

ORIGINAL

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable George C. James, Jr., Circuit Court Judge

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S.C. SUPREME COURT

Appellate Case No. 2016-001885

Robert M. Jones, ...Respondent,

v.

State of South Carolina, ...Petitioner.

APPENDIX

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STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

STATE OF SOUTH CAROLINA

vs.

ROBERT JONES

PLAINTIFF)

DEFENDANT)

COURT OF GENERAL SESSIONS
2010-GS-23-692-695

ORIGINAL

TRANSCRIPT OF RECORD

February 7-10, 2011
Greenville, South Carolina

B E F O R E:

THE HONORABLE EDWARD W. MILLER, Judge; and a jury.

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

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Attorney for the State

LARRY COOKE, ESQ.
Attorney for the DEFENDANT

APRIL HERRON
Official Court Reporter

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1 Monday, February 7, 2011

2 THE COURT: All right, ready to go?

3 MR. MARCHANT: We are, Your Honor.

4 MR. COOKE: Defense is ready, Judge.

5 THE COURT: All right, bring the jury up here,
6 please.

7 Got any motions or anything?

8 MR. MARCHANT: I got three, Your Honor.

9 THE COURT: Okay.

10 MR. MARCHANT: Ready to hear them now?

11 THE COURT: Yeah.

12 MR. MARCHANT: Judge, I just know on this first
13 one where Mr. Cooke is going to land but we have anywhere
14 between eight and ten witnesses that are pertinent to the
15 chain of custody with some blood that was tested for some
16 DNA evidence at SLED as well as some gunshot residue. We
17 have in the course of those two exhibits, gotten every
18 single forensic tech at SLED involved in this case.

19 THE COURT: Okay.

20 MR. MARCHANT: So I cannot -- so if the State's
21 going to be required to call all of them, I can't call
22 them all on the same day because there's going to be
23 nobody down there to receive new evidence that comes in.

24 THE COURT: Okay.

25 MR. MARCHANT: It would be the State's position

1 that we don't need to call them. That we can call the
2 person that analyzed it who can testify on behalf of what
3 each individual in the chain did. We will certainly call
4 the person that took the samples. As well as the person
5 that brought the samples to court today to establish a
6 reasonable complete chain. But if the Court's going to
7 require the State to call every single person, I'd just
8 like to know now so I can make arrangements to have some
9 come up today and some come up tomorrow.

10 THE COURT: How about it, Mr. Cooke?

11 MR. COOKE: Well my position is that I would
12 like to have them here, Judge. We served a Rule 6 on him
13 asking him -- requiring him to have the chain here.
14 Because quite honestly I don't know what they have to say.
15 You know, I really don't. All I saw was the list of
16 witnesses. And don't know what they have to do with the
17 case really.

18 MR. MARCHANT: Your Honor, I reviewed my
19 discovery request from Mr. Cooke and I don't believe that
20 I received a Rule 6. So if he could point me to which
21 date he served that on me, I can certainly check my
22 records.

23 MR. COOKE: We'll, I'll sure be glad to go
24 through here. I didn't know that was a problem. It may
25 take me a minute to go through this stuff, Judge.

1 THE COURT: Okay.

2 MR. COOKE: Might have to call Tracy downstairs
3 and tell her, she might have done it by way of email.
4 Hold on, I'll look.

5 Judge, I just found this. Says, Larry wanted me
6 to email you and tell you the following. Continue with
7 the Rule and discovery previously served. I enclosed Rule
8 6 motion. I will get that to you and still await the
9 criminal history on your witnesses. It is my
10 understanding they're pictures of injuries of Crystal
11 during the attack so I'd like any copies you may be able
12 to get.

13 That was on January the 20th, 2011. That's all
14 I got.

15 MR. MARCHANT: I can't deny that email was sent,
16 I never received it. And if the Court's going to say
17 that's sufficient notice, I'm not very well going to argue
18 to much to that effect. But I never received a Rule 6
19 motion, it wasn't attached, it was never delivered to my
20 office. But if the Court's inclined to say that's
21 sufficient--

22 THE COURT: No, I think that -- I mean, you got
23 to comply with the rule, you got to have a motion, you got
24 to have affidavit of service.

25 MR. COOKE: Well, as soon as I get a hold of

1 Tracy I'll ask if she has that, all the same. I don't
2 have a copy--

3 THE COURT: Well let's get Tracy.

4 MR. COOKE: I'm trying. I got her phone number
5 here. If we can--

6 THE COURT: All right, anything else? What else
7 can we dispose of?

8 MR. MARCHANT: Your Honor, my second motion
9 would be to exclude any cross-examine or testimony in the
10 State's case with respect to any information or
11 insinuation that there's any self-defense in this case.
12 Up until the point in time the defendant sets forth and
13 establishes the four prongs of a self-defense case. I
14 would point the Court to a unpublished opinion that was
15 heard here in Greenville County in front of the Honorable
16 Judge Few, not too along ago. Where he ruled -- where he
17 ruled and the Court of Appeals affirmed his decision that
18 that information and testimony could not come in until the
19 defendant put up and provided those four elements of
20 self-defense.

21 THE COURT: You're talking about State vs.
22 Robinson?

23 MR. MARCHANT: Yes, Your Honor.

24 THE COURT: Where is your motion? Is there a
25 written motion?

1 MR. MARCHANT: No, sir, Your Honor.

2 THE COURT: So what is it you want me to rule?

3 MR. MARCHANT: Your Honor, I want you to rule
4 that there is no cross-examination allowed by the defense
5 regarding any claim of self-defense until the defense puts
6 up that testimony. That the defense cannot elicit that
7 information from the State's case in chief.

8 THE COURT: What you say, Mr. Cooke?

9 MR. COOKE: Your Honor, I got this this morning
10 and I really hadn't had a chance to do any real hard
11 thinking on it. But right offhand, it looks like to me,
12 just glancing at the case, that's not really exactly what
13 it says. There was -- there was some testimony they tried
14 to elicit on cross-examination that I probably wouldn't
15 have let in either. Unless the defendant actually knew
16 about a subject that they were getting ready to get into.
17 And so based on reading the case, just looking it over
18 briefly, it looks like they were trying to cross-examine
19 on matters that -- that the defendant had no knowledge of.
20 And that's what they are excluding, Judge.

21 I don't think that if I wanted to cross-examine
22 a witness and if she told my client something about a run
23 in she had had with -- with the deceased in this case or
24 that she had ever seen him with a gun and told Robert
25 about it, then I don't think that should be inadmissible.

1 I think that's totally admissible. It's state of mind. I
2 mean, if he knew the guy had a gun and always carried a
3 gun or knew the guy had a criminal history of domestic
4 violence, that he was under a Restraining Order, all these
5 things. If they had relayed that, this information to my
6 client, then I think that's admissible. I don't think it
7 says that none of that's admissible. I think it just
8 said -- I think one they pointed out is the part about
9 that's a dangerous neighborhood over there. I mean, I can
10 understand how they would exclude that. I don't know what
11 that has to do with him carrying a pistol around or
12 anything about killing a man. It might have had something
13 to do with carrying a pistol. But not killing the man.

14 But I don't think that's what this case says.
15 It's a unpublished opinion. And I believe that we can
16 just take it--

17 THE COURT: Yeah, I think I'm going to have to
18 see how it goes. There's no precedential value from this
19 case.

20 MR. MARCHANT: I understand that, Your Honor,
21 and I wasn't asking the Court to accept it as such. It's
22 just my argument with respect to this area.

23 THE COURT: Well I don't know anything about the
24 evidence.

25 MR. MARCHANT: Yes, sir.

1 THE COURT: So it--

2 MR. MARCHANT: Just have to cross that bridge
3 when we get to it.

4 THE COURT: Yeah.

5 MR. MARCHANT: If we get there.

6 THE COURT: Yeah.

7 MR. MARCHANT: My third motion, is to exclude
8 any prior acts or character traits of the victim. Unless
9 the defendant has personal knowledge of those incidents.
10 What Mr. Cooke, I believe, is going to allude to is that
11 it would be undisputed that the victim in this case has
12 two convictions for domestic violence. Both of those
13 convictions came against the victim, Crystal Stone.

14 THE COURT: She's a victim in this case?

15 MR. MARCHANT: No, sir, Your Honor. But she is
16 a interval part of this case. She is the mother to three
17 of the victim's children and one of the defendant's
18 children, I understand. But it would be the State's
19 position that those two convictions, one of which occurred
20 on June the 26th of 2006, the second one occurred on
21 January 27th of 2009. Those were criminal domestic
22 violence where the victim in this case, Vincent Cambell,
23 was convicted of CDV, first offense. Both of those are
24 too far removed in period of time. And that they're
25 additionally not admissible because they were not directed

1 against the defendant. And that they are, in fact, too
2 far removed from any -- anything that has to do with this
3 case as far as what the defendant's state of mind would
4 have been. He wasn't present when they occurred. I don't
5 know what his knowledge is of them. But it's the State's
6 position that he has no personal knowledge. And that
7 those cannot be brought up to attack the character of the
8 deceased in this case.

9 THE COURT: What were the dates of the
10 convictions?

11 MR. MARCHANT: June 26th of 2006, January 27th
12 of 2009.

13 THE COURT: And what's the date of the alleged
14 offense here?

15 MR. MARCHANT: March the 25th of 2009.
16 Understand, Judge, that that second one was a conviction
17 incident that occurred in August of 2008. I believe the
18 testimony is that Mr. Jones was not involved with
19 Ms. Stone in 2008 when that most recent incident occurred.

20 THE COURT: Cooke.

21 MR. COOKE: Judge, my position is that my client
22 was told about these incidents. That a lot of this case
23 has to do with not only -- not only the incidents, what
24 was in my client's mind. He was told that the victim had
25 assaulted his girlfriend, who was the victim's girlfriend

1 at that time, that there was a Restraining Order against
2 him not to come around her. That the matter had been in
3 the Family Court. That she had been awarded custody. He
4 knew all these things because they were having an on-going
5 issue with visitation. And a number of threats were made
6 to my client by the victim directly.

7 And, Your Honor, the man, we also would show at
8 some point in this case, that my client knew that the
9 victim carried a gun. And he had seen video that had been
10 shown to him of the victim actually holding a gun, along
11 with his brother. So all these things are in the mind of
12 my client when he was confronted by this victim, Judge.
13 Certainly I think whether they happened a long time ago or
14 not. Even if you look at that case that Judge Few --
15 Judge Few ruled on what you just was looking at, I think
16 he even let a conviction in that the guy had prior
17 knowledge of a 1989 murder of the victim. So he took
18 judicial notice of that. And my client, and as I say as
19 early in the game to make a decision basically, my client
20 will testify he knew about all that stuff.

21 THE COURT: Okay.

22 MR. MARCHANT: My response to what the
23 Defendant's state of mind with respect to that holding in
24 Judge Few's case was that the comment in that case was
25 made from the Defendant -- excuse me, from the victim to

1 the defendant. We don't have that situation here. We
2 have a potential girlfriend or significant other that may
3 or may not have said who knows what.

4 THE COURT: All right. Well I can't make a -- I
5 just got to hear it as it comes. So--

6 MR. MARCHANT: Well Judge, I don't want it
7 coming out. I mean, the cat's out of the bag at that
8 point in time.

9 THE COURT: You're talking about opening
10 statements?

11 MR. MARCHANT: Opening statements or
12 cross-examination of any of the State's witnesses. Much
13 less -- and I don't know how we're going to address it
14 when -- if the Defendant takes the stand but it would be
15 the State's position, and I would point the Court to State
16 v. Brown, 467 S.E.2d 922. It was a 1995 --

17 THE COURT: 467 what?

18 MR. MARCHANT: S.E.2d 922. I would point, The
19 rules has long been established in the State that other
20 specific incidents of violence on part of the deceased are
21 not admissible unless they are directed against the
22 defendant. Or if directed against others, was so closely
23 connected in point of time or occasion, with the homicide,
24 as reasonably to indicate the state of mind of the
25 deceased at the time of the homicide. Or to produce

1 reasonable apprehension of great bodily harm.

2 It's the State's position that a CDV on a third
3 party, is too far removed and is not so closely connected
4 that should be brought up to what this Defendant's state
5 of mind would be on some alleged attack or assault from
6 the State's victim on the defendant. So we're asking the
7 Court to exclude those convictions. And any discussion
8 about them.

9 THE COURT: What you got to say, Mr. Cooke?

10 MR. COOKE: Well let me just say this, Judge.
11 First of all, I object to the manner in which this has
12 been approached to begin with. According to the rules I
13 should have been served, along with the Court, with these
14 written motions. I think the rule is what, 10 days or 30
15 days before, whatever. But I'm not prepared to argue
16 these things. I haven't read the Brown case, I don't know
17 what his third motion is, I have no idea. So here we are
18 trying to guess at what's going on here with these cases.
19 I don't know anything about them. But any in case, Judge,
20 I still say that my client's state of mind, at what he
21 knew about this man is very important to self-defense.
22 And I think I have a right to explore that.

23 THE COURT: That's my general position as well.
24 We're going to do some research on propensity evidence,
25 which is what you're talking about. All right.

1 MR. MARCHANT: Yes, sir, Your Honor.

2 THE COURT: So you're not going to -- well let's
3 get this jury picked. Okay. We got a small panel, let's
4 get them picked. Do you have any voir dire?

5 MR. MARCHANT: No, sir, Your Honor.

6 MR. COOKE: None.

7 THE COURT: All right. Okay.

8 Let's get them up here, Mary.

9 MR. COOKE: By the way, just for the record,
10 Judge, my client -- not my client but my investigator
11 tells me that the motion, although it was emailed, the
12 motion itself, along with the affidavit of service, was
13 never sent to Mr. Marchant. And all I have in my
14 possession is a email.

15 THE COURT: Well I'm not sure that can fly as
16 service under the rules. What's the date of the email?

17 MR. COOKE: Judge, the email was sent, according
18 to her, a copy to me was sent January 20th, 2011 at 12:57
19 p.m.

20 THE COURT: Well, what do you hope to gain by
21 requiring the presence of all these people?

22 MR. COOKE: You know, I don't even know. I
23 don't know until I hear them testify. I have no idea what
24 I might ask them. I really don't. I mean, there's so
25 many in the chain, I really couldn't tell you, Judge.

1 MR. MARCHANT: I mean, Judge, this issue is upon
2 us all the time. Any time there's something that's
3 expugnable nature. I, of course, can't tell the Court
4 exactly what they would say but A is going to say they
5 signed for it, B picked it up, B took it to C. C tested
6 it. Went to D, back to E, got brought to court today. I
7 just don't see the need for it. It's the State's position
8 is there's nothing to be gained out of questioning the
9 chain of custody. The forensic analysis of it, for the
10 DNA as well as the GSR, both of those experts will be
11 here, will be offered up as experts and he can certainly
12 cross-examine them with respect to how the material is
13 handled at SLED. Detective Garrison is the one that took
14 the evidence to SLED. He's here and he's available. I
15 just don't see a need--

16 THE COURT: All he's asking for is the people
17 down there at SLED that moved it around.

18 MR. MARCHANT: That's what I'm asking is that we
19 be allowed not to have to call them. It's a waste of
20 resources and time of the court.

21 THE COURT: I'm not inclined to require the
22 presence of those people, Mr. Cooke.

23 MR. COOKE: Can we just see how it goes is what
24 I'm saying. We might get to a point where one of them
25 might be relevant, then you can rule at that time.

1 THE COURT: Well--

2 MR. MARCHANT: Judge--

3 MR. COOKE: Judge, I --

4 MR. MARCHANT: Some have a long drive. Some of
5 them are only available this afternoon. One of them is
6 going out for cataract surgery tomorrow. If I got to call
7 her, I need to know right now.

8 THE COURT: Well who is she?

9 MR. MARCHANT: It's Patricia Crooks.

10 THE COURT: And what is her role in this?

11 MR. MARCHANT: Judge, on April 15th of 2009,
12 Investigator Garrison dropped the evidence off at SLED.
13 It was dropped off with forensic tech, Amy Stevens.
14 Stevens gave it to Ms. Crooks for storage. It then went
15 to Ms. McReynolds who then took it to Ms. Simmons. And
16 Ms. Simmons is the one that did the analysis on it. So
17 she is a in between--

18 THE COURT: Clerk in the evidence room?

19 MR. MARCHANT: Yes, sir, Your Honor.

20 THE COURT: Mr. Cooke, I'm not inclined to make
21 that person come up here unless you can show me some...

22 All right, I'm not going to require that. You got...

23 MR. MARCHANT: I got six of those chain
24 witnesses, Judge.

25 THE COURT: And they're all internal clerical

1 staff at SLED?

2 MR. MARCHANT: Yes, Your Honor. The two that
3 did the analysis will be here tomorrow.

4 THE COURT: Okay.

5 MR. MARCHANT: But I caution the Court that if
6 there is some change tomorrow, then that's going to put us
7 back to tomorrow afternoon or possibly into Wednesday of
8 bringing one of these chain of custody people. I just
9 wanted the Court to be aware--

10 THE COURT: I'm not going to make you --

11 MR. MARCHANT: Thank you, Judge.

12 THE COURT: -- come up here, bring these
13 clerical people who simply transported it inside the
14 office at SLED. Is that who those people are?

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

16 THE COURT: Okay. Absent some --

17 I mean, if you can show they got a criminal
18 conviction for tampering with evidence, Mr. Cooke, I would
19 sure entertain your motion at that time.

20 MR. COOKE: Well as long as I'm open to be able
21 to do that, yes, sir.

22 THE COURT: Yeah.

23 MR. COOKE: That will be fine.

24 THE COURT: All right, anything else?

25 MR. MARCHANT: Nothing further, Your Honor.

1 THE COURT: Okay. I think you said three.

2 MR. MARCHANT: There was the chain of custody,
3 there was the motion to keep out any examination on
4 self-defense until the Defendant testifies, then there's
5 the prior convictions.

6 THE COURT: Well, I just can't imagine -- if
7 it's relevant and competent, this State has always allowed
8 wide-ranging cross-examination. So I'm not going to let
9 him go ask him about the moon shot but if it's relevant
10 and competent to the issues in this case, then I don't
11 know why it's -- why it would be off limits.

12 MR. MARCHANT: Yes, sir, thank you.

13 THE COURT: All right, let's get this jury
14 picked. Is there a statement in the case? No
15 Jackson v. Denno issues?

16 MR. MARCHANT: Investigator Garrison did
17 interview the Defendant but frankly, Judge, we don't
18 intend to put that statement in.

19 THE COURT: Okay.

20 MR. MARCHANT: So -- I may decide to cross that
21 bridge at a later time.

22 THE COURT: All right. Okay.

23 Anything else from you, Mr. Cooke?

24 MR. COOKE: Nothing, Judge.

25 THE COURT: All right. Got three Indictments,

1 right, Mr. Cooke? Four Indictments.

2 MR. COOKE: Gun, intent to kill, murder.

3 MR. MARCHANT: Possession of a weapon during the
4 commission of a violent crime.

5 THE COURT: Possession of a pistol by person
6 under 18?

7 MR. MARCHANT: Yes, sir.

8 THE COURT: Murder. Possession of a weapon
9 during the commission of a crime. Assault and battery
10 with intent to kill. And your client, Robert Mondriques?
11 Okay.

12 MR. MARCHANT: Your Honor, may I inquire of the
13 Court when you may take a lunch break so I can schedule my
14 witnesses this morning?

15 THE COURT: Well --

16 MR. MARCHANT: I didn't know if we were going to
17 open and come back.

18 THE COURT: What do you want to do, Cooke?

19 MR. COOKE: Let's just start fresh after lunch.

20 THE COURT: You want to pick the jury and quit?

21 MR. COOKE: I'll do whatever you want to do,
22 Judge.

23 THE COURT: I mean, y'all aren't going to talk
24 about five minutes for opening statements right?

25 MR. COOKE: About it.

1 MR. MARCHANT: It will be brief, Your Honor.

2 THE COURT: Yeah, let's just get those out of
3 the way.

4 MR. COOKE: That's fine with me.

5 THE COURT: Okay.

6 MR. COOKE: Thank you.

7 THE COURT: All right, ladies and gentlemen of
8 the jury, welcome to courtroom four. As I told you, we
9 are handling a term -- I am handling a term of General
10 Sessions Court Criminal Court. And we are up here, of
11 course, to qualify you all to serve in this particular
12 case. I'm going to introduce the case to you at this
13 time. I will tell you that there are four Indictments in
14 this case. The first Indictment is Indictment number
15 2010-693, it is for murder. It alleges that Robert
16 Mondriques Jones, did in Greenville County on or about
17 March 25th of 2009, unlawfully and with malice
18 aforethought, killed Vincent Campbell by means of shooting
19 him. And that Vincent Campbell died as a approximate
20 result thereof.

21 The next Indictment 2010-694, it is an
22 Indictment for possession of a weapon during the
23 commission of a violent crime. This Indictment alleges
24 that Robert Mondriques Jones, did in Greenville County on
25 or about the 25th day of March, 2009, possess or visibly

1 display a handgun during the commission or attempted
2 commission of a violent crime. That is murder and or
3 assault and battery with intent to kill.

4 The next Indictment is 2010-695 and it is an
5 Indictment for assault and battery with intent to kill.
6 It alleges that Robert Mondriques Jones, did in Greenville
7 County on or about March 25th, of 2009, willfully and
8 unlawfully and with malice aforethought, either expressed
9 or implied, commit an assault and battery upon K [REDACTED]
10 C [REDACTED].

11 And the last Indictment is 2010-692. And this
12 is for possession of a pistol by a person under 18 years
13 of age. It alleges that Robert Mondriques Jones did in
14 Greenville County on or about the 25th day of March, 2009,
15 while at [REDACTED] Vardry Street, Greenville, South Carolina,
16 willfully and unlawfully have in his possession and under
17 his control, the defendant -- the said Mr. Jones, being
18 under the age of 18, in violation of the statutes and laws
19 of The State of South Carolina.

20 Now, ladies and gentlemen, to these Indictments
21 Mr. Jones has pled not guilty. And as such certain rights
22 attach to him which belong to all citizens of this
23 country. And that is that any person who is charged with
24 a crime is presumed to be innocent unless and until The
25 State, who is the charging body, can prove in the minds of

1 all 12 jurors, beyond any reasonable doubt, each and every
2 element of the offense or offenses with which a person is
3 charged. Please keep that in mind that the burden is
4 always on the State, that the standard of proof is beyond
5 a reasonable doubt. And that any person charged with a
6 crime is presumed innocent unless and until the State has
7 met its burden.

8 Now, ladies and gentlemen, before we go any
9 further and I begin the qualification process for this
10 case, I'm going to ask the attorneys to stand and
11 introduce themselves and their client.

12 Mr. Marchant.

13 MR. MARCHANT: May it please the Court.

14 THE COURT: Yes, sir.

15 MR. MARCHANT: Good afternoon, ladies and
16 gentlemen. My name is Lucas Marchant. I'm a prosecutor
17 here in Greenville County. Present at the table with me
18 is Wendy Stolzenbach, she's my investigator. This is
19 Detective David Garrison, he's the lead investigator on
20 this case.

21 THE COURT: All right, thank you, sir.

22 MR. COOKE: Good morning, my name is Larry
23 Cooke, I represent Robert Jones who is seated over here
24 beside me.

25 Stand up, Robert.

1 I'm from Greenville and Robert's from Duncan.

2 Thank you, very much.

3 THE COURT: All right, ladies and gentlemen, is
4 there any member of the jury panel who is related by blood
5 or marriage or who has a business, personal or social
6 relationship with any of the attorneys involved in this
7 case or any member of the 13th Circuit Solicitor's Office?
8 If so, please stand.

9 There was no response.

10 Is there any member of the jury panel who is
11 related by blood or marriage or who has a business,
12 personal or social relationship with Mr. Robert Mondriques
13 Jones or Mr. Ke [REDACTED] Ca [REDACTED] or Mr. Vincent Campbell? If
14 so, please stand.

15 There was no response.

16 All right, ladies and gentlemen, I'm going to
17 read a list of potential witnesses. These are potential
18 witnesses who may be called in this case. Please listen
19 carefully. And I'm going to want to know the same
20 information about these people.

21 Detective David Garrison with the Greenville
22 Police Department, Corporal Doyle Burdette with the
23 Greenville Police Department, Donald Stone, Amy Stephens
24 with SLED, Sheree Brown with SLED, Adrienne Hefney with
25 SLED. And SLED is the State Law Enforcement Division.

1 Jennifer Stainbrook with SLED, Selena Kinard with SLED,
2 Patricia Crooks with SLED, Lisa McReynolds with SLED, Ila
3 Simmons with SLED, Roberto DeShannon Williams, Detective
4 Tim Conroy with the Greenville Police Department,
5 Detective Collis Flavell with the Greenville Police
6 Department. Detective Brad Lusk with the Greenville
7 Police Department, Detective Rebecca Lindler with the
8 Greenville Police Department, Crystal Stone, Sharon Hamby,
9 Brianna Hawkins, Jeffery Smith, Jon Derby with Greenville
10 County Forensics, Lieutenant Mike Petersen with Greenville
11 County forensics, Sergeant Dar Shaw with Greenville County
12 Forensics, Caleb Gamble with Greenville County Forensics,
13 Kara Bennick with Greenville County Department of Public
14 Safety, Tabitha Fricks with Greenville County Department
15 of Public Safety, Bill Cromer with the Greenville County
16 Department of Public Safety, Dr. Michael Ward, Chief
17 Medical Examiner, James Armstrong with the Greenville
18 County Department of Public Safety, Laquita Campbell,
19 Jeffery Neeves Smith, Deputy C. Horrell, Deputy E.B.
20 McKaig, Deputy Wyatt, Deputy Garrett, Deputy Porter,
21 Deputy Currens, Crystal Stone -- I may repeat some names.

22 Frances Hamby, Debra Jones, Latisha Jones,
23 Sharon Frances Hamby, Deshannon Williams, Robert Williams,
24 Jennifer Abbott, Dr. William C. Donaldson, Terrell W.
25 Sullivan, Deborah Ghent, Demetrius Jones, Judge Leila

1 Foster.

2 Is there any member of the jury panel who is
3 related by blood or marriage or who has a business,
4 personal or social relationship with any of those
5 potential witnesses whose names I have just read? If so,
6 please stand.

7 There was no response.

8 Okay, is there any member of the jury panel who
9 has any knowledge about the events that are alleged in
10 these Indictments? If so, please stand.

11 There was no response.

12 Is there any member of the jury panel or a
13 family member or a close, personal friend who has ever
14 been a victim of or charged with this type of offense? If
15 so, please stand.

16 There was no response.

17 Is there any member of the jury panel who is--

18 Okay, yes, sir, your name, sir? Could you just
19 give me your juror number, please?

20 PROSPECTIVE JUROR: Five.

21 THE COURT: All right, yes, sir.

22 PROSPECTIVE JUROR: Yeah, I had a family member
23 that murder.

24 THE COURT: Who was a victim?

25 PROSPECTIVE JUROR: No, he did the crime.

1 THE COURT: Okay. All right. How long ago was
2 that?

3 PROSPECTIVE JUROR: Well it was about 30 years
4 and he's still doing -- still doing time.

5 THE COURT: Would the fact that you have a
6 family member who was in that position, limit your ability
7 to be fair and impartial to both the State and the
8 defendant in this case?

9 PROSPECTIVE JUROR: No, it wouldn't.

10 THE COURT: All right, could you listen to the
11 evidence with a fair and impartial mind and apply the law
12 as I would give it to you?

13 PROSPECTIVE JUROR: Yes, sir.

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

16 Is there any member of the jury panel who is
17 aware of any bias or prejudice towards either the State or
18 the defendant? If so, please stand.

19 There was no response.

20 Is there any member of the jury panel who is a
21 member of or contributor to a group whose primary concern
22 is the promotion of law enforcement or victims rights?
23 Some of them similar to MADD, SADD or CADE. If so, please
24 stand.

25 There was no response.

1 Is there any member of the jury panel who knows
2 of any reason whatsoever why you should not serve in this
3 case with the particular inferences upon your ability to
4 be fair and impartial? If so, please stand.

5 There was no response.

6 Okay.

7 PROSPECTIVE JUROR: Your Honor.

8 THE COURT: Yes, sir, your name, sir.

9 PROSPECTIVE JUROR: Anthony Kozakiewicz.

10 THE COURT: Your number?

11 PROSPECTIVE JUROR: 86, Your Honor.

12 THE COURT: All right.

13 PROSPECTIVE JUROR: I would be remised if I
14 didn't mention that somebody sitting out in the hallway
15 looked familiar to me. I might have had at some point a
16 working relationship with the person but I don't remember
17 her name or.

18 THE COURT: Well --

19 PROSPECTIVE JUROR: She's sitting out there.

20 THE COURT: Okay. Well, sir, you know, I don't
21 even know if they're involved in this case. So --

22 PROSPECTIVE JUROR: I just wanted to say, put it
23 out there just in case so it won't bother me later on or
24 something.

25 THE COURT: All right. If it turns out that

1 that person might be a witness in this case, that that
2 would limit your ability to be fair and impartial?

3 PROSPECTIVE JUROR: Absolutely not.

4 THE COURT: Could you follow the law as I would
5 give it to you under your oath?

6 PROSPECTIVE JUROR: Yes, sir.

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

8 All right, anything else from the State?

9 MR. MARCHANT: None, from the State, Your Honor.

10 THE COURT: Anything from the defense?

11 MR. COOKE: None, Judge.

12 THE COURT: All right, thank you.

13 MR. MARCHANT: Actually, Judge, there's one
14 thing, can Mr. Cooke and I approach?

15 THE COURT: All right.

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

19 THE COURT: When your name is called, please
20 stand in place, you will be given instructions.

21 THE CLERK: Juror 158, Tracey Williams.

22 (Tracey Williams, a black male, came forward.)

23 What says the State?

24 MR. MARCHANT: Please present the juror.

25 THE CLERK: Thank you.

1 What says the defendant?

2 MR. COOKE: Please swear the gentleman.

3 THE CLERK: Sir, please come have a seat in the
4 jury box.

5 Juror 38, Lara Disher.

6 (Lara Disher, a white female, came forward.)

7 What says the State?

8 MR. MARCHANT: Please present the juror.

9 THE CLERK: What says the Defendant?

10 MR. COOKE: Swear the gentleman, please.

11 THE COURT: Come around, ma'am.

12 MR. COOKE: Oh, I'm sorry, I was looking at --
13 excuse me.

14 THE CLERK: Juror 151, Judith Upchurch.

15 (Judith Upchurch, a white female, came forward.)

16 What says the State?

17 MR. MARCHANT: Please present the juror.

18 THE CLERK: What says the Defendant?

19 MR. COOKE: What number is that, I'm sorry?

20 THE CLERK: 151.

21 MR. COOKE: Thank you. Please excuse the lady
22 in this case.

23 THE CLERK: All right, you may be seated, you
24 have been excused in the case.

25 Juror 54, Susan Garrett.

1 (Susan Garrett, a white female, came forward.)

2 What says the State?

3 MR. MARCHANT: Please present the juror.

4 THE CLERK: What says the Defendant?

5 MR. COOKE: Excuse the lady in this case,
6 please.

7 THE CLERK: All right, you may be seated, you
8 have been excused in this case.

9 Juror 173, Phillip Mcabee.

10 (Phillip Mcabee, a white male, came forward.)

11 What says the State?

12 MR. MARCHANT: Please present the juror.

13 What says the defendant?

14 MR. COOKE: Excuse the gentleman in this case,
15 please.

16 THE COURT: All right, you may be seated, you
17 have been excuse in this case.

18 Juror 124, Sandra Rundberg.

19 (Sandra Rundberg, a white female, came forward.)

20 What says the State?

21 MR. MARCHANT: Please present the juror.

22 THE CLERK: What says the Defendant?

23 MR. COOKE: Excuse the lady in this case,
24 please.

25 THE CLERK: All right, you may be seated, you

1 have been excused in this case.

2 Juror 93, John Marshbanks.

3 (John Marshbanks, a white male, came forward.)

4 What says the State?

5 MR. MARCHANT: Please present the juror.

6 THE CLERK: What says the Defendant?

7 MR. COOKE: Judge, I don't seem to have that
8 one, could you just ask the gentleman?

9 THE COURT: Mr. Cooke, we've already been
10 through that process.

11 MR. COOKE: Well I know, somehow I'm missing
12 that one. Swear the gentleman.

13 THE CLERK: Sir, please come have a seat in the
14 jury box.

15 Juror 170, Danny Lee.

16 (Danny Lee, a white male, came forward.)

17 What says the State?

18 MR. MARCHANT: Please present the juror.

19 THE CLERK: What says the defendant?

20 MR. COOKE: Excuse the gentleman in this case,
21 please.

22 THE CLERK: All right, you may be seated, you've
23 been excused in this case.

24 Juror 122, Joseph Rodd.

25 (Joseph Rodd, a white male, came forward.)

1 What says the State?

2 MR. MARCHANT: Please present the juror.

3 THE CLERK: What says the Defendant?

4 MR. COOKE: Swear the gentleman, please.

5 THE CLERK: Sir, please come have a seat in the
6 jury box.

7 Juror 81, Brian Kadien.

8 (Brian Kadien, a white male, came forward.)

9 What says the State?

10 MR. MARCHANT: Please present the juror.

11 THE CLERK: What says the Defendant?

12 MR. COOKE: Excuse the gentleman in this case,
13 please.

14 THE CLERK: You may be seated, you've been
15 excused from this case.

16 Juror 77, Jane Johnson.

17 (Jane Johnson, a white female, came forward.)

18 What says the State?

19 MR. MARCHANT: Please present the juror.

20 THE CLERK: What says the Defendant?

21 MR. COOKE: Swear the lady.

22 THE CLERK: Ma'am, please bring your things and
23 have a seat in the jury box.

24 Juror 47, Deborah Fisher.

25 (Deborah Fisher, a white female, came forward.)

1 What says the State?

2 MR. MARCHANT: Please excuse the juror from the
3 trial of this case.

4 THE CLERK: All right, ma'am, you may be seated,
5 you have been excused from this case.

6 Juror 45, Tariq Faison.

7 (Tariq Faison, a black male, came forward.)

8 What says the State?

9 MR. MARCHANT: Please excuse the juror from the
10 trial of this case.

11 THE CLERK: All right sir, you may be seated,
12 you have been excused from this case.

13 Juror 171, Ella Mae Levan.

14 (Ella Mae Levan, a black female, came forward.)

15 What says the State?

16 MR. MARCHANT: Please excuse the jury from the
17 trial of this case.

18 THE COURT: All right, you may be seated, you
19 have been excused in this case.

20 Juror 101, Stephen Means.

21 (Stephen Means, a black male, came forward.)

22 What says the State?

23 MR. MARCHANT: Please present the juror.

24 THE CLERK: What says the defendant?

25 MR. COOKE: Swear the gentleman, please.

1 THE CLERK: Sir, please come have a seat in the
2 jury box.

3 Juror 176, Desray Williams.

4 (Desray Williams, a black female, came forward.)
5 What says the State?

6 MR. MARCHANT: Please present the juror.

7 THE CLERK: What says the Defendant?

8 MR. COOKE: Swear the lady, please.

9 THE CLERK: Ma'am, please come have a seat in
10 the jury box.

11 Juror 30, Cynthia Coleman.

12 (Cynthia Coleman, a white female, came forward.)
13 What says the State?

14 MR. MARCHANT: Please present the juror.

15 THE CLERK: What says the Defendant?

16 MR. COOKE: Please swear the lady, please.

17 THE CLERK: Ma'am, please come have a seat in
18 the jury box.

19 Juror number 7, Sandra Barrett.

20 (Sandra Barrett, a white female, came forward.)
21 What says the State?

22 MR. MARCHANT: Please present the juror.

23 THE CLERK: What says the Defendant?

24 MR. COOKE: Please excuse the lady in this case.

25 THE CLERK: All right, ma'am, you may be seated,

1 you have been excused from this case.

2 Juror 169, Celestine Kyabasinga.

3 (Celestine Kyabasinga, a black female, came
4 forward.)

5 What says the State?

6 MR. MARCHANT: Please excuse the juror from the
7 trial of this case.

8 THE CLERK: All right, ma'am, you may be seated,
9 you have been excused from this case.

10 Juror 16, Annie Blassingame.

11 (Annie Blassingame, a black female, came
12 forward.)

13 What says the State?

14 MR. MARCHANT: Please excuse the juror from the
15 trial of this case.

16 THE CLERK: All right, ma'am, you have been
17 excused from this case.

18 Juror 110, Tracy Nance.

19 (Tracy Nance, a white female, came forward.)

20 What says the State?

21 MR. MARCHANT: Please present the juror.

22 THE CLERK: What says the Defendant?

23 MR. COOKE: Excuse the lady in this case.

24 THE CLERK: All right, ma'am, you may be seated,
25 you have been excused from this case.

1 Juror 133, Evalynn Sloan.

2 (Evalynn Sloan, a white female, came forward.)

3 What says the State?

4 MR. MARCHANT: Please present the juror.

5 THE CLERK: What says the Defendant?

6 MR. COOKE: Swear the lady, please.

7 THE CLERK: Ma'am, please come have a seat in
8 the jury box.

9 Juror 60, Evelyn Green.

10 (Evelyn Green, a black female, came forward.)

11 What says the State?

12 MR. COOKE: What was that number?

13 THE CLERK: Sixty.

14 What says the State?

15 MR. MARCHANT: Please present the juror.

16 THE CLERK: What says the Defendant?

17 MR. COOKE: Swear the lady, please.

18 THE CLERK: Ma'am, please, come have a seat in
19 the jury box.

20 Juror 155, Kent Whitfield.

21 (Kent Whitfield, a black male, came forward.)

22 What says the State?

23 MR. MARCHANT: Please present the juror.

24 THE CLERK: What says the Defendant?

25 MR. COOKE: Swear the gentleman.

1 THE CLERK: Sir, please, have a seat in the jury
2 box.

3 Juror 160, Adam Wood.

4 (Adam Wood, a white male, came forward.)

5 What says the State?

6 MR. MARCHANT: Please present the juror.

7 THE CLERK: What says Defendant?

8 MR. COOKE: Swear the gentleman, please.

9 THE CLERK: Sir, please come have a seat in the
10 jury box.

11 THE COURT: All right, two alternates, one and
12 two.

13 THE CLERK: Alternate number 1, juror number 5,
14 Barry Barclift.

15 (Barry Barclift, a black male, came forward.)

16 What says the State?

17 MR. MARCHANT: Please excuse the juror from the
18 trial of this case.

19 THE CLERK: All right, sir, you may be seated,
20 you have been excused from this case.

21 Number 111, Karen Nionquit.

22 (Karen Nionquit, a white female, came forward.)

23 What says the State?

24 MR. MARCHANT: Please present the juror.

25 THE CLERK: What says the defendant?

1 MR. COOKE: Excuse the lady in this case.

2 THE CLERK: Thank you, please be seated, ma'am,
3 you have been excused from this case.

4 Juror 53, Roberto Garcia.

5 (Roberto Garcia, a Hispanic male, came forward.)

6 MR. MARCHANT: Please present the juror.

7 THE CLERK: What says the defendant?

8 MR. COOKE: Swear Mr. Garcia, please.

9 THE CLERK: Sir, please come have a seat in the
10 jury box.

11 Juror number 167, Rodney England.

12 (Rodney England, a white male, came forward.)

13 What says the State?

14 MR. MARCHANT: Please present the juror.

15 THE CLERK: What says the defendant?

16 MR. COOKE: Swear Mr. England.

17 THE CLERK: Sir, please have a seat in the jury
18 box.

19 THE COURT: All right, let me ask the lawyers to
20 step up here for just a minute, please.

21 (WHEREUPON, a bench conference was held in the
22 presence of the jury but out of the hearing of
23 the jury.)

24 THE COURT: All right, ladies and gentlemen, two
25 groups. This group, this group. One of thinks you won

1 the lottery, one of you thinks you lost the lottery. I
2 have an idea at this point which group thinks what, but I
3 want to tell you that in my opinion, the folks who were
4 selected are the wons who have one the lottery. But
5 having said that, with the exception of Ms. Manta, I would
6 excuse you all at this time.

7 Mary, do they go back downstairs?

8 THE CLERK: Yes, sir.

9 THE COURT: Please return to the Jury Assembly
10 Room and they will tell you what to do.

11 Ms. Manta, please remain in the courtroom.

12 (WHEREUPON, the jury venire was excused.)

13 THE COURT: Ms. Manta, if you'd just have a
14 seat, ma'am, I'll get with you in just a second.

15 Ladies and gentlemen, I sincerely believe you
16 are the fortunate ones here. You get an opportunity to
17 participate in our system of justice. It's a great
18 privilege and it is a great responsibility. And I know
19 that you all will take it seriously and do an excellent
20 job as jurors. As I've alluded to before, there's a
21 dispute as to the facts in this case which can't be
22 resolved in any other fashion other than to ask a jury to
23 sit and listen to the evidence presented in this courtroom
24 and to apply the law as it will be given to you and render
25 a fair and just decision in this case. A fair and just

1 verdict.

2 I want to tell you that they're just a few
3 things. One, I want to emphasize the fact that in every
4 case in which a citizen or anyone is charged with an
5 offense in this country, that person is presumed to be
6 innocent unless and until The State or the charging body,
7 who has made the allegations can prove those allegations
8 beyond any reasonable doubt. That is each and every
9 element of each offense that a person is charged with. So
10 keep that in mind throughout the course of these
11 proceedings.

12 I would also tell you that the Indictments that
13 I read to you are not evidence. And you all shouldn't
14 take any inference or make any presumption from the fact
15 that this piece of paper have those words contained on it.
16 Because that's all it is. It is just a piece of paper
17 which allows this case to wind its way through the system,
18 to arrive here in court for disposition. And for a
19 resolution based on the decision of the jury. So please
20 don't -- please keep that in mind as well.

21 I'm just going to make some brief comments to
22 you. You can divide a trial into as many parts as you'd
23 like but for our purposes I divide it into five parts.
24 And this gives you a little bit of a road map as to where
25 we are procedurally in the case. The first part, I guess

1 we're sort of engaged in now but we're going to engage in
2 after lunch, and that is going to be the opening
3 statements to you. Those will be the opening statements
4 by the attorneys. They're brief and they're
5 non-argumentative. The second part of the trial is the
6 meat and potatoes of every case. And that is the
7 presentation of the testimony and the evidence in the
8 case. And evidence may be brought to you in, generally,
9 one of three ways. The first one is what we all commonly
10 think of and that is the testimony of a witness from the
11 witness stand who's been placed -- a witness who has been
12 placed under oath. The second way is commonly through
13 documents or tangible items which are introduced as
14 evidence. And then the third way would be by of
15 stipulation of the attorneys or the parties that a certain
16 fact is beyond dispute and you should take it as true.

17 Now, I don't know how the evidence will be
18 presented to you in this case but those are generally the
19 ways that evidence is produced to a jury. So that's the
20 biggest part of the case is presentation of the evidence.
21 The third part of the trial is when the lawyers, at the
22 close of the evidence get up and make their closing
23 arguments to you. When they advocate their position and
24 they argue from the evidence and the law why you should
25 resolve the dispute in their favor. The fourth part of

1 the trial will be when I give you the law of the case.
2 The law as it applies to the case. Then the fifth part of
3 the trial will be when you all retire to the jury room to
4 deliberate and resolve the dispute.

5 So that's a road map, the parts are not of equal
6 length. And as you can imagine, generally the second
7 part, the evidence and the testimony is the longest part
8 of the trial. I'll ask you to do probably lots of things
9 throughout the course of the trial. They're three main
10 things I ask you to do. And the first is to keep an open
11 mind. Don't come in here with a pre-disposition about how
12 this case ought to be decided. One way or another.
13 That's why we ask all those questions. Why we go through
14 all the things about can you be fair and impartial.
15 Because that is exactly what we want is a fair and
16 impartial jury. To listen to the evidence, listen to the
17 law and judge this case on its merits without any sort of
18 bias or prejudice. That's the first thing I ask you to
19 do.

20 The second thing I ask you to do is pay
21 attention. It's very easy and I'm terribly guilty of
22 this, is to daydream and just not pay attention. Well
23 this job that you all have is very, very important. And
24 if you daydream, or drift off, and miss some piece of
25 evidence that's presented, you may find yourself at a

1 terrible disadvantage in your deliberations at the end of
2 the case. So I ask you to keep your minds open and to pay
3 attention to the evidence as it's presented. And to all
4 the other instructions that may come to you during the
5 course of this trial.

6 Finally, very importantly, do not discuss the
7 case with anyone. Until you are free to do so in your
8 deliberations. That means don't talk about it with the
9 bailiffs when you're going back and forth to the jury
10 room. Don't talk about it when we break for lunch, when
11 you go eat with a family member or friend or just a
12 stranger on the street. Don't go do internet research.
13 Don't talk to anybody about this case. And I alluded to
14 this downstairs, the reason for that is the only thing
15 that you should base your decision on in this case is what
16 you hear and see in this courtroom. Which are subject to
17 Constitutional protections that belong to all of us. So
18 make sure that what you base your decision on in this case
19 comes out of this courtroom. Don't even talk about it
20 with each other. Until you're free to deliberate. Okay.

21 I will tell you that you all are the sole judges
22 of the facts in the case. And you all determine what is
23 true and what is not true. Who to believe and who not to
24 believe. It's entirely up to you. The law does not allow
25 a Trial Judge to have an opinion about the facts. So

1 during the course of the trial, don't think by anything I
2 may say or do that I have an opinion. Because I do not
3 and the law does not allow it. That same law makes me the
4 sole judge of the law in this case. So if you think -- if
5 you have any idea as to what you think this law should be
6 or is and it disagrees with what I tell you the law is
7 throughout the course of the trial, then you're going to
8 swear an oath to set that aside and apply the law
9 precisely as I state it to you throughout the course of
10 the trial.

11 Now, from time to time, as you saw I asked the
12 lawyers to come up and speak to me privately, there may be
13 times when I have to excuse you all from the courtroom to
14 handle matters outside of your presence. I will tell you
15 that we are trying to keep something from you but we are
16 not trying to deceive you. We are probably talking about
17 matters of law or we may have to discuss a fact that's in
18 issue. And it would not be appropriate for you all to
19 here that if, for instance, we determine that that fact
20 should not be introduced. So please understand that we
21 are not doing anything except trying to protect the
22 sanctity of this case and the facts in this case.

23 I'm going to excuse you all to go to lunch. I'm
24 going to ask you to be back -- they're going to show you
25 your jury room and they're going to -- I'll ask you to be

1 back at 2:30. We have some other matters that we need to
2 take up and resolve outside your presence. And so you all
3 be back at 2:30 and we will proceed with the case. Thank
4 you, very much.

5 (WHEREUPON, the jury left open court at
6 approximately 12:50 p.m.)

7 THE COURT: All right, Ms. Manta, I've asked you
8 to remain behind. You refused to take the oath this
9 morning when we were doing the qualification process and
10 told me that you're a Jehovah's Witness. I understand
11 that you folks in your position don't feel like you can
12 judge anyone. Well that's fine and dandy but, ma'am, I'm
13 going to require that you attend this trial, throughout
14 the course of the trial, just as if you were sitting on
15 the jury. So you will, please, I'm going to allow you to
16 go to lunch. Be back in the courtroom at 2:30. Thank you
17 very much.

18 All right. All right. Exceptions or objections
19 to the jury as impaneled pursuant to Batson or Jebb?

20 MR. MARCHANT: None from State, Your Honor.

21 MR. COOKE: Yes, sir, I do. I move to quash the
22 12 folks, the jury panel that we selected. On the basis,
23 Judge, that all the jurors were qualified. They all met
24 the qualifications required of the statute of the State to
25 serve as jurors. Judge, I would say that the Solicitor

1 striking the five, he had seven strikes, he had five, he
2 had five and two. He used four--

3 THE COURT: He had five to one.

4 MR. COOKE: Five to one, excuse me. He used
5 four strikes of his five to strike four black people. On
6 the alternate, the first one was black and he struck the
7 black person. I say, Your Honor, clearly there's a
8 systematic pattern here of discrimination by doing that.
9 I mean, that's just inconceivable that you can use that
10 many strikes on blacks when they were all qualified.

11 THE COURT: Well they were qualified to serve
12 under the law as jurors. They weren't -- but so the
13 record is clear, the defendant in this case is an African
14 American. The first juror taken was an African American.
15 Then the fourteenth, fifteenth jurors were also African
16 American's, they were struck by the State. The 20th and
17 21st jurors were also African American's, who were struck
18 by the State. I find that there is a prima facia showing
19 and I'd ask the State to respond.

20 MR. MARCHANT: Certainly. May it please the
21 Court. If the Court would take notice that of the 12
22 jurors that are seated...

23 THE COURT: Well, okay, yeah, I would also note
24 that juror number, that the 16th juror, and just so we're
25 clear on the record, the first juror taken was number 158.

1 Then the 16th juror, number 101, was also African
2 American. And the 17th juror, whose number was 176, is
3 also African American. That was after two strikes
4 exercised by the State. Okay. Then I would also note
5 that number, the jurors who were struck who were African
6 American, by the State, number 45, who was the 14th juror,
7 number 171, who was the 15th. Then number 101 was the
8 16th, was accepted. Number 176, the 17th juror was
9 accepted. Juror 169, who was the 20th who was struck by
10 the State, African American. Juror number 16 was the 21st
11 juror called and they were struck by the State, African
12 American. Then number 60 was the 24th juror called,
13 African American, accepted. Juror number 155, 25th juror
14 called, African American, was accepted.

15 And I would note that the State used their fifth
16 strike on the 21st juror who was struck by the State and
17 that was juror number 16. So there were two accepted
18 after the State had done their -- used their strikes.
19 Then with respect to the alternates, juror number 5, who
20 was the first alternate called, was African American and
21 was struck. Okay.

22 Race/neutral reasons, Mr. Marchant.

23 MR. MARCHANT: May it please the Court. With
24 respect to juror number 45, Mr. Faison--

25 THE COURT: Let's just use numbers, okay.

1 MR. MARCHANT: With respect to number 45.

2 THE COURT: All right.

3 MR. MARCHANT: His employment is in the wait
4 staff business. I -- The State, particularly myself, does
5 not like to seat jurors that are in the wait service
6 industry business. Through my course of dealings here
7 with the Solicitor's Office, it's been my experience that
8 a number of individuals that are in service industry are
9 in or around drug activity. I'm not saying that juror
10 number 45 has that tendency but that certainly runs
11 through the restaurant business. That is the reason I
12 excused him.

13 With respect to juror 171, there was a prior
14 record. And prior arrest with law enforcement.

15 THE COURT: All right, that was disclosed in the
16 qualification process this morning, okay.

17 MR. MARCHANT: With respect to 169, the juror
18 had a prior arrest for a CDV hand. That goes directly in
19 line with some of the things that may come up in this
20 case, Judge.

21 THE COURT: All right.

22 MR. MARCHANT: I will tell the Court that there
23 was a non-conviction on that, however, there was an arrest
24 on that juror. Not as a victim.

25 THE COURT: Okay.

1 MR. MARCHANT: With respect to juror number--

2 THE COURT: Was that -- was that here in
3 Greenville County? Just to be more -- or in the 13th
4 Circuit?

5 MR. MARCHANT: May it please the Court, yes,
6 Your Honor, it was within the 13th Circuit.

7 THE COURT: Okay.

8 MR. MARCHANT: With respect to juror 16.

9 THE COURT: All right.

10 MR. MARCHANT: Again, prior record. Various
11 things going back to '72, disorderly A&B, two unlawful
12 carrying of a pistol.

13 THE COURT: All right. And then with respect to
14 the alternate.

15 MR. MARCHANT: With respect to the alternate, he
16 does have also a prior conviction. Which is out of State.
17 But more importantly with the involvement that he had with
18 the family member that is currently serving time, was
19 convicted of a murder charge, I just didn't feel like it
20 would be appropriate to put him in that position. Which
21 is why I asked that he be excused.

22 THE COURT: All right.

23 Mr. Cooke.

24 MR. COOKE: Well, I think probably number 45
25 would be a stretch. He is a waiter at the Peddler Steak

1 House. I don't think that that's exactly bar type climate
2 the Solicitor was referring to. I really don't know
3 anything about these other records of arrest, we don't
4 have that privilege, Judge, of being able to find all that
5 information out. I would take him -- I will take
6 Mr. Marchant as his explanation as being truthful so I
7 have no reason to doubt what he told the Court.

8 THE COURT: All right. Well, so you're arguing
9 that with respect to juror number 45 as mere pretext?

10 MR. COOKE: Yes, sir. And certainly, you know,
11 the gentleman he struck there at the last, the alternate,
12 one he referred to as having some family member--

13 THE COURT: Well he had a prior conviction out
14 of state and I believe he was a retired railway man from
15 New York. And he had a family member who had been
16 convicted of murder and was serving 30 years on and still
17 in prison.

18 MR. COOKE: I understand that. Then I think the
19 rest of them, Your Honor, I wouldn't have any objections
20 to that. I don't think, based on what Mr. Marchant has
21 told the Court.

22 THE COURT: Well I would tell you that I believe
23 that the law is that it is legitimate to strike a
24 potential juror because of their employment. I'm going to
25 find that Mr. Marchant's reasons are race/neutral and that

1 there is -- they're not pre textual so I'm going to deny
2 your motion. Anything else you need to put on the record?

3 MR. COOKE: Nothing, Judge.

4 THE COURT: Okay. All right. It's one o'clock.
5 Anything else we can do before we come back at 2:30?

6 MR. MARCHANT: I don't believe so, Your Honor,
7 the State will be ready.

8 THE COURT: All right, let's be in recess until
9 2:30.

10 (WHEREUPON, a lunch break was taken.)

11 (WHEREUPON, State's Exhibit Nos. 1 through 43
12 were marked for identification only.)

13 MR. MARCHANT: Your Honor, we move to sequester
14 the witnesses.

15 THE COURT: Yeah, that sounds reasonable to me.

16 And I tell you this, if you're a witness and you
17 testify, we're going to ask all of y'all to be out of the
18 courtroom so you can't hear other testimony. You may not
19 discuss your testimony with another witness when you
20 finish. Okay.

21 MR. COOKE: Thank you.

22 (WHEREUPON, the jury came into open court at
23 approximately 2:45 p.m.)

24 THE COURT: Tell you this, if you're a witness
25 and you stay in the courtroom you will not be allowed to

1 testify.

2 All right, ladies and gentlemen, welcome back.
3 I'm going to have to ask you stand at this time and take
4 the oath. Thank you.

5 THE CLERK: Please stand, raise your right hand.
6 The proper response is, I will.

7 (WHEREUPON, the jury was sworn.)

8 THE CLERK: Thank you, please be seated.

9 THE COURT: All right, Mr. Marchant.

10 OPENING STATEMENT

11 MR. MARCHANT: May it please the Court.

12 Mr. Cooke.

13 Good afternoon ladies and gentlemen of the jury.
14 I want to thank you for your patience. This process
15 hopefully won't take too long but I would ask that you do
16 something that's both equally important for the State as
17 it is for the Defendant. I would ask that you pay close
18 attention to the evidence that's going to be presented
19 today and tomorrow. More specifically, I would ask that
20 you pay close attention to the evidence that comes off of
21 here. Because nothing that I say or nothing Mr. Cooke
22 says is evidence. It's just our spin and our take on what
23 we believe or suggest the facts to be in this case.

24 As the Judge instructed you earlier this
25 morning, it is the State's burden to prove that this man,

1 Mr. Jones, committed these four acts. And it is the
2 State's burden to prove that beyond a reasonable doubt. I
3 welcome that burden. I accept it. And I will deliver
4 that burden to you at the end of this case. And at the
5 end of this case I will ask that you find the Defendant
6 guilty of those four crimes. Those four crimes are the
7 following. Murder, essentially it is the unjustified
8 killing of another. Basically that there's no legal cause
9 that allowed the Defendant to shoot and kill Vincent
10 Campbell.

11 The second charge is assault and battery with
12 intent to kill. Essentially that is the same thing as
13 murder, except that the second victim did not die. It is
14 the unjustified shooting of another. That person is Ke
15 Ca .

16 Ke , stand up, please. Thank you.

17 You will hear throughout the testimony of this
18 trial that Ke and Vincent are brothers. You will also
19 hear that there's a female by the name of Crystal Stone.
20 And that Vincent has three children with Ms. Stone. And
21 it's going to come out that Mr. Jones started dating
22 Crystal after Vincent and Crystal separated. Okay. This
23 whole incident occurred at the residence of one Sharon
24 Hamby. Ms. Hamby is the aunt of Crystal. Present at the
25 scene that day was Vincent, who is deceased, Ke , the

1 Defendant, Crystal, Crystal's Aunt, Ms. Hamby and
2 Crystal's brother, Donald Stone. You may hear from some
3 of those on my direct examination, you may hear from all
4 of them. But I would ask that you, again, pay close
5 attention to what comes from right here.

6 Now, this could include both testimony out of
7 their mouths or physical evidence that I have given to
8 them to communicate to you what the evidence is. What
9 does it show? It's going to show that this man is guilty
10 of murder, assault and battery with intent to kill, that
11 during the commission of those he possessed a weapon. And
12 the last one is that he possessed a weapon and he was
13 under the age of 18. It's a separate crime in the State
14 of South Carolina to possess a weapon under the age of 18
15 years of age.

16 So there's going to be some expert testimony
17 here. May come this afternoon, may come tomorrow morning.
18 But what's going to happen is when you have all this
19 evidence at the end of the day, you're going to take it
20 back to the jury room, you're going to deliberate. And
21 you're going to come back and you're going to be firmly
22 convinced that I have met that burden, that I have proven
23 each charge, each element of each charge and you're going
24 to return a verdict of guilty on all four counts against
25 Mr. Jones.

1 I appreciate your time here today. It is an
2 awesome responsibility that you have undertaken. I'd like
3 for you to take some comfort with it in the fact that
4 you're not judging him. You're not judging the defendant.
5 You're judging the facts and you're going to take those
6 facts and you're going to apply it to the law as the Judge
7 delivers it to you. So again, nothing I say or Mr. Cooke
8 says is really relevant to the trial. It is evidence that
9 you're going to be able to take back to the jury room.
10 Again, that evidence will leave you firmly convinced that
11 he's guilty of these four counts. Thank you.

12 MR. COOKE: May it please the Court?

13 THE COURT: Yes, sir.

14 OPENING STATEMENT

15 MR. COOKE: Ladies and gentlemen, my name is
16 Larry Cooke. I have been practicing law here in
17 Greenville for a good many years as you can tell by
18 looking at my hair. Robert Jones is sitting over here
19 presumed innocent. That presumption is like a blanket
20 around his shoulders, it covers him throughout this trial.
21 He's presumed innocent throughout this trial. It's up to
22 The State of South Carolina to yank that away with
23 evidence beyond a reasonable doubt. If they don't do
24 that, you have to find my client not guilty.

25 This is a case of a young man, who was dating a

1 young lady, who was estranged from her boyfriend. The
2 boyfriend and the young lady had three children together.
3 Robert, my client, had met her over some sort of a crazy
4 internet phone. I don't even understand how all this
5 stuff goes on but they met in that way. Some sort of
6 internet connection. They started dating. And sooner or
7 later the girl moved in with Robert over at his house in
8 Belton. They planned to get married, get an apartment.
9 And she became pregnant. And also the baby there in
10 Belton.

11 One morning they came to Greenville, the
12 evidence will show, to pick up a child and to drop off one
13 of her children at her aunt's house. They pulled into the
14 backyard, they knocked on the door, the aunt didn't come
15 to the door. The next thing we know, all of a sudden
16 appears the deceased and his brother. Out of nowhere.
17 This is like 9:15 in the morning. They get inside the
18 house. The intentions of my client and the mother are to
19 take -- leave one of the children, take the other child
20 back to Belton. My client and the young lady was
21 confronted by the deceased and his brother. This is my
22 client, of course, sitting over here. At that time he was
23 16 years old.

24 These two grown men, I say grown men, they were
25 older than my client, the deceased being much bigger than

1 my client. I think he weighed about 250-pounds. They
2 basically came there to cause trouble. They threatened my
3 client and threatened the mother of the deceased's
4 children. My client left the premises, got in his car,
5 ready to leave and was confronted by two grown men.
6 Remember now my client was 16 at this time. He was
7 confronted by the deceased and his brother. They took off
8 their shirts, wanted to fight him. He went and got in the
9 car. Wanted to leave. He was already in the car when the
10 young lady involved in this thing came back around the car
11 as the deceased opened the door of his car, reached in and
12 pulled out a gun. My client had a pistol. And he shot in
13 defense of himself and the young lady and the young child
14 that was there on the scene.

15 My client thought everything was okay. The
16 brother, who was involved in this thing, he shot at him
17 around the car, didn't even know he'd been hit. And on
18 top of that, the guy that ends up dying ran down the
19 driveway and ran across the street. He didn't even know
20 he hit him. All he was trying to do is shoot and get out
21 of there. To keep from getting himself hurt seriously or
22 even killed with a gun that my client maintained that the
23 deceased had. He was defending himself.

24 Afterwards, my client and the girl, the mother
25 involved in this, left the scene with the young child and

1 they went back home. They were later arrested and my
2 client was charged. And no one else in the case was
3 charged. Only my client. He is charged today with the
4 crimes that the Solicitor just mentioned. My client says
5 that he was defending himself. He was defending the young
6 lady and he was defending a young baby who was running
7 around in the yard, didn't know what was going on with all
8 the altercation, with all this fussing and fighting.

9 My client was without fault in this thing. My
10 client did nothing. He was trying to leave. He was
11 trying to withdraw from this situation. And to be quite
12 honest with you, based on the size of the deceased and the
13 theory of two against one, my client was trying to get out
14 of there. But when the deceased pulled a pistol he had no
15 other choice. He had a gun. And he shot before the other
16 guy did.

17 And the evidence will show you, although no gun
18 was found, I think the evidence will show you the other
19 party had a gun. And I ask you to listen very carefully
20 to the evidence and testimony. My client was without
21 fault in all of this. All he wanted to do is take the
22 girlfriend over to get one of her children and drop off
23 one of the children. Had no idea these two other guys
24 were coming over there and confronting him.

25 So if you'd just listen to the evidence and

1 testimony, I think you will agree, I'm not going to go
2 into all the details, that my client was defending
3 himself, he was defending the girlfriend, he was defending
4 the little child that was running around out there in the
5 yard and supposed to be in the car. And there's certain
6 elements that you have to prove for self-defense and I
7 think we'll prove them all, we'll address every single one
8 of them. Every single one of them. I just ask you to
9 listen to the evidence and testimony. And render a fair
10 verdict. It's a tough case. A man is dead, a man has
11 been shot. But that doesn't mean that my client -- it
12 doesn't mean that he didn't have a right to defend
13 himself. Thank you, very much.

14 THE COURT: All right, Mr. Marchant.

15 MR. MARCHANT: The State calls Corporal
16 Burdette.

17 THE CLERK: Sir, place your left hand on the
18 Bible, raise your right hand.

19 DOYLE BURDETTE, after being duly sworn,
20 testified as follows:

21 THE CLERK: Thank you, please be seated. Please
22 state your name for the record.

23 THE WITNESS: Doyle Burdette.

24 ///

25 ///

DIRECT EXAMINATION

BY MR. MARCHANT:

Q Corporal Burdette, where are you employed?

A I work for the City of Greenville Police Department.

Q How long have you been with the city police?

A I've been there since 1998.

Q Did you work anywhere prior to joining city police?

A I did, I worked in Easley and in Belton.

Q Was that with their respective police departments?

A Yes, sir.

Q All and all how much time do you have in law enforcement?

A Seventeen years.

Q And to become a law enforcement officer here in the State of South Carolina, what sort of requirements and testing and training do you have to meet in order to be certified?

A You have to have a high school diploma at minimum. And you have to go to the Criminal Justice Academy which I attended in 1995.

Q What are the requirements of the Criminal Justice Academy?

A You have to pass the legal portion of their testing for legals. You have to pass various tests throughout the eight weeks that I was there.

1 Q Should you not pass those tests what would happen?

2 A You would not be a police officer.

3 Q Is there any continuing education or training that
4 you have to keep up with to obtain and keep your
5 credentials current?

6 A Yes, sir. Each year we go through a week long in
7 service with our training officers at the police
8 department to keep us current on the laws and current
9 with -- with our particulars like weapons, ASP baton,
10 driving, that type of thing.

11 Q Should you not keep those up-to-date would you be
12 able to be out patrolling and serving this community?

13 A No, sir.

14 Q So back in on March 25th of 2009, were you current
15 and up-to-date?

16 A Yes, sir.

17 Q Are you current and up-to-date today?

18 A Yes, sir.

19 Q Back on March 25th of 2009, what was your capacity
20 then with the City Police Department?

21 A At that time that I was assigned to the Central
22 Business District, which is our downtown area. And I
23 was working there. Main Street and the surrounding
24 area.

25 Q Okay. And what type of things are typical on your

1 daily patrol or beat?

2 A We would handle call response in our area. Anything
3 from situations which bring us here today to petit
4 larcenies, auto breakings, any number of crimes.

5 Q If there had been a armed robbery, for example, is
6 that something you would initially respond to?

7 A Yes, sir.

8 Q Would you conduct the investigation of that or would
9 that be subsequently passed off to someone else?

10 A That would be passed on to a detective.

11 Q And in this situation where we have allegations of
12 murder, assault and battery with intent to kill, two
13 weapons charges, what would your involvement had
14 been?

15 A My involvement as it was was to respond to the scene
16 initially, to secure the scene and ensure the safety
17 of the citizens at the scene. Then provide
18 assistance to detectives once they arrive.

19 Q And do you recall on this particular occasion how
20 long it took for Detective Garrison to arrive before
21 you essentially turned the scene over to him?

22 A I don't recall to the exact amount of time. It was
23 10, 15 minutes.

24 Q And do you recall on this particular incident where
25 you were in town before you responded to this scene?

1 A Yes, sir, I was on Main Street.

2 Q And how is it that you received a call for service to
3 and where did you go?

4 A We heard a call over the radio. They sent -- we have
5 beats, which are certain areas within the city, and
6 they sent the beat officers to that particular call
7 in their area. I heard that call go out as a
8 shooting. Often times we'll back one another up. I
9 figured that since I was close to that area that I
10 could ride that way and assist those officers. So I
11 did so.

12 Q And upon your arrival, were you the first officer on
13 the scene or were you, second, third or do you
14 recall?

15 A There were three of us that arrived essentially the
16 same time.

17 Q If there are three and they're all of the same rank,
18 how is that one takes charge or did you take charge
19 because you were of the higher rank?

20 A No, sir. I was -- myself and Corporal Grubs both
21 arrived at the same time. My forte is more tactical.
22 And with the shooting call Corporal Grubs deferred to
23 me at that time. And myself and Corporal Grubs and
24 Officer Burdette, Jeffery Burdette, arrived at the
25 scene at the same time.

1 Q Is it fair to say that you were in charge --

2 A Yes, sir.

3 Q --of all the patrol officers upon arrival?

4 A Yes, sir.

5 Q And you said Detective Garrison showed up 10, 15
6 minutes later?

7 A Yes, sir.

8 Q And at that time command was turned over to him?

9 A Yes, sir.

10 Q I'm going to show you what's been marked a State's
11 number 1, number two, see if you recognize these?

12 A Yes, I do. Yes, sir.

13 Q Okay, let's start with State's number one, how is it
14 that you recognize this?

15 A This is the -- [REDACTED] Vardry Street is where we found
16 the vehicle, a white Ford. Which it appeared that
17 the blood trail originated at. And right across the
18 street is the Bariatric Clinic, which is where we
19 initially responded.

20 Q Okay. And on State's one and two, are they pretty
21 fair and accurate representation of what the streets
22 and the houses and the businesses around [REDACTED] Vardry
23 look like?

24 A Yes, sir.

25 MR. MARCHANT: State's one and two into

1 evidence.

2 MR. COOKE: No objection.

3 (WHEREUPON, State's Exhibit Nos. 1 and 2 were
4 admitted into evidence.)

5 BY MR. MARCHANT:

6 Q Now Corporal, I'm going to have you step down, if
7 could. I'm going to ask you to speak loudly so the
8 Court Reporter can hear you.

9 A Yes, sir.

10 Q If you would, point out on this aerial photograph
11 where the initial call came from and where you went?

12 A The initial call came at 413-A Vardry Street, which
13 is the Bariatric Clinic. We initially responded
14 here. Once we arrived we went inside the clinic. I
15 observed the victim on the ground. He was being
16 attended to by a doctor from that clinic. At about
17 the same time we walked inside, we got a call on the
18 radio that the shooter was in a Mitsubishi vehicle in
19 the parking lot of the Bariatric Clinic. Myself and
20 the other officers came out, we checked this parking
21 lot part, we were on foot at the time, we checked
22 this parking lot on the sides here and around and
23 behind the Bariatric Clinic. We did not find the
24 vehicle.

25 As we were coming back towards the Bariatric

1 Clinic, we received another call that stated that the
2 vehicle was behind [REDACTED] Vardry Street. So at that
3 time we moved up this driveway. As we we're moving
4 up this driveway we observed a white Ford Explore
5 with the driver's door opened. We could see a blood
6 trail leading towards that vehicle. We saw fresh
7 tire tracks leading out of the driveway. It was wet
8 that day and you could tell that the tire tracks were
9 definitely fresh coming out of the driveway, the mud
10 in the driveway.

11 As we moved up we secured that vehicle. Which
12 means we searched to check to make sure that there
13 was no threat to us or the community inside that
14 vehicle. We did not find any body or any weapons
15 inside that vehicle. We then moved towards the rear
16 of the house. At that time the older white female
17 that lived at the house came outside. She began
18 talking. One of the things, I don't remember exactly
19 how she put it, but one of the things she said was,
20 Rob had shot him and he had left in a little silver
21 car towards Belton. She couldn't provide anymore
22 details than that.

23 Officer Sims who was with me at that time, he
24 spoke with a young white male that was there. While
25 those officers were dealing with those two, I moved

1 back down to the Bariatric Clinic, began taking names
2 and writing down what each person saw or heard at the
3 Bariatric Clinic. And once Detective Garrison
4 arrived I turned those over to him.

5 Q Referring to the Bariatric Clinic, when you first
6 made entry, was their somebody -- was the victim
7 already there or did one come in while you were
8 there?

9 A The victim was already on the ground.

10 Q Was that the only person you saw that had a wound at
11 that time?

12 A That's the only person I recall seeing. I focused on
13 that victim. Because of his condition.

14 Q Thank you, you can take the stand.

15 A Yes, sir.

16 Q At some point in time did y'all put up crime scene
17 tape?

18 A Yes, sir. Other officers put up crime scene tape.
19 They began canvassing the area as well to see if
20 anyone else seen or heard anything. I stayed at the
21 Bariatric Clinic and took those names until Detective
22 Garrison arrived.

23 Q Do you recall whether or not you took any written
24 statements from anybody at the clinic?

25 A I do not believe I did.

1 Q I'm going to show you what's been marked as State's 3
2 through 12.

3 A Yes, sir.

4 Q If you would take a look at those and tell me if you
5 recognize those?

6 A I do.

7 Q Are those fair and accurate depiction of the events
8 that occurred that afternoon while you were on the
9 scene?

10 A Yes, sir.

11 MR. MARCHANT: State would move 3 through 12
12 into evidence.

13 THE COURT: Any objection?

14 MR. COOKE: None, Judge, I've already looked at
15 them. Thank you.

16 MR. MARCHANT: Would like to publish them to the
17 jury.

18 Get the lights please, sir.

19 (WHEREUPON, State's Exhibit Nos. 3 through 12
20 were admitted into evidence.)

21 BY MR. MARCHANT:

22 Q All right, Corporal Burdette, this is State's Number
23 3, you mentioned earlier that you cleared a white
24 Ford vehicle, is that the vehicle that you're
25 referring to?

1 A It is, sir.

2 Q Is it substantially the same condition that you found
3 it in when you arrived on the scene that day?

4 A Yes, sir.

5 Q Please tell us what you -- what State's Number 4
6 shows?

7 A As you can see the fresh tire tracks, you can tell it
8 was kind of muddy, it was wet that day. The fresh
9 tracks leading out of the driveway. And this is the
10 white vehicle that I stated we found with the
11 driver's door opened when we came up the driveway.

12 Q State's Exhibit Number 5?

13 A Again, this is looking back toward Vardry Street and
14 the tire tracks leading out of the driveway and the
15 Ford.

16 Q This is a different angle?

17 A Yes, sir. And again a different angle of that same
18 vehicle. And yet again. This is the back of [REDACTED]
19 Vardry Street.

20 Q This would be State's Number 9, State's Number 10.

21 A And this is the view that we had as we walked up the
22 driveway from Vardry Street. Vardry Street is down
23 at the bottom and we moved up the driveway toward the
24 back of the house.

25 Q You commented a minute ago about a blood trail, can

1 you explain to the jury what you're referring to?

2 A Yes, sir. I can't see it from where I'm at or if
3 it's visible in these pictures. We could see where
4 there was blood on the roadway and the driveway
5 leading back up towards that white Ford. Just where
6 you could tell blood had dropped and hit the ground.

7 Q Could you tell -- could you determine the path from
8 the backyard where it led to an ending point?

9 A It led from the backyard down to Vardry Street. And
10 to the Bariatric Clinic.

11 Q Do you know if the trail crossed over Vardry Street?

12 A I could not at that time.

13 Q And State's 11 and 12.

14 A That's the back door to [REDACTED] Vardry Street.

15 Q All right, approximately how many road officers or
16 patrol officers arrived on the scene that afternoon
17 before the detective division took over?

18 A I don't know exactly how many officers. I know that
19 there was, I would say at least seven or eight
20 officers there that I could recall at this time.

21 Q And the primary duty or responsibility at this stage
22 of this incident is what?

23 A To secure the scene, preserve any evidence that we
24 have on the scene and more importantly to ensure the
25 safety of the public. We knew that we had a shooting

1 victim and the reports said that there was a shooter
2 some where in the area.

3 Q Do you recall whether or not you went in the
4 residence at [REDACTED] Vardry Street?

5 A I don't recall exactly which time, at what time I
6 went into the residence, I do recall going into the
7 residence.

8 Q And did you ever locate a shooter at the scene that
9 day?

10 A We did not locate a shooter or any weapons at the
11 scene.

12 Q Now when you say any weapons, it's already been out
13 there that Vincent Campbell was shot as well as K [REDACTED]
14 C [REDACTED]. Now when you say weapons, are you
15 referring strictly to firearms?

16 A We did not locate any firearms, any knives, anything
17 like that. Either at the back of [REDACTED] Vardry Street
18 or down that driveway past the Ford Explorer or down
19 that driveway to the Bariatric Clinic or inside the
20 Bariatric Clinic.

21 Q How long would you estimate you were on the scene
22 that day?

23 A I was on the scene at least 45 minutes to an hour or
24 more.

25 Q Following Detective Garrison arriving and taking

1 control of the scene, did he ask or instruct you to
2 do anything else?

3 A No. We secured the scene, we wrote down the names of
4 folks that he could interview or speak with further
5 and that was all passed to him.

6 Q Do you recall whether or not you put a call into
7 dispatch or dispatch to alert other officers in the
8 area to be on the look out for such a vehicle?

9 A Yes, sir. Once the older white female came out of
10 the house and said that he had left towards Belton, I
11 asked that they send out a BOLO, Be On The Look Out
12 and notify county and other agencies so they could
13 look for that vehicle on its way to Belton.

14 Q While you were on the scene?

15 A Yes, sir.

16 Q Do you know whether or not they located the vehicle?

17 A I do not.

18 Q Following your duties and responsibilities that you
19 had on the scene that day, have you had any other
20 involvement in the investigation in this case other
21 than testifying in court here today?

22 A No, sir.

23 MR. MARCHANT: All right, please answer any
24 questions Mr. Cooke may have.

25 THE COURT: Mr. Cooke, any questions?

1 MR. COOKE: Just a couple of questions.

2 CROSS-EXAMINATION

3 BY MR. COOKE:

4 Q When you arrived at the Bariatric Clinic across the
5 street, was the victim there?

6 A Yes, sir.

7 Q He was on the floor?

8 A Yes, sir.

9 Q Anybody else? Other than some people. How about his
10 brother, was his brother there?

11 A I don't -- at the time, Mr. Cooke, I didn't know his
12 brother. All I saw was the victim. And--

13 Q But you didn't talk with anybody else that had been
14 injured?

15 A No, sir.

16 Q Okay. Good. And I think you said this was the back
17 door to the house, that's the way you found it?

18 A Yes, sir.

19 Q All right. When do you recall seeing the other
20 person who was shot? Do you remember that?

21 A No, sir, I don't recall seeing the other person that
22 was shot.

23 Q Okay. Good. And when you arrived on the scene y'all
24 immediately went to the Bariatric Clinic?

25 A Yes, sir, that's where the call originated, that's

1 where we were sent. But as soon as we arrived, as I
2 stated, we received another call stating the shooter
3 was in the parking lot.

4 Q And y'all searched out there?

5 A Yes, sir.

6 Q So then you went across the street?

7 A Yes, sir.

8 Q Okay. And you still didn't -- you still didn't see
9 anybody else who had been shot?

10 A No, sir.

11 Q Okay.

12 MR. COOKE: I have no further questions. Thank
13 you.

14 MR. MARCHANT: No further questions, we ask the
15 witness be excused.

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

18 THE WITNESS: Thank you, Your Honor.

19 MR. MARCHANT: State would call Roberto
20 Deshannon Williams.

21 THE CLERK: Sir, please come forward. If you
22 would please pause at the end of the bench. Please place
23 your left hand on the Bible, raise your right hand.

24 ROBERTO WILLIAMS, after being duly sworn,
25 testified as follows:

1 THE CLERK: Thank you, please be seated. Please
2 state your full name for the record.

3 THE WITNESS: Roberto Deshannon Williams.

4 DIRECT EXAMINATION

5 BY MR. MARCHANT:

6 Q Good afternoon, Mr. Williams.

7 A Good afternoon.

8 Q Where are you originally from?

9 A Greenville, South Carolina.

10 Q Born and raised?

11 A Born and raised.

12 Q Where are you presently living?

13 A Right now I'm living in West Brockton, Alabama.

14 Q On March the 25th of 2009, where were you living?

15 A [REDACTED] Vardry Street, Apartment [REDACTED]

16 Q Okay. And showing you what's been entered into
17 evidence already as State's Number 1, what's
18 designated on here as [REDACTED] Vardry Street, is that your
19 residence?

20 A That's correct.

21 Q And how many apartments are in that residence?

22 A Four.

23 Q Which apartment in this residence were you occupying?

24 Was it on the bottom floor, the second floor?

25 A I'm on the top left side.

1 Q Okay. And your bedroom windows, where do they look?

2 A Okay.

3 Q Why don't you step down so you can show the jury.

4 A Okay, my windows are on this side.

5 Q And the view from your window, what are you able to
6 see?

7 A From the back -- my back windows I can see over to
8 this area right here.

9 Q Is there anything that would obstruct your view into
10 the backyard of [REDACTED] Vardry Street?

11 A No. Not but this top fence right here. I wouldn't
12 be able to see maybe five feet below the fence.

13 Q But what you're telling the jury is from -- your
14 bedroom window is up here on the second floor--

15 A I can see over to that yard.

16 Q -- you can see very well. Please have a seat. All
17 right, on March 25th of 2009, what were you doing
18 approximately 9:30 or 10 in the morning?

19 A I was in the bed sleeping.

20 Q Okay. What was your occupation at that time?

21 A I was a cook, downtown Greenville.

22 Q A being a cook what restaurant were you working at?

23 A Smoke on the Water.

24 Q And that's in the Westend?

25 A That's correct.

- 1 Q Being a cook, what shifts did you normally work?
- 2 A Usually I would work 9 to about 11, 12 at night.
- 3 Q So you work both the lunch shift and the dinner
- 4 shift?
- 5 A That's correct.
- 6 Q Being 10 o'clock on the 25th and you're still in bed,
- 7 is it fair to say you weren't working that day?
- 8 A That's correct.
- 9 Q You hadn't been laid off or terminated or fired or
- 10 anything like that?
- 11 A No.
- 12 Q Okay. Well what was it that made you wake up that
- 13 morning?
- 14 A There was a commotion, some loud arguments. Coming
- 15 in through my window where I was sleeping.
- 16 Q Were you able to determine where that commotion was
- 17 coming from?
- 18 A It was coming from the house that was -- that's on
- 19 the picture there.
- 20 Q Could you be a little more specific? Which house are
- 21 you referring to?
- 22 A [REDACTED] Vardry Street.
- 23 Q So not the one that's directly next door to your
- 24 residence but the one over?
- 25 A Correct.

1 Q Okay. And what in particular drew your attention to
2 the backyard? Was it arguing? Was it shouting?
3 Fighting going on?

4 A There was commotion like yelling and profanity.

5 Q Could you tell whether or not it was a male or
6 female?

7 A It sounded like maybe a couple of males and female.

8 Q Could you tell which one was using this profane
9 language, the male or the female?

10 A To me it sounded like the male voice.

11 Q Could you determine whether or not it was one male,
12 individually, or two males going at it or three?

13 A It sounded like it was a few voices.

14 Q So what did you do once you got out of bed?

15 A Well I was kind of -- I was -- I was kind of upset
16 because I was getting ready to pull down the window,
17 I walked over to the window and pulled the window
18 down.

19 Q Okay. Now you say pulled down the window, what do
20 you mean?

21 A The windows are double pane so I can pull either the
22 top or the bottom.

23 Q So instead of raising the window -- instead of
24 raising the bottom to the top, you were lowering the
25 top to the bottom.

1 A Yes.

2 Q Okay. Do you have to draw the shade or open the
3 curtain or anything to do that?

4 A I had to pull the blind up.

5 Q And which window are you referring to? I'm going
6 to --

7 Get the lights again.

8 I'm going to give you this pointer and I'm going
9 to show you what's in evidence at State's Number 7.
10 If you could, point to the jury which window you're
11 referring to that you have lowered?

12 A This one on the side.

13 Q So the window that's facing this Explorer is actually
14 the window on the right?

15 A That is correct.

16 Q That's correct? So there's two of them side by side
17 but it's the one on the right?

18 A Right.

19 Q Okay. And you lowered the window, you actually
20 pulled the window down?

21 A That's correct.

22 Q What was your intention once you pulled the window
23 down?

24 A I was fixing to holler out some profanity over there
25 because they had.

1 Q Why were you going to do that?

2 A I was sleeping and they had woke me up.

3 Q Okay, were you able to holler out the window and get
4 them to hush?

5 A No.

6 Q Why not?

7 A Because right when I rolled down the window -- when I
8 let down the window I heard that gunshots blasting
9 off.

10 Q You say you heard that gunshots?

11 A Right.

12 Q When you say shots, how many do you mean?

13 A It seem like it could have been maybe five, five, six
14 shots.

15 Q Are you familiar enough with a weapon to determine
16 whether or not it was a revolver or automatic?

17 A I think so. As quickly as the shots were fired off
18 it seemed like it was automatic.

19 Q Do you own a firearm?

20 A No, I don't.

21 Q What is your experience with pistols and revolvers?

22 A I have shot a revolver but as far as experience I
23 don't have really experience with guns. Other than
24 just being in the Boy Scouts.

25 Q Let me ask you another question. Who did you shoot

1 the revolver with?

2 A My dad.

3 Q How long ago was that?

4 A Fifteen, 20 years ago.

5 Q I'm going to show you what's been marked as State's
6 Number 4. Were you able to see the white Expedition
7 from your window?

8 A Yeah.

9 Q And when these gunshots started off, what were you
10 able to see? Meaning were you able to see males or
11 females and how many?

12 A Well there was a kid inside the car. The door inside
13 the car. And when the gunshots rang out there was
14 one black male ran to the front of the vehicle. I
15 could tell that somebody was shooting at him because
16 he was going to side to side of the vehicle.

17 Q Okay. With that laser pointer, again, would you
18 please show the jury where the individual that ran to
19 the front of the car, that's where they was standing?

20 A Yeah. He was like from that side to this side.

21 Q Do you recall what that person was wearing?

22 A I want to say black -- black clothing.

23 Q Okay. The person that -- that was at the front of
24 the vehicle, was that the person that was shooting or
25 the person being shot at?

- 1 A It was the person being shot at.
- 2 Q Okay. Were you able to determine whether the person
- 3 being shot at was returning fire?
- 4 A No, he wasn't returning fire.
- 5 Q Were you able to determine the person that was
- 6 shooting whether the gun was white, black, brown?
- 7 A The gun was -- it was a black gun..
- 8 Q And how far would you estimate that your window is to
- 9 this backyard? Like how far away is this going on?
- 10 A I would say maybe 25 feet.
- 11 Q So you think it's 25 feet from your window to where
- 12 the Expedition is?
- 13 A Correct.
- 14 Q You mentioned a person in the vehicle, were you able
- 15 to determine where in the vehicle that person was?
- 16 A There seemed to be a kid that was hovering over the
- 17 backseat to the front in the middle console.
- 18 Q When you say kid, being the distance that you were
- 19 away, were you able to put an age on the child?
- 20 A He looked to be between the age of 8 and 10, maybe.
- 21 Q Was the person old enough in your mind to know what
- 22 was going on?
- 23 A I think so, yeah.
- 24 Q Do you recall, showing you State's 8, whether or not
- 25 the person that you're talking about that was inside

1 the car, is that the same person that you're
2 referring to that was running at the front of the
3 car?

4 A No.

5 Q It's a different person?

6 A Correct.

7 Q Were you able to determine or see what the person,
8 child, inside the car was wearing?

9 A Maybe shirt and jeans maybe. I'm not -- I can't say
10 for sure.

11 Q You don't know what color of shirt?

12 A No.

13 Q Let me show you State's Number 5. Corporal Burdette
14 testified earlier that these appeared to be fresh
15 tire tracks. Were you able to see a vehicle from
16 your window in this vicinity?

17 A No, I couldn't.

18 Q So you didn't see whether or not there was another
19 car in the rear of this residence?

20 A No, I couldn't see that.

21 Q Did you see this vehicle pull in that morning?

22 A I didn't see it pull in but it was there when I
23 looked out the window.

24 Q Did you ever see that white Expedition leave?

25 A No.

1 Q Did you ever see any car leave?

2 A No.

3 Q Get the lights, thank you.

4 Did you give a statement to Detective Lindler
5 that day?

6 A That's correct.

7 (WHEREUPON, State's Exhibit No. 44 was marked
8 for identification only.)

9 BY MR. MARCHANT:

10 Q Mr. Williams, I'm going to ask you to take a look at
11 this statement, reading the first paragraph then I'm
12 going to ask you a question about it. That's been
13 marked State's 44.

14 A Okay.

15 Q I'm going to ask you again, what color of clothing
16 did you see the person that was around the front of
17 the Expedition being chased, what color of clothing
18 were they wearing?

19 A The person at the front would be, if I'm not mistaken
20 it would be white shirt and jeans.

21 Q Now just a second ago you testified that you believed
22 he had on black clothes?

23 A That's correct.

24 Q Which person are you referring to had on black or
25 dark clothes?

1 A The dark clothes is the person that was at the front
2 of the vehicle.

3 Q Okay. But in your statement you're saying white
4 t-shirt and jeans, is that correct?

5 A That's correct.

6 Q Why are you saying the person in the front of the car
7 has on black but in your statement you say had on a
8 white t-shirt?

9 A Because when -- when I got downstairs at my
10 apartment, I saw the guy that was at the front of the
11 vehicle across the street. And it seems that, you
12 know, there was blood coming -- you could see the
13 blood so I thought it was a white t-shirt, he had
14 that white t-shirt on.

15 Q Would you please step down and point to exactly where
16 you were and where you saw -- well let's talk about
17 you came down out of your apartment?

18 A I came out of the apartment beside this door.

19 Q How far did you go when you came out of the front
20 door of your apartment?

21 A To about the middle of the parking lot, right in this
22 area.

23 Q Did you ever cross the street?

24 A No, I never crossed the street.

25 Q And you're saying that the person that was in front

1 of the white Expedition went across the street?

2 A Right. He was in this area right here.

3 Q And you were able to see that he was bleeding, is
4 that correct?

5 A That is correct.

6 MR. COOKE: I object to leading, Judge.

7 THE COURT: Yeah, don't lead, just ask him what
8 he saw.

9 BY MR. MARCHANT:

10 Q Were you able to see whether or not that person had
11 been shot?

12 A Yeah, the guy was -- he had been shot across the
13 street. The guy said something to the effect that
14 somebody had shot him.

15 Q Were you able to tell where he had been shot?

16 A In the shoulder.

17 Q And that person was wearing what color of shirt?

18 A White.

19 Q Were you able to determine whether or not that person
20 had any weapons with him?

21 A No.

22 Q Did you see a gun?

23 A No, I didn't see a gun.

24 Q The person that's across the street, is that the
25 person that was shooting in the backyard?

1 A No, that was the person that was running from the
2 person that was shooting at him.

3 Q Did you see anybody else shooting in the backyard?

4 A No.

5 Q You can take the stand. Were you able to recall what
6 type of clothing, what color of clothing the person
7 that was doing the shooting was wearing that day?

8 A I could just see just -- just this part. I would say
9 it was dark clothing.

10 Q Did you call 911 when this incident happened?

11 A Yeah.

12 Q What else did you do when you went outside? Did you
13 end up talking to officers that day?

14 A When I went outside there was police cars going up
15 and down the road. Seem like they couldn't figure
16 out which house it was. So I was trying to, you
17 know, flag down one of the officers and tell them it
18 was the house that was next to the house between the
19 two that I'm at.

20 Q Okay, can you be a little more specific? Which house
21 did you direct the officers to?

22 A This house right here.

23 Q Is that [REDACTED] Vardry Street?

24 A [REDACTED] Vardry Street, yes.

25 Q Did you talk to officers on the scene that day?

1 A Yeah, I had talked to one officer on the scene that
2 day.

3 Q Did you give a statement at the scene or did you go
4 to the police department and give a statement?

5 A I went to the police department to give a statement.

6 Q Now, the person that you saw chasing and shooting,
7 had you ever seen him before?

8 A No.

9 Q Seen him since?

10 A No.

11 Q Do you know the people that live a [REDACTED] Vardry Street?

12 A No, I don't.

13 Q Had you seen people that had been living there?

14 A Yeah, I saw people that lived there, yeah.

15 Q Do you recall whether or not anybody that was in the
16 yard that day were residence of that house?

17 A When I came down to the bottom of the street, I saw
18 come out of [REDACTED], two people walking down the
19 sidewalk. It was a white female and a black male.

20 Q And you think those people lived at 410?

21 A I'm not sure if they lived there but that's where
22 they came from.

23 Q Did you ever see any other vehicle come in and out of
24 that driveway?

25 A No.

1 Q Were you able to hear when the Expedition pulled in?

2 A No, I didn't.

3 Q Did it have music such that it woke you or you heard
4 the radio up loud?

5 A No.

6 Q The fellow that is shot across the street, did you
7 see him go back into [REDACTED] Vardry or into the Bariatric
8 Clinic across the street?

9 A No, I didn't.

10 Q Okay. But you saw him walking through the parking
11 lot, is that correct?

12 A I saw him walking in the medical center parking lot
13 right in this area.

14 Q Were you able to determine or see where the, what you
15 refer to as the young child in the backseat, were you
16 able to tell where he went?

17 A No.

18 MR. MARCHANT: Please answer any questions
19 Mr. Cooke may have.

20 THE COURT: Cross-examination.

21 CROSS-EXAMINATION

22 BY MR. COOKE:

23 Q Mr. Williams, you wrote this statement, you want to
24 read this to make sure that's what you told the
25 police officers? Shortly after this all happened.

1 A Yes.

2 Q You want to read it out loud so the jury can hear--

3 MR. MARCHANT: Your Honor, I believe he's got to
4 ask him some questions.

5 THE COURT: Yeah, you're going to have to...

6 MR. COOKE: Okay. All right.

7 BY MR. COOKE:

8 Q I'm going to read you this and you tell me whether
9 it's right or wrong--

10 MR. MARCHANT: Your Honor, if it's
11 contradictory--

12 THE COURT: Yeah, you got to use it for
13 impeachment purposes only, Mr. Cooke.

14 MR. COOKE: Okay.

15 BY MR. COOKE:

16 Q You said that you saw a person with a white t-shirt
17 and jeans on that day, is that correct? In this
18 statement?

19 A In the statement, yeah.

20 Q And you said that he was standing next to the white
21 Expedition, remember that?

22 A That's -- if that's in the statement.

23 Q I don't know you gave the statement, I'm asking you.

24 A Uh-huh.

25 Q Okay. Also, did you not see anybody else out there

1 according to this statement? You said you didn't see
2 anybody else was out there?

3 A According to the -- I saw -- I didn't see anybody
4 else out there.

5 Q Okay.

6 A According -- not according to the -- I saw the kid
7 that was in the car.

8 Q Okay, you did see the kid in the car, how old did
9 that kid appear to be?

10 A I mean, he looked to be about 8 to 10, 11 years old.

11 Q Where was he sitting in the car?

12 A He was in the back. He wasn't like sitting, he was
13 crossed over between the console.

14 Q Okay. And you didn't overhear any conversations at
15 all?

16 A I didn't overhear a conversation, all I heard was
17 arguing and the profanity.

18 Q Could you hear a woman's voice at all?

19 A Yeah.

20 Q And you heard two men?

21 A Seem like it was a couple male voices that I heard.

22 Q Did you overhear any of that conversation?

23 A No.

24 Q Okay. So look at this statement, did you give this
25 statement voluntarily?

1 A Uh-huh.

2 Q And in this statement you said you didn't see anybody
3 except a person wearing a white t-shirt?

4 A That's all. The person that I saw running from the
5 gun, that's the only person I saw.

6 Q That's the only person you saw?

7 A Correct.

8 Q In that whole backyard looking out from the second
9 floor?

10 A That's correct.

11 Q Of your apartment?

12 A That's correct.

13 Q That's the only person you saw?

14 A Right.

15 MR. COOKE: Okay, I have no further questions.

16 REDIRECT EXAMINATION

17 BY MR. MARCHANT:

18 Q Okay. Mr. Williams, did you see somebody in the car?

19 A Correct.

20 Q And that person was wearing a white t-shirt or was
21 that the young child?

22 A That was the one child.

23 Q That would be one person.

24 A That would be one person.

25 Q Then you said you saw someone else where?

1 A I saw the other person in the front of the vehicle
2 that -- well that would be two people.

3 Q And the person in front of the vehicle was wearing
4 what type of clothing when you saw him being chased?

5 A It would be a t-shirt and the pants.

6 Q And was that a white t-shirt or a dark t-shirt?

7 A When I saw it it was a dark t-shirt.

8 Q And that was the person in front of the Expedition
9 being chased wearing a dark t-shirt?

10 A That is correct.

11 Q Okay. That's person number two?

12 A Right.

13 Q Did you see a third person out there?

14 A No.

15 Q Okay. Well, then was the shooter the person in the
16 car or person that was in front of the vehicle?

17 MR. COOKE: I object to that, Your Honor.

18 THE COURT: On the basis?

19 MR. COOKE: On the basis that he testified
20 previously he didn't know.

21 THE COURT: Well you can cross-examine him.

22 MR. COOKE: Okay.

23 BY MR. MARCHANT:

24 Q Okay, Mr. Williams, earlier you testified that you
25 saw the shooting?

1 A Correct.

2 Q Was the shooter the person in the car or in front of
3 the white Expedition?

4 A The shooter would be at the back of the car.

5 Q So is that person number one, number two, number
6 three?

7 A Well it's three people.

8 Q Okay. So how many people did you see in the backyard
9 that day?

10 A Three.

11 Q Were they male or female?

12 A They were all male.

13 MR. MARCHANT: Thank you, Mr. Williams, please
14 answer any questions Mr. Cooke may have.

15 RECROSS-EXAMINATION

16 BY MR. COOKE:

17 Q They were all male, you didn't see a female?

18 A No, I didn't see a female.

19 Q You heard a female's voice?

20 A That is correct.

21 Q Okay. Now let me get this straight. Is this your
22 statement?

23 A That's my statement.

24 Q And you signed it?

25 A I signed that statement.

1 Q And is it true as far as you know, you've read it?
2 Okay, I'm going to read this portion of it, you tell
3 me whether I'm right or wrong.

4 I could see anybody else but -- I could not see
5 anybody else but I heard them yelling at each other.
6 I then heard five shots. Young black male in a white
7 t-shirt was standing on the passenger side of the
8 Expedition when I heard the gunshots. He started
9 sprinting towards the hood of the Expedition like
10 someone was chasing him.

11 Is that correct?

12 A That's correct.

13 Q So the person you saw had on a white t-shirt?

14 A Yeah, seems -- let me see the statement again.

15 Q Would you like to read it? Is there anything in your
16 statement mentioning a black t-shirt?

17 A No.

18 Q You said white?

19 A Right.

20 Q Okay. All right. So how many people did you really
21 see?

22 A There was three people in the backyard.

23 Q How many did you see?

24 A I saw -- I didn't see the guy that was shooting the
25 gun. I saw the kid that was in the car, the guy that

1 was being chased by the guy with the gun.

2 Q Okay. So let me count. That's one, two, two people
3 you saw?

4 A That's one -- yeah, that's two people that I saw but
5 I saw one more person with the gun that was shooting.

6 Q Where in the statement?

7 A Well I didn't put that in the statement but I saw his
8 hand.

9 Q Well I want you to read that statement, and that was
10 given shortly after the incident, and you didn't say
11 anything about that. Read the statement, tell me in
12 there where you said anything about seeing a person
13 with a gun in his hand.

14 A Well had to be a person with a gun in his hand
15 because a guy was running from him.

16 Q No, I didn't ask you that. I said who did you see
17 with a gun in their hand? In your statement you say
18 you saw anybody with a gun in their hand?

19 A Then it's not in my statement but that's what I saw.

20 Q That's what you saw now.

21 A It's what I saw then.

22 Q Okay. So really all you saw were two people and you
23 heard some shots, right?

24 A No, I saw -- well seeing part, on the seeing part,
25 yes.

1 Q Well tell me.

2 A Two people, a kid in the car, the guy that was
3 running from the guy that had the gun, so that's
4 two -- that's three.

5 Q So the kid in the car -- so you saw the guy with the
6 gun?

7 A No, I didn't.

8 Q Okay. How old is the kid in the car now?

9 A He's about like 8 to 10, 11 years old.

10 Q Where was he sitting in the car?

11 A He was in the backseat. Leaning over the console.

12 Q Okay. Fine. Did you happen to see the -- you saw
13 the Expedition, right?

14 A That's correct.

15 Q Okay. Did you see other cars there?

16 A No, sir.

17 Q Did you see any cars leave?

18 A No.

19 Q Did you walk across the street to the Bariatric
20 Clinic?

21 A No.

22 Q Okay.

23 MR. COOKE: I have no further questions.

24 THE COURT: All right, anything else?

25 MR. MARCHANT: Nothing else, Your Honor.

1 THE COURT: All right, thank you, sir, you can
2 step down. Thank you.

3 MR. MARCHANT: The State would call Jeffrey
4 Smith.

5 THE CLERK: Mr. Smith, please come forward. If
6 you would pause at the end of the bench, please. Place
7 your left hand on the Bible, raise your right hand.

8 JEFFREY SMITH, after being duly sworn, testified
9 as follows:

10 THE CLERK: Thank you, please be seated. State
11 your full name record.

12 THE WITNESS: Jeffrey Smith.

13 THE CLERK: Thank you.

14 DIRECT EXAMINATION

15 BY MR. MARCHANT:

16 Q Mr. Smith, where are you employed?

17 A Wade Hampton Fire Department.

18 Q How long you been with the Fire Department?

19 A With Wade Hampton, five years.

20 Q What did you do prior to your employment with the
21 fire department?

22 A Thirteen years at City of Travelers Rest Fire
23 Department.

24 Q Did you have any other public experience?

25 A I was a reserve officer with Greenville County

1 Sheriff's Office.

2 Q How long were you a reserve officer with the
3 sheriff's office?

4 A About five years.

5 Q On March the 25th of 2009, were you on Vardry Street
6 at the Bariatric Clinic?

7 A Yes, sir.

8 Q Were you present when some commotion started?

9 A Yes, sir.

10 Q Where were you sitting when the commotion started?

11 A The middle of the waiting room, there's sofas faced
12 away from the window.

13 Q What is it that got your attention?

14 A Some ladies behind me sitting in the waiting room
15 started screaming.

16 Q Were you able to determine what they were screaming
17 about?

18 A At the time no. When I turned around I saw somebody
19 walk in the door.

20 Q When you say you saw somebody, male or female?

21 A A black male.

22 Q And had he been in the clinic earlier that day?

23 A Not that I'm aware of.

24 Q What was the condition of this individual that came
25 through the door?

1 A When he came in he was -- had his hand up on the side
2 of his face and staggering.

3 Q Do you recall which side of his face he was holding,
4 the right or his left?

5 A I think it was left if I remember right.

6 Q What happened when he came through the door? How far
7 did he get into the business?

8 A Where there's two doors you come in, main doors.
9 There's like maybe a six, eight foot door type deal
10 with windows there, the second door as soon as he
11 opened the second door is when he fell.

12 Q Show you what's been marked as State's Exhibit 14
13 through 16, ask if you recognize those?

14 A Yes, sir.

15 Q Okay. Is that a fair and accurate depiction of the
16 clinic as it was that day?

17 A Yes, sir.

18 Q When these events occurred.

19 MR. MARCHANT: State's 13 through 16 in
20 evidence.

21 THE COURT: Any objection?

22 MR. COOKE: None, Judge.

23 THE COURT: Okay. State's Exhibit 13 through
24 16.

25

1 (WHEREUPON, State's Exhibit Nos. 13 through 16
2 were admitted into evidence.)

3 BY MR. MARCHANT:

4 Q Show you what's been marked as State's Exhibit No.
5 13. Please tell the jury what this picture shows?

6 A The main door to go into the doctors office.

7 Q Where does that door open up or does the door open
8 out or open in?

9 A Opens in.

10 Q If you're leaving or exiting this business, where
11 would you walk out into?

12 A The sidewalk in the parking lot.

13 Q So does this door face the parking lot or the street?

14 A The parking lot.

15 Q And you said the individual that came in, a black
16 male entered through this door?

17 A Yes, sir.

18 Q Showing you what's marked as State's 14. What does
19 this picture show?

20 A It's a photo of, I guess, between the two front
21 doors.

22 Q Okay. Where -- if you'll take that pointer and show
23 us where the second door is.

24 A Second door is right there on the left wall.

25 Q Does that door open?

1 A If I remember right it opens to you.

2 Q So you have to push to get in the door then pull to
3 get all the way into the business?

4 A If I remember correctly, yes, sir.

5 Q Look a State's 15, would you please tell the jury
6 where you were sitting when the commotion started?

7 A On the sofa right here, on the left side of the sofa
8 where ten is.

9 Q Approximately how many people would you estimate to
10 be in the clinic that day?

11 A I not sure in the clinic, I'm aware of in the waiting
12 room, I'm guessing nine people including myself.

13 Q What did you do once the individual came through the
14 door?

15 A When I heard that screaming, I stood up to turn
16 around to see what the commotion was about.

17 Q What did you think? What was your immediate
18 impression of the individual at that time?

19 A First impression when I saw him come in I thought
20 maybe he was drunk or something like that.

21 Q Why did you have that impression?

22 A He was staggering, wasn't walking straight or
23 anything like that. That was just a first
24 impression.

25 Q Was there anybody with him?

- 1 A No, sir.
- 2 Q Did you ever see anybody else come through that door
3 beside law enforcement that day?
- 4 A Yes, sir.
- 5 Q What it a male or female?
- 6 A Black male.
- 7 Q Do you recall what the condition of that person was?
- 8 A He was -- his left hand was holding his right
9 shoulder, there was blood on his right shirt leave.
- 10 Q The person that came through first, did you -- did
11 you see a weapon or a gun on that individual?
- 12 A No, sir, I did not.
- 13 Q Okay. Now, did you actually tend to the person that
14 came through initially?
- 15 A I attempted to, yes.
- 16 Q And was there a doctor that came out and tended to
17 him actually?
- 18 A Yes, sir.
- 19 Q What was your impression of the individual prior to
20 EMS arriving?
- 21 A Once he opened that second door right there he
22 collapsed. That's when he had a lot of blood coming
23 from the neck area. And, you know, you can see in
24 this picture there was blood everywhere.
- 25 Q How long did it take for the second individual to

1 come into the building? If you recall.

2 A Just a few minutes. I say five or less.

3 Q Do you recall what the person who came in second was
4 wearing.

5 A White t-shirt, plain white under shirt and khaki
6 pants.

7 Q Was that person injured?

8 A It looked like he was in his right arm.

9 Q Did you attend to or perform any medical--

10 A No, sir.

11 Q -- procedure on him?

12 A No.

13 Q Did anybody while you're there?

14 A EMS.

15 Q I'm going to show you State's 16, what is this
16 picture show?

17 A It's the windows there open up to the sidewalk and
18 the parking lot. And that's right beside the front
19 door.

20 Q Okay. Now the second person that came in that was
21 wearing this white shirt, did they stay the entire
22 time or did they leave?

23 A He left.

24 Q What did he do when he came in initially?

25 A When he come in he started chanting, They got you too

1 or they shot you or something like that. And he
2 reached down and grabbed the first man's belt and
3 pants like -- like he was trying to pick him up and
4 move him around.

5 Q Could you tell whether or not he was looking for
6 something?

7 A It looked like he was trying to pick him up. He was
8 hollering at us, myself and Dr. whoever was behind
9 him. I'm not aware who was all there but he was
10 hollering at us to call the police and the
11 paramedics.

12 Q Was he successful in lifting him off the ground?

13 A No, sir. Huh-uh.

14 Q After he was unsuccessful in trying to pick him up,
15 did he stay in the business or did he leave?

16 A He left.

17 Q Did you see any weapons?

18 A No, sir.

19 Q With that individual?

20 A No, sir.

21 Q Gun?

22 A No, sir.

23 Q Knife?

24 A Didn't see anything.

25 Q Baseball bat?

- 1 A His right hand was down by his side, his left hand
2 was holding the top of his arm.
- 3 Q Were you able to determine where he went when he left
4 the clinic?
- 5 A I didn't know where he was so I was telling the
6 doctor to watch him. See where he -- where he went.
7 And I watched him cross the street and go to a house
8 directly across the street. And go up the driveway.
- 9 Q Is this house visible in this picture?
- 10 A Yes, sir.
- 11 Q Which is State's number 16?
- 12 A Yes, sir, it is.
- 13 Q Would you please point the jury to the house that
14 you're referring to?
- 15 A This house right here.
- 16 Q Now he left the clinic and went to the house -- or to
17 the house?
- 18 A In the driveway that goes up beside the house. And
19 there was a white male standing here with no shirt on
20 holding a phone. He stopped briefly to speak to him
21 then he kept going.
- 22 Q Showing you what's been marked as State's Exhibit
23 Number 10, does that picture help you describe where
24 the white male was standing?
- 25 A He was standing at the end of the driveway at the

1 sidewalk or whatnot right here.

2 Q And what was he doing?

3 A He was holding one of those older style cordless
4 phones with a long antenna, who he might have been on
5 the phone with, I don't know.

6 Q Did you ever see the individual in this white t-shirt
7 again that day?

8 A Yes.

9 Q Okay. When was that?

10 A A few minutes later after the police and EMS were
11 there he came back.

12 Q Do you know -- did you perform any treatment or did
13 the doctor at the clinic perform any treatment on
14 him?

15 A Not that I remember, no. I did not -- no, I can't
16 recall if the doctor did or not.

17 Q Be clear, the fella that came in first, you never saw
18 a weapon?

19 A No, sir.

20 Q And he never left again?

21 A The first individual, no, sir.

22 Q Okay. The second individual that came in did not
23 have a weapon but he did leave and came back?

24 A I never saw a weapon and he did leave and come back.

25 Q When he left you saw him walk across the street?

1 A Yes, sir.

2 MR. MARCHANT: I don't have any further
3 questions, please answer any questions Mr. Cooke may have.

4 THE WITNESS: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. COOKE:

7 Q Just a couple of questions. So, the person that you
8 saw walk in and bend over the person that was that on
9 the floor bleeding?

10 A Yes, sir.

11 Q He bent over and what did he do?

12 A He was telling us, the people in the room, to call
13 the police and the paramedics. He leaned over and
14 picked the first man -- he was trying to, I'm
15 assuming, he was trying to pick him up. He grabbed
16 him by the beltline, I don't know if he had a belt on
17 or not.

18 Q But he had his hands around the beltline?

19 A Yeah, he picked up his pants, like he was doing this
20 motion here.

21 Q Did he appear to be injured, was he bleeding?

22 A He had blood on his shirt.

23 Q So he's bending over the person on the floor in the
24 Bariatric Clinic, and has his hands around his belt
25 area?

1 A On the pants yes, sir.

2 Q Okay. All right. Then he told y'all to call EMS?

3 A Yes, sir.

4 Q Okay. He left?

5 A Yes, sir.

6 Q He left the Bariatric Clinic, he walked across the
7 street --

8 Do you have that picture?

9 I don't know how to work this thing.

10 MR. MARCHANT: All do you have to do is turn the
11 lights off.

12 MR. COOKE: This right here, that's the one I
13 want.

14 BY MR. COOKE:

15 Q So he appeared to be -- did he appear to be concerned
16 about his brother there?

17 A Yeah, he seemed real concerned.

18 Q Okay. So he left his side, walked across the street,
19 correct?

20 A Yes.

21 Q That's four lanes of traffic, is that correct?

22 A I think, I can't remember.

23 Q Okay. And you say he's noticeably injured?

24 A He was holding his arm and there was blood on his
25 shirt.

1 Q So he walks across four, five lanes of traffic,
2 whatever's out there, he walks back to the house, he
3 walks up the driveway and he disappears?

4 A Yes, sir.

5 Q Do you have any idea where he went?

6 A Not a clue.

7 Q All right. And he's injured. And then when did you
8 see him again?

9 A A few minutes later, I don't know exact time but.

10 Q Did he come back over to the Bariatric Clinic?

11 A Yes, sir. Yes, sir.

12 Q Okay.

13 MR. COOKE: I have no further questions.

14 THE COURT: Anything else?

15 MR. MARCHANT: Nothing else.

16 THE COURT: All right, thank you, sir, you can
17 step down.

18 MR. MARCHANT: I ask that he be excused.

19 THE COURT: Want to release him from subpoena,
20 let him go?

21 MR. COOKE: I can't do that, Judge, I just can't
22 -- may need to recall if I need to.

23 THE COURT: That's all right.

24 Ladies and gentlemen, let's take just a short
25 break and then we'll resume the trial. Y'all don't talk

1 about the case, we'll get back to you in just a second.
2 Let me ask you to do one other thing. While you're back
3 there, see if y'all can decide who you would like among
4 the first 12 to be your foreperson, okay. If you can't do
5 that I'll do it for you but I want to give y'all that
6 chance, all right. Well get back with you in just a few
7 minutes. Thank you.

8 (WHEREUPON, the jury left open court at
9 approximately 4:05 p.m.)

10 THE COURT: Everybody sit still in the courtroom
11 until the jury has exited. Okay, be at ease.

12 (WHEREUPON, a short break was taken.)

13 THE COURT: Okay, y'all ready? Our Foreperson
14 is Joseph Rodd. That would be juror number 122.

15 (WHEREUPON, Court's Exhibit No. 1 was marked for
16 identification and received into evidence.)

17 MR. COOKE: I'm sorry, I was not paying
18 attention, I apologize. What did you say? I apologize,
19 Judge.

20 THE COURT: Your Foreperson.

21 MR. COOKE: Oh, 122, okay.

22 THE COURT: Let's get them.

23 (WHEREUPON, the jury came into open court at
24 approximately 4:30 p.m.)

25 THE COURT: Mr. Rodd, thank you for agreeing to

1 serve, I appreciate that.

2 Mr. Marchant.

3 MR. MARCHANT: May it please the Court, the
4 State calls Dr. Michael Ward.

5 THE CLERK: Sir, if you'd please place your left
6 hand on the Bible, raise your right hand.

7 MICHAEL WARD, after being duly sworn, testified
8 as follows:

9 THE CLERK: Thank you, please be seated. State
10 your name for the record.

11 THE WITNESS: Michael Eugene Ward.

12 DIRECT EXAMINATION

13 BY MR. MARCHANT:

14 Q Dr. Ward, where are you employed?

15 A I'm employed here in Greenville by Pathology
16 Associates of Greenville and by the Greenville County
17 as the Chief Medical Examiner.

18 Q How long have you held those positions?

19 A Just over 15 years.

20 Q Okay. What is your title or profession with these
21 two businesses?

22 A I'm a forensic pathologist.

23 Q Exactly what does that mean?

24 A A pathologist is a licensed physician whose training
25 deals with disease and the interpretation of disease

1 and how those disease processes affect man. Forensic
2 pathology takes that one step further. They have
3 training in not only disease but traumatic injuries
4 and how these result in death. And the presentation
5 of those informations in the court.

6 Q In layman's terms, fair to say--

7 A In layman's terms I do autopsies to figure out why
8 and how people die.

9 Q And how many people here in Greenville County that
10 performs those services?

11 A There are two. Myself and James Foulter who is my
12 associate.

13 Q And in your time doing autopsies, how many would you
14 estimate that you have conducted?

15 A Well over 3000 forensic autopsies.

16 Q In addition to those 3000 autopsies, what is your --
17 excuse me, what is your educational background?

18 A I received my Bachelor's Degree in Biology from the
19 University of Alabama. I have a Master's Degree in
20 Forensic Science from the University of Alabama at
21 Birmingham. I received my medical degree from the
22 University of South Alabama in Mobile. I did a four
23 year anatomic pathology residency at the Medical
24 University of South Carolina in Charleston. And A
25 one year fellowship in forensic pathology at the

1 University of New Mexico in Albuquerque. I'm
2 certified by the American Board of Pathology in both
3 Anatomic and Forensic Pathology.

4 Q Have you ever been qualified as an expert in forensic
5 pathology before?

6 A Yes, I have.

7 Q Roughly how many times?

8 A Well over 100 times.

9 Q Was that in State Court, Federal Court?

10 A Both State and Federal Court?

11 MR. MARCHANT: Your Honor, at this time, the
12 State would offer Dr. Ward as an expert in forensic
13 pathology.

14 THE COURT: Any voir dire for him?

15 MR. COOKE: None from the defense, Judge.

16 THE COURT: Any objection?

17 MR. COOKE: None.

18 THE COURT: Okay, so qualified.

19 BY MR. MARCHANT:

20 Q Dr. Ward, did you have the occasion to perform an
21 autopsy on the victim in this case, Vincent Campbell?

22 A Yes, I did.

23 Q And do you recall what day that autopsy took place as
24 well as the time that it took place?

25 A The autopsy was begun on March 25th, 2009 at 1 p.m.

1 Q And -- at 1 p.m.?

2 A That's correct.

3 Q Would you inform the jury, essentially, what you did
4 on a autopsy of Vincent Campbell?

5 A An autopsy is a detailed physical examination on the
6 person who has passed away. It begins with an
7 external examination, looking at the outside of the
8 body for any evidence of trauma or natural disease
9 process. And a continuation of that examination to
10 the inside of the body. Again, looking for trauma or
11 any natural disease to help determine cause and
12 manner of death.

13 Q And what, if anything, did you notice that was out of
14 the ordinary with Vincent Campbell?

15 A Mr. Campbell had two gunshot wounds.

16 Q Do you recall where these two -- let's start with
17 gunshot wound number one. Now, did you designated in
18 your report one versus two?

19 A I'm sorry, yes. The gunshot wounds are numbered
20 arbitrarily indicating that I don't know which
21 occurred first. But they're listed for convenience.
22 Basically from head down. So the first gun shot
23 wound --

24 I already have one, thank you.

25 The first gunshot wound described was to the

1 left side of the face. The second one was to the
2 right lower back.

3 Q Starting with the first one.

4 A Gunshot wound labeled as number one, entered the skin
5 of the left side of the face, missing the mandible or
6 the jawbone, but penetrating through the cheek,
7 entering the oral cavity or inside the mouth, passing
8 from Mr. Campbell's left to his right, downward.
9 Basically through the back of his throat.

10 THE COURT: Sir, would you like some water?

11 THE WITNESS: I have some, thank you.

12 THE COURT: Do you? All right. Going to get
13 you hydrated.

14 A Basically passing through the back of his throat just
15 above the opening of the trachea or the pipe where
16 the air goes to the lungs. As it went further to the
17 right and slightly further backward, it transected or
18 passed through the right internal carotid artery.
19 Which is one of the vessels that carries blood to the
20 brain. It then exits out the skin on the right side
21 of the neck, roughly in this area here. So enters
22 here, exits in this area here.

23 There was extensive hemorrhage within the
24 subcutaneous tissue and musculature of the right side
25 of the neck in association with the lacerated

1 internal carotid artery. And there was what we call
2 hemo-aspiration. Which means that after he was shot
3 Mr. Campbell, because of the presence of blood in his
4 posterior throat or the back of his throat, was
5 inhaling that blood into his lungs. Indicated that
6 he had survival period after being shot.

7 Q Did you perform a diagram with respect to gunshot
8 wound number one today?

9 A Yes, I did.

10 Q I'm going to show you State's 34 and 35 and ask you
11 if those are the ones that you prepared for your
12 testimony today?

13 A Yes, they are.

14 MR. MARCHANT: Move 34 and 35 into evidence.

15 THE COURT: Any objection?

16 MR. COOKE: None, Judge.

17 THE COURT: Okay.

18 (WHEREUPON, State's Exhibit No.s 34 and 35 were
19 admitted into evidence.)

20 BY MR. MARCHANT:

21 Q Dr. Ward, were you able to determine at the autopsy a
22 approximate distance the shooter was, with respect to
23 the wound that you just described?

24 A In determining range of fire, we look for certain --
25 look for the presence of certain components on the

1 skin surrounding the gunshot wound of entrance. In
2 the absence of any of these gunshot residues, then we
3 make a determination of distance range gunshot wound.
4 On the skin of Mr. Campbell's face, there was no
5 soot, there was no unburnt gunpowder and there was no
6 injury from the skin of striking gunpowder. So this
7 would have been classified as a distance range
8 gunshot wound. And distance range is anywhere from
9 two to three feet or greater. So six feet would be
10 about the same as 16 feet, I would not be able to
11 tell. So it's greater than two to three feet.

12 Q Were you able to determine with the entrance and exit
13 wound of gunshot wound number one, the size or type
14 of projectile?

15 A No, I was not.

16 Q Were you able to say whether or not it would be
17 consistent with a particular caliber based on the
18 size of the entrance and exit?

19 A It's consistent with what I would consider to be to
20 medium caliber which would be anywhere from say a .32
21 to .45. Which could include a 9 millimeter, 10
22 millimeter, .40 caliber, anything in that range.

23 Q Based on the evidence, that's as narrow of a
24 definition as you're able to provide?

25 A I would not speculate any further than that.

1 Q Would you please inform the jury what you found with
2 respect to the second gunshot wound?

3 A Gunshot wound number two is to Mr. Campbell's right,
4 lower back. It's basically more towards the side of
5 the back as opposed to the to true back. It passed
6 through the skin and underlining fatty tissue of the
7 back through the right side and exited at front of
8 the side but did not penetrate into any of the body's
9 cavities. So basically this was that superficial
10 gunshot wound which considering normal treatment of
11 hygiene would not have been a significant injury.

12 Q Based on your testimony and description of those two
13 gunshot wounds, which one of those two was the fatal
14 shot?

15 A Gunshot wound number one, the wound to the face,
16 would have been the fatal gunshot wound.

17 Q In your normal course of performing these autopsies,
18 did you find anything else unusual about
19 Mr. Campbell's body? And what I'm asking you, was he
20 in otherwise normal healthy shape for a man of his
21 age?

22 A Yes. There were no other significant findings. No
23 significant natural disease process or other trauma.

24 Q Nothing to the heart or lungs or cancer or anything
25 like that?

1 A That's correct. Other than what was related with the
2 gunshot wound, the hemo-aspiration.

3 Q Once you complete your examination of the deceased,
4 are you asked to render an opinion as to the cause of
5 death?

6 A Yes, I am.

7 Q Do you do that in every case?

8 A Yes, I do.

9 Q And did you do that in this case?

10 A Yes, I did.

11 Q And what was your conclusion based upon the evidence
12 that you just testified was the cause of death of
13 Vincent Campbell?

14 A Vincent Campbell died as a result of a gunshot wound
15 of the head.

16 Q Were you able to be any more specific of whether or
17 not it was an accident, whether it was a suicide,
18 whether it was homicide?

19 A Giving the circumstances the classification of manner
20 of death was--

21 MR. COOKE: Judge -- I withdraw that, Judge.

22 THE COURT: Okay, go ahead, Doctor.

23 THE WITNESS: The manner of death would be
24 homicide.

25

1 BY MR. MARCHANT:

2 Q Why is it that you're telling this jury that that's
3 your conclusion that it's homicide?

4 A A homicide is the death of one person resulting from
5 the actions of another person. In this case he was
6 shot by another individual. And that was a homicide.

7 Q Did you also take a toxicology examination of
8 Mr. Campbell?

9 A Yes, we did.

10 Q Would you tell the jury what toxicology is what the
11 result of Mr. Campbell was?

12 A Toxicological analysis was performed on
13 Mr. Campbell's femoral blood. And basically that's a
14 test looking for commonly used drugs and drugs of
15 abuse. Including ethanol, marijuana, stimulate
16 drugs, such as cocaine, amphetamines, and the common
17 narcotic drugs. And none were found in Mr. Campbell.

18 Q The test that you normally run for those substances,
19 that's a normal test you run on every autopsy or only
20 as requested by law enforcement?

21 A We do that on all medical legal autopsies.

22 Q So this is a standard test?

23 A That's correct.

24 Q And results of this test were negative on all fronts?

25 A That's correct.

1 Q You also got a blood sample and keep a blood sample
2 of the decedent?

3 A That's correct. A DNA card is prepared on each
4 autopsy.

5 Q And did you do that in this instance?

6 A We did.

7 Q And where is that sample kept?

8 A It's kept in our office, locked in our files.

9 Q And some point in time could law enforcement come and
10 get that from you?

11 A Yes, they routinely do.

12 Q Do you know whether or not that was done in this
13 case?

14 A I do not recall. Yes, I have a -- I'm sorry, I'm
15 blanking. Basically an evidence sheet where the
16 blood card was transferred from our files to an
17 investigating officer whose name I cannot read but it
18 was transferred to law enforcement.

19 Q Could you tell me the date that it was transferred to
20 law enforcement?

21 A No, sir, I do not see a date on here to where it was
22 transferred.

23 Q Now who would have access to those records in your
24 office?

25 A Dr. Foulter and myself and my secretary, Ann Master

1 Birdie. And she's the one who signed it over.

2 Q So they're three people that would have access to a
3 DNA card out of your office?

4 A That's correct.

5 Q And who, if anybody, could take possession of that
6 DNA card?

7 A No one else.

8 Q You wouldn't release it to anybody other than law
9 enforcement?

10 A No, we would at the request -- or under subpoena we
11 would release it to individuals requesting DNA for
12 paternity testing. But only a portion of that. We
13 would not release the entire DNA card for that.

14 Q That's not the circumstances in this case?

15 A That's correct.

16 MR. MARCHANT: All right, thank you, Dr. Ward,
17 please answer any questions Mr. Cooke may have.

18 MR. COOKE: I just have a couple.

19 CROSS-EXAMINATION

20 BY MR. COOKE:

21 Q Doctor, what was the size and weight of the deceased
22 in this case? In layman's terms, I don't know that
23 millimeter stuff, whatever.

24 A Mr. Campbell was 5 feet 10 inches tall and weighed
25 260 pounds.

1 Q 260 pounds?

2 A Yes, sir.

3 Q Okay. I did not understand what y'all were talking
4 about when you were talking about blood. You said
5 you found the toxicology report, you didn't find
6 anything abnormal in there, right?

7 A That's correct.

8 Q What were y'all talking about about some kind of
9 blood sample or something?

10 A At each autopsy we take what we call a blood spot.
11 Which is a dried card used for DNA testing. And we
12 put a sample of each autopsy individual's blood on
13 that card, air dry it, seal it in a envelope and keep
14 it in our files for DNA testing should that arise.

15 Q Okay. But as far as a toxicology report, you didn't
16 find anything?

17 A No, sir.

18 Q Okay.

19 MR. COOKE: I don't have any other questions,
20 thank you.

21 THE COURT: Any redirect?

22 MR. MARCHANT: Nothing further, Your Honor. We
23 ask that Dr. Ward be excused.

24 THE COURT: Can we release him from the
25 subpoena, Mr. Cooke?

1 MR. COOKE: No, sir. Just in case. I'm not
2 going to release him but I'll call him back.

3 THE COURT: We'll call you back if we need you.

4 DR. WARD: Thank you, sir.

5 THE COURT: I hope your cough improves.

6 DR. WARD: Thank you, very much. I apologize.

7 MR. MARCHANT: State would call Donald Stone.

8 THE COURT: All right.

9 THE CLERK: Mr. Stone, please come forward, sir.
10 If you'd pause at the end of bench. Please place your
11 left hand on the Bible and raise your right hand.

12 DONALD STONE, after being duly sworn, testified
13 as follows:

14 THE CLERK: Thank you, please be seated. State
15 your name for the record.

16 THE WITNESS: Donald Earl Stone.

17 DIRECT EXAMINATION

18 BY MR. MARCHANT:

19 Q All right, Mr. Stone, I'm going to ask you to scoot
20 up a little bit and talk into that microphone real
21 good so we can all hear you, all right?

22 A Yes, sir.

23 Q How old are you, Mr. Stone?

24 A I'm 17.

25 Q When's your birthday?

- 1 A March 28th.
- 2 Q So you'll be 18 about a month and a half?
- 3 A Yes, sir.
- 4 Q Is that right. Where do you live?
- 5 A [REDACTED] Palmetto Avenue.
- 6 Q Who do you live with?
- 7 A Ms. Hamby.
- 8 Q Who is Ms. Hamby?
- 9 A My great aunt.
- 10 Q I'm sorry, I--
- 11 A My great aunt.
- 12 Q She's your great aunt?
- 13 A Yes, sir.
- 14 Q Does anybody else live at the house with you?
- 15 A Not that I know of.
- 16 Q Were you living with Ms. Hamby when this incident
- 17 happened back in March of 2009?
- 18 A Yes, sir.
- 19 Q And where were y'all living?
- 20 A At [REDACTED] Vardry Street.
- 21 Q And who was living with you at that house at that
- 22 time?
- 23 A I believe it was me, my great aunt, I believe A [REDACTED]
- 24 and my uncle.
- 25 Q Who's your uncle?

- 1 A Ronnie Abbott.
- 2 Q What's the first name?
- 3 A Ronnie.
- 4 Q Ronnie Abbott, is that right?
- 5 A Yes, sir.
- 6 Q Was he present the day that this happened?
- 7 A No, sir.
- 8 Q Was Al [REDACTED]?
- 9 A Yes, sir.
- 10 Q Who is Al [REDACTED]?
- 11 A My niece.
- 12 Q Who was Al [REDACTED]'s mother?
- 13 A Crystal Stone.
- 14 Q And Crystal is your?
- 15 A Sister.
- 16 Q This happened March 25th about 10:00 in the morning?
- 17 A Yes, sir.
- 18 Q You're 17 today?
- 19 A Yes, sir.
- 20 Q How old were you when this happened?
- 21 A Sixteen.
- 22 Q This happened during the middle of the week, were you
- 23 enrolled in school anywhere?
- 24 A Yes, sir.
- 25 Q Where were you enrolled in school?

- 1 A I was enrolled at West Greenville Auditorium. I
2 can't really remember the whole name of it.
- 3 Q Was it a middle school, a high school or an
4 alternative school?
- 5 A Alternative school.
- 6 Q And this being the middle of the week, why were you
7 not at school that day?
- 8 A Because I was suspended.
- 9 Q Were you suspended for just that day or day after,
10 the day before?
- 11 A Just that day.
- 12 Q Do you recall what time you got up that morning?
- 13 A I believe it was around 10:30, 10:45, somewhere in
14 there.
- 15 Q When you got up, where was Ms. Hamby?
- 16 A When I got up Ms. Hamby and A[REDACTED] was in the living
17 room.
- 18 Q And why was A[REDACTED] over at Ms. Hamby's house?
- 19 A Because that was like, I guess, like you can say her
20 second home at the time.
- 21 Q So Ms. Hamby cared for her from time to time?
- 22 A Yes, sir.
- 23 Q Did A[REDACTED] ever stay with Crystal?
- 24 A No, sir.
- 25 Q Now, how many other children at this time did Crystal

- 1 have?
- 2 A Three.
- 3 Q And Al [REDACTED] was the youngest, older, middle?
- 4 A The middle child.
- 5 Q And how old was she when this happened?
- 6 A Either one or two.
- 7 Q Was she able to walk around the house?
- 8 A Yes, sir.
- 9 Q Could she feed herself?
- 10 A Occasionally.
- 11 Q She still wearing diapers?
- 12 A I can't really recall if she was.
- 13 Q The oldest child that Crystal had, was it a boy or
- 14 girl?
- 15 A A boy.
- 16 Q And what was that child's name?
- 17 A Da [REDACTED]?
- 18 Q Da [REDACTED]n. Where did Da [REDACTED] live?
- 19 A I believe he lived with Junior, with Vincent, I
- 20 believe.
- 21 Q You say Vincent, who do you mean?
- 22 A Vincent Campbell.
- 23 Q Okay, you just called him Junior?
- 24 A Yeah, that's what I called him.
- 25 Q You called him Junior?

- 1 A Yes, sir.
- 2 Q Did he have any other nicknames that he went by?
- 3 A Not that I know of.
- 4 Q So Da[REDACTED] is the oldest, Al[REDACTED] is the middle child,
5 she's living with y'all?
- 6 A Yes, sir.
- 7 Q What's the name of the youngest child?
- 8 A V[REDACTED].
- 9 Q At this time how old was V[REDACTED]?
- 10 A Either I say about one.
- 11 Q Could she walk?
- 12 A Not really. She kind of crawled and stuff like that,
13 I guess.
- 14 Q And who did Crystal have these three kids with? Who
15 was the father of these three children?
- 16 A Vincent Campbell.
- 17 Q Does Vincent have a brother?
- 18 A Yes, sir.
- 19 Q That you're friends with?
- 20 A Yes, sir.
- 21 Q Who's that?
- 22 A Ke[REDACTED] Ca[REDACTED].
- 23 Q How long have you been friends with Ke[REDACTED]?
- 24 A About eight or nine years.
- 25 Q How's it that y'all became friends?

1 A He had moved into the neighborhood over at 115 Watson
2 Drive which my brother stayed at. And a boy from
3 across the street that stays from my brother had told
4 him that there was some new people that moved in the
5 neighborhood. And --

6 MR. COOKE: I'm sorry, I just can't hear you.

7 BY MR. MARCHANT:

8 Q Okay, Donald, just speak up a little bit, slow down,
9 okay.

10 MR. COOKE: Pull the mic back a little bit so I
11 can--

12 I can't hear--

13 THE COURT: Can y'all hear him?

14 THE FOREPERSON: Barely.

15 THE COURT: All right.

16 BY MR. MARCHANT:

17 Q All right. So you knew Ke [REDACTED] for about eight years?

18 A Yes, sir.

19 Q And you met him through your brother?

20 A Yes, sir.

21 Q Where your brother was living over off Watson Drive,
22 is that right?

23 A Yes, sir.

24 Q What's your brother's name?

25 A Donnie Stone.

- 1 Q So he's Donnie?
- 2 A Uh-huh.
- 3 Q And you're Donald?
- 4 A Yes, sir.
- 5 Q Are y'all twins?
- 6 A Paternal.
- 7 Q Now, you said you got up and Ms. Hamby, A[REDACTED] where
- 8 were?
- 9 A In the living room.
- 10 Q Was there anybody else at the house?
- 11 A No, sir.
- 12 Q Did anybody show up at the house?
- 13 A Yes, sir.
- 14 Q Who showed up?
- 15 A Robert Jones, Crystal Stone, Vincent Campbell and
- 16 K[REDACTED] C[REDACTED].
- 17 Q Did they show up together?
- 18 A No, sir.
- 19 Q Do you know what car Vincent and K[REDACTED] showed up in?
- 20 A In the white Explorer.
- 21 Q What type of car did Rob and Crystal show up in?
- 22 A It was like a, I believe, like a silver Nissan, I
- 23 believe.
- 24 Q Do you know whether or not V[REDACTED] came with Vincent
- 25 or with Crystal?

- 1 A With Crystal.
- 2 Q How did you discover that Crystal and Rob and Vincent
- 3 and Ke [REDACTED] were at the house?
- 4 A Well, right when I had woked (sic) up I had noticed
- 5 that two cars had pulled in. So I went to go see who
- 6 it was.
- 7 Q Do you recall whose car pulled in first?
- 8 A Just from how it looked at the time, it seemed like
- 9 Robert Jones' vehicle had came in first.
- 10 Q Do you know how long he had been there before Vincent
- 11 and Ke [REDACTED] showed up?
- 12 A Approximately about either two or three minutes.
- 13 Q When you were in the den with Ms. Hamby, where were
- 14 Crystal and Robert and Vincent and Ke [REDACTED]?
- 15 A They was outside.
- 16 Q Outside where?
- 17 A At the either -- it was either the front porch or
- 18 back porch, however, Ms. Hamby calls it, I'm not
- 19 real...
- 20 Q Well where the cars were parked where they -- where
- 21 they at the door closet to where they were parked or
- 22 did they come around to the front of the house that's
- 23 closest to Vardry Street? Do you remember?
- 24 A May you repeat the question?
- 25 Q Yes, sir. All right. This being the house and the

1 cars are in the backyard, did they come to the door
2 here or did they come to the door here?

3 A In the back.

4 Q So they came to the backdoor?

5 A Yes, sir.

6 Q Is that right? Is what's been marked as State's
7 number 12, 11 and 12, is that what you're referring
8 to as the door they came to?

9 A Yes, sir.

10 Q Okay. It is fair to refer to that as the backdoor?

11 A Yes, sir.

12 Q So everybody's at the backdoor?

13 A Yes, sir.

14 Q Who, if anyone, came inside the house?

15 A First it was -- when I first -- when I opened the
16 door the first people I seen was Robert Jones and
17 Crystal Stone. Behind them was Vincent Campbell and
18 Ke [REDACTED] Ca [REDACTED].

19 Q Do you recall where V [REDACTED] was?

20 A In Crystal's hands.

21 Q The door that we are referring to as the backdoor,
22 what does that lead into?

23 A It leads to the back porch which also leads into the
24 house.

25 Q Let me show you what's been marked as State's number

1 30, do you recognize that?

2 A Yes, sir, that's the back porch.

3 Q I'm also going to show you 27, 28, and 29, do you
4 recognize those?

5 A That's the kitchen sink. That's the kitchen table
6 and that's like the little hallway that goes to the
7 living room.

8 Q So State's 27, 28 and 29, pictures of the kitchen?

9 A Yes, sir.

10 Q Do these pictures fairly show what it looked like on
11 that day?

12 A Yes, sir.

13 MR. MARCHANT: Move State's 27 through 30 in.

14 THE COURT: Any objection?

15 MR. COOKE: No, Judge.

16 THE COURT: All right.

17 (WHEREUPON, State's Exhibit Nos. 27 through 30
18 were admitted into evidence.)

19 BY MR. MARCHANT:

20 Q Okay, Donald, I'm going to start here, State's number
21 11. And this is the backyard?

22 A Yes, sir.

23 Q This what you indicated on State's Number 12 as the
24 backdoor?

25 A Yes, sir.

- 1 Q Once you entered the backdoor, is this what you see?
- 2 A Yes, sir.
- 3 Q Okay. Then once you enter another door from there or
- 4 is the house opened at that point in time?
- 5 A You have to open another door.
- 6 Q Okay. Now --
- 7 Lights, please, sir.
- 8 Now once you open that next door, what does that
- 9 next door lead into?
- 10 A The washroom and den to the kitchen.
- 11 Q So when you just told this jury that you opened the
- 12 door, what door are you talking about?
- 13 A It's the backdoor. It's the main door everyone uses
- 14 to come in and out of the house.
- 15 Q Is the door that you gain entry on to the porch or
- 16 the door to...
- 17 A Entry to inside the house.
- 18 Q So not the screen door that we saw?
- 19 A No, sir.
- 20 Q There's another door that leads into the house?
- 21 A Yes, sir.
- 22 Q Now you open the door Rob and Crystal, Crystal was
- 23 holding V[REDACTED]?
- 24 A Yes, sir.
- 25 Q And K[REDACTED] and Vincent were behind them?

- 1 A Yes, sir.
- 2 Q Were you able to tell what anybody was talking about?
- 3 A No, sir.
- 4 Q Nobody was talking about anything?
- 5 A Not that I can recall.
- 6 Q Was anybody arguing?
- 7 A Not at the time.
- 8 Q Did you see anybody with a gun?
- 9 A No, sir.
- 10 Q Did you see anybody with a knife?
- 11 A No, sir.
- 12 Q A stick?
- 13 A No, sir.
- 14 Q Baseball bat?
- 15 A No, sir.
- 16 Q What sort of mood was Crystal in?
- 17 A Everybody just seemed like in a normal okay mood.
- 18 Like ain't nothing really was going to happen.
- 19 Q Nobody fussing or arguing at this point in time?
- 20 A Not until everyone is in the house.
- 21 Q Once everybody enters the house, where did they go?
- 22 A To the kitchen.
- 23 Q Okay. Show you what's marked as state's 27, what
- 24 does this show?
- 25 A It shows the kitchen sink.

- 1 Q Twenty-eight.
- 2 A The kitchen table.
- 3 Q Twenty-nine?
- 4 A T.V. in the kitchen which is also between that door
- 5 right there and on the back is the living room.
- 6 Q And everybody went into the kitchen?
- 7 A Yes, sir.
- 8 Q Is that right? Why did everybody go into the kitchen
- 9 as opposed to the den or staying in the washroom or
- 10 whatever?
- 11 A I'm not really sure of.
- 12 Q Well what happened once everybody got into the
- 13 kitchen?
- 14 A Crystal just started arguing with Rob -- I mean, not
- 15 Rob but Vincent about taking the kids to Belton,
- 16 stuff like that.
- 17 Q Be clear, who started the argument?
- 18 A Crystal.
- 19 Q What was she arguing with Vincent about?
- 20 A Taking the kids away to Belton.
- 21 Q You say taking the kids, what do you mean?
- 22 A Picking up Al [REDACTED] and letting -- I believe letting
- 23 Vincent have V [REDACTED].
- 24 Q How did that conversation between the two of them go?
- 25 A It escalated.

- 1 Q Was anyone else involved in that conversation or was
2 it just the two of them.
- 3 A Just them and Ms. Hamby.
- 4 Q Did K[REDACTED] say anything?
- 5 A No, sir.
- 6 Q What was he doing?
- 7 A Just standing there.
- 8 Q What about the defendant?
- 9 A He was just standing there.
- 10 Q Did K[REDACTED] at any point in time ever say anything
11 while he was inside the house?
- 12 A No, sir.
- 13 Q Did you talk to K[REDACTED] at all while y'all were inside?
- 14 A I said what's up to him.
- 15 Q Was that the extent of your conversation?
- 16 A Yes, sir.
- 17 Q What about the defendant, did you talk to him?
- 18 A No, sir.
- 19 Q So the only people that are talking inside the
20 kitchen are Crystal and Vincent?
- 21 A Yes, sir.
- 22 Q And Ms. Hamby?
- 23 A Yes, sir.
- 24 Q And the conversation was about?
- 25 A Taking the kids away.

1 Q And I want to be a little clearer than just taking
2 the kids away. Who was going to take which kid
3 where?

4 A Crystal was going to take Al [REDACTED] to Belton and she
5 was going to leave Vincent V [REDACTED].

6 Q And did that conversation go well?

7 A No, sir.

8 Q What ends up happening throughout the extent of that
9 conversation with the three of them?

10 A Everything just kept on escalating until Ms. Hamby
11 told them -- told everybody just get out, go. And
12 when we went back to the back porch they was still
13 arguing a little bit. Then we had went out there to
14 the yard.

15 Q You said we went to the back porch, who do you mean
16 when you say we?

17 A Me, Ms. Hamby, Vincent, Ke [REDACTED], Rob and Crystal.

18 Q Did it ever get physical inside the kitchen?

19 A No, sir.

20 Q Did anybody put their hands on anybody?

21 A Yes, sir.

22 Q I'm sorry?

23 A Yes, sir.

24 Q Okay. Who touched who?

25 A Crystal had slapped Ms. Hamby.

1 MR. COOKE: I'm sorry, I can't hear him. Would
2 you ask him...

3 THE COURT: Repeat that.

4 THE WITNESS: Crystal Stone had slapped
5 Ms. Hamby.

6 BY MR. MARCHANT:

7 Q And does Ms. Hamby go by another name as well?

8 A Ms. Sharon Hamby, Ms. or just Nanny.

9 Q And she is your great aunt?

10 A Yes, sir.

11 Q Is she Crystal's great aunt as well?

12 A Yes, sir.

13 Q You said Crystal slapped Ms. Hamby, that was in the
14 kitchen?

15 A Yes, sir.

16 Q What happened next?

17 A Everybody was -- just went out to the front -- back
18 porch because Ms. Hamby had told them to go, just
19 leave.

20 Q Did anybody touch anybody else inside the house?

21 A No, sir.

22 Q Vincent touch anybody?

23 A No, sir.

24 Q K[REDACTED]?

25 A No, sir.

- 1 Q The defendant?
- 2 A No, sir.
- 3 Q Did Ms. Hamby slap Crystal once she got slapped?
- 4 A No, sir.
- 5 Q So y'all all moved to the back porch or outside?
- 6 A To the back porch.
- 7 Q Okay, what happened when you got to the back porch?
- 8 A Everything just kept on escalating.
- 9 Q And who was it escalating between?
- 10 A Mostly just with Crystal and Vincent.
- 11 Q At any point in time did Ke [REDACTED] say anything to
- 12 Crystal or Rob or Ms. Hamby?
- 13 A No, sir.
- 14 Q Never heard Ke [REDACTED] open his mouth?
- 15 A No, sir.
- 16 Q What about the defendant, did he ever say anything to
- 17 Crystal or Ms. Hamby or Vincent or Ke [REDACTED]?
- 18 A Not that I can recall.
- 19 Q So this primarily between Crystal and Vincent, is
- 20 that fair?
- 21 A Yes, sir.
- 22 Q And the discussions are about who's taking which kid
- 23 where?
- 24 A Yes, sir.
- 25 Q And where they using nice language or were they

1 cussing and swearing at each other?

2 A Words had been said, yes they was cuss words involved
3 and swearing.

4 Q And from the back porch did it spill out into the
5 backyard?

6 A Yes, sir.

7 Q At any point in time on the back porch did it ever
8 get physical with anybody?

9 A No, sir.

10 Q Nobody we talked about ever touched anybody on the
11 back porch?

12 A No, sir.

13 Q Okay. What happened once everybody got into the
14 backyard?

15 A Well, Crystal and Junior were still arguing. And the
16 defense, Robert Jones, was getting in his car while
17 those two were still arguing.

18 Q You say the Defendant gets into his car. Where is
19 Vincent and Crystal, where are they?

20 A Crystal, she is like -- can I use this as an example?

21 Q Let me show you some photographs that I'm going to
22 ask you to pick the one out that is going to best
23 allow you to explain where everyone is standing. So
24 take a look at those and tell me which one and we'll
25 put it on the overhead.

1 A Crystal was like right in here.

2 Q Just wait a minute. State's No. 5, is this the only
3 one or is there another one that will allow you to
4 explain who is standing where? State's No. 4?

5 A Yes, sir.

6 Q I'm going to ask you to take this laser pointer, as
7 soon as we get the lights off, ask you to explain
8 where everybody is standing. All right, I'm showing
9 you State's No. 5. All right. Previously Corporal
10 Burdette testified that there's some tire skid marks
11 where it looks like somebody got out of there in a
12 hurry--

13 MR. COOKE: I object to that characterization --

14

15 MR. MARCHANT: Your Honor, that was the
16 testimony.

17 THE COURT: Well wait a minute. Don't lead,
18 just, ask your questions.

19 BY MR. MARCHANT:

20 Q Who was parked right here?

21 A Robert Jones.

22 Q Okay and which way was he facing?

23 A Towards the road.

24 Q When you say towards the road, was the front of his
25 car -- was the front of his car here or here?

1 A Some where in there.

2 Q So what would he have to do to pull out of the
3 driveway?

4 A Just hit the gas.

5 Q Okay, wouldn't have to put it in reverse or three
6 point turn?

7 A No, sir.

8 Q Just put it in drive?

9 A Just put it in drive and go.

10 Q Okay. So you said the defendant got into his car?

11 A Yes, sir.

12 Q Okay. Please use that pointer and show the jury
13 where Crystal and Vincent were?

14 A Vincent was standing right about here and Crystal was
15 approximately about right in here.

16 Q Was Vincent standing in the way of Rob's car?

17 A No, sir. Vincent was just like right in here. Kind
18 of almost on his vehicle but like in the middle of
19 Robert Jones' vehicle and Vincent's vehicle.

20 Q Okay. So if Rob had put his car in drive, would he
21 had hit Vincent?

22 A No, sir.

23 Q Vincent was not standing in between Rob and the
24 street?

25 A No, sir.

1 Q Where were you standing?

2 MR. COOKE: Judge, I don't mind him asking
3 questions but ask the question instead of putting the
4 answer in his mouth.

5 THE COURT: Don't lead.

6 BY MR. MARCHANT:

7 Q Where were you standing?

8 A I was standing like right at above -- above Robert
9 Jones' front left tire.

10 Q So were you in front of the car or side of the car?

11 A The side, left front side.

12 Q Maybe I'm not being clear. Were you standing next to
13 the tire or were you standing in front of the bumper?

14 A Like next to the tire.

15 Q And where is K[REDACTED]?

16 A K[REDACTED], he's like on this side -- not on this side but
17 the other side of the vehicle.

18 Q All right. Now that you got everybody positioned,
19 what happened next?

20 A They keep on arguing. Junior and Crystal kept on
21 arguing. Crystal ran over to the passenger seat, try
22 to just go. Then she gets right back up, comes right
23 back over to the driver door where Mr. Robert Jones
24 was, try to hold him in the vehicle. He pushed her
25 out the way and he just started shooting.

- 1 Q Where was Vincent when Crystal came around the
2 vehicle?
- 3 A He stayed standing where he was.
- 4 Q Where were you?
- 5 A Same spot where I was.
- 6 Q And was there any fussing or conversating (sic) going
7 on between Vincent and the Defendant?
- 8 A Little words had been exchanged between them.
- 9 Q Do you recall specifically what was said?
- 10 A Not specifically.
- 11 Q Was there any discussion from either one of them
12 talking about they were getting ready to do
13 something?
- 14 A No, sir.
- 15 Q So how far away were you from the defendant when he
16 got out of his vehicle and started shooting?
- 17 A Give or -- give or -- approximately from me to her.
- 18 Q Can you tell us how many feet you think that is?
- 19 A Probably a foot and a half, give or take.
- 20 Q Now, where was K[REDACTED] when the defendant got out of
21 his car and started shooting?
- 22 A He was still behind the vehicle. Like at the bumper.
23 K[REDACTED] was kind of at bumper of the Explorer.
- 24 Q Front bumper or the rear bumper?
- 25 A The rear bumper.

1 Q And where was Ms. Hamby?

2 A Standing right beside me.

3 Q Right beside where?

4 A Right beside me like at the front left side bumper of
5 Robert Jones' vehicle.

6 Q Did you ever see Vincent get into his car?

7 A No, sir.

8 Q Did you ever see K[REDACTED] get into the car?

9 A No, sir.

10 Q Did you ever see Vincent with a gun that day?

11 A No, sir.

12 Q Did you ever see K[REDACTED] with a gun that day?

13 A No, sir.

14 Q Did you see anybody else with a gun?

15 A No, sir.

16 Q Do you know how many shots the defendant fired when
17 he got out of the car?

18 A As far as I know all the shots that I heard was
19 either about three or four shots.

20 Q Did you see any of those shots hit anybody?

21 A I seen the first shot hit Vincent Campbell.

22 Q Where did it hit him?

23 A I'm not really sure what location it hit him but he
24 had went back like that.

25 Q Did you see him get shot again or did you see K[REDACTED]

1 get shot?

2 A I saw them running around trying to escape. And
3 Robert Jones running after him, shooting them. And
4 that's when Ms. Hamby had told me to go inside and
5 call the law.

6 Q Do you know what type of gun the defendant had?

7 A At the time no, sir.

8 Q Do you know what the difference between a revolver
9 and a pistol is?

10 A Yes, sir.

11 Q You don't know which one he had at the time?

12 A No, sir.

13 Q Do you recall what color it was?

14 A As far as I know it was black.

15 Q What happened after you went inside and called 911?

16 A I ran inside -- I ran inside Ms. Hamby's room, got
17 the walking phone, called 911, came back outside.
18 And didn't see Robert Jones' vehicle there. I went
19 outside, looked around, saw K [REDACTED] at the end of my
20 driveway. At the -- yeah, at the end of the
21 driveway, I ran down there to him and I seen his arm
22 was bleeding.

23 Q Do you recall which arm?

24 A I believe it was his -- I believe it was this arm.

25 Q Did you ever see Vincent after he got shot that first

1 time?

2 A No, sir.

3 Q Did you ever go across the street to the clinic?

4 A No, sir.

5 Q Did you hide a gun for Vincent?

6 A No, sir.

7 Q Did you hide a gun for K[REDACTED]?

8 A No, sir.

9 Q Did you see K[REDACTED] hide a gun?

10 A No, sir.

11 Q Did you see Ms. Hamby hide a gun?

12 A No, sir.

13 Q Was there anybody else in the house when this
14 happened?

15 A No, sir. Besides A[REDACTED], she was in the house.

16 Q And when this defendant came out the car shooting,
17 where was V[REDACTED]?

18 A V[REDACTED]?

19 Q V[REDACTED].

20 A As far as I can recall she was in the back seat of
21 Robert Jones' vehicle.

22 (WHEREUPON, State's Exhibit No. 45 was marked
23 for identification only.)

24 BY MR. MARCHANT:

25 Q Do you recall where the defendant got the gun from?

1 A Can you repeat the question?

2 Q Do you recall where the defendant got the gun from?

3 A No, sir.

4 Q Do you know if he had it on him when he came inside
5 the house?

6 A No, sir.

7 Q Do you know where it might have been in car then?

8 A No, sir.

9 Q Did you give a statement to Detective Tim Conroy on
10 the day this happened?

11 A Yes, sir.

12 Q And is what you told Detective Conroy, to the best of
13 your recollection, the events as they unfolded?

14 A Yes, sir.

15 Q I'm going to show you what's been marked as State's
16 No. 45, what I'd like for you to do is pay particular
17 attention to see if that refreshes your memory about
18 where the gun came from and what type of gun it was.

19 MR. COOKE: Which statement is that?

20 BY MR. MARCHANT:

21 Q Did you have a chance to review that?

22 A Yes, sir.

23 Q After reviewing it, does it refresh you memory of
24 where the gun came from?

25 A Underneath the driver seat.

1 MR. COOKE: I'm sorry, I didn't hear that.

2 MR. MARCHANT: Underneath the driver seat.

3 MR. COOKE: Okay.

4 BY MR. MARCHANT:

5 Q Does it also refresh your memory as to what type of
6 gun it was?

7 A A revolver.

8 Q Just so we're clear, your testimony is that there was
9 no argument between Vincent and the Defendant?

10 A Correct.

11 Q And the Defendant got out shooting?

12 A Correct.

13 Q And did Vincent have gun?

14 A No, sir.

15 Q Was he talking about guns?

16 A No, sir.

17 Q The person that you keep calling Robert Jones, is he
18 in the courtroom here today?

19 A Yes, sir.

20 Q Would you please point him out for the Court and
21 describe what he is wearing.

22 A White t-shirt, like a little squiggly tie.

23 Q Is that the person that you just testified to, the
24 one that got out the car and shot Vincent?

25 A Yes, sir.

1 MR. MARCHANT: All right, Donald, please answer
2 any questions Mr. Cooke may have.

3 CROSS-EXAMINATION

4 BY MR. COOKE:

5 Q Donald, you were out of school that day?

6 A Yes, sir.

7 Q What grade were you?

8 A Eighth grade.

9 Q Eighth. Why were out of school, you sick?

10 A No, sir, I was suspended.

11 Q I'm sorry?

12 A I was suspend.

13 Q Why were you suspended?

14 A Talking back to the teacher.

15 Q Talking back to the teacher?

16 A Yes, sir.

17 Q How long did they suspend you from school?

18 A Just that one day.

19 Q Okay. And your sister's name is what?

20 A Crystal Stone.

21 Q Crystal, okay. Where was Crystal living at the time
22 this incident took place?

23 A In Belton.

24 Q In Belton. Was she separated from Vincent?

25 A Can you use a different question?

1 Q Was she separated from Vincent? She wasn't living
2 with Vincent, was she?

3 A Oh, no, sir.

4 Q They weren't even married, is that correct?

5 A Correct.

6 Q How many children did they have?

7 A Three.

8 Q Three?

9 A Three.

10 Q Okay. Could you give me their names, please?

11 A [REDACTED] Campbell.

12 Q Da[REDACTED], is he the oldest?

13 A Yes, sir.

14 Q And where does he stay most of the time?

15 A Can you use that in a different question?

16 Q Where does Da[REDACTED] stay most of the time?

17 A Talking when this incident occurred?

18 Q I'm sorry?

19 A When this incident occurred?

20 Q No, where did he stay most of the time, at the time
21 the incident occurred, where did he stay?

22 A Either with his mother -- not his mother but his
23 father, Vincent Campbell or over, at Vincent
24 Campbell's mother's house.

25 Q How about the middle one, where did the middle one

1 stay?

2 A A [REDACTED]?

3 Q Yeah.

4 A She stayed actually most of the time over there at
5 [REDACTED] Vardry Street with Ms. Hamby.

6 Q With Ms. Hamby. Okay, how about the younger one?

7 A V[REDACTED], she stayed with Vincent.

8 Q Stayed with Vincent?

9 A Yes, sir.

10 Q Okay. Now, are you aware that -- that Vincent and --
11 had they had any problems that you know of in the
12 past?

13 A Not that I know of.

14 Q Okay. So you don't know of any occasion when Vincent
15 might have been arrested or anything like that, any
16 conflicts?

17 A No, sir.

18 Q Okay. And tell me what -- now when you -- when you
19 got up that morning, what brought your attention to
20 all this? Were you just kind of in the kitchen
21 getting a cup of coffee and you heard the people
22 outside?

23 A No, I had woked (sic) up and I heard two vehicles
24 pull up in the driveway so I went to go see who it
25 was.

- 1 Q You heard them pull up simultaneously?
- 2 A Not simultaneously.
- 3 Q Okay, which one pulled up first?
- 4 A Vincent -- not Vincent but Robert Jones' vehicle.
- 5 Q I'm sorry?
- 6 A Robert Jones' vehicle.
- 7 Q Okay, Robert's. Then Vincent's came up?
- 8 A Yes, sir.
- 9 Q Okay. Did you hear some loud music?
- 10 A No, sir.
- 11 Q Okay, who was with him?
- 12 A Who?
- 13 Q With Vincent?
- 14 A Ke [REDACTED] Ca [REDACTED].
- 15 Q Who, Ke [REDACTED]?
- 16 A Ke [REDACTED].
- 17 Q That's his brother?
- 18 A Yes, sir.
- 19 Q And do you have any idea why they were over there?
- 20 A As far as I know they was just a day.
- 21 Q A what?
- 22 A As far as I know they just came over.
- 23 Q Just came over?
- 24 A Yes, sir.
- 25 Q This is 9:15 in the morning?

1 A About that time I guess.

2 Q Okay. All right. So they pulled up and had Robert
3 gotten in the house yet, had they gotten in? Crystal
4 and Robert, had they gotten inside yet? Were they
5 standing outside when you were up walking around
6 inside?

7 A They was outside.

8 Q Were they knocking on the door?

9 A They was.

10 Q Okay. Where was Ms. Hamby?

11 A In the living room.

12 Q Did she go to the door?

13 A No, sir.

14 Q Okay. Why didn't she go to the door?

15 A Not sure.

16 Q Was she talking on the phone?

17 A No, sir.

18 Q Okay. Did you go to the door?

19 A No, sir.

20 Q Why didn't she go to the door?

21 A Not sure.

22 Q Was she talking on the phone?

23 A No, sir.

24 Q Did you hear her have a conversation on the phone
25 with anybody that morning?

1 A No, sir.

2 Q And so Robert pulled up first and then Vincent?

3 A Yes, sir.

4 Q Okay. Did you overhear any of the conversation? Did
5 you go to the door and let them in?

6 A I went to the door and let them in.

7 Q Oh, you let them in, okay. And now you were talking
8 about the position of the cars, I want you to look at
9 these cars, that picture is not very clear. Can you
10 tell me where those tire tracks actually start?

11 A It seems to be that they start here.

12 Q You want to put your initials right there where you
13 say they start? Just right -- start right there.

14 Okay. And it was facing out?

15 A Yes, sir.

16 Q Correct. Okay. So the -- by the way, you think that
17 car was probably front wheel drive then based on what
18 you're looking at there?

19 A First, as far as I'm seeing, it may be a front drive,
20 may not be a front wheel drive, I'm not sure.

21 Q Where were you standing?

22 A Right there at the...

23 Q So you were standing in front of the car?

24 A Yes, sir.

25 Q Okay. So you were standing there?

1 THE COURT: Mr. Cooke, is that in evidence?

2 MR. COOKE: I'm sorry, you marked that I

3 apologize.

4 BY MR. COOKE:

5 Q Would you mark on there where they were standing, I
6 apologize.

7 A I was standing here.

8 Q Okay, right there where X mark is and where I wrote
9 standing. Okay, I'm sorry. All right. All right.
10 Now, and you said that Vincent came around the back
11 of the car after they'd gotten outside?

12 A Sir?

13 Q You said that they all came outside?

14 A Yes, sir.

15 Q Ms. Hamby made them leave, is that correct?

16 A Yes, sir.

17 Q They're all out in the yard?

18 A Yes, sir.

19 Q Robert went back and sat out in his car?

20 A Yes, sir.

21 Q Everyone else was standing out in the yard?

22 A Yes, sir.

23 Q Robert put the baby in the back of the car?

24 A I'm not sure who put the baby in the back of the car.

25 Q Anyhow, the baby was in the car?

- 1 A Yeah.
- 2 Q Then -- then Crystal came around?
- 3 A Yes, sir.
- 4 Q And she started to get in the car?
- 5 A Yes, sir.
- 6 Q And she changed her mind and came back around?
- 7 A Yes, sir.
- 8 Q Okay. Now, did Vincent ever open the car door to his
- 9 car?
- 10 A No, sir.
- 11 Q You never saw him open the door?
- 12 A No, sir. He stayed standing.
- 13 Q So he was standing back here the whole time?
- 14 A Yes, sir.
- 15 Q And where was everybody else? Were they in the back
- 16 of the car?
- 17 A Ke [REDACTED] was behind the white SUV. Vincent was standing
- 18 about right in here?
- 19 Q Well you want to put a V for where Vincent was
- 20 standing?
- 21 A (The witness complies.)
- 22 Q Okay. So you never saw Vincent walk around to the
- 23 driver's side and open the door and reach down?
- 24 A No, sir.
- 25 Q You never saw that?

1 A He never did.

2 Q Okay. And then when Robert came out of the car, how
3 did that all come about? Did he have the car cranked
4 up and ready to leave?

5 A I can't recall.

6 Q You can't recall? Okay. And did it appear he was
7 ready to leave?

8 A From the looks of it, yes.

9 Q What -- do you have any idea why she came around, got
10 out of the car, came back around?

11 A From all that I can remember from that accident of
12 that day, she ran back around, jumped in his lap,
13 tried to keep him in the vehicle but he tossed her
14 out of his lap and just got up and started firing.

15 Q Okay. So you say that Vincent had nothing in his
16 hand, he had not gone inside the car, he had not
17 reached and gotten anything out?

18 A Correct.

19 Q Okay. All right. I want you to look at a couple
20 of -- I want to show you, see if you can identify
21 this for me.

22 A Yes, sir, this is mine. This is my first statement,
23 I believe.

24 Q Tell me what the date on that is and the time?

25 A March 25th, 2009, 11:29 a.m.

1 Q And tell me what's in that statement that you signed?

2 A Like--

3 MR. MARCHANT: Judge, I object to him just
4 reading the entire statement. If he's got specific --

5 THE COURT: If you're going to impeach him, go
6 ahead and do it the right way, Mr. Cooke.

7 MR. COOKE: All right.

8 BY MR. COOKE:

9 Q In this statement you wrote that, and if I'm wrong
10 correct me. That today Crystal Stone and her
11 boyfriend, Rob, came to the house. They got in a
12 argument --

13 MR. MARCHANT: Judge --

14 THE COURT: Ask him a question.

15 BY MR. COOKE:

16 Q Did Crystal and Rob come to the house that day?

17 A Yes, sir.

18 Q Who got in a argument? Who is Lavimp?

19 A Vincent Campbell.

20 Q Is that his name, Lavimp?

21 A I believe so.

22 Q Okay. And you told -- your Grandmother told them to
23 go on outside?

24 A Yes, sir.

25 Q Okay. Was Rob having any arguments with them at that

1 time?

2 A Not that I can recall.

3 Q Okay. How did the screen door get off the hinges?

4 A When the shooting had started, when Ms. Hamby had
5 told me to go in and call the cops, I had opened the
6 door -- I ain't realized I actually did that to the
7 door.

8 Q So you pulled the door off the hinges?

9 A Yes.

10 Q And you went inside and called the police?

11 A Yes, sir.

12 Q Okay. When -- did you go back around the front of
13 the house?

14 A First I came in the house when I was going to go get
15 the phone.

16 Q Okay.

17 A I dialed the number, came back out to the back. I
18 didn't see Robert Jones' vehicle out there, I looked
19 down the driveway, I seen Ke [REDACTED]. So I ran back in
20 the house, got my shoes, got my shirt, came back out.

21 Q You were standing out in front of the house?

22 A Yes.

23 Q Now, did you see -- did you see Vincent's brother
24 come back across the street? And did he come back
25 from over at the medical center and talk with you?

1 A Yes.

2 Q Do you remember that?

3 A Yes.

4 Q Then he went back up to the driveway to the back of
5 the house?

6 A No.

7 Q Oh, he didn't. Okay. And so where did he go after
8 he talked with you? Did he go back across the street
9 to the medical clinic?

10 A Yes.

11 Q And you positive of that?

12 A Yes.

13 Q Okay. Excuse me, just a minute. What did you tell
14 me, that Crystal hit Ms. Hamby?

15 A She had slapped her.

16 Q I'm sorry?

17 A She had slapped her.

18 Q So at no -- you testified at no time did Robert get
19 in an argument with anybody inside the house?

20 A Not that I can recall.

21 Q By the way, did I ask you this before, had Robert
22 started the car, if you recall, if the car was
23 running?

24 A No, I'm not really sure if the car was running or
25 not.

1 Q Okay. Excuse me, just a moment.

2 I don't have any further questions, thank you.

3 THE COURT: Mr. Marchant.

4 MR. MARCHANT: Mr. Cooke, where's the Exhibit
5 you had Donald mark?

6 I don't have any further questions, I ask this
7 witness be excused.

8 MR. COOKE: Thank you.

9 THE COURT: All right, you may step down, thank,
10 you, sir.

11 All right, Mr. Foreman, ladies and gentlemen of
12 the jury, looks like a pretty good time to stop for the
13 evening. We won't keep you overnight at some motel, let
14 you go home, I'm sure that will make you happy. But
15 please remember what I told you about not talking about
16 the case with anybody. And we all know it's human nature
17 that when you go home tonight, if you see someone that you
18 know or you get home to your family or something, they're
19 going to want find out about it. They're going to want to
20 talk to you. And it's human nature that you're going to
21 want to talk. Didn't do it. Okay. You've sworn an oath
22 and I hope you remember why it's important. Even a
23 innocent comment from somebody you like and trust might
24 effect how you think about this case. And if that
25 happened that wouldn't be fair to these parties, it

1 wouldn't be fair to your fellow jurors and it wouldn't be
2 fair to yourself to allow someone who is not making the
3 sacrifices that you are making, to be on this jury, to
4 have any input into this case.

5 Just tell them when it's all over you will talk
6 about it but not until then. Don't do any research, don't
7 drive by the scene, don't do anything like that. And
8 we'll see you tomorrow morning at 9:30. Thank you, very
9 much, have a pleasant evening.

10 (WHEREUPON, the jury left open court at
11 approximately 5:40 p.m.)

12 THE COURT: All right, anything before we break?

13 MR. MARCHANT: Nothing from the State, Your
14 Honor.

15 MR. COOKE: None here, Judge.

16 THE COURT: Okay, see y'all at 9:30 in the
17 morning?

18 MR. COOKE: I'd just like to talk to my client
19 for just a minute, you don't mind.

20 THE COURT: Yeah.

21 (WHEREUPON, the proceedings were concluded for
22 the day to be reconvened on February 8, 2011.)
23
24
25

1 Tuesday, February 8, 2011

2 (WHEREUPON, State's Exhibit No. 46 was marked
3 for identification only.)

4 THE COURT: I understand we had a little problem
5 yesterday in the hallway between the families. And I'm
6 just going to put you on notice now that if that happens
7 again, I will consider it contempt of court. And handle
8 it accordingly.

9 Okay. All right, anything before we bring the
10 jury?

11 MR. MARCHANT: Judge, the State was finished and
12 asked that Donald Stone be released from his subpoena and
13 he is back in court today. I just want to be sure that
14 Mr. Cooke didn't have a subpoena. He was going to sit and
15 watch the rest of the trial. I want to be clear that it
16 was all right, make sure Mr. Cooke didn't have any
17 objection to that.

18 MR. COOKE: None.

19 THE COURT: We'll he will be subject to
20 Sequestration Order, he won't be allowed to testify again
21 if that issue comes up. Okay. All right.

22 (WHEREUPON, the jury came into open court at
23 approximately 9:55 a.m.)

24 THE COURT: All right, ladies and gentlemen,
25 welcome back, we're ready to start again.

1 Mr. Marchant.

2 MR. MARCHANT: May it please the Court, the
3 State calls Ke [REDACTED] Campbell.

4 THE COURT: Okay.

5 THE CLERK: Mr. Ca [REDACTED], please pause at the
6 end of the bench. Place your left hand on the Bible,
7 raise your right hand.

8 K [REDACTED] C [REDACTED], after being duly sworn,
9 testified as follows:

10 THE COURT: Thank you, please be seated. State
11 your name for the record.

12 THE WITNESS: K [REDACTED] D [REDACTED] C [REDACTED].

13 DIRECT EXAMINATION

14 BY MR. MARCHANT:

15 Q Good morning, K [REDACTED], how old are you?

16 A I'm 18.

17 Q When's your birthday?

18 A August 13th.

19 Q How old were you on March 25th of 2009?

20 A I was 16.

21 Q Do you have a brother named Vincent Campbell?

22 A Yes, sir.

23 Q How old would he have been on March 25th of 2009?

24 A He just turned 21.

25 Q When's his birthday?

1 A March the 9th.

2 Q And how many children does Vincent have?

3 A Three.

4 Q What are the names of those children? Starting with
5 the oldest and tell us whether they're male or
6 female.

7 A Da [REDACTED] Campbell, he's a male. Al [REDACTED] Campbell,
8 she's a female. And V [REDACTED] Campbell, she's a female.

9 Q And who is the mother of these children?

10 A Crystal Stone.

11 Q How old was Da [REDACTED] when the incident happened?

12 A I have to say he was five.

13 Q And who was he living with?

14 A At the time of the incident?

15 Q Yes.

16 A Vincent.

17 Q Was there anybody else that Vincent and Da [REDACTED] were
18 living with?

19 A Well Vincent girlfriend.

20 Q What's her name?

21 A Brianna.

22 Q And do you know how long the two of them had been
23 living together when this happened?

24 A I don't recall.

25 Q Do you know how long Vincent and Crystal had been

1 separated, not going together when this happened?

2 A I don't recall.

3 Q Was there anybody else living with D [REDACTED], Vincent
4 and Brianna?

5 A My cousin.

6 Q And who was that?

7 A Quita.

8 Q Her last name?

9 A Campbell.

10 Q Where, if you know, was the middle child, A [REDACTED],
11 living?

12 A Well she was with Vincent but he took her back to
13 Ms. Hamby's house.

14 Q Do you know when he took her back to Ms. Hamby's
15 house?

16 A I don't recall.

17 Q Did either of these two children ever stay with you?

18 A Yeah when my brother use to live with us.

19 Q And who did you live with during this time?

20 A My parents.

21 Q What are your parents names?

22 A Carlotta Campbell and Vincent Campbell.

23 Q Being 16 years old when this happened, were you in
24 school anywhere?

25 A Yes, sir.

1 Q Where were you going to school?

2 A I was going to Carolina High School but I was
3 enrolled at Enoree Career Center.

4 Q I'm sorry, you were enrolled where?

5 A At Enoree Career Center. It was this program I was
6 going to.

7 Q Did you go solely to Enoree?

8 A Yeah.

9 Q We've heard this happened in the middle of the week,
10 why were you not in school that day?

11 A Because the night before this happened, I went to
12 hospital because I had a abscess on my tooth and the
13 doctor told me to stay home the next day.

14 Q Give you any medication for it?

15 A Yes, sir.

16 Q Did you take it?

17 A Yes, sir.

18 Q Did you take it as he prescribed it?

19 A Yes, sir.

20 Q Had you ever been over to this house prior to when
21 this happened?

22 A Yes, sir.

23 Q And roughly how many times?

24 A I can't recall.

25 Q Are we talking once or twice or?

1 A More than twice.

2 Q Why would you go over to [REDACTED] Vardry Street?

3 A To see Donald Stone.

4 Q Who would take you over to [REDACTED] Vardry?

5 A Sometimes either my brother or I would ride with my
6 momma.

7 Q And what is your connection with Donald Stone?

8 A We -- well he one of my best friends.

9 Q Are there times that you would go over to the house
10 with your brother, Vincent?

11 A Yes, sir.

12 Q Why would you do that?

13 A Well he would go over there to see Nanny or see
14 Donald or he go over there sometime just to hang out.

15 Q You just mentioned a new name, who's Nanny?

16 A Ms. Martha, Ms. Hamby.

17 Q So she goes by Ms. Hamby is her given name; is that
18 right?

19 A Sharon Hamby.

20 Q She goes by what?

21 A Well her name is Sharon Hamby but we call her
22 Ms. Martha. But I call her Nanny.

23 Q Nanny?

24 A Uh-huh.

25 Q All right. On the day this happened, what time did

1 you wake up?

2 A Around 9ish.

3 Q Who woke you up?

4 A I don't remember.

5 Q Where were you when you got woke up?

6 A I was in the bed.

7 Q Where was this residence?

8 A At number █ Moon Shell Court.

9 Q Can you tell us what side of town that's on?

10 A Berea.

11 Q How far it is from Moon Shell over to Vardry Street?

12 A I'd say 10 minutes.

13 Q Why did you get up that morning?

14 A My brother came with me so he can go -- he came and
15 got me so I can ride with him to pick up his little
16 girl.

17 Q Why is that he needed you to go with him to pick up
18 his child?

19 A Because most of the time we're together with each
20 other.

21 Q Had you been over to Vardry Street with him before to
22 pick up his kids?

23 A Yes, sir.

24 Q When he showed up to pick you up, what sort of
25 vehicle was he driving?

- 1 A He was driving a white Expedition.
- 2 Q Do you know whose car that was?
- 3 A Brianna's, his girlfriend's.
- 4 Q When he picked you up and y'all left, was he driving
5 or you driving?
- 6 A He was driving.
- 7 Q Where did you go as soon as you left your house?
- 8 A To a gas station.
- 9 Q Why did you go to the gas station?
- 10 A He stopped to put air in the front left tire.
- 11 Q Do you recall what gas station you went to?
- 12 A Harry's Quick Stop.
- 13 Q Is that near your house or is that near--
- 14 A Yes, sir.
- 15 Q -- Ms. Hamby's house?
- 16 A Its' near my house.
- 17 Q How long were you at the gas station?
- 18 A Probably two minutes.
- 19 Q When you were at the gas station, did you use the
20 telephone?
- 21 A No, sir.
- 22 Q Did Vincent use the telephone?
- 23 A No, sir.
- 24 Q Did you have a cell phone with you that morning?
- 25 A I don't recall.

1 Q Do you recall whether or not Vincent did?

2 A I don't recall.

3 Q Well in between the time you left your house and the
4 time you got over to Vardry Street, did you make any
5 phone calls?

6 A No, sir.

7 Q Do you recall if Vincent made any phone calls?

8 A No, sir.

9 Q Are you sure about that?

10 A Yes, sir.

11 Q Did y'all stop and pick anybody up along the way?

12 A No, sir.

13 Q Did you make any other stops besides the gas station?

14 A No, sir.

15 Q When you showed up to Vardry Street, do you recall
16 which way you entered? Meaning which way you came up
17 the street?

18 A We came from -- we came from--

19 Q Look at State's Exhibit No. 1, did you come from the
20 right side or the left side?

21 A We came from that way, like the left, coming up the
22 left.

23 Q You came from...

24 A We came from this way. We went down that way.

25 Q All right, Mr. Campbell, I need you to speak up. The

1 jury needs to hear you and The Court Reporter needs
2 to take it down.

3 A We came from the left of the house.

4 Q So when you turned into the driveway, did you take a
5 left or a right into the driveway?

6 A A left.

7 Q What was the first thing that you saw when you pulled
8 into the driveway?

9 A Robert Jones' car.

10 Q How do you know that was Robert Jones' car?

11 A At the time -- you mean at the time?

12 Q Yes, sir.

13 A I didn't know it was his car.

14 Q So I'm going to ask you, again, when you pulled into
15 the driveway, what did you see?

16 A I seen a vehicle.

17 Q What color was the vehicle?

18 A It was silver.

19 Q Do you know whether it was two or four door?

20 A It was four door.

21 Q Do you know what type of vehicle it was?

22 A No, sir.

23 Q Was there anybody in the vehicle when you pulled in
24 the driveway?

25 A No, sir.

1 Q Where did you park when you and Vincent got to the
2 backyard?

3 A He parked in the backyard.

4 Q I'm going to show you what's been entered as State's
5 number 3, do you recognize this?

6 A Yes, sir.

7 Q Okay. Is this the position that y'all parked the
8 vehicle?

9 A Yes, sir.

10 Q At any point in time did you ever move the vehicle?

11 A No, sir.

12 Q As soon as you parked the car or as soon as Vincent
13 parked the car, what did y'all then do?

14 A Got out the car.

15 Q And what did you see?

16 A We seen Robert Jones and Crystal Stone at the
17 backdoor.

18 Q Did they have a child with them?

19 A Yes, sir.

20 Q And which child was with them?

21 A V [REDACTED].

22 Q And do you know where V [REDACTED] was staying at the time?

23 A With Crystal.

24 Q Where was Crystal staying at the time?

25 A In Belton.

1 Q With?

2 A Robert.

3 Q You ever been down to Belton to Robert's house?

4 A No, sir.

5 Q Had you ever seen him prior to that day?

6 A No, sir.

7 Q Where were they standing when you and Vincent pulled
8 in the driveway?

9 A At the backdoor.

10 Q You say at the back door. We've seen a couple of
11 pictures, are you referring to the screen door or the
12 backdoor that's inside the porch? Showing you what's
13 been marked as State's 12 and State's 30. Are you
14 referring to State's 12 or State's 30?

15 A Twelve.

16 Q Was the door opened or closed?

17 A It was closed.

18 Q Were you able to get inside the house?

19 A Not at the time.

20 Q How is it that you got inside the house?

21 A My brother went in and knocked on the window on the
22 side of the house.

23 Q And who came to the door?

24 A I can't recall.

25 Q Did Vincent have a key to the house?

1 A No, sir.

2 Q So how is it that you got inside?

3 A Somebody from inside the house opened the door.

4 Q And when somebody opened the door, where did the

5 Defendant and Crystal go?

6 A Into the house.

7 Q Did they enter before or after you?

8 A Before.

9 Q They enter before or after Vincent?

10 A Before.

11 Q Where did everyone go once they got inside the house?

12 A Into the kitchen.

13 Q And was there some conversation that took place in

14 the kitchen?

15 A Yes, sir.

16 Q Did you say anything to Ms. Hamby that day?

17 A No, sir.

18 Q Did you speak to Donald?

19 A Yes, sir.

20 Q Did you speak the Crystal?

21 A No, sir.

22 Q Did you speak to the Defendant?

23 A No, sir.

24 Q Well tell the jury what sort of conversation took

25 place in the kitchen. And who the conversation was

1 between.

2 A Well Crystal Stone had started this little argument
3 with Ms. Hamby about the kids or whatever. And it
4 kind of just escalated from there.

5 Q Do you recall what the context of that conversation
6 was?

7 A She was saying something like you putting all this
8 stuff in my baby's head, telling her she can't see me
9 and stuff like that.

10 Q Did it ever get physical between Crystal and
11 Ms. Hamby?

12 A She was putting her hand in Ms. Hamby's face and
13 stuff.

14 Q When you say, She, who do you mean?

15 A Crystal.

16 Q Did your brother Vincent get involved in this
17 conversation?

18 A I don't recall at the time.

19 Q Did Vincent ever put his hands on Crystal inside the
20 house?

21 A No, sir.

22 Q What about did he put them on Ms. Hamby?

23 A No, sir.

24 Q What about the Defendant, did Vincent ever touch the
25 Defendant?

1 A No, sir.

2 Q What about the Defendant, did he ever touch Vincent?

3 A No, sir.

4 Q Do you recall whether or not Vincent and the
5 Defendant had any conversations in the kitchen?

6 A No, they didn't have -- not at the time.

7 Q Well did they have some conversation at a later time?

8 A Yeah. It wasn't a conversation, they just had a
9 couple of words.

10 Q What sparked those words? Was it something Vincent
11 said or something the Defendant said?

12 A Yeah, the Defendant said that -- he said, Why she
13 can't get her kids, she's got custody of them too.

14 Q How did your brother respond?

15 A My brother told him to mind his business and play his
16 part.

17 Q Did you say anything to the Defendant when this was
18 going on?

19 A No, sir.

20 Q Did you say anything to your brother?

21 A No, sir.

22 Q Did you say anything to Donald?

23 A No, sir.

24 Q Ms. Hamby?

25 A No, sir.

1 Q Crystal?

2 A No, sir.

3 Q After that exchange of words, what happened next?

4 A Nanny made everybody leave.

5 Q Do you know why she made everyone leave?

6 A No, sir.

7 Q And when you say she made everyone leave, where did
8 you go?

9 A Everybody went out to the back porch, going to the
10 outside.

11 Q Is there anything that happened on the back porch?

12 A It was just arguing back and forth.

13 Q Okay. Well can you be a little more specific and
14 tell me who is arguing with who?

15 A Crystal -- it was Crystal and Nanny arguing about the
16 kids still.

17 Q Well, these are Vincent's children, right?

18 A Yes, sir.

19 Q He didn't have any further input about what was going
20 on?

21 A I don't recall.

22 Q Do you recall whether or not the Defendant said
23 anything else outside?

24 A I don't recall.

25 Q How long did the discussion between Ms. Hamby and

1 Crystal last on the back porch?

2 A I don't recall.

3 Q Did your brother have any discussions with the
4 Defendant on the back porch?

5 A Not that I recall, not that I remember.

6 Q Did your brother ever put his hands on you?

7 A Not that I recall.

8 Q Did you ever touch the Defendant?

9 A No, sir.

10 Q Did you ever threaten the Defendant?

11 A No, sir.

12 Q Did you say anything to the Defendant from the time
13 that you got to the house to the time that you left?

14 A No, sir.

15 Q What happened after the conversation between
16 Ms. Hamby and Crystal on the back porch?

17 A Everybody went out to the backyard.

18 Q And where your and Vincent's car was parked, if you
19 walked out of the backdoor, was the Defendant's car
20 to the left or right of the Expedition?

21 A It was to the left.

22 Q And was that car pulled in or was it facing out?

23 A It was facing out.

24 Q Was there anything blocking the Defendant's car from
25 leaving?

1 A No, sir.

2 Q Was the Expedition in the way?

3 A No, sir.

4 Q Tell the jury what happened when y'all got out into
5 the backyard.

6 A When we got out to the backyard, Crystal had put the
7 baby in the car and--

8 Q Okay, you say baby, which child are you referring to?

9 A V [REDACTED].

10 Q So we're clear, V [REDACTED] the youngest one or the middle
11 one?

12 A She was the youngest one.

13 Q Crystal puts V [REDACTED] in the car then what happens?

14 A Then -- then she acts like she was about to leave and
15 then she gets out the car and say she was about to
16 get her baby now, talking about A [REDACTED].

17 Q Okay, had Crystal, herself, got into the car?

18 A She was like -- kind of like one foot in, one foot
19 out kind of.

20 Q Is this on the passenger side or the driver's side?

21 A This is the passenger side.

22 Q Okay. Who's on the driver's side?

23 A The Defendant.

24 Q Is the Defendant in the car or is he -- is the door
25 opened?

1 A He's in the car but it's like he kind of got his door
2 opened a little bit. His door is opened.

3 Q Is he sitting in the driver's seat?

4 A Yes, sir, he's sitting in the drive's seat.

5 Q Do you recall whether or not he had started the car?

6 A No, sir, he did not start the car.

7 Q Where were you standing?

8 A Behind the Expedition.

9 Q Were you behind the left side of the car which was
10 the driver's side or the right side?

11 A I was just standing behind it. I don't recall which
12 side.

13 Q Were you able to see the Defendant's entire vehicle?

14 A Yes, sir.

15 Q Was there anything obstructing your view from where
16 you were standing?

17 A No, sir.

18 Q Prior to the shooting, did you ever get into the
19 Expedition?

20 A No, sir.

21 Q Prior to the shooting did your brother?

22 A Not that I recall.

23 Q So after Crystal put V [REDACTED] in the car, what did she
24 do?

25 A She said that she was about to get her baby now. And

1 that's when my brother told her she's not taking his
2 baby to Belton.

3 Q Which child were they referring to?

4 A A█████.

5 Q So where did she go? Where did Crystal go when she
6 was making these comments?

7 A I think -- well she was -- at first she was standing
8 there. Then she had walked around. She had walked
9 around the car.

10 Q Walked around which car?

11 A The Defendant's car.

12 Q Did she walk around the backside of the car or the
13 front of the car?

14 A The front of the car.

15 Q And where was she walking towards?

16 A It looked like she was walking towards the house but
17 then she walked toward the Defendant's driver's side.

18 Q Did Vincent stop her from going in the house?

19 A No, sir.

20 Q Were they still having words?

21 A I don't recall.

22 Q Was it a pretty heated environment?

23 A Yes, sir.

24 Q Was your brother talking to her, was he talking to
25 the Defendant?

- 1 A At the time he was talking to Crystal.
- 2 Q And their conversation was about A [REDACTED]?
- 3 A Yes, sir.
- 4 Q Do you recall where A [REDACTED] was when all this was
- 5 going on?
- 6 A I don't recall.
- 7 Q Do you know where Donald was when this was going on?
- 8 A I don't recall.
- 9 Q What about Ms. Hamby?
- 10 A I don't remember.
- 11 Q Crystal comes around to the driver's side of the
- 12 Defendant's car, and does she say anything when she
- 13 gets to that side?
- 14 A Not that I recall.
- 15 Q Well what happened next?
- 16 A And then she walks around to the driver's side and I
- 17 guess she's trying to hold Rob down or whatever.
- 18 Q What do you mean she's trying to hold Rob down?
- 19 A Like she's in the driver door -- like he's in the car
- 20 and she's in the driver door trying to like push him
- 21 down or whatever, make him sit down. And he pushes
- 22 her out the way.
- 23 Q Was your brother trying to get to the Defendant?
- 24 A I don't recall.
- 25 Q Did he want to fight him?

- 1 A I don't recall.
- 2 Q Had you ever been with your brother before and seen
- 3 the Defendant?
- 4 A No, sir.
- 5 Q So you don't know whether or not Vincent was trying
- 6 to fight Rob?
- 7 A Can you say that again?
- 8 Q You don't know whether or not Vincent's trying to
- 9 fight Rob?
- 10 A Yes, sir.
- 11 Q He was or you don't know?
- 12 A I don't know. I don't know.
- 13 Q The majority of the conversation, was it between
- 14 Vincent and Crystal or Vincent and the Defendant?
- 15 A Vincent and Crystal.
- 16 Q Did you ever hear -- when you were in the backyard
- 17 did you ever hear Ms. Hamby say anything to anybody
- 18 else?
- 19 A No, sir.
- 20 Q What about Donald?
- 21 A No, sir.
- 22 Q While you're standing in the backyard, Donald have a
- 23 weapon?
- 24 A You say Donald?
- 25 Q Donald.

- 1 A No, sir.
- 2 Q What about Ms. Hamby?
- 3 A No, sir.
- 4 Q Did you have a gun?
- 5 A No, sir.
- 6 Q Did you have a knife?
- 7 A No, sir.
- 8 Q Baseball bat?
- 9 A No, sir.
- 10 Q What about your brother?
- 11 A No, sir.
- 12 Q Do you know whether or not your brother went to his
- 13 vehicle to look for one?
- 14 A Can you say that again?
- 15 Q Do you know whether or not Vincent went to the
- 16 Expedition to look for a gun?
- 17 A We didn't have one.
- 18 Q All right. When Crystal was standing in the door,
- 19 the Defendant sitting in the driver seat, is that
- 20 right?
- 21 A Yes, sir.
- 22 Q Okay. What happened next?
- 23 A She was trying to hold him down. And he gets up,
- 24 pushes her out the way and starts shooting.
- 25 Q Do you know what kind of gun he had or what it looked

1 like?

2 A It was a black gun.

3 Q Do you know whether it was pistol or a revolver?

4 A It was a revolver.

5 Q So once he came out the car and started shooting,
6 what did you do?

7 A I ran.

8 Q Where did you run?

9 A To the passenger side of the Jeep.

10 Q Okay, you just said Jeep, what do you mean by Jeep?

11 A The Expedition.

12 Q What color was that car?

13 A White.

14 Q Why did you run to the passenger side of the
15 Expedition?

16 A Because at the time that was the only place I could
17 think about, I was trying to get away.

18 Q Did you ever open the car to get in?

19 A Yes, sir.

20 Q Where was the Defendant when you were trying to get
21 in the car?

22 A By the time I opened the door, he was already there.
23 Like he was near me.

24 Q All right, I'm showing you State's 3, I'm going to
25 ask you to take this laser pointer. Can you see it

1 well enough?

2 A Yes, sir.

3 Q All right. Where were you -- excuse me, where was
4 the Defendant when you were trying to get into the
5 car?

6 A About right there.

7 Q And which door were you getting in, was it the back
8 passenger door or the front passenger door?

9 A The front passenger door.

10 Q And as you're trying to get in the car do you know
11 where Vincent was?

12 A No, sir.

13 Q Do you know where he went?

14 A No, sir.

15 Q When the Defendant came out of his vehicle -- I'm
16 showing you State's 4, can you show us on there where
17 you were standing or is it not visible?

18 A I was behind the Jeep like -- I wasn't -- I was just
19 standing like right behind it, a little bit over
20 here.

21 Q Okay. So the Defendant comes out and you run around
22 the side and get in the back seat or the front seat?

23 A The front seat.

24 Q Did you see the defendant pull the trigger at any
25 time?

1 A No, sir.

2 Q And you never saw where your brother went after the
3 Defendant came out the car?

4 A No, sir.

5 Q What happened after you got in -- excuse me, what
6 happened after you opened the front passenger door?

7 A That's when I was shot. And I just laid there for a
8 minute.

9 Q Was the door opened or closed when you got shot?

10 A It was closed after I got shot.

11 Q When you got shot, do you recall whether or not it
12 was opened?

13 A Oh, it was opened.

14 Q And tell the jury where you got shot?

15 A In my back -- in the back of my arm and it exit the
16 top of my shoulder.

17 Q Did you get shot more than once?

18 A Just once.

19 Q And it entered from the back side of your arm?

20 A Yes, sir.

21 Q And it exited where?

22 A The top of my shoulder.

23 Q Let's talk briefly about the treatment you received.
24 Did you go the hospital?

25 A Yes, sir.

- 1 Q Who took you to the hospital?
- 2 A Paramedics.
- 3 Q What sort of treatment occurred when you got to the
- 4 hospital?
- 5 A I don't recall.
- 6 Q Well, did you have to go into surgery? Did you have
- 7 stitches, staples?
- 8 A No, sir.
- 9 Q How did they patch the wound up?
- 10 A They put my arm in a sling and bandaged my arm up.
- 11 Q You didn't have to get any stitches?
- 12 A No, sir.
- 13 Q How long were you at the hospital?
- 14 A A couple hours, maybe.
- 15 Q Where did you go once you left the hospital?
- 16 A Back to my parents house.
- 17 Q Did you ever talk to law enforcement at the hospital?
- 18 A No, sir.
- 19 Q Did you ever speak with Detective Garrison in this
- 20 case?
- 21 A Yes, sir.
- 22 Q Did you give him a written statement?
- 23 A Yes, sir.
- 24 Q Do you recall whether or not that was the day this
- 25 happened or the day after?

- 1 A I don't recall.
- 2 Q All right. After you were shot, did you get in the
- 3 vehicle or out of the vehicle?
- 4 A After I was shot I got out of the vehicle.
- 5 Q Well tell the jury again why you were trying to get
- 6 in the vehicle?
- 7 A To get away.
- 8 Q Did you see where the Defendant went after he shot
- 9 you.
- 10 A Back to his vehicle.
- 11 Q And who if anybody was with him when they left?
- 12 A Crystal Stone.
- 13 Q Was there anyone else in the vehicle?
- 14 A And V [REDACTED].
- 15 Q Did the Defendant say anything to you when he was
- 16 shooting?
- 17 A No, sir.
- 18 Q Did he say anything at all?
- 19 A No, sir.
- 20 Q Did he say anything or did you hear him say anything
- 21 after you were shot?
- 22 A No, sir.
- 23 Q Do you recall whether or not he said anything to
- 24 Crystal?
- 25 A I don't recall.

1 (WHEREUPON, State's Exhibit No. 47 was marked
2 for identification only.)

3 BY MR. MARCHANT:

4 Q All right, K [REDACTED], I'm showing you what's been marked
5 for identification only as State's No. 47. I want
6 you to look at it, see if you can recall when you
7 gave that statement, more importantly if you recall
8 what, if anything, the Defendant said.

9 A (The witness complies.)

10 Q Did you have a chance to review that?

11 A Yes, sir.

12 Q Is that the statement you gave to Detective Garrison?

13 A Yes, sir.

14 Q And do you recall from reviewing it when you gave the
15 statement?

16 A Yes, sir.

17 Q Do you remember when? Was it the day this happened
18 or the day after?

19 A The day after.

20 Q Okay. And After reviewing this, is your memory
21 refreshed about what you heard the Defendant say?

22 A Yes, sir. After he shot me I heard him tell Crystal,
23 Let go, let's go.

24 Q And what did you see next?

25 A Then they sped off.

1 Q Who was in the driver's seat?

2 A The Defendant.

3 Q Who was in the passenger seat?

4 A Crystal Stone.

5 Q Do you recall whether or not Crystal said anything
6 after the shooting started?

7 A No, sir.

8 Q What about Ms. Hamby?

9 A Well after the shooting? Yeah, she asked me was I
10 shot.

11 MR. COOKE: I object.

12 BY MR. MARCHANT:

13 Q After you got shot and you saw the Defendant leave,
14 where did you go?

15 A I ran around to the front of the house.

16 Q Why did you go to the front of the house?

17 A To look for my brother.

18 Q Did you find him at the front of the house?

19 A No, sir.

20 Q Did you go somewhere after the front of the house?

21 A I ran on the side of the house by the church and then
22 I ran up the street.

23 Q Using the -- using the pointer -- I tell you, why
24 don't you step down, K [REDACTED]. And speak up so
25 everybody can hear you. All right. Looking at [REDACTED]

1 Vardry Street, please show the jury where you went
2 first?

3 A I ran -- I ran down the driveway and I stopped. Then
4 I didn't see nobody so I ran that way towards the
5 church, I didn't see anybody. So I ran back up the
6 street and across the street. And I still didn't see
7 nobody. Then I saw this man who was walking down the
8 road and I asked him did he see anybody that was
9 shot? My brother. And he told me where my brother
10 had ran to.

11 Q Where did you find your brother?

12 A In the clinic across the street.

13 Q Okay. You can take the stand. Aside from going to
14 the front of the house, down the street to the church
15 and then back across the street where you came into
16 contact with this gentleman, did you go anywhere
17 else?

18 A No, sir.

19 Q Once you got inside the clinic, what did you see?

20 A At first I followed the blood trails. And that's how
21 I found my brother inside the doorway. He was laying
22 on the floor.

23 Q Did you talk to him or touch him?

24 A Yes, sir, I touched him.

25 Q Why did you do that?

- 1 A Try to see if he was all right.
- 2 Q And did you grab him? And tell the jury what you
3 did?
- 4 A I grabbed him and I tried to -- I tried to turn him
5 over but he was too heavy.
- 6 Q What happened after that?
- 7 A Then the nurse -- well I guess the nurses at the
8 place, they made me sit in a chair until the
9 paramedics got there.
- 10 Q Did you leave the clinic after you went in there the
11 first time?
- 12 A No, sir.
- 13 Q You never went back to the house or back to the car?
- 14 A No, sir.
- 15 Q Are you sure?
- 16 A Yes, sir.
- 17 Q How long were you inside before EMS arrived?
- 18 A I don't recall.
- 19 Q Did you ever go back inside the house?
- 20 A No, sir.
- 21 Q Across the street. When your brother was laying on
22 the floor, did you check his pockets or see any
23 weapons around him?
- 24 A No, sir.
- 25 Q Did you remove anything?

1 A No, sir.

2 Q Did you have a weapon?

3 A No, sir.

4 Q The person that shot you, is he in the courtroom

5 today?

6 A Yes, sir.

7 Q Do you recognize him?

8 A Yes, sir.

9 Q Point him out for the Court, please..

10 A (The witness complies.)

11 Q What's he wearing?

12 A A white shirt and a tie.

13 Q K [REDACTED], after this happened, did you see the Defendant

14 again before today.

15 A Besides the preliminary hearing?

16 Q Have you seen him outside any court hearing?

17 A No, sir.

18 MR. MARCHANT: Please answer any questions

19 Mr. Cooke may have.

20 MR. COOKE: Thank you.

21 CROSS-EXAMINATION

22 BY MR. COOKE:

23 Q K [REDACTED] you and Donald --

24 Stand up, Donald.

25 You and Donald are good friends you say?

- 1 A Yes, sir.
- 2 Q He's your best friend?
- 3 A Yes, sir.
- 4 Q You've been in constant contact with him since this
- 5 incident? Y'all pal around together, that sort of
- 6 thing, hang out together?
- 7 A Yes, sir.
- 8 Q And had you ever -- had you ever seen your brother
- 9 with a gun before?
- 10 A Yes, sir, he had one.
- 11 Q Oh, he did?
- 12 A Yes, sir.
- 13 Q What kind of gun did he have?
- 14 A I don't recall.
- 15 Q Okay. Have you ever handled it yourself or?
- 16 A No, sir.
- 17 Q Beg your pardon?
- 18 A No, sir.
- 19 Q So you never touched his gun?
- 20 A No, sir.
- 21 Q You don't fool with guns?
- 22 A No, sir.
- 23 Q Okay. And the day that y'all happened to go over to
- 24 Ms. Hamby's house, was your tooth still bothering
- 25 you, is that why you were out of school?

- 1 A Yes, sir.
- 2 Q Was it hurting?
- 3 A Yes, sir. I had a rag around my mouth so that air
- 4 couldn't get to my tooth.
- 5 Q So although your tooth was hurting you decided to
- 6 ride over to Ms. Hamby's house with your brother?
- 7 A Yes, sir.
- 8 Q Okay. And when you got there you saw the car in the
- 9 driveway?
- 10 A Yes, sir.
- 11 Q Did you have any idea who it belonged to?
- 12 A Not at the time.
- 13 Q What did Vincent say when he saw the car?
- 14 A He didn't say anything.
- 15 Q So he had no idea who the car belonged to?
- 16 A Not that I recall.
- 17 Q Okay. Did -- when you pulled up did you see --
- 18 immediately see Crystal and Vincent standing out
- 19 there?
- 20 A I seen Crystal and Rob.
- 21 Q Rob. Okay. And you saw them standing out there,
- 22 were they on the porch or were they in the backyard?
- 23 A They were at the back screen door.
- 24 Q Back screen door, okay. And it was locked?
- 25 A Uh-huh.

1 Q And was there -- anybody say anything right there
2 while they were all standing outside?

3 A What do you mean by that?

4 Q I mean, was there any discussion while y'all were
5 standing there at the locked screen door?

6 A No, sir.

7 Q Did you know that your brother -- there was a
8 Restraining Order from him being around Crystal?

9 A No, sir.

10 Q You didn't know about any prior altercations that
11 they had?

12 A Yeah, they had altercations in the past.

13 Q Okay. Like what do you remember about that?

14 A I mean, they use to argue and fight and stuff.

15 Q Did your brother have to go to court about that?

16 A Yes, sir.

17 Q Okay. And was he charged with something?

18 A CDV.

19 Q Charged with Criminal Domestic Violence?

20 A Yes, sir.

21 Q How many times, do you know?

22 A No, sir, I don't recall.

23 Q Okay. More than once?

24 A I don't recall.

25 Q Okay. But you do know for a fact that he had one

1 charge of Criminal Domestic Violence, right?

2 A Yes, sir.

3 Q Do you know that there was a Restraining Order from
4 him being around Crystal?

5 MR. MARCHANT: Judge, asked and answer.

6 THE WITNESS: Not that I recall.

7 THE COURT: All right. He--

8 THE WITNESS: Not that I recall.

9 BY MR. COOKE:

10 Q Not that you recall, okay. Now, when you pulled in
11 the driveway and you saw the car and you saw Crystal
12 and you saw Rob there at the back door, y'all finally
13 were let inside I believe you said?

14 A Yes, sir.

15 Q And I believe you said that Ms. Hamby and Crystal --
16 or that Crystal and Ms. Hamby were arguing, right?

17 A Yes, sir.

18 Q About the baby and I think Crystal had said something
19 to her about putting things in the baby's head, is
20 that right?

21 A Yes, sir.

22 Q And she sort of got up in Ms. Hamby's face?

23 A Yes, sir.

24 Q And pointed her finger?

25 A Yes, sir.

- 1 Q Did you ever see her smack Ms. Hamby?
- 2 A Not that I recall.
- 3 Q Okay. And when y'all ended up -- do you recall ever
- 4 taking your shirt off?
- 5 A No, sir.
- 6 Q Like you were going to fight?
- 7 A No, sir.
- 8 Q Do you recall your brother doing that?
- 9 A I don't recall.
- 10 Q Okay. You don't recall? I mean, if he had taken his
- 11 shirt off, you would know that; wouldn't you?
- 12 A Yes, sir but I don't recall him taking his shirt off.
- 13 Q Okay. And when y'all were leaving to go out the
- 14 backdoor, I think you said Ms. Hamby told y'all to
- 15 leave?
- 16 A Yes, sir.
- 17 Q At that time had Rob said anything to anybody?
- 18 A When, when we were on the back porch?
- 19 Q When you were inside?
- 20 A Inside the house?
- 21 Q Yeah.
- 22 A Yes, sir.
- 23 Q What did he say?
- 24 A He said, Why she can't get her kids, she's got
- 25 custody of them too.

- 1 Q What did your brother say?
- 2 A He told him to mind his business and play his part.
- 3 Q Do you have any idea what that is?
- 4 A Huh-uh.
- 5 Q And they weren't married?
- 6 A Who?
- 7 Q Crystal and your brother?
- 8 A No, sir.
- 9 Q Never been married?
- 10 A No, sir.
- 11 Q Okay. Do you know who had custody of the two little
- 12 ones?
- 13 A Not that I recall.
- 14 Q Okay. So Vincent had a new girlfriend?
- 15 A Uh-huh.
- 16 Q How long had they been boyfriend and girlfriend?
- 17 A I don't remember.
- 18 Q They have any children together?
- 19 A No, sir.
- 20 Q Okay. Tell me a little bit about Vincent. What size
- 21 fella was he?
- 22 A He was -- he was a nice size fella.
- 23 Q 250, 260 pounds?
- 24 A Yep.
- 25 Q About six feet tall?

- 1 A Na, he wasn't six feet.
- 2 Q A little less than six?
- 3 A Say about 5 - 5'10.
- 4 Q Kind of like a bowling ball?
- 5 A Yes, sir.
- 6 Q Okay. All right. And there was a back screen door,
7 I believe, to that porch, is that correct?
- 8 A Yes, sir.
- 9 Q And do you have any idea, there was a picture here
10 earlier, I don't know what happened to it. This is a
11 picture of the backdoor, do you recall how that
12 backdoor got off its hinges there?
- 13 A No, sir.
- 14 Q Was it that way when y'all went in?
- 15 A No, sir.
- 16 Q You don't have any idea how it got busted up?
- 17 A No, sir. But it had -- the door had a latch on it so
18 it could stay closed, to stay locked.
- 19 Q Anybody get pushed through the door?
- 20 A Not that I recall.
- 21 Q Okay. So really there was no conversation between
22 Robert and anybody in that house other than why can't
23 she take the children, she has custody?
- 24 A Excuse me, can you say that again?
- 25 Q There was no conversation in that kitchen between

1 Robert and anybody, other than Robert saying Why
2 can't she get the kids, she has custody?

3 A Yes, sir.

4 Q And that's all he said?

5 A Yes, sir.

6 Q Okay. And when they were told to go out into the
7 back, everybody went out into the backyard, correct?

8 A Yes, sir.

9 Q And I believe you said in your statement -- by the
10 way, had Robert said anything or did he walk straight
11 to his car?

12 A I don't recall.

13 Q Okay. In your statement -- in your statement you
14 mentioned that -- I think this -- is this a statement
15 that you recognize -- Mr. Marchant just gave you that
16 same statement? Forget the writing, that's not
17 right.

18 A Yes, sir.

19 Q Same statement. Okay. Did you say that Crystal and
20 Robert--

21 MR. MARCHANT: Judge, I'm going to object if
22 he's going to cross him. He's just reading it into the
23 record.

24 THE COURT: You're going to have to use it
25 properly. You can ask him the question, if it disagrees

1 with what his statement is you can then impeach him.

2 BY MR. COOKE:

3 Q Did you or did you not say that Robert--

4 MR. MARCHANT: Judge, it's the same thing.

5 THE COURT: Ask him -- well, I don't know if
6 that is the same thing.

7 BY MR. COOKE:

8 Q Did you or did you not tell the officer in this case,
9 Officer Garrison that--

10 THE COURT: Well hang on.

11 MR. MARCHANT: It's too late once he --

12 THE COURT: Y'all come up here one second.

13 (WHEREUPON, a bench conference was held in the
14 presence of the jury but out of the hearing of
15 the jury.)

16 MR. COOKE: Thought he had already gotten that
17 out just now, I didn't think I had to go through that
18 again.

19 BY MR. COOKE:

20 Q Do you recall talking to Officer Garrison?

21 A Yes, sir.

22 Q Okay. And do you remember making a statement in this
23 matter?

24 A Yes, sir.

25 Q Okay. And was it typed up for you?

- 1 A Yes, sir.
- 2 Q Okay. And when it was -- when they were through
3 typing it, did you read it?
- 4 A Did I read it? Yes, sir.
- 5 Q And you signed the statement?
- 6 A Yes, sir.
- 7 Q And do you agree that everything in this statement is
8 accurate?
- 9 A Yes, sir.
- 10 Q Okay. Is that a copy of the statement?
- 11 A Yes, sir.
- 12 Q Okay. Do you remember telling Officer Garrison, when
13 you gave that statement, that Rob, and I think you
14 testified to this earlier, went out and got in his
15 car when y'all got in the backyard; is that correct?
- 16 A Yes, sir.
- 17 Q You also said that your brother went to the front of
18 the Expedition and opened the door, is that correct?
- 19 A Yes, sir, I said that in my statement.
- 20 Q Okay, are you not saying that now?
- 21 A Yes, sir.
- 22 Q Okay. And the lady, Crystal, got out, she went
23 around to the other side?
- 24 A Yes, sir.
- 25 Q She got out and came back around the front of the

- 1 car?
- 2 A Yes, sir.
- 3 Q And where was your brother then?
- 4 A Well --
- 5 Q Was he still at the opened front door?
- 6 A No, sir.
- 7 Q Okay. Why did he open the front door, do you have
- 8 any idea?
- 9 A We were going to leave.
- 10 Q You were going to leave?
- 11 A Uh-huh.
- 12 Q Well you went over there to get one of the children,
- 13 right?
- 14 A Uh-huh.
- 15 Q Did you have the child?
- 16 A No, sir. Crystal had her in the car.
- 17 Q So -- well I thought y'all had gone over there to
- 18 pick up the other baby?
- 19 A No, we went to pick up V [REDACTED].
- 20 Q So the fact is you ended up with no child at all and
- 21 Crystal had that child?
- 22 A Yes, sir, because of the argument.
- 23 Q And there's no question that you say Robert was not
- 24 going up under the seat to get a gun?
- 25 A Can you please say that again?

1 Q Did Robert reach up under that seat to get a gun?

2 A I don't recall.

3 Q You don't recall. Now, you say you got shot one
4 time?

5 A Yes, sir.

6 Q One time. All right, sir. And where were you shot
7 at again?

8 A Before I got shot, I was shot at.

9 Q Okay. And you got hit one time?

10 A Yes, sir.

11 Q And when you got hit you say you went down to the
12 front of the house, you went down the street toward
13 the high school and then back up the street and then
14 across the street and then down to the clinic,
15 correct?

16 A After I got shot I jumped -- I was in the Jeep. Then
17 I go out the Jeep.

18 Q But you were looking for your brother is what I'm
19 saying?

20 A Yes, sir.

21 Q And you found him across the street at the Bariatric
22 Clinic?

23 A Yes, sir.

24 Q And I believe you said -- what were you doing to him?
25 Were you -- you say you were trying to turn him over?

- 1 A Yeah, I was trying to talk to him.
- 2 Q Try to talk to him. Were you touching him in any
3 way?
- 4 A Yes, sir, I touched him.
- 5 Q Where were you touching him?
- 6 A I touched him around his waistline to pull him over.
- 7 Q Around his waistline, okay. And after you got
8 through with that, what did you do?
- 9 A One of the people that works at the center thing,
10 they made me sit down in a chair until the paramedics
11 come.
- 12 Q Did you ever go back across the street and see
13 Donald?
- 14 A No, sir.
- 15 Q Never did?
- 16 A No, sir.
- 17 Q Did you ever go back up the driveway to the back of
18 the house?
- 19 A No, sir.
- 20 Q Never. Okay. Now, when is the next time you saw
21 Ms. Hamby?
- 22 A When was the next time?
- 23 Q Yeah, after this happened, do you recall the next
24 time you saw Ms. Hamby?
- 25 A Probably--

1 Q You go over to her house for any reason?

2 A Yeah, I went to go visit her.

3 Q When was that?

4 A I don't recall.

5 Q You don't recall going to visit her?

6 A Yeah, I recall going to visit her but I don't
7 remember when.

8 Q Was it a day after, two days after?

9 A No.

10 Q Just don't remember. Okay. So it's your testimony
11 that you never left that clinic again?

12 A Never left the clinic again.

13 Q Okay. Never took your shirt off?

14 A No, sir.

15 MR. COOKE: Excuse me just a minute. I don't
16 have any further questions, thank you, very much.

17 THE COURT: Redirect?

18 REDIRECT EXAMINATION

19 BY MR. MARCHANT:

20 Q K [REDACTED], how were you dressed that day?

21 A I had a white t-shirt on and some khaki pants.

22 Q Did you have a jacket?

23 A I don't recall.

24 Q You wearing a white t-shirt, is that when you got
25 shot?

1 A Uh-huh.

2 Q You mentioned a minute ago what about you holding
3 something on your mouth, what are you talking about?

4 A I had a face rag over my mouth so the air couldn't
5 get to my tooth.

6 Q You mentioned -- Mr. Cooke asked you, did Vincent
7 ever have a gun, when was the last time you saw this
8 gun?

9 A This was way before they moved. Because when him and
10 his girlfriend moved, they lost it.

11 Q And his girlfriend being who?

12 A Brianna.

13 Q So this happened March of '09, do you remember when
14 he moved or what the time frame was when you're
15 telling this Court that he lost it?

16 A I don't recall but it was -- it was a while before
17 this happened.

18 Q Did he get another gun after that that you know of?

19 A No, sir.

20 Q Did he have one with him that day?

21 A No, sir.

22 Q Talking about the kids, whose got custody of the kids
23 now?

24 A Now?

25 Q Yeah.

1 A My Aunt Patricia Ann.

2 Q Mr. Cooke asked you a minute ago, and I want to be
3 sure we're clear, when he said -- when Mr. Cooke was
4 asking you, Did you ever see Rob reach under the
5 seat? I'm not sure whether he was asking you about
6 Rob or Vincent but let's start with Vincent. Did you
7 ever see Vincent reach under the seat of the
8 Expedition?

9 A No, sir.

10 Q Did you ever look under the seat of the Expedition?

11 A No, sir.

12 Q On the driver side?

13 A No, sir.

14 Q Passenger side?

15 A No, sir.

16 Q Why was Vincent at the door of the Expedition?

17 A We was getting ready to leave.

18 Q Did you ever, so we're clear, did you ever see the
19 Defendant reach under the seat of his vehicle?

20 A No, sir.

21 Q How many times were you shot at?

22 A Twice.

23 Q And which shot hit you?

24 A The second one.

25 Q After this incident happened, you testified that you

1 gave a statement to Detective Garrison?

2 A Yes, sir.

3 Q And did you discuss what was in that statement with
4 anybody else?

5 A No, sir.

6 Q Did anybody tell you what to put in that statement?

7 A No, sir.

8 Q Did you talk with Donald Stone before you gave that
9 Statement?

10 A No, sir.

11 Q Did you talk with Sharon Hamby?

12 A No, sir.

13 Q Did you talk with anybody else except Detective
14 Garrison about what went in that statement?

15 A No, sir.

16 Q The day after -- or a couple of days after this
17 happened, is that when you went back to Vardry
18 Street?

19 A No, sir.

20 Q How long after this incident happened was it before
21 you went back to Vardry Street?

22 A I don't recall.

23 Q Well, you told Mr. Cooke that you went back?

24 A Yeah, I went back.

25 Q Definitely went back at some point in time?

1 A Uh-huh.

2 Q Why would you go back to that house?

3 A To visit Ms. Hamby.

4 Q When you got back there and you were visiting with
5 Ms. Hamby, did you ever get a gun?

6 A No, sir.

7 Q Did you ever go back and find something that you hid
8 that day?

9 A No, sir.

10 MR. MARCHANT: That's all the questions I have,
11 thank you.

12 THE COURT: Any recross?

13 MR. COOKE: Yes, sir.

14 RECROSS-EXAMINATION

15 BY MR. COOKE:

16 Q Let's get back to this gun. You say your brother had
17 one and lost one, did he get another one?

18 A No, sir.

19 Q When -- do you recall making a video with a gun?

20 A A video? Yeah, this was a couple years back.

21 Q And in that video, whose gun was y'all using?

22 A I don't recall.

23 Q Well, I mean, did you find it on the street?

24 A No, I don't recall. It wasn't -- I don't know who
25 gun it was.

1 Q Well you had it too, didn't you? Weren't y'all
2 handling it?

3 A Yes, sir, in the video. But I don't know whose gun
4 it was.

5 Q So somebody just showed up with a gun and y'all just
6 started passing it around in front of the camera?

7 A I don't recall, I came after all that.

8 Q What do you mean you came after?

9 A I came after they was doing the video. You know,
10 while they was doing it, I came.

11 Q But you were in the video?

12 A Yeah.

13 Q And you were handling the gun?

14 A Uh-huh.

15 Q And your brother was handling the gun?

16 A Yes, sir.

17 Q What kind of gun was it?

18 A I don't recall.

19 Q You don't recall?

20 A No, sir.

21 Q Was it the one your brother lost?

22 A I don't recall, I don't know.

23 Q Okay. Is that the first time you'd ever seen him
24 with a gun?

25 A Yes, sir.

1 Q Is that the one he lost?

2 A I don't know.

3 Q You don't know?

4 A I don't know.

5 Q Okay. Do you have a gun?

6 A No, sir.

7 Q Okay. And you sat in that clinic the whole time?

8 A Yes, sir.

9 Q And the only reason you went over there that day is
10 your brother asked you to and your tooth was killing
11 you?

12 A Yes, sir.

13 Q And y'all didn't go over there to fight anybody?

14 A No, sir.

15 Q You didn't get a tip-off that Robert and Crystal was
16 going to be there?

17 A No, sir.

18 Q Are you sure?

19 A Well I knew -- well he was going to get the baby
20 because Crystal was on house arrest and she would
21 report every Wednesday.

22 Q He knew she was going to be there?

23 A To bring the baby because my momma was supposed to
24 watch the baby for Easter.

25 Q Okay, how bad was your tooth hurting, pretty bad?

1 A Uh-huh.

2 MR. COOKE: I have no further questions.

3 THE COURT: All right, you can step down, thank
4 you, very much.

5 All right, ladies and gentlemen, we're going to
6 take a short morning recess. Please don't discuss the
7 case, we'll get back with you shortly. Thank you.

8 (WHEREUPON, the jury left open court at
9 approximately 11:00 p.m.)

10 THE COURT: All right, I mentioned earlier and I
11 don't think everybody was here that I understand there was
12 some confrontation out in the hallway. And I will again,
13 say that if I hear that that happens again, I will
14 consider the persons involved in that confrontation to be
15 in contempt of court. And I will treat you, those
16 persons, accordingly.

17 All right, anything else before we break?

18 MR. MARCHANT: Nothing from the State, Your
19 Honor.

20 THE COURT: All right.

21 MR. COOKE: Nothing.

22 THE COURT: All right, be at ease.

23 MR. COOKE: Your Honor.

24 THE COURT: Yeah.

25 MR. COOKE: I'd like to introduce you to one of

1 the --

2 THE COURT: Off the record.

3 (WHEREUPON, a short break was taken.)

4 (WHEREUPON, State's Exhibit Nos. 48 & 49 were
5 marked for identification only.)

6 MR. COOKE: Judge, if I might ask you a
7 question.

8 THE COURT: Hang on one second. Okay.

9 MR. COOKE: During this break my client's mother
10 gave me some information that was unavailable to me when
11 Donald Stone -- not Donald Stone but when Vincent's
12 brother, Ke [REDACTED], was on the stand. And I just got that
13 information after, Your Honor, took the break. And it's
14 very important information that I would like to bring him
15 back on the stand for cross-examination as to these points
16 that I knew nothing about. She was locked out -- let me
17 tell you what happened.

18 They live in -- my client's mother lives in
19 Belton. And this morning when they were getting ready to
20 leave to come over here, the wind blew her car shut and
21 they were locked out of their car so they just got here.
22 And this is some information that she had gathered for me
23 last night. And it was unavailable at the time I had
24 Ke [REDACTED] on the stand. And I'd like to call him back to ask
25 him a couple of questions, Your Honor, on cross.

1 THE COURT: Mr. Marchant anything?

2 MR. MARCHANT: Of course, can't say whether or
3 not the car door got shut and this information -- this
4 case is two years old. I mean, it's convenient that it
5 showed up between last night and today. And I don't know
6 what it says. I'd like to see it, hear what it says and
7 what are the questions he's going to ask. And have the
8 Court determine whether or not it's relevant.

9 MR. COOKE: I think it is relevant.

10 MR. MARCHANT: That's ridiculous.

11 THE COURT: Apparently there's a disagreement--

12 MR. MARCHANT: The State's position is it's not
13 relevant and it can't be substantiated by the defense, so.

14 THE COURT: What is it? Well I mean--

15 MR. COOKE: Well let me just tell you.

16 THE COURT: Okay, wait a minute.

17 MR. COOKE: Okay, excuse me.

18 THE COURT: This is -- I mean, there's nothing
19 to preclude you from calling him in your case. Is there?

20 MR. COOKE: No. It's not as easy to do that as
21 it would be able to cross-examine him is what I'm saying.
22 But that's okay. That's okay. I'll withdraw it if, Your
23 Honor, won't allow it--

24 THE COURT: Well, I haven't ruled on it yet.
25 What is it?

1 MR. COOKE: Well, my client's mother just got
2 here. And her information is the young man that was on
3 the stand, Ke [REDACTED], denied that he had a gun, denied that he
4 had a gun, denied that he fooled with guns. Basically
5 right here, I'm looking at a note from my client's mother,
6 who said he had to go to Court for bringing a gun to
7 school recently. I think that's very relevant, Judge.
8 That was three weeks after this happened. I just found
9 this out.

10 THE COURT: Three weeks after what happened?

11 MR. COOKE: After this incident from what I
12 understand. I just found it out.

13 MR. MARCHANT: Judge, the State complied with --
14 given the defense all of the State's witnesses prior
15 record. And Mr. Campbell has no prior record. If -- not
16 to make an assumption, Judge, but if he'd been charged
17 with carrying a gun to school, there would be an arrest.

18 MR. COOKE: Not necessarily.

19 THE COURT: Well I think there would be.

20 MR. COOKE: Well a lot of times they handle
21 these things by just referring straight to the Family
22 Court with out an arrest.

23 MR. MARCHANT: A gun?

24 THE COURT: Not a gun.

25 MR. COOKE: Okay. Well let's see if I can't do

1 it another way, Your Honor. I assume they furnished me
2 with all the arrest records and pertinent things. Being a
3 juvenile, I don't know, Judge.

4 MR. MARCHANT: Judge, I've got the information
5 that our office ran on his NCIC and it doesn't even come
6 back with an arrest. And this was run on January 19th of
7 2011.

8 THE COURT: Well, what's the basis of the
9 information, Mr. Cooke?

10 MR. COOKE: The basis of the information that I
11 have, Your Honor, I received it just a few minutes ago
12 from my client's mother.

13 THE COURT: Where did she get it? What school?

14 MR. COOKE: You want to stand up.

15 THE COURT: Now, Mr. Cooke.

16 MR. COOKE: I'll put her on the stand.

17 THE COURT: We may put her on the stand in just
18 a second. You talk to her, find out where did she get the
19 information, what school.

20 MR. COOKE: Crystal, would be the young lady
21 involved in this thing, told her about it. Who is the
22 sister of the other young boy, Donald and also had
23 children by this boy's brother.

24 THE COURT: Let's put him up on the stand.
25 We'll just do it outside the presence of the jury and find

1 out.

2 MR. MARCHANT: I mean--

3 THE COURT: He's made the motion.

4 MR. MARCHANT: You're going to put Ke [REDACTED] on the
5 stand, Judge, or Crystal?

6 THE COURT: Ke [REDACTED]. Just cut to the chase, we'll
7 do it as a proffer, see what the--

8 Yeah, send them back. Just for a second, it
9 won't be long.

10 All right, Mr. Campbell, you're still under
11 oath.

12 FURTHER RECROSS-EXAMINATION

13 BY MR. COOKE:

14 Q Mr. Campbell?

15 A Yes, sir.

16 Q I talked to you earlier about guns, do you remember
17 that?

18 A Yes, sir.

19 Q You don't own a gun, never had a gun?

20 A Yes, sir.

21 Q You said no?

22 A Yes, sir.

23 Q Do you recall somewhere around the time of this
24 incident, do you recall where you had been accused of
25 bringing a gun to school?

1 A No, never.

2 Q Never even been accused of that?

3 A Nope.

4 Q Never arrested?

5 A Never.

6 Q Thank you, very much.

7 A Yes, sir.

8 MR. COOKE: No further questions. Thank you,
9 Judge.

10 THE COURT: All right.

11 MR. MARCHANT: No questions.

12 THE COURT: How you going --

13 You can step down, Mr. Campbell.

14 THE WITNESS: Yes, sir.

15 MR. COOKE: I'll withdraw the request. I can
16 put up other evidence of that, Judge. I know where you're
17 going with it but I got to --

18 THE COURT: No, I mean, if it's there you're
19 allowed to impeach his credibility. And you do it on
20 cross-examination.

21 MR. COOKE: No, sir.

22 THE COURT: I mean, he's just denying it.

23 MR. COOKE: Yes, sir, yes, sir, he has.

24 THE COURT: Okay. All right anything else
25 before we get the jury?

1 MR. MARCHANT: State's ready, Judge.

2 THE COURT: Okay, apologize to them, bring them
3 in.

4 (WHEREUPON, the jury came into open court at
5 approximately 11:25 a.m.)

6 THE COURT: All right, ladies and gentlemen, I
7 understand y'all want to take notes. I have no problem
8 with that. A couple of things I want to caution you
9 about. First of all, just remember that when you're
10 taking notes and you're writing things down, you may miss
11 something that a witness does on the witness stand. Their
12 expression, their body language, something like that. We
13 call a witness' demeanor. Just keep that in mind. If you
14 get too concentrated on your notes.

15 Then the other thing that's very important is at
16 the end of the case you must remember that one juror's
17 written notes are not anymore reliable or more valuable
18 than another juror's recollection. Okay. So they are
19 there to help each individual and they are not to be
20 considered as being more important or more reliable than
21 another person's memory. Okay, thank you.

22 All right, Mr. Marchant.

23 MR. COOKE: May it please the Court, the State
24 calls Jon Derby.

25 THE CLERK: Okay, sir, if you'd please place

1 your left hand on the Bible and raise your right hand.

2 JON DERBY, after being duly sworn, testified as
3 follows:

4 THE CLERK: Than you, please be seated. State
5 your full name for the record.

6 THE WITNESS: Jon Derby.

7 DIRECT EXAMINATION

8 BY MR. MARCHANT:

9 Q Where are you employed?

10 A Greenville County Forensics.

11 Q And what is your job or position with Greenville
12 County Forensics?

13 A As a forensic officer my job is document, collect and
14 preserve evidence at crime scenes.

15 Q Speak up just a little bit.

16 A I'm sorry.

17 Q How long have you been employed in this position?

18 A A little over five and a half years.

19 Q What sort of training and experience did you have to
20 receive in order to be employed in this position?

21 A I previously worked at Tallahassee Police Department
22 in Tallahassee Florida as a forensic technician which
23 is pretty much the same as what I'm doing now so,
24 forensic officer. Criminal Justice Degree and hours
25 of training at community colleges, things like that

1 and crime scene reconstruction.

2 Q And throughout the course of your employment, is it
3 required that you upkeep or keep your credentials
4 up-to-date?

5 A Some.

6 Q So are you routinely involved in training?

7 A Yes, sir.

8 Q Everything that you've done up-to-date at this point
9 in time?

10 A Yes, sir.

11 Q Going back to March the 25th of 2009, did you have
12 the occasion to respond to [REDACTED] Vardry Street?

13 A Yes, sir, I did.

14 Q And why did you respond to [REDACTED] Vardry?

15 A Myself and one of the lieutenants responded to Vardry
16 Street in response to a shooting investigation.

17 Q What is your roll when you arrive on a scene like
18 this?

19 A On a scene of this nature we would arrive on the
20 scene and speak with the first responding officers or
21 investigators, see what they have discovered,
22 multiple scenes or one scene. Determine the kind the
23 of victims we have and the kind of evidence we're
24 looking for.

25 Q And in this case in particular, when you arrived

1 where did you first go?

2 A To the residence at 413.

3 Q What is it that you did at the residence?

4 A Did a walk through like we normally do on scenes.

5 MR. COOKE: Would you ask him to speak into that
6 mic or is there a way we can maybe turn that volume up a
7 little bit?

8 THE COURT: Go ahead, go ahead, just speak up,
9 sir.

10 THE WITNESS: I'm sorry.

11 THE COURT: That's all right.

12 THE WITNESS: My partner and myself, we document
13 the scene first. Which was video tape and photographs.
14 Doing overalls, close-ups and mid-ranges. Do a
15 walk-through, evidence we can find on the scene. Taking
16 multiple pictures with evidence markers to determine the
17 evidence we're going to be collecting on scenes.

18 Q Did you ever look for weapons or any other physical
19 evidence that may be relevant to that particular
20 case?

21 A Yes, sir, that's correct.

22 Q Projectiles?

23 A Projectiles, shell casings, damage from projectiles,
24 things of that nature.

25 Q And in this particular case did you find any

1 projectiles?

2 A Yes, sir.

3 Q Do you recall how many you found?

4 A One.

5 Q I'm going to show you what's marked as State's
6 Exhibit 17 through 26, tell me if you recognize
7 those?

8 A Seventeen is going to be the street looking towards
9 the residence at 413.

10 Q Just tell me if you recognize them then we'll go over
11 them in a minute.

12 A Yes, sir.

13 Q I'm also going to show you what's been marked as
14 State's 46, do recognize that?

15 A Yes, sir.

16 Q Now did you prepare number 46?

17 A No, sir.

18 Q Okay. But it is a fair and accurate representation
19 of your work that day?

20 A Yes, sir.

21 Q And as far as State's 17 through 26, who took those
22 photographs?

23 A I did.

24 Q Do they fairly and accurately depict the scene as you
25 saw it that day?

1 A Yes, sir.

2 MR. COOKE: I have no objection.

3 MR. MARCHANT: State would move 17 through 26
4 into evidence. As well as number 46.

5 THE COURT: Without objection.

6 (WHEREUPON, State's Exhibit Nos. 17 through 26
7 and 46 were admitted into evidence.)

8 MR. MARCHANT: Would you get the lights, please,
9 sir.

10 BY MR. MARCHANT:

11 Q Using this laser pointer, I'm going to ask you a few
12 questions, and if would point out a few things and
13 explain to the jury what they are. What does this
14 picture show?

15 A This is a picture of the residence from the Bariatric
16 Clinic across the street.

17 Q And what's all this yellow stuff up?

18 A This is crime scene tape put up by first responding
19 officers.

20 Q So you didn't put it up?

21 A No, sir.

22 Q Was it up when you got there?

23 A Yes, sir.

24 Q And it's very difficult to see but what is this right
25 here?

- 1 A That's going to be a evidence placard.
- 2 Q And why would you put one of those on the ground?
- 3 A To illustrate a photograph of what item that is. I'm
- 4 going to collect that and show where it is, show
- 5 representation of where it is on the scene.
- 6 Q So if this photograph shows three or four placards,
- 7 does that necessarily mean that you have taken
- 8 evidence off of each of those placards?
- 9 A Not necessarily.
- 10 Q You indicated previously that you retrieved one
- 11 projectile, is this the projectile that you were
- 12 referring to?
- 13 A Yes, sir.
- 14 Q And is this the location which you found it when you
- 15 arrived on the scene?
- 16 A Yes, sir.
- 17 Q Okay. Did you find any other projectiles?
- 18 A No, sir.
- 19 Q Did you find any other places at the scene where a
- 20 projectile may have entered?
- 21 A One was found. That was with the vehicle.
- 22 Q Asides from that did you find any in the house?
- 23 A No, sir.
- 24 Q Did you find any in the fence?
- 25 A No, sir.

1 Q Any place other than the vehicle?

2 A No, sir.

3 Q Showing you what's been marked as State's 24, is that
4 what you're referring to?

5 A Yes, sir.

6 Q Please show the jury where the projectile traveled
7 through the windshield.

8 A Right above the wiper. It's a white area.

9 Q Now, did you have the opportunity to inspect the
10 vehicle at a later time to determine whether or not
11 you could find a projectile in the vehicle?

12 A Yes, sir.

13 Q Were you able to find a projectile lodged in the
14 vehicle?

15 A No, sir.

16 Q Based on the entry and exit of this projectile, were
17 you able to determine whether or not it came outside
18 in? Meaning from the outside to the front of the
19 windshield or inside out? From the inside traveling
20 out?

21 A No, sir.

22 Q I'm showing you what's been marked as State's 22,
23 what is that picture showing?

24 A This is the front passenger side, exterior of the
25 vehicle in the backyard that's illustrating that's

1 suspected blood on the exterior of the vehicle.

2 Q And did you, from this location, take a swabbing of
3 blood?

4 A Yes, sir.

5 Q What was the purpose of that?

6 A For DNA purposes.

7 Q Okay. What does State's 23 show us?

8 A Area of suspected blood but to the front of the
9 vehicle on the passenger side by the headlight.

10 Q So how many total swabbings of blood for suspected
11 DNA did you take?

12 A From the backyard of the residence, two.

13 Q Did you take any from anywhere else?

14 A Yes, sir, across the street.

15 Q How many locations across the street did you take?

16 A The roadway and -- I'm sorry, at the entrance of the
17 Bariatric Clinic and inside.

18 Q All right. Showing you what's been marked as State's
19 46, and I know it's very small and difficult to see
20 but do you recall from your memory what this says?
21 Which marking is it.

22 A Can I look at my document?

23 Q Go ahead and take a look at all the markings.

24 A Okay.

25 Q Do you have the ones from the clinic as well?

1 A Yes.

2 Q Taking a look back at State's 46, what does this
3 marking represent?

4 A That is item JD-1, which is the projectile.

5 Q Okay. What does this item represent which appears to
6 be the front of that?

7 A That's going to be JD-3, the suspected blood in front
8 of the vehicle.

9 Q What about this item?

10 A That's JD-2, side of the vehicle.

11 Q And then here?

12 A JD-4, a swab of suspected blood.

13 Q How about this one in the middle of the road?

14 A That's JD-5.

15 Q Front door of the clinic?

16 A JD-6.

17 Q And inside the clinic, how many items?

18 A JD-7, JD-8, JD-9.

19 Q Now the photograph that was previously put up showing
20 the roadway was not -- it's not very clear but are
21 there more placards shown on that photograph than you
22 took?

23 A Yes, sir.

24 Q Then you took swabs. But what do those placards
25 show?

1 A Showing a illustration of the path of suspected blood
2 that was found at the scene. Leading from the house
3 over to the clinic.

4 Q Since we got the lights down, I'm going to show you
5 State's 20, what is it that you were photographing in
6 this picture.

7 A This is the backyard showing an overall picture of a
8 shoe impression in dirt.

9 Q And is State's 21 a close-up of that shoe impression?

10 A Yes, sir, it is.

11 Q Did you respond to the morgue in this case?

12 A Yes, sir.

13 Q Did you take photographs?

14 A Yes, sir.

15 Q Okay. Please tell the jury what photograph that
16 represents in State's 25.

17 A This was the bottom of the shoe recovered from the
18 autopsy.

19 Q Whose shoes are these?

20 A The victim's.

21 Q State's 26?

22 A Is the left shoe of the victim.

23 Q Lights.

24 Now what do you do once you collect any
25 evidence? Be it this projectile or be it DNA?

- 1 A Is it packaged in its individual package, transported
2 back to our office where either it's processed
3 further or it's packaged and then transported to
4 property and evidence.
- 5 Q Does it ever leave the control or custody of law
6 enforcement?
- 7 A No, sir.
- 8 Q I'm going to show you what's been marked as State's
9 50, and this is still sealed, do you know what this
10 is inside the yellow envelope?
- 11 A It's bearing initials JD-2 through 3.
- 12 Q And what is it in your report that JD-2 and JD-3
13 represents?
- 14 A Swabs.
- 15 Q Where were the locations of those swabs again?
- 16 A Front of the vehicle and side of the vehicle in the
17 backyard.
- 18 Q Okay. There's also some items listed on here, what
19 does that represent?
- 20 A It's MP-1 through 3.
- 21 Q Do you know what MP stands for?
- 22 A I believe it's going to be my lieutenant, Mike
23 Petersen.
- 24 Q And JD stands for?
- 25 A My initials, John Derby.

1 Q Let me show you what's been marked as State's 36 and
2 ask you to take a look at that and see if you
3 recognize it.

4 A Yes, sir, I do.

5 Q Okay. And is this something that you collected on
6 the scene?

7 A Yes, sir.

8 Q Okay.

9 State's 36 into evidence.

10 Any objection?

11 MR. COOKE: None. I have not see it but I
12 assume that you're going to testify as to what it is.

13 BY MR. MARCHANT:

14 Q How it is that you recognize this and please tell the
15 jury what it is?

16 A This is a capsule we use sometimes to package up
17 projectiles or smaller items. It's labeled with me
18 and my signature on the top, sealed evidence tape.
19 And it's JD-1.

20 Q And what does JD-1 represent?

21 A The projectile located in the backyard.

22 Q And you took custody and control of this?

23 A Yes, sir.

24 MR. MARCHANT: Move 36 into evidence.

25 MR. COOKE: Without objection.

1 THE COURT: All right.

2 (WHEREUPON, State's Exhibit No. 36 was admitted
3 into evidence.)

4 BY MR. MARCHANT:

5 Q While you were on the scene, did you interview
6 anybody or have any discussions with anyone outside
7 of law enforcement?

8 A No, sir.

9 Q Is that part of your role or responsibility in a
10 situation such as this?

11 A A lot of my information we get on a scene is from
12 officers and investigators rather than a victim or
13 witnesses on scene that forensics will speak with.

14 Q I guess what I'm getting at, it is your job to
15 investigate what happened or are you there strictly
16 for collection and preservation of evidence?

17 A A little bit of both.

18 Q And in this instance, did you interview anyone
19 outside of the law enforcement arena?

20 A I believe I spoke to a nurse at one point at the
21 Bariatric Clinic. The room was sealed off but I
22 believe someone -- I did speak with someone.

23 Q And I don't know if we covered this but were you able
24 to locate any weapon either on the residence or
25 across the street at the Bariatric Clinic?

- 1 A No, sir.
- 2 Q And how long would you say you spent at this crime
3 scene?
- 4 A Can I look at my notes?
- 5 Q Yes, sir, please.
- 6 A Three hours. Two to three hours.
- 7 Q Okay. Can you tell us what time you arrived on the
8 scene?
- 9 A 10:13 in the morning.
- 10 Q Following that time spent on the scene, did you have
11 an occasion to go some where else that day in
12 reference to this case?
- 13 A Yes, sir.
- 14 Q Where is it that you went?
- 15 A To GMH, Greenville Memorial Hospital.
- 16 Q What was the purposes of you going to Greenville
17 Memorial Hospital?
- 18 A I was responding to the hospital to document the
19 second victim's injuries.
- 20 Q Do you know what time you arrived at the hospital?
- 21 A 13:17. 1:17 in the afternoon.
- 22 Q Were you able to find the second victim in this case?
- 23 A No, sir. He was released prior to my arrival.
- 24 Q Were you able to find the deceased victim in this
25 case?

- 1 A Yes, sir.
- 2 Q Where did you locate him?
- 3 A In the Greenville morgue.
- 4 Q What did you do when you got to the morgue?
- 5 A On a case like this we normally attend the autopsy of
- 6 the individual from the scene. Photographing and
- 7 collecting more evidence from the scene with the
- 8 assistance of the medical examiner.
- 9 Q Going back to what you have marked as JD-8 and 9,
- 10 where did you locate those items?
- 11 A Those were located inside the Bariatric Clinic.
- 12 Q What were those items?
- 13 A Those were two t-shirts.
- 14 Q Do you recall the color of those shirts?
- 15 A Gray and black.
- 16 Q And could you describe to the jury the condition that
- 17 you found those shirts?
- 18 A Both were heavily saturated with bodily fluid, the
- 19 suspected blood.
- 20 Q How is that you treat evidence that's in this type of
- 21 condition?
- 22 A Items like that clothing from the scene would have to
- 23 be dried out for a long period of time. We have a
- 24 drying chamber we use to hang up close to dry out for
- 25 packaging or further documentation.

1 Q Do you recall whether or not the victim that was
2 located inside the clinic was wearing a shirt or not?

3 A The--

4 Q The victim, the deceased victim, do you recall at the
5 clinic whether or not he had a shirt on?

6 A No, sir, he was not on scene.

7 Q He was gone by the time you got there?

8 A Correct.

9 Q When you were then at the morgue performing your
10 other responsibilities, how did you find him when you
11 finally got to the morgue?

12 A The deceased was already -- autopsy had already
13 started prior to my arrival. Normally an autopsy the
14 individual will still be in a body bag and I will be
15 witnessing the body being removed from the body bag
16 to the autopsy table.

17 MR. COOKE: Would ask him to please speak up,
18 again? He's kind of letting his voice drop again.

19 THE WITNESS: I'm sorry. You want me to repeat?

20 MR. COOKE: Just lift your voice up.

21 THE WITNESS: I'm sorry.

22 In this case the individual was already out of
23 the bag, already on the table and face down when I arrived
24 on the scene. So the autopsy had already started before I
25 arrived.

1 BY MR. MARCHANT:

2 Q What type of responsibilities do you have at the
3 morgue, take photographs?

4 A Yes, sir. Photographs, collection of clothes,
5 evidence from the body, things of nature.

6 Q Did you on this occasion, use a gunshot residue kit
7 on the deceased?

8 A Yes, sir. Yes, sir.

9 Q I'm showing you what has been marked as State's 43
10 and ask if you recognize what is in this Exhibit?

11 A Yes, sir. There are gunshot residue kits, dabbers,
12 we have.

13 MR. COOKE: No objection.

14 MR. MARCHANT: Move State's 43 into evidence.

15 THE COURT: All right, without objection.

16 (WHEREUPON, State's Exhibit No. 43 was admitted
17 into evidence.)

18 BY MR. MARCHANT:

19 Q All right, within this kit there are two different
20 vials, if you will. Would you please explain to the
21 what you would use that -- how you would use that kit
22 which is noted left palm?

23 A This is the GSR kit that is used to collect gunshot
24 particles from the hand from the back. Each one is
25 individually labeled. The back to front, left to

1 right hand. And with removing of the orange top has
2 a sticky pad substance on the top. That is applied
3 to the back or the front of the hands.

4 Q Showing you the different styles of vial, it's
5 labeled left back. What is the difference between
6 this type of test versus the one you just explained
7 to the jury?

8 A There's two kits we use. We have a swab kit and a
9 dabber kit. One goes on before the other one. This
10 one takes Q-tips and kind of a acid formula used --
11 you excrete on to the tip. When you wipe from the
12 front and back, they're individually packaged front
13 and back, left and right.

14 Q Okay. Well what does it tell you that we have -- we
15 have five total items here. Four of the first
16 description kit and one of the other description.
17 What does it tell you that three of these are
18 missing?

19 A That the other three were not done on the individual.
20 That just the dabbers were done on the individual.

21 Q Reviewing your notes, if you will, sir, what was the
22 type of test that you did?

23 A On my notes is atomic absorption.

24 Q Okay. Out of which one of these would you have used
25 at this scene?

1 A We used the dabbers.

2 Q Why are there not three other, if you know, why are
3 there not three other?

4 A From my notes I can't really explain. But on a case
5 like that, when the autopsy has already been
6 performed, the person's hands had probably already
7 been handled by medical examiners. Having blood on
8 the victim would also interfere with the test. So
9 there could be reasons why I did not take certain
10 parts of the test.

11 MR. MARCHANT: Thank you. I don't have any
12 other questions, please answer any questions that
13 Mr. Cooke may have.

14 MR. COOKE: Just a couple.

15 CROSS-EXAMINATION

16 BY MR. COOKE:

17 Q It was raining that day, is that correct?

18 A Yes, sir.

19 Q About the shoe print, how many shoe prints did you --
20 did you lift out there in the parking lot.

21 A There were several shoes I found back there,
22 resembling the same kind of shoe. We're trying to
23 determine the shoe impressions to try to look for the
24 one that had the most detailed wise. A lot of times
25 you'll find some that are just scuffs. You can tell

1 was a shoe but you can't tell size or unique marks to
2 it.

3 Q Why did you just happen to pick these two?

4 A The best ones that they had back there.

5 Q What?

6 A The main shoe I saw was the one that was
7 photographed.

8 Q Well I know that but why did you just happen to pick
9 that one out? There other shoe marks out there,
10 right?

11 A A lot of those probably law enforcement. Normally on
12 a scene like this you have a lot of people walking
13 around on the scene.

14 Q So you happened to find two good prints?

15 A Yes, sir.

16 Q Okay. Did you find any other good prints?

17 A No, sir.

18 Q So they'd all been scuffed out and you found the two
19 with a Nike shoe?

20 A Yes, sir.

21 Q Did you actually try to lift any other prints?

22 A I'm sorry, lift?

23 Q Did you actually try to --

24 A No, sir. Just photographs. On incidents like this
25 we just have to photograph it. Lifting would be

1 something you do on a harder surface.

2 Q The blood, you said you found some blood out there, I
3 believe, found it on the back left, back fender area
4 of the Expedition?

5 A The passenger side of the front of the vehicle.

6 Q Then you found it on the passenger side of the other
7 vehicle at some point in time? When did you examine
8 it?

9 A I did not.

10 Q Okay, you only had that Expedition then?

11 A Yes, sir.

12 Q Okay. All right. Now, I guess you would prefer
13 to -- by the way, you arrived how long after this
14 incident took place approximately?

15 A I received the call at 10:11. I'm not 100 percent on
16 the time of the incident.

17 Q Okay. And preferably the test that you were just
18 talking about you just did?

19 A Yes, sir.

20 Q That you probably -- you probably had preferred to do
21 that before they started the autopsy, is that
22 correct?

23 A Yes, sir.

24 Q And the reason for that being?

25 A A lot of times when the victim is transported to the

1 to hospital, the morgue, their hands are bagged with
2 paper bags to prevent anymore evidence moving inside
3 the bag. We normally collect the bags, remove them
4 from the victim's hands, collect the -- in this case
5 the victim was already pulled out of the autopsy bag,
6 on the table with no bags on their hands.

7 Q So you're not -- you're not an expert in the field of
8 gunshot residue, you just follow procedure of trying
9 to lift residue, is that right?

10 A That's correct.

11 Q Okay. Good. And no question that the bags had
12 already been removed, you didn't get a chance to get
13 it done?

14 A That's correct.

15 MR. COOKE: Thank you, no further questions.

16 THE COURT: All right, anything else?

17 MR. MARCHANT: Nothing else, Your Honor. We ask
18 that he be excused.

19 THE COURT: All right, any objection to that?

20 MR. COOKE: No objection.

21 THE COURT: All right, sir, you're released from
22 subpoena, thank you.

23 MR. MARCHANT: State would call Ila Simmons.

24 Your Honor, Ms. Simmons is testifying in another
25 trial at the present time. So we would move to Lieutenant

1 Mike Petersen.

2 THE CLERK: Sir, please come forward. Place
3 your left hand on the Bible, raise your right hand.

4 MIKE PETERSEN, after being duly sworn, testified
5 as follows:

6 THE CLERK: Please be seated, state your full
7 name for the record.

8 THE WITNESS: Michael Petersen.

9 DIRECT EXAMINATION

10 BY MR. MARCHANT:

11 Q Lieutenant, where are you employed?

12 A Greenville County Department of Public Safety
13 Forensic Division.

14 Q How long you been employed there?

15 A With the forensic division, about 10 years.

16 Q What other training do you have prior to being --
17 excuse me, what other employment do you have prior to
18 being in the position you are today?

19 A I've been with Greenville County since 1989.

20 Q And what are your duties as lieutenant of the
21 forensics division here in Greenville County?

22 A I supervise the Crime Scene Unit. We're the unit
23 that actually responds out to the different crime
24 scenes, be it an auto break in or violent crime.

25 What we do is the identification of physical

1 evidence, we document it photographically, we collect
2 it, we protect the integrity of it.

3 Q And did you have the occasion to respond to [REDACTED]
4 Vardry Street on March 25th, 2009?

5 A Yes, I did.

6 Q What were your duties and responsibilities at the
7 scene that day?

8 A I had two years officers were dispatched out there.
9 And as with our protocol, when we have a death
10 investigation, a supervisor also comes out. So my
11 job at that point was just the initial supervision of
12 the crime scene processing.

13 Q And within this roll it is your job to investigate
14 what happened or collect and preserve evidence?

15 A Well we want to, you know, learn what we can about
16 the incident but primarily our job is to identify the
17 physical evidence based on the information that we're
18 getting at the time. And to make sure that we
19 collect that in a proper manner and that it is
20 documented and then placed into a property and
21 evidence setting.

22 Q When you arrived on scene, did you come with the
23 people you supervise or did y'all come in different
24 vehicles?

25 A We had two different vehicles out there. I believe I

1 road over with one of our less experienced officers.

2 Q What were your observations of the rear of the
3 residence when you arrived that day?

4 A Extremely wet. Good amount of water all over the
5 place. Mud. The -- I don't recall but looked like
6 the back door was maybe off center or... But other
7 than that, nothing really.

8 Q Do you recall whether or not there was any evidence
9 recovered from the scene with respect to any firearms
10 or projectiles?

11 A I believe that Officer Derby did collect a projectile
12 but any other firearms evidence, I don't believe so.

13 Q Did you find any?

14 A No.

15 Q Did you look inside the residence, outside the
16 residence? How far did y'all scan the area for any
17 evidence?

18 A We actually, as far as the outside or the back area
19 of the residence, we searched from the very back door
20 at the back porch area, along a fence line between
21 that incident location and the structure next door.
22 In the back, went around it into the opposite side of
23 the yard. And the only thing that was discovered
24 there was the one projectile. Inside the house
25 nothing was observed.

1 Q You never located a weapon?

2 A No.

3 Q Did you have the occasion to leave this residence and
4 go some where else that day?

5 A Yes, I did.

6 Q With respect to this case?

7 A Yes.

8 Q Where is it that you went?

9 A I went to Broadway Lake Road in Anderson County.

10 Q Tell the jury approximately how far that is from
11 here?

12 A I'm going to say probably 35 miles.

13 Q Do you recall what time you arrived down in Broadway
14 Lake in the morning?

15 A Not the exact time. I could refer to my report.
16 Yes, I responded down to that location probably
17 somewhere just after the 1:00 o'clock hour.

18 Q What is it that you observed when you got to Broadway
19 Lake?

20 A When I arrived at Broadway Lake Anderson County
21 Sheriff's Deputy was sitting with a 2000 Nissan. And
22 it was sitting probably 50 feet from the lake itself.

23 Q While we're talking about that Nissan, I'm going to
24 show you State's 31 to 33 and see if you recognize
25 those photographs?

1 A Yes, sir. Those are the images that I had taken when
2 I arrived.

3 Q And these fairly and accurately depict the location
4 as well as the condition of the vehicle?

5 A Absolutely.

6 MR. COOKE: No objection.

7 MR. MARCHANT: State's 32 through 34 into
8 evidence.

9 THE COURT: All right, without objection.
10 (WHEREUPON, State's Exhibit Nos. 32 & 33 were
11 admitted into evidence.)

12 (WHEREUPON, State's Exhibit No. 34 was
13 previously entered into evidence.)

14 BY MR. MARCHANT:

15 Q Showing you State's 32 Lieutenant, just tell the jury
16 what this is showing.

17 A This is the backside of the Altima or the Nissan.
18 And what I did was took photographs around the
19 vehicle. And this would just be an overview shot of
20 the back of that vehicle.

21 Q Showing you State's 31.

22 A Again, just a overall photo of the driver side of
23 that vehicle.

24 Q And State's 33, what does this show?

25 A This is actually a more intermediate photograph

1 depicting some areas of suspected blood that I
2 observed on the rear of the vehicle.

3 Q And how many areas did you swab the vehicle for and
4 retrieve possible DNA?

5 A In three areas.

6 Q Do you know what you marked those three swabs as?

7 A Yes, sir. I had one swab from the trunk lid
8 exterior, one from the passenger side trunk lid
9 exterior and one from the passenger side bumper.

10 Q And how did you label those?

11 A I labeled them as MP-1, MP-2 and MP-3.

12 Q Showing you what's been marked as State's No. 50, do
13 you recognize the -- do you need to open it?

14 A If we could. These three right here are the swabs
15 that I obtained from the back of that vehicle.

16 Q And do know what these other two swabs, who collected
17 those?

18 A Those two swabs were collected by Officer Derby.

19 Q And are the swabs that you're referring to labeled --
20 the ones that's with respect to what you did, are
21 they labeled in the same fashion as you have them
22 listed on your report?

23 A Yes, sir, they are.

24 Q Now once you took the samples, it is your
25 responsibility or part of your duties to keep them?

1 A What we do is once we obtain the swab we will
2 actually package it up. The type of swab that we use
3 allows for it to dry once it's in the box. We will
4 actually take that back to our office, get it
5 properly packaged then we will take it to our
6 property and evidence division.

7 Q And these are the three swabs that you collected that
8 day?

9 A Yes, they are.

10 Q And have you seen or had any dealings with them since
11 that day?

12 A Not since I placed them in property and evidence, no.

13 Q Do you test or analyze DNA evidence?

14 A No, I do not.

15 Q Okay. All right, Lieutenant Petersen, I want to go
16 back to what one of your employees, Jon Derby, it was
17 just testified to and it's in evidence. Because I'm
18 a little confused. Can you explain to me the
19 difference between the two types of samples for
20 gunshot residue which you would collect and how you
21 would collect them and those two?

22 A Yes. This is actually a container where we collect
23 for gunshot residue and it's called an atomic
24 absorption kit. And it is basically a process where
25 we will take a small diluted portion of nitric acid,

1 moisten a cotton swab with it and apply that to the
2 skin. Then we'll place it in here and then it is
3 actually sent for testing. This one acts -- this is
4 for a SCM and SCM is for Scanning Electron
5 Microscope. And it is more of an adhesive dabber
6 where we would actually take and dab this on the
7 skin. And hoping to collect particles which would
8 commonly be called gunshot residue. Once we collect
9 these then we package them, place them in property
10 and evidence until such time as the investigating
11 officer would want it analyzed.

12 Q Would you use one before you would move on to the
13 other or would you just use them under different
14 circumstances?

15 A Well, what we do is we would typically use what's
16 came a combo kit. And the combo kit has this
17 collection device with the atomic absorption and the
18 collection device for the scanning electron
19 microscope. We will generally do this one first, the
20 dabber, and collect what we would think -- what we
21 would normally refer to as gunshot residue. Once we
22 have collected that, then we will use this and
23 actually swab the hand. The reason for that is for
24 testing processes, this is a very, very -- I want to
25 say temperamental but it's very specific. It will

1 actually give you a reading first before this can be
2 done. This is a lot cheaper.

3 And what SLED likes to do is if they analyze the
4 atomic absorption swabs, then they will go ahead and
5 test the gunshot residue from the SCM's dabber. And
6 it's more of a cost issue than anything else. But
7 this would actually be used first because it's
8 actually picking up gunshot particles. This would be
9 used second yet it's a little bit -- a little easier
10 to process than this one is.

11 Q Would you run into an occasion, and let's be clear,
12 you didn't perform this--

13 A No, I did not.

14 Q That was your forensic Officer Derby. Would there be
15 an occasion such that this would be, I don't want to
16 say unacceptable, but you wouldn't use this in a case
17 unless you would go straight to this test?

18 A There are times, because the dabber is actually going
19 into a scanning electron microscope, if the hands are
20 contaminated with debris or blood, then chances are
21 that would not be used at all.

22 Q So it's not unusual for you to skip the first part of
23 the test and go to the second test based on the
24 condition of what you're trying to pull from?

25 A No, we actually try to use the dabber for the

1 scanning electron microscope, but a lot of times when
2 the hands or whatever area we're trying to test are
3 so heavily contaminated, that we will eliminate the
4 SCM and go straight to the swab for the atomic
5 absorption.

6 Q I don't have any -- well prior to coming to court and
7 your preparation of testimony today, did you have any
8 other duties or responsibilities at either scenes
9 after you left those scenes on March 25th of 2009?

10 A Once I left the scene at Broadway Lake Road, I
11 escorted the vehicle back up to our Crime Scene
12 Office where we actually have a bay where we process
13 vehicles that have been involved in crimes.

14 Q Since you mentioned the vehicle, did you find a
15 weapon in that vehicle?

16 A No, I did not.

17 Q Did you find any shell casings or projectiles?

18 A No, I did not.

19 MR. MARCHANT: I have no further questions,
20 please answer any questions that Mr. Cooke may have.

21 MR. COOKE: Just a couple of questions.

22 CROSS-EXAMINATION

23 BY MR. COOKE:

24 Q About the scene, step down I just want you to show
25 me. Does this pretty much show the house, the

1 driveway, the parking area as far as you know?

2 A Yes, sir.

3 Q Okay. It's pretty muddy, it'd been raining?

4 A Yes.

5 Q Hadn't a lot of people 'been back there?

6 A I am sure that there were. But when we got there,
7 you know, the traffic has ceased.

8 Q Now, let's assume that this is the lot the house sits
9 on. This is the driveway, back parking area, house,
10 front yard and Vardry Street. Now tell me, how did
11 y'all search that perimeter?

12 A You talking about this one right here?

13 Q I'm sorry, this one, I'm sorry.

14 A Well on initial approach we came up the driveway.
15 And as far as doing a search here, we had a vehicle
16 sitting in this area. We do over all photography.
17 When we searched, this was a wooden fence, we
18 searched up the wooden fence. There is a fence back
19 here. We were unable to get over. And there was
20 lots of structures here and just items sitting out in
21 the backyard. And we searched through those.

22 Q So you did the outside search of the lot there, is
23 that correct?

24 A Along with Officer Derby and Officer Campbell.

25 Q You didn't go over here, back here or over here at

1 all?

2 A We did not cross the fence. We did search back here
3 as far as we could actually go.

4 Q But you never went over the fence?

5 A No.

6 Q How about here, there's no fence here?

7 A Honestly I do not recall what's over there.

8 Q Okay. But did you -- did you search on the back
9 porch? I don't know if I asked you that or not?

10 A We did search up in this area. As far as
11 specifically me, I did not.

12 Q Search the back porch?

13 A I did not.

14 Q Okay. Good. Just a couple more questions and I'll
15 let you go. So when you do this hand test on a
16 victim's hands, preferably you do that at the scene,
17 is that correct?

18 A No, sir, not all the time, no.

19 Q When do you likely do it? I mean, when's the best
20 time to do it?

21 A The best time do it is as quickly as you possibly
22 can.

23 Q Right.

24 A In the case of a death investigation, we work with
25 the medical examiner and we wait until we get to

1 autopsy.

2 Q Do you have any idea -- the victim was transported
3 from the Bariatric Clinic, that's over close to
4 Greenville High School, to the hospital. Do you have
5 any idea what took place between there and him
6 getting to the autopsy room?

7 A No, I do not.

8 Q Was the autopsy in process when you got there? Did
9 you have anything--

10 A I did not respond, Officer Derby responded to the
11 morgue.

12 MR. COOKE: No more questions, thank you, very
13 much.

14 MR. MARCHANT: Briefly.

15 REDIRECT EXAMINATION

16 BY MR. MARCHANT:

17 Q When you were talking about the time period that it's
18 best to do these tests, when you got to Anderson to
19 the lake down there, was the defendant on the scene?

20 A I do not recall. He may have been in the back of the
21 patrol car but I had no contact if he was there.

22 Q Did you do a test on anyone involved in this case?

23 A I did not, no.

24 Q Well, had --

25 MR. MARCHANT: No further questions, thank you.

1 THE COURT: All right, anything else?

2 MR. COOKE: None from the defense, Judge.

3 THE COURT: Can we release him from subpoena?

4 MR. MARCHANT: Please, Your Honor.

5 MR. COOKE: Fine with me, Judge.

6 THE COURT: All right, thank you, sir, you're
7 excused.

8 MR. MARCHANT: State would call Ila Simmons.

9 THE CLERK: Ms. Simmons, please place your left
10 hand on the Bible, raise your right.

11 ILA SIMMONS, after being duly sworn, testified
12 as follows:

13 THE CLERK: Thank you, please be seated. State
14 your full name please for the record.

15 THE WITNESS: My name is Ila Simmons.

16 DIRECT EXAMINATION

17 BY MR. MARCHANT:

18 Q Good afternoon, Ms. Simmons?

19 A Good afternoon.

20 Q Where are you employed?

21 A At the South Carolina Law Enforcement Division in the
22 Forensics Laboratory Trace Evidence Department.

23 Q Commonly known as SLED?

24 A Yes, sir.

25 Q In what department do you work for SLED?

1 A In trace evidence.

2 Q What is trace evidence and what do you do?

3 A I work with gunshot residue. We also analyze paints,
4 fibers, glass and explosives.

5 Q How long you been doing this?

6 A Almost 13 years.

7 Q What sort of training and education background do you
8 have to be able to conduct all these tests?

9 A I have a Bachelor's of Science Degree in Chemistry.
10 After completing that I went to work at SLED. My
11 first three years at SLED I worked with a court
12 qualified, SLED certified trace evidence examiner.
13 Who taught me how to collect and analyze trace
14 evidence. I had to complete oral, written and
15 practical examinations in all areas of trace evidence
16 with 100 percent efficiency before I could be
17 certified by SLED as a trace evidence examiner.

18 Q Have you testified in court before?

19 A Yes, sir, I have.

20 Q In gunshot residue analysis?

21 A Yes, sir, I have.

22 Q Approximately how many times?

23 A Approximately 200 times.

24 MR. MARCHANT: State would move Ms. Simmons be
25 qualified as an expert in gunshot residue.

1 MR. COOKE: I have no questions, Judge.

2 THE COURT: All right, so qualified.

3 BY MR. MARCHANT:

4 Q Ms. Simmons, what is gunshot residue?

5 A Gunshot residue is a mixture of microscopic chemicals
6 that come out of a gun when it's discharged. It can
7 get on anything in close proximity to the gun
8 including the person's hands that are holding the
9 gun.

10 Q And how is -- is gunshot residue more commonly
11 referred to as GSR?

12 A Yes, sir.

13 Q How is GSR expelled so that you're able to collect
14 it?

15 A There's a cartridge that is placed into the weapon to
16 be fired. The cartridge contains the bullet that
17 comes out of the gun and goes down range. It also
18 contains a carriage and a primer. When the hammer
19 falls and the firing pin strikes the primer, they're
20 shock sensitive chemicals in the primer, they cause
21 a small explosion, which begins the gun powder
22 burning, the pressure builds up and pushes the bullet
23 out of the gun. Well these chemicals are mixture of
24 the gun powder and the shock sensitive chemicals in
25 the primer.

1 Q And are you able to know how far these chemicals and
2 primmers are -- how far they're able to travel?

3 A We can give a estimation.

4 Q And what is that estimation?

5 A Depending upon the weapon and the caliber of the
6 weapon, it would be different.

7 Q Is GSR visible to the naked eye?

8 A No, sir, it is not, it's microscopic. One gunshot
9 residue particle, you could probably fit about a 100
10 of them across the top of a pen.

11 Q And with respect to what you're here to testify
12 today, did you analyze a GSR kit in this case?

13 A Yes, sir.

14 Q Showing you what's in evidence as State's No. 43 that
15 was opened today in court that references -- has a
16 yellow sticker on the front, what does that number
17 reference?

18 A That references the number that's given to a case
19 when it's brought into our laboratory for analysis.

20 Q And let's talk about how it gets from being dropped
21 off at your office to you and how y'all store and
22 maintain the intelligence of the evidence.

23 A The agency that is submitting the case, in this case
24 it was the Greenville City Police Department, we
25 bring the evidence in. It would be sealed by them.

1 They would bring it in to our central log-in area.
2 where All Cases Has To Come Through Our central
3 log-in area. It's logged in, given an identification
4 number. And each piece of evidence in the case is
5 given an item number. It is taken in by our log-in
6 technicians downstairs and put in a safe locked room.
7 Only the evidence technicians have keys to this room
8 and they're the only ones that have access to the
9 evidence once it's placed into this room.

10 We would then go down to the evidence log-in
11 area, get with one of the evidence log-in technicians
12 and have them retrieve our evidence for us. I would
13 then take it to into my custody. It would be
14 processed for analysis while it was in my custody and
15 then I would return it to log-in after I completed my
16 analysis.

17 Q And I'm showing you a white envelope out of this bag,
18 does this tape on here represent something from your
19 office?

20 A Yes, sir. It has the identification number, the item
21 number, my initials, yes, sir. And it also has the
22 evidence tape where I sealed the kit after I
23 completed my analysis, put my initials and my date.

24 Q I'm showing what's in this bag, there are -- looks
25 like five different items. Can you explain to the

1 jury what sort of -- what's the difference in the
2 test that you would perform from this type of kit,
3 which is the dabber, versus the swab?

4 A Each standardize gunshot residue kit comes with two
5 different components. Each giving us different
6 information about the kit. This we would analyze on
7 a very powerful microscope called a scanning electron
8 microscope. It can see down over a hundred thousand
9 times greater than the human eye can see. This
10 portion will be taken from the hands of the person
11 first. All it is is it's a handle and if it's
12 opened, it will come in this condition, and it will
13 be opened by the person administering the kit. And
14 it's got a double-sided sticky tape on it. And it
15 would be dabbed over the hands of whomever the kit
16 was being collected from.

17 Q And how is this other swab different in collection
18 methods than this dabber as you referred to it.

19 A The swabs would be collected. It's just two Q-tip
20 swabs with a diluted acid placed on them and rubbed
21 over the same areas that the SCM portion of the kit,
22 the dabbers, were collected from. The swabs would
23 then be placed in this tube and sealed. And they're
24 each labeled right back, right palm. And that would
25 be the area that they were collected.

1 Q Do you recall in this case which one of these tests
2 you analyzed?

3 A Yes, sir, we analyzed the swab. We always analyze
4 the swabs first because that gives us an indication
5 as to how much each of the metals that we're looking
6 for is present. We're looking for lead, barium and
7 antimony. So we have certain threshold levels if we
8 find those, is a indication that gunshot residue is
9 present. And then we would go and look at the
10 scanning electron microscope.

11 Q Okay. And once you would open this swab, is that
12 something that you would put back in the vial or
13 would you keep it discarded?

14 A The swabs would be discarded. Because they're --
15 once we get them we treat them with a concentrated
16 acid and they can't be returned because of the
17 biohazard and chemical hazard that they represent.

18 Q Okay. And with the one swab that is left here, it is
19 represented as a sticker showing left back; what does
20 that tell you?

21 A That this sample, the swab sample, was not collected
22 from the back of the left hand from this particular
23 kit.

24 Q And do you have results from the other three swabs?

25 A I do.

1 Q What were the results of those other three swabs?

2 A A sample was also collect from the palm of the right
3 hand, a sample was collected from the back of the
4 right hand and a sample was collected from the palm
5 of the left hand. And each one of these samples, the
6 metals we found, did not indicate the presence of
7 gunshot residue.

8 Q Did you move then on to the dabber?

9 A No, sir, I did not. Because inside the GSR kit that
10 was submitted, was a note that was labeled JDerby
11 that said the SCM portion of the kit was not
12 collected because there was blood on the hands. If
13 there are large amounts of blood on the hands, we
14 don't recommend that the particles lift or the SCM
15 portion, the dabbers, be collected because the blood
16 will cause a break down in the double-sided sticky
17 tape. And it will also cover anything that may have
18 been on the hands that we possibly could have found.

19 Q Ms. Simmons, are you able to inform the jury of how
20 long GSR could stay on someone's hand?

21 A At the longest it would be on someone's hand is six
22 hours. Gunshot residue has the consistency of salt.
23 So it's very easily removed from the hands. If
24 someone were to fire a weapon, then put their hands
25 in and out of their pockets, wash their hands, wipe

1 their hands on a rag, use hand sanitizer, this can
2 all remove gunshot residue. So it's very, very
3 delicate.

4 Q Well, is it possible for someone to have gunshot
5 residue on their hands without ever firing a weapon?

6 A Yes, sir. If they come in contact with something
7 that has gunshot residue on it. If someone were to
8 fire the gun and lay the gun down and I was to go
9 behind them and handle the gun, it is possible for me
10 to get gunshot residue on my hand from the gun
11 because it could have gunshot residue on it.

12 Q Again, in this case, with your lab numbers, as well
13 as the GPD's lab number, the results were negative on
14 all accounts?

15 A Yes, sir.

16 Q You only did this with respect to one gunshot kit?

17 A Yes, sir.

18 MR. MARCHANT: Thank you, please answer any
19 questions Mr. Cooke may have.

20 MR. COOKE: Just a couple of questions. Excuse
21 me, just a minute.

22 CROSS-EXAMINATION

23 BY MR. COOKE:

24 Q So you're saying you need to do this in about six
25 hours to really get a true...

1 A Yes, sir, as quickly as possible the gunshot residue
2 kit should be collected.

3 Q And the hands shouldn't be compromised, really,
4 during that six hours in any way?

5 A They should not be washed or something of that
6 nature, no, sir.

7 Q So you don't know what happened between the time of
8 the shooting until, say the autopsy was in progress,
9 you don't know whether there was any cleaning or
10 anything done?

11 A No, sir, I do not.

12 Q And you checked the kit that was sent to you and it
13 was negative.

14 A Yes, sir.

15 Q Okay, just one other question. If a gun had been
16 shot, say the day before or handled the day before,
17 would that show up on the hands a day later?

18 A No, sir. After six hours, if someone is living for
19 six hours it will not be there.

20 MR. COOKE: Thank you, very much. No further
21 questions.

22 THE COURT: All right.

23 MR. MARCHANT: No further questions, ask that
24 she be excused from her subpoena.

25 THE COURT: Can we release her, Mr. Cooke?

1 MR. COOKE: Yes, sir, that's fine.

2 THE COURT: All right thank, ma'am, you're
3 released.

4 THE WITNESS: Thank you.

5 MR. MARCHANT: State calls Adrienne Hefrey from
6 SLED.

7 THE CLERK: Ms. Hefrey, please come forward.
8 Please place your left hand on the Bible, raise your right
9 hand.

10 ADRIENNE HEFNEY, after being duly sworn,
11 testified as follows:

12 THE CLERK: Thank you, please be seated. Please
13 state your full name for the record.

14 THE WITNESS: Adrienne Riley Hefney.

15 DIRECT EXAMINATION

16 BY MR. MARCHANT:

17 Q Good afternoon, Ms. Hefrey (sic), where are you
18 employed?

19 A With the South Carolina Law Enforcement Division,
20 more commonly known as SLED.

21 Q And referred to you earlier as a different name, did
22 you recently get married?

23 A I did.

24 Q What was your maiden name?

25 A Riley.

1 Q Your maiden name's Riley?

2 A Yes, sir.

3 Q What's your married name?

4 A Hefney.

5 Q Hefney?

6 A Hefney.

7 Q Okay. Thank you. In what capacity are you employed
8 at SLED?

9 A As a forensic DNA analyst.

10 Q What are your duties as a forensic DNA analyst?

11 A I mainly make comparisons on biological evidence.
12 What we do is compare unknowns, which are evidence
13 that's collected from crime scenes against known
14 samples. Which would be standards collected from
15 people involved in the case.

16 Q What type of educational background do you have that
17 would prepare you for your position?

18 A I have a Bachelor in Science Degree in Biology from
19 the University of South Carolina. I have a Master's
20 of Business Degree from Winthrop University. I've
21 also taken post-graduate courses in the field of
22 genetics, molecular biology and statistics.

23 Q And you've testified in court before?

24 A Yes, sir.

25 Q Approximately how many times?

1 A About 51 times.

2 MR. MARCHANT: Your Honor, the State would move
3 to offer as an expert the forensic DNA analysis.

4 MR. COOKE: No objection.

5 THE COURT: All right.

6 BY MR. MARCHANT:

7 Q All right, Ms. Riley (sic), as best you can in
8 layman's terms, what is DNA?

9 A DNA is -- well it stands for deoxyribonucleic acid.
10 And what that is is a chemical substance that's found
11 in most of the cells of our bodies. It basically
12 makes who we are. We get half of our DNA from our
13 mother and half of our DNA from our father. Now with
14 humans a lot of our DNA is the same. It's the DNA
15 that gives us two arms, two legs and two eyes. But
16 we look around this courtroom we notice that everyone
17 looks different. No two people have the same DNA
18 with exception of identical twins. And we use this
19 fact in forensics to make comparisons. As I said
20 before we compare evidence, which are unknowns, to
21 knowns, which are standards that we collect from
22 people involved in the case such as the victim and
23 the subject.

24 Q And from what types of human fluids or tissues, can
25 DNA be obtained?

1 A DNA can be obtained from saliva, blood, semen, hair,
2 skin cells, just to name a few. Bone.

3 Q Okay. Did you have the occasion to analyzne some of
4 those with respect to the case that you're here today
5 for?

6 A I did.

7 Q I'm going to show you what's been marked as State's
8 48, 49 and 50 and see if you recognize these items.

9 A Yes. Items, this is State's Exhibit 48. This has my
10 initials on the seal here. And I recognize it as
11 being Ke [REDACTED] Ca [REDACTED]'s known standard. Item three,
12 also with my initials here. And item three is the
13 blood standard from Vincent Campbell. And this is
14 the evidence swabs that were in container A, also
15 with my initials and date on the seal.

16 Q And how many items are in State's No. 50?

17 A State's Exhibit 50 has five swabs that were
18 collected.

19 MR. MARCHANT: Your Honor, we'd offer 48, 49 and
20 50 into evidence.

21 MR. COOKE: No objection.

22 THE COURT: Without objection.

23 (WHEREUPON, State's Exhibit Nos. 48 through 50
24 were marked for identification and received into
25 evidence.)

1 BY MR. MARCHANT:

2 Q Now you said State's 48 was the standard for K[REDACTED]
3 Ca[REDACTED]?

4 A Yes, it's a buccal swab, which is a swab from the
5 inside of your cheek, from K[REDACTED] Ca[REDACTED]. Item
6 three is a blood standard from Vincent Campbell.

7 Q What is the difference between the blood standard in
8 49 and the buccal swab in 48?

9 A There's no difference. The DNA that's in saliva or
10 in your buccal swab will also be the same DNA that's
11 in your blood swab. It's just that from one person
12 they took blood and from one person they took saliva
13 or skin cells from inside of their cheek.

14 Q So regardless of what type of fluid or tissue, you're
15 going to have the same DNA throughout your...

16 A That's correct.

17 Q Now what were the results of your analysis of
18 items -- what was the result of your analysis of
19 items four through eight?

20 A Okay. Items four through eight, we first identified
21 the body fluids that we were working with. And there
22 was blood indicated on these swabs. I proceeded and
23 ran a DNA on these samples. And I read directly from
24 my report the results.

25 The DNA profile developed from items four, which

- 1 is the swab from the passenger exterior running
2 board. Five, swab from the front bumper. Six, swab
3 from the driver's side trunk lid. Seven, swab from
4 the passenger side rear bumper. Eight -- and eight,
5 swab from the passenger side trunk lid exterior,
6 matches the DNA profile of Vincent Campbell. The
7 probability of randomly selecting an unrelated
8 individual, having a DNA profile matching these
9 items, is approximately 1 and 7.9 quadrillion.
- 10 Q In this case there is another sample that's from
11 Ke [REDACTED] Ca [REDACTED]?
- 12 A That's correct.
- 13 Q Your statement just a minute ago said unrelated
14 person. What is the likelihood of it being a related
15 person?
- 16 A What we do is we make comparisons of the standards
17 that we have. I compared the evidence to both
18 Vincent Campbell as well Ke [REDACTED] Ca [REDACTED] and these
19 items matched Vincent Campbell. Ke [REDACTED] Ca [REDACTED] and
20 Vincent Campbell do not share the same DNA because
21 they are not identical twins.
- 22 Q Did you do any other testing on the samples that were
23 submitted to you with respect to this case?
- 24 A Other than just seeing the serology testing, which is
25 where we identify the body fluid. And identified or

1 indicated as blood.

2 Q And the sample from Ke [REDACTED] Ca [REDACTED] was what type of
3 fluid?

4 A The sample from Ke [REDACTED] -- Ke [REDACTED] Ca [REDACTED]'s standard
5 was a buccal swab, which was a swab from the inside
6 of his cheek.

7 Q And Vincent's standard was what?

8 A Blood.

9 Q Again, there's no difference between them as far as
10 what your DNA make up would be?

11 A No. If I had a buccal swab from Vincent Campbell,
12 the DNA would be the same from the buccal swab as it
13 is from the blood.

14 MR. MARCHANT: Thank you, please answer any
15 questions Mr. Cooke may have.

16 MR. COOKE: I have no questions, thank you.

17 THE COURT: All right, can we release her from
18 subpoena?

19 MR. COOKE: Fine with me.

20 THE COURT: All right, thank you, ma'am, you're
21 released.

22 THE WITNESS: Thank you.

23 MR. MARCHANT: Judge, may it please the Court,
24 may we approach?

25 THE COURT: Yep.

1 (WHEREUPON, a bench conference was held in the
2 presence of the jury but out of the hearing of
3 the jury.)

4 THE COURT: All right, Mr. Foreman, ladies and
5 gentlemen of the jury, logistically speaking, it's
6 probably a good time to break for lunch. We'll just take
7 a little extra time today and ask you to be back shortly
8 before 2:30. Okay. Please remember don't discuss the
9 case and don't do any research and we'll see you back, you
10 know, 2:25, how about that? All right, thank you.

11 MR. COOKE: Thank you, Judge.

12 (WHEREUPON, the jury left open court at
13 approximately 12:43 p.m.)

14 THE COURT: All right, anything before we break?

15 MR. MARCHANT: Nothing from the State, Your
16 Honor.

17 THE COURT: Okay.

18 I do want to cover one thing with Mr. Jones. I
19 know it's not time yet but, Mr. Jones, I want to make sure
20 you understand that when the time comes, when the State
21 closes their case, you have an absolute Constitutional
22 right to testify in your own defense. You have an equal,
23 absolute Constitutional right to remain silent. And that
24 silence could not be held against you. They're all sorts
25 of strategic things that you and your attorney I'm sure

1 have discussed about your testimony and whether or not you
2 want to do that. That's entirely up to you. And no one
3 can force you or coerce you in any way to either testify
4 or not testify. And but when the time comes, I'm going to
5 want to know how you feel about it and make sure you
6 understand all those rights. So I'm telling you that
7 while we break for lunch so you'll have time to think
8 about it.

9 Do you have any questions you want to ask me
10 about that?

11 MR. JONES: No, sir.

12 THE COURT: Okay, all right.

13 Be back ready to go at 2:30.

14 MR. COOKE: Thank you, Judge.

15 (WHEREUPON, a lunch break was taken.)

16 THE COURT: Y'all ready?

17 MR. MARCHANT: State's ready, Your Honor.

18 THE COURT: How about Mr. Cooke?

19 MR. COOKE: Yes, sir, I'm sorry. I thought they
20 were going to do a plea or something.

21 THE COURT: No.

22 MR. COOKE: Okay.

23 THE COURT: We got plea court going on upstairs.

24 (WHEREUPON, the jury came into open court at
25 approximately 2:45 p.m.)

1 THE COURT: All right, Mr. Marchant.

2 MR. MARCHANT: The State calls Detective David
3 Garrison..

4 THE COURT: All right.

5 THE CLERK: Sir, please place your left hand on
6 the Bible, raise your right hand.

7 DAVID GARRISON, after being duly sworn,
8 testified as follows:

9 THE CLERK: Thank you, please be seated. State
10 your full name for the record.

11 THE WITNESS: David Paul Garrison.

12 DIRECT EXAMINATION

13 BY MR. MARCHANT:

14 Q Detective Garrison, where are you employed?

15 A The Greenville Police Department.

16 Q And presently what is your capacity with the police
17 department?

18 A I'm a detective in our violent crimes unit.

19 Q How long have you held that role with the city
20 police?

21 A It will be three years next month.

22 Q So back in March of '09 were you enrolled in the same
23 capacity?

24 A I was.

25 Q Okay. Prior to that capacity, did you have any other

1 roles with the City Police Department?

2 A I did. Before I was in the violent crimes unit I was
3 in our accident reconstruction unit.

4 Q How long in total have you been employed with the
5 Greenville City Police?

6 A It will be 17 years next month.

7 Q Before you joined the police force, what was your
8 work experience?

9 A I worked briefly at the time with Greenville Memorial
10 Hospital after I got off of active duty in 1993.

11 Q Okay. Active duty for what?

12 A United States Marine Corps.

13 Q You go through the Criminal Justice Academy, attend
14 all the courses and successfully complete those?

15 A I did.

16 Q Have you kept your credentials up-to-date?

17 A I have.

18 Q And on March the 25th of 2009, were you working that
19 morning?

20 A I was.

21 Q And being a detective, were you involved in a patrol
22 of a concern area or do you have a desk job or what
23 type of detective responsibilities does that entail?

24 A Primarily I'm at a desk. You know, preparing reports
25 on cases that are assigned to me that I've

1 investigated. There is some time that I spend in the
2 field interviewing people, looking for evidence,
3 looking for certain people. But I am at a desk a lot
4 also. It's kind of I'd say a 60/40 split, 60 percent
5 being at a desk and another 40 being out in the field
6 doing things for investigations that I'm working on.

7 Q Well, when you're talking about being out in the
8 field, are you referring to your cruising around in a
9 marked patrol unit looking for people that are
10 presently breaking the law?

11 A Usually not. Usually trying to track down witnesses
12 to a crime or sometimes even having to track down
13 witnesses, things of that nature is what I mean about
14 being in the field. Being out of the office.

15 Q Well how is it that you became involved in this case
16 and became the lead detective?

17 A The morning this happened I was sitting at my desk, I
18 think I was typing a report on another case. We have
19 a radio on in our office area so we can hear what's
20 going on out on the street while we're in our office.
21 And I heard the call go out that there was -- a
22 person had been shot and the call was coming from 413
23 Vardry Street. Which was the Bariatric Clinic.

24 Q Okay. And where exactly is the Bariatric Clinic?

25 A It's located at 413 Vardry Street. It's kind of in

1 between the intersections of Vardry and Green Avenue
2 and Vardry and Anderson Road.

3 Q Is that in the county?

4 A It is in Greenville County and it's also within the
5 city limits of Greenville.

6 Q Okay. So hopefully give the jury a little more
7 direction, what high school is close to this incident
8 location?

9 A Greenville High School is like a block away.

10 Q What recreational complexes are in the area as well?

11 A Greenville Drive Stadium is also about a block away
12 on the other side of the street from Greenville High
13 School.

14 Q So this is commonly referred to as the Westend area?

15 A It is referred to as the Westend.

16 Q Well how long did it take for you to get from your
17 desk out to this location?

18 A About 15 minutes.

19 Q And when you arrived, what did you observe?

20 A When I first got there there were several uniform
21 officers already there. They were starting to put up
22 the crime scene tape and secure the scene. I tried
23 to park my vehicle in a location where I wouldn't
24 disturb anything. And as soon as I got there, I got
25 out of my car, I believe EMS was already there inside

1 the clinic and I was approached by Corporal Dole
2 Burdette who started to brief me on what they knew to
3 that point.

4 Q So Corporal Burdette basically brought you up to
5 speed?

6 A That's correct.

7 Q And now that you're on the scene, were you the first
8 detective that arrived that day?

9 A I was.

10 Q Okay. So as far as chain of command goes, who's in
11 charge?

12 A Probably -- you mean before I got there or when I got
13 there?

14 Q No, when you arrived on the scene, did you take over
15 the scene?

16 A Yes. When we have a situation like this, a crime
17 like this has been committed and detectives respond,
18 we become in charge of that scene. And control what
19 happens, who enters and who exits and what happens.
20 It's our scene to take charge of.

21 Q And did you instruct any officers to put up tape or
22 block roadways or anything like that?

23 A I did. When I got there and was talking to Corporal
24 Burdette, we were standing there and I looked down
25 and I could see--

1 Q Standing where?

2 A In the middle -- we were standing in the middle of
3 Vardry Street.

4 Q Between which businesses our residence?

5 A We were -- the house that's in between [REDACTED] and [REDACTED],
6 we were kind of standing right in front of that.

7 Q Here's a pointer if you want to use that to show the
8 jury, please.

9 A I don't know that it's going to show up on here. We
10 were standing kind of right in this area. Because I
11 had parked my car right about here. We were standing
12 right in here.

13 Q You're saying we, who is we?

14 A Myself and Corporal Burdette.

15 Q Okay. And at the time you arrived, did you have a
16 description of the suspect?

17 A A very brief description of the suspect, yes.

18 Q And as more time was spent on the scene, did you
19 obtain a more detailed description of the suspect?

20 A I did.

21 Q And how is that it that you came to find out who the
22 suspect was and where they may be headed or located?

23 A Well on my way to the scene, I heard on the radio, as
24 more people called in to 911, we obtained more
25 information, I heard on the radio, a description of

1 the suspect being a black male wearing all black
2 clothing. And that they were possibly in a silver or
3 gray vehicle and that they were possibly heading
4 toward Belton. Of course, I heard that on the radio,
5 I had no idea at that point, before I got there,
6 where that information was coming from. When I got
7 there I was told by Corporal Burdette that there was
8 an older white female, who I later learned was Susan
9 Hamby, who lived at [REDACTED] Vardry Street, she was
10 standing on her front porch as I was talking to
11 Corporal Burdette in the middle of the street. He
12 pointed her out to me and said, She knows what
13 happened--

14 MR. COOKE: Your Honor, I -- I want to cut to
15 the chase.

16 THE COURT: Are objecting, Mr. Cooke?

17 MR. COOKE: I object to the--

18 THE COURT: All right --

19 MR. COOKE: Hearsay.

20 THE COURT: All right, don't -- I sustain it as
21 to hearsay.

22 BY MR. MARCHANT:

23 Q What did you do with the information that you had of
24 the suspect? Did you tell other officers in the area
25 to go on patrol and look for him? Or was that

1 information delivered or distributed anywhere?

2 A It was broadcast over the radio to our units, the
3 Greenville Police Department. And then I also
4 contacted our communications or dispatch unit and
5 told them to send a statewide teletype to all law
6 enforcement agencies in the State of South Carolina
7 the description that we had at that time. And I told
8 them to specifically put special attention to
9 Anderson County and the Belton area.

10 Q Also, when you arrived on scene, did you come in
11 contact with Donald Stone at any time?

12 A I did not. I mean, I did not speak to him personally
13 on the scene. He had been put in the back of a
14 marked patrol car and he was later taken to the law
15 enforcement center to give a statement.

16 Q What's the significance of him being placed in the
17 back of the patrol car?

18 A When the officers got the information over the radio
19 about the white Expedition in the backyard, and they
20 were going up the driveway to make sure there was no
21 suspect or no one else injured behind the house in
22 that Expedition, they encountered Mr. Stone. And for
23 his safety they put him in a car until they could
24 determine his involvement, his role in the whole
25 thing. They secured him there so that, you know, he

1 didn't get harmed and made sure he wasn't a potential
2 suspect.

3 Q In between the time that he was in the back of the
4 patrol car and the time that he gave a statement, did
5 he ever have the opportunity to speak with K[REDACTED]
6 C[REDACTED]?

7 A No. I mean, not once he was put in the car he had no
8 contact with K[REDACTED] C[REDACTED] at all.

9 Q Did you do a search of the area as well as a the
10 residence for any sorts of weapons?

11 A Yes.

12 Q And did you locate anything?

13 A No, I did not.

14 Q Did you check in between the house and the clinic
15 across the street?

16 A Yes. We searched the backyard, the driveway all the
17 way to the clinic and the lobby of the clinic.

18 Q You say we, who do you mean when you refer to we?

19 A Well, myself and other detectives that were on the
20 scene. That were involved in the processing and
21 search of the scene as well as forensics. Now,
22 forensics, they do their search independent of us.

23 Q Can you give us a number or estimate of the number of
24 officers you had on the scene searching and looking
25 for evidence?

1 A It would have been me and one other detective that
2 searched, as far as the Greenville Police Department
3 is concerned. And, of course, the forensics people
4 search as well for evidence.

5 Q Again, did anyone locate a weapon?

6 A No.

7 Q Did you do any measurements of how far it is from the
8 backyard of that residence to the front door of the
9 Bariatric Clinic?

10 A I did.

11 Q How far approximately is it?

12 A It's approximately 185 feet.

13 Q At some point in time did you discover that the
14 defendant had been apprehended in Belton?

15 A I did.

16 Q And how is that you became privy to that information?

17 A I was contacted by our communications or dispatch and
18 told to contact Anderson County Sheriff's Office
19 Dispatch. And when I called them they said they had
20 a car stopped at Broadway Lake Road they believed may
21 be our suspects. From the BOLO or teletype that I
22 had sent out.

23 Q And in your capacity as lead detective, did you send
24 an officer or fellow detective down to the lake?

25 A I did.

1 Q And who was it that went down to the lake?

2 A I asked Detective Flavell to go down there to the
3 lake and also Lieutenant Petersen went from
4 forensics.

5 Q Was the Defendant on scene when Flavell arrived?

6 A He was not.

7 Q Where had he gone to?

8 A He had been transported to the Anderson County
9 Detention Center.

10 Q And this being the 25th, incident occurring about
11 10:30 in the morning, roughly, what time were you
12 then able to put your hands on the Defendant?

13 A It was later that evening around 6:30, quarter 'till
14 7:00 in the evening.

15 Q Who went down to Anderson to pick him up?

16 A Myself and Detective Flavell.

17 Q When you picked him up did you also take control of
18 his property?

19 A Not at that time, no.

20 Q At some point in time did you go back down to the
21 detention center in Anderson to get his clothes?

22 A No. He was in the clothing -- when we picked him up
23 in Anderson County, he was in his personal clothing.
24 And I put him into the Greenville County Detention
25 later that evening in that clothing. Went back to

1 Greenville County Detention Center the following
2 morning and collected that clothing.

3 Q I got you. So I'm showing you what's been marked as
4 State's 38, 39, 40, 41 and 42. Would you take a look
5 at those and see if you recognize those?

6 A I do recognize them.

7 Q And where have these clothes been until they were
8 brought to court today?

9 A They've been stored in the property and evidence room
10 at the Greenville County Law Enforcement Center.

11 Q Who brought them to court today?

12 A I did.

13 MR. COOKE: No objection.

14 MR. MARCHANT: Move State's 38 to 42 into
15 evidence.

16 THE COURT: All right, without objection.

17 (WHEREUPON, State's Exhibit Nos. 38 through 42
18 were admitted into evidence.)

19 MR. MARCHANT:

20 Q All right, Detective Garrison, with respect to No.
21 38, what are we seeing here?

22 A Those were the shoes that Robert Jones was wearing
23 when I picked him up at Anderson County Detention
24 Center.

25 Q With respect to State's 39?

1 A That was a jacket that he was wearing when I picked
2 him up at Anderson County Detention Center.

3 Q State's 41?

4 A That's the t-shirt that he was wearing.

5 Q State's 40?

6 A That's another t-shirt that he was wearing.

7 Q State's 42?

8 A The pants that he was wearing.

9 Q While Detective Flavell was down at Broadway Lake,
10 did he bring someone back to Greenville with him?

11 A He did.

12 Q Who was that?

13 A Crystal Stone.

14 Q Do you know whether or not she came voluntarily or
15 did y'all have some warrants signed on her?

16 A She came voluntarily.

17 Q The rear of the residence over on Vardry Street, were
18 you able to determine what, if anything, in your
19 opinion had taken place in the backyard?

20 A When I got there and went into the backyard, it
21 appeared to me that there had been either someone
22 running through the yard or there had been some kind
23 of scuffle. But more looked like somebody was
24 running.

25 Q Why do you say it looks like someone was running?

- 1 A Because it had been raining off and on that whole
2 morning. And the backyard was muddy. I mean, there
3 was no grass back there, it was all dirt. So it had
4 turned to mud. And there was obvious signs of
5 someone running in that mud and having a hard time
6 getting traction in the mud so they were leaving
7 marks in the mud that you can tell their feet were
8 slipping as they were running.
- 9 Q Were you able to observe any additional shoe prints
10 like the one that was entered into evidence earlier?
- 11 A I did notice shoe prints out there. I tried to stay
12 on the edges to not disturb those shoe prints.
- 13 Q Did you also go inside the residence?
- 14 A I did.
- 15 Q And what were your observations about the inside of
16 the residence?
- 17 A It looked normal. I mean, there was nothing that
18 indicated to me there had been any kind of fight or
19 confrontation or anything. It was just a normal
20 looking house.
- 21 Q But there was nothing really disturbed inside?
- 22 A There was nothing I noticed disturbed inside at all.
- 23 Q Did you at some point in time search the Defendant's
24 residence down in Belton?
- 25 A I did.

1 Q How is that you determined what the address for that
2 residence was?

3 A From his -- the address on his driver's license.

4 Q Were you also able to determine the age and the date
5 of birth for the Defendant?

6 A I was.

7 Q Do you know the Defendant's date of birth?

8 A Off the top of my head I can't remember the exact
9 day, I believe, he was born in August of 1991, I
10 don't remember the exact date.

11 Q Something that would help you determine?

12 A My report. My report would.

13 Q Okay, would you take a look at your report.

14 A August the 19th, 1991.

15 Q So on March 25th, 2009, how old does that make the
16 Defendant?

17 A Seventeen years of age.

18 Q And what was the address of the Defendant that you
19 ended up getting a search warrant and subsequently
20 searching the house?

21 A It was 1016 Glenwood Road Extension in Belton.

22 Q When did you execute that search warrant?

23 A On March 31st.

24 Q And who was present at the house when you knocked on
25 the door?

1 A Robert Jones' Grandfather.

2 Q Do you recall what his name is?

3 A I believe it's Robert Lee Jones.

4 Q And Mr. Jones that answered the door that day, was he
5 cooperative?

6 A He was very cooperative.

7 Q Showing you what's been marked as State's 37, do you
8 recognize this?

9 A I do.

10 Q Okay. Is it the same or substantially the same
11 condition as it is that you retrieved it that day?

12 A It is.

13 MR. MARCHANT: State's 37 into evidence.

14 THE COURT: Any objection?

15 MR. COOKE: None, Judge.

16 THE COURT: Okay, without objection.

17 (WHEREUPON, State's Exhibit No. 37 was admitted
18 into evidence.)

19 BY MR. MARCHANT:

20 Q Detective Garrison, please tell the jury what it is
21 that is listed as State's 37 and where you found it.
22 That is a box of Remington center-fire pistol
23 cartridges, .38 caliber.

24 Q Where is it that you located that box?

25 A I located -- I'm sorry, I located those underneath

1 the mattress in a bedroom in the residence. It was
2 between the mattress and the box springs. It was in
3 a bedroom that Mr. Robert Lee Jones told me was the
4 bedroom for Robert Jones. Robert Mondriques Jones.

5 Q Did you locate any other ammunition throughout the
6 residence?

7 A I did not.

8 Q Did you locate a weapon?

9 A I did not.

10 Q Did you search inside and outside the residence?

11 A We did.

12 Q Didn't find a gun?

13 A Did not.

14 Q What other efforts did you make to try to locate the
15 weapon?

16 A Well when Mr. Jones and Crystal Stone were stopped in
17 Anderson by the Anderson County Sheriff's Office,
18 they were at Broadway Lake.

19 Q You search the lake?

20 A We did a -- we did. We didn't put a dive team in the
21 lake but we did with the assistance of the Anderson
22 County Sheriff's Office, search the area near where
23 Robert Jones was spotted.

24 Q What were your observations of the lake bed out there
25 at Broadway Lake?

1 A Well, as it would happen, someone did something to
2 damage the dam at Broadway Lake the Sunday after this
3 happened. So we went out to Broadway Lake, they said
4 that were having to drain the lake to get to the
5 portion of the dam that was damage. So the dive team
6 told us it would be best to just let the lake recede
7 and we would be able to see out far enough where
8 someone would throw. So we went out -- the
9 detectives that assisted with Anderson County went
10 out and observed the lake bed and did not see a
11 weapon out there on the surface of the lake bed or
12 the floor of the lake, rather.

13 Q And most if not all of this evidence that we
14 discussed today, did you transport that down to SLED
15 to have it tested?

16 A I did.

17 Q Did you collect the buccal swab from Ke [REDACTED] Ca [REDACTED]?

18 A I did.

19 Q Did he give you that voluntarily?

20 A He did.

21 Q And did you pick up a DNA blood sample card from
22 Dr. Ward's office?

23 A I did.

24 Q And you delivered that to SLED as well?

25 A Yes.

1 MR. MARCHANT: Court's indulgence.

2 Thank you, Detective Garrison, I don't have any
3 further questions, please answer any questions Mr. Cooke
4 may have.

5 CROSS-EXAMINATION

6 BY MR. COOKE:

7 Q Detective Garrison, just a couple of questions. Was
8 it raining that day?

9 A Off and on it was, yes, sir.

10 Q Was the backdoor of the house where the Expedition
11 was parked, was that backdoor broken, opened? The
12 screen door, do you remember that?

13 A I remember it appeared to be hanging from, I think
14 the top, one of the top hinges, yes, sir.

15 Q All right. You also remember the driver's door of
16 the Expedition being opened?

17 A No, it was closed when I got there.

18 Q When you got there, okay. Who else was back there in
19 the back investigating when you actually arrived?

20 A When I arrived I don't believe there was anyone in
21 the backyard. The patrol officers that had gone up
22 there to make sure there was no other victims or no
23 suspects hiding back there, they had already come
24 back down the driveway. So there was no one there
25 when I arrived in the backyard.

1 Q Was Crystal -- was Crystal ever arrested and charged
2 with anything in this case?

3 A She was not.

4 MR. COOKE: I have no further questions.

5 MR. MARCHANT: That's it, Your Honor.

6 THE COURT: All right, thank you, sir, you can
7 step down.

8 MR. MARCHANT: Can I have just a minute, Your
9 Honor?

10 THE COURT: Uh-huh.

11 MR. MARCHANT: Judge, the State rests.

12 THE COURT: All right. Mr. foreman, ladies and
13 gentlemen, I told you yesterday about sometimes having to
14 discuss legal issues and we have to excuse you when we do
15 it. So this is one of those times. So we'll get back
16 with you shortly. Thank you.

17 (WHEREUPON, the jury left into open court at
18 approximately 3:10 p.m.)

19 THE COURT: You got any motions?

20 MR. COOKE: Yes, sir, I move for a directed
21 verdict in the matter, Judge. On the grounds that the
22 State has failed to produce any evidence that would
23 indicate that my client was the person who actually did
24 the shooting. Other than a so called witness named Donald
25 Stone who's a very close friend of the family. There's no

1 gun in evidence, Judge, there's no evidence whatsoever
2 that would show that my client actually shot the man. I
3 haven't seen anything. I mean, a man got shot but I
4 haven't seen anything to prove that my man did the
5 shooting. There no statements in, there's nothing there
6 except the testimony of one person over here.

7 THE COURT: I'm sorry, I thought Ke [REDACTED] Ca [REDACTED]
8 testified?

9 MR. COOKE: I don't know that he had actually
10 saw anything. He said he heard some shots. He said he
11 got shot. He didn't know who shot him. He said he didn't
12 even see his brother. Much less see my client out there.

13 THE COURT: All right, Mr. Marchant, anything
14 you want to say?

15 MR. MARCHANT: Judge, may it please the Court,
16 my recollection of the testimony is that Donald saw the
17 Defendant come out of the car with a weapon, shoot and
18 strike Vincent some where in the head area. Because he
19 testified that Vincent kind of jerked his head back to the
20 side. My recollection is that Ke [REDACTED] also testified that
21 there were two shots fired at him and it was the second
22 shot and the Defendant was the one that shot him. I
23 believe both gentlemen pointed at the Defendant and
24 identified him for the Court. So we believe there's
25 sufficient evidence to go to the jury, Your Honor.

1 THE COURT: Okay. I'm going to deny your
2 motion, Mr. Cooke.

3 MR. COOKE: Yes, sir. Judge, you had already
4 talked to my client.

5 THE COURT: Well I'm going to do it again.

6 MR. COOKE: Okay. But before we go I have -- go
7 ahead, Judge, I'm sorry. Go ahead.

8 THE COURT: Mr. Jones, would you stand, please.
9 Raise your right hand.

10 ROBERT JONES, after being duly sworn, testified
11 as follows:

12 EXAMINATION

13 BY THE COURT:

14 Q All right, now you understand you have an absolute
15 Constitutional right to testify in this case?

16 A Yes, sir.

17 Q Got to speak up.

18 A Yes, sir.

19 Q Do you understand you have an equal, absolute
20 Constitutional right not to testify and it cannot be
21 held against you, do you understand that?

22 A Yes, sir.

23 Q All right. And have you had adequate time to talk
24 with your attorney about whether or not you want to
25 testify in this case?

1 A Yes, sir.

2 Q Have you talked about the various strategic
3 advantages and disadvantages of testifying? Whether
4 it fits in with the theory of your case or not. Have
5 you talked with him about that?

6 A No, sir.

7 Q Well --

8 A I don't really recall what you're saying.

9 Q Well have you talked to him about whether or not you
10 should testify in this case?

11 A Yes, sir.

12 Q Have you understood your talks with Mr. Cooke?

13 A Yes, sir.

14 Q All right. Do you have any questions that you want
15 to ask either Mr. Cooke or me about whether or not --
16 about your testimony?

17 A No, sir.

18 Q Okay. Have you made up your mind about what you want
19 to do?

20 A Yes, sir.

21 Q All right. And?

22 A I want to testify.

23 Q You want to testify?

24 A Yes, sir.

25 Q Okay. All right.

1 THE COURT: Mr. Cooke, anything --

2 Thank you, you can sit down, Mr. Jones.

3 MR. COOKE: Judge, a little bit out of order, I
4 just want to call someone to the stand first so he can get
5 back to his duties. I'm going to get him, he's out here
6 in the hall now. He's been sequestered by the way.

7 THE COURT: Okay, I hope all the witnesses have,
8 anybody that's going to testify. All right, we'll take
9 about five minutes, let everybody kind of get organized.
10 Unless you ready to go right this second?

11 MR. COOKE: One thing I would ask, Your Honor, I
12 don't know how to work this stuff, this machine right
13 here. But I have a video that I anticipate putting it in,
14 it's played off a lap top and I don't know how to do that.
15 My investigator is down in another case. So I was going
16 to try to get somebody down in the public defender's
17 office to--

18 THE COURT: Well go give them a call, that's
19 what we'll take this time to do.

20 MR. COOKE: I don't know even know if there's
21 anybody down there that can do it but we can give them a
22 try.

23 THE COURT: Oh, they got people down there under
24 30, they know how to do it. My law clerk will help you if
25 you can't find anybody else, Mr. Cooke.

1 MR. COOKE: Good.

2 (WHEREUPON, a short break was taken.)

3 THE COURT: Mr. Cooke, you going to put up any
4 evidence?

5 MR. COOKE: Yeah.

6 THE COURT: Okay. Well wait a minute, you want
7 the jury in here?

8 MR. COOKE: Yeah, I just want to make sure he's
9 out here.

10 THE COURT: Okay. Let's talk about this video
11 first before we get the jury back.

12 MR. COOKE: Okay. Okay.

13 THE COURT: What is the video?

14 MR. COOKE: This is the video, Your Honor. On
15 cross-examination I talked with the brother who said that
16 he was involved, acknowledged that he was involved with
17 the video with guns. And that his brother, Vincent, was
18 in the video and had a gun. That he was in the video with
19 a gun. That he didn't know where they got the gun, didn't
20 know if he still had the gun. But he said yes he
21 definitely was in there. And my client will testify that
22 he was shown that video. And that he knew that the victim
23 had a gun, was known to carry a gun.

24 THE COURT: Okay. All right. So you're going
25 to --

1 Yes, sir, Mr. Marchant.

2 MR. MARCHANT: I'm curious who this video is
3 coming in through.

4 THE COURT: I don't know. How you going to
5 introduce it, Mr. Cooke?

6 MR. COOKE: Well I'm going to introduce it
7 through probably Crystal will be the one -- she's the one
8 who received it and sent it to my -- to Debra, who's on my
9 witness list, to the Public Defender's Office.

10 THE COURT: She received it from who?

11 MR. COOKE: From Crystal.

12 THE COURT: Who did Crystal receive it from?
13 You said Crystal received it --

14 MR. COOKE: It was sent by the victim to her on
15 her Facebook page.

16 THE COURT: All right.

17 MR. MARCHANT: I'm confused. I'm sorry, Judge,
18 let me make sure I'm clear. This is a video that was sent
19 to Crystal Stone. And Crystal is going to testify that
20 this was sent to her from Vincent Campbell via --

21 MR. COOKE: Facebook.

22 MR. MARCHANT: So Crystal was not present when
23 this video was made?

24 MR. COOKE: Crystal forwarded a copy at my
25 request, she forward a copy from her Facebook account to

1 my secretary or our secretary downstairs, Debra.

2 MR. MARCHANT: Do you have information that
3 supports that it was forwarded from Vincent Campbell?

4 MR. COOKE: Crystal Stone.

5 MR. MARCHANT: There's no Facebook language or
6 something that it was sent to her.

7 MR. COOKE: I don't know but your client -- your
8 own witness admitted to it. So I don't know what we're
9 arguing about, he's admitted to the video.

10 MR. MARCHANT: I'm going to object to the video.
11 They can't -- what I'm hearing right now, especially
12 before it's shown to the jury, they can't substantiate
13 where it came from if it actually came from Vincent, when
14 it was made, that Vincent or Ke [REDACTED] is in the video. I
15 don't know whether or not--

16 MR. COOKE: You know--

17 THE COURT: He says it's not relevant, he's
18 questioning the authenticity, Mr. Cooke.

19 MR. COOKE: Well I think that Crystal can
20 testify that Vincent sent her that video on her Facebook
21 account.

22 THE COURT: Well why don't we do this outside
23 the presence of the jury, before we bring them back, let's
24 do it right now. Call her in here and let's get this
25 thing -- so we don't have to bring them in, send them out,

1. bring them in, send them out.

2. MR. COOKE: But let me mention this.

3. Mr. Marchant has had a copy of this thing from the get-go.

4. I ain't heard the first word about it. I have seen no

5. motion to exclude, I've seen nothing until right now.

6. THE COURT: Well --

7. MR. COOKE: I mean, he knew I was going to--

8. THE COURT: Well, Mr. Cooke--

9. MR. COOKE: Okay. All right.

10. MR. MARCHANT: Judge, I'd like to respond.

11. THE COURT: Okay.

12. MR. MARCHANT: Mr. Cooke allowed me to have a
13. copy of the video. He sent me the video November 18th of
14. 2009, he asked and instructed that I not show it to
15. anyone. November 23rd I responded in writing, telling him
16. I had reviewed the video disk. It would be helpful to
17. know the identity of the other individuals, if you are
18. aware of the names please forward them to me. As per your
19. request I have not made a copy of this disk, I have not
20. shown it to law enforcement or the victim's family.
21. Should you find it appropriate for me to do so, I would
22. appreciate the opportunity to allow my victims to view the
23. disk. If you do not agree with me -- if you do not agree
24. to allow me to do so I will return it to you promptly.
25. Please advise me of your position. This was

1 November 23rd. I've heard nothing since until today.

2 MR. COOKE: I don't know who he's shown it to.

3 And I don't know what victims--

4 THE COURT: He just told you he hasn't shown it
5 to anybody.

6 MR. COOKE: Well that's good. That's fine.
7 What I'm trying to say, Judge, he has not objected to me.
8 He has not said, Mr. Cooke, I'm going to argue that this
9 disk is inadmissible. I mean, he knew it was coming,
10 we've known it was coming. I mean, he didn't object when
11 his client testified he saw it, he knew about it, he
12 helped make it. He didn't object to that.

13 THE COURT: Right now he's just saying he's
14 questioning the relevance and the authenticity. So I'm
15 saying while they jury's out, call Crystal Stone.

16 MR. COOKE: Okay.

17 THE COURT: To tell the story about where it
18 comes from so we don't have to send the jury out. I mean,
19 Mr. Cooke, when Mr. Marchant sends you proposed evidence,
20 do you tell him you're going to object to it? He's got no
21 obligation to tell you that.

22 All right.

23 THE CLERK: Please place your left hand on the
24 Bible and raise your right. Left hand on the Bible and
25 raise your right hand.

1 CRYSTAL STONE, after being duly sworn, testified
2 as follows:

3 THE CLERK: Thank you, please sit down. Please
4 state your name for the record.

5 THE WITNESS: Crystal Neal Stone.

6 THE COURT: You're going to have to speak up,
7 ma'am.

8 MR. COOKE: And get rid of the chewing gum.

9 DIRECT EXAMINATION

10 BY MR. COOKE:

11 Q Crystal, did you know the deceased in this case,
12 Vincent Campbell?

13 A Yes, sir.

14 Q You got to speak up a little bit, you have a soft
15 voice. How did you know Vincent?

16 A I got three kids with him.

17 Q You have three children -- speak up a little bit now.
18 You have three kids by him?

19 A Yes, sir.

20 Q Okay. And how long had y'all been together?

21 A Five years.

22 Q Did you ever get married?

23 A No, sir.

24 Q Okay. And do you recall Vincent ever sending you a
25 video on your Facebook account showing him with a

1 gun?

2 A Yes, sir.

3 Q I'm sorry?

4 A Yes, sir.

5 Q And did you ever show that video to Robert?

6 A Yes, sir, on Myspace page.

7 Q So you showed it to him?

8 A (The witness nods.)

9 Q At my request did you send -- forward that from your
10 Facebook account to my secretary downstairs?

11 A Yes, sir.

12 Q Okay.

13 I'll bring Ms. Ghent up to show that she
14 received it if necessary.

15 THE COURT: Well why don't you show it --

16 MR. COOKE: Well let's go ahead and click it,
17 double click it.

18 THE COURT: -- identify the people and identify
19 the video.

20 MR. COOKE: You want to --

21 THE COURT: She can step down.

22 MR. COOKE: Come on down here. Come on down.

23 Do we have a pointer that works on that? Do you
24 have a pointer, one of those things?

25

1 BY MR. COOKE:

2 Q I want you to try to point out the people in the
3 courtroom, everybody in the courtroom who's who in
4 this video. I'm going to give you this. What you do
5 is mash that, hold it down, you got to speak up,
6 ready? You can turn it up. Who is that.

7 A That's Vincent. That's Vincent.

8 Q That's Vincent with attitude?

9 A Yes, sir.

10 Q Who's that behind him the gun, with the hood?

11 A One of his friends.

12 Q Who? One of his friends, okay. Who is that with the
13 gun now?

14 A Vincent's brother, Ke[REDACTED].

15 Q Vincent's brother, Ke[REDACTED]?

16 A Yes, sir.

17 Q Is that Vincent with the pistol now?

18 A (The witness nods.)

19 Q Yes or no?

20 A Yes, sir.

21 Q Is that Vincent with the gun now? Behind him with
22 attitude?

23 A Yes, sir.

24 Q That's Vincent with the pistol there?

25 A (The witness nods.)

1 Q Okay, be seated. Is that the video that you received
2 from Vincent on your Facebook account?

3 A No, sir, it was just posted on Myspace page.

4 Q I'm sorry?

5 A It was just posted as a video on Myspace page.

6 Q Myspace, I'm sorry. At my request did you forward a
7 copy to Debra Ghent downstairs?

8 A Yes, sir.

9 Q Is that the same video?

10 A (The witness nods.)

11 Q Did you show that video to Robert?

12 A He knew about it, yeah.

13 Q Robert saw it?

14 A Uh-huh.

15 MR. COOKE: I have no further questions.

16 THE COURT: When did he see it?

17 BY MR. COOKE:

18 Q Oh excuse me, let me ask you this, let's start off
19 this way, when did you first meet Robert?

20 A It was after I had my baby girl, Vi [REDACTED].

21 Q Okay. How long had you and Robert --

22 MR. MARCHANT: Judge, I'm sorry, I'm having a
23 hard time hearing her.

24 BY MR. COOKE:

25 Q Speak up.

1 A It was after I had my baby girl, V[REDACTED].
2 Q How long did you and Robert actually date before
3 Vincent was killed? How long had you and Robert been
4 going together?

5 A A year.

6 Q One year? Was it during that year that you showed
7 Robert...

8 A Yes, sir.

9 Q Okay. How close to the time Vincent was killed did
10 you show Robert that video?

11 A He been seen that video.

12 Q I'm sorry?

13 A I said he been -- he already seen the video. Like
14 way before he got killed.

15 Q But during that year while y'all were having a
16 relationship?

17 A Uh-huh.

18 Q Okay.

19 MR. COOKE: I have nothing further.

20 THE COURT: Mr. Marchant, anything you want to
21 ask?

22 MR. MARCHANT: Just a couple, Judge.

23 CROSS-EXAMINATION

24 BY MR. MARCHANT:

25 Q You don't know when you showed the Defendant this

1 video?

2 A No, sir.

3 Q Do you know when the video was made, were you there?

4 Were you present?

5 A I wasn't present when they was doing it I was at -- I

6 was at Vincent's mother's house.

7 Q So you don't know where this was made or who shot it

8 or when it was produced? Let's start over. You

9 don't know who shot this video? Who the camera man

10 was?

11 A It's just a video.

12 Q But you weren't there when this was being made?

13 A Huh-uh.

14 Q And you don't know where it was made?

15 A Huh-uh.

16 Q And you don't know when it was made?

17 A Huh-uh.

18 Q But it's your testimony that one of those people was

19 Vincent and one of them was K[REDACTED]?

20 A Yes, sir.

21 Q And you don't know when you showed it to the

22 Defendant?

23 A No, sir.

24 Q Why did you show it to the Defendant?

25 A It was on Myspace page. It was like everybody can

1 click on it and look at it.

2 Q So was it on your page or was it on Vincent's page?

3 A It was on Vincent's page.

4 Q So you got on the computer and navigated your way on
5 to Vincent's page to show the Defendant this video?

6 A No, sir, it wasn't like that.

7 Q I'm sorry, I'm not up to speed on all these Facebook
8 and Myspace, let's start over. Out there on the
9 internet somewhere?

10 A Yes, sir.

11 Q This video existed?

12 A Yes, sir.

13 Q Where--

14 A Well Vincent was a friend of mine on Myspace and
15 K██████ was a friend of mine on Myspace.

16 Q Okay, so how is it that you became --

17 A You can click on different pages and go on anything.

18 Q So there was a public page that didn't have any
19 restrictions?

20 A No, sir.

21 Q That you clicked on?

22 A Yes, sir.

23 Q Who's page was this thing posted on?

24 A I had it on my page at first. Like you can put like
25 videos and stuff on anybody's page.

1 Q So you had this posted on your page at some point in
2 time?

3 A Yes, sir.

4 Q And you showed it to Robert?

5 A Yes, sir, he seen it.

6 Q Where did you show it to Robert?

7 A At his house.

8 Q Where is his house?

9 A In Belton.

10 Q Was this when you were living with him?

11 A Yes, sir.

12 Q Why did you show it to him?

13 A It just about them rapping and stuff.

14 Q Yeah but why are you showing Robert stuff about your
15 old boyfriend?

16 A It was my kids father.

17 MR. COOKE: I didn't hear you, speak up.

18 THE COURT: She said it was my kids father.

19 You need to raise the level of your voice.

20 Got anything else?

21 MR. MARCHANT: Two more questions, Judge.

22 BY MR. MARCHANT:

23 Q You weren't present when this was made, right?

24 A I was down the street when it was made.

25 Q Do you know this gun in the video, if it is in fact a

1 gun, whether or not it was real?

2 A Yes, sir.

3 Q It was real?

4 A Yes, sir.

5 Q And whose was it, do you know?

6 A No, sir.

7 Q Well you weren't there, right?

8 A Yes, sir.

9 Q How do you know that it was real?

10 A Because I know. I know it was real.

11 Q I need to know how you knew it was real?

12 A Because after they got done shooting the video,
13 Vincent came running and got me and went down there
14 and looked at it.

15 Q So it's your testimony now that you went back to
16 wherever this video was being shot to look at this
17 gun?

18 A No, it was about them rapping in the video.

19 Q Did you ever see this gun in person?

20 A No, sir.

21 MR. MARCHANT: Thank you, that's all I have.

22 THE COURT: All right, thank you, you can step
23 down from the stand. Don't go anywhere, we'll get back to
24 you.

25 MR. MARCHANT: Judge, I'm going to continue with

1 my objection. Can't substantiate when it was made, where
2 it was made, who these other people are. Whether or not
3 this gun is, in fact, even a gun, whether or not it's a
4 real gun, don't know who the gun belongs to. On
5 cross-examination K[REDACTED] admits to making some video. And
6 admits to there being some gun in it. My position would
7 be that all this is going to do is inflame the jury to
8 make it look like Vincent and K[REDACTED], whoever these other
9 people are and the way that they're dressed, that they're
10 not upstanding citizens. It doesn't serve the purpose for
11 which Mr. Cooke is attempting to get it in. And the
12 information is already in. Now if the Defendant wants to
13 testify that he has seen the video, I understand that.
14 But I strongly object to this thing being shown to the
15 jury. I submit that it's much more prejudicial than it is
16 probative.

17 THE COURT: Mr. Cooke, you got a 403 objection?

18 MR. COOKE: Certainly, Judge. I say my client's
19 state of mind, I mean, he seen the man in a video, it's
20 been shown to him. His own witness testified about the
21 video, about them being together, a group of guys, that he
22 walked in when it was going on and he joined in, holding a
23 gun, Vincent had the gun. I don't know what more I can...

24 THE COURT: Okay, I'm going to overrule your
25 objection. It certainly goes to impeach the testimony of

1 Ke [REDACTED] Ca [REDACTED] when he said he did not ever handle a gun.
2 And it does also go to the state of mind of the Defendant.
3 And just out there on the internet according to the
4 testimony. It's in the public domain. It is out there.

5 MR. MARCHANT: If I can comment on one thing,
6 Your Honor, just mentioned. I do not believe the
7 testimony of Ke [REDACTED] was that he did not handle the gun in
8 this video.

9 THE COURT: No, prior to that he testified that
10 he did not -- he didn't know anything about guns, he
11 didn't handle guns. I mean, I can go back and get the
12 testimony for you. Then Mr. Cooke on cross-examination, I
13 believe, got into the video. That's the first I heard of
14 it. And he admitted that yes, he had handled the gun.
15 Tell me if I'm wrong about that, I think I'm right though.
16 Yeah, was on his recross. So okay anything else?

17 MR. COOKE: Nothing from the defense, Your
18 Honor.

19 THE COURT: Anything else?

20 MR. MARCHANT: No, Your Honor.

21 MR. COOKE: None from the defendant, Judge.

22 THE COURT: Okay, let's go ahead and get them.

23 MR. MARCHANT: Judge, if I could, my
24 investigator has gone back to her notes and it would be
25 the State's position that the context for which

1 Mr. Campbell stated that he had never handled a gun was in
2 Mr. Cooke's question about Vincent's gun and the gun that
3 Vincent previously owned. And he stated that he never
4 handled that gun.

5 THE COURT: Well, that's certainly a factual
6 dispute that can be argued to the jury. I'm not sure
7 that -- so we need to compare our notes, is that what
8 you're saying, Mr. Marchant?

9 MR. MARCHANT: No, Your Honor. I understand,
10 His Honor, has made his ruling, I just wanted to see if it
11 just may have changed your mind.

12 THE COURT: No. You say that was in cross,
13 original cross?

14 MR. MARCHANT: Yes, sir.

15 THE COURT: Okay, all right.

16 (WHEREUPON, the jury came into open court at
17 approximately 4:00 p.m.)

18 THE COURT: All right, Mr. Cooke.

19 MR. COOKE: May it please the Court, call
20 Mr. Smith.

21 THE CLERK: Sir, please come forward. Place
22 your left hand on the Bible, raise your right hand.

23 THE COURT: He's still under oath.

24 Thank you, sir.

25 ///

FURTHER RECROSS-EXAMINATION

BY MR. COOKE:

Q Mr. Smith, you're still under oath, you testified earlier for Mr. Marchant, correct?

A Yes, sir.

Q Just to refresh the jury's memory, again, tell us what you do for a living.

A Firefighter with Wade Hampton Fire Department.

Q Do you have any other -- I think you mentioned you were a deputy or?

A I was a reserve deputy for about five years, yes, sir.

Q So you kind of been around and in law enforcement for some period of time?

A Yes, sir.

Q Okay. And I just want to ask you a question, you indicated that you were at the scene at the Bariatric Clinic, is that correct?

A Yes, sir.

Q And were you there when the gentleman came through the door and collapsed on the floor?

A Yes, sir.

Q And subsequent to that did you see someone else come in who looked like he'd been injured?

A Yes, sir.

- 1 Q And what did he do?
- 2 A When he first came in he told us, myself and the
3 doctor was there and whoever else was in the room,
4 I'm not sure who, to call the police and the
5 paramedics.
- 6 Q Was he attempting to do anything? You mentioned
7 something about feeling around the waist?
- 8 A He was grabbing at his waistband like he was trying
9 to pick him up.
- 10 Q Did he subsequently leave the Bariatric Clinic?
- 11 A Yes, sir.
- 12 Q And where did he go?
- 13 A Back in the parking lot and then I watched him cross
14 the street to the house and go up the driveway.
- 15 Q Okay. So you watched him leave the Bariatric Clinic
16 and go straight across the street and back up the
17 driveway?
- 18 A Yes, sir.
- 19 Q Did you ever see him again?
- 20 A Yes, sir.
- 21 Q Where did you see him?
- 22 A Back in the clinic?
- 23 Q So he came back?
- 24 A Yes, sir.
- 25 Q Approximately how long was he gone?

1 A I'm not exact on a number, somewhere around the 10
2 minute range or so. The police and paramedics were
3 there when he come back.

4 MR. COOKE: I have no further questions, thank
5 you.

6 THE COURT: Mr. Marchant, anything?

7 MR. MARCHANT: I don't have any questions, Your
8 Honor.

9 MR. COOKE: Thank you, sir, appreciate you
10 coming.

11 THE WITNESS: May I go back to work?

12 THE COURT: Yes, sir, you may.

13 All right, Mr. Cooke.

14 MR. COOKE: Your Honor, at this time I would
15 call Crystal Stone to the stand.

16 THE COURT: All right.

17 Come around and be sworn.

18 THE CLERK: Ms. Stone, please place your left
19 hand on the Bible, raise your right hand.

20 CRYSTAL STONE, after being duly sworn, testified
21 as follows:

22 THE CLERK: Please be seated.

23 THE COURT: You're going to have to speak up,
24 ma'am.

25 ///

DIRECT EXAMINATION

BY MR. COOKE:

Q Crystal, I know you have a soft voice, heard you a while ago, you got to speak up so these people can hear you, okay?

A All right.

Q Okay?

A (The witness nods.)

Q Okay. Now, you're under subpoena by the State and me, is that correct?

A Yes, sir.

Q Mr. Marchant subpoenaed you and I subpoenaed you, is that correct?

A Yes, sir.

Q Okay. You're required to come to court, correct?

A Yes, sir.

Q Okay. Now, do you know Robert?

A Yes, sir.

Q When did you first meet Robert?

A It was after I had my youngest daughter, Vianna.

Q Now you're really going to have to -- I'm sorry, but you got to really talk. It's hard, I can't hear. I'm hard of hearing but so these people -- speak to that last man over there. So he can hear you.

A It was after I had my youngest daughter, Vianna.

- 1 Q It was right after that?
- 2 A Not right after. She was five or six months.
- 3 Q Old?
- 4 A Yes, sir.
- 5 Q Who was the daddy?
- 6 A Vincent Campbell.
- 7 Q Vincent, the person who was -- it was the father of
- 8 this child?
- 9 A Yes, sir.
- 10 Q Okay. Where were you living at that time?
- 11 A With my mother.
- 12 Q You were living with your mother?
- 13 A Yes, sir.
- 14 Q Where does she live?
- 15 A She was staying on Watson Drive.
- 16 Q Okay. Did you and Vincent, did you marry or y'all
- 17 just living together?
- 18 A We just living together.
- 19 Q Why weren't you living with him five months after
- 20 your baby was born?
- 21 A We split up.
- 22 Q You split up?
- 23 A Yes, sir.
- 24 Q Any particular reason for that?
- 25 A Yes, sir.

1 Q You got to speak up. Talk about it, don't be shy.
2 A Yes, sir, we were having arguments and stuff.
3 Q Okay. Did he ever get violent with you during these
4 arguments?
5 A Yes, sir.
6 Q Speak up.
7 A Yes, sir.
8 Q Okay. How big a man was he?
9 A He weighed about 240.
10 Q Okay. I want to show you a picture here.
11 Do you have any scissors?
12 Who is this?
13 A That's Vincent.
14 Q I'm sorry?
15 A Vincent.
16 Q This is a picture of Vincent?
17 A Yes, sir.
18 MR. COOKE: Okay, I've shown it to the
19 Solicitor.
20 Any objection.
21 MR. MARCHANT: What's it marked as?
22 MR. COOKE: One, I guess.
23 MR. MARCHANT: No objection.
24 THE COURT: All right, without objection.
25

1 (WHEREUPON, Defendant's Exhibit No. 1 was marked
2 for identification and received into evidence.)

3 THE COURT: It's got other information on it as
4 well.

5 MR. COOKE: The Solicitor has looked at it and
6 we're cutting it out.

7 THE COURT: Is that correct? It's not just the
8 picture, it's other information on there as well? I
9 haven't seen it, I don't know what it is.

10 MR. MARCHANT: Yes, Your Honor, there's no
11 objection.

12 THE COURT: Okay.

13 BY MR. COOKE:

14 Q Now, y'all were separated at that time?

15 A Yes.

16 Q When you met Robert?

17 A Yes, sir.

18 Q How did you meet Robert?

19 A Over the phone.

20 Q Over the phone? Now how does that work? Tell me how
21 you met him over the phone. Speak up now. Man back
22 there, speak to him.

23 A It was over the phone, uh, uh, chatline.

24 Q I'm sorry?

25 A Over a chatline.

1 Q Over a chatline?

2 A Yes, sir.

3 Q Okay. Now is that something like Myspace and all

4 that sort of stuff?

5 A Yes, sir.

6 Q And you actually talk over the telephone?

7 A Yes, sir.

8 Q How do you know to do that? I mean, are you online

9 or something and you say give me a call? I mean, how

10 does that work?

11 A Yes, sir, online.

12 Q All right. So y'all talked?

13 A Uh-huh.

14 Q Did you later meet?

15 A Yes, sir.

16 Q Okay. And did you start dating after you met? Do

17 you remember what year it was when you met him?

18 A I can't remember what year it was.

19 Q Beg your pardon?

20 A It was 2007.

21 Q 2007?

22 A I mean...

23 Q I'm sorry, beg your pardon?

24 A I forgot.

25 Q Okay. All right. How long before Vincent was

1 killed -- how long was it before that? Had y'all
2 been dating a while?

3 A Yes, sir.

4 Q Like how long would you say?

5 A We was dating like over a year.

6 Q Over a year. Okay. Now, during that period of time
7 or prior to that, did you make Robert aware of any
8 problems you had had with Vincent?

9 A Yes, sir.

10 Q Okay. What were those problems?

11 A Nothing but Vincent just arguing and fighting and
12 stuff.

13 Q Was he ever charged with hitting you? Did you ever
14 have him charged?

15 A Yes, sir.

16 Q And how many times was he arrested for abusing you?

17 A Twice, I believe it was.

18 Q Did you go to court?

19 A No, sir.

20 Q Did he go to Court?

21 A I believe so.

22 Q Okay. Was he under a Restraining Order to stay away
23 from you?

24 A Yes, sir. I remember the Judge was telling him that
25 he couldn't come near me and stuff.

1 Q So the date this all happened was he under a
2 Restraining Order?

3 A I think it was just until -- I think it was just for
4 him being off bond.

5 Q For what now?

6 A Like a bond or bond?

7 Q Being on bond?

8 A Yes, sir, in the last CDV charge.

9 Q After the last CDV charge?

10 A Yes, sir.

11 Q So you don't know whether the Restraining Order was
12 still in effect or not?

13 A Yes, sir.

14 Q Okay. All right. So what did he do in that charge?
15 Did he plead guilty or what happened?

16 A I don't know, I didn't go to court with him.

17 Q Okay. Did you know whether he had to do anything as
18 a result of that? Going to anger management or
19 anything like that?

20 A I believe it was anger management, I'm not sure.

21 Q Do you know whether he successfully completed it or
22 not?

23 A No, sir.

24 Q All right. So anyhow you and Robert are dating, is
25 that correct?

- 1 A Yes, sir.
- 2 Q And was -- did Vincent have a girlfriend at that time
- 3 when y'all started dating?
- 4 A Yes, sir.
- 5 Q What was his girlfriend's name?
- 6 A I think it was Charlene at the time.
- 7 Q Did they have any children together?
- 8 A No, sir.
- 9 Q Okay. While you and Robert were dating did you move
- 10 in with Robert down in Belton?
- 11 A Yes, sir.
- 12 Q And who all was living there at the house at that
- 13 time?
- 14 A At that time it was me, my youngest daughter, V [REDACTED]
- 15 and his granddaddy and his mom and his sister.
- 16 Q Okay. So did you have anywhere to live before that?
- 17 A I was staying with my grandmother.
- 18 Q But what I'm saying is did you have a permanent place
- 19 to live?
- 20 A No, sir.
- 21 Q Okay. So they took you in down in Belton?
- 22 A Yes, sir.
- 23 Q When you moved down there to Belton was Robert
- 24 working anywhere?
- 25 A Yes, sir.

- 1 Q Where was he working?
- 2 A At Hardees.
- 3 Q At Hardees?
- 4 A Yes, sir.
- 5 Q Was he going to school at the same time?
- 6 A He was about to.
- 7 Q Beg your pardon?
- 8 A He was about to.
- 9 Q So he was going to school and working at Hardees?
- 10 A Yes, sir.
- 11 Q Was he helping you support V[REDACTED] or the child that
- 12 was there?
- 13 A Yes, sir, he helped babysit and stuff.
- 14 Q Did he buy diapers and whatever you need for babies?
- 15 A Yes, sir.
- 16 Q And do you recall a time when you were there in
- 17 Belton on a speaker phone with Vincent?
- 18 A Yes, sir.
- 19 Q Do you recall what that conversation was all about?
- 20 A I was asking him could he buy V[REDACTED] some diapers.
- 21 Q And were y'all on speakerphone?
- 22 A We weren't on speaker phone but he was talking loud
- 23 enough.
- 24 Q He was what?
- 25 A I said he was talking loud enough so everybody could

1 hear him.

2 Q Oh he was, okay. And y'all were arguing about
3 diapers?

4 A Yes, sir.

5 Q Was he going to buy the baby some diapers?

6 A No, sir.

7 Q He wouldn't do it?

8 A No, sir.

9 Q Did Robert come in the room about that time?

10 A Yes, sir.

11 Q And did Vincent hear him or did Robert make a comment
12 about the diapers?

13 A No, sir.

14 Q Did Vincent hear him in the room?

15 A No, sir.

16 Q Did he make any comment to Robert at all?

17 A No, sir.

18 Q Okay. So after -- after you had that conversation
19 with Vincent, did y'all decide you were going to get
20 married?

21 A Who?

22 Q Did you and Robert ever decide you were going to get
23 married?

24 A Oh, yes, sir.

25 Q Did you -- had y'all applied for an apartment?

- 1 A Yes, sir.
- 2 Q Were y'all going to move into that apartment?
- 3 A Yes, sir.
- 4 Q Was Robert going to continue do work at Hardees?
- 5 A Yes, sir.
- 6 Q Okay.
- 7 A I was working too.
- 8 Q You were working too?
- 9 A Yes, sir.
- 10 Q Okay. Who was taking care of the baby?
- 11 A His sister.
- 12 Q His sister?
- 13 A Yes, sir.
- 14 Q Okay. So she was living there, y'all were all living
- 15 there helping out taking care of the baby?
- 16 A Yes, sir.
- 17 Q Okay. Now, the day that Vincent -- this all
- 18 happened, tell me why y'all came to Greenville?
- 19 First of all, let me ask you this, was it a normal
- 20 occurrence for Robert to come to Greenville? In
- 21 other words, did he come to Greenville just to be
- 22 coming to Greenville?
- 23 A No, sir.
- 24 Q Why did he come to Greenville that day?
- 25 A To take me to report.

- 1 Q Take you where?
- 2 A To report.
- 3 Q To report. Now tell me why you had to report?
- 4 A I was on house arrest.
- 5 Q Why were you on house arrest?
- 6 A For second degree burglary and grand larceny.
- 7 Q Okay. Now tell me about that burglary and that grand
- 8 larceny. Did you plead guilty or were you out on
- 9 bond?
- 10 A I was out on bond on house arrest.
- 11 Q Okay. What was the burglary and the grand larceny
- 12 all about?
- 13 A A washing machine and dryer.
- 14 Q I'm sorry?
- 15 A A Washing machine and dryer.
- 16 Q Okay, a washing machine and dryer?
- 17 A Yes, sir.
- 18 Q Okay. Where did -- who did that washing machine and
- 19 dry belong to?
- 20 A I'm not sure. I'm not sure.
- 21 Q Well, did it have something to do with your mother?
- 22 A Yes, sir.
- 23 Q Explain that?
- 24 A Well my mother is the one that done it.
- 25 Q Your mother's the one that got it?

1 A Yes, sir.

2 Q Okay. Now how did you get involved in it?

3 A Because the detectives and stuff was asking me about
4 it. And I told them I didn't know. Which I really
5 didn't but we all got charged with the same charge.

6 Q So they said they would drop your mother's charges if
7 you took the blame?

8 A No, she got charged too.

9 Q Well I'm asking though, did you plead guilty to grand
10 larceny and burglary?

11 A Yes, sir, I was pregnant at the time.

12 Q So you pled guilty to it?

13 A Yes, sir.

14 Q Okay. Now, the day that you came to Greenville, you
15 came to report, is that correct?

16 A Yes, sir.

17 Q And Robert, did he take you over to the place where
18 you do your reporting?

19 A Yes, sir.

20 Q About what time of day was that?

21 A I think it was like nine something in the morning.

22 Q Okay. All right. And you went to your -- to
23 Ms. Hamby's house?

24 A Yes, sir.

25 Q Now who was in the car with you and Robert?

- 1 A V[REDACTED].
- 2 Q V[REDACTED]?
- 3 A Yes, sir.
- 4 Q Okay. What were your intentions with V[REDACTED], were
- 5 you going to leave her there?
- 6 A Yes, sir.
- 7 Q And tell me what -- was there another child involved?
- 8 A Yes, sir, my oldest little girl, A[REDACTED].
- 9 Q How old was she?
- 10 A She was three or four at the time.
- 11 Q Okay. And he was staying with Ms. Hamby?
- 12 A Yes, sir.
- 13 Q How long had she been staying with Ms. Hamby?
- 14 A For about a month, about a month or two. When I
- 15 moved to Belton.
- 16 Q Okay. But you had legal custody, is that correct?
- 17 A Yes, sir.
- 18 Q Okay. Now, when y'all pulled up in the driveway that
- 19 morning, where was -- did all of you get out of the
- 20 car, did you take V[REDACTED] out as well?
- 21 A Yes, sir.
- 22 Q Okay. Were you -- where did you go? Did you go to
- 23 the backdoor, front door?
- 24 A Well when I had first got out I started knocking on
- 25 the door and my grandma didn't come to the door.

- 1 Q Okay.
- 2 A So I ran around to the window and started knocking.
- 3 Didn't nobody -- she still don't come to the door.
- 4 Q Okay. Did you walk around to the back?
- 5 A No, sir.
- 6 Q Okay. Did you see a car coming up the driveway?
- 7 A Yes, sir.
- 8 Q Where were you and Robert? Where had y'all parked?
- 9 A Beside the fence.
- 10 Q Beside the fence?
- 11 A Yes, sir.
- 12 Q That would have been right back in this area? Did
- 13 Robert turn around and head out like that? In other
- 14 words, that way?
- 15 A Yes.
- 16 Q Is this the house? Y'all parked facing out the
- 17 driveway?
- 18 A Uh-huh.
- 19 Q Your intention -- your intentions was to get the
- 20 child?
- 21 A Yes, sir.
- 22 Q Okay. All right. Were you knocking on the screen
- 23 door at first or did you go up on the porch?
- 24 A On the porch.
- 25 Q Okay. Was the screen door torn off the hinges when

1 y'all went up on the porch?

2 A No, sir.

3 Q All right, so the door opened okay?

4 A Yes, sir.

5 Q Excuse me. The door opened okay?

6 A Yes, sir.

7 Q So when did Vincent and his brother arrive?

8 A Like, I say like 10-15 minutes after we got there.

9 Q Okay. So did they come up the driveway?

10 A Yes, sir.

11 Q Who was driving?

12 A Vincent.

13 Q Okay. What kind of car was he driving?

14 A A white Explorer.

15 Q A white Explorer. And who did that Explorer belong

16 to?

17 A His girlfriend.

18 Q His girlfriend?

19 A Uh-huh.

20 Q Okay. Who was with him?

21 A His brother, Ke[REDACTED].

22 Q Ke[REDACTED]?

23 A (The witness nods.)

24 Q His brother?

25 A Uh-huh.

- 1 Q Okay. Now, did Ms. Hamby let y'all in the house?
- 2 A Yes. After Vincent and Ke [REDACTED] came.
- 3 Q After what?
- 4 A After Vincent and Ke [REDACTED] came.
- 5 Q Okay. So when y'all got in the house, tell me what
- 6 happened?
- 7 A Well when we got in the house Vincent was saying
- 8 something about I couldn't take Al [REDACTED] with me.
- 9 Q He didn't want you to take Al [REDACTED] with you?
- 10 A Yes, sir.
- 11 Q Okay. Did you and Vincent get in an argument or
- 12 Ms. Hamby, did y'all get in an argument?
- 13 A We got in a argument but it was about the kids.
- 14 Q About the kids?
- 15 A Yes, sir.
- 16 Q Did you ever slap her?
- 17 A No, sir.
- 18 Q Okay. All right. So did Robert ever have anything
- 19 to say in all this? I mean, was he arguing or
- 20 fussing or fighting with anybody?
- 21 A No, sir.
- 22 Q Okay. Now, then tell me what happened. When did you
- 23 leave? How long were you there and when did you
- 24 leave?
- 25 A We wasn't there long until like everybody started

1 like arguing or whatever. I was still going to leave
2 V[REDACTED] there so Vincent could spend time with her. I
3 was started out the door, me and Robert and we was
4 leaving.

5 Q Okay. So you and Robert were living?

6 A Uh-huh.

7 Q Had Robert said anything to anybody at that time?

8 A No, sir.

9 Q Okay. And when you went left, tell me, did everybody
10 walk out into the backyard?

11 A Yes, sir. When we was leaving, we was on the back
12 porch. And when we was on the back porch, Vincent
13 and K[REDACTED] came out behind us. And Vincent and
14 K[REDACTED] -- we was going out -- I was trying to get out
15 the door and Vincent moved over a little bit so I can
16 get out the door. And Rob was stuck on the back
17 porch with Vincent and K[REDACTED].

18 Q So Robert got hung on the back porch, were they
19 blocking the door?

20 A Vincent was.

21 Q Vincent was blocking the door?

22 A Uh-huh.

23 Q Now, how did that backdoor get knocked off its
24 hinges, do you have any idea?

25 A The only thing I can remember when it got slammed

1 like open is when V[REDACTED] somehow -- I was out there
2 in the yard, me and Rob was out there in the yard and
3 V[REDACTED] was coming down the step and Vincent was
4 behind her and K[REDACTED] was behind Vincent.

5 Q Did they kick the door or something to cause it to
6 come off the hinges?

7 A No, it just slammed into the door real hard.

8 Q Slammed the door real hard and it came off the
9 hinges?

10 A Uh-huh?

11 Q Okay. Once y'all got out into the backyard, where
12 did Robert go?

13 A To the car.

14 Q To the car? Did he open the door of his car?

15 A Yes, sir.

16 Q Did he get in?

17 A No, sir, I don't think.

18 Q Go ahead.

19 A Well we was out there in the backyard, I wasn't
20 really just paying attention to him because my little
21 girl had came outside.

22 Q Well did somebody pick up one of the children and put
23 it in Robert's car?

24 A No. My grandmother -- after all that happened my
25 grandmother passed V[REDACTED] to Robert.

1 Q To Robert. Well let's go back to before that
2 happened. Did -- Robert went to his car, did he open
3 the door?

4 A Yes, sir.

5 Q Where did Vincent and his brother go?

6 A To their car. To the Jeep. To the Jeep.

7 Q Okay. Did Vincent open the door, the driver's side
8 door?

9 A Yes, sir.

10 Q How about his brother, did he open the passenger
11 door?

12 A Yes, sir.

13 Q Okay. Now, tell me what you next saw once Robert got
14 to his door, Vincent got to his door, tell me what
15 happened.

16 A Well before then Vincent had took off his shirt and
17 threw it on the ground.

18 Q Okay.

19 A And him and Ke [REDACTED], they were out there in the
20 backyard. And Robert was at the car and I was going
21 to the car. And V [REDACTED] was outside or whatever. And
22 I was trying to get a hold of her and my grandma was
23 out there yelling and stuff. And by that time
24 Vincent and Ke [REDACTED] had just -- was standing out there
25 or whatever. And Robert was going to the car, we was

1 about to leave. But Vincent and Ke[REDACTED] -- Vincent had
2 started at Robert. And Ke[REDACTED] was behind him but...

3 Q Okay. Did you see, once Vincent opened that door,
4 did you see him reach down? Did you see him do
5 anything with his hands under the seat or anything of
6 that sort?

7 A Yeah, reaching down but I didn't see anything.

8 Q Okay. But you never saw a gun?

9 A Huh-uh.

10 Q Did he have his hand in his pocket at any time? Did
11 he make any kind of threatening moves at all? Was he
12 coming at Robert?

13 A Yes, sir.

14 Q He was coming at Robert?

15 A Yes, sir.

16 Q And you said he weighed 240 pounds?

17 A Yes, sir.

18 Q And, of course, Robert, is he about what size? You
19 see him right now?

20 A No, sir.

21 Q I'm sorry? Was Robert -- I mean, you seeing him
22 right now, was he thinner or about the same as he is
23 right now?

24 A About the same size.

25 Q All right. So he was going at Robert. Now tell me

1 what Robert did?

2 A He didn't do nothing. I was trying to get a hold of
3 him and try to get them from not fighting or
4 whatever. And I was pregnant.

5 Q Okay.

6 A With Robert's baby.

7 Q All right. Did you -- did you actually see -- did
8 you actually see Robert shoot the gun?

9 A No, sir.

10 Q Where were you?

11 A I was in the middle of Vincent's driver door and
12 Robert's driver door. And V[REDACTED] was beside me and
13 my grandmother was beside us.

14 Q All right. Did you hear some shots?

15 A Yes, sir.

16 Q Okay. Did you see anybody running?

17 A Vincent and K[REDACTED].

18 Q Okay. Tell me -- tell me what -- was K[REDACTED] in the
19 car when the shooting started, was he outside the
20 car, do you remember?

21 A When I looked at K[REDACTED] I just seen blood on his arm.

22 Q Did you see Donald out there anywhere?

23 A No, sir.

24 Q So was Donald in the backyard?

25 A No, sir.

1 Q Okay. Now you been sequestered all this time, you
2 hadn't been in the courtroom?

3 A Huh-uh.

4 Q Okay. Now, so Donald wasn't even in the backyard?

5 A No, sir.

6 Q All right. Now, did you -- did you get your child
7 and put her in the car or what happened?

8 A Well--

9 Q After the shooting stopped, who did you see running?

10 A Nobody.

11 Q Well I mean, did you see somebody running, did you
12 ever see Vincent running?

13 A No, sir.

14 Q Did you see him go down the driveway?

15 A No, sir.

16 Q How about Ke [REDACTED], did you see him?

17 A Yes, sir.

18 Q Okay. You said he had a bloody arm?

19 A Yeah, he was sitting in the Jeep.

20 Q He was sitting in the car?

21 A Uh-huh.

22 Q Where did -- where did Vincent go, did you have any
23 idea?

24 A No, sir.

25 Q Now, tell me what happened to the child? Did your

1 grandmother have the child at that time in her arms
2 or was the child out in the yard, where was she?
3 A She was out there in the yard. But my grandma, she
4 just picked her up and handed her to Robert.
5 Q So she gave the child to Robert?
6 A Yes, sir.
7 Q Did y'all leave?
8 A Yes, sir.
9 Q Okay. Did you ever see Vincent after that?
10 A No, sir.
11 Q Okay. Now, I want to take you back to a period of
12 time when you and Robert met. Y'all had been dating
13 approximately how long?
14 A What, when we met?
15 Q I mean, you met and then this happened. So about how
16 long a period of time? Year?
17 A Yeah, like a year and two months maybe.
18 Q Year and three months?
19 A Two months.
20 Q Okay. Have you seen -- when is the last time you saw
21 Robert?
22 A Last time I saw Robert? Talking about in the county
23 or?
24 Q I mean, have you seen him recently is what I'm
25 asking?

1 A No, sir.

2 Q Okay. Who has the child, the new baby? You and

3 Robert had a new baby, right?

4 A Yes, sir.

5 Q What's that baby's name?

6 A Robert Jones.

7 Q Robert Jones?

8 A Yeah, Robert Jones.

9 Q And who is taking care of Robert Jones now?

10 A My aunt and uncle.

11 Q Your aunt and uncle, and where do they live?

12 A In Lyman.

13 Q Where?

14 A In Lyman.

15 Q In Lyman, okay. During this period of time you had

16 testified that Robert had been involved in criminal

17 domestic violence with you, correct? He'd been

18 arrested for criminal domestic violence?

19 A Robert?

20 Q Not Robert but, I'm sorry, Vincent?

21 A Yes, sir.

22 Q Okay. Now, do you have a Facebook account?

23 A Myspace page.

24 Q Myspace, excuse me. Myspace, excuse me. Okay. Now,

25 at any time had you received on your Myspace account

1 a video showing Robert or his brother with guns?

2 A Robert?

3 Q Not Robert, I keep saying Robert. I mean, Vincent
4 and Ke[REDACTED].

5 A No, sir, just put it on there.

6 Q Is that -- okay. But did you show that video to
7 Robert?

8 A Yes, sir.

9 Q Okay. I'm going to show you something and I want you
10 to tell me if this is the one?

11 THE COURT: Subject to his objection.

12 MR. COOKE: Would you turn the lights off,
13 please.

14 MR. MARCHANT: Judge, may I ask what the Exhibit
15 is marked?

16 MR. COOKE: Yeah, it's not. That's my second
17 one, I guess, Judge. I ask my assistant here to play that
18 video. This would be No. 2. Judge, offer this into
19 evidence.

20 THE COURT: All right.

21 (WHEREUPON, Defendant's Exhibit No. 2 was marked
22 for identification and received into evidence.)

23 (WHEREUPON, Defendant's Exhibit No. 2 was
24 played.)

25 BY MR. COOKE:

1 Q Now who -- come down here. Now who is that with
2 the -- who is that right now with that attitude?

3 A That's Vincent.

4 Q That's Vincent? Who's got the gun? Do you know,
5 behind him? You don't know that person?

6 MR. MARCHANT: Judge, she needs to speak up.

7 BY MR. COOKE:

8 Q Yeah, you got a speak up, hun. Is that Vincent right
9 there?

10 A Yes, sir.

11 Q Do you know that person?

12 A One of his friends.

13 Q Huh?

14 A One of his friends?

15 Q One of his friends. Okay, who is that?

16 A That's K[REDACTED].

17 Q That's K[REDACTED], his brother?

18 A Yes, sir.

19 THE COURT: Speak up, ma'am.

20 BY MR. COOKE:

21 Q Speak up. Come over here. K[REDACTED], his brother got
22 the gun now?

23 A Yes, sir.

24 Q Is that Vincent right there?

25 A Yes, sir.

1 Q That's K[REDACTED]?

2 A Yes, sir.

3 Q Is that Vincent there with the gun?

4 A Yes, sir.

5 Q What does that sign mean, do you have any idea?

6 A No, sir.

7 Q That's Vincent again?

8 A Yes, sir?

9 Q Is that K[REDACTED] there, that last one?

10 A Yes.

11 Q All right. You can come around.

12 Offer this into evidence.

13 THE COURT: Already been offered, subject to

14 objection.

15 MR. COOKE: Okay.

16 BY MR. COOKE:

17 Q Again, I remind you to speak up young lady. Did you

18 show that video to Robert? Robert seen that?

19 A Yes, sir.

20 Q Myspace?

21 A Yes, sir.

22 Q Now, once y'all left the house, you said you never --

23 you didn't even see Vincent?

24 A Huh-uh.

25 Q You didn't see him go down the driveway, you didn't

1 see him go over to the Bariatric Clinic?

2 A No, sir.

3 Q You didn't see K[REDACTED] except -- was he sitting in the

4 car is when you last saw him?

5 A Yes, sir.

6 Q Okay. Then Ms. Hamby handed Robert the baby?

7 A Yes, sir.

8 Q Then Robert -- what did Robert do with the baby?

9 A Put it in the car.

10 Q And then y'all left, where did you go?

11 A We went to his house.

12 Q Went to Belton?

13 A Yes, sir.

14 Q Okay. All right. Do you remember -- did you know --

15 by the way, did you know whether Robert had that gun

16 in the car that day or not?

17 A No, sir.

18 Q Did -- you didn't know that?

19 A No, sir.

20 Q Had Robert had any other run-ins with Vincent while

21 y'all were dating? Did he have any run-ins at all

22 with him? Ever any words exchanged between them?

23 A No, sir.

24 Q Okay. Did Vincent ever come to Robert's house and

25 take you back to Greenville?

- 1 A Yes, sir.
- 2 Q After y'all were broken up?
- 3 A Yes, sir.
- 4 Q Tell me on what occasions, how did that all come
5 about? How many times did he come over there to get
6 you?
- 7 A Twice.
- 8 Q How many?
- 9 A Twice.
- 10 Q Five times?
- 11 A Two times.
- 12 Q Two times. Was anybody with him?
- 13 A Yeah, the first time he came he had Brandy Brown with
14 him.
- 15 Q Had who?
- 16 A Brandy.
- 17 Q Brandy is?
- 18 A That was my mother's girlfriend at the time.
- 19 Q Okay. Was Ke [REDACTED] dating at that time -- not Ke [REDACTED],
20 was Vincent dating at that time?
- 21 A Yes, sir.
- 22 Q So he came and got you and how did that go? I mean,
23 was it a friendly got you or was it -- what kind of
24 got you was it?
- 25 A He just came and got me.

1 Q Did he make demands on you to leave?

2 A Yes, sir.

3 Q Okay. Did he grab you? Did he man handle you in any
4 way?

5 A On our way back to Greenville we was fighting in the
6 car.

7 Q Did he hit you then?

8 A Yes, sir.

9 Q Now, how about the second time?

10 A Second time he came down there it was -- he was with
11 Jamarcus.

12 Q He was with who?

13 A Jamarcus.

14 Q Damarcus?

15 THE COURT: Jamarcus.

16 BY MR. COOKE:

17 Q Jarmarcus, okay. And what happened then?

18 A He took me back to Greenville.

19 Q Did y'all have a scuffle that day?

20 A No, sir.

21 Q You didn't have a scuffle, he didn't yank you--

22 A We was just arguing.

23 Q Okay. Did he ever actually physically grab you?

24 A Yeah and put me in the car.

25 Q Okay, that's what I'm talking about, so y'all had a

1 scuffle, is that correct?

2 A Yes, sir.

3 Q Okay. Now, let me check something before I finish.
4 Excuse me just a minute. At any time during your
5 relationship with Vincent, has he ever held a gun on
6 you or threatened you with a gun?

7 A Yes, sir.

8 Q Okay. And tell me what occasion that was?

9 A Well I was at home and it was tax time, I believe.

10 Q It was tax time?

11 A Yes, sir.

12 Q What was that all about?

13 A He just came over there and my uncle was in the other
14 room. And he was just arguing and stuff. And he had
15 a gun and he just pulled it out. And he was like --
16 I forgot what he said but he was just -- came back
17 there to the room where I was.

18 Q Did he point the gun at you?

19 A Yes, sir.

20 Q Okay. Is that the only time he ever threatened you
21 with a gun?

22 A Yes, sir.

23 Q Okay. Did you tell Robert about that?

24 A Yes, sir.

25 Q Beg your pardon?

1 A Yes, sir.

2 Q All right. Excuse me just a minute. Was anybody
3 else there when he put the gun to your head?

4 A Yes, sir, my little girl.

5 Q Your little girl?

6 A My oldest little girl.

7 Q What was her name?

8 A Al [REDACTED].

9 Q Who, Al [REDACTED]. Anybody else?

10 A My uncle.

11 Q Okay, your uncle was there?

12 A Yes, sir.

13 Q What's his name?

14 A Ronnie.

15 Q Did you call the police?

16 A No, sir.

17 Q Okay. Any reason why you didn't?

18 A No reason.

19 Q Okay. Okay.

20 I have no further questions, thank you, Judge.

21 Answer any questions that Mr. Marchant may have
22 of you, please.

23 CROSS-EXAMINATION

24 BY MR. MARCHANT:

25 Q All right, Crystal, I'm going to need you to speak up

- 1 too, I was having a hard time hearing you when I was
2 sitting over here so get real close to that
3 microphone, okay. You and Vincent have three
4 children together, correct?
- 5 A Yes, sir.
- 6 Q Y'all were together for how long?
- 7 A Five years.
- 8 Q How long?
- 9 A Off and on.
- 10 Q How old were you when you first got together with
11 Vincent?
- 12 A Thirteen going on 14.
- 13 Q How old were you when Da [REDACTED] was born?
- 14 A I think I was 14 going on 15.
- 15 Q How old were you when Al [REDACTED] was born?
- 16 A Sixteen going on 17.
- 17 Q How old were you V [REDACTED] was born?
- 18 A Eighteen at the time, I think.
- 19 Q How old were you when Ro [REDACTED] I [REDACTED] was born?
- 20 A It was last year, I was 21.
- 21 Q How old are you now?
- 22 A Twenty-two.
- 23 Q How much older is Vincent than you are?
- 24 A A year.
- 25 Q Where did y'all meet?

- 1 A His mother stayed down the street from my
2 grandmother's house.
- 3 Q So whose house is it that you met him?
- 4 A My grandma's house.
- 5 Q I'm sorry, I thought you said you were down the
6 street from your grandma's house.
- 7 A I said his mother stayed down the street from my
8 grandma's house.
- 9 Q And how long had you been with Rob when Rob shot
10 Vincent?
- 11 A A year and two months, I think.
- 12 Q And you met Rob over some chatline?
- 13 A Yes, sir.
- 14 Q But you were still together with Vincent at that time
15 when you met Rob?
- 16 A No, sir.
- 17 Q Where were you living when you were talking on this
18 chatline?
- 19 A With my mother.
- 20 Q Where was that?
- 21 A It was on Watson Drive.
- 22 Q At some point in time did you ever live over here on
23 Vardry Street with Ms. Hamby?
- 24 A Yes, sir. She raised me every since I got out the
25 hospital when my momma had me.

- 1 Q So Ms. Hamby is the one that raised you?
- 2 A Yes, sir.
- 3 Q And you and Ms. Hamby get into it quite a bit?
- 4 A Yes, sir.
- 5 Q Y'all didn't see eye to eye most of the time, did
- 6 you? Yes or no.
- 7 A We argued but...
- 8 Q Argued quite a bit?
- 9 A Not a lot.
- 10 Q I'm sorry, can you repeat that?
- 11 A I said not a lot.
- 12 Q You and Vincent argued a little bit?
- 13 A Yes, sir.
- 14 Q This video that Mr. Cooke showed you --
- 15 Judge, I'm going to have an objection before
- 16 that goes back to the jury.
- 17 THE COURT: Yes, sir.
- 18 BY MR. MARCHANT:
- 19 Q This video, do you know where it was shot?
- 20 A At a friend's house.
- 21 Q Were you there?
- 22 A I wasn't present when the video -- when they was
- 23 shooting the video.
- 24 Q And you don't even know who all these people in the
- 25 video are, do you?

- 1 A I just know that they're friends.
- 2 Q Friends of who?
- 3 A Vincent and Ke[REDACTED].
- 4 Q But you don't know who they are?
- 5 A Not really.
- 6 Q You don't know whether or not this gun that's in the
- 7 video is even real, do you?
- 8 A No, sir because I never had it in my hand.
- 9 Q But you know one thing, that it wasn't Vincent's?
- 10 A Yes, sir.
- 11 Q And it wasn't Ke[REDACTED]'s?
- 12 A Yes, sir.
- 13 Q Explain to me again how you got to looking at this
- 14 video?
- 15 A It's on Myspace page.
- 16 Q Can anybody go out there look at it?
- 17 A Yes, sir.
- 18 Q But it's posted on your Myspace page?
- 19 A No, sir.
- 20 Q So whose page is it on?
- 21 A You can put it on anybody's page. It's just a video.
- 22 Q But it was on your page?
- 23 A Yes, sir, I put it on my page.
- 24 Q And you showed it to the Defendant?
- 25 A Yes, sir.

1 Q When did you show it to the Defendant?

2 A I can't remember when exactly.

3 Q Did you show it to him before or after this happened?

4 A It was before.

5 Q But you don't know when?

6 A No, sir.

7 Q Don't know if it was the month before, a whole year
8 before?

9 A It's been -- it was like when we first met, like.

10 Q Why did you show it to him?

11 A They was just rapping on there.

12 Q Why are you showing your new boyfriend stuff from
13 your old boyfriend?

14 A They just rapping.

15 Q I understand they're just rapping but why did you
16 show Rob this video?

17 A Because it was posted on Myspace.

18 Q You showed him everything you had on your page?

19 A Yes, sir.

20 Q Okay. Did he ask to see it or did you just show it
21 to him?

22 A He -- I guess he wanted to see it, I just showed him
23 my page.

24 Q Did you tell him that this gun portrayed in the video
25 was real?

- 1 A Yes, sir.
- 2 Q So you told Rob that the gun was real but you don't
- 3 know that it was real, right?
- 4 A It was real.
- 5 Q Well just a minute ago you said you didn't know if it
- 6 was real because you never held it, isn't that right?
- 7 A (There was no response.)
- 8 Q I need an answer, ma'am.
- 9 A Yes, sir.
- 10 Q Explain to the jury why you called the police when
- 11 Vincent allegedly assaulted you on these domestic
- 12 stuff that Mr. Cooke talks about but not when he
- 13 pointed a gun at you?
- 14 A I didn't call the police then.
- 15 Q You didn't have Vincent charged with some sort of
- 16 domestic violence?
- 17 A No, sir.
- 18 Q But y'all got into it pretty good, is that right?
- 19 A Yes, sir.
- 20 Q And you hit him quite a bit, didn't you?
- 21 A Hit him?
- 22 Q Uh-huh.
- 23 A No, sir.
- 24 Q You never laid your hands on Vincent?
- 25 A I'm not going to say never but it's only when he hits

1 me and stuff.

2 Q Where were you working when this happened?

3 A When this happened I was in Belton working at
4 McDonald's.

5 Q Rob's working at Hardees?

6 A Yes, sir.

7 Q Where was the apartment y'all were moving to when you
8 were getting ready to get married?

9 A It was down the street from his house.

10 Q Y'all signed a lease on that?

11 A Yes, sir, I got approved for it.

12 Q And Rob had given you a ring and all that good stuff
13 about getting married?

14 A No, sir, we just talked about it.

15 Q Just talked about it. So you weren't necessarily
16 engaged but you just talked about getting married?

17 A Yes, sir.

18 Q So the day this happened you were in Greenville to
19 report to the home incarceration people because you
20 were out on bond for burglary, is that correct?

21 A Yes, sir. That was on my bond, being on house
22 arrest.

23 Q And that was for some washer and dryer that you
24 didn't have nothing to do with?

25 A Yes, sir.

- 1 Q But you pled guilty to that charge?
- 2 A Yes, sir because I was pregnant at the time and I was
- 3 about to have my baby and I didn't want DSS to take
- 4 him.
- 5 Q DSS end up taking the kids?
- 6 A Yeah, they took my three.
- 7 Q Those are the three you have with Vincent?
- 8 A Yes, sir.
- 9 Q Where are those children now?
- 10 A With Patricia.
- 11 Q Patricia who?
- 12 A Blakely.
- 13 Q Who is she, what's the relationship?
- 14 A Their aunt.
- 15 Q You say their aunt, who do you mean?
- 16 A Vincent's aunt. It's their great aunt.
- 17 Q Why don't you have custody of the children?
- 18 A DSS took them because they said I put them in harms
- 19 way.
- 20 Q When this happened, you didn't actually have custody
- 21 of those children; did you?
- 22 A No, sir.
- 23 Q Who had custody? When the day of the shooting, who
- 24 had custody of the children?
- 25 A I don't know because we never did go to court to

1 fight for custody.

2 Q So there was never any Family Court hearing or
3 proceeding that gave you custody of those kids?

4 A No, sir.

5 Q Okay. Now you testified earlier that you were
6 outside with Rob for about 10 to 15 minutes before
7 your grandmother let you in the house?

8 A Yes, sir.

9 Q Now you realize how long 10 to 15 minutes is, don't
10 you?

11 A I don't think it was that long. I'm not sure how
12 long it was.

13 Q So you don't know?

14 A No, sir. I forgot the time.

15 Q I'm sorry?

16 A I said I'm not sure about the time.

17 Q And when--

18 A I wasn't really just timing it.

19 Q I mean, you weren't standing outside waiting around
20 10 minutes for your grandma to come to the door, were
21 you?

22 A No, sir. I know my little girl was in there.

23 Q No question, you and Rob were outside when Vincent
24 and Ke [REDACTED] pull up?

25 A Yes, sir.

- 1 Q And Vincent and Ke [REDACTED] were in a white Expedition?
- 2 A Yes, sir.
- 3 Q And they pulled straight in to the backyard?
- 4 A Yes, sir.
- 5 Q Well when you and Rob got there, y'all pulled in,
- 6 turned around pointed out?
- 7 A Yes, sir.
- 8 Q You were headed out. I'm showing you what's marked
- 9 as State's No. 4 and is in evidence. Is that a
- 10 pretty fair representation of where Vincent parked
- 11 his car?
- 12 A Yes, sir.
- 13 Q Speak up.
- 14 A Yes, sir.
- 15 Q So that's a pretty good showing of where he was
- 16 parked?
- 17 A Yes, sir.
- 18 Q And these tracks over here, is that rounds abouts
- 19 where you and Rob had parked?
- 20 A Yes, sir, I think.
- 21 Q Let me show you State's No. 5 and see if that helps
- 22 you any. Y'all are parked so all you got to do is
- 23 put the car in drive and leave, right?
- 24 A Yes, sir.
- 25 Q Who drove over that day?

- 1 A Robert.
- 2 Q And whose car was it?
- 3 A His mother.
- 4 THE COURT REPORTER: I'm sorry, I didn't hear
- 5 that.
- 6 A His mother's car.
- 7 BY MR. MARCHANT:
- 8 Q Who's car?
- 9 A His mother's.
- 10 Q What type of car was it?
- 11 A Altima.
- 12 Q You testified y'all went inside and there was an
- 13 argument about the kids, is that right?
- 14 A Wasn't really a argument because I wasn't trying to
- 15 argue.
- 16 Q But you were arguing?
- 17 A I would say it was a disagreement.
- 18 Q Okay, fair enough. You had a disagreement with who
- 19 about the children?
- 20 A Vincent.
- 21 Q Did you have a disagreement with your aunt,
- 22 Ms. Hamby?
- 23 A Yes, sir, she was saying something.
- 24 Q She was saying something?
- 25 A Yes, sir.

1 Q Well, what was your disagreement with your aunt
2 about?

3 A She was saying something that I couldn't take care of
4 her or something.

5 Q Couldn't take her, what do you mean couldn't take
6 her, who are you referring to?

7 A My grandmother.

8 Q Your grandmother's saying you couldn't take her?

9 A Yes, sir. No, she was saying that she doesn't want
10 to go or something.

11 Q I'm sorry, Crystal, I can't understand you, can you
12 repeat that?

13 A I'm saying that she was saying that -- that A [REDACTED]
14 doesn't want to go or, you know, she said that A [REDACTED]
15 doesn't want to go.

16 Q And that's when you and Rob decided to just go on out
17 the house and leave?

18 A Yes, sir.

19 Q And did K [REDACTED] ever say anything inside the house?

20 A No, sir.

21 Q K [REDACTED] say anything on the back porch?

22 A No, sir.

23 Q K [REDACTED] say anything in the backyard?

24 A No, sir.

25 Q K [REDACTED] and Rob ever talk to each other that day?

- 1 A No, sir.
- 2 Q So you and Vincent had some disagreement and you and
3 your grandmother had a disagreement?
- 4 A Yes, sir.
- 5 Q And the disagreement was about you taking--
- 6 A A [REDACTED].
- 7 Q A [REDACTED] back to Belton?
- 8 A Yes, sir.
- 9 Q It is fair to say that y'all were supposed to swap
10 the children that day? That you were going to drop
11 off V [REDACTED] --
- 12 A Yes, sir.
- 13 Q --pick up A [REDACTED]?
- 14 A Yes, sir.
- 15 Q That wasn't going your way, was it?
- 16 A No, sir but I didn't argue about it.
- 17 Q Okay. So you just decide that you and Rob were going
18 to leave?
- 19 A Yes, sir.
- 20 Q And you walked out the screen door and went to the
21 car?
- 22 A Well we were going to the car, yes, sir.
- 23 Q And the Defendant got in the driver seat of that car,
24 right?
- 25 A I can't remember. We was walking out there in the

1 backyard. And he was going to his side and I was
2 going to my side. And we were going to leave but
3 Vincent and Ke [REDACTED] came out there.

4 Q Did Vincent or Ke [REDACTED] stand in front of the
5 Defendant's car to prevent you from leaving?

6 A Yes, sir. Vincent had spit and it landed on the
7 windshield.

8 Q Okay, Crystal, I need you to answer the question I'm
9 asking, okay. Did Vincent stand in front of the car
10 that y'all were in and prevent y'all from leaving?

11 A He wasn't in front of the car.

12 Q Was he standing to the side of the car?

13 A Yes, sir.

14 Q And was that in between his car and y'all's car?

15 A Yes, sir.

16 Q And where was Ke [REDACTED]?

17 A Ke [REDACTED] was behind him.

18 Q He was behind you?

19 A Behind him.

20 Q Okay. And at one point in time you went around to
21 your side of the car, right?

22 A Yes, sir.

23 Q And you were getting ready to leave?

24 A Yes, sir.

25 Q You're getting ready to leave and there's nobody

1 standing in front of you preventing y'all from
2 driving down the driveway, right?

3 A No, sir. But Vincent and Robert, they was -- Vincent
4 driver's door and Robert's driver door was side by
5 side. And I was scared they was going to fight or
6 something.

7 Q You were scared they were going to fight? Were they
8 having words with each other at this point in time?

9 A No, sir. Vincent just took his shirt off and was
10 acting like he was going to fight.

11 Q So Vincent's acting like he was going the fight.

12 A Yes, sir.

13 Q When you say fight, what do you mean? Fistfight or?

14 A Yeah, fistfight.

15 Q Where's Ke [REDACTED] when all this is going on?

16 A Ke [REDACTED] was behind Vincent.

17 Q He was behind who?

18 A Vincent.

19 Q And you say Vincent opened the driver's door?

20 A Yes, sir.

21 Q All right, so what did you do to prevent the two of
22 them from fighting?

23 A I was just trying to hold Robert back and hold
24 Vincent back at the same time.

25 Q I'm going to need you to explain that. How is that

1 you, being this little petit person, that's holding
2 both the Defendant as well as Vincent back?

3 A I was just in between them.

4 Q So you're just a physical barrier between the of
5 them?

6 A Yes, sir.

7 Q You're not touching either one of them?

8 A Huh-uh.

9 Q And neither Vincent nor Ke [REDACTED] was touching the
10 Defendant, right?

11 A No.

12 Q Never laid a hand on him?

13 A Huh-uh. No, sir.

14 Q At some point in time you, in fact, had to sit in the
15 Defendant's lap so he wouldn't get out of the car;
16 isn't that right?

17 A Yes, sir.

18 Q And at that point in time Vincent spit on the
19 Defendant's windshield, isn't that right?

20 A Yes, sir.

21 Q Didn't say anything but just spit on the windshield?

22 A Yes, sir.

23 Q Didn't show a gun, did he?

24 A No, sir.

25 Q Ke [REDACTED] never showed a gun, did he?

- 1 A No, sir.
- 2 Q So after Vincent spit on the windshield, the
- 3 Defendant takes it upon himself and gets out of the
- 4 car and shoots Vincent, doesn't he?
- 5 A I didn't see him do it.
- 6 Q Well the Defendant threw you off his lap and got out
- 7 of the car, isn't that right?
- 8 A Yeah. I was sitting on his lap and when Vincent spit
- 9 on the windshield, V [REDACTED] and my grandmother was out
- 10 there and I was trying to get V [REDACTED] and Rob just ran
- 11 out from around me.
- 12 Q Rob ran out what?
- 13 A He just ran out from around me.
- 14 Q Where were y'all when he ran out from around you?
- 15 A In the middle of both cars.
- 16 Q Were you sitting on his lap at some point in time?
- 17 A Yes, sir.
- 18 Q So...
- 19 A That's when Vincent spit on the windshield I was
- 20 sitting on his lap then.
- 21 Q Then he pushed you off of him and got out the car?
- 22 A Yes, sir.
- 23 Q Let's be clear. He physically got up out of the
- 24 driver's seat --
- 25 A He didn't push, he was just like push me a little bit

1 and I got up.

2 Q So he gave you a nudge to get off him?

3 A Yes, sir.

4 Q And he removed himself from the driver's seat of his
5 car?

6 A Yes, sir.

7 Q Whose got the keys to this car?

8 A He does.

9 Q They're in his pocket or where they in the ignition?

10 A I'm not sure.

11 Q But he got out of the car?

12 A Yes, sir.

13 Q Vincent didn't pull him out of the car, did he?

14 A No, sir.

15 Q And the car door was opened in between the Defendant
16 and Vincent?

17 A Yes, sir.

18 Q And Ke [REDACTED] was well behind where Vincent was standing?

19 A Yes, sir.

20 Q How many shots did you hear?

21 A I'm not sure. I just know I heard shots, I'm not
22 sure how many. And by the time I held my head and
23 looked around, I seen Ke [REDACTED] sitting in the passenger
24 side with blood on his arm. And I turned around and
25 looked a Vincent and he looked at me and he had tears

1 in his eyes and he started shaking and spitting up
2 blood.

3 Q Where was Vincent when this happened? When he was
4 shaking and spitting up blood?

5 A In between both of the cars.

6 Q When Vincent was coming over --

7 THE COURT: Just a minute.

8 Mr. foreman, ladies and gentlemen of the jury, I
9 asked that lady to leave because you all should not be
10 impacted by sympathy, prejudice, bias, emotion of any
11 kind, okay. So just take a deep breath and please don't
12 let that affect you and listen to the facts as they are
13 presented. Thank you.

14 Go ahead, Mr. Marchant.

15 MR. MARCHANT: May it please the Court.

16 THE COURT: Yeah.

17 BY MR. MARCHANT:

18 Q When you were sitting on the Defendant's lap, trying
19 to keep the two of them apart, you weren't in fear of
20 your life; were you?

21 A No, sir, not really.

22 Q You didn't think Vincent was going to kill you, did
23 you?

24 A No, sir. He knew I was pregnant.

25 Q He knew you were pregnant?

- 1 A Yes, sir.
- 2 Q Were you saying that's the only reason why he
3 wouldn't kill you?
- 4 A I don't think he would ever kill me.
- 5 Q So you weren't in fear of your life?
- 6 A No, sir.
- 7 Q Now, you testified earlier that at this point in
8 time, when you're sitting on Rob's lap, your youngest
9 child, V[REDACTED], was not in the car?
- 10 A No, sir.
- 11 Q Is that right?
- 12 A No, sir.
- 13 Q So what's the last thing you saw before y'all left?
- 14 A Last thing I saw before I left was my grandmother
15 handing Robert V[REDACTED] and he put her in the car.
- 16 Q Who put the child in the car?
- 17 A Robert.
- 18 Q And who got in the car and drove away?
- 19 A Robert.
- 20 Q And where were you sitting?
- 21 A In the passenger side.
- 22 Q What did he do with the gun when y'all got back in
23 the car?
- 24 A Not sure. I didn't even see a gun.
- 25 Q I'm sorry?

1 A I didn't never see a gun.

2 Q You never saw a gun?

3 A No, sir.

4 Q You never -- I'm going to let you look at your
5 statement.

6 MR. MARCHANT: Mark this for identification,
7 please.

8 (WHEREUPON, State's Exhibit No. 51 was marked
9 for identification only.)

10 BY MR. MARCHANT:

11 Q All right, Crystal, I'm going to show you what's been
12 marked as State's No. 51. Did you speak with a
13 Detective Flavell and Detective Garrison back at the
14 Police Department here in Greenville?

15 A Yes, sir.

16 Q And this Detective Flavell, is he the same detective
17 that was down at Broadway Lake when you and Robert
18 got stopped?

19 A Yes, sir.

20 Q Okay. Did you tell them a whole bunch of stuff that
21 they typed into this statement and did you have an
22 opportunity to read this statement before you signed
23 it?

24 A Yes, sir.

25 Q Okay. And is everything that you wrote and put in

1 this statement true and correct?

2 A Yes, sir, to my knowledge.

3 Q Okay. Well I'm going to let you look at one part in
4 particular and ask you if this is correct. I'm just
5 going to direct you to here and I want you to read
6 this and then we'll talk about that question I just
7 asked you. I'm going to ask you again, did you ever
8 see a gun?

9 A No, I ain't never see a gun, I had my head down the
10 whole time.

11 Q Well did you or did you not tell these detectives
12 that Rob threw the gun out the window somewhere on
13 Highway 25?

14 A Yes, sir, I thought he did.

15 Q Well if you never saw a gun, why would think he threw
16 it out somewhere on Highway 25?

17 A Well I had my head down and I could feel the breeze
18 like when he let went the window down or something.

19 Q Are you sure you were on Highway 25?

20 A Yes, sir.

21 Q Positive?

22 A Yes, sir.

23 Q Did you take the detectives back out there and show
24 them where you thought you were?

25 A Yes, sir.

- 1 Q Well how long did it take you and Rob to get from
2 Vardry back to his house where you were living in
3 Belton?
- 4 A Like 30, 45 minutes.
- 5 Q And this 45 minutes, as and you Rob -- and y'all
6 drove straight there?
- 7 A Yes, sir.
- 8 Q Didn't stop anywhere?
- 9 A No, sir.
- 10 Q You call anybody on the telephone?
- 11 A No, sir.
- 12 Q Did Rob?
- 13 A No, sir.
- 14 Q And where did you go when you got back to Belton?
- 15 A Went to his house and...
- 16 Q Why did you go to his house?
- 17 A We went down there and his sister got the baby.
- 18 Q And who is his sister?
- 19 A Letitia Jones.
- 20 Q Is she here today?
- 21 A Yes, sir.
- 22 Q Is she in the courtroom?
- 23 A No, sir.
- 24 Q Well why did you give your child to his sister?
- 25 A She was watching her.

- 1 Q She was watching her?
- 2 A Yes, sir.
- 3 Q I mean, why did you drop V[REDACTED] off?
- 4 A She came out and got her out the car.
- 5 Q Why?
- 6 A Huh-uh.
- 7 Q You and Rob talked about what happened on the way
- 8 back to Belton?
- 9 A Not really.
- 10 Q He didn't tell you that he was defending your life
- 11 and his?
- 12 A No, sir. I could tell that he was scared.
- 13 Q He didn't tell you that he had to shoot Vincent
- 14 before Vincent shot him?
- 15 A No, sir.
- 16 Q Did y'all talk about what you were going to tell the
- 17 police?
- 18 A No, sir.
- 19 Q You sure about that?
- 20 A Yes, sir.
- 21 Q Where did you go after you dropped V[REDACTED] off with
- 22 his sister?
- 23 A Broadway Lake.
- 24 Q Why did you go to Broadway Lake?
- 25 A I had to -- house arrest bracelet off.

1 THE COURT REPORTER: I'm sorry, I didn't
2 understand that.

3 THE WITNESS: To -- I had cut my house arrest
4 bracelet off.

5 BY MR. MARCHANT:

6 Q You hadn't done anything wrong, had you?

7 A No, sir.

8 Q Why are you cutting your house arrest bracelet off?

9 A I was scared.

10 Q What are you scared of if you hadn't done anything
11 wrong?

12 A Well, first off, I knew if Vincent probably wouldn't
13 have died or whatever that there probably would have
14 been some more stuff starting, they would have come
15 to Belton.

16 Q How often did you tell the Defendant about all this
17 bad stuff that you claim that Vincent did to you?

18 A We never did really just talk about Vincent like
19 that.

20 Q Didn't talk about Vincent that much, uh?

21 A No, sir.

22 Q Well only showed him this video?

23 A They was just rapping on there.

24 Q So they're just rapping on the video?

25 A Yes, sir.

1 Q And you never told the Defendant how Vincent and your
2 relationship was?

3 A I mean, yeah, of course. But he just aks (sic) me
4 how Vincent was and I just told him that he did have
5 a habit of hitting me and we was arguing -- like
6 arguing and stuff. But before I see Vincent locked
7 up or anything bad happen to him, I just got away
8 from that situation.

9 Q Well these domestic violence cases that Mr. Cooke
10 brought up, never had any broken bones or anything
11 like that, did you?

12 A No, sir.

13 Q Did you tell the Defendant that Vincent ever harmed
14 you to that point?

15 A No, sir.

16 Q Well what did you tell the Defendant that Vincent did
17 to you?

18 A I didn't tell him anything but that Vincent use to
19 hit on me and we use to argue a lot.

20 Q You ever show him any pictures of any injures you
21 had?

22 A Well he seen me have a black eye before. And that's
23 it.

24 Q So I'm clear, you're saying the Defendant saw you
25 when you had a black or a picture of a black eye?

1 A No, he saw me with a black eye.

2 Q And this is a black eye that you're saying that
3 Vincent gave you?

4 A Yes, sir.

5 Q I thought you testified a little while ago that when
6 you got with Rob you and Vincent weren't together
7 anymore?

8 A We wasn't. Vincent always had a habit of trying to
9 find where I was and trying to argue and stuff.

10 (WHEREUPON, State's Exhibit No. 52 was marked
11 for identification only.)

12 BY MR. MARCHANT:

13 Q Let me show you what's been marked as State's 52, do
14 you recognize that?

15 A Yes, sir, it's some cups.

16 Q Okay. Well do you recognize where the photograph --
17 what the photograph is of?

18 A Yes, sir, it's Rob's mother's car.

19 Q Does that fairly show what the inside of that
20 driver's side and passenger side looks like?

21 A (The witness nods.)

22 MR. MARCHANT: Move State's 52 into evidence.

23 MR. COOKE: It's already in, is it not in?

24 THE COURT: No, it's not in.

25 MR. COOKE: Oh, I'm sorry, okay.

1 THE COURT: No objection.

2 (WHEREUPON, State's Exhibit No. 52 was admitted
3 into evidence.)

4 BY MR. MARCHANT:

5 Q What's this sitting on the passenger seat over here?

6 A A red bandanna.

7 Q Whose bandanna is that?

8 A I don't know.

9 Q I'm sorry?

10 A I don't know.

11 Q Is it yours?

12 A No, sir.

13 Q Is it Vianna's?

14 A No, sir.

15 Q Did your -- Jennifer Abbot, who is she?

16 A That's my cousin.

17 Q How is she related to you?

18 A I grow up with her. And that's my grandmother --
19 well my aunt's granddaughter.

20 Q She's related to you, right?

21 A Yes, sir.

22 Q Okay. And at some point in time she lived over there
23 on Vardry Street?

24 A Yeah, when we was growing up.

25 Q And at some point in time she went to Belton with you

1 and Rob, didn't she?

2 A It was one time she went down there.

3 Q She went down there at least once?

4 A Uh-huh.

5 Q Were you present for a conversation that happened in
6 Rob's car where she was in the backseat, down in
7 Belton?

8 A I don't remember.

9 Q Don't remember, okay. Were you present for a
10 conversation that Jennifer was in the car, that the
11 defendant said if Rob --

12 MR. COOKE: Whoa, whoa, I object. I object.

13 THE COURT: What's the basis? You don't object
14 to him, you object to me, Mr. Cooke.

15 MR. COOKE: Well, Judge, I -- you have to see
16 what we're talking about. I don't want to him to repeat
17 in front of the jury. Outside the presence of the jury I
18 have an objection.

19 THE COURT: All right, approach the bench.

20 (WHEREUPON, a bench conference was held in the
21 presence of the jury but out of the hearing of
22 the jury.)

23 THE COURT: Yes, sir.

24 BY MR. MARCHANT:

25 Q All right, Crystal, I'm going to ask you again, why

1 did you cut your ankle monitor off?

2 A Because I was scared. I was scared that something
3 else was going to happen or I don't know I was
4 scared.

5 Q It wasn't because the Defendant asked you if your
6 ankle monitor had GPS tracking on it?

7 A No, sir.

8 Q Well how did you get the knife to cut it off?

9 A He went in and got it.

10 Q Okay. Again, I'm going to show you State's 51. Ask
11 you to take a look at this line right here. See if
12 that refreshes your memory.

13 A Yes, sir.

14 Q I'm going to ask you again, why did you cut the ankle
15 monitor off?

16 A Well first off I was scared. And we thought that it
17 had a GPS tracking device on it.

18 Q You say we, who are you referring to?

19 A Rob had asked me did it have the GPS tracking thing
20 on there.

21 Q Again, you didn't do anything wrong, correct?

22 A No, sir.

23 Q When you got back to Belton, did you call the police?

24 A No, sir.

25 Q Why not?

1 A I don't know. I didn't think anything -- I
2 thought -- I didn't think Vincent or nobody got
3 hurt--

4 Q Wait a minute, Crystal, you just testified earlier
5 that you saw Vincent, he was shot and he had tears in
6 his eye--

7 A Yeah like -- but I didn't think that like he died or
8 anything like.

9 Q So you don't think it's important to call the police
10 if nobody dies?

11 A I mean, yes, sir but the only reason why we left is
12 because my grandma was yelling at us, telling us to
13 leave.

14 Q You knew Ke [REDACTED] had been shot too, you saw him
15 bleeding?

16 A Yes, sir.

17 Q And again, you'd done nothing wrong but you didn't go
18 to law enforcement?

19 A No, sir.

20 Q Didn't call 911?

21 A (The witness shook her head.)

22 Q Never called for an ambulance?

23 A No, sir.

24 MR. MARCHANT: That's all the questions I have,
25 thank you.

1 MR. COOKE: Just a couple.

2 REDIRECT EXAMINATION

3 BY MR. COOKE:

4 Q Crystal, you testified earlier, I think -- excuse me,
5 let me ask you this. You talked to Mr. Marchant
6 about this case in his office, didn't you?

7 A Yes, sir.

8 Q You told him all this stuff, didn't you?

9 A Yes, sir.

10 Q Now, you also testified when Mr. Marchant was talking
11 to you that he had given you a black eye, that he had
12 hit you?

13 A Yes, sir.

14 Q You told him that he held a gun to your head?

15 A Yes, sir.

16 Q After that did you move to Belton with Rob?

17 A Yes, sir.

18 Q Okay. You also in the statement that Mr. Marchant
19 just showed you, you mentioned in the statement, and
20 correct me if I'm wrong, that you saw Vincent go to
21 his car, reach under his seat and had his hand in his
22 pocket when he came up and started at Rob?

23 A Yes, sir.

24 Q Is that correct?

25 A Yes, sir.

1 Q Okay. And Mr. Marchant kept referring to all this
2 stuff, all this stuff about you not doing this, you
3 not doing that, you're not doing that. Did you ever
4 get charged with a crime in this case?

5 A No, sir.

6 Q For not doing stuff?

7 A No, sir.

8 MR. COOKE: Thank you, very much. No further
9 questions.

10 MR. MARCHANT: Nothing else, Your Honor.

11 THE COURT: All right, you can step down, thank
12 you.

13 All right, Mr. foreman, ladies and gentlemen of
14 the jury, it's 5:30. I know certain obligations have to
15 be kept, that's a good time to break. So y'all go home
16 tonight, have a pleasant evening. And as we talked about
17 last night, it's human nature to want talk about it. The
18 more you learn the more desire you have to talk about it
19 and the more desire your family and friends are going to
20 want to talk about it, just resist that. And I gave you
21 that instruction about not allowing emotion or prejudice
22 or bias of any kind to enter into your thought process.
23 Just keep that in mind too. Y'all have a pleasant night
24 and we'll see you back in the morning at 9:30. That you,
25 very much.

1 (WHEREUPON, the jury left open court at
2 approximately 5:30 p.m.)

3 THE COURT: All right, anything before we break
4 for tonight?

5 MR. MARCHANT: Judge, the only thing I have is
6 this disc over here. It's got some language written on
7 the outside that I was not aware and I don't believe it's
8 appropriate for the jury to see it. I would ask that it
9 just be held out of evidence, unless they want to see it.
10 And at that point in time just play it.

11 THE COURT: Right, we won't send the actual disc
12 back there. What's the language? What does it say? Just
13 show it to me and let me look at it.

14 MR. COOKE: I believe we ought to put it on the
15 record.

16 THE COURT: Well, okay.

17 MR. MARCHANT: And there's no testimony about
18 what's written on here or where that language came from.

19 THE COURT: Right, that's not part -- so the
20 record's clear, the jury will not see that and that is not
21 what was put into evidence. The contents of that disc,
22 that's in evidence.

23 MR. MARCHANT: Thank you, Judge.

24 THE COURT: So they will not have possession of
25 the disc.

1 Anything else?

2 MR. MARCHANT: Nothing else from the State at
3 this time, Judge.

4 THE COURT: Okay, anything from the defense?

5 MR. COOKE: None, Judge.

6 THE COURT: All right. I'm going to ask that
7 the Defendant's family leave first, have everyone else on
8 my left side of the courtroom just remain while they exit.
9 And I'll tell you this. I've seen -- I've been watching
10 and you all need to cool it. Both sides. Okay.

11 If y'all would please exit.

12 All right, if y'all just wait just a minute,
13 give them a moment to clear the area. I know there's
14 obviously bad blood, it's not going to solve anything to
15 mix it up anymore, okay. Y'all just keep it -- we don't
16 need anybody else getting hurt, all right. Y'all have a
17 pleasant night. Thank you.

18 (WHEREUPON, the proceedings were concluded for
19 the day to be reconvened on February 9, 2011.)

20

21

22

23

24

25

1 Wednesday, February 9, 2011

2 THE COURT: All right, anything before we get
3 started?

4 MR. COOKE: Yes, sir, I'm a little bit upset
5 this morning.

6 THE COURT: I'm sorry to hear that.

7 MR. COOKE: I was in a good mood until my client
8 just told me that Detective Garrison came back there in
9 the back while he was back there and made him roll up his
10 sleeve. What right does he have to do that? What right
11 does he even have--

12 THE COURT: I don't know --

13 MR. COOKE: What --

14 THE COURT: Mr. Cooke.

15 MR. COOKE: Yes, sir.

16 THE COURT: If you need to make a proffer, I
17 don't know.

18 MR. COOKE: Well I want to put him on the stand
19 ask him what he was doing back there.

20 THE COURT: Okay. I mean, I don't know what...

21 MR. MARCHANT: Judge, he didn't ask him any
22 questions, he just went back there--

23 MR. COOKE: He has no right. He has no right to
24 tell my client to do anything. What right does he have?

25 THE COURT: Well --

1 MR. COOKE: I want to put him on the stand and
2 ask him what he was doing.

3 THE COURT: Okay.

4 Come on around, Detective. Please consider
5 yourself still under oath.

6 DIRECT EXAMINATION

7 BY MR. COOKE:

8 Q Detective Garrison, did you go back and talk to my
9 client or ask him to roll up his sleeve to his shirt
10 this morning?

11 A I did.

12 Q Did you get my permission to do that?

13 A No, I did not.

14 Q Why did you do it?

15 A I was instructed to do so by the Solicitor.

16 Q Well you can't -- do you realize you can't
17 communicate with my client in any way? He has a
18 lawyer? You ask me, not the Solicitor, do you
19 understand that? Do you understand that?

20 A I do understand.

21 Q Do you understand it now?

22 THE COURT: All right, Mr. Cooke--

23 BY MR. COOKE:

24 Q Okay, what did you --

25 THE COURT: Mr. Cooke --

1 BY MR. COOKE:

2 Q What was the purpose in it?

3 A I was asked if I ever saw a tattoo on his arm.

4 Q Okay.

5 A I told Mr. Marchant that I didn't believe that I had.
6 That I saw it on his arrest record. And Mr. Marchant
7 asked me to go back there and have him roll his
8 sleeve up and see if that tattoo was actually on his
9 arm.

10 Q And you had never seen it before?

11 A No.

12 Q Okay.

13 MR. COOKE: I have no further questions.

14 Q Excuse me, why? Why did you want to see the tattoo?

15 A I didn't. I was asked to go back by Mr. Marchant.

16 Q Do you have any idea what he was going for, why?

17 THE COURT: He doesn't know his state of mind.

18 BY MR. COOKE:

19 Q Did he tell you why?

20 A He did not tell me why.

21 MR. COOKE: Thank you, I have no further
22 questions.

23 CROSS-EXAMINATION

24 BY MR. MARCHANT:

25 Q Did you ask him any questions?

1 A I did not ask him a single question.

2 MR. MARCHANT: Thank you.

3 THE COURT: All right, thank you, sir, you can
4 step down.

5 MR. COOKE: Judge, I would move to suppress
6 anything that this officer gained from looking at my
7 client's arm. Tattoo or whatever. Or even testimony
8 about it. He did not have my permission. He can't talk
9 to my client. He can't even require my client to show him
10 anything. He didn't advise him of his rights, he didn't
11 tell him that he had a right to keep his sleeve down. He
12 don't tell him anyhtin whatsoever. He had no reason to
13 contact him. Period. Totally out of hand. That's
14 just -- can't believe it.

15 THE COURT: Mr. Marchant.

16 MR. MARCHANT: Judge, he didn't ask him any
17 questions.

18 THE COURT: Well, in the middle of a trial, it
19 is inappropriate. What is -- what's the purpose of this?

20 MR. MARCHANT: Judge, it depends on whether or
21 not the Court is going to allow him on cross-examination
22 to have him roll up his sleeves. And I'd prefer not to go
23 any further into that until that time comes to pass.

24 THE COURT: What's on the document that
25 Detective Garrison talked about? Something on the arrest

1 sheet about a tattoo. Let me look at that document.

2 MR. COOKE: There's nothing that Mr. Garrison
3 saw period until this morning.

4 MR. MARCHANT: Judge, I'm not in possession of
5 his ID pack.

6 THE COURT: Is it the first page, Detective
7 Garrison that you're referring to?

8 DETECTIVE GARRISON: Yes, sir.

9 THE COURT: Okay. Do you know whose handwriting
10 that is?

11 DETECTIVE GARRISON: I believe it's our gang
12 intelligence person, I spoke to them a few days after the
13 arrest was made. About the possible meaning of those
14 tattoos.

15 MR. MARCHANT: I don't know if this help the
16 Court in its decision, whatever, His Honor, is planning to
17 do but Detective Garrison will not be testifying as to
18 what any of these symbols or acronyms, meaning about any
19 gang related testimony.

20 THE COURT: Well, I'm going --
21 Have you seen this, Mr. Cooke?

22 MR. COOKE: I saw something about tattoos in the
23 discovery. I have no idea of some writings on the wall.
24 I have no idea who did it. I don't know anything about
25 it.

1 THE COURT: All right, I'm going to make a copy
2 of this and I'm going to make it a Court's Exhibit.

3 (WHEREUPON, Court's Exhibit No. 2 was marked for
4 identification and received into evidence.)

5 THE COURT: All right, what's your plan,
6 Mr. Cooke, what are you doing? Do you have another
7 witness?

8 MR. COOKE: Yes, I have some more witnesses,
9 yes, sir.

10 THE COURT: Okay.

11 I think you're correct, I think it was
12 inappropriate, Mr. Marchant, for you to instruct Detective
13 Garrison to go examine the Defendant. At this stage. But
14 I'm not sure exactly how I'm going to deal with that.

15 But Mr. Cooke, why should Mr. Marchant be
16 limited in his examination with respect to what's
17 contained on the arrest record?

18 MR. COOKE: Well, first of all, I don't think
19 Mr. Marchant can make my client roll his sleeve up. He's
20 not required -- he can't make him do that. And I don't
21 know what they're alluding to either. They don't -- I
22 don't understand why went back there to look at a tattoo
23 on my client's arm to begin with.

24 THE COURT: Well, Mr. Cooke, have you looked at
25 this document?

1 MR. COOKE: Yeah, I know what the document's all
2 about, yes, sir. They're trying to allude to the fact
3 that my client is a member of some gang or something.

4 THE COURT: Okay.

5 MR. COOKE: I've heard no testimony like that.

6 THE COURT: Well --

7 MR. COOKE: It's not done for identification
8 purposes.

9 THE COURT: Okay. All right. If -- if -- I,
10 mean, I don't know how your client's going to answer the
11 question. If Mr. Marchant asks him if he's got a tattoo
12 on his arm and what does it say and he answers it
13 truthfully, then I don't think he can make him roll his
14 sleeve up either.

15 MR. COOKE: Okay.

16 THE COURT: But if he denies it, then he's got a
17 right to impeach him for that. Okay. All right.

18 What else, anything else?

19 MR. COOKE: All right. Your Honor, at this
20 time, I would move to introduce the conviction of
21 Mr. Vincent Campbell in this case, the deceased,
22 convictions of criminal domestic violence. Mr. Marchant
23 has provided me with this information through discovery.
24 I have those convictions here. I'd like to publish that
25 to the jury. Now, if Mr. Marchant wants me to bring the

1 officer -- I subpoenaed one of the officers involved in
2 one of these investigations and told him to bring pictures
3 to court. You know, along with the written reports, his
4 investigation. He took them to the Solicitor's Office.
5 And first time I saw them was when Mr. Marchant showed
6 them to me Monday. He gave me black and white copies.

7 Well you faxed them down to me.

8 He faxed them down to me in black and white a
9 day or two before we came to trial. But anyhow, I have
10 that picture in living color, I got it from Mr. Marchant
11 this morning. So I would move to introduce these to the
12 jury and also publish to the jury that he pled guilty to
13 these two charges of criminal domestic violence.

14 THE COURT: Well, what are the pictures? I
15 don't have any idea what you're talking about.

16 MR. COOKE: I'll show you.

17 THE COURT: Okay, Mr. Marchant, what you want to
18 say?

19 MR. MARCHANT: Judge, my position is the same as
20 when we started this trial. That the convictions of the
21 deceased are not directed against this Defendant. That
22 they occurred before this Defendant and Ms. Stone ever
23 became involved. So they're -- this Defendant has no
24 involvement with any of this CDV business. And it has
25 been of such an amount of time after the incident occurred

1 that the State would oppose the admission of the prior
2 convictions of Mr. Campbell. And, Your Honor, I recited--

3 THE COURT: The Brown case.

4 MR. MARCHANT: The Brown case. And with the
5 testimony of Ms. Stone, I believe that it paints a picture
6 that's not exactly accurate.

7 THE COURT: Well, you got it out there,
8 Mr. Cooke, that he was charged with, arrested with, CDV.
9 You got other incidents of -- specific incidents of
10 conduct of the victim's violence against Ms. Stone?

11 MR. COOKE: Yes, sir.

12 THE COURT: And, you know, I'm just not -- the
13 pictures don't -- how are they probative of anything?

14 MR. COOKE: Well I think to corroborate what
15 they said, that she was attacked by him. She was
16 cross-examined, you know, how bad were you hurt? Do you
17 have any pictures?

18 She said, No, I don't have any pictures.

19 Well we have some pictures. We have them. He
20 got into the picture stuff. I didn't --

21 He said, Do you have any pictures?

22 She said, No.

23 He brought it out, not me.

24 MR. MARCHANT: I don't know why he didn't
25 redirect the witness with these pictures. But can I ask

1 what the ruling is going to be on charges?

2 THE COURT: Well, I'm -- where is -- you got a
3 copy of the Brown case? I don't have it up on my computer
4 right now.

5 Mr. Cooke, at this point in time, you know, I'm
6 not going to allow you to do it.

7 MR. COOKE: Well, then let me ask you this,
8 Judge, I have the investigating officer on the way, so I
9 plan on putting him on the stand and doing it that way. I
10 mean, I'm just trying to save some people some time. I
11 think I'm entitled to put him up.

12 THE COURT: For what purpose?

13 MR. COOKE: That he investigated the case and
14 that he took pictures of her injuries. That she charged
15 this man and arrested him for criminal domestic violence.

16 THE COURT: All right. The clear law is that
17 evidence of specific incidences of violence on the part of
18 the deceased are not admissible. Unless directed against
19 the Defendant himself or if directed against others. They
20 are so closely connected in point of time or occasion with
21 the homicide, as to reasonably indicate the state of mind
22 of the deceased at the time of the homicide. Or to
23 produce reasonable apprehension of great bodily harm. So
24 I presume that's where you're hanging your hat is that
25 last line. To produce reasonable apprehension of great

1 bodily harm.

2 MR. COOKE: Yes, sir.

3 THE COURT: And this is -- at this point I'm not
4 going to allow it.

5 MR. COOKE: Well let me just put this in the
6 record.

7 THE COURT: Okay.

8 MR. COOKE: He's talking about an old case, I
9 don't consider -- the date of this incident was 2009.

10 MR. MARCHANT: That's not correct, Your Honor.

11 MR. COOKE: Well when was it?

12 MR. MARCHANT: It was in August of 2008.

13 THE COURT: No, he's talking about the homicide.

14 MR. MARCHANT: Right.

15 THE COURT: March of '09, correct?

16 MR. COOKE: Yeah. And we have an incident here
17 that occurred in '08.

18 THE COURT: August of '08?

19 MR. COOKE: Yeah. I mean, I don't think that's
20 too far removed. Less than a year from the date of this
21 incident. And my client knew about it.

22 THE COURT: Well, you got it out there that --
23 Mr. Cooke, you got it out there that he was charged with
24 CDV. You got it out there that he committed a specific
25 incident of violence against Crystal Stone while she's

1 going out with your client, the black eye incident.

2 MR. COOKE: I agree with that. The problem with
3 that, Judge, is Crystal Stone said she didn't go to court.
4 She didn't know the outcome. She was not called to court
5 to testify. What I'm saying is it's going to be left in
6 the jury's mind and I'm sure Mr. Marchant is going to
7 argue, well we don't know the outcome of those arrests. I
8 mean, if he...

9 MR. MARCHANT: Judge, that's not what the case
10 is referring to. It's talking about the incident. It
11 doesn't have any discussion about whether there's a
12 conviction or not.

13 THE COURT: Yeah, Mr. Cooke, you got it out
14 there.

15 MR. COOKE: All right, sir.

16 THE COURT: So I am -- you know the whole
17 purpose of this is so that a deceased, who cannot answer,
18 is not -- you know, can't answer what you're talking
19 about.

20 MR. COOKE: Well for the record I'd like to put
21 the pictures--

22 THE COURT: Sure you can make them--

23 MR. COOKE: And the--

24 THE COURT: For identification.

25 MR. COOKE: -- information supplied to me by the

1 Solicitor at my request for his criminal record.

2 THE COURT: Okay. That's fine.

3 (WHEREUPON, Defendant's Exhibit No. 3 was marked
4 for identification only.)

5 MR. COOKE: And the picture.

6 THE COURT: Yeah. Well you can -- well you can
7 staple it. I'm just saying, I mean, the picture -- one
8 picture's of her face. I don't see any visible injury
9 there. There is another picture of a red mark.

10 MR. COOKE: That's just for identification, the
11 first picture. The first picture is for identification.
12 But that's her. The next picture doesn't show her face so
13 that's why.

14 THE COURT: Says two red marks on her neck.

15 MR. COOKE: Shows her neck, yeah.

16 THE COURT: All right, anything else?

17 MR. COOKE: No, sir.

18 THE COURT: Okay.

19 All right, let's get the jury.

20 (WHEREUPON, the jury came into open court at
21 approximately 10:23 a.m.)

22 THE COURT: All right, ladies and gentlemen,
23 welcome back.

24 Mr. Cooke.

25 MR. COOKE: Thank you, Judge.

1 Come on around Robert.

2 THE CLERK: Sir, come around to the bench.

3 Please place your left hand on the Bible and raise your
4 right hand.

5 ROBERT JONES, after being duly sworn, testified
6 as follows:

7 THE CLERK: Thank you, please be seated. Please
8 state your full name for the record.

9 THE WITNESS: Robert Mondriques Jones.

10 DIRECT EXAMINATION

11 BY MR. COOKE:

12 Q Robert, I know you're hard of hearing, tell us, so we
13 all understand what's going on here, what's your
14 hearing problem?

15 A Well I can't hear completely none in my left ear, I'm
16 deaf in my left ear.

17 Q Were you born that way?

18 A Yes, sir.

19 Q Well speak up and try to make this gentleman back
20 here in the corner hear you.

21 A Yes, sir.

22 Q How old are you Robert?

23 A I am 19.

24 Q Okay. And how old were you when Vincent got shot?

25 A I was 17.

- 1 Q Seventeen?
- 2 A Yes, sir.
- 3 Q Okay. Let's go back to when you met Crystal Stone,
- 4 how old were you then?
- 5 A I was 16.
- 6 Q Sixteen?
- 7 A Yes, sir.
- 8 Q Where were you living?
- 9 A Staying in Belton at my Grandfather's house.
- 10 Q You were living in Belton at your Grandfather's
- 11 house?
- 12 A Yes, sir.
- 13 Q And were you born in Belton?
- 14 A Yes, sir.
- 15 Q Did you live there all your life?
- 16 A Yes, sir.
- 17 Q Had you been over to Greenville many times in your
- 18 life?
- 19 A Well up to 2008 I started coming to Greenville.
- 20 Q Why did you start coming then?
- 21 A Because I was dating Crystal. I started dating
- 22 Crystal.
- 23 Q You started dating Crystal?
- 24 A Yes, sir.
- 25 Q And you were 16 at that time?

- 1 A Yes, sir.
- 2 Q Tell me how you and Crystal met?
- 3 A We met over the chatline?
- 4 Q Over what?
- 5 A Chatline.
- 6 Q Okay and how does that work?
- 7 A Well, just enter your information and stuff like
- 8 that. And like if you like what you hear, just
- 9 contact them like that. And from there on you just
- 10 move on.
- 11 Q Who had the first contact with Crystal?
- 12 A My brother.
- 13 Q Your brother?
- 14 A Yes, sir.
- 15 Q Is that how you met her, as a result of your brother?
- 16 A Yes, sir.
- 17 Q Okay. And when did you first -- when did you first
- 18 see her?
- 19 A Back in June 2008.
- 20 Q June of 2008?
- 21 A Yes, sir.
- 22 Q Okay. And did you come to Greenville to meet her?
- 23 A Yes, sir.
- 24 Q And was anybody with you?
- 25 A Yes, sir. My brother.

- 1 Q Okay. Where did y'all meet?
- 2 A We met at her trailer. She was staying with her mom.
- 3 We called the address, the complete address.
- 4 Q Was it in Greenville?
- 5 A Yes, sir.
- 6 Q At the time you met her did she have any children?
- 7 A Yes, sir.
- 8 Q How many -- excuse me, before we get into that, how
- 9 old was she at that time, do you know?
- 10 A She was 19.
- 11 Q She was 19. Okay. And did she have any children?
- 12 A Yes, sir.
- 13 Q And how many did she have when you met her?
- 14 A She had three children.
- 15 Q Three. And the day that you went over to see her,
- 16 was one of her children with her?
- 17 A Yes, sir, her youngest daughter, V[REDACTED].
- 18 Q V[REDACTED]?
- 19 A Yes, sir.
- 20 Q Okay. And did y'all just hang out or what took place
- 21 that day?
- 22 A That day she had came back to my house and we were
- 23 just chilling and stuff like that, getting to know
- 24 each other.
- 25 Q So she rode back over to Belton with you and your

1 brother?

2 A Yes, sir.

3 Q Okay. Now, was V [REDACTED] with y'all?

4 A No, sir, not the first time.

5 Q Okay. All right. So did you take her back to
6 Greenville after that?

7 A No, sir. She had somebody come get her, somebody had
8 came and got her.

9 Q Do you have any idea who it was?

10 A I think she said it was her mother boyfriend or
11 friend or something like that.

12 Q Okay. And did y'all cultivate a good relationship
13 after that?

14 A Yes, sir, we started dating after that.

15 Q And were you dating back and forth from Greenville to
16 Belton, that sort of thing?

17 A Yes, sir.

18 Q Okay. Now, did she -- during the time y'all were
19 dating, did she ever become pregnant at all?

20 A Yes, sir, she did.

21 Q And how many times did she get pregnant?

22 A We was dating she was pregnant three times in all,
23 she had two miscarriages.

24 Q So she had two miscarriages while you were dating
25 her?

- 1 A Yes, sir.
- 2 Q Were you the father?
- 3 A Yes, sir.
- 4 Q Okay. And then ultimately, did she during that
5 period -- so y'all dated how long, about a year?
- 6 A Yes, sir.
- 7 Q During that period of time, did she get pregnant
8 after the miscarriages?
- 9 A Yes, sir.
- 10 Q Okay. And did -- was it your baby?
- 11 A Yes, sir.
- 12 Q Okay. And was that baby successful at birth? I
13 mean, was that a successful birth?
- 14 A Third, yes, sir.
- 15 Q Okay. And what is -- what did you name that baby?
- 16 A Named him R [REDACTED] I [REDACTED] Jones.
- 17 Q R [REDACTED] I [REDACTED], okay. And how old is R [REDACTED] I [REDACTED]
18 today.
- 19 A He is one year's old.
- 20 Q He's what, one?
- 21 A Yes, sir.
- 22 Q Okay. So did -- were you working and going to school
23 at that time?
- 24 A Yes, sir.
- 25 Q Okay. And where were you working?

- 1 A I was working at Hardees as a cook.
- 2 Q Okay. How long had you be there?
- 3 A I had been at Hardees for going -- it was going on
- 4 two years.
- 5 Q Okay. And tell me where you were going to school?
- 6 A Well, I was going to VHP but I last attended school
- 7 at alternative school in Anderson.
- 8 Q So you were going to the alternative school?
- 9 A Yes, sir.
- 10 Q Okay. Did you -- did you at some point in time drop
- 11 out of school?
- 12 A Yes, sir.
- 13 Q And can you tell me why that is?
- 14 A Because I was -- I was working -- working late hours
- 15 and I was sleeping and stuff like that in class. So
- 16 I felt like it was, at the time, that it was more
- 17 important because I needed the money instead of
- 18 getting my education.
- 19 Q So--
- 20 A I dropped out.
- 21 Q What time were you getting off work at night?
- 22 A At 11.
- 23 Q Eleven?
- 24 A Yes, sir.
- 25 Q And did you have to stay around and clean up?

- 1 A Yes, sir.
- 2 Q Okay. So who was -- who was living -- when did
- 3 Crystal -- did she actually move down to Belton?
- 4 A Yes, sir. She moved down to Belton in January of
- 5 '09.
- 6 Q January of '09?
- 7 A Yes, sir.
- 8 Q And did she have a place to live at that time?
- 9 A No, sir. Her grandmother was on the verge of moving
- 10 so she didn't know what she wanted to do. So she was
- 11 going to stay with me at my Grandfather's house until
- 12 we get our apartment.
- 13 Q So she moved in with you?
- 14 A Yes, sir.
- 15 Q Okay. And did she have -- which one of the children
- 16 did she have at that time?
- 17 A Her youngest daughter, V[REDACTED].
- 18 Q And she was pregnant?
- 19 A Yes, sir.
- 20 Q Okay. And when she moved in with you, had y'all --
- 21 had y'all applied for other accommodations? What I
- 22 mean is had y'all applied for another apartment?
- 23 A Yes, sir.
- 24 Q Were you on the list?
- 25 A Yes, sir.

1 Q And what apartments were you planning on moving into?

2 A It was Oak Forest Apartments in Belton. Not too far
3 from where I was originally staying.

4 Q Was your plan to get married?

5 A Yes, sir.

6 Q Okay. Now, do you recall when you first met Vincent
7 Campbell? Did he ever come to Belton at all?

8 A Yes, sir. When I first -- when I first seen him he
9 had came down to my house when Crystal -- crystal was
10 down at my house. He came down there to get her
11 because--

12 Q All right, hold on. Was that after she had moved in?

13 A No, sir.

14 Q Okay, it was why y'all were dating?

15 A Yes, sir.

16 Q Okay, go ahead.

17 A Yes, sir. And he had came down to my house to get
18 Crystal. He said something about because she -- the
19 first time he came down there Crystal had the
20 youngest daughter, V[REDACTED] with her or whatnot. And
21 he didn't like the fact that she was down there with
22 his youngest daughter. But so he came early in the
23 morning and just like made her get in the car and go
24 back to Greenville to her Grandma house so she could
25 watch V[REDACTED] or whatnot.

1 Q Was he dating anybody at that time, did you know?

2 A I don't know who he was dating.

3 Q Okay. All right. So did -- that first time after he
4 took her back, did she call you to come get her?

5 A Yes, sir.

6 Q Okay. And tell me what that was all about.

7 A Talk about when the first time when she called me?

8 Q Yes.

9 A Well when she first called me -- first time -- see he
10 came down to my house three times in all. Twice I
11 was there. Two times to get Crystal. The first time
12 he came down to my house to get Crystal was the
13 incident I just told you about about the daughter
14 situation. Then the second time was whenever they
15 had got in a dispute that night.

16 MR. MARCHANT: Your Honor, I'm going to object,
17 he just testified a moment ago that he was only there one
18 time. He's testifying about events he doesn't know about.

19 MR. COOKE: He said two times.

20 THE COURT: Go ahead.

21 BY MR. COOKE:

22 Q All right --

23 THE COURT: He said three times, he was there
24 twice.

25

1 BY MR. COOKE:

2 Q Three times, you were there twice?

3 A Yes, sir.

4 Q The first time he came down you said he made Crystal
5 leave?

6 A Yes, sir.

7 Q Okay. Now, that first time did you -- when is the
8 next time you heard from her?

9 A Next time I heard from her after that was the same
10 day.

11 Q Same day?

12 A Yes, sir.

13 Q Okay. And as a result of that call, what did you do?

14 A Well, I had -- it was probably like a couple days
15 again before I had went back up there or whatnot.
16 But she was just telling me what about had happened
17 on her way, her drive back home, whatnot, when he
18 came and got her. She said that he was beating her
19 or hitting her while--

20 MR. MARCHANT: Objection.

21 THE COURT: Sustained.

22 BY MR. COOKE:

23 Q Okay, that's the first time. Now let's talk about
24 the second time. When did -- did he also come down
25 another time that you were there?

1 A Yes, sir.

2 Q Tell me about the second time.

3 A The second time he came down there Crystal was there
4 and was me and my brother -- me, my brother, Crystal
5 and my grandfather was. My grandfather was in the
6 bed, me and my brother, we had came to the door and
7 Crystal waited in the house and Vincent and this
8 other dude, I know him as Jaymar.

9 Q You know him as what?

10 A Jaymar.

11 Q Jaymar?

12 A Yes, sir. They had came down and they was looking
13 for Crystal at first because Crystal already had a
14 ride coming to get her. So him and Jaymar they had
15 came down there to get her or something like that.
16 But she end up getting in the car and leaving.

17 Q All right. So she left with them that time?

18 A Yes, sir.

19 Q All right. When did you hear from next, the second
20 time. That night or the next day?

21 A The next day, yes, sir.

22 Q Okay. As a result of that call, what did you do?
23 Did you go to Greenville?

24 A No. Well -- no, sir, no, sir.

25 Q Okay. Did you ever go to Greenville and pick her up

- 1 after he had taken her back?
- 2 A Yes, sir.
- 3 Q Okay. Well did you ever see her with any injuries?
- 4 A Yes, sir. That was the reason why she had came down
- 5 to my house.
- 6 Q So the reason she started living there is because of
- 7 why?
- 8 A Because he was beating her and come over to her
- 9 grandma's house and threaten her with weapons and
- 10 stuff.
- 11 Q And she told you these things?
- 12 A Yes, sir.
- 13 Q Okay. Now, after she had moved in down there and
- 14 y'all were waiting on an apartment I think you said?
- 15 A Yes, sir.
- 16 Q I want to take you to a day that Vincent was killed.
- 17 Where were y'all that morning? Were you in Belton?
- 18 A Yes, sir.
- 19 Q Okay. And did y'all drive to Greenville?
- 20 A Yes, sir.
- 21 Q Before that let me take you back to something else.
- 22 I'm sorry. Did you ever overhear a conversation
- 23 between Crystal and Vincent at your house?
- 24 A Yes, sir.
- 25 Q And tell me how that all came about?

1 MR. MARCHANT: Your Honor, I'm going to object.
2 I want to know how it was that he knew it was Vincent on
3 the other end of the line.

4 THE COURT: Well, he just said he heard a
5 conversation between the two of them at his house.

6 MR. MARCHANT: That's what he says, I want to
7 know how he's going to confirm before he testifies to what
8 was said.

9 THE COURT: Well I don't know if it was a
10 telephone call or what it is. I mean, that's not what it
11 sounded like to me.

12 Mr. Cooke, you want to clear that up.

13 BY MR. COOKE:

14 Q Okay. Did you have occasion to come home one
15 afternoon and Crystal was on the telephone?

16 A Well I was already home, I had walked in the room
17 while she was talking on the phone.

18 Q Okay. And do you have any idea who called her?

19 A I don't know if she called him or he called her.

20 Q Okay. What was the conversation about?

21 A It was about--

22 MR. MARCHANT: Judge, again, I'm going to
23 object. He can't confirm, he has no personal knowledge of
24 who she's talking to.

25 THE COURT: Yeah, Mr. Cooke, you're going to

1 have to clear that up.

2 MR. COOKE: Okay, I'll clear that up.

3 BY MR. COOKE:

4 Q How do you know -- how do you know who she was
5 talking to?

6 A Because she said it.

7 Q I'm sorry?

8 A Like when I walked in the room and I asked her who
9 she was on the phone with she said she was on the
10 phone with her baby daddy.

11 Q All right. So you stayed in the room and she was
12 carrying on a conversation?

13 A Yes, sir. She was asking him to buy V[REDACTED] some
14 diaperers and shoes.

15 Q Talk up a little bit.

16 A She was asking Vincent to buy V[REDACTED], her youngest
17 daughter, some diapers and shoes or whatnot. And she
18 was -- they was in a little argument about he wasn't
19 going to do it and stuff like that. So I tried to
20 tell her to hang up the phone and don't worry about
21 it. And I guess he had overheard me and he had said
22 something like, Mind your business or something like
23 that. He'll beat my ass and stuff like that.

24 Q So you overheard that?

25 A Yes, sir.

1 Q All right. Now, after all that conversation,
2 subsequent to that, did you and Crystal end up going
3 to Greenville?

4 A Yes, sir.

5 Q Okay. And the day this all happened, why were y'all
6 going to Greenville?

7 A I had to take her to go report to probation or PCC.
8 I had to take her to report for her house arrest or
9 whatnot. And we had supposed had went by Ms. Martha
10 house, which is Ms. Sharon Hamby. Had to go to her
11 house and pick up her oldest daughter, Al [REDACTED].

12 Q Now prior to leaving that morning, did you have a
13 weapon at all?

14 A Yes, sir.

15 Q What did you have?

16 A Talking about what kind of --

17 Q Did you have a gun?

18 A Yes, sir.

19 Q Where did you get the gun?

20 A Well, I had -- I had got it from my grandfather out
21 his closet.

22 Q It was in his closet?

23 A Yes, sir. He didn't know anything about it. He
24 didn't even know I had got it or whatnot.

25 Q Okay. Did you get for any particular reason?

1 A Yes, sir. I got it because of the prior threats of
2 him saying that he would beat my ass and he said also
3 something -- telephone call he said something about
4 gun play. His exact words, gun play.

5 Q So you drove to Greenville and you had the gun?

6 A Yes, sir.

7 Q And you had Crystal in the car?

8 A Yes, sir.

9 Q How about the child, was the child in the car?

10 A Yes, sir, the youngest daughter, V [REDACTED], she was in
11 the car seat in the back seat.

12 Q Tell me when y'all got to Greenville, where did you
13 go first now, let's start back with that?

14 A Well first we went to her house arrest to report, she
15 had to go to report to her house arrest with
16 Ms. Green. And we had got there early, it opened up
17 at 9:00 so we had got there, like we was early like
18 right at 9:00. So she had went in there to report
19 and came out. She was in there probably about 10, 15
20 minutes, whatnot.

21 Q Okay. So after she reported, where did y'all go?

22 A We went to her grandmother house.

23 Q And she wasn't very far away?

24 A No, sir.

25 Q Close to Greenville High School.

1 A Yes, sir.

2 Q How many times had you been over there?

3 A Guessing around about how many times, probably over
4 15 times.

5 Q Okay. And that was back and forth to Ms. Hamby about
6 children?

7 A Yeah, back and forth. Me seeing Crystal and going
8 over visiting her when she was staying with
9 Ms. Hamby.

10 Q Okay. All right. So now that morning when y'all
11 pulled in the driveway, was anything unusual or did
12 you just pull in? How did you pull in?

13 A I pulled in -- I always pull in when I pull into the
14 back driveway, I go ahead and turn around so I could
15 just leave right out. I don't have to do it, I mean,
16 I go ahead and get that out the way, turn around so I
17 can leave. And wasn't -- wasn't nobody there, like
18 no car was already there or whatnot.

19 Q And so was it raining?

20 A It was drizzling.

21 Q Drizzling rain?

22 A Yes, sir.

23 Q All right. And you were driving an Altima, I believe
24 that's what it is, an Altima?

25 A Yes, sir.

1 Q All right. Now, when you got out y'all knock -- did
2 you knock on the door?

3 A Yes, sir, we did.

4 Q And who -- did anybody come to the door?

5 A No, sir.

6 Q Okay. Ultimately, not ultimately but what happened
7 next? Did anybody else arrive?

8 A Yes, sir. That's when Vincent and his brother,
9 Ke [REDACTED], they had pulled into the driveway. In a white
10 Expedition, I believe it was.

11 Q Okay. And did they -- they pulled up along side of
12 you?

13 A Yes, sir.

14 Q Okay. So what did they do, did they immediately get
15 out of the car and where y'all were?

16 A Yes, sir.

17 Q And did Ms. Hamby finally open the door?

18 A Yes, sir.

19 Q Was that the back screen door?

20 A No, sir, that was the door to the --

21 Q To the house?

22 A Yeah, to the house. To the inside of the porch. She
23 had a screened-in porch, it was that door to the
24 inside of the porch.

25 Q Was the screen door, was it -- was it operable at the

1 time y'all went in? .Could you open and close it
2 without any problems?

3 A Yes, sir.

4 Q Okay. All right. So once y'all got inside, tell me
5 exactly, exactly what you remember happened?

6 A Well, we got inside, just went in the kitchen and
7 started having a conversation about the kids or
8 whatnot. About they didn't want A [REDACTED] to go to
9 Belton. And they just started arguing about it. So
10 really I just told Crystal, I told Crystal, Let's go.
11 Like we can get the kids another time. Yes, sir.
12 And so that's when we had started leaving out. And
13 when we was leaving out -- when we was leaving out we
14 had got on the porch. The porch is screened in like
15 I said before. And like Vincent and K [REDACTED], they came
16 around -- they came around me.

17 We left out first, they was behind us, they came
18 around and stopped me on the porch. And like Vincent
19 was in front me, K [REDACTED] was behind him. And Crystal
20 she was in front of me, she was in between us at the
21 time. And she was -- then he had said something like
22 was you the one, was you the one talking shit over
23 the phone? That's what Vincent had said, Was you the
24 one talking shit over the phone?

25 I said, No, if I had something to say I would

1 say it to your face or whatnot.

2 And I believe K[REDACTED] was like yeah, he was the
3 one, he was the one, he was the bitch-- bitch-ass
4 nigger or something like that in that manner, talking
5 shit over the phone or whatnot.

6 So Vincent, he took off his shirt, he trying to
7 fight me but Crystal had pulled my shirt off the
8 porch and that's when -- she pulled my shirt off the
9 porch and we started going to the car and tried to
10 leave. And then when I had went to the car I was
11 going to my car and Vincent, he was like a couple
12 steps behind me going to his car. So while he was
13 going to the car, while I'm at my car and he was
14 going to his car, he said -- had said something about
15 getting a pistol, getting a gun, getting a weapon or
16 whatnot.

17 So by that time I had sit down in my car. I did
18 sit down in my car. And Crystal, she came back
19 around and had got in between both of us and try to
20 keep -- try to keep him from not -- from him getting
21 to me. And had I seen him -- he had went to his car.
22 When he had went to his car he had reached up under
23 his seat and came back out like with a gun, yes, sir.
24 And so then after that that's whenever I had seen him
25 walk over to Crystal. So like I was -- I was scared

1 that he was going to do something to me or to Crystal
2 because he was coming towards my way. So I didn't
3 know, I was just scared.

4 Q So you shot first?

5 A Yes, sir.

6 Q Okay. And do you remember what he did -- but before
7 that, hold on, before you get into that, what was his
8 brother -- what had -- could you tell what his
9 brother was doing when he came out and got in the car
10 and Vincent said something about pistols, where was
11 his brother, do you know? Did you see him get inside
12 the car?

13 A I seen him standing like at the back of the
14 Expedition like on the right side or the passenger
15 side towards the back. And so whenever I had started
16 shooting at Vincent or whatnot out of fear and like
17 he had -- he had ran so I had stopped behind the back
18 of the Expedition. And I had looked around to see
19 what he was doing. And I had seen him, he was at the
20 front of the Expedition. And I had seen K██████, he
21 looked like he was opening up the passenger door and
22 reached like he was getting a weapon. So I didn't
23 know what he was doing. I just figured he was
24 getting a weapon because what I had seen Vincent
25 with. So I had shot at him too.

1 Q You shot at him?

2 A Yes, sir.

3 Q Now, where did -- do you recall seeing Vincent after

4 you shot? Where did he go?

5 A All I remember him is at the front of the Expedition

6 and he had went to the back of my car. And I was

7 like towards the back of the Expedition. And he had

8 went down a driveway. He had went down the driveway.

9 So when I seen him leave so that made me clear of me

10 to leave.

11 Q Okay. So then did Ms. Martha, what did she do at

12 that time?

13 A Ms. Martha, Ms. Martha, she, I think, she had -- she

14 had V[REDACTED]. She had V[REDACTED] and she gave me V[REDACTED]

15 when I was going to my car to leave.

16 Q Okay. So after this all happened, Ms. Hamby gave you

17 the baby?

18 A Yes, sir.

19 Q Who put the baby in the baby seat?

20 A I did.

21 Q So you took the time to put the baby in the baby

22 seat?

23 A I put -- actually I put her in the backseat. Then

24 while we was going down the driveway, we had got on

25 the road, I told Crystal to put her in her car seat.

1 Q Okay. Now, did you -- did you have any idea where
2 Vincent went?

3 A No, sir.

4 Q Did you have any idea where Ke [REDACTED] went?

5 A Ke [REDACTED], last I had seen him he was standing like first
6 he was in the car like he was going to get -- first
7 like go back to what I had said when he was reaching,
8 like when he was reaching when I first--

9 MR. MARCHANT: Your Honor, objection.

10 Nonresponsive to the question.

11 MR. COOKE: That's what I just asked him about.

12 THE COURT: Go ahead.

13 BY MR. COOKE:

14 Q When is the last time you saw Ke [REDACTED]?

15 A He was standing beside -- the passenger side of the
16 Expedition.

17 Q You got the baby and left?

18 A Yes, sir.

19 Q Okay. Now, during your relationship with Crystal,
20 were you aware of any time that -- or been told any
21 time that Vincent had been arrested for criminal
22 domestic violence?

23 A Yes, sir.

24 Q Okay. Had you ever seen a video of Vincent and his
25 brother with a gun?

- 1 A Yes, sir, I have.
- 2 Q Okay. Who showed you that?
- 3 A Well, I seen it on Crystal Myspace page. She had
- 4 Vincent and K[REDACTED] as a friend lists. And while I was
- 5 looking at her page I had went to their page and I
- 6 had seen it there.
- 7 Q So it's out there?
- 8 A Yes, sir.
- 9 Q So anybody can click on and see this?
- 10 A Yes, sir.
- 11 Q All right. So this was when y'all were dating or
- 12 after she had moved to Belton?
- 13 A This was while we were dating and while she was
- 14 living with me in Belton.
- 15 Q So you seen it there too?
- 16 A Yes, sir.
- 17 Q Okay. All right. How long after she had actually
- 18 moved with you to Belton did this all happen? How
- 19 long had she been living down there?
- 20 A Two months.
- 21 Q Two months?
- 22 A Yes, sir.
- 23 Q Okay. Now, when y'all left, where did you go?
- 24 A After we left, I had went to my house.
- 25 Q Okay. And what did you do, did you stay there or

1 where did y'all go?

2 A No, sir, after that we dropped V[REDACTED] off and then we
3 had went to the lake.

4 Q And were you scared?

5 A Yes, sir.

6 Q At that time did you know that you had fatally
7 injured Vincent?

8 A No, sir. I didn't know that he was even hurt or
9 anything until after I had got arrested and came up
10 here to Greenville County when Detective Garrison and
11 Detective Flavell had told me what I was being
12 charged with after they had took my statement.

13 Q Actually you asked them -- you didn't even know it,
14 you asked them, is that correct?

15 A Yes, sir.

16 Q What happened?

17 A The whole time I was asking them what I was being
18 charged with, what's going on, what happened? The
19 only thing they wanted me to tell them is how my day
20 went. They just wanted me to tell them what
21 happened.

22 Q Did you tell them?

23 A Yes, sir.

24 Q And you signed a statement?

25 A Yes, sir.

1 Q Gave them a statement. Now, what did you do with the
2 gun?

3 A Well I had threw it -- I had threw it in some
4 woods -- some woods when I was driving.

5 Q All right. Did anybody actually question you about
6 what happened to that gun?

7 A No, sir, not really.

8 Q Okay. Tell us -- tell us how that happened?

9 A After I told them what happened they asked me what
10 did I do with the gun, is it in the lake? I told
11 them, no, sir, that I had threw it out the window.
12 So when I went to tell them where I had put it, then
13 he told me well Crystal had said where the gun was.
14 So I just told them yes, sir.

15 Q So he said, Crystal's already told us?

16 A Yes, sir.

17 Q So they didn't question you any further about it?

18 A No, sir.

19 Q Okay. Robert, when you were standing out there, by
20 the way, you said that Vincent had taken off his
21 shirt?

22 A Yes, sir.

23 Q And what did it appear to you his intentions were
24 when he took the shirt off?

25 A To jump me, him and Ke [REDACTED].

- 1 Q It is after that, is that when he went to his car?
- 2 A Yes, sir.
- 3 Q And said something about guns?
- 4 A Yes, sir.
- 5 Q Said something about guns?
- 6 A Yes, sir.
- 7 Q Okay. Is that also when Crystal tried to push you
- 8 back in the car?
- 9 A Yes, sir, when she tried to hold both of us.
- 10 Q And did she have her back to him?
- 11 A Yes, sir.
- 12 Q Okay. And then is that the time you saw the gun?
- 13 A Yes, sir.
- 14 Q You pushed her away?
- 15 A Yes, sir.
- 16 Q And you shot first?
- 17 A Yes, sir.
- 18 Q Okay. Now, did you have that gun on you?
- 19 A Yes, sir, it was on me the whole time.
- 20 Q So that gun was on you when you were inside and the
- 21 gun was on you when you went to the car?
- 22 A Yes, sir.
- 23 Q You could have shot him anytime you wanted him?
- 24 A Yes, sir.
- 25 Q Any of them, correct?

1 A Yes, sir.

2 Q So you decided to shoot, you're telling me, were you
3 in fear of your life or Crystal's life?

4 A Both.

5 Q Both?

6 A Yes, sir.

7 Q Okay. Excuse me just a minute, Robert.

8 A Yes, sir.

9 MR. COOKE: Robert, I have no further questions,
10 if you'd just answer any questions the Solicitor may have.

11 THE WITNESS: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. MARCHANT:

14 Q Mr. Jones, you just testified that you carried a gun
15 from Belton to Greenville in your vehicle, is that
16 correct?

17 A Yes, sir.

18 Q When this incident occurred you were 17 years of age?

19 A Yes, sir.

20 Q And you carried that gun inside Ms. Hamby's home, is
21 that correct?

22 A Yes, sir.

23 Q Did you ask Ms. Hamby if you could bring that gun
24 inside her home?

25 A No, sir, I didn't.

1 Q Just so the record's clear, your date of birth is
2 August 19th of 1991?

3 A Yes, sir.

4 Q Who lives with you down in Belton?

5 A At the time of the incident?

6 Q Yes, sir.

7 A Me and my grandfather, my mother, my sister and
8 Crystal and V[REDACTED] was.

9 Q What was that last part?

10 A Crystal and V[REDACTED].

11 Q Where did your brother live?

12 A He was -- he wasn't staying -- I think at the time I
13 think he was staying with my father.

14 Q Is your brother older or younger?

15 A Older.

16 Q How much?

17 A About two and a half, three years.

18 Q So he would have been 19 or 20 at the time?

19 A Yes, sir.

20 Q How long had he -- how long had it been since he was
21 not living at the house? This occurred March of
22 2009, how long had he been moved out?

23 A Probably about a couple months I want to say.

24 Q Where did your father live?

25 A Stays in Anderson.

1 Q It's your testimony that Crystal moved in with you
2 around about the first part of 2009?

3 A Yes, sir.

4 Q Only two or three months before this happened?

5 A Yes, sir.

6 Q I'm showing you State's 31, is this a picture of your
7 vehicle?

8 A My mother vehicle.

9 Q It's registered to your mother?

10 A Yes, sir.

11 Q But this is the vehicle that you were in the day this
12 happened? This is the vehicle that you pulled in to
13  Vardry Street?

14 A Yes, sir.

15 Q Turned around and headed out?

16 A Yes, sir.

17 Q You need to answer for the record.

18 A Yes, sir.

19 Q Showing you what's been marked as State's 52, is this
20 a picture of the inside of that vehicle?

21 A Yes, sir.

22 Q What's that sitting on the passenger seat?

23 A It's a pink bandanna.

24 Q And whose is that?

25 A It's my mother's.

1 Q Your mother's bandanna?

2 A Yes, sir.

3 Q Okay.

4 (WHEREUPON, State's Exhibit Nos. 53 & 54 were
5 marked for identification only.)

6 BY MR. MARCHANT:

7 Q Where exactly in your house did you get this gun from
8 your grandfather?

9 A Out the closet in the living room.

10 Q And who has access to that closet, everybody that
11 lives there?

12 A No, sir. My grandfather have a key to it but I know
13 how to get into it without a key.

14 Q So you know how to break into a secured door?

15 A Yes, sir. If you put it like that, yes, sir.

16 Q So you didn't ask your grandfather for permission to
17 take this gun?

18 A No, sir.

19 Q What sort of gun was it?

20 A Well it's a revolver.

21 Q Do you know what caliber?

22 A .38.

23 Q Showing you what's marked as State's 37, it was
24 located in your bedroom, do you recognize that?

25 A Yes, sir.

- 1 Q Where did those come from?
- 2 A Out the closet also.
- 3 Q I'm sorry, sir, you're going to need to speak up a
- 4 little bit.
- 5 A Out the closet also.
- 6 Q Did you ask your grandfather if you can take these?
- 7 A No, sir, I didn't.
- 8 Q How many bullets did you load in the gun before you
- 9 drove to Greenville?
- 10 A It was already loaded.
- 11 Q How many?
- 12 A Five.
- 13 Q Five. So it's a five shot revolver?
- 14 A Yes, sir.
- 15 Q It's a .38?
- 16 A Yes, sir.
- 17 Q If it was already loaded, why did you take these
- 18 other bullets out the closet?
- 19 A I guess just to have them.
- 20 Q Just to have them?
- 21 A Yes, sir.
- 22 Q Where did you keep these 38 shells? Where did you
- 23 store these?
- 24 A In my room.
- 25 Q Where in your room?

- 1 A It was up under my mattress.
- 2 Q Okay. I'm showing you what's been marked as State's
- 3 53, tell me if recognize that?
- 4 A Yes, sir.
- 5 Q And how is it that you recognize what's shown here?
- 6 A That's my room.
- 7 Q Showing you what's marked State's 54, do you
- 8 recognize that?
- 9 A Yes, sir.
- 10 Q How is it that you recognize that?
- 11 A That's my residence.
- 12 Q Okay. Showing you State's 56, do you recognize that?
- 13 A Yes, sir.
- 14 Q How is it that you recognize that?
- 15 A Because that's my mailbox.
- 16 Q State's 57, do you recognize that?
- 17 A Yes, sir.
- 18 Q How about State's 55? Do you recognize that?
- 19 A Yes, sir.
- 20 Q Do you recognize these other things that are on
- 21 there?
- 22 A Yes, sir.
- 23 Q Underneath the mattress?
- 24 A Yes, sir.
- 25 Q Okay. What about State's 59, do you recognize that?

1 A Yes, sir.

2 Q How is it that you recognize what that is?

3 A Because that is the storage room to my house.

4 Q Okay. What about State's 60?

5 A Yes, sir.

6 Q Do you recognize that?

7 A Yes, sir.

8 Q What is that showing?

9 A The inside of a storage room.

10 Q Okay, State's 61, do you recognize that?

11 A Yes, sir.

12 Q And State's 58?

13 A Yes, sir.

14 Q Okay.

15 Your Honor, move State's 53 through 61 into
16 evidence.

17 THE COURT: Any objection?

18 MR. COOKE: Only that my client has identified
19 the objects in those pictures, there's no admission that
20 any of that is his or that he knows anything about it
21 other than that.

22 THE COURT: Well do you object to the
23 introduction of the photographs?

24 MR. COOKE: I'm saying I have no objection to
25 him entering those into evidence, that my client

1 identified those things.

2 THE COURT: Well if there's no objection I'm
3 going to let them in.

4 MR. COOKE: Only that.

5 (WHEREUPON, State's Exhibit Nos. 53 through 61
6 were admitted into evidence.)

7 BY MR. MARCHANT:

8 Q When Vincent, you testified came to Belton on two
9 occasions, correct?

10 A Yes, sir.

11 Q And all he did was take Crystal back to Greenville
12 with him, isn't that correct?

13 A Yes, sir.

14 Q Never touched you, never threatened you?

15 A No, sir.

16 Q Help me and help this jury understand why on this
17 Wednesday you're bringing Crystal to report for her
18 home incarceration and you felt it necessary to bring
19 a loaded .38 revolver to her grandmother's house?

20 A Because what he stated on the phone a couple days
21 before.

22 Q You didn't have any reason to believe that he was
23 going to be there, did you? You had no idea whether
24 or not he was going to be there?

25 A No, sir.

1 Q Never been there before, right?

2 A Not while I was there.

3 Q And only other times you seen him and when you're
4 telling the jury that he was down in Belton?

5 A Yes, sir.

6 Q This video that your attorney introduced, you don't
7 know whether or not that gun that's shown in that
8 video is real; do you?

9 A No, sir, because I know--

10 Q You don't--

11 THE COURT: Wait a minute, wait a minute. Let
12 him finish his answer.

13 What did you say?

14 THE WITNESS: Saying no, sir because I don't
15 know too much about guns.

16 BY MR. MARCHANT:

17 Q But you agree you don't know whether or not that one
18 was real?

19 A No, sir.

20 Q And you stated that you went and watched this video
21 off of Myspace?

22 A Yes, sir.

23 Q Is that right?

24 A Yes, sir.

25 Q And this is a wanna be rap video?

- 1 A Yes, sir.
- 2 Q Is that fair?
- 3 A Yes, sir.
- 4 Q I mean, you got a couple of a guys in there trying to
- 5 act hard, trying to act thuggish, trying to make a
- 6 video?
- 7 A Yes, sir.
- 8 Q You agree with me that a whole lot of people in this
- 9 United States, when they're young teenagers, they
- 10 make videos because everybody wants to be a musician,
- 11 you agree with that?
- 12 A Yes, sir.
- 13 Q And there's a whole lot of videos that are posted out
- 14 there on Youtube and Myspace and Facebook?
- 15 A Yes, sir.
- 16 Q All right. What time did y'all arrive at Vardry
- 17 Street?
- 18 A Around in between 9:15, 9:30.
- 19 Q Mr. Jones, I'm going to have you step down, mark on
- 20 State's number 2, step down for me, please, sir.
- 21 A (The witness complies.)
- 22 Q I want you to draw behind the house here, draw a
- 23 square to represent your car, where your car was
- 24 parked.
- 25 A (The witness complies.)

- 1 Q Okay. And do the same with Vincent's.
- 2 A (The witness complies.)
- 3 Q If you would, please sir, if you put a R on your car
- 4 and a V on Vincent's.
- 5 A (The witness complies.)
- 6 Q Take the stand. So how long was it before Vincent
- 7 and K[REDACTED] showed up that day?
- 8 A Probably about five minutes after we arrived.
- 9 Q Was there anybody with the two of them?
- 10 A No, sir, it was just them two.
- 11 Q There wasn't in discussion in the backyard before
- 12 y'all went in the house?
- 13 A No, sir.
- 14 Q You go in the house and Crystal and Vincent and
- 15 Ms. Hamby start talking about the kids?
- 16 A Yes, sir.
- 17 Q K[REDACTED] never says anything to you, does he?
- 18 A No, sir.
- 19 Q You never say anything to K[REDACTED]?
- 20 A No, sir.
- 21 Q And inside the house there's nothing said between you
- 22 and Vincent other than Vincent's telling you to mind
- 23 your business?
- 24 A Yes, sir.
- 25 Q Never put his hands on inside, did he?

- 1 A No, sir.
- 2 Q Neither did K[REDACTED]?
- 3 A No, sir.
- 4 Q No talk about guns inside?
- 5 A No, sir.
- 6 Q No talk about weapons?
- 7 A No, sir.
- 8 Q But you got one on you?
- 9 A Yes, sir.
- 10 Q Where is it on you?
- 11 A It was on my waistline. It was on my waistline.
- 12 Q And you're wearing these -- you're wearing these
- 13 pants, isn't that right? Okay. Show the jury where
- 14 and how you had it on your waistline.
- 15 A I had it -- if you open it like this, it was right
- 16 there. My waistline, I had my belt.
- 17 Q You had a belt on? Was it tucked in between your
- 18 belt and the pants or between your pants and your
- 19 underwear?
- 20 A Pants and my underwear.
- 21 Q And it's loaded?
- 22 A Yes, sir.
- 23 Q Does this gun have a safety on it?
- 24 A No, sir.
- 25 Q And this is a black .38 revolver?

- 1 A No, sir.
- 2 Q Well what is it?
- 3 A It's a silver .38 revolver.
- 4 Q Where did you tell Detective Garrison that you threw
- 5 it?
- 6 A Well I just agreed with him. I didn't technically
- 7 tell him exactly where I had threw it.
- 8 Q Okay, where exactly did you throw it?
- 9 A I can't recall exactly where it was? It was in a
- 10 wooded area towards my way back to Belton.
- 11 Q Can you be a little more specific? I'm sure there's
- 12 a lot of wooded areas, what road were you on?
- 13 A Augusta Road.
- 14 Q Do you know what highway that is?
- 15 A Highway 25.
- 16 Q So somewhere on Highway 25 you throw this gun out
- 17 into the woods?
- 18 A Yes, sir.
- 19 Q Did you stop and park and throw it out or just throw
- 20 it out while you were driving or how did that happen?
- 21 A I did stop the car. Stepped out, threw it.
- 22 Q But you don't know where?
- 23 A No, sir.
- 24 Q Most importantly, why did you throw it out?
- 25 A Because I was scared that -- because I don't know

1 where my grandfather had got it from and I didn't
2 want him to get in trouble about it.

3 Q Well how could your grandfather get in trouble for a
4 gun that you used in self-defense?

5 A Because I don't know if he -- if he's registered or
6 whatnot. And I didn't have no business with his
7 property.

8 Q You didn't have any business with his property?

9 A Yes, sir.

10 Q So the only reason you threw it out is because you
11 were worried about your grandfather, is that right?

12 A Yes, sir.

13 Q All right. And so we're clear, you just shot how
14 many times at the back of Vardry Street?

15 A Four times.

16 Q Four times?

17 A Yes, sir.

18 Q You heard the testimony in here, been sitting in here
19 the whole time, right?

20 A Yes, sir.

21 Q And you know how many of those shots hit Vincent,
22 don't you?

23 A Yes, sir.

24 Q And you know how many of them hit K[REDACTED]?

25 A Yes, sir.

- 1 Q But you claim that you didn't know you hit anybody?
- 2 A Yes, sir.
- 3 Q You heard Crystal testify she saw Vincent's condition
- 4 after you shot him, she didn't tell you when y'all
- 5 were in the car?
- 6 A If she did I can't recall.
- 7 Q Well y'all talked about what happened on the way back
- 8 the Belton, didn't you?
- 9 A No, sir.
- 10 Q Not at all?
- 11 A The only thing said that who shot him -- matter of
- 12 fact, yes, she did. She said that you shot him. I
- 13 was like, I don't know if I did or I didn't. I was
- 14 just shooting at them.
- 15 Q Then you threw the gun out?
- 16 A Yes, sir.
- 17 Q So you knew that you had shot them, did you know --
- 18 A Shot at them. Sir?
- 19 Q You just said that she told you that she--
- 20 A That's what she told me but I didn't really just see
- 21 if I had really shot him or not.
- 22 Q But this is the girl that is pregnant with your
- 23 child, correct?
- 24 A Yes, sir.
- 25 Q That you were in such a relationship with that you're

1 going to move out of your house into an apartment?

2 A Yes, sir.

3 Q Are you telling the jury that you didn't believe what
4 she told you?

5 A Well I wasn't aware.

6 Q I don't understand, you weren't aware of what?

7 A That I had shot them or not.

8 Q But she told you that she saw Vincent bleeding,
9 right?

10 A No, sir, she didn't say that.

11 Q Well what did she say?

12 A She said that you shot them. That's all I recall her
13 saying.

14 Q So you knew that he had been shot?

15 A Well I kind of figured he'd been shot.

16 Q Then you threw the gun out the window?

17 A Yes, sir.

18 Q You would agree that before the shooting happened you
19 were sitting in the driver's seat of your vehicle?

20 A Yes, sir.

21 Q And you had the keys?

22 A Yes, sir.

23 Q And you were pointed down the driveway, all you had
24 the do was put the car in drive?

25 A Yes, sir. But if I would have did so then I would

1 have left Crystal and ain't no telling what would
2 happen to her or whatnot.

3 Q You heard Crystal testify earlier yesterday, didn't
4 you?

5 A Yes, sir.

6 Q You heard her say that she wasn't scared or in fear,
7 isn't that right?

8 A Well, not -- by the looks of things--

9 Q Answer my question, sir. You were sitting in the
10 courtroom, right?

11 A Yes, sir.

12 Q You heard Crystal testify?

13 A Yes, sir.

14 Q And you heard her testify that she was not scared?

15 A Yes, sir.

16 Q Isn't that correct?

17 A That's what she said, yes, sir.

18 Q So you get back to your house in Belton and who took
19 the baby?

20 A My sister.

21 Q And this is Vincent's youngest child, right?

22 A Yes, sir.

23 Q Why did you go in the house and get a knife so
24 Crystal can cut her ankle monitor off?

25 A Because I was scared that we'd really be tracked. I

1 didn't know. I was scared. First thing that came to
2 mind was get away.

3 Q Get away from what?

4 A Get away from everyone for being in trouble. Because
5 I ain't want to get in trouble. I'm scared. Didn't
6 know.

7 Q So you're up here testifying that you didn't do
8 anything wrong. Why are you now telling us that you
9 were scared about getting in trouble?

10 A Because I know nothing about the law. About
11 self-defense or whatever it leads to.

12 Q So where did you go after you cut her ankle bracelet
13 off?

14 A Went to the lake.

15 Q What was your intention when you got to the lake?

16 A To throw the ankle bracelet into the lake.

17 Q What good was that going to do?

18 A I don't know.

19 Q Why you trying to throw this ankle bracelet in the
20 lake?

21 A I don't know that was the first thing that came to
22 mind. Just panicked. I just I panicked, I didn't
23 know what to do. But I admit that I should have
24 called the police.

25 Q Why should you have called the police?

- 1 A The let them know what had happened.
- 2 Q But you didn't do that, did you?
- 3 A No, sir.
- 4 Q And at the time that you got arrested, it had been
- 5 hour and a half or so from the time you shot Vincent
- 6 and K[REDACTED]?
- 7 A Yes, sir.
- 8 Q So the only thing that you're worried about in that
- 9 hour and a half is your grandfather getting in
- 10 trouble and you getting caught or being found, right?
- 11 A Yes, sir, I guess.
- 12 Q All right, I don't want you to guess, I want you to
- 13 know.
- 14 A Can you repeat the question and state what you mean?
- 15 Q Okay. From the time that you shot Vincent and K[REDACTED],
- 16 until the time you got caught, at the lake, you just
- 17 testified that there's two things you were worried
- 18 about. One getting your grandfather in trouble, is
- 19 that correct?
- 20 A Yes, sir.
- 21 Q And two, getting caught?
- 22 A Getting away, yes, sir.
- 23 Q Getting away. And it never crossed your mind that
- 24 you should call law enforcement?
- 25 A No, sir.

1 Q Had a cell phone in the car, didn't you?

2 A Yes, sir, it was dead.

3 Q It was dead?

4 A (The witness nods.)

5 Q Got a house phone over in Belton?

6 A Yes, sir, at my residence.

7 Q Let's take a look at your residence.

8 MR. COOKE: Your Honor, I have a matter that I'd
9 like to take up outside the presence of the jury.

10 THE COURT: Well y'all come up here.

11 (WHEREUPON, a bench conference was held in the
12 presence of the jury but out of the hearing of
13 the jury.)

14 THE COURT: All right, Mr. Foreman, ladies and
15 gentlemen of the jury, we've been going for a while,
16 let's take a short break and we'll get back to you in just
17 a few minutes. Please don't talk about the case. Thank
18 you.

19 (WHEREUPON, the jury left open court at
20 approximately 11:25 a.m.)

21 THE COURT: All right, Mr. Jones, you can stand
22 down.

23 All right, we'll just take a short recess.

24 (WHEREUPON, a short break was taken.)

25

1 (WHEREUPON, State's Exhibit No. 62 was marked
2 for identification only.)

3 THE COURT: Y'all ready? Anything before we get
4 the jury back?

5 MR. COOKE: Your Honor, is your ruling going to
6 stand about the introduction of those convictions on the
7 CDV? Because I have the officers out here that
8 investigated the most recent one, Judge. That took the
9 pictures that's in question.

10 THE COURT: Yeah. I mean, I don't think -- my
11 ruling's going to stand and I'm going to find that the
12 conduct is not so closely connected to the case of the
13 homicide. That it's probative or anything. You got it
14 out there that the guy's a violent --

15 MR. COOKE: I understand but I think it's very
16 important, Judge. CDV's kind of something that happens
17 all the time now. Women say I don't want to prosecute, I
18 want to withdraw, I want to do this. And a lot of these
19 people on this jury probably knows something about that.
20 I think it's very important for the jury to know that the
21 man pled guilty to those offenses. Because she said on
22 the stand that she didn't know what he did. Because she
23 wasn't called to court. She was not in court when it
24 happened. So I think it's very important to the
25 credibility of that witness that these officers get up and

1 say it's not just some woman called, tried to get a man in
2 trouble, this woman had marks on her neck and here they
3 are. I think it's very important.

4 THE COURT: Okay, well my ruling--

5 MR. COOKE: Then I will release the witness
6 then.

7 THE COURT: Okay. All right.

8 MR. COOKE: Excuse me, just let me.

9 THE COURT: Yeah.

10 MR. COOKE: All right, thank you.

11 THE COURT: Ready?

12 MR. COOKE: We're ready.

13 THE COURT: Okay.

14 (WHEREUPON, the jury came into open court at
15 approximately 11:50 a.m.)

16 THE COURT: Anything you need to put on the
17 record about what we had the bench conference about?

18 MR. COOKE: No. I mean, my client can explain
19 or not explain. He's got to explain them one way or the
20 other. I don't mind that at all.

21 THE COURT: Okay.

22 MR. COOKE: Whatever.

23 THE COURT: All right, Mr. Marchant.

24 MR. MARCHANT: May it please the Court.

25 THE COURT: Yes, sir.

1 BY MR. MARCHANT:

2 Q All right, Mr. Jones, I'm showing you State's 54.

3 Tell the jury what this is a picture of.

4 A It's a picture of my house.

5 Q State's 56?

6 A Picture of my mailbox.

7 Q State's 57?

8 A Picture of the front side of my house.

9 Q Again, what's the address down there?

10 A 1016 Glenwood -- Glenwood Extension, Belton, South
11 Carolina, 29627.

12 Q I'm sorry, sir, could you speak up little bit and
13 repeat that for me. What was the address?

14 A 1016 Glenwood Avenue Extension, Belton, South
15 Carolina, 29627.

16 Q What is this in State's 53?

17 A That's a picture of my room.

18 Q State's 55?

19 A Is a picture of box a bullets and some red bandannas.

20 Q Showing you what's been marked, not in evidence, as
21 State's 62. Do you recognize those?

22 A Yes, sir.

23 Q How is it that you recognize them?

24 A Because they was in my room.

25 MR. COOKE: I've seen them.

1 MR. MARCHANT: Move State's 62 in evidence.

2 THE COURT: Any objection?

3 MR. COOKE: None, Judge.

4 THE COURT: Okay, without objection.

5 (WHEREUPON, State's Exhibit No. 62 was admitted
6 into evidence.)

7 BY MR. MARCHANT:

8 Q Okay, Mr. Jones, these are the same bandannas that
9 you talked about that's in the photograph in State's
10 55?

11 A Yes, sir.

12 Q I'm sorry, sir, you need to speak up.

13 A Yes, sir.

14 Q All these are yours?

15 A Yes, sir.

16 Q Counting a total of five, is that correct? Want me
17 to bring them back up so you can count them?

18 A No, if you say it's five, it's five, I believe it.

19 Q Okay, that's State's 62. And these were yours and
20 they were found underneath your mattress with the
21 bullets, is that right?

22 A Yes, sir.

23 Q All right, what is State's -- State's 59 show?

24 A A picture of my storage room.

25 Q What about State's 60?

- 1 A Picture of the inside of the storage room.
- 2 Q State's 61?
- 3 A Picture of some graffiti.
- 4 Q Okay. What does that graffiti mean?
- 5 A It says --
- 6 Q Let's start right here, what does this mean?
- 7 A Means Belton Boys, BTB.
- 8 Q It means?
- 9 A Belton Boys.
- 10 Q Belton Boys?
- 11 A Yes, sir.
- 12 Q Why did you write that in the storage room?
- 13 A Sir?
- 14 Q Why did you write that in the storage room?
- 15 A I didn't write that.
- 16 Q You didn't write it?
- 17 A No, sir.
- 18 Q It's your house right?
- 19 A Yes, sir.
- 20 Q Who wrote it?
- 21 A One of my friends.
- 22 Q One of your friends, what's his name?
- 23 A Do I have to state his name?
- 24 THE COURT: Yes, sir, answer the question.
- 25 THE WITNESS: His name is Denardo (sp) Graham.

1 BY MR. MARCHANT:

2 Q I'm sorry, sir, could you say that one more time for
3 us?

4 A Denardo Graham.

5 Q Okay, well why did -- I'm sorry, Mr. Jones, did you
6 say Graham?

7 A Yes, sir.

8 Q Okay. Why did Mr. Graham write this in your storage
9 closet?

10 A We was just in there chilling one day and he just
11 started writing.

12 Q He just started writing it?

13 A Yes, sir.

14 Q Why did you let him write all over your storage wall?

15 A Because I didn't see it, it wasn't really a big deal
16 at the time.

17 Q Wasn't a dig deal. Okay. What does this mean right
18 here?

19 A It says, Life.

20 Q And what does this say right here?

21 A It says, Blood.

22 Q What about this?

23 A Dog.

24 Q And this right here?

25 A Gangstas.

- 1 Q This word right here.
- 2 A Says Nine.
- 3 Q Where is that N, that starts with the nine coming off
- 4 of?
- 5 A It's coming off the -- talking about the nine, it's
- 6 coming off the word gangsta.
- 7 Q What about that word?
- 8 A It says, Trey.
- 9 Q Is there any significance to these three words in a
- 10 combination like that?
- 11 A Could you rephrase the question?
- 12 Q Is there any significance to these three words, the
- 13 nine, the trey and the gangstas being written like
- 14 that?
- 15 A Yes, sir, I guess. What you mean by significance?
- 16 Q Well, what I'm asking is why are they written like
- 17 that?
- 18 A I guess cause it goes in together.
- 19 Q Say that last part again.
- 20 A I say because it goes in together.
- 21 Q When you say they go in together, what do you mean?
- 22 A That it goes in together. That means Nine Trey
- 23 Gangstas.
- 24 Q What does Nine Trey Gangstas mean?
- 25 A It is a gang. It's a blood gang.

- 1 Q It's a blood gang?
- 2 A Yes, sir.
- 3 Q How do you know that that's a blood gang?
- 4 A Because I have friends that are part of it.
- 5 Q You have friends that are part of it?
- 6 A Yes, sir.
- 7 Q Mr. Graham's part of it?
- 8 A Yes, sir.
- 9 Q I'm sorry?
- 10 A Yes, sir.
- 11 Q You part of it?
- 12 A No, sir.
- 13 Q This word down here, what does this mean?
- 14 A I have no clue.
- 15 Q Okay. What's the significance of the star in the
- 16 middle of all this?
- 17 A I don't know.
- 18 Q This gangstas is spelled G-A-N-G, is that an S or is
- 19 that a number 5?
- 20 A Looks like a number 5?
- 21 Q So G-A-N-G-5, T as in Trey, A as in Alfa. And is an
- 22 S or another 5?
- 23 A Looks like -- appear to be another 5.
- 24 Q But you don't know what that means the five?
- 25 A I guess, yes, it's there for the S.

- 1 Q Why would he write a 5 instead of an S?
- 2 A I don't know.
- 3 Q Don't know. Show you what's State's 58, do you
- 4 recognize that?
- 5 A Yes, sir.
- 6 Q Okay. Where is that on your house?
- 7 A On the side of the storage.
- 8 Q Side of the storage. Who spray painted that on the
- 9 house?
- 10 A One of my cousins.
- 11 Q Your cousin?
- 12 A Yes, sir.
- 13 Q Who's your cousin?
- 14 A Dominique.
- 15 Q Dominique who?
- 16 A Cherry.
- 17 Q Cherry?
- 18 A Yes, sir.
- 19 Q That's a Cherry, C-H-E-R-R-Y?
- 20 A Yes, sir.
- 21 Q Why did he spray pant -- well first of all, what does
- 22 that say?
- 23 A It says, BTB.
- 24 Q What does that mean?
- 25 A B Town Boys, Belton Boys?

1 Q Why did he spray paint that on the side of your
2 house?

3 A Representing a rap group.

4 Q A rap group?

5 A Yes, sir.

6 Q I didn't know you were an aspiring rapper. Is that
7 right?

8 A Something like that, yes, sir.

9 Q Well, either you are or you aren't?

10 A Well, yes, sir.

11 Q Okay.

12 Get the lights for me, please.

13 But didn't write this on there?

14 A No, sir.

15 Q Since you brought it up, have you ever made any rap
16 videos?

17 A No, sir.

18 Q Never?

19 A No, sir.

20 Q Who was in this little rap group of yours that you
21 were trying to be aspiring with?

22 A Couple friends.

23 Q Okay, well who are they?

24 A Me, my cousin, Dominique, one of my friends, Frog is
25 his nickname, Chris -- Chris Williford.

- 1 Q Chris what?
- 2 A Williford.
- 3 Q Williford?
- 4 A Yes, sir.
- 5 Q And he goes by Frog?
- 6 A (The witness nods.)
- 7 Q And you said Dominique?
- 8 A Yes, sir.
- 9 Q Is Dominique the one that spray painted or wrote in
- 10 the shed?
- 11 A One that spray painted.
- 12 Q Okay. Well what's the name of your group?
- 13 A What do you mean? Belton Boys.
- 14 Q Is that what the BTB you're telling this jury stands
- 15 for?
- 16 A Yes, sir.
- 17 Q You got that anywhere on your body?
- 18 A Yes, sir, I do.
- 19 Q Okay. You got something else on your body right
- 20 below or above that?
- 21 A Yes, sir, I do.
- 22 Q What is that tattoo? What are the initials of that
- 23 tattoo?
- 24 A It is the NTG.
- 25 Q NTG. What does NTG stand for that's on your arm?

- 1 A Stands for Nine Trey Gangstas.
- 2 Q You just testified that Nine Trey Gangstas is a blood
- 3 gang, is that right?
- 4 A Yes, sir.
- 5 Q So you're a member of the bloods?
- 6 A No, I'm not.
- 7 Q You're not?
- 8 A No, sir.
- 9 Q Why would you tattoo that on your arm if you're not a
- 10 member of this gang?
- 11 A Because I was a part of it.
- 12 Q You were a part of it, you're not anymore?
- 13 A No, sir.
- 14 Q Well aren't gangs for life?
- 15 A I guess so if you would call it that.
- 16 Q Well when did you get involved with this blood gang?
- 17 A When I was young. Probably about 14, 15.
- 18 Q Well who got you involved in this gang.
- 19 A Hanging around the wrong crowd. Friends.
- 20 Q Okay, what are their names?
- 21 A I mentioned the name before, Denardo.
- 22 Q Mr. Graham?
- 23 A Yes, sir.
- 24 Q So he's a member of a blood gang as well?
- 25 A Guess so, yes, sir.

1 Q Well who else? He's the one that got you involved
2 and who else?

3 A What do you mean who else?

4 Q Well how did you become a member of this gang? Did
5 you show up at the club some where and somebody said,
6 Oh yeah, you're a member?

7 MR. COOKE: Judge, I object to this line of
8 questioning, it has nothing to do with the case.

9 THE WITNESS: That's why --

10 THE COURT: Hang on.

11 MR. COOKE: Nothing to do with the case.

12 MR. MARCHANT: Judge, it's cross-examination--

13 MR. COOKE: It's--

14 THE COURT: Hang on--

15 MR. MARCHANT: He's testified--

16 THE COURT: Just a moment, y'all come up here.

17 (WHEREUPON, a bench conference was held in the
18 presence of the jury but out of the hearing of
19 the jury.)

20 BY MR. MARCHANT:

21 Q All right, so you joined this gang when you were 14
22 or 15; is that right?

23 A Yes, sir.

24 Q And this happened when you were 17 years old?

25 A Yes, sir.

1 Q This incident when you shot Vincent and K[REDACTED]?

2 A Yes, sir.

3 Q But you're telling the jury you're no longer a part
4 of this gang?

5 A Yes, sir, that's what I'm saying.

6 Q When did you stop being a member of the Nine Trey
7 Gangstas?

8 A When I was 16.

9 Q When you were 16. Just give it a run for a year,
10 didn't work out for you?

11 A No, sir.

12 Q Do you recall when Crystal's cousin, Jennifer Abbott,
13 came to Belton?

14 A Yes, sir.

15 Q You went down to Greenville and picked her,
16 Ms. Abbott, and Crystal up and took them back to
17 Belton, right?

18 A Yes, sir.

19 Q And do you recall a conversation that you had with
20 Crystal while Jennifer was present in your car?

21 MR. COOKE: Same objection, that's the --

22 THE WITNESS: No, sir--

23 MR. COOKE: -- statement you had ruled on
24 earlier, Judge.

25 THE COURT: Yeah, that was with respect to that

1 witness.

2 BY MR. MARCHANT:

3 Q Mr. Jones, do you recall a conversation that you had
4 with Crystal while Ms. Abbott was in your car?

5 A No, sir, I do not.

6 Q You don't. You don't remember having a conversation
7 with Crystal about Vincent?

8 A No, sir.

9 Q So you didn't talk about Vincent much around Crystal?

10 A No, sir.

11 Q But you would agree that at some point in time that
12 Ms. Abbott was in the vehicle when you and Crystal
13 were having a conversation?

14 A Of course, we was all in the vehicle talking.

15 Q Do you remember this conversation and you stating
16 something to the effect of that you were a member of
17 a gang and that you were a blood?

18 A No, sir. I never admitted to her about nothing like
19 that.

20 Q So you deny making that statement?

21 A Yes, sir.

22 Q And do you recall in that same conversation, that if
23 Vincent ever hits Crystal again that you're going to
24 shoot him or you were going to get someone else to
25 shoot him?

1 A No, sir, I did not say that.

2 Q Mr. Jones, when you gave Detective Garrison and
3 Detective Flavell your statement, that was the same
4 day this happened, isn't that correct?

5 A Yes, sir.

6 Q So everything that had just occurred that day was
7 fresh in your mind?

8 A Yes, sir.

9 Q And one, either Detective Garrison or Detective
10 Flavell typed that statement out for you; is that
11 correct?

12 A Yes, sir.

13 Q You can read and write?

14 A Yes, sir.

15 Q And you read that statement?

16 A Yes, sir.

17 Q And you signed it?

18 A Yes, sir.

19 Q And everything in there is true and correct?

20 A Yes, sir.

21 Q And you told them everything you knew about what
22 happened that afternoon?

23 A Yes, sir.

24 (WHEREUPON, State's Exhibit No. 63 was marked
25 for identification only.)

1 BY MR. MARCHANT:

2 Q Okay, Mr. Jones, I'm showing you what's been marked
3 for identification only as State's No. 63. I want
4 you to go ahead and take a look and read that real
5 quick so your memory is fresh.

6 A Yes, sir.

7 Q You familiar now?

8 A Yes, sir.

9 Q And that's what you told Detective Garrison, right?
10 What's in that statement?

11 A Yes, sir.

12 Q And he typed it or Detective Flavell typed it out for
13 you?

14 A Yes, sir.

15 Q Told him everything that happened?

16 A Yes, sir.

17 Q Where in that statement does it say that you thought
18 Ke [REDACTED] was going to the passenger door of the
19 Expedition to look for a gun?

20 A It doesn't state that in the statement.

21 Q It doesn't say that?

22 A No, sir.

23 Q Where does it say in that statement that you were
24 scared?

25 A It doesn't say that.

- 1 Q Where does it say that you were in fear?
- 2 A It doesn't say that.
- 3 Q Where does it say that you were worried about Crystal
- 4 getting hurt?
- 5 A It doesn't say that neither.
- 6 Q You testified that Vincent went to the driver's side
- 7 door, looked under the seat and pulled a gun?
- 8 A Yes, sir.
- 9 Q Is that in your statement?
- 10 A Yes, sir.
- 11 Q What color was it?
- 12 A Talking about the gun?
- 13 Q Yeah.
- 14 A It was black.
- 15 Q Black?
- 16 A Yes, sir.
- 17 Q What kind of gun was it?
- 18 A I don't know.
- 19 Q Well you're familiar with at least a revolver, was it
- 20 a revolver?
- 21 A No, sir, it was not.
- 22 Q How big was it?
- 23 A Probably like about that big, about like that big.
- 24 Q Got any idea what caliber it was?
- 25 A No, sir.

1 Q What color was the handle?

2 A Same color as the whole gun.

3 Q So the handle was black too?

4 A Yes, sir.

5 Q If you would, Mr. Jones, step down for me and I want
6 you to re-enact what Vincent did when he got the gun
7 out of the car. Please step down from the stand.

8 A (The witness complies.)

9 Q Let's just assume for a minute that you're Vincent.
10 And that you have already reached underneath the
11 seat. Which hand did he use?

12 A Well I don't know which hand he used. I just know
13 that he went down like that and came out. So I would
14 guess the right hand as he came out like that.

15 Q Okay, well you just kind of did this motion like it
16 was you pulling it from your waistband, is that what
17 he did?

18 A Yes, sir.

19 Q Okay. Well did he pull it from his waistband or did
20 he come for underneath the seat?

21 A He came from out from the car. He came out like
22 that. He was like this. So it's possible that he
23 came out, put it like that or he came straight out
24 with it.

25 Q Well when he pulled this black gun out from

1 underneath the seat, did he cock it?

2 A No, sir.

3 Q I mean, did he -- you said it wasn't like your gun,
4 right? It wasn't a revolver. So did he pull the
5 chamber back and put one in the chamber?

6 A No, sir.

7 Q So he pulls it out and he's got it, as you're saying,
8 right in front of his waist. And he -- you're
9 sitting in the driver's seat of your vehicle, right?

10 A Yes, sir.

11 Q And your door's opened?

12 A Yes, sir.

13 Q Correct?

14 A Yes, sir.

15 Q Crystal's sitting on your lap?

16 A No, sir.

17 Q Well Crystal is in between you and Vincent?

18 A Yes, sir.

19 Q So Vincent is further up here?

20 A No.

21 Q Well I mean, he's closer to the front of the car than
22 the back of the car?

23 A No.

24 Q Okay, well, draw me a blue V on there where Vincent
25 was standing when he came out the car and draw me a

1 blue R where you were when we came out the car.

2 A (The witness complies.)

3 Q So just so we're clear, this is the top and the front
4 bumper of Vincent's vehicle, is that right?

5 A Yes, sir.

6 Q If you would write top up there, please.

7 A (The witness complies.)

8 Q And then if you would write top where the front of
9 your car was.

10 A (The witness complies.)

11 Q Now, your door's opened, correct?

12 A Yes, sir.

13 Q All right, please draw a blue line where your door
14 would be.

15 A (The witness complies.)

16 Q Well are you inside the apex of the door or you
17 around the front of the door?

18 MR. COOKE: Judge, I'm going to object. I have
19 an objection here.

20 THE COURT: Yeah.

21 MR. COOKE: The Solicitor's already offered in
22 the diagram of where the cars were positioned. So if he's
23 going to ask my client about that, I think he ought to put
24 his own evidence in and let the client --

25 THE COURT: No, sir, I mean, he's asking him to

1 draw it out. Thank you, very much.

2 Go ahead.

3 THE WITNESS: First--

4 BY MR. MARCHANT:

5 Q Okay, you're going to need to speak up, they need to
6 hear you over here.

7 A Well at first I was like in the inside of the car,
8 like this car door open like that and came out right
9 there. My car door was opened like that. And I had
10 stood up. That's when Crystal came around and was
11 walking towards me. And Crystal was in between us
12 and I came around. And I seen him presenting a
13 weapon. That's when I started firing before I gave
14 him a chance to do anything.

15 Q Okay, so you had already removed yourself from the
16 vehicle and come out from behind your door, is that
17 correct?

18 A Yes, sir.

19 Q When you started shooting?

20 A Yes, sir.

21 Q Was there anything in between you and Vincent?

22 A When I started shooting?

23 Q That's correct.

24 A No, sir.

25 Q Okay, have a seat.

- 1 A (The witness complies.)
- 2 Q Mr. Jones, did you not testify earlier that you were
- 3 not too familiar with guns?
- 4 A Yes, sir.
- 5 Q Well how do you know if Vincent, if he did pull
- 6 something out of the vehicle, was a gun?
- 7 A Because it looked like a gun.
- 8 Q Looked like a gun. Do you know if it was real?
- 9 A No, sir.
- 10 Q Well---
- 11 A I wasn't going to give him time, wasn't trying to
- 12 find out. Wasn't going to give him time.
- 13 Q No question in your mind, you were going to shoot
- 14 before anything happened?
- 15 A Before anything happened to me or...
- 16 Q Anything happen to you?
- 17 A Me or my family, yes, sir.
- 18 Q You didn't hesitate?
- 19 A What you mean? No, sir, guess not.
- 20 Q I mean, either you took a second to reflect about
- 21 what you're getting ready to do or you didn't?
- 22 A No, sir, I just reacted.
- 23 Q Based off instinct?
- 24 A Yes, sir.
- 25 Q Well did you pull the gun out of your waistband?

- 1 A Yes, sir, I did.
- 2 Q And it was wrapped in that bandanna that's sitting in
3 the front seat of your car?
- 4 A No, sir, it wasn't.
- 5 Q So did you pull it before or after you got out the
6 car?
- 7 A Well when I got out the car.
- 8 Q Were you still standing behind and in the apex of
9 your door, your car door, or had you walked around
10 the car door?
- 11 A I was around the car door when I pulled out.
- 12 Q And how many times did you shoot at Vincent?
- 13 A I believe it was twice.
- 14 Q And where did he go after you shot and pulled -- when
15 you pulled the first -- when you pulled the trigger
16 and shot the first shot, where did he go? Where did
17 Vincent go? I mean, did he come towards you or did
18 he go away.
- 19 A Went away.
- 20 Q Where did he go? Where did you see him go?
- 21 A He went around to the other side of the car.
- 22 Q Other side of whose car?
- 23 A The Expedition.
- 24 Q Did you follow him?
- 25 A Well, sir I went to the back of the Expedition.

1 Q When you first -- took the first shot, where were you
2 standing?

3 A Well when I shot, both shots fired. It wasn't no one
4 shot and then wait and then another shot. It was
5 shoot -- it was like I took two shots then I went --
6 then he went around to the passenger side and I came
7 to the back of the Expedition.

8 Q So both shots at Vincent were before he got around
9 the side of the Expedition?

10 A Yes, sir.

11 Q Is that what you're saying?

12 A Yes, sir.

13 Q And so Vincent, and let's be clear. Ke [REDACTED] is
14 standing behind Vincent, right?

15 A Yes, sir.

16 Q And you didn't see Ke [REDACTED] with a gun?

17 A No, sir.

18 Q And where was Ke [REDACTED] when Vincent came around the
19 Expedition?

20 A He was at the passenger side.

21 Q Could you tell what Ke [REDACTED] was doing?

22 A Yes, sir, he had opened the door to the passenger
23 side while I was at the back of the Expedition.

24 Q It was the front door or the back door?

25 A Front door.

1 Q Okay. And he was trying to get in the car, right?

2 A I don't know if he was trying to get in or reach for
3 a weapon also.

4 Q And you saw him pull the gun out?

5 A No, sir.

6 Q But you shot him?

7 A Yes, sir.

8 Q And how many times you pulled the trigger at him?

9 A Twice.

10 Q Now, where exactly did you tell Detective Garrison
11 and Detective Flavell that you threw this gun out?

12 A I didn't tell them where I threw it out.

13 Q You did not?

14 A No, sir. I just agreed with them when they told me
15 what Crystal had told them.

16 Q Well, assuming that what you're saying is true, where
17 did Detective Garrison tell you Crystal said you
18 threw it out?

19 A Off Highway 25.

20 Q You didn't tell Detective Garrison that you threw it
21 out on Highway 427?

22 A 427? I don't know even know where that's at.

23 Q Excuse me, Highway 247?

24 A No, sir.

25 Q You didn't tell Detective Garrison that you turned

1 off of 247 and threw it out some where down there,
2 off of 247?

3 A No, sir, I did not.

4 MR. MARCHANT: Court's indulgence.

5 THE COURT: All right.

6 BY MR. MARCHANT:

7 Q Mr. Jones, Vincent never had a gun, did he?

8 A Yes, sir.

9 Q Mr. Jones, this is your day in court. This is your
10 opportunity to tell this jury what really happened.

11 A I already told you what happened.

12 Q So this is it. You're certain that Vincent Campbell
13 had a black gun?

14 A Yes, sir.

15 Q And these clothes right here that were found, this is
16 what you were wearing when you went over to
17 Ms. Hamby's that day, is that correct?

18 A Yes, sir.

19 Q Black pants and these black t-shirts?

20 A Yes, sir.

21 Q And these Air Jordan's, is that right?

22 A Yes, sir.

23 MR. MARCHANT: I don't have any further
24 questions. Thank you.

25 THE COURT: Redirect.

1 MR. COOKE: I have none, Judge.

2 THE COURT: All right, thank you, sir, you can
3 step down.

4 Mr. Cooke.

5 MR. COOKE: Judge, I have no further witnesses,
6 the defense rests.

7 THE COURT: All right, let me see y'all up here
8 for a second.

9 (WHEREUPON, a bench conference was held in the
10 presence of the jury but out of the hearing of
11 the jury.)

12 THE COURT: All right. Mr. foreman, ladies and
13 gentlemen of the jury, this is another one of those times
14 we have to discuss a legal issue. So I'm going to ask
15 y'all to step back to your jury room and we'll get back
16 with you just as quickly as we can. Thank you, very much,
17 don't discuss the case.

18 (WHEREUPON, the jury left open court at
19 approximately 12:25 p.m.)

20 THE COURT: All right, any motions, Mr. Cooke?

21 MR. COOKE: Yes, sir. Judge, I would move for a
22 directed verdict of not guilty. On all charges, I guess,
23 with the exception of a minor in possession of a gun. I
24 don't know how that would play in self-defense but it's
25 admitted that he had a gun. Calling, Your Honor's,

1 attention to Code Section 16-11-440, Paragraph C, A person
2 who is not engaged in any unlawful activity and who is
3 attacked in another place, where he has a right to be,
4 included but not limited to his place of business, has no
5 duty to retreat. And has the right the stand his ground
6 and meet force with force including deadly force. If he
7 reasonably believes it is necessary to prevent death or
8 great bodily injury to himself or another person or to
9 prevent the commission of a violent act, as defined in
10 Section 16-160. Which goes on to enumerate various things
11 which I think is a category of the gentleman who was
12 allegedly, and I think by everybody's testimony, in the
13 process of assaulting my client of 260-pound man.

14 And even by the State's on witnesses, that he
15 had confronted my client outside in the parking lot. And
16 some -- one of the witnesses at least said he took his
17 shirt off and was threatening my client. And my client
18 says he defended himself. He saw a gun. Crystal Stone
19 said that the -- that the victim in this case had made
20 threatening advances toward him. Your Honor, I think
21 clearly it's a case of self-defense. My client was where
22 he was supposed to be. He had no idea that those
23 gentlemen were going to show up that morning. He had done
24 nothing to advance any arguments in this case. He simply
25 was defending himself against two grown men. One with a

1 bad toothache who just happened to ride over with his
2 brother at 9:15 in the morning who had stayed out of
3 school his tooth was hurting him so bad.

4 I think it's pretty evident, Judge, that they
5 came over there with other intentions. And that would
6 certainly be to confront my client. So on those grounds,
7 Your Honor, I would move for a directed verdict of not
8 guilty on all three charges except the pistol charge. I
9 believe that if you view the evidence that's been
10 presented in this case, that there is -- there is
11 absolutely no evidence that my client was the aggressor in
12 this case. My client was defending himself. Even by all
13 the witnesses involved in this thing, there is not one
14 shred of evidence that my client was ever the aggressor.
15 Ever made any threatening remarks to the victim's in this
16 case, not inside the house, not outside the house. The
17 only witnesses -- the witnesses said that it was the
18 victim's who were the aggressors in this case. My client
19 had already gotten in the car, was minding his business
20 and getting ready to leave, Your Honor. There's
21 absolutely nothing to show that he was the aggressor in
22 this case.

23 THE COURT: Well---

24 MR. COOKE: Thank you.

25 THE COURT: His own testimony was he shot before

1 he was going to give the other guy a chance to do
2 anything. I think that's certainly open to interpretation
3 about whether or not who the aggressor was. But I'm going
4 to deny your motion. And you're referring to 16-11-440, I
5 do not have that in front of me. Is that a modification
6 of the Castle Doctrine?

7 MR. COOKE: Yes, sir. But let me just go on to
8 say it doesn't -- we're not talking about whether we're
9 preventing a death, whether he was going to shoot him. It
10 says great bodily injury, whether it was a gun or
11 physically being assaulted. I mean, it had nothing to do
12 with just the death. If that guy weighed 260 pounds, was
13 fixing to whip up on my man who probably weighs about 150,
14 then my man has the right to defend himself. Pistol or no
15 pistol. And I think you read the statute it clearly says
16 that.

17 THE COURT: Mr. Cooke, I do not find that
18 16-11-440 applies in this case. There's no evidence
19 whatsoever that the victim, Vincent Campbell, was
20 attempting to enter your client's car. The purpose of the
21 Castle Doctrine and that modification is to give immunity
22 to prosecution, is the way the thing reads, for someone
23 who defends themselves when they are attempting to enter
24 their dwelling or residence or automobile. I just read
25 the statute, Mr. Cooke.

1 MR. COOKE: Well did you read the C section,
2 Judge?

3 THE COURT: It only applies to the people who
4 are in those circumstances. So I don't find that the
5 Castle Doctrine -- or the 16-11-440, applies in these
6 circumstances. And I'm going to deny the -- certainly in
7 light most favorable to the State, there's a question of
8 fact about all these issues, okay.

9 MR. COOKE: Thank you, Judge.

10 THE COURT: You going to put up some...

11 MR. MARCHANT: Judge, I'm ready to go with
12 probably two witnesses we can get through before lunch and
13 maybe on the lunch break we can proffer that other
14 testimony.

15 THE COURT: Well we've ordered lunch for the
16 jury. It will be here at one o'clock. So you want to put
17 those other witnesses up? That's 30 minutes from now.

18 MR. MARCHANT: Yes, sir. I can't imagine that
19 we're going to be longer than 30 minutes on these two. I
20 don't even expect they would be half that.

21 THE COURT: Well if you want to put -- how long
22 is the proffer?

23 MR. MARCHANT: Wouldn't take another five.

24 THE COURT: Well if it's only going to take five
25 minutes, why don't you proffer your stuff while the jury's

1 out and we can -- okay.

2 MR. MARCHANT: Can I see if my man's here?

3 THE COURT: Yeah.

4 MR. MARCHANT: The State calls Brandon Brown.

5 THE CLERK: Would you, please, place your left
6 hand on the Bible, raise your right.

7 BRANDON BROWN, after being duly sworn, testified
8 as follows:

9 THE CLERK: Please be seated. State your name
10 for the record.

11 THE WITNESS: Brandon Brown.

12 DIRECT EXAMINATION

13 BY MR. MARCHANT:

14 Q Mr. Brown, where are you--

15 MR. COOKE: Your Honor, I object.

16 THE COURT: What?

17 MR. COOKE: Before we get started. This
18 gentleman was in the courtroom, witnesses were supposed to
19 be sequestered. This gentleman was in the courtroom
20 during the testimony.

21 THE COURT: He just walked in and walked out.

22 MR. COOKE: Well...

23 MR. MARCHANT: Judge, he's not on my witness
24 list, he's for reply purposes only so he was not subject
25 to that Sequestration Order.

1 THE COURT: I'm -- let's see what he's got to
2 say, Mr. Cooke. Your objection is noted for the record.

3 All right, go ahead.

4 BY MR. MARCHANT:

5 Q Mr. Brown, where are you employed?

6 A Greenville County Sheriff's Office.

7 Q How long you been employed there?

8 A Eight and a half years.

9 Q Have you been employed anywhere else other than the
10 Sheriff's Office?

11 A No, sir, I have not.

12 Q Did you go to the Criminal Justice Academy?

13 A Yes, sir, I did.

14 Q Successfully completed that?

15 A Yes, sir, I did.

16 Q Have you maintained your certifications that are
17 required of all law enforcement officers here in
18 South Carolina?

19 A Yes, sir, I do.

20 Q And you started eight years ago?

21 A Eight and a half years ago, October of 2002.

22 Q What was your initial duties with the sheriff's
23 office?

24 A Initially I started out in uniform patrol, working
25 both the South end and East side of town.

1 Q And what are your duties now?

2 A I'm currently assigned to Vice and Narcotics as a
3 gang investigator.

4 Q How long you been employed in that capacity with the
5 sheriff's office?

6 A I've been inside Vice and Narcotics for five years,
7 been working gangs, June will be six years.

8 Q How many classes have you attended with respect to
9 gang specific topics?

10 A No less than 248 hours worth.

11 Q Have you lectured at any gang seminars?

12 A Yes, sir, I have.

13 Q Approximately how many?

14 A No less than 100.

15 Q And these seminars that you have instructed at, are
16 they all in South Carolina or they across the
17 country?

18 A No, sir, I do both locally here within the Upstate as
19 well as across the state and some nationally.

20 Q And about the training as well, all that occurred
21 here in South Carolina?

22 A No, sir. My training is nationally. All certified
23 law enforcement agencies.

24 Q And how many hours do you have focused on gang?

25 A No less than 248.

1 Q Why do you say no less than 248?

2 A Those classes are actual certified specific classes.
3 We take various other classes throughout the year.
4 Actually almost monthly that are not certified type
5 classes. However, they are still training classes
6 but I do not count them as certified classes.

7 Q Well what sort of things are discussed in these
8 seminars that you have attended?

9 A Anything from local trends to state specific trends
10 to region specific trends within the state. And
11 expanding as far as globally and internationally type
12 trends.

13 Q And do y'all have instruction and discussion about
14 hierarchy of gangs?

15 A Yes, sir, we do.

16 Q What about the language that gangs use?

17 A Yes, sir, that's a common goal that we have to be
18 able to pretty well master to know exactly what we're
19 dealing with on the streets from a day-to-day basis.

20 Q And does the language kind of cross over into written
21 materials as well?

22 A Yes, sir. Each specific gang has their own alphabet,
23 if you will. That deciphers various different gang
24 graffiti and codes, letters, journals and stuff that
25 comes out of the prisons even.

1 Q And a moment ago you referenced both regional and
2 national affiliations, is that correct?

3 A Yes, sir.

4 Q And can you explain to the Court what you mean by how
5 a gang in this region could be connected to another
6 part of South Carolina or even nationally?

7 A Yes, sir. Most all gangs, large scale, national,
8 your more traditional type gangs were not started in
9 this region or even in this State. A lot of people
10 would refer that to more New York, New Jersey, L.A.,
11 Chicago, California, Mexico. Those gangs then
12 migrated, via means economically through business,
13 through prisons, so on and so forth that have brought
14 people from outside the State, into the State, into
15 the specific Upstate area. Those trends are then
16 basically adopted by a localized people that grew up
17 here with the same kind of mentality and lifestyles
18 as what the national trends are. Therefore, they
19 become nationally affiliated gangs.

20 Q What sort of training and instruction you received,
21 in particular, with The Blood gang?

22 A Bloods are by far our largest problem in the Upstate
23 area. And when I say upstate, I mean Greenville,
24 Spartanburg, Anderson, Pickens, Laurens, Greenwood
25 area. That is primarily our main focus as gang

1 investigators in the Upstate. Generally just because
2 that's what we deal with the most in this area.

3 Q And with emphasis particularly on the Upstate area of
4 South Carolina, have you lectured in preventative
5 various seminars throughout this state as well as
6 nationally?

7 A Yes, sir. I teach here locally as well as anywhere
8 down as far as Charleston, Myrtle Beach area, as well
9 as Clemson University, Furman University, Greenville
10 Tech on various different topics. Primarily dealing
11 with the trends that we see specifically in the
12 Upstate which primarily are Blood trends.

13 Q How long have you been doing this?

14 A June will be six years.

15 Q And your focus is with the sheriff's office but do
16 you work with other agencies?

17 A Yes, sir. I started out six years ago on a ATF Task
18 Force which then moved gangs from just ATF inside of
19 narcotics. And since I've been in narcotics for five
20 years, I've been assigned to the FBI Gang Task Force.

21 Q Do you know how many agents here in South Carolina
22 are assigned to the FBI Gang Task Force?

23 A We currently have six, I believe, in the Upstate.

24 Q Do you have any certifications or credentials with
25 you to show that you have successfully completed and

1 attended these various seminars and training?

2 A Yes, sir, I do.

3 Q And the instructions that you give at these seminars,
4 who are you instructing, is it the general public or
5 other law enforcement?

6 A We conduct both. We have two different geared types
7 of training. All dealing with adults. We do not
8 teach to juveniles. We have another investigator
9 throughout the county that teaches specifically to
10 juveniles. Ours gears specifically to adults. Both
11 civilian and law enforcement. However, our civilian
12 version is obviously a little less introductive than
13 our law enforcement is. Our law enforcement one at
14 minimum is a four hour presentation that we do.

15 Q And have you ever testified in court before about
16 gang related matters?

17 A Yes, sir. I was certified as an expert witness and
18 street gang lingo.

19 Q And lingo?

20 A Yes, sir.

21 Q And where was that?

22 A That was in this court, 13th circuit.

23 MR. MARCHANT: Judge, that's all the questions,
24 I have at this time. I make a motion for Mr. Brown to be
25 qualified as an expert in street gang lingo as well as an