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**ORIGINAL
ANDERS**

VOLUME 1 OF 2

STATE OF SOUTH CAROLINA

In The Court of Appeals

**No Respondent's Brief Filed
NO DEFENDANT'S BRIEF**

APPEAL FROM AIKEN COUNTY

Doyet A. Early, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TEVON JACKSON,

APPELLANT

RECORD ON APPEAL

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SC Court of Appeals

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STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN) COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,) TRANSCRIPT
PLAINTIFF,) OF
VS.) RECORD
TEVON MICHAEL JACKSON,) 2009-GS-02-00083 - 00084
DEFENDANT.)

February 22nd - 26th, 2011
Aiken, South Carolina

B E F O R E:

THE HONORABLE DOYET A. EARLY, III, JUDGE, and a jury.

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Transcribed by Pamela E. Green, Circuit Court Reporter

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P R O C E E D I N G S

(WHEREUPON, State's Exhibit Nos. 1 through 29 were marked for identification purposes only at this time.)

THE COURT: All right. You may call your first case, Mr. Solicitor.

SOLICITOR WEEKS: The State of South Carolina versus Tevon Jackson, indictment for murder and indictment for possession of a weapon in the commission of a felony.

THE COURT: Okay.

SOLICITOR WEEKS: A violent offense. Case Number 2009-83 and 2009-84.

THE COURT: Thank you.

Ladies and gentlemen, this, this process, 10 or 15 minutes, 15 or 20. We'll draw 12 jurors and two alternates, and then the rest of you will be excused to call back in. I have to ask you a few more questions. We have to wait until the defendant comes out.

(WHEREUPON, the defendant comes into the courtroom at this time.)

THE COURT: All right. Ladies and gentlemen of the jury panel, the State of South Carolina has called to trial the case of The State of South Carolina versus Tevon Jackson who's indicted for murder and possession of a weapon, possession of a firearm during the commission of a

1 violent crime, and let the record reflect that Mr. Jackson
2 is present with his lawyer, Ms. Wallis Alves.

3 Ladies and gentlemen of the jury panel, the defendant
4 has pled not guilty to both indictments, and obviously a
5 plea of not guilty puts the burden on the State of South
6 Carolina to prove each and every element of both
7 indictments to you beyond a reasonable doubt. By pleading
8 not guilty, the defendant is presumed to be innocent
9 unless the State is able to meet that burden. I will
10 explain all of those legal terms to you at the conclusion
11 of the case.

12 The fact that he's been indicted, that's not evidence
13 in the case. It's simply the documents by which the case
14 is brought into the courtroom.

15 Let me ask you a few questions about this case.

16 Is anyone in the courtroom related by blood or
17 marriage or have you now or in the past had a close
18 personal or social relationship with the defendant, Tevon
19 Jackson?

20 And, Mr. Jackson, would you please stand and face the
21 jury panel?

22 (Defendant Jackson complies.)

23 THE COURT: Thank you.

24 And the alleged victim is one Marcus Finklin.

25 F-I-N-K-L-I-N.

1 Anyone related by blood or marriage or do you now or
2 have you in the past had a close personal or social
3 relationship with either the defendant or the deceased, if
4 so, please stand.

5 (No response.)

6 THE COURT: Don't get frightened when I do this, but
7 I'm gonna read a list of potential witnesses in the trial
8 of the case.

9 THE BAILIFF: Your Honor, we have one.

10 THE COURT: Yes, sir, your name.

11 THE JUROR: Wiley F. Davis.

12 THE COURT: And?

13 THE JUROR: I know the family here.

14 THE COURT: Okay. The family of who?

15 THE JUROR: The, the deceased.

16 THE COURT: All right, sir. That, that was
17 Mr. Finklin?

18 THE JUROR: Yes.

19 THE COURT: And how close are you to the Finklin
20 family?

21 THE JUROR: Well, I've been knowing them all my life.

22 THE COURT: All your life?

23 THE JUROR: Yeah.

24 THE COURT: Well, what we're trying to do, sir, is I
25 have to make sure that both sides get a fair trial and

1 sometimes you're just so close to somebody that you, that
2 you can't sit and -- you know, I wouldn't want to sit on a
3 case with my next door neighbor or my close friend.

4 THE JUROR: Yes, sir.

5 THE COURT: I have to have jurors who can be fair and
6 impartial and try the case based solely on what they hear
7 in the courtroom and not be influenced by relationships
8 with families or friends or relatives.

9 Are you able to do that or are you too close to the
10 family to sit on this case?

11 THE JUROR: Well, since you said that I know both of
12 them, I live beside his grandfather, the Dunbar's..

13 THE COURT: Okay.

14 THE JUROR: I have been living beside them for 60
15 years.

16 THE COURT: Well, I'm not going to put, I'm not going
17 to put you on this case.

18 THE JUROR: All right.

19 THE COURT: You can serve on another one. Just sit
20 tight with us a second.

21 THE COURT: Your name again?

22 THE JUROR: Wiley F. Davis.

23 THE CLERK: Number 50.

24 THE COURT: All right. Now, the potential jurors in
25 the case, and I say potential, if any one is in the

1 courtroom when I read your name, please stand.

2 Brenda Adams.

3 Kevin Chavous.

4 Joseph Dicks.

5 Melissa Ealy.

6 Latika Elliot.

7 Erica Green.

8 Jamar Green.

9 Stephanie Green.

10 Chiquita Ingram.

11 (Witness stands.)

12 THE COURT: All right. Thank you. You may be
13 seated.

14 Kenisha Jackson.

15 Thomas Jackson.

16 Jabari Johnson.

17 Treshay Miller.

18 Christy Parker.

19 Jose Serrano.

20 Tracy Serrano.

21 Felice Stallings.

22 Alex Smith.

23 Robert Rollins.

24 Kenatta Finklin.

25 (Witness stands.)

1 THE COURT: Thank you.
2 Greg Savell.
3 Clay Adams.
4 (Witness stands.)
5 THE COURT: Thank you.
6 Bill Fleury with the Aiken Sheriff's Office.
7 Lynn Ghan.
8 Victoria Lagger.
9 Chris Johnson.
10 Mary Francis O'Grady-Watts.
11 Gerald Turner.
12 Melody Moody.
13 Kevin Lancaster.
14 Amber Way.
15 Jeff Smith.
16 Daryl Ables.
17 Doctor Janice Ross, pathologist.
18 Jasper Humbert from SLED.
19 David Black with SLED.
20 Amick Woodward with SLED.
21 Mike Perry with SLED.
22 Nikki Perry with SLED.
23 Jozetta Blair with SLED.
24 Selena Kinard with SLED.
25 Sheree Brown with SLED.

- 1 Patricia Crooks with SLED.
- 2 Riley Hefney with SLED.
- 3 Amy Stephens with SLED.
- 4 Benny Williams with SLED.
- 5 Lisa McReynolds, SLED.
- 6 Ira Parnell, SLED.
- 7 Lawrence Baker, Aiken Electric.
- 8 Casey Johnson.
- 9 Aleshia Parks.
- 10 Detroit Spires.
- 11 Melissa Harvey.
- 12 Todd Corley.
- 13 Mike Hess.
- 14 Cherie Moritz.
- 15 Jack Buckely.
- 16 Norwood Bodie.
- 17 George Perry.
- 18 James Dunbar.
- 19 Sandra Smith.
- 20 Wanda Green.
- 21 William Royster.
- 22 Charles David Hayes.
- 23 Dennis Rushton.
- 24 I think I got them all.
- 25 SOLICITOR WEEKS: Your Honor, Number 26 on that list

1 you were just referring to.

2 THE COURT: Bennie Williams.

3 Any member of the jury panel related by blood or
4 marriage to any of these potential witnesses or do you
5 know or have you in the past had a close personal or
6 social relationship with any of them, please stand.

7 (Jurors respond.)

8 THE COURT: Yes, sir, my fire fighter at SRS.

9 THE JUROR: I am personal friends with Dennis
10 Rushton, Mike Hess, and several other of the names you
11 named on there.

12 THE COURT: Well, some of the police officers, is
13 that right?

14 THE JUROR: Yes, sir.

15 THE COURT: Well, you know, I'm from Bamberg and I'm
16 personal friends with just about everybody in town. It's
17 hard not to be.

18 THE JUROR: I know.

19 THE COURT: The fact that you've had some friendships
20 there, would that preclude or keep you from being a fair
21 and impartial juror and be able to listen to what's
22 presented in the courtroom and make the decision based
23 solely on the evidence?

24 THE JUROR: No, sir.

25 THE COURT: Thank you. You may be seated. Your name

1 again?

2 THE JUROR: Jeremy Thorn, 175.

3 THE COURT: Thank you. You may be seated.

4 Ladies and gentlemen, in this case, the State will be
5 represented by Mr. Bill Weeks and Mrs. BethAnn Young,
6 please stand, with the solicitor's Office.

7 (Parties comply.)

8 THE COURT: Thank you.

9 Ms. Wallis Alves and Mr. Michael Routzong with the
10 Aiken P.D.'s Office, Public Defender's Office.

11 My question is, anyone now or in the past have legal
12 services provided by any of these four lawyers, if so,
13 please stand.

14 (Juror stands.)

15 THE COURT: Any member of the -- yes, ma'am, my --
16 don't tell me. My taxidermist?

17 THE JUROR: Yes, sir.

18 THE COURT: Your name?

19 THE JUROR: I had services from, as a lawyer from
20 Bill Weeks for a family member in the past.

21 THE COURT: Okay. And the fact that Mr. Weeks
22 represented you in the distant future, distant past, would
23 that, in any way, preclude or keep you, ma'am, from being
24 a fair and impartial juror?

25 THE JUROR: No, sir.

1 THE CLERK: Thank you. You may be seated.

2 Her husband's a taxidermist.

3 What's your number?

4 THE JUROR: 191.

5 THE COURT: Thank you, ma'am.

6 Are we okay?

7 THE POLICE OFFICER: Yes, sir.

8 THE COURT: Any member of the jury panel now, have
9 you now or in the past had a close personal or social
10 relationship or are you related by blood or marriage to
11 any of the four lawyers, if so, please stand.

12 (No response.)

13 THE COURT: Ladies and gentlemen, this case involves
14 an incident where a Mr. Marcus Finklin was allegedly
15 killed by the defendant. This happened on June 4, 2008,
16 in Aiken County at Court allegedly on June 4th,
17 2008. I'm not sure where Court is.

18 SOLICITOR WEEKS: Your Honor, it's on this side of
19 New Ellenton, South Carolina off of Road, which
20 runs perpendicular in New Ellenton and into Whiskey River.

21 THE COURT: Okay.

22 SOLICITOR WEEKS: Between whiskey and China Bell
23 Road.

24 THE COURT: Does any member of the jury panel know
25 anything about this case?

1 Have you heard anything about it, read anything about
2 it, seen anything about it on t.v.?

3 Anybody discuss it with you?

4 Have you formed any kind of opinion or expressed any
5 opinion or know anything about the facts in the case, if
6 so, please stand.

7 (No response.)

8 THE COURT: Any member of the jury panel aware of any
9 bias or prejudice towards either the State or the
10 defendant in this case, if so, please stand.

11 (No response.)

12 THE COURT: Any member of the jury panel a member of
13 the Aiken County Grand Jury that issued a true bill on
14 January 15th, 2009, if so, please stand.

15 (No response.)

16 THE COURT: Any member of the jury panel -- any of
17 you or is a member or a contributor to a group which has
18 as its primary concern the enforcement of law, as its
19 primary promotion the enforcement of law or victim's
20 rights such as SADD, MADD, CAVE, those types of
21 organizations, if so, please stand.

22 (No response.)

23 THE COURT: Ladies and gentlemen of the jury panel,
24 one of my chief responsibilities as a judge is to ensure
25 that wherever I hold court in this state, whether it be in

1 Charleston, Spartanburg, or Aiken, or any of the other
2 counties, that both parties, the State and the defendant,
3 receive a fair trial, and what that simply means is that
4 you base your decision on what you hear in the courtroom,
5 what is presented to you, and that's presented to you by
6 way of testimony and or exhibits.

7 And as jurors, your duty will be -- you are the
8 judges of the facts in this case. I travel all over the
9 state. I can promise you this, that you will hear
10 different version of the facts as the case is presented.
11 Therefore, your job is to determine what the true facts
12 are, and then when you determine what the true facts are,
13 being the judges of the facts, you take those facts and
14 apply it to the law as I give it to you. I'm the judge of
15 the law in the case. It sort of works two ways. I give
16 you the law and you tell me what the facts are and then
17 you apply the law to the facts as I give it to you and
18 you'll be in a position to render a true and just verdict.
19 But you must make your decision based on the facts that
20 you hear in the courtroom.

21 So, do I have any juror who is unable to perform that
22 duty, whether it be a religious belief, personal belief,
23 political belief, any kind of belief that you aren't able
24 to perform your civic duty of simply you, along with your
25 other 11 jurors, determining what the true facts are and

1 applying it to the law and render a true and just verdict
2 in the case?

3 Does anybody know of any reason whatsoever why he or
4 she can not perform that task, if so, please stand.

5 (Juror responds.)

6 THE COURT: Yes, ma'am, Mrs. Williams, is that your
7 name?

8 THE JUROR: McWilliams.

9 THE COURT: What's the situation, ma'am?

10 THE JUROR: May I approach the bench?

11 THE COURT: You may.

12 (WHEREUPON, a bench conference was held with the
13 juror at this time.)

14 THE COURT: All right. 127 is not excused.

15 You stay with us, ma'am. I'm not gonna let you go.
16 You just won't serve on this jury.

17 Any member of the jury panel, you or your family,
18 ever been a victim of a violent crime, please stand.

19 (Jurors respond.)

20 THE COURT: Yes, ma'am, on the front, your name?

21 THE JUROR: Connie Berg.

22 THE COURT: And without getting too personal, when
23 and, when and where was it?

24 THE JUROR: It was on 302 convenience store robbery.
25 I was the victim.

1 THE COURT: And the fact that you were involved in
2 that unfortunate event, ma'am, would that, in any way,
3 keep you from being a fair and impartial juror?

4 THE JUROR: No.

5 THE COURT: Thank you, ma'am. You may be seated.
6 Ma'am, in the white blouse. Yes, ma'am.

7 THE JUROR: Margaret Sutherland, 168. My
8 step-daughter was murdered in '94.

9 THE COURT: The fact that you've endured that
10 situation, ma'am, would that, in any way, preclude or keep
11 you from being a fair or impartial juror in the trial of
12 the case?

13 THE JUROR: I think so.

14 THE COURT: Ma'am?

15 THE JUROR: I think so.

16 THE COURT: All right. I will excuse you from this
17 case, but you can stay with us.

18 Ma'am, with the leopard colored blouse on I guess.

19 THE JUROR: Brenda Golmer, Juror Number 39. My
20 husband was killed last year.

21 THE COURT: And the fact that you were involved in
22 that situation, ma'am, would that keep you from being fair
23 and impartial or could you listen to the evidence and
24 render a true, true decision?

25 THE JUROR: I don't think I could be fair.

1 THE COURT: What's your number?

2 THE JUROR: Thirty-nine.

3 THE COURT: All right. Excuse her.

4 Any member of the jury -- just have a seat and stay
5 with us.

6 Any member of the jury panel, you or your family,
7 employed by the Aiken County Solicitor's Office, Sheriff's
8 Office, or SLED, if so, please stand.

9 (Juror responds.)

10 THE COURT: Yes, ma'am, your name?

11 THE JUROR: Marily Grant, Number 70. My husband just
12 recently, a month ago, retired from SLED and went to work
13 for the Aiken County Solicitor's Office.

14 THE COURT: And he is currently an employee of the
15 Solicitor's Office?

16 SOLICITOR WEEKS: Yes, sir.

17 THE COURT: I will excuse you from the trial of this
18 case.

19 What number was that?

20 THE JUROR: Seventy.

21 THE COURT: Thank you, ma'am.

22 Any member of the jury panel ever lived on
23 Road or Court, if so, please stand.

24 (No response.)

25 THE COURT: Last question, ladies and gentlemen.

1 Anywhere -- any member of the jury panel know of any
2 reason whatsoever, whatsoever, you cannot serve as a fair
3 and impartial juror in this state, in this case being fair
4 both to the State and to the defendant, I need to know.
5 Please stand.

6 (No response.)

7 THE COURT: Any additional questions by the State?

8 SOLICITOR WEEKS: No, Your Honor.

9 THE COURT: By the defendant?

10 THE JUROR: Your Honor, I'm sorry. I actually live
11 -- when I moved to Aiken, South Carolina I lived off of
12 Road, but it's not on but I did
13 have family that lives on

14 THE COURT: And the family -- and your name, ma'am?

15 THE JUROR: Wendy Bailey, Number 7.

16 THE COURT: Thank you, Ms. Bailey.

17 And the fact that you had family that lived on Dry
18 Branch, that's not gonna---

19 THE JUROR: No.

20 THE COURT: ---affect you, in any way, is it?

21 THE JUROR: No.

22 THE COURT: Thank you, ma'am.

23 All right. Give me a jury.

24 Ladies and gentlemen of the jury panel, what we'll do
25 now is draw the jury. As your name is called, please come

1 forward and stand right here between the two tables. In
2 Criminal Court, General Sessions Court, we'll randomly
3 select a number of names off of the computer. As you come
4 forward, the State of South Carolina has five strikes.
5 They can strike you for most any reason or no reason at
6 all within certain bounds that the lawyers know. The
7 defendant, in a murder trial, has ten strikes. So, we'll
8 go through that exercise until I get 12 jurors and two
9 alternates, and then we'll have completed our jury
10 selection process.

11 So, as soon as it goes through the system, it's
12 getting ready to print now.

13 (WHEREUPON, a jury panel of 12 was selected at this
14 time.)

15 THE COURT: All right. Ladies and gentlemen, we'll
16 do two alternates: Two and one.

17 (WHEREUPON, two alternate jurors were selected at
18 this time.)

19 THE COURT: Any motions by the State in connection
20 with the selection of the jury?

21 SOLICITOR WEEKS: One second, Your Honor, if you
22 don't mind.

23 (Pause.)

24 SOLICITOR WEEKS: No motions by the State, Your
25 Honor.

1 THE COURT: Ms. Alves?

2 MS. ALVES: Nothing, Your Honor.

3 (Pause.)

4 THE COURT: All right. Ladies and gentlemen, we've
5 got some pretrial matters we've got to resolve. I don't
6 want you sitting and waiting while we take care of all of
7 that. We're going to start at 9:45 in the morning. I'll
8 have you some hot coffee before that, sausage biscuits.
9 I'll buy your lunch tomorrow. We'll see how we go after
10 that.

11 So, if you want a hot cup of coffee and some sausage
12 biscuits, be here about 9:30 or so. We're going to start
13 at 9:15. We'll, we'll get rid of everything else I have
14 to do in the morning so you will not have to wait. We'll
15 start right on time.

16 I didn't see any newspaper reporters. If you see any
17 news, just disregard it. We're going to try this case
18 based on what you hear in the courtroom. Don't do any
19 computer research or anything. Have a relaxing evening.
20 Do not discuss the case with anyone. Do not let anybody
21 discuss it with you.

22 I'll see you bright and early in the morning. Y'all
23 have a pleasant evening. Thank you.

24 Go with Mr. Whittle. He'll show you where to return
25 in the morning and how to get there.

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

3 THE COURT: Mr. Weeks, Ms. Alves, I have instructed
4 the jury to be here at 9:45. Let's be here at 9:15 and
5 we'll do any pretrial matters we have to do. Y'all try to
6 mark as many exhibits as we've got to go and be available
7 to discuss anything. Fair enough?

8 All right. We'll start at 9:45 in the morning with
9 the trial itself. So, everyone have a very pleasant
10 afternoon.

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13 (WHEREUPON, Court was in recess for the evening.)

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February 23rd, 2011

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3 SOLICITOR WEEKS: Your Honor, this is in regard to the
4 State of South Carolina versus Tevon Jackson, Indictments
5 2009-83 and 84. The State has filed a motion in limine and
6 served it upon the defense in reference to a couple of
7 issues that may or may not come up during trial.

8 Your Honor, the written motions I believe they've
9 handed you indicates that on June the 4th, in this case,
10 the deceased body of Marcus Finklin was found in Aiken
11 County. Our records or our investigation indicates,
12 through SLED investigation, firearms investigation, that he
13 was killed with a .38 caliber bullet that was indicated to
14 have been fired from a class of weapon, either a
15 .38 caliber pistol or a .357 pistol. When I say .357, a
16 3-5-7 caliber weapon, and we're not aware of any
17 contradictory information to that SLED opinion. That
18 brings us to June of 2000 -- where the defendant was
19 arrested in June of 2008 alleged to have used a weapon to
20 kill the defendant or the victim in this case.

21 On January the 1st, one of the witnesses the State
22 intends to call, January the 1st of 2010, was arrested on
23 two charges resulting, as a result of a traffic stop, and
24 he had in his possession a .357 caliber handgun along with
25 six .38 caliber bullets, which is, as Your Honor is

1 probably aware, a .38 caliber bullet will fire through a
2 .357 caliber handgun.

3 This firearm and those bullets were analyzed by SLED
4 and the firearm was determined to have not been the one to
5 have fired the fatal bullet in June of 2008 to kill the
6 victim in this case, and obviously the six bullets, even
7 though they were .38 caliber bullets, none of those were
8 used because the bullet that killed Mr. Finklin was
9 retrieved by autopsy.

10 Another witness for the State was arrested at a
11 traffic stop in Jackson, South Carolina on November the
12 18th of 2010 clearly after the murder in this case. He was
13 charged with possession of a firearm in the city code of
14 Jackson. They have some carrying a weapon unlawfully kind
15 of city court charge. That charge was never brought up or
16 never forwarded to General Sessions Court, but I'm advised
17 that the handgun in that case was a Ruger 9-millimeter
18 handgun. Likewise was not of the class of weapon used to
19 fire a .38 caliber bullet to kill Marcus Finklin in June of
20 '08, and would not fire a .38 caliber bullet because it is
21 not the class that fires 9-millimeter bullets or .380
22 bullets depending on the type of 9-millimeter it is.

23 Our point in bringing this up is these two witnesses
24 will be testifying. These charges are still pending on
25 both of those witnesses and no promises have been made by

1 the State regarding the outcome of those charges. One of
2 the witnesses, Serrano, is represented by Mr. David Hayes.
3 The other witness is unrepresented by counsel on the city
4 court charges in Jackson, South Carolina.

5 I have advised the defense counsel about both of those
6 issues, but because of the facts that they were handguns, I
7 wanted to bring that to the Court's, to the Court's
8 attention before we get started with this.

9 THE COURT: Thank you.

10 SOLICITOR WEEKS: There is one other issue that's not
11 included in here, and I didn't realize it was gonna be an
12 issue. One of our -- the Serrano witness indicated in the
13 written motion was arrested in August of 2008 for a strong
14 armed robbery with three co-defendants or four. There
15 were four I'm told. He pled guilty in December of 2008 to
16 strong armed robbery and caught a Y.O.A. During the
17 investigation of that case, two handguns were located and
18 the information I have is neither one of those was a
19 .38 caliber handgun nor a .357 caliber handgun that could
20 have been used to kill Marcus Finklin in June of 2008.

21 THE COURT: Thank you.

22 Ms. Alves.

23 MS. ALVES: Your Honor, I am asking to be allowed to
24 bring in the information concerning details surrounding
25 both witnesses pending charges as well as the charges

1 they've been convicted of and the charges which the State
2 has dismissed since the time of the incident.

3 THE COURT: What, what -- how is the pending charges
4 relevant to this, to that murder?

5 MS. ALVES: Your Honor, I think they go -- I think
6 that the pending charges go to bias. Your Honor, the
7 solicitor argued, under 608, that this information is
8 precluded, but I would disagree. I think that the
9 information which I would, I would attempt to elicit would
10 go to evidence of bias on the part of the State. I think
11 that the information is more probative to the defense than
12 prejudicial to the State, and in arguing that there, that
13 this would be information that would be properly submitted
14 as to bias, I would use to argue, I would use the case of
15 South Carolina Supreme Court case of State versus Jones
16 and I have a copy to hand up.

17 THE COURT: Well, hand it to me.

18 MS. ALVES: Yes, sir.

19 Your Honor, the Jones case was a death penalty case
20 out of Lexington back in 2001. In that case, a
21 co-defendant was testifying for the State and the defense
22 attempted to elicit testimony regarding the co-defendant's
23 previous connections with the solicitor, that particular
24 solicitor's Office. They attempted to elicit testimony
25 regarding the cases that had been dismissed to show that

1 the co-defendant had an awareness of plea bargaining, had,
2 was aware that he could get a benefit from his testimony.
3 The Trial Court disallowed that testimony and the Supreme
4 Court did rule, specifically on Page 6 of the opinion,
5 that it was reversible error under Rule 608(c) to refuse
6 to permit the appellant to conduct the cross-examination.

7 In this particular case, I am attempting to show that
8 there was bias, there is bias on behalf of the witnesses
9 towards the State. Your Honor, I think this is further
10 established by, in addition to the facts that Mr. Weeks
11 stated, Mr. Joseph Dicks also had a charge pending. He
12 was arrested in August of 2009 for a charge of unlawful
13 carrying of a pistol. That charge was dismissed by
14 Solicitor Weeks on December the 14th of 2009.

15 THE COURT: All right. My ruling is this, and I'm
16 going to ask that the mention of these firearms and the
17 other matters that's addressed by Mr. Weeks not be
18 mentioned in opening and not be addressed before the jury.
19 When it comes time to do it, Ms. Alves, I'll let you do a
20 proffer and reargue it---

21 MS. ALVES: Yes.

22 THE COURT: ---and see how it's going.
23 Anything else by the State?

24 MS. ALVES: Yes, sir, Your Honor. I'm sorry. I did
25 have one other issue. I would argue that -- I know you

1 told me to do a proffer at the time. But my argument does
2 state -- my argument is also that, under the Sixth
3 Amendment, the defendant must be allowed to fully confront
4 the witnesses against him. So, my argument is based -- my
5 argument is I should be allowed to present this evidence
6 is based both on the fact that it would elicit evidence of
7 bias and that, under the Sixth Amendment, this would allow
8 him the opportunity to confront the witnesses against him.

9 THE COURT: And my ruling's the same. When we get to
10 that point, just let me know and we'll do a proffer
11 outside the presence of the jury, and then we'll decide
12 whether I'll let it in under 608.

13 MS. ALVES: Yes, sir.

14 THE COURT: And/or Sixth Amendment.

15 MS. ALVES: Yes, sir.

16 THE COURT: Anything else by the State?

17 SOLICITOR WEEKS: Your Honor, two things. One is
18 there's a witness who will be testifying most probably
19 during the trial that has had a litany of charges that Ms.
20 Alves, at one point in time, was appointed to represent
21 him on.

22 Jamar Green?

23 I don't see him in the courtroom. I don't think he's
24 here right now. But he's currently represented by
25 Mr. Hayes. His file was transferred over to Mr. Hayes.

1 We've met with Mr. Green. It's my understanding that
2 he has no problem with testifying. He's not concerned
3 about any attorney/client assertion, and I just wanted to
4 bring that up front, and he's not here right now, and I,
5 as soon as he gets here, we can address that with him.
6 But I don't think there's any problem. Mr. Hayes hadn't
7 even met him yet I don't think.

8 THE COURT: well, before you call him, we'll make
9 sure that is addressed.

10 SOLICITOR WEEKS: And we had one of the witnesses
11 listed, Your Honor, yesterday that you questioned the jury
12 about I believe was a Melissa Harvey, who was a lady that
13 worked at the phone, Alltel or Verizon phone place. She's
14 got an illness. We've had to substitute her to put in
15 some phone records with a William Hare who's here, who's
16 present this morning. And we just thought, out of an
17 abundance of caution, he'll be, he'll be going up probably
18 before lunch.

19 THE COURT: William Hare?

20 SOLICITOR WEEKS: William Hare, Mr. Hare. He is
21 right here.

22 THE COURT: well, are y'all requesting that I ask
23 this jury panel if they're related by blood or marriage or
24 know Mr. Hare?

25 MR. WEEKS: I just wanted to bring it up. He doesn't

1 foresee that being a problem since he's grown up in New
2 York, has only been in this area for three years.

3 THE COURT: Ms. Alves, how do you want me to handle
4 that?

5 MS. ALVES: I would just ask you to question them
6 whether or not as you just stated.

7 THE COURT: All right. Thank you.
8 Anything else by the State?

9 SOLICITOR WEEKS: No, Your Honor.

10 THE COURT: By the defendant?

11 MS. ALVES: No, sir.

12 THE COURT: All right. See if my jury's ready, and
13 just let me know if they are or not.
14 okay?

15 (Whereupon, a short recess was taken at this time.)

16 THE COURT: Bring the jury in.

17 (WHEREUPON, the following takes place within the
18 presence of the jury.)

19 THE COURT: Let me remind everyone, if you have a
20 cell phone, please turn it off.

21 Good morning, ladies and gentlemen. I hope you
22 enjoyed your biscuit. I gobbled mine down.

23 The first thing we have to do this morning before we
24 get started, you have to be sworn in once again for this
25 particular trial. So, if you would please stand and raise

1 your right-hand.

2 (WHEREUPON, the jury panel was placed under oath at
3 this time.)

4 THE COURT: Ladies and gentlemen, as I told you
5 yesterday when we were qualifying you to serve on the jury
6 that the defendant in this case has been indicted on two
7 charges. One is for the offense of murder, and the other
8 is for the offense of possession of a firearm, firearm
9 during the commission of a violent crime.

10 These are simply the indictments. These are
11 allegations in this indictments. It's not evidence in the
12 case. It is simply the means by which this case is
13 brought into the courtroom. So, don't infer anything from
14 the fact that he's been indicted. He has pled not guilty
15 to both of these indictments and a plea of not guilty
16 obviously puts the burden on the State of South Carolina
17 to prove his guilt on each indictment to you beyond,
18 beyond a reasonable doubt. He is constitutionally
19 guaranteed the right to be presumed to be innocent unless
20 the State is able to meet that burden.

21 At the conclusion of the case, I will instruct you or
22 charge you on all the elements of both of those offenses
23 and other matters of law for you to consider at that time.

24 As I told you when we were drawing the jury
25 yesterday, you and I have different functions to perform.

1 My job -- I am, not me, but my position, makes me the
2 judge of the law in this case. So, as I give you the law
3 at various times during the case, you are sworn to accept
4 the law as I give it to you. Therefore, if you come into
5 the courtroom with some preconceived idea about what the
6 law is or should be and it doesn't agree with what I say,
7 please set that aside and accept the law as I give it to
8 you. I am the judge of the law in this case. I tell you
9 what the law is.

10 My other responsibility is to rule on the
11 admissibility of evidence. I dare say that probably 95 to
12 99 percent of what the parties present will be admitted
13 into the trial of the case. They have to comply with the
14 Rules of Evidence and the Rules of Criminal Procedure in
15 presenting their case, but once that evidence is admitted
16 into the trial of the case, then your job comes into play.
17 Your job is much more important than my job because I'm
18 the judge of the law. You 12 collectively, acting as one,
19 you are the judges of the facts in this case.

20 Now, I practiced law for 30 years, and I've been on
21 the bench now almost seven, and I've tried literally
22 hundreds of cases, and one that's common throughout any
23 kind of trial is that you're gonna hear different versions
24 of the facts, different sides of the facts. It may be as
25 much as way over here and way over there or anywhere

1 in-between, but you're gonna hear a different spin on the
2 facts, different versions of the facts, or different
3 facts.

4 It is up to you to determine what the true facts are.
5 You determine the credibility or the believability of the
6 witnesses who testify in this case.

7 So, use your common ordinary sense that you use day
8 in and day out dealing with your wife, your husband, your
9 children, your employees, your boss, whoever, friends.
10 You know how to judge someone's credibility. You know how
11 to judge whether or not someone is telling the truth.

12 Once you determine what the true facts are in the
13 case, then you will apply those facts to the law as I give
14 it to you, and then we'll be in a position for you to
15 render a verdict in the case. I'll explain all of that as
16 we go along.

17 This is a criminal case. If we were trying a medical
18 malpractice case or an automobile wreck case or a breach
19 of contract case, a civil case, in a civil case the
20 parties come in on equal footing, and for the plaintiff to
21 prevail or win his medical malpractice case or his
22 automobile wreck case, he has to prove his case by what we
23 call the preponderance or greater weight of the evidence.
24 If these are scales, he has to move the scales ever so
25 slightly. Everybody comes in equal to win. He has to

1 just do this.

2 This is a criminal case. The burden of proof in a
3 criminal case is different. In this case, because the
4 defendant enjoys the constitutional presumption of
5 innocence, he comes into court with the scales weighed
6 heavily in his favor, and for the State to prevail in a
7 criminal case, they must move the scales from beyond a
8 reasonable doubt. So, the weight of, the degree of proof
9 in a criminal case is different than that in a civil case.

10 In just a few minutes we'll start the trial. The
11 trial goes like this. The State has the burden of proof.
12 So, they go first. They present their witnesses first.
13 Before they start presenting witnesses, the State has an
14 opportunity to make an opening statement followed by Ms.
15 Alves on behalf of the defendant.

16 Opening statements by the lawyers is not evidence in
17 the case. It is simply what they contend will be the
18 issues in the case, what they intend to prove, sort of a
19 road map that they're gonna follow in presenting this case
20 to you. But that is not evidence in the case.

21 The evidence in the case that you will consider in
22 determining what the true facts are comes from sworn
23 witnesses on this witness stand and/or relevant exhibits
24 that may be introduced during the trial of the case. Once
25 they make the opening statements, and then obviously the

1 state calls their witnesses. When they have completed all
2 of their witnesses, the defendant has the right to present
3 its defense, his defense. Sometimes, after the defendant
4 testified, the defense testifies or the defendant's case
5 is presented, then the State has an opportunity to put up
6 any reply testimony. Normally that doesn't happen, but
7 every now and then it does.

8 Once we do all that, then the lawyers will make final
9 arguments, and then I will instruct or charge you on the
10 law in the case, and then you'll be in a position to start
11 deliberating.

12 Now, let me tell you a couple of things generally. I
13 try to be efficient. I try to start on time. I try to
14 make these lawyers one witness right after the other. We
15 try to maximize our time. I try not to waste any time,
16 but that doesn't mean I'm trying to run an endurance race.

17 So, if, at any time during the trial of the case, you
18 become uncomfortable, you're tired of sitting, you need to
19 use the bathroom, you need something to drink, whatever,
20 please raise your hand, get my attention, and I'll address
21 any personal needs you have. Obviously we'll take some
22 breaks from time to time. It's now ten o'clock. We'll
23 probably take one at about 11:00, 11:15, go to lunch, and
24 then obviously have a lunch break, and then we'll come
25 back and we normally try to work until about 5:00 in the

1 afternoon. But if you get uncomfortable, raise your hand
2 and let me know.

3 The second thing, we will take a number of breaks,
4 lunch breaks, go home at night breaks, bathroom breaks.
5 Please, please, please do not start deliberating or
6 talking about the case at any time before all the evidence
7 is in and I've instructed you on the law. It is not
8 proper to do that. So, please don't deliberate or talk
9 about the case until I tell you to do so and I'll remind
10 you each time you go out.

11 I would ask that you not discuss the case with any
12 family members, friends, or anyone else. This is y'all's
13 case and nobody else's, and you decide it based on what
14 you hear in the courtroom. Please do that for me. No
15 internet research or any go to the law books or anything
16 like that. I'll tell you what the law is. There are much
17 more interesting things to research on the computer than
18 this trial.

19 When we take our first break I'm gonna ask that the
20 12 of you, not my two alternates, to select a foreperson
21 for me. The foreperson is simply a spokesperson for the
22 jury. And, so, if you can do that between the 12 of you,
23 I'd ask you to do that. If you can't, then I will
24 randomly select one of you.

25 This is the real world. This is not TV. You are

1 asked to do an important civic duty in this case, but our
2 justice system is, is, is, I think, the best in the world,
3 and where else can you, when you're accused of something,
4 get 12 citizens to decide what's going on as opposed to
5 what we're seeing world wide with dictators and everyone
6 else telling you what's right or wrong.

7 Y'all decide this case. You're the citizens in this
8 community. You're the conscience in this community and I
9 ask that you pay close attention and look forward to
10 working with you and we'll move right along.

11 Any objection to my opening remarks by the State?

12 SOLICITOR WEEKS: None from the State, Your Honor.

13 THE COURT: Ms. Alves?

14 MS. ALVES: None, Your Honor.

15 THE COURT: Okay. At this time, Mr. Weeks will start
16 with his opening statement or Ms. Young, I'm not sure
17 which one, followed by Ms. Alves. Remember, opening
18 statements, it is not evidence. It's just what the
19 lawyers contend to be showing you what the issues are.

20 Mr. Weeks.

21 SOLICITOR WEEKS: Please the Court.

22 Ms. Alves.

23 Greed, cowardness are things that you will see come
24 out in this case. This is Aiken County, South Carolina.
25 Not New York city, not L.A. It's Aiken County, South

1 Carolina, and with Aiken County, South Carolina comes
2 certain inherent characteristics. The rural nature of our
3 county, the people of our county, the police in our
4 county, the investigators in our county, the people that
5 come before you to do all of the things that we do vary
6 from place to place.

7 One thing, none of us are, are paid actors. We're
8 not being filmed by some crew in Hollywood in this trial.
9 So, with that, I tell you that the evidence that you will
10 hear today is evidence that's presented in every criminal
11 trial, most criminal trials, a lot of criminal trials in
12 Aiken County, South Carolina.

13 On June the 4th, in the early morning hours of
14 June 4th, 2008, Marcus Finklin was murdered. Marcus
15 Finklin was a young man who had grown up in New Ellenton,
16 South Carolina. He was living on Road or just
17 off Road in Aiken County, South Carolina,
18 which, as I explained to the judge when we were
19 questioning you-all, is on this side of Aiken, South
20 Carolina, and it cuts off of Whiskey Road, goes down and
21 ultimately joins into China Bell Road or Chime Bell Church
22 Road, which ultimately could cut over to Silver Bluff
23 Road. So, it's all in-between the, the municipalities of
24 New Ellenton and the municipality of Aiken or South Aiken
25 going out that way.

1 June the 4th, early morning hours, Marcus was
2 murdered. Marcus had been dealing drugs. He was a young
3 man. He was a mother's son, a father's son, a brother.
4 He was a father of a small child. You're gonna hear about
5 all of that during the trial, but you're also gonna hear
6 that Marcus had been selling drugs.

7 Marcus was found dead in a cul-de-sac that came off
8 of Road. The early morning hours, about eight
9 o'clock, public works people from the county discovered
10 Marcus sitting in a car with a bullet hole in the back of
11 his head. They immediately, of course, called the
12 Sheriff's Department. The Sheriff's Department, of
13 course, immediately responded along with the coroner,
14 along with other people to look over this crime scene, to
15 begin the process of trying to decide who killed Marcus
16 Finklin, and you're gonna hear testimony throughout the
17 trial, as the case progresses, about how that
18 investigation proceeded.

19 You're gonna hear a number of witnesses testify.
20 Y'all probably lost track of the number of witnesses that
21 were called out to you during the jury selection, but I
22 promise you, I've been doing this for 30 years, and I've
23 never called 60 witnesses in a trial in my life. But just
24 based on our procedures and based on potential witnesses
25 that may testify, we kind of had to see whether y'all were

1 married to any of them or related to any of them or use to
2 be married to them, and that's the purpose of all that.
3 There won't be that many testify, but it's going to be a
4 pretty lengthy trial as trials go, and it will have a
5 number of witnesses, a number of different type of
6 witnesses.

7 So, when we start the train of witnesses coming up
8 here on behalf of the state to prove that Tevon Jackson is
9 guilty of murder and guilty of possession of a firearm in
10 the commission of a trial, I want you to think about what
11 happens when the police investigators pull up to a crime
12 scene.

13 In this particular case, there wasn't a crime scene
14 in the middle of whiskey Road. There wasn't a crime scene
15 in the middle of the City of Aiken. This was a rural
16 little turn around. I mean if -- you got to look for it.
17 You got to know it's there to find it, and that's what
18 they pulled up to and observed.

19 From that point on, witnesses spread out across the
20 state and across the county doing their jobs, questioning
21 people, uncovering anything they could uncover to try to
22 determine what happened to Marcus Finklin. It was
23 obvious, on the day in question, that Marcus Finklin was
24 involved in drugs in some way, but they didn't turn around
25 and leave and say, awe, drug dealer got killed. That

1 ain't what happens.

2 They started the process just like it was the judge
3 that got killed out there in the middle of that
4 cul-de-sac. They start canvassing people. They start
5 checking evidence. They start processing evidence.
6 You're going to hear a lot of very boring witnesses
7 talking about transporting evidence and moving it from one
8 hand to the next to the next and the chain of evidence as
9 they call it, and the whole purpose of that is to
10 withstand any cross-examination as to having tampered with
11 the evidence that they found.

12 well, all of those witnesses, what they're going to
13 lead to is some forensics, what we call forensics in the,
14 in the business of practicing law, but y'all watch
15 forensics, y'all see forensics, and you see Hollywood's
16 version of forensics on TV every night, and it's a
17 Hollywood version, you know.

18 I've watched movies where people fly. I've watched
19 movies where people turn into zombies. I've watched
20 movies where, you know, people disappear in a cloud of
21 smoke.

22 well, you realize all that's entertainment and all of
23 these forensic shows that CSI shows are entertainment.
24 The defense will get up here and say well, we start
25 talking about this, and this just means we don't have any

1 evidence. But that's not true and they know that. But
2 it's a world that people watch every day and think that
3 exists on Court or in Aiken County and it's
4 not. It's not going to ever be. It's still Hollywood.
5 Hollywood will advance way beyond our capabilities ever to
6 produce something.

7 But this case happened in June of 2008. It's
8 February the 23rd of 2011.

9 You think why does it take so long to get to court?
10 Well, it takes a long time, ladies and gentlemen,
11 and, and that's not a reflection on the evidence in this
12 case. It's a reflection on the process. And during that
13 period of time, a lot of things have happened that you
14 will see in the progression that comes up before you today
15 in the evidence, but specifically what you're gonna see is
16 a number of what we call eye witnesses to various things,
17 various remembrances that they had about the late morning
18 hours or late night hours of June 3rd, 2008, and the early
19 morning hours of June the 4th, 2008.

20 One witness you won't see is Marcus Finklin. He
21 won't be able to come in here and say what happened to
22 him, who did this crime to him or who, who shot him in the
23 back of his head. This wasn't a gun fight. This wasn't a
24 drive-by shooting. This wasn't a home invasion. This
25 wasn't a burglary. This was a cowardly murder is what this

1 was.

2 You're gonna see the evidence as it progresses from
3 that particular crime scene that these police came out and
4 observed. When you see all of this, after you've gone
5 back to the jury at the conclusion of this trial, you'll
6 understand what the process is that allows the State to
7 come in here and charge Tevon Jackson with the murder of
8 Marcus Finklin.

9 But during that process, during that trip, you're
10 gonna see witnesses that have been experts, you know, for
11 20 years, 25 years. You're gonna see people that's never
12 testified a day in their life in court, never thought they
13 would be here. You're gonna see criminals. You're gonna
14 see people that were using drugs, were probably dealing
15 drugs, and the reason that all of those witnesses are
16 brought before you is the process requires us to prove by
17 the testimony.

18 I never will forget, I was working as a defense
19 lawyer and they appointed me to represent somebody who was
20 charged with a very serious appeal and I had to go up to
21 Columbia and interviewed my client in the Department of
22 Corrections, and I never will forget the feeling of 16
23 doors slamming behind me as I went back there to interview
24 my client, and I'm thinking, the whole time I'm in there,
25 well, I don't know. Some of these guys in here might

1 recognize me as being a former prosecutor too. They
2 probably ain't gonna like me a whole lot. If something
3 happens to me in here, they got a lot of good witnesses,
4 but the variety of testimony they would get from those
5 witnesses and the credibility of those witnesses and the
6 things that a sharp defense lawyer would do to those
7 witnesses on the stand, if they were trying them for or
8 trying someone for hurting me in that lock-up, is not
9 going to look real pretty. So, I didn't spend as much
10 time as I probably should have in there. I got out of
11 there pretty quick, but it's kind of like that in this
12 case.

13 This happened on a, in an area where people were
14 using drugs. This happened in an area where people were
15 dealing drugs. This happened in a place where people go
16 to church, where they raise their families, but because of
17 the variety and the mix of people that lived on
18 Road that day, you're gonna have a variety and mix of
19 witnesses. It's not gonna be like it was when I was
20 locked behind those 16 doors interviewing my client, but
21 you're gonna see that, and it's gonna be an interesting
22 trial for you because you're gonna see a variety of
23 different people.

24 But what you're looking for in witnesses, and you'll
25 hear this from the defense I'm sure, is credibility.

1 credibility is something that varies from witness to
2 witness. The judge will tell you, at the end of this
3 trial, that you can believe one witness over another, part
4 of the testimony, part of the witness, part of five
5 witnesses. It's not the number of witnesses. It's a
6 question of the totality of the circumstances, the process
7 that will come into play at this.

8 But in opening statements, what I do is give you a
9 preview of what's to come so you won't be up there like
10 oh, that witness has a problem. Well, there is a problem
11 with the witness, but the witness was there. The witness
12 was part of this thing. It would be like the guy with 14
13 murder convictions that sees me get hurt in the Department
14 of Corrections.

15 Well, guess what?

16 He's still a witness.

17 So, you're gonna see what we call cross-examination.
18 You're gonna see impeachment. You're gonna see the State
19 presenting witnesses that charges are pending against.
20 You're gonna see that. You're gonna see forensic people
21 that have worked and studied and trained to preserve
22 evidence come before you and you're gonna see expert
23 witnesses, what we call them, and the judge will describe
24 as expert witnesses who, because of their training, and
25 because of their knowledge, and because of their

1 background and what they do for a living, can give
2 opinions as to evidence. And when all of these pieces of
3 this puzzle come together at the end of this trial is when
4 you'll be called on to reach a verdict.

5 Now, every time I have ever argued in front of juries
6 in the early years of doing this they'll be things
7 throughout the trial. They'll be things when I sit down
8 from right here that I meant to tell them this, meant to
9 tell them that, but this process that we go through to
10 present this evidence is a lengthy and sometimes boring
11 process.

12 Please, please, please pay attention. Please
13 remember the total picture that will come forward at the
14 end of this trial that I will have the opportunity to come
15 back before you and talk about. You will hear, you will
16 see, and you will observe or you will have in the jury
17 room different types of evidence and the purpose of that
18 evidence is to make pieces of this big puzzle, and whether
19 it's circumstantial evidence or direct evidence, what
20 people see, what people observed, what you have back in
21 the jury room holding or circumstantial evidence being
22 pieces of the puzzle that ultimately will fill in and will
23 show you why Tevon Jackson is charged with murder and why
24 he is charged with possession of a weapon in the
25 commission of that murder.

1 So, the advanced story is kind of like I hate to see
2 on TV. I hate to see the snippets of a movie in trailers
3 I think they call them. I don't know why they call them
4 trailers. But they're telling me way in advance of the
5 movie, but they give me the good parts of the movie.
6 Well, I'm not gonna do that here, but I think I have laid
7 out an outline of what's gonna come in.

8 They'll be eye witnesses. They'll be witnesses.
9 They'll be records custodian. They'll be forensics
10 technicians. They'll be investigators interspersed with
11 that. They'll be real people that live in New Ellenton
12 that live on Road and the vicinity of Dry
13 Branch Road that will testify.

14 So, at the end of this trial, it's just so important
15 that you remember the witnesses and think to yourself why
16 did the state call that witness?

17 why did they call all of these witnesses?

18 why did they put those witnesses up there to paint
19 this picture and put this puzzle together?

20 And I suggest to you, at the end of this trial, that
21 you'll understand why everyone was called, why they
22 testified the way they did, what was put before you, and
23 you will reach the conclusion that the State seeks in this
24 case, and that Tevon Jackson is guilty of murder.

25 THE COURT: Ms. Alves.

1 MS. ALVES: May it please the Court.

2 THE COURT: Yes, ma'am.

3 MS. ALVES: Ladies and gentlemen, as the solicitor
4 told you, this is not TV. This is real life. This
5 concerns the life of this young man right here, Tevon
6 Jackson, because he is a person whose fate we're here to
7 decide during this trial. He is the person whose been
8 accused of this crime, and he is the person whose been
9 waiting, not just the State, not just a long process, he
10 has been waiting almost three years to have his day in
11 court so that he can, so that he can, by having this
12 trial, tell you that he is not guilty, that he did not
13 kill Marcus Finklin.

14 Now, this isn't TV. This is real life. You know, on
15 TV they have a lot of things that are never gonna happen
16 in real life and I watch those shows, and you'd be
17 surprised. But I'm an addict of CSI and Law & Order, and
18 all those law and order shows. You wouldn't, you wouldn't
19 think that I would be since this is what I do live every
20 single day. But if it's a Law & Order marathon I'm
21 watching it.

22 Sunday I think, or Saturday, I think Law & Order was
23 on all day. My TV didn't budge from whatever channel that
24 was cause I love that show. Can't get enough of that.
25 I'm screaming at the TV that doesn't, that doesn't really

1 happen or you can't do that. It's crazy. But I'll yell
2 at the TV and nobody watches it with me because they don't
3 want to hear me. But not everything that you see on TV is
4 true, but one thing that is true.

5 The forensic sciences. I think some of the things
6 that you see on TV, they're based in reality. Like the
7 solicitor told you, he told you I was gonna get up here
8 and tell you, well, you know, telling you it's not, it's
9 not like it is on TV, I'm gonna argue that, that's because
10 they don't have any evidence. No, that's not why I'm not
11 gonna argue that. I'm gonna argue it because the evidence
12 they're gonna present to you is insufficient for you to
13 find a verdict of guilty against Mr. Tevon Jackson.

14 Now, I want to comment on something else that the
15 solicitor said to you during, during opening statement.
16 He said this isn't New York, this isn't LA, and I'm sure
17 that y'all can tell by my accent I'm not from South
18 Carolina originally. Although I do say y'all.

19 I'm from New York originally, and I came to South
20 Carolina to go to the University of South Carolina.
21 That's where I went to undergrad, graduate school, and law
22 school.

23 And let me tell you, if any, if any of you have ever
24 been on campus or been on a college campus with a lot of
25 people from out-of-state, you know, sometimes northerns

1 come down here with a little attitude, and, you know, that
2 always made me mad. Even though I'm from the north and
3 I'm from New York and my family still lives there, it
4 makes me mad to have people who come to somewhere else
5 like South Carolina and they want to complain. Oh, New
6 York's better. Oh, you know, this place is better.
7 Philly's better. New Jersey's better.

8 Then go back. That was always my theory. If you're
9 not happy here, you think it's better somewhere else, go.
10 That's just my pet peeve because, you know what, I've been
11 in South Carolina so long, I'm a South Carolinian. I've
12 been affiliated here in Aiken for so long you might as
13 well call me an Aikenite.

14 And you know what?

15 It offends me when people say well, this isn't New
16 York. This isn't LA. This is Aiken.

17 Because you know what?

18 We deserve, in Aiken, as much as they have in any
19 other state or city in the, or any other city, any other
20 state, any other place. This is Aiken. We're proud of
21 Aiken, and we should have everything.

22 Cause you know in Aiken what you get?

23 The same constitutional rights you get in New York or
24 LA or any place else. In Aiken, a defendant gets a right
25 to a fair trial. In Aiken, we expect the best for our tax

1 dollars. We expect that the tax dollars we pay to the
2 police and to the investigators to inspire, to inspire
3 them to do a good job.

4 We're not saying, oh, this is Aiken. We're a rural
5 community. The police can just do half an investigation
6 and that's good enough. No, it's not. We're Aiken. We
7 expect better. We deserve better. We deserve a police
8 who do a thorough investigation. We deserve evidence that
9 the, that the, is sufficient beyond a reasonable doubt to
10 convict the defendant and all that preview from the
11 solicitor is because the evidence here is insufficient.

12 That's my opinion, of course. I'm asking you to
13 listen to the evidence, and at the end, at the end of the
14 case, when the judge tells you the law, I think you'll
15 agree with me.

16 But let me tell you this. The judge told you that
17 you, as the jury, are the triers of the fact. Now, he
18 will tell you what the law is. The law is what it is, but
19 the facts will come from the witnesses and the testimony
20 and the evidence that's presented.

21 Now, I'm only asking you to keep an open mind, wait
22 until the end of the case when you hear everything because
23 there are witnesses who are going to testify and it's
24 going to be up to you to judge their credibility.

25 Can you believe what these people are saying?

1 Is what they have told you sufficient to convince you
2 beyond a reasonable doubt that Mr. Tevon Jackson is
3 guilty?

4 Now, the judge is going to tell you what the law is
5 and the law is very clear. They, they can't just put up
6 evidence that says, oh, he probably did it, oh, I think he
7 must have done it. The State has the burden here. The
8 defendant has no burden. I have no burden at all in this
9 case. Of course, I'm taking my role very seriously, but
10 what that means is that we don't have to present evidence.
11 The defendant doesn't have to testify. The defense can
12 just sit back and wait for the State to prove their case.

13 The State has the burden here. They must prove to
14 you unanimously, beyond a reasonable doubt, that Mr. Tevon
15 Jackson is the one who fired the fatal shot at Marcus
16 Finklin on June 3rd, on that night, on the night of
17 June 3rd, the morning of June 4th, 2008, and, ladies and
18 gentlemen, if they can do that, if you are convinced,
19 beyond a reasonable doubt, that that is, that that is what
20 happened, then your burden, as jurors, is going to be to
21 find Mr. Jackson guilty at the end, at the end of their
22 deliberation. But, ladies and gentlemen, if you are not
23 convinced, beyond a reasonable doubt, that the State has
24 proven to you that Tevon Jackson is the person who killed
25 Marcus Finklin on that date, then you must find

1 Mr. Jackson not guilty.

2 Now, you will hear -- like I said, you're going to
3 hear a lot of evidence. You're going to get a lot of
4 information about this case, and while it might be
5 somewhat of a long one, we're not -- this is not like a
6 two or three week or whatever you see some time in the
7 newspaper or federal court.

8 But this case is important regardless of the length
9 of time it takes. It's important to everybody in this
10 courtroom. It's important to the citizens of Aiken, and
11 most importantly to Tevon Jackson.

12 I just ask you to pay attention to all of the
13 evidence, listen carefully, keep an open mind, and weigh
14 the credibility of each witness, and give, and give
15 consideration to what evidence the State has presented to
16 you, and that they don't have, and I -- all I ask is for a
17 verdict that speaks the truth.

18 Thank you.

19 THE COURT: You may call your first witness, Mr.
20 Weeks.

21 SOLICITOR WEEKS: Your Honor, I have just one
22 technical matter as we discussed earlier. Mr. William
23 Hare, Hare---

24 THE COURT: Thank you.

25 SOLICITOR WEEKS: ---was substituted on the witness

1 list---

2 THE COURT: I appreciate it.

3 SOLICITOR WEEKS: ---for somebody who was ill and --.

4 Ladies and gentlemen of the jury panel, yesterday
5 when we went through all the names of the potential
6 witnesses in the trial of the case it's one witness,
7 either, I mispronounced it or he was not able to be here
8 today, and they're having to substitute another witness
9 for that particular witness, and the new witness will be
10 William Hare.

11 Mr. Hare, will you stand for me please?

12 (Witness complies.)

13 THE COURT: Thank you. Be seated please.

14 Any member of the jury panel related by blood or
15 marriage or do you now or have you in the past had a close
16 personal or social relationship with Mr. William Hare, if
17 so, please stand.

18 (No response.)

19 THE COURT: Any additional questions by the State?

20 SOLICITOR WEEKS: No, Your Honor.

21 THE COURT: By the defendant?

22 MS. ALVES: No, Your Honor.

23 THE COURT: Let the record reflect that nobody stood.

24 SOLICITOR WEEKS: Alex Smith.

25 ALEX SMITH, after being duly

Alex Smith - Direct examination
by Solicitor Weeks

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1 sworn, testified as follows:

2 THE CLERK: Have a seat in the witness box stating
3 your full name, spelling your last for the Court please.

4 THE WITNESS: Good morning. My name is Alex Patrick
5 Smith. S-M-I-T-H.

6 THE COURT: Good morning, Mr. Smith. If you'll have
7 a seat and answer Mr. Weeks' questions.

8 DIRECT EXAMINATION

9 BY SOLICITOR WEEKS:

10 Q Good morning.

11 A Good morning.

12 Q Mr. Smith, where are you employed currently?

13 A Aiken County Public, Public Works.

14 Q Okay. And back on June the 4th of 2008, were you
15 employed there also?

16 A Yes.

17 Q And were you working in the early morning hours of
18 June the 4th, 2008?

19 A Yes.

20 Q What were you doing?

21 A We was working on a ditch out there on
22 Court Road and we approached a cul-de-sac, and when we
23 rode up there, we seen a car with a person in there.

24 Q Okay. And when you observed that car with the person
25 in there, what did you do?

1 A We looked around and we seen that there was no
2 movement, and from there we immediately called Aiken
3 County, the secretary, and she called 9-1-1 and had the
4 New Ellenton, the New Ellenton Police come out there and
5 verify the body.

6 Q Okay. And during the time while you were waiting,
7 did you disturb or tamper or alter with the body you saw
8 in that car?

9 A No.

10 Q And you were, I guess, with Mr. Rollins back there in
11 the Public Works shirt?

12 A Yes.

13 Q And to discover what the circumstances was with the
14 body, did y'all walk up to it or what did you do?

15 A We walked up to the car. We looked around. We seen
16 his tongue out with blood on the crack of his mouth. Then
17 Robert kicked the tire to see if any movement, and there
18 was no movement, he hadn't woken, and that's when we made
19 that car.

20 Q Okay. And did y'all back off and stay back---

21 A We stayed back.

22 Q ---until the police arrived?

23 A Yes.

24 Q Did y'all stay there for a period of time filling out
25 your statements and everything?

1 A Yes, we stayed there until the cop came and we filled
2 out a statement, and then we went back to work, and then
3 we was called back a few hours later with the news
4 reporter.

5 Q Okay. And did you witness the police show up?

6 A Yes.

7 Q And did they mark off the crime scene?

8 A Marked off the crime scene, yes.

9 Q With like yellow tape or something?

10 A Yellow tape.

11 Q Well, I'm gonna hand you what's marked as State's
12 Exhibit No. 4, and I believe this is without objection,
13 Your Honor.

14 MS. ALVES: Without objection.

15 Q The scene depicted in State's Exhibit No. 4, do you
16 recognize this?

17 A Yes, I just recognize the car, yes.

18 Q Okay. And is that the way the scene appeared when you
19 arrived there?

20 A Yes.

21 Q All right. And whether or not you can see a body in
22 the car, was the car parked in that position --

23 A The car was parked---

24 Q -- that's indicated in this photo?

25 A Yes, we observed the body as we approached.

Alex Smith - Direct examination
by Solicitor Weeks

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1 SOLICITOR WEEKS: Okay. And, Your Honor, I believe
2 State's Exhibit No. 4 is without objection.

3 THE COURT: Okay. Admitted in.

4 (WHEREUPON, State's Exhibit No. 4 was received into
5 evidence at this time.)

6 Q Okay. Is this photograph a true and accurate
7 representation of what you saw when y'all pulled into the
8 cul-de-sac?

9 A Yes.

10 Q Okay. Now, Alex, y'all didn't leave any trash or do
11 anything else at the scene?

12 A Yes. Yes, sir.

13 Q What did you do?

14 A I urinated on the side of the car a few feet back
15 when we approached, when we approached the car and we made
16 the call.

17 Q Okay. But it wasn't around the doors or nothing like
18 that?

19 A No, it wasn't around. Just a few feet away from the
20 car.

21 Q Okay. Did you smoke or leave any cigarette butts?

22 A No, sir.

23 Q Okay. Thank you. Answer any questions---

24 THE COURT: Ms. Alves, any questions?

25 CROSS-EXAMINATION

Alex Smith - Cross-examination
by Ms. Alves

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1 BY MS. ALVES:

2 Q Mr. Smith, do you know how long the car had been
3 there before you came up?

4 A No.

5 Q Had you ever seen that car before?

6 A No.

7 Q No further questions.

8 SOLICITOR WEEKS: None from the State, Your Honor. I
9 would ask that Mr. Smith and Mr. Rollins be released from
10 the subpoena.

11 MS. ALVES: No objection.

12 THE COURT: You're free to go back to work.

13 WITNESS: Thank you.

14 THE COURT: Have a nice day.

15 Next witness.

16 SOLICITOR WEEKS: Your Honor, the State would call
17 Officer Lancaster.

18 KEVIN LANCASTER, after being duly
19 sworn, testified as follows:

20 THE CLERK: Have a seat in the witness box stating
21 your full name and spelling your last for the Court
22 please.

23 THE WITNESS: Kevin Austin Lancaster. Last name is
24 Lancaster, L-A-N-C-A-S-T-E-R. Corporal, Aiken County
25 Sheriff's office.

Kevin Lancaster - Direct examination
by Solicitor Weeks

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1 DIRECT EXAMINATION

2 BY SOLICITOR WEEKS:

3 Q Corporal, how long have you been an officer at the
4 Aiken County Sheriff's Office?

5 A It will be five years in approximately two months.

6 Q And, and on June the 4th of 2008, were you working
7 for the Sheriff then?

8 A Yes, sir.

9 Q And what were your responsibilities during that
10 period of time?

11 A I was carrying out routine patrol function in the
12 South Aiken area, the district, and responded to a dead
13 body call approximately 7:57 hours to Court
14 just down from 156.

15 Q Okay. And just down from 156 is -- what is 156?

16 A The residence adjacent to the location where the car
17 was found.

18 Q Okay. And Court, what does it connect to?

19 A It connects to Road.

20 Q And if you took a left and went down
21 Road---

22 A You'd---

23 Q ---you'd come back to whiskey?

24 A Yes.

25 Q Okay. Now, corporal, when you got there, what did

1 you observe?

2 A When I arrived, Chief Hamilton, who is now deceased,
3 was already on scene. My arrival time was 8:10. He
4 arrived at approximately 8:01. He arrived, and upon my
5 meeting with him, advised that the driver---

6 Q Don't tell me what he said.

7 Just did you observe a body in the car?

8 A Yes.

9 Q All right. What did you do as a result of your
10 training?

11 A I secured the crime scene or the scene and crime
12 scene tape to maintain the integrity of the crime scene,
13 notified my lieutenant who also arrived who's Lieutenant
14 Lyles with, who arrived shortly thereafter. He then
15 notified forensics and investigations to respond to the
16 location.

17 Q Okay. And did you wait there until investigators
18 arrived?

19 A Yes, I did.

20 Q And would that be Investigator Clay Adams?

21 A Yes, sir.

22 Q All right. Well, did you, did you see Mr. Smith
23 testify?

24 A Yes, sir.

25 Q Was he present when you arrived?

Kevin Lancaster - Direct examination
by Solicitor Weeks

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1 A He was, and upon my arrival and meeting with him, I
2 had him fill out a voluntary witness statement with both
3 he and Mr. Smith and Mr. Rollins completing it.

4 Q Okay. As part of your on the scene, did you run the
5 tag?

6 A Yes, sir, I did, and it came back to I believe a John
7 R. Doolittle out of Augusta, Georgia.

8 Q And you furnished that information to the
9 investigators?

10 A Yes, sir.

11 Q Okay. You didn't tamper or alter or trash-up the
12 place in any way, did you?

13 A No, sir.

14 Q Corporal, that location that the body was located at,
15 what county is that in?

16 A It's within the County of Aiken.

17 SOLICITOR WEEKS: Thank you. I have no further
18 questions.

19 THE COURT: Cross.

20 CROSS-EXAMINATION

21 BY MS. ALVES:

22 Q You ran the tags for the vehicle?

23 A Yes, ma'am.

24 Q And did, did the vehicle come back stolen?

25 A No, ma'am, it did not.

1 Q It didn't come back stolen.

2 And did you have any communication with Mr. Doolittle
3 about his vehicle?

4 A No, ma'am, that information was given to the
5 investigator.

6 Q And did you do anything else in relation to this
7 case?

8 A No, ma'am.

9 Q The only thing you did was secure the crime scene and
10 notified the lieutenant who called in the additional
11 investigators?

12 A Other than that, the only involvement was partially
13 the crime scene census. But other than that, no.

14 Q You took note of who, which police officer and EMS
15 personnel and deputies showed up at the crime scene?

16 A Initially it was done by a, a deputy that no longer
17 works with the agency, who is Steven Leblanc. He
18 initially had it. Due to a high call volume, he was
19 called elsewhere, which I took over keeping up with that
20 census.

21 Q And you didn't talk to any witnesses?

22 A I spoke with Mr. Rollins and Mr. Smith initially.

23 Q Other than them?

24 A No. No.

25 Q You have no other recollection, any more details

Kevin Lancaster - Cross-examination
by Ms. Alves

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1 about what may or may not have happened?

2 A No, ma'am.

3 Q Thank you. No other questions.

4 SOLICITOR WEEKS: Nothing further, Your Honor, and,
5 unless they have further need, we'd ask that he be
6 excused.

7 THE COURT: Any objections?

8 MS. ALVES: No.

9 THE COURT: You may step down and be excused.
10 Next witness.

11 SOLICITOR WEEKS: Your Honor, the State would call
12 Investigator Clay Adams.

13 CLAY ADAMS, after being duly
14 sworn, testified as follows:

15 THE CLERK: Have a seat in the witness box stating
16 your full name spelling your last for the Court please.

17 THE WITNESS: Martin Clay Adams, A-D-A-M-S.

18 DIRECT EXAMINATION

19 BY SOLICITOR WEEKS:

20 Q Clay, where are you employed?

21 A I'm employed with Aiken County Sheriff's Office.

22 Q And what capacity are you employed there?

23 A I'm the lieutenant of forensic investigations for the
24 sheriff.

25

1 Q Tell me what forensic investigations means with
2 regards to the Sheriff's Department.

3 A Our forensics investigation section is responsible
4 for the crime scene responses, our evidence and our
5 laboratory, such as drug laboratory, and our evidence
6 processing laboratories.

7 Q How long have you been employed in that capacity, and
8 if you would, tell me a little bit about your background,
9 educational background.

10 A I've been employed by the Aiken County Sheriff's
11 Office ten years to today. I hold a Bachelor of Science
12 and an Associates of Science. I'm a graduate of the
13 Criminal Justice Academy as a certified law enforcement
14 officer. I have further training in crime scene
15 processing, evidence processing, latent fingerprint
16 development, latent fingerprint identification, detective
17 level one, and numerous other advanced courses through the
18 Criminal Justice Academy and other private institutions.

19 Q Clay, on June the 4th of 2008, did you receive a call
20 in reference to this case?

21 A I did.

22 Q And what did you do when you received that call?

23 A We responded to the location.

24 Q All right. And was Officer Lancaster present when
25 you arrived?

Clay Adams - Direct examination
by Solicitor Weeks

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- 1 A He was.
- 2 Q And did other investigators come forward or show up?
- 3 A They did.
- 4 Q Tell me what you do when you come to a crime scene
- 5 like that, Clay.
- 6 A The first thing that we do, when we go to a crime
- 7 scene, is obviously the protection of any physical
- 8 evidence that, that can be found. First of all, we
- 9 document the crime scenes. We have numerous methods that
- 10 we do. Typically it's from digital photography. We also
- 11 do sketches, sometimes we do a video. But we, we document
- 12 the scene as we find it. Once we've documented the scene,
- 13 then we start going through the scene and try to find any
- 14 physical evidence that can lead to any kind of
- 15 identification as to what happened at the scene.
- 16 Q Would you describe the crime scene, as we've called
- 17 it, that you approached on that day?
- 18 A I'm sorry?
- 19 Q Would you describe the crime scene, as we've called
- 20 it, as you approached on that day?
- 21 A This scene was a single vehicle in a cul-de-sac.
- 22 Q Was it -- well, describe it, if you would, and
- 23 compare it to other crime scenes or tell the types of
- 24 crime scenes that you arrive at and what they look like.
- 25 A This crime scene was very minimalistic. There wasn't

1 much to it. It was a roadway, a cul-de-sac with a car,
2 and, and very little physical evidence around the car as
3 opposed to a crime scene inside of a house where you would
4 have blood spatter, you would have shell casings,
5 cigarette butts, any and all kind of other different
6 physical evidence where you would find like in a struggle
7 or such. This case was not, was not such. It was a
8 vehicle and very little physical evidence around the car.

9 Q Okay. Clay, I've been to crime scenes with you where
10 I wanted to put on a body suit before I got out of the
11 car, and you describe this as a clean one.

12 what do you mean by clean?

13 A Clean meaning the biological threat that we would be
14 exposed to in a confined space was not present. So,
15 therefore, we were in the open air. We were in an area
16 that was open and freely accessible for us to avoid any
17 kind of potential dangers.

18 Q If you would, Clay, tell me what you did at this
19 crime scene as far as your job.

20 A In this case, we, of course, we photographed the
21 scene and processed it that way. We observed some, some
22 physical evidence around the car, cigarette butts that
23 appeared to be very fresh to us. So, we photographed
24 them, marked them, and collected them. Because the car in
25 itself is a crime scene, we did not want to process that

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1 vehicle out in the open, in the open elements. We do have
2 a facility back at the Sheriff's Office that we can bring
3 the car into a climate controlled area.

4 So, we opted to keep the vehicle in tact once we
5 removed the deceased and had it towed to the Sheriff's
6 Office for further processing. As the deceased was at
7 the, at the scene, I collected his fingerprints for
8 identification and the cigarette butts, and then we had
9 the vehicle towed.

10 Q Okay. You don't dust for prints for -- in this
11 particular case, did you dust for prints or do anything
12 at, at the crime scene with regard to latent prints?

13 A Not at the crime scene, no.

14 Q Tell me about the process of, of what happens with a
15 body when you arrive at a crime scene or more specifically
16 about this crime scene.

17 What happened with the body?

18 A We work in conjunction with the Coroner's Office, and
19 what we do is we will, we will shoot out photographs and
20 allow them to shoot their photographs. Then we will
21 assist them to remove the body out of the vehicle to where
22 he was placed into a body bag. His fingerprints were,
23 were collected as well as the gunshot residue kit, which
24 is a kit that we perform to see if there is any traces of
25 gunpowder on the hands that should be present if a person

1 fired a weapon, and then the body was turned over to the
2 Coroner's Office for their transportation.

3 Q Okay. In this particular case, did you do the
4 gunshot residue kit---

5 A I did.

6 Q ---on the person of Marcus Finklin?

7 A On the person of Marcus Finklin. I need to check my
8 notes.

9 Q Okay. But did you do anything with regard to gunshot
10 residue on the car when you were processing the car?

11 A Yes.

12 Q And what is that?

13 Describe what gunshot residue is from your standpoint
14 or what, how you go about collecting it or attempting to
15 collect it.

16 A Our gunshot residue kit comprises of really two
17 different tests. This is a kit that we call it sticky
18 tab. It's also called a sianio tab, and basically what it
19 is is it's a sticky surface that we dab the area that
20 we're looking to see if there's a presence of gunshot
21 residue. The particles of the gunshot residue adhere to
22 that sticky tab, and then we do another test, which is
23 within the same kit, using acetic acid, which also
24 collects the particles of the gunshot residue kit. All
25 that's sealed into a kit and it's sent to the State Law

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1 Enforcement Division for them to do the testing.

2 Q When you seal it, what do you do with it?

3 Do you turn it into y'all's evidence?

4 Do y'all keep stuff there at the Sheriff's Office?

5 A Yes, we, we package our, our evidence, seal the
6 evidence, and then it's submitted into our evidence
7 facility where it is assigned a bar code and it is tracked
8 from there on.

9 Q All right. Some of that evidence, does it go to
10 Columbia to the SLED lab?

11 A It does.

12 Q All right. And the evidence custodian at the
13 Sheriff's Department that you would turn evidence you
14 collected on a crime scene into is who?

15 A Gerald Turner.

16 Q And he was the evidence custodian at that time in
17 June of 2008?

18 A Yes, sir.

19 Q And did you turn everything you collected in this
20 case over to him?

21 A I did.

22 Q Did you alter or tamper with it or add to it or
23 destroy it in any way before you presented it to him?

24 A No, sir.

25 Q Okay. Tell me what you do about processing the car

1 once you get it back to the Sheriff's Department.

2 A Once we get it into our facility, like I said, it's
3 climate controlled. We photograph the vehicle again.
4 Then we move to the inside, photograph the inside of the
5 vehicle, and then we will basically work our way in.
6 We'll process the outside of the vehicle for fingerprints.
7 Then we'll move to the inside, try to determine if there's
8 any physical evidence inside the vehicle that we can
9 remove. That is, in turn, removed out of the vehicle and
10 then proceeding into closer.

11 Q All right. And, in this case, you take pictures of
12 the interior of the vehicle, exterior of the vehicle, that
13 sort of stuff?

14 A Three sixty, yes, sir.

15 Q Now, do you recall anything about this particular
16 vehicle with regard to what was contained inside the
17 vehicle?

18 A Other than it being a, a late model, or excuse me, an
19 early model Ford Crown victoria.

20 Q Did you find any telephones in the vehicle?

21 A Yes, sir.

22 Q All right. Do you recall how many you found?

23 A I believe five.

24 Q All right. All of them operational?

25 A No, sir.

1 Q Do you test to see if they're operational at the
2 time?

3 A We do.

4 Q All right. And the ones that were operational, did
5 you -- were you able to get a phone number off of them?

6 A Yes, sir.

7 Q And do you record that phone number or give it to
8 investigations or what do you do?

9 A We turn that information over to the investigator
10 assigned to the case.

11 Q And in this case, were you able to lift any latent
12 prints or anything off of the items in the car or the
13 exterior of the car?

14 A Yes, sir.

15 Q And what do you do with those latent prints and
16 describe what a latent print is as opposed to some other
17 type.

18 A Well, first of all, a fingerprint is the most
19 delicate physical evidence at any crime scene and not
20 really at any crime scene just, in period, a fingerprint
21 is the most delicate item because it's water. It's
22 roughly about 98 percent water. So, it is the minutia or
23 the detail in that fingerprint that we're looking for is
24 so minute that the slightest bit of damage can erase any
25 bit of identification for us. So, knowing that a

1 fingerprint being water and being as delicate as it is
2 determines, helps us determine what kind of process will
3 best suit us to develop that fingerprint to where we can
4 identify it. So, in this case, when we have fingerprints
5 that are developed, we will sit down and look through them
6 and try to identify as many of them as we can.

7 Q All right. Clay, the fingerprints -- how long do
8 they last?

9 How long can you collect fingerprints for?

10 A We don't know. A fingerprint, like I said, is, is
11 really determined by the surrounding environment. It
12 could be---

13 Q Hours, days, weeks, months, years?

14 A Years, decades.

15 Q Okay. So, if you collect a fingerprint, that doesn't
16 necessarily mean it was just put there is what I'm getting
17 to?

18 A That's correct.

19 Q All right. And describe the different ways you said
20 that you try to collect latent fingerprints?

21 A Well, fingerprints, one, are a, are a deposit. So,
22 before we can even begin to try to develop that
23 fingerprint -- first of all, they call them latent
24 fingerprints. Latent means not visible. So, when I say
25 that we're gonna develop it, we're gonna put a process, a

1 chemical process or a powder or another scientific process
2 to make that latent fingerprint visible. If we can't see
3 it, we can't identify it.

4 So, by putting a powder or a chemical, it will stain
5 it and give it contrast to the, to the item that it's on.
6 In this case, we would process the vehicle and the
7 interior of the vehicle and the items out of the vehicle.
8 But before we can even do that, we have to determine what
9 kind of surface we're dealing with. There's only two kind
10 of surfaces in this world, and that's gonna be a porous
11 surface and a non-porous surface, and that means -- I've
12 been guilty of putting a glass off on a table without a
13 coaster and the condensation leaves the ring. Well,
14 that's what fingerprints do.

15 So, we have to determine whether or not the surface
16 that we're looking to try to pull it, to try to identify
17 the fingerprint off of will hold the water or if it will
18 absorb the water, and if it will absorb the water, that
19 would require certain types of processing. If it holds
20 the water, then that has it own sets. So, first of all,
21 we have to determine what kind of surface we're doing.

22 Q what do you do when you determine what kind of
23 surface -- what are the different methods of collecting a
24 fingerprint?

25 A The most typical is, is brush and powder. The

1 powders that we use are, are ultra fine powders. A lot of
2 them are man made. Some of them are even volcanic ash.
3 There's just a vast majority of different chemical
4 compounds. Basically it's a very very fine powder, and
5 we'll take that brush and we will lightly put the dust on
6 to the moisture of that fingerprint and that moisture will
7 absorb that dust causing it to, to become visible.

8 Q How do you then analyze that fingerprint that you
9 found to compare it to something?

10 A Well, most of the time we'll do what's -- most of the
11 time we'll use tape. It's a clear tape, cover the
12 fingerprint, and we'll lift that developed image off and
13 put it on to a card so that way it can be maintained. It
14 can be looked at and not actually on the item.

15 Q And is there another kind of common method y'all use
16 to lift or to identify latent prints on an item?

17 A We, we use, we use a number of processes. Most
18 notable I guess is what's called sianocolate niaster
19 fuming. It's also called Super Glue. It's where we will
20 take Super Glue and heat it up to where it becomes a
21 vapor, and that vapor is sianocolate, the active
22 ingredient. That fume cloud adheres to the moisture of
23 the fingerprint, which will cause it to, to become
24 visible, kind of a white haze, but it also kind of makes
25 it permanent so that way we can continue to, to view it

1 and develop it.

2 Q And, now, once you are able to or if you're able to
3 identify a print on a substance, lift it up, or photograph
4 it, how do you compare it to something else?

5 A What we do is we will take the unknown latent
6 fingerprint or developed fingerprint and compare it to a
7 known fingerprint to make an identification. If we don't
8 have someone specific to look at, we will enter the
9 fingerprint into A.F.I.S, and A.F.I.S. stands for a
10 Automated Fingerprint Identification System. It's a
11 system that's maintained, a database that's maintained by
12 the State Law Enforcement Division and it's basically
13 google fingerprints.

14 It doesn't say like they do on TV, but they put in a
15 fingerprint and it says match and the guy's driver's
16 license flips up. What it does is it brings us back 18 to
17 30 fingerprints, which the parameter we put in, that it
18 feels is the closest match, and then, as a human, I will
19 sit down and look at the fingerprints and make, and make
20 an examination between those.

21 Q Okay. And if you don't have fingerprint records, if,
22 I, I happen to know because I am a lawyer and I had to
23 submit mine, but if there aren't fingerprint records in
24 there for common people in the A.F.I.S. system, you don't
25 have anything to match it against, do you?

1 A No, sir.

2 Q And, so, do you commonly or is it routine to lift
3 prints that you can't do a thing with?

4 A Very common.

5 Q And in this particular crime scene location on this
6 car, were there a number of latent lifts that you were
7 able to preserve?

8 A Yes, sir.

9 Q And were you able to find any matches to those?

10 A Yes, sir.

11 Q All right. And the matches that you found, were you
12 able to identify any that went to the defendant?

13 A No, sir.

14 Q Jose Serrano?

15 A Not to my recollection.

16 Q Well, refer to your reports because that's an
17 important question.

18 A No, sir.

19 Q Joseph Dicks?

20 A No, sir.

21 Q You were -- were you able to identify anybody as
22 having prints on the car or in the car?

23 A Yes, sir.

24 Q Okay. How many people?

25 A Three separate people.

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1 Q Okay. And how did you make those comparisons?

2 A One person identified was the deceased, Marcus
3 Finklin. The other two people were identified by A.F.I.S.
4 or by myself using A.F.I.S.

5 Q And that's where you get a bunch of them to look at,
6 compare to the print you submitted to A.F.I.S.?

7 A Yes, sir.

8 Q Was one of them his brother, Thomas Jackson?

9 A Yes, sir, Thomas Duran Jackson.

10 Q And was one of them a female?

11 A A Daphne Nicole Parker.

12 Q Do you know who she is?

13 A No, sir.

14 Q Okay. Any others out of all of the latents you lift
15 were you able to identify with anybody?

16 A No, sir.

17 Q Clay, is that pretty common?

18 A Very common.

19 Q Now, take me back if you would. You mentioned
20 cigarette butts at the crime scene.

21 Tell, tell me about the cigarette butts and how you
22 went about finding those and preserving those.

23 A The cigarette butts were located on either side of
24 the vehicle. One was on the driver's side of the vehicle.
25 One was on the passenger side of the vehicle. I believe

1 the one on the passenger side of the vehicle still had an
2 ash to it, which appeared very very fresh to us.

3 Q Did you collect them both?

4 A Yes, sir.

5 Q How do you go about collecting them and preserving
6 whatever evidence that might be able to be determined from
7 a cigarette butt?

8 A The cigarette butts are collected individually,
9 packaged individually.

10 Q Were they sealed?

11 A Yes, sir.

12 Q And what do you do with them?

13 A They were, along with all of the other evidence, was
14 submitted to the, to the evidence room to be processed
15 where a bar code issued to them and then sent to the State
16 Law Enforcement Division.

17 Q All right. Did you turn those cigarette butts or the
18 cigarette butts you collected on the scene, who did you
19 turn those over to?

20 A To Gerald Turner, the evidence tech.

21 Q All right. Did you tamper or alter or doctor those
22 cigarette butts in any way?

23 A No, sir.

24 Q Clay, you indicated that you took photographs. Now,
25 I know I've got a stack of photographs here I'm fixing to

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1 show you, but do you have any idea as to how many you take
2 or does it vary?

3 A It varies.

4 Q Okay. Do you take more than this?

5 A Yes, sir.

6 Q All right. I'm gonna hand you -- Your Honor, I'm
7 gonna hand the witness a number of exhibits that I will
8 call out that are in without objection by the defense.

9 MS. ALVES: That's correct.

10 Q Clay, State's 4, State's No. 3, State's No. 6,
11 State's No. 7, State's No. 8, State's No. 9, State's No.
12 10, State's No. 11, No., State's 12, State's 13, State's
13 14, State's 15, 16, 17, 18, 19, 20, and 24. All in
14 without objection, Your Honor.

15 (WHEREUPON, State's Exhibit Nos. 3, 6 through 20, and
16 No. 24 were received into evidence at this time.)

17 Q Clay, if you would, step down here, if it's all right
18 with the Court, and kind of just give me a Reader's Digest
19 version of what this photographs are depictions of.

20 A (Witness comes down from the stand.)

21 Q State's No. 4 in without objection. Just kind of
22 hold it up to the jury and just tell them.

23 A State's Exhibit 4 is, is kind of an overall picture
24 of the scene showing the, the Crown victoria along with
25 some evidence markers.

1 Q Okay. State's 3.

2 A State's 3 is a, is a shot from the cul-de-sac being
3 behind me facing back towards Road.

4 Q State's 6.

5 A State's 6 is, is an overall picture of the Crown
6 Victoria without the evidence markers.

7 Q Seven?

8 A Seven is a photograph of the passenger side of the
9 Crown Victoria in the cul-de-sac.

10 Q State's 8.

11 A State's 8 is the rear of the Crown Victoria in the
12 cul-de-sac.

13 Q State's 9.

14 A State's 9 is a picture of the driver's side of the
15 Crown Victoria in the cul-de-sac.

16 Q State's 10.

17 A State's 10 is a closer picture of the driver side of
18 the Crown Victoria in the cul-de-sac.

19 Q All right. Have y'all messed or tampered with the
20 windows in any way on that car?

21 A No, sir, the windows -- driver's, front driver's door
22 windows appears to be a little over half-way down and the
23 back window seems to be down about two inches.

24 Q State's No. 11.

25 A State's No. 11 is the back of the Crown Victoria

1 displaying the license tag.

2 Q State's 12.

3 A Twelve is going to be the passenger side of the, of
4 the vehicle more specifically depicting that the driver's
5 side door is, is kind of cracked. Not completely closed.

6 Q State's No. 13.

7 A State's No. 13 is a picture of the passenger side of
8 the Crown Victoria also showing the cigarette butt.

9 Q The cigarette butt on the passenger side that y'all
10 collected?

11 A On the passenger side, yes, sir.

12 Q State's No. 14.

13 A State's No. 14 is a picture of the deceased from the
14 front passenger side facing him who is seated in the
15 driver side of the vehicle.

16 Q Is that the manner in which y'all found him?

17 A Yes, sir.

18 Q State's No. 15.

19 A State's No. 15 is a picture of the front seat between
20 the passenger side front door and the deceased.

21 Q What does that appear to be by the deceased hand?

22 A A cellular telephone.

23 Q Did y'all, did y'all collect that phone?

24 A We did.

25 Q State's No. 16.

1 A State's No. 16 is a picture of the deceased.

2 Q Seventeen.

3 A State's 17 is a picture of the front driver's side
4 quarter panel with marker number one indicating the
5 cigarette butt on the driver's side of the vehicle.

6 Q State's No. 18.

7 A State's No. 18 is a close-up picture of the cigarette
8 butt marked item number one.

9 Q Nineteen?

10 A Nineteen is an overall picture of the cigarette butt,
11 marker two, on the passenger side of the vehicle.

12 Q Twenty?

13 A Twenty is a close-up photograph of Item Number Two,
14 the cigarette butt, just showing the ash of the cigarette.

15 Q Twenty-four.

16 A Twenty-four is going to be on the passenger side, I'm
17 sorry, the driver's side of the, the vehicle of the
18 cul-de-sac.

19 Q I will refer you back to State's No. 8, and the area
20 going into the woods there, can you describe how that
21 looked at the time this death occurred?

22 A It's kind of an open area like a little shot through
23 the woods.

24 Q Okay. Now, you can have a seat back up there.

25 A (Witness returns to the stand.)

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1 Q When you were processing the crime scene, did you
2 find any shell casings?

3 A You mentioned sometimes you find those.

4 A Sometimes we do find them. In this case, no, sir, we
5 did not recover any shell casings.

6 Q None on the outside of the vehicle, none on the
7 inside of the car?

8 A No, sir.

9 (WHEREUPON, two gunshot residue kits were marked as
10 State's Exhibit Nos. 30 and 31 for identification purposes
11 only at this time.)

12 Q Clay, I'm going to hand you what's been marked for
13 identification only as, 30, State's No. 30 and 31, and ask
14 you if you can just tell me what those items are.

15 A Yes, sir, these items are gunshot residue collection
16 kits.

17 Q And with regard to item with the last four digits --
18 do y'all bar code those things?

19 A Yes, sir.

20 Q 1448, did you collect that from the vehicle?

21 A Yes, sir, I did.

22 Q And did you turn that over to Gerald Turner with
23 y'all's department for storage?

24 A I did.

25 Q Okay. And is that the gunshot residue kit that you

1 collected at the scene that you indicated---

2 A I'm sorry?

3 Q ---from the vehicle or can you tell that from looking
4 at it?

5 A That gunshot residue kit was collected at our
6 Sheriff's Office when we had the vehicle pulled to our
7 forensics lab.

8 Q But you collected it?

9 A Yes, sir.

10 Q And you turned it into Turner?

11 A Yes, sir.

12 Q And the purpose of doing that is to see if there was
13 gunshot residue, residue in the car --

14 A Yes, sir.

15 Q -- on a particular location?

16 A Yes, sir.

17 Q Is that the only one you did in this case?

18 A Yes, sir.

19 Q All right. Clay, I hand you what's marked Exhibit
20 No. 32 and ask if you can identify State's No. 32.

21 A Yes, sir.

22 (WHEREUPON, cigarette butts were marked as State's
23 Exhibit No. 32 for identification purposes only at this
24 time.)

25 Q And what is State's Exhibit No. 32 for

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1 identification?

2 A This is gonna be the cigarette butts collected at the
3 crime scene, markers one and two.

4 Q You say markers one and two, those are the two
5 cigarette butts on the outside of the vehicle?

6 A Yes, sir.

7 Q And what did you do with those items when you
8 collected them?

9 A They were submitted to the evidence custodian for bar
10 coding and then sent to the State Law Enforcement
11 Division.

12 Q And the evidence custodian being Gerald Turner with
13 the Sheriff's Office?

14 A Yes, sir.

15 Q All right. Did you seal those items?

16 A Yes, sir.

17 Q Did you tamper, alter, or amend them in any way once
18 you collected them?

19 A No, sir.

20 Q All right. Clay, when you tow the car to the
21 Sheriff's Office, did somebody follow it to make sure
22 nobody hijacks it or anything before it gets there?

23 A I did personally.

24 Q All right. So, the car was essentially in your
25 constructive possession the whole time --

1 A Yes, sir.

2 Q -- from the scene to the Sheriff's Department?

3 A Yes, sir.

4 Q All right. Clay, does anybody else assist you in
5 your department?

6 when you get a crime scene with a bunch of different
7 pieces of property or a bunch of different items, who else
8 assists you in your department or who else assisted you in
9 June of 2008?

10 A I have two investigators that work for me,
11 Investigators Chris Johnson and Investigator Mary Francis
12 O'Grady-Watts.

13 Q She goes by -- we call her Sage, don't we?

14 A Correct.

15 Q Kind of shortens all that Mary Francis O'Grady-Watts?

16 A It does.

17 Q Now, subsequent to June the 4th of 2008, were you
18 asked to do anything with regard to the body of Tevon
19 Jackson?

20 A Yes, sir.

21 Q And what was that?

22 A I collected a known DNA standard from him.

23 Q And how do you do that?

24 A They're called Buccal swabs. It's a swab of the
25 mouth of the inside cheeks.

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1 Q Okay. And what's the purpose of taking a swab of the
2 mouth of the inside of the cheeks?

3 A It's a very good receptor for holding for DNA
4 profile.

5 Q And holding DNA, what's the purpose of that?

6 A That is for comparison and identification of an, of
7 an unknown DNA profile.

8 (WHEREUPON, the DNA evidence was marked as State's
9 Exhibit No. 33 for identification purposes only at this
10 time.)

11 Q I hand you what's marked State's No. 33, and ask you
12 if you can identify it.

13 A Yes, sir, I can.

14 Q And what is that?

15 A These are swabs from the mouth of Tevon Jackson.

16 Q All right. Did you take those personally?

17 A I did.

18 Q And what did you do with them when you took them?

19 A They were then turned over to the evidence custodian,
20 Gerald Turner, for processing into the evidence room and a
21 bar code was assigned and sent to SLED for analysis.

22 Q All right. And what do you do with the swabs when
23 you obtain them as far as physically do with them?

24 A What they are -- it's called a capture. It's a
25 cotton tipped swab that's got a plastic protective cover

1 on it. We open the protective cover, swab the inside of
2 the mouth, close the protective cover, then they're
3 deposited back into the plastic and then into the
4 envelope.

5 Q And the envelope is sealed?

6 A Yes, sir.

7 Q All right. Do y'all have to dry those out or do
8 anything with them?

9 A They're, they're air dried.

10 Q Are they air dried right inside the protective cover?

11 A Yes, sir.

12 Q You don't like take them out, out and hang them on a
13 clothes line or nothing, do you?

14 A No, sir, the cover is designed for air dry. They
15 have little holes.

16 Q And you turned this particular sample over to who?

17 A Gerald Turner.

18 Q At Aiken County Sheriff's Department?

19 A Yes, sir.

20 SOLICITOR WEEKS: Your Honor, I beg the indulgence.
21 I know this is tedious, but it is a slow process with a
22 bunch of different pieces.

23 Clay, in the little box of goodies you have for me,
24 do you have the latent lifts?

25 A Yes, sir.

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1 Q And other than the ones that you took, did you
2 receive any from anybody else in your department?

3 A Yes, sir, from my Investigator Mary Francis
4 O'Grady-Watts.

5 (WHEREUPON, two envelopes were marked as State's
6 Exhibit Nos. 34 and 35 for identification purposes only at
7 this time.)

8 Q And I hand you what's marked State's Exhibit 34 and
9 35, and ask if you can identify what's contained in those
10 two envelopes.

11 A I can.

12 Q And are -- what is 34?

13 A State's Exhibit 34 are five latent fingerprint cards
14 developed from items collected out of the vehicle.

15 Q And who, who gave those to you?

16 A Mary Francis O'Grady-Watts.

17 Q Is she one of the investigators in your office?

18 A She is.

19 Q When she gave them to you, did you tamper or alter or
20 change them in any fashion?

21 A No, sir.

22 Q And how about what's contained in State's Exhibit No.
23 35?

24 A State's Exhibit 35 are 20 latent fingerprint lift
25 cards that I got, that I developed off of the vehicle

1 itself.

2 Q And just to clarify, those are the actual prints that
3 you peel off the car?

4 A Yes, sir.

5 Q And she lifted or peeled them off of some items that
6 were in the car that were submitted to you?

7 A Correct.

8 Q Okay. Any of these, did you tamper, alter, or
9 change, in any fashion, after you lifted them off by the
10 processes that y'all used?

11 A No, sir.

12 Q As I, as I understand your testimony, none of them
13 matched the defendant's fingerprints, is that correct?

14 A No, sir, they did not.

15 Q Clay, what else do y'all do in a car in attempting to
16 identify who's been in it, who owns it, you know, the
17 other processes you go through?

18 A Yes, sir, we take, we take swabs from known items to
19 be touched, the door handles, gear shifts, the steering
20 wheel, any place that we feel that we can hopefully gain a
21 DNA profile from.

22 Q Is it possible to wipe off fingerprints?

23 A It is very possible.

24 Q Is it possible to wipe off DNA?

25 A Yes, it is.

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by Solicitor Weeks

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1 Q And when you're taking those swabs, do you collect
2 them in the same manner you just described taking the
3 cheek swab?

4 A Yes, sir.

5 Q And what do you do with those?

6 A Those are packaged the exact same way in their own
7 envelopes and submitted to the evidence room.

8 Q Okay. And when you submit them to the evidence room,
9 you mean Mr. Gerald Turner?

10 A Yes, sir.

11 Q They are given a bar code and they go, may go to SLED
12 or may not?

13 A Yes, sir.

14 Q Do y'all send everything, DNA oriented, to SLED?

15 A Our protocol used to be, yes, used to. However, SLED
16 changed their acceptance policy. So, now we are, we are
17 limited to a much greater or much less amount of evidence
18 that we can submit.

19 Q Well, if you collect 500 swabs, how many can you
20 send?

21 A Five.

22 Q Five?

23 A Five.

24 Q All right. And when you send those five, you have to
25 wait on the results?

1 A Yes, sir.

2 Q Okay. And in this case, I believe y'all sent a bunch
3 of stuff up there, didn't you?

4 A Yes, sir.

5 Q And did you get a bunch of it back untouched?

6 A Yes.

7 Q Okay. You said SLED's protocol?

8 A Yes.

9 Q Because of budgets or whatever?

10 A The State Law Enforcement Division is tasked with
11 processing evidence from 46 counties in the state, and due
12 to the large volume of evidence coming into their facility
13 for processing, it was -- the turn around times were, were
14 long and excruciating. So, to maximize the speed of the
15 DNA section of the, of the SLED, they went with only five
16 items.

17 Q And you are involved with the collection of DNA
18 potential evidence also when you are processing a crime
19 scene?

20 A Yes, sir.

21 Q How long will DNA stay on a surface?

22 A We do not know.

23 Q Months, days, years?

24 A Decades.

25 Q Okay. And on June the 4th of 2008, when you were

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by Solicitor Weeks

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1 deployed to the crime scene, unless there's somebody there
2 saying I did it, y'all don't have a clue at that point, do
3 you?

4 A No, sir.

5 Q And that's why you're doing all of this processing
6 the attempt to find evidence?

7 A Yes, sir.

8 Q Okay. Clay, the -- do your records reflect, the
9 phone that was right there by the deceased's hand, whether
10 or not that phone was working that morning?

11 A No, sir, my, my notes don't reflect that.

12 Q Okay. And any of the phones, other phones in the
13 car, do they reflect whether they were working?

14 A No, sir.

15 Q Okay. Clay, on the -- I'm taking you back to the
16 crime scene that day and those photographs.

17 Were you able to collect any other cigarette butts
18 out there around the car or in that vicinity?

19 A No, sir.

20 Q How about other trash that, I say trash, other items
21 that might lead to some identification of who left those
22 items?

23 A The only other, lack of a better word, piece of trash
24 that was in the area that, that we felt could of been of a
25 recent deposit was a styrofoam cup with a lid and straw.

1 Q Okay. And you collected it along with cigarette
2 butts and that sort of stuff?

3 A Yes, sir.

4 Q All right. I noticed in one of those pictures there
5 looked like a trailer or a mobile home or something that
6 had been hit, been hit by a bomb.

7 Did y'all pull anything away from that, take anything
8 from that, or do anything with that?

9 A No, sir.

10 Q Okay. So, the point I'm getting to, do y'all kind of
11 make some, some judgment call as to what to collect
12 because I mean theoretically you could still be collecting
13 stuff there?

14 A Yes, we do make a judgment call of what we feel, in
15 our experience, is of a recent deposit or it's been out
16 there for quite some time.

17 Q Okay. And with regard to fingerprints versus DNA, do
18 sometimes you have to make a call as to whether to try to
19 get DNA off something or whether to try to lift a print
20 off of it or something?

21 A Quite often.

22 Q Why?

23 A It depends -- it really depends on the item that
24 we're, that we're looking at. Typically one procedure
25 will destroy the other procedure. So, if we're looking

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1 for fingerprints, after we get done processing the
2 fingerprints, we can no longer search for DNA. But if we
3 decide to swab for DNA, it's gonna destroy the
4 fingerprints. So, we have to make a judgment call on what
5 we feel is going to render the best possible evidence.

6 Q Okay. And not just this case.

7 Y'all do that in every case, don't you?

8 A In every case, yes, sir.

9 SOLICITOR WEEKS: Your Honor, subject to recalling
10 Mr. Adams later for a chain issue, that's all I would
11 have.

12 THE COURT: Ms. Alves?

13 CROSS-EXAMINATION

14 BY MS. ALVES:

15 Q Investigator Adams, you are -- you said you're the
16 lieutenant over the forensic unit?

17 A Yes, ma'am.

18 Q That means you are in charge of the investigators who
19 work in that unit?

20 A Yes, ma'am.

21 Q And as part of the -- what, what exactly are your
22 responsibilities?

23 A My responsibility is to see to the day-to-day
24 activity of our crime scene investigators as well as the
25 day-to-day activities of the drug lab, the processing lab,

1 and the evidence custodian.

2 Q And you were the investigator -- you were the
3 forensic investigator on scene on June 4th, 2008?

4 A Yes, ma'am.

5 Q And you were the one who took the photographs?

6 A Yes, ma'am.

7 Q And you processed the information?

8 You took in all the evidence that determined was,
9 everything that was evidentiary value?

10 A At the crime scene, yes, ma'am.

11 Q Okay. And then, of course, you said you arranged to
12 have the car transported back to the Sheriff's Department?

13 A Yes, ma'am.

14 Q Now, when you -- when you're collecting evidence, I
15 noticed that you have some, that some of it's numbered, is
16 that right?

17 A Yes, ma'am.

18 Q And why do you number it?

19 A For numerical reference.

20 Q Sometimes it could be a lot of items collected?

21 A Yes, ma'am.

22 Q And, so, you have to number them to keep them
23 straight?

24 A Yes, ma'am.

25 Q How many pieces of evidence did you pick up at the

Clay Adams - Cross-examination
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1 crime scene?

2 A At the crime scene itself, in the cul-de-sac?

3 Q Yes.

4 A (No response.)

5 Q Well, let me ask you this before you get to that, do
6 you keep a list of all these items?

7 A From my property receipt, yes, ma'am.

8 Q And you keep -- and, so, your lists are organized so
9 you can tell what you collected from the crime scene and
10 what you got out of the car at the Sheriff's Department?

11 A Yes, ma'am.

12 Q I'm sorry. Go back to answering the question please.
13 How many items did you pick up at the actual scene
14 that the car was found?

15 A Well, we have five items that were essentially
16 collected, but as far as actually picking up would be
17 three items. It would be the two cigarette butts and the
18 styrofoam cup. However, we did display that the Ford
19 Crown Victoria itself was an item that was collected and
20 the fingerprints from the deceased.

21 Q So, you took the fingerprints right there at the car
22 before the coroner took the body?

23 A Yes, ma'am.

24 Q Okay. So, only those five things were taken on the
25 scene?

1 A Yes, ma'am.

2 Q And the two cigarette butts and you said the
3 styrofoam cup?

4 A Yes, ma'am.

5 Q And did you process the -- did you do anything to the
6 cup?

7 A No, ma'am, it was collected for further examination
8 in the, in a lab.

9 Q And the cup appeared to be freshly placed?

10 A To the best of our knowledge.

11 Q Okay. But in this scene around the area, there was a
12 good bit of trash and other items?

13 A I'm sorry?

14 Q There was a good bit of trash left in the yard?

15 A There was trash in the periphery of the cul-de-sac,
16 yes, ma'am.

17 Q But you didn't pick up anything else that night or
18 nothing else struck you as being of evidentiary value?

19 A No, ma'am.

20 Q Now, did you take any of the items out of the car at
21 the actual scene on Court?

22 A Other than the deceased, no, ma'am.

23 Q Okay. And was anything taken from Mr. Finklin at
24 that point?

25 A No, ma'am, other than the fingerprints.

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1 Q Other than the fingerprints and his clothes and
2 everything he had on him went with him with the coroner?

3 A Yes, ma'am.

4 Q And what, what did you do when you got back to the
5 Sheriff's Department?

6 What is the first thing you do with the evidence that
7 you've collected, the five items, or excuse me, the three
8 items?

9 A The items were taken into our, our facility for, for
10 log-in.

11 Q So, you logged them in.

12 Do you log them on the computer?

13 A Yes, ma'am, they are tracked. A bar code is issued
14 to them and that information is then entered into the
15 computer, yes, ma'am.

16 Q Okay. And then what do you do with them after that?

17 A Those three items were placed in a cabinet that were
18 -- well, I'm sorry. The two cigarette butts were placed
19 into a cabinet, which is for all items pending to go to
20 SLED. The other -- the styrofoam cup was entered into a
21 bin that had pending processing in our latent lab.

22 Q What was the, what was the cup gonna be processed
23 for?

24 A Fingerprints and I believe DNA on the straw.

25 Q Was the straw ever put into the locker to go to SLED?

1 A No, it was kept as one item.

2 Q Okay. So, you never arranged to have the cup with
3 the straw sent to SLED?

4 A I believe that the, the straw was swabbed for DNA and
5 the swab would be sent to SLED.

6 Q Okay. So, when you talked about how you sometime
7 have to decide what your fingerprint and what to get a DNA
8 sample from, is that correct?

9 A Yes, ma'am.

10 Q So, in this situation when, when you were processing
11 the information, did you consider sending the cup for DNA
12 or taking any swabs from the cup?

13 Did you personally?

14 A Did I personally?

15 Q Yes.

16 A I don't understand your question.

17 Q Did you take any swabs off of the cup?

18 A No, ma'am.

19 Q And just the straw?

20 A Just the straw.

21 Q Okay. And what else did you do?

22 A As far as?

23 Q After you logged in those three pieces of evidence.

24 A That's when we turned our attention to the vehicle
25 itself.

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1 Q What did you do to the vehicle?

2 A It was processed for fingerprints and gunshot residue
3 and any other items of evidentiary value we could find in
4 the car.

5 Q Okay. When you were -- were there a lot of items
6 taken out of the car?

7 A There was a number of items taken, yes, ma'am.

8 Q How many items did you find -- did you log in from
9 the car?

10 A Do you mind if I search my notes?

11 Q Oh, yes, please.

12 A Thirty-one items.

13 Q You took 31 items out of the vehicle?

14 A Yes, ma'am.

15 Q Did you, did you log in every item that was in the
16 vehicle?

17 A Every item was logged in, yes, ma'am.

18 Q Okay. I'm showing you State's No. 15. It shows a
19 bunch of CD's, a Powerade drink, a Pringles can, one of
20 the cell phones.

21 A Yes, ma'am..

22 Q Actually I think it shows two cell phones.

23 Isn't there one in -- I think that's the ashtray?

24 A I don't know.

25 Q But you logged in all of the items?

1 A If it's on the list, yes, ma'am.

2 Q If it's on what list?

3 A On the property receipt.

4 Q No, I'm asking you, the stuff that's in the car
5 that's shown in the picture, did you log those items in?

6 A Without looking at the list?

7 Q Can you look at the list please?

8 A Sure.

9 You want to know about the Powerade?

10 Q I just want to know did you log in, did you log in
11 all of the items -- does your list, those 31 items that
12 you said you have, does that account for everything that's
13 in the car shown on the car seat in the pictures?

14 A I do not know. We would look through the items and
15 determine what would be best to hold a fingerprint or any
16 other kind of evidence. Certain items that were in the
17 car might not reflect that. So, they would of remained.

18 Q Okay. So, there could be items in the car that you
19 didn't process for a fingerprint?

20 A Correct. Yes.

21 Q Okay. I mean I don't know how many CD's there are.
22 I would say there's at least ten.

23 Don't you agree?

24 At least ten. I have no idea how many.

25 A There is a number of them, yes, ma'am.

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by Ms. Alves

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- 1 Q Did you process all of those?
- 2 A May I look?
- 3 Q Yes.
- 4 A We collected 62 music CD's out of that vehicle.
- 5 Q A lot more than ten. I'm sorry.
- 6 How many were, were processed for fingerprints?
- 7 A I believe all.
- 8 Q All 62?
- 9 A I believe. I don't know. I was not the one that
- 10 processed them.
- 11 Q But you did collect them?
- 12 A Yes, ma'am.
- 13 Q Okay. And you listed them on your list?
- 14 A Yes, ma'am.
- 15 Q So, you collected more than 31 items. You collected
- 16 -- how many items were collected altogether?
- 17 A Well, with the twenty---
- 18 Q Counting the 62 CD's, how many items were collected?
- 19 A Let's see. Twenty latent fingerprint lifts. So,
- 20 that would be 31 and 20. So, that's 51 and 62. 113 items
- 21 individual.
- 22 Q There were 113 items collected and the 31 items are
- 23 the -- now, you said 20 were the latent lifts?
- 24 A Item number one is quantity 20. So, there's, there's
- 25 31 items.

1 Q Okay.

2 Q And what was done with those 31 items?

3 A They had their individual processes.

4 Q What were they processed for?

5 A Well, they'd be processed for either a fingerprint or
6 DNA.

7 Q Okay. And you took 20 -- you took 20 latent prints
8 from those 31 items?

9 A No, I took 20 latent fingerprints from the vehicle.

10 Q Oh, I'm sorry. From the car.

11 And when did you collect those, on the same day, the
12 4th?

13 A On the same day.

14 Q And what did you do with the, the latent prints after
15 you lifted them?

16 A They were add -- they were issued a bar code and then
17 examined.

18 Q And who examined those?

19 A Me.

20 Q Okay. And what did you examine them for?

21 A Identification.

22 Q I mean what specifically. You, you examined them to
23 identify them for somebody or did you look at them to see
24 whether they can even be identified?

25 A Well, the first process is to see if there is enough

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1 minutia there for identification. A lot of times you can
2 tell that something has been touched. However, there's
3 not enough detail in the fingerprint. But we still take
4 it to try to examine it under a higher magnification. In
5 this case, the first process would be to, to determine if
6 the, if the fingerprint can be identified. The second
7 process is once it's determined that it can be identified,
8 then it is either searched through A.F.I.S. if it meets
9 the criteria or compared to known individuals.

10 Q Okay. And how do you go about comparing the
11 fingerprints when you don't have a suspect -- you said
12 when you don't have a suspect or anybody to compare them
13 to you put them through the A.F.I.S. system, is that
14 right?

15 A Yes, ma'am.

16 Q All right. But if you do have somebody to compare
17 them to, then what do you do?

18 A We compare them directly to them.

19 Q So, if you have a fingerprint card with the
20 individual's fingerprints on it, then you actually look at
21 the card or their fingerprints and compare them?

22 A Yes, ma'am.

23 Q And in this case whose finger -- did you, did you do
24 any actual comparisons of those fingerprints that you had
25 the 20 latent lifts to any particular person?

1 A Yes, ma'am.

2 Q Who did you, who did you examine them in relation to?

3 A May I look at my notes?

4 Q Yes, please.

5 A They were compared to Daphne Nicole Parker, a Thomas
6 Duran Jackson, a Joseph Dicks, Jose Serrano, and your
7 client, Tevon Jackson.

8 Q Why did you compare the finger -- did you compare
9 them to Mr. Serrano and Mr. Dicks?

10 A Yes, I did.

11 Q Why?

12 A Because I was requested to by the investigator.

13 Q Which investigator?

14 A That would be Greg Savell.

15 Q The chief investigator on the case?

16 A Yes, ma'am.

17 Q He asked that you examine Mr. Serrano's fingerprints
18 and Mr. Dicks in relation to the ones that you found?

19 A Yes, ma'am.

20 Q And why did you look at Ms. Parker's fingerprints?

21 A Ms. Parker was -- her fingerprints were identified by
22 myself when run through A.F.I.S.

23 Q And Mr. Jackson's?

24 A As well.

25 Q His -- Mr. Jackson and Ms. Parker came up through

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by Ms. Alves

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1 A.F.I.S.?

2 A Yes, ma'am.

3 Q Do you recall when you submitted the information
4 regarding the fingerprints through A.F.I.S.?

5 A I'm sorry?

6 Q Do you recall when you submitted the information, the
7 fingerprint information that you took through A.F.I.S.?

8 A I'm sorry?

9 Q Do you recall when you submitted the actual
10 fingerprint information that you put on the report to
11 A.F.I.S.?

12 A It's, it's over a period of time.

13 You want to know when the first run was conducted?

14 A Yes.

15 Q I'm showing 7/8 of '08 is when they were admitted
16 into, into A.F.I.S.

17 Q And when did you get a result back?

18 A Within about five minutes.

19 Q And what did you do with that information?

20 A That's when I pulled the known fingerprint card of
21 that person and then did a manual comparison to identify
22 the fingerprint.

23 Q And you were able to actually identify some of the
24 fingerprints found in the vehicle as being a Thomas Duran
25 Jackson and Ms. Stephanie Nicole Hartman?

1 A Yes, ma'am.

2 Q Do you know what relation or involvement they had
3 with the case or the investigators?

4 A No, ma'am.

5 Q And let me ask you this, if a fingerprint does not
6 have enough detail for entry into the A.F.I.S. system, if
7 you have a card with a person's fingerprints on it, can
8 you still look at it to see if you can make a comparison?

9 A Yes, ma'am.

10 Q So, even if A.F.I.S. does not come back with a
11 comparison, you can still, you could possibly still,
12 yourself, if you have somebody to compare it to, determine
13 whether or not that person's fingerprints were there?

14 A Yes, ma'am.

15 Q And you did a report on this?

16 A Yes.

17 Q You did a report on your fingerprints?

18 A Yes, ma'am.

19 Q On the fingerprint findings?

20 A Yes, ma'am.

21 Q When did you do that report?

22 A The report was finalized on Wednesday, December 8th,
23 2010.

24 Q December 8th, 2010?

25 A Yes, ma'am.

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1 Q Okay. And -- now, I have a question.

2 You said you, you did 20 lift cards, but out of those
3 20 lift cards you were able to take 35 fingerprints?

4 A I'm not following you.

5 Q I'm just -- I'm not clear about your report. It says
6 that you, you have, you stated that you have 35 latent
7 fingerprint lifts displayed on 20 lift cards taken from
8 the 1989 Ford Crown Victoria, is that correct?

9 A That is correct.

10 Q So, can you explain how you got 35 latent fingerprint
11 lifts on 20 lift cards?

12 A Yes, I have large cards, and if I process an area
13 such as the exterior of the driver's door, the card is
14 large enough for me to allow to put as many of the, the
15 lifts as I can on that one card, that backer card so it
16 has contrast so that I can view it.

17 Q Okay. So, altogether you had -- you examined 35
18 prints?

19 A Altogether there were 35 lifts on 20 cards, yes,
20 ma'am.

21 Q Okay. And then there was a separate report done with
22 five latent fingerprint lift cards?

23 A Yes, ma'am.

24 Q So, altogether you examined 40 latent fingerprint
25 lifts?

1 A Yes, ma'am.

2 Q Okay. And you were able to determine that Ms. Parker
3 was on one of the lifts of the 40?

4 A That is correct.

5 Q And her fingerprints were found on the outside of the
6 driver's door?

7 A She was identified. Latent lift number two was
8 developed on the exterior driver's door was identified as
9 the number one or the right thumb finger of Daphne Nicole
10 Parker.

11 Q And that was found on the outside of the driver's
12 door?

13 A Exterior driver's door, yes, ma'am.

14 Q Okay. And Mr. Thomas Duran Jackson was on three of
15 the 40 lifts?

16 A Yes, ma'am.

17 Q And his, his fingerprints were found on the inside
18 glass of the rear passenger side door?

19 A Interior glass of rear passenger side door, yes,
20 ma'am.

21 Q His -- two of his fingers were also identified on the
22 hood on the passenger side?

23 A Yes, ma'am.

24 Q And two of his fingers were identified on the hood
25 above the passenger side front wheel?

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- 1 A Yes, ma'am.
- 2 Q And some of the other prints that you, lifts that you
3 examined, they were palm prints?
- 4 A Yes, ma'am.
- 5 Q And how many palm prints do you have?
- 6 A Bear with me.
- 7 (Pause.)
- 8 A I count 16.
- 9 Q Sixteen palm prints?
- 10 A Yes, ma'am.
- 11 Q Can a palm print be submitted through A.F.I.S.?
- 12 A Can it be searched in A.F.I.S.?
- 13 Q Yes.
- 14 A It can now. At that point in time, no, ma'am.
- 15 Q Okay. Do you search -- do you know when palm prints
16 started to be able to be searched in A.F.I.S.?
- 17 A No, ma'am.
- 18 Q In 2010, could a palm print be searched in A.F.I.S.?
- 19 A In 2010, yes, ma'am.
- 20 Q And you completed your report in 2010?
- 21 A Yes, ma'am.
- 22 Q December 8th, 2010?
- 23 A Yes, ma'am.
- 24 Q And were those palm prints ever submitted to
25 A.F.I.S.?

1 A If they met the quality.

2 Q Did you examine them to determine whether they met
3 the quality?

4 A Yes, ma'am.

5 Q And did they?

6 A No, ma'am, I don't believe so.

7 Q Your report doesn't mention any of that though, does
8 it?

9 A I, I don't know.

10 Q Your report does not reflect that the palm prints
11 were, whether or not the palm prints displayed enough
12 detail of entry or search in the A.F.I.S. system?

13 A No, ma'am.

14 Q Okay. If you have someone's palm prints, like if you
15 have the palm prints of an individual, can you examine
16 them?

17 Can you personally examine them to determine whether
18 or not the palm prints match the palm, the lifts that
19 you've taken?

20 A Yes, ma'am.

21 Q And actually you did have the palm prints of Marcus
22 Finklin?

23 A Palm prints were gathered I believe at autopsy.

24 Q Okay.

25 A However, the quality was not good enough for

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1 identification.

2 Q Really?

3 Latent Print Number 21, isn't that, in fact, a palm
4 print and fingerprints identified as Marcus Finklin?

5 A Yes, ma'am.

6 Q So, there was enough -- and let me ask you about
7 Latent Number 15. You had two fingers -- there were two
8 fingers of Mr. Finklin identified as being on the rear
9 driver side passenger door of the car he was in, is that
10 correct?

11 A On Number 15?

12 Q Latent 15.

13 A Developed on interior driver's, rear driver's side
14 passenger door, yes, ma'am. Number seven and Number
15 eight, which is the left index and left middle --

16 Q Okay.

17 A -- of Mr. Finklin.

18 Q And then on your latent print number four, that was
19 also fingerprint -- that was also identified as being on
20 the left middle finger of Mr. Finklin taken from the
21 driver's door?

22 A Yes, ma'am, his, his fingerprints, his latent prints
23 are, are good quality. The rolled impressions that I was
24 able to capture at the, at the scene were of good quality.
25 However, the inked impression of his palms, specifically

1 the, the bottom portion of the palm or the heel of the
2 palm, was not developed with enough clarity for most of
3 the identifications. However, the inter digital mound
4 region or up here below where the fingers, the fingers
5 actually connect to the palm still displayed identifiable,
6 identifiable ridge characteristics.

7 Q So, for Latent Lift Number 21, you did have enough of
8 the palm print from Mr. Finklin to identify to the print
9 that you found on the interior glass of the rear passenger
10 side door?

11 A Yes, ma'am.

12 Q Okay. But for the other palm print that you
13 mentioned, did you actually examine them in comparison to
14 anybody else involved in the case?

15 A Yes, ma'am.

16 Q And you said there were -- I believe you said there
17 were 16, is that right, sixteen palm prints?

18 A I don't remember. I believe that sounds correct.

19 Q I'm sorry. I didn't write that number down.

20 But the number that you said, how many of their palm
21 prints, other than the ones we've been discussing with
22 Mr. Finklin, how many of those were identified?

23 A None.

24 Q None?

25 A I'm sorry. I misspoke.

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1 May I look at my notes?

2 Q Oh, yes, sir.

3 A Thank you.

4 (Pause.)

5 A That is correct. Other than the deceased, Mr. Marcus
6 Finklin, no other palm prints were identified.

7 Q Okay. So, of the 16 that you said, 15 of those are
8 still unidentified?

9 A Yes, ma'am.

10 Q And you put -- and you said that you had the prints
11 of Mr. Tevon Jackson, Mr. Joseph Dicks, and Mr. Jose
12 Serrano?

13 A Yes, ma'am.

14 Q Did you have the palm prints too?

15 A Yes, ma'am.

16 Q Okay. Did you have anybody else's prints to compare
17 to?

18 A Ms. Daphne Nicole Parker.

19 Q Other, other than Ms. Parker and Mr. Jackson, anybody
20 else?

21 A No, ma'am.

22 Q Now, who asks -- now, you said that the, Investigator
23 Savell requested that you compared Mr. Jackson, Mr. Dicks,
24 and Mr. Serrano, is that correct?

25 A Yes, ma'am.

1 Q Do you normally get fingerprint submissions from the
2 investigators and request that you compare them against
3 the evidence that you collected?

4 A Quite frequently, yes, ma'am.

5 Q Cause you're not out there actually talking to the
6 witnesses and doing any actual door-to-door investigation?
7 You deal with forensics, is that correct?

8 A Correct. I'm confined to a lab.

9 Q So, they go out and find potential suspects, other
10 people, and they present them to you to compare?

11 A Yes, ma'am.

12 Q And quite often the people that you're comparing they
13 might, some of them might even have nothing to do with the
14 particular crime that's being investigated?

15 They're just people who, who might have had
16 fingerprints in the car, is that correct?

17 A Correct.

18 Q And a lot of times you do elimination prints?

19 A Yes, ma'am.

20 Q Explain what an elimination print is.

21 A An elimination print is, is a, a known fingerprint of
22 a person that is not under arrest.

23 Q So, quite often it might be say a family member or
24 somebody in the car, a girlfriend or a friend that you
25 know is there and you have to make sure you have their

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by Ms. Alves

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1 prints to eliminate them from, so that you know what
2 prints were there and what might be somebody else's, what
3 might be the actual suspect?

4 A I'm sorry? I---

5 Q I'm sorry.

6 A lot of times you might do an elimination print of
7 somebody who is not actually under arrest such as a family
8 member or a friend who you know was at the scene to make
9 sure, to, to determine which prints might belong to them?

10 A Yes. Yes, ma'am.

11 Q For example, if somebody's house is robbed, you take
12 prints from the people who live in the house that you can
13 knock them out right now and immediately concentrate on

14 the unidentified prints?

15 A Yes, ma'am.

16 Q Okay. But, in this case, you have numerous prints
17 that are not identified?

18 A Correct.

19 Q And you were not given anybody else's fingerprint
20 cards to compare this to?

21 A No, ma'am.

22 Q Did you have any other information on this case
23 regarding anybody else who might have been considered as a
24 suspect or questioned by the police?

25 A Not to our knowledge.

1 Q Not to your specific knowledge?

2 A Right. Forensics.

3 Q Okay. Now, you talked about when evidence goes to
4 SLED.

5 who actually requests what to go, what goes to SLED?

6 A Investigations.

7 Q Okay. You don't say, oh, I'm gonna send this to
8 SLED, do you?

9 A No, ma'am.

10 Q Well, how is that, how is that, how is that
11 determination about what goes to SLED made?

12 A It is requested for us to send an item to SLED. We
13 do the paperwork and send it.

14 Q No, I mean who, who makes the -- who, who discusses
15 it?

16 A The investigators.

17 Q Okay. And then they request that you make
18 arrangements to have it sent to SLED?

19 A Yes, ma'am.

20 Q Now, is there a -- you said that SLED does forensic
21 testing for 46 counties?

22 A Yes, ma'am. Well, to the best of my knowledge. I
23 believe certain counties such as Greenville County,
24 Charleston, Lexington County I believe---

25 Q Some counties do their own?

Clay Adams - Cross-examination
by Ms. Alves

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1 A Yes, ma'am.

2 Q But does Aiken have a lab where we can do our own
3 testing such that they might do with SLED?

4 A We do a large numbers of examinations. However, we
5 are not capable of conducting any kind of DNA or trace
6 such as firearms.

7 Q Okay. So, here in Aiken County, if we need to have a
8 DNA examination done on an item or trace examination done
9 on an item, the items must be sent to the laboratory at
10 SLED?

11 A Yes, ma'am.

12 Q And in a case where you have a lot of items that are
13 sent, you said that they only will test five?

14 A Yes, ma'am, at a time.

15 Q So, that's five at a time?

16 A Yes, ma'am.

17 Q So, what if you need something tested and that's not
18 one of the five items?

19 A We must wait until the other items are returned to
20 us.

21 Q And then they test five more?

22 A And then we submit five more, yes, ma'am.

23 Q Who decides what's tested when it gets submitted?

24 A I'm sorry?

25 Q When you submit items to SLED, do you, do you choose

1 which five or do you send everything you have up?

2 A I'm not quite understanding your question.

3 Q I'm asking you how is it determined.

4 When you're sending items to SLED, do you send all
5 the items that you have for, for examination to SLED or do
6 you just send five?

7 A In this case, at the time, it was our standard
8 practice to submit all the items that we had to SLED for
9 analysis. However, during this time, once we had
10 submitted the evidence to SLED, they changed their
11 protocol and stated that we are now limited to only five
12 items. So, investigations decided which five items would
13 stay and the rest of the items were, were returned to the
14 Sheriff's Office.

15 Q By investigation, who do you mean?

16 A The case assigned investigator, Greg Savell.

17 Q So, he decided which five went to SLED and which were
18 returned back?

19 A They were the ones who informed us, yes, ma'am.

20 Q Okay. And what if something that -- what if
21 something that an investigator decides he wants to be
22 tested, it hasn't been tested, you then have to wait and
23 then ask them to retest, to test items again later?

24 A I'm sorry?

25 Q You can, you can send -- I just want to be clear.

Clay Adams - Cross-examination
by Ms. Alves

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1 I'm sorry. You can send items again. You can send items
2 once the old items have been returned back?

3 A Are you referring to a new item?

4 Q Yes. If you, if you have something else, say you
5 have a sixth item that needs to be tested, you wait until
6 those five are back?

7 You get this back and then you send something else
8 up?

9 A Yes, ma'am.

10 Q And that's what happened in this case?

11 A I'm sorry?

12 Q Is that what happened in this case?

13 A As far as waiting for items to come back before items
14 are submitted?

15 Q Yes.

16 A Yes, ma'am.

17 Q I want to ask you about some other items that were
18 found in the car.

19 You mentioned there were five cell phones found in
20 the car?

21 THE COURT: Is everybody on the jury okay?

22 Does anybody need a bathroom break?

23 Don't be bashful. Tell me.

24 (No response.)

25 A Ms. Alves, what was your question again?

1 THE COURT: How many telephones did you find in the
2 car?

3 THE WITNESS: I'm showing five.

4 Q And you don't -- you said -- you testified earlier,
5 when Mr. Weeks was questioning you, you're not sure if the
6 one that's by Mr. Finklin's hand in the, in the pictures
7 that that was one of the working phones, is that correct?

8 A I don't know if it was in the on position or if it
9 was an active cell phone, no, ma'am.

10 Q But how many -- and you -- and some of the cell
11 phones worked, is that correct?

12 Some of them were operational?

13 A As far as I know, yes, ma'am.

14 Q Okay. And do you, do you have any further
15 information about the cell phones?

16 A No, ma'am.

17 Q And the cigarette butts that you were referring to in
18 the pictures, could you tell -- you said they appeared
19 fresh, but do you know exactly how long they were there?

20 A No, ma'am.

21 Q So, you don't know -- you can't tell us in the manner
22 of hours or length of time that those cigarette butts laid
23 out there?

24 A No, ma'am, I can not narrow it down to a specific
25 time frame.

Clay Adams - Cross-examination
by Ms. Alves

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1 Q But the cigarette butts -- those two cigarette butts
2 that you collected were the two that were in closest
3 proximity to the vehicle?

4 A Yes, ma'am.

5 MS. ALVES: I have no further questions of the
6 officer at this time.

7 SOLICITOR WEEKS: Briefly.

8 THE COURT: Briefly.

9 REDIRECT EXAMINATION

10 BY SOLICITOR WEEKS:

11 Q Clay, where did you collect the GSR kit from in the
12 car?

13 A From the driver's door area.

14 Q And why did you center on that area rather than
15 sponging the whole car down?

16 A Because of the window being in the down position, we
17 weren't sure if the gun was fired within the vehicle or
18 outside the vehicle.

19 Q So, you took it on the seat, headrest, all that?

20 A Headrest, A-frame, headrest, headliner.

21 Q And that's because gunshot residue typically comes
22 from the barrel of a gun that's fired?

23 A Yes, sir.

24 Q All right. And that's contained in State's Exhibit
25 that I handed you for identification?

1 A Yes, sir.

2 Q And that's what's analyzed at SLED?

3 A Yes, sir.

4 Q And Gerald Turner, who's with y'all's department, I
5 don't know if he's in here, he's probably not in here, is
6 he the one that actually assigns the bar codes and
7 processes it after y'all take it in and file it up for
8 him?

9 A His job is to assign the bar code and assign a
10 storage area for it.

11 Q And the date that he does that is the date that he
12 puts on there?

13 A Yes, sir.

14 Q All right. The date that you turn it in is the date
15 that you put on the receipts?

16 A Yes, sir.

17 Q Okay. You didn't ride any of this stuff around in
18 your car or take it home and look at it on TV or listen to
19 any of the CD's or do any of that, did you?

20 A No, sir.

21 Q Okay. And Sage, Mary Francis O-Grady-Watts, we call
22 Sage, does she also do some attempting to lift
23 fingerprints and that stuff off of this myriad of CD's
24 that were in that car?

25 A Yes, sir.

Clay Adams - Redirect examination
by Solicitor Weeks

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1 Q Now, does your mission change during the course of an
2 investigation by the investigator's directions?

3 A Yes, sir.

4 Q So, what you're looking for?

5 A Yes, sir.

6 Q Okay. And is that why you're following the
7 investigator or my instructions to analyze particular
8 pieces of evidence?

9 A Yes, sir.

10 Q Okay. And she was referring to your latent
11 examination report here where you indicated the specific
12 locations.

13 Does the investigator get a copy of this?

14 A Yes, sir.

15 Q Does the investigator make any decisions as to what's
16 important and what's not?

17 A Yes, sir.

18 Q Okay. And if I'm, if I'm riding around in a car, do
19 you automatically expect to find my fingerprints?

20 A No, sir.

21 Q How about if I own the car?

22 A Yes, sir.

23 Q You'd think I -- if I'd had possession of the car for
24 some period of time, do you expect to find my fingerprints
25 in it?

Clay Adams - Redirect examination
by Solicitor Weeks

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1 A Yes, sir.

2 Q Okay. But it's possible you couldn't find anybody's,
3 could you?

4 A Yes, sir.

5 SOLICITOR WEEKS: All right. Thank you.

6 THE COURT: All right. You may step down.

7 All right. Ladies and gentlemen, we're going to take
8 a break for about ten minutes, and I may send word back in
9 there about lunch. We're gonna see what we're gonna do
10 about it. Don't discuss the case. Don't deliberate.

11 Everybody else remain seated.

12 Thank you.

13 (WHEREUPON, the following takes place outside the
14 presence of the jury.)

15 THE COURT: All right. Let me have order please.

16 Anything before we break by the State?

17 SOLICITOR WEEKS: No, Your Honor.

18 THE COURT: Ms. Alves?

19 MS. ALVES: No, sir.

20 THE COURT: All right. We'll take about a ten minute
21 break.

22 (WHEREUPON, a short recess was taken at this time
23 followed by a bench conference upon Judge Early returning
24 to the courtroom.)

25

Clay Adams - Redirect examination
by Solicitor Weeks

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1 THE COURT: All right. Bring the jury in please.

2 (WHEREUPON, the following takes place within the
3 presence of the jury.)

4 THE COURT: Did y'all elect a foreperson?

5 Ladies and gentlemen, did y'all elect a foreperson?

6 THE JUROR: No.

7 THE COURT: I forgot, I forgot to remind you. So,
8 it's my fault. We'll do it at lunch. I'm going to treat
9 y'all to The Bowery for lunch.

10 Everybody's in walking shape?

11 It's not but about two blocks.

12 Next witness please.

13 SOLICITOR WEEKS: Thank you, Your Honor.

14 The State would call William Hare.

15 WILLIAM HARE, after being duly sworn,
16 testified as follows:

17 THE CLERK: Have a seat in the witness box stating
18 your full name spelling your last for the Court please.

19 THE WITNESS: It's William Hare. H-A-R-E.

20 DIRECT EXAMINATION

21 BY SOLICITOR WEEKS:

22 Q William, where are you employed?

23 A Verizon Wireless.

24 Q Where at?

25 A Aiken.

1 Q I mean where's your location that you work?

2 A It's in Aiken.

3 Q All right. Were you asked to come to Court or were
4 you subpoenaed to come to Court to testify as to some
5 records?

6 A Yes, sir.

7 Q Does the phone company -- well, how long have you
8 worked for Verizon?

9 A About two and a half years.

10 Q Do y'all keep records of people's calls?

11 A Yes.

12 Q Do you do it on every call, every phone?

13 A Yes, sir.

14 Q Is it something you keep in the ordinary course of
15 your business?

16 A Yes.

17 Q Do you refer to them constantly?

18 A Everyday.

19 Q And why do you refer to them everyday?

20 A Billing issues and such.

21 Q Complaints?

22 A Yeah.

23 (WHEREUPON, phone records were marked as State's
24 Exhibit No. 36 for identification purposes only at this
25 time.)

William Hare - Direct examination
by Solicitor Weeks

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1 Q Are they -- are y'all capable of printing out phone
2 calls made from certain phone --

3 A Yes.

4 Q -- numbers?

5 I'm gonna hand you what's marked State's Exhibit
6 No. 36 for identification, and it's kind of a consolidated
7 thing, but have you looked at State's Exhibit No. 36?

8 A Yes.

9 Q And have you looked at the records that the State
10 requested Verizon provide with regard to --

11 A Yes.

12 Q -- that particular cell phone?

13 A Yes, sir.

14 Q And what cell phone number is that a print-out of
15 records of?

16 A It is (803) 295-8964.

17 Q All right. And is that a record that Verizon keeps
18 in the ordinary course of its business?

19 A Yes.

20 Q And can you testify that those are true and accurate
21 records based upon what you've seen Verizon provided you
22 and us?

23 A Yes.

24 SOLICITOR WEEKS: All right. Your Honor, I'd move to
25 introduce State's No. 36.

1 THE COURT: Any objection?

2 SOLICITOR WEEKS: The relevance will come more or
3 later, but---

4 THE COURT: Any objection, ma'am?

5 MS. ALVES: Your Honor, I would object unless the
6 relevance, until such time as the relevance is
7 established.

8 THE COURT: Well, just ID them at this time. You can
9 put them in later.

10 Q William, what does State's 36 show?

11 Tell me what that exhibit is.

12 A It's a list of phone calls made from that number that
13 I mentioned to and from in the time period June 3rd, 2008,
14 at 11:05 at night to June 4th of 2008 at about 8:25 in the
15 morning.

16 Q Okay. And that shows or Verizon lists all the calls
17 made from that phone?

18 A Yes, sir.

19 Q And received to that phone?

20 A Yes, sir.

21 Q And the number -- if you could, just kind of turn
22 that document towards -- well, don't do that. Just tell
23 me how it's broken down, those categories that are on
24 those records.

25 A After the mobile number is the number that was

1 called, the number it was called from, and the amount of
2 time along with the time and date of the call, and what
3 type of call, incoming, outgoing, or if a call went to
4 voicemail.

5 Q All right. And the time, is it listed in seconds or
6 minutes?

7 A Seconds.

8 Q All right. And the code, you're talking about
9 outgoing, incoming, what's the different codes for that
10 that are listed on that?

11 A Have M.F., which is a call that went to voicemail,
12 M.T., which is an incoming call, M.M., which is a mobile
13 to mobile, that is just a Verizon to Verizon call, and
14 M.O., outgoing.

15 Q Okay. So, looking at that code next to the caller,
16 you can tell whether or not a person received a call?

17 A Yes.

18 Q Can you tell whether they answered it?

19 A Yes.

20 Q Okay. And how do, how do you tell that?

21 A Just the amount of time. If they didn't answer it,
22 it went to voicemail and that's what the M.F. is.

23 Q All right. Is it possible, both from those records
24 and from your knowledge of Verizon, to put somebody on
25 hold and take another call while they're on the line with

1 you?

2 A Yes, sir.

3 Q And what is that called when you do that?

4 A It's just call waiting. You pick up and you're being
5 charged for both calls.

6 Q You have the -- is the person that's on the original
7 caller, are they still being billed?

8 Is the time still running on that call?

9 A Yes.

10 Q So, can a person be on the phone and talk to more
11 than one person during the time listed there?

12 A Yes.

13 Q Okay. And you physically do that on the phone,
14 you're gonna show me how to work my Droid before I get
15 done with you, but physically you just flash it or
16 whatever?

17 A Yeah.

18 Q Okay. And those phone records, they reflect some
19 overlapping calls, don't they?

20 A Yes, sir.

21 Q William, these records are what was provided from
22 Verizon pursuant to our subpoena or search warrant?

23 A Yes, sir.

24 Q You haven't tampered, altered, or amended them in any
25 fashion, have you?

William Hare - Direct examination
by Solicitor Weeks

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1 A No, sir.

2 Q Now, is the exhibit you're holding there kind of a
3 compilation or two pages run together?

4 A Yes.

5 Q Okay. And if you're looking at that, if you're
6 looking at it chronological, you start at the bottom and
7 read towards the top, don't you?

8 A Yes, sir.

9 SOLICITOR WEEKS: Okay. Your Honor, that's all the
10 questions I have subject to developments being established
11 later with regard to the number.

12 THE COURT: Cross.

13 CROSS-EXAMINATION

14 BY MS. ALVES:

15 Q How many cell phones are you here to testify about
16 today?

17 A One. From the---

18 Q You don't---

19 A From the sheet that I have, there is one number.

20 Q Okay. So, you're only here to testify about the
21 number from one cell phone?

22 A Yes, ma'am.

23 Q Earlier there was testimony about five potential cell
24 phones.

25 Do you have the other four, information for the other

1 four?

2 A No.

3 Q And when the records reflect the, the initials M.T.
4 for an incoming call --

5 A Uh-huh. (Affirmative).

6 Q -- does that mean the person picked up and talked to
7 someone at that time?

8 A Yes.

9 Q So, on M.T. they talked to someone. On an M.O., it
10 was a call, it was a call that was outgoing that they were
11 calling someone else?

12 A Yes, ma'am.

13 Q And if the person didn't answer at all, then that's
14 when it will show up that it just went to voicemail, M.F.?

15 A Yes, ma'am.

16 Q What will it show if somebody disconnects a call?
17 Will it still show that they answered and
18 disconnected?

19 A Yes.

20 Q On the M.T. calls, that's when somebody actually
21 answered the phone?

22 A Yes, ma'am.

23 Q Now, these are all just actual phone calls?

24 A Yes.

25 Q These are not texts?

William Hare - Cross-examination
by Ms. Alves

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1 A No, these are phone calls.

2 Q Okay. Thank you.

3 No further questions.

4 THE COURT: Redirect.

5 REDIRECT EXAMINATION

6 BY SOLICITOR WEEKS:

7 Q If somebody doesn't pick up and it's shown as an M.T.
8 also, isn't it?

9 A If somebody, if somebody doesn't pick up, I mean it's
10 on incoming call, but it's gonna, it's gonna go to M.F.,
11 which is voicemail.

12 Q Okay. What if voicemail's full or whatever, what
13 does it show?

14 A It will still, it will still forward it. It will
15 still say M.F.

16 Q And if it's not answered, if it just rings, and it's
17 not answered at all?

18 A It will still say M.F. because it's going to go, be
19 forwarded.

20 Q Even if they don't have voicemail?

21 A Yes.

22 Q Even if the phone's not on?

23 A Yes.

24 Q Thank you.

25 SOLICITOR WEEKS: Your Honor, I don't have any

1 further questions of this witness.

2 THE COURT: You may step down.

3 Next witness.

4 SOLICITOR WEEKS: Thank you, Your Honor.

5 The State would call Investigator Mike Perry.

6 MIKE PERRY, after being duly sworn,
7 testified as follows:

8 THE CLERK: Have a seat in the witness box stating
9 your full name and spelling your last name for the court
10 please.

11 THE WITNESS: My name is Harold Michael Perry. Last
12 name is spelled P-E-R-R-Y.

13 DIRECT EXAMINATION

14 BY SOLICITOR WEEKS:

15 Q Mike, where are you employed?

16 A The South Carolina Law Enforcement Division.

17 Q And how long have you been employed there?

18 A Oh, about 20 years.

19 Q And prior to that, what were you doing in law
20 enforcement?

21 A I was a state trooper and worked for 14 years.

22 Q So, prior to that?

23 A I was a Trenton City policeman for a year.

24 Q So, you've been in law enforcement for 35 or so
25 years?

Mike Perry - Direct examination
by Solicitor Weeks

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1 A Yes, sir.

2 Q Why haven't you retired yet?

3 A I wonder that myself.

4 Q Back in June of 2008, were you working for SLED then?

5 A Yes, I was.

6 Q Were you called upon to assist the Aiken County
7 Sheriff's Department in a murder investigator?

8 A Yes, I was.

9 Q When were you called, Mike?

10 A I was called on the morning of the 4th, probably
11 about, probably about 9:00, 9:30 a.m. that morning.

12 Q And were you and other SLED agents assisting during
13 that time?

14 A Yes, we were.

15 Q And what did you do in regard to primarily, if you
16 could just tell me from the 4th through the 5th, what was
17 your role?

18 A Upon arriving at the scene, I arrived late. The
19 crime scene was pretty well worked and all when I got
20 there. I met with Lieutenant Billy Fleury, the chief
21 investigator for the Sheriff's Office. We broke up in
22 pairs and doing different assignments from that time.

23 Q And Chief or Investigator Flurry, he's like the
24 captain over all the investigators at the Sheriff's
25 Department, lieutenant over them?

1 A Right, he's the lieutenant of criminal investigations
2 at the Sheriff's Office.

3 Q Okay. And were you working with him some throughout
4 this process?

5 A Yes, me and him worked together through this case.

6 Q Okay. I call your attention to the next day,
7 June 5th of 2008.

8 Did you have an occasion, on that day, to meet the
9 defendant?

10 A Yes, I did.

11 Q And how did that come about?

12 A Well, myself and Lieutenant Fleury were at the
13 Sheriff's Office and we were told that there was an
14 individual there by the name of Tevon Jackson there that
15 wanted to talk to us.

16 Q Okay. And did you talk to him?

17 A Yes, we did.

18 Q Did y'all have any warrants for him or anything like
19 that at that time?

20 A No, sir.

21 Q Okay. Where did you talk to him at?

22 A In the conference room up, upstairs in the Sheriff's
23 office.

24 Q Did you have really any idea what it was about at
25 that time?

Mike Perry - Direct examination
by Solicitor Weeks

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1 A None other than we knew it was about this case. That
2 was about all we knew at the time.

3 Q All right. Did you interview him, you and Detective
4 Fleury?

5 A Yes, we did.

6 Q And, at some point, did you get him to write a
7 written statement?

8 A Yes, after talking to him we, he wrote a written
9 statement.

10 Q Did you make him do it?

11 A No.

12 Q He was not under arrest, was he?

13 A No, sir, he was not under arrest.

14 Q Okay. And this was the day after the body was found
15 on

16 A Yes, sir.

17 Q In that written statement, and in your, with your
18 interview of him, did you take some notes?

19 A Yes, I did.

20 Q Okay. And have you reviewed the written statement
21 that he gave you that day?

22 A Yes, I have.

23 Q And I hand you what's marked State's Exhibit No. 26,
24 and ask you if you can identify that.

25 A Yes, I can. This is the statement that was taken and

1 it was witnessed by myself and Lieutenant Fleury.

2 Q And the statement from who?

3 A Tevon Jackson --

4 Q And what---

5 A -- the defendant there.

6 Q What is the date on it?

7 A The date is 6/5 at 2:45 p.m.

8 Q Okay. And it was taken where?

9 A At the Aiken County Sheriff's Office in the
10 conference room.

11 Q All right. Did you write that?

12 who wrote that?

13 A I believe Tevon wrote it. I know I didn't.

14 Q Okay. And is it -- the document you have in your
15 hand, is it a true and accurate copy of the original?

16 A Yes, it is.

17 Q Thank you.

18 Your Honor, I'd move to introduce this at this time
19 and allow it to be published.

20 THE COURT: Any objection?

21 MS. ALVES: No, sir.

22 THE COURT: All right. Introduced and you may read
23 it.

24 (WHEREUPON, State's Exhibit No. 26 was received into
25 evidence at this time.)

Mike Perry - Direct examination
by Solicitor Weeks

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1 Q Agent Perry, if you would, would you publish that
2 document by reading it for me?

3 A Yes, sir, I will. The statement's dated 2:45 p.m. on
4 6/5/08. The name of the person giving it is Tevon
5 Jackson. Date of birth 12/26 of '90. He wrote that he
6 completed the 11th grade and he can read and write.

7 The statement reads I talked to Mark around 11:00 to
8 twelve o'clock, and he said he needed me to go to drive
9 him to Georgia. We went to Court and stayed
10 for about ten seconds. While we were there, we got a call
11 about 12:30 and he said he was on the way to have made a
12 sale to Stephanie. Soon as we came off the road we went
13 back to his house. We sold a sac to Jabari and went back

14 to the spot again to park for not even a minute, and he
15 said he had to make a run and dropped me off at my house.

16 Then when on the way to my cousin Joseph's house, I
17 called and to pick me up from there to, to pay Bo around
18 one o'clock and he said he was coming back, but he never
19 did. It was on the phone. Oh, excuse me. I misread
20 that. Bo around one o'clock and he said he was coming
21 back, but never did.

22 New sentence.

23 He was on the phone with a girl the whole time. I
24 wasn't around when he died, and I never had a clue who
25 could have done it, and he initialed it at the top and the

1 bottom when he finished writing it.

2 Q When you were interviewing him, did he indicate other
3 things to you that aren't included in that statement?

4 A Yes, he did.

5 Q And do you remember what he told you back then?

6 A Yes.

7 Q That's not included in the written statement?

8 A Basically when we interview somebody, we, whether
9 they're a suspect or a witness, the first thing we're
10 going to do is get their information. He gave us his
11 name, address, age, his telephone number. He gave us two
12 phone contact numbers.

13 Q What were those two numbers?

14 A 508-5038 and 652-1126.

15 Q Okay. In this statement on June the 5th of '08, did
16 he admit to or tell you that he called Marcus some that
17 night?

18 A Yes, he did.

19 Q And he indicated that -- did you know who Stephanie
20 Green was at the time?

21 A No, I did not.

22 Q Did he indicate that he and Marcus or that Marcus
23 sold something to Stephanie Green?

24 A He said that Marcus sold something to Stephanie Green
25 and he was with him.

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- 1 Q what did he indicate was sold to her?
- 2 A Twenty dollars worth of cocaine.
- 3 Q Okay. Did he indicate any kind of description of
- 4 what she was driving or---
- 5 A A gray Camaro.
- 6 Q Well, now, what is -- what's your understanding of
- 7 where he's telling y'all that he went next?
- 8 A To -- back to Marcus's house. There was a guy there
- 9 by the name of Jabari, which he didn't know his last name
- 10 at the time. He described him as a big dude with dreads.
- 11 Q Okay.
- 12 A He drove an old beige Pontiac.
- 13 Q All right. And what did he say he sold him?
- 14 A A \$20 bag.
- 15 Q Okay. Who else did he say lived at Mark's at the
- 16 time?
- 17 A At Mark's he said that -- I don't know if he was
- 18 talking about living there or had been there. A Casey
- 19 Johnson and a Jabari was there. But now a Jamille Broom
- 20 actually lived there.
- 21 Q Okay. Is that your spelling of what he said?
- 22 A Yes, sir.
- 23 Q Okay. Where did they go from there according to him?
- 24 A They went back to Court and Marcus was on
- 25 the phone there. One thing I think you asked me earlier

1 had he called, did he tell me he called Marcus. But I
2 don't think he did.

3 Q Okay. And tell me what happened at Court
4 that he indicated to you?

5 A Okay. So, they went back to Court. He
6 was on the phone -- Marcus was on the phone and he was
7 waiting on somebody who was parked in the yard, and he
8 took, he took Tevon back to his house and let him out
9 there, and said he was coming back to get him. He said he
10 turned to the right and the left from there, but never
11 came back to get him.

12 Q Okay. Did he tell you anything about a Joey Serrano
13 and Joseph Dicks in his statement?

14 A No, he did not. Oh, excuse me, he did.

15 Q In the written statement, but in the oral---

16 A Right. He said that he went with -- after he got off
17 or got out that Marcus said he was going to pay Bo, and he
18 told him to pick him up at Joseph Dicks house when he got
19 through with that, and that's on Nondrum Street in New
20 Ellenton, and there he spent the night there with Joey
21 Serrano, Dicks, and Joseph's mother was there also.

22 Q He says he, that Tevon spent the night there, but he
23 goes on with another sentence, doesn't he, that Joey
24 Serrano and Joseph's mother?

25 A Right, around two o'clock they went down to see Casey

Mike Perry - Direct examination
by Solicitor Weeks

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1 Johnson and then back to Joseph Dicks' house.

2 Q Okay. What he said---

3 A Casey Johnson house is also in the area.

4 Q Tell me what he told you about a gun.

5 A We asked him did he have a gun, and he said that he
6 had had a gun that he gotten from Mark, but he gave it
7 back to him about three days ago.

8 Q And did he say anything about Mark's behavior on Dry
9 Branch Court?

10 A He said when they went down Court they
11 would sit there for just a minute and he said that Mark
12 didn't even cut his lights off.

13 Q What did he tell you about Mark's car at the time?

14 A We asked him while they were sitting there did they
15 have the windows down in which he said they were part of
16 the way down.

17 Q Okay. Thank you, Agent Perry. Answer any questions
18 Ms. Alves may have.

19 THE COURT: Ms. Alves.

20 CROSS-EXAMINATION

21 BY MS. ALVES:

22 Q Now, Agent Perry, I just want to clarify, when you're
23 talking about the, the drug sales that were made that
24 evening, those were made by Marcus Finklin, is that
25 correct?

1 A Correct.

2 Q And Mr., Mr. Jackson was riding in the car. He told
3 you he was riding in the car with Marcus when Marcus made
4 the, the drug sales that were referenced?

5 A Correct.

6 Q To Stephanie and to Jabari?

7 A Right.

8 Q And he told you that they were supposed to go to
9 Georgia because Marcus was supposed to pay Bo?

10 A Correct.

11 Q And he told you that they were actually, at some
12 point, on Court at the cul-de-sac, in the
13 cul-de-sac for a brief period?

14 A I believe he told me twice maybe.

15 Q They went to the cul-de-sac twice?

16 A I think that's what he said. Yes, he told me two
17 different times.

18 Q So, they went into the cul-de-sac, stayed briefly,
19 and then came back out?

20 A Right.

21 Q And at some point, according to your notes, they went
22 back onto Road towards where Mr. Jackson lived?

23 A Yes, that's correct.

24 Q And he was dropped off by Mr. Finklin in his --
25 apparently he was waiting on someone parked in Mr., in

Mike Perry - Cross-examination
by Ms. Alves

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- 1 Mr. Jackson's yard?
- 2 A Correct.
- 3 Q And, so, Mr. Jackson told you he was waiting for
- 4 Mr. Finklin to come back to get him?
- 5 A That's right.
- 6 Q And he never came back?
- 7 A Correct.
- 8 Q And that he, Mr. Finklin, said he had to go and pay
- 9 Bo?
- 10 A Right.
- 11 Q Now, what was your role in this investigation?
- 12 A Excuse me?
- 13 Q What was your role in the investigation?
- 14 A I was an assisting agent doing -- we had different
- 15 paired, groups paired up doing different things at
- 16 different times.
- 17 Q Okay. So, you were assisting the Sheriff's
- 18 Department in their investigation?
- 19 A Correct.
- 20 Q Okay. And let me ask you this, in your 30 plus years
- 21 of law enforcement experience, you had an opportunity to
- 22 investigate a lot of cases?
- 23 A Yes, ma'am.
- 24 Q Take a lot of statements?
- 25 A Yes, ma'am.

1 Q Talk to a lot of witnesses?

2 A Yes, ma'am.

3 Q And when you're talking to witnesses, sometimes,
4 isn't it true, that people can tell you, some people can
5 tell you like to the exact second of when they did
6 something?

7 They can tell you what minute they are doing
8 something and give you very specific details?

9 A Some people.

10 Q Some people.

11 Most of them tell you around, don't they?

12 A Correct.

13 Q Approximately?

14 A Right.

15 Q Maybe, right?

16 They might say one o'clock and it might be
17 two o'clock?

18 A Correct.

19 Q Because who's really looking at a clock at a specific
20 time if it's not really important to you, is that right?

21 A That's right.

22 Q And, so, a lot of times, when you're doing an
23 investigation, and somebody says oh, I talked to somebody
24 at eleven o'clock, they might have talked to them at
25 11:30, might of talked to them at 10:30, might of talked

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1 to them at 12:00, is that right?

2 A That's correct.

3 Q So, when you're, when you're doing your
4 investigation, you take the time as approximate, but you
5 don't say okay, it exactly happened at that time?

6 A No, ma'am.

7 Q Okay. And when you were assisting the Sheriff's
8 Department in this case, you had an opportunity to talk to
9 some of the other witnesses?

10 A Yes, ma'am.

11 Q Okay. And you talked to Mr., Mr. Jackson on June the
12 5th, is that right?

13 A Yes, ma'am.

14 Q And then I think you talked to Mr., another witness
15 named Jose Serrano on June the 9th?

16 A Yes, ma'am.

17 Q And another witness named -- I don't know. Did you
18 talk to Mr. Dicks?

19 A Yes, ma'am, I did.

20 Q On June the 9th?

21 A Right.

22 Q The same day as Mr. Serrano?

23 A Correct.

24 Q And did you talk with him at the Sheriff's Department
25 as well?

1 A I believe it was at the Sheriff's Office, yes, ma'am.

2 Q All right. Now, when you get to the scene, you said
3 you got there around nine o'clock?

4 A I got -- I was called around nine o'clock, and I went
5 to the Sheriff's Office and it was later on in the morning
6 before -- they were through with the crime, the actual
7 crime scene by the time I got there. I think I went to
8 the residence of the, of Mr. Finklin to begin with.

9 Q Okay. So, you go to, you go to the residence?

10 A Correct.

11 Q Talked with his family members?

12 A No, I didn't.

13 Q Okay.

14 A I didn't interview anybody that day.

15 Q Okay. But you get, you got some, at least some
16 up-front information pertaining to the case?

17 A Right, I met with some of the investigators at the
18 scene, and, you know, got them to bring me up on what they
19 had at that time.

20 Q Is that a standard procedure?

21 A Yes, ma'am.

22 Q And is that a standard practice for you to take notes
23 on what they told you?

24 A Yes, ma'am.

25 Q Okay. And then you refer back to those notes when

Mike Perry - Cross-examination
by Ms. Alves

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1 you're talking to witnesses so that you can see what
2 they're saying in comparison to what other people said?

3 A Correct.

4 Q And in comparison to the information you received
5 from investigators?

6 A Yes, ma'am.

7 Q Okay. And when you were talking to Mr. Jackson and
8 he told you about Marcus needing to go and pay Bo, did you
9 know who Bo was?

10 A The name had been brought up earlier by, by a subject
11 by the name of Bo Chavous had been brought up the day of
12 the incident.

13 Q And that person drove a white car that looked like a
14 police car?

15 A That was the information that was given to me.

16 Q And that person had a problem with Mr. Finklin a few
17 weeks earlier?

18 A Right, that was, that was what was given to me at the
19 time.

20 Q Okay. So, and you were -- you received Bo's name on
21 June 4th?

22 A Yes, ma'am.

23 Q Okay. So, you had information about problems,
24 potential problems with Bo on June 4th?

25 A Yes, ma'am.

1 Q And you found out from Mr. Jackson that maybe
2 Mr. Finklin owed Mr. Bo, Bo some money?

3 A On the 5th.

4 Q Okay. Thank you. I don't have any further
5 questions.

6 THE COURT: Redirect.

7 SOLICITOR WEEKS: Okay.

8 REDIRECT EXAMINATION

9 BY SOLICITOR WEEKS:

10 Q That's what Mr. Jackson told you on the 5th?

11 A Correct.

12 Q Okay. And Mr. Jackson, in his statement or interview
13 with y'all, never said anything about Joey Serrano or
14 Joseph Dicks being in the car with them at any time that
15 night, did he?

16 A No, sir.

17 Q Any time on Court?

18 A No, sir.

19 Q The only time he said he was with them was at the end
20 of the night?

21 A Correct. When he went back to the house and they
22 walked up the street.

23 Q On June the 5th at two o'clock when y'all were
24 interviewing Tevon, did y'all, did you know of any
25 involvement, alleged or otherwise, with Joey Serrano or

Mike Perry - Redirect examination
by Solicitor Weeks

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1 Joseph Dicks?

2 A No, sir.

3 Q Thank you. No further questions.

4 THE COURT: All right. You may step down.

5 Mr. Bill, y'all got lunch handled?

6 THE BAILIFF: Pardon?

7 THE COURT: Y'all got lunch handled?

8 THE BAILIFF: Yes, sir.

9 THE COURT: All right. Ladies and gentlemen of the
10 jury panel, we're going to break now until about 2:15. If
11 y'all -- I've got an hour and a half worth of hearings
12 while y'all are eating lunch. There is no need to sit and
13 wait on me. You're welcome to come in here and listen. I

14 don't think you want to.

15 Y'all go to lunch as a group, come back as a group.
16 When you get back, if it is before 2:15, you're welcome to
17 walk around outside. I'm not sure what the weather is
18 like.

19 Don't discuss the case. Don't start any
20 deliberating. Do not let anybody discuss it with you.

21 Mr. Whittle will give you instructions about lunch
22 back there.

23 Thank you.

24 (WHEREUPON, the following takes place outside the
25 presence of the jury.)

1 THE COURT: All right. Anything for the record by
2 the State before we break for lunch?

3 SOLICITOR WEEKS: No, Your Honor.

4 THE COURT: By Ms. Alves?

5 MS. ALVES: No, sir.

6 THE COURT: All right. Let's break until 2:15. I've
7 got about an hour and 15 minutes worth of hearing during
8 lunch.

9 We'll break till 2:15. Thank you.

10 (Whereupon, Court was in recess for the lunch hour.)

11 THE COURT: Anything for the record before we start,
12 Mr. Weeks?

13 SOLICITOR WEEKS: Your Honor, I just wanted to make
14 sure that these photographs are in evidence. I neglected
15 to say I moved them into evidence. I stated they were in
16 without objection.

17 THE COURT: That's correct. They're in.

18 MR. WEEKS: That's what I understood.

19 THE COURT: Is that correct, Ms. Alves?

20 MS. ALVES: Yes, sir, the only thing I knew that
21 weren't in evidence I think were the boxes that
22 Investigator Adams identified and the paperwork from
23 Verizon.

24 THE COURT: That's correct.

25 THE COURT: Anything, Ms. Alves, before we bring the

1 jury in?

2 MS. ALVES: No, sir, it's my understanding that the
3 witness that Mr. Weeks intends to call that I previously
4 represented is willing to waive any conflict.

5 SOLICITOR WEEKS: That's correct. Ms. Alves had been
6 appointed to represent a Jamar Green. He signed a written
7 waiver of any potential conflicts of---

8 THE COURT: Do we need to put him on the record to
9 say that or---

10 MS. ALVES: I would ask that he be put on the record
11 to say that. Your Honor, I would also note that I don't
12 recollect anything about Mr. Green's charges. I think,
13 from the solicitor's, solicitor's information, I

14 represented him some either in 2006 or 2007 for some
15 charges that are still pending and he has a newer charge.
16 His case was assigned to Attorney Hayes in our office. I,
17 I don't know when that was or why I wasn't reassigned the
18 case. Maybe out of an abundance of caution. But I don't
19 recollect any communication that I ever had with
20 Mr. Green. I don't know who he is, and I don't---

21 THE COURT: Is he in the courtroom?

22 SOLICITOR WEEKS: Jamar stand up.

23 (Witness complies.)

24 THE COURT: Do you recognize him?

25 MS. ALVES: No, sir.

1 THE COURT: All right. He's your next witness, Mr.
2 weeks?

3 SOLICITOR WEEKS: No, sir.

4 Do you have any objection to Ms. Alves
5 cross-examining you?

6 MR. JAMAR GREEN: No.

7 MS. ALVES: Okay.

8 THE COURT: Thank you.

9 Let the record reflect that was the witness,
10 Mr. What?

11 SOLICITOR WEEKS: Jamar Green.

12 THE COURT: Thank you, Mr. Green.

13 MR. JAMAR GREEN: All right.

14 THE COURT: All right.

15 (WHEREUPON, the following takes place within the
16 presence of the jury.)

17 THE COURT: Did y'all select a foreperson?

18 THE JUROR: We did.

19 THE COURT: Congratulations.

20 THE FOREPERSON: That's me.

21 THE COURT: I said congratulations.

22 THE FOREPERSON: I was closest to the door.

23 THE COURT: That's better than what happened not long
24 ago here. Came back, the lady was sitting there smiling.
25 I said they elected you. Congratulations. She said I

1 went to the bathroom and they elected me.

2 SOLICITOR WEEKS: Your Honor, the State would call
3 Jabari Johnson.

4 THE COURT: Come around, Mr. Johnson.

5 JABARI JOHNSON, after being duly
6 sworn, testified as follows:

7 THE CLERK: Have a seat in the witness box stating
8 your name and spelling your last for the Court please.

9 THE WITNESS: Jabari Hasan Johnson. J-O-H-N-S-O-N.

10 DIRECT EXAMINATION

11 BY SOLICITOR WEEKS:

12 Q Jabari, you live here in Aiken County?

13 A Yes, sir.

14 Q You live in New Ellenton?

15 A Yes.

16 Q Back in June of 2008, where did you live?

17 A Avenue.

18 Q Speak a little slower and a little---

19 A Avenue, Apartment C.

20 Q In New Ellenton?

21 A Yes, sir.

22 Q Did you know Marcus Finklin in June of 2008?

23 A Yes.

24 Q How, how did you know him?

25 A That's my wife's little cousin.

1 Q Okay. How long had you known him?

2 A I'd say about six, seven years.

3 Q Were you aware that he got killed?

4 A I knew about it when I woke up the next, the next
5 morning.

6 Q All right.

7 A And my wife woke me as I was taking her to work and
8 she told me about it.

9 Q The morning of June the 4th, 2008, that's how you
10 learned of Marcus' death?

11 A Yes.

12 Q Had you seen Marcus that night or during the
13 nighttime prior to your learning?

14 A I seen him when I got off from work.

15 Q All right. And back in June of 2008, where were you
16 working?

17 A SRS.

18 Q And were you working for a contractor out there?

19 A Yes.

20 Q Okay. And what time did you get off work?

21 A Approximately one o'clock.

22 THE COURT: That's one o'clock in the morning.

23 Q A.M.?

24 THE WITNESS: That's 1:00 a.m.

25 Q Okay. What time -- what did you do when you got off

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by Solicitor Weeks

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- 1 work?
- 2 A I had called him around 1:00.
- 3 Q Called who?
- 4 A Mark.
- 5 Q How did you call him?
- 6 A Cell phone.
- 7 Q Whose cell phone did you use?
- 8 A It's my cell phone.
- 9 Q And what was your number at the time?
- 10 A (803) 270-1896 I believe.
- 11 Q Is it the same cell phone you have now?
- 12 A Well, I don't have a cell phone now.
- 13 Q Okay. At the time, did you have one though?
- 14 A Yeah.
- 15 Q Is that what you called -- you called Marcus on your
- 16 cell phone?
- 17 A Yes, sir.
- 18 Q 270-8196?
- 19 A Yeah.
- 20 Q Did you call him before you left work?
- 21 A I called him like as soon as I left out from signing
- 22 out.
- 23 Q And what was your purpose in calling him?
- 24 A I had a coworker who had wanted to score something,
- 25 some drugs or whatever.

1 Q All right. And what did you do when you called him?
2 Did you talk to him?

3 A Yeah, I talked to him. I told him I would meet him
4 at the house or he told me to meet him at his house.

5 Q Whose house?

6 A At his house.

7 Q Now, where was Marcus living at the time?

8 A I don't recall the name of the trailer
9 park, but it's like second to the last on the left-hand
10 side.

11 Q That's where the trailer was in the trailer park?

12 A Yes.

13 Q Did you go there?

14 A Yes.

15 Q Do you know what time you got there?

16 A It had to be between 1:25, 1:30. I know I called
17 him.

18 Q Was Marcus there when you got there?

19 A No, he wasn't.

20 Q What happened?

21 A I called him, and as I was on the phone with him, he
22 told me he was pulling up and I hung up the phone. He
23 pulled right up.

24 Q And what was he driving?

25 A I can't recall the car.

Jabari Johnson - Direct examination
by Solicitor Weeks

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- 1 Q Is it the same car you'd been seeing him in?
- 2 A I seen him in that car probably for about a week I
- 3 guess.
- 4 Q Was he driving?
- 5 A Yes.
- 6 Q Was anybody with him?
- 7 A Yes.
- 8 Q Who?
- 9 A Tevon.
- 10 Q Tevon who?
- 11 A Tevon Jackson.
- 12 Q You pointed over there.
- 13 Where is he?
- 14 A He's right there.
- 15 Q Next to Ms. Alves?
- 16 A Yes.
- 17 Q Okay. And you -- let the record reflect he's
- 18 referring to the defendant, Your Honor.
- 19 Now, where was Tevon?
- 20 A He was sitting on the passenger side.
- 21 Q Anybody else in the car?
- 22 A No.
- 23 Q What did you do when they pulled up?
- 24 A I went, went over and he already knew what I came for
- 25 and---

- 1 Q well, what did you come for?
- 2 A It was a 20 of powder.
- 3 Q Cocaine?
- 4 A Cocaine, yeah.
- 5 Q Okay. And did you give him \$20?
- 6 A Yes.
- 7 Q And how long did you stay?
- 8 A It wasn't long at all.
- 9 Q And where did you go from there?
- 10 A I went back to the house, my house.
- 11 Q All right. Did you see Marcus any more?
- 12 A No.
- 13 Q See Tevon any more?
- 14 A No.
- 15 Q The two calls you made to Marcus you made with your
- 16 cell phone at the time?
- 17 A Yes.
- 18 Q And that was 270-8196?
- 19 A Yes, sir.
- 20 Q Okay. Jabari, did you know Tevon at the time?
- 21 A I know of him. I don't, I don't know him.
- 22 Q Okay. Did you have any communication with him at
- 23 that transaction?
- 24 A Other than when I -- after I did what I did with
- 25 Marcus, I told him to be careful, shook his hand. Tevon,

1 you know -- well, I, I said it to both of them, for y'all
2 to be careful. Okay. Tevon didn't respond. I mean it
3 was like he was in another world or something, you know.
4 And, so, after I shook Mark's hand, I walked around to the
5 passenger side and slapped him in the chest, Tevon, and
6 that's when he responded and I told him to be careful as
7 well, and I got in my car and I, and I went home.

8 Q Okay. And what kind of car were you driving at the
9 time?

10 A A Cutlass, Oldsmobile Cutlass.

11 Q Okay. Can you describe what the top looks like or
12 what color it was?

13 Give me a little more description.

14 A It is beige with a, with a quarter vinyl top, brown.

15 Q A quarter vinyl top?

16 A Yes.

17 Q What -- remember what color it was at the time?

18 A My car?

19 Q Yeah.

20 A It was beige, brown.

21 Q Thank you.

22 THE COURT: Ms. Alves.

23 CROSS-EXAMINATION

24 BY MS. ALVES:

25

1 Q You called Marcus to buy drugs?

2 A Yes.

3 Q So that you could give them to somebody else?

4 A My coworker.

5 Q You were giving the drugs to somebody else?

6 A Yes.

7 Q So, in other words, you were performing actions as a
8 drug dealer?

9 You were buying drugs to give to somebody else?

10 A I mean actually the, the guy, he didn't want to go in
11 the area. So --.

12 Q How often do you deal drugs?

13 A Huh?

14 Q How often do you deal drugs?

15 A Nah, nah, I don't deal drugs.

16 Q Well, how often do you buy drugs for other people, to
17 give to other people?

18 A I don't do it often.

19 Q Every so often?

20 Every now and again?

21 A I mean I've done, I've done it myself.

22 Q What, drugs?

23 A Yes.

24 Q So, were you, were you doing drugs that night?

25 A No, not that night.

Jabari Johnson - Cross-examination
by Ms. Alves

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- 1 Q Okay. When was the last time you done drugs?
- 2 A Huh?
- 3 Q What's the last time you used drugs?
- 4 A When's the last time I used?
- 5 Q Yes, sir.
- 6 A It's been a while. It's been --.
- 7 Q When is a while?
- 8 A Probably about a year or so.
- 9 Q A year or so?
- 10 A (Witness nods affirmatively.)
- 11 Q Even though -- do you still work at SRS?
- 12 A No.
- 13 Q Okay. Were you using while you were working out
- 14 there?
- 15 A On occasions.
- 16 Q Okay. And when's the last time you've gotten drugs
- 17 for somebody else?
- 18 A I mean I haven't. I mean other than the incident
- 19 that night. Probably, probably a couple of times after
- 20 that, but I mean other than that, no.
- 21 Q Well, who did you get drugs for?
- 22 A Jason.
- 23 Q Who?
- 24 A Jason.
- 25 Q Jason who?

- 1 A Smoot.
- 2 Q Who is that?
- 3 A My co-workers.
- 4 Q So, you get drugs for your co-workers?
- 5 A Yes.
- 6 Q Who else do you get drugs for?
- 7 A That's it.
- 8 Q So, you only sell drugs to -- you only give drugs to
- 9 Jason?
- 10 A He gave me the money. He's a white guy. He didn't
- 11 want to go in a black neighborhood. So --.
- 12 Q Okay. You're aware that selling drugs, that giving
- 13 drugs to other people, giving cocaine to other people is
- 14 illegal, right?
- 15 A I mean I never got in trouble. You know what I mean?
- 16 I never been in any kind of trouble. So, you're
- 17 telling me something I don't know.
- 18 Q You never had any trouble?
- 19 Is that what you said?
- 20 A Other than, other than---
- 21 Q You've never been in any kind of trouble?
- 22 A Other than child support, unlawful use of a
- 23 telephone, and CDV.
- 24 Q Okay. So, you've only been in trouble for child, for
- 25 not paying your child support, for CDV, and unlawful use

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1 of the telephone?

2 A Yes.

3 Q And drug dealing?

4 A No.

5 Q Well, maybe they just never caught you for the drug
6 dealing you did, right?

7 A What do you mean caught me?

8 I don't sell drugs.

9 Q Okay. Okay. Well, let me ask you this, you said
10 that you knew of Tevon, right?

11 A Yes.

12 Q You didn't know Tevon?

13 A No.

14 Q Had you, had you ever been around him before?

15 A What you mean around?

16 Q You know, you and him ever sat down and had
17 communication or conversation?

18 A No.

19 Q So, you never had like a conversation with him, been
20 around him for any long period of time where you'd have an
21 opportunity to observe him?

22 A No.

23 Q That, that night was pretty much the first time you
24 had any kind of interaction with him?

25 A I mean, you know, I see -- he's, he's a younger guy.

1 I mean up under me, you know what I'm saying. I might be
2 in the, in the bar or whatever and they'll come through
3 and I speak to everybody you know.

4 Q Well, I'm just asking you, did you know anything
5 about him?

6 You didn't really know him?

7 A No, I don't know nothing about him.

8 Q Okay. So, any -- but you said that you, you
9 commented on some, on how he was acting that night.

10 You don't know, you didn't know anything about how he
11 acts?

12 A I mean that's just common sense though.

13 Q Well, what I'm asking you is did you know anything
14 about how he acts before you saw him that night?

15 A No, but it's common sense to know when a person is---

16 Q I'm asking the questions please.

17 A Okay.

18 Q Thank you.

19 Now, when the solicitor asked you your phone number,
20 you gave a different number when you read your number off
21 then when the solicitor asked you was the number he gave
22 you your number and you said that was correct.

23 A I don't---

24 Q What is actually your number?

25 A My number was 270-8196.

Jabari Johnson - Cross-examination
by Ms. Alves

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1 Q 8196. Okay.

2 A That number hasn't been on for I don't know how long.

3 Q A couple of years?

4 A Probably so.

5 Q Okay. And do you remember what number you called
6 Marcus Finklin at?

7 A No, I don't remember his number.

8 Q Okay.

9 A It was programmed in the phone.

10 Q Okay. Well, did you ever -- did he ever have more
11 than one number that you knew of?

12 A No.

13 Q You always had the same number for him?

14 A Yes.

15 Q So, if he had another number, you didn't have it?

16 A No.

17 Q Do you know if he had -- do you know how many, if he
18 had more than one phone?

19 A No.

20 Q Do you know if he used more than one phone?

21 A No.

22 Q Okay. No further questions. Thank you.

23 THE COURT: Mr. Weeks.

24 SOLICITOR WEEKS: Just briefly.

25 REDIRECT EXAMINATION

1 BY SOLICITOR WEEKS:

2 Q Jabari, since June, you still about the same size?

3 A Actually I gained some weight. So --.

4 Q You gained some more since June of '08?

5 A Yeah.

6 Q How about your hair, was it in dreads then?

7 A Yea, it was dreads.

8 Q Okay. Thank you.

9 And apparently Tevon knew your name in June of '08.
10 Had y'all, had y'all ever interacted?

11 A I mean other than the club or whatever.

12 Q Okay. Thank you.

13 No further questions of him, Your Honor.

14 THE COURT: You may step down. If you'd like to be
15 excused, you may leave.

16 Next witness.

17 SOLICITOR WEEKS: Thank you, Your Honor.

18 The State would call Tracy Serrano.

19 TRACY SERRANO, after being duly
20 sworn, testified as follows:

21 THE CLERK: Have a seat in the witness box stating
22 your full name spelling your last for the court please.

23 THE WITNESS: Tracy S-E-R-R-A-N-O.

24 DIRECT EXAMINATION

25 BY SOLICITOR WEEKS:

Tracy Serrano - Direct examination
by Solicitor Weeks

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- 1 Q Tracy, how old are you?
- 2 A Forty.
- 3 Q And where did you live in or where did you live in
- 4 June of 2008?
- 5 A
- 6 Q Road?
- 7 A Road.
- 8 Q In New Ellenton?
- 9 A Correct.
- 10 Q Who lived there with you at the time?
- 11 A My children and I.
- 12 Q Is Jose one of your children?
- 13 A Yes.
- 14 Q Did he live there with you at that time?
- 15 A Yes.
- 16 Q And how long had you lived in or on Road
- 17 in New Ellenton at the time?
- 18 A We just moved in in February of '07.
- 19 Q And were you working down there?
- 20 A No.
- 21 Q Were -- do you remember June 4th of 2008 when
- 22 Mr. Finklin got killed?
- 23 A Vaguely.
- 24 Q And were you living there then?
- 25 A Correct.

1 Q And did you, at some time the week he got killed, or
2 the police talked to you at some time?

3 A Yes.

4 Q And where was that at?

5 A First it was in New Ellenton and then they brought us
6 to Aiken.

7 Q To where?

8 To the Sheriff's Department?

9 A Correct.

10 Q All right. On the night of June the 3rd, early
11 morning hours of June the 4th, did you see Tevon Jackson?

12 A He was with me.

13 Q Where was he at?

14 A In front of Joseph Dicks' house.

15 Q And Joseph Dicks is?

16 A Meat Man.

17 Q Nickname is Meat Man?

18 A Meat Man.

19 Q And do you know approximately what time you first saw
20 Tevon?

21 A I want to say it was anywhere between 12:00 and
22 12:30.

23 Q All right. And what were you doing at Meat Man's
24 house?

25 A I was with his mom.

Tracy Serrano - Direct examination
by Solicitor Weeks

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1 Q And what were you doing there?

2 A We were there just chit-chatting, you know. It was
3 like she was one of the first people I had met when I
4 moved down there. So, I used to go visit her often.

5 Q And when you said his house, it was a mobile home,
6 wasn't it?

7 A Mobile home.

8 Q All right. Did -- Ms. Dicks, were y'all drinking
9 any?

10 A Yes.

11 Q What were you drinking?

12 A Cobra. Beer.

13 Q Beer?

14 A Uh-huh. (Affirmative).

15 Q What did you do after you saw Tevon?

16 What did you do the rest of that night or the rest of
17 that morning?

18 A Well, once I left Ms. Dicks' house, we -- him, my
19 son, and Tevon, and Meat Man walked me home. I had just
20 left an ex-boyfriend. He was trying to get me to let him
21 come back home. Anyway we walked home and he---

22 Q Walked to whose house?

23 A My house.

24 Q All right. And where was that in relation to Mr.
25 Dicks' home, Meat Man's home?

- 1 A Excuse me?
- 2 Q Where was that in relation to where you were?
- 3 where did you walk to?
- 4 A On, on
- 5 Q On Road?
- 6 A Correct.
- 7 Q Okay. And what time of day or night was this?
- 8 A Night time.
- 9 Q All right. who walked there with you?
- 10 A I walked by myself.
- 11 Q Okay. And was anybody accompanying, accompanying
- 12 you?
- 13 A Not on the way.
- 14 Q Okay. Not on the way to Meat Man's house?
- 15 A Right.
- 16 Q When you were leaving Meat Man's house, who
- 17 accompanied you?
- 18 A My son, Joe Serrano, Joseph Dicks, and Tevon Jackson.
- 19 Q Did y'all go anywhere else between Meat Man's house
- 20 and your house?
- 21 A No.
- 22 Q All right. what, if anything, happened on the way to
- 23 your house?
- 24 A Well, the guys were walking behind me. I was using a
- 25 phone and I overheard one conversation, one comment that

Tracy Serrano - Direct examination
by Solicitor Weeks

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1 Tevon Jackson had made and Mark Finklin was riding past
2 us, and he yelled out oh, I'm gonna, I'm gonna rob that
3 nigga, and I said no, you're not, and I kept going on.

4 Q Now, who made that comment?

5 A Tevon Jackson.

6 Q And who passed by you?

7 Somebody passed by you?

8 A Mark Finklin.

9 Q In a car, on foot?

10 A In a car.

11 Q And which direction was he heading?

12 A Towards Felicia's house.

13 Q All right. And Felicia is somebody that lives on Dry
14 Branch Road?

15 A Correct, next door to me.

16 Q Do you know where she lives or lived at the time?

17 A Yes.

18 Q Have we shown you a picture of that location?

19 A Yes.

20 Q Do you think you could identify it for me?

21 A Yes.

22 Q I hand you what's marked, soon to be marked State's
23 Exhibit No. 37.

24 (WHEREUPON, a photograph was marked as State's
25 Exhibit No. 37 for identification purposes only at this

1 time.)

2 Q State's Exhibit No. 37 without objection.

3 (WHEREUPON, State's Exhibit No. 37 was received into
4 evidence at this time.)

5 If you could, while you're sitting there, if you
6 could point out where your house was?

7 A My house was here.

8 Q Okay. And if you could, can you make a mark on there
9 with this pen. Just put T.C. or T.S.

10 A T.S.

11 Q Okay. And where was Felicia's house?

12 A Felicia's house is here.

13 Q Okay.

14 A Here. Yeah, I'm sorry.

15 Q And you said you saw what about a car?

16 A The car was coming this way. We were going, coming
17 this way. We got about right here when the car was coming
18 by and turned in the yard.

19 Q All right. Do you know who lives right here?

20 A Missy. That's how I know her name.

21 Q That's how you know her name?

22 A Yes.

23 Q And as far as where Meat Man is or where you started
24 that little trip from, where is that?

25 A Down here.

1 Q Okay. That's on Nondrum Street?

2 A Uh-huh. (Affirmative).

3 Q All right. I'm gonna have to get you to come down
4 here cause I'm sure I was blocking out half the courtroom
5 and half of this jury over here with my big self.

6 A (Witness comes down from the stand.)

7 We started out right here, up in here, came down,
8 walked this way. This is Felicia's house. This is my
9 house.

10 Q Okay.

11 A And we were about right here when the car came past
12 us and he turned up in here.

13 Q Do you know where Marcus, Marcus Finklin lived at the
14 time?

15 A I did cause I was introduced to his mom.

16 Q Is it past your house?

17 A Oh, yes. It's in New Ellenton.

18 Q on down the road?

19 A Well, you said Mark?

20 A Mark.

21 A Yeah, it was past this way.

22 Q Did you know where the victim, Marcus Finklin, lived?

23 A Sky View.

24 Q And that's on down that way?

25 A Right, on down there.

1 (Witness returns to the stand.)

2 Q Tracy, did -- back in June of 2008 when you went to
3 the Sheriff's Office, did you give them a written
4 statement as to these?

5 A Correct. Yes.

6 Q Did you know -- in June of 2008, how did you know
7 that was Marcus' car?

8 A It was new. He had just recently got it I believe
9 and everybody talks.

10 Q Okay.

11 A And I seen him driving it.

12 Q That community right in there is a pretty
13 small little community, isn't it?

14 A Uh-huh. (Affirmative).

15 Q Since June, you've moved from there, haven't you?

16 A Yes.

17 Q Thank you.

18 And the Tevon that was walking with you that night,
19 is that the defendant?

20 A Correct.

21 Q That's all the questions I have. Answer any
22 questions she has.

23 THE COURT: Ms. Alves.

24 CROSS-EXAMINATION

25 BY MS. ALVES:

Tracy Serrano - Cross-examination
by Ms. Alves

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1 Q Mrs. Serrano, you said that you were, when you were
2 walking home you were arguing with your boyfriend?

3 A On the phone.

4 Q You were talking to him on the phone?

5 A Right.

6 Q Did you talk to him on the phone the entire time back
7 to the---

8 A No.

9 Q No?

10 A No.

11 Q Okay. It doesn't seem to be a very long area that
12 you pointed out on the map.

13 When did you hang the phone up?

14 A Ma'am?

15 Q When did you stop talking?

16 A It was a couple of times I had to hang up on him
17 cause his mouth was being ridiculous.

18 Q Well, you would hang up, he'd call back, you'd talk
19 to him---

20 A Right.

21 Q ---hang up?

22 A Right.

23 Q Okay. And you said that you were, you were -- you
24 said that you were on the way to the house, you were using
25 the phone, and that's when you heard Tevon yell out

1 something that I'm gonna rob that nigga?

2 A Yes.

3 Q And you said be good?

4 A No.

5 Q Oh, I'm sorry. You said behave?

6 A Yeah, basically.

7 Q But did you say anything else?

8 A No, no.

9 Q Was anything more said about that?

10 A No.

11 Q Do you know what the -- well, tell us what the whole
12 conversation was.

13 what were they talking about when that statement,
14 when that statement was made?

15 A The guys?

16 Q Yeah.

17 A Oh, there was really no conversation other than when
18 he drove by it was like they switched conversations once
19 he rode by.

20 Q Switched from what?

21 A Talking boy talk.

22 Q Did you know where they had been that, that day?

23 A I know my son was at the house because I had called
24 him earlier and told him that I might need him to walk me
25 home.

Tracy Serrano - Cross-examination
by Ms. Alves

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1 Q He was at the house right before---

2 A He met me.

3 Q ---he came to Joseph Dicks' house---

4 A Right.

5 Q ---where you were visiting with---

6 A Right.

7 Q ---Mr. Dicks mother?

8 A Correct.

9 Q Okay. Do you know -- do you know how long he had
10 been at your house at that point?

11 A Well, I know he was there sleeping. He had been
12 there about a good two hours maybe.

13 Q Okay. Do you know where he was earlier?

14 A No.

15 Q Do you know who he was with earlier?

16 A No.

17 Q Okay. After he walked you home, did Joseph -- did
18 your son go back to bed?

19 A No.

20 Q What did he do?

21 A I asked the guys to walk back down to Joseph Dicks
22 house because my boyfriend had claimed he put \$50 in my
23 pocket, and I asked them to go look for it.

24 Q Okay. The boyfriend that you were fighting with told
25 you he had given you \$50?

1 A Yeah.

2 Q And, so -- and you didn't have it in your pocket?

3 A No.

4 Q So, you told them to go check for it?

5 A Yeah.

6 Q Okay. And when did he come back?

7 Did he go down and get your \$50 and come right back?

8 A No, they never found the \$50. So, they called me and
9 told me that they never found it.

10 Q Okay. And then your son actually called you and told
11 you he couldn't find the money and he came right back?

12 A No.

13 Q What time was that around?

14 A By then I was laying down. I'm not sure.

15 Q So, you had -- you were at Ms. Deon's house somewhere
16 between 12:00 and 12:30?

17 A Correct.

18 Q And then you stayed for a little bit, waited for your
19 son to get there?

20 A Right.

21 Q Is that right?

22 A Uh-huh. (Affirmative).

23 Q Then you walked home with the two, the three guys?

24 A Right.

25 Q And you said they were talking about something and

Tracy Serrano - Cross-examination
by Ms. Alves

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1 changed the conversation when they saw Marcus' car go by?

2 A He changed the conversation. Tevon did.

3 Q What were they talking about?

4 A I think they was talking about smoking a blunt if I
5 remember.

6 Q A blunt?

7 A Right.

8 Q Your son was talking about smoking marijuana?

9 A All three of them.

10 Q Okay. And you said, you said behave on that.
11 What did you say about the marijuana?

12 A I was taking it for a joke at first, but it seemed
13 like it was getting kind of serious once they said
14 something about Mark.

15 Q The marijuana was a joke?

16 A Yeah.

17 Q I'm just trying to figure out where the, where the
18 conversation---

19 A You know how kids talk sometimes --

20 Q Yes, ma'am.

21 A -- you know and you just overlook some things they
22 say until you hear some more.

23 Q But then after you said behave, that was the end of
24 the conversation?

25 A Correct.

1 Q So, it was one statement, you said behave, and no
2 more conversation, and, at that point, were you at your
3 house?

4 A I was back on the phone with my boyfriend.

5 Q You were back on the phone with the boyfriend?

6 A Right. We still had a little ways to walk.

7 Q So, you and him were arguing?

8 You were involved in your conversation?

9 A No, I wouldn't say arguing. I wasn't really trying
10 to follow him up.

11 Q You were having a conversation with your boyfriend on
12 the phone?

13 A Correct.

14 Q And what else were they talking about?

15 what did you and---

16 A I had done went into the house by the time we entered
17 the yard.

18 Q Okay. What other conversation were they having while
19 you were on the phone?

20 A I'm not sure. I don't recall.

21 Q Okay. And during the time that you were talking to
22 your boyfriend when you were walking up, other than
23 talking about marijuana, what were they talking about
24 while you were on the phone?

25 A I don't recall.

Tracy Serrano - Cross-examination
by Ms. Alves

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1 Q Huh?

2 A I don't recall.

3 Q Okay. And when you were -- you said that you talked
4 to the police twice, is that right?

5 You talked to them one time in New Ellenton?

6 A And then another time---

7 Q And then you said -- excuse me?

8 A And then another time in Aiken.

9 Q Yes, ma'am. You said they brought us to Aiken.

10 THE COURT: Hold on a second.

11 Ma'am, what do you need?

12 FEMALE SPEAKER: Some tissue.

13 THE COURT: What?

14 FEMALE SPEAKER: Some tissue.

15 THE COURT: You need to step out?

16 FEMALE SPEAKER: Yes.

17 (WHEREUPON, the lady left the courtroom at this
18 time.)

19 Q You said you talked to the police in New Ellenton and
20 the police brought us to Aiken.

21 Who is us?

22 A Me and my son.

23 Q You and your son?

24 A Correct.

25 Q And that was -- so, you both got brought to Aiken on

1 the same day, on the 9th?

2 A I want to say yes.

3 Q Yes.

4 And you talked to the police on the same day that
5 your son did?

6 A Correct.

7 Q Okay. Was anybody else with you?

8 A No.

9 MS. ALVES: Beg the Court's indulgence one moment.

10 (Pause.)

11 Q Well, going back to that night, the night of the 3rd,
12 morning of the 4th when you, after you walked home and you
13 sent your son, Mr., Mr. Jackson, and Mr. Dicks back to
14 Mr. Dicks' mom's house before the, to see if there really
15 was any money that had been dropped, what did -- you said
16 you, you went to bed?

17 A I laid in bed, yes.

18 Q You laid in the bed.

19 Were you aware of what time your son got home?

20 A He was with me.

21 You talking about after the fact?

22 Q After, after he had gone back.

23 A No, I wasn't aware.

24 Q You don't know what time he got home?

25 A No.

Tracy Serrano - Cross-examination
by Ms. Alves

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1 Q Do you know what he was doing?

2 You aren't aware of what he was doing personally?

3 A Not after I sent him to look for the money.

4 Q And is that the last time you had gone out or talked
5 to anybody after you laid down and they called you?

6 A Correct.

7 Q So, that was all you knew until the next morning?

8 A Right.

9 MR. ALVES: I beg the Court's indulgence, Your Honor.

10 (Pause.)

11 Q Thank you, Ms. Serrano.

12 I have no further questions.

13 THE COURT: Mr. Weeks.

14 REDIRECT EXAMINATION

15 BY SOLICITOR WEEKS:

16 Q Ms. Serrano, did he come home that night?

17 A Yes.

18 Q All right. You just don't know what time?

19 A Right.

20 Q And was your boyfriend at Meat Man's house?

21 A Yes.

22 Q And how, how did he say he slipped you this 50?

23 A when he was hugging me he slipped it in my back
24 pocket.

25 Q And when they didn't come back with a 50 --

1 A I knew he was lying.

2 Q -- you pretty much thought that was a lie, didn't
3 you?

4 A Yes.

5 Q Okay. Thank you.

6 I don't have any further questions.

7 THE COURT: All right. Ma'am, you may step down.

8 MS. ALVES: Your Honor, may I follow up based on the
9 answer that she just gave?

10 (The Court nods affirmatively.)

11 MS. ALVES: Thank you.

12 RECROSS-EXAMINATION

13 BY MS. ALVES:

14 Q You just told the solicitor you knew that your son
15 came home, but you told me you went to sleep and didn't
16 know anymore until the next night.

17 which is it?

18 A You asked me did I go to sleep.

19 Q No, I asked you if you, if, if your son came home.

20 SOLICITOR WEEKS: Is this a question, Your Honor?

21 THE COURT: I don't know.

22 Q I, I would just like to -- you told the solicitor
23 that you were aware that your son came home that night,
24 the night of the 3rd, the morning of the 4th.

25 A He was there that morning.

Tracy Serrano - Recross examination
by Ms. Alves

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1 Q He was there that morning?

2 A Right.

3 Q Do you know what time he got home?

4 A No.

5 Q Thank you.

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

7 Next witness please.

8 SOLICITOR WEEKS: Your Honor, could we just approach?

9 THE COURT: Sure.

10 You can come up, doctor.

11 (WHEREUPON, a bench conference was held out of the
12 hearing of the jury at this time.)

13 THE COURT: Ma'am, are you taking notes?

14 Who is taking notes?

15 Anybody?

16 Normally, if it's a long long trial, we, we'll let
17 you take notes. This one is a relatively short trial. We
18 don't. If we do let people take notes, I have to let
19 everybody take notes. Since I didn't do that, I just ask
20 that you not take notes.

21 Okay?

22 THE JUROR: Okay.

23 THE COURT: Mr. Weeks.

24 SOLICITOR WEEKS: Your Honor, just a little bit out
25 of normal sequence, but we could call Dr. Janice Ross

1 because she's obviously an out-of-town witness.

2 THE COURT: Doctor Ross, come on around.

3 And while she's coming around, a lot of times during
4 the trial it is like a play. You have to get all the
5 actors here at one time or another. Particularly when
6 you're dealing with doctors, their schedule is so tight,
7 and she testifies in a lot of cases around the state.
8 She's a pathologist for Newberry. So, we're gonna take
9 her a little bit out of turn. Don't let that bother you.
10 We just flipped one in out of order.

11 DOCTOR JANICE ROSS, after being duly
12 sworn, testified as follows:

13 THE CLERK: Take a seat in the witness box, and
14 stating your full name spelling your last for the Court
15 please.

16 THE WITNESS: Janice Edwards Ross.

17 DIRECT EXAMINATION

18 BY SOLICITOR WEEKS:

19 Q Good afternoon, Doctor Ross.

20 A Good afternoon.

21 THE COURT: Hold on a second.

22 (Pause.)

23 Q Doctor Ross, if you could, tell us what you do for a
24 living.

25 A I'm a forensic pathologist in Newberry, South

Doctor Janice Ross - Direct examination
by Solicitor Weeks

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1 Carolina.

2 Q And what is the responsibilities of a forensic
3 pathologist?

4 A Well, let me back up. A forensic pathology is -- I
5 have a Bachelor's Degree from the University of South
6 Carolina. I have an M.D. from Upstate Medical Center in
7 Syracuse, New York and then we do training in pathology,
8 which is an area of medicine where we learn how to do an
9 autopsy to find causes of death and further to identify
10 different types of injuries and different types of
11 diseases.

12 We also, for instance, look at tissue that comes out
13 of you from surgery to identify cancers or leukemias. The
14 forensic -- the word forensic means legal. So, we knew,
15 use our knowledge of pathology for forensics for legal
16 situations such as homicides, suicides, accidents, rapes,
17 that kind of thing. So, I have -- I am board certified in
18 three areas of pathology.

19 Q All right. And is one of your responsibilities
20 conducting autopsies?

21 A Yes.

22 Q And do you have an estimate as to how many you have
23 performed during your career?

24 A Over 5,000.

25 Q And are you asked, on a routine basis, to give your

1 opinion with regard to cause of death?

2 A Yes.

3 Q Can you tell me what your training is just briefly in
4 regard to how death is caused?

5 A We are trained in, when we do an autopsy, to look at
6 the victim externally and internally to identify patterns
7 of injury, if there are any, and, and identify natural
8 diseases through doing an autopsy.

9 Q Doctor Ross, have you been qualified to testify in
10 this court?

11 A Yes.

12 Q As an expert witness in the field of forensic
13 pathology?

14 A Yes.

15 Q Do you have an estimate of how many times?

16 A In South Carolina, over 60 times.

17 SOLICITOR WEEKS: Okay. Your Honor, we'd move to
18 qualify Doctor Ross as an expert in forensic pathology for
19 purposes of giving an opinion as to cause of death in this
20 case.

21 THE COURT: Ms. Alves.

22 MS. ALVES: No objection.

23 THE COURT: All right. Mr. Foreman, ladies and
24 gentlemen of the jury, what that means is Doctor Ross --
25 normally our rules of evidence do not allow, allow a

Doctor Janice Ross - Direct examination
by Solicitor Weeks

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1 witness to give an opinion. You can only testify about
2 matters that you see, taste, feel. You know things -- but
3 you can't give an opinion. That's speculative.

4 There's an exception to that rule. Someone, by way
5 of training and experience and education, has acquired
6 expertise in a certain field then they're allowed to give
7 opinion testimony, and Doctor Ross would be allowed to
8 give opinion testimony, and I'll tell you about that at
9 the end of the trial about expert witnesses.

10 Q Doctor Ross, were you asked to perform services on
11 behalf of Aiken County on or about June the 4th, 2008,
12 with regard to the body and Marcus Finklin?

13 A Yes.

14 Q And who brought that body to you?

15 A The -- basically---

16 Q Who came up with the coroner?

17 A The transport for the Coroner's Department.

18 Q And who, who came up with the Coroner's Office to the
19 autopsy?

20 A Let me make sure I have the name correctly. Mary
21 Francis Watts.

22 Q Okay. And if I told you she was with the Sheriff's
23 Department, do you have other indications of who came up
24 with the Coroner's Office --

25 A The Coroner's Office.

1 Q -- that you might of turned some items over to?

2 A Yes, that was Jeff Smith.

3 Q Okay. Doctor Ross, without getting into too much
4 detail, what do you do when you do an autopsy?

5 A The, the body is brought to us in a body bag. We
6 open the body bag and identify clothing, take photographs.
7 We do an inventory of clothing. Then we take the clothing
8 off and take photographs of the external part of the body
9 and back and front. Depending on the situation, we do
10 x-rays and a gunshot wound we do x-rays, and then we do a
11 specific type of internal examination looking at each
12 organ for identification of injury.

13 Q Did you follow those similar procedures in this
14 autopsy?

15 A Yes.

16 Q And you mentioned taking pictures and x-rays.
17 Do you take pictures of your x-rays?

18 A Usually, yes.

19 Q Okay. I want to hand you what's marked State's
20 Exhibit 21 and 22. I hand you what's marked State's
21 Exhibit 21 and 23, and as I understand it, Your Honor,
22 there's no objection to these photographs, and I ask you
23 if you can identify those and tell me what's depicted in
24 them if you can.

25 (WHEREUPON, State's Exhibit No. 23 was received into

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1 evidence at this time.)

2 A Yes, on Nos., State's Exhibit No. 23 is the x-ray
3 taken at the autopsy of Mark Finklin showing the metal
4 bullet and a couple of fragments in the, in the head.

5 Q Okay.

6 A State's Exhibit No. 21 shows the entrance gunshot
7 wound in the scalp of the victim.

8 Q Okay. And you documented both of these items that
9 are depicted in these photographs during or at some point
10 during your autopsy?

11 A Yes.

12 Q Okay. Doctor Ross, did you collect anything else
13 during the autopsy of Marcus Finklin?

14 A Well, we collected the bullets and we collected blood
15 and other fluids for toxicology purposes.

16 Q I hand you what's marked State's 22 and 25 without
17 objection, Your Honor --

18 MS. ALVES: That's correct.

19 Q -- for evidence, for review.

20 (WHEREUPON, State's Exhibit Nos. 22 and 25 were
21 received into evidence at this time.)

22 Q Can you identify those two photographs and what's
23 contained in it?

24 A Yes, these are -- 22 and 25 are the bullet and the
25 fragment taken from the brain of the victim --

1 Q Okay.

2 A -- at the time of the autopsy.

3 Q And what do you do when you collect an item like that
4 at autopsy?

5 A We seal it in a plastic container and submit it for
6 evidence. It goes to SLED.

7 Q Doctor Ross, do you know what a gunshot residue kit
8 is?

9 A Yes.

10 Q And what is that?

11 A It's a kit used by law enforcement to collect
12 material from the hands of gunshot victims or shooters
13 who, in order to look for gunshot residue.

14 Q As a normal course of your job, do you sometimes
15 conduct those tests on a body that's been brought to you?

16 A We collect the evidence.

17 Q And did you---

18 A We collect the kit.

19 Q Did you do so in this case?

20 A Yes.

21 Q And when you collect that evidence, what do you do
22 with it?

23 A It also, also is sealed and it's taken by law
24 enforcement to the, to SLED.

25 Q Okay. I'm handing you what's marked State's Exhibit

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1 No. 31 for identification, and can you identify that
2 particular kit?

3 A This is the gunshot residue collection kit.

4 Q You may have to open it.

5 A This must have been collected by the law enforcement
6 person there.

7 Q You turn it over to the law enforcement
8 representative there. In this case, it was Mary
9 O'Grady---

10 A Yes.

11 Q ---Watts?

12 A Yes..

13 Q Mary Francis O'Grady-Watts.

14 And you don't alter or tamper or destroy it in any
15 way, do you?

16 A No.

17 Q The bullet that you collected that's marked in
18 State's Exhibit No. 22, do you do the same with it?

19 A Correct.

20 Q And after you removed the bullet and the fragments
21 from the body, do you have anything else to do with the
22 bullet?

23 A No, I do not.

24 Q All right. You mentioned taking fluids?

25 A Yes.

1 (WHEREUPON, a bullet was marked as State's Exhibit
2 No. 38 for identification purposes only at this time.)

3 Q I'll hand you what's marked State's Exhibit 38.

4 Doctor Ross, the items contained in State's
5 Exhibit No. 38, can you identify those?

6 Your Honor, I understand, for the record, there's no
7 objection to those.

8 MS. ALVES: That's correct.

9 (WHEREUPON, State's Exhibit No. 38 was received into
10 evidence at this time.)

11 A Yeah, these -- this is a bullet and fragment we
12 retrieved from the autopsy on Mark Finklin and my
13 container that I had it in.

14 Q The one picture, State's Exhibit No. 22, is the same
15 thing as that?

16 A Correct.

17 (WHEREUPON, a GSR kit was marked as State's Exhibit
18 No. 39 for identification purposes only at this time.)

19 Q State's Exhibit 39, I believe without objection, Your
20 Honor, can you identify what that is?

21 A Yes, this is a GR kit container that I collected.

22 Q GSR?

23 A GSR.

24 Q And where do you collect that from?

25 A From the hands, the back, and the front of each hand,

1 right and left.

2 Q Okay. And what do you do with that once you collect
3 it?

4 A We put it in this bag and it's inside this plastic
5 bag, we seal it, and we sign off on it. Then we put it
6 into the plastic being and seal that and sign our name
7 over the seal.

8 Q And the purpose of all that is so it can be tested
9 further by some other place?

10 A Correct.

11 Q Did you turn this one over to Mary Francis
12 O'Grady-Watts?

13 A Yes.

14 Q Okay. Once again, you take fluids from the deceased
15 at autopsy?

16 A Yes.

17 Q And what's the purpose of doing that?

18 A To test for drugs and alcohol.

19 Q And any other substances?

20 A Yes, that's correct.

21 Q I mean people can be poisoned?

22 A That's right.

23 Q I saw tropical blow fish or something.

24 A Yes.

25 Q So, that's what you do is you remove all that?

1 A Yes.

2 Q And then what do you do with it when you do that?

3 A Again, we collect it in certain specified containers
4 depending on what chemical is needed. We put it in
5 different tubes of blood. Those are also put in plastic
6 bags, sealed, and I'll, and I'll sign the seal.

7 (WHEREUPON, a container was marked as State's Exhibit
8 No. 40 for identification purposes only at this time.)

9 Q Okay. Can you identify what's been marked State's
10 Exhibit 40?

11 A I can't see it.

12 SOLICITOR WEEKS: I believe that's without objection,
13 Your Honor.

14 MS. ALVES: That's correct.

15 (WHEREUPON, State's Exhibit No. 40 was received into
16 evidence at this time.)

17 A I can't see the label.

18 Q Might have to open that then.

19 A This is the container where we had a purple top tube
20 in iliac vein blood for Mark Finklin. A purple top tube
21 is used for DNA analysis.

22 Q And who do you turn -- that sample that was
23 originally in the tube, who do you turn that over to?

24 A Eventually it will go to SLED through, by way of the
25 law enforcement.

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1 Q All right. Does this indicate who you turned it over
2 to that day when you left---

3 A That -- yes, that was Jeff Smith.

4 Q All right. Doctor Ross, after you removed those
5 items from an individual for testing, just to be clear for
6 the record, you don't alter, tamper, or modify those items
7 in any way, do you?

8 A No, I do not.

9 Q Doctor Ross, were you able to reach any kind of
10 opinion with regard to the cause of death of Marcus
11 Finklin after conducting your autopsy?

12 A Yes.

13 Q What was that?

14 A It was a laceration of the brain due to the gunshot,
15 due to the gunshot wound to the head.

16 Q And do you have any idea as to the length of time he
17 would have lived after experiencing that gunshot wound to
18 the head?

19 A Minutes. Five or six.

20 Q Can you, if you would, step down here and kind of
21 tell me or locate on this particular diagram about where
22 the bullet wound was to his head.

23 (Witness comes down from the stand.)

24 SOLICITOR WEEKS: State's Exhibit No. 5, Your Honor.

25 A It was somewhat above the left ear.

1 Q Just put me a good little old circle right there, and
2 then, as part of your autopsy, do you kind of check the
3 trajectory---

4 A Yes.

5 Q ---the trajectory of a bullet when it enters a body?

6 A Yes, this bullet went backward and towards the right
7 and somewhat downward, and we found the bullet towards the
8 back of the brain.

9 Q Okay. You can have a seat back up there.

10 (Witness returns to the stand.)

11 Q And the State would move to introduce State's No. 5,
12 which previously has not been in evidence.

13 THE COURT: Any objection?

14 MS. ALVES: No objection.

15 (WHEREUPON, State's Exhibit No. 5 was received into
16 evidence at this time.)

17 Q Doctor Ross, did the bullet that you collected exit
18 the brain or exit the body?

19 A No, it did not exit the body.

20 Q And based upon your experience, can bullets kind of
21 change trajectory in the body?

22 A No, they, they go straight, but some -- occasionally
23 a bullet in the head will, will go straight back and maybe
24 rim, what we call rim the inside of the skull a little
25 bit, but this one just went straight.

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1 Q And do you have any opinion or were you able to
2 render an opinion as to the manner of death?

3 A Yes.

4 Q And what was that?

5 A Homicide.

6 Q And what's the significance of the manner of death in
7 your determination?

8 A The manner of death is how the cause of death came
9 about, and they're five, four basic ones, natural,
10 accident, suicide, and homicide. Occasionally we have to
11 put undetermined.

12 Q And, in your opinion, this was a homicide?

13 A Correct.

14 Q And that means what as far as your definition?

15 A Someone killed or who died at the hands or neglect of
16 another.

17 Q Doctor Ross, the items I've asked you to identify up
18 there, you turned those over to Mary Francis O'Grady-Watts
19 and Jeff Smith?

20 A Yes.

21 Q Okay. Thank you. Answer any questions Ms. Alves may
22 have.

23 THE COURT: Ms. Alves, any questions?

24 MS. ALVES: No, sir, Your Honor.

25 THE COURT: Doctor Ross, thank you for coming.

1 You're excused to go back to Newberry.

2 Mr. Weeks, do you have another witness before we need
3 to do the proffer?

4 You said you had a chain witness?

5 SOLICITOR WEEKS: Your Honor, it would be really a
6 good time right now if we could do that.

7 THE COURT: Okay. Mr. Foreman, ladies and gentlemen,
8 there's a little short matter I have to take up with the
9 lawyers outside of your presence to make sure something is
10 either admissible or not admissible. If you'd step out,
11 go ahead and take a bathroom break. Do not discuss the
12 case or deliberate. Thank you.

13 (WHEREUPON, the following takes place while the jury
14 is leaving the courtroom.)

15 THE JUROR: I need to tell you something.

16 THE COURT: You need to tell me something?

17 THE JUROR: Yes.

18 THE COURT: All right. Let the record reflect that a
19 juror wants to tell me something.

20 (WHEREUPON, a discussion was held with the Court and
21 the juror at this time, and the following takes place
22 within the presence of the jury.)

23 THE COURT: Let me put this on the record.

24 All right. Ms. Alves, Mr. Weeks, Juror Number 16,
25 Ms. Phyllis Blocker, said she needed to talk to me as she

1 was leaving the courtroom. Yesterday, when we called out
2 the name of witnesses and we called out Tracy Serrano,
3 Serrano, she did not recognize the name. However, when
4 the lady testified today she recognized her by face. She
5 advised me that some 15, 16, 17 years ago, she's not sure,
6 but that she and her family took Ms. Serrano in. She
7 and -- she being Ms. Serrano and her boys. They were,
8 apparently were in need of some care or help or without
9 shelter or lodging and stayed three or four days. She's
10 not seen the lady since that time or had any contact with
11 her.

12 I can do a couple of things. I can ask her to come
13 back out and ask her the fact, and let her explain to you
14 what happened or what her relationship was. But it would
15 basically be what I just said. I can excuse her for cause
16 or I can ask her would that, in any way, keep her from
17 being a fair and impartial juror.

18 what's the State's pleasure?

19 SOLICITOR WEEKS: Judge, your recitation of that does
20 not indicate, I don't know whether you know, that Tracy
21 son's, Joey, is one of the witnesses also that will
22 testify---

23 THE COURT: I did not know that.

24 SOLICITOR WEEKS: ---in the case. He is an important
25 witness for the State in the case. If we can approach on

1 side bar, I need to mention something else too.

2 THE COURT: Sure.

3 (WHEREUPON, a bench conference was held at this
4 time.)

5 THE COURT: All right. Let the record reflect we had
6 a side bar concerning some additional issues dealing with
7 potential witnesses.

8 Ms. Alves, unless you object, I think, in the
9 interest of fairness to everyone, particularly your
10 client, that the best thing for me to do is, is excuse Ms.
11 Blocker then and choose one of the alternates.

12 Any objection to that by the, by the defense?

13 MS. ALVES: No, sir.

14 THE COURT: Mr. Weeks?

15 SOLICITOR WEEKS: None by the State, Your Honor.

16 THE COURT: All right. Ladies, put the two
17 alternates in. That's 20 -- Juror Number 125, and Juror
18 Number 95, and randomly draw which one of them for me.

19 Ms. Alves, any objection to randomly drawing by the
20 clerks?

21 MS. ALVES: No, sir.

22 THE COURT: Mr. Routzong, look here one minute.

23 (WHEREUPON, a bench conference was held with
24 Mr. Routzong only at this time.)

25 THE COURT: All right. We have -- the clerk has

1 chosen Juror Number 125, Ms. Brenda McKinney. So, I'll
2 elevate her to the status from the alternate to a regular
3 juror.

4 All right. We got a proffer we need to do right now
5 or do you want to wait?

6 SOLICITOR WEEKS: As I understand it, Your Honor,
7 what you have -- this is in regard to the motion in
8 limine---

9 THE COURT: Yes, sir.

10 SOLICITOR WEEKS: ---that we filed earlier and
11 subsequent parts of that.

12 THE COURT: And what Ms. Alves wants to do is be able
13 to cross-examine him on the guns and any deals they cut
14 with your office and any charges that may be dropped and
15 their knowledge of the system, et cetera, et cetera as set
16 forth in State versus Jones or similar type of
17 examination, and, quite honestly, I read State versus
18 Jones, and they reversed a death penalty case where the
19 judge did not allow that type of cross-examination. They
20 found that 608 was applicable and the defendant should
21 have been allowed to do the cross-examination. I don't
22 know if you've read that case.

23 SOLICITOR WEEKS: I'm familiar with that case, judge.
24 It sounds like a fishing expedition to me. Unless they've
25 got some evidence, I'll cut them some slack.

1 THE COURT: Well, I'm gonna, you know, let her go a
2 little ways with it, and if it gets to be too far out of
3 bounds, we'll address it.

4 SOLICITOR WEEKS: Okay.

5 THE COURT: All right. We might as well take our
6 bathroom break while the jury's out.

7 Let's take about ten minutes, if you would, and be
8 back in in ten minutes.

9 (WHEREUPON, a short recess was taken at this time.)

10 THE COURT: Give me Ms. Blocker, Ms. Blocker.

11 (WHEREUPON, Juror Blocker comes into the courtroom at
12 this time.)

13 THE COURT: Ms. Blocker, based on what you told me,
14 I'm going to go ahead and excuse you for the balance of
15 the trial and replace you with an alternate. I appreciate
16 you bringing that to my attention. Thank you very much.
17 You were a wonderful juror. I appreciate it very much.

18 THE JUROR: Okay.

19 THE COURT: All right. Mr. Whittle.

20 (WHEREUPON, the following takes place within the
21 presence of the jury.)

22 THE COURT: Ms. McKinney?

23 Which one is Ms. McKinney?

24 (Juror raises hand.)

25 THE COURT: I've elevated you to the full jury. So,

1 sit down here for me please, ma'am.

2 I'm not slighting you, ma'am. I put both your names
3 and shook them up. We randomly selected it.

4 Mr. Weeks.

5 SOLICITOR WEEKS: Your Honor, the State would call
6 Joseph Dicks.

7 Oh, before I call him, Your Honor, let me call a
8 witness out of order that came down from Columbia.

9 Lisa McReynolds.

10 LISA MCREYNOLDS, after being duly
11 sworn, testified as follows:

12 THE CLERK: Have a seat in the witness box stating
13 your full name spelling your last for the Court please.

14 THE WITNESS: My name is Lisa McReynolds. My last
15 name is M-C-R-E-Y-N-O-L-D-S.

16 DIRECT EXAMINATION

17 BY SOLICITOR WEEKS:

18 Q Lisa, where are you employed?

19 A South Carolina Law Enforcement also known as SLED.

20 Q And what do you do at SLED?

21 A I am a forensic technician in the trace evidence
22 department.

23 Q How long have you been doing that?

24 A I have been over there for four years. I've been
25 employed with SLED since December of '89.

1 Q And what is your responsibilities in the department
2 that you're in?

3 A I pick up evidence and I process gunshot residue
4 kits.

5 Q What do you mean by process gunshot residue kits?

6 A I prepare them for the analyst to put on the
7 instruments so that they can be processed on the
8 instruments.

9 Q Okay. And what's involved in preparing a gunshot
10 residue kit?

11 A I open the kits. I make sure they're sealed and
12 initialed, make sure all the information that's on the --
13 inside there's a form called the gunshot residue
14 information form. Make sure all the necessary
15 information's there, the name of the person, the time of
16 the incident, the date of the incident, the time of the
17 collection, date of the collection, and if the person is
18 living or deceased, the timing, make sure the timing is
19 correct, and then I put it in a sequence table.

20 I put internal solution in the sample. We put it in
21 a Sonnocator. Basically that just shakes it up and gets
22 all the gunshot residue off the swabs. I extract the
23 sample, put it in a brand new test tube. And when I have
24 a run ready, I put it in a secure cabinet for the analyst.
25 And when that cold run is ready, I tell the analyst it is

1 ready to go.

2 Q And the analyst is a separate person that works at
3 SLED also?

4 A Yes, sir.

5 Q And who is the analyst in this case?

6 A It's Kathy Amick.

7 Q All right. She's married?

8 A She was Woodward, and she's Amick now.

9 Q Okay. And did you receive samples in a case from
10 Aiken County --

11 A Yes, sir.

12 Q -- in regard to this case, Lisa?

13 A Yes, sir, I did.

14 Q In the processes you just described, did you do any
15 on some samples from Aiken County?

16 A Yes, sir, I did.

17 Q Can you tell me how many different samples you did
18 that to?

19 A I can tell you I had three different kits, and I can,
20 I can -- if I look at my note sheets, I can tell you what
21 was in the kits.

22 Q Just for the moment, the three different kits, can
23 you tell me the day they arrived or the day you got
24 possession of them?

25 I'm sorry.

1 A On Item 18 I picked up on June the 28th or 23rd, I'm
2 sorry, '08. And then on Item 20 I picked up June 23rd,
3 '08. Item 23 I picked up June 23rd, '08 from evidence
4 log-in.

5 Q And did you pick that up from one person at evidence
6 log-in?

7 A Yes, I did, Selena Kinard.

8 Q And Selena Kinard is also an employee at the South
9 Carolina Law Enforcement Division?

10 A Yes, sir.

11 Q And the three different evidence packs or GSR kits
12 that you picked up and processed as you described, other
13 than doing what's called for in your training and
14 protocol, did you tamper or alter those packages in any
15 way?

16 A No.

17 Q And I hand you what's marked State's Exhibit No. 30,
18 and ask you if you can identify that.

19 A Yes, sir, I can. It has our lab number, the item
20 number, and then I put the date that I open it and my
21 initials.

22 Q Okay. I hand you what's marked State's Exhibit
23 No. 31.

24 A It also has the lab number, the item number, the date
25 I opened it and my initials.

1 Q And State's No. 39.

2 A It also has the lab number, the item number, the date
3 I opened it, and my initials.

4 Q And the three item numbers that are involved in your
5 transactions are 20, 18, and 23?

6 A Yes, sir.

7 Q And are those -- those three items there represent
8 those samples that you processed?

9 A Yes, sir.

10 Q Okay. And after you're processing, you turn it over
11 to the analyst?

12 A I put it in a locked file cabinet, and I let the
13 analyst know that they're ready to go.

14 Q Okay. And one of these dates I noticed was the 24th.
15 Is that when you actually opened it?

16 A Yes, sir.

17 Q But you received it the day before?

18 A Yes, sir.

19 Q What do you do with one if you don't get to it?

20 A I might pick it up like in the afternoon and process
21 them the next morning.

22 Q Okay. The actual GSR testing has to be done
23 microscopically?

24 A On the lifts and then the instruments also. I'm not
25 quite sure I can tell you all about that, but the analyst

1 can.

2 Q Lisa, when you, when you indicated you break the
3 seals and check the dates and that sort of stuff on there,
4 would you do anything to it if the seals were broken when
5 you received it?

6 A The outer package, I, when I pick it up in log-in, I
7 make sure it's sealed then. Also, whoever's giving it to
8 me in log-in also does that. We do that together at
9 log-in. If it's not sealed, I don't accept it.

10 Q Okay.

11 A So, it would not even get to my department if it was
12 not sealed.

13 Q And were these items sealed when you received them?

14 A Yes, sir.

15 Q Thank you and I'm sorry we had to get you down here
16 today.

17 A I appreciate you getting me down here today.

18 THE COURT: Ms. Alves, any questions?

19 MS. ALVES: No, sir.

20 THE COURT: Okay. Thank you for coming. You may go
21 back to Columbia.

22 THE WITNESS: Thank you, sir.

23 THE COURT: Be careful driving.

24 Next witness.

25 SOLICITOR WEEKS: Your Honor, the State would call

1 to the other end of So, I was thinking that
2 person got in the car then because he never spoke to them
3 while I was on the phone.

4 Q Okay. But you don't know for certain?

5 A No.

6 Q You weren't in the car.

7 You were just on the phone?

8 A Exactly.

9 Q Okay. And you said the last time you saw him was the
10 day before he died?

11 A That Tuesday.

12 Q I'm sorry. Tuesday before he died.

13 A Uh-huh. (Affirmative).

14 Q And on that day you were -- were you aware of a --
15 well, let me ask you this.

16 Are you familiar with a white car that looks like a
17 police car?

18 A I am.

19 Q Who drives that?

20 A This guy Kevin Chavous, Bo Chavous.

21 Q Bo Chavous?

22 A He has a car like that, yes, ma'am.

23 Q And you were aware that problems that Marcus had with
24 Bo?

25 A Yeah.

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1 A Yes.

2 Q And when you gave your statement, you gave a
3 statement back on June the 5th to the police?

4 A Yes.

5 Q Do you remember?

6 A Yes.

7 Q And you told the police in your statement that said
8 you, you assumed he was dropping whoever off on the other
9 end of

10 A Yes.

11 Q Cause you heard him mentioning something about
12 dropping somebody off on

13 A Yes.

14 Q So, during the time that you in the car -- during the
15 time that you were talking to him, that person was in the
16 car?

17 A I don't know.

18 Q You don't know?

19 A He never said anything to anybody else until after he
20 got back to his house.

21 Q Okay.

22 A I assumed that he picked someone up in his yard.
23 That's what I, you know, I had thought because he never --
24 the only time he spoke to that person was when he pulled
25 up in his yard and he made a reference I'll make you walk

1 women. So, I was thinking maybe, you know, that was it.

2 Q You thought maybe he was talking to one of his other,
3 another, another woman?

4 A Yeah.

5 Q Okay. And you were aware -- well, and you knew he
6 was a drug dealer, right?

7 A Yes.

8 Q That's the activities that you were concerned about
9 being around your daughter?

10 A Yes.

11 Q And were you aware that, during the times that he was
12 talking to you, that he might of been actually selling
13 drugs to other people?

14 A while I was on the phone with him?

15 Q Yeah.

16 Was that going on while you were on the phone?

17 A He was making -- he said he was making a few stops or
18 whatever. So, I assume that's what he was talking about.

19 Q Okay. And you were aware that he was riding around
20 with someone in the car while he was talking to you?

21 A I don't actually recall that. He never spoke to
22 anyone in the car until after he got back to his house,
23 and then I heard him make reference to someone else.

24 Q So, that's when you found out there was somebody in
25 the car because you heard him talking to that person?

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1 A Yes.

2 Q And did he answer when you called him on your
3 cousin's phone?

4 A No.

5 Q So, he wasn't answering on your cousin's phone?

6 A No.

7 Q But he was answering on your phone at times?

8 A During 12:00 to 1:00, yes, ma'am.

9 Q Between 12:00 and 1:00.

10 So, you were trying to call on your cousin's phone
11 after 1:00?

12 A I think so, yes, ma'am.

13 Q And, so, after one o'clock is when you were using the
14 706 phone number there was no answer?

15 A No.

16 Q But prior to that you were talking to him on your,
17 your home phone you said?

18 A Yes.

19 Q 652 number?

20 A Yes.

21 Q Okay. And why, was there a problem?

22 Did you think there was a problem why he wouldn't
23 answer your calls?

24 A No, we -- I mean I wasn't really sure what was going
25 on with him. I know he kind of get with other people,

1 SOLICITOR WEEKS: Your Honor, I move to introduce
2 State's No. 36 previously marked for identification
3 subject to corroboration of the number.

4 MS. ALVES: No objection.

5 (WHEREUPON, State's Exhibit No. 36 was received into
6 evidence at this time.)

7 Q Kenisha, answer any questions that Ms. Alves has for
8 you.

9 CROSS-EXAMINATION

10 BY MS. ALVES:

11 Q Ms. Jackson, I want to clarify.

12 You said that you were talking to Marcus between
13 12:00 and 1:00---

14 A Yes.

15 Q ---or around that time?

16 A Yes.

17 Q And at some point -- y'all were talking, but at some
18 point you were using your cousin's cellphone because he
19 was, you were thinking that me might be dodging some of
20 your calls?

21 A I don't think -- that wasn't until after I hung up
22 with him and when I tried to call him back and he didn't,
23 I didn't get him.

24 Q And then you started using your cousin's phone, a 706
25 number, to try to get, try to get him to answer the phone?

1 little bit. He told me he was coming to my house when he
2 got off the phone initially. So, when I hadn't heard from
3 him, I tried to call him a few times all the way up until
4 I mean around 2:00 a.m. and then I started back calling
5 him that morning when I got up.

6 Q All right. When did you find out he had been killed?

7 A It was around ten o'clock. I was getting ready to
8 leave to go to work. I was calling his phone. He didn't
9 answer and my cousin called me and asked me where was he,
10 had I spoken to him, and I was like the last time I talked
11 to him was like one o'clock.

12 Q When you say your cousin called you, who was that?

13 A Yes, Russell Jackson, call him Batman.

14 Q Now, did you call around trying to find him?

15 A When I hung up the phone with Batman, I went straight
16 to his house.

17 Q You went straight to Marcus' house?

18 A Yes, I think I might of called his phone again, and I
19 went straight to Marcus' house, yes, sir.

20 Q And did you find out there that he had been killed?

21 A Well, I went to -- when I pulled up in the yard it
22 was people kind of standing around, and the guy that was
23 standing there with him, he was crying and everything. I
24 remember seeing his brother in the yard. It was a few
25 more people in the yard. So, I pretty much knew.

1 Q All right. Did he have any other cell phones that he
2 used?

3 A I don't think none that he used, but he had a few
4 other ones.

5 Q And why did he have those?

6 A He could, he could program the phones and he could
7 sell them, you know, give them to his friends.

8 Q All right. Would he actually work on the phones
9 some?

10 A What you mean?

11 Q Program it.

12 A Yes, sir.

13 Q Okay. The number though that you were calling him on
14 the whole night was the number that you quoted in the
15 record?

16 A Yes, sir.

17 Q Okay. Kenisha, you last spoke to him 1:00-ish,
18 around 1:00?

19 A Yes, sir.

20 Q All right. Did you ever try to call him back after
21 that?

22 A I did.

23 Q For how long?

24 A I tried calling him, calling him back several times.
25 I think it was maybe around like 2:00, I had dosed off a

Kenisha Jackson - Direct examination
by Solicitor Weeks

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- 1 Q All right. What were you talking to him about?
- 2 A Our daughter. Him, you know, doing what he was doing
- 3 and not doing it any more for the purpose of our daughter.
- 4 Q All right. You were getting on to him about selling
- 5 drugs?
- 6 A Uh-huh. (Affirmative).
- 7 Q Okay. When's the last time you spoke with him?
- 8 Do you remember the time?
- 9 A It was around 1:00 a.m.
- 10 Q Okay. And you indicated Mark's number.
- 11 What was your number that you were using that night?
- 12 A I was on my Dad's house phone. I think that number
- 13 was (803) 652-8535.
- 14 Q And did you call him on any other numbers cause he
- 15 wouldn't call you back or---
- 16 A I called him on my cousin's cell phone. She had a
- 17 706 number. I'm not sure what that number was.
- 18 Q Okay. And why did you do that?
- 19 A Well, cause I, you know, I thought maybe he just
- 20 wasn't answering my call. So, I called him from, you
- 21 know, her phone.
- 22 Q Okay. Now, did -- were you familiar with Mark's car
- 23 inside?
- 24 Had you been in it before?
- 25 A Yes.

1 Do you remember?

2 A Yes, (803) 295-8964.

3 Q And is that the phone you were talking on or called
4 or he called you on that night?

5 A Yes.

6 Q Do you know how long you stayed on the phone with
7 him, Kenisha?

8 A It was from about 12:00 midnight to maybe around
9 1:00.

10 Q And describe what was happening while you were
11 talking to him on the phone?

12 A He was riding around. I'm not sure where he was when
13 we first started talking, but I remember he went by the
14 Hot Spot and got gas. He talked to the guy in the store
15 for a little while. He left there and he was on his way
16 to he said.

17 Q Okay. And during this whole time, did he receive any
18 other calls that you could tell?

19 A He did. Someone, someone was calling his phone and
20 he would click over and put me on hold for a few more
21 minutes or so. In one instance he put me on hold for too
22 long. I hung up. He called right back.

23 Q All right. And this whole time, are y'all arguing or
24 y'all just having a conversation or what?

25 A We was having a conversation, yes, sir.

1 Is that familiar?

2 A Yes, that's his car.

3 Q Is that the car he was in when you saw him on
4 June the 3rd?

5 A Yes, it was.

6 Q Okay. And that's the same car he'd been driving---

7 A Yes.

8 Q ---for a couple of months?

9 Now, on the night of June the 3rd and early morning
10 hours of June the 4th, were you talking to Marcus on the
11 phone?

12 A I was.

13 Q Between five o'clock that afternoon and say midnight,
14 had you talked to him some then?

15 A No, not since I saw him at his house. I ain't talked
16 to him.

17 Q Okay. When, to your memory, when did you first call
18 him and start talking to him?

19 A It was around 12:00 midnight.

20 Q All right. And how long did you talk to him?

21 A For almost close to one o'clock. We was kind of back
22 and forth on the phone, hang up, he'll call back, hang up,
23 I'll call back, like that. So, almost an hour.

24 Q What was Marcus's phone number at the time that you
25 were calling?

1 off work maybe 4:30 or five o'clock. So, it was some time
2 around then.

3 Q All right. How did -- where did you see him at that
4 time?

5 A At his house.

6 Q All right. And his house, do you know where he lived
7 at the time?

8 A Yeah, Sky View Mobile Home Park.

9 Q All right. That's on Road?

10 A Yes, sir.

11 Q And you went to his house?

12 A Yes.

13 Q And was anything happening at his house?

14 A No, it was a few cars in the yard. He was sitting in
15 his car when I pulled up in the yard.

16 Q And when you say his car, what kind of car was he in?

17 A A gray silver type Crown Victoria older model.

18 Q How long had he had that car?

19 A I had just started back talking to Marcus around the
20 end of April, and he had it April of '08, and he was
21 driving that car then. I don't know when he had got it.

22 Q So, a couple months at least?

23 A Maybe.

24 Q I hand you what's marked State's Exhibit No. 7 in
25 evidence.

Kenisha Jackson - Direct examination
by Solicitor Weeks

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1 A She turned two months old that day.

2 Q Kenisha, how long had you known Marcus prior to him
3 being killed?

4 A I had knowed him for a few years.

5 Q All right. And---

6 A I used to braid his hair.

7 Q Did y'all have a -- when did you start your
8 relationship with him?

9 A I think it was like January of '07.

10 Q All right. At, at some point did you split up?

11 A Yes.

12 Q And the day he was killed, were y'all in, trying to
13 get things back together?

14 A Yes.

15 Q All right. Did you see him that day that he got
16 killed or did you see him the day before?

17 A I did.

18 Q And what day was that?

19 A That was Tuesday.

20 Q Tuesday, June the 3rd---

21 A Yes.

22 Q ---of '08?

23 What's the last time you saw him alive?

24 A It was that Tuesday afternoon. I'm not really
25 certain about the time. Maybe around 5:00. I think I got

- 1 Q Kenisha, how old are you?
- 2 A Thirty-two.
- 3 Q Do you have any children?
- 4 A Yes.
- 5 Q How many?
- 6 A Four.
- 7 Q What do you do for a living?
- 8 A Cosmetologist.
- 9 Q And where did you go to school?
- 10 where did you grow up?
- 11 A I went to Greendale Elementary, New Ellenton Middle,
- 12 silver Bluff High, Aiken Tech for a while. I did
- 13 cosmetology at Kenneth Shuler's in North Augusta.
- 14 Q And how long you had your cosmetology license?
- 15 A I got it in '03. So, about seven years, seven and a
- 16 half years.
- 17 Q '03?
- 18 A Yeah.
- 19 Q Did you know Marcus Finklin?
- 20 A Yes.
- 21 Q And how did you know him?
- 22 A He is my daughter's father.
- 23 Q And how old is your daughter?
- 24 A She's two.
- 25 Q How old was she when Marcus got killed?

Joseph Dicks - Cross-examination
by Ms. Alves

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1 Q So, y'all were hanging out most of the day?

2 A Yes, ma'am.

3 Q From between houses, between your house, serrano's
4 house, and Tevon's?

5 A Yes, ma'am.

6 Q And y'all weren't trying to hide and sneak?

7 I mean it wasn't any secret that y'all were together,
8 were you?

9 A No, ma'am.

10 MS. ALVES: No further questions. Thank you.

11 THE COURT: Mr. Weeks.

12 MR. WEEKS: Nothing further.

13 THE COURT: All right. Sir. You may step down.

14 SOLICITOR WEEKS: Your Honor, the State would call
15 Kenisha Jackson.

16 THE COURT: Ms. Jackson.

17 KENISHA JACKSON, after being duly
18 sworn, testified as follows:

19 THE CLERK: Have a seat in the witness box stating
20 your full name spelling your last for the court please.

21 THE WITNESS: Kenisha Shontell Jackson.

22 J-A-C-K-S-O-N.

23 DIRECT EXAMINATION

24 BY SOLICITOR WEEKS:

25

1 Q Marcus was like a best friend you said?

2 A Yeah, they was real close.

3 Q They were close?

4 A Yes, ma'am.

5 Q And you didn't believe Tevon?

6 A No, ma'am, not at all.

7 Q They was just talking, just a bunch of talk?

8 A Yeah, I never seen my cousin commit no violent act
9 towards nobody.

10 Q And even when y'all were talking about, when you're
11 saying you're talking about the pizza thing, nobody
12 actually was planning to do anything to any pizza man?

13 He gave the gun back, right?

14 A Yeah.

15 Q Yes?

16 A Yes, ma'am.

17 Q Now, let me ask you this.

18 When you were with, when you were with Tevon earlier
19 that day -- now, the solicitor asked you to start around
20 noon. Were y'all together before that?

21 A Yeah, I believe we met up. I believe we met up
22 somewhere to go to his house. We had to meet up
23 somewhere, at some, at some point in time to walk to his
24 house and start playing the game. I can't exactly
25 remember though.

Joseph Dicks - Cross-examination
by Ms. Alves

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1 A I guess they said they found me guilty cause the
2 statements that the two teachers gave, but I didn't plead
3 guilty, no, ma'am.

4 Q Didn't you, in fact, enter an Alford plea?
5 Do you know what that is, an Alford plea?

6 A No, ma'am, I was like 14 at that age, fifteen, I
7 don't remember, no, ma'am.

8 Q Okay. Now, you spent over a year incarcerated at the
9 Department of Juvenile Justice?

10 A Yes, ma'am.

11 Q And you're not really sure exactly how you got there?

12 A I know how I got there, what the teacher said, but I
13 mean it wasn't true. That's why -- I mean that's why I
14 got there.

15 Q Now, you've told -- now, when you were testifying
16 earlier and the solicitor was questioning you, you said
17 that you didn't know that anything was going to happen
18 that day to Marcus, is that right?

19 A Yes, ma'am.

20 Q So -- but you also testified that when you were
21 walking down with Miss Tracy that you heard Tevon make
22 some kind of comment about I'm gonna rob, I think he said
23 he's gonna rob him or something, whatever you said?

24 A I mean he made that statement, but that also was like
25 a best friend to him. So, I didn't believe that at all.

1 A No, ma'am.

2 Q Okay. Well, what does that have to do with your
3 charges in Jackson?

4 A It don't. Me and him was having a man to man
5 friendly conversation. I was just letting him know that,
6 small things that I had to deal with in my life.

7 Q Okay. And you're hoping not to have to deal with
8 those criminal charges?

9 A It's misdemeanors, ma'am.

10 Q Whatever. It's criminal charges.

11 You're hoping not to deal with them, right?

12 A I have to be, I have to be responsible for what I do.

13 Q And you mentioned that you went to the Department of
14 Juvenile Justice, is that correct?

15 A Yes, ma'am.

16 Q And that was in?

17 A 2005 to 2007.

18 Q Okay. And at that time you plead to assault and
19 battery against school personnel, is that correct?

20 A No, ma'am, it's not.

21 Q What did you plead to?

22 A The judge just sentenced me. I didn't plead guilty.
23 They just sentenced me to an undeterminate sentence not to
24 exceed my 21st birthday.

25 Q They sent you to jail and you didn't plead guilty?

1 truth is what you're telling me today, right?

2 A Yes, ma'am, I'm telling the truth today.

3 MS. ALVES: Okay. I beg the Court's indulgence one
4 moment.

5 (Pause.)

6 Q Now, let's talk about the charges that you have in
7 Jackson.

8 You said you went to the police officer and you was
9 hoping that he would dismiss the case?

10 A No, I was hoping that he would give me my money back
11 so I could pay my child support.

12 Q So, you were trying to work something, something out
13 with the police officer regarding your charges?

14 A I was just -- I was really asking him why did his
15 officer arrest me to be honest with you, finding out what
16 probable cause his officer had to do me like that.

17 Q Okay. And you say that you did not tell the police
18 officer about your being a witness for Mr. Weeks?

19 A That's -- I probably told him that I was in a, had a
20 case coming up or something like that, but I didn't know
21 Mr. Weeks name at the time like I know now.

22 Q So, you told the officer that you were involved in a
23 case that was coming up for trial, that you were a witness
24 in it. So, the only -- but you didn't tell them Mr. Weeks
25 name?

- 1 Q And you would of -- and somebody signed it?
- 2 A Yes, ma'am.
- 3 Q And what is that person?
- 4 A The notary public for South Carolina.
- 5 Q So, you swore to what you were signing by having a
- 6 notary, by signing it before a notary public, didn't you?
- 7 A Yes, ma'am.
- 8 Q So, that's -- you swore to tell the truth, right?
- 9 A Yes, ma'am.
- 10 Q And then you told a lie?
- 11 A All of it wasn't a lie.
- 12 Q You say. You told some lies.
- 13 You're agreeing that you told some lies, didn't you?
- 14 A I just didn't state everything.
- 15 Q Did you say you didn't see guns or money?
- 16 A No, I didn't.
- 17 Q Did you say you didn't see guns and money?
- 18 A Yes, I did.
- 19 Q That was a lie from what you're saying today, right?
- 20 A Yes, ma'am.
- 21 Q Okay. But today you and Mr. Serrano's story
- 22 conformed because the day he and you and the solicitors
- 23 met and told you to change your story and you did?
- 24 A No, ma'am.
- 25 Q He told you to tell the truth and all of a sudden the

Joseph Dicks - Cross-examination
by Ms. Alves

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1 told you to tell the truth?

2 A Yes, ma'am.

3 Q And based on -- after Mr. Serrano told you that, you
4 changed your story?

5 A You could say that, yes, ma'am.

6 Q Yes?

7 A Yes, ma'am.

8 Q So -- and now -- and then you've come up with the
9 story you're telling us today?

10 A I'm telling the truth now. I swear it under oath,
11 put my hand on the Bible.

12 Q You told the police you were telling the truth back
13 in---

14 A But I didn't put my hand on no Bible.

15 Q Oh, if you put your hand on the Bible it doesn't
16 matter if you're gonna lie, tell a lie?

17 Who would tell a lie---

18 A No, ma'am, it's not.

19 Q Now -- oh, wait a minute. Wait a minute.

20 Oh, you didn't put your hand on the Bible that time,
21 but what did you do down here?

22 What does that say?

23 Can you read that?

24 A Sworn to, subscribed to me before me this 9th day of
25 June 2008.

1 Q Mr. Serrano?

2 A Yes, ma'am.

3 Q So, you were in the room with Mr. Serrano and these
4 people and what happened?

5 A It was -- we was going over the, we was going over
6 the, our statements.

7 Q And you were saying something that you were telling
8 them, you were telling them what -- you were telling them
9 your version of the story?

10 A Yes, ma'am.

11 Q And then what happened?
12 what did Mr. Serrano say?

13 A He -- I mean he a little older than me. He thought
14 that we should, you know what I mean, tell the truth.

15 Q He thought that you and him should have the same
16 sorry?

17 A No, he said we should come out and tell the truth and
18 be honest with it.

19 Q What did he say?

20 what did he say to you exactly?

21 A That's exactly what he told me.

22 Q He told you, in the middle of this meeting with the
23 solicitors and the investigator and the solicitor's
24 investigator and Mr. Serrano, you were saying something
25 that Mr. Serrano said wasn't true, and he told you to, he

Joseph Dicks - Cross-examination
by Ms. Alves

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1 Q Mr. Weeks, the solicitor, who's sitting there at the
2 table?

3 A Yes, ma'am.

4 Q Who else?

5 A Officer Bodie, I mean Investigator Bodie.

6 Q Investigator Bodie, this gentleman right here on the
7 end?

8 A Yes, ma'am.

9 Q And who else?

10 A The woman right there in the green shirt.

11 Q Solicitor Young, the lady in the green?

12 A Yes, ma'am.

13 Q And who else?

14 A That's all.

15 Q And you didn't---

16 A I mean it was a couple of officers in there too. I'm
17 not---

18 Q Maybe Investigator Savell, the gentleman who is
19 sitting in the first row right there?

20 A Yes, ma'am.

21 Q Okay. So, you were in the room with those
22 investigators, with those, with those people?

23 A Yes, ma'am.

24 Q And who else was in the room?

25 A Me, and that was it.

1 They never asked you for the name of the person that
2 you gave the gun to?

3 No?

4 Did you ask---

5 A No, ma'am.

6 Q Okay. All right. And let me ask you this.

7 Now, when you went to the Solicitor's Office, you
8 weren't always telling them all these details, were you?

9 A No, ma'am.

10 Q Okay. And you've been talking to Jose Serrano the
11 whole time?

12 Do you---

13 A No, ma'am.

14 Q No?

15 You hadn't talked to Serrano before?

16 A I ain't seen him in a long time ever since they put
17 us in the same room the other day.

18 Q Oh, so, they put -- who put you in the same room with
19 Mr. Serrano?

20 A They didn't put us in the same room. I was just
21 conversating with him.

22 Q And who was conversating with you?

23 A The investigator.

24 Q What investigator?

25 A Investigator Weeks.

Joseph Dicks - Cross-examination
by Ms. Alves

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1 A Yes, ma'am.

2 Q But then at some point you also told them your
3 friend, that it got stolen?

4 A That's what my friend told me, different stories.
5 So, I thought he was really lying about it, and I just
6 told them what my friend told me, the stories he told me.

7 Q Who's this friend that had the gun or who took the
8 gun?

9 Who's this friend?

10 A His name is Tommy Lee Parker.

11 Q Tommy Lee Parker?

12 A Yes, ma'am.

13 Q Is the person that you gave this gun to you?

14 A No, ma'am.

15 Q The part -- you didn't give the gun to Tommy Lee
16 Parker?

17 A Oh, yes, ma'am, I thought you said is he here.

18 Q No, no, I asked you did you give the gun to him.

19 A Oh, yes, ma'am.

20 Q But you told the solicitors the name?

21 A No, ma'am.

22 Q You never told them the name?

23 A No, ma'am.

24 Q Are you kidding?

25 They never asked you?

1 from, that you did in June of 2008?

2 A No where. No where. I was scared and terrified when
3 I wrote this statement, ma'am.

4 Q All right. Now, even while you were changing your
5 story to the solicitors, you were still lying to the
6 solicitors too, weren't you?

7 A No, ma'am.

8 Q Or you were telling them something different?

9 A Yes, ma'am.

10 Q And didn't you, in fact, first tell them that the gun
11 might have gotten stolen, the .32 you're saying got
12 stolen?

13 A I told them yeah, it I might have got stolen or my
14 friend gave it away or claimed he lost it or whatever.

15 Q And wait a minute.

16 You didn't tell them that they lost it?

17 Didn't you, in fact, tell them that your friend maybe
18 threw it in the woods?

19 A Yes, ma'am.

20 Q Well, you told us a bunch of different stories. So,
21 tell us which stories did you tell the solicitors?

22 A He might have threw it in the woods.

23 Q But that---

24 A Somewhere like threw it away.

25 Q Okay. So, your friend might have thrown it away?

Joseph Dicks - Cross-examination
by Ms. Alves

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1 A Yes, ma'am.

2 Q And now, about two and a half years later, on
3 February the 14th of 2011 you changed your story and added
4 a bunch more details, is that right?

5 A Yes, ma'am.

6 Q I'm not finished. Keep looking. Down there where
7 the police asked you did you see any money or drugs after
8 Tevon, after you say Tevon came back to your house and
9 told you that he did this crime, what did you tell the
10 police?

11 A I lied and told them no.

12 Q No.

13 But last week, on Monday, February 14th, 2011, you
14 then changed your story and told the---

15 A The truth.

16 Q ---the solicitors -- well, I'm asking you if you told
17 the solicitors all of a sudden last week now you had
18 money, you saw money and drugs?

19 Yes?

20 A Yes, ma'am.

21 Q And now you've also now told the solicitor not only
22 did you see money and drugs, but you also saw two guns,
23 right?

24 A Yes, ma'am.

25 Q Where are those guns mentioned in that statement

1 Q You didn't write it in your statement, did you?

2 A No, ma'am, I was in resource. I can't read -- I
3 can't comprehend and read that well to be honest with you
4 and write neither.

5 Q You can't write, read and write?

6 A No, ma'am, I was in resource with them things.

7 Q Okay. Did you -- did you write your statement or did
8 somebody else?

9 A Yes, ma'am. Yes, ma'am, I wrote that.

10 Q You wrote this?

11 A I mean I might not have wrote it where you can read
12 it well, but I wrote it. Yes, ma'am, that's my statement.

13 Q Oh, it looks very nice to me too.

14 A Okay.

15 Q Do you need to see it?

16 A Yes, ma'am.

17 Q Mr. Dicks, do you recognize that?

18 A Yes, ma'am, I got my signatures right here saying
19 where I wrote things at.

20 Q You wrote that?

21 A Yes, ma'am.

22 Q Okay. And that's the statement that you gave to the
23 police?

24 A When they first interviewed me, yes, ma'am.

25 Q On June the 9th of 2008?

Joseph Dicks - Cross-examination
by Ms. Alves

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1 police about this incident?

2 A I don't exactly remember it, no, ma'am.

3 Q Would it help you to look at it to remember what you
4 told the police or would you look at your statement?

5 A If you think so.

6 Q I'm asking you.

7 A No, ma'am.

8 Q You don't need to see it?

9 A No, ma'am.

10 Q Okay. Would you agree that you never mentioned
11 anybody named Kayla to the police?

12 A Yes, ma'am.

13 Q You did not tell the police about Kayla?

14 A Yes, ma'am.

15 Q And the first time you told the solicitor was what,
16 last Monday?

17 A Yes, ma'am.

18 Q Yes?

19 A Yes, ma'am.

20 Q And you, in your statement, you didn't, you didn't
21 write anything in here about him sweating and looking
22 crazy and not looking right, did you?

23 A I told them that, though.

24 Q You told them that?

25 A I stated that to them, yes, ma'am.

- 1 Q Just a while?
- 2 A It wasn't too long.
- 3 Q Was it daylight, dark?
- 4 A Daylight.
- 5 Q And then what happened?
- 6 what did Tevon do?
- 7 A I'm not sure.
- 8 Q You're not sure?
- 9 A I don't know where he went. He left. I don't know
- 10 where he went.
- 11 Q And then you're saying someone named Kayla showed up
- 12 at your house?
- 13 A Showed up on Nondrum Street.
- 14 Q On Nondrum Street?
- 15 Did she come knock on your door?
- 16 A No, ma'am.
- 17 Q And how did you hook up with Kayla?
- 18 A Cause she came -- I was waiting for her to come on
- 19 Nondrum like Tevon told me to do.
- 20 Q You were waiting for Kayla --
- 21 A Yes, ma'am.
- 22 Q -- to come to Nondrum Street because Tevon told you
- 23 to wait for Kayla?
- 24 A Yes, ma'am.
- 25 Q Do you remember when you gave your statement to the

Joseph Dicks - Cross-examination
by Ms. Alves

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1 Q And how long was he -- I think, I think you said you
2 hung out, played games, and that he left?

3 A Who, Tevon?

4 Q Yes.

5 A No, ma'am.

6 Q He didn't -- he never left your house?

7 A Not that I know of. I mean I went in my bedroom and
8 went to sleep, he could have left. But he was in the
9 living room sleeping beside the door.

10 Q No, I'm talking about during the day.

11 A During the day, we had left his house playing the
12 games. After we got kicked out, we had walked down to
13 Joey's house.

14 Q After then after you left Joey's house you went to
15 your house?

16 A Yes, ma'am.

17 Q And while you were at your house -- all three of you
18 walked to your house?

19 A Yes, ma'am.

20 Q And then Joseph, Jose Serrano left?

21 A Yes, ma'am.

22 Q And it was just you and Tevon at your house?

23 A Yes, ma'am.

24 Q For how long?

25 A I can't actually remember.

1 police was the day you gave your statement?

2 A Yes, ma'am.

3 Q Okay. And the day that you gave your statement, you
4 talked about -- you told the police that on Tuesday, the
5 3rd, Tevon got a 9-millimeter from Joey and said he was
6 gonna rob the pizza man?

7 A Yes, ma'am.

8 Q Okay. And didn't Tevon, in fact, give that gun back
9 to Joey?

10 A Yes, ma'am.

11 Q Okay. So, you saw Tevon give the gun back?

12 A No, ma'am.

13 Q So, how do you know he gave it back?

14 A I know he gave it back because Joey had told me later
15 on the next day he gave it back.

16 Q Okay. But you didn't put that in your statement
17 about him giving the gun back to Joey?

18 A No, ma'am.

19 Q And nobody actually robbed the pizza man as far as
20 you know, did they?

21 A No, ma'am.

22 Q And then at some point during the day you said that
23 after Joseph Serrano went, Jose Serrano went home, you and
24 Tevon stayed at your house, is that right?

25 A Yes, ma'am.

Joseph Dicks - Cross-examination
by Ms. Alves

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1 the 4th?

2 A No, ma'am.

3 Q That was the next day, the 5th?

4 A Yes, ma'am.

5 Q The same day that---

6 A It was at nighttime.

7 Q At nighttime Tevon came and gave you the gun?

8 A Yes, ma'am.

9 Q And there was no mention of the fact that he had
10 given a statement to the police on that same day?

11 A No, ma'am, he ain't stayed nothing but like two
12 minutes and disappeared.

13 Q So, y'all exchanged guns and there's no mention of
14 the police or anything going on with Marcus?

15 A No, he know, he knew, he knew that.

16 Q Well, I'm asking you.

17 A No, ma'am, it was not.

18 Q Okay. And prior to giving your statement to the
19 police, you were concerned that, that you were a suspect?

20 A Yes, ma'am.

21 Q Okay. And, so, then you went in on the 9th.

22 Did you talk to the police before the day you gave
23 your statement?

24 A No, ma'am.

25 Q Okay. So, the first time you had talked to the

1 you were under a lot of pressure?

2 A No, I told him he had to go because my mother stayed
3 there and she had just got out of some things herself and
4 I didn't really want no bad vibes coming back around my
5 mother and my house.

6 Q Okay. But then you said there were rumors and you
7 were under a lot of pressure?

8 A Yes, ma'am.

9 Q Because you were being considered a suspect --

10 A Yes, ma'am.

11 Q -- in this murder?

12 A Yes, ma'am.

13 Q And you knew that Tevon had talked to the police on
14 the 5th?

15 A I didn't know, no, ma'am.

16 Q You didn't know?

17 A No, ma'am.

18 Q All right. Okay. And -- but you said you saw Tevon.
19 You saw Tevon the next day.

20 A Yes, ma'am.

21 Q In fact, I believe you said he came over to your
22 house and exchanged guns for the, the .32 for the .25 that
23 you had?

24 A Yes, ma'am.

25 Q And would that, would that have been the same day,

1 your original statement?

2 A Like the end of last month, some time the beginning
3 of this month.

4 Q Wasn't it, in fact, last Monday?

5 A No, sir. No, ma'am.

6 Q It wasn't just January, February the 14th?

7 A No, ma'am.

8 Q You didn't meet with the solicitors on February the
9 14th?

10 A Yes, ma'am, I did.

11 Q You did?

12 A Yes, ma'am.

13 Q And is that when you told them all this new
14 information?

15 A I told them some new information, yes, ma'am.

16 Q Okay. But you're saying you told them these changes
17 in your story last month?

18 A Yes, ma'am.

19 Q And then you continued on this month?

20 A Yes, ma'am.

21 Q Okay. When you -- I'm gonna ask you something you
22 said. You said that -- you said the next morning you woke
23 Tevon up. So, that would be the morning of the 4th. You
24 woke Tevon up and told him he had to go because I think
25 you said something about there was a lot of rumors, and

1 got questioned on June the 10th of 2008, did you?

2 A No, sir.

3 Q When's the first time you told us about it?

4 A I told y'all about it like last month sometime.

5 Q All right. When they first talked to you, Joseph,
6 you voluntarily gave them swabs and fingerprints and all
7 of that?

8 A Yes, sir.

9 Q And you weren't under arrest or anything, were you?

10 A No, sir.

11 Q Did you know what they were gonna do with those swabs
12 and fingerprints?

13 A Not really. I guess -- not really.

14 Q But you voluntarily gave them to them?

15 A Yes, sir.

16 Q All right. Answer any questions Ms. Alves has.

17 CROSS-EXAMINATION

18 BY MS. ALVES:

19 Q Joseph, the first question I want to ask you is when
20 the solicitor just asked you about when did you add all of
21 this new information that you didn't have in your original
22 statement, what did you say?

23 A Ask me that question again.

24 Q When the solicitor just asked you when did you add
25 all this new information and all these things changed from

Joseph Dicks - Direct examination
By Solicitor Weeks

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- 1 Q All right. Did you swap out the .25?
2 Did you ever have the 25?
3 A Yes, sir. First -- that's right. First I had the
4 .25, sir.
5 Q And what do you mean by first?
6 A First I was given the .25.
7 Q By who?
8 A Tevon.
9 Q And what were you supposed to do with the .25?
10 A Keep it for my protection.
11 Q And what did you do with that .25?
12 A The next day I had gave it -- he had came and popped
13 up out of nowhere back up on
14 Q who?
15 A Tevon.
16 Q Okay.
17 A And we had traded guns.
18 Q Traded?
19 A Yes, sir.
20 Q And what did you get then?
21 A I got the .32 and give him the .25.
22 Q All right. And that's the .32 you said you kept for
23 several months?
24 A Yes, sir.
25 Q Now, you didn't tell the police any of this when you

1 A Yes, sir.

2 Q And how did you talk to him about that?

3 A I went up to his office and asked to talk with him
4 and gave him a few words and he gave me his words and said
5 he can't really talk to me and then I went home.

6 Q Okay. There wasn't anything your lawyer sent you to
7 do --

8 A No, sir.

9 Q -- or I or anybody on behalf of the State?

10 A No, sir.

11 Q That was your whole deal.

12 was that in November of last year?

13 A Yes, sir.

14 Q Okay. The night that Marcus got killed, the early
15 morning, whatever he got killed, and Tevon and Joey showed
16 back up at your house, you said there were two pistols,
17 the little automatic and the revolver?

18 A Yes, sir.

19 Q Tell me, tell me what happened with those guns after
20 that night.

21 You held them -- you tell me.

22 A I held the .32 for a minute and one of my friends
23 lost it.

24 Q What do you mean a minute?

25 A Several months.

Joseph Dicks - Direct examination
By Solicitor Weeks

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1 A Yes, sir.

2 Q What kind of pistol was it?

3 A A 9-millimeter.

4 Q A 9-millimeter?

5 A Yes, sir.

6 Q All right. And has there been any kind of
7 disposition on those charges yet?

8 A No, sir, two misdemeanors.

9 Q Is, is the Jackson Police promised you anything about
10 that?

11 A No, sir.

12 Q Have I promised you anything about that?

13 A No, sir.

14 Q The night you got arrested or at some point maybe
15 when you were asking for a jury trial in Jackson, did you
16 tell the police chief there that you were gonna be a
17 witness?

18 A No, sir.

19 Q What did you tell him?

20 A I didn't tell him anything, sir.

21 Q All right. How did -- did you know he called me?

22 A No, sir.

23 Q And did you have any conversation with him at all
24 about trying to get out of the charges or anything like
25 that?

1 what kind of gun was it?

2 A It was a, it was like a -- I believe it was like a --
3 I think it was a Glock 9 or a Glock 40 or something like
4 that.

5 Q And whose was it?

6 A It was a man I was with when I was, he was previously
7 in the military.

8 Q And it was his gun?

9 A Yes, sir, it's registered in his name.

10 Q Were you in possession of it?

11 A No, sir, I was just in the vehicle.

12 Q All right. You got arrested?

13 A Yes, sir.

14 Q What happened to those charges?

15 A I sat in the, in the county for three months and I
16 went to court and it got dismissed.

17 Q All right. Were you charged, again, after Marcus got
18 killed?

19 A Yes, sir.

20 Q And where was that at?

21 A In Jackson, South Carolina.

22 Q All right. What happened?

23 Are those charges still pending?

24 A Yes, sir.

25 Q And was one of those you were charged with a pistol?

Joseph Dicks - Direct examination
By Solicitor Weeks

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1 A Yes, sir.

2 Q Your great grandmother lives right here, and the
3 trailer's right there, isn't it?

4 A Yes, sir.

5 Q All right. Had you been staying there since you'd
6 gotten out of juvie?

7 A Yes, sir.

8 Q All right. Since Mark Finklin was killed, you've
9 been arrested a couple of times, hadn't you?

10 A Yes, sir.

11 Q And what's happened to those charges?

12 A Nothing, sir. Dismissed.

13 Q What were you charged with the first time?

14 A The first time I was charged with malicious injury to
15 property.

16 Q And what was that about?

17 A I had broke a window.

18 Q All right. Is that before Marcus got killed or
19 after?

20 A Before.

21 Q I'm talking about after Marcus got killed.

22 A Oh, yes, sir.

23 Q What were you charged with?

24 A Unlawful carrying of a firearm.

25 Q And what was that?

- 1 A Yes, sir.
- 2 Q Did you know where that .32 had come from?
- 3 A I, I believe it, yes, sir.
- 4 Q And where did you believe it had come from?
- 5 A Mark.
- 6 Q And can you describe it?
- 7 A Like a little small chrome .32, all chrome, black
- 8 handle.
- 9 Q Revolver?
- 10 A Yes, sir.
- 11 Q All right. And what did the little, the other pistol
- 12 look like?
- 13 A Like a little small, small mini-automatic.
- 14 Q When you saw---
- 15 A It look -- like a little clip go to it I believe.
- 16 Q okay.
- 17 A A little clip go to it.
- 18 Q Joseph, you said you got out of juvie?
- 19 A Yes, sir.
- 20 Q Did you go to the Department of Juvenile Justice for
- 21 a period of time?
- 22 A Yes, sir.
- 23 Q And when you got out of there, where did you move to?
- 24 A With my great grandmother.
- 25 Q All right. And that's right there next to you?

Joseph Dicks - Direct examination
By Solicitor Weeks

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1 A It had to be like a month or two before.

2 Q Okay. And did you know or did you see Joey Serrano
3 hanging around Mark Finklin any during this time?

4 A No, sir.

5 Q Joseph, has anybody promised you anything to get you
6 to testify today?

7 A No, sir.

8 Q Anybody threatened you to get you to testify?

9 A No, sir.

10 Q What have you been told by the state and by everybody
11 about testifying on behalf of the state?

12 A Nothing, sir. This is my own will.

13 Q And the weapon that you saw that came from Tevon that
14 night, do you know what caliber it was?

15 A I believe it was a .38, sir.

16 Q All right. I'm talking about the weapon that he
17 showed back up with that day.

18 A A .32 and a .25.

19 Q All right. How long did or did you ever have
20 possession of that .32?

21 A I held on to it for a nice little minute, sir.

22 Q I'm starting to learn a little bit of the language,
23 but a minute, what does that mean to you?

24 A Months. Several months.

25 Q Okay. You had the .32?

1 know. I was being pin pointed to it.

2 Q Did you murder Marcus Finklin?

3 A No, sir.

4 Q Did you know he was gonna be murdered?

5 A No, sir.

6 Q When Tevon and Joey showed back up at your house that
7 night, how did Tevon say it had happened?

8 A He, he said -- he, he told me, he said he as -- I
9 didn't know nothing about he was riding around with him.
10 He said he was in the car with him. He said he was
11 sitting in the car with him, got out the car, and he acted
12 like he was going to go around to the other side to take a
13 pee or urinate or whatever and that's when he said he did
14 it.

15 Q And what did he say he shot him with?

16 A The pistol that he had.

17 Q What did he take from him?

18 A The pistols and the money and the drugs.

19 Q At that point in time, I mean, had you been riding
20 around in the car any with Marcus Finklin?

21 A I only rode one time. I was walking to the other end
22 and he picked me up and dropped me off and give me a ride.

23 Q How many --

24 A That's the only time.

25 Q When was that in relation---

Joseph Dicks - Direct examination
By Solicitor Weeks

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- 1 A In New Ellenton.
- 2 Q Where at?
- 3 A At, at the New Ellenton Sheriff's Department.
- 4 Q And was it Aiken County Sheriff's Department that
- 5 talked to you maybe?
- 6 A No, sir.
- 7 Q Who was it?
- 8 A I believe it was, it was investigator. I'm not sure.
- 9 I don't remember his name. I -- an investigator spoke
- 10 with me though.
- 11 Q All right. And then you ended up going from there up
- 12 to the---
- 13 A To Aiken County.
- 14 Q ---Sheriff's Department?
- 15 A Yes, sir.
- 16 Q Did you give a statement to them?
- 17 A Yes, sir.
- 18 Q Was it the truth?
- 19 A I didn't give all the details. I didn't, I didn't
- 20 tell -- I didn't state everything, no, sir.
- 21 Q Why not?
- 22 A I was scared, under pressure. I mean the blame was
- 23 getting put on me.
- 24 Q What do you mean the blame was being put on you?
- 25 A I mean I was being looked at as a, as a murderer, you

1 location --

2 A Yes, sir.

3 Q -- being from that area?

4 A On Court.

5 Q On Court?

6 A Yes, sir.

7 Q How far is that from your house?

8 How long is that---

9 A Like 100 yards, a football field you could say.

10 Q All right. How long would it take you to walk to
11 where it's at?

12 A Several minutes. Not too, not too long.

13 Q And are there paths through the woods --

14 A Yes, sir.

15 Q -- between that spot?

16 A Yes, sir.

17 Q When did the police first approach you, Joseph, and
18 interview you?

19 A I, I can't exactly remember what day it was, sir.

20 Q It was after the 4th though, right?

21 A Yes, sir.

22 Q And had a couple of days gone by or a week or six
23 months or---

24 A A few days I believe.

25 Q And where did you first talk to them?

Joseph Dicks - Direct examination
By Solicitor Weeks

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- 1 A Yes, sir.
- 2 Q Okay. What did Joey do when Tevon showed back up and
- 3 the guns appeared?
- 4 A I mean he was, he was just right there with me too,
- 5 you know.
- 6 Q Did he stay with y'all all night?
- 7 A No, sir.
- 8 Q Where did he go?
- 9 A He went home.
- 10 Q All right. And that's to Miss Tracy's house that you
- 11 described?
- 12 A Yes, sir.
- 13 Q All right. Did y'all split up any of the money?
- 14 A No, sir.
- 15 Q Do anything with the cocaine?
- 16 A No, sir.
- 17 Q On the 5th or the morning of the 4th when you said it
- 18 was kind of going crazy around there, did you find out who
- 19 had been killed?
- 20 A Yes, sir.
- 21 Q And where he had been killed at?
- 22 A Yes, sir.
- 23 Q And where was that?
- 24 A I found out by a friend or a relative.
- 25 Q Don't tell me what they said, but do you know the

1 for protection.

2 Q One of the what?

3 A One of the pistols.

4 Q When was it given to you for protection?

5 A The next day.

6 Q All right. That night, though, the night Marcus got
7 killed, what did you do with those guns or what did y'all
8 do with the guns?

9 A I didn't do anything with them, sir.

10 Q Who had them during the night?

11 A Tevon.

12 Q Did Tevon stay the night or the remainder of the
13 night at your house?

14 A As far as I know, yes, sir.

15 Q What do you mean?

16 Was he there the next morning?

17 A When I went in my room he was in the living room
18 asleep. When I woke up and came in the room he was on the
19 couch.

20 Q Well, did he---

21 A Well, he wasn't on the couch when I woke up. He was
22 outside as the commotion was going on.

23 Q That's the morning they found Little Mark's body?

24 A Yes, sir.

25 Q And Little Mark is Marcus Finklin?

Joseph Dicks - Direct examination
By Solicitor Weeks

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1 Q All right. What happened then?

2 A He came in the house. You know, he was looking
3 crazy, you know, sweating kind of and he wasn't looking
4 right, and, you know, I asked him what happened, and he
5 said he did it. I'm like he did what. He's like I killed
6 him. I said who. He said I killed Little Mark.

7 Q What happened then?

8 A And I was in disbelief, you know, and then he, he
9 went in his pocket and he pulled out like a little bit of
10 money, a couple of pistols, you know.

11 Q Did he pull out anything else?

12 A And a little bag, small bag of cocaine.

13 Q Who was there when he did that, Joey?

14 A Joey Serrano.

15 Q Joey Serrano?

16 A Yes, sir.

17 Q All right. What kind of guns did he pull out?

18 A I believe that it was a .32, a .32 and a .25. I'm
19 not too good with my pistol, but I believe that's what it
20 was, sir.

21 Q Well, what happened to those two guns?

22 A I know the next day after I woke up and kind of like
23 kicked him out of my house because my mother is, you know,
24 it was a lot of rumors going around. You know, I was a,
25 under a lot of pressure. So, one of them was given to me

1 house or did he just leave?

2 A He just left. There was trees in my yard blocking
3 the view.

4 Q All right. Who was there with you at the time?

5 A Joey.

6 Q And who else?

7 A That's all. And my mother was in the room sleeping.

8 Q Was Tevon there?

9 A No, sir.

10 Q When did Tevon show up?

11 A After -- when I was sitting on the -- I was sitting
12 on the yard -- I was sitting in my yard on the porch
13 talking on the phone conversating and I know Casey had
14 came over and they got Joey and they went back to his
15 house. Supposed to be sitting on the porch. So, I notice
16 minutes after he was going I had called Joey and told him
17 he could come back over to my house to smoke a joint with
18 me. I can't exactly remember how long it was, but I know,
19 once he start to walk over to my house, that's when I --
20 the next time I seen Tevon again.

21 Q All right. When you saw Tevon, did he come up with
22 Joe?

23 A You could say that.

24 Q And Casey wasn't around?

25 A No, sir.

Joseph Dicks - Direct examination
By Solicitor Weeks

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1 Q And what direction was he walking?

2 A Across the street from my house to the dirt road like
3 up.

4 Q Were you and he walking in the direction of his
5 house, Miss Tracy's house?

6 A In the direction of Miss Tracy's house.

7 Q All right. When did you see him next?

8 A When he was coming -- when we was popping up in my
9 yard more like I should say when I was standing on the
10 porch.

11 Q And who was with him then?

12 A I seen, I seen Joey and Casey.

13 Q Who is Casey?

14 A Casey Johnson is a relative in the area.

15 Q Did he come back down with him or was it just Joey
16 and Tevon?

17 A I didn't like really see them coming down. It's like
18 I seen them walking into my yard.

19 Q All right. And who was with Tevon then?

20 A Casey and Joey.

21 Q All right. Where did Casey go, if anywhere?

22 A To his house.

23 Q Did he go right away to his house?

24 A Yes, sir. I assume so, yes, sir.

25 Q All right. You assume. Did you see him go to his

1 anywhere?

2 A No, sir, not really.

3 Q Okay. When you got to Miss Tracy's house, what did
4 y'all do?

5 A We got there and dropped her off and turned around
6 and walked back down to my house.

7 Q Why did you go back to her house?

8 A Cause she had said that her boyfriend allegedly put
9 some money in her pocketbook and she ain't have it. So,
10 she wanted us to go see if we could find it.

11 Q Were you able to?

12 A No, sir.

13 Q Did you look for it?

14 A Yes, sir.

15 Q Would you give it to her if you found it?

16 A Yes, sir.

17 Q All right. Now, what did you do after that?

18 A Nothing. We let her know that we couldn't find it,
19 and we stopped at my house, lolly gagged for a couple
20 second, several minutes, and then all I know is minutes
21 after that Tevon, I don't know if he got a phone call or
22 made a phone call, but he was on the phone and he
23 proceeded away up the road, up towards Millionaire walking
24 up the dirt road, and we was still standing at my house.
25 Me and Joey was still at my house.

Joseph Dicks - Direct examination
By Solicitor Weeks

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1 A Yes, sir, we walked down Amillion in the direction of
2 the dirt road I believe, and then cut across or we might
3 of just walked straight down the road.

4 Q What do you mean might of just walked straight down,
5 straight down

6 A Yes, sir.

7 Q Well, where did you walk to?

8 A To Miss Tracy's house.

9 Q Okay. Who was with you?

10 A Me, Tracy, Joey, and Tevon.

11 Q You got any idea what time that was?

12 A Not really, sir.

13 Q Anything happen on the way to Miss Tracy and Joey's
14 house?

15 A You know, we was, we was conversating. You know,
16 like, like Miss Tracy said, he had said he wanted to rob
17 them or rob him or whatever, to rob Little Mark.

18 Q Who did?

19 A Tevon.

20 Q Was there, was there some sort of plan hatched right
21 there?

22 A Not that I know of, sir, no, sir.

23 Q Where did you see Little Mark go when he passed you?

24 A He just rode past.

25 Q All right. Did you see where he or if he turned in

1 up and kicked it for a couple more minutes, and then we
2 helped him walk his mother home.

3 Q All right. And Joey showed up at your place?

4 A Yes, sir.

5 Q And his mother was there?

6 A Yes, sir, talking with my mother.

7 Q All right. Had anybody else been there prior to Joey
8 getting there?

9 A No, sir, not really.

10 Q Do you, you---

11 A Not, not out of no ordinary, sir, no, sir.

12 Q Kind of a little gathering stage there for lack of a
13 better word?

14 A Yes, sir, you know, we got neighbors and across the
15 street people might walk over and walk away, you know, say
16 hey, how are you doing.

17 Q Bought themselves a little beer there after hours
18 maybe?

19 A Yes, sir.

20 Q You sell a little pot there?

21 A No, sir.

22 Q Well, back in that day, were you doing any?

23 A Yes, sir.

24 Q All right. When they left, what direction did they
25 go to or did you walk with them?

Joseph Dicks - Direct examination
By Solicitor Weeks

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1 Q And that was the .38 you just mentioned?

2 A Yes, sir.

3 Q Was she dressed like a man?

4 A Yes, sir.

5 Q All right. What happened after that with you and
6 Tevon after you got a visit from her?

7 A I met back up with him.

8 Q Where at?

9 A On the same, on Nondrum at my house, and I gave it to
10 him.

11 Q Why did you give it to him?

12 A Because it was meant for him.

13 Q All right. How do you know it was meant for him?

14 A Because he was the reason why I picked it up from
15 her.

16 Q Okay. Did he call you or something and tell you to
17 get it?

18 A Yes, sir.

19 Q How did he do that?

20 A He called me on my phone, on my mother's phone.

21 Q All right. Did you ever see Joey again?

22 A Later on that night.

23 Q When was that?

24 A When he, when he had came down there. I believe his
25 mother called him down there to get her and then we linked

- 1 A A .38 small. It was like a little small pistol.
- 2 Q Was it a revolver or an automatic?
- 3 A It was a revolver thing with the little spinning,
- 4 spinning thing on it.
- 5 Q Was it loaded?
- 6 A I think so, yes, sir.
- 7 Q And what was his friend -- who was his friend that
- 8 did that?
- 9 A A person named Kayla.
- 10 Q What was her name?
- 11 A Kayla.
- 12 Q Describe her.
- 13 A You know like a regular dude, girl. I don't know
- 14 which one you call her. Like a man/female or a dike or a
- 15 stud or whatever you want to call it.
- 16 Q You thought she was gay?
- 17 A Yes, sir.
- 18 Q All right. And did she live around there?
- 19 Did you know her?
- 20 A No, sir.
- 21 Q Okay. Had you ever seen her before that day?
- 22 A No, sir, I seen her occasionally with Tevon, you
- 23 know, but I didn't know her.
- 24 Q All right. What did she deliver to you?
- 25 A A pistol.

Joseph Dicks - Direct examination
By Solicitor Weeks

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- 1 A Just me and Tevon.
- 2 Q And what did y'all do, if anything?
- 3 A Nothing. We just hang around a little bit longer,
4 talked, and hang around Nothing out of the
5 ordinary.
- 6 Q When you say hang around that little
7 strip going through there is what you're referring to, Dry
8 Branch?
- 9 A Yes, ma'am. Yes, sir, hang around on my block down
10 the road.
- 11 Q Now, between Joey leaving and say midnight that
12 night, do you know what you did?
- 13 A No, still hanging around the house.
- 14 Q Anybody come see you?
- 15 A No, sir.
- 16 Q Anybody -- did you and Tevon ever separate during
17 that time?
- 18 A Yes, sir, I believe he left for a little, he left for
19 a little period.
- 20 Q Okay. What happened when he left?
- 21 A Nothing. He left and one of his friends came through
22 and dropped something off to me.
- 23 Q And what did they drop off to you?
- 24 A A .38 caliber gun.
- 25 Q What kind of gun was it?

- 1 A I, I -- yes, sir.
- 2 Q And what kind of gun was it?
- 3 A A 9-millimeter.
- 4 Q All right. Do you know about what time that was,
- 5 have any idea what time that was?
- 6 A No, sir.
- 7 Q what did y'all do from there?
- 8 A walked down to my house.
- 9 Q And who went?
- 10 A Me, Joey, and Tevon.
- 11 Q what did you do at your house?
- 12 A Just hang around in the yard, you know, smoke a
- 13 little marijuana, talk, lolly gag like we do every day.
- 14 Q None of you were working at that time, were you?
- 15 A No, sir.
- 16 Q Okay. Were you in school?
- 17 A Yes, sir, I believe so.
- 18 Q Was school going on at the time?
- 19 A No, sir.
- 20 Q All right. What did you do next, if anything?
- 21 what did Joey do next?
- 22 A A little while after we kicked it he had went back
- 23 home and said he was going to take a nap, lay down for a
- 24 little while.
- 25 Q All right. And who was there then?

Joseph Dicks - Direct examination
By Solicitor Weeks

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1 A It was a little conversation going on about a little
2 set up to where Tevon had wanted to rob, try to rob the
3 pizza man later on.

4 Q The pizza man, is that a nickname for somebody?

5 A No, sir, that's the pizza man, the pizza delivery
6 man, whoever delivers the pizza.

7 Q All right. Now, how was he going to do that?

8 A With the nine that, with the nine that Joey had gave
9 him.

10 Q All right. When you say a nine, what is that?

11 A A 9-millimeter, a gun I believe. A gun, sir.

12 Q Did you see that gun?

13 A Yes, sir.

14 Q What happened to it?

15 Where did it go?

16 A He just had it on him.

17 Q Who had it?

18 A Tevon.

19 Q All right. Did he get it from Joey?

20 A Yes, sir.

21 Q Did you see what he did with it?

22 A No, sir, put it on him.

23 Q Did you ever hold the gun?

24 A No, sir.

25 Q Did you see what kind of gun it was?

1 Q All right. What did y'all try to do?

2 A We tried to run out the door when we seen her come
3 home.

4 Q And she caught you?

5 A Yes, sir.

6 Q All right. Did you leave from there?

7 A Yes, sir.

8 Q Where did you go?

9 A We went down to Joey's house for a little minute.

10 Q And that's Joey who?

11 A That's Joey Serrano.

12 Q So, you would have been going back towards your
13 house?

14 A Yes, sir.

15 Q And when you got there, what did you do?

16 A Hang around for a couple of minutes, talked, and I
17 believe -- we, we talked like young men do. You know, we
18 stayed there for like 30, 40 minutes, and carried on down
19 the road to my house.

20 Q Did you play any games?

21 A No, sir.

22 Q When you were at Joey's house that time, was there
23 any mention of a gun?

24 A Yes, sir.

25 Q Tell me about that.

Joseph Dicks - Direct examination
By Solicitor Weeks

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- 1 A We was hanging out roughly all that day.
- 2 Q I'm sorry. Somebody was coughing.
- 3 You were hanging out what?
- 4 A We was hanging out roughly all that day.
- 5 Q All right. All the day of June the 3rd?
- 6 A Yes, sir.
- 7 Q And who was we?
- 8 A Me, Tevon, and Joey.
- 9 Q Was Joey with y'all all day?
- 10 A Not all day. He had went home for a short period and
- 11 went to sleep.
- 12 Q Tell me, if you could, start me about noon of
- 13 June the 3rd, the best you can remember, what y'all did
- 14 that day.
- 15 A I believe that was like around the time we was caught
- 16 at my cousin's house playing a video game and his mother
- 17 came home and I tried to sneak out the door and run away
- 18 but she caught us. She don't like people being in her
- 19 house while she's not home.
- 20 Q Who is that now?
- 21 A My Auntie Sandra. We was at her house.
- 22 Q That's Tevon mother?
- 23 A Tevon's mother, Sandra.
- 24 Q Who, who was at the house?
- 25 A It was just me, Tevon, and Joey.

- 1 A Approximately a half a mile.
- 2 Q Did he live on Road?
- 3 A Yes, sir.
- 4 Q Who did he live with?
- 5 A His mother.
- 6 Q Do you know her name?
- 7 A Yes, sir, Sandra.
- 8 Q Now, did you know, in June of 2008, where Joey
- 9 Serrano lived?
- 10 A Yes, sir.
- 11 Q Who did he live with?
- 12 A With his mother.
- 13 Q And where was that at?
- 14 A Two houses before you get to Tevon's house. Like a
- 15 little bit, less than half a mile down the road from my
- 16 house.
- 17 Q Closer to your house than Tevon lived from you?
- 18 A Yes, sir.
- 19 Q All right. Would it be fair to say that y'all all
- 20 live within a half a mile or so from each other?
- 21 A Yes, sir.
- 22 Q Now, on the night of June the 3rd, morning of
- 23 June the 4th, 2008, had you seen Tevon that night?
- 24 A Yes, sir.
- 25 Q Where had you seen him?

Joseph Dicks - Direct examination
By Solicitor Weeks

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- 1 Q Did you know him on June the 4th of 2008?
- 2 A Yes, sir.
- 3 Q Do you know the defendant, Tevon Jackson?
- 4 A Yes, sir.
- 5 Q And how long have you known Tevon?
- 6 A Ever since I was a little boy.
- 7 Q And obviously you knew him in June of 2008?
- 8 A Yes, sir.
- 9 Q Do you know Joey Serrano?
- 10 A Yes, sir.
- 11 Q How long had you known Joey in June of 2008?
- 12 A As of -- I met him in 2007.
- 13 Q And the Tevon you've known all your life, is he in
- 14 court?
- 15 A Yes, sir.
- 16 Q And where is he sitting?
- 17 A Sitting right over there.
- 18 Q By the lawyer?
- 19 A Yes, sir.
- 20 Q What relationship are you to Tevon, if any?
- 21 A My first cousin.
- 22 Q And that is on your mother or father's side?
- 23 A My father's side.
- 24 Q Okay. How far did Tevon live from you back in June
- 25 of 2008?

- 1 A No, sir.
- 2 Q Are you working anywhere?
- 3 A No, sir.
- 4 Q Who do you live with?
- 5 A My mother.
- 6 Q And any other children, any other brothers live close
- 7 to you?
- 8 A I have a brother that lives next door with my great
- 9 grandmother.
- 10 Q And is y'all's place right there on the corner of
- 11 Nondrum and---
- 12 A Yes, sir.
- 13 Q What's the other street there?
- 14 A Nondrum and and Demillion Avenue I
- 15 believe.
- 16 Q There is a dirt road that runs beside your house?
- 17 A Yes, sir.
- 18 Q Joseph, I'm gonna call your attention back to -- did
- 19 you know Marcus Finklin?
- 20 A Yes, sir.
- 21 Q And how long had you known Marcus?
- 22 A Ever since I got back out, ever since I got back out
- 23 of juvenile.
- 24 Q Okay. And was that a year, two years?
- 25 A Yes, like a year before.

Lisa McReynolds - Direct examination
by Solicitor Weeks

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1 Joseph Dicks, Jr.

2 JOSEPH DICKS, after being duly sworn,
3 testified as follows:

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

6 THE WITNESS: My name is Joseph Michael Demetrius
7 D-I-C-K-S.

8 DIRECT EXAMINATION

9 BY SOLICITOR WEEKS:

10 Q Joseph, do you have a nickname?

11 A Yes, sir, Meat Man.

12 Q How long have you been going by that?

13 A Ever since I was an infant.

14 Q Okay. Where do you live?

15 A New Ellenton, South Carolina.

16 Q And how long have you lived there?

17 A All my life.

18 Q How old are you?

19 A Nineteen years old.

20 Q Slow down a little bit on me. You're starting to get
21 fast.

22 A Yes, sir.

23 Q Are you married?

24 A No, sir.

25 Q You in school?

Kenisha Jackson - Cross-examination
by Ms. Alves

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- 1 Q Yes?
- 2 A Yes, ma'am. I'm sorry.
- 3 Q Okay. And you were aware that a car similar to the
- 4 one that Marcus drives had been seen driving around
- 5 behind, excuse me, similar to the car that Bo drives had
- 6 been driving around behind Marcus?
- 7 A Marcus said it was the police.
- 8 Q The car was the police?
- 9 A Uh-huh. (Affirmative).
- 10 Q But the car was similar to the one driven by Bo,
- 11 white---
- 12 A Yes, ma'am.
- 13 Q ---looking police car?
- 14 A Yes, ma'am.
- 15 Q Yes?
- 16 A Yes, ma'am.
- 17 Q And do you know somebody named Daphne Parker?
- 18 A I do.
- 19 Q Who is she?
- 20 A I went to school with her.
- 21 Q Who was she to Marcus?
- 22 A She lived in the area. She grew up in that area.
- 23 Q So, she was around -- was she around in the area
- 24 during June of 2008?
- 25 A Yes, she, as a matter of fact, when he pulled up in

1 his yard he spoke to her.

2 Q He was talking to Daphne?

3 A Yes.

4 Q And, so, Daphne was somebody who was in the area in
5 June of 2008?

6 A Yes, ma'am.

7 Q And during the time that you, that when you were on
8 the phone with him, you don't recall hearing him selling
9 drugs or could you tell whether he was selling drugs to
10 anybody specific?

11 A I didn't hear him.

12 Q You didn't hear him?

13 A No.

14 Q But then y'all were off and on a lot because he put
15 you on hold?

16 A Yes, ma'am.

17 Q Okay. Thank you. No further questions.

18 THE COURT: Mr. Weeks.

19 REDIRECT EXAMINATION

20 BY SOLICITOR WEEKS:

21 Q You said he was talking on the phone, you were
22 talking on the phone with him?

23 A Yes.

24 Q And what was that you said about a police car?

25 A He said, he said the police just whipped around in

Kenisha Jackson - Redirect examination
By Solicitor Weeks

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1 the road, he's following me. I asked him if he needed to
2 get off the phone. He was like no, he was straight. So,
3 he was going down Road, and he was like they
4 just turned off. He was like he had just passed the
5 little point where New Ellenton's jurisdictions changes
6 into Aiken and---

7 Q This was between 12:00 and 1:00, the night---

8 A Yes.

9 Q Morning hours he was killed?

10 A Yes.

11 Q And Ms. Alves mentioned something about a Kevin or Bo
12 Chavous.

13 A Yes.

14 Q And Marcus had, had disagreements with him in the
15 past, is that---

16 A In the past, yes, sir.

17 Q Was it over?

18 A I assumed it was over, yes, sir.

19 Q Did Marcus indicate he was worried about Bo Chavous?

20 A Not at all.

21 MS. ALVES: Objection. Hearsay.

22 THE COURT: Overruled.

23 Anything else?

24 SOLICITOR WEEKS: No, Your Honor.

25 THE COURT: Ma'am, you may step down.

1 Bear with me just one minute.

2 (WHEREUPON, a bench conference was held out of the
3 hearing of the jury at this time.)

4 THE COURT: All right. Mr. Foreman, ladies and
5 gentlemen, we're going to break for the evening. It's
6 right at five o'clock.

7 9:30 okay with everybody in the morning?

8 (Jurors nod affirmatively.)

9 THE COURT: Anybody need a ride?

10 Everybody okay?

11 Sausage biscuits suit you again tomorrow or you want
12 some doughnuts?

13 Let me address my question first. What would you
14 like?

15 THE JUROR: It doesn't matter.

16 THE COURT: Tell me, one or the other, ma'am.

17 THE JUROR: That's fine. Biscuits are fine.

18 THE COURT: All right. Biscuits, Mert.

19 THE BAILIFF: Just biscuits.

20 THE COURT: Sausage biscuits.

21 All right. We'll start right at 9:30. So, if you
22 want your biscuits or whatever, be here a little earlier.
23 I'm going to ask you please there may be something in the
24 newspaper about it. I ask you not to read anything.
25 Don't look at it. Don't discuss it with anybody. Don't

1 do any deliberating or talking about it and I'll see you
2 bright and early in the morning. Thank you.

3 Everybody else remain seated.

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

6 THE COURT: Mr. Weeks, anything on behalf of the
7 State before we break for the evening?

8 SOLICITOR WEEKS: No, Your Honor.

9 THE COURT: Ms. Alves?

10 MS. ALVES: No, Your Honor.

11 THE COURT: We got any other business we need to
12 attend to for the next ten or fifteen minutes?

13 SOLICITOR WEEKS: I'm not aware of anything, judge.

14 THE COURT: All right. Ladies and gentlemen in the
15 audience, I appreciate everybody's behavior today. It's
16 been exemplary. I'm gonna ask that you sit tight for just
17 about five minutes so I can let my jurors clear the
18 parking lot. There's a lot of everybody and I don't want
19 everybody mingling. So, that's the only reason I'm asking
20 for you to sit for about five minutes.

21 The officers, when they give you the call, tell them
22 to call us as soon as they get cleared out.

23 All right. So, we'll start at 9:30 in the morning,
24 and I hope everyone has a very pleasant evening.

25

(WHEREUPON, Court was in recess for the evening.)

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February 24th, 2011

THE COURT: Anything from the State before we proceed, Mr. Weeks?

SOLICITOR WEEKS: No, sir.

THE COURT: Ms. Alves?

MS. ALVES: No, sir.

THE COURT: Let the record reflect the defendant is present in the courtroom.

Bring the jury in please.

(WHEREUPON, the following takes place within the presence of the jury.)

THE COURT: Good morning.

(Jurors respond good morning.)

THE COURT: Everybody have a pleasant evening?

Get enough sausage biscuits?

We'll have to try something different if we're still here tomorrow, right, Mr. Whittle?

THE BAILIFF: Right. We got syrup biscuits in the morning.

THE COURT: Syrup biscuits?

THE BAILIFF: Yes, sir.

THE COURT: Mr. Weeks, you may call your first witness.

SOLICITOR WEEKS: Thank you, Your Honor.

1 The State calls Stephanie Green.

2 THE COURT: Come right up, Ms. Green.

3 STEPHANIE GREEN, after being duly
4 sworn, testified as follows:

5 THE CLERK: Please have a seat in the witness box.
6 State your full name for the Court and spell your name,
7 spell your name.

8 THE COURT: How are you today?

9 THE WITNESS: Fine.

10 THE COURT: Is that good?

11 THE WITNESS: Uh-huh. (Affirmative).

12 THE COURT: Give us your last name. Spell your last
13 name for the record please.

14 THE WITNESS: Green. G-R-E-E-N.

15 DIRECT EXAMINATION

16 BY SOLICITOR WEEKS:

17 Q Good morning, Stephanie.

18 A Good morning.

19 Q Stephanie, back in June of 2008, did you know Marcus
20 Finklin?

21 A Yes, sir.

22 Q Where did you live at that time?

23 A Street.

24 Q Street?

25 A Uh-huh. (Affirmative).

Stephanie Green - Direct examination
by Solicitor Weeks

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- 1 Q Is that in New Ellenton?
- 2 A Uh-huh. (Affirmative).
- 3 Q Had you lived in New Ellenton for some time?
- 4 A Uh-huh. (Affirmative).
- 5 Q How long?
- 6 A Just about all my life.
- 7 Q Okay. And how long had you known Marcus?
- 8 A I knowed him for a good minute. About nine or ten
- 9 years.
- 10 Q Okay. And did you know Tevon Jackson in June of
- 11 2008?
- 12 A Yes, sir.
- 13 Q How long had you known Tevon at that time?
- 14 A I knowed him for a good little minute too.
- 15 Q A little minute's got to be translated.
- 16 A About five, six -- same thing. Five, six, seven
- 17 years.
- 18 Q Okay. Now, how did you know Marcus in June of 2008?
- 19 A Me and Marcus, we was good partners.
- 20 THE COURT: You and Marcus were what?
- 21 THE WITNESS: Good friends.
- 22 THE COURT: Good friends?
- 23 THE WITNESS: Uh-huh. (Affirmative).
- 24 THE COURT: All right.
- 25 Q Did you know when Marcus got killed?

1 A Yes, sir.

2 Q How did you find out he got killed?

3 A I was at my daughter's graduation, and we had got a
4 call saying they just found a body, and we asked them who,
5 and they said it was Marcus.

6 Q Okay. And was that on June the 4th of 2008?

7 A Yes, sir.

8 Q All right. That night or the early morning hours of
9 June the 4th, had you seen Marcus?

10 A Yes, sir.

11 Q And how did you manage to see Marcus that night?

12 A I had called him and asked him where was he. He, he
13 told me he had to go make a run. I asked him could I come
14 holler at him. He had told me yes.

15 Q Could you come do what?

16 A Could I come see him --

17 Q Okay.

18 A -- and he told me yes.

19 Q All right. Did you call him on the telephone?

20 A On my cell.

21 Q Do you know your cell phone at the time?

22 A 522-4812.

23 Q And did you know Marcus' at the time?

24 A 295-8964.

25 Q Is that what you called him on?

- 1 A Yes, sir.
- 2 Q All right. What did you do when you called him?
- 3 A I asked him can I meet him and come pick up a package
- 4 and he told me yes.
- 5 Q All right. What were you buying from him, Stephanie?
- 6 A Cocaine.
- 7 Q And do you know about what time of night that was?
- 8 A It was 1:13 a.m.
- 9 Q And did you go meet with him?
- 10 A Yes, sir.
- 11 Q Tell me how that came about.
- 12 A I had -- we was going towards Road going
- 13 like towards Marcus house and Marcus car was coming down
- 14 the road. So, when I seen the car coming down the road, I
- 15 told Jimmy, hold a minute, Jimmy, that's Marcus right
- 16 there. So, we pulled over on the side of the road, and I
- 17 asked Marcus and I asked him how can you tell me to come
- 18 to your house and you going down the road. He asked me
- 19 who I was with, and I told him Jimmy. He told me to hold
- 20 a minute. He had to go make a run.
- 21 So, he told me to meet him right there in front of
- 22 Sandra house. He had to go make a run. So, by the time I
- 23 told Jimmy to turn back around, he told me he had to go
- 24 make a run. So, when we turned back around, we met him,
- 25 but it wasn't in front of Sandra's house.

1 Q And where was it?

2 A It was -- we was right there in front of Mrs. Barbara
3 Odom's house.

4 Q Is there a road that goes up off of right
5 there?

6 A Right there where Mrs. Barbara Odom's house at is Dry
7 Branch Court Road right up the road.

8 Q Okay. And when you met him, which way was your car
9 facing?

10 A When we met Marcus, our car was facing this way like
11 going back down, and Marcus car---

12 Q Like going towards New Ellenton?

13 A Yeah, and Marcus car was facing me this way like
14 going back towards his house.

15 Q All right. Tell me what happened.

16 A When I got out Jimmy car from the passenger side, I'm
17 coming around in front of Jimmy car, and I went to Marcus
18 car to the driver's side where Marcus was. So, Tevon was
19 on the passenger side of Marcus car, and look like he was
20 hiding and didn't want to be---

21 THE COURT: Hold on, hold on.

22 who was on the passenger side?

23 THE WITNESS: Tevon. He was like---

24 Q When you say Tevon, who are you talking about?

25 A Tevon Jackson.

Stephanie Green - Direct examination
by Solicitor Weeks

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- 1 Q Is that the defendant here?
- 2 A Yes, sir.
- 3 Q All right. Was he inside the car?
- 4 A He was outside.
- 5 Q All right. And you were on the driver's side?
- 6 A Uh-huh. (Affirmative).
- 7 Q And what did you do when you got on the driver's
- 8 side?
- 9 A Gave Marcus my \$9, got me a stack, and Tevon was
- 10 still in the passenger side of the car like hiding,
- 11 pulling down his sweatshirt like he was just up to
- 12 something, you know. He just acting strange.
- 13 Q All right. And who were you with?
- 14 A Jimmy Dunbar.
- 15 Q And had you been with him earlier that evening?
- 16 A No, sir.
- 17 Q When did you meet up with Jimmy?
- 18 A I called Jimmy to come pick me up, and Jimmy came and
- 19 picked me up from my house.
- 20 Q Okay. And when he picked you, when he picked you up,
- 21 did you ever use his phone?
- 22 A No.
- 23 Q Okay. Now, what happened after you bought your --
- 24 what did you buy?
- 25 A Cocaine.

1 Q And what happened after you bought the cocaine?
2 Did you see Marcus any more?

3 A No.

4 Q Talk to him any more?

5 A No.

6 Q See Tevon any more?

7 A Not since -- when I got, when I got back in Jimmy's
8 car, and I got back in the passenger side and shot the
9 door, that's when Tevon got inside Marcus car. He leaned
10 the seat back, and he was leaned all the way back on the
11 passenger side, and on the other side of the seat. He
12 leaning, just hiding, just laid the seat all the way back.

13 Q Well, why did you think that was odd?

14 A Excuse me?

15 Q Why did you think that was odd?

16 A It was just strange, you know, the way he was acting.

17 Q Did he speak to you or you speak to him, Tevon that
18 is?

19 A No.

20 Q Now, did you see Marcus with any money that night?

21 A Yes, sir.

22 Q And where was the money?

23 A On his lap.

24 Q All right. And you gave him some money?

25 A Yes, sir.

- 1 Q And he gave you some cocaine?
- 2 A Yes, sir.
- 3 Q And, Stephanie, did you give a statement to the
- 4 police?
- 5 A Yes, sir.
- 6 Q In June of 2008?
- 7 A Yes, sir.
- 8 Q Where did you give that statement to them at?
- 9 A Well, actually they came, they picked me up.
- 10 Q Was that at the church parking lot?
- 11 Did they talk to you there?
- 12 A They talked to me in my yard. Then they took me to
- 13 the, I think it was St. Paul's Church. Then we left
- 14 St. Paul's Church, and I had to take them back to where we
- 15 met up at.
- 16 Q Okay. You took them back to where you met---
- 17 A Where I met Marcus at.
- 18 Q Okay. Did you know what Mr. Dunbar's telephone
- 19 number, cell phone number was at that time?
- 20 A I'm not for sure. I just know the number now.
- 21 Q Is Mr. Dunbar kin to Tevon?
- 22 A Yes, sir.
- 23 Q How?
- 24 A That's his uncle.
- 25 Q Okay. And you told the police this on June the

1 9th---

2 A Uh-huh. (Affirmative).

3 Q ---2008?

4 A Yes, sir.

5 Q Just to be straight, you were on the passenger side
6 of Jimmy's car?

7 A Uh-huh. (Affirmative).

8 Q And you weren't driving his car at any time, were
9 you?

10 A No, sir.

11 Q And Marcus Finklin was driving his car?

12 A Yes, sir.

13 Q Thank you. Answer any questions Ms. Alves may have.

14 THE COURT: Ms. Alves.

15 CROSS-EXAMINATION

16 BY MS. ALVES:

17 Q Now, you testified that when you called -- you said
18 that when you called Marcus on that morning to, to
19 purchase the cocaine he told you that he had to make a
20 run?

21 A Uh-huh. (Affirmative).

22 Q Did he tell you where he was going?

23 A He didn't tell me where he was going. He tell me
24 that he had to make a run, and when he made that run we
25 seen Tevon.

- 1 Q well, before you get to that part, you didn't know --
2 you didn't know what was going -- you didn't know what he
3 was doing during that period of time?
- 4 A Did I know what he was doing?
- 5 Q Yes, Marcus.
- 6 A When I called him, he told me he had to go make a
7 run. So---
- 8 Q He had to go make a run?
- 9 A Uh-huh. (Affirmative).
- 10 Q And that he was supposed to meet you where?
- 11 A In front of Sandra house, but we never met in front
12 of Sandra house.
- 13 Q He was supposed to meet you in front of Sandra's
14 house?
- 15 A Uh-huh. (Affirmative).
- 16 Q So, that was the original agreement that you and
17 Marcus were going to meet in front of Sandra's house---
- 18 A Yes.
- 19 Q ---after he made his run?
- 20 A Yes, but we never met in front of Sandra house.
- 21 Q Before you get to that, who's Sandra?
- 22 A That's Tevon's mother.
- 23 Q Tevon?
- 24 A Uh-huh. (Affirmative).
- 25 Q Sandra Smith?

1 A Uh-huh. (Affirmative).

2 Q Y'all were supposed to meet in front of Tevon's
3 mother's house to buy drugs from Marcus, so you could buy
4 drugs from Marcus?

5 A Yes, sir. Yes, ma'am.

6 Q Okay. And you were -- you said you were always
7 supposed to meet in front of Sandra's house, is that
8 right?

9 A Yes, ma'am.

10 Q But you didn't -- you said you -- and now you're
11 saying you never made it to Sandra's house, is that right?

12 A Yeah, we didn't never meet there.

13 Q And you did give a statement to the police on
14 June the 9th regarding this matter?

15 A Uh-huh. (Affirmative).

16 Q And you said you told, you took them to where you say
17 this, all this occurred?

18 A Yes, ma'am.

19 Q Do you remember what you wrote in your statement?

20 A Yes, ma'am.

21 Q All right. Well, didn't you, in fact, in your
22 statement, Mark told you he was at -- when you asked Mark
23 where he was, he told you that he was at his trailer, and
24 you told him that you were going to meet him at his
25 trailer?

Stephanie Green - Cross-examination
by Ms. Alves

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1 A Yes, when we was going to meet -- we was left -- when
2 we left -- when Jimmy came to pick me up, we was going to
3 meet Mark at his trailer. We was coming back down the
4 road, Road.

5 Q Okay. You just said that you arranged to meet in
6 front of Sandra's trailer.

7 Which is true?

8 A I'm saying when we, when I called Marcus to meet
9 Marcus, he told me he was at the trailer. When me and
10 Jimmy Dunbar was on the way to go to Marcus trailer,
11 Marcus was coming down the road. I seen Marcus coming
12 down the road. I told Jimmy to hold up, that's Marcus
13 coming down the road.

14 Q But, ma'am---

15 THE COURT: Hold on.

16 SOLICITOR WEEKS: I objection.

17 THE COURT: Ms. Alves, let her finish her response---

18 MS. ALVES: Yes, sir.

19 THE COURT: ---before you interrupt her.

20 THE WITNESS: When Marcus told me to meet him at the
21 trailer, as me and Jimmy was going to Marcus trailer to
22 meet Marcus at the trailer, Marcus was coming down the
23 road. I seen Marcus coming down the road. I told Jimmy
24 to hold up. We pulled on the side of the road. I called
25 Marcus and asked Marcus how can you tell me to come to the

1 trailer and you're coming down the road.

2 MS. ALVES: Your Honor, I will further object. This
3 is not an answer to my question.

4 THE COURT: Well, it certainly is. I disagree with
5 you. Objection overruled.

6 Q Ma'am, where were you supposed to meet him?

7 A I told you, as we was meeting Marcus to his trailer,
8 Marcus was coming down the highway. When Marcus was
9 coming down the road, I told Jimmy to pull over on the
10 side of the road. When Jimmy pulled over on the side of
11 the road, I called Marcus phone. Marcus told me he had to
12 go make a run, meet him from, meet him down there by
13 Sandra house.

14 When we turned back around to go meet Marcus by
15 Sandra house, we didn't never met, met Marcus in front of
16 Sandra house. We met Marcus right there in front of
17 Barbara Odom, which is Barbara Odom house right here and
18 Court Road is up this road right here.

19 Q Your Honor, I'd like -- ma'am, do you remember
20 telling the police and writing in your statement---

21 SOLICITOR WEEKS: Objection. Foundation.

22 MS. ALVES: Your Honor, she just testified that she
23 did write a statement.

24 May I approach?

25 THE COURT: Overruled. Approach her and let her

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by Ms. Alves

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1 refresh her memory and then you can ask her.

2 MS. ALVES: Yes, sir.

3 Q Do you recognize this?

4 A Yes, that's my statement that I wrote.

5 Q Is that the statement that you wrote to the police?

6 A Uh-huh. (Affirmative).

7 Q And you wrote the statement on June the 9th?

8 A Uh-huh. (Affirmative).

9 Q And you signed that statement?

10 A Uh-huh. (Affirmative).

11 THE COURT: Ma'am, do me a favor, Ms. Green. This
12 court reporter is trying to take down everything you're
13 saying, and when she has to write it up, uh-huh and hu-huh
14 sometimes get mixed up.

15 THE WITNESS: I apologize.

16 THE COURT: So, please do yes or no.

17 THE WITNESS: Okay.

18 THE COURT: Thank you.

19 Q Read what you wrote in the first sentence.

20 A Right here?

21 Q Yes, ma'am.

22 A I, Stephanie Green, has called Marcus Wednesday
23 morning around 1:18 and asked him where are you. He told
24 me that he was at the trailer. I told him that I was on
25 my way over there. So, Marcus said okay.

1 Q okay. Okay. So, the part that you just read---

2 A Uh-huh. (Affirmative).

3 Q ---says that---

4 A I mean yes.

5 Q Yes.

6 The part that you just read says that Marcus told you
7 he was at his trailer. You said you were on your way over
8 there and he said okay.

9 A Yes.

10 Q Okay. Read the next part.

11 A I was on my way over there. So, Marcus said okay.
12 So, when I was going over there, we was riding down Dry
13 Branch Road going up the road. Then I was -- then I seen
14 Mark car come, come down the road. He passed us. So, I
15 called him an S.M. How you tell me to come to your house
16 and we just passed you.

17 Q Okay. Thank you.

18 So, you were on your way to Marcus' house, not to,
19 not to Sandra's house, and Marcus passed you on the road
20 as you were on the roadway?

21 A No, see you got it all backwards.

22 THE COURT: Hold on. Hold on.

23 What's the question, ma'am?

24 Q Does this say that you were on your way over there?

25 A I don't need my statement. You don't need to show me

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by Ms. Alves

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1 my statement. I don't need no statement.

2 Q Does this statement say that you were on your way
3 over there---

4 A We was on our way to---

5 THE COURT: Ma'am, ma'am, hold on. Woa, woa, woa.
6 Let's everybody get the rules right. Let Ms. Alves finish
7 her question, listen to it, and then answer it.

8 Q In your first -- in the first section of your
9 statement it says that you were on your way to Marcus'
10 trailer, is that correct?

11 A Correct.

12 Q In the next section right here it says so, when I was
13 going over there, is that what that says?

14 A When we was going down the road.

15 Q Ma'am, this is a yes or no question.

16 Does it say so, when I was going over there?

17 A We didn't never make it to Mark trailer.

18 THE COURT: Ma'am, ma'am, just do me a favor.

19 Does it say that and then you can explain it.

20 THE WITNESS: Okay. Yes, that's what it say.

21 THE COURT: And then you may explain it.

22 THE WITNESS: That's what I'm saying. We didn't
23 never make it to Marcus trailer. We was going to Marcus
24 trailer. Marcus was coming down the road. We pulled over
25 on the side of the road. I said Jimmy, pull on the side

1 of the road, that's Marcus coming down the road.

2 I called Marcus when we pulled up going down the
3 road, when we pulled up beside him. I called Marcus and
4 asked him how can you tell me to come to your trailer and
5 you're coming down the road. He said oh, I had to go make
6 a run. I had to go -- in front of Sandra house. Meet me
7 in front of Sandra house. We never didn't see Marcus in
8 front of Sandra house. Marcus was in front of Barbara
9 Odom house right here where Barbara Odom mailbox is right
10 here and Court Road is right here.

11 Q Okay. When you -- your statement says that when,
12 after you called Marcus, he said turn around and meet me
13 in front of Sandra's trailer.

14 A Correct.

15 Q He said he had to go pick up someone.

16 A Correct.

17 Q So, by the time -- and your statement further says
18 so, by the time we got there, I gave Mark my money and he
19 gave me my stuff.

20 Is that what it says?

21 A Correct.

22 Q Does it say anything about Barbara Odom's house?

23 A No, but I had told the solicitor where it was though.

24 Q Okay. On, on, on September -- excuse me. On
25 June the 9th of 2008 when you wrote this statement, did

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1 you mention anything about Barbara's house?

2 A The people that came---

3 THE COURT: Ma'am, that's a yes or no and then you
4 can explain.

5 THE WITNESS: Oh, no.

6 THE COURT: You may explain.

7 THE WITNESS: Now, the people that came to my house
8 and picked me up, the investigators who came and picked me
9 up, I described -- I told them all of that, that kind of
10 information right here.

11 Q Okay. You wrote a two page statement?

12 A Uh-huh. (Affirmative).

13 THE COURT: Yes, ma'am.

14 THE WITNESS: Yes, ma'am.

15 Q And you didn't put anything about Barbara Odom's
16 house?

17 A Well, that's where we met up at.

18 Q Okay. But you do mention Sandra's trailer and you
19 mentioned Marcus' trailer?

20 A Well, we met up there in front of Barbara Odom's
21 house.

22 Q Okay. And when -- and then after you made your
23 cocaine purchase, you asked Mark what he was getting ready
24 to do and he said he had to make a run?

25 A Uh-huh. (Affirmative).

1 Correct.

2 Q And, so, then you left -- and, so, as you were
3 leaving, you said you saw Tevon get in the car?

4 A Correct.

5 Q And you refer to Tevon hiding his face and looking
6 around the car frame, is that---

7 A Correct.

8 Q Looking around the frame?

9 Do you mention anything in there about pulling the
10 seat all the way down?

11 A Tevon got in the car and Tevon did just like this
12 like he was hiding.

13 Q Yes, ma'am.

14 But when you were testifying -- when you were talking
15 to the solicitor you talked about how he pulled the seat
16 all the way down and was laying down flat in the seat.

17 Is that not mentioned in here?

18 A Well, I mentioned it to the solicitor's office.

19 THE COURT: No, ma'am, is it mentioned in your
20 statement.

21 Q Is it mentioned in your statement?

22 You can hold it.

23 A No, it's not in there.

24 Q And how much cocaine did you smoke that night?

25 A You don't smoke cocaine. You snort cocaine.

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- 1 Q I'm sorry. Didn't know.
2 How much cocaine --
3 A A dime.
4 Q Yes, ma'am.
5 -- did you snort?
6 A It wasn't nothing but a dime.
7 Q How much do you usually snort?
8 A It wasn't no usual thing. That was the first time.
9 Q The first time you ever smoked cocaine?
10 A You don't smoke cocaine. You snort cocaine.
11 Q That was the first time you ever used cocaine?
12 A Uh-huh. (Affirmative).
13 THE COURT: Yes or no?
14 THE WITNESS: Yes.
15 Q And how often have you used it since?
16 A I don't.
17 Q So, you were able to go buy a dime bag from a drug
18 dealer, but that's the first time you'd ever done so?
19 A Yes, that was the first time. I just wanted to do
20 something.
21 Q Just wanted to do something?
22 A Uh-huh. (Affirmative).
23 Q So, at 1:13, is that what you said?
24 A Yes.
25 Q 1:13 in the morning of June the 4th of 2008 you

1 just decided to go do something---

2 A I just decided to go---

3 THE COURT: Ma'am, let---

4 Q ---for the first time, for the first time---

5 THE COURT: ---her finish her questions.

6 Q ---ever in your life, you decided to go buy a dime
7 bag of cocaine from a drug dealer?

8 A Exactly.

9 Q Okay. Did you -- now, you said that you were with
10 Jimmy Dunbar?

11 A Yes, ma'am.

12 Q And what's your relationship with him?

13 A A friend. Someone like when you need a ride, you can
14 pay him, and he'll take you wherever you need to go.

15 Q And when you saw all this unusual activity by Tevon,
16 did you tell Mr. Dunbar about it?

17 A Yes, I did.

18 Q You and Mr. Dunbar discussed this?

19 A Yes, we did.

20 Q And what did you discuss with Mr. Dunbar?

21 A I say Terry you see how Tevon acting in the back
22 inside that car and Terry say yes, I see that. I say
23 Jimmy, well, he probably doing that because you his uncle.
24 He think that you gonna go back and tell on him. Jimmy
25 said I don't know why is that because I don't even fool

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1 with him.

2 Q And -- oh, and you talked about sweating today.

3 You didn't mention sweating in your statement, did
4 you?

5 Do you need to see it again?

6 A No, it's not in my statement.

7 Q And when Marcus told you -- back after you bought the
8 cocaine and Marcus told you that he had to make a run, did
9 you ask him where he was going?

10 A No.

11 Q And did you know -- did you have any idea what he was
12 going to do?

13 A No, he just told me he had to make a run.

14 Q Okay. Now, are you the same Stephanie -- are you
15 Stephanie Laverne Green?

16 A Yes, ma'am.

17 Q Are you the same Stephanie Green who got convicted of
18 shoplifting in June of 2009?

19 A Uh-huh. (Affirmative.)

20 But that's not what I'm here for, the shoplifting.
21 I'm here to testify in this case right here.

22 Q Yes, ma'am.

23 But you did get convicted of shoplifting?

24 A Uh-huh. (Affirmative).

25 THE COURT: Yes or no.

1 THE WITNESS: Yes, ma'am.

2 MS. ALVES: Thank you. No further questions.

3 THE COURT: Redirect.

4 (WHEREUPON, a statement was marked as State's Exhibit
5 No. 42 for identification purposes only at this time.)

6 REDIRECT EXAMINATION

7 BY SOLICITOR WEEKS:

8 Q I'm going to hand you State's Exhibit No. 42 and, and
9 ask you if you can identify that.

10 Yes or no.

11 A Yes.

12 Q What is it?

13 A My statement.

14 Q Your written statement that she's been referring to?

15 A Yes, ma'am. Yes, sir.

16 Q Did you sign that statement?

17 A Yes, sir.

18 Q And was it given on June the 9th of 2008?

19 A Yes, sir.

20 Q Is that a---

21 A June 8.

22 Q ---true and accurate copy?

23 A Yes, sir.

24 Q June the 9th of 2008.

25 Look at the second page.

Stephanie Green - Redirect examination
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1 A Yes, sir.

2 Q Is that the statement she's been referring to you and
3 reading to you?

4 A Yes, sir.

5 SOLICITOR WEEKS: I'd move to introduce that exhibit,
6 Your Honor.

7 MS. ALVES: No objection.

8 (WHEREUPON, State's Exhibit No. 42 was received into
9 evidence at this time.)

10 SOLICITOR WEEKS: No further questions.

11 THE COURT: Ms. Green, thank you. You're excused.

12 THE WITNESS: Okay. Thank you.

13 THE COURT: Next witness.

14 SOLICITOR WEEKS: Your Honor, could we have, while
15 those witnesses are coming in, a little side bar?

16 THE COURT: Sure.

17 Ms. Alves.

18 (WHEREUPON, a bench conference was held out of the
19 hearing of the jury at this time.)

20 THE COURT: Next witness.

21 SOLICITOR WEEKS: State would call Melissa Ealy.

22 THE COURT: Come around, ma'am.

23 MELISSA EALY, after being duly
24 sworn, testified as follows:

25 THE CLERK: Please have a seat in the witness box.

1 State your full name for the court and spell your last.

2 THE WITNESS: Melissa Cassandra Ealy. E-A-L-Y.

3 DIRECT EXAMINATION.

4 BY SOLICITOR WEEKS:

5 Q Melissa, you live on Road?

6 A Yes, sir.

7 Q And back in June of 2008 did you live on
8 Road?

9 A Yes, sir.

10 Q Did you know Marcus Finklin in June of 2008?

11 A Yes, sir.

12 Q Were you aware of when he got killed?

13 Did you find out how he got killed?

14 A Yeah, the next morning when I was at work.

15 Q Now, the night before you found out, did you have an
16 opportunity to see Mark Finklin?

17 A I actually seen and talked to him on the telephone
18 maybe around 11:00 that night because he was seeing
19 someone who was renting a mobile home on my father's
20 property beside me, and it had been a problem like a
21 couple of days before with -- the other tenant behind her
22 was saying all time of the night a vehicle would come and
23 make noise and my Daddy was questioning me about it, and
24 when I had ran into him---

25 Q Did you see Marcus that night?

Melissa Ealy - Direct examination
by Solicitor Weeks

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- 1 A Uh-huh. (Affirmative).
- 2 Q We don't really need you to go down the road.
- 3 A Okay. Yes.
- 4 Q And where did you see him at?
- 5 A He was basically in my yard on, on my father's
- 6 property around eleven o'clock.
- 7 Q Do you recognize his car when you saw it?
- 8 A I recognized his car and when I seen him.
- 9 Q Did you see him get out of it?
- 10 A Yes, sir, and that's when I called him.
- 11 Q Okay. And you had his cell number at that time?
- 12 A Uh-huh (Affirmative).
- 13 Because he had---
- 14 Q What was your number at the time?
- 15 A 293-5705.
- 16 Q Okay. And the cell number that you called him on, do
- 17 you remember what it was at the time?
- 18 A Oh, I don't remember what his was at the time.
- 19 Q After you talked to him -- did you actually talk to
- 20 him on the phone?
- 21 A I actually talked to him and was looking at him
- 22 because, as I was saying, I was calling him when he like
- 23 -- before he give me his number because it was a problem
- 24 with them coming all times of the night, and the neighbor
- 25 had to be to work, and he said well, I'll call you to let

1 you know it's me. So, you know, you'll let your father
2 know so it won't be no problems. He was seeing the person
3 that lived out there.

4 So, when I actually saw him, I called him and I said
5 well, I see you or whatever and I let my father know so he
6 won't -- if the neighbor call him, he can let them know
7 that was somebody seeing the person who lived in front of
8 him because the way he would park would be behind the
9 mobile home and it was very close to other tenant's, you
10 know, mobile home also.

11 Q So, you called Marcus and spoke to him on the phone?

12 A Yeah.

13 Q After 11:00?

14 A Yeah, it was probably right at 11:00, a few minutes
15 after 11:00 probably.

16 Q All right..

17 A And, so, I told him I would call him back and let him
18 know that I let my father know what was going on cause it
19 was, like I said, it had done become a problem. My father
20 was trying to find out who that was, you know, that was
21 coming out there.

22 Q Did you call Marcus again that night?

23 A I think I might of called him once or twice to let
24 him know what I, you know, that I told my father, but I
25 don't -- he didn't answer.

1 Q All right. And was that around the same time or a
2 little after or when, when was that?

3 A It was between 11:00 -- it was before 12:00 because I
4 know shortly after then I was, you know, I laid down
5 because I had to work the next morning.

6 Q Did you---

7 A I don't know the exact time.

8 Q Did you see Marcus' car later on after you made those
9 calls?

10 A Yes, I did.

11 Q Where did you see Marcus' car?

12 A In my yard again in the same spot.

13 Q And what was he -- tell me what was he doing.

14 A It was -- the motor was running and music was playing
15 and it was like -- it was after 1:00. It was -- well, it
16 was something to 2:00 because I got up to use the restroom
17 and it's so close to my -- you know, it's loud and I
18 looked out and I seen the car parked in the back of
19 Felice's trailer and the motor was running. The music was
20 playing. I never saw Marcus at that time.

21 Q Okay.

22 A I used the bathroom, laid back down.

23 Q Did you see the car do anything?

24 A I heard when the car finally backed up and went up my
25 driveway and instead of pulling on to the road, you know,

1 going out into the highway, it sat there for a few
2 minutes. And by it being loud, you know, I'm laying there
3 listening to it and I'm like I wonder why he ain't pulled
4 on the street, and I know at least about five minutes went
5 by, and I was actually raised up and looked out and it was
6 just sitting there. So, I laid there a few more minutes,
7 and before I decided to pick up the phone to call to see,
8 I heard it pull out on the street.

9 Q Did you ever see it again that night?

10 A No, I went on back to sleep and got up the next
11 morning and went to work and was at work when I, you know,
12 got the call.

13 Q Do you know about what time that was when he left?

14 A It was almost -- it was a little before 2:00 because
15 I remember looking at the clock.

16 Q And did the police talk to you about this?

17 A The next day when, you know, this happened and I
18 came, got off work, and came home, and they was, you know,
19 out there talking to people and they was over there to
20 Felice's not, not the next day. The day after that it
21 actually was. Actually I think it might of was the day of
22 my daughter's graduation and she came and said they wanted
23 to talk to me about---

24 Q Did you talk to them?

25 A Uh-huh. (Affirmative).

Melissa Ealy - Direct examination
by Solicitor Weeks

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1 Q And did you give them a statement?

2 A Uh-huh. (Affirmative).

3 Q The same one you're giving here today?

4 A Yeah, basically, yes, sir.

5 Q Melissa, who was your tenant that lives beside you?

6 A Felice Stallings.

7 Q Okay. And do y'all share a common driveway?

8 A Uh-huh. (Affirmative).

9 Yes.

10 Q And you did back in June of 2008?

11 A Yes.

12 Q Thank you.

13 THE COURT: Ms. Alves.

14 CROSS-EXAMINATION

15 BY MS. ALVES:

16 Q How often would Marcus be over at the house, at that,
17 in that, in your driveway?

18 A At that time, probably the last few weeks or maybe
19 more, he had been over, over there, you know, maybe, as I
20 noticed, maybe a couple of times a week, but I wasn't
21 always home. So --.

22 Q Okay. So, but, but -- you -- your trailer is next to
23 Ms. Stallings' trailer?

24 A Uh-huh, and it's a driveway---

25 THE COURT: Please say yes or no, ma'am.

1 THE WITNESS: Yes. And it's a driveway in-between.

2 Q And you, and you and Ms. Stallings' home share the
3 driveway?

4 A Uh-huh. (Affirmative).

5 Yes. Yes.

6 Q And Mr. Finklin, Marcus Finklin was dating Ms.
7 Stallings?

8 A Yes.

9 Q And, so, he would be over there often?

10 A Yes.

11 Q And that's how you know the sound of his car and what
12 his car looked like?

13 A Yes.

14 Q And you are certain that you saw his car in the
15 driveway, in your driveway around 2:00 a.m.---

16 A Yes.

17 Q ---on that night?

18 A Yes.

19 Q Thank you. No further questions.

20 SOLICITOR WEEKS: I have nothing further for this
21 witness, Your Honor.

22 THE COURT: You are---

23 SOLICITOR WEEKS: She was subpoenaed and---

24 THE COURT: You are excused to go.

25 THE WITNESS: All right.

1 THE COURT: Thank you.

2 Next witness.

3 SOLICITOR WEEKS: The State would call Nikki Perry.

4 THE COURT: Ms. Perry.

5 SOLICITOR WEEKS: Your Honor, due to logistics, some
6 of these witnesses may be slightly out of order too.

7 NIKKI PERRY, after being duly sworn,
8 testified as follows:

9 THE CLERK: Please have a seat in the witness box.
10 State your full name for the court and spell your last.

11 THE WITNESS: Nikki Perry. P-E-R-R-Y.

12 DIRECT EXAMINATION

13 BY SOLICITOR WEEKS:

14 Q Ms. Perry, where do you work?

15 A I'm employed with the South Carolina Law Enforcement
16 Division commonly known as SLED.

17 Q And what do you do for SLED?

18 A I'm a forensic technician in the evidence control
19 department at the forensic lab.

20 Q Back in June of 2008, did you have a different job
21 then?

22 A I did not.

23 Q How long have you been with SLED?

24 A I've been employed with SLED since June the 2nd of
25 2006.

1 Q And tell us a little bit about what your duties are
2 or were at SLED in June of 2006 and June of 2008 actually.

3 A What we do in evidence control, we log in, we
4 package, we also transfer items of evidence submitted to
5 the forensic lab for forensic analysis.

6 Q Nikki, were y'all -- do y'all obtain evidence from
7 the various counties or various law enforcement agencies
8 and your agents around the state?

9 A We do.

10 Q And tell us how that process works a little bit.

11 A Law enforcement officers will bring their items of
12 evidence into the lab. They will come into evidence
13 control. They provide us with a SLED forensic services
14 request form or a packing slip and what that details is
15 the items and the evidence that they are submitting. We
16 will log that information into our computer system. It
17 generates a unique lab number for every case and also an
18 item number for the item submitted.

19 We will package the evidence. We seal it. We will
20 have the officer initial and date all sales on the
21 evidence. We will then place that evidence into our
22 secure evidence room and that is where it remains till
23 someone comes to pick it up for analysis. After analysis,
24 it will be brought back down to my department. It will be
25 placed in, back in our secure evidence room and it will

1 then be returned to the submitting agency.

2 Q Nikki, do you ever alter or amend or change any of
3 the items that are brought to you?

4 A No, sir.

5 (WHEREUPON, one item was marked as State's Exhibit
6 Nos. 43 for identification purposes only at this time.)

7 Q Nikki, I'm going to hand you an item that's been
8 marked State's Exhibit No. 43, and ask you, it's a stapled
9 together two part envelope, can I ask you if you can
10 identify that?

11 A State's Exhibit 43 is labeled L08-08761. It's Item
12 Number 21, and also L08-08761, Item Number 22.

13 Q Have you ever seen those items before?

14 A Yes, sir.

15 Q And when was that?

16 A They were submitted to the lab to me on June 20th,
17 2008, by Mary Francis O'Grady-Watts of the Aiken County
18 Sheriff's Office.

19 Q Okay. And what did you do with those items when you
20 received them?

21 A I logged them into evidence. I would have given them
22 Items 21 and 22. I placed the, the sealed envelopes that
23 were given to me into a SLED heat sealed pouch. I had
24 Mary Francis initial and date the heat seal and sign and
25 date the label on the bag, place the label on the bag, and

1 then I logged in the evidence, and then I placed it in our
2 DNA intake storage, which is a refrigerator located in our
3 secure evidence room.

4 Q Okay. And when you say it's secure, what does that
5 mean?

6 A Our evidence room is secured by alarm pad, an
7 electronic key pad, as well as key.

8 Q All right. And who did you pass those, those
9 particular items to or you put them into evidence?

10 A I placed them in the refrigerator. DNA intake
11 storage is what we call it.

12 Q Okay. And do you know the process from there as to
13 what happens with that at SLED?

14 A Once it's placed in the refrigerator, every, usually
15 every day or every other day a DNA evidence technician
16 will come down to evidence control, to my department, and
17 pick up the, the DNA evidence. One of our forensic
18 technicians in the department will physically transfer
19 that evidence to the DNA technician.

20 Q Okay. And do you know who the DNA technician was who
21 picked up that evidence if at all?

22 A Per my chain of custody, Sheree Brown, a forensic
23 technician in the DNA department picked that evidence up
24 from my department.

25 Q And who is Selena Kinard?

1 Does she work with y'all?

2 A She does. Selena Kinard's also a forensic technician
3 and evidence control with me.

4 Q Do y'all work side-by-side or---

5 A We do. We all work in the same department in the
6 same area.

7 Q All right. How does somebody from -- how would, how
8 would Selena get it out of the cabinet or the
9 refrigerator?

10 A She just goes to the refrigerator and retrieves all
11 the DNA evidence that's in the DNA intake and then she, we
12 each have a bar code she scans herself showing that she
13 took custody, and then she would scan the bar code of
14 Sheree Brown. Sheree then puts in her password and
15 accepts custody of the evidence.

16 Q So, these particular items were passed to Sheree
17 Brown by Selena Kinard?

18 A Per my chain of custody they were.

19 Q Did you alter, amend, I know I've asked you that,
20 but, for the record, did you do anything other than seal
21 those items---

22 A I did not.

23 Q ---and place them in the refrigerator?

24 A No, sir.

25 Q Okay. Nikki, I'm gonna hand you what's marked

1 State's Exhibit 39, and ask you if you've ever seen that
2 item before.

3 A Do you have the packaging that it came in?

4 Q You may have to open it.

5 A It doesn't have the lab number. I can read what's on
6 the package.

7 Q What is -- what does it purport to be?

8 A State's Exhibit 39 appears to be a GSR kit of Mark
9 Finklin.

10 Q Okay. Does your records reflect that you received a
11 GSR kit from Mark Finklin?

12 A I did per my chain of custody. SLED Item 18 was a
13 GSR kit collected from Marcus Finklin.

14 Q And when did you receive that item?

15 A I received Item 18 on June 20th, 2008.

16 Q And who did you receive that item from?

17 A I received it from Mary Francis O'Grady-Watts of the
18 Aiken County Sheriff's Office.

19 Q Okay. After something like a GSR kit or blood or
20 something leaves you, do you know what happens to it I
21 mean as far as analysis goes or anything like that?

22 A No, sir.

23 Q But your records reflect you received a GSR kit from
24 the body of Mark Finklin?

25 A I did. GSR kit collected from Marcus Finklin.

1 Q Okay. And do your records reflect who you turned
2 that over to?

3 A Excuse me. After I logged it in, I placed it in our
4 trace evidence intake storage.

5 Q Okay. And who would pick up something or where would
6 it go from that storage?

7 A Per my chain of custody, Forensic Technician Selena
8 Kinard retrieved it from trace evidence intake storage and
9 transferred it to Forensic Technician Lisa McReynolds.
10 She works in the trace department.

11 Q Okay. Hand you what's marked State's Exhibit 31, and
12 ask you if you can identify that.

13 A I can. State's Exhibit 31 is labeled L08-08761, Item
14 Number 23. Per my chain of custody, that is a GSR kit
15 collected from the driver's door area.

16 Q Okay. And did you receive that item at SLED?

17 A I did. I received it on June 20th, 2008, from Mary
18 Francis O'Grady-Watts from the Aiken County Sheriff's
19 Office.

20 Q And does your records reflect what you did with it
21 and who picked it up from your control?

22 A After I logged it in, I placed it also in the trace
23 evidence intake storage and Selena Kinard, forensic
24 technician in my department, retrieved it from trace
25 evidence intake storage and transferred it to Forensic

1 Technician Lisa McReynolds in the trace department.

2 Q You didn't alter, tamper, or destroy this, that
3 evidence in any fashion upon receiving it?

4 A I did not.

5 Q Okay. I hand you what's marked State's Exhibit No.
6 38 and ask if you can identify what's contained in that
7 exhibit.

8 A State Exhibit 38, L08-8761, and it's Item 19. Per my
9 chain of custody, that is described as unknown caliber
10 bullet from autopsy.

11 Q Okay. Did you receive it at SLED?

12 A I did. I received it from Mary Francis O'Grady-Watts
13 of the Aiken County Sheriff's Office on June 20th, 2008.

14 Q And who did you pass that to or what did you do with
15 that?

16 A I then placed it in the firearms evidence intake
17 storage, which is located in our secure evidence room, in
18 a separate locked area within that room.

19 Q And where did it go from there based on your records?

20 A Per my chain of custody, Selena Kinard, she retrieved
21 it from firearms evidence intake storage and she then
22 transferred it to the custody of Forensic Scientist David
23 Black at the time working in our firearms department.

24 Q Did you ever have the opportunity to take that back
25 into evidence or take it back into SLED?

1 A I did. It was resubmitted back to the lab on
2 December the 16th of 2010. I accepted it from Melody
3 Moody with the Aiken County Sheriff's Office.

4 Q And who did you pass it to that time or what did you
5 do with that it?

6 A I would have resealed it when it came back in and the
7 officer initial and date the seals. I then placed it back
8 into our firearms evidence intake storage.

9 Q And who do your records reflect received it from that
10 storage?

11 A Forensic Technician Amy Stephens. She also works in
12 evidence control. She retrieved it from firearms evidence
13 intake and transferred custody to Forensic Scientist Ira
14 Parnell who works in our firearms department.

15 (WHEREUPON, two items were marked as State's Exhibit
16 Nos. 44 and 45 for identification purposes only at this
17 time.)

18 SOLICITOR WEEKS: For the record, we have secured any
19 mechanisms in any firearms so they can not be used
20 inappropriately.

21 THE COURT: Thank you.

22 Q For the record, I'm handing you what's marked State's
23 Exhibit 44 and 45 and ask if you can identify those items.
24 You may have to look inside the big envelope. I don't
25 know.

1 A Okay. State's Exhibit 44 is labeled L08-08761. It
2 is Container G. Inside Container G is Item 42, SLED Item
3 42, which is labeled unfired cartridge, and also SLED Item
4 43, which is described as five unfired cartridges, and
5 State's Exhibit 45 is labeled L08-0761 and it's Item 41.
6 SLED Item 41 is described as a Rossi Inner Arms .357
7 magnum six shot revolved with obliterated serial number.

8 Q Did you receive those items, all three of those items
9 at some point?

10 A I did. I received them on December the 16th, 2010,
11 from Melody Moody at the Aiken County Sheriff's Office.

12 Q And who do your records reflect you passed those or
13 who acquired possession of those from the firearms locker?

14 A After I logged them in, I placed them in the firearms
15 evidence intake storage and Forensic Technician Amy
16 Stephens in the evidence control department, she retrieved
17 those items from firearms evidence intake and transferred
18 them to the custody of Ira Parnell, forensic scientist, in
19 the firearms department.

20 Q What date is reflected?

21 A Amy retrieved them on December 20th, 2010, and
22 transferred them to Ira Parnell.

23 Q And, once again, you didn't alter, amend, or change
24 the nature of these items in any fashion while they were
25 in your possession?

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1 A I did not.

2 SOLICITOTR WEEKS: Bear with me just a second, Your
3 Honor. I know this is tedious.

4 Nikki, when y'all accept items from the various law
5 enforcement agencies, are they sealed when they come to
6 you?

7 A Most of the time, yes, they are sealed.

8 Q If they're not sealed, are they sealed when they
9 leave you?

10 A There -- yes, they are always sealed in our presence.
11 If, for some reason, an item is too large or something
12 like that, we will place it in a package. It will be
13 sealed any time it's in evidence control, and it is
14 initialed and dated by the officer in my presence.

15 SOLICITOR WEEKS: Okay. And just to be clear for the
16 record, Your Honor, I think it's State's Exhibit 43 is in
17 two parts. So, just to make the record clear.

18 Thank you. Answer any questions that the defense has
19 for you.

20 THE COURT: Any questions, Ms. Alves?

21 MS. ALVES: No, sir.

22 THE COURT: You may step down.

23 What you got next, Mr. Weeks?

24 SOLICITOR WEEKS: Another chain of custody.

25 THE COURT: As long as this one or---

1 SOLICITOR WEEKS: Probably.

2 THE COURT: All right. I got to make a conference
3 call real quick. Let's, let's take a real short break.
4 Don't discuss the case. Don't deliberate. Ten minutes at
5 the most.

6 Everybody else remain seated please. Be seated. Be
7 seated.

8 (WHEREUPON, the following takes place outside the
9 presence of the jury.)

10 THE COURT: All right. We'll stand at ease for ten
11 minutes.

12 (WHEREUPON, a short recess was taken at this time.)

13 THE COURT: Ready to proceed, Mr. Weeks?

14 SOLICITOR WEEKS: Yes, sir.

15 MS. ALVES: Your Honor, I do have a matter I need to
16 address.

17 THE COURT: Hold on one second.

18 (WHEREUPON, the defendant comes into the courtroom at
19 this time.)

20 THE COURT: Ms. Alves.

21 MS. ALVES: Your Honor, after Ms. Stephanie Green
22 testified, there was a matter that was discussed at side
23 bar concerning impeachment of a witness with evidence of a
24 crime or conviction. This issue may come up again with
25 other witnesses from the State based on the rap sheet they

1 provided to me. I would just want to note for the court
2 that pursuant to the Rule 609---

3 THE COURT: Ma'am, I'm familiar with the rule.

4 MS. ALVES: Yes, sir. Your Honor, there was some
5 concern regarding the---

6 THE COURT: I understand. Shoplifting is an
7 impeachable offense. It's a crime of dishonestly.

8 MS. ALVES: Yes, sir, and there are other witnesses
9 that are similarly situated with other crimes that would
10 apply under Section 2 rather than Section 1---

11 THE COURT: One.

12 MS. ALVES: ---and charges that do not carry over, in
13 excess of one year but are crimes of dishonestly.

14 THE COURT: I'm very familiar with it.

15 MS. ALVES: Yes, sir.

16 THE COURT: Thank you.

17 MS. ALVES: You're welcome.

18 THE COURT: Bring the jury in please.

19 (WHEREUPON, the following takes place within the
20 presence of the jury.)

21 THE COURT: Next witness please.

22 SOLICITOR WEEKS: Thank you, Your Honor.

23 The State would recall Nikki Perry.

24 THE COURT: Ms. Perry.

25 NIKKI PERRY, being previously sworn,

1 testified as follows:

2 DIRECT EXAMINATION

3 BY SOLICITOR WEEKS:

4 Q Ms. Perry, I'm gonna hand you what's marked State's
5 Exhibit 46 and ask you if you can identify that.

6 A State's Exhibit 46 is labeled L08-08761, Container F,
7 which contains Item 39, which is described as 6RP232
8 9-millimeter handgun with two live cartridges and a
9 magazine.

10 Q Okay. Did you receive that item at SLED?

11 A I did. I received it on June 20th of 2008 from Mary
12 Francis O'Grady-Watts with the Aiken County Sheriff's
13 office.

14 Q And what did you do with the item when you received
15 it?

16 A After I logged it in and sealed the item, I placed it
17 in the firearms evidence intake storage.

18 Q And do your records reflect what happened to it from
19 there at SLED?

20 A Forensic Technician Selena Kinard retrieved the item
21 from firearms evidence intake storage on June 27th, 2008,
22 and transferred custody to Forensic Scientist David black
23 that, at the time, worked in our firearms department.

24 SOLICITOR WEEKS: Thank you, Your Honor.

25 THE COURT: Cross?

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1 MS. ALVES: No cross.

2 THE COURT: Thank you, ma'am. You may step down.

3 THE WITNESS: Thank you.

4 SOLICITOR WEEKS: The State would call Amy Stephens.

5 AMY STEPHENS, after being duly sworn,
6 testified as follows:

7 THE CLERK: Please have a seat in the witness box.
8 State your full name for the Court and spell your last.

9 THE WITNESS: Amy Stephens. S-T-E-P-H-E-N-S.

10 DIRECT EXAMINATION

11 BY SOLICITOR WEEKS:

12 Q Ms. Stephens, where are you employed?

13 A I'm employed with South Carolina Law Enforcement
14 division also known as SLED.

15 Q And how long have you been with SLED?

16 A Approximately five years.

17 Q And what is your job there at SLED?

18 A I'm also a forensic technician in the evidence
19 control department.

20 Q And were you in here when Nikki Perry testified?

21 A Yes, I was.

22 Q Do you have a similar job as Nikki's?

23 A We have the same job.

24 Q Okay. And in that capacity, did you receive any
25 items submitted from Aiken County Sheriff's Department in

1 this case?

2 A Yes, I did.

3 Q Amy, I'm gonna hand you what's marked State's
4 Exhibit 33, and ask you if received or do you recognize
5 that item.

6 A Yes, I do. State's Exhibit 33 with the label
7 L08-08761, Item Number 40, which is a buccal swab from
8 Tevon Jackson.

9 Q Okay. When did you receive that item?

10 A I received it on March 12th, 2010, at 2:06 from
11 Melody Moody from the Aiken County Sheriff's Office.

12 Q And what did you do with the item when you received
13 it?

14 A I placed it into our DNA evidence intake refrigerator
15 in our secure evidence room.

16 Q And did you perform any processes on it or change or
17 alter or damage it in any way?

18 A No, I did not.

19 Q Did you seal it?

20 A Yes, I did.

21 Q Okay. And do your records reflect what happened to
22 it then?

23 A Yes, on March 15th of 2010 at 9:13 a.m. I physically
24 received the evidence from the DNA evidence intake storage
25 refrigerator and transferred custody to forensic

1 technician Sheree Brown of the DNA department.

2 Q Okay. Amy, I'm gonna hand you what's marked State's
3 Exhibit No. 38, and ask if you can identify that item.

4 A The information written on the heat seal pouch is
5 L08-8761, Item Number 19, which is an unknown caliber
6 bullet from autopsy.

7 Q Did you have any contact with that item?

8 A Yes, I did.

9 Q Can you tell me when?

10 A I returned the evidence to Mary Francis O'Grady-Watts
11 on September 30th of 2008, and after the item was
12 resubmitted in December of 2010, I transferred the
13 evidence from our firearms intake storage to Forensic
14 Scientist Ira Parnell on December 30th, 2010.

15 Q And who, who did you receive the item from on
16 November, on September the 30th of 2008?

17 A From a storage location in our evidence room.

18 Q And who do your records reflect placed it in that
19 storage?

20 A Our Forensic Technician Selena Kinard.

21 Q And who did you receive it from on the resubmission
22 on December the 20th, 2010?

23 A I received it from our firearms intake storage.

24 Q And who placed it in that storage?

25 A Forensic Technician Nikki Perry.

1 Q Do your records reflect who you transferred it to?

2 A Forensic Scientist Ira Parnell.

3 Q Okay. Did you alter, amend, or change the nature of
4 that substance in any fashion?

5 A No, I did not.

6 Q Nikki, I'm going to hand you what's been -- well,
7 Amy, I'm gonna hand you what's marked State's Exhibit No.
8 45, and ask you if you've seen that item.

9 A Yes, it has labeled L08-08761, SLED Item Number 41.

10 Q Did you ever have your hands on that item?

11 A Yes, I did.

12 Q And when was that?

13 A On December 20th, 2010, at 2:29 p.m.

14 Q And what did you do with that item?

15 A I retrieved it from our firearms evidence intake
16 storage and transferred the evidence to Forensic Scientist
17 Ira Parnell.

18 Q Who did you receive it from?

19 A Firearms evidence intake storage.

20 Q And who placed it there for you to receive it?

21 A Forensic Technician Nikki Perry.

22 Q I hand you what's marked State's Exhibit No. 44.
23 Is that what that says?

24 A This is L08-8761, Container G, which contains SLED
25 Items 42 and 43.

1 Q And did you ever have possession of those items?

2 A Yes, I did.

3 Q And when did you receive possession of those items?

4 A December 20th, 2010, at 2:29.

5 Q And who did you receive those items from or what did
6 you receive those items from?

7 A I received them from the firearms evidence in-take
8 storage.

9 Q Who do your records reflect placed them there?

10 A Forensic Technician Nikki Perry.

11 Q And who do your records reflect that you turned them
12 over to?

13 A I transferred them to Forensic Scientist Ira Parnell.

14 Q Did you alter, amend, or change the substance of
15 those items in any way while they were in your possession?

16 A No, I did not.

17 Q Amy, thank you. Answer any questions that the
18 defense has for you.

19 MS. ALVES: I just have a couple of questions.

20 CROSS-EXAMINATION.

21 BY MS. ALVES:

22 Q I was keeping track of the dates. On State's No. 44,
23 State's 44 for identification, do you have that up here?
24 what day did you hand this item---

25 SOLICITOR WEEKS: I'm sorry. I can't hear.

1 MS. ALVES: I was asking her what date did she handle
2 this item.

3 SOLICITOR WEEKS: Which one?

4 MS. ALVES: State's 44.

5 THE WITNESS: December 20th of 2010.

6 Q Let me be clear. Now, State's Item 44, State's Item
7 44 is SLED Item 42 and 43?

8 A Correct.

9 Q And when did you handle, handle Item Number 42?

10 A On December 20th of 2010.

11 Q And when did you handle, handle Item Number 43?

12 A December 20th, 2010.

13 Q Thank you.

14 THE COURT: Anything else, Mr. Weeks?

15 SOLICITOR WEEKS: No, Your Honor.

16 THE COURT: All right. Ma'am, you're -- may she be
17 excused or released from the subpoena, Ms. Alves?

18 MS. ALVES: Yes, sir.

19 THE COURT: All right, ma'am. You're welcome to go
20 back to Columbia.

21 Next witness.

22 SOLICITOR WEEKS: Your Honor, the State would call
23 Jamar Green.

24 JAMAR GREEN, after being duly sworn,
25 testified as follows:

1 THE CLERK: Please have a seat in the witness box.
2 State your full name for the Court and spell your last.

3 THE WITNESS: Jamar Rashan Green. G-R-E-E-N.

4 DIRECT EXAMINATION

5 BY SOLICITOR WEEKS:

6 Q Jamar, how old are you?

7 A Twenty-four.

8 Q And where do you live?

9 A Camel Street, New Ellenton, South Carolina.

10 Q How long have you lived there?

11 A My entire life.

12 Q And did you know Marcus Finklin?

13 A Since I was knee high.

14 Q And how long has that been?

15 How old are you?

16 A I'm 24. So, you're talking about at least 20 years.

17 I went to school with him my entire life.

18 Q Do you know the defendant, Tevon Jackson?

19 A Yeah, I know Tevon.

20 Q And how long had you known him in June of 2008?

21 A I known Tevon a good little while too. Probably like
22 around -- not, not 20, but probably about 17, 15.

23 Q Now, I'm calling your attention back to June of 2008.
24 who were you living with?

25 A Me and Marcus was roommates.

1 Q Anybody else staying with you?

2 A Yeah, my cousin, Ted -- well, William Green. He was
3 staying there and Mark's brother had recently got out.
4 So, he was staying there too.

5 Q And what is Mark's brother's name?

6 A We call him Pooh-Pooh.

7 Q Is it Thomas Jackson?

8 A Yeah, Thomas Jackson, yeah.

9 Q Was he staying there with y'all at the time Mark got
10 killed?

11 A He was rooming there.

12 Q Now, back on June the 4th of 2008, early morning
13 hours on, on June the 3rd of 2008, had you seen Marcus?

14 A Yeah, I seen him.

15 Q And tell me how -- when you saw him.

16 A That day he would come and leave. Just he would come
17 and leave, pop up, and leave.

18 Q When's the last time you saw Marcus, Jamar?

19 A Talking about that day?

20 Q Or the early morning hours.

21 A The last time I seen Marcus I would say around about
22 1:30.

23 Q All right. And where were you at when you saw him
24 then?

25 A I was in the, in the front yard.

1 Q And where was he?

2 A He was in his car. He had just pulled up, got out,
3 you know, do something. We was just -- if, if me and
4 Marcus had a relationship, like if he goes for two or
5 three hours, he'll come just to look in my eyes and say
6 what's up, you know what I mean.

7 Q Okay. Well, did you see or talk to him about 1:30?

8 A Yeah.

9 Q Was anybody with him at that time to your knowledge?

10 A No, I can't recall. Not at 1:30.

11 Q Okay. All right. Had you seen him earlier in the
12 day?

13 A Yeah.

14 Q And where did you see him?

15 A Just coming to the house, leaving.

16 Q Okay. Had anybody been with him earlier in the day?

17 A Yeah, I know him and Tevon had left earlier that day.
18 I don't know what they did or whatnot.

19 Q When you say Tevon, who do you mean?

20 A Tevon Jackson.

21 Q The defendant?

22 A Yes.

23 Q Okay. Do you recognize the vehicle depicted in
24 State's Exhibit No. 9?

25 A Yeah, this is Mark's car.

1 Q And how long had he been using that car---

2 A I would say---

3 Q ---when he got killed?

4 A I'd say about two, two months.

5 Q Okay. And had you ever seen Tevon in the car with
6 him prior to his death on June the 4th?

7 A Yeah.

8 Q How often?

9 A I would say two more times before that, two or three
10 times before that because I think Tevon had a license at
11 the time and he use to drive for Mark.

12 Q He used to drive that car?

13 A Yeah, he use to drive.

14 Q Did Tevon ever spend the night or stay with you?

15 A Yeah, I can recall one night he stayed---

16 Q This was before---

17 A But he used to always come early in the morning time.
18 You know, I would let him in, he would come in, and play
19 the video game. I would go back to my room and go to
20 sleep.

21 Q All right. Do you recall what time you saw Tevon
22 with Mark on the night, the day that he got killed?

23 A I can't really say because I was drinking that day
24 and it's been so long ago. So, I can't. I know I seen
25 him that day.

1 Q Did y'all have -- at some point, what was going on
2 around your house, if anything, that night?

3 A We was just sitting in the front yard, drinking. I
4 thought we was cooking on the grill just -- I just
5 thought---

6 Q You thought what?

7 A I thought we was cooking on the grill.

8 THE COURT: Doing what?

9 THE WITNESS: Cooking on the grill.

10 THE COURT: Cooking on the grill. Okay. I'm sorry.
11 I didn't understand you.

12 THE WITNESS: Yeah, just sitting in the front yard
13 having a good time.

14 Q Did somebody come visit you after 1:30?

15 A Uh-huh. (Affirmative).

16 Q Who was that?

17 A Christy Parker.

18 Q All right. Where did she come?

19 A She came -- I, I know it was after 1:30. I can't
20 give no specific time.

21 Q And did she come to your house?

22 A Yeah, she come to my house.

23 Q Was Marcus there at that time?

24 A No.

25 Q How did you find out Marcus had been killed?

1 A When I woke up -- well, I woke up to a phone call---

2 MS. ALVES: Objection. Hearsay.

3 SOLICITOR WEEKS: well--

4 THE WITNESS: I woke up to a phone call.

5 MS. ALVES: Objection. Hearsay.

6 THE COURT: Ma'am, he hadn't asked it yet.

7 As a result of the phone call, what did you know?

8 THE WITNESS: They told me to go---

9 THE COURT: No, you can't say what somebody else
10 said.

11 SOLICITOR WEEKS: well---

12 THE COURT: Rephrase your question.

13 Q As a result of the phone call, did you go look in
14 Marcus' bedroom?

15 A Yeah, I went and looked in his room.

16 Q Was he in there?

17 A No.

18 Q Did you find out that Marcus had been killed?

19 A Yes.

20 Q And did you kill him?

21 A No, I was in my room.

22 Q Jamar, had you ever or do you know if Marcus had any
23 kind of gun?

24 A Yeah, I done seen Marcus with a gun before.

25 Q What kind?

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1 A A .32 revolver, chrome.

2 Q I'm sorry. I coughed.

3 A A .32 revolver chrome.

4 Q All right. At the time of his death, do you know
5 whether he had that gun then?

6 A No, I do not.

7 Q And when had you seen him with that gun?

8 A I mean I couldn't specific no time, but I have seen
9 Marcus with that.

10 Q Okay. Jamar, how long had you lived with Marcus
11 prior to his death?

12 A I would say about, about eight months.

13 Q Do you know whether or not he smoked?

14 A Yeah, he smoked cigarettes and marijuana.

15 Q And do you know what kind of cigarettes he normally
16 smoked?

17 A New Port short box.

18 Q New Ports what?

19 A Short box.

20 Q Jamar, answer any questions Ms. Alves may have for
21 you.

22 THE COURT: Ms. Alves.

23 CROSS-EXAMINATION

24 BY MS. ALVES:

25

1 Q Jamar, you said that Tevon drove for Marcus?

2 A Yeah, occasionally.

3 Q What do you mean by that?

4 A Sometimes.

5 Q Sometimes what?

6 A He drove for Mark.

7 Q Did Marcus have a license?

8 A No, he didn't.

9 Q And, so -- you think Tevon had a license?

10 A I think, I think he did.

11 Q And, so, a lot of times or sometimes Tevon would---

12 A Yes.

13 Q ---drive Marcus' car?

14 A Yes.

15 Q Because Tevon had a license and Marcus didn't?

16 A Yes.

17 Q Okay. No further questions. Thank you.

18 THE COURT: Hold on.

19 Anything else?

20 SOLICITOR WEEKS: No.

21 THE COURT: You're free to go. Thank you.

22 JEFF SMITH, after being duly sworn,
23 testified as follows:

24 THE CLERK: Please have a seat in the witness box.
25 State your full name for the Court and spell your last.

1 THE WITNESS: My name is Alton Jeffery Smith, and
2 Smith is S-M-I-T-H.

3 DIRECT EXAMINATION

4 BY SOLICITOR WEEKS:

5 Q Jeff, where are you employed?

6 A I'm deputy coroner with the Aiken County Coroner's
7 office.

8 Q And how long you been doing that?

9 A Since -- going on seven years now.

10 Q Without getting too gory on me, can you tell me what
11 the Coroner's Office does?

12 A We determine cause and manner of death.

13 Q And were you working in that capacity in June of
14 2008?

15 A Yes, sir.

16 Q Did you respond to a location of a deceased
17 individual in Aiken County on that day?

18 A Yes, sir.

19 Q And where was that at?

20 A On Court in the cul-de-sac.

21 Q Okay. Were you there with the other police officers
22 in the case?

23 A Yes, sir.

24 Q And what's your responsibility at that time, Jeff?

25 A At that time we come in and, and document the scene

1 by photographing, and we, we do the body removal and take
2 the body to autopsy and collect evidence from the body.

3 Q Okay. In this particular instance, did you do some
4 of all of that?

5 A Yes, sir.

6 Q And you took the body where to autopsy?

7 A Newberry, to the Newberry Hospital.

8 Q Okay. And in handling a body like that, what do you
9 do with it?

10 A Well, once we've photographed everything, we move the
11 body to a body bag. It is sealed, you know, to keep
12 everything together and transport to Newberry.

13 Q And Doctor Ross in Newberry, is that who you
14 presented the body to on this particular day?

15 A Doctor Ross and Doctor Sexton, yes, sir.

16 Q Okay. Did they jointly perform an autopsy on him
17 while you were there?

18 A Doctor Ross did most of the work if I remember
19 correctly.

20 Q Okay. And as a result of that autopsy, did they
21 provide you with anything to take anywhere else?

22 A Yes, sir, we take tissue samples and blood samples
23 that they do the toxicology studies on.

24 Q And do they do DNA studies on it?

25 Do you know?

1 A Yes, sir, they take DNA samples, yes.

2 Q Did you take a blood sample from the body of Marcus
3 Finklin somewhere?

4 A Yes, sir, I took it -- I left Newberry Hospital and
5 went directly to SLED headquarters in Columbia.

6 Q And do you recall who you turned it into at SLED?

7 A I can look on the evidence sheet and see. Whoever
8 was working in the intake.

9 (Pause.)

10 A I don't see the technician's ID on here. It's just
11 where I, where they signed coming from me. Yeah, Selena.

12 Q Selena?

13 A Selena Kinard.

14 Q And did you take it directly from autopsy to her?

15 A Yes, sir.

16 Q And I'm gonna hand you what's marked State's Exhibit
17 No. 40.

18 Can you identify what that is?

19 A It would be a DNA card. Well, no, it's iliac -- it's
20 labeled iliac blood. So, it's a DNA card for DNA.

21 Q And what's iliac blood?

22 Where does it come from?

23 A A vein down in the, down in the cavity of the body.

24 Q From autopsy?

25 A Yes, sir.

1 Q And did you carry that sample to SLED---

2 A Yes, sir.

3 Q ---and turn it over?

4 A Yes, sir.

5 Q Did you alter, amend, or tamper with it in any
6 fashion?

7 A No, sir.

8 Q Okay. And did you do that on the same day, June the
9 4th of 2008?

10 A Yes, sir.

11 Q Jeff, I'm gonna hand you what's marked State's
12 Exhibit 41 and ask you or I'm sorry, 25, 28. I'm sorry.
13 I'm going blind.

14 Can you identify what's depicted in that photograph?

15 A It's a styrofoam cup with a straw in it.

16 Q Where was that located at?

17 A Kind of over in the edge of the cul-de-sac on, on Dry
18 Branch Court.

19 Q When you were working that murder scene?

20 A Yes, sir.

21 Q Is this a true and accurate copy of what it purports
22 to be, this photograph?

23 A Yes, sir.

24 Q And State's Exhibit 29, can you identify that?

25 A It's a picture of a cell phone that was in the front

1 seat of the car right, right next to Mr. Finklin's body.

2 Q And is that photograph a true and accurate copy of
3 what it purports to be?

4 A Yes, sir.

5 Q And that's Mr. Finklin's body on June the 4th at the
6 crime scene?

7 A Yes, sir.

8 Q And State's Exhibit 41, can you identify that?

9 A That's indicating that the phone is ringing at that
10 time the photograph was taken, and it shows the caller ID
11 number.

12 Q And is that kind of a blown-up photograph of what's
13 contained in State's 29?

14 A Yes, sir.

15 Q Is it a true and accurate blow-up or a copy of that?

16 A Yes, sir.

17 SOLICITOR WEEKS: Your Honor, the State moves to
18 introduce 41, 29, and 28.

19 THE COURT: Ms. Alves.

20 MS. ALVES: Can I see what 28 is?

21 Q State's Exhibit 28, Jeff, is the photograph of the
22 cup?

23 A Yes, sir.

24 SOLICITOR WEEKS: It looks like 25, but it is 28.

25 MS. ALVES: Okay.

1 THE COURT: Any objection?

2 MS. ALVES: No, sir, I just wanted the record to
3 reflect that the solicitor was referring to 25 in talking
4 to Mr. Smith and that was actually 28, and I don't have
5 any objection to it.

6 THE COURT: Thank you, ma'am.

7 (WHEREUPON, State's Exhibit Nos. 28, 29, and 41 were
8 received into evidence at this time.)

9 Q Jeff, after you collected the body of Mr. Finklin
10 that day and took it to autopsy, during any of that time
11 did you tamper, alter, or change the nature of the body or
12 any evidence taken from the body?

13 A No, sir.

14 Q Did you do any of that when you took any of the
15 evidence to SLED?

16 A No, sir.

17 Q The coroner and the Sheriff's Office kind of run dual
18 roles sometimes, is that correct?

19 A Yes, sir.

20 Q Similar roles?

21 A Similar.

22 Q On this particular case, did you more or less turn
23 investigation over to the county of the murder of---

24 A Yes, sir, the criminal investigation went to the
25 county, yes, sir.

1 Q Just to be clear, you're snapping pictures and
2 investigators are too, aren't you?

3 A Yes, sir.

4 Q And the pictures that are depicted in these various
5 State's Exhibits, 9, 7, 4, and 6, are they familiar to
6 you?

7 A Yes, sir, those are some of the overall shots of the
8 actual crime scene.

9 Q Thank you, Jeff. Answer any questions Ms. Alves has.

10 THE COURT: Ms. Alves.

11 CROSS-EXAMINATION

12 BY MS. ALVES:

13 Q Mr. Smith, are you familiar with the other items --
14 were there other items that were in the car?

15 A Say again.

16 Q Were you -- are you familiar with other items that
17 are in the car?

18 A Just what, what I seen in the car, yes, ma'am.

19 Q So, you saw everything that was on the seat?

20 A Yes, ma'am.

21 Q Did you see any drugs?

22 A Yes, ma'am.

23 Q There were drugs in the car?

24 A Well, there was a white, there was a white powdered
25 substance in some plastic bags on the, on the seat in the

1 car.

2 Q Okay. And did you, did you take possession of the
3 stuff in the car?

4 A No, ma'am.

5 Q Anything in the car?

6 The only -- you just, you just---

7 A I took the body.

8 Q You took Mr. Finklin's body to Newberry for the
9 autopsy?

10 A Yes, ma'am.

11 Q And took possession of the items in that, that came
12 from the autopsy and that came from the autopsy, is that
13 right?

14 A Yes, ma'am.

15 Q And those would be the items that you just testified
16 to?

17 A That went to SLED, yes, ma'am.

18 Q Okay. Thank you.

19 No further questions.

20 THE COURT: Anything else, Mr. Weeks?

21 SOLICITOR WEEKS: One more question.

22 REDIRECT EXAMINATION

23 BY SOLICITOR WEEKS:

24 Q Jeff, was there any money retrieved at autopsy on the
25 body?

Jeff Smith - Redirect examination
by Solicitor Weeks

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1 A Not that I remember.

2 THE COURT: All right. You may step down.

3 Next witness.

4 SOLICITOR WEEKS: Your Honor, the State would call
5 Mary Francis O'Grady-Watts.

6 THE COURT: Come around, ma'am, please.

7 MARY FRANCIS O'GRADY-WATTS, after being
8 duly sworn, testified as follows:

9 THE CLERK: Please have a seat in the witness box.
10 State your full name for the Court and spell your last
11 name.

12 THE WITNESS: Mary Francis O'Grady-Watts.
13 O'-G-R-A-D-Y-W-A-T-T-S.

14 DIRECT EXAMINATION

15 BY SOLICITOR WEEKS:

16 Q Now, I've been calling you Sage with some of these
17 witnesses.

18 Is that kind of your nickname?

19 A It's been my nickname since college and it's a lot
20 more concise.

21 Q Okay. But you sign Mary Francis O'Grady-Watts on the
22 forms and---

23 A That is my given name, yes.

24 Q Sage, were you also involved in evidence processing
25 in the case we've been talking about here this week?

1 A Yes.

2 Q And what was your role in it?

3 A I attended autopsy and then I processed all the
4 evidence that was taken out of the victim's vehicle.

5 Q All right. Tell me a little bit about your
6 background.

7 What do you do for the Sheriff's Department?

8 A I'm a forensic investigator with the forensic unit at
9 the Sheriff's Office.

10 Q And you and Clay Adams work in the same department,
11 Chris Johnson?

12 A Yes.

13 Q And on June the 4th of 2008 you were working in that
14 capacity?

15 A I was, yes.

16 Q During that time?

17 A Yes.

18 Q You indicated that you went to autopsy.

19 Was Mr. Smith at autopsy, Jeff, that just testified?

20 A Yes.

21 Q And did Doctor Ross and Doctor Sexton perform an
22 autopsy on the body of Marcus Finklin?

23 A They did.

24 Q On that same day?

25 A Yes.

1 Q And did you bring anything from that autopsy?

2 A I did.

3 Q And what was that?

4 A I brought a number of things back that consists of --
5 I brought one bloody white in color tank-top, men's
6 tank-top, a aqua, white, black, orange in color Fruit of
7 the Loom brand boxer shorts, one pair in white in color
8 unknown brand ankle length athletic socks, one black in
9 color leather like material men's belt with silver buckle,
10 one pair of black in color denim Royal Blue brand men's
11 short, one pair of blue, white, black in color Nike Air
12 Max men's sneakers, one gunshot residue kit collected by
13 Doctor Ross, one black in color hair tie, one red in color
14 clear plastic American Match brand strike and light
15 cigarette lighter, one unknown caliber bullet removed from
16 the victim's head, and .57 cents in U.S. coin currency
17 consisting of two quarters and seven pennies.

18 Q Sage, I'm gonna hand you what's marked State's
19 Exhibit No. 38, and ask if you can identify that item.

20 A Yes, I can.

21 Q And what is it?

22 A It's gonna be the round for the bullet that was taken
23 from the victim's head.

24 Q And did you take possession of that item from Doctor
25 Ross?

1 A Yes, I did.

2 Q And did you bring it to the Aiken County Sheriff's
3 Department?

4 A I did.

5 Q Did you tamper, alter, or change it in any way during
6 that transport?

7 A No, I did not.

8 THE COURT: Hold on one second, Mr. Weeks.

9 (Pause.)

10 Q Sage, when did you take that item from Doctor Ross?

11 A Basically what we'll do is they'll collect all the
12 evidence and I'll bag---

13 THE COURT: Speak up a little bit.

14 THE WITNESS: They will collect all the evidence for
15 us during autopsy, and we'll basically sign for it at the
16 end of autopsy, take it into our possession, and transport
17 it back to headquarters.

18 Q And headquarters, is that to the Aiken County
19 Sheriff's Office---

20 A Yes.

21 Q ---evidence facility?

22 A Yes, it is.

23 Q And who was in charge of that at the time?

24 A Gerald Turner.

25 Q And did you turn that item over to Gerald Turner?

- 1 A Yes.
- 2 Q And did you do that on what day?
- 3 A It would have been on the same day, on June 4th.
- 4 Q Okay. At some time later did you have occasion to
- 5 transport that item somewhere?
- 6 A I would have transported it to SLED for analysis.
- 7 Q Was that on 6/20 of '08?
- 8 A Yes.
- 9 Q And did you alter, change, or do any damage to it on
- 10 the transport to SLED?
- 11 A No.
- 12 Q And who did you turn it over to at SLED?
- 13 A It would have been one of the evidence custodians.
- 14 Q Okay. And at some point in time did you go to SLED
- 15 and retrieve that item?
- 16 A Yes.
- 17 Q Was that on 9/30 of '08?
- 18 A Yes.
- 19 Q And did you damage or alter or change it in any way
- 20 when you transported it back to the Sheriff's Office?
- 21 A No.
- 22 Q And what -- who did you have to turn it into when you
- 23 got it back to the Sheriff's Office?
- 24 A You would again turn it back over to Gerald, who is
- 25 in charge of the evidence room.

1 Q Okay. That's where you secured that item?

2 A Yes.

3 Q Okay. Sage, I'm gonna hand you what's marked State's
4 Exhibit 32, and ask if you can identify that item.

5 A It's cigarette butts from Marker's 1 and 2.

6 Q All right. And did you transport or have in
7 possession of those items---

8 A Yes.

9 Q ---at any time in this case?

10 A I did.

11 THE COURT: Mr. Weeks.

12 Q On June 20th of 2008, did you transport them to SLED?

13 A Yes, I did.

14 Q Did you turn them over to the intake lady there?

15 A Yes.

16 Q And did you transport those from the Aiken County --

17 A Evidence room, yes.

18 Q -- evidence room and who's in charge of that?

19 A Gerald.

20 Q Okay. I hand you what's marked State's Exhibit 43,
21 and ask you did you ever have possession of those?

22 A Yes, I did.

23 MS. ALVES: I'm sorry. What number was that?

24 THE COURT: What number?

25 SOLICITOR WEEKS: Forty-three.

1 MS. ALVES: Thank you.

2 Q Sage, where did you get those items?

3 A From the evidence room.

4 Q Did you take any swabs from any individuals in this
5 case?

6 A I did.

7 Q Are those the swabs you took?

8 A Yes, it's there, has my handwriting on it from when I
9 initially took the samples.

10 Q All right. Who did you take those samples from?

11 A Joseph Dicks and Mr. Serrano.

12 Q Okay. And does it indicate you took those on
13 June the 9th of 2008?

14 A Yes, I did.

15 Q And did you turn those in to Mr. Turner?

16 A Yes.

17 Q And when you take a swab like that, how do you secure
18 the swab?

19 A Basically what you'll do is it will be a Q-tip and
20 what you'll do is you'll take the sample from within the
21 person's mouth. And if -- this is the type that we had.
22 It basically has a self sealing cap that's plastic and it
23 has two holes on the inside of it to let in air. You'll
24 seal the cap around the swab itself, you'll place it into
25 the bag or the, in this case, the envelope, and then

1 you'll put a seal on the back side of it so that it's
2 tamper proof. You have to actually cut it apart or
3 something so this way you know.

4 Q Sage, did you transport these items to SLED on
5 June the 20th of 2008?

6 A Yes.

7 Q And did you turn them over to the evidence custodian
8 of SLED---

9 A Yes, I did.

10 Q ---that same day?

11 Did you change them or alter them in any manner
12 whatsoever?

13 A No.

14 Q And where did you transport them from?

15 A I transported them back from SLED to our evidence
16 room.

17 Q Now, where did you transport them from?

18 Where did you get them to transport them to Columbia?

19 A Oh, I got them from the evidence room first, and then
20 you transport them to SLED. You sign them in. I also did
21 that.

22 Q All right. Sage, sometimes are y'all called upon to
23 take gunshot residue kits?

24 A Yes, we do.

25 Q Are you sometimes called upon to transport them?

- 1 A Yes, we are.
- 2 Q All right. I'm gonna hand you what's marked State's
- 3 30 and 31 and ask you if you've ever had possession of
- 4 those items.
- 5 A Yes, I have.
- 6 Q And let's go with 30 first.
- 7 What is that?
- 8 A Thirty is actually the kit that I took from the
- 9 victim's left shoulder.
- 10 Q All right. The victim being Marcus Finklin?
- 11 A Marcus Finklin.
- 12 Q And did you do that on---
- 13 A I did it the same day that we're at autopsy that we
- 14 were talking about.
- 15 Q June the 4th of 2008?
- 16 A Yes.
- 17 Q And what did you do with that item?
- 18 A I sealed it---
- 19 Q Who did you---
- 20 A ---and put it into our evidence room?
- 21 Q Who did you take it to?
- 22 A Gerald Turner.
- 23 Q All right. At some point in time did you transport
- 24 that item to Columbia?
- 25 A Yes, I did.

1 Q Was that on June the 20th of '08?

2 A Yes.

3 Q State's 31 there, did you ever have possession of
4 that item?

5 A I did.

6 Q And when was that?

7 A I transported it to SLED on the 20th.

8 Q On the 20th of June?

9 A Yes.

10 Q 2008?

11 A 2008.

12 Q And did you turn it over to the technician?

13 A Yes, I did.

14 Q Okay. Change, alter, or amend it in any way?

15 A No.

16 Q Okay. You indicated on your list of things that you
17 got from autopsy was a bullet fragment.

18 A Yes.

19 Q I hand you what's marked State's Exhibit No. 38, and
20 ask you if you can identify that.

21 A It's my handwriting on the outer portion of the
22 envelope, yes.

23 Q And did you get that from autopsy, Doctor Ross?

24 A Yes, I did.

25 Q Did you transport it to Mr. Turner?

- 1 A Yes.
- 2 Q And did you change or alter it in any way?
- 3 A No.
- 4 Q Did you also have occasion to have possession of that
- 5 item again?
- 6 A Yes, I did.
- 7 Q When was that?
- 8 A Transporting it to SLED on the 20th of June, '08.
- 9 Q Did you go to SLED at any time and retrieved that
- 10 item?
- 11 A I would of transported it back, yes.
- 12 Q Was that on 9/30 or '08?
- 13 A Yes.
- 14 Q Did you change or alter or tamper with it in any way
- 15 on those trips?
- 16 A No.
- 17 Q And you would of turned it back into Gerald Turner?
- 18 A Yes.
- 19 Q Okay. Sage, I'm gonna hand you what's marked State's
- 20 Exhibit 46, and ask you if you've ever had possession of
- 21 that item.
- 22 A I did.
- 23 Q And when was that?
- 24 A I actually processed it within the lab for potential
- 25 latent prints and swabbed it for DNA.

1 Q Okay.

2 A And then I also transported it.

3 Q Transported it to where?

4 A To SLED.

5 Q Did you change or alter it in any way after you
6 swabbed it and did all of that to it?

7 A No.

8 Q When did you take possession of that item?

9 A To actually process it would have been -- I don't
10 exactly remember the date that I processed it. It
11 probably would of been the next day with everything else
12 that I had been given.

13 Q Sage, on June the 20th of 2008 did you transport a
14 number of items from this case to SLED?

15 A I did.

16 Q And when you transported those items, are they all in
17 one box?

18 A Yes.

19 Q Do you tamper or alter or change those items in any
20 way?

21 A No, it's just for transporting.

22 Q Okay. Sage, I'm handing marked -- I'm handing you
23 what's marked item, State's Exhibit 39, and have you
24 handled that?

25 A Yes, sir.

- 1 Q And did you bring that from any particular place?
- 2 A From autopsy.
- 3 Q And who had possession of it?
- 4 Who took---
- 5 A Doctor Ross.
- 6 Q All right. What is that item?
- 7 A This is a gunshot residue kit taken from Mark
- 8 Finklin.
- 9 Q All right. And was that done on June the 4th when
- 10 they did the autopsy?
- 11 A Yes.
- 12 Q Did you transport it?
- 13 A I did.
- 14 Q And at some subsequent point transport it to SLED?
- 15 A Yes, I did.
- 16 Q June the 20th with those other items?
- 17 A Correct.
- 18 Q Sage, other than the items that you swabbed for DNA
- 19 or processed for fingerprints, do you change or alter any
- 20 items when you receive them into evidence?
- 21 A No.
- 22 Q And do you send those items on just the way you got
- 23 them with the, except for those tests that you run on
- 24 them?
- 25 A Sure.

1 Q And in this case, did you have possession of a number
2 of pieces of evidence at one point?

3 A I did.

4 Q Where did those come from?

5 A They were from the actual victim's vehicle.

6 Q And how many items did you take out of the victim's
7 vehicle?

8 A Well, I didn't actually take them out. I got them
9 from evidence, but alone you have 62 compact or music
10 CD's. There's a number of cell phones. As far as --
11 there's almost -- there's two, two and a half pages worth
12 of evidence.

13 Q All right. What kind of evidence is it?

14 A You have a styrofoam cup with lid and straw, a silver
15 and black Samsung Verizon cellular phone, a dark gray
16 Verizon Blackberry, a silver color Nokia cell phone, a
17 black in color Nokia cell, cellular phone, one JVC CD
18 receiver, one open 32-ounce Powerade fruit punch flavor
19 sport drink bottle, one opened clear 20-ounce plastic
20 crystalline bottle fruit punch flavor, one open Glad brand
21 sandwich bag box, one unopened five and three quarter
22 ounce Pringles brand extreme blazing buffalo wing flavored
23 potato chips, one small white in color styrofoam cup, one
24 large clear Margarita glass, one black in color plastic
25 radio controller, one silver and black in color Verizon

1 Jabra earpiece, one purple in color plastic Brightlight
2 brand cigarette lighter, one black in color leatherette
3 cellular phone holder, one black in color canvas contact
4 disk case, the case containing one Lil Wayne Carter II CD
5 cover, one Webbie Savage Life CD cover, one eight ball MJG
6 classic CD cover, one Easy E It's On, Dr. Dre 187 Killa CD
7 cover, one Budie Trill CD cover, one Juvenile Juve Great
8 CD cover, one Scoundrels Forever Rogue CD cover---

9 Q Without going through the names of all of them, were
10 most of the rest of these items CD's or CD covers?

11 A The majority of them are CD's. You also have a pair
12 of eye glasses, insurance information for different, Peach
13 State Insurance Agency, a phone manual.

14 Q Keys?

15 A There are keys. Three keys.

16 Q All right. When you logged those, all those items
17 in, what kind of tests did you do on them?

18 A Depending on what the type of evidence is, a lot of
19 the times you'll just try to develop latent prints
20 basically being prints that are invisible. You're trying
21 to look and identify if there is anybody who's had any
22 touch to these items.

23 I also did, on the bottles or the drink bottles I
24 should say, I swabbed the, the actual mouth of the bottle
25 to see if I could get any DNA evidence out of them, and

1 that came from the Crystalline fruit punch bottle, the
2 Aquafina water bottle, the styrofoam cups. You can do it
3 to the rims. I actually swabbed the keys and the key
4 chain, the Margarita glass, the Powerade drink bottle.
5 The cellular phones sometimes it's, you might actually get
6 some touch DNA off of them. I also swabbed the face of
7 the phones where the keys are.

8 Q Did you take latent fingerprint lifts off some of the
9 items?

10 A I developed partial latents off of the Little Blue C
11 compact disk, the Streets are Mine, the GZ Inspiration
12 homemade, it was a copy, and the JD or DJ Scream and Young
13 Dre, I Am Legend, and DJ Techniques Georgia Muscle 8.

14 Q Did you turn those over to anybody?

15 A We removed the partial latents and then we'll hold
16 them to look at them later on the A.F.I.S. to see if we
17 can identify them.

18 Q And Clay Adams was the one that did those?

19 A Yes.

20 Q Okay. Any of that other stuff, would you just
21 package it up in June of 2008 and send it to SLED?

22 A Yes, well depending. The swabs, if they are to go,
23 they will go.

24 Q Okay. And did you take all those items up there on
25 June the 20th of 2008?

1 A Yes.

2 Q And, Sage, if you're the one transporting items to
3 SLED, is that all you do?

4 You just take them up there and put them in, check
5 them into the---

6 A That's your whole role.

7 Q And do they seal them when you take them up there?

8 A You'll bring them in your seal and then they will
9 reseal it for the individual aspects of the lab.

10 Q Will they take anything from you if it's not sealed?

11 A No.

12 Q And as I understand it, Sage, all of the stuff that
13 you looked at or tried to further process came from inside
14 of the car?

15 A Correct.

16 Q And the car was towed to the Sheriff's Office?

17 A It was.

18 Q Okay. Thank you. Answer any questions the defense
19 has for you.

20 THE COURT: Ms. Alves.

21 CROSS-EXAMINATION

22 BY MS. ALVES:

23 Q Investigator Watts, when the solicitor just asked you
24 if you took the swabs to SLED, if you take your items to
25 SLED, you said if swabs are to go they will go.

1 A If, if they're deemed that the investigator or the
2 primary and whoever else is involved makes the decision
3 that that particular item will go, then it'll be in that
4 same transport.

5 Q Okay. So, you don't make the decision about what has
6 to---

7 A No, I don't.

8 Q And you mentioned some swabs that you actually did on
9 items in the car?

10 A Yes.

11 Q Specifically you referred to the swabs collected from
12 the Crystalline fruit punch bottle?

13 A Correct.

14 Q And you took swabs from the Aquafina water bottle?

15 A Yes.

16 Q The styrofoam cup?

17 A Yes.

18 Q The Powerade drink bottle?

19 A Correct.

20 Q Margarita glass?

21 A Yes.

22 Q And then a key chain and the keys?

23 A Yes.

24 Q And the cell phones?

25 A Correct.

1 Q Did you take all of those swabs to SLED?

2 A No, I don't know if I did or I did not, but I don't
3 think -- whatever's on the chain that I transported that
4 day.

5 Q Okay. So, did anybody tell you to take these swabs
6 or is that just part of your duties?

7 A We just collect it just in case. I mean you'd rather
8 be safe than sorry. So, you never know what potential
9 piece of evidence you might yield from anything. So,
10 that's what we do, we try to cover all of our bases.

11 Q Okay. And then you just take to SLED whatever the
12 investigator requests to be tested?

13 A Yes, because right now there's an actual number of
14 things that we can take. I think it's five items, and we
15 have to pick your best five. And if they do not yield
16 anything, then you can send another five.

17 Q So, once those are back, you can send another five?

18 A You could.

19 Q You can?

20 A You could.

21 Q Do you decide that at that point?

22 A No.

23 Q Who decides whether or not to submit the five?

24 A Whoever, whoever the primary investigator is in the
25 chain.

1 Q Okay. Thank you. No further questions.

2 THE COURT: Mr. Weeks?

3 SOLICITOR WEEKS: Nothing further from this witness.

4 THE COURT: May she be excused, Ms. Alves?

5 MS. ALVES: Yes, sir.

6 THE COURT: Thank you. You're free to go. Good to
7 see you again.

8 Everybody okay?

9 (No response.)

10 THE COURT: Next witness.

11 SOLICITOR WEEKS: Can we take five?

12 THE COURT: All right. We'll take another short
13 break and probably we'll go until about 12:30, 12:40. I'm
14 gonna let y'all eat lunch on your own today. We'll
15 probably take a, start back about 2:15. I've got an hour
16 worth of probation violations that I'm gonna do from 1:00
17 to 2:00. So, I won't keep y'all waiting. That suit
18 y'all?

19 (Jurors nod affirmatively.)

20 THE COURT: So, let's take a quick bathroom break,
21 and we'll go until about 12:30 or a quarter till 1:00.

22 Everyone remain seated please.

23 (WHEREUPON, a short recess was taken at this time.)

24 THE COURT: Are you okay, ma'am?

25 THE MOTHER: Yes, sir, I apologize.

Mary Francis O'Grady-Watts - Cross-examination
by Ms. Alves

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1 THE COURT: No problem. You know, I understand.
2 Anything for the record, Mr. Weeks?

3 SOLICITOR WEEKS: No, sir, thank you for the break.

4 THE COURT: Ms. Alves?

5 MS. ALVES: No, sir.

6 THE COURT: Ma'am?

7 MS. ALVES: I don't have anything.

8 (WHEREUPON, the following takes place within the
9 presence of the jury.)

10 SOLICITOR WEEKS: Your Honor, the State would call
11 Lynn Gbant.

12 LYNN GHANT, after being duly sworn,
13 testified as follows:

14 THE CLERK: Please have a seat in the witness box.
15 State your full name and spell your last.

16 THE WITNESS: Ron Lynn Gbant. G-H-A-N-T.

17 DIRECT EXAMINATION

18 BY SOLICITOR WEEKS:

19 Q Lynn, where did you formerly work?

20 Are you disabled and retired from the Sheriff's
21 Department?

22 A Yes, I am.

23 Q And when did that happen?

24 A That happened in June of 2008.

25 Q Okay. In June of 2008 you were still working with

1 the Sheriff's Department though, weren't you?

2 A That's correct.

3 Q And did you perform any tasks in this case?

4 A Yes, I did.

5 Q And what did you do?

6 A I went and recovered a gun.

7 Q All right. Were you directed to where to go?

8 A Yes.

9 Q And I'm gonna hand you what's marked State's Exhibit
10 No. 46, and ask you if you ever had possession of that
11 gun.

12 A Yes, I did.

13 Q And where did you get that gun from?

14 A I got it from a 1982 Oldsmobile that was at 165 Dry
15 Branch Road.

16 Q And where did you get the gun in the car?

17 A It was in the back seat.

18 Q All right. And were you directed to that location---

19 A Yes, sir.

20 Q ---to pick up this gun?

21 A Yes, I was.

22 Q And what did you do when you got the gun?

23 A I collected it. It was at 6:51 in the evening. I
24 collected it, took it in my office, and secured it, come
25 back the next morning, put it in the box, got a gun box,

1 put it in it, and then turned it over to Mr. Turner.

2 Q That would be Mr. Gerald Turner?

3 A Yes.

4 Q Did you change or alter or damage any of the items in
5 the gun or the gun itself in any way?

6 A No, I did not.

7 Q Thank you. Answer any questions---

8 THE COURT: Ms. Alves.

9 CROSS-EXAMINATION

10 BY MS. ALVES:

11 Q Do you know whose car it was?

12 A I can't remember whose car it was.

13 Q Do you know whose house it was?

14 A Not off the top of memory.

15 Q What particular person allowed you access to the car?

16 A Excuse me?

17 Q Who, who allowed you access into the car?

18 A I can't remember who allowed me that.

19 Q And who asked you to go and pick up this gun?

20 A I believe that was Lieutenant Fleury.

21 Q And that was the only part that you had with it, you
22 went and picked it up, took it out of the car, and turned
23 it over to Investigator Turner?

24 A Yes.

25 Q Thank you. No further questions.

1 REDIRECT EXAMINATION

2 BY SOLICITOR WEEKS:

3 Q Lynn, was that on the 9th of June?

4 Do your records reflect that?

5 A Yes, sir.

6 Q Okay. Thank you.

7 I have no further questions.

8 THE COURT: You may step down. You're free to go.

9 Next witness.

10 SOLICITOR WEEKS: Your Honor, the State would call
11 Gerald Turner.

12 GERALD TURNER, after being duly sworn,
13 testified as follows:

14 THE CLERK: Please have a seat in the witness box.
15 state your full name for the Court and spell your last
16 name.

17 THE WITNESS: Clarence Gerald Turner. T-U-R-N-E-R.

18 DIRECT EXAMINATION.

19 BY SOLICITOR WEEKS:

20 Q Mr. Turner, where are you employed?

21 A Aiken County Sheriff's Office.

22 Q And what's your job there?

23 A I'm the evidence custodian.

24 Q And were you the evidence custodian -- how long you
25 been the evidence custodian?

1 A Since January of 2008.

2 Q All right. So, in June of 2008 you were working in
3 that capacity?

4 A Yes, sir.

5 Q And have been ever since?

6 A Yes, sir.

7 Q Tell me how that job is performed at the Sheriff's
8 office.

9 A Yes, sir. Evidence that's submitted to the Sheriff's
10 Office is given to me. I take it, make sure that it's
11 correctly packaged, make sure that I've got all the
12 correct paperwork. I then take it, ID it with a bar code.
13 Once I bar code it, I input all the information in the
14 system and then I place it in storage.

15 Q All right. And who has access to that storage
16 besides yourself?

17 A Just the lieutenant and the evidence custodian
18 manager.

19 Q Okay. And the purpose is -- how do you get into the
20 evidence storage facility at the Sheriff's Department?

21 A Well, everything's locked down. I have one set of
22 keys and the lieutenant has one set, and basically that's
23 it. Plus there's an alarm system.

24 Q If you come and go, what do you have to do?

25 A Well, if you come and go, you got to unlock the

1 doors, and you got to go in and you got to take the alarm
2 system off. You got to know the code to get it off and
3 put it on.

4 Q So, it's designed to be secure?

5 A Yes, sir.

6 Q And have you examined the items that we've been
7 playing with up here over the last couple of days as far
8 as the bar codes?

9 A Yes, sir, they are my bar codes.

10 Q And have all of these items, at one point in time,
11 been in your possession?

12 A Yes, sir.

13 Q I'm gonna have to take you briefly through them, but
14 while they were in your possession, did you alter, amend,
15 or change them in any way?

16 A No, sir.

17 Q Okay. State's 31.

18 A Yes, sir, that's my bar code.

19 Q Okay. State's 30. State's 30.

20 A Yes, sir.

21 Q And did your -- do your records reflect when you got
22 possession of each one, each one of those individual
23 items?

24 A Yes, sir.

25 Q Okay.

1 A Let's see. The GSR kit from Marcus Finklin on
2 6/5/2008.

3 Q The date that you list there, what date does that
4 represent?

5 A That's the date that I bar code it and log it in the
6 system.

7 Q All right. Is there some time a time lag between
8 turning something in---

9 A Yes.

10 Q ---and you getting it in the system?

11 A Yes, sir, there is.

12 Q Why is that?

13 A Generally because there's such a large amount, and I
14 also have to -- I see what's most important that we need
15 to do first. It depends on what we got to put into the
16 lab and so forth.

17 Q Okay.

18 A So, there could be a lapse.

19 Q All right. So, the GSR kits that you just identified
20 came into your possession?

21 A Yes, sir.

22 Q And when did they come into your possession?

23 A On 6/6/08.

24 Q All right. And when I say 6/6/08, does that mean
25 that's when you logged them in?

1 A That's when I logged them in, yes, sir.

2 Q And who brought them to you?

3 A Investigator O'Grady-Watts and she -- well, showed
4 6/4, but that could be just the receiving date she got
5 them.

6 Q Okay. But she's the one that brought them to the
7 evidence?

8 A Yes, sir.

9 Q State's Exhibit 38.

10 A Yes, sir, one unknown caliber bullet, yes, sir.

11 Q And when did you receive that?

12 A On the same date, 6/6/08.

13 Q All right. Now, who did that come from?

14 A Ms. O'Grady-Watts.

15 Q All right. At some point on that item, Mr. Turner,
16 did you have possession of it again?

17 A Yes, sir, when she would have returned it from SLED.

18 Q All right. And what date was that?

19 A That would show 9/30/08.

20 Q Okay. And did you keep possession of State's No. 38
21 until somebody removed it from your possession another
22 time?

23 A Yes, sir.

24 Q From that -- who would that be?

25 A That would have been -- let's see. Deputy Mel Moody.

Gerald Turner - Direct examination
by Solicitor Weeks

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1 Q And during the time you had possession of it, did you
2 alter or tamper with it or change it in any way?

3 A No, sir.

4 Q And Ms. Moody picked it up for what reason?

5 A To take it back to SLED.

6 Q State's 44. It's got two bar codes inside of it.

7 A Right.

8 Q That might help you there.

9 A Yes, sir. Give me a second so I can find it.
10 There's quite a few things here.

11 Q I understand. December the 15th might steer you more
12 towards it.

13 A I was looking for my bar code there which is what I
14 go by.

15 Q In conjunction with that, I'm gonna hand you that
16 one. It might help you find the one you're looking for
17 there.

18 MS. ALVES: What item was just handed?

19 What item was just handed?

20 SOLICITOR WEEKS: I'm sorry. I just handed him 46.

21 MS. ALVES: Forty-six. Thank you.

22 A 31506 came to me on 6/10. It's this item here.

23 Q Okay. I handed you State's 45. When did that come
24 to you?

25 A 39916.

- 1 Q I tricked you. I handed you the wrong weapon first.
- 2 A Yes, sir.
- 3 Q But you caught me on it.
- 4 A Okay. 39916, 917, and 918 came in to me on 12/15/10.
- 5 Q All right. And who did they come from?
- 6 A They came from Chris Johnson.
- 7 Q Okay. And is that Forensic Technician Chris Johnson?
- 8 A Yes, sir.
- 9 Q Okay. And when did they leave your custody?
- 10 A On 12/16/10 Mel Moody took it to SLED.
- 11 Q Okay. State's 33.
- 12 A Buccal swabs.
- 13 Okay. They came to me on 3/8/10.
- 14 Q Okay. Who did they come from?
- 15 A From Lieutenant Clay Adams.
- 16 Q Okay. State's 43, which is comprised of two
- 17 components.
- 18 A Okay. These items came to me on 6/18/08.
- 19 Q Is that the day you would have logged them in?
- 20 A Yes, sir, 6/18.
- 21 Q And who did they come from?
- 22 A From Investigator O'Grady-Watts.
- 23 Q Okay. And who did you release them to?
- 24 A I released them back to Ms. O'Grady-Watts on the same
- 25 day.

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- 1 Q Okay.
- 2 A Well, actually that was the -- I'm sorry. That was
- 3 the fingerprints we had. On 6/20 I gave them to Ms.
- 4 O'Grady-Watts for transport to SLED. 6/20.
- 5 Q Okay. State's Exhibit 35. I'm sorry. I think those
- 6 are in already, but they got a bar code.
- 7 Can you tell me when you had possession of it?
- 8 A All right. Okay. 31447, it came to me on 6/5 of
- 9 '08.
- 10 Q And who did they come from?
- 11 A Lieutenant Clay Adams.
- 12 Q State's 34.
- 13 A 31585 came to me on 6/18/08 from Investigator
- 14 O'Grady-Watts.
- 15 Q Okay. And who did you turn those over to?
- 16 A I turned those over to Ms. O'Grady-Watts on 6/18.
- 17 Q Okay. State's 40.
- 18 A Okay. 39468 I received on 9/29 of 2010.
- 19 Q Let me see that.
- 20 A Yeah, this actually came from SLED.
- 21 Q Okay. And who brought it to you from SLED?
- 22 A Mel Moody.
- 23 Q Okay. State's 32.
- 24 A Okay. I received on 6/5 of '08.
- 25 Q From who?

1 A From Investigator Clay Adams.

2 Q And who did you turn them over to?

3 A I turned them over to Investigator O'Grady-Watts for
4 transport.

5 Q On what day?

6 A On 6/20.

7 Q And State's 39, Gerald.

8 A Okay. I received on 6/6 of '08.

9 Q All right. And who did you receive them from?

10 A From Investigator O'Grady-Watts.

11 Q Okay. And who did you turn them over to?

12 A Investigator O'Grady-Watts transported to SLED on
13 6/20.

14 Q Okay. Gerald, when you had possession of them, they
15 were in your facility under lock-up?

16 A Yes, sir.

17 Q And when you sent them out for transport or received
18 them back for transport, did you follow the same policies
19 and procedures?

20 A Same policy.

21 Q Did you ever alter or amend or change any of these
22 items in any way?

23 A No, sir.

24 Q And, in fact, you seal a lot of the items, don't you?

25 A Most of what I get, for instance in this case, are

1 already sealed and I don't break seals.

2 Q Okay.

3 A But if they're not, yes, sir, I seal them.

4 Q Okay. Answer any questions Ms. Alves has for you.

5 CROSS-EXAMINATION.

6 BY MS. ALVES:

7 Q Mr. Turner, just a couple of items I just wanted to
8 ask you about the dates on.

9 A Uh-huh. (Affirmative).

10 Q On, on State's Exhibit No. 44, can you tell, can you
11 tell me when you had possession of this item?

12 A This one here?

13 Q Yes, sir, or actually these items because it's more
14 than one, it's more than one item in the envelope.

15 A All right. Okay. All right. These came into my
16 possession on 12/15 of '10.

17 Q The items in No. 44?

18 A Forty-four, 39917 and 18, yes, ma'am, which is a
19 .38 caliber bullet and five .38 caliber bullets.

20 Q Okay. And then -- and what -- and then when did it
21 leave your possession?

22 A Okay. It went to the lab on that same date, but was
23 brought back on the same date, and then went to SLED on
24 12/16 of '10.

25 Q And -- thank you. And this item here, Item Number

1 38. This item. -- actually what I need to know about 38,
2 you testified that you received it on June the 6th of 2008
3 from Investigator Watts. You testified that it was
4 returned from SLED on September the 30th of 2008 and that
5 you kept it in your evidence room until it was removed by
6 Deputy Mel Moody to go back to SLED.

7 What date was that?

8 A Okay. Let's see. Let's see. Following the pattern,
9 let's see, on 6/6 it was given to me. It was sent to SLED
10 on 6/20 of '08. It came back on 9/30 of '08, and then Mel
11 Moody returned it to SLED on 12/16/10.

12 Q Thank you. I don't have any more questions, any more
13 questions. Thank you.

14 THE COURT: Mr. Weeks?

15 SOLICITOR WEEKS: Nothing further from Mr. Turner,
16 Your Honor.

17 THE COURT: Thank you, Mr. Turner. You are released
18 from your obligation.

19 One more?

20 SOLICITOR WEEKS: Mel Moody.

21 MEL MOODY, after being duly sworn,
22 testified as follows:

23 THE CLERK: Please have a seat in the witness box.
24 State your full name for the Court spelling your last
25 name.

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1 THE WITNESS: Melody Moody. M-O-O-D-Y.

2 DIRECT EXAMINATION

3 BY SOLICITOR WEEKS:

4 Q That thing is not going to go off if we squeeze it?

5 A I hope not.

6 THE COURT: Mr. Weeks.

7 SOLICITOR WEEKS: That gun was making a funny noise
8 sliding down through there.

9 Q Officer Moody, where are you employed?

10 A Aiken County Sheriff's Office.

11 Q And what's your role there?

12 A Road deputy.

13 Q Now, back in June of 2008 -- well, how long you been
14 working with the Sheriff's Department?

15 A Since 2007.

16 Q And prior to that, where did you work?

17 A Aiken City.

18 Q Patrol officer for the City of Aiken?

19 A Yes, sir.

20 Q You then you went to work for the Sheriff's
21 Department?

22 A Yes, sir.

23 Q Have you been there since?

24 A Yes.

25 Q Okay. Were you assisting or were you working in

1 evidence at the Sheriff's Department for a period of time?

2 A Yes, sir.

3 Q What was your role there during that period of time?

4 A Assisting Mr. Turner in transporting evidence and
5 logging in things.

6 Q Okay. And did you take evidence back and forth to
7 SLED during that period of time?

8 A Yes, sir.

9 Q On any of your trips back or forth to SLED, did you
10 alter or amend or tamper with the items in any way that
11 you took up there?

12 A No, sir.

13 Q Mel, State's Exhibit No. 33 bar coded 37658, did you
14 take that to SLED on March the 12th of 2010?

15 A Yes, sir.

16 Q And did you turn it over to the intake people at
17 SLED?

18 A Yes, sir.

19 Q Did you change, alter, or tamper with it in any way?

20 A No, sir.

21 Q Where did you take it from?

22 A The evidence division, the Sheriff's Office.

23 Q And that would be Mr. Turner?

24 A Yes, sir.

25 Q State's Exhibit 44, which is two parts, and State's

1 Exhibit 45, did you ever have possession of those items?

2 A Yes, sir.

3 Q And did you transport them anywhere?

4 A To SLED.

5 Q And did you do that on December the 16th of 2010?

6 A Yes, sir.

7 Q Did you turn it over to the intake people at SLED?

8 A Yes, sir.

9 Q And did you take it from the county facility there?

10 A Yes, sir.

11 Q Okay. And, likewise, you did not change, alter, or
12 damage these items in any way in transport?

13 A No, sir.

14 Q Okay. All right. I hand you what's marked State's
15 Exhibit No. 38, and ask you if you've had possession of
16 that item.

17 A I could have. I would -- I'd have to check a chain,
18 but my initials and name is on it.

19 Q All right. Could you check it by your bar code that
20 Mr. Turner has referred to?

21 A Yes, sir.

22 Q If you need to do that, please do it. Do you have
23 the bar code -- Gerald's got them with him?

24 A Yes, sir.

25 Q Okay.

1 A 31623.

2 THE COURT: Mr. Solicitor, just hand it to her and
3 let her do it.

4 SOLICITOR WEEKS: I was getting it.

5 MS. ALVES: Bill, which one are you showing her?

6 (WHEREUPON, the attorneys conferred.)

7 Q Would referring to the evidence property receipt help
8 you on that one, ma'am?

9 A Yes, sir.

10 Q Item 11 on the receipt.

11 A Yes, sir.

12 Q And did you transport that item somewhere?

13 A To SLED.

14 Q And on what date?

15 A 12/16/10.

16 Q Did you alter or tamper or change it in any fashion?

17 A No, sir.

18 Q Answer any questions Ms. Alves would have for you.

19 MS. ALVES: No questions.

20 THE COURT: You may step down.

21 One more, Mr. Weeks?

22 SOLICITOR WEEKS: Sir?

23 THE COURT: One more?

24 SOLICITOR WEEKS: Judge, honestly we don't have a
25 short one if that's---

Me1 Moody - Direct examination
by Solicitor Weeks

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1 THE COURT: You do have a short one?

2 SOLICITOR WEEKS: Do not have one ready.

3 THE COURT: Let's, let's get in, start in one anyway.

4 SOLICITOR WEEKS: Okay. I would call Jose Serrano.

5 JOSE SERRANO, after being duly sworn,
6 testified as follows:

7 THE CLERK: Please have a seat in the witness box.
8 State your full name for the Court and spell your last.

9 THE COURT: Mr. Weeks, I'm gonna try to go about
10 fifteen more minutes. So, if it gets to a stopping point
11 around ten minutes or whatever, just let me know where we
12 can. If not, we will break then.

13 THE WITNESS: Jose Serrano. S-E-R-R-A-N-O.

14 DIRECT EXAMINATION

15 BY SOLICITOR WEEKS:

16 Q Do you also go by Joey Serrano?

17 A Yes, sir.

18 Q How old are you?

19 A Twenty-two.

20 Q And back in June of '08 where were you living?

21 A Road.

22 Q Speak up.

23 THE COURT: All right. You're going to have to speak
24 up louder for me.

25 THE WITNESS: Road.

1 Q Is that in Aiken County?

2 A Yes, sir.

3 Q And who were you living with?

4 A My mom, Tracy Serrano.

5 Q Okay. Did you know the defendant, Tevon Jackson, at
6 that time?

7 A Yes, sir.

8 Q How long had you known Mr. Jackson?

9 A A couple of months.

10 Q All right. How long had you lived at the address you
11 just indicated?

12 A Since for a year probably.

13 Q All right. Did you know Joseph Dicks?

14 A Yes, sir.

15 Q And did you know him by any nickname?

16 A Meat Man.

17 Q Did you know where he lived?

18 A Yes, sir.

19 Q During that time?

20 A Yes, sir.

21 Q Did you know where Tevon Jackson lived at that time?

22 A Yes, sir.

23 Q And who was he living with?

24 A His mom, Sandra.

25 Q Okay. Did you know Marcus Finklin?

- 1 A No, sir, I just know him by Little Mark.
- 2 Q You what?
- 3 A I just know him by Little Mark.
- 4 Q You know him by Little Mark?
- 5 A (Witness nods affirmatively.)
- 6 Q Did you know him when you saw him back then?
- 7 A Yes, sir.
- 8 Q Did you know what he was driving back then?
- 9 A Yes, a little box car.
- 10 THE COURT: Speak up sir, please.
- 11 THE WITNESS: A little box car.
- 12 Q Box car.
- 13 What do you mean by a box car?
- 14 A Old school Crown Vic.
- 15 Q Now, did you know or were you living there where you
- 16 just indicated when Marcus Finklin, Little Mark got
- 17 killed?
- 18 A Yes, sir.
- 19 Q On June the 4th or June the 3rd of 2008, did you have
- 20 any opportunity to be with Tevon Jackson?
- 21 A Yes, sir.
- 22 Q And tell me how that came about.
- 23 A We was at his house playing video games and we was
- 24 just chilling around at his house and then mama came home.
- 25 Q Whose mama came home?

1 A Tevon Jackson's mama came home and we ran out the
2 back door.

3 Q Why did you do that?

4 A Cause nobody supposed to be there while she wasn't
5 there at work.

6 Q All right. When you ran out the back door to Ms.
7 Jackson's house, where did you go?

8 A Went to my house.

9 Q But who was with you?

10 A I believe me and Meat Man was together when we got to
11 my house. Tevon came later on and told us the story about
12 him and his mama getting into it and how he got kicked out
13 and stuff.

14 Q You and Meat Man ran out the house?

15 A Yes, sir.

16 Q And when you ran out of Ms. Jackson's house, where
17 did you go, you and Meat Man?

18 A To my house.

19 Q All right. What did you do at your house?

20 A Sat around, chilled.

21 Q Do you know what time of day this was?

22 A I don't know what time, but I know it was daytime.
23 The sun was still out.

24 Q Did anybody join you while you were there with Meat
25 Man?

- 1 A Tevon.
- 2 Q All right. Anything happen while y'all were at your
3 house?
- 4 A I mean he came. He explained that he got kicked out
5 the house, and that he wanted to catch a lick, I mean a
6 ride with somebody. So, he asked can he hold my gun.
- 7 Q What kind of gun did you have?
- 8 A 9-millimeter.
- 9 Q A 9-millimeter?
- 10 A Yes, sir.
- 11 Q And where did you have it?
- 12 A In my car.
- 13 Q What kind of car is that?
- 14 A It's a Cutlass, '85 Cutlass.
- 15 Q Was it running at the time?
- 16 A No, sir.
- 17 Q Where did you have it in the car?
- 18 A In the back seat.
- 19 Q And what did he do?
- 20 A He said he wanted to catch a lick, to get a ride.
- 21 THE COURT: Wants to catch a lick of what?
- 22 THE WITNESS: A lick, rob somebody. Talking about
23 robbing the pizza man and stuff. So, I let him get it and
24 just went on down to Meat Man house.
- 25 Q You left your house?

1 A We left out my house.

2 Q And walked to Meat Man's house?

3 A Yes, sir.

4 Q Is that the way you got there was to walk?

5 A Yeah, we went through the path. It's a path behind
6 my house.

7 Q All right. And the path behind your house leads to
8 where?

9 A To a dirt road. I don't know the name of the street,
10 but it's a, it's a dirt road back there we just take going
11 to Meat Man's house.

12 Q When you got to Meat Man's house, what did you do
13 there?

14 A We just chilled there, smoked some weed, and I---

15 THE COURT: Sir, I can't understand you.

16 Q Speak up, Joey.

17 A We just chilled there and smoked some weed and stuff.

18 THE COURT: Chilled and did what?

19 THE WITNESS: Smoked.

20 THE COURT: Smoked what?

21 THE WITNESS: Weed and marijuana.

22 Q And this was at Meat Man's house or where?

23 A At Meat Man house. Me, Tevon, and Meat Man. Later
24 on I left, I left and went home. A little later Tevon
25 came, gave me my gun back to me, told me he didn't need

1 it.

2 Q He gave the gun back to you?

3 A He gave me my 9-millimeter back.

4 Q And who was with him when he did that?

5 A Just him.

6 Q All right. How was that 9-millimeter loaded?

7 A Two in the clip.

8 Q Just two bullets?

9 A I believe so.

10 Q All right. And what did you do with the gun?

11 A Put it back in the car.

12 Q All right. What happened next, if anything?

13 A I went to sleep and I woke up later on that night. I

14 think it was about 11:45 I woke up and nobody was home.

15 And, so, I walked the street, the front road,

16 going back to Meat Man's house, and on my way there my

17 mom, Tevon, and Meat Man was up there, and they was---

18 Q Slow down now.

19 Your mom, Tevon, and Meat Man were there?

20 A At Meat Man house.

21 Q All right. How far is that from your house?

22 A Up the road probably about -- it depends on how
23 you're walking. Five or ten minutes.

24 Q Okay.

25 A And when we get, I get there, my mom's already ready

1 to go a little bit. So --.

2 Q Where is she ready to go to?

3 A Go home. So, I start coming back down the road.

4 Q Who?

5 A Me, Tevon, Meat Man, and my mom start walking back to
6 my house. So, on the way to my house, I see Little Mark
7 ride by.

8 Q Who?

9 A Little Mark. Mark Finklin.

10 Q Okay. You saw him ride by?

11 A He rode by.

12 Q All right.

13 A And he was -- that's when Tevon made that little
14 remark I ought to rob him, and---

15 Q Well, what did you say in response to that, if
16 anything?

17 A I didn't really say nothing. I think I was on the
18 phone at the time, but I heard him because --.

19 Q Where did you go from there, if anywhere?

20 A Where I went?

21 Q Where did you go?

22 A We went to my house.

23 Q All right. What did you do there?

24 A I think we sat outside for a little while. That's
25 when my mom had yelled out her window for us to go back

1 down to Meat Man house and search for some money that she
2 said her boyfriend had tried to slip in her pocket or
3 something.

4 Q What did you do then?

5 A Me, Tevon, and Meat Man walked back down to Meat Man
6 house. We ain't find no money or nothing like that. We
7 sat out there, and then I called my mom and let her know
8 that we didn't find it. So, me, Tevon, and Meat Man just
9 sat there. I think Meat Man went on the porch to go
10 talking on the phone with somebody, and I think I was
11 standing over in like Meat Man driveway talking on the
12 phone. Tevon came over. He was like I'm about to go do
13 that, and I was like do what. He was like I'm about to go
14 get Mark. I was like what you gonna get him with. He
15 pulled out a .38. It was black. After that he just
16 walked off.

17 Q And prior to that, Joey, had you seen where Little
18 Mark had gone?

19 A On the way back walking to Meat Man, Meat Man house,
20 I seen Mark car sitting out in front of the girl's name.
21 I think her name is Felicia. So --.

22 Q All right. So, y'all walked past Felicia's house?

23 A Yes, sir.

24 Q And to Meat Man's house?

25 A Yes, sir.

1 Q And when you got down to Meat Man's house is when
2 you're saying this is going on?

3 A Yes, sir, the conversation.

4 Q All right. What happened next, if anything?

5 A Tevon left us and me and Meat Man sat on the porch.
6 That's when Casey Johnson had came over. I think he had
7 bought a beer, and---

8 Q You think he had bought a beer from where?

9 A From Meat Man.

10 Q All right.

11 A And, so, Casey came back to the house. He was like
12 come on Joey, come with me, come to my house. We went
13 over there and we was on the front porch smoking some
14 marijuana, and I think it was for a little -- I don't know
15 how long it was we was sitting up there. But the next
16 thing -- the next time I seen Tevon, he was coming from on
17 top of the dirt road hill across the street from Nondrum,
18 and he came over sweaty and stuff like that. He was like
19 come on, Joe.

20 So, we went back to Meat Man's house. When we got to
21 Meat Man house, we was like you did that. He was like
22 yeah. We was like what you did.

23 Q Say that again?

24 what did you say?

25 A Did you do that, and he was like yeah, he was like

1 what you get. So, he pulled out cocaine, two guns, and
2 some money, and then he came, made the comment I shot him.
3 We was like you did what. He was like I shot him. You
4 know, when I was there, we was like what happened. He was
5 like he told me that he had some drugs and he had shot him
6 there. Later on when I found out, when I stepped out the
7 door, he told Meat Man he acted like he was about to take
8 a pee, and he walked around to the other side and then he
9 shot him.

10 Q Well, what did you see him have that night?

11 A Two guns, some cocaine, some money.

12 Q And what kind of guns were they?

13 A .32 and .25.

14 Q And the .32, what kind of gun was that?

15 A Chrome .32 or a black 2-5.

16 Q A black 2-5.

17 The .32, was it an automatic or a revolver?

18 A The 2-5. The .32 was a revolver. The 2-5 was an
19 automatic.

20 Q And who had those guns?

21 A Tevon.

22 Q All right. Did you see what happened to them?

23 A No, sir.

24 Q Did you get any money or did you get any drugs from
25 him?

1 A No, sir.

2 Q How about any guns?

3 A No, sir.

4 Q Well, what did you do after you talked to him?

5 A They -- I think I went home at that time. I think I
6 went home at that time.

7 Q And home being where?

8 A Road.

9 THE COURT: Good time to break?

10 SOLICITOR WEEKS: Yeah, that will be fine.

11 THE COURT: All right. Sit tight for me.

12 Mr. Foreman, ladies and gentlemen, we're going to,
13 we're going to break now. Let's say 2:15. We're going to
14 do probation from 1:00 to 2:00. That gives my court
15 personnel a little bit of time to get a quick bite.

16 Don't discuss the case. Don't deliberate. Don't let
17 anybody talk to you about it. Please have a wonderful
18 lunch. I'll buy your lunch tomorrow. I have to do it
19 every other day with the budget constraints.

20 Everybody else remain seated.

21 (WHEREUPON, the following takes place outside the
22 presence of the jury.)

23 THE COURT: All right. Mr. Serrano, is that right?

24 THE WITNESS: Yes, sir.

25 THE COURT: Mr. Serrano, you're right in the middle

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1 of your testimony. I am ordering you not to discuss your
2 testimony with anybody at lunch. Anybody.

3 Understand?

4 THE WITNESS: Yes, sir.

5 THE COURT: You may step down. Be back here at two
6 o'clock.

7 Mr. Weeks, anything for the record before we break
8 for lunch?

9 SOLICITOR WEEKS: No.

10 THE COURT: Ms. Alves?

11 MS. ALVES: No, sir.

12 THE COURT: Can I see y'all for just a second please?
13 All right. We'll stand at ease.

14 (WHEREUPON, this case was in recess for the lunch
15 hour.)

16 THE COURT: Mr. Weeks, anything from the State before
17 we proceed?

18 SOLICITOR WEEKS: No, Your Honor.

19 THE COURT: And you want to call your witness back
20 up?

21 What's his name?

22 SOLICITOR WEEKS: Joey.

23 THE COURT: Ms. Alves, anything for the record before
24 we start back?

25 MS. ALVES: No, sir.

1 (WHEREUPON, the following takes place within the
2 presence of the jury.)

3 THE COURT: You may proceed, Mr. Weeks.

4 SOLICITOR WEEKS: Thank you, Your Honor.

5 CONTINUED DIRECT EXAMINATION

6 BY SOLICITOR WEEKS:

7 SOLICITOR WEEKS: Your Honor, may I ask the witness
8 to step down?

9 THE COURT: You may.

10 (Witness comes down from the stand.)

11 THE COURT: Murph, just let people out one more time.
12 One more shot.

13 Mr. Weeks.

14 SOLICITOR WEEKS: Thank you, Your Honor.

15 Q Mr. Serrano, you recognize the area depicted in
16 State's Exhibit 32?

17 A Yes, sir.

18 Q And where is that area?

19 A

20 Q Speak up.

21 A Road.

22 Q And can you point out where you were living?

23 A Right there.

24 Q All right. What's written right there?

25 A T.S.

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- 1 Q Okay.
- 2 THE COURT: Sir, please speak up.
- 3 THE WITNESS: T.S.
- 4 Q Can you point out where Meat Man was living?
- 5 A Right here.
- 6 Q Can you put an M.M. there for me?
- 7 A (Witness complies.)
- 8 Q All right. And how about Tevon Jackson, do you know
- 9 where he was living?
- 10 Is his house shown on there?
- 11 A Right here.
- 12 Q All right. Put T.J. there.
- 13 A (Witness complies.)
- 14 Q All right. Put a big circle around.
- 15 A (Witness complies.)
- 16 Q Put a circle around M.M. over here.
- 17 A Yes.
- 18 Q Do you know where Ms. Felice Stallings was living at
- 19 the time?
- 20 A Yes, ma'am.
- 21 Q All right. Can you put a circle around that?
- 22 Put F.S.
- 23 A (Witness complies.)
- 24 S?
- 25 Q S.

1 And how about Ms. Melissa Ealy, do you know her?

2 A I think right there.

3 Q Okay. Put M.E. right there.

4 A (Witness complies.)

5 Q Now, do you know where Court is?

6 A It's this road right here.

7 Q Where does it end?

8 A Right here.

9 Q Okay. And do you know where Mark Finklin lived during
10 this time in June?

11 Is it shown on this map?

12 A No, sir, I don't think so.

13 Q All right. What direction would it be on the map?

14 A This way.

15 Q Okay. To the right of State's No. 32?

16 A Yes, sir.

17 Q Are you pretty familiar with Road?

18 A Yes, sir.

19 Q How long did you live down there?

20 A About four years.

21 MS. ALVES: Can you speak up please?

22 THE WITNESS: About four years I believe.

23 MS. ALVES: Okay.

24 (WHEREUPON, two maps were marked as State's Exhibit
25 Nos. 47 and 48 for identification purposes only at this

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1 time.)

2 Q Joey, can you identify the areas depicted in these
3 two maps, 47 and 48?

4 A Yes, sir.

5 Q And with regard to 48, what is that?

6 A This here.

7 Q Uh-huh. (Affirmative).

8 A Overlooking

9 THE COURT: Sir, you're going to have to be more
10 distinct in your speech.

11 THE WITNESS: Overlooking Aiken County.

12 Q All right. Is Road on there?

13 A I think so. I can't see.

14 Q Okay. Do you need to look at it a little closer?

15 A Yes, sir, it is.

16 Q All right. And can you put an X where you were
17 living on this map?

18 MS. ALVES: What, what exhibit is that?

19 SOLICITOR WEEKS: Forty-eight.

20 MS. ALVES: Okay.

21 (Witness complies.)

22 Q Okay. Now, is your house depicted on what's marked
23 as State's Exhibit 47?

24 A No, sir.

25 Q Okay. Is anybody -- is Meat Man's house on 47?

1 A Yes, sir.

2 Q Where is that?

3 A Right here.

4 Q Can you put initials there?

5 (Witness complies.)

6 Q Do these maps, do these maps truly and accurately
7 reflect the houses as they were situated in June of '08?

8 A Yes, sir.

9 SOLICITOR WEEKS: Your Honor, I move to introduce 47
10 and 48 also.

11 MS. ALVES: I'd like to see them please.

12 THE COURT: Ma'am?

13 MS. ALVES: I'd like to see them.

14 No objection.

15 (WHEREUPON, State's Exhibit Nos. 47 and 48 were
16 received into evidence at this time.)

17 Q All right. Joey, this is a map that's indicated
18 State's Exhibit 48 and Road you indicated was
19 this road running along there?

20 A Yes, sir.

21 Q Where is Court on this one?

22 A I believe it's---

23 Q Are the names written on it?

24 That's a little clue.

25 A Right there.

1 Q Okay. And if that's Court, where's your
2 house?

3 A Right here.

4 Q All right. You marked that.
5 Where was Mark living, Finklin living at the time?
6 Do you know?

7 A (No response.)

8 Q If you don't, that's all right.

9 A (No response.)

10 Q How about Tevon?

11 A Right here.

12 Q Put T.J. right there.

13 A (Witness complies.)

14 Q Have a seat back there on the witness stand.

15 (Witness returns to the stand.)

16 Q Now, Joey, I'm gonna kind of hold this up and
17 probably strip off everything I got written on everything
18 else, but you had indicated that you had gone to your
19 house at some point with Tevon---

20 A Sir?

21 Q ---and with -- you had gone to your house with Tevon
22 and Meat Man?

23 A Me and Meat Man went to my house. Tevon came later.

24 Q Okay. And when Tevon came later, where did y'all go
25 from there?

1 A Us three went to Meat Man house.

2 Q And Meat Man's house is what you described over here
3 with the M and M?

4 A Yes, sir.

5 Q All right. And where did you go from Meat Man's
6 house, if any place --

7 A Back to my house.

8 Q -- or where did you see Tevon go?

9 A You're talking about later that night?

10 Q Yeah.

11 A Oh, we went up to -- we went and made a left and went
12 down the dirt road in front of the Parker's house.

13 Q In front of who?

14 A The Parker's house.

15 Q The Parker's house.

16 Who went there?

17 A Tevon.

18 Q All right. Where did you go?

19 A I stayed there at Meat Man's house. Me and Meat Man
20 stayed there.

21 Q Okay. And do you know what time this was?

22 A No, sir.

23 Q Was this after you had walked to Ms. Tracy home or
24 before?

25 A It was after.

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1 Q All right. You had said something about Casey
2 Johnson.

3 A He came over a little later and bought a beer from
4 Meat Man.

5 Q Do you know where Casey lives on this map?

6 A Yes, sir.

7 Q Would you come down and show us that with the Court's
8 permission?

9 (Witness comes down from the stand.)

10 Q Put me a -- circle the house where Casey was
11 residing.

12 A (Witness complies.)

13 Q All right. Thank you.

14 A You're welcome.

15 (Witness returns to the stand.)

16 Q And when you were at Casey's house, did you see Tevon
17 then?

18 A I seen him coming down from the dirt road across the
19 street from Nondrum Street.

20 Q Nondrum right here runs by Meat Man's house?

21 A Yes, sir.

22 Q And coming down the dirt road, is that across from
23 Meat Man's drive---

24 A Yes, sir.

25 Q ---or the road?

1 A Yes, sir.

2 Q Where did you first spot him at?

3 Come down here again. I got you up there too quick.

4 (Witness comes down from the stand.)

5 Q Put me a red X where you first spotted Tevon at.

6 A About right here.

7 Q Okay. And you went -- he went where from there?

8 A He came straight across the street to where I was at.

9 Q Speak up.

10 A He came straight across the street to where I was at.

11 Q And you were at whose house then?

12 A Casey.

13 Q All right. Where did y'all go, if any place, from
14 there?

15 A We went this way to Meat Man house.

16 Q And is that where the conversation took place?

17 A Yes, sir.

18 Q About what had happened?

19 A Yes, sir.

20 Q Okay. You indicated earlier, before the break, that
21 Tevon had walked away at some point in time from your, you
22 and Meat Man?

23 A Yes, sir.

24 Q In which direction did he go?

25 A Towards the left.

1 Q And whose house was towards the left or which
2 direction was he headed in regard to Felicia Stallings'
3 house?

4 A Down the dirt road in front of the Parker's house.

5 Q All right. The dirt road in front of the Parker's
6 house.

7 Road, where is the dirt road you're
8 referring to?

9 A Oh, oh, man. It's parallel to it.

10 Q (Solicitor Weeks indicates to come down by his hand.)

11 A (Witness comes down from the stand.)

12 This dirt road right here. This is Nondrum, this is
13 the Parker house, and we walked this way and that way.

14 Q All right. Where's the last place you saw him at?

15 A On this dirt road right here.

16 Q On the dirt road?

17 A Yes, sir.

18 Q All right. So, the dirt right there?

19 A Yes, sir.

20 Q All right. Where's the next place you saw him after
21 he was there?

22 A Coming right here.

23 Q In what direction was he coming from?

24 A This way. It was right there.

25 Q He was coming this way?

1 A Yes, sir, he crossed the street and went---

2 Q All right. put me an arrow in the direction he came
3 from.

4 A (Witness complies.)

5 Q Okay. And do you know what time of night that was?

6 A No, sir, I know it was just real late though.

7 Q Okay. Was it after that that you had the
8 conversation with him about---

9 A You said was it after?

10 Q Was it after that?

11 A That was before we had the conversation.

12 Q All right. After you saw Meat Man, did y'all have a
13 conversation about what had taken place with Little Mark?

14 A Yes, sir.

15 Q I said Meat Man. I meant Tevon.

16 A Oh, yes, sir, at Meat Man house.

17 Q Okay. Now, where did the police first approach you
18 and question you about this?

19 A They came to my house and picked me up.

20 Q And where did y'all go?

21 A To New Ellenton P.D.

22 Q And did you talk to them there voluntarily?

23 A Yes, sir.

24 Q All right. where did y'all go from there?

25 A To the Sheriff down in Hampton or Aiken, Hampton.

1 Q All right. Did you give them a written statement
2 then?

3 A I did.

4 Q Did you give them any buccal swabs or swabs of your
5 mouth?

6 A Yes, sir, I believe so.

7 Q Did you give them any fingerprints at that time?

8 A I believe I did that too, yes, sir.

9 Q . Were you under arrest?

10 A No, sir.

11 Q Did you give them the statement that you'd given here
12 today?

13 A I gave them bits and pieces, but not the whole thing.

14 Q And was that on June the 9th of, several days after
15 Mark was found?

16 A Yes, sir.

17 Q Who did you talk to then?

18 Do you know?

19 Do you see them in the courtroom, who you might of
20 talked to then?

21 A I can't remember the face. I know it was New
22 Ellenton. I think it was him.

23 THE COURT: Sir, please speak up.

24 THE WITNESS: In New Ellenton I talked to him I
25 believe it was him right there.

1 Q Well, did you see me that day?

2 A I seen you that day.

3 Q Do you remember seeing me at the Sheriff's Office?

4 A Yes, sir.

5 Q Okay. After they talked to you at the Sheriff's
6 office, did you give them any information about a gun that
7 you owned?

8 A Yes, sir.

9 Q And where was that gun?

10 A In my car at my house.

11 Q All right. And what did you tell them about that?

12 A That I would give it up to them because I know I
13 ain't do it.

14 Q All right. Did you tell them that that gun was
15 involved in killing Little Mark?

16 A No, sir.

17 Q And was it?

18 A I told them it wasn't.

19 Q Okay. Was it?

20 A No, sir.

21 Q Okay. And did you tell them where it was and they
22 could go get it?

23 A Yes, sir.

24 Q And what kind of gun was that?

25 A A 9-millimeter Sigoid.

- 1 Q A 9-millimeter what?
- 2 A Sigmoid.
- 3 Q Was it loaded at the time?
- 4 A I think it had -- it just had two bullets in the
- 5 clip.
- 6 Q Two bullets in the clip?
- 7 A Yes, sir.
- 8 Q Okay. I'm gonna hand you what's marked State's
- 9 Exhibit 46, and ask if you can identify what's in that
- 10 box.
- 11 A That's the gun that -- that's my gun.
- 12 Q All right. Is that the gun you gave to the police or
- 13 told that they could go get?
- 14 A Yes, sir.
- 15 Q And did they go get that after they met with you on
- 16 June the 9th?
- 17 A Yes, sir.
- 18 Q Tevon, have you been promised -- Joey, have you been
- 19 promised anything in regard to your testimony here today?
- 20 A No, sir.
- 21 Q The State hadn't promised you anything to get you to
- 22 come in here and testify?
- 23 A No, sir.
- 24 Q Between June of 2008 when Marcus was killed, how many
- 25 times have you been arrested?

1 A Twice. I believe it's twice.

2 Q And were you prosecuted one time and sent to jail for
3 a charge?

4 A I've been arrested three times, three times. I was.

5 Q And what was that charge?

6 A Armed robbery.

7 Q All right. Did you have a gun and rob somebody?

8 A No, sir.

9 Q And what did you plead to?

10 Do you know?

11 A Strong armed robbery.

12 Q And did you go to jail?

13 A Yes, sir.

14 Q Did you have a gun with you at the time?

15 A No, sir.

16 Q All right. Did some of the other people have some
17 guns?

18 A They ain't catch no guns on them, no, sir.

19 Q All right. Were any of the guns other people had
20 involved in the killing of Mark Finklin?

21 A No, sir.

22 Q Were they of the same type that you have right there?

23 A No, sir.

24 Q Now, were you arrested again for possessing a weapon?

25 A Yes, sir.

- 1 Q When was that?
- 2 A I think it was January 1st of 2010.
- 3 Q of 2010?
- 4 A Yes, sir.
- 5 Q And what kind of weapon did you have then?
- 6 A A .357.
- 7 Q A .357?
- 8 A Yes, sir.
- 9 Q Revolver?
- 10 A Yes, sir.
- 11 Q And where did you have that at?
- 12 A In the car when I got stopped.
- 13 Q Okay. And was that gun involved in the death of
- 14 Marcus Finklin?
- 15 A No, sir.
- 16 Q Did you own that gun at the time Marcus Finklin was
- 17 killed?
- 18 A No, sir.
- 19 Q Did the police take that gun from you that night?
- 20 A Yes, sir.
- 21 Q Or that day or whatever it was?
- 22 A Yes, sir.
- 23 Q Okay. Do you remember the gun that they took from
- 24 you in January of 2010?
- 25 A Yes, sir.

1 Q I hand you what's marked State's Exhibit No. 45 and
2 ask if you can identify that.

3 A That's the gun they took from me when I got stopped
4 by the police.

5 Q And what kind of bullets did you have?

6 A Thirty-eight special.

7 Q Go ahead.

8 A Thirty-eight special I think.

9 Q And where did you have them?

10 A I had them on me when I got arrested.

11 Q Did you have six?

12 A I can't---

13 Q Was the gun fully loaded?

14 A I believe so.

15 Q And what did you do when you saw the police?

16 A Quickly grabbed the bullets and put them in my shoe.

17 Q Put them in your shoe?

18 MS. ALVES: Can you please speak up a little louder?

19 THE WITNESS: Grabbed the bullets---

20 THE COURT: Please speak louder.

21 THE WITNESS: Grabbed the bullets and put them in my
22 shoe.

23 Q Well, they found those, didn't they?

24 A Yes, sir.

25 Q All right. Did anybody have that gun, you, Meat Man,

1 Tevon, anybody on June the 6th of 2008?

2 A No, sir.

3 Q Joey, did you kill Marcus Finklin?

4 A No, sir.

5 Q Did you plan to kill Marcus Finklin?

6 A No, sir.

7 Q Now, the statement that Tevon made, that you've
8 alleged Tevon made to you that night, did he say anything
9 about smoke coming from his mouth?

10 A Yes, sir, he said when he shot him he slumped over
11 and smoke came out of his mouth.

12 Q He slumped over and smoke came from his mouth?

13 A Yes, sir.

14 Q Okay. No further questions. Answer any questions
15 Ms. Alves has.

16 THE COURT: Mr. Weeks, can you move that?

17 SOLICITOR WEEKS: Sure, Your Honor. I'm sorry.

18 THE COURT: He's got it. Thank you.

19 SOLICITOR WEEKS: I'm just amazed it didn't fall down
20 when I was using it.

21 CROSS-EXAMINATION

22 BY MS. ALVES:

23 Q You talked to the police on June the 9th of 2008?

24 A Yes, ma'am.

25 Q And you told us more information than you told them,

1 isn't, isn't that true?

2 A Ma'am?

3 Q You have told us additional information from what you
4 put 2000, in your statement in 2008, isn't that true?

5 A Yes, ma'am.

6 Q In fact, today you've testified that Tevon told you
7 specifically that he was about to go rob Mark?

8 Isn't that what you said today?

9 A Yes, ma'am.

10 Q You didn't tell the police that back in 2008, in
11 2008, did you?

12 A Huh-uh. (Negative).

13 Q Yes or no.

14 A No, ma'am.

15 Q And today you testified about drugs and guns, that
16 you saw, you saw drugs and guns, isn't that right?

17 A Yes, ma'am.

18 Q And you didn't tell the police about drugs and guns
19 back in 2008, did you?

20 A I believe I did.

21 Q Would it refresh your memory about what you wrote in
22 your statement to take a look at it?

23 A Ma'am?

24 Q Would it help you to take a look at your statement?

25 A You can bring it up here.

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1 Q Do you recognize this?

2 A Yes, that's my statements.

3 Q You can hold it.

4 And that's the statement that you gave back in June
5 of 2008?

6 A Yes, ma'am.

7 Q And it's two pages?

8 A Yes, ma'am.

9 Q Pretty detailed?

10 A Yes, ma'am.

11 Q Show me in that statement where you mentioned that
12 you saw drugs and guns.

13 A It ain't in there.

14 Q It's not in there.

15 A Huh-uh. (Negative).

16 Q No?

17 A Huh-uh.

18 Q Yes or no.

19 A No, ma'am.

20 Q And today you talked about a .25 and a .32, is that
21 right?

22 A Yes, ma'am.

23 Q Did you mention a .25 or a .32 here?

24 A No, ma'am.

25 Q And did you see what happened to those guns?

- 1 A No, ma'am.
- 2 Q You didn't see what happened to them?
- 3 A Huh-uh. (Negative).
- 4 Q So, you don't know what happened to them?
- 5 A No, ma'am.
- 6 Q You don't know what happened to them after Tevon,
- 7 after you say Tevon showed them to you?
- 8 A I seen Meat Man with the .32. That was it.
- 9 Q So, you're saying that you saw Meat Man with the .32?
- 10 A Yes, ma'am.
- 11 Q So, you did see -- you did know what happened to the
- 12 gun?
- 13 A Not that night. But I think it was the next day or
- 14 the day after that.
- 15 Q And, so, you saw Meat Man with the .32?
- 16 A Yes, ma'am.
- 17 Q Did you ask him anything about it?
- 18 A Yeah, he said Tevon gave it to him.
- 19 Q So, you and Meat Man talked about the .32?
- 20 A Yes, ma'am.
- 21 Q A day or two later?
- 22 A Yes, ma'am.
- 23 Q Before you talked to the police?
- 24 A Yes, ma'am.
- 25 Q And you have met with the solicitor to talk about

1 this case?

2 A Yes, ma'am.

3 Q Do you know how many times?

4 A I think four times.

5 Q Four times.

6 So, over the past two and a half years you've met
7 with the solicitor about four times?

8 A Yes, ma'am.

9 Q And y'all have discussed this case?

10 A Yes, ma'am.

11 Q And you added these facts into the solicitor's?

12 A I mean to tell the truth I had to do that.

13 Q Okay. So, you added these additional facts in when
14 you were talking with the prosecutors about this case?

15 A Yes, ma'am.

16 Q And today, today you testified that Tevon told you
17 that he went, he acted like he was going to, to the back
18 of the car to pee and then shot Marcus?

19 Is that what you testified to?

20 A Yes, ma'am.

21 Q But, in fact, didn't you tell the solicitors that he
22 told you that he bent over and told Marcus to make up a
23 bag?

24 Isn't that what you told them?

25 A I said that's what -- he told me that he told him to

1 bag up some work and he shot him. Later on I found out he
2 told Meat Man that he went to pee and came around and shot
3 him.

4 Q Okay. Well, I'm afraid you mumbled a little bit.

5 You said that he told you that he was bent, he was
6 acting, he was bent over and was acting like he was going
7 to make a purchase and shot him?

8 Is that what you said?

9 A I said he told Marcus to bag him up a purchase. Then
10 he shot him. But later on he told Meat Man that he acted
11 like he was going to pee and then he came and shot him.

12 Q Okay. When did you find out he told Meat Man that?

13 A I think it was the next day or two days later.

14 Q A day or two days later.

15 So, you didn't hear him tell Meat Man that, you had
16 to find out later, is that right?

17 A Yes, ma'am.

18 Q So, you weren't with him when he told Meat Man that
19 he was going to pee and shot Marcus?

20 A I think I went home at that time.

21 Q You had gone home?

22 A Yes, ma'am.

23 Q So, you never heard -- so, you weren't with him when
24 he told Meat Man that?

25 A No, ma'am.

- 1 Q And he told you that, according to you, you said he
2 told you that he was acting like he was going to -- he
3 told Marcus to make up a bag?
- 4 A Yes, ma'am.
- 5 Q And shot him?
- 6 A Yes, ma'am.
- 7 Q But you and Meat Man discussed the story and realized
8 that you had a different story, is that right?
- 9 A Yes, ma'am.
- 10 Q Yes.
- 11 Now, also, in your statement -- no, excuse me.
12 In your testimony today you talked about Tevon
13 walking down the street acting wierd and sweating.
- 14 Is that what you said?
- 15 A Yes, ma'am.
- 16 Q You didn't mention anything about sweating and acting
17 wierd walking down the street in your statement, did you?
- 18 A No, ma'am.
- 19 Q But those are new facts you developed while you were
20 meeting with the prosecutors about this case?
- 21 A That was the truth I told them to find out. He is
22 going to trial and about to get on the stand.
- 23 Q So---
- 24 A There was nothing to do but tell the truth.
- 25 Q okay. So, you were getting ready to get on the

1 stand. So, that's, that's what you discussed with them.

2 A That's what I told them.

3 Q Okay. And -- well, when did you tell them about
4 these guns?

5 A I can't really remember.

6 Q You can't really remember?

7 Was it last week?

8 A Probably so. Probably before that.

9 Q Before that.

10 THE COURT: Hold on. You're going to have to speak
11 up, sir.

12 THE WITNESS: Probably so.

13 Q Within the -- like last week maybe?

14 A Probably so. Probably before that.

15 Q Before that.

16 How far before that?

17 A The first time we met I believe.

18 Q The first time you met?

19 A Not at the Hampton, but when I had to come to the
20 courthouse.

21 Q Excuse me?

22 A I said not on Hampton, but like the next time I seen
23 them.

24 Q Well, when did you tell the solicitor all these
25 additional new facts?

Jose Serrano - Cross-examination
by Ms. Alves

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- 1 A I think it was the second time I seen them.
- 2 Q And when was that?
- 3 A I'm not sure of what the date is.
- 4 Q But it was before last week?
- 5 A I believe so. I'm not sure.
- 6 Q Not sure.
- 7 Okay. But you didn't tell the police all these facts
- 8 that you've told us?
- 9 A No, ma'am.
- 10 Q You didn't mention those two guns?
- 11 A No, ma'am.
- 12 Q And you and Meat Man discussed the guns and the, and
- 13 the differences, differences in how Tevon told you he did
- 14 it?
- 15 A I mean from my story he tried to tell me I was wrong.
- 16 So, he told me what Tevon told him.
- 17 Q Okay. So -- and y'all weren't together when this
- 18 happened.
- 19 Now, what time did you get home?
- 20 A Maybe it was like three o'clock.
- 21 Q Three o'clock.
- 22 And what time did you leave Meat Man's house?
- 23 A Probably around that time.
- 24 Q Around 3:00?
- 25 A Probably so.

1 Q And when did you see Tevon?

2 A When I was sitting at Casey's house.

3 Q But you don't know what time that was?

4 A No, ma'am.

5 Q Well, from the time that you're saying that you last
6 saw Tevon to the time that you're saying that you saw him
7 again at Casey's house, the time that you saw him after,
8 at Meat Man's house before Casey came over to the time
9 that you saw him at Casey's house, how much time elapsed?

10 A I mean that was a couple of years ago. So, I'm not
11 really sure.

12 Q Well---

13 A Probably---

14 SOLICITOR WEEKS: I'm sorry. I couldn't hear the
15 answer.

16 THE COURT: Speak up please.

17 THE WITNESS: I said that was a couple of years ago.
18 So, I'm not really sure.

19 Q You're not sure of the time?

20 A You mean how long he was gone?

21 Q Yeah.

22 A Thirty or thirty-five. Probably more.

23 Q Thirty or thirty-five minutes?

24 A Probably more.

25 Q Probably more.

1 But you told the police it was about 30 to 35
2 minutes?

3 A Yes, ma'am.

4 Q So, you think that might be right?

5 A Could have been longer.

6 Q Could have been longer?

7 A Yes, ma'am.

8 Q Changing something else from your statement?

9 A No, ma'am, I'm just saying it could of been.

10 Q Could of been.

11 But in your statement you said 30 or 35 minutes?

12 A I did.

13 Q Yes.

14 A But I'm saying it could have been longer.

15 Q Okay. And I want to be clear now. You and the
16 solicitor were talking about this, but you were convicted
17 for strong armed robbery in December of 2008, is that
18 right?

19 A Yes, ma'am.

20 Q Yes?

21 And you currently have pending charges for unlawful
22 possession of a weapon?

23 A Yes, ma'am.

24 Q And unlawful possession of a weapon with a, with a
25 damaged serial number?

1 A Yes, ma'am.

2 Q And those cases are being -- and you're still facing
3 prosecution for those cases?

4 A Yes, ma'am.

5 Q Here in Aiken?

6 A Yes, ma'am.

7 Q And as a result of your having been convicted of that
8 armed robbery, are you on parole?

9 A Yes, ma'am.

10 Q Is it -- are you allowed to have a weapon on parole?
11 Are you on probation or parole, which one?

12 A Parole.

13 Q Are you allowed to have a weapon?

14 A No.

15 Q And if you get convicted of those charges, you're
16 facing potential time for those charges maybe, right?

17 A Maybe.

18 Q Maybe.

19 And you'd also be facing a parole violation, wouldn't
20 you?

21 A Yes, ma'am.

22 Q It's kind of important for you to make sure you stay
23 out of jail, isn't it?

24 A Yes, ma'am.

25 MS. ALVES: Beg the Court's indulgence one moment.

Jose Serrano - Cross-examination
by Ms. Alves

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1 (Pause.)

2 MS. ALVES: Beg the Court's indulgence for one more
3 moment.

4 (Pause.)

5 MS. ALVES: I don't have any further questions.
6 Thank you.

7 THE COURT: Mr. Weeks.

8 REDIRECT EXAMINATION

9 BY SOLICITOR WEEKS:

10 Q Mr. Serrano, do you remember who the prosecutor was
11 when you pled guilty or was prosecuted for strong armed
12 robbery?

13 A No, sir.

14 Q Do you remember -- do you have a lawyer on these
15 other charges you're facing?

16 A Yes, sir.

17 Q And has anybody, the State, me, told you what to say
18 here today?

19 A No, sir.

20 Q Has anybody promised you anything to get you to say
21 something?

22 A No, sir.

23 Q And there seems to be some insinuation that I've told
24 you something to say.

25 Have I told you what to say?

1 A No, sir.

2 Q What did I tell you when I talked to you?

3 A Get on the stand and tell the truth.

4 Q Thank you.

5 THE COURT: All right. You may step down.

6 Next witness.

7 SOLICITOR WEEKS: Selena Kinard, Your Honor.

8 SELENA KINARD, after being duly
9 sworn, testified as follows:

10 THE CLERK: Please have a seat in the witness box.
11 State your full name for the Court and spell your last.

12 THE WITNESS: Okay. Selena Kinard. K-I-N-A-R-D.

13 DIRECT EXAMINATION.

14 BY SOLICITOR WEEKS:

15 Q Ms. Kinard, where do you work?

16 A I work for the South Carolina Law Enforcement
17 Division also known as SLED.

18 Q And what do you do for SLED?

19 A I am a forensic technician within the evidence
20 control department.

21 Q And could you explain what you do?

22 A Yes, sir.

23 Q What does that, what does that mean?

24 A We assist agencies across the state. They bring in
25 evidence to us. We log it into our computer system, and

Selena Kinard - Direct examination
by Solicitor Weeks

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- 1 we then transfer it to our locked evidence room where it
2 is stored before analysis as well as after analysis.
- 3 Q And they're several other people that work in that
4 department and in various departments at SLED that you
5 work with, are there not?
- 6 A Yes, sir.
- 7 Q Okay. And back in June of 2008, were you working
8 with SLED then?
- 9 A Yes, sir, I was.
- 10 Q Did you receive, at some point, or handle some
11 evidence that had been brought in by the Aiken County
12 Sheriff's Office?
- 13 A Yes, sir, I did.
- 14 Q I've looked at your list, but 14 and 15 on your list.
15 Did you handle those particular items?
- 16 A If I may refer to my chain of custody?
- 17 Q Yes, ma'am.
- 18 A Yes, sir, Item 14 I did and as well as Item 15.
- 19 Q And what were those items identified as?
- 20 A Item 14 is listed as a cigarette butt, and Item 15 is
21 listed as a cigarette butt as well.
- 22 Q Do your records reflect when you handle those items?
- 23 A Yes, sir, both were on the same day, June the 23rd of
24 2008.
- 25 Q And did they reflect who you turned those items over

1 to after you had anything to do with it?

2 A Yes, sir.

3 Q Who was that?

4 A Sheree Brown within the DNA department.

5 Q And she's also with SLED?

6 A Yes, that's correct.

7 Q Does it reflect who you received the items from or
8 how you received the items?

9 A Before I received them they were in the DNA evidence
10 intake storage, which is a refrigerator within our
11 evidence room, and Sheree Brown will come down from the
12 DNA department and retrieve their evidence daily, and at
13 that time I transferred it into her custody and she takes
14 it upstairs to DNA.

15 Q And does it reflect who you, who put it in the DNA
16 refrigerator on this particular item?

17 A Yes, sir, it does. On 6/20 of 2008 Nikki Perry, who
18 works with me in the evidence control department, she put
19 that piece of evidence in the refrigerator.

20 Q Sheree, I'm gonna hand you what's marked State's
21 Exhibit No. 32, and ask you if you can identify that as
22 that item.

23 A I do not recognize the container. I do recognize
24 that our lab number is written on here, and I recognize
25 the lab number that's written on there.

1 Q Okay. Thank you.

2 And does it indicate that that contains cigarette
3 butts?

4 A Yes, it does.

5 Q Selena, did you receive or do you recognize State's
6 Exhibit 40?

7 A I do. I recognize this. This is how we package DNA
8 evidence in a heat sealed pouch, and it is -- well, it's
9 cut now, but on the seal where we seal it, the submitting
10 officer has to initial and date as well sign and date, and
11 we affix the yellow label that is here, which includes the
12 lab number and the item number which is contained within
13 the heat sealed pouch, and that lab number will follow
14 with this case throughout the lab.

15 Q And did you receive those, that item from Jeff Smith
16 on June the 4th, 2008?

17 A Let me verify my chain of custody.

18 Q Number 8.

19 A Yes, sir, I did. June 4, 2008, at 3:03 p.m. from
20 Jeff Smith from Aiken County Coroner's Office.

21 Q And who did you give that item or turn that item to
22 after you checked it in?

23 What did you do with it?

24 A I transferred it to the evidence, excuse me, DNA
25 evidence intake storage, which is the refrigerator within

1 the evidence room.

2 Q Does it reflect who came and got it from there?

3 A On June the 6th of 2008 I retrieved it from the
4 refrigerator and transferred it to Sheree Brown's custody.

5 Q Selena, I'm gonna hand you what's marked State's No.
6 43, which is a two part exhibit, and ask if you can
7 identify it.

8 A Yes, sir, I can. Based on the outer packaging, the
9 heat sealed pouch, as well as the yellow label affixed to
10 both of the heat sealed pouches labeled with the lab
11 number as well as the item number.

12 Q And did you have the opportunity to possess those at
13 some point in time?

14 A Let me verify my chain.

15 Q Item 21, 22.

16 A Yes, sir, I have Item 21 here which is listed as a
17 buccal swab from Jose Serrano as well as Item 22, which is
18 listed as a buccal swab from Joseph Dicks.

19 Q Okay. And what did you do with those items once you
20 received them?

21 A I received them both on June the 23rd of 2008 and
22 retrieved those, excuse me, from the DNA intake storage
23 and transferred those to Sheree Brown.

24 Q Okay. And Sheree Brown works in the DNA department?

25 A DNA department, yes, sir.

1 Q Okay. Sheree, I'm going to hand you what's marked
2 State's 31, 30, Selena, and 39 as well as an envelope, an
3 empty envelope marked State's Exhibit 49, and ask you if
4 you can identify those items included in the empty
5 envelope.

6 A I can identify from the envelope because of our label
7 which states that this is Container E, and I do know that
8 these are GSR kits. I will refer to my chain of custody
9 again.

10 Q Twenty, 23, 18.

11 A Yes, these are GSR kits and this, this container
12 actually contained three GSR kits. One is labeled -- it
13 was collected from Marcus Finklin, one was collected from
14 Marcus Finklin's left shoulder, and the last one was
15 collected from the driver's door area.

16 Q Okay. And did you take possession of those items at
17 some point in time?

18 A Yes, I did. June the 23rd of 2008 I retrieved them
19 from what we call our trace evidence intake storage, which
20 is a shelf designated for the trace department intake
21 evidence, and I retrieved that from that shelf and
22 transferred it to Lisa McReynolds, who is a forensic
23 technician in the trace department.

24 Q All three of those items?

25 A Yes, sir, they were all within this one container---

1 Q And do your---

2 A ---in this envelope.

3 Q Do your records reflect that all three of those items
4 were put into the trace intake locker by, or by Nikki
5 Perry?

6 A Yes, sir, that's correct, on 6/20 of 2008.

7 Q Selena, I'm gonna hand you what's marked as State's
8 No. 38. It will be Item 19 on your list.

9 A Item 19 I have, according to my chain of custody, is
10 listed as a fired bullet, unknown caliber bullet from
11 autopsy.

12 Q And did you receive possession of that item which is
13 referenced as State's Exhibit No. 38 at some point in
14 time?

15 A I did. On June 27th of 2008 I retrieved that
16 evidence from the firearms evidence intake storage, which
17 is also within our evidence room, and at that time I
18 transferred it to Forensic Scientist David Black within
19 the firearms department.

20 Q And you would have received or the item would have
21 been put in the firearms storage by who according to your
22 records?

23 A According to my records, that was Nikki Perry as well
24 on 6/20 of 2008.

25 Q Did you have the opportunity to handle that item

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by Solicitor Weeks

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1 after David had received it?

2 A Yes, I did. On August the 25th of 2008, after David
3 Black analyzed the evidence, I received it from him and
4 transferred it to a shelf awaiting return to the agency.

5 Q Okay. And would Amy Stephens have had any contact
6 with it at that time?

7 A Yes, sir, on September the 30th of 2008 Amy Stephens
8 retrieved it from that shelf and transferred it to Mary
9 Francis O'Grady-Watts with Aiken County Sheriff's Office.

10 Q Okay. Selena, I'm gonna hand you what's marked
11 State's Exhibit No. 46, and ask you if you've ever had the
12 opportunity to handle that item.

13 A Okay. Yes, sir, I did. It's described as a handgun,
14 9-millimeter, with two live cartridges and a magazine, and
15 I retrieved that from firearms evidence intake storage on
16 June the 27th of 2008.

17 Q What did you do with the item when you retrieved it?

18 A I transferred it to David Black. And once he
19 completed his analysis, I received the evidence again on
20 August the 26th, the 25th of '08 and transferred that to a
21 shelf ready for return to agency.

22 Q When you first got it in June, who did you -- who had
23 placed it in the firearms locker for you to your records?

24 A Nikki Perry on June the 20th of 2008.

25 Q Thank you.

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1 A You're welcome.

2 Q Selena, answer any questions Ms. Alves has for you.

3 MS. ALVES: No questions.

4 THE COURT: You may step down.

5 SOLICITOR WEEKS: State calls Sheree Brown, Your
6 Honor.

7 Your Honor, I know some of them rode together, but
8 can she be excused if, if she has a ride?

9 THE COURT: Yes, sir.

10 SHEREE BROWN, after being duly sworn,
11 testified as follows:

12 THE CLERK: Please have a seat in the witness box.
13 State your full name for the Court and spell your last.

14 THE WITNESS: Sheree Brown. B-R-O-W-N.

15 DIRECT EXAMINATION

16 BY SOLICITOR WEEKS:

17 Q Sheree, let me guess, you work for SLED, is that
18 correct?

19 A Yes.

20 Q How long have you worked for them?

21 A Sixteen and a half years.

22 Q And what's your role or what do you do at SLED?

23 A My current position at SLED is a forensic technician
24 within the DNA department.

25 Q And how long have you been working at SLED?

Sheree Brown - Direct examination
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1 You just you -- you answered that.

2 A Yes.

3 Q Okay. Now, did you have the opportunity to handle
4 some evidence submitted from Aiken County?

5 A Yes.

6 Q I'm gonna hand you what's marked State's Exhibit
7 No. 32, and ask if you have handled the items contained in
8 there?

9 Fourteen and fifteen.

10 A Yes.

11 Q And when did you handle those, Sheree?

12 A They came in and took custody of them from Selena
13 Kinard on June 23rd, 2008.

14 Q And did you alter or change them in any way after you
15 got them from Selena?

16 A No, I did not.

17 Q What did you do with them?

18 A It was stored in a security refrigerator within the
19 DNA department.

20 Q And who do your records reflect retrieved them from
21 that refrigerator?

22 A Adrinne Hefney.

23 Q Adrinne Riley---

24 A Yes.

25 Q ---at one point in time, now Adrinne Hefney?

1 A Yes.

2 Q Okay. And did she do that?

3 Do your records indicate when she did that?

4 A She took it in her custody on July 9th, 2008.

5 Q Okay. Sheree, I'm gonna hand you what's marked
6 State's Exhibit 40, it will be eight, and ask you if
7 you've handled the item contained in there?

8 A Yes, I did.

9 Q And when did you receive that item?

10 A Also, I received it on July, excuse me, June 6th,
11 2008.

12 Q And did you do anything with that item when you
13 received it, Sheree?

14 A Yes, it came in as a liquid blood standard, and I
15 preserved it on filter paper per protocol within the DNA
16 department.

17 Q And when you did that, where did you store the item?

18 A After it was resealed and put it back in the heat
19 sealed pouch, I transferred it to a secure location
20 labeled DNA F8 on June 20th, 2008.

21 Q Okay. And your records reflect who retrieved it from
22 that storage facility?

23 A I retrieved it on June 23rd of 2008 and transferred
24 it into the DNA refrigerator on June 23rd, 2008.

25 Q Did they reflect who took it from the DNA

Sheree Brown - Direct examination
by Solicitor Weeks

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1 refrigerator?

2 A Adrinne Riley Hefney.

3 Q And does it reflect the date she took possession of
4 it?

5 A July 9th, 2008.

6 Q Okay. Did you change or alter it any more than is
7 required by your job?

8 A No, I did not.

9 Q Okay. Thank you.

10 I hand you what's marked State's Exhibit No. 43 in
11 two parts, Sheree. It will be 21 and 22 on your list.

12 A Yes.

13 Q And did you have an opportunity to take possession of
14 those items at some point in time?

15 A Yes, I did.

16 Q And what are those items?

17 A Items -- SLED Item Number 21 and 22, I took
18 possession from Selena on June 23rd, 2008.

19 Q When you say Selena, who is that?

20 A Selena Kinard from evidence control.

21 Q Okay. And what did you do with them when you
22 obtained those two items?

23 A I transferred them into the DNA refrigerator on
24 June 23rd, 2008.

25 Q And do they reflect who picked them up or retrieved

1 them from that refrigerator?

2 A Yes, on July 9th, 2008, Adrinne Riley Hefney.

3 Q Okay. And what are those?

4 A They are labeled as buccal swabs from Item 21,
5 according to my chain of custody, buccal swab from Jose
6 Serrano and buccal -- and Item 22 is buccal swab from
7 Joseph Dicks.

8 Q Okay. Sheree, let me ask you this. If there's a
9 typo in intake, does that typo stay on there the rest of
10 the time like his, to a name?

11 A Yes.

12 Q Y'all put on there what you---

13 A What's on the submitting officer's paperwork.

14 Q Okay. Or if I -- okay. Did you alter, amend, or
15 change those items in any way?

16 A No, I did not.

17 Q Okay. I hand you what's marked State's Exhibit 33
18 and ask you if you can identify what's contained in that
19 exhibit.

20 A Yes.

21 Q And did you take possession of that exhibit at some
22 point in time or the items contained therein?

23 A Yes, I did. I took custody of it on March 15th,
24 2010.

25 Q And who did you receive that from, Sheree?

1 A Forensic Technician Amy Stephens in the evidence
2 control department.

3 Q And who did you transfer it to?

4 A It was transferred to a secure location in the DNA
5 department.

6 Q And does it reflect who picked that up from the DNA
7 department?

8 A Yes, it does.

9 Q And who was that?

10 A Jasper Humbert.

11 Q Okay. And what was his position at SLED?

12 A At the time he was a DNA analyst.

13 Q Okay. And what is the item referenced there?

14 A It's a buccal swabs from, from the mouth of Trevon
15 (sic) Jackson.

16 Q Would that be Tevon Jackson?

17 A Yes.

18 Q Sheree, in case I forgot to ask you, any of those
19 items you handle, other than the processing you do with
20 them to get them ready for somebody else, do you alter,
21 change, or mutilate them, or destroy them, or do anything
22 to them to damage them?

23 A No, I don't. I don't.

24 Q Answer any questions that Ms. Alves has for you if
25 you would, Sheree.

1 MS. ALVES: No questions.

2 THE COURT: You may step down.

3 Next witness.

4 SOLICITOR WEEKS: Adrinne Hefney.

5 ADRINNE HEFNEY, after being duly
6 sworn, testified as follows:

7 THE CLERK: Please have a seat in the witness box.
8 State your full name for the Court and spell your last
9 name.

10 THE WITNESS: Adrinne Riley Hefney. H-E-F-N-E-Y.

11 DIRECT EXAMINATION

12 BY SOLICITOR WEEKS:

13 Q In the records that we received from SLED, you might
14 of been Adrinne Riley at some point in time?

15 A Yes, sir.

16 Q You gotten remarried or changed your name?

17 A I got remarried in October.

18 Q Yes, ma'am.

19 Okay. Who were you working for at the time in June
20 through currently?

21 A The South Carolina Law Enforcement Division more
22 commonly known as SLED.

23 Q How long you been with them, Adrinne?

24 A A little over 13 years.

25 Q In what capacity have you worked with them?

Adrinne Hefney - Direct examination
by Solicitor Weeks

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- 1 A I'm a forensic DNA analyst.
- 2 Q Okay. And did you receive some items in this case---
- 3 A I did.
- 4 Q ---or in a case from Aiken County that we've been
- 5 referring to here today?
- 6 A Yes, sir, I did.
- 7 Q And did you conduct any kind of DNA analysis on these
- 8 items?
- 9 A No, sir, I did not.
- 10 Q All right. Did the case get assigned to somebody
- 11 else after?
- 12 A Yes, sir, it did.
- 13 Q All right. I hand you what's marked State's Exhibit
- 14 No. 32, and ask you if you've had possession of those
- 15 items at some point in time?
- 16 Fourteen and fifteen.
- 17 A Yes, sir, I did.
- 18 Q And when was that, Adrinne?
- 19 A I had possession of these items. I, I got -- I
- 20 obtained them from the DNA refrigerator that Ms. Brown
- 21 spoke of on July 9th, '08, and I kept it in my in-box area
- 22 in that refrigerator until I, it got reassigned and I put
- 23 it in DNA storage drawer 12(b) on May 17th, 2009.
- 24 Q And who do your records reflect that it went to from
- 25 there?

1 A Jasper Humbert.

2 Q All right. And the DNA storage drawer, is that a
3 secure location?

4 A Yes, sir.

5 Q And Jasper would have retrieved it from that
6 location?

7 A Yes, sir.

8 Q Okay. Adrinne, I hand you what's marked State's
9 Exhibit 40, and ask you if you had the opportunity to have
10 that item in your possession.

11 A Yes, sir, I did.

12 Q And when was that?

13 A The same period of time. I retrieved it from the DNA
14 refrigerator on July 9th, 2008. Returned it to DNA
15 drawer, storage drawer 12(b) on May 17th, 2009.

16 Q And your records reflect that DNA analysis was done
17 by Jasper Humbert?

18 A Yes, sir, he retrieved it on December 3rd, 2009, from
19 DNA storage drawer 12(b).

20 Q Adrinne, did you alter or change or do anything to
21 those items while they were in your possession?

22 A No, sir.

23 Q Okay. What was Item 40?

24 A Okay. State's Exhibit 40, our Item 8, was described
25 as a blood standard for Mark Finklin.

Adrinne Hefney - Direct examination
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1 Q I'm gonna hand you what's marked State's Exhibit 43,
2 which is a two part item.

3 Have you had possession of that item at some point in
4 time?

5 A Yes, sir.

6 Q And what are those items?

7 A Item 21 or our Item 21 is described as a buccal,
8 buccal swab from Jose Serrano.

9 Q And Item 22.

10 A Item 22 is a buccal swab from Joseph Dicks.

11 Q Okay. And what did you do with those items?

12 I may have asked you.

13 A I placed them in the DNA storage drawer 12(b) until
14 Jasper Humbert retrieved them.

15 Q Okay. And, Adrinne, what would you have normally
16 have done with these items once you retrieved them?

17 A Normally I would have done DNA analysis on them.

18 Q Okay. And because of change in case loads or why,
19 why did you --?

20 A Well, we had basically, a guestimate, the DNA
21 department a little more efficient. We instituted a new
22 case rotation or assignment policy where any analyst that
23 had cases they had not worked, we turned them all back in
24 and then reassigned them all back out to different
25 analysts.

1 Q And that's how Jasper Humbert got those items?

2 A That's correct.

3 Q Okay. Answer any questions Ms. Alves has for you
4 please.

5 MS. ALVES: I have no questions. Thank you.

6 THE COURT: Thank you. You may step down and be
7 excused to go back to do your analysis.

8 THE WITNESS: Thank you.

9 THE COURT: Mr. Foreman, ladies and gentlemen, are
10 y'all okay?

11 A few more minutes?

12 (Jurors nod affirmatively.)

13 SOLICITOR WEEKS: Thank you, Your Honor.

14 THE COURT: I'm sorry, Mr. Weeks. Are you okay?

15 SOLICITOR WEEKS: If you'd cut the air conditioner up
16 a little bit, that would be good for people.

17 THE COURT: I got women out there hugging up to
18 blankets. I got a juror who has five coats on.

19 SOLICITOR WEEKS: That's okay. I'll just sweat it
20 out then.

21 State would call Kathleen Ingram Woodward.

22 All of them are getting married on me, judge, or
23 divorced.

24 THE COURT: As long as you have been here, most of
25 them do get married.

Kathleen Woodward - Direct examination
by Solicitor Weeks

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1 KATHLEEN WOODWARD, after being duly
2 sworn, testified as follows:

3 THE CLERK: Please have a seat in the witness box.
4 State your full name for the Court and spell your last
5 name.

6 THE WITNESS: My name's Kathleen Woodward,
7 W-O-O-D-W-A-R-D.

8 DIRECT EXAMINATION

9 BY SOLICITOR WEEKS:

10 Q Ms. Woodward, where do you work?

11 A I work for the South Carolina Law Enforcement
12 Division also known as SLED.

13 Q And what do you do for SLED?

14 A I am an analyst in the trace evidence department.

15 Q And could you tell me what trace evidence is?
16 what do y'all do?

17 A In the trace evidence lab we do several different
18 types of analyses, which includes gunshot residue, fire
19 debris, paint, fibers, glass, and trace other.

20 Q How long you been with SLED?

21 A About four and a half years.

22 Q Can you tell me what your educational background was
23 before coming to SLED?

24 A I have a Bachelor of Science Degree in Chemistry.

25 Q From where?

1 A From Converse College.

2 Q And did you start with SLED out of college or what
3 did you do after you graduated?

4 A When I graduated from Converse I worked for Milliken
5 & Company for seven years before coming to SLED.

6 Q And when you got to SLED, what did you first sign on
7 doing?

8 A Well, I started off in the trace department and the
9 first discipline that I trained in was fire debris
10 analysis, and once I completed that training process,
11 which is a minimum of six months of training and then six
12 months of taking cases, I started training on gunshot
13 residue analysis, which is, again, another six months of
14 training, and then at least six months of taking cases and
15 then just continued from there. I actually still have one
16 more to do.

17 Q One more what?

18 A Discipline to be trained in. It's a long process.

19 Q You completed your training in gunshot residue
20 analysis?

21 A I have.

22 Q And where did you train for that at?

23 A It's an in-house training program where I have a
24 training officer, which is someone who is, who has been
25 doing gunshot residue and has been proficient in it for

Kathleen Woodward - Direct examination
by Solicitor Weeks

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1 actually for several years, and it involves, you know,
2 looking at cases that they're working, learning about the
3 instrumentation. It's watching and hands-on as well.

4 Q Do you do any seminars or go to any seminars or get
5 any further education other than the in-house training?

6 A I have not for gunshot residue, but I have for fire
7 debris, paint analysis, glass, fibers. I think that's it.

8 Q Ms. Woodward, do you have any idea as to how many
9 times you performed gunshot residue analysis since you've
10 been at SLED?

11 A Over 700 times.

12 Q Okay. And do you work full-time for them?

13 A Yes, sir.

14 Q And you're constantly receiving gunshot residue kits
15 for analysis?

16 A Currently I'm not taking gunshot residue kits.
17 I'm -- or and analyzing them. I'm taking other cases now.

18 Q Okay.

19 A But, at the time that this evidence was submitted, I
20 was accepting gunshot residue cases.

21 Q And were you asked to perform gunshot residue
22 analysis on some items submitted from Aiken County?

23 A Yes, sir.

24 SOLICITOR WEEKS: Your Honor, I'd move to introduce
25 Ms. Woodward as an expert in trace evidence with regard to

1 gunshot residue analysis.

2 THE COURT: Ms. Alves, any cross-examination as to
3 her qualifications?

4 MS. ALVES: No, Your Honor.

5 THE COURT: Thank you.

6 All right. Ladies and -- Mr. Foreman, ladies and
7 gentlemen, she will also be allowed to render opinion
8 testimony in the field of gunshot residue examination,
9 analysis, et cetera.

10 Q Ms. Woodward, what are you submitted when you or what
11 do you receive when you're attempting to do a gunshot
12 residue analysis?

13 A The agency typically submits what we call a gunshot
14 residue kit, which has particle lifts which are round --
15 they're, they're fairly small. They're round and have
16 black sticky surface on them, and we also receive swabs
17 from -- and those two things are taken from the right palm
18 and the right back and the left palm and the left back of
19 the hands.

20 Q Can you take gunshot residue kits from other places
21 on the body?

22 A You can, and in cases where it's taken from other
23 parts of the body or say from -- you can also take them
24 from an inanimate object. The, the tubes and containers
25 are just relabeled to indicate where the swabs and/or the

Kathleen Woodward - Direct examination
by Solicitor Weeks

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1 particle lifts were taken from.

2 Q Can you take gunshot residue kits from a car?

3 A You can.

4 Q Tell the jury, if you would, and explain what gunshot
5 residue is and why SLED analyzes it and compares it.

6 A Gunshot residue is -- well, it is the particles that
7 come out of the barrel of a weapon or any openings in the
8 weapon say like around, you know, an ejector port or
9 something like that. Any opening in the weapon when the
10 gun is fired. It's contained, you know, in that plume of
11 smoke that you often see after a weapon is fired, and
12 those little particles will come to rest on anything in
13 the vicinity of the weapon. Gunshot residue is comprised
14 of three components, lead, barium, and antimony, and it
15 also has a unique morphology where---

16 Q What does morphology mean?

17 A Shape. It has a unique shape with those three
18 components present and that's unique to gunshot residue.

19 Q Okay. And how far will it travel from a gun?

20 A It's kind of hard to say a definite distance because
21 it depends on environmental factors like wind or if you're
22 inside or outside. It also depends on the type of weapon
23 that's used and the type of ammunition that's used and all
24 that. So, it's really kind of hard to define that.

25 Q Okay. But it will travel a short distance any way at

1 least?

2 A Yes, sir.

3 Q Okay. And how long does it exist after it's been
4 formed?

5 A Gunshot residue will, like I said, come to rest on
6 anything in the vicinity of the weapon after it's been
7 fired. And, so, on an inanimate object, it will remain
8 there until it is removed by some outside force.

9 Q Explain inanimate object.

10 A An inanimate object is something like a car or a
11 chair or -- and someone who also is deceased. It will
12 stay on, on them for an indefinite amount of time.

13 Q Why does it stay on a deceased person?

14 A Gunshot residue will stay on a deceased person
15 indefinitely because all of their body functions have
16 stopped. So, gunshot residue can be absorbed into the
17 skin over time. It can be removed just from activities,
18 general activities that you do every day as putting your
19 hands in and out of your pockets, brushing them on your
20 pants legs, touching things, washing your hands. If, you
21 know, your hands are washed, then that will take it away,
22 that kind of thing, sweating, bleeding, all of those
23 things.

24 Q Deceased people don't tend to move around a lot?

25 A Not too much.

Kathleen Woodward - Direct examination
by Solicitor Weeks

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1 Q Okay. And can it be washed off?

2 A It can be.

3 Q And how long -- what y'all's protocol for taking
4 gunshot residue kits from live people?

5 A We will not analyze a kit that was taken longer than
6 six hours after the time of the incident.

7 Q Why is that?

8 A That is the established time in our protocol where
9 we, where we cut off because, after six hours, it's quite
10 a long period of time, and during that time, at a minimum,
11 it would be absorbed in your skin more than likely. And
12 also -- I mean in the six hour time frame, it is highly
13 likely that someone will have used the restroom, hopefully
14 washed their hands, touched a lot of things probably, that
15 kind of stuff. So, six hours is our maximum amount of
16 time.

17 Q Can you get gunshot residue on your hands if you
18 don't fire a weapon?

19 A Yes, sir, you can.

20 Q And can you get gunshot residue on your hands from
21 handling a weapon that's been fired recently?

22 A Yes, you can.

23 Q Now, Ms. Woodward, I'm gonna hand you what's marked
24 State's 30, 31, 39, and an empty bag marked State's
25 Exhibit 49, and ask if you have had possession of those

1 items.

2 A Yes, sir, I have.

3 Q Well, when did you get possession of it?

4 A I took possession of them on July 8th of 2008.

5 Q All three of them?

6 A Let's double check.

7 Q Eighteen, twenty, and twenty-three.

8 A Yes, sir.

9 Q You took possession of all of them on July the 8th?

10 A Yes, sir.

11 Q of 2008?

12 A Yes, sir.

13 Q And did you receive those items from anyone at SLED?

14 A I did. I received them from Lisa McReynolds.

15 Q Okay.

16 A She's the evidence technician for the trace
17 laboratory.

18 Q All right. And did you perform an analysis using
19 those three items?

20 A Yes, sir, I did.

21 SOLICITOR WEEKS: Your Honor, I'm gonna move to
22 introduce 30, 31, and 39 at this time.

23 THE COURT: Ms. Alves.

24 MS. ALVES: No objection.

25

Kathleen Woodward - Direct examination
by Solicitor Weeks

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1 (WHEREUPON, State's Exhibit Nos. 30, 31 and 39 were
2 received into evidence at this time.)

3 Q Okay. Were those items originally contained in
4 what's marked State's Exhibit 49?

5 A Yes, sir.

6 Q Ms. Woodward, if you would, were you able to reach
7 any kind of opinion as regards to the gunshot residue
8 labeled as being received from the body of Marcus Finklin?

9 A Yes, sir.

10 Q And what was that opinion?

11 A Item 18 was a gunshot residue kit from Mark Finklin
12 and on all four areas of the hands I did not find levels
13 of metals that indicate the presence of gunshot residue.

14 Q Okay. Were you able to reach an opinion as to --?

15 A I also had Item 20 was another GSR kit from Mark
16 Finklin.

17 Q Yeah, that one.

18 A This one was slightly different from the others. It
19 was taken from -- it was labeled as left shoulder and
20 neck, and I also did not find quantities of metals that
21 indicated the presence of gunshot residue.

22 Q Okay. Were you submitted Item 23 on your list
23 labeled gunshot residue kit from driver's door area?

24 A Yes, sir.

25 Q Were you able to make any findings regarding that?

1 A Yes, sir, I was.

2 Q And what were those findings, Ms. Woodward?

3 A In this kit particle lifts were submitted only, and
4 each particle lift was relabeled. It came in as a gunshot
5 residue kit from the driver's door area. So, the first
6 particle lift was labeled back rest under headrest and
7 gunshot residue was found. The second one was labeled
8 headrest and gunshot residue was found. Headliner from
9 the driver's door area, gunshot residue was found. And
10 the fourth one was labeled driver's door post, and, again,
11 gunshot residue was found.

12 Q Ms. Woodward, after you complete your analysis, do
13 you prepare a written report?

14 A Yes, sir, I do.

15 Q And do you send that to the agency that submitted the
16 items?

17 A Yes, sir, this report was addressed to Gerald Turner
18 of Aiken County Sheriff's Office.

19 Q And when was it dated?

20 A July 11th of 2008.

21 Q Thank you. Answer any questions the defense may
22 have.

23 THE COURT: Ms. Alves.

24 MS. ALVES: No questions.

25 THE COURT: All right. You may step down. You may

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by Solicitor Weeks

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1 go back to the South Carolina Law Enforcement Division
2 commonly known as SLED. Have a nice day.

3 About a ten minute bathroom break suit. No
4 deliberations. No discussions.

5 Everybody else remain seated.

6 (WHEREUPON, the following takes place outside the
7 presence of the jury.)

8 THE COURT: All right. Anything for the record,
9 Mr. Weeks, before we break?

10 SOLICITOR WEEKS: Not from the State, Your Honor.

11 THE COURT: All right. Ms. Alves?

12 MS. ALVES: No, sir.

13 THE COURT: All right. we'll take a quick short
14 break. Thank you.

15 (WHEREUPON, a short recess was taken at this time.)

16 THE COURT: All right. Mr. Weeks, anything for the
17 record before we start back?

18 SOLICITOR WEEKS: No, Your Honor.

19 THE COURT: Ms. Alves?

20 MS. ALVES: No, sir.

21 (WHEREUPON, the following takes place within the
22 presence of the jury.)

23 THE COURT: Mr. Weeks.

24 SOLICITOR WEEKS: The State would call Investigator
25 Chris Johnson.

Chris Johnson - Direct examination
by Solicitor Weeks

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1 CHRIS JOHNSON, after being duly
2 sworn, testified as follows:

3 THE CLERK: Please have a seat in the witness box.
4 State your full name for the Court and spell your last.

5 THE WITNESS: My name is Chris Johnson.
6 J-O-H-N-S-O-N.

7 DIRECT EXAMINATION

8 BY SOLICITOR WEEKS:

9 Q Where do you work, Chris?

10 A I work for the Aiken County Sheriff's Office.

11 Q And were you working for the Aiken County Sheriff's
12 Department -- how long you been working for them?

13 A I started at the Sheriff's Office December 19th,
14 2003.

15 Q And were you working for them in December of this
16 past year?

17 A Yes, sir, I was.

18 Q And were you asked to pick up something?

19 A Yes, sir.

20 Q And deliver an item?

21 A Yes, sir.

22 Q I'm gonna hand you what's marked State's Exhibit 44
23 and 45 and ask if you can identify what's contained in
24 those two exhibits.

25 A Can I flip it over?

Chris Johnson - Direct examination
by Solicitor Weeks

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1 Q Yes.

2 A Yes, sir.

3 Q And did you, at some time, have possession of those
4 two exhibits?

5 A Yes, I did.

6 Q Was that on December the 15th of 2010?

7 A Yes, sir.

8 Q And where did you get these items from?

9 A I obtained them from the New Ellenton Police
10 Department.

11 Q And do you remember the officer who turned them over
12 to you?

13 A It was the chief.

14 Q Sparks?

15 A Yes, sir.

16 Q Okay. And what did you do with those items when you
17 received them?

18 A I transported them directly to the evidence room at
19 the Sheriff's office.

20 Q Okay. And who is in control of that?

21 A Gerald Turner.

22 Q All right. Chris, I believe, when you looked in
23 there, obviously that's a gun and some bullets?

24 A Yes, sir, it is.

25 Q Did you alter them, change them, damage them in any

1 way during your possession of them?

2 A No, sir, I did not.

3 Q Answer any questions of Ms. Alves.

4 THE COURT: Ms. Alves.

5 MS. ALVES: No questions.

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

7 Next witness.

8 SOLICITOR WEEKS: State would call David Black, Your
9 Honor.

10 DAVID BLACK, after being duly
11 sworn, testified as follows:

12 THE CLERK: Please have a seat in the witness box.
13 State your full name for the Court and spell your last.

14 THE WITNESS: My name is David Warren Black. The
15 last name is spelled B-L-A-C-K.

16 DIRECT EXAMINATION

17 BY SOLICITOR WEEKS:

18 Q David, if you would, tell me what your background is
19 in law enforcement.

20 A Yes, sir. As of July of 2010 I retired with 20
21 years, excuse me, 30 years of law enforcement service with
22 the State of South Carolina. That time was spent between
23 the University of South Carolina police department as a
24 uniform officer, also with the Richland County Sheriff's
25 Department in Columbia, South Carolina as a uniformed

1 deputy, and also as a forensic investigator. And then the
2 balance of the time, which was almost, over 19 years was
3 with the South Carolina State Law Enforcement Division
4 better known as SLED.

5 I had, between the Richland County Sheriff's Office
6 forensic unit and the SLED latent print crime scene
7 department, I had almost 16 years in as a latent print
8 examiner, crime scene investigator, and also my over six
9 years with a firearms and tool mark examiner with the
10 firearms department.

11 Q And what's involved in being a firearms examiner?

12 A As far as the training?

13 Q Yes.

14 A Yes, sir, I transferred from the SLED latent print
15 crime scene department to the SLED firearms department.
16 The SLED firearms department had an in-house training
17 program which lasts three years. During this three year
18 time you're taking various topics involved with firearms
19 identification and tool mark identification.

20 As you take each segment of training, it has both
21 written exams, oral exams, and practical exams. After the
22 three year training program is done, you have a cumulative
23 exam that are both written, verbal, and practical. Also,
24 during the three year time period, you're working cases
25 with another court qualified tenured firearm examiner, and

1 they will always check your work and any case that's is
2 worth, is complete 100 percent review.

3 During the training program, at least 50 percent of
4 the time, if not more, is spent with microscopic
5 comparison on a comparison microscope. Also during the
6 training I had an opportunity to go to different schools,
7 different manufacturer that actually builds firearms,
8 makes ammunition. I also went to some armory schools such
9 as High Point, High Point firearms, Smith & Wesson, Glock,
10 and FN and some others.

11 Q And in or from June of 2008 until you retired last
12 year, were you analyzing firearms and making comparisons
13 at SLED?

14 A Yes, sir, I was.

15 Q And were you submitted items in this case?

16 A Yes, sir, I was.

17 SOLICITOR WEEKS: Your Honor, I would move to qualify
18 Mr. Black as an expert in firearms analysis and
19 identification.

20 THE COURT: Ms. Alves.

21 MS. ALVES: No objection.

22 THE COURT: Without objection.

23 All right. Ladies and gentlemen of the jury, he
24 likewise will be able to give an opinion as an expert in
25 that area.

1 Q Tell me what you were asked to do in this case.

2 A Yes, sir, I received two items of evidence that were
3 submitted by the Aiken County Sheriff's Office. Item 19
4 was a fired bullet indicated from the autopsy of a Mark
5 Finklin, and Item Number 39, which was a Sigsawer
6 .380 caliber semiautomatic pistol with a magazine and two
7 unfired cartridges.

8 Q I'm gonna hand you what's marked State's Exhibit
9 No. 38, and ask you if you can identify that item.

10 A Yes, sir, State's Exhibit 38, which is the Item 19
11 with SLED, is the fired bullet submitted for my
12 examination.

13 Q Okay. And who did you receive that from at SLED?

14 A I received this from Ms. Kinard, who is in the SLED
15 evidence control department.

16 Q And does your records reflect the date you received
17 it?

18 A Yes, sir, it was on June the 27th, 2008, at 11:05
19 a.m.

20 Q Okay. And State's Exhibit 46, can you identify that
21 item?

22 THE WITNESS: Your Honor, may I, if possible, let the
23 slide project to make sure it's unloaded?

24 (The Court nods affirmatively.)

25 A Yes, sir, State's Exhibit 46 I did receive, which is

1 the Item 39 on the SLED inventory.

2 Q And who did you receive that from?

3 A That was also from Ms. Kinard on the same day and
4 time.

5 Q Okay. Now, first, with regard to State's Exhibit 38,
6 what determinations did you make on that item?

7 A When I received -- any time I receive the evidence in
8 this, in any firearms case, there's a portion of the work
9 that requires documentation. Documentation by digital
10 photography. I had the camera in my office where I would
11 photograph the evidence as received, and also I would have
12 worksheets that I would use to fill out certain
13 information.

14 In this case of the fired bullet, I determined that
15 it have marks of value and that it could possibly be
16 identified to the rifle barrel of the firearm. What I
17 also determined that Item, excuse me, State's Exhibit 36 I
18 believe?

19 Q Thirty-eight.

20 A I'm sorry. I correct myself. State's Exhibit 38.
21 Also determined that it was a fired .38 caliber jacketed
22 hollow point bullet, and that it had been fired with a
23 firearm barrel with six grooves right twist.

24 Q And what's the significance of that in your finding?

25 A When the barrel of a firearm -- when a rifle barrel

1 of a firearm is made by the manufacturer, the tools they
2 use to either cut or impress the rifling, which are spiral
3 grooves in the interior of the barrel, they're -- the
4 rifling is made of two parts. You have the land, which is
5 the raised portion of the rifling, and then you have the
6 groove, which is the depressed area between the lands.

7 When a bullet will engage and come -- when a fired
8 bullet is fired through the barrel and comes in contact
9 with the rifling, the rifling gives a spinning motion to
10 the bullet, to the fired projectile. This will help with
11 the stability and with the trajectory. These lands and
12 grooves will mark the bullet and it's only -- particularly
13 the lands. The tools that are used to make the lands and
14 the grooves, those marks which are individually unique to
15 that barrel, to that land and groove, are then transferred
16 to the surface of that bullet. What all -- and the width
17 of these lands and grooves are determined by the
18 manufacturer.

19 So, when they build the barrel, when they make the
20 barrel, all those dimensions are made by the manufacturer.
21 And what I was able to determine was this particular
22 bullet had a right hand twist. If you're looking at a
23 clock, and as you go around the clock 12:00, 1:00, 2:00,
24 to the right hand, that means the, the direction was in a
25 right hand twist, and that it had six lands and grooves.

1 Also I determined, through the examination by the
2 weight and other characteristics, that the bullet is
3 loaded in some .38 special and .357 magnum caliber
4 cartridges.

5 Q And what determination did you make with regard to
6 your Item 39, the pistol that I handed you?

7 A Yes, sir.

8 Q Item -- State's Exhibit 46 for the record.

9 A State's Exhibit 46, after documenting the Sigsawer
10 pistol and getting the information that I needed for my
11 examination, I actually test fired the weapon. It is a
12 different caliber than the bullet submitted, but I did
13 test fire it, and I actually compared the test fired
14 bullets from State's Exhibit 46 to the fired bullet,
15 State's Exhibit 38, and I determined that State's
16 Exhibit 38 was not fired by the pistol State's Exhibit 46.

17 Q Okay. And did you use ammunition that you had to
18 make those---

19 A Yes, sir.

20 Q ---test firings?

21 A Yes, sir, in the SLED's firearms department we have
22 an ammunition reference collection that we can draw the
23 ammunition that we need, and I did the test fires at SLED.

24 Q Okay. And I believe State's Exhibit 46 contains a
25 slide, a pistol, and---

David Black - Direct examination
by Solicitor Weeks

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1 A Two unfired cartridges, that's correct.

2 Q And those two unfired cartridges, were they with the
3 pistol when you received it?

4 A Yes, sir, the two unfired cartridges and the magazine
5 were with, were with the pistol were I received them when
6 they came to me at SLED.

7 Q So, if I understand, you were able to reach an
8 opinion with regard to those two items?

9 A Yes, sir.

10 Q The bullet, what I call the bullet, State's 38,
11 couldn't have been fired by -- was not fired by State's
12 46?

13 A That's correct.

14 Q Okay. And, David, you didn't have any involvement
15 with the investigation of this case, did you?

16 A No, sir, I did not.

17 SOLICITOR WEEKS: All right. Your Honor, I move to
18 introduce State's 46 and State's 38. I'd move to
19 introduce these.

20 THE COURT: Any objection?

21 MS. ALVES: No objection.

22 (WHEREUPON, State's Exhibit Nos. 46 was received into
23 evidence at this time.)

24 Q And, David, did you issue a written report in this
25 matter?

1 A Yes, sir, I did.

2 Q And what is the date of that written report?

3 A The date of the written report was August 19th, 2008.

4 Q And did you submit that to the investigator at the
5 Sheriff's Office?

6 A Yes, sir, it was sent to an investigator, Gerald
7 Turner.

8 Q Okay. Thank you. Answer any questions Ms. Alves
9 has.

10 THE COURT: Ms. Alves.

11 SOLICITOR WEEKS: Hang on just a second, judge.

12 THE COURT: One second, please.

13 (Pause.)

14 Q One little thing I forgot to ask you. This weapon
15 that's indicated in State's Exhibit 46.

16 I know you just checked it as to whether or not it
17 was loaded, but what caliber weapon is this?

18 A The caliber of the pistol that you're holding in your
19 hand is a .380 automatic caliber. That is an American
20 designation of that. On the actual pistol, and I can see
21 where there may be some confusion, on the side of the
22 pistol slide it has on it 9-millimeter Kurtz, K-U-R-T-Z, I
23 believe. That is a European designation of ammunition.
24 Also, with a 9-millimeter Kurtz, it's also known as a
25 9-millimeter short. That's the European designation. In

1 the United States, it is equivalent to .380 automatic
2 caliber.

3 Q The two bullets that were submitted to you in the
4 clip were of what caliber?

5 A The two unfired cartridges that were submitted were
6 also .380 automatic caliber.

7 Q Okay. But on the side of this pistol where you look
8 to see, where I would look to see what kind of caliber it
9 was, it says 9-millimeter?

10 A It says 9-millimeter Kurtz, yes, sir.

11 Q No further questions.

12 THE COURT: Ms. Alves, any questions?

13 MS. ALVES: Yes, sir, very briefly.

14 CROSS-EXAMINATION

15 BY MS. ALVES:

16 Q The gun that you looked at you said -- you were
17 explaining it's a 9-millimeter caliber?

18 A Well, yes, ma'am, as far as the European designation,
19 it is a 9-millimeter Kurtz or 9-millimeter short. In the
20 United States it's known as a .380 automatic.

21 Q Okay. And the bullet you determined was a
22 .38 caliber bullet?

23 A Yes, ma'am, that is correct.

24 Q And you determined that that could have been fired by
25 either a .38, a gun that fires .38 caliber bullets or a

1 gun that fires .357 caliber bullets?

2 A Yes, ma'am, the bullet was consistent with those
3 bullets---

4 THE COURT: Hold on one second.
5 which bullets are we talking about?

6 MS. ALVES: I'm sorry. That would be State's 38.

7 A Yes, ma'am.

8 Q State's 38.

9 A Yes, ma'am, State's 38 is consistent with bullets
10 loaded in a .38 special and .357 magnum caliber
11 cartridges.

12 Q So, you would need to examine a gun of one of those
13 two calibers to determine whether or not that was the gun
14 that fired State's 38?

15 A That is correct.

16 Q Thank you. No further questions.

17 THE COURT: Mr. Weeks.

18 REDIRECT EXAMINATION

19 BY SOLICITOR WEEKS:

20 Q David, I forgot to ask you.

21 what did you do with that, those items when you made
22 your report?

23 A When I was completed with my examination, I resealed
24 the items back, sealed them up, took them down to the SLED
25 evidence control department, and turned them in to Ms.

David Black - Redirect examination
by Solicitor Weeks

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1 Kinard again, and that was on -- pardon me please. On
2 August the 25th, 2008, at 3:32 p.m.

3 Q And that would be Ms. Selena Kinard?

4 A Yes, sir.

5 Q Okay.

6 THE COURT: Anything else?

7 SOLICITOR WEEKS: No, Your Honor.

8 THE COURT: All right. You may step down.

9 THE WITNESS: Thank you.

10 THE COURT: Next witness.

11 SOLICITOR WEEKS: Your Honor, the State would call
12 Ira Parnell.

13 THE COURT: Mr. Parnell.

14 IRA PARNELL, after being duly sworn,
15 testified as follows:

16 THE CLERK: Please have a seat in the witness box.
17 State your full name for the Court and spell your last
18 name.

19 THE WITNESS: My name is Ira Byrd Parnell, Junior.
20 P-A-R-N-E-L-L.

21 DIRECT EXAMINATION

22 BY SOLICITOR WEEKS:

23 Q Mr. Parnell, where are you employed?

24 A I also work for SLED.

25 Q And how long have you been in that job at SLED?

1 A Going on 39 years.

2 Q For the record, you're older than I am, aren't you?

3 A I don't know.

4 How old are you?

5 Q Ira, what have you been doing at SLED for the last 39
6 years?

7 A Well, actually for the last 38 years I've been
8 assigned to the firearm and tool mark identification
9 laboratory at SLED headquarters in Columbia.

10 Q Okay. And what is your position with them now?

11 A Now I am working part-time as a firearm and tool mark
12 examiner after having retired a couple of times and come
13 back.

14 Q Okay. And did David Black work in your department
15 when you were there?

16 A Yes, sir, I hired him and trained him.

17 Q And, if you would, other than your experience at SLED
18 or tell me about your experience at SLED with regard to
19 firearms, what kind of training have you done, and, you
20 know, give me a Reader's Digest version of it, Ira.

21 A Well, as David described earlier, we have an in-house
22 internship type of program of training. At the time that
23 I came through training, there was no college program or
24 no academy you could go to learn the discipline of
25 firearms identification. So, I studied under three Court

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1 qualified firearm and tool mark examiners at SLED. We had
2 the -- it was about two and a half years when I came
3 through because we could devote more time to actual
4 training. We weren't quite as busy then.

5 After completing that program, I began doing my own
6 case work, attended the FBI national academy where I
7 received training in firearms and additional courses at
8 the FBI national academy in firearm and tool mark
9 examination.

10 I'm a member of the Association of Firearm and Tool
11 Mark Examiners, which is an international group of
12 firearms examiners who meet once a year. We have a one
13 week seminar where papers are presented, programs are done
14 by firearms manufacturers, and other examiners dealing
15 with unusual cases that they deal with. I've been to many
16 firearms manufacturing facilities including the FM in
17 Columbia, numerous armory courses include Glock from
18 Smyrna, Georgia, and Ruger, Remington, and several more.

19 Q Any estimate as to how many agents you've trained?

20 A Six or eight.

21 Q An estimate as to how many cases you've analyzed over
22 the years?

23 A No, sir.

24 Q More than one?

25 A More than one. I've testified as an expert in the

1 field of firearms identification approximately 598.

2 Q 498 -- were those here in Aiken?

3 A A few of them.

4 Q But you have been qualified as an expert in all the
5 Courts in this state, hadn't you?

6 A Yes, sir, as well as federal district court and North
7 Carolina state court.

8 SOLICITOR WEEKS: All right. Thank you, Your Honor.
9 We'd move to qualify Mr. Parnell as an expert in firearms
10 identification and examination.

11 MS. ALVES: No objection.

12 THE COURT: Without objection, he will be allowed to
13 give opinion testimony.

14 Q Mr. Parnell, I'm going to hand you what's marked
15 State's Exhibit No. 38 and State's Exhibit's 44 and 45. I
16 will ask you if you've ever had possession of those items.

17 A Yes, sir, I have. The, the vial, the heat sealed
18 pouch as well as the fired projectile contained in State's
19 Exhibit 38 were submitted for examination and I did
20 examine those items.

21 Q And who did you receive Item 38 from, Ira?

22 A I got them from Ms. Amy Stephens in our evidence
23 control department on December the 10th of 2010.

24 Q Okay. And when did you do an analysis or when did
25 you use that piece of evidence to conduct your analysis?

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1 A I believe it was about December the 16th. Let me
2 refer to my notes and tell you exactly, but that's my
3 recollection. It looks like it was closer to December the
4 20th.

5 Q of 2010?

6 A Yes, sir.

7 Q Is that also when you received it from Amy or took it
8 out of the firearms locker?

9 A No, sir, I received it from Ms. Stephens on the 10th,
10 transported it up to my secure evidence area, which I only
11 have access to, and got to actually examining it on or
12 about the 20th of December.

13 Q Okay. And what is contained in State's 44 and 45?

14 A State's Exhibit 45 contains a Rossi .357 magnum
15 caliber revolver, which was received from Ms. Stephens at
16 the same time that State's Exhibit 38 was.

17 Q Received from Ms. Stephens, Stephens in your
18 department or in the -- at SLED?

19 A In the evidence control, yes, sir.

20 Q Okay. And the other items?

21 A And State's Exhibit 44 contains cartridges. It looks
22 like it's six unfired cartridges in the collective
23 packages within State's Exhibit 44 and they are .38 and
24 .357 caliber mixed.

25 Q Did you receive those items also at the same time?

1 A I did also, at the same time, December the 10th.

2 Q Okay. And what kind of examinations did you do in
3 this case, Ira?

4 A When State's Exhibits 38 and 44 and 45 were
5 submitted, the request was made to try and determine, if
6 we could, if State's Exhibit 38, this fired bullet, was or
7 was not fired in this revolver, State's Exhibit 45.

8 Q Okay. Were you able to render an opinion as to that?

9 A I was. After extensive testing and microscopic work,
10 it was my opinion that State's Exhibit 38 was not fired in
11 State's Exhibit 45.

12 Q Was it of the type of -- was State's Exhibit 38 the
13 type of bullet that could have been fired from a
14 .38 caliber weapon or a .357 caliber weapon?

15 A Yes, it was. State's Exhibit 45 was the correct
16 caliber to have fired State's Exhibit 38. However, based
17 on differences that I found between my tests that I fired
18 in State's Exhibit 45 and compared, all the tests look
19 just alike. They were marked consistently and well. When
20 I compared those to State's Exhibit 38, this, this bullet,
21 it was also marked well and the marks did not match. So,
22 it was my opinion that State's Exhibit 38 was not fired in
23 this revolver, State's Exhibit 45.

24 Q Okay. And the bullets that you received were not
25 fired at all, were they?

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1 A I fired one of them as a test just to be absolutely
2 sure that there were no marks caused by ammunition alone
3 and they were not. But they were unfired when I received
4 them, yes, sir.

5 Q Okay. Ira, I didn't really get into the details
6 after hearing David testify, but are you still looking at
7 the same type of things that he's looking at with that
8 Sigsauer?

9 A Absolutely. The same processes that Mr. Black
10 described, and I decided not to go into that in great
11 detail because he had done such a good job at it. We test
12 fire a suspected firearm as it's brought in into a water
13 tank, which does not add to or take away from the marks
14 that are put on the bullets that we ourselves fire into
15 that water. We recover those and we compare those with
16 each other microscopically.

17 The process that Mr. Black described in manufacturing
18 firearms leaves individual markings inside of each firearm
19 barrel and State's Exhibit 45 was quite consistent. It
20 marked each test bullet that, that I fired through it in
21 much the same manner.

22 When I compared those, all these tests that I did
23 microscopically to State's Exhibit 38, the individual
24 markings on State's Exhibit 38 were different from those
25 found on the test that I fired out of State's Exhibit 45.

1 SOLICITOR WEEKS: Okay. Your Honor, we are getting
2 the cart ahead of the horse a little bit on chain, but I'm
3 gonna turn him over for cross at this point.

4 THE COURT: Ms. Alves, any questions?

5 MS. ALVES: Yes, sir.

6 CROSS-EXAMINATION

7 BY MS. ALVES:

8 Q Mr. Parnell, in your examination of the State's
9 Exhibit 45, which is your Item 41, did you notice anything
10 unusual about it?

11 A The---

12 Q And let me, let me make clear, we're talking about
13 the gun, right?

14 A Yes, ma'am, State's Exhibit 45.

15 Q Yes.

16 A The only thing that I found was unusual was the
17 widths of the lands and grooves were a little variable.
18 In other words, as Mr. Black described, when the
19 manufacturer cuts the, the lands and grooves into the
20 barrel, they actually cut the grooves in the barrel, which
21 makes a raised place on the bullet as the bullet fills up
22 that gap. These, these measurements on the test bullets
23 that I fired were a little uneven. They weren't exactly
24 the same. They weren't spaced exactly the same. As I
25 examined it, I noted that.

Ira Parnell - Cross-examination
by Ms. Alves

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1 Q Yes, sir.

2 And what about the serial number, was there anything
3 unusual about the serial number on the gun?

4 A The serial number had been what we called attacked.
5 An effort had been made to erase or remove the serial
6 number from State's Exhibit 45.

7 Q And in your, in your years of experience, have you
8 seen guns with serial numbers attacked like that before?

9 A Yes, ma'am.

10 Q And based on your experience, why would a serial
11 number be attacked like that?

12 A Normally it's so that ownership cannot be established
13 or that the, the gun cannot be traced. This one was not
14 too difficult to read through the, the damage. So, I
15 didn't have to do anything much to restore the serial
16 number. I just looked at it basically with magnification.

17 Q Okay. But there had been some attempt to try to
18 conceal it?

19 A Yes, ma'am, there was some, some scratches through
20 it.

21 Q Thank you. No further questions.

22 THE COURT: Mr. Weeks.

23 SOLICITOR WEEKS: Nothing further, Your Honor.

24 THE COURT: Mr. Parnell, thank you very much.

25 THE WITNESS: Thank you, Your Honor.

1 THE COURT: Next witness, Mr. Weeks.

2 Everybody okay?

3 (Jurors respond affirmatively.)

4 SOLICITOR WEEKS: Your Honor, the State would call
5 Jasper Humbert.

6 JASPER HUMBERT, after being duly
7 sworn, testified as follows:

8 THE CLERK: Please have a seat in the witness box.
9 State your full name for the Court and spell your last
10 name.

11 THE WITNESS: My name is Jasper Humbert.
12 H-U-M-B-E-R-T.

13 DIRECT EXAMINATION

14 BY SOLICITOR WEEKS:

15 Q Mr. Humbert, if you would, give us your educational
16 background.

17 A I have a Bachelor of Science Degree in Biology from
18 Armstrong Atlantic State University in Savannah, Georgia.
19 I have a Master's Degree in Biological Sciences from the
20 University of Iowa and I have a further three years of
21 graduate education in a genetics Ph.D program from the
22 Penn State Medical College.

23 Q Were you formerly employed at the South Carolina Law
24 Enforcement Division?

25 A I was.

Jasper Humbert - Direct examination
by Solicitor Weeks

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1 Q And what were your dates of employment there?

2 A I was there approximately four and a half years. So,
3 April 2006 until about a month and a half ago.

4 Q Okay. And you're no longer employed at SLED, sir?

5 A No, I am not.

6 Q What was your position there when you were at SLED?

7 A I was a forensic DNA analyst.

8 Q All right. And is that the position that you held
9 the entire time you were there?

10 A Yes, sir. Yes, sir.

11 Q Can you tell me what your background is in DNA
12 analysis---

13 A I was---

14 Q ---in addition to your education that you've
15 described?

16 A Okay. I was -- basically I was trained in the DNA
17 department under a qualified DNA analyst where I went
18 through an extensive training program in the department
19 and essentially, under training, I did hundreds of samples
20 while I was doing training, and then once I was finished
21 with my training I did my own cases.

22 Q And do you have any idea as to how many cases you did
23 over the four and a half years you were with SLED?

24 A Hundreds.

25 Q Have you been qualified as an expert to testify

1 before?

2 A Yes, I have.

3 Q In the courts in this state?

4 A Yes.

5 Q In DNA analysis?

6 A That's correct.

7 Q And tell me a little bit more about the checks and
8 balance system that SLED uses with regard to DNA.

9 A Well, to ensure that our reports and our information
10 that we put out are, are basically quality, every report
11 that I did was reviewed by two other DNA analysts. I also
12 had to do proficiency tests every, twice a year, which are
13 blind proficiency tests. So, I don't know what result I'm
14 supposed to get, and I basically -- I get the unknown
15 samples, I test them, and I match them to each other, and
16 every proficiency I did I got the correct result on while
17 I was there.

18 Q Okay. And were you submitted items in the case we're
19 talking about here for purposes of analysis?

20 A Yes, L08-8761 is the SLED case number.

21 SOLICITOR WEEKS: Your Honor, I'd move to qualify
22 Jasper Humbert as an expert in DNA analysis.

23 THE COURT: Ms. Alves.

24 MS. ALVES: No questions, no questions as to---

25 THE COURT: Qualifications?

Jasper Humbert - Direct examination
by Solicitor Weeks

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1 MS. ALVES: Yes, sir.

2 THE COURT: All right. He'll be qualified to give
3 opinions regarding DNA analysis.

4 Q Jasper, were you submitted items from Lisa McReynolds
5 with regard to testing for DNA content in this case?

6 Oh, I'm sorry. Adrinne Riley.

7 A She had handled some of the items I believe, yes.

8 Q State's Exhibit No. 32, cigarette butts, were -- can
9 you identify that item?

10 A Yes, I can.

11 Q And were you submitted those two items on your sheet,
12 14 and 15, but were you submitted those for testing?

13 A Yes, I can tell because I put my case number and the
14 items numbers and I put my initials on the envelope.

15 Q And did you receive those via or by way of Adrinne
16 Riley Hefney?

17 A Well, they went to a storage bin first according to
18 the chain, and then I got them from that storage bin.

19 Q And did she put them in the storage bin based on the
20 testimony about y'all transferring cases earlier?

21 A Yes, she did. It went from Adrinne Riley to DNA
22 storage drawer 12(b), and I got them from that storage
23 drawer.

24 Q Okay. State's Exhibit No. 40.

25 A This is State's Exhibit 40 you said?

1 Q State's Exhibit 40 or it's eight.

2 A Okay. All right.

3 Q Did you receive that, those items at some point in
4 time?

5 A Yes, I did.

6 Q Okay.

7 A I signed the evidence pouch when I sealed it back
8 after testing.

9 Q And that, likewise, was retrieved from the storage
10 department you mentioned earlier?

11 A That's correct.

12 Q State's Exhibit 43, two items contained in 43, which
13 would be your 21 or 22.

14 A Yes.

15 Q All right. Did you receive those the same way you
16 received the other items?

17 A That's correct.

18 Q All right. And, lastly, State's Exhibit 33, which
19 would be your Item 40 I believe.

20 A Yes.

21 Q And did you receive those from Sheree Brown?

22 A I received them from a storage drawer 8(D). Sheree
23 Brown placed them in that storage drawer.

24 Q Okay. Now, Jasper, the items I've submitted to you,
25 what did you do with those items upon receipt of them?