

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Aiken County

Honorable Maite Murphy, Circuit Court Judge

LONDON DEVONTA WOODEN,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2017-000809

APPENDIX

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1 State of South Carolina) In the Court
2 County of Aiken) Of General Sessions

3
4 Indictment No.: 2012-GS-02-00473
2012-GS-02-00474

5
6 State of South Carolina,)
7 Plaintiff.)
8)
9 vs.) Transcript of Record
10 London Wooden,)
Defendant.)

11
12 November 12-14, 2013
13 Aiken, South Carolina

14 B E F O R E:

15 The Honorable James R. Barber, III Judge and a jury.
16

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PRETRIAL MATTERS

THE COURT: Y'all ready to go, Mr. Gibbons?

MR. GIBBONS: Your Honor, it's my understanding the State's going to call State versus London Wooden, Indictments 2012-GS-02-473 and 474.

THE COURT: Yes, sir.

MR. GIBBONS: Your Honor, this incident occurring October 1st of 2011, we filed a Rule 5 Discovery Motion on October 7th of 2011. We got an initial packet. We've been getting stuff along and along. Starting November 5th, we started getting some new statements from witnesses that were freshly given to us and that continued up until the 11th. We got one on the 5th, two on the 7th, one on the 10th, four items of discovery on the 11th.

I met with my client over the weekend to discuss the nature of the stuff we got this late in the game and the options available to us and he has instructed us to request the Court to go forward even though we've just received those items.

THE COURT: All right. Anything from the State?

MS. YOUNG: Your Honor, as soon as the statements became available to the State, we made them available to the defense, as soon as we heard any differences or things he needed to know about. Additionally, we did give him a witness list and the contact information that we had for

1 the witnesses earlier -- in the earlier part of this month,
2 during trial preparation.

3 THE COURT: Did y'all attempt to locate any of
4 those witnesses?

5 MR. GIBBONS: We made some attempts, Your Honor, we
6 didn't have any success. We did have addresses and phone
7 numbers of most of the witnesses like ten days ago, not the
8 nature of their comments in any way.

9 THE COURT: Well --

10 MR. GIBBONS: We're not making a motion for
11 continuance. That's why I put it on the record, per my
12 client's instructions.

13 THE COURT: Is that be correct, Mr. Wooden?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right. Thank you. Anything
16 further?

17 MR. GIBBONS: No, sir.

18 THE COURT: All right. I think we talked that we
19 would do two alternates and we anticipate this case lasting
20 about three days.

21 MS. YOUNG: That's correct, Your Honor.

22 THE COURT: The -- what I'd like to do if we could
23 get the jury selected -- I don't know how long your
24 openings would be -- but see if we can get through the
25 openings before lunch. I don't know. We'll just have to

1 see how long y'all take on the jury selection and -- all
2 right.

3 Let's bring the jury in, if we could, please.

4 (WHEREUPON the jury venire was brought into the
5 courtroom at 10:58 a.m.)

6 **JURY VOIR DIRE**

7 **THE COURT:** All right. Ladies and gentlemen, we're
8 about to --

9 Well, you want to call your first case, Madame
10 Solicitor.

11 **MS. YOUNG:** Thank you, Your Honor. May it please
12 the Court. The State calls State of South Carolina versus
13 London Devontay Wooden, Indictment 2012-GS-02-473, which is
14 an indictment for murder; Indictment 2012-GS-02-474, an
15 indictment for the possession of a firearm during the
16 commission of a violent crime.

17 **THE COURT:** All right. Ladies and gentlemen, the
18 State has called a case entitled State of South Carolina
19 versus London Devontay Wooden. Mr. Wooden has been
20 indicted for two offenses. He's been indicted for the
21 offense of murder and the indictment alleges that
22 Mr. Wooden did in Aiken County on about October 1, 2011
23 feloniously, willfully and with malice aforethought murder
24 David Maple by means of shooting him multiple times with a
25 handgun; and the victim did die as a proximate result

1 thereof.

2 In addition, the defendant has been indicted for
3 the offense of possession of a firearm during the
4 commission of a violent offense, violent crime. That
5 indictment alleges that Mr. Wooden did in Aiken County on
6 or about October 1, 2011 possess or visibly display a
7 firearm during the commission or attempted commission of a
8 violent crime, that being murder.

9 Now, ladies and gentlemen, to these indictments,
10 the defendant has entered pleas of not guilty and therefore
11 we are here to go forward with a trial, to pick a jury for
12 you to listen to the evidence, apply the law and ultimately
13 reach a verdict on these two indictments.

14 Now, ladies and gentlemen, an indictment is a
15 notice document. It is a document that puts a defendant on
16 notice of the particular charges. It is not to be used for
17 any purposes other than that. It's not evidence in the
18 case and you're not to consider it for any purpose other
19 than putting the defense on notice of the offense.

20 Before we begin, there's a couple of things that I
21 want you to understand about a criminal case, ladies and
22 gentlemen. One, in every instance when a defendant comes
23 into court, he's presumed to be innocent and that
24 presumption of innocence remains with him throughout the
25 course of the trial and only changes if the jury, after

1 hearing all the facts, applying the law, determines that
2 the defendant is, in fact, guilty.

3 In addition, you need to understand that the State
4 has the burden of proving this defendant guilty of these
5 two offenses and proving him guilty beyond a reasonable
6 doubt. The plaintiff has no burden -- I mean the defendant
7 has no burden at all in this case. The defendant doesn't
8 have to do anything. It is the plaintiff -- I mean the
9 State's burden to prove the defendant guilty beyond a
10 reasonable doubt of each and every offense for which he has
11 been charged.

12 Now, before we begin this matter, ladies and
13 gentlemen, I have some people I want to introduce you to
14 and I have some questions that I want to ask you. First,
15 let me introduce you to the defendant in this matter,
16 Mr. London Devontay Wooden .

17 Mr. Wooden if you would please stand and face the
18 jury.

19 Ladies and gentlemen, this is Mr. Wooden; and I
20 would inquire at this time, is there any member of this
21 jury panel or any member of the jury panel's immediate
22 family who is related by blood or connected by marriage or
23 either now or in the past has had a close personal
24 relationship with Mr. Wooden; or either now or in the past
25 has had an employment or a business relationship with

1 Mr. Wooden. If so, please stand.

2 All right. Thank you, you may be seated

3 Now, ladies and gentlemen, whenever cases come to
4 court, the parties are generally represented by attorneys
5 and in this instance, both parties are represented by
6 attorneys. The State of South Carolina is represented by
7 the Solicitor's Office of the 5th Judicial Circuit -- I
8 mean the 1st -- 2nd Judicial Circuit, excuse me. In that
9 instance, ladies and gentlemen, the solicitors that are
10 here today are Ms. Beth Anne Young, and this is Ms. Young
11 standing now; and Mr. Sam Grimes, and this is Mr. Grimes.
12 They're both employed by the 2nd Circuit Solicitor's
13 Office. They are both members of the South Carolina Bar.

14 I would inquire at this time is there any member of
15 the jury panel or any member of the jury panel's immediate
16 family who is related by blood or connected by marriage or
17 either now or in the past has had a close personal
18 relationship with these solicitors or any other solicitors
19 that you might know in the Aiken solicitor's office or
20 either now or in the past has had an employment or business
21 relationship with either one of these solicitors or with
22 the 2nd Circuit Solicitor's Office. If so, please stand.

23 (WHEREUPON there was no answer.)

24 **THE COURT:** Ladies and gentlemen, representing the
25 defendant in this matter is Mr. Grant Gibbons, this is

1 Mr. Gibbons; and Mr. Andy Smith, this is Mr. Smith. They
2 are both employed with the Aiken County Public Defender's
3 Office. They're both members of the South Carolina Bar as
4 well.

5 And I would inquire at this time is there any
6 member of this jury panel or any member of the jury panel's
7 immediate family who is related by blood or connected by
8 marriage or either now or in the past has had a close
9 personal relationship with any of these individuals or
10 either now or in the past has had an employment or business
11 relationship with these individuals, been represented by
12 these individuals or had an employment or business
13 relationship with the Aiken County Public Defender's
14 Office. If so, please stand.

15 (WHEREUPON there was no answer.)

16 **THE COURT:** All right. I now want to introduce you
17 to some potential witnesses that may testify in this case,
18 ladies and gentlemen. If any of these witnesses are
19 present, I would ask that they please stand so that the
20 jury can see who you are. Lieutenant Billy Flurry of the
21 Aiken County Sheriff's Office; Investigator Viktoria Lager
22 from the Aiken County Sheriff's Office; Lieutenant Clay
23 Adams of the Aiken County Sheriff's Office; Investigator
24 Chris Johnson of the Aiken County Sheriff's Office;
25 Investigator Mary F. O'Grady-Watts of the Aiken County

1 Sheriff's Office; Sargent Shannon Sturgill of the Aiken
2 County Sheriff's Office; Andrew Busbee formerly with the
3 Aiken County Sheriff's Office; Sargent Andrew Daily of the
4 Aiken County Sheriff's Office; Mr. Gerald Turner of the
5 Aiken County Sheriff's Office; Lance Corporal Brandon
6 Rucker of the South Carolina Highway Patrol; Captain
7 Nicholas Ballam of the Aiken County Sheriff's Office;
8 Deputy Charles Wendt, of the Aiken County Sheriff's Office;
9 Doctor Janice E. Ross with Newberry Pathology Associates;
10 Special Agent John G.D. Roberts with the State Law
11 Enforcement Division; Special Agent Michelle Eichenmiller
12 of the State Law Enforcement Division; Special Agent Amanda
13 Webb of the State Law Enforcement Division; Deputy Coronor
14 Jeff Smith of the Aiken County Coroner's Office;
15 Investigator P. Steven Miano, of the Solicitor's Office; I
16 guess that would be the 5th -- I mean the 2nd Circuit
17 Solicitor's Office; Investigator Jessica Adams of the
18 Solicitor's Office; Investigator Norwood A. Bodie, of the
19 Solicitor's Office; Sargent Celina Dobbs with the Aiken
20 Department of Public Safety; Mr. Eddie George of the Aiken
21 Department of Public Safety; Schantrika Carter; Cameo
22 Bronson; Erica Richardson; Hakim Talib, also known as
23 Jersey Octavia Bush; Jeremy McCracken, also know as Fats;
24 Nathaniel Lamar Franklin; Willie Carter; Lamont Franklin;
25 Solomon Williams; Damion Nelson; Thomas Johnson, Felicia

1 Jackson; John Oakman; Maxine Doyle; Ruben Doyle; Public
2 Safety Officer Chris Medlin with the Aiken Department of
3 Safety; Deputy M. Hickson of the Aiken County Sheriff's
4 Office; Summer Hutto of the Aiken County Sheriff's Office;
5 April Grice of the Aiken County Sheriff's Office, Robert
6 Anderson; Bennie Williams; Deputy Coronor Susan Bolin;
7 Agent Marie Boulton of the Probation, Pardon, and Parole
8 Services.

9 Ladies and gentlemen, I would inquire at this time;
10 is there any member of this jury panel or any member of the
11 jury panel's immediate family who is related by blood or
12 connected by marriage or either now or in the past has had
13 a close personal relationship or either now or in the past
14 has had a business or an employment relationship with any
15 of the witnesses whose names I just read to you. If so,
16 please stand.

17 Yes, sir, tell me -- tell me your name.

18 **THE JUROR:** Juror 32, Andrew Christensen. I worked
19 for the Aiken County Sheriff's Office --

20 **THE COURT:** You work for them now?

21 **THE JUROR:** No. Captain Nicholas was a Lieutenant
22 when I first started. I worked there for years. And I
23 worked there for a lot of years; and I worked the road; and
24 I worked with a lot of the officers.

25 **THE COURT:** All right. The fact that you have a

1 history having been employed with the Aiken County
2 Sheriff's Office, would that prevent you from listening to
3 the evidence in this case and based upon such evidence
4 render a fair and impartial verdict?

5 THE JUROR: No, sir.

6 THE COURT: All right. Thank you.

7 Yes, ma'am? Tell me your name --

8 Tell me your name again, please, sir.

9 THE JUROR: Andrew Christensen, Juror No. 32.

10 THE COURT: All right. Thank you.

11 Yes, ma'am, tell me your name.

12 THE JUROR: Juror 78, Sarah Herring. I work for
13 the city of Aiken so most of the ones that you mentioned
14 through Public Safety --

15 THE COURT: All right. The fact that you're
16 employed with the City of Aiken and know most of the
17 witnesses who are employed by the Aiken -- in the City of
18 Aiken -- would that prevent you from listening to the
19 evidence in this case and based upon such evidence render a
20 fair and impartial verdict?

21 THE JUROR: No, sir.

22 THE COURT: All right. Thank you.

23 Yes, ma'am, tell me your name, please.

24 THE JUROR: Juror 81, Tracy Holsenback. I'm
25 thinking maybe I taught Octavia Bush in --

1 **THE COURT:** Wait a minute, I'm having a hard time
2 hearing you.

3 **THE JUROR:** Juror 81, Tracy Holsenback. If I'm not
4 mistaken, I was Octavia Bush's first grade teacher. Does
5 that matter?

6 **THE COURT:** You're a first grade teacher for?

7 **THE JUROR:** East Aiken Elementary.

8 **THE COURT:** You're --

9 **THE JUROR:** And also I was employed by Barbara
10 Morgan when she was solicitor for the 2nd Circuit in Aiken
11 County.

12 **THE COURT:** All right. The fact that you were
13 formerly employed with the solicitor of this circuit and
14 you are a teacher or have been a teacher of public school
15 in this county, would that prevent you from listening to
16 the evidence in this case and based upon such evidence
17 render a fair and impartial verdict?

18 **THE JUROR:** No, sir.

19 **THE COURT:** All right. Thank you.

20 Is there any member of the jury panel related by
21 blood or marriage or close personal friends with anyone
22 employed by a state, local, federal or military law
23 enforcement agency? If so, please stand. If you've
24 already stood --

25 Yes, ma'am, tell me your name.

1 THE JUROR: Cindy Bates.

2 THE COURT: All right. Ms. Bates what is --

3 THE JUROR: Juror No. 5.

4 THE COURT: Tell me what you --

5 THE JUROR: My son is a deputy for Aiken County.

6 THE COURT: You have a son that's employed with
7 Aiken County?

8 THE JUROR: Yes, sir.

9 THE COURT: Is this an Aiken County case?

10 MR. GIBBONS: It is, Your Honor.

11 THE COURT: All right. Ms. Bates I'm going to
12 excuse you from this jury. If you would just have a seat,
13 I find that by virtue of your son being a deputy.

14 Other than the first gentleman who stood up this
15 morning, is there any member of this jury panel who has
16 ever been employed by any state, local, federal or military
17 law enforcement agency? If so, please stand.

18 Yes, ma'am, tell me your name.

19 THE JUROR: Juror 176. I worked at --

20 THE COURT: Tell me your name, please.

21 THE JUROR: Teresa Turner.

22 THE COURT: All right, Ms. Turner.

23 THE JUROR: I have worked for Aiken County at the
24 jail for a year about 15 years ago.

25 THE COURT: All right. You formerly were employed

1 as -- with the Aiken County -- as a correctional officer.

2 THE JUROR: Yeah, about 18 or 20 years ago.

3 THE COURT: All right. This fact that you formerly
4 were -- when did you leave?

5 THE JUROR: It's been a long time. I don't
6 remember.

7 THE COURT: Ma'am? Well was it before October 1,
8 2011.

9 THE JUROR: No, it's been almost 30 years.

10 THE COURT: Three years, so --

11 THE JUROR: Thirty years.

12 THE COURT: Thirty years since you've worked there?

13 THE JUROR: Yes.

14 THE COURT: All right. The fact that you formerly
15 worked for the Aiken County Detention Center, would that
16 prevent you from listening to the evidence in this case and
17 based upon such evidence render a fair and impartial
18 verdict?

19 THE JUROR: No, sir.

20 THE COURT: All right. Thank you, ma'am.

21 Is there any member of this jury panel who is a
22 member or a contributor to any organization which has as
23 its primary purpose the prevention of crime or advocacy of
24 victim's rights, such as MADD, SADD, CAVE or CADRE? If so,
25 please stand.

1 (WHEREUPON there was no answer.)

2 THE COURT: Is there any member of the jury panel
3 ever lived in or around 36 Dallas Circle in Aiken County or
4 in the T&M Trailer Park? If so, please stand.

5 MR. GIBBONS: T&S.

6 THE COURT: Sir?

7 MR. GIBBONS: T&S.

8 THE COURT: T&S or T&M.

9 MR. GIBBONS: There are two of them. T&M is the
10 one this happened at.

11 THE COURT: Does any member of this jury panel have
12 any business relationship with the owner of T&M Trailer
13 Parks? If so, please stand.

14 (WHEREUPON there was no answer.)

15 THE COURT: Is there any member of this jury panel
16 or any member -- immediate member of the jury panel's
17 family or close personal friend ever been the victim of a
18 violent crime? If so, please stand.

19 THE COURT: All right. Ma'am, can I get you to
20 come down here?

21 (WHEREUPON a group of jurors approach for a bench
22 conference out of the hearing of the jury panel but on the
23 record.)

24 THE COURT: Tell me your name, please, ma'am.

25 THE JUROR: Levoria Searles.

1 THE COURT: All right. Ms. Searles, what is the
2 situation.

3 THE JUROR: My godson was killed. I think it was
4 1999.

5 THE COURT: All right. So somebody that you were
6 close to was killed. Would that prevent you from listening
7 to the evidence in this case and based upon such evidence
8 render a fair and impartial verdict?

9 THE JUROR: No, it would not.

10 THE COURT: Thank you.

11 THE CLERK: Judge what number was that?

12 THE COURT: Tell me your number, ma'am.

13 THE JUROR: 146.

14 THE COURT: Good morning.

15 THE JUROR: Good morning.

16 THE COURT: Tell me your name.

17 THE JUROR: Aerial Hartshaw Coursey.

18 THE COURT: You know what your number is?

19 THE JUROR: 76.

20 THE CLERK: 73.

21 THE JUROR: You said any family member been
22 convicted of anything.

23 THE COURT: Immediate family or close personal
24 friend.

25 THE JUROR: Okay. Well my mother was convicted of

1 assault highly aggravated manner.

2 THE COURT: Assault and battery of a high and
3 aggravated nature?

4 THE JUROR: Yes, sir. She was sentenced to a year.

5 THE COURT: The fact that your mother has that
6 history, would that prevent you from listening to the
7 evidence in this case and based upon such evidence render a
8 fair and impartial verdict.

9 THE JUROR: No, sir.

10 THE COURT: Thank you.

11 Good morning.

12 THE JUROR: Good morning.

13 THE COURT: Tell me your name and number.

14 THE JUROR: 130.

15 THE COURT: What is your situation?

16 THE JUROR: My grandmother was murdered by a young
17 black male and I don't believe I could set that aside.

18 THE COURT: You don't?

19 THE JUROR: I don't.

20 THE COURT: All right. I'm going to excuse you.
21 If you'll just -- where do we put --

22 THE CLERK: Set her aside.

23 THE COURT: Set her aside.

24 I'm just going to let you have a seat right over
25 here if you don't mind.

1 THE JUROR: I'm going to grab my purse if you don't
2 mind.

3 THE COURT: Sure.

4 Good morning.

5 THE JUROR: Good morning.

6 THE COURT: Tell me your name and number.

7 THE JUROR: 55. My brother was murdered.

8 THE COURT: The fact that you have that history in
9 your family, would that prevent you from listening to the
10 evidence in this case and based upon such evidence render a
11 fair and impartial verdict?

12 THE JUROR: I don't know.

13 THE COURT: Well, I need you to tell me one way or
14 the other. You think it would cause a problem for you?

15 THE JUROR: Yeah.

16 THE COURT: All right. I'm going to excuse you.
17 If you'll have a seat right over there. If you've got a
18 purse go back and get your purse.

19 THE JUROR: Good morning.

20 THE COURT: Hey. Tell me your name and your
21 number.

22 THE JUROR: Juror No. 42 Vicky Curry.

23 THE COURT: All right. Ms. Curry, what's your
24 situation?

25 THE JUROR: I had a cousin that was killed in the

1 early 90's by murder. He was killed by a single gunshot
2 wound.

3 THE COURT: Thank you. The fact that you have that
4 family history, would that prevent you from listening to
5 the evidence in the case and based upon such evidence
6 render a fair and impartial verdict?

7 THE JUROR: No, sir.

8 THE COURT: All right. Thank you ma'am. You can
9 have your seat.

10 THE JUROR: 176, Teresa Turner.

11 THE COURT: All right. Ms. Turner, what's your
12 situation.

13 THE JUROR: I was date raped in '83.

14 THE COURT: All right. The fact that you have that
15 history, would that prevent you from listening to the
16 evidence in this case and based upon such evidence render a
17 fair and impartial verdict?

18 THE JUROR: No, sir.

19 THE COURT: Thank you.

20 THE CLERK: Judge, we have one more.

21 THE COURT: Oh, I'm sorry. Tell me your name and
22 number.

23 THE JUROR: Helen Hines, 69.

24 THE COURT: All right.

25 THE JUROR: It's a close -- a friend of a family

1 member's, her husband and my husband was a witness and I
2 was called on the stand.

3 THE COURT: All right.

4 THE JUROR: Back in 2007 in Georgia.

5 THE COURT: All right. The fact that you have this
6 history, would that prevent you from listening to the
7 evidence in this case and based upon such evidence render a
8 fair and impartial verdict?

9 THE JUROR: No, sir.

10 THE COURT: All right.

11 (WHEREUPON the judge returned to the bench.)

12 THE COURT: All right, ladies and gentlemen. Does
13 any member of this jury panel have any knowledge about the
14 case that is being called for trial? If so, please stand.

15 (WHEREUPON there was no answer.)

16 THE COURT: Does any member of this jury panel know
17 of any reason you cannot be fair and impartial to both the
18 State and the defendant in this case? If you believe you
19 cannot be fair and impartial, please stand at this time.

20 (WHEREUPON there was no answer.)

21 THE COURT: At the end of this case, ladies and
22 gentlemen, I'm going to instruct you or charge you the law
23 as it applies to this case. It is your obligation to
24 accept the instructions that I give you and to apply that
25 law to the facts of the case as you determine them to be.

1 Does any member of this jury panel believe you will not be
2 able to comply with my instructions and apply the law as I
3 give it to you to the facts? If you do not believe you can
4 comply with my instructions, please stand at this time.

5 (WHEREUPON there was no answer.)

6 THE COURT: All right. Any further inquiries from
7 the State?

8 MS. YOUNG: No, sir, Your Honor.

9 THE COURT: From the defendant?

10 MR. GIBBONS: None, Your Honor.

11 THE COURT: All right.

12 JURY SELECTION

13 THE CLERK: How many alternates, Your Honor?

14 THE COURT: Two alternates.

15 All right. One other question. Any member of this
16 jury panel know of any bias or prejudice either for or
17 against the State or the defendant that you may have in
18 this case? If so, please stand.

19 (WHEREUPON there was no answer.)

20 THE COURT: All right. Five and ten.

21 THE CLERK: When I call your name, please bring
22 your belongings and come to the front and turn around and
23 face the audience, please.

24 Juror No. 125, Jesus Ortiz.

25 What say you the State?

1 MS. YOUNG: Please present the juror.

2 THE CLERK: What say you defense?

3 MR. GIBBONS: Please seat the juror.

4 THE CLERK: Please have a seat in the jury box to
5 your left, please.

6 Juror No. 24, Denea Burts.

7 What say you the State?

8 MS. YOUNG: Please present Ms. Burts.

9 THE CLERK: What say you defense?

10 MR. GIBBONS: Please seat Ms. Burts.

11 THE CLERK: Take a seat in the jury box to your
12 left, please, ma'am.

13 Juror No. 146, Levoria Searles.

14 What say you the State?

15 MS. YOUNG: Please present Ms. Searles.

16 THE CLERK: What say you defense?

17 MR. GIBBONS: Please excuse Ms. Searles from this
18 case.

19 THE CLERK: Please have a seat. Return to your
20 seat, please, ma'am.

21 Juror No. 139, Anthony Roberts.

22 What say you the State?

23 MS. YOUNG: Please excuse Mr. Roberts from this
24 trial.

25 THE CLERK: Please return to your seat.

1 Juror 97, Benjamin Robert Justice.
2 What say you the State?
3 MS. YOUNG: Please present Mr. Justice.
4 THE CLERK: What say you defense?
5 MR. GIBBONS: Please seat, Mr. Justice.
6 THE CLERK: Please have a seat in the jury box,
7 sir.
8 Juror No. 96, Levonya Jordan.
9 What say you the State?
10 MS. YOUNG: Please present Ms. Jordan.
11 THE CLERK: What say you defense?
12 MR. GIBBONS: Please seat Ms. Jordan.
13 THE CLERK: Juror No. 103, Albert Landers.
14 What say you the State?
15 MS. YOUNG: Please seat Mr. Landers.
16 THE CLERK: What say you defense?
17 MR. GIBBONS: Please seat Mr. Landers.
18 THE CLERK: Juror No. 176, Teresa Turner.
19 What say you the State?
20 MS. YOUNG: Please present Ms. Turner.
21 THE CLERK: What say you defense?
22 MR. GIBBONS: Please excuse Ms. Turner from this
23 case.
24 THE CLERK: Please return to your seat.
25 Juror No. 32, Andrew Christensen.

1 What say you the State?

2 MS. YOUNG: Please present Mr. Christensen.

3 THE CLERK: What say you defense?

4 MR. GIBBONS: Please excuse Mr. Christensen from
5 this case.

6 THE CLERK: Please return to your seat.

7 Juror No. 52, Marquis Edwards.

8 What say you the State?

9 MS. YOUNG: Please present Mr. Edwards.

10 THE CLERK: What say you defense?

11 MR. GIBBONS: Please seat Mr. Edwards.

12 THE CLERK: Okay. Juror No. 161, Scott Sterling.

13 What say you the State?

14 MS. YOUNG: Please present Mr. Sterling.

15 THE CLERK: What say you defense?

16 MR. GIBBONS: Please excuse Mr. Sterling.

17 THE CLERK: Please return to your seat.

18 That's four strikes for the defense and one strike
19 for the State.

20 Juror No. 113 April McNeill.

21 What say you the State?

22 MS. YOUNG: Please present Ms. McNeill.

23 THE CLERK: What say you defense?

24 MR. GIBBONS: Please present the juror.

25 THE CLERK: Juror No. 47, Cynthia Dennis.

1 What say you the State?

2 MS. YOUNG: Please present Ms. Dennis.

3 THE CLERK: What say you defense?

4 MR. GIBBONS: Please present Ms. Dennis.

5 THE CLERK: Juror No. 78, Sarah Herring.

6 What say you the State?

7 MS. YOUNG: Please present Ms. Herring.

8 THE CLERK: What say you defense?

9 MR. GIBBONS: Please excuse Ms. Herring from this

10 case.

11 THE CLERK: Please return to your seat.

12 Juror No. 75, David Heeter.

13 What say you the State?

14 MS. YOUNG: Please excuse Mr. Heeter from this

15 trial.

16 THE CLERK: Please return to your seat.

17 Juror No. 3, David Allison.

18 What say you the State?

19 MS. YOUNG: Please present Mr. Allison.

20 THE CLERK: What say you defense?

21 MR. GIBBONS: Please seat Mr. Allison.

22 THE CLERK: Juror No. 80, Samantha Holmes.

23 What say you the State?

24 MS. YOUNG: Please present Ms. Holmes.

25 THE CLERK: What say you defense?

1 MR. GIBBONS: Please seat Ms. Holmes.

2 THE CLERK: Juror No. 72, Trent Harrelson.

3 What say you the State?

4 MS. YOUNG: Please present Mr. Harrelson.

5 THE CLERK: What say you the defense?

6 MR. GIBBONS: Please seat Mr. Harrelson.

7 THE CLERK: Juror No. 91, Claire Delaine Johnson.

8 What say you the State?

9 MS. YOUNG: Please present Ms. Johnson.

10 THE CLERK: What say you defense?

11 MR. GIBBONS: Please seat Ms. Johnson.

12 THE CLERK: And we need two alternates.

13 Alternate No. One, Juror No. 30, Raul Cardenas.

14 What say you the State?

15 MS. YOUNG: Please present Mr. Cardenas.

16 THE CLERK: What say you defense?

17 MR. GIBBONS: Please seat Mr. Cardenas.

18 THE CLERK: Juror 101, Colleen Keltner.

19 What say you the State?

20 MS. YOUNG: Please present Ms. Keltner.

21 THE CLERK: What say you defense?

22 MR. GIBBONS: Please seat Ms. Keltner.

23 THE CLERK: Alternate No. Two.

24 THE COURT: All right. Anything from the State
25 with respect to the composition of the jury?

1 MS. YOUNG: Nothing from the State, Your Honor.

2 THE COURT: Anything from the defendant?

3 MR. GIBBONS: No, sir.

4 THE COURT: All right. Ladies and gentlemen of the
5 jury panel that did not get selected or that I excused, I
6 thank you very much for making yourselves available.

7 What do we want to do, call back in after six
8 tonight?

9 MS. YOUNG: Yes, sir, Your Honor.

10 THE COURT: All right. I'm going to -- we're going
11 to excuse you for the rest of the afternoon, ladies and
12 gentlemen, but we're going to ask you to call back in after
13 six tonight and you will get further instructions. You are
14 free to leave.

15 Y'all have a nice afternoon and thank you for
16 coming again.

17 (WHEREUPON the jury panel left the courtroom.)

18 THE COURT: Who's going to swear the jury?

19 (WHEREUPON the jury entered the courtroom at 11:36
20 a.m.)

21 (WHEREUPON the jury was sworn at 11:27 a.m.)

22 THE CLERK: Your Honor I had one that did not raise
23 his right hand.

24 THE COURT: Ma'am?

25 THE CLERK: I had one that did not raise his right

1 hand.

2 THE COURT: Are you affirming?

3 THE JUROR: I do.

4 THE COURT: All right. Thank you, ladies and
5 gentlemen, y'all may be seated.

6 OPENING REMARKS BY THE COURT

7 THE COURT: Ladies and gentlemen, before I turn
8 this matter over to the attorneys, I'm going to take a few
9 minutes and give you preliminary instructions about this
10 case in case you've not served on a jury before, or it's
11 been some time since you have.

12 First thing, as I told you earlier, this defendant,
13 Mr. London Devontay Wooden has been charged with two
14 criminal offenses in indictments. One is the charge of
15 murder, and as I told you, that indictment alleges that the
16 defendant did in Aiken County on or about October 1, 2011
17 feloniously, willfully, and with malice aforethought,
18 murder David Maples by means of shooting him multiple times
19 with a handgun and the victim did die as a proximate result
20 thereof on the 1st day of October 2011.

21 The second indictment alleges that Mr. Wooden did
22 in Aiken County on or about October 1, 2011 possess or
23 visibly display a firearm during the commission or
24 attempted commission of a violent crime, that crime being
25 murder.

1 Now, as I said earlier, this defendant has entered
2 pleas of not guilty to each of these charges and that's why
3 we're here today and the rest of the time that we'll be
4 involved in this.

5 Again, I want to tell you that in this instance,
6 this defendant comes into this court presumed to be not
7 guilty and that is a presumption that remains with this
8 defendant throughout the course of this trial and would
9 only change if you after hearing the evidence in the case
10 and applying the law determined that he is guilty. In
11 addition to these charges, it is the State's burden of
12 proving this defendant guilty and proving him guilty beyond
13 a reasonable doubt which is a heavy burden that is placed
14 upon the State of South Carolina.

15 This defendant has no burden, has no obligation or
16 responsibility in this case whatsoever. It falls upon the
17 State to prove him guilty of both charges and prove him
18 guilty beyond a reasonable doubt.

19 Now, the way the trial takes place, the first thing
20 that's going to happen, and hopefully we can get into that
21 before lunch, is these lawyers will be given an opportunity
22 to get up and in front of you and make an opening
23 statement. That opening statement is the chance for the
24 lawyers to introduce themselves and then tell you a little
25 bit about this case so you'll have some understanding of

1 what is alleged in the case before they begin calling
2 witnesses and putting up evidence. It's an opportunity for
3 these lawyers to attempt to educate you or inform you about
4 this matter so you'll have some understanding about it.
5 After the State makes its opening statement; the defendant
6 is given the same opportunity to make an opening statement
7 in the case.

8 When both sides have completed the opening
9 statement, then the State will begin the presenting of the
10 State's evidence. I would assume that most of the evidence
11 that would come in in this case is by way of testimony from
12 witnesses. Those witnesses will be put under oath, sit in
13 this witness box and they'll tell you what information they
14 have about this case. They've seen something, heard
15 something, smelled something, tasted something, felt
16 something, they have some information from one of their
17 senses and they will tell you what that information is.

18 In addition there may be other types of evidence
19 that will be introduced, that type being things like
20 documents or photographs. That type of evidence is
21 actually introduced, it's given an exhibit number and it
22 will go with you to the jury room for you to review it
23 during the course of your deliberations.

24 Testimony, ladies and gentlemen will go with you in
25 your memory, so it is absolutely essential that you pay

1 close attention to what's being said in this case so that
2 you will know about that evidence when you go back to the
3 jury room. If you can't hear something or you don't
4 understand what's being said, let me know in some way.
5 Raise your hand and tell me in some way and I'll make sure
6 that either the witnesses or the lawyers or whoever it is
7 that's not speaking clearly or not speaking loud enough
8 that they do so, so that you can hear what's being said.

9 A third type of evidence that could come in is what
10 we call a stipulation; and that's where the parties
11 stipulate or agree as to some fact or some matter. If
12 there is a stipulation then the lawyers will tell me and
13 I'll tell you and you are to accept that as though it has
14 been proven here in the courtroom.

15 Now, after the State has put up its evidence, the
16 defendant is given a right to put up any witnesses that the
17 State (sic) wishes to offer, but the defendant doesn't have
18 to offer any evidence, ladies and gentlemen, because as I
19 told you earlier the burden falls upon the State to prove
20 this defendant guilty and prove him guilty beyond a
21 reasonable doubt. If the defendant elects to offer
22 evidence I would assume that the defendant's evidence would
23 be of a similar nature to the plaintiff and that is that
24 most of it would be testimony from witnesses who will
25 testify in the witness box during the course of the trial.

1 When both sides have put up any evidence that they
2 wish to offer in this case, then the parties are given
3 another opportunity for their lawyers to talk to you and
4 that's what we call closing argument and the closing
5 argument is a little bit different from the opening
6 statement. The closing statement is a chance for the
7 lawyers to recap what they think came in during the course
8 of the trial to emphasize to you what they would like for
9 you to discuss during the course of your deliberation.
10 It's an opportunity for these lawyers to attempt to
11 convince or persuade you as to why you should return a
12 verdict for their respective client.

13 When the lawyers have concluded their closing
14 arguments, I will then charge you or instruct you as to the
15 law. Once I have done that, you will retire to the jury
16 room to begin your deliberations to determine what you
17 believe to be the facts in the case, apply the law and
18 ultimately render your verdict on these two indictments.

19 Now, ladies and gentlemen, I think I told you this
20 when we were going through jury qualification this morning.
21 You are the fact finders of this case. You are the judges
22 of the facts. It is your sole responsibility to determine
23 what the facts of this case are. Nobody else will
24 participate in that process.

25 My role is a little bit different than yours. My

1 role is, I'm the judge of the law. I instruct you or tell
2 you what the law is so that you can apply that law to the
3 case.

4 I'm also the referee in this case. Most structured
5 events have a referee or somebody to enforce the rules. We
6 have rules as to how a case is to be tried, rules of
7 evidence, rules of procedure; and it's my responsibility to
8 see that those rules are complied with. In that regard,
9 during the course of the trial you may hear a lawyer get up
10 and say, I object, and I'll have to rule on that. You are
11 not to infer anything of the fact that I ruled for one
12 party or the other party. It's probably during the course
13 of the trial that I'll rule for or against both sides at
14 some point in time in the trial.

15 Now, before we turn this thing over to the
16 attorneys, I'm going to introduce you to some other people
17 that will be involved in this case. The young lady seated
18 next to me is my law clerk, Caitlin Creswick and she
19 assists me in a number of matters. You've already seen the
20 clerk's office being involved in our selection of our jury.
21 We have two very capable young ladies seated in front of me
22 that work in the clerk's office. They are Sherry Langley,
23 who is the young lady right here; and Shannon Thompson, who
24 is over here; and they will help throughout the course of
25 the trial.

1 The people that you're -- well, the young lady
2 seated in front of me is our court reporter. You will
3 recall I asked you about courts of record, well this is a
4 court of record because this young lady is making a record
5 of everything that's being said here today. Our court
6 reporter Brenda Sigwell or --

7 **THE COURT REPORTER:** Sigwald.

8 **THE COURT:** She's changed her name since we met
9 about 15 years ago; but she's an excellent reporter and she
10 will take down everything that's being said in the
11 courtroom whether I say it or the lawyers say it. If you
12 say something, she'll make a record of that as well.

13 Now, the people you're going to have the most
14 contact with, ladies and gentlemen, are going to be the
15 bailiffs. Those are the people that will assist you in
16 getting from the jury room to the courtroom and back again.
17 They'll help you with any refreshments, they'll answer any
18 questions that you have. Our bailiffs in Aiken County are
19 experienced bailiffs. They know what they're doing and
20 they can help you in any way that you need.

21 Our bailiffs are, let's see, Mr. Whittle is not in
22 the courtroom right now. Mr. Mert Holtzhouser, he's all
23 the way in the back. Barbara Coalman --

24 Is she in the courtroom?

25 **THE BAILIFF:** Right here.

1 **THE COURT:** Where's Ms. Coalman -- there's
2 Ms. Coalman. The young lady right here. Mr. John
3 Crawford, he's all the way in the back. Mr. Dunbar --

4 Is he in the courtroom?

5 But these folks will help you in any way. If you
6 have any questions, bring it to their attention. They know
7 what they're doing. They've been around a long time and
8 they will help you in any way you may need assistance.

9 With that said, I'll ask the State, are y'all ready
10 to proceed?

11 **MS. YOUNG:** Yes, Your Honor.

12 **MR. GIBBONS:** Your Honor, we would ask that the
13 witnesses be sequestered in this case.

14 **THE COURT:** Any objection?

15 **MS. YOUNG:** No objection.

16 **THE COURT:** All right. All but the -- I guess
17 you've got somebody from the victim's family.

18 **MS. YOUNG:** Yes, Your Honor.

19 **THE COURT:** And I guess there's an investigating
20 officer or somebody that --

21 **MS. YOUNG:** Yes, sir.

22 **THE COURT:** All right. Everybody else, I'm going
23 to ask, that are witnesses, if y'all -- either for the
24 State or for the defendant -- that y'all step outside,
25 please.

1 **MR. GIBBONS:** Your Honor, I ask that my
2 investigator be able to stay in.

3 **THE COURT:** Y'all don't have objection to that?

4 **MS. YOUNG:** No, sir, Your Honor.

5 **THE COURT:** All right.

6 (WHEREUPON the witnesses exited the courtroom.)

7 **MS. YOUNG:** Your Honor, we had Mr. -- Investigator
8 Bodie called as a witness. Does the defense have any
9 objection to him being here assisting us with our props and
10 -- he's a potential witness.

11 **THE COURT:** I don't know about --

12 **MR. GIBBONS:** I don't have a problem with that.
13 And the State's agreed to let the defendant's mother stay
14 in too, Your Honor.

15 **THE COURT:** All right. You ready to go?

16 **MS. YOUNG:** Yes, sir.

17 **THE COURT:** All right. If you would, please.

18 **MS. YOUNG:** Thank you, Your Honor.

19 Mr. Gibbons; may it please the Court?

20 **THE COURT:** Yes, ma'am.

21 **OPENING STATEMENTS**

22 **MS. YOUNG:** He never saw it coming. He never saw
23 it coming. The victim in this case David Maple was
24 murdered on October 11th -- excuse me October 1st, 2011,
25 and he never saw it coming. The reason he never saw it

1 coming is the defendant in this case shot the victim five
2 times in the back as the victim was walking away from him.
3 We're here today about the murder of David Maple and that's
4 what this case is about.

5 Ladies and gentlemen on October 1st, 2011, a group
6 of acquaintances was hanging out together at Dallas Circle.
7 Dallas Circle is a neighborhood located here in Aiken
8 County in the Shiloh Heights part of Aiken County on the
9 north side. And the best way I can describe Dallas Circle
10 is it's a circle. It's a circle that consists of mobile
11 homes and trailers, single wide. It's fairly open, dirt
12 road. And on that night, a group of people that included
13 the victim, David Maple, and the defendant were hanging out
14 between trailers No. 16 and No. 12. No. 16 belonged to
15 Ms. Mary Oakman, also known as Ms. Mary and No. 12 belongs
16 to her son, John Oakman.

17 Now, on that evening when this group of people was
18 hanging out together, talking, just hanging out, for some
19 reason the defendant and the victim got into an
20 altercation, a verbal altercation of words. They had words
21 with each other, fussing words. The victim, David Maple
22 turned to walk away from this verbal argument and at that
23 point in time, the defendant pulled a gun out from his
24 waistband, pointed it at the victim and shot him in the
25 back. Three of these shots did enter the victim's back and

1 two entered his hand. He was hit by all five shots. And
2 that's what we're here about today, ladies and gentlemen,
3 is this victim's murder that he never saw coming.

4 Now, the judge told you that we have the burden of
5 proof and that is why I'm up here talking to y'all first.
6 What that means is that we have to prove to you beyond a
7 reasonable doubt that the defendant shot the victim and
8 murdered him in this particular case. And he's charged
9 with two crimes. He's charged with murder and the
10 possession of a weapon during the commission of a violent
11 crime.

12 Now, the judge is going to instruct you at the end
13 of the case on the law --

14 **THE COURT:** In the light I hope.

15 **MS. YOUNG:** -- and -- hopefully -- but he is going
16 the instruct you that in the State of South Carolina murder
17 consists of the killing of another person with malice
18 aforethought. What is malice aforethought? The judge is
19 going to instruct you on that, but basically it means with
20 an ill will of some sort. It did not have to exist for any
21 long period of time. It could be formed right before the
22 crime took place. And that's what malice aforethought is.
23 It's the killing of another human being with malice
24 aforethought.

25 He's also charged with possession of a weapon

1 during the commission of a violent crime. In the State of
2 South Carolina, the legislature has designated certain
3 crimes as violent. Murder is one of these crimes and we're
4 alleging that he murdered the victim while using a firearm.

5 Now, the State has to prove this case to you by
6 putting on witnesses and putting in evidence and that's
7 what we are going to do most all of today and tomorrow, is
8 put witnesses up here in this chair and these witnesses are
9 going to tell you what they saw. We're going to put up
10 witnesses who were there that night and saw the defendant
11 shoot the victim in the back. They're also going to tell
12 you that after the victim ran around and collapsed on the
13 ground, the defendant went up to him, put the gun to his
14 head and said something to the effect of, If we weren't
15 boys right now, I'd pull this trigger and I'd kill you,
16 after he had already shot the victim five times.

17 Ladies and gentlemen, we're going to also put in
18 physical evidence in this case. We're going to put in
19 pictures of the crime scene. We're going to put in the gun
20 that was recovered at the crime scene that night by law
21 enforcement when they responded. We're going to put up a
22 SLED firearms analyst and she's going to tell you that the
23 shell casings that the police officers collected were a
24 match and were fired by that gun. Additionally, she's
25 going to tell you that the bullets that were recovered from

1 the victim's body were also matched and were also fired by
2 this .25 caliber handgun the defendant threw down as he was
3 running away from the scene.

4 We're also going to put up what's called trace
5 evidence analysis, and basically that's going to be a man
6 who's going to tell you about gunshot residue that was
7 found on the defendant's clothing when it was tested that
8 night. We're also going to put up a DNA analyst. The DNA
9 analyst will tell you some about the defendant's DNA and
10 the handle of the gun that was found that night.

11 And that's what this case is about: Murder for no
12 reason and complete senselessness that took place on Dallas
13 Circle in just a matter of seconds on the night of October
14 1st, 2011.

15 Now, ladies and gentlemen, y'all come in here with
16 your common sense. You had to take off a lot at the metal
17 detector, but you didn't leave that and that's why we
18 selected you to be on this jury because we selected you to
19 be fair and impartial and to listen to the State; and to
20 the defendant as well, to whatever they have to say. And I
21 would submit to you that this case is going to be somewhat
22 like -- one of those I used to call -- I never could draw.
23 It's not one of my talents. I can't even draw a straight
24 line, so I used to always like those dot-to-dot drawings
25 where you could connect the dots. And I think this case is

1 going to be like that; and I would ask you to listen
2 carefully to each witness. Each of them has a piece of the
3 story to tell, what they saw from their vantage point; what
4 they did in regards to testing the evidence. And I submit
5 to you that at the end of the case, all this evidence is
6 going to put together to form a clear picture you will all
7 be able to see. And that picture will be the facts that
8 happened on that night, that the defendant murdered the
9 victim.

10 At the end of the case, I'm going to have an
11 opportunity to talk to you again. At that point of time
12 I'm going to come back and ask you to deliver a verdict
13 that speaks the truth in this case and that verdict would
14 be to find the defendant guilty as he's charged on both
15 counts.

16 **THE COURT:** Mr. Gibbons.

17 **MR. GIBBONS:** May it please the Court, Ms. Young.

18 Ladies and gentlemen, this case, I like to think of
19 it as any port in a storm. It's a sailor term, when out to
20 sea and the storm comes, doesn't matter what port you're
21 close to, you go to that port. You get out of the danger
22 as quick as you can, and get safe, and worry about getting
23 home later; worry about everything else later. You get
24 that -- until the storm comes up, you go the the closest
25 place you can to get safe. That's what happened in this

1 case.

2 Now, you heard a story from the solicitor. That's
3 not evidence. You're going to hear evidence from this
4 chair and the judge is going to tell you at the end of this
5 trial that you have to judge the credibility of the
6 witnesses. That's your job. And he's going to tell you
7 that you can consider what they said, what they didn't say,
8 when they said it and if they might have a reason to tell
9 you what they said. If they might have a motive. I ask
10 you to be very -- pay very close attention to the witnesses
11 and ask yourself those things as you go through their
12 testimony.

13 Now, in our system, there's no such thing as an
14 innocent verdict. The judge has told you, your options are
15 guilty and not guilty. That's because the defendant has no
16 burden of proof. All the way through this trial, you rose
17 your hand and swore that you would consider him innocent
18 and he will remain that way until you've heard all of the
19 evidence, deliberated in your jury room and convinced
20 yourself beyond a reasonable doubt that the State has
21 proven its case. That's the only time that you're allowed
22 to consider him as not innocent.

23 There's a guilty verdict and there's a not guilty
24 verdict. Not guilty isn't the same as innocent. A not
25 guilty verdict is they didn't prove their case. Those are

1 the two options. Either they proved their case or they
2 didn't prove their case.

3 Now, we don't expect a doctor to do brain surgery
4 and go part way, or to remove cancer and leave half of it
5 in. We expect him to be thorough, professional, and do
6 their job. And that's what you should expect the
7 investigation of this case to go like, a professional job.
8 We're talking about a murder case. That's as serious as it
9 gets. It ought to be done like a brain surgery, like a
10 heart surgery. And you're going to hear what happened in
11 this case.

12 Now, reasonable doubt, that's a legal term, we've
13 probably all heard it. But at the end of this case and at
14 the end of your deliberation, if you can come up with a
15 doubt, doesn't matter if it's a large, small, tall, fat,
16 short, a reasonable doubt, if you come up with a doubt
17 which you have a legitimate reason for, you gave an oath,
18 sitting in those chairs, that you're going to follow the
19 law and you have to find him not guilty. If you found a
20 doubt, a doubt that you could have a reason for, that's
21 reasonable.

22 I ask you to pay close attention. Listen to what
23 you hear and listen to what you don't hear. There's not
24 always a clear-cut picture. All the dots don't always
25 match up. But in a murder case, every effort should be

1 /made to try to get every bit of information to you before
2 you have to make that very important decision in this case.
3 I ask you to remember what I said about why people might be
4 saying what they're saying. Remember what I said about
5 when they said, what they said.

6 And again, I thank you for being on this case. We
7 both -- you watched as we both chose you because we thought
8 you could be fair and render a verdict according to your
9 oath in this case. And I think when you hear what was done
10 and what wasn't done and all the things that you just don't
11 get to know, that you will have a doubt and that you'll
12 find my client not guilty. Thank you.

13 THE COURT: All right. Madame Solicitor, you ready
14 to call your first witness?

15 MS. YOUNG: Yes, sir, Your Honor.

16 THE COURT: Proceed.

17 MS. YOUNG: The State calls Schantrika Carter.
18 She'll be in here in just a minute, Your Honor. She was
19 sequestered and they had to go get her.

20 (WHEREUPON Ms. Carter entered the courtroom.)

21 THE CLERK: Ma'am if you would come forward.

22 SCHANTRIKA CARTER,
23 having been duly sworn, testified as follows:

24 THE CLERK: Have a seat in the witness box, state
25 your full name for the Court, and spell your first and last

Schantrika Carter - Direct Examination by Ms. Young

1 name, please.

2 **THE WITNESS:** My name is Schantrika Carter. First
3 name is spelled, S-c-h-a-n-t-r-i-k-a, C-a-r-t-e-r, Carter.

4 **DIRECT EXAMINATION**

5 BY MS. YOUNG:

6 Q Thank you Ms. Carter. Are you a resident here if
7 Aiken County?

8 A Yes.

9 Q And how long have you lived here?

10 A All my life.

11 Q Do you have any children?

12 A I have two.

13 Q And one on the way?

14 A Yes.

15 Q Do you recall the date of October 1st, 2011?

16 A Yes.

17 Q And why do you recall that date?

18 A Because it was the day that, you know, one of my
19 friends had, you know, passed, got shot basically.

20 **THE COURT:** You need to speak up a little bit,
21 please, Ms. Carter.

22 **THE WITNESS:** Okay.

23 Because it was the day that one of my friends had
24 got shot, basically.

25 ///

Schantrika Carter - Direct Examination by Ms. Young

1 BY MS. YOUNG:

2 Q And when you talk about one of your friends, who
3 are you referring to?

4 A David Maple.

5 Q Did he have another name that you called him?

6 A Bounce.

7 Q Bounce?

8 A Bounce.

9 Q That was his nickname?

10 A Uh-huh.

11 Q Were you present when this took place?

12 A Yes, ma'am.

13 MS. YOUNG: Your Honor, may I approach the witness?

14 THE COURT: You may.

15 BY MS. YOUNG:

16 Q Ms. Carter, I'm going to show you what's been
17 premarked for identification purposes as State's Exhibit 29
18 and ask you if you recognize that?

19 A Yes, ma'am.

20 Q And what is it?

21 A It is a recording of the calling of when I called
22 9-1-1.

23 Q And prior to coming to court, have you had an
24 opportunity to listen to this recording?

25 A Yes, ma'am, I did.

Schantrika Carter - Direct Examination by Ms. Young

1 Q Okay. And what you listened to, does it accurately
2 reflect the call that you remember making on that night?

3 A Yes, ma'am, it does.

4 Q No changes to the call?

5 A No changes.

6 MS. YOUNG: Your Honor, at this time, we'd offer
7 State's Exhibit 29 into evidence and request to publish it
8 for the jury.

9 MR. GIBBONS: No objection, Your Honor.

10 THE COURT: All right. So admitted.

11 (WHEREUPON State's Exhibit 29 was entered into
12 evidence.)

13 (WHEREUPON the 9-1-1 call was played for the jury.)

14 BY MS. YOUNG:

15 Q Ms. Carter, I'm going to back up a little bit
16 before you called 9-1-1 that night and just ask you to
17 describe why you went to Dallas Circle that night.

18 A We were supposed to be going out.

19 Q What does that mean, going out?

20 A We were supposed to be going out to the club. It's
21 called the Baby Grams.

22 Q It's called what?

23 A The Baby Grams.

24 Q The Baby Grams?

25 A Uh-huh.

Schantrika Carter - Direct Examination by Ms. Young

- 1 Q G-r-a-m-s?
- 2 A Uh-huh.
- 3 Q And what time did you get to Dallas Circle that
- 4 night?
- 5 A Probably around 8:40 something.
- 6 Q And where did you go when you got there?
- 7 A I went straight to my grandmother's house.
- 8 Q Who's your grandmother?
- 9 A Mary Oakman.
- 10 Q And do you remember her exact address?
- 11 A No, not at the time.
- 12 Q Can you describe it for me?
- 13 A The address?
- 14 Q No, where she lived. We know the address.
- 15 Describe where she lived. What did it look like?
- 16 A It was a gray trailer. It was right beside my
- 17 father's. It was pink.
- 18 Q So --
- 19 A It had pink shutters and stuff.
- 20 Q Okay. Let me clarify. Your grandmother's trailer,
- 21 Ms. Mary --
- 22 A It was like grayish blue.
- 23 Q And it was located in one spot?
- 24 A Uh-huh, and my father's trailer which was right
- 25 beside hers.

Schantrika Carter - Direct Examination by Ms. Young

1 MS. YOUNG: Your Honor, may I approach the witness?

2 THE COURT: Yes, ma'am.

3 BY MS. YOUNG:

4 Q Ms. Carter, I'm going to show you this big thing
5 that's been premarked as State's Exhibit No. 28 and ask if
6 you recognize it?

7 A Uh-huh.

8 Q What is it?

9 THE COURT: I need you to say yes or no.

10 THE WITNESS: Yes, I recognize it.

11 BY MS. YOUNG:

12 Q Okay. And what is it?

13 A It is for the -- where Dallas Circle -- where we
14 were -- where they were staying.

15 Q This is what you've been talking about that night?

16 A Uh-huh.

17 Q Is it --

18 A Yes, ma'am, I'm sorry.

19 Q That's okay. This is a map picture of it?

20 A Uh-huh.

21 Q And this is what it looked like on the night in
22 question?

23 A Yes.

24 MS. YOUNG: Your Honor, at this point, we'd like to
25 offer State's Exhibit No. 28 into evidence.

Schantrika Carter - Direct Examination by Ms. Young

1 **MR. GIBBONS:** No objection, Your Honor.

2 **THE COURT:** So admitted.

3 (WHEREUPON State's Exhibit No. 28 was entered into
4 evidence.)

5 **MS. YOUNG:** And can she come down and testify about
6 it while it's up on the big screen?

7 (WHEREUPON the witness stepped down to stand by the
8 solicitor.)

9 **THE COURT:** You want her on the other side, Brenda?

10 **THE COURT REPORTER:** Yes, sir.

11 **THE COURT:** Ma'am, I need you to get on the other
12 side of this screen so that when you're talking, you're
13 talking back to the court reporter so we can make sure the
14 solicitor.

15 **MS. YOUNG:** Just stand right here

16 We are experiencing some difficulty. We'll just do
17 it the old fashioned way. It might be quicker.

18 **BY MS. YOUNG:**

19 **Q** All right. Ms. Carter, if you don't mind coming
20 and standing on this other side of this?

21 **A** Uh-huh.

22 **Q** Then -- okay. Point out on here, this is Dallas
23 Circle?

24 **A** Uh-huh.

25 **THE COURT:** Yes or no, please.

Schantrika Carter - Direct Examination by Ms. Young

1 THE WITNESS: Yes.

2 BY MS. YOUNG:

3 Q And where is the place you referred to that you
4 went that night. Can you point it out on here?

5 A Yes. It's right here.

6 Q And you're pointing to the trailer in kind of the
7 bottom corner?

8 A Yes, I am.

9 Q And that is referred to as Ms. Mary's trailer?

10 A Yes, my grandmother.

11 Q Okay. And where was your dad's trailer?

12 A It's right behind hers.

13 Q So all this stuff that you saw that night took
14 place generally where?

15 A Between these two trailers.

16 Q Between this one and this one in the blue and the
17 pink?

18 A Yes, uh-huh.

19 Q Okay. You can go back and sit on the witness
20 stand. Thanks.

21 (WHEREUPON the witness returned to the witness
22 stand?)

23 BY MS. YOUNG:

24 Q Ms. Carter, when you got in the location of Dallas
25 Circle that night, what was the first thing you did?

Schantrika Carter - Direct Examination by Ms. Young

1 A I went inside my grandmother's trailer. I had my
2 little girl and I had got her situated. And my
3 grandfather, I had asked him for a cigarette and he gave it
4 to me and I went straight out the back door and before I
5 could hit the bottom step, Bouncer had told me to put on a
6 jacket.

7 Q Let me just stop you and interrupt you so we make
8 sure we're following.

9 A Uh-huh.

10 Q You went inside your grandmother's trailer?

11 A Uh-huh.

12 THE COURT: Yes?

13 THE WITNESS: Yes, sorry.

14 BY MS. YOUNG:

15 Q And you got your baby situated?

16 A Yes, I did.

17 Q And then you said something about a cigarette?

18 A Yes.

19 Q And where did you go when you got that cigarette?

20 A I went out the back door.

21 Q And what happened then?

22 A Before I hit the bottom step, like I said David
23 Maple, which I call Bounce, he had asked me to put on a
24 jacket and I told him to mind his damn business, basically.

25 Q Was he commenting -- making some comment about what

Schantrika Carter - Direct Examination by Ms. Young

1 you were wearing?

2 A No, it was just a tank top and it was kind of
3 chilly and I just, like, sort of just had the baby so he
4 was a little concerned, I guess.

5 Q You say that this happened in between the two
6 trailers?

7 A Yes, between the two trailers.

8 Q Okay. And you said you called him Bounce?

9 A Yes, I did.

10 Q Is it common for your group of friends to use
11 nicknames?

12 A Yes, we all sort of, kind of have nicknames.

13 Q What's your nickname?

14 A Oh, I'm just Trika.

15 Q Just a short name of Schantrika?

16 A Yes.

17 Q So when you went outside and he told you to put the
18 jacket on, who else was outside?

19 A There were Amanda and her daughter, which were on
20 my father's porch and she had the computer, the laptop. I
21 guess she was listening to music. And there were also
22 Bounce, Tave and --

23 Q Okay. Slow down so we can be sure again. Bounce
24 is the victim, correct?

25 A Uh-huh.

Schantrika Carter - Direct Examination by Ms. Young

- 1 Q You said Tave?
- 2 A Uh-huh.
- 3 Q T-a-v-e?
- 4 A Yes.
- 5 Q And who's Tave?
- 6 A Octavia. I really don't know his last name like
- 7 that. I'm sorry, he's just a friend.
- 8 Q He's a different friend?
- 9 A Uh-huh.
- 10 Q And who else had got there?
- 11 A And there was another person, but I really didn't
- 12 see that person's face because they had on the black
- 13 hoodie, so I couldn't really tell you who that person was.
- 14 Q Okay. Was there anybody else out there?
- 15 A Yes. Tay was also out there.
- 16 Q And when you say Tay, who are you referring to?
- 17 A London Woods.
- 18 Q Wooden? The defendant in this case?
- 19 A Yes.
- 20 Q And you knew the people out there by their
- 21 nicknames?
- 22 A Yes.
- 23 Q And Tay is one London Wooden?
- 24 A Yes.
- 25 Q Correct?

Schantrika Carter - Direct Examination by Ms. Young

- 1 A Yes.
- 2 Q And Tave is somebody different?
- 3 A Yes.
- 4 Q So what was going on out there besides listening to
5 music?
- 6 A There wasn't really anything, like, we are just
7 conversating, talking. I had -- when I had -- when I got
8 off the bottom porch and I stepped, I was in the middle and
9 I had asked somebody for a light. It didn't matter who it
10 was, you know, and Tay, at that time had came towards me
11 and he had gave me a light. And I saw that he was looking
12 a little, you know, off the other side, he looked a little
13 drunk to me.
- 14 Q And you're referring to the defendant?
- 15 A Yes, Tay, as London Wooden.
- 16 MS. YOUNG: May I approach her, Your Honor?
- 17 THE COURT: Sure.
- 18 BY MS. YOUNG:
- 19 Q Ms. Carter, I'm going to show you what's been
20 marked as identification purposes, you can take them,
21 State's Exhibit 1, 2, and 3 and I'd ask that you take a
22 minute and look through each one and after you've looked
23 through each one, tell me if you recognize those?
- 24 A Yes.
- 25 Q Okay. And tell me what's shown in State's Exhibit

Schantrika Carter - Direct Examination by Ms. Young

1 1.

2 A It is shown my grandmother's house, the pole, and I
3 guess that's about it. A car is in the background it looks
4 like.

5 Q Does that appear to be the way it looked on the
6 night that we're talking about?

7 A Yes, ma'am.

8 Q Okay.

9 MS. YOUNG: Your Honor, at this time, we'd offer
10 State's Exhibit 1 into evidence.

11 THE COURT: Anything?

12 MR. GIBBONS: No objection.

13 THE COURT: No objection, so admitted without
14 objection.

15 (WHEREUPON State's Exhibit No. 1 was entered into
16 evidence.)

17 BY MS. YOUNG:

18 Q And go on and tell me if you can identify State's
19 Exhibit 2.

20 A Yes, it's the -- that's my grandmother's house and
21 my father's house.

22 Q And does that appear to be the same as it looked on
23 the night in question?

24 A Yes, ma'am, it is.

25 MS. YOUNG: Your Honor, at this time, we'd offer

Schantrika Carter - Direct Examination by Ms. Young

1 State's Exhibit 2 into evidence.

2 MR. GIBBONS: No objection.

3 THE COURT: So admitted.

4 (WHEREUPON State's Exhibit No. 2 was entered into
5 evidence.)

6 BY MS. YOUNG:

7 Q Take a look at State's Exhibit 3.

8 A It's the same.

9 Q And what is it?

10 A It's a half a shot of my grandmother's house and a
11 shot of my father's house, of the porch and everything.

12 Q Okay.

13 MS. YOUNG: Your Honor, at this time we'd offer
14 State's Exhibit 3 and ask that we be able to publish those
15 to the jury.

16 MR. GIBBONS: No objection.

17 THE COURT: So admitted.

18 (WHEREUPON State's Exhibit No. 3 was entered into
19 evidence.)

20 MS. YOUNG: And have her come back down and talk
21 about it, might make a little more sense.

22 THE COURT: You may step down, please, ma'am.

23 (WHEREUPON the witness stepped down in front of the
24 jury box.)

25 ///

Schantrika Carter - Direct Examination by Ms. Young

1 BY MS. YOUNG:

2 Q Ms. Carter, if you'll come over here, we'll try to
3 pull these up and see if our technology will work on the
4 big screen for you to talk about it.

5 Ms. Carter, we're looking at State's Exhibit 1;
6 correct?

7 A Yes, we are.

8 Q Okay. And tell the jury what that is.

9 A That would be a picture of my grandmother's house.

10 Q And can you show on here -- when you said you came
11 out, is the door you came out of shown on that picture?

12 A The back door? Yes, it's right here. It's right
13 there. It's a little dark back there.

14 Q And that's what you were referring to that you came
15 out of initially, the first thing that night?

16 A Uh-huh, when I went in the house and I put my baby
17 down, like I said, I had to ask my grandfather for a
18 cigarette and I went out of the back door.

19 Q And let's look at State's Exhibit No. 2. And what
20 is shown in that picture, Ms. Carter?

21 A That would be my grandmother's house and my
22 father's house.

23 Q And your father's house is which one?

24 A It's this one.

25 Q And you were referring to some steps earlier?

Schantrika Carter - Direct Examination by Ms. Young

1 A Uh-huh.

2 Q Are they shown in this picture?

3 A Yes, these are the steps.

4 Q Okay. And where were all the people that you
5 referred to in relation to this picture? Were they all
6 standing where you could see them in this picture?

7 A Yes. Yes, they were all standing. There was
8 Bounce, Tave, and the person that I did not see -- the
9 face -- they were standing around this pole. I was
10 standing beside the trailer; and Amanda, she was standing
11 up here with her computer and her daughter was kind of in
12 the doorway. And Tave, he was -- Tay, excuse me, he was
13 still on the bottom step right there.

14 Q And when you say Tay, you're referring to the
15 defendant?

16 A Uh-huh, yes.

17 Q And No. 3. All right. Is this just a different
18 angle of your dad's trailer?

19 A Yes, it's more closer, basically.

20 Q And again, where were the people standing?

21 A Amanda was standing right here with the laptop, her
22 daughter was standing inside the doorway and Tay was on the
23 bottom step at that time.

24 Q And when you say -- to make it simple, when you say
25 Tay, why don't you just call him the defendant because

Schantrika Carter - Direct Examination by Ms. Young

- 1 there's Tay and Tave.
- 2 A Yes.
- 3 Q Referring to the defendant?
- 4 A Yes.
- 5 Q Okay. Give me those back. I'm sorry to keep
- 6 getting you up and down.
- 7 A That's okay.
- 8 Q Was it dark?
- 9 A Yes, it was.
- 10 Q And was there a light on or --
- 11 A Yes.
- 12 Q -- was it really dark?
- 13 A The street light was -- the whole light that they
- 14 were standing around, that was a light.
- 15 Q The one that's -- it was in the first picture?
- 16 A Uh-huh, yes.
- 17 Q What happened after you got the light for your
- 18 cigarette?
- 19 A I kind of seen that -- like I said, the defendant
- 20 was drunk at that time, so I pushed him back with my right
- 21 hand and he -- at that time had walked around and he got on
- 22 the pole that was outside. It was a pole that was on the
- 23 ground at that time also; and he was standing up there.
- 24 Q And where was that pole located?
- 25 A It was in front of my dad's steps.

Schantrika Carter - Direct Examination by Ms. Young

- 1 Q And was it just like a log on the ground?
- 2 A Yeah, it was a log. It was a very long log.
- 3 Q And what did he do once he stood on the log?
- 4 A He was saying some stuff I really couldn't
- 5 understand because most of it sound like he was junk
- 6 talking.
- 7 Q Okay. Well, look at me and make sure so that the
- 8 jury can hear you.
- 9 A Yes.
- 10 Q Tell me what junk talking is?
- 11 A He was saying a lot of profanity, cuss words and
- 12 stuff like that.
- 13 Q And who was he saying that to?
- 14 A At that time, he was just saying it out of his
- 15 head, basically, because he wasn't really talking to
- 16 anybody specifically at that time.
- 17 Q All right. What's the next thing that happened?
- 18 A Tall Tave, he asked him for a -- some of his drink.
- 19 Q Who asked who?
- 20 A The defendant, he asked the defendant for some of
- 21 his drink.
- 22 Q So Tall Tave asked him for some of his drink?
- 23 A Uh-huh.
- 24 Q What happened next?
- 25 A He kind of shut him down and he was cursing --

Schantrika Carter - Direct Examination by Ms. Young

1 Q Now, let me do this, just to make it easier. So
2 you were there and you saw this, but for our sake when you
3 say he and he, kind of refer to them by their names --

4 A Okay.

5 Q -- so that we know who you're talking about. Okay?

6 A The defendant told him that he couldn't have any of
7 his drink and he was using cuss words. And then Bounce,
8 which was David Wood (sic), he asked the defendant for some
9 of his drink also and he also, you know, started flipping
10 out on him, you know, using cuss words, profanity,
11 saying -- and the last word I heard was him call Bounce a
12 pussy.

13 Q Okay. Let's back up. We need to be clear. Tall
14 Tave and the defendant had a conversation about what?

15 A Liquor.

16 Q And who was asking who --

17 A Tall Tave was asking the defendant for some of his
18 liquor.

19 Q Okay. He had liquor?

20 A Yes, he did.

21 Q All right. And then you said that the victim and
22 the defendant had a conversation about that too?

23 A Yes.

24 Q And what did you hear said?

25 A Basically what I had heard was him speaking outside

Schantrika Carter - Direct Examination by Ms. Young

1 of his head saying that --

2 Q Who are you referring to?

3 A The defendant.

4 Q Okay.

5 A The defendant was speaking outside of his head
6 saying that no one was there for him and stuff like that.
7 No one had his back; and Bounce, at that time, he was
8 saying some stuff, but it was really low, so I really
9 couldn't hear it. And the defendant at that time had
10 called Bounce a pussy. And then they had went to the
11 middle of the road where there's dirt at and they were
12 going to square off, which means they were going to fight.

13 Q Okay. Describe that a little bit more. They had
14 those words, that name was called and then what happened?

15 A Bounce asked the defendant to come to the road and
16 basically shoot the one, which means fight. But at that
17 time he had -- when they got in their little spots, they
18 were not close, face to face, or anything like that.

19 Q About how far apart were they?

20 A They were --

21 Q Can you estimate from where you are to somewhere in
22 here?

23 A I would have to say from me --

24 Q Tell me when I'm about the distance?

25 A Okay. You'll have to go back a little bit. They

Schantrika Carter - Direct Examination by Ms. Young

1 were right -- yes, that is it.

2 Q This is how far apart they were?

3 A Yes, yes, ma'am.

4 Q About -- I'm terrible at this, 10 or 12 feet?

5 A Yes, ma'am. I would say 10, 10 feet. I would say
6 10 feet.

7 Q All right. What was -- what was the next thing
8 that you saw?

9 A I saw Bounce. He had turned his back towards a
10 trailer, which Jersey at that time had lived in. Well, he
11 turned his back towards the defendant to look at the
12 trailer. As he was turning around slowly and he used words
13 as in, I'm not going to fight you because tomorrow we're
14 going to be best friends; I mean, well, we're going to be
15 cool again.

16 Q Who said that?

17 A That was Bounce words.

18 Q Now, you said they came out there to fight?

19 A Uh-huh.

20 Q But they didn't fight?

21 A No.

22 Q No physical fighting?

23 A No.

24 Q Did they ever get closer than 10 feet?

25 A No, no, they stayed in the same spot.

Schantrika Carter - Direct Examination by Ms. Young

1 Q What was happening?

2 A After he said what he had said, before he turned
3 all the way around --

4 Q Clarify. Who's he?

5 A Sorry. After Bounce said what he had said, he was
6 turning around slowly and that's when the defendant at that
7 time had took the gun out and he was shooting towards the
8 ground. It was a little silver gun. He was shooting
9 towards the ground and the gun started going up and that's
10 when I seen that Bounce was shot because he said, Oh shit.
11 He grabbed his stomach. One of his hands hit the ground
12 and he ran around my grandmother's house. And I ran after
13 him, but I didn't go all the way around because it was
14 dark, so I went through the front door.

15 Q Ms. Carter, let me just go back a little bit.

16 A Uh-huh.

17 Q You stated that they went out there to fight.
18 Physically fight, that was --

19 A Yes.

20 Q -- what you thought was going to happen?

21 A Yes, that's what I thought.

22 Q And -- but when they got out there, nothing
23 happened?

24 A No.

25 Q Just words?

Schantrika Carter - Direct Examination by Ms. Young

1 A Yeah, just words.

2 Q And what did the defendant say -- excuse me, what
3 did the victim say?

4 A He had said that he was not going to even fight,
5 that, you know the defendant, because of the simple fact
6 that they were going to be cool tomorrow.

7 Q Okay. And what was the next thing that you saw
8 exactly?

9 A I saw him turn around slightly and before I knew it
10 the gun -- he pulled out the gun and he start aiming it --

11 Q Who turned around?

12 A Bounce.

13 Q Okay.

14 A He slightly turned around. Not all the way.

15 Q Was he turning -- was he turning his back?

16 A No, he was turning back towards the defendant.

17 Q Okay. So he had already turned around?

18 A Well, he was. He didn't turn around yet. As he
19 was speaking those words, he was turning around.

20 Q Okay. Why don't you stand up and show us, exactly
21 what you mean. That will -- might be easier. You can do
22 it right there.

23 A Okay. The defendant is facing this way and here's
24 the trailer. And as he was speaking, he was saying, I'm
25 not going to fight you because we're going to be cool

Schantrika Carter - Direct Examination by Ms. Young

1 tomorrow. And that's how it happened?

2 Q Are you the victim or the defendant?

3 A I'm the victim.

4 Q Okay. And you're -- was he -- he was facing
5 towards the defendant when he was talking to him?

6 A Yes. Yes, when he turned around, then that's when
7 he said all that. The last word that came out of his
8 mouth, Because I'm not going to fight you because we're
9 going to be cool tomorrow.

10 Q So think -- were they facing each other; is that
11 right?

12 A Yes.

13 Q And then the victim started turning away? Is that
14 right? I'm not --

15 A No, the victim did not turn away. When he turned
16 around, that's when he pulled out the gun, after he said
17 what he said.

18 Q Who pulled out the gun?

19 A The defendant.

20 Q Where did he pull it out from?

21 A He pulled it out from in front of him, out of his
22 pants. Not out of his pants pocket, not out of the little
23 loop thing. No, he pulled it directly out of his pants.

24 Q It's just stuck in his pants?

25 A Yes.

Schantrika Carter - Direct Examination by Ms. Young

1 Q Okay. And --

2 THE COURT: You can just have a seat.

3 THE WITNESS: Okay. Thank you.

4 (WHEREUPON the witness resumed her seat in the
5 witness box.)

6 BY MS. YOUNG:

7 Q You said the victim was turning away from him at
8 that time?

9 A Yes.

10 Q I'm not trying to put -- I'm just trying to --

11 A No, its okay. He was not turning around. He was
12 already faced him after he had said what he had said to the
13 defendant.

14 Q Okay. And then you saw him pull the gun out. What
15 happened next?

16 A There was shots fired.

17 Q Okay. Who fired shots?

18 A The defendant fired shots at the victim.

19 Q Did the victim have a gun?

20 A No, he did not.

21 Q Did he have anything in his hands?

22 A No, he did not.

23 Q All right. And how many shots were fired, if you
24 know?

25 A There were about five or six fired that I heard of.

Schantrika Carter - Direct Examination by Ms. Young

- 1 I cannot be specific and say if there were five or six, you
2 know, exactly. I just know I heard five to six shots.
- 3 Q And what was the next thing that happened?
- 4 A After the victim got shot, he grabbed his stomach,
5 which was basically his side, and one of his hands had hit
6 the ground and he said, Oh shit; and he ran around the
7 trailer.
- 8 Q Okay.
- 9 A My grandmother's trailer, the front part of it.
- 10 Q When you say one of his hands hit the ground, what
11 does that mean?
- 12 A His right hand hit the ground.
- 13 Q Okay. And it --
- 14 A Yeah, it kind of dragged and he kind of just ran.
- 15 Q Does that mean -- did he stumble or something?
- 16 A Yes, it was kind of like a stumble, like he
17 couldn't believe that he, you know, just got shot,
18 basically.
- 19 Q All right. And what did he do after that?
- 20 A He ran around my grandmother's house and I don't
21 know exactly what happened after that because when I ran
22 after him, I didn't see him. So I ran through my
23 grandmother's front door.
- 24 Q Okay. Were you following the victim?
- 25 A Yes. I was yelling his name and he didn't even say

Schantrika Carter - Direct Examination by Ms. Young

1 anything, so I went in the front door and at that time

2 Erica was coming out of the bathroom.

3 Q All right. Let's slow down.

4 A Uh-huh.

5 Q All right. Can you do this, can you -- can we look
6 at 1 and 2 one more time? Can you come down one more time.

7 (WHEREUPON the witness left the witness stand.)

8 THE WITNESS: Uh-huh, sure.

9 BY MS. YOUNG:

10 Q All right. This is State's Exhibit 1.

11 A Uh-huh.

12 Q The place that they were standing out when they
13 went out in the road, is it -- can you see it on this
14 picture?

15 A Not really because it's too far.

16 Q Go to No. 2. How about in this picture?

17 A Yes.

18 Q Okay. Show -- point out where each one of them
19 was, if you can.

20 A Okay. The victim would be right here and the --

21 Q Parallel with the light pole?

22 A Yes.

23 Q But out more in the road?

24 A Yes.

25 Q Okay. What about the defendant?

Schantrika Carter - Direct Examination by Ms. Young

- 1 A The defendant, he would have been right here.
- 2 Q And that would have been sort of parallel with your
- 3 Dad's trailer?
- 4 A Uh-huh.
- 5 Q And out in the road?
- 6 A Yes.
- 7 Q And that's where they were standing when this
- 8 happened?
- 9 A Yes.
- 10 Q And where were you standing?
- 11 A At this time, I was standing still, like right
- 12 here; but then I had kind of jumped to -- you can't really
- 13 see it because it's behind the porch, but I had jumped to
- 14 over here.
- 15 Q You were first standing -- you pointed where?
- 16 A Right beside my grandmother's trailer.
- 17 Q And you jumped to where?
- 18 A Over here beside my dad's trailer.
- 19 Q And why did you do that?
- 20 A At this time, I couldn't really tell you why I did
- 21 it, it was just that type of feeling, like I just felt
- 22 like, you know, something was about to happen. I didn't
- 23 know exactly what -- I knew they were probably going to
- 24 fight and like -- when people fight, that actually -- they
- 25 get a little rough and they start going everywhere with

Schantrika Carter - Direct Examination by Ms. Young

1 that fight and I didn't want to be in -- you know
2 everywhere with that fight with them.

3 Q Right.

4 A So I kind of moved back.

5 Q When the defendant shot the victim, where did the
6 victim go?

7 A He went around my grandmother's trailer.

8 Q And you're pointing past the trailer, past the
9 light pole. Is the front door on the far side there?

10 A Yes, it's actually kind of sort of in front of this
11 car that's right here.

12 Q And where did you go after the shots were fired?

13 A I went through the front door.

14 Q You went from -- show us on here.

15 A I --

16 Q As far as what you're pointing at.

17 A I went from right here, from standing right here
18 from actually seeing them, but not -- they're not doing
19 anything yet -- to jumping to right here and after the
20 shots went off, I had ran -- I had ran past the log and
21 everything and I had sort of followed Bounce; and I was
22 calling out his name, which is the victim.

23 Q Okay. And you can go back and have a seat.

24 (WHEREUPON the witness returned to the witness
25 box.)

Schantrika Carter - Direct Examination by Ms. Young

1 BY MS. YOUNG:

2 Q Where did you go once you followed -- started
3 following the victim?

4 A I had -- like I said I had went inside of my
5 grandmother's house and I had went to check on my little
6 girl. I had done a little peep. But before I went to
7 check on her, like I said, Erica was coming out of the back
8 bathroom and she said that she heard shots.

9 Q Now, you can't say what someone else said, okay?

10 A Yes, okay.

11 Q Unless it's the defendant. You can talk about what
12 you saw.

13 A Uh-huh.

14 Q So you said you were going to take a peep at your
15 daughter, what does that mean?

16 A I was just checking on her to see if she was still
17 asleep, basically; and I went to the back door and as I was
18 going to the back door, Amanda had rushed in the back door
19 and she -- well, I can't say what she said, but as I looked
20 out the window, I seen --

21 Q Which window were you looking out of?

22 A The back window.

23 Q Was it in the door or is it a separate window?

24 A It's in a door. It's a diamond cut, it's in the
25 door.

Schantrika Carter - Direct Examination by Ms. Young

1 Q The door has a diamond cut window?

2 A Uh-huh.

3 Q What did you see when you looked out that window?

4 A I seen the defendant had a gun to the victim's
5 head.

6 Q Where was the victim at this point in time?

7 A He was on the corner of my dad's trailer, laying
8 down on the ground.

9 Q And how was he laying down on the ground?

10 A He was on his stomach.

11 Q Okay.

12 MS. YOUNG: May I approach, Your Honor?

13 THE COURT: You may.

14 BY MS. YOUNG:

15 Q All right. Ms. Carter, I'm going to show you
16 what's been marked as State's Exhibits 4, 5, and 6 and ask
17 you to take a look at them individually and tell me if you
18 can identify what's shown in those?

19 A I can. Yes.

20 Q What is shown in defendant's -- excuse me, State's
21 Exhibit No. 4?

22 A It is shown the sides of my grandmother and my
23 father's trailer and also the corner of my father's
24 trailer.

25 Q Is that how it looked the night this happened?

Schantrika Carter - Direct Examination by Ms. Young

1 A Yes, ma'am, it did.

2 MS. YOUNG: Your Honor, at this point, we would
3 offer State's 4 into evidence.

4 MR. GIBBONS: No objection.

5 THE COURT: So admitted.

6 (WHEREUPON State's Exhibit No. 4 was entered into
7 evidence.)

8 BY MS. YOUNG:

9 Q Ms. Carter, please describe what you see in State's
10 Exhibit 5.

11 A It is the backyard basically that my grandmother's
12 trailer and my father's trailer kind of share because it's
13 so small.

14 Q Okay. And is that how it looked on October 1st,
15 2011?

16 A Yes, it is.

17 MS. YOUNG: Your Honor, at this point, we'd offer
18 State's Exhibit 5 into evidence.

19 THE COURT: So admitted, thank you -- any
20 objections?

21 MR. GIBBONS: No, Your Honor.

22 THE COURT: So admitted.

23 (WHEREUPON State's Exhibit No. 5 was entered into
24 evidence.)

25 ///

Schantrika Carter - Direct Examination by Ms. Young

1 BY MS. YOUNG:

2 Q And State's Exhibit 6?

3 A This is the corner of my father's trailer where the
4 victim was laying on his stomach beside his trailer.

5 Q Is that how it looked the night this happened?

6 A Yes.

7 MS. YOUNG: Your Honor, at this point, I'd offer
8 State's Exhibit 6 into evidence.

9 MR. GIBBONS: No objection.

10 THE COURT: So admitted.

11 (WHEREUPON State's Exhibit No. 6 was entered into
12 evidence.)

13 MS. YOUNG: Your Honor, may we publish these and
14 may I ask her to come down one more time and describe what
15 she saw?

16 THE COURT: You may.

17 MS. YOUNG: Thank you.

18 (WHEREUPON the witness stepped down from the
19 witness box.)

20 BY MS. YOUNG:

21 Q Mr. Carter, which picture is this?

22 A This would be 4.

23 Q All right. And with regard to what you were
24 talking about that happened that night, what's significant
25 about these pictures and what can you see?

Schantrika Carter - Direct Examination by Ms. Young

1 A Really, there's nothing significant about it, yet.
2 It's still the same way before and after everything
3 happened.

4 Q Let me ask you this -- let me be more direct. Is
5 the back door in this picture?

6 A Yes.

7 Q Where is that?

8 A It's up these steps right here.

9 Q Okay. And the corner that you were to where the
10 victim fell, is that in this picture?

11 A Yes, it's right here.

12 Q The back corner of the pink trailer?

13 A Uh-huh.

14 Q And how about State's Exhibit 5?

15 A Yes. Everything is exactly the same.

16 Q Okay. And what is it?

17 A It's a bunch of junk if you ask me.

18 Q Where is that? What is it a picture of?

19 A It's the backyard of my grandmother and my father's
20 trailer.

21 Q All right. And how about State's Exhibit 6?

22 A This is the corner of my father's trailer and right
23 here is where Bounce, the victim, was laying after he had
24 fell or --

25 Q Which direction was he facing?

Schantrika Carter - Direct Examination by Ms. Young

1 A His head was facing this direction and his feet
2 were facing down there.

3 Q And you stated that he was on his stomach?

4 A Yes, I did.

5 Q Okay. And you can jump back up in that chair.

6 (WHEREUPON the witness returned to the witness
7 box.)

8 BY MS. YOUNG:

9 Q Ms. Carter, where was the defendant when you saw
10 the victim laying on the ground at that corner?

11 A He was placed over the victim's body.

12 Q And how was he placed over the victim's body?

13 A He's standing over him. He has both of his legs
14 spread and his knees are bent down and he has the gun
15 towards his head.

16 Q Okay. So he's straddling -- or the defendant -- I
17 mean the defendant has his foot on either side of the
18 victim?

19 A Uh-huh.

20 Q And --

21 **THE COURT:** Is that a yes?

22 **THE WITNESS:** Yes.

23 BY MS. YOUNG:

24 Q Is the gun touching him?

25 A Yes. Touching the back of his head.

Schantrika Carter - Direct Examination by Ms. Young

- 1 Q Where was the defendant's other hand?
- 2 A It was holding his neck, you know, sort of like he
3 was -- kind of -- I don't know how to say it.
- 4 Q He has one hand on his neck?
- 5 A Yes.
- 6 Q And where was the other hand?
- 7 A It was holding the gun to the back of his head.
- 8 Q Could you hear what they were saying to each other,
9 if they were saying anything?
- 10 A Yes, you could.
- 11 Q And what did you hear?
- 12 A I heard him tell the victim if he wasn't his best
13 friend he would shoot him -- well, kill him now.
- 14 Q And you -- is that the exact words as you remember
15 them?
- 16 A No, it was actually, if you weren't my home boy, I
17 would kill you now.
- 18 Q Okay. And what was the next thing that happened?
- 19 A I don't know exactly, but he got off of him real
20 quick and he ran.
- 21 Q Okay. When you say he got off of him, who are you
22 referring to?
- 23 A I mean the defendant. He had jumped off the victim
24 really fast and he ran around my grandmother's house.
- 25 Q Around the backside?

Schantrika Carter - Direct Examination by Ms. Young

1 A Uh-huh, the backside.

2 Q All right. And what were you doing at that point
3 in time?

4 A After I saw that the defendant had ran out of
5 nowhere, I opened the door and Amanda ran out and she got
6 her daughter and I was standing -- I wasn't standing
7 directly towards him, but I was standing some feet back and
8 I seen that the victim was trying to move with his knee --
9 with his elbows like he was trying to get up.

10 Q Let me ask you this, Ms. Carter. In the process of
11 all this happening, when did you call 9-1-1?

12 A When the defendant had the gun at the victim's
13 head.

14 Q And that was actually happening when you were on
15 the phone?

16 A Yes, it was happening as I was on the phone.

17 Q And you stated that after the defendant ran, he ran
18 back around --

19 A My grandmother's house.

20 Q Okay. Would it be fair to say that he was running
21 from that back corner, back to the front door that you
22 testified about earlier?

23 A Yes.

24 Q Just that general section?

25 A He was -- like I said, he was on the victim and I

Schantrika Carter - Direct Examination by Ms. Young

1 don't know what made him run, you know, but he hopped off
2 of the victim really fast and he ran, like toward the back
3 door where the corner of my grandmother's house is and he
4 ran around there.

5 Q So he didn't run in the back door?

6 A No. He ran around the trailer.

7 Q Around the backside? Or --

8 A Yes, the backside of the trailer.

9 Q All right. And after he ran, what was the next
10 thing that happened?

11 A I was on the phone with the police. They said that
12 they were going to be there and Jeremy and Tave, Tall
13 Tave -- they had came --

14 Q Who's Jeremy?

15 A Fats.

16 Q Who's Fats?

17 A Jeremy.

18 Q Okay. How did you know him? This was a friend of
19 yours?

20 A Yes.

21 Q And why would he have been there?

22 A Why would he have been there? They're best
23 friends, they're like --

24 Q All right. Did --

25 A -- brothers.

Schantrika Carter - Direct Examination by Ms. Young

1 Q Okay. Well, did he live there?

2 A Yes, he lived in the trailer behind my father's
3 trailer.

4 Q All right. So -- I won't make you get down again,
5 but using State's Exhibit 28 --

6 A Uh-huh.

7 Q I'm going to try to stand there -- you can hold it
8 if you can, so that the jury can see, just point out which
9 one?

10 A This is Jeremy's trailer and this is my father's
11 trailer; and his mother lives right behind my father's
12 trailer.

13 Q So there's three trailers kind of right on next to
14 each other?

15 A Uh-huh. Yes.

16 Q So it's like Jeremy, your dad and your grandma?

17 A Yes.

18 Q Okay. So Jeremy came down with Tave, which is the
19 other person that was out there?

20 A Uh-huh, yes.

21 Q And what did they do?

22 A They picked up the body and they took it towards
23 Jeremy's mother's car and they placed it in the back of the
24 car and they rode off very fast.

25 Q Okay. So they were taking the victim somewhere?

Schantrika Carter - Direct Examination by Ms. Young

1 A Yes, they were taking the victim to the hospital.

2 Q Okay. And are you able to say from about the
3 time -- or when you got to Dallas Circle that night to when
4 this happened, how much time went by?

5 A I would have to say -- it happened very fast. I
6 was probably outside for about 5 -- 5 seconds at the most
7 from everything just going very crazy.

8 Q So did this happen immediately after you got your
9 cigarette lit?

10 A Yes, it did. It really did.

11 Q And during that time this was going on, did you
12 have a chance to see the defendant clearly?

13 A Yes, I did.

14 Q And could you tell what he was wearing?

15 A Yes, he was wearing a blue jacket and I believe
16 some tan pants or they were either jeans. I don't want to
17 get them mixed up. I remember the blue jacket and his
18 shoes were gray with some type of orange designing in it.
19 It might have been an orange Nike check or something like
20 that.

21 Q What was the next thing that you did, Ms. Carter,
22 after you called 9-1-1 and the victim was taken away, what
23 was the next thing that you did?

24 A At that time the police had showed up.

25 Q And what did you do at that point in time?

Schantrika Carter - Direct Examination by Ms. Young

1 A They asked for the person who actually called 9-1-1
2 from a certain phone and I had stepped up and told them it
3 was me, and they had took a statement, and they wanted me
4 to talk more about it. Not about exactly, you know,
5 everything what happened, about what I wrote on the
6 statement. And I signed it and everything.

7 Q Let me back up a little bit. Before you gave the
8 statement to the police, did you tell them anything about
9 the defendant?

10 A I don't --

11 Q Where he was?

12 A Yes. I told them that he was in his house.

13 Q Okay.

14 A And where was his house.

15 A His house was two doors down from Jersey's house.
16 Well, there was Jersey's house and then --

17 Q If I get the map can you show me?

18 A Uh-huh.

19 Q I won't make you stand up. All right. Which one
20 did the defendant live in?

21 A I would have to say this is Jersey's house right
22 here and his house would be the one right here.

23 Q So you're talking about the trailer --

24 A Next to the trash can.

25 Q It's not next to the one you're talking about

Schantrika Carter - Direct Examination by Ms. Young

1 that's Jersey's, but the one --

2 A That's -- yes --

3 Q There's one in between it?

4 A Yes.

5 Q Okay. So this is the one -- there's kind of like
6 trees and shadow over it?

7 A Uh-huh, yes, ma'am.

8 Q Okay. And did you see what the police did after
9 you told them that?

10 A Yes, ma'am. They had went over there and I believe
11 they had got him.

12 Q Okay. Did you see the defendant shortly after
13 that?

14 A Yes, ma'am. The policeman had told me he wanted me
15 to identify --

16 Q Don't say what anybody said.

17 A -- the defendant.

18 Q You saw him -- the police had him?

19 A Yes.

20 Q And where was he?

21 A They first had him in handcuffs and they had took
22 him to the back of a truck, one of their trucks and after
23 that they had locked him up. I don't know what they were
24 doing to him exactly, but they had locked him up, they put
25 him in the back of a police car and he wanted me to -- the

Schantrika Carter - Direct Examination by Ms. Young

1 policeman wanted me to identify him and I couldn't do it by
2 myself. So my cousin at that time, Octavia, she walked
3 with me over there and he shined the light in his face so
4 he couldn't see who I was; and I told him that was him.

5 Q Okay. He was in the car at that time?

6 A The backseat of the car at the time.

7 Q And what about -- before you gave your statement,
8 did you tell the police anything about where evidence was
9 or --

10 A Yes, I did. I had told them that the gun was in
11 the backside of my grandmother's trailer, that he had
12 dropped after he ran behind her trailer.

13 Q Ms. Carter, were there a lot of people out there
14 talking to the police when they got there that night?

15 A There were a lot of people that showed up after the
16 fact, yes.

17 Q Okay.

18 A Talking to the police, I really can't tell you. I
19 really wasn't paying attention if they were talking to the
20 police. I know I was talking to the police.

21 Q And at the time that this happened how long had you
22 known the defendant?

23 A How long have I known him?

24 Q How long had you known him when this happened in
25 October of 2011?

Schantrika Carter - Direct Examination by Ms. Young

- 1 A I probably known him for about maybe a year or two.
- 2 Q Okay. So you had contact with him on many
- 3 occasions?
- 4 A No.
- 5 Q During the time?
- 6 A No, no.
- 7 Q Did you see him several times during the time that
- 8 you knew him?
- 9 A Yes.
- 10 Q I'm just talking about in general?
- 11 A Yes.
- 12 Q More than ten?
- 13 A Probably so. I really didn't hang out around
- 14 there. Sometimes when I did come, I probably stay a while
- 15 and then I just leave.
- 16 Q But you had had interactions with him, so that you
- 17 knew who he was?
- 18 A Yes.
- 19 Q At the time that this happened, Ms. Carter, let's
- 20 talk about -- you have some prior convictions on your
- 21 record, correct?
- 22 A Yes, ma'am.
- 23 Q Conviction for giving false information in 2007?
- 24 A Yes, ma'am.
- 25 Q Conviction for shoplifting in 2008?

Schantrika Carter - Direct Examination by Ms. Young

1 A Yes, ma'am.

2 Q And a conviction for giving false information in
3 2008?

4 A Yes, ma'am.

5 Q And a conviction for vandalism or illegal graffiti
6 in 2009?

7 A Yes, ma'am.

8 Q Regarding that last conviction, were you on
9 probation for that when this happened?

10 A Yes, ma'am, I was.

11 Q Okay. And was there anything about your probation
12 that was going on at the time this happened?

13 A Other than I stopped reporting, if that's what --

14 Q Let me -- you weren't reporting, you weren't doing
15 what you were supposed to when you were on probation?

16 A Yes, yes.

17 Q Okay. And what did probation do as a result of
18 that?

19 A They had issued out a warrant for me.

20 Q Was that in place at the time this incident
21 occurred?

22 A Yes, it was.

23 Q So you had a warrant out for you at that time?

24 A Yes, I did.

25 Q But you didn't tell the police that?

Schantrika Carter - Direct Examination by Ms. Young

1 A No, they didn't ask.

2 Q And you didn't offer?

3 A No.

4 Q And regarding --

5 MS. YOUNG: Beg the Court's indulgence for one

6 minute.

7 BY MS. YOUNG:

8 Q What did that illegal vandalism and graffiti --

9 what was that about?

10 A Kids having nothing to do on a night and basically

11 just getting theirself into trouble, basically.

12 Q What does that mean?

13 A They said on some of the vandalism that some of the

14 kids were writing gang signs.

15 Q But this is something you got charged for and you

16 pled guilty or got convicted of, right?

17 A Yes.

18 Q And what did you see happen? What involvement did

19 you have?

20 A I pled guilty to four of the stunts --

21 Q Okay.

22 A -- that were happening.

23 Q And what was done?

24 A There were some car paintings, basically, it wasn't

25 car paintings, they just sprayed over the windows and there

Schantrika Carter - Direct Examination by Ms. Young

1 were some stop signs and road. There was -- some words got
2 written in the middle of the road.

3 Q And this involved spray paint?

4 A Yes.

5 Q And there were other people involved in this,
6 correct?

7 A Yes.

8 Q And this happened two years before the shooting?

9 A This happened when I was 17, so, yeah.

10 Q So you were the only one that was considered an
11 adult out of the group?

12 A Yes.

13 Q Because you were 17?

14 A Yes.

15 Q All right. You said something about gang signs,
16 what was that about?

17 A Well, I guess some of the people that I was hanging
18 around with at that time, they were affiliated in gangs,
19 so --

20 Q Well, which ones? And who are you referring to?

21 A I would have to say Bloods.

22 Q Okay. You're talking about the Bloods gang?

23 A Yeah.

24 Q Okay. But who are you referring to that had an
25 affiliation with them?

Schantrika Carter - Direct Examination by Ms. Young

1 A Like I was saying, there were a couple of people.

2 Q If you know their names, you've got to tell me
3 because you're under oath and I'm asking you these
4 questions.

5 A There was name -- I don't know -- Nelson, K.K. --
6 there's a lot of kids I don't even remember their names.
7 So those were the main ones that I can actually tell you
8 about.

9 Q Okay. And were you in a gang?

10 A No, ma'am.

11 Q At the time the vandalism occurred, were you in a
12 gang?

13 A No, ma'am.

14 Q All right. And you were never in a gang?

15 A No, ma'am.

16 Q On this incident that you described that happened
17 in October of 2011, the shooting, that all took place in
18 Dallas Circle?

19 A Yes, ma'am.

20 THE COURT: You have anything else, Ms. Young? We
21 need to break for lunch.

22 MS. YOUNG: I have a little bit more, but it's fine
23 to stop, Your Honor.

24 THE COURT: All right. We're going to go ahead and
25 break for lunch, ladies and gentlemen. I ask y'all to be

Schantrika Carter - Direct Examination by Ms. Young

1 back here at 2 o'clock. Please do not discuss the case
2 while you're gone. As I told you, we're going to give
3 everybody an opportunity to offer everything they want to
4 offer before we begin any discussions. So y'all have a
5 nice lunch.

6 Mr. Whittle is the gentleman right here. He wasn't
7 here earlier. He'll show you where the jury room is and
8 how to get out and how to get back. We're going to have to
9 break this afternoon about 3 o'clock for the afternoon
10 because I have to be back in Columbia a little after 4
11 o'clock for something I've got to do there. So we won't be
12 here late this afternoon.

13 Y'all have a nice lunch and we'll see you back here
14 at 2 o'clock. Please be on time.

15 (WHEREUPON the jury left the courtroom at 1 o'clock
16 p.m.)

17 THE COURT: All right. Anything we need to take
18 up?

19 MS. YOUNG: No, sir.

20 THE COURT: We'll be back at 2 o'clock. Y'all have
21 a nice lunch and we'll see you at that time.

22 (WHEREUPON there was a pause in the proceedings.)

23 THE COURT: Brenda, put down there that I advised
24 the witness not to discuss her testimony with anyone while
25 we're at lunch.

Schantrika Carter - Direct Examination by Ms. Young

1 **THE COURT REPORTER:** Got it, thank you.

2 **THE COURT:** Thank you.

3 (WHEREUPON a recess for lunch was observed.)

4 **THE COURT:** Okay. Are y'all ready?

5 **MS. YOUNG:** Yes, Your Honor.

6 **MR. GIBBONS:** Yes, Your Honor.

7 **THE COURT:** All right. Bring the jury in.

8 (WHEREUPON the jury entered the courtroom at 2:05
9 p.m.)

10 **THE COURT:** Ma'am, I'm going to get y'all --
11 everybody move all the way down -- everybody but the
12 alternate, so we don't have people stepping over each
13 other.

14 All right. Ladies and gentlemen, one thing I
15 forgot to tell you this morning and I want to tell you now,
16 whenever we break or you go to lunch or you go home at
17 night, whatever, please don't do anything about -- if
18 there's something in the newspaper about it, don't read it.
19 Something on the radio, don't listen to it, something on
20 the TV, don't watch it. Again, we need to decide this case
21 on the facts that are presented, the evidence in the
22 courtroom other than anything else; so don't get on the
23 internet and do your own investigation, anything that's
24 mentioned in terms of locations, don't ride by the scene to
25 see what you can see.

Schantrika Carter - Direct Examination by Ms. Young

1 This case is solely based on the evidence in the
2 courtroom and not any independent investigation or inquiry
3 that you may make. So, please don't do that.

4 Now, you recall when we broke, the State was
5 examining this witness right here and they did not finish.

6 At this time -- so, Ms. Young, if you would, please
7 ma'am.

8 **MS. YOUNG:** Thank you, if it please the Court.

9 **DIRECT EXAMINATION - CONTINUED**

10 **BY MS. YOUNG:**

11 Q Ms. Carter, you stated -- or you testified a little
12 bit earlier about when the police got there and you said
13 something about you went and looked at it with Octavia?

14 A Uh-huh.

15 Q Can you explain -- you said something, you couldn't
16 do it, would you explain what you mean by that?

17 A I was really scared at that time, so I didn't feel
18 comfortable with walking over to the car by myself.

19 Q It had nothing to do with you knowing who he was?

20 A No.

21 Q Okay. And you knew him for several months or a
22 year before this date?

23 A Probably about -- I would say years. Probably
24 about two years, two to three. That's all I can tell you.

25 Q And so when you went over there with Octavia, what,

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 if anything, did you tell law enforcement?

2 A I told them that was the man. That was the boy
3 that shot the victim.

4 Q And the person that you've been calling Tay and the
5 defendant, is he present in the courtroom today?

6 A Yes.

7 Q Can you please identify him and say what he's --
8 describe what he's wearing for the record.

9 A He's sitting right there. He has a black suit on
10 with the blue tie that has the stripes in it.

11 MS. YOUNG: Your Honor --

12 THE COURT: Seated at the defense counsel table; is
13 that right?

14 THE WITNESS: Yes.

15 MS. YOUNG: Your Honor, at this time we'd ask that
16 the record reflect that this witness has identified the
17 defendant.

18 THE COURT: It does.

19 MS. YOUNG: The State has no further questions.

20 THE COURT: All right. Mr. Gibbons?

21 MR. GIBBONS: Thank you, Your Honor, may it please
22 the Court.

23 CROSS-EXAMINATION

24 BY MR. GIBBONS:

25 Q Ma'am, how old are you?

Schantrika Carter - Cross-Examination by Mr. Gibbons

- 1 A Twenty-three.
- 2 Q And where do you live?
- 3 A I live in North Augusta.
- 4 Q And did you grow up in North Augusta?
- 5 A No.
- 6 Q Where did you grow up?
- 7 A I grew up in Aiken, South Carolina.
- 8 Q You have family in the Dallas Circle Trailer Park,
- 9 right?
- 10 A Yeah. Yes, I do.
- 11 Q Grandma?
- 12 A Yes, and father.
- 13 Q And father?
- 14 A Uh-huh.
- 15 Q Anyone else? Mom?
- 16 A No. My aunty and that's about it that was in that
- 17 circle.
- 18 Q And you spent a lot of time over there at your
- 19 father's house growing up?
- 20 A Yes. And my grandmother's house, I did.
- 21 Q And your grandmother's. And you know everybody in
- 22 the -- that's not a big neighborhood, is it?
- 23 A No, it is not.
- 24 Q And you know pretty much who everybody is and where
- 25 they stay? .

Schantrika Carter - Cross-Examination by Mr. Gibbons

- 1 A Yes.
- 2 Q And you mentioned a bunch of people that were there
3 that night. Do they all live there?
- 4 A A bunch of people that was there that night?
- 5 Q Yes, ma'am.
- 6 A Do they live there?
- 7 Q Yes.
- 8 A Amanda and her daughter were actually living with
9 my father at the time -- and her kids. He was helping them
10 out at the time.
- 11 Q All right. Did Bounce live there?
- 12 A No, he did not.
- 13 Q What about big Tave?
- 14 A No, he did not.
- 15 Q And you said there was another guy, you didn't know
16 who he was?
- 17 A No, I did not.
- 18 Q He had a black hoodie?
- 19 A Uh-huh, yes.
- 20 Q And you never saw who he was or figured out who he
21 was the whole time?
- 22 A No, I did not.
- 23 Q Now, did you grow up with this little group?
- 24 A No, I did not.
- 25 Q You knew them all well?

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 A I knew them pretty well, but not very, very, very
2 well.

3 Q You hung out with them though?

4 A Yes.

5 Q And you knew them well enough that Bounce wanted to
6 tell you to get a jacket on, right?

7 A Yes.

8 Q You and him have anything personal going on?

9 A No.

10 Q But he felt comfortable enough to tell you what to
11 wear?

12 A Yes.

13 Q Now, you didn't mention Jeremy being there when you
14 told the solicitor who all was there that night?

15 A I said that the person that was in the hoodie might
16 have been Jeremy, but he didn't greet me like he would
17 normally greet me.

18 Q You told the solicitor that here today in court?

19 A No, no.

20 Q You didn't mention that part?

21 A No.

22 Q I believe you said there was somebody you didn't
23 know who -- they were -- they had --

24 A Yeah.

25 Q -- a hoodie on? But now you're saying maybe it's

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 Jeremy?

2 Q It could have been Jeremy.

3 Q Did you see Jeremy later on that night?

4 A No, I did not until after the shooting and

5 everything had went on. He had, like I said picked up

6 Bounce. Him and Tave, tall Tave had picked him up and

7 carried him to the car.

8 Q So at some point around the shooting, he showed up?

9 A Yeah, after the shooting.

10 Q So he wasn't there when the shooting happened?

11 A No, not that I can actually tell you.

12 Q All right. Now, you know -- you know London in the

13 this case, right?

14 A Yes.

15 Q You said you've known him for a couple of years?

16 A Yes.

17 Q Did he grow up in the Dallas Circle --

18 A No.

19 Q He hadn't been there very long, had he? A couple

20 of months?

21 A I really don't know how long he was there. I just

22 know that sometimes he would get seen and sometimes he

23 wouldn't be seen.

24 Q But he was --

25 A I know that --

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 Q You were one of the local people that was there all
2 the time?

3 A No, not like that.

4 Q Now, you know his mother?

5 A Yes.

6 Q It seems to me she used to stay with your daddy,
7 didn't she?

8 A Yes.

9 Q You didn't like that much, did you?

10 A I didn't really care.

11 Q Isn't it true that you made a fuss about it and
12 that she ended up having to move to another trailer back on
13 the other side of the trailer park?

14 A No, that's not true.

15 Q That's not true?

16 Do you remember having a conversation with her a
17 couple of weeks after this happened?

18 A No.

19 Q You don't remember running into her at the
20 laundromat?

21 A No.

22 Q Okay. Do you admit telling her that you're sorry,
23 you were just worried about your kids being safe and you
24 didn't really see everything they said you saw? Did you
25 tell her that?

Schantrika Carter - Cross-Examination by Mr. Gibbons

- 1 A No.
- 2 Q Did you ever have a conversation with her at all?
- 3 A The last time I had the conversation with her would
- 4 probably been when I was in North Augusta and I had -- me
- 5 and my sister and them, we were walking and she was in a
- 6 silver car with a guy and she was yelling for me; and I
- 7 didn't know who she was, so I kept walking and she had
- 8 asked about --
- 9 Q You can't say what she said, but you have talked to
- 10 her since this happened?
- 11 A Yeah, yeah.
- 12 Q And your grandmom is Ms. Oakman? Ms. Mary?
- 13 A Yes.
- 14 Q And isn't it true that she sells or gives people
- 15 liquor by the cup at her house?
- 16 A No.
- 17 Q That's not why everyone's hanging out there?
- 18 A No.
- 19 Q That's not why London had a drink in his hand?
- 20 A No.
- 21 Q But the pole was right there, right?
- 22 A Yes, the pole was there.
- 23 Q And that's where people hang out at the pole, don't
- 24 they?
- 25 A No.

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 Q No?

2 A Everybody hangs out everywhere. It's a -- you
3 know, it's a neighborhood.

4 Q So it's not a gathering place at the pole?

5 A No.

6 Q And it's not a gathering place at your grandma's
7 house?

8 A No, people just come over there.

9 Q Now, who is Fat? Is that a nickname you know?

10 A Fats?

11 Q Yes.

12 A He's a good friend of mine.

13 Q And what's his real name?

14 A Jeremy.

15 Q Jeremy what?

16 A McCracken.

17 Q He's a good friend of yours?

18 A Yes.

19 Q And did he live -- he lived in Dallas Circle,
20 right?

21 A Yes.

22 Q And isn't it true that most of the people that were
23 there were there with him?

24 A I can't really say that. Because, you know, people
25 just hang out. Everybody's good friends; basically, like,

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 some call this family, you know.

2 Q All right. And Tave, Big Tave, he was there that
3 night?

4 A Yes, he was.

5 Q And you said he didn't get involved in the fight,
6 correct?

7 A No, he did not.

8 Q And did he have a gun?

9 A I don't think he did. I'm not sure.

10 Q Did you hear anybody else shooting that night?

11 A No, I did not.

12 Q Did you see anybody else shooting that night?

13 A No.

14 Q Do you remember telling the officers that you saw
15 London shoot five times.

16 A Yes.

17 Q Do you remember talking later to Mr. Anderson
18 saying you didn't say you saw him shoot five times, you
19 heard five shots?

20 A Yes.

21 Q Which is it?

22 A I saw both and I heard both. That's just -- I was
23 there. I heard and I saw.

24 Q But when Mr. Anderson asked you if there was
25 anything you needed to correct in what you had told the

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 deputies --

2 A Uh-huh.

3 Q -- you wanted to clear that up, that you told them
4 that you heard five shots, but you didn't see five shots;
5 is that correct?

6 A I believe it might have been at that time. I was a
7 little shaken.

8 Q Yes, ma'am. And you're saying that London was
9 walking around that night, telling everybody, Nobody cares
10 about me; I don't got anybody?

11 A Yeah, he was mostly on that. He was talking a lot
12 of stuff. I can't really say what he was really actually
13 talking about because he wasn't really talking to anybody
14 until there were people asking him, you know, if they could
15 have some of his drink.

16 Q But he was whining nobody liked him, nobody cared
17 about him, no one has had back; isn't that what you said?

18 A Yeah. And something about Jersey.

19 Q So he wasn't -- he wasn't in the group of friends
20 that were there then? He wasn't part of that?

21 A He was standing there. When I walked outside, he
22 was out there with them.

23 Q All right. Now, let's jump to what you say
24 happened when the shooting took place. I think you stood
25 up and you said that the victim was already turned around

Schantrika Carter - Cross-Examination by Mr. Gibbons

- 1 and was turning back when he got shot?
- 2 A Yeah. The victim was facing him at first.
- 3 Q All right. Then he was saying --
- 4 Q Okay --
- 5 A -- I'm not going to even fight you --
- 6 Q He said that like this.
- 7 A -- we'll be friends tomorrow.
- 8 Q All right. I'm going to stand like he was. I'm
- 9 not going to fight you, we'll be friends tomorrow.
- 10 A Uh-huh.
- 11 Q And then he turned all the way around?
- 12 A Yes.
- 13 Q And then what happened?
- 14 A That's when London had took the gun out and, you
- 15 know, out of his front area.
- 16 Q Right.
- 17 A And he -- it looked like he aimed it towards the
- 18 ground, but as he was shooting, it went up and all I seen
- 19 was Bounce grab his side and one of his -- his right hand
- 20 touched the ground and he ran on around the trailer.
- 21 Q All right. Now, when you testified before, you
- 22 were standing up there and you kind of said you were
- 23 slightly turned?
- 24 A Uh-huh.
- 25 Q Is what you said.

Schantrika Carter - Cross-Examination by Mr. Gibbons

- 1 A Uh-huh.
- 2 Q So does that mean your back was completely to
- 3 London or he was kind of part way?
- 4 A He was kind of part way.
- 5 Q So almost --
- 6 A -- but turning around.
- 7 Q -- more sideways than straight back?
- 8 A Uh-huh.
- 9 Q Kind of how I'm looking at you right now?
- 10 A Yes. But he was still turning around.
- 11 Q This way?
- 12 A Yes.
- 13 Q So he was getting ready to face him again and got
- 14 part way and that's when he got shot?
- 15 A Yes.
- 16 Q So -- like -- from -- front of London to the side
- 17 of the victim?
- 18 A I would say he was turned around. He was
- 19 diagonally like you were, but when London pulled out that
- 20 gun --
- 21 Q He went to turn and find out what was going on?
- 22 A No, he didn't know that the gun was -- he didn't
- 23 even know he had a gun.
- 24 Q All right.
- 25 A You see how you are now?

Schantrika Carter - Cross-Examination by Mr. Gibbons

- 1 Q Yeah.
- 2 A Okay. By that time he had said what he was saying.
- 3 He was turning diagonally, but when London pulled out the
- 4 gun from in front of him --
- 5 Q Right.
- 6 A -- he was standing directly face forward.
- 7 Q All right. And when the bullets -- when the sounds
- 8 came, how was he standing? You said --
- 9 A He was standing.
- 10 Q -- forward -- you said sideways?
- 11 A Until, you know, I guess he realized he had got
- 12 shot and he grabbed his stomach, which was technically
- 13 almost to his side where he grabbed, but it was still his
- 14 stomach. So I thought he got shot in the stomach.
- 15 Q All right. So you're saying he was halfway around
- 16 when he got shot?
- 17 A No, I'm telling you that he was turning diagonally
- 18 when he was saying --
- 19 Q Okay. You're saying diagonally.
- 20 A Yes, like you're doing.
- 21 Q All right. My shoulder toward you?
- 22 A Yes.
- 23 Q And that's how he was standing when he got shot?
- 24 A No.
- 25 Q More towards the back or --

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 A No, he was standing --

2 Q -- more towards the front?

3 A -- in front.

4 Q Okay. You've confused me now.

5 A No, you're confusing me.

6 Q All right. Let's take it slow.

7 A Uh-huh.

8 Q They were talking like this, face to face?

9 A Uh-huh.

10 Q And then they stopped talking and Bounce turned

11 around at one point --

12 A Uh-huh. Facing Jersey --

13 Q -- he said something?

14 A -- house.

15 Q Right.

16 A Uh-huh.

17 Q And then --

18 A As he was speaking --

19 THE COURT: I want one of y'all talk one at a time.

20 MR. GIBBONS: As he was speaking, tell me where he

21 turned.

22 THE COURT: Mr. Gibbons, one at the time because

23 the court reporter can't get both of you at one time.

24 MR. GIBBONS: Yes, sir.

25 THE WITNESS: Okay.

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 BY MR. GIBBONS:

2 Q All right.

3 A Uh-huh.

4 Q He went to turn around?

5 A Uh-huh.

6 Q You say bang --

7 THE WITNESS: Yes.

8 BY MR. GIBBONS:

9 Q -- when we're at the right angle, okay?

10 A Repeat yourself, because I had said yes for him.

11 Q Okay. I'm going to turn like he did. When I get

12 to about the angle he was at when he got shot say stop,

13 okay?

14 A Stop.

15 Q That much facing London when he got shot?

16 A Yes.

17 Q All right. Thank you.

18 All right. When you -- when you gave -- you gave a

19 statement that night, correct? You wrote one out?

20 A Uh-huh.

21 Q For the officers?

22 A Yes.

23 Q And then you gave a statement -- later on someone

24 came to visit you from the solicitor's office and you

25 talked to them. A lady? Ms. Adams?

Schantrika Carter - Cross-Examination by Mr. Gibbons

- 1 A Yes.
- 2 Q And then you spoke with Mr. Anderson, correct?
- 3 A Yes, I believe so.
- 4 Q All right. Now, when you were talking to
- 5 Mr. Anderson were gangs brought up?
- 6 A I believe there was some gangs brought up.
- 7 Q And do you admit or not telling him that several
- 8 people that lived in the area were affiliated with gangs?
- 9 A He asked and I said yes.
- 10 Q Is that true?
- 11 A Yes.
- 12 Q And you talked about the Blood gang and the Folk
- 13 gang, correct?
- 14 A I believe it was more about the Folk, but yes.
- 15 Q And you told him you had been affiliated with gang
- 16 members, but you didn't consider yourself a gang member?
- 17 A Yes, I was friends with almost everybody.
- 18 Q And you talked about something that happened down
- 19 at Crosland Park. You said a bunch of kids playing around?
- 20 A Yes.
- 21 Q You were the oldest one there, weren't you?
- 22 A Yes.
- 23 Q And there were gang signs being painted down
- 24 through Crosland Park, correct?
- 25 A Yes.

Schantrika Carter - Cross-Examination by Mr. Gibbons

- 1 Q But you're not part of a gang?
- 2 A No.
- 3 Q Now, when the victim ran around behind the --
- 4 beside the trailer and you said you went in through the
- 5 trailer, different trailer. You got to the back door and
- 6 there was a diamond shape window --
- 7 A Uh-huh.
- 8 Q -- correct?
- 9 A Yes.
- 10 Q You didn't open the door, you looked through the
- 11 window?
- 12 A Yes.
- 13 Q And you said you were doing all this while you were
- 14 calling 9-1-1?
- 15 A Yes.
- 16 Q Now, we heard -- it took them a while to answer,
- 17 didn't it?
- 18 A Yes, it did.
- 19 Q And you were upset?
- 20 A Yes, I was because of the fact that it took so
- 21 long.
- 22 Q And a lot of people were hollering in the
- 23 background, weren't they?
- 24 A Yes, they were.
- 25 Q It was really noisy out there, wasn't it?

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 A Yes, it was.

2 Q And this is what you were doing as you were running
3 back to the back window? You were calling at the same
4 time?

5 A I was already at the back window when I had dialed
6 the number.

7 Q And everybody was freaking out because of what had
8 happened, correct?

9 A Yes.

10 Q A lot of hollering, crying, screaming?

11 A Yes, it was.

12 Q Did you hear any more shots?

13 A No, I did not.

14 Q Now, it's your testimony today that you're scared.
15 Inside that window, you got your phone out and called
16 9-1-1.

17 A Yes.

18 Q People are hollering in the background, correct?

19 A Yes.

20 Q And you're able to hear through the door, across
21 that little yard, someone talking to someone face to face.
22 That's your testimony?

23 A Yes, he was very loud when he said it.

24 Q So he was hollering?

25 A Yes.

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 Q And when this shooting took place, all the people
2 you mentioned that were standing around, were they still
3 standing around when it happened or had they left before
4 the shooting?

5 A First of all, I don't even know how all those
6 people even got to be because there was no one really out
7 there, but the people I had named.

8 Q But they were there when the shooting happened,
9 right?

10 A Yeah. The people that were out there --

11 Q The people you named?

12 A -- the ones who were in the house, those were other
13 people and I don't even know where they came from.

14 Q Well, I'm talking about when the shooting happened.

15 A Uh-huh.

16 Q The folks you named off, the four or five people
17 that were standing around out there?

18 A Yes.

19 Q They were all there when the shooting happened?

20 A Yes, and everybody had scattered.

21 Q But they were all there, they saw everything that
22 happened too, right?

23 A Yes.

24 Q Just as good as you did?

25 A Yes.

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 Q Did you hear what the other guys said to the victim
2 when they came up?

3 A The other guys?

4 Q You said some guys came up to him and helped him
5 get out and away after a few minutes.

6 A I said what?

7 Q Did you say David -- David didn't stay there until
8 the police got there, did he?

9 A No.

10 Q Didn't you say you saw somebody helping him or were
11 over by him after London left?

12 A Yes, there were Fats and Tall Tave. They had
13 picked him up and put him in the car.

14 Q Did you hear them saying anything to him?

15 A No.

16 Q I just heard Fats saying it's going to be okay.

17 Q And you're still inside at that point?

18 A No, I'm outside.

19 Q You came out --

20 A It's a couple of people outside now at this point.

21 Q All right. Now, I think you said when they said
22 they were going the go out and fight --

23 A Uh-huh.

24 Q -- that you moved to the other side of the little
25 yard because you didn't want to be around all that mess?

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 A Yes.

2 Q But then when the shooting took place, you ran
3 toward the shooting? You came toward the shooting? Toward
4 the victim?

5 A No, I was still standing in the same spot when the
6 shooting was going on and I had my cigarette lit.

7 Q So you didn't go forward then?

8 A No, I did not. I was actually stunned and shocked
9 and scared at the same time.

10 Q And is it your testimony the victim told London,
11 let's shoot the one?

12 A Uh-huh.

13 Q And this was --

14 THE COURT: Is that a yes?

15 THE WITNESS: Yes.

16 BY MR. GIBBONS:

17 Q And that was plain out in front of the everybody?

18 A Yes.

19 Q And that doesn't mean shooting somebody to you, I
20 guess?

21 A No, it means fighting. You call somebody a pussy
22 that's what it means. You know they're going to call your
23 bluff and see where you at, basically.

24 Q And shoot the one doesn't mean shoot it out?

25 A No. How can it possibly mean that if the person

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 didn't have a gun.

2 Q I'm just asking. Just a yes or no.

3 A No.

4 Q You say no?

5 A Well --

6 Q It just means fight, correct?

7 A Yes.

8 Q Thank you.

9 Did you remember telling the officers when they
10 came up that you didn't know the boy's name that did the
11 shooting?

12 A I believe I probably did say I didn't know his name
13 because I was shaken up?

14 Q But you did know his name?

15 A Yes, I did. I knew him as Tay.

16 Q And you knew where to send him -- you told them
17 where he went, right? Where he stayed?

18 A Yes.

19 Q But you didn't -- you told them you didn't know
20 their name?

21 A Yeah. I said he went to his mom's house. I
22 believe he ran to his mom's house.

23 Q And that's what you wrote in your statement.

24 Now, the solicitor was asking you about your prior
25 stuff you've had going on in your life.

Schantrika Carter - Cross-Examination by Mr. Gibbons

- 1 A Uh-huh, I mean, yes.
- 2 Q I want to be clear. You've been convicted twice of
- 3 lying to the police, correct?
- 4 A Yes.
- 5 Q And you had this thing that happened down at
- 6 Crosland Park too, right?
- 7 A Yes.
- 8 Q And isn't it true that at the time they were
- 9 questioning you in that yard that night, there was a
- 10 warrant out for your arrest?
- 11 A Yes, it was.
- 12 Q Had been for some time, right?
- 13 A Yes, it was.
- 14 Q Number of months, right?
- 15 A Yes, it was.
- 16 Q And after they let you go that night, did they run
- 17 your record that you knew of?
- 18 A I don't know.
- 19 Q They never even asked you did they?
- 20 A No.
- 21 Q And after that you didn't stick around, did you?
- 22 A Yes, I did.
- 23 Q You went with them and turned yourself in?
- 24 A No, I didn't go with them to turn myself in.
- 25 Q You end up getting picked up, didn't you?

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 A Yes, eventually.

2 Q About a year later, right?

3 A Eventually, yes.

4 Q So after that night when you gave that short
5 statement to the officer --

6 A Yes.

7 Q It wasn't very long, was it?

8 A No.

9 Q And you didn't give them all the information you
10 said here today, did you?

11 A No.

12 Q And that would take pages and pages, wouldn't it?

13 A Yes, it probably would.

14 Q All right. But after that night when you gave that
15 little short statement when was the next time anybody
16 talked to you about this case?

17 A Basically, I would probably say a year later when
18 they showed up at my doorsteps.

19 Q And would they --

20 A They didn't really talk to me about it, but they
21 had talked to me and we had an appointment set up for the
22 next day, but I didn't make that appointment and that night
23 I got locked up.

24 Q Okay. Now, did you put an address on your
25 statement the night this happened?

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 A I don't remember.

2 Q If I showed you a copy of it, would that refresh
3 your memory?

4 A Yes.

5 MR. GIBBONS: Your Honor, may I approach?

6 THE COURT: Yes.

7 THE WITNESS: Okay.

8 BY MR. GIBBONS:

9 Q Does that help you remember?

10 A Yeah.

11 Q All right. Did you give them an address that
12 night?

13 A I guess I did give them an address.

14 Q Do you remember what it was?

15 A No.

16 Q You want me to show again?

17 A Dallas Circle was the address I gave them? I
18 wasn't even staying in Dallas Circle.

19 Q All right. Let me let you refresh your memory?

20 A Okay. Thank you.

21 Q All right. Does that help you?

22 A Yeah.

23 Q All right. What address did you give them?

24 A I gave them [REDACTED] Metz Drive.

25 Q Is that where you were living then?

Schantrika Carter - Cross-Examination by Mr. Gibbons

1 A Yes, North Augusta.

2 Q And how long after this happened did you live
3 there?

4 A I lived there -- I'm still living there basically.

5 Q So if they wanted to come back and talk to you
6 about this again, they had your address, right?

7 A Yes.

8 Q They could have come to your door?

9 A Yes.

10 Q And you would have talked to them?

11 A Yes.

12 Q But they never did, did they?

13 A No.

14 MR. GIBBONS: Beg the Court's indulgence.

15 THE COURT: All right.

16 BY MR. GIBBONS:

17 Q All right. I'm just about done. I know you're
18 ready to be done.

19 I'm just going to ask you one more question.

20 A Ask away.

21 Q Are you part of any gang?

22 A No.

23 MR. GIBBONS: Nothing further.

24 THE COURT: Anything in redirect?

25 MS. YOUNG: Very briefly, Your Honor.

Schantrika Carter - Redirect Examination by Ms. Young

REDIRECT EXAMINATION

BY MS. YOUNG:

Q Ms. Carter, you stated that when somebody came to talk to you about this a year later, they did find you and you did make an appointment to talk to them?

A Yes.

Q But you didn't make the appointment?

A No.

Q Because?

A I didn't have a babysitter for my little girls.

Q Okay. And then -- so what happened?

A I don't know if I tried to call them or I probably didn't, but the next night they came and picked me up for a warrant.

Q They?

A The police, the North Augusta policeman.

Q So they finally got you once they figured out that's where they came and looked for you and came and picked you up on that warrant?

A Yes.

Q And this is the same warrant that you had the night this happened?

A Yes.

Q But you still talked to the police knowing you had that warrant at the time?

Schantrika Carter - Redirect Examination by Ms. Young

1 A Yes.

2 Q And just to clarify, I won't ask you to do the
3 motions again, but once the defendant shot Bounce, where
4 did Bounce go?

5 A He ran around the trailer, the front of the
6 trailer. My grandmother's trailer.

7 Q So he ran around past the front door?

8 A Uh-huh.

9 Q And you stated you followed him?

10 A I followed him until I got to the steps because it
11 was -- like I said, it was dark and I really didn't have no
12 idea where London had went.

13 Q And was the defendant -- he'd done the shooting and
14 then you followed him; is that what happened?

15 A Yes, that's after he done the shooting and I had
16 followed him.

17 Q So the shots happened and then stopped?

18 A Uh-huh.

19 Q And then you followed --

20 A From what I know.

21 Q -- him?

22 A All I seen is -- I seen him shoot him and I seen
23 him run around the house like I said, the trailer. And I
24 went inside and I didn't hear any other shots other than
25 what I had saw and heard from that shooting.

Schantrika Carter - Recross-Examination by Mr. Gibbs

1 Q Okay. And you stated that the defendant had the
2 gun pointed at the ground?

3 A No, he had -- well, when he first -- when he was
4 first shooting at him, yes, it was pointing towards the
5 ground.

6 Q But let me ask you this, was it pointed towards the
7 ground where the victim was standing?

8 A Yes.

9 MS. YOUNG: No further questions.

10 THE COURT: Anything?

11 **RECROSS-EXAMINATION**

12 BY MR. GIBBONS:

13 Q After the defendant left the area, did you ever
14 here of him again that night?

15 A No, I didn't.

16 MR. GIBBONS: Nothing further.

17 THE COURT: All right. Thank you, ma'am, you may
18 step down.

19 MS. YOUNG: May she be excused from her subpoena?

20 THE COURT: She may.

21 MS. YOUNG: The State calls Sargent Shannon
22 Sturgill.

23 Your Honor, may we approach?

24 (WHEREUPON, there was a bench conference out of the
25 hearing of the jury and the Court Reporter.)

Shannon Sturgill - Direct Examination by Ms. Young

1 **THE CLERK:** Would you please come forward.

2 **SHANNON STURGILL,**

3 having been duly sworn, testified as follows:

4 **THE CLERK:** Have a seat in the witness box. State
5 your full name for the Court, spelling your last, please.

6 **THE WITNESS:** My name is Shannon Sturgill,
7 S-t-u-r-g-i-l-l.

8 **DIRECT EXAMINATION**

9 **BY MS. YOUNG:**

10 **Q** You're employed with the Aiken County Sheriff's
11 Office?

12 **A** I am.

13 **Q** And what is your rank?

14 **A** I am sergeant.

15 **Q** How long have you been employed in law enforcement?

16 **A** Going on six years now.

17 **Q** So you were employed with Aiken County on October
18 1st, 2011?

19 **A** I was.

20 **Q** And at that point in time, were you a sergeant
21 then?

22 **A** I was a corporal at that time.

23 **Q** And what's the difference?

24 **A** The -- basically the ranking goes road deputies,
25 which are your regular police officers; then your

Shannon Sturgill - Direct Examination by Ms. Young

1 corporals, which are training officers; and then sergeant,
2 which is where I'm at now. I'm a supervisor.

3 Q And you were on duty on October 1st, 2011?

4 A Yes, I was.

5 Q Did you have an opportunity to respond to a call at
6 Dallas Circle?

7 A I did.

8 Q What type of call was that?

9 A It was a -- it went out as a shooting incident.

10 Q And do you recall where you were when you got the
11 first call to respond to Dallas Circle?

12 A We were in the area of USC Aiken.

13 Q USC Aiken?

14 A USC Aiken, yes.

15 Q And who were you on patrol with that night?

16 A Myself and Deputy Busbee.

17 Q All right. Do you have in-car videos in your
18 patrol cars?

19 A We do.

20 Q And do you know whether or not yours was
21 functioning that night?

22 A My video was recording, but my audio was not for
23 whatever reason.

24 Q And how about Deputy Busbee's?

25 A Deputy Busbee's was recording video and audio

Shannon Sturgill - Direct Examination by Ms. Young

1 during the event.

2 Q And have you had an opportunity to review Deputy
3 Busbee's in car?

4 A I have.

5 MS. YOUNG: May I approach, Your Honor?

6 THE COURT: You may.

7 BY MS. YOUNG:

8 Q I'm going to show you what's been marked for
9 identification purposes as State's 31 and ask if you
10 recognize that?

11 A Yes.

12 Q And what is it.

13 A It's the video from Deputy Busbee's vehicle.

14 Q And have you had an opportunity to review that?

15 A I have.

16 Q And up to a certain point where it cuts off, is it
17 otherwise a fair and accurate depiction?

18 A Yes, it is.

19 MS. YOUNG: Your Honor, at this time we would offer
20 State's 31 and request to publish.

21 MR. GIBBONS: No objection.

22 THE COURT: All right. You may do so -- so
23 admitted.

24 (WHEREUPON State's Exhibit No. 31 was entered into
25 evidence.)

Shannon Sturgill - Direct Examination by Ms. Young

1 BY MS. YOUNG:

2 Q You would have been Deputy Busbee's supervisor
3 somewhat?

4 A I would have been -- you could consider that, yes.
5 I would have been the ranking officer on scene.

6 Q You weren't training him, but you were ranking him?

7 A Correct.

8 (WHEREUPON the video was played for the jury.)

9 THE COURT: Is that it?

10 MS. YOUNG: That's it for the video. I still have
11 more questions for him. Do you want me to stop at this
12 point?

13 THE COURT: You've got about five minutes.

14 BY MS. YOUNG:

15 Q Sergeant Sturgill, briefly describe how many
16 deputies would be on duty at any -- during a shift?

17 A At any given time, we have anywhere from one to
18 fifteen deputies on duty, including supervisors now.

19 Q And how did the assignments work? Are you assigned
20 a --

21 A We're assigned zones. Each part of the county is
22 separated into zones. For example, our zone one is North
23 Augusta and then it goes so on and so forth throughout the
24 county.

25 Q And Dallas Circle, is that in Aiken County?

Shannon Sturgill - Direct Examination by Ms. Young

1 A It is.

2 Q And which zone is that in?

3 A It's considered Zone 4. It's also called the
4 Northside of Aiken zone.

5 Q That was where you were assigned?

6 A I was actually what they call floating. I was
7 floating that particular night, which meant I just kind of
8 roamed the county wherever it's busy. I just happened to
9 be with Deputy Busbee in the Zone 4 area, the Northside of
10 Aiken because we had just done a walk through, with Chief
11 Lyles at University of South Carolina at Aiken for a mixer
12 they were having that night. He wanted to make sure we
13 were familiar with what they had going on, which is why I
14 happened to be at that location.

15 Q And how does it work? It seems like it took you a
16 long time to get there.

17 A Uh-huh.

18 Q And why would that be?

19 A It's just traveling distance. Even though you're
20 running lights and siren, you've still got to show due
21 regard for everybody else that's on the road. You're still
22 mindful of traffic conditions. You're still mindful of who
23 might be on the road. Even though we're running lights and
24 sirens, people get kind of mesmerized by our lights. So we
25 have to be very careful even though we're driving quickly,

Shannon Sturgill - Direct Examination by Ms. Young

1 we still have to show some due regard getting to the scene
2 and. . .

3 Q And how is it decided to who responds to a
4 location?

5 A This -- calls like this are called tone calls.
6 They will drop a specific tone which means it's an
7 emergent-time call. Usually our shootings, robberies in
8 progress, major calls that could cause, obviously loss of
9 life or loss of major property, basically everybody in that
10 particular area -- and we split the county up into east and
11 west. The west end of the county is kind of split by the
12 bypass. Everything from the Hitchcock Parkway toward the
13 Savannah River is considered the west. Everything back
14 towards Aiken is considered the east. Depending on where
15 the event occurs, as to who responds, but usually it is --
16 east to the west -- is how we consider it.

17 Q So for that type of -- you called it a tone call?

18 A Yes.

19 Q And why is it called that?

20 A Because they will drop -- there's a tone that's a
21 very loud and audible tone that they drop that gets
22 everybody's attention. They broadcast it over the radio.
23 It's usually three times, very loud BBB, so you know to
24 stop what you're doing and pay attention to what they're
25 about to tell you.

Shannon Sturgill - Direct Examination by Ms. Young

1 Q And everybody would respond to that type of call,
2 even though it was not your zone?

3 A Correct.

4 Q And but you and Deputy Busbee just happened to be
5 the first crew --

6 A That is correct.

7 Q -- there?

8 A We were closest.

9 Q And can you describe Dallas Circle?

10 A Dallas Circle is a very -- it is a small trailer
11 park. It has two entrances. It's a dirt drive. It
12 basically -- it makes a loop. It will kind of horseshoe
13 back on itself and there's just a handful of trailers that
14 are on the outside skirts of this particular drive.

15 MS. YOUNG: May I approach the witness, Your Honor?

16 THE COURT: You may.

17 BY MS. YOUNG:

18 Q Sergeant Sturgill, I'm going to show you State's
19 Exhibit 28, which has already been entered into evidence
20 and if you can on there, orient yourself and point out to
21 the jury where you responded to that day -- or that night?

22 A This is an entrance -- this is Pipeline Road here.
23 If you can see it. This is Dallas Circle, the loop that
24 I'm talking about. We actually responded to this corner
25 right here and it's going to be these two trailers, kind of

Shannon Sturgill - Direct Examination by Ms. Young

1 where the incident itself occurred; and then we found him
2 in this area right here. I believe it was in this far
3 trailer here where they said he was located and at this
4 location. But the incident occurred somewhere, basically
5 in this area right here in the corner, which we've
6 responded to a quite a bit in that corner.

7 Q Okay. Let me ask you this. Can you describe
8 the -- what was going on? I mean -- how would you describe
9 the containment of that scene and your abilities to do
10 that?

11 A It's -- the coming and going as far as -- when we
12 arrive on a scene -- you're going to a shooting incident.
13 Obviously, we're on kind of a high alert because we don't
14 know what's going on, but we do know somebody has a gun --
15 at least a gun. But if you notice on the video, we pull
16 up, people are just walking about. You know, they just --
17 and that's -- unfortunately for this part of Aiken County,
18 that's not unusual. When we show up on scenes nobody wants
19 to talk to us, everybody -- nobody's seen anything, nobody
20 knows anything; and it's foot traffic in that area, but as
21 far as vehicle traffic, there's no vehicle traffic coming
22 and going. Just the foot traffic that you see on the
23 video.

24 Q Did you have other agencies responding to this
25 incident?

Shannon Sturgill - Direct Examination by Ms. Young

1 A Yes, Aiken Department of Public Safety showed up
2 and South Carolina Highway Patrol had officers that showed
3 up.

4 THE COURT: All right. We're going to have to
5 break at that point.

6 Ladies and gentlemen, I'm going to turn you loose
7 and ask you to be back here tomorrow. We're going to start
8 at 9:30. Please do not discuss the case with each other or
9 with anyone else while you're gone tonight. Please do not
10 do any investigations. Don't read the papers, don't do
11 anything other than come back tomorrow prepared to work
12 tomorrow towards the completion of the case. Y'all --

13 THE BAILIFF: What time?

14 THE COURT: I want them back here -- we're starting
15 at 9:30, so y'all have a nice afternoon. Thank you very
16 much and we'll see you tomorrow morning.

17 (WHEREUPON the jury left the courtroom at 3:03
18 p.m.)

19 THE COURT: All right. Deputy, don't discuss your
20 case with anybody about your testimony while we're gone
21 tonight and we'll start up first thing at 9 :30 in the
22 morning with you.

23 THE WITNESS: Yes, sir.

24 THE COURT: All right. Y'all have a nice afternoon
25 and we'll see you tomorrow morning.

1 MS. YOUNG: Thank you, Your Honor. We'll see you
2 in the morning.

3 (WHEREUPON Court was in recess until the following
4 morning.)

5 THE COURT: Let's bring the defendant in if we
6 could, please.

7 (WHEREUPON the defendant was brought into the
8 courtroom.)

9 THE COURT: This juror's name is -- Mariquis
10 Edwards is the juror? Is that correct? Is that right?

11 MR. GIBBONS: I'm sorry, Your Honor.

12 THE COURT: Mariquis Edwards is the juror?

13 MR. GIBBONS: Would you like the officer out here
14 too?

15 THE COURT: You talking about the -- I don't know
16 why I need her.

17 Are they bringing him in?

18 MR. GIBBONS: That's her.

19 THE COURT: Ms. Callahan, are you the only one here
20 from the detention center?

21 THE OFFICER: No, I have one other guy here.

22 THE COURT: It's come to our attention that you may
23 be related to one of the jurors?

24 THE OFFICER: Yes, sir.

25 THE COURT: So that may affect what we do in

1 this -- I was advised this morning by the State and the
2 defense counsel that one of the jurors in this matter,
3 Mr. Mariquis Edwards is related as a cousin to
4 Ms. Callahan, who is employed with the Aiken Detention
5 Center; and in jury qualifications yesterday, one of the
6 questions was are you related to anybody that may be in law
7 enforcement. I don't know that Mr. Edwards may have
8 considered his cousin in law enforcement, but Mr. Gibbons
9 has indicated that his client has no objection with going
10 forward with this juror, but the Court thinks it should
11 just make an inquiry of this juror just to make sure --

12 So can we bring in Mr. Edwards, please.

13 (WHEREUPON the juror was brought into the
14 courtroom.)

15 THE COURT: Mr. Edwards, you can stand right there
16 if you would, please, sir. I've gotten information this
17 morning that you are related as a first cousin, a
18 Ms. Callahan who is employed at the Aiken County Detention
19 Center.

20 THE JUROR: Yes, sir.

21 THE COURT: All right. I made an inquiry yesterday
22 is the jury or anybody related to anybody that may be in
23 law enforcement; and of course, I don't remember you making
24 any --

25 THE JUROR: I didn't even think about it.

1 **THE COURT:** All right. Well, let me ask you, the
2 fact that your first cousin is employed with the Aiken
3 County Detention Center, would that prevent you from being
4 fair and impartial in this case.

5 **THE JUROR:** No.

6 **THE COURT:** You believe that you can serve and give
7 both the State and the defendant a fair and impartial
8 trial?

9 **THE JUROR:** Yes, sir.

10 **THE COURT:** All right. If you'll step back.

11 (WHEREUPON the juror left the courtroom.)

12 **THE COURT:** All right. Anything from the State?

13 **MS. YOUNG:** No, sir, he seemed like he really
14 didn't think about it and said he could be fair.

15 **THE COURT:** Anything from the defendant?

16 **MR. GIBBONS:** No, Your Honor. My client concurs
17 with not making an issue with this. I don't want to tell
18 the Aiken County jail to run their business, but if y'all
19 think it may prove to be some problem, I would ask
20 Ms. Callahan if she would probably not be in the courtroom.
21 Would that be a huge thing for y'all?

22 **THE OFFICER:** Either way. I'm going to be either
23 back there or in here.

24 **THE COURT:** If you didn't work in here would that
25 be a problem. Just stay back there and trade places?

1 **THE COURT:** Is that something y'all would like?

2 **MR. GIBBONS:** That would probably be the safest
3 thing.

4 **THE COURT:** All right. Mr. Wooden, you've had a
5 chance to confer with your attorney on this matter?

6 **THE DEFENDANT:** Yes, sir, Your Honor.

7 **THE COURT:** Well, the Court believes that
8 Mr. Edwards has indicated he can be fair and impartial and
9 is not going to do anything that would be bias or prejudice
10 to either the State or the defendant. And of course, the
11 Court thinks that's appropriate in this matter, but I will
12 see to, at the request of your attorney -- Ms. Callahan,
13 I'm not casting any aspersions on you, I just think it
14 might be a little easier in appearance if we let you stay
15 in the back and somebody else stay out here.

16 **THE OFFICER:** All right.

17 **THE COURT:** All right. We will do that and I'm
18 going to find that the juror can be fair and impartial.
19 He's indicated he can and that wouldn't affect any decision
20 he would make in this case and we'll allow him to continue
21 to sit as a juror.

22 **THE COURT:** Is the State ready to go this morning?

23 **MS. YOUNG:** Yes, sir, Your Honor.

24 **THE COURT:** All right. Mr. Gibbons, y'all ready to
25 go?

1 MR. GIBBONS: We are, Your Honor.

2 THE COURT: All right. Bring the jury in.

3 MS. YOUNG: Is it all right if the sergeant gets
4 back on the stand?

5 THE COURT: Oh, yes, sir. Come on back up here if
6 you would, please.

7 (WHEREUPON the jury entered the courtroom at 9:50
8 a.m.)

9 THE COURT: All right. Good morning, ladies and
10 gentlemen. I hope y'all had a nice evening. I'm sorry to
11 keep y'all waiting, but we had a couple of matters we had
12 to take up before we proceeded this morning. And before I
13 turn this matter back over to the solicitor to continue her
14 direct examination of the sergeant here, I need to ask
15 y'all a couple of questions.

16 Anybody have any conversation about this case,
17 discuss it in any way? Were you approached by anybody to
18 discuss the case since we left yesterday?

19 THE JURORS: No.

20 THE COURT: Anybody read anything about this case,
21 listened to anything about this case, watched anything
22 about this case, or do your own investigation about this
23 case since we left yesterday?

24 THE JUROR: No.

25 THE COURT: All right. Good. Ladies and

Shannon Sturgill - Direct Examination by Ms. Young

1 gentlemen, you'll recall when we did break that the State
2 was -- the solicitor was examining her witness here and I
3 will ask --

4 Are you ready to proceed, Ms. Young?

5 MS. YOUNG: Yes, sir, Your Honor.

6 THE COURT: All right. If you would.

7 MS. YOUNG: Thank you.

8 DIRECT EXAMINATION - CONTINUED

9 BY MS. YOUNG:

10 Q Sergeant, I believe I was asking you about other
11 agencies assisting you?

12 A Yes, ma'am.

13 Q And you stated what?

14 A Aiken Public Safety and South Carolina State
15 Highway Patrol assisted.

16 Q And is that common for this type of case?

17 A For this type of incident, it is.

18 Q And I think we had gotten you to the scene and --
19 is that correct?

20 A Yes, ma'am.

21 Q You arrived at the scene and you were evaluating
22 the situation and you were approached by a potential
23 witness in the case?

24 A I was. I was approached by Ms. Carter. Schantrika
25 Carter.

Shannon Sturgill - Direct Examination by Ms. Young

1 Q And did she provide a description of the individual
2 that was a possible suspect?

3 A She did. She described a black male in a light
4 blue coat, a dark shirt, blue jean shorts and gray shoes.

5 Q And what, if anything, did she tell you about his
6 potential location at that time?

7 A She stated that he had left the scene, left when
8 the incident occurred and went, as she said, a couple of
9 trailers down.

10 Q What did you do as a result of that?

11 A As a result of that, myself and a highway
12 patrolman, Highway Patrolman Rucker and Deputy Busbee went
13 to the trailer that she pointed out as being where he
14 possibly was at. We knocked on the door, announced our
15 presence as sheriff's office and proceeded from there.

16 Q And what happened after you knocked on the door?

17 A After we knocked on the door -- it's a -- there's a
18 small porch in front of the door, it's a trailer. The door
19 comes open. An individual matching the description, light
20 color jacket, light blue color jacket, dark shirt, blue
21 jean shorts, gray shoes, answers the door. We can see both
22 his hands and we begin to communicate with him.

23 Q And what was the next thing that you did?

24 A At this point, basically, we're standing -- the
25 highway patrolman is standing at the door. I'm standing

Shannon Sturgill - Direct Examination by Ms. Young

1 back away from the door for officer-safety reasons. I
2 actually have my weapon, my side arm in my hand. It's
3 actually down below my leg where it can't be seen, but it
4 is in my hand just because of the type of situation we're
5 encountering. When he opens the door, we recognize him
6 matching that description. I ask him at that point to come
7 out of the door. He comes out of the doorway, he's
8 compliant with us. I then ask him to lay, what we call
9 prone or face down on the ground. When he lays face down
10 on the ground, Highway Patrolman Rucker comes up beside
11 him, puts his hands behind his back and handcuffs him. I
12 then search him for any weapons.

13 Q All right. And what happened next?

14 A After that, Deputy Busbee stands with him. We
15 still have him laying on the ground face down. Myself -- I
16 ask for consent -- as that being his residence, ask for
17 consent if there's anybody in the house so we can clear the
18 house; and myself and Highway Patrolman Rucker go back to
19 the doorway. Actually at that point Highway Patrolman
20 Rucker announces, Sheriff's department. I think that's
21 what he says, to let anybody know if there's anybody in the
22 house. We go in and basically we clear the house. What
23 that means is we just go in to make sure there's not any
24 other possible hazards to us, somebody hiding in a closet,
25 somebody waiting to ambush us, or anybody else at that type

Shannon Sturgill - Direct Examination by Ms. Young

1 of scene. We clear the case and we don't make contact with
2 anybody.

3 Q So you found nothing when you cleared the house?

4 A That's correct.

5 Q And regarding investigating this incident further,
6 what, if anything did you do on that evening? Specifically
7 regarding potential evidence.

8 A Potential evidence, after we secured the possible
9 subject, we then began walking the area, looking for any
10 evidence. Your witness has stated that after the shooting
11 had occurred that the subject, the possible subject, had
12 thrown a gun down somewhere or tossed a gun down toward the
13 fence. We began looking the area. Deputy Busbee stayed
14 with our alleged subject. We began walking the area. It
15 was actually pointed out to us by our original caller or
16 Ms. Carter where the weapon was. It was laying in some
17 glass -- excuse me, some grass and some pine straw, close
18 to the incident behind some trailers, close to a fence.

19 Once we located the weapon, I had Deputy Busbee go
20 stand with it so that it wouldn't be tampered with. We
21 also began walking the area looking for any shell casings,
22 which we actually found between two trailers close to the
23 roadway where we parked.

24 Q And did you do anything upon finding those shell
25 casings?

Shannon Sturgill - Cross-Examination by Mr. Gibbons

1 A What we'll do is -- what I did in that particular
2 scene is actually took the heel of my boot and I put a
3 marking around it -- one so it wouldn't be stepped on, we
4 knew where it was and it wouldn't be tampered with; and
5 then we stringed up crime scene tape between the pole
6 and -- between a pole and that area basically circling that
7 area so nobody would walk through and everybody would know
8 not to go into this area and tamper with the evidence.

9 Q Did you also mark off the area where the weapon was
10 located?

11 A We did. I actually had Deputy Busbee stand with it
12 until forensics arrived.

13 MS. YOUNG: Beg the Court's indulgence just one
14 minute.

15 I have no further questions for Sargent Sturgill.

16 THE COURT: Mr. Gibbons?

17 **CROSS-EXAMINATION**

18 BY MR. GIBBONS:

19 Q Good morning.

20 A Good morning.

21 Q How are you today?

22 A Outstanding. Yourself?

23 Q I'm doing okay. I want to talk to you a little bit
24 about this tape. The sound on that comes from a microphone
25 on your body, is that correct?

Shannon Sturgill - Cross-Examination by Mr. Gibbons

1 A That is correct.

2 Q And what turns that off and on?

3 A It turns on either as soon as you -- I can either
4 initiate, depending on the camera system by button on the
5 camera where it says record. They're also wired into our
6 in car system to where you can turn on a certain light, as
7 in the blue lights above the car and it will automatically
8 come on.

9 Q And that's how your mic got turned on with the blue
10 lights?

11 A That's how they initiate, that's correct.

12 Q And it cuts in and out. What's going on with that.

13 A The video you watched is actually Deputy Busbee's
14 video. For whatever reason, my particular audio did not
15 pick up. It could have been the battery was dead on it.
16 There's no telling, but the in-and-out sound could be from
17 distance. They don't have a great distance on them. But
18 there's a number of things that can interfere with the
19 actual audio.

20 Q So it's not unusual for there to be a poor signal?

21 A A poor signal, that's correct.

22 Q And some of that -- I mean, you've listened to it,
23 correct?

24 A Yes.

25 Q It's kind of hard to understand everything that's

Shannon Sturgill - Cross-Examination by Mr. Gibbons

1 going on?

2 A Some, yes.

3 Q All right. You were at USCA when this started?

4 A That is correct.

5 Q And you got the call, you headed -- you got to
6 tone?

7 A Correct.

8 Q You headed that way and at some point they told you
9 where you were going, right? I think we heard it on the
10 tape?

11 A When the call is dispatched, they give us an
12 address and the area.

13 Q All right. I think towards the first of the tape
14 there's some colorful language you described the area
15 you're going to.

16 A That actually wasn't me. That was Deputy Busbee.

17 Q All right. And you know what he said?

18 A From what I heard on the audio, yes.

19 Q All right. Is it fair to say that that's a place
20 well known to law enforcement?

21 A It is.

22 Q And what's well known about it?

23 A It's a high-call-volume area.

24 Q Is it unusual to have numerous calls there during
25 the week?

Shannon Sturgill - Cross-Examination by Mr. Gibbons

- 1 A At that time it was not.
- 2 Q And what kind of calls? Anything?
- 3 A It would range from the suspicious person to people
- 4 hearing shots in the area.
- 5 Q So it's not unusual for gunshots to be going on at
- 6 Dallas Circle?
- 7 A In that particular area.
- 8 Q And the sheriff's office gets called, they go out
- 9 there; and are they always able to make a case?
- 10 A No, sir.
- 11 Q What happens when they get out there?
- 12 A I cannot --
- 13 Q Have you been out there?
- 14 A I have been out there.
- 15 Q And how have your investigations gone out there in
- 16 the past?
- 17 A It just depends on the nature of the call.
- 18 Q Is it unusual for people not want to talk?
- 19 A It is not unusual for people not to want the
- 20 discuss anything with us.
- 21 Q All right. Now, when you got to the scene, you
- 22 pulled up in your car. We saw it on the video. You were
- 23 in a different car --
- 24 A I'm in the front car on the --
- 25 Q You're in front of the camera?

Shannon Sturgill - Cross-Examination by Mr. Gibbons

- 1 A Yes, sir.
- 2 Q And you've watched the video, correct?
- 3 A I have.
- 4 Q There are people walking around?
- 5 A There is.
- 6 Q I think there were eighteen people cross -- someone
- 7 might have come across the lights there, but there were a
- 8 lot of people walking around?
- 9 A There was a handful of people, yes, sir.
- 10 Q Does your agency have policies of what you're
- 11 supposed to do when you arrive on a crime scene like that?
- 12 A Each scene is going to dictate how we respond.
- 13 Q Well, on a major crime scene -- a murder would be a
- 14 major crime scene, wouldn't it?
- 15 A Yes.
- 16 Q Aren't there policies in your policy manual about
- 17 what you're responsible to do?
- 18 A It -- procedure is to attempt to secure it as
- 19 quickly as possible when officer safety allows it.
- 20 Q So you secure it for safety first?
- 21 A Correct.
- 22 Q So you make sure there's nobody still shooting?
- 23 A Correct.
- 24 Q You make sure that if anybody 's hurt that they get
- 25 attention?

Shannon Sturgill - Cross-Examination by Mr. Gibbons

- 1 A That's correct.
- 2 Q And then don't you shift to evidence gathering
3 after that?
- 4 A Evidence preservation.
- 5 A Correct.
- 6 Q And anywhere that something happened is part of
7 that crime scene, correct?
- 8 A Yes.
- 9 Q Now, were you talking to Ms. Carter that night?
- 10 A I did.
- 11 Q And I believe on the tape -- I'm going to ask you a
12 lot about the tape. We've all heard it, so it's in
13 evidence, but it's kind of hard to understand some parts of
14 it?
- 15 A Right.
- 16 Q I thought I overheard her say when you asked where
17 this happened, she said right where the cars are?
- 18 A That's correct.
- 19 Q So what does that signal you to do with that part
20 of the scene?
- 21 A Well, if it happened where our cars were, then
22 obviously, our cars are going to serve as a barrier to the
23 crime scene at that moment.
- 24 Q And if there's evidence underneath your cars, what
25 would you have tried to do?

Shannon Sturgill - Cross-Examination by Mr. Gibbons

1 A We would have attempted to secure that evidence.

2 Q And would you let people walk around that area?

3 A We would not. That -- at that present moment that
4 you're speaking of, we're actually still trying to identify
5 where our alleged shooter was.

6 Q Right. And after you got him squared away, then
7 you got the safe -- a safe scene, then you would be more
8 vigilant about keeping people out of the crime scene?

9 A Correct.

10 Q So while you're looking for safety issues, you
11 don't really know what's going on in the whole crime scene,
12 correct?

13 A That's correct.

14 Q And there were only -- there were four of you out
15 there that night at the start?

16 A At the start. Other officers arrived fairly
17 quickly behind us.

18 Q All right. So at some point, the scene was safe
19 and you were, I believe, to switch over to evidence
20 preservation, correct?

21 A Correct.

22 Q Now, what is a crime scene census? Is that
23 something you're supposed to do?

24 A It is.

25 Q And what is that? Explain to the jury.

Shannon Sturgill - Cross-Examination by Mr. Gibbons

- 1 A A crime scene census is basically a form that we
2 use to try to document anyone that comes into the crime
3 scene itself.
- 4 Q All right. And in this instance, there was -- part
5 of the crime scene was where the body was -- supposedly,
6 that you knew.
- 7 A Correct.
- 8 Q Part of the crime scene was where the gun was
9 recovered, correct?
- 10 A Correct.
- 11 Q Part of the crime scene is where the bullets were
12 recovered?
- 13 A Correct.
- 14 Q And according to Ms. Carter, part of the crime
15 scene is the area underneath your car? Around your cars?
- 16 A (Witness nodded head.)
- 17 Q So all those would constitute crime scene at that
18 point?
- 19 A Correct.
- 20 Q And so after you get the -- what you perceive as a
21 threat taken care of, all of those need to be preserved for
22 evidence purposes, right?
- 23 A As well as possible.
- 24 Q All right. And anybody that comes in and out or
25 walks around through that area, you're supposed to write

Shannon Sturgill - Cross-Examination by Mr. Gibbons

1 their name down on the census once you're at that point?

2 A Correct.

3 Q Now, did you do a crime scene census that night?

4 A We did.

5 Q And do you recall the names on it?

6 A Not without looking back at it.

7 Q Would it help refresh your memory if I showed you a
8 copy?

9 A Sure.

10 (WHEREUPON the witness was looking at the
11 document.)

12 THE COURT: Okay. Mr. Gibbons.

13 MR. GIBBONS: Oh, I'm sorry. I was waiting for him
14 to say something.

15 BY MR. GIBBONS:

16 Q Is there anybody on that list that is not law
17 enforcement, but is a resident out there or somebody that
18 was out there that night?

19 A There's not.

20 Q So the only people's names you took down were law
21 enforcement?

22 A That's correct.

23 Q So if any of these eighteen people wondering around
24 the same area, you didn't get any of their names?

25 A That's correct. By the time we were -- actually

Shannon Sturgill - Cross-Examination by Mr. Gibbons

1 were able to secure the scene, we'd actually had these
2 individuals out of the crime scene that you're referring
3 to.

4 Q All right. But before you got it secured, you
5 don't know what they were doing correct?

6 A That's correct.

7 Q And nobody seemed to be in a big rush. There were
8 people milling around.

9 A That's correct.

10 Q All right. Let me go back to your encounter with
11 Ms. Carter. She told you -- the first thing I think she
12 said on tape was, I don't know who he is. I don't know his
13 name?

14 A Correct.

15 Q She also said in some part of her statement,
16 somebody told me that. When she was talking about he ran
17 behind the trailer; he threw the gun; that kind of stuff?

18 A I don't recall that particular comment.

19 Q You don't recall her saying that?

20 All right. She said only two bullets hit. Do you
21 recall her saying that?

22 A I recall hearing it on the video, yes.

23 Q And you recall her saying, he shot five bullets?

24 A Yes, sir.

25 Q And she told you that you parked where it happened?

Shannon Sturgill - Cross-Examination by Mr. Gibbons

1 A Correct. Right there where our cars were.

2 Q All right. At one point you're asking her is this
3 him, is this him, is this him; and she says, I don't think
4 that's him. Was that another individual or was that my
5 client?

6 A That was -- I believe that was another individual.

7 Q What was his name?

8 A I didn't get his name. A lot of individuals in
9 that particular area don't like law enforcement and will
10 not communicate with us if they don't --

11 Q Did you ask him his name?

12 A We asked different people's names and their
13 information and what they saw; and a lot of our responses
14 is, I didn't see anything and I'm not talking to you.

15 Q And did you go door to door that night and ask
16 people if they saw anything?

17 A We did not.

18 Q Now, you were at the door to get my client out of
19 his house, correct?

20 A That's correct.

21 Q And the house was cleared, is what I think you
22 said, they cleared the house. That's for safety, right?
23 To make sure there's no one else in there, right?

24 A That is correct.

25 Q Are you going looking under beds at that point?

Shannon Sturgill - Cross-Examination by Mr. Gibbons

- 1 A Anywhere an individual may be hidden, yes.
- 2 Q I mean, did you look under mattresses?
- 3 A In between mattress and a box spring, no, sir.
- 4 Q Did you look in drawers?
- 5 A No, sir.
- 6 Q Closets?
- 7 A If there was a closet, yes.
- 8 Q Up in closets in boxes?
- 9 A No, sir.
- 10 Q You're just making sure there aren't people in
- 11 there.
- 12 A We're looking for people that may be a threat to
- 13 us.
- 14 Q And that's all you really can do at this point,
- 15 correct?
- 16 A That's correct.
- 17 Q If you wanted to do more, what would you have to
- 18 do?
- 19 A I would have to have consent to search.
- 20 Q Or how else?
- 21 A Well, it would have to be either his concern -- his
- 22 consent to search or consent from -- already a search
- 23 warrant.
- 24 Q A search warrant?
- 25 A Yes, sir.

Shannon Sturgill - Cross-Examination by Mr. Gibbons

1 Q So you could have gone back and searched thoroughly
2 and made sure there were no guns, bullets, anything like
3 that in that house if you'd gotten a search warrant,
4 correct?

5 A That is correct.

6 Q And did you get a search warrant?

7 A I did not. We leave that part up to our
8 investigators.

9 Q So you turn that over to them?

10 A That's correct.

11 Q And did you make attempts to have Ms. Carter
12 identify who she said did that that night?

13 A We did.

14 Q And was she able to do it?

15 A She was.

16 Q And you did not mark off the area around your cars
17 to the trailer with tape to keep people out of there?

18 A We did not.

19 Q And you didn't go searching around everywhere there
20 was in that area for any kind of evidence on the ground.
21 You just got where you could see persons?

22 A From the information we gathered, we taped off the
23 area where we found the casings and posted officers in the
24 area to keep people out from where we determined to be the
25 actual crime scene.

Shannon Sturgill - Cross-Examination by Mr. Gibbons

1 Q And it's your testimony here today that nobody that
2 you questioned would even give you their name?

3 A That's very accurate.

4 Q I mean you walk up and say what's your name and
5 they'd say, No, I'm not telling you my name.

6 A We would ask them if they saw anything, No I didn't
7 see anything. Are you willing to talk to us? No, I'm not
8 talking to you.

9 Q They wouldn't even give -- you asked them for this
10 name, every one of them?

11 A Not everyone. Everyone that we encountered that we
12 thought was part of that. We asked if they saw anything
13 and they would say no.

14 Q Well, you didn't know who was a part of it, did
15 you --

16 A Correct.

17 Q -- really?

18 A That's why we were asking.

19 Q All right. So you should have asked everybody?

20 A As many as we could encounter.

21 Q All right. And you're telling me that you were
22 able to encounter, you asked them their name and they said,
23 I don't want to talk to you?

24 A That is correct.

25 Q And nobody went door to door asking if anybody

Shannon Sturgill - Cross-Examination by Mr. Gibbons

1 heard anything that night, that you know of?

2 A We did not.

3 Q Now, you talked to Ms. Carter. Do you have
4 communications with dispatch while you're walking around
5 doing this stuff?

6 A We do.

7 Q You have a little radio--

8 A We do.

9 Q -- mic on your shoulder?

10 A We do.

11 Q Did you know Ms. Carter?

12 A Never met her before.

13 Q And so you didn't know her past or future or
14 anything?

15 A No, sir.

16 Q And how hard would it have been to key that mic and
17 run her name through the sheriff's dispatch records?

18 A It wouldn't have been hard.

19 Q Take about a minute or two?

20 A Possibly.

21 Q And did you do that that night?

22 A I don't recall.

23 Q Is it on tape?

24 A I didn't hear it on the audio, but if myself and
25 Mr. Busbee were separated, then you wouldn't have heard it.

Shannon Sturgill - Cross-Examination by Mr. Gibbons

1 Q Well, if you had heard she had active warrants, you
2 would have done something, wouldn't you?

3 A Absolutely.

4 Q Did you ever talk to her again?

5 A We collected a written statement from her.

6 Q But after that night, have you talked to her since
7 then?

8 A I have not.

9 Q Did you go back out to the scene after that night?

10 A I have not.

11 Q So you didn't have any part of going out and doing
12 a thorough crime scene search or anything like that?

13 A We leave that to our investigators and our
14 forensics. They're trained.

15 Q You make the place safe, you do the best you can of
16 making sure people stay out of the area so they can get the
17 evidence and that's really -- as a road officer, that's
18 what you had to do that night?

19 A That's correct.

20 Q And who did you turn the crime scene over to?

21 A Investigator Lagger and Forensics Investigator Clay
22 Adams.

23 Q And --

24 A And I believe Lieutenant Flurry over investigations
25 also.

Andrew Busbee - Direct Examination by Mr. Grimes

1 Q Do you know who was at the hospital?

2 A I believe Deputy Daily went to the hospital.

3 MR. GIBBONS: One moment, Your Honor.

4 (WHEREUPON there was a pause in the proceedings.)

5 MR. GIBBONS: Thank you, no further question, Your
6 Honor.

7 THE COURT: Anything, Ms. Young?

8 MS. YOUNG: Nothing, Your Honor. May he be
9 released at this time?

10 THE COURT: He may.

11 Thank you.

12 THE WITNESS: Yes, sir.

13 MR. GRIMES: State calls Andrew Busbee.

14 ANDREW BUSBEE,

15 having been duly sworn, testified as follows:

16 THE CLERK: Have a seat in the witness box. State
17 your full name for the record, spelling your last.

18 THE WITNESS: Andrew Busbee, B-u-s-b-e-e.

19 **DIRECT EXAMINATION**

20 BY MR. GRIMES:

21 Q Mr. Busbee, who do you currently work for?

22 A I work for Wackenhut Security out at Savannah River
23 Site.

24 Q Okay. And before you worked for Wackenhut, where
25 did you work?

Andrew Busbee - Direct Examination by Mr. Grimes

- 1 A I worked for Aiken County Sheriff's Office.
- 2 Q What was your role there with the sheriff's office?
- 3 A I was a deputy patrol officer.
- 4 Q Okay. And how long did you work for the sheriff's
- 5 office?
- 6 A Two and a half almost three years.
- 7 Q And was that in law enforcement?
- 8 A It was in law enforcement.
- 9 Q Did you have law enforcement training for that?
- 10 A Only training I had was the academy right before I
- 11 started on the road.
- 12 Q Is that criminal justice academy?
- 13 A Yes.
- 14 Q Okay. And how long is that training?
- 15 A That training there was nine weeks.
- 16 Q Okay. When you worked for the sheriff's office,
- 17 did you respond to a call on Dallas Circle in October of
- 18 2011?
- 19 A I did.
- 20 Q Was that on October 1st?
- 21 A Yes.
- 22 Q And what kind of call was that?
- 23 A It was a shooting incident.
- 24 Q So with it being a shooting incident, were you
- 25 responding quickly to that location?

Andrew Busbee - Direct Examination by Mr. Grimes

1 A We do. We respond with lights and sirens.

2 Q Okay. And do you recall when you first arrived at
3 the location speaking with anybody?

4 A We had one witness come up to approach us and tell
5 us that the person doing the shooting had run over into a
6 trailer.

7 Q Did you get a description of the person you were
8 looking for?

9 A She says a black male wearing blue jeans and a blue
10 jacket.

11 Q And did you get a description of the trailer that
12 he was at?

13 A She pointed at one of the trailers and it was not a
14 real good description. She was pointing and said, It's the
15 second trailer down from where we had pulled in.

16 Q Do you recall who was with you at the time?

17 A At the time it was Sturgill. He was my corporal at
18 the time. He's a sergeant now.

19 Q Okay. Anybody else?

20 A Aiken Public Safety had a unit respond and Highway
21 Patrol had a unit come out there as well.

22 Q Okay. And once you got this information about the
23 description of the suspect and the location, what did you
24 do at that point?

25 A We went over to the trailer that the witness had

Andrew Busbee - Direct Examination by Mr. Grimes

1 pointed at and knocked on the door to see if anyone was
2 actually there.

3 Q Was there someone there?

4 A There was. The defendant was there.

5 Q The defendant was there? Did he just answer the
6 door?

7 A We knocked on the door, told him who we were and he
8 came and opened the door and. . .

9 Q Do you recall what y'all did at this point?

10 A At this point Sturgill asked him to step outside
11 and he did step out.

12 Q Do you recall what happened after that?

13 A Sturgill directed him to come downstairs and
14 explained to him what was going on as we detained him.

15 Q Did y'all detain him at that point?

16 A We did.

17 Q Okay. And where did you take him? After he was
18 detained?

19 A After he was detained, we walked him over to my
20 patrol car -- after -- after we detained him we sat him
21 there and then took him over to the patrol car so we could
22 explain what was going on.

23 Q So did he stay there at the patrol car all night?

24 A He did.

25 Q And once he was at the patrol car, what were you

Andrew Busbee - Direct Examination by Mr. Grimes

1 doing?

2 A I was standing on the opposite side as Sturgill was
3 talking to him.

4 Q After the suspect was detained, do you recall what
5 y'all as a group did following that?

6 A I stood there with the suspect as Sturgill and
7 Highway Patrol and Aiken City attempted to locate the
8 weapon used.

9 Q Do you know if that weapon was located?

10 A It was located. It was located behind another
11 trailer.

12 MR. GRIMES: One moment.

13 (WHEREUPON there was a pause in the proceedings.)

14 BY MR. GRIMES:

15 Q Once the weapon was located, were you instructed to
16 do anything?

17 A I was instructed to go stand and kind of guard, I
18 guess you could say, the weapon while they continued the
19 investigation.

20 Q And did you do that?

21 A I did.

22 Q Okay. And if you were guarding and watching over
23 this weapon -- was it on the ground?

24 A It was.

25 Q Okay. Did you make sure that nothing touched it or

Andrew Busbee - Cross-Examination by Mr. Gibbons

1 mess with it anymore?

2 A No one ever came over there to touch it and I did
3 not as well.

4 Q Okay. And eventually was it collected?

5 A It was collected.

6 Q Do you know by whom?

7 A It was one of our forensic investigators. I
8 believe Adams.

9 Q And so from the time you were instructed to watch
10 it until it was collected, did you keep an eye on it to
11 make sure nothing happened to it?

12 A I did. I stayed there the whole time.

13 Q Okay.

14 MR. GRIMES: No further questions for this witness.

15 THE COURT: Mr. Gibbons?

16 **CROSS-EXAMINATION**

17 BY MR. GIBBONS:

18 Q Good morning, Officer Busbee, how you doing today?

19 A I'm all right.

20 Q Now, you're no longer with the sheriff's office,
21 correct?

22 A No, sir.

23 Q You're telling the jury today that that witness --
24 it was the only witness that you had that night, correct?

25 A Yes.

Andrew Busbee - Cross-Examination by Mr. Gibbons

1 Q That she came up to y'all to tell her story?

2 A Yes.

3 Q You didn't have to go find her, she came walking up
4 to y'all?

5 A We never had to go find her.

6 Q And for the first part of that -- the time you were
7 there, you were standing off to the side?

8 A What do you mean.

9 Q It wasn't your crime scene at that point, it was --
10 your corporal was calling the shots at that point, right?

11 A He was pretty much calling the shots at that time.

12 Q And after the gun was located, you stayed back
13 there?

14 A I did.

15 Q Now, have you looked at the video from your car
16 since this happened?

17 A I did.

18 Q There were a lot of people walking around, weren't
19 there?

20 A There were.

21 Q And walking all over in front of the cars, around
22 the cars, back and forth. That whole area was a crime
23 scene at that point, wasn't it?

24 A Yes.

25 Q Didn't the witness say that the shooting happened

Andrew Busbee - Cross-Examination by Mr. Gibbons

1 right where your cars were?

2 A I'm not sure where she said exactly now.

3 Q You didn't hear any of that?

4 A I don't recall where she said it happened.

5 Q All right. Did you question any of those people

6 that were walking around?

7 A Nobody would talk to us.

8 Q Did you ask them their name?

9 A We tried to talk to them, nobody would talk to us.

10 Q Now, this is a murder case, right?

11 A Right.

12 Q Did you know that at this point?

13 A No, we just knew that it was a shooting.

14 A Do you operate at a different level of intensity on

15 a murder case than a shooting case or are they the same.

16 A It really depends on the situation at that time.

17 Q I mean is evidence collection any less important on

18 a shooting than it is on a murder?

19 A No.

20 Q So you should treat them both as serious things or

21 do the best you can, correct?

22 A Yes, sir.

23 Q All right. Would you knowingly let an eyewitness

24 walk away from a murder scene?

25 A No. If they said they saw something, no.

Andrew Busbee - Cross-Examination by Mr. Gibbons

1 Q Did they say they didn't see anything or did they
2 say they didn't want to talk?

3 A They -- nobody would even try to talk to us or they
4 didn't see anything.

5 Q So if a murderer was still at the scene, with the
6 gun in his pocket and y'all walked up to him and said, Hey,
7 what's your name and he said I don't want to talk to you
8 and he walked away, he just got away, right?

9 A When you look at it like that.

10 Q I mean -- well, you tell me how to look at it.

11 A We only had one description of the suspect and only
12 one person out there matched that description.

13 Q And the only evidence you had at all about how this
14 happened was Ms. Carter?

15 A Yes.

16 Q Who ran up immediately and told you her side of the
17 story, correct?

18 A Yes.

19 Q Now, do you recall on the video her saying that she
20 saw him throw the gun?

21 A I don't remember that.

22 Q Do you remember her saying some part of her
23 story -- Well, someone just told me that?

24 A No.

25 Q You don't remember that?

Andrew Busbee - Cross-Examination by Mr. Gibbons

- 1 A No, sir.
- 2 Q You remember her saying, I don't know his name?
- 3 A No.
- 4 Q Do you remember her saying he was drunk?
- 5 A No.
- 6 Q Do you remember her saying he got -- there were
- 7 five bullets shot and only two hit him?
- 8 A No.
- 9 Q And at some point, she was asked, Is this the guy
- 10 and she said, I don't know, I don't think that's him. Do
- 11 you remember that?
- 12 A I don't remember that either.
- 13 Q Had you been out to that place before?
- 14 A I had.
- 15 Q Isn't it true that that's a frequent place for law
- 16 enforcement to get called?
- 17 A It was.
- 18 Q Lots of calls for fights out that way?
- 19 A Distances.
- 20 A Yes.
- 21 Q Calls for shootings out there? Shots fired calls
- 22 out there before, right?
- 23 A That's the first one I've been to.
- 24 Q That's the first one you've been to?
- 25 A Yes.

Andrew Busbee - Cross-Examination by Mr. Gibbons

1 Q Now, when you're driving out there, you say some
2 words, colorful words at the first of your video tape when
3 you hear where you're going. Do you recall them?

4 A No.

5 Q All right. Well, I'm going to quote you and see if
6 you -- do you remember saying, Goddamned Dallas Circle?

7 A I can believe I said that.

8 Q And why would you say that?

9 A Because of how frequently we were always going out
10 there for distances and loud music calls.

11 Q And did you always get people's cooperation out
12 there?

13 A Never.

14 Q Never?

15 A This was the first time that we actually had
16 somebody that wanted to talk to you.

17 Q And that one person was Ms. Carter?

18 A Yes.

19 Q All right. Did you take part in clearing the house
20 after the defendant was taken out?

21 A I did not. I stayed out with the defendant while
22 the house was cleared.

23 Q And did you, after that -- how many people did you
24 ask the name of?

25 A Did I ask the name of?

Andrew Busbee - Cross-Examination by Mr. Gibbons

1 Q Yes, sir.

2 A The only one I talked to was the suspect and
3 Ms. Carter.

4 Q You didn't go up to people walking around and say
5 what's your name? You personally didn't do that?

6 A I had tried to ask if they saw anything, but I
7 never asked the names.

8 Q I mean, did you say anybody see anything and then
9 they start walking away or did you go up --

10 A I tried to actually ask the people -- not just ask
11 it out loud, but to the individuals.

12 Q All right. How many people did you ask?

13 A I couldn't recall the number.

14 Q More than five?

15 A Probably wasn't that many.

16 Q Less than five.

17 And did you go up there and say, Hey, what's your
18 name and then say, Did you see anything; or you just went
19 there and said, Did you see anything?

20 A I asked them if they saw anything.

21 Q And they said, I don't want to talk?

22 A They pretty much said they didn't see anything.

23 Q All right. To your knowledge, did anybody come
24 forward the next day?

25 A I have no idea.

Andrew Busbee - Cross-Examination by Mr. Gibbons

1 Q To your knowledge, did anybody ever come forward
2 after that?

3 A I don't know.

4 Q But, I mean, as far as you know, nobody?

5 A As far as I know, I don't know -- I couldn't tell
6 you.

7 Q All right. And are you familiar with a crime scene
8 census?

9 A I am.

10 Q And what is the purpose of the crime scene census?

11 A So you know who was in and out of a crime scene.

12 Q And is it supposed to be anybody that goes in and
13 out of a crime scene or steps foot in?

14 A Supposed to be who's in there and who's out.
15 Who --

16 Q Law enforcement and individuals and -- anybody?

17 A Yes.

18 Q So there could have been people in that crime
19 scene, but you don't even know their name, right?

20 A Right.

21 Q Thank you.

22 MR. GIBBONS: I have nothing further.

23 THE COURT: Anything.

24 MR. GRIMES: Nothing, Your Honor.

25 THE COURT: All right. Thank you very much, sir.

Martin Clay Adams - Direct Examination by Ms. Young

1 You may step down.

2 MR. GRIMES: Your Honor, may he be released from
3 his subpoena.

4 THE COURT: He may.

5 All right.

6 MS. YOUNG: Your Honor the State would call
7 Lieutenant Clay Adams.

8 CLAY ADAMS,
9 having been duly sworn, testified as follows:

10 THE CLERK: Have a seat in the witness box. Say
11 your first name and last and spell your last.

12 THE WITNESS: Martin Clay Adams, A-d-a-m-s.

13 **DIRECT EXAMINATION**

14 BY MS. YOUNG:

15 Q Good morning.

16 A Good morning.

17 Q You employed at the Aiken County Sheriff's Office?

18 A I am.

19 Q And in what capacity are you employed there?

20 A I am the lieutenant of forensic investigations.

21 Q And describe to the jury what the lieutenant of
22 forensic investigations does.

23 A I oversee the day-to-day operations of the Forensic
24 Investigation Section of the sheriff's office, which is our
25 crime scene investigators, drug laboratory, our processing

Martin Clay Adams - Direct Examination by Ms. Young

1 laboratory for trace evidence and fingerprints, as well as
2 operation of the AFIS System, which is our Automated
3 Fingerprint Identification System, and our evidence
4 facility.

5 Q Lieutenant Adams, how long have you been employed
6 in law enforcement?

7 A Since February 23rd, 2001.

8 Q Okay. Have you had specific training regarding
9 forensics, collection of evidence, and things of that
10 nature?

11 A 'I have. I went to the South Carolina Police
12 Academy, Law Enforcement Academy. From there I went on to
13 more specific training in evidence collections, DNA
14 collections, crime-scene photography, crime-scene
15 processing, latent-fingerprint development and latent
16 fingerprint identification.

17 Q And basically all your tools in your tool kit on
18 how you collect evidence?

19 A Yes, ma'am.

20 Q And do you have any specific certifications?

21 A I am a certified latent print examiner through the
22 International Association for Identification.

23 Q Okay. And did you respond to a call at Dallas
24 Circle on October 1st, 2011?

25 A I did.

Martin Clay Adams - Direct Examination by Ms. Young

1 Q And how did you become involved in that case?

2 A I was the on-call crime-scene investigator. We
3 have two other crime-scene investigators and I take my turn
4 in the after-hours-call schedule, so I was on call that
5 evening.

6 Q And did you know the nature of the incident when
7 you -- before you got there?

8 A I was advised that we had a shooting incident.

9 Q What was the first thing -- let me ask you this,
10 when you arrived out there, had the road deputies already
11 been out there for some period of time?

12 A Yes, our uniform patrol officers had already been
13 on scene.

14 Q Okay. And did they provide you with any
15 information regarding location of evidence and things of
16 that nature?

17 A They did. Typically when I arrive on a scene, they
18 give me kind of a brief run down as to what's going on and
19 what they had found so far. In this instance, they
20 informed me that we had a shooting. That there was a
21 victim that was no longer on the scene; and that several
22 shell casings had been found.

23 Q Did they point you out to any certain areas where
24 items had been found?

25 A Yes, they had identified the area that they

Martin Clay Adams - Direct Examination by Ms. Young

1 believed to be the crime scene in between two trailers,
2 single-wide mobile homes.

3 MS. YOUNG: May I approach the witness, Your Honor?

4 THE COURT: You may.

5 BY MS. YOUNG:

6 Q Lieutenant Adams, I'm going to show you what's been
7 introduced into evidence as State's Exhibit 28 and ask if
8 you recognize that.

9 A I do.

10 Q And what is it?

11 A This is an aerial photograph of the Dallas Circle
12 area, which is here in Aiken County.

13 Q And using that, can you show the jury the general
14 area where you responded and were collecting evidence that
15 night?

16 A When we responded, we came into what you would call
17 the trailer park from the main entrance and we identified
18 that the shooting incident occurred between these two
19 trailers right here, which is the second and third trailer
20 as you enter into there.

21 Q And Lieutenant Adams, when you respond to a scene
22 like this, what's the first thing you do in terms of
23 evidence collection?

24 A The first thing that we do is we photograph the
25 scene as we find it. That way, we basically work our way

Martin Clay Adams - Direct Examination by Ms. Young

1 from outside in and just narrow the area.

2 Q And what's the purpose of taking those photographs?

3 A To show how we find it, as I arrive.

4 Q And after you take the pictures, what's the next
5 thing that you do?

6 A After we take our photographs, and get a pretty
7 broad idea of what's going on in the area, we will then
8 encompass around the crime scene just to ensure that our
9 deputies have roped off the right place, there's nothing
10 outside our crime scene tapes or anything like that. And
11 then we start to identify the individual items that we
12 think are going to be pertinent to the case.

13 Q And how do you do that?

14 A We use markers. Sometimes we use flags, but in
15 this case, we would use numerical markers just to indicate
16 what specific items that we find.

17 MS. YOUNG: May I approach, Your Honor?

18 THE COURT: Yes, ma'am.

19 BY MS. YOUNG:

20 Q Lieutenant Adams, I'm going to show you State's
21 Exhibit 1 through 6, which have already been entered into
22 evidence. I'd ask you to take a look at those
23 individually; and can you recognize what's in each one
24 after you've looked at all of them?

25 A Yes, ma'am.

Martin Clay Adams - Direct Examination by Ms. Young

1 Q And how do you know what those are pictures of?

2 A These are the -- because I took them.

3 Q Okay. That's a good reason.

4 MR. GIBBONS: Your Honor, we have no objection to
5 this group of exhibits coming in.

6 THE COURT: All right.

7 BY MS. YOUNG:

8 Q Lieutenant Adams, I'm going to show you,
9 collectively, State's 7 through 20 and ask if you recognize
10 those?

11 A Yes, ma'am.

12 MS. YOUNG: Your Honor, at this time we'd offer
13 State's 7 through 20 into evidence.

14 THE COURT: So admitted without objection.

15 (WHEREUPON State's Exhibits 7 through 20 were
16 admitted into evidence.)

17 MS. YOUNG: Your Honor, may the witness come down
18 and discuss State's 1 through 20 while they're pulled up on
19 the big screen?

20 THE COURT: Yes, sir, you may step down.

21 THE WITNESS: Thank you.

22 MS. YOUNG: If you would Lieutenant Adams, you can
23 stand over on this side and just starting with picture 1,
24 describe what's shown in the picture and why it was
25 relevant to your investigation -- once he gets our

Martin Clay Adams - Direct Examination by Ms. Young

1 technology going.

2 **THE WITNESS:** Okay. This is an enlarged photograph
3 of State's Exhibit 1, which is a shot, a picture of the --
4 one of the two single-wide mobile homes as we're looking at
5 the crime scene. We have -- this is the road way down here
6 and we're going to -- 2 is a picture of the same trailer,
7 so it's kind of more of a panoramic photo as I'm sweeping
8 across. This is the area that was described by deputies
9 where they felt the shooting occurred and when I arrived.

10 There's a -- in this picture -- you can't really
11 see it very well, but it's like a telephone pole that's
12 kind of laid down for a parking marker.

13 State's Exhibit 3, this is a little bit closer up
14 photograph. This is that telephone pole that I was
15 referring to. Deputies described that they thought they
16 saw some shell casings in around this area.

17 State's Exhibit 4, this is a picture looking down
18 between the two mobile homes.

19 State's Exhibit 5, this is a picture showing the
20 back corner of the mobile home to my right. As I'm looking
21 down between the two, this is the back corner. The reason
22 I took this photograph is to show State's Exhibit 6, which
23 is the next photograph.

24 It is a little bit closer. This is where we
25 identified where the victim was located originally. I took

Martin Clay Adams - Direct Examination by Ms. Young

1 this photograph because we could see in the sand, this is
2 kind of a soft sand area where there was some fabric
3 impressions on the ground, as well as footwear impressions.

4 Q What are fabric impressions?

5 A Just from your clothes. They -- as most people
6 know when you walk in sand or dirt, you leave an impression
7 and potentially those are seen as shoe impressions, but in
8 this case, we saw a pattern in the ground that was
9 consistent with pants -- how pants have typically a
10 different fabric than shirts and you could see that
11 impression in the sand.

12 Q And that would be significant as to why?

13 A It was my understanding at the time that they had
14 found the victim in that area and that corroborated the
15 story that I was told.

16 Q That he would have been laying on in ground in that
17 area?

18 A Yes.

19 State's Exhibit 7 is looking behind the trailer to
20 the left. In this picture, you can see a chair and like a
21 kid's toy. This picture was identified -- I took this
22 picture because of the next photograph, which is Exhibit 8,
23 which is where the firearm was found.

24 Q Was that within that taped off area that was in
25 State's Exhibit 7?

Martin Clay Adams - Direct Examination by Ms. Young

1 A It is.

2 State's Exhibit 9 is just a closer photograph of
3 the gun.

4 Q And is that exactly how you found it when you
5 arrived on the scene?

6 A It is.

7 State's Exhibit 10, we're going back to the front
8 of the two trailers. This is that telephone pole which was
9 laid down. The deputy identified what he thought were
10 shell casings right here, so he had taken his foot and had
11 a little square around them.

12 State's Exhibit 11 is a photograph of this and this
13 is my numerical markers that I referred to earlier. These
14 were shell casings, spent shell casings that we found in
15 this area. You can see them in this photograph. Marker
16 number 4 is in that little squared off area.

17 Q Lieutenant Adams, how many shell casings did you
18 recover from this scene?

19 A Four.

20 Q Okay.

21 A State's Exhibit 12 is just a closer photograph
22 showing No. 1 Marker and No. 2 Marker.

23 State's Exhibit 13 is Marker 2 and 3. I take these
24 photographs to kind of give you a reference point. I like
25 to kind of -- not really leapfrog, but it shows if you put

Martin Clay Adams - Direct Examination by Ms. Young

1 them all together how they were -- relate to each other.

2 Set 14 is just a close-up photograph of Marker No.
3 1 which was a spent shell casing.

4 State's Exhibit 15 is the same, but it's marker No.
5 2.

6 State's Exhibit 16 is, again, a close up photograph
7 of Marker No. 3 picking up spent shell casings.

8 Finally State's Exhibit No. 17 is a close up of
9 Marker No. 4 being a fourth spent shell casing that was
10 found.

11 State's Exhibit 18, I took this photograph to show
12 the -- that includes the photograph of Marker No. 4 which
13 is a shell casing, with all the footwear that we could see
14 at that point in time.

15 State's Exhibit 19 is, again, a photograph of
16 footwear impressions with a scale.

17 And State's Exhibit 20 is a picture of a blue
18 jacket that was taken or was obtained from the defendant.

19 Q Okay. You can jump back up on the witness stand
20 for me.

21 (WHEREUPON the witness returned to the witness
22 stand.)

23 BY MS. YOUNG:

24 Q Lieutenant Adams, after you take photographs that
25 you described and mark the evidence, what will be the next

Martin Clay Adams - Direct Examination by Ms. Young

1 procedure or step that you would do in terms of
2 investigating that scene?

3 A Well, each item would then be individually
4 collected and taken to the sheriff's office for log in to
5 our evidence facility.

6 Q Regarding the physical evidence that you found in
7 this case, let's start with -- you talked about -- you took
8 pictures of the footwear and shoe prints. Did you -- were
9 you able to further investigate as to whether that had any
10 significance in this investigation?

11 A Yes. While I was on the scene, this defendant was
12 detained in a patrol car. I went ahead and obtained his
13 shoes for any comparison that we would do later on, as well
14 as conducted a gunshot residue kit on his hands.

15 Q Okay. And while you're talking about that, please
16 explain to the jury what does it mean to take a gunshot
17 residue collection from somebody's hands?

18 A Most typically when a weapon is fired, there's a
19 discharge of gun powder. There's no way for us to see gun
20 powder, really, with the naked eye; so there is a
21 collection kit that we use that has, in this instance, has
22 two actual tests, a SEM Tab Test and an Atomic Absorption
23 Kit within this kit. And what it is, is it's looking for
24 the components of the gun powder.

25 And when we are having to do a gunshot collection

Martin Clay Adams - Direct Examination by Ms. Young

1 kit on a person that is still alive, we have about a
2 six-hour window that we have to collect that because the
3 body naturally absorbs metals and really anything it comes
4 in contact with.

5 So in this collection kit, as I referred to it's
6 called SEM Tab. That's SEM. It's basically what we call
7 sticky tab. It looks like a piece of tape and a tab and we
8 just blot the area of the skin. In this case there are
9 four sticky tabs in this kit, two for the right hand, two
10 for the left hand, front and back -- or back and palm
11 really.

12 So what I did was, I did that test first and then
13 the atomic absorption, which uses a 5 percent nitric acid.
14 It's just a cotton swab and you just rub it on the hands,
15 and it's collected in the same way: Left back, left palm,
16 right back, right palm.

17 Q And you did that at the scene that night?

18 A Yes.

19 Q And what do you do with this kit once you collected
20 those items?

21 A That kit is sealed and then sent to the State Law
22 Enforcement Division for their analysis.

23 MS. YOUNG: May I approach?

24 THE COURT: You may.

25 MR. GIBBONS: No objection to this item either,

Martin Clay Adams - Direct Examination by Ms. Young

1 Your Honor.

2 BY MS. YOUNG:

3 Q Investigator -- excuse me Lieutenant Adams, I want
4 to show you State's Exhibit 37 and ask what that is?

5 A State's Exhibit 37 is Gunshot Residue Collection
6 Kit which was collected by myself.

7 Q From?

8 A From London Wooden.

9 Q And how do you know that?

10 A Because I wrote his name on it.

11 Q And once you take that kit-- I think you said you
12 took it back to the sheriff's office with you?

13 A Yes.

14 Q And do you have some procedures in terms of keeping
15 it preserved until you send it off or whatever you do with
16 it?

17 A We do. All of our physical evidence is logged in
18 on -- taken to the sheriff's office where it is logged into
19 our evidence facility and each item is then coded with its
20 own bar code system, so that we can then track it as it
21 stays within our facility.

22 MS. YOUNG: Your Honor, at this time we'd offer
23 State's Exhibit No. 37 into evidence in this case.

24 THE COURT: So admitted without objection.

25 (WHEREUPON State's Exhibit 37 was entered into

Martin Clay Adams - Direct Examination by Ms. Young

1 evidence.)

2 BY MS. YOUNG:

3 Q And Lieutenant Adams, did you, in fact, take those
4 steps that you described for preserving that kit?

5 A I did.

6 Q And do you know where it went after you took it to
7 the sheriff's office?

8 A It is logged into our facility and then it is
9 transported to the State Law Enforcement Division.

10 Q And generally -- I mean it sounds pretty
11 self-explanatory, but how does that procedure work?

12 A Basically, the individual evidence is assigned a
13 bar code. It is entered into our tracking system, our
14 computer tracking system at the sheriff's office with a
15 description of it. It is placed in what we call a To SLED
16 cabinet. That way we know everything that's going to SLED
17 is together.

18 We then have to look into the State law enforcement
19 data -- excuse me, State Law Enforcement Division's -- it's
20 called the bate. It's their evidence submission website,
21 where -- it's secured between our office and them. We fill
22 out their paperwork and then we actually transport it by
23 hand to the State Law Enforcement Division.

24 Q I know that sounds kind of tedious, but there's a
25 purpose for it, correct?

Martin Clay Adams - Direct Examination by Ms. Young

1 A There is. The chain of custody is maintained.
2 That way we know who and when has had their actual hands on
3 a piece of evidence.

4 Q So that box would not be opened again until when?

5 A Until it's examined by the examiner.

6 Q Okay. Lieutenant Adams, I'm now going to show you
7 State's Exhibit 33 and ask if you can identify that.

8 A Yes, ma'am, I can.

9 Q And what is it?

10 A State's Exhibit No. 33 are four individual packages
11 of spent shell casings collected by myself.

12 Q And you collected them from Dallas Circle that
13 night?

14 A I did, yes, ma'am.

15 MS. YOUNG: Your Honor, at this time, we'd offer
16 State's Exhibit No. 33 into evidence.

17 MR. GIBBONS: No objection.

18 THE COURT: So admitted.

19 (WHEREUPON State's Exhibit No. 33 was entered into
20 evidence.)

21 BY MS. YOUNG:

22 Q And with regard to the evidence handling and
23 procedures that you previously described, would you do the
24 same thing with those shell casings?

25 A Absolutely.

Martin Clay Adams - Direct Examination by Ms. Young

1 Q Okay. Would they be also potentially sent to SLED
2 for some sort of analysis?

3 A They were.

4 Q Okay. Lieutenant Adams, I'm now going to show you
5 State's Exhibit No. 32 and ask if you know what that is.

6 A Yes, ma'am, I do.

7 Q And what is it?

8 A This is a Bauer, that's B-a-u-e-r, firearms .25
9 caliber semiautomatic pistol.

10 Q And where did you get that?

11 A This was collected at Dallas Circle.

12 MS. YOUNG: Your Honor, at this time we'd offer
13 State's No. 32 into evidence.

14 MR. GIBBONS: No objection.

15 THE COURT: So admitted.

16 (WHEREUPON State's Exhibit No. 32 was entered into
17 evicence.)

18 BY MS. YOUNG:

19 Q And with regard to firearms, is there anything
20 particular you do in terms of safety and transport or
21 anything of that nature?

22 A We will render the firearm safe. We will make sure
23 the weapon is unloaded before it's submitted to our
24 evidence facility.

25 Q And that means?

Martin Clay Adams - Direct Examination by Ms. Young

- 1 A That means no live bullets.
- 2 Q Okay. And is that what you did in this particular
3 case?
- 4 A In this particular case, it was already -- there
5 were no live ammunition within it, so it was rendered safe.
- 6 Q And is it additionally rendered safe in some manner
7 in that box right there?
- 8 A It is. The magazine is removed from the actual
9 weapon.
- 10 Q And it is also secured with some -- mechanical
11 procedures so it can't be manipulated?
- 12 A We use zip ties to secure it in the box.
- 13 Q All right. And if I might ask you, what is all
14 that tape and stuff on the side mean?
- 15 A As with all our physical evidence, once it's put
16 into a container, be it into an envelope or be it into a
17 box, you know, we use evidence tape, which is -- will show
18 if there's been any breach into it. It fails very easy.
19 So if the box is attempted to be opened, it will break the
20 seal tape.
- 21 Q And that box has, in fact, been open, correct?
- 22 A Ma'am?
- 23 Q That box has, in fact, been opened since that time;
24 is that correct?
- 25 A It has.

Martin Clay Adams - Direct Examination by Ms. Young

1 Q And would that have been by SLED personnel?

2 A According to the evidence tape on there, the State
3 Law Enforcement Division opened it.

4 Q And they tape it back up and do things like that?

5 A They do.

6 Q Okay. Now, I'm going to refer you back to State's
7 Exhibit 20, which I believe is -- you described that as a
8 blue jacket taken from the defendant. Is that correct?

9 A Yes, ma'am.

10 Q And do you know where that picture was taken?

11 A That picture was taken in our laboratory at the
12 Aiken County Sheriff's Office.

13 Q And what do you do in your laboratory at Aiken
14 County Sheriff's Office?

15 A In this case, we photographed the clothing for
16 documentation; and in this instance, conducted a gunshot
17 residue kit on the jacket itself.

18 Q And does that basically work the same way as the
19 gunshot residue kit that you took from the defendant? That
20 you took on a person?

21 A Basically it does; however, the only difference is
22 the jacket is an inanimate object; so therefore, it does
23 not absorb. So the time frame is not a factor when it
24 comes to doing gunshot residue kit.

25 Q Would you explain a little further what you mean by

Martin Clay Adams - Direct Examination by Ms. Young

1 time frame and why it would be a factor with one and not
2 the other?

3 A As long as a human body is alive, it's always
4 absorbing and excreting. You're sweating as well. But
5 typically with gunshot residue because it's a metal, the
6 body will absorb it, so therefore you have that time frame
7 that you have to stay within. With an inanimate object,
8 it's still there. It's not going anywhere.

9 Q Lieutenant Adams, do you recognize State's Exhibit
10 No. 38?

11 A I do, yes, ma'am.

12 Q And what is that?

13 A This is a gunshot residue collection kit that was
14 obtained on the blue jacket, from suspect.

15 Q And that's what you were just now referring to?

16 A Yes, ma'am.

17 MS. YOUNG: Your Honor, at this time we would offer
18 State's Exhibit No. 38 into evidence.

19 MR. GIBBONS: No objection.

20 THE COURT: So admitted.

21 (WHEREUPON State's Exhibit No. 38 was entered into
22 evidence.)

23 BY MS. YOUNG:

24 Q Did you do any other physical testing on any of the
25 other evidence that you recovered that night?

Martin Clay Adams - Direct Examination by Ms. Young

1 A Other than obtaining a DNA swab of the handle of
2 the firearm, no, ma'am.

3 Q And how do you do that?

4 A Take -- we take sterile cotton tip swabs. We
5 dilute them with a distilled water and just swab the area
6 that we are looking to see if there is any DNA profile.

7 (WHEREUPON the attorneys were conferring.)

8 MR. GIBBONS: No objection, Your Honor.

9 BY MS. YOUNG:

10 Q Lieutenant Adams, what is State's Exhibit No. 40?

11 A State's Exhibit 40 is an envelope that contains two
12 swabs from handle of pistol.

13 MS. YOUNG: Your Honor, at this time, we would
14 offer State's 40 into evidence.

15 THE COURT: So admitted.

16 (WHEREUPON State's Exhibit No. 40 was entered into
17 evidence.)

18 BY MS. YOUNG:

19 Q And you sent those off to SLED for additional
20 testing, correct?

21 A It would have been sent to SLED for DNA analysis.

22 Q And do you recall if you recovered any further
23 physical evidence from the scene on that evening?

24 A I believe that I took a beer bottle that was in a
25 white paper bag.

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1 Q And would you have also sent that back for testing
2 and things of that nature?

3 A The beer bottle and baggy, we kept in house to do
4 fingerprints. However, we did -- before we do any type of
5 fingerprint examination, we'll swab it for DNA because the
6 fingerprint process will destroy any DNA evidence and so we
7 go ahead and swab for that particular piece of evidence and
8 then conduct the fingerprint exam.

9 (WHEREUPON the attorneys were conferring.)

10 MR. GIBBONS: No objection, Your Honor.

11 BY MS. YOUNG:

12 Q I'm handing you State's No. 39 and ask if you
13 recognize that.

14 A This would have been DNA -- two swabs DNA from the
15 mouth of a King Cobra beer bottle.

16 Q And Lieutenant Adams, why do you take all these DNA
17 swabs from items at this scene?

18 A We try our best to get as much evidence as we can.
19 A lot of times we are limited as to what we can obtain or
20 what we have to work with. In this case, the likelihood of
21 an identifiable fingerprint being around the lip of a beer
22 bottle is not, not really fathomable, so it's easier for us
23 to take that DNA swab and then process the rest of the beer
24 bottle for fingerprints. And that way if we could get a
25 developed fingerprint and a DNA swab, it just leads to

Martin Clay Adams - Direct Examination by Ms. Young

1 further recognition that the evidence was what we thought
2 it would be.

3 Q Let me ask you this: When you got there and collect
4 evidence, you don't know what may or may not be relevant;
5 is that correct?

6 A That's correct.

7 Q And how do you determine what you're going to
8 collect? I mean, you can't pick up everything, right?

9 A Well -- no, we can't. We use the evidence that's
10 around to kind of dictate which direction we go in. In
11 this instance, there was -- the beer bottle was near the
12 gun, so we would like to see if by chance the two are
13 connected.

14 Q So that's why you -- how you make your decision on
15 what you collect and what you don't collect?

16 A Yes. And a lot of times the physical evidence
17 that's at a scene, you can tell whether it's been there for
18 a while or if it's typically fresh. For instance a beer
19 bottle that's still sweating because it was cold and now
20 it's starting to warm up. Just using little clues like
21 that to kind of tell us what 's been here and what hasn't.

22 Q I mean, there are probably 500 cigarette butts out
23 there on the ground; isn't that right?

24 A Yes.

25 Q And it would be defeating to try to collect all of

Martin Clay Adams - Direct Examination by Ms. Young

1 them and -- because some of them would be out there for
2 some period of time?

3 A That's correct.

4 Q Is that part of what your training and experience
5 teaches you in terms of -- in making these determinations?

6 A Yes, ma'am.

7 Q Okay. I'm going to direct you back to the
8 specifics of the defendant's shoes and ask if you did any
9 further follow up or additional investigation regarding
10 shoes in this particular case?

11 A I did. I was able to take the defendant's shoes
12 and do an examination between them and the footwear -- the
13 photographs of the footwear that we had at the crime scene
14 itself.

15 Q And how about in terms of the shoes of the victim,
16 David Maple?

17 A I did the same thing.

18 Q And what did you find as a result of your
19 investigation?

20 A In my -- based between the actual shoes and the
21 photographs, the scaled photographs of the footwear at the
22 scene, I was able to positively identify the victim's shoe
23 were located at the scene due to characteristics in that
24 shoe impression that made it unique to his shoe. In this
25 instance, both the victim and the suspect wore the same

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1 size shoe with a very similar outsole design. They were
2 both Nike Air Force 1, size 9, I believe, without looking
3 directly to my report. So with that being said, the shoe
4 wear impressions were very, very similar; however, the
5 victim's shoe impressions showed up a greater amount of
6 detail, some I was actually able to say in fact this shoe
7 impression here in this photograph was made from him.
8 However, the other shoe impressions that did not display
9 individual characteristics for identification were of the
10 same size and were of the same outsole design as that of
11 the defendants.

12 (WHEREUPON State's Exhibits 42 through 47 were
13 marked for identification.)

14 MS. YOUNG: Bear with me just a moment.

15 (WHEREUPON there was a pause in the proceedings.)

16 BY MS. YOUNG:

17 Q Lieutenant Adams, I'm going to show you what's now
18 been marked for identification purposes as State's 42
19 through 47 and ask if you recognize those?

20 A (Looking.)

21 MR. GIBBONS: Your Honor, I have no objection to
22 these items coming in.

23 THE WITNESS: Yes, ma'am.

24 MS. YOUNG: Your Honor we'd offer State's 42
25 through 47 at this time.

Martin Clay Adams - Direct Examination by Ms. Young

1 THE COURT: So admitted.

2 (WHEREUPON State's Exhibits 42 through 47 were
3 entered into evidence.)

4 BY MS. YOUNG:

5 Q Lieutenant Adams, those aren't going to be on the
6 big screen, so if you don't mind, if it's okay with the
7 judge, just step down and describe those, each one, and why
8 it's important to show it to the jury.

9 THE COURT: You may do so.

10 (WHEREUPON the witness stepped down in front of the
11 jury.)

12 THE WITNESS: State's Exhibit 42 is a picture of
13 the victim's shoes. Kind of an aerial photograph, looking
14 down on top of it.

15 State's Exhibit 43 and 44 are both photographs of
16 the underside -- the outsole side of the shoes, showing the
17 pattern. Also these are of the victim's.

18 State's Exhibit No. 45 is the aerial view of the
19 suspect's shoes.

20 State's Exhibits No. 46 and No. 47 are going to be
21 the photographs of the outsole, design, the bottom half of
22 the shoes.

23 BY MS. YOUNG:

24 Q You might have already answered this while I was
25 running around and thinking in my head at the same time,

Martin Clay Adams - Direct Examination by Ms. Young

1 but did you describe if there were any differences? You
2 said they were the same size, the same brand. Were you
3 able to determine any differences between the two? If you
4 answered that, you don't have to repeat it.

5 A I was. In the victim's outsole design, at the
6 heel, you can see the dimples. It's a part of the shoe.
7 It shows that the wear on the bottom of the shoe isn't that
8 much or it's -- it hasn't been rubbed off to be exact. But
9 it's -- it shows a pretty good amount of detail; whereas on
10 the suspect's shoes where those dimples would be is very
11 smooth, showing that the wear had taken off that bit of --
12 bit of detail.

13 Q Okay. You can jump back up there.

14 (WHEREUPON the witness returned to the witness
15 box.)

16 (WHEREUPON State's Exhibit 48 was marked for
17 identification.)

18 BY MS. YOUNG:

19 Q Lieutenant Adams, I'm going to show you State's
20 Exhibit No. 48 and ask if you recognize that.

21 A I do, yes, ma'am.

22 Q And what is that?

23 A State's Exhibit No. 48 is a photograph that I took
24 of the area behind the right side trailer, where we
25 identified where the victim was laying. In this

Martin Clay Adams - Direct Examination by Ms. Young

1 photograph, it shows the clothes or fabric impressions in
2 the dirt as well as shoe impressions.

3 MS. YOUNG: Your Honor, at this time, we'd offer
4 that item into evidence.

5 MR. GIBBONS: No objection.

6 MS. YOUNG: And I think I've offered everything so
7 far Your Honor except perhaps No. 49.

8 THE COURT: So admitted.

9 MS. YOUNG: Okay.

10 (WHEREUPON State's Exhibit 48 and 49 were entered
11 into evidence.)

12 BY MS. YOUNG:

13 Q All right. After you did all this evidence
14 collection, Lieutenant Adams, did you have any further
15 investigation of this matter?

16 A After I left the scene, I went to the hospital
17 where the victim was.

18 Q And what did you do at the hospital?

19 A I just took basic photographs of the victim.

20 Q And was he deceased at that time?

21 A Yes, he was deceased.

22 Q Okay. And how about after that night? Did you do
23 any additional investigation?

24 A The next morning I went to Newberry South Carolina,
25 which is where the pathology is, where the autopsy was

Martin Clay Adams - Direct Examination by Ms. Young

1 conducted.

2 Q And what if anything did you do at the autopsy?

3 A There at the autopsy, I was able to obtain inked
4 fingerprints of the deceased to do a positive
5 identification as well as collected any physical evidence
6 that was obtained through the autopsy.

7 Q Okay.

8 (WHEREUPON State's Exhibits 34 through 36 were
9 marked for evidence.)

10 BY MS. YOUNG:

11 Q Lieutenant Adams, I'm going to show you State's
12 Exhibits 34, 35, and 36 and I'm going to ask if you
13 recognize those?

14 A Yes, ma'am, I do.

15 Q And what are they?

16 A State's Exhibit No. 34 is a bullet that was
17 recovered at autopsy from the left, upper chest.

18 State's Exhibit 35 is a bullet recovered at autopsy
19 from the anterior chest.

20 And State's Exhibit No. 36 is a bullet recovered
21 from the shoulder at autopsy.

22 MS. YOUNG: Your Honor, at this time, we'd offer
23 State's 34, 35, and 36 as evidence in this case.

24 MR. GIBBONS: No objection.

25 THE COURT: So admitted.

Martin Clay Adams - Direct Examination by Ms. Young

1 (WHEREUPON State's Exhibits 34, 35 and 36 were
2 entered into evidence.)

3 BY MS. YOUNG:

4 Q And Lieutenant Adams, once those bullets were
5 recovered, did you observe that?

6 A Yes, ma'am.

7 Q Is that something that the pathologist does?

8 A Yes, ma'am.

9 Q Okay. And what did you do with those at that time?

10 A They were collected by me and taken to the
11 sheriff's office where they were admitted into our evidence
12 facility, assigned a bar code and transported to the State
13 Law Enforcement Division for testing.

14 Q Is there anything else that you did? We've gone
15 over a lot. Is there anything else that you did regarding
16 forensic investigation in this case, Lieutenant Adams?

17 A Not that I'm aware of.

18 Q That's not a good question. I'm just trying to
19 make sure that I asked you everything.

20 And do you document this work? You talked about a
21 lot of different things. Do you document it and make a
22 record of it in some fashion?

23 A I do. I do generate a record.

24 Q Okay. And what do you do with those reports once
25 you generate them?

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 A They're turned over to the investigator assigned to
2 the case.

3 Q So that would be Investigator Lager?

4 A Yes, ma'am.

5 Q So she knows what you did?

6 A Yes, ma'am.

7 Q Okay. All right.

8 MS. YOUNG: Your Honor, I don't have any further
9 questions for Lieutenant Adams.

10 THE COURT: All right. Mr. Gibbons.

11 MR. GIBBONS: Thank you, Your Honor.

12 **CROSS-EXAMINATION**

13 BY MR. GIBBONS:

14 Q Good morning, Mr. Adams, how are you?

15 A Good morning, sir.

16 Q You are the crime scene specialist for the
17 sheriff's office?

18 A One of them, yes, sir.

19 Q And how many people are in your department? I mean
20 that do that kind of work.

21 A That do that kind of work, there's myself, and two
22 other crime scene investigators.

23 Q And on big crime scenes more than one of you go
24 out?

25 A Yes, sir.

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 Q And so you can cover whatever you need the cover,
2 correct?

3 A Yes, sir.

4 Q And I believe you told Ms. Young that your goal
5 when you get there is to get as much evidence or as much
6 information as possible about what happened?

7 A Yes, sir.

8 Q All right. When you got to the scene, was it
9 already taped off?

10 A Yes, sir.

11 Q Were you provided information that the witness said
12 that the shooting happened right where the cars were?

13 A No, sir.

14 Q Nobody told you that?

15 Did you do any evidence or examination underneath
16 where the squad cars were?

17 A In the roadway? No.

18 Q Where they were parked. After they moved did you
19 examine that area?

20 A Yes, sir.

21 Q And did you find anything in that area?

22 A No, sir.

23 Q Is there anything that you can do -- let's say they
24 told you they'd driven over the crime scene, there's steps
25 that you can take to get as much as you could anyway,

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 right?

2 A Yes, sir.

3 Q It wouldn't have ruined everything?

4 A No, sir.

5 Q And you didn't find anything there where that
6 witness said the whole thing took place? The fight took
7 place?

8 A I didn't know anything about a fight.

9 Q And you didn't talk to the witness, did you?

10 A No, sir.

11 Q Firsthand?

12 So you don't know exactly what she said about
13 anything?

14 A No, sir.

15 Q You're relying on the officers that did talk to
16 her -- and I don't know, did you see her written statement
17 that night?

18 A No, sir.

19 Q And you didn't talk to any witnesses or approach
20 anybody that was walking around and ask them any questions?

21 A No, sir.

22 Q You're basically there to get physical evidence
23 that you can find, correct?

24 A Yes, sir.

25 Q All right. So was -- would you consider that crime

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 scene well preserved when you got there as far as the
2 information you knew?

3 A Yes, sir.

4 Q If they had -- if they had been told that there
5 were important -- where their car was parked, should they
6 have done anything differently or just told you?

7 A The --

8 Q If they were -- if a deputy drives up and the
9 witness says you just drove over where some of this
10 happened, should they have done something different?
11 Should they have told you that?

12 A I would hope so, yes, sir.

13 Q I mean you want all the information you can get,
14 right?

15 A Yes, sir.

16 Q And you would have checked that area more closely
17 if you'd known that was part of the crime scene?

18 A Yes, sir.

19 Q Now, does a murder case get treated any differently
20 than a shooting or domestic as far as evidence collection
21 goes?

22 A No, sir.

23 Q You're on the top of your game either time?

24 A We try.

25 Q You're doing everything you can physically do and

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 think of?

2 A Yes, sir.

3 Q And it doesn't matter if it's Woodside, Dallas
4 Circle or Aiken Mall?

5 A That's correct.

6 Q You treat it just as serious and you do the best
7 job you can?

8 A Yes, sir, that's correct.

9 Q Now, when you got out there had they already put
10 London in handcuffs?

11 A I believe so, yes, sir.

12 Q And so the first thing you did -- did you take
13 photographs first or did you get over to him first because
14 of the time constraints?

15 A I can't remember.

16 Q All right. Well, did you go work the whole scene
17 and then go get your GSR kit?

18 A Again, I can't quite remember what first steps I
19 did.

20 Q Did you get his footwear before you went back and
21 worked the rest of the crime scene and took pictures?

22 A I don't recall.

23 Q It's been two years.

24 All right. Now, did you collect some items back
25 there for fingerprints?

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 A Yes, sir.

2 Q Was anything that you collected, shell casings,
3 gun, beer bottle, bag -- what else was there? That's about
4 it, isn't it?

5 A Without looking at it --

6 Q Shoes.

7 A Yes.

8 Q Did you find anything as a crime scene
9 investigator -- and you've been qualified as an expert in
10 that field in this court, haven't you?

11 A In this court, yes, sir.

12 Q Now, did you find anything on those items in your
13 examination that you can tie definitely back to my client,
14 London Wooden?

15 A Fingerprint-wise, no, sir.

16 Q All right. Can you positively ID his footwear?

17 A No, sir.

18 Q And you checked -- did you find some prints that
19 that were identifiable?

20 A I believe some fingerprints were developed on the
21 beer -- the white bag containing the beer bottle.

22 Q And is it true that you were told that the suspect
23 might have sat there and drank some beer by somebody? Did
24 you ever hear that?

25 A I think that we determined that because there was

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 similar footwear around that chair.

2 Q And so you collected it. And you did get prints,
3 correct?

4 A Yes, sir, I believe so.

5 Q And they don't match my client, correct?

6 A Correct.

7 Q Did you put them in the nationwide computer?

8 A They were searched in the automated fingerprint
9 identification system.

10 Q And what is that?

11 A That's AFIS.

12 Q That's everybody that's had their fingerprints
13 taken?

14 A No, sir. It's our state data base, the South
15 Carolina fingerprint data base only contains people with a
16 criminal history, that have been arrested, law enforcement
17 officers, and people that have concealed weapons permits.

18 Q And that's all in a big computer and you can run a
19 print and it will spit out if there's a match to anybody?

20 A It narrows down our search, yes, sir.

21 Q Okay. And you did get a print off of that bag back
22 there where the shooting -- where the victim was and we
23 don't know who it was?

24 A That's correct.

25 Q And if you got a person's print today, you could

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 check that against that, couldn't you?

2 A Yes, sir.

3 Q It will stay in there -- I mean you have it, you
4 have it preserved. At some future date if you get that
5 guy's fingerprint, you can match it if you needed to.

6 A Yes, sir.

7 Q All right. Did you go -- did you go in the house,
8 the suspect's house?

9 A No, sir.

10 Q Is that unusual in a murder case?

11 A Unless investigators find something is -- that they
12 feel is important.

13 Q Well, you want to get all the information possible,
14 right?

15 A I want to collect the evidence at the crime scene.

16 Q Well, if someone ran from the crime scene into a
17 house and was taken out of that house, wouldn't it have
18 been a good idea to check that house?

19 A Well, we were allowing our investigators to do
20 that.

21 Q I understand that, but I mean, there could have
22 been evidence in there, right?

23 A Yes, sir.

24 Q You didn't know what gun that was. You didn't know
25 that was the gun that killed the boy at that point, did

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 you? For sure?

2 A For sure, no, sir.

3 Q So as far as y'all knew before that gun went to
4 SLED and got tested, there could have been other guns,
5 right? As far as you knew that night?

6 A As far as we knew that night, yes, sir.

7 Q And you could have gotten a search warrant and
8 searched the house the suspect came out of and you could
9 have checked for a gun, correct? If you'd gone with a
10 search warrant? If there's been one done?

11 A Again, that would be the job of the investigators.

12 A I understand that, but I'm saying if you wanted to
13 get all of the evidence as the evidence collector, there
14 could have been guns, ammo, bloody sinks, anything in there
15 couldn't there.

16 A Yes, sir.

17 Q And in retrospect, I mean Monday morning
18 quarterback, that's the worst thing, but in retrospect. It
19 would have been a good idea to get a search warrant for
20 that house, wouldn't it?

21 A Again, I -- that is the job of the investigators.
22 My only job is to collect the evidence that is at the
23 scene.

24 Q Had they done that, you would have collected
25 evidence in there if there was any?

Martin Clay Adams - Cross-Examination by Mr. Gibbons

- 1 A If there were, yes, sir.
- 2 Q Now, GSR kit, you physically take hold of his hands
3 and swab it with these little swabs?
- 4 A There's two -- there's two parts of that kit.
- 5 Q Okay.
- 6 A There's the SEM Tab, which is the sticky tab.
- 7 Q Right.
- 8 Q There's the atomic absorption, which is the cotton
9 tip --
- 10 Q Q-tip?
- 11 A Q-tip that we use with a 5 percent nitric acid.
12 It's contained all in this kit. It's a self-contained kit.
- 13 Q And you swabbed the bottoms and the tops of both
14 hands?
- 15 A Yes, sir.
- 16 Q And you did that that night, but you don't remember
17 at point you did that?
- 18 A It was -- it was early upon my arrival.
- 19 Q So you kept working the scene after you did GSR
20 then, correct?
- 21 A Yes, sir.
- 22 Q And you get that done, you went back -- and I'm
23 going to need to show you some photos you've already looked
24 at --
- 25 **MR. GIBBONS:** And Your Honor, if we could project

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 in the way the jury saw them before?

2 THE COURT: You may. Can y'all pull up the
3 pictures please.

4 (WHEREUPON the technology was being set up.)

5 BY MR. GIBBONS:

6 Q Now, at the crime scene, you did a walk through,
7 right? Of the areas the deputies had marked the casings,
8 the area where the gun was located, the area where the body
9 supposedly was?

10 A Yes, sir, we do an overview, walk through, yes,
11 sir.

12 Q And take pictures.

13 A Typically we do a walk through first and just kind
14 of make sure that we are in the right area before we start
15 shooting pictures.

16 Q All right. Now, in the area where the casings and
17 the gun were found, the deputies had scraped up the dirt
18 around some of the items?

19 A Around the shell casing, yes, sir.

20 Q And if they hadn't done that, you could have seen
21 if there were footprints where they'd scraped, right?

22 A Yes, sir.

23 Q Don't you usually mark stuff with cones?

24 A With markers, yes, sir.

25 Q That don't disturb the crime scene?

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 A They minimize, less disturbing, yes, sir.

2 Q I'd like for you to look at two photos if you

3 could. Come on down.

4 (WHEREUPON the witness steps down from the witness

5 stand.)

6 BY MR. GIBBONS:

7 Q Now, you were talking about some fabric marks. I

8 know it's been two years. Can you tell from that

9 photograph what you remember trying to capture?

10 A I believe that it is right in this location right

11 here.

12 Q Was there an indentation there?

13 A Yes, sir.

14 Q And could you tell which was shirt, which looked

15 like pants?

16 A No, sir, it wasn't quite that clear, but --

17 Q Just fabric?

18 A Just fabric.

19 Q Was there anything done over here past this corner

20 in this area?

21 A Other than just a visual inspection?

22 Q You didn't see any clothing markings other there?

23 A No, sir.

24 Q Or footprints over there?

25 A Nothing that stood out.

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 Q And No. 9. What were you told about the gun? Did
2 anybody tell you somebody threw a gun anywhere or you just
3 went there and got it cold?

4 A That's where I found it.

5 Q Now, that sand is pretty soft in that area, isn't
6 it?

7 A Actually that sand is pretty hard packed --

8 Q Umm --

9 A -- right here where the gun is.

10 Q That's different sand than where the footprints
11 were and the fabric was?

12 A Yes.

13 Q Okay. Well, given that picture right there, if I
14 threw that down on the ground, shouldn't it leave a mark or
15 dig in a little bit or maybe splash dirt up on it?

16 A I don't know without being able to actually -- a
17 gun can -- any item can land.

18 Q Did you take the picture after you collected the
19 gun where it was before?

20 A I don't remember if I took --

21 Q So you can't say whether this was placed there or
22 thrown there based on this picture?

23 A Based on this picture, no, sir.

24 Q Could be either?

25 A Could be either.

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 Q Thank you.

2 THE COURT: Mr. Gibbons, are you going to be a
3 while?

4 MR. GIBBONS: I am.

5 THE COURT: We're going to take a break.

6 Ladies and gentlemen, I'm going to let you take a
7 break. Go back to the jury room, stretch, relax a little
8 bit. Please do not discuss the case while you're back
9 there and we'll bring you back in about 15 or 20 minutes.

10 (WHEREUPON the jury left the courtroom at 11:19
11 a.m.)

12 THE COURT: All right. We'll take about a 15
13 minute break.

14 Don't discuss your testimony with anyone.

15 THE WITNESS: Yes, sir.

16 (WHEREUPON a recess was observed.)

17 MS. YOUNG: Your Honor, may I bring something brief
18 up before we bring the jury back in?

19 I know Mr. Gibbons is not done with his redirect
20 yet -- excuse me his cross yet, but I believe he's opened
21 the door to something with regard to the defendant's
22 demeanor and I would like to ask the witness about on
23 redirect and I didn't know if you wanted us to make a
24 proffer or anything like that. We're prepared to do so.

25 THE COURT: Wait a minute. He opened the door

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 about the defendant's demeanor?

2 MS. YOUNG: He asked the witness about when he did
3 the collection, at what point in his investigation did he
4 do the collection of the GSR, is what I'm referring to
5 specifically; and I believe it's opening the door for two
6 angles. I'm just assuming that part of the reason he's
7 asking that question is there's not any GSR on the
8 defendant's hands. And I interpreted his question to be
9 partly a question about timing of when he collected the
10 GSR, but in addition at the time of the collection, we
11 believe that the evidence would be that the defendant was
12 crying with moisture would have some effect on that and
13 that's what we would want to ask him about.

14 MR. GIBBONS: Your Honor, I don't think we've
15 opened the door. I don't think it's proper to get into his
16 demeanor. That's almost making a statement, which he
17 doesn't have to do. In addition, I don't think Mr. Adams
18 is an expert on the GSR stuff that the SLED people are
19 going to testify about. I don't know that he's qualified
20 to say what effect that would have.

21 THE COURT: My recollection -- the way you said he
22 opened the door, you asked him at what point when he was
23 out there did he do the GSR.

24 MS. YOUNG: That's correct, Your Honor.

25 THE COURT: How does that get into the demeanor.

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 **MS. YOUNG:** Well, let me just address the time part
2 of it first. I'm not going to ask him about whether or not
3 he's an expert, it could just be, with regard to the actual
4 time so I can ask the actual GSR expert about it, who we do
5 plan to call later -- I mean -- my understanding of his
6 question is that he was opening a door as to why there
7 would not be GSR on the defendant's hands and that was why
8 I wanted to get into the part about him crying.

9 **THE COURT:** Well, I don't see that. I mean, the
10 fact when he did it --

11 **MR. GIBBONS:** I believe I asked him three or four
12 times and he couldn't remember exactly when. All he was
13 able to say was toward the first part, during the beginning
14 of my investigation. I don't think he can give the time
15 anyway.

16 **MS. YOUNG:** I think I can ask him within six hours.

17 **THE COURT:** You can ask him that, but, I mean, his
18 demeanor would not be an issue based upon that in my
19 opinion.

20 **MS. YOUNG:** Okay, Your Honor. Thank you.

21 **THE COURT:** All right. Let's bring the jury in.
22 I mean, you can clearly follow up what we've done,
23 what you remember anything that deals with the time.

24 **MS. YOUNG:** Yes, sir, thank you.

25 (WHEREUPON the jury entered the courtroom at 11:49

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1 a.m.)

2 THE COURT: When y'all come in, I want you to go
3 all the way to the end. That's a good way to get somebody
4 to trip over you. Nobody has a reserved seat at this time.
5 We're going to get a foreperson at some time and that
6 person will have a reserved seat where this young lady is,
7 so other than that and the two alternates in the back
8 there.

9 All right. Mr. Gibbons, you want to proceed?

10 MR. GIBBONS: Yes, Your Honor.

11 BY MR. GIBBONS:

12 Q Mr. Adams, we've gone through a number of items, a
13 bunch of pictures of shoe wear, footwear and pictures of
14 footwear marks, correct?

15 A Yes, sir.

16 Q None of this stuff really led anywhere, did it, as
17 far as identifying who was shooting, who was in there, who
18 was in this area?

19 A The purpose for the photographs, obviously, was to
20 show footwear impressions. With regards to having the
21 actual shoes to compare to, I was unable to either confirm
22 nor deny that his shoes were actually present.

23 Q Well, there's no question it was the right thing to
24 collect them. You needed to do that. But as far as
25 helping the jury know what went on back there, it didn't

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 turn out to prove anything, did it?

2 A It just proved that people were walking around.

3 Q And the same with the fingerprints, correct?

4 A Yes, sir.

5 Q How long roughly, did you stay at that crime scene?

6 A Not quite sure. Probably a couple of hours if I
7 had to guess.

8 Q Okay. Well, after you heard about the victim at
9 the hospital had deceased and --

10 A They did let me know on the scene that the victim
11 had expired.

12 Q Now, are you in charge of every crime scene
13 associated with this case? Is there anything that needs to
14 be done as far as evidence collection at the hospital at
15 that point?

16 A Basically the way that my section works is, we are
17 an assisting section to all the aspects of the sheriff's
18 office; all the adult investigators, juvenile
19 investigators, narcotics --

20 Q Okay.

21 A -- road patrol and such. So we really work at
22 their discretion. They tell us what they would like --
23 what they say. Obviously, at a physical crime scene like
24 this one on Dallas Circle, the investigator would say,
25 we've got a shooting here, we need you to collect all the

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1 physical evidence and do your job, collect, photograph, and
2 so forth. So with that being said, when we clear one
3 scene, if there happens to be another scene or something
4 like that, we then refer back to the investigator and ask
5 them what they need us to do. Do we need to come to the
6 hospital. In this instance, I did go to the hospital.

7 Q And how long after this call out did you end up
8 getting to the hospital?

9 A I'm not quite sure. Without looking at the chains
10 of custody.

11 Q Within six hours?

12 A Yes, within six hours.

13 Q Okay. And had the investigator asked you to, you
14 could have called out a helper and sent them there earlier,
15 correct?

16 A I'm really not understanding your question.

17 Q If -- if there was -- if time was of essence in
18 this case, as it was, you could have -- if an investigator
19 wanted to do something at the hospital while you were
20 working this scene, they could have called out a second
21 crime scene person, right?

22 A I could have, yes, sir.

23 Q But you weren't asked to do that?

24 A No, sir. In this instance, I think it's important
25 to say why.

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1 Q Okay.

2 A It's because the victim at this time is now
3 deceased, knowing full well -- with great certainty that he
4 will in turn go to autopsy, typically the next morning,
5 that is when we would collect our physical evidence.

6 Q All right. You collected the casings that night
7 too, right? The shell casings?

8 A Yes, sir.

9 Q And do you send those off to SLED for fingerprint
10 analysis or do you do those?

11 A No, sir, typically we keep them packaged and send
12 them to SLED for the firearms examiners.

13 Q So were they ever fingerprinted?

14 A No, sir.

15 Q There -- there was never an attempt?

16 A No, sir.

17 Q And the firearm, you collected it? You picked it
18 up off the ground, personally?

19 A Yes, sir.

20 Q And you could have boxed it up and sent it to SLED
21 too, correct? If you wanted them to -- I mean without
22 touching anything else on it. SLED could have done the
23 fingerprints, SLED could have swabbed the DNA, SLED could
24 have done the firearms, they could have done the whole
25 thing in Columbia, couldn't they?

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 A Yes, sir. They are equipped to do that.

2 Q But instead, you took the swabs off the gun for
3 DNA?

4 A Yes, sir.

5 Q And you sent that to SLED? That was a call you
6 made?

7 A Yes, sir. By doing that, we minimize the chain of
8 custody and how much the weapon is actually handled. When
9 we process -- for instance this firearm, if we were to
10 submit the firearm without us doing any type of
11 examinations, it goes to several different sections of
12 SLED. It would go to their evidence and property. Then it
13 would go to their evidence -- or their --

14 Q Trace --

15 A -- trace evidence, thanks. Where they would do the
16 swabs and then it would go to the fingerprint department to
17 where those people then do the fingerprints and then it
18 will go to the firearms department. So by an examination
19 that I made of the weapon and determined that the surface
20 area involved on this weapon was probably not going to
21 generate us enough surface for identified fingerprint, we
22 decided that the best evidence would be to collect a DNA
23 swab of it and then send it straight to the firearms
24 department, for example.

25 Q I understand that, but there are cases that SLED

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 works themselves and they do the whole thing, correct?

2 Where they would do the prints, they would do the swabbing.

3 They do do that.

4 A I think they have different sections within their
5 forensic sciences that are capable of doing the same things
6 that we do, yes.

7 Q And if you had made the special request they would
8 have handled it and there wouldn't be a problem. SLED
9 regularly would do what you asked them to if they can,
10 right?

11 A Yes.

12 Q Now, the jacket, State's Exhibit 20, I believe, you
13 collected that from Mr. Wooden? From London?

14 A Yes.

15 Q And did you box it up?

16 A It was put into a paper bag, yes, sir.

17 Q And did you send it to SLED to be analyzed?

18 A No, sir, we kept it in house.

19 Q And you could have sent it to SLED, correct?

20 A Yes, sir.

21 Q And they -- trace evidence, that's the section that
22 would check the jacket to see if there's anything on it,
23 correct?

24 A Yes.

25 Q But you swabbed it instead and sent the swabs?

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 A No, sir, that gunshot residue is a SEM tab only.

2 Q So you just do the tape thing to it and send it
3 up -- but you did that?

4 A Yes, sir, I did.

5 Q And did you do the whole jacket or just selected
6 areas of it?

7 A I did the sleeves on both sides.

8 Q Have you ever requested SLED to do a gunshot
9 analysis and come up with a pattern? A soot pattern or a
10 gun-powder pattern?

11 A Yes, sir, but on an item of clothes that has been
12 shot.

13 Q Right. But it can be done?

14 A Well, the pattern analysis that you're referring to
15 is one that we would have SLED to do to tell us, hopefully,
16 with approximation of a distance where the bullet actually
17 impacts a piece of clothing. In this case, that -- we
18 didn't feel that that would be the appropriate examination.

19 Q All right. Well, what parts did you swab on this
20 jacket? Do you remember?

21 A Both of the arms. Down near the cuff.

22 Q So you don't know what was on the back of the
23 jacket, the the collar of the jacket, the tail of the
24 jacket?

25 A No, sir.

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 Q And did you do any other tests on any of the other
2 clothing? The pants, underwear, to see if anything had
3 been -- any gun-powder residue had been placed on any of
4 them?

5 A No, sir. And I'm sorry, I'm kind of
6 misunderstanding your question. As far as -- the reason
7 why we did the gunshot residue was to show that the person
8 wearing the jacket had fired the firearm and that's why we
9 only concentrate on just the sleeves.

10 Q Well, I don't know -- you're not really qualified
11 to say that as a trace evidence person.

12 A As far as saying where we would expect to find --

13 Q Well, all the ways you can get gunshot residue
14 isn't limited to just shooting a gun is it?

15 A No.

16 Q People who get shot get it, correct?

17 A Absolutely.

18 Q People anywhere in front of a gun can get it,
19 right?

20 A That's correct.

21 Q So being around a gun can get you a positive?

22 A Yes, sir.

23 Q And did you search the area for any additional
24 shells in this case?

25 A We searched the area for shell casings, yes, sir..

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 Q And did you just search the area within the tape?

2 A No, sir.

3 Q You searched the whole area?

4 A We searched or I searched around both immediate
5 buildings in a 360.

6 Q And does your department have metal detectors to do
7 stuff like that too?

8 A We do.

9 Q And did you use that in this case?

10 A No, sir, we didn't.

11 Q You just did a visual?

12 A We did a visual.

13 Q Did you do the visual that night or the next day?

14 A That night.

15 Q And back there where the -- back there in the back
16 where the body was laying, State's Exhibit 4 --

17 A Okay.

18 Q -- there are some street lights out there in that
19 circle, aren't there?

20 A I believe there's one on a property behind it.

21 Q So right in that area, there's not anything
22 throwing light directly on where you worked the crime
23 scene?

24 A No, sir.

25 Q And it was late at night when this happened, wasn't

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 it? When you got that call around nine o'clock; is that
2 right?

3 A Nine o'clock. It was definitely dark.

4 Q And State's Exhibit 1, looks pretty dark back
5 toward the back of the trailer, correct?

6 A Very dark.

7 Q And for you to collect your evidence, you had to
8 bring your own light, didn't you? Flashes and flashlights
9 and --

10 A Yes, sir.

11 Q Now, did you go back the next day or the day after
12 that or the day after that to see if you might have missed
13 anything?

14 A No, sir.

15 Q Are you familiar with how many rounds the victim
16 had fired at him?

17 A Based off of the autopsy, I believe it was five.

18 Q And how many shell casings did you find?

19 A Four.

20 Q In that whole area?

21 A In that whole area, yes, sir.

22 Q Did you do a GSR kit on Ms. Carter, the witness?

23 A No, sir.

24 Q Could you have, if you'd been asked to?

25 A Yes, sir.

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 Q Does that involve expensive tests or anything? Or
2 is that pretty simple?

3 A It's a pretty simple test.

4 Q All right. Who does that at the sheriff's office?
5 Can anybody do that or are you -- are you the only one that
6 can do that?

7 A No, sir, all of our investigators are trained to be
8 able to do it.

9 Q And Mr. Wooden's GSR kit, that was done within the
10 six hours, right?

11 A It was, yes, sir.

12 Q And then I believe you said you went to the
13 hospital at some point?

14 A Yes, sir, after we cleared the scene.

15 Q And what was your purpose in going to the hospital?

16 A To take photographs and any other information that
17 we can get from the body.

18 Q Were you informed of how the body got to the
19 hospital?

20 A No, sir.

21 Q You don't know if it was ambulance? You don't know
22 if it's a personal vehicle?

23 A Oh, I believe they told me that somebody took him
24 in a car.

25 Q And if you'd been asked to work that car, would you

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 have done it?

2 A Yes, sir.

3 Q And the people that were driving that car, if you
4 had been asked to GSR them, could you have done that?

5 A Yes, sir.

6 Q And if they'd still been there when you got to the
7 hospital, you'd have still been within the six-hour window,
8 wouldn't you?

9 A I believe so, yes, sir.

10 Q Was that done?

11 A No, sir, I did not.

12 Q Did you see any blood trail out there that night?

13 A No, sir.

14 Q Did you see any definite signs of a struggle in the
15 dirt that you were looking at? A twist and a run, a dig
16 mark, a hand print?

17 A No, sir, I did not find that.

18 Q The footwear that you examined, did you take a
19 plaster cast of the footprint in the sand?

20 A No, sir, we only shot digital photographs.

21 Q And was that made -- was that decision made for any
22 reason?

23 A Yes, sir, typically when we do footwear impressions
24 or tire wear impressions -- used to it was -- we would pour
25 plaster cast of the footwear and then when we had the shoe

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 to compare it to, we would then make a plaster cast of the
2 shoe. So when we do an examination, that would be a three
3 dimensional examination because the plaster cast is
4 actually three dimensional, it's got depth.

5 Now, with the high resolution of digital, we're
6 able to shoot a photograph and it's two dimensional. So
7 when we do a footwear examinations on the shoe we would do
8 a two dimensional shot, a photograph. So it's a photograph
9 to a photograph instead of a cast to a photograph and a
10 cast to a photograph. So we're actually cutting that step
11 out and getting greater detail with the digital.

12 Q And still even with the greater system, the better
13 system, you weren't able to come up with anything helpful
14 in this case; is that correct?

15 A Now --

16 Q I mean helpful for the jury to know who did what?

17 A I was unable to say that his shoe was not there nor
18 was he there.

19 Q Now, you went to the hospital. Did you observe the
20 victim?

21 A Yes, sir.

22 Q Did you collect any evidence at the hospital?

23 A No, sir.

24 Q Were you asked to do a GSR kit on the victim?

25 A Yes, sir.

Martin Clay Adams - Cross-Examination by Mr. Gibbons

- 1 Q Did you do one?
- 2 A No, sir.
- 3 Q Why not?
- 4 A Because we were able to determine that his hands
- 5 had been cleaned by the hospital staff.
- 6 Q Okay. I'm going to refresh your memory through the
- 7 photos.
- 8 A Okay.
- 9 Q When you saw the victim at the hospital, was there
- 10 anything on his hands?
- 11 A Yes, sir.
- 12 Q They were bagged, weren't they?
- 13 A Plastic bags, yes, sir.
- 14 Q And they do that on most homicides, don't they?
- 15 A Typically -- typically when a person has come to
- 16 the hospital and they are alive, the hospital staff does,
- 17 obviously, everything that they can, I would assume, to
- 18 save the person. However, when we are encountered with a
- 19 person that has been deceased before they make it to
- 20 medical care, we will put paper bags over their hands to
- 21 preserve any GSR because at that point in time, the body is
- 22 not absorbing anymore.
- 23 Q So they'll stay a long time on a body?
- 24 A Yes, sir.
- 25 Q They don't go away after six hours. You don't lose

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 that window, correct?

2 A That is correct.

3 Q And the bags were on his hands -- both of his hands
4 were bagged at the hospital, correct?

5 A There were plastic bags on his hands.

6 Q But they were covered, right?

7 A They were covered, however, the hands had already
8 been cleaned.

9 Q Did you see the hands get cleaned?

10 A I saw an IV in a hand and with that, it is implied
11 that the hospital staff would have cleaned his hands to do
12 the IV.

13 Q Don't you look for -- on gunshot also tattooing
14 marks where burns have come off with the GSR coming in
15 contact with the hand?

16 A I have never seen stippling of the hand from
17 operating a firearm. I have seen stippling where the
18 receiver of the bullet --

19 Q So the hands were just bagged already and you said
20 they've cleaned them, we're not messing with them?

21 A Yes, sir.

22 Q And would it have hurt anything to swab his hands
23 to see if he had GSR?

24 A It's not that it would hurt anything, it's just
25 that SLED's protocol, one of the questions they ask on the

Martin Clay Adams - Cross-Examination by Mr. Gibbons

1 admittance sheet in the GSR kit is, has the person's hands
2 been washed. If we indicate that they have, SLED will not
3 do the test.

4 Q But can you say who washed them, when they were
5 washed, and if they were both washed?

6 A If we reasonably believe that they have been
7 washed, we don't do the test.

8 Q But you could have.

9 A Could have.

10 Q And those bags stayed on his hands until he got the
11 autopsy, correct?

12 A I don't remember.

13 Q Did you go to the autopsy?

14 A I did.

15 Q And you just told us that GSR doesn't have to be
16 done on a dead body within six hours, correct?

17 A That is correct.

18 Q You went up there and took the victim's hands and
19 got hand prints -- fingerprints, right?

20 A Yes, sir.

21 Q Could you have done a GSR kit at that point?

22 A I could have, yes, sir.

23 Q And did you?

24 A No, sir, because we determined that his hands had
25 been recently cleaned.

Martin Clay Adams - Redirect Examination by Ms. Young

1 Q If you were at a major crime scene and they had 15
2 people there that were said to have been there when it
3 happened and they asked you guys to check every one of
4 their hands, could you have done that?

5 A We could have, yes, sir.

6 Q And you've never been back to that scene to go look
7 at the house or anything since that night, correct?

8 A I haven't, no, sir.

9 Q Do you remember having any statements to the
10 coroner at the hospital that morning indicating they heard
11 this was a gang-related incident?

12 A No, sir, not particularly. I do remember telling
13 her to -- she was wanting to go back to the crime scene
14 after she was at the -- after the crime scene and we did
15 tell her it was an unsecured area.

16 Q What does that mean?

17 A It was not safe for her to go by herself.

18 Q All right. But you don't remember saying gang
19 related to her?

20 A I don't remember.

21 Q Thank you.

22 MS. YOUNG: Just briefly, Your Honor.

23 **REDIRECT EXAMINATION**

24 BY MS. YOUNG:

25 Q Lieutenant Adams, Mr. Gibbons asked you a lot of

Martin Clay Adams - Redirect Examination by Ms. Young

1 questions about could SLED have taken this evidence, could
2 SLED have done that with regard to collection of the
3 evidence, correct?

4 A Yes, ma'am.

5 Q And you are, as you stated previously, a trained
6 forensic analyst; is that correct?

7 A Yes, ma'am.

8 Q And is the purpose of your training so that you can
9 take forensic evidence?

10 A That's correct.

11 Q And the purpose of you taking it is to -- because
12 you have to most immediate access to the --

13 MR. GIBBONS: Your Honor, I object. She's leading.

14 THE COURT: Sustained.

15 BY MS. YOUNG:

16 Q Who gets to evidence first when you're responding
17 to a crime scene in charge of evidence?

18 A I am.

19 Q Okay. As opposed to if SLED is responding to
20 collect evidence?

21 A Correct.

22 Q And who responded in this case?

23 A I did.

24 Q Okay. And why did you take swabs of the pistol
25 handle?

Martin Clay Adams - Redirect Examination by Ms. Young

1 A We felt that that would lead to better evidence
2 than just doing fingerprints.

3 Q And when you're making all these decisions, what
4 are you basing your decisions to collect evidence on?

5 A I'm basing my decisions on the training and
6 experience that I have.

7 Q Are you also basing it on the information that
8 you're given at the time you're collecting this evidence?

9 A Yes, ma'am.

10 Q And does that include things that witnesses have
11 said about how certain things happened?

12 A If we are given a scenario when we arrive on the
13 scene, we obviously take that into account and see that if
14 it's true or not.

15 Q You stated that you responded to the hospital
16 regarding the victim in this case.

17 A Yes, ma'am.

18 Q And what did you do at the hospital?

19 A I simply took photographs.

20 Q What did you take photographs of?

21 A Of the body.

22 Q All right.

23 MS. YOUNG: Your Honor, may we approach?

24 (WHEREUPON, there was a bench conference out of the
25 hearing of the jury and the Court Reporter.)

Martin Clay Adams - Redirect Examination by Ms. Young

1 **THE COURT:** Ladies and gentlemen, I need to take up
2 a matter of law with these folks. I'm going to let you
3 step back to the jury room for a minute. Please don't
4 discuss the case. We'll be with you momentarily.

5 (WHEREUPON the jury left the courtroom at 12:14
6 p.m.)

7 **THE COURT:** All right. Ms. Young, what is it you
8 want to do?

9 **MS. YOUNG:** Your Honor, based on the questions by
10 Mr. Gibbons of Lieutenant Adams, including what he did at
11 the hospital responding to take pictures and such of the
12 victim, at this point in time, Your Honor, the State would
13 like to attempt to enter into evidence State's Exhibit No.
14 26, which is a picture of the victim's wounds that were
15 taken at the hospital. This would be the only picture that
16 we would offer of the deceased body at this time. I can
17 pass this up if you need to see it more closely.

18 **THE COURT:** What's the purpose of this picture.

19 **MS. YOUNG:** I have a case on that too, Your Honor.
20 I'll pass that up.

21 The purpose of the picture, Your Honor, is several
22 things. In this particular case, the State is required to
23 prove malice and in this particular case, that picture
24 indicates that the victim was, in fact, shot three times in
25 the back, which is consistent with the State's theory of

Martin Clay Adams - Redirect Examination by Ms. Young

1 the case and would be indicative of malice by the defendant
2 shooting him in the back as opposed to some other portion
3 of his body. Under the case of State versus Nance, which
4 is a State Supreme Court Decision from 1996, which I have
5 passed to Mr. Gibbons, obviously, the admissibility of this
6 photo is within your discretion, but at this point, I would
7 be offering it to corroborate the testimony of the
8 witnesses that the defendant or the witness rather, and any
9 further witnesses, that the defendant shot the victim in
10 the back; and also we believe that could go to potential
11 self-defense theory if that is going to be offered at some
12 point in time.

13 Lieutenant Adams was present in taking photographs
14 of the victim. I feel like he's an appropriate witness to
15 ask this of and we would request to do that at this time.
16 We do feel that this is relevant.

17 **THE COURT:** Well, tell me how the door was open.

18 **MS. YOUNG:** He asked him what he did at the
19 hospital and he told him he was there to take -- he asked
20 him if he took evidence from the victim and he was also
21 present at the autopsy, both of which places he would have
22 had the opportunity to observe that and document it, which
23 is what he did in this case.

24 **THE COURT:** Well, under your theory, why wouldn't
25 this have been admissible under any circumstance?

Martin Clay Adams - Redirect Examination by Ms. Young

1 MS. YOUNG: I think it would be, Your Honor.

2 THE COURT: Why didn't you offer it?

3 MS. YOUNG: Well, he had already told me he was
4 going to object to it and so I was waiting for a proper
5 time to bring it to your attention.

6 THE COURT: Well, I'm not sure what that means. So
7 you kind of figured he was going to open the door at some
8 point and ask him what he did at the hospital?

9 MS. YOUNG: Well, he did open the door.

10 THE COURT: He took photographs.

11 MS. YOUNG: Yes, sir.

12 THE COURT: What do you want to say, Mr. Gibbons?
13 Why wouldn't this be admissible?

14 MR. GIBBONS: Your Honor, I don't know that he can
15 testify to injury -- what direction they were going. I
16 don't know that he's qualified to testify about anything --
17 I'm assuming the medical examiner is going to come and
18 testify and they can say what angle they were coming from
19 and where they went and what they did. He can describe
20 them all he wants without that picture. The only thing
21 that picture does is inject a dead body into the jury's
22 mind and I would believe that to be prejudice.

23 THE COURT: You think a dead body is not in the
24 jury's mind in this case?

25 MR. GIBBONS: I don't think a picture would help

Martin Clay Adams - Redirect Examination by Ms. Young

1 things, Your Honor. I don't think it's necessary at this
2 point. He can describe he had three holes in his back just
3 as easy as that and we're going to have a medical expert go
4 into great detail about what those bullets were doing.

5 **THE COURT:** Well, your position is this is more
6 probative -- I mean prejudicial than probative?

7 **MR. GIBBONS:** At this point, he can't say anything
8 about what the bullet holes mean. He's not qualified to do
9 that.

10 **MS. YOUNG:** Your Honor, if I may just address that
11 briefly. I'm not going to ask him directionality, or
12 anything of that nature. I'm just going to ask him if he
13 documented what he saw, which I believe the pictures,
14 evidence in and of itself, the defense asked numerous
15 questions of the eyewitness yesterday about whether the
16 victim was standing in the front or the back and I believe
17 that is a question at this point in time, possibly in the
18 jury's mind, based on that testimony; and I believe this
19 picture would clarify that issue in their mind or assist
20 them in determining that fact, which is their duty.

21 **THE COURT:** And your theory is that you can put
22 this evidence in in response to his cross because he
23 brought up he was taking pictures?

24 **MS. YOUNG:** He asked him -- yes, sir, Your Honor.
25 He asked him about why he went to the hospital and if he

Martin Clay Adams - Redirect Examination by Ms. Young

1 went there to collect evidence. It's the State's position
2 that the photographing -- anything --

3 **THE COURT:** Frankly, I believe you probably could
4 have gotten this in if you'd done it on direct examination.
5 The problem on cross-examination -- I mean on redirect,
6 you're limited to what they brought out on cross and you're
7 limited to -- I mean, that you took pictures -- so I
8 just -- I think I'm going to have to deny -- sustain the
9 objection because I don't think at this point in time this
10 picture can come in.

11 You may be able to get this picture in with your
12 medical examiner, is this a fair and accurate
13 representation of the wounds; by -- I mean, if they had
14 asked maybe about the wounds to -- but the fact that he
15 took pictures, I don't think opened the door.

16 **MS. YOUNG:** Okay, Your Honor. Thank you.

17 **THE COURT:** I mean -- then why get a picture of the
18 hospital? That would corroborate that he took pictures. I
19 think to open the door he would have had to go into the
20 wounds themselves, not the -- so. . .

21 All right. Bring the jury back in.

22 **MS. YOUNG:** I just have a few more questions, Your
23 Honor --

24 **THE COURT:** I'm not trying to cut you off. Who is
25 your next witness?

Martin Clay Adams - Redirect Examination by Ms. Young

1 MS. YOUNG: Sir?

2 THE COURT: Can we get the next witness by one?
3 Should we send someone to start them now to go to wherever
4 they're being sequestered so they'll be back by the time
5 you finish this witness in 20 minutes.

6 MS. YOUNG: Your Honor, they are here and they are
7 actually waiting in the conference room right outside of
8 the courtroom. They are. They'll be here in
9 thirty-seconds.

10 THE COURT: I thought y'all were taking them over
11 to St. Mary's School or something.

12 MS. YOUNG: I'm sorry. I don't think I'll be done
13 by one, but we can certainly start.

14 (WHEREUPON the jury entered the courtroom at 12:21
15 p.m.)

16 THE COURT: All right. Madame Solicitor?

17 MS. YOUNG: Thank you, Your Honor.

18 BY MS. YOUNG:

19 Q Lieutenant Adams, Mr. Gibbons asked you some
20 questions about the hands of the victim.

21 A Yes, ma'am.

22 Q And you stated that the right hand had an IV in it,
23 correct?

24 A One of the hands, I believe had an IV.

25 Q Okay. Well, were there bullet wounds to the hands?

Martin Clay Adams - Redirect Examination by Ms. Young

1 A There were bullet wounds to one of the hands, yes.

2 Q And did you observe those in the hospital?

3 A I did, yes, ma'am.

4 Q How did they appear to you in the hospital?

5 A Like they could have been painful.

6 Q No, I meant -- were they clean or were they not

7 clean? That's the question.

8 A Yes, yes, the wounds were clean to the fingers.

9 Q At the time you observed him?

10 A Yes, ma'am.

11 MS. YOUNG: That's all the questions I have for

12 this witness.

13 THE COURT: Anything Mr. Gibbons?

14 MR. GIBBONS: No, sir.

15 THE COURT: All right. Thank you, sir. You may

16 may step down. You are free to leave if you would like.

17 All right. Madame Solicitor, call your next

18 witness, please.

19 MS. YOUNG: State calls Cameo Bronson.

20 (WHEREUPON the witness entered the courtroom.)

21 CAMEO BRONSON,

22 having been duly sworn, testified as follows:

23 THE CLERK: Have a seat in the witness box. State

24 your full name for the Court, spelling your last.

25 THE WITNESS: Cameo Bronson, C-a-m-e-o,

Cameo Bronson - Direct Examination by Ms. Young

1 V-i-n-c-e-n-t, B-r-o-n-s-o-n.

2 DIRECT EXAMINATION

3 BY MS. YOUNG:

4 Q Good afternoon, Mr. Bronson.

5 A Good afternoon.

6 Q Mr. Bronson, she is trying to take down what you
7 say and the jury is trying to hear, so please make sure you
8 speak loudly and slowly in response to my questions, all
9 right?

10 A All right.

11 Q Mr. Bronson are you a resident here of Aiken
12 County?

13 A Yes.

14 Q For how long?

15 A Most of my life.

16 Q You recall the day of October 1st, 2011?

17 A Yes.

18 Q Why do you recall that date?

19 A It was significant because I was around when these
20 events happened.

21 Q Okay. And what events are you referring to?

22 A The murder of David Maples.

23 Q And where were you the day this happened?

24 A I was on Dallas Circle.

25 Q Is that here in Aiken County?

Cameo Bronson - Direct Examination by Ms. Young

1 A Yes, Aiken, South Carolina.

2 Q And what were you doing there?

3 A I was just out there hanging out, getting ready to
4 go out to the club that night.

5 Q And do you know what time -- was it daylight,
6 darkness?

7 A It was getting ready to be dark. It was almost
8 dark.

9 Q And how long were you out there that night?

10 A I'd say maybe a good two or three hours, maybe.

11 Q Is this a place that you went often?

12 A Yes.

13 Q Okay. And is there a specific portion of Dallas
14 Circle that you would go to?

15 A Yes. I would go -- when you first come in, the
16 first couple of trailers on the right side because I had
17 relative that is stayed -- that lived out there.

18 MS. YOUNG: Your Honor, may I approach?

19 THE COURT: You may.

20 BY MS. YOUNG:

21 Q Mr. Bronson, I'm going to show you State's Exhibit
22 No. 28, which has already been admitted into evidence; and
23 take a look at it and get yourself oriented; and if you
24 can, once you've looked at it turn it to the jury and show
25 them where you're talking about. Okay?

Cameo Bronson - Direct Examination by Ms. Young

1 A Here. Dallas Circle.

2 Q And can you show on there which particular place
3 that you would go and hang out?

4 A Yes. These right in here, these two trailers.

5 Q Okay. Show the jury so they can see that.

6 A Right here.

7 Q Who lived in those trailers?

8 A Mary Oakman stayed in this trailer; and John
9 Oakman, her son, lived in this one.

10 Q And when you say Mary Oakman, you're pointing to
11 the trailer that's closest to the back?

12 A Yes.

13 Q All right. And you've been there numerous times
14 before?

15 A Yes.

16 Q Please describe to the jury exactly what you did
17 when you got to Dallas Circle on the date in question.

18 A Well, when I first arrived, I walked in the yard.
19 There's a group of people standing out there, so I walked
20 into Ms. Mary's trailer; and at the time she was selling
21 like little dollar shots, or whatever, of liquor, so I went
22 in there and bought a shot of liquor and I came back out.

23 Q Let me ask you this. Back up.

24 A Yes.

25 Q How did you get there?

Cameo Bronson - Direct Examination by Ms. Young

1 A Oh, I drove. I drove my vehicle.

2 Q Okay. And where did you park your vehicle?

3 A Can I see that?

4 (WHEREUPON the witness was looking at the exhibit.)

5 THE WITNESS: Parked my vehicle right here, almost

6 on the corner of this trailer, Ms. Mary's trailer.

7 BY MS. YOUNG:

8 Q All right. And were you there -- when you got

9 there, were you by yourself or with some other people?

10 A Well, I came by myself.

11 Q And what did you say you did at Ms. Mary's trailer?

12 A I came and bought a shot of liquor, alcohol.

13 Q She sold that?

14 A Yes. Well, she had it on -- she had it there. I

15 just asked her if I could buy a shot from her.

16 Q Is that something that happened on a regular basis?

17 A Yes.

18 Q Who all was present at Ms. Mary's or around

19 Ms. Mary's that night?

20 A It was various people. David Maples was one, I

21 myself, just random people that would always be there, just

22 be around.

23 Q Okay. Well, specifically around the time that this

24 happened --

25 A Yes.

Cameo Bronson - Direct Examination by Ms. Young

1 Q -- were you there?

2 A Yes.

3 Q Okay. And who was there at that point in time?

4 A One female, name was Amanda Cheatham. And might
5 be -- let me see -- let me think. The defendant. It's a
6 guy that was there -- I don't know his name, it's a guy --
7 he has an arm missing. He was there on the other side of
8 the trailer. Tay Johnson, which is deceased. He was at
9 another trailer. We was all standing around on the
10 outside.

11 Q What did you call the defendant?

12 A What did I call him?

13 Q Yeah.

14 A Tay. We call him Little Tay.

15 Q Little Tay?

16 A Yes.

17 Q Okay. And you said there was another Tay there?

18 A Yes. Tay Johnson.

19 Q Okay. And how did you tell the two of them apart?

20 A Well, Tay Johnson is taller and we call him Little
21 Tay because he was shorter.

22 Q And you stated that Tay Johnson is deceased now?

23 A Yes.

24 Q What did you call the victim in this case?

25 A We called -- his nickname was Bounce. We all know

Cameo Bronson - Direct Examination by Ms. Young

1 him by Bounce.

2 Q Did you call people by their nicknames?

3 A Well, if I knew their nickname, I call them by the
4 nickname. I never called him David.

5 Q So you always called him Bounce?

6 A Yes.

7 Q What was everybody doing? You said everybody was
8 hanging out. Can you describe that more specifically?

9 A Everybody pretty much standing around, had their
10 little beers and smoking cigarettes, just talking because
11 that was a place that we would go like before we get ready
12 to go to the club everybody would meet up and decide who
13 they would ride with or what club everybody was going to go
14 to, you know.

15 Q And if you don't mind, Mr. Bronson, please describe
16 to the jury -- you said that people were hanging out. Was
17 there a specific area where they were hanging out?

18 A Well, where we was -- can I show them on the thing?

19 Q Uh-huh.

20 A Okay. Between these two trailers was where
21 everybody normally hang out, where this light pole sitting
22 down between the trailers. That's where everybody would
23 sit there, park their cars and things like that.

24 Q Mr. Bronson, I'm going to show you State's Exhibit
25 2. It's already entered into evidence and ask you if you

Cameo Bronson - Direct Examination by Ms. Young

1 recognize it.

2 A Yes.

3 Q And what is it?

4 A This is Mary Oakman's trailer; and this is John
5 Oakman's trailer; and this is where Bounce was sitting on
6 this log right here.

7 Q Okay. And this is an area that you're referring to
8 on the night in question?

9 A Yeah. And this is where I had my car parked on the
10 other side right here. Almost on the edge of the trailer
11 here.

12 Q Okay. And the place you're pointing is on the
13 further side of the light pole?

14 A Yes.

15 Q Okay. And where were you when this happened?

16 A I was standing more over there by John's trailer,
17 near the step area.

18 Q Okay. And what did you see happen?

19 A What I saw happen -- well, we were all out there
20 hanging out, you know, just enjoying ourselves, whatever.
21 And the defendant was being like real erratic. He was just
22 trying to start with people. You know, just going on and
23 on and on, you know, trying to get himself seen and stuff.
24 And he was drinking.

25 Q When was this. Slow down a little bit. What do

Cameo Bronson - Direct Examination by Ms. Young

1 you mean by trying to get himself seen?

2 A He was just being loud and obnoxious and he wanted
3 to have some of the liquor and everybody was telling him,
4 you too young, just go home, go back in the house, you
5 know. And he was getting upset because nobody wanted to
6 drink with him.

7 Q Okay. And what happened then?

8 A Well, after that, he kept -- he kept just agitating
9 and stuff and he was like -- it came out of his mouth, he
10 said, well, it's -- nobody wants to let me drink then I
11 think I'll go get my gun.

12 Q I'm sorry?

13 A He said, Well, since nobody want to drink with me,
14 I'm going to go get my gun. You know, he said it almost in
15 a joking manner and then one of the females if I'm not
16 mistaken, Amanda, well, I'm fixings to go. I'm fixing to
17 leave. And he was like, Oh, I'm just playing. So then it
18 kind of died down. So then he walked over there and he
19 just kept agitating with Bounce.

20 Q Now, let me -- you're talking about he. We don't
21 know who you're referring to.

22 A Yeah, yes. Tay.

23 Q Who you talking about?

24 A Little Tay, the defendant.

25 Q Okay. What did he do?

Cameo Bronson - Direct Examination by Ms. Young

1 A He walking around -- like I said he being agitated
2 and trying to agitate -- you know, trying to really start
3 with people, you know, trying to get them riled up or
4 whatever. And then he walked over there to Bounce that was
5 sitting on the log and asked Bounce if he could drink some
6 of his liquor. Bounce told him no, then he just started
7 trying to argue with him or whatever; and Bounce got up and
8 tried to walk off away from them, and when he walked off,
9 Tay followed behind him. The defendant followed behind him
10 and shot -- pulled out a gun and shot and Bounce had his
11 hands up like this.

12 Q Let me slow you down a little bit first, okay?

13 A Yes.

14 Q You said that Bounce walked off?

15 A Yes.

16 Q Where did he go?

17 A He walked from where John's trailer was to around
18 the side of Ms. Mary's trailer where my car was parked.
19 Around in front of my car.

20 Q Okay. Do you see it on this picture you had
21 earlier?

22 A Yes.

23 Q Okay.

24 **MS. YOUNG:** Your Honor, can he come down here and
25 show it on the screen.

Cameo Bronson - Direct Examination by Ms. Young

1 THE COURT: Do you have an easel you can just put
2 that picture up and we don't have to keep people moving
3 around.

4 MS. YOUNG: I don't have an easel that's this
5 small.

6 THE COURT: Oh, you wanted to use that one. I
7 thought you wanted to use the bigger picture.

8 Okay. You can step down Mr. Bronson.

9 MS. YOUNG: I was just going to pull it up on the
10 screen if that's okay with you, Judge.

11 THE COURT: That's okay. Mr. Bronson, you can
12 step -- they're going to put something on the screen over
13 there. You need to face towards the court reporter so your
14 voice will carry back towards her if you would.

15 THE WITNESS: Okay.

16 MS. YOUNG: When he gets it up, you can stand on
17 this side of it.

18 (WHEREUPON they were setting up the projector.)

19 BY MS. YOUNG:

20 Q Okay. Stand over there so the jury can see you,
21 okay?

22 A All right.

23 Q Based on this picture, tell the jury where the
24 victim was sitting or where he was rather when this started
25 and where he went.

Cameo Bronson - Direct Examination by Ms. Young

1 A Okay. He was sitting almost directly in this
2 middle of this log. I was standing over here and there was
3 a whole lot of random people just in between, you know,
4 around. My car was over here.

5 Q And the place you said you were standing -- because
6 the court reporter is trying to write this down --

7 A Yes.

8 Q -- was near the corner of John's trailer?

9 A Yes. Near the corner of John's trailer.

10 Q Closest to the road?

11 A Yes.

12 Q Okay.

13 A And Bounce was sitting directly -- almost in the
14 middle of the log that was sitting here. And when the
15 confrontation started, he was -- Bounce was still sitting
16 there. Tay was still over here by this -- the defendant
17 standing over here by this tree and he just going back and
18 forth, talking, you know, getting things agitated; and he
19 asked Bounce, which was sitting here could he have some of
20 his liquor. And he kept telling him no, go ahead man,
21 you're too young, this and that. He said, I ain't got time
22 to argue with you just go on and leave me alone.

23 So Bounce got up and started walking this way,
24 which my car was here, he walked in front of my car. Tay
25 began -- the defendant began going behind him and that's

Cameo Bronson - Direct Examination by Ms. Young

1 when he pulled out the gun.

2 Bounce was like, man, I ain't going to argue with
3 you and threw his hands up like this. And that's when -- I
4 was standing -- I was somewhere up in this area and that's
5 when I seen him pull a gun out and he shot. And Bounce
6 grabbed his hand like this and cuffed it and then he took
7 off running and Tay -- the defendant ran behind him.

8 By this time I ran behind my car where I could see
9 this direction and I was doing this right here, looking to
10 see what was going on and Bounce end up running. Tay for a
11 few more steps and he stopped, lined up and shot again and
12 that's when Bounce ran some more. He fell on the other
13 corner, the corner end of this trailer. He fell and got
14 right back up and that's when I ran in the house.

15 Q Okay. Let me slow you down and back up. Okay.
16 You said that Tay was standing next to this tree. You're
17 pointing to the light pole, is that what you're referring
18 to?

19 A Yes. Yes.

20 Q Okay. And you said that Bounce, the victim --

21 A Yes. The victim was here at first.

22 Q Okay. And when he got up to walk, he went this
23 way? Which is going in which direction?

24 A Going from left -- I mean from right to left,
25 towards Ms. Mary's trailer.

Cameo Bronson - Direct Examination by Ms. Young

1 Q Okay. Tay proceeded to follow behind him in the
2 same direction and that's -- and he -- Bounce had his hand
3 up and he said, Man, I'm not going to argue with you and
4 that's when he pulled up the gun.

5 A When he pulled up the gun, he shot. When he was
6 standing almost on the corner of this trailer, that's when
7 he shot the first time. And that's when Bounce clutched
8 his hand. He did like this and he took off running. So
9 when he took off running, the defendant ran behind him in
10 the same direction. I ran from this direction behind my
11 car so I could get a better view and also get out of the
12 way because they were both going that way.

13 So when Bounce ran mid ways, which would be on the
14 other side of the half of the trailer distance to the other
15 side, that's when Tay ran a little -- a few more steps and
16 pulled the gun up again and shot again. That's -- when he
17 shot again, Bounce ran off a little bit further going
18 toward the end of the trailer and he fell almost at the
19 other corner of Ms. Mary's trailer. That's when I ran to
20 this back door here.

21 Q And you're saying whose back door? You're pointing
22 where?

23 A Ms. Mary's trailer. Her back door.

24 Q All right. You can take a seat back on the witness
25 stand.

Cameo Bronson - Direct Examination by Ms. Young

1 (WHEREUPON the witness returned to the witness
2 box.)

3 BY MS. YOUNG:

4 Q Mr. Bronson, where did the gun come from?

5 A I'm not sure, I didn't -- I --

6 Q Okay. Let me ask you this: So the defendant had
7 it on his person?

8 A I didn't see him when he -- even when he mentioned
9 it, he didn't show it. But when he -- he came up with it,
10 he came up beside his -- out the side of his -- on his
11 side, his right side.

12 Q The first time you saw it was in the area of where?

13 A Of his right hip.

14 Q And you're talking about --

15 A The gun.

16 Q And who had it?

17 A The defendant.

18 Q Okay. And at that point in time, you stated Bounce
19 was walking away from him?

20 A Yes. He was walking away and he just saying, Man,
21 I'm not going to fight with you, I'm not going to argue
22 with you.

23 Q All right. Which direction was the victim facing?

24 A He was facing toward Ms. Mary's trailer.

25 Q Okay. And how was he facing in relation to the

Cameo Bronson - Direct Examination by Ms. Young

1 defendant?

2 A He had his back to him.

3 Q And what did the defendant say when he pulled the
4 gun out if he said anything?

5 A He didn't say anything at all.

6 Q And just describe for us again what happened once
7 he pulled the gun out?

8 A Once he pulled the gun out, once he got close up to
9 the corner Ms. Mary's trailer is when he shot. That's
10 where Bounce was standing. He was still walking off,
11 talking, like, Man I'm not going the argue with you. I'm
12 not going to argue with you. And so he was walking up
13 behind him, pulled up the gun and shot him. Soon as he
14 shot, that's when Bounce took off. So he took off running
15 behind him. And once he ran behind him, Bounce was
16 running, like, going down the trailer, the side of the
17 trailer and that's when the defendant ran some more and he
18 stopped almost as if to lineup -- line up his shot and he
19 shot again and so Bounce -- I was behind the car and that's
20 when I seen Bounce run a little bit more.

21 He fell and jumped up. When he jumped up, that's
22 when I ran around the other side of the trailer and took
23 Ms. Mary's back door.

24 Q Okay. What did you do once you got inside
25 Ms. Mary's back door?

Cameo Bronson - Direct Examination by Ms. Young

- 1 A Once I got in the back door, they had turned the
2 lights off and everybody was just looking. Everybody was
3 hysterical in the house, yelling and screaming. And I went
4 toward the back window and when -- I was just looking out
5 to see which way it had went. And by the time I saw
6 anybody, that's when I seen Bounce come --
- 7 Q Let's slow down a little bit.
- 8 A Yeah. I'm sorry.
- 9 Q You said you went to the back window. Where is
10 that inside Ms. Mary's trailer?
- 11 A It's on the -- between the inside of the trailer,
12 it's right near the back steps.
- 13 Q Okay. So the back steps were at the door?
- 14 A Yes, there's a door and it's a small little hallway
15 that comes in and on the other side of that wall is a back
16 kitchen window.
- 17 Q I hate making you get up and down.
- 18 A Uh-huh.
- 19 Q I'm going to show you State's Exhibit 1 again. If
20 you see it on this picture, show the jury. Hold it up and
21 show them.
- 22 A It would be where this air-condition is.
- 23 Q That's the window you were looking out of?
- 24 A Yes.
- 25 Q Okay. What did you see?

Cameo Bronson - Direct Examination by Ms. Young

1 A What I saw was the victim fell on the side of the
2 trailer. He was --

3 Q Which trailer.

4 A John's trailer. Not Ms. Mary's, the first trailer,
5 the one to the right. He fell on the corner end near the
6 back, which would be the end of the trailer. He fell on
7 the corner side of the trailer.

8 Q Before you keep going, let me show you this and
9 keep this --

10 A Okay.

11 Q All right. I'm going to show you State's Exhibit
12 4. The place that he fell, can you see it on there?

13 A Yes, where he fell was right here. Right here on
14 the corner end of this trailer.

15 Q You're pointing to the pink trailer?

16 A Yeah. The pink trailer, the corner end of this
17 trailer.

18 Q Okay.

19 A And when he fell he was semi -- halfway on his face
20 and halfway up, you know, kind of cocked sideways like
21 this. And the defendant ran up to him and he put his hands
22 around his neck and he had the gun to his head and he said,
23 Quit shaking man, quit shaking, if you wasn't --

24 Q All right. Slow down, okay.

25 A Yes.

Cameo Bronson - Direct Examination by Ms. Young

1 Q What did the defendant do?

2 A The defendant grabbed him around the front of
3 his -- by his throat and put -- he pressed the gun close to
4 his head.

5 Q Where was the defendant when he did that?

6 A The defendant was -- was on the left side of his
7 body.

8 Q Okay.

9 A And he was standing over him like this and he had
10 his hands around his neck and he had the gun up to his head
11 and he said, Quit shaking, quit shaking, motherfucker, quit
12 shaking. If you wasn't my home boy, I shoot you in the
13 head right now.

14 Q You heard him say that?

15 A Yes, ma'am.

16 Q And then what happened?

17 A At that moment, he -- he got away from Bounce and
18 he just walking in a circle. He was waving the gun and he
19 kept saying hisself, he said, I told y'all motherfuckers I
20 was going to kill somebody. I told y'all. Just like that.

21 And at that time Mr. Tay Johnson run around the
22 trailer and he start shooting at him. He said, Man, you
23 just shot my home boy, you shot my home boy. He was
24 shooting at the defendant. The defendant took off running.

25 Q Okay. Tay Johnson was shooting at Little Tay, the

Cameo Bronson - Direct Examination by Ms. Young

1 defendant?

2 A Yes. Yes.

3 Q And when that happened, where was Tay Johnson?

4 A He came from the same direction -- he came from the
5 same direction that they was running, that they had ran
6 around because he came from somewhere else. He came from
7 the same direction that they was coming. He came from
8 around --

9 Q Okay. Hang on. Can you see it on here?

10 A No.

11 Q Okay. Can you see it on here?

12 A Yes. Tay Johnson came from the same direction they
13 had ran in and came from around this way. He had came from
14 this way here.

15 Q All right. You're pointing towards the back of
16 Ms. Mary's?

17 A Yes, the side of Ms. Mary's, from around the back
18 side of it. The same direction they came, he came running
19 the same way.

20 Q Where -- that was -- the first time that you saw
21 Tay Johnson, where was he?

22 A I didn't see him. I knew he was out there, but I
23 didn't seen him out there.

24 Q Okay. But you saw him at some point, you just said
25 you did.

Cameo Bronson - Direct Examination by Ms. Young

1 A Yes, yes.

2 Q Tell me where he was the first time you saw him.

3 A The very first time I seen him was when he came
4 from the side of the trailer, running behind the defendant,
5 shooting at the defendant.

6 Q All right. And was he saying anything to him?

7 A He said I'm going to kill you, I'm going to kill
8 you. You just shot my home boy.

9 Q All right. What did the defendant do?

10 A The defendant u-turned around and ran back the same
11 direction. He ran back the same way he came from, back
12 toward his house.

13 Q Okay. Well, explain that to me. He ran toward Tay
14 Johnson's?

15 A I didn't see it. At that time, when I seen the
16 fight, I was ducking, so all -- when I looked back up, I
17 seen the defendant running back the opposite way and Tay
18 Johnson went and got -- sat on the floor and was bouncing
19 and was just holding a rock. After he had shot at the
20 defendant, he sat there beside him and he just held Bounce
21 and he was rocking and holding him.

22 Q Okay. And what happened after that?

23 A After that, well, after that everybody -- well,
24 once -- everybody went to the other side of the trailer to
25 look and see where the defendant went. So as he went --

Cameo Bronson - Direct Examination by Ms. Young

1 after we seen him run across the front back toward his
2 house, that's when I went out the back door, got in my car
3 and left.

4 Q All right. Let me ask you this --

5 A No, I take that back. I did leave at that point.
6 I ran outside and moved my car because I was getting ready
7 to leave. I turned my car on, moved it and gunned it.

8 Q If you take State's Exhibit No. 4, can you see
9 which way the defendant ran?

10 A Yes, the defendant ran from this area here back
11 around this way, around back of the house.

12 Q So behind Ms. Mary's trailer?

13 A Yes.

14 Q Which is where the front door is?

15 A Yes. He ran from the back side to the front side.

16 Q Okay. And what happened to the victim?

17 A The victim was still on the ground and Tay Johnson
18 was just holding him and then he was saying to us -- well,
19 he was saying to Tay Johnson, don't tell nobody, I pissed
20 on myself. These bullets hurt.

21 Q Did they stay there or did they go somewhere else?

22 A The victim and Tay?

23 Q Well, by the time I had gotten out of the car -- I
24 mean out of the house and went to move my car, I moved it
25 out of the way -- I moved my car because I was getting

Cameo Bronson - Direct Examination by Ms. Young

1 ready to go. Everybody was frantically trying to call
2 9-1-1 and things like that. So they had backed the car
3 up -- somebody had backed the car up and they put the
4 victim in the car and after they took the victim out that's
5 when I left.

6 Q The victim didn't walk to the car?

7 A No, they picked him up and put him in the car.

8 Q And they were taking him --

9 A To the hospital.

10 Q All right. And did you see Schantrika that night?

11 A I saw her, but we -- it was so much chaos because
12 it was dark. I saw her but -- I don't remember seeing her
13 in the house, but I know that when -- I need to back up a
14 little bit. When -- before I saw the defendant put the gun
15 to his head, I heard Schantrika in that same little foyer
16 area where the back door is say, Oh, my God he put --

17 MR. GIBBONS: I object, Your Honor. That's
18 hearsay.

19 THE COURT: All right.

20 MS. YOUNG: I'll redirect him, Your Honor.

21 BY MS. YOUNG:

22 Q Move on past Schantrika, okay. As you stated
23 before, the lights were off in the trailer and it was
24 chaos?

25 A Yes.

Cameo Bronson - Direct Examination by Ms. Young

1 Q Is that a correct description?

2 A Yes. Everybody was running around crying and
3 screaming.

4 Q Well, let me ask you this: How long had you known
5 the victim when this happened?

6 A I've known the victim for at least 12 years.

7 Q Okay. How long did you know the defendant when
8 this happened?

9 A I knew the defendant for at least 6 months.

10 Q Okay. And you didn't stay around and tell the
11 police about this the night this happened?

12 A No.

13 Q Why not?

14 A Because Tay had already took the body. I was going
15 to meet them at the hospital.

16 Q All right. But then what happened?

17 A I went to the hospital.

18 Q Okay. Did you go and tell the police about all
19 this?

20 A No, because they was already making calls and
21 everybody was waiting for the ambulance and stuff to come.

22 Q Okay.

23 A And the reason I had left because he was -- the
24 defendant was still somewhere in the area, so I left.

25 Q Well, let me ask you this: Is it -- I mean you

Cameo Bronson - Direct Examination by Ms. Young

- 1 didn't really want to talk to the police, did you?
- 2 A No.
- 3 Q Because why?
- 4 A Well, I really didn't want to stay there because
- 5 the defendant still had the gun.
- 6 Q And why else?
- 7 A That was it.
- 8 Q Is it true that people just don't talk to the
- 9 police in that neighborhood?
- 10 A Yeah, it's true, it's true. But at the time, I
- 11 didn't have any issues with the police.
- 12 Q But you didn't talk to them?
- 13 A No.
- 14 Q All right. Let me ask you this: You have prior
- 15 convictions on your record?
- 16 A Yes.
- 17 Q And you have theft of electric current in 2008?
- 18 A Yes.
- 19 Q And you have filing false police report in 2013?
- 20 A Yes.
- 21 Q Okay.
- 22 MS. YOUNG: Beg the Court's indulgence just a
- 23 minute.
- 24 BY MS. YOUNG:
- 25 Q I just want to clarify one thing. I'm going to

Cameo Bronson - Direct Examination by Ms. Young

1 show you this overhead, No. 28 again.

2 MS. YOUNG: This is the last time, Judge, with this
3 witness.

4 BY MS. YOUNG:

5 Q All right. Take a look at that -- wait just a
6 second so Mr. Gibbons can get over here.

7 MR. GIBBONS: Thank you.

8 BY MS. YOUNG:

9 Q And please tell the jury where the defendant ran
10 off.

11 A The defendant ran from this area, around this way
12 behind this trailer here.

13 Q You're pointing to the back of Ms. Mary's?

14 A Yeah, the back -- this would be her front door. He
15 went from the back of Ms. Mary's to the front door behind
16 this trailer here.

17 Q Okay.

18 A Towards his house. His house is over here.

19 Q You're pointing to the trailer --

20 A This was his house at the time.

21 Q Okay.

22 A And he ran from around here from this area here
23 around across here because after everything was said and
24 done, we shifted to these windows that's on this side of
25 the trailer.

Cameo Bronson - Direct Examination by Ms. Young

1 Q You're pointing to --

2 A The front side of Ms. Mary's, which would be her
3 front door.

4 Q Uh-huh.

5 A We looked and when we saw him up running this way,
6 that's when I ran out the back door. I went and got in my
7 car and moved it.

8 Q All right. Mr. Bronson, is the defendant present
9 in the courtroom today?

10 A Yes.

11 Q Please point him out and describe what he's
12 wearing?

13 A He's sitting over there at the table with a white
14 dress shirt and a black tie.

15 MS. YOUNG: Your Honor, please let the record
16 reflect that this witness has identified the defendant.

17 THE COURT: It does.

18 BY MS. YOUNG:

19 Q Mr. Bronson, you were around the defendant for some
20 period of time that night?

21 A Yes.

22 Q I mean more than five minutes?

23 A Yes.

24 Q So you've had some period of time to see him
25 clearly?

1 A Yes.

2 Q All right. That's the person that shot the victim?

3 A Yes.

4 MS. YOUNG: No further questions.

5 THE COURT: All right. Ladies and gentlemen, we're
6 going to go ahead and break for lunch. I'm going to ask
7 you to be back here at two o'clock. That will give you
8 about an hour and five minutes to eat lunch. Please do not
9 discuss the case while you're gone to lunch.

10 Y'all have a nice lunch and we'll see you in an
11 hour or so. Be on time.

12 (WHEREUPON the jury left the courtroom at 12:53
13 p.m.)

14 THE COURT: All right. Y'all have a nice lunch.
15 See you back here at two o'clock.

16 THE COURT: Don't discuss your testimony at all
17 while you're on lunch break with anybody. And you feel
18 free to step down and be back here in an hour.

19 THE WITNESS: All right.

20 (WHEREUPON a recess for lunch was observed.)

21 THE COURT: All right. Let's -- we ready to go?
22 You ready to go?

23 MS. YOUNG: Yes, sir.

24 MR. GIBBONS: Your Honor, I had one item I wanted
25 to refer to. Mr. Cameo has a pending charge against him on

1 a drug case from 2011 and under 608(c), we'd like to use
2 that for impeachment purposes as a ground of bias.

3 THE COURT: Do we know what promises have been made
4 to him?

5 MS. YOUNG: Your Honor, it's -- I didn't even know
6 he had this charge. It's not with our office. It's with
7 Orangeburg. And he's raising his hand like he wants to say
8 something about it. I don't know anything about it. It's
9 the State's position that 609 requires a conviction not an
10 arrest.

11 THE COURT: You want to say something?

12 THE WITNESS: Yes.

13 THE COURT: I don't want you to say something that
14 would be incriminating to you or get you in any kind of --
15 there's a record of what's being said here.

16 THE WITNESS: Okay.

17 THE COURT: What you want to say?

18 THE WITNESS: I'm glad to say that case has been
19 dismissed.

20 MR. GIBBONS: I looked it up last week, it's still
21 active on the court system, Judge.

22 THE COURT: Well, you might want to call somebody
23 and see what the situation is. What circuit is it?

24 MR. GIBBONS: First circuit, Judge.

25 THE COURT: All right. Maybe the solicitor can get

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 somebody -- they might have better results in getting
2 through -- y'all got somebody that can help them?

3 MS. YOUNG: We'll work on that, Judge.

4 MR. GIBBONS: I'll stay away from that.

5 THE COURT: All right.

6 You know, Grant, I'm just going to deny your being
7 able to do that. Ms. Young said she didn't know anything
8 about it, so obviously, they couldn't have made any
9 promises to her -- to him to assist anything that they
10 didn't know anything about. I guess conceivably they could
11 talk to the solicitor and say he helped us, can you help
12 him, but I believe her when she says she doesn't know
13 anything about it, so --

14 MR. GIBBONS: All right.

15 THE COURT: So nothing would be done up to this
16 point.

17 MR. GIBBONS: All right.

18 THE COURT: All right. Let's bring the jury in.

19 (WHEREUPON the jury entered the courtroom at 2:15
20 p.m.)

21 **CROSS-EXAMINATION**

22 BY MR. GIBBONS:

23 Q Good afternoon.

24 A Good afternoon.

25 Q Mr. Bronson, how old are you?

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 A Thirty-one.

2 Q And where did you grow up?

3 A Aiken, South Carolina and parts of Atlanta,

4 Georgia.

5 Q Say it a little louder.

6 A Atlanta, Georgia and Aiken, South Carolina.

7 Q And how long have you lived in the Aiken area?

8 A I've been in Aiken most of my life. At least over

9 18 years.

10 Q And I think you told the solicitor that that's kind

11 of a meeting up place out at Ms. Mary's in Dallas Circle?

12 A Yes.

13 Q You said that a group of folks meet up there and

14 decide what clubs they're going to go to?

15 A Yes, sometimes.

16 Q Sometimes. And that Ms. Mary that lives there has

17 liquor available?

18 A Sometimes.

19 Q Sometimes. She did that day, right?

20 A Yeah.

21 Q But it's not uncommon for that group to go there,

22 hang out, and decide what they're going to do, correct?

23 A Yes.

24 Q Now, you said there were random people around and

25 then you gave a couple of names. Can you tell me everybody

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 you know that was outside when this thing happened.
- 2 A Well, I know for sure that Bounce, the victim.
- 3 Q Right.
- 4 A I, myself.
- 5 Q Right.
- 6 A The defendant.
- 7 Q Right.
- 8 A Like I say some people name I don't know because
- 9 they came with other people; and a female named Amanda
- 10 Cheatham --
- 11 Q Amanda was outside?
- 12 A Yeah, she was around.
- 13 Q Was she outside when this incident --
- 14 A Yes, outside, yes.
- 15 Q All right. And I think you mentioned a one-armed
- 16 guy?
- 17 A Yes.
- 18 Q All right. Do you know somebody named Jersey?
- 19 A Yes.
- 20 Q Was he outside?
- 21 A No.
- 22 Q But you're sure Amanda was. Now, you didn't
- 23 mention Schantrika?
- 24 A No.
- 25 Q She wasn't outside when this happened?

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 A No, not that I recall. She was in the house.
- 2 Q The whole time?
- 3 A No. Not the whole time.
- 4 Q The whole time before the shooting?
- 5 A Before the shooting, I didn't notice if she was
- 6 there or not. But Ms. Mary's her grandmother.
- 7 Q All right. Now, I believe you also told them there
- 8 was some drinking going on?
- 9 A Yes.
- 10 Q And you said that London was trying to get people
- 11 to give him drinks?
- 12 A Yes.
- 13 Q And nobody would give him anything to drink?
- 14 A Yes.
- 15 Q So he wasn't walking around drinking a beer like
- 16 everybody else?
- 17 A No.
- 18 Q You sure about that?
- 19 A Yes. I'm sure I didn't see him drinking anything.
- 20 Q Well, are you sure you saw him asking people for
- 21 drinks?
- 22 A Yes.
- 23 Q Did he ask you?
- 24 A Yes.
- 25 Q What did you tell him?

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 A I said no.

2 Q And you said he was shouting something trying to
3 get himself known?

4 A Yes, he was just trying to rile everybody up.

5 Q Well, you said trying to get himself known. Known
6 by who? What does known mean?

7 A I mean -- what it means is, he was basically just
8 trying to, you know, get everybody excited, you know,
9 excited about going to the club and, you know, just
10 basically going from different people and say, Hey, man
11 what's going on, what's up, what's up. You know, just
12 getting everybody riled up.

13 Q And that's what trying to get known means?

14 A Well, you know, making himself known, making
15 himself be seen, you know. Let people know he was out
16 there and, you know, things like that. Mingling amongst
17 everybody.

18 Q Now, he hadn't lived in that area very long had he?

19 A I'm not sure.

20 Q Had you seen him there a lot before?

21 A I hadn't seen him -- before that? Before this
22 incident?

23 Q Right.

24 A Yes.

25 Q Like every day when you were over there?

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 A Well, not every day because I would go over to
2 Ms. Mary's house and go in for a few minutes and leave. I
3 might not have seen him that day and then maybe two days
4 later I might see him; or see him three days in a row and
5 then the fourth day might not see him.
- 6 Q But with your group that would go there and meet
7 up, he wasn't really part of that group, was he?
- 8 A No.
- 9 Q Because he was new in the neighborhood and he was
10 younger, correct?
- 11 A Yes.
- 12 Q So wasn't he just trying to get known by your
13 group, trying a fit in with your group?
- 14 A I'm not sure. We were the only ones that would be
15 out there, so we would be the only group that he was trying
16 to get to know.
- 17 Q And you said at one point, he said he was going to
18 go get his gun?
- 19 A Yes.
- 20 Q Did he ever leave?
- 21 A No, he -- when the female, Amanda Cheatham said,
22 That's why I'm fixing the leave, I'm fixing to leave.
23 That's when he said, Oh, I'm just playing.
- 24 Q But he never left to go get the gun?
- 25 A No.

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 Q But he said he was going to at one point?

2 A Yes.

3 Q And you said he asked Bounce for some liquor?

4 A Yes, sir.

5 Q You sure Bounce didn't ask him for some liquor?

6 A I'm positive.

7 Q All right. I'd like you to come down here for a
8 minute, please.

9 I'm going to have you look at State's Exhibit No. 2.

10 All right. Does it show on here where Bounce and London
11 were talking --

12 A Yes.

13 Q -- right at the incident?

14 Put your finger on that place.

15 A This where Bounce was at. And this where London
16 was at.

17 Q This right here?

18 THE COURT: I need the jury to --

19 MR. GIBBONS: I'm going to show them, Judge.

20 BY MR. GIBBONS:

21 Q This is --

22 A This is where London was at.

23 Q And this is where Bounce was at?

24 A Bounce was at --

25 Q My pointing finger is where London was and my

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 middle finger is where Bounce was?
- 2 A Yes.
- 3 Q In between those two trailers?
- 4 A Yes.
- 5 Q Now, you said -- where was your car parked? Is it
- 6 on here?
- 7 A My car was parked --
- 8 Q Your car was parked kind of by where London was?
- 9 A Yes, on the other side. It would have been the
- 10 other side of him. Almost in the corner of that trailer.
- 11 Q Right where my thumb is on State's Exhibit 2.
- 12 And I believe you said that one shot was fired at
- 13 that location?
- 14 A In this -- over in this location.
- 15 Q So London was here and he fired one shot?
- 16 A Yes, he was --
- 17 Q And Bounce was down here?
- 18 A No. When he fired the shot, Bounce was going
- 19 around this way.
- 20 Q The first shot?
- 21 A The first shot. Bounce -- he was going this way,
- 22 walking off. When he got around this way, this is where
- 23 London was seated from this position here and went that
- 24 way.
- 25 Q Okay. So they started out on number 2 at the front

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 of this trailer?

2 A Yes.

3 Q And then when the shooting started, they ran around
4 this side of the trailer?

5 A Yes.

6 Q And after they ran around that side of the trailer,
7 the other shots happened?

8 A Yes, one -- the second shot that I heard was there.

9 Q All right. And what about the rest of them?

10 A I was in the house by the third shot.

11 Q So the last you saw them they were running around
12 behind this trailer?

13 A Yes.

14 Q Not between the two trailers?

15 A No, no. On the other side.

16 Q So nothing happened between here and here? The two
17 trailers?

18 A The only thing that happened there was the words
19 back and forth.

20 Q All right. So the shootings happened off this
21 picture, over here, right behind this trailer?

22 A The first shot started was here. The second one
23 was on the other side of the trailer.

24 Q Okay. So if someone were standing on this porch or
25 that door they would have seen the first shots, right?

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 A No, they would have seen the first shot because I
2 was standing here.

3 Q I mean the first shots after he got around the
4 corner, they wouldn't have seen those?

5 A No. The second shot they wouldn't have seen
6 because he was on that side of the trailer.

7 Q You can have a seat.

8 (WHEREUPON the witness returned to the witness
9 box.)

10 BY MR. GIBBONS:

11 Q And you were in between the two trailers on that
12 picture, weren't you?

13 A Yes.

14 Q And you said you went to the back door at
15 Ms. Mary's --

16 A Yes.

17 Q -- where that porch is and you went in that door?

18 A After the second shot where the defendant shot the
19 victim. After he hit him -- well, after he was hit or
20 whatever, he fell. When he fell, that's when I ran around
21 to the back -- the back door, between the two trailers to
22 the back door.

23 Q All right. Now, you said he was up like this at
24 the first shot --

25 A Yes. He was walking off, he was like, man I'm

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 not --

2 Q -- walking away.

3 A -- I'm not going to argue with you.

4 Q You're the guy holding the gun walking away, I'm
5 not going to argue?

6 A Yes.

7 Q And then what happened?

8 A That's when the defendant pulled the gun up and
9 shot.

10 Q And that happened up there where your car was in
11 front of that trailer?

12 A Yeah, right -- it would have been the left front
13 side of my car.

14 Q All right. And then the victim turned and ran
15 around the back of that trailer?

16 A Yeah, he was already going toward that angle. He
17 kept going that way, straight, which was on that front side
18 of the trailer.

19 Q It was on the front side of the trailer?

20 A Yes. Let me see the picture.

21 Q Where my finger is? On that side of the trailer?

22 A Yes, yes.

23 Q State's 2 again.

24 So looking at it from this side it would be the
25 back from us, right?

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 A Yes.
- 2 Q Other side of the trailer.
- 3 A Yes.
- 4 Q And that's where the other shots happened.
- 5 A Yes.
- 6 Q And you were standing where -- where were you
- 7 standing when you saw the second shot you saw?
- 8 A I was behind my vehicle ducked down behind my left
- 9 bumper.
- 10 Q Okay.
- 11 A Like this, looking around like that.
- 12 Q All right. I thought you said you were down here
- 13 at the first shot?
- 14 A I was there at the first shot. When he went
- 15 around --
- 16 Q Okay. Wait a minute. Show me where you were at
- 17 the first shot.
- 18 A First shot I was over in here.
- 19 Q Okay. At the end of the trailer.
- 20 And after the first shot, you ran away from where
- 21 they were or towards where they were?
- 22 A At -- they took off running that way. So I got --
- 23 I got -- when they took off running this way, I ran behind
- 24 my car.
- 25 Q Okay. So ran towards them?

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 A No, they was going away from me by that time.

2 Q Towards where the shot was from?

3 A Yeah, when the first shot came, I was here. The
4 second shot, by the time they ran around this corner, I ran
5 around my car.

6 Q Okay. But you started out here and there was a
7 shot and you ran to the other -- toward the other trailer
8 which is where the shooting was taking place at first,
9 right?

10 A Yes, the second shot and I got behind my car.

11 Q So you ran toward the shot when you were behind
12 your car?

13 A Yes.

14 Q And that's why you were able to see the second
15 shot?

16 A Yes.

17 Q Around after the second shot, you ran back to this
18 porch?

19 A Yes.

20 Q And in the door, correct?

21 A Well, after I seen Bounce fall, that's when I ran
22 into the back door.

23 Q So right when -- when he fell, where were you
24 standing?

25 A I was still behind the car.

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 Q Okay. And then you ran straight to that porch?
- 2 A Yes.
- 3 Q Where were you standing when you saw the defendant
- 4 again?
- 5 A I was inside the house.
- 6 Q How could you see him?
- 7 A Because he ran from the backside of the trailer on
- 8 the left and he was standing over back -- that's the
- 9 second -- after I heard the second shot there was a third
- 10 shot, but I was in the house.
- 11 Q You heard three shots?
- 12 A Yes.
- 13 Q No more?
- 14 A I only heard three at the time.
- 15 Q Well --
- 16 A There was so much chaos I only heard the third
- 17 shot.
- 18 Q It was pretty loud out there, right?
- 19 A Yes.
- 20 Q People screaming?
- 21 A Inside the house, yes.
- 22 Q And people -- you said there was a crowd of people.
- 23 Did they all disappear at that time?
- 24 A Everybody just scattered.
- 25 Q How many people you think were just standing out

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 there between these trailers when this happened?

2 A Maybe four or five.

3 Q When you gave us the names were those four or five?

4 A I know that Amanda Cheatham was out there around
5 that time but she was standing on top of -- she was
6 standing on that porch on the right side. She was leaning
7 on the banister on that trailer right there.

8 Q She was outside on the back porch.

9 A Yes, that's his front door, the other trailer.
10 That's John Oakman's trailer.

11 Q On that porch.

12 A Yes. She was leaning over the banister.

13 Q And did you have to knock anybody out of the way to
14 get in the door when you went in?

15 A No.

16 Q Was there anybody -- was there anybody -- was there
17 a window in that door?

18 A Yes. It's a rectangle door, I mean -- a window.

19 Q A diamond?

20 A Yes.

21 Q And nobody was standing there in the way so you
22 couldn't open the door?

23 A No.

24 Q And you went on in?

25 A Yes.

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 Q And did you see what happened outside after you got
2 in?

3 A Once I got to the window to look to see what was
4 going on, that's when I saw Bounce sitting on the corner of
5 that trailer there, laying on the ground.

6 Q Right. What window are you talking about?

7 A Right there.

8 Q The air-conditioning window?

9 A Yes.

10 Q State's 2 again.

11 A Yes, this window here. And the one that's right
12 beside the back door.

13 Q And who was standing beside the back door?

14 A I don't know. I wasn't by the back door.

15 Q Was there anybody -- was there a crowd of people
16 back there looking out the back door?

17 A As far as I know, I know that Schantrika was in
18 that area and she was saying, Oh, he got a gun to his head.
19 That's when I looked out the window.

20 Q All right. That's all you know about who was back
21 there?

22 A As far as I know.

23 Q All right. Because it's a wall in between?

24 Q Okay. Now, you mentioned Big Tay, Little Tay.

25 A Yes.

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 Q Who is Tave?
- 2 A That's -- Tave? Is Octavious Johnson.
- 3 Q And how do you know him?
- 4 A I just grew up with him. I knew his family.
- 5 Q I mean a good friend?
- 6 A Yes.
- 7 Q Saw him a lot?
- 8 A Yes. I think -- yes.
- 9 Q Was he one of the ones that would come and go and
- 10 meet and go out together with you?
- 11 A He really didn't go out too much and if he did go
- 12 out, he wouldn't meet there too much.
- 13 Q So he was not there very often?
- 14 A Not very often, but most of the time.
- 15 Q And who else would be there with him?
- 16 A With Tave?
- 17 Q Yes.
- 18 A I'm not sure. Sometime he'll come by himself,
- 19 sometimes he'd come with his brother.
- 20 Q What's his brother's name?
- 21 A Tony.
- 22 Q And do you know where Tave is now?
- 23 A Yes, he's deceased.
- 24 Q How long ago did that happen?
- 25 A It happened last year.

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 Q So about a year after this one we're here about
2 today?

3 A Yes.

4 Q He died?

5 A Yes.

6 Q How did he get killed?

7 A He was gun down.

8 Q Was it part of a gang thing going on?

9 A No.

10 Q No?

11 A No.

12 Q You're sure?

13 A I'm not sure. I know he wasn't in a gang.

14 Q Were you in a gang?

15 A No.

16 Q Do you know anybody that's in a gang?

17 A No.

18 Q There's no gangs up there at Dallas Circle that you
19 know of?

20 A No.

21 Q All right. You don't have gang signs or tattoos or
22 anything like that about gangs?

23 A No.

24 Q And as far as you know the victim wasn't a gang
25 member?

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 A Not that I know of.
- 2 Q And Tave wasn't a gang member?
- 3 A Not that I know of.
- 4 Q What about Jeremy?
- 5 A Not that I know of.
- 6 Q Was he there that night?
- 7 A Not that I know of.
- 8 Q Jeremy wasn't even there that night?
- 9 A He was there to put Bounce in the car.
- 10 Q Well, was that the first you saw of him that night?
- 11 A Yes.
- 12 Q So he wasn't standing out there beforehand?
- 13 A No, not that I know of.
- 14 Q Okay. If you could step down here again, I'm going
- 15 to ask you a few more questions.
- 16 (WHEREUPON the witness stepped down from the
- 17 witness stand.)
- 18 BY MR. GIBBONS:
- 19 Q Stand over here. I'll trade you so that the. . .
- 20 All right. These are the trailers we're talking
- 21 about, right?
- 22 A Yes.
- 23 Q Your car was parked here?
- 24 A It was parked right here where this shadow is.
- 25 Q Okay. And you said they ran around --

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 A That looked like my car there.

2 Q You might have been there that day?

3 A Yeah.

4 Q And you say that they ran around this side of the

5 trailer?

6 A Yes.

7 Q And ended up by the trailer next door, right?

8 A Yes.

9 Q And then after you say you saw London again with

10 the victim that he left out this way?

11 A Yes.

12 Q There and ran back this way?

13 A Yes.

14 Q He never went back through here?

15 A No.

16 Q After the shooting, you never saw him -- he never

17 was in there?

18 A When I saw Bounce on the ground I was in this

19 window.

20 Q Right.

21 A When -- after he said what he said about he knew he

22 was going to kill someone, he went this way. Everybody

23 rotated from this side of the house to this side of the

24 house to see where he had went. When I seen him run that

25 way, I went out the back door, got in my car, moved it.

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 Q All right. So the shooting took place, if I'm
2 right -- let me go to this exhibit over here -- 28. There
3 was a shot fired somewhere right here?

4 A No, over here.

5 Q Over here?

6 A Yeah.

7 Q Over here. The first one was over here?

8 A Yes.

9 Q And then the other ones here, here, and here?

10 A Yes, along the front side.

11 Q Along the front side.

12 A Yes. I saw -- I saw -- I heard the second shot.

13 It was somewhere in here because Bounce was right in here
14 running that way.

15 Q And you're sure about that. It's on this side of
16 the trailer?

17 A I'm positive.

18 Q And no shots took place over here between the two
19 trailers?

20 A Not that I know of.

21 Q Well, you were there.

22 A Well, when I heard the shot, the first shot was
23 here, the second was here. By that time I was in the
24 house. I heard a third shot when I got in the house, as I
25 was going in the back door.

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 Q So you -- is it fair to say that in the area
2 between the two trailers there were no shots fired by
3 that -- during that event?

4 A Yes.

5 Q Okay. You can return to your seat.

6 (WHEREUPON the witness returned to the witness
7 stand.)

8 BY MR. GIBBONS:

9 Q Let me show you State's Exhibit 22 -- well, let me
10 get a better one. State's Exhibit 3.

11 A Yeah.

12 Q You recognize that place?

13 A Yes.

14 Q Is that the area in between the trailers?

15 A Yes.

16 Q So you've seen the one trailer on the left, the
17 other trailer on the right, correct?

18 A Right.

19 Q You see that yellow tape?

20 A Yes.

21 Q From one end of the trailer down somewhere on the
22 other end of the trailer?

23 A Yes.

24 Q All the shots took place outside that tape, didn't
25 they?

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 A I'm not -- it wasn't outside -- it started over
2 here on it's left side. The first shots. It was all on
3 this side. See, I was standing here.

4 Q So the other shots -- or even the first one,
5 there's no way any of them took place inside that tape,
6 right?

7 A The second shot.

8 Q Yes.

9 A The second shot wasn't in that area.

10 Q It was around on the other side of this trailer,
11 right?

12 A Yes.

13 Q So no shots could have taken place inside these
14 tapes after the first one?

15 A Yes.

16 Q Fair enough?

17 A Yes.

18 Q And you're sure about that?

19 A It was so long ago, but I'm sure that the first
20 shots was around in that area, the first shot and then the
21 second one, I know, was on the other side of the house.

22 Q That's the one I'm interested in. The second one
23 was definitely on the other side of the trailer from that
24 tape?

25 A Yes.

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 Q And the people in the trailer where you were, were
2 screaming and hollering, it was a scary thing, wasn't it?
- 3 A Yes.
- 4 Q A lot of noise going on?
- 5 A Yes.
- 6 Q People calling on the phone.
- 7 A Yes.
- 8 Q People yelling.
- 9 A Yes.
- 10 Q People saying he's there, he's here, he's here?
- 11 A Yes.
- 12 Q And I think you said chaos?
- 13 A Yes.
- 14 Q With all that going on, through that window and
15 across that yard, you were able to hear the conversations?
- 16 A I wasn't able to hear the conversation -- I was
17 able to hear the conversation because of the window where
18 the air conditioner is, is open.
- 19 Q I understand that, but all that was going on in the
20 house with you, right?
- 21 A Yes.
- 22 Q Very loud?
- 23 A Yes. It was loud in that area by the back door.
24 That's where everybody had piled up and was trying to look
25 in there.

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 Q Now, when you say London was hollering and, Told
2 you I would do it, was he already away from the trailers
3 y'all were at?

4 A The one that I was in?

5 Q Yes.

6 A He was in between. It's between.

7 Q Okay. I'm sorry. Put your finger where he was
8 when he was yelling.

9 A He was in this area.

10 Q And then where did he go? Back behind?

11 A He went behind.

12 Q All right. So he was still yelling when he was
13 right there?

14 A Yes. He was in that area, yes. Just walking back
15 and forth waving the gun.

16 Q Waving the gun?

17 A Yes.

18 Q Any more shots?

19 A From what --

20 Q From him.

21 A No, from him, no.

22 Q But you saw he still had the gun in his hand right
23 there?

24 A Yes.

25 Q And then he ran around through the back way?

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 A Yes.
- 2 Q And what about you saying about Big Tay? What did
3 he do at this point?
- 4 A He came from the same direction that they had run
5 from -- ran to and he -- I heard shots, shooting. He said
6 I'm going to kill him, I'm going to kill him, I'm going to
7 kill him.
- 8 Q You heard shooting?
- 9 A Yes.
- 10 Q More shooting?
- 11 A Yes.
- 12 Q Shooting not done by London?
- 13 A No.
- 14 Q You mean there's another gun going off out there?
- 15 A Yes.
- 16 Q How many times did that gun shoot?
- 17 A I'm not sure. It was more than four or five.
- 18 Q More than four or five?
- 19 A It was like pow, pow, pow, pow, pow.
- 20 Q And that was Big Tay?
- 21 A Yes.
- 22 Q Who's dead now?
- 23 A Yes.
- 24 Q No one else had a gun that you knew of?
- 25 A No.

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 Q No other guns out there that night?
- 2 A Not that I know.
- 3 Q Was there something planned that people had to
- 4 bring a gun that night?
- 5 A No.
- 6 Q You sure?
- 7 A I'm positive.
- 8 Q Does the group that you hang out with, do they
- 9 carry guns when they go to the clubs?
- 10 A No.
- 11 Q Do they carry guns when they go to Ms. Oakman's?
- 12 A No.
- 13 Q And that's the last you saw of London --
- 14 A When he ran in front of --
- 15 Q You just heard him after he ran off, right?
- 16 A After he ran off across the front side, well, we
- 17 had switched from the side that I was on over there by the
- 18 air-conditioning and rotated to the other side of the
- 19 trailer. That's when we saw London running back towards
- 20 his house and that's the last time I saw him that night.
- 21 Q All right. And you left out of there, didn't you?
- 22 A Not directly after that.
- 23 Q You stay around until the police got there?
- 24 A No.
- 25 Q You moved your car?

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 A Yes.
- 2 Q And then you got out again?
- 3 A I moved my car. I went over there, looked at
- 4 Bounce on the ground and they -- they backed in a car and
- 5 put him in a car. They put him in -- when they put him in
- 6 the car, he left out of there.
- 7 Q Now, you said Bounce was a friend?
- 8 A Yes.
- 9 Q You've known him for years?
- 10 A Yes.
- 11 Q You consider him a close friend?
- 12 A Yes.
- 13 Q Good buddy?
- 14 A Yes.
- 15 Q You cared what was happening to him, didn't you?
- 16 A And so you drove right behind that other car to the
- 17 hospital to make sure he was okay, didn't you?
- 18 A Yes.
- 19 Q And you got out and you helped them get him in the
- 20 hospital, didn't you?
- 21 A No.
- 22 Q You didn't help them?
- 23 A No.
- 24 Q You went back to the scene to make sure the police
- 25 got all the information, didn't you?

Cameo Bronson - Cross-Examination by Mr. Gibbons

- 1 A No.
- 2 Q No? Where did you go?
- 3 A I went to the hospital and I waited to see what
4 happened to Bounce.
- 5 Q And what did you do after that?
- 6 A After I found out what happened to him, I went
7 home.
- 8 Q You didn't think to go and tell your side of the
9 story?
- 10 A No.
- 11 Q Did you --
- 12 A Because I felt that there was other witnesses
13 there.
- 14 Q Well, you found out later there weren't later,
15 didn't you?
- 16 A No.
- 17 Q You never heard anymore about the whole thing?
- 18 A No.
- 19 Q You forgot about it?
- 20 A No, I never forgot about it.
- 21 Q Did you live -- do you live now at the same place
22 you were living then?
- 23 A No.
- 24 Q Have you been out of the area?
- 25 A What? What you mean?

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 Q Have you been around this area ever since this
2 happened? You haven't moved to New York or --

3 A Well, I stayed where I was living at the time for
4 maybe like a good two or three more months and then I end
5 up moving on the other side of that neighborhood.

6 Q But you've been around. If they wanted to talk to
7 you they could come find you, right?

8 A Yes.

9 Q And you've got no reason not to talk, right?

10 A Right.

11 Q So after the funeral -- did you go to the funeral?

12 A I was a pallbearer.

13 Q And nobody said, Hey, we need to know what
14 happened. Go talk to the police?

15 A No.

16 Q You never thought to talk to the police?

17 A No. Nobody -- my number was available, my address.
18 I was still there, so nobody came to me.

19 Q Oh, so you gave your number and address to somebody
20 with the police?

21 A No, my number is on record from times I've been
22 locked up and some things like that.

23 Q So if they wanted you, they could look your number
24 up and come find you?

25 A Yes.

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 Q When was the next time you heard anything about
2 what happened that night?

3 A That night?

4 Q After that?

5 A When I found out he had died. Everybody just
6 consoled each other the next day and talked about it.

7 Q You talked about it. You didn't talk about who
8 talked to the police?

9 A No, not really.

10 Q Not really.

11 A It wasn't -- that wasn't a discussion. Everybody
12 was just like how it was messed up what happened.

13 Q It wasn't an option at that time, huh?

14 A Not really.

15 Q What about a year later when nothing had happened?
16 You didn't want to check on what was going on with your
17 friend's case?

18 A Well, I asked different friends that knew his
19 family members and stuff like that, yes.

20 Q And at that point you didn't come forward?

21 A No.

22 Q Isn't it true that the next time you talked to
23 anybody as far as the police go was a week or two ago?

24 A As far as the police go?

25 Q Yeah.

Cameo Bronson - Cross-Examination by Mr. Gibbons

1 A Yes.

2 Q And did you go find them?

3 A No.

4 Q They had to come find you?

5 A Yes.

6 Q Because someone else put your name in there right?

7 A I'm not sure.

8 Q But you never on your own came forward to help out

9 your buddy?

10 A Well, there was nothing I could do. He's dead. I

11 mean --

12 Q Well, you're doing something today, aren't you?

13 A Yes, sir.

14 Q You could have done this two years ago, given your

15 side, couldn't you?

16 A Yes, I could have.

17 Q But you didn't?

18 A I wasn't contacted.

19 Q Nobody asked. Right?

20 A Nobody contacted me.

21 Q All right. Now, you have been convicted of giving

22 false information to the police before, haven't you?

23 A Yes.

24 Q And theft of current, but -- never mind, I withdraw

25 that.

Cameo Bronson - Redirect Examination by Ms. Young

1 **MR. GIBBONS:** Thank you, Your Honor. Nothing
2 further.

3 **THE COURT:** All right. Anything, Ms. Young?

4 **MS. YOUNG:** Beg the Court's indulgence just one
5 minute.

6 (WHEREUPON there was a pause in the proceedings.)

7 **REDIRECT EXAMINATION**

8 **BY MS. YOUNG:**

9 **Q** Mr. Bronson.

10 **A** Yes.

11 **Q** You're under oath here today. Are you sure the
12 victim in the case was not in a gang?

13 **A** I'm not sure.

14 **Q** Okay.

15 **A** Could have been. Could not have been. I'm not
16 sure.

17 **Q** So Mr. Gibbons wasn't exactly correct?

18 **A** No, because I wasn't sure.

19 **Q** All right. But you told him no.

20 **A** Yeah. But I wasn't sure, so. . .

21 **Q** Okay. But the correct answer is you're not sure?

22 **A** Yes.

23 **Q** All right. Let me ask you one more thing: I'm not
24 sure I completely understand what you said happened before
25 the defendant ran off after he put the gun to the victim's

Cameo Bronson - Redirect Examination by Ms. Young

1 head. What was he doing -- let me show you State's Exhibit
2 3. Whatever he was doing, was it somewhere in that
3 picture?

4 A Yes, in the distance of this picture.

5 Q Okay. What was he doing?

6 A He was walking -- he was like walking, pacing back
7 and forth two or three times, waving the gun like this and
8 he's basically talking to himself and he was screaming out.
9 He was like, I told y'all I was going to kill somebody.

10 Q And that happened between those two trailers?

11 A Yes. Right in this area.

12 Q Okay. So he was walking around in between those
13 two trailers?

14 A Yes.

15 Q Saying --

16 A I told y'all I was going to kill somebody.

17 MS. YOUNG: Nothing further.

18 THE COURT: Anything?

19 MR. GIBBONS: No, sir.

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

22 MS. YOUNG: State calls Erica Richardson.

23 ERICA RICHARDSON,

24 having been duly sworn, testified as follows:

25 THE CLERK: Have a seat in the witness box. State

Erica Richardson - Direct Examination by Ms. Young

1 your full name for the Court, spelling your last.

2 **THE WITNESS:** My name is Erica Detonya Richardson
3 and spelling my last name is R-i-c-h-a-r-d-s-o-n.

4 **DIRECT EXAMINATION**

5 BY MS. YOUNG:

6 Q Ms. Richardson, do you live here in Aiken?

7 A Yes, I do.

8 Q How long have you lived here?

9 A All my life.

10 Q Do you recall the date of October 1st of 2011?

11 A Yes, I do.

12 Q Why do you recall that date?

13 A That's the day that I witnessed a murder.

14 Q Okay. And where were you the day that that -- that
15 you witnessed that?

16 A Just pulling into Dallas Circle.

17 Q And where were you going in Dallas Circle?

18 A To Mary Oakman's house.

19 Q Do you know what time of the day or night this
20 happened?

21 A I know it was like later on that night. It wasn't
22 just turning dark. It was probably night -- night, ten,
23 eleven.

24 Q It was already dark?

25 A Yes.

Erica Richardson - Direct Examination by Ms. Young

1 Q Okay. And where had you been previously that day?

2 A At a friend's child birthday party.

3 Q Okay. Was that at another location?

4 A Yes.

5 Q And who all was at that party that you knew?

6 A Schantrika Carter, myself, Cameo Bronson, Candice,
7 Jeremy McCracken, John Oakman, London Wooden, Jonathan
8 Thomas, Jasmine Smith, because that was her child's
9 birthday party; kids, different varieties of kids.

10 Q Okay. So you saw the defendant at this birthday
11 party previously that day?

12 A Yes.

13 Q And after you left there, where was the next place
14 that you went?

15 A To Dallas Circle -- I stopped by the store first,
16 Ridgecrest Store and from there went to Dallas Circle.

17 Q All right.

18 MS. YOUNG: May I approach the witness, Your Honor?

19 THE COURT: Yes, ma'am.

20 BY MS. YOUNG:

21 Q Ms. Richardson, I'm going to show you State's
22 Exhibit 28 --

23 MS. YOUNG: It might be easier, Judge, if I just
24 get her to come down here and answer all the questions at
25 once so I don't have to keep passing her this.

Erica Richardson - Direct Examination by Ms. Young

1 THE COURT: Okay.

2 MS. YOUNG: Is that okay with you?

3 THE COURT: Fine with me.

4 MS. YOUNG: Okay.

5 (WHEREUPON the witness left the witness stand.)

6 BY MS. YOUNG:

7 Q All right. Stand over there so the jury can see
8 you. Do you recognize this picture?

9 A Yes, this is Dallas Circle.

10 Q Okay. Can you point out where you were going that
11 night?

12 A Okay. What is this -- this Pipeline Road -- I was
13 going --

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

15 THE WITNESS: I'm sorry.

16 I was turning, making a left into Dallas Circle to
17 the right into the -- to this last trailer. There's three
18 trailers right there. The last one.

19 BY MS. YOUNG:

20 Q All right. And you're pointing to the one that's
21 the last one on the right when you first pull in?

22 A Yes.

23 Q Okay. You said that you had been to the store
24 previous to that?

25 A Yes.

Erica Richardson - Direct Examination by Ms. Young

- 1 Q And where was that store located?
- 2 A You're coming back this way.
- 3 Q So it's further down Pipeline?
- 4 A Yes.
- 5 Q So you're coming from Pipeline towards Dallas
- 6 Circle?
- 7 A Correct.
- 8 Q Okay. And what did you see when you pulled into
- 9 Dallas Circle?
- 10 A Well, when I turned to pull in, London Wooden was
- 11 coming -- coming between these two trailers right here
- 12 where this log is placed right there. I was pulling up and
- 13 he was coming from that way and he was swinging a -- what
- 14 appeared to be a gun and he was saying, I told -- am I
- 15 allowed to --
- 16 Q Just say what he said exactly as you heard it.
- 17 A He was coming up from here where the log was and he
- 18 was swinging what appeared to be a gun. He was like, I
- 19 told y'all motherfuckers I was going to kill somebody. I
- 20 told y'all.
- 21 And by that time, when he was saying that, I
- 22 heard -- I had pulled up from here and when I pulled in
- 23 there, I hurried up and ran into the house. And the lights
- 24 was off and that's when I heard Schantrika Carter, she was
- 25 at the back door and she was hollering and yelling and --

Erica Richardson - Direct Examination by Ms. Young

1 Q You can go back up there.

2 A Okay.

3 Q And you can continue telling what you heard, okay.

4 A Do you want me to continue?

5 Q Yeah, you can't say what Schantrika said, but you
6 heard a lot of hollering --

7 A Yes, yes.

8 Q -- when you ran in the trailer?

9 A Yes. And when I heard her hollering and yelling
10 and stuff she was at the back window. I went and I stood
11 over her and that's when I seen David Maple laying on the
12 ground and that was -- that's all I seen.

13 Q Where was she standing when you went over to her?

14 A She was standing at the back of the window into the
15 window. It's a triangle window and she was standing right
16 there and looking out that window.

17 Q Is the window you're talking about, is it in a
18 door?

19 A Yes.

20 Q And where did you see the victim at that time?

21 A He was laying on the ground going to that other
22 trailer that's right behind Mary Oakman's trailer.

23 Q Stay right there. Okay.

24 I'm going to show you State's Exhibit 3 and you can
25 take a look at it and see if you recognize it?

Erica Richardson - Direct Examination by Ms. Young

1 A Uh-huh.

2 Q Now, some of the things that you described, did
3 they take place where you can see them on that?

4 A Yes.

5 Q Okay. Tell the jury where the things you saw
6 happened?

7 A Well, I was in this trailer right here looking out
8 the back window and when I was looking out the back window,
9 David Maple was laying right there on the ground.

10 Q Okay. And when you saw the defendant walking
11 around and saying that, where was he?

12 A I didn't -- when I went in the house after I
13 seen --

14 Q Tell me where he was when you saw him?

15 A Coming out from right here.

16 Q Okay. Between those two trailers?

17 A Yes.

18 Q Did he come all the way out to that --

19 A All the way out.

20 Q Okay. And then you saw him do that and then you
21 drove around real fast and went into Ms. Mary's?

22 A Yes.

23 Q After you saw the victim on the ground, did you see
24 anything else?

25 A I seen -- I did hear shooting and what it appeared

Erica Richardson - Direct Examination by Ms. Young

1 to be was Tay Johnson shooting.

2 Q Tell me exactly -- if you didn't see it -- if you
3 heard it you can say that?

4 A I heard it.

5 Q How do you know it was Tay Johnson.

6 A Well, at the time, he admitted that he did it.

7 Q Okay.

8 A But I didn't see Tay Johnson do it. But what I did
9 see, Jeremy McCracken and Tay Johnson and Amanda Cheatham
10 did proceed to put David Maple into the vehicle to take him
11 to the emergency room.

12 Q That was after all this happened?

13 A Yes, ma'am.

14 Q Did you ever see where the defendant went after
15 this happened?

16 A No, ma'am.

17 Q The last time you saw him he was where?

18 A In the police car.

19 Q Before all that, the last time you saw him during
20 the incident, where was he?

21 A He was right there in front of the pole, walking
22 out.

23 Q And Ms. Richardson, you have some prior convictions
24 on your record.

25 A Yes, ma'am.

Erica Richardson - Direct Examination by Ms. Young

1 Q You have two shoplifting convictions in 2007; is
2 that correct?

3 A Yes.

4 Q And you have possession of cocaine in 2010?

5 A Yes.

6 Q And you have unlawful conduct towards a child in
7 2012?

8 A Yes, ma'am, I do.

9 Q All these things that you've talked about today
10 regarding this incident that happened at Dallas Circle, was
11 that in Aiken County? The shooting?

12 A The --

13 Q Not the convictions, the shooting. That all took
14 place in Dallas Circle?

15 A Yes, ma'am, it did.

16 Q All right. Ms. Richardson, do you see the
17 defendant in the courtroom today?

18 A Yes, I do.

19 Q Can you point him out and describe what he's
20 wearing?

21 A The defendant is sitting over there with a white
22 shirt and, what appears to be a blue tie.

23 MS. YOUNG: Your Honor, please let the record
24 reflect she's identified the defendant.

25 THE COURT: Record will so reflect.

Erica Richardson - Cross-Examination by Mr. Smith

1 MS. YOUNG: No further questions.

2 THE COURT: Anything?

3 MR. SMITH: Yes, sir, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. SMITH:

6 Q Ms. Richardson, you said you were at a birthday
7 party earlier that day?

8 A Yes.

9 Q And that London was also?

10 A Yes, he was.

11 Q Was there any drinking going on there?

12 A Everybody had their own individually. It was a
13 kids birthday party, so if anyone was to drink it was on
14 their own.

15 Q Okay. So people -- but people were drinking?

16 A Yeah.

17 Q Okay. Were you drinking at the party.

18 A I had a Busch Light, yes, sir.

19 Q Okay. Did you see London drinking anything?

20 A I can't recall that. I never hung around him.

21 Q Okay. So you don't know if he was or wasn't
22 drinking?

23 A Correct.

24 Q Okay. Now, when you pulled into the neighborhood
25 and you say you saw him coming out from in between those

Erica Richardson - Cross-Examination by Mr. Smith

1 two trailers --

2 A Yes, sir.

3 Q -- right in front of Ms. Mary's house?

4 A Yes, sir.

5 Q You saw him swinging a gun out and around?

6 A Yes, sir.

7 Q Were your windows up?

8 A No, sir.

9 Q You had your windows down in October?

10 A Yes, sir.

11 Q Okay. Music on?

12 A No.

13 Q All right. Where did he go from where you saw him

14 at that point?

15 A I'm assuming that he went to his mother's house

16 because it was still in that neighborhood as well as Dallas

17 Circle. He was walking that way. I didn't wait to stand

18 around to see. I just immediately pulled my car in

19 Ms. Mary's front yard.

20 Q So you didn't notice where he went?

21 A I didn't try to see.

22 Q All right. A guy's walking around with a gun and

23 you're not keeping your eye on him? You don't know where

24 he went?

25 A I'm assuming he went to his mother's house, but --

Erica Richardson - Cross-Examination by Mr. Smith

- 1 Q But you don't know?
- 2 A No, sir.
- 3 Q Okay. You didn't watch him?
- 4 A No, sir.
- 5 Q Okay. Now, you don't like London, do you?
- 6 A What was that, could you --
- 7 Q You don't like London, do you?
- 8 A I don't have no issue with him.
- 9 Q Didn't you try to press charges against him about a
- 10 month or two before this happened?
- 11 A Yes, sir, I did.
- 12 Q Okay. But you don't have anything against him?
- 13 A No, sir, I don't.
- 14 THE COURT: All right. Anything further,
- 15 Ms. Young.
- 16 MR. SMITH: Could you -- just one more thing, Your
- 17 Honor.
- 18 BY MR. SMITH:
- 19 Q Could you show me on this map where the last time
- 20 you saw London? Maybe come down here for me. The last
- 21 place you saw London before you went in the house. This is
- 22 Pipeline.
- 23 A This is it -- you got to turn it like this.
- 24 Q Okay. Speak up now.
- 25 A Right here. I seen London Wooden in between Mary

Erica Richardson - Redirect Examination by Ms. Young

1 Oakman's and her son's John Oakman's trailers, where the
2 pole is at. Where that little pipeline -- pole is at,
3 right in there. Walking out from there.

4 Q Okay. Where did you park your car?

5 A I parked up here.

6 Q You came up here?

7 A Yes, sir.

8 Q Thank you.

9 THE COURT: Anything?

10 MS. YOUNG: Just briefly, Your Honor.

11 **REDIRECT EXAMINATION**

12 BY MS. YOUNG:

13 Q Ms. Richardson, he asked you about some charges
14 involving the defendant that you tried to press?

15 A Yes.

16 Q What type of incident was that?

17 A It was an incident --

18 MR. GIBBONS: Your Honor, I object.

19 MR. SMITH: Objection, Your Honor.

20 THE COURT: Overruled, y'all asked. Y'all opened
21 the door on that.

22 BY MS. YOUNG:

23 Q You can answer the question.

24 A It was an incident -- I guess he like tried to want
25 to have intercourse with me and he blocked my car in there.

Erica Richardson - Redirect Examination by Ms. Young

1 I never even gave him any reason to even try to have a
2 crush on me or anything and I was going to see my guy
3 friend and his friends blocked my car in when I was
4 dropping people off at Ms. Mary's house. And he jumped in
5 my car, in my back seat and he told me -- I kept telling
6 him get out my car because I was going to see my guy friend
7 and he told me he was not going to get out of my car unless
8 me or Candice give him sex. He stayed in my car for at
9 least 45 minutes. I kept telling everyone to get him out
10 of my car. They thought it was a joke. He laid in the
11 back seat of my car.

12 So I just got out my car and when I got out my car
13 and I started -- I did. I started trying to pull him out
14 of my car and he was like, Man, if you pull me again, I'm
15 going to knock you out. So I said forget it. So once I
16 got out the car and fixes to walk away, he turned and
17 punched me. I got the scar right there to prove it and he
18 knocked me cold out.

19 Q And you called the police?

20 A I called the police. At the time he was 16. The
21 police came. I went to the ambulance -- I went to the
22 hospital and got stitches. He told the police to lock him
23 up because he did it, but at the time they could not lock
24 him up because he was under age, so an investigator -- I
25 missed work and everything. The investigator, they came

Erica Richardson - Recross-Examination by Mr. Smith

1 along and she was pursuing with the case and the case was
2 going to take place but that's when this case happened to
3 David Maple.

4 Q Was that about a month before this happened?

5 A Yeah, yes, ma'am. Probably not even longer than
6 that, probably like a couple of weeks.

7 Q And you had to get stitches in your mouth?

8 A Yes, ma'am, I still got the scar to prove it.

9 MS. YOUNG: No further questions.

10 MR. SMITH: Your Honor, just one question.

11 **RECROSS-EXAMINATION**

12 BY MR. SMITH:

13 Q Despite all that, you don't have anything against
14 London Wooden?

15 A No, sir, I don't.

16 Q Okay.

17 THE COURT: All right. Thank you, ma'am, you may
18 step down.

19 THE WITNESS: Thank you.

20 MR. GRIMES: State calls Hakim Talib.

21 HAKIM TALIB,

22 having been duly sworn, testified as follows:

23 THE CLERK: Have a seat in the witness box. State
24 your full name for the record, spelling your last.

25 THE WITNESS: All right. Hakim Talib. Talib,

Hakim Talib - Direct Examination by Mr. Talib

1 T-a-l-i-b.

2 DIRECT EXAMINATION

3 BY MR. GRIMES:

4 Q Talib?

5 A Yes, sir.

6 Q I was calling you Taleeb?

7 A It will be all right.

8 Q Did you used to live on Dallas Circle in October of
9 2011?

10 A Yes, sir.

11 Q Okay. I'm showing you State's Exhibit 28. It
12 is -- you've seen it before?

13 A Yes; sir.

14 Q You recognize this?

15 A Yes, sir. That's the trailer park.

16 THE COURT: Speak up Mr. Talib.

17 THE WITNESS: Yes, sir. The trailer park.

18 BY MR. GRIMES:

19 Q Can you show us on here where your trailer was?

20 A I believe this is it right here if I'm not
21 mistaken.

22 Q Right there?

23 A Yeah, that's it.

24 Q And whose trailer is that right beside you?

25 A Ms. Mary if I'm not mistaken.

Hakim Talib - Direct Examination by Mr. Talib

1 THE COURT: Speak up.

2 THE COURT REPORTER: You're going to have to speak
3 up.

4 THE WITNESS: Ms. Mary's.

5 BY MR. GRIMES:

6 Q Okay. Everybody needs to be able to hear you so if
7 you could speak up a little bit for us.

8 A Yes, sir.

9 Q And is that where you were living in October of
10 2011?

11 A Yes, sir.

12 Q Okay. Did you do anything out of your house?

13 A No, sir. I worked at Bridgestone at the time.

14 Q You worked at Bridgestone at the time?

15 A Just getting off of work.

16 Q Okay. But did you have -- did you have a studio in
17 your house?

18 A Yes, sir.

19 Q Okay. Would you have people over there from time
20 to time?

21 A Yes, sir.

22 Q And when I say studio what kind of studio was it?

23 A It was a music studio.

24 Q Music studio, that's it.

25 A Yeah.

Hakim Talib - Direct Examination by Mr. Talib

1 Q Okay. And so you would have some people over at
2 your house from time to time. Do you recall October 1st,
3 2011?

4 A Yes, sir.

5 Q In the evening time?

6 A Yes, sir.

7 Q What were you doing earlier that day?

8 A I was at work all day seven in the morning to seven
9 in the evening.

10 Q And you just said you worked at Bridgestone, is
11 that where you worked at --

12 A Yes, sir, twelve-hour shifts.

13 Q Okay. So were you home that evening?

14 A Yes, sir.

15 Q Okay. And did you have some people over at your
16 house?

17 A Well, you know my girlfriend, she stayed there. If
18 I'm not mistaken my brother, but I'm not sure if he had
19 work or not so I can't say about him; but his girlfriend
20 was there.

21 Q Okay. But you were home and there were maybe some
22 other people there with you?

23 A In the studio.

24 Q Okay. What do people call you by the way?

25 A They call me Jersey.

Hakim Talib - Direct Examination by Mr. Talib

- 1 Q Jersey?
- 2 A Uh-huh. That's my music name, Jersey.
- 3 Q Okay. And you remember David Maple?
- 4 A Yes, sir.
- 5 Q And what did you call him?
- 6 A Bounce.
- 7 Q Bounce. And did you see him that day?
- 8 A Yes.
- 9 Q Okay.
- 10 A That evening.
- 11 Q Do you remember about when it was when you saw him?
- 12 A You say where I saw him at?
- 13 Q Yeah.
- 14 A Oh, he came up to the studio window. He was asking
- 15 to come in there and drop some music, so he told me give
- 16 him a while or whatever. So shoot, you know me, I just
- 17 turned around back to the computer in the studio.
- 18 Q All right. So you saw him at your house?
- 19 A Like on the side of it, yes, sir. He never came in
- 20 or nothing.
- 21 Q Outside?
- 22 A Outside.
- 23 Q Remember to speak up a little bit for us.
- 24 A Okay.
- 25 Q All right. How long had you known Bounce?

Hakim Talib - Direct Examination by Mr. Talib

1 A I'm going to say about three years or so. Could
2 have been -- to be honest with you could have been four.
3 Sound like that. I stayed in that trailer park for three
4 years, so probably a year before that.

5 Q Okay. And did you know London Wooden when you
6 lived there?

7 A When -- how can I put that. When he moved in that
8 trailer park, yes. That's how I met him.

9 Q And that was before October of 2011 that he moved
10 in there?

11 A Yes, sir.

12 Q Okay. And what did you know him by?

13 A Tay.

14 Q Tay?

15 A Yes.

16 Q Okay. Did you see -- well, you were in the studio
17 that night and inside your house?

18 A Right.

19 Q Okay. Did anything in particular catch your
20 attention that?

21 A Just gunshots.

22 Q Just gunshots?

23 A Yeah.

24 Q Well, what did you do when you heard gunshots?

25 A I ran to the door.

Hakim Talib - Direct Examination by Mr. Talib

- 1 Q So they caught your attention enough to make you
2 run to the door?
- 3 A Yeah.
- 4 Q Okay. And your door is -- show us where your door
5 is on this trailer.
- 6 A About right here in the front.
- 7 Q So somewhere near that red car?
- 8 A Yes, sir.
- 9 Q Okay. And do you have steps on your front porch?
- 10 A Yes, sir.
- 11 Q So you ran to the door and you did -- did you open
12 the door?
- 13 A Yes.
- 14 Q And you looked outside and what did you see?
- 15 A I seen people running.
- 16 Q You saw people running. Did you see the defendant?
- 17 A Yes.
- 18 Q All right. What was he doing?
- 19 A Running just like everybody else.
- 20 Q All right. And I show you this, Exhibit 28, one
21 more time.
- 22 A All right.
- 23 Q About what area was he in when you saw him?
- 24 A There was about three of them right here and right
25 here.

Hakim Talib - Direct Examination by Mr. Talib

1 Q Right in that area?

2 A Yeah, right in that area right there when I opened
3 my door.

4 Q All right. And did you hear the defendant say
5 anything at that time?

6 A Nothing serious, just, I told y'all, just like
7 that.

8 THE COURT: Speak up again. Say that again.

9 THE WITNESS: Nothing -- like, I told y'all, while
10 he was running.

11 BY MR. GRIMES:

12 Q Just to clarify, if you could say it louder for us.

13 A I told y'all.

14 Q You heard him say, I told y'all?

15 A Yes.

16 Q And what did you do at that point?

17 A It just looked crazy out there, I pulled my door
18 and then I got up and called 9-1-1 and all that. I got her
19 to do all that.

20 Q Okay. One moment, please.

21 (WHEREUPON there was a pause in the proceedings.)

22 BY MR. GRIMES:

23 Q Do you see the person you saw that night say, I
24 told y'all; do you see him in the courtroom today?

25 A Yes.

Hakim Talib - Cross-Examination by Mr. Smith

1 Q Where is he sitting?

2 A On the other side.

3 Q And what is he wearing?

4 A A white shirt, black tie.

5 Q That table right over there?

6 A I'm sorry?

7 THE COURT: He's identified the defendant.

8 MR. SMITH: No further questions of this witness,
9 Your Honor.

10 MR. SMITH: Yes, sir, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. SMITH:

13 Q Now, that night after your girlfriend called the
14 police, the police came out, right?

15 A Yes, sir.

16 Q Did you see where they were parked?

17 A Yes, sir.

18 Q Over -- where were they parked?

19 A It was about three or four police cars, like one
20 one way. They was pretty much, you know, the same.

21 Q Right outside your front door?

22 A Yes, sir. One was right there.

23 Q Okay. Did you ever go out and talk to them?

24 A That night, no, sir.

25 Q You never told them what you saw or what you heard?

Hakim Talib - Cross-Examination by Mr. Smith

- 1 A No, sir, I closed my door.
- 2 Q Did they ever come knock on your door?
- 3 A Not that I can recall, no, sir.
- 4 Q So nobody was coming to ask you what you saw or
- 5 heard?
- 6 A No, sir.
- 7 Q Okay. When was the first time you had contact with
- 8 law enforcement about this case? Two weeks ago?
- 9 A No, sir.
- 10 Q When was it?
- 11 A I believe like -- well, matter of fact about this
- 12 case, yes, sir. Yes, sir.
- 13 Q It was about two weeks ago?
- 14 A Yes, sir.
- 15 Q Okay. You ever go hang out around Ms. Mary's
- 16 house?
- 17 A Never.
- 18 Q You never go around there?
- 19 A You'd never catch me there.
- 20 Q Okay. Did you ever tell anybody about the other
- 21 gunshots?
- 22 A I never heard any other --
- 23 Q You never heard any other gunshots?
- 24 A Never heard other gunshots.
- 25 Q How many gunshots did you hear?

Hakim Talib - Cross-Examination by Mr. Smith

1 A I don't know, probably about five of them, but like
2 I said, after that, I closed my door like -- to be honest
3 with you, to stay out where I am now -- that's what I
4 closed my door for. I ain't got time for this mess.

5 Q You try to stay out of what's going on?

6 A I tried but it was still there.

7 Q Okay?

8 MR. SMITH: Just a moment, Your Honor.

9 BY MR. SMITH:

10 Q When you saw London run away, was he waving a gun
11 around?

12 A No.

13 Q No. He was just running away like everybody else?

14 A Pretty much, yes.

15 Q And how many sets of shots did you hear?

16 A Sound like there was one set of shots like a little
17 rapid.

18 Q Just some quick shots?

19 A Yes, sir.

20 Q All together? Nothing else?

21 A Nothing else.

22 THE COURT: Anything further?

23 MR. GRIMES: Nothing from the state, Your Honor.

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

25 MR. GRIMES: State calls Octavia Bush.

Octavia Bush - Direct Examination by Mr. Grimes

1 OCTAVIA BUSH,

2 having been duly sworn, testified as follows:

3 THE CLERK: Have a seat in the witness box. State
4 your full name for the Court, spelling your last.

5 THE WITNESS: My name is Octavia Bush. My last
6 name is spelled B-u-s-h.

7 DIRECT EXAMINATION

8 BY MR. GRIMES:

9 Q Hi, Ms. Bush. Do you know the defendant in this
10 case?

11 A Yes, sir.

12 Q All right. And how long have you known him?

13 A For a good four years. Four or five years.

14 Q Four or five years?

15 A Yes, sir.

16 Q Do you know his name?

17 A Yes, sir.

18 Q What is it?

19 A I think Octavious London -- I don't know his first
20 name, but we call him Tay.

21 Q You call him Tay?

22 A Yes.

23 Q And the person that you know as Tay, do you see him
24 here in the courtroom?

25 A Yes.

Octavia Bush - Direct Examination by Mr. Grimes

1 Q Where is he?

2 A Over there.

3 Q What's he wearing?

4 A Black and white.

5 THE COURT: She's identified the defendant.

6 BY MR. GRIMES:

7 Q Do you know the victim in this case?

8 A Yes, sir.

9 Q And how long did you know him?

10 A For a good six years or more.

11 Q And are you familiar with Dallas Circle?

12 A Yes, sir.

13 Q Okay. Do you recall October 1st, 2011?

14 A Yes, sir.

15 Q Do you remember being at Dallas Circle that night?

16 A I remember pulling up in there and seeing what I

17 saw.

18 Q All right. Speak up for us a little bit so

19 everybody can hear you, okay.

20 What were you doing at Dallas Circle on October

21 1st?

22 A About to go pick up Tommy Cheatham.

23 Q Tommy Cheatham? And you were driving?

24 A Yes, sir.

25 Q Did you have anybody with you?

Octavia Bush - Direct Examination by Mr. Grimes

1 A Yes, sir.

2 Q Okay. What were y'all going to do?

3 A Pick him up and go get something to eat.

4 Q Okay. And did you pull into Dallas Circle?

5 A Yes, sir.

6 Q And did you stay in Dallas Circle?

7 A No, I left after I seen what I saw.

8 Q Okay. And what did you saw?

9 A Tay shooting Bounce.

10 Q I'm going to show you Exhibit No. 28. If you could
11 step down here just a minute.

12 (WHEREUPON the witness stepped down from the
13 witness stand.)

14 BY MR. GRIMES:

15 Q This is Dallas Circle. Where did you pull in with
16 your vehicle?

17 A --

18 THE COURT REPORTER: I can't hear her.

19 BY MR. GRIMES:

20 Q She can't hear you. If you could speak up a little
21 bit.

22 A Right here, over here by Fats' house.

23 Q Who's Fats?

24 A Who Fats is -- what kind of question is that?

25 Q Who is Fats? You said Fats' house?

Octavia Bush - Direct Examination by Mr. Grimes

- 1 A Well Fats is Jeremy.
- 2 Q Okay. And where is his house?
- 3 A (The witness pointed.)
- 4 Q Right there?
- 5 A (Witness nodded head.)
- 6 Q And is that --
- 7 THE COURT: You need to answer. You can't shake
- 8 your head, you've got to answer.
- 9 BY MR. GRIMES:
- 10 Q Yes or no, please.
- 11 A Yes, sir.
- 12 Q All right. And is that where your car was?
- 13 A Yes, sir.
- 14 Q And why did you stop there?
- 15 A Because I seen Tay shooting Bounce and I backed up
- 16 and I went back home.
- 17 Q Before we talk about that, where did you see Tay
- 18 shoot Bounce?
- 19 A I guess this light pole right there.
- 20 Q Okay. Now, before the shooting, you were in your
- 21 car somewhere else, right?
- 22 A Yes, sir.
- 23 Q So you didn't know what happened -- anything before
- 24 you got there?
- 25 A No, sir.

Octavia Bush - Direct Examination by Mr. Grimes

1 Q But when you got there --

2 MR. GIBBONS: Your Honor, he's leading.

3 THE COURT: Sustained. Don't lead.

4 BY MR. GRIMES:

5 Q When you got there -- how did you know Tay was
6 shooting?

7 A Because I seen him and I seen the fire from the
8 gun.

9 A You saw the fire from the gun.

10 A Yes, sir.

11 Q And you saw Bounce?

12 A Yes, sir.

13 Q Do you know what Bounce did after you saw the fire
14 from the gun?

15 A No, because I left.

16 Q In reverse?

17 A Yes, sir.

18 Q Okay. And where did you head when you left Dallas
19 Circle?

20 A Back to my mama house.

21 Q You can sit right back up there for me.

22 (WHEREUPON the witness returned to the witness
23 stand.)

24 BY MR. GRIMES:

25 Q Where does your mom live?

Octavia Bush - Cross-Examination by Mr. Smith

1 A Around the corner, 523 First Avenue.

2 Q Do you know about how long it would take you to get
3 there from Dallas Circle?

4 A No, it ain't long though.

5 Q Would it be longer than a couple of minutes?

6 A No.

7 Q And what did you do when you got to your mom's
8 house?

9 A I told my mama what happened and she called the
10 police.

11 Q She called the police. Did you go back to Dallas
12 Circle that night?

13 A Yes, sir.

14 Q Do you know about how long after that it was?

15 A Huh-huh.

16 THE COURT: Is that a no?

17 THE WITNESS: No, sir.

18 BY MR. GRIMES:

19 Q Were the police still there?

20 A Yes, sir.

21 Q Please answer any questions the defendant has for
22 you.

23 CROSS-EXAMINATION

24 BY MR. SMITH:

25 Q Ms. Bush, can you show me on the map exactly where

Octavia Bush - Cross-Examination by Mr. Smith

1 London was standing?

2 A --

3 THE COURT: All right. Ma'am, the jury's got to be
4 able to see what you just did so if you could step to the
5 side.

6 THE WITNESS: About right there.

7 BY MR. SMITH:

8 Q Right in between trailers?

9 A Yeah, over there in front of the light pole.

10 Q Out front near the light pole?

11 A Yes, sir.

12 Q Okay. Did you remember -- did you hear or see
13 shots?

14 A I seen the fire from the gun.

15 Q Did you remember how many blasts of fire you saw?

16 A No, sir.

17 Q You don't know how many shots?

18 A No, sir.

19 Q Do you remember -- go ahead and have a seat.

20 Do you remember what the person holding the gun was
21 wearing?

22 A No, sir.

23 Q Okay. You remember the people who were out there?

24 A I don't remember nobody but him and Bounce being
25 out there.

Octavia Bush - Cross-Examination by Mr. Smith

1 Q Just him and Bounce? You didn't see anybody else?
2 A No, sir.
3 Q Okay. You usually go over to Ms. Mary's house?
4 A Yes, that's my aunty.
5 Q Okay. People go over there to drink? People going
6 over there to buy drinks?
7 A I don't know about that.
8 Q You don't know anything about that?
9 A Huh-huh.
10 Q Okay. Did you know anything about this shooting
11 until two weeks ago?
12 A Do what?
13 Q Did you know anything about this shooting until
14 about two weeks ago?
15 A What shooting? When Bounce --
16 Q Yes, ma'am, the shooting that we're here for?
17 A I was there.
18 Q You were there?
19 A I was pulling up when it happened.
20 Q But you didn't say anything to anybody?
21 A No, sir.
22 Q Okay. It's like you don't want to say anything
23 about Ms. Mary? She's your aunty?
24 THE COURT: Don't argue with the witness.
25 MR. SMITH: Okay.

Octavia Bush - Cross-Examination by Mr. Smith

1 BY MR. SMITH:

2 Q You know if anybody -- you spend a lot of time out
3 around Dallas Circle?

4 A Yeah.

5 Q Okay. Do you know anybody out there or anybody
6 that goes out there that's involved in any gangs?

7 A I don't know nothing about that.

8 Q Okay.

9 MR. SMITH: Beg the Court's indulgence.

10 BY MR. SMITH:

11 Q When you pulled up and saw the blasts, which
12 direction was the person holding the gun? Facing away from
13 you or towards you?

14 A Away from me.

15 Q Okay.

16 THE COURT: All right. Any redirect?

17 MR. GRIMES: Nothing, Your Honor.

18 THE COURT: All right. Thank you, ma'am, you may
19 step down. You are free to leave in you would like to
20 leave.

21 MR. GRIMES: We're going to call Dr. Ross, next.

22 THE COURT: How long do you think that's going to
23 be? Is this a good time to take a break?

24 MR. GRIMES: Probably, Your Honor.

25 THE COURT: All right. Ladies and gentlemen, we'll

Octavia Bush - Cross-Examination by Mr. Smith

1 take a little break. Y'all go ahead and step back to the
2 jury room. Please don't discuss the case while you're back
3 there and we'll come back in a few minutes.

4 (WHEREUPON the jury left the courtroom at 3:18
5 p.m.)

6 THE COURT: All right. We'll come back in 15
7 minutes.

8 (WHEREUPON a recess was observed.)

9 THE COURT: Are we waiting on somebody?

10 MS. YOUNG: Dr. Ross is ready to go.

11 THE COURT: All right.

12 MR. GIBBONS: We've got to have our client, Your
13 Honor.

14 THE COURT: We've got to have a bailiff.

15 THE COURT: Will you ask them to bring the jury in
16 for me, please.

17 (WHEREUPON the jury entered the courtroom at 3:39
18 p.m.)

19 THE COURT: All right. Madame Solicitor, you ready
20 to call your next witness -- Mr. Solicitor, I'm sorry.

21 MR. GRIMES: Thank you, Your Honor. The State
22 calls Dr. Janice Ross.

23 DR. JANICE ROSS,
24 having been duly sworn, testified as follows:

25 THE CLERK: Please have a seat in the witness box.

Dr. Janice Ross - Direct Examination by Mr. Grimes

1 State your full name for the Court, spelling your last.

2 THE WITNESS: Janice Edwards Ross, R-o-s-s.

3 DIRECT EXAMINATION

4 BY MR. GRIMES:

5 Q Dr. Ross, could you explain to us what your
6 position is?

7 A I'm a forensic pathologist and a hospital
8 pathologist in Newberry South Carolina.

9 Q All right. And do you conduct autopsies in South
10 Carolina?

11 A Yes.

12 Q Okay. And what's your experience and training,
13 Doctor?

14 A Yes, I received my bachelor's degree from
15 University of South Carolina and I received my M.D. from
16 Upstate Medical Center in Syracuse, New York, where I did
17 training in pathology.

18 Pathology is the discipline in medicine where we
19 learn to identify cancers and diagnose different diseases
20 by looking at tissue under the microscope and by using the
21 laboratory. I further did study in forensic pathology,
22 which is using pathology pertaining for medical legal
23 problems such as homicide, suicides, and accidents. We
24 learn how to do an autopsy.

25 In a forensic autopsy, we further learn how to

Dr. Janice Ross - Direct Examination by Mr. Grimes

1 identify patterns of injury, document evidence for court,
2 and take certain fluids and specimens for the purpose of
3 the court of law.

4 **MR. GRIMES:** Your Honor, at this time, I'd move to
5 have Dr. Ross admitted as an expert in the field of
6 forensic pathology.

7 **MR. GIBBONS:** We stipulate to her qualifications.

8 **THE COURT:** All right. Ladies and gentlemen, under
9 our rules of evidence, if scientific, technical or other
10 specialized knowledge will assist you, the trier of the
11 facts in understanding any evidence or in determining a
12 fact that may be at issue, then a witness can be qualified
13 as an expert by virtue of his or her knowledge, skills,
14 experience, training, or education; and as an expert may
15 testify in the form of an opinion if he or she so wishes.

16 I'm going find the -- Dr. Ross to be qualified as
17 an expert in the field of forensic pathology and as such,
18 she can offer opinions in that field as so requested. You
19 are to give her testimony such weight and credibility as
20 you deem appropriate as you will any and all witnesses who
21 testify here today or in this trial.

22 All right. Continue, please.

23 **BY MR. GRIMES:**

24 Q Dr. Ross, did you perform an autopsy on David Maple
25 in this case?

Dr. Janice Ross - Direct Examination by Mr. Grimes

1 A Yes, I did.

2 Q Okay. And do you recall when that autopsy was
3 performed?

4 A It was October 2nd, 2011.

5 Q All right. I'm going to show you a couple of
6 pictures before we talk about that autopsy and see if you
7 can describe what's in the pictures.

8 A Yes. Exhibit No. 21 is our photographs of the
9 x-rays we took of David Maple at the time of autopsy, and
10 it shows one of the three bullets that we recovered from
11 him.

12 Exhibit No. 22 are -- is a picture of the three
13 bullets.

14 Q If I may hold the next exhibit, this one for one
15 moment, thank you.

16 A I'm sorry. This is the picture of the three
17 bullets we recovered from the body of David Maple at the
18 time of autopsy.

19 Q And Exhibit No. 26?

20 A This depicts the entrance gunshot wounds in the
21 left, upper back of David Maple.

22 MR. GRIMES: At this time, Your Honor, the State
23 would move to introduce Exhibits 21, 22, and 26 into
24 evidence.

25 MR. GIBBONS: No objection to those, Your Honor.

Dr. Janice Ross - Direct Examination by Mr. Grimes

1 THE COURT: All right. So admitted.

2 (WHEREUPON State's Exhibits 21, 22, and 26 were
3 entered into evidence.)

4 BY MR. GRIMES:

5 Q I'll sit them here in case you need to refer to
6 them during your testimony.

7 You said you did the autopsy October 2nd, 2011?

8 A Yes.

9 Q Okay. And what were the significant findings from
10 that autopsy?

11 A There were a total of five gunshot wounds, three in
12 the upper back and two through fingers of the left hand.

13 Q Did you determine whether or not those gunshot
14 wounds would have been fatal?

15 A The three from -- of the three in this back, two of
16 them went back to front, slightly upward and were found in
17 the shoulder area and around the muscle towards the front
18 of the body. One of the ones in the back, left, upper
19 back, went through the left -- the lung, the left lung, the
20 upper lobe of the left lung and caused a lot of hemorrhage
21 internally in the chest cavity.

22 So of those three one was fatal. The two wounds in
23 the fingers went from sort of the back of the hand,
24 basically towards the front and those would not be fatal.

25 Q Just to kind of elaborate on that, you're saying he

Dr. Janice Ross - Direct Examination by Mr. Grimes

1 had gunshot wounds in his fingers?

2 A Yes.

3 Q Was it more than one finger?

4 A Two fingers.

5 Q Did it appear to be more than one gunshot wound?

6 A It appeared to be two separate gunshot wounds, yes.

7 Q So he was definitely shot in two separate fingers?

8 A Yes.

9 Q And then he had three gunshot wounds in the upper,
10 left back?

11 A Correct.

12 Q Okay. Will those gunshot wounds -- and I'm going
13 to have -- I'm going to have you step down for a moment
14 and just point them out on these pictures that we have on
15 the projector.

16 (WHEREUPON the witness steps down from the witness
17 stand.)

18 BY MR. GRIMES:

19 Q Can you explain what's been marked and entered into
20 evidence as State's Exhibit 21. If you could just describe
21 what we're seeing on this photograph.

22 A Yes, this is an x-ray going from front to back
23 basically and back to front. It shows two of the three
24 bullets. This is going from side to side and it shows two
25 of the bullets. Also this -- the tissue is so thick it

Dr. Janice Ross - Direct Examination by Mr. Grimes

1 didn't show the third one in that case.

2 Q All right. And State's Exhibit 22.

3 A Yeah. These are the three bullets recovered from
4 the body.

5 Q And two of -- two of those bullets, are bullets
6 that were shown on the x-ray?

7 A Yes.

8 Q And then the third bullet was recovered from the
9 Body, but you can't see it on the x-ray?

10 A Correct.

11 Q And in State's Exhibit 26, can you describe what's
12 depicted in that picture?

13 A Yes, obviously, this is the head. This is the left
14 side of the back, so the one, two, three entrance wounds on
15 the back.

16 Q I know you said that all of the bullets were
17 recovered from the body. There's no exit wounds in the
18 torso?

19 A Correct.

20 Q Okay. Have a seat. I have a couple of more
21 questions for you.

22 (WHEREUPON the witness returned to the witness
23 stand.)

24 BY MR. GRIMES:

25 Q In examining or in doing this autopsy, did you

Dr. Janice Ross - Direct Examination by Mr. Grimes

1 notice any defensive wounds on David Maple?

2 A No, I did not.

3 Q Okay. And where would you look for defensive
4 wounds?

5 A In the hands and arms of the -- there were those
6 two wounds in the fingers which means he could have had his
7 hands up. They were going from the back of the fingers to
8 the front, so most likely were up like this.

9 Q Did it appear that the projectile had entered into
10 the back of the finger?

11 A Yes.

12 Q Okay. And just to clarify, you didn't notice any
13 other injuries beside the two gunshot wounds on his hands?

14 A No.

15 Q Did you notice any stippling soot or tattooing
16 around the gunshot wounds?

17 A No, I did not.

18 Q Okay. And if you could explain to us what those
19 would indicate?

20 A Yes. Those findings indicate range, how far the
21 bullet -- the gun was from the bullet -- or the gun was
22 from the wound. When a bullet comes out of the end of the
23 gun, so does soot and powder, but the soot and the powder
24 only go a certain distance, depending on the type of gun
25 and the ammunition, whereas the bullet, of course, keeps

Dr. Janice Ross - Cross-Examination by Mr. Gibbons

1 going. So if you have soot or tattooing from the powder on
2 the skin or on the clothing, then you can say that the
3 weapon was fairly close to the person.

4 In this case, I didn't see any on the front of the
5 hands or on the back. So we can just generally say it was
6 a distant -- these were distant gunshot wounds.

7 Q And can you say to a reasonable degree of medical
8 certainty the manner of death and the mechanism of death in
9 this case?

10 A Yes. The cause of death, mechanism was bleeding
11 out, exsanguination due to the perforation of the lung into
12 the gunshot wound of the chest, the back; and the manner of
13 death is homicide.

14 Q Thank you. No further questions at this time.

15 **CROSS-EXAMINATION**

16 BY MR. GIBBONS:

17 Q Hey, Dr. Ross, how are you?

18 A Fine.

19 Q Just have a few questions just to clarify in my
20 mind. It's your opinion to a reasonable degree of
21 certainty in your field that five projectiles hit the
22 victim; is that correct?

23 A There were five gunshot wounds. Now, whether
24 somehow the ones through the fingers continued through the
25 fingers and into the back is a possibility.

Dr. Janice Ross - Cross-Examination by Mr. Gibbons

1 Q Would that be pretty tough to do where they were,
2 though?

3 A I believe so.

4 Q So would it be your opinion, if you had to give
5 your opinion, that there were five shots?

6 A Yes.

7 Q They couldn't cross the fingers and get the same
8 shot on the fingers?

9 A Did not appear to be there, no.

10 Q Going different angles, is that right?

11 A Well, they're pretty separate. The one -- there
12 were two entrance wounds and two separate entrance wounds.

13 Q Now, let me ask you about the three shots in the
14 back of the victim. Is it your testimony they went on a
15 fairly straight track from back to front, maybe up a little
16 bit?

17 A The fatal one that went through the lung went back
18 to front.

19 Q Straight?

20 A Straight. The other two went slightly upward and
21 one of those went slightly to the left.

22 Q Okay. But none of those shots came face to face
23 with the gun, would that be fair to say? In the back?

24 A I'm sorry?

25 Q There's no way that that someone can be face to

Dr. Janice Ross - Cross-Examination by Mr. Gibbons

1 face with the victim and make those holes in the back of
2 his shoulder, correct?

3 A That's correct.

4 Q And what about standing sideways?

5 A No.

6 Q They'd have to be pretty much back to back?

7 A Yes. Bullets go straight.

8 Q And they stayed straight once they got in too,
9 didn't they.

10 A Yes.

11 Q Did any of them look like ricochets?

12 A No.

13 Q There is -- you can tell that by how the hole is
14 shaped, correct?

15 A Well, we can tell if -- if the bullet went through
16 something before it hit the body. The entrance wound is
17 irregular, yes.

18 Q It's not as round?

19 A Correct.

20 Q Now, can you -- have you got your report with you?

21 A Yes.

22 Q Sometimes it's easier to see things if they're
23 three dimensional. Can you come down and show on my hand
24 the angles that you found the bullets traveled?

25 A Sure.

Dr. Janice Ross - Cross-Examination by Mr. Gibbons

1 Q Which one you need?

2 A Left. In the third finger, the bullet went pretty
3 much from back to the front.

4 Q Straight through?

5 A Yes.

6 Q This one, the bullet -- the finger was probably at
7 an angle like this. It went from the back here came down
8 and went out down by the knuckle?

9 A Yes.

10 Q Thank you. And so you've got one at an angle and
11 one straight through, so it would be almost impossible to
12 twist your fingers around and get them both from the same
13 bullet?

14 A Yes, sir.

15 Q And getting your hand up high enough to get them in
16 front of the wounds on the back would be pretty difficult
17 too, correct?

18 A Yes.

19 Q So in your opinion five different wounds,
20 independent wounds?

21 A Yes.

22 Q And were any shreds of evidence found from the
23 finger shots that could tell you anything other than they
24 were bullet holes?

25 A No, sir.

Dr. Janice Ross - Cross-Examination by Mr. Gibbons

1 Q No projectile was found to match up with them,
2 correct?

3 A Correct.

4 Q And you couldn't tell -- in your field, you
5 couldn't tell what size of gun, if they were all from the
6 same size of gun in the hands, in the back?

7 A No, I could not.

8 Q Now, you mentioned the stippling and the soot.

9 A Yes.

10 Q Sometimes it's close enough you can figure out if
11 the gun was closer?

12 A Yes, sir.

13 Q Does having clothing on have an effect on that?

14 A Absolutely, yes.

15 Q So you could -- you wouldn't be able to tell if
16 there's enough clothing on anyway if they were close,
17 right?

18 A Yes, I didn't -- we didn't have any clothing to
19 see.

20 Q And when they -- when he came into your lab, did he
21 have bags on his hands?

22 A He had plastic bags, yes.

23 Q And what does that mean when they come in with
24 plastic bags on their hands?

25 A Those are usually placed there to protect the hands

Dr. Janice Ross - Cross-Examination by Mr. Gibbons

1 from contamination so GSR's can be done.

2 Q Has that happened on these type of cases, they come
3 and take a GSR from your lab?

4 A Yes.

5 Q And they had both hands bagged, correct?

6 A Correct.

7 Q And there was only injury on one hand, correct?

8 A Correct.

9 Q And there was nothing -- there was some stuff from
10 the hospital still on the body too, right?

11 A That's correct, yes.

12 Q Was that on both hands as well?

13 A He had an IV in the back of the right hand.

14 Q But nothing on the palm, correct?

15 A Correct.

16 Q And is there any other reason to have the bags on
17 when it gets to your office? Do you require them?

18 A No, it's -- it's medical/legal. If they don't do
19 the GSR's at the scene, then they do them in the morgue.

20 Q And that's something they do on a regular basis?

21 A Yes.

22 Q Have you seen them put bags on for any other reason
23 that you're aware of?

24 A No. That's it.

25 Q Nothing further.

Christopher Johnson - Direct Examination by Ms. Young

1 **THE COURT:** All right. Anything on redirect?

2 **MR. GRIMES:** Nothing, Your Honor.

3 **THE COURT:** All right. Thank you, ma'am, you may
4 step down. You are free to leave if you would like.

5 **THE WITNESS:** Thank you.

6 **MS. YOUNG:** The State would call Christopher
7 Johnson to the stand.

8 **CHRISTOPHER JOHNSON,**
9 having been duly sworn, testified as follows:

10 **THE CLERK:** Have a seat in this witness box. State
11 your full name for the Court, spelling your last.

12 **THE WITNESS:** Christopher Lynn Johnson,
13 J-o-h-n-s-o-n.

14 **DIRECT EXAMINATION**

15 **BY MS. YOUNG:**

16 **Q** Where are you employed, Investigator Johnson?

17 **A** Aiken County Sheriff's Office.

18 **Q** In what capacity?

19 **A** I'm a forensic investigator.

20 **Q** And how long have you been working with forensics?

21 **A** Since June of 2006.

22 **Q** And did you have some involvement in the case
23 involving this defendant, London Wooden?

24 **A** Yes, ma'am.

25 **Q** What did you do in this case?

Christopher Johnson - Direct Examination by Ms. Young

1 A I collected buccal swabs from Mr. Wooden.

2 Q Okay. Please tell the jury what buccal swabs are.

3 A Buccal swabs are swabs on the inside of the cheek
4 to obtain DNA.

5 MS. YOUNG: May I approach, Your Honor?

6 THE COURT: You may.

7 BY MS. YOUNG:

8 Q I'm going to show you what's been marked for
9 identification purposes State's Exhibit No. 41, and ask if
10 you recognize that?

11 A Yes, I do.

12 Q What is it?

13 A This is an envelope where the buccal swabs were
14 placed in. And I -- do you want me to open it up?

15 Q No.

16 A Okay.

17 Q And did you take those swabs?

18 A Yes, I did.

19 Q And how do you know that?

20 A This is my handwriting. This is my name at the
21 bottom. It's how I fill out my envelopes when I collect
22 buccal swabs.

23 Q So you obtained those buccal swabs from the
24 defendant, and what did you do with them at that point in
25 time?

Christopher Johnson - Direct Examination by Ms. Young

1 A I, of course, placed this on a chain of custody as
2 far as record and then submitted this into the chain of
3 custody to the evidence custodian, where he logged it into
4 evidence.

5 Q And that would have been at the sheriff's office?

6 A Yes.

7 Q And what would the purpose -- what would it's
8 further destination have been, if you know?

9 A From there it would have gone to SLED for analysis.

10 Q Is that your involvement in this case?

11 A Yes. Yes it is.

12 MS. YOUNG: Your Honor, at this time, we'd offer
13 State's 41, if I haven't already done.

14 MR. GIBBONS: No objection.

15 THE COURT: So admitted.

16 (WHEREUPON State's Exhibit No. 41 was entered into
17 evidence.)

18 MS. YOUNG: Thank you. No further questions.

19 MR. GIBBONS: No questions.

20 THE COURT: All right. Thank you, sir, you may
21 step down.

22 THE WITNESS: Thank you.

23 MS. YOUNG: He can be excused, correct, Your Honor?

24 THE COURT: Yes, sir.

25 MS. YOUNG: Thank you.

John Roberts - Direct Examination by Ms. Young

1 THE COURT: I mean, yes, ma'am.

2 MS. YOUNG: State calls Special Agent John Roberts.

3 JOHN ROBERTS,

4 having been duly sworn, testified as follows:

5 THE CLERK: Have a seat in the witness box. State
6 your full name for the Court, spelling your last.

7 THE WITNESS: My name is John Graydon Roberts,
8 R-o-b-e-r-t-s.

9 DIRECT EXAMINATION

10 BY MS. YOUNG:

11 Q Agent Roberts, where are you employed?

12 A I work for the South Carolina Law Enforcement
13 Division, more commonly called SLED.

14 Q And in what capacity are you employed there?

15 A I'm in the arson investigations department.

16 Q And you've previously been employed in another
17 department there?

18 A Yes, ma'am. Up until November of last year, I was
19 with the trace evidence department in the forensic services
20 unit.

21 Q And how long were you employed with the trace
22 evidence department?

23 A Right at eight years, almost nine years.

24 Q Could you describe your background?

25 A Sure. I have a Bachelor's of Science Degree in

John Roberts - Direct Examination by Ms. Young

1 Chemistry from Texas A & M, Corpus Christi. When I moved
2 to South Carolina and got the job at SLED, I underwent our
3 in-house training program in gunshot residue. Gunshot
4 residue is the first thing that we teach in trace evidence,
5 basically because it's the thing that we do the most of. I
6 studied under my lieutenant who had been at SLED at that
7 time for almost twenty years and who had been doing gunshot
8 residue for about ten or fifteen years previously when I
9 got there.

10 I learned how to take evidence in, how to prep it
11 for analysis, how to run it on the instrumentation, how to
12 read the data that I got off the instrumentation, and how
13 to make conclusions about the data generated. I learned
14 how to write up cases. I went to court with him, I went to
15 court with other analysts and watched them testify.

16 At the end of about three or four months I was
17 given a test. It was basically a mock trial where I was
18 the expert witness and they grilled me on how
19 instrumentation worked, the conclusions I made about the
20 case that I was given and then I passed and I got to do my
21 own gunshot residue cases, which I did from about 2006,
22 late 2005, early 2006 until 2012.

23 Q And you've been qualified as an expert witness in
24 the court's of South Carolina before?

25 A Yes, ma'am, I have.

John Roberts - Direct Examination by Ms. Young

1 Q How many times?

2 A I think this is seventy.

3 Q Your Honor, at this time we offer Special Agent
4 Rogers -- Roberts, excuse me, as an expert witness in the
5 area of trace evidence analysis?

6 MR. GIBBONS: No objection, Your Honor.

7 THE COURT: All right. Ladies and gentlemen, again
8 I tell you if scientific, technical, or other specialized
9 knowledge will assist you, the trier of facts, in
10 understanding any evidence or determining any issues that
11 may be in controversy, then the witness may be qualified as
12 an expert by virtue of his or her knowledge, skill,
13 experience, training, or education and may testify in the
14 form of an opinion.

15 I find this witness to be qualified as an expert in
16 the field of trace evidence analysis and as such he can
17 offer opinions in his area of expertise. You are to give
18 his testimony such weight and credibility as you deem
19 appropriate.

20 MS. YOUNG: Thank you, Your Honor.

21 BY MS. YOUNG:

22 Q Agent Roberts, can you basically describe the
23 basics of how you analyze gunshot residue? I mean, what is
24 it?

25 A Sure. Gunshot residue is the term that we give to

John Roberts - Direct Examination by Ms. Young

1 the collection of particles that are ejected from a firearm
2 when it's fired. When you shoot a bullet out of the gun,
3 there's a little disk on the back of that bullet, back of
4 that cartridge, that is called primer. Primer carries in
5 it explosive chemicals; and within these chemicals, there
6 are lead and barium and antimony, and those are the
7 chemicals that we look at when he analyze samples for
8 gunshot residue. Those chemicals are spewed out into the
9 air, generally out toward the target because the biggest
10 hole in the gun is the muzzle. So a lot of material comes
11 out of the muzzle. It also comes out of the ejector port.
12 If it's a semiautomatic, it comes from the same place where
13 the shell kicks out.

14 If it's a revolver it will come out at the gap
15 that's between the cylinder and the barrel. Well, this
16 material lands on stuff that's around it, around the gun --
17 like your hands. If I go out and do some shooting at the
18 range, 40, 50 rounds, I go back and get tested for gunshot
19 residue, what we're going to test is my hands because
20 that's what's closest to the gun when it's going off.

21 Q And are there any differences or time limits
22 regarding testing gunshot residue?

23 A There is. With a living person, if you went out
24 and you fired two or three rounds and then you just sat
25 down and you didn't do anything but sit in that chair and

John Roberts - Direct Examination by Ms. Young

1 breathe, then the material we look for will be absorbed
2 into your skin in approximately six hours. So that's our
3 threshold for testing on a living person, is six hours
4 between the time of the shooting and the time of the
5 collection. If the person is deceased, then there is no
6 time limit because they've stopped breathing. The material
7 will stay where it is, if it's there, until it is
8 physically removed.

9 Q All right. And when you're sent gunshot residue
10 kits, that's a specialized kit that they send you where
11 gunshot residue is preserved in some manner?

12 A Yes, ma'am. What we generally get is a kit that
13 contains two different kinds of sampling media. There are
14 particle lifts, which an aluminum disk with carbon sticky
15 tape on them. And there are swabs. And they're just
16 cotton swabs like Q-tips. The disks are dabbed on the
17 hands like Bingo daubers and they're -- in general, there
18 is -- there are four different samples.

19 There's one for the right palm, one for the right
20 back of the hand, one for the left palm and one for the
21 left back of the hand and those are -- like I said, they're
22 just dabbed. And what they're doing is they're picking up
23 any material that may be on the hands. The swabs are
24 applied with some dilute nitric acid to the same four areas
25 of the hand after the particle lifts and what those do is

John Roberts - Direct Examination by Ms. Young

1 they soak up or mop up any material that may be left on the
2 hands left from the particle lifts.

3 With the particle lifts what we're looking for are
4 actual round and non-round particles that we associate with
5 gunshot residue. We're looking for lead and barium and
6 antimony, and we're really looking for them in a round
7 aspherical particle. Round particles that have lead and
8 barium and antimony in that combination are unique to
9 gunshot residue. They've never been found anywhere else.

10 We also look for particles that contain a
11 combination of those three elements, just not the three.
12 We'll look for lead and barium, or lead and antimony or
13 lead by itself. We also look for particles that are not
14 round, but have all three components. Those are not
15 specifically unique to gunshot residue, but they've only
16 been found in one other place, so they are consistent with
17 residue that is from a fired weapon.

18 Q Agent Roberts, what is the one other place that
19 non-round particles with lead, barium and antimony are
20 found?

21 A They've been found in brake pads off of Ferraris.

22 Q So basically it's either gunshot residue or dust
23 from a brake pad from a Ferrari?

24 A Yes, ma'am.

25 Q Okay. Regarding gunshot residue that's deposited

John Roberts - Direct Examination by Ms. Young

1 on a person or clothing, are there factors that can affect
2 whether it remains there or not?

3 A There are. The material is very easily removed.
4 If I go and I shoot thirty or forty rounds out of my gun
5 and then I go home, as soon as I start touching anything
6 else other than that gun, which has gunshot residue on it
7 now that I've shot it, I'm removing the material from my
8 hands and depositing it on everything that I touch. I open
9 the car door, it gets on the car door, the door handle. I
10 drive home, it gets on the steering wheel. Go home, open
11 the door, the door handle.

12 You see how it just keeps -- everything that
13 touches you it gets transferred. I can wash it away with
14 water. It gets even more removed when you rub your hands
15 under water. Lots of blood -- you put your hands on
16 somebody that's got blood, you go to wipe your hands off
17 because you don't want that blood on your hands anymore
18 than you have to. It's being removed every time you touch
19 something.

20 On clothing, it stays on clothing until it's washed
21 or until it's removed via the use of a gunshot residue
22 collect kit.

23 MS. YOUNG: May I approach the witness, Your Honor?

24 THE COURT: Yes, ma'am.

25 BY MS. YOUNG:

John Roberts - Direct Examination by Ms. Young

1 Q Agent Roberts, I'm going to show you two exhibits.
2 The first one is State's Exhibit 37 and the second one is
3 State's Exhibit 38. And I'm going to ask you if you're
4 able to recognize those exhibits. Those have already been
5 entered into evidence in this case.

6 A I do.

7 Q And let's start with No. 37, what is that?

8 A State's 37 is a gunshot residue kit. It is marked
9 with a lab number and at SLED when items of evidence come
10 in, they're brought in, in the downstairs, into the log-in
11 department and it's given a number and it's called a lab
12 number. And what it is, it's an L for lab, and then the
13 year that it came in, and in this case it's 11; and then a
14 number that corresponds to it. In this case it's 11259.
15 And this piece of evidence is L11-11259, piece number 11.
16 And it is -- if you'll give me just a second, I'll tell you
17 exactly what it is.

18 It is a gunshot residue kit from London Devontay
19 Wooden. I know that I got it because I've got my initials
20 on it. The second item, State's Exhibit 38 is also a
21 gunshot residue kit.

22 Now, there's a slight difference between these two
23 besides the size of the boxes. This gunshot residue kit is
24 a combo kit. It has swabs and it has particles. This one
25 I only tested the swabs.

John Roberts - Direct Examination by Ms. Young

1 Q Okay.

2 A This kit, State's Exhibit 38, is my Item 17. It
3 also has my initials on it and it also has the date that I
4 ran it on the microscope that we use to test the particle
5 lifts. This is only particle lifts. And it is from -- it
6 is a set of four particle lifts from blue jacket from
7 suspect is what I have written down.

8 Q And let me ask you this: Based on your training
9 and experience regarding State's No. 37, which I believe
10 would be your Item No. 11, did you form any opinions to a
11 reasonable degree of scientific certainty regarding that
12 particular exhibit?

13 A I did. I ran the swabs from State's 37 on an
14 instrument and the results from the swabs were that all
15 those swabs were negative. There was a swab from the right
16 palm, the right back, the left palm, the left back and my
17 report reads that the quantifies of metals found did not
18 indicate the presence of gunshot residue.

19 Q Which basically means there wasn't any gunshot
20 residue?

21 A On those swabs, that's correct.

22 Q On those swabs. All right.

23 Now, how about State's Exhibit 38, which would be,
24 I believe your SLED Item No. 17. Did you reach any
25 opinions to a reasonable degree of scientific certainty

John Roberts - Direct Examination by Ms. Young

1 regarding that particular piece of evidence?

2 A I did. These particles were run on a microscope,
3 looking for the particles that we find consistent with or
4 associated with gunfire. In this case, I found non-round
5 particles that contained lead barium and antimony on those
6 particle lifts, those four particle lifts from the jacket.
7 Those particles may be associated with gunshot residue.

8 Q You said they were non-round?

9 A Non-round particles containing lead, barium and
10 antimony.

11 Q And was there one other place they might be
12 associated with?

13 A Brake pads off of a Ferrari.

14 Q And that -- you say that came from the jacket in
15 this particular case?

16 A Yes, ma'am.

17 Q Just a few other questions to wrap it up, Agent
18 Roberts. Does your or did your department at that time,
19 did y'all do something called a pattern test?

20 A We do not anymore and at the time I don't believe
21 we were doing it then.

22 Q Okay. And what is a pattern test?

23 A The pattern test in the context of this
24 conversation is a gun powder pattern test. What it is is a
25 means of determining the distance that a firearm was from

John Roberts - Direct Examination by Ms. Young

1 the place where the bullet struck. If I'm given victim's
2 clothing, the firearm that was used in the incident and
3 ammunition that was used in the incident, there is a method
4 that can be used to determine the distance that that gun
5 was from that garment when it was struck by a bullet.

6 Q It would only be applicable to items that had
7 actually been struck by a bullet?

8 A Yes, ma'am.

9 Q Not any clothes that may be associated with
10 somebody potentially firing a bullet?

11 A Yes, ma'am, there's got to be a hole and there's
12 got be a person with a hole in them for this test to be
13 run.

14 Q All right. And is there a pretty good reason that
15 test is not run anymore?

16 A There are large inconsistencies in the loading of
17 bullets -- loading of cartridges, even mass produced
18 cartridges from Remington or Winchester or whoever you buy
19 your cartridges from. There can be large inconsistencies
20 in the amount of powder that is contained in that cartridge
21 case. Since what we're looking for the powder from that
22 cartridge case making a pattern on a piece of cloth, those
23 inconsistencies make it difficult, very difficult, to get a
24 consistent distance from muzzle to target.

25 So we had stopped doing that -- I believe we

John Roberts - Direct Examination by Ms. Young

1 stopped doing it in 2009.

2 Q Basically, it just wasn't a reliable means of
3 testing anymore?

4 A It was not.

5 Q How about victims' clothing? Would you expect to
6 find any relevant gunshot residue if a victim had been shot
7 in the -- shot and it went through the clothes? Would
8 there be a relevant test?

9 A There should be gunshot residue on it. If they'd
10 been shot by a gun within 8 or 9 feet, there should be
11 gunshot residue on it.

12 Q And finally, regarding -- I think we first started
13 talking about both victims that were alive and deceased.
14 How about victims that had been -- received potential
15 medical intervention, they were alive at the time?

16 A If less than six hours had passed between the time
17 that they were shot and the time the test was collected,
18 then a gunshot residue kit can be collected. However, if
19 someone is shot and then received medical assistance, if
20 they go to the hospital or if there is surgery performed,
21 generally those people are washed or cleaned or wiped down.
22 That was removed, the gunshot residue, if it was there,
23 from wherever they were washed.

24 Q All right. And did -- does SLED have particular
25 protocols on whether or not your agency will accept a

John Roberts - Direct Examination by Ms. Young

1 gunshot residue kit?

2 A We do.

3 Q All right. And does -- so then the agency has to
4 fill out questions to determine whether or not y'all will
5 do the testing?

6 A They do.

7 Q And what types of questions would those be?

8 A When we give out kits, there is a sheet attached to
9 the gunshot residue kit and it lists several different
10 things that we need to have provided to us before we can do
11 the gunshot residue kit. First being the name of the
12 person that it gets performed on. We don't do kits that
13 are not named. The second thing is the time. We need to
14 know when the time of the shooting was and we need to know
15 what the time of the collection was so we can determine if
16 that falls within our six hour window.

17 Let me look at the sheets that were provided to us
18 and make sure that I'm telling you everything that we look
19 for.

20 (WHEREUPON there was a pause in the proceedings.)

21 THE WITNESS: Things that we like to have are the
22 caliber of the gun and the type of the gun, the type of
23 ammunition used and the name of the person who is
24 collecting the kit from the suspect or the victim or
25 whoever the kits being taken off of.

John Roberts - Cross-Examination by Mr. Gibbons

1 MS. YOUNG: Okay. Beg the Court's indulgence for
2 one minute.

3 Thank you agent Roberts, please answer any
4 questions the defense has for you.

5 THE WITNESS: Yes, ma'am.

6 CROSS-EXAMINATION

7 BY MR. GIBBONS:

8 Q Good afternoon.

9 A Howdy.

10 Q Trace evidence isn't just GSR kits, is it?

11 A No, sir, it is not.

12 Q It's any particles or substances that might be on
13 clothing or other items. Your department checks for that,
14 the department you're in?

15 A It is. What -- well, the department I used to be
16 in.

17 Q Right.

18 A What -- the other things that we do besides gunshot
19 residue are paint, fiberglass, flammable liquid analysis,
20 explosive analysis, bank die packs and duct tape.

21 Q That's quite a category.

22 A It's very random and there's a lot to it.

23 Q And you get all kinds of stuff in to test, don't
24 you?

25 A We do.

John Roberts - Cross-Examination by Mr. Gibbons

- 1 Q Clothing?
- 2 A Yes, sir.
- 3 Q Patches of carpet?
- 4 A Yes, sir.
- 5 Q All kinds of stuff?
- 6 A Yes, sir.
- 7 Q So would it be out of the ordinary for someone to
- 8 send you a sweat jacket to test for GSR?
- 9 A No, sir.
- 10 Q Happens all the time, doesn't it?
- 11 A It does.
- 12 Q And when you test the actual item itself, you can
- 13 testify in court exactly where you took the samples,
- 14 correct?
- 15 A Yes, sir, I can.
- 16 Q When you get a sample in the mail or delivered by
- 17 an an agency, all you can say then is what's on that sticky
- 18 thing, right?
- 19 A That's correct.
- 20 Q You don't know if it came from the shoulder, the
- 21 arm, the front, the back --
- 22 A Unless it says it specifically on the particle
- 23 lift, I have no idea other than what it says.
- 24 Q And as far as the test goes, are you telling the
- 25 jury that it's more of a positive/negative test than a

John Roberts - Cross-Examination by Mr. Gibbons

1 quantified test?

2 A In this case, I can tell you exactly how many I
3 got, but in general it is, is it there or is it not there.

4 Q And you can tell how much is on that swab --

5 A Yeah, I can tell you how much -- in either case, I
6 can tell you how many -- how much of any of the residue was
7 on a swab and I can tell you how many particles were in a
8 particle lift.

9 Q But you can't tell us how much was on the thing
10 they took it off of?

11 A That's correct.

12 Q You could if you had the item brought to you,
13 though?

14 A I could. However, I don't -- when we sample them
15 at SLED --

16 Q Right.

17 A Let's say I got a long sleeve sweatshirt in. I
18 would take six particles. I can't tell you how much is on
19 the garment that is not where I tested it. I test where
20 the garment is closest to the firearm when it's fired.

21 Q Now, as far as these particles, you cannot tell
22 what kind of gun they came out of, generally?

23 A No, sir, I cannot.

24 Q You can't tell from the test that you did how far
25 away they were from the gun -- you can't tell that from the

John Roberts - Cross-Examination by Mr. Gibbons

1 lifts?

2 A No, sir.

3 Q You can't tell how long that stuff was on whatever
4 they took it off of?

5 A Not on the jacket, no, sir, I cannot.

6 Q I mean, you said as long as it hasn't been washed.
7 If it's somebody's hunting jacket for five years, it could
8 still have residue?

9 A It could.

10 Q And it comes from anybody firing a gun or being
11 around a gun?

12 A Yes, sir.

13 Q So if I'm standing next to somebody shooting a gun,
14 theoretically I could get some blown onto me or splattered
15 onto me?

16 A You could, yes, sir.

17 Q And if I -- if somebody shot a gun fifty times and
18 didn't clean it and I picked up that gun, I could get some
19 on me that way too, couldn't I?

20 A Yes, sir, you could.

21 Q And I could rub it on my shirt and get some,
22 couldn't, I?

23 A If you had been previously exposed to it and it was
24 on your hands and you rubbed it on your shirt, yes, sir.

25 Q And that's called transfer, right?

John Roberts - Cross-Examination by Mr. Gibbons

- 1 A It is.
- 2 Q And that's -- that's perfectly possible in this
3 area?
- 4 A It is.
- 5 Q Now, you did not find the round particles, you
6 found the non-round in this case, correct?
- 7 A I did. Just the non-round, yes.
- 8 Q So you can't say one hundred percent certain it was
9 a firearm, but you told us why already, right?
- 10 A Yes, sir.
- 11 Q And you didn't get that shirt yourself to test?
- 12 A No, sir, I got particle lifts.
- 13 Q Now, you get -- as you were saying, clothing off of
14 deceased victims on a regular basis too, don't you?
- 15 A We do.
- 16 Q And you can do some testing to see if there is any
17 GSR around the hole, right?
- 18 A We can; however, we do not.
- 19 Q If you were asked to, would you do it?
- 20 A Yes, sir, we would have to be asked though.
- 21 Q And you can't say how far, but you can at least say
22 it was close enough to get some GSR on the shirt?
- 23 A I could and everyone if I was asked how far, it
24 would be a very general.
- 25 Q I'm not saying how far, you could do a

John Roberts - Cross-Examination by Mr. Gibbons

1 positive/negative though, right?

2 A I could.

3 Q You could rule out a 50 yard shot?

4 A In most cases, yes, sir.

5 Q All right. And you could tell a contact shot?

6 A Yes, sir.

7 Q And were you sent a shirt from this case?

8 A No, sir, I was sent particle lifts.

9 Q Now, do you also get lifts from autopsy?

10 A We will get a gunshot residue kit from autopsy
11 every once in a while, yes, sir.

12 Q And is there anything wrong with taking the test
13 the next day at autopsy?

14 A As long as the person who is deceased died within
15 six hours of being --

16 Q Right. As long as the body process has stopped
17 within six hours of getting in contact?

18 A Yes, sir, that's right.

19 Q As long as that happened, it doesn't matter if it's
20 a day later?

21 A That's correct.

22 Q And is this a really tough test or a real expensive
23 test?

24 A It's not.

25 Q Do you worry about that?

John Roberts - Redirect Examination by Ms. Young

1 A No, I don't even worry about it.

2 Q So if they send it in, you'll test it?

3 A In general, we will test.

4 Q And did you receive any victim GSR kits in this
5 case?

6 A No, sir, I did not.

7 Q Did you receive any kits other than the one set of
8 swabs from the sheriff's office?

9 A And the particle lift from the jacket, no, sir.

10 Q And if today -- if today there was a shirt from the
11 victim that had bullet holes in it, theoretically if he
12 died within six hours -- the shirt anyway, you could still
13 test it today?

14 A I could test it, however, I would not test it.

15 Q Okay. But you could?

16 A I could.

17 Q It could be done?

18 A Yes, sir.

19 Q Thank you.

20 MR. GIBBONS: Thank you, Your Honor.

21 MS. YOUNG: Very briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. YOUNG:

24 Q You're saying you would not do that test on the
25 victim's clothes; why is that?

John Roberts - Recross-Examination by Mr. Gibbons

1 A Telling somebody that there is gunshot residue on a
2 person that has gunshot residue in them is -- I don't want
3 to be mean about it, but it's a waste of time.

4 Q It's not relevant?

5 A No, it's not.

6 MS. YOUNG: Thank you, Your Honor. No further
7 questions.

8 MR. GIBBONS: Your Honor, I have one more question.

9 **RECROSS EXAMINATION**

10 BY MR. GIBBONS:

11 Q What it was -- what if there was a dispute whether
12 it was shot 2 feet away or 500 yards away?

13 A That's a different test.

14 Q That would be relevant though, wouldn't it?

15 A It would.

16 Q Thank you.

17 THE COURT: All right. Thank you, sir, you can
18 step down. You're free to leave.

19 MS. YOUNG: State calls Special Agent Michelle
20 Eichenmiller.

21 MICHELLE EICHENMILLER,

22 having been duly sworn, testified as follows:

23 THE CLERK: Have a seat in the witness box. State
24 your full name for the Court, spelling your last.

25 THE WITNESS: My name is Michelle Eichenmiller,

Michelle Eichenmiller - Direct Examination by Ms. Young

1 E-i-c-h-e-n-m-i-l-l-e-r.

2 DIRECT EXAMINATION

3 BY MS. YOUNG:

4 Q Good afternoon, how are you?

5 A Good. How are you?

6 Q Doing well. Agent Eichenmiller, where are you
7 employed?

8 A The South Carolina Law Enforcement Division,
9 commonly known as SLED. I work in the forensic laboratory.

10 Q And how long have you been employed with SLED?

11 A I've been there approximately seven-and-a-half
12 years.

13 Q And will you please describe to the jury your
14 background, your training, things of that nature?

15 A I work in the firearms department. I have a
16 Bachelor's Degree in Biology and I have a Master of Science
17 in Forensic Science. I'm -- to train to be a firearms
18 examiner, you need to go through an apprenticeship-like
19 program, which is basically on the job training with
20 court-qualified firearms examiners. At SLED, it's
21 approximately three years. So I completed that training in
22 2010.

23 Q All right. And you've been doing testing since
24 that time?

25 A Yes.

Michelle Eichenmiller - Direct Examination by Ms. Young

1 Q Independently?

2 A Yes.

3 Q And have you testified as an expert witness in the
4 states of South Carolina -- excuse me in the Courts of
5 South Carolina on a previous basis?

6 A Yes, I have. Approximately eighteen times.

7 MS. YOUNG: Your Honor, at this point in time, we
8 would offer Agent Eichenmiller in the field of firearms
9 analysis.

10 MR. GIBBONS: No questions, Your Honor.

11 THE COURT: All right. I've explained to you what
12 an expert is, ladies and gentlemen. Again, I'm going to
13 find that Agent Eichenmiller is an expert in the field of
14 firearms analysis and as such, she can give opinions in her
15 area of expertise and you are to give her testimony as much
16 weight and credibility as you deem appropriate.

17 MS. YOUNG: Thank you, Your Honor.

18 BY MS. YOUNG:

19 Q Agent Eichenmiller, if you're trained at the very
20 basic level, can you explain just basically, what are the
21 different types of firearms that you test?

22 A Okay. We test all kinds of firearms. Mostly
23 handguns. There are two basic types of handguns. There's
24 a revolver, it's kind of like you'd see in the old west
25 movies. They have a cylinder with several chambers that

Michelle Eichenmiller - Direct Examination by Ms. Young

1 rotate around an axis and is fired with each pull of the
2 trigger. There's also semiautomatic handguns, which have a
3 magazine which have all the cartridges in a line and with
4 each pull of the trigger will fire until the magazine is
5 empty.

6 Q And with regards to actual analysis of the firearms
7 itself, what does that entail?

8 A Whenever I get a firearm, I check it for safety.
9 I'll take lots of notes about what type it is, what kind,
10 serial number, make, model. And then we'll test fire it
11 for any comparisons that we need to do from fired
12 ammunition.

13 Q And what does that mean exactly?

14 A The comparison?

15 Q Uh-uh.

16 A When we get a firearm in a case, we'll hopefully
17 have also received fired bullets or fired cartridge cases,
18 which is what I examined. I'll take the firearm and I'll
19 test fire it so that I get specimens that I know came from
20 that firearm. Then I'll use a comparison microscope, which
21 is basically two microscopes connected by an optical
22 bridge, basically looks like binoculars that I can look
23 through and see both specimens at the same time. And then
24 I evaluate the characteristics that I see to determine if
25 they were fired by the same firearm.

Michelle Eichenmiller - Direct Examination by Ms. Young

1 Q And what is the characteristics that you would look
2 for in your analysis?

3 A On cartridge cases, primarily, we look at the
4 firing impression, which is where the firing pin of the
5 firearm hit the cartridge case and it could leave
6 individual marks unique to that firearm.

7 We also look at the breech face marks which would
8 be where the cartridge during firing hit the back of the
9 firearm. We also analyze bullets, which they travel down
10 the barrel and unique characteristics can be imparted to
11 those from the rifling impressions.

12 Q Okay. And just for, you know, basic purposes what
13 are rifling impressions? What does that mean?

14 A Many firearms have rifling in them. It's something
15 that the manufacturer decided when they made the firearm.
16 There's a certain number that can be in there, for example
17 six. They have a direction that can be left or right.
18 There's a certain width and -- width for each one, land and
19 groove. So those are class characteristics, we call them
20 for that firearm.

21 And then during manufacturing when that rifling is
22 put in by the different machines that make the barrel, they
23 can get individual characteristics. So the rifling is
24 there to keep the bullet straight and accurate. It's like
25 a quarterback throwing a football. You want the bullet to

Michelle Eichenmiller - Direct Examination by Ms. Young

1 go and reach its target without too much wobble.

2 Q So how do you know -- how can you tell one gun from
3 another when it's made by the same company?

4 A Each one would have unique characteristics based on
5 its manufacturing, even the one made right after the one
6 you're interested in. It has different marks because the
7 tool changes over time. Also after that firearm comes into
8 the position of somebody, it depends on how they treat it.
9 If they clean it like they're supposed to or if they kept
10 it in a tool box and it got rusty then it gets more
11 individual characteristics that can't be reproduced to
12 several different firearms.

13 Q So even if the company makes one, you're saying the
14 next one may -- on the assembly line after it -- is going
15 to have different characteristics?

16 A Correct.

17 Q Did you do some analysis involving the defendant,
18 London Wooden?

19 A I did.

20 Q And where did you receive -- from what agency did
21 you receive the evidence for this case?

22 A The Aiken County Sheriff's Office.

23 MS. YOUNG: Your Honor, may I approach?

24 THE COURT: You may.

25 ///

Michelle Eichenmiller - Direct Examination by Ms. Young

1 BY MS. YOUNG:

2 Q Agent Eichenmiller, I am going to show you State's
3 Exhibit No. 32, which has already been admitted into
4 evidence in this case and ask you if you can identify that.

5 A Whenever I get evidence in a case, I will mark it
6 with an item number, the lab number and my initials. And
7 this firearm has all of those on there. This is the
8 firearm I examined.

9 Q How do you -- I mean how do you do that marking on
10 those?

11 A We have an electric pencil, basically a Dremel tool
12 that I engrave on there with my marks so they can't be
13 erased or disturbed in any way.

14 Q All right. So it's a permanent method of saying
15 that is the item you tested?

16 A Right.

17 Q And you tested that weapon as your item for this
18 case?

19 A I'm sorry?

20 Q You tested that particular item for this case?

21 A Yes.

22 Q And what is it?

23 A It's a Bauer firearm -- the model name is Bower
24 automatic. It's .25 caliber.

25 Q And was there anything unusual about this gun when

Michelle Eichenmiller - Direct Examination by Ms. Young

1 you received it?

2 A Just something that I noted was that the -- there's
3 a cocking indicator which shows if the gun is loaded or not
4 and it was sticking out further than it should have when I
5 received it. I did take it apart to reseal it to see if it
6 was broken or anything. I didn't note anything was broken,
7 but I did note during test firing that it came back out.
8 It could mean that it was bent or something, but it didn't
9 prevent test firing.

10 Q So this anomaly or little thing that was unusual
11 didn't prevent the gun from firing?

12 A Correct.

13 Q And do you know Agent Eichenmiller how many --
14 well, let me ask you this. You talked about two different
15 types of guns originally. Which gun is that?

16 A This is a semiautomatic pistol.

17 Q How many cartridges will that hold?

18 A Can I check my notes?

19 Q Sure.

20 A This one will hold six in the magazine, plus one
21 that could be in the chamber. So it could hold a total of
22 seven.

23 Q All right. And did you receive any unfired
24 ammunition in this particular case?

25 A No, didn't.

Michelle Eichenmiller - Direct Examination by Ms. Young

1 Q And when that happens, what do you do to do your
2 test firing? You just use ammunition y'all have at SLED
3 that would match that caliber?

4 A At SLED we have an ammunition room and we try to
5 match the ammunition as close as possible to what was
6 actually used in the case. So in this case, I had
7 ammunition that matched what I was given -- fired
8 components that I was given, so I was able to test fire it
9 using that.

10 Q Just for the jury's understanding, when you test
11 fire it, can you kind of describe that process for us?

12 A Sure. We have a bullet recovery tank in the
13 building. It's basically two stories tall. It's a
14 vertical tank. So we can close the lid. We put the
15 firearm muzzle in there, pull the trigger. There's water
16 in the tank. The water stops the bullet from being damaged
17 in any way so that I get mint-looking specimens to compare
18 to.

19 There's a little cup at the bottom that collects
20 them all. I just pull that chain up and then take the
21 fired components back into my office to examine.

22 Q So is it basically just a big, long tube that's two
23 stories tall and you shoot a gun into it?

24 A Correct.

25 Q Is that an accurate description?

Michelle Eichenmiller - Direct Examination by Ms. Young

1 A Correct.

2 Q And when you were doing test firing, did you only
3 test for one particular gun at a time or multiple --

4 A Yes, it was just one firearm at a time.

5 Q Okay.

6 MS. YOUNG: May I approach, Your Honor?

7 THE COURT: You may.

8 BY MS. YOUNG:

9 Q Agent Eichenmiller, I'm now going to show you
10 State's Exhibit No. 33, which has also already been entered
11 into evidence, and ask if you can identify that.

12 A These are cartridge cases that I examined in this
13 case. Again, they have the lab number, the item number and
14 my initials engraved on them.

15 Q So you actually do the same thing with the mark on
16 the actual cartridge casing it's so that you know that
17 that's the you one you tested?

18 A Correct.

19 Q And is that all the cartridge casings that you
20 tested for this particular case?

21 A Yes. I received four.

22 Q And finally I'm going to show you what's already
23 been entered into evidence, State's No. 34, State's No. 35,
24 and State's No. 36 and ask if you recognize each one of
25 those.

Michelle Eichenmiller - Cross-Examination by Mr. Gibbons

1 A Yes, the bullets also have my -- the lab number,
2 the item number and my initials on them, so these are the
3 bullets I examined in this case.

4 Q Agent Eichenmiller, would this be the totality,
5 what you have up there of all the items that you tested in
6 this particular case?

7 A Yes.

8 Q And based on your training and experience, were you
9 able to reach conclusions to a reasonable degree of
10 scientific certainty regarding those items that you tested?

11 A Yes, I was.

12 Q And what were those conclusions?

13 A I determined the three bullets that I received in
14 this case were all fired by a firearm that I received in
15 the case and the four cartridge casings I received were all
16 fired from that firearm.

17 MS. YOUNG: No further questions.

18 **CROSS-EXAMINATION**

19 BY MR. GIBBONS:

20 Q Good afternoon.

21 A Hi.

22 Q Now, that gun, is that a real high end, expensive
23 gun?

24 A I'm not real familiar with the price tag on it, but
25 it doesn't seem to be.

Michelle Eichenmiller - Cross-Examination by Mr. Gibbons

1 Q And that's not a hunting gun?

2 A No.

3 Q In fact, its range where you could hit a target is
4 not a very far thing, is it?

5 A I'm not sure of the range, but it's a small
6 caliber, so...

7 Q And a short barrel? What does that mean? The
8 shorter the barrel, what? Don't know what that does to --

9 A It doesn't -- yeah.

10 Q It doesn't affect if it goes further, straighter?

11 A Not really.

12 Q All right. So a rifle and a pistol shoot just as
13 accurately?

14 A No, a rifle would be more accurate, but, I mean
15 there's -- it depends also on the shooter.

16 Q Right.

17 A I'm sure it could --

18 Q You're saying a longer barrel, generally would be a
19 more accurate gun, right?

20 A Sure, we can say that.

21 Q I'm asking.

22 What's the significance of a revolver, what do you
23 get different with a revolver than with an automatic?

24 A I'm not sure what you're asking.

25 Q Well, does a shell casing come out of a revolver?

Michelle Eichenmiller - Cross-Examination by Mr. Gibbons

1 A No, it doesn't.

2 Q So I can shoot a revolver until it's empty and
3 leave the scene and there are no shell casings on the
4 ground?

5 A Correct.

6 Q Whereas with this gun, every time I shoot, one pops
7 out, right?

8 A Correct.

9 Q And the last one pops out too, doesn't it?

10 A Correct.

11 Q You shoot it until it's empty, it's empty?

12 A Correct.

13 Q And after you shoot it to empty, does it keep
14 clicking or does it just get stuck?

15 A That depends on the firearm. You could still get a
16 clicking noise or it just might stop.

17 Q Do you know if that one clicks?

18 A I'm not sure.

19 Q You didn't try it?

20 A I don't remember.

21 Q All right. Now, these semiautomatics that throw
22 these shells out, they don't go exactly the same place over
23 time, do they?

24 A It depends on the shooter and the direction --
25 yeah.

Michelle Eichenmiller - Cross-Examination by Mr. Gibbons

1 Q I mean the casing kicks out?

2 A In general, they'll go the same direction,
3 depending on a variety of factors though.

4 Q But they could go within a general area, right?
5 They don't land on each other, do they?

6 A It depends. There's a lot of factors to determine
7 which way -- I mean it will eject the same way.

8 Q All right.

9 A But to narrow down a range is -- there's a lot of
10 factors.

11 Q Just the same general direction is all you would be
12 comfortable saying? Is that what you're saying?

13 A Correct.

14 Q So if this gun usually shoots back into the rifle,
15 it would be an unusual shooting at the same direction to
16 have a shell casings 20 yards to the left?

17 A It depends on how you're holding the firearm.

18 Q If you hold it the same way?

19 A In the correct orientation, it should go the same
20 direction.

21 Q And so you would be surprised if I was holding it
22 the exact same way, shooting the exact same angle around
23 direction if four went this way and two went this way?

24 A It would be surprising to find them on the other
25 side, yes.

Michelle Eichenmiller - Cross-Examination by Mr. Gibbons

1 Q If I was standing on one side of the trailer house
2 shooting that gun, would you believe that a shell casing
3 could go over the top of that trailer house and land on the
4 other side?

5 A It would be surprising, but it could have traveled
6 that way with -- on somebody or got kicked that way or --

7 Q So it being flipped over a building, you would be
8 surprised to see that?

9 A Yeah. That shouldn't happen.

10 Q It shouldn't happen? Okay.

11 Is there any way without reloading, that that gun
12 will shoot ten shots in a row?

13 A Unless it had a different magazine. The
14 magazine --

15 Q That gun right there.

16 A -- that I received is not going to hold ten.

17 Q All right. And the casings that you received,
18 four?

19 A Correct.

20 Q And they're all matching that gun, but you can't
21 say when they were fired, correct?

22 A Correct.

23 Q And you can't say they were all fired at the same
24 time, even, could you? Based on your examination.

25 A Correct.

Michelle Eichenmiller - Redirect Examination by Ms. Young

1 Q All right. Thank you. Nothing further.

2 MS. YOUNG: Very briefly, Your Honor.

3 **REDIRECT EXAMINATION**

4 BY MS. YOUNG:

5 Q Investigator -- Agent Eichenmiller, Mr. Gibbons
6 asked you a lot of casings - about shell casings and where
7 they go, where they could go. Do y'all do testing for that
8 as well?

9 A We don't do testing for that because there's no
10 way, because I wasn't at the scene when it happened to tell
11 what direction the gun was being held or what were the
12 factors that were contributing to that. Was it on grass,
13 was he holding it perpendicular as he should or sideways;
14 like I said bounced or got stuck or got kicked by somebody.

15 Q So you don't test for that because you don't
16 know -- there's too many unknown variables?

17 A Correct.

18 Q No further questions.

19 THE COURT: All right. Thank you, ma'am, you may
20 step down.

21 MS. YOUNG: The State would call Amanda Webb to the
22 stand.

23 AMANDA WEBB,

24 having been duly sworn, testified as follows:

25 THE CLERK: Have a seat in the witness box. State

Amanda Webb - Direct Examination by Ms. Young

1 your full name for the Court, spelling your last.

2 THE WITNESS: My name is Amanda Webb, W-e-b-b.

3 DIRECT EXAMINATION

4 BY MS. YOUNG:

5 Q Agent Webb, are you employed at SLED?

6 A Yes, I am.

7 Q And how long have you been employed there?

8 A A little over -- about six years.

9 Q And in what capacity are you employed with SLED?

10 A I'm a forensic scientist in the DNA case work
11 department.

12 Q Will you please describe for the jury your
13 background, training, education, things of that nature?

14 A Certainly, I have a Bachelor's of Science in
15 Forensic Chemistry and I have a Masters of Science in
16 Forensic Science, both of those from Marshall University.
17 And after graduation and completing those degrees, I was
18 hired on at SLED and trained under another qualified
19 analyst for approximately a year and a half and have been
20 doing independent case work since.

21 Q And have you testified as an expert witness in the
22 Court's of South Carolina, previously?

23 A Yes, I have.

24 Q How many times?

25 A About eighteen times.

Amanda Webb - Direct Examination by Ms. Young

1 **MS. YOUNG:** Your Honor, at this point in time we'd
2 offer Agent Webb as an expert witness in the area of DNA
3 analysis.

4 **MR. GIBBONS:** No question, Your Honor.

5 **THE COURT:** All right. Ladies and gentlemen, I
6 find the witness qualified as an expert in the field of DNA
7 analysis. I've explained to you the purpose of that and
8 she can offer opinions in her area of expertise and you may
9 proceed.

10 **BY MS. YOUNG:**

11 Q Agent Webb, do you mind explaining to the jury the
12 basic starting point that you do on your DNA analysis and
13 what that means?

14 A Yeah, certainly. Forensic DNA is used to identify
15 an individual. Everyone has unique or individual DNA
16 except for identical twins and basically what I do is I
17 work in criminal cases that might have potential DNA
18 evidence in it. And so evidence items are collected and
19 brought into the lab and also known standards are
20 collected.

21 Known standards is DNA collected from a known
22 individual, so I know whose DNA it is, who it comes from.
23 And if a DNA profile is developed from an item of evidence,
24 then I can compare it to a person's DNA and see if it
25 matches them or it doesn't match or sometimes there's -- I

Amanda Webb - Direct Examination by Ms. Young

1 can't make a conclusion one way or another.

2 Q And are there different types of DNA evidence that
3 you get to analyze?

4 A Yes, there is. Anything that could potentially
5 have biological material -- mostly what is submitted to the
6 lab are swabs of blood. We get -- I work a lot of rape
7 cases and also there's some touch DNA and clothing items.

8 Q You mind explaining a little bit more about touch
9 DNA and what you mean by that?

10 A Touch DNA is if a person is believed to have
11 handled or touched an item, then they might have deposited
12 their DNA on that item. Just simply by touching it or
13 handling it, DNA is found in your skin cells and if you're
14 skin cells rub off on that item, then DNA can sometimes be
15 recovered.

16 Q You've previously testified about known standards
17 that you have to use in comparison. What are some of the
18 different types of known standards that you would receive
19 in any given case?

20 A Usually there are two different types that we
21 mainly see and that would be a buccal swab, which is a
22 sterile cotton swab, it looks like a Q-tip swab. And
23 that's rubbed on the inside of an individual's cheek. It's
24 just called buccal because that's what this -- the cells on
25 the cheek are called, are buccal cells. And then also a

Amanda Webb - Direct Examination by Ms. Young

1 blood standard. Usually that's just typically taken from
2 the arm or heart and it's in a tube of blood.

3 Q When you use a blood standard, do you use actual
4 blood or how does that process work?

5 A Certainly. We could use the blood itself, but
6 normally what we do at the lab is place the blood on paper
7 first and then cut from the paper and analyze it. And
8 that's simply because it stabilizes it around keeps it
9 preserved for a longer period of time if it's on paper.
10 It's pretty much preserved indefinitely then and so then I
11 just cut from the paper and analyze it.

12 Q So when you do your analysis, when using a paper,
13 where you've done the blood -- take a the blood sample and
14 the buccal swab being basically similar or how you do that
15 mechanically?

16 A Yes, it is. It's the exact same process, actually.

17 Q And how do you start your analysis in any
18 particular DNA case?

19 A Well, one of the first things I do is we receive
20 incident reports telling us what could have occurred at the
21 crime scene and it helps me determine what the items are,
22 where they've been collected, really what I'm looking for
23 and how to test it DNA-wise. And once I read that report,
24 then I pick my items to test and also investigators can
25 also request certain types of fluids to be tested too.

Amanda Webb - Direct Examination by Ms. Young

1 We'll test for blood and other fluids and then I'll just
2 perform the testing in the lab and if DNA profile is
3 generated from evidence, then they're compared to the known
4 standards.

5 Q Could you describe -- do you always get everything
6 at one time to test or could it be different steps? How
7 does that work?

8 A Sometimes it's different steps. Sometimes you
9 might not know any suspects at the time or you're just not
10 able to get a standard from them. So therefore it often
11 proves easier to sort of develop -- see if I can develop
12 something from the evidence to compare to first before a
13 standard from a suspect is collected.

14 Q You might not get them all at the same time?

15 A That's correct. It might be separate occasions.

16 Q But you maintain your records and you test them
17 based on what you've gotten the first time compared to
18 what's submitted?

19 A Right. That's correct. We wouldn't retest first
20 submittal, it would just be what profiles are generated
21 from that, are they compared to any new submission.

22 Q You keep talking about DNA profiles. For somebody
23 that's not very scientifically savvy like me, can you
24 explain exactly what you mean by that?

25 A Sure. Basically what we end up with, is a bunch of

Amanda Webb - Direct Examination by Ms. Young

1 numbers really that we compare to -- I look at fifteen
2 different locations of the unit and that's what all of
3 forensics does is look at those fifteen different locations
4 on DNA and it's basically a set of numbers. I like to kind
5 of equate it to a postal address, really. Sometimes you
6 have a complete address with the number, the street name,
7 city, state, ZIP code, and sometimes you might not have
8 that full information. You might just have a street number
9 and city and state and ZIP code. But you spare those
10 numbers to see if they match to an individual's DNA or not.

11 Q So you can have fifteen locations, you have
12 everything?

13 A Yes.

14 Q You can make an analysis; is that correct?

15 A Yes, that's correct.

16 Q And then if you have less than fifteen locations
17 what happens?

18 A Sometimes you're still able to make a determination
19 whether there's a match or not. It just might not provide
20 as much information. When there's a match, we do a
21 statistical calculation and sometimes if there's not full
22 information you just might not have as much information to
23 make a statistical, a full statistical calculation, so your
24 statistics would just be a little bit lower.

25 Q So you can still make a comparison, you just might

Amanda Webb - Direct Examination by Ms. Young

1 have a different number set?

2 A Yes, that's correct.

3 Q And did you receive evidence for this particular
4 case involving the defendant, London Wooden?

5 A Yes, I did.

6 Q And who did you receive that evidence from?

7 A That was submitted by Aiken County Sheriff's Office
8 and also the Aiken County Coroner's office.

9 Q Okay. And with regard to the Aiken County
10 Coroner's office, what did you receive and what did you
11 develop from that?

12 A I received a blood standard from the victim, David
13 Maple. And, again, that's just blood taken from him so I
14 know what his DNA profile is.

15 Q So you received his blood and created a profile or
16 obtained a profile based on your testing?

17 A Yes, that's correct.

18 Q Okay. I'm going to show you State's Exhibit No.'s
19 39, 40, and 41, all of which has previously been introduced
20 into evidence and ask if you can identify those.

21 A Yes, State's Exhibit No. 39 is my SLED Item No. 18
22 and that is swabs from a King Cobra Beer bottle.

23 State's Exhibit 40 is my SLED Item 10 and that is
24 swabs from the handle of a Bauer firearms .25 caliber
25 pistol.

Amanda Webb - Direct Examination by Ms. Young

1 State's Exhibit 41 is my SLED Item 19 and that is
2 buccal swabs from London Wooden.

3 Q So you had those three items as well as the
4 standard from the victim in this particular case?

5 A Yes, I did.

6 Q And to a reasonable degree of scientific certainty,
7 did you form an opinion regarding the analysis of DNA on
8 these items for this case?

9 A Yes, I did.

10 Q All right. Start with State's No. 39, SLED Item
11 18.

12 A Item 18, the swabs from the King Cobra Beer bottle,
13 that is DNA from an unidentified male individual, so I
14 don't know whose DNA was on the beer bottle.

15 Q So it's not a match to either the victim or the
16 defendant?

17 A That is correct. It did not match.

18 Q When you develop a profile like that, what do you
19 do with it?

20 A If a DNA profile meets a certain criteria in a
21 criminal case, it can be entered into a data base to try to
22 find an individual in the data base. Basically it just
23 helps locate any person of interest. Any person who might
24 have left their DNA at the scene.

25 So what happens is that profile is entered into a

Amanda Webb - Direct Examination by Ms. Young

1 computer data base. In this case it's a combined DNA index
2 system and it just -- it houses known individuals' DNA
3 profiles. So if it happened to match a certain person,
4 then it would return a hit, which is a match and that would
5 just allow an investigator to go out and contact that
6 person and do some investigation work.

7 Q So in this particular case did you enter that DNA
8 into CODIS?

9 A Yes, I did.

10 Q And did you receive any results from that?

11 A No hits as of yesterday, I checked.

12 Q From your testing date of -- from the testing date
13 of -- let's see -- you entered that into the CODIS Data
14 Base June 8th of 2012. Does it continue to run day-to-day
15 or how does that work?

16 A It's weekly, every Tuesday.

17 Q Regarding State's Exhibit 41, which would be SLED
18 19, what is that?

19 A Nineteen are the buccal swabs from London Wooden,
20 the known standard from London Wooden.

21 Q So that would just be the item from which you're
22 able to make his profile for comparison?

23 A Yes, that's correct.

24 Q And how about SLED Item 10, which would be State's
25 Exhibit No. 40?

Amanda Webb - Direct Examination by Ms. Young

1 A Yes, that is the swabs from the .25 caliber pistol.
2 I was able to develop a profile from that and it's a
3 possible mixture. And what that means is that I was really
4 unable to determine if there was only one person's DNA on
5 the item or if there could have been more than one person.
6 That's what we call a mixture. I was unable to determine,
7 simply because there wasn't a full profile of DNA. There
8 wasn't the complete amount of DNA and that's often found on
9 touch items. Just because touch DNA doesn't provide,
10 really, as much DNA as some of the other things, like blood
11 or buccal standards that we get collected. So that's not
12 uncommon that it wasn't the full amount of DNA.

13 But from what I did develop, London Wooden could
14 not be excluded as a contributor to the item. And since I
15 stated his DNA as a matching to the item, I had to
16 calculate a statistic and the statistic is the probability
17 of randomly selecting an unrelated individual who could
18 have contributed to this mixture is an approximately one in
19 16,000. Basically what that does is just gives weight to
20 the evidentiary item. It tells basically how rare the DNA
21 that I was able to calculate a statistic on is. So I
22 was -- out of 16,000 individuals, if you pick someone at
23 random, one of those persons could potentially have that
24 same DNA.

25 Q Did you form any opinions regarding SLED Item 10

Amanda Webb - Cross-Examination by Mr .Gibbons

1 with regard to the victim in this case David Maple?

2 A Yes. David Maple was excluded from this item.

3 That means his DNA wasn't on the item.

4 Q At all?

5 A At all.

6 Q And you've previously testified London Wooden would
7 not be excluded. Could you further describe what that
8 means?

9 A Yes. Cannot be excluded, it's really just a
10 preference of wording for our reports, but cannot be
11 excluded means that he's included, that I did find matching
12 DNA.

13 Q So based on your training and experience, what you
14 tested, is that considered a match?

15 A Yes, it is.

16 Q So what you tested, they match from the firearm
17 handle to the defendant in this case?

18 A Yes, it is.

19 MS. YOUNG: No further questions.

20 THE COURT: All right. Mr. Gibbons.

21 **CROSS-EXAMINATION**

22 **BY MR. GIBBONS:**

23 Q How are you today?

24 A Good, thank you.

25 Q Good. DNA is kind of a changing field in the last

Amanda Webb - Cross-Examination by Mr .Gibbons

1 few years, isn't it?

2 A Yes, it's an ever-evolving technology, yes.

3 Q Things get better, more powerful?

4 A Yes, they do.

5 Q And able to test smaller items, smaller samples?

6 A Yes, that's correct.

7 Q And that's kind of where touch DNA came in, isn't
8 it?

9 A Yes, it is.

10 Q They can take a little tiny, a tiny piece of DNA
11 and you amplify it and then you're able to get a profile;
12 is that correct?

13 A Yes, that's correct.

14 Q So you take a little bit, you replicate it until
15 you have a little bit more and then see what you got when
16 you analyzed it. Is that fair enough?

17 A Yes.

18 Q Okay. Isn't it -- since it's such a small sample,
19 isn't it more susceptible for outside influences or
20 contamination?

21 A I would say it's more susceptible. It makes it a
22 little harder to interpret sometimes, but, you know.
23 Under -- items from crime scenes, are, you know, exposed to
24 different conditions, so depending on the conditions, I
25 think it wouldn't be any more susceptible to contamination.

Amanda Webb - Cross-Examination by Mr .Gibbons

1 Q Now, if I was arresting someone and they were
2 sweating and I put their cuffs on and I got some of their
3 sweat, some of their cells on me, and then I went and
4 collected a gun and then they swabbed that gun, there's a
5 chance that touch DNA could be transferred from one person
6 to another, isn't it?

7 A It's possible. It's a little harder --

8 Q You're saying it's possible.

9 A Sure, it's possible.

10 Q And you were never provided any DNA sample that
11 matched the unidentified -- their DNA profile, correct?

12 A That's correct. It's still unidentified person.

13 Q But DNA doesn't change as you grow older or
14 anything like that, does it?

15 A No, it does not.

16 Q Once you have it, you've got it.

17 A That's correct.

18 Q So if we found the right person and sent you their
19 buccal swab or a sample of their blood, theoretically, that
20 could be matched to that unidentified profile?

21 A Yes, it could.

22 Q Even today?

23 A Yes, that's correct.

24 Q And the number you're talking about, when you have
25 a good strong sample, you can say one in quadrillions,

Amanda Webb - Cross-Examination by Mr .Gibbons

1 right?

2 A Well, that's possible.

3 Q Even higher than that?

4 A Yes, I have.

5 Q One in more people than are on the earth at this

6 time, correct?

7 A Yes, that's correct.

8 Q And those are strong?

9 A Yes.

10 Q That's ten zeros, is twelve zeros, getting out in

11 that range, right?

12 A Yes.

13 Q And in this case where it's 16,000, statistically?

14 A Yes.

15 Q So statistically if there were a 160,000 in a

16 county, based on your numbers, 10 people could match that

17 DNA in that County?

18 A That's a possibility according to the statistic,

19 yes.

20 Q And you say that's unrelated people. If they were

21 a relative there might be more?

22 A Yes, you would have a higher probability of finding

23 a match with a relative.

24 Q So would you say in your experience testifying in

25 court, would this particular result and these statistics,

Amanda Webb - Cross-Examination by Mr .Gibbons

1 would it range on the lower that you've ever done or the
2 higher you've ever done?

3 A Well, I -- it's about -- it's about mid-ground from
4 the information I was able to use. I had both higher and
5 lower.

6 Q Okay. What's the lowest one you've ever called a
7 match?

8 A I think the statistic has been one in two.

9 Q One in two?

10 A Yes.

11 Q And that was a match?

12 A Yes.

13 Q So half the population would match that?

14 A Yes.

15 Q Okay. So match doesn't really mean 100 percent
16 that's exactly that person, it's just consistent?

17 A That's correct. And that's why we use the
18 statistic.

19 Q So you cannot as a DNA expert say that that profile
20 is Mr. Wooden?

21 A I can't say with, you know, 100 percent certainty,
22 but to a reasonable degree of scientific certainty,
23 everything that I developed --

24 Q Is consistent?

25 A From touch...

Amanda Webb - Cross-Examination by Mr .Gibbons

- 1 Q Now, you weren't even sure -- you weren't even
2 completely sure it was a mixture, right?
- 3 A That's correct.
- 4 Q It's a possible?
- 5 A That's correct. I couldn't tell either way.
- 6 Q And it's just a little small sample and it might be
7 two people, it might be one?
- 8 A That's correct.
- 9 Q Now, you talked about CODIS, does something have to
10 be at a certain level to get into CODIS or can you put that
11 one in two result into CODIS?
- 12 A It has to be a certain level. That's correct. We
13 need to have out of the fifteen complete locations of DNA
14 you have to have eight locations.
- 15 Q And did you have eight locations in this sample of
16 one in 16,000?
- 17 A Yes, I did.
- 18 Q So you could have put that in CODIS, correct?
- 19 A Yes, that's correct.
- 20 Q And you could have run, Aiken County, South
21 Carolina to see if there's anybody that you already had on
22 file that would match that DNA, correct?
- 23 A Yes, that correct.
- 24 Q And was it put in CODIS?
- 25 A Yes, it was.

Amanda Webb - Redirect Examination by Ms. Young

1 Q And did you run it that way?

2 A Yes, I did.

3 Q And did you get if anyone else in South Carolina?

4 A No, there were no matches returned for that item.

5 Q So out of the one in 16,000, we've got now, one in
6 the whole State of South Carolina?

7 A Not the whole State of South Carolina, it just
8 depending on what individuals are in the data base.

9 Q All right. So the numbers used, would still be one
10 in 16,000 of the population, not just of the people that
11 have been tested, correct?

12 A Yes, that's correct.

13 Q So still 160,000 in the County, still you've got
14 ten of them?

15 A Yes, that would be right.

16 THE COURT: All right. Ms. Young anything further?

17 MS. YOUNG: Just one question, Your Honor.

18 REDIRECT EXAMINATION

19 BY MS. YOUNG:

20 Q Agent Webb, did you find anything in your analysis
21 that was foreign to the defendant?

22 A No, I did not. Not on that .25 caliber pistol.
23 All of the DNA that I was able to generate a profile for,
24 all of it is consistent with London Wooden. There's
25 nothing to indicate to me here that anybody else's DNA is

Amanda Webb - Recross-Examination by Mr. Gibbons

1 present.

2 MS. YOUNG: No further questions.

3 MR. GIBBONS: I have one question.

4 RECROSS EXAMINATION

5 BY MR. GIBBONS:

6 Q Didn't you say that it's a possible mixture?

7 A I did, yes.

8 Q Why is that when you keep saying it all belongs to
9 one profile?

10 A Well, with these low level samples, it really is
11 harder to interpret, especially when you don't get a full
12 profile and full information. But when you do compare it
13 to the standard from London Wooden, everything that was
14 developed from the item also matches London Wooden's DNA.
15 If there was a mixture of somebody else out of -- I have
16 twelve locations where I actually had some information. If
17 it was a mixture that somebody else had deposited enough
18 DNA, I would really kind of expect to at least see at least
19 one location where somebody else's DNA could be showing up
20 and I don't see that here.

21 Q Well, ma'am, I didn't write the report, you did,
22 right?

23 A That's correct.

24 Q And you did put possible mixture?

25 A Yes, I did.

Amanda Webb - Recross-Examination by Mr. Gibbons

1 Q And now you're telling us you can't tell us why you
2 put possible mixture?

3 A Yes, I couldn't determine from the data that I had
4 whether or not there could be more than one contributor or
5 not.

6 Q Okay. Well, you're getting me confused. You said
7 there's nothing to indicate anybody else but the one
8 profile, but then you're saying you can't say it's not a
9 mixture?

10 A Yes.

11 Q Is that what you're saying?

12 A Yes, that's what I'm saying.

13 Q What's the criteria to say it's a mixture?

14 A Well, for our laboratory's protocol, the criteria
15 is more than two lils or numbers at more than one DNA
16 location. And what that means is, with DNA, you expect to
17 see at least two numbers at a certain location. The reason
18 is because your mom gives you one number. You get half of
19 your DNA from your mom and you get half of your DNA from
20 your dad and so dad will give you another number. It's
21 possible that they could give you the same number at that
22 location, so you might only have one number, but we only
23 expect up to two, no more. So if you have more than two
24 numbers at more than two locations of DNA, then you can
25 call it a mixture. And that -- and also there's ratios of

Amanda Webb - Recross-Examination by Mr. Gibbons

1 amounts of DNA within those two numbers at DNA locations.

2 You expect to see a balance.

3 You expect to see -- if mom gave you half the DNA
4 and dad gave you half, you expect those to be equally
5 balanced as far as intensity. So if you have some
6 intensity that's a little out of balance, it could indicate
7 that maybe there's more than one person there. I had some
8 examples of that on this profile and so that's kind of why
9 I said possible mixture. But on those low level samples,
10 you might not get the most pristine data. Meaning that
11 sometimes you do have some imbalance as far as the
12 intensity of the DNA's found at the different locations.
13 And that's what I had here. So it couldn't be determined
14 based on intensity of DNA found at specific locations.

15 Q But you did type possible mixture?

16 A Yes, that's why I called it a possible mixture.

17 Q Thank you.

18 **THE COURT:** All right. Thank you, ma'am, you may
19 step down.

20 **MS. YOUNG:** May she be released Your Honor? To
21 leave.

22 **THE COURT:** We'll let her stick around a little.

23 All right. You are free to leave, thank you,
24 ma'am.

25 **MS. YOUNG:** Can we talk to you about scheduling for

1 a minute?

2 (WHEREUPON, there was a bench conference out of the
3 hearing of the jury and the Court Reporter.)

4 THE COURT: All right. Ladies and gentlemen, we're
5 going to break for the evening. I'm going to -- well, a
6 couple of things, first, I ask you not to talk about the
7 case with each other or with anyone else. Don't talk to
8 your friends your neighbors, your husbands, your wives,
9 your girlfriends, boyfriends, children, we've spent a day
10 and a half doing this, don't want to do anything to
11 jeopardize it. Don't read anything about it, if there's
12 anything in the newspaper, watch anything on television,
13 listen to anything on the radio. Don't get on the internet
14 and do any investigation on the internet, don't Google or
15 do any of that stuff. Don't go by the scene and we will
16 come back tomorrow morning at 9:30 and start back up and
17 work towards bringing this to a conclusion.

18 Thank you for your work today. Y'all have a nice
19 evening tonight and we will see you in the morning to start
20 up at 9:30.

21 (WHEREUPON the jury left the courtroom at 5:15
22 p.m.)

23 THE COURT: All right. We've talked briefly on the
24 side to discuss where we are in this matter and Ms. Young
25 indicated you have one maybe two witnesses, if those?

1 MS. YOUNG: That's correct, Your Honor, subject to
2 anything else coming up, I think we're about to wrap it up.

3 THE COURT: Let me see where my witness list is.

4 All right. So you anticipate they're lengthy
5 witnesses?

6 MS. YOUNG: I don't think too lengthy, just sort of
7 wrap up. It will be Investigator Lager.

8 THE COURT: All right.

9 MS. YOUNG: Wrap it up with what she did and --

10 THE COURT: That's you, right.

11 (WHEREUPON someone indicated yes to the Court.)

12 THE COURT: So she's here. So what time should
13 they -- if they're going to call witnesses, what time
14 should they be ready?

15 MR. GIBBONS: I'll just have mine come at ten,
16 Judge, just to be safe.

17 (WHEREUPON there was discussion on the schedule for
18 the week.)

19 THE COURT: Do you have any idea how long your
20 defense -- are you talking -- you think it will last the
21 rest of the day tomorrow if she finishes at ten.

22 MR. GIBBONS: I wouldn't think so, Judge. A couple
23 of hours, maybe.

24 THE COURT: So we might be able to argue and charge
25 after lunch, you think?

1 **MR. GIBBONS:** Possible.

2 **THE COURT:** Anything's possible.

3 **MR. GIBBONS:** I hate to -- I'm a terrible guess at
4 time, Judge.

5 **THE COURT:** All right. We'll start up at 9:30 and
6 then we'll let Mr. Gibbons put up as well. And if we
7 finish we can argue and charge at two and try to do some
8 things after that.

9 **MS. YOUNG:** Thank you, Your Honor.

10 **THE COURT:** All right. Y'all have a nice evening.

11 **MS. YOUNG:** You too.

12 (WHEREUPON court was in recess until the following
13 morning.)

14 **THE COURT:** Okay. We've been delayed. One of our
15 jurors has not appeared as of yet. I've met with the
16 attorneys and told them I was going to give the juror until
17 about 10:15 or quarter until ten to --

18 **MR. GIBBONS:** We need him in here?

19 **THE COURT:** Oh, I'm sorry. Yes.

20 (WHEREUPON the defendant entered the courtroom.)

21 **THE COURT:** Anyway, it's quarter until ten now, So
22 I've instructed the clerk to write the two -- I think it's
23 Mr. Cardenas and Ms. Keltner -- write their names on two
24 sheets of paper and then we will draw them out of some
25 container and I'll let one of your -- the other one draw.

1 I think that's what's required under the rules. One of you
2 draw a name.

3 THE CLERK: 101, Colleen Keltner.

4 THE COURT: Keltner. Okay. She was the second
5 alternate picked.

6 All right. I'll instruct the juror that she is now
7 replacing Ms. Holmes and we'll deal with Ms. Holmes when we
8 get her here.

9 Is the State ready to go forward?

10 MS. YOUNG: Yes, sir, Your Honor.

11 THE COURT: All right. Mr. Gibbons, are y'all
12 ready?

13 MR. GIBBONS: Yes, sir.

14 THE COURT: Is there anything y'all want to say in
15 response to what I just did?

16 MR. GIBBONS: No, Your Honor.

17 MS. YOUNG: No, sir, Your Honor.

18 THE COURT: Thank y'all. All right. Let's bring
19 the jury in.

20 (WHEREUPON the jury entered the courtroom at 10:45
21 a.m.)

22 THE COURT: All right. Good morning, ladies and
23 gentlemen, nice to see you this morning. Before we begin,
24 first one of your colleagues has not made herself available
25 here this morning and that's Ms. Holmes; and I've given her

1 about 15 minutes to see if she would appear and she has
2 not. So under our rules we -- I'm going to -- she's not
3 here, we're going to replace her with one of the
4 alternates. The way we are required to do that is put both
5 of your names in a container and the clerk drew out one of
6 your names and the one that was drawn will become -- has --
7 will be the regular juror and that would be you,
8 Ms. Keltner. We drew your name. So you can move over one
9 and we'll keep you around because strange things happen.

10 Now, let me ask you this, anybody have any
11 conversation about this case with anybody, do any
12 investigation, read any newspapers, get on the internet to
13 make any inquiries, listen to anything on television or
14 watch anything on television or were you approached by
15 anybody concerning this case.

16 (WHEREUPON all jurors indicated no.)

17 **THE COURT:** All right. Ladies and gentlemen, as
18 you are aware, we are in the process of the State putting
19 up their evidence in their case in chief.

20 And I'll ask, Ms. Young, you ready to call your
21 next witness?

22 I'm sorry, Mr. Grimes?

23 **MR. GRIMES:** Yes, Your Honor.

24 **THE COURT:** All right. If you would, please.

25 **MR. GRIMES:** The State calls Investigator Lagger.

Victoria Lager - Direct Examination by Mr. Grimes

1 VICTORIA LAGGER,

2 having been duly sworn, testified as follows:

3 THE CLERK: Have a seat in the witness box. State
4 your full name for the Court and spell your last, please.

5 THE WITNESS: Victoria Lager, L-a-g-g-e-r.

6 DIRECT EXAMINATION

7 BY MR. GRIMES:

8 Q Investigator Lager, just if you could just
9 introduce yourself and let us know where you work and what
10 you do.

11 A My name is Victoria Lager, I'm an investigator
12 with the Aiken County Sheriff's Office. I've been in law
13 enforcement for almost 18 years and I've been an
14 investigator for about 13 years. I have a Bachelor Degree
15 in Criminology, Prelaw and I have a Master's Degree in
16 Criminal Justice.

17 Q And what type -- what type of training do you go
18 through to become an officer in the first place?

19 A I've been through the police training, municipal
20 training in the State of Pennsylvania, which is 14 weeks.
21 I've also been through the criminal justice academy here in
22 South Carolina, which was three weeks. And I've done
23 annual trainings and advanced training in investigations.

24 Q And about how long have you been in Aiken County?

25 A I've worked in Aiken County 13, 14 years.

Victoria Lager - Direct Examination by Mr. Grimes

1 Q You're the investigator on this case involving
2 London Wooden, right?

3 A I am.

4 Q Okay. And on October 1st, 2011, did you respond to
5 Dallas Circle?

6 A I did.

7 Q All right. Let us know what was going on when you
8 responded to Dallas Circle. Well, how did you get the call
9 initially?

10 A I was notified by dispatch as the on-call
11 investigator. We rotate and we all have evening and
12 weekend calls so that somebody is available when we have
13 major crimes or crimes that need further investigation
14 beyond what the responding deputies have the time to deal
15 with. So I was the on-call investigator. I was notified
16 by dispatch and I responded up to Dallas Circle for what
17 they reported to me as a shooting incident.

18 Q And what was going on when you got to the scene?

19 A When I got to the scene, the deputies had already
20 secured everything. There were areas that were taped off
21 where there were shell casings. There was a gun that was
22 taped off. The defendant was already in the back of the
23 patrol car. So when I arrived, I, you know, met with the
24 officers on scene, Investigator Adams, the forensic
25 lieutenant, was already on scene, and when we initially

Victoria Lager - Direct Examination by Mr. Grimes

1 arrived and -- my first contact is with the deputies and
2 forensic's people who are already on scene.

3 Q And what's the point of that contact?

4 A Well, the point of that contact is to get a general
5 understanding of the information that they've already
6 received and to have an idea of what the incident that had
7 occurred -- what's going on, where I need to look, what I
8 need to do, what kind of crime has occurred and go from
9 there.

10 Q Were you necessarily participating in the forensic
11 collection of evidence?

12 A No, not the collection of evidence. It's important
13 to know what evidence is available at your scene, so
14 there's communication between myself and the forensics
15 lieutenant, so I know what's -- what we have available to
16 us. What kind of crime is this? What's involved, so I
17 know, one, what evidence to look for, and then what
18 evidence have we already recovered, so I know, you know,
19 what we already have.

20 Q So after you got an idea of what was going on, what
21 were kind of your first steps as far as investigating this
22 incident?

23 A Well, my first steps were to speak with Schantrika
24 Carter. She had already been identified as a witness. The
25 road deputies had already provided her with a statement

Victoria Lager - Direct Examination by Mr. Grimes

1 form so that she could write a statement. So my first
2 communication was to go to her. To that point, she had
3 been the only one who had been identified who was willing
4 to say what they saw.

5 Q And did you get the -- not to say what you -- she
6 said, but did you get the information that she had to give
7 about what occurred.

8 A I did. She had written a statement. I reviewed
9 the statement she had written and then I verbally went back
10 over her statement with her and her account, you know,
11 being out on the scene, she could describe and show what
12 happened a little bit better than, you know, bringing them
13 into the office or something like that at a later point.
14 So while we're out there, you know, I had her go through
15 the events and explain them to me and describe them as they
16 happened -- as she recalled that they happened, as she had
17 witnessed them.

18 Q And after you talked with Ms. Carter, what were
19 your next steps?

20 A Well, my next steps were to see if there were any
21 other witnesses available. So we attempted to make contact
22 with people in the surrounding trailer, in the surrounding
23 area. I did make contact with Amanda Cheatham.

24 Q Who's Amanda Cheatham?

25 A Amanda Cheatham was living in the trailer --

Victoria Lager - Direct Examination by Mr. Grimes

1 Trailer No. 12, the trailer next door, the pink trailer.

2 Q In State's Exhibit 2, which trailer would that be?

3 A That's this trailer right here.

4 Q Okay. And Amanda Cheatham was living there. So
5 how did you come in contact with Amanda Cheatham?

6 A I knocked on the door. By the time I got there,
7 there weren't very many people walking around anymore. It
8 was getting late. It was getting cold and most of the
9 people had gone back indoors. So, you know, I started
10 knocking on the door. Amanda Cheatham came to the door and
11 I spoke with her.

12 Q Did she invite you inside?

13 A No, she did not.

14 Q Was she interested in talking to you?

15 A No. She refused to speak with me, saying -- well,
16 I can't say what she said. But she indicated she had not
17 seen anything and I asked to speak with her daughter and
18 she refused to allow me to speak with her daughter who was
19 a minor.

20 Q And who was her daughter?

21 A Her daughter is T.C.

22 Q Okay. After you attempted to talk with the people
23 inside -- you said it was No. 12?

24 A Yes.

25 Q Okay. After you attempted to talk to the people

Victoria Lager - Direct Examination by Mr. Grimes

1 that were in Trailer No. 12, where did you go?

2 A We went around to several of the other trailers and
3 we got no response.

4 Q Had you made an attempt to talk to Ms. Mary?

5 A I actually did speak with Ms. Mary. When I spoke
6 with Schantrika Carter, Ms. Mary had stepped outside and I
7 spoke with her briefly and it seems to me she indicated
8 that she had not seen anything.

9 Q And she was in trailer -- show us on the picture
10 which trailer?

11 A She's in Trailer 16, which is this trailer over
12 here.

13 Q Okay. Were there -- was there anybody else that
14 you made contact with that night?

15 A No. The other individuals that -- I did speak with
16 some people that were outside. There weren't very many
17 people. They all indicated that they had not seen
18 anything.

19 Q And if someone indicated to you that they had not
20 seen anything, did you ask them for their contact
21 information?

22 A I did not.

23 Q And what was the reason for that?

24 A If they had no information towards the
25 investigation, to me it was irrelevant.

Victoria Lagger - Direct Examination by Mr. Grimes

1 Q Was anybody out there that night that indicated to
2 you that they saw something then you turned them away or
3 didn't talk to them?

4 A No.

5 Q Where was the victim in this case then?

6 A The victim was transported to Aiken Regional
7 Medical Center to the emergency room.

8 Q All right. And did a deputy respond to the
9 hospital?

10 A Yes.

11 Q Okay. Was he able to obtain any statements from
12 anyone at the hospital?

13 A No, he was not.

14 Q Did he make any contact with anybody at the
15 hospital?

16 A He did. He identified the two people who had
17 transported David Maple to the emergency room. Both of
18 those people refused to make statements.

19 Q Did he get any contact information from anybody at
20 the hospital?

21 A He did.

22 Q Okay. And did you end up -- or did you have that
23 contact information later?

24 A I did.

25 Q Okay. And what did you do with that contact

Victoria Lager - Direct Examination by Mr. Grimes

1 information?

2 A We made an attempt to go back out to the trailer
3 park to canvas the trailer park to see, again, if anybody
4 was willing to speak about what happened, if they'd seen
5 anything. Jeremy McCracken lived in the trailer park. He
6 was one of the two people who transported the victim to the
7 emergency room. I left cards for those people. I did not
8 have a phone number for him. I only had an address. So I
9 made an effort to go back out there and attempt to contact
10 him on more than one occasion, on several occasions to try
11 to contact him specifically without a response.

12 Q What else -- what else did you do while you were at
13 the hospital?

14 A While at the hospital, I collected the victim's
15 clothing. The hospital staff had removed his clothing
16 during the course of their efforts and so I collected all
17 of his clothing belongings, whatever he had on him whenever
18 he was received by the hospital. And I turned those over
19 to Lieutenant Adams, the forensic Lieutenant who arrived a
20 little bit later. And I also took some preliminary photos
21 of the victim.

22 Q I'm going to show you State's Exhibit 26, if you
23 could describe what that is.

24 A Yes, that's a photo that I took of the victim at
25 the hospital.

Victoria Lager - Direct Examination by Mr. Grimes

1 Q The night that he was shot?

2 A Yes.

3 Q After you left the hospital -- at the point that
4 you were at the hospital, had the defendant already been
5 taken into custody?

6 A Yes, he had.

7 Q So as far as information you had the night of the
8 shooting, did you have information that the victim had been
9 shot -- the victim in this case had been shot?

10 A Yes. Yes.

11 Q Did you have a witness to the shooting?

12 A I did.

13 Q Did the witness describe the incident?

14 A She did.

15 Q Did the witness indicate the defendant was present
16 and did shoot?

17 A She did.

18 Q Did you know of any physical evidence that had been
19 collected from the scene?

20 A Yes.

21 Q Was that physical evidence a gun?

22 A It was, a gun, shell casings. There were some
23 other physical evidence. There was a beer bottle in the
24 bag which was fresh to the scene, new. And the GSR kit
25 from the defendant.

Victoria Lager - Direct Examination by Mr. Grimes

1 Q So you were aware of all that information the night
2 of the shooting?

3 A Yes.

4 Q Okay. The night of the shooting, did you have any
5 reason to go into the defendant's trailer?

6 A No. The potential evidence in this case, it was a
7 shooting incident, so we were looking for a gun and that
8 sort of thing and the clothing would have been evidentiary.
9 And as the witness described the clothing, it was as the
10 defendant was when he came out -- when he exited his
11 residence. He was wearing the exact same clothing that she
12 had described to us. So, the things that we would have
13 available to us to search for, the potential evidence, was
14 already available to us.

15 We had him in his clothing and shoes. We had the
16 gun, you know on the scene. We'd already collected it. So
17 to search for it would be --

18 Q Can you just go --

19 A -- unsupported.

20 Q Can you just go into anybody's house that you want
21 to?

22 A No.

23 Q What do you have if do before you go in somebody's
24 house?

25 A I have to develop probable cause. I have to have a

Victoria Lager - Direct Examination by Mr. Grimes

1 probability that the evidence I'm seeking is in the
2 location I'm seeking it and if I've already recovered it,
3 it's not going be there.

4 Q And once you have that, what do you have to do?

5 A A search warrant.

6 Q Okay. And did you feel that you had any need to
7 get a search warrant in this case?

8 A No, I did not.

9 Q After -- after that night, did you continue
10 involvement in this case?

11 A Yes.

12 Q Okay. What -- after that night, did you develop a
13 report in this case?

14 A I did.

15 Q Okay. Is that something you usually do in cases
16 that you investigate?

17 A Yes.

18 Q Okay. And what happens to that report? Where does
19 it go?

20 A The reports that I generate are forwarded -- if
21 somebody is charged, it would be forwarded to the
22 solicitor's office, the prosecutor's office.

23 Q All right. And were items in the case that were
24 collected or physical evidence sent to SLED to be
25 evaluated?

Victoria Lager - Direct Examination by Mr. Grimes

1 A Yes, they were.

2 Q And did SLED return an analysis in this case?

3 A They did.

4 Q All right. And did you continue to receive
5 analyses in this case?

6 A I did, up until May 20 of 2013.

7 Q And once you receive a report or an analysis back
8 from SLED, do you evaluate it's applicability to the case?

9 A Yes.

10 Q And what do you do when you receive the analysis
11 back?

12 A Well, when I receive the analysis back, of course,
13 we review what those results are and how they impact our
14 case and we also generate another report that is forwarded
15 to the prosecutor's office so that they are aware along
16 with the actual results -- of what the actual implications
17 of the results are.

18 Q And do you recall when the last of one of those
19 reports came in?

20 A Yes, that was May 20th of this year.

21 Q Of this year?

22 A Yes.

23 Q So you had continued involvement with the physical
24 evidence that's involved in the case?

25 A Yes.

Victoria Lager - Direct Examination by Mr. Grimes

1 Q Okay. After the night of the shooting, did you
2 continue to look for witnesses?

3 A Yes.

4 Q All right. When was the first time that you went
5 back to Dallas Circle after the shooting?

6 A After the shooting, we went the following Monday.
7 We went back to Dallas Circle. I went with another
8 investigator. And we attempted to canvas -- leaving cards
9 to see if we could get a response from any additional
10 witnesses.

11 Q Were you knocking on doors?

12 A Knocking on doors. I believe there was one
13 gentleman outside that I spoke with. I actually did speak
14 with Amanda Cheatham again.

15 Q Did she want to talk to you at that point?

16 A No.

17 Q Okay. If you could show us on this map, this is
18 No. 28, where the area that you focused on that -- after
19 the night of the shooting when you went back out there.

20 A After -- after, yeah, on that following Monday when
21 I went back out here, we focused on these trailers right
22 here. This --

23 Q Did you make an attempt to contact at those
24 locations or those trailers?

25 A I did. I did.

Victoria Lager - Direct Examination by Mr. Grimes

1 Q And was anybody in this one?

2 A No. These trailers were vacant.

3 Q But the other trailers in that area you attempted
4 to contact people?

5 A Yes.

6 Q And did you have any success in that?

7 A No, I did not.

8 Q Did you contact the victim's family?

9 A I did.

10 Q And what was the point of that contact?

11 A I went and met with the victim's family. I spoke
12 with the victim's mother and I believe another of her sons
13 was present and, of course, I extended my sympathies and
14 just expressed to them the difficulty in locating
15 additional witnesses. I was certain that there were those
16 who had seen what happened, but having them come forward
17 and provide a formal statement was difficult.

18 So I expressed to them that if they'd been
19 contacted by anyone that had been at the scene as to what
20 happened that they forward me their information so that I
21 could attempt to contact them specifically.

22 Q But at that point, you still had a witness that
23 indicated that she saw what happened?

24 A Yes.

25 Q Did you make some later efforts to contact or

Victoria Lager - Direct Examination by Mr. Grimes

1 locate potential witnesses based on the 9-1-1 calls?

2 A I did.

3 Q Okay. And kind of talk to us about that a little
4 bit.

5 A The 9-1-1 calls, we had the phone numbers, the
6 source phone numbers where the 9-1-1 calls were made from.
7 I think almost all of those, if not all of those are cell
8 phone numbers. And it's difficult because there isn't a
9 directory of cell phone numbers like there's a phone book
10 of landline numbers. So it's more difficult to track those
11 numbers back. We had available to us more recently some
12 different data bases that allowed us to search those
13 numbers which resulted in identifying who may have been the
14 possessor of that phone at the time.

15 And following up on that information, we were able
16 to -- or I was able to identify some additional potential
17 witnesses from the 9-1-1 callers.

18 Q And did you make efforts to contact the people that
19 you had gotten information from in those 9-1-1 calls?

20 A I did.

21 Q Okay. And pretty recently were some of those
22 witnesses located?

23 A They were. Yes, they were.

24 Q And you recall some of their names?

25 A Yes. Yes. I was able to locate Hakim Talib from

Victoria Lagger - Direct Examination by Mr. Grimes

1 one of the calls made. I was able to locate --

2 Q Now, did he call or did someone else call?

3 A He did not call directly. His girlfriend at the
4 time had called. And she had forwarded me his phone number
5 so that I could speak with him.

6 Q So you contacted his girlfriend and then ultimately
7 found him?

8 A I did. There was also Jeremy McCracken. We had
9 located him and Erica Richardson and Cameo Bronson.

10 Q Okay. Now, you said you contacted Erica
11 Richardson. Did she call 9-1-1?

12 A She did not call 9-1-1. She was -- she was located
13 after a re-interview of Ms. Carter.

14 Q Okay. And how did you locate Cameo Bronson?

15 A Cameo Bronson was located in my efforts to contact
16 Erica Richardson.

17 Q Okay. And Octavia?

18 A Octavia Bush, yes, she was located through the
19 phone call that her mother had made.

20 Q All right. Did you make any further attempts to
21 talk with Amanda Cheatham after that one day after the
22 shooting?

23 A Yes. Yes.

24 Q Okay. And what were the results of that?

25 A More recently, I did make another effort to talk

Victoria Lager - Cross-Examination by Mr. Gibbons

1 with Amanda Cheatham and she again refused to speak with me
2 saying she didn't -- well --

3 Q That's fine. She wasn't willing to talk to you?

4 A She wasn't willing the talk to me.

5 Q Other than -- did you get information from Octavia?

6 A Yes. Octavia indicated that there were two
7 additional passengers --

8 MR. GIBBONS: Objection, Your Honor.

9 THE COURT: Sustained.

10 BY MR. GRIMES:

11 Q So Erica Richardson who was here, Cameo Bronson,
12 Hakim Talib, Octavia Bush, those people that you came up
13 with as far as further investigation, further looking for
14 witnesses, did any of them talk to you the night of the
15 shooting?

16 A No.

17 Q Okay. And again were there any witnesses that
18 wanted to talk with you that you refused to meet with?

19 A No.

20 Q Please answer any questions Defense Counsel has for
21 you.

22 **CROSS-EXAMINATION**

23 **BY MR. GIBBONS:**

24 Q Good morning.

25 A Good morning.

Victoria Lager - Cross-Examination by Mr. Gibbons

1 Q Ma'am, you were the lead investigator on this case,
2 correct?

3 A That's correct.

4 Q And you're more or less calling the shots, correct?

5 A To some extent, yes.

6 Q And if you want something examined, you tell the
7 crime scene guy to pick it up and examine it or do whatever
8 he needs to do?

9 A Yes.

10 Q And you're familiar with search warrants?

11 A Yes.

12 Q And you're familiar with search warrants as far as
13 houses, either way, right?

14 A Yes.

15 Q And there were other investigators out there that
16 night too, weren't there?

17 A Investigator Adams, Lieutenant Adams was out there.

18 Q Right. What about Billy Fleury?

19 A Lieutenant Fleury was out there.

20 Q And he's a seasoned investigator, isn't he?

21 A He's my supervisor, yes.

22 Q So your supervisor's out there. He knows crime
23 scenes back and forth, right?

24 A That's correct.

25 Q And if you got in over your head you could ask him

Victoria Lager - Cross-Examination by Mr. Gibbons

- 1 to do something that you didn't have time to do or you
2 didn't have the manpower to do, correct?
- 3 A Correct.
- 4 Q And you knew you had a shooting?
- 5 A Yes.
- 6 Q You knew that you had a victim being moved?
- 7 A Yes.
- 8 Q And you could have sent somebody down to the
9 hospital, correct?
- 10 A You're speaking an investigator? We had a deputy
11 at the hospital.
- 12 Q I understand that, but isn't that car part of the
13 crime scene too now? That he rode to the hospital in?
- 14 A It was used to transport the victim to the
15 hospital.
- 16 Q Did it have blood in it?
- 17 A It had blood in it.
- 18 Q How do you know that?
- 19 A I would assume it had blood in it.
- 20 Q You assume that?
- 21 A I don't know.
- 22 Q So you assumed that you didn't need to get a search
23 warrant for it too, didn't you?
- 24 A I didn't need the blood from the vehicle.
- 25 Q Wouldn't it be nice to know if there was more blood

Victoria Lager - Cross-Examination by Mr. Gibbons

1 in the vehicle? Wouldn't that have been a thorough job?

2 Answer the question, ma'am?

3 A I don't believe it's relevant.

4 Q You don't think it's relevant, not necessary.

5 A No.

6 Q Because you just assumed there's blood there?

7 Ma'am?

8 A I believe there probably was.

9 Q Okay. But we don't know, period?

10 A I don't know.

11 Q Would it have been hard to do?

12 A No.

13 Q All right. What about those guys that were there?

14 Would it have been hard to keep them there just in case
15 they might have been involved.

16 A Who are you speaking of?

17 Q Jeremy McCracken and Tave, Octavious?

18 A They refused to stay at the hospital with the
19 deputy.

20 Q Well, if my client had refused to stay at a crime
21 scene would you have let him go without questioning him?

22 A He didn't have a choice.

23 Q Well, isn't there such thing as a material witness?
24 Is that such a thing?

25 A Yes.

Victoria Lager - Cross-Examination by Mr. Gibbons

1 Q Would you let a material witness -- if you know
2 there's a material witness -- walk off of the crime scene
3 because they didn't feel like staying?

4 A You can't force them to stay.

5 Q You can't put them in custody for questioning?

6 A No, we want a voluntary statement from our
7 witnesses.

8 Q I know what you want.

9 A Well --

10 Q People are held for questioning all the time,
11 brought in for questioning, aren't they?

12 A Not against their will, no.

13 Q So you never go get somebody -- you always ask
14 somebody who's coming in for questioning, Will you please
15 talk to me. If they say no, you're done?

16 A Yes.

17 Q Okay. Could you have gone and found the car that
18 night?

19 A Could I?

20 Q Yes, ma'am?

21 A Maybe.

22 Q You don't know if there were shell casings in that
23 car, do you?

24 A There could have been anything in the car.

25 Q Guns? We don't know, do we?

Victoria Lager - Cross-Examination by Mr. Gibbons

1 A I don't know.

2 Q But it's not important? If there had been guns in
3 that car, wouldn't it have been important?

4 A It wasn't relevant to the incident that I was
5 working.

6 Q Well, how many shots did this 9-1-1 lady say there
7 were? The first call? How many shots did she say? You've
8 listened to it, I know as investigator you listened to the
9 tape, haven't you?

10 MS. YOUNG: I object, Your Honor, that's hearsay.

11 MR. GIBBONS: I'm not asking her to say what they
12 said. I'm saying how many shots.

13 MS. YOUNG: That's asking her to say what they
14 said.

15 THE WITNESS: You're asking me to say what they
16 said.

17 MR. GIBBONS: All right. Well.

18 THE COURT: All right. Whoa, whoa, whoa, whoa.
19 Let me rule.

20 MR. GIBBONS: All right, Your Honor.

21 THE COURT: I'm going to overrule the objection.
22 The tape was played in here.

23 THE WITNESS: That's not the call.

24 MS. YOUNG: He's referring to the first 9-1-1 call.
25 We played the second 9-1-1 call.

Victoria Lager - Cross-Examination by Mr. Gibbons

1 MR. GIBBONS: Are you familiar --

2 THE COURT: I'm --

3 MR. GIBBONS: I'm sorry, Judge.

4 THE COURT: I'm going to let her ask it. That was
5 part of the investigation.

6 Q Let's put it this way, didn't the first caller say
7 that ten shots had been fired?

8 THE COURT: Whoa, whoa that would be hearsay.

9 MR. GIBBONS: Okay.

10 BY MR. GIBBONS:

11 Q What does the first caller say about how many shots
12 were fired?

13 THE COURT: She can't testify to what the person
14 said.

15 BY MR. GIBBONS:

16 Q What was your information about how many shots were
17 fired?

18 A From whom.

19 Q From the tapes. From the 9-1-1's. It's not a
20 really hard question.

21 A I know, I'm trying to answer it properly. There is
22 a 9-1-1 call that indicates that there were ten shots
23 fired, yes.

24 Q And you didn't have a whole lot of information for
25 people at the scene, did you?

Victoria Lager - Cross-Examination by Mr. Gibbons

1 A No.

2 Q And so anything you had, you had to work with,
3 right?

4 A That's correct.

5 Q And so that gun -- how many shell casings did you
6 find at the scene?

7 A There are four shell casings from the scene.

8 Q All right. So, that first day, first 48 hours,
9 right, you know that you've only got evidence of four
10 gunshots at that scene, but you've heard that there might
11 be ten. That's not relevant?

12 A At the scene, yes.

13 Q Right.

14 A Yes.

15 Q It's not relevant to make sure there's not another
16 gun anywhere in that crime scene? Another gun in the
17 victim's car. That's not relevant?

18 A I would have to have a reason to search for those
19 items in those locations.

20 Q Oh, your reason would be that there was a body
21 moved from a crime scene to the hospital.

22 A And in that information, what would give me
23 probable cause to believe that there was a firearm involved
24 in that.

25 Q Okay. Well, let's go one step further. You said

Victoria Lager - Cross-Examination by Mr. Gibbons

- 1 you talked to Jeremy McCracken.
- 2 A Yes.
- 3 Q Was he any witness, based on your investigation?
- 4 A No.
- 5 Q Did he have contact with the victim that night?
- 6 A He did.
- 7 Q Did he supposedly have conversation with the victim
- 8 that night?
- 9 A He did.
- 10 Q So wouldn't he be relevant to this investigation?
- 11 A Yes.
- 12 Q And when did you next talk to him?
- 13 A When I actually located him?
- 14 Q Yes, ma'am, when was that?
- 15 A A week or two ago.
- 16 Q A week or two ago. Well, almost -- well, two
- 17 years. Two years to get him.
- 18 Q But you had information that there were more than
- 19 four shots. And it wasn't important to check the residence
- 20 or the car that the body went out of the scene? That's
- 21 your testimony?
- 22 A Yes.
- 23 Q Now, wouldn't it have been relevant if there's been
- 24 a holster that matched the .25 in the house that the
- 25 defendant came out of?

Victoria Lager - Cross-Examination by Mr. Gibbons

1 A Yes, but we had no information to indicate that
2 there was --

3 Q I understand that.

4 A -- that there was a holster involved.

5 Q But you had a defendant running from the crime
6 scene. Don't you check wherever they go just in case they
7 throw evidence?

8 A I have to know what evidence I'm looking for.

9 Q You know there was a gun. You know there's ten
10 shots. You've got four casings. They went somewhere.

11 A I did not know -- at the time I did not know that
12 there was any report of ten shots. I only had access to
13 the 9-1-1 calls after the fact. The only information I had
14 available on the scene was from Schantrika Carter.

15 Q All right. Well, how many holes are in the victim?

16 A There were five.

17 Q And you found that out the next day at autopsy,
18 didn't you?

19 A Yes.

20 Q And that didn't match the casings, did it?

21 A There -- correct. There were four shells.

22 Q And so the next day, it might have been relevant to
23 go back and check his house to see if a casing got caught
24 in his pants or on his shoe and fell off in the house,
25 right? Not important?

Victoria Lager - Cross-Examination by Mr. Gibbons

- 1 A I'm not saying it's not important, I just don't
2 follow your logic.
- 3 Q I understand that. What if there had been
4 ammunition that matched the ammunition that was used in his
5 house? That wouldn't be relevant?
- 6 A Certainly it would be relevant.
- 7 Q Could have looked, right?
- 8 A If I had had probable cause, yes.
- 9 Q Did you see probable cause? Did you try it?
- 10 A No, because we didn't have probable cause.
- 11 Q Did you let a judge decide that or did you just
12 assume like the blood in the car?
- 13 A I used my training and experience, yes.
- 14 Q Okay. And what if somebody had gone in the house
15 and washed blood off in the sink, wouldn't that be
16 relevant?
- 17 A It would be relevant, yes.
- 18 Q We don't know do we?
- 19 A No.
- 20 Q Now, part of your job as investigator is to gather
21 evidence and prepare evidence for court, correct?
- 22 A Yes.
- 23 Q And a huge part in any officer's job is, especially
24 investigator is documentation?
- 25 A Yes.

Victoria Lager - Cross-Examination by Mr. Gibbons

- 1 Q Is that fair?
- 2 A Yes.
- 3 Q You're trained to do that?
- 4 A Yes.
- 5 Q There's an entry on the incident report that starts
- 6 out and then every time you do one, there are supplemental
- 7 reports that you have to do listing what you did after
- 8 that, correct?
- 9 A Yes.
- 10 Q And that continues until the case is done?
- 11 A That's correct.
- 12 Q Can you show me in your documentation about the
- 13 time you went back out to Dallas Circle?
- 14 A No.
- 15 Q Does it exist?
- 16 A Formal documentation? No.
- 17 Q Writing out a supplemental?
- 18 A No.
- 19 Q Didn't say you went back out to Dallas Circle,
- 20 knocked on house one, two, three and four?
- 21 A No, if it didn't result in anything I would not
- 22 have reported it formally, no.
- 23 Q And that night -- you've watched the car video,
- 24 correct?
- 25 A Yes.

Victoria Lager - Cross-Examination by Mr. Gibbons

- 1 Q People walking all over the place?
- 2 A Yes.
- 3 Q And did you walk out to any of them and say, Hey,
- 4 what's your name?
- 5 A I didn't ask for their names.
- 6 Q Why not?
- 7 A I asked if they had seen what happened.
- 8 Q Why didn't you ask for their names so you could
- 9 come back later?
- 10 A Why would I come back and talk to people who hadn't
- 11 seen anything.
- 12 Q Did everyone tell the truth to you that night?
- 13 A I don't know. I would assume not, but you know, if
- 14 that's what they want to say, I can't force them to speak
- 15 with me.
- 16 Q Well, I understand that. But, did you ask them for
- 17 their name?
- 18 A No.
- 19 Q Because it was kind of crazy that night and maybe
- 20 the next day or a week later, you could go see them when
- 21 they calmed down. You could have done that right?
- 22 A I could have done a lot of things.
- 23 Q Yeah, you could have.
- 24 Q And who was in charge of this whole thing?
- 25 A I'm the primary investigator.

Victoria Lager - Cross-Examination by Mr. Gibbons

1 Q Now, you talked about the 9-1-1 numbers?

2 A Yes.

3 Q You had the numbers that night, correct?

4 A No.

5 Q You had access to the numbers that night?

6 A Yes.

7 Q They're -- they pop up on the screen back at your
8 department's dispatch, right?

9 A I don't know how they're reported, but they have
10 them recorded in some way.

11 Q And you're telling this jury that there was no way
12 until a couple of weeks ago that you could find out who
13 those callers were?

14 A I didn't have access to the same resources that I
15 had back then. The only thing I could do is search our
16 local -- our in-house data base to see if they'd ever
17 contacted us maybe from that number before.

18 Q Well, did you do that?

19 A I did.

20 Q Is it documented in your report?

21 A You have the information --

22 Q No, is it documented in the report?

23 A It's in the case file, yes.

24 Q When did you do that?

25 A When I initially did the case.

Victoria Lager - Cross-Examination by Mr. Gibbons

- 1 Q What date did you get that information?
- 2 A I don't know.
- 3 Q One lady gave her name and phone number and told
- 4 you who she was, didn't she?
- 5 A Yes.
- 6 Q Did you go talk to her night?
- 7 A I did not talk to her that night, no.
- 8 Q Did you talk to her the next week?
- 9 A I'm not sure when I spoke with her, but I did speak
- 10 with her.
- 11 Q Well, that ended up, you had some success talking
- 12 to somebody, did you document that?
- 13 A She didn't see anything.
- 14 Q I know, but you had success talking to somebody
- 15 though, didn't you?
- 16 A I did.
- 17 Q And you didn't development it?
- 18 A I did not. She hadn't seen anything. According to
- 19 what she said she had not seen anything.
- 20 Q Now, you had some notes.
- 21 A Yes.
- 22 Q Can you -- do you know if you can get on the
- 23 internet and type in a number and get an address back out?
- 24 A Sometimes.
- 25 Q Did you try that?

Victoria Lager - Cross-Examination by Mr. Gibbons

- 1 A No, it's generally not truthful that way.
- 2 Q You assumed it wouldn't work?
- 3 A I did not assume that it wouldn't work.
- 4 Q Did you try it?
- 5 A I did not try it, no.
- 6 Q Would that have taken much time?
- 7 A I -- I don't know how much time it would take.
- 8 Q Are there people at your office that are familiar
- 9 with search warrants with telephone records?
- 10 A Yes.
- 11 Q Did you attempt that?
- 12 A No.
- 13 Q Could you have attempted that?
- 14 A Certainly.
- 15 Q And instead, it's two years later and all of the
- 16 sudden, you go from one witness to a bunch, correct?
- 17 A It was still an open investigation.
- 18 Q Yeah, but two years later before you had another
- 19 witness other than Ms. Carter. Now, there was a -- she
- 20 gave you details that night?
- 21 A She did.
- 22 Q And based on those details, that led where your
- 23 investigation went?
- 24 A Not strictly that information, but, yes.
- 25 Q And as far as you knew you had the complete story

Victoria Lager - Cross-Examination by Mr. Gibbons

1 from her, correct?

2 A As far as I knew, yes.

3 Q Why was the paper bag and the bottle collected?

4 A We tried to be objective in the collection of our
5 evidence, in that if we have a scene and we have things
6 that have been introduced to that scene that are fresh that
7 may be relevant, we will pursue those. So the bottle being
8 out there, having been, you know, a fresh -- it hasn't been
9 sitting out there for an expended period of time?

10 Q So that was just routine?

11 A Yes.

12 Q It was out there, nothing led you to that bottle?

13 A That's correct.

14 Q May I refresh your memory, please. Take a look at
15 the highlighted portion?

16 A Uh-huh. (Reading) Yes.

17 Q Would you like to rephrase why you got the bottle?

18 A There was an indication that somebody -- that
19 Mr. Wooden may have gone back there and drank from that
20 bottle.

21 Q And so why did you tell us it was just routine
22 picking it up?

23 A Well, it was routine in that that there was no
24 corroboration. The person who provided that information
25 had not -- had no firsthand knowledge.

Victoria Lager - Cross-Examination by Mr. Gibbons

1 Q Oh, so somebody told you that they heard something?

2 A Yes.

3 Q Did it end up to be true?

4 A No.

5 Q And who was that person?

6 A That was Schantrika Carter.

7 Q That's your only witness, your star witness in this
8 case, correct?

9 A Yes. And she said that she had not seen it.

10 Q She said somebody told me what happened?

11 A No. She said somebody told her that he may have
12 sat down in that chair and drank from the bottle.

13 Q After the shooting, right?

14 A After the shooting, yes.

15 Q So she said -- she didn't say she saw him the whole
16 time, she said somebody said after the shooting, he went
17 and sat down to drink a beer. Somebody told her that,
18 right?

19 A Can you say that again.

20 Q So you're saying Schantrika Carter was giving you
21 everything she knew that night. But she said somebody told
22 her after the shooting, the defendant sat down and drank a
23 beer in that chair?

24 A That's right. She provided her account and then
25 she added that somebody had told her that this may have

Victoria Lager - Cross-Examination by Mr. Gibbons

1 also happened, yes.

2 Q Now, you went to the --

3 (WHEREUPON Defendant's Exhibit 1, 2, 3, and 4 were
4 marked for identification.)

5 BY MR. GIBBONS:

6 Q I'm going to show you Defense Exhibits for ID
7 purposes only at this time and ask if you could review
8 those, please.

9 A Yes.

10 Q Do they accurately reflect what they depicted that
11 night or the next morning when you took the pictures -- or
12 when the pictures were taken?

13 A Yes.

14 Q And you do identify -- and you do recognize that?

15 A Yes.

16 Q All right.

17 Q And were you the one that actually took them or
18 were you just there, present at the scene while it was
19 being photographed?

20 A I've not taken all of those pictures. Some of
21 those pictures I may have taken.

22 Q But you saw the scene and these are fair and
23 accurately a representation of what you saw?

24 A Yes.

25 MR. GIBBONS: Your Honor, I'd move Defense Exhibits

Victoria Lager - Cross-Examination by Mr. Gibbons

1 1 through 4 into evidence.

2 MR. GRIMES: No objection.

3 THE COURT: So admitted without objection.

4 (WHEREUPON Defense Exhibits 1, 2, 3, and 4 were
5 entered into evidence.)

6 Q Defense Exhibit No. 1, what does that depict?

7 A This is the left hand of David Maple from -- most
8 likely from the hospital.

9 Q All right. And does it have a bag on the hand?

10 A It does.

11 Q And did you tell Clay Adams do GSR on the hands?

12 A No, I did not.

13 Q Would you have? Did you have the stuff with you?

14 A We had the discussion, yes.

15 Q Did you have the equipment with you?

16 A Yes.

17 Q And Defense 3. What is that?

18 A I believe this is the left forearm of David Maple.

19 Q And No. 2?

20 A This may be the other arm. This may be his right
21 arm. I'm not certain. But yes, this is from David Maple.

22 Q And Defense Exhibit No. 4?

23 A Yes.

24 Q What is that?

25 A This is the outer shirt, the shirt that David Maple

Victoria Lager - Cross-Examination by Mr. Gibbons

1 was wearing.

2 Q All right. Where is that shirt today?

3 A In our evidence.

4 Q Has it been tested or sent for analysis or swabbed
5 or anything?

6 A No.

7 Q Didn't examine the cuffs for GSR?

8 A No.

9 Q Didn't check the bullet holes to see if there was
10 any GSR there?

11 A No, we did not do that.

12 Q And the time you took this, you'd already heard a
13 description of multiple shots, right? Ten shots? Did you
14 know there were ten shots alledgedly went on when you
15 collected this shirt?

16 A We had the recording.

17 Q Right.

18 A But nothing that indicated more than one person.

19 Q But ten shots, right?

20 A That's correct.

21 Q That gun won't shoot ten shots, will it?

22 A No, it will not.

23 MR. GIBBONS: Your Honor, permission to publish
24 these to the jury?

25 THE COURT: You may.

Victoria Lager - Cross-Examination by Mr. Gibbons

1 (WHEREUPON Defense Exhibits 1, 2, 3, and 4 were
2 shown to the jury.)

3 BY MR. GIBBONS:

4 Q All right. That night you had Schantrika Carter,
5 her statement?

6 A Yes.

7 Q You had evidence at the scene?

8 A Yes.

9 Q You had the name of the two guys that dropped him
10 off at the hospital and they left?

11 A Yes.

12 Q One of them was Jeremy McCracken, correct?

13 A Correct.

14 Q What was the other one's name?

15 A Thomas Johnson.

16 Q And did you -- and did you -- your investigation
17 reveal he was called by another name too?

18 A Tay, Tall Tave.

19 Q Tall Tay. That's the Tall Tave we've been hearing
20 about in this trial?

21 A That's right.

22 Q Well, those two guys dropped him off and then they
23 left, correct?

24 A That's correct.

25 Q Did you make attempts to contact Tall Tave?

Victoria Lager - Cross-Examination by Mr. Gibbons

- 1 A I did.
- 2 Q What did -- are they documented in your report?
- 3 A No, I was never able to successfully make any
- 4 contact with him.
- 5 Q And to this day have you had any contact with him?
- 6 A No, he's deceased.
- 7 Q He's deceased. When did he become deceased?
- 8 A I believe sometime last year.
- 9 Q But we weren't able to get -- you weren't able to
- 10 get a statement from him before he was deceased, right?
- 11 A No.
- 12 Q And are you familiar with the surroundings of his
- 13 demise, what happened to him?
- 14 A Not specifically, no.
- 15 Q Your department didn't work a case like that?
- 16 A They did, but I was not there at the time.
- 17 Q Do you know what -- how he died? Car wreck?
- 18 A I believe he was shot.
- 19 Q And he was never GSR'd either, correct.
- 20 A I never had any contact with him that night, no.
- 21 Q The officers that saw him at the hospital didn't
- 22 attempt to get a GSR either, did they?
- 23 A No.
- 24 Q And did you receive information later on that he
- 25 was shooting that night too?

Victoria Lager - Cross-Examination by Mr. Gibbons

1 A Yes, recently.

2 Q And I know it's after the fact, but he probably
3 would have had GSR on him, correct?

4 A Yes.

5 Q It might have been in that car too, correct? I
6 believe the agent said it will rub off on stuff?

7 A It could have been anywhere.

8 Q But we don't know, do we?

9 A No, sir.

10 Q All right. Now, you were able to find Jeremy
11 McCracken?

12 A Yes.

13 Q And did you get a statement from him?

14 A A verbal statement, yes.

15 Q Did he give details about what happened that night?

16 A He did.

17 Q And you're the last witness for the State? That's
18 my understanding, correct?

19 A I believe so.

20 Q And so when the State sat down and gave me a chance
21 to talk to you, they've gotten everything in, apparently,
22 they wanted to get from you hadn't they?

23 A I believe so.

24 Q You said Jeremy gave details of what happened that
25 night?

Victoria Lager - Cross-Examination by Mr. Gibbons

1 A Yes.

2 Q And he was here, correct? This week?

3 A Correct.

4 Q Whose decision was it not to call him has a

5 witness?

6 A I'm not the trier of the case.

7 Q I understand that. Was it your decision?

8 A It has nothing do with me.

9 Q I'm asking you, was it your decision? That's a yes

10 or no?

11 A No, sir.

12 Q And there are how many 9-1-1 calls?

13 A I -- I'd have to look.

14 (WHEREUPON there was a pause in the proceedings.)

15 THE WITNESS: I believe there's eight.

16 BY MR. GIBBONS:

17 Q And they're all recorded, correct?

18 A They are.

19 Q You've got them in your file?

20 A I do. They're playable today.

21 A Yes.

22 Q Was it your decision not to play them for this

23 jury?

24 A No.

25 Q But they didn't hear them, did they?

Victoria Lager - Cross-Examination by Mr. Gibbons

1 A No.

2 Q Now, there's also something that gets taken down at
3 the dispatch called a log, a CAD?

4 A Yeah.

5 Q Tell us what that is?

6 A Computer Aided Dispatch.

7 Q And what's recorded on that?

8 A What is recorded?

9 Q On a CAD. Not this one, but on a CAD. Just tell
10 us what it is?

11 A Generally, it's the notes, the dispatch notice,
12 what they've -- the times and it's a log of activity. So
13 information is received and basically a file is open and
14 the dispatchers would indicate that the general information
15 that they received and the information that they put out,
16 who they dispatched, when they dispatched them, when they
17 arrived, that sort of information.

18 Q So if I'm going out to Wal-Mart for a call, it will
19 say Dispatch, Grant Gibbons to Wal-Mart and it will have a
20 time?

21 A Yes.

22 Q And then usually when I get to Wal-Mart, I say this
23 is Grant Gibbons signing off at Wal-Mart on the call?

24 A Yes.

25 Q And then when I get done with that, I get in my car

Victoria Lager - Cross-Examination by Mr. Gibbons

- 1 and I'm back in service and that will get recorded.
- 2 A Yes.
- 3 Q So whenever an officer or investigator is working
- 4 cases or out on the road, they know where you are?
- 5 A Yes.
- 6 Q And that's automatically recorded on every shift,
- 7 right?
- 8 A Yes.
- 9 Q And does it matter if it's a traffic call or a
- 10 murder scene?
- 11 A No.
- 12 Q It's supposed to be down there, right?
- 13 A Yes.
- 14 Q Do you have the CAD for your trips back out to
- 15 Dallas Circle?
- 16 A No.
- 17 Q Does it exist?
- 18 A No.
- 19 Q You didn't sign out?
- 20 A I may have signed out. But it isn't a call for
- 21 service.
- 22 Q I know, but -- did you sign out. Do you usually
- 23 sign out?
- 24 A At Dallas Circle, yes.
- 25 Q And then we would know what time you went? What

Victoria Lagger - Cross-Examination by Mr. Gibbons

1 day you went?

2 A Yes.

3 Q How many times you went?

4 A Yes.

5 Q We don't have that here, do we.

6 A No.

7 Q Now, isn't there an indication on those tapes that
8 we didn't play for the jury, the State, Jeremy McCracken
9 provided information there's still shooting going on. Did
10 you have information there was a shooting going on after
11 the shooting of the victim?

12 A Yes, there was an indication.

13 Q And what did you do to check that out?

14 A Well, you're speaking of a 9-1-1 call --

15 Q Yes, ma'am. Right when this happened?

16 A -- from Jeremy McCracken. And I did not have that
17 information until later.

18 Q How much later?

19 A When I made the request for the 9-1-1. I don't
20 have -- I don't recall specifically. Within a few days I
21 would expect that I would have had that.

22 Q What did you do in a few days when you got that?
23 In respect to other shots being fired out there?

24 A I attempted to contact Jeremy McCracken.

25 Q Did you go out to his house?

Victoria Lager - Redirect Examination by Mr. Grimes

1 A I did.

2 Q Did you sign off out there?

3 A Most likely, yes.

4 Q Is it provided here anywhere?

5 A It's not -- no. That's not something we would
6 normally collect as a --

7 Q But you could have brought it here to court?

8 A Yes.

9 MR. GIBBONS: Beg your indulgence, Your Honor. I
10 have nothing further, Your Honor.

11 THE COURT: All right. Anything from the State?

12 REDIRECT EXAMINATION

13 BY MR. GRIMES:

14 Q Mr. Gibbons asked you about what you -- whether you
15 suspect that there might have been blood in the vehicle
16 that transported David Maple to the hospital. Why might
17 you expect for there to be blood in there?

18 A I would expect it that there would be blood in the
19 vehicle because he was shot twice in the hand. And that,
20 in particular, I would believe that from those locations,
21 from those wounds, that it would be easy to transfer to
22 another location. And he was shot, you know, three times
23 in the back, but...

24 Q And if it was the vehicle who transported the
25 victim to the hospital, whose blood would you expect to be

Victoria Lager - Redirect Examination by Mr. Grimes

1 in the vehicle?

2 A The victim's blood.

3 Q And what would that prove?

4 A That the victim was transported to the hospital in
5 the vehicle.

6 Q Did you already know that at that point?

7 A I did.

8 Q All right. So finding out that there was blood in
9 the vehicle --

10 MR. GIBBONS: Your Honor, leading.

11 THE COURT: I need to hear what he says, first.

12 BY MR. GRIMES:

13 Q In finding out that there was blood in the vehicle
14 that took the victim to the hospital, would that add
15 anything to your investigation?

16 A No, Your Honor -- no, sir.

17 Q Did you have any reason to believe that there's a
18 vehicle involved in the shooting? In other words, was this
19 a -- any information that there was a drive-by shooting of
20 some sort?

21 A No. Did you have any reason to believe that this
22 vehicle was involved before the shooting occurred.

23 A No.

24 Q During the shoot?

25 A No.

Victoria Lager - Redirect Examination by Mr. Grimes

1 Q Did you believe that that vehicle or anything
2 inside it would aid your investigation as far as whether or
3 not the defendant shot the victim in this case?

4 A No.

5 Q And then the defense counsel asked you about
6 whether you ever attempted to make contact with Jeremy
7 McCracken between the night of the shooting and just a
8 couple of weeks ago. Had you attempted to make contact
9 with him?

10 A Yes.

11 Q Okay. And were you successful in doing that?

12 A No.

13 Q And do you need a piece of paper that says that you
14 were at Dallas Circle and proof that you went out there,
15 did that?

16 A No.

17 Q Okay. You also discussed with Defense Counsel
18 about yourself and investigator Adams discussing GSR and
19 particularly GSR of the victim that night. I'm not sure
20 that you explained what you were discussing, so if you
21 could tell us about that.

22 A Yes. It's common for us to -- in a shooting
23 situation to conduct the GSR tests of both parties involved
24 in a shooting incident. However, one of the key factors is
25 whether the hands have been cleaned. We had -- we had

Victoria Lager - Redirect Examination by Mr. Grimes

1 information from the hospital staff that they had cleaned
2 his hands. Even though they placed bags over his hands to
3 protect them, they had cleaned them before they put those
4 bags on his hands.

5 So in that regard, it was not likely to be
6 beneficial to us and SLED did not -- would not have
7 accepted that test for analysis based on that.

8 **MR. GRIMES:** Thank you, no further questions.

9 **THE COURT:** Anything Mr. Gibbons?

10 **RECROSS EXAMINATION**

11 **BY MR. GIBBONS:**

12 **Q** Did you see them clean his hands?

13 **A** I did not.

14 **Q** Did you see them clean the palms and the backs?

15 **A** No, I did not.

16 **Q** Can you clean the back without cleaning the palm?

17 **A** Of course, you can.

18 **Q** Would it have hurt anything to run that test?

19 **A** No.

20 **MR. GIBBONS:** Nothing further.

21 **THE COURT:** Thank you ma'am, you may step down.

22 **MS. YOUNG:** Your Honor, the State rests at this
23 time.

24 **THE COURT:** Ladies and gentlemen, the State has
25 rested, which means they have now completed all the

1 evidence in their case in chief. We're going to take a
2 little break at this time so that I can determine where
3 we're going from here. I'm going to ask you to step back
4 to the jury room.

5 Please do not discuss the case while you're back
6 there at all and we'll bring you back just as soon as we
7 can. Y'all can get them some refreshments.

8 (WHEREUPON the jury left the courtroom at 11:50
9 a.m.)

10 **MID-TRIAL MOTIONS**

11 **THE COURT:** All right. Anything?

12 **MR. GIBBONS:** Your Honor, at this point, the
13 defense would make a motion for a directed verdict based on
14 the lack of credible witnesses in this case.

15 **THE COURT:** Is that a basis for a directed verdict?

16 **MR. GIBBONS:** It's mine today.

17 **THE COURT:** Huh?

18 **MR. GIBBONS:** It's mine today, Your Honor.

19 **THE COURT:** Well, I think if there's any evidence,
20 I think the jury's responsibility is to determine
21 credibility if there's any evidence at all. And there has
22 been evidence of witnesses that your client committed the
23 shooting and the defendant -- and the victim did die. He
24 did have a pistol and it is a violent crime, so I'm going
25 to deny your motion.

1 All right. Mr. Gibbons tell me what you intend to
2 do. Does your client intend to testify?

3 MR. GIBBONS: No.

4 THE COURT: All right. Mr. Wooden, let me get you
5 to stand and raise your right hand if you would, please.

6 LONDON WOODEN,

7 having been duly sworn, testified as follows:

8 THE COURT: All right. You can put your hand down.
9 I'm going to ask you some questions, but I need you to
10 continue to stand. They're not going to have anything to
11 do with facts of the case. I'm going to talk to you about
12 your right to testify or not to testify, okay?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. You understand that you
15 have the right to testify if you'd like to testify?

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: And you understand, of course, that
18 would give you an opportunity to get up and tell your side
19 of the story.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And -- but if you testified, you would
22 be subject to being cross-examined by the solicitor's
23 office and they could ask you a number of questions,
24 including things that might relate to -- and I don't know
25 what criminal record you may have in the past, but they

1 could ask you about that for purposes of credibility. You
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And they could ask you about anything
5 that's relevant in the case concerning the trial here
6 today. You understand that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Of course, you have the right to not
9 testify as well. You have the constitutional right to not
10 testify at this trial. You understand?

11 THE DEFENDANT: Yes, Your Honor.

12 THE COURT: And the -- your lawyer has indicated
13 that you are going to waive -- you wish to exercise that
14 right. You understand that I will tell the jury that they
15 can't even consider that fact in the course of their
16 deliberations, so they can't talk about you -- you're not
17 testifying when they go back to deliberate. You understand
18 that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Now, you've had the opportunity to talk
21 to Mr. Gibbons and Mr. Smith about this decision?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: And have y'all -- they counselled you
24 about it?

25 THE DEFENDANT: Yes, Your Honor.

1 **THE COURT:** And this decision is your decision.

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** And you're not under the influence of
4 any kind of substance here today? You haven't taken any
5 drugs, had any medication or drank alcoholic beverages have
6 you?

7 **THE DEFENDANT:** No, sir.

8 **THE COURT:** Has anybody threatened you, coerced you
9 forced you to make a decision that you're not going to
10 testify?

11 **THE DEFENDANT:** No, sir, Your Honor.

12 **THE COURT:** It's solely your decision.

13 **THE DEFENDANT:** Yes, sir.

14 **THE COURT:** All right. And you understand I will
15 now instruct the jury that you -- about they can't consider
16 that in the course of their drinks. Now, if you change
17 your mind between now and the time that you rest or your
18 lawyers rest in the case, let me know that and we'll have
19 to revisit this issue. Okay?

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** All right. Mr. Gibbons. You've had a
22 chance to discuss this matter with your client?

23 **MR. GIBBONS:** I have, Your Honor. We've discussed
24 the ramifications of both testifying and not testifying and
25 he made the decision himself not to testify.

1 **THE COURT:** All right. Now, is there any further
2 questions you want me to ask of your client or anything you
3 want to ask relating to this --

4 **MR. GIBBONS:** That decision, no, sir.

5 **THE COURT:** All right. Thank you very much.

6 I need to deal with this juror. They've rounded
7 her up somewhere. She apparently overslept and -- let's
8 bring her in if we could.

9 (WHEREUPON the juror entered the courtroom.)

10 **THE COURT:** Ma'am, come on up here in front of that
11 bar right here.

12 You are Ms. Holmes, is that right?

13 **THE JUROR:** (Juror nodded head.)

14 **THE COURT:** You've been serving on this jury. You
15 were here Tuesday; you were here Wednesday.

16 **THE JUROR:** Uh-huh.

17 **THE COURT:** But you elected not to come this
18 morning.

19 **THE JUROR:** In a way, I guess.

20 **THE COURT:** Well, there's no in a way, I guess. I
21 mean you were instructed to be here at 9:30 this morning
22 and I've sat out in front of the jury room until quarter
23 till ten. I need you to look at me. And you did not --
24 take your hands out of your pockets too. You were not here
25 at quarter until ten. And we -- you understand this is a

1 very serious case and it's not one that we're taking
2 lightly and we want the jury to be here when they're
3 supposed to be here. Tell me why you were not here.

4 THE JUROR: My dad's in the hospital and we're
5 waiting to find out if he has lung cancer and --

6 THE COURT: Well, tell me why it is you weren't
7 here.

8 THE JUROR: And I was up late last night worried
9 about it and I slept through my alarm.

10 THE COURT: You did what?

11 THE JUROR: I slept through my alarm.

12 THE COURT: Well, we attempted to call you. Nobody
13 ever answered your phone.

14 THE JUROR: I have been notified when people call
15 me it doesn't wake me up.

16 THE COURT: Well, if we --

17 I assume the other number was the employer's
18 number; is that correct, Ms. Langley.

19 Well, I'm sorry about your dad, but that doesn't
20 excuse you not being here. If you had some reason that
21 would affect your jury service, you come here and you tell
22 the Court and we will attempt to see what we need to do in
23 that regard. But we just can't have you not come.

24 What you want me to do with you?

25 THE JUROR: (No answer).

1 **THE COURT:** We've had to replace you. We're
2 certainly not going to let you walk out of here and go home
3 and get out of the service by virtue of your bad behavior
4 that you don't have to serve.

5 Now, when somebody from the clerk's office called,
6 did you give them a hard time.

7 **THE JUROR:** (Witness shook head.)

8 **THE COURT:** Show a little attitude?

9 **THE CLERK:** No.

10 **THE COURT:** Not the information I got.

11 **THE JUROR:** I called them back when I looked at my
12 phone and saw that I missed calls. Because it just didn't
13 ring and I looked at the thing and I called back.

14 **THE COURT:** And you talked to somebody, right?

15 **THE JUROR:** Uh-huh.

16 **THE COURT:** Information I got was you gave them a
17 tough time.

18 **THE JUROR:** Huh-huh.

19 **THE COURT:** What did you tell them?

20 **THE JUROR:** They told -- when I called back the
21 first time, they asked if there's a reason I didn't show
22 up. And I said I overslept and I was going to be on my
23 way. And they said I have 30 minutes. Then I called back
24 as soon as I left my house and asked if I should explain to
25 them or what I would do.

1 **THE COURT:** Well, I'm going talk to the clerk and
2 see what the clerk has to say. Here's the deal. You're
3 going to sit here as long as I have a jury in this
4 courthouse. You're going to sit in the courthouse and I
5 will determine what, if anything further, I'm going do with
6 you after I have a chance to talk to the clerk.

7 **THE JUROR:** Okay.

8 **THE COURT:** And think about it a little bit. But
9 that may mean that you may have to be back here tomorrow.
10 You'll have to be back here whenever this jury is here.
11 You understand that?

12 **THE JUROR:** Yes, sir.

13 **THE COURT:** If you're not, you're going to be a
14 guest of Aiken County. Over sleeping will not be a
15 sufficient reason for you not to be a guest of the County.
16 You can sleep all day and all night long at the detention
17 center, if that's what you want to do.

18 All right. Ma'am, you go back there and sit on the
19 back row and stay here. If you leave we're coming to find
20 you. Okay?

21 **THE JUROR:** Yes, sir.

22 **THE COURT:** All right. Let's take a little bit of
23 a break and come back.

24 (WHEREUPON a recess was observed.)

25 **THE COURT:** All right. Let's bring the jury in, if

Summer Hutto - Direct Examination by Mr. Gibbons

1 we could, please.

2 (WHEREUPON the jury entered the courtroom at 12:11
3 p.m.)

4 THE COURT: All right. State ready to offer any
5 evidence in this part?

6 MR. GIBBONS: You said State, Judge.

7 THE COURT: I mean the defendant. Is the defendant
8 ready to go forward here.

9 MR. GIBBONS: Yes, sir, Your Honor.

10 THE COURT: All right. If you would.

11 MR. GIBBONS: Summer Hutto.

12 SUMMER HUTTO,
13 having been duly sworn, testified as follows:

14 THE CLERK: Have a seat in the witness box. State
15 your full name for the Court, spell your last, please.

16 THE WITNESS: It's Summer, last name H-u-t-t-o.

17 DIRECT EXAMINATION

18 BY MR. GIBBONS:

19 Q Good morning, Ms. Hutto --

20 A Good morning.

21 Q How are you today?

22 Ma'am, where are you employed?

23 A Aiken County Sheriff's Office.

24 Q And what do you do at the sheriff's office?

25 A I'm a dispatcher.

Summer Hutto - Direct Examination by Mr. Gibbons

1 Q And what does that entail? Does that include?

2 A Dispatching for the deputies, EMS, fire, and taking
3 calls.

4 Q Okay. Explain to the jury what dispatching is?

5 A Getting information, getting help to people,
6 getting the correct people to where they need to be and
7 making sure everyone is safe.

8 Q Okay. And do you also take down anything when
9 officers are in the field?

10 A Yes.

11 Q What do you do?

12 A We, of course, mark their arrival time, anything
13 they may tell us pertinent to add to the CAD, when they're
14 leaving the scene, if they need additional units.

15 Q Do they check in and out at lunch, things like that
16 too?

17 A Lunch? No.

18 Q All right. If they're pulling up to a scene, they
19 generally call you guys?

20 A Yes.

21 Q And say I'm wherever I'm at?

22 A Yes.

23 Q And how long do y'all keep those records?

24 A As a dispatcher, I'm not sure. The person over
25 dispatch could answer that probably better, but as far as I

Summer Hutto - Direct Examination by Mr. Gibbons

1 know indefinite.

2 Q Thank you. Were you working as a dispatcher back
3 on October 1st of 2011?

4 A Yes.

5 Q And what does 9-1-1 have to do with dispatch?

6 A That's our emergency line to get immediate help
7 versus an admin line. When people need medical, fire,
8 police, immediately, they call 9-1-1.

9 Q And y'all answer those too?

10 A Yes.

11 Q And you're the ones that send the police out and
12 send the ambulance out, correct?

13 Q Have you had a chance to review the 9-1-1 records
14 from that night?

15 A I believe I have heard most, if not all.

16 Q I'm going to show you a CD that's been marked as
17 Defense Exhibit 5.

18 (WHEREUPON Defense Exhibit No. 5 was marked for
19 identification.)

20 BY MR. GIBBONS:

21 Q What is the label on that?

22 A Case No. 11-062835, Defendant London Wooden and
23 it's audio 9-1-1 calls.

24 Q And is that prepared by your department?

25 A Yes, by our sargent.

Summer Hutto - Direct Examination by Mr. Gibbons

1 Q And it depicts what calls came in that night,
2 correct?

3 A Yes.

4 Q And do you do anything to the calls before you
5 record them?

6 A No.

7 Q They're not altered in any way?

8 A No.

9 Q So they fairly depict the conversations that took
10 place that night?

11 A Yes.

12 MR. GIBBONS: Your Honor, we'd ask that Defendant's
13 Exhibit 5 be moved into evidence and published to the jury.

14 MS. YOUNG: No objection.

15 THE COURT: So admitted.

16 (WHEREUPON they were getting ready to play the CD
17 for the jury.)

18 (WHEREUPON the CD was played for the jury.)

19 MR. GIBBONS: Thank you very much.

20 BY MR. GIBBONS:

21 Q Ma'am, that sounds like that was a busy night.

22 A Yes.

23 Q There were a lot of rings in there?

24 A Yes.

25 Q What was going on at your dispatch office?

Summer Hutto - Direct Examination by Mr. Gibbons

1 A Once the first initial call came in, of course,
2 then the deputies were dispatched, EMS was dispatched, that
3 was taking place at the same time we were answering calls.

4 Q And it's just two people answering calls at one
5 time?

6 A Well, I only hear two or three different
7 dispatchers voices. There's four dispatchers in there and
8 there was, I believe, a trainee that night.

9 Q So four lines coming in?

10 A Yes.

11 Q Why did it take so long to answer some of them? Do
12 you know?

13 A Whenever something major happens that a lot of
14 people may see or hear such as a wreck on an interstate,
15 immediately everybody starts calls. So while we're
16 answering one, the other one's ringing. As we disconnect
17 with one, then we will answer the other.

18 Q So there could have been other calls going on that
19 night, these are just the ones that are here for court?

20 A Those are the only ones that I'm aware of, but -- I
21 mean, other people could have been called. People will
22 call and hang up because we're not getting there, we're
23 already on the line at the same -- so...

24 Q All right. Now, sometimes I heard the caller's
25 voice before the dispatcher picked up. What's -- how does

Summer Hutto - Cross-Examination by Ms. Young

1 that work?

2 A According -- I'm not familiar with the equipment as
3 far as the technology call end of it on that, but according
4 to our sargent, it starts recording the minute they call
5 in, before we even pick up the line.

6 Q So we have -- as soon as they hit 9-1-1, it starts
7 recording the callers side of the conversation?

8 A That is my understanding.

9 Q That's what it sounds like to you on the --

10 A Yes.

11 MR. GIBBONS: One moment, Your Honor.

12 Nothing further, please answer anything from the
13 State?

14 CROSS-EXAMINATION

15

16 BY MS. YOUNG:

17 Q Good morning, how you doing?

18 Just to clarify, Mr. Gibbons asked you if there
19 were more calls -- these are all the calls that y'all
20 received and that people actually stayed on the line to
21 you, correct?

22 A To my knowledge. Again, someone else makes the
23 tapes.

24 Q Okay. But when they make the tapes, they're basing
25 it on that particular location or requests of all --

Summer Hutto - Cross-Examination by Ms. Young

1 MR. GIBBONS: Leading, Your Honor.

2 THE COURT: She can lead on --

3 MR. GIBBONS: Yes, sir.

4 BY MS. YOUNG:

5 Q They're requesting all calls relating to the
6 incident to your knowledge, correct?

7 A To my knowledge.

8 Q Okay. And you stated that there were four people
9 working at any given time?

10 A That's our minimum, is four.

11 Q And how many people answer the 9-1-1 calls at any
12 given time?

13 A Any four of them can.

14 Q But you said that you're also doing other things
15 another the same time; is that right?

16 A Correct. We're dispatching the police, fire,
17 ambulance at the same time.

18 Q Okay. And that creates something called a CAD
19 report?

20 A Yes.

21 Q Okay. And do you know if every time an
22 investigator from Aiken County Sheriff's Office goes out
23 and discuss anything about an investigation if a CAD is
24 created?

25 A If they -- if they come across the radio are giving

Summer Hutto - Cross-Examination by Ms. Young

1 us their car number and the location they're going to sign
2 out at or anything like that, then we generally create a
3 CAD for that.

4 Q But that's only going to happen if they give you on
5 the radio, right?

6 A Correct.

7 Q Okay.

8 MS. YOUNG: Beg the Court's indulgence.

9 (WHEREUPON there was a pause in the proceedings.)

10 BY MS. YOUNG:

11 Q Mr. Gibbons asked you a couple of questions about
12 the prerecording, and didn't it sound like to you that some
13 of those calls, it wasn't recording background information?
14 For example, call two, when it picked up and the lady is
15 screaming in the background?

16 A I'm not sure I understand what you're asking.

17 Q Okay. He asked you about the prerecording of
18 when --

19 A Well, when they're ringing.

20 Q Right.

21 A Okay.

22 Q And you stated that it's your understanding that
23 that's what's supposed to happen, correct?

24 A That it's recording as they're calling in.

25 Q Correct. And I was asking you if you heard -- you

Summer Hutto - Cross-Examination by Ms. Young

1 heard call two just now, correct?

2 A Uh-huh.

3 Q And I was asking you if it sounded like to you that
4 it was prerecording based on all that screaming that was
5 going on when you actually connected with her?

6 A It sounded like it was recording prior to us
7 picking up.

8 Q You heard screaming and all that prior to you
9 picking up?

10 A I did not hear anyone screaming prior to that, no.

11 Q Did you hear anybody breathing or talking?

12 A On the --

13 Q On the second call.

14 A On the second one, no.

15 MS. YOUNG: No further questions.

16 THE COURT: Anything?

17 MR. GIBBONS: Nothing, Your Honor. May she be
18 excused.

19 THE COURT: Yes, ma'am. You can step down and you
20 are free to leave. Thank you, ma'am.

21 MR. GIBBONS: All right. We would call Chris
22 Medlin.

23 CHRIS MEDLIN,

24 having been duly sworn, testified as follows:

25 THE CLERK: Have a seat in the witness box. State

Chris Medlin - Direct Examination by Mr. Gibbons

1 your full name for the Court and spell your last.

2 THE WITNESS: I'm John Christopher Medlin,
3 M-e-d-l-i-n.

4 DIRECT EXAMINATION

5 BY MR. GIBBONS:

6 Q Good morning.

7 A Good morning, sir.

8 Q Where are you employed?

9 A Aiken Department of Public Safety.

10 Q And what are your duty's there?

11 A I'm a corporal, assigned to the patrol division
12 now.

13 Q What other functions have you performed at the
14 city?

15 A I've been assigned to patrol division for a number
16 of years. I was assigned to community services, working
17 the -- assigned to a neighborhood, namely, Crosland Park as
18 a community services officer. Part of the duties there was
19 investigating gang activity. And I've been assigned to
20 narcotics -- in the narcotics division for four years and
21 now back to patrol.

22 Q So you were assigned specifically to gang activity
23 for a while?

24 A That was one of the duties as community services
25 officer.

Chris Medlin - Direct Examination by Mr. Gibbons

- 1 Q And did you receive training to do that job?
- 2 A Yes, I did.
- 3 Q And special schooling?
- 4 A Yes, sir.
- 5 Q And what are some of the things they taught you at
- 6 these schools?
- 7 A Gang -- how gangs are organized, how to recognize
- 8 gang activity, the symbology, whether it's written or hand
- 9 signs that are terminology, the behavior of gang members
- 10 and things of that nature.
- 11 Q And that was part of your job?
- 12 A Yes, sir.
- 13 Q And what did you do specifically for the city in
- 14 relating to that topic?
- 15 A For the city, I would identify gang members,
- 16 identify incidents as being gang-related incidents and keep
- 17 track of who's involved in what that's gang related.
- 18 Q What are some of the things that you look for to
- 19 determine whether it's a gang-related incident?
- 20 A Terms that people involved would say, hand signs,
- 21 gang paraphernalia they might be wearing, different
- 22 graffiti symbols, writings, things of that nature.
- 23 Q And that was part of your training as well, the
- 24 symbols and writings?
- 25 A Yes, sir.

Chris Medlin - Direct Examination by Mr. Gibbons

1 **MR. GIBBONS:** Your Honor, I would move that Officer
2 Medlin be able to testify his opinion as to gang signs and
3 writings as an expert.

4 **MS. YOUNG:** No objection from the State, Your
5 Honor.

6 **THE COURT:** You're offering him as an expert -- as
7 an expert as to gang activity?

8 **MR. GIBBONS:** Gang science and graffiti, Your
9 Honor.

10 **THE COURT:** All right. So admitted without
11 objection.

12 **BY MR. GIBBONS:**

13 **Q** I'm going to show you Defense Exhibit 1.

14 **A** Yeah.

15 **Q** Can you take a look at that, please?

16 **A** Yes, sir. (Looking.) All right.

17 **Q** Does that lead you into anything about that
18 particular body part?

19 **A** Yes, sir, the tattoos on the forearm of this person
20 are consistent with gang activity.

21 **Q** Could you come down and show the jury how you know
22 that or why your opinion is that?

23 **A** Sure.

24 (WHEREUPON the witness stepped down from the
25 witness box.)

Chris Medlin - Direct Examination by Mr. Gibbons

1 THE WITNESS: The tattoo here on the forearm has a
2 stylized G, what appears to be a four here, it's not
3 positive -- it's not a direct -- real photograph of the
4 tattoo --

5 THE COURT: Corporal, how about walking it up and
6 down to that end --

7 THE WITNESS: Sure.

8 THE COURT: -- so that everybody can see. You can
9 have it for this end as well.

10 THE WITNESS: Yes, sir. On top of the G here, is a
11 three-point crown and a three-point crown and the G letter,
12 those are consistent with Folk or Gangster Cycles gangs.
13 The folk and Gangster Cycles, they would use a six-point
14 crown or a three-point crown at the very top and the G is a
15 term, you know, that most members would -- use to refer to
16 themselves as a Gangster. It's more particular to Folk
17 members than Gangster members.

18 Q I'm going to show you Defense Exhibit 3 and ask you
19 to do the same thing.

20 A And this is just a slightly different view of the
21 same -- the same tattoo, but it's basically the same thing.
22 What the -- you see the three point crown here a little
23 better and the G and these are basically -- it appears to
24 be a homemade tattoo, not something you can get at the
25 tattoo shop, which is very common.

Chris Medlin - Direct Examination by Mr. Gibbons

1 Q And Defense Exhibit No. 2, could you display that
2 along the jury --

3 A Sure.

4 Q -- too, please.

5 A This tattoo is a poor quality attempt at a
6 six-point star with a tail, like a devil's tail coming off
7 of it. And the devil's tail, the tip of the tail, is a
8 triangle, which is a -- typically you would see as a
9 pyramid, which is a Bloods Gang symbol which they a lot of
10 times put it upside down, what's done properly here most
11 likely. But that disrespects a lot of the gangs. The
12 six-point tail off of the devil's tail off of it in an
13 attempt -- or what appears to be an attempt, that's a wings
14 coming off of that six-point star, which is, again, common
15 for Folk and Gangster Cycles.

16 Q Thank you, sir.

17 A Thank you.

18 (WHEREUPON the witness returned to the witness
19 stand.)

20 BY MR. GIBBONS:

21 Q Now, is part of your duties is keeping up with
22 gangs in Aiken, is that what you told us?

23 A Yes, sir.

24 Q And do you kind of keep track of where different
25 ones are located around town?

Chris Medlin - Direct Examination by Mr. Gibbons

- 1 A Yes, sir.
- 2 Q And are you familiar with the place this happened,
3 Dallas Circle?
- 4 A Yes, sir.
- 5 Q And in your experience, is that associated with any
6 one gang?
- 7 A Historically, that neighborhood, the Shiloh Heights
8 area has been Folk, and Gangster Cycles members -- people
9 that are involved in gang activity that live there were
10 typically in the Folk or Gangster Cycles sets.
- 11 Q Now, Officer Medlin, did you have an occasion to
12 work an incident involving Schantrika Carter?
- 13 A Yes, sir.
- 14 Q And did that involve gang activity?
- 15 A In the incident with Schantrika Carter involved
16 graffiti and there were gang symbols that were part of that
17 graffiti.
- 18 Q Now, do you have a list of everybody that's in a
19 gang in Aiken County --
- 20 A Not --
- 21 Q -- when you're doing that job?
- 22 A We have quite a list, but, obviously, not a
23 complete one.
- 24 Q Is it unusual for someone not to admit they're in a
25 gang?

Chris Medlin - Cross-Examination by Ms. Young

1 A Yes, sir. Well, it's common for them to admit, but
2 also for them to not admit. It depends on that person's
3 mind set and also how the interviewing officer deals with
4 them.

5 Q Answer any questions the State has for you.

6 A Yes, sir.

CROSS-EXAMINATION

7
8 BY MS. YOUNG:

9 Q Good morning, Officer Medlin, how are you?

10 A Good, ma'am.

11 Q You stated you were assigned to community services
12 and that was when you mainly did the gang investigations,
13 correct?

14 A Yes, ma'am.

15 Q And when was that?

16 A That was -- I left community service approximately
17 five years ago to be assigned to work in narcotics, so it
18 was the previous three or four years before then, so it's
19 '13, so I left doing that in 2008 or 2009, somewhere in
20 there, I stopped working gangs as one of my primary duties.

21 Q Okay. So it would be -- it would be correct that
22 since 2008 or '9, that's not been your primary assignment,
23 correct?

24 A That's correct.

25 Q Okay. And you were specifically asked some

Chris Medlin - Cross-Examination by Ms. Young

1 questions about Schantrika Carter. You investigated that
2 vandalism slash graffiti incident?

3 A Yes, ma'am.

4 Q And based on your investigation, was Schantrika
5 Carter ever in any gang?

6 A There was nothing conclusive found that she was in
7 a gang. There were gang symbols that her and the juveniles
8 that she was with during that graffiti event were gang
9 symbols.

10 Q Well, let me ask you this: Graffiti alone, that's
11 not enough to prove that somebody's in a gang, is it?

12 A No, ma'am, not that alone.

13 Q Okay. Isn't it true that you actually had some
14 verifiable system that law enforcement uses to determine
15 whether or not someone's in a gang?

16 A Yes, ma'am.

17 Q And tell me about that. How do you validate
18 somebody's gang membership?

19 A To validate a person's gang membership, the most
20 reliable indicator and the only one that stands by itself
21 is a self-admission where we talk to them and ask them are
22 you in a gang and they say yes, I am. And then it's done.
23 If we don't get that, then we have to have multiple factors
24 met to show that they're a gang member, such as they are
25 put out there; graffiti that's consistent with gang

Chris Medlin - Cross-Examination by Ms. Young

1 activity that we have information that they are in; also
2 that they are wearing clothes or are using bandannas, other
3 symbology that's consistent with that gang, known
4 affiliation with gang members in that gang and/or things
5 like that.

6 They would post something on, you know, FaceBook,
7 MySpace, things of that nature. But those -- there have to
8 be multiple factors to come together to -- for us so
9 justify saying they were a gang member.

10 Q And isn't it true that you maintain some kind of
11 gang data base?

12 A Yes, ma'am.

13 Q And those factors, multiple factors have to be met
14 for somebody to be in the data base, isn't that about
15 correct?

16 A For a -- that's correct for a permanent --
17 basically a permanent entry in there. We can enter them in
18 a temporary file while we get information, okay. They may
19 be in a gang, but we have to investigate further. So we
20 can start gathering the information about the person. But
21 once it's been determined that they're not in a gang, then
22 their information is deleted. But once we determine that
23 they are a gang member through the various factors that
24 have been met, then they were in the permanent file, yes,
25 ma'am.

Chris Medlin - Cross-Examination by Ms. Young

- 1 Q So they wouldn't -- until you, in fact, determine
2 that they're in a gang, you don't put them on a permanent
3 list; isn't that correct?
- 4 A That's correct.
- 5 Q And isn't it true that Schantrika Carter has never
6 been on a permanent gang list to your knowledge?
- 7 A Yes, ma'am, that's correct.
- 8 Q And the tattoo that you were shown, are you
9 familiar with the person who that tattoo is on?
- 10 A Yes, ma'am.
- 11 Q Okay. And who is that?
- 12 A An -- that's David Maple.
- 13 Q All right. And did you ever have any verification
14 that he was in a gang?
- 15 A Yes, ma'am.
- 16 Q What was that?
- 17 A Through his association with other known gang
18 members, his tattoos, wearing gang paraphernalia, such as
19 bandannas; and also personal interaction, interviews with
20 him.
- 21 Q But that -- your involvement with him would have
22 been back in 2008 or '9; isn't that correct?
- 23 A Yes, ma'am.
- 24 Q And nothing since then?
- 25 A Nothing since then.

Chris Medlin - Cross-Examination by Ms. Young

1 Q So you've had no involvement with David Maples
2 since 2009?

3 A About, that's correct.

4 Q Do you consider yourself to be the leading gang
5 expert at the Aiken Department Public Safety?

6 A I was at the time when I was in community services.
7 Since then when I got reassigned to narcotics
8 investigations, Sargent Selena Dobbs has taken over those
9 duties because narcotics did not allow for time to be
10 dedicated to that.

11 Q And isn't it true that when asked to confirm
12 whether or not various people that were involved in this
13 case were in a gang, you had to ask Sargent Dobbs?

14 A Yes, ma'am.

15 Q And to your knowledge, who, if anybody was a
16 verified member?

17 A I believe there was only one out of those that I
18 was asked about. I don't recall the name offhand because I
19 had not dealt with that person, you know, myself.

20 Q So it wasn't Schantrika Carter?

21 A No, ma'am.

22 Q It wasn't David Maple?

23 A No, ma'am.

24 Q It wasn't Cameo Bronson?

25 A Not that I recall.

Chris Medlin - Redirect Examination by Mr. Gibbons

1 A It wasn't Erica Richardson.

2 A Not that I recall.

3 Q It wasn't Octavia Bush?

4 A I'm not positive; not that I recall though.

5 Q You can't testify here in court that it was any of

6 those?

7 A No, ma'am.

8 MS. YOUNG: Beg the Court's indulgence for just a

9 minute.

10 (WHEREUPON there was a pause in the proceedings.)

11 MS. YOUNG: Nothing further.

12 THE COURT: Anything Mr. Gibbons?

13 MR. GIBBONS: Yes, sir.

14 REDIRECT EXAMINATION

15 BY MR. GIBBONS:

16 Q You've been asked about this running list.

17 A Yes, sir.

18 Q That's not every gang member in the County, right?

19 A No, sir.

20 Q You have to have admissions or other evidence?

21 A Yes, sir.

22 Q So just because they're not on the list doesn't

23 mean they're not in a gang?

24 A That's correct.

25 Q Now, do you know Thomas Octavious Johnson?

Chris Medlin - Redirect Examination by Mr. Gibbons

1 A No, sir, I don't know him.

2 Q Are you familiar with this case at all? You
3 weren't involved in this case, were you?

4 A I was not involved in this case at all, no, sir.

5 Q Did anything in your department work tie back to
6 this case as far as victims, defendants, anything like
7 that?

8 A Just my dealings with David Maple himself and
9 Schantrika Carter. Those were just personal dealings some
10 years ago, but nothing else that I'm aware of besides the
11 names that you had asked me about -- or your office asked
12 me about and I had to check with Sargent Dobbs.

13 Q Now, Sargent Dobbs, was she available to testify
14 today?

15 A Actually, she may be able to. This is her last day
16 at work before going out on leave.

17 Q She'd be the one to come if the State had called
18 her?

19 A Yes, sir, I'm sure.

20 Q When were you asked about these names?

21 A Over a week ago.

22 Q One week ago?

23 A Week, two weeks -- in the last few weeks.

24 Q Prior to that, are you aware of any contact from
25 the sheriff's office requesting you to check names?

Chris Medlin - Recross-Examination by Ms. Young

1 A Any of these names, sir?

2 Q Yes, sir.

3 A No, sir.

4 Q Not since 2011 that you know of?

5 A No, sir.

6 Q Thank you.

7 THE COURT: Anything?

8 MS. YOUNG: Just one question, Your Honor.

9 **RECROSS-EXAMINATION**

10 BY MS. YOUNG:

11 Q Just to be clear, this case that we're here about,

12 this murder, it's not an Aiken Department of Public Safety

13 case, correct?

14 A Correct.

15 Q And you were not involved in the investigation of

16 it in any way, correct?

17 A Correct.

18 Q And you have no personal knowledge of it, isn't

19 that correct?

20 A No.

21 MS. YOUNG: No further questions.

22 THE COURT: All right. Thank you, sir, you may

23 step down.

24 THE WITNESS: Thank you, sir.

25 THE COURT: You're free to leave.