.

11 One of the things I observed is that there was
12 crime scene tape already established, there was officers on
13 the perimeter for the crime scene, and that a major crime
14 scene log was being accomplished.

15 And I met with the sargent supervisor from the
16 patrol division that was on scene. He advised me -- give me a
17 little brief description and then he directed me to the actual
18 first-responding officers, so I went and spoke to them and was
19 given the information of what they saw when they first got
20 there.

21 Q. When you arrived on scene, how many people would
22 you say were in the parking lot?

23 A. As far as law enforcement or?

24 Q. Either.

25 A. There was probably, I don't know, maybe six or

Bobby Shuler
Direct Examination by Mr. West
October 14, 2015

1 seven officers on scene, obviously.

2 As far as civilians, oh, there was probably, I
3 don't know, maybe anywhere between eight to twelve maybe, and
4 some cars.

5 Q. The vehicles: could you describe the vehicles that
6 were within the scene?

7 A. There were several different vehicles.

8 There were smaller cars. I think there was -- I
9 think I remember seeing like a Honda, a Mustang, a couple of
10 vans, a big white van parked right in front of the building
11 next -- backed up to the stoop. And then there were some
12 other cars down in the lower parking lot.

13 Q. Did you ever find any blood on that van?

14 A. No.

15 Q. Did you ever see the defendant on scene?

16 A. No.

17 Q. Who did you make contact with when you arrived?

18 A. Well, as I said before, when I first got there I
19 made contact with Sargent Kline. He was the road supervisor
20 at the time. He directed me to Corporal Green, who was the
21 actual one of the first responding officers on scene. And it
22 was Corporal Green and Corporal Morton, and I met with them.

23 Q. Okay. Did you talk to any non-law enforcement
24 persons?

25 A. Yes, I did.

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October 14, 2015

1 Q. Do you remember who that would have been?

2 A. Well, I spoke to several folks.

3 There was a lady that was managing the club. I
4 spoke to her. She was, you know, a witness.

5 I spoke to a gentleman who identified himself as
6 the guy that was doing some cooking.

7 I spoke to a gentleman by the name -- or he went by
8 the street name Slim Bubba. I spoke to him.

9 And I spoke to several other witnesses out there,
10 or other people present out at the actual club.

11 Q. Did anybody that you talked to say they witnessed
12 the shooting?

13 A. Nobody eye-witnessed -- nobody that I spoke to that
14 was still left in the parking lot, as far as civilians go,
15 said that they actually saw the shooting.

16 Q. When you arrived, was there any security?

17 A. I didn't see any security.

18 Q. Were you able to ever track down any security?

19 A. No, sir.

20 Q. Tell the jury what extent you went to try to find
21 this so-called security.

22 A. Well, I got -- when I talked to Slim Bubba -- Slim
23 Bubba, it was his birthday. When I spoke to the manager, they
24 said whoever throws the gathering, it's their responsibility
25 to have security there. So I spoke to him. He provided me a

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1 first name. He couldn't tell me the spelling of the first
2 name. He didn't know if it was Donnell or Darnell. Provided
3 me a phone number. So we just -- we were investigating, we
4 tried to call the number. Never no answer to the number.

5 So we even went to the extent -- because he advised
6 that the security company was out of North Charleston. So
7 we contacted North Charleston, Charleston County, and
8 different -- Dorchester County, different jurisdictions around
9 the area.

10 We also contacted SLED. A lot of times with
11 security, they have to be certified through SLED to work
12 clubs. So we even contacted them to see if they even heard of
13 this security company, and we had -- nobody could tell us this
14 company actually existed.

15 Q. Do you find that unusual that a security company
16 wouldn't be there?

17 A. Yeah. Oh, absolutely.

18 Q. Why?

19 A. Well, I mean, if -- with the information that we
20 got --

21 Oh. As far as being still on scene?

22 Q. Right.

23 A. Yeah.

24 I mean, there's security. I mean, you know, as far
25 as I'm concerned, they're there to secure the area and keep

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1 people safe. And I think that's what most people have the
2 understanding when they go to these clubs and stuff that
3 that's what security is there for, to help keep you safe so
4 everybody can have a good time and get there and leave. And
5 they wasn't even there to talk to law enforcement.

6 Q. When was the first time that you had an indication
7 this defendant was involved in the shooting?

8 A. The first time that we had indication that this
9 defendant was involved in the shooting?

10 Q. Right.

11 A. Is we had information when we interviewed initially
12 an Arianna Coakley, Christina Lockwood, and Mr. Jenkins.

13 Francis Jenkins provided us a statement. In his
14 initial statement, all he stated was it was a gentleman
15 with -- a black gentleman with high-fade. So we had a very
16 brief description of someone.

17 And then when we interviewed Arianna Coakley at the
18 hospital initially, all she could do was provide us a street
19 name of Shike.

20 And then when we interviewed Christina Lockwood at
21 the hospital, the only name she could provide us at the time
22 was someone she knew by the name of Sha'Quille Brown.

23 Q. Did you ever make contact with the defendant?

24 A. Yes, we did.

25 Q. When?

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1 A. We got a phone call. Dispatched called. We had
2 already cleared the scene. We were already back up in Moncks
3 Corner. We had already cleared out of the area and we got a
4 phone call from dispatch that said they had a -- someone
5 calling that may -- was at the club and may have some
6 information regarding the shooting.

7 So that was -- I think the dispatch call came in
8 around 8:25, 8:30-ish time, so we traveled back to 1009 Saint
9 Irving Drive, which is in the Huger area, still in the area of
10 Hammond Corner, and met with the defendant.

11 Q. And this shooting, from your investigation,
12 occurred around 3:30-ish?

13 A. Yes.

14 Q. Between 3:30 and 4:00?

15 A. Yes, sir.

16 Q. Okay.

17 A. Based off the information we have, yes.

18 Q. And the call came out at 8:20-something?

19 A. Yes.

20 Q. And how long did it take you to get to Huger?

21 A. All the way back from Columbia -- I mean, from
22 Columbia. Excuse me. All the way back from Moncks Corner,
23 probably a good thirty minutes, maybe. Maybe a little longer.

24 Q. How much time in between the shooting and your
25 first contact with the defendant do you believe there was?

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1 A. Based off the shooting to the time we actually made
2 contact with the defendant we're probably five and a half, six
3 hours into it, probably, into the investigation.

4 Q. When you went -- where did you go when you made
5 contact with the defendant?

6 A. We went to his -- we got dispatched to 1009 Saint
7 Irving Drive in Huger, which is -- we determined that was his
8 residence or where he lived.

9 Q. Who was with you?

10 A. Detective Wilson.

11 Q. And when you arrived at the defendant's residence,
12 who was with him?

13 A. Who was with who?

14 Q. The defendant.

15 A. Oh. With the defendant, his mother, I believe his
16 grandmother and maybe some other relatives there were with
17 him.

18 Q. And once you arrived at the defendant's house, what
19 did you decide to do?

20 A. After speaking to him and his mother, they -- the
21 decision -- he made the decision that he would accompany us up
22 to the sheriff's office because he wanted to tell his -- from
23 what I understand from talking to him was he said his name was
24 getting thrown out there, he wanted to come up and talk and
25 basically clear his name from this.

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1 So I asked him if he would accompany us up to the
2 sheriff's office and he agreed, his mother agreed, and he --
3 we traveled to the sheriff's office.

4 Q. When you got to the sheriff's office, how did the
5 defendant appear?

6 A. Fine. Calm.

7 Q. Did he have any bruises, scrapes, cuts, markings of
8 a struggle?

9 A. I didn't observe anything like that.

10 Q. Any indication that he would have been in a fight?

11 A. No, sir.

12 Q. You were here throughout this trial and you heard
13 the -- Whitney Berry from SLED testify about gunshot residue.
14 It's true that you, in fact, are the person that collected the
15 gunshot residue from this defendant?

16 A. That's correct.

17 Q. Now, when you collected the gunshot residue, did
18 the defendant ever indicate that he washed his hands?

19 A. He did.

20 Q. So the defendant told you he washed his hands. And
21 it had been about six hours?

22 A. That is correct.

23 Q. And her testimony earlier, if you remember, was
24 that the likelihood of actually finding --

25 MR. DAVIS: I'm going to object to the form of the

Bobby Shuler
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1 question. I think --

2 THE COURT: Sustained. Rephrase your question.

3 Q. [Mr. West] Based on your law enforcement
4 experience and what you've heard in this courtroom, what is
5 the likelihood of you still finding that gunshot residue?

6 A. Very slim, from the fact that his hands were washed
7 and we were in that window.

8 Q. Okay. But you still attempted it anyway?

9 A. Yes.

10 Q. Okay. Why is that?

11 A. I felt like that it was important to the
12 investigation.

13 You know, the GSR, based off of speaking to the
14 defendant, he said he was in close proximity when the shots
15 were fired. I think he said between four or five feet. And I
16 felt like it was as important to not -- to include him being
17 on the scene as it was to eliminate him. So I took a chance
18 in taking the GSR.

19 Q. While on the subject of GSR, did you ever collect
20 any gunshot residue or perform a residue kit on Larry Kinloch?

21 A. No, I didn't.

22 Q. Why not?

23 A. Larry Kinloch wasn't identified initially in our
24 investigation. He was identified later, later on that day.
25 It was later that evening, I think, or afternoon or whatever,

Bobby Shuler
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1 he was identified as being there and actually possibly
2 involved. And then it took us almost two weeks to track him
3 down.

4 Q. So, again, is that outside that window?

5 A. Oh, it's -- that's definitely outside the window at
6 that point.

7 Q. Now, you said that the defendant volunteered a
8 statement; correct?

9 A. That's correct.

10 Q. Does the sheriff's office have the capability of
11 video-recording that statement?

12 A. We do.

13 Q. Was that done in this case?

14 A. It was.

15 Q. And you've reviewed that interview in full?

16 A. Yes, I have.

17 MR. WEST: At this time, the State would ask
18 State's Number 1 be entered into evidence.

19 MR. DAVIS: Your Honor --

20 THE COURT: Renewing your previous objections, I'll
21 note it for the record.

22 State's 1 into evidence --

23 MR. DAVIS: Thank you very much.

24 THE COURT: -- noting your objection.

25 [Whereupon, State's Exhibit Number 1 is admitted

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1 into evidence by the Court]

2 You may publish.

3 MR. WEST: Thank you, Your Honor.

4 [Whereupon, State's Exhibit Number 1, interview of
5 the defendant, is played for the jury]

6 [Whereupon, State's Exhibit Number 1 is not
7 transcribed by the court reporter]

8 MR. WEST: Your Honor, there's a break in the video
9 where there's no questioning, and the State would just
10 ask that we skip forward to when Detective Shuler walks
11 back in.

12 THE COURT: Any objection?

13 MR. DAVIS: I had rather see this whole process.

14 THE COURT: All right. Thank you. We'll watch the
15 whole video.

16 [Whereupon, State's Exhibit Number 1, interview of
17 the defendant, continues]

18 MR. WEST: Your Honor, Mr. Davis has agreed to skip
19 forth on this break in the questioning.

20 THE COURT: All right. Thank you.

21 MR. WEST: Please forward it, for the record, to 11
22 minutes -- or eleven o'clock and twenty minutes.

23 [Whereupon, State's Exhibit Number 1, interview of
24 the defendant, continues]

25 MR. WEST: Your Honor, again, there's another break

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1 where nothing of real substance is done. The defendant
2 is writing a statement on the video. We would ask to
3 skip forward to eleven minutes and 59 -- or eleven
4 o'clock and 59 minutes.

5 THE COURT: Any objection?

6 MR. DAVIS: No objection.

7 [Whereupon, State's Exhibit Number 1, interview of
8 the defendant, continues]

9 [Whereupon, State's Exhibit Number 1, interview of
10 the defendant, concludes at 12:03 p.m.]

11 Q. [Mr. West] Captain Shuler, you noticed some delays
12 in the audio equipment on this; right?

13 A. Yes.

14 Q. Okay.

15 A. Yes, sir.

16 Q. But that's not a reflection of any compromise of
17 the CD itself?

18 A. No. No, sir.

19 Q. And during the video interview, the defendant also
20 gave a written statement; correct?

21 A. That is correct.

22 Q. I'm showing the witness State's Exhibit Number 47.

23 [Whereupon, the witness reviews documents]

24 A. Yes, sir.

25 Q. [Mr. West] Do you recognize that?

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1 A. I do.

2 Q. What is that?

3 A. It's the defendant's statement that he wrote on
4 8/25, 2013, during the video-audio recording.

5 Q. Has it been altered, modified, changed in any way?

6 A. No, sir.

7 Q. Is it substantially the same as it was taken at the
8 time the defendant wrote it?

9 A. That's correct.

10 MR. WEST: The State would ask to enter State's
11 Exhibit Number 47.

12 THE COURT: Noting your previous objection --

13 MR. DAVIS: Thank you very much, Your Honor.

14 THE COURT: -- State's 47 into evidence.

15 [Whereupon, State's Exhibit Number 47 is admitted
16 into evidence by the Court]

17 Q. [Mr. West] A couple of things, Detective Shuler.

18 The defendant said there were three people involved
19 in the fight?

20 A. That's correct.

21 Q. He also said that he never owned a gun, possessed a
22 gun, didn't have a gun that night?

23 A. That's correct.

24 Q. That the victim didn't have a gun?

25 A. The defendant stated that the victim did not have a

Bobby Shuler
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1 gun.

2 Q. And neither did Larry Jenkins?

3 A. That's correct.

4 Q. And he gave a pretty vivid description of the
5 victim in this case?

6 A. Yes, he did.

7 Q. Mentioned a tattoo several times?

8 A. He did.

9 Q. Mentioned everybody's clothing; right?

10 A. Yes, he did.

11 Q. Described the gun?

12 A. Yes, he did.

13 MR. DAVIS: Your Honor, I'm going to object to the
14 improper question -- he's already -- his question on
15 statements are improper questions.

16 THE COURT: Overruled.

17 Q. [Mr. West] After you took the statement, where did
18 you go?

19 A. After the statement was done, we went -- we left,
20 exited, out of the room. Went back and the defendant met up
21 with his folks that were waiting in the -- his relatives, his
22 mom and stuff, that were in the waiting room. And then we
23 traveled back to 1009 Irving Street to speak to Charlene
24 Washington, the grandmother.

25 Q. And when you went to the house, did you ask

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1 permission to enter and search the home?

2 A. We did once we talked to Ms. Charlene Washington,
3 the owner of the residence.

4 Q. I'm showing you State's Exhibit Number 32. Do you
5 recognize that document?

6 A. Yes, sir.

7 Q. And what is it?

8 A. That is a Berkeley County Sheriff's Office consent
9 to search form.

10 Q. And why do you memorialize that consent?

11 A. I'm sorry. Do what, now?

12 Q. Why do you memorialize that consent? Why do you do
13 this?

14 A. There's two ways to do things. We can either ask
15 her -- if we've got -- you know, to get a search warrant, or
16 we ask the owner for consent.

17 The owner actually gave us consent, which is
18 Ms. Charlene Washington. We verified that she was the owner
19 of the residence, and she gave us consent in order to search
20 for a couple of items of interest.

21 Q. State's Number 32 is a true and accurate depiction
22 of the form that you presented to Ms. Charlene Washington?

23 A. That is correct.

24 MR. WEST: I would ask State's Number 32 be entered
25 into evidence.

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1 THE COURT: Any objection?

2 MR. DAVIS: No objection, Your Honor.

3 THE COURT: State's 32 into evidence without
4 objection.

5 [Whereupon, State's Exhibit Number 32 is admitted
6 into evidence by the Court]

7 Q. [Mr. West] Did you collect anything when you were
8 inside?

9 A. Yes, we did.

10 We collected the white tee-shirt, a white shirt,
11 and a pair of blue shorts from the residence.

12 THE COURT: 21 and 22.

13 Q. [Mr. West] I'm showing the witness State's Exhibit
14 Number 21. Do you recognize this?

15 A. Yes.

16 This is Berkeley County Sheriff's Office chain of
17 custody form.

18 Q. And the bag. What's in the bag?

19 A. Oh. In the bag? They're clothes. The white shirt
20 and blue shorts.

21 Q. Are those the same shorts you collected when you
22 entered the home?

23 A. That's correct.

24 Q. Anything unique about those items?

25 A. Do you want me to pull them out? Is it okay for me

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1 to pull them out?

2 Q. Those are the same shorts you collected; correct?

3 A. Those are the same shorts.

4 MR. WEST: The State would move Number 21 into
5 evidence.

6 THE COURT: Any objection?

7 MR. DAVIS: No objection, Your Honor.

8 THE COURT: State's 21 into evidence without
9 objection.

10 [Whereupon, State's Exhibit Number 21 is admitted
11 into evidence by the Court]

12 THE COURT: You may pull them out now.

13 THE WITNESS: Okay. Thank you, Your Honor.

14 A. It's just a white shirt with a design on it, like a
15 tank-top style tee-shirt. And the blue shorts, like swimming-
16 trunk-looking shorts with designs on them.

17 Q. [Mr. West] Do those items match any of the
18 descriptions that were given by other witnesses?

19 A. Yes, they were.

20 Q. Okay. Did you ever collect any weapons in this
21 case?

22 A. Yes, I did.

23 Q. Tell the jury what weapons.

24 A. Based off the interview with the defendant, he
25 mentioned a -- his grandmother had a pistol. He described it

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1 as a silver, with pink handles, .22.

2 So when we went back to the house, we actually
3 collected that. But it wasn't from the house. We collected
4 it from --

5 It turns out that the grandmother doesn't own a
6 pistol. It's actually an aunt, Tomeka Washington. She was
7 there on the scene and she gave us consent to search, to
8 collect the -- to look at her vehicle, to the last known
9 location she knew the gun to be, which was in the glove box of
10 the vehicle.

11 So she provided us a consent to search. Upon
12 getting signed consent to search, we located the weapon inside
13 the glove box of the vehicle.

14 Q. Did that weapon end up having any significance to
15 your investigation?

16 A. No, it did not.

17 Q. Why?

18 A. It was a .33, and it did not match the caliber of
19 the round that the actual victim was shot and killed with.

20 Q. Did you ever collect any other weapons in this
21 case?

22 A. Yes, we did.

23 We collected a .38, a Taurus .38. It was chrome
24 with brown handles. And we collected that actually on October
25 8th of this year.

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1 Q. And for those of us who work morning days, when was
2 that?

3 A. I'm sorry. Do what?

4 Q. For those of us who work morning days, was that
5 last week?

6 A. That was last week. Last Thursday.

7 Q. Last Thursday? Why so long?

8 A. We didn't know anything about the weapon.

9 Q. Who had it?

10 A. A private investigator, by the name of Wayne
11 Freeman, that was hired by the Davis Law Firm.

12 Q. The Davis Law Firm had the gun?

13 A. Yes. Well, Wayne Freeman had it.

14 Q. Wayne Freeman had it.

15 Okay. Do you know when Wayne Freeman collected the
16 gun?

17 A. Yes.

18 He advised that he met with Melissa Washington, the
19 mother of the defendant, back in September of 2013.

20 Q. Wow. Two years?

21 A. Yes.

22 Q. Held onto it for two years and then turned it over
23 to the sheriff's office?

24 A. That's correct.

25 Q. And he's a private investigator. And they're

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1 licensed in South Carolina?

2 A. Yes, sir.

3 Q. Is that normal for somebody to hold on to potential
4 evidence for two years?

5 A. I've never had that happen.

6 Q. How long have you been in law enforcement?

7 A. Sixteen years.

8 Q. Sixteen years and never had anybody hold on to
9 potential years for two years without turning it over?

10 A. That's correct.

11 Q. Does that disturb you a little bit?

12 A. It does.

13 Q. But that gun was tested?

14 A. It was.

15 We immediately -- from upon obtaining that weapon,
16 we went and had it entered into our system in forensics and we
17 coordinated arrangements with SLED, as you had heard earlier
18 from the SLED agent, and we rushed that weapon up there to
19 have it tested or to have it examined to see if it was
20 involved.

21 Q. So the sheriff's office did everything in their
22 power to do what they could in an expedited manner?

23 A. That's correct.

24 Q. A lot quicker than two years; right?

25 A. Yes, sir.

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1 Q. Did it in a day?

2 A. Yes, sir.

3 Q. Was that weapon ever found to be relevant in your
4 investigation?

5 A. No, sir.

6 Q. Switch gears a little bit.

7 Okay. Did you ever show any witnesses any photo
8 line-ups?

9 A. Actually, I accompanied sargent -- well, now
10 Sargent Dan Wilson on the showing photo line-ups to three
11 different individuals.

12 Q. Who did you show photo line-ups to?

13 A. We showed -- the first one was a Christina
14 Lockwood. She was presented with a photo line-up. The second
15 person was a Francis Larry Jenkins. And the third was an
16 Arianna Coakley.

17 Q. Anybody identify the defendant?

18 A. All three of them did.

19 Q. Were you a part of the arrest of Sha'Quille
20 Washington?

21 A. Yes, sir.

22 Q. Could you describe the arrest?

23 A. Once we obtained the probable cause to get an
24 arrest warrant for the defendant, that warrant was put in
25 NCIC. Then what we did, I coordinated with both our drug

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1 enforcement unit, along with K-9 and the detectives, and we
2 conducted surveillance on the residence at 1009 Saint Irving
3 Drive.

4 The surveillance testimony observed the victim --
5 observed the defendant get into a kind of tanny-color GMC
6 Yukon and depart from the residence, at which time we
7 conducted a lawful traffic stop on that vehicle due to the
8 fact that he was wanted for murder. And we placed the
9 defendant under arrest at that time.

10 Q. When you arrested the defendant, was any evidence
11 taken?

12 A. He had a cell phone. We collected the cell phone.

13 Q. Detective Shuler, you were in here yesterday when
14 Lieutenant Murphy testified; correct?

15 A. That's correct.

16 Q. And did you see him identify State's Number 48 as
17 an extraction from that cell phone?

18 A. Yes, I did.

19 Q. Is that a true and accurate copy of the extraction?

20 A. That's correct. That's a partial of it, yes, sir.

21 MR. WEST: We would ask that State's Number 48 be
22 moved into evidence.

23 MR. DAVIS: Your Honor, we had a bench-bar
24 conference in reference. I don't know what specific --

25 THE COURT: Any objection?

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1 MR. DAVIS: Yes. I object, Your Honor.

2 THE COURT: All right. Then approach.

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

5 THE COURT: State's 48 into evidence, noting your
6 objection.

7 MR. DAVIS: Thank you, Your Honor.

8 [Whereupon, State's Exhibit Number 48 is admitted
9 into evidence by the Court]

10 MR. WEST: Your Honor, may we approach again?

11 THE COURT: You may.

12 [Whereupon, an off-the-record bench conference is
13 held]

14 THE COURT: Thank you.

15 MR. WEST: Thank you.

16 No further questions for this witness at this
17 time.

18 MR. DAVIS: Judge, due to my age, could I have a
19 break just before I start cross-examination?

20 THE COURT: We'll take a short comfort break,
21 ladies and gentlemen.

22 Do not begin your deliberations. Do not discuss
23 this case amongst yourselves. You may leave your
24 notepads right where they are.

25 Please rise for the jury.

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1 [Whereupon, the jury exits the courtroom at
2 12:10 p.m.]

3 THE COURT: Thank you. Be seated.

4 Captain, you know the rule of sequestration has
5 been invoked. You may step down.

6 About ten minutes. Thank you.

7 [Whereupon, a recess is taken from 12:19 p.m. to
8 12:34 p.m.]

9 THE COURT: Thank you. Be seated.

10 All right. Anything before we bring in the jury?
11 Mr. Davis?

12 MR. DAVIS: Nothing, Your Honor.

13 THE COURT: Mr. West?

14 MR. WEST: Nothing from the State, Your Honor.

15 THE COURT: All right.

16 [Whereupon, the jury enters the courtroom at
17 12:34 p.m.]

18 THE COURT: Thank you. Be seated.

19 Mr. Davis, your witness.

20 MR. DAVIS: Thank you. May it please the Court,
21 Your Honor.

22
23 - - -

24 - - -

25 - - -

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CROSS-EXAMINATION

BY MR. DAVIS:

Q. Mr. Shuler, is there any law against a law office hiring a private investigator?

A. Not that I'm aware of.

Q. In fact, more detectives, that's the first job they seek sometimes when they retire, trying to be a private investigator; isn't that correct?

A. I can't answer that. I don't know if that's true or not.

Q. Well, a real good investigator, to some extent.

Now, having said that, that -- you heard that tape-recording from Larry Kinloch earlier?

A. That's correct.

Q. You've been here from stop to finish in reference to this trial, have you not?

A. That's correct.

Q. Most all the other witnesses have been sequestered, but you've been here from start to finish?

A. That is correct.

Q. Now, can you tell us when the Davis Law Firm received that recording that was played?

A. I'm not aware. I don't know when you received that, sir.

Q. What about September the 16th, 2015, two years

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1 later?

2 A. I don't have the answer to that question. I have
3 no knowledge --

4 Q. Don't have the answer.

5 A. I have no knowledge.

6 Q. Now, Mr. William Freeman contacted you, did he not?

7 A. He contacted the solicitor's office.

8 Q. And the solicitor is the one that makes the
9 determination when a matter is being called for trial; right?

10 A. The solicitor's office or the courts.

11 Q. Well, you know we don't. We can't; right?

12 A. You're saying yourself, or myself?

13 Q. As a lawyer representing someone who's charged with
14 a criminal offense, do we make the determination when a matter
15 is called for trial?

16 A. Not that I'm aware of.

17 Q. Okay. Thank you.

18 Now, you said you weren't head -- were you head of
19 detective back in 2013?

20 A. Excuse me, sir?

21 Q. Were you head of the detective division back in
22 2013?

23 A. No, I was not.

24 Q. In fact, if that truth be told, who was head of the
25 detective was Mr. Rick Ollic; isn't that true?

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1 A. That is correct.

2 Q. And you have no information that would dispute that
3 Rick Ollic and William Freeman were in constant discussion
4 about this same weapon that you're talking about? This .38.

5 A. I would have no knowledge of that.

6 Q. And you were present during the direct and cross-
7 examination of the forensic gun specialists who said that it
8 really wouldn't matter how long that gun had been separated,
9 she still could test whether the projectiles would match that
10 particular weapon; isn't that true?

11 A. She did say that.

12 Q. Yeah.

13 Now, one good thing about that .38 that was in the
14 possession of Mr. William Freeman --

15 A. Yes. That's correct.

16 Q. -- that's one gun you can say and attest to that
17 had been out of circulation for the last two years; isn't that
18 true?

19 A. Yes.

20 Q. No one was harmed with that .38; isn't that true?

21 A. Not that I'm aware of.

22 Q. That's a good thing, wouldn't you say?

23 A. Oh, absolutely.

24 Q. Thank you.

25 Now, in relationship to this whole process: now,

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1 another point of contention was whether there was any
2 cooperation out of the Huger community; right?

3 A. That's correct.

4 Q. Well, Mr. Washington, the seventeen-year-old kid,
5 and his mother and his grandmother, made contact with you;
6 isn't that correct?

7 A. That is correct.

8 Q. What do you call that? You don't call that
9 cooperation?

10 A. No, I call that cooperation.

11 Q. They cooperated with you and rode with you in your
12 car all the way down to Berkeley County?

13 A. That is correct.

14 Q. And, in fact, when you rode with them you didn't
15 tell them at that point, say, you know, you can remain silent,
16 anything you say can be used against you in a court of law,
17 now, young man, you don't really have to talk to me.

18 You didn't tell him that, now?

19 A. No. He wasn't under arrest or anything.

20 Q. He wasn't as sophisticated as Mr. Larry Kinloch,
21 who said in the jailhouse statement that I got about two years
22 and two -- and some months ago, days ago, I'm not going to
23 incriminate myself. He wasn't that sophisticated. He didn't
24 ask for a lawyer, did he?

25 A. There's two --

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1 Q. You interviewed him --

2 A. There's two questions, I guess.

3 Q. Well, let's slow down, then.

4 A. Okay.

5 Q. Did he ask for a lawyer?

6 A. He did not ask for a lawyer.

7 Q. Did you tell him he should seek a lawyer?

8 A. No, I didn't tell him that.

9 Q. Did you tell --

10 MR. WEST: Objection, Your Honor. 403.

11 THE COURT: Overruled.

12 MR. DAVIS: Thank you, Your Honor.

13 Q. [Mr. Davis] Did you tell him he could remain
14 silent?

15 A. No, I did not.

16 Q. And you know what's interesting how the police
17 practice? You knew his name had already been mentioned
18 because Christina Lockwood at the hospital, and Ms. Coakley,
19 had already said the name Sha'Quille Washington or Sha'Quille
20 Brown Washington.

21 A. The name mentioned by Christina Lockwood -- now,
22 just refresh me, because I was in here -- she mentions the
23 name Sha'Quille Brown. She never mentions a name Sha'Quille
24 Washington.

25 Q. What about Ms. Coakley?

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1 A. She mentioned the name of Shike, a street name.

2 Q. And you had that information at the hospital,
3 apparently, or someone in the sheriff's department?

4 A. That's correct. Actually, Detective Wilson had
5 that information.

6 Q. And so the point that the six hours for y'all to
7 retrieve the GSR kit, you say y'all worked out there for four
8 hours. The kid was pronounced dead about 5:07, isn't that
9 correct, at MUSC?

10 A. I don't remember the exact time of his announced --

11 Q. And the family called you about eight o'clock or
12 8:30 that morning?

13 A. The family?

14 Q. Well, just one family --

15 A. You mean in reference to the defendant's family?

16 Q. Yes. Yes.

17 A. Yes, the defendant's family called dispatch around
18 8:30.

19 Q. Yeah.

20 Okay. And so his name was in the mix early; that's
21 true?

22 A. A name came up with the name of -- as I said
23 earlier, a name of Shike and a name of Sha'Quille Brown came
24 up.

25 Q. Exactly what facts did you have in your purview

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1 when you interviewed and took that recording? Can you share
2 that with us?

3 A. The recording of the --

4 Q. The facts that you had when the -- before the --
5 prior to the recording.

6 A. The only facts --

7 Q. What facts did you have?

8 A. The only --

9 Q. What did your investigation lead to before you had
10 that --

11 A. The only facts --

12 Q. -- interview?

13 A. The only facts we had, we had obviously the victim
14 was succumbed to his injuries from a gunshot. We knew there
15 was a shooting.

16 There was an individual named by the street name as
17 Shike, and that's all the individual's name we had.

18 And another one, another witness, potential
19 witness, identified a subject by the name of Sha'Quille Brown.

20 And then the third witness identified a black male
21 with a high-fade.

22 Q. Did Ms. Coakley at that point -- or did you have
23 that information in your purview at that time, by Ms. Coakley,
24 that she had produced a Heinekin bottle in an attempt to hit
25 this same young man by the name of Sha'Quille Washington?

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1 A. No, we did not have that information at that time.

2 Q. Did you have information at that time pertaining to
3 Larry Kinloch, the fellow that you could not find for two
4 weeks?

5 A. You're asking --

6 Q. Yeah.

7 A. We did not have that information at that time.

8 Q. Well, why was you searching for Larry Kinloch?

9 A. We were searching for Larry Kinloch after we got
10 the statement, the second statement, from Christina Lockwood,
11 who stated that she sees him there.

12 Q. And Christina shared the name of Kevin Watson, did
13 she not?

14 A. I would have to look back and see if she shared
15 that name.

16 Q. Take your time and look in your --

17 A. I don't have that statement, if it's in her
18 statement.

19 Q. Yes, it is.

20 A. Okay. I don't have that statement in front of me.

21 [Whereupon, Mr. Davis reviews documents]

22 Q. [Mr. Davis] You were a head of investigation?

23 A. Of this case.

24 Q. Yeah.

25 Okay. So everything would actually filter through

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1 you?

2 A. That's correct.

3 MR. DAVIS: Judge, I'm going to have this marked.
4 I guess it will be Number 6, just for --

5 THE COURT REPORTER: 5.

6 MR. DAVIS: -- 5, for identification.

7 [Whereupon, Defendant's Exhibit Number 5 is marked
8 by the court reporter]

9 MR. DAVIS: Thank you.

10 Now, I guess we can go ahead and mark Ms. Coakley,
11 too. Make this Number 6.

12 [Whereupon, Defendant's Exhibit Number 6 is marked
13 by the court reporter]

14 MR. DAVIS: Thank you.

15 Q. [Mr. Davis] I'm going to hand you what's been
16 marked as Defendant's Exhibit Number 6 and, more importantly,
17 ask you can you identify that.

18 A. Yeah.

19 It's a voluntary statement given by Arianna Coakley
20 on August 25th, 2013.

21 Q. August the what?

22 A. August 25th, 2013.

23 Q. And the shooting took place?

24 A. On August 25th, 2013.

25 Q. And this would have been before you interviewed the

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1 defendant Mr. Washington?

2 A. This is a statement that Detective Wilson got from
3 Arianna Coakley before we interviewed the defendant.

4 Q. That's a yes?

5 THE COURT: Mr. Davis, please don't lean on the
6 jury box.

7 MR. DAVIS: I'm sorry.

8 THE COURT: Thank you.

9 Q. [Mr. Davis] That's a yes?

10 A. Yes.

11 Q. In that statement, she alluded to someone she
12 attempted to strike with a Heinekin bottle, did she not?

13 A. She did.

14 Q. Does she identify the person that she attempts to
15 hit with the Heinekin bottle?

16 A. A subject that she only knows by the name of Shike.

17 Q. Now, I hand you what's been marked as Defendant's
18 Exhibit Number 5, ask you can you familiarize yourself with
19 that.

20 A. Yes.

21 That's the voluntary statement that Christina
22 Lockwood provided to Detective Wilson.

23 Q. And the date?

24 A. August 25th, 2013.

25 Q. And I want you look specifically in there and see

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1 if the name Kevin Watson --

2 Let me refresh that. Look at what she said about
3 Kevin Watson.

4 A. There is nothing in this statement about Kevin
5 Watson.

6 Q. All right. I stand to be corrected. Let's look
7 together.

8 A. Oh. Well, you said about this one on the 25th.

9 Q. All of this is the identification.

10 A. Oh. Okay.

11 Q. Tell me when you find it, please.

12 A. Okay, sir.

13 THE WITNESS: Court's indulgence.

14 THE COURT: Take your time.

15 THE WITNESS: Thank you.

16 [Whereupon, the witness reviews documents]

17 A. She mentions a cousin by the name of Kevin Watson,
18 a cousin of hers.

19 Q. [Mr. Davis] What does she say about the cousin?
20 She ain't just mentioned him. She said he played some kind of
21 role.

22 A. It basically says: ten minutes after that, I saw
23 my cousin Kevin Watson walking outside so I followed behind
24 him to get a cigarette.

25 Q. Which suggests she -- he's on the outside in a

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1 position apparently to observe some things. You would agree
2 with that?

3 A. According to her, this, she claims that he's
4 outside.

5 Q. Did you at any time pursue, or anybody from the
6 Berkeley County Sheriff's Department pursue or attempt to
7 interview, this Kevin Watson who's on the outside apparently
8 when Ms. Lockwood is on the outside smoking a cigarette and
9 this fight about to ensue or in the process? Do you have any
10 information that anyone pursued Kevin Watson to interview him
11 in the process?

12 A. I don't recall whether we ever talked to Kevin
13 Watson.

14 Q. Well, your records would suggest it or not suggest
15 it?

16 A. I don't recall us talking to Kevin Watson.

17 Q. Well, you have great opinion about the security.
18 We're going to flip over to security. You said you had a
19 telephone number. It's been two years and you still haven't
20 located that security?

21 A. That is correct.

22 Q. Did you go back to the people, to Sam Lawrence and
23 Ms. Lawrence and Slim Bubba, the people that they said that
24 they had security present? Have you went back and impressed
25 upon them, after two years, that we need that security

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1 information?

2 A. Sam Lawrence, nor the lady -- I don't know her name
3 right here in front of me -- never -- had nothing to do with
4 security.

5 She clearly stated in her statement that Slim Bubba
6 was responsible for hiring the security. And we have talked
7 to him. And we reached back out to him several times seeing
8 if he had another way of getting in contact with him, and he
9 had no way of getting in contact with the security company.

10 Q. When was the last time that you -- your records
11 reflect, in your whole process of investigation, since we're
12 talking about time flag -- time reference here and things
13 disturbing people. Could you look in your record and see the
14 last effort y'all made to try to get in contact with Slim
15 Bubba or Slim Bubba the rapper will tell y'all where the
16 security people with black shirts on supposedly was on the
17 premise that night?

18 A. It would have been all around the same period of
19 time while we were doing the initial investigation.

20 Q. When we're talking that same period of time, then,
21 we're talking August of 2013, two years ago?

22 A. No.

23 It was after that, too, because we -- he gave -- he
24 provided us a phone number --

25 Q. September of 2013?

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1 A. It would have been either in August or September
2 time frame when we were attempting to locate this security
3 company.

4 Q. Well, somewhat in line with how Mr. William Freeman
5 have had that .38 since back in 2013; right?

6 A. According to what Mr. Freeman told us, yes, he had
7 that gun since September, '13.

8 Q. And so Slim Bubba still lived at the same address,
9 apparently?

10 A. I have no idea.

11 Q. You have no idea because you haven't followed up
12 since August or September of 2013.

13 A. There was nothing else for us to follow up on.

14 Q. He gave you a bogus telephone number, did he not?

15 A. He gave us a phone number.

16 I don't -- I can't tell you if it's bogus. I can
17 just tell you no one answers the phone.

18 Q. What you call that? The phone don't work?

19 A. I don't know.

20 People get their numbers changed. They can turn
21 them off.

22 Q. And so you didn't go back to see if they had
23 changed the number?

24 A. There was no way to track it.

25 Q. And the reason you have not been concerned in that

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1 regard, because this investigation had concluded several -- in
2 forty-eight hours because on August the 27th, Mr. Sha'Quille
3 Washington is arrested; isn't that true? The one you just
4 described earlier?

5 A. He was arrested on August the 27th.

6 Q. And when he was arrested on August the 27th of
7 2013, did he invoke his Miranda warnings at that time?

8 A. He did once he was arrested.

9 Q. What did he say that time?

10 A. That he requested an attorney.

11 Q. I don't want to talk to you anymore; right?

12 A. He said he requested --

13 Q. I'm going to exercise my right. Because you shared
14 it with him at that time; right?

15 A. That's correct.

16 Q. But on August the 25th when they were searching and
17 coming out to the house and cooperate and drove all the down
18 here to 300 California Avenue, you didn't tell him about a
19 Miranda warning about having an attorney present then, did
20 you?

21 A. It didn't apply. He wasn't under arrest.

22 Q. It didn't apply. Which means you did not tell him?

23 A. I did not tell him.

24 Q. Now, in relationship to evidence gathering, you've
25 been here from start to finish for this trial. We have heard

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1 testimony from Francis Larry Jenkins that he witnessed ninety-
2 five percent certain that this young man, Sha'Quille
3 Washington, shot three times down to the shoulder; isn't that
4 correct?

5 A. The best I can recall. Yes.

6 Q. Yeah.

7 And there have been testimony that apparently
8 there's anywhere from four to five shots that were fired;
9 isn't that correct?

10 A. The different witnesses have said numerous
11 different types of shots. Some said three, some said four,
12 some said five.

13 Q. How many projectiles were secured from the scene?

14 A. The only two that we were able to locate out there
15 was the two that was actually removed during the autopsy.

16 Q. Do you have any explanation for the other three or
17 two that is not present?

18 A. I do not.

19 Q. And tell the jury again why efforts remained to
20 secure Larry Kinloch.

21 A. I don't understand. What do you mean secure
22 Kinloch?

23 Q. You said for two weeks you tried to locate Larry
24 Kinloch but you were unable to do so.

25 A. Well, based off of Christina Lockwood's statement,

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1 that gave us a reason to go look for Larry, so we went looking
2 for Larry to see what his involvement was or what information
3 he may have about the crime.

4 Q. Was there a fight on August the 25th, 2013?

5 A. To our understanding, yes.

6 Q. And who were involved in the fighting?

7 A. To our understanding, Mr. Jenkins; Larry Kinloch;
8 the victim in this case, Herman Manigault; and the defendant.

9 Q. And the only weapons that have ever been retrieved
10 in this matter have been provided by the Washington family;
11 isn't that true?

12 A. No, that -- well, in turn, yes. The .22 was
13 provided by Tomeka Washington and the .38 was provided through
14 -- my understanding, through Ms. Melissa Washington through
15 William Freeman.

16 Q. She's still the Washington family, is she not?

17 A. She is.

18 Q. So the weapon come from Melissa Washington and all
19 the weapons come from the Washington family?

20 A. That will be correct.

21 Q. Yeah. Thank you.

22 Would it be fair to say that -- Mr. Shuler, would
23 it be fair to say, Mr. Shuler, that this matter was wrapped up
24 within about forty-eight hours?

25 A. No, sir.

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1 Q. Well, tell the jury, then.

2 A. We continued to investigate. It wasn't until
3 September the 14th before we actually made contact with Larry
4 Kinloch.

5 Q. But September the 14th is about fifteen days
6 removed. This young man had already been arrested within the
7 first forty-eight hours. This shooting occurred on August the
8 25th, and August the 27th he is in the detention center at
9 Berkeley County; isn't that true?

10 A. That is correct.

11 Q. So my point is, what transpired beyond that point
12 other than you trying to get a statement from Larry Kinloch?

13 A. Oh. There's a lot more stuff to do.

14 We've got forensics, we've got stuff that has to be
15 sent to SLED. There's a lot more stuff that's got to be done.
16 As far as following up with that security -- trying to locate
17 that security company.

18 So there were a lot of things that were still being
19 done for the investigation.

20 Q. Well, I'm talking about investigating, trying to
21 get at the truth.

22 You had -- how many statements were taken from
23 Christina Lockwood?

24 A. The initial one at the hospital and then --

25 Q. Let me cut you off. That's August the 25th; right?

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1 A. Yes, sir.

2 Q. Okay. That's the initial?

3 A. That was the initial taken at the hospital.

4 Q. Shike Brown?

5 A. Sha'Quille Brown or Shike Brown or -- okay.

6 Q. Next --

7 A. The next one -- the next one was taken from
8 Ms. Lockwood later that evening or afternoon.

9 Q. So the same August the 25th again?

10 A. That's correct.

11 Q. Okay. 2013. Anymore statements?

12 A. The one by -- from -- that Detective Wilson got
13 from Arianna Coakley.

14 Q. I want to know if that's the complete substance of
15 statement from Christina Lockwood. You said August the 25th
16 twice?

17 A. Yes, sir.

18 Q. So there's only two sets of statements?

19 A. That's correct.

20 Q. Now we'll move to Ms. Coakley. Okay?

21 A. Okay.

22 Q. The first statement from Ms. Coakley?

23 A. The 25th of August.

24 Q. August 25th at the hospital?

25 A. That's correct.

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1 Q. When's the subsequent?

2 A. And the subsequent was taken from her on the 26th
3 of August, which was a partial written one and an audio.

4 Q. That's the audio and the video?

5 A. That's correct.

6 Q. And you were here earlier and heard the testimony
7 in reference to the -- it hasn't been introduced into evidence
8 -- the video where she outlined that Mr. Manigault said he was
9 about to snap. You heard that testimony. That was part of
10 her interview?

11 A. I did hear that.

12 Q. Okay. And those were the only two in reference to
13 her?

14 A. That is correct.

15 Q. And then we'll fast-forward. We know about this
16 case. Okay. We'll fast-forward to Larry Kinloch. He is
17 finally interviewed September the 13th?

18 A. Let me check.

19 Q. Please.

20 A. I don't want to tell you something that's not true.
21 One more second.

22 [Whereupon, the witness reviews documents]

23 A. I don't have Mr. Kinloch's statement in front of
24 me. If his statement is here, I would be able to tell you
25 exactly the date. But I want to say it's around September

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1 14th, 13th.

2 MR. DAVIS: Larry Kinloch.

3 I want this marked for identification as Number 7,
4 Defendant's.

5 [Whereupon, Defendant's Exhibit Number 7 is marked
6 by the court reporter]

7 Q. [Mr. Davis] I'm going to hand you what's been
8 marked as Defendant's Exhibit Number 7. You can review that
9 and refresh your memory.

10 [Whereupon, the witness reviews documents]

11 A. All right. I'm glad we did look at this, because
12 it's actually September 24th --

13 Q. [Mr. Davis] Okay. Thank you.

14 A. -- 2013.

15 Q. That means I get to extend my question and say that
16 it was a month later, then. Okay?

17 A. Yes.

18 Q. That's right.

19 Now, that is his statement; right?

20 A. That is correct.

21 Q. And in that statement, on the last page -- I want
22 to refresh your memory -- he stated that he hadn't shared any
23 aspect or discussion about this shooting or incident to
24 anyone; isn't that correct?

25 A. Give me just one second.

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1 Q. Yeah.

2 [Whereupon, the witness reviews documents]

3 A. You want me to say exactly what he said?

4 Q. [Mr. Davis] No. No.

5 A. Oh.

6 Q. Just --

7 A. Okay.

8 Q. And that's truth; yes?

9 A. According to this, he says he has not talked to
10 anybody or -- about the shooting.

11 Q. Now, you the head investigator; right?

12 A. That's correct.

13 Q. Tell me when was the information retrieved from the
14 jail, the telephone conversation that was played yesterday.

15 A. I have no knowledge when it was actually retrieved
16 from the detention center.

17 Q. Do you have any knowledge when it was made?

18 A. According to the jail thing, it said 8/27 of 2015,
19 two days after the homicide.

20 Q. Who would secure that information? You the head
21 investigator. Who has the power to secure that information?

22 A. Any of the department people that work for the
23 sheriff's office that are investigating the case would have
24 the power to do that.

25 Q. Well, you check in your record and tell us who

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1 requested that information, please, sir.

2 A. I don't have anything in my record on who requested
3 that information.

4 Q. So you don't know how it was produced?

5 A. No, sir.

6 Q. But you the lead investigator, though?

7 A. Yes, sir.

8 Q. Now, let's get the list of witnesses you
9 interviewed. Ms. Coakley, Lockwood.

10 Mr. Alls? You did Mr. Alls?

11 A. We did. We went to speak to Mr. Alls, the cook.

12 Q. That's the cook.

13 Do you have any statement that was generated from
14 Slim Bubba, the rapper?

15 A. No.

16 I spoke with Slim Bubba out there on the scene.
17 After speaking to him, he refused to put anything in writing
18 or make any kind of statement.

19 Q. So I'll re-ask that question again. This whole
20 process was wrapped up within forty-eight hours?

21 A. That's not correct. It was not.

22 Q. Well, share with us what further investigation that
23 was performed, because you didn't do the investigation
24 pertaining to extracting the information from the jail who
25 Larry Kinloch testified to yesterday. So tell us what further

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1 investigation you did in this matter.

2 A. As I said before, we continued to investigate it
3 and we were able to locate Mr. Kinloch. We got there.

4 There was phones to be forensically done. There
5 was evidence to be sent. There's a lot that goes -- involved
6 in a homicide investigation, so it doesn't just stop upon the
7 arrest.

8 So there was a lot of details and stuff that had to
9 be done prior -- before this case was ready to be handed over
10 to the solicitor's office.

11 Q. I guess the million-dollar question is nobody else
12 was arrested?

13 A. No one else was arrested in this case.

14 Q. Nobody else was charged?

15 A. That's correct.

16 Q. No other weapons have been secured?

17 A. Other than just the two.

18 Q. And none of the weapons that stands here today is
19 the weapon that actually caused the death of this young man?

20 A. That's correct.

21 Q. That's the million-dollar --

22 MR. DAVIS: Nothing further, Your Honor.

23 THE COURT: Redirect?

24 MR. WEST: Yes, Your Honor.

25 - - -

REDIRECT EXAMINATION

BY MR. WEST:

Q. Captain Shuler, you were on that team that night, and you heard some questions about the projectiles that weren't recovered. Tell the jury the extent of your attempts to find those other projectiles.

A. Well, when forensics shows up, we have forensic -- once the scene is secure, forensics shows up and they do like you heard from Sargent -- or Lieutenant Alteri now, yesterday, is that they take over-alls and then they move in and start taking closer-up photographs.

We attempt to look to see if maybe any bullet holes may have went into the cars, if they went into any of the buildings. We were told, you know, possibly if we started looking into the ground -- the parking lot is bigger rock. When I think about gravel, I think about little tiny pieces of gravel. But that wasn't the case with this parking lot. It is bigger rock and smaller rocks, but it is a gravel -- what I would call a gravel parking lot.

We looked in the ground, and we looked all around that area looking for any other either shell casing, projectiles, anything else that would be evidence in this case, and we did not find any additional projectiles.

Q. How far did your search go out?

A. It went all the way throughout the crime scene.

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1 Q. On the road? In the woods near it?

2 A. Yes.

3 We searched -- you know, we searched the -- there's
4 a ditch line that runs down through there where the cars were
5 parked, so we went ahead and walked the road from the end of
6 where -- basically, Cainhoy Road all the way up past the club,
7 just to see if anything might have got thrown in the ditch,
8 either a weapon, which traditionally sometimes happen -- some
9 people drop stuff -- or a phone, or anything that would help
10 us with this case, and we did not find anything like that.

11 Q. Would it be your testimony that every conceivable
12 option --

13 MR. DAVIS: Objection. Leading. Every conceivable

14 THE COURT: Mr. Davis.

15 MR. DAVIS: Leading.

16 THE COURT: No speaking objections. Thank you.

17 Leading. Rephrase your question. Thank you.

18 Q. [Mr. West] Did you exhaust all efforts to find
19 those projectiles?

20 A. We did.

21 Q. Captain Ollic never said anything to you about
22 being involved in this case?

23 A. No.

24 He was the captain over the division. At the time,
25 I was the lead detective on this case. All I did was keep him

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1 advised of what we were doing and where we were with the
2 investigation.

3 Q. You met with William Freeman last week; right?

4 A. That's correct.

5 Q. And is it true he said he never talked with anybody
6 from the sheriff's office?

7 A. That's correct.

8 Q. The first time you heard Rick Ollic's name is when
9 Mr. Davis just brought it up?

10 A. That is correct.

11 MR. WEST: Thank you. No further questions.

12 MR. DAVIS: Yeah. Just a few, Your Honor.

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RECROSS-EXAMINATION

BY MR. DAVIS:

Q. Did you have flashlights to look for those
projectiles?

A. We had flashlights.

Q. Why did you need flashlights?

A. Because it was dark out towards the ditch and the
road area.

MR. DAVIS: Thank you. No further questions.

THE COURT: Ladies and gentlemen, I think that the
pizza has arrived, and it's also an appropriate time for
us to break, so we're going to take our lunch break.
We're going to eat in today. We'll take about thirty,
forty minutes for y'all to eat and then we have -- and
then we'll begin the trial.

Ladies and gentlemen, please take your notepads
with you. We will collect them over the lunch hour.

Please rise for the jury.

Please remember all my admonitions.

[Whereupon, the jury exits the courtroom at
1:07 p.m.]

THE COURT: We'll take thirty-five minutes. 1:40.

[Whereupon, a recess is taken from 1:08 p.m. to
1:42 p.m.]

THE COURT: Is the State ready?

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ERIN PRESNELL, M.D.,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. WEST:

Q. Dr. Presnell, could you please tell the jury where you work?

A. I'm a forensic pathologist. I work in Charleston at the Medical University of South Carolina.

Q. Could you tell the jury what you do?

A. I do forensic autopsies.

Q. And what does that entail?

A. Well, forensic autopsies are performed in the field of forensic pathology. Forensic pathology, which everyone I think is getting kind of used to these days, with television and all -- but Forensic pathology is actually a subspecialty of the medical field of pathology.

And pathology is the study of disease. So if you go to your doctor and you get like say a skin biopsy, or a woman gets a breast biopsy, that tissue -- or you go to surgery and the surgeon takes something out, that tissue goes to the pathologist, they look at it, they dissect it, they look under the microscope, and they come up with a diagnosis. So it's cancer, no cancer, infection, not infection. So that's kind of the general, broad field of pathology.

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1 And I'm board certified in pathology, but then I
2 took an additional year to train in forensic pathology. And
3 that is where we're not just looking at a piece of tissue or
4 an organ, but we're looking at a whole individual that has
5 passed. And we're looking for disease, but we're also looking
6 at and evaluating trauma. And of course that process of
7 evaluation is called the autopsy. And ultimately, when we're
8 done, when we've completed the autopsy, then we opine on the
9 cause and manner of death.

10 Q. Could you tell the jury what education and
11 qualifications you have to do this forensic pathology?

12 A. Let's see. I went to Clemson and majored in
13 microbiology.

14 Then I went to MUSC in 1989 for medical school.
15 Finished medical school and chose pathology as my field of
16 medicine, and that was five years of residency training and
17 then additionally a forensics. So I think that's fourteen.

18 And then after all that training, you have to take
19 the boards and get board certified. So I'm board certified in
20 general pathology and forensic pathology.

21 Q. Are you certified only in South Carolina?

22 A. Well, it's a national board certification. But I'm
23 licensed to practice medicine in South Carolina.

24 Q. How many autopsies would you say you've performed?

25 A. It's a complete estimate. Around the 2,000 mark.

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1 Q. Have you ever testified in court?

2 A. Yes.

3 Q. Have you ever been qualified as an expert?

4 A. In forensic pathology, yes.

5 Q. And how many times would you say that was?

6 A. Again, an estimate, about a hundred.

7 MR. WEST: At this time, the State would move that
8 Dr. Erin Presnell be qualified as an expert in the area
9 of forensic pathology.

10 MR. DAVIS: I have one question, Your Honor.

11 THE COURT: Yes, sir.

12 MR. DAVIS: Has she ever seen the show Quincy?

13 THE WITNESS: I have my first -- my first dog, as
14 an adult, was named Quincy.

15 MR. DAVIS: She's qualified, Judge.

16 THE COURT: All right. Thank you.

17 This witness will be qualified, based upon her
18 training and experience, as an expert.

19 You may continue, Mr. West.

20 MR. WEST: Thank you, Your Honor.

21 Q. [Mr. West] In the area of forensic pathology, have
22 you ever testified in range of fire?

23 A. Yes. Yes, I have.

24 Q. What does that mean?

25 A. Well, my testimony on range of fire is in the

1 context of a medical examiner or a forensic pathologist.

2 And so when we're looking at gunshot wounds, we
3 come up with an estimate. There's three general categories
4 that we can choose from on how far away a gun was from a
5 person.

6 Number one is contact. And that's pretty straight-
7 forward. The gun is up against the skin and it leaves a rim
8 of soot on the skin when the gun is fired in that contact
9 range.

10 As the gun is pulled away from the skin or from the
11 person -- and think of it this way. And I apologize if I
12 oversimplify. But it's not just a bullet that's coming out
13 the end of the barrel, but there's some soot product from the
14 combustion. There's also some gunpowder particles. And the
15 gunpowder is coming from the bottom of the cartridge of what's
16 holding the bullet. That's what ignites when the trigger is
17 pulled and propels the bullet down the barrel.

18 So we have the bullet coming out from soot and then
19 some gunpowder particles. And those gunpowder particles stick
20 kind of like little pieces of sand.

21 So with the contact gunshot wound, you'll see some
22 soot around the entrance wound. As you pull the gun away --
23 this is considered close range -- that soot may or may not
24 reach -- it looks like a gas -- may or may not reach the skin,
25 but there's little particles of -- sand-like particles of

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1 gunpowder will reach the skin and actually scratch it.

2 So you can wipe soot off, but you can't wipe the
3 scratches away. And they're like little pinpoint dots around
4 the entrance wound. So if we see that, to us that is a close-
5 range gunshot wound.

6 When the gun gets farther away -- and to encompass
7 pretty much all handguns, by the time -- pretty much for all
8 handguns, by the time the gun is thirty-six to forty-two
9 inches away, so about a yard, a yard and six inches away, that
10 soot is not going to reach the skin and those gunpowder
11 particles are not going to reach the skin, and so you'll just
12 have an entrance wound without any soot on it or any of the
13 what we call stippling or those little scratches around it.

14 So, again, the three categories: contact, close,
15 and then the last one is considered distant.

16 Q. Did you have an opportunity to perform an autopsy
17 on the victim, Herman Manigault, in this case?

18 A. Yes.

19 We did -- I did that autopsy on August 25th,
20 2013.

21 Q. And where would that have taken place?

22 A. At MUSC.

23 Q. Did you take any pictures during your autopsy?

24 A. Yes, I did.

25 MR. WEST: I'm showing the witness State's Exhibits

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1 11, 12, 13, 14, 16, 17, 18, and 19.

2 Q. [Mr. West] Take a look at these and tell me
3 whether you recognize them.

4 [Whereupon, the witness reviews documents]

5 A. Yes. These are photographs taken at the time of
6 autopsy.

7 Q. [Mr. West] Are they a true and accurate
8 representation of the autopsy that you performed?

9 A. Yes, they are.

10 MR. WEST: At this time, the State would ask to
11 enter these exhibits into evidence.

12 MR. DAVIS: No objection.

13 THE COURT: State's 11, 12, 13, 14, 16, 17, 18 and
14 19 into evidence without objection.

15 MR. WEST: Thank you, Your Honor.

16 [Whereupon, State's Exhibit Numbers 11, 12, 13, 14,
17 16, 17, 18 and 19 are admitted into evidence by the
18 Court]

19 THE COURT: You may publish.

20 Q. [Mr. West] When you first start an autopsy, what
21 it is that you are generally looking for?

22 A. Well, we're looking for everything.

23 Whenever somebody comes in, I mean, they usually
24 are accompanied with some type of case history, albeit it
25 might be a very small amount of information then at the time.

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1 v But we do an exam when they arrive. And we
2 unclothe them and get them cleaned up and do another external
3 exam. And, again, we're looking for disease -- it could be
4 infection -- but also trauma.

5 Q. I'm going to show you State's Number 11.

6 MR. WEST: Could you put 11 on the screen.

7 I have a pointer here and on the top is a red
8 button. You can use that laser pointer.

9 Q. [Mr. West] Knowing that the jury will have these
10 back in evidence, let's describe some of the things that you
11 first see during this photograph.

12 A. This photograph really shows his most significant
13 injuries.

14 He had two gunshot wounds to his body. And you'll
15 see I think in later pictures, we labeled them by letters so
16 they start with an A. It doesn't imply that it was first or
17 last, it's just designations.

18 But we have a gunshot wound to his back, his left
19 back, and we have a gunshot wound to his left buttock.

20 You can also start to see that there's an injury on
21 the head, which is going to be a laceration. And a laceration
22 is where the -- a laceration equals blunt trauma. Some type
23 of blunt trauma struck the skin and caused it to split.

24 Q. Now, you said you labeled them A and B. Is there
25 any significance to the labeling?

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1 A. No.

2 Q. You had to label one --

3 A. One is A --

4 Q. -- one way or the other; correct?

5 A. -- and one is B. Yes.

6 Q. Now, these are the only two gunshot wounds found on
7 Mr. Manigault; correct?

8 A. Yes. He has two gunshot wounds.

9 Q. Was there -- and these are entrance wounds?

10 A. These are both entrance wounds.

11 Q. Was there any exit ones found?

12 A. No.

13 We recovered both bullets from inside of the body.

14 MR. WEST: Show the witness what has already been
15 entered into evidence as State's Number 26.

16 Q. [Mr. West] Do you recognize this package at all?

17 A. Not the outside of it.

18 Q. Would you like this opened?

19 Q. You can.

20 A. You want me to open it?

21 THE COURT: Ms. Hill, do you have scissors?

22 A. All right. So there's two containers in here, both
23 of them with the autopsy labeled with the deceased person's
24 name. And one is labeled bullet A and one is labeled bullet
25 B. And then the bullets are out of their containers and these

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1 are -- appear to be the bullets that we recovered at the time
2 of autopsy.

3 Q. Thank you.

4 Going back to Number 11, the entrance wound labeled
5 A, could you tell which projectile you recovered from which
6 wound?

7 A. Yes.

8 Q. Could you tell which one is which?

9 A. Yeah.

10 Q. Are they labeled?

11 A. The one labeled bullet A came from gunshot wound A
12 and the one labeled bullet B came from gunshot wound B.

13 Q. And the labeling, is it done on the body, as well
14 as the projectiles?

15 A. Well, we don't write on the projectiles but we
16 designated the labels. And often -- you can't really see
17 them, but the little tiny squares. That actually says A and
18 not -- that has the writing B on it.

19 MR. WEST: Go to State's Number 12.

20 Q. [Mr. West] Could you tell me what State's Number
21 12 is?

22 A. This is gunshot wound A, so this is the gunshot
23 wound to the back.

24 Actually, the lighting, there's a little bit of a
25 glare on it but I think you can appreciate the kind of a red-

1 orange colorations. Do you see those dots around it? It's
2 actually very, very dense. This is very dense stippling,
3 indicating a close-range gunshot wound to the back.

4 Q. Could you remind the jury what stippling is?

5 A. Stippling is what is the -- are the scratches that
6 are made from the gunpowder particles that come out of the end
7 of the barrel and strike the skin.

8 Q. And what makes you believe that this is a close-
9 range gun fire?

10 A. If a close range -- it is a close-range gunshot
11 wound because of the stippling.

12 Q. The amount or the circumference or?

13 A. Because the stippling is there.

14 Q. What does the circumference of the stippling marks
15 tell you?

16 A. Well, one of the things that we do in evaluating
17 range of fire is to measure the horizontal spread and the
18 vertical spread of the stipple pattern and then, therefore, if
19 you recovered the suspected weapon and used the suspected
20 ammunition, you could fire that and try to reproduce that
21 distribution, that spread, and then you could really narrow
22 down how far away that was.

23 Q. You said you measured it. What was the measurement
24 of the stippling marks in this case?

25 A. It extends approximately seven inches horizontally

1 and four inches vertically.

2 Q. Okay. So that's a pretty large marking?

3 A. Well, I think the significance of this stippling
4 powder is at it's -- is relatively dense.

5 As you move farther away, the stippling, it kind
6 of -- it spreads out and becomes less dense.

7 Q. What sort of variables could affect the density of
8 stippling or the presence of stippling?

9 A. So the reason that I said that you would test-fire
10 the suspected weapon with the suspected ammunition is that, I
11 mean, a lot of the patterns can depend on that weapon and on
12 the ammunition.

13 And just for an example, the gunpowder that's in
14 the bullet casings, it can be several different types. If the
15 gun powders are in little balls, then obviously they're going
16 to go a lot farther than if you have little flat flakes.
17 They're not going to go near as far. So therefore, that would
18 require having that potential -- or that ammunition to try to
19 specify exactly how far that is.

20 The other thing with this is that it is a very
21 dense pattern. It brings up the possibility that it's a,
22 quote, Magnum load, which is just a load that has more charge
23 in it than there regularly.

24 Q. Could you tell whether the victim was clothed or
25 unclothed?

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1. A. Well, he came to us with his shorts, his belt, and
2 his boxer brief -- or not briefs -- boxer shorts, underwear,
3 but he did not have a shirt.

4 Q. And for your findings, your ultimate findings in
5 this case, what's the significance of this wound labeled A?

6 A. The significance is that it's a close-range gunshot
7 wound to his back.

8 Q. And what did you conclude was the -- would this
9 have been the kill shot?

10 A. Well, we didn't really go into the pathways and all
11 of the bullets.

12 Remember he had two gunshot wounds. This gunshot
13 wound goes into his left back, goes through the aorta right by
14 the backbone. The aorta, of course, is the main vessel
15 carrying blood from the heart to the rest of the body. And
16 then it goes through the liver. It's going up. So it goes
17 into the back, through the aorta, through the liver, and then
18 we recovered the bullet on the front chest cavity on the right
19 side.

20 The gunshot wound to his buttock goes in through
21 the soft tissues and the buttock musculature and to the bone,
22 to the left pelvic bone, where we get the second bullet. Or
23 bullet B, I should say.

24 And so as far as what is the fatal injury, gunshot
25 wound A in this case is considered the fatal injury.

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1 Q. Could you tell the angle of injury --

2 A. Well, what we do is try to approximate the
3 direction of the bullet through the body.

4 Remember when we're doing it, the person is
5 straight. People, of course, don't normally just stand that
6 way in living life. But, anyhow, as far as this bullet A
7 going -- actually, A and B both pretty much have the same
8 direction through the body. They're both going up. So from
9 his back up to his chest. They're both going forward, so from
10 his back to his front. And then they're both going from his
11 left to his right.

12 Q. So in your professional opinion, would his body
13 have had to have either been slunched [phonetic] over or
14 laying down?

15 A. Again, it depends on what the scenario is.

16 He certainly could have been laying down. He also
17 could have been standing up and the bullets come from below.
18 I just can't tell that at the time of autopsy.

19 MR. WEST: Let's go to State's Number 13.

20 Q. [Mr. West] What can you tell from State's Number
21 13?

22 A. This is gunshot wound B. So the front of his body
23 is here. And there's the back of his buttock. And on kind of
24 the left-lower side of the buttock is the other gunshot wound.
25 That, again, goes through the soft tissue, muscle, and to the

1 pelvic bone.

2 Q. And we spoke about trajectory just a second ago.
3 Is this consistent with the similar trajectory to gunshot
4 wound A?

5 A. Yes, this has a similar trajectory.

6 Q. So it would be about the same scenario about body
7 position?

8 A. I'm not -- which scenario are you --

9 Q. The either slunched over or laying down possible
10 position.

11 A. He could be slunched over and laying down, yes.

12 MR. WEST: I'm showing the witness State's Number
13 14.

14 Q. [Mr. West] What's State's Number 14?

15 A. Okay. This is the back of his head. So we're
16 looking at the -- like the left side. And when you see this
17 kind of -- it started out as a kind of a rectangular shaped
18 laceration. It is abraded. Abrasions means scrapes. So
19 there's kind of an abraded marking around it.

20 Again, a laceration is equivalent to one trauma. So
21 some type of blunt trauma struck the back of his head and
22 created this laceration.

23 Q. Did he come to you with that shaved circle around
24 the --

25 A. No -- no. That's us, to make sure that we evaluate

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1 it properly.

2 Q. And under this wound was there anything significant
3 in your other findings?

4 A. Under those areas of laceration the bone, the skull
5 bone, kind of had a chip in it.

6 Q. So it broke the bone?

7 A. It had a chip, yes.

8 Q. Does that suggest a great deal of force?

9 A. I'm not exactly sure I can quantify it, per se.
10 but certainly a fair amount of force could create a laceration
11 and chip the skull, yes.

12 Q. And that shape of a wound, would that suggest
13 object or hand?

14 A. A hand?

15 Q. Does a hand make that shape?

16 A. So it does have a rectangular shape. So it
17 suggests that perhaps something rectangular-ish hit it.

18 Now, it could be -- not that I can look at that and
19 say what it is. I mean, could it be a two-by-four? Sure. Is
20 it a hand? Probably not. Or a fist? I don't think it would
21 be quite that same patter.

22 Q. [Mr. West] State's Number 16.

23 A. This is the bottom of his right elbow. And these
24 are some non-specific abrasions or scratches.

25 Q. Okay. No way to tell where they came from?

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1 A. No.

2 Q. What would have caused it?

3 A. Scraping something else, whether it was -- I mean,
4 it's not uncommon for us to see something like this in a fall.

5 Q. In your professional opinion, what would your
6 conclusion as to the distance of a shooter be?

7 A. Well, again, without test-firing the weapon with
8 suspected ammunition, what I can say: my definition, a close-
9 range gunshot wound, encompassing all handguns, is within a
10 yard to -- thirty-six to forty-two inches. So closer than
11 that.

12 Q. So no more than a yard?

13 A. Or a yard -- forty-two inches. A yard and six
14 inches.

15 Q. The fatal wound to Mr. Manigault, how long would it
16 have taken him to die?

17 A. Well, with a trauma -- a perforation of the aorta,
18 I image that it would be minutes. Within minutes.

19 Q. What is the difference between manner of death and
20 cause of death.

21 A. Cause of the death is what caused the death, and
22 manner of death -- in the medical examiner or forensic
23 pathology role, there is four selections that we can choose
24 from. It -- so they are natural, which of course this is not
25 accident; suicide; homicide, which means death at the hands of

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1 another; or we can leave it undetermined, if we cannot tell.

2 In this case we classified it as homicide.

3 MR. WEST: No further questions of this witness at
4 this time.

5 THE COURT: Mr. Davis?

6 MR. DAVIS: Nice to meet you, Ms. Presnell.

7 You were able to answer the million-dollar question
8 when you answered Quincy, so I know you're qualified.
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Erin Presnell, M.D.
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CROSS-EXAMINATION

BY MR. DAVIS:

Q. You just examined, you know, the individual that's brought to you?

A. Correct.

Q. And you, being an expert, being a professional, you render opinions within your realm of expertise?

A. Correct.

Q. You stated earlier that there are three contact, in a sense. You says contact close, and then distance?

A. For range of fire, yes.

Q. For range of fire?

A. Uh-huh.

Q. And actually having the weapon that discharged or caused the point of wound injury is one of those factors that could lend you more credible information to render an opinion as to the distance or closeness?

A. It would.

I'm not the one who would necessarily evaluate the test-firing and all, but it would certainly narrow down exactly how far that would be away from the skin.

Q. And if you were to learn in reference to one of the photographs --

MR. DAVIS: Specifically, the one with the scraping. Do you have --

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1 Q. [Mr. Davis] If you were provided empirical data
2 that a fight was ensued and that it was a gravel surface with
3 rocks of different variations, large and small, would that
4 lend or give you enough information to render an opinion that
5 the cause of that could have been the surface with which was
6 impacted on his elbow?

7 A. It does look like a gravel injury.

8 Q. Thank you.

9 In relationship to the direction of the bullet --
10 I'm sorry. No further --

11 Q. Well, you were talking about the projectory
12 [phonetic]. And that -- you know, I saw this on TV so if I'm
13 wrong, tell me. Can they put the direction -- how did you
14 determine the trajectory?

15 A. Well, so that the -- when I say trajectory, it's
16 inside the body. This doesn't say -- and this is -- with me
17 saying its going up and to his right and forward, that's with
18 him standing straight up with his palms forward.

19 If you put him -- if you can imagine like using a
20 pen to represent that trajectory, and then move him in any
21 position, then that could point to where the bullet is coming
22 from.

23 Q. So first it would be right behind you at close
24 range. Then, when the bullet is discharged, the projectile,
25 then it would go upward?

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1 A. Correct.

2 Q. So everything with that force would go upward first
3 before gravity eventually brings it down? Or in the case of
4 the buttocks, the bullet would stop at the bones?

5 A. Well, in both of the bullets --

6 Q. They were stopped?

7 A. -- both of the gunshot wounds they were stopped
8 inside. Yeah.

9 Q. And it's your testimony, to a professional degree
10 of medical certainty, you can't say whether the young man was
11 not standing up when the shots entered his body?

12 A. Correct. I cannot tell that from the autopsy
13 findings.

14 MR. DAVIS: I want to thank you, Susan.

15 You have my grandmother's first name. And I want
16 you to have some sympathy because Clemson -- I know you
17 know Clemson. You know the story. Thank you.

18 THE WITNESS: You're welcome.

19 MR. DAVIS: No further questions.

20 THE COURT: Mr. West?

21 MR. WEST: No redirect, Your Honor.

22 THE COURT: Dr. Presnell, you are free to go --

23 THE WITNESS: Thank you.

24 THE COURT: -- or you are free to stay with us.

25 [Whereupon, Dr. Presnell is excused and exits the

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1 witness stand.

2 THE COURT: Call your next witness.

3 MR. WEST: Thank you.

4 At this time, Your Honor, the State would ask to
5 read into evidence a stipulation agreement between
6 defense counsel and the State.

7 We have the stipulation agreement marked as State's
8 Exhibit Number 60.

9 THE COURT: Well, actually, we need to mark it as a
10 Court's Exhibit.

11 MR. WEST: Court's Exhibit?

12 THE COURT: And that will be Court's Exhibit 2.

13 Mr. Davis, you were going to read --

14 MR. DAVIS: Yes, I am, Your Honor.

15 THE COURT: -- this into the record? All right.

16 Let Mr. West get it marked properly.

17 MR. DAVIS: This is it here, I think. This is it.

18 THE COURT: Evidently, y'all have more than one
19 copy. Let him mark the exhibit.

20 [Whereupon, Court's Exhibit Number 2 is marked by
21 the court reporter]

22 MR. DAVIS: Please the Court, Your Honor?

23 THE COURT: Yes, sir.

24 MR. DAVIS: The State of South Carolina, County
25 of --

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1 THE COURT: Let's wait for just a moment.
2 Everybody get seated.

3 MR. DAVIS: Please the Court?

4 THE COURT: I don't want you to get interrupted,
5 Mr. Davis. All right. There you go.

6 MR. DAVIS: Thank you, Your Honor.

7 State of South Carolina, County of Berkeley, State
8 of South Carolina versus Sha'Quille Mi'Leak Washington,
9 the stipulation of agreement in indictment 2015-GS-08-
10 01333: the State and the defense hereby stipulate the
11 following pieces of evidence were properly collected,
12 handled, transported, and stored: State's Exhibit
13 Number 21, State's Exhibit Number 23, State's Exhibit
14 Number 24, State's Exhibit Number 26, State's Exhibit
15 Number 31, State's Exhibit Number 36, State's Exhibit
16 Number 52, Defense Exhibit Number 4. Moreover, the
17 State could present witness from South Carolina Law
18 Enforcement Division to establish a proper chain of
19 custody as demonstrated in State's Exhibit Number 29 and
20 State's Exhibit Number 49, SLED chain of custody report
21 supplement.

22 This is by Exhibit -- Court's Exhibit Number 2,
23 Your Honor.

24 THE COURT: All right.

25 MR. DAVIS: Thank you, Your Honor.

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1 THE COURT: Thank you.

2 MR. WEST: Incorporated within that, Your Honor, we
3 would ask for the introduction of State's Exhibit Number
4 29 and 49, the chain of custody from SLED.

5 THE COURT: Any objection?

6 MR. DAVIS: None, Your Honor.

7 THE COURT: State's 29 and 49 are in evidence
8 without objection.

9 [Whereupon, State's Exhibit Number 29 is admitted
10 into evidence by the Court]

11 [Whereupon, State's Exhibit Number 49 is admitted
12 into evidence by the Court]

13 MR. WEST: The State rests, Your Honor.

14 THE COURT: All right. Ladies and gentlemen, that
15 indicates to the Court there is a matter of law that I
16 must take up outside of your presence.

17 Do not begin your deliberations. Do not begin
18 discussing this case amongst yourselves.

19 We'll receive you back in the courtroom
20 momentarily. Take your notepads or leave them right in
21 your chair.

22 Please rise for the jury.

23 [Whereupon, the jury exits the courtroom at
24 2:16 p.m.]

25 THE COURT: Thank you. Be seated.

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Motion for a Directed Verdict by Mr. Davis
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MOTION FOR A DIRECTED VERDICT

THE COURT: At this time, the State has rested.
Mr. Davis, any motions or matters?

MR. DAVIS: Your Honor, we move for a directed
verdict, specifically two fronts.

The first front, we would say that in the totality
of the circumstances in reference to the evidence that
has been presented to the Court, that at best there has
been no indication of a wilful, malicious death, malice
aforethought. At best, the evidence would suggest that
there were a fight engaged, mayhem. That their
eyewitnesses to some degree suggest that my client may
have caused the shooting and injury and ultimate death
of the defendant [sic], Your Honor. But it would be my
position that the State has failed to carry its burden
in reference to murder.

And I would inject at this point, Your Honor, that
I think my client is entitled to an argument of self-
defense in relationship going from a springboard from
Ms. Coakley, who presented a threat by way of a Heineken
bottle and in a rash of a few seconds there is a
discharge of firearm whereupon the defendant is
incapacitated, non-moving.

It would be our position, Your Honor, that the
defendant is entitled to a directed verdict that the

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1 threat that was imposed upon him was in two instances:
2 a threat directly by Ms. Coakley with the Heineken
3 bottle, and then a threat engaged by the victim,
4 Mr. Herman Manigault, who's testimony was elicited from
5 Larry, Francis Larry, that he had removed his shirt in
6 anticipation of combat, that he had snapped or was about
7 to snap, if we accept the testimony of Ms. Coakley, that
8 there -- rules of engagement had commenced, and that
9 Mr. Washington or accomplice at that point did injury
10 to -- and death to the defendant [sic], Your Honor.

11 We think that the State has failed to carry its
12 burden, Your Honor, as to murder.

13 THE COURT: Mr. West?

14 MR. WEST: Thank you, Your Honor. May it please
15 the Court.

16 As you know, on dealing with a directed verdict
17 we're dealing with an instance where the State only
18 needs to present some evidence and that the evidence is
19 viewed in the light most favorable to the State, the
20 non-moving party. In this instance, we have absolutely
21 met our burden to send the charge to the jury.

22 What we have here is a situation where the victim
23 was shot in the back. That's the best evidence against
24 what Mr. Davis says is so-called self-defense. But I
25 don't think self-defense necessarily needs to be

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1 addressed right here because all we're concerned with is
2 whether the element of malice aforethought was
3 established.

4 And the defendant's own statement says that he was
5 not threatened by the victim, the victim did not have a
6 gun, there was only one person with a gun out there, and
7 what all the eyewitnesses have said is that it was this
8 defendant who had the weapon. That weapon can imply
9 malice.

10 The other things that can imply malice is the fact
11 he actually shot him. That's one of the big elements
12 right here we have with malice aforethought.

13 There was no provocation by the victim, according
14 to the defendant's own words. He says that the victim
15 never threatened him or never did anything to him
16 directly, that he just witnessed what was going on and
17 there was only three people fighting, three people
18 fighting that didn't include him.

19 The other thing that can go to malice here, Your
20 Honor, is the defendant pulled a gun on an eyewitness.
21 So it wasn't just him shooting Herman, he was also
22 threatening somebody else with a gun, pointing it in
23 Ms. Coakley's face.

24 We have several witnesses that have identified this
25 defendant as the shooter in the case. We've met our

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Motion for a Directed Verdict by Mr. Davis
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1 burden here with proving malice. We will meet our
2 burden in future directed motions, as well, because what
3 we have presented here is sufficient testimony.
4 Sufficient evidence has been presented here to meet the
5 elements of murder. Self-defense is something that's
6 going to be addressed later by Your Honor.

7 And I feel as though we'll be able to satisfy the
8 necessary elements to not have the jury instructed on
9 self-defense, as well, one of those being that the
10 defense can't be a part of the reason for the difficulty
11 being brought on.

12 What we have here is an instance where the
13 defendant followed the victim. The defendant followed
14 the victim outside. He was shot in the back twice. And
15 those are some of the things we intend to elicit or
16 describe in full detail when we address the idea of
17 self-defense.

18 But right now, Your Honor, we have met our burden
19 in giving you the ability to deny the directed verdict
20 motion, and we would respectfully ask that you do so.

21 THE COURT: Anything further?

22 MR. DAVIS: Nothing further, Your Honor.

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Motion for Directed Verdict
Court's Ruling
October 14, 2015

COURT'S RULING

THE COURT: In ruling on a motion for directed verdict, pursuant to Rule 19 of the Rules of South Carolina Criminal Procedure I must view the evidence and all reasonable inferences in the light most favorable to the nonmoving party, which in this case is the State. I am concerned only with the existence or nonexistence of the evidence.

Mr. Washington is charged with murder, and the State must prove beyond a reasonable doubt that Mr. Washington killed another person with malice aforethought. Malice of hatred, ill will, or hostility towards another person is the intentional doing of a wrongful act without just cause or excuse with the intent to inflict an injury that the law will infer evil intent.

Based upon the testimony that has been shown under the standard provided by Rule 19, I deny your motion for a directed verdict.

We will address the issue of self-defense at the appropriate time.

Mr. Washington, please stand.

[Whereupon, Mr. Washington complies]

THE COURT: Let's place him under oath.

THE CLERK OF COURT: Please raise your right hand.

Motion for Directed Verdict
Court's Ruling
October 14, 2015

1 Mr. Davis, call your first witness. ,

2 MR. DAVIS: Kevin Watson.

3 THE COURT: Sir, please come forward and be sworn.

4 [Whereupon, Mr. Watson comes forward]

5 THE CLERK OF COURT: Please raise your right hand.

6 Place your left hand on the Bible.

7 [Whereupon, Mr. Watson is duly sworn by the clerk

8 of court as follows: do you solemnly swear or affirm

9 the testimony you will give the Court in the trial of

10 this case will be the truth, the whole truth, and

11 nothing but the truth, so help so you God]

12 THE WITNESS: Yes, ma'am.

13 THE CLERK OF COURT: Please be seated.

14 [Whereupon, Mr. Watson takes the witness stand]

15 THE CLERK OF COURT: State your full name. Spell

16 your last name for the record.

17 THE WITNESS: All right. First name is Kevin

18 Watson. Middle name is Justine.

19 You say spell my last name?

20 THE CLERK OF COURT: Yes, sir.

21 THE WITNESS: W-A-T-S-O-N.

22 THE COURT: Mr. Davis, your witness.

23 MR. DAVIS: Thank you.

24 - - -

25 - - -

Kevin Watson
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KEVIN WATSON,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Kevin? How old are you, Kevin?

A. Twenty-five.

Q. And you finished high school?

A. Yeah.

Q. Sir?

THE COURT: Was that a yes?

A. Yes, sir.

Q. [Mr. Davis] And --

THE COURT: Sir, I'm going to need you to sit up,
and speak loudly into the microphone. Thank you. I
remind you that you are in a courtroom.

THE WITNESS: All right.

THE COURT: Thank you.

MR. WEST: Your Honor, may we briefly approach?

THE COURT: You may.

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

THE COURT: Ladies and gentlemen, there is a matter
of law that I must take up outside of your presence.

Do not begin your deliberations. Do not discuss

Kevin Watson
Direct Examination by Mr. Davis
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1 your case amongst yourselves. We will bring you back in
2 momentarily.

3 Please rise for the jury. Mr. Watson, stay seated.

4 [Whereupon, the jury exits the courtroom at
5 2:43 p.m.]

6 THE COURT: Thank you. Please be seated.

7 Mr. West?

8 MR. WEST: Thank you, Your Honor.

9 It's been indicated to me by court personnel that
10 the witness was present in violation of the
11 sequestration order granted by Your Honor at the
12 beginning of trial.

13 THE COURT: Mr. Watson, have you been in the
14 courtroom to hear any testimony?

15 THE WITNESS: No, ma'am.

16 THE COURT: No?

17 THE WITNESS: Uh-huh.

18 THE COURT: When was the first time you came into
19 the courtroom.

20 THE WITNESS: Today.

21 THE COURT: Today what time?

22 THE WITNESS: Yes, ma'am.

23 I was actually outside. I was told my name was
24 called, yes, ma'am.

25 THE COURT: And so you haven't sat and listened to

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1 any of the witnesses?

2 THE WITNESS: No, ma'am.

3 THE COURT: All right. Anything further, Mr. West?
4 Do we need to call the person that indicated that to
5 you?

6 MR. WEST: We'll get Lieutenant Mark Hamilton.

7 THE COURT: All right. Thank you.

8 [Whereupon, Lieutenant Hamilton comes forward]

9 THE COURT: Lieutenant Hamilton, could you come
10 over here? I'm going to place you under oath.

11 THE CLERK OF COURT: Raise your right hand.

12 [Whereupon, Lieutenant Hamilton is duly sworn by
13 the clerk of court as follows: do you solemnly swear or
14 affirm the testimony you give the Court in this matter
15 will be the truth, the whole truth, and nothing but the
16 truth, so help you God]

17 LIEUTENANT HAMILTON: Yes, ma'am.

18 THE CLERK OF COURT: Please state your name for the
19 record.

20 LIEUTENANT HAMILTON: Lieutenant Mark Hamilton.

21 THE COURT: You can scoot over here. I just didn't
22 want Mr. Watson to have to move.

23 LIEUTENANT HAMILTON: Yes, ma'am.

24 THE COURT: Tell me your name for the record.

25 LIEUTENANT HAMILTON: Lieutenant Mark Hamilton.

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1 THE COURT: Lieutenant Hamilton, it's come to my
2 attention that you believe that this witness was in the
3 courtroom today?

4 LIEUTENANT HAMILTON: We thought we saw him in here
5 earlier on a break.

6 THE COURT: When you saw him, was there anyone on
7 the witness stand? Do you recall?

8 LIEUTENANT HAMILTON: There wasn't nobody on the
9 witness stand, but he was sitting in the area right in
10 front of my officers right over there.

11 THE COURT: Thank you, Lieutenant.
12 Were you in the courtroom?

13 THE WITNESS: Yes, ma'am, I was here today. But I
14 was talking about yesterday. I wasn't here yesterday.

15 THE COURT: I'm worried about any time, today,
16 yesterday.

17 THE WITNESS: Oh. Yes, ma'am, I was here today.

18 THE COURT: And did you hear any testimony today?

19 THE WITNESS: I seen a thing on the screen that you
20 guys had, but besides that, no, ma'am.

21 THE COURT: Did you not understand my question as
22 to whether or not you were here and heard testimony from
23 that witness stand?

24 THE WITNESS: I mean, I was -- like I said, I
25 thought you was talking about yesterday, not today. I

Kevin Watson
Direct Examination by Mr. Davis
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1 came in the court today.

2 MR. WEST: Your Honor, I'm not particularly clear
3 as to what he did and didn't see.

4 MR. DAVIS: We ask --

5 THE COURT: Were you here today, sir, and only
6 today?

7 THE WITNESS: Yes, ma'am, I was here today.

8 THE COURT: All right. Thank you.

9 Please approach.

10 [Whereupon, an off-the-record bench conference is
11 held]

12 THE COURT: Were you here when Detective Shuler was
13 testifying? Do you remember that? Is that -- when you
14 said stuff on the screen, was there a video being
15 played?

16 THE WITNESS: Yes, sir. Yes, ma'am.

17 THE COURT: Did you see that video?

18 THE WITNESS: Yes, ma'am. I was here when he was.
19 Yeah.

20 THE COURT: Thank you. You may step down. Thank
21 you.

22 [Whereupon, Mr. Watson is excused and exits the
23 witness stand]

24 [Whereupon, an off-the-record bench conference is
25 held]

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1 THE COURT: Mr. Watson, we need to proffer your
2 testimony.

3 MR. DAVIS: That's correct.

4 THE COURT: Thank you.

5 MR. DAVIS: Thank you. And I would like to be
6 heard.

7 THE COURT: Mr. Watson, right here. Have a seat.
8 [Whereupon, Mr. Watson retakes the witness stand]

9 MR. DAVIS: I would like to be heard, also.

10 THE COURT: Well, I have determined that Detective
11 Shuler -- this witness indicted that he saw the video,
12 which the purpose of the rule of sequestration is to
13 prevent exactly what has happened.

14 I am not going to allow this witness to testify,
15 but I will allow you to proffer his testimony.

16 MR. DAVIS: I would like to put on the record that
17 this young man, Kevin Watson, was not listed as one of
18 the witnesses when this matter commenced on Monday on
19 the State's list of witnesses. I know he wasn't on my
20 list of witnesses. And so therefore, he would not have
21 been in a position to receive the sequestered [phonetic]
22 instruction that you gave because he was not in --

23 THE COURT: But you, as an officer of the Court,
24 knew what the rule of sequestration was and you should
25 have advised your client.

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1 MR. DAVIS: Judge --

2 THE COURT: I'm going to allow you to proffer him,
3 and then we are moving on. Thank you.

4 MR. DAVIS: He did not come to me until today and
5 share with me that he was going to testify, so I thought
6 it was no need for me to consider him to be sequestered.
7 He came to me this morning for --

8 THE COURT: All right. I have --

9 MR. DAVIS: -- the first time and told me --

10 THE COURT: Mr. Davis --

11 MR. DAVIS: -- he wanted to testify.

12 THE COURT: -- proffer his testimony. Thank you.

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PROFFER

BY MR. DAVIS:

Q. Son, when was the first time you approached me about this matter?

A. You called me over, and then I come.

Q. What day are we talking about I called you over?

A. Today.

Q. And what time was that?

A. I'm not too sure.

Q. Yeah.

And what -- your name have been brought up in reference to a statement that was presented by Christina Lockwood. What is your relationship with Christina Lockwood?

A. Third cousin.

Q. Third cousin.

And it relates back to a statement that she gave to law enforcement back on August the 25th, 2013, almost two years ago. She said that she was at A Place In The Woods, that you were along with her, and that y'all --

THE COURT: No, no, no. How a proffer works is you ask him -- don't testify for him. You ask him what he would testify to if he were allowed to testify.

Q. [Mr. Davis] Were you at A Place In The Woods on August the 25th?

A. Yes, sir, I was.

1 Q. Tell the Court what you were prepared to testify to
2 the Court.

3 A. I went outside to smoke a cigarette and just I
4 walked off away from the side, and been a little tussle or
5 whatnot, and I saw some fighting and I basically left.

6 Q. Did you see individuals with weapons?

7 A. No, sir.

8 Q. Did you see Larry Kinloch with a weapon?

9 A. No, sir.

10 Q. Did you see Mr. Sha'Quille Washington with a
11 weapon?

12 A. No, sir.

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

14 THE COURT: Thank you. You may step down.

15 [Whereupon, Mr. Watson is excused and exits the
16 witness stand]

17 MR. DAVIS: It's noted for the record.

18 THE COURT: Thank you. Who is your next witness,
19 Mr. Davis?

20 MR. DAVIS: Aja Williams.

21 THE COURT: Where is Aja Williams? No Aja Williams
22 is on the witness list --

23 MR. DAVIS: She was, Your Honor. The jury got to
24 hear it.

25 THE COURT: And then Mr. Freeman is your next

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1 witness?

2 MR. DAVIS: No, not Mr. Freeman. Too fast. Slow
3 down.

4 THE COURT: All right. Let's bring in -- let's
5 bring in jury.

6 [Whereupon, the jury enters the courtroom at
7 2:52 p.m.]

8 THE COURT: Ladies and gentlemen, I have determined
9 as a matter of law that the previous witness was not for
10 you to hear. Please strike his name. Do not infer,
11 from the fact that he did not testify, anything
12 whatsoever. It was strictly a matter of law left up to
13 the Court to make a determination.

14 Call your next witness.

15 MR. DAVIS: Aja Williams.

16 THE COURT: Ma'am, please come forward and be
17 sworn.

18 [Whereupon, Ms. Williams comes forward]

19 THE CLERK OF COURT: Please raise your right hand.
20 Place your left hand on the Bible.

21 [Whereupon, Ms. Williams is duly sworn by the clerk
22 of court as follows: do you solemnly swear or affirm
23 the testimony you will give the Court in the trial of
24 this case will be the truth, the whole truth, and
25 nothing but the truth, so help so you God]

Kevin Watson
Proffer by Mr. Davis
October 14, 2015

1 THE WITNESS: Yes.

2 THE CLERK OF COURT: Please be seated.

3 [Whereupon, Ms. Williams takes the witness stand]

4 THE CLERK OF COURT: State your full name, and
5 spell your last name for the record.

6 THE WITNESS: Aja Williams. A-J-A Williams.
7 W-I-L-L-I-A-M-S.
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MIA PERRON, CVR-CM-M

-594-

Aja Williams
Direct Examination by Mr. Davis
October 14, 2015

AJA WILLIAMS,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Ms. Williams, where do you live?

A. North Charleston, South Carolina.

Q. And do you know why you're here today?

A. Yes.

Q. Tell us in your own words why you're here.

A. Because I was bartending at a club where a tragic
incident happened.

Q. You were bartending at a club --

THE COURT: Ms. Williams, the air-conditioner just
came on. I'm going to need you to speak loudly.

THE WITNESS: Okay.

MR. DAVIS: If I get in this corner, you'll speak a
little louder.

Q. [Mr. Davis] You were bartending at a club where
something tragically happened? That's what you were saying?

A. Yes.

Q. How long had you been bartending that night?

A. I was asked by my cousin to bartend at a party for
him, and that was the only night.

Q. Do you recall seeing -- if you can identify -- a

MIA PERRON, CVR-CM-M

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Aja Williams
Direct Examination by Mr. Davis
October 14, 2015

1 person by the name of Francis Larry Jenkins?

2 MR. DAVIS: Could you stand, Mr. Jenkins?

3 [Whereupon, Mr. Jenkins complies]

4 Q. [Mr. Davis] Can you identify this person?

5 THE COURT: Counsel approach.

6 MR. POULOS: Objection.

7 [Whereupon, an off-the-record bench conference is
8 held]

9 Q. [Mr. Davis] Ms. Williams?

10 A. Yes.

11 THE COURT: Thank you. I will sustain your
12 objection --

13 MR. DAVIS: Thank you, Judge.

14 THE COURT: -- Mr. Poulos.

15 Q. [Mr. Davis] Can you identify this individual right
16 here, Mr. Sha'Quille Washington?

17 A. Yes, sir.

18 Q. Taking you back to August the 25th, 2015. Do you
19 recall serving any alcohol to this individual?

20 A. I don't recall.

21 Q. Do you recall serving any alcohol to an individual
22 by the name of Mr. Herman Manigault, III?

23 A. Yes.

24 Q. Ma'am?

25 A. Yes.

Aja Williams
Direct Examination by Mr. Davis
October 14, 2015

1 Q. How would you describe that service in relationship
2 to optimum amount of drinks? Or what would you say?

3 A. I can recall that he was drinking Hennessy. If I
4 wasn't mistaken, it was Hennessy he was drinking that night.

5 THE COURT: I'm going to need you to speak up.

6 THE WITNESS: Okay.

7 A. He was drinking Hennessy. Drinking -- he was
8 requesting for Hennessy.

9 Q. [Mr. Davis] And so if you were to review an
10 autopsy report that show that his --

11 MR. POULOS: Objection, Your Honor.

12 THE COURT: Sustained.

13 Q. [Mr. Davis] -- blood alcohol is --

14 THE COURT: Sustained. Lay a foundation.

15 MR. DAVIS: I would like to mark for
16 identification.

17 THE COURT: Is that 8, Madam Court Reporter?
18 Defendant's 8?

19 THE COURT REPORTER: I'm sorry. Yes.

20 [Whereupon, Defendant's Exhibit Number 8 is marked
21 by the court reporter]

22 Q. [Mr. Davis] Which other work you do, ma'am?

23 A. I work at a plasma center.

24 Q. At where?

25 A. Plasma center.

Aja Williams
Direct Examination by Mr. Davis
October 14, 2015

1 Q. Plasma center?

2 A. Yes, sir.

3 Q. Where you draw blood?

4 A. Yes.

5 Q. I'm going to hand you what's been marked as this
6 Defendant's Exhibit, and tell me if you've ever seen these
7 type of documents before.

8 MR. POULOS: Objection, Your Honor.

9 THE COURT: Sustained.

10 Q. [Mr. Davis] Can you identify that?

11 A. Yes, I can.

12 Q. What is it?

13 MR. POULOS: Objection, Your Honor.

14 A. It's a --

15 THE COURT: Counsel, just approach. Bring the
16 document.

17 [Whereupon, an off-the-record bench conference is
18 held]

19 THE COURT: Sustained.

20 Q. [Mr. Davis] Okay. So it's your recollection that
21 Mr. Herman Manigault, III, was drinking Hennessy?

22 A. Yes.

23 Q. Do you render an opinion whether he was heavily
24 intoxicated?

25 A. When he came to me, not really, no.

Aja Williams
Direct Examination by Mr. Davis
October 14, 2015

1 Q. Now, did you have an occasion to see a fellow by
2 the name of Larry Kinloch that night?

3 A. Yes.

4 Q. Tell us what encounter you had with Larry Kinloch.

5 A. I just saw Larry walking everywhere Herman went.
6 They were together.

7 Q. Everywhere that Herman --

8 A. The area. The areas that Herman walked or walked
9 -- in the club, the dimmer areas, whenever he went to the back
10 of the club where the pool table is --

11 MR. DAVIS: Just a minute.

12 Q. [Mr. Davis] You're familiar with this club, are
13 you not?

14 A. Yes.

15 Q. Well, you're going to help us a little bit. This
16 is Defendant's Exhibit Number 2. It's an outline, somewhat,
17 of that club, okay, A Place In The Woods. Do you agree?

18 A. Yes.

19 Q. Now, I'm going to give you a marker and you tell me
20 the best you can how this place is divided, since you were
21 doing the bartending. Tell us where the bar is located in
22 there. I want you to section off the bar.

23 A. [Witness complies]

24 Q. Then put the dance floor. And if there's a kitchen
25 in there, put the location of the kitchen.

Aja Williams
Direct Examination by Mr. Davis
October 14, 2015

1 A. [Witness complies]

2 Q. Then I want you to use one of these black letters
3 to put kitchen and then put bar. Okay? And then put that
4 in -- put dance floor, too, with those colors.

5 A. I already did it.

6 Q. You did it?

7 Q. I know this is --

8 A. Pool table, bar, kitchen.

9 Q. So pool table, bar, kitchen. Is it sectioned off?

10 THE COURT: I need you to speak into the
11 microphone. You are very soft-spoken. Even as close as
12 you are, I cannot hear you.

13 A. The bar is right -- the bar and the kitchen are
14 connected, so you have to walk -- this is a section where the
15 bar is. You would have to walk behind the bar to get to the
16 kitchen. When you make -- go to the left of the bar, that's
17 another area where the pool tables are.

18 Q. [Mr. Davis] Where's the dance floor?

19 A. And the dance floor -- this is the front of the
20 bar, the front bar, where you can leave like right here. And
21 this is the dance floor.

22 Q. Excuse me. Have you got dance floor? I'm sorry.

23 A. Uh-huh.

24 Q. Yeah.

25 And it is your testimony that everywhere that

Aja Williams
Direct Examination by Mr. Davis
October 14, 2015

1 Herman Manigault went, who would follow?

2 A. It was Larry. Larry and Sha'Quille.

3 But Sha'Quille was walking and he sat down, and
4 then Larry walking with him. Like he was -- Herman was
5 playing pool, so he was off in the pool area. Then it was
6 Sha'Quille. Sha'Quille was sitting at a table where the pool
7 area was.

8 When Herman -- the last thing Herman said to me
9 when he walked to the bar, said, Larry going to shoot me, they
10 going to kill me. And I was like, what? So I asked him, I'm
11 like, why. He was like, I don't know.

12 Q. Said Larry's going to shoot him?

13 A. Uh-huh.

14 So then Sha'Quille was still sitting there. I
15 guess it was over and everybody was walking out. And --

16 Q. So the club was shutting down? Everybody's going
17 outside now?

18 A. Uh-huh.

19 It was like -- yeah, everyone was going. And he
20 was already walking. That's when they walked out and I heard
21 shots.

22 Q. Did you witness or see when Ms. Coakley had the
23 bottle in an effort to hit Mr. Washington?

24 A. She -- I didn't see that part but --

25 Q. You didn't see that?

Aja Williams
Direct Examination by Mr. Davis
October 14, 2015

1 A. Yeah, I didn't see that part.

2 After I heard the shots, I saw her over Herman,
3 shaking him. And we said don't shake him because he's
4 bleeding, we don't know where he's bleeding at, so lay him
5 back down.

6 So we had him -- had her -- you know, someone move
7 her, and we laid him down because we didn't know where he was
8 shot at. And we just held pressure where the -- where we just
9 saw the blood coming from.

10 Q. Did he have a shirt on when you came outside?

11 A. Who?

12 Q. Did Herman have his shirt on?

13 A. Yes, he still did have his shirt on.

14 Q. He still had his shirt on?

15 A. Uh-huh.

16 MR. DAVIS: Okay. No further questions.

17 THE COURT: Mr. Poulos, your witness.

18 MR. POULOS: Thank you, Your Honor.

19 Good afternoon, Ms. Williams.

20 THE WITNESS: Good afternoon.

21 - - -

22 - - -

23 - - -

Aja Williams
Cross-Examination by Mr. Poulos
October 14, 2015

CROSS-EXAMINATION

BY MR. POULOS:

Q. Do you recall meeting with myself, Mr. West, and Mr. McGowan a couple of months ago to talk about this case?

A. Yes.

Q. It was at your house?

A. Yes.

Q. Do you recall at that time, Ms. Williams, you told us --

A. Uh-huh.

Q. -- that it was the defendant, Sha'Quille Washington, and Larry Kinloch, who was following Herman around the bar that night.

A. Uh-huh.

Q. So both of them were following Herman around the bar?

A. And I said that both of them were and at a certain point Sha'Quille sat. You didn't ask me that.

Q. And at some point Trey came up to you --

A. Uh-huh.

Q. -- and he said, they are going to kill me. That's what he said; right?

A. Uh-huh.

Q. They?

A. They.

Aja Williams
Cross-Examination by Mr. Poulos
October 14, 2015

1 Q. They, including Larry Kinloch and Sha'Quille
2 Washington?

3 A. And I said Larry to you-all when you were sitting
4 in my living room. I did state --

5 Q. Right.

6 A. -- that to you-all, didn't I?

7 Q. Uh-huh.

8 A. Okay.

9 Q. You said they. That includes Mr. Washington?

10 A. Uh-huh.

11 Q. Correct?

12 A. Yes.

13 Q. Now, you didn't see the shooting?

14 A. No.

15 Q. You didn't see the fight?

16 A. I was inside the bar.

17 Q. But what you did see is Mr. Washington, along with
18 Mr. Kinloch, follow Trey out of the bar; correct?

19 A. Correct.

20 Because they were leaving. Everyone inside was
21 leaving.

22 Q. Trey walked out. Six feet behind him were both
23 Mr. Washington and --

24 A. Uh-huh.

25 Q. -- Mr. Kinloch; correct?

Aja Williams
Cross-Examination by Mr. Poulos
October 14, 2015

1 A. Uh-huh.

2 THE COURT: Was that a yes?

3 A. Yes.

4 THE COURT: Thank you.

5 Q. [Mr. Davis] You heard four to five shots?

6 A. Correct.

7 Q. Did you see Mr. Washington leave?

8 A. I saw when he was walking out and he was like
9 walking out behind.

10 Q. Did you tell us you saw him jump in a truck?

11 A. Yes.

12 Q. What about security? Do you recall if there was
13 security?

14 A. I recall security.

15 Q. You do recall security?

16 A. Yes.

17 Q. Okay. Tell me about security.

18 A. There were like two securities out there, I
19 believe. I can't really recall, but I -- it was I think I
20 would believe two.

21 Q. At the time of the shooting, where was the
22 security?

23 A. I was at the bar. There was someone at the door.

24 Q. After Trey was shot, you went outside; right?

25 A. Yes.

Aja Williams
Cross-Examination by Mr. Poulos
October 14, 2015

1 Q. You stayed?

2 A. Uh-huh.

3 Q. Tell me about that.

4 A. Me and my cousin, we just was talking to him. We
5 was just talking to him and just telling him, you know, calm
6 down, an ambulance is coming. And, you know, we just was
7 telling him, you know, breathe.

8 Q. Was he able to talk back?

9 A. He tried.

10 THE WITNESS: I'm sorry.

11 MR. POULOS: Take your time.

12 A. He was trying to talk back to us, and we told him
13 not to talk. We was just -- you know, we were trying to
14 figure out shot -- got shot at.

15 Q. [Mr. Poulos] Ms. Williams, after Trey was shot,
16 did you see security anywhere around him?

17 A. I can't recall.

18 Q. Were you there when the police showed up?

19 A. Yes.

20 Q. Do you recall if security was there when the police
21 showed up?

22 A. They had everyone there. They wouldn't let anyone
23 leave at that time when the police showed up.

24 Q. So if security had been there when the police
25 showed up, they would not have been allowed to leave? That's

Aja Williams
Cross-Examination by Mr. Poulos
October 14, 2015

1 what you remember?

2 A. Uh-huh.

3 MR. POULOS: Nothing further.

4 MR. DAVIS: Ms. Williams, other than --

5 THE COURT: Mr. Davis?

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Aja Williams
Redirect Examination by Mr. Davis
October 14, 2015

REDIRECT EXAMINATION

BY MR. DAVIS:

Q. Other than the solicitor's office coming out to see you two months ago, a month ago, did anybody from the sheriff's department ever take a statement from you?

A. I can't recall.

Q. In the two years, did Detective Shuler ever come out and take a statement pertaining to what you have just testified to -- this is Detective Shuler [indicates] -- or anybody from the Berkeley County Sheriff's Department in the past two years?

A. I can't recall.

Q. Do you recall writing any statement or being provided any copy of any statement that you have written in the past two years?

A. I can't recall.

Q. Now, when you met with the solicitors, they came to your home?

A. Yes.

Q. And you told them they -- you simply told them that Larry Kinloch -- the guy told you, said Larry Kinloch is going to shoot me?

A. Uh-huh.

Q. You said Larry Kinloch, did you not?

A. Yes.

Aja Williams
Redirect Examination by Mr. Davis
October 14, 2015

1 I did -- I said -- I told them -- I told them what
2 -- no. I told them --

3 Q. Told them what?

4 A. I told them who I -- who was following, and I told
5 them what he said to me.

6 Q. Who said that to you?

7 A. Herman.

8 Q. Who he said was going to kill him? shoot him?

9 A. He said Larry.

10 Q. And you have had this information since August the
11 25th of 2013; isn't that true?

12 A. Yes.

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

14 THE COURT: Mr. Poulos?

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Aja Williams
Recross-Examination by Mr. Poulos
October 14, 2015

RECROSS-EXAMINATION

BY MR. POULOS:

Q. Ms. Williams, I just want to clarify something.

A. Uh-huh.

Q. You told us that Herman said to you, they are going to kill me.

A. Uh-huh.

THE COURT: Is that a yes?

A. Yes.

Q. [Mr. Poulos] Now, when he was saying they, he was referring to Mr. Washington and Mr. Kinloch, who were together and at a club; correct?

A. When he -- yes.

Q. You spoke to the sheriff's department that night, correct, at around 6:03 in the morning?

A. Correct.

Q. Does that sound right?

A. Uh-huh.

THE COURT: Is that a yes?

A. Yes.

Q. [Mr. Poulos] And, again, you didn't see who shot Mr. Manigault, did you?

A. No, I don't -- didn't.

MR. POULOS: Thank you.

THE COURT: Thank you. You may step down,

Aja Williams
Recross-Examination by Mr. Poulos
October 14, 2015

1 Ms. Williams.

2 MR. DAVIS: Thank you.

3 THE COURT: I'm sorry. Did you have anymore -- I'm
4 sorry, Mr. Poulos. Did you have anymore questions?

5 MR. POULOS: One more, Your Honor.

6 THE COURT: I'm sorry, Ms. Williams. He walked
7 away and I was -- I thought you were done. Just have a
8 seat. I apologize.

9 MR. POULOS: I'm sorry, Ms. Williams. One last
10 question.

11 Q. [Mr. Poulos] Did you refuse to give a written
12 statement to Detective Shuler?

13 A. I don't -- I cannot recall.

14 MR. POULOS: No further questions.

15 THE COURT: You may step down. Thank you.

16 [Whereupon, Ms. Williams is excused and exits the
17 witness stand]

18 THE COURT: Call your next witness, Mr. Davis.

19 MR. DAVIS: Yeah. We call Kenneth Grant, Your
20 Honor.

21 THE COURT: Sir, please come forward and be sworn.
22 Right up here. Right up here to the lady in the white
23 sweater.

24 [Whereupon, Mr. Grant comes forward]

25 THE CLERK OF COURT: Please raise your right hand.

Aja Williams
Recross-Examination by Mr. Poulos
October 14, 2015

1 Place your left hand on the Bible.

2 [Whereupon, Mr. Grant is duly sworn by the clerk of
3 court as follows: do you solemnly swear or affirm the
4 testimony you will give the Court in the trial of this
5 case will be the truth, the whole truth, and nothing but
6 the truth, so help so you God]

7 THE WITNESS: Yes.

8 THE CLERK OF COURT: Please be seated.

9 [Whereupon, Mr. Grant takes the witness stand]

10 THE CLERK OF COURT: State your full name, and
11 spell your last name for the record.

12 THE WITNESS: Spell it?

13 THE CLERK OF COURT: Yes.

14 THE WITNESS: My name is Kenneth Gordon [phonetic]
15 Grant. G-R-A-N-T.

16 THE COURT: Mr. Davis, your witness.

17 MR. DAVIS: Thank you.
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Kenneth Grant
Direct Examination by Mr. Davis
October 14, 2015

KENNETH GRANT,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Mr. Grant, where do you live?

A. In Huger.

Q. Huger? You've always lived in Huger?

A. Yes. Well, you know, Charleston, Huger.

Q. What is your relationship to Sha'Quille Washington?

A. He's my little cousin.

Q. Little cousin? First, second, third, or do you
recall? Which one?

A. Second.

Q. Second cousin? That makes his mother your first
cousin?

A. Yes.

Q. And what kind of work do you do, sir?

A. Self-employed.

Q. What is that?

A. Trucks.

Q. Truck? You got a CDL license?

A. Yes.

Q. Back on August the 25th, 2013, do you have any
information of any substance that you can lend to this jury in

Kenneth Grant
Direct Examination by Mr. Davis
October 14, 2015

1 relationship to State versus Sha'Quille Washington? Any
2 information?

3 A. Yes.

4 Q. Tell us.

5 A. That night, that night after it had happened, well,
6 whatever had happened at the club, when we got back -- I came
7 back. I came back because Larry had called me.

8 MR. WEST: Objection. Hearsay.

9 THE COURT: Is there an exception?

10 MR. DAVIS: Yes.

11 THE COURT: What is it?

12 MR. DAVIS: Larry already testified. My God.

13 THE COURT: Overruled.

14 MR. DAVIS: Yeah. Thank you.

15 THE COURT: I mean, I'm sorry. Sustained.

16 Overrule your response, Mr. Davis.

17 Q. [Mr. Davis] As a result of the conversation with a
18 specific individual, you --

19 MR. WEST: Objection. Hearsay.

20 MR. DAVIS: I didn't name anybody.

21 THE COURT: Mr. Davis, ask your question.

22 He may be able to ask that question without
23 eliciting hearsay.

24 MR. DAVIS: Thank you.

25 Q. [Mr. Davis] You returned to the club?

Kenneth Grant
Direct Examination by Mr. Davis
October 14, 2015

1 A. Yes. Yes. Larry Kinloch told -- said he did it.

2 Q. Larry said he did it?

3 A. He said he did it.

4 MR. WEST: Objection, Your Honor.

5 A. He told me he did it.

6 THE COURT: Hold on one second. I need you to stop
7 speaking when there is an objection.

8 All right. Counsel approach.

9 [Whereupon, an off-the-record bench conference is
10 held]

11 THE COURT: Ladies and gentlemen, I instruct you --
12 we had a couple of questions and answers that got a
13 little out of control, people speaking over each other,
14 which you've heard me admonish attorneys all trial.

15 Please strike the last statement that this witness
16 made from your notes. You may not consider that at all.

17 Mr. Foreman, you are not to allow any discussion
18 about the last statement this witness made. All right?
19 Thank you.

20 MR. DAVIS: Judge, can we approach one minute?

21 THE COURT: You may.

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

24 THE COURT: Mr. Davis?

25 Q. [Mr. Davis] In relationship to time, Kenneth, you

Kenneth Grant
Direct Examination by Mr. Davis
October 14, 2015

1 said that you came back to the club. You didn't witness any
2 shooting, you said?

3 A. No, I didn't witness the shooting.

4 Q. How soon -- when did you learn of the shooting?

5 A. I got to say about ten to fifteen minutes after
6 everything happened.

7 Q. So ten to fifteen minutes after the shooting, you
8 heard?

9 A. I never heard --

10 Q. No. I don't mean that. How soon after the
11 shooting did you see --

12 A. Did I --

13 Q. -- Larry Kinloch?

14 A. Probably about I would say twenty, twenty-five,
15 minutes later.

16 Q. Within that twenty-five minute frame of time?

17 A. Yes.

18 Q. Okay. And that's when you heard what he said?

19 A. Yes.

20 Q. That, in fact, he had did it?

21 A. Yes.

22 MR. WEST: Objection, Your Honor.

23 THE COURT: Sustained.

24 Ladies and gentlemen, please strike that from your
25 notes.

Kenneth Grant
Direct Examination by Mr. Davis
October 14, 2015

MR. DAVIS: No further questions.

THE COURT: Mr. West?

MR. WEST: Thank you, Your Honor.

Kenneth Grant
Cross-Examination by Mr. West
October 14, 2015

CROSS-EXAMINATION

BY MR. WEST:

Q. Mr. Grant, do you remember coming to my office last week?

A. Yes.

Q. Now, when you met me at my office, you told me you weren't there, you had nothing to say, you knew nothing about this; right?

A. Yeah.

I told -- I told you I was not there at the time of the shooting.

Q. And you told me you didn't know nothing about this; right? You came to my office after you went to visit probation, because you're on probation; right?

A. Yes.

Q. So when you left the probation office -- what are you on probation for?

A. Simple possession.

Q. Simple possession?

A. Possession. Possession.

Q. Let me comb through this. One, two, three, four -- actually, the number is on the top.

A. You asked me --

Q. -- sixteen-page --

A. -- what I'm on probation for.

Kenneth Grant
Cross-Examination by Mr. West
October 14, 2015

1 Q. -- rap sheet here. Let me see. Let me see where
2 that simple possession is.

3 [Whereupon, Mr. West reviews documents]

4 Q. [Mr. West] Maybe you can help me out. When were
5 you put on probation? How many times have you been put on
6 probation?

7 A. This could be what?

8 Q. How many times have you been to jail?

9 A. I don't know.

10 Q. You don't know?

11 A. [No response]

12 Q. What's it all for? Drugs, guns --

13 A. Yeah.

14 Q. -- fights?

15 A. Drugs.

16 Q. Just drugs?

17 A. [No response]

18 Q. So let's see. 2009, when you were charged with
19 assault with intent to kill, when you were convicted of
20 assault and battery of a high and aggravated nature, that's
21 just drugs?

22 A. I wasn't convicted. I pleaded no contest.

23 Q. But you went to five years suspended on sixty days
24 and two years probation for that?

25 A. Yes.

Kenneth Grant
Cross-Examination by Mr. West
October 14, 2015

1 Q. You violated that probation, didn't you, 2010; is
2 that right?

3 A. No.

4 Q. Didn't violate that probation?

5 A. No.

6 Q. So your rap sheet is wrong?

7 A. I never violated that probation.

8 Q. How about the guns on your rap sheet? Those are
9 just drugs? Unlawful carrying of a pistol?

10 A. I had a unlawful carrying of a firearm when I was
11 seventeen years old, sixteen or seventeen years old.

12 Q. But you didn't bring that up just now in front of
13 this jury, did you?

14 A. Did you ask me that?

15 Q. Yeah. I asked you what you've been convicted of.
16 You said, just drugs, man, just drugs. Right?

17 A. [No response]

18 Q. Use of vehicle without permission, receiving stolen
19 goods. Any of that ringing a bell?

20 A. I don't know.

21 Q. Nothing's ringing a bell.

22 But something that Larry may have said rings a
23 bell; right?

24 A. [No response]

25 Q. Now, how many times did law enforcement try to get

Kenneth Grant
Cross-Examination by Mr. West
October 14, 2015

1 in touch with you?

2 A. I don't know.

3 Q. You don't know.

4 So when they went looking for you and tried to talk
5 to you and you refused to talk to them, you didn't want to
6 supply any information to them; right?

7 A. No.

8 Q. No.

9 Why don't you like talking to the police? Why do
10 you like lying to the solicitor's office?

11 A. Why was I lying? I wasn't lying.

12 Q. Okay. So you --

13 A. The questions that you asked me, I answered it
14 honestly.

15 Q. Did you?

16 A. Yes, I did.

17 Q. When you said you didn't know anything about
18 anything?

19 A. About what you were asking me. You asked me was I
20 there. I told you I was there. Did you ask me was I there
21 when the shooting happened? And I told you I wasn't there.
22 So what are you talking about?

23 A. I asked you if you had been at the club at all that
24 night and you said you had left. You never said anything
25 about going back, now, did you?

Kenneth Grant
Cross-Examination by Mr. West
October 14, 2015

1 A. Did you ask me if I went back?

2 Q. Yes. I asked you when were you at the club that
3 night.

4 A. You asked me -- I never went back to the club.
5 That's where you wrong at. I never went back to the club.
6 That's not where I saw Larry at.

7 Q. Okay. So when you just testified a little while
8 ago and told Mr. Davis you went back to the club, that's not
9 true?

10 A. No. No. That's not where I saw Larry at after the
11 club -- I mean, after everything happened. That's not where I
12 saw him at. I didn't go back to the club. I went to his
13 house. That's where I saw him at.

14 Q. So if I was to look at one of Detective Wilson's
15 reports involving this incident and it said that you advised
16 him that the only information you knew concerning the homicide
17 of Herman Manigault you had picked up from the streets, is he
18 a liar or are you a liar?

19 A. Who?

20 Q. Detective Wilson. If that's in his report and you
21 told him the only thing you knew you picked up from the
22 streets --

23 A. Oh. I don't never even remember talking to a
24 Detective Wilson.

25 Q. You said that you did not witness anything and

Kenneth Grant
Cross-Examination by Mr. West
October 14, 2015

1 therefore you did not feel you needed to provide any
2 information.

3 A. Yes, that's how I felt.

4 Q. But you changed your mind today; right?

5 A. Yes. Yes, I do -- I did.

6 Q. How are you related to Mr. Washington again?

7 A. This is my second cousin.

8 Q. How many times have you talked to his mom about
9 this case?

10 A. I don't really talk to her about this case too
11 much.

12 Q. Really? Because the other day when you were in our
13 office, you said she was pressuring you to come talk to us;
14 right?

15 A. No. I never told you that.

16 I told you -- I told you that I don't know whose --
17 I mean, who -- because you told me you don't know -- you told
18 me you wasn't the one who subpoenaed me. So I'm figuring out
19 -- I asked you who subpoenaed me. You said Mr. Davis
20 subpoenaing me.

21 Q. And Mr. Davis called you as a witness today; right?

22 A. Yes.

23 Q. Does that make sense?

24 A. Yes.

25 Q. So is that the truth, then? We had an exchange of

Kenneth Grant
Cross-Examination by Mr. West
October 14, 2015

1 information that is based on the same quality of information
2 being provided by both sides. It doesn't sound like it;
3 right?

4 A. [No response]

5 Q. Now, yesterday the jury got to hear a pretty good
6 phone call from Larry Kinloch where he describes Sha'Quille
7 Washington shooting Herman Manigault. And the jury will
8 recall that you did talk to Larry after this, and that you
9 supplied information to him; right?

10 A. I supplied information to who?

11 Q. Larry Kinloch.

12 A. No. That's not true.

13 Q. Where do you live, Mr. Grant?

14 A. Right at the moment?

15 Q. Sure.

16 A. In Hanahan. I'm from Huger.

17 Q. You talk to Larry Kinloch a lot?

18 A. Yes. He's like my -- he was like my best friend.

19 Q. He's your best friend?

20 A. Yeah.

21 Q. How about Mr. Washington?

22 A. I don't talk to Mr. Washington as much, but he's my
23 second cousin.

24 Q. So it's your testimony today you didn't see
25 anything; right?

Kenneth Grant
Cross-Examination by Mr. West
October 14, 2015

1 A. No, I didn't.

2 Q. You did not see any shooting and didn't hear a
3 shooting and you weren't there when it happened --

4 A. Yes.

5 Q. -- you weren't there right after it happened. And
6 the only thing you can provide is what? Nothing; right?

7 A. You wrong. He told me --

8 Q. No. Nope. No, sir.

9 MR. WEST: Thank you.

10 THE COURT: Mr. Davis?

11 MR. DAVIS: Just one -- just one question.

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Kenneth Grant
Redirect Examination by Mr. Davis
October 14, 2015

REDIRECT EXAMINATION

BY MR. DAVIS:

Q. He asked you why are you here today. Why are you here?

A. I'm here today to say that Larry --

MR. WEST: Objection.

THE COURT: Sustained.

You cannot testify as to what someone told you, unless there is an exception and I have established there is no exception.

MR. DAVIS: Judge, what about Rule 803, presence sense --

THE COURT: Okay.

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

THE COURT: You may continue.

MR. DAVIS: Yes.

Q. [Mr. Davis] Mr. Grant, did myself or my investigator come out to you in the last two years to discuss this matter?

A. Yes.

Q. And when was that?

A. Like in the beginning.

Q. In the beginning; right?

And some of the same discussion we are having today

Kenneth Grant
Redirect Examination by Mr. Davis
October 14, 2015

1 was a discussion that was said two years ago; isn't that true?

2 A. Yes.

3 Q. But the sheriff's department apparently didn't
4 follow up on it; isn't that true?

5 A. Yes.

6 MR. DAVIS: No further questions.

7 THE COURT: Mr. West, recross?
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Kenneth Grant
Recross-Examination by Mr. West
October 14, 2015

RECROSS-EXAMINATION

BY MR. WEST:

Q. So when you say the sheriff's department didn't follow up on something, but you refused to talk to them, does that make any sense?

A. Umm --

Q. No?

A. Huh-uh.

MR. WEST: Thank you.

THE COURT: You may step down. Thank you.

[Whereupon, Mr. Grant is excused and exits the witness stand]

MR. DAVIS: Nothing further.

THE COURT: Call your next witness.

MR. DAVIS: Dr. Presnell. Susan Presnell.

THE COURT: I believe she goes by -- it's Dr. Erin Presnell.

THE CLERK OF COURT: Is she still under oath?

THE COURT: She's still under oath.

Doctor, please come forward and take the witness stand. Welcome back.

[Whereupon, Dr. Presnell takes the witness stand]

THE COURT: Dr. Presnell, I remind you that you are still under oath --

THE WITNESS: Yes, ma'am.

Kenneth Grant
Recross-Examination by Mr. West
October 14, 2015

1 THE COURT: -- and we all remember who you are.

2 Mr. Davis, your witness.

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Erin Presnell, M.D.
Direct Examination by Mr. Davis
October 14, 2015

ERIN PRESNELL, M.D.

Having Been Previously Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. I'm going to hand you what's been marked as
Defendant's Exhibit Number 8 and ask can you identify that for
me, please.

A. This is a copy of the toxicology report that was
performed on the blood that we drew at the time of autopsy.

Q. What was the alcohol level --

MR. WEST: Objection, Your Honor. 404.

THE COURT: Counsel approach.

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

THE COURT: Sustained.

MR. DAVIS: When are we going to proffer it, Your
Honor?

THE COURT: When I send the jury back out. But
it's on the report, --

MR. DAVIS: That's the only question I had for her.
I need to proffer her so she can go, please.

THE COURT: Ladies and gentlemen, there is a matter
of law that I must take up outside of your presence.

Do not begin your deliberations. Do not discuss

Erin Presnell, M.D.
Direct Examination by Mr. Davis
October 14, 2015

1 this case amongst yourself. Leave your notepads right
2 where they are or take them with you.

3 Please rise for the jury. Dr. Presnell, stay
4 seated.

5 [Whereupon, the jury exits the courtroom at
6 3:34 p.m.]

7 THE COURT: Thank you. Be seated.

8 All right. Mr. Davis?

9 MR. DAVIS: Yes?

10 THE COURT: My understanding is you wish to inquire
11 of Dr. Presnell what the blood-alcohol level is. I have
12 sustained the State's objection --

13 MR. DAVIS: Yes.

14 THE COURT: -- as to the actual amount. There has
15 been abundant testimony as to the fact that there was
16 drinking or not drinking by the victim, and so I have
17 excluded this testimony, but you may continue.

18 MR. DAVIS: Thank you.
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PROFFER

BY MR. DAVIS:

Q. Dr. Presnell, a toxicology report --

A. Right.

Q. -- is that part of the autopsy protocol?

A. Yes.

Q. Why is that part of the autopsy protocol?

A. Well, all of our autopsies are complete. So like say even if somebody -- like say we did the autopsy on Mr. Manigault and we found the fatal injury, we still complete the whole autopsy. And so part of the complete autopsy includes toxicology.

Q. And one was performed on Mr. Manigault in this case?

A. Yes.

Q. And what was the finding in reference to the toxology [phonetic] report?

A. He had a blood-alcohol level of .235.

Q. And can you share with us, as an expert, the significance -- is that considered high?

A. Yes, that is high.

Q. And high to the extent that -- you know, we do breath alcohol. How is breath alcohol different from blood alcohol content concentration?

A. Well, they correspond. And, of course, .08 being

1 the limit for driving. He's .235, so that's substantially
2 higher.

3 Now, with just a number, I can't predict. I
4 imagine he acted intoxicated. I can't predict how he would
5 act, though, whether he was aggressive or subdued or what his
6 actual mannerisms were under this influence. Although I can
7 say that is a high level.

8 Q. What's the lethal amount a human being should have
9 in his system?

10 A. Well, it all depends on the individual and other
11 diseases that they might also have. But certainly when we get
12 up to .4, we're considering that could be an acute alcohol
13 toxicity. Although I will have to preference that by saying
14 some chronic alcoholics are walking around with levels higher
15 than that.

16 Q. But this is extremely high in relationship that you
17 find in this toxicology report?

18 A. This toxicology -- this alcohol is high, yes.

19 Q. Now, you would surmise that it could impair
20 judgment?

21 A. Certainly.

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

23 And note for the record that we attempted to get
24 this introduced into evidence. Thank you.

25 THE COURT: All right. And that is Defendant's 8;

1 is that correct?

2 MR. DAVIS: I'll have it marked as a Court Exhibit,
3 since it didn't get in, though.

4 THE COURT: Well, it's still Defendant's 8, marked
5 as Defendant's 8, so the record is clear.

6 MR. DAVIS: That's right.

7 THE COURT: It just won't go back. It hasn't been
8 admitted.

9 MR. DAVIS: Thank you.

10 THE COURT: May Dr. Presnell be excused?

11 MR. DAVIS: Judge, she can be excused.

12 And thank you for coming back.

13 THE WITNESS: I'm dismissed from both sides?

14 THE COURT: You are released from both sides.

15 Thank you. Feel free to stay with us, though.

16 [Whereupon, Dr. Presnell is excused and exits the
17 witness stand]

18 THE COURT: Mr. Davis, who is your next witness?

19 MR. DAVIS: Call Renard Deveau.

20 THE COURT: All right. Let's have Mr. Deveau on
21 the front row.

22 Let's bring in the jury.

23 [Whereupon, the jury enters the courtroom at
24 3:37 p.m.]

25 THE COURT: Thank you. Be seated.

1 Call your next witness.

2 MR. DAVIS: Renard Deveau.

3 THE COURT: Sir, please come forward and be sworn.
4 Ms. Hill?

5 [Whereupon, Mr. Deveau comes forward]

6 THE CLERK OF COURT: Please raise your right hand.
7 Place your left hand on the Bible.

8 [Whereupon, Mr. Deveau is duly sworn by the clerk
9 of court as follows: do you solemnly swear or affirm
10 the testimony you will give the Court in the trial of
11 this case will be the truth, the whole truth, and
12 nothing but the truth, so help so you God]

13 THE WITNESS: Yes.

14 THE CLERK OF COURT: Please be seated.

15 [Whereupon, Mr. Deveau takes the witness stand]

16 THE CLERK OF COURT: State your full name. Spell
17 your last name for the record.

18 THE WITNESS: Renard Deveau.

19 THE COURT: Spell your last name, please.

20 THE WITNESS: D-E-V-E-A-U-X.

21 THE COURT: Mr. Davis, your witness.

22 MR. DAVIS: Thank you.

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Renard Deveau
Direct Examination by Mr. Davis
October 14, 2015

RENARD DEVEAUX,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Where do you live, young man?

A. 2052 Cainhoy Road.

Q. How long have you lived out there?

A. All my life.

Q. And do you know why you're here today?

A. Yes.

Q. Now, there's no question that Berkeley County Sheriff's Department engaged and had a -- took a statement from you some time ago, did they not?

A. Yes, they did.

Q. So you were cooperative with the Berkeley County Sheriff's Department?

A. Yes, I was.

Q. And you're from Huger; is that correct?

A. Yes, I am.

Q. Now, you provided a statement; right?

A. Yes, I did.

Q. Do you need to review that to refresh your memory, or can you recall and tell the jury what you shared with the detectives from the Berkeley County Sheriff's Department back

Renard Deveau
Direct Examination by Mr. Davis
October 14, 2015

1 on August the 25th -- I'm sorry -- August -- September the
2 24th of 2013?

3 A. Yes, sir.

4 Q. Do you need to refresh your memory, or can you do
5 it on your own?

6 A. On my own.

7 Q. Okay. Tell us what your recall?

8 A. Well, the first one, like I told him, I was home
9 and I placed an order.

10 Q. Placed an order for what?

11 A. For some food at the club, at the restaurant.

12 Q. And the name of the club?

13 A. A Place In The Woods.

14 Q. What kind of food you placed the order for?

15 A. That order is chicken wings and fries.

16 Q. What time was it?

17 A. Maybe -- I can't recall the exact time, but I know
18 it was real late.

19 Q. And what happened?

20 A. All right. When I -- well, I walked from home to
21 the club, because it ain't that far from my house. When I
22 walked up to the club, I walked through the parking lot. And
23 when I waked out going to the door, there was a young man
24 standing there. I don't know who it was, because his back was
25 turned to me. He had on like a brown pair of sort pants, I

Renard Deveau
Direct Examination by Mr. Davis
October 14, 2015

1 believe.

2 And when I was walking past him, the guy that was
3 standing in front of him, the guy with the short pants, on he
4 pulled off his shirt like about to engage in a fight or
5 whatever the case may be. And I know they -- everybody like
6 to horseplay, whatever the case may be.

7 So when I got up on the step and I went in through
8 the first door, by the time I hit the second door that's when
9 I overheard gunshots.

10 Q. Now, the guy who pulled out his shirt, was he in
11 place proximity to someone that you know or were familiar
12 with?

13 A. Yes.

14 He was standing in the opposite direction of Larry
15 Kinloch.

16 Q. Did you hear them engage in any argument?

17 A. That's what I say. I heard them fussing.

18 Q. And you saw him remove his shirt?

19 A. The guy with the short pants removed his shirt.
20 Brown shorts --

21 Q. As if they were --

22 A. -- as in engaging --

23 Q. -- getting ready to get in an engagement?

24 A. -- to a fight. Yes.

25 Q. And a few seconds later, you heard some gunshots?

Renard Deveau
Direct Examination by Mr. Davis
October 14, 2015

1 A. By the time I got to the second door to enter the
2 club, that's when I heard the gunshots.

3 MR. DAVIS: No further questions.

4 THE COURT: Mr. West? Mr. Poulos?

5 MR. POULOS: Thank you, Your Honor.
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Renard Deveau
Cross-Examination by Mr. Poulos
October 14, 2015

CROSS-EXAMINATION

BY MR. POULOS:

Q. Mr. Deveau, you didn't see any -- who fired the shots; right?

A. No, I didn't. I was in the club.

Q. You didn't see the fight?

A. No.

Like I said, when I walked up, the young man with the brown short pants pulled off his shirt. They already engage in a verbal argument. Once I hit the second door, that's when I heard the shots. I can't see nothing behind me from the club.

Q. Who else was outside?

A. It was multiple people outside.

Q. The defendant was outside, wasn't he?

A. I didn't notice the defendant. Did not see him.

Q. Didn't notice him?

A. No.

Q. Mr. Deveau, you've got a criminal record?

A. Okay.

Q. Right?

A. Yes.

Q. Car-jacking, assault and battery of a high and aggravated nature, CDV first. And just last year, you were convicted of giving false information; correct?

Renard Deveau
Cross-Examination by Mr. Poulos
October 14, 2015

1 A. Okay. Can I -- can I ask you a question?

2 THE COURT: You need to answer --

3 A. Yes.

4 THE COURT: -- Mr. Poulos' questions.

5 A. That's what I was charged with.

6 Q. [Mr. Poulos] And that's what you -- that's what
7 you were convicted of?

8 A. No.

9 I was convicted of assault on -- assault and
10 battery.

11 Q. If I show you your rap sheets, it says charge,
12 giving false information, court disposition, convicted, court
13 date 4/16/2014, warrant number 92798EW, North Charleston
14 Police Department, you're telling me that's not true? That's
15 false?

16 A. In North Charleston I got arrested in and I was
17 convicted of assault.

18 Q. Read your rap sheet for me --

19 A. There's a difference in North Charleston and
20 Berkeley County.

21 Q. Mr. Deveau, read with me here. Court disposition,
22 convicted. Do you see that?

23 A. Yeah. I can read.

24 Q. So you're saying this is not true?

25 A. I didn't say that's not true.

Renard Deveau
Cross-Examination by Mr. Poulos
October 14, 2015

1. Q. So it is true?

2. A. I was convicted of assault in Berkeley County.
3. Charleston County came and picked me up from prison and
4. brought me back and charged me with it.

5. Q. Charged you with giving false information?

6. A. Exactly.

7. Q. And you were convicted of that charge?

8. A. Yes.

9. MR. POULOS: Okay. I have nothing further, Your
10. Honor.

11. THE COURT: Mr. Davis, any redirect?

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

13. THE COURT: You may step down, Mr. Deveau. Thank
14. you.

15. [Whereupon, Mr. Deveau is excused and exits the
16. witness stand]

17. THE COURT: Call your next witness.

18. MR. DAVIS: Robin Williams.

19. THE COURT: Please come forward and be sworn.
20. Right here to the lady in the white sweater.

21. MR. DAVIS: Judge, I think I'll have it marked for
22. identification purposes.

23. THE COURT: So Defendant's 9?

24. MR. DAVIS: Yes. 9 and 10, Your Honor.

25. THE COURT: 9 and 10.

Renard Deveau
Cross-Examination by Mr. Poulos
October 14, 2015

1 [Whereupon, Defendant's Exhibit Number 9 is marked
2 by the court reporter]

3 [Whereupon, Defendant's Exhibit Number 10 is marked
4 by the court reporter]

5 [Whereupon, Ms. Williams comes forward]

6 THE CLERK OF COURT: Please raise your right hand.
7 Place your left hand on the Bible.

8 [Whereupon, Ms. Williams is duly sworn by the clerk
9 of court as follows: do you solemnly swear or affirm
10 the testimony you will give to the Court in the trial of
11 this case will be the truth, the whole truth, and
12 nothing but the truth, so help so you God]

13 THE WITNESS: Yes.

14 THE CLERK OF COURT: Please be seated.

15 [Whereupon, Ms. Williams takes the witness stand]

16 THE CLERK OF COURT: State your full name, and
17 spell your last name for the record at this time.

18 THE WITNESS: My name is Robin Williams.

19 W-I-L-L-I-A-M-S.

20 THE COURT: Mr. Davis?
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Robin Williams
Direct Examination by Mr. Davis
October 14, 2015

ROBIN WILLIAMS,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. Where do you live, Ms. Williams?

A. Huger.

Q. Huger, South Carolina?

A. Yes.

Q. And you've been living there since August the 25th
of 2013?

A. Yes.

Q. And there's no question that people from the
Berkeley County Sheriff's Department, on September the 4th of
2013, they -- you gave them a statement about what transpired
that night, did you not?

A. Yes.

Q. I want to ask you can you identify this.

A. Yes, sir.

Q. Do you need to refresh your memory or --

A. No.

Q. Tell us what you recall stating.

A. I was walking out of the club and I was talking to
my cousin. And I heard a lot of fussing and whatever, and I
looked up and I see a young lady holding a glass bottle in

Robin Williams
Direct Examination by Mr. Davis
October 14, 2015

1 Sha'Quille's face. And maybe like five seconds later, shots
2 fired, three, and then that was it.

3 Q. After the shots, where did you see Mr. Washington
4 go? Or did you see --

5 A. He runs. He ran on the second shot.

6 Q. So in the second shot -- but did you hear shots
7 after he was still running --

8 A. Yes.

9 Q. -- away?

10 A. That's when I heard the two last shots.

11 Q. So there were five shots?

12 A. No. There was four.

13 Q. Four? So you recall hearing the first two shots?

14 A. Uh-huh. There was another one, and maybe two
15 seconds there was another one.

16 Q. And he's running away --

17 A. Yes.

18 Q. -- when you heard the other two shots?

19 A. Uh-huh. He ran.

20 Q. And you --

21 MR. DAVIS: No further questions.

22 THE COURT: Mr. West?

23 MR. WEST: Hi, Ms. Williams.

24 THE WITNESS: Hello.

25 MR. WEST: I just want to clarify something.

Robin Williams
Cross-Examination by Mr. West
October 14, 2015

CROSS-EXAMINATION

BY MR. WEST:

Q. You didn't give a statement to Berkeley County Sheriff's Office; right?

A. I gave it to an investigator. I don't know. With the county.

Q. So when Mr. Davis asked you if you were cooperative with the Berkeley County Sheriff's Office --

A. I don't --

Q. -- that was Mr. Davis' investigator?

A. Okay. I don't know --

Q. Did he have on a blue --

A. -- what county.

Q. Did he have on a blue uniform like this beautiful lady right here?

A. Huh-uh.

Q. No?

A. He had on just clothes like --

Q. Okay. A badge that said Berkeley County Sheriff's Office?

A. No, no badge.

Q. No? Just plain clothes?

A. I can't remember.

Q. Did he tell you --

A. -- what --

Robin Williams
Cross-Examination by Mr. West
October 14, 2015

1 Q. -- did he tell you he was working for the Davis Law
2 Firm?

3 A. He was the investigator. That's what he told me.

4 Q. So he didn't tell you he was working for the Davis
5 Law Firm?

6 A. No.

7 Q. On the top of your statement does it say -- you saw
8 your statement?

9 A. Yes.

10 Q. Does it indicate to you who you're making the
11 statement to?

12 A. I didn't read all that.

13 Q. So you gave your name and number at the top of it.
14 And it says, I'm about to make these statements known to the
15 Davis Law Firm. You didn't read it?

16 A. No.

17 Q. Did you make a complete statement?

18 A. Yes.

19 Q. Are you saying somebody from the Davis Law Firm
20 added some stuff to your statement?

21 A. No.

22 Q. That's not what you're saying?

23 A. That's mine. That's my handwriting.

24 Q. Okay. Now, let's clarify some things about the
25 shots.

Robin Williams
Cross-Examination by Mr. West
October 14, 2015

1 A. Uh-huh.

2 Q. You recognize the defendant; right?

3 A. I do.

4 Q. And you saw a young lady holding a glass bottle --

5 A. A bottle. Yes.

6 Q. -- in Shike's face?

7 A. Uh-huh.

8 Q. So at the time when the glass bottle was in Shike's
9 face, did you also see him pointing a gun --

10 A. No.

11 Q. -- in her face?

12 A. No.

13 Who would -- I mean, like who would have a glass
14 bottle in someone's face when they armed?

15 Q. Well, wouldn't say if he -- if somebody put a glass
16 bottle up first, they would put it down --

17 A. No. She had it up the whole time.

18 Q. Okay.

19 A. Yes. She had it in his face.

20 Q. But Mr. Washington never had a gun?

21 A. No.

22 Q. You didn't see him with a gun?

23 A. I -- no. I know how a gun looks.

24 Q. You know how a gun looks?

25 A. Yes. Uh-huh.

Robin Williams
Cross-Examination by Mr. West
October 14, 2015

1 Q. How do you know how a gun looks?

2 A. Because, I mean, police officers --

3 Q. I don't --

4 A. -- they carry guns.

5 Q. But you didn't know that it wasn't a police officer
6 you were talking to earlier?

7 A. When?

8 Q. You know what police officers look like?

9 A. Right.

10 Q. But you didn't know you were not giving a statement
11 to police officers earlier?

12 A. For the statement?

13 Q. Right.

14 A. No. He's an investigator.

15 Q. You realize that the young man, Herman Manigault,
16 was only shot twice; right?

17 A. Well, I heard four shots.

18 Q. Okay. But you said you saw two shots before he
19 ran.

20 A. No. I heard two shots before he ran.

21 Q. You heard two shots before he ran?

22 A. Yes.

23 Q. And he has two shots in his back, doesn't he?
24 Mr. Manigault.

25 A. I don't know.

Robin Williams
Cross-Examination by Mr. West
October 14, 2015

1 Q. You don't know?

2 A. I don't know.

3 Q. So if the evidence showed during the course of this
4 trial, that this jury has witnessed, that Herman Manigault had
5 two shots in his back, that would be consistent with the two
6 shots that you heard?

7 A. I don't know.

8 Q. Who else was out there?

9 A. It was me and my two cousins.

10 Q. Who's your two cousins?

11 A. Sabrina Pinckney and Lasheena Williams [all
12 phonetic].

13 Q. What's the last one?

14 A. Williams.

15 Q. What was the first name?

16 A. Lasheena.

17 Q. Lasheena?

18 A. Yes.

19 Q. Are you related to Aja Williams?

20 A. Yes.

21 Q. How are you related to her?

22 A. She's my first cousin.

23 Q. First cousin. Did you see her out there that
24 night?

25 A. Yeah. She was the bartender.

Robin Williams
Cross-Examination by Mr. West
October 14, 2015

1 Q. Did you ever know anybody named Larry Jenkins?

2 A. No.

3 Q. Larry Kinloch?

4 A. No.

5 Q. You don't know Larry Kinloch?

6 A. No. I have seen him. I don't know him.

7 Q. Do you know what he looks like?

8 A. Yeah.

9 Q. Did you see him there?

10 A. Down to the club? Yeah.

11 Q. Did you see him when you heard the shots?

12 A. No. I only saw him, Sha'Quille.

13 Q. Only saw Sha'Quille?

14 A. Yeah.

15 Q. Only saw Sha'Quille, heard two shots --

16 A. Uh-huh.

17 Q. -- two shots in the victim.

18 And you saw the defendant run. Did you see him get
19 in anybody's car?

20 A. No. Huh-uh.

21 Q. So if --

22 A. I didn't know him. I just saw when he ran. I
23 didn't --

24 Q. Where did he run?

25 A. He run like up the road, like towards his home.

Robin Williams
Cross-Examination by Mr. West
October 14, 2015

1 Q. So if this jury heard testimony that the defendant
2 ran after the first shot, which one is the lie?

3 A. Huh? Excuse me?

4 Q. If the defendant's statement said that he ran after
5 the first shot.--

6 MR. DAVIS: I'm going to object, Your Honor.

7 THE COURT: What's the basis?

8 MR. DAVIS: Pitting one witness against the next,
9 Your Honor.

10 THE COURT: Sustained.

11 Q. [Mr. West] Do you know where Sha'Quille went
12 after?

13 A. Do I know where he went?

14 Q. Do you know where he went after?

15 A. His home, I guess.

16 Q. But you never actually saw the shots; right?

17 A. I heard it.

18 Q. You just heard them?

19 A. Yes.

20 Q. Was Christina Lockwood in the parking lot?

21 A. [Indicates negatively]

22 Q. You don't know who that is?

23 A. I don't know.

24 Q. Do you know who Drequan Lockwood is?

25 A. Yes.

Robin Williams
Cross-Examination by Mr. West
October 14, 2015

1 Q. Yes? Is he in the courtroom?

2 A. No.

3 Q. He's not? Did you see him sitting over with the
4 defendant's family earlier today?

5 A. No.

6 MR. WEST: Okay. No further questions.

7 MR. DAVIS: Just a few.

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Robin Williams
Redirect Examination by Mr. Davis
October 14, 2015

REDIRECT EXAMINATION

BY MR. DAVIS:

Q. Was this young man in your line of sight when you heard these shots?

A. Yeah, I saw him. Like I saw the girl and the glass bottle to him. I saw that --

Q. Now, the question is, when you heard the shots, though --

A. Uh-huh.

Q. -- was he running or was he --

A. On maybe the second shot he ran. Because it happened right after, like --

Q. By the second shot, he's running?

A. Yes, he run.

Q. And then after that you heard --

A. The third one. Then maybe two seconds, the last one.

Q. So there's no doubt that he was not in that proximity when them other shots were there?

A. No. Uh-huh.

That -- when those shots fired, it was like it -- whoever was fighting was on the other side of the van.

Q. Did you see Larry Kinloch that afternoon, too?

A. I saw him that night.

Q. Yeah.

Robin Williams
Redirect Examination by Mr. Davis
October 14, 2015

1 A. Yeah.

2 Q. Where did you see him at?

3 A. In the club.

4 Q. At the club. Okay.

5 Was he outside when all of this was going on, or do
6 you know?

7 A. I don't know.

8 Q. You don't know.

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Robin Williams
Recross-Examination by Mr. West
October 14, 2015

RECROSS-EXAMINATION

BY MR. WEST:

Q. Tell me about this van that -- you said the fight was on the other side of the van?

A. Uh-huh.

Q. So where exactly were you standing when this happened?

A. I was like on the far right of the building.

Q. Far right of the building?

A. Yeah. Maybe like fifteen steps.

Q. Mr. Davis has a diagram.

A. Okay.

MR. DAVIS: Wow. Got it pretty deep back there.

MR. WEST: I'll just hold it up.

Q. [Mr. West] When you say right -- this is Defense's Exhibit Number 2. When you say right of the building: this is Hammond Corner Road.

A. Uh-huh.

Q. This is A Place In The Woods. Is it right -- to my right or you're facing to the street right?

A. Yeah. This here.

Q. This side?

A. Uh-huh. Yeah.

Q. So how far over this way were you?

A. Can I show you? Can I --

Robin Williams
Recross-Examination by Mr. West
October 14, 2015

1 Q. Yeah.

2 A. Okay. I guess this is the white van, and I was
3 like right here. Maybe right here and --

4 THE COURT: Mr. West, the jury cannot see or hear
5 her.

6 THE WITNESS: Sorry.

7 MR. WEST: All right. I apologize.

8 A. Okay. I was like right here and the young lady was
9 like in front of him and he was behind -- or in front of her,
10 and she was holding a glass bottle.

11 Q. [Mr. West] All right. And where were you when you
12 heard the first shot?

13 A. I was like standing right here because my cousins,
14 they -- they had -- heard the shots --

15 Q. All right. So which way did Shike run?

16 A. He ran. Like he was running. He run toward --

17 Q. So he was never on this side?

18 A. No.

19 Q. Never was on this side?

20 A. Huh-uh.

21 I saw him -- that's how I saw him, because I was
22 standing over here and he was like right here and the lady was
23 in front of him with a bottle.

24 Q. The fight was on what side of the van?

25 A. The fight? I guess right here.

Robin Williams
Recross-Examination by Mr. West
October 14, 2015

1 Q. So Shike wasn't anywhere near the fight --

2 A. No.

3 Q. -- according to your testimony?

4 A. No, he wasn't.

5 Q. So he would never have been threatened by the
6 victim in this case?

7 A. I don't know. I wasn't -- I don't know. That's
8 why I saw them two.

9 Q. But what you remember is the defendant is
10 completely on the other side of the van. A van was in between
11 them; right?

12 A. He was like behind -- like he was just how I show
13 you on the board.

14 Q. Okay.

15 A. Yeah.

16 Q. But absolutely, to your memory, there's a white --

17 A. Van.

18 Q. -- cargo van in between the defendant and the
19 victim?

20 A. They -- okay. They was on the -- the fight was on
21 the left, I guess, and they was like behind the van like
22 farther to the left. He wasn't near the fight.

23 Q. So your testimony is that there is no way that the
24 defendant could have been threatened by any physical force
25 through that van; right?

Robin Williams
Recross-Examination by Mr. West
October 14, 2015

1 A. [Indicates negatively]

2 Q. No?

3 A. No.

4 Q. No claim of self-defense?

5 A. No.

6 MR. WEST: Okay. Thank you.

7 MR. DAVIS: In your statement you said --

8 THE COURT: All right.

9 MR. DAVIS: I'm not finished.

10 THE COURT: No, no. Mr. Davis, you don't get
11 re-recross or re-redirect. We're done.

12 MR. DAVIS: Thank you.

13 THE COURT: You may step down. Thank you so much.

14 [Whereupon, Ms. Williams is excused and exits the
15 witness stand]

16 MR. DAVIS: We call --

17 THE COURT: Call your next witness.

18 MR. DAVIS: -- Tyson Singleton, Your Honor.

19 THE COURT: Thank you.

20 Sir, please come forward to be sworn.

21 [Whereupon, Mr. Singleton comes forward]

22 THE CLERK OF COURT: Please raise your right hand.
23 Place your left hand on the Bible.

24 [Whereupon, Mr. Singleton is duly sworn by the
25 clerk of court as follows: do you solemnly swear or

Robin Williams
Recross-Examination by Mr. West
October 14, 2015

1 affirm the testimony you will give the Court in the
2 trial of this case will be the truth, the whole truth,
3 and nothing but the truth, so help so you God]

4 THE WITNESS: Yes, ma'am.

5 THE CLERK OF COURT: Please be seated.

6 [Whereupon, Mr. Singleton takes the witness stand]

7 THE CLERK OF COURT: State your full name, and
8 spell your last name for the record.

9 THE WITNESS: Spell my last?

10 THE CLERK OF COURT: Yes, sir.

11 THE WITNESS: My name is Tyson Singleton.
12 S-I-N-G-L-E-T-O-N.

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Tyson Singleton
Direct Examination by Mr. Davis
October 14, 2015

1 TYSON SINGLETON,

2 Having Been First Duly Sworn,
3 was Examined and Testified as Follows:

4 DIRECT EXAMINATION

5 BY MR. DAVIS:

6 Q. Where do you live, Tyson?

7 A. Hammond Corner Road in Huger.

8 Q. Have you been living there since August the 15th of
9 2013?

10 A. Yes, sir.

11 Q. Do you recall an investigator by the name of
12 William Freeman came out and inquire or tried to find out what
13 happened August the 25th of 2013?

14 A. You said who?

15 Q. Officer William Freeman, a private investigator
16 that was hired by my office to come out there and try to --

17 A. Yes, sir.

18 Q. Do you recall giving him a statement?

19 A. Yes, sir.

20 Q. Do you mind sharing with us exactly what you
21 stated, or as best you recall, from that night?

22 A. Well, I told him I had a point in time this
23 Sha'Quille, he was at -- in the road before the first shot
24 happened. After the second shot, everybody just scatter.

25 Q. How you know that, son?

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Tyson Singleton
Direct Examination by Mr. Davis
October 14, 2015

1 A. Sir?

2 Q. How do you know that? Tell us. Where were you and
3 at what time? Tell us how you were in the position to say the
4 things that you've just said.

5 A. I was in the position inside a parking lot.

6 Q. Had you been at the club?

7 A. Yes, sir.

8 Q. So, what, everybody was leaving the club at this
9 particular time?

10 A. Yes, sir.

11 Q. But you were not engaged in any fight or anything
12 at the club?

13 A. No, sir.

14 Q. But how many shots did you heard?

15 A. I heard three.

16 Q. And it's your testimony that in relationship to
17 these shots, were this young man visible in your sight?

18 A. Yes, sir.

19 Q. And being visible in your sight, were he anywhere
20 near where the shots were being dislodged when you saw him
21 running down the road?

22 A. No, sir.

23 Q. And that's your testimony?

24 A. Yes, sir.

25 Q. Any relationship you have with this young man?

Tyson Singleton
Direct Examination by Mr. Davis
October 14, 2015

1 A. That's my neighbor.

2 Q. Your neighbor?

3 A. Yes, sir.

4 Q. How old are you, son?

5 A. Twenty-seven.

6 Q. So you would have been about twenty-five when this
7 happened?

8 A. Yes, sir.

9 Q. Did you finish high school?

10 A. No, sir.

11 Q. How far you went in school?

12 A. Twelfth grade.

13 Q. Twelfth grade? What kind of work do you do?

14 A. Landscaping.

15 Q. Landscaping?

16 A. Yes, sir.

17 MR. DAVIS: No further questions.

18 THE COURT: Mr. West, your witness.

19 MR. WEST: Thank you, Your Honor.

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Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

CROSS-EXAMINATION

BY MR. WEST:

Q. Mr. Singleton, law enforcement tried to get a statement from you; right?

A. Huh?

Q. Did law enforcement ever try to get a statement from you?

A. No, sir.

Q. That's not true?

A. No, sir.

Q. So when Detective Dan Wilson puts in a report that on September the 9th, 2013, he tried to make contact with you, he's telling a lie?

A. You talking to me, or you just talking?

Q. Yeah. I'm asking. I mean, this is question and answer time.

A. Okay. Can you repeat that, please?

Q. Yeah. Sure.

So you said law enforcement never tried to contact you; right?

A. Yes, sir.

Q. But Detective Dan Wilson, if he put in a report that he tried to contact you on September the 9th, 2013, he's telling a lie?

A. I wasn't even -- wouldn't even recall that, because

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 I was at work. I wouldn't even know if he was or not.

2 Q. So you never made contact with Detective Dan
3 Wilson?

4 A. No, sir.

5 Q. Never?

6 A. Who's Detective Dan, anyway?

7 Q. All right. Well, we're figuring that out right
8 now, sir.

9 So at 1080 Hammond Corner Road; where is that?

10 A. My house.

11 Q. That's your house? Okay.

12 And your testimony is you never talked to Dan
13 Wilson at 1080 Hammond Corner Road on September the 9th, 2013?

14 A. No, sir.

15 Q. So you never told Detective Dan Wilson that you had
16 already spoken to Steve Davis' private investigator and that
17 you would not provide detectives a statement about the
18 homicide?

19 A. I never did that.

20 Q. So Detective Dan Wilson is a liar and you're
21 telling the truth today.

22 Did you ever give a fake name to him?

23 A. No, sir.

24 Q. Okay. Let's talk a little bit about some other
25 things.

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 You've been in some trouble before; right?

2 A. Yes, sir.

3 Q. All right. Tell the jury what you've been in
4 trouble for.

5 A. [No response]

6 Q. Tell the jury --

7 MR. DAVIS: Judge, I think it's incumbent upon him
8 to ask him and see whether he deny it. I think that's
9 the proper manner to cross-examine to impeach.

10 THE COURT: Counsel approach.

11 [Whereupon, an off-the-record bench conference is
12 held]

13 Q. [Mr. West] Mr. Singleton, have you ever been
14 convicted of a crime?

15 A. Yes, sir.

16 Q. What, exactly?

17 A. Assault and battery --

18 Q. Assault and battery of a high and aggravated
19 nature?

20 A. Yes, sir.

21 Q. Now, let's talk a little bit about your statement.
22 You just testified that the defendant was in the
23 road when the first shot happened; correct?

24 A. [Indicates affirmatively]

25 THE COURT: Is that a yes?

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 A. Yes.

2 THE COURT: I need you to answer out loud.

3 THE WITNESS: I apologize.

4 Q. [Mr. West] I'm going to show you what's marked as
5 Defendant's Exhibit Number 2. You see this map? Do you
6 recognize this?

7 A. Yes, sir.

8 Q. This is the club, A Place In The Woods. This is
9 Hammond Corner Road. Where were you when you first saw the
10 defendant, Sha'Quille Washington?

11 A. Right here.

12 Q. You were right here?

13 A. Yes, sir.

14 Like the club is not like -- I been all the way at
15 the end of the club, because this was like nothing but grass
16 and a little parking area here.

17 Q. Did you see Robin Williams?

18 A. I was talking to her.

19 Q. Where was she?

20 A. Right by me.

21 Q. So right in here?

22 A. Not right in here. It was right up in here,
23 because it's nothing but parking spots, parking spaces.

24 Q. So farther to the right --

25 THE COURT: You need to speak into the microphone.

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 Thank you.

2 MR. WEST: Yeah. That's all right.

3 Q. [Mr. West] I'm just trying to get where you and
4 Robin were standing. So farther in the parking lot over here?

5 A. Yes, sir. Yes, sir.

6 Q. You were standing right next to her?

7 A. Yes, sir.

8 Q. Where was the defendant?

9 A. He was in the woods.

10 Q. Like over here?

11 A. Like right -- when you come right here, there's
12 nothing but trees.

13 Q. Right.

14 A. You can't see what's been going on inside the club.

15 Q. I'm going to leave this right here, but I'm going
16 to get a picture for you. Maybe that will help.

17 MR. WEST: Could you put State's Number 4 up?

18 Q. [Mr. West] There's a picture behind you, State's
19 Number 4. That's a view towards Hammond Corner Road. Okay?
20 Do you recognize that?

21 A. Yeah.

22 Q. Yeah.

23 And that's the van that's marked on Defense's
24 Number 2; right?

25 A. [Indicates affirmatively]

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 Q. Where were you, facing Hammond Corner Road, when
2 you heard the first shot?

3 A. Where I was facing?

4 Q. Where were you standing, like in relation to this
5 picture.

6 A. Sir, I can't see where I been standing at because I
7 don't --

8 Q. Would it be far to the right?

9 A. All the way to the right.

10 Q. And where was the defendant?

11 A. You say where we were?

12 Q. Where was Shike?

13 A. Like all the way to the next side where trees at.
14 I can --

15 Q. Oh. All the way --

16 A. -- see him. I can see him where the trees at.

17 MR. WEST: Can you put State's Number 2 up?

18 Q. [Mr. West] Is that the tree you're talking about?

19 A. No.

20 Q. No?

21 A. Huh-uh. There's a road right here.

22 Q. Right.

23 A. Trees. There's way -- there's like --

24 Q. Way down there?

25 A. Not like way down there. You still can't see

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 inside the club even if you go by the tree. You can't see
2 where the parking lot.

3 Q. He was that far away when the first shot happened?

4 A. Yes, sir.

5 Q. How many shots did you hear?

6 A. Three.

7 Q. Three shots. And the first one the defendant was
8 nowhere around?

9 A. Nowhere around.

10 Q. Nowhere around. Okay.

11 I'm going to go back to the exhibit, okay? Defense
12 Exhibit Number 2. Where -- do you know Herman Manigault?

13 A. No, sir.

14 Q. Do you know the person who was shot in this case?

15 A. Who?

16 Q. The person that was shot and killed?

17 A. No, I didn't know him.

18 Q. Did you see where he was when he was shot?

19 A. No, sir.

20 Q. Did you see him after he was shot?

21 A. No, sir.

22 Q. Where did you go?

23 A. I went home. I ran in the car and go home.

24 Q. What kind of car do you drive?

25 A. I don't drive a car.

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 Q. So you -- explain that. I'm confused.

2 A. I was -- I did jump in somebody else car when I
3 heard --

4 THE COURT: Sir, I need you speak into the
5 microphone.

6 A. I did jump in somebody else car when I heard the
7 shot.

8 Q. [Mr. West] Whose car did you jump in?

9 A. Quite a way. Robin Williams.

10 Q. Robin Williams?

11 A. Yes, sir.

12 Q. And she just testified; right?

13 A. Yes, sir.

14 Q. Who else was with y'all?

15 A. That's the only person I see.

16 Q. So Robin was by herself?

17 A. With me.

18 Q. So she wasn't with any other cousins or anything?

19 A. Not that I know of.

20 Q. Did you see Larry Kinloch?

21 A. No, sir.

22 Q. You didn't see Larry Kinloch at all?

23 A. I saw him inside the club.

24 Q. Oh. So he was inside the club when the shots
25 happened?

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 A. Before.

2 Q. Before.

3 A. Like when the -- people be inside the club and you
4 see them, they have their --

5 THE COURT: Sir, I need you to speak into the
6 microphone. Mr. West, I need you to --

7 MR. WEST: Yeah, I'll --

8 THE COURT: -- position yourself --

9 MR. WEST: Thank you, Your Honor.

10 THE COURT: -- so that he speaks into the
11 microphone. Thank you.

12 MR. WEST: Thank you, Your Honor.

13 I'll stand up here, try to ease everybody's
14 mind.

15 Q. [Mr. West] Tell the jury where Larry Kinloch was
16 when you heard the shots.

17 A. I didn't see Larry Kinloch in no light. Can't see
18 it in a view I was in because I was in front of the van.
19 Can't see no view.

20 Q. The van blocked your view of the shooting?

21 A. Yes, ma'am. Yes, sir.

22 Q. Well, did you ever see anybody with a gun?

23 A. No, sir.

24 Q. Did you see who did the shooting?

25 A. No, sir.

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 Q. When you heard the shots, your testimony is you
2 immediately turned and went in Robin Williams' car?

3 A. Yes, sir.

4 Q. Did you ever go back to the club that night?

5 A. No, sir.

6 Q. You didn't.

7 Okay. So when -- if somebody said that you back --
8 you went back and got in the defendant's car, that's not true?

9 A. No, it's not. I don't even know what you're
10 talking about what car.

11 Q. Didn't have a car at all?

12 A. I did not have a car. I didn't have --

13 Q. The defendant, Shike.

14 A. I wouldn't even tell you if he had a car or not. I
15 didn't see if he came in a car or not, sir.

16 Q. Do you know if he had a car?

17 A. I don't know now if he have a car. He previously
18 saying he did had a car, but I don't know.

19 Q. What kind of car did he have then?

20 A. He had a white challenger, that I know of.

21 Q. White Challenger?

22 A. Yes, sir.

23 Q. A Dodge Challenger?

24 A. Yes, sir.

25 Q. Do you know what model or year that would have

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 been?

2 A. No, sir. Not exactly.

3 Q. You said you heard two shots. Number 2 and 3,
4 where was Shike?

5 A. I done leave after the first shot, sir.

6 Q. But you said you heard three shots.

7 A. I did heard three shots.

8 Once you run to a car, you can hear three shots
9 after you done run to the car when. You gonna have time --

10 Q. You were inside the car when you heard the second
11 and third shot?

12 A. Yes, sir. Cranking up.

13 Q. Was the defendant ever on the stoop at the time of
14 the shooting?

15 A. I can't even -- I wouldn't even recall that, sir.

16 Q. Was he four or five feet away from the victim?

17 A. Huh?

18 Q. Was he four or five feet away from the victim?

19 A. I wouldn't even tell you or not, yeah or no.

20 Q. Were he close enough to see a tattoo on his chest?

21 A. If I can see a tattoo?

22 Q. Was the defendant close enough where he could have
23 seen a tattoo?

24 A. He was close enough to me to see a tattoo?

25 Q. To the victim, Herman.

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 A. I wouldn't even see that, sir.

2 Q. But your testimony is he was so far away he
3 wouldn't have been able to see that; right?

4 A. [No response]

5 Q. Okay. What kind of car did Robin Williams drive?

6 A. A Taurus. Ford Taurus.

7 Q. Ford Taurus.

8 All right. Did you see any security there that
9 night?

10 A. No, sir, not if --

11 Q. You did not?

12 A. -- not if I recall.

13 Q. Did you ever talk to my investigator, Kevin
14 McGowan, from the solicitor's office?

15 A. Who?

16 Q. Kevin McGowan.

17 Q. Who is Kevin McGowan?

18 A. The guy that served you the subpoena.

19 A. From Friday? He showed me -- served me -- somebody
20 served me a subpoena Friday to come here Monday.

21 Q. Okay. Cooperate with him or --

22 A. Yeah.

23 Q. -- did you run?

24 A. No.

25 Q. You didn't run? You didn't yell back at him you

Tyson Singleton
Cross-Examination by Mr. West
October 14, 2015

1 don't want to talk to him?

2 A. No.

3 Q. Weren't you wearing a black shirt with the white
4 letters security on the back of it?

5 A. No.

6 Q. You were not wearing that shirt at the time that
7 Kevin McGowan served you your subpoena?

8 A. No.

9 MR. WEST: Okay. No further questions for this
10 witness.

11 THE COURT: Mr. Davis?

12 MR. DAVIS: No further questions.

13 THE COURT: You may step down. Thank you, sir.

14 [Whereupon, Mr. Singleton is excused and exits the
15 witness stand]

16 THE COURT: Call your next witness.

17 MR. DAVIS: Call Francis Larry Jenkins, Your Honor.

18 THE COURT: Sir, please come forward and be -- I
19 remind you you have already been sworn. You're still
20 under oath. Please come forward and take the seat
21 again.

22 - - -

23 - - -

24 - - -

Francis Larry Jenkins
Direct Examination by Mr. Davis
October 14, 2015

FRANCIS LARRY JENKINS,

Having Been Previously Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. I'm going to hand you what's been marked as State's Exhibit Number 36 and ask you can you identify this.

A. That one there?

Q. Yes.

A. Silver weapon. Silver gun.

Q. Is this -- yeah. Is this similar to the weapon that you saw Mr. Washington had in his possession that night on August the 25th, 2013?

A. I saw the barrel, the barrel of the weapon, because it was kind of like cupped in his hand. But it looks like a similar barrel, yes.

MR. DAVIS: No further questions.

THE COURT: Anything from the State?

MR. WEST: Nothing from the State, Your Honor.

THE COURT: You may step down. Thank you.

THE WITNESS: All right.

[Whereupon, Mr. Jenkins is excused and exits the witness stand]

THE COURT: Call your next witness.

MR. DAVIS: Call Mr. William Freeman.

Francis Larry Jenkins
Direct Examination by Mr. Davis
October 14, 2015

1 THE COURT: Sir, please come forward and be sworn.

2 [Whereupon, Mr. Freeman comes forward]

3 THE CLERK OF COURT: Please raise your right hand.

4 Place your left hand on the Bible.

5 [Whereupon, Mr. Freeman is duly sworn by the clerk
6 of court as follows: do you solemnly swear or affirm
7 the testimony you will give the Court in the trial of
8 this case will be the truth, the whole truth, and
9 nothing but the truth, so help so you God]

10 THE WITNESS: So help me God.

11 THE CLERK OF COURT: Please be seated.

12 [Whereupon, Mr. Freeman takes the witness stand]

13 THE CLERK OF COURT: State your full name, and
14 spell your last name for the record.

15 THE WITNESS: Wayne Porter Freeman. F-R-E-E-M-A-N.

16 THE COURT: Mr. Davis.
17
18
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25

William Freeman
Direct Examination by Mr. Davis
October 14, 2015

WILLIAM FREEMAN,

Having Been First Duly Sworn,
was Examined and Testified as Follows:

DIRECT EXAMINATION

BY MR. DAVIS:

Q. William, what type of work do you do?

A. I'm a private investigator.

Q. How long have you been a private investigator?

A. Thirty-two years.

Q. Are you certified by SLED?

A. Yes, sir.

Q. Are you competent and ethical, and all that good stuff, to continue to be a SLED -- be said -- SLED certified?

A. Yes, sir.

Q. Do you work just for the Davis Law Firm?

A. Yes, sir.

Q. Answer that question. Just -- do you work just for the Davis Law Firm?

A. Oh. No, sir.

Q. Tell us some of the other law firms that you work for in the area.

A. Before he passed away, the Lanier Law Firm, Mitch Lanier, Williams and Hughes, Bishop Law Firm, just in the area here.

Q. Give me the Charleston area. Anybody in the Tri-

William Freeman
Direct Examination by Mr. Davis
October 14, 2015

1 County area? Any Charleston lawyers?

2 A. Yes, sir. There's quite a few of them. The
3 Columbia area.

4 Q. Andy Savage?

5 A. I have in the past, yes.

6 Q. Very well. So you have worked for most of the
7 prominent lawyers in the Tri-County area?

8 A. Yes, sir.

9 Q. And you're in good standing with SLED?

10 A. Yes, sir.

11 Q. Yeah. Now, I employed your services on behalf of
12 Mr. Washington back in I would say early -- late August of
13 2013?

14 A. It was September the 3rd, 2013.

15 Q. September the 3rd?

16 A. Yes, sir.

17 Q. And what was the purpose for me hiring you back
18 then, as you recall?

19 A. To investigate the allegations against Mr.
20 Sha'Quille Washington.

21 Q. And you went out just -- tell the jury what you
22 went out and attempted to do.

23 A. Went out and attempted to locate different people
24 and talk to them, you know, see if they had any information
25 that would be pertinent to the investigation. We located two

William Freeman
Direct Examination by Mr. Davis
October 14, 2015

1 individuals in the area that shed what I would call reasonable
2 doubt on the charges against Mr. Washington.

3 Q. And those two people were Robin Williams and Tyson
4 Singleton?

5 A. Yes, sir.

6 Q. Were you ever able to locate or found Mr. Larry
7 Kinloch?

8 A. No, sir, I don't think so.

9 Q. Now, were you able to retrieve or obtain possession
10 of a weapon that is into evidence now, State's Number 36 --
11 I'm going to hand it to you -- for identification purposes.
12 There's been some discussion about it. Do you recall this
13 weapon?

14 A. Yes, sir. It is a Taurus .38 caliber revolver.

15 Q. And where had you received it or who presented that
16 to you?

17 A. Ms. Melissa Washington presented it to me.

18 Q. And how -- do you recall how long that -- after she
19 presented it to you, how long has it been in your possession?

20 A. It's been in my possession since she presented it
21 to me on or about September the 15th of 2013, up until
22 recently when I turned it over to the solicitor's office.

23 Q. Now, do you have any control as to -- strike that.

24 At some point I directed you to present this weapon
25 to the solicitor's office, did I not?

William Freeman
Direct Examination by Mr. Davis
October 14, 2015

1 A. Yes, sir.

2 Q. And did you follow my course of instruction?

3 A. Yes, sir.

4 Q. And you did?

5 A. Yes, sir.

6 Q. Now, you understand the significance of a weapon in
7 relationship to projectiles that are found at the crime scene,
8 are you not?

9 A. Yes, sir.

10 Q. In the sense that they can determine a match of
11 whether this particular weapon in reference to a projectile
12 that are taken from an individual who has been shot matches
13 the weapon. Isn't that true?

14 A. That is true.

15 Q. Now, you don't do that type of stuff, do you?

16 A. No, sir.

17 Q. The capability -- unless you are prepared to pay a
18 sum of money from some private outside source, the best source
19 to do that in the state of South Carolina is what department?

20 A. That would be SLED.

21 Q. And that's what happened in this matter; right?

22 A. Yes, sir.

23 Q. Thank you. Now, when you went out and talked to
24 these people, you didn't misguide them that you represented
25 the sheriff's department, did you?

William Freeman
Direct Examination by Mr. Davis
October 14, 2015

1 A. No, sir. Not at all.

2 Q. Now, you received a subpoena to be here from the
3 solicitor's office; right?

4 A. Yes, sir.

5 Q. Matter of fact, you received that subpoena the same
6 day you handed the gun over; right?

7 A. Yes, sir.

8 Q. And you required to give a statement how you got
9 that gun that same day; right?

10 A. Yes, sir.

11 Q. Has the statement changed any today than what you
12 give to them when they handed that subpoena to you and
13 required you to give a statement that day?

14 A. No, sir.

15 MR. DAVIS: No further questions

16 THE COURT: Mr. West?

17 MR. WEST: Thank you, Your Honor.

18 Good morning, Mr. Freeman.

19 THE WITNESS: Good morning.

20 MR. WEST: Or afternoon. I'm sorry.

21 THE WITNESS: Yeah. It is, isn't it?

22 MR. WEST: My days are running together.

23 THE COURT: Almost evening.

24 MR. WEST: Yes. I'm sorry for that.

25 - - -

William Freeman
Cross-Examination by Mr. West
October 14, 2015

CROSS-EXAMINATION

BY MR. WEST:

Q. Now, you collected a revolver in this case?

A. Yes, sir.

Q. Who did you collect it from?

A. Melissa Washington.

Q. Who is Melissa Washington?

A. From my understanding, she is Sha'Quille
Washington's mother.

Q. You got a piece of evidence from the defendant's
mom?

A. Yes, sir.

Q. Where did she get it from? Do you know?

A. I do not know.

She got it from an individual. I do not know the
individual's name that she got it from.

Q. She didn't get it from the defendant?

A. No, sir, I didn't.

Q. Now, let's talk about you getting the weapon. How
many times did you attempt to get the weapon?

A. Twice.

Q. Twice?

A. Yes, sir.

Q. For this very, very, very important piece of
evidence, you went one time and she couldn't find it; right?

William Freeman
Cross-Examination by Mr. West
October 14, 2015

1 A. Correct.

2 Q. She couldn't find the gun?

3 A. Correct.

4 Q. And then a couple of days later, she miraculously
5 found it; right?

6 A. She called me and said she had possession of it,
7 and I agreed to meet with her to obtain it.

8 Q. So two tries and you finally got it?

9 A. [Indicates affirmatively]

10 Q. And you got it on September 15th, 2013?

11 A. Yes, sir.

12 Q. And let's talk about -- you never told anybody at
13 the sheriff's office you had it, did you?

14 A. No, sir.

15 Q. Not Captain Rick Ollic?

16 A. No, sir.

17 Q. You've never told Captain Rick Ollic you had that
18 weapon?

19 A. To the best of my knowledge, I did not.

20 I talked to him a lot, but whether I mentioned that
21 to him I really couldn't say.

22 Q. Do you think that if you would have -- it would
23 have been an important part of your personal investigation
24 into this matter, this so-called search for reasonable doubt,
25 as you stated it --

William Freeman
Cross-Examination by Mr. West
October 14, 2015

1 A. Uh-huh.

2 Q. -- that if you talked to the captain of the
3 detectives, you would have memorialized that in some way?

4 A. If I talked to him, I would have.

5 Q. So if somebody said that you talked to Captain Rick
6 Ollic, and it's not memorialized, then most likely your
7 recollection, while your hand's on the Bible, the truth is it
8 didn't happen?

9 A. I do not recall having that conversation with
10 Captain Ollic.

11 Q. Okay. So this gun sat in your desk drawer for two
12 years?

13 A. No, sir.

14 Q. Where did it sit?

15 A. It sat in my safe for two years.

16 Q. Sat in your safe for two years. You didn't tell a
17 soul; right?

18 A. I told the Davis Law Firm the day that I received
19 the weapon.

20 Q. And when were you instructed to turn that evidence
21 over to the solicitor's office?

22 A. It was either October 1st or October 2nd, 2014.

23 Q. 2014 or 2015?

24 A. I'm sorry. 2015.

25 Q. Okay. September 15th, 2013, October 3rd? What did

William Freeman
Cross-Examination by Mr. West
October 14, 2015

1 you say? 2nd?

2 A. Two years.

3 Q. Okay. Two years -- for two years.

4 Now, you talked to Tyson Singleton; right?

5 A. Yes, sir.

6 Q. And you talked to Robin Williams; right?

7 A. Yes, sir.

8 Q. Tell me about your interaction with Melissa
9 Washington on the 15th of September, 2013.

10 A. On what day of September?

11 Q. The 15th, when you actually collected the gun.
12 Tell me about the collection process.

13 A. I met her at a boat landing at the intersection of
14 402 and Dock Evans Road. She got out of her vehicle, got into
15 mine. Handed me the weapon. We talked for a couple of
16 minutes concerning the investigation, and then she left.

17 Q. And that was it.

18 You have no testimony, that you can give this jury,
19 as to where that weapon came from prior to Melissa Washington
20 delivering it to you?

21 A. No, sir.

22 Q. You have no idea, between the date of September --
23 or, excuse me -- August the 25th and September 15th, who on
24 earth could have touched that gun?

25 A. No idea.

William Freeman
Cross-Examination by Mr. West
October 14, 2015

1 Q. No idea? Okay. When you collected it, did you
2 wear gloves?

3 A. Yes, I did.

4 Q. Was Ms. Washington wearing gloves?

5 A. I don't recall that she was, no, sir.

6 It seems the weapon was in -- seems it was in a
7 plastic bag.

8 Q. It was in a plastic bag? Was it dated when they
9 put it in a plastic bag?

10 A. No, sir.

11 Q. Any stickers or chains of custody that would be
12 attached to it, much like law enforcement does on their proper
13 handling of evidence?

14 A. No, sir.

15 Q. None of that happened in this case with this gun;
16 right?

17 A. [No response]

18 Q. Right?

19 A. I'm sorry?

20 Q. None of that proper handling -- until you got it.
21 I mean, you're an investigator. You know what to do.

22 A. Uh-huh.

23 Q. You've got to put your gloves on. You handled it
24 just like you're supposed to; right?

25 A. Right.

William Freeman
Cross-Examination by Mr. West
October 14, 2015

1 Q. But none of that happened beforehand?

2 A. No, sir.

3 Q. Now, in your statement you said that she obtained
4 it from a relative; right?

5 A. Yes, sir.

6 Q. A relative. We've had a lot of relatives of Shike
7 coming in here this week. Which relative was it?

8 A. I couldn't tell you.

9 Q. Couldn't tell you.

10 But it could have been any one of these relatives
11 that came in here during this week to testify; right?

12 A. I would imagine it could be.

13 Q. Now, you say you investigated this but you only got
14 two statements from people?

15 A. Yes, sir.

16 Q. Did you make any reports? Did you make reports
17 like law enforcement makes reports during an investigation?

18 A. Just the written statements that I took.

19 Q. Why don't you make any reports?

20 A. It wasn't required at the time.

21 Q. Because something's not required, you don't do it?
22 I mean, I'm just trying --

23 A. I took --

24 Q. -- how do you --

25 A. I took the statements. I passed them off to the

William Freeman
Cross-Examination by Mr. West
October 14, 2015

1 Davis Law Firm, and that's where it was.

2 Q. How do you remember what you did? Dates? Times?

3 A. I had field notes.

4 Q. Did you give those to Mr. Davis?

5 A. No, sir.

6 Q. Do you have them with you today?

7 A. Sir?

8 Q. Do you have them with you today?

9 A. No, I do not. Not all of them.

10 Q. So some of them?

11 A. Some of them.

12 Q. Mind if I take a look at them?

13 A. Sure. There's both of them right there.

14 [Whereupon, the witness proffers documents to
15 Mr. West]

16 Q. [Mr. West] So on -- I'm sorry. You're going to
17 have to help me with the handwriting. Tell us what your field
18 notes say.

19 A. This one looks like on 9/4 got a notation, Robin,
20 who saw the defendant run after the first shot, heard three
21 more shots after defendant ran, Robin left and the defendant
22 was halfway down the road.

23 Q. Okay. Next.

24 A. Got a notation, 9/4, Tyson -- don't have a last
25 name -- eighty-five years old, heard about it, not there, no

William Freeman
Cross-Examination by Mr. West
October 14, 2015

1 information. 9/5, I met with Tyson Singleton and obtained his
2 statement.

3 Q. Any relation, Tyson?

4 A. I think his grandfather.

5 Q. There's two Tysons involved?

6 A. Uh-huh.

7 Q. No report or anything to jog your memory about what
8 you did?

9 A. No, sir. That's it. I just read it to you.

10 Q. And that's the only two people you talked to?

11 A. Correct.

12 Q. Did you ever try to figure out where that gun came
13 from?

14 A. The only thing I had to go by was what Ms.
15 Washington told me.

16 Q. She would be honest with you because you were
17 working for the Davis Law Firm; right?

18 A. Correct.

19 Q. But you couldn't figure out who that relative was?

20 A. I'm sure she told me, but I didn't jot it down at
21 the time.

22 Q. Do you think if you would have told Captain Shuler,
23 that he would have been able to follow up on that?

24 A. Had I know, yes.

25 Q. But you didn't tell him?

William Freeman
Cross-Examination by Mr. West
October 14, 2015

1 A. I didn't have a name to give him, sir.

2 Q. You didn't tell him that Melissa Washington turned
3 something over to you, did you?

4 A. Yes, sir, I did.

5 Q. Eventually? Last week?

6 A. When I met in your office. Correct.

7 Q. Right.

8 Well, that's what I'm saying. This homicide,
9 murder, happened August the 25th, 2013.

10 A. Okay.

11 Q. And you found out that a potential relative was in
12 possession of a weapon, that there's been a lot being made out
13 about during this trial, and you didn't even tell the
14 sheriff's office to try to follow up; right?

15 A. Correct.

16 MR. WEST: No further questions for this witness.

17 MR. DAVIS: Release him, Your Honor.

18 THE COURT: You may step down. Thank you.

19 [Whereupon, Mr. Freeman is excused and exits the
20 witness stand]

21 THE COURT: Call your next witness.

22 MR. DAVIS: Other than, you know -- that would be
23 all, except for the defendant, Your Honor. If he has
24 decided. I want you to ask him that question.

25 THE COURT: Ladies and gentlemen, there is a matter

Renewal of Motions by Mr. Davis
October 14, 2015

RENEWAL OF MOTIONS BY MR. DAVIS

THE COURT: Any motions or matters?

MR. DAVIS: We renew our motion that we made at the conclusion of the State's case, Your Honor.

Even with additional information as to witnesses who would testify that this young man was visibly seen running away when other shots were being dislodged, which would negate the State carrying the burden in reference to murder as it aligns to this young man.

THE COURT: I have not heard any additional testimony as to -- to rule on a motion for a directed verdict, it's the existence or nonexistence of evidence presented to the jury, so I haven't heard anything that would negate what I previously ruled at the close of the State's case.

I'll be happy to hear from you regarding self-defense, but I think the fact that you just indicated to the Court that he was running away would necessitate -- would not necessitate an instruction on self-defense. But I'm happy to hear from you.

MR. DAVIS: Judge, the self-defense I think is two part in that instance.

The two part in the instance that there was a moment in time when Ms. Coakley had a Heineken bottle in an effort to strike him. And it would be my position

Renewal of Motions by Mr. Davis
October 14, 2015

1 that he had the right, then, to defend himself. And
2 there's no question that within an immediacy of time,
3 right in that time is when the shots were heard.

4 And so it would be my position the fact that he was
5 running away after, by two eyewitnesses, does not negate
6 the fact that -- of self-defense. I think it all in the
7 congruent [phonetic] of all the fact scenario that's
8 been presented from this witness stand in reference to
9 the young lady who testified very vehemently about her
10 effort to engage or disengage a fight, she was a
11 participate, that this young man then turned around --
12 that's her testimony -- and pointed a weapon at her and
13 a few seconds later she heard some gunshots.

14 And then you have a continuation of witnesses as to
15 how many shots were heard and what manner, or more the
16 position Mr. Washington existed in after those shots
17 were dislodged, Your Honor.

18 I think at the minimum, he is entitled to a charge
19 of self-defense, Your Honor.

20 THE COURT: All right.

21 MR. WEST: Your Honor --

22 THE COURT: Well, let's do it this way. We do not
23 need the jury for the remainder of the day. I'm going
24 to bring them back in and release them, have them come
25 back at 9:30 in the morning.

Renewal of Motions by Mr. Davis
October 14, 2015

1 THE COURT: Ladies and gentlemen, I instruct you
2 and emphasize the fact that the defendant did not
3 testify is not a factor to be considered by you in any
4 way in your deliberation and in your consideration on
5 the question of the guilt of the defendant. It must not
6 be considered by you in any manner whatsoever.

7 A defendant has the Constitutional right to
8 remain silent, and the assertion of this right must
9 not be considered by you in your deliberations. I
10 repeat, under your oath that you took as jurors, you
11 are to draw no conclusion whatsoever from the fact that
12 Mr. Washington did not testify.

13 Mr. Foreman, the fact that the defendant did not
14 testify should not be considered in any way in the jury
15 deliberation room. As I have indicated to you, the
16 burden of proof is on the state. The defendant is never
17 required to prove himself innocent.

18 Ladies and gentlemen, we have reached the stage of
19 the trial where you will hear closing arguments on
20 behalf of counsel. After that, I will instruct you on
21 the law applicable to this case.

22 Ladies and gentlemen, due to the lateness of the
23 hour, we are going to recess for the evening. Please be
24 back in your jury room. We will begin promptly at 9:30
25 in the morning. Again, I want to thank you for your

Renewal of Motions by Mr. Davis
October 14, 2015

1 promptness. Each of you have been here on time and have
2 been considerate of each others' time, as well as to the
3 Court's time, so thank you very much.

4 Please remember all of my admonitions. You have
5 not been instructed on the law applicable to this case.
6 Do not read, watch, listen to any news accounts
7 regarding this case. Do not do any independent
8 investigations. Do not begin deciding any issue in this
9 case until I tell you otherwise.

10 Please take your notepads and other personal
11 belongings with you. I will see you back at 9:30.

12 Please stand.

13 [Whereupon, the jury exits the courtroom at
14 4:39 p.m.]

15 THE COURT: Thank you. Be seated.

16 We're going to take about ten minutes comfort
17 break.

18 What we'll do is we'll go ahead and just do a
19 charge conference, as well. I've got the verdict form
20 and my charges ready. So why don't we just -- we'll
21 just recess. Please be back at 9:15 in the morning.
22 I'll see y'all in chambers in ten minutes.

23 MR. WEST: Okay.

24 THE COURT: All right. Thank you.

25 [JURY TRIAL ADJOURNS AT 4:41 P.M.]

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
COUNTY OF BERKELEY) CASE NO.: 2015-GS-08-01333

STATE OF SOUTH CAROLINA)
)
)
VS.)
)
)
SHA'QUILLE MI'LEAK JAMAL WASHINGTON,)
)
)
DEFENDANT.)
_____)

JURY TRIAL

VOLUME 4 OF 5

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Berkeley County Courthouse
Moncks Corner, South Carolina
on October 15th, 2015, Commencing at 9:23 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
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PROCEEDINGS

THE COURT: All right. Counsel, please come take a look at the verdict form.

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

THE COURT: Mr. West, I received several e-mails you sent over the evening hour. I received them this morning. We had an informal charge conference last evening. I will be happy to hear you on the record.

MR. WEST: Thank you, Your Honor. Briefly, we had discussed not charging identification.

I would like that identification charge to be included within the charge to the jury to save any appellate questions for later down the road.

We also had asked for a refusal to charge voluntary manslaughter. The State has provided several cases that we believe supports the position that this is not a case of self -- where voluntary manslaughter necessarily applies. Specifically, Your Honor, the State has provided a case of State v. Niles, 412 S.C. 515. In that case what we have is a very like scenario where all of this revolves on the heat of passion and the sudden provocation is required for a voluntary manslaughter charge.

In the present case the defendant's own recorded

State vs. Sha'Quille Washington
Proceedings
October 15, 2015

1 statement, admitted into evidence, asserts that he was
2 not involved in any altercation whatsoever. Defense
3 witnesses Robin Williams and Tyson Singleton stated they
4 observed the defendant at the time of the shooting and
5 he was not involved in any altercation.

6 Where the defendant Niles cannot assert heat of
7 passion while allegedly under fire from the victim,
8 Defendant Sha'Quille Washington certainly cannot assert
9 heat of passion where he has claimed not to be involved
10 in the altercation at all.

11 Furthermore, the State's witness, Arianna Coakley,
12 stated she approached the defendant with a beer bottle,
13 as the defendant was striking the victim, in order to
14 come to the victim's defense. The defense's argument
15 that Ms. Coakley's actions provide evidence of heat of
16 passion is flawed. The engagement had already commenced
17 between the defendant and the victim. Ms. Coakley's
18 attempt at defending the victim from the assault cannot
19 be the predicate of the defendant's passion where the
20 defendant is already engaged in the act before Ms.
21 Coakley's attempt at interceding.

22 Next, Your Honor, the State has provided the case
23 of State v. Starnes, S-T-A-R-N-E-S, 388 S.C. 590, 2010.
24 In that case there was no evidence that the defendant
25 shot victims in the heat of passion upon sufficient

State vs. Sha'Quille Washington
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1 legal provocation.

2 In comparing the facts of that case, we have a case
3 that, while being threatened with a gun was not
4 sufficient legal provocation in Starnes, being
5 threatened with a beer bottle by Ms. Coakley is
6 certainly not sufficient legal provocation for the
7 defendant. Certainly, a gun would be more threatening
8 than a beer bottle. And in that case the Court declined
9 to charge voluntary manslaughter. In this case that
10 certainly supports that Sha'Quille Washington could not
11 have been in fear that would cause him to then indulge
12 in the heat of passion.

13 Additionally, there is no evidence or testimony of
14 any kind presented to remotely suggest that Sha'Quille
15 Washington ever lost control or had an uncontrollable
16 impulse. There is no testimony, no evidence, presented
17 that he ever lost his state of mind. The state of mind
18 is the important part of the voluntary manslaughter
19 charge. And with all indications from the evidence,
20 this defendant was acting purposefully, he was acting
21 under a plan that he had, in order to engage in an
22 altercation with Herman Manigault and ultimately shoot
23 him, causing his demise.

24 Next, Your Honor, we have State v. Walker, 324 S.C.
25 257, from 1996. In that case the defendant was charged

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1 with murder of his wife and was not entitled to the
2 instruction of voluntary manslaughter because there was
3 an absence that he acted in the sudden heat of passion
4 when he shot his wife. Evidence revealed only that the
5 witness heard a scuffle. The victim was angry at the
6 defendant -- the victim and defendant had a bad
7 relationship -- and the victim charged at the defendant.

8 In comparison to this case, Your Honor, the victim
9 charging at the defendant in Walker was insufficient
10 provocation. The victim in the present case is alleged
11 to have merely taken off his shirt. There is no
12 indication that the victim ever swung at the defendant.
13 The defendant certainly did not have any markings of an
14 altercation that day when Captain Shuler met him only a
15 few hours after the shooting occurred. There was no
16 scrapes, bruises, or anything to suggest that the
17 defendant had ever been struck, or part of an
18 altercation, other than the altercation in which he
19 caused the injuries to the victim.

20 Next, Your Honor, State v. Holland, 385 S.C. 159,
21 from 2009. In Holland, the defendant was not entitled
22 to a charge on voluntary manslaughter because the
23 evidence did not show he acted in a sudden heat of
24 passion upon sufficient legal provocation. The rage
25 experienced by the defendant when he fired the fatal

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1 shot had already been continuously sustained from the
2 moment of his initial fury during a verbal argument
3 inside the bar. The defendant saw the victim leaving
4 the bar. He immediately went outside directly to his
5 car to retrieve the gun. He ran towards the passenger
6 side of the car where the victim was. The victim got
7 out of the car. The two grabbed each other, locked
8 arms. The victim had his head down. And while it
9 appeared that the defendant was hitting him in his head,
10 three shots were fired. After the third shot, the
11 victim fell and the defendant then ran to his car and
12 drove away. Very similar fact pattern to what we have
13 here.

14 So in comparison, the facts of Holland certainly
15 show the defendant initiated a hostile interaction
16 inside the bar. He would have several menacing looks,
17 possible statements, from the defendant to the victim.
18 There has been testimony that the victim felt that he
19 was in fear for his life. And this defendant did follow
20 the victim out of the bar. He engaged the victim in a
21 physical altercation outside the bar and he shot him in
22 the course of that interaction and then he fled.

23 The facts in the present case certainly support the
24 insufficiency of the evidence for the voluntary
25 manslaughter charge. These cases support our position,

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1 and we respectfully request that you do not charge the
2 jury on the law of voluntary manslaughter.

3 THE COURT: Mr. Davis, let me hear to you as to --
4 I'm sorry.

5 Mr. West, you want hand of one?

6 MR. WEST: I do, Your Honor.

7 One of the things that's been presented in this
8 case has been the theory that Larry Kinloch is the
9 actual shooter. This argument sort of has two parts for
10 me, Your Honor.

11 I don't believe there's any evidence in the record
12 that Larry Kinloch was the shooter, but there's
13 certainly been multiple indications from the defense
14 during this trial that he was, in fact, the person with
15 the gun, he was the shooter, and that he is the reason
16 that Herman Manigault is now dead.

17 Under the hand of one, hand of all concept in our
18 laws, if somebody is involved in an altercation, it
19 doesn't matter what the end results. His participants
20 are also responsible for the end result. So what we
21 need is knowledge and participation.

22 Certainly, the defendant knew there was going to be
23 an altercation. He followed behind the victim. And he
24 certainly participated in the assault of the victim. We
25 have direct testimony that he struck the victim in the

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1 eye and he struck the victim in the back of the head
2 causing the victim to break his skull. And then at that
3 point is when the shooting would have occurred,
4 according to the testimony.

5 So even if it was Larry Kinloch that ultimately did
6 shoot the victim in this case, the defendant was part of
7 the assault. He knew the assault was happening. He
8 himself had a weapon. And from that, we should get the
9 hand of one, hand of all charge, Your Honor.

10 THE COURT: Mr. Davis?

11 MR. DAVIS: Your Honor, first, in reference to the
12 issue of voluntary manslaughter, I am going to take
13 issue with the rendition of the facts as presented by
14 the State.

15 There's ample evidence in the record that this
16 is a situation where a fight ensued. If you take the
17 testimony of Francis Jenkins, he said he did not know
18 who struck who first.

19 But this is what we do know. We do know that there
20 is a fight ensuing engaging four individuals. No
21 question whatsoever. And we also know that there is a
22 connection between Ms. Coakley and the victim. They
23 were boyfriend-girlfriend for a period of four years.
24 There is no question whatsoever in relationship that she
25 posed a threat, whatever momentarily, with a Heinekin

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1 bottle, about to strike this young man. His state of
2 mind, as he turns to Mr. Washington, was one of actually
3 trying to re-bat or counter a threat that was live and
4 viable.

5 And what's interesting, within a matter of seconds
6 Ms. Coakley's testimony is that she heard some shots.
7 Being presented with one threat, and immediately the
8 firing of some shots. His state of mind was, yes, in
9 that instance he even told Ms. Coakley, if we accept the
10 testimony that's been presented, I'm not playing, or
11 whatever, and then within seconds the shots are fired.

12 But what is even more interesting as you look at
13 segments of the case, segments, there has been no scene-
14 segment corroboration. There is no testimony in the
15 record as what Francis Jenkins, whether he observed --
16 whether he had -- there's no aspect of whether or not
17 what's going on at that time and moment when Ms. Coakley
18 is coming with the bottle towards this young man and
19 then within seconds there is gunshot. Definitely, Larry
20 Jenkins spoke that hotheads, a fight. Ms. Coakley said,
21 I am about to snap -- Victim Manigault, I am about --
22 I'm going to snap in a minute. I am about to snap. I
23 am about to snap. Not in the presence of this young
24 man, but I'm about to snap, in conjunction and language
25 with Ms. Coakley. So Ms. Coakley is fully aware of this

1 whole unit of events. I am about to snap.

2 And that about to snap is a continuation where the
3 boy told -- I think each of the young man followed
4 anybody out. Everybody was exiting the club. The club
5 was over. The party was over. And within a brief
6 moment of span or lure of time, a tragic death occurred.
7 If that's not heat of passion, no moment for cooling
8 off, no moment for refreshing heat of passion, fight
9 ensued.

10 I say voluntary manslaughter definitely is proper
11 instruction. There is some evidence to support
12 voluntary manslaughter. The law says are there any
13 evidence. Yes, there is evidence to support voluntary
14 manslaughter.

15 And, you know, that's why we selected twelve
16 jurors. And they should have the proper law --

17 THE COURT: This isn't closing, Mr. Davis.

18 MR. DAVIS: Okay. Thank you.

19 THE COURT: As to identification?

20 MR. DAVIS: Judge, I have an issue with
21 identification because identification has been --

22 THE COURT: So you don't --

23 MR. DAVIS: No, I don't.

24 THE COURT: -- you don't disagree?

25 MR. DAVIS: No, I don't disagree.

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1 THE COURT: As to hand of one?

2 MR. DAVIS: I disagree with the hand of one in this
3 issue. The case theory in this whole case --

4 Judge, could I have a copy of the indictment,
5 please?

6 THE COURT: I don't have a copy of the indictment.

7 MR. DAVIS: I never got a copy --

8 THE COURT: -- I have the indictment.

9 MR. DAVIS: -- of the indictment, neither.

10 I'm just going to give it back to her. I just want
11 to use it for argument sake.

12 That in Berkeley County about August the 25th,
13 2013, the defendant, Sha'Quille Mi'Leak Washington, with
14 malice aforethought, did kill and murder Herman
15 Manigault by means of gunshot, did die as a proximate
16 cause.

17 There is nothing in this indictment about
18 accomplice, aid, abet, to which -- with accomplice with
19 anybody else. Now, the State's own theory that this guy
20 is the murderer, he is the shooter: now, the defense,
21 yes, have tried to make some suggestions or inference.
22 But, you know, there is no evidence in the record that
23 Larry Kinloch had a gun. There is no evidence in the
24 record that Larry Kinloch shot anybody. The witnesses,
25 every last one --

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1 The only possible witness that had a chance to say
2 that under an utter excited exception to the hearsay
3 rule, the jury was instructed to disregard that
4 completely from their deliberation and was instructed
5 that they cannot go back in the jury room and discuss
6 the fact that Quinton, Kenneth Quinton Grant, said,
7 Larry; I heard Larry say he did it. You instructed the
8 foreman of the jury --

9 THE COURT: I thought Ms. Williams testified as to
10 they, or the bartender testified as to they. Is that
11 correct?

12 MR. WEST: She did say they followed him out. She
13 never said she saw the shots or who the shooter was.

14 THE COURT: I don't have my notes in front of me.
15 Which --

16 MR. WEST: Aja Williams --

17 MR. DAVIS: Aja Williams.

18 THE COURT: Which witness said that Herman said
19 they are going to kill me?

20 MR. WEST: That was Aja.

21 THE COURT: So there is evidence in the record of a
22 they are going to kill me.

23 Correct, Mr. West?

24 MR. WEST: That was the testimony of Ms. Williams.

25 MR. DAVIS: Ms. Williams said, I said -- she

1 pointedly said -- when put on cross-examination, she did
2 not reach the point of they.

3 THE COURT: Well, she was your witness --

4 MR. DAVIS: Well, Judge, I --

5 THE COURT: -- so it was a direct for you.

6 Cross for you; correct?

7 MR. WEST: That's correct, Your Honor.

8 THE COURT: And so --

9 MR. DAVIS: Just to note, we object strenuously to
10 the hand of one. We do not believe there is any
11 accomplish liability to this case. I think it's
12 contrary to the even theory of the solicitor's case in
13 this matter, it's upside down and reversed, and I think
14 it's improper law charged in this matter, Your Honor.

15 THE COURT: And we just need to place on the record
16 about self-defense. You requested --

17 MR. DAVIS: Yes. Thank you, Judge.

18 THE COURT: -- self-defense.

19 MR. DAVIS: I take issue. I think that there
20 should be a charge on self-defense. There is no
21 connection whatsoever, when you connote the connection
22 between Ms. Coakley and Mr. Herman Manigault and the
23 rules of engagement that he removed his shirt, and that
24 whole scenario where Ms. Coakley attempted to strike
25 this young man with the bottle, that he had a right to

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1 self-defense and to quell that threat that was perceived
2 live and viable to him. Therefore, I believe that he is
3 entitled to a charge of self-defense, Your Honor.

4 THE COURT: Mr. West, do you disagree?

5 MR. WEST: I completely disagree, Your Honor.

6 THE COURT: And I think based upon the testimony,
7 and we went over this at length last evening in
8 chambers, there has been no testimony that would justify
9 a self-defense charge.

10 All right. Let me see counsel in chambers.

11 We'll take just a short recess, and then we will
12 get started with closing. All right? Thank you.

13 [Whereupon, a recess is taken from 9:42 a.m. to
14 9:54 a.m.]

15 THE COURT: Bring in the jury.

16 [Whereupon, the jury enters the courtroom at
17 9:55 a.m.]

18 THE COURT: Good morning, ladies and gentlemen. If
19 you complied with my instructions over the evening hour,
20 please raise your right hand.

21 Thank you. All fourteen jurors have indicated they
22 complied with the Court's instructions over the evening
23 hour.

24 Ladies and gentlemen, we have reached the stage of
25 the trial where you will now hear closing arguments on

1 behalf of counsel. Just as I instructed you what was
2 contained in opening statements is not to be considered
3 evidence, neither is what is contained in closing
4 argument. Mr. West will give the first close on behalf
5 of the State, Mr. Davis will give his close on behalf of
6 the defendant, and then Mr. West will have an
7 opportunity for rebuttal. After that, you will -- I
8 will instruct you on the law applicable to this case.
9 You will then retire to consider your verdict.

10 As I indicated, Mr. Foreman, you are responsible
11 for writing the verdict, but I'll give you instructions
12 in just a moment when I instruct you on the law
13 applicable to this case.

14 Please remember that all of the exhibits that have
15 been entered into evidence will go back with you in your
16 jury deliberation room. I anticipate that the attorneys
17 will utilize some of these exhibits during their closing
18 so do not feel, again, that you must see each item.
19 They will go back with you.

20 Ladies and gentlemen, please give your strict
21 attention.

22 Mr. West?

23 MR. WEST: Thank you, Your Honor. May it please
24 the Court. Counsel.

25 - - -

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CLOSING STATEMENT

MR. WEST: Good morning, ladies and gentlemen.

It's been a long week for all of us, and I thank you for paying attention very diligently during this trial. I want to go over sort of the procedure of what's going on this morning. And the judge has already informed you a little bit about it, but I'll go into it a little more.

Right now is the State's chance to present to you what the law of this case is. I want to be very clear on this. The judge is the judge of the law. What she says is the law. Okay? She is going to read it to you, she's going to explain it to you. What she says is the law.

This is the State presenting to you some of what the judge is going to say. I get two chances to talk to you right now because we have the burden of proof. Everything is on us right now. Mr. Davis doesn't have to do a thing or say a thing. Mr. Washington hasn't had to prove anything this whole trial. It's all on the State. So we have two chances to talk to you right now. And the way it is set up is I'll talk to you about the law. Mr. Davis is going to talk to you about the defense, and then I'll get up again and I'll wrap it all up, pull everything together, all of the evidence, how

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1 it applies to the law.

2 So I started this case off by telling you that the
3 defendant is charged with murder. At the beginning of
4 the trial, I told you that murder is defined as the
5 unlawful killing of another with malice aforethought.
6 We talked about what malice meant. Malice, again, is
7 the hatred or ill will in someone's heart. It is an
8 evilness, a wicked or depraved spirit, intent on
9 wrongdoing. It's the wrongful intent to injure another
10 person. And you can infer it by the use of a deadly
11 weapon.

12 So throughout this trial, you're going to have to
13 recall some of the things that would show you the
14 wickedness that was in Sha'Quille Washington's heart
15 that day, the menacing looks all night, the things that
16 he said, how Herman felt like he was in fear for his
17 life.

18 One of the biggest things that you're to see is
19 that the defendant was behind Herman. He followed him
20 out. He's the only one with a gun. Herman didn't have
21 a gun, Larry Jenkins didn't have a gun, Larry Kinloch
22 didn't have a gun. Nobody had a gun but Sha'Quille
23 Washington.

24 He had a gun, he knew he had a gun, and he knew he
25 taking a gun to a possible fistfight. That's malice.

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1 That's an intent on wrongdoing. That's an intent to use
2 the weapon. And we'll talk about that later when I talk
3 about the facts.

4 The hand of one is the hand of all is a brief
5 concept in the law, and I'm not going to spend much time
6 on it because it really applies when there's multiple
7 people that are involved in a murder. But what we have
8 here is one shooter. One shooter, and everybody knows
9 who the shooter is: Sha'Quille Washington. Okay?

10 There has been some testimony about the possibility of a
11 they from the bartender that night. But what the hand
12 of one, hand of all talks about is whether the defendant
13 knew what was going on and whether he participated. Did
14 he participate in the fight, that he knew that this was
15 likely, if he took a gun to a fight, that the gun he
16 would shoot would kill Herman. Okay? That's the basic
17 concept. But right now, what I want you to focus on is
18 the actual murder statute and the malice that is going
19 to be met at the end of this case when everything is
20 wrapped up.

21 One of the charges the judge is going to instruct
22 you on is what's called voluntary manslaughter.
23 Voluntary manslaughter is a lesser included offense of
24 murder. What it includes is the unlawful killing of
25 another in a sudden heat of passion with legally

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1 sufficient provocation. That's an and the big and
2 there, right in between heat of passion and provocation.
3 So you're going to hear a lot about what the heat of
4 passion and what the provocation could have been from
5 the defense, I assure you, in this case. But I want to
6 talk about those two elements real quick.

7 Heat of passion. The first element part of this is
8 it has to be sudden. Was the heat of passion sudden or
9 was this altercation brewing all night? Did the
10 defendant give menacing looks? Did the victim feel
11 threatened for a long period of time, or was this
12 sudden?

13 Now, the best example that people use for this
14 voluntary manslaughter -- this comes up a lot in the law
15 -- imagine a spouse walking in as another spouse is
16 cheating on them. Something flips in their brain.
17 Something immediate happens. They attack the person
18 they're cheating with and that person is killed. That's
19 a sudden heat of passion. It's a rage that is
20 uncontrollable. It's a mental state of mind that you
21 can't control.

22 Could Sha'Quille Washington control pointing the
23 gun in Arianna Coakley's face? Could he control
24 striking Herman Manigault in the eye, in the back of the
25 head? Could he control how many shots he fired?

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1 Absolutely. This was not sudden. It is something that
2 brewed all night. It was not that sudden heat of
3 passion. It was not an uncontrollable impulse to do
4 violence. So that's heat of passion. Heat of passion
5 is that flip -- or that switch flipping in your mind.
6 Okay?

7 Provocation. The big thing with provocation is
8 there has to be sufficient provocation. What is
9 sufficient provocation? Does everybody bring a gun to a
10 fistfight? No. You know who brings guns to fistfights?
11 People that intend on using it. That intent goes back
12 to that heat of passion to prove that it wasn't sudden,
13 and it's going to go back to the provocation, was there
14 sufficient provocation.

15 One of the lines the judge is going to read you in
16 the instruction is very important. I have it here on
17 the board. The display of a willingness to fight is not
18 enough, it is absolutely not enough, under our law, that
19 somebody go into a parking lot and say they are willing
20 to fight. That is not enough. Who struck who first?
21 That's going to be a big deal. During the fight -- if a
22 fistfight is going on, does a fistfight normally lead to
23 the use of a weapon that results in the killing of
24 another, or do people just leave with black eyes and
25 bruises? Those are questions you're going to have to

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1 ask yourself. Is the provocation sufficient?

2 Absolutely not in this case.

3 That's why the defendant was originally charged
4 with murder. Murder is the correct charge here because
5 this was murder. This was malice. This was malice
6 aforethought. Malice before what the murder happened --
7 when the murder happened.

8 So, again, that's just a brief overview of the law
9 in this case. Mr. Davis has an opportunity to explain
10 some things to you. Listen to him. He is going to talk
11 about what his theory of events is. And then I'm going
12 to have my chance to talk again, like I said, and we'll
13 address these elements specifically through each of the
14 witnesses the State presented and also through some of
15 the witnesses that Mr. Davis presented.

16 One of the other things the judge is going to talk
17 to you about at the end of the trial is going to be
18 instruction on credibility. Credibility is the
19 believability of witnesses. The believability of
20 witnesses is going to be your job to judge. Your job is
21 to look at the witnesses as they testify, and determine
22 whether they're telling the truth. So how do you do
23 that? You look at the totality of the circumstances,
24 everything surrounding what they said. Does what they
25 say matched with what somebody else says? And if it

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1 does, it's probably the truth. Okay?

2 So what we have here is a situation where the State
3 has presented several witnesses that had several key
4 pieces of information that corroborate each other. And
5 it's not just what they say matches what they said.
6 Because there's also physical evidence in this case and
7 you're going to see that and you're going to be able to
8 judge the credibility of the witnesses based on what the
9 physical evidence presents.

10 Was Herman hit in the eye? Yeah. Absolutely, as -
11 - was he hit in the back of the head with a gun?
12 Absolutely. You're going to see the markings on his
13 head. They're absolutely there. How many times was he
14 shot? Twice, because we got two bullets out of him.
15 Those are the things you're going to be able to look at
16 and determine at the end of this. And when you look at
17 all the evidence, that's going to be one of the key
18 roles that you have is to judge the credibility of the
19 witnesses.

20 With that said, I'm going to turn the floor over to
21 Mr. Davis. I ask that you please pay particular
22 attention to everything he says and when he's done, I'll
23 be able to talk to you again. Thank you.

24 MR. DAVIS: Thank you.

25 THE COURT: Hold on one second, Mr. Davis. Let Mr.

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1 West get seated and situated. Thank you.

2 MR. DAVIS: Thank you, Judge. May it please the
3 Court?

4 THE COURT: Mr. Davis, I indicated that I wanted to
5 wait so that nothing you say was interrupted by the
6 movement of people in the audience. So if you will wait
7 just a moment until everybody gets situated.

8 All right. Now, Mr. Davis. Thank you.

9 MR. DAVIS: Thank you very much.

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CLOSING ARGUMENT

MR. DAVIS: Madam Foreperson, and ladies and gentlemen of the jury, I want to first of all thank each and every one of you individually.

When I started this process on Monday, I told you that the jury was pursuing a journey of truth. Now we have come to that -- what I would call somewhat the end of that journey.

I also want to thank each one of you because I think you have adhered to what I requested of you. My request was for you to remain focused and for you to put your personal important items and life aside for a moment because I shared with you that this was an awesome process that we were about to undertake.

I shared with you that I represented this seventeen-year-old junior who was at Hanahan High School, who is in his relative youth.

I shared with you that I wanted your focus not so much to be on me, not to be on the State, but I shared with you that I wanted the focus to come from this fact-finding chair.

And I also shared with you that it should not matter from where hence the truth came from. I told you that the whole process was one of the State putting up its case but at the same time, any truth that could be

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1 gleaned from cross-examination, then you needed to have
2 that information and that evidence so when you go and
3 start your awesome responsibility as jurors and judges
4 in this matter, of judges of the facts to determine what
5 actually the facts are, you could make a very competent
6 and conscientious decision, one that you would feel
7 proud of, from henceforth from this day.

8 I thought about this case. And I'll be honest with
9 you, I've been doing this quite a while, but I still get
10 a pit in my stomach every time I find myself in this
11 position. It's not -- it's just not something that you
12 get accustomed to and something you just feel
13 familiarity with, in other words. As I thought about
14 this case, and what you've seen this week and what
15 you've heard, I thought about this -- where all these
16 events started.

17 Let's set the scene. A Place In The Woods. Wow.
18 Seem like something -- a movie out of Hollywood or
19 something. A Streetcar Named Desire. William Thoreau,
20 poet. A Place In The Woods, where you can go to have
21 serenity. A place to get away from it all. A Place In
22 The Woods where a young man would go in anticipation of
23 a celebration of a birthday party and tragically loses
24 his life.

25 I don't want you to think for a moment that I don't

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1 share this tremendous loss that the Manigaults have
2 experienced. Life is precious. I have three sons
3 myself. This is my oldest son with me this week, and I
4 thank him for what he has done to help me. I've got two
5 other sons. One of my sons is in the army reserve.
6 That's why I thanked Francis Jenkins, when he testified,
7 because he's in the reserves. I have another son. He
8 is in finance up in Charlotte, North Carolina.

9 So I have a shared connection with the Manigault
10 family. A shared connection is our shared humanity.
11 Shared humanity. I sympathize their loss. I really do
12 grieve their loss. I think it's one of the most
13 horrific things for a parent, for everybody, the loss of
14 child.

15 This society we live in, guns involving violence in
16 this culture -- it's a tough world out there.

17 Now, Mr. Davis, how do you fit into all this?
18 Well, I fit into all this because I represent Sha'Quille
19 Washington, as some were standing together this whole
20 week, because the State has made an active determination
21 that he's a murderer, he's a murderer, and he started
22 that premise from the first time this trial started.
23 He's a murderer. And so when I solicited your
24 concentration and solicited your attention on Monday, I
25 really wanted you to be focused. I wanted you to be

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1 focused. I wanted you to put your interest aside. I
2 wanted you to go with me. I wanted you to go on a
3 journey in reference to let's -- let's see what
4 transpired.

5 Let's see what happened at A Place In The Woods
6 that would forever be changed. What happened on August
7 the 25th, 2013, almost two years ago? I'm telling you,
8 the characters that have been presented before you,
9 there's no way we could create them. It's real. These
10 are real individuals. Unfortunately, sometimes this
11 reflected my age. When the forensic pathology was up
12 from SLED, I referenced Quincy because that was a
13 television show where Quincy was a pathologist, forensic
14 pathologist, and this whole manner that shows the --
15 derives the causes of death and the manner of death.

16 And then I'm taken back to one of my childhood
17 heroes of Superman. And sometimes folks ask me, say,
18 well, why do you have the S on your belt buckle. I can
19 tell some folks it's because my first name is Steve, but
20 if truth be told, it has some reference to my super hero
21 because I'm mindful of his reference, always the truth,
22 justice, and the American way.

23 It is the American way that causes us to be here
24 that we could summon fourteen of you to hearing this
25 case and to help us decide what the final disposition

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1 will be in this case. And quite interestingly, my
2 character, Superman, my super hero, he's the one
3 individual I've ever known to be able to change facts.
4 Unfortunately, Lois Lane got killed on the California
5 Freeway and he couldn't get there in time. And so he
6 was visibly upset and he went and extracted himself from
7 the earth and he rewind, reset, the earth on it's axle
8 and went back to that moment in time when Lois was
9 submerged in a cravity [phonetic] on the California
10 freeway. Unfortunately, none of us have that capacity
11 to go back and change the facts.

12 So let's deal with the facts as it has been
13 presented this week from this chair. The facts start
14 with Francis Larry Jenkins. I told you that in our
15 society today, we are too caught up in this mind set of
16 a heart of war, of blaming, a heart of getting even, a
17 heart of really not reflection instead of a heart of
18 peace. I believe that Larry Francis Jenkins, the little
19 chubby guy, they called him, who sat in this chair -- I
20 want you to remember his testimony -- he said hothead,
21 fight, outside, he don't remember who struck that young
22 man first -- this is his testimony -- but a fight was
23 ensued.

24 Then we have Ms. Coakley, girlfriend, Mr.
25 Manigault, four years. She says the young man said he's

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1 about to snap. I'm about to snap. The scene moves on
2 the outside. There's no question that there's darkness
3 on the outside. You have officers who came after the
4 fact and said that they actually used a clipboard that
5 had lighting on. You had officers that said that
6 flashlight were used to find the projectile and to
7 complete the crime scene process. It was darkness.
8 Visibility is an issue on the outside.

9 But I ask you to ask yourself this question. Have
10 you been presented with sufficient facts that would
11 render you not to hesitate or to cause doubt as to
12 whether or not this young man committed murder?

13 See, as I went back through the rendition of the
14 facts, there is never a time where Francis Larry Jenkins
15 makes any connection or any reference to Ms. Coakley,
16 the gun in Mr. Washington's hand, and the Heinekin
17 bottle, and I'm not playing, and her turning away and
18 within seconds her testimony, Ms. Coakley, she heard
19 gunshots. There is no scene connection of Francis
20 Jenkins making any reference to this whole process. In
21 fact, there is no reference for Ms. Coakley making
22 reference to Francis Jenkins and what's going on. It is
23 as if a wall is in place. It is as if a wall is in
24 place, because there's been no bridging in reference to
25 those two scenes at A Place In The Woods. That alone

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1 should cause some hesitation, some doubt, some
2 inclination, to wonder what transpired within this
3 period of time when Ms. Coakley -- you recall her. She
4 was very adamant. She had the Heinekin bottle, about to
5 strike, and she said he turned and in a short distance
6 of time -- I mean, within seconds she heard shots. She
7 said -- she didn't see who did the shooting. She didn't
8 see that. But there's been no bridge.

9 Francis Larry Jenkins: no discussion. No
10 carryover. No carryover.

11 Murder. Murder is, wow, mean, evil, cold-hearted,
12 planned, deprived, no time for reflection. No time for
13 reflection, this is what I intend to do. It's planned.
14 It's an evil mind set. This is what the State is saying
15 in reference to Sha'Quille Washington. This is what the
16 State said in its opening statement. He called him a
17 murderer before the facts were even in.

18 This is his opening statement, he's a murderer,
19 before the facts were in. And now we are learning the
20 process that you also will be confronted with the charge
21 of voluntary manslaughter. Was not even ever mentioned
22 by the State in its opening statement. Matter of fact,
23 there was a lot of other things that were not mentioned
24 by the State in its opening statement. You learn about
25 a fight, you learn about all the instance of what

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1 transpired through the testimony of this witness chair.

2 The primary focus of the State has always been this
3 matter this is murder and murder and murder and murder,
4 and that's it. You have a relatively boy at seventeen
5 years of age who's caught up, misguided, looked for
6 positive role models in his life. Wow. Positive role
7 models. Witnesses who came in and were at the scene
8 that night and talked. Not great role models.
9 Seventeen-year-old kid. Not real great role models.

10 And he found himself in a very difficult situation.
11 But is he a murderer? Did he intentionally set out to
12 kill this young man, Mr. Herman Manigault? You're going
13 to make that decision. That's part of the journey to
14 truth that you can summon to help determine.

15 Now, I find it very interesting now you're also
16 confronted with the hand of one is the hand of all.
17 When if we accept what came from this witness stand --
18 the State called Larry Kinloch, who had already put in
19 place a jail statement saying that this young man was
20 the one that shot Mr. Manigault. What was quite
21 interesting, when Larry Kinloch was on the witness stand
22 the State never asked Larry Kinloch, but, Larry, weren't
23 y'all in concert together, Larry; Larry, didn't you knew
24 this was going to happen; didn't you aid and abetted
25 him, Larry. You would think that in reference to the

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1 scene, that the wall, that they were separated just like
2 I described.

3 Not one time did he elicit from Larry Kinloch any
4 reference as if they were an accomplice to each other.
5 You would think they were on two different settings. He
6 utilized Larry Kinloch to support his position, which
7 has always been the State's position, that Sha'Quille
8 Washington is guilty of murder and I can prove he's
9 guilty of murder because I am going to use Mr. Larry
10 Kinloch's jailhouse conversation with Patrick Kinloch,
11 which reflects that that little "n", he did it, I had
12 nothing to do with it.

13 Then you heard from Investigator William Freeman
14 who, yes, had a gun. He had a .38 Special in his safe.
15 A .38 Special in his safe. And he said that his mother,
16 Sha'Quille Washington's mother, gave him this gun. And
17 he said, yes, he had it in his safe. And I asked the
18 forensic young lady from SLED the mere fact that the gun
19 has been kept, would that change or affect any
20 conclusion in reference to the matching that this gun is
21 the murder weapon. That's the State's version, murder
22 weapon. She testified that a gun could be absent in a
23 safe for three or four years, or whatever, it don't
24 matter, what matters is they have the projectile and by
25 scraping the inside the chamber they could determine.

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1 So the fact of the matter is that they did said
2 that the testing this -- a week before had no bearing.
3 The gun was in the possession of an investigator all
4 this period of time. We know for a fact that this gun
5 is not the gun that caused the death of Herman
6 Manigault. I don't know where the gun is at. I really
7 don't. And you will -- and you don't have that fact,
8 either.

9 This is what we do know. A lot of drinking going
10 on that night. Larry Kinloch apparently had the eyes
11 for Ms. Coakley. Herman was caught in the middle. He's
12 drinking. He was about to snap. Hothead. Took off his
13 shirt. When I was a -- the solicitor is correct. Took
14 off our shirt, that's the commence of a fight. That's
15 called rules of engagement. When you remove clothing,
16 there's a fight to ensue.

17 But what's interesting about the fight is that
18 there is no testimony or evidence whatsoever from
19 Francis Jenkins. I keep remembering Francis Jenkins.
20 It was Francis said he has no recollection or evidence
21 as to who struck first, but he know there was a fight
22 that was ensued.

23 Now, Francis said that, yes, he saw a gun in the
24 hand of an individual, Sha'Quille Washington, he
25 identified. So identification. That the gun was down

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1 to the side and he saw some sparks and he heard two or
2 three shots, and then he don't know where Mr. Kinloch
3 went, Larry Kinloch, but that he felt for himself to see
4 if he had been shot. There's no question there are
5 ample evidence from this witness chair that, at the
6 most, there were over five shots fired out there that
7 night. Five. Five shots. But only two projectiles
8 were found. Five shots but two projectiles.

9 And anytime that the experts from SLED testified
10 that bullets are discharged from a weapon, a projectile
11 is somewhere in the vicinity. Now, some would have us
12 believe that, well, it's in the forest somewhere. But
13 if we accept Francis Jenkins' testimony that he recalled
14 vividly three shots fired down from the side, at a
15 minimum they should find at least four to five
16 projectiles. Instead, they found another bullet out
17 there that there's no rationale for. But it was right
18 there in the midst of the crime scene where they find --
19 where they gathered the forensic evidence.

20 And I'm telling you, in reference to Ms. Lockwood,
21 Lockwood -- the State made an issue that Ms. Lockwood
22 was the issue. Ms. Lockwood did what was asked of her,
23 and she presented the questions in reference to what the
24 detective presented to her. There was nothing that
25 prevented the Berkeley County Sheriff's Department in

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1 the same manner that they took a video deposition -- I
2 mean, strike that, a deposition -- video-recording of
3 the statement that was granted by Ms. Lockwood, that
4 they had the same procedure. Matter of fact, they took
5 two statements from her.

6 And the point I was involved with with Ms.
7 Lockwood, Ms. Christina said, you know, I just adopted
8 what -- I just adopted what I believe happened. Because
9 if you accept her testimony to any degree of
10 consistency, she said she was in the doorway. And, you
11 know, it's quite interesting how in a flip of facts
12 arrangement, the solicitor in reference to the doorway
13 and the van becomes important when the Williams come in
14 and Tyson Singleton say they saw Mr. Washington running
15 away, then the van become obscure.

16 Now, from the relationship that we accept the
17 testimony of Christina Lockwood, she said she was in the
18 doorway. There's no question that she would have been
19 blocked from view as to what passed by with the
20 shooting. But this is what she did see. She is part
21 of that scene wherein that segment where Ms. Coakley,
22 the Heinekin bottle, the pointing of the weapon, and
23 Ms. Lockwood, Christina Lockwood, actually witnessing
24 this and within seconds hearing the shots.

25 It's going to be each one of y'all's responsibility

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1 to reach within your own hearts as you go in this jury
2 room. Each one of you. And you're going to be
3 confronted with can you say, sign your name within a
4 reasonable degree, beyond a reasonable degree, that the
5 State has carried its burden; that there's no doubt in
6 your mind that this young man, in fact, committed
7 murder.

8 I ask that you remain focused. I have had this in
9 my hands for some period of time. I'm about to put it
10 in each one of you-all's hands. Y'all can go back there
11 and use your common sense and tell us what the verdict
12 is going to be.

13 All I ask you is that the verdict be in line with
14 truth and justice, that the verdict speaks the truth,
15 that the verdict don't cause you to be contrary to your
16 conscientiousness, that you be every bit mindful of the
17 actuality and the fullness and the breath of what
18 happened that night on August the 25th, 2013. Take
19 yourself to A Place In The Woods where mayhem, fighting,
20 guns, youth, alcohol, adrenalin, pride, rage, jealousy,
21 and hearts not subject to peace but a heart that's
22 caused these parties to cause you and all of us to be
23 assembled here this morning.

24 I ask that you give all of your consideration, to
25 review the evidence slowly and deliberately, to remain

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1 focused. I am conscious [phonetic] that the decision
2 that you reach will not be murder. I am conscious that
3 it will not be murder. Thank you.

4 THE COURT: Mr. West?

5 MR. WEST: Thank you, Your Honor.
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MIA PERRON, CVR-CM-M

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CLOSING ARGUMENT

MR. WEST: Ladies and gentlemen, I talked a little bit about manslaughter just a minute ago, and one of the things that I wanted to wait until now to talk about is the defense cannot argue, it wasn't me, and then at the same time say, but if it was me, I only did it because I was in the heat of passion. This whole time, this whole trial, we've been talking about fighting, who's the shooter, who had the gun. And now we get here and the defense wants you to believe that it was because he was so mad that he did it, so is now taking identity out of the equation?

Now, think about that when you deliberate, because I'm going to go through some of the other distractions, because that's exactly what they were, that have happened during this trial. What I'm going to ask you to do at the end of this is don't let the distraction be the destruction. Because what Mr. Davis has presented are several distractions: distractions are what we need to focus on.

What we need to focus on is Mr. Sha'Quille Washington's actions that night. So what I'm going to do is while it may seem tedious to go through again, because they [phonetic] have the burden of proof and I would like to present to you a summation of the

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1 witnesses and the facts that have been presented.

2 One of the first people you heard from was Francis
3 Larry Jenkins, Herman's cousin. He says that he
4 witnessed the shooting, witnessed the stare-down, sees
5 three shots that night. Now, Mr. Davis, defense
6 counsel, wants to talk about a separation between
7 Arianna Coakley and Taj Lockwood's statements and what
8 Larry Jenkins says.

9 Think about what Larry Jenkins was doing when the
10 shots happened. He was in the middle of a wrestling
11 match with Larry Kinloch. He's not going to see Arianna
12 holding up the bottle. He's not going to see where Taj
13 is. He's fighting for his own life, because Sha'Quille
14 Washington brings his cousin to a fight, his uncle. His
15 uncle, who I'm going to talk a lot about later, because
16 his uncle tells a very interesting story. And we'll get
17 to that in just a little bit.

18 Some other things Herman says -- or, excuse me --
19 Larry Jenkins says. He says he sees three shots. The
20 first one, sparks flew. What does that mean? There was
21 a ricochet off of the ground. Okay? So what we heard
22 from Captain Shuler, there was an extensive search for
23 the missing projectile. Okay?

24 The other thing to notice here is there weren't any
25 shell casings found. Well, that's because it was a

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1 revolver and revolvers don't eject the shell casings.
2 So what are we going to find? We're going to find the
3 two bullets that stuck. You know where the two bullets
4 were? Right where Sha'Quille Washington put them: in
5 Herman's back.

6 Herman was face-down when he was shot. That's what
7 Larry Jenkins says. Larry Jenkins describes the
8 shooting as Sha'Quille Washington standing over him,
9 about like this, with the gun to his side, shooting down
10 almost as if he's running away. That's how he described
11 it. What else do we hear from him? Probably less than
12 a yard away.

13 Remember how I talked about corroboration? What
14 did the pathologist say? Probably about thirty-six to
15 forty-two inches was the shot. How did she know it?
16 Because of all of the stippling. That's the distance of
17 the shooting. This was close range. This wasn't
18 Sha'Quille Washington, oh, I'm so crazy right now, let
19 me run away and shoot back because I'm scared. This was
20 Sha'Quille Washington standing over Herman Manigault
21 shooting him in the back.

22 And you know why he was face down in the gravel?
23 Because Sha'Quille Washington struck him in the eye. He
24 struck him in the back of the head. You'll have the
25 pictures with you. State's Number 14. State's Number

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1 14 clearly shows what's commonly called a pistol-
2 whipping. The defendant took a pistol and struck Herman
3 in the back of the head. That's what Arianna says.
4 That's what the evidence shows.

5 Okay. So what else does Larry Jenkins provide? He
6 provides an ID. Why is the ID important? Well, ID is
7 important because this whole time the question has been
8 who's the shooter, then. It is not until now that the
9 defense is wondering, well, the heat of passion might
10 have come up. So Larry Jenkins picks out this
11 defendant, Sha'Quille Washington, as the shooter.

12 I also like the fact that there was some
13 corroboration, not only from people from Herman's family
14 but people from Shike's family. If you get into Larry
15 Kinloch's statement, what you need to realize is that he
16 himself said he was tussling with the chubby light-
17 skinned dude and that that's what he was doing when the
18 shots happened. Threw him off of him like a deer with
19 his head in the headlights with his eyes open. That's
20 what Larry Kinloch says. That's what Larry Jenkins
21 says.

22 Hard to change the truth. Hard to make up stories
23 from both sides. Larry Kinloch didn't have Larry
24 Jenkins' statements when he was making that statement to
25 his brother at the jail. The only way those two would

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1 ever match is if it's what really happened.

2 The other thing he says is that he saw him run to a
3 vehicle. Larry Kinloch says that, too. Larry Kinloch
4 says he drove him away. Larry Kinloch says he had to
5 take his cousin away from the scene because he was just
6 trying to protect his cousin..

7 Arianna Coakley. Now, I will admit she was a
8 little rattlesnake on that stand. She had some
9 attitude. And do you know why? Sha'Quille Washington
10 killed her boyfriend. She held him as he died.
11 Sha'Quille Washington made Arianna Coakley have to
12 deliver the news, that her boyfriend had died, to her
13 boyfriend's mom. How does that affect a person? She's
14 going to be angry. She's going to be upset. And that's
15 genuine. That's what you saw from the witness stand.

16 She knows Shike. She knew him for eight years, is
17 what she said. No question as to identity. I keep
18 going back to the identity stuff because it was brought
19 up a lot during this trial. But there's no doubt that
20 it was Sha'Quille Washington that pointed a gun in her
21 face just seconds before she heard the shots. Because I
22 ain't playing.

23 How much malice can there be in ones heart if after
24 seconds after threatening a young lady with a gun in her
25 face, he goes and shoots somebody else? That's malice.

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1 That's an evil heart. That's not a person caught up in
2 the moment. That's a person intent on doing wrong.
3 That's murder. He keeps looking at me. Why does Shike
4 keep looking at Herman throughout the night? He was
5 intent on doing something about it. He was intent that
6 he was going to fix it, fix whatever beef there was.

7 And the defense tries to posit that there's some
8 love triangle going on between Larry Kinloch and Arianna
9 Coakley. Arianna Coakley said that isn't true. She
10 said, he tried to get my number, it really wasn't
11 anything. Larry Kinloch, as much of a liar as he is, he
12 also said that wasn't true. But you know what? There
13 has to be a reason why this happened, so why not throw
14 that on the wall and see if it sticks. That's what's
15 going on here, trying to make an angle about it.

16 She describes the gun vividly. She says it's a
17 silver revolver that was pointed in her face. She
18 remembers it because it was just inches away from her
19 face when Sha'Quille Washington just abruptly put it in
20 her face. You know, like there's been a lot made about
21 the bottle, too. You saw Arianna. She's all of 105
22 pounds soaking wet. Do you really think she was going
23 to do anything to Sha'Quille Washington that would
24 ultimately be the demise of anybody?

25 If Sha'Quille Washington was so scared, was so mad

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1 about Arianna holding this bottle, she would be dead,
2 too. But he wasn't intent on killing Arianna. You know
3 who he was intent on killing? Herman Manigault. And
4 that's very obvious, because Herman is the one that
5 died. Not Arianna. Arianna is back here testifying on
6 behalf of him. She's telling the truth. She's telling
7 you what actually happened that night.

8 Again, Dr. Presnell is important. The autopsy
9 results and the autopsy pictures are going to be
10 something you'll have with you. I want you to compare
11 them to the testimony. Okay? I'm not going to hold up
12 the wounds on the back of Herman's head again, but
13 you'll have them. You'll be able to judge whether you
14 believe that he was actually struck in the back of the
15 head as she says. No doubt. That mark didn't get there
16 on its own. And then there's another mark on him on his
17 elbow. She said it looked gravely. Because after he
18 got struck in the back of the head, he fell into a
19 gravel lot where he was ultimately shot in the back.
20 That's the physical evidence that corroborates exactly
21 what Arianna Coakley says.

22 Taj Lockwood, Ms. I-Don't-Remember. That's Taj
23 Lockwood. She was there to help Herman that night. And
24 y'all heard those questions. But when it counts, when
25 justice is on the line, she doesn't remember. But she

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1 gave multiple identifications that this defendant was
2 the shooter. She said multiple times not I didn't -- I
3 put things together because I heard them. She said
4 multiple times, in these written statements, that I saw
5 Shike shoot Herman; I saw it.

6 Now, this is the time that's probably appropriate
7 to talk about some evidence. Now, you've heard a lot
8 about statements and all this sort of stuff where we
9 would go up -- walk up to the witness stand and we would
10 show them statements, say, do you remember this, does
11 this refresh your recollection -- just a bunch of legal
12 terminology for things we have to do in court. Not all
13 those statements get to go back with you. Okay? Y'all
14 have to recall what you testified -- what was testified
15 to. And if you need to, we can play some of the
16 testimony back.

17 But there are certain rules we've got to play by
18 and one of those rules is you're not going to have all
19 these statements in the back with you. You'll have some
20 things that were said. You'll have the defendant's
21 statement. You'll have his written statement and you'll
22 have the video. If you want to play it back, you can
23 watch it again.

24 But Taj did give multiple statements. I went
25 through them in extreme detail and asked her if she was

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1 able to identify the shooter because of what she saw.
2 And what she saw was the murder of Herman Manigault.
3 The other thing she saw was Larry Kinloch and Larry
4 Jenkins fighting. She's painting the full story here
5 about what actually happened. She's telling the truth
6 in those statements. Whether she conveniently forgets
7 to remember is a different story. But what she says in
8 those statements corroborates the other witnesses,
9 because the truth doesn't change. The truth doesn't
10 change.

11 Darius Alls. We called him. He's the cook, one of
12 the defendant's cousins. Again, a lot of relatives
13 involved in this. This is a lot of people that are in a
14 small community. They don't want to come testify. He
15 was a little uncooperative on the stand, so we had to
16 pull some teeth out of him.

17 But what he says in his statement -- and I think I
18 made it pretty clear -- was that Herman felt that his
19 life was threatened. Why do we pull that out? In
20 anticipation of the defense trying to argue for a
21 voluntary manslaughter. If Herman felt his life was
22 threatened beforehand, where is the so-called
23 suddenness? It's not there. The sudden heat of passion
24 can't happen if Herman felt his life was threatened
25 throughout the night. Think about that. So every

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1 witness, as much as they -- or as little as they -- you
2 think they provide, they're a key piece in all of this
3 whole story.

4 Larry Kinloch. One of my favorite witnesses. He's
5 one of my favorite witnesses because he's probably one
6 of the worst individuals that I have ever dealt with as
7 a prosecutor. He is the defendant's uncle and he gave
8 two statements: one to law enforcement, that was
9 clearly a lie; the other he made in true candor to his
10 brother at the jail two days after the incident.

11 Now, I have up here that there's this question mark
12 behind whether he's a criminal mastermind. The guy you
13 saw, do you really think he was thinking two years in
14 advance that he was going to need to, you know, protect
15 himself? Or was he actually telling the real story? Is
16 he this person that's going to have a plan that needs to
17 protect his interest, as well as protecting his cousin
18 to make sure nobody gets hurt? He was trying to protect
19 his nephew. That was very clear in his written
20 statement. Larry was just standing on the stoop smoking
21 a cigarette, saw some commotion -- and these words are
22 going to be important -- commotion or a tussle and
23 didn't recognize anybody, doesn't know anybody, didn't
24 think anything about it in any -- that's in his written
25 statement.

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1 But his phone call: his phone call is the truth.
2 How do we know it's the truth? Because it matches what
3 the people that actually saw everything are saying. So
4 let's go through that a little bit. Again, this is one
5 of those things where you're not going to be able to
6 have this in the back, but you can have the testimony
7 replayed. So I wanted to go through the call so you can
8 remember some things from the testimony and from the
9 questions that I asked.

10 So Quinton and Mack's name came up a lot: I saw
11 Quinton later. He didn't see anything. He wasn't
12 there. I don't know what the importance of Quinton was
13 because he wasn't there.

14 But this is what Larry Kinloch says, when he's
15 actually telling the truth for once. All I did is damn
16 take my nephew away from the fucking scene. My nephew
17 did that and now I'm protecting him.

18 What does he mean by now I'm protecting him? Well,
19 because he's later going to give a statement that says
20 nothing about Shike being the shooter.

21 Okay. Later he said, yeah, I been protecting my
22 nephew. I ain't put no bullet in nobody. Here was
23 where it got really -- I promise to God that he shoot
24 three fucking times, that n-word shoot three damn times,
25 man. I ain't know how many hit him, but I know he take

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1 at least two of the three.

2 Who else said that? Larry Jenkins. What else says
3 that? The physical evidence. Two shots into Herman.
4 He sees it. He sees three shots.

5 Now, ladies and gentlemen, he goes on to talk about
6 other things but, most importantly, he talks about his
7 fight with Larry Jenkins. His fight with Larry Jenkins
8 is important because it eliminates anybody else but
9 Sha'Quille Washington as being the shooter. So what
10 does Larry Jenkins say? Tussling with some dude during
11 -- when I first heard the shots. What does Larry
12 Kinloch say? I ain't did that shit. I fighting with a
13 big fucking light-skinned dude, tussling with this big
14 mother fucker. He got me on the car. I got him on the
15 car. Me and him going back and forth, tap, tap, tap.
16 Shit. Dude let me go like a fucking deer. That
17 fucker's eyes light up after them three fucking shots.
18 And, shit, I pushed him off. He pushed me off.

19 What Larry Jenkins says, in not so Larry Kinloch
20 words.

21 Another person that's interesting out of Larry
22 Kinloch's call was Tyson. Tyson goes back to get the
23 car. Tyson: I don't know if you can believe anything
24 out of his mouth, because nothing that he said matched
25 exactly what was meant to be matching the person right

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1 in front of him, Robin Williams' -- I'll get to Tyson
2 later.

3 But, again, Larry Kinloch's phone call is very
4 important because he is a person that is going to
5 protect his nephew, except that he doesn't know that
6 somebody is going to find that call later. Okay? He's
7 not a criminal mastermind. He's finally telling the
8 truth to his brother at the jail.

9 Drequan Lockwood. The reason we called Drequan
10 Lockwood -- he didn't see the shooting, he said he
11 didn't hear the shots, but what he does is he puts
12 especially Taj at the scene. That's important because,
13 you know, when you put Taj on the scene, she doesn't
14 remember anything. You want somebody to corroborate
15 that other than these obviously people tied to Herman.
16 So you have somebody from Taj's side come and say Taj
17 was there. He corroborates the time of the shooting.
18 It was about 3:30. Location. Certain people around.
19 Doesn't say anything about Tyson or Robin Williams or
20 anybody like that, but he corroborates what Taj says
21 and, to an extent, he was there afterwards and he helped
22 Herman.

23 Then we got into some of the law enforcement
24 people. What we had is the initial responders, Deputy
25 Morton, Officer Tim Ham, and Scott Bell. What they do

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1 is they establish a crime scene, they do things like put
2 up tape, make sure nobody's going in and out messing
3 with Herman's body or any of the possible evidence on
4 scene. So that's the reason for their testimony.

5 Lieutenant Geno Alteri, he's from crime scene.
6 He's one of those CSI guys. He goes and takes pictures.
7 He takes the pictures that you see from different
8 positions at A Place In The Woods. He's going to show
9 you the lighting out there. He's going to show you that
10 there's streetlights. There's a light right in front of
11 A Place In The Woods on the stoop, this important stoop
12 that happened. There's a light right there. You can
13 see it in the reflection of one of the vans on the
14 window.

15 And that picture, in particular, is going to be
16 important because it shows a vantage point that I
17 believe is very telling. What you heard in regards to
18 State's Number 4, that this is a view from the stoop
19 looking towards Hammond Corner Road where the van is
20 right in front. As you can see clearly, the place where
21 Herman actually died is to the side of the van. And
22 where Christina Lockwood was was in the doorway, right
23 in the middle of the picture. It's a very clear vantage
24 point to see exactly who shot Herman at the time of the
25 shooting.

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1 So, again, he collected the clothes on scene. He
2 took those pictures. Those pictures you'll have in the
3 back.

4 Kevin Murphy did the cell-phone extraction. I'll
5 get to the cell phone in a little while. But what it
6 does is it helps. It just has a time line of events.
7 The cell phone was taken from the defendant, and it's
8 the defendant's cell phone.

9 Detective Rikki Cortte, this is another one of
10 those witnesses where the State has to present people in
11 a full chain of custody. You heard that stipulation
12 that we read into evidence. Some of the witnesses were
13 not included in that stipulation so we called them to
14 make sure that you know who has touched or seen evidence
15 in this case. And that's what he testified: I was
16 taking those bullets and clothing from the victim from
17 Dr. Presnell at MUSC.

18 And Detective Daniel Wilson: you heard a lot
19 about Daniel Wilson. He did some investigation of the
20 witnesses that Mr. Davis put up. And you saw how nobody
21 wanted to talk to him and they didn't remember what they
22 told Dan. But what we see here is he presented the
23 photo line-up to the witnesses, such as Taj, such as
24 Arianna, such as Larry Jenkins. And those line-ups you
25 will have in the back. He assisted in some interviews,

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1 and he took gunshot residue from the victim's hands.
2 Again, I'll talk about the gunshot residue in just a
3 minute. But he collected it as part of that chain.
4 That's why -- one of the things he testified to.

5 Michele Eichenmiller: she's the ballistics expert.
6 She's the reason we know what type of weapon killed
7 Herman Manigault. If they pull the bullets out of the
8 body, she's an expert in telling what kind of gun fires
9 them. And we know it was either a .38 Special or a .357
10 Magnum. Why is that Magnum part important? Because
11 Dr. Presnell said that the amount of stippling on
12 Herman's body would have had to come from a Magnum load.
13 So two people, again, just matching what they say. But
14 the murder weapon was never found. The murder weapon
15 was never found.

16 We had other weapons talked about during this,
17 specifically the revolver Mr. Davis talks about a bunch.
18 I'll get to that when we get to William Freeman's part,
19 because it's very interesting to the State.

20 Whitney Berry, from SLED. She testified about the
21 GSR, the gunshot residue. You notice that law
22 enforcement, even though it was outside the window, even
23 though Sha'Quille Washington says he washed his hands,
24 they still took the gunshot residue. But she testified
25 because of the hand-washing and because of the window,

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1 they weren't going to test it because that's SLED's
2 policy. You also heard that the gunshot was found on
3 the victim -- gunshot residue was found on the victim,
4 again, suggesting a close range of fire.

5 Everything is adding up. You've got the doctor
6 saying it was only a few feet away, you've got the
7 stippling, you've got GSR on the victim, you've got
8 Larry Jenkins saying standing over him. Everything is
9 adding up. The evidence goes together.

10 Captain Bobby Shuler. He interviewed the defendant
11 and did most of the investigation. But that interview
12 of the defendant is one of the main pieces of evidence
13 that the State is presenting to you as a jury. And I
14 talked about that in extent in the opening. And I have
15 a special time that I want to talk to you about the
16 defendant's statement to see where that goes.

17 Dr. Erin Presnell, again, the autopsy, I've talked
18 a lot about her in the interim of the witnesses. But,
19 again, a lot of what she testified to corroborates
20 everything that the other witnesses say. So you'll have
21 her pictures in the back. You'll be able to compare
22 them and remember back to what the other witnesses said.
23 I'm not going to belabor the point.

24 Aja Williams. She was the bartender. This is one
25 of the first witnesses that the defense called. She

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1 says that Herman thought they were going to kill him.
2 Another person to show you that this wasn't a sudden
3 heat of passion, this was an ongoing thought process by
4 the defendant.

5 Quinton Grant: didn't see nothing. Left before he
6 was there. Offered absolutely nothing to you as a jury
7 for you to consider.

8 Renard Deveaux. He head shots but didn't see
9 anything. Again, another witness that just doesn't
10 provide anything for you as a jury to consider. But
11 what we do know about him is he has a giving false
12 information conviction, so take that into consideration
13 whether you believe what he said at all.

14 Robin Williams was interesting because Robin
15 Williams and Tyson couldn't get their stories straight.
16 They were one after another and they still couldn't
17 match up what they were talking about. One of them says
18 that they were, you know, ten, fifteen feet away from
19 the van. Tyson said, but they were on the other side of
20 the club, they're in the other parking lot, and then it
21 was way past the trees.

22 But Tyson says he rode with Robin. Robin doesn't
23 say anything about being with Tyson. Robin, when I
24 asked her who she was with, she just said two other
25 females. So no mention of Tyson. They can't get their

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1 stories straight. She heard two shots. I made this a
2 point, because what she hears is two shots. Well, guess
3 what? Herman got shot twice. You know, those are the
4 important shots. The number of shots in this case has
5 been talked about by a lot of different witnesses, but
6 there's only really two important shots and that's the
7 ones that Shike put in Herman's back. So, again,
8 whether she was with Tyson or not is still up in the
9 air.

10 With Tyson, I don't know what wasn't a lie. He
11 pretty much got up here and tried to cover for his boy.
12 Lives, you know, a hundred yards away from the
13 defendant. Goes back and gets his car after the
14 shooting, according to Larry Kinloch. Tyson doesn't
15 cooperate with Detective Daniel Wilson. Doesn't even
16 remember trying to talk to him. Doesn't remember
17 investigator Kevin McGowan going out there to serve the
18 subpoena. Doesn't remember anything. But he remembers
19 the defendant being hundreds of yards away when the
20 shots happened. But the defendant later in his
21 statement says, no, he was four or five feet away when
22 the shots happened.

23 William Freeman. William Freeman was the
24 investigator that Mr. Davis hired. William Freeman
25 did about as poor of a job as an investigator can do.

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1 He got two statements, never made a report, didn't
2 follow up on where he got the gun from, doesn't have any
3 idea where this gun's from, doesn't tell anybody at the
4 solicitor's office or the sheriff's office that he has a
5 gun in his safe that may be potential evidence in a
6 murder trial. So he's obviously not doing very much.

7 One thing that was important that was brought out,
8 when Mr. Davis was asking some questions, was that
9 possibly Captain Rick Ollic had been told about this
10 weapon. Well, Captain Shuler says, no, Captain Ollic
11 would have told me if somebody told him. And William
12 Freeman specifically said -- because I asked him -- did
13 you ever talk to Rick Ollic? No, I never told him about
14 this weapon. If you had talked to Rick Ollic about
15 this, would there have been a report? Yes, there would
16 have been a report. But there wasn't, because he never
17 talked to Rick. He held on to it. Why he held on to
18 it, I don't know. Why it comes up Thursday of last
19 week, when the defendant knows that he's on trial for
20 murder on Monday, that's a question y'all have to
21 consider. Held on to the gun for two years. Never
22 talked to anybody.

23 And he got the gun from the defendant's mom. If
24 that suggests you don't know where this gun comes from,
25 I don't know what does. It comes from the defendant's

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1 mom. Okay? Don't know what relative it came from. But
2 how many relatives marched up here and tried to testify
3 for the defendant? Could it have been one of them?
4 They didn't say anything about it. Okay?

5 So what credibility does William Freeman have, when
6 he can't even do something as simple as bring a report?
7 I tried to get him to share his notes with you and all
8 he had was, you know, 9:15, went to this place. No
9 report. No full extent of what he did.

10 The other thing that was interesting about William
11 Freeman's finding of this gun was he went on the 11th of
12 September, 2013, to go get the gun, but mom couldn't
13 find it. She looked like she was searching for
14 something, right? She found it four days later and then
15 called Investigator Freeman to miraculously provide
16 something that may be of some evidentiary value that
17 still no one has any idea why it's there. So all these
18 question marks about what's the importance of the
19 pistol? Nothing. So why is it here? Another
20 distraction.

21 Let me tell you this. Mr. Davis talked about
22 football or about his son. I played football with his
23 son Todd. I was a quarterback, and his son was one of
24 my receivers. I remember a game specifically where we
25 were at the end of the game, we were down a little bit,

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1 and Mr. Davis's son Todd had to run a hail Mary play.
2 What's a hail Mary? It's a desperate attempt at the end
3 of a game to score. Last seconds. You've got nothing
4 else. Last minute attempt to cause some sort of
5 distraction. This gun is nothing but a hail Mary. It's
6 of no importance whatsoever. It's just a distraction.

7 Sha'Quille Washington. Of all the people that
8 talked, he gave a statement that makes absolutely no
9 sense with what everybody Mr. Davis tried to put up was
10 going to say. So I'm going to go through his statement
11 a little bit so you know some of the important facts.
12 You have the video if you would like to have it
13 replayed.

14 But let's talk about some things. The defendant,
15 at the beginning, one hundred percent says he washed his
16 hands. So that's why there's no GSR. One of the things
17 that I think is very interesting is that the defendant
18 is very vivid in his descriptions of the people
19 involved, what they're wearing. He remembers colors of
20 clothing. He specifically remembers and repeats several
21 times the tattoo on the victim's chest. Why is that
22 important? If this was so dark in this parking lot and
23 lighting was so important, as the defense wants to
24 suggest to you, how does the defendant distinguish this
25 tattoo on the victim's chest?

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1 If these people are supposedly not able to make out
2 the defendant's face, how was he so close to the victim
3 that he knows what type of tattoo he has on? Darkness
4 isn't an issue. People saw the defendant and the
5 defendant was there and very, very close to Herman
6 Manigault. He was so close, he was less than a yard
7 when he shot him. Think about those type of things and
8 if lighting was really an issue, or whether it was just
9 another one of these distractions.

10 One of the things the defendant said when he first
11 gives a recantation of the events is that the dude got
12 chopped in the eye and he was holding his face down like
13 he was walking away, and that's when the dude shot him
14 in the back. What Arianna Coakley says he did. Hit him
15 in the eye, chopped him in the eye, he was stumbling
16 away, hit him in the head, and then he shot him in the
17 back.

18 Remember how in opening statements I said he, you
19 know, right up to the murder and then when it involved
20 him, hands off, it wasn't me. Exactly what he's doing
21 then. He's trying to put the blame on somebody else but
22 not himself but, yet, interestingly enough, describes
23 almost exactly what happens except for when he talks
24 about there were only three people involved in the
25 fight. Everybody says there was at least four people.

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1 If the defendant says there were three people
2 involved in the fight, how can he claim voluntary
3 manslaughter? How can he claim that he wasn't involved
4 in the fight, but suddenly he was in such a heat of
5 passion that he had to shoot Larry -- or Herman
6 Manigault? How does that make sense? It doesn't,
7 because the defense theory doesn't fit what his own
8 client says in his statement.

9 He describes the shooter as five eleven, five ten,
10 dark skin, low haircut, but he doesn't know who he is,
11 he's from the city, he just started coming around here.
12 Now, think about it. He doesn't name his Uncle Larry
13 Kinloch. He doesn't name Larry Kinloch or him being
14 involved in the fight. But what he does describe is
15 this scuffle. I would suggest to you that there is a
16 little bit of similarity between Larry Kinloch's
17 statement given in September, and this version of events
18 given by the defendant. There's some coordination
19 there. This scuffle, where nobody is involved, is all
20 of a sudden a scuffle that he is trying to absent
21 himself from. But the evidence supports that there --
22 he remembers what almost everybody is wearing. He
23 remembers the gun. He talks about other people that saw
24 where he was.

25 Listen to the names. Tyson is one of them. Again,

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1 Tyson, a player in this. But Tyson doesn't know how to
2 tell the truth. One key phrase he used to -- I'm just
3 sort of going through this -- you didn't have any
4 problems with the victim last night, did you? No, sir.
5 11:03:39. You didn't have any problems with the victim
6 last night, did you? No, sir.

7 How are you in a sudden heat of passion if you
8 never have a problem with the victim?

9 Then he says what is a -- clearly a direct lie. I
10 ain't got no weapon out here to protect me. But the
11 defendant clearly had a gun, because he used it. He
12 describes the victim's clothing vividly, with that
13 tattoo, as well, over and over again. He describes
14 where he was during the shooting. Where does that
15 match? It matches what Larry Jenkins said, it matches
16 what Arianna Coakley said, that he was four or five feet
17 away, when everything initially happened he was on the
18 stoop.

19 He doesn't say anything about Arianna holding a
20 bottle in his face, but he was on the stoop according to
21 his statement. Again, you have the fact there are only
22 three people fighting. And says he saw the shooter. He
23 saw the shooter, but wasn't ever able to identify him.
24 And do you know when he saw the shooter? When he looked
25 in a mirror when he got home. That's when he saw the

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1 shooter.

2 Did you see any fighting or arguing earlier that
3 night, or anything like that? No, sir. No heat of
4 passion, no suddenness, no provocation. Was he
5 provoked? No.

6 He talks about the fight on the big square thing.
7 And, again, I'm not going to go through all of this.
8 You'll have that from your memory and be able to play it
9 later if you would like. That statement is very
10 important, and I told you at the beginning of the trial
11 that it was, because what it does is it clearly takes a
12 picture where, again, you have no consistency with
13 what's being said by any of the defense's theories or
14 witnesses.

15 Now, that was a lot. A lot of people involved.
16 It's a murder case. There's a lot on the line here: We
17 have the State having an enormous burden to prove guilty
18 beyond a reasonable doubt. So I didn't talk to you
19 about this when we talked about the law, but what is
20 reasonable doubt? It's not beyond all doubt. It's not
21 beyond a shadow of a doubt. It's are you firmly
22 convinced. Are you firmly convinced the defendant shot
23 Herman Manigault? If you are firmly convinced that
24 Sha'Quille Washington was, in fact, the shooter and that
25 he put two bullets in Herman's back and that it was done

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1 with malice aforethought, then he's guilty. He's guilty
2 of murder.

3 So one of the things that I would like to do is,
4 since there have been so many stories, sort of a -- I
5 would like to go through what really happened when
6 everybody sort of adds together. The truth doesn't
7 change, and consistency is hard to make when there's a
8 bunch of lies going on but if the truth is being told,
9 everything will be consistent.

10 So the real story, now. The real story, beyond a
11 reasonable doubt, is that Herman Manigault, Larry
12 Jenkins, Arianna Coakley, and Taj Lockwood were all
13 about to leave the club. Shike and Larry Kinloch said
14 one last thing or did one last thing to Herman after
15 giving him menacing looks all night. They followed
16 behind Herman and Larry. When Herman saw Shike
17 following him, he decided he was going to take his shirt
18 off. Larry Jenkins saw that Larry Kinloch was about to
19 jump his cousin so he intervened and starting fighting
20 with Larry Kinloch. They were, in fact, tussling and
21 wrestling on the ground. Before Herman could react,
22 Shike hits Herman in the eye with the butt of his gun.
23 Arianna sees what's going on and tries to come to her
24 boyfriend's aid. While Herman is dismantled and
25 disheveled and after he had been hit in the eye and

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1 unable to really focus, he's stumbling away. Shike sees
2 this as an advantage in his wicked heart, and he hits
3 him in the back of the head with the butt of his gun
4 with such force that it breaks his skull. Herman falls
5 to the ground. He's on the gravel lot. He scrapes his
6 elbow. Shike stands over him and he shoots and he
7 shoots and he shoots. Two hit Herman in the back. One
8 goes up to his aorta and it kills him, as he was being
9 held by Arianna Coakley and his cousin Larry Jenkins.

10 Herman died that night after being shot in the
11 back. That's how Herman left this world, face down in a
12 gravel lot, because Shike wanted to prove that he was a
13 man. He was seventeen, but he was hellbent on showing
14 the world that because he had a gun, he had all the
15 power in the world, the power for him to decide that
16 Herman was going to die in his girlfriend's eyes and
17 make his girlfriend drive to Herman's mother's house and
18 deliver the bad news, the power to change every life
19 that has been in the courtroom this week, and more. The
20 power to take something that wasn't his to take.

21 Mr. Davis used the Superman quote. I'll use a
22 Spiderman quote. With great power comes great
23 responsibility. And while Shike had the power to take
24 Herman's life because he had a gun, the pen is mightier
25 than the sword.

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1 Mr. Foreperson, ladies and gentlemen of the jury,
2 your responsibility is great, and so is your power.
3 Your power is greater than the gun that Shike possessed.
4 Use that power for justice. Use the power of that pen
5 to write on that verdict form the true verdict that
6 Sha'Quille Washington is guilty of murder.

7 THE COURT: Ladies and gentlemen, this would be an
8 appropriate time to take a break -- I'm about to charge
9 you on the law applicable to this case -- or we can
10 continue through.

11 Mr. Foreperson, your choice.

12 THE FOREPERSON: We would like to continue.

13 THE COURT: All right. Thank you.
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CHARGE OF THE COURT

THE COURT: Ladies and gentlemen, I remind you that during this trial you and I have had certain duties to perform.

As the trial judge, it is my responsibility to preside over the trial of this case. I have the duty to rule on the admissibility of the evidence that has been offered. You are to consider only the evidence before you. If there was any testimony ordered stricken from the record, you must disregard that testimony. Mr. Foreperson, as I instructed you, you are not to allow any testimony that was stricken from the record to even be discussed in deliberations. You are to consider only the testimony that you heard from the witness stand, the exhibits that have been part of the record in this case, as well as the stipulation of counsel.

I have the additional duty to charge you the law applicable to this case. As the presiding judge, I am the sole judge of the law in this case. It is your duty, ladies and gentlemen, to accept the law and apply the law exactly as I state it to you now. If you have any idea as to what the law is or what the law ought to be, and it does not agree with what I'm about to tell you, you must abandon your own idea, because you are sworn to accept the law and apply the law exactly as I state it to you now.

In every case tried in this court before a jury,

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1 the jury becomes the sole and exclusive judges of the facts.
2 A trial judge may never make any comment regarding the facts
3 in this case. You are not to infer from anything that I have
4 said or done throughout the progress of this trial that I have
5 any opinion about the facts in this case. The law does not
6 allow me to have an opinion about the facts in this case.
7 This is a matter solely for you to determine.

8 The indictment in this case charges Mr. Washington
9 with one count of murder. I remind you the fact that Mr.
10 Washington was arrested, charged, and indicted in this case is
11 not evidence and cannot be considered by you as evidence of
12 guilt, nor does it create any presumption or inference of
13 guilt. An indictment is simply the formal written instrument
14 which contains the charge made against the defendant. It is
15 the formal document by which this case is brought into court.

16 Just as the indictment in this case is not
17 evidence, any terminology or labels used to refer to the
18 individuals involved in this case cannot be considered as
19 evidence. For example, the use of the words defendant and
20 victim are merely labels and may not be considered by you as
21 evidence.

22 Mr. Washington has pled not guilty to this
23 indictment. A person charged with committing a criminal
24 offense in South Carolina is never required to prove himself
25 innocent.

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1 I charge you it is an important rule of law that a
2 defendant in a criminal trial, no matter what the seriousness
3 of the charge may be, will always be presumed to be innocent
4 of the crime for which the defendant was indicted unless guilt
5 has been proven by evidence satisfying you of that guilt
6 beyond a reasonable doubt.

7 The presumption does not end when you begin your
8 deliberations, but it accompanies the defendant throughout the
9 trial until you reach a verdict of guilt based upon evidence
10 satisfying the standard of guilt beyond a reasonable doubt.
11 The presumption of innocence is not mere legal theory. It is
12 not just a legal phrase. It is a substantial right to which
13 every defendant is entitled unless you the jury are satisfied,
14 from the evidence, of the defendant's guilt beyond a
15 reasonable doubt.

16 The State has the burden of proving Mr. Washington
17 guilty beyond a reasonable doubt. Some of you may have served
18 as jurors before in civil cases where you were told it was
19 only necessary to prove that a fact is more likely true than
20 not true, such as by a greater weight or preponderance of the
21 evidence. Proof beyond a reasonable doubt is proof that
22 leaves you firmly convinced of the defendant's guilt. There
23 are very few things in this world that we do know with
24 absolute certainty, and in criminal cases the law does not
25 require the burden of proof that overcomes every possible

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1 doubt. If based upon your consideration of the evidence you
2 are firmly convinced that Mr. Washington is guilty of the
3 crime charged, you must find Mr. Washington guilty. If, on
4 the other hand, you think there is a real possibility that
5 Mr. Washington is not guilty, you must give Mr. Washington the
6 benefit of the doubt and find him not guilty.

7 There are two types of evidence that are generally
8 presented throughout a trial: direct evidence and
9 circumstantial evidence. Direct evidence directly proves the
10 existence of a fact and does not require any deduction.
11 Circumstantial evidence is proof of a chain of facts and
12 circumstances indicating the existence of a fact. Crimes may
13 be proven by circumstantial evidence. The law makes no
14 distinction between the weight or value to be given either
15 direct or circumstantial evidence. However, to the extent the
16 State relies on circumstantial evidence, all of the
17 circumstances must be consistent with each other and, when
18 taken together, point conclusively to the guilt of the
19 defendant beyond a reasonable doubt. If these circumstances
20 merely portray the defendant's behavior as suspicious, the
21 proof has failed. The State has the burden of proving Mr.
22 Washington guilty beyond a reasonable doubt. This burden
23 rests with the State regardless of whether the State relies on
24 direct evidence, circumstantial evidence, or a combination of
25 the two.

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1 Necessarily, you must determine the credibility of
2 the witnesses who have testified in this case. Credibility
3 simply means believability. It becomes your duty as jurors to
4 analyze the facts and determine which evidence convinces you
5 of its truth. In determining the believability of the
6 witnesses who have testified in this case you may believe one
7 witness over several witnesses, or several witnesses over one
8 witness. You may believe a part of the testimony of one
9 witness and reject the remaining testimony of that same
10 witness. You may believe the testimony of a witness in its
11 entirety, or reject the testimony of a witness in its
12 entirety. You may consider whether the witness has exhibited
13 to you any motive, interest, bias, or other prejudice in this
14 case, and you may also consider the manner and appearance of
15 the witness while he or she was on the witness stand.

16 A person who has committed prior bad acts or who
17 has a past criminal record is competent to testify during a
18 trial. Prior bad acts or a past record does not affect the
19 ability of that witness to testify. The prior bad acts or
20 past record may only be considered by you, if at all, in
21 determining the witness' believability. Remember, you are the
22 sole judges of the facts in this case and of the believability
23 of any and all of the witnesses.

24 You have heard testimony concerning the penalty a
25 person can serve for a particular crime. In determining the

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1 guilt or innocence of the defendant, you cannot consider any
2 possible penalty for any particular crime. The punishment for
3 the crime is a matter for me to determine and should never be
4 considered by you in any way in your arriving at an impartial
5 verdict as to the guilt or innocence of the defendant.

6 There has been evidence presented that witnesses
7 have made prior statements which are not consistent with the
8 witness' testimony given in court here today or this week.
9 You may use this evidence to decide whether to believe the
10 witness. You may also use evidence of the earlier
11 contradictory statements to determine the truth of those
12 statements. It is up to you to decide whether to believe the
13 earlier statements or to believe the testimony given at trial.
14 If a witness is shown to have knowingly testified untruthfully
15 concerning any material matter, you may consider this in
16 determining whether to trust the witness' testimony as to
17 other matters. You may reject all testimony of that witness
18 or give all or part of the testimony the weight you think it
19 deserves.

20 The rules of evidence ordinarily do not permit
21 witnesses to testify to opinions or to conclusions. An
22 exception to this rule exists for witnesses we call expert
23 witnesses. A witness who by some education or experience has
24 become expert in some art, science, profession, or calling,
25 may state an opinion as to relevant and material matter in

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1 which the witness claims to be an expert and may also state
2 the reasons for that opinion. You should consider any expert
3 opinion received in evidence in this case and, like any other
4 evidence, give it the weight you think it deserves. If you
5 decide that the opinion of an expert witness is not based on
6 sufficient education and experience, or if you conclude that
7 the reasons given in support of the opinion are not sound, or
8 that the opinion is outweighed by other evidence, you may
9 disregard the opinion entirely. An expert witness' testimony
10 is to be given no greater weight than that of other witnesses
11 simply because the witness is an expert. Further, you are not
12 required to accept an expert's opinion, even though it is not
13 contradicted.

14 A statement alleged to have been made by the
15 defendant has been admitted into evidence in this case. While
16 I have determined that the statement is admissible, I instruct
17 you that you make the ultimate decision of whether or not the
18 defendant made that statement. If the defendant did make the
19 statement, you must determine whether the statement was made
20 by the defendant voluntarily and of his own free will. This
21 means that the statement was not caused by pressure, force,
22 fear, threats, coercion, or intimidation, or by hope or a
23 promise of leniency or reward of any kind. In determining
24 whether the statement was voluntary, you should consider both
25 the characteristics of the defendant and the details of the

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1 questioning. Some of the factors that you may consider are
2 the age of the defendant, the defendant's education or lack of
3 education, the mental ability of the defendant, the
4 defendant's IQ or intelligence, the defendant's background and
5 environment, the place and length of detention, the nature of
6 the questioning, the advice or lack thereof to the defendant
7 of his constitutional rights, including but not limited to the
8 right to remain silent, that any statement can be used against
9 him in a court of law, the right to have a lawyer present,
10 that if he could not afford a lawyer, a lawyer would be
11 appointed to represent him without any cost, that he could
12 stop making a statement at any time. You must carefully
13 consider all of the surrounding circumstances before you give
14 any weight to an alleged statement.

15 The State has a burden of proving beyond a
16 reasonable doubt that the alleged statement was voluntary. If
17 you determine it was, you must give the statement any further
18 consideration that you deem proper. You must decide what
19 weight, if any, should be given to the alleged statement. If
20 you determine the alleged statement was not the free and
21 voluntary statement of the defendant, you should not consider
22 the statement at all.

23 In order to establish criminal liability, criminal
24 intent is required. For example, the mental state required to
25 be proven by the State for a particular crime might be

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1 purpose, intent, knowledge, recklessness, or criminal
2 negligence. Criminal intent must be proven by the State
3 beyond a reasonable doubt. Criminal intent is always a matter
4 that must be determined by the jury from the circumstances
5 surrounding the situation. There is no way to prove intent to
6 a mathematical certainty because there is no way to tell with
7 exact certainty what the person intended to do. The law says
8 that criminal intent may be inferred from the circumstances
9 shown to have existed. This is how you make a determination
10 of whether or not the element requiring intent was present.
11 It is not necessary to establish intent by direct and positive
12 evidence but intent may be established by inference in the
13 same way as any other fact, by taking into consideration the
14 acts of the parties and all the facts and circumstances of
15 this case. Criminal intent is a mental state. It is a
16 conscious wrongdoing. It is up to you to determine what the
17 defendant intended to do, based upon the circumstances shown
18 to have existed.

19 If a crime is committed by two or more people who
20 were acting together in committing a crime, the act of one is
21 the act of all. A person who joins with another to commit an
22 unlawful act is criminally responsible for everything done by
23 the other person which happens as a natural and probable
24 consequence of the act -- carrying out the common plan and
25 purpose. For example, two people can be guilty of killing

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1 another person when only one of the two had a gun, there was
2 only one bullet, and only one of the two fired the shots that
3 caused the death. If two or more people are together, acting
4 together, assisting each other in committing the offense, the
5 act of one is the act of all or, as it is sometimes said, the
6 hand of one is the hand of all.

7 Prior knowledge that a crime is going to be
8 committed, without more, is not sufficient to make a person
9 guilty of that crime. Mere knowledge that another person is
10 going to commit a crime, even if the defendant is present when
11 the crime is committed, is not sufficient to convict the
12 defendant as a principal. Guilt as a principal is shown by
13 actual or constructive presence at the scene as a result of a
14 prior arrangement. Therefore, a finding of a prior arranged
15 plan or scheme is necessary for a finding of guilt as a
16 principal. The State must prove by a reasonable doubt, by
17 competent evidence, the theory of the hand of one is the hand
18 of all. A principal in a crime is one who actually either
19 commits the crime or who is present aiding, abetting, or
20 assisting in committing the crime. When a person does an act
21 in the presence of and with the assistance of another, the act
22 is done by both. Where two or more acting with a common plan
23 or intent are present at the commission of a crime, it does
24 not matter who actually commits the crime. All are guilty.
25 The hand of one is the hand of all.

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1 Present at the commission of a crime means to be
2 sufficiently near to aid and abet and assist in the commission
3 of the crime. However, mere presence at the scene of a crime
4 is not sufficient to convict one as a principal on the theory
5 of aiding and abetting. Intent is also a necessary element,
6 for there must have been a common design or intent to commit
7 the crime and the crime must have been committed pursuant
8 thereto with the person aiding and abetting by some overt act.

9 Intent means intending the result which actually
10 occurs, not accidentally or involuntarily. Intent may be
11 shown by acts and conduct of the defendant and other
12 circumstances from which you may naturally and reasonably
13 infer intent. The State must prove these elements beyond a
14 reasonable doubt.

15 The State has the burden of proving identity beyond
16 a reasonable doubt. You must be satisfied beyond a reasonable
17 doubt of the accuracy of the identification of the defendant
18 before you may convict the defendant. Identification
19 testimony is an expression of belief or impression by a
20 witness. You must determine the accuracy of the
21 identification of the defendant. You must consider the
22 believability of each identification witness in the way as any
23 other witness. You may consider whether the witness had an
24 adequate opportunity to observe the offender at the time of
25 the offense. This will be affected by things like how long or

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1 short of time was available, how far or close the witness was,
2 the lighting conditions, and whether the witness had a chance
3 to see or know the person in the past. Once again, I instruct
4 you the burden of proof on the State extends to every element
5 of the crime charged, and this specifically includes the
6 burden of proving beyond a reasonable doubt the identity of
7 the defendant as the person who committed the crime. If after
8 examining the testimony you have a reasonable doubt as to the
9 accuracy of the identification, you must find the defendant
10 not guilty.

11 Mr. Washington is charged with murder. The State
12 must prove beyond a reasonable doubt that Mr. Washington
13 killed another person with malice aforethought. Malice is
14 hatred, ill will, or hostility towards another person. It is
15 the intentional doing of a wrongful act without just cause or
16 excuse and with an intent to inflict injury or under
17 circumstances that the law will infer an evil intent. Malice
18 aforethought does not require that malice exists for any
19 particular time before the act is committed, but malice must
20 exist in the minds of the defendant just before and at the
21 time the act is committed. Therefore, there must be a
22 combination of the previous evil intent and the act. Malice
23 aforethought may be express or inferred. These terms, express
24 or inferred, do not mean different types of malice but merely
25 the manner in which the malice may be shown to exist; that is,

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1 either by direct evidence or by an inference from the facts
2 and circumstances that are proven. Malice may be inferred
3 from conduct showing a total disregard for human life.

4 If you find that the State has failed to prove
5 beyond a reasonable doubt that Mr. Washington committed
6 murder, you may consider whether the State has proved beyond a
7 reasonable doubt that Mr. Washington committed voluntary
8 manslaughter. To prove voluntary manslaughter, the State must
9 prove beyond a reasonable doubt that Mr. Washington took the
10 life of another in a sudden heat of passion based upon
11 sufficient legal provocation. Both heat of passion and
12 sufficient legal provocation must be present at the time of
13 the killing to constitute voluntary manslaughter. Sudden heat
14 of passion may, for a time, affect a person's self-control and
15 temporarily disturb a person's reason. The sudden heat of
16 passion must be the type that would make an ordinary person
17 unable to coolly reflect on his actions and would produce an
18 uncontrollable -- and would produce an uncontrollable impulse
19 to do violence. Sufficient legal provocation must be the type
20 that would make a person of ordinary reason and caution become
21 enraged and to lose control. The provocation needed for
22 voluntary manslaughter must come from some act of or related
23 to the victim. Words alone, however vulgar or insulting, are
24 not enough to be a legal provocation. Where death is caused
25 by the use of a deadly weapon, the words must be accompanied

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1 by some overt threatening act which could have produced the
2 heat of passion. The exercise of a legal right, no matter how
3 offensive it is to another, is never sufficient legal
4 provocation for voluntary manslaughter. Sufficient legal
5 provocation must include more than mere words or display of a
6 willingness to fight without an overt threatening act. If the
7 heat of passion had cooled or if there was enough time between
8 the provocation, if any, and the killing, for the passion of a
9 reasonable person to cool, the killing would not be voluntary
10 manslaughter. In deciding whether a reasonable person would
11 have had enough time to cool off, you should consider all the
12 circumstances surrounding the situation and the killing. You
13 may consider the nature of the provocation, if any, the
14 defendant's mental and physical state, and the circumstances
15 and relationships between the parties.

16 I instruct you and emphasize the fact that the
17 defendant did not testify is not a factor to be considered by
18 you in any way in your deliberation and in your consideration
19 on the question of the guilt of the defendant. It must not be
20 considered by you in any manner whatsoever. A defendant has
21 the constitutional right to remain silent, and the assertion
22 of this right must not be considered by you in your
23 deliberations. I repeat, under your oath, you are to draw no
24 conclusions whatsoever from the fact that the defendant in
25 this case did not testify. The fact the defendant did not

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1 testify should not be discussed in the jury room. The burden
2 of proof, as I have stated to you, is on the State. The
3 defendant is not required to prove his innocence. The burden
4 of proof remains on the State to prove guilt beyond a
5 reasonable doubt.

6 Ladies and gentlemen, I am now going to go over the
7 verdict form with you. Please understand there is absolutely
8 no significance in the way that I read the verdict form. It's
9 simply something has to go on the paper first.

10 In the State of South Carolina, County of Berkeley,
11 versus Sha'Quille Washington, Court of General Sessions, case
12 number 2015-GS-08-1333, we, the jury, find the defendant,
13 Sha'Quille Washington, not guilty or we, the jury, find the
14 defendant, Sha'Quille Washington, guilty, of murder or we, the
15 jury, find the defendant, Sha'Quille Washington, guilty of
16 voluntary manslaughter.

17 Mr Foreperson, you will sign the verdict form,
18 indicating it is the unanimous decision of the jury, meaning
19 all twelve of you must agree. Once you have signed the
20 verdict form indicating that you have reached a unanimous
21 decision, you will knock on the jury room door and the
22 bailiffs will escort you back in. I will check the verdict
23 form to make sure it is appropriate order, so that is not
24 something that you will read out loud in the courtroom.

25 Ladies and gentlemen, this is the last time that I

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1 will say this to you. Do not begin your deliberations. Do
2 not discuss this case amongst yourselves. Once we have
3 collected the verdict form, as well as the exhibits that will
4 go back to you, the bailiff will instruct you that you may
5 begin your deliberations.

6 To my two alternates: at this time you have
7 completed your service to this case but if at any point before
8 the deliberations begin the first twelve indicate they cannot
9 complete their deliberations, I will let you know. So until
10 you are instructed otherwise, please follow all of my
11 admonitions. Do not discuss this case with each other or
12 begin deciding any issue in this case.

13 Please rise for the jury.

14 [Whereupon, the jury exits the courtroom at
15 11:43 a.m.]

16 THE COURT: Thank you. Please be seated.

17 Any objections, corrections, to the charge as read?
18 From the State?

19 MR. WEST: Nothing from the State, Your Honor.

20 MR. DAVIS: Other than what we had noted earlier
21 about -- other than that, no exception, Your Honor.

22 THE COURT: All right. And you've reviewed the
23 verdict form?

24 MR. DAVIS: We have, Your Honor.

25 MR. WEST: That's correct, Your Honor.

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1 THE COURT: All right. Thank you.

2 Mr. West, do you want me to make one of your
3 e-mails a Court's Exhibit?

4 MR. WEST: About the voluntariness? Please.

5 [Whereupon, Court's Exhibit Number 3 is marked by
6 the court reporter]

7 [Whereupon, the evidence goes out to the jury at
8 11:55 a.m.]

9 THE COURT: We'll be at ease. We're at ease.

10 [Whereupon, a recess is taken from 11:55 a.m. to
11 5:07 p.m.]

12 [Whereupon, Court's Exhibit Number 4 is marked by
13 the court reporter]

14 [Whereupon, Court's Exhibit Number 5 is marked by
15 the court reporter]

16 [Whereupon, Court's Exhibit Number 6 is marked by
17 the court reporter]

18 [Whereupon, Court's Exhibit Number 7 is marked by
19 the court reporter]

20 THE COURT: Y'all may be seated. I am so sorry.
21 Thank you.

22 Mr. West, Mr. Davis, Mr. Poulos, we had a
23 conversation in chambers that due to the lateness of the
24 hour and what we would need to do would be to adjourn at
25 about 5:00 or 5:15.

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1 At 4:58, I was given a note that says the jury is
2 deadlocked and so I'm going to bring them in, give them
3 the Allen charge, and then release them for the evening.

4 Any comment, Mr. West?

5 MR. WEST: Could we review the Allen charge, Your
6 Honor?

7 THE COURT: I'm sorry?

8 MR. WEST: Could we review the Allen charge.

9 THE COURT: It's the one --

10 MR. DAVIS: Judge --

11 THE COURT: -- I give all the time, the standard
12 charge.

13 MR. DAVIS: -- it would be my desire that you give
14 the Allen charge in the morning. It would be my
15 position if you give the Allen charge tonight, then this
16 jury should go back and give all deliberations the
17 consideration to the subject matter.

18 I really am contrary to an Allen charge and
19 disbursement. I would prefer we do the Allen charge in
20 the morning and then go from there. But an Allen charge
21 at five after 5:00, and then to allow them to go home,
22 I'm very leery of that approach, Your Honor. But you're
23 the judge. That's where I'm at.

24 THE COURT: Mr. West?

25 MR. WEST: The Court's indulgence, Your Honor.

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[Whereupon, Mr. West and Mr. Poulos confer]

MR. WEST: Your Honor, we prefer it be read tonight
and to reconvene in the morning.

THE COURT: Do you want me to read the charge
tonight?

MR. WEST: That's correct.

THE COURT: Ar. I'm going to read the charge,
Mr. Davis. Note your exception.

I ask that everybody that is in the courtroom
remain in the courtroom until I release you. Thank you.

[Whereupon, the jury enters the courtroom at
5:09 p.m.]

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ALLEN CHARGE

THE COURT: Thank you. Please be seated.

Mr. Foreman, members of the jury, you have indicated via note that you have exhausted all conversational options and are hopelessly at an impasse and that you do not foresee reaching an unanimous decision.

Ladies and gentlemen, we were going to go until approximately this time, anyway, to break. But I received your note and because I received your note, I must give you what is called an Allen charge.

You have stated that you have been unable to agree on a verdict in this case. As I instructed you earlier, the verdict must be unanimous, meaning all twelve of you must agree on your verdict.

When a matter is in dispute, it isn't always easy for even two people to agree, so when the twelve of you must agree, it becomes even more difficult. In most cases, absolute certainty cannot be reached or expected. However, you have a duty to make every reasonable effort to reach a unanimous verdict. In doing this, you should consult with each other, express your own views, and listen to the opinions of your fellow jurors. Tell each other how you feel and why you feel that way. Discuss your differences with open minds.

Although the verdict of the jury must be unanimous, every one of you has the right to your own opinion. The

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1 verdict you agree to must be your own verdict, the result of
2 your own convictions, and you should not give up your firmly-
3 held beliefs simply to be in agreement with your fellow
4 jurors.

5 The majority should consider the minority's
6 opinions, and the minority should consider the majority's
7 position. You should carefully consider and respect the
8 opinions of each other and reevaluate your position for
9 reasonableness, correctness, and impartiality. You must lay
10 aside all outside matters and reexamine the questions before
11 you, based upon the law and the evidence in this case.

12 If you do not agree with a verdict in this case, I
13 must declare a mistrial. In that case it does not mean that
14 anybody wins. It simply means that at some future time, I
15 will try this case with some other jury sitting where you sit
16 now. The same participants will come in and the lawyers will
17 ask basically the same questions and give basically the same
18 answers and we'll go through this process again.

19 You were selected in the same manner and from the
20 same source as any future jury will be. There is no reason
21 for me to suppose that there will be twelve more impartial,
22 intelligent, conscientious, and competent jurors than sit
23 before me here today, or that more or clearer evidence will be
24 provided on one side or the other.

25 I am asking -- we are going to break for the

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1 evening. I am asking when we return back, and you will return
2 back at the same time as you have been, at 9:30 in the
3 morning, that you can arrive with a verdict within a
4 reasonable time.

5 Ladies and gentlemen, since we are breaking for the
6 evening hour, you must remember all of my admonitions. You
7 must stop your deliberations. You must not consider any issue
8 in this case until all twelve of you are back together again.
9 You must not discuss this case with anyone. You must not
10 read, watch, listen to, any news accounts regarding this case,
11 should there be any. Ladies and gentlemen, you must not go by
12 the scene where any of the events are alleged to have taken
13 place, and you must not do any independent investigation. The
14 evidence has been collected while you were in here. Your
15 notepads were taken up and they will be locked. They will be
16 given back to you when all twelve of you return in the
17 morning.

18 Ladies and gentlemen, please follow all of my
19 admonitions.

20 Please rise for the jury. Thank you.

21 [Whereupon, the jury exits the courtroom at
22 5:14 p.m.]

23 THE COURT: Thank you. Be seated. You may be
24 seated, Mr. Davis.

25 Mr. West -- hold on one second. I'm hearing from

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1 Mr. West. Is there anything further?

2 MR. WEST: Nothing further from the State, Your
3 Honor.

4 THE COURT: Any objection, correction, addition to
5 the charge that I gave as the Allen charge?

6 MR. WEST: No, Your Honor.

7 THE COURT: Is there any objection to the jury
8 returning back at 9:30?

9 MR. WEST: 9:30 is acceptable with the State, Your
10 Honor.

11 THE COURT: Mr. Davis, any objection, correction,
12 addition to the charge as read to the jury?

13 MR. DAVIS: Judge, I have no exceptions to your
14 Allen charge. I think the law dictates that that was
15 proper.

16 I have exceptions to the fact that this jury is
17 going to be disbursed and then commence deliberation in
18 the morning. I object to that aspect because I believe
19 the whole integrity of these twelve people should be in
20 line that they stay together until a decision has been
21 reached.

22 THE COURT: Mr. Davis, do you have any case law
23 that requires such?

24 MR. DAVIS: All I have, Judge, is thirty-three
25 years of practicing law at this point and having

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1 personal knowledge of being engaged in a similar
2 situation where we have stayed until the wee, wee hours
3 in the morning.

4 THE COURT: And so you are -- you are requesting
5 that what happened? That we send them back and they
6 continue deliberating?

7 MR. DAVIS: Before you read the Allen charge, Your
8 Honor, I told you that I preferred that the Allen charge
9 be read in the morning and then they would commence
10 deliberation.

11 THE COURT: So you have no objection to them
12 leaving?

13 MR. DAVIS: That's correct. That's correct.

14 THE COURT: So the objection that you have at this
15 point is that they received the Allen charge?

16 MR. DAVIS: Which I shared before you read it, that
17 if you were going to read the Allen charge, I think it
18 should be a continuing process.

19 The State said that they prefer it be read and then
20 the disbursement, so there's no objection from the
21 State.

22 THE COURT: The way I read the case law is that
23 once a jury has indicated to me that they are unable to
24 reach a verdict, I cannot tell them to continue their
25 deliberations without giving them the Allen charge.

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1 Because it is after 5:00 p.m., and due to the nature of
2 the situation that has presented itself, I feel it is
3 best for us to break for the evening. In order for us
4 to break for the evening, they had to be given the Allen
5 charge and so that is the procedure that we have used.

6 You indicated there is no objection to the charge
7 as read; is that correct?

8 MR. DAVIS: No. I just -- the whole process.

9 THE COURT: Well, Mr. Davis, you --

10 MR. DAVIS: The Allen charge --

11 THE COURT: -- said two different things to me.

12 MR. DAVIS: The Allen charge could have been read
13 in the morning.

14 THE COURT: Just so I understand, Mr. Davis, what
15 is it about the reading of the Allen charge that makes a
16 difference? You said that you didn't have a problem
17 with them going home.

18 MR. DAVIS: Because, Judge, this is what you have
19 given them: you have given instructions as a group now
20 to ponder individually for the next twelve hours or more
21 -- or twenty-four hours. That -- to me, that's
22 tantamount to an awesome change of situation. We
23 grouply, as a group, received the instructions of how we
24 should be and how we should adhere to our own individual
25 moral conscientiousness but yet after that, we are

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1 allowed to disburse away and ponder not as a group
2 anymore, but individually, and then to regroup in the
3 morning and come back together and discuss it.

4 I just think it creates a horrific instances for a
5 jury that has -- or will be subject to the kind of
6 deliberation that is unprecedented, is what I'm trying
7 to say.

8 THE COURT: Ladies and gentlemen, if you are
9 members of the victim's family, you may leave the
10 courtroom at this time.

11 I am asking that the members of the defendant's
12 family and friends remain in the courtroom until the
13 friends and family of the victim -- friends and family
14 members of the victim's family have been escorted from
15 the courtroom.

16 All right. Counsel, if you will be back at 9:15.

17 The bailiff -- you have secured all the evidence.
18 You know not to return it until all twelve jurors are
19 back in the jury room. Correct?

20 MR. DAVIS: Thank you, Judge.

21 THE COURT: We're not done yet, Mr. Davis. I know
22 you -- I know you've got a lot on your plate and you're
23 tired. We're all tired. So just wait. I just am
24 following the procedure.

25 MR. DAVIS: Okay.

STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
) NINTH JUDICIAL CIRCUIT
COUNTY OF BERKELEY) CASE NO.: 2015-GS-08-01333

STATE OF SOUTH CAROLINA)
)
)
VS.)
)
)
SHA'QUILLE MI'LEAK JAMAL WASHINGTON,)
)
DEFENDANT.)
_____)

JURY TRIAL

VOLUME 5 OF 5

held before the Honorable Kristi L. Harrington
Mia Perron, Circuit Court Reporter, 9th Judicial Circuit
in the Berkeley County Courthouse
Moncks Corner, South Carolina
on October 16th, 2015, Commencing at 9:32 a.m.

SUSAN "MIA" PERRON, CVR-CM-M
Circuit Court Reporter - 9th Judicial Circuit
Post Office Box 31865
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RECEIVED FEB 16 2016

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Court's Exhibit Number 8
[Note From The Jury]

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MIA PERRON, CVR-CM-M

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PROCEEDINGS

THE COURT: Counsel, I'm just going to bring in the jurors before they begin and just make sure that they followed my instructions.

MR. WEST: I understand, Your Honor. Thank you.

THE COURT: Let's bring the jury in.

[Whereupon, the jury enters the courtroom at 9:31 a.m.]

THE COURT: Thank you. Please be seated.

Ladies and gentlemen, I just wanted to make sure. I'm going to remind you of all of my instructions and make sure that each one of you complied with the Court's instructions over the evening hour.

If you did comply with my instructions over the evening hour, please raise your right hand.

[Whereupon, jurors comply]

THE COURT: Thank you. All twelve jurors have complied with the Court's instruction.

I gave you what was called the Allen charge last evening.

Mr. Foreperson, please take your jury members and go and continue your deliberations.

Please rise for the jury.

[Whereupon, the jury exits the courtroom at 9:33 a.m.]

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1 THE COURT: Thank you. Please be seated.

2 All right. We will be at ease.

3 MR. DAVIS: Thank you.

4 THE COURT: Thank you.

5 MR. WEST: Thank you, Your Honor.

6 [Whereupon, the evidence goes out to the jury at
7 9:34 a.m.]

8 [Whereupon, a recess is taken from 9:36 a.m. to
9 2:41 p.m.]

10 [Whereupon, Court's Exhibit Number 8 is marked by
11 the court reporter]

12 THE COURT: Is the State ready?

13 MR. WEST: Yes, Your Honor.

14 THE COURT: Defense ready?

15 MR. DAVIS: We're ready, Your Honor.

16 THE COURT: Let's bring in the jury.

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State vs. Sha'Quille Washington
Verdict
October 16, 2015

VERDICT

THE COURT: Thank you. Please be seated.

Mr. Foreman, I understand the jury has reached a verdict. If you will hand it to my bailiff. I need to make sure the form is in order.

[Whereupon, the Court reviews documents].

THE COURT: Mr. Davis?

MR. DAVIS: Are you ready?

THE COURT: We are going to announce the verdict. Please stand with your client.

THE CLERK OF COURT: The State of South Carolina versus Sha'Quille Washington, indictment number 2015-GS-08-01333, we, the jury, find the defendant, Sha'Quille Washington, guilty of voluntary manslaughter. Signed by the foreperson.

Ladies and gentlemen of the jury, if this is your verdict, please signify by raising your right hand at this time.

Thank you.

THE COURT: Anything further required of the jury? From the defendant?

MR. DAVIS: Nothing further, Your Honor.

THE COURT: From the State?

MR. WEST: We'll address everything at the appropriate time, Your Honor.

State vs. Sha'Quille Washington

Verdict

October 16, 2015

1 THE COURT: I just need from the jury. Nothing
2 from the jury?

3 MR. WEST: Nothing from the jury, Your Honor.

4 THE COURT: Ladies and gentlemen, this completes
5 your service to this case. If you will please return
6 back to your jury room, I'll be there in just a few
7 moments to thank you for your service to Berkeley
8 County.

9 Please rise for the jury.

10 [Whereupon, the jury exits the courtroom at
11 2:45 p.m.]

12 THE COURT: Thank you. Be seated.

13 Outside the presence of the jury, anything further
14 before I release the jury? Mr. Davis?

15 MR. DAVIS: Nothing further, Your Honor.

16 THE COURT: Are you prepared for sentencing?

17 MR. DAVIS: Yes, I am, Your Honor.

18 MR. WEST: Mr. Poulos is retrieving the sentencing
19 sheet, Your Honor.

20 THE COURT: Anything before -- any other matters
21 regarding the jury before I release them?

22 MR. WEST: No, Your Honor.

23 THE COURT: All right. Thank you.

24 We'll be at ease. He has to get the sentencing
25 sheet. I'm going to release the jury.

State vs. Sha'Quille Washington

Verdict

October 16, 2015

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MR. DAVIS: About five minutes, Your Honor.

THE COURT: Excuse me?

MR. DAVIS: Give me an opportunity to assemble the people who want to speak on this young man's behalf.

THE COURT: All right. I may not hear from everyone. Thank you.

MR. DAVIS: At least the mother.

THE COURT: I will hear from mom. Thank you.

[Whereupon, a recess is taken from 2:47 p.m. to 3:07 p.m.]

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State vs. Sha'Quille Washington
Sentencing
October 16, 2015

SENTENCING

THE COURT: All right. Anything from the State?

MR. WEST: Thank you, Your Honor.

THE COURT: Hold on one second. Some of the jurors want to come in.

[Off the record momentarily]

MR. WEST: Thank you, Your Honor. May it please the Court.

As you know, you've heard the facts of the case. This is a case where Herman Manigault was shot in the back. He was killed at a nightclub by the defendant, Sha'Quille Washington. In this respect, Your Honor, the State is asking for the maximum thirty-year sentence. We believe the thirty-year sentence is certainly appropriate in this case because of the loss of a life in this case.

We are dealing with a defendant who may have been seventeen at the time of the offense but his actions suggest that he at least wanted to be much more mature than Mr. Davis may, at certain times, suggests that he is.

He had a phone that was littered with evidence of drug dealing, multiple possessions of firearms, not just the firearm that was used to kill Herman Manigault. There was gang activity indicated on this defendant's

State vs. Sha'Quille Washington
Sentencing
October 16, 2015

1 phone. So this defendant certainly chose a lifestyle
2 that led him to the outcome in this case. He was
3 seventeen at a nightclub when this innocent victim was
4 killed.

5 What we have here is a situation where the jury has
6 reached a verdict for voluntary manslaughter. And the
7 State understands the jury's reaching of that verdict.
8 We would respectfully ask for the thirty-year maximum.

9 And we would ask for the Court's allowance of
10 certain family members to address Your Honor.

11 THE COURT: Mr. West, whoever wishes to approach.

12 MR. WEST: State your full name, and spell your
13 last name for the record.

14 MR. WALTER JENKINS: My name is Reverend Walter
15 Jenkins. J-E-N-K-I-N-S.

16 I wanted to come and stand on behalf of the
17 Manigault-Jenkins family. And I wanted to say to the
18 jury, as well as to --

19 THE COURT: Please address your comments to the
20 Court. I know you --

21 MR. WALTER JENKINS: To the Court?

22 THE COURT: Yes. Thank you.

23 MR. WALTER JENKINS: Okay. Yes, ma'am.

24 Well, to the Court, that we thank God for
25 expediting this case in such a way that the outcome was

State vs. Sha'Quille Washington
Sentencing
October 16, 2015

1 what it is.

2 We know that both sides of the family will be hurt
3 from this, not just the Manigault-Jenkins but also the
4 Washington family. We have conveyed that to them, as
5 well, to the mother -- I have spoken to her, as well --
6 and to the family.

7 And I want to say that we know that thirty years
8 compared to someone that died, his is eternal, but the
9 other is just temporary. So we just ask now that
10 whatever the Court has mandated, that it pursue that.

11 And we just ask for those that are going through
12 this, that the Good Lord will have mercy on them. And
13 we thank God for all of you. Thank you.

14 THE COURT: Mr. West, anyone else?

15 MR. WEST: Anybody else in the family wish to
16 address the Court?

17 Your Honor, the only other thing that I would like
18 to add is that there's never been a shred of remorse
19 indicated by this defendant in this case, and we feel
20 that that, in addition to the other things that the
21 State has mentioned, is warranting of the thirty-year
22 sentence.

23 THE COURT: Mr. Davis?

24 MR. DAVIS: May it please the Court, Your Honor.

25 I want to thank the Manigault family, and I want to

State vs. Sha'Quille Washington
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1 thank this jury. I was a prosecutor for ten years and
2 of course in that ten years of seeing countless families
3 affected by violence, unnecessary violence.

4 But despite why we are here, I don't want you, Your
5 Honor, just to adopt the State's version that this --
6 the fact that this kid finds himself convicted of
7 voluntary manslaughter, allegation about carrying guns
8 in the past, allegation of a drug use, that it's okay
9 for this Court to sentence him in any manner it sees
10 fit, which specifically is the maximum.

11 THE COURT: Mr. Davis, I don't just sentence him in
12 any manner that I see fit. I sentence him in the manner
13 prescribed by law. Thank you.

14 MR. DAVIS: And prescribed by law is anywhere from
15 a minimum of two years to a maximum of thirty years.

16 Having said that, I want to thank the Manigault
17 family because, yes, I can appreciate this day. In my
18 own personal family, my sister's oldest and only son,
19 seventeen years of age, engaged in drug activity. New
20 Haven, Connecticut. Shot into a car. A young man's
21 life was severed at seventeen. So I don't want for a
22 minute for anybody in this courtroom to think that this
23 crime and violence haven't impacted my family and
24 families all across this nation. At seventeen. At
25 seventeen.

State vs. Sha'Quille Washington
Sentencing
October 16, 2015

1 And I want you to understand that every day that
2 this young man serves in jail, that the Washington
3 family, the mother, will be serving those time at the
4 same token at the same time. Every hour and every
5 minute of whatever sentence you impose is going to be
6 impacted by this young man.

7 There is enough empirical data he's still a child,
8 that a male brain don't even mature until its twenty-
9 five. That's what the experts said. Between twenty-
10 five years of age until they get judgment. That makes a
11 difference in reference to them to make adequate
12 judgment.

13 No matter what you do here today, Judge, nothing is
14 going to bring back or impact or change what occurred on
15 August the 25th, 2013. It's no question that was a
16 horrific act that happened. But he's still somebody's
17 child, and he's still somebody's nephew, he's still
18 someone's brother. And as I alluded to in opening
19 statement, he still is a human being. He's a human
20 being. And he's still --

21 Yes, I beg to differ with our esteemed prosecutor
22 about remorse. I spent countless days with this young
23 man over at the Berkeley County Detention Center. He's
24 been locked up about eight, nine months. He have some
25 severe medical issue of hemorrhoids and some medical

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Sentencing
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1 issues over at the jail.

2 I'm so mindful that as time progress, no matter
3 what occurs here today, Judge, is not going to stop at
4 this point in time. This young man or this child is
5 still going to be evolving. He's still going to be
6 evolving. So to suggest at this moment that he reflects
7 no remorse, I just don't understand it.

8 I'm asking this Court to impose a sentence less
9 than thirty years. I'm asking this Court to impose a
10 sentence less than thirty years. I expect the State to
11 say thirty years. The State wanted murder. That's why
12 I thank this jury. I ask for mercy.

13 I ask for some forgiveness in the hearts of
14 individuals. Nine people can be murdered in a church
15 and people ask for forgiveness. Wow. Who are we? Nine
16 folks can be murdered in a church, who are we not to ask
17 for forgiveness? This is not going to stop the
18 violence. The allegations that I had a gun locked up in
19 a safe for two years: that was a great place for that
20 gun. We need more guns locked up in safes.

21 Kenneth Grant?

22 THE COURT: Sir, if you would stand at the podium.
23 State your full name for the record, and please spell
24 your last name.

25 MR. GRANT: Kenneth Grant. G-R-A-N-T.

State vs. Sha'Quille Washington
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1 First of all, Your Honor, I just wanted to thank --
2 to Mr. Jenkins and the Manigault family, I'm very sorry
3 for your loss. From the bottom of my heart, we're
4 really sorry for y'all's loss.

5 THE COURT: Mr. Grant, if you would address your
6 comment to the Court, please. Thank you.

7 MR. GRANT: And I was in this family for a long
8 time and I know Sha'Quille from a little baby, a little
9 tiny baby. And the family accept what the jury
10 accepted. But, you know, I just ask mercy for
11 Sha'Quille. And in the midst of all this, there is a
12 young baby involved, a young child. He is a young, one-
13 year-old child. That child is going to suffer, too.
14 So, Judge, I ask for mercy that child.

15 THE COURT: Thank you, Mr. Grant.

16 MR. DAVIS: Judge, I do want you to factor in the
17 fact that this young man may have been led astray or
18 misguided in reference to a fellow who had a long
19 criminal record. I'm talking about Mr. Larry Kinloch.
20 Wow. That's it, Your Honor.

21 THE COURT: Is there anyone else for the family?

22 MR. DAVIS: The mother is unable to speak now.
23 It's just too much.

24 THE COURT: Mr. Washington, please stand. Do you
25 wish to address the Court?

State vs. Sha'Quille Washington
Sentencing
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1 MR. WASHINGTON: Yes, ma'am.

2 THE COURT: Mr. Washington, I need to advise you of
3 certain things.

4 Mr. Davis, did you advise Mr. Washington of his
5 right to appeal?

6 MR. DAVIS: I have, Your Honor.

7 THE COURT: Mr. Washington, you have the right to
8 appeal this sentence that I am about to impose, but you
9 or your attorney must do so within ten days. Do you
10 understand?

11 MR. WASHINGTON: Yes, ma'am.

12 THE COURT: This is classified as a violent and a
13 most serious offense. Do you understand what that
14 means?

15 MR. WASHINGTON: Yes, ma'am.

16 THE COURT: Mr. Washington, I am happy to hear from
17 you before I impose sentence. I caution defendants,
18 because sometimes their attorneys do tell them not to
19 speak. I will not hold the fact that you do not address
20 the Court, before I sentence you, against you but
21 anything you say will be part of the record. Do you
22 understand?

23 MR. WASHINGTON: Yes, ma'am.

24 THE COURT: I'm happy to hear from you in any way
25 that you wish to address the Court.

State vs. Sha'Quille Washington
Sentencing
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1 MR. WASHINGTON: I wanted to apologize to the
2 Jenkins and Manigault family.

3 THE COURT: Is there anything else that you wish to
4 tell me?

5 MR. WASHINGTON: No, ma'am.

6 THE COURT: Anything else, Mr. Davis?

7 MR. DAVIS: Nothing further, Your Honor.

8 THE COURT: Anything else, Mr. West? Anything from
9 the State?

10 MR. WEST: Nothing further from the State, Your
11 Honor.

12 THE COURT: Mr. Washington, I have listened to the
13 facts as presented by both the State and your very
14 prepared counsel, Mr. Davis. I have observed you
15 throughout the trial. And I have listened to what I
16 perceive the facts to be, as spoken by the jury in their
17 decision to find you guilty of voluntary manslaughter.

18 Based upon what I have heard as the facts and the
19 sentence -- or the charge that you were found guilty of,
20 it's the order of the Court on 2015-GS-08-1333 that you
21 be committed to the State Department of Corrections for
22 a term of thirty years. I will give you credit for time
23 served.

24 Good luck to you, sir.

25 [JURY TRIAL CONCLUDES AT 3:24 P.M.]

1 of 3
SW

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

#2013-08038764
SW

I, Sha'quille Washington, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Det. Wilson. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 17 years of age, and live at 1009 Saint Mary Drive Huger SC 29450.
I Sha'quille Washington arrived at the club around 1:50 2:00. When I got there hangout a lil bit talk to a few ladies. I was only there for a bout 30 to 40 minutes. Then the club was closed, I walked outside and started speaking to a female name Tyleasha. Then I heard commotion. Three dudes were fighting. One wore a long black shirt blue jeans and black and white adidas with a low haircut considering him as the suspect. The victim wore a all white t shirt ^{SW} with Kaki shorts and white shoes known as sneakers. The victim friend who was helping him fight the suspect wore a red shirt with a black and red ^{SW} bulls shepherd. The security tried to break up the fight but they really didn't put effort. But the victim walked off and the suspect fired a shot at him. Immediately starting to run to their cars and in running down the road towards my house. I got to my house and told my granny what happen and we sat on the porch and listen as the helicopter and police came to the club. So I went to bed in my house. So this morning my grandmother came in my room and

I have read each page of this statement consisting of 3 ^{SW} page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at 223 N. Live Oak Dr. Moultrie this 25 day of Aug 20 13.

WITNESS: [Signature] Sha'quille Washington

WITNESS: [Signature] [Signature]
Signature of person giving voluntary statement



#2013-08038764

told me that people saying you are by the shooting.
So right then and there I got on the phone and
called all to let them know and told them what
I saw. ^{sw} I did that to clear my name up because I don't
want to be accused of anything. I ^{sw}
upon being asked additional ^{sw} questions by
detectives see page three.

END OF STATEMENT

sw

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF
MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY
STATEMENT

WITNESS:

WITNESS:

SIGNATURE:

Sha'Quille Washington

The suspect had a revolver in considering him as the suspect because He fired a shot. then as I ran to home I heard two more shots. the victim also had a tattoo of a ak-47 on his chest. the revolver was silver with a black handle. ^{3W} I know the victim had a ak-47 on his chest because he took off his shirt to fight. I was about 5 to 4 feet away when the shots were fired then after the fight was over the victim walked away then the suspect followed and fired a shot but at that time I was no longer as close as I was when they were fighting I was about 10 to 12 feet now. I was wearing a white shirt and blue short with grey Jordans on.

End of Statement

SW

I HAVE READ THE FOREGOING STATEMENT OR HAVE HAD IT READ TO ME AND IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE GIVEN THIS STATEMENT FREELY AND VOLUNTARILY AND HAVE BEEN PROVIDED A COPY OF MY STATEMENT

WITNESS:

WITNESS:

SIGNATURE: Maquille Washington

(10/23/13) RL: J O 24



AIT Laboratories

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2265 Executive Drive, Indianapolis, IN 46241

Telephone: (800)875-3894 / Fax: (317)243-2789

Toxicology: (317)381-5678

Laboratory Case Number: 2383169

Subject's Name: MANIGAULT, HERMAN

Client Account: 17581 / berc01

Physician:

Report To: Berkeley County Coroner's Off

ATTN: William Salisbury

300-B California Ave.

Moncks Corner, SC 29461

FX: 843-719-4570

Agency Case #: FA13-450

Date of Death: 08/25/2013

Test Reason: Other

Investigator: D. HARTWELL

Date Received: 08/28/2013

Date Reported: 09/06/2013

Laboratory Specimen No: 40369569

Date Collected: 08/25/2013

Container(s): 01:RTT Blood, PERIPHERAL

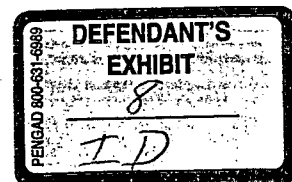
Test(s): 70510 Comprehensive Drug Panel

Analyte Name	Result	Concentration	Units	Therapeutic Range	Loc
AMPHETAMINES	Negative				
BARBITURATES	Negative				
BENZODIAZEPINES	Negative				
CANNABINOIDS	Negative				
COCAINE/METABOLITES	Negative				
FENTANYL	Negative				
METHADONE/METABOLITE	Negative				
OPIATES	Negative				
OXYCODONE/METABOLITE	Negative				
PHENCYCLIDINE	Negative				
PROPOXYPHENE/METABOLITE	Negative				
ALCOHOL					
Methanol	Negative				
Ethanol	POSITIVE				
Ethanol, Quant		0.235	% (w/v)	Not Established	
Acetone	Negative				
Isopropanol	Negative				
ANALGESICS	Negative				
ANESTHETICS	Negative				
ANTIBIOTICS	Negative				
ANTICONVULSANTS	Negative				
ANTIDEPRESSANTS	Negative				
ANTI-HISTAMINES	Negative				

MANIGAULT, HERMAN

Laboratory Case #: 2383169

Printed Date/Time: 09/06/2013, 08:01





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BC80#

2013-08038764

2265 Executive Drive, Indianapolis, IN 46241

Telephone: (800)875-3894 / Fax: (317)243-2789

Toxicology: (317)381-5678

Laboratory Specimen No: 40369569

Continued..

Analyte Name	Result	Concentration	Units	Therapeutic Range	Loc
ANTIPSYCHOTICS	Negative				
CARDIOVASCULAR AGENTS	Negative				
ENDOCRINE AGENTS	Negative				
GASTROENTEROLOGY AGENTS	Negative				
NARCOTICS	Negative				
NEUROLOGY AGENTS	Negative				
SEDATIVES/HYPNOTICS	Negative				
STIMULANTS	POSITIVE				
Caffeine	POSITIVE				
UROLOGY AGENTS	Negative				

Specimens will be kept for at least one year from the date of initial report.



VIGAUULT, HERMAN

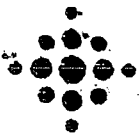
Laboratory Case #: 2383169

Printed Date/Time: 09/06/2013, 08:01

Page: 2 of 4

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(10/23/13) RULE 5.32216

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Toxicology: (317)381-5678

Laboratory Specimen No: 40369570

Date Collected: 08/25/2013

Container(s): 01:UR Urine, Random

Test(s): 70080

Drugs of Abuse Panel

Analyte Name	Result	Concentration	Units	Therapeutic Range	Loc
ALCOHOL	POSITIVE				
Ethanol	POSITIVE				
Ethanol, Quant		0.256	% (w/v)		
AMPHETAMINES	Negative				
BARBITURATES	Negative				
BENZODIAZEPINES	Negative				
BUPRENORPHINE/METABOLITE	Negative				
CANNABINOIDS	Negative				
CARISOPRODOL/METABOLITE	Negative				
COCAINE/METABOLITES	Negative				
FENTANYL	Negative				
METHADONE/METABOLITE	Negative				
OPIATES	Negative				
OXYCODONE/METABOLITE	Negative				
PHENCYCLIDINE	Negative				
PROPOXYPHENE/METABOLITE	Negative				
TRAMADOL/METABOLITE	Negative				

Significance?

VIGAUULT, HERMAN

Laboratory Case #: 2383169

Printed Date/Time: 09/06/2013, 08:01

Page: 3 of 4



Department of Pathology and Lab Medicine
165 Ashley Avenue, Suite 309
MSC 908
Charleston, SC 29425-9080

Page 1 of 4

2013-08038764

Req.: xAutopsy, For Coroner
Add.: xAutopsy, For Coroner
Loc: ABER
Client: ABER-Berkeley County Coroner

Patient: MANIGAULT, HERMAN
Med Rec: MANHER082513
DOB: 2/20/1993 (Age: 20)
Sex: M Race: Black

Autopsy Final Report

Date and Time of Autopsy: 8/25/2013 11:30

Accession Number: FA13-450

Hospital/County: ABER-Berkeley County Coroner
Service: Laboratory
Submitting Physician: xAutopsy, For Coroner
Attending Pathologist: Presnell, S. Erin M.D. (1-4391)
Date/Time of Death: 8/25/2013 05:26
Autopsy Reason: Requested by Coroner
Authorized By: Darnell Hartwell, Deputy Coroner
Autopsy Restrictions: None

Pathologist Assistant: Eowyn Corcraan

Diagnosis

- Close range, penetrating gunshot wound to back:
 - aortic and hepatic perforation, disruption of left lateral vertebral bodies T12-L1, hemoperitoneum, hemothoraces, left renal hilar hemorrhage, left periaortic soft tissue hemorrhage, left pulmonary contusion
- Penetrating gunshot wound to left buttock/hip
- Posterior scalp laceration with underlying chipped bone
- Facial abrasions and lacerations
- Elbow abrasions
- Pleural adhesions
- Blood ethanol 0.235%

Cause of Death

Aortic and hepatic perforation
due to

Close range, penetrating gunshot wound to back

Contributory: Gunshot wound to left buttock/hip

Manner of Death

Homicide

Case History

Shot by someone

Clinical Summary

According to the coroner, the decedent was a 20-year-old man involved in an altercation at a club when someone shot him using a handgun around 5 a.m. on August 25, 2013. 911 was called and EMS transported him to the hospital where, despite resuscitative efforts, he was pronounced dead at 5:26 a.m. that same morning. The decedent was allegedly not wearing a shirt.

Department of Pathology and Laboratory Medicine

Interim Chair: Mary Richardson, M.D. Interim Director: Mary Richardson, M.D.

Anatomic Pathology
Phone: 843-792-3821
Fax: 843-792-8974

Autopsy Pathology
Phone: 843-792-3556
Fax: 843-792-8974

Client Services
Phone: 843-792-0707
Fax: 843-792-4896

Clinical Pathology
Phone: 843-792-0707
Fax: 843-792-4896

Patient: MANIGAULT, HERMAN

Med Rec: MANHER082513

Location: ABER

-638-

10 23/13: RULE 5 7:03PM

Gross Description EXTERNAL EXAMINATION

The body is that of a well-developed, well-nourished, adult black male, who weighs approximately 166 pounds, is 69.5 inches in length, and appears compatible with the stated age of 20 years. The body is identified by the coroner. A hospital band with the decedent name and MR# 001902201 is around the right wrist and a tag with the decedent's name is around the right great toe. The body is clad in a pair of tan shorts with a black belt and a pair of blue boxer brief Hanes underwear. The body is slightly warm to the touch. Rigor is partially fixed (3/4) in all extremities and jaw. Minimal livor extends over the posterior surfaces of the body. The scalp hair is curly black and up to 0.3 inch in length over the crown. The irides are brown; the pupils are bilaterally equal. The corneae are slightly clouded. Excluding a left scleral purpura, the sclerae and conjunctivae are unremarkable. The nose and ears are not unusual; darker pigmentation is across the nasal bridge. The earlobes are remotely pierced. The lips and gums are intact. The teeth are in good condition. The deceased has sparse beard and mustache hair. The neck is without masses, and the larynx is in the midline. The thorax is symmetrical with an anteroposterior/lateral ratio of about 1:2. The abdomen is flat. The penis is unremarkable; the testes are bilaterally descended within the scrotum. Excluding the findings described under 'Evidence of Injury,' the anus and back are unremarkable. The upper and lower extremities are well-developed and symmetrical, without absence of digits. Identifying marks and scars consist of a tattoo of a gun and the words 'Death Before Dishonor' on the upper right chest; tattoo of the state of South Carolina shape and S.C. on the upper left chest; tattoo of the words 'In loving memory of Josie Jenkins long gone but never forgotten' 1921 - 2004; a triangular pigmented macule on the anteromedial left forearm and on the anterior left thigh; and scars up to 1.7 inch each on the knees and right lower leg. Hypopigmented macules are on the shoulders and chest. Evidence of emergency resuscitation and / or medical therapy includes an endotracheal tube secured with tape entering the oral cavity and extending into the trachea; two punctures with underlying soft tissue hemorrhage on the left lateral neck; a decompression catheter in the left chest; three punctures in the left antecubital fossa; and an intraosseous line in the right lower leg.

EVIDENCE OF INJURY

HEAD AND NECK: A left scleral purpura is present. Two lacerations up to 0.7 inch each are over the lateral left supraorbital ridge and inferior to the left eye. Associated lateral left periorbital abrasions are up to 1.1 inch each. A 0.6 in length rectangular laceration on the posterior left lateral scalp measures up to 0.4 inch in width at its vertical extensions on edge; a marginal abrasion is present. Underlying scalp hemorrhage and chipped occipital bone are noted.

THORAX AND ABDOMEN: A punctate abrasion is on the right lateral abdomen. A 0.44 x 0.38 inch entrance gunshot wound designated A is to the left mid back, 21.5 inches from the top of the head and 3 inches to the left of midline. A 0.01 inch circumferential abrasion border is present. Dense stippling is around the entrance, extending 7 inches horizontally and 4 inches vertically. Stray stipple marks cross the midline of the back and extend onto the left flank. The bullet pathway is through the skin and subcutaneous tissue, back musculature, posterior 12th left intercostal space and left lateral aspect of vertebral bodies T12 - L1; left psoas muscle; abdominal aorta; inferior left to superior central (right) liver; diaphragm, and to the chest plate at the anterior 5th left intercostal space where the bullet is recovered. Additional resultant injuries include 1 liter hemoperitoneum; 1200 cc right hemothorax; 200 cc left hemothorax; left renal hilar hemorrhage; left periadrenal hemorrhage; periaortic soft tissue hemorrhage; and contusion of the lower lobe of the left lung. The recovered bullet, designated A, is a mushroomed (6 petals) copper-colored jacketed gray metal projectile with an overall length of 0.4 inch and a base diameter of ~ 0.35 inch. The approximate trajectory of the bullet pathway through the body is 45 degrees forward, 45 degrees up, and to the right.

PELVIS/EXTREMITIES: A 1.6 inch aggregate of irregular abrasions is on the right elbow. Two faint abrasions are on the medial left elbow. A 0.45 x 0.38 inch entrance gunshot wound designated 'B' is to the lateral left buttock, 35 inches from the top of the head and 5.5 inches to the left of midline. A 0.01 inch abrasion border is from 9 - 3 o'clock. No soot or stippling is visible. The bullet pathway is through the skin and subcutaneous tissue, left gluteal muscles, and into the left pelvic bone at the ischium, where the bullet, designated 'B,' is recovered. Bullet B is a mushroomed (6 petals) copper-colored jacket with a length of 0.3 inch and a base diameter of ~ 0.35 inch and a separated gray metal core with a length of 0.3 inch and a base diameter of 0.32 inch. An additional 0.2 x 0.1 x 0.01 inch gray metal fragment is recovered along the bullet pathway. The approximate trajectory of the bullet pathway through the body is 40 degrees forward, 40 degrees up, and to the right.

RADIOGRAPHS: AP and lateral x-rays of the head, chest, abdomen, and pelvis reveal two radiopaque bullets, recovered at autopsy.

CLOTHING: A circular defect is at the posterior left lateral boxer brief underwear and shorts, corresponding to gunshot wound B. A rim of dark deposit consistent with bullet wipe is around the circular defect on the shorts.

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Patient: MANIGAULT, HERMAN

Med Rec: MANHER082513

Location: ABER

EVIDENCE TRANSFER: The following items are transferred to Detective R. Cortte, who attended the autopsy, with the Berkeley County Sheriff's Office: tan shorts; black belt; blue boxer briefs; two condoms in wrappers; right fingernail scrapings; left fingernail scrapings; pulled scalp hair; bullet A; bullet B; blood spot on filter paper; and CD with digital images from autopsy.

INTERNAL EXAMINATION

BODY CAVITIES: Right pleural adhesions are present. Otherwise, excluding the findings described under 'Evidence of Injury,' no adhesions or abnormal collections of fluid are in any of the body cavities. All body organs are present in normal anatomical positions.

HEAD (CENTRAL NERVOUS SYSTEM): The brain weighs 1500 grams. The dura mater and falx cerebri are intact. The leptomeninges are thin and delicate. The cerebral hemispheres are symmetrical. The structures at the base of the brain, including cranial nerves and blood vessels, are intact and free of abnormality. Sections through the cerebral hemispheres reveal no lesions within the cortex, subcortical white matter, or deep parenchyma of either hemisphere. The basal ganglia, thalami, and hippocampi are unremarkable. The cerebral ventricles are normal caliber. Sections through the brainstem and cerebellum are unremarkable.

NECK: Excluding soft tissue hemorrhage associated with resuscitative efforts (i.e. vascular access attempts), examination of the soft tissues of the neck, including strap muscles, thyroid gland, and large vessels, reveals no abnormalities. The hyoid bone and larynx are intact. The lingual mucosa is intact; the underlying firm red-brown musculature is devoid of hemorrhage.

CARDIOVASCULAR SYSTEM: The heart weighs 350 grams. The pericardial and epicardial surfaces are smooth, glistening and unremarkable; the pericardial sac is free of significant fluid or adhesions. The coronary arteries arise normally, follow the usual distribution and are patent, without evidence of significant atherosclerosis or thrombosis. The chambers and valves bear the usual size-position relationships and are unremarkable. The myocardium is dark red-brown, firm, and unremarkable; the atrial and ventricular septa are intact. The left ventricular thickness = 1.5 cm, right ventricular thickness = 0.3 cm, and the interventricular septum = 1.3 cm. The aorta and its major branches arise normally, follow the usual course and are patent, free of significant atherosclerosis. The venae cavae and their major tributaries return to the heart in the usual distribution and are free of thrombi.

RESPIRATORY SYSTEM: The right and left lungs weigh 270 and 260 grams, respectively. The upper airway is clear of debris and foreign material; the mucosal surfaces are smooth, yellow-tan and unremarkable. The pleural surfaces are smooth, glistening and unremarkable. Lobar divisions are of the usual configuration. The pulmonary parenchyma is dark red-purple, exuding slight to moderate amounts of blood and frothy fluid. The pulmonary arteries are normally developed, patent, and without thrombus or embolus.

LIVER AND BILIARY SYSTEM: The liver weighs 1380 grams. Excluding disruption along the bullet pathway, the hepatic capsule is smooth, glistening and intact, covering red-brown parenchyma. The gallbladder contains 10 ml of red-brown, slightly mucoid bile; the mucosa is unremarkable. The extrahepatic biliary tree is patent, without evidence of calculi.

ALIMENTARY TRACT: The esophagus is lined by gray-white, smooth mucosa. The gastric mucosa is arranged in the usual rugal folds, and the lumen contains scant mucus. The small and large bowel are unremarkable. The appendix is present. The pancreas has a normal gray-white, lobulated appearance, and the ducts appear clear.

GENITOURINARY TRACT: The right and left kidneys weigh 120 and 150 grams, respectively. The renal capsules are smooth and thin, semi-transparent, and strip with ease from the underlying, smooth, pale tan, firm, cortical surfaces. The cortices are delineated from the medullary pyramids, which are red-purple to tan and unremarkable. The calyces, pelves, and ureters are unremarkable. The relationships at the trigone are unremarkable. The urinary bladder contains 100 ml of slightly cloudy, pink-yellow urine; the mucosa is gray-tan and smooth. The prostate gland is unremarkable.

RETICULOENDOTHELIAL SYSTEM: The spleen weighs 60 grams and has a smooth, intact capsule covering red-purple, moderately firm parenchyma; the lymphoid follicles are unremarkable. The regional lymph nodes appear normal. The bone marrow is red-purple and homogeneous, without evidence of focal abnormality.

ENDOCRINE SYSTEM: The pituitary, thyroid, and adrenal glands are unremarkable.

MUSCULOSKELETAL SYSTEM: Excluding the findings described under 'Evidence of Injury,' the bony framework, supporting musculature, and soft tissues are not unusual.

SEP:mtr
08/25/13
09/06/13

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Case Summary

A complete autopsy was performed on the body of Herman Manigault at the Medical University of South Carolina Autopsy Suite on August 25, 2013. The postmortem examination began at 11:30 a.m. The prosecutor was Dr. S. Erin Presnell. The autopsy technician was Mr. Raymond Edwards. The autopsy was authorized by the Berkeley County Deputy Coroner, Mr. D. Hartwell.

Significant findings at autopsy included a close range, penetrating gunshot wound to the back with resultant aortic and hepatic perforation; disruption of the left lateral aspect of vertebral bodies T12-L1; hemoperitoneum, hemothoraces, left renal hilar hemorrhage, left periaortic hemorrhage, periaortic soft tissue hemorrhage, and left pulmonary contusion; penetrating gunshot wound to the left buttock/hip; posterior scalp laceration with underlying chipped bone; facial abrasions and lacerations; elbow abrasions; and right pleural adhesions.

A urine screen for common drugs of abuse was negative. Toxicologic analysis of peripheral blood revealed the presence of caffeine. Blood and urine ethanol concentrations were 0.235% and 0.256%, respectively.

In light of the historical information and the gross and microscopic autopsy findings, it is the opinion of the pathologist that the decedent died as the result of aortic and hepatic perforation due to a close range, penetrating gunshot wound to the back. A penetrating gunshot wound to the left buttock/hip is considered contributory. Furthermore, the manner of death is best deemed homicide.

Certification Statement

I certify that I personally conducted the diagnostic evaluation of the above specimen(s) and have rendered the above diagnosis(es).

Presnell, S. Erin M.D. (1-4391)

(Electronically signed by)

Verified: 09/06/2013 11:02

MR/8/27/2013

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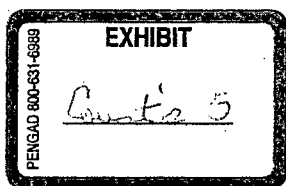
Items 51-55 To Be Completed By: Funeral Director

Rev. 2004

Could we the law clarified again
about reasonable Doubt, Hand of One
is hand of all and Voluntary Manslaughter

Kevin M. Hill

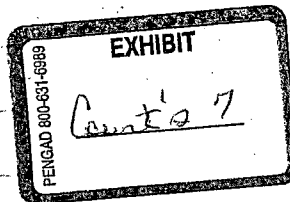
Oct 15, 2015
2:13 PM



We have exhausted all
conversational options and are
hopelessly at an impasse. I do not
foresee us reaching a unanimous
decision.

Yacoub H. H.

OCT 15, 2015
4:58 pm



In the definition of voluntary manslaughter
the specification that requires legal
provocation

"can we use "hand of one is the
hand of all" to support legal
provocation for parties acting in
concert with victim

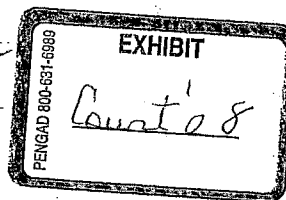
"would parties acting in concert
with the victim constitute
sufficient legal provocation
towards actions against victim

Wynn H, III

Oct 16, 2015
1240

You have been given
all instructions on the
law in my charge to
you. Please continue
your deliberations.

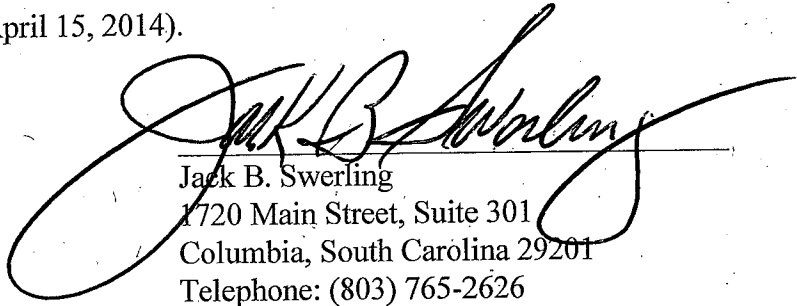
HH



CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g) of the South Carolina Appellate Court Rules, 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.

Counsel further certifies that this record on appeal complies with the Order of the Supreme Court of South Carolina entitled *Re: Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings*, 407 S.C. 607, 757 S.E.2d 421 (April 15, 2014).



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