

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable R. Knox McMahon, Circuit Court Judge

RECEIVED
MAR 14 2018
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

ANTWON PIERRE BAKER,

APPELLANT

APPELLATE CASE NO. 2017-001089

RECORD ON APPEAL

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**THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:
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 2 COUNTY OF RICHLAND) COURT OF GENERAL SESSIONS

3
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 5 PLAINTIFF,) OF
 6 vs.) RECORD
 7 ANTWON PIERRE BAKER,) 2016-GS-40-729
 8 DEFENDANT.) 2016-GS-40-730

9
 10 June 24th - 27th, 2017
 11 Columbia, South Carolina
 12

13 B E F O R E:
 14 THE HONORABLE R. KNOX McMAHON, Judge; and a jury.

15 A P P E A R A N C E S:
 16 RICHARD CATHCART and CARTER POTTS
 17 ASSISTANT SOLICITORS
 18 Attorneys for the State
 19 J. RHODES BAILEY, JONATHAN COMISH, and EMILY KUCHAR
 20 ASSISTANT PUBLIC DEFENDERS
 21 Attorneys for the Defendant
 22

23 PAMELA E. GREEN
 24 Circuit Court Reporter
 25 Seventh Judicial Circuit

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1 P R O C E E D I N G S

2

3 (WHEREUPON, sixteen photographs were marked as State's
4 Exhibit Nos. 1 through 16 for identification purposes only
5 at this time.)

6 THE COURT: All right. Anything from the State before
7 we bring up our jury?

8 SOLICITOR CATHCART: Nothing from the State, Your
9 Honor, other than just calling the case.

10 THE COURT: All right.

11 SOLICITOR CATHCART: I want to put that on the record.

12 THE COURT: Anything from the defense, Mr. Bailey?

13 MR. BAILEY: Your Honor, we just have a few, a few, you
14 know, a few pretrials matters but I figured you wanted to
15 take that up after we get the jury.

16 THE COURT: All right. Yes, sir.

17 Anything, anything before I have the jury brought up?

18 MR. BAILEY: No, sir, although I might go ahead and
19 just sit, if I may, Your Honor. I wanted to go ahead and
20 give you our pretrial motions if it's all right.

21 THE COURT: All right. Yes, sir.

22 MR. BAILEY: And the, the State has a copy, copy of
23 those. I'll, I'll approach the court reporter also.

24 THE COURT: what, what font is this in?

25 MR. BAILEY: Your Honor, I---

1 THE COURT: Is it Times New Roman 12?

2 MR. BAILEY: Yes, sir, I apologize. If, if it is
3 esthetically displeasing, it is entirely my fault.

4 THE COURT: Well, perhaps, next time you could cut down
5 another tree and make Times New Roman 18.

6 MR. BAILEY: Yes, sir.

7 THE COURT: Thank you very much.

8 MR. BAILEY: No. Yes, sir.

9 THE COURT: Madam Clerk, will you bring us our jury
10 please?

11 THE CLERK: Yes, Your Honor.

12 (Pause.)

13 MR. BAILEY: And, Your Honor, if we could approach?
14 I, I do just have some standard voir dire. I, I---

15 THE COURT: Yes, sir.

16 MR. BAILEY: I have a copy for the State. I can't
17 imagine it being very different from most of what's
18 questioned but I --.

19 SOLICITOR CATHCART: And Your Honor?

20 THE COURT: Yes, sir.

21 SOLICITOR CATHCART: Just before the jury comes up,
22 jury comes up, I would have an objection to Number 8 of
23 their voir dire.

24 THE COURT: Number 8?

25 SOLICITOR CATHCART: Yes, sir.

1 THE COURT: Yes, sir, I, I would not ask that. I think
2 that the jury has to make their verdict, decide their
3 verdict based on the evidence presented and the law, and I
4 charge them they have to set aside any beliefs that they may
5 have and follow the law.

6 SOLICITOR CATHCART: Thank you, Your Honor.

7 MR. BAILEY: Yes, sir.

8 THE COURT: And I thought Number 9, Mr. Bailey, I
9 thought there was an answer on the jury return about if
10 they've ever served on jury duty in the past.

11 MR. BAILEY: Your Honor, are you, are you -- so, in
12 reference to Number 9, there was no---

13 THE COURT: Do you object to that one, Mr. Cathcart?

14 SOLICITOR CATHCART: Your Honor---

15 THE COURT: Just step up here.

16 SOLICITOR CATHCART: ---the question I would---

17 THE COURT: Step up here in front of me please.

18 SOLICITOR CATHCART: Sure. Yes, sir.

19 (WHEREUPON, a bench conference was held at this time
20 while the entire jury panel was entering the courtroom.)

21 THE BAILIFF: The jury is here, Your Honor.

22 THE COURT: Thank you. Thank you very much,
23 Mr. Bailiff.

24 solicitor, you may call the first case for trial.

25 SOLICITOR CATHCART: Please the Court, Your Honor.

1 At this time, the State calls State versus Antwon
2 Baker. Indictment for murder, 2016-GS-40-00729, and
3 indictment for possession of a weapon during a violent
4 crime, 2016-GS-40-00730.

5 THE COURT: Thank you. Thank you, solicitor.

6 Mr. Bailey, Mr. Comish, Ms. Kuchar, y'all represent
7 Mr. Baker?

8 MR. BAILEY: Yes, Your Honor, we do.

9 THE COURT: And is Mr. Baker present?

10 MR. BAILEY: Yes, Your Honor. He's right here. He's
11 right here.

12 THE COURT: Are y'all ready for trial?

13 MR. BAILEY: Yes, Your Honor.

14 THE COURT: Thank you. Thank you very much,
15 Mr. Bailey.

16 Ladies and gentlemen of the jury panel, my name is Knox
17 McMahon. I'm a Circuit Court Judge and I'm assigned here
18 for this weeks term of Court of General Sessions.
19 Momentarily we're going to go through a procedure whereby we
20 select a trial jury for the trial of this case, State versus
21 Antwon Baker.

22 I will need to ask you certain questions to determine
23 your qualifications and eligibility to serve as members of
24 this trial jury. Earlier today you were qualified to serve
25 as jurors in this Court. Now that qualification will be for

1 this specific case.

2 The purpose of this proceeding is to select a fair and
3 impartial jury for the trial of this case for both Mr. Baker
4 and the State. Based on some of the questions that I must
5 ask you, I will momentarily read or publish to you the
6 indictments which have been called for trial.

7 The indictments are not evidence. The indictments are
8 the formal charging documents by which an individual is
9 placed on notice of the charges that have been brought
10 against him or her. They contain mere allegations and in no
11 sense are they, are they evidence of the allegations that
12 are contained therein.

13 Again, I will read you this indictment, these
14 indictments. I publish them to you because of certain
15 questions I will ask you as we go through this proceeding.

16 I am sure you were sworn in early today in general
17 qualifications, and I would ask you to please consider
18 yourself still under oath, and whatever responses you need
19 to give, make sure they are full, accurate, and complete.

20 The first indictment, 2016-GS-40-0729, reads that
21 Antwon Pierre Baker did, in Richland County, on or about
22 June 19th, 2015, kill the victim, Willie Lee Geter, with
23 malice aforethought, either express or implied, by means of
24 gunshot and the victim did die as a proximate result thereof
25 all in violation of section 16-3-10 of the South Carolina

1 Code of Laws, 1976 as amended. That is an indictment for
2 murder.

3 The next indictment, 2016-GS-40-00730, alleges that
4 Antwon Pierre Baker did, on or about June 19th, 2015,
5 possess a firearm or visibly display what appeared to be a
6 firearm during the commission or attempted commission of a
7 violent crime in violation of Section 16-23-490 of the South
8 Carolina Code of Laws, 1976 as amended. That is possession
9 of a weapon during the commission of a violent crime.

10 The State is represented by members of the solicitor's
11 office.

12 Solicitor Cathcart, Solicitor Potts, if you'd please
13 stand. Introduce yourselves to the jury panel and any other
14 member of the solicitor's staff that will assist you in the
15 presentation of this case.

16 SOLICITOR CATHCART: My name is Richard Cathcart.

17 SOLICITOR POTTS: My name is Carter Potts.

18 THE COURT: Thank you. Thank you, Mr. Cathcart---

19 SOLICITOR CATHCART: Yes, sir.

20 THE COURT: ---and Mr. Potts.

21 SOLICITOR POTTS: Yes, sir.

22 THE COURT: Mr. Baker is represented by Mr. Bailey, Mr.
23 Comish, and Ms. Kuchar.

24 If y'all would please stand. Introduce yourselves to
25 the jury panel and your client.

1 MR. BAILEY: Ladies and gentlemen, my name is Rhodes
2 Bailey and I represent Mr. Baker.

3 MS. KUCHAR: My name is Emily Kuchar.

4 MR. COMISH: And my name is Jonathan Comish.

5 (WHEREUPON, the Defendant stands.)

6 THE COURT: And this is Antwon Pierre Baker?

7 MR. BAILEY: Yes, Your Honor. This is Mr. Antwon
8 Baker.

9 THE COURT: Thank you. Thank you very much,
10 Mr. Bailey, Mr. Comish, Ms. Kuchar, and Mr. Baker.

11 Let's start with the attorneys, ladies and gentlemen.

12 Is any member of the jury panel a friend, and that
13 means social, business, professional relationship, with any
14 of the attorneys involved in this case, Mr. Cathcart, Mr.
15 Potts, Mr. Baker, Mr. Comish, or Ms. Kuchar, if so, please
16 stand.

17 (No response.)

18 THE COURT: Has any member of the jury panel ever been
19 a party to a lawsuit or a witness in a lawsuit or a criminal
20 case in which either Mr. Cathcart, Mr. Potts, Mr. Baker, Mr.
21 Comish, Ms. Kuchar either represented the party in which you
22 were a witness, or for which I should say you were a
23 witness, or the opposing party in the case, if so, please
24 stand.

25 (No response.)

1 THE COURT: Is any member of the jury panel related by
2 blood or marriage, close personal friends, have any
3 business, social, professional relationship with Mr. Antwon
4 Pierre Baker that has previously been introduced to you, if
5 so, please stand.

6 (No response.)

7 THE COURT: The name of the alleged victim in the
8 indictment is Willie Lee Geter, G-E-T-E-R.

9 Is any member of the jury panel related by blood or
10 marriage or was close personal friends or had any social
11 relationship or business or professional relationship with
12 the alleged victim in the indictment, Willie Lee Geter, if
13 so, please stand.

14 (No response.)

15 THE COURT: The allegations in the indictment alleged
16 that this incident occurred on or about 19 June 2015
17 alleging or Mr. Baker being the named defendant. Mr. Geter
18 being the named victim. Also alleges death was by a
19 gunshot.

20 Does any member of the jury panel have any knowledge
21 about the case from any source whatsoever, the radio,
22 television, news media, Internet, if there was any or there
23 had had been anymore recently, or if you've heard or --
24 heard or know anything about it from any source whatsoever,
25 hearsay, talk in the neighborhood, or what have you, if so,

1 please stand.

2 (No response.)

3 THE COURT: Does any member of the jury panel have any
4 bias or prejudice towards the parties in the case, that
5 being either Mr. Baker or the State or the subject matter
6 involved in the case, if so, please stand.

7 (No response.)

8 THE COURT: Let's see here. Is any member of the jury
9 panel or any member of your immediate family ever been a
10 victim of, a witness to, or accused of a crime of personal
11 violence against another, if so, please stand.

12 (No response.)

13 THE COURT: What are the agencies involved in this
14 case?

15 Is it Richland County Sheriff's Department, SLED,
16 Pascagoula Sheriff's Department, Mississippi?

17 SOLICITOR CATHCART: Mississippi Sheriff's Department,
18 Your Honor, but yes, sir, that's the -- those are the three
19 agencies.

20 THE COURT: Is any member of the jury panel or any
21 member of your immediate family ever been employed with the
22 Richland County Sheriff's Department or presently employed
23 with the Richland County Sheriff's Department, the State Law
24 Enforcement Division, the Pascagoula, I probably
25 mispronounced that but I pronounced it as well as I could

1 spell it anyway, Pascagoula Sheriff's Department,
2 Mississippi, or Alvin S. Glenn Detention Center or the
3 Richland County Coroner's Office, if so, either you're
4 employed, formerly employed, family member, close personal
5 friend employed, or formerly employed with any of those
6 agencies, if so, please stand.

7 (Jurors respond.)

8 THE COURT: Your number please?

9 THE JUROR: 312.

10 THE COURT: 312.

11 Would you just come around here for me please where the
12 bailiffs at where the General's at there please.

13 (WHEREUPON, the juror complies.)

14 THE COURT: Yes, ma'am, your number?

15 THE JUROR: 324.

16 THE COURT: And will you also come around.

17 (WHEREUPON, the juror complies.)

18 THE COURT: And let's see. Another young lady.

19 THE JUROR: 246.

20 THE COURT: If y'all would come around too to
21 Mr. Talbert.

22 (WHEREUPON, the juror complies.)

23 THE COURT: Thank you.

24 Yes, ma'am.

25 will you step up here for me please?

1 (WHEREUPON, the following takes place out of the
2 hearing of the entire jury panel but within the hearing of
3 the attorneys involved in the case.)

4 THE COURT: And tell me your number again?

5 THE JUROR: 312.

6 THE COURT: See they don't put them in order for me.

7 This is Ms. Williams?

8 THE JUROR: Yes.

9 THE COURT: Can you tell me your response to that
10 question?

11 THE JUROR: My brother-in-law works for -- presently
12 works for SLED.

13 THE COURT: All right. And may I ask who he is?

14 THE JUROR: Randy Brown.

15 THE COURT: Randy Brown.

16 Is he an agent, forensic agent or---

17 THE JUROR: He's a forensic agent I believe.

18 THE COURT: Okay. And do you know what department of
19 forensics?

20 THE JUROR: I don't. I think he usually does the cases
21 involving alcohol---

22 THE COURT: Okay.

23 THE JUROR: ---and DUIs.

24 THE COURT: Okay. How long's he been there?

25 THE JUROR: Almost ten years.

1 THE COURT: Almost a year?

2 THE JUROR: Ten years.

3 SOLICITOR CATHCART: Ten.

4 THE COURT: Oh, it was ten years. I'm sorry. I can't
5 hear any better than I can see obviously.

6 Given the fact your brother-in-law's employed with
7 SLED, can you be a fair and impartial juror in the trial of
8 this case for both Mr. Baker and the State?

9 THE JUROR: I believe so.

10 THE COURT: Okay. When you say you believe so, so you
11 served on jury, jury duty before?

12 THE JUROR: No.

13 THE COURT: Is that just semantics?

14 THE JUROR: Yes.

15 THE COURT: Any reason you think you can't be fair and
16 impartial to Mr. Baker?

17 THE JUROR: No, sir.

18 THE COURT: Or be fair and impartial to the State?

19 THE JUROR: No, sir.

20 THE COURT: I think you can stay with us.

21 THE JUROR: Okay.

22 THE COURT: Thank you. Thank you very much, Ms.
23 Williams.

24 THE BAILIFF: 246, Your Honor.

25 THE COURT: 246.

1 Good afternoon.

2 THE JUROR: Good afternoon.

3 THE COURT: This is Ms. Ray?

4 THE JUROR: Yes.

5 THE COURT: And tell me your response to this question?

6 THE JUROR: I have two uncles. Neither one of them --
7 they were employed with Charles Riley. He use to work for
8 SLED. He worked for the detention center I think you'd
9 spoken of earlier. They don't work there anymore and then I
10 have Jerry Knight. He worked for the detention center as
11 well maybe about five years ago. Charles Riley, he worked
12 there for roughly ten to fifteen years at one point but he's
13 not there any longer.

14 THE COURT: And what did Charles do with SLED?

15 THE JUROR: He works alcohol and beverage. The ABC
16 licensing center -- department.

17 THE COURT: All right. Given those facts that your two
18 uncles were so employed, can you be a fair and -- both
19 formerly employed now?

20 THE JUROR: That is correct. Neither one of them are
21 there now.

22 THE COURT: Can you be a fair and impartial juror in
23 the trial of this case for Mr. Baker?

24 THE JUROR: Absolutely.

25 THE COURT: And can you be a fair and impartial juror

1 in the trial of this case for the state?

2 THE JUROR: Yes, sir.

3 THE COURT: Thank you. I believe you can stay with us.

4 THE JUROR: Okay. All right. Thank you.

5 THE COURT: Yes, sir.

6 THE BAILIFF: 324, Your Honor.

7 THE COURT: Good afternoon, Ms. Young.

8 THE JUROR: Yes.

9 THE COURT: And tell me your response.

10 THE JUROR: My response, my niece works at the Alvin
11 Glenn Detention Center. My niece does.

12 THE COURT: She works there now?

13 THE JUROR: Right.

14 THE COURT: And can you tell me her name?

15 THE JUROR: Sierra Young.

16 THE COURT: Is she on the potential witness list,
17 solicitor?

18 SOLICITOR CATHCART: No, sir.

19 THE COURT: Okay. Given the -- how long's she been
20 there?

21 THE JUROR: I think -- not quite a year I think.

22 THE COURT: Not quite a year.

23 Given that fact, can you be a fair and impartial
24 juror---

25 THE JUROR: Yes, sir.

1 THE COURT: ---in the trial of this case for both the
2 State and Mr. Baker even, even though they may be employees
3 of the Alvin S. Glenn---

4 THE JUROR: Yes, sir.

5 THE COURT: ---Detention Center?

6 THE JUROR: Yes, sir.

7 THE COURT: Any doubt in your mind?

8 THE JUROR: No.

9 THE COURT: All right. Thank you. I believe you can
10 stay with us. Thank you.

11 (WHEREUPON, the following takes place within the
12 hearing of the entire jury panel.)

13 THE COURT: Any others?

14 (No response.)

15 THE COURT: Thank you.

16 Is any member of the jury panel or any member of your
17 immediate family or close personal friends ever been
18 employed with the Fifth Circuit Solicitor's Office?

19 The Fifth Circuit includes Richland and Kershaw County.

20 (No response.)

21 THE COURT: If so, please stand.

22 (No response.)

23 THE COURT: Does any member of the jury panel now
24 belong to or in the past belong to or contributed to any
25 organization whose primary purpose is the promotion of law

1 enforcement or victim's rights?

2 Such organizations, MADD, SADD, Sister Care, National
3 Center for the Victims of Crimes.

4 If so, please stand.

5 (No response.)

6 THE COURT: Is any member of the jury panel ever
7 contributed to or been a member of any, any antigun
8 organization or contributed to any antigun movement?

9 This would include but it is not limited to Mothers
10 Against Guns, Mothers Demand Action Now.

11 If so, please stand.

12 (No response.)

13 THE COURT: Does any member of the jury panel ever been
14 a member of or contributor to such organizations as the
15 Innocence Project or any similar type organization whose
16 goal is to further prisoner rights, if so, please stand.

17 (No response.)

18 THE COURT: Is any member of the jury panel ever
19 testified for either the State or the defense in any
20 criminal prosecution on whatever level?

21 Magistrate's Court, General Sessions Court such as this
22 the -- or Federal Court.

23 If so, please stand.

24 (Juror responds.)

25 THE COURT: Yes, your number please?

1 THE JUROR: 58.

2 THE COURT: All right. Would you step up here for me?

3 (WHEREUPON, the following takes place out of the
4 hearing of the entire jury panel but within the hearing of
5 the attorneys involved in the case.)

6 THE COURT: Thank you.

7 And this is Ms. Cunningham?

8 THE JUROR: Yes, sir.

9 THE COURT: Good afternoon.

10 THE JUROR: Good afternoon.

11 THE COURT: Can you tell me your response?

12 What is your response to that question?

13 THE JUROR: I've testified in Federal Court before for
14 the government.

15 THE COURT: In what capacity?

16 THE JUROR: Military police officer in Florida.

17 THE COURT: Okay.

18 THE JUROR: And this was a federal installation.

19 THE COURT: All right. So, so, you were an MP?

20 THE JUROR: Traffic Courts. Yes, sir.

21 THE COURT: All right. And that, that would of been a
22 variety of types of cases?

23 THE JUROR: Only dealing with civilians. Only traffic
24 accidents where accidents and work and someone came on the
25 base with a gun but they didn't do anything with it.

1 THE COURT: Given those facts as you've testified, in
2 fact, as a military police officer on behalf of the
3 government, can you be a fair and impartial juror in the
4 trial of this case for both Mr. Baker and the State?

5 THE JUROR: Yes, sir, I believe so.

6 THE COURT: Any doubt in your mind?

7 THE JUROR: No, sir.

8 THE COURT: Thank you. I believe you can stay with us.
9 Thank you, Ms. Cunningham.

10 (WHEREUPON, the following takes place within the
11 hearing of the entire jury panel.)

12 THE COURT: Any others?

13 (No response.)

14 THE COURT: I'm going to call a very -- a rather
15 lengthy list of names of potential witnesses in the trial of
16 this case. The question, of course, is, is any member of
17 the jury panel related by blood or marriage, friends, have
18 any social, business, professional relationship with any of
19 these individuals whose names I call.

20 I would advise the panel that the potential witnesses
21 are not required to be present during this proceeding.

22 I would ask, if there are any potential witnesses in
23 the courtroom, if you would please stand, face the jury
24 panel when your name or names are called, and I will repeat
25 that question several times because of the length of the

1 list and you'll probably be able to repeat it back to me
2 before we get through this list.

3 The first five names are all employees of the Richland
4 County Sheriff's Department.

5 Investigator Ronald Cris Truluck.

6 (WHEREUPON, the witness stands.)

7 THE COURT: Investigator Truluck to my front right.

8 Thank you.

9 Investigator Vicki Rains.

10 (WHEREUPON, the witness stands.)

11 THE COURT: Investigator Vicki Rains to my front right.

12 Thank you. Thank you, Investigator Rains.

13 Sergeant Kevin Isenhoward.

14 Investigator Robert Crane.

15 Sergeant Gilbert Gallegos, G-A-L-L-E-G-O-S.

16 (No response.)

17 THE COURT: The next five names all employees of the
18 Richland County Sheriff's Department.

19 Investigator Clay Sort.

20 Investigator Zachary Brunson.

21 Investigator James Owens.

22 Investigator Stan Richards.

23 Investigator Trevor Holt.

24 (No response.)

25 THE COURT: The next five names.

1 Corporal Hayhurst.

2 Deputy David Farr.

3 Rachel Grant.

4 Amanda Metz.

5 Terri Cypher, C-Y-P-H-E-R.

6 (No response.)

7 THE COURT: Again, ladies and gentlemen, the question
8 is is any member of the jury panel related by blood or
9 marriage, friends, have any social, business, or
10 professional relationship with any of these individuals
11 whose names I called, if so, please stand.

12 (No response.)

13 THE COURT: The next six names are all employees of the
14 Richland County Sheriff's Department.

15 Melody Galinski.

16 Thereasa Cronise.

17 Ashleigh Dixon.

18 Stephen Cox.

19 Investigator Franklyn Rainsford.

20 (No response.)

21 THE COURT: well, I told y'all wrong. The sixth name
22 is employed with SLED.

23 Carmen Tucker.

24 (No response.)

25 THE COURT: The next five names.

1 Sergeant Michael Wiggins, Pascagoula Sheriff's
2 Department, Mississippi.

3 Derrick Williams, EMS.

4 (WHEREUPON, the witness stands.)

5 THE COURT: This is EMS Williams to y'all's left rear.

6 (No response.)

7 THE COURT: Thank you. Thank you very much,
8 Mr. Williams.

9 Kelvin Ashe also with EMS.

10 Doctor Heather Brown, Palmetto Health.

11 Doctor Amy Durso, D-U-R-S-O.

12 (WHEREUPON, a juror responds.)

13 THE COURT: Oh, yes, sir. I'm sorry.

14 THE JUROR: I know Heather Brown.

15 THE COURT: And your number please?

16 THE JUROR: 221.

17 THE COURT: And you know Doctor Brown?

18 THE JUROR: Yes.

19 THE COURT: And in what capacity?

20 THE JUROR: I'm a resident at Palmetto Richland, and
21 during my rotation in that department, worked with her.

22 THE COURT: And how long -- step up here for me please.

23 I don't understand all this medical stuff. I apologize.

24 I'm gonna get you, get you a little -- get me a little
25 education on it.

1 (WHEREUPON, the following takes place out of the
2 hearing of the entire jury panel but within the hearing of
3 the attorneys involved in the case.)

4 THE COURT: Good afternoon.

5 THE JUROR: How are you, sir?

6 THE COURT: Tell me your name.

7 THE JUROR: Matthew Pacana.

8 THE COURT: Mr. Buchannon?

9 THE JUROR: Matthew Pacana.

10 THE COURT: All right. Matthew is your first name?

11 THE JUROR: Uh-huh. (Affirmative).

12 THE COURT: And you're a resident now?

13 THE JUROR: Uh-huh. (Affirmative).

14 THE COURT: And, and I misunderstood quite frankly.
15 She was a doctor and you were---

16 THE JUROR: We're both doctors. She's an attending
17 physician. I'm a resident.

18 THE COURT: Right. Right.

19 THE JUROR: So, she would---

20 THE COURT: So, during your residency, you would have
21 been a resident---

22 THE JUROR: I currently am.

23 THE COURT: Currently?

24 THE JUROR: I'm a resident in orthopedic surgery.

25 THE COURT: Okay. And she would have been---

1 THE JUROR: She would of been a co-worker on a daily
2 basis.

3 THE COURT: okay. what period of time are we talking
4 about?

5 THE JUROR: July 1st to present.

6 THE COURT: July 1st---

7 THE JUROR: 2016.

8 THE COURT: ---of '16 to present?

9 THE JUROR: Uh-huh. (Affirmative).

10 THE COURT: So, you work with her on a daily basis?

11 THE JUROR: Orthopedic surgery spends a good amount of
12 the day in the emergency department depending on what
13 happens.

14 THE COURT: okay.

15 SOLICITOR CATHCART: well, Your Honor, I don't know if
16 this witness---

17 THE COURT: Yes, sir.

18 SOLICITOR CATHCART: The witness in question is
19 actually not going to be testifying in this case, and we've
20 relieved her because she's in Ireland right now.

21 THE COURT: She's where?

22 SOLICITOR CATHCART: In Ireland.

23 THE COURT: okay.

24 SOLICITOR CATHCART: still on the witness list and I
25 apologize but she is gone.

1 THE COURT: So, if I'm ever called as a witness, if I
2 go to Ireland, I don't have to testify, solicitor?

3 SOLICITOR CATHCART: Well, if I didn't need you. I
4 didn't need her on this one.

5 THE COURT: Given the fact that you do work with her,
6 can you be a fair, and she's not to be a witness, a
7 potential witness, can you be a fair and impartial juror in
8 the trial of this case---

9 THE JUROR: Yes.

10 THE COURT: ---for Mr. Baker and the State?

11 THE JUROR: Yes, Your Honor.

12 THE COURT: Thank you very much, doctor. I believe you
13 can stay with us. Thank you.

14 (WHEREUPON, the following takes place within the
15 hearing of the entire jury panel.)

16 THE COURT: The next five witnesses.

17 R. Montgomery, Richland County Coroner's Office.

18 Lessie Brown.

19 (WHEREUPON, the witness stands.)

20 THE COURT: Mr. Brown to y'all's left.

21 Thank you. Thank you, Ms. Brown.

22 THE WITNESS: You're welcome.

23 THE COURT: McKinley Minger, M-I-N-G-E-R.

24 Tracea Vereen. That's T-R-A-C-E-A. Vereen.

25 Clyde Spearman.

1 (No response.)

2 THE COURT: The next five names.

3 James Taylor.

4 Peggy Baker.

5 (WHEREUPON, the witness stands.)

6 THE BAILIFF: Ms. Baker's in the back, Your Honor.

7 THE COURT: This is Ms. Baker to y'all's left rear.

8 Thank you. Thank you very much, Ms. Baker.

9 Sylvia Baker.

10 James Speaks.

11 Sergeant Robert Waters, W-A-T-E-R-S, Alvin S. Glenn

12 Detention Center.

13 And, finally, by position only, the records custodian
14 of 9-1-1 Communications Center for Richland County.

15 (No response.)

16 THE COURT: Again, is any member of the jury panel
17 related by blood or marriage, friends, have any social,
18 professional, business relationship with any of these
19 individuals whose names I called and are those who stood
20 before you, if so, please stand.

21 (No response.)

22 THE COURT: Any additional potential witnesses,
23 solicitor, from the state?

24 SOLICITOR CATHCART: No more from the State, Your
25 Honor.

1 THE COURT: From the defense, Mr. Bailey?
2 MR. BAILEY: Yes, Your Honor.
3 THE COURT: Did I have a list?
4 MR. BAILEY: Yes, sir.
5 THE COURT: If I did, it has escaped me.
6 MR. BAILEY: Some of these are redundant, sir.
7 THE COURT: Sir?
8 MR. BAILEY: Some of these are repeats.
9 THE COURT: One through five, are they repeats?
10 I like to test my concentration skills on you,
11 Mr. Bailey.
12 MR. BAILEY: Yes, sir. Number 2 is Mr. Baker you've
13 already mentioned.
14 THE COURT: Antwon.
15 I think I mentioned Ms. Carmen Tucker.
16 MR. BAILEY: Yes, you did.
17 THE COURT: Minger, Amanda Metz, I think is the last
18 two.
19 MR. BAILEY: That's right, yes, sir. Two through five.
20 THE COURT: Lee Conlin, excuse me, and Tron, T-R-O-N,
21 Harrison.
22 (No response.)
23 THE COURT: Any, any others, Mr. Bailey?
24 MR. BAILEY: No, Your Honor.
25 THE COURT: All right.

1 THE JUROR: Your Honor, 276.

2 THE COURT: And tell me, tell me which name?

3 THE JUROR: Lee Conlin.

4 THE COURT: All right. Step down here for me
5 momentarily please, sir.

6 (WHEREUPON, the following takes place out of the
7 hearing of the entire jury panel but within the hearing of
8 the attorneys involved in the case.)

9 THE COURT: And your number again?

10 THE JUROR: 276.

11 THE COURT: And you know Mr. Conlin?

12 THE JUROR: Conlin. Ms. Conlin.

13 THE COURT: Tell me how.

14 THE JUROR: I grew up with her brother and with her.

15 THE COURT: Is this a her or he?

16 MR. BAILEY: It's a woman, Your Honor. She.

17 THE COURT: Okay. All right.

18 THE JUROR: That's it.

19 THE COURT: You grew up with her brother?

20 THE JUROR: When she was there with me, yes, sir.

21 THE COURT: When she was what?

22 THE JUROR: She was there also. Right.

23 THE COURT: Well, I thought maybe, you know, be like me
24 and my sister were like twin sisters.

25 THE JUROR: Oh, no.

1 THE COURT: No, no, that's a joke.

2 THE JUROR: No.

3 THE COURT: Y'all go to high school?

4 THE JUROR: It was, it was church and, and middle
5 school, high school, if that.

6 THE COURT: And given, given that fact, can you be a
7 fair and impartial juror in the trial of this case for both
8 Mr. Baker and the State?

9 THE JUROR: Yes.

10 THE COURT: Any doubt in your mind?

11 THE JUROR: No.

12 THE COURT: Thank you. I believe you can stay with us.
13 Thank you very much.

14 (WHEREUPON, the following takes place within the
15 hearing of the entire jury panel.)

16 THE COURT: Any others?

17 (No response.)

18 THE COURT: Any additional requested voir dire from the
19 State?

20 SOLICITOR CATHCART: Nothing from the State, Your
21 Honor.

22 THE COURT: From the defense, Mr. Bailey?

23 MR. BAILEY: None from us, Your Honor.

24 THE COURT: Thank you. Thank you very much.

25 And so, finally, ladies and gentlemen, I've read the

1 allegations in the indictment alleging homicide that
2 occurred on 15 June 2015 in Richland County with the named
3 victim, Willie Lee Geter, and the alleged defendant,
4 Mr. Baker. I've asked you a number of questions concerning
5 any prior knowledge. No one has indicated they have any
6 from any source whatsoever. I have called a list of -- a
7 rather lengthy list of names of potential witnesses in the
8 trial of the case. You know what our purpose is, is to
9 select a fair and impartial jury for the trial of this case
10 for both Mr. Baker and the State. Each of you know
11 yourselves best.

12 Is there any member of the jury panel that knows any
13 reason whatsoever why you feel like you could not be a fair
14 and impartial juror in the trial of this case for both
15 Mr. Baker and the State?

16 If it concerns you, it concerns me. I want to address
17 it now and not have to address it later when you're sitting
18 over here in the jury box as a member of the trial jury.

19 So, if you know any reason what, whatsoever why you
20 feel like you could not be a fair and impartial juror in the
21 trial of this case, please stand.

22 (WHEREUPON, a juror responds.)

23 THE COURT: Number please?

24 THE JUROR: 43.

25 THE COURT: All right. Yes, sir. If you'd step down

1 here for me.

2 (WHEREUPON, the jurors complies.)

3 THE COURT: Good afternoon.

4 THE JUROR: Good afternoon.

5 THE COURT: And tell me your name?

6 THE JUROR: I'm Walter Clark.

7 THE COURT: All right. Mr. Clark, and tell me your
8 response?

9 THE JUROR: I am a local pastor in the Columbia area
10 and I just -- I don't know.

11 THE COURT: All right. Tell me -- explain that. Well,
12 number one, make sure you keep your voice up.

13 THE JUROR: Okay.

14 THE COURT: And, number two, explain a little bit more
15 to me.

16 THE JUROR: Well, I deal with people on, on a daily
17 basis, and, you know, they come to me for various reasons.
18 And in the cases, it's critical -- it's a list -- I mean I'm
19 willing to serve if I'm chosen. But if it comes down to,
20 you know, the nitty gritty, I don't know if -- I'm not sure.
21 I don't -- just don't know about that part. But if I'm
22 needed, I'll willing to serve but---

23 THE COURT: Sure.

24 THE JUROR: ---just wanted just to be up front.

25 THE COURT: Have you ever been on jury duty before?

1 THE JUROR: I have not.

2 THE COURT: If you're selected as a member of the jury,
3 of course, you'll be placed under oath along with your
4 fellow jurors, and basically it says you will -- that oath
5 is you will well and truly try and true deliverance make
6 between the State and the defendant, Mr. Baker, based on the
7 evidence and the law.

8 The jury is the fact finders. They determine the facts
9 of the case as they see them, as they decide that, based on
10 witnesses testifying under oath, judging witness'
11 credibility, any physical items of evidence that may be
12 there, and then I tell them the law. And the law I tell
13 them is the only law that you follow whether they agree or
14 disagree with it cause you've taken an oath to follow the
15 law.

16 THE JUROR: Right.

17 THE COURT: So, the jury determines what the facts are,
18 apply it to the yardstick, and try to -- talking about the
19 law and the Bible's a book. I mean you know, you know what
20 I'm saying?

21 THE JUROR: (Nods affirmatively.)

22 THE COURT: But they apply those facts as they find
23 them to the law as I tell them the law is and they reach a
24 verdict, guilty or not guilty.

25 THE JUROR: Correct.

1 THE COURT: Do you feel like you could A, take that
2 oath and follow that law?

3 And there's, there's no right or wrong answers
4 whatsoever. You're all different and we're all similar in
5 regard. We're all different.

6 THE JUROR: Right.

7 THE COURT: It's not, it's not a right or wrong answer.
8 It's whatever your answer is is the right answer cause you
9 know you, and, you know, you see what our purpose is.
10 Getting 12 fair and impartial members of this pool to serve
11 as jurors in this case so that Mr. Baker has a fair trial
12 and the State has a fair trial. And, like I say, there's
13 not a right or wrong. There really isn't. It's a -- it's,
14 it's just you and whatever your opinion is and I, I respect
15 it when I hear it, whatever it is.

16 THE JUROR: It will be difficult, but if I'm needed,
17 I'll give it a shot.

18 THE COURT: Tell me, can you -- excuse me.

19 Can you tell me what the difficulty would be and can
20 you express that?

21 THE JUROR: If it's, you know, found guilty, you know,
22 then the -- this is the hard. Me, see, living with thinking
23 about conscious to, to the right thing, you know. Not being
24 able to go back and undo some things. It's a little bit out
25 of my comfort zone but, again, I've never done it before.

1 So, I can't say what---

2 THE COURT: Sure.

3 THE JUROR: ---how it might turn out but I'm willing to
4 serve if I'm needed.

5 THE COURT: would you mind -- this is Mr. Dye.

6 would you mind just stepping over there just a moment
7 and let's talk with the attorneys. Thank you. Thank you
8 very much.

9 (WHEREUPON, the following takes place out of the
10 hearing of the entire jury panel.)

11 THE COURT: Do y'all have any opinion?

12 SOLICITOR CATHCART: I think he needs to go. I mean
13 he's basically saying he can not, in his conscious, find
14 somebody guilty or innocent. It will be hard for him. He's
15 having a hard time.

16 MR. BAILEY: I mean I guess the State can strike him.
17 I guess the State can strike him if they don't like him
18 cause we could also.

19 SOLICITOR CATHCART: He's saying he couldn't be fair.

20 THE COURT: Huh?

21 SOLICITOR CATHCART: He's saying he cannot be fair.

22 THE COURT: I'm not sure. I'll ask him about it again.

23 SOLICITOR CATHCART: He's saying if he balances this
24 and that to make a decision. He's saying, if I make this
25 one decision, I don't know how it affects the rest of my

1 life. That's not fair. He doesn't know the facts of the
2 case. He said that.

3 (WHEREUPON, the following takes place out of the
4 hearing of the entire jury panel but within the hearing of
5 the attorneys involved in the case.)

6 THE COURT: All right. Yes, sir, if you'll stand
7 back -- step back up here for me please.

8 (WHEREUPON, the juror complies.)

9 THE COURT: Now, I'm just, I'm just trying to process
10 this in my opinion to process. Not your inability to
11 explain.

12 Do you feel like it would be, because of your personal
13 philosophy, that you would hold the State to a higher burden
14 than they have if you, if you make a decision and you're
15 going to -- the word I'm looking for is not second guess but
16 at least ponder or think on it into the future---

17 THE JUROR: I would.

18 THE COURT: ---to the extent that you may be second
19 guessing?

20 THE JUROR: Possibly. Possible.

21 THE COURT: Sir?

22 THE JUROR: Possibility.

23 THE COURT: If the -- being a pastor, that part, based
24 on this is just totally about forgiveness---

25 THE JUROR: (Nods affirmatively.)

1 THE COURT: ---of not -- and I'm not talking about
2 Mr. Baker. I'm just talking about just if, if someone
3 has -- I know you're talking about a criminal law. If
4 somebody committed a crime---

5 THE JUROR: Right.

6 THE COURT: ---that you would be more prone to forgive?

7 THE JUROR: Correct. I would.

8 THE COURT: Nothing, nothing wrong with that either. I
9 need that a number of my times in my life. I'm glad I got
10 it.

11 THE JUROR: Yeah. Yes, as a pastor, you know, people
12 leaving you constantly reflecting. If your reflection do
13 the right thing, did I give them the right advice, you know,
14 I gave. That's something -- you think about the person in
15 the future and whatever the outcome is.

16 THE COURT: Every, every sinners got a future. Every
17 saint's got a pastor, correct?

18 THE JUROR: Correct.

19 THE COURT: You agree with me on that?

20 THE JUROR: Yes.

21 THE COURT: Not many people agree. Certainly a life.
22 I think I'm gonna set you aside.

23 Okay?

24 THE JUROR: All right.

25 THE COURT: Okay. Thank you. Thank you for meeting

1 with us. Thank you for hearing us.

2 All right. And you can -- Mr. Dye, have him, have him
3 sit in the -- General, have him sit in the back.

4 Thank you. Thank you very much.

5 (WHEREUPON, the following takes place within the
6 hearing of the entire jury panel.)

7 THE COURT: Any others?

8 (No response.)

9 THE COURT: Thank you. Thank you very much, ladies and
10 gentlemen.

11 I find our panel is qualified.

12 The strikes, solicitor?

13 SOLICITOR CATHCART: I believe it's five and ten, Your
14 Honor.

15 THE COURT: Strikes, Mr. Bailey?

16 MR. BAILEY: Sir, we have, we have ten, Your Honor.

17 THE COURT: You have ten and the State has five?

18 MR. BAILEY: Yes, sir.

19 THE COURT: I like it on the record.

20 MR. BAILEY: It's good. Yes, sir, that's my
21 understanding, sir.

22 THE COURT: All right. Thank you. Thank you very
23 much.

24 Madam Clerk, if you would advise our panel or instruct
25 our panel I should say and give us a, give us a jury please.

1 THE CLERK: Yes, Your Honor.

2 THE COURT: Let me figure out what I did with my jury
3 list.

4 Thank you. Thank you, Madam Clerk.

5 (WHEREUPON, a jury panel was selected at this time.)

6 THE COURT: Two alternates.

7 THE CLERK: Juror Number 82.

8 (WHEREUPON, the juror comes forward.)

9 THE CLERK: What says the State?

10 SOLICITOR CATHCART: Your Honor, may we approach?

11 THE COURT: Yes, sir.

12 (WHEREUPON, a bench conference was held out of the
13 hearing of the jury at this time.)

14 THE COURT: Ma'am, would you step up here for me?

15 Yes, ma'am.

16 (WHEREUPON, the following takes place out of the
17 hearing of the entire jury panel but within the hearing of
18 the attorneys involved in the case.)

19 THE COURT: And the, the question is have you been a
20 victim of domestic violence?

21 THE JUROR: Yes. Yes, sir, I've got a case coming up.
22 Upcoming case.

23 THE COURT: And there is a pending case?

24 THE JUROR: Well, actually I came this morning here
25 just to check in.

1 THE COURT: Okay. And you're, you're represented by
2 the Solicitor's Office?

3 THE JUROR: Well, I'm not sure. I haven't met with her
4 yet.

5 THE COURT: You haven't?

6 THE JUROR: It's been set up before.

7 SOLICITOR CATHCART: It's in our office.

8 THE COURT: Okay. I'm gonna -- you've done absolutely
9 nothing wrong but I'm gonna set you aside.

10 THE JUROR: Okay.

11 THE COURT: Okay. And you can return back to your
12 seat.

13 THE JUROR: Okay.

14 THE COURT: Thank you so much.

15 THE JUROR: Thank you.

16 (WHEREUPON, the following takes place within the
17 hearing of the entire jury panel.)

18 THE COURT: Madam Clerk, you may call the next.

19 THE CLERK: Yes, sir.

20 (WHEREUPON, two alternate jurors were selected at this
21 time.)

22 THE COURT: Step up here please, solicitor, Mr. Bailey.

23 (Whereupon, a bench conference was held out of the
24 hearing of the jury at this time.)

25 THE COURT: Solicitor, any motions with regard to the

1 jury selection process from the State?

2 SOLICITOR CATHCART: No, sir, none from the State.

3 THE COURT: From the defense, Mr. Bailey?

4 MR. BAILEY: None from the defense, Your Honor.

5 THE COURT: All right. Thank you. Thank you very
6 much.

7 (Pause.)

8 THE COURT: Ladies and gentlemen of the jury panel that
9 were selected for the trial of this case, I am going to
10 release you momentarily for the remainder of the afternoon
11 but I have two, two matters to cover very briefly.

12 The first off, why am I letting you go at 4:55 in the
13 afternoon?

14 This case, like so many others, I have certain pretrial
15 matters that must be taken up outside of your presence. So,
16 rather than hold you captive in your jury room; and we'll
17 probably go well beyond five o'clock for me to hear those
18 matters, I don't want to hold you captive any longer than it
19 is necessary.

20 So, I'm going to release you until 9:30 in the morning
21 but I have to, I have to give you some instructions first,
22 and even before I do that, I am going to -- I've had an
23 election and I'm gonna announce that this afternoon as to
24 who will serve as our foreperson of the jury panel. And the
25 reason I ask this -- I give you this information this

1 afternoon is so you won't stay up late tonight to look at
2 the campaign returns or anything and the issue will be
3 decided today and there's no recount. So, you don't have to
4 worry about that either.

5 Juror Number 276?

6 Juror Number 276, upon your return tomorrow, if you'd
7 please serve as the foreperson of our jury panel.

8 THE JUROR: Yes, Your Honor.

9 THE COURT: Thank you. Thank you very much. Thank you
10 for volunteering for that very important position also.

11 Now, ladies and gentlemen, these instructions will
12 apply throughout the trial of this case as you serve as
13 members of this trial jury.

14 You may not discuss this case with others. That
15 includes your fellow jurors, your family, friends, or anyone
16 else while you are serving on this jury panel. You would
17 not be allowed to discuss the case until you've heard all
18 the evidence, all the testimony, closing arguments by the
19 attorneys, the instruction on the law by the Court, and then
20 directed by the Court to deliberate with your fellow jurors
21 in your jury room. So, you may not discuss this case with
22 others.

23 You may not read and you shall not read, listen to, or
24 watch any news reports about the case should there be any.
25 That, of course, includes radio, television, newspapers, or

1 anything that may be on the Internet.

2 You may not use your computer, cellular phone, or any
3 other electronic device with communication capabilities or
4 any other method to obtain or disclose information about the
5 case, which is prohibited. Information about the case which
6 is prohibited includes, but it is not limited to the
7 following:

8 Information about a party.

9 A witness.

10 An attorney or a Court officer.

11 News accounts of the case should there be any now or
12 should there have been any in the past.

13 Information collected through juror research on any
14 topic raised on testimony offered by any witness during the
15 course of the trial or information collected through juror
16 research on any other topic the juror might think would be
17 helpful in deciding the case.

18 You must decide the case based on the evidence and the
19 testimony that is presented before you by sworn witnesses
20 from this witness stand. Any physical items of evidence and
21 any inferences you think may reasonably be drawn from the
22 evidence applying the facts as you find them to be, you, the
23 jury, find them to be to the law as I tell you the law is
24 uninfluenced by anything that may be in the news, in the
25 media, on the Internet. You may not do any independent

1 investigation or any investigation on the Internet.

2 Again, I would ask you to please be back promptly at
3 9:30 in the morning. Your bailiff, Mr. Dye, who is to your
4 rear, will show you to your new temporary quarters, how to
5 exit the courthouse today, and how to return to your new
6 temporary quarters, and when I say quarters, that's just for
7 the time we're running Court during the day.

8 Any questions?

9 (No response.)

10 THE COURT: Thank you. Thank you very much. Hope
11 you-all have a pleasant evening. Thank you.

12 See you at 9:30 in the morning.

13 (WHEREUPON, the following takes place outside the
14 presence of the jury after a juror approached Judge McMahon
15 to speak with him.)

16 THE COURT: Come down by the court reporter.

17 (WHEREUPON, the juror complies.)

18 THE COURT: Did you want to speak with me?

19 THE JUROR: Yes, sir.

20 THE COURT: All right. Yes, ma'am, of course.

21 THE JUROR: I'm a retired school teacher and it just
22 dawned on me that there might be a possibility -- I don't
23 recognize this gentleman's name but the other person in the
24 case might of possibly been a student in the past. After 28
25 years of teaching, it's no way I remember all of it. So, I,

1 I don't have an idea.

2 THE COURT: All, all my teachers forgot me. Every one
3 of them.

4 THE JUROR: I didn't teach you but I would remember
5 you.

6 THE COURT: Well, let me ask you this.

7 If it were, if -- let's say it were.

8 THE JUROR: Okay.

9 THE COURT: Would that -- could you still be a fair and
10 impartial juror in the trial of this case for both the State
11 and Mr. Baker?

12 THE JUROR: Yes, sir.

13 THE COURT: Any doubt in your mind about that?

14 THE JUROR: No.

15 THE COURT: All right.

16 THE JUROR: Just thought I would bring it up.

17 THE COURT: Okay. All right. Thank you. Thank you
18 very much.

19 All right.

20 THE JUROR: Thank you.

21 THE COURT: Yes, ma'am.

22 (WHEREUPON, the following takes place within the
23 hearing of all parties.)

24 THE COURT: Solicitor, Mr. Bailey, she said, as a
25 retired school teacher after 28 years, she can't remember

1 all her students. She said I do not think I taught this
2 gentleman, your client. She said I may have taught -- the
3 names are different. I do not recall all but I cannot
4 remember them all. And I said all my school teachers forgot
5 me.

6 And I said let me ask you this. Let's say you, let's
7 say it was your student, can you be a fair and impartial
8 juror in the trial and she said yes, I can, and I just
9 brought it up. Okay.

10 SOLICITOR CATHCART: That's a 67 year old man.

11 SOLICITOR POTTS: Yeah, can't be Geter cause he's 64.

12 THE COURT: Young fellow.

13 SOLICITOR CATHCART: 67.

14 MR. BAILEY: He's only 38.

15 THE COURT: Mr. Geter's a young fellow too.

16 SOLICITOR CATHCART: He's dead.

17 THE COURT: He was young when he died.

18 SOLICITOR CATHCART: Yes, sir, absolutely. Just a few
19 years older than me.

20 THE COURT: All right. Let's take a ten minute break.

21 MR. BAILEY: Right, yes, sir.

22 THE COURT: Okay. Take about a 15 minute recess.

23 Thank you. Thank you very much.

24 MR. BAILEY: Your Honor, I could say---

25 THE COURT: Yes, sir.

1 MR. BAILEY: I believe, at that age, my client has only
2 been in Columbia about 20 years. So, it's probably -- I
3 mean just for the -- oh, he's only been here since like '98.
4 So, I think---

5 THE COURT: That's been 20 years ago.

6 MR. BAILEY: Well, 19, yeah. Yes. So, if it's an
7 elementary school teacher, I think, I think we're safe.

8 (WHEREUPON, a short recess was taken at this time.)

9 THE COURT: All right. You have motions, Mr. Bailey?

10 MR. BAILEY: Yes, Your Honor.

11 THE COURT: All right. Yes, sir.

12 MR. BAILEY: First, Your Honor, just we'd like to renew
13 our Rule 5 motion for discovery and, you know, along with
14 that, we, we've also filed our Riddle v. State motion that
15 the, the state has an ongoing duty to keep providing
16 discovery as it occurs. Not just written tangible documents
17 but anything that they've learned leading up to trial
18 interviewing witnesses, et cetera.

19 And from speaking with Mr. Cathcart and Mr. Potts, I've
20 got two witness updates. So, I feel, I feel like they're,
21 they're probably complying without any problem. I just
22 wanted to, you know, renew that unless there's been changes
23 in witness' stories that are substantial developments that,
24 that we have not been made aware of, Your Honor.

25 THE COURT: Oh, I'm sorry. I was gonna let him respond

1 to those two.

2 SOLICITOR CATHCART: Everything that we have learned,
3 everything that we have they either have and I've been
4 forthcoming.

5 THE COURT: The next change would be on the witness
6 stand?

7 SOLICITOR CATHCART: Yes, sir, that will be a surprise
8 to me as well.

9 THE COURT: Thank you, Mr. Cathcart.

10 MR. BAILEY: As long as it's a surprise to Mr. Cathcart
11 too.

12 THE COURT: Mr. Bailey.

13 MR. BAILEY: Thank you, Your Honor.

14 So, at some point I'd like to talk about criminal
15 records of potential witnesses. I'm, I'm assuming that
16 we'll sort of take that up as witnesses take the stand.
17 There's a comment that we'd like to make -- note that we'd
18 like to review them and look at them and maybe have a
19 discussion over what's admissible for impeachment purposes.

20 I would, I would like to -- again, this is something I
21 spoke with Mr. Cathcart and Mr. Potts about. I'd like to
22 exclude certain, you know, bad acts when it comes to, or
23 alleged bad acts actually, when it comes to Mr. Baker. And
24 I kind, I kind of itemized them here. And it -- I know I
25 may be redundant here but I wanted to make sure it's on the

1 record.

2 One, under 2A, little Roman Numeral i, possession of
3 crack cocaine, Mr. Baker, there was, there was crack cocaine
4 that was found when he was arrested in Pascagoula,
5 Pascagoula. You know, it sounds like it's easier to say
6 when you say it.

7 THE COURT: It does.

8 MR. BAILEY: When he was found in Mississippi, my
9 understanding, and there was also a .25 caliber pistol at
10 that time. My understanding is Mississippi did not charge
11 him with either one of those. That weapon is not related to
12 this alleged offense or this incident at all and obviously
13 the crack is not. I just would, you know, put on the record
14 that we'd like, we'd like that excluded from any testimony
15 by law enforcement or, or other witnesses. My understanding
16 is Mr. Cathcart is fine with that and has no intention of
17 getting into any of that.

18 Also, allegations of drug possession and sales by all
19 witnesses. There are a few witnesses that, that may sort
20 of, in passing, mention to -- Mr. Baker as a drug dealer.
21 we'd like to -- as nothing to -- it talks about a
22 reputation.

23 That's nothing to do with this case, Your Honor. We'd
24 like all mentions of Mr. Baker being a drug dealer excluded
25 and then, in the same vein as that, I believe there's a Mr.

1 Spearman who says that a -- that Mr. Baker was known to
2 carry a gun or something, something to that effect, and
3 that, that there might of been an incident with a firearm.
4 And we'd like that, that excluded. We'd like or at least
5 we'd like the State's witnesses directed to not mention
6 these completely unrelated incidents.

7 Again, I spoke with Mr. Cathcart. I'd let him speak to
8 that. I don't think they have intention of getting into
9 those incidents, and, of course, we deal with that as
10 witnesses come up.

11 SOLICITOR CATHCART: As to the possession of crack
12 cocaine down in Mississippi, I've spoken with the officer
13 from Mississippi. We wrote -- he's agreed that and we've
14 both agreed not to go into the fact that he had -- was in
15 possession, on his body, crack cocaine cause it's not really
16 relevant as to this case.

17 Also, the .25 caliber pistol that was recovered, not on
18 his person, but in the room where he was staying, he
19 basically said anything in that room is mine, is not -- is
20 just the round that was inside the decedent. So, therefore,
21 that not being, I guess, relevant to this case either and
22 would not be seeking to introduce it at this time.
23 Obviously for some reason, some reason something comes up
24 that somehow makes it relevant, then we'd have to obviously
25 adjust it from that point.

1 The defendant is known by every witness, down to lay
2 witnesses, by his street name, which is kilo. We can't get
3 around that. I mean that is how they described him to the
4 police and described who he is and he goes by the name kilo.
5 None of them know his real name.

6 The -- Mr. Spearman, who will be testifying, also knows
7 him by kilo but also told the police that he, Mr. Baker, was
8 involved in a incident which occurred at this particular
9 house.

10 We are not seeking to get into the specifics of that
11 incident. I've told Mr. Spearman not to get into the
12 specifics of, of that incident, and I will do my best to
13 keep him from doing so.

14 The -- what we are seeking only to introduce is that
15 Mr. Baker, from this, from Mr. Spearman, is that Mr. Baker
16 was known to be at that location, and that that's the way,
17 from that information, the police were able to determine
18 kilo at this house is Antwon Baker, and then they do a photo
19 lineup and Spearman picks him out, Ms. Brown picks him out,
20 and everybody's good from there.

21 The facts of why the police know about that location we
22 are not seeking to introduce and I will try to direct that
23 witness as much as I can in direct testimony to keep him
24 from doing so.

25 MR. BAILEY: We're fine with that approach, Your Honor.

1 THE COURT: And what about --?

2 SOLICITOR CATHCART: Yeah, and as to -- I'm sorry, Your
3 Honor.

4 THE COURT: I, I thought that -- no, go ahead. You go
5 ahead. Maybe you're covering it now.

6 SOLICITOR CATHCART: And as to the allegations of drug
7 possession sales of Mr. Baker to these witnesses, I mean
8 that's how they know this man. But, again, we're not going
9 into anything other than the fact his name is known as kilo.
10 However, one witness does, in his first statement, say the
11 reason he took Mr. Baker to this location and was paid by
12 Mr. Baker for taking him to this location was for a rock of
13 crack. He subsequently changed that statement and told the
14 truth that he was there and left when Mr. Baker pulled out a
15 gun and shot in the ground and then he ran off.

16 He tried to, in his first statement, say that didn't
17 happen and that he just, you know, got paid off with crack
18 and he left before anything happened at the incident
19 location and we are not seeking to talk about that. I just
20 wanted him to talk about the truth of what occurred and what
21 he said in the second statement. However, I'm somewhat --
22 don't want to be hamstrung by defense counsel if they decide
23 we want to talk about the inconsistencies of two different
24 statements, which obviously they may wish to do. And, in
25 doing so, the fact that he, Mr. Baker, gives Mr. Minger

1 cracks or sells him crack may come in.

2 MR. BAILEY: Your Honor, I, I think we could probably
3 reexamine that issue if there -- with their witness,
4 McKinley Minger, closer to the time he's about to take the
5 stand if we wanted clarification ahead of time.

6 SOLICITOR CATHCART: I just don't want to be tripped up
7 on that. The, the fact that Mr. Baker or the alleged fact
8 that he's known to carry guns, again, I think is as to that
9 location and that other situation. I don't think there's
10 anybody that will be testifying as to him -- his reputation
11 for carrying guns in anyway whatsoever.

12 THE COURT: Okay.

13 SOLICITOR CATHCART: They're just gonna talk about what
14 they saw that day.

15 THE COURT: What about habit?

16 What about 406?

17 SOLICITOR CATHCART: I don't believe there's gonna be
18 any indication that these people -- I've asked them not to
19 talk -- I don't think anybody's ever said that they -- he
20 has the habit of carrying a gun. They just have known him
21 to carry a gun in the past.

22 MR. BAILEY: I think experience in carrying a gun -- I
23 don't have it right in front of me but I just, out of an
24 abundance of caution, Your Honor.

25 THE COURT: All right.

1 MR. BAILEY: And I've known---

2 SOLICITOR CATHCART: You know, Mr. Spearman, on this
3 date, did not see him with a gun. He saw him flee the scene
4 and I believe the quote was with a wild look in his eye. He
5 didn't hear shots. He didn't see shots. He didn't -- but
6 he did not see this man with a gun on that night -- on
7 that---

8 THE COURT: All right.

9 SOLICITOR CATHCART: ---at that time.

10 THE COURT: Well, anytime you think it's opened the
11 door---

12 SOLICITOR CATHCART: well, yes, sir.

13 THE COURT: ---just let me know you need to have a,
14 a -- take up a matter and -- outside the presence of the
15 jury or, of course, you too, Mr., Mr. Bailey.

16 MR. BAILEY: Yes, Your Honor.

17 THE COURT: All right. That takes care of -- that
18 addresses one and two.

19 Let's see. 2(b), of course, is Mr. Baker's criminal
20 record.

21 MR. BAILEY: Yes, sir, Your Honor. I was thinking
22 maybe we could take that up, if, if Mr. Baker takes the
23 stand, we can take it up at, at that point. He has a, he
24 has a misdemeanor, old ABHAN misdemeanor from -- conviction
25 from 2008. I believe it was a 2006 incident. I figured Mr.

1 Cathcart and I might -- may have a disagreement about that
2 but we can deal with that at a later time if we want to sort
3 of get started.

4 THE COURT: And then what about sequestration?

5 MR. BAILEY: I was just speaking with Mr. Potts and,
6 and Mr. Cathcart about that, Your Honor. We'd like
7 sequestration. Exception just for us, we would like Mrs.
8 Baker, this is Peggy Baker.

9 Stand up.

10 (WHEREUPON, Mrs. Baker complies.)

11 MR. BAILEY: But this is Mrs. Baker. This is Antwon's
12 wife. She is on our witness list.

13 THE COURT: She can, she can stay.

14 MR. BAILEY: Okay. Thank you, Your Honor.

15 THE COURT: That's -- if I were in -- if I was on trial
16 and I had a wife, I would want them.

17 MR. BAILEY: Thank you.

18 THE COURT: Well, I don't know if I'd want them in the
19 courtroom or not, quite frankly, but -- I make the
20 assumption that I would but she's welcome to stay.

21 MR. BAILEY: All right. Thank you, Your Honor.

22 THE COURT: I'd rather have my mother anytime. Nothing
23 against his wife. I don't, I don't mean anything like that
24 whatsoever. She can, she can stay.

25 SOLICITOR CATHCART: And, Your Honor, we're asking that

1 Ms. Brown, Ms. Brown who is the -- basically the wife of the
2 victim to be allowed to stay also.

3 THE COURT: Well, is -- any, any victim is allowed to
4 stay under, under our law.

5 SOLICITOR CATHCART: Yes, sir.

6 THE COURT: The victim can stay. The chief
7 arresting -- the chief investigating officer can certainly
8 stay. The evidence custodian, if you have an evidence
9 custodian, can stay. I, I typically allow witnesses that
10 have given sworn statements to stay. Like -- I kind of
11 follow Carmack but that's just me. If it's fine, if y'all
12 want to have kind of a broader sequestration is fine with me
13 too.

14 Well, I guess that would be a narrower sequestration
15 with me but I typically allow those that have given sworn
16 statements to stay. And expert witnesses, I don't exclude
17 expert witnesses. You got an investigator. You got a
18 whatever.

19 MR. BAILEY: We, we have a -- we do have an
20 investigator, Ms. Lee Conlin. We might not be calling her.

21 THE COURT: Well, she, you know, the investigator is
22 welcome to stay.

23 MR. BAILEY: All right. Thank you, Your Honor.

24 THE COURT: Expert witnesses are welcome to stay. Like
25 if you got a pathologist, and you got a pathologist, they

1 can, they can stay.

2 MR. BAILEY: Sounds goods, Your Honor.

3 THE COURT: Okay. All right. But I don't police it
4 because I, I don't know them.

5 All right. Then you got testimony on your Jackson
6 versus Deno, solicitor?

7 SOLICITOR CATHCART: That is correct, Your Honor. We
8 have testimony to that and I believe we have one Neil v.
9 Biggers if you wish to do that as well. There's only one
10 lay witness is the daughter of Lessie Brown who also was
11 there right before this incident occurred. She does not
12 know Kilo by his name Kilo but she was there that morning
13 and saw him, spoke to him for a period of time, was able to
14 pick him out of a photo lineup later on. Everybody else
15 knows this man by the name Kilo and has known him for a long
16 period of time.

17 So, that would be our two things I believe is just the
18 Jackson v. Deno statement made by the defendant. And, Your
19 Honor, that statement is down -- was taken in Mississippi.
20 It is on video, the entire statement. If you wish, we can
21 do the testimony as -- here as to just the -- what the
22 investigator did and Lessie Brown, and if you wish to view
23 the video now or however you wish to do it and everybody has
24 the video.

25 THE COURT: I'm, I'm not tracking it. In other words,

1 the, the rights are on the video and --?

2 SOLICITOR CATHCART: Yes, sir.

3 THE COURT: How long's the video?

4 SOLICITOR CATHCART: About 20 minutes.

5 THE COURT: Well, I can look at it.

6 Are you gonna, are you gonna put up a live witness?

7 SOLICITOR CATHCART: I have the person who's on the
8 video who did it. It would be just to have you look at it
9 if you wish to do that but, if they don't object, everything
10 is on the video.

11 MR. BAILEY: Actually I, I might want to call
12 Investigator Truluck after the video but I might not. I
13 can't---

14 SOLICITOR CATHCART: So, I mean if you would like, I
15 mean you can view the video tonight or we can do that in the
16 morning as to any questions on that or we can just do the
17 whole thing right at this moment.

18 THE COURT: However, however you want to do it,
19 solicitor.

20 SOLICITOR CATHCART: I just want to make sure
21 everybody's getting a fair trial.

22 THE COURT: I mean I don't, I don't mind looking at the
23 video on my own if y'all have looked at it on our own. I
24 did that two weeks ago.

25 SOLICITOR CATHCART: Yes, sir, that's where I'm getting

1 the idea from.

2 THE COURT: I just looked at the video in Jackson
3 versus Deno. I'll do it however y'all want me to. If
4 you -- I mean it will still be in the record. Just I
5 won't -- I don't want to be sitting out here looking at it
6 with y'all. I can do it either way you want me to do it.

7 SOLICITOR CATHCART: We have a transcript also so you
8 can follow along with it and stop it in the places that you
9 think it ought to be stopped and then we can argue about it
10 in the morning.

11 MR. BAILEY: Yeah, Your Honor. We're fine either way.
12 If you want to do -- if you want to watch the video on your
13 own, that's fine, or if you want to watch it here, that's,
14 that's fine too.

15 THE COURT: But you still, you still want to call a
16 witness?

17 SOLICITOR CATHCART: Well, he's on that video, Your
18 Honor, also. So, I don't, I don't think there's even a
19 point of that.

20 MR. BAILEY: Assuming---

21 SOLICITOR CATHCART: He goes into the room. He advised
22 him of his rights at that point in time.

23 MR. BAILEY: So, we'd have just a brief hearing on it.

24 SOLICITOR CATHCART: Yeah, testify in the morning. I'm
25 sure---

1 MR. BAILEY: Yeah.

2 SOLICITOR CATHCART: ---he'll have seen the video and
3 that way we can go to --.

4 THE COURT: All right.

5 SOLICITOR CATHCART: -- the pertinent points of it
6 without having to go through each little part.

7 THE COURT: You, you want to put up -- you want to put
8 up your detective in the morning?

9 SOLICITOR CATHCART: Yes, sir, we can do that in the
10 morning --

11 THE COURT: Okay.

12 SOLICITOR CATHCART: -- and then argue as to what was
13 on the video. Well, at some point, toward the end of the
14 video, he does invoke. And so, at that time, we will be
15 stopping---

16 THE COURT: Sure.

17 SOLICITOR CATHCART: ---our video, a redacted copy of
18 it.

19 THE COURT: All right. Well, just give me a copy.

20 SOLICITOR CATHCART: Yes, sir.

21 THE COURT: Before you leave, Mr. Bailey, sometime
22 today, let me give it to my law clerk and make sure it
23 works.

24 SOLICITOR CATHCART: Yes, sir.

25 THE COURT: And I know how to work it.

1 MR. BAILEY: I think that's a problem for us too
2 sometimes.

3 THE COURT: Cause the last one I had wouldn't, wouldn't
4 work for some unknown reason and then I'll hear from the
5 officer in the morning.

6 SOLICITOR CATHCART: Yes, sir.

7 THE COURT: How long is his testimony gonna take?

8 SOLICITOR CATHCART: His testimony, as to Jackson v.
9 Deno, is basically, just explain why he was there, the
10 rights he read to him, the fact that it's free and voluntary
11 as can be seen on the video, it's gonna be about that quick.

12 THE COURT: How long do you think it will take,
13 Mr. Bailey?

14 MR. BAILEY: I think I'll probably have about --
15 probably about maybe ten minutes of questioning. I mean ten
16 minutes cross on him.

17 SOLICITOR CATHCART: Your Honor, we would---

18 THE COURT: 9:15?

19 MR. BAILEY: Sure. Yes, sir.

20 THE COURT: 9:15 in the morning.

21 SOLICITOR CATHCART: We would actually have not just
22 him but also our officer out of Mississippi. I just won't
23 go over the State now cause I can't pronounce the city.
24 Pascagoula.

25 THE COURT: Is he here?

1 SOLICITOR CATHCART: He is here. We -- he has driven
2 up here and he's not here right now but he's here with his
3 wife at the whatever hotel he's in. But he is available to
4 testify. Basically he's gonna testify to the fact he was
5 with the U.S. Marshall Service when he was arrested and
6 nobody tried to interview him.

7 THE COURT: 9:15 in the morning.

8 SOLICITOR CATHCART: Yes, sir.

9 MR. BAILEY: Okay.

10 THE COURT: Okay. All right.

11 SOLICITOR CATHCART: And then the other thing is just
12 the Neil v. Biggers.

13 MR. BAILEY: We can do the Biggers now unless you want
14 to---

15 SOLICITOR CATHCART: whichever.

16 THE COURT: Okay. All right.

17 SOLICITOR CATHCART: Your Honor, I believe you're
18 talking about -- said Sidney Moore, about State v. Moore, if
19 you want to have a copy of it?

20 THE COURT: I'm trying to make her do it.

21 SOLICITOR CATHCART: Regrettably this does not cite
22 Williams in there at all.

23 THE COURT: Yeah, but those cases that are cited---

24 SOLICITOR CATHCART: Yes.

25 THE COURT: ---Williams, they always go this way.

1 Yeah, give me a copy of it if you have it.

2 SOLICITOR CATHCART: Yes, sir.

3 (WHEREUPON, the advice of rights form was marked as
4 State's Exhibit No. 17 for identification purposes only at
5 this time.)

6 SOLICITOR CATHCART: Your Honor, are you ready for us
7 to start?

8 THE COURT: Yes, sir.

9 SOLICITOR CATHCART: At this time, State calls
10 Investigator Truluck.

11 THE COURT: All right. Yes, sir, if you'd come around
12 and be sworn for us please.

13 CRIS TRULUCK, being first duly
14 sworn, testified as follows:

15 THE CLERK: Please have a seat and state your full name
16 for the record.

17 THE WITNESS: Investigator Cris Truluck.

18 DIRECT EXAMINATION

19 BY SOLICITOR CATHCART:

20 Q Investigator Truluck, where are you employed?

21 A Richland County Sheriff's Department.

22 Q In what capacity?

23 A Major crimes investigator.

24 Q Pursuant to your position as a major crimes

25 investigator, were you involved in this case against Antwon

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Baker?

2 A Yes, sir.

3 Q In what capacity?

4 A I was the lead investigator that night for the -- for
5 this case.

6 Q Okay. And could you give the judge basically a rundown
7 as to what your investigation showed occurred on the night
8 of June the, I believe, 19th?

9 A Yes, sir, based on my investigation on June 19th, I
10 responded after the, the shooting call and Mr. Geter had
11 deceased from his, from his wounds. I got into most of it
12 that night with just nicknames. I was able to develop a
13 nickname of the suspect. I believe we worked the next day,
14 the day after. We kept researching leads that we got and we
15 were able to determine who the suspect was in the case would
16 be the defendant here.

17 what the investigation showed is that there was a
18 conflict between Mr. Geter and Mr. Baker regarding some
19 mechanics that was done. Mr. Baker worked on Mr. Geter's
20 car. I'm sorry. Mr. Geter worked on Mr. Baker's Ford
21 Explorer. There was a disagreement over the work that was
22 done in exchange for money. Based on that, Mr. Baker would
23 produce a pistol and end up shooting Mr. Geter where he died
24 from his injuries.

25 Q Okay. And in speaking to witnesses of this case, did

Cris Truluck - Direct examination
by Solicitor Cathcart

1 you have an opportunity to speak to a Tracea Vereen?

2 A Yes, sir, I did.

3 Q Okay. And what capacity did you speak to her or who is
4 she?

5 A She would be the victim's common law wife, Ms. Lessie
6 Brown's daughter.

7 Q Okay.

8 A Okay.

9 Q And did she indicate that she was there on that date
10 when this all occurred?

11 A She was there that day where she saw Mr. Baker at the
12 scene, yes.

13 Q Okay. And did -- she saying that she was there when
14 the shooting occurred?

15 A No, sir.

16 Q Okay. When did she -- when was she there and in what,
17 what capacity was she there with Mr. Baker?

18 A Prior to this incident occurring, based on Tracea's
19 statement and Ms. Lessie Brown's statement, they had been
20 out shopping. And, when they returned home, the defendant
21 was there at the residence waiting on Mr. Geter to return
22 home.

23 Q Was she -- was the defendant there alone on that day?

24 A No, he was there with another subject.

25 Q And the other subject, did you -- were you able to

Cris Truluck - Direct examination
by Solicitor Cathcart

1 determine who that was?

2 A Yes.

3 Q Was she able to tell you who that was as all?

4 A I don't believe so at that point.

5 Q Okay. At that point did she describe what these guys
6 looked like?

7 A Yes.

8 Q Did she describe the vehicle they arrived in?

9 A Yes, in a light colored Cadillac with heavy damage to
10 the trunk area.

11 Q Okay. Pursuant to her description, were you able to
12 determine who was driving that car?

13 A Eventually I was.

14 Q And let me show you what's been marked as State's
15 Exhibit No. 10 and 9.

16 All right. Do you recognize what these depict?

17 A Yes, sir.

18 Q What is this?

19 A This would be the car that Mr. Baker drove to the scene
20 in with a Mr. Minger who was---

21 Q Do you know who---

22 A ---AKA Mankey.

23 Q I'm sorry.

24 Do you know who was driving this car?

25 A Yes. Mr. Minger.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q Mr. Minger was driving it?

2 A Yes, sir.

3 Q Not Mr. Baker?

4 A That's correct.

5 Q Okay. So, he arrived -- he was there with Mr. Minger
6 at this location?

7 A Yes, sir.

8 Q In this vehicle?

9 A Yes, sir.

10 Q Is this the vehicle that -- as, as Ms. Vereen described
11 it?

12 A Yes.

13 Q Did Ms., did Ms. Vereen, I believe, also indicated what
14 kind of vehicle Mr. Baker owned and left in.

15 Do you recall that?

16 A Yes.

17 Q what did she say he was driving?

18 A She described it as a blue Ford Explorer.

19 Q Okay. Let me show you what's been marked as State's
20 Exhibit No. 11.

21 Do you recognize what that is?

22 A Yes, sir.

23 Q what is that?

24 A This would be the vehicle that was seized from the case
25 that Mr. Baker had driven to the scene and left there for

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Mr. Geter to do work on.

2 Q And y'all recovered it from where?

3 A His residence.

4 Q Okay. Is that, again, consistent with what Ms. Vereen
5 told you?

6 A Yes.

7 Q Okay. So, at, at some point, you were able to
8 determine the name of Mr. Baker?

9 A Yes, sir.

10 Q Did you develop a photo lineup from that?

11 A Yes, sir, I did.

12 Q Who did you show that photo lineup to?

13 A To Tracea.

14 Q Well, first, who all did you show it to?

15 How about that?

16 A I showed it to Ms. Lessie Brown, Clyde I believe. I
17 don't remember Clyde's last name.

18 Q Mr. Clyde Spearman?

19 A Spearman, yes. Clyde Spearman, Ms. Brown, and Tracea.

20 Q Okay. And did Ms. Brown know Antwon Baker by face and
21 by name?

22 A Not before this incident.

23 Q No, no. Not Ms. Vereen. I'm talking about Ms. Brown,
24 Lessie Brown, did she---

25 A Yes. Yes.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q And she knew him as --?

2 A Kilo.

3 Q Okay. Mr. Spearman, does he know him by a name as
4 well?

5 A Kilo.

6 Q Kilo.

7 It's Kilo he's known for a long time?

8 A Yes.

9 Q Okay. Is there any reason, since these guys knew him
10 by name and sight, a name and sight, did you do a photo
11 lineup on them?

12 A I did.

13 Q Why did you do a photo lineup since they already knew
14 them?

15 A He -- just to strengthen the identification of it to
16 help the case, and it's just common practice for me to do
17 that anyways.

18 Q Okay. Did Ms. Vereen indicate that she knew him before
19 this day?

20 A No.

21 Q Okay. And so, did you show her a photo lineup as well?

22 A Yes, sir, I did.

23 (WHEREUPON, the photo lineup was marked as State's
24 Exhibit No. 18 for identification purposes only at this
25 time.)

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q Okay. Let me show you what's been marked as State's
2 Exhibit No. 18.

3 MR. COMISH: No objection.

4 THE COURT: State's 18 for identification purposes
5 only.

6 SOLICITOR CATHCART: Only, yes, sir.

7 Q Do you recognize what that is?

8 A Yes, sir.

9 Q And what is that?

10 A That is the photo lineup that I showed Ms. Vereen.

11 Q Okay. Ms. Vereen, when did you show her that?

12 A It would be September the 17th.

13 Q September the 17th of---

14 A 2015.

15 Q 2015.

16 Did you tell her who to pick out?

17 A I did not.

18 Q Did you give her any indication who you wanted her to
19 pick out?

20 A I did not.

21 Q Did she have any problem picking out a person?

22 A No, sir.

23 Q Who did she pick out as the person that she saw at her
24 home?

25 A Mr. Antwon Baker would be Photo Number 4.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q Photo Number 4 on what's been marked as identification
2 State's No. 18?

3 A Yes, sir.

4 Q And she circled his face?

5 A Put her initials inside and signed it.

6 Q Okay. She also, on that date, did you ask her to
7 identify the guy who was driving the vehicle as well?

8 A Yes, sir, I did.

9 Q Let me show you -- whoops. I'm sorry. Strike that.
10 (WHEREUPON, the driving record of Mr. Minger was marked
11 as State's Exhibit No. 19 for identification purposes only
12 at this time.)

13 Q I show you what's marked as State's Exhibit No. 19 for
14 identification purposes only.

15 MR. COMISH: Without objection.

16 Q Do you recognize what that is?

17 A Yes, sir, it's South Carolina DMV photo of Mr. Minger.

18 Q Mr. Minger.

19 That would be the person who owned the Cadillac?

20 A Yes, sir.

21 Q Did she recognize him as well?

22 A Yes, sir.

23 Q And then write on there that she recognized him?

24 A Yes.

25 Q Okay. Thank you, sir.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 That was done the same day as the photo ID of the
2 defendant?

3 A Yes, sir.

4 Q When you spoke to Ms. Vereen, she was present when her
5 mother picked out the photo lineup too, correct?

6 A Yes, sir.

7 Q And that would of been back in June 22nd I believe?

8 A Hold on. June 24th.

9 Q Yeah, I'm wrong.

10 On June 24th, the mother picked him out of the photo
11 lineup?

12 A Yes, sir.

13 Q So, that would be three months before Ms. Vereen had
14 the opportunity to look at the -- a six pack herself?

15 A Yes.

16 Q Did she indicate that she had any problem or was
17 affected in anyway by her mother's pick as to her pick?

18 A No, she only indicated that she had never -- the only
19 other time she had ever seen this photo was when Ms. Brown
20 identified him.

21 Q Okay. But she had no -- she -- the identification that
22 she did on this date was from what she said she saw and
23 recognized him from the -- when she was -- when he was out
24 there that day?

25 A Yes, sir, that is correct.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q Okay. She -- the murder occurred at what time?

2 A I don't have my in -- incident report present. If you
3 can---

4 Q I---

5 A ---refresh my memory.

6 SOLICITOR CATHCART: I'm sorry, Your Honor. I haven't
7 asked this from the beginning. I've been meaning to for the
8 record.

9 May I approach the witness?

10 THE COURT: Yes, sir.

11 Q Let me show you a copy of the original incident report.
12 Does that -- would that help refresh your memory as to
13 the times?

14 A Yes, sir.

15 Q Okay. And what time did the murder occur?

16 A Between 19:00 hours and 19:05, which would be 7:00PM
17 and 7:05PM.

18 Q Okay. And this would be in June?

19 A Yes, sir.

20 Q Okay. And when -- what time was it that Ms. Vereen
21 indicated that she is speaking with the defendant?

22 A It would of been during the daytime.

23 Q Earlier in the day?

24 A Yep. Yes.

25 Q Okay.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 A It would of been earlier before this incident.

2 Q So, before the hours of darkness?

3 A Yes, sir.

4 Q And she indicated that she saw him right there at, at
5 the front lawn?

6 A Yes, correct. When they came back shopping -- from
7 their shopping trip.

8 Q All right. Thank you.

9 A It was still actually daylight when I arrived, which
10 was, I believe, around eight o'clock.

11 Q All right. Okay.

12 A 8:11 when I arrived. It was still daylight then.

13 SOLICITOR CATHCART: Beg the Court's indulgence.

14 THE COURT: Yes, sir.

15 (Pause.)

16 Q Please answer any questions from defense counsel.

17 THE COURT: Thank you, solicitor.

18 SOLICITOR CATHCART: Thank you, Your Honor.

19 MR. COMISH: Thank you, Your Honor.

20 May it please the Court.

21 CROSS-EXAMINATION

22 BY MR. COMISH:

23 Q Good afternoon, Investigator Truluck.

24 A Good afternoon, sir.

25 MR. COMISH: Madam Court Reporter, can I ask you to

Cris Truluck - Cross-examination
By Mr. Comish

1 mark this please?

2 Investigator Truluck, when you first did the photo
3 lineup for Ms. Brown, Ms. Vereen was present for the lineup?

4 A Yes, sir.

5 Q I'll ask you -- I apologize. Take a look at this once
6 we have it marked.

7 (WHEREUPON, a photo lineup was marked as Defendant's
8 Exhibit No. 1 for identification purposes only at this
9 time.)

10 Q Let me -- thank you. May I approach the witness, Your
11 Honor?

12 THE COURT: Yes, sir.

13 Q Do you recognize this, Investigator Truluck?

14 A Yes, sir.

15 Q Is that the photo lineup you showed Ms. Brown on
16 June 19th?

17 A Yes, sir, June 21st.

18 Q Excuse me. June 21st. I apologize.

19 A Yes, sir.

20 Q And Ms. Vereen was present when you had Ms. Brown
21 complete that lineup?

22 A Yes, sir.

23 Q I'm gonna show you what's already been exhibited --
24 entered as State's 18. That is, in fact, the lineup you
25 showed Ms. Vereen sometime later.

Cris Truluck - Cross-examination
By Mr. Comish

1 Is that correct?

2 A Yes, sir.

3 Q Those two lineups are identical, are they not?

4 A They are.

5 Q Thank you, investigator.

6 I beg the Court's indulgence.

7 (Pause.)

8 Q Investigator, those are -- when I say -- identical in
9 every respect, are they not?

10 A Everything but the signatures, yes, sir.

11 Q Thank you, investigator.

12 No further questions.

13 THE COURT: Redirect, solicitor.

14 REDIRECT EXAMINATION

15 BY SOLICITOR CATHCART:

16 Q Just to be straight for the record.

17 So, the photo lineups were shown to Ms. Brown on the
18 21st. I thought you said 24th. Let me ask to just make
19 sure that's correct.

20 It's the 21st of June?

21 A It's dated the 21st.

22 Q Okay.

23 A Looks like---

24 Q Then you didn't---

25 A ---dated the wrong date.

Cris Truluck - Redirect examination
by Solicitor Cathcart

1 Q So, it looks like -- the one in front of you -- so,
2 it's on the 21st?

3 A Oh, I'm sorry. The photo lineup was shown to her on
4 the 21st. I took the statement from her on the 24th.

5 Q Okay.

6 A That's where it's---

7 Q Okay. I just wanted to make sure it's clear.

8 A Yeah, that's correct. The 21st.

9 Q Okay. Great.

10 Thank you. No further questions for the defendant --
11 the investigator.

12 THE COURT: Recross?

13 MR. COMISH: No, Your Honor.

14 THE COURT: Thank you. Thank you very much, Detective
15 Truluck.

16 THE WITNESS: Thank you, sir.

17 THE COURT: You may stand down.

18 SOLICITOR CATHCART: Your Honor, at this time the State
19 calls Tracea Vereen.

20 THE COURT: All right. Yes, ma'am, if you'd come
21 around please and be sworn.

22 SOLICITOR CATHCART: Well, she's still outside.

23 TRACEA VEREEN, being first duly
24 sworn, testified as follows:

25 THE CLERK: Please have a seat.

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 (Witness complies.)

2 THE BAILIFF: State your name for the record.

3 THE WITNESS: My name is Tracea Vereen.

4 DIRECT EXAMINATION

5 BY SOLICITOR CATHCART:

6 Q Ms. Vereen, where do you live or where have -- do
7 you -- no, I don't guess that works.

8 where do you live?

9 A I live off of -- I live at Larch Wood Drive.

10 Q Okay. And that's in Columbia?

11 A Uh-huh. (Affirmative).

12 Columbia, South Carolina.

13 Q Back in June of 2015, where was your mama living?

14 A She was living at Fiske Street.

15 Q Who was she living with?

16 A Mr. Willie Geter.

17 Q Okay. And they lived together for a long period of
18 time?

19 A Yes, they lived in that house since been maybe ten or
20 eleven years old.

21 Q Okay. And what does Mr. Geter do there?

22 A He was a mechanic.

23 Q Was a mechanic?

24 A Known as a mechanic but he do other house work and
25 paint job, whatever needs, you know.

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 Q And when he does mechanic work, where does he do that?

2 A Mostly in the backyard. Always in the backyard.

3 Q Okay. And on June the 19th, did you and your mother
4 go out shopping?

5 A Well, actually we had just -- I was getting off work.

6 Q Okay.

7 A And I was dropping her off home.

8 Q Okay.

9 A And that's when we seen Mr. Antwon in the front yard.

10 Q Okay. And who-all was with you when this is happening?

11 A My mother, Lessie Brown, my two kids, my two daughters,
12 and my boyfriend, Tron Harrison.

13 Q Okay. And y'all were dropping her off that day?

14 A Uh-huh. (Affirmative).

15 I was -- she's, she's my babysitter at my house, and,
16 when I get off, I take her back home to Fiske Street:

17 Q Okay. And, on that date when y'all dropped her off,
18 was anybody there that was unusual?

19 A Yes, it was. Two males and it was a Cadillac parked in
20 the front yard.

21 Q Okay. What was unusual about a Cadillac being parked
22 in the front yard?

23 A Don't nobody usually park in the front yard unless you
24 like family or known and it's not normal.

25 Q Okay. And does anything particular -- different about

Tracea Vereen - Direct examination
by Solicitor Cathcart

- 1 the Cadillac?
- 2 A It was real beat up. Like they, they was looking like
3 they was fixing on it or trying to put it back together.
- 4 Q So, they were working on the car?
- 5 A Uh-huh. (Affirmative).
- 6 Q which is -- normally happens in the backyard?
- 7 A Uh-huh. (Affirmative).
- 8 Q Okay.
- 9 A That car looked like it had done got in a wreck or
10 something. I'm not sure.
- 11 Q Okay. Let me show you what's been marked as State's
12 Exhibit No. 10 and 9.
- 13 Do you recognize what these are---
- 14 A Uh-huh. (Affirmative).
- 15 Q ---pictures of?
- 16 A Uh-huh. (Affirmative).
- 17 The Cadillac that was in the yard.
- 18 Q That is the Cadillac that was in the yard?
- 19 A Uh-huh. (Affirmative).
- 20 Q Is that -- did you describe that to the police---
- 21 A Uh-huh. (Affirmative).
- 22 Q ---on that day?
- 23 A Uh-huh. (Affirmative).
- 24 Yeah, the bumper was off and he put the bumper back on.
- 25 Q Okay. So, it looks like it's been tied on with some

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 stuff?

2 A Yeah.

3 Q Okay. What time about was it when y'all got there?

4 A I get off at 4:00. So, it had to of been between 4:30
5 and 5:30 that I dropped her off home.

6 Q And this was in June?

7 A Uh-huh. (Affirmative).

8 Q Was it still light outside---

9 A Uh-huh. (Affirmative).

10 Q ---when she was dropped her?

11 A It was daylight. It was still daylight.

12 Q Okay. And did you have an opportunity to talk to these
13 people in the front yard?

14 A No.

15 Q Was anybody talking to them?

16 A We did -- I spoke but that was it.

17 Q Okay.

18 A No, no conversation.

19 Q Did you have an opportunity to see---

20 A Yes.

21 Q ---those people?

22 A Yeah, I did see them.

23 Q Okay.

24 A Cause we was really looking at it. Don't no -- don't
25 nobody use to be in the backyard. Only -- when I did live

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 there, I was the only one that had a car and I parked in the
2 front yard.

3 Q Okay. So, it's kind of odd that they were in the front
4 yard?

5 A It was real odd, yes. It was real odd.

6 Q And that drew your attention to them?

7 A Uh-huh. (Affirmative).

8 Q Did you have an opportunity to see this -- the
9 defendant's face?

10 A Yes, I did.

11 Q Now, can you describe to the judge how you were able to
12 see his face?

13 A When I got out the car, we was looking -- when I got
14 out my car, we was looking at him and I noticed like he
15 didn't -- they didn't look like they belong in the front
16 yard. They didn't know where to go at.

17 Q Okay.

18 A So, they was sitting up there in the front yard fixing
19 on that Cadillac.

20 Q Okay. And what happened after you observed them at, at
21 the front yard and y'all got there with your mama?

22 A They stayed in the front yard. Mama had a little
23 conversation with them. They said that they was waiting on
24 Bo and whatever, and I say about two or three minutes after
25 that, me and my kids and my boyfriend left.

Tracea Vereen - Direct examination
by Solicitor Cathcart

- 1 Q Okay. When you say Bo, who's Bo?
- 2 A Mr. Willie Geter.
- 3 Q Mr. Willie Geter?
- 4 A Uh-huh. (Affirmative).
- 5 Q The decedent in this case?
- 6 A Yeah.
- 7 Q The victim?
- 8 A Uh-huh. (Affirmative).
- 9 Q So, they were in the front yard waiting on him?
- 10 A Uh-huh. (Affirmative).
- 11 Q Okay. And did Mr. Geter show up at that point when you
- 12 were there?
- 13 A Well, by the time -- no, because by the time -- I guess
- 14 when, when I left, that's when he obviously came home.
- 15 Q Okay. And when you left, did you leave with who?
- 16 A I left with my kids and my boyfriend, Tron Harrison.
- 17 Q Okay. You looked -- you just dropped off Ms. Brown---
- 18 A Uh-huh. (Affirmative).
- 19 Q ---and that was it?
- 20 A Uh-huh. (Affirmative).
- 21 Q Okay.
- 22 A Probably stayed maybe five to six minutes and we left.
- 23 Q Okay. And, at that time when you were there, how long
- 24 would you say that you were there?
- 25 A It was about a good five to six minutes.

Tracea Vereen - Direct examination
by Solicitor Cathcart

- 1 Q Five to six minutes---
- 2 A Uh-huh. (Affirmative).
- 3 Q ---that you were in the presence---
- 4 A Uh-huh. (Affirmative).
- 5 Q ---of this man?
- 6 A Uh-huh. (Affirmative).
- 7 Q That you observed this man?
- 8 A Uh-huh. (Affirmative).
- 9 Q Was anything blocking your ability to see him?
- 10 A No, not at all cause we parked right behind them.
- 11 Q And after y'all left, did you hear about anything
- 12 happening that day?
- 13 A Yes, as soon as it happened, my mama called me and was
- 14 saying that he had got -- Mr. Willie Geter had got shot.
- 15 Q Okay. She told you who did it?
- 16 A She was -- it was too much going on at the time. We
- 17 didn't really talk about that, discuss that on the phone. I
- 18 was just trying to get over there to her and him.
- 19 Q But she told you---
- 20 A Yeah, after---
- 21 Q ---the moments that was occurring---
- 22 A Uh-huh. (Affirmative).
- 23 Q Exactly.
- 24 A Yeah, after I got there and everything happened with
- 25 the situation was before we left there and how it happened.

Tracea Vereen - Direct examination
by Solicitor Cathcart

- 1 Q Okay. And then, on the 21st, was when, two days later,
2 investigators showed her a picture or a photo lineup of the
3 defendant or you recall that?
- 4 A Say that again.
- 5 Q Did the investigator ever show your mother a picture
6 lineup of -- or do you recall that?
- 7 A Yes, he did.
- 8 Q Okay. And you were subsequently, on September of 2015,
9 September the 17th, you were shown a photo lineup?
- 10 A Uh-huh. (Affirmative).
- 11 Q Okay. Did you base your recognition of the defendant
12 on what you saw that day or basically on what you saw---
- 13 A Yeah.
- 14 Q ---your mama say?
- 15 A What I saw that day. That was mostly the same picture
16 that I seen with him face-to-face.
- 17 Q That person that you saw in this photo lineup is the
18 person you saw face-to-face for five minutes?
- 19 A Yes, I did.
- 20 Q The person who was in your---
- 21 A In the driveway.
- 22 Q ---mama's driveway---
- 23 A Uh-huh. (Affirmative).
- 24 Q ---right before the murder occurred?
- 25 A Yes, I did.

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 Q Did you have -- does the -- did the investigator give
2 you any indication who to pick out?

3 A No, not at all.

4 Q Do you---

5 A I remember his face.

6 Q You remember his face?

7 A Uh-huh. (Affirmative).

8 Q It's no doubt in your mind you know who did this --

9 A No doubt in my mind, yeah.

10 Q -- or at least what this guy who was in the front yard
11 who he was?

12 A Uh-huh. (Affirmative).

13 Q Do you see him present in the courtroom today?

14 A I do.

15 Q Can you point him out to the judge please?

16 A Right there.

17 Q Right there.

18 what's he wearing?

19 A He's wearing a white shirt.

20 SOLICITOR CATHCART: Okay. Please let the record
21 reflect she's identified, identified the defendant in this
22 case.

23 THE COURT: So reflected.

24 SOLICITOR CATHCART: Thank you, Your Honor.

25 Q Do you recall telling the officers what kind of car

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 Mr. Geter was working on?

2 A With his car or the car in the front yard?

3 Q Not the car in the front yard but the car -- your
4 mother, I believe, had indicated it was a Jeep Cherokee and
5 you indicated it was something else?

6 A The Jeep Cherokee and the Ford Explorer?

7 Q Yeah, the Jeep -- did you correct your mother about it
8 being a Ford Explorer---

9 A Yeah.

10 Q ---and not a Jeep Cherokee?

11 A Yeah, cause she kept saying it was a Jeep Cherokee and
12 I remember saying it was a Ford Explorer cause it was back
13 there a couple days I want to say.

14 Q Okay.

15 A Yeah.

16 Q And that, that would be the car that you recall?

17 A Yeah, two door---

18 Q Two door Explorer?

19 A Two door Ford Explorer.

20 SOLICITOR CATHCART: Okay. Beg the Court's indulgence.

21 (Pause.)

22 Q Okay. Do you recall giving a statement back on
23 September 17th also that day you picked him out of the
24 photo lineup?

25 A I believe I wrote a statement when I went down to the

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 Richland County Sheriff's Department.

2 Q Okay.

3 A That was the day I got off of work and I had to meet
4 with Mr. Truluck.

5 Q Okay. And let me show you --.

6 (WHEREUPON, a statement was marked as State's Exhibit
7 No. 20 for identification purposes only at this time.)

8 SOLICITOR CATHCART: Thank you.

9 MR. COMISH: Without objection.

10 Q Show you what's been marked State's Exhibit No. 20 for
11 identification.

12 Do you recognize what that is?

13 A Yes, it's the statement that I wrote.

14 SOLICITOR CATHCART: May I approach the witness again,
15 Your Honor?

16 I'm sorry.

17 THE COURT: Yes, sir.

18 Q And I'm just trying to make sure I understand the
19 story -- what you indicated happened.

20 I believe, in your statement, you indicated that your
21 mama and Tron get out of the car and you went home to
22 change?

23 A Uh-huh. (Affirmative).

24 Q Is that what happened?

25 A Uh-huh. (Affirmative).

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 Q You left Tron and your mama at the house?

2 A Well, Tron, no. Me and Tron left. Tron dropped me off
3 home and he had to go to Lexington to make a stop up there.
4 He had to go up that way.

5 Q Okay.

6 A That's a part of my statement.

7 Q You picked up Tron -- so, you went and picked up Tron
8 at Augusta Highway?

9 A Uh-huh. (Affirmative).

10 Q Okay.

11 A He was -- yeah.

12 Q Okay. And then you also indicated, when you pulled up
13 to get Tron, I saw the guy, the older guy, and Bo in the
14 backyard working on the Cadillac?

15 A Uh-huh. (Affirmative).

16 Q And that older guy being the guy who owned the Cadillac
17 as well?

18 A Yes.

19 Q And that'd be the guy who's sitting here today?

20 A Uh-huh. (Affirmative).

21 Q Okay. Ms. Vereen, is there any doubt in your mind the
22 person who's sitting right there is the same person that was
23 in your front yard---

24 A No, sir.

25 Q ---the day of the murder?

Tracea Vereen - Cross-examination
by Mr. Comish

1 A There's no doubt in my mind.

2 Q Thank you. Any questions -- please answer any
3 questions by the defense counsel. Thank you.

4 MR. COMISH: May it please the Court, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. COMISH:

7 Q Good afternoon, Ms. Vereen.

8 A Good afternoon.

9 Q Now, we had a little -- is it Tracy or Tracea?

10 A It's Tracea.

11 Q Tracea?

12 A Uh-huh. (Affirmative).

13 Q All right. I was right.

14 Okay. You just indicated that you were at work the day
15 of the incident.

16 Is that correct?

17 A You say I was at work?

18 Q That's right.

19 You -- during the -- you, you had worked that day?

20 A I had worked that day.

21 Q What time did you go to work that day?

22 A Eight o'clock.

23 Q Where do you -- where were you working at the time?

24 A I work at USC.

25 Q What do you do for USC?

Tracea Vereen - Cross-examination
by Mr. Comish

- 1 A I'm a cook.
- 2 Q You're a cook?
- 3 A Uh-huh. (Affirmative).
- 4 Q Is that hard work?
- 5 A Not really. I been there---
- 6 Q Do you come home tired?
- 7 A ---ten years, yeah.
- 8 Q Do you come home tired?
- 9 were you tired that day?
- 10 A No, not at all.
- 11 Q Okay. All right. When you got to the house, you
- 12 didn't interact with the person standing there beyond
- 13 exchanging pleasantries, correct?
- 14 A Uh-huh. (Affirmative)...
- 15 Q Okay. Now, after the incident happened, you were with
- 16 your mother when Investigator Truluck showed her a lineup?
- 17 A Uh-huh. (Affirmative).
- 18 I was present.
- 19 Q And you saw that lineup?
- 20 A Uh-huh. (Affirmative).
- 21 Q And you saw your mother complete that lineup?
- 22 A Uh-huh. (Affirmative).
- 23 Q Later on, I believe it was September, you went to
- 24 Richland County headquarters to give a statement and---
- 25 A Uh-huh. (Affirmative).

Tracea Vereen - Cross-examination
by Mr. Comish

- 1 Q ---complete a lineup?
- 2 A Uh-huh. (Affirmative).
- 3 Q Correct?
- 4 A Uh-huh. (Affirmative).
- 5 Q In that statement, you actually indicated that you
6 recalled seeing pictures of Mr. Brown with your mother?
- 7 A Who is Mr. Brown?
- 8 Q Excuse me. The defendant in the lineup.
9 would it refresh your memory to, to take a look at the
10 statement to see what you said?
- 11 A You said Brown or Baker?
- 12 Q Excuse me. Did I say Brown?
13 I mean Baker. I apologize.
- 14 A See, he was confusing me.
- 15 Q I apologize. As I know, this one's a little confusing.
16 A Can you start that over?
- 17 Q Let's back up.
18 All right.
- 19 A Thank you.
- 20 Q You had a conversation with Mr. Truluck, correct?
- 21 A Uh-huh. (Affirmative).
- 22 Q And he asked you had you ever seen or have I ever
23 showed you pictures of Mr. Baker before.
24 Do you recall him asking you that?
- 25 A No.

Tracea Vereen - Cross-examination
by Mr. Comish

1 Q All right. Would it refresh your memory to review your
2 statement for a second?

3 A Uh-huh. (Affirmative).

4 That's fine.

5 MR. COMISH: Okay. May I approach the witness, Your
6 Honor?

7 THE COURT: Yes, sir.

8 SOLICITOR CATHCART: Oh, here. I'm sorry. I brought
9 it back with me.

10 MR. COMISH: Okay. Thank you.

11 All right. Read this right there.

12 A Meaning like have I seen -- have I ever seen a picture?

13 Q Well, the question is, at that point, did you recall
14 seeing a picture of Mr. Baker in the past?

15 A Before the case or --?

16 Q No, no. Just when you were having a conversation --

17 A Uh-huh. (Affirmative).

18 Q -- with Investigator Truluck --

19 A Uh-huh. (Affirmative).

20 Q -- he asked you if you had ever seen a picture of Mr.
21 Baker.

22 A Oh, no, I never. The only picture that I ever seen was
23 the lineup other than that, no.

24 Q And that's my question.

25 A Okay.

Tracea Vereen - Cross-examination
by Mr. Comish

1 Q So, you recall, at that point, that you had already
2 seen the lineup?

3 A Yeah.

4 Q And that was before you completed your own lineup?

5 A Uh-huh. (Affirmative).

6 Q All right. Thank you. I apologize for the confusion.
7 I know that one's tricky.

8 Beg the Court's indulgence just one second.

9 THE COURT: Yes, sir.

10 (Pause.)

11 Q All right. One final question.

12 The lineup that you completed was identical in every
13 respect to the one that you had seen your mother complete.

14 Is that true?

15 A Uh-huh. (Affirmative).

16 Q All right. Thank you very much.

17 No further questions.

18 THE COURT: All right. Solicitor.

19 SOLICITOR CATHCART: Just a couple questions, Your
20 Honor.

21 REDIRECT EXAMINATION

22 BY SOLICITOR CATHCART:

23 Q The lineup that you were shown was on September the
24 17th?

25 A Uh-huh. (Affirmative).

Tracea Vereen - Redirect examination
by Solicitor Cathcart

- 1 Q Your mothers was two days after the incident occurred?
- 2 A Uh-huh. (Affirmative).
- 3 Q Three months beforehand?
- 4 A Uh-huh. (Affirmative).
- 5 Q And the lineup that you were shown on September 17th,
- 6 was that because of from your memory of seeing---
- 7 A No.
- 8 Q ---that man on your front lawn?
- 9 A No.
- 10 Q It's not from seeing the man on your front lawn?
- 11 A No, it's not. I'm sorry. Say that again.
- 12 Q That's why I need to make sure you understand my
- 13 question.
- 14 A It sound like you said the man in front in the same
- 15 picture or something like that.
- 16 Q The picture, what did you -- when you picked him out of
- 17 the photo lineup---
- 18 A Uh-huh. (Affirmative).
- 19 Q ---is what you saw in your front lawn?
- 20 A Uh-huh. (Affirmative).
- 21 In the front lawn.
- 22 Q Seeing there when this guy in the strange car was
- 23 parked in the wrong space?
- 24 A Uh-huh. (Affirmative).
- 25 He had on a -- I can't remember. I was thinking he had

Tracea Vereen - Redirect examination
by Solicitor Cathcart

1 on a gray tank top with the low -- the twisty things in this
2 hair.

3 Q No further questions. Thank you.

4 MR. COMISH: I have no questions, Your Honor.

5 THE COURT: Thank you. Thank you very much, Ms.

6 Vereen. You may step down.

7 Anything else, solicitor?

8 SOLICITOR CATHCART: Your Honor, that's the extent of
9 the State's witnesses at to this issue.

10 THE COURT: All right. Does the defense intend to
11 present any evidence or testimony in the Neil versus Biggers
12 hearing?

13 MR. COMISH: We do not, Your Honor.

14 THE COURT: All right. Solicitor, I'll be glad to hear
15 from you.

16 SOLICITOR CATHCART: Your Honor, based on the testimony
17 of both the investigator and specifically the witness in
18 this case, that she observed the defendant and that the
19 drawn -- her attention to him in a well lit day on a day
20 that obviously is very important to her because her mother's
21 partner was murdered on that day, she not only describes
22 him. She describes the car he was in to a perfect tee.
23 Describes the car he took away perfectly as well.

24 She is adamant in this case and in all the testimony
25 that the person that she saw was uninfluenced by any other

1 pictures but the person who was in her front lawn on the day
2 of this occurred. I think it matches all the analysis under
3 South Carolina versus Moore in that I don't believe that the
4 process was unduly, unduly suggestive.

5 Her mother did pick him out of a photo lineup, which
6 was three months before Ms. Vereen was able to pick him out
7 of a lineup. He was not -- and Ms. Vereen is also adamantly
8 indicated that that photo lineup that her mother picked
9 was -- had nothing to do with the fact she knows who did
10 this. She knows who was in the front yard of her house.
11 Remember she had ample opportunity to see him.

12 I would point out, again as well, that her testimony as
13 to everything else that occurred that day, the vehicles that
14 were there, and the people who were there, including the guy
15 who drove the Cadillac, the broken down Cadillac with the
16 broken bumper all rang as to what the evidence shows.

17 So, I think there's no substantial likelihood of any
18 misrepresentation.

19 THE COURT: Thank you. Thank you, solicitor.

20 SOLICITOR CATHCART: Yes, sir.

21 THE COURT: Mr. Comish.

22 MR. COMISH: Thank you, Your Honor.

23 Our position is -- it's pretty basic and it's pretty
24 succinct in this that I can't imagine a worse procedure for
25 administering a photo lineup.

1 The purpose of a photo lineup is an unsuggestive or
2 random sample of six pictures. One of whom is the accused.
3 A photo lineup does no good if you've already been given the
4 photo lineup and shown who the person is.

5 That is exactly what happened in this case. She was
6 present when her mother was shown the identification by,
7 excuse me, the lineup by Investigator Truluck and she was
8 there when her mother circled Picture Number 4.

9 To show the exact same lineup three months later, it's
10 mind boggling, Your Honor, and, moreover, while she was
11 filling out that lineup, she had, in her head, she did
12 recall and Investigator Truluck even asked her do you recall
13 seeing photos of this gentleman before and she said yes.
14 She, at that point, still remembered her mother filling out
15 that lineup.

16 For those reasons, I -- it's -- there could not be a
17 more suggestive situation than if Investigator Truluck
18 pointed his finger at the, at the photo himself, and then
19 it -- it just boggles the mind, Your Honor.

20 Mr. Cathcart spoke of the reliability of the
21 edification but, Your Honor, ask you to consider that she's
22 never seen this man before. She was just there to drop off
23 her mother. She was there with two kids. We all know what
24 a handful that can be. She did not engage any -- in any
25 prolonged conversation. Just an exchange of pleasantries.

1 when she did the lineup that's shown -- she'd only seen
2 for several minutes on an admittedly stressful day after a
3 long day of work while looking after two kids with her
4 boyfriend. Three months later, they're asking her to
5 remember this and they're asking you to believe that that
6 sticks in her head more than the fact that her mother
7 already picked someone out of the lineup who turned out to
8 be Mr. Baker.

9 So, for those reasons, Your Honor, we're gonna ask that
10 you find that this was an unduly suggestive lineup and
11 exclude any in-court identification.

12 THE COURT: Thank you.

13 May I see the -- that which has been marked?

14 SOLICITOR CATHCART: Yes, sir.

15 MR. COMISH: Both lineups, Your Honor, or just---

16 THE COURT: Everything.

17 MR. COMISH: ---or everything?

18 THE COURT: Everything that's been marked for
19 identification.

20 SOLICITOR CATHCART: May I approach, Your Honor?

21 THE COURT: Yes. Yes, sir. Thank you.

22 SOLICITOR CATHCART: This is 9, the Cadillac she
23 described.

24 Ten, the Cadillac, the rear damaged bumper described.

25 She described 11, the two door Ford Explorer, which her

1 mother described as a Jeep Cherokee, and she corrected it.

2 This is State 20, which is her statement to the police.

3 State's 19, which is her identification of the driver
4 of that Cadillac, and this is her mother's, which is Defense
5 No. 1, mother's pick, and, again, State's No. 18, which is
6 her pick.

7 THE COURT: Thank you.

8 MR. COMISH: And, Your Honor, just a point of
9 clarification?

10 THE COURT: Sure.

11 MR. COMISH: The black and white is just our copy. The
12 State has the original, which is in color.

13 SOLICITOR CATHCART: We can provide you an original if
14 you wish, Your Honor.

15 (Pause.)

16 THE COURT: All right. Solicitor, is this -- make sure
17 I'm tracking and I'm understanding, Ms. Vereen's statement,
18 on Page 2.

19 Have you seen a picture of the person who has been
20 charged with Mr. Geter's murder prior to today?

21 And her answer, only when you showed me the day my mom
22 picked him out from the photo lineup.

23 SOLICITOR CATHCART: That's what she indicated, Your
24 Honor, but it's not when those -- when he showed her mother
25 the photo lineup. That's when she saw the picture.

1 THE COURT: And so, on June 19th of 2015?

2 SOLICITOR CATHCART: The 21st, Your Honor, the mother
3 picked him out if that's what you're saying. I'm sorry.

4 THE COURT: This says June 19th. Excuse me. I
5 apologize. 21 day June, correct, where it's notarized.

6 Ms. Vereen's mother, Ms. Brown, picked out Mr. Baker or
7 Photo Number 4 and Ms. Vereen saw his picture that day?

8 SOLICITOR CATHCART: That's what she indicates, Your
9 Honor, yes, sir.

10 THE COURT: Explain that to me.

11 SOLICITOR CATHCART: She was -- when the investigator
12 went that night after the -- that afternoon after the murder
13 occurred and I believe this is when the -- actually, well,
14 no, I can't tell that.

15 (Pause.)

16 SOLICITOR CATHCART: On the data, based upon the
17 information that the daughter gave the investigators, they
18 were able to, and the, and the mother gave the
19 investigators, they were able to the -- find Clyde Spearman,
20 who gave the name Kilo, who lives in a certain location.

21 THE COURT: Yes, sir.

22 SOLICITOR CATHCART: They were able to develop that
23 name as Mr. Baker. They go to Mr. Spearman that next
24 morning with a photo lineup, and Mr. Spearman, who knows him
25 by Kilo, picks him out of a photo lineup. They then rush

1 over to the victim's house as well -- the victim's wife's
2 house or where it happened as well and showed her---

3 THE COURT: Ms. Brown's house.

4 SOLICITOR CATHCART: ---that same photo lineup.
5 sir?

6 THE COURT: Ms. Brown's house?

7 SOLICITOR CATHCART: Ms. Brown's house and shows her
8 that same photo lineup. I believe that the daughter was
9 there when that happened. Oh, I'm sorry. It was actually
10 at Tracea's house because, that's right, Ms. Brown wasn't
11 living at that location after that occurred.

12 THE COURT: She was living at Fiske Street?

13 SOLICITOR CATHCART: She was living there when it
14 occurred, the incident occurred. But after the murder of
15 her husband, she moved in with her daughter so that the
16 photo lineup pick was at her daughter's house. That's why
17 the daughter was there.

18 THE COURT: And that's at Fiske Street?

19 SOLICITOR CATHCART: No, sir, the incident location is
20 Fiske Street. The---

21 THE COURT: Well, that's the, that's the address on Ms.
22 Brown's photo lineup affidavit is Fiske Street.

23 SOLICITOR CATHCART: Yes, sir.

24 THE COURT: Now, he showed her---

25 SOLICITOR CATHCART: Yes, sir, she puts down her

1 location -- where she lives but if you say -- if you look at
2 it, on this day, Investigator Truluck showed me a six pick
3 at and then it has her daughter's house.

4 THE COURT: Lake Wood Drive?

5 SOLICITOR CATHCART: Yes, sir, her home address would
6 be the Fiske Street, which this incident occurred there.
7 She was shown the lineup at her daughter's house.

8 THE COURT: well, well, explain to me why showing her
9 the photo lineup -- why the photo lineup -- the photograph
10 of the person whose been charged with Mr. Geter's murder was
11 shown to Ms. Vereen on June 21st, 200 -- June 21st,
12 2015. That's what I'm not tracking.

13 SOLICITOR CATHCART: Yes, sir, they did not show it to
14 her. She was just in the house when Ms. Brown was able to
15 pick him out as the guy she knew. Ms. Brown didn't need a
16 photo lineup. She knows this guy by the name -- by Kilo who
17 lives in that -- who is been -- I mean they've known each
18 other for a few years. Ms. Vereen was just present when he
19 showed her this and saw it because she was there.

20 However, as Ms. Vereen indicates and as the totality of
21 the circumstances showed, she had ample opportunity to view
22 the defendant on the day of the incident. She indicates her
23 degree of attention on the day of the incident was such
24 that, because there was a strange house -- I mean a strange
25 car in the wrong place at the wrong time. There was a --

1 she was able to describe that car to a tee. Describe the
2 car that was out the back and even corrected her mother who
3 thought it was a different car.

4 Describe it -- was able to describe each person that --
5 who was back there as well. All without that pick about
6 notwithstanding the mother. I think -- and as you saw on
7 her testimony, she is certain of her pick because she saw
8 him that day.

9 Again, the totality of the circumstances, I believe her
10 identification is, is enough to go -- overcome that fact
11 that she was there when her mother picked him out three
12 months before she was able to the -- pick him out.

13 (Pause.)

14 THE COURT: All right. Under Neil versus Biggers, 409
15 U.S. 188, 1972, first the Court must determine whether the
16 identification process was unduly suggestive. It next must
17 determine whether the out-of-court identification was
18 nevertheless so reliable that no substantial likelihood of
19 misidentification existed. Only if the procedure was
20 suggestive need the Court consider the second question,
21 whether there was a substantial likelihood of irreparable
22 misidentification.

23 I'm reading the excerpt, excerpt from Neil versus
24 Biggers from State versus Moore, M-O-O-R-E, 343 SC 282,
25 2000. Although Moore was a show-up case -- and the Court

1 goes on to review that single person show-ups are
2 particularly disfavored in the law. The practice of showing
3 suspects singularly to persons for the purpose of
4 identification and not as part of a lineup has been widely
5 condemned. And, in Moore, the witness was brought to a
6 location where two individuals wearing clothing similar to
7 that described by the witness were surrounded by uniform
8 police officers, and it is patent the show-up procedure was
9 unduly, unduly suggestive.

10 The reason I bring that up in this case is obviously
11 this case is not a show-up identification procedure nor is
12 the suspect surrounded by uniform police officers, and being
13 with another individual in the same or similar clothes that
14 was described by the, the eye witness. Although this
15 procedure is not a show-up, I think, if they were a family
16 reunion for identifications, they would all be at the same
17 reunion.

18 When witness A, in this case Ms. Brown, was shown a
19 photographic lineup, not a show-up, on 21 June '15 of the
20 incident which occurred on 19 June '15, and picked out
21 Picture Number 4, ostensibly that of the or what had been
22 represented to me as Number 4 being that of the defendant in
23 this case, it further indicates to me that Ms. Vereen was
24 present at, and I believe I perhaps mispronounced that name,
25 I think it was shown by the detective to Ms. Brown at

1 Larch Wood Drive, L-A-R-C-H W-O-O-D, on that June 21,
2 '15 date, some four days shy of a three month period of time
3 from 21 June to 17 September '15. Ms. Vereen was thereafter
4 shown the same lineup with Number 4 -- when I say the same,
5 I don't mean the marked same having been marked by Ms. Brown
6 but with the same six photographs in it and Mr. Baker being
7 in the same position in that photograph -- in that
8 photographic lineup shown to Ms. Vereen as Mr. Baker was in
9 the photographic lineup.

10 I just want the record first to be clear it's the same
11 only that they're the six photographs of six type form with
12 such like that but they're, they're two separate and
13 distinct copies with the same information in the photographs
14 on them. And further, it's been represented to me that both
15 were in color as the one, as the one that was same in both
16 being the same as in color as the one shown to, to Ms.
17 Brown.

18 So, the first prong is whether or not it was unduly
19 suggestive, the first prong that I look at and that, of
20 course, doesn't end the inquiry. If the testimony were that
21 Ms. Vereen watched, noticed, observed, absorbed the showing
22 by the detective of the photographic lineup to Ms. Brown, it
23 would be unduly suggestive. That would also be if given --
24 if Ms. Brown were, excuse me, given if Ms. Vereen were --
25 was -- if her attention was focused on the entire Brown

1 procedure of picking out Number 4.

2 But assuming that it was unduly suggestive, if you add
3 in the statement marked State's Exhibit No. 21, have you
4 seen a -- which is a statement taken by Investigator Truluck
5 from Ms. Vereen, have you seen a picture of the person who
6 has been charged with Mr. Geter's murder prior to today,
7 prior to September 17th?

8 Her answer is only when you showed me the day my mom
9 picked him out from the photo lineup.

10 The next question is were you able to pick the same guy
11 from a lineup as the person you saw in the front and
12 backyard at your mother's house the day of the incident?

13 Her statement verifies that she saw an older man trying
14 to fix the bumper. That's the bumper on the Cadillac which
15 she's identified as State's 9 and 10, which is a Cadillac
16 and it shows the rear bumper damage. And so, that's been,
17 that's been identified by Ms., by Ms., Ms. Vereen.

18 Back -- backing up just a moment and going back and
19 closing State versus Moore if it is unduly suggestive. Only
20 the procedure was suggestive need the Court consider the
21 second question, whether there was a substantial likelihood
22 of irreparable misidentification. And even in citing that
23 language, the Court falls back to show-ups saying how
24 sharply criticized and inherently suggestive they are but
25 yet the identification need not be excluded as long as,

1 under all the circumstances, the identification was reliable
2 notwithstanding any suggestive procedures, and the Court
3 most focus, under the totality of the circumstances, there
4 was that substantial likelihood of irreparable -- of
5 suggestive -- irreparable procedure was suggestive.

6 She identifies the Cadillac she -- from her memory.
7 Not from what she was shown and heard from Ms. Vereen. Not
8 from what she was shown and pointed out to by Ms. Brown.
9 she also describes the vehicle in the backyard as being a
10 blue Ford Explorer, two door, identified as State's Exhibit
11 No. 11 by her. So, there's three details.

12 In this, she talks about the light colored Cadillac
13 sitting in the front yard with the bumper hanging off the
14 ground. And she sees the one guy standing by the first --
15 front passenger door and the older man trying to fix the
16 bumper. She leaves, comes back 30 minutes later, and when
17 she gets back, she pulls up to get Tron, her boyfriend I
18 believe it is, and she sees the guy, the older guy, and Bo
19 in the backyard working on the Cadillac that was in the
20 backyard.

21 So, she's had two opportunities now, on the same day
22 within 30 minutes of each other, to see two individuals.
23 One of which she sees at the, at the same resident location
24 and sees one of them standing outside of the car in the
25 front yard and in the backyard the second time. So, you got

1 the one person, I'm gonna call him the yard man, he's in the
2 yard, front yard the first time and in the backyard the
3 second time, and then the back man, he's on his back, and
4 he, and he -- with the older man working on the bumper in
5 the front yard, the backyard, and the older man working on
6 the bumper.

7 Also -- and the point's well taken of the distraction
8 and such like that but, when you look at those factors of
9 the totality of the circumstances, the opportunity to view
10 the criminal, the degree of attention, well, that can go
11 north, north to south or south to north. She must have had
12 a high degree of attention to not only recognize the two
13 vehicles but to recognize damages on the vehicles, the color
14 on the Cadillac, what one of the parties or what both, both
15 of the parties were doing the first time, one standing by
16 the passenger door and the other one being in the back
17 working on the Cadillac and seeing or identifying on her
18 statement, of placing in her statement that, when she pulled
19 up to get Tron, I saw the guy, the older guy, and mother in
20 the backyard and a Cadillac.

21 So, she's seeing a number of people in different
22 locations but at the same residence and a -- whoever Bo is,
23 I'm not sure who that is, I know it's not Tron. I don't --
24 I say it's not Tron cause she talks about Tron in her
25 statement.

1 SOLICITOR CATHCART: Your Honor, if I may?
2 She testified that Bo is the victim in this case,
3 Willie Geter.

4 THE COURT: Okay. I think -- let me look at these
5 facts one more minute.

6 (Pause.)

7 THE COURT: I think there's a difference in one's
8 identification, which is this impression and the mental
9 state of an individual as to identification. I think
10 there's a difference between someone observing an individual
11 interact with an officer. Not even -- I think it's a
12 difference between an individual or person being present
13 when an officer is interacting with a, with a third party as
14 far as the photographic lineup procedure versus what that
15 person may have personally observed four days earlier.
16 That, that is the introduction in the mind and the memory to
17 have any ability to express an opinion as to the
18 identification of a third party.

19 The mother is not a suspect or involved in any type of
20 criminal activity as far as the record in this courtroom,
21 and, and I think that period of time, like I say, I think it
22 cuts both ways. whether you cut your throat left or right
23 or right to left, your throat's still cut. where it's
24 waited that -- waited almost -- there's been a wait of
25 almost 90 days to show the photographic lineup to, to Ms.

1 Vereen.

2 If you, if you do review her statement even further,
3 when you look at her statement, Page 2.

4 Q. Investigator Truluck showed you a photograph of the
5 "older man."

6 Is this the one who you saw working on the Cadillac?

7 A. Yes.

8 Have you seen a picture of the person who has been
9 charged with Mr. Geter's murder prior to today?

10 Prior to 17, September.

11 It's a very specific question. You seen him prior to
12 today.

13 No.

14 Not have you seen him prior to today.

15 Have you seen a picture of him prior to today?

16 Only when you showed me the day my mom picked him up in
17 the photo lineup -- picked him from the photo lineup.

18 Q. Were you able to pick the same guy from a lineup of
19 the person you saw -- not from the person you saw your mom
20 pick out but from the person you saw in the front and the
21 backyard at your mother's house on the day of the incident?

22 And, again, do you remember what vehicles you saw in
23 the backyard that day?

24 That tan looking Cadillac, a blue Ford Explorer, two
25 door, gray truck, white looking car, and there was a green

1 car with a bumper missing.

2 I think it's -- I think it's unduly suggestive.
3 However, I do not think it is such that, under the
4 circumstances, it should be excluded based on the
5 circumstances that the identification was reliable and
6 notwithstanding any suggestive procedure.

7 So, I do not think it fits the prong two of Neil versus
8 Biggers. It may fit -- best practices may be different.
9 I'm not going to speculate as to that. But this is a case
10 in which the witness did have that opportunity to observe
11 the defendant on two occasions, to describe details of --
12 during which those observations were made, to describe the
13 locations of during which those observations were made, to
14 describe activities by other individuals who were present
15 during which those observations were made.

16 So, I would deposit that it is admissible under Neil
17 versus Biggers and State versus Moore.

18 All right. Any other further motions for the day?

19 SOLICITOR CATHCART: No, sir, not at all.

20 THE COURT: Mr. Bailey?

21 Mr. Comish?

22 MR. BAILEY: No, sir, not for the day if we're doing
23 the Deno tomorrow.

24 THE COURT: All right. Thank y'all. Thank y'all very
25 much.

1 At 9:00 -- what time did I say, Mr. Bailey?

2 MR. BAILEY: 9:15, Your Honor.

3 THE COURT: Don't look at Mr. Cathcart to tell you.

4 MR. BAILEY: No, I was -- thank you, Your Honor.

5 With -- just for the record, cause we always -- we'd
6 like to just renew our objection to the Biggers ruling.

7 THE COURT: Certainly, yes, sir. If -- whatever,
8 whatever you have to do to feel like you're protected on the
9 record. I never know what a defense attorney may do
10 nowadays to protect him or herself---

11 MR. BAILEY: Thank you, Your Honor.

12 MR. COMISH: We don't either.

13 THE COURT: ---on the record for this.

14 MR. BAILEY: Yeah, we don't either. That's why we---

15 THE COURT: I have noted that we have a continuing
16 objection. So, yeah, you can have it but it might not make
17 it three blocks.

18 Thank y'all. Thank y'all very much.

19 Y'all have a great evening.

20 SOLICITOR CATHCART: Your Honor, if I may approach and
21 hand up a copy of the CD and the transcript?

22 THE COURT: Yes, sir.

23

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

25

1 Tuesday, April 25th, 2017

2
3 THE COURT: All right. Solicitor, you have a witness
4 or two witnesses to call?

5 SOLICITOR CATHCART: Yes, sir, we do.

6 THE COURT: All right. Call your first witness please.

7 SOLICITOR CATHCART: At this time, the State calls
8 Sergeant Wiggins.

9 THE COURT: All right. If you come around please and
10 be sworn.

11 MICHAEL WIGGINS, being first duly
12 sworn, testified as follows:

13 THE CLERK: Please have a seat.

14 (Witness complies.)

15 THE CLERK: State your full name for the record.

16 SOLICITOR CATHCART: May it please the Court?

17 THE COURT: Yes, sir.

18 DIRECT EXAMINATION

19 BY SOLICITOR CATHCART:

20 Q Would you state your name for the record?

21 A Michael Wiggins.

22 Q Okay. Where are you employed?

23 A Pascagoula Police Department.

24 Q And where is that located?

25 A South Mississippi on the Gulf of Mexico.

Michael Wiggins - Direct examination
by solicitor Cathcart

1 Q Okay. Were you contacted by anyone in reference to
2 Antwon Baker?

3 A Yes, I was.

4 Q And who was that?

5 A U.S. Marshals Fugitive Apprehension Team.

6 Q Okay. And why did they or what did they contact you
7 for?

8 A They'd been tracking a suspected person wanted for
9 murder that might of been in the area.

10 Q Okay. I'm gonna ask you to speak to the microphone---

11 A Yes, sir.

12 Q ---mainly because I'm deaf.

13 A Okay.

14 Q Where were you looking -- where were you when they
15 contacted you?

16 A I was on Highway 90, I'm sorry, Hospital Road and Old
17 View Highway about a block from Princeton Apartments.

18 Q Okay. So, was that -- so, were you, were you close by
19 when---

20 A Yes, I was very close.

21 Q Okay. And any particular reason they contacted you?

22 A They actually put it out that they needed a detective
23 at the scene.

24 Q Okay. And you were the closest detective at the scene?

25 A Yes, sir, I was.

Michael Wiggins - Direct examination
by Solicitor Cathcart

1 Q Okay. And did you go to that scene?

2 A Yes, sir.

3 Q And what happened when you arrived at the scene?

4 A I was briefed by the Marshals Office that they -- a
5 fugitive from justice was in the area and we were gonna try
6 and arrest him.

7 Q And what, if anything, happened when that was going on?

8 A I'm sorry?

9 Q What happened after they briefed you on what y'all were
10 gonna do?

11 what, if anything, happened?

12 A We pulled in the parking lot. Mr. Burrell (sic) was
13 standing in the parking lot.

14 Q So, he, he was right there?

15 A Yes, sir.

16 Q Did you -- what did y'all do?

17 A The marshals took him into custody.

18 Q Okay.

19 A I went to the, I went to the manager's office to see
20 who was registered at the room he was staying at and found
21 out he was on the lease. From there, I went to the
22 leaseholder, the female he was staying with.

23 Q Okay. Now, I don't -- I understand y'all looked in the
24 apartment and all this other stuff but just as to his
25 arrest. I'm gonna limit to that.

Michael Wiggins - Direct examination
by Solicitor Cathcart

1 A Okay.

2 Q Did y'all place him -- was he placed under arrest?

3 A Yes, he was.

4 Q And what did y'all do with him after he's placed under
5 arrest?

6 A I called for a marked unit to transport the adult to
7 the detention center in Jackson County.

8 Q Okay. And, at that time, did you or them or anyone
9 tried to interview him at that point?

10 A No.

11 Q Why not?

12 A I didn't want to screw up the case here.

13 Q Okay. So, y'all left it for the Richland County
14 Sheriff's Department to interview him?

15 A Yes, sir.

16 Q Okay. And, at that point, did you have any other
17 contact with him?

18 A After the interview we did.

19 Q After the interview you did?

20 A Yes, sir.

21 Q And that was after Investigator Truluck did the
22 interview?

23 A Yes.

24 Q And that was in y'all's interrogation room?

25 A Yes, sir.

Michael Wiggins - Direct examination
by Solicitor Cathcart

1 Q Do y'all have videotapes in that interrogation room?

2 A Yes, we do.

3 Q Okay. How many interrogation rooms do you have?

4 A Two.

5 Q And which one were they in?

6 A We were in Interview Room, Interview Room 2.

7 Q Interview Room 2.

8 Do you know that because of the couches in it?

9 A Yes, sir, the couches.

10 Q Okay.

11 Okay. That's all we have for this witness, Your Honor.

12 THE COURT: Thank you, solicitor.

13 Mr. Bailey.

14 MR. BAILEY: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. BAILEY:

17 Q Investigator Wiggins, so, at this point, when you
18 picked up Mr. Baker, he was definitely in your custody and
19 he was taken back to be interviewed.

20 Is that right?

21 A Yes, sir.

22 Q Okay.

23 Thank you, Your Honor. No further questions.

24 THE COURT: Thank you, Mr. Bailey.

25 Anything further, solicitor?

Cris Truluck - Direct examination
by solicitor Cathcart

1 SOLICITOR CATHCART: No, sir, not from this witness.

2 THE COURT: Thank you. Thank you very much.

3 You may step down.

4 All right. You may call your next witness, solicitor.

5 SOLICITOR CATHCART: At this time, the state calls

6 Investigator Truluck.

7 THE COURT: All right. Yes, sir.

8 CRIS TRULUCK, being first duly

9 sworn, testified as follows:

10 THE CLERK: Please have a seat.

11 (Witness complies.)

12 THE CLERK: State your full name for the record.

13 THE WITNESS: Investigator Cris Truluck.

14 DIRECT EXAMINATION

15 BY SOLICITOR CATHCART:

16 Q Investigator Truluck, where are you employed?

17 A Where?

18 Q Yes, sir.

19 A At Richland County Sheriff's Department.

20 Q In what capacity?

21 A Investigator in the major crime unit.

22 Q And where -- is that your job back in June of 2015?

23 A Yes, sir.

24 Q Okay. And during that time while you were employed
25 with Richland County Sheriff's Department as a major crimes

Cris Truluck - Direct examination
by Solicitor Cathcart

1 investigator, were you assigned to the case against Antwon
2 Baker?

3 A Yes, sir, I was.

4 Q Okay. And, at some point, did you find out that he'd
5 been detained?

6 A Yes, sir.

7 Q And where was he detained?

8 A In Pascagoula, Mississippi.

9 Q When did you find that out?

10 A I believe it was on June the 24th.

11 Q Okay. And did you -- I mean do you know why he was
12 detained?

13 A Yes, sir, there was warrants for his arrest for the
14 murder of this case.

15 Q And the warrants were put out by whom?

16 A Myself.

17 Q You, you issued those warrants?

18 A Yes, sir.

19 Q Based upon your investigation?

20 A Yes, sir.

21 Q Okay. And so, the Pascagoula Mississippi Police
22 Department called you up and told you that he had been --
23 had been apprehended?

24 A Yes, sir.

25 Q what did you do at that point?

Cris Truluck - Direct examination
by Solicitor Cathcart

- 1 A I actually spoke with Mr. Baker over the phone and
2 asked him did he want to talk to me. He said he did and, at
3 that point, I said well, I'll be there the next day to speak
4 with you.
- 5 Q Okay. And did you go down there?
- 6 A Yes, sir, I did.
- 7 Q Okay. And when did you arrive?
- 8 A The morning of June the 25th.
- 9 Q Okay. And did you go to the -- where to talk with the
10 defendant?
- 11 A Pascagoula Police Department.
- 12 Q Okay. And can you describe where you met with him at?
- 13 A In one of their interview rooms.
- 14 Q Okay. Did you advise him of your -- of his rights---
- 15 A Yes, sir.
- 16 Q ---before you spoke with him?
- 17 A Yes, sir, I did.
- 18 Q Let me show you what's been marked State's Exhibit No.
19 17 for identification.
- 20 May I approach the witness, Your Honor?
- 21 THE COURT: Yes, sir.
- 22 Q Do you recognize what that is?
- 23 A Yes, sir, I do.
- 24 Q What is it?
- 25 A It's a advisement of rights.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q When you do an advisement of rights, it is a particular
2 advisement of rights?

3 A Advisement of rights to Antwon Baker.

4 Q Okay. Is that the advisement of rights that you read
5 to Mr. Baker?

6 A Yes, sir.

7 Q okay. Could you describe to the judge what you read to
8 him and how you conformed that piece of paper?

9 what did you do when you went through that form?

10 A Normally what I do is I read each, read each one of
11 these rights.

12 would you like for me to read them?

13 Q Yes, please.

14 And when you say normally, is that what you did on this
15 day?

16 A Yes, sir.

17 Q okay.

18 A During this interview, it was cutoff several times
19 while I, while I did it, but every time, the way I read it
20 was, before we ask you any questions, you must understand
21 your rights and each time I read that I check it off. You
22 also have the right to remain silent. Anything you say can
23 be used against you in Court. You have the right to talk to
24 a lawyer for advice before we ask you any questions and have
25 a lawyer with you during questioning. If you cannot afford

Cris Truluck - Direct examination
by Solicitor Cathcart

1 a lawyer, one will be appointed for you before any
2 questioning if you wish.

3 If you decide to answer questions now without a lawyer
4 present, you still have the right to stop answering at
5 anytime. You also have the right to stop answering at
6 anytime until you talk to a lawyer. And then I would ask
7 them do they understand that.

8 And then explain the second part of your rights is
9 called your waiver of rights. And that says I have read the
10 statement of my rights and I understand what my rights are.
11 I'm willing to talk and answer questions. I understand and
12 know what I'm doing.

13 No promises have been made to me and no pressure or
14 coercion of any kind has been used against me. And then I
15 would have them sign each of the spots under your rights and
16 under your waiver of rights.

17 Q Okay. And did you -- I believe you said you also
18 signed each of these things, things?

19 A Yes, sir.

20 Q And, at that point, did he indicate he wanted to talk
21 to you?

22 A He did.

23 Q Okay. When he first starts speaking with you, at some
24 point he's -- he indicated to you that perhaps he ought to
25 talk to a lawyer?

Cris Truluck - Direct examination
by Solicitor Cathcart

1 A He did mention and I just say well, you can see on the
2 video he did -- I did hear lawyer.

3 Q Uh-huh. (Affirmative).

4 A But I didn't understand exactly his whole statement he
5 made. However, he continued to talk. So, as he continued
6 to talk and I didn't understand it, I allowed him to
7 continue.

8 Q So, he even advised you that, you know, it might be a
9 good idea for me to have a lawyer but he kept talking to
10 you?

11 A Yes, sir.

12 Q Okay.

13 A Back reading the -- looking at the video, it does -- I
14 did see that or hear that but, at the time, I did not hear
15 that whole statement.

16 Q And even on the video he contended -- he continued to
17 tell you what he or -- what his story was --

18 A Yes, sir.

19 Q -- about after he said that, correct?

20 A Yes, sir.

21 Q And, at some point later on in the, in his interview,
22 he, at that point, did he indicate he wishes for a lawyer,
23 correct?

24 A That is correct.

25 Q And, at that time, did the interview end?

Cris Truluck - Direct examination
by Solicitor Cathcart

1 A I think we spoke briefly about his extradition and some
2 other comments were made but yes, sir, pretty much it ended.

3 Q But not anymore as to what occurred at the scene?

4 A That is correct.

5 Q At that time, you were just asking him about
6 extradition. I believe somebody else from the police
7 department down there was also talking to him about
8 extradition.

9 A Yes, sir.

10 Q But as to the issue of what his statement as to what
11 occurred back here in Columbia when he's indicated that I
12 want my lawyer, at that point he stopped your interview?

13 A Yes, sir.

14 SOLICITOR CATHCART: Beg the Court's indulgence.

15 (Pause.)

16 Q And all this was recorded down there in Mississippi?

17 A Yes, sir, it was.

18 Q And that recording has been provided to us here today
19 and published, published to the judge as well to the best of
20 your knowledge as of yet?

21 A Yes, sir.

22 SOLICITOR CATHCART: That's -- Your Honor, we could put
23 the video in through the -- this officer or you've already
24 seen it. So, I'm not sure how you wish to proceed with
25 that.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 THE COURT: You can, you can mark it.

2 (WHEREUPON, the DVD was marked as State's Exhibit No.
3 21 for identification purposes only at this time.)

4 THE COURT: Have you marked it?

5 SOLICITOR CATHCART: Yes, sir.

6 THE COURT: All right.

7 Q We've provided you with redacted copies of the CD/DVD?

8 A (Witness nods affirmatively.)

9 Q Do you have those with you?

10 A I do not. I have the DVD.

11 You talking about from the video?

12 Q From the video.

13 A No, sir, I don't.

14 The original one?

15 Q The original one we have but we had given you the
16 redacted ones.

17 Do you recall that?

18 A Yes.

19 Q Do you know where they are?

20 A Unless it's in evidence. It should be in evidence at
21 the sheriff's Office unless we brought it here.

22 Q Okay. They're in---

23 A Yes, sir.

24 SOLICITOR CATHCART: Hold on, Your Honor. Beg the
25 Court's indulgence.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 THE COURT: Yes, sir.

2 SOLICITOR CATHCART: We've made redacted copies to
3 present to the Court. The original copies are in my office
4 but I'd like to go ahead and put both of them in if I may
5 just run go get it.

6 THE COURT: Yes, sir.

7 SOLICITOR CATHCART: I'd appreciate it. Thank you.

8 (Pause.)

9 (WHEREUPON, the DVD of the redacted version of the
10 statement was marked as State's Exhibit No. 22 for
11 identification purposes only at this time.)

12 Q Showing you what has been marked State's Exhibit No.
13 22.

14 Do you recognize what that is?

15 A Yes, sir, I do.

16 Q Okay. And what is that?

17 A It's the original DVD containing the recording of the
18 interview of Mr. Baker.

19 Q And that recording is not only of the interview but
20 also of your advice of rights?

21 A Yes.

22 Q Okay. Thank you.

23 And have you had an opportunity to see this smart
24 board?

25 A Yes, sir.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q Have you seen --.

2 (WHEREUPON, a portion of the video was played at this
3 time.)

4 Q That is the -- what is represented on that video?

5 A Yes, sir.

6 SOLICITOR CATHCART: That's it from the -- for this
7 witness, Your Honor.

8 THE COURT: All right. And you have the -- you marked
9 the original?

10 SOLICITOR CATHCART: It is marked right here as
11 State's---

12 THE COURT: And the redacted?

13 SOLICITOR CATHCART: Yes, sir.

14 THE COURT: And what, what are the numbers, solicitor?

15 SOLICITOR CATHCART: The original is State's Exhibit
16 No. 21 and redacted will be 22.

17 THE COURT: All right. Thank you.

18 SOLICITOR CATHCART: And what's on the smart board are
19 on -- what's on the -- what are the redacted videos are.

20 THE COURT: All right. Thank you.

21 SOLICITOR CATHCART: Yes, sir. Thank you.

22 THE COURT: Thank you, solicitor.

23 Mr. Bailey.

24 MR. BAILEY: Yes, sir.

25 THE COURT: Oh, you have -- were you through,

Cris Truluck - Cross-examination
by Mr. Bailey

1 solicitor?

2 SOLICITOR CATHCART: I am through, Your Honor. Thank
3 you.

4 Please answer any questions from Mr., Mr. Bailey.

5 THE COURT: Mr. Bailey.

6 MR. BAILEY: Thank you, Your Honor.

7 May it please the Court.

8 CROSS-EXAMINATION

9 BY MR. BAILEY:

10 Q So, investigator, you came down to Pascagoula, I think
11 that might be the first time I've said it right out loud,
12 and you interviewed Mr. Baker on June 25th?

13 A Yes, sir.

14 Q Okay. And, and, and this video, obviously, is a video
15 taken of you interviewing Mr. Baker on---

16 A Yes, sir.

17 Q ---June 25th?

18 A Yes, sir.

19 Q why don't we have these videos in Richland County?

20 A I don't know. It's above me, sir.

21 Q So, at -- you're, you're not in a position to speak on
22 behalf of Richland County Sheriff's Department?

23 A That's correct.

24 Q Okay.

25 A Not on this issue.

Cris Truluck - Cross-examination
by Mr. Bailey

1 Q All right. I like them. I'm just saying.

2 Okay. Investigator, so, he was, he was in custody,
3 right?

4 A Yes, sir.

5 Q Mr. Baker, he had, he had been taken into custody, and
6 is it fair to say, at this point, you were, you were
7 interrogating him?

8 A I was interviewing him.

9 Q Okay. He was in custody and you were asking him about
10 this case?

11 A Yes, sir.

12 Q Okay. You, you read him his rights, right?

13 A Yes, sir.

14 Q Okay. And I, and I -- and right here I've got where
15 you say, on Page 5 of a transcript, and I know the video is,
16 is what we're dealing with, but you say you understand
17 coercion.

18 You asked him that, right?

19 A Yes, sir.

20 Q Okay. And he said yes, sir?

21 A (Witness nods affirmatively.)

22 Q And then you said "okay. Will you, there's an
23 indistinct thing, and signed both of these -- those, the
24 spots right there for me right there."

25 And then you asked him to sign, sign the form, right?

Cris Truluck - Cross-examination
by Mr. Bailey

1 A Yes, sir.

2 Q Okay. Now, after that, you never said do you still
3 want to talk to me, did you?

4 A Without reviewing that and listening to the tape, I, I
5 would rather review that to make sure. But I -- if you, if
6 you have the transcript there and I didn't say that, then
7 undoubtedly I didn't say that.

8 Q Okay. But you did say -- you did go on to say tell me
9 how this whole thing started.

10 You did say that?

11 A Yes, sir.

12 Q Okay. Do you remember when Mr. Baker -- do you
13 remember when Mr. Baker said, "I was -- I mean now look, I'm
14 not talking -- I don't, I don't have a lawyer. So, all I
15 can tell you is what I assume" and then there's kind of a
16 dash, "whoever got into with this guy, what happened."

17 So, do you remember him saying I'm not talking, I don't
18 have a lawyer?

19 A Well, as I stated previously, and I even noted in my
20 follow-up, I remember him saying lawyer. I didn't get -- I
21 didn't catch the whole statement he did make to me but I do
22 remember saying that. That's why I noted it. It wasn't
23 clear to me that I want my lawyer, I don't want to talk to
24 you without a lawyer. It wasn't clear to me. And the fact
25 he continued to talk. So, I allowed him to continue to

Cris Truluck - Cross-examination
by Mr. Bailey

1 talk.

2 So, now, noting that in my follow-up is because I
3 reviewed the interview prior to my follow-up, and I wanted
4 it to be clear that yes, that's what was said but I didn't
5 hear that at the time.

6 Q Right.

7 And you were clear in your report that you didn't
8 understand what he was saying but you did say you heard him
9 say lawyer.

10 Is that right?

11 A That is correct.

12 Q Okay. So, you heard him say lawyer but -- and -- but
13 you didn't really understand the sentence he said when the
14 lawyer -- word lawyer appeared in there.

15 Is that right?

16 A Yes, sir.

17 Q In fact, your report says "I did hear Baker say lawyer
18 but did not understand his whole statement. And since he
19 continued to talk, it led me to believe wanted to give his
20 statement." There's no he there. "But led me to believe,
21 I'm assuming, he wanted to give a statement."

22 So, you didn't understand what he said?

23 A Yes, sir.

24 Q But you didn't, you didn't ask him what he meant?

25 A That's correct.

Cris Truluck - Cross-examination
by Mr. Bailey

1 Q Okay. So, you didn't understand but you didn't ask him
2 to, ask him to explain it?

3 A Yes.

4 Q And you did not stop him?

5 A That's correct.

6 Q Okay. Thank you.

7 No further questions at this time, Your Honor.

8 THE COURT: Thank you. Thank you, Mr. Bailey.

9 solicitor.

10 SOLICITOR CATHCART: Yes, sir, just a couple questions.

11 REDIRECT EXAMINATION

12 BY SOLICITOR CATHCART:

13 Q Have you had an opportunity to review the transcript
14 along with the video?

15 A Yes, sir.

16 Q would having the transcript in front of you help
17 refresh your memory as to what was said?

18 A Yes, sir.

19 SOLICITOR CATHCART: May I approach the witness, Your
20 Honor?

21 THE COURT: Yes, sir.

22 Q I believe he was speaking about on Page 6, Line 13 in
23 which he told you he does not have a lawyer.

24 A Yes.

25 Q So, all I can tell you is what I assume.

Cris Truluck - Redirect examination
by Solicitor Cathcart

1 A That's correct.

2 Q Whoever got this guy, what happened.

3 So, he told you I, I -- he said that -- he told you he
4 didn't have a lawyer but all he could tell you is this, and
5 what did you -- what was your reply to him when he said all
6 I can tell you is about this?

7 A Okay.

8 Q And then he started telling you his story?

9 A Yes, sir.

10 Q Correct?

11 A Yes.

12 Q Did he, at any point, say I'm not talking without a
13 lawyer or I need a lawyer?

14 A Not towards -- not until towards the interview -- the
15 end of the interview.

16 Q But not in the, in this part here?

17 A That is correct.

18 Q Do you see anywhere he said I need my lawyer, I'm not
19 talking without a lawyer?

20 A No, sir.

21 Q He said -- in fact, he basically said I understand I
22 don't -- and I don't have a lawyer based on the rights you
23 just gave me but let me tell you what happened.

24 A (Witness nods affirmatively.)

25 That's correct.

1 SOLICITOR CATHCART: No further questions. Thank you.

2 THE COURT: Recross, Mr. Bailey?

3 MR. BAILEY: No recross, judge. Just argument at the
4 appropriate time, sir.

5 THE COURT: Thank you. Thank you very much, Sergeant
6 Truluck.

7 THE WITNESS: Thank you, sir.

8 SOLICITOR CATHCART: Your Honor, that's the witnesses
9 before this. The test -- the video, as stated, has been
10 presented to you and that's what -- the State's case as to
11 the Deno.

12 THE COURT: All right. Thank you, solicitor.

13 Any evidence or testimony the defense intends to
14 present?

15 MR. BAILEY: No, no testimony ourself for this hearing,
16 Your Honor.

17 THE COURT: All right.

18 MR. BAILEY: Just to speak in answer to the State's
19 motion for admission.

20 THE COURT: All right. Solicitor.

21 SOLICITOR CATHCART: Your Honor, the defendant was
22 fully advised of his rights. Not only do we know that from
23 the checklist that the officer provided, and his testimony
24 of what he provided, provided with the defendant's signature
25 on each of the forms, on each of the areas on the form, we

1 also have it on video where the officer advised him of his
2 rights.

3 We also have the defendant indicating he understood his
4 rights such that he says I probably shouldn't be talking to
5 you. I don't have a lawyer but let me start talking to you.

6 He under -- fully understood his rights. The statement
7 was fully voluntary and I believe it complies with the law
8 as to voluntariness of this statement. I believe it should
9 be allowed into evidence before the jury.

10 THE COURT: All right. May I see the items that you've
11 marked as far as --

12 SOLICITOR CATHCART: Yes, sir.

13 THE COURT: -- advice of rights form?

14 SOLICITOR CATHCART: The items that were marked
15 under -- by these witnesses were State's Exhibit No. 17,
16 which is the advice of rights.

17 THE COURT: Thank you.

18 SOLICITOR CATHCART: Item 21, which is their -- okay.

19 THE COURT: Thank you.

20 I don't need to see that. Thank you.

21 (Pause.)

22 THE COURT: All right. Thank you, Mr. solicitor.

23 Mr. Bailey.

24 MR. BAILEY: Thank you very much, Your Honor.

25 Your Honor, I don't believe that Mr. Baker waived his

1 rights in this situation. I believe he invoked his, his
2 right to counsel, which we know is, you know, in this field,
3 is one of the most sacred rights that an American has.

4 I guess I don't need to walk you through standards for
5 Deno but, one, was the defendant in custody?

6 Yes, he clearly was in custody. He had been for some
7 few days.

8 Number two. Was the defendant being interrogated?

9 He clearly was being interrogated, interrogated. We
10 can call it -- we, we can call it an interview. That's fine
11 with me.

12 He was sort of rushed through his rights but there,
13 there was no, there was no point -- you know, the, the
14 investigator just said here, sign this, sign this, and, and
15 he didn't say do you understand these rights and still want
16 to talk to me. He just said okay, you understand what
17 coercion is, sign this, and then he proceeds talking. And
18 this is when I believe that, that, you know, Mr. Baker, he's
19 not a heavily educated man but he does say "I -- I am -- I
20 mean now, look I am not talking. I don't have a lawyer.
21 So, I -- all I can tell you is what I assume" and he tries
22 to, you know, be accommodating and be polite with the police
23 officer. But says I'm not talking. I don't have a lawyer.

24 Now, there's State v. Kennedy, which I've already
25 handed to the solicitors.

1 If I may approach, Your Honor?

2 It's a short little 1998 South Carolina case. You're
3 probably already familiar with it. I'll, I'll hand it up to
4 you right here.

5 State v. Kennedy talks about a defendant's request for
6 counsel. Now, in State v. Kennedy, the Court determined the
7 trial erred, erred when the Lower Court said that the
8 defendant did not invoke his -- invoke, invoke his right to
9 an attorney. The, the State Supreme Court held that the
10 defendant had, in fact, invoked his right to an attorney
11 when he said, "well, I think I need a lawyer."

12 At this point, the defendant, in Kennedy, was actually
13 speaking to a solicitor. So, when he said, "well, I think I
14 need a lawyer," the Court ruled that that was an invocation
15 of a right to counsel, and, in fact, the solicitor believed
16 that himself and agreed. So, the solicitor correctly
17 interpreted, well, I think I need a lawyer as an invocation
18 of a right to counsel and the solicitor even left the room
19 in this case if you read these facts, and that's what
20 Investigator Truluck should of done.

21 When he heard lawyer, call me old fashion, but I think
22 that's the magic word. I don't want to talk. I need a
23 lawyer. I want a lawyer. The interrogation should of
24 ceased at that point.

25 Now, you know, once the accused requests counsel, the

1 police interrogation must cease. I will say that, in the
2 Kennedy case, you'll find that, at the end, they allowed the
3 confession in but that was only because the defendant, in
4 Kennedy, later said hey, solicitor, come back. I don't want
5 a lawyer. He said something to that effect. He completely
6 reinitiated contact.

7 So, Your Honor, you know, my argument is that he
8 didn't -- that he wanted a lawyer. Maybe Mr., you know,
9 Investigator Truluck, again, I'm sure meaning well, says he
10 didn't really understand what he was saying. He didn't stop
11 to ask him. He didn't ask him to, to verify and make sure.
12 He knew what Mr. Baker's request was. I think Mr. Baker
13 tried, as much as he could, to say, you know, I don't, I
14 don't, I don't want to talk. I want a lawyer. And, you
15 know, maybe he didn't have a very sophisticated legal
16 understanding of invocation of counsel but I would argue
17 that he did invoke it, Your Honor, and I would ask that this
18 statement, this video, be kept out, Your Honor.

19 THE COURT: Thank you. Thank you very much,
20 Mr. Bailey.

21 MR. BAILEY: Thank you, sir.

22 THE COURT: Response, solicitor.

23 SOLICITOR CATHCART: Yes, sir, just basically I believe
24 that this case follows this perfectly.

25 The defendant in this case, after not -- being advised

1 of his rights, indicated to the officer I don't have a
2 lawyer but all I can tell you is this. Investigator Truluck
3 did not continue to interrogate. He just said okay and the
4 defendant continued to say everything that occurred as to
5 his statement.

6 He did not -- I mean the -- he has to be clear in his
7 request for counsel. He did not say that. He just said I
8 don't have a lawyer. So, I'm -- all I can tell you is this
9 bit. The investigators said okay. The defendant continued
10 on with what he said after he gave a clear knowledge that he
11 understood what his rights were.

12 It wasn't until -- and, in fact, I will point out, it
13 wasn't until the end of the statement when he started
14 talking about extradition and the interview stopped when he
15 said, on Page -- wait a second. On Page 22, I want my
16 lawyer. I want my lawyer. I want my lawyer. I don't want
17 to talk. I don't want to talk. At that time, the interview
18 stopped after he put his foot in it a few more times.

19 So, at no point did he not understand what he was
20 doing. He understood his rights. It wasn't until when he
21 realized that his story made no sense that he then invoked
22 and realized he probably should have his lawyer there.

23 THE COURT: Thank you. Thank you, solicitor.

24 (Pause.)

25 THE COURT: well, it is clear that it was custodial

1 interrogation, interrogation and that Mr. Baker was advised
2 of his rights and both as appeared on the videotape and in
3 the Richland County Sheriff's Department interrogation
4 advice of rights, State's Exhibit No. 17. Each of the
5 rights, as checked, signed by Mr. Baker and Sergeant
6 Truluck.

7 One of those rights, of course, being you have the
8 right to talk to a lawyer for advice before we ask you any
9 questions and to have a lawyer with you during any questions
10 and it, it continues on about appointed lawyer and right to
11 stop. Thereafter, there's a waiver of rights.

12 I have read the statement of my rights and I understand
13 what my rights are. I'm willing to talk and answer
14 questions. I understand and know what I am doing. No
15 promises have been made to me and no pressure or coercion of
16 any kind has been used against me. Signed by Mr. Baker.
17 Witnessed by Sergeant Truluck.

18 So, clearly, he was advised of his Miranda rights and
19 both, as the tape indicates, and the written document of
20 advice of rights. He understands those rights.

21 In viewing State versus Kennedy, which is handed up,
22 333 S.C. 426, State versus Kennedy is -- was referred to in
23 State versus Wannamaker, 346 S.C. 495. In that case, which
24 has -- I'm not sure what adjective it placed in front of the
25 word facts is but it involved a homicide in Richland County

1 perpetrated by Sherinette wannamaker along with a
2 codefendant, LaShawn Roberts, having been convicted, Ms.
3 wannamaker, of armed robbery and murder. Ms. wannamaker had
4 the nickname of Princess Slice.

5 She, she, along with her codefendant, also identified
6 as a friend, LaShawn Roberts, murdered the victim, Ms.
7 Vaughn, at what then existed, I don't know if it still does,
8 the Marlboro Inn on sunset and killed Ms. Vaughn with a
9 hatchet in a jealous rage because of the victim's sexual
10 advances towards appellate. During the -- actually
11 Ms. Vaughn was stabbed in the back nine times and her skull
12 was crushed.

13 During the police interrogation, she argued that one of
14 her statements violated the invocation of her right to
15 counsel. During the course of her conversation with the
16 detective, the substance of that was she wished -- she
17 requested to speak to either a lawyer or her mother. She
18 also asked her if she had a lawyer in mind that she wanted
19 to call. She hesitated momentarily and said that she didn't
20 have a lawyer, just contact her mother, and the officer
21 thereafter said okay. The mother did come to the police
22 department and also signed an -- signed the advice of rights
23 form as a witness.

24 The defendant in that case did not dispute the
25 officer's version of events concerning her request for her

1 lawyer or a lack of -- thereof. The Trial Court denied the
2 motion to suppress. The Court found appellate did not make
3 an unequivocal request for an attorney, and they also talked
4 about it being unpreserved. However, they go on and say and
5 indicate that the issue is without merit.

6 The Fifth Amendment guarantees the right to speak with
7 counsel upon request in a custodial setting. If the suspect
8 invokes his or her right to counsel, police interrogation
9 must cease unless the suspect himself initiates further
10 conversation with the police. However, police officers are
11 not required to cease questioning a suspect unless the
12 request for counsel is unambiguous. Citing Davis versus
13 United States, 512 U.S. 452.

14 And maybe I should talk to a lawyer was not a request
15 for counsel citing State versus Kennedy, which is handed up,
16 333 S.C. 426. I think I need a lawyer was a request for
17 counsel. The Supreme Court has noted that if a suspect is
18 undecisive in his request for counsel; the officer need not
19 always cease questioning.

20 And, in this case, reviewing the tape and looking at
21 the transcript, Mr. Baker -- well, the Investigator Truluck
22 asked, on Page 6, Line 11, tell me how this whole thing
23 started.

24 Mr. Baker I was -- I mean now, look, I'm not talking.
25 I don't, I don't have a lawyer. That's not a request for a

1 lawyer. Not having a lawyer is not the equivalent to
2 wanting a lawyer. So, all I can tell you, that's the next
3 five words, I don't have a lawyer. So, all I can tell you
4 is what I assume. whoever got into, with this guy, what
5 happened. That is not an unequivocal request to have an
6 attorney present during custodial interrogation.

7 In reviewing the totality of the surrounding
8 circumstances of the tape that's in the record, the
9 uncontradicted testimony of sergeant Truluck, the Miranda
10 forms, I will find the statement is admissible until that
11 point later on in the tape, which has been redacted from the
12 tape, when there is a request for an attorney.

13 All right. Any, anything further, solicitor, before we
14 bring in our jury?

15 SOLICITOR CATHCART: Your Honor, and if you look at the
16 transcript also, there's two requests for lawyer and I
17 actually went back and said it should be stopped at Page 22
18 when he says I want my lawyer, I want my lawyer, I want to
19 call my lawyer. However, on Page 19, defendant does, at
20 that point, I believe, on -- at Line 16 say I'm not
21 speaking -- not saying nothing else unless I have a lawyer.
22 So, I, I -- that's probably where -- that's where we'll---

23 THE COURT: I assume y'all have redacted those?

24 SOLICITOR CATHCART: We had two different versions.

25 THE COURT: Let me ask again. Maybe I didn't

1 understand.

2 I assume those have been redacted?

3 SOLICITOR CATHCART: Yes, sir, there has been reference
4 to that as a part. That's -- where I've said earlier that
5 those pages or two should stay, and I think, in reading the
6 transcript, and I think it's probably the best place to stop
7 will be on Line 16 on Page 19.

8 THE COURT: You agree with that, Mr.---

9 MR. BAILEY: Yes.

10 THE COURT: ---Bailey?

11 MR. BAILEY: Yes, Your Honor.

12 THE COURT: I know you agree the best place to stop is
13 to not start but do you agree with what he is now stating in
14 the record?

15 MR. BAILEY: You, you clarified my position best, Your
16 Honor, yes.

17 THE COURT: All right. Thank you. Thank you very
18 much.

19 And those have been redacted from State's 22?

20 SOLICITOR CATHCART: Yes, sir.

21 THE COURT: Is that right, State's 22, is that the
22 redacted tape?

23 Yes.

24 SOLICITOR CATHCART: Yes, sir.

25 THE COURT: All right. Anything before we bring in our

1 jury?

2 MR. COMISH: Yes, Your Honor.

3 THE COURT: Yes, sir.

4 MR. COMISH: I'm not sure if you're aware that I'm a
5 Type I diabetic. Occasionally have low blood sugars in the
6 courtroom.

7 THE COURT: With who?

8 MR. COMISH: Low blood sugars.

9 THE COURT: Oh, yes, sir.

10 MR. COMISH: So, I need -- it's up to Your Honor how
11 you want me to handle this but either to have food here in
12 the courtroom, which is somewhat irregular, or just be able
13 to slip out of the courtroom?

14 I know, Your Honor---

15 THE COURT: As a wise judge told me one time, Mr.
16 Comish, nothing is more important than your health.
17 Whatever the best way is for you to manage it I'm fine with
18 that. If you just want to step out or whatever.

19 MR. COMISH: Well, I feel like stepping out probably
20 causes the least or the smallest disturbance. If I could
21 just quietly slip out for a second---

22 THE COURT: Sure.

23 MR. COMISH: ---and come back in?

24 THE COURT: Yes, sir. Absolutely.

25 MR. COMISH: All right. Thank you, Your Honor.

1 THE COURT: Thank you. Thank you, Mr. Comish.
2 Anything further, Mr. Bailey?

3 MR. BAILEY: No, sir, Your Honor.

4 THE COURT: All right. Solicitor.

5 SOLICITOR CATHCART: No, sir.

6 (WHEREUPON, the following takes place within the
7 presence of the jury.)

8 THE BAILIFF: The jury is seated, judge.

9 THE COURT: Thank you. Thank you, Madam Bailiff.
10 Madam Clerk, would you swear our jury please?

11 THE CLERK: Yes, Your Honor.

12 (WHEREUPON, the jury was placed under oath at this
13 time.)

14 THE COURT: Good morning.

15 I apologize for the delay, ladies and gentlemen.
16 You'll get use to it. Judicial time is -- well, it's not on
17 the same level as Island Time but sometimes 9:30 doesn't
18 mean 9:30.

19 That is not the fault of the attorneys whatsoever. Any
20 delay is my fault but sometimes it takes a little longer to
21 hear certain motions than I anticipate.

22 The lawyers, the attorneys, the parties were not on
23 time. They were early and they have been here very
24 diligently moving the case forward to begin the trial of the
25 case. So, again, please keep in mind that that's totally on

1 me.

2 Ladies and gentlemen of the jury, the case we're about
3 to try is the case of the State versus Antwon Pierre Baker
4 to, to my front left.

5 What I will now say is intended to serve as an
6 introduction to the trial of the case. These remarks are
7 not an instruction on the law applicable in this case. I
8 will instruct you on that at the end of the trial fully and
9 completely before you begin your deliberations. This is
10 merely an explanation of the procedure we will follow in an
11 effort so that you may better understand what may be
12 happening.

13 The defendant, as you know, is charged by two
14 indictments filed with this Court. One, the crime of
15 murder. Two, the crime of possession of a weapon during the
16 commission of a violent crime. The full and complete
17 elements will be explained to you later.

18 Again, ladies and gentlemen, these indictments are
19 simply the formal charging documents by which an individual
20 is placed on notice of charges that have been brought
21 against him or her and the manner in which a case is brought
22 before the Court. They are not, in any sense, evidence of
23 any of the allegations that are contained in the
24 indictments.

25 The State, the party to my front right, has the burden

1 of proving each of the elements of each indictment beyond a
2 reasonable doubt, and it will be your duty, ladies and
3 gentlemen, to decide whether the State has met that burden.

4 Your purpose, as jurors, is to find and determine the
5 facts. You, ladies and gentlemen, are the sole judge of the
6 facts of this case. If, at anytime, I make any comment
7 regarding the facts, you must disregard it. You are to
8 determine the facts from the testimony you hear from the
9 witnesses testifying under oath from the witness stand and
10 any other evidence that is introduced in Court.

11 It is up to you to determine any inferences which you
12 feel may properly be drawn from the evidence. It is
13 especially important that you perform your duty of
14 determining the facts diligently and conscientiously
15 because, ordinarily, there is no way to correct an erroneous
16 determination of the facts by a jury.

17 Now, on the other hand, and with equal emphasis, the
18 same law that makes you the judges of the facts make me the
19 judge of the law. The law, as given by the Court, is the
20 only law you may consider. You must accept it and follow it
21 even though you may disagree with it. I can not tell you
22 what the facts are. You can not disagree with me about what
23 the law is or what the law should be. Your job is to take
24 the law as I give it to you, apply it to the facts as you
25 find them from the testimony and any other evidence that is

1 introduced. After doing that, you will render your verdict,
2 a verdict under the solemn oath that you have just taken as
3 jurors.

4 It is important that you keep an open mind and not
5 decide any issue in the case until all of the evidence has
6 been presented, the parties have made their closing
7 arguments, and I have instructed you on the law in the case.
8 It is your solemn responsibility to determine the guilt of
9 the defendant or the innocence of the defendant, and, again,
10 it is the State's burden of proving its case beyond a
11 reasonable doubt.

12 The defendant has no burden whatsoever to prove himself
13 innocent. A criminal defendant, in South Carolina, is
14 always presumed to be innocent regardless of whatever the
15 seriousness of the case may be and has no burden whatsoever
16 to prove himself or herself innocent, and your verdict must
17 be based solely on that evidence as it is presented to you
18 during this trial and on the law as I instruct you.

19 In just a moment the solicitor will make what is called
20 an opening statement by which the solicitor will explain to
21 you the issues in the case or at least what the solicitor
22 thinks the issues are in the case. One of the attorneys for
23 Mr. Baker may also make an opening statement although he or
24 she is not required to do so because they have no burden
25 whatsoever. Mr. Baker is presumed to be innocent.

1 what the attorneys tell you, during their opening
2 statements, is not evidence in the case. It is only their
3 contention as to what the issues are. What the attorneys
4 tell you in their closing arguments, although they can
5 comment on the evidence presented and the law, but their
6 closing argument is not evidence in the case.

7 The question by the attorneys of the witnesses, the
8 question, is not evidence in the case. It's the framework
9 by which the testimony, the evidence of the witness is
10 extracted from them and testified before you. That will be
11 how the evidence will be presented from the witness stand
12 and/or by any exhibits, physical items of evidence, or the
13 like.

14 From time to time, during the trial, you may hear one
15 of the attorneys say, "Your Honor, I believe we have a
16 question of law or a matter of law to discuss with you" or
17 "Your Honor, may we approach the bench" or sometime I,
18 myself, might find it necessary to excuse you from the
19 courtroom for a short while so the attorneys and I can
20 discuss a matter of law.

21 The reason for this is not to hide anything from you.
22 The reason for this is because you are the judges of the
23 facts in the case, and sometimes, when I am discussing
24 matters of law with the attorneys, it may be necessary for
25 me to make some comment as to the facts in connection with

1 ruling whether or not a particular law applies. I am not
2 suppose to tell you and will not tell you what I think the
3 facts are. I will have no opinion.

4 So, I will excuse you from the courtroom while these
5 discussions take place so that, in no way, will you be
6 influenced by anything that I might say or do in connection
7 with the facts. In determining what the true facts are in
8 this case, you must decide whether or not the testimony of
9 the witnesses is believable. It will be my responsibility
10 to rule, as a matter of law, as to whether certain testimony
11 is admissible at all or not, whether you hear certain
12 testimony or not. But once the testimony is admitted,
13 whether or not you believe it is solely for you, the jury,
14 to determine.

15 In deciding to or in determining whether to believe a
16 witness or not, in using your individual good judgment, your
17 collective good judgment, your individual common sense, your
18 collective common sense, you have the right to consider the
19 interest of any witness, why he or she has testified and the
20 manner in which they may testify, the bias of any witness
21 should they have any, the prejudice of any witness should
22 they have any, the opportunity for the witness to have seen
23 the matters and things about which the witness may testify,
24 and the demeanor, the manner, the way the witness acts on
25 the witness stand while testifying. You have the right to

1 consider anything that is in the record that will help you
2 evaluate the testimony, the believability, the credibility
3 of the witnesses.

4 That means it will be your duty to pay close attention
5 to these witnesses, to observe them, to listen to them, to
6 pay close attention to the attorneys and to the court.
7 Don't let your thoughts wonder but give strict attention to
8 the testimony in this case so that, at the end of all of the
9 testimony, after the closing arguments by the attorneys, you
10 will then be in that position to determine what the facts
11 are and to apply the law to those facts and thus render a
12 just verdict.

13 It would be your added responsibility, Mr. Foreman, to
14 preside in the jury room and to be the jury spokesperson
15 here in court. It will also be your duty to write the
16 verdicts but I will give you further instructions about that
17 at the conclusion of the case.

18 Just a, just a few very brief administrative issues.
19 If you cannot hear a witness, if you cannot see an item of
20 evidence, please get my attention, the attention of one of
21 our fine bailiffs. We will have the witness speak up or sit
22 up and have the evidence shown to you in a different light.

23 Now, sometimes evidence, when it's presented in the
24 courtroom, photographs or the like, may be handed to your
25 foreperson and passed among members of the jury panel while

1 you're in the courtroom in your jury box. You may look at
2 those items all you wish. Take the time you need.

3 Please keep in mind, if I allow an item, a photograph,
4 a diagram, a chart, what have you, into evidence, you will
5 have that item with you in your jury room at the time of
6 your deliberations. Again, look at it all you wish out
7 here. Please keep in mind that that will not be the only
8 opportunity that you will have to review those items of
9 evidence.

10 Secondly, I tell you this because a juror complained on
11 me. Imagine that. I would just imagine that. From time to
12 time, you may see me on my computer.

13 These are, these are very good trial lawyers. If I
14 look down that dusty, bumpy trail, and think I see a
15 possible legal issue, I will do research. I don't peat, I
16 don't repeat, and I don't know what hash rag is. Don't
17 care. I don't focus on any of that. I don't email
18 anything. I stay focused. As I say, these are very good
19 experienced trial lawyers and legal issues may come up from
20 time to time, and I'll review it. If they're more
21 substantial legal issues, Ms. Poole, my law clerk to my
22 left, would also be doing some research for me from time to
23 time.

24 Third, seating for the jury panel. I observed, over
25 many years, that jurors are very, very territorial. They

1 like to sit in the same seat each and every time. They like
2 the same view of the courtroom, of witnesses testifying.

3 Hey, I like it. I sit in the same seat every time.

4 I need to keep up with 14 folks. I need our foreperson
5 to maintain that seat and our two alternates to maintain
6 their seat.

7 You may sit in the same seat every time. Those others
8 of you, you do not have to. You do not have to. You
9 certainly may but you do not have to. You do not have to.

10 Finally, what am I really in charge of?

11 I'm in charge of taking breaks. That's what I'm in
12 charge of. I have a real simple rule. If I want a break,
13 we take a break. Y'all take y'all's break. We take our
14 break.

15 Ladies and gentlemen, this is not a judicial marathon.
16 This is an important case. It's a serious case. It's a
17 serious case to Mr. Baker. A serious case to the State of
18 South Carolina. As I say, it's not a judicial marathon.

19 You sit out here too long, your thoughts begin to
20 wonder. You won't be able to determine what the true facts
21 are. If you need a break for any reason, please raise your
22 hand. Y'all will take y'all's break. We will take our
23 break.

24 I guarantee you, if your thoughts are wondering,
25 they're not the only wondering thoughts in the courtroom.

1 If you need a break, you're not the only person that needs a
2 break in the courtroom. At anytime any of you, any one of
3 you need a break, just raise your hand. We will take our
4 break. Y'all will take y'all's break.

5 Any objections to anything I've told the jury from the
6 State?

7 SOLICITOR CATHCART: Nothing from the State, Your
8 Honor.

9 THE COURT: Defense?

10 MR. BAILEY: No, Your Honor.

11 THE COURT: All right. Thank you.

12 MR. BAILEY: Just the prior ones we noted for the
13 record, Your Honor.

14 THE COURT: All right. Thank you. Thank you very
15 much, Mr. Bailey.

16 Solicitor, you may address the jury.

17 SOLICITOR POTTS: Thank you, Your Honor.

18 May it please the Court?

19 THE COURT: Yes, sir.

20 SOLICITOR POTTS: When Clyde Spearman walked up on
21 Fiske Street on June 19th, 2015, he came up on a chaotic
22 scene. The first thing he saw was Willie Geter rolling
23 around in his yard gasping for air. Nearby him was his
24 wife, Lessie Brown, screaming that he'd been shot, and
25 pulling out of the driveway, leaving the residence in a

1 black Ford Explorer, was a man he knew only by the name
2 Kilo, and he saw him and he said he had a crazy look in his
3 eye.

4 Ladies and gentlemen, the day didn't start that way for
5 anybody. You see, Willie Geter, a man that many of his
6 friends knew as Bo, is a handyman. Well, actually he's more
7 of a auto handyman. Everyone who lived in his neighborhood
8 right around Fiske Street knew that, if you had a problem
9 with your car, go take it to Bo and he'd fix it. Sometimes
10 he charged you and sometimes he wouldn't.

11 In fact, his backyard was more like a junkyard. Things
12 strown all over the place, cars in half repair. That's just
13 kind of the way he lived.

14 And Kilo, the man there that turned out to be Antwon
15 Baker, took his Ford Explorer to Willie Geter to get it
16 fixed, and he actually had a man named McKinley Minger give
17 him a ride.

18 Now, McKinley Minger, he drives a busted up Cadillac.
19 Brand new that he got in a wreck about two weeks before.
20 The back end was all smushed up.

21 And so, they went to Geter's house and they started
22 fixing that car. They got -- strapping down the hood,
23 putting more water in the radiator, and they were there for
24 a while, and they met Lessie Brown. Lessie Brown knew Kilo.
25 She's known him for years and also Lessie's daughter,

1 Tracea.

2 Everyone was having a good time. Eventually Lessie
3 Brown brought everyone out a glass of water. They get the
4 glass of water to Willie, glass of water to Mr. Minger, and
5 a glass of water to Kilo. It's all fine. And then, when
6 Willie Geter finished working on Kilo's car, he told him it
7 was time to pay and that's when the trouble started.

8 They got into an argument, and when the argument was
9 going anywhere, Bo reached through the car, took out the
10 keys, and started to walk away, and that's when things
11 escalated. Kilo pulled out a gun and he told Willie Geter,
12 if you don't give me those keys, I'm going to shoot you.
13 Mr. Geter replied, as the man should, I'm going to call the
14 police. Bam. Shot right in the dirt.

15 Things became more urgent at that point. Willie told
16 Lessie call 9-1-1. And so, she ran off and did it.
17 McKinley Minger, he wasn't sticking around. He pulled out
18 and left. As Lessie's calling -- trying to call 9-1-1,
19 they're two more shots. Bam. Bam. And when she comes out,
20 there's Bo gasping for air and there's Kilo driving away in
21 the black Ford Explorer. The cup, the hospitality they'd
22 given him, tossed aside in a ditch off the road.

23 For his actions that day, Antwon Baker is charged with
24 two crimes. The first is murder. That's the killing of
25 another human being with malice aforethought.

1 The second is possession of a weapon during the
2 commission of a violent crime, and, this case, murder is a
3 violent crime. And when you use a weapon to commit murder,
4 that is possession of a weapon during the commission of a
5 violent crime.

6 Now, the judge is gonna explain to you the law in this
7 case and those are some fancy words I just mentioned, all
8 right, and we'll get to it in time. But that's what he's
9 charged with today. And we, the State, have to prove to you
10 that he did it beyond a reasonable doubt.

11 Okay. Now, not too far away, at the Obama Gas Station,
12 was Deputy Rains and Deputy Rains heard those shots. She
13 heard them in the distance. And when the call came out over
14 dispatch, she knew she was gonna be the closest one.

15 So, that's where she went. She went straight to
16 Fiske Street and she secured the scene. Made sure
17 everything was going good. She called out investigators and
18 called out CSI.

19 Right?

20 Now, the good thing is that people knew who did it.
21 Lessie knew who shot Bo. It was Kilo. Well, unfortunately,
22 the name Kilo wasn't as helpful as it could be. And so,
23 investigators, including Investigator Gallegos, Investigator
24 Truluck, Investigator Brunson, they had a new task ahead of
25 them.

1 who is Kilo?

2 And by talking to Clyde Spearman, they're able to
3 determine. They're able to find out a place where Kilo use
4 to live. That's the only name Clyde knew him by as well.
5 And then they were able to determine it was Antwon Baker.

6 Okay. They also put out what we call a BOLO, a
7 be-on-the-lookout for the banged up Cadillac because, as you
8 know, McKinley Minger got out of there as soon as that first
9 shot is fired. And Deputy Farr of the Sheriff's Department
10 ended up finding that Cadillac and finding Mr. Minger who
11 also identified Antwon Baker as the man who was there. And,
12 in fact, that discarded cup, that discarded piece of
13 hospitality, sitting on the ground, eventually DNA would be
14 traced back to Antwon Baker as well.

15 So, once they figured who Kilo was, the next step was
16 to find Antwon Baker and they did. He was arrested by
17 federal marshals and Sergeant Wiggins of the Pascagoula
18 Police Defendant in Mississippi cause that's where he had
19 run to. That's where he had fled.

20 In Mississippi, Investigator Truluck was able to talk
21 to Mr. Baker. Mr. Baker told him, it's all audio and video
22 recorded, you'll be able to see it, that he wasn't there but
23 he had heard on the streets, while he was in Mississippi,
24 about what happened and then he proceeded to give his
25 version of the story.

1 Now, ladies and gentlemen, you're gonna sit through
2 this trial and you're gonna hear all these witnesses talk.
3 They're all gonna tell you about what happened that day.
4 And, at the end of the day, end of the days, we're gonna
5 come back before you and we're gonna ask you to render a
6 verdict that speaks the truth.

7 We're gonna ask you to render a verdict of guilty of
8 murder, guilty of possession of a weapon during the
9 commission of a violent crime because Antwon Baker killed
10 Willie Geter. He murdered him and he's guilty.

11 Thank you so very much.

12 THE COURT: Thank you, solicitor.

13 Mr. Comish.

14 MR. COMISH: May it please the Court, Your Honor?

15 THE COURT: Yes, sir.

16 MR. COMISH: How many times have you been in the movie
17 theater and seen a trailer or a preview of a movie and that
18 trailer gets you excited about the movie?

19 It's full of drama, explosions, fancy special effects.
20 And you get so excited that you go watch the movie. And
21 when you actually see the movie, it's a gigantic dud. It's
22 full of plot holes. The plot has contradictions. Special
23 effects are cheap.

24 Well, the point of a trailer, right, is to get you to
25 go watch the movie. It's to get you excited. It's to get

1 you engaged. So, they're only highlighting the best things
2 they have in the movie. A movie's two hours long. A
3 trailer's 30 seconds.

4 A movie trailer is just like the State's opening
5 statement. You heard the State give you a preview of their
6 case. You heard them say what they were gonna tell you and
7 they did a good job of hitting their highlights but they did
8 an even better job of not telling you what they don't have.
9 They're certain things they don't want to highlight for you,
10 and they're not highlighting those things for a very
11 important reason.

12 What they don't have is proof that Antwon Baker is
13 guilty of murder.

14 I'd like to take a second to introduce you to an
15 innocent man.

16 Stand up for me please, Antwon.

17 (WHEREUPON, the defendant complies.)

18 MR. COMISH: Ladies and gentlemen, this here is Antwon
19 Baker. Take a good look at him. Your job, for the next few
20 days, will be to determine his fate.

21 Have a seat.

22 (WHEREUPON, the defendant complies.)

23 MR. COMISH: Antwon's 38 years old. He's actually born
24 in Buffalo, Upstate, New York. He came down here around
25 about the age of 18 with his family. Moved down here with

1 his mom and his sisters. Spends his time looking after his
2 mother. She lives alone in the countryside and needs a lot
3 of help. Since he's been here, he's put down roots. He
4 actually met the love of his life at the Best Buy out on Two
5 Notch.

6 Now, when I tell you that Mr. Baker's an innocent man,
7 what I'm telling you and what I'm making is a basic
8 statement of the law and of the facts. Every single person
9 whose come through those doors and sat in that chair came
10 through those doors an innocent man. The only way that he
11 can leave through those doors a guilty man is if each and
12 every one of you find that the State has proven each and
13 every element of each and every charge beyond a reasonable
14 doubt.

15 Now, over the years, lawyers, law professors, and
16 screenwriters spent hours and hours wrestling with the idea
17 of just what is reasonable doubt.

18 Here in the state of South Carolina, we settled on what
19 I think is a common sense approach and it's a very simple
20 definition. Reasonable doubt is a doubt that would make a
21 reasonable person hesitate to act.

22 Now, y'all are all reasonable people. That's why you
23 made it onto the jury panel.

24 So, what this means for you is that, after the case is
25 over, after all the evidence has been placed in the record,

1 after your deliberations when you're making your vote, if
2 you find yourself hesitate, that is reasonable doubt and you
3 must vote not guilty. If you're thinking of your vote and
4 your conscience causes you to pause, that is reasonable
5 doubt. Even everyone, even if you think that the State has
6 proven their case, and as your hand is approaching that
7 ballot, and your conscience causes it to stop, that is
8 hesitation and that is reasonable doubt.

9 We set the bar high for conviction in this state and in
10 our country. We've done so because our society is come to
11 the conclusion that the worst possible outcome of a trial is
12 the conviction of an innocent man. That's why there's so
13 many safeguards and you'll hear, you know, us talk about
14 client's rights and the State's responsibilities.

15 There's so many safeguards because of the sacredness of
16 this process and the sacredness of our rights as Americans.
17 One safeguard is the idea of reasonable doubt which you'll
18 hear us talk about a lot.

19 Another important safeguard is in the State of South
20 Carolina, a conviction requires a unanimous vote of guilty.
21 Each and every one of you must vote guilty to convict
22 Antwon.

23 So, at the end of the trial, when you're in the
24 deliberation -- in the jury room, you'll be deliberating.
25 You'll have access to all the evidence, to everything that

1 everybody put forward in this trial. You'll review that
2 evidence. You'll argue amongst yourself. But once the
3 deliberations are done, your vote will be based on your
4 conscience. You will make the best decision you can
5 based on your understanding of the evidence and the law.

6 Antwon's fate will rest upon your conscience. If you
7 believe that the state is not met their burden of proof,
8 even and especially if you are alone in that belief, our
9 system has placed in you the power and the obligation to
10 vote not guilty and prevent a conviction.

11 Throughout the trial, you'll hear testimony from
12 witnesses. An important part of your job is to listen to
13 that testimony and figure out do I believe this person.

14 This incident took place nearly two years ago. One of
15 the state's witnesses suddenly remembered something last
16 week that he did not tell the police when he gave the police
17 two separate statements two years ago.

18 Might these witnesses have some reason to spin what
19 they're saying, to twist the facts a little bit?

20 Mr. Minger is a very important witness for the State.
21 You heard the State mention him in the State's opening.
22 Mr. Minger gave the police two entirely different
23 statements, two entirely contradictory statements. Mr.
24 Minger will testify to that. He'll also testify to the fact
25 that he panicked, he got scared, and he ran away. He did

1 not see who shot Willie Geter.

2 Lessie Brown, another important witness for the State,
3 also will testify she did not see the shot that hit Willie
4 Geter. Plot holes and contradictions. The State's case is
5 full of them.

6 The Government's case depends on you believing the
7 story that the Government is telling you to fill those plot
8 holes and resolve those contradictions.

9 So, I'll finish up by making a simple request. Well,
10 maybe not so simple. But I'm only gonna ask, we only ask
11 that you, as a jury, do two things.

12 One, question what the Government tells you. The
13 witnesses will not agree with each other. When I say their
14 case is rife with contradictions, you will see that when the
15 witnesses take the stand and testify to you. When I say
16 their case is full of holes, their story has plot holes, no
17 one saw, no one saw who fired that fatal shot.

18 You heard Mr. Potter, excuse me, Mr. Potts give you one
19 rendition of the car repair transaction. You will hear a
20 witness, who was there, give you an entirely different
21 accounting of events. You will hear the State embellish the
22 facts. That's fine. We're lawyers. That's what we do.

23 We're gonna ask that you see through those
24 embellishments, that you see through the State's attempts to
25 fill in those plot holes and resolve the contradictions.

1 Question their case. Probe their evidence. See what it
2 really means. Not what they tell you it means.

3 The second thing that we will ask of you is that you
4 vote your conscience. If your conscience says that the
5 State proved its case, and you can say that without any
6 reasonable doubt, without any hesitation, then so be it.
7 But if, when your hand is approaching that ballot to vote
8 and you feel your conscience stay your hands, you have
9 reasonable doubt and we ask that you do your duty and vote
10 not guilty.

11 Thank you.

12 THE COURT: Thank you. Thank you very much, Mr.
13 Comish.

14 All right. Solicitor, you may call your first witness.

15 SOLICITOR POTTS: State calls Deputy Rains.

16 THE COURT: Ladies and gentlemen, I have ordered
17 sequestration of a number of witnesses. When their name's
18 called, they may not be in the courtroom and that's not
19 being disrespectful to, to y'all. That's subject to my
20 order.

21 All right. If you'd come around and join us please.

22 VICKI RAINS, being first duly
23 sworn, testified as follows:

24 THE CLERK: Please have a seat.

25 (Witness complies.)

Vicki Rains - Direct examination
by Solicitor Potts

1 THE CLERK: State your full name for the record.

2 THE WITNESS: Thank you. Vicki Lynn Rains.

3 DIRECT EXAMINATION

4 BY SOLICITOR POTTS:

5 Q Investigator Rains, where do you work?

6 A Richland County Sheriff's Department.

7 Q And what do you do there?

8 A I'm an investigator.

9 Q All right. Now, what does an investigator do?

10 what does that mean?

11 A When there's an initial crime, the investigators are
12 getting called out, they take over the investigation. They
13 investigate the crime to the end.

14 Q Now, would you mind moving that microphone a little bit
15 closer to you?

16 A Sure.

17 Q Okay. Now, is that the same role you had back at the
18 Sheriff's Department back in June of 2015?

19 A No, I was on patrol then.

20 Q Okay. And so, what, what is the difference in your
21 role then versus now?

22 A When I was on patrol, I was in a marked unit wearing a
23 uniform that was dispatched to the initial calls.

24 Q Okay. And so, what was -- what's just a deputy's role
25 at an initial call?

Vicki Rains - Direct examination
by Solicitor Potts

1 A They go -- if, if it's something they can handle, they
2 do. If it's something bigger than that, they call the
3 investigators, crime scene, any relevant divisions within
4 the department that would need to come and handle that.

5 Q Okay. As you said, that's what you were doing back in
6 June of 2015?

7 A Correct.

8 Q Okay. Well, were you working June 19th of 2015?

9 A Yes.

10 Q What were you doing that day?

11 A I was on patrol.

12 Q And what area were you on patrol in?

13 A Region 3, which covers like Monticello, Fairfield,
14 North Main, Farrow, that area.

15 Q Okay. Now, do you remember the case we're talking
16 about here?

17 A Yes.

18 Q Okay. I guess describe how you came to be involved
19 with this case?

20 A I was in the vicinity of North Main and Prescott and
21 --.

22 Q Is there anything -- are there landmarks there or
23 anything?

24 A Yes, there's an Obama Store. Next to it is a VFW
25 building. I think there's a CVS across the street.

Vicki Rains - Direct examination
by Solicitor Potts

1 Q Okay. And so, what happened when you were there?

2 A Dispatch put out that there was a confirmed shooting
3 and I was one street over. So, I responded and was on scene
4 within a matter of less than a minute.

5 Q Okay. So, before you got the call, right, did anything
6 happen then?

7 A No, I was just -- I, I heard the gunshots. I had a
8 chaplain riding with me and I commented that I heard
9 gunshots.

10 Q Okay. So, but you did -- did you know where they were
11 coming from at the time?

12 A No, I knew they were in that general area but I didn't
13 know where they were coming from.

14 Q Okay. And then how long after did you receive the call
15 from dispatch?

16 A Almost immediately.

17 Q Okay. And so, what did you do at that point?

18 A I responded to the area of Fiske Street, which is
19 what dispatch had put out.

20 Q Okay. And who was there when you got there?

21 A There was a lady that was standing out by the road when
22 I got there and I asked her what was going on. Her name was
23 Lessie Brown and she told me that her---

24 Q Was she just trying to flag you down or what was she
25 doing?

vicki Rains - Direct examination
by Solicitor Potts

1 A Oh, yeah, she could see us coming. We had lights and
2 sirens on.

3 Q Okay.

4 A And she could see us coming and she was, you know,
5 letting us know where -- what was going on.

6 Q Okay. Did, did she direct your attention anywhere in
7 particular?

8 A Yes. When I pulled up, I asked her what was going on
9 and she told me what---

10 MR. BAILEY: Objection, Your Honor. Hearsay.

11 THE COURT: Did she ask her?

12 I mean what part, what part are you objecting to?

13 MR. BAILEY: I believe she was about to say I asked her
14 something and then she said something, Your Honor.

15 THE COURT: You want to lay the foundation please,
16 solicitor?

17 SOLICITOR POTTS: That's okay, Your Honor. I'll move
18 on. It's not --.

19 THE COURT: Thank you.

20 Q So, when you -- after you talked to her, not getting
21 into what exactly she told you, did she direct your
22 attention anywhere in particular?

23 A Yes, to a subject that was lying on the ground in the
24 driveway of her house.

25 Q Okay. Can you describe what the subject looked like?

Vicki Rains - Direct examination
by Solicitor Potts

1 A Yes, he was a black male laying face down on the
2 ground.

3 Q Okay. What was he doing?

4 A Gasping for air.

5 Q Okay. I, I think -- okay. And how would you describe
6 that gasp?

7 A He wasn't able to speak or really hear anything I was
8 saying. I was trying to ask him do you know who did this to
9 you but he was basically taking his final breath.

10 Q Okay. Now, did he, did he have any apparent injuries?

11 A Yes.

12 Q Okay. So, what did you do?

13 A I started asking Ms. Brown questions because he
14 obviously wasn't able to speak.

15 Q Right.

16 Now, not getting into what you said, okay, what did you
17 end up doing next?

18 A As she was giving me information, I was relaying it
19 across the radio to the other units, what the suspect
20 vehicle looked like, what the driver of that suspect vehicle
21 looked like. There was another vehicle she'd given me
22 information on. I was putting information out about that
23 vehicle as well.

24 Q So, they're two different vehicles she was telling you
25 about?

Vicki Rains - Direct examination
by Solicitor Potts

1 A Correct.

2 Q Okay. And you were relaying that to the rest of the
3 --?

4 A To dispatch and the other units that would be coming,
5 yes.

6 Q Okay. Did you notify anyone else to show up?

7 A Yes.

8 Q Okay. Who did you notify?

9 A Crime scene, the investigators, and the desk sergeant.

10 Q Okay. And what -- why did you do that?

11 A That's protocol that crime scene could come out, secure
12 the scene, and take any relevant evidence that needed to be
13 secured so that it was not disturbed; an investigator,
14 because it was a confirmed shooting so they could take over
15 and take the investigation from there, and the desk sergeant
16 because anytime something major happens we alert the
17 Sheriff's Department.

18 Q Okay. So, what were you -- is there anything you were
19 looking out for, anything you were doing after you'd done
20 all this notification?

21 A Yes, I mean, at the time, I was looking for shell
22 casings, blood, to maybe tell where the actual shooting
23 happened so that I could mark off the crime scene but I
24 didn't see any shell casings and no blood.

25 Q Okay. So, what did you do next?

Vicki Rains - Direct examination
by Solicitor Potts

1 A I -- once other people arrived on scene, I went to the
2 hospital.

3 Q Okay.

4 A Because he was transported to the hospital.

5 Q And so, why do you go to the hospital?

6 A Just to see if maybe he was able to speak or say
7 anything or anything to that nature but, in route to the
8 hospital, I was advised that he was deceased.

9 Q Okay. Now, did anyone else report to the hospital?

10 A Yes.

11 Q Who was that?

12 A Investigator Clay Short.

13 SOLICITOR POTTS: Okay. Beg the Court's indulgence one
14 second.

15 THE COURT: Yes, sir.

16 (Pause.)

17 Q Thank you. No further questions. Answer any questions
18 they have for you.

19 THE COURT: Thank you, solicitor.

20 Mr. Bailey.

21 MR. BAILEY: Yes, sir.

22 May it please the Court, Your Honor?

23 THE COURT: All right. Yes, sir.

24 CROSS-EXAMINATION

25 BY MR. BAILEY:

Vicki Rains - Cross-examination
by Mr. Bailey

1 Q Investigator Rains, how are you doing this morning?

2 A Great.

3 How are you?

4 Q All right. Now, were you an investigator at the time
5 of, of this incident or --?

6 A No, I was on patrol.

7 Q So, you've been promoted now?

8 A Yes, sir.

9 Q Good.

10 So, investigator, we use a lot of kind of terminology
11 in the legal system. Sometimes we say subject. A subject
12 is basically a suspect.

13 Is that right?

14 A No, a subject can be a person.

15 Q I apologize. You're right.

16 A subject is a person you're looking at --

17 A Correct.

18 Q -- in an investigation, right?

19 A subject could be a shooter?

20 A Or it could be the victim.

21 Q Or it could -- okay.

22 A Or it could be a witness.

23 Q Okay. Well, I guess what we'll do is we'll say --

24 we'll just sort of talk about people as they are.

25 Now, you, you came to the scene, right?

Vicki Rains - Cross-examination
by Mr. Bailey

1 A (Witness nods affirmatively.)

2 Q And you spoke with Lessie Brown.

3 Is that right?

4 A Correct.

5 Q Okay. Through your early investigation, you got some
6 information.

7 Is that correct?

8 A Yes.

9 Q Okay. You got some information about a possible
10 subject?

11 A Correct.

12 Q Okay. And the name Lorenzo came up.

13 Is that right?

14 A Yes.

15 Q Okay. And they described a subject that was a black
16 male, correct?

17 A Yes.

18 Q In his 50s?

19 A I don't recall her giving me an age.

20 Q Okay. Tell you what -- and this black male was, was
21 said to drive a Jeep Cherokee.

22 Is that right?

23 A Yes.

24 Q Okay. Now, you've -- I guess you've seen Mr. Baker at
25 some point. You've seen him here today, right?

Vicki Rains - Cross-examination
by Mr. Bailey

1 A Yes.

2 Q Okay. He's 37.

3 A (witness nods affirmatively.)

4 Q Okay. And the initial information you got about a
5 vehicle was a Jeep Cherokee, right?

6 A The initial information was -- there was two basically
7 at the same time. A cream colored Cadillac and a black Jeep
8 Cherokee.

9 Q Sure. I'm sorry but there was never a mention
10 initially of a Ford Explorer.

11 Is that right?

12 A Correct.

13 Q Okay. Thank you.

14 And I believe you already testified earlier that there
15 were no shell casings found.

16 Is that right?

17 A Correct.

18 Q Okay. And a shell casing, that's just a shell that
19 holds a bullet, right?

20 A Yes.

21 Q Okay. And also no blood found at the scene?

22 A Correct.

23 Q All right. Thank you.

24 No further questions.

25 THE COURT: Redirect, solicitor?

Vicki Rains - Redirect examination
by Solicitor Potts

1 SOLICITOR POTTS: Just briefly, Your Honor.

2 REDIRECT EXAMINATION

3 BY SOLICITOR POTTS:

4 Q So now that he's got into the name.

5 What did she say she knew this Lorenzo by?

6 A The street name of Kilo.

7 Q Okay. So, she gave you the name of Kilo?

8 A Yes.

9 Q Okay. And what color did she say the Jeep Cherokee,
10 Cherokee was?

11 A A black Jeep Cherokee.

12 Q Okay. Thank you.

13 No further questions.

14 THE COURT: Redirect, Mr. Bailey?

15 MR. BAILEY: No, Your Honor.

16 THE COURT: Thank you. Thank you, Sergeant Rains, for
17 being with us today. You may step down.

18 All right. solicitor, you may call your next witness.

19 SOLICITOR POTTS: State calls Derrick Williams.

20 THE COURT: All right. Mr. Williams, if you'd come
21 around and join us please.

22 DERRICK WILLIAMS, being first duly
23 sworn, testified as follows:

24 THE CLERK: Please have a seat.

25 (Witness complies.)

Derrick Williams - Direct examination
by Solicitor Potts

1 THE CLERK: State your full name for the record.

2 THE WITNESS: Derrick Williams.

3 DIRECT EXAMINATION

4 BY SOLICITOR POTTS:

5 Q Good morning, Mr. Williams.

6 How you doing?

7 A Great.

8 Q Great?

9 A Yes, sir.

10 Q Mr. Williams, how long have you been with Richland
11 County EMS?

12 A Approximately 29 years.

13 Q Do you remember about when you started?

14 A That would be September the 8th, 2014.

15 Q Okay. Now, what's your role at Richland County EMS?

16 A I serve as a paramedic. Respond to emergency calls.

17 Q And what does that mean exactly?

18 A We -- basically we take care of the sick and injured
19 when someone dials 9-1-1.

20 Q Okay. Now, were you working back on June 19th of
21 2015?

22 A Yes, sir, I was.

23 Q Okay. And were you doing about the same thing back
24 then?

25 A Yes, sir.

Derrick Williams - Direct examination
by Solicitor Potts

1 Q Okay. Did you have an opportunity to go by Fiske
2 street?

3 A Yes, sir, I did.

4 Q Okay. Can you just tell the jury a little bit about
5 what you found there when you got there?

6 A When I arrived there, I saw a black male there. A
7 gentleman that was lying on the ground. It was a dirt lane.
8 He wasn't verbally responsive. I noted one gunshot to his
9 leg and one to his back.

10 Q Okay. Now, you say he wasn't verbally responsive.

11 Can you describe to me -- I guess I'm using the term
12 presenting.

13 what did, what did he seem like at that time?

14 A Well, when we checked for a response, and I was asking
15 him what happened, he wasn't able to verbalize to me exactly
16 what happened.

17 Q Okay. Was he having any trouble breathing?

18 A Yes, sir, he was having trouble breathing. So, I
19 immediately put him on a non-rebreather, which causes a high
20 flow too because he was in respiratory distress.

21 Q Okay. Now, that's a, that's a whole lot of words there
22 but I'm not sure I know what all those mean.

23 would you mind compacting down what the -- for me
24 exactly what that whole process is and what you do?

25 A Basically he needed some oxygen. He wasn't breathing

Derrick Williams - Direct examination
by Solicitor Potts

1 very well due to the gunshot wounds that he suffered. And
2 so, we supplied him with oxygen to help his breathing.

3 Q Okay. Was he able to communicate with you?

4 A No, sir.

5 Q Okay. What did you do -- once you were able to get him
6 some oxygen, what did you do next?

7 A Once we was able to get him some oxygen, we put him on
8 a long spine board because there was a gunshot wound to the
9 back. So, we were also being cautious of spinal injury.
10 Once we've done that, we got him loaded into the unit. We
11 was in route to the hospital. An IV was inserted because
12 his blood pressure was extremely low.

13 Now, while in route to the hospital, his respiratory
14 efforts had declined any further and -- which caused a
15 intubation, which means the patient is not able to breathe
16 on their own. So, we needed to place a endotracheal tube in
17 their trachea to help breath for them.

18 Q All right. Now, once again, we're kind of getting to
19 words I'm not sure I know what they mean really.

20 So, describe to me, I guess, what you had to do with
21 him on the way there.

22 A On the way there, the subject wasn't able to breathe on
23 this his own. So, we had to breathe for him.

24 Q Okay. And how do you do that?

25 A By placing an endotracheal tube in the trachea.

Derrick Williams - Direct examination
by Solicitor Potts

1 Q Does it go down his throat or --?

2 A Down in his throat.

3 Q Okay. And then, I guess, is that when you get the
4 little bag out and you start pumping or what do y'all do?

5 A Exactly. We place a bag valve mask with that
6 endotracheal tube because the patient is not able to breathe
7 for himself.

8 Q Okay. And so, once you did that, how was he doing?

9 A At that time, we were arriving at the hospital. The
10 entire time with the patient, he was not getting any better
11 and he steady declined.

12 Q Okay. And when you got to the hospital, did you take
13 him to the emergency room or what do you do?

14 A When we arrived at the hospital, we turned the patient
15 over to the emergency staff, nurses and several doctors,
16 where they were in the trauma area at Richland Emergency
17 Department.

18 Q Okay. Now, this patient you saw, do you remember how
19 old he was?

20 A I would have to look at my notes.

21 Q Yeah, feel free. At any question I have, if you need
22 to look at your notes --

23 A Okay.

24 Q -- please do so.

25 A According to this, he was 64 years old.

Derrick Williams - Direct examination
by Solicitor Potts

1 Q Okay. Now, was he a big man?

2 A I can't recall exactly was he big or small but I would
3 say---

4 Q You just don't recall?

5 A I just don't recall.

6 Q Okay. That's fine.

7 Did you have any other role in this case?

8 A No, sir.

9 SOLICITOR POTTS: Okay. Beg the Court's indulgence.

10 THE COURT: Yes, sir.

11 (Pause.)

12 Q Thank you. No further questions.

13 THE COURT: Mr.---

14 Q Please answer any questions they have for you.

15 THE COURT: Mr. Bailey.

16 MR. BAILEY: No questions from us, Your Honor.

17 THE COURT: Thank you.

18 Mr. Williams, thank you for being us today. Thank you
19 very much.

20 THE WITNESS: Thank you, sir.

21 THE COURT: All right. Solicitor, you may call your
22 next witness.

23 SOLICITOR CATHCART: Your Honor, at this time the State
24 calls Tracea Vereen.

25 THE COURT: All right. Ms. Vereen.

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 All right, Ms. Vereen. If you'd come around and join
2 us please.

3 MR. COMISH: Your Honor, at that time -- at this time
4 we'd like to go and renew any previous objections.

5 THE COURT: Of course.

6 MR. COMISH: Thank you, Your Honor.

7 THE COURT: They're so renewed and I would renew my
8 previous trial -- pretrial rulings.

9 TRACEA VEREEN, being first duly
10 sworn, testified as follows:

11 THE CLERK: Please have a seat.

12 (Witness complies.)

13 THE CLERK: State your full name for the record.

14 THE WITNESS: My name is Tracea Vereen.

15 DIRECT EXAMINATION

16 BY SOLICITOR CATHCART:

17 Q Ms. Vereen, what is your relationship to the victim in
18 this case?

19 A Mr. Willie Geter?

20 Q Yes, ma'am.

21 A That's---

22 Q Willie Geter.

23 A That's, that's most likely my stepfather---

24 Q He---

25 A ---for over the last ten, eleven years.

Tracea Vereen - Direct examination
by Solicitor Cathcart

- 1 Q Ten, eleven years your mother has lived with Mr. Geter?
2 A Uh-huh. (Affirmative).
3 Q They've always lived there on -- Fiske---
4 A Fiske Street.
5 Q Fiske Street.
6 THE COURT: Have her say yes or no for me please.
7 SOLICITOR CATHCART: I'm sorry.
8 If you would just say yes---
9 A Yes.
10 Q ---or no.
11 A Yes.
12 Q we can't pick up nodding.
13 A Okay.
14 Q okay?
15 A (witness nods affirmatively.)
16 Q If you'd bring that in a little bit too. I'm somewhat
17 deaf.
18 A Okay.
19 Q That's why I talk kind of loud.
20 So, who's your mother?
21 A Leslie Brown.
22 Q Okay. And they call her Lessie?
23 A Uh-huh. (Affirmative).
24 Q And on -- back in June the 19th of 2015, were you with
25 your mother?

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 A Yes, my mother watches my kids while I work.

2 Q Okay. Where do you work?

3 A I work at USC.

4 Q What do you do there?

5 A I'm a cook. I been a cook there for the last ten
6 years.

7 Q Ten years?

8 A Uh-huh. (Affirmative).

9 Q All right.

10 THE COURT: And can you say yes or no for me please?

11 THE WITNESS: I'm sorry.

12 Q Yeah, that's what I---

13 THE WITNESS: Yes.

14 THE COURT: That's so our court reporter can get it
15 down.

16 I didn't mean to interrupt you though, Ms. Vereen.

17 Q So, you were at work earlier that day?

18 A Yes, I was.

19 Q Okay. And, at some point, you saw your mother,
20 correct?

21 A Yes, I did.

22 Q And where did you find your mom?

23 A My mother picks me up from work when I get off work at
24 4:00 and I take her home once I get off work.

25 Q When she leaves -- when she picks you up at work --

Tracea Vereen - Direct examination
by Solicitor Cathcart

- 1 A Uh-huh. (Affirmative).
- 2 Q -- I assume she's not alone, correct?
- 3 A With my kids.
- 4 Q With your kids?
- 5 A Yes.
- 6 Q Cause she's watching them?
- 7 A Yes.
- 8 Q All right.
- 9 A She watches my kids.
- 10 Q So, she and all, all your kids pick you up at work and
11 then y'all go to --?
- 12 A Back to Fiske Street where she lives.
- 13 Q Fiske Street, which is her house?
- 14 A Yes.
- 15 Q For you to drop her off at that time?
- 16 A Yes.
- 17 Q Was anybody else with y'all when y'all got to Fiske
18 Street?
- 19 A On the---
- 20 Q Fiske Street.
- 21 A On the way up Fiske Street, we picked up Tron and he
22 got -- he jumped in the car with us but it was me, the kids,
23 and my mother, and Tron. We picked him up on the way coming
24 up Fiske Street.
- 25 Q Okay. And who's Tron?

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 A Tron Harris is my boyfriend.

2 Q Okay. So, you, your boyfriend, your mother, and your
3 kids arrive at Fiske Street?

4 A Yes.

5 Q Okay. And what did y'all find when y'all got there?

6 A It was a light colored tan Cadillac car and two male,
7 males out there.

8 Q Okay. What drew your attention to these guys in your
9 driveway?

10 A At the time, I had just moved from there and nobody
11 parks in the front yard and it was unusual for somebody to
12 be parked, parked in the front yard and working on a car.

13 Q Okay.

14 A And Mr. Willie Geter wasn't there at that time.

15 Q Willie -- Mr. Geter, he works on cars?

16 A Yes, he does. He's a mechanic. He always been a
17 mechanic.

18 Q Okay. And where does he work on those cars?

19 A In the backyard behind the fence.

20 Q Okay.

21 MR. COMISH: Without objection.

22 Q I show you what's been marked as State's Exhibit No. 1
23 and No. 2.

24 could you please describe what this is?

25 A That's the front of the yard.

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 Q It's a picture of the front of y'all's yard?

2 A Yes, it is.

3 Q Or I guess your mother's yard at this point?

4 A Yes.

5 Q That's where you usually park?

6 A I park on this side of the yard behind the tree part.

7 SOLICITOR CATHCART: Okay. Well, at this time, Your
8 Honor, the State seeks to -- is this a fair and accurate
9 representation---

10 A Yes.

11 Q ---of what it looks like?

12 A Yes, it does.

13 Q what it looked like that day?

14 A Yes.

15 SOLICITOR CATHCART: Okay. State seeks to introduce
16 State's Exhibit No. 1 into evidence.

17 MR. COMISH: Without objection.

18 THE COURT: State's 1 is in evidence.

19 SOLICITOR CATHCART: Okay.

20 THE COURT: Without objection.

21 (WHEREUPON, State's Exhibit No. 1 was received into
22 evidence at this time.)

23 Q Okay. So now we can -- so, you usually park where?

24 A Right here in the front yard.

25 Q Okay. And somebody else was parked there that day?

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 A Yes, it was. We parked behind them actually.

2 Q Okay. And that was the car you're talking about?

3 A The white -- well, the tan looking Cadillac --

4 Q Okay.

5 A -- and the bumper off and everything else.

6 Q The bumper was off?

7 A The back bumper was off. They was actually in the
8 front yard fixing the bumper.

9 Q Okay. Was that the only thing wrong with the Cadillac?

10 A Yes.

11 Q Okay. Did you describe that Cadillac to the police
12 later on?

13 A Yes, I did.

14 Q Let me show you again State's Exhibit No. 2.
15 Can you describe what that is?

16 A That's the back of the yard.

17 Q Okay. Is that where Mr. Geter does the work on the
18 cars?

19 A That's where he works on all of his cars.

20 SOLICITOR CATHCART: Okay. At this time, the State
21 seeks to introduce State's Exhibit No. 2.

22 MR. COMISH: Without objection.

23 THE COURT: State's 2 is in evidence without objection.

24 (WHEREUPON, State's Exhibit No. 2 was received into
25 evidence at this time.)

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 Q And, again, that's the area where he fixes all the
2 cars?

3 A Yes, he does.

4 Q Okay. Now, can you tell me who -- you said there was
5 two people there working on that car?

6 A Yes, it was.

7 Q I'm sorry.

8 And did you have an opportunity to speak with them or
9 did your mother speak with them or what happened?

10 A My mother spoke. When she got out of the car she spoke
11 to them. I just looked, acted like, looked at them and
12 everything cause it was un, it was unusual for somebody to
13 be parked in the front yard waiting to get their car fixed.

14 Q Okay. So, usually it's always gonna be in the back?

15 A Yes, it's always in the back.

16 Q And Willie was -- was Willie there at that time?

17 A No, he wasn't.

18 Q Okay. Did any---

19 A It was waiting for him to pull up.

20 Q I'm sorry?

21 A It was waiting for him to pull up.

22 Q Okay. Did he ever pull up?

23 A I'm not sure -- I'm not -- I can't tell you when he
24 pulled up because, by that time, I had done left --

25 Q Okay.

Tracea Vereen - Direct examination
by Solicitor Cathcart

- 1 A -- and I had my mother and Tron there.
- 2 Q Okay. And where did you go?
- 3 A I went home to change my clothes. Me and the kids went
4 home to change my clothes, and that took me about 30
5 minutes --
- 6 Q Uh-huh. (Affirmative).
- 7 A -- to change my clothes. When I changed my clothes, I
8 went back to Fiske Street and me and Tron left cause we had
9 to go somewhere on Augusta Highway.
- 10 Q Okay. Did you take your children also?
- 11 A Yes, me and my kids went.
- 12 Q Okay. So, it was you, Tron, and the kids?
- 13 A Uh-huh. (Affirmative).
- 14 Q At that point when you came back, did you have an
15 opportunity to see those two men there again?
- 16 A I wasn't -- I didn't go straight back to the Fiske
17 Street.
- 18 Q Okay.
- 19 A I actually went home.
- 20 Q Yes.
- 21 A And that's when I got the call from my mother that
22 Mr. Willie Geter had been shot.
- 23 Q No, no. Let me ask you -- go back to when you went
24 home and changed --
- 25 A Uh-huh. (Affirmative).

Tracea Vereen - Direct examination
by Solicitor Cathcart

- 1 Q -- and you picked up Tron --
- 2 A Was the two men---
- 3 Q -- at Fiske Street.
- 4 A ---still there?
- 5 Q Yes.
- 6 A Yes, they were.
- 7 Q They were still there?
- 8 A Yes, they were.
- 9 Q Did you see them both still there?
- 10 A Yes, I did.
- 11 Q Okay.
- 12 A Yes, sir, I did.
- 13 Q Did you have an opportunity to see them clearly?
- 14 A Yes, I did because I had picked up Tron -- the driveway
- 15 where he fixes on the cars, I went down that driveway to
- 16 pick up Tron and he was walking up the driveway.
- 17 Q Okay. which guy was that?
- 18 A Tron Harrison. No, Tron Harrison was walking up the
- 19 driveway---
- 20 Q okay.
- 21 A ---like I said---
- 22 Q Tron was coming?
- 23 A Yeah.
- 24 Q I got you.
- 25 A Tron was coming to me to the car, to the car.

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 Q Okay. Did you see the other two men that were there---

2 A Yes.

3 Q ---with the Cadillac?

4 A Yes.

5 Q Okay. Where did you see them?

6 A They was at the backyard with Mr. Willie fixing on the,
7 the Explorer, the Ford Explorer.

8 Q Okay. Does a -- what kind of Ford Explorer was it?

9 A A blue two door Ford Explorer.

10 Q In fact, your mother thought it was some other car,
11 didn't she?

12 A She kept saying -- thinking it was a Jeep Cherokee.

13 Q Did you correct her?

14 A Yes, I did.

15 Q Did you -- cause you saw what car it was?

16 A I remember the car sitting there for a couple days
17 before it even got fixed on.

18 Q Okay. Let me show you what's been marked State's
19 Exhibit No. 11.

20 Can you tell me what that you -- appears to be?

21 A That's the Jeep -- that's the Ford Explorer that was
22 sitting in the backyard.

23 Q And that's a two door Ford Explorer---

24 A Yes, it is.

25 Q ---that you saw back there?

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 A Yes.

2 SOLICITOR CATHCART: At this time, the State seeks to
3 introduce State's Exhibit No. 11.

4 MR. COMISH: Without objection.

5 THE COURT: State's 11 is in evidence without
6 objection.

7 (WHEREUPON, State's Exhibit No. 11 was received into
8 evidence at this time.)

9 Q Okay. So, us -- that was the vehicle that you saw
10 Willie working on---

11 A Yes, I did.

12 Q -- or Bo working on---

13 A Yes.

14 Q ---with the two men?

15 A Yes.

16 Q Okay. Did the police come and talk to you about this
17 case?

18 A No one really talked to me. After a couple days,
19 Investigator Truluck came and asked me a couple questions
20 being that I seen them in the front yard and I got a chance
21 to look at them.

22 Q Uh-huh. (Affirmative).

23 A But other than that, no, I didn't get questioned or
24 anything.

25 Q Okay. And, at some point in -- later on, like I

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 believe it was in September --

2 A Uh-huh. (Affirmative).

3 Q -- did they ask you for a statement?

4 A Yes, he -- I got off -- well, he asked me, when I --
5 once I got off work, to come meet him down at the Richland
6 County Sheriff's Department --

7 Q Uh-huh. (Affirmative).

8 A -- to make my statement and to point out the person.

9 Q Okay. Were you able to point out that person?

10 A Yes, I was.

11 Q And that person that you were pointing out, did he
12 try -- give you any indication who to point out?

13 A No, he did not at all.

14 Q Did you have any problem pointing him out?

15 A No, I didn't.

16 Q Was the person that you pointed out the person that you
17 saw that day?

18 A Yes, it is.

19 Q Is there any doubt in your mind that was the person
20 that you pointed out?

21 A No, it's not at all.

22 Q Okay. I show you what's been marked State's Exhibit
23 No. 18.

24 Do you recognize what that is?

25 A Yes, sir.

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 Q And what is that?

2 A That's the person that I pointed out and put my
3 initials beside it.

4 Q Okay. And you signed it also?

5 A Yes, I did.

6 SOLICITOR CATHCART: At this time, the State seeks to
7 introduce State's Exhibit No. 18.

8 MR. COMISH: Renew our objection, Your Honor.

9 THE COURT: State's 18 is in evidence subject to
10 previous objections.

11 SOLICITOR CATHCART: Thank you, Your Honor.

12 MR. COMISH: Thank you, Your Honor.

13 (WHEREUPON, State's Exhibit No. 18 was received into
14 evidence at this time.)

15 Q Would you point out to the jury who you pointed out?

16 A This person.

17 Q That person?

18 A Uh-huh. (Affirmative).

19 Q And that's your initials by his circle?

20 A Yes, it is.

21 Q And that was your signature down at the bottom?

22 A Yes, it is.

23 Q Is that the person that you saw with that Ford
24 Explorer?

25 A Yes.

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 Q That's the one -- on the car he was working on?

2 A Yes.

3 Q Okay. Did you see that person in the courtroom here
4 today?

5 A Yes, I do.

6 Q Would you please point him out to the jury?

7 A He's right there.

8 Q What's he wearing?

9 A He's wearing a blue shirt with a button down.

10 Q Okay. Before, when you left, everybody was still
11 there, correct?

12 A Yes.

13 Q Okay. And now -- I'm sorry, Your Honor.

14 May the record reflect she has identified Mr. Baker?

15 THE COURT: So reflected.

16 SOLICITOR CATHCART: Thank you.

17 Q And when you, your children, and Tron all left the
18 area, and this man was still there?

19 A Yes, he was.

20 Q The guy with the Cadillac was still there?

21 A Yes, he was.

22 Q Willie was still alive?

23 A Yes, he was.

24 Q And your mother was at the house?

25 A My mother was sitting -- actually sitting on the back

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 porch of upstairs.

2 Q Okay. Back porch upstairs, yeah.

3 I'm showing you what's been entered into evidence as
4 State's Exhibit No. 2.

5 Can you see that back porch from there?

6 A It's sitting right there.

7 Q And she was just sitting right there?

8 A She was sitting there playing---

9 MR. COMISH: Objection. Leading.

10 A ---on the phone.

11 THE COURT: Excuse me?

12 MR. COMISH: Leading, Your Honor.

13 THE COURT: Rephrase the question.

14 SOLICITOR CATHCART: I'm sorry.

15 Where was she sitting?

16 A She was sitting on the stairs.

17 Q And where were the guys working on the car?

18 A The car was in-between, in-between the Cadillac and
19 that -- by the tree right there.

20 Q So, would you just point out?

21 I want you to -- pointing.

22 A It was---

23 Q So, right around there?

24 A In-between here and here.

25 Q Okay.

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 A Right in there.

2 Q I show you what's been marked State's Exhibit No. 9 and
3 No. 10.

4 Do you recognize what these are?

5 A The vehicle that was in the front yard.

6 Q That's the one that you noticed, noticed?

7 A Yes, I did.

8 Q And that you told the police about?

9 A Yes, I did.

10 SOLICITOR CATHCART: Okay. At this time, the State
11 seeks to introduce State's Exhibit Nos. 9 and 10.

12 MR. COMISH: Without objection, Your Honor.

13 THE COURT: State's 9 and 10 is in evidence without
14 objection.

15 (WHEREUPON, State's Exhibit Nos. 9 and 10 were received
16 into evidence at this time.)

17 Q Okay. And that would be---

18 A The bumper was actually off and they was trying to put
19 it back together -- put it on cause it was all hanging off.

20 Q Okay. And that's the same car that you saw---

21 A Same car.

22 Q ---that day?

23 A Uh-huh. (Affirmative).

24 Yes, it is.

25 Q That drew your attention to that man?

Tracea Vereen - Direct examination
by Solicitor Cathcart

1 A Yes, it is.

2 SOLICITOR CATHCART: Okay. Beg the Court's indulgence.

3 THE COURT: Yes, sir.

4 (Pause.)

5 Q How long was, was it until your -- you found out about
6 what happened with Willie?

7 A I guess maybe probably five or ten minutes after it
8 happened my mama called me and was telling me everything
9 what had -- what happened.

10 Q How long after you left?

11 Do you recall?

12 A To left to go over there?

13 Q No, no. After you left with Tron and your kids.

14 A It was a good 30, 45 minutes.

15 Q Okay.

16 A Cause we was on our way back from Augusta Highway.

17 Q Okay. So---

18 A We was probably ten minutes away from the house.

19 Q And then she called you and told you?

20 A Yes.

21 Q Okay. Thank you. Please answer any questions from the
22 defense counsel.

23 THE COURT: Thank you, solicitor.

24 Mr. Comish.

25 MR. COMISH: May it please the Court, Your Honor?

Tracea Vereen - Cross-examination
by Mr. Comish

1 THE COURT: Yes, sir.

2 SOLICITOR CATHCART: I'm sorry.

3 CROSS-EXAMINATION

4 BY MR. COMISH:

5 Q Good morning, Ms. Vereen.

6 A Good morning.

7 Q You went to work at eight o'clock in the morning --?

8 A Yes.

9 Q -- that day?

10 And you were at work until about four o'clock in the
11 afternoon?

12 A Yes.

13 Q So, you were at work a fairly long time, weren't you?

14 A Not really.

15 Q Not really?

16 A I'm use to it.

17 Q You're use to it.

18 A I been there ten years.

19 Q All right. How old are your kids?

20 A My kids are five, six, and I have an 11 year old.

21 Q Okay.. Excuse me. At the time, how old were they?

22 Let me, let me be clear.

23 A My daughter was three.

24 Q Okay.

25 A And my, my youngest daughter was three and my oldest

Tracea Vereen - Cross-examination
by Mr. Comish

1 daughter was five and my son probably been ten.

2 Q Okay. But the, the two youngest were, were with your
3 mother when she picked you up, correct?

4 A Yes, they were.

5 Q Okay. And your mother picked you up from work with the
6 kids?

7 A Yes, she did.

8 Q And y'all went back to your mama's house?

9 A Yes.

10 Q And along the way, just to make sure we have this
11 clear, you picked Tron up?

12 A Tron, uh-huh. (Affirmative).

13 He was coming up Fiske Street.

14 Q Okay. So, there were five of you in the car?

15 A Uh-huh. (Affirmative).

16 Q Going in there?

17 A Yes, it was.

18 Q And y'all all got out of the car?

19 A Yes.

20 Q Okay. And you were looking at the kids and everything,
21 everybody running around while you were --?

22 A My kids wasn't running around.

23 Q Your kids are well behaved?

24 A Yes, they are.

25 Q And toddlers don't run around at all?

Tracea Vereen - Cross-examination
by Mr. Comish

1 A My daughter was here in court yesterday.

2 Q Okay. After the incident happened, no one came to talk
3 to you for a couple days?

4 A No, they didn't.

5 Q Okay. In fact, it wasn't until nearly three months
6 later that the investigator came to get your statement,
7 wasn't it?

8 A Yes, it was.

9 Q Did you talk about what happened with your mom after it
10 happened?

11 A Meaning what?

12 Did I talk about my mom meaning?

13 Q Well, I mean did you discuss what happened with your
14 mom?

15 A Yes, we did.

16 Q Did y'all talk about it a lot?

17 A My mom actually lived with me. The day after the
18 murder, my mom never went back home. My mom has been living
19 with me since.

20 Q Right.

21 So, she's living with you?

22 A Yes.

23 Q And she's talking about, you know, what she saw?

24 A Yes.

25 MR. COMISH: Okay. Beg the Court's indulgence just one

Tracea Vereen - Cross-examination
by Mr. Comish

1 second.

2 THE COURT: Yes, sir.

3 (Pause.)

4 Q Just one final question.

5 Tron was there, correct?

6 A Yes, Tron was.

7 Q Thank you.

8 No further questions, Your Honor.

9 THE COURT: Redirect, solicitor?

10 SOLICITOR CATHCART: Just a few, Your Honor. Thank
11 you.

12 REDIRECT EXAMINATION

13 BY SOLICITOR CATHCART:

14 Q Tron left with you when you left, correct?

15 A Yes, he did.

16 Q And your children?

17 A Yes, he did.

18 Q Okay. Did you talk to your mother, after she left that
19 house, about what happened, didn't you --

20 A Yes.

21 Q -- as he asked you?

22 A Yes.

23 Q She told you who did it?

24 A Yes.

25 Q Who did she tell you shot her husband?

Tracea Vereen - Redirect examination
by Solicitor Cathcart

1 MR. BAILEY: Objection, Your Honor.

2 THE COURT: Overruled.

3 Q Who did she tell you shot her husband?

4 A She called him by the name of Kilo. She, she's---

5 Q The guy you pointed out?

6 A She's known him by the name of Kilo. I never -- I
7 don't know him by Kilo but that's the name she's known him,
8 his street name.

9 Q Okay. Thank you.

10 THE COURT: Redirect. Excuse me.

11 Recross, Mr. Comish?

12 RE CROSS EXAMINATION

13 BY MR. COMISH:

14 Q You were not at the house when the shooting occurred,
15 were you?

16 A No, I wasn't.

17 Q Thank you.

18 THE COURT: Thank you. Thank you very much.

19 Thank you, Ms. Vereen. You may step down.

20 All right. Ladies and gentlemen of the jury, let's
21 take about a 15 minute recess. We'll have you step back to
22 the jury room.

23 Thank you. Thank you very much.

24 (WHEREUPON, a short recess was taken at this time.)

25 (WHEREUPON, a blue plastic cup was marked as State's

1 Exhibit No. 23 and a brown paper bag containing a cup was
2 marked as State's Exhibit No. 24. Both of the items were
3 for identification purposes only at this time.)

4 THE COURT: Step up to the bench a minute, Mr. Bailey.
5 (WHEREUPON, a bench conference was held at this time.)

6 SOLICITOR CATHCART: Your Honor, may we approach real
7 quick one more time?

8 THE COURT: Sure. Yeah, of course.

9 (WHEREUPON, a bench conference was held while the jury
10 was entering the courtroom.)

11 THE BAILIFF: The jurors are seated, judge.

12 THE COURT: All right. All right. welcome back,
13 ladies and gentlemen.

14 I want to address this epistle from our foreperson.
15 That's not by way of complaint. You, you know that though,
16 Mr. Foreperson.

17 THE FOREMAN: Yes, sir.

18 THE COURT: The first answer would be yes, number one,
19 smoking. I usually try to take a break about every hour and
20 15 to hour and 30 minutes. Y'all wasn't out here that long
21 but our court reporter had been out here, and, and the
22 others, since about 9:30 this morning. So, I didn't have
23 y'all out here as long as so they could get their break,
24 number one.

25 won't go past this week. Famous last words. It won't,

1 won't go past this week. You hear the witness list.
2 There's a lot of potential witnesses on the list. There's
3 various reasons for that. That's typically in all trials
4 that there's a lot of potential witnesses. It, it won't go
5 past this week.

6 Correct, solicitor?

7 SOLICITOR CATHCART: That is correct, Your Honor.

8 THE COURT: Correct, Mr. Bailey?

9 MR. BAILEY: Yes, Your Honor.

10 THE COURT: So, see, I have two corroborating witnesses
11 that say it won't go past the week.

12 We're gonna -- in a moment, because of a matter I have
13 to take up, we're gonna go on and take our lunch break now.
14 I usually take a lunch break around one o'clock. That's
15 when I usually take lunch and I have a jury come back about
16 2:15 cause, if you're in walking distance, you know, it
17 gives you that extra 15 minutes.

18 155, Juror 155, phone number. The bailiff informs me
19 there's a phone number on your jury card if you need a
20 family member to call.

21 Is that, is that correct?

22 Is there a phone number on there?

23 THE CLERK: Yes, sir.

24 THE COURT: And that's, that's the Clerk's Office and
25 they can get a message, message to you. That goes for

1 everybody but that phone number is on that card if you want
2 to give it to a family member, if, you know, something,
3 something arises that you need to be aware of, need to know
4 about.

5 If that does happen, please let me know. That's one
6 reason we have our alternates, you know, cause people
7 tend -- things can happen while, while you are serving on
8 jury duty and I'll certainly address that.

9 And Juror 324, would you step up to my court -- is it
10 324?

11 THE CLERK: Yes.

12 THE COURT: Yes, 324. If you would step up here for me
13 a moment.

14 (WHEREUPON, the following takes place outside the
15 hearing of the remaining jurors but within the hearing of
16 the attorneys.)

17 THE COURT: And I'm not singling you out. I just
18 wanted to talk to -- well, I am singling you out.

19 THE JUROR: Right. I understand.

20 THE COURT: But I want to talk to you independent of
21 your fellow jurors.

22 Now, you indicated you knew a person about 45 years
23 ago?

24 THE JUROR: Right, in the neighborhood I grew up in.
25 There was a kid there that, that was -- the last name was

1 Geter. Don't know if it's the same person or not but I
2 wanted to let you know.

3 THE COURT: I don't believe you cause I don't think
4 you're 45 years old.

5 THE JUROR: Oh, thank you, sir. You're too kind.

6 THE COURT: So, you, in the neighborhood you lived in,
7 about 45 years ago?

8 THE JUROR: Right.

9 THE COURT: There was an individual, a kid or a child?

10 THE JUROR: Yeah, a child.

11 THE COURT: About -- by the name Bo Geter.

12 THE JUROR: Right, and that's all I knew of him.

13 THE COURT: And I don't think I used the name Bo---

14 THE JUROR: Right, you didn't.

15 THE COURT: ---yesterday. I don't think I knew it
16 yesterday.

17 THE JUROR: Yeah, they mentioned it this morning now.

18 THE COURT: How did you know him, just from---

19 THE JUROR: It's just from the neighborhood. Just from
20 the neighborhood.

21 THE COURT: Let's say it is the same Bo Geter.

22 THE JUROR: Uh-huh. (Affirmative).

23 THE COURT: Okay. Given that fact, would you still be
24 a fair and impartial juror---

25 THE JUROR: Absolutely.

1 THE COURT: ---in the trial of this case?

2 THE JUROR: Absolutely.

3 THE COURT: Any, any doubt in your mind at all?

4 THE JUROR: None at all. I haven't seen the family. I
5 don't even know where the family lives since we were kids.

6 THE COURT: Okay. That's fine.

7 THE JUROR: I just wanted to mention it.

8 THE COURT: All right. I think, I think you can stay
9 with us. Thank you.

10 THE JUROR: Okay.

11 THE COURT: Thank you for bringing that to my
12 attention.

13 THE JUROR: Okay.

14 THE COURT: Okay. So, I'm gonna send them to lunch---

15 SOLICITOR CATHCART: Yes, sir.

16 THE COURT: ---while we work.

17 MR. BAILEY: Yes, sir.

18 THE COURT: Okay. So, I'll tell them to be back about
19 1:15.

20 (WHEREUPON, the following takes place within the
21 hearing of the jury.)

22 THE COURT: All right. Thank you again for, for the
23 questions.

24 Mr. Foreman, I started out in one trial that did last
25 over a week and, of course, I would get notes from the jury

1 that would say Your Honor, this, Your Honor, that. By the
2 time two weeks was over, I was known as J. That's, that's
3 all they addressed me as, which I can go with.

4 I am, cause I have to take up this motion; rather than
5 hold you captive, I'm gonna send y'all on to your luncheon
6 recess. I must remind you, do not discuss this case with
7 others, your fellow jurors, lunch mates, family, friends.
8 Do not watch, listen to any news reports. Do not do any
9 research on the Internet or in person.

10 With that being said, if you'd please be back at --
11 I'll say 1:20. Please be back promptly at 1:20.

12 Thank you very much for your focus and attention.

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

15 THE COURT: All right. Anything before we take this
16 recess, solicitor?

17 SOLICITOR CATHCART: No, sir.

18 THE COURT: Mr. Bailey?

19 MR. BAILEY: I -- if I could have just, have just 15
20 seconds, Your Honor. Just go---

21 THE COURT: Sure.

22 MR. BAILEY: I was just filled in now on the meeting we
23 had at the bench, sir.

24 THE COURT: Oh, you want to talk with him?

25 MR. BAILEY: Yeah, I just want to talk about what's

1 going on with the jury just real quick to let him know what
2 was happening here.

3 THE COURT: Oh, sure. Will y'all, y'all allow through
4 the sheriff?

5 THE OFFICER: Yes, sir.

6 MR. BAILEY: Sure. Sure.

7 All right. Thank you. 1:15 -- what did I say, 1:20?

8 SOLICITOR CATHCART: Yes, sir.

9 MR. BAILEY: Yes, sir.

10 THE COURT: All right. 1:20.

11 MR. BAILEY: Thank you, Your Honor.

12 THE COURT: If you hear anything before that, y'all
13 just come back and see me. I'm right here.

14 MR. BAILEY: Thank you, Your Honor.

15 THE COURT: Thank y'all very much.

16 (WHEREUPON, Court was in recess for the lunch hour.)

17 THE COURT: Okay. Anything from the State before we
18 bring in our jury, solicitor?

19 SOLICITOR CATHCART: Your Honor, we've spoken with the
20 defense and family and with our office as well. We have
21 extended the offer of voluntary manslaughter. It's my
22 understanding they have rejected that offer.

23 MR. BAILEY: That---

24 THE COURT: Sir?

25 MR. BAILEY: Yes, sir. That -- that's correct right

1 now, yes, sir.

2 SOLICITOR CATHCART: So, other than that, nothing
3 before we bring in the jury.

4 THE COURT: All right. Are you ready for the jury?

5 MR. BAILEY: Yes, sir.

6 (WHEREUPON, the following takes place within the
7 presence of the jury.)

8 THE BAILIFF: The jury is seated, Your Honor.

9 THE COURT: Thank you. Thank you very much.
10 Welcome back, ladies and gentlemen of the jury panel.
11 I hope y'all had a pleasant lunch.

12 We're continuing the trial of the case by the
13 presentation of evidence and testimony by the State in its
14 case in chief.

15 Solicitor, you may call your next witness.

16 SOLICITOR CATHCART: May it please the Court, Your
17 Honor.

18 The State calls Lessie Brown.

19 THE COURT: All right. Ms. Brown, if you'd come around
20 and join us please.

21 LESSIE BROWN, being first duly
22 sworn, testified as follows:

23 THE CLERK: Please have a seat.

24 (Witness complies.)

25 THE CLERK: State your full name for the record.

Lessie Brown - Direct examination
by Solicitor Cathcart

1 THE WITNESS: My name is Lessie Brown.

2 DIRECT EXAMINATION

3 BY SOLICITOR CATHCART:

4 Q Ms. Brown, where did --- back in June the 19th of 2015,
5 where did you live?

6 A Fiske Street.

7 Q Fiske Street?

8 A Uh-huh. (Affirmative).

9 Q I'm gonna have to ask you to -- may I approach, Your
10 Honor?

11 THE COURT: Yes, sir, of course.

12 Q Ask you to speak into the microphone and try to talk as
13 loud as you can. Not yell or anything. But I'm kind of
14 deaf, and I'm -- it helps me to hear. Please.

15 And you said you lived on Fiske---

16 A Fiske Street.

17 Q Yes, ma'am.

18 who did you live with?

19 A willie Geter.

20 Q How long y'all been there together?

21 A Fifteen years. Maybe a little longer. About 15 years.

22 Q Around 15 years?

23 A Uh-huh. (Affirmative).

24 Q who is willie Geter to you?

25 A My significant other. Common law. All with me except

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1 the papers.

2 Q And that's been that way for 15 years?

3 A Yeah.

4 Q On that -- this -- do you have children?

5 A Yes. I do.

6 Q Who do you have?

7 who is your child?

8 A I have three girls.

9 Q Three girls?

10 A Uh-huh. (Affirmative).

11 Q And where are they?

12 A And Willie has one son.

13 Q And one son?

14 A Uh-huh. (Affirmative).

15 Q And who are the girls?

16 A Tracea and Shenette Vereen and LaQuin Brown.

17 Q Okay. And Tracea was with you that day?

18 A Yes.

19 Q Okay. And what were you doing for Tracea that day,
20 that morning?

21 A That day, I was baby-sitting as usual. I baby-sit my
22 grandchildren.

23 Q Okay. And you do that when?

24 A Excuse me?

25 Q I -- you said as usual.

Lessie Brown - Direct examination
by Solicitor Cathcart

- 1 when do you baby-sit your children?
- 2 A Every -- Monday through Fridays.
- 3 Q Her children?
- 4 A Uh-huh. (Affirmative).
- 5 And sometimes, maybe Saturday, if she has to work.
- 6 Q Okay. And she works over at USC?
- 7 A Yes, sir.
- 8 Q I'm sorry. I'll try to speak up better too.
- 9 A Okay.
- 10 Q On that day, you watched her children?
- 11 A Uh-huh. (Affirmative).
- 12 Q Okay. And, at some point, did you go and pick her up
- 13 at work?
- 14 A You're right.
- 15 Q Okay. And when you were watching the children, where
- 16 were y'all watching the children?
- 17 A I was at her house.
- 18 Q At her house with the kids?
- 19 A Uh-huh. (Affirmative).
- 20 Q You drove over to USC to pick her up?
- 21 A Right.
- 22 Q Okay. And at -- so, where did y'all go from USC?
- 23 A We had headed home.
- 24 Q Headed home?
- 25 A Uh-huh. (Affirmative).

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by Solicitor Cathcart

- 1 Q For what purpose at that point?
- 2 A To drop me off.
- 3 Q Drop you off?
- 4 A Uh-huh. (Affirmative).
- 5 Q Because you were done baby-sitting?
- 6 A I'm done.
- 7 Q Okay.
- 8 A Yeah.
- 9 Q And how many kids were you baby-sitting?
- 10 A Three really. Three, yeah. But she, Sidney, the baby,
- 11 she was with me all day. She be with me all day. The other
- 12 two, they would be, they would be in school.
- 13 Q Okay.
- 14 A Uh-huh. (Affirmative).
- 15 Q And did y'all pick up anybody on the way to---
- 16 A On the way---
- 17 Q ---the house?
- 18 A Yeah.
- 19 Q Who?
- 20 A We picked up Tron.
- 21 Q Tron.
- 22 A Uh-huh. (Affirmative).
- 23 Q And who is Tron?
- 24 A That's Tracea's boyfriend.
- 25 Q Okay. when y'all got to your house, what, if anything,

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1 was going on?

2 A We got there. They was a Cadillac in the front yard
3 and we like who is this. And we got -- I pulled up in the
4 yard. I saw two people in the yard, two men in the yard.
5 And, excuse me, and then we got out. I got out. Tracea got
6 out. We got out. And I saw the front door -- the front
7 door was closed. I said, well, Bo's not home and I said, I
8 said, y'all looking for Bo? And then the defendant said he
9 suppose to be on his way.

10 Q Okay. And when you say the defendant, who are you
11 talking about?

12 A Kilo.

13 Q Kilo told you he's on -- that Bo's on his way?

14 A Yeah, he said he's, he's on his way.

15 SOLICITOR CATHCART: Your Honor, could the record
16 reflect that she's indicated the defendant in this case?

17 THE COURT: Yes, sir. Yes, sir.

18 SOLICITOR CATHCART: Thank you.

19 Okay. And did you recognize Kilo at that time?

20 A Not at the -- not at first, no.

21 Q Okay.

22 A Not at first.

23 Q Did he look familiar to you?

24 A He looking familiar but I wasn't sure. I hate --
25 didn't want to stare at people. Don't want to stare at

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1 people. So --.

2 Q Okay.

3 A Yeah.

4 Q And so -- and then you get -- you said that the door
5 was closed?

6 A Yeah, the front door. If Bo's home, the front door is
7 open. He usually had that and the screen door locked.

8 Q Okay.

9 A But the front door was closed and I knew then he was
10 not home.

11 Q Okay. And even though you did see in the backyard---

12 A Right.

13 Q ---because of that?

14 A Well, you can't see through it because of the wall
15 there --

16 Q Okay.

17 A -- the fence there.

18 Q And so, what happened after the defendant told you that
19 Bo's on his way?

20 A I went in the house---

21 Q Okay.

22 A ---and put down my things. And by the time I did that,
23 I heard the car. I heard Bo mouth and I went out the
24 back-door to speak to him.

25 Q Okay.

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by Solicitor Cathcart

- 1 A And then they---
- 2 Q when you say you heard that car, what was, what was
3 going on?
- 4 A Excuse me?
- 5 Q what car?
6 what was going on?
- 7 A The who, the who was running -- who he -- I don't know
8 who he's -- I can't -- he was riding with somebody. They
9 dropped him off or whatever. I don't know, I don't know
10 what, I don't know what. But I know I went to the back-door
11 and spoke to him, talked to him, and he asked me is baby,
12 get me a glass of water and I went in the house and got him
13 some water. And as I was getting water, the one that was
14 driving the, that Cadillac, he asked me could he have some
15 too cause it was hot that day. It was hot. And he asked me
16 could he have some. So, so, while I was in there, I might
17 as well fix everybody some water. So, that's what I did.
- 18 Q Okay. So, you fixed how many glasses of water?
- 19 A Three glasses of water.
- 20 Q Okay. Do you recall what glass you gave your---
- 21 A Everybody had the same color of glass.
- 22 Q Okay. I show you---
- 23 A It was just a little blue, sky blue.
- 24 Q Do you recall giving a statement in this case?
- 25 A Excuse me?

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by Solicitor Cathcart

1 Q Do you recall giving a statement---

2 A To that?

3 Q ---to the police in this case?

4 A To this?

5 Q Uh-huh. (Affirmative).

6 A Yeah.

7 Q You gave that statement back on June the 24th of
8 2015?

9 A No.

10 Q Okay. Let me---

11 A Don't do me no dates cause I know---

12 SOLICITOR CATHCART: Your Honor, may I approach the
13 witness?

14 THE COURT: Yes, sir.

15 Q Do you have a copy of that statement here?

16 A Yes.

17 Q Oh, you do?

18 A Yeah.

19 Q Okay. would having that help refresh your memory?

20 A Yeah.

21 Q Okay. That was the -- Ms. Vereen's.

22 Okay. Is that the statement that you gave?

23 A Yes.

24 Q Okay. Do you see what date that is on the top that you
25 gave that?

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by Solicitor Cathcart

1 A The 24th.

2 Q The 24th.

3 That would be five days after this happened?

4 A Well, it happened on the 19th, yeah. Uh-huh.

5 (Affirmative).

6 Q Okay. So, would you agree with me that your memory was
7 probably fresher---

8 A Yes.

9 Q ---back then?

10 A Uh-huh. (Affirmative).

11 Q Okay.

12 A Yeah.

13 Q Okay. And when you gave the statement, do you recall
14 talking about the glasses of water that you gave them?

15 A Uh-huh. (Affirmative).

16 I gave everybody a big glass of water.

17 Q Okay. And do you recall giving -- let me show you
18 what's been marked as State's Exhibit No. 5.

19 Do you recognize what that is?

20 A Yeah.

21 Q What is that?

22 A That's, that's the glass of water.

23 Q Okay. Is that the glass of water you gave whom?

24 A I think I gave that one to Bo.

25 Q Okay. So, that was --?

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1 A That -- Bo had the clear there. The glass, he had the
2 glass.

3 Q Okay.

4 A Yeah, the other one I gave Kilo and the other guy I
5 gave them the plastic, blue plastic, you might find in the
6 restaurant.

7 Q Okay.

8 A Yeah.

9 Q Let me show you what's been marked State's Exhibit No.
10 8.

11 A That, yeah.

12 Q Is that kind of glass---

13 A That's it.

14 Q ---what you're talking about?

15 A That's it right there, yeah.

16 Q Okay.

17 A Yeah.

18 SOLICITOR CATHCART: Your Honor, at this time, State
19 seeks to introduce State's Exhibit No. 8 and 5.

20 MR. BAILEY: Without objections, Your Honor.

21 THE COURT: State's 8 and 5 is in evidence without
22 objection.

23 (WHEREUPON, State's Exhibit Nos. 5 and 8 were received
24 into evidence at this time.)

25 Q Okay. So, showing you what's been marked state's

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1 Exhibit No. 5---

2 A That one was Willie's only. That's Bo's glass.

3 Q Okay. And let me keep going---

4 A I---

5 Q ---you keep saying Bo.

6 A We call him Bo. We call him Bo. That's his---

7 Q His nickname is Bo?

8 A ---nickname, yeah.

9 Q Everybody's called him Bo and that's what you've called
10 him---

11 A Everybody calls him Bo.

12 Q ---for 15 years?

13 A Yeah.

14 Q Okay.

15 A Everybody calls him Bo.

16 Q And that's the glass you brought for Bo?

17 A This is the glass I brought for him.

18 Q Okay.

19 A Yeah.

20 Q And the type of glasses -- and I'm showing you what's
21 been marked as State's Exhibit No. 8 that you gave the other
22 two fellows---

23 A Right. Cause I didn't mind them having that cause, you
24 know, in case they just rode off with it---

25 Q Uh-huh. (Affirmative).

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1 A ---I didn't mind them plastic cups cause it's, it's
2 fine. My daughter, she gave those to me. So, I didn't mind
3 them, you know.

4 Q Okay. And you gave those kind of cups to --?

5 A To---

6 Q -- the light blue one --

7 A Uh-huh. (Affirmative).

8 Q -- to --?

9 A Kilo --

10 Q -- kilo?

11 A -- and the other guy, yeah.

12 Q Okay. Again, I'm gonna show you now what's been marked
13 as State's Exhibit No. 23, and still looking at State's
14 Exhibit No. 5, that cup on the car, on the car.

15 A Yeah, because he---

16 Q That's actually a plastic cup off---

17 A Yeah, cause he cut that out. I remember, yeah, cause
18 he cut that out himself. He cut, yeah, cause he wanted,
19 always wanted something bigger---

20 Q Okay.

21 A ---to drink out of.

22 Q And that was Bo's cup?

23 A Yeah.

24 Q Okay.

25 A He cut that. I remember him cutting that Gatorade --

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1 it was a Gatorade cup.

2 Q And State's---

3 A Bottle.

4 Q ---also No. 25.

5 Is that the kind of glass---

6 A That's it.

7 Q ---the cups that you gave to Mr. Minger?

8 A That's it.

9 Q And to that man?

10 A Yes, sir.

11 SOLICITOR CATHCART: Your Honor, at this time, the
12 State seeks to introduce State's Exhibit No. 25, excuse me,
13 23. I apologize.

14 THE COURT: Mr. Bailey.

15 MR. BAILEY: Is that one number for both glasses?

16 SOLICITOR CATHCART: It is.

17 MR. BAILEY: Okay. without objection, Your Honor.

18 THE COURT: State's 23 is in evidence without
19 objection.

20 SOLICITOR CATHCART: Thank you, Your Honor.

21 (WHEREUPON, State's Exhibit No. 23 was received into
22 evidence at this time.)

23 A Excuse me.

24 Q Let me show you what's been marked as State's Exhibit
25 No. 24.

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1 Again, is that a -- one of the cups that was given---

2 A Yes.

3 Q ---to one of those two guys?

4 A Uh-huh. (Affirmative).

5 Q Thank you.

6 Your Honor, at this time, State seeks to introduce
7 State's Exhibit No. 24.

8 MR. BAILEY: No objection, sir.

9 THE COURT: State's 24 is in evidence without
10 objection.

11 SOLICITOR CATHCART: Thank you.

12 (WHEREUPON, State's Exhibit No. 24 was received into
13 evidence at this time.)

14 Q Okay. Now, after y'all got -- you gave them water --

15 A Uh-huh. (Affirmative).

16 Q -- can you please describe to the jury what happened
17 next?

18 A Let me think myself.

19 Q Again, if you need to refresh your memory, like I said,
20 you have your notes that you---

21 A Uh-huh. (Affirmative).

22 Q ---or the statement you gave five days later, please
23 refresh your memory.

24 A (Witness complies.)

25 After the water -- after I gave the water, I think I

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1 went back in the house and I came back out and I sat on the
2 steps, I think probably about the third or fourth step, and,
3 by that time, when I went in the house and came back out,
4 they had drank the water and I think kilo asked me for
5 another glass of water.

6 Q A different glass---

7 A No, no.

8 Q ---or just more water?

9 A No, no. He just wanted more water---

10 Q Okay.

11 A ---and I went and gave him -- got more water and I
12 brought it back to him.

13 Q Let me ask you to take a look at State's Exhibit No. 2
14 that's already in evidence.

15 when you say sitting on the step, do you recall where
16 that is?

17 A Right there.

18 Q Right there?

19 A Uh-huh. (Affirmative).

20 Q So, all these guys were out there---

21 A Uh-huh. (Affirmative).

22 well, the other guy, he was like -- he was around in
23 the front. So, I guess when the -- I'm getting the
24 little -- okay. when I, when I sit on the porch right
25 here---

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- 1 Q Uh-huh. (Affirmative).
- 2 A ---on the step and kilo was coming right through there,
3 and we -- I saw him return---
- 4 Q well, let's not get into all of that yet.
- 5 A Okay.
- 6 Q I mean I was---
- 7 A I knew he asked for -- I'm trying---
- 8 Q Okay. well, just---
- 9 A ---to tell you the best of my knowledge.
- 10 Okay. That's when I got -- I gave him the water. He
11 drunk the water I guess and I went back in and came back
12 out.
- 13 Q Okay.
- 14 A sat back down again.
- 15 Q Uh-huh. (Affirmative).
- 16 A And then I heard all the arguing.
- 17 Q Okay.
- 18 A That was when I went back in and I heard all the
19 arguing, and I had one foot in the -- on the top step and
20 the other one maybe might been on the second, you know, the
21 second step but, you know, it was like L like.
- 22 Q Okay.
- 23 A And I'm trying to figure out what was going on. So, I
24 started listening to what was being said and kilo said don't
25 take -- man, give me my keys. Don't take my keys.

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1 Q Now, let me ask you this before you start there.

2 Again, I want to -- you to look at your statement cause I
3 understand this is a long time ago.

4 A Yeah.

5 Q Just take your time.

6 A Uh-huh. (Affirmative).

7 Q If you look on the second page of your statement --

8 A Uh-huh. (Affirmative).

9 Q -- if you read that to refresh your memory, and when
10 you talk about how you did notice Kilo and the other guy---

11 MR. BAILEY: Your Honor, just have a quick matter of
12 law.

13 THE COURT: All right. Ladies and gentlemen, step out
14 please momentarily. Do not discuss the case with anyone.

15 (WHEREUPON, the following takes place outside the
16 presence of the jury.)

17 THE COURT: All right. Yes, sir.

18 MR. BAILEY: Thank you, Your Honor.

19 I wanted to give Mr. Cathcart plenty of leeway here but
20 I, I, I would like him to, if she's gonna consult her
21 statement, to, to do it in the right way. One, he either
22 needs to impeach her with it when she makes a mistake or,
23 two, she has to not remember something and then he has to
24 say would -- if you don't remember this, will you refresh
25 your memory. And what he's kind of been doing is she's

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1 saying something and then he just gives it to her and kind
2 of corrects her and gets her to read it.

3 So, I would, you know, typically, I would object to
4 somebody just kind of holding their statements and reading
5 them. I, I didn't really think there was any mal intent
6 here but if, if he's gonna keep steering her testimony by
7 just sort of saying read your statement and now say, you
8 know, I think he's either got to -- either she says
9 something wrong and he impeaches her with it or, if she
10 can't remember something, you know, then he says, you know,
11 he can correct her or ask her, you know, ask her to -- if
12 she wants her memory refreshed.

13 I just want to make sure the protocol's right and that
14 he's not sort of steering it as it goes, sir.

15 SOLICITOR CATHCART: And I was not asking her to read
16 the statement. I just pointed her to the statement for her
17 to refresh her memory as to that.

18 I did not -- and I'm sorry if you made that motion. I
19 did not -- was not asking her to read from the statement.
20 Just to refresh her memory as to that part and she is
21 already testified that having that statement would help her
22 refresh her memory.

23 MR. BAILEY: Right. But it's got to be on point. We
24 have to establish that she needs her memory refreshed, that
25 she needs her memory refreshed on a specific point after

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1 Mr. Cathcart has inquired about that point.

2 SOLICITOR CATHCART: And I believe that's what we did
3 in that she was skipping the part where she talked to Kilo.

4 MR. BAILEY: I felt like there was some parts being
5 skipped but, you know, I just, I just want to be kind of
6 aware of where we are and I just want to make sure that this
7 isn't just kind of a -- I think I've, I've made my concerns
8 clear, Your Honor.

9 THE COURT: All right. Thank you. And say, again,
10 Mr. Cathcart.

11 SOLICITOR CATHCART: Your Honor, I -- Ms. Brown had
12 started talking about the actual shooting of this case and
13 her statement as she was -- kind of a story of what occurred
14 that day. She related that she had a conversation with the
15 defendant in which they knew each other.

16 I was merely pointing her back to that part of that
17 statement so that she could refresh her memory as to the
18 timeline of what occurred. I certainly don't want her to
19 read in her own statement. I just want her to be able -- I
20 mean that's what I thought the purpose of the statement was
21 for.

22 MR. BAILEY: Right. And I say this without getting --
23 with all due respect -- certainly with respect to Mr.
24 Cathcart. I felt like we kind of -- when, when she
25 mentioned the cups were the same and then Mr. Cathcart had

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1 her read, you know, made some corrections on it, I don't, I
2 don't think that was exactly the right way to do it but I, I
3 figured it wasn't really that important.

4 So, I just -- I'm kind of -- I don't want to see a
5 pattern here or sort of, you know, not using the memory
6 refreshment properly that I just -- I'd like to stick with
7 that she has to say she doesn't remember something or she
8 has to be, you know, that that point has to be brought up by
9 Mr. Cathcart before you can just give her something to
10 remember.

11 THE COURT: That's---

12 MR. BAILEY: That's all and, again, I'll say it one
13 more time. Not to belabor it. I'm not setting -- accusing
14 the solicitor of anything negative. I just want that to be
15 done directly, sir.

16 THE COURT: So, your, your objection is to the form of
17 the question?

18 MR. BAILEY: I, I'm just -- you know, Your Honor, I was
19 just asking that the, the rules of memory refreshment or the
20 Rules of Evidence are, you know, followed, and that if he's
21 not doing it for memory refreshment, he do it through, you
22 know, sort of a, a proper sort of, you know, confronting of
23 a difference on the, on this statement through impeachment,
24 for impeachment I'm sure. I mean we don't have to -- I
25 can -- we can just, if the Court would just sort of, we just

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1 take notice of it and then we sort of move forward, that's
2 fine.

3 SOLICITOR CATHCART: Your Honor, apparently we have a
4 note as well.

5 THE COURT: Sir?

6 SOLICITOR CATHCART: I believe we have a note as well.

7 THE COURT: Number one, we would need the witnesses,
8 plural, to speak louder.

9 Number two, will we be able to see the pictures during
10 the testimony?

11 Number three, what time are we ending today?

12 Number one, the witnesses need to speak louder.

13 Number two, I don't direct what y'all do with your
14 pictures.

15 And, number three, I'll ask what time they want to end
16 today. I was trying to wrap my mind around -- I thought you
17 asked if the statement would refresh her memory.

18 SOLICITOR CATHCART: Yes, sir.

19 THE COURT: Maybe I thought wrong and I'll read 803(5),
20 recorded recollection from memorandum of record. Concerning
21 a matter about which a witness once had knowledge, now has
22 insufficient recollection to enable the witness to testify
23 fully and accurately, accurately shown to have been made or
24 adopted by the witness when the matter was fresh in the
25 witnesses memory and to reflect that knowledge correctly.

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1 If admitted, the memorandum of record may be read into
2 evidence but may not itself be received as an exhibit unless
3 offered by an adverse witness.

4 I will admit, I have not read the two cases cited
5 thereafter, Gwathmey versus Foor Hotel Company, 113 S.E.
6 688, (1922), nor the Bank of Charleston National Banking
7 Association versus Zorn, 14 S.C. 444, (1881). The provision
8 of the rule limiting introduction of writing is offered by
9 an adverse party is a change in South Carolina. So --.

10 MR. BAILEY: Your Honor, I'm actually referring to Rule
11 612, writing used to refresh memory and I'm sorry I have --I
12 didn't mean to interrupt you there, sir.

13 THE COURT: That's quite all right. Just like to read
14 the rule.

15 If a witness uses a writing to refresh for the purpose
16 of testifying, either while testifying or before testifying,
17 if the Court, in its discretion, determines that it is
18 necessary, in the interest of justice, an adverse party is
19 entitled to have the writing produced at a hearing, to
20 inspect, to cross-examine the witness thereon, and to
21 introduce in evidence those portions which relate to the
22 testimony of the witness. If it is claimed that the writing
23 contained matters not related to the subject matter of the
24 testimony, the Court shall examine the writing in camera,
25 excise any portions not so related, and order delivery of

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1 the remainder to the party entitled thereto.

2 If a writing is not produced and delivered pursuant to
3 order of this rule, the Court shall make an order if justice
4 requires except that, in criminal cases, when the
5 prosecution elects not to comply, the order shall be one
6 striking the testimony or if the Court, in its discretion,
7 determines that, in the interest of justice so requires,
8 declare a mistrial.

9 I'm trying to recall, did you ask Mr. Brown if she
10 reviewed the writing used prior to trial to refresh her
11 memory?

12 SOLICITOR CATHCART: I did not ask her that, Your
13 Honor.

14 THE COURT: I, I apologize. I'm, I'm not sure I'm
15 tracking. It can obviously be used to refresh her memory.
16 Some of the rules said it could be admitted into evidence
17 but only published, not as an exhibit, unless it's offered
18 by the adverse party.

19 SOLICITOR CATHCART: That's correct, Your Honor. My
20 understanding is she may read -- basically read her
21 statement but I may not put it into evidence.

22 THE COURT: I think you've -- I mean I think if you ask
23 a question that a witness currently does not recall,
24 recollect the answer, her statement, her statement, as
25 adopted by her, can be used to refresh her memory and

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1 testify to that refreshment --

2 SOLICITOR CATHCART: Yes, sir.

3 THE COURT: -- of her memory.

4 So, if there are objections, Mr. Bailey, state them and
5 I'll rule on them.

6 MR. BAILEY: Yes, sir. And, honestly, it's -- we --
7 it's been a little while now and we had jury questions.

8 My understanding was always, you know, you ask the
9 person, you know, is, you know, what color is the shirt, and
10 if they say I don't remember, then you say if I showed you a
11 statement would that help refresh your memory, and then you
12 show them the statement and they say oh, yes, now, you know,
13 this shirt was blue and that kind of thing. They can't just
14 be -- they can't just start talking about the shirt and
15 then, and then the, the directing person just kind of hand
16 them a statement in the middle of it like to correct the
17 type of cups or whatever.

18 And I, you know, I'm just asking that that be the
19 procedure we follow, Your Honor, and I'm just asking for --
20 I just want to make sure that we stay on that track. I
21 don't even remember specifically what the last one was. I
22 just felt like we were kind of floating back and forth
23 between her reading the statement and holding it and
24 Mr. Cathcart steering her testimony in one direction or the
25 other.

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1 I have no problem with her memory being refreshed
2 properly, sir. It's -- I -- I'm not trying to make this
3 longer than it needs to be, sir.

4 THE COURT: well, you know, I don't, I don't give up by
5 running something in the ground. I've heard it that way.
6 I, I don't -- the, the only thing I see in the Rules of
7 Evidence, that the rules I've looked at, it doesn't really
8 assist me in making that decision.

9 MR. BAILEY: Yes, sir. I, I guess my understanding is
10 the Court allows it because first, the first, and, again,
11 I'm not trying to do a procedure lecture because I don't
12 even have -- I don't have everything in front me. I just
13 have the rule in front of me too, Your Honor.

14 My understanding is that, for memory to be refreshed,
15 it first has to be established there, there is a need for
16 the memory to be refreshed, and for it to be established
17 that the memory needs to be refreshed, it has to be
18 established that someone does not have a memory of
19 something.

20 THE COURT: I don't, I don't think you have to wait for
21 a witness to say I don't remember to say would it assist you
22 in your testimony today, your recollection, to review your
23 statement.

24 SOLICITOR CATHCART: Just like with any reporting
25 officer puts in their report and then ask them what the

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1 times were. So, they look at the times.

2 THE COURT: And I, I don't disagree with you,
3 Mr. Bailey, there are times when it's presented in that
4 matter -- manner you ask a witness a question, and the
5 witness says I, I don't recall what color the truck was, and
6 then you could say would it refresh your memory to review
7 your statement, and I guess the witness could say no. I've
8 never heard a witness say that or yes. I've heard a witness
9 be asked that question and members of the jury answer it for
10 them, which is a little different but, at any rate,
11 solicitor, comply with whatever the rule is.

12 SOLICITOR CATHCART: I'll try to, Your Honor, as to
13 whichever rule -- I would assume we're also talking about
14 impeachment of the witness as well as she says it was such
15 as this, what color shirt. We then look in your statement
16 and you said it's this color shirt.

17 MR. BAILEY: Absolutely.

18 THE COURT: I, I---

19 MR. BAILEY: And that's what I think he had started---

20 THE COURT: I, I, I don't know that -- and that's not
21 really -- it's not impeachment unless a witness said well,
22 the truck was blue---

23 SOLICITOR CATHCART: Yes, sir.

24 THE COURT: ---and it was red.

25 SOLICITOR CATHCART: And in her statement she says red.

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1 THE COURT: And it's different than I don't know, or
2 what have you, I don't recall. I don't recollect but---

3 MR. BAILEY: That might be where I've been -- where I'm
4 getting nitpicky too, Your Honor, is the swapping
5 impeachment versus, versus memory refresh. But, I, again, I
6 didn't mean to make such a huge thing about it. I'm ready
7 to move forward.

8 THE COURT: No, I don't, I don't think you did.
9 There's nothing in the law that's not gonna be a huge deal
10 at one time or the other. So, that's fine, Mr. Bailey.

11 Y'all ready?

12 MR. BAILEY: Yes, sir.

13 SOLICITOR CATHCART: Yes, sir.

14 THE COURT: Let's see what happens.

15 Yes, sir.

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

18 THE BAILIFF: The jury is seated, Your Honor.

19 THE COURT: Thank you. Thank you very much,
20 Mr. Bailiff.

21 I, I have received your note. I have asked the parties
22 to advise the witnesses to speak up louder, of course, and
23 hopefully they will -- I know the attorneys have done so.
24 Hopefully the witness will. If at anytime one of them's not
25 speaking loud enough, even during the course of their

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1 testimony, let me know and I will certainly try to get them
2 to speak up at that time.

3 we'll be at -- will we be able to see the pictures
4 during the testimony?

5 I, I, I -- I'm not a director of the presentation of
6 evidence. There's no prohibition against you seeing the
7 pictures during the testimony.

8 As I said in opening today, that many times the
9 photographs are handed to our foreperson and passed among
10 members of the jury during the course of the trial. I will
11 leave that to the attorneys to determine how they would like
12 to present the testimony while they are directing or
13 cross-examining a witness.

14 The third question of what time are we ending today.
15 At least you didn't say how long do we have to put up with
16 you today.

17 Does somebody have a commitment of a particular time or
18 something of that nature?

19 THE FOREMAN: (Nods negatively.)

20 THE COURT: What time would y'all like to -- I don't
21 know if I want to give that question to you or not. I have
22 planned on going to between 4:15 and 4:30 today. If -- I
23 know people sometimes have child care or other commitments
24 that's already been made. That's about what I was gonna try
25 to hit today so that you can make your -- hopefully get a

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1 little bit in front of traffic. But if, at anytime,
2 anybody's got some other special issue or question, let me
3 know.

4 Okay. That was responsive.

5 THE FOREMAN: (Nods affirmatively.)

6 THE COURT: Thank you. Thank you very much.

7 All right. Mr. Solicitor, you may ask your next
8 question.

9 SOLICITOR CATHCART: Thank you, Your Honor.
10 May it please the Court.

11 Your Honor, at this time, may I publish State's Exhibit
12 No. 11, State's Exhibit No. 10, State's Exhibit, Exhibit No.
13 9, 5, 8, 2, and 1, that have already been entered into
14 evidence, to the jury.

15 THE COURT: All right. You may publish.

16 SOLICITOR CATHCART: Thank you, Your Honor.

17 CONTINUED DIRECT EXAMINATION

18 BY SOLICITOR CATHCART:

19 Q Okay. Ms. Brown?

20 A Yes, sir.

21 Q I'm gonna ask you to speak up.

22 A Can you hear me?

23 Can y'all hear me?

24 Q Okay. And I'm gonna try to do that as well.

25 A Okay.

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1 Q At some point did you have a conversation with this
2 man?

3 A Yeah, only a small one, yeah. A little one, yeah.

4 Q That morning?

5 A No, that -- no, hu huh. (Negative).

6 Q At some point on the morning of the murder---

7 A No, no, no, no, no. It was in the afternoon.

8 Q Okay. I'm sorry. I thought you said morning.

9 A No, no, no.

10 Q Okay.

11 A In the morning I'm with my grands.

12 Q Okay. Right, I believe so.

13 So, at some point on that day---

14 A Uh-huh. (Affirmative).

15 Q ---did you have an opportunity to have a conversation
16 with---

17 A Yes.

18 Q ---with Antwon Baker?

19 A Uh-huh. (Affirmative).

20 Q And you knew him as what?

21 A Kilo.

22 Q Okay. And what was that conversation about?

23 A I was -- you want me to tell me what it was?

24 THE COURT: Ms. Brown?

25 Q Did you---

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by Solicitor Cathcart

1 A I can't really remember exactly word for word.

2 Q Well, let me ask you this.

3 Did you give a statement on -- five days after the
4 incident occurred?

5 A Uh-huh. (Affirmative).

6 Q Correct?

7 A Uh-huh. (Affirmative.)

8 Q Would looking at that statement help refresh your
9 memory or what y'all talked about?

10 A I can tell you, as far as I read -- he said he didn't
11 know what to -- he didn't know where I was and I said no, I
12 didn't recognize him right then.

13 Q Okay.

14 A But now I do and that's what, that's what the extent of
15 the conversation was.

16 Q Okay. So, at some point when you, when you were giving
17 them water and that kind of stuff---

18 A Yeah; yeah.

19 Q ---did you recognize him?

20 A Uh-huh. (Affirmative).

21 Q And y'all acknowledged each other?

22 A Exactly.

23 Q Okay. And you've recognized him from what?

24 A Huh?

25 Q How did you know him, just from---

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by Solicitor Cathcart

1 A In the neighborhood. Being in the area, yeah.

2 Q Okay.

3 A Uh-huh. (Affirmative).

4 Q You recognized him by face as---

5 A By face, yes.

6 Q ---as Kilo?

7 A By -- yeah.

8 Q Okay. And, at some point, you were standing there -- I
9 believe you were going to the fact that---

10 MR. BAILEY: Objection, Your Honor.

11 SOLICITOR CATHCART: I'm just trying to -- I'm sorry.

12 MR. BAILEY: Just leading, sir.

13 THE COURT: Just rephrase the question, solicitor.

14 SOLICITOR CATHCART: Yes, sir.

15 What do you recall happening after y'all recognized
16 each other?

17 A Bo had asked me about the water and, and tell the
18 truth, it was in the front when we realized we recognized
19 each other. In the front yard.

20 Q Okay.

21 A Yeah. And when the back -- that's when I went to the,
22 went in the house and went to the back.

23 Q Okay.

24 A Uh-huh. (Affirmative).

25 And from there, I got the water. Oh, and got them some

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1 water.

2 Q Okay.

3 A And I came back out.

4 Q Uh-huh. (Affirmative).

5 A And I think Bo was finishing up and he was putting up
6 his -- putting his tools up.

7 Q Okay. And when you say the water, we're talking about
8 this cups we discussed earlier?

9 A Exactly.

10 Q Okay. Bo was finishing up his tools?

11 A Yes, sir.

12 Q Picking up his tools?

13 A Yeah, he, he was finishing up. So -- and I went back
14 in the house to see how far my phone had charged. I was
15 checking on my phone.

16 Q Okay.

17 A And what did you want to ask me?

18 Q What happened after that?

19 A After that, I came back out. Checked my phone and I
20 came back outside, sat on the step, and I think Kilo asked
21 me for some more water.

22 Q Okay.

23 A And I went in the house and I fixed him some more
24 water.

25 Q Again, in that blue cup?

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by solicitor Cathcart

1 A Yeah.

2 Q Okay.

3 A Uh-huh. (Affirmative).

4 Q And then what happened?

5 A And I came back out. well, I heard the, the -- I
6 went -- I came back out and gave him the water and I went
7 back in.

8 Q Okay.

9 A And I heard them -- that's when I started hearing the,
10 the loud talking.

11 Q Okay.

12 A And I'm like oh. I said oh, God, I said what the heck
13 is going on and I went back outside. I went back out the
14 peep -- I look out the door and they was passing words back
15 and forth.

16 Q Okay. Who was passing words back and forth?

17 A Bo and Kilo.

18 Q Bo and Kilo?

19 A Right.

20 Q Okay. And what was --?

21 A The words were -- what I heard was give me my keys.
22 Man, don't, don't take my keys.

23 Q And who's saying that?

24 A Kilo.

25 Q Okay.

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1 A And Bo say you gonna have to pay me. You gonna have to
2 give me -- you gonna have to pay me and he, he -- you gonna
3 have to give me something and he said I'm gonna give you
4 something. Kilo said that.

5 Q Okay.

6 A I'm gonna give you something and that's when he reached
7 behind him.

8 Q Who is he?

9 A Kilo.

10 Q Okay.

11 A Reached behind him. I saw the -- I saw the gun.

12 Q Okay.

13 A But Bo didn't see it.

14 Q Okay.

15 A And I was telling Bo, give the man his keys.

16 Q Now, you said you saw the gun.

17 Where was the gun at this point?

18 A In the back, in the back of his pants.

19 Q Okay.

20 A And I said give the man his keys and let him go. Give
21 him his keys. And Bo was telling me no, he gonna pay me. I
22 said Bo, give the man his keys.

23 Q Had Bo been working on his car?

24 A Yeah.

25 Q Okay.

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1 A And then he was saying no. He saying no. He say I'm
2 gonna give you something and then that's when he shot into
3 Bo's left side on the ground.

4 Q Okay. When you say he---

5 A Just like a warning shot more so, yeah.

6 Q When you---

7 A And I -- and Bo turned to me and said call 9-1-1.
8 Because his phone was dead, he couldn't call them and he
9 couldn't make any calls cause he had both -- he's trying to
10 dial, dial but he couldn't because his phone was dead. He
11 said go call 9-1-1 and I'm saying give the man his keys as I
12 go in the house and I try. And I'm trying to call and then,
13 when I get in the house, I heard another shot and I heard Bo
14 go oh, and I heard Bo holler oh.

15 And I'm still trying to dial and I couldn't too much
16 function right at that particular time. Then I heard
17 another shot and, and 9-1-1 wasn't answering at that
18 particular time. They, they weren't answering.

19 Q Are you -- what was your state at this point?

20 A Frantic. I didn't---

21 Q Were you frantic?

22 A I couldn't, I couldn't see nothing. Everything went,
23 went blood red just -- well, I couldn't see was -- I
24 couldn't see anything. All I know is I had to dial 9-1-1
25 and---

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1 Q You couldn't do it?

2 A And I tried and I tried and I couldn't do it.

3 Q Okay.

4 A And I tried again. And they didn't get me -- I didn't
5 get an answer and looked out the little window to see if I
6 could him -- I seen Bo and I noticed the car was gone and I
7 didn't see Bo. And me ignorantly knowing better, maybe he
8 got in the car with him and they may of worked it out. And
9 with that, I know that was in my mind. That was not so.

10 And I looked out the window and I could see Bo and I go
11 to the back door and I looked back there where I, where I
12 knew -- where I could last saw him. And he wasn't back
13 there where that tool box was. And so, I looked over on the
14 other side and that's where I saw him laying in-between the
15 truck and the tree on the ground and I ran toward him.

16 Q Okay. Hold on just a second please. I'm gonna show
17 you what's been marked as State's Exhibit No. 6.

18 May I approach the witness, Your Honor?

19 THE COURT: Yes, sir.

20 Q Can you tell me what this is a picture of?

21 A That's where he was dead.

22 SOLICITOR CATHCART: Your Honor, at this time, the
23 State seeks to introduce State's Exhibit No. 6 into
24 evidence.

25 MR. BAILEY: Without objection.

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1 THE COURT: State's 6 in evidence without objection.

2 (WHEREUPON, State's Exhibit No. 6 was received into
3 evidence at this time.)

4 Q Can you please tell -- show the jury where he was
5 laying when you found him?

6 A Right in-between there. He was laying right there.
7 His head was on that stump right there. The stump of that
8 tree.

9 Q okay. were you able to talk to him?

10 A But he -- I -- he was making a gurgling, a gurgling
11 noise. And, and I told him don't do this. And he made a --
12 he tried to move but he couldn't move.

13 SOLICITOR CATHCART: May I publish this to the jury,
14 Your Honor?

15 THE COURT: Yes, sir.

16 Q Lessie, can I get you some water?

17 A Hu huh. (Negative).

18 (Pause.)

19 Q There's water if you want some.

20 Your Honor, may we take a break?

21 THE COURT: Yes, sir. Step to the jury room please
22 momentarily, ladies and gentlemen. Do not discuss the case
23 with anyone.

24 Thank you.

25 (WHEREUPON, the following takes place outside the

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1 presence of the jury.)

2 THE COURT: I'm gonna step out a minute, solicitor.

3 SOLICITOR CATHCART: Yes, sir.

4 THE COURT: Let me know when you're ready.

5 SOLICITOR CATHCART: Thank you, Your Honor.

6 THE COURT: Thank you.

7 (WHEREUPON, a short recess was taken at this time.)

8 THE COURT: All right. You ready, solicitor,

9 Mr. Bailey?

10 MR. BAILEY: Yes, sir, Your Honor, we're ready.

11 SOLICITOR CATHCART: Yes, sir.

12 THE COURT: Mr. Comish is pointing at you, Mr. Bailey.

13 All right. Bring us our jury panel please.

14 (WHEREUPON, the following takes place within the
15 presence of the jury.)

16 THE BAILIFF: The jury is seated, Your Honor.

17 THE COURT: All right. Thank you, ladies and
18 gentlemen.

19 And Ms. Brown, again, I don't want you to think I'm
20 fussing to you.

21 THE WITNESS: Oh.

22 THE COURT: Because I'm not.

23 THE WITNESS: Oh, I know.

24 THE COURT: I use to fuss at my children. It did no
25 good whatsoever.

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1 THE WITNESS: Right.

2 THE COURT: But if you would, just keep, keep your
3 voice up a little bit for me please.

4 THE WITNESS: All right.

5 THE COURT: You can, you can certainly rely as much as
6 possible on the mic.

7 okay?

8 THE WITNESS: All right.

9 THE COURT: Thank you.

10 SOLICITOR CATHCART: Your Honor; I'm sorry.

11 THE COURT: solicitor.

12 SOLICITOR CATHCART: I was just gonna say some of the
13 personnel at the courthouse shared that we could actually
14 turn that microphone up a little bit, which I did not know.

15 THE COURT: Could you speak up for me please,
16 solicitor?

17 SOLICITOR CATHCART: Your Honor, we were informed that
18 we could actually turn that microphone up a touch and we did
19 that and hopefully that's gonna help.

20 THE COURT: Did you do it?

21 SOLICITOR CATHCART: I did not.

22 THE COURT: Did Mr. Truett do it?

23 SOLICITOR CATHCART: Mr. Locklear did it.

24 THE COURT: Oh, all right. Good. Fine. We'll see.
25 Maybe it will work.

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1 SOLICITOR CATHCART: The controls are behind your desk.

2 THE COURT: And I have to do it?

3 SOLICITOR CATHCART: No, sir, you can but you might
4 have to check it later.

5 THE COURT: Real quick. I don't want to waste time but
6 I've been informed by the Clerk of Court staff I'm not to
7 touch anything except these books.

8 Okay.

9 SOLICITOR CATHCART: Well, they didn't even tell me
10 about it. So --.

11 THE COURT: Thank you. Thank you, solicitor.

12 SOLICITOR CATHCART: Yes, sir.

13 THE COURT: You may ask your next question.

14 SOLICITOR CATHCART: Thank you.

15 CONTINUED DIRECT EXAMINATION

16 BY SOLICITOR CATHCART:

17 Q When you found him there between the car and the
18 tree---

19 A I tried---

20 Q ---what, if any -- I'm sorry. Please continue.

21 A Okay. I -- when I dialed 9-1-1, I couldn't get a
22 response from 9-1-1. So, his sister stays in the back of
23 us. So, I called down there to her and I said Bo just been
24 shot. I said call 9-1-1. I tried calling them and not
25 answering so I could tend to him.

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1 Q Okay.

2 A So -- but she yelled back up they not answering. She
3 didn't know I called them. She and Brandon Norris --
4 Brandon, this other guy that was down, a friend of hers, was
5 down there and she said he tried and they never did get an
6 answer.

7 Q Okay.

8 A And so, I tried again and that's when I got them.

9 Q Okay. You called 9-1-1 at that point?

10 A I called them and that's when I got them.

11 Q Okay.

12 A And they asked all the, the questions that you don't
13 feel like answering them but I know they got this phone at
14 dispatch. The number pops up automatically. So, I just
15 said I need help. My husband's been shot. I need somebody
16 here. I need an ambulance.

17 Q Let me go back up a little bit.

18 A And --.

19 Q When Mr. Baker shot that first time, you saw him pull
20 out that gun and shoot?

21 A Yes.

22 Q Okay. Who else was in the backyard besides him and---

23 A The guy that drives the Cadillac. When he shot the
24 first time in the ground---

25 Q Uh-huh. (Affirmative).

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1 A ---he, he booked. He left.

2 Q Okay.

3 A He ran and I went back and, like I said; I went to go
4 through the -- to call 9-1-1.

5 Q Okay. So, it was you, the guy with the Cadillac?

6 A Uh-huh. (Affirmative).

7 Q Mr. --?

8 A And Bo.

9 Q -- Geter?

10 A Uh-huh. (Affirmative).

11 Q And him?

12 A Yeah, uh-huh. (Affirmative).

13 Q Okay. When you were tending to Bo---

14 A Uh-huh. (Affirmative).

15 I was trying to talk to him and I wasn't getting
16 anything and I knew -- I use to work in the hospital. So, I
17 knew that gurgling sound, that was not good.

18 Q Okay.

19 A That was not good.

20 Q What did -- did anyone show up when you were tending to
21 him?

22 A Yeah, Clyde walked down the driveway as I was down
23 there. Clyde even asked what, you know, what happened with
24 him.

25 Q All right. Well, I'm sorry to interrupt you.

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1 A Oh, yes.

2 Q You started a little bit low. I need you to speak up.

3 A I'm sorry.

4 Q You said somebody---

5 A Clyde came. He walked down the driveway.

6 Q Okay.

7 A And he saw Bo on the ground and me down there and he
8 asked what, what happened, what happened and I said Bo been
9 shot.

10 Q Okay.

11 A And, after that, I think, by that time, I think he
12 turned around and left. I'm not quite sure because my mind
13 right then cause of the, the -- what was going on with him,
14 with Bo, and I was recognizing signs and symptoms and my
15 mind just went -- just function on him and just went blank.

16 Q So, you focused on your husband?

17 A On -- yeah, I was focused on him.

18 Q At some point, did an ambulance come?

19 A Yeah, I got up. I think I got up and went to the end
20 of the driveway and I waved them in.

21 Q Okay.

22 A And they came down and the paramedics came down and
23 they put the, the pump on him. And, and they was wheeling
24 him to the ambulance to take him to the hospital. I called
25 my daughter and told her what happened. And she said she

Lessie Brown - Direct examination
by Solicitor Cathcart

1 would be there in a few, in a few. She was on her way home.
2 She was going back.

3 Q Okay. When you saw this man with a weapon fire the
4 gun--

5 MR. BAILEY: Objection, Your Honor. Leading.

6 THE COURT: Rephrase your---

7 SOLICITOR CATHCART: I'll rephrase it.

8 THE COURT: ---question---

9 SOLICITOR CATHCART: I apologize.

10 THE COURT: ---Mr. Solicitor.

11 Q What did your husband have in his hands when---

12 A He had a cell phone trying to dial. He had panicked
13 himself and he was trying to dial and he couldn't dial. The
14 phone was dead. The screen was black. His screen was --
15 his phone was broke that he had dropped it in transmission
16 fluid, in transmission oil. He had dropped it in there and
17 it had lost its screen ability.

18 Q Did he have any weapons?

19 A No.

20 Q Was he threatening that man in anyway whatsoever?

21 A No. No.

22 Q How old was Mr. Geter when he was killed?

23 A Sixty-two, sixty-three. He's six years older than me.
24 So, I'm 69. He's 64.

25 Q Was he a giant big man?

Lessie Brown - Direct examination
by Solicitor Cathcart

- 1 A He's tall.
- 2 Q He's tall?
- 3 A He's tall and lanky.
- 4 Q Tall and lanky?
- 5 A Yes, sir.
- 6 Q Skinny?
- 7 A Yeah, tall and skinny.
- 8 Q Do you recall how much he weighs about?
- 9 A No, if he was wet, 150 pounds.
- 10 Q He's not a big man?
- 11 A No.
- 12 Q You heard how, how many shots that day?
- 13 A There were three shots.
- 14 Q You saw how many shots being fired?
- 15 A I saw one.
- 16 Q Okay. And you're not saying that you saw when he shot
- 17 him?
- 18 A No, I saw, I saw one shot in the ground to -- on Bo's
- 19 left side.
- 20 Q Uh-huh. (Affirmative).
- 21 A And then -- two seconds later, I heard another one and
- 22 then I heard another one.
- 23 Q Okay. And the two people -- and the people who were in
- 24 that backyard was?
- 25 A Was him, Bo, and -- him and Bo.

Lessie Brown - Direct examination
by Solicitor Cathcart

1 Q That was---

2 A Well, after I went in the house.

3 Q And the other fellow---

4 A And the other guy was gone. He left.

5 Q So, the only two people still there were those two?

6 A Yeah.

7 Q And your husband had how many shots into him?

8 A Two.

9 Q Do you recall?

10 A One in the leg and one in the back.

11 Q It was in his back?

12 A Yeah.

13 Q Was he able to ever say anything to you?

14 A (Witness nods negatively.)

15 Q Thank you. Please answer any questions that the
16 defense counsel may have.

17 THE COURT: Thank you. Thank you very much, Mr.
18 Solicitor.

19 SOLICITOR CATHCART: Yes, sir.

20 THE COURT: Mr. Bailey.

21 MR. BAILEY: Thank you.

22 May it please the Court?

23 THE COURT: Yes, sir.

24 CROSS-EXAMINATION

25 BY MR. BAILEY:

Lessie Brown - Cross-examination
by Mr. Bailey

1 Q Afternoon, Ms. Brown.

2 A Good afternoon.

3 Q Ms. Brown, do you, do you still have the statement that
4 the solicitor handed you?

5 Do you still have a copy of that?

6 A Yes.

7 Q Okay.

8 A I'm not gonna follow with it call it's all tangled up.
9 So, I'm not.

10 Q Oh, that's fine. That's fine.

11 A I want to try to remember what I can by memory.

12 Q Yes, ma'am.

13 So, so, Ms. Brown, Mr. Geter did a lot of automobile
14 work in his yard, right?

15 A Yes.

16 Q Okay. And he had, I assume, lots of, lots of tools in
17 the backyard?

18 A He don't have his tools there, no.

19 Q Okay. I'm sorry?

20 A He don't have his tools laying around. He don't
21 does -- he never -- he's been organized with his tools
22 always. whenever he gets through with something, gets
23 through with a job, I don't care how simple it is, that tool
24 is gonna be put up.

25 Q Oh, no, I'm not saying they were laying around. I'm

Lessie Brown - Cross-examination
by Mr. Bailey

1 just saying he has lots of tools cause he does a lot of
2 work, right?

3 A Yeah, he does.

4 Q Okay.

5 A He does.

6 Q Does he have -- does he have like jacks?

7 Do you know what a jack is?

8 A What a mechanic has.

9 Q Yes, ma'am.

10 And wrenches?

11 A Yes.

12 Q And, and tire irons?

13 A Yes.

14 Q Okay. Ms. Brown, and I know, I know this is -- it's
15 difficult to, to remember.

16 Do you remember the first things you said about, about
17 the man that was in the backyard that afternoon?

18 Do you remember your initial description as a man named
19 Lorenzo?

20 Do you remember telling the police that there was a man
21 named Lorenzo?

22 A Lorenzo?

23 Q Do, do you not remember that?

24 A No.

25 Q Okay.

Lessie Brown - Cross-examination
by Mr. Bailey

1 A I never don't -- no.

2 Q Okay.

3 A No. No.

4 Q Ms. Brown, on June 19th, 2015, I think you, you told
5 us earlier about, about what happened and you testified.

6 You said that, that Antwon, that Mr. Baker was at your
7 residence with McKinley Minger also known as Mankey.

8 Is that right?

9 A I don't know his name.

10 Q Okay. I'm sorry.

11 Well, you said Mr. Baker was, was, was there at your
12 house with another gentleman?

13 A Yes.

14 Q Okay. And they were, they were in the front of the
15 house?

16 A Yes.

17 Q And, and, and you believed they were waiting for
18 Mr. Geter at that time?

19 A As I recall, yeah.

20 Q Okay. And, and Antwon had brought his car to be fixed
21 there by your -- by Mr. Geter, by your common law husband.

22 Is that right?

23 A Apparently, yeah.

24 Q Okay. Okay. And you, you, you saw -- you spoke with
25 him I think briefly.

Lessie Brown - Cross-examination
by Mr. Bailey

1 Is that right?

2 A Yes.

3 Q Okay. And you even brought---

4 A I greeted them. When I first got out the car, I
5 greeted them as I normally do any and everybody that comes
6 there.

7 Q Okay.

8 A I greet them.

9 Q And you didn't just greet them. You gave them water
10 too?

11 A Yeah. No, that happened in the backyard.

12 Q Oh, I'm sorry.

13 Okay. So, later on they went to the backyard?

14 Did they go to the backyard later?

15 A Who -- yeah, all -- eventually everybody was traveling,
16 yeah. People were traveling back and forth eventually.

17 Q Yes, ma'am.

18 And, at some point, you, you brought water to
19 everybody?

20 A Yes.

21 Q Sure. I know -- I can totally understand that. It was
22 June in South Carolina, right?

23 I mean very hot?

24 A Yeah.

25 Q So, at some point, I believe you testified to

Lessie Brown - Cross-examination
by Mr. Bailey

- 1 Mr. Cathcart that you went back into the house, right?
- 2 A Uh-huh. (Affirmative).
- 3 Q Okay. And, and then you heard -- and then you said
- 4 that you heard Bo yelling.
- 5 Is that right?
- 6 A I heard both of them back and forth verbally.
- 7 Q Okay.
- 8 A Verbally---
- 9 Q Right.
- 10 A ---arguing with each other.
- 11 Q Okay. But you said -- do you remember saying Bo's
- 12 mouth -- I heard Bo's mouth and that's what got my
- 13 attention?
- 14 Do you remember hearing---
- 15 A Yeah, I remember that.
- 16 Q Okay. Okay. So, so, you did say I heard Bo, Bo's
- 17 mouth?
- 18 A Yeah, I heard Bo arguing and then I heard him and
- 19 that's not usual. That's unusual, you know, not of the
- 20 ordinary unless something is going on.
- 21 Q Okay. Yes, ma'am.
- 22 A Otherwise, I don't hear. I never would hear him when
- 23 he was not --.
- 24 Q But you heard him at that point?
- 25 A I heard him that day, yeah.

Lessie Brown - Cross-examination
by Mr. Bailey

1 Q Yes, ma'am.

2 A I knew something was wrong.

3 Q Okay. So, you---

4 A That was not him. That's not part, part of him -- his
5 character unless something was wrong.

6 Q And so; then you went outside?

7 A Yeah.

8 Q Is that right?

9 A I went outside to check.

10 Q Okay. And you said you, you saw, you saw Antwon and Bo
11 arguing.

12 Is that right?

13 A Yes.

14 Q Okay. And, and that you saw---

15 A It wasn't arguing. Passing words. They was not so
16 much arguing. Well, you know how somebody bickering with
17 one another and it's not a loud verbal but it was out of the
18 ordinary. The tone was out of ordinary. The tone was. But
19 they was not yelling to the extreme to the exclude -- you
20 know, just loud and verbal. Just it, you know, out of
21 control. They was just a confrontation.

22 Q Okay. And, and Antwon told Bo not to take the keys out
23 of the ignition of his car?

24 A Right.

25 Q Okay. And Mr. Geter grabbed the keys out of---

Lessie Brown - Cross-examination
by Mr. Bailey

1 A He took them out anyway. He was over on that side.

2 Q Okay. And so, he grabbed the keys out of, out of the
3 ignition of the car, and, and then you said that you saw
4 Antwon pull out a pistol.

5 Is that right?

6 A Yes.

7 Q Okay. And it was a semiautomatic pistol?

8 A (No response.)

9 Q You don't know?

10 A It was a gun.

11 Q Okay. Well, do you, do you remember, do you remember
12 speaking with Investigator Cris Truluck when you gave a
13 statement?

14 You talked -- you looked at that statement earlier.

15 A Yeah, I talked to a lot of people that was, that was --
16 to say what I said to each one of them, you know, I
17 basically said the same thing to each one that I had been
18 called -- still recalled.

19 Q Sure. And I, I understand this was a while ago.

20 A It was a lot of things -- exactly but --.

21 Q So, you spoke -- now, you spoke with Investigator
22 Truluck. You gave a written statement to him.

23 Is that right?

24 A Right.

25 Q And it was five days after this incident?

Lessie Brown - Cross-examination
by Mr. Bailey

1 Does that sound right?

2 A I don't know how many days it was.

3 Q Okay.

4 A I know it was a few days after this.

5 Q Okay.

6 A But I don't know exactly how many.

7 Q Okay. Well, if, if I were to tell you that you told
8 Investigator Truluck what type of gun Mr., Mr. Baker -- that
9 you said that you saw Mr. Baker had with -- you wouldn't
10 disagree with me, would you?

11 A No.

12 Q Okay. Why don't we -- if, if you were to look at your
13 statement, would that refresh your memory about that?

14 A This thing is all -- it's all -- it's unorganized. So
15 --.

16 Q Well, I can get you a new one.

17 A That's fine.

18 Q All right. Just, just a second. I'm sorry. Excuse
19 me. I apologize.

20 A That's fine.

21 Q Now, Ms. Brown, I'm gonna -- if I may approach the
22 witness, Your Honor?

23 THE COURT: Yes, sir.

24 Q I'm gonna hand you the whole statement.

25 A No, just give me that one there.

Lessie Brown - Cross-examination
by Mr. Bailey

1 Q Okay. Well, how about---

2 A I don't want to confuse the situation.

3 Q Okay. Yes, ma'am.

4 A Just give me that one there with that on it, with that
5 on it, the statement.

6 Q Well, I'll hand you Page 6, if that's okay with you and
7 if that's all right with the Court. I'm not trying to hand
8 her anything incomplete or anything.

9 THE COURT: Yes, sir.

10 Q There you go, ma'am.

11 Okay. Ms. Brown, do you recognize this as, as part of
12 the written statement you gave to Investigator Truluck?

13 A Uh-huh. (Affirmative).

14 That's it.

15 Q Okay. Okay. And you, and you signed this, this
16 statement?

17 A Yes.

18 Q And you read it before you signed it?

19 A Uh-huh. (Affirmative).

20 Q Okay. Okay. And---

21 A Like I said, I couldn't -- you can't all the time
22 recall everything but I see it down here. If I -- if it
23 wasn't -- if I didn't say it, I wouldn't of signed it.

24 Q Yes, ma'am, but I'm not trying to trip you up. I --
25 you know, I --.

Lessie Brown - Cross-examination
by Mr. Bailey

1 A Okay.

2 Q Yeah.

3 So, so, right here, do you remember -- now that you've
4 had a chance to look at it --

5 A Uh-huh. (Affirmative).

6 Q -- do you remember Mr. Truluck asking you to describe
7 the gun that, that Kilo had?

8 A Uh-huh. (Affirmative).

9 Q Do you remember that?

10 A Uh-huh. (Affirmative).

11 Q And do you remember saying that it was black and, like
12 yours, automatic?

13 Do you remember saying that?

14 A Not -- I don't remember that -- saying that automatic.
15 I know it was an automatic -- it had to be automatic. It
16 was a handgun.

17 Q Yes, ma'am.

18 Okay. So, so, right here you said -- but you did say
19 to him, I know he said, Mr. Truluck, Investigator Truluck
20 said can you describe the gun Kilo had, and then you said I
21 know it's black and like yours---

22 A Yes, it was like his.

23 Q Okay. It was like his?

24 A Yeah.

25 Q And he showed you his gun, Investigator Truluck?

Lessie Brown - Cross-examination
by Mr. Bailey

1 A I saw---

2 Q No, I'm not trying to put words in your mouth. You
3 tell me.

4 Did you see his gun?

5 A Oh, Jesus. It was like his gun. It was just like his.

6 Q Yes, ma'am.

7 A Okay.

8 Q And then after that, Ms. Brown, you went -- after you
9 saw Antwon with what you've testified was a, was an
10 automatic handgun or a semiautomatic, you then went back
11 into that house.

12 Is that right?

13 To call 9-1-1?

14 A Yes.

15 Q Okay. And I believe you testified earlier, and I, I
16 know this is tough, you had, you had problems reaching
17 9-1-1?

18 A Yeah, they didn't -- they wouldn't answering. They
19 would not -- and I wrote that out and let it ring and ring.
20 Nobody answered it. And I did that -- I went through that
21 procedure like three times, three or four times.

22 Q And, and was it the -- was it the phone or was it just
23 that---

24 A No, no, it was not just the phone. They just were not
25 picking up.

Lessie Brown - Cross-examination
by Mr. Bailey

- 1 Q Yes, ma'am.
- 2 So, you tried for some time with no luck?
- 3 A Right.
- 4 Q Okay. And then you went -- you heard, you heard shots
- 5 while you were inside the house, right?
- 6 A Yeah.
- 7 Q Okay.
- 8 A Yes, you're skipping, going back and forth, but go
- 9 ahead.
- 10 Q No, I'm sorry. It's your testimony. So, I'm not
- 11 trying to trip you.
- 12 A I know.
- 13 Q So, you -- my understanding is, while you were on the
- 14 phone trying to reach 9-1-1, you heard shots outside.
- 15 Is that right?
- 16 A I heard two shots when I was in the -- yeah.
- 17 Q Okay. And then you went back outside.
- 18 Is that right?
- 19 A Uh-huh. (Affirmative).
- 20 Q Okay. And Antwon was gone?
- 21 A Uh-huh. (Affirmative).
- 22 Q And you saw Mr. Geter?
- 23 A Uh-huh. (Affirmative).
- 24 Q And Mr. Geter was, was bleeding?
- 25 A No.

Lessie Brown - Cross-examination
by Mr. Bailey

1 Q Okay.

2 A No, he was not.

3 Q I assume Mr.---

4 A I did not say that.

5 Q Okay. I'm, I'm sorry. That might of been an
6 assumption on my part.

7 Mr. Geter had been shot. He was gasping.

8 A Yes.

9 Q And, Ms. Brown, just to, just to be clear, you did not
10 see Mr. Geter actually get shot I believe you told Mr.---

11 A Right.

12 Q ---Cathcart?

13 Okay. And you never actually saw Antwon shoot
14 Mr. Geter.

15 Is that right?

16 A No.

17 Q Okay. All right. Thank you. No further questions at
18 this time, ma'am.

19 A Uh-huh. (Affirmative).

20 THE COURT: Redirect, solicitor?

21 SOLICITOR CATHCART: Yes, sir, just a couple of
22 questions.

23 REDIRECT EXAMINATION

24 BY SOLICITOR CATHCART:

25 Q How well do you know pistols/firearms?

Lessie Brown - Redirect examination
by Solicitor Cathcart

1 A I was raised, raised in the country. My daddy -- when
2 I was a little bit older though, my daddy when we -- we just
3 had a little BB gun with my daddy. That's about it. That's
4 about it -- looking at them on TV.

5 Q Okay. So, you know the difference between like a
6 single shot or a---

7 A Any---

8 Q ---revolver?

9 A Yeah. Yeah. Yeah.

10 Q Do you know the difference between a revolver and a
11 semiautomatic?

12 A Semiautomatic just keeps shooting, right?

13 It's a semi -- I, I---

14 Q Do you or do you not know?

15 A Okay. I don't, I don't---

16 Q And I can't answer your questions. I'm sorry.

17 A Okay. I'm getting confused with it.

18 Okay. I know one just keeps firing.

19 Q Uh-huh. (Affirmative).

20 A One you shoot -- you pull the trigger and it shoots and
21 that's how that was.

22 Q Okay. Is that why you think it might of been automatic
23 cause it's -- you heard three shots?

24 A I just -- yeah, I saw one.

25 Q Uh-huh. (Affirmative).

Lessie Brown - Redirect examination
by Solicitor Cathcart

1 A Heard two.

2 Q Right.

3 A Okay.

4 Q So, they kept shooting?

5 A No, it didn't keep shooting. It only fire when you

6 fire and you pull that trigger.

7 Q Yes, ma'am.

8 A That's kind of -- what do you call that?

9 what kind of gun is that?

10 Q Again, I can't answer your questions, Ms. Brown.

11 MR. BAILEY: Objection, Your Honor.

12 A I want to know what kind of gun that is.

13 THE COURT: wait. Wait just a minute.

14 You're objecting to her answer, not to the solicitor's
15 question?

16 MR. BAILEY: Sir, I, I -- honestly, I, you know, I know
17 we're asking questions back and forth.

18 SOLICITOR CATHCART: Right. I haven't answered her.

19 THE COURT: And like the solicitor was saying, I can't
20 answer that probably because he doesn't know but he can't
21 answer. And that's, that's -- I understand your objection
22 and you do too, solicitor.

23 SOLICITOR CATHCART: Yes, sir.

24 THE COURT: All right. Thank you. You may ask the
25 next question.

Lessie Brown - Redirect examination
by Solicitor Cathcart

- 1 SOLICITOR CATHCART: Thank you.
- 2 You saw one shot, correct?
- 3 A Yes.
- 4 Q Who was shooting when you saw the shot?
- 5 A Kilo.
- 6 Q Who -- what direction was he shooting when you saw it?
- 7 A He shot on the ground by Bo's foot on the left side.
- 8 Q And when he shot at Bo's foot, you said he had
- 9 something in his hand?
- 10 A Well, like his phone be in his hand.
- 11 Q In his other hand he had those keys?
- 12 A I guess, yeah, must of been his keys also.
- 13 Q Did he have any weapons?
- 14 A No.
- 15 Q When you saw that man shoot at your husband, what was
- 16 the thing he told you before you ran into the house, your
- 17 husband told you, before you ran in the house?
- 18 A Call 9-1-1.
- 19 Q Call the police?
- 20 A Yeah. Yeah.
- 21 Q You went inside?
- 22 A And I went inside. I ran inside.
- 23 Q You heard what?
- 24 A And then I heard another shot.
- 25 Q And what?

Lessie Brown - Redirect examination
by Solicitor Cathcart

1 A And then, a few seconds later, I heard another one.

2 Q When you went outside---

3 A When I went outside, I did not see him.

4 Q How many times had your husband been shot?

5 A Twice.

6 Q Thank you.

7 No further questions.

8 THE COURT: Recross, Mr. Bailey?

9 MR. BAILEY: Just a moment, sir.

10 THE COURT: Yes, sir.

11 (Pause.)

12 MR. BAILEY: No, no further questions, Your Honor.

13 Please excuse this witness.

14 THE COURT: Thank you, Mr. Bailey.

15 Thank you. Thank you, Ms. Brown. You may step down.

16 THE WITNESS: Thank you. You're welcome.

17 THE COURT: All right. Solicitor, you may call your
18 next witness.

19 SOLICITOR POTTS: State calls Gilbert Gallegos.

20 THE COURT: All right. If you'd come around and be
21 sworn for us, please.

22 GILBERT GALLEGOS, being first duly
23 sworn, testified as follows:

24 THE CLERK: Please have a seat.

25 (Witness complies.)

Gilbert Gallegos - Direct examination
by Solicitor Potts

1 THE CLERK: State your full name for the record.

2 THE WITNESS: Gilbert Gallegos.

3 DIRECT EXAMINATION

4 BY SOLICITOR POTTS:

5 Q Sergeant Gallegos, it is, it is sergeant now, right?

6 A Yes, sir.

7 Q Okay. Where are you currently employed?

8 A The Richland County Sheriff's Department.

9 Q And back in 2015, what did you do there?

10 A In 2015, I was assigned to investigations division.

11 Q Okay. And so, would you mind just telling the jury a
12 little bit about what an investigator does for the Sheriff's
13 Department?

14 A For I was -- going back to the road I was in
15 investigations probably over ten years. At the time I ran
16 from working burglaries, assaults, regular larcenies, also
17 murders. A lot of times you go out on the rotation of being
18 on call for a week at a time. You'd be on call for 24/7 if
19 there's a major incident. During that time, I had just
20 started evening shift. So, I was on call during that time.

21 Q Okay. Now, what's the difference between what an
22 investigator does versus what a normal just line deputy
23 does?

24 A A lot of times, to give you an example, regular deputy,
25 let's say if your bike gets stolen, you know, myself or

Gilbert Gallegos - Direct examination
by Solicitor Potts

1 another uniform deputy will go out and take the initial
2 report. If you have ID of who the suspect is, you can let
3 them know that, and they'll pretty much get the report
4 approved and then I will get it assigned an investigator.
5 The investigator will kind of start working the case.

6 So, it could range from your bike getting stolen to
7 actual murder or burglary, any type of case.

8 Q Now, how many investigators might be on a case?

9 A It matters, the severity of the case. It could be, you
10 know, a handful. There only could be one. So, it just
11 really depends on what type of case it is.

12 Q Okay. Now, were you working investigations back in
13 June of 2015?

14 A Yes, sir.

15 Q Now, did you have an opportunity to be involved in this
16 case?

17 A Yes, sir.

18 Q Okay. Why don't you tell the jury a little bit about
19 how you became involved and what your role was?

20 A During that time, I was on call myself and a couple
21 other investigators. I was with Investigator Crane and
22 Short. We're together at the time and that's when I
23 received the call about the shooting.

24 Q What were y'all doing at the time?

25 A We were getting early dinner.

Gilbert Gallegos - Direct examination
by Solicitor Potts

1 Q where were you?

2 A Over at Moe's.

3 Q Okay. So, just -- you got -- the call came in.

4 what kind of call came in?

5 A We got the call from Corporal Taylor. He, at the time,

6 he was a Region III corporal which covers Monticello Road

7 over near Farrow Road up to around Hard Scrabble. He had

8 stated that the victim had been shot in the back and he had

9 trouble breathing.

10 Q Okay. And so, did just you go out or what happened?

11 A No, at the time, I was more of a senior investigator

12 out of the three of us. So, myself and Investigator Crane

13 were responding to the scene and I had Investigator Short

14 respond to the hospital where the victim was being

15 transported.

16 Q Okay. Now, you say the scene.

17 Is that Fiske Street?

18 A Yes, sir.

19 Q Okay. What county is that in?

20 A It's in Richland County.

21 Q Okay. Now, when you responded to the scene, just tell

22 me about what you saw there and who was there.

23 A When I responded there, it was -- Deputy Rains was

24 already -- she was one of the initial deputies to respond

25 there. Also family members nearby and that's when we

Gilbert Gallegos - Direct examination
by Solicitor Potts

1 started getting briefed on what had taken place.

2 Q Okay. And what was your role?

3 A I was just gathering information about what had taken
4 place prior to our arrival.

5 Q Okay. And, I guess, just walk the jury through just
6 kind of what you did and what you were in charge of during
7 this time.

8 A We were, again, brief description -- pretty much
9 scenario from what had happened from Deputy Rains. I went
10 ahead and notified Sergeant Isenhoward. He was the
11 supervisor for that evening shift. Prior to our arrival, I
12 let him know that the victim had passed prior to our
13 arrival. That's when he contacted Investigator Truluck, who
14 is a primary homicide on-call investigator at the time. We
15 were kind of speaking with different parties that were there
16 on scene and also making sure that the scene is secured
17 prior to CSI arrive -- for arrival. We needed our crime
18 scene investigator to respond.

19 Q So, did he eventually arrive?

20 A Yes, sir.

21 Q Okay. So, after Rainsford arrives, do you do -- what
22 do you do with the information you've gathered from Rains
23 and other sources?

24 A One of the big things that I gathered is that they
25 already had a suspect, suspect named of the two, and I went

Gilbert Gallegos - Direct examination
by Solicitor Potts

1 ahead and sent out an email to investigations division
2 seeing if somebody could identify a subject named Kilo.

3 Q Okay. Now, did you -- all right. So, what else did
4 you do?

5 A Went ahead and set up the, you know, secured the scene.
6 Also spoke with other deputies there on scene and started
7 checking the property. And by that time, Sergeant
8 Isenhoward arrived, Rainsford arrived, and also Truluck
9 eventually arrived.

10 Q Okay. So, once they arrived, what did your role turn
11 into at that point?

12 A More of a support role.

13 Q Okay. What else did you do on this case at that point?

14 A We went ahead and checked Mr. -- the victim's
15 residence. We found a cell phone that was located in his
16 bedroom. We were trying to get -- see if it could help us
17 proceed in the case but we also had one of our victim's
18 advocates, Sergeant Onturio, was down at the hospital with
19 the family. The victim had passed. So, you know, some type
20 of support that we always use is victim advocates.

21 She was getting difficulty -- we were trying to get
22 consent. We initially thought that was the victim's phone
23 but she, in turn, when I got to the hospital, found out that
24 she did have the victim's phone, and I think she was kind
25 of -- she was -- it was pretty fresh in her mind what had

Gilbert Gallegos - Direct examination
by Solicitor Potts

1 just happened and we just needed to get the phone from her
2 so we could check it, review it for any type of evidence.

3 Q Did you get the phone?

4 A Yes, sir.

5 Q And did you get consent to look into it?

6 A Yes, sir.

7 Q Okay. Now, so, once you finished with that at the
8 hospital, did you do anything else in this case?

9 A Went back, turned it over to Investigator Truluck. We
10 went back out to the scene. Truluck spoke with the family.
11 I was more on a support role. It's a pretty dark area, that
12 part of the street. So, once that happened, I finally went
13 back to headquarters and that was it.

14 SOLICITOR POTTS: Beg the Court's indulgence.

15 (Pause.)

16 SOLICITOR POTTS: Thank you. No further questions.

17 THE COURT: Thank you. Thank you, solicitor.

18 Mr. --.

19 MR. BAILEY: Two seconds, Your Honor.

20 THE COURT: Yes, sir, of course.

21 (Pause.)

22 THE COURT: All right. Mr. Comish.

23 MR. COMISH: May it please the Court, Your Honor?

24 THE COURT: Yes, sir.

25 CROSS-EXAMINATION

Gilbert Gallegos - Cross-examination
by Mr. Comish

1 BY MR. COMISH:

2 Q Good afternoon, sir.

3 A Good afternoon.

4 Q About what time did you respond to the scene?

5 A It would of been early evening. I don't have a
6 specific time on that.

7 Q Still daylight?

8 A Yes, sir.

9 Q Okay. And did you conduct any search whatsoever of the
10 exterior area?

11 A Yes, sir.

12 Q Did you notice any shell casings?

13 A That's -- I did a brief search but I can not say for
14 sure.

15 Q If, if you had, you would note them in your report,
16 correct?

17 A Right. Well, also CSI Rainsford was---

18 Q And I understand.

19 A Right.

20 Q But I'm just asking you personally.

21 You, you did not recover any shell casings?

22 A Myself personally, no.

23 Q Okay. Thank you.

24 well, skip ahead a little bit to when you were in the
25 hospital.

Gilbert Gallegos - Cross-examination
by Mr. Comish

1 A Yes, sir.

2 Q You met with Ms. Brown in the hospital?

3 A Yes, sir.

4 Q The victim's cell phone was in her hand in the
5 hospital?

6 A Yes, sir.

7 Q And she did not give consent for you to search the
8 phone?

9 A Initially. That's right.

10 Q Okay. Thank you.

11 Beg the Court's indulgence just one second, Your Honor.

12 THE COURT: Yes, sir.

13 (Pause.)

14 MR. COMISH: Thank you, Your Honor.

15 Thank you, sergeant.

16 No questions at this time.

17 THE COURT: Redirect.

18 SOLICITOR POTTS: Just briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY SOLICITOR POTTS:

21 Q Was Ms. Brown upset at the hospital?

22 A Yes, very much. She had just -- she had learned that
23 her husband at the time had passed.

24 Q When you explained to her what you needed the phone
25 for, did she give you consent ultimately to search it?

Gilbert Gallegos - Redirect examination
by Solicitor Potts

1 A Yes.

2 Q Okay. Thank you.

3 No further questions.

4 MR. COMISH: No questions, Your Honor.

5 THE COURT: Thank you. Thank you very much, sergeant.

6 THE WITNESS: Yes, sir.

7 THE COURT: Thank you for being here with us this
8 afternoon. You may step down.

9 THE COURT: All right. Solicitor, you may call your
10 next witness.

11 SOLICITOR POTTS: The State calls Investigator
12 Rainsford.

13 (Pause.)

14 SOLICITOR CATHCART: Sorry, Your Honor. That witness
15 is unavailable right now. We'll just go ahead and start
16 calling a different witness if that's all right.

17 THE COURT: All right.

18 SOLICITOR CATHCART: At this time, the State calls
19 Clyde Spearman.

20 MR. COMISH: Your Honor, I think we have just a brief
21 matter of law.

22 THE COURT: Step up here for me.

23 (WHEREUPON, a bench conference was held out of the
24 hearing of the jury at this time.)

25 THE COURT: All right. Madam Clerk, you may swear our

Clyde Spearman - Direct examination
by Solicitor Cathcart

1 next witness please.

2 THE CLERK: Yes, sir.

3 CLYDE SPEARMAN, being first duly
4 sworn, testified as follows:

5 THE CLERK: Please have a seat.

6 (Witness complies.)

7 THE CLERK: State your full name for the record.

8 THE WITNESS: Willie Spearman.

9 DIRECT EXAMINATION

10 BY SOLICITOR CATHCART:

11 Q Mr. Spearman, how are you?

12 A Yes, sir.

13 Q You good?

14 A Yes, sir.

15 Q Okay. I need you on -- ask you to speak up. We've had
16 a hard time hearing people today.

17 Okay?

18 A All right.

19 Q There's a microphone in front of you that you can talk
20 into.

21 A All right.

22 Q Do you know Willie Geter, knew him?

23 A I knew him as Bo. Bo.

24 Q Uh-huh. (Affirmative).

25 A Yes, sir, I knew him as Bo.

Clyde Spearman - Direct examination
by Solicitor Cathcart

- 1 Q Okay. And you knew him to -- how did you know him?
2 A Mechanic.
3 Q Okay.
4 A That's how I knew him.
5 Q Down on Fiske Street?
6 A Yes, sir.
7 Q Okay. Did you know his wife, Lessie Brown, too?
8 A I ain't knowed her like I know him. I know him more
9 than I know her.
10 Q Okay. And you were living in that area-ish, around
11 there?
12 A No, I was -- I stay on that area but I was sort of
13 coming from the store when all that happened, when
14 everything happened.
15 Q Okay. So, tell me, you were at what store when all
16 that happened?
17 A I was leaving -- I was coming from the Obama Store.
18 Q Okay. And you're coming from the Obama Store---
19 A Yes, sir.
20 Q ---going where?
21 A Back to Bo house.
22 Q Okay. You were going to Bo's house?
23 A Yeah, I was going there.
24 Q Okay. And on the way to Bo's house, you go down Fiske
25 Street?

Clyde Spearman - Direct examination
by Solicitor Cathcart

1 A Yes, sir.

2 Q Okay. And when you went toward Bo's house, did you see
3 anybody driving out of the driveway?

4 A No, when we were coming in the driveway --

5 Q Okay.

6 A -- I seen Bo. He was laying down on the ground.

7 Q Uh-huh. (Affirmative).

8 A And asked his wife, I said what's wrong with him. He
9 having a seizure or something and she said no. She said
10 that dude, dude other man shot Bo and I saw the dude when he
11 was backing out. That's all I seen.

12 Q You seen a dude backing out?

13 A Yes, sir.

14 Q Did you see his face?

15 A Yes, sir.

16 Q Whose face did you see backing out in the car?

17 A Only thing I called him was Kilo.

18 Q Okay. Kilo?

19 You knew him as Kilo?

20 A That's all I knew him.

21 Q Okay. And you saw his face leaving?

22 A Yes, sir.

23 Q Did he look any particular way to you at all?

24 A Yeah, he was looking -- like his eyes was big. Just a
25 surprise to see me -- see somebody coming up or something

Clyde Spearman - Direct examination
by Solicitor Cathcart

1 like that.

2 Q Okay. And so, he left the scene?

3 A Sir?

4 Q He left?

5 A Yes, sir.

6 Q Okay. Did -- that's what -- is that what you told the
7 police?

8 A Yes, sir.

9 Q Okay. And did you also tell the police where you have
10 known Kilo to stay at some point?

11 A Yes, sir.

12 Q And you told that to the police as well?

13 A Yeah.

14 Q Okay. And on the 21st of June, did -- let me get
15 this where I can get this marked please, ma'am.

16 (WHEREUPON, a photographic lineup was marked as State's
17 Exhibit No. 25 for identification purposes only at this
18 time.)

19 SOLICITOR CATHCART: Okay. Thank you.

20 Let me show you what's been marked as State's Exhibit
21 No. 25.

22 Do you recognize what that is?

23 A Yes, sir.

24 Q Could you tell the jury what that is?

25 A That's a lineup what I call it.

Clyde Spearman - Direct examination
by Solicitor Cathcart

1 Q Okay. And that's the lineup that you were shown on
2 June the 21st?

3 A Yes, sir.

4 Q Two days after this incident occurred?

5 A Yes, sir.

6 Q Did you pick anybody out?

7 A The fellow in the left. Number, Number Four.

8 Q Uh-huh. (Affirmative).

9 A Number Four.

10 Q Did you initial that as well?

11 A Yes, sir.

12 Q And is that the person that you said did what?

13 A I saw him driving and leaving out of Bo's yard.

14 Q Okay. At the time that you saw Bo on the ground?

15 A Yes, sir.

16 Q And his wife saying somebody -- that he had been shot?

17 A Yeah.

18 Q Did, did you -- do you remember what kind of car he was
19 driving when he left?

20 A I knew it was burgundy. It was a, a SUV. It's a
21 burgundy or either black. I told them it was burgundy or
22 black.

23 Q Okay. Do you recall telling what kind it was?

24 A I don't---

25 Q Did you give a statement on, on that case?

Clyde Spearman - Direct examination
by Solicitor Cathcart

1 A Yes, sir.

2 Q Okay. But having -- taking a look at that statement
3 help refresh your memory?

4 A That'd be good.

5 Q Okay. Is that a copy of the statement you gave?

6 A Yes, sir.

7 Q Okay. If you would just refresh your memory as to
8 what, if any, vehicle you said you saw leaving there.

9 A Well, it's a Cherokee, a Grand Cherokee.

10 Q Or --?

11 A Let me see. Or Explorer. Explorer. Maybe an
12 Explorer.

13 Q So, you said it was either a Grand Cherokee or an
14 Explorer?

15 A Yeah, it was something like that, yeah.

16 Q Did you say what color it was in that -- in your
17 statement or do you recall?

18 A Black.

19 Q Okay. Thank you, sir.

20 A Black.

21 Q And the person you saw driving that vehicle out of that
22 neighborhood -- out of that driveway is what you point out
23 as Number Four, correct?

24 A Yes, sir.

25 SOLICITOR CATHCART: Your Honor, at this time, the

Clyde Spearman - Direct examination
by Solicitor Cathcart

1 State seeks to introduce State's Exhibit No. 25.

2 MR. COMISH: Without objection, Your Honor.

3 THE COURT: State's 25 is in evidence without
4 objection.

5 (WHEREUPON, State's Exhibit No. 25 was received into
6 evidence at this time.)

7 SOLICITOR CATHCART: May I publish it to the jury, Your
8 Honor?

9 THE COURT: You may. You may publish.

10 SOLICITOR CATHCART: Thanks.

11 Answer any questions you have from defense counsel.

12 Okay?

13 THE COURT: Thank you, solicitor.

14 SOLICITOR CATHCART: Yes, sir.

15 THE COURT: Mr. Comish.

16 MR. COMISH: May it please the Court, Your Honor?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. COMISH:

20 Q Good afternoon, Mr. Spearman.

21 A All right.

22 Q You had spent that day hanging out at the Obama
23 Station?

24 A Nah, I had went to the store.

25 Q You went to the store?

Clyde Spearman - Cross-examination
by Mr. Comish

1 A Yeah.

2 Q Okay. One more question.

3 Back in 20 -- find my exact date here, sir.

4 2011, you were convicted of giving false information to

5 a law enforcement officer, correct?

6 A Yes, sir.

7 Q Thank you, sir.

8 No further questions, Your Honor.

9 THE COURT: Redirect, solicitor.

10 SOLICITOR CATHCART: Yes, Your Honor.

11 REDIRECT EXAMINATION

12 BY SOLICITOR CATHCART:

13 Q Have you told this jury you saw anybody shoot anybody?

14 A No, sir.

15 Q Have you told this jury anything but what you just saw

16 on that day?

17 A No, sir.

18 Q Have you told this jury anything but the truth?

19 A The truth, yes, sir.

20 Q Okay.

21 A That's it.

22 Q Thank you.

23 THE COURT: Recross, Mr. Comish?

24 MR. COMISH: No questions, Your Honor.

25 THE COURT: Thank you. Thank you very much, sir.

Zachary Brunson - Direct examination
by Solicitor Potts

1 THE WITNESS: All right.

2 THE COURT: You may step down. You may be excused.

3 THE WITNESS: Thank you.

4 THE COURT: All right. Solicitor, you may call your
5 next witness.

6 SOLICITOR POTTS: States calls Investigator Brunson.

7 ZACHARY BRUNSON, being first duly
8 sworn, testified as follows:

9 THE CLERK: Please have a seat.

10 (Witness complies.)

11 THE CLERK: State your full name for the record.

12 THE WITNESS: Zach Brunson.

13 DIRECT EXAMINATION

14 BY SOLICITOR POTTS:

15 Q Good afternoon, Investigator Brunson.

16 A Afternoon.

17 Q Where are you currently employed at?

18 A Richland County Sheriff's Department.

19 Q And what do you do there?

20 A I'm a narcotics investigator.

21 Q Okay. Now, back in 2015, in June, were you a narcotics
22 investigator then?

23 A No, I was a burglary investigator and I was also
24 assigned to the homicide on-call.

25 Q Okay. Now, so, were you working back in June 19th of

Zachary Brunson - Direct examination
by Solicitor Potts

1 2015?

2 A I was.

3 Q Okay. Are you familiar with the case we're talking
4 about here today?

5 A I am.

6 Q What was your role in this case?

7 A I was the secondary investigator assigned to the case
8 to assist the investigation with Investigator Truluck.

9 Q Now, what does that mean, secondary investigator?

10 A Basically help out with anything that needs to be done
11 with the case as far as statements, evidence, anything of
12 that nature, follow-ups. Anything that needs to be done in
13 reference to the case.

14 Q Okay. I guess -- so you're a second pair of eyes and
15 ears and hands?

16 I guess, more importantly, hands---

17 A Correct.

18 Q ---to do things?

19 All right. Would you mind telling the jury a little
20 bit about how you came to be involved and what you did in
21 this case?

22 A Yes, I was, I was notified by Investigator Truluck that
23 there was a shooting that occurred on Fiske Street on the
24 date of the incident and he notified -- I was on-call for
25 the case.

Zachary Brunson - Direct examination
by Solicitor Potts

1 Q Now, did y'all have a name in this case?

2 A The name we were given was the name of Kilo.

3 Q Okay. Did y'all---

4 A Initially.

5 Q ---know who this individual was?

6 A No, not at first we didn't.

7 Q Okay. Can you tell the jury about, a little bit about
8 the process of trying to put that together?

9 A Sure. We received the name Kilo from a couple of
10 different people that were involved in the case, a couple
11 witnesses, that he was involved in the shooting. He was the
12 actual shooter. One of the individuals, I believe it was
13 Mr. Spearman, led us to an address at Ethel Street. He
14 said there was an incident---

15 Q Hold on.

16 Was that an address that Mr., Mr. Brown had been at
17 before?

18 A Yes.

19 Q Mr. Baker. Not -- Mr. Baker?

20 A Mr. Baker.

21 Q Been at before.

22 Okay.

23 A Correct. He stated that he had been there before.

24 Q Okay. So now were y'all able to use that address to
25 try and figure out -- he said, he said Kilo had been there

Zachary Brunson - Direct examination
by Solicitor Potts

1 before, in fact?

2 A Kilo, yes, that's the name we had that you---

3 Q Okay. So, did Mr. Spearman know Mr., Mr. Kilo, sorry,
4 Kilo, as Mr. Baker?

5 A No, he did not. Just as Kilo.

6 Q Okay. So, using that address, were you able to put the
7 name Antwon Baker with Kilo?

8 A Not at first. We, we had---

9 Q You---

10 A We looked at the address.

11 Q Through your investigation?

12 A Through the investigation, yes, in the end.

13 Q Okay. So, through your investigation, you were able to
14 determine that Kilo was Antwon Baker based on that address
15 he gave you?

16 A Yes.

17 Q Okay. So, once you have an actual name to go with this
18 name of Kilo, what did you do?

19 A We showed witnesses photo lineups --

20 Q Okay.

21 A -- of Baker.

22 Q Now, did you go -- who was doing that?

23 A That was Investigator Truluck and I was assisting him
24 with a couple of those.

25 Q Okay. Now, did you -- do you recall the people you

Zachary Brunson - Direct examination
by Solicitor Potts

1 showed lineups to at that time?

2 would it be Ms. Brown and Mr. Spearman?

3 A Yes, and I believe Mr. Taylor as well.

4 Q Okay. And so, once the photo lineups were finished,
5 what did your role become in this case?

6 A Basically to just complete a follow-up as far as what I
7 did in the case. I also made contact with Mr. Baker's wife
8 at her residence to -- in an attempt to locate the vehicle
9 that Mr. Baker was seen driving that day.

10 Q Okay. Now, talking about the vehicle, I want to show
11 you what is marked as State's Exhibit No. 11 already in
12 evidence.

13 The -- do you recognize that vehicle?

14 A Yes.

15 Q Okay. Where did you find that vehicle?

16 A It was at the registered address of Peggy Baker as well
17 as Antwon Baker.

18 Q Okay. Where was it at the address?

19 A It was behind the mobile home.

20 Q Okay. Now, can you describe what that vehicle is to
21 the jury and show them a picture so that they know what
22 we're talking about here?

23 A It's a Ford Explorer two door, black in color.

24 Q Okay. And so, that was in -- that was behind their
25 mobile home at the residence?

Zachary Brunson - Direct examination
by Solicitor Potts

1 A It was.

2 SOLICITOR POTTS: Okay. Beg the Court's indulgence.

3 THE COURT: Yes, sir.

4 (Pause.)

5 Q So, once you found the vehicle at the residence, was
6 Mr. Baker home?

7 A No, he was not.

8 Q Did you know if he was coming home anytime soon?

9 A I didn't know.

10 Q Okay. Ultimately, where was Mr. Baker located?

11 A Pascagoula, Mississippi.

12 Q Okay. Was that where he was arrested?

13 A Yes.

14 Q Okay.

15 A To my knowledge.

16 Q That's fine.

17 And, at that point, what -- did you have any more
18 involvement in this case?

19 A I believe I submitted a couple of lab requests for---

20 Q Okay.

21 A ---projectiles as well as the vehicle but after that,
22 no.

23 SOLICITOR POTTS: Okay. Beg the Court's indulgence one
24 second.

25 THE COURT: Yes, sir.

Zachary Brunson - Direct examination
by Solicitor Potts

1 (Pause.)

2 Q Thank you.

3 No further questions.

4 THE COURT: Thank you, solicitor.

5 Mr. Comish.

6 MR. COMISH: May it please the Court, Your Honor.

7 CROSS-EXAMINATION

8 BY MR. COMISH:

9 Q Good afternoon, investigator.

10 A Good afternoon.

11 Q I think I just have two questions for you.

12 A Okay.

13 Q When you approached Mrs. Baker and you asked for
14 consent to search, she immediately gave you consent to
15 search pretty much everything?

16 A Correct.

17 Q Second question.

18 You didn't find anything at the house, did you?

19 A No, except for the Ford Explorer.

20 Q Except for the Ford Explorer but, in the house---

21 A Nothing in the house, no.

22 Q Right.

23 And you didn't locate any pistol in the house or the
24 Ford?

25 A No.

Zachary Brunson - Cross-examination
by Mr. Comish

1 Q All right. Thank you.

2 No further questions, Your Honor.

3 THE COURT: Redirect.

4 REDIRECT EXAMINATION

5 BY SOLICITOR POTTS:

6 Q Did you locate Mr. Baker at the house?

7 A No.

8 Q Okay. Thank you.

9 No further questions.

10 MR. COMISH: No questions, Your Honor.

11 THE COURT: Thank you. Thank you very much, Detective
12 Brunson. You may step down.

13 All right. solicitor, you may call your next witness.

14 SOLICITOR CATHCART: Beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 (Pause.)

17 SOLICITOR CATHCART: At this time, State calls
18 Investigator Holt.

19 TREVOR HOLT, being first duly
20 sworn, testified as follows:

21 THE CLERK: Please have a seat.

22 (Witness complies.)

23 THE CLERK: State your full name for the record.

24 THE WITNESS: Trevor Holt.

25 THE COURT: All right. solicitor.

Trevor Holt - Direct examination
by Solicitor Cathcart

1 SOLICITOR CATHCART: May it please the Court, Your
2 Honor.

3 DIRECT EXAMINATION

4 BY SOLICITOR CATHCART:

5 Q Investigator Holt, where are you employed?

6 A Richland County Sheriff's Department.

7 Q And what is it that you do there?

8 A I'm a crime scene investigator assigned to the
9 forensics unit.

10 Q And were you a crime scene investigator assigned to the
11 forensics unit back in June of 2015?

12 A Yes, sir.

13 Q Okay. And on -- back in those days, did you have the
14 occasion to work on the case, Case Number 1506041919?

15 A Yes, sir.

16 Q And what was that case entitled?

17 A Ah.

18 Q Might of---

19 A Entitled as a---

20 Q I'm sorry.

21 what kind of case was it?

22 A It was a homicide case.

23 Q Okay. And what did you do in reference to this
24 homicide case?

25 A I attended the autopsy of a Mr. Geter.

Trevor Holt - Direct examination
by Solicitor Cathcart

1 Q Okay. Can you please tell the jury basically what you
2 do when you attend a homicide (sic) as in this -- in this
3 kind of a case?

4 A I'm sorry.

5 Could you repeat the question?

6 Q I'm sorry. I turned my back to you and I apologize. I
7 just wanted to make sure I had this.

8 what is it that you do when you, as a CSI investigator,
9 go to an autopsy?

10 what is it that you're doing?

11 A I collect basic standards such as DNA or hair
12 standards. We collect fingerprints, palm fingerprints. We
13 document any injuries via photographs. We also collect
14 clothing. Evidentiary value type evidence.

15 Q Okay. And you did that in this case as well?

16 A Yes.

17 Q And, at some point in this case, did you also have
18 opportunity to receive any items from I believe -- who was
19 the doctor in this case?

20 A Doctor Durso.

21 Q Okay. And Doctor Durso handed you a projectile in this
22 case?

23 A Correct.

24 Q Okay. Let me show you what I'm getting ready to mark.
25 Right now what's been marked State's Exhibit No. 16.

Trevor Holt - Direct examination
by Solicitor Cathcart

1 Can you tell me what that is?

2 A Yes.

3 Q what is that?

4 A It is a photograph of a projectile.

5 Q Okay. Do you recall if that is a photograph that
6 you've taken or not?

7 A It appears to be one of them that I took, yes, sir.

8 Q Okay. And let me show you what's been -- almost been
9 marked.

10 (WHEREUPON, a projectile was marked as State's Exhibit
11 No. 26 for identification purposes only at this time.)

12 SOLICITOR CATHCART: Thank you.

13 What's been marked as State's Exhibit No. 26.

14 Do you recognize what that is?

15 A Evidence envelope containing a projectile collected via
16 chain of custody from Doctor Durso.

17 Q So, you collected that from Doctor Durso?

18 A Yes.

19 Q And what did you do with it after you collected it?

20 A I packaged it and placed it in the evidence property
21 room.

22 Q In that package that we have right here?

23 A Yes.

24 SOLICITOR CATHCART: Okay. At this time, State seeks
25 to introduce State's Exhibit No. 16 and 26.

Trevor Holt - Direct examination
by Solicitor Cathcart

1 MR. COMISH: Without objection, Your Honor.

2 THE COURT: State's 16 and 26 in evidence without
3 objection.

4 (WHEREUPON, State's Exhibit Nos. 16 and 26 were
5 received into evidence at this time.)

6 SOLICITOR CATHCART: May I publish Item 16 to the jury,
7 Your Honor?

8 THE COURT: Yes, sir.

9 SOLICITOR CATHCART: Okay. Thank you.

10 Did you photograph any of the victim's injuries?

11 A I did.

12 Q Do you recall what injuries that you photographed?

13 A I -- there was what appeared to be two impact points on
14 the left leg and what appeared to be an impact point on the
15 left back.

16 Q Okay. And the samples that you took, as you indicated,
17 the standards from the body, do you also put those into
18 evidence as well?

19 A Correct.

20 (WHEREUPON, the standards were marked as State's
21 Exhibit No. 27 for identification purposes only at this
22 time.)

23 Q Let me show you what's been marked State's Exhibit No.
24 27.

25 Do you recognize what that is?

Trevor Holt - Direct examination
by Solicitor Cathcart

1 A This is an evidence envelope containing DNA standard,
2 head standard, pubic standard, from Mr. Geter.

3 Q And those are items that you took yourself from Mr.
4 Geter?

5 A Correct.

6 Q And have you altered them in anyway whatsoever before
7 you placed them into evidence?

8 A No, sir.

9 Q The same with what we already talked about with Item
10 Number 26.

11 Did you alter this in anyway before you put it in
12 evidence?

13 A No, sir.

14 Q This is as you got it from Doctor Durso?

15 A Correct.

16 SOLICITOR CATHCART: At this time, State seeks to
17 introduce Exhibit -- State's Exhibit No. 27.

18 MR. COMISH: Without objection.

19 THE COURT: State's 27 is in evidence---

20 SOLICITOR CATHCART: Thank you, Your Honor.

21 THE COURT: ---without objection.

22 (WHEREUPON, State's Exhibit No. 27 was received into
23 evidence at this time.)

24 SOLICITOR CATHCART: Beg the Court's indulgence.

25 (Pause.)

Trevor Holt - Direct examination
by Solicitor Cathcart

1 Q Please answer any questions from defense counsel.

2 THE COURT: Thank you, solicitor.

3 SOLICITOR CATHCART: Thank you.

4 MR. COMISH: I have no questions for this witness, Your
5 Honor.

6 THE COURT: Thank you. Thank you very much, detective,
7 for being with us this afternoon.

8 SOLICITOR CATHCART: Your Honor, I'm afraid that's all
9 the witnesses that we have at this -- oh, I'm sorry. Oh,
10 I'm sorry. I misheard my cocounsel. I apologize. We have
11 two more.

12 THE COURT: All right. Yes, sir.

13 SOLICITOR POTTS: State calls Investigator Rainsford.

14 FRANKLYN RAINSFORD, being first duly
15 sworn, testified as follows:

16 THE CLERK: Please have a seat.

17 (Witness complies.)

18 THE CLERK: Please state your full name for the record.

19 THE WITNESS: Hello. My name is Investigator Franklyn
20 Rainsford.

21 DIRECT EXAMINATION

22 BY SOLICITOR POTTS:

23 Q Investigator Rainsford, can you tell the jury a little
24 bit about -- we've heard from a couple of investigators so
25 far.

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 Can you tell them a little about what your role is as
2 an investigator?

3 A Yes, sir, I'm the crime scene investigator, which means
4 I respond out to a variety of calls, homicides, burglaries,
5 and what have you. I will try to identify, collect,
6 preserve evidence found at the scene and take it back to
7 headquarters for preservation.

8 Q Okay. So, I guess, in contrast to the other
9 investigators we've heard before, your goal is to go to the
10 scene?

11 You just operate on the scenes, correct?

12 A Correct. I deal mainly with physical evidence instead
13 of testimony.

14 Q Okay. Now, did you have an opportunity to respond in
15 this case?

16 A I did.

17 Q Okay. Tell the jury a little bit about how you came to
18 be involved in this case and what you did.

19 A Well, I was notified by the desk sergeant about a
20 possible shooting scene at the incident location. When I
21 responded, I was advised that the victim was transported
22 prior to my arrival. I was directed to the backyard area of
23 the residence where the altercation allegedly happened.

24 Q So, who directs you in what kind of things you're
25 looking for?

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 A Typically the officer on scene, or if there's an
2 investigator on scene, they will try to guide me to where
3 the incident happened and any pertinent information that
4 might pertain to identifying or collecting evidence.

5 Q Okay. And so, at this point, you knew they were -- you
6 knew that -- you were told there was a shooting?

7 A Yes, sir.

8 Q And that it happened in the backyard?

9 A Correct.

10 Q So, what kind of things are you looking for when you go
11 to that sort of scene?

12 A Signs of an altercation can include clothing. A
13 shooting scene can have a gun clearly or projectiles, fired
14 cartridge casings.

15 Q Did you find anything of that nature in this case?

16 A I did. I located a blue shirt, an orange colored
17 jacket in the backyard, a rag that was kind of in the
18 backyard as well.

19 Q Okay. But as far as projectiles and cartridge casings
20 and anything like that, did you find any of that?

21 A No, the backyard itself was kind of a makeshift auto
22 repair area but I did look for possible projectiles and
23 cartridge, cartridge casings. Visually, I walked all the
24 way around the yard looking for items.

25 Q Okay. Now, is part of your responsibility as a crime

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 scene investigator to document what you see and what you
2 find when you get to the scene?

3 A Yes, sir.

4 Q Is one of your tools photography and that nature?

5 A It is. We use photography and just our handwritten
6 notes.

7 Q Okay.

8 A Typed notes.

9 Q All right. Did you take any photographs in this case?

10 A I did.

11 Q All right. I'm gonna show you what is marked as
12 State's Exhibit No. 1, No. 2, No. 5, No. 6, and 3 and 4.
13 So, State's 1 through 6.

14 Just take a look at them and tell me if you recognize
15 what they are.

16 A These are photographs of the residence I took at that,
17 that afternoon.

18 Q Hold on. Before you get that far.

19 Do they truly and accurately depict what's inside the
20 photographs?

21 A They do.

22 Q Okay. Now, I believe 3 and 4 have not been entered
23 into evidence.

24 At this time, Your Honor, we'd like to offer into
25 evidence State's Exhibit Nos. 3 and 4.

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 MR. BAILEY: Without objection, Your Honor.

2 SOLICITOR POTTS: Thank you.

3 would you mind stepping down for me real quick?

4 THE COURT: State's 3 and 4 is in evidence without
5 objection.

6 SOLICITOR POTTS: I apologize, Your Honor.

7 (WHEREUPON, State's Exhibit Nos. 3 and 4 were received
8 into evidence at this time.)

9 SOLICITOR POTTS: Your Honor, may I have the witness
10 step down?

11 THE COURT: Yes, sir, you may.

12 Just keep your voice up when you're away from the
13 microphone.

14 THE WITNESS: Yes, sir.

15 THE COURT: Thank you.

16 (WHEREUPON, the witness comes down from the stand.)

17 Q Do you mind just going through with me -- why don't you
18 stand on this side?

19 That way your voice can kind of go that way where it
20 needs to go.

21 So, what do we see depicted in this photograph right
22 here?

23 A That is the front of the residence as seen from the
24 street.

25 Q Okay. And so, what's this thing right here on this

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 photograph?

2 This is State's Exhibit No. 1.

3 A On the far left we have a fence going along the left
4 side of the street as it's seen from the house --

5 Q Okay. And---

6 A -- and from the street.

7 Q And would this be Fiske Street?

8 A Correct.

9 Q All right. And so, what is this a photograph of?

10 This is State's Exhibit No. 2.

11 A This is a photograph of the backyard kind of standing
12 on the far back edge of the yard looking back towards the
13 house. You can see the fence here and the house.

14 Q So, I guess, on this side of the fence, it's not really
15 painted, is it?

16 A Correct.

17 Q Okay. And this is just the nature of the ground?

18 I guess how would you describe this ground to the jury?

19 A There's a lot of debris on the ground. There's some
20 trash cans and just general debris and some metal objects
21 from working on the vehicles and whatnot.

22 Q Now looking at State's Exhibit No. 6.

23 what's, what's depicted in this photograph?

24 A Again, the backyard. It's focusing on the ground but
25 as well as the rag and some clothing items on the ground.

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 Q Okay. So, what, in particular, makes you take a
2 photograph of this spot?

3 A Well, this was -- the whole -- this area that's devoid
4 of grass was where I was advised that the altercation
5 happened. So, just trying to get some photographs of what
6 happened and the items that seemed a little out of place.

7 Q Okay. Does that look like medical debris here?

8 A Yes, sir.

9 Q Okay. This is -- we can skip that one for now. This
10 is State's Exhibit No. 3.

11 Is this just more of the backyard?

12 A Yes, sir.

13 Q Okay. That, that same sort of clutter?

14 A Yeah, kind of the, the trash or the debris on this
15 side, open area, and some other, other metal objects.

16 Q Okay. And this would be State's No. 4.

17 Now, is this coming from the front yard looking back or
18 what is this?

19 A It appear that -- yes, sir, more in the driveway kind
20 of looking back or right, riding around the house from the
21 driveway as -- and a portion of fence I decided to
22 photographed.

23 Q Please have a seat back on the stand.

24 A Uh-huh. (Affirmative).

25 (WHEREUPON, the witness returns to the stand.)

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 Q So, after you took photographs, you didn't find any
2 sort of shell casing or projectiles, correct?

3 A Correct. After looking for projectiles and fired
4 cartridge casings, I did not find any in the backyard.

5 Q Did you collect anything of any sort of evidence
6 besides the clothes you were -- and the rags you mentioned
7 earlier?

8 A It was brought to my attention that a possible drinking
9 cup or drinking cups were in the backyard, which the victim
10 and the subject may have touched.

11 Q Okay. Now, I want to show you what is already in
12 evidence as State's Exhibit No. 23.

13 Take a look at that and tell me if you recognize that.

14 A That is a plastic cup and a blue cup and then a cut off
15 plastic jug. Probably Gatorade.

16 Q Okay. Are those items that you collected from the
17 scene?

18 A Yes, sir, they were collected from the scene.

19 Q How do -- how can I know and how do you know you
20 collected these items?

21 A The items are individually packaged as you can see in
22 the brown paper bag, and then I write on the bag what it is,
23 and they're stored in my -- with -- they're kept in my
24 possession and transported to headquarters where I submit
25 them into evidence and property.

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 Q Okay. So, when you collected these two cups, did you
2 do anything to them?

3 A Yes, sir, I brought them back to headquarters, and
4 because they were possibly related to the incident, I
5 processed them for fingerprints and DNA.

6 Q Okay. Now, tell me -- tell the jury -- let's go ahead
7 and mark this as the next exhibit if you don't mind, Ms.
8 Court Reporter.

9 (WHEREUPON, a swab was marked as State's Exhibit No. 28
10 for identification purposes only at this time.)

11 Q So, when you say you process it for DNA and
12 fingerprints, what does that entail?

13 A Depending on the items, but for these items in
14 particular, I used cyanoacrylate fuming, which is also
15 superglue fuming. We heat the superglue up, which causes it
16 to smoke and then adhere to the item itself and sticking to
17 the finger -- any possible fingerprints that are on the
18 glass or the object.

19 Q So, basically you put some superglue vapor and some
20 black dust to see if there are any fingerprints on there?

21 A Correct.

22 Q Okay. But that -- I'm a layman here.

23 Is that---

24 A Yes, sir, we---

25 Q ---the simple way or doing it, saying it?

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 A Yes, once the superglue -- once it's fumed with
2 Superglue, we go back over it with black powder hopefully to
3 show any kind of fingerprints that may be on the item.

4 Q Were you able to recover any fingerprints off of these
5 items?

6 A Not on these items, no.

7 Q Okay. Now, let's talk about processing for DNA.
8 what is it -- how do you do that?

9 A That's basically just taking the sterile swab, one time
10 use only swab, dipping it in or dropping distilled water on
11 it to moisten the tip. Then rubbing it over the item where
12 potential DNA evidence might be on the object. And once the
13 item has been swabbed, I put that swab into a single use
14 sterile box or single use box. Then submit that to our
15 evidence and property room for further analysis.

16 Q Okay. So, you're processing it for DNA.

17 Unlike fingerprints, you actually look for fingerprints
18 yourself but you don't look for the DNA yourself, do you?

19 A Correct. I just swab the area for possible DNA.

20 Q Okay. I want to show you what is marked as State's
21 Exhibit No. 28.

22 Can you tell me what that is?

23 A These are the swabs, individual swabs, that I -- from
24 the blue plastic cup and a swab from the cut-off plastic
25 bottle that I submitted.

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 Q Okay. And are those the DNA swabs we just talked
2 about?

3 A Correct.

4 SOLICITOR POTTS: At this time, Your Honor, State would
5 like to offer into evidence State's No. 28.

6 MR. BAILEY: Without objection, Your Honor.

7 THE COURT: State's 28's in evidence without objection.

8 SOLICITOR POTTS: Thank you.

9 (WHEREUPON, State's Exhibit No. 28 was received into
10 evidence at this time.)

11 Q So, once you have taken those swabs, how do you prepare
12 them for the next step?

13 Like what do you do?

14 A Submit them into that envelope there. It's sealed and
15 I have signed the back and dated the back prior to the
16 submission in evidence and property at which time I submit
17 them into evidence and property.

18 Q All right. So, you submit -- you take them, you seal
19 them up, you put some tape on it, and you sign your name;
20 why do you go through that process?

21 A To ensure that that is what items inside says it is.

22 Q Okay. Is it, is it to make sure that no one else can
23 tamper with it and no one opens it up?

24 A Correct.

25 Q Okay. So, once you've done those things with these

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 items, was -- what is your continuing role have -- at this
2 crime scene?

3 A The crime scene itself?

4 Q Yeah.

5 Are you finished?

6 what else do you do?

7 A Well, the swabs are taken back at headquarters.

8 Q Okay.

9 A I process those away from the scene when I have more
10 time to do it correctly. But, at the scene, I continue to
11 search for evidence until the time which I think there is no
12 further evidence or I'm not aware or made aware of any other
13 items that may need to be collected.

14 Q Now, you collected some lug nuts too, right?

15 A Excuse me?

16 Q You collected some lug nuts as well, correct?

17 A Some lug -- yes, sir.

18 Q Okay. Well, besides that, was there any other evidence
19 collected?

20 A No, that was all I collected at the scene at that time.

21 Q Okay. And then you submit these swabs and the results
22 of your -- of your fingerprint stuff into the evidence room
23 for DNA to later look at, correct?

24 A Correct.

25 SOLICITOR POTTS: Okay. Beg the Court's indulgence one

Franklyn Rainsford - Direct examination
by Solicitor Potts

1 second.

2 (Pause.)

3 Q Thank you.

4 No further questions.

5 Please answer any questions they have for you.

6 THE COURT: Thank you, solicitor.

7 Mr. Bailey.

8 MR. BAILEY: Thank you.

9 May it please the Court, Your Honor?

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION

12 BY MR. BAILEY:

13 Q Investigator Rainsford, how are you doing today?

14 A Doing well.

15 Q So, you have shown the jury just how exciting CSI work
16 is just like on television, right?

17 A Close.

18 Q All right. Unfortunately, in real life, lawyers aren't
19 as good looking as they are on television either.

20 So, so, you found some lug nuts.

21 Is that right?

22 THE COURT: I agree with that, Mr. Bailey.

23 MR. BAILEY: Sir?

24 Your Honor?

25 THE COURT: I agree with that.

Franklyn Rainsford - Cross-examination
by Mr. Bailey

1 MR. BAILEY: I appreciate judicial notice on that, yes,
2 sir.

3 Q So, you found some lug nuts at the scene?

4 A They were some lug nuts, yes, sir, in the backyard of
5 the residence.

6 Q Okay. And lug nuts, these are kind of things you would
7 attach and detach with like a tire iron, tire iron, those
8 kind of lug nuts?

9 A Correct.

10 Q Okay. And you didn't find any shell casings at the
11 scene.

12 Is that right?

13 A Correct. I visually searched..

14 Q All right. Thank you.

15 No further questions.

16 THE COURT: Redirect, solicitor?

17 SOLICITOR POTTS: Thank you. No further questions.

18 THE COURT: Thank you. Thank you very much,

19 Mr. Rainsford. You may step down.

20 THE WITNESS: Thank you.

21 SOLICITOR POTTS: State calls Deputy Farr.

22 MR. BAILEY: Your Honor, if -- I would request a quick
23 break if that's okay with Your Honor.

24 THE COURT: Come up.

25 (WHEREUPON, a bench conference was held out of the

1 hearing of the jury.)

2 THE COURT: All right. We'll take about a quick break.
3 About a five minute break. This will be our last witness
4 today, ladies and gentlemen. Please step to your jury room.
5 Do not discuss the case with anyone even among yourselves.

6 Thank you.

7 (WHEREUPON, a short recess was taken at this time.)

8 THE COURT: Are they bringing our jury, solicitor?

9 SOLICITOR CATHCART: No, sir.

10 THE COURT: Mr. Bailiff.

11 MR. BAILEY: No. No, sir.

12 (WHEREUPON, the following takes place within the
13 presence of the jury.)

14 THE BAILIFF: The jury is seated, Your Honor.

15 THE COURT: All right. Welcome back, ladies and
16 gentlemen.

17 I have a note. I have your note. I was going to --
18 just going to take your pens away but the note is you ran
19 out of black ink or either this is a real serious note cause
20 it's in red ink.

21 The question, of course, is can we have morning,
22 underlined, and afternoon, underlined, coffee. The answer
23 to that is yes.

24 THE JUROR: Thank you.

25 THE COURT: Correct, general?

1 Correct?

2 THE BAILIFF: Yes, sir.

3 THE COURT: Thank you very much.

4 All right. Solicitor, you may call your next witness.

5 SOLICITOR POTTS: The State calls Deputy Farr.

6 THE COURT: All right. If you'd come around and join
7 us please.

8 DAVID FARR, being first duly
9 sworn, testified as follows:

10 THE CLERK: Please have a seat.

11 (Witness complies.)

12 THE CLERK: State your name for the record.

13 THE WITNESS: Deputy Dave Farr, Richland County
14 Sheriff's Department.

15 DIRECT EXAMINATION

16 BY SOLICITOR POTTS:

17 Q Deputy Farr, what do you do at the Sheriff's Department
18 now?

19 A I'm on the community action team.

20 Q What does that mean?

21 A We go to community events, handle complaints in the
22 community, and various items like that or any tasks that the
23 sheriff deems that we need to do.

24 Q Okay. It sounds, sounds kind of broad, that last one.

25 A (Witness nods affirmatively.)

David Farr - Direct examination
by Solicitor Potts

1 Q So, were you doing that back in 2015?

2 A No, I was on the drug suppression team at that time.

3 Q Okay. Now, as part of the drug suppression team, what,
4 what did y'all mean -- does that mean you just rode the
5 streets sometimes or what did you do?

6 A We were out there giving tips or specific locations to
7 go and either conduct surveillance or do traffic stops or
8 knock and talk on houses specifically for narcotics
9 complaints.

10 Q Okay. Does that narcotics also we're talking about
11 there have anything to do with your role in this case?

12 A Not at all.

13 Q Okay. Just, just want to be clear on that but that was
14 what you did back then at the Sheriff's Department?

15 A Yes, sir.

16 Q Okay. Now, can you tell this jury a little bit
17 about -- a term we're gonna hear a little bit about, BOLO.
18 What that is?

19 A A BOLO is when we call out be on the look out for. So,
20 it could be a person, items, vehicles, anything of, of that
21 sort. So, we'll use that just as an acronym.

22 Q Okay. How do these things -- how do these BOLOs go
23 out?

24 A It can be various different ways. It can be a specific
25 one to a person, person to person, or it could just be a

David Farr - Direct examination
by Solicitor Potts

1 broad spectrum of email or something similar in our
2 computers.

3 Q Okay. And now when you receive something like this
4 from your computer, like just give the jury an idea of what
5 it includes.

6 A Usually it can include specifically a description, tags
7 if it's a vehicle. You know, any kind of identifying
8 markers on the vehicle, i.e., dents, dings, stickers, stuff
9 like that. With persons, it'd be tattoos, certain
10 hairstyles that normally don't change. More, more than
11 likely it's gonna be permanent identifiers that can't be
12 altered.

13 Q Okay. Now, are you aware of any BOLOs that came out in
14 this case?

15 A Yeah, there was a BOLO.

16 Q Okay. Tell the jury what the BOLO was.

17 A In a generic stand, it was a BOLO for a Crown Vic --
18 I'm not -- I'm sorry. A Cadillac with rear bumper damage
19 and I don't recall if there was a tag associated with it or
20 not but I know that there was a Cadillac with rear bumper
21 damage.

22 Q Okay.

23 A Severe.

24 Q Now, do you know, in this case, when this BOLO went
25 out?

David Farr - Direct examination
by Solicitor Potts

1 A The 21st.

2 Q Okay. Now, when you get these BOLOs, this -- they come
3 into your in-box, right?

4 A Yeah, they're coming on our computers or into our
5 email. It just depends on who sends it and what means they
6 send it by.

7 Q Okay. And what do you do with this information?

8 A Save it, take a mental note of it, and sometimes,
9 depending on the case, print it out if I need to have it
10 on-hand quickly.

11 Q Do you write down every single BOLO crossing -- that
12 comes across?

13 A No.

14 Q Do you just kind of rely on your memory sometimes to
15 say oh, yeah, I heard something about that?

16 A I rely on my memory most of the time.

17 Q Okay. Now, can you tell the jury kind of how you came
18 to be involved in this case?

19 A On the 23rd of June in 2015---

20 Q So, that would of been two days after the initial BOLO
21 went out?

22 A Right.

23 Q Okay.

24 A I was -- I had already had the BOLO in mind. We get
25 dozens of BOLOs everyday but I saw this vehicle and I was

David Farr - Direct examination
by Solicitor Potts

1 over at Frye Street and Farrow Road. I saw the vehicle,
2 rear bumper damage, and it was a Cadillac. And so, I
3 conducted a suspicious vehicle stop on it, and then
4 immediately called investigators letting them know, making
5 sure that it was the right car for them cause I'm sure there
6 could of been more than one that day.

7 Q Okay. Did you go and talk to the driver?

8 A Yeah, I just let him know what was going on and
9 identified who I was at the Sheriff's Department, and just
10 let him know that his vehicle was -- his -- BOLO'ed out to
11 us.

12 Q Okay. Did you interact with him in any other way
13 whatsoever?

14 A Well, it wasn't a routine, routine traffic stop. So,
15 it wasn't, you know, give me your license, registration,
16 insurance. It was hey, sir, this is what's going on and
17 called the investigators from there.

18 Q Okay. I want to show you what's marked and I think
19 already in evidence as State's Exhibit No. 9 and 10.

20 A Uh-huh. (Affirmative).

21 Q Okay. Now, is that the car you stopped that day?

22 A It is.

23 Q Okay. Who took these pictures?

24 A I believe I did cause my finger's in the way.

25 Q Is that something that happens a lot with you?

David Farr - Direct examination
by Solicitor Potts

1 A Yeah, I'm terrible about that.

2 Q Okay. And -- but this is the vehicle that you thought
3 fit the description of the BOLO?

4 A Yes, sir.

5 Q Okay. Did investigators come out that afternoon?

6 A They did. They arrived within ten or fifteen minutes
7 of me calling them cause we were right down the street from
8 headquarters.

9 Q Okay. And once they're there, do you have any other
10 role in this case?

11 A Just to take photos after they asked me to.

12 Q Okay. And those are the photos you took?

13 A Yes, sir.

14 SOLICITOR POTTS: Beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 (Pause.)

17 Q Please answer any questions the defense has for you.
18 No further questions from me, Your Honor.

19 THE COURT: Thank you.

20 Mr. Bailey.

21 MR. BAILEY: No further questions from defense, Your
22 Honor.

23 THE COURT: Thank you. Thank you very much for being
24 with us this.

25 THE WITNESS: Thank you, Your Honor.

1 THE COURT: You may step down.

2 That's your last witness of the day---

3 SOLICITOR POTTS: Yes, Your Honor.

4 THE COURT: ---solicitor?

5 All right. All right. Ladies and gentlemen, now we'll
6 take our evening recess.

7 Again, I remind you, during this recess, do not read --
8 do not discuss the case with anyone. That includes your
9 fellow jurors, family, friends, or anyone else. Do not
10 read, watch, or listen to any news accounts should there be
11 any. Do not do any independent investigation or any
12 investigation on the Internet.

13 With that being said, please be back promptly at 9:30
14 in the morning. Promptly at 9:30 in the morning. And I
15 hope you have a pleasant evening.

16 Thank you. Thank you very much.

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

19 THE COURT: Anything else before we take our evening
20 recess, solicitor?

21 SOLICITOR POTTS: Nothing from the State, Your Honor.

22 THE COURT: Mr. Bailey?

23 MR. BAILEY: No, Your Honor.

24 THE COURT: All right. When -- how many more witnesses
25 you got, solicitor?

1 SOLICITOR CATHCART: No more than ten, Your Honor.

2 THE COURT: All right.

3 SOLICITOR CATHCART: Ten and nobody's gonna be very
4 long. I think we should be able to get it done tomorrow.

5 THE COURT: Okay. Give me the timeframe of when you
6 think we may finish as far as the state's case in chief.

7 SOLICITOR CATHCART: It is very possible we may
8 finished, if not before lunch, or right after lunch.

9 THE COURT: All right. Thank you. Thank you,
10 solicitor.

11 I just -- of course, y'all have that information now,
12 Mr. Bailey, if you need to have witnesses here.

13 MR. BAILEY: All right. Thank you, sir.

14 THE COURT: And one other thing.

15 There was a bench conference about the testimony by Mr.
16 Spearman about crazy look in the defendant's eyes. That
17 never came up, correct?

18 MR. COMISH: It did not, Your Honor.

19 THE COURT: All right. Thank you. Thank you very
20 much.

21 Court will be in recess till 9:30 in the morning.

22 MR. COMISH: Thank you, Your Honor.

23 THE COURT: Thank you.

24 (WHEREUPON, the notes from the jury were marked as
25 Court's Exhibit Nos. 1 through 3 for identification purposes

1 only at this time.)

2

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

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1 MR. COMISH: Your Honor, if we may approach briefly?

2 THE COURT: Yes, sir.

3 (WHEREUPON, a bench conference was held out of the
4 hearing of the jury at this time.)

5 THE COURT: All right. Solicitor, you may call your
6 first witness.

7 SOLICITOR CATHCART: Your Honor, at this time, the
8 State calls Mr. Minger. That's McKinley Minger. Just want
9 to make sure I'm pronouncing that right.

10 Come on up here please, sir.

11 THE COURT: Come around and join us please, Mr. Minger.

12 MCKINLEY MINGER, being first duly
13 sworn, testified as follows:

14 THE CLERK: Please have a seat.

15 (Witness complies.)

16 THE CLERK: State your full name for the record.

17 THE WITNESS: McKinley Louis Minger.

18 DIRECT EXAMINATION

19 BY SOLICITOR CATHCART:

20 Q Mr. Minger?

21 A Yes, sir.

22 Q Did you use to own a Cadillac with some bad -- with
23 some rear edge damage?

24 A Yes, sir.

25 Q Okay. Let me show you what's been marked and entered

McKinley Minger - Direct examination
by solicitor Cathcart

1 into evidence as State's Exhibit No. 10 and 9.

2 Do you recognize what those are?

3 Oh, I'm sorry. You need your glasses.

4 A Yeah.

5 Q Oh, your phone's on. Yeah, please do.

6 Do you recognize what those are?

7 A Yes, sir.

8 Q What are those?

9 A Cadillac that got ran up in the back.

10 Q That's pictures of your Cadillac?

11 A Yes, sir.

12 Q In fact, those are pictures that were taken when the
13 officer stopped you one day?

14 A Yes, sir.

15 Q After this incident occurred?

16 A Yes, sir.

17 Q Okay. Were you driving this vehicle when you gave Kilo
18 a ride that day?

19 A Yes, sir.

20 Q Do you know Kilo's real name?

21 A Nah.

22 Q Okay. You've always just known him as Kilo?

23 A Yeah.

24 Q Is Kilo present in the courtroom today?

25 A Yes, sir.

Mckinley Minger - Direct examination
by Solicitor Cathcart

1 Q Could you please point him out?

2 A Right there.

3 Q What's he wearing?

4 A A white shirt on.

5 SOLICITOR CATHCART: Will the record---

6 A Dress shirt.

7 Q That's good enough.

8 Will the record reflect he's identified the defendant?

9 THE COURT: So reflected.

10 SOLICITOR CATHCART: Thank you, Your Honor.

11 Did you go -- when you saw Kilo that morning or that
12 day, how did y'all meet up?

13 A Well, he had came looking for me. I had a, I had an
14 accident.

15 Q Uh-huh. (Affirmative).

16 A And it's a little messed up on the car and he said he'd
17 have to pick me up but it's broken.

18 Q Did he come and pick you up to go by the car too?

19 A To drop his car off.

20 Q To drop his car off?

21 A Yeah.

22 Q Okay. Y'all were gonna drop his car off where?

23 A Right there on Fiske Street.

24 Q Okay. Fiske Street.

25 Do you, do you know whose house it was that you were

McKinley Minger - Direct examination
by solicitor Cathcart

1 dropping it off to?

2 A I call him Bo.

3 Q You call him Bo?

4 A Yeah.

5 Q Okay. And you've known Bo -- you know who Bo is?

6 A Yeah, I been knowing Bo for a pretty little good while.

7 Q And he's known for what?

8 A Huh?

9 Q what's Bo do down there?

10 A He do mechanic work.

11 Q Okay. He does work on those things?

12 A Yes, sir.

13 Q Okay. And did you take kilo to drop his car off,
14 correct?

15 A Yes, sir.

16 Q what was his car?

17 Do you recall?

18 A Black Jeep Cherokee.

19 Q Was is it a Cherokee?

20 A I mean an Explorer, yes, sir.

21 Q Explorer?

22 A Yeah.

23 Q Let me show you what's been marked State's Exhibit No.

24 11. I need my glasses.

25 Can you tell me what that is?

McKinley Minger - Direct examination
by Solicitor Cathcart

- 1 Does that appear to be that car that he had?
- 2 A Yes, sir, that's it.
- 3 Q That is the car that he was driving?
- 4 A Yeah.
- 5 Q And taking it over to Bo's?
- 6 A Yeah.
- 7 Q Okay. And when y'all went to Bo's house, where did
8 y'all park?
- 9 Do you recall?
- 10 A I parked in the front by the water hose.
- 11 Q Okay. At some point, did Bo's wife show up?
- 12 A Yes, she gave me a glass of water.
- 13 Q She gave you a glass of water?
- 14 A Yes, sir.
- 15 Q Did she give him a glass of water too?
- 16 A Yes, sir.
- 17 Q And she gave her husband one as well, right?
- 18 A I can't recall.
- 19 Q You don't recall that one.
- 20 Okay. At some point, y'all went, y'all left, right,
21 for Bo to work on the car?
- 22 A Yes, sir.
- 23 Q And y'all came back about how long after?
- 24 A Probably an hour or so.
- 25 Q An hour or so?

McKinley Minger - Direct examination
by Solicitor Cathcart

1 A Yeah.

2 Q And, at that point, did y'all go into the backyard?

3 A Yeah, we walked in the back. He hadn't finished.

4 Q Okay. He hadn't finished the job?

5 A Yeah.

6 Q And what occurred between Kilo and Bo when -- after the
7 job was done?

8 A He asked for -- Kilo had already paid him but the first
9 time.

10 Q Uh-huh. (Affirmative).

11 A And he snatched the keys out and they got to arguing
12 about the keys. Kilo asked -- said, no, man, don't do that.

13 Q Hold on. I'm gonna have to ask you to speak up pretty
14 loudly. I can barely hear you and it's hard to hear in this
15 big courtroom.

16 A Okay. Kilo---

17 Q So---

18 A what happened was, when he finished, Bo wanted some
19 more money---

20 Q Okay.

21 A ---but -- for the job.

22 Q Before he did more work on the car he wanted more
23 money?

24 A Yes, sir.

25 Q Kilo said I've already paid, I'm not---

McKinley Minger - Direct examination
by Solicitor Cathcart

1 A I've already paid, yeah.

2 Q Okay.

3 A And when he did, he snatched the keys out of the
4 ignition.

5 Q Who snatched the keys out of the ignition?

6 A Mr. Bo.

7 Q Mr. Bo did because he hadn't been paid?

8 A Yeah.

9 Q And then what happened when he took the keys out of the
10 ignition?

11 A He -- they got to arguing. He wouldn't give him back
12 his keys. Bo went and put them in -- I guess put them in
13 his pocket.

14 Q Okay. Bo put the keys -- his keys---

15 A Yes.

16 Q ---in his pocket?

17 A So, Kilo, said, no, man, don't do it, don't do it, and
18 by the time I, I seen -- I got on about my business and he
19 was shot.

20 Q Okay. When you say you got about your business, what
21 made you start running out of there?

22 A When they was arguing. I ain't down with it.

23 Q Did you see Mr. Kilo pull out -- anything out?

24 A After they argued, he went in his pocket and I seen him
25 pull, I guess, a little gun he got.

McKinley Minger - Direct examination
by Solicitor Cathcart

1 Q Okay. In fact, you saw him shoot into the ground,
2 didn't you?

3 A Yeah, his first shot went into the ground.

4 Q Okay. And, at that point, you fled?

5 A Yeah, I left out of there.

6 Q Okay. Did you see him shoot --

7 A No, sir.

8 Q -- the victim?

9 You didn't see him shoot Bo?

10 A No, sir.

11 Q You just saw him shoot and you left?

12 A I left.

13 Q You were gone?

14 A Yes, sir.

15 Q Was Ms. Brown out there --

16 A Yeah, she was.

17 Q -- when that happened?

18 A Yeah, me and Ms. Brown, and I got on my business.

19 Q Okay. It wasn't till you get stopped by the police
20 that you told what happened, correct?

21 A Yeah.

22 Q In fact, you gave a statement that you said you were
23 there, but before anything happened, you fled?

24 You got out of there?

25 A Yeah, I got out of there.

McKinley Minger - Direct examination
by Solicitor Cathcart

1 Q You didn't know -- I mean you don't know nothing about
2 nothing?

3 A No, I never seen nobody get shot or none of that.

4 Q You dropped him over -- you dropped him off and then
5 you left?

6 MR. COMISH: Objection, Your Honor.

7 A Yeah.

8 MR. COMISH: This is leading.

9 THE COURT: Rephrase the question, solicitor.

10 Q Okay. When you first talked to the officers and gave a
11 statement, did you say that you saw the shooting occur?

12 A No, sir.

13 Q Why didn't you tell them at that point?

14 A I -- well, I don't know how it occurred but he asked me
15 did I hear a shot, which I did.

16 Q Okay. But, in that statement, you did not tell the --
17 them that you saw or heard a shot?

18 You said you fled or you just---

19 A I left.

20 Q ---left?

21 You didn't know about it?

22 A I didn't know about it.

23 Q Right?

24 A Yeah.

25 Q Well, why did you tell them that?

McKinley Minger - Direct examination
by Solicitor Cathcart

- 1 A I don't -- to be honest with you, I don't know.
- 2 Q Okay.
- 3 A I was scared, sir.
- 4 Q You were scared?
- 5 A Yeah.
- 6 Q Scared of what?
- 7 A What would happen to me.
- 8 Q You didn't want anything to happen to you?
- 9 A Yeah.
- 10 Q You didn't want to be involved?
- 11 A I didn't want to be involved with that.
- 12 Q Subsequently, Mr. Baker, kilo, got arrested and you
- 13 found out -- did you find out he got arrested?
- 14 A Yeah, the investigator came to me and said they caught
- 15 him in Mississippi somewhere.
- 16 Q Okay. And he asked for a Buccal swab from you?
- 17 A Yeah.
- 18 Q And you gave them a new statement, correct?
- 19 A Yes, sir.
- 20 Q And, at that time, you told them really what you saw?
- 21 A Yeah.
- 22 Q Okay.
- 23 A Cause he said -- he told me that -- he said they had
- 24 evidence of a shot and that he got evidence that I was there
- 25 when it went off.

Mckinley Minger - Direct examination
by solicitor Cathcart

1 Q In fact, Ms. Brown was there when the first shot went
2 off?

3 A Yes.

4 Q She saw you there too, right?

5 A Yes.

6 MR. COMISH: Objection, Your Honor. This is still
7 leading.

8 SOLICITOR CATHCART: I'm sorry.

9 Somebody was -- was anybody else there when the shot
10 went off?

11 A This car pulled out sort of but I don't know who was in
12 it.

13 Q Okay. It was Kilo, Bo, you, and who was -- else was in
14 the house or at the house?

15 A His wife.

16 Q His wife.

17 She saw you there?

18 A Yes, sir.

19 Q Okay. Before you gave that second statement, did
20 anybody come visit you?

21 A His brother.

22 Q His brother came to talk to you?

23 A Yeah.

24 Q What did his brother -- well, stop.

25 Did that make you feel safe?

McKinley Minger - Direct examination
by Solicitor Cathcart

1 A I was kind of shaky about it.

2 Q Shaky about that too?

3 A Yeah.

4 Q When you say his brother, you're talking about Kilo's
5 brother --

6 A Yeah.

7 Q -- came to talk to you?

8 A Yeah.

9 SOLICITOR CATHCART: Beg the Court's indulgence.

10 THE COURT: Yes, sir.

11 (Pause.)

12 Q Now, you've known Mr. Geter, I believe you said, you
13 know who he is, correct?

14 A Yeah.

15 Q You saw him there that day, correct?

16 A Yes, sir.

17 Q Can you tell me how big he is?

18 A Oh, he's little. Kind of tall, rather slim.

19 Q Slim?

20 A Yeah.

21 Q Is he about like your size or bigger?

22 A About your size.

23 Q Like my size?

24 A Yeah.

25 Q He's as big as me?

Mckinley Minger - Direct examination
by Solicitor Cathcart

1 A He's tall.

2 Q Tall.

3 But is he as wide as I am?

4 A No, y'all about the same.

5 Q Okay. Did you see, at any point, Mr. Geter have a
6 weapon in his hand?

7 A No, after that, I left.

8 Q At any point before that man pulled out a gun and shot,
9 did you see---

10 MR. COMISH: Objection, Your Honor.

11 THE COURT: That's, that's, that's overruled.

12 Q Did you see Mr. Geter threaten him in anyway?

13 A He was talking loud. Both of them was talking loud at
14 each other.

15 Q But did he threaten him?

16 A No, he didn't threaten him.

17 Q Did he advance toward him coming to get him?

18 A No, he was just saying man, you ain't gonna get your
19 keys back until you pay me my money.

20 Q Thank you. Answer any questions the defense has.

21 THE COURT: Thank you, solicitor.

22 Q Appreciate it.

23 THE COURT: Mr. Comish.

24 SOLICITOR CATHCART: I'm sorry. I forgot my stuff.

25 CROSS-EXAMINATION

McKinley Minger - Cross-examination
by Mr. Comish

1 BY MR. COMISH:

2 Q Morning, Mr. Minger.

3 A Morning.

4 Q It's real nice to meet you. We've heard you're a real
5 nice guy, that you got that reputation.

6 Do you know about that?

7 A Yes, sir.

8 Q Seems like you're always helping people out?

9 A That's me.

10 Q A little bit of a people pleaser, aren't you?

11 A Yeah.

12 Q All right. Let's talk a little bit about what you saw
13 that day and we're gonna go through this step-by-step.

14 You were hanging out on, on Aims Road when you met up
15 with, with Antwon?

16 A Yes, sir.

17 Q And y'all went then to Mr. Geter's house --

18 A Yeah.

19 Q -- to drop the car off?

20 A Yeah.

21 Q Was Mr. Geter there when y'all got to the house?

22 A Yeah, he was there in the backyard.

23 Q He was already in the backyard that first time y'all
24 were there?

25 A Yeah.

McKinley Minger - Cross-examination
by Mr. Comish

1 Q Was anybody else there?

2 A It was a dark skinned kind of tall dude, bald headed.

3 Q And he was there that first time?

4 A Yeah.

5 Q Okay. I think you gave a statement that there was a
6 car with some people in it?

7 A Yeah, he was in the window talking with them.

8 Q All right. And do you know a guy named Mehaw?

9 A Yeah, I heard of him.

10 Q Okay. And you said -- beg the Court's indulgence just
11 one second.

12 THE COURT: Yes, sir.

13 (Pause.)

14 Q So, you gave a statement also that Antwon, to your
15 knowledge, did not have a gun that day.

16 Do you recall saying that?

17 A Yeah.

18 Q He also said that -- I'm guessing he was wearing some
19 saggy pants?

20 His jeans was hanging off of his butt?

21 A They always.

22 Q Always?

23 A Yeah.

24 Q All right. Now, the first time you gave a statement --
25 and, and I'm gonna paraphrase here. If it's accurate, just

McKinley Minger - Cross-examination
by Mr. Comish

1 let me know.

2 Basically, when you returned after Bo had called you,
3 you fixed your bumper, filled up your water and left?

4 A No.

5 Q That was pretty much it for your first statement?

6 A (Witness nods affirmatively.)

7 Q Okay. And then you came back about three months later.
8 The investigators called you in to give another statement.

9 A (Witness nods affirmatively.)

10 Q Okay. And you got into some more details about what
11 happened when y'all returned to Bo's house in this
12 statement.

13 A Uh-huh. (Affirmative).

14 Q Okay. And, again, we're gonna walk through this real
15 slow, step-by-step, and you let me know if what I'm saying
16 is accurate.

17 Okay?

18 A Okay.

19 Q In this statement -- let me just back up. So, you, you
20 go to Bo's house. You see Bo three. You see a big muscular
21 dude there, a car full of people. You drop off Antwon's
22 car. Y'all leave. Y'all go sort of running around for --
23 waiting on Bo to call you back.

24 A (Witness nods affirmatively.)

25 Q Is that about -- I'm remembering maybe about 45 minutes

McKinley Minger - Cross-examination
by Mr. Comish

1 to an hour?

2 A Yeah, about an hour.

3 Q About an hour?

4 A About an hour.

5 Q Yes, sir.

6 And then, after an hour, Bo calls y'all back and says

7 I'm done.

8 A Yeah.

9 Q Come get the car.

10 A (Witness nods affirmatively.)

11 Q Okay. So then y'all return to Bo's house?

12 A Yes, sir.

13 Q And y'all meet up with Bo?

14 A Yes, sir.

15 Q And you testified earlier you know Antwon had already

16 paid Bo?

17 A Yeah.

18 Q Okay. And then, at some point, you go around the side
19 of your house -- of not your -- of the house to, to get some
20 water?

21 A To put in my car.

22 Q For your car, right. Yeah.

23 And then you hear some sort of commotion and you go
24 back out around to where Bo and Antwon are?

25 A No, I was already back there. So --.

McKinley Minger - Cross-examination
by Mr. Comish

- 1 Q Oh, you're already back there?
- 2 A Yeah.
- 3 Q Oh, okay. I got you. I got you.
- 4 And they're fussing at each other?
- 5 A Yeah.
- 6 Q Okay. And you see Bo demanding more money?
- 7 A Yeah, he, he said he needed -- I think it was \$35.
- 8 Q I think that's what you said. He said he wants 35 more
- 9 dollars. Antwon said Bo, I already paid you.
- 10 A Yeah.
- 11 Q And, at that point, Mr. Geter just reaches in the car
- 12 and snatches out the keys?
- 13 A Yes, sir.
- 14 Q And Antwon says give them back?
- 15 A Yes, sir.
- 16 Q And I'm quoting your statement here.
- 17 According to you, Mr. Geter said I ain't giving you
- 18 shit?
- 19 A Yeah.
- 20 Q And you said Mr. Geter just kept cussing at Antwon?
- 21 A Yeah, they kept going back and forth.
- 22 Q Uh-huh. (Affirmative).
- 23 And you said you saw Mr. Geter go into his pocket?
- 24 A Yeah, he took -- well, he putting -- I guess he's
- 25 putting the keys.

Mckinley Minger - Cross-examination
by Mr. Comish

1 Q So, he---

2 A The keys, he put them in his pocket.

3 Q Yeah, he's going into his pocket and you hear Antwon
4 say don't do that.

5 A Don't do that. Don't do that.

6 Q Man, don't do that.

7 Okay. And that's when, according to your testimony,
8 Antwon shot into the ground?

9 A Yeah.

10 Q And that's when you ran away?

11 A I ran away.

12 MR. COMISH: All right. Beg the Court's indulgence
13 just one second.

14 THE COURT: Yes, sir.

15 (Pause.)

16 Q I got one final question for you.

17 A Uh-huh. (Affirmative).

18 Q You actually still to this day don't know whether
19 Antwon shot Mr. Geter?

20 A I didn't see it. I didn't see him shoot, no, sir. I
21 mean I can't say he did it. I didn't see him do it. I
22 heard on the news. The investigator told me that he
23 believed he shot him and I didn't know nothing about that.

24 Q But you, you don't know?

25 A I really don't.

McKinley Minger - Cross-examination
by Mr. Comish

1 Q Okay. Thank you, sir.

2 A You welcome.

3 MR. COMISH: No further questions, Your Honor.

4 THE COURT: Thank you, Mr. Comish.

5 Redirect, solicitor.

6 SOLICITOR CATHCART: Yes, sir, a couple questions.

7 Thank you.

8 REDIRECT EXAMINATION

9 BY SOLICITOR CATHCART:

10 Q You gave two statements to the investigators, correct?

11 A Yes, sir.

12 Q And I'm looking at these.

13 Can you -- have you had a chance to review them?

14 A I can't see that now. That's where --.

15 Q And this is the second one, correct?

16 A Yeah.

17 Q Could you point out to me at -- anywhere in that
18 statement, either one of those, that Mr. Geter cusses at
19 him?

20 A No, sir.

21 Q Mr. Geter said I ain't giving you shit.

22 Is that in your statements at all?

23 A No, sir.

24 Q When you left that day, who did you see with the gun in
25 his hand?

McKinley Minger - Redirect examination
by Solicitor Cathcart

1 A I seen kilo.

2 Q The gun that he just shot?

3 A On the ground.

4 Q Who was opposite of him?

5 Who was he arguing with and pointing that gun at?

6 A I ain't see him point it. He shot on the ground.

7 Q Okay. But he was arguing with Bo, correct?

8 A Yeah, he was arguing. Both of them was arguing.

9 Q And I believe you stated that when -- the only thing Bo
10 did with his pockets is put the keys in his pockets,
11 correct?

12 A Yeah, he put the keys in his pocket.

13 Q And that's what got him killed?

14 A I don't know.

15 MR. COMISH: Objection, Your Honor.

16 SOLICITOR CATHCART: No further questions, Your Honor.
17 Thank you.

18 THE COURT: What, what was the question?

19 SOLICITOR CATHCART: I asked if that's what got him --
20 you killed, putting the keys in his pocket.

21 MR. COMISH: It's calling for speculation, Your Honor.

22 SOLICITOR CATHCART: I'll withdraw the question.

23 THE COURT: All right. Thank you, solicitor.

24 Recross, Mr. Comish?

25 MR. COMISH: No, sir. Thank you, Your Honor.

Stephen Cox - Direct examination
by Solicitor Potts

1 THE COURT: Thank you. Thank you very much.
2 Thank you, Mr. Minger.

3 THE WITNESS: Thank you, sir.

4 THE COURT: You may step down.

5 All right. Solicitor, you may call your next witness.

6 SOLICITOR POTTS: State calls Stephen Cox.

7 STEPHEN COX, being first duly
8 sworn, testified as follows:

9 THE CLERK: Please have a seat.

10 (Witness complies.)

11 THE CLERK: State your full name for the record.

12 DIRECT EXAMINATION

13 BY SOLICITOR POTTS:

14 Q State your full name for the record please.

15 A Stephen Bryce Cox.

16 Q Mr. Cox, where do you work?

17 A Richland County Sheriff's Department.

18 Q Okay. And back in 2015, what were your duties there?

19 A I was working the evidence room where we process
20 evidence.

21 Q Okay. Now, just describe to the jury a little bit
22 about what you would do in your role there.

23 A Well, like an officer would bring a piece of evidence
24 and we just log it in. We'll take it to the back and put it
25 in a little secure area.

Stephen Cox - Direct examination
by Solicitor Potts

1 Q Do y'all open it up and see what it is?

2 A No, sir.

3 Q Do you touch it in anyway?

4 A No, sir.

5 Q Do you -- is there anyway that we can know that you're

6 the one who received it?

7 A Yeah, chain of custody, yes, sir.

8 Q I want to show you State's 24 and 27.

9 A Yes, sir.

10 Q Do you recognize those?

11 A Yes, sir.

12 Q Okay. Tell me about State's 27.

13 Who did you receive that from?

14 A Terry Holt.

15 Q Okay. And then what would you do with that?

16 A He would bring it in and I would just scan it into the
17 computer, put a sticker on it, put it in a secure location.

18 Q Okay. And did you mess with it in anyway anytime?

19 A No, sir. No, sir.

20 Q Was it sealed kind of like that?

21 A Yes, sir, just like this.

22 Q Okay. And you, in fact, put your initials on it---

23 A After you---

24 Q ---when you received it?

25 A After you submitted it in, yes, sir.

Stephen Cox - Direct examination
by Solicitor Potts

1 Q All right. I'm gonna show you State's No. 24.
2 Is that a piece of evidence you received?

3 A Yes, sir.

4 Q Who did you receive it from?

5 A Brunson.

6 Q What did you do with it when you received it?

7 A The same I did with this one. Put my initials,
8 submitted it into a computer, and put it in a secure
9 location.

10 Q Okay. And when you say a secure location, what does
11 that mean?

12 Like how secure is it?

13 A So, it's in the back of the evidence room. Just
14 matters what spot we have available. We just stick it in
15 the box where we're secure where nobody else can get to it.

16 Q Who has access to it?

17 A The people that work in evidence and I guess the chief.

18 Q Is there anyway where a piece of evidence is kept track
19 of in anyway?

20 A Say again.

21 Q What happens to a piece of evidence?

22 Is that kept track of in anyway?

23 A Yes, sir, it gets a little bin number.

24 Q Okay.

25 A Like MBM1A and we stick it in that bin and it's in the

Stephen Cox - Direct examination
by Solicitor Potts

1 computer. So, whenever you want it, you just pull it up
2 through the bin number.

3 Q Okay. And if someone checks it out, is that kept a log
4 of too?

5 A Yes, sir.

6 Q Okay. So, when these items, when you received them
7 from Brunson and Holt respectively, did you mess with them
8 in anyway whatsoever?

9 A No, sir.

10 Q And you just went ahead and put them in a secure bin?

11 A Yes, sir.

12 SOLICITOR POTTS: Okay. Beg the Court's indulgence.

13 THE COURT: Yes, sir.

14 (Pause.)

15 SOLICITOR POTTS: Thank you. No further questions.

16 THE COURT: Thank you, officer.

17 Mr. Comish.

18 MR. COMISH: We have no questions, Your Honor.

19 THE COURT: Thank you. Thank you very much for being
20 with us this morning. You may step down and you may be
21 excused.

22 THE WITNESS: Yes, sir.

23 THE CLERK: Solicitor, you may call your next witness.
24 You may call your next witness.

25 SOLICITOR POTTS: State calls Melody Galinski.

Melody Galinski - Direct examination
by Solicitor Potts

1 THE COURT: All right. If you'd come around and join
2 us please.

3 MELODY GALINSKI, being first duly
4 sworn, testified as follows:

5 THE CLERK: Please have a seat.

6 (Witness complies.)

7 THE CLERK: State your name for the record.

8 THE WITNESS: I'm Melody Galinski.

9 DIRECT EXAMINATION

10 BY SOLICITOR POTTS:

11 Q Good morning, Ms. Galinski.

12 How are you doing?

13 A I'm good. Thank you.

14 Q Can you tell the jury what your role is at the
15 Sheriff's Department?

16 A I am the property and evidence supervisor/custodian.

17 Q Okay. Just -- does that mean, I guess, you kind of
18 handle the evidence and transfer from Point A to Point B?

19 A Yes, we intake the items, process them in the system,
20 and check them out for the investigators. Allow whoever
21 needs those.

22 Q Did you have the opportunity to run any evidence, any
23 evidence in this case I guess?

24 A I did enter some items and checked some out, yes, sir.

25 Q Okay. I'm gonna show you what is marked State's

Melody Galinski - Direct examination
by Solicitor Potts

- 1 Exhibit No. 24.
- 2 A Okay.
- 3 Q Did you come into contact with that in the course of
4 your experience at the Sheriff's Department?
- 5 A Let me check.
- 6 Q I believe that is --.
- 7 A Yes, I did. I actually entered it into in the system
8 on June 30th, 2015.
- 9 Q Okay. Now, hold on.
- 10 Are you positive that is the case?
- 11 Here, if I show you a different report, would that
12 maybe refresh your recollection?
- 13 A You can show me a different one.
- 14 Q Okay.
- 15 A This is on the 18th. This is the 21st.
- 16 Q I'm sorry. If I'm wrong, tell me, tell me I'm wrong.
- 17 A I thought you said Item 24. I apologize.
- 18 Q Oh, no, sorry. That's -- we have a State Exhibit No.
19 which is different than the item numbers.
- 20 A And that's what I was looking at, our item.
- 21 Q And I -- that is, that is my fault and I apologize.
22 This is Item Number 18 we're talking about in your system.
- 23 A Okay. Let me look at that.
- 24 (Pause.)
- 25 A Okay. On June the 29th, 2015, I took Item 18 to

Melody Galinski - Direct examination
by Solicitor Potts

1 Ashleigh Dixon.

2 Q Okay. And, once again, I'm gonna show you State's
3 Exhibit No. 24.

4 Okay. And is that Item 18 we're talking about?
5 Here. You can hold it. You can look at this.

6 A Yes, it is.

7 Q Okay.

8 A I was reading the description.

9 Q And so, you handed it off to Ashleigh Dixon.
10 Where did you get it from?

11 A I got it from a bin location where it was stored when
12 it was logged into our system.

13 Q Okay. Now, also gonna ask you about Item Number 29.

14 A Okay. I received Item 29 on April the 17th from
15 Investigator Truluck.

16 Q Okay. Now, what is -- what's the description of Item
17 Number 29?

18 A Item 29 is a Buccal swab. Suspect A. Baker.

19 Q Okay. Now, when you received this item from
20 Investigator Truluck, did you -- was it sealed -- would it
21 have been sealed?

22 A It was sealed.

23 Q Would you have accepted it if it had not been sealed?

24 A No, I would not.

25 Q Okay. What would you do with Item 29 at that point?

Melody Galinski - Direct examination
by Solicitor Potts

1 A If it were not sealed?

2 Q No, I guess -- what did you do in this case?

3 A Oh, in this case, I logged it into the system and then
4 it was checked out to Rachel Grant on the 17th.

5 Q Okay. And who checked it out to Rachel Grant?

6 A I did.

7 Q Okay. So, you received it on the 17th and checked it
8 out to Rachel Grant on the 17th?

9 A Yes, sir.

10 Q Okay. During that timeframe, did you mess with it at
11 all in anyway?

12 A No, sir.

13 Q Okay. I'm also gonna show you what is marked as
14 State's Exhibit No. 28.

15 Okay. Did you have the opportunity to come in contact
16 with State's 28?

17 A I did, on the -- June the 29th, 2015. I checked it out
18 to Ashleigh Dixon.

19 Q Okay. Any you retrieved it from a stored evidence bin?

20 A The bin location that it was in.

21 Q Okay. And that's -- once again, that's in the evidence
22 room, correct?

23 A Yes.

24 Q And that is secured?

25 A It is secured, lock and key.

Melody Galinski - Direct examination
by Solicitor Potts

1 Q Okay. And you didn't mess with that item in anyway
2 possible, did you?

3 A No, sir.

4 SOLICITOR POTTS: Beg the Court's indulgence.

5 THE COURT: Yes, sir.

6 (Pause.)

7 Q All right. Well, I am going to show you what is marked
8 as State's Exhibit No. 29.

9 All right. Now, Item 29 we just talked about.

10 A Okay.

11 Q Is that the Item 29 we just talked about?

12 A Yes, sir.

13 SOLICITOR POTTS: At this time, Your Honor, State would
14 like to offer into evidence State's 29.

15 MR. COMISH: Without objection, Your Honor.

16 THE COURT: State's 29 is in evidence without
17 objection.

18 (WHEREUPON, State's Exhibit No. 29 was received into
19 evidence at this time.)

20 Q And this came to you sealed as we said?

21 A Yes, sir.

22 Q And you would not of messed with it in anyway?

23 A No, sir.

24 Q Okay.

25 SOLICITOR POTTS: Beg the Court's indulgence.

Amanda Metz - Direct examination
by Solicitor Cathcart

1 THE COURT: Yes, sir.

2 (Pause.)

3 SOLICITOR POTTS: No further questions, Your Honor.

4 THE COURT: Thank you, solicitor.

5 All right. Mr. Comish.

6 MR. COMISH: Oh, excuse me, Your Honor. We have no
7 questions.

8 THE COURT: Thank you. Thank you very much. Thank you
9 for being with us this morning. You may step down. You may
10 be excused.

11 All right. Solicitor, you may call your next witness.

12 SOLICITOR CATHCART: State calls Amanda Metz.

13 AMANDA METZ, being first duly
14 sworn, testified as follows:

15 THE CLERK: Please have a seat.

16 (Witness complies.)

17 THE CLERK: State your full name for the record.

18 THE WITNESS: Amanda Metz, M-E-T-Z.

19 DIRECT EXAMINATION

20 BY SOLICITOR CATHCART:

21 Q Ms. Metz, where are you employed?

22 A I'm employed at the Richland County Sheriff's
23 Department in the forensic sciences division or laboratory.

24 Q Doing what?

25 A I'm a firearm and tool mark examiner.

Amanda Metz - Direct examination
by Solicitor Cathcart

1 Q Okay. And what does that entail?

2 what does that really mean?

3 A I examine firearms and ammunition components as well as
4 tools and their markings and present my findings to the
5 Court.

6 Q Okay. And were you doing that same job back in 2015?

7 A I was.

8 Q And, at some point, did you come in contact with an
9 item on Case Number 15060419?

10 A I did.

11 Q Okay. And would you describe to the jury what you got
12 and what you came in contact with and what was the request
13 and what did you do?

14 A Yes, I received our Item Number 5, which was one fired
15 bullet. When I get that evidence, I open it and examine it
16 for physical characteristics and any other information that
17 I can pass on to our investigators.

18 Q Okay. And when you examined it, what did you do?

19 How did you examine it?

20 A So, when I opened the bullet (sic), I first look for
21 any possible trace material, but, in this case---

22 Q Let me ask you just real quick.

23 A Yes.

24 Q You just said you opened a bullet.

25 A I'm sorry. I opened the package and there was a bullet

Amanda Metz - Direct examination
by Solicitor Cathcart

1 inside.

2 Q Okay. Let me show what's been marked as State's
3 Exhibit No. 25.

4 Do you recognize what that is?

5 A Yes, I recognize the outer packaging.

6 Q Okay.

7 A And my initials and date.

8 Q And that is --?

9 You recognize it as what?

10 A As our Item 5, one fired bullet, and State's Exhibit
11 Item 26.

12 Q Okay.

13 A There should be another envelope in there.

14 Q Okay. You're right.

15 A Yes, this is the Item 5 or State's Exhibit Item 26,
16 which I initialed.

17 Q Let me ask you this.

18 What was this?

19 A So, this is what the bullet came in from autopsy. I
20 remove it from there and clean it, clean all the biological
21 materials off, and then put it in the clean envelope so that
22 the -- it doesn't get contaminated again.

23 Q Okay. And it was sealed when you received it?

24 A Correct.

25 Q Okay. And you unsealed this package?

Amanda Metz - Direct examination
by Solicitor Cathcart

1 A Correct.

2 Q You saved this to show that that was done?

3 A That's correct.

4 Q Okay. Please tell the jury what you did with Item 26
5 or your Item Number--

6 A Five.

7 Q ---5.

8 A So, when I opened it, I clean it. I generally will
9 look for trace materials but decided this was from autopsy,
10 there was biological materials on it. I clean that off so I
11 that -- can handle it without gloves.

12 From there, I look at the physical characteristics. I
13 measured the diameter of the bullet. I measure the weight
14 of the bullet and I just look at the, the overall physical
15 characteristics of the bullet.

16 From there, I would put it under the microscope and see
17 if there's any individual characteristics that I would look
18 for to help me determine a possible firearm type. In this
19 case, the bullet was poorly marked. In fact, we called it
20 unsuitable, which means it was not suitable for microscopic
21 examination. There were no marks of value.

22 Q What, if anything, would cause it not to have marks of
23 value?

24 A There could be plenty of things. Sometimes, especially
25 this is a lead projectile, sometimes the body fluids can

Amanda Metz - Direct examination
by Solicitor Cathcart

1 erode or cause erosion. Sometimes they're poorly marked due
2 to an old firearm or a very dirty barrel or possibly could
3 of been plated or coded in, instead of just a plain lead
4 bullet. There are a lot of options as to why markings did
5 not actually show up on this projectile.

6 Q Okay. And, in this case, did you ever learn of a gun
7 being found to match to this bullet?

8 A No.

9 Q Okay. So, that's what you would want to find, those
10 kind of lands and grooves on a bullet to match it with a
11 firearm?

12 A So -- yes. When a firearm is manufactured, in the bore
13 or the barrel of the firearm, the manufacturer, manufacturer
14 creates lands and grooves and they're at a spin and there's
15 a certain set number of lands and grooves with a set number
16 of widths for those lands and grooves.

17 The lands and grooves create a spin on the bullet.
18 Sort of like a well thrown football so it hits its target.
19 Those help us to narrow down the manufacturer for specific
20 gun types. In this instance, there were no clear lands and
21 grooves. So, I was not able to come up with a list.

22 Q But you were able to determine some things?

23 A Yes.

24 Q What were you able to determine?

25 A So, like I said, I look at the physical characteristics

Amanda Metz - Direct examination
by Solicitor Cathcart

1 of the projectile, and, in this case, I did a scratch test,
2 which really means I scratched the bullet. And when I
3 scratched it, it revealed a bright shiny metal which is most
4 consistent with lead. So, that told me it was a lead
5 projectile.

6 It is flat on both sides, which is consistent with a
7 double ended wad cutter, and I did the diameter. It was a
8 little narrow for what I would normally expect to see but
9 that could just be due to a lack of expansion. It could be
10 due to a coating or something that may have covered it.

11 But I essentially came to the conclusion that it was a
12 lead bullet and generally found in the .38 caliber class
13 family of firearms. This means I couldn't give them a
14 specific caliber. So that would be -- your specific
15 calibers would be 9-millimeter Luger, .380 auto, .38
16 Special, .357 Magnum. I was unable to give a specific due
17 to the narrow diameter and the lack of lands and grooves and
18 that's about it.

19 Oh, it's generally -- a double ended wad cutter is
20 generally found for .38 specials or .357 Magnums or
21 ammunition found for revolvers.

22 Q And why is that?

23 A Double ended wad cutters are flat on both bottom and
24 top. And if you try to put it in a semiautomatic pistol,
25 you're gonna have some feeding issues. That means, during a

Amanda Metz - Direct examination
by Solicitor Cathcart

1 semiautomatic feeding, there's a ramp that the ammunition
2 generally has to go up to and into the chamber. And because
3 it's flat, it would kind of just hit and you'd have some
4 feeding issues.

5 However, there is one pistol that I know of that is
6 made for wad cutters but it's a discontinued model, and you
7 could obviously always hand-feed, which means you just open
8 it and stick the cartridge in the chamber. But that's why I
9 said most consistent with revolvers because people can do
10 anything as well.

11 Q And a revolver is different than the automatic in what
12 way?

13 A So, a revolver, the barrel and the chamber, where the
14 ammunition go, are separate and there's generally multiple
15 chambers on, on the cylinder that revolvers. Hence
16 revolver.

17 A semiautomatic pistol, the barrel and chamber are
18 integral meaning they're one part. So, the same chamber is
19 used at a time when you pull the trigger and it fires.

20 Q And when you say it's the same chamber used every time,
21 what happens to the spent casing?

22 A So, the difference is, is, with a revolver, there's
23 multiple chambers, you hand-feed it, which means you also
24 have to hand extract and eject it. Whereas, in a
25 semiautomatic pistol, it automatically extracts and ejects

Amanda Metz - Direct examination
by Solicitor Cathcart

1 that cartridge case then inserting a new cartridge into the
2 chamber.

3 Q So, a revolver and a cylinder, if you fire all---

4 A Yes.

5 Q ---five or six shots---

6 A Correct.

7 Q ---these all stay in the cylinder?

8 A Yes. So, to, to load more, you would have to manually
9 open it and extract and eject those spent cartridge cases.

10 Q And if he were -- if a automatic was being shot, the
11 casing -- each fired shot would shoot out a casing --

12 A Correct.

13 Q -- and a round goes in?

14 A So, if it's functioning correctly, you have the correct
15 ammunition, a semiautomatic pistol will extract and eject on
16 its own and as well as feed the next cartridge into the
17 chamber.

18 Q Most revolvers shoot at least how many rounds?

19 A Generally it's five or six but I'd have to be specific
20 as to which firearm.

21 Q Different ones do but---

22 A Yes.

23 Q ---at least three?

24 A Yes.

25 Q which shoots faster or is there really that much of a

Amanda Metz - Direct examination
by Solicitor Cathcart

1 difference?

2 If I shot an automatic or a revolver, could I shoot
3 them both about the same speed?

4 A It's as fast as you pull the trigger. As fast as you
5 can pull the trigger is as fast as it shoots but a
6 semiautomatic pistol will generally, in the magazine, which
7 is where it houses the unfired ammunition, will generally
8 hold more than a revolver does but both, both of them, as
9 fast as you can pull the trigger, is as fast as that firearm
10 will shoot. One you just have to, once you've used all your
11 cartridges, you have to manually extract and eject and
12 reinsert some more unfired ammunition.

13 Q So, a revolver, a revolver will automatically get the
14 next shot?

15 Just bang, bang, bang?

16 A Yes, it's the same thing. As long as you're pulling
17 the trigger, unless, of course, it's a single action
18 revolver. A single action revolver, that means the only
19 action the trigger does is drop the hammer. So that one you
20 would have to pull the hammer back and pull the trigger but
21 there's a lot of double action, which means you pull the
22 trigger, the hammer goes back and falls forward. But I, you
23 know, I'm sure there's some pretty speedy shooters out there
24 that can fire just as fast pulling the hammer back and
25 pulling the trigger as somebody shooting a semiautomatic

Amanda Metz - Direct examination
by Solicitor Cathcart

1 pistol.

2 Q Those single actions are more of the old cowboy guns?

3 A Yeah.

4 Q So, this -- you know this is a .38 wad cutter a wad
5 cutter?

6 A Yes, I know it's a wad cutter and I know it's a .38
7 caliber class.

8 Q which would be consistent with a revolver?

9 A It, it is consistent -- a wad cutter is consistent with
10 a revolver, yes.

11 Q And that would be consistent with no shell casings
12 being found at the scene?

13 A Correct.

14 SOLICITOR CATHCART: Okay. I'm sorry. May I approach
15 the witness?

16 I'm sorry, Your Honor.

17 THE COURT: Yes, sir.

18 SOLICITOR CATHCART: Thank you.

19 THE COURT: Of course.

20 Q Did you -- I'm holding what has been marked as State's
21 Exhibit No. 26.

22 Could you describe to the jury how that's a wad cutter?

23 A Yes, so, as I said before, the wad cutter is flat.

24 well, the double ended wad cutter is flat on both the top
25 and bottom. I don't know that you can really, really see it

Amanda Metz - Direct examination
by Solicitor Cathcart

1 but it's flat on both sides and it's got this kind of like
2 little nub on both top and bottom. There are some wad
3 cutters that will have a concave base with it and then have
4 the same noses but that's why it's a double ended because it
5 has the same end on both top and bottom.

6 SOLICITOR CATHCART: May I publish that to the jury,
7 Your Honor?

8 THE COURT: Yes, sir.

9 Q And this has been cleaned?

10 A Yes, sir, I cleaned it.

11 SOLICITOR CATHCART: Beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 (Pause.)

14 SOLICITOR CATHCART: No further questions from the
15 State.

16 Please answer any questions the defense has.

17 THE COURT: All right. Mr. Bailey.

18 MR. BAILEY: May it please the Court?

19 Thank you, sir.

20 THE COURT: Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. BAILEY:

23 Q Investigator, Investigator Metz, right?

24 A Yes.

25 Q I need to call you -- you're investigating?

Amanda Metz - Cross-examination
by Mr. Bailey

1 A Yes, technically I'm an examiner but my job title is an
2 investigator.

3 Q Is investigator. That's correct.
4 Nice to speak with you in person.

5 A Yes.

6 MR. BAILEY: Let's see. I want to mark this---

7 SOLICITOR CATHCART: Just -- okay.

8 MR. BAILEY: ---Defendant's Exhibit 1. Defense Exhibit
9 2.

10 THE COURT: No objection, solicitor?

11 SOLICITOR CATHCART: Oh, no. Not, not on that, Your
12 Honor.

13 (WHEREUPON, a diagram was marked as Defendant's Exhibit
14 No. 2 for identification purposes only at this time.)

15 MR. BAILEY: Thank you.

16 Investigator Metz, I'm gonna -- this is, this is just
17 black and white. This is what I received but I'm gonna show
18 you, show you a blown up item---

19 A Yes.

20 Q ---of something that was in your report packet.

21 A Yes. Yes.

22 SOLICITOR CATHCART: Your Honor, I'm -- I just want to
23 make sure I'm understanding and I'm sorry to interrupt.

24 MR. BAILEY: Sure.

25 SOLICITOR CATHCART: Did you introduce that into

Amanda Metz - Cross-examination
by Mr. Bailey

1 evidence or just have it---

2 MR. BAILEY: Well, I got to lay the foundation and make
3 sure she---

4 SOLICITOR CATHCART: Oh, well, I didn't object. I
5 was -- okay. My apologies.

6 MR. BAILEY: Sure.

7 So, I'm gonna show you Defense Exhibit 2.

8 Does this -- do you recognize this?

9 A Yes, this is the---

10 SOLICITOR CATHCART: Again, Your Honor, I think it --
11 my objection is you are publishing it to the jury when
12 you're pointing it out to them.

13 MR. BAILEY: Okay. I'm sorry. I -- let's just not
14 turn it toward the jury right now.

15 Is that your objection, Mr. Cathcart?

16 SOLICITOR CATHCART: Well, yeah, because it's not in
17 evidence yet.

18 MR. BAILEY: Excuse me.

19 Do you recognize this thing I'm showing you?

20 A Yes, this is a photo of the Item 5 that I took from my,
21 my case jacket.

22 Q Okay. Does it look like it's been altered some size---

23 A It has been blown-up, yes --

24 Q Okay.

25 A -- and is in black and white and my original one here

Amanda Metz - Cross-examination
by Mr. Bailey

1 is in color.

2 Q Okay. And I mean would you say it's a fair and
3 accurate representation even though I've blown it up some?

4 A Correct, yes.

5 Q Okay. Okay. And can you tell us -- can you tell me
6 what's in that picture basically?

7 A Yes. So, it's the case number, my name, and the date
8 that I took this photo and the item and the item number and
9 the scale.

10 Q Okay. Great.

11 And the scale's to, I guess, measure the round
12 projectile?

13 A Well, yeah, it's just to give a scale as to, you know,
14 how large the item is.

15 Q Okay.

16 A So, yes.

17 Q So, obviously, the bullet's not as big as it is in the
18 picture but I've---

19 A Correct.

20 Q Okay.

21 A Yes.

22 MR. BAILEY: Okay. At this time, Your Honor, I would
23 like to submit Defense Exhibit 2 into evidence.

24 SOLICITOR CATHCART: without objection.

25 THE COURT: Defense 2 is in evidence without objection.

Amanda Metz - Cross-examination
by Mr. Bailey

1 (WHEREUPON, Defendant's Exhibit No. 2 was received into
2 evidence at this time.)

3 MR. BAILEY: Thank you, Your Honor.

4 I'm gonna, I'm gonna put it up here if that's okay,
5 investigator?

6 A Uh-huh. (Affirmative).

7 Q I'll try.

8 All right. So, you testified earlier that the round
9 that was recovered from Mr. Geter was a double wad cutter?

10 A A double ended wad cutter.

11 Q I'm sorry.

12 A Yes.

13 Q Double ended wad cutter?

14 A Yes.

15 Q Right.

16 And, and, and that means, I'm trying not to stand in
17 front of you, too much in front of the jury, a double ended
18 wad cutter, it's -- we've got -- we're flat on one end,
19 right, and flat on the other end?

20 A Yes, as, as you guys saw it when you looked, looked at
21 it.

22 Q Sure. And can I ask -- and I'm sorry.

23 Could I ask for the, the projectile back?

24 I've never had it.

25 SOLICITOR CATHCART: Sure.

Amanda Metz - Cross-examination
by Mr. Bailey

1 A It's right here.

2 Q Oh, it's back. Okay. Thank you.

3 Okay. So, so, here we are right here. This is, this
4 is the expended projectile?

5 A Yes.

6 Q And it's -- and that's what a double, I keep getting it
7 wrong, that's what a double ended wad cutter is, is it's
8 flat on both sides?

9 A Correct. Yes.

10 Q Okay. And sometimes, with a, a round or a bullet in
11 the cartridge, it kind of has a nose, right?

12 A So, ammunition manufacturers can create a projectile
13 however they see fit. It's however they want it to look.
14 They have sometimes this double ended wad cutter where it's
15 completely flat and it would be in line with a cartridge
16 case, the top of the cartridge case. So, it's almost flat.
17 You don't see a nose. Or they have semi wad cutters where
18 it's kind of like a cone shape. There's flat noses that
19 almost just kind of come up and then flat on the nose.
20 There's round noses, which is what you are talking about.
21 There are some points like fired points for rifle rounds.
22 There's -- however they want it to look. Polymer tip noses.
23 There's jacketed hollow points. There's, there's a lot.

24 Q But, but this is a flat one and these are---

25 A Yes.

Amanda Metz - Cross-examination
by Mr. Bailey

1 Q ---most commonly found in revolvers?

2 A Yes.

3 Q Okay. And you concluded in your report that, that this
4 round is most consistent with being a .38 class caliber
5 bullet?

6 A Correct.

7 Q We talked about that.

8 A Yes.

9 Q And that it was a lead double ended wad cutter most
10 commonly found in ammunition designed for revolvers?

11 A Correct.

12 MR. BAILEY: Okay. All right. Just a moment. Court's
13 indulgence, Your Honor.

14 THE COURT: Yes, sir, of course.

15 (Pause.)

16 MR. BAILEY: If I could mark this, just for
17 identification purposes only, Defense Exhibit 3. I guess
18 we're at three. Just for identification purposes only.

19 THE COURT: Is that unloaded, Mr. Bailey?

20 MR. BAILEY: Yes, sir.

21 THE COURT: I can bring it up to you if you'd like to
22 --.

23 (WHEREUPON, a fake gun was marked as Defendant's
24 Exhibit No. 3 for identification purposes only at this
25 time.)

Amanda Metz - Cross-examination
by Mr. Bailey

1 Q So, this -- Investigators Metz, I'm gonna, I'm gonna
2 hand you something. This is, you know, this is a -- I'm
3 gonna hand it to you like I would hand you a real firearm.
4 This is a model.

5 Do you -- have ever seen any -- seen a model like this
6 before?

7 A I -- well, not -- no, I've not seen it bright green but
8 yes, I mean this is like a revolver model of gun. Yeah,
9 revolver.

10 Q Okay. And it's like a training -- it's like a training
11 gun?

12 A Well, yes, we have training guns that actually function
13 but sure, yes.

14 Q It's -- mine is not as nice as Richland County
15 Sheriff's Department.

16 A Okay. Yes, this is not a real firearm and it doesn't
17 function as a real firearm. But, yes, this is a nice little
18 replica of an---

19 Q And---

20 A ---LCR.

21 Q And I'm sorry. Let me, let me show it to the
22 prosecution real quick. I'm sorry.

23 (Pause.)

24 Q So, you've had a chance to look at it. I can show it
25 to you again. So, I'm gonna point it in this direction. As

Amanda Metz - Cross-examination
by Mr. Bailey

1 my father would say, always treat it like it's loaded.

2 A Yes.

3 Q So, I'm outside of your line of fire but I do want the
4 jury to be able to take a, take a look at it.

5 This model is, is a model of a revolver, of a revolver.

6 Is that right?

7 A Correct.

8 Q Okay. And it has a cylinder in it, right, like Mr.
9 Cathcart was talking about?

10 A I'm sorry. I can't see where you're pointing cause
11 you---

12 Q I'm sorry.

13 A But, but, yes. Yes, this is the cylinder right here.

14 Q Okay. Okay. And this is the kind of firearm that
15 we -- that one would use or one would find a double wad
16 cutter round in, right?

17 So, we talk about revolvers, it's this style of
18 firearm?

19 A It is that style, yes.

20 Q Okay. They have a cylinder?

21 A Yes.

22 Q And it turns when shots are fired?

23 A Correct.

24 Q And it holds -- frequently it's gonna hold less rounds
25 than a semiautomatic, a lot of them?

Amanda Metz - Cross-examination
by Mr. Bailey

1 A Yes, generally -- it generally will hold five or six
2 but there's larger numbers. There could be eight or lesser
3 numbers. But yes, that is correct.

4 Q And I believe you and Mr. Cathcart talked about -- I
5 mean normally there's a hammer here, right?

6 A Yes. So, this is an example of a hammerless revolver.
7 So, this would be that double action that I'm speaking of.
8 So, the internal -- the hammer is internal. So, that means
9 every time you pull the trigger, the internal hammer will,
10 will move forward and fall forward to strike the firearm.

11 Q And then the cylinder is gonna turn every time you pull
12 the trigger?

13 A Correct, yes. So, then it revolves to the next
14 chamber.

15 Q So, if I -- if this were an actual firearm and I fired
16 it, you know, five times or whatever, I know this model
17 looks like it would be a .38 to me?

18 It says training gun on it.

19 A It does.

20 Q But I've already been -- my gun has been kind of shamed
21 by, by -- you guys have really, you know, really good
22 training weapons.

23 A I -- well, LCR, I mean yes, it looks size and shaped---

24 Q Okay.

25 A ---like a .38 special.

Amanda Metz - Cross-examination
by Mr. Bailey

1 Q Okay. And, and when I have fired this, this piece,
2 it's not going to eject any shell casings, right?

3 A Correct, that's the difference between a revolver and a
4 pistol.

5 Q Okay. And like a semiautomatic?

6 A Yeah, I'm sorry. When I say pistol, I mean
7 semiautomatic pistol. It's just shortening.

8 Q Correct.

9 All right. I'm glad, glad you mentioned semiautomatic
10 pistol.

11 Court's indulgence.

12 THE COURT: Mr. Bailey, solicitor, step up here just a
13 moment.

14 MR. BAILEY: Yes, sir.

15 THE COURT: Ladies and gentlemen, please step out for a
16 moment. We'll take -- I'll say we'll take about a 15 minute
17 recess at this time. Do not discuss the case with anyone at
18 this time.

19 (WHEREUPON, the following takes place outside the
20 presence of the jury.)

21 THE COURT: Detective Metz, you may certainly step down
22 during this brief recess. Do not discuss your testimony.
23 Thank you. Thank you very much.

24 Court will be in recess 15 minutes.

25 SOLICITOR CATHCART: Fifteen minutes, yes, sir.

Amanda Metz - Cross-examination
by Mr. Bailey

1 THE COURT: Thank you.

2 (WHEREUPON, a short recess was taken at this time.)

3 THE WITNESS: Go back up?

4 THE COURT: Yes, ma'am.

5 (WHEREUPON, the witness returns to the stand.)

6 (WHEREUPON, a fake gun was marked as Defendant's
7 Exhibit No. 4 for identification purposes only at this
8 time.)

9 THE COURT: All right. Are you ready for the jury,
10 solicitor?

11 SOLICITOR CATHCART: Yes, sir.

12 THE COURT: Mr. Bailey?

13 MR. COMISH: Yes, sir.

14 MR. BAILEY: We're ready, sir. Yes, sir.

15 THE COURT: Mr. Comish said you were ready.

16 MR. BAILEY: He spoke accurately, Your Honor.

17 MR. COMISH: Mr. Bailey is always ready, Your Honor.

18 THE COURT: That's right.

19 MR. BAILEY: Just talking, just talking to somebody,
20 Your Honor.

21 (WHEREUPON, the following takes place within the
22 presence of the jury.)

23 THE BAILIFF: The jury is seated, Your Honor.

24 THE COURT: All right. Thank you. Thank you very
25 much, Mr. Bailiff.

Amanda Metz - Cross-examination
by Mr. Bailey

1 Mr. Bailey, you may continue. Thank you.

2 MR. BAILEY: Thank you, Your Honor.

3 May it please the Court?

4 THE COURT: Yes, sir.

5 CONTINUED CROSS-EXAMINATION

6 BY MR. BAILEY:

7 Q Investigator Metz, so, before we left, took a break, we
8 talked about, we talked about a revolver and what makes a
9 revolver or how a revolver works, right?

10 A Yes.

11 Q Okay. And I have -- now, I'm gonna show you what I
12 have marked Defense Exhibit 4 for identification purposes
13 only. This is another model, another training gun, albeit
14 not as nice and fancy as Richland County.

15 A Yes.

16 Q Okay. And what, what type of -- generally, what type
17 of pistol would you say this, this looks like?

18 A Are you asking for the caliber or, or are -- you just
19 mean---

20 Q I'm, I'm asking too broad a question for a firearms
21 expert.

22 A I'm sorry.

23 Q Would, would you say this is a -- this looks accurately
24 like a semiautomatic pistol?

25 A Oh, yes. Yes. Sorry.

Amanda Metz - Cross-examination
by Mr. Bailey

1 So, this is a semiautomatic pistol. The confusion was
2 there are handguns and, of that, there are two types,
3 semiautomatic pistols or pistols, and revolvers.

4 Q Okay.

5 A Sorry.

6 Q No, that's great.

7 And sometimes people call a semiautomatic an automatic
8 kind of for short, right?

9 Maybe they shouldn't but---

10 A They shouldn't.

11 Q Right.

12 My, my dad is a gun freak but I hear him say, you know,
13 automatic. Sometimes people say cause---

14 A Yes, they -- because it, it feeds and ejects. It
15 cycles almost by itself.

16 Q An automatic loader but not like a fully automatic
17 maching gun?

18 A Right, it is now fully automatic. It's semiautomatic.
19 So, that means every time you pull the trigger it will fire
20 and then it will -- as long as the magazine still has
21 ammunition in it whereas a fully automatic, you depress the
22 trigger and it goes until you, you stop pulling the trigger.

23 Q And, and sometimes -- but sometimes people will say
24 automatic versus revolver when they're trying to compare the
25 two even if it is a masterdized version kind of --?

Amanda Metz - Cross-examination
by Mr. Bailey

1 A Probably, yes.

2 Q Okay. Okay. So, so, so, now, a semiautomatic pistol,
3 as we've talked about, it, it doesn't have a cylinder,
4 right?

5 A Correct. No.

6 Q Okay. And, and there's a magazine that holds the
7 rounds?

8 A Yes.

9 Q Okay. And that -- and you put the magazine in the base
10 of the, the base of the firearm?

11 A Correct.

12 Q And, and I believe you said -- and it, it loads
13 automatically after each?

14 A So, so, when you have a magazine, you put it in a
15 magazine. You -- unless you hand fed one into the chamber,
16 you would have to pull this slide rearward and to strip the
17 first cartridge off the magazine and into the chamber, which
18 roughly is here, and then, from there on, it's ready. You
19 pull the trigger, the firing pin will strike the primer, and
20 then it will fire. And then you'll have your extraction and
21 ejection, and then as the slide moves forward, it goes
22 through that cycle again stripping the cartridge off that
23 magazine and up into the chamber.

24 Q And when it's -- the shell, the shell, the shell casing
25 is what's left after the projectile is expended from the

Amanda Metz - Cross-examination
by Mr. Bailey

1 firearm, right?

2 A Yes. So, ammunition, a cartridge, is made up of a
3 cartridge case, a bullet or projectile, the gun powder,
4 which is housed inside the cartridge case and a primer. And
5 so, when it's fired, a bullet is what goes down and out the
6 barrel and towards your target and a cartridge case, in a
7 semiautomatic pistol, is what's manually extracted and
8 ejected. And then a revolver is what stays housed inside
9 the cylinder.

10 Q Okay. When you say the shell gets thrown out, I mean
11 it's, it's thrown out after the round is fired, after the
12 shot is fired?

13 A Yes. So, okay. So, the gun has to fire first. Your
14 projectile will go down and out the -- out the barrel or the
15 bore. And then as this slide here moves rearward, there's
16 like a little hook right about here called the extractor,
17 and then inside there's a little post called the ejector.
18 Sometimes it's the firing pin will be your ejector but --
19 so, as the, the extractor kind of hooks it and pulls it out
20 of the, the, the chamber here, it will also hit that post
21 and kind of kick it out what's, what's known as the ejection
22 port.

23 Q So --.

24 A And then --.

25 Q So, shell casings are thrown out of the semiautomatics?

Amanda Metz - Cross-examination
by Mr. Bailey

1 A Yes. So, it's kind of kicked out.

2 Q Okay. Unlike revolvers where they don't
3 automatically---

4 A Right. They stay housed inside that chamber until you
5 manually do it yourself.

6 Q Okay. And then, just now, we had a little bit of a
7 time, break in there, but just to go back to, to your
8 results, your, your conclusion was that this was fired from
9 a revolver.

10 Is that right?

11 A I said it's, it's most consistent with ammunition for
12 revolvers.

13 Q Okay.

14 A Yes.

15 Q So, you believe -- more like -- much more likely than
16 not this was fired---

17 A More than likely or not, it's for a revolver.

18 Q Okay.

19 A Yes.

20 Q And you said you had only heard of like one gun that
21 had maybe been made to---

22 A Yes. So, there's only one that I know of semiautomatic
23 pistol that will fire wad cutters and it's the Smith &
24 Wesson Model 52 because, generally, because it's kind of
25 flat and stubby, it's gonna hit that ramp and stop unlike

Amanda Metz - Cross-examination
by Mr. Bailey

1 whereas if there's a nose it will fly up that ramp.

2 Q But these are typically made for revolvers?

3 A These are typically made for revolvers, yes.

4 Q All right. Thank you.

5 No further questions at this time.

6 THE COURT: Thank you, Mr. Bailey.

7 Redirect, solicitor?

8 SOLICITOR CATHCART: Yes, sir.

9 REDIRECT EXAMINATION

10 BY SOLICITOR CATHCART:

11 Q Just one thing I neglected to do.

12 Can you describe for the jury your training?

13 A Yes. So, I have a Bachelor of Arts in Anthropology and

14 Art History. I have a -- from Oakland University. I have a

15 Master's of Science in Forensic Archeology and International

16 Crime Scene Investigation from Hormoth (phonetic)

17 University. I've worked for Richland County since 2010. I

18 recently moved up to the laboratory in 2011.

19 At that time, I underwent an extensive three year

20 training program during which I completed the Bureau of

21 Alcohol, Tobacco & Firearms in explosives, their national

22 firearm examiners academy. And then I also completed 400

23 and -- approximately 415 cases under the direct supervision

24 of a qualified firearm and tool mark examiner.

25 I also completed a competency test in firearm

Amanda Metz - Redirect examination
by Solicitor Cathcart

1 examination, tool mark examination, serial number
2 restoration, and distance determination, and I am also a
3 member of our professional organization.

4 Q And all those things making you an expert in firearms
5 identification?

6 A Yes.

7 SOLICITOR CATHCART: Your Honor?

8 A I've been qualified -- I'm sorry.

9 Q I'm sorry?

10 A I was just -- and I've been qualified as an expert
11 witness previously in the Court of South Carolina.

12 SOLICITOR CATHCART: Okay. At this time, the State
13 moves to have her qualified as an expert in firearms
14 identification.

15 MR. BAILEY: Certainly no objection from the defense,
16 Your Honor.

17 THE COURT: All right. Thank you, Mr. Bailey. Thank
18 you, solicitor.

19 Ladies and gentlemen, normally a person can not give
20 opinion testimony. Normally, when a person testifies, they
21 must testify as to either what they saw, heard, sensed by
22 smell, something of that nature. However, there is an
23 exception when someone is qualified because of education,
24 training, experience in a particular art, craft, science, or
25 profession. They are permitted to give their opinions in

Amanda Metz - Redirect examination
by Solicitor Cathcart

1 certain areas when the Court qualifies them that way.

2 This witness, Agent Amanda Metz, will be qualified in
3 the area of firearms identification to give opinion
4 testimony in that area. That does not mean that you must
5 accept the opinion or opinions but it is evidence for you,
6 the jury, to use in anyway you deem fit and appropriate.

7 Thank you, solicitor.

8 SOLICITOR CATHCART: Thank you, Your Honor.

9 Q Now, you, as you just mentioned, have gone through
10 extensive training in firearms.

11 A Yes.

12 Q Correct?

13 Defense counsel showed you his Defense Number, for
14 identification, 3 and 4.

15 A Yes.

16 Q That is a replica of a -- looks like a snubnose
17 probably a .380, maybe even a .357.

18 A Probably a .38 special, yes---

19 Q I mean .38. You're right.

20 A ---revolver, yes.

21 Q You're the expert.

22 Hammerless?

23 A Yes.

24 Q why would it be hammerless?

25 A Because of the rounded edge. So, you don't see the

Amanda Metz - Redirect examination
by Solicitor Cathcart

1 hammer. It's internal.

2 Q But it's -- the purpose of it is what, for concealment,
3 just so the---

4 A Concealment, yeah, but --.

5 Q Okay.

6 A Cause it's---

7 Q Is this the only thing that a .38 Special or a .357,
8 the only kind of revolver it would come in?

9 A No. So, this is just an example, and like we said
10 snubnose, that means the barrel is short but, Cowboy movies,
11 they have long barrels or short barrels. The, the idea of a
12 revolver versus a pistol is, is just the mechanics of it
13 meaning you have that cylinder that houses the chambers that
14 are separate from the barrel. The actual look of the
15 firearm is however the manufacturer deems it to be.

16 Q And a barrel could, on even a double action revolver,
17 could be -- I mean you've seen them longer than this?

18 A Oh, yeah. Yes.

19 Q How much longer than this ish?

20 A They can range anywhere from, from that to 6-inches to
21 8-inches to --.

22 Q Almost like this?

23 A Yes.

24 Q A big nose if we want to say?

25 Longer nose or barrel but they don't---

Amanda Metz - Redirect examination
by Solicitor Cathcart

1 A A long barrel, yes.

2 Q Okay. And same with automatics?

3 A Yes.

4 Q This is a replica of it looks like a Beretta, I guess,
5 ish?

6 A Sure.

7 Q But it's -- would that be a large frame automatic or a
8 small frame automatic?

9 A It's a larger frame. It depends on the caliber
10 obviously. I think it was marked in 9-millimeter. So,
11 that -- I don't know that that's neither large nor small.
12 It's kind of random. I don't---

13 Q Do they make smaller automatics?

14 A Yes, they do. They make them pocket size.

15 Q Pocket size.

16 Your Honor, I will assure you this is a -- clear. I've
17 cleared it with the deputies in the courtroom.

18 THE COURT: Cleared and has a lock?

19 SOLICITOR CATHCART: It does, Your Honor.

20 THE COURT: All right. All right. Thank you.

21 SOLICITOR CATHCART: And the deputies have the key.

22 THE COURT: Thank you. Thank you very much, solicitor.

23 SOLICITOR CATHCART: Get this marked for State's

24 Exhibit for identification.

25 (WHEREUPON, a gun was marked as State's Exhibit No. 30

Amanda Metz - Redirect examination
by Solicitor Cathcart

1 for identification purposes only at this time.)

2 Q Let me show you what's been marked as State's Exhibit
3 No. 30 for identification purposes only.

4 Can you describe what that is?

5 A It is a Lorcin semiautomatic pistol .25 auto caliber
6 model LT25.

7 Q So, it is a semiautomatic?

8 A This is semiautomatic, yes.

9 Q It's the same gun as this?

10 A It functions the same, yes. This is a different
11 caliber firearm. This is .25 auto caliber.

12 Q Are you familiar with a Desert War Eagle -- I mean
13 Desert Eagle?

14 A Yes, Desert Eagle is, is very large but it is also a
15 larger caliber.

16 Q But is it a semiautomatic?

17 A It is a semiautomatic, yes. So, they range from this
18 to very---

19 Q To giant?

20 A ---to large to -- yes.

21 Q The same with these?

22 A Correct. Yes.

23 Q I believe it's -- well, American Arms makes a little
24 tiny pistol---

25 A An itty-bitty.

Amanda Metz - Redirect examination
by Solicitor Cathcart

1 Q -- revolver, don't they?

2 A Yes.

3 Q And so, lesser than the palm of my hand?

4 A Correct. Yes.

5 Q And they make giant ones?

6 A And they make giant ones, yes.

7 Q Okay. Are you familiar with Gun Trader's Guide or
8 Shooter's Bible?

9 A Yes.

10 Q What are these?

11 A Well, they're, they're catalogs or, or reference books
12 that you can use to -- let's see. The Gun Trader's would be
13 for pricing of firearms and Shooter's Bible is sort of the
14 same thing. It's gonna give you a lot of information about
15 firearms.

16 SOLICITOR CATHCART: Just have these marked for
17 identification as well also please, ma'am.

18 (WHEREUPON, the Shooter's Bible was marked as State's
19 Exhibit No. 31. The Gun Trader's Guide was marked as
20 State's Exhibit No. 32. Both were for identification
21 purposes only at this time.)

22 SOLICITOR CATHCART: Thank you.

23 Let me show you just basically a page of Gun Trader's
24 Guide.

25 A Uh-huh. (Affirmative).

Amanda Metz - Redirect examination
by Solicitor Cathcart

- 1 Q Can you describe what's in that?
- 2 A This page---
- 3 Q Just in general.
- 4 Is it a picture of---
- 5 A Oh, revolvers.
- 6 Q Revolvers.
- 7 A Uh-huh. (Affirmative).
- 8 Yes.
- 9 Q Are they all the same size as this little revolver?
- 10 A No.
- 11 Q What are those -- what's the difference between those
- 12 revolvers?
- 13 A Well, some of these have shorter barrels. Some of them
- 14 have longer barrels. I'd have to read more to see what
- 15 calibers.
- 16 Q So, a longer---
- 17 A And then their prices.
- 18 Q ---nose on some of them than the others?
- 19 A Yes.
- 20 Q I mean barrel.
- 21 A Barrel, yes.
- 22 Q Okay. And is that -- are these uncommon or common as
- 23 well?
- 24 A They're, they're common. It's however -- whatever size
- 25 revolver you would like to purchase.

Amanda Metz - Redirect examination
by Solicitor Cathcart

1 Q Okay. And there are .38 caliber -- they would shoot
2 the wad cutter if it's in the .38 caliber?

3 A Correct. Yes.

4 Q Okay. And, again, as to State's Exhibit No. -- oh,
5 there it is. Oh, it's red. Okay. Red.

6 31, just as to that weapon right there?

7 A Yes, that is a revolver.

8 Q That is a revolver?

9 A Uh-huh. (Affirmative).

10 Q That's listed as in .357 Magnum but that's basically
11 the same -- that would shoot that wad cutter as well, would
12 it not?

13 A Yes, correct.

14 Q Being a little bit bigger than a snubnose detective
15 special, correct?

16 A Yes.

17 Q You've had a lot of training in, in weapons, correct?

18 A I've -- yes, I've had training in weapons.

19 Q Oh, I'm sorry.

20 A Mostly my training is, is for what I do
21 microscopically. That's what a vast majority of my training
22 was but, since this projectile, there really have --
23 microscopic marks---

24 Q Okay. And based on that training and your extensive
25 training with firearms and identification of firearms --

Amanda Metz - Redirect examination
by Solicitor Cathcart

1 A Yes.

2 Q -- could you tell the difference in this weapon firing
3 an automatic, or, excuse me, a revolver or an automatic
4 firing just by their sound as you are running to the phone?

5 A No.

6 Q No.

7 A I, I---

8 Q This shooting is about the same speed, as fast as you
9 can pull the trigger, correct?

10 A As fast as you pull the trigger.

11 Q You would not be able to tell the difference if
12 somebody's shooting this gun or shooting this gun based on
13 the sound, correct?

14 A No.

15 Q Thank you.

16 No further questions.

17 THE COURT: Thank you, solicitor.

18 Mr. Bailey.

19 MR. BAILEY: Thank you, Your Honor.

20 Please the Court.

21 RE CROSS EXAMINATION

22 BY MR. BAILEY:

23 Q Investigator, all revolvers have a cylinder, right?

24 A Correct.

25 Q Okay.

Amanda Metz - Recross examination
by Mr. Bailey

1 A Yes.

2 Q So, so, this -- so, this, this revolver here, which
3 happens to be a .38 class, again, I know it's a, it's a
4 rubber gun.

5 A Yes.

6 Q And this bullet appears to be a .38 class?

7 A Class, yes.

8 Q Okay. And all, all revolvers have this cylinder.
9 That's what makes it a revolver?

10 A Right. Yes.

11 Q Okay. And, and this little, this little semiautomatic,
12 this, this is a .25 caliber.

13 It's a little gun, right?

14 A Yes.

15 Q Okay. And this -- there's no revolver here, right?

16 A No, that's a -- yes, that's a semiautomatic pistol.

17 Q Okay.

18 All right. No further questions.

19 Thank you.

20 THE COURT: Thank you. Thank you very much,

21 Mr. Bailey.

22 Thank you for being with us this morning, Agent Metz.

23 THE WITNESS: Thank you.

24 THE COURT: You may step down and you may be excused.

25 solicitor, you may call your next witness.

Ashleigh Dixon - Direct examination
by Solicitor Potts

1 SOLICITOR POTTS: State calls Ashleigh Dixon.

2 ASHLEIGH DIXON, being first duly
3 sworn, testified as follows:

4 THE CLERK: Please have a seat.

5 (Witness complies.)

6 THE CLERK: State your full name for the record.

7 DIRECT EXAMINATION

8 BY SOLICITOR POTTS:

9 Q State your name for the record please.

10 A Ashleigh Dixon.

11 Q Good afternoon, Ms. Dixon.

12 A Good afternoon.

13 Q Where do you currently work?

14 A Richland County Sheriff's Department in the DNA lab.

15 Q Okay. And what's your role in the DNA lab?

16 A I assist analysts in case work. So, I pick up case
17 work and prep it for them and pass it along to them.

18 Q Okay. So, I guess when something comes out of
19 evidence, you would receive it?

20 A Yes, sir.

21 Q Okay. And then what, what would you do with it?

22 A I will take, either if it's a swab, I'll take a cutting
23 from the swab. If it's physical evidence, I'll either swab
24 it or scrape it and put it in a tube and then pass it along
25 to the analyst.

Ashleigh Dixon - Direct examination
by Solicitor Potts

1 Q Okay. Do you do any actual testing on the items
2 themselves?

3 A If there's -- I screen it for -- if there's a potential
4 for blood or semen, I do do that but I don't do any analysis
5 on it.

6 Q Okay. Do you do any, I guess, DNA analysis on what
7 you---

8 A No.

9 Q You don't do any of that?

10 A Hu huh. (Negative).

11 Q Okay. Did you have an opportunity to come into contact
12 with some items in this case?

13 A Yes, sir.

14 Q Okay. I want to show you what is marked as State's
15 Exhibit No. 27 and I believe that is Item 1.

16 A Okay.

17 Q Okay. Did you come into contact with that?

18 A Yes, sir.

19 Q When it came to you, was it still sealed?

20 A Yes, sir.

21 Q Was there any evidence that anyone had messed with it
22 or with it tampered in anyway?

23 A No, sir.

24 Q Okay. What is Item 1?

25 A Item 1 is a Buccal swab from Willie Geter, the victim.

Ashleigh Dixon - Direct examination
by Solicitor Potts

1 Q Okay. And what did you do with that when you received
2 it?

3 A I took a cutting or there were two swabs and I took a
4 cutting from the swab.

5 Q What's, what's a cutting of the swab?

6 A A cutting is I take sterile scissors and cut the tip of
7 it. It's kind of like a Q-tip, a Buccal swab is, and I put
8 the cutting into a tube and then pass it along to the
9 analyst.

10 Q Okay. So, basically, you take the thing that's been
11 prepared already, cut a little bit off, and get it ready for
12 an analyst?

13 A Yes, sir.

14 Q Okay. And then who did you give that to, the analyst?

15 A Rachel Grant.

16 Q Okay. Did you come in contact with anything else from
17 this case?

18 A Yes, sir, Items 13, 14 --.

19 Q I'm gonna show you -- I'm gonna hand you up what is
20 marked as State's Exhibit No. 28.

21 A Okay.

22 Q Tell me if that is Item 13 and 14.

23 A Yes, sir.

24 Q Okay. When you received those, was it opened up in
25 anyway?

Ashleigh Dixon - Direct examination
by solicitor Potts

1 A No, sir.

2 Q was it still sealed?

3 A Yes, sir.

4 Q Had any -- was there any evident tampering with it?

5 A No, sir.

6 Q Okay. Had there been tampering with it --

7 A No, sir.

8 Q -- what would you have done?

9 A I would of taken it back down to evidence and either
10 the evidence technician would of fixed it or they would of
11 called the officer or whoever turned it in in the first
12 place to come fix it.

13 Q And none of that happened in this case?

14 A No, sir.

15 Q And what did you do with State's Exhibit No., I forget
16 what number it was, State's wise, No. 28, when you received
17 it?

18 A Item 13, which is a swab from the blue plastic cup, I
19 took a pair of sterile scissors and cut off a cutting from
20 each one of the swabs and then put it into the tube and
21 passed it along to the analyst for further analysis.

22 Q And the analyst in this case would be?

23 A Rachel Grant.

24 Q Okay.

25 A And the same with Item 14, which was the swab of the

Ashleigh Dixon - Direct examination
by Solicitor Potts

1 cut off from the plastic bottle.

2 Q So, two swabs were in the same container.

3 You then cut them from both and passed them off to
4 Rachel Grant?

5 A Yes, sir.

6 Q Okay. And now I'm also gonna show you what is marked
7 State's Exhibit No. 24. This is Item Number 18.

8 Let me know if you came into contact with that.

9 A Yes, sir.

10 Q Now, where did you get that?

11 A From the evidence room.

12 Q Okay. And did you do anything to it in-between?

13 A Yes, sir.

14 Q What did you do?

15 A I took a sterile swab and put distilled water on it and
16 swabbed the outside of the, the rim of it and then took the
17 cutting from that swab and put it in the tube and passed it
18 along to the analyst.

19 Q Now, we keep saying it here. I just want to be clear.

20 What is Item Number 18?

21 What's it labeled as?

22 A A plastic cup in brown bag.

23 Q Okay. So, the first -- so, Items Number 13 and 14 came
24 to you as swabs already?

25 A Yes.

Ashleigh Dixon - Direct examination
by Solicitor Potts

1 Q And you had to make a swab I guess of Item Number 18?

2 A Yes, sir.

3 Q Okay. And that is, once again, just for the record,
4 State's Exhibit No. 24.

5 when you picked this up from evidence, was it --
6 appeared to be tampered in anyway?

7 A No, sir.

8 Q Okay. And then you passed along the swab you generated
9 to whom?

10 A To Analyst Rachel Grant.

11 Q Okay. I'll take those items back from you real quick.
12 Beg the Court's indulgence one second.

13 THE COURT: Yes, sir.

14 (Pause.)

15 Q Thank you.

16 No further questions.

17 THE COURT: All right. Thank you.

18 MR. COMISH: We have no questions, Your Honor.

19 THE COURT: Thank you. Thank you very much for being
20 with us---

21 THE WITNESS: Thank you..

22 THE COURT: ---this morning. You may step down.

23 THE WITNESS: Thank you.

24 THE COURT: And you may be excused.

25 All right. Solicitor, you may call your next witness.

Rachel Grant - Direct examination
by Solicitor Cathcart

1 SOLICITOR CATHCART: State calls Rachel Grant.

2 RACHEL GRANT, being first duly
3 sworn, testified as follows:

4 THE CLERK: Please have a seat.

5 (Witness complies.)

6 THE CLERK: State your full name for the record.

7 THE WITNESS: Rachel Grant.

8 DIRECT EXAMINATION

9 BY SOLICITOR CATHCART:

10 Q Ms. Grant, where are you employed?

11 A I'm employed at the Richland County Sheriff's
12 Department.

13 Q In what capacity?

14 A I am the DNA technical leader.

15 Q And what training have you had for that job?

16 A Well, initially I have a Bachelor's Degree in Biology
17 and Chemistry from Winthrop University. I have a Master's
18 Degree in forensic serology and DNA from the University of
19 Florida.

20 Once I began my career at RCSC, I've undergone an
21 extensive forensic serology and DNA training. I
22 successfully passed competencies and proficiencies set forth
23 by the FBI and the DNA advisory board.

24 Q Have you ever been qualified as an expert in this
25 before?

Rachel Grant - Direct examination
by Solicitor Cathcart

1 A I have.

2 Q How many times?

3 A I believe this is number sixteen.

4 SOLICITOR CATHCART: Okay. Your Honor, at this time,
5 the State seeks to introduce Rachel Grant as an expert in,
6 in forensic DNA.

7 MR. COMISH: Without objection, Your Honor.

8 THE COURT: All right. And, again, ladies and
9 gentlemen, y'all heard my charge previously on expert
10 testimony.

11 This witness will be qualified as an expert in the
12 field of DNA analysis did you say, solicitor?

13 SOLICITOR CATHCART: That's correct, Your Honor.

14 THE COURT: In DNA analysis to give opinion testimony
15 in that regard. Be up to you, the jury, to use that
16 testimony and the opinions in anyway you deem fit and
17 appropriate.

18 Thank you, solicitor. You may continue.

19 SOLICITOR CATHCART: Thank you, Your Honor.

20 Q were you working as a DNA analyst back in August 2015?

21 A That's correct.

22 Q And at -- on -- around that time, did you have the
23 opportunity to start working on a Case Number 1506041919?

24 A Yes.

25 Q what did you do in this case?

Rachel Grant - Direct examination
by Solicitor Cathcart

1 A In this particular case, I received some evidence
2 cuttings from our DNA technician, Ashley Dixon, and then
3 started the analysis.

4 Q And these were DNA cuttings as to which items?
5 Do you recall?

6 A Just reading from my report, would you like me to list
7 through them?

8 Q Yes. Please.

9 A Item 1, which is -- which was a Buccal swab from Willie
10 Geter.

11 Q Okay.

12 A Item 2 is the head standard.

13 Item 3 was a pubic standard.

14 Item 13 was a swab from blue plastic cup.

15 Item 14 was a swab from a cut off plastic bottle.

16 Item 15 was a rag.

17 Item 17 was a Buccal swab from Lessie Brown.

18 Item 18 was a plastic cup and a brown bag.

19 Then Item 29 is a Buccal swab from Antwon Baker.

20 Q Okay. And what did you do with these samples?

21 A So, the first part of the analysis, after it's
22 processed, is called an extraction and basically that is our
23 attempt to extract out, purify any DNA that's present in
24 that sample.

25 Once that's complete, we do what's called a

Rachel Grant - Direct examination
by Solicitor Cathcart

1 quantitation and that analysis will give us basically how
2 much is -- DNA is in that sample. Sometimes there's not
3 any. Sometimes there's a lot. So, it would actually give
4 us a concentration.

5 Then, from there, we do what's called an amplification
6 and it takes the DNA that's present and it just makes
7 billions of billions of copies of this DNA that we're trying
8 to look at at a more closer level. Then once those copies
9 are made, we then separate those fragments using a genetic
10 analyzer and it will then give us a DNA profile or a
11 genotype that we can use for comparison.

12 Q Okay. And then you did that?

13 A Correct.

14 Q And then what did you do?

15 A At that point, interpret the, the data and then issue a
16 report.

17 Q Okay. And you issued a report in this case?

18 A I did.

19 Q And what does the report show as to items that you've
20 tested?

21 A If you like, I can just read through the conclusions
22 from my report?

23 Q Please.

24 A So, Item 13, which was a swab from a blue plastic cup,
25 the DNA result from Item 13 is a mixture. The major

Rachel Grant - Direct examination
by Solicitor Cathcart

1 contributor of this mixture is an unknown male individual
2 and has been entered into the combined DNA index system.
3 Willie Geter and Lessie Brown are excluded as contributors
4 to this mixture. Please submit known standards for
5 inclusion and exclusion purposes.

6 Q Okay. And as to Item Number 14?

7 A Item 14, which was the swab from cut off plastic
8 bottle, the DNA result from Item 14 matches Willie Geter.

9 Q Okay. And so, the swab that was done on the cut
10 plastic bottle --.

11 A Item 14.

12 Q Item 14 is -- the DNA on that was Willie Geter's?

13 A That's correct.

14 Q Okay. And as to Item Number 18?

15 A The DNA result from Item 18 matches Antwon Baker.

16 Q And Item 18 is listed as what?

17 A 18 was the plastic cup in brown bag.

18 Q Okay. When you say that it -- the DNA on that cup is
19 Antwon Baker's?

20 A That's correct. It matched Antwon Baker.

21 Q And you are positive of that?

22 A Yes.

23 Q How do you -- do you quantify that as to how sure you
24 are as to whether it's his DNA or not?

25 A That's correct.

Rachel Grant - Direct examination
by Solicitor Cathcart

1 Q How do you do that?

2 A So, we have -- anytime the data generates a positive
3 association being a match or a inclusion to a mixture, we
4 have to give a statistical weight and that's an FBI rule.
5 That's not RCSD rule. And so, from there, using the FBI
6 database, we are able to calculate the probability or
7 likelihood that something -- that, that profile belongs to
8 that person.

9 Q Okay. And you did that in this case?

10 A Yes.

11 Q And did you have a number that you arrived at?

12 A I did.

13 Q And what would that number be?

14 A Based on the most recent population data available and
15 the genetics results obtained, Antwon Baker is greater than
16 1.29 nonillion times more likely to be the source of this
17 DNA result than a random unknown individual.

18 Q So, nonillion, what is that number exactly?

19 A Nonillion basically has 30 zeros behind it. So, 1.2
20 plus an additional 30 zeros.

21 SOLICITOR CATHCART: Okay. Beg the Court's indulgence.
22 (Pause.)

23 SOLICITOR CATHCART: Please answer any questions from
24 defense counsel.

25 THE COURT: Thank you, solicitor.

Rachel Grant - Cross-examination
by Mr. Comish

1 Mr. Comish.

2 MR. COMISH: Thank you, Your Honor.

3 CROSS-EXAMINATION

4 BY MR. COMISH:

5 Q So, you can definitively say that Mr. Baker took a sip
6 of water or held the cup?

7 A I can't say that. All I know is that the swab taken
8 from that item matched Antwon Baker. I, I can't tell you
9 how it was left.

10 Q But the cup was in his possession or he touched the
11 cup?

12 A There'd have to be some type of transfer that takes
13 place.

14 Q Okay. So, let me rephrase to make sure we're on the
15 same page.

16 You can definitely say that Antwon Baker transferred
17 his DNA to the cup?

18 A Correct.

19 Q Thank you.

20 No further questions, Your Honor.

21 THE COURT: Thank you.

22 Anything in redirect?

23 SOLICITOR CATHCART: No, sir.

24 THE COURT: Thank you very much, Agent Grant. You may
25 step down and you may be excused.

Michael Wiggins - Direct examination
by Solicitor Potts

1 Solicitor, you may call your next witness.

2 SOLICITOR POTTS: The state calls Sergeant Wiggins.

3 THE COURT: All right. Come around and join us please.

4 MICHAEL WIGGINS, being first duly
5 sworn, testified as follows:

6 THE CLERK: Please have a seat.

7 (Witness complies.)

8 THE CLERK: State your full name for the record.

9 THE WITNESS: Okay. I'm Sergeant Michael Wiggins with
10 the Pascagoula Police Department.

11 DIRECT EXAMINATION

12 BY SOLICITOR POTTS:

13 Q I guess, first off, Sergeant Wiggins, where is
14 Pascagoula?

15 A It's the southern most city in Mississippi. Border on
16 the Gulf of Mexico.

17 Q Okay. So, I guess you, you get a lot of tourists there
18 or---

19 A We get some, yes, cause we have casinos and other
20 attractive sites.

21 Q What do you do at the Pascagoula Police Department?

22 A I'm currently a shift sergeant with A Shift.
23 Previously, before that, I spent three years in the CID
24 Division.

25 Q What's CID?

Michael Wiggins - Direct examination
by Solicitor Potts

1 A Criminal Investigation Division.

2 Q Okay. Now, how long you been at Pascagoula?

3 A I been at Pascagoula for nine years.

4 Q What did you do before that?

5 A I worked one year at Kerr County Probation & Parole.

6 Before that I spent 12 years in the military.

7 Q Okay. And, sergeant, if you don't mind slowing down a
8 little bit for me.

9 A I'm sorry.

10 Q I'm a fast talker myself and so I know the court
11 reporters hate it when I talk too fast.

12 A Excuse me.

13 Q So, if you could slow down a little bit with me I'd
14 appreciate it.

15 So, you, you spent -- sorry. I heard one year at
16 probation?

17 A Uh-huh. (Affirmative).

18 Q And then, before that, what did you do?

19 A I did 12 years in the military, two different branches.
20 Started out in the Navy and went to the Army.

21 Q Okay. Two different -- how, how did the two different
22 branch thing work?

23 A I was in the Navy. I knew I couldn't be a SEAL but I
24 wanted to contribute to the war. So, I went to the Blue
25 Green Program.

Michael Wiggins - Direct examination
by Solicitor Potts

1 Q Okay. And that allowed you to transfer into the Army?

2 A Yes, sir.

3 Q So, can you tell the jury a little, a little bit about
4 how you got involved in this case?

5 A Okay. It was June 24th. I was on patrol doing a
6 follow-up on a different investigation when U.S. Marshals
7 Task Force asked for a detective to come to their scene.
8 They were at Redstone Apartments. I was at the corner of
9 Mobile Hospital. I know you don't know where that's at.
10 It's about a block away.

11 Q And so, I guess, were you one of the closest guys?

12 A I was the closest detective to the scene.

13 Q Okay. And so, I guess you said the federal marshals
14 gave you a call out and they needed -- why did they need a
15 detective there?

16 A Just in case a possible search warrant was needed.

17 Q Okay. So, you answered the call?

18 A Yes, I did.

19 Q Okay. And so, what did you do once you arrived at that
20 scene?

21 A I met with the marshals. Came up with a plan to try to
22 find the suspect in Apartment .

23 Q Did you know who the suspect was?

24 They gave you a name?

25 A Yes, they did.

Michael Wiggins - Direct examination
by Solicitor Potts

1 Q What was the name they gave you?

2 A Mr. Butler. I'm sorry. I forgot his name.

3 Q Would it be Antwon Baker?

4 A Yes, Antwon Baker. Thank you.

5 Q Okay. Did they tell you why he was wanted?

6 A He was wanted on a homicide out of Columbia, South
7 Caroling by the Sheriff's Department.

8 Q Okay. And so, did they have information he was in
9 Pascagoula?

10 A Yes, sir.

11 Q Okay. So, tell me what y'all did next.

12 A We started to formulate our plan when the suspect
13 walked out in the parking lot.

14 Q Okay. So, when you say -- is this a hotel or what was
15 this place?

16 A It's an apartment complex, sir.

17 Q Okay. And so, did he walk out of an apartment or---

18 A I didn't see which apartment he walked out because the
19 further apartments are towards a courtyard. We were in the
20 parking lot.

21 Q And then so he walked out and what did y'all do?
22 Did y'all arrest him at that point?

23 A The marshals took him into custody.

24 Q Okay. Did he -- I guess did you do any further
25 investigation on whether he lived there or not?

Michael Wiggins - Direct examination
by Solicitor Potts

1 A Yes, I did.

2 Q Did he reside there?

3 A No.

4 Q Was he staying with somebody?

5 A Yes, sir.

6 Q Okay. Now, once he was arrested, who took charge of
7 him?

8 A I oversaw the transportation of the suspect to the
9 adult detention center, Jackson County Adult Detention
10 Center.

11 Q Okay. During that time, did you talk to him about
12 anything?

13 A No.

14 Q Did you discuss -- have any interesting, interesting
15 discussions with him at all?

16 A No.

17 Q Okay. Now, when you got him into the detention center
18 --

19 A Uh-huh. (Affirmative).

20 Q -- did you notify anyone in Columbia that he was
21 arrested?

22 A Yes, sir, we sent out an NCIC hit --

23 Q Uh-huh. (Affirmative).

24 A -- with information to Detective Truluck.

25 Q And what is NCIC?

Michael Wiggins - Direct examination
by Solicitor Potts

- 1 A National Crime -- oh, I can't remember.
- 2 Q I'm sorry. I shouldn't have asked you that question.
- 3 Is it kind of a database for law enforcement
- 4 agencies---
- 5 A Yes.
- 6 Q ---used as kind of like to send notes to other---
- 7 A It's a database---
- 8 Q Nationwide?
- 9 A ---to put people on, yes.
- 10 Q And so, Investigator Truluck responded?
- 11 A Yes, sir, he did.
- 12 Q Okay. And, in fact, he told you that he was gonna go
- 13 out and interview the individual?
- 14 A Yes, sir.
- 15 Q Okay. Now, do y'all have any special rooms for
- 16 interviewing at the Pascagoula Police Department?
- 17 A Yes, sir, we have two rooms set aside for interviews.
- 18 Q Okay. Can you tell me -- tell me a little bit about
- 19 them.
- 20 A One room is on the north side of the building. It's
- 21 two chairs and some cameras in there. One's more luxurious.
- 22 It has a couple of sofas, a couple cameras in it.
- 23 Q Okay. And they -- and they have a couple cameras you
- 24 said?
- 25 A Yes, sir, we have two in each room.

Michael Wiggins - Direct examination
by Solicitor Potts

1 Q Okay. And do they record audio and video of what goes
2 on inside them?

3 A Yes, sir, they do.

4 Q Now, what happens to this recording when it's made?

5 Is it, is it, is it just---

6 A It's onto a hard drive and you can burn it to a disk
7 for evidence.

8 Q Okay. Now -- and I guess, these two cameras, they show
9 different angles?

10 A Yes, sir.

11 Q Okay. And they are just there for interview purposes,
12 correct?

13 A Yes, sir.

14 Q Do you know if they were used in this case?

15 A They were.

16 SOLICITOR POTTS: Okay. Beg the Court's indulgence one
17 second.

18 THE COURT: Yes, sir.

19 (Pause.)

20 Q Thank you. No further questions, Sergeant Wiggins.

21 MR. BAILEY: No questions from us, Your Honor.

22 THE COURT: Thank you. Thank you very much for being
23 with us, sergeant.

24 THE WITNESS: Yes, sir.

25 THE COURT: All right. Solicitor, you may call your

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 next witness.

2 SOLICITOR POTTS: State calls Doctor Amy Durso.

3 (Pause.)

4 SOLICITOR CATHCART: She's on the elevator. She's
5 coming up.

6 THE COURT: All right. Come forward and come around
7 and join us please.

8 DOCTOR AMY DURSO, being first duly
9 sworn, testified as follows:

10 THE CLERK: Please have a seat.

11 (Witness complies.)

12 THE CLERK: State your full name for the record.

13 THE WITNESS: My name is Amy Durso. D-U-R-S-O.

14 DIRECT EXAMINATION

15 BY SOLICITOR POTTS:

16 Q Good morning, Doctor Durso.

17 How are you doing?

18 A Good morning.

19 Q I guess -- can you tell the jury about what your job
20 is?

21 A Sure. So, I'm a forensic pathologist. So, my main job
22 is to examine bodies after death. So, a medical doctor but
23 I really only examine people after they've died, and this is
24 usually done using an autopsy where I look at both the
25 inside and the outside of the body, look at all the organs.

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 I document any injuries, illnesses, and, at the end, I write
2 up a report with all my findings and I come up with a cause
3 of death.

4 Q So, what sorts of training and experience prepares one
5 to be a forensic pathologist?

6 A Right. So, I started out getting a Bachelor's Degree
7 in psychology at Emory University. After that, I went to
8 Medical School where I got my four year M.D. Degree at the
9 University of North Carolina-Chapel Hill. And then I did
10 four years of postgraduate training or residency training in
11 anatomical and clinical pathology at Wake Forest University,
12 and then I stayed an additional year at Wake Forest to do
13 specialized training in the field of forensic pathology.

14 SOLICITOR POTTS: At this time, Your Honor, the State
15 would like to offer Doctor Durso as an expert in forensic
16 pathology.

17 MS. KUCHAR: No objection.

18 THE COURT: All right. Again, ladies and gentlemen,
19 y'all've heard my charge twice. This witness will be
20 qualified -- Doctor Durso will be qualified as an expert in
21 the field of forensic pathology.

22 Thank you. Thank you very much, solicitor. You may
23 continue.

24 Q Doctor Durso, did you have an opportunity to examine
25 the body of Willie Geter?

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 A Yes, I did.

2 Q Okay. Would you just tell the jury about your process
3 and how you went about doing the examination?

4 A Right. So, the first thing we do, when we get the
5 body, we have to make sure we have the correct person. We
6 do identification and then I document external findings.

7 So, everything from height, weight, hair color, scars, to
8 any injuries, anything that looks abnormal I make note of.

9 After I finish with that, we make a Y-shaped incision
10 over the body, remove the front of the rib cage, and then,
11 again, we examine, look at all organs, look for any
12 collections of blood, abnormal findings, remove each organ
13 on its own, weigh it, examine it, and, again, just
14 documenting anything abnormal.

15 Q I guess -- so, what did -- what did you observe in this
16 case?

17 A So, the most obvious findings of Mr. Geter were that he
18 had two gunshot wounds to the body.

19 Q I'm gonna show you what is marked State's Exhibit Nos.
20 13 and 14.

21 Tell me what those are if you don't mind.

22 A These are photographs of the gunshot wounds.

23 SOLICITOR POTTS: Okay. At this time, State would like
24 to offer into evidence State's No. 13 and 14.

25 MS. KUCHAR: No objection.

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 SOLICITOR POTTS: Okay.

2 THE COURT: State's 13 and 14 are in evidence without
3 objection.

4 SOLICITOR POTTS: Your Honor mind if I ask the witness
5 to step down?

6 THE COURT: Yes, you may step down.

7 Doctor, just keep your voice up when you're away from
8 the microphone.

9 THE WITNESS: Yes, sir.

10 THE COURT: Thank you.

11 (WHEREUPON, the witness steps down from the stand.)

12 Q All right. Doctor Durso, I guess can you stand on that
13 side where you're projecting to the jury?

14 Can you just tell the jury kind of what wounds this is
15 looking at it in this picture?

16 This is State's No. 13.

17 A I'm trying to orient myself. So, give me a minute.

18 This is one of the gunshot wounds to the leg. This is
19 actually the exit wound, the entrance wound. So, there were
20 two gunshot wounds. One entered the right upper leg and
21 then kind of towards -- I'm sorry. I need to look at my
22 notes to make sure I'm saying the right thing.

23 Q Okay.

24 A Sorry. The left leg. This is his left.

25 Okay. Sorry.

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 Right. So, went through the left upper leg kind of
2 entering the posterior---

3 Q Did you do a diagram of these injuries?

4 A I did. That would be a lot better.

5 Q Yeah, we'll get that for you.

6 A Yeah.

7 Can we do that before this actually?

8 Q Yes, let's do that.

9 All right. If you don't mind, let's fix this.

10 (WHEREUPON, an x-ray was marked as State's Exhibit No.

11 33. A diagram was marked as State's Exhibit No. 34. Both

12 were for identification purposes only at this time.)

13 SOLICITOR POTTS: Thank you.

14 Doctor Durso, look at State's No. 34.

15 Is that a copy of your diagram?

16 A Yes.

17 Q Okay.

18 A Sorry.

19 Q Oh, sorry.

20 A I'm sorry.

21 Q I didn't know it was moved.

22 All right. Doctor Durso -- at this point, Your Honor,

23 I'd like to offer into evidence State's No. 34.

24 MS. KUCHAR: No objection.

25 THE COURT: Thirty-four is in evidence without

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 objection.

2 (WHEREUPON, State's Exhibit No. 34 was received into
3 evidence at this time.)

4 Q And, Doctor Durso, is this a bigger version of State's
5 34?

6 A Yes.

7 Q Okay. would that be more helpful for you in showing
8 the jury---

9 A Yes, please.

10 Q ---what we're talking about here?

11 A Yes.

12 Q Doctor Durso.

13 A So, this is a diagram that we use. This is a standard
14 diagram and I write in any of my findings. This one I just
15 have the injuries to make it simple.

16 So, again, I have two gunshot wounds listed. This
17 isn't necessarily the order in which they occurred. I have
18 no way of telling which one came first by my autopsy.

19 So, we'll start with two since that was what the first
20 picture was. This is the interior lateral. So, this is
21 kind of a front side of the left upper leg. So, this
22 projectile went in here and then came back out kind of the
23 backside of this leg. So, it kind of just goes right to the
24 soft tissue, the meaty kind of part of your leg here. It
25 does not hit a bone or any other structure that would cause

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 death.

2 The other wound, the other projectile entered the left
3 lower back over here. This one hit, after going through the
4 skin, it traveled -- so, it is this right here in the body.
5 It goes and it hits the inferior vena cava. So, the
6 inferior vena cava is one of the largest veins of the body.
7 So, all the blood coming from the lower part of the body
8 going back towards the heart goes through the vena cava.
9 So, it's about this big around and the bullet hit this
10 causing a lot of bleeding into the abdominal cavity. It
11 then perforated to the stomach, the small intestine, and
12 then I found the bullet just under the skin here on the
13 right lower part of the abdomen.

14 So, this one is going from left to right, back to
15 front, and very slightly downwards.

16 Q Okay. Again, so, we're talking about the two wounds.
17 This one just -- can you point in there how it came out on
18 this side?

19 A Right.

20 Q And the other one basically went straight?

21 I think I -- I don't think you called it straight. I
22 think you're much better at describing this.

23 A Right. So, this one, again, I review -- we measure how
24 high it is from the heel so we know exact measurements. So,
25 it's actually going just slightly downwards front to back

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 and slightly right to left.

2 Q Okay. So, doctor, when you said you found this
3 projectile just under the skin, did you use any special
4 techniques to find that?

5 A Right. So, anyone that has gunshot wounds, we always
6 do x-rays to look to see if there are bullets remaining in
7 the body.

8 Q Okay. And was a bullet found in x-ray---

9 A Yes.

10 Q ---in this case?

11 A Yes, it was.

12 Q I'm going to show you State's No. 33.

13 A Excuse me.

14 Q Hold that and let me see this.

15 A Sure.

16 Q Hold it a little better.

17 Okay. Doctor.

18 A Right. So, this is---

19 Q Hold, hold on.

20 Before you start talking about it, is that the x-ray
21 we're talking about in this case?

22 A Yes.

23 SOLICITOR POTTS: At this time, Your Honor, we would
24 offer into evidence State's No. 34.

25 MS. KUCHAR: No objection. No objection.

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 THE COURT: Thirty-three's in evidence without
2 objection.

3 (WHEREUPON, State's Exhibit No. 33 was received into
4 evidence at this time.)

5 Q So, Doctor Durso, if you wouldn't mind using this
6 pointer or with your finger.

7 A Sure.

8 Q Whatever makes you more comfortable.

9 A Sure.

10 THE COURT: If y'all, if y'all can shift a little bit?
11 That will help you straight on the angle here
12 obviously.

13 A So, this is -- this is an x-ray of the lower spine, the
14 pelvis, and the upper parts of the legs here, and you can
15 see, right here, this is the projectile that is actually
16 seated just under the skin here on the right side of the
17 abdomen.

18 Q Okay. And, in fact, this x-ray is labeled with your
19 name?

20 Is that your name?

21 Sorry. I can't read it from that far. It's not.

22 A No, no, it has the decedent's name and my Case Number,
23 FA15224.

24 Q But -- so, that is how you found the---

25 A That's where I knew where to look for the bullet, yes.

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 Q And then, once you found it, what did you do with it?

2 A I turned it over to evidence.

3 Q Did you take it out though?

4 A Oh, yes.

5 Q All right. Thank you, Doctor Durso. Take this.

6 And, if you don't mind having a seat for me---

7 A Sure.

8 Q ---I'd appreciate it.

9 (WHEREUPON, the witness returns to the stand.)

10 Q And so, doctor, just -- State's No. 14, would that be a
11 photograph of the entrance wound of the, the back?

12 A Yes.

13 Q Okay. Thank you.

14 So, you mentioned that the bullet punctured the vena
15 cava.

16 A Vena cava.

17 Q Is that how you---

18 A Vena cava is how I pronounce it, yes.

19 Q All right. You are the doctor.

20 Can you please tell me how I -- when I'm pronouncing it
21 incorrectly?

22 A Sure.

23 Q So, how sturdy a, I guess -- is that a sturdy -- tell
24 me about the vena cava.

25 A So, again, the vena cava, it's a vein. So, because

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 it's fairly low pressure compared to arteries. So, arteries
2 are the vessels going away from the heart. They're high
3 pressure. They're muscular. Veins are low pressure.
4 It's -- blood kind of just meanders its way back to the
5 heart, and the vein -- the consistency of the wall, I think
6 what you're getting at, is almost like tissue paper. Like
7 once it has a hole, it kind of rips.

8 So, again, you start bleeding profusely into your
9 abdomen just because it's a large size vessel. So, as the
10 blood keeps pumping, just more and more blood is
11 accumulating in his abdominal cavity and that's less blood
12 that's in his arteries coming back to the heart and that
13 would cause death from loss of blood.

14 Q Now, you're talking about blood filling in his
15 cavities.

16 Describe that.

17 I guess is that -- means bleeding less out and more in?

18 A Right. So, most of the blood often times in these
19 types of cases actually stays within one of the body
20 cavities. So, in this case, you know, you kind of have a
21 space here you can fill up with blood, you know, in your
22 abdominal cavity kind of around where your intestines and
23 your other organs, organs are in that area.

24 Q So, what were you -- did you have any other findings
25 during your autopsy?

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 A Yes. So, his heart actually had -- he did have heart
2 disease. So, we look at all of the coronary arteries. So,
3 the coronary arteries are the tiny little vessels. The
4 arteries that provide blood flow and, therefore, oxygen to
5 your heart, and these are the things that get blocked when
6 you have a heart attack.

7 And he did not have one that was completely blocked but
8 he did have some that were what we call stenotic partly
9 blocked. So, they were partially blocked. So, about 50 to
10 80 percent of it was blocked. So, again, that wouldn't be
11 enough to cause his death alone but someone that has a lot
12 of blood loss that also has heart disease would die quicker
13 than someone that didn't have this blockage in their heart.

14 So, given that he had this underlying heart disease,
15 whereas a younger person with a gunshot wound to the vena
16 cava, there's a slight chance you could possibly save them
17 with really prompt medical care and giving blood products.
18 Someone who has underlying heart disease like him, I would
19 say he really does not have a chance at all of surviving
20 this wound.

21 Q All right. So, were there any other findings you made,
22 doctor?

23 A Those were all of the major findings.

24 Q Okay. What can you tell me about your examination of
25 the two gunshot wounds?

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 A So, the other thing we look at the gunshot wounds is we
2 try to determine distance of how far away the gun was from
3 the body at the time the person was shot. We do this by
4 looking at two things. We look for soot and we look for
5 stippling.

6 So, soot, you know, is just the particles coming out of
7 the end of the gun that actually causes blackening around
8 the wound. You see that up to about six inches away. I did
9 not see soot on him.

10 The other thing you look for is stippling. So,
11 stippling is actually little flakes of gun powder coming out
12 of the gun that will actually abrade and cause little tiny
13 scrapes in the skin around the gunshot wound, the actual
14 hole in the skin. And that happens, you know, typically it
15 will go up to around 3-feet away but I usually say, you
16 know, if you don't see stippling, the gun had to be at least
17 18 to 24-inches away. So, on him, I did not see soot. I
18 did not see stippling.

19 The other thing that can affect that is if it goes
20 through multiple layers of clothing like five jackets or a
21 wall or a window first. And as long as that didn't happen,
22 I'm comfortable saying that the gun was at least 18 to
23 24-inches away, probably further, when he was shot.

24 Q So, moderate amounts of clothing would of stopped
25 that---

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 A We're talking about thick clothing.

2 Q Okay. And so, doctor, after you finish your
3 examination, what did you determine to be the cause of
4 death?

5 A Hemorrhagic shock due to a gunshot wound to the
6 abdomen, and I listed the coronary artery disease as
7 contributing just meaning that it would of made him die
8 quicker from the same injuries someone who didn't have it.

9 Q Okay. But without the gunshot wound --

10 A He would -- he wouldn't have died that day, no.

11 SOLICITOR POTTS: Okay. Beg the Court's indulgence one
12 moment.

13 THE COURT: Yes, sir.

14 (Pause.)

15 Q Now, do you take any biographical information about the
16 patient?

17 I guess is -- is patient what you call---

18 A We call them the decedent.

19 Q Decedent.

20 So, do you know how old he was?

21 A Yes, I know that he was 64. I'm given basically -- so,
22 the Coroner's Office investigates these deaths. You know,
23 they go and they decide whether or not an autopsy needs to
24 be done and then they would send it to me. So, they give me
25 basic information like race, date of birth, if there's a

Doctor Amy Durso - Direct examination
by Solicitor Potts

1 known past medical history and the basics of the
2 circumstances. I think I'm -- basically they say he came in
3 with a gunshot wound and he's dead. So, that's pretty much
4 what I get.

5 Q Now, on your diagram, you note down a weight and a
6 length?

7 A Yes.

8 Q Are those measurements you took or---

9 A They're measurements I took at autopsy.

10 Q And what were those measurements?

11 A So, he was 144 pounds and he was 73-inches, which is
12 6-feet 1-inch.

13 Q Thank you, Doctor Durso.

14 I have no further questions.

15 Please answer any questions the defense may have.

16 THE COURT: Thank you, solicitor.

17 Ms. Kuchar.

18 MS. KUCHAR: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. KUCHAR:

21 Q I've been rehearsing some of these words.

22 A Okay.

23 Q You mentioned that you found coronary artery disease?

24 A Yes.

25 Q And, and I think you, in your report, you called that

Doctor Amy Durso - Cross-examination
by Ms. Kuchar

1 atherosclerosis?

2 A Yes.

3 Q Okay.

4 A Very good.

5 Q Thanks.

6 And so, that basically means that that could mean a
7 hardening of the arteries?

8 A Right. There's actual plaque build-up and then the
9 hole is the vessel -- clogging up the vessel.

10 Q Right.

11 Okay. And you also found left ventricular hypertrophy?

12 A Right. So, the heart is a little bit enlarged and,
13 again, we find this very frequently. But, again, it wasn't
14 the point that that would be life threatening.

15 Q But the -- so, the left ventricle of the heart was
16 just---

17 A A little bigger than it should of been and usually
18 that's related to longstanding high blood pressure cause the
19 heart's having to work harder against the high pressure in
20 the arteries.

21 Q Okay. And so, there are a number of causes for
22 atherosclerosis and for left ventricular hypertrophy?

23 A Yes.

24 Q Okay. One, one cause that's possible for
25 atherosclerosis is long term cocaine use?

Doctor Amy Durso - Cross-examination
by Ms. Kuchar

1 A That's correct.

2 SOLICITOR POTTS: Objection, Your Honor.

3 THE COURT: what's the basis?

4 SOLICITOR POTTS: It's not -- anything related to the
5 cause of death -- relevance at this point.

6 MS. KUCHAR: I---

7 THE COURT: Rephrase the question. Restate the
8 question.

9 MS. KUCHAR: I don't believe it's -- I'm not putting
10 this towards cause of death, Your Honor.

11 THE COURT: All right. You may ask the question.

12 MS. KUCHAR: Thank you.

13 Q So, sorry.

14 Long term cocaine use can cause atherosclerosis?

15 A Yes.

16 Q And long term cocaine use can also cause left
17 ventricular hypertrophy?

18 A Yes.

19 Q Okay. You can't say what caused it in Mr. Geter?

20 A I cannot, no.

21 Q Okay. But it's possible that long term cocaine use
22 could of contributed?

23 A Yes.

24 Q Thank you.

25 No further questions.

Doctor Amy Durso - Redirect examination
by Solicitor Potts

1 THE COURT: Redirect, solicitor.

2 SOLICITOR POTTS: Just one question, Your Honor.

3 REDIRECT EXAMINATION

4 BY SOLICITOR POTTS:

5 Q Mr. Geter, he died from the gunshot wound?

6 A Yes.

7 Q Thank you.

8 I have no further questions.

9 THE COURT: Recross, Ms. Kuchar?

10 MS. KUCHAR: No, Your Honor.

11 THE COURT: Thank you.

12 THE WITNESS: Thank you.

13 THE COURT: Thank you for being with us.

14 THE WITNESS: Thank you.

15 THE COURT: Doctor, you may step down and you may be
16 excused.

17 All right. Solicitor, you may call your next witness.

18 SOLICITOR CATHCART: Your Honor, we may have a matter
19 of law.

20 THE COURT: All right. Step up here for me please.

21 (WHEREUPON, a bench conference was held out of the
22 hearing of the jury at this time.)

23 THE COURT: Thank you. Thank you, solicitor.

24 SOLICITOR POTTS: Yes, sir.

25 THE COURT: Thank you; Mr. Bailey.

1 SOLICITOR CATHCART: Your Honor, at this time, State
2 calls Investigator Truluck.

3 THE COURT: All right. Come around and be sworn for us
4 please.

5 SOLICITOR CATHCART: Actually, Your Honor, may we take
6 a five minute break?

7 I promised him.

8 THE COURT: Step, step back up. Of course, you can. I
9 wouldn't deny that.

10 Let me, let me see where we're at administratively.

11 (WHEREUPON, a bench conference was held out of the
12 hearing of the jury at this time.)

13 THE COURT: All right. Thank you.

14 Mr. Foreman -- thank you, solicitor. Thank you.

15 Mr. Foreman, ladies and gentlemen, the next witness may
16 be rather lengthy. So, we're gonna take our luncheon recess
17 at this time.

18 Please remember do not discuss the case with anyone.
19 Do not read, watch, and listen to any news accounts of the
20 case should there be any. Do not do any independent
21 investigation or any investigation on the Internet.

22 If you please be back promptly -- what -- how about we
23 say 1:30. It's a little after 12:00, about 12:10 right now.
24 So, be back at 13:30 hours, 1:30.

25 Hope y'all have a pleasant lunch.

1 Thank you. Thank you very much.

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

4 THE COURT: Anything before we take our recess,
5 solicitor?

6 SOLICITOR CATHCART: No, sir.

7 THE COURT: Mr. Bailey.

8 MR. BAILEY: No, sir.

9 THE COURT: All right. 1:30. Thank y'all very much.

10 SOLICITOR CATHCART: Thank you.

11 MR. BAILEY: Thank you, Your Honor.

12 MR. COMISH: Thank you, Your Honor.

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

14 THE COURT: All right. Solicitor, anything before we
15 bring in our jury?

16 SOLICITOR CATHCART: No, sir.

17 THE COURT: Mr. Bailey, anything before we---

18 MR. BAILEY: No.

19 THE COURT: ---bring in our jury?

20 MR. BAILEY: No, Your Honor. Thank you, sir.

21 THE COURT: Wait a few minutes.

22 When is your family coming in?

23 SOLICITOR CATHCART: Oh, they haven't opened the doors
24 yet.

25 (Pause.)

1 THE COURT: All right.

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

4 THE BAILIFF: The jury is seated, Your Honor.

5 THE COURT: Thank you. Thank you very much.

6 Welcome back, ladies and gentlemen. Hope y'all had a
7 pleasant lunch.

8 We're continuing the trial by the presentation of
9 evidence and testimony by the State in its case in chief.
10 As you have done throughout the trial of the case, please
11 continue to give the parties your complete and undivided
12 attention.

13 All right. Solicitor, you may call your next witness.

14 SOLICITOR CATHCART: May it please the Court, Your
15 Honor.

16 State calls Cris Truluck.

17 THE COURT: Investigator Truluck, if you'd come around
18 and be sworn for us.

19 CRIS TRULUCK, being first duly
20 sworn, testified as follows:

21 THE CLERK: Please have a seat.

22 (Witness complies.)

23 THE CLERK: State your full name for the record please.

24 THE WITNESS: Investigator Cris Truluck.

25 DIRECT EXAMINATION

Cris Truluck - Direct examination
by Solicitor Cathcart

1 BY SOLICITOR CATHCART:

2 Q Investigator Truluck, where are you employed?

3 A At Richland County Sheriff's Department.

4 Q And what do you do there?

5 A I am a major crimes investigator.

6 Q Were you doing that back in 2015?

7 A Yes, sir, I was.

8 Q Could you please describe to the jury what you do as a
9 major crimes investigator?

10 A At the time, I, I was assigned to the robbery unit.

11 However, I am a lead homicide investigator. And the way it

12 works is that, Richland County per se, doesn't have a

13 homicide unit. what we have is we have six rotations and

14 the way that works is that each rotation has a team, and

15 that team, on each team, has a primary homicide

16 investigator. So, every six weeks, there's a different team

17 and they work nights is really how it works. So, there's

18 always a primary homicide investigator for that team.

19 when this incident occurred, it was my week to be on

20 call, which I was the primary investigator for the homicide.

21 Q Okay. And as you said, this incident occurred.

22 what brought your attention to this incident?

23 A I was contacted by Sergeant Isenhoward, which is

24 Lieutenant Isenhoward at the time, that we did have a

25 homicide at Fiske Street.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q Okay. And what did you do when you were notified about
2 that?

3 A I responded to the scene.

4 Q Okay. And when you responded to the scene, what did
5 you find?

6 A Upon my arrival, I met with Investigator Crane,
7 Gallegos, Deputy Rains. They were already at the scene and
8 I believe Lieutenant Isenhoward was just arriving or we had
9 probably got there about the same time.

10 First, I was briefed by Investigator Rains as to what
11 she knew about the case. She gave me her synopsis of it as
12 to what she was, was given. Pretty much that the victim in
13 the case, Mr. Willie Geter, was working on a vehicle in his
14 yard for another subject, which would be the defendant in
15 this case. They got into some sort of dispute over the work
16 that was done and the money. The defendant would produce a
17 pistol at that time, fire a round into the ground, and then
18 eventually shoot the, the victim in the back and in the leg.

19 Q Okay. And was the victim there when you got there?

20 A No, sir, when I arrived he had already left --

21 Q Left how?

22 A -- and was being -- he had been transported by EMS.

23 Q Okay.

24 A Ms. Lessie, who is Ms. Lessie Brown who I spoke to, she
25 was in the ambulance and had left with him.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q So, they -- the eye witness and the decedent, decedent
2 had already left the scene?

3 A Yes, sir, that's correct.

4 Q Okay. And so, what did you do after being briefed from
5 these officers that were at the scene?

6 what did you do next?

7 A First thing I wanted to do is examine the scene. It
8 really wasn't much of a scene. It wasn't roped off. I
9 didn't know exactly where it happened. It was just a large
10 backyard area. We knew where -- I knew where Mr. Geter was
11 laying at the time EMS located him and transported him.

12 So, pretty much we, we just -- I looked at the scene,
13 tried to examine it for any evidence I could find. There
14 was no witnesses there that I could speak to.

15 we would also eventually do a walk through the house,
16 and the only thing I noticed there was a couple cell phones
17 that we eventually collected.

18 Q Okay. And, at some point, were you able to speak with
19 Ms. Brown?

20 A Yes, later on that evening, about eleven o'clock at
21 night, myself and Investigator Gallegos went back to the
22 residence and where Ms. Brown was there with her daughter,
23 Tracea, and some other family members.

24 Q And did you speak to her about what occurred?

25 A Yes, I did.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q And, at that time, had you -- did Ms. Brown tell you
2 about how many cups were served to people?

3 A Yes, she did.

4 Q And how many did she say was -- were served?

5 A She had mentioned three. Specifically mentioned that
6 Bo or Willie Geter, his cup, was a bottle that had the top
7 cut off, and then there was two other cups that she had
8 given to subjects that were there, which would of been Mr.
9 Minger and Mr. Baker.

10 Q And when you were there, you said it was at night.
11 was it dark at that point?

12 A When I arrived back at eleven o'clock it was dark.
13 When I was there earlier, it was around, I think, according
14 to my notes, I got there about ten after 8:00, eleven after
15 8:00, something like that.

16 Q Okay. And do you know how many cups were recovered by
17 the CSI Rainsford that day before that evening?

18 A At the time, I knew there was only two. I knew two had
19 been recovered. However, I knew there was three.

20 Q At this point, you knew now about three?

21 A Yes.

22 Q Okay. And so, what else did you talk with Ms. Brown
23 about?

24 A I just tried to have her recap what occurred. She
25 pretty much gave me what I had just told you guys, that she

Cris Truluck - Direct examination
by Solicitor Cathcart

1 -- she and her daughter had been out that day. They had
2 come home and noticed the Cadillac in the front yard. They
3 were very specific about the Cadillac and the damage that
4 was done to the trunk even to include them tying the bumper
5 or the trunk down.

6 Ms. Brown stated that she had greeted them, gave them a
7 glass of water, and then she went into about the argument.
8 Eventually she would go back in the backyard where Bo was
9 there and the defendant, Mr. Baker, was back there and an
10 argument ensued over the mechanics that was done and the
11 price for it.

12 She just said that Bo had gotten the keys out of the
13 vehicle, and, at that point, Mr. Baker wanted the keys back,
14 produced a pistol, fired a round off into the ground at
15 which time he told her to go inside and call 9-1-1. She
16 went inside to call 9-1-1 and was having trouble with her
17 phone as she advised y'all earlier. She said, at one point,
18 she was trying to use one phone to get through to 9-1-1.
19 when she eventually was able to get through, it rang and
20 rang and rang. But while she was inside doing that, she had
21 heard two more shots and actually heard Mr. Geter yell.

22 At that point, she had came back out to the backyard
23 and that is when she located him laying there beside a tree
24 and that Mr. Baker had already fled the scene in the
25 vehicle.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q Okay. And she indicated to you that the man -- there
2 was another witness at the scene as well?

3 Other witnesses?

4 A Yes, she did. That would be Mr. Minger. He would --
5 Mr. Minger would be the individual that brought him in the
6 Cadillac.

7 Q And she was able to just describe who he was or about
8 the Cadillac?

9 A Mainly about the Cadillac. Didn't know his name or, or
10 who he was at the time.

11 Q And did she also indicated (sic) somebody else came up
12 to the scene after the shooting occurred?

13 A Yes, she did. While she was there in the backyard with
14 Mr. Geter, Clyde Spearman arrived and walked down the
15 driveway and they spoke and she had told Clyde about him
16 being shot. Clyde also informed her as that he had seen
17 Kilo exiting out the driveway and they had actually made eye
18 contact with each other.

19 Q Okay.

20 MR. BAILEY: Objection, Your Honor. This is -- stuff
21 is already been testified to. This is just kind of hearsay
22 redundant at this point, sir.

23 THE COURT: Well, as far as the pencil point, evidence
24 can be presented by the same evidence. I'm not commenting
25 on the evidence, that it has or has not been presented, or

Cris Truluck - Direct examination
by Solicitor Cathcart

1 anything like that. But evidence can be presented or
2 testimony can be presented by more than one witness. That's
3 the only point I'm making.

4 And, solicitor, what about the hearsay, what it is---

5 SOLICITOR CATHCART: Your Honor, all this -- all the --
6 everything he has been testifying -- that he is testifying
7 to is already been testified in the Court of law subject to
8 cross-examination by defense counsel. He -- we're not going
9 as to the truth of the matter asserted. Only as to the
10 steps that he took to do the next thing in the process of
11 his investigation.

12 THE COURT: If it, if it goes to the, the, the
13 investigation and the quality of the investigation---

14 SOLICITOR CATHCART: Yes, sir.

15 THE COURT: -- that is a different issue and you can
16 certainly go to that but not for any other purposes.

17 SOLICITOR CATHCART: Absolutely not.

18 THE COURT: Not the admissible for the truth of the
19 matter asserted but why this officer and/or other officers
20 took certain steps in the, in the process of investigating
21 the case.

22 SOLICITOR CATHCART: Exactly, Your Honor.

23 THE COURT: All right.

24 MR. BAILEY: Yes, Your Honor. I just ask it be limited
25 to their investigation and not what this person said, this

Cris Truluck - Direct examination
by Solicitor Cathcart

1 person said, et cetera.

2 THE COURT: All right. Well, you get -- you can phrase
3 your question differently, of course, solicitor.

4 SOLICITOR CATHCART: Yes, sir, I'll---

5 THE COURT: You can ask if you have the opportunity --
6 well, I don't mean to tell good trial lawyers what to ask.

7 SOLICITOR CATHCART: So, I'll try to work with this---

8 THE COURT: Yes, sir.

9 SOLICITOR CATHCART: ---including what's in evidence.

10 MR. BAILEY: Thank you, Your Honor.

11 THE COURT: All right. Thank you, solicitor.

12 Thank you, Mr. Bailey.

13 CONTINUED DIRECT EXAMINATION

14 BY SOLICITOR CATHCART:

15 Q Based upon what you learned from Ms. Brown and based
16 upon what you found out from other officers working on this,
17 this case, were you able to -- were y'all able to locate the
18 guy who drove the Cadillac?

19 A Yes, we were.

20 Q Were you able to locate Mr. Spearman?

21 A Yes, sir, we were.

22 Q And based upon talking with Mr. Spearman, were y'all
23 able to figure out who Kilo was?

24 A Yes, we were.

25 Q Okay. And when you figured that out, what did you do?

Cris Truluck - Direct examination
by Solicitor Cathcart

1 A It was the -- several people -- I wanted to put Kilo or
2 Mr. Baker in a photo lineup. That's, that's your ultimate
3 goal is to get him in a photo lineup and have the witnesses
4 identify him. You have to go through steps.

5 Throughout the interviewing witnesses and people that
6 we came across throughout this investigation and addresses
7 that we were given, they led us to Mr. Baker frequenting
8 locations of people knowing him but everyone only knew him
9 by Kilo. So, what we needed was a real name.

10 We would be in touch with people that knew him years
11 ago as Kilo; and once, on a prior incident, a place that he
12 frequented, I was able to come up with the name of Antwon
13 Baker. He would meet/fit the description of Kilo. At that
14 point, once I got the name and it was confirmed that Kilo is
15 Antwon Baker, then I would put him in a photo lineup.

16 The following day from this incident, we would go back
17 and locate Clyde Spearman and present him with the, the
18 photo lineup of Mr. Baker in it and which he would pick
19 Mr. Baker.

20 Q Let me show you what's been marked as State's Exhibit
21 No. 25. It's already into evidence.

22 Do you recognize what that is?

23 A Yes, sir, this is a photo lineup that was shown to
24 Willie Clyde Spearman.

25 Q And what day did y'all, did y'all show him that?

Cris Truluck - Direct examination
by Solicitor Cathcart

1 A Yes.

2 Q What day?

3 A 6/21.

4 Q Was that the day after you figured out who he was --
5 who?

6 A It was actually---

7 Q Who Kilo was.

8 A It was actually two days. The day after, we
9 researched, researched, and researched. That was a whole
10 day of just trying to identify who Kilo was. So, as soon as
11 we did, which was -- the 21st would of been a Sunday. We
12 immediately went and found Clyde to show him the photo
13 lineup.

14 Q And was he able to pick him out of the photo lineup?

15 A Yes, he was.

16 Q And did you have him sign the photo lineup?

17 A Yes, sir.

18 Q And also circle which picture he was talking about?

19 A Yes, circle it and put your initials inside the circle.

20 Q Okay. And then, after that, you went and also made
21 sure by talking to Ms. Brown?

22 A Yes, sir.

23 Q Okay. And you talked to Ms. Brown and asked her is
24 this the guy we're talking about?

25 A Yes, sir.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q Okay. And was she able to also pick him out?

2 A Yes, she was.

3 Q Did she see Mr. Spearman pick him out?

4 A No, she did not.

5 Q Did she also indicate to you that she knew who Kilo
6 was?

7 A She knew Kilo from years past. They hadn't seen each
8 other in a long time but she did mention to me that they --
9 she had maybe seen him a few times in the last three years
10 maybe. She never knew his real name but she knew his face
11 and she knew him by the nickname of Kilo.

12 Q In fact, in talking with her, she indicated -- well,
13 nevermind. That's fine.

14 So, after you were able to gather both of those people
15 indicating this is the guy we're looking for, what did you
16 do next?

17 A Once the photo lineups were obtained, they were
18 warrants that were put out for Mr. Baker for homicide and
19 possession of a firearm during a violent crime. I didn't
20 know where to start looking for Mr. Baker.

21 So, normally, on a case like this, we turn the case
22 over to the fugitive team. They have all the contacts.
23 They deal with the U.S. Marshal. They do, do all kinds
24 of -- they have their own way of, of apprehension. So, the
25 case was turned over to them, to them for the apprehension.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q Okay. While you were waiting for him to be
2 apprehended, what else did y'all do?

3 A During that, once we got the photo lineup, I would also
4 go back later and get a written statement from Ms. Brown.
5 I'm sure there was other things. If there's something
6 specific you're looking for --?

7 Q Okay. Do you have your case jacket up there with you?

8 A I do.

9 Q Okay. I don't know why I can't find it.
10 When you went back there to talk to Ms. Brown --

11 A Yes, sir.

12 Q -- was it still nighttime?

13 A It was daytime when I went there.

14 Q Okay. And so, that was the first time?

15 A You mean as when I gave -- present her with the photo
16 lineup or to the statement?

17 Q When you presented her with the photo lineup.

18 A Yes, it was daytime.

19 Q Okay. And this would of been after you talked to her
20 and learned about the third cup?

21 A Yes.

22 Q Okay. Let me show you what's been marked State's
23 Exhibit No. 8 and State's Exhibit No. 7. I believe seven is
24 not in evidence as of yet.

25 When you went back there, other than showing her a

Cris Truluck - Direct examination
by Solicitor Cathcart

1 lineup, did y'all look for anything else?

2 A Back to the scene?

3 Q No.

4 when y'all went to the scene to show her the lineup,
5 did y'all look for anything else?

6 A Yes, we went back to the scene and specifically looked
7 for this blue cup. By then, I knew that she had -- there
8 was three cups, which -- one would of been Mr. Geter, Mr.
9 Minger, and Mr. Baker's.

10 Q Okay. Let me show you what's been marked as State's
11 Exhibit No. 7.

12 Do you recognize what that is?

13 A Yes, sir.

14 Q And what is that?

15 A It's a photo of a blue cup that we found in the ditch
16 which was located as you're driving out of the location on
17 the right side of the driveway in that ditch.

18 SOLICITOR CATHCART: Okay. And, at this time, Your
19 Honor, State -- we're -- State seeks to enter State's
20 Exhibit No. 7 into evidence.

21 MR. BAILEY: Without objection.

22 THE COURT: State's 7 in evidence without objection.

23 (WHEREUPON, State's Exhibit No. 7 was received into
24 evidence at this time.)

25 Q And let -- it's No. 8 that's already in evidence.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 A This will be the same cup. This is a more close-up
2 photo of it.

3 Q Where y'all found it?

4 A Yes, sir.

5 SOLICITOR CATHCART: May I publish these to the jury,
6 Your Honor?

7 THE COURT: Yes, sir, you may.

8 SOLICITOR CATHCART: Thank you.

9 Did y'all collect that cup?

10 A Yes, sir, we did.

11 Q And let me show you what's been marked as State's
12 Exhibit No. 24.

13 Do you recognize what that is?

14 A This is gonna be the cup and the brown bag that we put
15 it in.

16 Q Okay. Thank you.

17 A And when I speak of we, it was me and Investigator
18 Brunson that was there. We found it together.

19 Q And y'all put it into evidence?

20 A Yes.

21 Q And that's -- as you are sitting here, the cup that
22 Rachel Grant testified as to matching this man?

23 A That is correct.

24 Q Okay. Okay. So, as you stated, a couple of days later
25 you went and spoke with, spoke with Ms. Brown again,

Cris Truluck - Direct examination
by Solicitor Cathcart

1 correct?

2 A Yes, sir, I did.

3 Q And she already testified as to what occurred?

4 She testified as to her statement but defense counsel
5 is spoke about, on Page 6, you asked her what kind of gun
6 Kilo had.

7 A Yes, sir.

8 Q And did she describe it, what it was?

9 A She did.

10 Q And she described it as --?

11 A Being black and like yours.

12 Q Okay. The next word in there is what?

13 A Automatic.

14 Q Is that what -- did she call it an automatic?

15 A No, I did that because she -- I carry a automatic. So,
16 being she's saying mine and I -- that, that is my word that
17 that's an automatic she's saying because that is what I
18 carry.

19 Q In fact, how do you indicate that it was your word and
20 not hers?

21 A Because I put it in parentheses.

22 Q Okay. So, she never told you I saw him firing an
23 automatic?

24 A No.

25 Q And she said I think it was a bigger gun than yours?

Cris Truluck - Direct examination
by Solicitor Cathcart

1 A Yes.

2 Q And she also said the nose -- what about the nose of
3 the gun?

4 A Said the nose looked longer.

5 Q Longer than I guess yours or are you even sure what she
6 was talking about?

7 A I took it as she was talking about a revolver. I know
8 weapons. So, I'm, I'm assuming, by talking to her, I could
9 tell she doesn't know weapons. I wasn't trying to put words
10 in her mouth but, in my mind, I assumed she was speaking of
11 a revolver as the -- meaning the longer noses of it.

12 Q Did she tell you which hand he, he had it in?

13 A In his right hand.

14 Q Okay. Did she describe the vehicle that Mr. Minger was
15 driving?

16 A On the onset of the case she did but she did describe
17 it as a black vehicle.

18 Q I'm sorry. Not Mr. Baker but Mr. Minger.

19 A Oh, I'm sorry. Mr. -- did she describe Mr. Minger's
20 vehicle?

21 Q Yes.

22 A As a light colored cadillac with damage, heavy damage
23 to the rear of it.

24 Q And that was -- and she indicated he was there?

25 A Yes, sir.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q And, through your investigation, were both of those
2 items correct?

3 A Yes, they were.

4 Q She told you that Mr. Spearman was there?

5 A Yes, she did.

6 Q And in speaking with Mr. Spearman, did you find that to
7 be correct as well?

8 A That is true, yes, sir.

9 Q And, in fact, and even speaking with Mr. -- actually,
10 let me rephrase this.

11 After you spoke with Ms. Brown, what else did you do?

12 A On the day of -- I took her statement?

13 Q Uh-huh. (Affirmative).

14 A Anything specific?

15 Q Well, what else did you do next as to the -- through
16 your investigation, did y'all send anybody to -- Ms. Brown
17 indicated that there was a black car that Mr. Kilo drove,
18 correct?

19 A Yes.

20 Q Were y'all able to locate that car?

21 A Eventually we were, yes.

22 Q Okay. And where did you find that car?

23 A At his residence.

24 Q Okay. And is -- never mind.

25 And, at some point, did you also speak with Mr. or did

Cris Truluck - Direct examination
by Solicitor Cathcart

1 you have someone interview Mr. Minger?

2 A Twice he was interviewed.

3 Q Okay. And Mr. Minger, the second time you went to go
4 interview him, what was the purpose of going to interview
5 him?

6 A The purpose was because we had now -- we had all the
7 cups by then I think. This was back -- this was in
8 September now. So, a lot of times you need swabs for
9 elimination purposes or to get a Buccal swab to identify a
10 person, whether it be a suspect or whatever. So, I knew he
11 was there. He as -- and as far as my understanding of this
12 case, he was only a witness.

13 I went to him to obtain a Buccal swab as what I would
14 consider as a elimination swab. But it also puts him there
15 to the scene and it corroborates his statement that yes, she
16 did give me a glass of water and the DNA would, would prove
17 that.

18 Q Okay. And did you also -- I don't know -- I don't
19 think it was on that second day, but on the first time you
20 talked to him, ask him to pick him out of a photo lineup?

21 A I did.

22 Q Was he able to do so?

23 A Yes, sir.

24 Q Do you have a copy of it?

25 A Let me see. I may have to -- beg the Court's

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by Solicitor Cathcart

1 indulgence just one second.

2 (Pause.)

3 A Yes, I do have it.

4 Q Thank you.

5 Have this marked please.

6 (WHEREUPON, a DVD was marked as State's Exhibit No. 35.

7 A photo lineup was marked as State's Exhibit No. 36. Both

8 exhibits were for identification purposes only at this

9 time.)

10 SOLICITOR CATHCART: Thank you.

11 I show you what's been marked as State's Exhibit No.

12 36.

13 MR. BAILEY: Without objection.

14 THE COURT: State's 36 in evidence without objection.

15 (WHEREUPON, State's Exhibit No. 36 was received into

16 evidence at this time.)

17 Q Do you recognize what that is?

18 A Yes, sir, I do.

19 Q And that is --?

20 A A photo lineup that was presented to Mr. Minger.

21 Q Okay. And he indicated what?

22 A At the time he did this photo lineup, alls we knew is

23 that he was at the scene with Mr. Baker. So, he indicated

24 that he drove -- this was the same person that he drove to

25 the incident location the day this occurred.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q Okay. And he was driving that Cadillac?

2 A Yes, sir.

3 Q And he identified Mr. Baker as the person who he drove
4 to the scene?

5 A Yes, sir, he did.

6 SOLICITOR CATHCART: At this time, time, State seeks to
7 introduce State's Exhibit No. 36.

8 THE COURT: No objection?

9 MR. BAILEY: No objection, Your Honor.

10 THE COURT: State's 36 in evidence without objection.

11 (WHEREUPON, State's Exhibit No. 36 was previously
12 received into evidence.)

13 SOLICITOR CATHCART: May I publish it to the jury, Your
14 Honor?

15 THE COURT: Yes, sir, you may.

16 SOLICITOR CATHCART: Thank you.

17 Was Mr. Minger with anyone else when -- other than the
18 law enforcement when he picked him out of that photo lineup?

19 A No, he did that at our office.

20 Q Okay. In fact, when you went to take the buccal swab
21 from him, he changed his story that day, didn't he?

22 A Yes, he did.

23 Q Did he give a reason why he changed his story?

24 A That he was scared.

25 Q And, at that point, he corroborated Ms. Brown's -- what

Cris Truluck - Direct examination
by Solicitor Cathcart

1 happened?

2 A Yes, Ms. Brown had told me that, throughout the
3 investigation, I learned that Mr. Minger was present when
4 the shot was fired into the ground. I had known that. So,
5 when we were getting the Buccal swab, I presented him with
6 those facts again and that is when he informed me that he
7 had already been confronted by someone, he was in fear of
8 his own safety, and he didn't tell me the truth from the
9 getgo cause he was scared.

10 Q At some point Mr. Baker was located?

11 A Yes, sir.

12 Q Right?

13 A Yes, sir.

14 Q Where was he?

15 A Pascagoula, Mississippi.

16 Q And who called you to tell you -- told you that?

17 A Investigator Justin Britt, who is on our fugitive team.
18 He also is in coordination with the U.S. Marshals.

19 Q Okay. And were you able to confirm that he was down
20 there?

21 A I was.

22 Q Who were you speaking with down in Mississippi?

23 A I spoke with a Sergeant Wiggins first off who works for
24 the Pascagoula, Mississippi Police Department and he had
25 informed me about the location where he was picked up at and

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by Solicitor Cathcart

1 what had occurred there. I had also spoke briefly to a U.S.
2 Marshal. I don't recall his name. That allowed me to speak
3 with Mr. Baker on the phone.

4 Our conversation was very brief. Didn't want to get
5 into. He did tell me he was ready to come back. The basis
6 of my conversation was are you willing to come back to
7 Columbia. He told me he wanted to get this behind him and
8 he was willing to come back. And I said I will be there the
9 following day to talk to you.

10 Q How many days after the murder was this?

11 A I believe that was on the 24th. Let me confirm that.
12 I'm sorry. I -- yes, I spoke to him on the 24th and we left
13 the morning of the 25th to go to Mississippi.

14 Q Okay. And y'all -- how did you go down there?

15 A We drove.

16 Q And when you got to Mississippi, what did you do?

17 A We met with Sergeant Wiggins at the police department.
18 They had already made arrangements for us to interview
19 Mr. Baker. They had a, a room set up for us and they had
20 Mr. Baker come there where we would conduct the interview
21 with him.

22 Q Okay. And did you, at that point, meet Mr. Baker?

23 A I did.

24 Q Okay. And when you met with him, what, if anything,
25 did you do?

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by Solicitor Cathcart

1 A First of all, he came in the room. He was visibly
2 upset and was crying. I, I let him -- that went on for a
3 little bit and I advised him I needed to read him his rights
4 before we could talk about it and, at which point, I would
5 read him his rights.

6 Q Okay. I show you what's been marked as State's Exhibit
7 No. 17.

8 Do you recognize what that is?

9 A Yes, sir, this is a Richland County Sheriff's
10 Department advisement of rights form.

11 Q Okay. And is that a Richland County advisement of
12 rights form that you read to the defendant?

13 A Yes, sir.

14 Q In Mississippi?

15 A Yes, sir.

16 Q Okay. When you were in this room with him, was there
17 any recording devices on?

18 A Yes, sir, there were video and audio recording.

19 Q Okay. Could you please tell the jury what rights did
20 you read him?

21 What were his rights and what did you tell him his
22 rights were?

23 A Would you like for me to read them off the form?

24 Q Please.

25 And what did you do as you read them to him?

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by Solicitor Cathcart

1 A Normally what I do is, when I read you your rights,
2 everyone I read I have you check it off. So, the first one
3 was, before I ask you any questions, you must understand
4 your rights. You have the right to remain silent. Anything
5 you say can be used against you in Court. You have the
6 right to talk to a lawyer for advice before we ask you any
7 questions and to have a lawyer with you during any
8 questioning. If you cannot afford a lawyer, one will be
9 appointed for you before any questioning if you wish.

10 If you decide to answer questions now without a lawyer
11 present, you still have the right to stop answering at
12 anytime. You also have the right to stop answering anytime
13 until you talk to a lawyer.

14 That is your first portion of the advisement of rights
15 form, which are your rights. The second part is, is called
16 your waiver of rights and now we normally ask do you
17 understand that. Then I went on to, to explain the waiver
18 of rights.

19 I read the statement of my rights and I understand what
20 my rights are. I'm willing to talk and answer questions. I
21 understand and know what I am doing. No promises have been
22 made to me and no pressure or coercion of any kind has been
23 used against me.

24 That's pretty much how I read that form to him and this
25 was on audio/video. So, it might of been not perfect as to

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by Solicitor Cathcart

1 what I'm saying but it's very consistent to how that was
2 read.

3 Q But as you show -- as you're telling him his rights,
4 you're going through this page with him as well, correct?

5 A Yes.

6 Q And he signed not -- in two places, correct?

7 A That is correct. He did sign that he acknowledged his
8 rights and he signed waiver of rights, which indicates that
9 he's willing to talk to me.

10 SOLICITOR CATHCART: Okay. And, at this time, the
11 State seeks to introduce State's Exhibit No. 17 into
12 evidence.

13 MR. BAILEY: Your Honor, I just like to preserve
14 previous objections made pretrial regarding, regarding what
15 was, what was discussed in our pretrial hearings, Your
16 Honor.

17 THE COURT: All right. And that's on 17?

18 SOLICITOR CATHCART: Yes, sir, advisement of rights.

19 THE COURT: All right. Thank you.

20 state's 17 is in evidence subject to pretrial
21 objections reviewed at that time.

22 (WHEREUPON, State's Exhibit No. 17 was received into
23 evidence at this time.)

24 THE COURT: All right. Thank you.

25 SOLICITOR CATHCART: May I publish to the jury, Your

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1 Honor?

2 THE COURT: You may.

3 SOLICITOR CATHCART: Thank you, Your Honor.

4 So, after you spoke to him, advised him of his rights,
5 did he speak to you?

6 A Yes, he did.

7 Q Okay. And what did he tell -- told you happened and
8 what did he have to tell you?

9 A I'm gonna try to paraphrase as best I can because it
10 is, again, it was on video but the gist of the interview
11 was -- is that it wasn't him that did it. He would -- kept
12 referring to that man that did it that he heard on the
13 streets, that this other guy was the one that did it that is
14 blaming him for it.

15 He would even give details about the, the crime that he
16 had heard on the streets such as the keys being taken out of
17 the car, the money. It being said just give him the keys
18 back.

19 There were a lot of things that he had heard on the
20 streets that were very accurate that had -- that I had
21 information of from the witnesses who were present but, as I
22 said before, he never admitted to that being him that was
23 there.

24 He did even mention that he knew Bo, knew him well. He
25 would imply that they were old people. You know, I love old

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1 people. You don't get points for doing stuff like this.

2 But during this whole interview, he was consistently crying
3 and upset and which I took it for as remorseful.

4 Q Okay. In fact, when he talked about that guy, did he
5 ever mix up that guy and him?

6 A Yes.

7 Q I believe -- twice I believe he did it. One specific
8 time he mentioned as I and then he caught himself saying I
9 and then referred to that's what I heard.

10 A I mean I did this or I---

11 MR. BAILEY: Objection, Your Honor. Testifying for the
12 witness here.

13 THE COURT: Restate your question, solicitor.

14 SOLICITOR CATHCART: I'm sorry.

15 Could you clarify for the jury what you meant?

16 A I would ask him a question and his response, the first
17 word out of his mouth, was I.

18 Q Okay. Did you happen to -- in response to what kind of
19 question?

20 A Would you like for me to read it, what the question is?

21 Q Well, if you can remember -- do you have a transcript
22 of what occurred?

23 A I do.

24 Q Would looking at the transcript help refresh your
25 memory as to what was said?

Cris Truluck - Direct examination
by Solicitor Cathcart

1 A Yes, sir.

2 Q Please.

3 A I believe this is the correct one. I'd asked did he
4 try to hit you with a tire iron, tire iron or did he just
5 held it in his hand, and then his answer was I, and then
6 when the man, when the man reached for the keys and the
7 money.

8 Q Okay. And, again, with -- after this interview, did
9 you get a copy of this video?

10 A I did.

11 Q And did you provide us with a copy as well?

12 A Yes, sir.

13 Q Let me show you what's been marked State's Exhibit No.
14 35.

15 Is that a copy of that video?

16 A Yes, sir.

17 SOLICITOR CATHCART: Okay. At this time, State seeks
18 to introduce State's Exhibit No. 35 into evidence.

19 MR. BAILEY: Your Honor, just my prior objections
20 previously stated before trial, Your Honor.

21 THE COURT: All right. Thank you. Thank you very
22 much, Mr. Bailey.

23 And tell me the number again?

24 SOLICITOR CATHCART: This is State's Exhibit No. 35,
25 Your Honor.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 THE COURT: State's 35 in evidence subject to previous
2 objection.

3 (WHEREUPON, State's Exhibit No. 35 was received into
4 evidence at this time.)

5 SOLICITOR CATHCART: Thank you, Your Honor.

6 May I publish this also to the jury?

7 THE COURT: Yes, sir, you may.

8 How long is it?

9 SOLICITOR CATHCART: It's about 20 minutes-ish.

10 THE COURT: Okay. You may publish, yes, sir.

11 SOLICITOR CATHCART: Your Honor, pursuant to State v.
12 white, the State has provided transcripts. It will be just
13 easier for the jury to follow, follow the video. We will
14 take them back up as soon as the video is done.

15 THE COURT: All right. All right, solicitor. That's
16 fine.

17 (WHEREUPON, a portion of the video was played at this
18 time.)

19 SOLICITOR CATHCART: May the -- may the witness step
20 down real quick, Your Honor?

21 THE COURT: Say again.

22 SOLICITOR CATHCART: May the witness step down?

23 THE COURT: Yes. Yes, sir.

24 SOLICITOR CATHCART: Thank you.

25 THE COURT: Of course, you may step down.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 Q Could you just point out the parties who are in this?

2 A This would be me, this is Mr. Baker, and this is
3 Investigator Jamie Owens who assisted me that day.

4 Q And he's also from the Richland County Sheriff's
5 Department as well?

6 A Yes.

7 Q He's the one that came down with you to Mississippi?

8 A Yes, he is.

9 Q Okay. And this is right before you start the
10 advisement of rights, correct?

11 A I believe so, yes.

12 SOLICITOR CATHCART: Your Honor, may we provide one for
13 you as well?

14 THE COURT: I have one.

15 SOLICITOR CATHCART: Hand out these to the jury, Your
16 Honor?

17 THE COURT: Yes, sir.

18 SOLICITOR CATHCART: Y'all just take one and pass it
19 around and you can follow along with these.

20 Everybody have one?

21 (WHEREUPON, the jurors nod affirmatively.)

22 SOLICITOR CATHCART: All right.

23 (WHEREUPON, State's Exhibit No. 35 was played for the
24 jury at this time.)

25 SOLICITOR CATHCART: Is that everybody's?

Cris Truluck - Direct examination
by Solicitor Cathcart

1 (WHEREUPON, the jurors nod affirmatively.)

2 Q Subsequently, Mr. Brown, excuse me, Mr. Baker was
3 brought back here to South Carolina?

4 A Yes, sir, he was.

5 Q And when you spoke with him on the -- when you
6 interviewed with him, when you talked to him about I know,
7 you know, you feel bad about this, was that, that because
8 you make it -- you know he felt bad or were you just trying
9 to do what?

10 MR. BAILEY: Objection, Your Honor. Leading the
11 witness and, and speculation.

12 THE COURT: I, I would allow it. He -- the answer's
13 not assumed in the question.

14 SOLICITOR CATHCART: No, sir.

15 THE COURT: Basically it's down to were you doing this
16 or what were you doing. So, I mean can you rephrase it,
17 rephrase it to that, solicitor, perhaps?

18 Q Was this a tactic?

19 A It was a technique that, that investigators use.
20 However, as you could clearly see, he was, he was crying.
21 He was, he was -- that was real. He was crying and, and I
22 think he was remorseful but he just wouldn't ever admit to
23 it was me that did it. Throughout being an investigator,
24 there's, there's numerous investigative techniques that you
25 use. whether it be agreeing with the person. Sometimes you

Cris Truluck - Direct examination
by Solicitor Cathcart

1 just have to put them at the scene. You have to do whatever
2 it takes to put them at the scene.

3 Then maybe you have to get them -- you have to put a
4 gun in their hand. Sometimes it could be a long lengthy
5 process but that yes, it was a, a technique that I was using
6 to get him to admit, yes, I am, I am remorseful for it.

7 Q And, in fact, as you indicated prior to doing this, a
8 couple times you -- when saying -- talking about that man
9 that I heard about on the streets, he first started with I,
10 that man?

11 A Yes.

12 Q Talking about what happened out there?

13 A Yes, and, again, it was numerous times throughout the
14 interview that it was details about the keys, where the keys
15 were, the money, the ignition, or, you know, I mean these
16 were details that I've never heard the streets. They talk
17 about crimes all day long and I've worked a lot of murders
18 but I've never heard the streets give specific details like
19 that.

20 Q And based upon your investigation, were you able to
21 determine when he left Columbia?

22 A Yes, we believe it was the day after or two days after.
23 I can refer to my notes---

24 Q Please.

25 A ---to make sure.

Cris Truluck - Direct examination
by Solicitor Cathcart

1 It would of been the Thursday or Friday following the
2 following week of this incident, which would of been the
3 18th or 19th, and that's based on Mr. Baker's wife's
4 statement that she provided to Investigator Brunson.

5 Q Now, this incident occurred on June 19th, correct?

6 A I'm sorry. That would of been a misprint. Several
7 days after the incident occurred he did leave. He went to
8 Atlanta. He had his mother take him to Atlanta to meet his
9 brother at which point, when he met the brother, he went
10 down -- on down to Mississippi. So, we're talking -- he was
11 arrested on the 24th. So, I don't have the exact date
12 here with me.

13 Q Okay.

14 A It was several days. It was---

15 Q But it was shortly there after the, the incident?

16 A It was several days afterwards, yes, sir.

17 Q And prior to him being arrested at the southernmost tip
18 of Mississippi and you talking to him, did he ever come to
19 the police as to anything that Mr. Geter did to him?

20 A No.

21 Q In fact, in his statement, he never said Mr. Geter
22 attacked him?

23 A No.

24 Q It was just that was what he heard on the streets?

25 A And I, I specifically asked him did Mr. Geter have a

Cris Truluck - Direct examination
by Solicitor Cathcart

1 tire iron in his hand, did he come after you. Once again,
2 that was a technique that I wanted to use because,
3 throughout this investigation, he only had the keys and a
4 cell phone in his hand according to the witnesses. So, if
5 that's what it took to put a gun in his hand, that, that was
6 a technique that was trying to be done but he, he, again,
7 referred to that's what the streets were saying.

8 Q Okay. Thank you. Please answer any questions from
9 defense counsel.

10 THE COURT: Thank you. Thank you, solicitor.

11 SOLICITOR CATHCART: Yes, sir.

12 THE COURT: All right. Mr. Bailey.

13 MR. BAILEY: Thank you, Your Honor.

14 May it please the Court?

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. BAILEY:

18 Q Good afternoon, investigator.

19 A Good afternoon, sir.

20 Q What, what kind of firearm do you carry, Investigator
21 Truluck?

22 A A Glock 23.

23 Q Okay. A Glock 23.

24 Is that issued to you by Richland County Sheriff's
25 Department?

Cris Truluck Cross-examination
by Mr. Bailey

1 A Yes, sir.

2 Q Okay. And that's a semiautomatic pistol, right?

3 A Yes.

4 Q And how long have you carried this particular Glock?

5 A This particular one, maybe five, six years, but I've
6 carried a Glock my whole career, 22 and a half years. I've
7 carried a Glock 22 and a 23 and a 19.

8 Q Okay. So, this one -- did you, did you say three
9 years, five years?

10 I didn't hear you. I'm sorry.

11 A I want to say five, six years at least.

12 Q And you were carrying this particular firearm, this
13 Glock, at the time that you met with Lessie Brown on
14 June 24th, right?

15 A Yes, sir.

16 Q June 24th, 2015?

17 A Yes, sir.

18 Q Okay. And you were -- so, you were carrying it this
19 whole time of this investigation, the same firearm you're
20 wearing right now?

21 A Yes, sir.

22 Q And where, where do you carry it on you?

23 A My right side.

24 Q Right side.

25 Is it -- could you -- do you mind kind of showing us?

Cris Truluck Cross-examination
by Mr. Bailey

1 A (Witness complies.)

2 Q Okay. Could you turn just a little bit so I can see it
3 too?

4 A (Witness complies.)

5 Q All right. Great. All right. Thank you.

6 Okay. So, Investigator Truluck, I've actually known
7 you for a while.

8 How, how long have you been a detective?

9 A Here in Richland County, I've been here since 2010.
10 So, since 2012 I've been an investigator here.

11 Q So, you, you've been an investigator for -- here five
12 years?

13 A Yes, sir.

14 Q Okay. So, you interview a lot of folks?

15 A Yes, sir.

16 Q A lot of witnesses?

17 A Yes.

18 Q You know the importance of interviewing witnesses?

19 A Yes, sir.

20 Q You've probably done, I don't think it would be an
21 overestimation to say, you've probably done hundreds of
22 interviews of witnesses?

23 A Yes, sir.

24 Q And you try your best to get these statements early,
25 right?

Cris Truluck Cross-examination
by Mr. Bailey

1 A Yes.

2 Q And it's important -- because that's when the
3 information is fresh?

4 A You try to -- you do try to get them early. However,
5 in my experience, I, I haven't found that getting one later
6 down the road is any more inaccurate than it would be fresh.
7 A lot of times, right after the incident, there's a lot of
8 trauma and stuff that's going on. You can get -- sometimes
9 if you just sit and think, times goes on, you remember
10 things that you didn't remember when it actually happened.

11 Q Right.

12 But you -- I mean you'd agree you'd rather get the
13 statement a week after something happened than two years or
14 something?

15 A Yes.

16 Q Right?

17 A I would.

18 Q Okay. Because you want it to be accurate?

19 A That is correct, yes, sir.

20 Q And you know, as in this case, you investigate the
21 facts early?

22 A Yes, that's right, sir.

23 Q As early, as early as possible?

24 A Yes.

25 Q And you make a fair amount of reports, right?

Cris Truluck Cross-examination
by Mr. Bailey

1 A Yes, sir.

2 Q And sometimes you, you write a witnesses statement down
3 yourself?

4 A Yes, sir.

5 Q Okay. And, and I'm sure you take careful notes?

6 A Yes, I try to. Well, let me, let me elaborate on that
7 a little bit. A lot of times my notes would be if I took a
8 statement from you. So, I probably take less notes than a
9 lot of people do because, if I get a statement from you,
10 that is my notes of that case.

11 Q Sure.

12 A The whole time---

13 Q But during these statements, I'm, I'm -- I have no
14 doubt that you try your best to record everything said as
15 accurately as you can?

16 A Yes, sir.

17 Q Is that right?

18 A Yes, sir.

19 Q Because you might need that statement again later like
20 in a courtroom today?

21 A Yes, sir.

22 Q And it might be a year or two years sometimes even
23 before it goes to trial, right?

24 A Yes, sir.

25 Q And that's why we write them down?

Cris Truluck Cross-examination
by Mr. Bailey

1 A That's right.

2 Q And after you get every detail down, you have the
3 witness review, review this statement and look at it himself
4 or herself.

5 Is that right?

6 A Yes, sir.

7 Q Okay. So, they read the statement and they, they
8 review it themselves?

9 A They don't always read it. Let's say, for instance,
10 that if I take a statement from someone and I handwrite
11 that, a lot of times is, it's handwritten right in front of
12 me. A lot of times they're reading it as I'm writing it. I
13 do ask them would you like to read the statement. Some do.
14 Some don't.

15 Q Okay. Well, so, you're saying you don't want -- you
16 don't ask them to read it. I figured you'd probably ask
17 them to read the statement.

18 A I ask them if they would like to read their statement
19 --

20 Q Okay.

21 A -- with them.

22 Q Well, they review it and they sign it.

23 Is that right?

24 A Yes, sir.

25 Q Okay. And, and we talked about how you, you took a

Cris Truluck Cross-examination
by Mr. Bailey

1 statement yourself from Lessie Brown on June 24th, 2015.

2 That was five days after the incident, right?

3 A Yes, sir.

4 Q Okay. You spoke with Ms. Brown.

5 She told you that Mr. Baker, that Antwon, was at
6 Fiske Street on June 19th, right?

7 A Yes, sir.

8 Q Okay. She said that Mr. Baker -- she said that he had
9 a, had a firearm?

10 A Yes.

11 Q And then she said "I know it's black." well, let me
12 back up.

13 You said, you asked her, "can you describe the gun Kilo
14 had."

15 A Uh-huh. (Affirmative).

16 Q And that's, that's a question you ask witnesses a lot,
17 right?

18 A Always ask if they can.

19 Q Okay. You've probably asked that question hundreds of
20 times since you've worked for Richland County, right?

21 A Anytime I work a case where there's a gun involved, I
22 always ask the victim can you describe the gun.

23 Q All right. And the answer is important, right?

24 A Yes.

25 Q And Ms. Brown said, "I know it's black, and, like

Cris Truluck Cross-examination
by Mr. Bailey

1 yours, (automatic). It might be a little bigger. The nose
2 looks longer. It was in his right-hand."

3 So, she said it's like -- she definitely said it was
4 like yours?

5 A Uh-huh. (Affirmative).

6 Q Okay. And I think you indicated to Mr. Cathcart that
7 you wrote automatic in parentheses?

8 A That's correct.

9 Q Okay. I guess you can't -- you know, if you're taking
10 a statement, you say somebody stood up and waved their arms,
11 you might say they stood up and waved their arms or
12 something?

13 A Well, let me give an example. Nicknames are used all
14 the time and people refer to people as nicknames. I mean
15 they're so many people on that street that only know
16 peoples' nicknames, and, a lot of times, if I know their
17 real name and the person I'm getting the statement from uses
18 a nickname, I will use parentheses use their real name just
19 as I did with the firearm. She pointed at mine. I know
20 mine's an automatic. So, that's why I put it in parenthesis
21 as an automatic. Not as what she said.

22 Q Right?

23 A It's what I said.

24 Q Okay. So, from that interview, she told you it was
25 like yours?

Cris Truluck Cross-examination
by Mr. Bailey

1 A Uh-huh. (Affirmative).

2 Q Maybe the nose was a little bit longer but that it was
3 like yours?

4 A Right.

5 Q And you made the determination that it was automatic or
6 you recorded automatic on the statement?

7 A Well, because an automatic is like mine.

8 Q Right.

9 A And I'm -- and, once again, she said mine. So, it's
10 like mine. That's why I said automatic.

11 Q Okay. Now, I, I, I know you were here earlier today.
12 Showing you Defense Exhibit 3 for identification purposes
13 only.

14 You've, you've seen this before?

15 A I have.

16 Q You, you know what type of firearm this is a model of,
17 right?

18 A Yes, sir.

19 Q Okay. And that's a revolver?

20 A Yes.

21 Q Okay. And it has a cylinder?

22 A Yes.

23 Q And it -- and it -- the cylinder turns every time?

24 A Yes.

25 Q I think, I think Investigator Metz said it was

Cris Truluck Cross-examination
by Mr. Bailey

- 1 something -- it was like a cowboy firearm. Maybe like a lot
2 of -- for those of us that have little cowboy type guns when
3 we were younger, it's sort of old and kind of cartoonish.
4 It is what we -- the toy -- Yosemite Sam has -- the first
5 pistols I had when I was a little kid that had the -- has
6 the longer---
- 7 A well, it -- no, I would dispute that as -- a cowboy gun
8 would be with the longer barrel.
- 9 Q Hey, I will---
- 10 A If, if---
- 11 Q I'm just trying to---
- 12 A I will take that---
- 13 Q ---clear that up.
14 I will take that correction.
- 15 A I'm being honest with you.
- 16 Q All---
- 17 A Okay.
- 18 Q Absolutely.
- 19 A That would be a snub nose as it's---
- 20 Q Right. I mean the, the barrel, you know, it's a barrel
21 but it's a revolver. It's a cylinder.
- 22 A Right.
- 23 Q Okay. And then we have -- and then right here, Defense
24 Exhibit No. 4 for identification purposes, this is a
25 semiautomatic, right?

Cris Truluck Cross-examination
by Mr. Bailey

1 A That's correct.

2 Q Now, I know this isn't exactly like the Glock you've
3 got but your Glock is a semiautomatic?

4 A Uh-huh. (Affirmative).

5 Q In fact, I was talking to one of the deputies
6 downstairs and he says they haven't carried revolvers in,
7 you know, decades.

8 A (Witness nods affirmatively.)

9 Q Okay. So, so, here we go. Here's this automatic. It
10 has a slide, the thing we move when we're cocking the
11 initial round in the chamber, right?

12 A Yes, sir.

13 Q And just like yours has a slide?

14 A (Witness nods affirmatively.)

15 Q It loads -- it has a magazine just like yours has a
16 magazine?

17 A (Witness nods affirmatively.)

18 Q And it loads them -- loads rounds into the chamber
19 automatically just like yours does?

20 A (Witness nods affirmatively.)

21 Q And it also discharges shell casings after it's fired
22 just like your Glock does?

23 A Yes, sir.

24 Q Now, I'm gonna refer you to Defense Exhibit No. 2.
25 You've seen this.

Cris Truluck Cross-examination
by Mr. Bailey

1 This is a blown-up picture of the round that was found
2 in Mr. Geter, right?

3 A Yes.

4 Q Okay. And that is -- I believe we are -- all now know
5 what a double ended wad cutter is a -- it is a, it is a, it
6 is a flat round, right?

7 A (Witness nods affirmatively.)

8 Q It's double ended cause it's flat on both sides?

9 A (Witness nods affirmatively.)

10 I've always heard wad cutter but I don't know the
11 logistics of it. So --.

12 Q I heard that too. I guess double ended wad cutter's
13 kind of the extended, the extended name for it, and
14 Investigator Metz said that these were made for revolvers.

15 You heard that testimony, correct?

16 SOLICITOR CATHCART: Objection, Your Honor. At this
17 point, defense counsel is testifying to we have -- oh, I'm
18 sorry. I'm going to objection -- just the objection, Your
19 Honor.

20 THE COURT: If he doesn't know the answer, he can, he
21 can give that answer.

22 SOLICITOR CATHCART: Yeah, I'm just asking for
23 questions.

24 THE COURT: Excuse me?

25 SOLICITOR CATHCART: I'm asking for questions instead

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by Mr. Bailey

1 of the testimony, Your Honor.

2 THE COURT: Ask him the questions, Mr. Bailey.

3 MR. BAILEY: Yes, Your Honor.

4 Investigator Metz, did you hear investigator -- I'm
5 sorry.

6 Investigator Truluck, did you hear Investigator Metz
7 tell us that these rounds, wad cutters, were made for
8 revolvers?

9 A Yes.

10 Q And you heard her conclusion -- you heard her
11 conclusions that this, this round was fired from a revolver.

12 Is that right?

13 A Yes.

14 Q And no shell casings were found at the scene on Fiske
15 Street.

16 Is that right?

17 A That's correct.

18 MR. BAILEY: Okay. Court's indulgence just for a
19 second, Your Honor.

20 THE COURT: Yes, sir, certainly.

21 (Pause.)

22 MR. BAILEY: All right. No further questions at this
23 time, Your Honor.

24 Thank you, investigator.

25 A Thank you.

Cris Truluck - Redirect examination
by Solicitor Cathcart

1 THE COURT: Redirect, solicitor?

2 SOLICITOR CATHCART: Yes, sir, a couple questions.

3 REDIRECT EXAMINATION

4 BY SOLICITOR CATHCART:

5 Q When you spoke with Ms. Brown---

6 A I have.

7 Q I mean when you talked with her, the first time you
8 talked to her that night, correct?

9 A Yes.

10 Q She was talked to by law enforcement right after it
11 occurred, correct?

12 A (Witness nods affirmatively.)

13 Q Okay. When you talked to her that night, why didn't
14 you take a statement at that point?

15 A I mean she was visibly upset. We actually stopped
16 talking because she was getting upset and that's common with
17 a lot of victims. I mean this was a traumatic incident that
18 happened. A lot of times I don't go back to talk to the
19 victims spouses, especially several days later. Sometimes I
20 don't even go back and talk to the spouse just because of
21 the traumatic effect it has.

22 Q And so---

23 A That's why it wasn't done that night.

24 Q And so, that night, did you do anything to, as you
25 said, well, I don't want to talk to you tonight, what did

Cris Truluck - Redirect examination
by Solicitor Cathcart

1 you do?

2 A I told her I would get with her later and we would talk
3 about it later.

4 Q And subsequently, five days later, you did go talk to
5 her again?

6 A Yes.

7 Q Is what she told you five days later consistent with
8 what she told you happened the night it happened?

9 A Yes, sir.

10 Q Was it consistent with what she told the reporting
11 officers happened?

12 A Yes, sir, very consistent.

13 Q Okay. And us -- did you have your gun out while you
14 were talking to her?

15 A No.

16 Q Were you playing with it, pull it out, rack the thing
17 like he was talking about how automatic weapons---

18 MR. BAILEY: Objection, Your Honor. Leading.

19 Q Did you---

20 A Okay.

21 THE COURT: Rephrase it, solicitor.

22 Q What did you do with your gun while she was -- you were
23 talking to her?

24 A The way I do a lot of people, when I ask them can they
25 describe the gun, and a lot of times people hesitate. They,

Cris Truluck - Redirect examination
by Solicitor Cathcart

1 they don't know guns. They're not able to describe them.
2 They're not around them very much. So, a lot times I'll
3 even say is it -- does it look like this, was it similar to
4 this, you know, to try to see if it was but then I would
5 know what kind it was.

6 So, I believe I did do that. I would show her is, is
7 it like that because I could tell, by me questioning her
8 about the gun, she has no knowledge of guns.

9 Q Okay. And so, when you did that, can you show the jury
10 what you just said what you did?

11 A I wouldn't have the jacket on. I probably just turned
12 myself sideways and is it -- does it look like this.

13 Q Could you stand up please, sir?

14 A (Witness complies.)

15 SOLICITOR CATHCART: May I approach the witness, Your
16 Honor?

17 THE COURT: Yes, sir.

18 Q How is that gun attached to your hip?

19 A In a holster.

20 Q In a holster?

21 A Yes, sir.

22 Q Other than the very back end of that gun, what part of
23 that gun can you see other than the handle?

24 A Just the grip.

25 Q The grip?

Cris Truluck - Redirect examination
by Solicitor Cathcart

1 A Yes, sir.

2 Q Revolver's got grips too, don't they?

3 A Yes, sir.

4 Q So, it's a black gun like yours, only bigger.

5 when she pointed it out to you, all she could see was
6 the handle?

7 A Yes, sir.

8 Q whose word's automatic on that?

9 A Mine.

10 Q Because she pointed at your gun, the handle of it?

11 A Correct.

12 SOLICITOR CATHCART: No further questions. Thank you.

13 MR. BAILEY: Court's indulgence, Your Honor.

14 THE COURT: Recross.

15 MR. BAILEY: Thank you, Your Honor. Just a second.

16 THE COURT: Yes, sir, of course.

17 (Pause.)

18 RE CROSS EXAMINATION

19 BY MR. BAILEY:

20 Q Investigator, did you, did you say that you don't know
21 whether you took your gun out that time or not?

22 A I don't ever take my gun out.

23 Q Okay. I'm sorry. I didn't -- okay. So---

24 A I mean not like just to, to get somebody's
25 identification of it.