

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Orangeburg County

Honorable Edgar W. Dickson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JOHNATHAN GREEN,

APPELLANT

APPELLATE CASE NO 2016-002256

RECORD ON APPEAL

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THE FOLLOWING EXHIBIT IS ON FILE WITH THIS COURT:

STATE'S EXHIBIT NO. 16 (CD OF 911 CALL)

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF ORANGEBURG) FIRST JUDICIAL CIRCUIT

2016-GS-38-1244
2016-GS-38-0215-0220

State of South Carolina,)
))
Plaintiff,)
))
v.) Transcript of Record
))
Jonathan R. Green,)
))
Defendant.)
))
_____)

October 24, 2016
Orangeburg, South Carolina

B E F O R E:

The Honorable Edgar W. Dickson, Judge

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

Tommy Scott, Esquire
Josh Edwards, Esquire
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Hilda M. Jordan, CVR-M
Circuit Court Reporter

I N D E X

Pre-trial Matters

WITNESS/DESCRIPTIONPAGE NO.

EXHIBITS:

NO EXHIBITS WERE MARKED TO THIS PROCEEDING

Certificate of Court Reporter 44

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1 THE COURT: Y'all may be seated. Thank you. Mr.
2 Scott.

3 MR. SCOTT: May it please the Court, Your Honor.

4 THE COURT: Yes, sir.

5 MR. SCOTT: The State would call the Court's
6 attention to State verses Jonathan Robert Green. Mr. Green,
7 Your Honor, has been charged with ten counts of attempted
8 murder. This is indictment numbers 2016-GS-38-0215 through
9 224 and also one count of discharging a firearm into a
10 dwelling, 2016-GS-38-1244.

11 We are here today for the purposes of pre-trial issues,
12 Your Honor. This case is scheduled to be called first thing
13 in the morning. I know Mr. Gipson has some motions. The
14 State would also have a motion to elicit some prior bad acts
15 testimony during the trial. We are prepared to proffer that
16 testimony at this time.

17 THE COURT: All right. Mr. Gipson?

18 MR. GIPSON: Yes, sir. Please the Court.

19 THE COURT: Yes, sir. I'll hand these up.

20 (Documents passed to the Court from Mr. Gipson.)

21 MR. GIPSON: It's got voir dire and some jury
22 charges on the back. But it starts, I believe with a Motion
23 to Suppress.

24 THE COURT: All right. The first thing I see is a
25 Motion to Suppress?

1 MR. GIPSON: Yes, sir

2 THE COURT: Okay. You just want to take them in
3 the order they --

4 MR. GIPSON: Sure. Sure. May it please the
5 Court, basically in the Motion to Suppress I think I've got
6 one, two, three, four -- basically, it's Motions in Limine.

7 THE COURT: All right. Well, I'll take them in
8 whatever order you want me to take them in.

9 MR. GIPSON: Well, the Motion in Suppress, that's a
10 good place to start, Your Honor.

11 THE COURT: All right.

12 MR. GIPSON: My first motion, Judge, I'm asking --
13 there will be what's deemed to be 9-1-1 calls that are made
14 from the alleged victim in this case and the subject matter
15 of that is an allegation of a chase that took place on 301.
16 During those phone calls there is information that is
17 elicited that suggest that Mr. Green is a violent person and
18 just things are said about Mr. Green at that point in time
19 that is our firm belief that the prejudicial value far
20 outweighs the probative -- the prejudicial effect far
21 outweighs the probative value. And we'd like to, at this
22 point, you know, the Court may need to hear those things,
23 they may have to proffer those things, but to at least
24 suppress the portions that talk about what he's done in the
25 past or what allegations may be in his past, because they

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1 are just that, allegations. And, again, we don't want to
2 unfairly prejudice the jury because of those things in 9-1-1
3 calls.

4 THE COURT: Okay. But to your knowledge -- I
5 notice you said, suggest, allege there was a 9-1-1 call.
6 Did the victim call 9-1-1?

7 MR. GIPSON: The victim called 9-1-1, Judge.

8 THE COURT: So this is the tape from the 9-1-1
9 call?

10 MR. GIPSON: That's correct. And we'd like to
11 have it -- essentially, we're asking to redact the portion
12 of that tape that speaks of that prior history. You know
13 any kind of allegation of his quote unquote, I'd say violent
14 tendencies.

15 THE COURT: Okay. All right. All right. Mr.
16 Scott or Mr. Edwards, excuse me.

17 MR. EDWARDS: I would need to know exactly what
18 statements Mr. Gipson wants to suppress. She never says
19 Jonathan Green is a violent person. I mean, she does make
20 some statements that he had been threatening her in response
21 to the 9-1-1 operator's questions.

22 THE COURT: Okay.

23 MR. GIPSON: And that he had tried to, you know,
24 hurt me before. He's known to have guns. I mean, things
25 like that, Judge, I think are highly prejudicial.

1 THE COURT: Well, I understand that but I mean, I
2 guess I probably need to listen to it. But, I mean, I don't
3 have any problems with if y'all want -- if you've got a copy
4 of the transcript or something like that.

5 MR. EDWARDS: I've transcribed what I think Mr.
6 Gipson is referring to.

7 THE COURT: Okay

8 MR. EDWARDS: The first thing is traveling on 301
9 towards Santee and my child's father is chasing me and
10 trying to run me off the road. And that's how the call
11 starts.

12 THE COURT: Okay.

13 MR. EDWARDS: And about fifty-eight seconds then
14 the operator asks Ms. Hodges, the caller, what is he chasing
15 you for. And Ms. Hodges said, he's harassing me. I've done
16 crashed -- I mean, I've called the police. And then shortly
17 thereafter she says, he'll be threatening to kill me and
18 stuff and I've done filed a report. At another point, she
19 says I think he's got a gun. Nine times out of ten he'll
20 have a gun.

21 THE COURT: Okay. Is that what --

22 MR. GIPSON: Yes, sir.

23 THE COURT: Okay. It's a 9-1-1 call. If she
24 sounds emotional or something like that, like she's caught
25 up in it, I would probably be more inclined to let it in.

1 If it sounds like everything has calmed down and she's being
2 reflective and things like that, then I've got another issue
3 with that. But I won't know unless -- I probably need to
4 listen to the tape.

5 MR. GIPSON: Sure.

6 MR. EDWARDS: And, again, you know, we can play
7 the tape if you want. To give you context, Your Honor,
8 they're being chased down Highway 301 at speeds of around a
9 hundred miles an hour when she makes the call. I think it's
10 definitely, you know, a statement that's made in the heat of
11 the moment. I think it's an excited utterance. Would you
12 like to play the tape, Judge?

13 THE COURT: Yeah. Yeah. Can you do that here or
14 do you want me -- or I can listen to it and we can come back
15 and visit that after I've listened to it.

16 MS. CRAVEN: I can play it.

17 THE COURT: Oh, you can do that? Okay. Go ahead.

18 (9-1-1 recording played)

19 MR. EDWARDS: I think that's the only part Mr.
20 Gipson would have exception to. Yeah, there's more to the
21 tape but it's more of her narrating what they're doing at
22 that time. There are no other statements about --

23 THE COURT: About the past or what she's assuming
24 we don't have.

25 MR. EDWARDS: Correct. And also I think Mr.

1 Gipson's motion is kind of -- for a 404(b) motion. I'll
2 tell the court we have a lot more 404(b) evidence that we
3 are going to try to get into. We think it's relative to his
4 intent, the fact that he's threatened her before and what
5 ends up happening. We think it shows intent. We also think
6 it shows motive. They have had many prior difficulties in
7 the past and she was scared of him. You could argue a
8 common scheme or plan, Judge. We'll get into -- once we get
9 into our presentation later.

10 MR. GIPSON: Well, I think he's never had any
11 common scheme --

12 THE COURT: Okay. What do you mean never had any
13 --

14 MR. GIPSON: I mean, there's a common scheme or
15 plan of some sort. But my simple motion is, Judge, as we
16 listen to this I think the key word to use is narrative.
17 And that's exactly what it is. It's a narrative. No --
18 certain things at this juncture or just plain -- they're
19 just assertions that are being made. In that 9-1-1 call,
20 there's information about a chase that's taking place or was
21 termed as a chase but we can get into those things. But
22 Judge this is a trial where it, you know, it starts as an
23 allegation and that Ms. Hodges and Mr. Minor are being, you
24 know, chased up 301. And then later ends in some shots
25 being fired in the house that they go into. So this is, you

1 know, an attempt to build up to, you know, this -- you know
2 it's crescendo of these shots being fired by someone. And
3 then talking about, you know, possible things that may have
4 happened or possible allegations that could have happened in
5 the past, that at this point it's just more prejudicial than
6 probative. You know, if they have a case to make about what
7 actually happened that particular day, you make that case.
8 But to bring in other things that have nothing to do with
9 what happened that particular evening, Judge, is absolutely
10 unfairly prejudicial.

11 MR. EDWARDS: Your Honor, we have to prove malice
12 -- we have to prove motive and intent. I think the evidence
13 is highly probative. And even if it's a wash, Judge, it's a
14 wash between unduly prejudicial and probative. We would
15 present that they have to show that the prejudicial value or
16 the unfair prejudicial value substantially outweighs the
17 probative value on both if they can do that..

18 MR. GIPSON: And, Judge, to start to load a jury
19 with these preconceived notions about somebody's propensity
20 for violence in the situation in this case where there is no
21 physical evidence that links them to the site of the
22 shooting, Judge, that absolutely is a substantial prejudice
23 to a defendant in a case. That's prejudiced to Mr. Green.
24 If you're going to ask them for assumptions to be made in a
25 situation where -- if they have the evidence to prove it,

1 then let's put the evidence out there that would have to be
2 in this scenario, not some allegations that were unfounded
3 or never -- charges were never pressed, you know, in a
4 situation, you know, by law.

5 THE COURT: Okay. Yes, sir.

6 MR. EDWARDS: This is going to right into our
7 motion later so and the Court might consider ???.

8 THE COURT: Okay. And I'll tell you, normally
9 speaking 9-1-1 calls is something I believe comes in, okay.
10 I have to admit I'm a little concerned. She does repeat, I
11 think three or four times, oh my god. And I'm concerned
12 that her tonal quality does not give me the stress level
13 that I'm used to when hearing a 9-1-1 call, okay? But to me
14 I think that's one of the arguments that you make, if I
15 allow it in, that's one of the arguments that you make to
16 the jury listening to it. At this stage I'm not entitled to
17 do anything except leave the 9-1-1 call in. But since I
18 think Mr. Edwards indicated there's some prior bad acts I've
19 got to get into with this?

20 MR. EDWARDS: Yes, sir. It's part of our Motion
21 in Limine.

22 THE COURT: Okay.

23 MR. EDWARDS: It's the same stuff.

24 THE COURT: Okay. It's --

25 MR. GIPSON: We kind of reach that. --

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1 THE COURT: Okay.

2 MR. GIPSON: You know, but I don't mind just going
3 out of order and taking that to get all --

4 THE COURT: Well, if it all goes together.

5 MR. GIPSON: Yes, sir.

6 THE COURT: That way I can --

7 MR. SCOTT: That's kind of why I said we are
8 prepared to proffer that testimony because I think it sort
9 of sets the stage for --

10 THE COURT: Okay. Well, let's do. I'm sorry. I
11 should have listened to you, Mr. Scott. That's the last
12 time you've told me that.

13 MR. SCOTT: The State calls Elise Hogges.

14 THE COURT: Okay.

15 (WHEREUPON, Elise Hogges was
16 duly sworn)

17 THE CLERK: Please have a seat and state your name
18 again for the record.

19 THE WITNESS: Elise Hogges.

20 THE COURT: Hogges?

21 THE WITNESS: It's Minus now, but --

22 THE COURT: Well, which one do you want to go by?

23 THE WITNESS: Minus.

24 THE COURT: Minus?

25 THE WITNESS: Yes, sir.

1 THE COURT: Okay. All right. She's your witness.

2 MR. SCOTT: Thank you.

3 ELISE HOGGES - DIRECT EXAMINATION

4 BY MR. SCOTT:

5 Q Good afternoon?

6 A Good afternoon.

7 Q How old are you?

8 A Twenty-nine.

9 Q And where are you from?

10 A Orangeburg, South Carolina.

11 Q And how many children do you have?

12 A One.

13 Q And how old is your child?

14 A Four.

15 Q Is it a little boy or a little girl?

16 A A girl.

17 Q And who is the father of your child?

18 A Jonathan Green.

19 Q Jonathan Green?

20 A Uh-huh. (Affirmative response.)

21 Q How long have you known the Defendant, Jonathan Green?

22 A Since middle school.

23 Q And when did you and Mr. Green begin a romantic
24 relationship?

25 A 2008.

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1 Q And did you ever live together during this
2 relationship?

3 A Yes.

4 Q Well, when did this relationship end?

5 A 2015.

6 Q 2015?

7 A Uh-huh. (Affirmative response.)

8 Q Let me ask you, how you would you describe your
9 relationship with Mr. Green?

10 A It was -- it was a bad situation.

11 Q It was a bad situation?

12 A Yeah.

13 Q And what do you mean by it was a bad situation; what
14 made it a bad situation?

15 A It was a lot of, like, fighting and verbal abuse.

16 Q Okay. Has he ever assaulted you or threatened you?

17 A Yes.

18 Q Can you tell us about that?

19 A Well, it's happened several times. One time he pulled
20 my hair, snatched my hair out and pulled it from scalp.
21 That's why I had to shave my head off. Then --

22 Q When was this?

23 A January 2015.

24 Q Okay. Where did this happen?

25 A At his mom's house on Five Chop Road.

1 Q What were you doing at his mom's house?

2 A Picking up my daughter.

3 Q All right. Did he do anything else that day?

4 A He bust my tire and he threw my keys in the woods.

5 Q Bust your tires and threw your keys in the woods?

6 A Uh-huh. (Affirmative response.)

7 Q Okay. Any other examples of times or incidents
8 threatened you or assaulted you?

9 A The week of Thanksgiving, he came to my house to try
10 and fix my car. And I told him I didn't want him to do
11 anything for me, that, you know, I didn't want him to do
12 anything for me. And he was just like don't -- me I'll blow
13 your face off. And I told him to get out the yard and don't
14 come back no more.

15 Q Okay. And where did this happen?

16 A At my mom -- well, me and my mom's house.

17 Q Okay. And you said the week of Thanksgiving. Can you
18 tell us what year?

19 A 2015.

20 Q This incident that Mr. Green's on trial for happened
21 December 13th of 2015?

22 A Yes, sir.

23 Q So this was a few weeks before that?

24 A Yes, sir.

25 Q Okay. When the Defendant came over to your house that

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1 week of Thanksgiving, did anybody come with him?

2 A His brother, his little brother.

3 Q Okay. What's his brother's name?

4 A Brandon.

5 Q And you say he threatened to blow your face off?

6 A Yeah. He was upset that I didn't want him to do
7 anything for me.

8 Q Okay. When he -- well, let me -- did you call the
9 police that day?

10 A No.

11 Q Why not?

12 A Because I was just scared and just whenever he do that
13 things, he always like, gets me into everything he do, so I
14 just wasn't --

15 Q Okay. Let me ask you. Let me back up. The incident
16 from January of 2015 when he pulled your hair out?

17 A Uh-huh. (Affirmative response.)

18 Q Did you call the police on that date?

19 A I didn't call the police because I was in his mom's
20 yard but we went to the sheriff's department.

21 Q So you did file a report on that date?

22 A Yes.

23 Q And I hate to keep flipping back and forth, but when
24 you talk about a Thanksgiving incident, he threatened to
25 blow your -- you said your head or your face?

1 A My face.

2 Q -- your face off. Did you feel this is a possibility
3 for him? I mean, what is the Defendant's propensity for
4 firearms?

5 A He always, he always known to have it but it was -- the
6 fighting was getting worse so I was -- it was more a
7 reality. At one point he was like nonchalant and then it
8 just gradually got worse.

9 Q Okay. Any other incidents where the Defendant has
10 threatened you that you recall off the top of your head?

11 A One time he was arguing and he pulled a gun on me and
12 my daughter was -- well, our daughter was sitting in the
13 living room watching TV. And I said you'd do this in front
14 your daughter. And he was like if she act like you, yeah.
15 And he was like he'll sit in the jail for the rest of his
16 life knowing I'm dead than to see me.

17 Q When did this happen?

18 A 2015.

19 Q Did you call the police on that date?

20 A No, I left.

21 Q You left?

22 A Uh-huh. (Affirmative response.)

23 Q All right. Well, let's talk about the incident that
24 took place on December the 13th of 2015. Who was Kenduan
25 Minus?

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1 A My husband.

2 Q And what was your relationship with Mr. Minus back in
3 December of 2015?

4 A My boyfriend.

5 Q And in December of 2015, how long had you known Mr.
6 Minus?

7 A I went to school with him.

8 Q You went to school with him?

9 A I went to school with him.

10 Q How long had y'all been dating?

11 A For about a month.

12 Q About a month? All right. What were y'all doing that
13 evening December 13th of 2015?

14 A On our way to Santee to go have some drinks and eat.

15 Q Okay. And tell the Judge, tell the Court what happened
16 while y'all were happened while y'all were heading to
17 Santee?

18 A Well, on our way to Santee, I noticed maybe by Fred's -
19 - maybe by Fred's or a little bit past by the Shrine Club -
20 is it the Shrine Club?

21 Q Okay.

22 A I don't know the actual name of it. I looked over and
23 I seen the back end of a Hyundai truck, would be -- and I
24 know that's his mom's car. So I didn't see him driving at
25 first. I just seen the back end. And I looked over and I

1 said I think that's my baby's daddy. And he was like well,
2 okay, you know. We ain't saying nothing to him. He ain't
3 saying nothing to us. And then he slowed down. In the
4 process of him slowing down we just kept going like we was
5 going, keep on going. And then that's when I looked over at
6 him and made eye contact. And then I looked over at him.
7 And I said he got that look in his eye. So we just -- he
8 just said stay calm and we kept riding. And the faster we
9 went the faster he got. And then he started coming closer
10 to the car. And that's when Ken told me to lay the seat
11 back, just in case, you know, if he start shooting or
12 anything he didn't want me to get hit or nothing. And so I
13 was laying the seat back and then that's when I called 9-1-
14 1. That's why I didn't know -- I couldn't see where we was
15 going because I had the seat laid all the way back.

16 Q Okay. And you called 9-1-1?

17 A Uh-huh. (Affirmative response.)

18 Q How long did the Defendant travel beside you, from what
19 you remember?

20 A The whole -- well, either he was beside us or the way --
21 -- said that he was behind us. Because I remember one time
22 he was flashing the lights. I seen the lights flash in the
23 car. And that's when I was like oh, my God. Oh, my God.
24 And we came down Old State Road, which is a one-lane highway
25 --

1 Q One lane in each direction?

2 A In each direction. We was coming up that road and he
3 was in the oncoming traffic lane and we was both going
4 towards Omega Court. We thought by then the police would
5 have been there because we was on the phone for a long time.
6 I'm was telling them we by this place. We by this place.
7 And a car was coming or coming in the opposite direction,
8 which was the oncoming traffic lane he was in. So either he
9 was going to hit them head-on or he was either going to slow
10 down and get behind us or speed up and get in front of us.
11 And he sped up and jumped in front of us. So when he jumped
12 in front of us, Ken turned into a church on the left side.
13 And by the time we turned around, he was turned around
14 coming back towards us. So instead of going back towards
15 301, went back towards Omega Court. And that gave us a
16 little bit of time. And Ken just said when we get there,
17 you jump out and run in the house, don't worry about me and
18 --

19 Q Who lives in Omega Court?

20 A His family.

21 Q His family?

22 A Uh-huh. (Affirmative response.)

23 Q All right. And is that what y'all did?

24 A Yeah.

25 Q You drove to Omega Court and ran into the house?

1 A Ran into the house.

2 Q All right. What happened after you ran into the house?

3 A Well, after everybody ran into the house it was, ten --
4 it wasn't even a couple of seconds later that's when we
5 heard the -- well, it was repeated shots. But the first
6 shot came through the -- if I'm not mistaken, the dining
7 room. And they was like get down, get down, he shooting.
8 And that's when the bullets was just -- you just heard glass
9 and you could just hear the bullets hit stuff. Then that's
10 when everybody -- well, that's when I finally ducked down.

11 Q How many gunshots do you think you heard?

12 A Like seven.

13 Q Was there any doubt in your mind who was doing the
14 shooting?

15 A No. He followed us all the way there.

16 Q Was there anybody else in the car with him?

17 A No.

18 Q Can you tell us anything about Mr. Green's reputation
19 for violence?

20 A I mean, he was known to be a violent guy. But, you
21 know, people respect him in the street. So, you know,
22 nobody never says nothing or they too scared to say
23 something or do something so it was like he used to getting
24 away with it. So that's what he was used to.

25 MR. SCOTT: That's all we have.

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1 Q Thank you.

2 THE COURT: Anything on cross-examination?

3 MR. GIPSON: Yes, sir. Beg the Court's indulgence
4 one moment.

5 THE COURT: Okay.

6 ELISE HOGGES - CROSS-EXAMINATION

7 BY MR. GIPSON:

8 Q Good afternoon, Ms. Minus.

9 A Good afternoon.

10 Q When this allegation took place you were Ms. Hogges?

11 A Yes, sir.

12 Q So you're now married?

13 A Yes.

14 Q Congratulations?

15 A Thank you.

16 Q Now, Mr. Scott asked you a series of questions about
17 your relationship with Mr. Green; is that correct?

18 A Uh-huh. (Affirmative response.)

19 Q And just so we can be clear. I'm not trying to be
20 funny with you or anything like that, but if you say uh-huh
21 or uh-uh, it's difficult for the court reporter to know if
22 that's a yes or a no.

23 A Okay.

24 Q So if I ask you -- and I'm not trying to be ugly to
25 you, I just want you --

1 A I understand.

2 Q Yeah. Make it clear so that we can get it --

3 A Okay.

4 Q All right. Now, you said that the relationship between
5 you and he, he meaning Mr. Green, happened in 2015, that
6 relationship ended in 2015; right?

7 A Yes.

8 Q And you said there was lots of verbal abuse and
9 fighting, right?

10 A Yes.

11 Q So you mentioned -- you said that he assaulted you
12 several times?

13 A Yes.

14 Q Now, in January 2015 you say that he busted your tires?

15 A Yes.

16 Q He ripped your hair out?

17 A Yes.

18 Q And threw your keys in the woods?

19 A Yes, sir.

20 Q Okay. Did you file a police report?

21 A Yes, sir.

22 MR. GIPSON: If I could just mark this for I.D.
23 purposes.

24 (Defendant's Exhibit No. 1, police
25 report, was marked for I.D.)

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1 MR. GIPSON: Thank you.

2 COURT REPORTER: Defendant's 1 for I.D., Judge.

3 BY MR. GIPSON:

4 Q Now, I'm going to hand you what's been marked as
5 Defendant's Exhibit No. 1 for identification purposes.

6 A Okay.

7 Q Now, just look at the date and time of that. Just take
8 a quick look at that and see if that rings a bell to you?

9 A Okay.

10 Q Does that ring a bell to you?

11 A Uh-huh. (Affirmative response.) Yes, sir.

12 Q All right. Now, you went and made a police report that
13 suggest that Mr. Green beat up on you that particular date,
14 threw your keys in the woods, busted your tires out; right?

15 A Yes, sir.

16 Q Okay. Now, what happened when you filed charges
17 against him?

18 A They was supposed to -- they gave me a card with the
19 case number, report number and they said someone would be
20 with me, they would get in contact with me. No one ever got
21 in contact with me.

22 Q So what happened when you pressed charges against him?
23 What happened in court?

24 A We didn't go to court.

25 Q Because the charges -- a warrant was never taken for

1 his arrest?

2 A No, sir. I filed a report.

3 Q And isn't it true that the officer looked at you and
4 determined that you didn't have any kind of physical
5 injuries?

6 A No, he didn't never do that. He gave me that paper and
7 he was on the computer. And I showed him. It was -- I
8 mean, you couldn't see the knot but you could feel the knot
9 in my head. And he saw -- if I'm not mistaken, he took
10 pictures because I had a weave sewn into one of my braids.
11 And he ripped it. It had my scalp bleeding. It was an
12 actual bald spot to where he ripped my sewing out.

13 Q And so you're suggesting that the officer didn't say
14 that he didn't observe any physical injuries to the victim?

15 A Uh-huh. (Affirmative response.)

16 Q You're suggesting he didn't say that?

17 MR. SCOTT: Your Honor, I'm going to object. It's
18 hearsay.

19 THE COURT: He's asking her about a report that, I
20 would assume she filled that out?

21 MR. SCOTT: That's the officer saying that he
22 didn't see notice any injuries.

23 THE WITNESS: He didn't said that. I showed them
24 to him. He saw the actual blood coming out my scalp where
25 he ripped it. And I was like you can't --

1 THE COURT: I want to hear what she's got to say.

2 Go ahead.

3 A I said, you can't. -- even though it's not an open
4 contusion, but --

5 Q With blood coming out?

6 A No. The blood was coming from where he ripped my
7 sewing out, these braids, they sew in a weave. And when he
8 pulled my hair, it ripped the braid, which was connected to
9 my scalp, out my -- it was like big bald spots where the
10 braids was -- where the weave was sewn down at. And the
11 contusion, I can't say it was a contusion, but it wasn't
12 like an open gash. But when he touched it, he felt the
13 actual knot in my head.

14 Q But didn't he say -- I mean, you've read the report. I
15 mean, for purposes of this hearing he said there were
16 visible physical injuries?

17 A I've never seen that. The only thing he asked me to do
18 was fill out a report in my own handwriting. I never saw
19 that.

20 Q Is that what you saw? You said you recognize this
21 report --

22 A I mean, I thought that was like a brief of what
23 happened.

24 Q Did you read it?

25 A Uh-huh. (Affirmative response.)

1 Q Okay. So there was no physical injury that he could
2 see, right? In this report?

3 A That's what he says in the report.

4 THE COURT: Okay. That's all I'm asking.

5 THE WITNESS: Okay.

6 MR. GIPSON: And that's Defendant's Exhibit 1 for
7 identification purposes.

8 Q And no charges were pressed for criminal domestic
9 violence; correct?

10 A No, sir?

11 Q Assault?

12 A They said they was going to get in contact with me. It
13 was late that night by the time it happened.

14 Q I mean, it's only been a year, almost -- it's only
15 been, what, since January of 2015?

16 A Uh-huh. (Affirmative response.)

17 Q Okay. But no charges have been pressed?

18 A Correct.

19 Q Okay. Now, you talked about Thanksgiving Day 2015.

20 A Right.

21 Q And you said that on that particular day Mr. Green said
22 he was going to blow your face off?

23 A Yes.

24 Q Tell us what happened when you called the police?

25 A I didn't call the police then.

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1 Q Any charges ever pressed?

2 A No.

3 Q Police reports done?

4 A No.

5 Q Anything ever followed up on?

6 A No, sir.

7 Q Now, you said that a gun was pulled on you in front of
8 your daughter on another day. I don't know, but I think --
9 I don't have a date on this?

10 A No, I didn't call the police neither.

11 Q Okay. And you reference this incident from December
12 15th of last year, which has us in court today?

13 A Right.

14 Q All right. What is the gun that you saw that night?

15 A You talking about when he was chasing us?

16 Q Yes?

17 A I didn't see a gun.

18 Q Okay.

19 MR.. GIPSON: The court's indulgence for a moment,
20 Your Honor.

21 THE COURT: Yes, sir.

22 MR. GIPSON: That's all my questions at this point
23 for Ms. Minus.

24 THE COURT: Before you -- I just want to make
25 sure. When you were talking about the December 13th, 2015

1 incident --

2 THE WITNESS: Yes, sir.

3 THE COURT: -- is that when you asked if she saw a
4 gun that night?

5 MR. GIPSON: Yes, sir.

6 THE COURT: And she indicated that she did not see
7 a gun?

8 MR. GIPSON: That is correct, Your Honor.

9 THE COURT: That was your testimony?

10 THE WITNESS: Yes, sir.

11 THE COURT: Okay. All right. Thank you, sir.
12 Mr. Scott, anything on redirect?

13 MR. SCOTT: No, Your Honor.

14 THE COURT: Okay. You may step down.

15 Is the State prepared to call another witness?

16 MR. SCOTT: No, that's all we have as far as
17 witnesses, Your Honor.

18 THE COURT: Okay. All right.

19 Are you going to call witnesses?

20 MR. GIPSON: No, sir. I don't have a witness.

21 THE COURT: All right.

22 MR. GIPSON: And I guess we could just -- well,
23 I'm not sure if there's anything else they wanted to say, so
24 I'll sit down.

25 THE COURT: Oh, I don't know.

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1 MR. SCOTT: We don't have any further evidence to
2 present, Judge, with regards to the prior bad acts.

3 THE COURT: Okay. So I have an event in January
4 where we have a police report?

5 MR. SCOTT: Yes, Your Honor.

6 THE COURT: Okay. I've got an event in
7 Thanksgiving where I do not have a police report; is that
8 correct?

9 MR. SCOTT: Yes, Your Honor.

10 THE COURT: And then the -- those are the only two
11 prior?

12 MR. SCOTT: We had an incident prior to the event
13 in January where she said, where Ms. Minus said that the
14 Defendant pulled a gun on her in front of her daughter.

15 THE COURT: Okay. We don't have a date and we
16 don't have a report on that one?

17 MR. SCOTT: Correct.

18 THE COURT: Okay. All right. And the standard
19 for me to let in prior bad acts it needs to be by clear and
20 convincing evidence; correct?

21 MR. SCOTT: Correct, Your Honor.

22 THE COURT: And it needs to have some connection
23 with the crime, some -- to give me motive --

24 MR. SCOTT: Or intent.

25 THE COURT: -- intent or to help me identify who

1 the perpetrator was?

2 MR. SCOTT: Correct.

3 THE COURT: Now, I can tell you as far as the
4 event that occurred in January where she makes the statement
5 that her -- that he pulled a gun in front of her child --
6 that's where we don't have a date and I don't have a report?

7 MR. SCOTT: Correct, Your Honor.

8 THE COURT: Okay. And I'm assuming the child's
9 not going to testify?

10 MR. SCOTT: No, Your Honor.

11 THE COURT: Okay. I'm not inclined to let that
12 in, okay? The one where the police report, I'm inclined to
13 let in. And Thanksgiving 2015 --

14 MR. SCOTT: Can I be heard on that one?

15 THE COURT: Oh, sure. Yeah. Let me --

16 MR. SCOTT: I would ask Your Honor to let that one
17 in. I think it's very close in proximity to the alleged
18 crime. I mean, that would have been the last time that she
19 saw the Defendant prior to this incident. And the last time
20 she saw the Defendant before he chased them and threatened
21 them and shot into the home. The last time she saw him was
22 that incident where he said I'll blow your face off. And I
23 don't think the standard is whether or not she called the
24 police. I think her testimony by itself is sufficient.
25 It's so close in proximity to the alleged crime, that I

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1 would ask Your Honor to consider letting that one in.

2 THE COURT: I'll be glad to hear from you on that.

3 MR. GIPSON: It's got as much proof as the
4 incident, the alleged incident of him pulling the gun in
5 front of the child.

6 THE COURT: Well, actually, I see it a little
7 differently. When I was listening to her testify, she is
8 much better at identifying what happened and what occurred.
9 But to me, the incident prior to January of 2015, I'm not --
10 I'm just not convinced. I mean, it may have happened, may
11 not have happened. I don't want to get into that. There's
12 not enough other information around for me to give it any
13 such indicia of credibility that I could let it go to the
14 jury.

15 MR. GIPSON: Yes, sir.

16 THE COURT: Now, here with the Thanksgiving
17 incident, it's more descriptive. And I think -- but, of
18 course, again, I think it's up to the jury whether or not
19 they believe her in that situation.

20 And right now, all of these motions are just
21 essentially -- I can change my mind. These are essentially
22 Motions in Limine. But I'm inclined to let it in. It is
23 close. It goes to -- to me it goes to the motive for him to
24 be chasing her. It kind of goes along with the January
25 event that shows the animus between them. And there are a

1 couple of cases where there's domestic violence you can use
2 that testimony later on, a prior domestic violence even in
3 an assault and battery with intent to kill. And so I've got
4 some cites here if you are interested, but I --

5 MR. GIPSON: I understand Judge. But to call it
6 domestic violence when it's never been charged or there was
7 never a chance for Mr. Green to face an accuser to have his,
8 you know, chance to defend himself because there was never a
9 charge brought.

10 THE COURT: Right.

11 MR. GIPSON: So we're labeling it and calling it
12 something without -- I just think that's problematic.

13 THE COURT: Well, I do. I agree I do think it's
14 problematic, but I think -- I understand that but at this
15 stage --

16 MR. GIPSON: Yes, sir.

17 THE COURT: -- I'm not inclined to suppress it.

18 MR. GIPSON: Yes, sir. I got you.

19 THE COURT: Okay. But I'll note your objection to
20 my ruling.

21 MR. GIPSON: Yes, sir.

22 THE COURT: And you may need to remind when we get
23 to that part of the testimony?

24 MR. GIPSON: Yes, sir.

25 THE COURT: Because we need to put that on the

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1 record.

2 MR. GIPSON: Will do, Judge.

3 THE COURT: Okay.

4 Yes, sir. Just give me one second.

5 MR. GIPSON: The Motion in Limine number one,
6 Judge.

7 THE COURT: Yes, sir.

8 MR. GIPSON: And I would -- essentially this is
9 we're asking to limit the State's witnesses from talking
10 about the Defendant possessing stolen guns in the past.
11 Again, those are allegations, Judge that would come from Ms.
12 Hogges -- excuse Ms. Minus, not Hogges. And there is
13 nothing that I've received from the prosecution that suggest
14 that there's any proof of that.

15 THE COURT: I mean, do y'all have -- are y'all
16 getting into this?

17 MR. SCOTT: We have no intention of offering any
18 evidence that the Defendant has possessed stolen guns in the
19 past.

20 THE COURT: All right. One down.

21 MR. GIPSON: And as I look at number two, I think
22 the Court may have already ruled on that, about prior
23 threats of violence.

24 THE COURT: And I think I have addressed that --

25 MR. GIPSON: Yes, sir, you have.

1 THE COURT: -- as far we've gone. I don't think
2 there's -- Mr. Scott, you don't have any -- no other
3 evidence of prior bad acts, other than those we've talked
4 about?

5 MR. SCOTT: Correct.

6 THE COURT: Okay. So it will stay and that's
7 pretty much like it is.

8 MR. GIPSON: Yes, sir.

9 THE COURT: All right.

10 MR. GIPSON: Now, in terms of number three, Judge.
11 We would just like to limit the use of the Defendant's prior
12 record in case he determines he's going to testify. So we
13 would just like to know what the prosecution intends to use
14 if he testifies in terms of what they would use for
15 impeachment purposes, if any?

16 MR. SCOTT: As far as his prior record, Your
17 Honor, he's got a 2003, disturbing schools; he's got a
18 aggravated assault that looks like he pled to simple assault
19 April 18th of 2006; 2009, he has a possession with intent to
20 distribute narcotics. That's from April 16th, 2009. And I
21 believe that would be it, Your Honor.

22 THE COURT: Okay. Is there anything y'all want to
23 try to impeach him on with that?

24 MR. SCOTT: I think the drug conviction was in the
25 last ten years.

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1 THE COURT: Okay. He pled to simple possession of
2 the narcotics.

3 MR. SCOTT: It was possession with intent to
4 distribute, Your Honor.

5 THE COURT: Oh, possession with intent to
6 distribute. Okay.

7 MR. SCOTT: I can pull that certified conviction
8 in the morning.

9 THE COURT: Okay. If you would look at that, it
10 would -- let's get to it -- let him pull that so I can see
11 what we've got on that one.

12 MR. GIPSON: Yes, sir.

13 THE COURT: Okay. We'll pull that.

14 MR. GIPSON: Thank you, Judge.

15 THE COURT: Okay.

16 MR. GIPSON: Judge, on number four, Your Honor,
17 it's just a standard motion, Judge. And -- just in terms of
18 having -- instead of calling our complaining witnesses
19 victims in the case, Judge, I ask that they be called
20 complaining witnesses. The rationale behind that is if
21 there is a victim, per se, there is a victimizer. And
22 because Mr. Green is approaching a trial there is an
23 inference that he is the victimizer. We know that there are
24 witnesses who are complaining about -- making allegations.
25 There is no question about those things. And so we just

1 want to make sure that the jury doesn't come in with this
2 belief -- and I understand that the Court will give a
3 preliminary jury instruction that explains innocence, how he
4 comes in the courtroom cloaked in innocence. And I
5 understand those things, Your Honor. And I understand those
6 things, Judge, but there's no question they are witnesses
7 who are complaining of an allegation and I think that's fair
8 that they be called complaining witnesses as opposed to
9 victims in this case. If there was a belief that he is
10 guilty and he is found guilty, at that point they become
11 victims in this situation. But until that point, they're
12 complaining witnesses.

13 THE COURT: And just out of curiosity how does the
14 indictment read? Doesn't it say something about them being
15 victims or not? I'm just kind of curious. I don't have the
16 indictment up here so I don't know.

17 MR. SCOTT: It does mention the word victim. Yes,
18 Your Honor.

19 THE COURT: Okay.

20 MR. SCOTT: I think victim is a term that's used
21 in the statute.

22 THE COURT: Exactly. I like the argument trying
23 to turn it from a criminal case to a more civil case. I am
24 not going to direct the State not use the word victim.

25 MR. GIPSON: Yes, Your Honor.

1 THE COURT: I don't think that the State intends
2 to use the word victim over and over. I don't anticipate
3 that. If I feel like they're trying to gain some traction
4 out of that, otherwise, I will stop it. But I think that
5 it's just clearly whenever you have someone who is the
6 Defendant, there are clearly victims. It is a term that we
7 use in court all the time. I understand, I think, what
8 you're trying to get at. I like it from a philosophical
9 standpoint.

10 MR. GIPSON: Yes, sir.

11 THE COURT: And if I thought that the State was
12 going to try and take advantage of using that term over and
13 over, I might give you a little bit of leeway, but I'm not
14 inclined to tell them they've got to use the term
15 complaining witnesses.

16 MR. SCOTT: I would also point out as a practical
17 matter it's hard for us to use just the word victim when you
18 have so many in a particular case. The jury wouldn't know
19 who we were talking about.

20 MR. GIPSON: Well, there's an s that can be used,
21 complaining victim, complaining witnesses, if you put an es
22 on it.

23 THE COURT: Well, I can all them number one
24 complaining witness, number two complaining --

25 MR. GIPSON: Or we can call them by their names?

1 THE COURT: Yeah. Well, I think that's what -- I
2 think that's what Mr. Scott's --

3 MR. SCOTT: I guess my point is I don't want to
4 take off using the word victim over and over and over again
5 because the jury won't know which victim I'm talking about.

6 THE COURT: Well, I think his point was that
7 because there's so many he's -- I don't think he plans to
8 use victims except mostly in the generic, more or less in a
9 generic way.

10 MR. GIPSON: Yes, sir.

11 THE COURT: But I'll note your objection to my
12 ruling because I would actually like to see that decided.

13 MR. GIPSON: Yes, sir.

14 THE COURT: Okay?

15 MR. GIPSON: Yes, sir.

16 THE COURT: Thank you, sir.

17 MR. GIPSON: Yes, sir.

18 THE COURT: All right.

19 MR. GIPSON: Now, Judge, without listing them, I
20 think those are the major -- also, Judge, I'd just like to
21 have any prior records of the witnesses that the State
22 intends to call, so that we can --

23 THE COURT: Don't y'all get those the day as you
24 call them or how do y'all propose to do that?

25 MR. SCOTT: I would propose if I could give Your

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1 Honor the rap sheets. I've been made aware recently of some
2 problems with them turning over -- I think there are rules
3 and regulations against me just handing over other peoples'
4 criminal history reports.

5 THE COURT: Okay.

6 MR. SCOTT: I mean, I would put those -- give them
7 to Your Honor. I think we can --

8 THE COURT: Go over them in chambers?

9 MR. SCOTT: Go over them in chambers.

10 MR. GIPSON: I have no problem with that.

11 THE COURT: That will be fine.

12 MR. GIPSON: No problem with that at all.

13 THE COURT: Okay. All right. And then I see
14 you've got some jury charges and some voir dire questions?

15 MR. GIPSON: Yes, sir.

16 MR. SCOTT: Can we take those up after we know
17 what the evidence is?

18 THE COURT: Yeah, we can.

19 MR. SCOTT: Can we circle back around to the 9-1-1
20 tape?

21 THE COURT: Oh, yeah. Okay. Yes, sir.

22 MR. EDWARDS: Well, I mean, I think we've really
23 already kind of handled the 9-1-1 tape. The evidence in the
24 9-1-1 tape is evidence you just ruled is admissible so I
25 think that's all that basically the --

1 THE COURT: Yeah. It sounds that way.

2 MR. GIPSON: At this point in time I curious to
3 see if there is something --

4 THE COURT: Oh, I agree. In fact, I mentioned
5 earlier. There are all motions essentially in limine. And
6 I have the ability and the right to change my mind if I
7 determine that's what I should do during the course of the
8 trial.

9 MR. GIPSON: Yes, sir.

10 MR. SCOTT: I don't know if you actually addressed
11 this one specifically but nine times out ten he's carrying a
12 gun, her testimony that she knows him to carry guns around.

13 THE COURT: I do need that 9-1-1 call. Yeah, I
14 did need that. Okay.

15 MR. SCOTT: There's actually a second 9-1-1 call
16 from the neighbor from Omega Court called 9-1-1 to report
17 the shooting.

18 THE COURT: Okay. All right.

19 MR. SCOTT: Any objections to that?

20 MR. GIPSON: Well, depending on what he's going to
21 offer it for.

22 THE COURT: I get the impression just to show that
23 someone else called in to identify there was a shooting.
24 Does that 9-1-1 identify the Defendant at all?

25 MR. GIPSON: No, sir.

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1 THE COURT: Okay.

2 MR. SCOTT: No.

3 THE COURT: Okay.

4 MR. GIPSON: He said, no?

5 THE COURT: That's what he said?

6 MR. SCOTT: And she does mention -- she mentions a
7 vehicle.

8 THE COURT: I don't the case, but I had a 9-1-1
9 case where the lady was identifying the man who was driving
10 the car because she had known him for years. So --

11 MR. GIPSON: Yes, sir. That's not the case here.

12 THE COURT: Yeah. Yeah. All right. So anything
13 else that we need to do at this time?

14 MR. GIPSON: I guess the question is in terms of
15 identification.

16 MR. SCOTT: Mr. Minus, we do intend on offering
17 testimony that he can identify Mr. Green.

18 THE COURT: Okay.

19 MR. SCOTT: There were no photo lineups in this
20 case, Your Honor. But I think he will testify that he knew
21 what the Defendant looked like from pictures. This was the
22 father of his girlfriend's child, the girlfriend he is now
23 married to. The police never showed him any photo lineup
24 and there was no out of court identification. I think the
25 proper vehicle for Mr. Gipson to attack Mr. Minus' in-court

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1 identification would be cross-examination. I would rely on
2 a case -- if you'll give me one second to find it. It's
3 actually from our circuit, I believe. State versus Lewis 363
4 SC 37. I think it's very much on point. I do not think we
5 need to proffer Mr. Minus' testimony.

6 THE COURT: Okay.

7 MR. GIPSON: And we'll take a look Judge and after
8 we select the jury tomorrow.

9 THE COURT: Okay. If we need to do that we can
10 address it then.

11 MR. GIPSON: Yes, Your Honor.

12 THE COURT: Okay. Did y'all -- the only other
13 thing, did y'all want to -- Mr. Gipson, did y'all want to
14 meet and go over the records of the potential witnesses now?
15 I mean since it's 4:30 and we've got some time, I'd rather
16 have all --

17 MR. GIPSON: What time can we meet tomorrow?

18 THE COURT: Y'all tell me what y'all want to do.
19 The jury's coming in --

20 MR. SCOTT: Can we just do it in the morning?

21 THE COURT: Yeah. That'll be fine. That'll be
22 fine.

23 Okay. All right. The jury's coming in -- Ms. V?

24 THE CLERK: 9:00. 9:30 in the morning.

25 THE COURT: 9:30. Okay. I've got to do a minor

1 settlement at 9:30 so I can be available before or after
2 that.

3 Is there something else, Mr. Scott.

4 MR. SCOTT: I just think it's funny. I've always
5 heard the term minor settlement, but I think I know what
6 that is. I wonder if that's code for something I don't
7 know.

8 THE COURT: It is. And it's something you never
9 have to worry about.

10 All right. All right. Well, I'll see y'all in the
11 morning at 9:30 then.

12 MR. SCOTT: Thank you, Your Honor.
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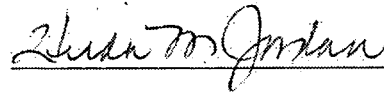
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C-E-R-T-I-F-I-C-A-T-E

I, THE UNDERSIGNED HILDA M. JORDAN, CVR-M, OFFICIAL COURT REPORTER FOR THE FIRST JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDING IN THE CAPTIONED CAUSE, IN THE COURT OF GENERAL SESSIONS FOR ORANGEBURG COUNTY, SOUTH CAROLINA, ON THE 24 DAY OF OCTOBER, 2016.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.



Hilda M. Jordan, CVR-M

December 3, 2017

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
COUNTY OF ORANGEBURG) FIRST JUDICIAL CIRCUIT

2016-GS-38-00223; 00224
2016-GS-38-01244

State of South Carolina, :

Plaintiff,)

v.)

) Transcript of Record

Johnathan R. Green,)

Defendant.)

October 25, 26, & 27, 2016
Orangeburg, South Carolina

B E F O R E:

The Honorable Edgar W. Dickson, Judge and a jury

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

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Attorney for the Defendant

Hilda M. Jordan, CVR-M
Circuit Court Reporter

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7

8 Court's Exhibit No. 1 62

9 Court's Exhibit No. 2 458

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11 Defendant's Exhibit No. 8, 9, 10 for ID withdrawn by Mr.
12 Gipson.

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14 Certificate of Court Reporter

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1 (Court in session October 25, 2016
2 at 11:05 a.m.)

3 (Jury Panel in at 11:05 a.m.)

4 THE COURT: All right. Mr. Scott, is the State
5 prepared to call the case?

6 MR. SCOTT: We are, Your Honor.

7 THE COURT: All right.

8 THE BAILIFF: Your Honor, may I approach.

9 THE COURT: Are we waiting for -- hold on.

10 (Off record discussion)

11 THE COURT: Okay. We're waiting for two more?

12 THE BAILIFF: Yes, Your Honor.

13 THE COURT: Okay. All right. Hold on one second,
14 Mr. Scott.

15 (Court at ease)

16 THE BAILIFF: Your Honor, may I approach?

17 THE COURT: You may.

18 (Off record discussion)

19 (Court at ease)

20 (Remaining jury panel in at 11:12
21 a.m.)

22 THE BAILIFF: We're ready, Your Honor.

23 THE COURT: All right. Mr. Scott, if you wouldn't
24 mind.

25 MR. SCOTT: May it please the Court, Your Honor.

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1 THE COURT: Yes, sir.

2 MR. SCOTT: Your Honor, at this time, the State
3 calls the case of State versus Johnathan Robert Green,
4 indictment number 2016-GS-28-223 for one count of attempted
5 murder; indictment number 2016-GS-38-224, one count of
6 attempted murder; 2016-GS-38-1244, discharging a firearm
7 into a dwelling.

8 THE COURT: All right. Thank you, Mr. Scott. Mr.
9 Scott, while you're standing --

10 Ladies and gentlemen of the jury, Mr. Scott is with the
11 Solicitor's office. I'm going to get him to introduce
12 himself, the other members of his staff that are here. And
13 if you've got any witnesses here that you want to introduce
14 at this time as well, that would be great.

15 MR. SCOTT: Thank you, Your Honor.

16 THE COURT: Okay.

17 MR. SCOTT: My name is Tommy Scott. I'm the
18 Deputy Solicitor here in Orangeburg. Seated next to me is
19 Josh Edwards. He is one of our Assistant Solicitors; Tammy
20 Craven, one of our victim advocates; Taylor Owens is soon to
21 be one of our Assistant Solicitors.. He just passed the bar
22 last Friday.

23 At the back of the courtroom on the last couple of
24 rows, we have several witnesses on this case. Starting on
25 the back row we have Mr. Kendwan Minus; Ms. Elise Hogges

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1	marked for ID.)	
2		(State's Exhibit No. 35, photo, was
3	marked for ID.)	
4		(State's Exhibit No. 36, photo, was
5	marked for ID.)	
6		(State's Exhibit No. 37, photo, was
7	marked for ID.)	
8		(State's Exhibit No. 38, photo, was
9	marked for ID.)	
10		(State's Exhibit No. 39, photo, was
11	marked for ID.)	
12		(State's Exhibit No. 40, photo, was
13	marked for ID.)	
14		(State's Exhibit No. 41, photo, was
15	marked for ID.)	
16		(State's Exhibit No. 42, photo, was
17	marked for ID.)	
18		(State's Exhibit No. 43, photo, was
19	marked for ID.)	
20		(State's Exhibit No. 44, photo, was
21	marked for ID.)	
22		(State's Exhibit No. 45, photo, was
23	marked for ID.)	
24		(State's Exhibit No. 46, photo, was
25	marked for ID.)	

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1 (State's Exhibit No. 47, photo, was
2 marked for ID.)

3 (State's Exhibit No. 48, photo, was
4 marked for ID.)

5 (State's Exhibit No. 49, photo, was
6 marked for ID.)

7 (State's Exhibit No. 50, photo, was
8 marked for ID.)

9 (State's Exhibit No. 51, photo, was
10 marked for ID.)

11 (State's Exhibit No. 52, photo, was
12 marked for ID.)

13 (State's Exhibit No. 53, photo, was
14 marked for ID.)

15 (State's Exhibit No. 54, photo, was
16 marked for ID.)

17 (State's Exhibit No. 55, photo, was
18 marked for ID.)

19 THE COURT: Are you ready, Mr. Scott or are y'all
20 still marking.

21 MR. SCOTT: I think Mr. Gipson had a motion in
22 limine before we begin.

23 THE COURT: Oh.

24 MR. SCOTT: I know yesterday we talked about the
25 9-1-1 tapes. If you recall, there's actually two 9-1-1

1 tapes. The ones were Elise Minus called 9-1-1 while they
2 were being chased.

3 THE COURT: Right.

4 MR. SCOTT: And there's another 9-1-1 call by
5 Tynisha Guess after the shooting takes place. She lives on
6 Omega Court. She lives next door to the house that was shot
7 up. And we intend to offer that 9-1-1 tape as well. I
8 asked Mr. Gipson yesterday if he had an objection to the
9 second 9-1-1 tape. And at that point --

10 THE COURT: You reserved --

11 MR. SCOTT: -- I don't recall what his answer was
12 but I think it slipped his mind. And now he'd like to bring
13 to that to the Court's attention.

14 THE COURT: Okay. All right.

15 (Off record discussion)

16 MR. GIPSON: And, Judge, Mr. Scott is correct.
17 We'd spoken about these matters before and I mentioned to
18 him initially that maybe hearsay is what that second 9-1-1
19 tape. But, Judge, yesterday after we, you know, finished
20 dealing with the pre-trials,

21 THE COURT: Uh-huh. (Affirmative response.)

22 MR. GIPSON: I neglected to bring that to your
23 attention. Honestly, I was thinking that was part of the
24 first one. And I thought we'd handled that part of it. But
25 as I kind of went back, just kind of in preparation, going

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1 back through the notes, I noticed that a few minutes ago.
2 And I did not want to neglect to bring that to the Court's
3 attention.

4 THE COURT: All right. What is the hearsay?

5 MR. GIPSON: It's quickly -- just a quick
6 summation it's that the young lady called, makes a 9-1-1
7 call. And the 9-1-1 operator elicits, you know, what's
8 going on? And she says well, something's going --
9 essentially there's an issue with a boyfriend. And, you
10 know, the house is being shot into. You know, something
11 along those lines. And it's obviously something that could
12 only be elicited from hearsay testimony because she would
13 not have been a party to any issues, other than,
14 unfortunately a home being shot into. The things that she
15 says had to have been elicited from another source.

16 THE COURT: Well, she is a witness; right?

17 MR. SCOTT: Correct.

18 THE COURT: At some point before you play the
19 tape, you're going to get into how she knows what's going
20 on?

21 MR. SCOTT: Correct.

22 THE COURT: I'm assuming?

23 MR. SCOTT: Correct.

24 THE COURT: Okay. All right. Because I'm
25 assuming that some part -- in some part of this -- what

1 you're concerned is that Ms. -- is it Guess --

2 MR. SCOTT: I haven't transcribed it word-for-
3 word.

4 THE COURT: Uh-huh. (Affirmative response.)

5 MR. SCOTT: But I do have some notes from the 9-1-
6 1 tape. I mean, I think the parties Mr. Gipson is referring
7 to is something -- it's something about a girl.

8 THE COURT: It's something about a what?

9 MR. SCOTT: A girl. The caller does not know
10 Elise Minus.

11 THE COURT: Oh, okay. So she said it's just
12 something about a girl?

13 MR. SCOTT: Yes.

14 THE COURT: I'm --

15 MR. GIPSON: I just question how would she -- you
16 know, where did that information come from, that it's
17 something about a girl.

18 MR. SCOTT: I mean, I would say even if it's
19 hearsay, it's an excited utterance.

20 THE COURT: I mean I --

21 MR. SCOTT: It's a present sense impression.

22 THE COURT: I kind of take the same -- My take
23 with 9-1-1 is unless it's something that sounds like it's
24 rehearsed --

25 MR. GIPSON: Uh-huh. (Affirmative response.)

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1 THE COURT: -- or it's a call, you know, a call
2 that somebody had planned out, that kind of stuff --

3 MR. GIPSON: Yes, sir.

4 THE COURT: -- I'm kind of -- my general thought
5 is to let 9-1-1 calls come in, okay?

6 MR. GIPSON: Yes, sir.

7 THE COURT: Okay. I don't know -- if the phrase --
8 is she the first witness you're calling, Mr. Scott? I hate
9 to ask you how you're doing it, but is she the first
10 witness?

11 MR. SCOTT: No.

12 THE COURT: Okay. I'll be glad to listen to the
13 tape before I actually make a ruling on it.

14 MR. GIPSON: Sure.

15 THE COURT: But if the thing has to do with the
16 phrase like something about a girl, I don't know how that
17 ties into your client to begin with. And I would think that
18 the 9-1-1 tape normally is either an excited utterance or a
19 present sense of impression.

20 MR. GIPSON: Yes, sir.

21 THE COURT: Unless I get the feeling that it was a
22 planned phone call. And if he's going to put her up and
23 talk about the circumstances of the call --

24 MR. GIPSON: Correct.

25 THE COURT: -- then if something strikes me as odd

1 about that, about when she called. She was calling right
2 after or during the event?

3 MR. GIPSON: Uh-huh. (Affirmative response.)

4 THE COURT: And I'm going to let it in.

5 MR. GIPSON: I understand. Yes, sir. I just
6 wanted to bring it to the Court's attention.

7 THE COURT: Yes, sir.

8 MR. SCOTT: I guess the only other question I
9 have, Your Honor, is about who can remain in the courtroom.
10 I mean, you know, it would be my impression that everybody
11 who was in the house when it was shot up is a victim. At
12 the very least, I would ask that Mr. Minus and Ms. Minus be
13 allowed to stay in the courtroom.

14 THE COURT: Well, they are victims and they would
15 get to stay in.

16 MR. GIPSON: Yes, sir.

17 THE COURT: And some of the other people that were
18 there that night are going to be there? They were also
19 victims and they're charged with the --

20 MR. SCOTT: I would say they're victims and
21 discharging into the dwelling, yes.

22 THE COURT: I'm inclined to let all of the victims
23 stay in.

24 MR. GIPSON: Your Honor, my position is just the
25 reason for sequestration is to make sure that potential

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1 witnesses don't get in and start to corroborate their
2 stories, you know, by listening to what the others said.

3 THE COURT: Uh-huh. (Affirmative response.)

4 MR. GIPSON: I can understand the -- you know,
5 with Mr. & Ms. Minus, I understand that. I think with the
6 other complaining witnesses in this case, Judge, they can
7 come in one by one and explain it. But for all of them to
8 sit in and listen to what the other said. It just gets to
9 be duplicative. And at that point, it becomes prejudicial
10 because, you know, of course, human nature is you repeat
11 what you've already heard and then add your little spin to
12 it. And that just, at some point, becomes a piling-on
13 issue.

14 THE COURT: Okay. We're only going forward with
15 the two Minus, Mr. & Ms. Minus, correct?

16 MR. SCOTT: As far as the attempted murder
17 indictments?

18 THE COURT: Yeah.

19 MR. SCOTT: Yes, sir.

20 THE COURT: But discharging into a dwelling will
21 have everybody in there; won't we?

22 MR. SCOTT: Correct.

23 THE COURT: Okay.

24 MR. GIPSON: And --

25 MR. SCOTT: Can they come back in the courtroom

1 after they testify?

2 THE COURT: Oh, yeah.

3 MR. GIPSON: Okay.

4 THE COURT: Yeah.

5 MR. SCOTT: Okay. As long as Mr. & Ms. Minus can
6 remain for the duration, I don't have a problem.

7 THE COURT: Well, there's no question they can
8 remain. Okay.

9 MR. SCOTT: I mean, I think it's going to move
10 pretty quickly otherwise.

11 THE COURT: Okay. All right. If you don't mind
12 doing that, Mr. Scott, I appreciate it.

13 MR. SCOTT: Can they remain in the courtroom for
14 opening statements?

15 THE COURT: Oh, yeah, yeah. And then before the
16 testimony they -- you don't have any problem with that, do
17 you?

18 MR. GIPSON: I don't, Your Honor. So then all the
19 witnesses can be in during opening statements, then we
20 sequester?

21 THE COURT: Right.

22 MR. GIPSON: I have no problem.

23 THE COURT: Yeah.

24 MR. GIPSON: I'll just let the witnesses outside
25 know that everybody can come in.

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1 THE COURT: Okay. If they want to come in during
2 the openings, that's fine.

3 MR. SCOTT: Thank you, Your Honor.

4 THE COURT: Okay. Anything else we need to take
5 up?

6 MR. GIPSON: No, sir.

7 THE COURT: Okay. All right.

8 MR. GIPSON: I'm going to step out in the hallway
9 and let the witnesses know --

10 THE COURT: Okay.

11 (Court at ease)

12 THE COURT: All right. Mr. Scott, you ready?

13 MR. SCOTT: Yes, Your Honor.

14 THE COURT: Okay. Mr. Gipson, you ready? My mind
15 goes blank every now and then.

16 MR. GIPSON: You're not the only person that
17 happens to.

18 THE COURT: All right.

19 MR. GIPSON: We're ready.

20 THE COURT: And y'all, I don't know if I told you
21 but the -- Ms. Bowman is the forelady, Cynthia Bowman --

22 THE BAILIFF: Yes, Your Honor.

23 THE COURT: Okay. -- is the forelady.

24 (Court's Exhibit No. 1, forelady
25 name, was marked.)

1 THE COURT: Okay. If you'll bring the jury on in.

2 THE BAILIFF: Yes, Your Honor.

3 MR. SCOTT: Your Honor, Mr. Edwards is going to
4 open.

5 THE COURT: Okay.

6 (Jury in at 2:16 p.m.)

7 THE COURT: All right. Ladies and gentlemen, I
8 hope y'all had a good lunch. Okay. We are going to get
9 ready to start the trial. Before we start the trial, since
10 y'all are the jury, we've got to swear you in as a jury. So
11 if y'all would stand and raise your right hand, Ms. B's
12 going to swear you in.

13 (Whereupon, the jury was duly
14 sworn.)

15 THE COURT: All right. And Ms. Bowman,
16 congratulations. I'm glad that you -- aren't you glad you
17 stayed? You've got a position of power and responsibility
18 now. Thank you, ma'am, okay?

19 FORELADY: Yes, sir.

20 THE COURT: Ladies and gentlemen, we're getting
21 ready to try the case of the State of South Carolina versus
22 Johnathan Green, who is the Defendant in this case. Like
23 all our trials, this trial will probably be different from
24 what you might expect. Many people do not have a chance to
25 attend actual court sessions and may think from watching

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1 television and movies and reading books, that trials are
2 always full of high drama, intense action and riveting
3 circumstances. While all of these things may be true at
4 times, this trial is not for entertainment. It is a
5 fundamental part of our democracy, a search for the truth in
6 an effort to make sure that justice is done between the
7 parties before this Court. Searching for the truth and
8 making sure justice is done is often slow, deliberate and
9 repetitive; the opposite of what you may have seen on
10 television or in movies or read in books. This courtroom is
11 a place honor dedicated to the protection and preservation
12 of citizens' rights through what many have called the
13 greatest justice system every created. The attorneys
14 appearing before you are advocates to the parties they
15 represent. But first and foremost, they are officers of
16 this court, sworn to uphold the integrity and fairness of
17 our judicial system and to help you in the search for truth.
18 You will find them to be professional, competent and ethical
19 in their representation of their clients. Remember, you
20 have just taken an oath to try this case and reach a true
21 verdict. You're also expected to be professional,
22 reasonable and ethical.

23 Now, in this case, and my opening remarks are to give
24 you, not a charge on the law, which will come at the end of
25 the case, but to instruct you as to what to expect as we

1 begin this trial. The Defendant, as you may recall, is
2 charged by indictments filed with this Court for attempted
3 murder, two times, and discharging a firearm into a
4 dwelling. The elements of these crimes will be explained to
5 you later, at the close of the testimony. These indictments
6 are simply the charge by which the case is brought into
7 court. And it is not in any sense evidence of any of the
8 allegations that it contains. The Defendant has pled not
9 guilty to this indictment. The State, therefore, has the
10 burden of proving each of the elements of the indictment
11 beyond a reasonable doubt. And it is your duty, ladies and
12 gentlemen, as jurors to decide whether the State has met
13 that burden. Your job, your duty as jurors is to find and
14 determine the facts. You are the sole judge of the facts.
15 If at anytime during this trial I make a comment regarding
16 the facts, you must disregard it. You are to determine the
17 facts from the testimony you hear and other evidence
18 introduced in Court. It is up to you to determine the
19 inferences which you feel may properly be drawn from this
20 evidence. It is especially important that you perform your
21 duty of determining the facts diligently and conscientiously
22 because ordinarily there's no way to correct an erroneous
23 determination of facts by a jury. The same law that makes
24 you the judges of the facts, makes me the judge of the law.
25 The law, as given by the Court, is the only law you may

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1 consider. You must accept and follow it, even though you
2 may disagree with it. I cannot tell you what the facts are
3 and you cannot disagree with me about what the law is or
4 should be. Your job is to take the law as I give it to you
5 and apply it to the facts as you find them from the
6 testimony of the witnesses and any other evidence that is
7 introduced. After doing that, you will render your verdict,
8 a true verdict, under the solemn oath that you just took as
9 jurors. Until I advise you to begin your deliberations, you
10 must not discuss this case with anyone, including your
11 fellow jurors, friends, family members and anyone involved
12 in the case. After the case is submitted to you, you must
13 discuss it only in the jury room with your fellow jurors.
14 The attorneys and parties in this case have been advised
15 that they are not to talk to you at all. So if you see
16 anyone involved in the case and they do not say hello,
17 they're not being unfriendly, they're just following my
18 instructions. You must decide this case based solely on the
19 evidence presented in this courtroom. That means that
20 during this trial you must not conduct any independent
21 research about this case; the facts in this case; the
22 evidence presented in this case; or the people or
23 organizations involved in any way. Please do not try to
24 find out information from any source outside this courtroom.
25 In other words, you must not look at dictionaries or other

1 reference materials, search the internet, website or blogs
2 or use any other electronic tools to get information about
3 this case or to help you decide this case. You may not use
4 computers, telephones, cellphones, smart phones, tablets,
5 the internet or any other tool of technology with
6 communication capabilities at any time while you're in the
7 courtroom or during your deliberations. During your breaks
8 for meals or overnight, if necessary, you may use these
9 devices. However, you must not use these devices to
10 communicate with anyone about the case until the case is
11 over. This means you must not use phone calls, emails, text
12 messages, instant messages, Twitter or any blog, chat room
13 or website, including Facebook, Google Plus, My Space,
14 LinkedIn, You Tube, or any social media websites to send or
15 receive information about this case. This includes
16 information about a party, a witness, an attorney or a court
17 officer; news accounts about this case; research in any
18 topics raised; any topics you think would be helpful in
19 deciding this case; or any testimony presented by any
20 witness.

21 During the trial, do not read, listen to or watch any
22 news reports. This includes anything that may be in the
23 newspapers or on the internet, radio or television. You
24 must not consider anything you may have read or heard about
25 this case outside the courtroom, whether before or during

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1 the trial.

2 It is important that you keep an open mind and not
3 decide any issue in this case until all of the evidence has
4 been presented, the parties have made their closing
5 arguments and I have instructed you on the law. It is your
6 solemn responsibility to determine the guilt or innocence of
7 the Defendant. And your verdict must be based solely on the
8 evidence as it is presented to you in this trial and on the
9 law as I instruct during and at the close of the trial.

10 In just a moment the Solicitor will make what is called
11 an opening statement, in which the Solicitor will explain to
12 you what the Solicitor believes the issues are in this case.
13 The attorney for the Defendant may also make an opening
14 statement, although he is not required to do so. What the
15 attorneys tell you during their opening statements is not
16 evidence in this case. It is only their contention as to
17 what the issues are. The evidence in this case will be
18 presented to you by testimony of sworn witnesses from this
19 witness stand and by exhibits which may be introduced into
20 evidence. From time to time, during the trial an attorney
21 may have a question of law or wish to discuss a matter with
22 me. You may see them approach the bench or sometimes I,
23 myself, might find it necessary to excuse you from the
24 courtroom for a short while, while the attorneys and I
25 discuss a matter of law. You are excused because you are

1 the judges of the facts in the case. And sometimes when I
2 am discussing matters of law with the attorneys, it may be
3 necessary for me to make some comment as to the facts in
4 connection with ruling on whether or not a particular law
5 applies. In these instances, I will excuse you from the
6 courtroom while these discussions take place so that you
7 will not be influenced by anything that I may say or do in
8 connection with these facts. In determining what the true
9 facts are in this case, you must decide whether or not the
10 testimony of a witness is believable. It is my
11 responsibility to rule as a matter of law, as to whether
12 certain testimony is admissible at all or not. But once the
13 testimony is admitted, whether or not you believe it is
14 solely for you to determine.

15 In deciding whether to believe a witness, you have the
16 right to consider the interest of any witness, the bias of
17 any witness, the prejudice of any witness, the opportunity
18 for the witness to have seen the matters and things about
19 which the witness may testify, and the way the witness acts
20 on the witness stand. You have a right to consider anything
21 that is in the record that will help you evaluate the
22 testimony of these witnesses. That means it is your duty to
23 pay close attention to them, to observe the witnesses, to
24 listen to them, and to pay close attention to the attorneys
25 and the Court. Do not let your thoughts wander. Give

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1 strict attention to the testimony in this case so that at
2 the end of all the testimony, after the arguments of counsel
3 and the charge on the law by the Court, you will be in a
4 position to determine what the true facts are and apply the
5 law to those facts and render a verdict.

6 All right. Mr. Edwards.

7 MR. EDWARDS: Thank you, Your Honor.

8 THE COURT: Yes, sir.

9 MR. EDWARDS: May it please the Court?

10 THE COURT: Yes, sir.

11 MR. EDWARDS: Mr. Gipson.

12 MR. GIPSON: Mr. Edwards.

13 STATE'S OPENING STATEMENT

14 BY MR. EDWARDS:

15 Ladies and gentlemen of the jury, December 13th last
16 year, Ken Minus and Elise Hogges was traveling on Highway
17 301 away from the City of Orangeburg towards Santee. Ken
18 and Elise, would y'all raise your hands? They are married
19 now but they weren't married then. Her name was then was
20 Elise Hogges and now is Elise Minus. So I just don't want
21 you to get confused there. I'm probably just going to refer
22 to them and Ken and Elise during this trial. But they were
23 leaving Orangeburg, headed towards Santee when they started
24 to be harassed by another vehicle. Now, this vehicle had
25 very distinctive characteristics. It was a black Hyundai

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1 SUV. It had rims and it had Veterans tags. And Elise
2 immediately was able to recognize this vehicle associated
3 with her ex-boyfriend and the father of her child with the
4 Defendant, Johnathan Green. This vehicle began doing things
5 like riding up close behind them, flashing his lights.
6 Riding up right next to them, rolling the window down. At
7 one point, the vehicles were directly side-by-side and Ken
8 and Elise were able to look over and look Johnathan square
9 in the eye and see the look of anger and hate and aggression
10 in his eyes. And they knew at that point there was about to
11 be trouble. Elise became very frightened and so Ken decided
12 to seek shelter at a relatives house nearby. ■ Omega
13 Court is just off of Old State Road, near the Town of
14 Santee. That's where they went, Johnathan following behind
15 them the entire time. They pull up in the yard, jump out of
16 the car and run into the house. For a moment, they thought
17 they had reached a safe place. And then they heard the
18 gunshots begin. Bullet after bullet pierced the house, flew
19 in the house all around them, through the living areas of
20 the home, through the TV, the oven, all throughout the
21 kitchen, the dining room, even a bedroom. The house was
22 sprayed with bullets. To make matters even worse, there
23 were eight other people in the house. Five of these eight
24 people were children. One of these children was a small
25 infant. And you're going to see from the pictures and other

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1 evidence we introduce, that it was a true miracle that no
2 one was hurt or killed that night. For his actions,
3 Johnathan has been charged with discharging a firearm into a
4 dwelling, and two counts of attempted murder.

5 Now, discharging a firearm into a dwelling kind of
6 explains itself. Somebody intentionally fires a weapon into
7 a house that's being lived in. Attempted murder is, again,
8 almost self-explanatory. The mental state for attempted
9 murder is just the same as murder, to attempt to take the
10 life of another person with malice aforethought. The only
11 difference is, fortunately, he was not successful in killing
12 Elise and Ken that night.

13 Now, Mr. Scott and I, we have the burden of proof. In
14 the next couple of days we're going to prove to you beyond a
15 reasonable doubt -- and really beyond any doubt -- how this
16 happened. Exactly where it happened. When it happened.
17 We're going to prove to you that Johnathan Green is, without
18 a doubt, the person that committed this crime. We're going
19 to prove to you that he was motivated by anger. A feeling
20 of control over Elise and what we're going to call malice,
21 which is very important here. Ill will, hatred, aggression
22 towards another person. And finally, we're going to prove
23 to you that he actually was trying to murder Elise and Ken
24 Minus.

25 So when the trial is over and all the evidence is in, I

1 feel extremely confident that all of you will be convinced
2 beyond a doubt that Johnathan Green is guilty of discharging
3 a firearm into a dwelling and guilty on both counts of
4 attempted murder. Thank you.

5 THE COURT: Thank you, Mr. Edwards.

6 Mr. Gipson.

7 MR. GIPSON: Thank you, Your Honor.

8 THE COURT: Yes, sir.

9 MR. GIPSON: May it please the Court?

10 THE COURT: Yes, sir.

11 MR. GIPSON: Mr. Scott and Mr. Edwards.

12 DEFENSE'S OPENING STATEMENT

13 BY MR. GIPSON:

14 Ladies and gentlemen of the jury, good afternoon.
15 There's a proverb that says the witness who speaks first
16 seems correct, until somebody tells the other side of the
17 story and sets the record straight. The witness who speaks
18 first seems correct until somebody tells the other side of
19 the story and sets the record straight. Folks, I'm here
20 today to set the record straight. But before we go any
21 further, let me be abundantly clear just about a few things.
22 First and foremost, whoever is responsible for firing those
23 shots into that house needs to be punished. That's
24 something that should never happen under any circumstance.
25 And it's something that Johnathan Green did not do. What I

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1 want to make sure that you understand before I explain to
2 you a little bit about the process that I'll believe we'll
3 be endeavoring on in a few minutes, is that everything that
4 Mr. Edwards just said, he's got to prove that to you beyond
5 a reasonable doubt. Johnathan Green didn't shoot into
6 anybody's house. He didn't try to kill Elise Hogges, who is
7 now Elise Minus, his ex-girlfriend, the mother of his
8 daughter. He didn't try to kill Ken Minus. He didn't do
9 those things. But the promises that Mr. Edwards just made
10 to you, you have to hold him accountable for those promises.
11 Because Mr. Edwards and Mr. Scott, both at this table,
12 represent the State of South Carolina. And what that means
13 is they use all of their resources to investigate cases and
14 try to bring proof to a jury for somebody who's been charged
15 with a crime. And in this case there are three situations,
16 three crimes that Mr. Green has been charged with. Two
17 counts of attempted murder, one count of firing into a
18 dwelling. And what I want you to do, again, is listen to
19 the evidence that is presented. But more importantly,
20 listen to the evidence that is not presented. And the words
21 that Mr. Edwards, you know, beyond any doubt. He said I
22 feel that beyond any doubt our proof is. Hold him to that.
23 If Johnathan committed this crime or these crimes hold him
24 to that. Hold him to everything that he said. Because as I
25 mentioned, it is Mr. Edwards', and as Judge Dickson has

1 mentioned, the State has to prove all of these factors
2 beyond a reasonable doubt.

3 And as you know my name is Byron Gipson. I represent
4 Johnathan Green and what I'd like to do -- what I'd like to
5 do for the next couple of minutes is just give you a roadmap
6 of what to expect over the next couple days. First and
7 foremost, as I mentioned before and as Judge Dickson
8 mentioned, these charges come to you by way of what's called
9 an indictment. It is a piece of paper that has some things
10 on it, some allegations on that piece of paper. We call it
11 an indictment. That indictment means absolutely nothing,
12 unless you the jury determine beyond a reasonable doubt,
13 that all of the things on that indictment are true. Before
14 that, it is simply a piece of paper and it is the vehicle by
15 which we get into this courtroom. That's what an indictment
16 is.

17 Now, you've heard the term reasonable doubt tossed
18 around and you're going to hear it for the next several
19 days. Our courts have defined reasonable doubt in a couple
20 of ways. The first is reasonable doubt is the amount of
21 doubt that causes a reasonable person to hesitate to act.
22 I'll say that one more time. Reasonable doubt is the amount
23 of doubt that causes a reasonable person to hesitate to act.
24 So as the State begins to present its witnesses, all of its
25 witnesses and you take the cumulative testimony of those

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1 witness, you take everything they've said. If, as you start
2 to hear things that are presented and not presented, you
3 start to hesitate to believe. All right. Well, they
4 haven't proven this or they haven't shown me this. Or I
5 expect to see these certain things in this type of case. If
6 they don't bring those to you, it makes you hesitate. And
7 based on the oath that you just took a few minutes ago to
8 well and truly try the facts of this case -- not cases that
9 are going on in other counties and other jurisdictions and
10 other states, but in this case, in this courtroom here in
11 Orangeburg, South Carolina, you must, based on that oath,
12 you have to find the truth.

13 Now, another way that reasonable doubt has been defined
14 is it says that in order to have reasonable doubt -- if you
15 have reasonable or -- let me rephrase that. You must be
16 firmly convinced of the Defendant's guilt. Firmly
17 convinced. Well, again, that means after hearing all of the
18 evidence and listening to the law, if you're firmly
19 convinced of these things that Mr. Edwards has promised you
20 that he can prove, that's a reasonable doubt as well.

21 Now, as jurors, as you know, you're judges of the
22 facts. Judge Dickson is the judge of the law. He'll tell
23 you what the law is and you have to apply that law to the
24 facts of the case. Nobody can step into that jury box and
25 tell you what the facts are. Nor can we step onto the bench

1 and tell Judge Dickson what the law is. He'll give you the
2 law and you'll have to apply it to the facts and make a
3 decision as jurors. And you may be asking well, how am I
4 supposed to do this? How am I supposed to listen to
5 witnesses and make these decisions? And I'd say that you do
6 that by doing exactly what you're doing right now. You
7 judge their credibility and judge their believability, just
8 like you're judging my credibility and believability right
9 now. That's what you do. You listen to what they say. You
10 listen to how they say it. You listen to the totality of
11 the facts surrounding the evidence that's actually there.
12 You listen to those things. And you can believe one witness
13 over many or you can believe many witnesses over one.

14 And I suggest to you just as the folks at this table,
15 the State will start to bring in witnesses. Some will be
16 law enforcement. Some will be, possibly experts. Some may
17 be eyewitnesses. When it comes to those law enforcement
18 witnesses and those experts that, if the Court determines
19 they're experts, we'll call them experts, they put their
20 pants on one leg at a time just like you and I do, okay? I
21 say that to say you don't give them any additional deference
22 just because they claim to be an expert. You listen to
23 their testimony, listen to what they tell you. Listen to
24 the facts of the case based on their ability to perceive and
25 what they perceive. Look into what they investigated for,

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1 the things that they should have done that they didn't do.
2 Look at all those things and then make your decisions based
3 on those things. That's why Judge Dickson was very clear on
4 asking you not to deliberate or talk about witnesses before
5 you've heard everything. Because it's easy to come with one
6 person and talking with one person. You know, that sounds
7 right until you hear the other side of the story. And
8 that's what we're talking about setting the record straight.

9 Now, I ask you to consider the things that you would
10 expect to see in an attempted murder case, whereas Mr.
11 Edwards has told you or has expressed multiple gunshots were
12 fired into a house. What do you expect to find? Ask
13 yourselves about those things you expect to find. And ask
14 yourselves did you actually find in this case. And if it's
15 not there, that suggests reasonable doubt. Like a jigsaw
16 puzzles. And I say that because this courtroom process is a
17 lot like a jigsaw puzzle. You know, you shake it up, dump
18 it across the floor and start trying to put it together.
19 And to be honest with y'all, I was never any good at it. You
20 know, unless it had about ten pieces that I could see
21 quickly, I've never been good at it. But the key is, as a
22 collective jury, you all are, because you'll get a chance to
23 put the pieces where they belong. And I suggest to you that
24 the folks at this table have a duty to bring you the pieces
25 that are necessary to make the puzzle. You know how

1 frustrating it is when you're trying to put that thing
2 together and there are like five or six pieces that aren't
3 there and you can't finish the puzzle? You finish it.
4 Based on the oath that you took to well and truly try the
5 facts of this case, you have to find Mr. Green not guilty.

6 You're going to be introduced to a couple of types of
7 evidence, probably through -- one is direct evidence and one
8 is circumstantial. A third is what we call stipulations.
9 Direct evidence is evidence that you see, that you can touch
10 and that you can smell, like a paperclip, a shell casing.
11 That's direct evidence. Circumstantial is evidence that you
12 may be able to infer. And that's when we can kind of put
13 pieces together just based on what you hear. If you decide
14 that it's true evidence then either one is accepted. A
15 stipulation means that the folks at this table and I have
16 come up with an agreement and we agree that it's a fact. So
17 there's nothing left to fuss about. So you get some of that
18 type of -- there's a possibility you'll get some of that
19 type of evidence as well. But I just tell you that because
20 -- I'll say to you lastly, speculation, suspicion, those
21 words have nothing, have no place in this courtroom.
22 Speculation, is reasonable doubt. Suspicion, that's not
23 enough. Mr. Edwards told you he would prove beyond a doubt,
24 that he can prove to you all these things. So hold him to
25 it. That's all I'm asking you to do. Hold him to it.

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1 And just remember that when Mr. Green came into the
2 courtroom today, he came in here cloaked in innocence. And
3 in order to remove that cloak, as the Court will tell you,
4 you have to determine that Mr. Edwards and Mr. Scott have
5 proven every element of this case, this matter, these facts
6 that they were talking about. They have to prove that Mr.
7 Green shot into that house and he tried to kill Mr. & Ms.
8 Minus. And at the end of this case, I'll be asking you to
9 return a verdict of not guilty if they have not fulfilled
10 that promise that they just made you a few minutes ago.
11 Thank you.

12 THE COURT: Thank you, Mr. Gipson.

13 Is the State prepared to call its first witness?

14 MR. SCOTT: We are, Your Honor.

15 THE COURT: Okay.

16 MR. SCOTT: The State calls Braniah S.

17 (WHEREUPON, Braniah S. was
18 duly sworn.)

19 THE COURT: Okay, Ms. S. --

20 MR. SCOTT: Shouldn't we pull the chair up a
21 little?

22 THE COURT: Yeah. Pull the chair up. And Ms.
23 S. , I know you can talk louder than that.

24 THE WITNESS: Braniah S.

25 THE COURT: Okay. That's a little bit closer. I

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1 need for you to talk that loud all of the time, okay?

2 THE WITNESS: Yes, sir.

3 THE COURT: A little bit louder?

4 THE WITNESS: Yes, sir.

5 THE COURT: Very good. Very good. Okay. All
6 right.

7 Your witness.

8 MR. SCOTT: Thank you, Your Honor.

9 BRANIAH S. - DIRECT EXAMINATION

10 BY MR. SCOTT:

11 Q Good afternoon, Braniah.

12 A Good afternoon.

13 Q You doing okay?

14 A Yes.

15 Q Can you tell the jury how old you are?

16 A Thirteen.

17 Q Thirteen. And where do you go to school?

18 A Trident Middle School.

19 Q All right. And what grade are you in?

20 A Eighth.

21 Q Do you have any brothers or sisters?

22 A Two sisters.

23 Q Two sisters. And can you tell the jury their names and
24 their ages?

25 A Audrey is two; Katrana is nine.

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1 Q Katrana is nine and Audrey is two; is that what you
2 said?

3 A Yes.

4 Q Okay. And what is your mother's name?

5 A Angie Abraham

6 Q And where does she work?

7 A Charleston.

8 Q She works in Charleston?

9 A Yes.

10 Q Where do you and your sister's live?

11 A At [REDACTED] --

12 Q [REDACTED], can you speak up for me.

13 A [REDACTED] Omega Court..

14 Q Omega Court.. Okay. And who do you live there with?

15 A My grandmother.

16 Q Who's your grandmother?

17 A Delphine Gavin.

18 Q Delphine Gavin? Okay. And is that where you were
19 living back on December the 13th of 2015?

20 A Yes.

21 Q Can you tell the jury what you were doing that night?

22 A I was in our bed watching TV and I heard a gunshot. I
23 was just sitting, and then I was like, I was wondering if it
24 was coming in the house or not, because it didn't sound like
25 it was very close for the first one. And so the second one,

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1 I just heard and I was like, it sound like it's getting
2 closer.. So I had ran and I saw my cousin Kay, she was going
3 to wake my grandma up. So I just ran. And I heard more
4 gunshots.

5 Q Okay. So you're in your bedroom?

6 A Watching TV.

7 Q Watching TV. And then you heard a gunshot?

8 A Uh-huh. (Affirmative response.)

9 Q And then I think you testified you heard a second
10 gunshot that sounded like it was closer?

11 A Yes, sir.

12 Q All right. And how many gunshots do you think you
13 heard until --

14 A Most likely I wasn't counting, but it was a lot.

15 Q It was a lot?

16 A Yeah.

17 Q Okay. And what did you do after you heard the
18 gunshots?

19 A Run toward my grandmother house, next door.

20 Q Your grandmother's house next door?

21 A Nods head. (Affirmative response.)

22 Q Okay. What door did you run out of?

23 A The front door.

24 Q And who else, if anyone was running out of the front
25 door?

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1 A Candice.

2 Q And who is Candice to you?

3 A My aunt.

4 Q She's your aunt?

5 A Yes.

6 Q All right. Can I show you some pictures?

7 A Yes.

8 Q I want to show you what's been marked for ID as State's
9 Exhibits 1 and 2. Do you recognize those?

10 A Yes.

11 Q And what is depicted in State's Exhibit's 1 and 2?

12 A My grandmother's house.

13 Q Okay. And do these pictures fairly and accurately
14 depict your grandmother's house?

15 A Yes, sir.

16 MR. SCOTT: We'd ask that State's Exhibits 1 and 2
17 to be admitted into evidence.

18 MR. GIPSON: Without objection.

19 THE COURT: Okay. State's 1 and 2, photographs of
20 the grandmother's house in evidence without objection.

21 MR. SCOTT: Mr. Gipson just -- and I'll stipulate,
22 you know, these are pictures that were taken after the fact.
23 You know these pictures were taken under daylight.
24 Obviously, we're not alleging that this incident took place
25 during the day.

1 THE COURT: All right.

2 (State's Exhibit No. 1, photo, was
3 marked and entered.)

4 (State's Exhibit NO. 2, photo, was
5 marked and entered.)

6 BY MR. SCOTT:

7 Q I want to show you four more pictures. Do you
8 recognize what's in State's Exhibit 3?

9 A Yes. The side of the house.

10 Q It's the side of the house?

11 A Yes.

12 Q Okay. Do you recognize what is in State's Exhibit 4?

13 A The living room.

14 Q The living room?

15 A Yes.

16 Q Okay. What's in State's Exhibit No. 5?

17 A The kitchen, the stove.

18 Q Okay. And what's in State's Exhibit No. 6?

19 A The dining room.

20 Q The dining room?

21 A Yeah.

22 Q And what else is to the right of the dining room?

23 A (Witness pauses)

24 Q What area is this?

25 A The living room.

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1 Q The living room. So are there two living rooms?

2 A There's one in the kitchen --

3 Q Okay. Kind of den?

4 A Yes.

5 MR. SCOTT: We'd ask that State's Exhibits 3, 4,
6 5, and 6 be admitted into evidence.

7 MR. GIPSON: No objection.

8 THE COURT: All right. State's 3, 4, 5, and 6 are
9 admitted without objection.

10 (State's Exhibit No. 3, photo, was
11 marked and entered.)

12 (State's Exhibit No. 4, photo, was
13 marked and entered.)

14 (State's Exhibit No. 5, photo, was
15 marked and entered.)

16 (State's Exhibit No. 6, photo, was
17 marked and entered.)

18 MR. SCOTT: Can I have the witness step down, Your
19 Honor?

20 THE COURT: Certainly.

21 BY MR. SCOTT:

22 Q Braniah, If you'll come stand next to me.

23 A (Witness steps down)

24 THE COURT: You need to move?

25 MR. GIPSON: I'm fine.

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1 THE COURT: Let Mr. Gipson get so he can see also.

2 MR. GIPSON: Thank you.

3 BY MR. SCOTT:

4 Q You've got to keep your voice up so Ms. Hilda can --
5 our court report, she's got to be able to write it down
6 whatever you say. So you have to keep your voice because
7 we're away from the mic, okay? Can you point -- can you put
8 your finger on where the front door is that you ran out of?

9 A Right here.

10 Q Right here?

11 A Nods head. (Affirmative response.)

12 THE COURT: And you're referring to which one,
13 State's 1?

14 MR. SCOTT: I'm sorry. This is State's Exhibit
15 No. 1, Your Honor.

16 BY MR. SCOTT:

17 Q And which way would your grandmother's house be?

18 A This way.

19 Q This way?

20 A Yes.

21 Q Is there another door to your house that y'all use
22 sometimes?

23 A The side door.

24 Q The side door? And is that depicted in State's Exhibit
25 No. 2?

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1 A Yes.

2 Q Where?

3 A There?

4 Q Right there?

5 A Yes.

6 Q If you were to walk in through that side door, what
7 room would you be in?

8 A You'd be in the --

9 Q Yeah. If you walk in the side door --

10 A The dining room.

11 Q -- what room would you be in?

12 A The dining room.

13 Q If you walked in the side door?

14 A The living room is on this side here.

15 Q Okay. So I want to show you what's depicted on State's
16 Exhibit 3. It's already in evidence. What do you see in
17 State's Exhibit 3. Keep your voice up, please?

18 A The dryer --

19 THE COURT: She's going to have to talk a little
20 louder. I'm having --

21 MR. SCOTT: I'm going to let her go back to her
22 seat, Judge.

23 THE COURT: Yeah. Okay. Yeah. That might be the
24 easiest thing to do. I want to make sure the jury can hear
25 her as well.

1 MR. SCOTT: All right.

2 A (Witness takes stand)

3 BY MR. SCOTT:

4 Q So if you walked in the side door, what do you see?

5 A The dryer going.

6 Q The dryer, okay. So this is walking in through the
7 side door; is that correct?

8 A Yes.

9 Q And if you turn right after walking in here, what do
10 you see? What room are you in?

11 A The dining room. The dining room.

12 Q The dining room?

13 A Yes. Living room.

14 Q Living room? Okay?

15 A Yeah.

16 Q And whose pink table and pink chairs are those?

17 A Audrey.

18 Q Audrey, your little sister?

19 A Yes.

20 Q What does she like to do at that pink table?

21 A Color, draw, eat sometimes.

22 Q Okay. I notice there's a television behind the pink
23 table?

24 A Yes.

25 Q Is that the television y'all used to use back in

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Your Honor.

THE COURT: Okay.

BRANIAH S. - CROSS-EXAMINATION

BY MR. GIPSON:

Q Good afternoon, Braniah?

A Good afternoon.

Q Now, I just want to ask you just a few questions about what your testimony was. But just a few questions about your testimony. Now, I want to show you what's been marked as State's Exhibit No. 1. Can I show that to you one more time?

A Uh-huh.. (Affirmative response.)

Q Okay. And you say that's a picture of the home where you were living then and are living now; is that correct?

A Yes.

Q All right. And State's Exhibit No. 2 is very similar to that; is that right?

A Yes.

Q Okay. Now, if we look back, if we were to rewind and go back to December of 2015, the day of this incident, I think, was the 13th of December; does that sound right?

A Yes, sir.

Q All right. It was pitch dark then, was it not?

A Yes, it was.

Q So although these are fair and accurate representations

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1 of the pictures, this is what the house looks like, that's
2 not what it was like that night was it?

3 A I mean, I was -- I mean, that's how it looked. I mean,
4 I wasn't really -- I was too scared to, you know, to look
5 anywhere. I wasn't just looking, had my head down, walked
6 straight to my grandmother's house. I wasn't really paying
7 attention to how the house looked or anything.

8 Q Yes, ma'am. And that's understandable. That's
9 understandable. But you know that the house was shot into;
10 that's correct?

11 A Yes.

12 Q And who shot into the house?

13 A I don't even know who.

14 Q Okay. You don't know who shot in the house; do you?

15 A Uh-uh. (Negative response.)

16 Q All right. And where you live right there on Omega
17 Drive, it's pretty dark out there at night?

18 A Yes.

19 Q All right. It's in the country; is that fair to say?
20 No disrespect, but it's in the country; right?

21 A Yes.

22 Q Okay. Really dark out there at night; isn't it?

23 A Yeah. But it's like a little light pole behind the
24 house.

25 Q There's a light behind the house?

1 A Uh-huh. (Affirmative response.)

2 Q Okay. And this was in front of the house, where the
3 shooting --

4 A Yes.

5 Q Okay. All right.

6 MR. GIPSON: That's all my questions. I have no
7 further questions.

8 THE COURT: Anything on redirect?

9 MR. SCOTT: No, Your Honor.

10 THE COURT: You may step down. Thank you, ma'am.

11 MR. GIPSON: Thank you.

12 THE COURT: And she can stay in if she wants to.

13 MR. SCOTT: Thank you, Your Honor.

14 MR. GIPSON: We have no objection.

15 THE COURT: All right.

16 MR. SCOTT: The State calls Keyuana Thomas.

17 (WHEREUPON, Keyuana Thomas was duly
18 sworn.)

19 KEYUANA THOMAS - DIRECT EXAMINATION

20 BY MR. SCOTT:

21 Q Good afternoon?

22 A Good afternoon.

23 Q Can you tell the jury how old you are?

24 A I'm twenty-five years old.

25 Q And are you working? Are you in school or what?

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1 A Full-time student.

2 Q And where do you live?

3 A I live in Barnwell, South Carolina.

4 Q Okay. Tell the jury what you were doing on December
5 the 13th of 2015?

6 A On December 13th, I was next door at my grandmothers
7 house washing clothes. And I needed to use Delphine's
8 dryer. So I walked next door to Delphine house to use their
9 dryer.

10 Q Okay. Let's back up a little bit. Where were you on
11 December 13th, 2015. You said your grandmom's house?

12 A Uh-huh. (Affirmative response.)

13 Q And where does she live?

14 A In Santee on Omega Court.

15 Q Okay. And why had you gone over to your grandmom's
16 house on Omega Court?

17 A We were just over there on Sunday. Sunday dinner
18 there.

19 Q Okay.

20 A I was washing clothes.

21 Q And where were you washing clothes?

22 A At my grandmother's house.

23 Q Okay. And where were you drying your clothes?

24 A At Delphine's house.

25 Q All right. And where does Delphine live in

1 relationship to your grandmother?

2 A She lives next door.

3 Q Okay. And you know Ms. Delphine Gavin?

4 A She's my cousin.

5 Q All right. Do you know Kendwan Minus?

6 A Yes. He's my cousin.

7 Q He's your cousin. Prior to December 13th of 2015, did
8 you know Elise Hogges Minus?

9 A No, I didn't.

10 Q You didn't know her? So you testified you were drying
11 your clothes at Delphine Gavin's house. Tell the jury what,
12 if anything, happened when you were over at Ms. Gavin's
13 house?

14 A Well, I was over there drying my clothes. And
15 something was wrong with the dryer so I got my cousin out of
16 the bed. And we were standing in her living room and that's
17 when we heard cars coming in the yard. And that's when
18 someone came up to the door and was trying to get in. And
19 it was Kendwan Minus and Elise. And all I could hear was
20 somebody saying he got a gun. He got a gun. So I ran in
21 the kitchen. And as I was standing in the kitchen, I heard
22 gunshots. And I was just standing there, didn't know
23 whether to duck, get down or ran out. My cousin was telling
24 me that he was coming in behind them, because that's how
25 loud the gunshots were. So they mentioned he had already

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1 got in the front door. And as I ran out the front door -- I
2 ran next door to my grandmother's house. And as I was
3 running out I could hear that gunshots was being fired.

4 Q Were you scared?

5 A I was scared for my life. Yes, I was.

6 Q How many gunshots do you think you heard?

7 A I'm not sure. It was several, though.

8 Q Okay. What was happening around you as the gunshots
9 were coming into the house?

10 A As the gunshots was coming into the house, it's just --
11 the gunshots was coming into the house and I just was
12 standing there afeared. And I just ran out the door.

13 Q Okay. I believe you said you ran to your grandmom's
14 house?

15 A Yes.

16 Q Did you stay on scene until the police arrived?

17 A I did.

18 Q I want to show you what's been marked for ID as State's
19 Exhibit 7. Do you recognize this?

20 A Yes.

21 Q And what is this?

22 A It's Omega Court and Old State Road.

23 Q It's Omega Court?

24 A Yes.

25 Q Does this fairly and accurately depict Omega Court and

1 the houses that are on it?

2 A It does.

3 MR. SCOTT: We'd ask that State's Exhibit 7 be
4 admitted into evidence.

5 MR. GIPSON: Without objection.

6 THE COURT: State's 7, is in evidence without
7 objection.

8 (State's Exhibit No. 7; large map,
9 was marked and entered.)

10 MR. SCOTT: Can I try it one more time, Your
11 Honor. Can I have the witness step down?

12 THE COURT: Sure.

13 BY MR. SCOTT:

14 Q Now, keep your voice up, all right?

15 THE COURT: Now, Ms. Thomas, you need to speak
16 loudly.

17 THE WITNESS: Okay.

18 THE COURT: Okay. We're getting there. Keep
19 doing that, okay? Thank you, ma'am. I think he wants you
20 to step down so he can point out things to the jury.

21 THE WITNESS: Okay.

22 THE COURT: And Mr. Gipson needs to get by so he
23 can see.

24 A (Witness steps down)

25 BY MR. SCOTT:

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1 Q All right. You can use the pointer if you come over
2 here.

3 THE COURT: Before you -- let him get up. Okay.
4 Thank you, sir.

5 MR. GIPSON: Thank you.

6 BY MR. SCOTT:

7 Q If you would, would you point out Omega Court for the
8 jury?

9 A This is Omega Court.

10 Q You've got to speak up. I can't even hear you from
11 here.

12 A This is Omega Court.

13 Q Uh-huh. (Affirmative response.)

14 A This is Old State Road?

15 Q Okay.

16 A This is Delphine's house, Tynisha's house, and this is
17 my grandmother's house.

18 Q Okay. You said that's Old State Road at the top left?

19 A It is.

20 Q Okay. And which way would Highway 301 be?

21 A To the right is 301 and to the left takes you to Holly
22 Hill.

23 Q Take you to Holly Hill?

24 A Uh-huh. (Affirmative response.)

25 Q Okay. And you say your grandmother's house is where?

1 A Is right here.

2 Q Okay. Is that kind of like a dead-end street?

3 A It is. It's a one-way in and one-way out street.

4 Q All right. And where's the house that was shot into?

5 A This is the house that was shot into.

6 Q Okay. What did you say you did when you -- when the
7 shots started coming into the house?

8 A When it started coming into the house, I ran out the
9 front door and I ran to my grandmother's house.

10 Q Okay. Did you see anything when you ran to your
11 grandmothers?

12 A I could see a car in the driveway with lights on.
13 That's all I saw.

14 Q Okay. All right. You can have a seat.

15 A (Witness takes stand)

16 MR. SCOTT: I beg the Court's indulgence.

17 THE COURT: Take your time, Mr. Scott.

18 BY MR. SCOTT:

19 Q Thank you, Ms. Thomas. Please answer questions Mr.
20 Gipson has for you.

21 THE COURT: Mr. Gipson.

22 KEYUANA THOMAS - CROSS-EXAMINATION

23 BY MR. GIPSON:

24 Q Good afternoon?

25 A Good afternoon.

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1 Q Now, and this is just briefly -- without putting that
2 photo back up, you said you were at the house, I guess,
3 drying clothes at that point or washing? You're doing
4 laundry, basically doing laundry?

5 A Yes, sir.

6 Q And that's when you heard Ken and Elise come in the
7 house?

8 A Yes.

9 Q Okay. And after that, you heard gunshots?

10 A I did..

11 Q Okay. And that's all my questions. Thank you.

12 THE COURT: Anything on redirect?

13 MR. SCOTT: No, Your Honor.

14 THE COURT: Thank you, ma'am. You may step down.

15 Is the State prepared to call its next witness.

16 MR. SCOTT: Yes, Your Honor.

17 MR. EDWARDS: We are. The State calls Martin
18 Ryant.

19 (WHEREUPON, Martin Ryant was duly
20 sworn.)

21

22 MARTIN RYANT - DIRECT EXAMINATION

23 BY MR. EDWARDS:

24 Q How you doing, Mr. Ryant?

25 A I'm good. How are you?

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1 Q Doing fine. Where are you employed?

2 A The Orangeburg County Sheriff's Office Dispatch.

3 Q Okay. And how long have you been there?

4 A It's been approximately a year and four months.

5 Q Okay. How long have you worked in Orangeburg County in
6 law enforcement or a related field?

7 A In a related field, I started with the county back in
8 '99, so --

9 Q What did you start out doing?

10 A As a 9-1-1 dispatcher.

11 Q Okay. How many years total have you been a
12 dispatcher?

13 A Probably four, five.

14 Q Okay. And as a dispatcher, what are your duties?

15 A My duties is to receive 9-1-1 calls or to receive calls
16 and also dispatch those to the deputies.

17 Q Okay. When you say dispatch to the deputy, you
18 actually get in touch with law enforcement so they can
19 respond?

20 A Yeah. Get in touch with law enforcement over the radio
21 so they can respond.

22 Q And the 9-1-1 calls you receive, are these recorded?

23 A Yes, sir.

24 Q Are they recorded automatically on a computer system?

25 A Yes, sir.

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1 Q Okay. And are all these calls date stamped?

2 A Yes, sir.

3 Q You can tell exactly when the calls are made?

4 A Yes, sir.

5 Q Do you recall on December 13th of last year receiving a
6 call from a woman named Elise Hogges in reference to an
7 incident that was actively occurring on Highway 301?

8 A Yes, sir.

9 Q Okay. About what time did that call come in?

10 A The first call came in around, about 9:30 that night,
11 9:30 p.m.

12 Q Okay. And when you received this call, what did you
13 do?

14 A I talked, what we call the complainant. I talked with
15 her over the phone to find out what was going on. I entered
16 the call into our KNR computer system and at the same time,
17 dispatched the closest deputies to the call.

18 Q Okay. And without kind of getting into what she said
19 on the call, do you recall roughly how long the call lasted?

20 A It lasted -- the initial call lasted approximately
21 three or four minutes, maybe.

22 Q Okay. How did the call end?

23 A The call ended with her hanging up, disconnecting.

24 Q Okay. Did you attempt to call her back?

25 A Yes, sir.

1 Q Did she answer?

2 A No, sir.

3 Q Did you also receive a second call, a related call that
4 night?

5 A Yes, sir.

6 Q Okay. And about what time did this call come in?

7 A That call came in about 9:40, 9:41, somewhere in that
8 area. P.M.

9 Q And where was that call from?

10 A She said she was on Omega Court.

11 Q Okay. I'm going to show you what's been pre-marked
12 State's Exhibits 16 and 17. First, I hand you State's
13 Exhibit 17 -- 16. Do you recognize that?

14 A Yes, sir.

15 Q And what is that?

16 A This is a CD containing the call from that night.

17 Q Okay. How do you know it contains the calls from that
18 night?

19 A Because I listened to it and I had to date it and
20 initial it.

21 Q Okay. And are those your initials on that disk?

22 A Yes, sir. It is.

23 Q Okay. And is this disk a true and accurate
24 representation of what the caller sounded like that night?

25 A Yes, sir. It is.

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1 Q Okay. Thank you. Now I'm going to hand you 17. And
2 what is that?

3 A That's the same thing. It's a disk from a call that
4 night.

5 Q Okay. And have you listened to that one as well?

6 A Yes, sir. I listened to it and initialed it and dated
7 it.

8 Q And that's also a true representation of the call that
9 night?

10 A Yes, sir.

11 Q Okay. We'll just leave those there for now. That's
12 all I have thank you.

13 A Okay.

14 Q Please answer any questions Mr. Gipson might have.

15 THE COURT: Mr. Gipson.

16 MR. GIPSON: I have no questions, Your Honor.

17 THE COURT: All right. Mr. Ryant, you may step
18 down.

19 THE WITNESS: All right. Thank you.

20 THE COURT: Thank you, sir.

21 MR. SCOTT: May he be excused, Your Honor.

22 THE COURT: Any objection?

23 MR. GIPSON: No objection.

24 THE COURT: You are excused. Thank you, sir.

25 THE WITNESS: All right. Thank you.

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1 MR. GIPSON: Thank you.

2 THE COURT: Is the State prepared to call its next
3 witness?

4 MR. SCOTT: Yes, Your Honor. The State calls
5 Elise Minus.

6 (WHEREUPON, Elise Minus was duly
7 sworn.)

8 ELISE MINUS - DIRECT EXAMINATION

9 BY MR. SCOTT:

10 Q Good afternoon?

11 A Good afternoon.

12 Q Tell the jury how old you are?

13 A I'm twenty-nine.

14 Q And where are you from?

15 A Orangeburg, South Carolina.

16 Q And what do you do for a living?

17 A I'm a full-time student right now.

18 Q Okay. And where are you a student?

19 A Kenneth Shuler.

20 Q All right. And where were you working back in December
21 of last year?

22 A Palmetto Health Heart Hospital.

23 Q And where is that?

24 A In Columbia.

25 Q And what did you do there?

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1 A I was a lab tech.

2 Q And how long did you work there?

3 A For about six months.

4 Q How many children do you have?

5 A One.

6 Q And how old is your child?

7 A She's four.

8 Q She's four. And who is the father of that child?

9 A Johnathan Green.

10 Q How long have you known the Defendant, Johnathan Green?

11 A Since middle school.

12 Q Did you and -- let me ask you. When did you and Mr.
13 Green begin a romantic relationship?

14 A 2008.

15 Q And did y'all ever live together?

16 A Yes.

17 Q When did y'all live together?

18 A On and off, from -- the end of 2010, beginning of 2011
19 to 2010 [sic].

20 Q How would you describe your relationship with Mr.
21 Green?

22 A Tumultuous. It was a bad situation.

23 Q Right. Can you tell the jury what happened in January
24 of 2015, about eleven months before this incident.

25 MR. GIPSON: Your Honor.

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1 THE COURT: And just for the record, I'm going to
2 note his objection. Okay. Go ahead.

3 MR. SCOTT: Thank you, Your Honor.

4 THE COURT: Okay.

5 BY MR. SCOTT:

6 Q Tell the jury what happened in January of 2015?

7 A We had agreement to pick my child up from his mom's
8 house. And when I got there, he arrived as I was getting --
9 putting my daughter in the car. And he reached in and
10 snatched my keys out my ignition and in the process of me
11 trying to, you know, get my keys back -- I was trying to
12 like protect my daughter from seeing it. And he came around
13 the front of the car and he grabbed my hair. And he pulled
14 me to the ground by my hair and ripped my sewing out. And
15 that's when he punched me. And his mom came off the porch
16 and, you know, she was trying to get him off of me. And she
17 called the police and made a report.

18 Q Okay. Tell the jury what, if anything, happened in
19 November of 2015?

20 MR. GIPSON: Objection, Your Honor.

21 THE COURT: Again, I note your objection on the
22 record.

23 MR. GIPSON: Yes, sir.

24 THE COURT: Go ahead.

25 A I was -- we was at my mom's house where I was staying

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1 at. And I see a white truck pull in the yard and I didn't
2 know the truck. But when I looked out the kitchen window, I
3 seen his brother in the passenger's seat. So by the time I
4 slipped on some shoes and some clothes, his brother was at
5 the door. And my daughter, when she saw her uncle, she got
6 excited. So she took off running towards Him.

7 BY MR. SCOTT:

8 Q What's his name?

9 A Brandon.

10 Q Brandon? You said that's the Defendant's brother?

11 A Yes, sir.

12 Q Okay. And what happened next. And we went outside.

13 And Johnathan was like he came to get my -- get the -- my
14 car, my old car so he could fix it. And I told him I didn't
15 want him to do nothing for me. You know, I was okay. I
16 don't even want no help from him. I didn't want him saying
17 he helped me do anything. And his brother pulled me aside
18 and was trying to convince me, you know, to just go ahead
19 and let him fix your car. And I said no, I don't want him
20 to do anything for me. And that's when he looked up at me.
21 And he was like don't --

22 Q Who is he?

23 A Johnathan. ...

24 Q Okay.

25 A And he looked up at me and said, don't play with me

1 I'll blow your face off. And then I said that's the problem
2 right there. I said get out of my yard and don't come back
3 and leave me alone. Then --

4 Q Did you call the police that day?

5 A No, sir.

6 Q And you said this happened at your mother's house?

7 A Yes, sir.

8 Q And where does she live?

9 A In Creekmoor Subdivision off the Columbia Road.

10 Q All right. Who is Kendwan Minus?

11 A That's my husband.

12 Q All right. And who was he to you back in December of
13 2015?

14 A That was my boyfriend.

15 Q Okay. How long have you known Mr. Minus?

16 A Since school.

17 Q When did y'all get married?

18 A In August.

19 Q In August? Congratulations.

20 A Thank you.

21 Q You need some water or anything? After the Defendant
22 came to your mother's house in Creekmoor around
23 Thanksgiving, when was the next time you saw him?

24 A December 13th.

25 Q All right. Tell the jury what you were doing when you

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1 saw him?

2 A We were just in the car, laughing, and talking --

3 Q Who is we?

4 A Me and Ken.

5 Q You and your husband?

6 A Yes.

7 Q Boyfriend, at the time?

8 A Uh-huh. (Affirmative response.)

9 Q Y'all were in the car laughing?

10 A And we was on our way to Santee because that was our
11 little getaway spot. And out of my periphery I seen a car
12 light passing by. So when I looked, I saw that it was a
13 Hyundai truck with Veteran tags and -- and I know that's the
14 car he -- that's his mom's car. He always drives it. And I
15 looked over at Ken and I was like oh, Lord, that's my baby
16 daddy right there. He was like, well, you know, we not
17 bothering him. We not doing him nothing. Just try to stay
18 calm. And --

19 Q Let me ask you, where are you when you see him?

20 A By Fred's in Old Fort. It was a long time ago, but by
21 Fred's.

22 Q Okay. What road is that on?

23 A 301.

24 Q All right. And how far away is this from like where
25 the Defendant's mother lives?

1 A That's like the next block, yeah.

2 Q Where does the Defendant's mother live?

3 A Behind Biddie Banquet on Five Chop Road.

4 Q So you see him next to you driving. What time of day
5 or night is this?

6 A It's nighttime. It is maybe 9:00, 9-ish. It had to be
7 after 9:00.

8 Q Okay. And what happened next?

9 A He kept driving. So we tried to, you know, like slow
10 down to see if it was -- what it was about to be. And we
11 slowed down and he slowed down. So we sped up and then he
12 sped up. And then when he got close, he pulled the car
13 close to the -- I was in the passenger's side. And when he
14 pulled the truck over, I looked over and I looked at him.
15 And I was just like -- I already know there about to be --
16 So I just called 9-1-1. I was scared.

17 Q When you looked over -- you said it was nighttime, 9:00
18 9:30 at night, could you see the Defendant, Johnathan Green?

19 A I looked in his eyes.

20 Q How could you see him if he's in another vehicle?

21 A Because 301 is like a -- they have lights, by Cash and
22 Carry, by Fred's, the whole 301 is light up.

23 Q Okay. You didn't have any trouble seeing him that
24 night?

25 A No trouble.

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1 Q Was his window up or down?

2 A His window was down and my window was up.

3 Q And what happened next? Well, let me ask you -- let me
4 back up. Who was driving the vehicle that you were in?

5 A Ken was driving.

6 Q Who was?

7 A Ken.

8 Q Ken was driving. And whose car were y'all in?

9 A It was my car.

10 Q All right. And what kind of car was it?

11 A A green Chrysler.

12 Q And where were you sitting?

13 A In the passenger's side, front seat.

14 Q Front seat. Was anybody else in the car with y'all?

15 A No, sir.

16 Q Was anybody else in the car with Mr. Green?

17 A No, sir.

18 Q And you said this is the car the Defendant usually
19 drives?

20 A Yes.

21 Q All right. So tell the jury what happened next?

22 A I called 9-1-1. And -- well, Ken told me, you know, to
23 lay my seat back; lay my seat all the way back so if
24 something do it happen, it'll go through and right to him.
25 So I just laid my seat back and I called 9-1-1 and he was

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1 just telling us, you know, don't stop keep going. We was
2 caught up in the moment, like I ain't never that happen. So
3 we were just scared.

4 Q All right. Where were you, do you think, when you
5 first called 9-1-1?

6 A We was coming -- passing Lady Love's. We was passing
7 Love's.

8 Q What is Love's?

9 A It's a truck stop gas station.

10 Q And where is that?

11 A On 301 across the street from the Industrial Park.

12 Q Okay. Is that near the intersection if I-26?

13 A Yes.

14 Q Earlier you said when you first saw him y'all were near
15 Fred's?

16 A Uh-huh. (Affirmative response.) Well, we was passing
17 by Fred's.

18 Q Okay. But you said it was a couple of blocks away from
19 Biddie Banquet?

20 A Uh-huh. (Affirmative response.)

21 Q All right. So now you're all the way out by the
22 interstate.

23 A Uh-huh. (Affirmative response.)

24 Q And you call 9-1-1 and then what happens next?

25 A He was asking where was we at.

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1 Q Who is he?

2 A The dispatcher. He was a man, the dispatcher. And he
3 was just like well, how fast are you going? And I told him
4 like we was maxing out and he was following us a hundred and
5 twenty. Like I can just -- we was going fast. I felt every
6 hump. And I kept saying y'all, somebody please, somebody
7 come. Come get me. And he was like well, where are y'all
8 at? And we was already almost to Santee, which is where we
9 was going. And he had family there. He felt safe there.

10 Q Who is he?

11 A Ken.

12 Q Okay.

13 A So he was like tell the police to meet us at Omega
14 Court. We thought we had a good chance because we was a
15 good distance away from him. We just kept saying just have
16 the police there at Omega Court. Have the police there.
17 You know, he's right behind us. If y'all there, you know,
18 you could catch him there?

19 Q Okay. So you're on 301, heading towards Santee. And
20 you tell the police you're going to Omega Court. Where did
21 you turn to go to Omega Court?

22 A We made a right at El Cheapo's.

23 Q Okay. Onto what road?

24 A Old State Road.

25 Q Okay. Tell the jury what happened after y'all turned

1 right on Old State Road?

2 A Well, Old State Road is a two-lane highway one for on-
3 coming, one for incoming. And he was -- we was on the right
4 side and he was on the left side. And it was just like a
5 race. And what happened was a car was coming, was coming
6 the opposite direction. So either he had to swerve over and
7 run on the side of the road, speed up, get in front of us or
8 slow down and get behind us. So he hit the gas and jumped
9 in front of us. And so he knew where we was at. And there
10 was a church on the left side. So we made a quick left in
11 the church yard and turned around. And we were trying to
12 come back towards Orangeburg. But by the time we went
13 around in the church yard and turned around, Johnathan had
14 done already turned the car or the truck around and was
15 coming back towards where we was at. So to get a distance,
16 instead of going back to Orangeburg, he just kept going
17 towards Omega Court because we had done told the police --
18 my phone went dead. So we had done told the police where we
19 was going to be at. So --

20 Q And how far was Omega Court from the church?

21 A It wasn't far.

22 Q It wasn't far. But somewhere during that time you said
23 your phone went dead?

24 A My phone went dead.

25 Q Okay. What did y'all do once y'all got to Omega Court?

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1 A He said when we get there, just jump out and run
2 straight in the house. And I think he was calling -- he was
3 calling his family to let them know, you know, just let me
4 in. This is me. And it just so happened someone was at the
5 door. And they never met me a day in their life. So when
6 they seen me, I just out and ran straight in their house.
7 So, of course, that was like confusing. A woman they never
8 seen run in their house. And Ken was still driving. So he
9 had to put the car in park and he came running right behind
10 me. And then once he was in the house --

11 Q Which door did you run in?

12 A The side door.

13 Q And if you run in the side door, what room are you in?

14 A It's like a dryer and then a dining room where, I know
15 it was a TV.

16 Q Okay. So if you come in -- if you come into the room
17 where the dryer is, you turn right or left to go to the TV
18 room?

19 A Right.

20 Q Right. Okay. What happened after you went into that
21 room?

22 A It was -- everybody was -- it was hectic, we just ran
23 in. He was like, it's me. It's Ken. It's Ken. And he was
24 just like her baby daddy trying to kills us. And I was
25 like, Oh, my God. You know, I was still in shock. I was

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1 like oh, my God. We just did like a hundred and twenty from
2 Orangeburg to Santee and you know, I'm still here. I was
3 just -- I was just scared. And then that's when I heard the
4 first gunshot. And then I noticed almost everybody was
5 ducking down. But, you know, when you hear gunshots, it was
6 -- it just -- I was still in shock from the chase. And then
7 the second gun shots and then I just heard people saying
8 girl, get down. Duck, duck. But I guess after the third
9 shot went off, the oven -- I was in between the kitchen and
10 the dining. And I seen where the bullets went through the
11 oven. And then that's when I just immediately ducked down
12 and ran into the living room.

13 Q Okay. How many gunshots do you think you heard?

14 A I heard maybe seven. It was a lot. I don't want to
15 put a exact number on it but it was pow, pow, pow, pow, pow,
16 pow, pow.

17 Q Could you see who was doing the shooting?

18 A No.

19 Q Was there any doubt in your mind who was doing the
20 shooting?

21 A Without a doubt.

22 Q What happened after the shooting stopped?

23 A We started smelling the gas. I guess the bullet even
24 hit the dryer or the stove. But it was just -- everybody
25 was screaming and one girl said I was just at the stove --

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1 Q You can't testify as to what anybody else says, okay?

2 A It was just a bunch of -- trying to figure out what was
3 going on.

4 Q Okay.

5 A And they was like we smell gas. We smell gas and
6 grabbed up all the kids, and kids everywhere. And we ran
7 next door..

8 Q Okay. Did you stay on the scene until the police
9 arrived?

10 A They came, because they already knew where we was at.
11 So by the time they car went out, they was literally, they
12 was there.

13 Q Okay. I'm going to show you what's been marked as
14 State's Exhibit 16. Do you recognize that?

15 A Yes.

16 Q And what is that?

17 A This is the 9-1-1 call.

18 Q Oka. And how do you know that's the 9-1-1 call?

19 A Because I listened to it and initialed it.

20 Q You initialed it after you listened to it?

21 A Yes, sir.

22 Q Is that a fair and accurate recording of the
23 conversation that you had with the 9-1-1 operators on
24 December the 13th of 2015?

25 A Yes, sir.

1 MR. SCOTT: Your Honor, at this time, we would ask
2 that State's Exhibit 16 be admitted into evidence.

3 THE COURT: And that is in evidence over your
4 objection; is that correct?

5 MR. GIPSON: Yes, sir. Correct, Your Honor.

6 THE COURT: Okay. All right.

7 (State's Exhibit No. 16, CD, was
8 marked and entered.)

9 MR. SCOTT: Your Honor, at this time can we
10 publish State's Exhibit 16?

11 THE COURT: You may. And, again, noting the
12 continuing objection of Mr. Gipson.

13 (State's Exhibit No. 16, CD, was
14 published.)

15 BY MR. SCOTT:

16 Q I'm going to show you a couple of pictures, Ms. Minus.
17 Do you recognize what's depicted in State's Exhibit's 8 and
18 9?

19 A Yes, sir.

20 Q All right. And what's depicted in State's Exhibit 8
21 and 9?

22 A That's Ms. Delphine home.

23 Q Okay. Are there any vehicles in this picture?

24 A My car is here.

25 Q Okay. Do these pictures fairly and accurately depict

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1 your vehicle and Ms. Delphine's house on December 13th of
2 2015?

3 A Yes, sir.

4 MR. SCOTT: We ask that State's Exhibits 8 and 9
5 be admitted into evidence.

6 MR. GIPSON: Without objection.

7 THE COURT: All right. State's 8 and 9 are in
8 evidence without objection.

9 (State's Exhibit No. 8, photo, was
10 marked and entered.)

11 (State's Exhibit No. 9, photo, was
12 marked and entered.)

13 MR. SCOTT: May I publish them, Your Honor?

14 THE COURT: You may.

15 BY MR. SCOTT:

16 Q Ms. Minus, do these pictures fairly and accurately
17 depict where y'all parked when you arrived at Omega Court?

18 A Yes, sir. The one -- this one right here is a better
19 view from how it was where I was. Because it seem like as
20 soon as we pulled in, I jumped out and I'm here like the
21 door and the car.

22 Q Okay.

23 A Parallel to the --

24 THE COURT: And that's which one?

25 MR. SCOTT: This is State's Exhibit No. 8.

1 THE COURT: Okay.

2 BY MR. SCOTT:

3 Q And the light that's by this door, is that the door you
4 ran into?

5 A Yes, sir.

6 Q Is that on the front, back or side of the house?

7 A The side.

8 Q So if I were to show you State's Exhibit No. 2, is that
9 side door depicted in State's Exhibit No. 2?

10 A Yes, sir.

11 Q Can you put your finger on it?

12 A Right there.

13 Q Right there?

14 A Uh-huh. (Affirmative response.)

15 Q All right. While you were on scene at Omega Court, how
16 long do you think you were on scene at Omega Court after the
17 shooting?

18 A It was a couple of hours.

19 Q A couple of hours?

20 A Yeah. Because my car was parked at the crime scene so
21 they had it taped and so I couldn't move it.

22 Q Were you able to charge your phone some while you were
23 Omega Court?

24 A Yes, sir. I charged it with one of the officer's car.

25 Q All right. While you were on scene at Omega Court and

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1 after the shooting and after you were able to charge your
2 phone, did you have any conversations with any of Mr. --
3 with either Mr. Green or Mr. Green's family members?

4 A Yes.

5 Q Who?

6 A His brother.

7 Q And what's his name?

8 A Brandon.

9 Q Brandon. Does Brandon have any nicknames?

10 A Odie.

11 Q All right. And how long have you known Brandon?

12 A Since 2008.

13 Q Okay. Back in December of 2015, did you have his
14 number? Did he have your number?

15 A Yes, sir.

16 Q Okay. Prior to this incident, when do you think the
17 last time was that you had spoken with Brandon Green?

18 A Oh, a couple of months before that.

19 Q That was the last time he had called you?

20 A No, I wouldn't say called. It was like more texting.

21 Q All right. You saw him around Thanksgiving; right?

22 A I seen him Thanksgiving.

23 MR. GIPSON: Object to the leading, Your Honor.

24 THE COURT: If you'd rephrase the question,
25 please, sir.

1 BY MR. SCOTT:

2 Q Prior to December 13th, when was the last time you saw
3 Brandon?

4 A The week of Thanksgiving.

5 Q Okay. From that week until December the 13th of 2015,
6 how many times do you think he called you?

7 A None.

8 Q Who else was near you when Brandon Green called you?

9 A I don't know his name. It was a -- it was law
10 enforcement.

11 MR. GIPSON: Object to the leading, Your Honor.

12 THE COURT: I think I'm going to overrule that
13 objection. I think he was asking who was near, I think. Or
14 maybe I misunderstood the question.

15 MR. GIPSON: May we approach for a quick moment?

16 THE COURT: Yeah, sure.

17 (Off the record bench conference)

18 THE COURT: Okay. Thank you, sir.

19 MR. SCOTT: Thank you, Your Honor.

20 BY MR. SCOTT:

21 Q I need to back up real fast. When you were on 301 with
22 Mr. Minus, and y'all were heading towards Santee and you
23 said the Defendant was chasing you. And you said you called
24 9-1-1. It was somewhere around Love's Truck Stop.

25 A Uh-huh. (Affirmative response.)

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1 Q Near the intersection of I-26?

2 A Yes.

3 Q Did you receive any other phone calls around that time?

4 A I received a blocked call.

5 Q A blocked call. So, how long do you think you stayed
6 on Omega Court after the shooting?

7 A At least two hours.

8 Q And what did you decide to do after leaving Omega
9 Court?

10 A We decided until everything settles and they find him,
11 we wanted to go somewhere safe.

12 Q And by somewhere safe, where did y'all decide to go?

13 A Savannah.

14 Q And why did y'all decide to go to Savannah?

15 A Because Ken has friends there.

16 Q Okay. Well, did you do anything before you left Omega
17 Court to go to Savannah?

18 A Yes. The police escorted me to our house so I could
19 get some clothes.

20 Q And what time did you and Ken leave for Savannah?

21 A About 2-ish, 1:30, 2-ish.

22 Q Okay. And whose car did you take?

23 A I drove my car. He drove his car.

24 Q Y'all took two cars to Savannah?

25 A Yes.

1 Q On the way to Savannah who, if anyone, called you?

2 A Johnathan's mother called me.

3 Q Did you answer the phone call?

4 A No, sir.

5 Q How long did you stay in Georgia?

6 A For about three days, three or four days.

7 MR. SCOTT: I beg the Court's indulgence.

8 THE COURT: Okay.

9 BY MR. SCOTT:

10 Q All right. Elise, can you tell me what your phone
11 number was?

12 A [REDACTED]-4640.

13 Q [REDACTED]-46 --

14 A 40.

15 Q And how do you spell Hogges?

16 A H-O-G-G-E-S.

17 Q Okay. I just didn't want the jury to think I didn't
18 know how to spell Hogges?

19 A It is. It's H-O-G-G.

20 Q All right. And what was Ken's phone number?

21 A [REDACTED]-7847.

22 Q Did you know Brandon Green's phone number?

23 A Yes, sir.

24 Q What was his phone number?

25 A [REDACTED]-2755.

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1 Q You said the area code was [REDACTED]?

2 A Yes, sir.

3 Q What did Brandon have an [REDACTED] area code?

4 A He stays in Greenville.

5 Q Can you tell me your mother's name?

6 A Jacquelyn Hogges.

7 Q And what was her phone number back in December of 2015?

8 A [REDACTED]-2170.

9 Q And how about your grandmother?

10 A Elise Smith Jamison.

11 Q Elise what?

12 A Jamison.

13 Q J-A-- --

14 A --I-S-O-N.

15 Q And what is her phone number?

16 A [REDACTED]-6820.

17 Q And tell me what your father's -- what's your father's
18 name?

19 A Nelson Summers.

20 Q And what is his phone number?

21 A [REDACTED]-9939.

22 Q Who is Geraldine Green?

23 A Johnathan's mother.

24 Q Did you know her number back in December of 2015?

25 A Yes, sir.

1 Q And what is her phone number?

2 A [REDACTED]-4094.

3 MR. SCOTT: I beg the Court's indulgence.

4 THE COURT: Okay.

5 BY MR. SCOTT:

6 Q Thank you, Ms. Minus. Please answer any questions Mr.
7 Gipson has for you, okay?

8 A Okay.

9 THE COURT: I was going to take a short break if
10 that's okay?

11 MR. GIPSON: Yes, sir, that's fine.

12 THE COURT: Okay. All right. Ladies and
13 gentlemen, y'all have been listening very well. I told you
14 we'd take a break about mid-afternoon. We're going to take
15 that break now. Let me remind you of what I told you at the
16 beginning. You cannot talk about the testimony you've heard
17 from the witnesses until I tell you you can begin your
18 deliberation. Go back there, take a short break. I'll get
19 y'all back out here in just a minute, okay?

20 (Jury out at 3:44 p.m.)

21 THE COURT: All right. Ms. Minus, you can get up
22 from the witness stand but you cannot talk with anybody
23 particularly while we're taking this break. Do you
24 understand?

25 THE WITNESS: Yes, sir.

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1 BY MR. GIPSON:

2 Q Good afternoon, Ms. Minus.

3 A Ms.

4 Q Yes, ma'am.

5 A Oh, I thought you said Mr.

6 Q Good afternoon?

7 A Good afternoon.

8 Q I'll speak more clearly. I apologize. All right.

9 Now, I'm going to ask you a series of questions. Some are
10 going to be based on the testimony that you've already
11 given.

12 A Okay.

13 Q And just the quick ground rules, I'll just ask if I ask
14 you a question and you don't understand the question, please
15 feel free to ask me to repeat and I'll be more than happy to
16 do so.

17 Q Okay. I'll also just remind you just to say yes or no
18 so the court reporter can take it down because Uh-huh or uh-
19 uh comes out exactly the same.

20 A Okay.

21 Q And I do not want to put words in your mouth?

22 A Okay.

23 Q All right. Now, you've known Mr. Green and his family
24 for years you said; isn't that correct?

25 A Yes, sir.

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1 Q And you said you've known him since middle school;
2 correct?

3 A Yes, sir.

4 Q Which means you've known his mother for some time as
5 well?

6 A I officially met her 2008.

7 Q Okay. So approximately -- you're making me do math.
8 What, nine years ago. Is that about right?

9 A No, about seven years.

10 Q About seven years ago. That's why I went to law
11 school, so I didn't have to do math. So did you ever meet
12 his father?

13 A Yes, sir.

14 Q Okay. And in meeting his father, you learned he was in
15 the army; right?

16 A Yes, sir.

17 Q Okay. And when he passed you went to the funeral;
18 right?

19 A Yes, sir.

20 Q You went to Ft. Jackson; right?

21 A Yes, sir.

22 Q It was a military funeral?

23 A Yes, sir.

24 Q And you knew he was a veteran. You've known that for
25 years?

1 A Yes, sir.

2 Q Pretty much since you've known John?

3 A Yes, sir.

4 Q Now, even when it came to car shopping, you went with
5 him to do that kind of stuff too, with the family, because
6 you knew them so well; right?

7 A Could you repeat that?

8 Q Car shopping, vehicle shopping?

9 A Who is he?

10 Q You went with -- did you ever go with the family to go
11 vehicle shopping with the family, with the Green family?

12 A Yes, sir.

13 Q All right. So did you go to Carmax to purchase a
14 vehicle with them at some point?

15 A I wasn't with her when she purchased, but it broke and
16 we took it back together.

17 Q And that would have been Carmax; right?

18 A Yes, sir, in Columbia.

19 Q And it would have been a Hyundai?

20 A Yes, sir.

21 Q Okay. Now, in that 9-1-1 tape that we listened to, you
22 mentioned that you -- the car that was following you was a
23 Hyundai Sonata?

24 A Yes, sir.

25 Q Okay. Then you said it's a Hyundai Sante Fe?

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1 A Yes, sir.

2 Q Okay. Which was it?

3 A A Santa Fe.

4 Q And you're sure about that?

5 A Yes, sir. I'm sure.

6 Q Now, Mr. Scott mentioned a little bit about the
7 relationship that you had with Mr. Green. And I think the
8 word you used was tumultuous?

9 A Yes, sir.

10 Q Was that going back and forth, it was tumultuous
11 between you and him?

12 A It was -- when he was nice, it was good. When he was
13 mean, it was bad.

14 Q Were you mean?

15 A No, sir.

16 Q Okay. You were truthful with him and his family at all
17 times?

18 A Yes, sir.

19 Q Did you at any point ever tell him or his family a lie
20 about you expecting or being pregnant?

21 A No, sir.

22 Q When you mentioned in January of 2015 that there was a
23 point when you were attacked by Mr. Green is what you said;
24 correct?

25 A Yes, sir.

1 Q And you said that he physically assaulted you?

2 A Yes, sir.

3 Q And that he pulled braids out of your hair?

4 A Yes, sir.

5 Q And hurt you; right?

6 A Yes. I had to shave my hair off. This is where I'm at
7 now.

8 Q And you went to the police about that; correct?

9 A Yes, sir.

10 Q And a police report was done; correct?

11 A Yes, sir.

12 Q Tell us what happened when Mr. Green was charged with
13 criminal domestic violence?

14 A He was never charged. It was late that night and the
15 sheriff's told us to come to their -- where they was set up
16 at, which was at -- not Ellis -- at the Magistrate
17 Courthouse.

18 Q And if you don't -- and please answer the question but
19 you can't tell us what they told you, what they said.

20 A Okay.

21 Q But were charges ever filed is the question. Did you
22 file charges against him?

23 A No, sir.

24 Q Did he go to court for this alleged abuse of you and
25 pulling out your hair? Did he go to court?

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1 A No, sir.

2 Q All right. And you're familiar with filing charges and
3 going and having that done; correct?

4 A No, sir. I was never in the court system. This is
5 really my first time.

6 Q Okay. Did you follow through and do everything that
7 you were told to do to press charges with him?

8 A They told me they was going to contact me the next day
9 because everybody was out. And they gave me a card and a
10 case number.

11 Q So you went back the next day?

12 A No, sir.

13 Q The day after that?

14 A No, sir.

15 Q Okay. You've never followed through on the situation
16 where he yanked your hair out?

17 A No, sir.

18 Q Did you ever have a police report done about those
19 things?

20 A Yes, sir.

21 Q Isn't it true that the officer referenced not seeing
22 any physical abuse to you?

23 A No, sir.

24 Q Okay. And you met with an Officer Huffman that day; is
25 that correct?

1 A I met with Huffman, but I actually did the police
2 report with Allen. His last name was Allen.

3 Q Okay. But suffice it to say there were never any
4 charges pressed against Mr. Green?

5 A No.

6 Q Okay. And you followed up by saying that some time
7 around November of 2015 he and his brother Brandon came to
8 your house?

9 A Yes, sir.

10 Q And after some type of disagreement, he said he was
11 going to blow your face off?

12 A Yes. He said don't play with me. I'll blow your face
13 off.

14 Q All right. Now, explain to the jury what happened when
15 you called the police and told them that that happened?

16 A I didn't call the police.

17 Q Okay. So where is the evidence that that took place
18 that we can show the jury today?

19 A There is no evidence.

20 Q Now, if we focus just a little bit more on the events
21 of December 13th, 2015. You said that you and your, now
22 husband, Mr. Minus, were leaving Orangeburg?

23 A Yes, sir.

24 Q And y'all were headed to have some drinks and hangout;
25 right?

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1 A Yes, sir.

2 Q Okay. Had you been hanging out and having drinks
3 before that?

4 A Yes, sir.

5 Q Okay. Where had you been?

6 A We just to Applebee's, Coaster's, Twin Peaks, out
7 there, just restaurant, date places.

8 Q Okay. And you said as you were driving you noticed a
9 vehicle that you thought was Mr. Greens?

10 A As Ken was driving. I noticed his mother's truck.

11 Q I apologize, as Ken was driving. And you said after
12 passing Mr. Green you all looked at one another at some
13 point in time?

14 A We wasn't passing him. He was passing us.

15 Q Okay. And you said something to the effect you kind of
16 slowed down to see what was what?

17 A When I looked over, his car was -- well, his mom's car
18 was passing by. And it's a Hyundai truck with rims and a
19 Veteran's Tag. So when I seen the back of the truck, I said
20 --

21 Q The Santa Fe, you mean?

22 A The Sante Fe.

23 Q Okay.

24 A I said, oh, Lord, you know, I think that's my baby
25 daddy. And he was already passing by us. So we just kept

1 at the pace we was at. But then we ended up side-by-side,
2 and --

3 Q Now, I do have a question about that. I do have a
4 question. Did you speak to him at that point?

5 A No, sir.

6 Q Did you speak to him anytime that evening?

7 A No, sir.

8 Q And you said at some point you laid your seat back;
9 right?

10 A Yes, sir.

11 Q So once you laid your seat back, your vantage point was
12 looking where? What could you see?

13 A I could see the top half of the Hyundai.

14 Q And you ended up turning onto Old State Road, you said?

15 A Yes, sir.

16 Q And you all ran inside the house is what you said?

17 A Yes, sir.

18 Q All right. And you said the family didn't know you;
19 right?

20 A No, sir.

21 Q And so y'all had a conversation about something that
22 was going -- with what you perceived, what you thought was
23 gong on; right?

24 A Yes, sir.

25 Q And then you heard shots is what you said on your

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1 direct. You heard shots after you got into the house and
2 Mr. Minus got into the house?

3 A Yes, sir.

4 Q Now, afterwards the police came to the house?

5 A Yes, sir.

6 Q And they talked to you and to the other folks that were
7 there?

8 A Yes.

9 Q Okay. An investigation was done at that point?

10 A Yes, sir.

11 Q Did you observe the investigation that was being done?

12 A To what extent?

13 Q I'm just asking to what extent. Did you see what they
14 did?

15 A I seen all the crime scene units. I was watching them
16 take pictures of the car. I mean, of the house. And it was
17 late for, for each department to come.

18 Q Okay. And did you ever go back to the residence after
19 this particular date?

20 A No, sir.

21 Q Okay. Have you been back since that time?

22 A No, sir.

23 Q Did police ever bring you back to that area to just
24 kind of talk and walk around and talk about the
25 investigation?

1 A No, sir.

2 MR. GIPSON: Court's indulgence, Your Honor.

3 THE COURT: Take your time.

4 MR. GIPSON: That's all my questions, Your Honor.

5 THE COURT: All right. Anything on redirect with
6 this witness?

7 MR. SCOTT: Yes, Your Honor.

8 ELISE MINUS -- REDIRECT EXAMINATION

9 BY MR. SCOTT:

10 Q Mr. Gipson asked you about the car that the Defendant
11 was driving?

12 A Yes, sir.

13 Q I believe your testimony today was that it was a
14 Hyundai SUV; is that correct?

15 A Yes, sir.

16 Q And we heard on the 9-1-1 tape where you told the
17 dispatcher that it was a Sonata and then you said it was a
18 Santa Fe. Let me ask you, can you name any other models of
19 a Hyundai?

20 A No, what happened is my sister-in-law --

21 Q I'm just asking --

22 A No.

23 Q -- can you tell me, just -- if you can think of
24 another.

25 A Probably a Sonata.

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1 MR. GIPSON: I object, Your Honor. It's been
2 asked an answered.

3 THE COURT: Well, I --

4 MR. GIPSON: It's beyond the scope of questioning.

5 THE COURT: Okay. I'm going overrule your
6 objection. You were asking her about, I think the first
7 time it was Sonata. The second time it was Santa Fe. He's
8 asking if she knows any other model numbers. Okay. Thank
9 you, sir.

10 MR. GIPSON: Yes, sir.

11 BY MR. SCOTT:

12 Q Can you name any other models of Hyundais?

13 A Oh, a Hyundai Sonata and Hyundai Santa Fe.

14 Q Can you name any others? Do you know any others?

15 A No, not really.

16 Q Okay. But you know it was a Hyundai SUV?

17 A Yes, sir.

18 Q If there were other models of Hyundai SUVs would you be
19 able to name them to this jury?

20 A No, sir.

21 Q Have you ever heard of a Hyundai Veracruz?

22 A No, sir.

23 Q No, never heard of it?

24 A I mean, I know now what it is but --

25 Q What is it?

1 A It's the actual -- they look like the same thing.

2 Q Okay. Around Thanksgiving when the Defendant came to
3 your mother's house in Creekmoor and threatened to blow your
4 head off, why didn't you call the police?

5 A I was scared. I mean when people being in bad
6 relationships they don't always report everything.

7 Q Okay. And in January of 2015, when you were getting
8 your child from the Defendant's mother's house, was there
9 anybody else around that saw the Defendant?

10 A His mom.

11 Q And your testimony was you and Ken were on the way to
12 Santee?

13 A Yes, sir.

14 Q Had y'all been drinking that night?

15 A No, sir.

16 Q And finally, when y'all got to Omega Court and ran into
17 the house, how long was it after you entered the house that
18 you heard gunshots?

19 A Not long after.

20 Q Well, what's not long?

21 A It's all blurred. We ran in. And Ken was yelling.
22 It's me. It's Ken. It's Ken. Because we just bust in
23 their house. And then by the time we realized -- by the
24 time everybody's mind was processing it's Ken, all you heard
25 was gunshots. It was just pow, pow, pow, pow, pow.

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1 Q Did you know the Defendant's phone number back in
2 December of 2015?

3 A No, sir.

4 Q You didn't know which phone number he was using back in
5 December of 2015?

6 A No. Because he was always calling on his mom's --

7 MR. GIPSON: Objection. That's beyond the scope
8 of my cross-examination. These questions have been asked.

9 THE COURT: Okay. I really haven't limited it. I
10 know I'm capable of doing that. But I'll let him ask and
11 answer the question. I note your objection. Go ahead.

12 BY MR. SCOTT:

13 Q Did you know Johnathan Green's phone number back in
14 December of 2015?

15 A No, sir. He always called and restricted. It always
16 popped up restricted.

17 MR. SCOTT: No further questions.

18 THE COURT: All right. Mr. Gipson, anything on
19 recross?

20 MR. GIPSON: Yes.

21 ELISE MINUS - RECROSS-EXAMINATION

22 BY MR. GIPSON:

23 Q You said you did not know his number back at that point
24 in time?

25 A No, sir.

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1. MR. GIPSON: That's all my questions, Judge.

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

3 THE WITNESS: Thank you.

4 THE COURT: Is the State ready to call its next
5 witness?

6 MR. EDWARDS: Yes, Your Honor.

7 THE COURT: All right. Mr. Edwards.

8 MR. EDWARDS: The State calls Kendwan Minus.

9 (WHEREUPON, Kendwan Minus was duly
10 sworn.)

11 KENDWAN MINUS - DIRECT EXAMINATION

12 BY MR. EDWARDS:

13 Q. How you doing, Ken?

14 A How y'all doing?

15.	Q	Fine.

16 THE COURT: You need to speak up, Mr. Minus.

17 THE WITNESS: Yes, sir.

18 THE COURT: A little bit louder?

19 THE WITNESS: Okay.

20 THE COURT: All right. That's good. Thank you,
21 sir.

22 BY MR. EDWARDS:

23 Q All right. Mr. Minus, where are you from?

24 A Santee, South Carolina.

25 Q And where do you work?

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1 A I drive a truck full-time.

2 Q How many days a week do you work?

3 A Five, sometimes six days.

4 Q What company do you work for?

5 A Brown Integrated Logistics.

6 Q Okay. How long have you been with them?

7 A For about six months now.

8 Q What is your relationship with Elise Minus who just
9 testified?

10 A Elise is my wife.

11 Q Okay. And how long have y'all been married?

12 A About two months.

13 Q I know we're going to have to repeat some of this, but
14 we want your account of what happened; okay?

15 A All right.

16 Q And how long before that did you know Elise?

17 A We met in school together.

18 Q And when did y'all become girlfriend and boyfriend?

19 A Early November of 2015.

20 Q Okay. At the time of this incident, December 2015, did
21 you know Johnathan Green?

22 A Not personally only of him.

23 Q You knew of him?

24 A Yes, sir.

25 Q Did you know what he looked like?

1 A Yes, sir.

2 Q How did you know what he looked like?

3 A My wife -- well, girlfriend at the time, Elise had
4 shown me pictures of an earlier birthday party of their
5 daughter together. And it was him with her. It was
6 Johnathan with their daughter.

7 Q So the night of the incident, tell me what happened?

8 A We were, my girlfriend at the time, Elise, we were
9 headed to Santee. We were going to just a casual night out.
10 When we were both off, that's when we be able to spend our
11 time together. And we were going down 301.

12 Q Whose car were you in?

13 A We were in Elise's car.

14 Q And who was driving it?

15 A I was driving.

16 Q And where was Elise?

17 A On the passenger's side.

18 Q Okay. And about where on 301 were you when this
19 started?

20 A We were in front of Fred's.

21 Q Okay. And what did you observe? What did you see?
22 What did you hear?

23 A Well, we were talking. She interrupted the
24 conversation real abruptly and said that's my baby's daddy.

25 Q Okay.

4 Q Uh-huh. (Affirmative response.)

8 Q Okay.

15 Q At this point, was his window up or down?

16 A It was down. I saw square in his face.

20 A Yeah. He sitting right there. He didn't have the
21 glasses and the beard then, but that's him.

25 THE COURT: The record will so reflect.

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1 BY MR. EDWARDS:

2 Q Okay. Did you get a good look at the car?

3 A Yes, sir. It was a black Hyundai SUV. It favors the
4 Santa Fe a lot.

5 Q Uh-huh. (Affirmative response.) Is it a large SUV or
6 a small SUV.

7 MR. GIPSON: Objection, Your Honor.

8 THE COURT: I'll overrule the objection. I'll let
9 you. Go ahead and finish it.

10 A It's a small SUV. It's not no large SUV, not like a
11 Tahoe or anything like that. It's a small SUV.

12 BY MR. EDWARDS:

13 Q Okay. And did you see the tags on the car as well?

14 A Yes, sir. It was the older light blue Veteran Tag.

15 Q So when you got next to him, was he saying anything?

16 A The look on his face said it all.

17 Q And can you kind of describe how you were interacting
18 with him? Was it something where he was just kind of
19 trailing you?

20 A What happened was, once I saw the look, that was a look
21 and I never forget it. It was a look like something bad was
22 getting ready to happen. So I sped up, still thinking we
23 not bothering him. It can't be nothing. So when I sped up,
24 he sped up. And he started driving erratically like he was
25 going to hit us or try to run us off the road. So I just

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1 kept going. So she called 9-1-1.

2 Q And what's going through your mind at this point?

3 A At this point, I'm doing about eighty miles an hour
4 down 301. Hoping he going to turn around, leave us alone.
5 We not bothering you. Why you bothering us.

6 Q Okay. And Elise is on the phone with 9-1-1 does she
7 ask you, basically what to do? Where to go?

8 A Yeah. Because the further we got down 301 she was
9 unfamiliar with where we were going. But I grew up down in
10 Santee off of Old State Road, so I knew exactly. I knew the
11 area. And when I heard her say that normally he has --
12 normally, he has a gun, then I asked her --

13 MR. GIPSON: Object to the hearsay, Judge.

14 THE COURT: And I'm going to sustain that
15 objection.

16 MR. EDWARDS: I think it goes to habit, Your
17 Honor, Rule 406.

18 THE COURT: Okay.

19 MR. EDWARDS: Something he did or something he
20 repeatedly did over and over.

21 THE COURT: But he doesn't -- he would have heard
22 that from her and not from some other --

23 MR. EDWARDS: I understand. I understand.

24 THE COURT: So I'm going to sustain the objection.

25 MR. EDWARDS: Yes, sir.

1 THE COURT: And the jury should disregard his
2 previous answer on that.

3 Okay. Go ahead.

4 MR. GIPSON: Thank you, Judge.

5 THE COURT: Yes, sir.

6 BY MR. EDWARDS:

7 Q So when this is going on, how did this make you feel?

8 A When I looked over and saw her afraid so I became
9 afraid. And the first thing in my mind was getting to
10 safety. And while I'm doing this, trying to get to safety,
11 I realize we're over a hundred miles an hour now. Like
12 following me at a hundred and ten or a hundred twenty miles
13 an hour. We way over the speed limit. You got to have
14 something bad playing on your mind. Like, you don't just
15 follow nobody for nothing at that speed and do nothing.

16 Q And where did you decide to go?

17 A We went down 301. I actually got over in the right
18 lane and we went down Old State Road. That was when I
19 decided to go to my family's house.

20 Q Okay. And whose house was it that you initially went
21 to?

22 A My cousin, Delphine Gavin.

23 Q Okay. That's your cousin?

24 A Yes, sir.

25 Q And when you arrived at Omega Court, what did you do?

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1 A When I turned on Omega Court, I told -- when I get in
2 the yard, you jump out and run in the house. We got there.
3 By the grace of God my cousin was standing at the door. And
4 it was open. And I yelled when she opened the door that it
5 was me because Elise didn't know her. So I yelled for them
6 to know that she was with me. And when I got out -- I
7 slammed the car in park and got out the vehicle. And as I
8 was going up the steps, the driveway to actual Omega Court
9 was to my right. And I seen the same black SUV with the
10 rims turn in the driveway. And by the time I got in the
11 house, seconds, and it was shots.

12 Q And you're sure that was the same SUV that had been --

13 A Same SUV. No mistake.

14 Q Okay. How long were you in the house before you heard
15 the shots?

16 A Seconds, maybe fifteen seconds if that..

17 Q Oka. How many shots did you hear?

18 A More than five. If I had to guess, I'd say seven or
19 eight. But it was definitely more than five and it was
20 rapid, rapid fired.

21 Q When you hear the shots, what do you do next?

22 A Get down. Like the first shot stunned me, but I got
23 down. Like after that, like he kept shooting. I had to get
24 down.

25 Q What area of the house were you in at this point?

1 A On the other side of the kitchen.

2 Q Okay. So back kind of towards the dining room, in that
3 area?

4 A Yes, sir. I had actually ran passed Elise. I didn't
5 realize she stopped because she was -- she didn't know where
6 she was. And I actually end up running past her. And then
7 the first shot rang out. She was in the front, on the side,
8 right where we came in on the side door. She was right
9 there in front of the TV that got shot, which is in front of
10 the window.

11 Q Do you remember anything else happening? How long did
12 it take the police to get there?

13 A Probably about five minutes because we was halfway to
14 Omega Court, so it didn't take that long, maybe five
15 minutes. Because after the shots fired, I heard him
16 speeding off leaving, I realized that the gas in the oven
17 was broke. So I thought it was like -- or gas. So we
18 immediately ran out the house. And I had to run back in
19 because one of my little cousins was still sleeping. And I
20 had to run back in and get her. And we ran next door to my
21 aunt's house.

22 Q Was it dark outside?

23 A Yes, sir.

24 Q Inside were all the lights on?

25 A Yes, sir

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1 MR. EDWARDS: That's all I have, Judge.

2 THE COURT: All right.

3 Q Please answer any questions, Mr. Gipson might have.

4 THE COURT: Mr. Gipson.

5 MR. GIPSON: Yes, sir.

6 KENDWAN MINUS - CROSS-EXAMINATION

7 BY MR. GIPSON:

8 Q Good afternoon, Mr. Minus?

9 A Good afternoon.

10 Q Now, the evening after this allegation took place, you
11 had an opportunity to meet with the police; is that correct?

12 A Yes, sir.

13 Q Okay. And you had a chance to give statements to the
14 police too; correct?

15 A Yes, sir.

16 Q And then you told them everything about what you
17 alleged happened; correct?

18 A Yes, sir.

19 Q And you told them the entire truth. You told them
20 everything; right?

21 A Yes, sir.

22 Q Okay. I just want to show you, just for a moment, just
23 for identification purposes.

24 MR. GIPSON: Court's indulgence, Your Honor.

25 THE COURT: Take your time.

1 MR. GIPSON: This will be No. 8.

2 THE COURT: Defendant's 8?

3 MR. GIPSON: Yes, sir. For ID purposes.

4 THE COURT: Okay.

5 MR. GIPSON: Next we'll do 9, as for ID purposes.

6 (Defendant's Exhibit No. 8,
7 statement, was marked for ID.)

8 (Defendant's Exhibit No. 9,
9 statement, was marked for ID.)

10 COURT REPORTER: Defendant's 8 and 9 for ID,
11 Judge.

12 THE COURT: All right.

13 BY MR. GIPSON:

14 Q Now, Mr. Minus, I'm going to show you first what's been
15 marked as Defense Exhibit No. 8 for identification purposes.
16 And I just want you to just take a moment to familiarize
17 yourself with it. And then I'm going to ask you just a
18 couple of questions after you familiarize yourself with it.

19 A Okay.

20 Q Okay. Just let me know you're ready.

21 A I'm ready.

22 Q Okay. Is that your name up top?

23 A Yes, sir.

24 Q Kendwan Minus?

25 A Yes, sir.

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1 Q And on that back page, is that your signature?

2 A Yes, sir.

3 Q Okay. And does that look like the statement that you
4 made to police immediately after that incident?

5 A This is the initial statement I made. I had to revise
6 it --

7 THE COURT: Let's hold on one second. She's going
8 to get you some water, okay?

9 MR. GIPSON: Should we hold on or what?

10 THE COURT: Yeah. Just hold.

11 Q Just hold that for a second.

12 THE COURT: Well, I think Mr. Edwards is going to
13 take care of it. Josh, good for you. If you'd just pass
14 that back.

15 All right. I think she's okay now. All right. Mr.
16 Gipson, if you'd continue.

17 MR. GIPSON: All right. Thank you.

18 BY MR. GIPSON:

19 Q And Mr. Minus I think you were saying that was your
20 initial statement and you revised a little bit later?

21 A Yes, sir. It wasn't a revision. It was more details.
22 I had to do a more detailed statement.

23 Q Okay.

24 A Where I was; who I was with. I had to be more thorough
25 in my statement. But this is my initial statement.

1 Q All right. Well, looking at that initial statement
2 that you gave, approximately what time was that? It should
3 be at the top?

4 A Yes, sir. 22:44. That's 10:44.

5 Q Okay about 10:44 p.m.? So the night of the 13th?

6 A Yes, sir.

7 Q Okay. Can you tell us in that statement where you
8 talked about the Veteran Tags?

9 A I didn't state it in this.

10 Q Okay. Well, surely, you talked about that one in your
11 second one; right?

12 A Yeah. That's why I did a second one to be more
13 thorough about it. That's what I just stated.

14 Q Sure. Right. Well, let me show you No. 9 then. This
15 is Defendant's No. 9 for identification purposes. Just take
16 a look at that and familiarize yourself with that one. Tell
17 me if that rings a bell for you?

18 A Okay. All right.

19 Q All right. Now, may I borrow that back for just a
20 moment?

21 A Okay, sir.

22 Q Now, tell us in this one, the more detailed one that
23 you just saw as Defense Exhibit No. 9 when you talk about
24 those Veteran Tags?

25 A I didn't.

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1 Q Okay.

2 A I told the officers about it.

3 Q It's not in this report that you wrote; correct?

4 A Right.

5 Q And in these reports, and I just want you to look, you
6 know, back at No. 8 again, at the end of this report where
7 it has your signature affixed to it on Defense No. 8, I just
8 want you to read that last line right there, right before
9 your signature?

10 A Okay.

11 Q What does it say?

12 A I have read the above thoroughly. I have made the
13 necessary corrections and initialed each to make this
14 factual and a complete representation.

15 Q Okay. And so you're saying that this is a factual and
16 complete representation between the two of these reports;
17 correct?

18 A Yes, sir.

19 Q And in neither one of those is either one of these,
20 either Defense Exhibit No. 9 for identification purposes or
21 Defense Exhibit No. 8 identification purposes, neither one
22 of these speaks to a Veteran Tag; does it?

23 A No.

24 Q Neither one speaks to you riding up and eyeballing Mr.
25 Green face to face and seeing him on 301 and eyeballing him

1 and being able to identify him; correct?

2 A Can I have another look at it?

3 Q Absolutely you may. I'll give you both.

4 A No, sir.

5 Q Okay. And, in fact, if I can borrow those again, the
6 question was specifically requested of you. It says you
7 know Johnathan Green. You said what, no?

8 A Yes.

9 Q You wrote?

10 A I said, no.

11 Q And had you ever seen Johnathan Green before. Your
12 response was?

13 A No. Because when the investigator I asked me, I
14 couldn't have said that I seen pictures of him. He asked me
15 did I know him personally. I didn't know him personally.

16 Q You were asked if this was a fair and complete
17 representation of everything you know and you said it is;
18 correct?

19 A Yes.

20 Q Okay. But today you're changing that in front of this
21 jury?

22 A I'm not changing it. I said I didn't know him.

23 Q You had additional information that you didn't add when
24 you wrote this report right after all these things happened;
25 right?

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1 A Okay.

2 Q Right? That's a yes or no?

3 A Can you rephrase your question?

4 Q Absolutely. You are testifying to additional
5 information that you didn't put in this statement right
6 after this incident happened on December 13th; correct?

7 A Yes.

8 Q Okay. You've never spoken to Johnathan Green before;
9 correct?

10 A No, sir.

11 Q And still to this day never spoken to Johnathan Green;
12 correct?

13 A No, sir.

14 Q All right. Tell us what happened when the police came
15 to you and showed you a photo lineup?

16 A They didn't come show a photo lineup.

17 Q Okay. Did you see him in the paper after he was
18 arrested?

19 A No, sir. I was out of town?

20 Q Any pictures? I mean throughout the period of time,
21 any pictures of that?

22 A After hand?

23 Q Yes, sir?

24 A No.

25 Q Facebook, otherwise?

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1 A No. I'm not on Facebook, sir?

2 Q Any other social media website of any sort?

3 A No.

4 Q The news or otherwise?

5 A And you're speaking about after?

6 Q Yes, I'm speaking about after?

7 A I haven't seen him since the incident.

8 Q And, again, you didn't reference that in that statement
9 that you eyeballed him like you're telling the jury today?

10 A Right.

11 Q Okay. And no testimony about any Veterans Tags either;
12 correct? In this statement that you wrote right afterwards;
13 correct?

14 A Right.

15 MR. GIPSON: The Court's indulgence for a brief
16 moment, Your Honor.

17 THE COURT: Take your time.

18 MR. GIPSON: That's all my questions, Your Honor.

19 THE COURT: All right. Anything on redirect?

20 MR. EDWARDS: Yes. Briefly, Your Honor.

21 THE COURT: All right. Mr. Edwards.

22 KENDWAN MINUS - REDIRECT EXAMINATION

23 BY MR. EDWARDS:

24 Q Going back to Defendant's Exhibit 8. Tell me what time
25 that statement was written?

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1 A 22:44.

2 Q Military time?

3 A Yes, sir.

4 Q What's the actual time on that?

5 A 10:44.

6 Q How long after you were chased down the highway at a
7 hundred miles an hour and shot at, did you write this
8 statement?

9 A May fifteen minutes after. Because it took the police
10 about -- no, it was longer than that. Because it was a
11 while before I got to write my statement.

12 Q Okay. Where did you write the statement?

13 A On a man car.

14 Q Okay. As far as, you know, seeing Johnathan Green
15 before -- when the officer asked you have seen him before,
16 what did you take that to mean?

17 A Did I know him personally. If I seen him before, it
18 was in pictures that I had seen him.

19 Q And as you testified earlier, you had never seen him in
20 person before?

21 A No, sir.

22 Q Okay. Is there any doubt in your mind as we sit here
23 today whatsoever, that the person at this table is the
24 person who chased you down the highway that night?

25 A Not one doubt.

1 MR. EDWARDS: That's all I have, Judge.

2 THE COURT: Anything on recross?

3 MR. GIPSON: Just briefly, Your Honor. I'm sorry.
4 Thank you.

5 KENDWAN MINUS - RECROSS EXAMINATION

6 BY MR. GIPSON:

7 Q And the first one of these you wrote at 22:44, so
8 10:44; correct?

9 A I didn't write the time.

10 Q Well, the time is up here. So what time was written on
11 it?

12 A 10:44.

13 Q Okay. 10:44.

14 A 22:44.

15 Q Who wrote that thing there?

16 A One of the responding officers.

17 Q Okay. The second one you wrote --

18 A I didn't write the time.

19 Q Excuse me -- whomever or who wrote that?

20 A The investigator.

21 Q Okay. And what time is that one written?

22 A 11:56.

23 Q So you had an additional hour and twelve minutes or so
24 to think about this; correct?

25 A I was just shot at.

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1 Q You had an extra hour and twenty-two minutes -- excuse
2 me -- an hour and a few minutes to think about this; right?

3 A Right.

4 Q And what you wrote down did not speak about Veteran's
5 Tags; did it?

6 A I was still shaken up. I was being shot at.

7 Q It did not mention Veteran's Tags; did it?

8 A No, sir.

9 Q And it did not mention looking at Johnathan Green face
10 to face riding down the road either; did it?

11 A No, sir.

12 Q Okay. That's all my questions. Thank you, sir.

13 THE COURT: You may step down. Thank you, sir.

14 Can I see y'all up here so we can kind of plan how
15 we're going from here.

16 (Off record bench conference)

17 THE COURT: All right.

18 MR. SCOTT: The State calls Delphine Gavin.

19 THE COURT: Delphine Gavin?

20 MR. SCOTT: Yes, Your Honor.

21 (Court at ease)

22 MR. SCOTT: Can I approach?

23 THE COURT: You may.

24 (Off record bench conference)

25 MR. SCOTT: I'm sorry, Your Honor. The State

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1 calls Tynisha Guess.

2 (WHEREUPON, Tynisha Guess was sworn
3 to tell the truth.)

4 TYNISHA GUESS - DIRECT EXAMINATION

5 BY MR. SCOTT:

6 Q Good afternoon?

7 A Good afternoon.

8 Q All right. Tell the jury where you're from?

9 A Santee.

10 Q And where are you currently employed?

11 A Clark and Edwards.

12 Q And where do you live?

13 A Santee, South Carolina.

14 Q And what street do you live on?

15 A Omega Court.

16 Q And what's your address?

17 A [REDACTED].

18 Q [REDACTED]?

19 A Uh-huh. (Affirmative response.)

20 Q Who lives next door to you?

21 A My mother.

22 Q And what's her address, do you know?

23 A [REDACTED].

24 Q All right. And who's your mother?

25 A Delphine Gavin.

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1 Q Who lives with you at your house at [REDACTED] Omega Court?

2 A My son and my husband.

3 Q How old is your son?

4 A Seventeen.

5 Q Let me turn your attention to December 13th of 2015.

6 Were you at home that evening?

7 A Yes, sir.

8 Q And who else was at your house that night or who all
9 was at your house that night?

10 A My son, my husband and my father.

11 Q All right. And tell the jury just what you were doing
12 and what happened that night?

13 A I'd just came from my mother's house and I was sitting
14 in the living room, watching TV. I just started hearing
15 gunshots. So I immediately dropped on my knees and started
16 crawling towards my son's room and telling him to get down,
17 get down, get down.

18 Q And what happened next?

19 A After the gunshots stopped, I went to the door. As I
20 was opening the door, I could see a black truck leaving, the
21 end of the truck with rims on it. I immediately dialed 9-1-
22 1. I didn't know what happened. And I started seeing
23 flames like the house was on fire.

24 Q The house was on fire?

25 A The stove or the dryer, I don't know. It was fire

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1 coming from somewhere.

2 Q Could you actually see the fire or did you see smoke or
3 what?

4 A Smoke.

5 Q You said you called 9-1-1?

6 A Yes.

7 Q I want to show you what's been marked as State's
8 Exhibit 17. Do you recognize that?

9 A Yes, sir.

10 Q And what is that?

11 A The 9-1-1 call that I listened to and initialed.

12 Q You initialed it?

13 A Yes, sir, I did.

14 Q So you've listened to that disk prior to coming into
15 court here today?

16 A Yes, I have.

17 Q Okay. And does the recording that you listened to on
18 this disk, does that fair -- is it an accurate recording of
19 your conversations with the 9-1-1 dispatcher on December
20 13th, 2015?

21 A Yes, sir, it was.

22 MR. SCOTT: We would ask that State's Exhibit 17
23 be admitted into evidence, Your Honor.

24 THE COURT: Okay. That is, again, in evidence
25 over your objection; is that correct?

2 THE COURT: Okay. All right.

5 BY MR. SCOTT:

9 A Yes, sir. I do.

11 A My house and my vehicle.

15 A My house is on the left.

18 A Yes, it is.

20 THE COURT: Okay. State's 11 in evidence without
21 objection.

24. BY MR. SCOTT:

25 Q You say you saw a black truck with rims leaving the

1 street?

2 A Uh-huh. (Affirmative response.)

3 Q Where were you when you saw that vehicle?

4 A I was coming out, off my front door, right here.

5 Q Right here?

6 A Uh-huh. (Affirmative response.)

7 Q And what's outside your front door? I mean, what is --
8 where were you standing when you came out of your front
9 door?

10 A Straight on the porch.

11 Q On the porch?

12 A Uh-huh. (Affirmative response.)

13 MR. SCOTT: Your Honor, at this time, can we
14 publish State's Exhibit 17?

15 THE COURT: You may.

16 (State's Exhibit No. 17, CD, was
17 published.)

18 THE COURT: Okay. Can you please stop the tape
19 for a second.

20 MR. GIPSON: May we approach.

21 THE COURT: Okay.

22 (Off the record bench conference)

23 THE COURT: All right.

24 BY MR. SCOTT:

25 Q Let me ask you. Who was the other male voice that we

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1 hear on that recording?

2 A My father.

3 Q Your father? Okay.

4 MR. SCOTT: I believe that's all I have, Your
5 Honor.

6 THE COURT: All right. Anything on cross-
7 examination, Mr. Gipson?

8 MR. GIPSON: Just briefly, Your Honor.

9 THE COURT: Okay.

10 TYNISHA GUESS - CROSS-EXAMINATION

11 BY MR. GIPSON:

12 Q Good afternoon?

13 A Good afternoon.

14 Q Now, after you called 9-1-1, I know law enforcement
15 eventually came to the home; is that correct?

16 A Uh-huh. (Affirmative response.)

17 Q And did you write a statement and give them a
18 description of what you saw?

19 A No, sir.

20 Q Okay. Did they ever come to you and present to you
21 pictures of a black vehicle so you could pick it out and
22 show you, you know, what it was -- so you could show them
23 the vehicle that you saw?

24 A No, sir.

25 Q Did they ever come and introduce themselves to you and

1 say we're investigating this and give us all the information
2 so we can go and figure out what really happened out here?

3 Did they do that with you?

4 A They was speaking to us the night of the crime. We
5 just --

6 Q Nobody came and talked to you?

7 A That night?

8 Q Yes, ma'am?

9 A Or prior to that?

10 Q The night or the next day or at anytime prior to
11 preparing for this trial?

12 A No. I just -- But, no, I didn't -- no one came to me
13 with a picture trying to identify the car.

14 Q Do you know who the investigator was who was leading
15 this?

16 A I remember speaking to a lady one time. It was just
17 prior to bonding when I was going with my mother. But, no.

18 Q Did you ever see them out there the next day taking
19 pictures of the house and walking around, looking for
20 evidence?

21 A Yes.

22 Q Okay. The next day during the daylight hours?

23 A They did it that night and the next day.

24 Q Did they every leave you a card and say if you've got
25 anymore information, come see us?

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1 A No, I'm not in the home. I live next door.

2 Q I understand. But, I mean, just in fact, you know,
3 just with --

4 A No.

5 Q -- you talking about things you that you saw? Did they
6 ever do those things with you?

7 || A No.

8 Q Okay. That's all my questions. Thank you.

9 THE COURT: Anything on redirect?

10 MR. SCOTT: No, Your Honor.

11 THE COURT: You may step down.

12 All right. Could I see y'all for just one second.

13 (Off the record bench conference)

14 THE COURT: All right. Ladies and gentlemen,
15 you've heard all of the testimony you're going to hear
16 today. I'm going to ask y'all to come back tomorrow at
17 9:30. If y'all will get back, we'll get started right after
18 y'all get here. Remember what I have been telling you all
19 along. You can't talk to anybody about this. When I told
20 -- I was doing a trial one time and I'd told, you know, I
21 told y'all not to investigate the scene or anything like
22 that. And I had a lady on the jury said, that's the only
23 way I can get home. Do I have to go another way. You don't
24 have to go another way if you happen to live that way. But
25 you're not supposed to do any investigation. Remember, you

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1 don't Google. You don't talk to anybody and you don't talk
2 among yourselves about this case, okay? I'll see y'all
3 tomorrow morning at 9:30. Thank y'all very much. Get a
4 good night's rest.

5 (Jury out at 5:01 p.m.)

6 THE COURT: Anything from the State?

7 MR. SCOTT: No, Your Honor.

8 THE COURT: Anything from Defense?

9 MR. GIPSON: No, sir, Your Honor.

10 THE COURT: All right.

11 (Court in recess October 25, 2016

12 at 5:02 p.m.)
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1 (Court in session October 26, 2016
2 at 10:05 a.m.)

3 MR. SCOTT: May we approach, Your Honor.

4 THE COURT: Sure.

5 (Off the record bench conference)

6 MR. SCOTT: One thing I would like to put on the
7 record is that on Monday during the pretrial conferences we
8 discussed the Court and Mr. Gipson and I getting together to
9 discuss rap sheets, prior criminal histories.

10 THE COURT: Okay.

11 MR. SCOTT: And I just wanted the record to
12 reflect that Mr. Gipson and I, we took care of that
13 yesterday.

14 THE COURT: Also, just as a matter of clearing up
15 the record, yesterday we stopped the 9-1-1 tape --

16 MR. GIPSON: Yes, sir.

17 THE COURT: -- when it changed from the lady that
18 was testifying, Tynisha Abraham to her father. But I wanted
19 to clear up the fact that the 9-1-1 tape is in evidence.

20 MR. GIPSON: Yes, Your Honor.

21 THE COURT: Okay. All right.

22 MR. SCOTT: Thank you, Your Honor.

23 THE COURT: Okay.

24 MR. GIPSON: Yes, sir.

25 THE COURT: And your objection to that is still

1 preserved.

2 MR. GIPSON: That's correct. And I thought the
3 ultimate thought process is if there comes a point when the
4 jury needs to listen to it or choose to listen to the 9-1-1
5 tape, they'd come out here and view the disk, stop it once
6 her portion of the testimony is --

7 THE COURT: Okay. I believe that's correct.

8 Okay. The State, I know, is ready to go?

9 MR. SCOTT: Yes, Your Honor.

10 THE COURT: Okay. Defense?

11 MR. GIPSON: We're ready, Your Honor.

12 THE COURT: Okay. Thank you.

13 THE BAILIFF: Yes, Your Honor.

14 THE COURT: Yes, ma'am, if you wouldn't mind.

15 (Jury in at 10:09 a.m.)

16 THE COURT: All right. Good morning, ladies and
17 gentlemen, I hope y'all had a good evening. I apologize for
18 the delay in getting out here. It was my fault. I actually
19 had three attorneys in my office that were talking to me
20 about a trial that's supposed to start the week after next
21 in Calhoun. And if you ever try to do more than one thing
22 at a time, you know you can't do either one of them very
23 well. So I apologize. But that's the reason for the delay.
24 The attorneys have been chomping at the bit ready to get me
25 out here. And so they are ready to go.

2 MR. SCOTT: Thank you, Your Honor. The State
3 calls Delphine Gavin.

6 THE COURT: Ms. Gavin, you're doing real well
7 talking so please keep that up.

9 THE COURT: Thank you, ma'am.

11 BY MR. SCOTT:

25 Q So you live on Omega Court but you work in Ohio?

1 A Yes, sir.

2 Q How often are you home?

3 A We work -- they go out for forty-five days and come
4 back.

5 Q I got you. Were you actually scheduled to be in Ohio
6 this week?

7 A Yes, sir.

8 Q You said you live at [REDACTED] Omega Court. How long have
9 you lived there?

10 A Practically all my life.

11 Q Okay. Is that in Orangeburg County?

12 A Yes, sir.

13 Q Let me ask you, do you know Kendwan Minus?

14 A Yes, sir, I do.

15 Q How do you know Mr. Minus?

16 A He's my uncle's son.

17 Q Your uncle's son. Okay. Prior to December 13th of
18 2015, did you know Elise Minus or Elise Hogges?

19 A No, sir. I didn't.

20 Q Prior to December 13th, 2015 did you know the
21 Defendant, Johnathan Green?

22 A No, sir, I don't.

23 Q Who was at your house back on December the 13th of
24 2015?

25 A It started with my son.

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1 Q What's his name?

2 A Michael Brown.

3 Q Okay.

4 A Candy Shuler.

5 Q Who is Candy Shuler?

6 A That's Michael's fiancé.

7 Q Okay.

8 A My daughter?

9 Q What's her name?

10 A Well, not my daughter. My granddaughter, Braniah

11 S.

12 Q Uh-huh. (Affirmative response.)

13 Q Keyuana Thomas, which is my cousin. And my

14 granddaughter, Katrina A. ; Candy's two children, that's

15 Keasia and Cyrete. And my grand baby, Miasia.

16 Q Miasia?

17 A Miasia B.

18 Q Okay. Tell the jury what you were doing that night,

19 the evening of December 13th of 2015?

20 A Well, basically, I had just left my home and went over

21 to my mom house right before it happened. And I came --

22 coming back out the door, heading back to come back to my

23 house, I heard some shots and I came running back out and

24 ask what's going on.

25 Q Okay. Before you went over to your mom's house, what

1 were you doing?

2 A Sitting in my den playing with my grand baby and my
3 niece.

4 Q And when you say you went to your mom's house, where
5 does she live?

6 A She live next door to me.

7 Q Okay. If you walked out of your front door, would it
8 be to the left or to the right?

9 A It would be to my right.

10 Q To your right?

11 A Uh-huh. (Affirmative response.)

12 Q Like facing your house or leaving? If you walked out
13 of your front door, down you steps, would it be to the left
14 or to the right?

15 A It would be to the left, facing my house.

16 Q Okay. Tell the jury -- so how long do you think you
17 were over at your mom's house?

18 A Probably about three minutes, because the baby start
19 crying and she wanted to go back to her grandma, so I was
20 taking her back.

21 Q You took a baby with you?

22 A Yes, sir.

23 Q Okay. So tell me what happened. Tell me what you
24 heard or what you saw as you were getting ready to leave
25 your mom's house?

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1 A I was standing on -- she has a porch, a front porch on
2 her house. And I was standing in the porch. And as I was
3 coming out, I was just hearing the shots and then I came
4 running down, the truck -- I saw a black SUV was pulling off
5 fast from out of my daughter driveway.

6 Q Okay. When you saw it, it was near your daughter's
7 driveway?

8 A Yes, sir.

9 Q Heading where?

10 A Heading towards the road, back out?

11 Q Head back out on Omega Court?

12 A Yes, sir.

13 Q Okay. All right. I show you what's been marked
14 State's Exhibit 7. Do you recognize that?

15 A Yes, sir.

16 Q Okay. Can you -- Can you point out where your house
17 is?

18 A That's Omega Court.

19 Q That's Omega Court?

20 A Uh-huh. (Affirmative response.)

21 Q So which house -- can you tell which house is yours or
22 not? No?

23 A No.

24 Q Okay. Well, let me see -- let's use a different
25 method. Let's use a picture. Do you recognize what's in

1 State's Exhibit 2?

2 A Yes, sir. That's my home.

3 Q That's your home?

4 A Uh-huh. (Affirmative response.)

5 Q Okay. And where's your mother's house?

6 A It's on that side.

7 Q On this side?

8 A Uh-huh. (Affirmative response.)

9 Q What's the last house on Omega Court?

10 A (Witness pauses.)

11 Q What's the last house on Omega Court?

12 A My mom.

13 Q Your mom's house. I want to show you State's Exhibit

14 4. Do you recognize that?

15 A Yes, sir.

16 Q And what is that?

17 A That's my den.

18 Q And you testified before you went over to your mom's
19 you were holding your grand baby?

20 A Yes, sir. The kids were sitting right here and I was
21 sitting right there on the sofa.

22 Q Sitting on the sofa?

23 A Yes, sir.

24 Q That's where you were how long before the shooting?

25 A Two or three minutes before.

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1 Q I want to show you what's been marked as State's
2 Exhibit -- or what's been marked for identification as
3 State's Exhibit 15. Do you recognize that?

4 A Yes, sir.

5 Q And what is that?

6 A My TV.

7 Q All right. Does this picture and fairly and accurately
8 depict your TV back on December the 13th, 2015?

9 A Uh-huh. (Affirmative response.)

10 MR. SCOTT: We'd ask that Exhibit 15 be admitted
11 into evidence.

12 MR. GIPSON: Without objection.

13 THE COURT: All right. State's Exhibit 15 is into
14 evidence without objection.

15 (State's Exhibit No. 15, photo, was
16 marked and entered.)

17 BY MR. SCOTT:

18 Q What's different about this TV from before you went
19 over to your mom's house until you went over to your mom's
20 house?

21 A Oh, a gunshot here.

22 Q I want to show you what's been marked for
23 identification as State's Exhibit 12. Do you recognize
24 that?

25 A The cabinet.

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1 Q The cabinet?

2 A Yes, sir.

3 Q Does this picture fairly and accurately depict your
4 cabinet back on December the 13th of 2015?

5 A Uh-huh. (Affirmative response.)

6 MR. SCOTT: We'd ask that Exhibit 12 be admitted into
7 evidence.

8 MR. GIPSON: No objection.

9 THE COURT: State's Exhibit 12 is in without
10 objection.

11 (State's Exhibit No. 12, photo, was
12 marked and entered.)

13 BY MR. SCOTT:

14 Q What, if anything, do you notice about the wall in
15 State's Exhibit 12?

16 A The bullet holes in it.

17 Q Okay?

18 A Right here and here.

19 Q All right. So you pointed to two different things;
20 correct?

21 A Yes, sir.

22 Q Were those bullet holes in your wall and in your
23 cabinet prior to December 13th of 2015?

24 A No, sir, it didn't.

25 Q Did you have any bullet holes in your house --

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1 A No, sir. No, sir.

2 Q I'm going to show you what's been marked for
3 identification as State's Exhibit 13. Do you recognize
4 that?

5 A Yes, sir. That's the inside of my cabinet.

6 Q That's the inside of the cabinet?

7 A Yes, sir.

8 Q Same cabinet?

9 A Yes, sir.

10 Q Does this picture fairly and accurately depict the
11 inside of your cabinet on December 13th of 2015?

12 A Yes.

13 MR. SCOTT: We'd ask that Exhibit 13 be admitted
14 into evidence.

15 MR. GIPSON: Without objection.

16 THE COURT: State's Exhibit No. 13 is into
17 evidence without any objection.

18 (State's Exhibit No. 13, photo, was
19 marked and entered.)

20 BY MR. SCOTT:

21 Q The items that are in this cabinet, what, if anything,
22 happened to these items?

23 A Got broken.

24 Q They got broken up? And where is this cabinet inside
25 of your house?

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1 A It's in my kitchen.

2 Q I want to show you what's been marked for
3 identification as State's Exhibit 14. Do you recognize
4 that?

5 A Yes, sir.

6 Q And what is that?

7 A That's my kitchen.

8 Q That's your kitchen. What's --

9 A That's the living room.

10 Q Okay. Does this picture fairly and accurately depict
11 your house on December the 13th of 2015?

12 A Yes, sir.

13 MR. GIPSON: No objection.

14 THE COURT: State's 14 is in evidence without
15 objection.

16 (State's Exhibit No. 14, photo, was
17 marked and entered.)

18 BY MR. SCOTT:

19 Q Let me ask you, where is your front door in
20 relationship to State's Exhibit 14?

21 A Going that way.

22 Q Near what? Tell me?

23 A Near my living room.

24 Q Near your living room?

25 A Uh-huh. (Affirmative response.)

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1 Q Actually, how about we do this.

2 (State's Exhibit No. 56, sketch of
3 residence, was marked for ID.)

4 BY MR. SCOTT:

5 Q I'm going to show you what's been marked for
6 identification as State's Exhibit 56. Have you seen this
7 before?

8 A Yes, sir. It's the inside of my house.

9 Q That's the inside of your house?

10 A Uh-huh. (Affirmative response.)

11 Q Would this help you explain to the jury kind of the
12 different rooms in your house?

13 A Yes. This is my master bedroom, my room.

14 MR. SCOTT: I'd ask that State's Exhibit 56, Your
15 Honor, be admitted into evidence.

16 MR. GIPSON: I don't have an objection.

17 THE COURT: Okay. State's 56 is in evidence
18 without objection. That's the diagram of the house?

19 MR. SCOTT: Yes, sir.

20 (State's Exhibit No. 56, sketch of
21 residence, was marked and entered.)

22 BY MR. SCOTT:

23 Q Can you step down, Ms. Gavin?

24 A (Witness steps down)

25 THE COURT: Now, Ms. Gavin, while you step down,

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1 you've got to talk loudly because you're not in front of --

2 THE WITNESS: Yes, sir.

3 THE COURT: Thank you.

4 THE WITNESS: Yes, sir.

5 THE COURT: You're good. You're good. Thank you,
6 ma'am.

7 BY MR. SCOTT:

8 Q I'm going to stand over here. Will you point out --
9 why don't you go around to the other side, please?

10 A (Witness complies)

11 Q Will you point out where your front door is?

12 A It should be around this way because my -- this is my
13 room.

14 Q That's your room. So where's the front door or where's
15 the side. Pick any door?

16 A It should be here. The door should be right here.

17 Q Do you see in this diagram where the couch was that you
18 were sitting on?

19 A It should be over this way. -- it's the back. That's
20 the couch right here.

21 Q So if this is the couch, where is the front of your
22 house?

23 A It should be here.

24 Q So that's the couch?

25 A So that should be right in here somewhere. The TV --

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1 Q What's this right here?

2 A That's my table.

3 Q That's your table?

4 A Uh-huh. (Affirmative response.)

5 Q What's this right here?

6 A That's the table in my kitchen.

7 Q All right.

8 A That's the back door going out to the yard.

9 Q Thank you, Ms. Gavin.

10 A (Witness takes stand)

11 Q Thank you. Please answer any questions Mr. Gipson
12 might have for you?

13 A Yes, sir.

14 THE COURT: Mr. Gipson.

15 MR. GIPSON: Please the Court, Your Honor.

16 THE COURT: Yes, sir.

17 DELPHINE GAVIN - CROSS-EXAMINATION

18 BY MR. GIPSON:

19 Q Good morning, Ms. Gavin?

20 A Good morning.

21 Q I just have a few questions to ask you just to clarify
22 your testimony?

23 A Yes, sir.

24 Q Now, after this incident took place --

25 A Yes, sir.

1 Q -- law enforcement came to the house?

2 A Uh-huh. (Affirmative response.)

3 Q And I've just got to ask you this, not to be rude, but
4 if you say uh-huh or uh-uh ---

5 A Yes, sir.

6 Q -- if you'd just say yes or no?

7 A Yes, sir.

8 Q Thank you. Thank you. So law enforcement came out and
9 they met with you and other members of the family who were
10 at the house that night; correct?

11 A Yes, sir.

12 Q And did you write a statement to them about what
13 happened?

14 A No, I didn't write a statement.

15 Q Okay. Did they ever show you a photo lineup of any
16 sort regarding anything in this case?

17 A Did who show me?

18 Q Did any of the officers show you a photo lineup?

19 A No, sir.

20 Q No pictures of anybody in this lineup?

21 A No, sir.

22 Q No pictures of any vehicles in this lineup?

23 A No, sir.

24 Q All right. Did you stay in Santee for the next few
25 days?

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1 A Yes, I did.

2 Q How many times did they come back to your house after
3 that, after that evening?

4 A After that evening?

5 Q Yes, ma'am.

6 A No, they didn't come back.

7 Q Okay. So the only time they ever came to your house
8 was that evening?

9 A Yes, sir.

10 Q Never came back to take pictures during the daylight
11 hours to your knowledge?

12 A No, not to my knowledge.

13 Q Came out looking for physical evidence in the case, do
14 you know of them ever doing that during the daylight hours?

15 A No. They found a bullet shell or something, bullet
16 casing or something in the cabinet that night.

17 Q Okay. But the next day or the daylight hours, did
18 they, you know, come?

19 A No. No, sir.

20 Q Coming outside and having people walking around the
21 property and that kind of thing?

22 A No, sir.

23 Q Okay. What about coming back and taking pictures of,
24 you know, tire marks and stuff like that --

25 A No, sir.

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1 Q -- to try to match it up with an SUV; did they ever do
2 that?

3 A No, sir.

4 Q And you're not saying that you have any personal
5 knowledge of who shot into your house? You're not saying
6 that are you?

7 A No, sir.

8 MR. GIPSON: That's all my questions, Your Honor.

9 Q Thank you, Ms. Gavin.

10 A Thank you.

11 THE COURT: Anything on redirect?

12 MR. SCOTT: No, Your Honor.

13 THE COURT: Thank you, ma'am. You may step down.

14 THE WITNESS: Thank you.

15 THE COURT: Is the State ready to call it's next
16 witness.

17 MR. SCOTT: Yes, sir.

18 MR. EDWARDS: The State calls Devrinn Washington.

19 (WHEREUPON, Devrinn Washington was
20 duly sworn.)

21 DEVRINN WASHINGTON - DIRECT EXAMINATION

22 BY MR. EDWARDS:

23 Q Good morning?

24 A Good morning.

25 Q Mr. Washington, where are you employed?

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1 A Orangeburg County Sheriff's Office.

2 Q Okay. And how long have you worked for the sheriff's
3 office?

4 A About a year and six months.

5 Q Okay. And what is your position with the sheriff's
6 office?

7 A I'm an investigator.

8 Q Back in December of last year, December 13th, what was
9 your position with the sheriff's office?

10 A A patrol deputy.

11 Q Okay. And as a deputy, what were your duties?

12 A Respond to calls and --

13 Q And you were working on the night of December 13th,
14 2015?

15 A Yes, sir.

16 Q Do you recall being dispatched to a shooting incident
17 that night?

18 A Yes, sir.

19 Q Where did you respond?

20 A [REDACTED] Omega Court.

21 Q Okay. Is that in Orangeburg County?

22 A Yes, sir.

23 Q Okay. About what time were you dispatched?

24 A 9:37.

25 Q Okay. Where were you when you received the call?

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1 A I was somewhere in Santee on the, just out near 95.

2 Q Okay. Do you recall about what time you arrived there?

3 A Yes, sir. 9:48.

4 Q Okay. Were there any other law enforcement officers on
5 the scene when you arrived?

6 A It was me and another guy arrived at the same time.

7 Q Okay. Another sheriff's deputy?

8 A Yes, sir. Another deputy.

9 Q Okay. And just tell the jury what you observed when
10 you arrived there?

11 A I observed the residence had multiple bullet holes in
12 it. And when I went on the inside, some of the bullet holes
13 had made it through and had struck the cabinet, breaking the
14 glass and it struck the stove, breaking the glass. And it
15 was a bunch of people outside. Some people was crying.
16 Everybody was just hysterical.

17 Q So as a deputy when you arrive at a scene like this,
18 what are your responsibilities?

19 A Get the witnesses, keep the witnesses on scene for
20 investigators and to preserve the crime scene.

21 Q And did you do that that night?

22 A Yes, sir.

23 Q Did other investigators or other personnel from
24 Orangeburg County arrive thereafter?

25 A Yes, sir.

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1 Q Okay. That's all I have. Please answer any questions
2 Mr. Gipson might have.

3 A Yes, sir.

4 THE COURT: Any questions, Mr. Gipson?

5 MR. GIPSON: Yes, sir. The Court's indulgence
6 briefly.

7 THE COURT: Take your time.

8 DEVRINN WASHINGTON - CROSS-EXAMINATION

9 BY MR. GIPSON:

10 Q Good morning, Mr. Washington?

11 A Good morning.

12 Q Now, you mentioned that you'd been with the Orangeburg
13 Sheriff's Department for about a year and six months?

14 A Probably; yes, sir.

15 Q And just to give us general background, in order to
16 become a law enforcement officer, you have to attend the
17 criminal -- well, tell me a little bit about your
18 educational background?

19 A Educational background?

20 Q Yes, sir?

21 A Graduated high school, Edisto High School, and I attend
22 the university but I didn't graduate college.

23 Q But you went to the criminal justice academy; correct?

24 A Yes, sir.

25 Q And that was what, about ten to twelve weeks?

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1 A It was twelve weeks -- thirteen.

2 Q And what you do at the criminal justice academy is they
3 -- you get a chance to learn the basics and the fundamentals
4 about becoming a law enforcement officer; right?

5 A Yes.

6 Q Okay. And they teach you lots of different things, you
7 know, just kind of how to deal with people on a day-to-day
8 basis. They teach you a little bit about the law; that's
9 correct?

10 A Correct.

11 Q And then they teach you a little bit about, you know,
12 roadside work, if you have to; is that correct?

13 A (Witness pauses)

14 Q If you're doing road, you know, working on doing --
15 making stops and things, traffic stops, things of that
16 nature.

17 A A little bit. Yes, sir.

18 Q A little bit about that. They teach you a little bit
19 about firearms; correct?

20 A Yes, sir.

21 Q You have to qualify to use a firearm; correct?

22 A Yes, sir.

23 Q And they teach you basic investigation tools as well;
24 right?

25 A (Witness pauses)

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1 Q Just kind of the basics with coming to a crime scene
2 and just basic things that you do as a law enforcement
3 officer?

4 A Some. Yes, sir.

5 Q Okay. Ad they also talk about taking notes and things
6 of that nature?

7 A Not much.

8 Q Okay. Well, basically memorializing what you see,
9 meaning when you see something you write it down when you
10 first see it so you can make a police report; right?

11 A They don't really teach us that part.

12 Q Okay. They just let you kind of learn that when you
13 get out there?

14 A Yes, sir.

15 Q But you did do that in this case. You took notes and
16 you wrote down what you found out when you got there; right?

17 A Names. Yes, sir.

18 Q Okay. Names and just your observances of what you saw
19 when you first came to [REDACTED] Omega Court; right?

20 A Yes.

21 Q Okay. And one of the reasons you do that is because is
22 -- first of all, you want to keep a record of what you saw;
23 right? Meaning -- keeping a record meaning there is
24 something written down so you can go back and refer to it if
25 you need to; right?

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1 A Remembering; yes, sir.

2 Q Right. And you said the key word, remembering. So if
3 something happens and you see it right on the spot, you can
4 write it down so you don't have to worry about remembering,
5 because you've got a report you can go back and look at if
6 you take the report right away; right?.

7 A Yes, sir.

8 Q And that's kind of something y'all -- they talk about.
9 Maybe they don't teach it as much now, but they do talk
10 about that at the Criminal Justice Academy; right?.

11 A Yeah, probably. Yes, sir, some.

12 Q And, again, to be fair, you did that in this case. You
13 made a report; right?

14 A I took a report. Yes, sir.

15 Q Okay. Absolutely. Now, you said you were the first
16 person on the scene?

17 A Me and another deputy arrived at the same time.

18 Q Would that have been Mr. Lawrence?

19 A Yes, sir. Deputy Lawrence.

20 Q Okay. And so when you arrived one of the first things
21 you want to do is just make sure the area is secure and safe
22 or safe as can be at that point; right?

23 A You check on and make sure the safety of everybody.

24 Q Okay. And you mentioned that, rightfully so, people
25 were hysterical when you got there?

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1 A Yes, sir.

2 Q All right. But you wanted to make sure people were
3 safe?

4 A Yes, sir.

5 Q You wanted to, you know, start to get down names and
6 witnesses. And you also wanted to kind of start to preserve
7 the crime scene?

8 A Yes, sir.

9 Q Okay. Why is it important to preserve the crime scene?

10 A We just so preserve it so the evidence for when crime
11 scenes come in and do what they got to do for evidence.

12 Q Okay. And so what that basically means is you want to
13 make sure that evidence doesn't get corrupted; right?

14 A Yes, sir.

15 Q When I say corrupted, that people don't' move things
16 around; right?

17 A Yes, sir.

18 Q Or take things from the property that could be looked
19 at as evidence; right?

20 A Yes, sir.

21 Q All right. So you do that by sometimes putting yellow
22 tape around the house; right?

23 A Yes, sir.

24 Q Okay. And you did that in this case?

25 A Yes, sir.

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1 Q All right. So you put tape around there to make sure
2 that people didn't walk through certain areas?

3 A Yes, sir.

4 Q What kinds of things -- you're an investigator now; is
5 that correct?

6 A Yes, sir.

7 Q Which means you've had some additional training. And
8 obviously you did well and they've named you as an
9 investigator?

10 A (Witness pauses)

11 Q You got a promotion?

12 A A promotion, yes, sir.

13 Q All right. So congratulations on it. So what types o
14 things are you generally looking for when you come onto
15 those scenes as an investigator?

16 A I do burglary, I'm in the burglary task force division.
17 So when I come on scene, I'm just looking for any type of
18 evidence that can tie, you know, a suspect to that crime
19 scene.

20 Q Okay. So if there's an allegation of a gun being used,
21 you may be looking for a gun or bullets or fragments or --

22 A Yes, sir.

23 Q -- shell casings?

24 A Yes, sir.

25 Q Maybe DNA?

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1 A Yes, sir.

2 Q Okay. Maybe video surveillance or something like that?

3 A Yes, sir.

4 Q Incidentally, did your car have video or anything like
5 that?

6 A No, sir.

7 Q Okay. Any of the cars out there that came out that
8 evening have video?

9 A I don't know about anybody else's car.

10 Q Okay. Do you keep what's called a crime scene log?

11 A Yes, sir.

12 Q Okay. And did you do that in this particular case?

13 A Yes, sir.

14 Q Okay. Tell the jury what a crime scene log is?

15 A A crime scene log is anybody that actually is on that
16 crime scene at any point in time after I arrive there or who
17 was there before I arrived.

18 Q Okay. And are you responsible for keeping that log
19 from the moment you arrive to the last person leaves?

20 A I'm responsible for keeping that crime log until --
21 when I get on scene, I start a crime log. And once I
22 preserve that area, nobody else is go in and I pass that on
23 to investigators on the crime scene --

24 Q Okay. So when the chief investigator gets there then
25 you can hand it off to him or her?

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1 A Yes, sir. Let them know who all was on the scene.

2 Q Okay. And you did that in this case?

3 A Yes, sir.

4 Q All right. So who did you hand this case off to?

5 A Investigator Carrigg.

6 Q And he's here in the courtroom today?

7 A Yes, sir.

8 Q That'd be the gentleman sitting on the first row?

9 A Yes, sir.

10 Q With the file that I'm going to take from him after
11 this case?

12 A Yes, sir.

13 Q All right. That's the one. All right. Now, did Mr.
14 Ketcherside arrive as well? Were you there when
15 Investigator Ketcherside arrived?

16 A I can't remember right now, but it was a bunch of stuff
17 going on.

18 Q Okay. Were there any other police agencies, other than
19 Orangeburg that arrived there? Was Holly Hill or Eutaw or
20 Vance or any of them?

21 A There was a Holly Hill police officer arrived there.

22 Q Okay. Who was that?

23 A Gosh, I can't remember who it was. But I know I saw
24 the car.

25 Q Okay. What work did he or she do?

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1 A I don't know. I was busy with the crime scene.

2 Q What about Eutawville?

3 A I don't remember Eutawville being there.

4 Q What reports, if any, did they submit in terms of the
5 work they did?

6 A I don't know.

7 Q Okay. What about Vance?

8 A I don't think so. I'm not sure if they were there.

9 Q But definitely Holly Hill and Eutawville?

10 A I don't know. I don't know if Eutawville was there. I
11 know the Holly Hill car was there.

12 Q Okay. Now, what was Deputy Lawrence's role in this
13 thing, in this investigation?

14 A To just assist with the crime scene also and
15 everything. Helped both of us to do the same thing, perform
16 the same duties.

17 Q Okay. Tell me about the conditions when you got there,
18 other than -- I understand the family was hysterical. But
19 what was it like? What time of day are we talking about?

20 A It was in the evening.

21 Q Okay. So describe the area when you got there?

22 A The area when I got there?

23 Q Yes, Omega Court, describe it, please?

24 A I turned onto Omega Court --

25 Q Uh-huh. (Affirmative response.)

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1 A -- and once I started going back down, there was just a
2 bunch of people outside. So I didn't know which house it
3 was. So once I got out I started asking questions and
4 checking on everybody.

5 Q Weather conditions were like what?

6 A It wasn't raining out there that night.

7 Q Okay. But it was nighttime?

8 A Yes, sir.

9 Q Okay. Early, late?

10 A It was 9-something.

11 Q Okay. 9?

12 A Yeah.

13 Q Dark outside?

14 A Yes, sir.

15 Q Okay. Did you have to use your flashlight to look
16 around?

17 A Yes, sir.

18 Q Okay. Why is that?

19 A Because it was dark outside.

20 Q Okay. And you took statements from people while you
21 were there or did you hand that off to investigators to do?

22 A I took some statements. They let me take statements
23 from certain people that were there.

24 Q Okay. All right.

25 MR. GIPSON: I ask the Court's indulgence very

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1 briefly, Your Honor.

2 THE COURT: Take your time.

3 (Court at ease)

4 MR. GIPSON: Court's indulgence one more time.

5 THE COURT: Take your time.

6 MR. GIPSON: I have nothing further, Your Honor.

7 THE COURT: All right. Anything on redirect, Mr.
8 Edwards.

9 MR. EDWARDS: No, Your Honor.

10 THE COURT: You may step down. Thank you, sir.

11 MR. EDWARDS: May I call the next witness, Judge?

12 THE COURT: Oh, yeah. I'm sorry. Yes, sir.

13 MR. EDWARDS: The State calls William Ketcherside.

14 (WHEREUPON, William Ketcherside was
15 duly sworn.)

16 THE COURT: All right. He's your witness.

17 MR. EDWARDS: Thank you, Your Honor.

18 WILLIAM KETCHERSIDE - DIRECT EXAMINATION

19 BY MR. EDWARDS:

20 Q Good morning, Mr. Ketcherside?

21 A Good morning.

22 Q Where are you employed?

23 A The Orangeburg County Sheriff's Office.

24 Q And how long have you been employed there?

25 A Eleven and a half years.

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1 Q And in what capacity are you employed at the sheriff's
2 office?

3 A I am currently the sergeant over the forensic services
4 division.

5 Q Okay. And in order to be a sergeant over the forensic
6 services division, can you tell the jury a little bit about
7 your qualifications and what training you've undergone?

8 A Yes. I've been to multiple different trainings. A
9 basic crime scene academy through a community college in
10 Huntersville, North Carolina, Central Piedmont Community
11 College. And that's in coalition with the Academy of
12 Applied Forensics as well as multiple classes through the
13 International Association of Identification.

14 Q And in laymen terms, what are forensics?

15 A Basically, we just respond to a scene. Document that
16 scene, search that scene, document, identify evidence,
17 anything that would make an attempt to identify anyone,
18 whether it be victims, witnesses, defendants, at that scene,
19 through the use of different methods of physical evidence,
20 such as ballistic evidence or DNA, fingerprints and so
21 forth.

22 Q So primarily gathering evidence?

23 A Yes, sir.

24 Q Okay. Do you recall responding to a shooting incident
25 at Omega Court on December 13th, 2015?

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1 A I do.

2 Q About what time did you arrive there?

3 A Somewhere around 22:50 hours, approximately. That
4 would be 10:50 p.m.

5 Q Okay. And when you arrived at Omega Court, what did
6 you see?

7 A I observed the residence to be a White, in color,
8 double wide, with black shutters. A front porch, as well as
9 two side or end entry doors, one being a sliding glass door
10 and one being a normal hinged, entry door. And they had
11 separate sets of steps and porches to those, as well as --
12 there was multiple vehicles in the yard, but the one that
13 stood out was a green in color Mercury -- excuse me --
14 Chrysler that was still running with the headlights on.

15 Q Okay. I'm going to show you what's marked as State's
16 Exhibit 18 and 19. What is that?

17 A A photograph of the residence from the roadway.

18 Q Okay. And you mentioned the side entrance. In Exhibit
19 19, is that the side entrance you were talking about?

20 A Yes, sir.

21 Q And is this a fair and accurate representation of what
22 the house looked like when you arrived that night?

23 A Yes, sir. It is.

24 MR. EDWARDS: I'd offer State's 18 and 19 into
25 evidence.

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1 MR. GIPSON: Without objection.

2 THE COURT: All right. State's 18 and 19 are in
3 evidence without objection.

4 (State's Exhibit No. 18, photo, was
5 marked and entered.)

6 (State's Exhibit No. 19, photo, was
7 marked and entered.)

8 MR. EDWARDS: And may I publish to the jury.

9 THE COURT: You may.

10 BY MR. EDWARDS:

11 Q So tell me kind of how you started your investigation
12 that night?

13 A Started from the roadway, you know, work my way from
14 the road up the driveway, which was to the left side of the
15 residence, where the green Chrysler was parked. And worked
16 my way towards the front of the residence. Just looking for
17 anything, whether it be cartridge casings, bullets, anything
18 of that matter.

19 Q And did you find any cartridge casings on the ground in
20 front of the house?

21 A No, sir.

22 Q Okay. After searching the grounds for casings, things
23 of that sort, what did you do next?

24 A Then moved to the front of the residence where I
25 observed a total of nine bullet impacts to the front of the

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1 residence.

2 Q Okay. I'm going to show you some more photographs.
3 They've been marked as State's Exhibits 20, 21, and 22. Can
4 you tell me what those are?

5 A Yes, sir. These are general photographs of the
6 residence. It would be the left end. I documented the
7 bullet impact.

8 Q And when you're saying the front of the residence, is
9 that what you're referring to?

10 A Yes.

11 Q Okay.

12 MR. GIPSON: No objection.

13 MR. EDWARDS: Okay.

14 BY MR. EDWARDS:

15 Q And these are also true representations of what the
16 house looked like that night?

17 A Yes, they are.

18 MR. EDWARDS: Your Honor, I'd offer State's 20,
19 21, and 22 into evidence.

20 MR. GIPSON: Without objection.

21 THE COURT: All right. State's 20, 21, and 22 are
22 in evidence without objection.

23 (State's Exhibit No. 20, photo, was
24 marked and entered.)

25 (State's Exhibit No. 21, photo, was

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1 marked and entered.)

2 (State's Exhibit No. 22, photo, was
3 marked and entered.)

4 BY MR. EDWARDS:

5 Q And I believe you said you observed bullet impacts in
6 front of the house?

7 A Yes, sir. That's correct.

8 Q Now, when you observe bullet impacts in a house like
9 this, what steps do you take to document that?

10 A First, we scale, put a scale tape on, assign a item
11 number to that impact. And then we photograph it, both
12 general, mid-range, and closeup photograph. As well as we
13 then insert a trajectory rod into that bullet impact, which
14 gives us, not only a forward path, but a path where it came
15 from, where that bullet came from.

16 Q Okay. I'm going to show you some more pictures. Can
17 you identify this one?

18 A This one is bullet impact number one and number two.

19 THE COURT: What's the State's number? Identify
20 them.

21 MR. EDWARDS: 23, 24, and 25.

22 THE COURT: 23, 24, and 25.

23 BY MR. EDWARDS:

24 Q And is this the scaling we were talking about, this
25 measurer next to it?

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1 A Yes, sir.

2 MR. GIPSON: No objection.

3 MR. EDWARDS: And, Your Honor, I would offer
4 State's 23 through 25 into evidence.

5 THE COURT: State's 23 through 25 are in evidence
6 without objection.

7 (State's Exhibit No. 23, photo, was
8 marked and entered.)

9 (State's Exhibit No. 24, photo, was
10 marked and entered.)

11 (State's Exhibit No. 25, photo, was
12 marked and entered.)

13 MR. EDWARDS: If I could publish these to the jury
14 as well?

15 THE COURT: You may.

16 BY MR. EDWARDS:

17 Q And you said there were nine impacts?

18 A Yes, sir.

19 Q Okay. I'm going to show you State's 26, 27, 28. Can
20 you identify these for me?

21 A These are photographs of bullet impacts to a window.

22 Q Are any of those marked?

23 A Yes, sir. One is. Item number three. And the second
24 is not, due to the height of it.

25 Q You couldn't reach to mark them?

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1 A Correct.

2 MR. GIPSON: Without objection. That's 26, 7, and
3 8?

4 MR. EDWARDS: 26, 27 and 28, I'd offer into
5 evidence, Your Honor.

6 MR. GIPSON: No objection.

7 THE COURT: All right. 26, 27 and 28 are into
8 evidence without objection.

9 (State's Exhibit No. 26, photo, was
10 marked and entered.)

11 (State's Exhibit No. 27, photo, was
12 marked and entered.)

13 (State's Exhibit No. 28, photo, was
14 marked and entered.)

15 MR. EDWARDS: If I may also publish these to the
16 jury then.

17 BY MR. EDWARDS:

18 Q Just a few more. I'm going to show you State's
19 Exhibits 29 through 33. What are these?

20 A These are photographs depicting bullet impacts to the
21 front wall of the residence and the facia of the
22 underpinning as well as the underpinning of the residence.

23 Q Are those marked as well?

24 A Yes, sir. As item number five, six and number seven as
25 well as number eight.

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1 Q And you scaled those?

2 A Yes, sir.

3 Q And these are also true representations of what the
4 house looked like that night?

5 A Correct.

6 Q I need to see those.

7 MR. EDWARDS: I'd offer those into evidence also,
8 Your Honor.

9 MR. GIPSON: Without objection.

10 THE COURT: All right.

11 MR. EDWARDS: 29 through 33.

12 THE COURT: 29 through 33 are in evidence without
13 objection.

14 (State's Exhibit No. 29, photo, was
15 marked and entered.)

16 (State's Exhibit No. 30, photo, was
17 marked and entered.)

18 (State's Exhibit No. 31, photo, was
19 marked and entered.)

20 (State's Exhibit No. 32, photo, was
21 marked and entered.)

22 (State's Exhibit No. 33, photo, was
23 marked and entered.)

24 BY MR. EDWARDS:

25 Q And then one more of holes. This is State's Exhibit

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1 34. I believe that's another -- can you tell me what that
2 is?

3 A Yes, sir. That's a bullet impact to the shutter on the
4 right side of a double window.

5 Q And is this one of the nine you were referring to
6 earlier?

7 A Yes, sir.

8 Q And that one's not marked?

9 A It's not marked but it would be item number nine.

10 Q Is that also because it was too high up for you to
11 reach to mark?

12 A Correct.

13 Q Okay.

14 MR. EDWARDS: I'd offer 34 as well, Your Honor.

15 THE COURT: Any objection?

16 MR. GIPSON: No objection, Your Honor.

17 MR. EDWARDS: If I may publish this as well?

18 THE COURT: You may. State's No. 34 is in without
19 objection.

20 (State's Exhibit No. 34, photo, was
21 marked and entered.)

22 BY MR. EDWARDS:

23 Q Earlier I think you mentioned trajectory rods. What
24 are those?

25 A They're basically rods that fit into the bullet impact.

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1 And they give a pretty fair representation of the direction
2 of the bullet path, as to where it's going and where it came
3 from.

4 Q I'm going to show you State's Exhibits 35 through 38.
5 Can you identify these for me?

6 A Yes, sir. They are photographs depicting the bullet
7 impacts at the front of the residence as well as on the
8 inside of the residence, using the trajectory rods.

9 Q Okay. Those are the rods that you used?

10 A Yes, sir.

11 Q That's a fair representation of how they looked that
12 night?

13 A Yes, sir.

14 MR. EDWARDS: Your Honor, I'd offer State's 35
15 through 38 into evidence.

16 THE COURT: Any objection?

17 MR. GIPSON: Without objection.

18 MR. EDWARDS: If I may publish to the jury

19 THE COURT: State's Exhibit 37 through 37 -- 36
20 are in evidence without objection.

21 COURT REPORTER: It's 35 through 38.

22 THE COURT: 35 through 38. What did I say.

23 COURT REPORTER: 36.

24 THE COURT: Thank you for paying attention.

25 (State's Exhibit No. 35, photo, was

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1 marked and entered.)

2 (State's Exhibit No. 36, photo, was
3 marked and entered.)

4 (State's Exhibit No. 37, photo, was
5 marked and entered.)

6 (State's Exhibit NO. 38, photo, was
7 marked and entered.)

8 BY MR. EDWARDS:

9 Q Based on these trajectory rods, were you able to make a
10 determination of the general area where these bullets would
11 have been fired from?

12 A Yes, sir. And that would be from the left corner of
13 the front yard of the residence as well as the driveway
14 area.

15 Q I'm going to show you State's Exhibit 18. It's already
16 into evidence. Where, in relation to this photo?

17 A That would be -- the photo was taken from the right of
18 the direction of the bullet path.

19 Q So in relation to this photo?

20 A To the left. There's a pump house, looks like a pump
21 house to the left.

22 THE COURT: He needs to see.

23 MR. GIPSON: I'm sorry. I need to see. I would
24 just ask for you to restate that answer so I can orient it
25 with the picture.

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1 THE COURT: Yes, if you don't mind?

2 MR. GIPSON: Thank you, Judge.

3 A The driveway is to the left side of this, where this
4 picture was taken from. The bullet impacts are here. The
5 direction comes back to the left side. And you can see, it
6 looks like a pump house there on the front corner of the
7 yard as well.

8 THE COURT: Okay. And that's State's -- which?

9 MR. EDWARDS: This is 18.

10 THE COURT: State's 18.

11 BY MR. EDWARDS:

12 Q Okay. So after you observed the outside of the
13 building, what did you do next?

14 A I moved inside the residence. I had consent to search.

15 Q And tell the jury, if you will, what you found on the
16 inside of the residence?

17 A On the inside of the residence, there was a television.
18 One of the bullet impacts traveled into the residence and
19 through the television. Another through the wall and into
20 the kitchen cabinets. I observed the glass to the oven door
21 was busted out from the inside out. And I observed, looked
22 like bullet impacts, to the back side of the stove as well.
23 And then there was a china cabinet with a bullet impact in
24 it. As well as next to that china cabinet, the wall had a
25 bullet impact. And then also, I located five bullet

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1 fragments from the residence.

2 Q Okay. Let me show you what I've marked as State's
3 Exhibit 42. You recognize that?

4 A Yes, sir. That's the stove with the busted oven door.

5 Q Is that a true representation of what it looked like
6 that night?

7 A Yes, sir.

8 MR. EDWARDS: I offer State's 42 into evidence,
9 Your Honor.

10 MR. GIPSON: Without objection.

11 THE COURT: State's 42 is in without objection.

12 (State's Exhibit No. 42, photo, was
13 marked and entered.)

14 MR. EDWARDS: If I could also publish this to the
15 jury?

16 THE COURT: You may.

17 BY MR. EDWARDS:

18 Q I'm going to show you what I marked as State's Exhibit
19 41. Can you tell me what that is?

20 A That is the inside of the -- inside the residence. And
21 it has a bullet impact to the curtain.

22 Q Is that a true representation as well?

23 A Yes, sir.

24 MR. EDWARDS: I'd offer State's 41, Your Honor.

25 MR. GIPSON: Without objection.

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1 THE COURT: State's 41 is in evidence without
2 objection.

3 (State's Exhibit No. 41, photo, was
4 marked and entered.)

5 MR. EDWARDS: May I also publish this?

6 THE COURT: You may.

7 BY MR. EDWARDS:

8 Q Can you tell me what this object is right here?

9 A That is the television, the top, left corner of the
10 television.

11 Q You said you found some actual bullets or bullet
12 fragments; correct?

13 A Yes, sir.

14 Q Okay. Im going to show you State's Exhibit 39 and 40.
15 Do you recognize this?

16 A Yes, sir. This photograph depicts a bullet fragment
17 between two chairs, marked as item number ten.

18 Q Okay. And what room was this in?

19 A That is a, looks like a second living room is what it
20 appears to me. But it's also a small dining room table in
21 that room.

22 MR. EDWARDS: Your Honor, I'd offer State's 39 and
23 40.

24 MR. GIPSON: Without objection.

25 THE COURT: State's 39 and 40 are into evidence

State v Green William Ketcherside - Direct 10/26/16 217
1 without objection.

2 (State's Exhibit No. 39, photo, was
3 marked and entered.)

4 (State's Exhibit No. 40, photo, was
5 marked and entered.)

6 BY MR. EDWARDS:

7 Q Now I'm going to show you what I've marked as State's
8 43 through 45. Do you recognize these?

9 A Yes. Those are photographs depicting the kitchen
10 cabinets with bullet fragments that had a ending point
11 inside of the cabinets. And they are marked as item number
12 eleven.

13 Q By ending point, you mean that's where the bullet --

14 A That's the final resting spot of the bullet. Yes, sir.

15 MR. EDWARDS: Your Honor, I'd offer State's 43
16 through 45.

17 MR. GIPSON: Without objection.

18 THE COURT: State's 43 through 45 are in evidence
19 without objection.

20 (State's Exhibit No. 43, photo, was
21 marked and entered.)

22 (State's Exhibit No. 44, photo, was
23 marked and entered.)

24 (State's Exhibit No. 45, photo, was
25 marked and entered.)

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1 MR. EDWARDS: If I could publish these as well?

2 THE COURT: You may.

3 BY MR. EDWARDS:

4 Q You mentioned a china cabinet earlier?

5 A Yes, sir.

6 Q I'm going to show you what's marked as State's 46
7 through 48. Do you recognize that?

8 A Yes, sir. That's the photograph of the china cabinet
9 also depicting item number twelve, which is a bullet
10 fragment that was recovered from the inside of the china
11 cabinet.

12 MR. EDWARDS: And, Your Honor, I'd offer State's
13 46 through 48 into evidence.

14 THE COURT: Without objection?

15 MR. GIPSON: Without objection.

16 MR. EDWARDS: And if I could publish these, also?

17 THE COURT: You may.

18 State's 46, 47, and 48 are in evidence without
19 objection.

20 (State's Exhibit No. 46, photo, was
21 marked and entered.)

22 (State's Exhibit No. 47, photo, was
23 marked and entered.)

24 (State's Exhibit No. 48, photo, was
25 marked and entered.)

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1 BY MR. EDWARDS:

2 Q I want to show you now State's 49 through 52. Do you
3 recognize these?

4 A Yes, sir. These are photographs of the master bedroom
5 and master closet, with also an impact coming from the
6 kitchen and that dining/living room side. And also a bullet
7 fragment on top of a blue blanket, marked as item number
8 thirteen, inside of the master closet.

9 MR. EDWARDS: Your Honor, I'd offer State's 49
10 through 52 into evidence.

11 MR. GIPSON: Without objection.

12 THE COURT: State's 49 through 52 are in evidence
13 without objection.

14 (State's Exhibit No. 49, photo, was
15 marked and entered.)

16 (State's Exhibit No. 50, photo, was
17 marked and entered.)

18 (State's Exhibit No. 51, photo, was
19 marked and entered.)

20 (State's Exhibit No. 52, photo, was
21 marked and entered.)

22 MR. EDWARDS: If I could briefly publish these as
23 well?

24 THE COURT: You may.

25 BY MR. EDWARDS:

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1 Q Finally, I'm going to show you State's 53 through 55.

2 If you could identify these for me?

3 A This is a photograph of the living/dining room, with a
4 bullet fragment on the floor between the front wall of the
5 residence and the dining table. And that bullet fragment is
6 marked as item number fourteen.

7 MR. EDWARDS: Your Honor, I would offer State's 53
8 through 55.

9 MR. GIPSON: Without objection.

10 THE COURT: State's 53 through 55 are in evidence
11 without objection.

12 (State's Exhibit No. 53, photo, was
13 marked and entered.)

14 (State's Exhibit No. 54, photo, was
15 marked and entered.)

16 (State's Exhibit No. 55, photo, was
17 marked and entered.)

18 MR. EDWARDS: Might we briefly publish these as
19 well?

20 THE COURT: You may.

21 BY MR. EDWARDS:

22 Q So after these photographs were taken, did you actually
23 collect any of these bullets or bullet fragments?

24 A Yes, sir, I --

25 Q What do you do when you collect bullet fragments like

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1 that?

2 A When we collect them, I put them in a matchbox, It's a
3 unused blank matchbox. Write the case number, the item
4 number to identify what it is -- and in this case, it would
5 be bullet fragments -- as well as the date and the time
6 collected and then I'll initial that. And then once that is
7 collected, then evidence tape, red evidence tape will go on
8 that box and we initial and date that seal as well.

9 Q I'm going to recognize all of these. Do you recognize
10 that?

11 A Yes, I do.

12 MR. EDWARDS: I'm going to mark that as State's
13 57.

14 (State's Exhibit No. 57, bullet
15 fragment, was marked for ID.)

16 BY MR. EDWARDS:

17 Q What is that?

18 A This is a matchbox with also a bag inside that's got a
19 bullet fragment. It's marked as item number thirteen, a
20 fired bullet fragment from master bedroom closet on top of
21 blanket. And it is dated 12/14 of 2015 at 00:16 hours,
22 which is 12:16 a.m.)

23 Q Is that your handwriting?

24 A Yes, it is.

25 Q Okay. I'm going to show you now --

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1 MR. EDWARDS: I'm marking this as State's Exhibit
2 58.

3 (State's Exhibit No. 58, bullet
4 fragment, was marked for ID.)

5 BY MR. EDWARDS:

6 Q Can you tell me what this is?

7 A A bullet fragment. A box marked as number eleven, item
8 number eleven. It's a fired bullet fragment from kitchen
9 cabinets and it's 12/04/15 [sic] at 00:09 hours, which is
10 12:09 a.m. Also initialed by myself.

11 Q And that's one of the bullets you pulled from the house
12 that night?

13 A Yes, sir.

14 (State's Exhibit No. 59, bullet
15 fragment, was marked for ID.)

16 BY MR. EDWARDS:

17 Q Okay. I'm going to show you now what I've just marked
18 as State's Exhibit 59. Identify that for me?

19 A A bullet fragment, a matchbox marked as item number
20 fourteen. It's marked as fired bullet fragment from the
21 floor between dining room table and wall. Dated December
22 the 14th, 2015 at 00:28 hours, and it's initialed by myself.

23 Q Is that a bullet you pulled from the house that night?

24 A Yes, sir.

25 Q That's your handwriting?

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1 A Yes, sir.

2 (State's Exhibit No. 60, bullet
3 fragment, was marked for ID.)

4 BY MR. EDWARDS:

5 Q This is State's 60. Can you identify that?

6 A A bullet fragment also a matchbox with item number ten,
7 fired bullet fragment floor, under chair, marked 00:06 hours
8 on 12/14/15.

9 Q That's your --

10 A Initialed by myself.

11 Q Okay. This is a bullet you pulled from the house that
12 night?

13 A That's correct.

14 (State's Exhibit No. 61, bullet
15 fragment, was marked for ID.)

16 BY MR. EDWARDS:

17 Q Finally, I'm going to show you what I've marked as 61.
18 What's that?

19 A A bullet fragment. A box with item number twelve.
20 It's fired bullet fragment from china cabinet, December the
21 14th, 15 or 12/14/15 at 00:11 hours, at 12:11 a.m. And it's
22 initialed by myself. And that is my handwriting.

23 Q Did you pull this bullet from the house that night?

24 A Yes, I did.

25 MR. EDWARDS: Your Honor, I'd offer State's 57

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1 through 61 into evidence at this time.

2 MR. GIPSON: Without objection.

3 THE COURT: State's 57 through 61 are in evidence
4 without objection.

5 (State's Exhibit No. 57, bullet
6 fragment, was marked and entered.)

7 (State's Exhibit No. 58, bullet
8 fragment, was marked and entered.)

9 (State's Exhibit No. 59, bullet
10 fragment, was marked and entered.)

11 (State's Exhibit No. 60, bullet
12 fragment, was marked and entered.)

13 (State's Exhibit No. 61, bullet
14 fragment, was marked and entered.)

15 BY MR. EDWARDS:

16 Q And what is this?

17 A This package is done in our lab. Once we box the item
18 or bag the item and seal it on scene, as soon as we come
19 back to the sheriff's office where we package, in this case
20 bullet fragments, we package them together, so they all go
21 as one big package, everything together. But it's also
22 marked with the item numbers that are inside that bag. And
23 in this case, it would be all the item numbers of the bullet
24 fragments and they go to SLED.

25 Q I'm going to show you one more. And it's been marked

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1 as State's 56. It's already in evidence. Did you produce
2 this?

3 A Yes, I did.

4 Q And what is this?

5 THE COURT: Hold on one second. I think Mr.
6 Gipson needs to get around --

7 MR. EDWARDS: I understand.

8 THE COURT: Oh, Okay.

9 MR. EDWARDS: You might want to just go ahead and
10 come around --

11 BY MR. EDWARDS:

12 Q Okay. So when did you produce this? About when did
13 you produce this?

14 A Some time before this trial started.

15 Q In preparation for trial?

16 A Yes, sir.

17 Q Okay. And just explain to the jury what this is?

18 A It's a diagram or a sketch of the residence. It just
19 indicates location, general location of where the bullet
20 fragments -- or bullet impacts were as well as bullet
21 fragments by their item number. And it also somewhat
22 depicts the direction of the bullet path with the lines and
23 the arrows.

24 Q I see you've got these number one through -- these
25 little circles down here, number one through nine?

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1 A Yes, sir.

2 Q What are those?

3 A Those are the bullet impacts to the front wall of the
4 residence.

5 Q Okay. And here?

6 A And that is item number ten, which is the bullet
7 fragment from between the chairs.

8 Q Are these other little circles bullet fragments as
9 well?

10 A Yes, sir. The one inside the cabinet, inside the china
11 cabinet, inside the master closet. And then item number
12 fourteen, between the wall and the table.

13 Q So just to be clear, this represents the front of the
14 house; correct?

15 A Yes, sir.

16 Q And this would be the side door that we pointed out
17 earlier?

18 A Correct.

19 Q Kitchen?

20 A Yes, sir.

21 Q And bedroom?

22 A Yes, sir.

23 Q Hybrid, living/dining room?

24 A Yes.

25 Q And then the dining room?

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1 A Yes, sir.

2 Q And does this represent, kind of the layout of the
3 house?

4 A Yes, sir.

5 MR. EDWARDS: That's all I have at this time, Your
6 Honor.

7 Q Please answer any questions Gipson might for you.

8 THE COURT: Mr. Gipson, he's yours.

9 MR. GIPSON: Thank you, Your Honor.

10 THE COURT: Yes, sir.

11 WILLIAM KETCHERSIDE - CROSS-EXAMINATION

12 BY MR. GIPSON:

13 Q If you'll bear with me for just a moment.

14 A Yes, sir.

15 Q We got a bunch of pictures to go through.

16 MR. GIPSON: May it please the Court?

17 THE COURT: Yes, sir.

18 Q Good afternoon again -- oh, I'm sorry -- morning, Mr.
19 Ketcherside?

20 A Good morning.

21 Q Now, what is your -- I know you're an investigator and
22 you've been with the department for years. I know that just
23 from personal knowledge. But your technical -- what was
24 your technical role, just evidence, to gather the evidence?

25 A Documentation, searching the scene, documentation and

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1 collection and preservation of evidence.

2 Q And obviously through all of your training, you've
3 learned the best ways to gather information and to look for
4 these types of things; right?

5 A Yes, sir. That's correct.

6 Q All right. So essentially, what you're doing is you're
7 gathering this information and once you get it, then you
8 pass that information over to SLED; correct?

9 A Well, I pass that item over to SLED for analysis.

10 Q Okay. And so you pass it over to SLED. And SLED is
11 the South Carolina Law Enforcement Division; correct?

12 A Yes, sir.

13 Q And they have laboratories and different divisions that
14 have some experts who can tell you -- who can explain to a
15 jury or explain to the Court what you have collected;
16 correct?

17 A Correct. And in this case, you're talking about
18 ballistic evidence. So, therefore, it would go to SLED;
19 yes, sir.

20 Q Okay. And when they -- they'll have the opportunity to
21 collect -- excuse me -- after you've collected it, to
22 analyze it and then they will make different findings if
23 they're able about the things that you've collected?

24 A Yes, sir.

25 Q All right. So for instance, once -- you know, you've

State v Green William Ketcherside - Cross 10/26/16 229

1 collected bullet fragments here; correct?

2 A Correct.

3 Q All right. But other things when you got to the scene
4 somewhere around 10:50 that night, other things that you're
5 starting to look for -- you're not really there to take
6 statements from witnesses and things of that nature?

7 A No, sir. No, sir.

8 Q You're looking for physical evidence; right?

9 A Correct.

10 Q Stuff that you can see, that you can touch, that you
11 can feel; right?

12 A Correct.

13 Q Stuff that you can look at and say all right. Well,
14 this is here. So because this is here, now we can try to
15 determine who it came from or who did this?

16 A Correct.

17 Q Okay. So you came -- and some of the things you looked
18 for as a crime scene investigator, obviously if there's an
19 allegation of a gun being involved, which we all are clear
20 that's something that's going on in this case, you're
21 looking for possibly a gun; right?

22 A Correct.

23 Q Sometimes gunshot residue?

24 A Correct. If possible.

25 Q If possible. Explain to the jury what gunshot residue

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1 is?

2 A I can't explain the scientific side of it. Basically,
3 we collect the samples from individuals hands and/or their
4 body, mostly their hands. And then it's sent to SLED for
5 analysis.

6 Q Okay.

7 A But as far as the scientific part of what they look
8 for, that's beyond my scope. Yes, sir.

9 Q But essentially, when a gun is fired, things happen
10 when a gun is fired?

11 A Correct.

12 Q And what you're looking for essentially, just
13 generally, is the blowback from the gun, which, you know,
14 may be fired -- gun powder and things of that nature?

15 A Could be.

16 Q Is that a general --

17 A That's my general understanding of it. Yes, sir.

18 Q And that's just based on your eleven plus years and
19 even more in law enforcement; right?

20 A Yes, sir.

21 Q All right. So that's something you can look for?

22 A Correct.

23 Q All right. And you're familiar, you know -- obviously,
24 hands is a place that you can get that from; right?

25 A Correct.

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1 Q And you guys have these Q-tip packs, essentially --

2 A Well, it's not a Q-tip.

3 Q A swab.

4 A It is a dauber that you -- it'll tell you left back,
5 left front or left palm, left back. And then right back,
6 right palm.

7 Q And you said a dauber?

8 A It's an adhesive dauber and what it does is it picks up
9 the metal that's on the hands from the gunpowder.

10 Q Got you. And what's a dauber?

11 A It's just --

12 Q Kind of like a Q-tip?

13 A It's round, it's got an end on it. It's not like a Q-
14 tip.

15 Q But you just rub it on?

16 A You just take it and go up and down, touch the skin
17 with it.

18 Q Okay. And then you send that off to SLED and then
19 they'll tell you what it is?

20 A Correct.

21 Q And you can get that off of -- from your experience, as
22 an investigator -- off of hands?

23 A Correct

24 Q Clothing?

25 A You can; yes, sir.

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1 Q Okay. Other materials that are -- other materials,
2 maybe in a car?

3 A Yes, sir.

4 Q Inside of a car?

5 A If that material is available. Yes, sir.

6 Q On the car, on the side of a car?

7 A Yes, sir.

8 Q Sometimes the upholstery in the car?

9 A Well, we would take a cutting of that and send it. We
10 would not us a GSR kit on that.

11 Q But you can do those things?

12 A Yes, sir.

13 Q And as an investigator --

14 A Yes. If that item is available. If that car is
15 available or those clothes are available to us, we can do
16 that. But if they're not available, no, sir.

17 Q Sure. And how -- what are some of the tools that you
18 can use to make those things available to you? A search
19 warrant, maybe?

20 A A search warrant. Yes, sir.

21 Q Okay. So you have the ability to get a search warrant;
22 correct?

23 A Yes, sir.

24 Q And the search warrant is gathered by writing down the
25 information that you're looking for; right?

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1 A A search warrant is gathered by showing probable cause
2 that that evidence is at that location, as far a search
3 warrant.

4 Q And you've got to take it to a magistrate?

5 A Yes, sir.

6 Q In Orangeburg County?

7 A Correct.

8 Q Or a magistrate or a judge?

9 A Yes, sir.

10 Q And if he or she signs off on that search warrant, then
11 you have the ability to try to gather the information you're
12 looking for; right?

13 A Correct.

14 Q So going back to what we talked about, if you get a
15 search warrant, then you can go and try to look for these
16 things; right?

17 A Correct.

18 Q Are you familiar with search warrants issued in this
19 case going to look for things of that nature?

20 A I'm not familiar. No, sir.

21 Q Okay. But it's something that's at your disposal.
22 It's one of those tools --

23 A Yes, sir.

24 Q -- to try to better investigate; right?

25 A Correct.

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1 Q And one of the reasons you want to do that with
2 physical evidence is because that's the kind of evidence
3 that's not going to talk to anybody particular. It's just
4 going to tell you what it is?

5 A Correct.

6 Q You know, the term that people use these days, it is
7 what it is; right?

8 A Correct.

9 Q So for instance, if I pick up State's No 61, which
10 purports to be a bullet fragment; I pick up 59, it is what
11 it is?

12 A Right. It's a bullet fragment.

13 Q Exactly. And you can have an expert come in and
14 testify about what it is, where it potentially came from and
15 that's it. It's not going to tell you this or give you
16 something else tomorrow. It is what it is?

17 A Well, I can testify to where it came from.

18 Q You can?

19 A Yes, sir.

20 Q And that's right. It's evidence --

21 A It came from a scene of a shooting incident.

22 Q Exactly.

23 A Yes, sir.

24 Q Exactly.

25 A That's where it came from.

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1 Q Exactly. And that's what you know. And an expert can
2 tell you what kind of firearm it came from possibly?

3 A Correct.

4 Q And you may be able to get DNA from it maybe. You
5 never know?

6 A It depends, yeah.

7 Q It depends on the expert what they're able to pull;
8 correct?

9 A Correct.

10 Q Okay. So those types of things are just information
11 that can come in and a jury can see it without having to
12 trying to figure out what it is, the expert can tell me this
13 is what it is because I know it from my years of experience?

14 A Correct.

15 Q And that's why you're looking for physical evidence
16 because once you can get someone to come in here and talk
17 about it, you can say this is what we found and this is what
18 we can surmise and this is what we can tell you based on
19 what we found; right?

20 A Yes, sir.

21 Q Okay. So in this case you came in. You said you
22 started from the -- I guess the outside in?

23 A Yes, sir. I started from the outside in. And then
24 once I got to the trajectory rods, then I backed up. That
25 gave me a path to look for cartridge casings.

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1 Q Yes, sir.

2 A Because I didn't find them on the initial approach,
3 it's not uncommon not to find them. But in cases we don't.
4 So what I did is then I took those rods and once I inserted
5 them, that gave a direction to search.

6 Q Okay.

7 A I started at the residence?

8 Q Yes, sir.

9 A Worked my way back to the street and the driveway. And
10 then, you know, across the road, search the roadway. And
11 then also the grass on the opposite side.

12 Q Okay. Now, you used a term, you said shell casings?

13 A No, sir. I said cartridge casings.

14 Q Cartridge casings. All right. I apologize.

15 A Yes, sir.

16 Q Tell the jury what a cartridge casing is?

17 A A cartridge casing is basically the vehicle that a
18 bullet is carried in, the powder of the bullet and the
19 primer. It's basically the brass -- you hear everybody
20 refer to it as shell casings or brass, but the term is
21 cartridge casing. And it is made of brass. It's about
22 however long the caliber is. And that holds the firing
23 primer, the primer and so forth.

24 Q All right. And that primer is what you're talking
25 about gunshot residue?

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1 A Yes, sir. When it's fired it's either -- either it
2 stays in the gun, such as revolvers or it is ejected from
3 the gun. Yes, sir.

4 Q All right. And in this situation you said you were
5 looking for cartridge casings. I call them shell casings;
6 it's one in the same?

7 A It's one in the same.

8 Q Okay. So you were looking for shell casings. Why?

9 A Because either -- if it's a revolver there --

10 Q Uh-huh. (Affirmative response.)

11 A -- there wouldn't be any shell casings. But also
12 there's other variables there. But I want to locate where
13 that person was standing.

14 Q If it's an automatic. Well, explain since you've
15 mentioned that. Tell the jury --

16 A Well, if it's a revolver, it won't eject the cartridge.
17 A semiautomatic will. A revolver won't. I'm sorry. A
18 semiautomatic will, but there's also variables there. And
19 in this case I didn't find them.

20 Q Uh-huh. (Affirmative response.)

21 A However, there are variables. Somebody might not have
22 been out of the vehicle. They could have been inside of the
23 vehicle. They could have been standing in the apex of the
24 door or so forth.

25 Q All right. And that's where getting a search warrant

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1 for a vehicle could be very helpful; right?

2 A It could be. Yes, sir.

3 Q So you're not here as an expert to testify about shell
4 casings and what type of gun was used; are you?

5 A No, sir.

6 Q Okay. Because you've got somebody from SLED who you
7 submitted this stuff to who's going to do that; right?

8 A Correct. Correct.

9 Q And who's going to tell us what kind of gun it came
10 from?

11 A From SLED.

12 Q Right. And whether it's a semiautomatic or whatever
13 and what you would expect to find?

14 A Correct.

15 Q All right. But that's not what you're here to do?

16 A No, sir.

17 Q Okay. So you're just saying you didn't find any after
18 that?

19 A I didn't find any. No, sir.

20 Q Okay. So, again, you said once you determined that --
21 you put the trajectory rods into the home?

22 A I searched --

23 Q And then you determined that the -- you know, the area
24 where you figured the shots would be coming from, that's
25 when you went around and walked those areas?

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1 A Yes, sir. I did a grid search of that area.

2 Q Okay. What do you use a grid search?

3 A It's basically defining a line and walking that line
4 and then turning and coming back.

5 Q Okay.

6 A And overlapping that original line. So basically,
7 you're searching an area twice.

8 Q So did you do that just walking around? I mean, how --
9 it was nighttime, so how did you do that?

10 A Yes, sir. I just found a light pole or something and
11 walked back to that and followed that back and forth.

12 Q So did you use a flashlight?

13 A Yes, sir.

14 Q Okay. What were the conditions out there?

15 A It was dark. Used a flashlight, used oblique lighting,
16 which is lighting at an angle, versus directly down.

17 Q So one that you carry around or was it kind of a
18 strobe, the spotlight on the side of the car?

19 A No, sir. It's one that I carry.

20 Q Okay. Big size? Illuminates pretty well?

21 A It's six hundred and forty lumens.

22 Q Okay.

23 A Yes, sir.

24 Q So is that what you used also when you took the
25 pictures in that area?

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1 A No, sir. That's done with the camera and the flash.

2 Q Okay. And the flash only?

3 A Yes, sir.

4 Q Okay. But you don't illuminate and also use the flash?

5 A Unless I need -- unless I really need to; No, sir, I
6 don't.

7 Q Did you that night?

8 A No, sir.

9 Q Okay. Now, as you are walking this area, you said you
10 walked it twice; correct?

11 A Correct.

12 Q Do you ever go and get a metal detector or something
13 and go back through and try to sweep just in case?

14 A In this case I don't recall using a metal detector.

15 Q Okay. Now, did you look for things like shoe prints or
16 tire tracks, anything in any of those areas?

17 A It was a grassy area. Those things won't show up on
18 grass.

19 Q Okay. But even all around that -- I call them cul-de-
20 sacs. But the homes where they was suggestion that the car
21 may have turned around and turned in an area. Did you go
22 through all of those other areas as well or just that --

23 A No, sir. I didn't search other houses or yards. No,
24 sir.

25 Q Other driveways?

1 A No, sir.

2 Q Other --

3 A Just that general area.

4 Q And tell us, explain to us how that works. If you
5 search those areas -- let me ask you this question. In your
6 history as an investigator, you are able to in some
7 instances look at tire tracks and trace them to the vehicle
8 that they came from; right?

9 A They just most of the time gives you a class
10 characteristics.

11 Q Okay. And that's how --

12 A They can tell you a type of tire and size of the tire.

13 Q Okay.

14 A But I'm not a tire tread expert.

15 Q Right. Well, what you would do is you take a picture
16 of it?

17 A Yes, sir.

18 Q Call SLED, and the experts and have them send some of
19 their experts to Columbia, because they're already coming,
20 going to be dealing with this case because of the
21 ballistics; right?

22 A Yes, sir.

23 Q So they could take a look at those things and then they
24 can start to give you an idea about the vehicle --

25 A Well, if you have the tire.

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1 Q Correct.

2 A I can take a photograph of a tire tread all day long.

3 Q Right?

4 A If I don't have a tire -- same way with a shoe. If I
5 don't have a shoe to compare it to, it's pointless and --
6 it's a pointless piece of evidence.

7 Q But how do you go about getting that tire or that shoe?

8 A You have to search for it.

9 Q So you've got to get a search warrant sometimes?

10 A Yes, sir. You have a search warrant.

11 Q And in this situation, do you know if that was ever
12 done?

13 A No, sir. But I didn't document any tire treads. It
14 was grassy.

15 Q But you also didn't go around the other area looking;
16 correct?

17 A No, sir. I had no reason to go to other driveways.

18 Q Mr. Ketcherside, I am going to show you State's Exhibit
19 No. 7, if I may. Now, are you familiar -- does this
20 overhead ring a bell to you? Does that look familiar?

21 A That is Omega Court.

22 THE COURT: Hold one second. Let him get. I'm
23 sorry.

24 A That's Omega Court. That's showing a dirt portion. I
25 believe it's paved now.

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1 Q Okay. Are you sure about that? Do you know when --

2 A I believe it's paved; yes, sir.

3 Q When?

4 A I don't know exact date but I'm pretty certain the date
5 I responded it was paved.

6 Q The entire area?

7 A Yes, sir, the entire roadway.

8 Q Okay. Now, tell me where you searched for tire tread
9 and those things?

10 A I would look in the driveway for the residence.

11 Q Do you mind stepping down and just showing to the jury
12 for me, please, sir?

13 A (Witness steps down) Let's see. If I'm not mistaken,
14 this is the residence. That's the pump house. I would have
15 searched those areas that were dirt, just to see if there
16 was any footwear or tire wear. But I would have also done
17 that while I was searching for cartridge casings.

18 Q Sure. Did you go farther down to this area?

19 A No, sir. I had no reason to believe that the suspect
20 vehicle went to any of those houses?

21 Q Did you search in this area?

22 A Well, I believe that's paved. So he could have turned
23 around and tire tread wouldn't have been visible on the
24 pavement.

25 Q Did you search in here, the driveway?

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1 A Well, I did. But like I said, that's looking for the
2 cartridge casings coming from the residence.

3 Q Okay. All right. Thank you.

4 A (Witness takes stand)

5 Q Now, you mentioned shoe tread as well, shoes as well?

6 A Footwear.

7 Q Footwear?

8 A Footwear impressions.

9 Q Okay. So similar, there's a similar way of handling
10 things with footwear impressions as well; right?

11 A Yes, sir. The principle is the same.

12 Q Okay. And so if you see something you're able to take
13 a picture of it and get the appropriate search warrants
14 necessary to try to match it up?

15 A We document it by photograph. And then, like I say, if
16 you have that impression on the scene --

17 Q Yes, sir.

18 A -- and whenever you're doing search warrants of
19 suspects vehicles or cars or whatever, houses, you would
20 look for that shoe or just the same thing with tires.

21 Q Okay. Now, let me ask you this question. I know a
22 crime scene log was done at some point early in this,
23 probably before you arrived. But are you aware of what role
24 Holly Hill Police Department was playing in the
25 investigation?

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1 A No, sir.

2 Q Okay. Now, as we go back and we start specifically
3 looking at these bullet fragments, all you know is they were
4 at the residence. They were inside the residence when you
5 got there. That's all you know; correct?

6 A Yes, sir. They were inside the residence.

7 Q All right. And you're --

8 A There were also bullet impacts to the front wall of the
9 house.

10 Q Yes, sir. And you are not here assigning blame based
11 on those things; are you? You're just collecting evidence
12 and presenting it?

13 A I collected those bullet fragments. Yes, sir.

14 Q And this is what you found when you got to the
15 residence; correct?

16 A Yes, sir.

17 Q You're not sure how it got there. You just know it got
18 there; correct?

19 A Well, they were inside of the residence. There was
20 also --

21 Q Well, there was a gun at some point. It was fired?

22 A Yes, sir.

23 Q I mean, the bullets -- but to be fair, they were inside
24 the house.

25 A Correct.

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1 Q You don't know who shot these things. You just know
2 they're there and you're investigating trying to collect
3 them.

4 A No, sir. I can't say any one person.

5 Q Okay. Or that one --

6 A Forensically, I can't say any one person.

7 Q Or that one person did it?

8 A Or anybody else.

9 Q Now, when you came back the next day to search, what
10 did you do?

11 A I don't recall coming back the next day.

12 Q So it was just that one time, that night you came out?

13 A Yes, sir. I don't recall coming back the next day.

14 Q Okay. So you didn't try to come back and say all
15 right, well, it was nighttime. It was dark. I need to look
16 out here for casings?

17 A I don't recall going back that next day. If I had, I
18 would have taken daytime photographs of that area, as well
19 as document it.

20 Q And you do that sometimes don't you?

21 A Yes, sir. There are occasions where I do that.

22 Q All right. And you'll say okay, it's nighttime. I may
23 have missed something. It was pretty dark out there so let
24 me just come in natural light and take a look and see what I
25 can find?

1 A That's right.

2 Q Okay. And you have no document of ever doing that?

3 A No, sir.

4 Q Okay. But that's something you do from time to time?

5 A From time to time. Yes, sir.

6 Q Not in this case.

7 A (No response.)

8 MR. GIPSON: Court's indulgence, please?

9 THE COURT: Take your time.

10 Q I think that's all my questions. Thank you,
11 Investigator.

12 A Thank you, Mr. Gipson.

13 THE COURT: Anything on redirect?

14 MR. EDWARDS: Real quick, Your Honor.

15 WILLIAM KETCHERSIDE - REDIRECT EXAMINATION

16 BY MR. EDWARDS:

17 Q Investigator Ketcherside, you mentioned gunshot
18 residue. Are there any time limits to when you can collect
19 gunshot residue?

20 A Yes, there are.

21 Q What is that?

22 A Up to four hours, I believe.

23 Q Okay. So if you don't have a suspect in custody within
24 four hours, it would be pointless to collect gunshot
25 residue; correct?

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1 A Correct.

2 Q He also asked you about the Holly Hill Police
3 Department. Is it unusual for other agencies to come and
4 assist in a crime like this?

5 A No, sir. It is not.

6 Q Did anybody from Holly Hill enter the crime scene?

7 A Not that I know of. Not that I'm aware of.

8 Q Okay. And finally, when he ask you if you came back
9 the next day. When you were there that night, were you in
10 any particular rush to get out of there?

11 A No, sir.

12 Q Did you do a thorough job like you always do?

13 A Yes, sir.

14 MR. EDWARDS: That's all I have, Your Honor.

15 THE COURT: Anything on recross?

16 MR. GIPSON: Yes, sir.

17 WILLIAM KETCHERSIDE - RECROSS-EXAMINATION

18 BY MR. GIPSON:

19 Q Now, you talk about gunshot residue and you said about
20 four hours. Isn't it more like six if it's a person?

21 A Well, it's a range. I think it's a --

22 Q Tell the jury the range, not just the four hours. Tell
23 us the range.

24 A Four to six hours is the range.

25 Q Okay. In four to six hours if it's where?

1 A If it's on a living person.

2 Q Okay. If it's on an inanimate object, meaning
3 something that's not living, what's the range?

4 A There is no limit.

5 Q So even today one could search for GSR?

6 A Possibly. Possibly, yes, sir.

7 Q Okay. And so on upholstery of a vehicle, on clothing,
8 you could check for that right now?

9 A You could possibly search. You could possibly search.

10 Q Ten months later?

11 A Had it not been cleaned?

12 Q Ten months later, that could be done?

13 A Possibly. I can't guarantee a result would come out of
14 it, but you could --

15 Q You could try?

16 A You could try. Yes, sir.

17 Q Okay. And that's the thing. You could try to do it;
18 right?

19 A Yes, sir.

20 Q Okay. Now, you arrived at 10:50?

21 A Yes, sir.

22 Q So you can't speak about what Holly Hill did before
23 10:50; can you?

24 A No, sir.

25 Q All right. That's all my questions. Thank you, sir.

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1 THE COURT: Mr. Edwards?

2 WILLIAM KETCHERSIDE - FURTHER REDIRECT EXAMINATION

3 BY MR. EDWARDS:

4 Q Isn't it true, Investigator Ketcherside that the
5 further away from the time of the crime, hence the less
6 relevant the gunshot would be, because there could be more
7 gunshot residue on a surface?

8 A It could be.

9 MR. GIPSON: That's a -- I withdraw. I withdraw
10 that, Judge.

11 THE COURT: Okay. All right.

12 MR. EDWARDS: That's all I have.

13 MR. GIPSON: Do I get a --

14 THE COURT: You get up, if you've got something
15 you want to ask.

16 MR. GIPSON: True.

17 WILLIAM KETCHERSIDE - FURTHER RECROSS-EXAMINATION

18 BY MR. GIPSON:

19 Q Isn't it true that if you try, you can find that out
20 instead of speculating in a courtroom?

21 A Yes, sir. I mean, you always want to try to get
22 something.

23 Q Thank you. And that wasn't done in here, was it?

24 A Sir?

25 Q Your analysis, that wasn't done in this case was it?

1 A To my knowledge. But like I said earlier that item --

2 Q To your knowledge it wasn't?

3 A -- that item has to be present in order to test it.

4 Q And it gets present by getting it or getting a search
5 warrant to look for it?

6. A Yes, sir. But I never had that item in my possession.

7 Q Okay. Thank you.

8 A Yes, sir.

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

10 THE WITNESS: Thank you.

11 THE COURT: Thank you, sir.

12 We're going to take a short, about a five or ten-minute
13 break and we'll be right back out, okay? Thank you.

14 Remember, you can't talk about any of the testimony you've
15 heard so far. Thank y'all.

16 (Jury out at 11:32 a.m.)

17 THE COURT: Anything from the State before we
18 break?

19 MR. SCOTT: No, Your Honor.

20 THE COURT: Anything from Defense?

21 MR. GIPSON: No, sir.

22 THE COURT: Okay.

23 (Court in recess for short break at
24 11:32 a.m.)

25 (Court in session after short break

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1 at 11:32 a.m.)

2 THE COURT: When they're ready, bring the jury in.

3 (Jury in at 11:49 a.m.)

4 THE COURT: All right. Ladies and gentlemen,
5 we're going to continue with the State's case now..

6 All right. Mr. Scott.

7 MR. SCOTT: May it please the Court, Your Honor.

8 THE COURT: Yes, sir.

9 MR. SCOTT: The State calls Geraldine Green.

10 (WHEREUPON, Geraldine Green was
11 duly sworn.)

12 THE CLERK: Thank you. You may have a seat and
13 please state your name again for the record.

14 THE WITNESS: Geraldine F. Green.

15 THE COURT: Ms. Green, just a little louder, if
16 you don't mind?

17 THE WITNESS: Geraldine F. Green.

18 THE COURT: You did good. Thank you, ma'am. I
19 appreciate it.

20 All right. Mr. Scott.

21 GERALDINE GREEN - DIRECT EXAMINATION

22 BY MR. SCOTT:

23 Q I guess it's still morning. So I'll say good morning,
24 Ms. Green, how are you?

25 A Good morning. I'm fine, thank you. And you?

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1 Q I'm doing well, thank you. Tell the jury where you
2 live?

3 A I live at [REDACTED] Five Chop Road, Orangeburg, South
4 Carolina.

5 Q And I know Five Chop's a really long road. Can you
6 tell the jury about where your house is on Five Chop?

7 A It's behind the Honda --

8 Q Behind the Honda place?

9 A Uh-huh. (Affirmative response.)

10 Q How far is your house from Biddie Banquet?

11 A It's in the same proximity.

12 Q Same proximity?

13 A Yes.

14 Q I don't know how you're so skinny living that close to
15 Biddie Banquet. I know I would not be. How are you related
16 to Johnathan Green?

17 A I am Johnathan's mother.

18 Q Johnathan's mother. And how many children does
19 Johnathan have?

20 A Johnathan has three children.

21 Q Three children. And how old are those children?

22 A His children are eight, four, and seven weeks.

23 Q Seven weeks. Okay. And who is the mother of the four-
24 year-old?

25 A Elise Hogges.

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1 Q Elise Hogges. Sitting in the courtroom today?

2 A Yes.

3 Q Okay. And who is the mother of the seven-week-old?

4 A The seven-week-old is Keisha.

5 Q Keisha.

6 A Keisha Heyward.

7 Q Keisha Heyward?

8 A Yes.

9 Q All right. Let's talk about the early morning hours of
10 December the 14th of 2015. Did the police come to your
11 house shortly after 3:00 a.m.?

12 A Yes.

13 Q And did you speak with Investigator Marty Carrigg?

14 A Yes.

15 Q And was your son there?

16 A No.

17 Q Do you own a black Hyundai SUV?

18 A I do.

19 Q Okay. Was your black Hyundai SUV at your residence at
20 3:00 a.m. on December 14th, 2015 when Investigator Carrigg
21 came to your house?

22 A No.

23 Q No, it was not. Pursuant to Investigator Carrigg's
24 request, did you attempt to call your son in the presence of
25 Investigator Carrigg?

1 A No.

2 Q You didn't try to use you phone to contact your son,
3 Johnathan Green?

4 A After he asked me to.

5 Q After he asked you to?

6 A Yes.

7 Q Yes. I'm sorry. I'm not trying to trick you. So he
8 asked you to contact your son and you tried to call your
9 son; is that correct?

10 A Yes.

11 Q Okay. And did your son answer?

12 A No.

13 Q Okay. And, again, this is after 3:00 a.m. on December
14 14th?

15 A Yes.

16 Q Did Investigator Carrigg ask you for Johnathan Green,
17 your son's phone number?

18 A No.

19 Q He did not ask you for his phone number?

20 A No.

21 Q You don't recall him asking you for your son, Johnathan
22 Green's phone number?

23 A No.

24 Q And isn't it true that you gave Investigator Carrigg
25 the number [REDACTED]-9668 for your son, Johnathan Green?

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1 A No.

2 Q No, it's not true.

3 A No.

4 Q So he came to your house looking for your son, asked
5 you to call him?

6 A Right.

7 Q But he didn't ask you for his number?

8 A That's correct.

9 Q That's correct. Okay. But your son's number back then
10 was [REDACTED]-9668; correct?

11 A I'm not sure.

12 Q You're not sure?

13 A No.

14 Q Okay. Well, whose number is that?

15 A I'm really -- I'm not sure.

16 Q You're not sure. Well, how come -- well, let me ask
17 you this. What was your phone number back then?

18 A [REDACTED]-4094.

19 Q That was your phone number. But you don't recognize
20 the number [REDACTED]-9668?

21 A I'm not sure about that. I don't know.

22 Q Is it possible you've dialed that number multiple
23 times?

24 A It's possible.

25 Q Okay. But that number doesn't ring a bell? You don't

1 know who it belongs to?

2 A I'm not sure.

3 Q You're not sure?

4 A That's correct.

5 Q Do you have an idea of who it might belong to?

6 A I'm not sure.

7 Q I'm not asking you if you're sure. Do you have an idea
8 of whose number that might be?

9 A No.

10 Q No?

11 A No.

12 Q Okay. All right.

13 MR. SCOTT: That's all I have, Your Honor.

14 THE COURT: Anything on cross-examination?

15 MR. GIPSON: Just briefly.

16 GERALDINE GREEN - CROSS-EXAMINATION

17 BY MR. GIPSON:

18 Q You have a cellphone; is that correct?

19 A Yes, sir.

20 Q So that [REDACTED] number that you just mentioned, that's your
21 cell number?

22 A Yes, it is.

23 Q How do you keep track of the numbers in your phone?

24 A Sometime I write them down and sometime I put them in
25 my contact list.

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1 Q Okay. So when that contact list is in there, if the
2 number's in there, you just -- like most people, you just
3 hit the contact and it dials?

4 A That's correct.

5 Q All right. So there -- how many numbers would you
6 guess are in your phone?

7 A Not many because I really don't know how to operate it
8 that well.

9 Q Okay. But you just -- once they're in your contact
10 list or do some of the kids do that?

11 A I get my nieces to do it.

12 Q Okay. And so if you say I want to call John Doe. You
13 look for John Doe's name and hit it --

14 A That's correct.

15 Q --- and it is what -- and that number --

16 A Yes.

17 Q And that number is dialed whatever that number is?

18 A Yes.

19 Q Okay. What kind of car do you own?

20 A 2008 Hyundai Veracruz.

21 Q A Hyundai Veracruz. Do you own a Hyundai Sonata?

22 A No.

23 Q Do you own a Hyundai -- I can't even say it -- a
24 Hyundai Santa Fe?

25 A No.

1 Q All right. You own a Veracruz?

2 A Yes.

3 Q All right. And you said the car wasn't there that
4 evening?

5 A No.

6 Q Do you know where it was?

7 A No.

8 Q At any point in time during this investigation, has the
9 Orangeburg County Sheriff's Department come to your home
10 with a search warrant?

11 A No.

12 Q Have they ever tried to search for, you know, for that
13 vehicle?

14 A No.

15 Q Have they looked at the vehicle to try to go through
16 the vehicle?

17 A No.

18 Q You still own the vehicle?

19 A I do.

20 Q Have they come in and said hey, we need to look in that
21 vehicle and get some information out of that vehicle?

22 A No.

23 Q Have they ever come in and said we need to cut some
24 upholstery out of there to see if we can find any evidence in
25 this case?

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1 A No.

2 Q Have they ever come in there and said, hey, we need to
3 take some pictures of the wheels so that we can see if this
4 is the car that was involved in a matter?

5 A No.

6 Q Have they ever tried to take casings of your tires?

7 A No.

8 Q Have they ever, at any point in time said hey, you
9 know, let's take a picture so we can take this and show, you
10 know, people who were incident, this horrible incident that
11 night, to see if this is the vehicle that matches what you
12 said that you saw?

13 A No.

14 Q And you've had that car?

15 A I have.

16 Q Did Johnathan live with you at that point?

17 A No.

18 Q He had another residence?

19 A Yes.

20 Q Are you aware of them searching his residence?

21 A No.

22 Q Getting a search warrant for his residence?

23 A No.

24 Q Have you moved?

25 A I have not, no.

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1 Q And been there since then and plan to be here as long
2 as the Lord lets you be here?

3 A Yes.

4 MR. GIPSON: That's all my questions, Your Honor.

5 THE COURT: Anything on redirect?

6 MR. SCOTT: Yes, Your Honor.

7 GERALDINE GREEN - REDIRECT EXAMINATION

8 BY MR. SCOTT:

9 Q You testified you didn't know where your car was that
10 night?

11 A I said I didn't know where it was when they came there.

12 Q You don't know where your car was?

13 A I do not know where it was when they came there.

14 Q Who had your car that night?

15 A My son came and got it.

16 Q Your son, Johnathan Green --

17 A Yes.

18 Q -- was driving your car that night?

19 A Yes. And I told the officer that.

20 Q And as far as contacts, you know, you said you don't --
21 and I understand that. You don't dial peoples' phone

22 numbers. You find their name in your index, in their
23 contacts and you jut press it; right? And it calls --

24 A Sometimes.

25 Q Yeah. Yeah. But if someone were to ask you for a

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1 phone number that is in your contacts, then all you do is
2 click the name, pull it up, and it gives you the phone
3 number; right?

4 A If I have it in there, yes.

5 Q If you have it in there, yes. Thank you.

6 THE COURT: Anything on recross?

7 MR. GIPSON: Court's Indulgence, Your Honor.

8 (Court at ease)

9 MR. GIPSON: May we approach for a moment, Your
10 Honor?

11 THE COURT: Sure.

12 (Off the record bench conference)

13 MR. GIPSON: That's all my questions at this
14 point.

15 THE COURT: All right. All right. Thank you, Ms.
16 Green. You may step down.

17 THE WITNESS: Thank you.

18 THE COURT: Is the State ready to call its next
19 witness?

20 MR. SCOTT: Yes, Your Honor. The State calls
21 Investigator Marty Carrigg.

22 (WHEREUPON, Marty Carrigg was duly
23 sworn.)

24 MARTY CARRIGG - DIRECT EXAMINATION

25 BY MR. SCOTT:

1 Q Thank you, good afternoon?

2 A Good afternoon.

3 Q Tell the jury where you're employed?

4 A Orangeburg County Sheriff's Office.

5 Q And how long have you worked in law enforcement?

6 A A total of about seventeen years.

7 Q And what is your current position with the Orangeburg
8 County Sheriff's Office?

9 A Investigator.

10 Q Let me turn your attention to December the 13th of
11 2015. Did you have an opportunity to respond to a call for
12 assistance on Omega Court?

13 A I did.

14 Q Okay. And what was the nature of that call?

15 A It was a shooting incident.

16 Q And do you recall -- I see you've got some notes there.
17 Do those help refresh your memory?

18 A Absolutely.

19 Q Okay. What time were you notified that your assistance
20 was needed?

21 A Just after 10:00.

22 Q And what was the specific address where you responded?

23 A [REDACTED] Omega Court.

24 Q Is that in Orangeburg County?

25 A It is.

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1 Q Okay. And what time did you arrive at [REDACTED] Omega Court?

2 A I think it was about ten minutes 'till eleven.

3 Q And who did you speak with? What did you do when you
4 got to Omega Court?

5 A Upon my arrival I spoke with Lieutenant Turkvant and
6 Deputy Washington.

7 Q Okay. Did you also make contact with Elise Hogges and
8 Kendwan Minus?

9 A I did.

10 Q Did you collect written statements from them?

11 A I think they had already started some statements, but I
12 did.

13 Q Okay. Did you develop a suspect while you were on
14 scene?

15 A I did.

16 Q And who was that?

17 A Johnathan Green.

18 Q Okay. And did the sheriff's office attempt to locate
19 Johnathan Green that night?

20 A They did.

21 Q And how did y'all go about attempting to locate Mr.
22 Green?

23 A Lieutenant Turkvant was asked if she would send some
24 deputies by an address on Lloyd Street as well as [REDACTED] Five
25 Chop, which is where his mother, Ms. Geraldine stays.

1 Q So you had other deputies go out and look for Mr.
2 Green?

3 A They did.

4 Q Okay. Let me ask you, after speaking with Elise
5 Hogges, did you try to make contact with the Defendant or
6 any of his family members while you were on scene?

7 A It was brought to my attention Brandon --

8 Q Just yes or no.

9 A Yes.

10 Q Did you try to contact someone?

11 A Yes.

12 Q And who did you try to contact?

13 A Brandon Green.

14 Q Okay. Which would be who in relationship to Johnathan
15 Green?

16 A It would be a brother to Johnathan Green.

17 Q Okay. And do you recall what number you dialed for
18 Brandon Green?

19 A (Witness pauses)

20 Q Do you have that in your notes?

21 A I do. [REDACTED]-2755.

22 Q Okay. And did you get an answer when you dialed that
23 number?

24 A I did.

25 Q And what did you say?

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1 A I asked if this was Mr. Green, Johnathan -- I mean,
2 Brandon Green.

3 Q Okay. And what did you ask for to the person that
4 answered the phone?

5 A I asked him if he had a phone number -- I asked him if
6 he'd talked to his brother. And I asked him if he had a
7 phone number for him because I wanted to contact him.

8 Q You asked for a phone number for who?

9 A I asked for a phone number for Johnathan Green.

10 Q Okay. And did you get a phone number for Johnathan
11 Green?

12 A He said that he had one --

13 MR. GIPSON: Object tot he hearsay, Your Honor.

14 BY MR. SCOTT:

15 Q Okay. You can't tell me what he said.

16 A I did not get one.

17 Q But did you get a phone number for Johnathan Green from
18 Brandon Green?

19 A I did not.

20 Q Okay. When you hung up with Brandon Green, what, if
21 anything, were you expecting?

22 A I was going to receive a phone call back. I waited
23 about twenty minutes and did not get a phone call back.

24 Q Did you try to call Brandon Green back yourself?

25 A I did.

1 Q Did you get an answer?

2 A Two times. No.

3 Q What time did you leave Omega Court that night?

4 A Somewhere around 1:00, I believe it was.

5 Q And where did you go after leaving Omega Court?

6 A I escorted Ms. Elise Hogges to her home to get some
7 items.

8 Q And why did you take her to her home to get some items?
9 Why did you escort her?

10 A She was in fear for her life.

11 Q All right. And why was it necessary for her to go get
12 some items?

13 A Because she was going to go out of town for safety
14 reasons, so I went with her to make sure she would be safe
15 in getting some things. Didn't know if the suspect might
16 lying in wait.

17 Q All right. And what did you do after escorting Ms.
18 Hogges to her home?

19 A I went by the office to get some information, further
20 information on Mr. Green.

21 Q On Mr. Johnathan Green?

22 A Johnathan Green.

23 Q Okay. And what did you do after getting that
24 information?

25 A (Witness pauses)

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1 Q When you say information, you mean vehicle information,
2 stuff like possible addresses?

3 A Right. Right.

4 Q Okay. And what did you do after getting that
5 information? What did you do?

6 A I ended up going back over, I'll say going back -- I
7 didn't go the first time. We had other deputies go. So I
8 initiated contact at his mother's house myself.

9 Q And what time did you get to his mother's house?

10 A It was about 3:20 a.m.

11 Q And who did you make contact with when you arrived
12 there?

13 A Ms. Geraldine Felder Green.

14 Q Was there any sign of the Defendant when you got there?

15 A No.

16 Q Did you see Ms. Geraldine Green's black Hyundai SUV at
17 her residence?

18 A I did not.

19 Q What, if anything, did you ask Ms. Geraldine Green to
20 do for you?

21 A I asked her if she would contact him, if she had a
22 phone number and we'd contact him.

23 Q And did she attempt to call him in your presence?

24 A She did.

25 Q And was she able to reach him?

1 A She was not.

2 Q Were you able to get a phone number for Johnathan Green
3 from Ms. Green.

4 A I did.

5 Q What number did she give you?

6 A [REDACTED]-9668.

7 MR. SCOTT: I beg the Court's indulgence.

8 Q Do I have a marker over there? No. Okay.

9 COURT REPORTER: Investigator, could you say that
10 telephone number again for me?

11 THE WITNESS: [REDACTED]-9668.

12 COURT REPORTER: Thank you.

13 BY MR. SCOTT:

14 Q Can you repeat the last four for me?

15 A 9668.

16 Q Did you try to call that number yourself that night?

17 A Not that night or early morning hours, but I did at
18 about 8:11 that morning.

19 Q So about five hours you see Geraldine Green, after you
20 meet with her, you're calling that number yourself?

21 A I did.

22 Q Were you able to figure out Johnathan Green's phone
23 number any other way that night, other than speaking with
24 Geraldine Green?

25 A No.

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1 Q What step did you take next to try to locate the
2 Defendant?

3 A Well, after presenting the case for probable cause, I
4 made contact with Corporal Cain of our warrants division.
5 He's our liaison with the U.S. Marshal Service and I turned
6 the case over to him to assist with locating him, along with
7 the phone number.

8 Q And ultimately, do you know when Mr. Green was
9 apprehended?

10 A He was apprehended on the 17th down in Savannah,
11 Georgia.

12 Q And do you know if the Defendant was alone when he was
13 arrested?

14 A I understand he had at least one person with him.

15 Q Okay. Through the course of your investigation, were
16 you able to speak with Keisha Heyward?

17 A Lakeisha Heyward. I was.

18 Q And through your investigation, were you able to obtain
19 a phone number for Lakeisha Heyward?

20 A I did.

21 Q What was that phone number?

22 A [REDACTED]-6334.

23 MR. SCOTT: Your Honor, at this point I would move
24 State's Exhibit 10 into evidence.

25 MR. GIPSON: Without objection.

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1 THE COURT: State's 10 is in evidence without
2 objection.

3 (State's Exhibit No. 10, phone
4 chart, was marked and entered.)

5 (State's Exhibit No. 62, photo, was
6 marked for ID.)

7 COURT REPORTER: 62 for ID for the State.

8 (State's Exhibit No. 63, photo, was
9 marked for ID.)

10 COURT REPORTER: 63 for ID for the State.

11 BY MR. SCOTT:

12 Q I want to show you what's been marked as State's
13 Exhibit 62 and 63 for identification purposes. Do you
14 recognize those?

15 A I do.

16 Q And what are those?

17 A These are pictures of Hyundai SUVs.

18 Q All right. What type of SUV is pictured in each of
19 those exhibits?

20 A Exhibit 63 has a Hyundai Santa Fe, a 2008 model.

21 Q Okay.

22 A And Exhibit No. 62 has a 2008 Hyundai Veracruz.

23 Q All right. And who pulled up these pictures? Who got
24 these pictures?

25 A I had them done.

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1 Q You had them done.

2 MR. SCOTT: I'd offer 62 and 63 into evidence.

3 MR. GIPSON: Your Honor, may we approach for a
4 moment?

5 THE COURT: Sure.

6 (Off the record bench conference)

7 BY MR. SCOTT:

8 Q Just to be clear, Investigator Carrigg --

9 MR. GIPSON: And I do object to the -- excuse me.

10 THE COURT: Sure.

11 MR. GIPSON: But I do object to those pictures.

12 THE COURT: And I'm going to let the pictures but
13 I want to make it clear, Mr. Scott, those are not pictures
14 of Ms. Green's vehicle; right?

15 MR. SCOTT: That is correct, Your Honor.

16 THE COURT: Okay. All right.

17 MR. GIPSON: Thank you.

18 (State's Exhibit No. 62, photo, was
19 marked and entered.)

20 (State's Exhibit No. 63, photo, was
21 marked and entered.)

22 MR. SCOTT: Can I publish 62 and 63?

23 THE COURT: You may.

24 MR. SCOTT: And that's all the questions I have
25 for Investigator Carrigg.

1 THE COURT: Okay.

2 MR. GIPSON: I ask the Court's indulgence very
3 briefly.

4 THE COURT: Yes, sir.

5 MR. GIPSON: Yes, sir.

6 THE COURT: Go ahead.

7 MR. GIPSON: Just collect the pictures from the
8 jury?

9 THE COURT: Oh, okay. Yeah, I didn't know they
10 were still looking at them. You can take a minute.

11 MR. GIPSON: All right. Or I can wait until they
12 finish looking through them.

13 THE COURT: Okay.

14 MR. GIPSON: If it please the Court, I'll wait
15 until they finish looking at them.

16 THE COURT: Yeah. That'll be fine. That'll be
17 fine.

18 MR. GIPSON: Okay. Thank you.

19 THE COURT: That'll work.

20 MR. GIPSON: All right.

21 THE COURT: And ladies and gentlemen, while y'all
22 are looking at those pictures, I want again to make it clear
23 these are not pictures of Ms. Green's vehicle. Those are
24 pictures of the style of vehicle. That's all they are.

25 (Court at ease)

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1 THE COURT: Okay. They're finished looking at them.

2 MR. GIPSON: Thank you. Please the Court, Your
3 Honor.

4 THE COURT: Yes, sir.

5 MARTY CARRIGG - CROSS-EXAMINATION

6 BY MR. GIPSON:

7 Q Good afternoon, Investigator Carrigg?

8 A Good afternoon.

9 Q Now, just going back briefly. I may just go a little
10 bit out of order than what I had originally planned. But
11 I'm going to show you what's been marked as State's Exhibits
12 63 and 62, that Mr. Scott just presented to you. All right.
13 And these are, as Mr. Scott has termed it, those are
14 pictures of a Hyundai Veracruz and a Hyundai -- what's the
15 other one?

16 A Santa Fe.

17 Q Santa Fe. All right. And is there a picture of a
18 Hyundai Sonata?

19 A I don't have a picture of a Sonata in front of me, no.

20 Q Now, you are not coming up here testifying to this jury
21 that that's what Ms. Green's vehicle looks like are you?

22 A I am not.

23 Q Okay. Tell us what it looks like. Tell us
24 specifically. Tell us about her vehicle?

25 A This is the type or style of vehicle that we --

1 Q Right.

2 A I'm sorry.

3 Q You're right. That's the type or style of vehicle.

4 A It's the vehicle type or style. And if I might add, a
5 close look at these two, with exception of the grille and
6 the back window, back glass, they're almost identical.

7 Q Okay. But they're not identical?

8 A They're not identical. They're very, very similar.

9 Q Now tell us -- excuse me. If you'll let me have those
10 back for a moment, please. Tell us about Ms. Green's
11 vehicle. Tell us about it?

12 A Mr. Green's vehicle?

13 Q Ms. Green's vehicle?

14 A Ms. Green's vehicle? Ms. Green's vehicle, hers --

15 Q Yeah. Tell her [sic] about her Veracruz. Tell us
16 about it when you saw it. Tell us what you saw?

17 A When I saw it?

18 Q Yes. When you took a look at her vehicle, tell us what
19 you saw?

20 A When I looked at Ms. Green's vehicle?

21 Q Yeah?

22 A I haven't looked at Ms. Green's vehicle.

23 Q Okay. Tell us about, you know, tell us what the
24 similarities are with her vehicle and this one. Just tell
25 us. I mean, and the Veracruz that's listed there.

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1 A Well, very much the same as what you see in both of
2 those. It's black in color. It's an --

3 Q How do you know that from looking at --

4 A -- SUV.

5 Q Uh-huh. (Affirmative response.) But when you looked
6 at, tell us what you saw that, you know, what was similar
7 about it?

8 A When are you saying that I looked at it?

9 Q Well, when you looked at it. Tell us what you saw?

10 A I have not looked at it up until within the last day or
11 so.

12 Q So you've never taken a look at her vehicle during the
13 investigation of this case?

14 A I did not go and find it at her house that night, no.

15 Q Okay. Well, there was a day after that. Did you go
16 the day after that?

17 A No, I didn't.

18 Q The day after that?

19 A No.

20 Q The day after that?

21 A No.

22 Q The day after that?

23 A Skip forward to this weekend, the answer is the same.

24 Q You did not. Okay. And so you've never gone in and
25 specifically looked at that vehicle; have you?

1 A I have not.

2 Q Never opened the door and looked in that vehicle; have
3 you?

4 A I have not.

5 Q Never looked around the car, at tires, anything of that
6 with that vehicle; have you?

7 A I have not.

8 Q Okay. And you have, as the lead -- and you're the lead
9 investigator in this case; right?

10 A That's correct.

11 Q All right. So essentially, everything that takes place
12 in this, you're kind of the point guard of this
13 investigation; right?

14 A Right.

15 Q So it stops and ends with you; right?

16 A Correct.

17 Q The ball gets in your hands and you distribute it the
18 way you choose to distribute it; right?

19 A Correct.

20 Q You determine where the resources go, how the
21 investigation goes; right?

22 A Correct.

23 Q You determine if we need to be barking up this tree,
24 barking up that tree; right?

25 A Correct.

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1 Q All right. And so for the past ten months you've had
2 the ability to go get a search warrant; haven't you?

3 A Correct.

4 Q And y'all did that in a lot of instances in this case;
5 didn't you? You got search warrants for a lot of stuff.

6 A In this case?

7 Q Yes, sir.

8 A Not to my knowledge, no.

9 Q Okay. As the lead investigator you're not aware of
10 search warrants that went out in this case?

11 A We did not do any search warrants?

12 Q Okay.

13 A Let me correct myself. There were search warrants in
14 reference to telephones..

15 Q Okay. So there were search warrants?

16 A As far as houses or cars, no.

17 Q Okay. So there were search warrants?

18 A I stand corrected. There were.

19 Q All right. And so -- and the process for getting a
20 search warrant is you explain what you think the probable
21 cause is for getting a search warrant; correct?

22 A That's correct.

23 Q And then you attest or you swear to a magistrate or a
24 judge or a circuit court judge, maybe a federal judge, that
25 the information is true and correct and you think there's

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1 probable cause to go look for a specific piece of evidence
2 for whatever reason you think is necessary; correct?

3 A Correct.

4 Q And then if that search warrant is granted, then you go
5 get it?

6 A That's correct.

7 Q And you go searching?

8 A Correct.

9 Q And you've done that as an investigator for how many
10 years?

11 A As an Investigator?

12 Q Uh-huh. (Affirmative response.)

13 A Going on six.

14 Q Okay. For at least six years as an investigator. And
15 you said seventeen years in law enforcement?

16 A Total.

17 Q Okay. So probably the entire seventeen year or very
18 close to that, you've had the ability to do that or speak to
19 a higher-up who can make that happen; right?

20 A True.

21 Q But as the lead investigator, the buck stops with you.
22 So you get that done if you want it done; right?

23 A Correct.

24 Q All right. So you're telling the Court you've relied
25 on pulling pictures off the internet instead of just going

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1 to get a search warrant and going to get the vehicle; right?

2 A Yes.

3 Q Okay. Now, when you got out to the incident -- so
4 let's go back to that night, December 13, 2015. All right.
5 That was around 10:50 or so you arrived?

6 A That's correct.

7 Q All right. And at that point you took some statements
8 from people who were there; correct?

9 A I talked to Ms. Elise Hogges.

10 Q Yes, sir.

11 A Now Minus.

12 Q Ms. Minus.

13 A And Mr. Minus.

14 Q And you spoke with them. And while you were there,
15 simultaneously Investigator Ketcherside was there. And he
16 was taking pictures and whatnot; right?

17 A That's correct.

18 Q All right. So you all were in communication about what
19 the investigation was going to be; right?

20 A Correct.

21 Q Okay. And so after he had taken those pictures, did
22 you kind of converse about, all right. Well, I want you to
23 go do this and check on this and check on this, and you gave
24 him assignments and he told you what he was going to do. I
25 mean, did y'all speak about those things?

1 A Not exactly that way. He handled the crime scene as to
2 -- in other words, he did all of the photographing of
3 collecting of evidence. I did not participate in that.

4 Q Okay.

5 A I did assist with attempting to locate shell casings
6 out in the front yard. -- a group --

7 Q And when did you -- I'm sorry.

8 A A group of us.

9 Q I apologize... I cut you off. I'm sorry. But you
10 assisted with the attempt of locating shell casings?

11 A That's correct.

12 Q And that was that night or that evening?

13 A That night.

14 Q Okay. What about the next day, did you do more of
15 that?

16 A I did not go back the next day.

17 Q Did you ever get a metal detector to go there and try
18 to check for any shell casings?

19 A That wouldn't be within the scope of what I do.

20 Q That would be up to Mr. Ketcherside?

21 A That would be correct.

22 Q Okay. Now, you said that you went to Lloyd Street.
23 That was an address -- that was Mr. Green's address?

24 A When are we talking about?

25 Q That night or the next morning?

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1 A I did not go by there. Other officers did.

2 Q Other officers did?

3 A Yes, sir. I'm sorry, deputies.

4 Q Okay. So his listed address you've never been to?

5 A I want to think I may have went by there on another
6 date, but no, he was not there. No one was there.

7 Q Okay. So I asked about a search warrant for the
8 vehicle. Did you ever get a search warrant for that home?

9 A I did not.

10 Q And when you get a search warrant you can ask to look
11 for clothes, shoes, guns, bullets, shell -- you can ask to
12 look for all that kind of stuff; right?

13 A That's correct.

14 Q So explain to this jury when you went in there to look
15 for clothes?

16 A I did not go looking for clothes.

17 Q When did you go looking for a gun?

18 A I did not go looking for a gun.

19 Q When did you go looking for bullets?

20 A I did not go looking for bullets.

21 Q Have you ever set foot inside that place?

22 A Lloyd Street?

23 Q Yes, sir?

24 A No.

25 Q Looking for any indicia of this crime, any indication,

1 physical evidence that this thing took place and that Mr.
2 Green was a part of it?

3 A I did not.

4 Q Okay. And, again, as lead investigator that's for you
5 to do. That's something you could do?

6 A I could.

7 Q All right. Now, we talked a little bit about gunshot
8 residue. And I'm not sure of your qualifications as an
9 expert. I'm not trying to offer you as that. But are you
10 aware that if a gun is fired that you can look for gunshot
11 residue on clothing?

12 A I am.

13 Q Okay. And so that could be a reason to go get a search
14 warrant, right?

15 A Yes, sir. That could be a reason.

16 Q Okay. And the same with the upholstery in the car.
17 That's one of the reasons you can go get a search warrant to
18 look for those types of things; right?

19 A That could be a reason.

20 Q All right. So we're talking about -- I think we've --
21 we're talking about nine or so gunshots based on the
22 information that's been elicited from the Solicitor. You
23 said no shell casings were found?

24 A Correct.

25 Q And you didn't get a warrant to search the car to see

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1 maybe -- all right -- there are casings in the car and if
2 there's gunshot residue somewhere in that vehicle; right?

3 A That's correct.

4 Q Okay. Now, further in your investigation we've heard
5 testimony about the two vehicles involved in this case
6 seeing one another on 301. And then a pursuit of some sort
7 taking place up 301?

8 A Yes.

9 Q And so there's been testimony that it started around
10 Fred's?

11 A That's correct.

12 Q All right. Have you gone to Fred's or any of those
13 surrounding businesses to look for any kind of video to see
14 if anybody caught any video of this stuff happening?

15 A Being at night and after hours, no. The answer is no.

16 Q What about Love's?

17 A Love's?

18 Q Truck stop and Shell Gas Station?

19 A No.

20 Q Okay. What about that Exxon across the street from
21 there?

22 A No.

23 Q Okay. What about El Cheapo?

24 A No.

25 Q What about that church where they said that there was a

1 turn-around in the parking lot and then that --

2 A No.

3 Q Nothing there?

4 A No.

5 Q Any other businesses up 301?

6 A No.

7 Q Okay. What about this -- we heard in testimony there
8 were some cars that were coming head-on and things happened.
9 We had people pulling out of the way. What calls have you
10 ascertained of people saying, hey, there's some reckless
11 driving going on on 301. Somebody's driving, you know, drag
12 racing essentially up 301. Any calls come in from any other
13 citizens in Orangeburg County that witnessed this, all of
14 this go on at 301?

15 A No.

16 Q And any videos in any of these agency -- well, I
17 wouldn't say agencies. Any of these businesses or churches
18 or anything that the corroborates what was said here?

19 A No.

20 Q Okay. And did you go back within the next couple days
21 to that house or, excuse me, to Omega Court to look for any
22 additional physical evidence?

23 A I did not.

24 Q Okay. You never found a gun in Mr. Green's possession
25 at any point in time?

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1 A No.

2 MR. GIPSON: Court's indulgence.

3 BY MR. GIPSON:

4 Q And as you investigated, was there any evidence of any
5 gunshot fire being returned to the vehicle that is alleged
6 to have been shooting at?. Any exchange gunfire?

7 A None.

8 Q Do you know how many guns were used during this
9 situation?

10 A I wasn't there, so I couldn't. It's my understanding
11 only one.

12 Q Okay. Now, you turned all that evidence over to SLED;
13 correct?

14 A I --

15 Q Anything that was collected you turned over to SLED to
16 take a look at?

17 A Evidence collection, who did the collecting. I didn't
18 collect any of the evidence. They turned it over to SLED.

19 Q And I apologize. I said you. And Mr. Ketcherside
20 turned that over?

21 A Correct.

22 Q And so you would yield to whatever testimony they'll
23 give in terms of what they did on their investigation?

24 A Yes.

25 Q In terms of guns, the number of guns, that kind of

1 thing; correct?

2 A I would.

3 Q Okay. And do you have any documentation that shows
4 that this [REDACTED]-9668 number, do you know who bought that
5 phone?

6 A Bought?

7 Q Yes, sir?

8 A No, I wouldn't have that.

9 Q Okay. Do you have any documentation of who pays the
10 bills on that phone?

11 A I don't have that, no.

12 Q Do you have any documentation of who took out the plan
13 on that phone?

14 A No, I do not.

15 Q All right.

16 MR. GIPSON: One more time the Court's indulgence.
17 That's all my questions, sir.

18 THE COURT: All right. Anything on redirect?

19 MR. SCOTT: No, Your Honor.

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

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: All right. You about ready -- oh, you
23 want to take one more? Okay. All right. You've got it.

24 MR. EDWARDS: The State calls Leonard Cain.

25 (WHEREUPON, Leonard Cain was duly

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1 sworn.)

2 THE CLERK: You may have a seat. Please state your
3 name again for the record.

4 THE WITNESS: Leonard Cain.

5 THE COURT: Speak up.

6 THE WITNESS: Leonard Cain.

7 THE COURT: Very good. Very good. Thank you,
8 sir.

9 THE WITNESS: Yes, sir.

10 THE COURT: All right. Mr. Edwards, he's all
11 yours.

12 MR. EDWARDS: Thank you, Your Honor. May it
13 please the Court?

14 THE COURT: Yes, sir.

15 LEONARD CAIN - DIRECT EXAMINATION

16 BY MR. EDWARDS:

17 Q And it's Sergeant Cain; is it not?

18 A Yes, sir.

19 Q Sergeant Cain, where do you work?

20 A At the Orangeburg County Sheriff's Office.

21 Q And what is your position at the sheriff's office?

22 A I'm assigned to the warrant division.

23 Q Okay. And what are your duties as part of your job?

24 A At the sheriff's office, I'm also assigned to the U.S.
25 Marshal's Service Task Force in the Columbia, South Carolina

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1 office, which at that location, we attempt to locate and
2 apprehend individuals with warrants.

3 Q And is that what the U.S. Marshal's Service does?

4 A Yes, sir.

5 Q Locate individuals with warrants; correct?

6 A Yes.

7 Q So do you have a title to go along with that? Are you
8 a liaison or --

9 A I'm a special deputy with the U.S. Marshal's Office.

10 Q Special deputy. Okay. Thank you. And as a special
11 deputy with the U.S. Marshal's, what additional duties do
12 you have in addition to what you would do for the sheriff's
13 office?

14 A I am also assigned cases from other states on an
15 individual that may be in the Orangeburg County area that
16 have fled the state that there is a warrant from. When the
17 cases are -- Orangeburg County Sheriff's Office, an
18 investigator from the sheriff's office made contact with me
19 and asked me to ask the Marshal's Service for assistance
20 with locating individuals.

21 Q You track people down?

22 A Yes.

23 Q Okay. Were you contacted by Investigator Carrigg to
24 request assistance tracking down the Defendant in this case,
25 Johnathan Green?

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1 A Yes, sir.

2 Q And about when was that?

3 A On December 14th, that morning.

4 Q Okay. Did Investigator Carrigg provide you with a
5 cellphone number to use to try to find Mr. Green?

6 A Yes, sir.

7 Q And what number did he provide you with?

8 A Area code [REDACTED]-9668.

9 Q And what did you do with this information?

10 A When I retrieved the number from Investigator Carrigg,
11 I then prepared a court order and met with a city court
12 judge to get it signed.

13 Q And what type of order was it?

14 A A court order in reference to obtaining a PIN register
15 to locate the mobile device.

16 Q What's a PIN register?

17 A It enables the U.S. Marshal's Service to track the
18 phone.

19 Q So the U.S. Marshal's Service can actually look at this
20 information and tell where on earth the phone is?

21 A Yes, sir..

22 Q Okay. Were the U.S. Marshals able to track the
23 Defendant with this number?

24 A Through investigation that was performed by the U.S.
25 Marshal's Service that the mobile device belonging to Mr.

1 Green was powered off.

2 Q And if it's powered off, it can't be real-time tracked?

3 A No, sir.

4 Q How else did you attempt to locate Mr. Green?

5 A I then made contact with the U.S. Marshal's Service
6 Office in Greenville, South Carolina in reference to getting
7 them to make a warrant attempt and do surveillance at Mr.
8 Green's brother's residence there.

9 Q Was that successful?

10 A No, sir.

11 Q Okay. Did you do anything else to try to locate Mr.
12 Green?

13 A I also did surveillance at Mr. Green's mother's
14 residence and his residence in Orangeburg.

15 Q And were those also unsuccessful?

16 A Yes.

17 Q On December the 17th, were you able to identify a
18 possible acquaintance Mr. Green possibly could be with?

19 A Yes.

20 Q And who was that person?

21 A Lakeisha Heyward.

22 Q And do you know their relationship or did you know
23 their relationship at the time?

24 A At the time, no, sir.

25 Q So were you ever able to locate Mr. Green based off

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1 that information?

2 A Yes.

3 Q Tell me how?

4 A That morning, the Orangeburg, the City of Orangeburg
5 made contact with the Sheriff's Office, Investigation
6 Division and advised them that the mother of Ms. Heyward had
7 made a missing person report the day before. And he had
8 also remembered that Mr. Green was with Ms. Heyward.

9 Q Okay. And so did you have any other information that
10 would enable you to track them?

11 A The mother also advised that the lien holder had a GPS
12 device attached to the vehicle.

13 Q Okay. What did you do with that information when you
14 got it?

15 A I then made contact with the U.S. Marshal's Service in
16 Savannah, Georgia?

17 Q And was that information helpful to you?

18 A Yes.

19 Q Okay. Do you know how they eventually were able to
20 apprehend Mr. Green?

21 A Yes. The first location I got for Ms. Heyward's
22 vehicle was at the America's Best Hotel in Savannah. When
23 the U.S. Marshall Service deputies got there, the vehicle
24 had already left. I then made contact back with Best Auto
25 Sales to get another location on the vehicle. They advised

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1 that the vehicle was now headed towards Interstate 95.

2 Q Okay. And to your knowledge were they eventually able
3 to arrest Mr. Green on Interstate 95?

4 A Yes, they arrested Mr. Green on Interstate 95 heading
5 south. When he was arrested, he was arrested in McIntosh
6 County at a stop on Interstate 95.

7 Q That's all I have at this time. Please answer any
8 questions Mr. Gipson may have.

9 THE COURT: Mr. Gipson.

10 LEONARD CAIN - CROSS-EXAMINATION

11 Q Thank you, Mr. Cain and good afternoon?

12 A Good afternoon.

13 Q Now, did you provide information to the Marshals, U.S.
14 Marshals in reference to why you were looking for Mr. Green?

15 A Yes.

16 Q Okay. And you told them at some point in time that
17 there was an allegation that he was involved in some kind of
18 crime?

19 A Yes, sir.

20 Q Okay. Do you know what you told them specifically?

21 A I advised them that he had warrants with the Orangeburg
22 County Sheriff's Office for attempted murder.

23 Q Did you ever say that he had multiple murders that he
24 was wanted for? Did you ever give them that information?

25 A They had copies of the warrants and the ten counts.

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1 Yes, sir.

2 Q But did you ever say that there were multiple murders
3 and a kidnapping that he was wanted for?

4 A Kidnapping, no.

5 Q Okay. Did you say there were multiple murders that he
6 was wanted for?

7 A Multiple attempted murders.

8 Q Okay. But not multiple murders?

9 A Murders, no.

10 Q Okay. Now, he was arrested?

11 A Yes, sir.

12 Q And no guns; right?

13 A Not to my knowledge.

14 Q Okay. And how would you obtain that knowledge?

15 A That there wasn't a gun?

16 Q Yeah?

17 A Well, I asked one of the deputies there on the
18 location.

19 Q And no incident, no fights, no running, no running from
20 the police, none of that kind of stuff when they arrested
21 him; correct?

22 A Yes.

23 Q And no fighting with the police officers, none of that
24 kind of stuff?

25 A No, sir.

1 Q All right. And no guns; right?

2 A Not to my knowledge; no, sir.

3 Q Okay. Do you know when his birthday is based on the
4 information that you have?

5 A Not in this file.

6 Q Yeah, just check if you would, if you have that in your
7 information. Because you submitted a good bit of
8 information to them; didn't you?

9 A Yes. When I submitted the case to them, the U.S.
10 Marshal's Service they had copies of the warrants, and date
11 of birth, Social Security Number.

12 Q Okay. Do you know if his date of birth is [REDACTED]
13 [REDACTED], just based on the information that you would have
14 submitted to them?

15 A I can't recall at the moment.

16 Q Okay. Is there any information that you would need to
17 take a look at in order to refresh your recollection?

18 A Incident report or copy of the warrants.

19 Q And those are warrants that you actually physically
20 obtained?

21 A I did not obtain them, no.

22 Q Okay.

23 MR. GIPSON: Court's indulgence for him?

24 THE COURT: Sure.

25 BY MR. GIPSON:

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1 Q Let me ask you this question. Did you specifically
2 send -- well, what specific documents did you send to them?
3 I just want to make sure?

4 A They only had -- the U.S. Marshal's Service received
5 the collateral lead from the Columbia office.

6 Q Right.

7 A Copy of the warrant --

8 Q Yeah

9 A -- and a photo of Mr. Green.

10 Q Okay. So did you send that to them or did somebody
11 else send that to them?

12 A Someone else in the office because I was at another
13 location when I got the call.

14 Q Okay. All right. But would you be kind of the
15 investigator in charge of the -- well, I say investigator --
16 the person in charge of this particular scenario that was
17 going with Mr. Green?

18 A Yes, sir. When I log a case into JADIS --

19 Q Uh-huh. (Affirmative response.) Yes, sir.

20 A -- in the Marshal's Service, I have to put the warrants
21 in there with name, date of birth, Social Security Number,
22 aliases, all information. That way, when a case is sent to
23 another state --

24 Q Uh-huh. (Affirmative response.)

25 A -- they can just look in JADIS for what's going on in

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1 JADIS and it has everything in there, warrants, social
2 security number, date of birth, and those things already
3 listed with a PIN number through the Marshall Services.

4 MR. GIPSON: The Court's indulgence, Your Honor.

5 THE COURT: Okay.

6 MR. GIPSON: I just ask for the Court's
7 indulgence, Your Honor.

8 (Court at ease).

9 MR. GIPSON: I apologize for that delay.

10 BY MR. GIPSON:

11 Q So the information that you submitted to them would be
12 essentially what's called a warrant affidavit?

13 A No, sir.

14 Q Well, let me show you this and you tell me if this is
15 -- just let me show that to you. Have you seen that, this
16 document or that type of document before?

17 A Not before this. Not this one.

18 Q Okay. Is that similar type --

19 MR. GIPSON: Well, first of all, if we can just
20 for the moment, just for clarification purposes, just have
21 it as a Defense Exhibit for --

22 THE COURT: ID?

23 MR. GIPSON: ID only.

24 THE COURT: Okay.

25 COURT REPORTER: Defendant's 10 for ID.

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1 MR. GIPSON: Thank you. And if I can just keep
2 them in one batch. I don't want to separate them.

3 THE COURT: That's going to be State's, which one,
4 for ID purposes?

5 MR. GIPSON: Defendant's 10 for ID.

6 COURT REPORTER: Defendant's 10 for ID.

7 THE COURT: 10 for ID?

8 MR. GIPSON: Yes, sir.

9 COURT REPORTER: Yes, sir.

10 (Defendant's Exhibit No. 10,
11 warrant affidavit, marked for ID)

12 BY MR. GIPSON:

13 Q Okay. And that's what's called a warrant affidavit;
14 correct?

15 A Yes, sir.

16 Q All right. And so you mentioned you would have
17 forwarded in that warrant affidavit his name, his Social
18 Security Number, his date of birth, driver's license number,
19 all that type of stuff?

20 A No, sir. When I met with Investigator Carrigg, he gave
21 me a copy of the warrants on Mr. Green.

22 Q Okay. Okay. Do you know his birth date based on that
23 document?

24 A It's [REDACTED]/85 on here. Yes, sir.

25 Q [REDACTED]/85?

1 A Yes, sir.

2 Q Okay. That's all I wanted. Thank you. And the date
3 that he was apprehended was 12/17 of last year, 2015?

4 A Yes, sir.

5 Q So a day after his birthday?

6 A Yes, sir.

7 Q Okay. That's all I wanted to gather from you.

8 MR. GIPSON: Court's indulgence? That's all my
9 questions, Your Honor.

10 THE COURT: Anything on redirect?

11 MR. EDWARDS: Nothing further, Your Honor.

12 THE COURT: You may step down. Thank you, sir.

13 MR. GIPSON: Thank you, Mr. Cain.

14 THE COURT: All right. Y'all ready to take a
15 break now? All right. Ladies and gentlemen, we're going to
16 take a break for lunch. I'm going to ask y'all to be back
17 in your jury room at 2:00. Remember, you cannot talk among
18 yourselves about any of the testimony you've heard or do any
19 independent investigation or talk to anybody about this. So
20 go have a good lunch and I will see you at 2:00, okay?
21 Thank you.

22 (Jury out at 12:43 p.m.)

23 THE COURT: All right. Anything from the State?

24 MR. SCOTT: No, Your Honor.

25 THE COURT: Anything from the Defense?

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1 MR. GIPSON: No, sir.

2 THE COURT: Okay. All right.

3 (Court in recess for lunch at 12:45
4 p.m.)

5 (Court in session after lunch at
6 2:00 p.m.)

7 (State's Exhibit No. 64, phone
8 records, was marked for ID.)

9 (State's Exhibit No. 65, phone
10 records, was marked for ID.)

11 (State's Exhibit No. 66, phone
12 records, was marked for ID.)

13 (State's Exhibit No. 67, phone
14 records, was marked for ID.)

15 (State's Exhibit No. 68, phone
16 records, was marked for ID)

17 (State's Exhibit No. 69, phone
18 records, was marked for ID.)

19 (State's Exhibit No. 70, phone
20 records, was marked for ID.)

21 (State's Exhibit No. 71, phone
22 records, was marked for ID.)

23 (State's Exhibit No. 72, phone
24 records, was marked for ID.)

25 (State's Exhibit No. 73, phone

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1 records, was marked for ID.)

2 (State's Exhibit No. 74, phone

3 records, was marked for ID.)

4 (State's Exhibit No. 75, phone

5 records, was marked for ID.)

6 (State's Exhibit No. 76, phone

7 records, was marked for ID.)

8 (State's Exhibit No. 77, phone

9 records, was marked for ID.)

10 THE COURT: Are all the jurors here?

11 THE BAILIFF: Yes, Your Honor.

12 THE COURT: Is the State ready?

13 MR. SCOTT: Yes, Your Honor.

14 THE COURT: The Defense?

15 MR. GIPSON: Yes, sir. We're ready.

16 THE COURT: Okay. Oh, I'm sorry. Bring them on
17 in. Excuse me, Ms. Dee?

18 THE BAILIFF: Yes, Your Honor..

19 (Jury in at 2:09 p.m.)

20 THE COURT: All right, ladies and gentlemen, I
21 hope y'all had a good lunch. I had a peanut butter
22 sandwich, so not that good but still glad to get something
23 to eat.

24 All right. Is the State ready to proceed?

25 MR. SCOTT: Yes, Your Honor.

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1 THE COURT: All right. Call your next witness.

2 MR. SCOTT: The State calls James Douberly.

3 (WHEREUPON, James Douberly was
4 duly sworn.)

5 JAMES DOUBERLY - DIRECT EXAMINATION

6 BY MR. SCOTT:

7 Q Good afternoon. Tell the jury where you're employed?

8 A McIntosh County Sheriff's Office in Georgia.

9 Q And how long have you worked for the McIntosh County
10 Sheriff's Office?

11 A About seven and a half years.

12 Q And what is your position with the McIntosh County
13 Sheriff's Office?

14 A I'm current a sergeant on patrol.

15 Q Back in December of 2015, were you assigned to assist
16 any other agencies, other than the McIntosh County Sheriff's
17 Office?

18 A Yes, I was.

19 Q And who was that?

20 A United States Marshal's Fugitive Task Force.

21 Q And as a member of the United States Marshal's Fugitive
22 Task Force, what were your duties and responsibilities?

23 A To hunt down fugitives that are wanted for violent
24 felonies.

25 Q Let me turn your attention to December 17th, 2015.

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1 Were you working that day?

2 A Yes, I was.

3 Q And what were your duties that day?

4 A Hunting fugitives.

5 Q All right. And with regards to Johnathan Green, what
6 were your duties that day?

7 A I received a call that he was supposed to be around
8 exit 94 of 95 at one of the businesses there. So we -- me
9 and other team members went there and started looking for
10 the vehicle we were given.

11 Q And now where is Exit 94? You said it was near I-95.
12 Where is that?

13 A Savannah, Georgia.

14 Q Savannah, Georgia. And how far would you say south
15 that is from the South Carolina border?

16 A Fifteen to twenty miles.

17 Q And what is at Exit 94?

18 A Several gas stations, restaurants, some hotels.

19 Q How were y'all attempting to locate Johnathan Green?

20 A We were given a description of a Dodge Durango with a
21 certain South Carolina tag. And we started riding the
22 different businesses looking for it.

23 Q And were y'all able to locate the vehicle?

24 A Yes, another team member located the vehicle.

25 Q Okay. And what happened next?

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1 A We were doing surveillance on it and it was seen going
2 towards the interstate. And the person who was watching
3 couldn't see exactly where it went. So me and several other
4 units went in different directions looking for it.

5 Q Okay. Were you able to locate the vehicle?

6 A Yes. I went southbound on 95 and was able to locate it
7 around the 82 mile marker.

8 Q 82 mile marker. And what happened next?

9 A I called over the radio and let everybody know that I
10 had located it. They started coming towards me.

11 Q Had you activated any blue lights at this point?

12 A No, I hadn't.

13 Q Okay. So you locate the vehicle, you call other agents
14 who are coming towards you. What happened next?

15 A They started coming towards me. I also notified
16 McIntosh County, because we were heading in that direction,
17 to set up some marked units out on the interstate so when we
18 went to do a vehicle stop, they could assist us.

19 Q Okay. And what happened after that?

20 A Once we got to about the 66 mile marker, me and
21 approximately about ten other deputies, kind of surrounded
22 the vehicle looking like normal traffic flow so we could
23 help stop him whenever -- if it was needed. And marked
24 units come in behind him and did a traffic stop by
25 activating their lights.

1 Q And you said this was around the 66 mile marker?

2 A Yes, sir.

3 Q So from Exit 94 -- I'm not very good at math, but that
4 would be about twenty-eight miles farther south?

5 A Yes, sir.

6 Q What happened after the vehicle was stopped?

7 A We conducted a felony vehicle stop. And the driver was
8 taken out the vehicle. And that was Lakeisha Heyward. And
9 then Mr. Green was in the front passenger seat. And a Mr.
10 Jamison was in the rear passenger-side seat.

11 Q Okay. So Mr. Jamison, do you know his full name?

12 A Cravelton LaPatrick Jamison.

13 Q Okay. Do you know where he's from?

14 A I believe his ID showed that he was from Jasper Street
15 in Orangeburg.

16 Q Okay. Was Mr. Green taken into custody?

17 A Yes, he was.

18 Q What, if anything, happened with Ms. Heyward?

19 A It had been reported to us that she was possibly
20 missing. So I asked her if she was there of her own
21 freewill or if she was taken against her will? And she said
22 she was there because she wanted to be there.

23 Q Okay. And what happened?

24 A We released her.

25 Q Were any cellphones in the vehicle?

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1 A I want to say there was but I don't recall for sure.

2 Q Okay. If there were any cellphones in the vehicle,
3 what would y'all have done with them?

4 MR. GIPSON: I object, Your Honor. He said he
5 doesn't know, wasn't sure. So it's an irrelevant question.

6 Q Did y'all take --

7 THE COURT: I'm going to let him ask and answer
8 the question, okay?

9 MR. GIPSON: Yes, sir. Thank you, Your Honor.

10 THE COURT: Go ahead.

11 A We didn't take any into evidence or anything.

12 BY MR. SCOTT:

13 Q Okay. You didn't take any cellphones into evidence?

14 A Not that I can recall.

15 Q I believe you said the car was registered to a Ms.
16 Heyward? You don't know who it was registered to but you
17 were looking for the car based on Ms. Heyward?

18 A Yes.

19 Q So any personal effects in the vehicle? Was anything
20 taken into evidence?

21 A No, sir.

22 Q Okay. That's all I have. Thank you.

23 THE COURT: Okay. Anything on cross?

24 MR. GIPSON: Yes, sir.

25 THE COURT: All right.

1 JAMES DOUBERLY - CROSS-EXAMINATION

2 BY MR. GIPSON:

3 Q Good afternoon, Mr. Douberly?

4 A Good evening.

5 Q You came all the way up from McIntosh today?

6 A Yes, sir.

7 Q All right. And pursuant to a subpoena from the State?

8 A Yes.

9 Q All right. Now, a couple of things I want to just kind
10 of clarify about what you just testified to. Now, as a
11 result of this entire situation, this entire encounter, you
12 wrote a police report where you surmised what happened and
13 what you observed that particular day?

14 A Yes, sir.

15 Q All right. So in effect, let me start here. Where did
16 you get the original information about needing to arrest Mr.
17 Green?

18 A My supervisor called me and told me about it.

19 Q All right. And is a report normally generated and then
20 issued to your office, and then they assign an agent to
21 handle whatever needs to be handled from there or an officer
22 to handle those things?

23 A I'm not sure what your question is.

24 Q When essentially your supervisor gives you information
25 that there is somebody who they want to arrest and they tell

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1 you go handle the business, go do what needs to be done;
2 correct?

3 A Yes, sir.

4 Q All right. And you said you all surrounded the vehicle
5 on I-95?

6 A Yes, sir.

7 Q And you blue-lighted the vehicle?

8 A Yes.

9 Q The vehicle immediately pulled over; didn't it?

10 A It stopped pretty quickly.

11 Q Okay. And when you got to the vehicle, you had
12 absolutely no issues trying to apprehend Mr. Green; did you?

13 A I can't recall. Nothing notable.

14 Q Okay. So nothing notable -- if there had been
15 something notable you'd have written it down in your report;
16 right?

17 A More than likely.

18 Q Okay. And more than likely, if there had been
19 something that had happened, we'd be talking about it right
20 now; wouldn't we?

21 A Probably.

22 Q All right. So you would probably tell me if he tried
23 to run; wouldn't you?

24 A Yes.

25 Q You would probably tell me if he had fought the

1 officers; wouldn't you?

2 A Yes.

3 Q You would probably tell me if he had cussed you all out
4 and called you everything but a child of God; wouldn't you?

5 A Probably not because that's pretty normal. That's not
6 really significant.

7 Q But there is nothing in this information that suggest
8 he did those things; is there?

9 A No.

10 Q All right. And when you searched him and the car, you
11 found no weapons; did you?

12 A Not that I can recall.

13 Q Okay. No bullets; correct?

14 A No, sir.

15 Q No ammunition of any sort?

16 A Not that I can recall.

17 Q No guns, no knives, no any -- any guns or anything
18 along those lines; right?

19 A No guns.

20 Q Okay... Now, a question was asked about cellphones. You
21 said you didn't find any cellphones; did you?

22 A I don't recall any but there could have been. It
23 wasn't anything significant, so I wouldn't have put it down
24 to our part of the investigation.

25 Q And Mr. Green complied with everything you asked him to

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1 do; didn't he?

2 A As far as I can remember.

3 Q Okay. Now, you have the ability to take things into
4 evidence; do you?

5 A Yes, sir.

6 Q Okay. And you took nothing into evidence that
7 particular day; did you?

8 A (Witness pauses)

9 Q From Mr. Green?

10 A Not from Mr. Green.

11 Q Okay.

12 MR. GIPSON: That's all my questions, Your Honor.

13 THE COURT: Anything on redirect?

14 MR. SCOTT: No, Your Honor.

15 THE COURT: Thank you, sir. You may step down.

16 MR. SCOTT: May he be excused?

17 MR. GIPSON: No objection.

18 THE COURT: All right. You are excused.

19 THE WITNESS: Thank you, sir.

20 MR. GIPSON: Good job.

21 THE COURT: Is the State ready to call its next
22 witness?

23 MR. EDWARDS: Yes, Your Honor.

24 THE COURT: All right. Mr. Edwards.

25 MR. EDWARDS: The State calls James Green.

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1 (WHEREUPON, James Green was duly
2 sworn.)

3 THE COURT: All right. He's your witness.

4 MR. EDWARDS: Thank you, Your Honor.

5 JAMES GREEN - DIRECT EXAMINATION

6 BY MR. EDWARDS:

7 Q How are you, Mr. Green?

8 A I'm doing well. How are you?

9 Q Doing fine. Where are you employed?

10 A I'm employed by the South Carolina Law Enforcement
11 Division, commonly referred to as SLED.

12 Q And what is your position at SLED?

13 A I'm a firearms examiner, a forensic firearms examiner
14 in the firearms department of the forensic services
15 laboratory.

16 Q And what does a forensic firearms examiner do?

17 A We examine firearms and firearm related evidence like
18 fired bullets and fired cartridge cases from all forty-six
19 counties in the state that are submitted as part of a
20 criminal investigation to try to determine if -- let's say,
21 all the bullets are fired by the same gun or by a gun they
22 submitted or not.

23 Q How many years have you been a firearms examiner?

24 A Since 2005.

25 Q And tell me a little bit more about your qualifications

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1 and training in order to be a firearms examiner?

2 A To be a firearms examiner with SLED, you have to have a
3 four-year degree, which I do. I have a bachelors from
4 Charleston Southern University. I also have a masters from
5 Charleston Southern. And once I was hired at SLED, I
6 started the firearms and tool mark course instruction. It's
7 approximately a three to three and a half year course
8 instruction, in an apprentice type fashion, learning under a
9 court qualified firearms examiner is learning to do what I
10 do now.

11 Q Okay. Have you ever been qualified as expert in the
12 field of firearms in either state or federal court?

13 A Yes, sir.

14 Q About how many times?

15 A Fifty-one times state and one time federal.

16 MR. EDWARDS: Your Honor, at this time, I would
17 offer Mr. Green as an expert in the field of firearms.

18 THE COURT: Any objection?

19 MR. GIPSON: No objection, Your Honor.

20 THE COURT: All right. Ladies and gentlemen of
21 the jury, he's been qualified as an expert in firearms.
22 Ordinarily, a witness cannot testify as to opinions and
23 conclusions. There is the exception under the rules of
24 evidence for someone who, by education and experience, has
25 become expert in some area. Those people may give an

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1 opinion as to the subject he claims to be an expert in. And
2 may also give the reasons for his opinion. You should
3 consider the expert opinion like any other evidence and give
4 it the weight you believe it deserves. If you decide that
5 an expert witness's opinion is not based on sufficient
6 educational experience or if you decide reasons given in
7 support of the opinion are not sound or that the opinion is
8 outweighed by other evidence, you may disregard the opinion
9 entirely. An expert witness's testimony is to be given no
10 greater weight than that of other witnesses simply because
11 the witness is n expert. And you do not have to accept an
12 expert's opinion, even though it is uncontradicted. He has
13 been qualified as an expert in firearms.

14 All right. Yes, sir.

15 MR. EDWARDS: Thank you, Your Honor.

16 BY MR. EDWARDS:

17 Q Mr. Green, were you asked to examine some evidence in
18 the case of State versus Johnathan Green?

19 A Yes, sir.

20 Q What were you asked to examine?

21 A I had five bullets or five projectiles submitted to the
22 laboratory for me to examine.

23 Q I'm going to show you State's Exhibits 57 through 61.
24 Take your time and tell me if you recognize these exhibits,
25 please?

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1 A Ladies and gentlemen of the jury, what I'm doing now is
2 when evidence comes into the laboratory and is big enough
3 for us to mark. We'll get a Dremel Tool like an electric
4 pencil and scribe our lab number, our item number and our
5 initials on it so we know, when it does go to court, that
6 that's what we were looking at. I did that for State's
7 Exhibits 57 through 61. They are the SLED items 1 through
8 5, projectiles that I examined in this case.

9 Q Thank' you. Now, when you examined these projectiles,
10 what were you looking for?

11 A The first thing we do when we get multiple bullets like
12 this or multiple projectiles, is I try to determine if
13 they're all the same caliber. If they're not all the same
14 caliber, there's a possibility there's two, three, four
15 different guns, however many different guns are there. So
16 what I do is the first thing I do is I look and I make sure
17 they were all the same caliber, and they were. And then
18 I'll start looking at them microscopically. The main tool
19 we use is a comparison microscope. It's two microscopes
20 joined by one optical bridge that let's us look at two
21 things simultaneously under different magnifications and
22 different lighting surfaces.

23 Q Okay. And just, if you will, tell the jury what you
24 were able to deduct from your examination?

25 A I'm looking at State's Exhibits 57 through 61. I was

1 able to determine they were all the same caliber. They're
2 all .9mm Luger caliber. A few of them, which would have
3 been State's Exhibits 59 and 61 were so badly damaged that
4 all I could tell you was the caliber or all I could tell the
5 investigators was the caliber. I could not see any of the
6 rifling specifications on them. And what rifling is, it's a
7 series of grooves put into a barrel of a firearm. If you
8 watch football and you see the quarterback throw, it's a
9 nice type spiral, that's what rifling does to a bullet. It
10 grips the bullet and makes it spin on an axis and makes it
11 become more accurate towards whatever target you're shooting
12 at and makes it go farther. If there wasn't rifling the
13 bullet would yaw and just tumble and not be very accurate.
14 A byproduct of the rifling is, as the bullet passes through
15 the barrel, it leaves specific unique markings on it, that
16 are unique to the gun which had fired it. There's been
17 studies, which I've taken part of, just looking at ten,
18 twelve, fifteen consecutive rifle barrels. And you can
19 differentiate between one and the next and next based on
20 these unique markings. So that's what I was looking for.
21 The two bullets, State's Exhibits 59 and 61 were so badly
22 damaged, like I said, I couldn't tell you the rifling
23 specifications. I could only tell you that there were .9mm
24 Luger, and my conclusions were they unsuitable. What that
25 means is you could give me the gun that fired them and said

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1 this gun did it. And I still wouldn't be able to prove it
2 based on the damage to the bullets. State's Exhibits 57, 58
3 and 60 were all .9mm caliber as well. They were all six-
4 groove bullets with polygonal rifling. And polygonal and
5 conventional rifling are just like cars and trucks. They're
6 the same thing. They're both vehicles but they're shaped
7 differently and they act differently. They both still make
8 the bullet spin, but they leave different degrees in
9 markings. And based on the inconsistency of the markings
10 for State's Exhibits 57, 58 and 60, I was able to say that
11 they could have been fired by the firearm. I gave an
12 inconclusive answer. And that's a fancy word for I don't
13 know. They could have been fired by the same firearm.

14 Q So in summary, these are all the same caliber but you
15 cannot definitively say whether they were fired from the
16 same gun or not?

17 A Correct.

18 Q That's all I have, Mr. Green. Please answer any
19 questions Mr. Gipson may have.

20 THE COURT: Mr. Gipson, anything on recross?

21 MR. GIPSON: Yes, sir.

22 THE COURT: He's your witness.

23 JAMES GREEN - CROSS-EXAMINATION

24 BY MR. GIPSON:

25 Q Good afternoon, Mr. Green?

1 A Good afternoon.

2 Q Now to start with that last point first, I believe you
3 were speaking of State's Exhibits 57, 58 and 60?

4 A Yes, sir.

5 Q Yes, sir. And so in looking at those, what you just
6 mentioned in terms of what your opinion was, your expert
7 opinion, is those projectiles -- is it fine if I call them
8 bullets?

9 A Yes, sir.

10 Q Okay. Those bullets could have been fired by the same
11 firearm; correct?

12 A Correct.

13 Q Or could have been fired by two different firearms?

14 A Correct.

15 Q And in your expert opinion, you can't tell if there was
16 one firearm or two that fired those projectiles; is that
17 correct?

18 A Correct. If there was one firearm, it was so damaged
19 or so inconsistent I couldn't mark them or if it was two
20 firearms, they're very similar firearms with the same type
21 of rifling.

22 Q Okay. And what you were able to determine is that it
23 came from a .9mm?

24 A Yes, sir.

25 Q What is it that you would expect from a .9mm gun? Can

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1 you explain to a jury how a .9mm works in terms of
2 semiautomatics and also revolvers. Can you just talk about
3 bullet -- Let me scratch that question. Let's talk about
4 revolvers and semiautomatics then we'll be more specific
5 with .9mm, if we could do it in that order, please?

6 A Yes, sir. If you watch the old cowboy western movies
7 where you see, you know, the good guy face off with the bad
8 guy and he pulls out something they call a wheel gun. It's
9 a revolver. The cartridges are loaded into a cylinder with
10 multiple chambers. And when you pull the trigger, the
11 hammer comes back, falls, fires the cartridge, the bullet
12 goes down the barrel. You pull the trigger again, the cycle
13 starts over again. The cartridges stay inside the chamber.
14 So you've got multiple chambers in the same cylinder being
15 fired by the same mechanism. It just rotates around.

16 A semiautomatic pistol is designed that when you load
17 your magazine, put it in the magazine, you charge the pistol
18 by pulling the slide back and letting it go. You pull the
19 trigger. The hammer of the firing pin strikes the primer.
20 The bullet goes down the barrel. The slide will come back
21 and force a recoil or gas and its fired cartridge case will
22 be extracted and ejected from the pistol. And then the
23 sequence starts over again. And it will keep doing that
24 until you either stop pulling the trigger or you run out of
25 ammunition. The main difference is the chambers of a pistol

1 is a part of the barrel. And when you pull the trigger if
2 the gun's working properly, a cartridge casing will be
3 extracted and ejected as opposed to a revolver with multiple
4 chambers, fired by the same mechanism, but when you pull the
5 trigger the cartridge cases stay in the revolver.

6 Q Now, how do you reload a revolver?

7 A There's a couple of different ways.

8 Q Uh-huh. (Affirmative response.)

9 A But the most common way is -- not a top break like the
10 old revolvers, but the new revolvers there's a side latch on
11 either side that you push the button forward and it unlocks
12 and you push the cylinder either to the right or the left.
13 It opens up and then you can use the extractor rod to push
14 out the revolver cartridge cases. Put more where you just
15 took those other ones out, close the revolver back, start
16 pulling the trigger again.

17 Q And so basically when you talk about a revolver, you're
18 talking about the gun that people see in the Russian
19 Roulette, maybe Deer Hunter or a movie where there's a
20 Russian Roulette game being played. It's not a game. But a
21 violent game being played?

22 A Yes.

23 Q And the person loads the bullets and spins that chamber
24 and closes it. So every time you pull the trigger, it just
25 goes around into the chamber?

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1 A Yes, sir. That is a revolver.

2 Q And the when you want to empty it, you actually have to
3 physically open the gun, push the shells out and then reload
4 it?

5 A Correct.

6 Q Okay. Now, a semiautomatic is different in the sense
7 the bullets are loaded into -- some people call it a clip,
8 but you said a magazine?

9 A Correct.

10 Q All right. And when you fire the gun then the
11 cartridge or the shell casing pops out of the gun?

12 A Correct.

13 Q So when that shell casing -- so let me ask you this
14 question. From what you were able to determine from the
15 evidence that was submitted to you that came from the
16 Orangeburg County Sheriff's Department?

17 A Yes, sir.

18 Q Okay. You determined that those bullets that you're
19 looking at came from a semiautomatic?

20 A More likely than not. There are some .9mm Luger
21 caliber revolvers, but they don't have any polygonal
22 rifling. So the ones in State's Exhibits 57, 58 and 60 have
23 the polygonal rifling. I'd just say that it's more likely
24 than not out of a semiautomatic pistol, yes.

25 Q And you say that based on your expert opinion, it's

1 more likely than not that these came from a semiautomatic?

2 A Yes, sir.

3 Q All right. And so with that semiautomatic, what we've
4 learned is that you would expect for shells to be ejected
5 every time that gun is fired if it's working properly?

6 A Yes, sir.

7 Q All right. And so when shells are ejected, then -- so
8 you pull the trigger, shell comes out, then another one is
9 automatically loaded until you run out of ammunition or
10 until you stop firing?

11 A Correct.

12 Q All right. And so in this case there should be at
13 least -- just based on what you see, at least five shell
14 casings around somewhere; correct?

15 A Correct.

16 Q And if there were nine bullet holes in a home, you'd
17 expect for there to be nine shell casings; correct?

18 A That's not my area of expertise but yes, unless they're
19 double pass throughs, like one wall to the next. If there
20 was nine in the front, yes, sir.

21 Q Okay. But it's likely that if the gun is fired nine
22 times, then there would be nine shell casings?

23 A If it's a semiautomatic, yes, sir.

24 Q Yes, sir. Okay. Now, one of the types of things that
25 you would look for, once you -- if shell casings are ejected

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1 -- let me ask this question. Why is it important to try to
2 collect those things, the shell casings? What can you learn
3 from those?

4 A Well, in cases where cartridge cases are submitted,
5 like we were talking about earlier, I can tell you how many,
6 you know, guns were involved and same with bullets. If
7 cartridge cases are submitted as well, we can also based on
8 these cartridge cases, one firearm was used or two or three
9 or whatever.

10 Q Okay. And so things that would be helpful, as having
11 that actual firearm?

12 A Sometimes no firearm is ever submitted. We get cases
13 where we just have one bullet, cases where we have fifty
14 bullets and sixty cartridge cases. Not everything is always
15 found.

16 Q Okay. And if you're able to actually find that
17 cartridge casing, then you can do the ballistics work you
18 do, but you can also have other people at SLED in those
19 other departments look at it for DNA; correct?

20 A There are some times when people ask for DNA on fired
21 bullets or fired cartridge cases. We do do that in our lab.
22 Obviously, I don't work in the DNA department, but I have
23 come across this question before, so I've talked to people
24 in the DNA department. And the heat and the friction
25 created during the combustion of a cartridge when you pull

1 the trigger, usually uses up or disintegrates, burns up all
2 of the DNA present on the cartridge case or the bullet. But
3 it has been done on very rare occasion.

4 Q Okay, but that's something that you do at SLED?

5 A Well, the --

6 Q Well, SLED does those things?

7 A Yeah, the SLED DNA department does.

8 Q Okay. Were you submitted any shell casings to take a
9 look at?

10 A No, sir. All I was submitted were these in front of
11 me.

12 Q Okay. And based on what you've looked at with State's
13 Exhibit No. 61, State's Exhibit No. 59, State's Exhibit No.
14 60, State's Exhibit No. 58, and State's Exhibit No. 57 --
15 let me ask you these questions. For State's No. 57, who
16 fired this?

17 A I don't know.

18 Q For State's 58, who fired the weapon that lead to this?

19 A I don't know any information on any of these bullets or
20 where they came from --

21 Q So as it relates to --

22 A -- or who fired them all.

23 Q All right. So the same answer would relate to State's
24 59, 60, and 61. You have no idea who fired these?

25 A Correct.

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1 Q All right.

2 MR. GIPSON: Your Honor, that's all my questions.

3 THE COURT: Anything on redirect?

4 MR. EDWARDS: No, sir.

5 THE COURT: Thank you, sir. You may step down.

6 MR. EDWARDS: May he also be excused, Your Honor.

7 THE COURT: May he be excused?

8 MR. GIPSON: No objection.

9 THE COURT: You are excused. Thank you, sir.

10 THE WITNESS: Thank you. Have a great day.

11 THE COURT: You too. Thank you.

12 Is the State prepared to call its next witness?

13 MR. EDWARDS: Yes, Your Honor.

14 THE COURT: All right.

15 MR. EDWARDS: The State calls Jennifer Dalmida.

16 (WHEREUPON, Jennifer Dalmida was
17 duly sworn.)

18 JENNIFER DALMIDA - DIRECT EXAMINATION

19 BY MR. EDWARDS:

20 Q Let me get these bullets out of your face. Good
21 afternoon, Ms. Dalmida. How are you?

22 A Good afternoon you all.

23 Q Where do you work?

24 A For Verizon Wireless.

25 Q And what is your involvement with Verizon Wireless?

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1 A I'm a senior analyst who is the custodian of records
2 for the company.

3 Q Okay. And as a senior analyst and records custodian,
4 typically, what do you do?

5 A I basically interpret any type of network records that
6 we provide by issued search warrants, court orders or
7 subpoenas.

8 Q Okay. And obviously you come to court to testify?

9 A Correct.

10 Q Do you come to Court to testify that records are
11 authentic and these are actual true records from your
12 company?

13 A Yes.

14 Q About how many times have you appeared in court for
15 Verizon?

16 A We do this weekly. It's our main duty of our job. So
17 about two to three times a week.

18 Q Does your job take you all around the country?

19 A Yes.

20 Q Let me ask you this. For Verizon phones and phones
21 that use Verizon network, what sort of data is stored by
22 Verizon?

23 A So in terms of any types of calls or text messages or
24 any type of data sent through our network, so we would
25 store, in regards to calls, the time, the date, cell tower

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1 information, also the duration of the call. Text messages
2 we would store the recipient, who the text message actually
3 came from, the date and time. We also store content
4 information and subscriber information, who the phone is
5 actually registered to. We also have cell site keys, which
6 indicates the latitude/longitude or the physical address of
7 the specific cell towers.

8 Q And that's what I was going to ask you. The tower
9 data, that shows the location of the tower that was used to
10 connect the call from the phone?

11 A Correct.

12 Q And is that typically the tower that's closest to the
13 phone at the time?

14 A Closest within line of sight.

15 Q Okay. Were you asked to authenticate records for a
16 cellphone number [REDACTED]-9668?

17 A Yes.

18 Q And did you do that?

19 A Yes.

20 Q Did Verizon provide our office with records from this
21 number?

22 A Yes.

23 Q I want you to take a look at all of this for me and
24 tell me what that is?

25 A So we have electronic disk for the records, which I

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1 reviewed and initial. We have a cell site explanation key
2 which explains different columns for our call detail report.
3 We have a copy of our call detail report, with cell site
4 information. We have a copy of our text detail report. And
5 this is another copy of our call detail report.

6 MR. EDWARDS: And let me just -- because I forgot
7 to do this for the record. I've shown her what's been
8 marked for ID as State's Exhibit 64, 65, 66, and 67.

9 THE COURT: Okay.

10 MR. EDWARDS: And for the disks these are State's
11 69 through 72.

12 THE COURT: Those are the disks?

13 MR. EDWARDS: Yes, sir.

14 BY MR. EDWARDS:

15 Q All of this here, is this what was provided in response
16 to our subpoena search warrant for the cellphone number [REDACTED]
17 [REDACTED]-9668?

18 A Yes.

19 Q And these are true and authentic records from VERizon?

20 A Yes.

21 MR. EDWARDS: Your Honor, I would submit State's
22 64 through 72 into evidence.

23 MR. GIPSON: Without objection, Your Honor.

24 THE COURT: 64 through 72.

25 COURT REPORTER: What is 68?

2 MR. EDWARDS: It might be in my next pile of
3 records.

5 MR. EDWARDS: Everything except 68. I'm sorry.

7 MR. EDWARDS: Yes, sir.

10 (State's Exhibit No. 64, phone
11 records, was marked and entered.)

14 (State's Exhibit No. 66, phone
15 records, was marked and entered.)

18 (State's Exhibit No. 69, phone
19 records, was marked and entered.)

22 (State's Exhibit No. 71, phone
23 records, was marked and entered.)

24 (State's Exhibit No. 72, phone
25 records, was marked and entered.)

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1 BY MR. EDWARDS:

2 Q Ms. Dalmida, is there subscriber information for this
3 number?

4 A For this number, it was a reseller, a telephone store?

5 Q Tell me more about that?

6 A A reseller just basically means we have a block of
7 members in which a different company would lease from us.
8 So we don't keep subscriber information. That's typically
9 prepaid services. So we can't authenticate or validate who
10 had those phones.

11 Q And these prepaid phones, why do you have the records
12 for them?

13 A Because we're actually a network provider so the calls
14 are transferred through our network.

15 Q I've got you. So you provide service but you don't
16 actually do the selling of the phone?

17 A Correct.

18 Q Okay. So just looking at this form, does that form
19 explain the calls on these, on this chart here?

20 A Yes.

21 Q Can you go through that really quick for me one more
22 time and just tell the jury what all that is?

23 A So the first column will have our network element name.
24 It's basically just the network. It's a computer data base
25 and it stores specific towers that we record up to. We have

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1 the mobile directory number. The mobile directory number is
2 the target telephone number in which we provided records
3 for. So that would be consistent throughout the document.
4 We have the calling party number, which indicates who
5 initiated the call. So if we see our subscriber's telephone
6 number in that column, it would indicate that our subscriber
7 made an outbound call. The next column would be our dialed
8 digit number. On outbound calls, it would indicate the
9 dialing pattern that our subscriber made on an outbound
10 call. On incoming column would indicate our subscriber's
11 telephone as receiving a call. The next column we have the
12 calling direction. This column allows us to identify calls
13 that were forwarded, such as calls forwarded to voice mail
14 with the letter F. We have the seizure date and time, would
15 indicate the date and time of the call that was made or
16 received. We have the seizure duration, would be the length
17 of a call in seconds. The first serving cell site would be
18 the cell tower that the call initiated on. The first
19 serving cell face would be the sector on that tower that the
20 call initiated on. The last serving cell site would be the
21 cell tower that the call ended. And the last serving cell
22 face would be the sector on that tower that the call ended
23 on.

24 Q Thank you very much. Now, was this same case was
25 Verizon asked to provide records for the number [REDACTED] -

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1 || 4640?

2	A	Yes.

3 Q Can you take a look at these for me?

4 A These are the records in electronic format with an
5 initial disk. And this is a copy of the call detail report,
6 with cell site information for that phone number.

7 Q. And those are your initials on all of these?

8 | A Yes.

9 Q You also reviewed all of these records and these are
10 true and authentic records from Verizon?

11 A Yes.

12 MR. EDWARDS: Your Honor, I would offer State's
13 68, 73 and 74 into evidence.

14 THE COURT: Any objection?

15 MR. GIPSON: 68, 73, and 74?

16 THE COURT: Yes, sir.

17 MR. EDWARDS: Yes.

18 MR. GIPSON: without objection.

19 THE COURT: All right. State's 68, 73, and 74 are
20 in evidence without objection.

21 (State's Exhibit No. 68, phone
22 records, was marked and entered.)

23 (State's Exhibit No. 73, phone
24 records, was marked and entered.)

25. (State's Exhibit No. 74, phone

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1 records, was marked and entered.)

2 Q Thank you Ms. Dalmida. Please answer any questions Mr.
3 Gipson might have for you.

4 THE COURT: All right. Mr. Gipson.

5 MR. GIPSON: Thank you, Your Honor.

6 JENNIFER DALMIDA - CROSS-EXAMINATION

7 BY MR. GIPSON:

8 Q Good afternoon.

9 A Good afternoon.

10 Q Now, you mentioned first that you fly all around the
11 country to come and testify and kind of speak about the
12 phone records and authenticate phone records; correct?

13 A Yes.

14 Q Okay. Where did you come from?

15 A Orlando.

16 Q And who brought you here?

17 A The State.

18 Q Okay. And so they brought you here to speak about
19 these phone records and just what you can tell on these
20 phone records from what they've submitted to you?

21 A To authenticate them, yes.

22 Q Okay. All right. Now, let me ask you this. What can
23 you tell me about who purchased this phone?

24 A I can't tell you anything.

25 Q Okay. Can you tell me anything about whose phone

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1 number it actually is?

2 A No.

3 Q Can you tell me who's been paying the bill on this
4 phone?

5 A No.

6 Q Can you tell me the last time the bill was paid?

7 A No.

8 Q All right. Can you tell me if it was paid by credit
9 card or on line?

10 A Not based on the records.

11 Q Okay. And can you tell me if it was ever paid in
12 person?

13 A No.

14 MR. EDWARDS: And, Your Honor, just to clarify it,
15 is Mr. Gipson talking about the 878 number?

16 THE COURT: Which number?

17 MR. GIPSON: I'll get to both, but I'll start with
18 878. But thank you.

19 THE COURT: So you are talking about the 878
20 number?

21 MR. GIPSON: Sure, we'll talk about the 878 number
22 specifically.

23 BY MR. GIPSON:

24 Q All right. So again -- so do all of those questions
25 that I just asked you in reference to the 878 number, your

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1 answer to that was no?

2 A Correct.

3 Q Okay. And when the last bill was paid for the 878
4 number, you can't tell me that either; can you?

5 A No.

6 Q All you can say is there was a phone number that was,
7 at some point in time, activated through the Verizon network
8 that some calls were made from?

9 A Correct.

10 Q Okay.

11 MR. GIPSON: That's all my questions, Your Honor.

12 THE COURT: All right.

13 MR. GIPSON: Well, I do have one more question,
14 one more series if I may, Your Honor.

15 BY MR. GIPSON:

16 Q As it relates to the second, under the [REDACTED] number, are
17 you able to tell me any specific information about that
18 number?

19 A That number we did provide additional details for, for
20 the records, such as activity details. I don't have that.
21 It's actually on the disk.

22 Q Okay.

23 MR. GIPSON: All right. That's all my questions,
24 Your Honor.

25 THE COURT: Anything on redirect?

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1 MR. EDWARDS: No, Your Honor.

2 THE COURT: Thank you, ma'am. You may step down.

3 MR. GIPSON: Thank you.

4 THE COURT: May she be excused?

5 MR. GIPSON: Without objection.

6 THE COURT: Okay. Thank you.

7 MR. GIPSON: Thank you.

8 THE COURT: All right. Is the State ready to call
9 its next witness?

10 MR. EDWARDS: Yes, Your Honor. The State now
11 calls Kenneth Leecesne.

12 (WHEREUPON, Kenneth Lecesne was
13 duly sworn.)

14 THE COURT: Your witness.

15 MR. EDWARDS: Thank you, Your Honor.

16 KENNETH LECESNE - DIRECT EXAMINATION

17 BY MR. EDWARDS:

18 Q It's Lečesně?

19 A Yes, sir.

20 Q Okay. In Charleston they say Lecešne.

21 A It's one of those Louisiana names, as well.

22 Q How are you today?

23 A I'm good.

24 Q Who do you work for?

25 A I work for T-Mobile MetroPCS Cellular Telephone

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1 Company.

2 Q And what is your job there?

3 A I am a custodia/testifier.

4 Q Okay. And what does that require you to do?

5 A When I'm assigned to a specific case, I usually travel
6 and I authenticate and introduce the records and
7 authenticate and explain the records as they apply to a
8 specific case.

9 Q Okay. And when you say authenticate, what do you mean?

10 A Basically explain that those are records that are kept
11 in the normal course of business by T-Mobile MetroPCS.

12 Q That you're not making this up?

13 A No, sir.

14 Q Okay. And I'm glad you brought that up. These records
15 are kept in the normal course of business; correct?

16 A That's correct.

17 Q You didn't respond to any sort of request to produce
18 these records; right?

19 A No, sir. The company did, though.

20 Q In a sense that you didn't manufacture these records
21 after the fact?

22 A That's correct.

23 Q Were you asked to -- was T-Mobile asked to provide
24 information for a number 803-570-6364?

25 A Yes, sir.

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1 Q And did T-Mobile provide those records?

2 A Yes, sir.

3 Q I want to show you now State's Exhibit 76, 77 and 78
4 and I would just like you to look at these tell me what they
5 are?

6 A Yes, sir. The first, Exhibit No. 76, this is a disk
7 that has all of these. It's electronic copies of these
8 records. When I was assigned to testify in this particular
9 case, the phone numbers were sent to me. And I actually
10 went into our system, the data base and pulled the records
11 that were sent back to the requesting law enforcement
12 agency.

13 Q Okay. And the records that we requested from this
14 number, these are the records that you sent to us; correct?

15 A That is correct.

16 Q Okay. If you look at this, Exhibit No. 77, can you
17 tell me what that is?

18 A Yes, sir. The title of it is interpreting call detail
19 records, commonly referred to as a TIP sheet. This is
20 something that is sent along with the call detail record
21 that was requested through the legal demand that come into
22 the company, to help an investigator or an attorney or
23 whomever request the records to actually read the records
24 once they get them.

25 Q Okay. And when you say read the records, basically

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1 tell what all these numbers are here; correct?

2 A That's correct.

3 Q Could you just tell me what these numbers mean right
4 here, the columns? What are these columns?

5 A That's correct. Well, at the very top you actually
6 have the agency that requested these records and the name of
7 the detective or sheriff's deputy that requested the
8 records. To get these records, it has to be done through
9 legal demand! In this case, a search warrant was served on
10 T-Mobile for specific records for that specific phone
11 number. They wanted subscriber information and they wanted
12 call detail records for a specific date records. Call
13 detail records are a phone log of phone calls that are made.
14 That information was actually set for a specific date range.
15 The first column on these records is the date of the
16 specific call. The second column on the records is the time
17 of a specific call. The next column is the duration of a
18 specific call. The next column is the call type. The call
19 type would be a mobile outgoing call from the number, the T-
20 Mobile number, that was requested to be searched by the
21 search warrant, an outgoing call from that number to another
22 phone number. Or it could be a mobile terminating call or
23 it could be an incoming call to that phone number, from
24 another phone number to that phone number. The next column
25 after that, is the calling number. That is the number that

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1 is being called. The next column is the dialed number.
2 That is the number that is dialed by the caller. The next
3 column is the destination number. That is the number that
4 was reached by the caller. The next column is something
5 called the IMSI, that is actually the International Mobile
6 Subscriber Information. That identifies the subscriber
7 information on a specific phone. The next number is the
8 NIMEI number, That is the electronic serial number of a
9 specific phone, the phone that was used to make these phone
10 calls, the phone number that was actually being used and the
11 actual phone itself. That electronic serial number is made
12 at the company that makes the phone. If Samsung made the
13 phone, at the Samsung factory they would have put that
14 electronic serial number on that phone. And that number is
15 unique to that phone and only that phone. The next column
16 is the completion code. A call will either be completed
17 successfully or abnormal completion. The abnormal
18 completion for some reason could be that the phone didn't go
19 through and that the network, the T-Mobile Network actually
20 interrupt the call itself. The next column is the service
21 code. There are different types of service codes on that
22 TIP sheets. There are numbers in the service code area that
23 will use that TIP as a -- this particular sheet that I
24 talked about earlier, and it will explain what the codes
25 mean. The next column is the switching station. The

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1 switching station is which facilitates the phone call
2 itself. Also, the switching station is where these records
3 are actually stored. And the switching station is actually
4 where the records are pulled from through the database that
5 T-Mobile uses. The next column is the first LTE site. That
6 is a site ID. LTE is long-term Evolution. A lot of that is
7 actually the people that actually work on the towers, they
8 engineer speak. The next column is the first LTE sector.
9 The next column is the first location area code. The next
10 column after that is the first tower azimuth. The azimuth
11 is the mid point of the antenna on the tower cell that
12 picked up the signal from the cellphone to allow the
13 cellphone to catch and make the phone calls. The next
14 column is the first correlatitude [sp]. It is in decimal
15 form. It is a positive decimal form. And you would combine
16 that with the next column, the first tower longitude, and
17 that would give you the exact location of where the specific
18 tower that answered the call, that handled the call at the
19 beginning of the call and at the end of the call. Also on
20 these records, it will actually give you a physical address
21 like a tower, a street address, the city of the tower, where
22 the tower's located. And also the State which, of course,
23 would be in this case, South Carolina. It would also have
24 the zip code of the tower. There is also other columns over
25 here. Some of them are blank. If the call is actually made

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1 on a wifi or LTE, those columns would actually have numbers
2 in them. When they're blank that means it was actually
3 using the towers itself to complete the phone call.

4 Q Okay. And the data, and these papers and on this disk,
5 are these the true and accurate records that were sent to
6 our office from T-Mobile?

7 A That's correct.

8 THE COURT: So you want --

9 MR. EDWARDS: Yes, sir.

10 THE COURT: State's 76, 77 and 78 are in?

11 MR. GIPSON: Yes, Your Honor, without objection.

12 THE COURT: All right. They are in evidence
13 without objection.

14 (State's Exhibit No. 76, phone
15 records, was marked and entered.)

16 (State's Exhibit No. 77, phone
17 records, was marked and entered.)

18 (State's Exhibit No. 78, phone
19 records, was marked and entered.)

20 BY MR. EDWARDS:

21 Q Mr. Lecesne; I believe that' all I have for you right
22 now. Please answer any questions Mr. Gipson might have.

23 A Yes, sir.

24 MR. GIPSON: May it please the Court?

25 THE COURT: Yes, sir.

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1 KENNETH LECESNE - CROSS-EXAMINATION

2 BY MR. GIPSON:

3 Q Good afternoon, Mr. Lecesne?

4 A Good afternoon, sir.

5 Q Good afternoon. Just a couple of questions just about
6 your testimony?

7 A Yes, sir.

8 Q Or that which I could understand?

9 A Yes, sir.

10 Q First of all, where's your corporate or what office are
11 you from?

12 A I work from the office in Richardson, Texas.

13 Q Okay?

14 A Yes, sir.

15 Q All right. So Longhorn's fan?

16 A Not really. A&M Fan.

17 Q Got you. SEC, right?

18 A Yeah.

19 Q So you came in from Richardson?

20 A Yes. I actually flew out from Dallas/Ft. Worth.

21 Q Okay. And so you were brought here by the State, by
22 the Solicitor's Office here?

23 A That's correct.

24 Q Okay. To come and interpret records?

25 A To explain the records and authenticate the records.

1 Yes, sir.

2 Q Yes, sir. All right. Now, let me ask you this, based
3 on -- just with all that information that you just went
4 through with us, with State's Exhibits 76, 77, and 78, with
5 these records here be able to tell who actually owned the
6 phone, who made these calls?

7 A No, sir. I can't tell you that.

8 Q Okay. Can you actually tell me who pays the bills on
9 these calls?

10 A No, sir. The subscriber information was not available
11 at the time the search warrant was actually sent to the
12 company.

13 Q So a search warrant was done in this case?

14 A A search warrant, yes.

15 Q And essentially, you have to do a search warrant in
16 order to get a hold of those records from you guys?

17 A To get the call detail records and tower information --

18 Q Yes, sir.

19 A -- I need a search warrant or a court order. To get
20 subscriber information you can do a subpoena duces tecum.

21 Q Any idea who issued that subpoena to get that to you,
22 if you remember?

23 A The requesting officer's name is on the document up
24 top, right here on the right-hand corner?

25 Q May I hand that to you in State's Exhibit No. 78?

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1 A Yes.

2 Q Thank you, sir. It was a sheriff and his name was
3 Leonard Cain from the Orangeburg County Sheriff's Office.

4 Q All right. And you supplied what he asked you to
5 supply?

6 A The company did, not me personally.

7 Q I got you. I understand. All right. So in terms of -
8 - and I asked you about the paying of the bill, whose phone
9 it was. And you can't tell us how that bill has been paid,
10 whether it be by credit card or cash or by just coming into
11 the -- by doing it on-line either, can you?

12 A The subscriber information was not available at the
13 time the search warrant was served. Because the subscriber
14 information, the account had been cancelled. And that
15 information is only kept for six months from the
16 cancellation date at the time search warrant was served.

17 Q So if they served a search warrant to you, let's say,
18 back in February, you'd have been able to get that
19 information?

20 A It was provided back to them on September 22nd, 2016.

21 Q So just last month?

22 A That's when it was provided to them. I'd have to look
23 at the search warrant to find out the date that it was sent
24 to the company.

25 Q Yes, sir. But if they requested it by way of search

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1 warrant within that six-month interval then you can provide
2 that information?

3 A Subscribe.

4 Q Or the company can?

5 A Subscriber... The call detail records --

6 Q Yes, sir.

7 A -- those are kept for two years by the company from the
8 time the call is made.

9 Q All right. Got you. Sir, that's all my questions.

10 A Thank you, sir.

11 Q All right. Thank you.

12 THE COURT: Any redirect?

13 MR. EDWARDS: No, Your Honor.

14 THE COURT: You may step down. May he be excused?

15 MR. GIPSON: Yes, sir

16 THE WITNESS: Thank you, sir.

17 MR. GIPSON: Thank you, Your Honor.

18 THE COURT: Is the State ready to call it's next
19 witness.

20 MR. SCOTT: Judge, we need one minute to set up
21 for the next witness.

22 THE COURT: Okay. Okay. What I'll do is we'll
23 take a short break. Y'all can go back in to the jury room.
24 Remember, you cannot talk about any of the testimony you've
25 heard so far. But we'll take a short break while y'all set

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1 up. Thank you.

2 (Jury out at 3:00 p.m.)

3 MR. GIPSON: Your Honor, may I step outside?

4 THE COURT: Yes.

5 (Court in recess for short break at
6 3:00 p.m.)

7 (Court in session after short break
8 at 3:11 p.m.)

9 THE COURT: All right. Mr. Green. Well, you can
10 stay right there. You can stay right there. I just need
11 for him to stand up.

12 All right. Mr. Green, I've got to put you under oath
13 first. And the clerk is going to put you under oath, if you
14 don't mind?

15 DEFENDANT GREEN: Yes, sir

16 (Whereupon, Defendant Johnathan
17 Robert Green was duly sworn.)

18 THE COURT: Mr. Green, we have -- I've been told
19 by the Solicitor's office that we're down to the one or two
20 more witnesses. We don't know. And the way the case is
21 going, we would have an opportunity to begin your part of
22 this case, if you want to. But before we do that, I've just
23 got to go over some questions with you, make sure you
24 understand where we are, okay?

25 DEFENDANT GREEN: Yes, sir.

1 THE COURT: All right, sir. Mr. Green, at this
2 time I'm going to explain to you certain of your rights. If
3 you don't understand something I say, please let me know.
4 If you want me to explain anything more in detail, also let
5 me know. Do you understand that?

6 DEFENDANT GREEN: Yes, sir.

7 THE COURT: All right, sir. We've now reached the
8 stage of the trial where you may testify. You have the
9 right to claim the protections given to you by the Fifth
10 Amendment of the Constitution of the United States. This
11 amendment states in part that no person shall be compelled
12 in any criminal case to be a witness against himself. This
13 means that you cannot be required to testify in this case.
14 You have the right to testify on your own behalf; however,
15 no one can make you testify. This is a personal right and
16 no one can waive this right except you. If you decide to
17 testify, you will be subject to the same rules that govern
18 other witnesses and you may be examined and cross-examined
19 on any relevant issue in this case. In addition, if you
20 have any convictions involving dishonesty or false statement
21 or for crimes punishable by imprisonment for more than one
22 year and this Court determines that the probative value of
23 admitting this evidence outweighs its prejudicial effect to
24 you, the Solicitor will be able to introduce your record to
25 attack your credibility. If you decide to testify, this

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1 decision on your part must be freely, voluntarily, and
2 intelligently made with knowledge of the protections given
3 to you by the Fifth Amendment and the consequences of your
4 decision to testify. If you decide not to testify, I will
5 instruct the jurors that they cannot give the fact that you
6 did not testify any consideration whatsoever. And that
7 there is to be absolutely no prejudice to you because you
8 did not testify. It is left entirely up to you whether or
9 not to testify. You may talk with your attorney, your
10 family and friends or anyone else, but the final decision is
11 left up to you. Do you understand what I've explained to
12 you?

13 DEFENDANT GREEN: Yes, sir.

14 THE COURT: Do you have any questions about what
15 I've explained to you?

16 DEFENDANT GREEN: No, sir.

17 THE COURT: Have you discussed this with your
18 lawyer --

19 DEFENDANT GREEN: Yes, sir.

20 THE COURT: -- about whether or not to testify?

21 DEFENDANT GREEN: Yes, sir.

22 THE COURT: Okay. Now, do you wish to talk to
23 your lawyer some more?

24 DEFENDANT GREEN: Yes, sir.

25 THE COURT: Okay. All right. What we're going to

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1 do is -- I wanted to make sure you understood this so you'd
2 have plenty of time to talk to him. I know we've got a
3 couple of more witnesses and during that time, Mr. Gipson's
4 not going to be able to talk to you while we're doing that.
5 But I wanted it to be on your mind. I'll give y'all
6 whatever time you need. So that when the State is through
7 with it's case, hopefully we'll be in a position to decide
8 what you wish to do.

9 DEFENDANT GREEN: Yes, sir.

10 THE COURT: But remember, it's your decision
11 alone?

12 DEFENDANT GREEN: I understand, Judge.

13 THE COURT: Okay. All right. Thank you, sir.

14 DEFENDANT GREEN: All right.

15 THE COURT: You may sit down. I appreciate it.

16 All right. Is the State ready to go?

17 MR. SCOTT: Yes, Your Honor.

18 THE COURT: Okay. The Defense ready?

19 MR. GIPSON: We're ready, Your Honor.

20 THE COURT: If you'd get the jury on in, please,
21 ma'am.

22 THE BAILIFF: Yes, Your Honor.

23 (Jury in at 3:16 p.m.)

24 THE COURT: All right. Ladies and gentlemen, we
25 will continue with the State's case.

2 MR. SCOTT: May it please the Court, Your Honor?

4 MR. SCOTT: The State calls Scott McDonald.

7 THE COURT: He's your witness.

10 THE COURT: Oh, yes, sir.

12 SCOTT MCDONALD - DIRECT EXAMINATION

14 Q Good afternoon?

16 Q All right. Tell the jury where you're employed?

19 Q And how long have you worked in law enforcement?

21 Q Have you received any specialized training with regards
22 to analyzing and interpreting cellphone records?

23 A I have. I've been involved in cellphone investigations
24 since November of 2001. In the early years, there wasn't a
25 lot of training out there. Most of that was on-the-job

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1 talking with people with Verizon, Sprint and the various
2 companies. And I actually met with a Sprint engineer that's
3 here locally in Columbia, which explained a lot of the
4 towers and sectors and how these cellphones work and how we
5 can track them. Through the years, more and more classes
6 have been available. At the beginning of 2007, I attended a
7 public agency training council class on cellphone
8 investigations that dealt with the tracking of the
9 cellphones, plotting of the towers, the sectors, that type
10 thing. May 2008, there was a world conference in Chicago
11 where experts were brought in from around the world on these
12 topics and the downloading of cellphones was just coming
13 around, around that time. Since 2008, I've been training in
14 not only the tracking, but downloading of cell phones for
15 information you can receive off the cellphones. 2012, I
16 attended another class, advanced cellphone forensics put on
17 by a Public Agency Training Council. As phones have evolved
18 -- they were just a simple phone. Now they're smart phones,
19 minicomputers basically. So there's a lot more information
20 on the phone. So these classes are constantly evolving. I
21 try to attend one or two at least every year. The last
22 couple of years, I've been fortunate enough to attend the
23 National Domestic Communications Assistance Center, which is
24 a National brand new agency put on by the FBI. They've
25 trained us in, you know, the latest technology, the tracking

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1 of cellphones, downloading information you can get from
2 apps, this type of activity.

3 Q Have you had the opportunity work with, not only your
4 own law enforcement agency, but also other law enforcement
5 agencies with regards to analyzing and interpreting phone
6 records?

7 A I have. I've testified for the Columbia Police
8 Department and, of course, Richland County Sheriff's
9 Department, Lexington County Sheriff's Department and
10 Calhoun County, Dorchester County and Orangeburg County.

11 Q Approximately how many times do you think you've
12 testified?

13 A Probably twenty to twenty-five times.

14 Q Okay. And you've been retained by my office in this
15 case to present --

16 A That's correct.

17 Q -- to analyze these records in this case?

18 A That's correct.

19 Q Okay. You've been qualified as an expert?

20 A I have on ten occasions.

21 Q Ten occasions.

22 MR. SCOTT: Your Honor, at this time we would
23 offer --

24 BY MR. SCOTT:

25 Q I'm sorry, your title is Captain?

1 A Captain, yeah.

2 MR. SCOTT: -- Captain McDonald as an expert in
3 cellphone investigation.

4 MR. GIPSON: I have no objection.

5 THE COURT: All right. Ladies and gentlemen, he's
6 been qualified as a expert in cellphone investigation?

7 MR. SCOTT: Yes, Your Honor.

8 THE COURT: And I have the same comments I made
9 earlier to you about expert testimony applies again here.
10 You're supposed to make your own decision about his
11 opinions, okay?

12 All right.

13 MR. SCOTT: Thank you, Your Honor.

14 BY MR. SCOTT:

15 Q Captain McDonald, were you provided with copies of
16 records that the Orangeburg County Sheriff's Office gathered
17 in this case?

18 A I was. I believe there were three sets of records I
19 was provided copies of.

20 Q All right. This courtroom's a little cramped, but --
21 specifically, were you provided with records for phone
22 number [REDACTED]-9668?

23 A I was.

24 Q And for [REDACTED]-4640?

25 A I was.

1 Q And [REDACTED]-6334?

2 A Yes, I was.

3 Q And were all of these records, for a period of time
4 before December 13th, 2015 and shortly thereafter?

5 A Yes.

6 Q And explain generally what you were able to do with
7 these records?

8 A They're called call detail records that we get from the
9 various phone companies. We're able to look for
10 communication patterns, who's calling who. Who's texting
11 who, that kind of thing. And we also can get geographical
12 locations of where the phone was, a general area around the
13 tower, which side of the tower the phone was on during the
14 communication.

15 Q And did you prepare a PowerPoint presentation today for
16 the jury?

17 A I did.

18 Q And does this explain how cellphones work?

19 A It does.

20 Q And does it explain some of the calls that were made
21 and received by these phone numbers in this case?

22 A Yes, it does.

23 Q And does it also explain possibly some of the cell
24 towers that those phones were hitting off of?

25 A Yes, it does.

1 Q All right. Can we begin with your presentation?

2 A (Witness steps down)

3 THE COURT: Mr. Gipson, will you be able to see it
4 from there?

5 MR. GIPSON: I can see it here, yes.

6 THE COURT: If you need to move over there, that's
7 fine too.

8 MR. GIPSON: I'll be good here.

9 THE COURT: Okay. I just wanted to make sure.

10 MR. GIPSON: Thank you, Your Honor.

11 THE COURT: Oh, that's fine. That's fine. I
12 wanted to make you move.

13 MR. SCOTT: Oh, I'm sorry.

14 MR. GIPSON: He did that on purpose.

15 THE COURT: He did.

16 MR. SCOTT: Come sit over here.

17 A This basically, in a very simplified version, shows how
18 a cellphone works. When phone A goes to call phone B, when
19 your phone is on, it's always searching or anticipating you
20 making a call. So it's always reaching out, seeking a phone
21 signal to the closest tower. The closer the tower, the
22 stronger the signal. Once you dial that number, It relays
23 it through a switch and verifies that you're a valid
24 customer of AT&T, Verizon, whoever you're going to be with.
25 Once it verifies that, it goes into this area here. Then it

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1 goes out looking for phone number B. Well, once again, it's
2 got to verify, especially, if it's another company, that
3 that's a valid subscriber. And once that's done, it'll
4 start searching for that phone's local and makes the
5 connection. Of course, all of this happens in less than a
6 second, which is pretty amazing considering all that has to
7 do.

8 BY MR. SCOTT:

9 Q Okay. What's the next slide?

10 A I'm sure you've all seen these around, this is a
11 cellphone tower here. Usually, you're going to see a
12 cluster of these antennas on a tower. That's because one
13 company may own the tower and two or three other companies
14 may rent space on it. Each one of these towers is generally
15 broken down into three sectors. Each sector is roughly a
16 hundred and twenty degrees. Sometimes it's tilted a little
17 for heavy call volume, things like that. But in general,
18 they're going to be a hundred twenty degrees, three sides
19 which makes three hundred and sixty degrees, a circle around
20 the -- And they're either labeled A, B, C; 1, 2, 3. It
21 just depends on the company, how they've got them. The call
22 detail records from cellphone companies are obtained from
23 this type information. This information leaves a paper
24 trail of where that phone was who that phone was talking to,
25 that we're able to plot on a map. So literally what I'm

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1 getting from the phone company, I'm getting coordinates,
2 either latitude and longitude or a physical address, you
3 know, 120 Main Street, Orangeburg, South Carolina. So you
4 find the tower and then from there it also gives me what
5 sector, which side of the tower that phone was on at the
6 time of the call. You know, for this particular call
7 3/15/12 at 7:12 p.m., that phone was somewhere in this area
8 here when it made that call. So you see how it's valuable
9 to law enforcement if we can place you in an area close to
10 where a crime was committed.

11 Q All right. We're going to talk about the calls in this
12 case and the records that you received in this case. I want
13 to begin at 9:27 p.m. on December the 13th of 2015. Would
14 that be -- is that 21:27 military time?

15 A That's correct.

16 Q Okay. What is the status of the Defendant's phone at
17 9:27 p.m.?

18 A He's calling a Lakeisha Heyward on his phone. It's in
19 this sector right here. This is tower 151. It's in sector
20 2, which means he's somewhere in this general here. You see
21 this line here, that's not a finite line. That's just for
22 illustrative purposes. This tower may go a little further
23 and then come back a little more, but generally, in this
24 general area is where that phone is.

25 Q Can you tell us where tower 151 is?

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1 A Right in downtown Orangeburg.

2 Q Okay. And I see another circle to the left. What is
3 that?

4 A That's another tower, tower 158. You see how close
5 they are? Downtown areas, your towers are very close
6 because there's a lot of call volume. When you get out in
7 the country, they're farther apart. With less call volume,
8 they can stretch the signal to cover more area.

9 Q And do you see Highway #301 on that map?

10 A Yes. It's right here.

11 Q And how about Interstate 26?

12 A Right here.

13 Q Okay. You said at 9:27 the Defendant's phone is in
14 what sector?

15 A This sector right here.

16 Q Okay. And can you tell us where Fred's is located?

17 A Fred's is located at 1180 Five Chop Road, which is
18 where this blue dot is.

19 Q So within that sector?

20 A Yes.

21 Q When is the Defendant's next call?

22 A At 9:32 p.m.

23 Q And what number does he dial?

24 A He dials Ms. Hogges number at that point.

25 Q How does he dials Ms. Hogges number?

1 A Star 67.

2 Q And where was the Defendant when he makes this call?

3 A He's in sector 2 of tower 108, right here. So
4 somewhere in this general area, right here.

5 Q And that's near the intersection of I-26 and Highway
6 301?

7 A 26 and 301; that's correct.

8 Q Where is tower -- you said that was tower 108?

9 A Right.

10 Q And where is that in relation to the previous tower,
11 which was 151?

12 A It's slightly east. East of Orangeburg.

13 Q Okay. And based on the amount of time between the
14 previous phone call and the differing tower locations, is
15 this consistent with Mr. Green being stationary or moving?

16 A Appears to be moving. He was on this tower. And then
17 when he makes this next call, he's on this tower. So it
18 appears he's traveling in this direction.

19 Q Now, let me ask you between December the 1st of 2015
20 and December the 12th of 2015, how many times the
21 Defendant's phone came off of tower 108?

22 A Zero times. It never hits off this tower during that
23 time frame.

24 Q And if we flip to Ms. Hogges' records, do we know where
25 her phone is when it receives the call from the Defendant?

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1 A She's also in this same area, this sector 2 of tower
2 108. So in this same general area right here. She's also
3 on Verizon just like the Defendant's phone.

4 Q Same tower, same sector?

5 A Same tower, same sector.

6 Q All right. If we continue to look at Ms. Hogges'
7 records, you said that call was at 9:32. What happens one
8 minute later at 9:33?

9 A At 9:33 --

10 Q If you look at Ms. Hogges' records, who is she calling
11 at 9:33?

12 A She calls 9-1-1.

13 Q And where is she when she calls 9-1-1?

14 A Still in this sector here 108, sector 2.

15 Q All right. And after Ms. Hogges calls -- I'm sorry.
16 After the Defendant calls Ms. Hogges, using -- or after she
17 calls 9-1-1, what's the Defendant's next call?

18 A He calls Ms. Hogges' at 9:47 also once again using star
19 67.

20 Q Okay. And what tower was he pinging off of when that
21 happens, 9:47? I think maybe we need that other slide.

22 A It's tower 443 right here. He's on sector 3. In this
23 area here.

24 Q Okay. And where is that in relation to Omega Court?

25 A It's west of Omega Court?

1 Q How far away is Omega Court?

2 A Approximately four, four miles even. The tower with
3 his phone, the location.

4 Q If we looked at Ms. Hogges' records, when the Defendant
5 calls her at -- what time did you say it was, 9:47?

6 A Uh-huh. (Affirmative response.)

7 Q Where is her phone?

8 A It appears to be off with no location for it. I don't
9 know if the phone died or if the phone was shut off.

10 Q From December the 1st, 2015 to December the 12th, 2015,
11 how many times did Defendant's phone hit off of tower 443?

12 A It never does. It never hits off this tower during
13 that time.

14 Q Okay. What happens, according to the Defendant's phone
15 records, at 9:48?

16 A Once again, he calls Ms. Hogges' phone using star 67.
17 This time he's up in this sector again; 108, sector 2. So
18 it appears he's gone from here to here. He's on his way
19 back.

20 Q So initially, he was going west to east. Now he's
21 going east to west?

22 A That's correct.

23 Q And about two minutes later, can you tell us where the
24 Defendant's phone is hitting off of?

25 A Right here on this side of the tower, sector 3; 108,

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1 sector 3. So he's in this general area. So he's continuing
2 to come west.

3 Q And who does the Defendant call at 9:52?

4 A Lakeshia Heyward.

5 Q And what tower was he hitting off of then?

6 A This same tower; 108, sector 3. Right here.

7 Q What happens with the Defendant's phone after that?

8 A He continues to try to call Ms. Hogges, his brother and
9 Palmetto Health.

10 Q And can you tell us generally where, what tower he's
11 hitting off of from that point on?

12 A Tower 63 down here. And then he gets back up here
13 around 158 later in the night.

14 Q So the next -- how long would you say the next -- how
15 many minutes, hours does he continue to call Ms. Hogges, his
16 brother and Palmetto Health?

17 A About the next hour and a half or so.

18 Q After 12:39, what is the status of the Defendant's
19 phone?

20 A It appears to either be shut off or dead. There are
21 calls coming in, they're not answered and there's no tower
22 location. To me, that indicates either the phone is cut off
23 or the phone is dead.

24 Q Even though the phone is dead, will calls going to his
25 phone still appear on his phone records?

1 A They do appear on the call detail records.

2 Q What happens at 3:10 in the morning?

3 A Geraldine Green attempts to call the Defendant. But
4 there again, the phone is either off or dead. So she's not
5 able to complete the call. But there was a call made to
6 him.

7 Q And when you look at Elise Hogges' phone records, what
8 happens at 3:26 a.m.?

9 A Geraldine Green attempts to call Ms. Hogges.

10 Q And where is Ms. Hogges' phone, what tower is her phone
11 hitting off when she gets a call from Geraldine Green at
12 3:26 a.m.

13 A It's hitting off tower 289, sector 3, which is down in
14 Ridgeland. It's about twenty miles inside of South Carolina
15 on 95, down in that area, towards Georgia.

16 Q When you look at the Defendant's phone records at 8:11
17 in the morning on December the 14th, so early morning the
18 next day after the incident. 8:11 in the morning. Who, if
19 anyone calls the Defendant?

20 A Investigator Marty Carrigg.

21 Q All right. You can return to your seat.

22 A (Witness takes stand).

23 Q One last question. Can you tell this jury what area
24 code 305 is?

25 A That's the area code for Miami, Florida.

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1 Q Thank you Captain McDonald. Please answer any
2 questions Mr. Gipson has for you.

3 THE COURT: Yes, sir. Whenever you're ready.

4 MR. GIPSON: All right. Please the Court?

5 THE COURT: Yes, sir.

6 SCOTT MCDONALD - CROSS EXAMINATION

7 BY MR. GIPSON:

8 Q Now, Captain McDonald, one of the first things you
9 talked about after talking about how cellphones actually
10 work is the CDR, you mentioned that acronym, the CDR?

11 A Right.

12 Q Call detail records; correct?

13 A Right.

14 Q All right. And you said with call detail records you
15 can tell the area the phone call from; correct?

16 A Yes, sir.

17 Q And the area only?

18 A A general area around that tower.

19 Q So you cannot pinpoint a specific spot?

20 A Not a specific spot, not with this technology, no.

21 Q What technology is required to do that?

22 A This is tracking of a cellphone historical?

23 Q Yes, sir.

24 A Oftentimes, when looking for a fugitive they can do a
25 live time and get more precise. But this is a historical

1 record, trying to place someone back in time, where they
2 were.

3 Q So you can't tell this jury or anybody exactly where
4 phone was making this call from. You're suggesting it was
5 in this area?

6 A From the information I've been given and the training
7 I've received, it's hitting off that tower and that sector.
8 And that phone is in that general area that's highlighted
9 there.

10 Q Now, what distance are we talking about between here?

11 A I don't know that distance.

12 Q Okay.

13 A That typically is about a two and a half mile default
14 coming out. But the width, I could not tell you.

15 Q All right. So you're not saying this phone was pinging
16 off of [REDACTED] Omega Court; right?

17 A No.

18 Q Okay. And there's a tower right here; correct?

19 A Yes.

20 Q Okay. So it's not pinging off of 115 close to [REDACTED]
21 Omega Court is it?

22 A It only gives us a location when a call is placed.

23 Q Okay.

24 A So hypothetically, that phone could be at [REDACTED] Omega
25 Court but if there's no phone call either made or received

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1 during that time, it won't give us a location.

2 Q But that's hypothetical, which means, you know, we'd be
3 having to make up facts; correct?

4 A I can only tell you where the phone is generally when a
5 call is either placed or received.

6 Q Okay. But just backing up for one second. You say
7 hypothetical, that means we're making up facts, right, that
8 aren't in the record right now. That's not what we're
9 talking about are we? You don't have evidence of this phone
10 being over here; do you?

11 A No.

12 Q Okay. Now, let's talk about one other thing. This is
13 Johnathan Green's cellphone, all right?

14 A Uh-huh. (Affirmative response.)

15 Q Show us what records you have that this phone was
16 bought by Johnathan Green?

17 A I don't have any records indicating it was bought by
18 Johnathan Green during the course of this investigation.

19 Q Who would have provided that information to you?

20 A I would have gotten the information from the
21 investigation.

22 Q Okay. So when you say that, that's information that
23 you gleaned from the Solicitor?

24 A From other -- yeah, from other law enforcement.

25 Q Okay. So there's -- so you're being told that's his

1 number so that's why you put that up there; right?

2 A Correct.

3 Q Okay.

4 A And very often phones are pay-as-you-go, things like
5 that, where there is no identification.

6 Q But in this situation you have, you don't -- do you?

7 A I trust my information from my officers and from my
8 Solicitors.

9 Q You don't specifically have any specific indication
10 from your research in this case, that this is true? You
11 just know it's a cellphone that they've said belongs to
12 Johnathan Green; right?

13 A Let me double check back because I did cross-reference
14 several others?

15 Q Okay.

16 A No.

17 Q No, meaning what?

18 A No.

19 Q That your answer before --

20 A Just the information I received from the investigation
21 that it was his phone.

22 Q Okay. So, again, there is no independent information
23 that you have that says that that phone belongs to Johnathan
24 Green. You got that information from the State?

25 A Correct.

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1 Q Okay. Now, you don't know -- if a phone call was
2 placed in here, you know a phone call came from, just from a
3 particular phone number; that's right?

4 A Either a call came into his phone or his phone placed a
5 call.

6 Q So a phone -- Say, a phone call came to the number -- I
7 guess that's ■■■-9668; correct?

8 A Correct.

9 Q All right. So a phone call came or was placed from
10 ■■■-9668; correct?

11 A Correct.

12 Q All right. And up to this point, which is a minimum of
13 -- well, you're saying at this point where this tower is,
14 that's about four miles?

15 A About four miles away from that incident location.

16 Q And it could be as many as to that point; correct?

17 A Correct; or a little farther.

18 Q Okay. Or farther. Okay. And, again, you don't have
19 the information or the technology to pinpoint anything
20 closer than that at this point?

21 A Not on historical records.

22 Q Okay. And you can't tell who purchased this phone,
23 meaning this number ■■■-9668; can you? You can't tell us
24 who purchased it or when; can you?

25 A I don't have that information?

1 Q Or where it was purchased?

2 A No.

3 Q Okay. And you're not here to testify about anything
4 that happened on Omega Court today; are you?

5 A No. I'm strictly here for the phone records.

6 Q Okay.

7 MR. GIPSON: I ask the Court's indulgence very
8 briefly.

9 THE COURT: Take your time.

10 MR. GIPSON: That's all my questions, Your Honor.

11 THE COURT: All right. Anything on redirect?

12 MR. SCOTT: No, Your Honor.

13 THE COURT: All right. Thank you, sir. You may
14 step down.

15 All right: Is the State prepared to call its next
16 witness?

17 MR. SCOTT: Can I approach the court reporter real
18 fast so she can gather up her exhibits?

19 THE COURT: Oh, yeah. That'd be fine. Yeah.
20 Take your time.

21 (OFF RECORD DISCUSSION)

22 COURT REPORTER: 75 is withdrawn because it is a
23 duplicate.

24 THE COURT: Okay. Okay.

25 COURT REPORTER: So everything -- your records

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1 should show that everything is in through 78.

2 THE COURT: Except 75?

3 COURT REPORTER: Except 75, which was a duplicate
4 record, withdrawn. It was marked for ID and withdrawn.

5 THE COURT: Okay. All right.

6 COURT REPORTER: Josh is that what you have?

7 MR. EDWARDS: Yeah.

8 THE COURT: All right.

9 MR. SCOTT: Your Honor, at this time the State
10 rests.

11 THE COURT: All right. Thank you, sir.

12 Ladies and gentlemen, the State is rested. That means
13 that you have heard all of the evidence that we're going to
14 hear from the State regarding this case. There are some
15 matters that I've got to take up with the attorneys out of
16 your presence, one of those things that I talked about in
17 the very beginning. I'm going to allow y'all to go back
18 into the jury room for a few minutes while I have the
19 discussions with those attorneys. And then I will bring you
20 back out later and we'll continue with this -- we'll
21 continue with the case or give you some advice about where
22 we're going to go today.

23 Now, remember, even though you've heard all of the
24 testimony from the State, you still cannot begin talking
25 about this case until I tell you, at the conclusion of the

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1 case that you can begin your deliberations. So I'm going to
2 let y'all go back into the jury room for a minute and I will
3 discuss these matters with the attorneys. Thank y'all very
4 much.

5 (Jury out at 3:43 p.m.)

6 THE COURT: All right. Anything from the State?

7 MR. SCOTT: No, Your Honor.

8 THE COURT: Anything from Defense?

9 MR. GIPSON: Yes, sir. I'd like to -- well, of
10 course, directed verdict motion. But two things I'd like to
11 do. Talk about the directed verdict motion is one. And
12 two, well, I'll wait on the Court's decision before I --

13 THE COURT: Before you go to two?

14 MR. GIPSON: And may I have just a moment on
15 directed verdict motion --

16 THE COURT: Sure.

17 MR. GIPSON: -- just to gather a couple of things?

18 THE COURT: Okay.

19 MR. GIPSON: Thank you, Judge. I may need about
20 two minutes.

21 THE COURT: Okay.

22 (Court at ease)

23 MR. GIPSON: And we're ready when you are, Your
24 Honor.

25 THE COURT: Whenever you're ready. Yes, sir. I'm

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1 sorry. I was waiting for you.

2 MR. GIPSON: Yes, sir. Your Honor, at this phase,
3 since the State has rested, obviously, it's an opportunity
4 for me to ask for directed verdict.

5 THE COURT: Yes, sir.

6 MR. GIPSON: And I am doing such, asking for a
7 directed verdict of not guilty on all three counts that Mr.
8 Green is facing. Obviously, the first count that he's
9 facing -- well, he's facing two counts of attempted murder
10 and a third of shooting a firearm into a dwelling. I would
11 suggest, and I'll take the firearm into a dwelling first.
12 As the Court has listened to this evidence, there is no
13 evidence that has been testified to from that stand,
14 proffered in any way, shape, or form that ties any firearm,
15 any ballistics, any indication that Johnathan Green fired a
16 guh into a home, into a dwelling. There's nothing that's
17 been entered. We've heard about phone records. We've heard
18 about following up and down 301 and other areas. We have
19 heard nothing from the State's witnesses, it's experts,
20 Judge, that the State called, that suggests that a gun was
21 fired by Johnathan Green into a home. I mean, nothing is
22 there. And without anything being there in that sense,
23 Judge, I think the Court has the ability to direct a verdict
24 of not guilty on the firing into a dwelling because we are
25 void of evidence that suggest that he did that.

1 The testimony that we've heard from officers in this
2 case, and even from the victims in this case, Judge, say
3 that when they went into the home -- there is a discussion
4 at some point in time. And soon after, they heard gunshots.
5 None of them say they saw Johnathan Green shooting. I was
6 clear about asking that question. And their testimony was
7 they were inside of that residence when shooting started.
8 That's what we've heard. But nothing corroborates that from
9 law enforcement. I would suggest that a directed verdict is
10 in order for the attempted murders as well, Judge, in the
11 sense that again, nothing from the information that we've
12 received at this point, since the State has now rested,
13 suggests that Mr. Green fired a gun or fired a gun into that
14 dwelling.

15 What we learned is that from their expert there could
16 be as many as two guns that were fired into that home
17 because the ballistics are inconsistent. He said looking at
18 these things, there could be two guns. I asked that
19 specific question and he mentioned and it's even in that
20 exchange with the SLED expert. It's even in his
21 information, Judge. I would suggest, Judge that -- I
22 understand that the statute for attempted murder is the
23 attempt to kill somebody. The attempted unlawful killing of
24 another with malice aforethought. But I would suggest that
25 those, number one, we can't prove the shooter. Number two

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1 -- or that a shooting took place by Johnathan Green. We
2 can't prove that. Two, the elements leading up to that have
3 not been proven, Judge. There's speculation that may be
4 there, Judge. But in terms of anything past that
5 speculative point, there is none that has been offered. So
6 I ask that you consider directed verdicts on all counts
7 based on the lack of evidence as it's been presented to this
8 point.

9 THE COURT: All right. Thank you, sir. Here's my
10 take on the testimony so far --

11 MR. GIPSON: Yes, sir.

12 THE COURT: -- is the victim and certainly Elise
13 Minus knows the Defendant. And she has testified that she
14 saw him, that he was apparently angry at her, engaged in a
15 high speed chase and followed them all the way to the Omega
16 Street address. Now, seems to me that obviously scared of
17 him because there's testimony that when the police got to
18 the scene, the Chrysler was still running in the front yard.
19 They didn't even turn off the car to run in. So I then have
20 other testimony from other people saying that a black SUV
21 left the scene of the shooting. The mother's black SUV was
22 being driven, according to the testimony that I've heard, by
23 the Defendant during that evening. There's certainly nine
24 shots in the house. So based upon the -- what evidence has
25 been presented, the jury could find him guilty of both

1 attempted murder and shooting into a dwelling. I think the
2 arguments that you've made to me are arguments that you need
3 to make to the jury. But for purposes of me directing a
4 verdict of not guilty at this time, I'm going to deny your
5 motion, okay? Based on the reasons I just gave. Okay?

6 MR. GIPSON: Thank you, Your Honor.

7 THE COURT: All right. I note your objection to
8 that. Now, additionally you said after I ruled you then
9 have something else you wanted to talk to me about?

10 MR. GIPSON: Yes, sir. Yes, sir, Your Honor.

11 THE COURT: Yes, sir.

12 MR. GIPSON: And seeing your ruling, Judge, I know
13 you advised Mr. Green of his right to testify.

14 THE COURT: Yeah.

15 MR. GIPSON: And I would like to take that time to
16 meet with him and speak about those matters, Judge.

17 THE COURT: Okay.

18 MR. GIPSON: At this juncture, as the Court knows,
19 we have not entered any evidence into the record. And so
20 what I'm suggesting to the Court is we need to speak about
21 that and also the offering of testimony so I can make sure
22 that Mr. Green understands what the offering the testimony
23 means.

24 THE COURT: Okay.

25 MR. GIPSON: At this juncture, if we chose not to

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1 present a case, as the Defense, we'd have the right to the
2 last argument. The State would have to open in full and
3 make its complete argument. We'd have the opportunity to
4 close period. And that would be the end of the case until,
5 of course, the Judge gives closing instructions to the jury
6 about --

7 THE COURT: Yes, sir.

8 MR. GIPSON: So I'd like to explain that to Mr.
9 Green, make sure he fully understands what that means and
10 then come back and speak to the Court about what our
11 position is..

12 THE COURT: All right. It is now ten minutes to
13 four.

14 MR. GIPSON: Yes, sir.

15 THE COURT: Okay. Do you want me to give you time
16 this afternoon and hold the jury here or are you suggesting
17 that we come back in the morning?

18 MR. GIPSON: My thought process is, Judge, to make
19 sure that I've adequately advised him and make sure that,
20 you know, I've protected the record, Judge. If we choose
21 not to put up a case then obviously we'd be ready to argue
22 and charge in the morning. So my thought process is, it's
23 going to take us -- and I'd ask this too. I know the Court
24 mentioned during its advisement of rights, just a chance to
25 talk to family for a moment about, you know, about those

1 things. And I think with that happening it may take us --
2 it's going to take us at least twenty, twenty-five minutes,
3 I would think, Judge, if the Court would allow me that. And
4 I would ask that the Court allow us to bring the jury back
5 in the morning because obviously, we're going to end this
6 case tomorrow. And it will go to the jury tomorrow. And so
7 -- and I have subpoenaed some witnesses, Judge, one of which
8 we would ask -- the one that I would actually prefer to lead
9 with if we put up a case, I'd ask to be present tomorrow
10 morning at 9:00. I expected that we would go today through
11 the phone records and it would take our entire day. So I
12 apologize for mishandling that time.

13 THE COURT: That's okay. One thing I've learned,
14 you never can tell how long something's going to last.

15 MR. GIPSON: Yes, sir.

16 THE COURT: Mr. Scott, I'm inclined to come back
17 at 9:30 in the morning and start unless you've got some --

18 MR. SCOTT: I mean, obviously, it would be nice
19 for the State if we had some sort of decision this afternoon
20 to at least know what we need to be prepared for in the
21 morning.

22 THE COURT: Well, that's true too. How about
23 this, Mr. Gipson? What I'd like to do is I'm going to
24 excuse the jury, ask them to come back at 9:30 in the
25 morning.

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1 MR. GIPSON: Yes, sir.

2 THE COURT: Before 5:00 this evening, I would like
3 to get a decision from your client whether or not he intends
4 to testify or put up any case at all?

5 MR. GIPSON: Yes, sir. Yes, sir.

6 THE COURT: That would give you over an hour to
7 talk with him and his family members. But that would also -
8 -

9 MR. GIPSON: Out of fairness to Mr. Scott --

10 THE COURT: Well, actually, out of fairness to
11 both of you. Y'all both need to know. And I'm not going to
12 put him at the disadvantage of you telling him at 9:30 in
13 the morning what you're going to do, okay?

14 MR. GIPSON: Yes, sir.

15 THE COURT: So what I'll do is I'm going to tell
16 the bailiff to excuse the jury, remind they can't talk to
17 anybody or among themselves and be back at 9:30. I'm going
18 to ask you to be back in the courtroom at 5:00.

19 MR. GIPSON: Yes, sir.

20 THE COURT: Or at five minutes 'till 5:00.

21 MR. SCOTT: I thought he said he needed twenty-
22 five minutes.

23 THE COURT: Well, he needed twenty -- he wanted
24 twenty-five minutes and then I was talking about coming
25 back. And I'm going to be here until 5:00 anyway, so I'll

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1 give him a little bit of extra time. Thirty minutes ain't
2 going to make any difference to anybody I hope, okay?

3 MR. SCOTT: Thank you, Judge.

4 MR. GIPSON: And if I can come back quicker than
5 that, I will.

6 THE COURT: Oh, yeah. We would all appreciate
7 that.

8 MR. GIPSON: Yes, sir.

9 THE COURT: Okay. All right. All right.
10 Would you excuse the jury until 9:30 in the morning?

11 THE BAILIFF: Yes, Your Honor.

12 THE COURT: Okay. All right.

13 (Jury excused by bailiff at 3:56
14 p.m.)

15 MR. GIPSON: May we meet in chambers real quick?

16 THE COURT: Sure. All right. Y'all come on back.

17 (Court in recess March 26, 2016 at
18 3:56 p.m.)
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(Court in session March 27, 2016 at

9:00 a.m.)

THE COURT: All right. Mr. Green, good morning.

DEFENDANT GREEN: Good morning.

THE COURT: Mr. Green yesterday afternoon at 4:00, I went over and began discussing with you your rights as a Defendant, as to whether you wish to testify or not.

DEFENDANT GREEN: Yes, sir.

THE COURT: Okay. And we've had some preliminary -- I had told your attorney to get back with me by 5:00 so we'd have an idea of what you wanted to do. And I was told at that time that you were inclined to not testify. That was yesterday afternoon?

DEFENDANT GREEN: Yes, that's right.

THE COURT: But we gave you until this morning to announce your final decision; is that correct?

DEFENDANT GREEN: Yes, sir.

THE COURT: Okay. Now, I'm going to go over the final questions with you one more time, all right?

DEFENDANT GREEN: Yes, sir.

THE COURT: And remember you're still under oath?

DEFENDANT GREEN: Yes, sir.

THE COURT: Did you understand everything that I explained to you yesterday?

DEFENDANT GREEN: Yes, sir.

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1 THE COURT: All right. Do you have any questions
2 about what I explained to you yesterday?

3 DEFENDANT GREEN: No, sir.

4 THE COURT: All right. Have you discussed with
5 your lawyer whether or not you should testify?

6 DEFENDANT GREEN: Yes, sir.

7 THE COURT: Have you also discussed that with
8 family and friends?

9 DEFENDANT GREEN: Yes, sir.

10 THE COURT: Okay. Do you need anymore time to
11 talk with your lawyer about this decision?

12 DEFENDANT GREEN: No, sir.

13 THE COURT: All right, sir. Do you wish to
14 testify in this case?

15 DEFENDANT GREEN: No, sir.

16 THE COURT: All right. Now, is anybody forcing
17 you to do this?

18 DEFENDANT GREEN: No, sir.

19 THE COURT: You're doing this freely and
20 voluntarily?

21 DEFENDANT GREEN: Yes, sir.

22 THE COURT: And you believe it's in your best
23 interest to not testify?

24 DEFENDANT GREEN: Yes, sir.

25 THE COURT: All right. Thank you, sir.

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1 DEFENDANT GREEN: All right.

2 THE COURT: All right. Are you ready?

3 MR. GIPSON: If I may, Your Honor?

4 THE COURT: Yes, sir.

5 MR. GIPSON: And Mr. Green and I have spoken
6 extensively. Obviously, he retained me some time ago and
7 we've met extensively about his rights, just about his
8 rights and what the standard of proof is and just how this
9 entire court proceeding works. And we've had the benefit
10 of, especially yesterday, kind of meeting with family as
11 well. And there's no question that he's freely and
12 voluntarily making this decision. He understands what's
13 going on, Your Honor, and he's made the decision not to
14 testify.

15 THE COURT: All right. Now, Mr. Gipson, it's my
16 understanding also that the Defendant is not going to put up
17 a case at all?

18 MR. GIPSON: That is correct, Your Honor.

19 THE COURT: Okay. All right. Is there anything
20 else that we need to put on the record?

21 MR. GIPSON: No, sir. Not in terms of those
22 matters. No, sir.

23 THE COURT: Okay. All right. What I would like
24 to do now is -- is the jury here?

25 THE BAILIFF: Yes, Your Honor.

1 THE COURT: Okay. What I'd like to do, if it's
2 all right with y'all is to bring the jury on out, let you
3 officially rest on the record.

4 MR. GIPSON: Yes, sir.

5 THE COURT: Then I will let them go back. We can
6 then go over the verdict form, my charges. I know you need
7 to renew your directed verdict motion?

8 MR. GIPSON: Yes, sir.

9 THE COURT: And then we should be ready, unless
10 there's something else we need to take up, we should be
11 ready to go hopefully -- I would like to start about 10:00
12 unless something goes --

13 MR. GIPSON: Yes, sir. I agree with that. And
14 that will give me time to dismiss a couple of witness that I
15 had under subpoena. And I'll dismiss them.

16 THE COURT: Okay. All right.

17 Mr. Scott, anything else from the State that I need to
18 address, you think?

19 MR. SCOTT: No, Your Honor.

20 THE COURT: Okay. All right. What I'm going to
21 do is I'm going to go ahead and bring the jury out and I'll
22 give you an opportunity to rest and then we'll go back,
23 okay?

24 MR. GIPSON: Thank you, Your Honor.

25 THE COURT: All right. Thank y'all.

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1 If you'd bring the jury on out, please?

2 THE BAILIFF: Yes, Your Honor.

3 (Jury in at 9:46 a.m.)

4 THE COURT: All right. Good morning ladies and
5 gentlemen.

6 THE JURY: Good morning.

7 THE COURT: Hope y'all are doing well this
8 morning. As you remember yesterday the State completed
9 their case in chief. And now is the opportunity for the
10 Defendant, if he chooses to, to put up his case, okay?

11 All right. Mr. Gipson.

12 MR. GIPSON: Thank you, Your Honor. At this time,
13 the Defense rests.

14 THE COURT: All right. Thank you, sir.

15 MR. GIPSON: Yes, sir.

16 THE COURT: All right. The Defendant has chosen
17 not to put up a case. He's not required to do so, okay?
18 Because it's up to the State to prove him guilty beyond a
19 reasonable doubt. Since the Defendant has rested, we have
20 now heard -- you have now heard all the testimony that
21 you're going to hear in this case. Now, again, even though
22 you've heard all the testimony in this case, you cannot
23 begin talking among yourselves about this case. What's
24 going to happen next is we will do the closing arguments and
25 I will charge you with the law. And then after I have

1 charged you with the law, Madam Forelady, what I will do is
2 I will step down to where you're sitting and review the
3 verdict form with you so you'll understand the verdict form
4 and what you need to complete on that verdict form. Now,
5 before we can do all of those things, there are some matters
6 I have to go over with, with the attorneys. And, as I told
7 you at the very first, sometimes when I do that, y'all can't
8 be in here when I talk to the attorneys about what's going
9 on. So what I'm going to get you to do is go back into the
10 jury room. Hopefully, we're going to be back out here in
11 about fifteen or twenty minutes to begin the final part of
12 the case. Now, again, you cannot talk about any of the
13 testimony you've heard so far, okay? All right. I'm going
14 to let y'all go back into the jury room for just a few
15 minutes.

16 (Jury out at 9:46 a.m.)

17 THE COURT: All right. Mr. Gipson, you need to
18 renew your directed verdict motions?

19 MR. GIPSON: Yes, sir. And since we did not put
20 up a case, I know those things are fresh in your mind,
21 Judge. Without going through each of those elements
22 extensively, I'd just like to renew those motions that I
23 made yesterday just on the belief that the State has not
24 entered enough evidence into the record for a jury to make a
25 decision about anything, particularly because I just don't

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1 feel they met the elements, Judge.

2 THE COURT: And I understand. And I think that
3 your argument is appropriate for a jury argument. But, as I
4 mentioned earlier, I believe the State has produced enough
5 evidence that they could convict him if they chose to
6 believe all of the evidence that has presented. So I am
7 going to deny your directed verdict motion?

8 MR. GIPSON: Yes, sir.

9 THE COURT: I am going to note that your objection
10 to my ruling is preserved.

11 MR. GIPSON: Thank you.

12 THE COURT: Okay. Thank you, sir. All right.
13 It's going to take us a minute. We should be finishing up
14 the verdict form. And I don't believe I have the indictment
15 numbers, so if you've got the indictment or copies of it.
16 Did y'all have copies of indictment. Y'all give me
17 something to go with.

18 MR. SCOTT: I would like to double check because
19 there's some I did not call, obviously.

20 THE COURT: Right.

21 MR. SCOTT: And I believe it's 2016-GS-38-223;
22 224; and 1244.

23 COURT REPORTER: Yes, that's what I have.

24 THE COURT: Do you mind if I -- I'll give it right
25 back.

1 All right. We will stand down for a few minutes and
2 I'll get y'all back to make sure we review my charge and
3 then we should be ready to go, okay?

4 MR. GIPSON: Yes, sir.

5 THE COURT: All right. Thank you.

6 (Court in recess at 9:50 a.m.)

7 (Court in session at 10:38 a.m.)

8 (Charge conference in chambers)

9 THE COURT: Y'all have had an opportunity to look
10 over the verdict forms and y'all are in agreement with the
11 verdict forms?

12 From the State?

13 MR. SCOTT: Yes, Your Honor.

14 THE COURT: For the Defense?

15 MR. GIPSON: Yes, sir.

16 THE COURT: Okay. All right. There was some
17 discussion in chambers about whether or not I should charge
18 flight. And I've got a case on that, State v. Grant 275 SC
19 404 and I'm not going to charge flight, pursuant to that.
20 But it does say that you may argue inferences from flight.
21 But it would be error for the law for me to charge it. So
22 I'm not going to charge it.

23 MR. SCOTT: Thank you, Your Honor.

24 THE COURT: Okay.

25 MR. GIPSON: Thank you, Your Honor.

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1 THE COURT: And can I see y'all just one second up
2 here to talk about one other thing?

3 (Off the record bench conference)

4 THE COURT: All right. Is the State ready?

5 MR. SCOTT: Yes, Your Honor.

6 THE COURT: Is Defense ready?

7 MR. GIPSON: Yes, sir.

8 THE COURT: Okay. All right. If you'd bring the
9 jury on in please, ma'am.

10 THE BAILIFF: Yes, Your Honor.

11 THE COURT: Thank you.

12 (Jury in at 10:40 a.m.)

13 THE COURT: All right. Ladies and gentlemen, we
14 are now getting ready to begin the closing arguments. After
15 you've heard the closing arguments of both attorneys, I will
16 charge you with the law and go over the verdict form with
17 you, okay? And that's kind of the procedure we're going to
18 go through this morning.

19 Mr. Scott?

20 MR. SCOTT: May it please the Court?

21 THE COURT: Yes, sir.

22 MR. SCOTT: Mr. Gipson.

23 MR. GIPSON: Yes, sir.

24 STATE'S CLOSING STATEMENT

25 BY MR. SCOTT:

1 Jealousy, hate, obsession, I'm not sure we'll ever know
2 what was going through Johnathan Green's mind when he saw
3 Elise and Ken on Highway 301, but we know exactly what was
4 going through his mind when he pulled up to ■ Omega Court.
5 And that, ladies and gentlemen, is malice. How can there be
6 any doubt, much less a reasonable doubt, that he had malice
7 in his heart when he drove up to ■ Omega Court.

8 Ladies and gentlemen, on behalf of the State of South
9 Carolina I want to thank you for your service here this
10 week. It's often said that jury duty is one of the most
11 important service you can serve or do for your country and I
12 certainly concur with that. The bottom line is, everybody
13 in this courtroom has a job. It is the State's job to
14 present the evidence as administrators of justice. It's the
15 Defense's job to be a zealous advocate for its client. It's
16 the Judges job to administer the law, but most importantly
17 of all, it is your job to judge the facts and render a
18 verdict that speaks the truth.

19 If you recall, the most important thing you have done
20 up until now is you took an oath. You took an oath that you
21 would put aside any bias, any prejudice you have against the
22 State or the Defense and render your verdict, your truthful
23 verdict, on just two things: the evidence; and, the law.
24 But before we talk about the evidence in this case, I want
25 to briefly talk about a couple of points of law. And I'll

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1 be brief because at the end of these closing arguments,
2 Judge Dickson is going to go through with you what the law
3 is. And it goes without saying, if anything I say differs
4 from what Judge Dickson tells you, you take the law
5 according to Judge Dickson. Because just as you are the
6 sole finders of fact in this case, Judge Dickson determines
7 the law.

8 The first point of law I'm going to address is that of
9 attempted murder. Attempted murder is when a person who,
10 with intent to kill, attempts to kill another person with
11 malice aforethought either expressed or implied. The key to
12 this definition, ladies and gentlemen, is the word malice.
13 Malice has multiple definitions under our law. Listen to
14 Judge Dickson when he charges you on what malice is. Malice
15 is hatred. Malice is ill will. Malice is an intentional
16 act of violence. What I think is really the best definition
17 of malice as it relates to this case, malice is a total
18 disregard for human life. That's what this case is about.
19 Malice has no time limit. It can be formed in the blink of
20 an eye, the snap of a finger, or the pulling of a trigger
21 one time, much less nine. Malice can be expressed or
22 implied. An example of expressed malice would be somebody
23 saying I'm going to kill you and then pulling out a gun and
24 shooting at you. An example of implied malice would be just
25 the use of a deadly weapon. By itself, it's evidence of

1 malice. The shooting of a gun at somebody is evidence of
2 malice. Shooting a gun at somebody nine times is evidence
3 of malice.

4 Now, the Judge, in this case, in addition to attempted
5 murder, is also going to charge you what we call a lesser
6 include offense. And that is assault and battery in the
7 first degree. This is a lesser included offense of
8 attempted murder. Assault and battery in the first degree
9 is an intent to injure another person by using means likely
10 to produce death or great bodily injury. Basically, ladies
11 and gentlemen, it's the same thing as attempted murder
12 without malice. The other charge the Defendant has been
13 charged with is discharging a firearm into a dwelling. I
14 didn't do a board for that, it speaks for itself. If you
15 discharge a firearm into a dwelling, then you are charged
16 with discharging a firearm into a dwelling. All three of
17 these offenses are separate and distinct offenses. So you
18 can find the Defendant guilty of one, two, three, none of
19 them. And on the attempted murder you could find him guilty
20 of attempted murder, assault and battery first or not
21 guilty.

22 The Judge is also going to charge you that there are
23 two types of evidence. There's direct evidence and there's
24 circumstantial evidence. Direct evidence is something a
25 witness sees, touches, hears. An example of that would

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1 Braniah's testimony, I heard gunshots; twelve-year-old
2 Braniah. Circumstantial evidence is something that you can
3 infer based on the circumstances. An example of that would
4 be, let's say it's -- let's say it's January. It's cold
5 outside. You're getting ready to go to bed. You look out
6 your bedroom window. There's no snow on the ground. You go
7 to bed, you sleep through the night. You wake up, you look
8 out your window and your yard's covered with snow. You
9 didn't see it snowing, but you know from circumstantial
10 evidence that it snowed. Now, it's possible somebody came
11 through your neighborhood with a snow blower and blew the
12 snow all over the neighborhood, but your common sense that
13 you don't leave at the door when you come in here, your
14 common sense would tell you it snowed last night. That's
15 circumstantial evidence.. An example of circumstantial
16 evidence in this case is the calls on the cellphone.

17 The Judge is also going to charge you with the
18 credibility of witnesses. You can believe all, some or none
19 of what a witness testifies. And the law recognizes certain
20 factors that you can use to help determine the credibility
21 of a witness. What was the demeanor of the witness on the
22 witness stand? Was the witness forthright or hesitant? Was
23 the testimony of the witness consistent with itself; did it
24 make sense. Number four is my favorite. Was testimony of a
25 witness corroborated? Did other evidence in the case

1 corroborate that witnesses testimony? And last, did the
2 witness have to a reason to be biased or prejudiced? Those
3 are factors you can use. But it's -- the beauty of jury
4 duty, y'all all come from different backgrounds. You deal
5 with people every day. You know when people are telling you
6 the truth and when they're lying to you.

7 The last legal phrase I want to discuss before we start
8 talking about the facts is the burden of proof. The State,
9 as in all cases, all criminal cases, has the burden of
10 proof. It's the State's responsibility to prove the
11 Defendant's guilt and we must convince you of the
12 Defendant's guilt by proof beyond a reasonable doubt. And
13 what that means is as exactly as it sounds. It's not proof
14 beyond all doubt. It's not proof beyond any doubt. It's
15 proof beyond a reasonable doubt. And after hearing all the
16 evidence, what it means is if you are firmly convinced,
17 firmly convinced of the Defendant's guilt, it's your
18 responsibility to find him guilty. Because how can there
19 be any doubt, much less a reasonable doubt, that Johnathan
20 Green shot into the home of Delphine Gavin, shot at Kendwan
21 Minus, shot at Elise Hogges Minus. How can there be any
22 doubt. My boss, Solicitor David Pascoe uses a phrase in
23 every one of his trials. He stole it from John Adams, the
24 second President of the United States. And that phrase is
25 facts are stubborn things. Facts are stubborn things. And

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1 I think it really sums up what this case is all about.
2 Because no matter how the Defendant, how the Defense tries
3 to attack the witnesses in this case, argue some sort of
4 fabrication, like they're making this up, it all flies in
5 the face of the corroborating witness.

6 The Defense counsel, they don't want you to base your
7 verdict on the facts and the evidence. They want you to
8 base your verdict on assertions, speculation, innuendo. The
9 Defense, as you've heard from the Judge multiple times, they
10 don't have to offer any evidence. Mr. Gipson doesn't have
11 to -- he doesn't have to question a single witness. But
12 once they do, it is subject to scrutiny just like everything
13 else. Assertions like Elise Hogges didn't know that
14 Geraldine Green's car was a Veracruz. She thought that it
15 was a Hyundai, a Santa Fe. You'll have these back in the
16 jury room. Is that reasonable doubt? How similar do these
17 vehicles look. I'd never even heard of a Veracruz before
18 this trial. And there are other assertions like where's the
19 GSR, the gunshot residue evidence? Where is that? First of
20 all as you've heard, GSR, it dissipates over time. Even if
21 it's just laying on your skin, after six hours, it's gone.
22 And even if it's on the inside of a car or on clothing, it
23 still dissipates over time. It could still be cleaned. All
24 it is is particles sitting on the surface. But think about
25 it. If we had found GSR at some later date in Ms. Green's

1 vehicle, what would Mr. Gipson say? We don't know when that
2 GSR got there. We don't know that happened on December the
3 13th of 2015. It could have already been there before then.
4 It could have happened after then. What good would that do?
5 And there's more speculation from the Defense, like it was
6 dark outside. There's no way Delphine Gavin and Tynisha
7 Guess could have seen whether it was a black vehicle leaving
8 Omega Court. Yeah, it was dark out. It was dark out. And
9 I submit that the Defendant turned down Omega Court, started
10 driving down that road looking for Ken and Elise. He didn't
11 have any trouble seeing her car in the yard. Look at this
12 picture of Tynisha's house, her porch. How many car lengths
13 is that from the road? I submit probably closer than where
14 Elise's car was parked. If the Defendant can see Elise's
15 car, Tynisha can see the Defendant's car leaving the street.
16 No video from businesses. No reports of reckless driving.
17 Is that reasonable doubt? And there's other assertions.
18 Nobody actually saw Johnathan Green shoot into the house.
19 As if maybe you can believe the Defendant chased Ken and
20 Elise all the way from Orangeburg at speeds over a hundred
21 miles an hour, pulled up to the residence and somebody else
22 came by and shot into the house. Are you prepared to
23 require that they look out their window while they're being
24 shot at to identify who's shooting at you? And here's my
25 favorite assertion. No shell casings. When Ken and Elise

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1 ran into the house, what was their testimony? How quickly
2 did the shots start coming into the house? Seconds. He
3 didn't get out of his car to shoot. He shot from inside his
4 car? Where are the shell casings? In the same car we
5 couldn't find that night. And even if we had found the
6 shell casings, you can't compare them to fired bullets. But
7 you can compare them to a gun. And let's get one thing
8 straight. We don't reward Defendants who hide their
9 weapons. And since it had happened on December the 13th,
10 U.S. Marshal's started looking for him on December 14th, and
11 he wasn't located until December the 17th, one hundred miles
12 away in another State. We don't reward Defendants for
13 disposing of evidence, whether it's shell casings in the
14 car, a car itself or weapons. And we also know from
15 Investigator Carrigg's testimony -- well, we're get around
16 to talking about that. The Defense is trying everything
17 they can to distract you from evidence. I don't think
18 there's any dispute that someone shot into this home. You
19 can listen to the 9-1-1 tapes if you want. You can hear the
20 hysteria. The testimony of little Braniah, do you recall
21 that? Keyuana Thomas who went over there to dry her
22 clothes? We know this offense took place. Like Mr. Gipson
23 said in his opening statement, whoever fired these shots
24 needs to be prosecuted. And even during his examination of
25 Deputy Washington, Mr. Gipson said people were hysterical,

1 rightly so. We know this incident took place.

2 The two things you have to ask your self -- the way you
3 examine this case -- the two things you have to ask yourself
4 who did it and what did they do? What offenses did they
5 commit.

6 And let's talk about those stubborn facts. Elise
7 Hogges, her testimony by itself is proof beyond a reasonable
8 doubt. She's known the Defendant since middle school. She
9 has a child with him. She knows exactly what he looks like.
10 Recognized his mom's black Hyundai SUV with Veteran's Tags
11 that he was driving. And we all agree this is a heinous
12 offense. Why would Elise Hogges say somebody else did it?
13 She identifies him on the 9-1-1 call before the shooting
14 even takes place. And I can't recall if she says his name,
15 Johnathan Green, but who does she say it is? My ex-
16 boyfriend, my baby's daddy. She's only got one child. The
17 same guy I filed reports on. You heard about the January
18 incident. The same guy who's been harassing me. We heard
19 about the November incident. She identifies him just going
20 down the road. Before this turned into an attempted murder
21 case, she identifies him. What else does she say? Nine
22 times out of ten he's got a gun. And she would find out
23 that it was one of those nine out of ten times. At what
24 point in her 9-1-1 call could she possibly be making this
25 up? And how does she fabricate -- if you're fabricating

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1 this, how do you make the Defendant's brother call you while
2 you're on the scene with the police? How does that happen?
3 Mr. Gipson said the case is like a jigsaw puzzle. And I
4 usually agree with that. Everyone that comes in here to
5 testify, they're a certain piece to the puzzle. You have to
6 put it together. Not this case. Elise Hogges took the
7 stand and she painted the entire picture. She put all four
8 corners together in this puzzle. Every other witness just
9 shows us the detail in this case. Kendwan Minus, he
10 corroborates her testimony. He came into court. He took
11 the stand. He pointed at that man and said that's man that
12 was chasing us. Delphine Gavin and Tynisha saw a black
13 truck leaving Omega Court within seconds of the shooting.
14 Geraldine Green, I don't know who can have any shadow of a
15 doubt that the Defendant, Johnathan Green was driving a
16 black Hyundai SUV that night? His mother told us. His
17 mother took the stand and said he was driving a black
18 Hyundai SUV and I didn't know where it was that night. And
19 then we have the testimony of Investigator Ketcherside at
20 the crime scene. And SLED Agent James Green who analyzed
21 what he could from these mangled bullets. These mangled
22 bullets that had hit so many walls, TVs, cabinets, closets,
23 dishes, stoves, couldn't do much with those. That's how
24 mangled they were. And the side of one bullet that wasn't
25 mangled, matches up with another bullet whose side wasn't

1 mangled. But the Defense wants to argue -- We had the
2 testimony of Marty Carrigg. The Defendant's not at home.
3 He's not at his mother's that night. The black Hyundai SUV
4 could not be found that night. They were looking for it.
5 But we know where that vehicle was. It was hidden. He had
6 shell casings to get out. He had GSR to get rid of. And
7 what else do you we know from Investigator Carrigg's
8 testimony and Geraldine Green's testimony, the Defendant
9 does not answer his phone at 3:00 in the morning. Even when
10 your mother calls, he's not answering his phone at 3:00 a.m.
11 We would later find out through Investigator Scott McDonald,
12 with the Richland County Sheriff's Office, his phone was
13 off.

14 And if that's not enough, we have evidence of flight.
15 Leonard Cain with the Orangeburg County Sheriff's Office is
16 also assigned to the U.S. Marshal's Task Force. And James
17 Douberly, McIntosh County Sheriff's Office who's also -- or
18 at the time is assigned to the U.S. Marshal's Fugitive Task
19 Force, what did they tell us? The Defendant was located
20 December 17th on I-95 around mile marker eighty-something is
21 when they finally caught up to him. Sixty-something is when
22 they stopped him. They located him around exit 94 in
23 Savannah. They finally stopped him after he'd headed about
24 thirty miles south. What does that tell you? Where was he
25 going? And who is this random person that they have in the

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1 car with him? We know it's his girlfriend, who he now has a
2 child with, Lakeisha Heyward. It's him and then Cravelton
3 James. Why is he in the car? I'll tell you why he's in the
4 car? Because when you're fugitive from U.S. Marshal's and
5 your girlfriend's mama has filed a missing person's report
6 on her, you need somebody else to put the hotel in, somebody
7 else's name to put a hotel room in; don't you? That's why
8 he's there. And Mr. Gipson, you heard him asking these
9 witnesses, wasn't Johnathan having his birthday during this
10 time? Like maybe he was going to have time to celebrate his
11 birthday, you know, with his girlfriend. Oh, yeah. Can he
12 celebrate in Orangeburg? Does that make sense? Use your
13 common sense.

14 And then ladies and gentlemen, there's the cellphone
15 records. Before we talk about -- we know that's the
16 Defendant's phone, right? His mother gave it to
17 Investigator Carrigg. She didn't admit that on the stand
18 and I understand that. But she admits she tried to call it.
19 We can look at the phone records and see if Investigator
20 Carrigg tried to call it a 8:11 in the morning. Where else
21 did he get it from? But how else did he know it's his
22 number? Who else is calling Johnathan Green's mother,
23 Johnathan Green's brother, Johnathan Green's ex-girlfriend
24 that he has a child with and Johnathan Green's current
25 girlfriend, that he now has a child with. When there's snow

1 on the ground, but you didn't see it snow and you know it
2 snowed? Who else in the world is calling those same four
3 phone numbers in like a twelve-hour period? Nobody but
4 Johnathan Green. And what do these records show? Before we
5 get in that, real fast. I don't know if you're going to
6 want to look at these phone records or not. I want to point
7 out one or two things. These are the records that were put
8 in evidence through Verizon. These are the records that
9 were put in through T-Mobile. When we look at the Verizon
10 records, the time is on eastern standard time. When you
11 look at the T-Mobile records are what they call universal
12 coordinating time. It's like a standard world-wide time.
13 It is five hours later than eastern standard time. So
14 you'll have to subtract five hours from this time in order
15 to back it up. So if you see Johnathan Green calling
16 Lakeisha Heyward in Johnathan Green's cellphone records and
17 you go to look at Lakeisha Heyward cellphone records, you're
18 going to have to subtract five hours. All right. And one
19 other thing, I put all those phone numbers for Elise's
20 mother, sister, father, I think, grandmother on that board.
21 So when you go back there and you see that Elise was
22 receiving calls from other people, I want you to know who
23 those people are, all right? We don't want any conspiracy
24 theories.

25 All right. So let's talk about those phone records

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1 real fast. 9:27, before anything happens. At 9:27 the
2 Defendant is talking to Lakeshia Heyward, speaking on toward
3 151, the same sector as Elise. Riding down the road talking
4 to his new girlfriend. 9:32, which is where Elise testified
5 that they first saw him around Fred's. 9:32, Defendant
6 calls Elise using star 67. This is when he is following
7 them down the roadway. Where are they now? Tower 108, out
8 here by the interstate, 26 and 301, Love's Truck Stop. We
9 can look at -- the beauty of cellphone records, the fact
10 that we have the Defendant's and Elise's, you can look at
11 his records and you can look at her records. When he calls
12 her same tower, same sector. What happens one minute later
13 after the Defendant calls Elise using star 67, she calls 9-
14 1-1. She hasn't passed out of this sector. She calls 9-1-
15 1. I put this in italics because this isn't a phone record.
16 It's testimony from the Orangeburg County dispatcher. We
17 know from Tynisha, we know the shots happened somewhere
18 around this time, because that's the time Tynisha called 9-
19 1-1, 9:41. What do the phone records tell us after Tynisha
20 called 9-1-1? 9:47, the Defendant's over here. He's left
21 Omega Court. He's heading back west. What's he trying to
22 do? Still trying to call Elise. 9:48, he dials Elise
23 again. One minute later, he's already made it back up here
24 by the interstate. Two minutes later he calls another
25 number. It just paints the picture that he's heading

1 farther west. At 9:53 they didn't draw the little bubble
2 around this tower, 6030, but this is where the Defendant
3 gets to, this sector. And this is where he's hanging out
4 for the next couple of hours. Despite the fact, if you look
5 at his cellphone records 151 and 158, these towers up here
6 in Orangeburg, that's his stomping grounds. But for the
7 next two hours, he decides just to hang out around tower
8 6030. What else do we know about the phone records? Those
9 calls to his brother? At 11:34 Johnathan Green tries to
10 call Elise using star 67. This is about the fifth time he's
11 called star 67, tried to call Elise using star 67. So what
12 does he do? He finally calls his brother. What do you
13 think he says? Elise won't answer her phone. Will you try
14 calling her. He calls her. If he didn't already tell him,
15 she tells him your brother's done it again. He ain't
16 getting away with it this time. What does Brandon do? He
17 doesn't want to be in on it, so he doesn't call his brother
18 back. So what happens? Johnathan Green has to wait a few
19 more minutes and then finally he calls his brother back and
20 says what did she say? You know, did she answer. Why else
21 was Brandon Green calling Elise one minute after his brother
22 called him? He's not calling to check on his niece. And
23 with the phone records, we see Brandon Green hadn't called
24 Elise in I don't know how long. And suddenly, two hours
25 after the shooting he's calling and trying to check on his

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1 niece. Does that make sense? Is that reasonable doubt?
2 Cellphone records, they corroborate other peoples'
3 testimony. They corroborated Investigator Carrigg's
4 testimony. You can see it in the records. Investigator
5 Carrigg tried to call the Defendant at 8:11 in the morning.
6 You see Geraldine Green trying to call her son at 3:00 a.m.
7 in the morning when the police were at her house. Where's
8 her son? Do you remember when Mr. Gipson was cross-
9 examining the crime scene investigator, William Ketcherside,
10 about the forensics and lack of the GSR and shell casings.
11 He said this stuff is important because it is what it is.
12 Cell phone records, they are what they are. And I submit
13 they even better than GSR. They tell us when the Defendant
14 was in this area.

15 The State never has to prove the Defendant's guilt
16 beyond all doubt. We never have to do that. But if there
17 was a case where that was done, it's this one. The second
18 question you have to ask yourselves is what offenses did
19 Johnathan Green commit? Ladies and gentlemen, I submit the
20 Defendant came down Omega Court, a dark little cul-de-sac,
21 right off of Old State Road and saw Elise's car that had
22 just pulled into the driveway. He saw Elise maybe run into
23 the house. I mean, it was dark that night. For people who
24 have been in the house and you know that den window is lit,
25 and when he came down and saw her car and saw people

1 standing in that window, saw her silhouette. That was her
2 testimony. I came to the den and I just froze. Then the
3 gunshots. Someone was standing in that window. Is that not
4 what she said? And what did she say she did after the shots
5 first came out? I ran towards the kitchen, left to right.
6 Where did the shots go? Pow, pow, pow, pow, down the side
7 of the house. If that's not malice, I don't know what is.
8 The shots hit right behind Braniah's baby sister's chair.
9 Is that a total disregard for human life? State's Exhibit
10 15. He committed this crime for one reason, because he
11 thought he could get away with it. He got away with it in
12 January. He got away with it in November when he threatened
13 to blow her head off. And he thought he could get away with
14 it a third time. But just like Elise told the Defendant's
15 brother that night on the phone on Omega Court, enough is
16 enough.

17 In closing, I want to thank each and every one of you
18 for the attention you gave me in this closing argument. Mr.
19 Gipson's going to get an opportunity to come up here and
20 present closing argument on behalf of his client. And I'm
21 not going to get an opportunity to stand back up here. So
22 let me throw this one last thing at you, which is while
23 there are no classes you can take on how to be a good juror,
24 I submit each and everyone of you's been training for this
25 your entire life. And each of you brings a different

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1 background, different life experiences, and it's diversity
2 of experience that we ask you to bring today and render a
3 verdict. It's not your job to search for reasonable doubt.
4 If there is a reasonable doubt in this case, it will be
5 shining back at you like a big old mirror. But there is no
6 reasonable doubt in this case. You know what's ironic about
7 jury service? Because y'all have been here all week and you
8 just have to sit there and be quiet. You don't get to say
9 anything. But at the end of this day, you have the loudest
10 voice in the courtroom. And with that voice you can tell
11 the Defendant Johnathan Green that he is guilty of two
12 counts of attempted murder and discharging a firearm into a
13 dwelling. Thank you.

14 THE COURT: Thank you, Mr. Scott.

15 Mr. Gipson.

16 MR. GIPSON: May I have a moment?

17 THE COURT: Oh, yeah.

18 MR. GIPSON: I beg the Court's indulgence.

19 THE COURT: Take your time.

20 (Court at ease)

21 MR. GIPSON: May it please the Court?

22 THE COURT: Yes, sir.

23 MR. GIPSON: Mr. Scott, Mr Edwards.

24 DEFENSE'S CLOSING STATEMENT

25 BY MR. GIPSON:

1 Madam Foreperson, ladies and gentlemen of the jury,
2 just briefly, just as well as Mr. Scott did, I want to thank
3 you for your service in this case. As he said, and as I'll
4 say, I'm sure when you guys got a jury summons in the mail.
5 You probably said a few word that would get you in trouble
6 if you said them in this courtroom, because one of the
7 hardest things that you can do is to sit in judgment of your
8 fellow citizens. And that's what you have to do as a juror.
9 But I want to bring one thing back to you, what I told you
10 the first time that you heard my voice in the courtroom.
11 That the witness who speaks first seems correct until
12 somebody tells you the other side of the story. And it's
13 that story that you've heard. Mr. Scott can come in here
14 and tell you all of these things and make a compelling
15 argument because he's a good lawyer. He knows how to move
16 things around and say things and try to put things together.
17 Like when he talked about that puzzle. But the key in this
18 case is to remember that they have to bring you that
19 evidence that's require to find a Defendant guilty beyond a
20 reasonable doubt.

21 I mentioned to you what reasonable doubt was and Judge
22 Dickson's going to do that for you in a few minutes as well.
23 There are two definitions: the amount of doubt that causes a
24 reasonable person to hesitate to act; the second, is you
25 must be firmly convinced of the Defendant's guilty. One of

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1 the interesting things that Mr. Scott did a few minutes ago,
2 he talked about so much information, that he talked about
3 all of these people who never came in this courtroom and
4 testified. But we'll get to that in a moment. What Mr.
5 Scott was able to do is he put information out there hoping
6 that you would speculate about what happened in this
7 situation. But he never brought you evidence from this
8 witness stand. He told you a story. He told you a story
9 but most of what he told you was never testified to from
10 this witness chair. He told you things that people never
11 came in this courtroom and put their hand on the Bible and
12 swore to tell the truth, the whole truth and nothing but the
13 truth. Those people never set foot in this courtroom and
14 told you the story.

15 One of the benefits that you have as a juror is you get
16 a chance to sit back and listen to everything that's said.
17 And in a few minutes you're going to get a chance to
18 deliberate. But I tell you when you get a chance to listen
19 to testimony, it's very similar when you're trying to
20 determine what's true and what's not true and what you
21 determine the facts to be. It's very similar to the process
22 that jurors use to make -- for instance, if there's a gold
23 bracelet, you have to start with gold. And when you start
24 with raw gold, what is it? It's a piece of gold. It's got
25 dirt, soot, all that other kind of stuff out of it that it

1 comes with. And what you do in order to make that piece of
2 jewelry is you put into a pot or a crucible of some sort and
3 you heat it up. And the reason why you heated is because
4 you're trying to separate the impurities, the dirt and the
5 soot and all that other stuff from the pure gold, the good
6 stuff that you want. And as you heat it up and you heat it
7 off, you're able to skim the dirt off the top until you're
8 left with the pure gold. And similar to cooking spaghetti
9 or if you're making gumbo or something like that. When you
10 cook it, after you cook it for a while, the fat rises to the
11 top and you can skim the fat off before you eat it. Because
12 you want the good stuff. You don't want the fat and all
13 that other junk that has to be cooked out of it. And you're
14 probably looking at me, knowing it's almost close to lunch
15 time and wondering why I'm offering you that analogy. I
16 offer you that because as you testify, as a witness
17 testifies, it's very similar to that. If you look at a
18 witness as that piece of gold, the raw piece, and they sit
19 in that chair, when you cross-examine them, that's the heat.
20 And that's when you separate the junk from the good stuff.
21 So ultimately as a jury, we hope to give you the purest form
22 of that testimony. And that's why we cross-examine and
23 that's what we've been attempting to do or I've been
24 attempting to do for the last couple of days.

25 So I ask you to look at these witnesses testimony. I'm

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1 not going to mention every witness but I want to hit the
2 high points with these witnesses. I suggest to you that, as
3 we talked about Elise Minus' testimony, the first thing --
4 one of the first things that the State tried to establish
5 with her -- they tried to come in and say all right. Well,
6 Elise, tell us about your history with Johnathan Green. And
7 what did she tell you? She said in January 2015 he attacked
8 me, pulled braids out of my hair. I had to call the police.
9 I had to go down to the police and make a report. Folks,
10 what did we learn as a result of that? She claimed that she
11 went to the police, gave a statement to them. They took
12 this information about him pulling braids physically out of
13 her hair and beating on her. And then never pressed charges
14 against him. Never. Nothing. No thing was presented to
15 corroborate that. The officer who took the report. These
16 folks have the ability to subpoena anybody they want. They
17 called people from Dallas and Orlando and other officers
18 who've come in here for the last several days. No officer
19 came in here and said yo know what, she came here and he
20 beat her up. He ripped her hair out, he did all these
21 things. You didn't hear that. And you know why you didn't
22 hear it? Because they can't prove that that ever took
23 place. There's no proof. I submit to you that if an
24 officer met with a victim who had been beaten on when she
25 said she was, that man who she claims did it would have been

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1 in jail, would have been charged with criminal domestic
2 violence. That's what would have happened. Never happened.
3 No officer came here to talk about it because it didn't
4 happen. If they'd seen it, they'd have charged him. She
5 said well I was supposed to go back the next day and I
6 didn't. Whatever story was told after that, it didn't
7 happen. And that's what I'm asking you to start thinking
8 about, the other side of the story. Yes, it sounds
9 suspicious what Mr. Scott has talked about, but suspicion is
10 not enough to carry the day in this courtroom. You've got
11 to think of the whole story or as Paul Harvey used to say
12 the rest of the story. That's what we're looking for is the
13 rest of the story. If they don't bring you the rest of the
14 story or if they just bring you the bits and pieces that
15 they like to talk about, that tells you that they don't have
16 it and they're trying to get you to speculate or to finish
17 the story. And that's not why you're here. You're here to
18 judge this case specifically on the facts that they brought
19 you, not to draw conclusions based on things that they want
20 you to believe because they didn't want to bring the
21 witnesses in or they couldn't bring the witnesses in or the
22 witnesses wouldn't tell you what they wanted them to tell
23 you. You have judge it on what you heard.

24 So, number one, she says this assault took place, this
25 criminal domestic violence situation took place. No charge

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1 ever posted. No charges taken against Mr. Green. Second,
2 we move to Thanksgiving she said at her home somewhere in
3 Creekmoor subdivision, Mr. Green and his brother, and Mr.
4 Scott has talked about it -- Mr. Scott can speculate about
5 all these conversations and stuff that coulda, woulda,
6 shoulda happened, but no testimony from this chair about
7 what was ever said. But Mr. Green allegedly goes to the
8 house and at some point in time gets into an argument with
9 Elise, and he threatens to blow her head off. Mother's
10 house in Creekmoor and alleges that he said he was going to
11 blow her head off. What proof we have of that? Let me ask
12 you this before you answer that. Number one, he attacked
13 her. Two, the mother's house. Don't you think that a
14 parent if your child is threatened in that manner, don't you
15 think you're going to come in this courtroom and sit on that
16 stand and talk about how violent that man is. Don't you
17 think that's at least moderately reasonable? If that kind
18 of thing had happened to anybody's daughter, my daughter,
19 you won't keep me out of this courtroom. Here again, those
20 are those things that should be -- what are you looking for
21 to corroborate.

22 All right. Anybody can get up here and tell a story.
23 A friend of mine from the Bahamas used to say their saying
24 was, the mouth would say anything but money buys land. That
25 was the saying. And what does that mean? You can get up

1 here and talk all day long, you can say what you want to
2 say, but where is the proof of it. So logically, if we're
3 going to talk about logic, what you expect -- don't you
4 expect a parent to come in here and tell you how violent the
5 father of her child is and how many times he's tried to
6 attack her, beat her, hurt her, blow her head off. Any of
7 that stuff? Nothing. Zero. You heard nothing that's
8 comprised of two words, no and thing. And I say that to you
9 because there is no thing that they have brought you to
10 corroborate any of this. And why is that important? It's
11 important because in this charge we are talking about
12 something Elise said. That's where this starts. It starts
13 with her saying that's my baby's daddy driving over here.
14 That's where it starts. And so that's why we're looking for
15 corroborating information because the other things that she
16 said, nothing ever corroborates it. And that's a problem.
17 When your own family members won't come in and corroborate
18 the stuff that you said has happened. They would know about
19 it. That's a problem. And so what happens this particular
20 day? What happens this particular day? What happens this
21 particular day? Elise says she's driving or Mr. Minus --
22 and I apologize for calling her -- Ms. Minus said that she's
23 driving up 301 and she sees her baby's father. And at this
24 point, all these incidents start to happen afterwards. And
25 she says she recognizes because it's a black Hyundai Sonata

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1 with Veteran's Tags. Then she says it's a black Hyundai
2 Santa Fe. Difference in cars, difference in view. Sonata's
3 a car Santa Fe is an SUV. But she says it has Veteran's
4 Tags.

5 Now, one thing I would like to bring to your attention
6 in this case again is we talked about the burden of proof in
7 this case and what has to be shown. This is what you have
8 been provided, about Hyundai Sonata's and Veracruz Elite,
9 Ms. Green owned a Veracruz. This is what we've been
10 provided in their case. It is an attempted murder case, two
11 counts of attempted murder and one count of shooting into a
12 dwelling. You'd have pictures of the vehicle. It's not
13 even the vehicle.

14 Folks, what I'd suggest to you is basic, basic, basic
15 police work is go get the vehicle. They said that they went
16 up and they looked for it one time and it wasn't at the
17 house. Folks, is that enough? Don't you think that you
18 need to at least bring you all a picture of the vehicle that
19 was actually a question in this case. Number one, veterans
20 tags. You know if we talk about veterans tags, is there any
21 proof that in December 2015 that that car had veterans tags.
22 We talk about rims. Is there any proof the vehicle even had
23 rims. And one of the things Mr. Minus said in his testimony
24 they were after-market rims, meaning they were some kind of
25 tires, special tires, they were bought to fit the car

1 specially. So, something simple, let's just -- let's go
2 take a picture of this vehicle. Let's get a search warrant,
3 get the vehicle. Let's just look at it, snap a couple of
4 pictures of it because it's still here. Ms. Green still
5 owns the car. Just take a picture of it and bring it in
6 here and let's make sure that this thing that they claim
7 they had identified this vehicle is the one that was being
8 driven. That's just the simple things we're talking about.
9 Reasonable doubt is the amount of doubt that causes you to
10 hesitate. Does that at least make you hesitate, especially
11 in a case where we're talking about shooting into a house
12 and the only identification that's out there is a black
13 vehicle with rims. That's what you hear on those 9-1-1
14 tapes and even Ms. Gavin mentioned a black vehicle with
15 rims, although, she didn't write up a police report she says
16 it was a black vehicle with rims. You know how many black
17 vehicles with rims you've got around here? But at least, at
18 least, at least -- I'm not asking you to fly me in somebody
19 from New York and somewhere's else, at least just take a
20 couple of minutes and go behind -- at least take a picture
21 of the car. And at least we can determine if that was the
22 vehicle that we're talking about. Because, again, we're
23 trying to take Ms. Minus' word and as we're just learning
24 now, there's never been anything to corroborate her staying
25 these things about Mr. Green, never. And so the question

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1 is, is there some kind of motive for her to say things about
2 him to hurt him. I don't know.

3 He has three different baby's mother's at this point.
4 One child is a month old. He had moved on. She had moved
5 on. Is there some motive for that? I don't know. But the
6 question is, the question is if this violent man that she's
7 trying to put out here so violent, you don't see any other
8 of the baby's mother's coming up here saying he's criminally
9 domestic -- he's never beat on them, these type things. You
10 don't see that. Nothing. Zero.

11 But I'll ask this question again, this little picture
12 so we can come in here and look at it and see if that's the
13 vehicle. Because what Mr. Scott wants you to do is rely on
14 words, on what somebody said. But just bring us the proof
15 because this place is about proof, not speculation. Not
16 speculation. Not speculation.

17 When Mr. Minus testified, what did he mention? One of
18 the things that he talked about he said Elise said that's
19 her baby's father. So as a boyfriend, now husband, or maybe
20 fiancé at that point in time, he's going to stand by her.
21 He's standing by her. That's one of the things you do when
22 you're married you stand by your wife and vice versa. But I
23 asked him a question, I said -- he tried to say he eyeballed
24 Mr. Green and he could see the vengeance and all this in his
25 eyes as he's driving a hundred miles up the road, a hundred

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1 miles an hour up the road. That's what he tried to tell me,
2 on 301, December, pitch dark. I asked him, I said didn't
3 you give statements? He said yeah, I gave statements. He
4 said, I gave one early in the process, which would have been
5 around 22:44, that's about 10:44. And then I gave a second
6 one at another time, which was closer to midnight, 11:56.
7 The first statement I said, look at these. Tell me where
8 you ever say that you saw Johnathan Green driving that car,
9 that you looked at him, that you saw his face. Never, ever
10 saw any of that. Then I asked -- then he said well, you
11 know, I was nervous. I was afraid. I was this and that.
12 And I said well, you wrote a second statement. And you were
13 more specific in it. And the question was, do you know
14 Johnathan Green? Answer, no. Have you ever seen Johnathan
15 Green before? Answer, no. Did he ever say anything to you
16 or Elise tonight? Answer, no. Has he ever relayed any
17 threats towards you? Answer, no.

18 That's why I say folks, it's one thing to say something
19 on the stand but we talk about that -- why I mention that
20 analogy about making jewelry, when you apply the heat you
21 get the purer testimony. When you get the purer testimony,
22 that's what you learn. You've got to skim that other stuff
23 off. And what you see is Mr. Minus has no idea of who
24 Johnathan Green is. Zero. And he took the word of his wife
25 who now we're seeing has said a whole lot of bad things

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1 about Mr. Green, but has never had any proof of it. So
2 what's important is as an investigator, if you fully
3 investigate and don't rush to judgment, you start to look
4 into those facts and try to see well, is there anything else
5 out there we need to know before we charge a man with
6 attempted murder and shooting into a dwelling. And so
7 rushing to judgment based on some statements that were
8 given, what you're looking for is what you call
9 corroborating evidence. These are the things that don't
10 lie. The shell casings, the pictures of the car that don't
11 exist because they didn't take the time to do it. The
12 chance of getting a search warrant. And let me talk about
13 search warrants. Let me talk about that for a minute. A
14 search warrant is a vehicle that officers can use to go and
15 get information that they want. It requires them to go to a
16 judge, whether it be a Magistrate Judge in Orangeburg,
17 whether it be Peggy Doremus, Judge Peggy Doremus; whether it
18 be Judge Robinson; whether it be Judge Clariday; whether it
19 be Judge Daily; or Judge Dash; or it may be in front of
20 Judge Dickson or another sitting judge in this county can
21 get a search warrant. And they did that for every phone
22 record, wherever those things are. They're here. They did
23 for thousands and thousands of pages of phone records. But
24 they didn't do that for Mr. Green's house. Mr. Green's
25 mother's house, Mr. Green's father. Why? Why? Does that

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1 make you hesitate? Because you rushed to judgment, that's
2 why. That's because you heard her say something and you saw
3 that this house had been shot into. And you said you know
4 what, we've got to get him. That's the one. We're going
5 after him. And that's what you did you went after him
6 immediately with nothing else, as opposed to going and
7 getting arrest warrants within twenty-four hours, within
8 twelve hours. Get a search warrant and do the investigation
9 and make sure you get the right person.

10 What they were supposed to do, what they should have
11 done. When I say should have, is they should have gone out
12 -- number one, they went out there, Investigator
13 Ketcherside, that night. He looked around and they looked
14 for shell casings. Well, I submit to you -- in this area it
15 was this dark. If you're looking for other evidence to see
16 if there's something that corroborates the story that Elise
17 has told you. So what are you looking for? Number one, we
18 talked about shell casings. And that's -- We talked about
19 this a little bit. We talked about shell casings. We
20 talked about tire treads, shoe tread, things of that nature.
21 We talked about those things. And why is that stuff
22 important? It's important because that's an independent way
23 to start trying to match up these stories that have been
24 told to you. That's independent. It's not going to get up
25 on the stand and change the story when it gets in front of a

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1 jury. It's not going to get up here and try -- and start
2 trying to convince you of something or not. It's
3 independent.

4 So what you do is you look around that particular
5 night, then you come back the next day and you look around
6 one more time. Maybe you take a metal detector because
7 they're claiming nine shots were fired. Nine shots. And
8 this is from an automatic, as the expert said. And when you
9 fire an automatic, what happens? Bam, the shell casings pop
10 out. So go back and look because it's easy to miss
11 something at night. Just go back and look. Have you ever
12 lost a phone, lost a ring, lost a watch, nighttime
13 someplace? You look hard that night, don't you. But then
14 the next day if you still haven't found it, what do you do?
15 You go back one more time because it matters to you to try
16 to find it. It's some sentimental value to it. Maybe
17 somebody gave it to you who you care about. Maybe it's an
18 earring. Maybe it's a necklace. Maybe it's a penny. But
19 you can try to go back and look one more time, don't you? I
20 submit to you, don't you think that before you charge a man
21 with attempted murder and drag his name through the dirt in
22 this matter, don't you think you should at least go back and
23 give the respect that you would give a ring if you lost it?
24 Don't you think they should have did just a little bit more
25 to try to find a little bit of evidence, so it's not just

1 somebody's word who may have a motive against him. Or may
2 just be mistaken.

3 We've all been in a situation where something happens
4 and it's a moment of excitement and you miss things
5 sometimes, or you misremember if that's even a word. You
6 misremember something. You think, yeah that's what
7 happened. That's what happened. But you sit back and after
8 a while you come back and say no, maybe it's not; maybe
9 that's not how. You've seen these shows where they --
10 something will happen, something exciting will happen and
11 they all have video cameras that are taping. And the person
12 will come back and tell you something but it's completely
13 different from what you actually saw. And in a moment of
14 stress sometimes our minds do those things to us. But
15 that's why this stuff that the law enforcement officers had
16 the opportunity to get and chose for some reason not to, is
17 crucial. Because it's not the job of the State of South
18 Carolina to come in here and try to convict people. It's to
19 do justice. And sometimes justice is finding that
20 information to show that person didn't do the things you
21 said they did. But that was never given the opportunity in
22 this case, never. It was always, he did this. It was
23 never, let's figure out that he did this. It was always he
24 did this. From moment number one it was he did this. He
25 did it.

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1 Reasonable doubt, we talked about. No motive here.
2 He'd moved on. She'd moved on. Where's the motive for Mr.
3 Green to go after her with a baby on the way with somebody
4 else who he cared about. Where's the proof of prior
5 incidences? There's changing testimony. The vehicle
6 question. The vehicle question. The tag question. And
7 these are things that we're just coming -- these are
8 reasonable things that they can bring in here with little or
9 no effort. Pictures of the actual vehicle don't exist. He
10 never went and got that search warrant for the vehicle. Why
11 didn't he do that? Mr. Scott just mentioned before well,
12 you know what, he didn't get out of the car. They didn't
13 need to come back to the scene and start searching because
14 all of the shell casings would have been in the car. Okay.
15 All right. Get the car and let's check. And he said well
16 Mr. Green was out here cleaning the car up and all this
17 stuff. No, no evidence that that ever happened. Have you
18 heard anybody coming in saying Mr. Green was cleaning a car?
19 They saw him getting rid of evidence at some carwash
20 someplace or someplace else, getting rid of stuff, cleaning
21 out a car? No evidence of that. But you know what? We'll
22 never know because they never went and got a search warrant
23 and tried. We just ask them to try. That's what we're
24 asking them to do; try to look for this stuff. But the
25 reason why no search warrant for that vehicle again is

1 important because we talk about gunshot residue. When you
2 shoot a gun certain blowback of that gunpowder, the
3 gunpowder and the different metal residue, things inside of
4 there, shoot back into the car or wherever the gun's being
5 fired from. On a person, we're talking about, about six
6 hours. But on inanimate objects, clothing, upholstery in a
7 car, it can stay there. So why couldn't you just go and
8 look. Give a man a benefit of the doubt and look for the
9 car in an attempted murder. That's what we're asking. That
10 never happened. They never looked in the car for shell
11 casings. And even to this day, ten months and thirteen days
12 later, oh, yeah. We've got some pictures. That's what
13 we've got. We've got some pictures. Are you happy with
14 that? Are you satisfied with that? Are you firmly
15 convinced that they brought you the evidence that you need,
16 the basic evidence you need to make these hard decisions or
17 are you hesitating?

18 After that night they never looked for the vehicle.
19 And, again, we have no proof of the rims or the tag at that
20 particular time, none. Because the basic work that was --
21 there's basic work that wasn't done. And I'm going to call
22 a quick time out for a second and let me say this because it
23 needs to be said. If you hear me in here and I making
24 negative statements about some of the police work that was
25 done in this case, police have an extremely hard job, they

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1 do. It's a thankless job, meaning there are times that they
2 do things -- and a lot of times, people are never happy to
3 see the police but they're glad when they're around. They
4 have a hard job to do and they have a lot of things that
5 have to be done. The comments that I'm making today, it is
6 not a comment on the character of any of these officers.
7 It's not a comment on their work ethic. It's not about
8 that. It's a comment on the job they did or didn't do this
9 particular day in this particular case. So, yes, I'm going
10 to say some things that I don't agree with about how they
11 handled business here, but it is not a negative attack on
12 Mr. Carrigg or these other gentlemen and the people who've
13 testified and who put their lives on the line. It's not
14 that. It's about this job, this day, and the fact that a
15 defendant, somebody who's been charged with a crime deserves
16 more than the investigation that they did in this case.

17 We talked about phones. No phone. There was an
18 officer who came down, Dr. Douberly from Georgia or came up
19 from Georgia, and he talked about how they arrested Mr.
20 Green. A question asked -- I think Mr. Scott or Mr. Edwards
21 asked, one of them asked the question, what inventory, what
22 did you take? He said nothing. He said he didn't have any
23 phones. He didn't take any phones from him. He said that
24 there were no weapons, you know, this man who's always
25 riding around with guns and shooting people, no weapons in

1 the car. And since Mr. Scott is insinuating that he was
2 trying to get away or leaving, trying to get away very
3 rapidly, do you think somebody fleeing for attempted murder
4 and doing all this other kind of stuff, you'd think they'd
5 be armed and dangerous? What would happen when they stopped
6 him. Nothing. And as much as he tried to avoid directly
7 answering the questions I ask, he didn't curse at him. He
8 didn't call him names. He didn't run. He didn't do
9 anything other than the car pulled over, he got out.
10 Nothing. That's what happened. Are those the acts of a
11 guilty man, a violent man?

12 Folks, people run for a whole lot less. And again, did
13 he even know he was running. I guess that's the big
14 question. But there's never been any information that
15 suggest that he knew he was a wanted man. Well, they come
16 in here with all these phone records but never a phone call.
17 Do we have any voice mails, any text messages, any threats,
18 any of that kind of stuff. We have this -- I call it -- We
19 have these suggestions that are here for these phone calls,
20 these phone calls. These phone calls didn't pull the
21 trigger. And even if, which I do not concede -- even if you
22 want to believe that Mr. Green was riding up and down the
23 road here, what was the testimony? The closest tower that
24 was ever to Omega Court maybe about four or so miles away.
25 And if you take this vector here, that could mean as much as

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1 eight to ten miles away, which means maybe Love's. And then
2 there is a tower right here, which is within that space and
3 he pings off of that tower. Why? You ask that question.
4 So this circumstantial stuff that we're talking about, is
5 really what we're talking about, isn't it, because the tower
6 closest to the area he never touches off this phone they
7 claim belongs to Mr. Green. I asked these experts that they
8 flew from Dallas -- Dallas is about one thousand and four
9 miles from here. They flew this dude in here -- excuse me --
10 - this man in here to talk to you about phone records. Who
11 bought the phone? I don't know. Who paid for the phone? I
12 don't know. Who activated the phone? I don't know. When
13 was it last paid for? Who paid for it? Whatever's the
14 case. I don't know. That's what he could tell you.
15 Nothing of substance. But folks you better believe that if
16 they could provide somebody who could you tell you something
17 of substance, they'd have been sitting up here testifying
18 about it. But all of these people are people who can come
19 in and speculate but he doesn't know those things. But what
20 was interesting about it when he said -- and that was Mr.
21 Lecense. And I want to make sure I pronounce her name, but
22 the young lady who came from Orlando, Ms. Dalmida. But
23 interestingly -- that's a specific type of record you can
24 get that you need to just ask for within six months. Again,
25 investigation. If you're trying to find out what you really

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1 need to know, you do this stuff on the front-end. And once
2 again, they got a search warrant to get that. Isn't that
3 interesting. They got a search warrant to get that. They
4 got a search warrant and paid for tickets for this man to
5 fly a thousand miles over here and tell you he doesn't know
6 who this phone belonged to or any of this stuff and couldn't
7 trace it to Johnathan Green in any way, shape or form. And
8 our young lady who came in to testify, Jennifer Dalmida was
9 her name, from Verizon. She came about three hundred and
10 ninety miles or so from Orlando, that they flew up here to
11 testify. And her testimony was very similar. She doesn't
12 know who bought that phone, who paid for that phone. They
13 couldn't trace it to him in any way, shape or form. What
14 about text messages? None. Pictures, none. And then you
15 all heard about something called a cloud where your phone
16 backs up into a cloud and then you can go and access all of
17 the things that are on it so if you lose a phone you can do
18 a couple of things and download what you already had on your
19 phone. Why didn't they try that? Not done or not
20 presented. You know why it's not presented because it's not
21 going to show that any of this stuff that they're talking
22 about, this speculation, exists. That's why.

23 The prosecution brings this stuff in here to you. It's
24 almost like a magic trick, you know, this slight of hand.
25 Here, I'm going to show you this. I'm going to show you

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1 this. We're not going to show you that. The things that
2 they don't show you is exactly what I'm talking about in
3 this thing with the pieces of the puzzle. They control the
4 pieces that they bring, but those pieces didn't tell you the
5 things you need to know. We talked about Brandon Green, no.
6 We talked about Keisha Heyward, no. We talked about other
7 people who have had conversations and made assertions of
8 some sort, you've not heard their voices. Whose job is it
9 to bring that? And if they bring it then what does that
10 tell you? That they don't jive with their theory of the
11 case. But if it makes you hesitant, then that means that
12 they haven't proven their case, their duty to bring you this
13 information beyond a reasonable doubt.

14 You talk about phone records and those are inadequate
15 in the sense that they say well, this call came from here
16 and this call came from here. But do we have anything that
17 ever pinpoints, that pinpoints Mr. Green that night? The
18 answer is no, we don't. And there's another type of record
19 that our phone expert talked about Mr. McDonald, Captain
20 McDonald talked about. Did they bring that record either.
21 They can tell you exactly where a person might be. That's
22 not here either. Why? Because if you look at this and this
23 you can speculate and you can guess and you can say well,
24 it's possible they could have done this or it's possible he
25 went down here. No. No. We're not here for possibility or

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1 speculation or maybe or woulda, coulda, possibly, you know,
2 probably, that's not it. It's proof beyond a reasonable
3 doubt.

4 If any of you've ever served on a civil jury before,
5 there's something that's called a preponderance of the
6 evidence. And if you look at the scales of justice they're
7 exactly even. But in civil cases you tip those scales just
8 a little bit, a little bit, forty-nine percent to fifty-one
9 percent. Then a plaintiff or whoever's bringing a charge
10 against somebody who -- in criminal court, it's beyond a
11 reasonable doubt.

12 The State has to pass so many more steps get there..
13 And I submit to you they have not done that in this
14 particular case. No weapons, they didn't even look for
15 them. No gun, they didn't even look for it. No GSR,
16 gunshot residue on clothes. We talked about it. No gunshot
17 residue in the car. We talked about that. No video. I ask
18 the question -- all right. When we talked about you know,
19 they were saying that they were speeding up and down 301.
20 They passed Fred's, they passed Love's the truck stop.
21 There's a Subway Station in there, a Subway food store in
22 there.. There's an Exxon there. Did you get any kind of
23 video that showed any of this stuff going on? No, you
24 didn't. El Cheapo, nothing. The church that's there, no
25 video there either. Why? Because maybe we can see the car

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1 and we can identify it better. Maybe we can get a look at
2 those tags so we can know for sure since they didn't even go
3 and get warrant so we could take a picture of them and at
4 least see what it really looks like. Nothing there. We
5 need to briefly talk about shell casings. The interesting
6 thing about those shell casings is there is -- and I know
7 you've seen those CSI shows and all that kind of stuff, but
8 in the real world there is work that you could do, where you
9 can take a shell casing and search for DNA, because if you
10 load a gun there is a chance you can pull DNA off of that
11 and -- You can do that. Again, that's one of the reasons
12 why we follow-up and check a little bit more. Again, no
13 search of his home, Ms. Green's home, nothing was done. And
14 there is no proof of his location at any point in time. Mr.
15 Scott made up these things about well, Ms. Green said that
16 he took the car that evening. Okay. Okay. Since we're
17 going to speculate -- since they're going to speculate. I
18 don't speculate. I want the truth. And they haven't
19 brought the stuff here that we need to figure it out. If
20 they want to speculate, what if she did see him around
21 Fred's? What if they did catch eye contact? What if he
22 pulled off and went in a different direction. Where were
23 they coming from. I mean, is there some other motive that
24 somebody else may have? Maybe this was some road rage
25 situation. She talked about him passing somebody and almost

1 hitting him head on. I don't know, maybe it's that.

2 Isn't it interesting that, again, going up 301 a
3 hundred miles an hour. Nobody calls highway patrol and say
4 these people are drag racing up and down a major
5 thoroughfare? Isn't it interesting that whoever they say
6 almost hit him, nobody called. There's no call from
7 somebody talking about this erratic driving. Maybe, maybe
8 there was a road rage incident and this person followed them
9 and did something. I don't know because they haven't
10 provided us a lot of the things we would want. But since
11 they're speculating -- if it makes you hesitant because
12 there's nothing physical there that says that Mr. Green was
13 there.

14 We talked about tire treads, how they can take pictures
15 and they can match it up with a tire. That wasn't done
16 because they never took the time to look for the car after
17 the first day. We talked about shoe tread. Again, things
18 that you can do to match it up to make sure that the stories
19 that are being told by the alleged victims in this case are
20 really true. That's all we're asking. But what's happened
21 here, there was never a phone call received from Mr. Green.
22 There's this talk about the call from Brandon and they
23 talked and Brandon said this and Brandon said that. I've
24 never seen Brandon in the courtroom so we don't know what he
25 talked about. That's something else you have to trust.

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1 Another story you have to talk about and that you have to
2 speculate about what we're seeing on that car. That's what
3 we have to do because we are left to do that because they
4 haven't brought us the evidence.

5 I would suggest to you as jurors you know that there's
6 several charges that he's facing, two counts of attempted
7 murder. There is no motive -- and any many malice that Mr.
8 Scott has tried to explain exists here or motive causes you
9 to speculate -- yes, we know this house was shot into. We
10 don't know who did it. And at most, at most, if you believe
11 everything that they've presented with these phone records,
12 maybe he was between an eighth and four miles away from that
13 residence at some point in time. But anything else requires
14 complete speculation. There is no other direct evidence
15 that says that he was there. Nothing. Zero. And that
16 leads to a rush to judgment.

17 After hearing about all of these horrible things that
18 happened at that house, and them calling Mr. Green's name,
19 they just decided it has to be true. He was the one and
20 they started going after him for these things. But have you
21 seen the specific information that says that -- have you
22 seen any of those things I would list to you? You haven't
23 because it doesn't exist. That's why we haven't seen it.

24 It's a tough job that y'all have to sit in here and you
25 have to sit in judgment of a fellow citizen in this County.

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1 It's not an easy job. But what I respect is the fact that
2 you all came in here and you've been completely attentive
3 and listened to all of this evidence.

4 If you think that Mr. Green may have done this or it's
5 very possible, that cannot be enough. Reasonable doubt
6 requires you too look and you have to be firmly convinced.
7 It's interesting; one thing that Mr. Edwards here, at the
8 beginning of the trial he just said, there's no doubt in my
9 mind. His opening words. He said, you know, I'm, you know,
10 you will be convinced. We will prove beyond any doubt. He
11 didn't say beyond a reasonable doubt. He said beyond any
12 doubt, but he didn't. And so how can you say that with all
13 of these things out here that were never done. The reason
14 you can come in and confidently say you're going to try --
15 you're going to prove a case of this magnitude with that
16 little evidence with just mouths talking about evidence.
17 The reason you would say it because you know that you
18 haven't brought in that other evidence that can exonerate
19 him. Because you didn't take the time to look for it. You
20 didn't make an effort to bring that stuff in here. So you
21 can say you're going to present these things and you're
22 going to find him guilty because that's what we got and you
23 can't say anything else. And that's not enough. It's not
24 fair. Do the job that's required is all that we ask law
25 enforcement because that's what we would want to do for any

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1 citizen in this County. That's what we would want.

2 What you've got to do is get passed the speculation,
3 get passed the emotional aspect of this and look at the
4 facts of what was not brought to you. And when you look at
5 those things, do any of those factors make you hesitation so
6 that you're sure about everything that's been said. So if
7 it makes you hesitate then regardless of your feeling about
8 this you have to find Mr. Green not guilty.

9 He's presumed innocent when he comes in his courtroom
10 and he's exercised his right for a trial. It's a right that
11 all of us have, that our forefathers died for. And in order
12 to remove that presumption of innocence from him, the Judge
13 will tell you in a moment, you've got to strip that cloak,
14 it's a robe of righteousness, the way the court would tell
15 you. You've got to take that all the way off because
16 they've proven it beyond a reasonable doubt. So again
17 speculation, possibly, maybe, I really think a certain
18 thing, that's not enough. You've got to prove every element
19 of the circumstantial assertions. Every element. Beyond a
20 reasonable doubt.

21 Mark Twain said that a lie can travel the world around
22 while the truth is sitting on the edge of its bed putting on
23 its shoes. And folks, for the last ten months and thirteen
24 days there's been a lie that's been circulating around here,
25 that Johnathan Green shot into this house and did this thing

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1 that to these people.

2 I'm asking you to come back with a verdict of not
3 guilty as they have not proven this case beyond a reasonable
4 doubt and Mr. Green did not do these things. He did not
5 attempt to murder anybody. He didn't attempt to assault and
6 batter anybody and he didn't attempt to kill anybody. He
7 didn't shoot into the house.

8 And my last point. Isn't it interesting how then we
9 came in this courtroom and we had two charges, attempted
10 murder. Two charges for attempted murder and one for
11 shooting into a dwelling. And we come in today and they
12 start talking about assault and battery first degree.
13 That's a far cry from attempted murder. And that's the
14 beginning of the prosecution saying well, you know, we don't
15 have a case for attempted murder. That's what that is. So
16 we want you to try to find something less than that just to
17 get him because we don't like him. That's what that means.
18 There's no other offense that you're going get. That should
19 cover everything that you need to know. So now we believe
20 it's a possible assault and battery case verses attempted
21 murder. Why? They know. They know that they don't have
22 proof beyond a reasonable doubt because they haven't
23 provided it and they've never put those pieces of the puzzle
24 together to put him in jail.

25 Thank you.

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1 THE COURT: All right. Ladies and gentlemen,
2 y'all have heard the closing arguments of the attorneys.
3 And it has taken a while. But what I'm going to do is I'm
4 going to give y'all a five-minute break, let you go back
5 into the jury room for just five minutes and then you come
6 back out and I will do my charge on the law to y'all, okay?
7 I'm going to let you stretch your legs. If anybody needs to
8 go to the restroom, you need to go do it now. And then
9 we'll come back, I'll charge you on the law, okay? You
10 cannot talk about the case now.

11 (Jury out at 12:05 p.m.)

12 (Court in recess at 12:05 p.m. for
13 short break.

14 (Court in session at 12:16 p.m.
15 after short break)

16 THE COURT: Are y'all ready for me to bring the
17 jury.

18 MR. GIPSON: Yes, sir. We're ready

19 THE COURT: Okay. Bring the jury on back in?

20 THE BAILIFF: Yes, Your Honor.

21 (Jury in at 12:16 p.m.)

22 COURT'S CHARGE

23 THE COURT: All right. Ladies and gentlemen,
24 we're getting down to the wire, okay?

25 Madam Forelady, ladies and gentlemen of the jury,

1 you've heard the evidence and the arguments of the parties.
2 It is my duty to explain the law to you. The indictments
3 charge the Defendant, Johnathan Green, with two counts of
4 attempted murder and one count of discharging a firearm into
5 a dwelling. The fact that the Defendant was arrested,
6 charged and indicted in this case is not evidence and cannot
7 be considered by you as evidence of guilt in this case, nor
8 does it create any presumption or inference of guilt. The
9 indictments are simply the formal written instruments, which
10 contains the charge made against the Defendant. It is the
11 formal document by which this case is brought into this
12 court. The Defendant has pled not guilty to these
13 indictments and that plea puts the burden on the State to
14 prove the Defendant guilty beyond a reasonable doubt. A
15 person charged with committing a crime -- criminal offense
16 in South Carolina is never required to prove himself
17 innocent. I charge you that under our rules of law, the
18 Defendant in a criminal trial, no matter how serious the
19 charge may be, is always presumed to be innocent of the
20 crime for which the indictment was issue unless guilt has
21 been proven by evidence satisfying you, the jury, of that
22 guilt beyond a reasonable doubt. This presumption of
23 innocence does not end when you begin your deliberations,
24 but it accompanies The Defendant throughout the trial until
25 you reach a verdict of guilty based on evidence satisfying

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1 you of that guilt beyond a reasonable doubt. The
2 presumption of innocence is like a robe of righteousness
3 placed about the shoulders of the Defendant, which remains
4 with the Defendant until it has been stripped from him by
5 evidence satisfying you of the Defendant's guilt beyond a
6 reasonable doubt. Presumption of innocence is not a mere
7 legal theory. It is not just a legal phrase. It is a real
8 and substantial right to which every Defendant is entitled
9 unless you, the jury, are satisfied from the evidence of the
10 Defendant's guilt beyond a reasonable doubt.

11 Now, what is reasonable doubt in the law? Reasonable
12 doubt is the kind of doubt that would cause a reasonable
13 person to hesitate to act. The State has the burden of
14 proving the Defendant guilty beyond a reasonable doubt.
15 Some of you may have served as jurors in civil cases where
16 you were told that it is only necessary to prove a fact is
17 more likely true than not true, such as by the greater
18 weight or preponderance of the evidence. In criminal cases,
19 the State's proof must be more powerful than that. It must
20 be beyond a reasonable doubt. Proof beyond a reasonable
21 doubt is proof that leaves you firmly convinced of the
22 Defendant's guilt. There are very few things in this world
23 that we know with absolute certainty. In criminal cases,
24 the law does not require proof that overcomes every possible
25 doubt. If, based on your consideration of the evidence, you

1 are firmly convinced that the Defendant is guilty of the
2 crimes charged, you must find the Defendant guilty. On the
3 other hand, if you think there's a real possibility that the
4 Defendant is not guilty, you must give the Defendant the
5 benefit of the doubt and find him not guilty.

6 I remind you that during this trial you and I have
7 certain duties to perform. As the trial judge it is my
8 responsibility to preside over the trial of this case. You
9 are to consider only the evidence and the testimony which
10 has been presented from this witness stand. I have the
11 additional duty to charge you the law applicable in this
12 case. As the presiding judge, I am the sole judge of the
13 law. And it is your duty as jurors to accept and apply the
14 law as I now state it to you. If you already have any idea
15 as to what the law is or what the law ought to be and it
16 does not agree with what I now tell you the law is, you must
17 abandon your ideas because you are sworn to accept the law
18 and apply the law exactly as I state it to you. In every
19 case, the jury is the sole and exclusive judge of the facts.
20 A trial judge cannot intimate, state, comment on, or make
21 any statement to a trial jury about the facts in a case.
22 You are not to infer from what I have said during the
23 progress of this trial in ruling upon the admissibility of
24 evidence or otherwise or anything that I say now, during the
25 course of this instruction to you, that I have an opinion

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1 about the facts in this case. The law does not allow me to
2 have an opinion about the facts. This is a matter solely
3 for you, the jury, to determine. As jurors, it is your duty
4 to determine the effect, value, weight, and truth of the
5 evidence presented during this trial.

6 There are two types of evidence which are generally
7 presented during a trial, direct evidence and circumstantial
8 evidence. Direct evidence is the testimony of a person who
9 claims to have actual knowledge of a fact, such as, an
10 eyewitness. It is evidence which immediately establishes
11 the main fact to be proved. Circumstantial evidence is
12 proof of a chain of facts and circumstances indicating the
13 existence of a fact. It is evidence which immediately
14 establishes collateral facts from which the main fact may be
15 inferred. Circumstantial evidence is based on inference and
16 not on personal knowledge or observation. Crimes may be
17 proven by circumstantial evidence. The law makes absolutely
18 no distinction between the weight or value to be given to
19 either direct or circumstantial evidence, nor is a greater
20 degree of certainty required of circumstantial evidence than
21 direct evidence. To the extent the State relies on
22 circumstantial evidence, all of the circumstances must be
23 consistent with each other. And when taken together point
24 conclusively to the guilt of the accused beyond a reasonable
25 doubt. If these circumstances merely portray the

1 Defendant's behavior as suspicious, the proof has failed.

2 The State has the burden of proving the Defendant
3 guilty beyond a reasonable doubt. This burden rests with
4 the State regardless of whether the State relies on direct
5 evidence, circumstantial evidence or some combination of the
6 two. You should weigh all of the evidence in this case.
7 After weighing all of the evidence, if you're not convinced
8 of the guilt of the Defendant beyond a reasonable doubt, you
9 must find the Defendant not guilty. Necessarily, you must
10 determine the credibility of witnesses who have testified in
11 this case. Credibility simply means believability. It is
12 your duty as jurors to analyze and to evaluate the evidence
13 and determine which evidence convinces you of its truth. In
14 determining the believability of witnesses who have
15 testified in this case, you may believe one witness over
16 several witnesses or several witnesses over one witness.
17 You may believe a part of the testimony of a witness and
18 reject the remaining part of the testimony of that same
19 witness. You may believe the testimony of a witness in its
20 entirety or reject the testimony of a witness in its
21 entirety. You may consider whether any witness has
22 exhibited to you any interest or bias, prejudice or other
23 motive in this case. You may also consider the appearance
24 and manner of a witness while on the witness stand. The
25 rules of evidence ordinarily do not permit witnesses to

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1 testify to opinions and conclusions. An exception to this
2 rule exist for witnesses we call expert witnesses. A
3 witness who, by education and experience, has become expert
4 in some art, science or profession may give an opinion as to
5 the subject the witness claims to be an expert in and may
6 also give the reasons for that opinion. You should consider
7 any expert opinion given by a witness, and like any other
8 evidence, give it the weight you think it deserves. If you
9 decide that an expert witness's opinion is not based on
10 sufficient education and experience, or if you decide that
11 the reasons given in support of the opinion are not sound,
12 or that the opinion is outweighed by other evidence, you may
13 disregard the opinion entirely. An expert witness's
14 testimony is to be given no greater weight than that of
15 other witnesses simply because the witness is an expert.
16 And you do not have to accept an expert's opinion even
17 though it is uncontradicted.

18 I instruct you and emphasize to you that the fact the
19 Defendant did not testify is not a factor to be considered
20 by you in any way in your deliberation and in your
21 consideration on the question of the guilt or innocence of
22 the Defendant. It must not be considered by you in any
23 manner whatsoever. A Defendant has the constitutional right
24 to remain silent and the assertion of this right must not be
25 considered by you in your deliberations. Let me repeat.

1 Under your oath, you are to draw no conclusion whatsoever
2 from the fact that the Defendant in this case did not
3 testify. The fact that this Defendant did not testify
4 should not even be discussed in the jury room. The burden
5 of proof, as I have stated before to you, is on the State.
6 The Defendant is not required to prove his innocence. The
7 burden of proof remains on the State to prove guilt beyond a
8 reasonable doubt.

9 In order to establish criminal liability, criminal
10 intent is required. For example, the mental state required
11 to be proven by the State for a particular crime might be
12 purpose, intent, knowledge, recklessness or criminal
13 negligence. Criminal intent must be proven by the State
14 beyond a reasonable doubt. Criminal intent is always a
15 matter that must be determined by the jury from the
16 circumstances surrounding the situation. There is no way to
17 prove intent to a mathematical certainty. There is no way
18 medical science can dissect a person's brain and determine
19 what the person had in mind. So the law says that criminal
20 intent may be inferred from the circumstances shown to have
21 existed. You must make a determination of whether or not
22 the element requiring intent was present. It is not
23 necessary to establish intent by direct and positive
24 evidence, but intent may be established by inference in the
25 same way as any other fact, by taking into consideration the

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1 acts of the parties and all the facts and circumstances of
2 this case. Criminal intent is a mental state, a conscious
3 wrongdoing. It is up to you to determine what the Defendant
4 intended to do based on the circumstances that existed at
5 that time. Criminal intent can arise from action or a
6 failure to act. It may arise from negligence, recklessness
7 or an indifference to duty or to consequences that are
8 considered by the law to be the equivalent of criminal
9 intent.

10 An issue in this case is the identification of the
11 Defendant as the person who committed the crimes charged.
12 The State has the burden of proving identity beyond a
13 reasonable doubt. You must be satisfied beyond a reasonable
14 doubt that the accuracy of the identification of the
15 Defendant before you may convict the Defendant.
16 Identification testimony is an expression of belief or
17 impression by a witness. You must determine the accuracy of
18 the identification of the Defendant. You must consider the
19 believability of each identification witness in the same way
20 as any other witness. You may consider whether the witness
21 had an adequate opportunity to observe the offender at the
22 of the offense. This will be effected by things how long or
23 short a time was available. How far or close a witness was,
24 the lighting conditions and whether the witness had a chance
25 to see or know the person in the past. Once again, I

1 instruct you that the burden of proof on the State extends
2 to every element of the crime charged. And this
3 specifically includes the burden of proving beyond a
4 reasonable doubt, the identity of the Defendant as the
5 person who committed the crime. If, after examining the
6 testimony you have a reasonable doubt as to the accuracy of
7 the identification, you must find the Defendant not guilty.

8 The Defendant is charged with one count of discharging
9 a firearm into a dwelling. It is unlawful for a person to
10 unlawfully discharge or to cause to be discharged a firearm
11 at or into a dwelling house, other building, structure or
12 enclosure regularly occupied by persons. To qualify as a
13 dwelling house, it is required that the structure have an
14 identifiable occupant sleeping or residing therein. The
15 Defendant is also charged with two counts of attempted
16 murder. Attempted murder is when a person, who with intent
17 to kill, attempts to kill another person with malice
18 aforethought, either expressed or implied. Malice is
19 hatred, ill will or hostility toward another person. It is
20 the intentional doing of a wrongful act without just cause
21 or excuse and with the intent to inflict an injury or under
22 circumstances that the law will infer an evil intent.
23 Malice, a forethought does not require that malice exist for
24 any particular time before the act is committed. But malice
25 must exist in the mind of the Defendant just before and at

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1 the time the act is committed. Therefore, there must be a
2 combination of previous evil intent and the act. Malice,
3 aforethought may be expressed or inferred. These terms,
4 expressed and inferred do not mean different kinds of malice
5 but merely the manner in which malice may be shown to exist.
6 Malice may be shown either by direct evidence or by
7 inference from the facts and circumstances which are proved.
8 Expressed malice is shown when a person speaks words which
9 express hatred or ill will for another or when the person
10 prepared beforehand to do the act, which was later
11 accomplished. For example, lying in wait for a person or
12 any other acts of preparation going to show that the deed
13 was within -- that the deed was within the Defendant's mind
14 with the expressed malice. Malice may be inferred from
15 conduct showing a total disregard for human life. Inferred
16 malice may also arise when the deed is done with a deadly
17 weapon. A deadly weapon is any article, instrument or
18 substance which is likely to cause death or great bodily
19 harm. Whether an instrument has been used as a deadly
20 weapon depends on the facts and circumstances of each case.
21 An attempt is an effort to accomplish a crime, which does
22 not succeed. An attempt includes a specific intent to do a
23 particular criminal act, along with an act falling short of
24 the act intended. The State must show more than mere
25 preparation and intent. There must be some overt act.

1 committed in the effort to commit the crime. Intent means
2 intending the result which actually occurred, not
3 accidentally or involuntarily. Intent may be shown by acts
4 and conduct of the Defendant and other circumstances from
5 which you may naturally and reasonably infer intent.

6 Once again, ladies and gentlemen, to prove attempted
7 murder, the State must prove beyond a reasonable doubt that
8 the Defendant attempted to kill another person with malice
9 aforethought. Now, ladies and gentlemen, if you find the
10 Defendant [sic] has failed to prove beyond a reasonable
11 doubt that the Defendant committed attempted murder, you
12 must then determine whether the State has proven beyond a
13 reasonable doubt that the Defendant committed the lesser
14 included offense of assault and battery in the first degree.

15 Now, I am required, this Court -- not the State nor the
16 Defendant -- is required to charge lesser included offenses
17 in these matters where I believe the elements could be
18 present. Now, these lesser included offenses are still
19 subject, as all of these offenses are to what you find to be
20 the facts. But I want to make it clear that it is the
21 Court's decision and no one else's to include lesser
22 included offenses in a charge. To prove assault and battery
23 in the first degree, the Defendant [sic] must prove beyond a
24 reasonable doubt that the Defendant offered or attempted to
25 injure another person with the present ability to do so and

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1 the act was accomplished by means likely to produce death or
2 great bodily injury. Great bodily injury is defined as
3 bodily injury, which causes a substantial risk of death or
4 which causes serious permanent disfigurement or protracted
5 loss or impairment of the function of a bodily member or
6 organ.

7 Now, I have declared the law to you through these
8 instructions to help guide you to a just and lawful verdict.
9 Whether some of these instructions apply, will depend upon
10 what you find to be the facts. The fact that I have
11 instructed you on various subjects in this case should not
12 be taken as indicating an opinion of this Court as to what
13 you should find to be the facts or as to which party is
14 entitled to your verdict.

15 Your verdict must represent the considered judgment of
16 each juror. In order to return a verdict, it is necessary
17 that each juror agree. Your verdict must be unanimous. All
18 twelve of you must agree on the verdict. Your verdict
19 cannot be based on sympathy, passion, prejudice, emotion or
20 any other consideration not in evidence in this case.
21 Remember, at all times you are not partisans favoring one
22 party over another. You are the judges of the facts. Your
23 sole interest is to seek the truth from the evidence that
24 has been presented to you in this case.

25 And now, Madam Forelady, I am going to go over the

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1 verdict forms with you. I'm going to come right down there
2 so. Hopefully, I can get down there without tripping.
3 Okay. I've got three different forms that you've got, so
4 we're going to go over each one of them, okay? And I got
5 one problem on here already. Bear with me one second.
6 What's interesting about this sometimes is we all look these
7 over, at least I do, and hope that we don't have any issues
8 about -- but every now and then there are typos and since
9 we're dealing with computers, sometimes we leave things in
10 that we shouldn't and don't take things out that we should.
11 Do any of y'all use computers? Y'all know that they
12 sometimes have a mind of their own. All right. One of the
13 indictments, I put the indictment number. We're in the
14 Court of General Sessions right here. This is -- we're
15 South Carolina, Orangeburg County. This case is State of
16 South Carolina against Johnathan Green, Defendant. And
17 we've got three different verdict forms because there are
18 three different charges we have to address. The directions
19 are please circle the appropriate verdict below and follow
20 the accompanying instructions carefully. The first question
21 you have to ask on the first verdict form is we, the jury,
22 unanimously find the Defendant, as to the charge of
23 attempted murder of Elise Hogges Minus, either guilty or not
24 guilty. Now, if you circle guilty. You stop, end your
25 deliberations and sign this verdict form. If you circle not

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1 guilty, you must answer the following question below. We,
2 the jury, unanimously find the Defendant as to the charge of
3 assault and battery in the first degree of Elise Hogges
4 Minus guilty or not guilty. And then, Madam Forelady, you
5 would sign and date this form. Now, we have the exact same
6 verdict form for the charge of attempted murder against
7 Kendwan Minus. And you will follow the same instructions.
8 First, you will determine whether he's guilty of attempted
9 murder or not. If he is -- if you found him guilty, you
10 stop your deliberations. If you find him not guilty, you
11 have to answer the second question about whether or not he's
12 guilty of assault and battery in the first degree. You
13 understand?

14 MADAM FORELADY: Yes, sir.

15 THE COURT: Okay. Now, the third charge that the
16 Defendant, Green was facing was the charge of discharging a
17 firearm into a dwelling. This is just -- you'll notice that
18 the indictment numbers are different based on each
19 indictment. And, again, it says please circle the
20 appropriate verdict below and follow the accompanying
21 instructions carefully. We, the jury, unanimously find the
22 Defendant as to the charge of discharging a firearm into a
23 dwelling guilty or not guilty. And, again, Madam Forelady,
24 you are required, once y'all reach a unanimous verdict on
25 all of these, you are required to sign and date these

1 verdict forms.

2 Now, I'm not giving this to you yet, the verdict form,
3 okay? Now, because you cannot begin your deliberations
4 yet. You're thinking to yourself we've heard all the
5 testimony, we've heard the closing arguments. I've charged
6 you on the law. Why can't we start talking about it yet,
7 okay? You know, I just read through all that law and I told
8 you about my charge on the law. When y'all go back into the
9 jury room, the attorneys have an opportunity at that time to
10 tell me if I left something out or if I misstated something
11 or if I needed to clarify something. If I do need to
12 clarify something or correct something I've said, I'll bring
13 you back out here and tell you that, okay? If they tell me
14 everything's okay, then all of the evidence that's been
15 presented in this case and these verdict forms are going to
16 be brought back into the jury room and you will be told you
17 can begin your deliberations at that time. But until you
18 are told to begin your deliberations, again, you cannot talk
19 about this case.

20 Now, the other thing is I know y'all are wondering --
21 as a practical basis, we ordered lunch, okay? Y'all filled
22 out the form, lunch is coming and it might even be here,
23 okay? If lunch is here, you cannot have deliberations while
24 you're eating. A couple of reasons: number one, my mama
25 told me you couldn't talk while your mouth was full so you

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1 can't do that. It's just not good. The second thing is if
2 you're eating, you're not paying attention to what you're
3 talking about. So y'all need to finish whatever -- you need
4 to finish lunch before you can begin your deliberations. So
5 if it's back there you can't start deliberating until you're
6 through eating, okay. All right. Now, I'm going to let
7 y'all go back into the jury room. I'm going to leave the --
8 and I've got to talk with the attorneys and find out if I
9 need to correct anything. And if you'd keep the alternates
10 separate, okay? And if y'all will go back there now, we'll
11 find out what we've got to do, okay?

12 (Jury out at 12:43 p.m.)

13 (Alternate jurors separated from
14 jury at 12:45 p.m.)

15 THE COURT: All right. Anything from the State
16 regarding my charge?

17 MR. SCOTT: No, Your Honor.

18 THE COURT: Anything from the Defense regarding my
19 charge?

20 MR. GIPSON: I don't think I do.

21 THE COURT: Okay. Take your time.

22 MR. GIPSON: Just, there's one point I think you
23 may have on that last portion, I said the Defendant, prove
24 the Defendant has -- can I see that last charge on the
25 attempted -- not attempted, assault and battery first?

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1 THE COURT: Oh, yeah. You may.

2 MR. GIPSON: May I approach for a moment.

3 THE COURT: Oh, I said Defendant instead of State?
4 Okay.

5 MR. GIPSON: I think on just that last little
6 paragraph. I think you said Defendant had to prove.

7 THE COURT: Oh, okay. Okay. I'll correct that.

8 MR. GIPSON: And that's all.

9 MR. SCOTT: When we send them the exhibits, do we
10 just leave the disks out here. I mean, it's not like they
11 have a laptop back there. That way if they said they want
12 to hear something, we could control it out here.

13 THE COURT: That's fine. I mean, if that's fine
14 with the Defense?

15 MR. GIPSON: That's fine, yeah.

16 THE COURT: All right. If you'd bring them right
17 back in?

18 THE BAILIFF: Yes, Your Honor.

19 THE COURT: If it's all right, I'm not going to
20 redefine great bodily injury again?

21 MR. GIPSON: Sure, that's fine.

22 THE COURT: Okay. I'll just correct. If the
23 Defendant has failed to --

24 MR. GIPSON: That would be on that last paragraph,
25 the last two sentences in there.

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1 THE COURT: Okay. I got you.

2 MR. GIPSON: Thank you.

3 (Jury, including alternates, in at
4 12:45 p.m.)

5 COURT'S RECHARGE

6 THE COURT: All right. Ladies and gentlemen, as I
7 feared, I did misspeak at one point. But you'll be happy to
8 know that this is mercifully short. Not nearly as long as
9 the first thing, okay. And it also proved the attorneys are
10 also paying attention to what I'm saying, which also makes
11 me feel good. When I was talking about the lesser included
12 offense of assault and battery in the first degree, I used
13 Defendant instead of State in one area, which I'm going to
14 reread that charge, okay?

15 If you find the Defendant -- I did it again. For some
16 reason I can't get this right.

17 Okay. If you find that the State has failed to prove
18 beyond a reasonable doubt that the Defendant committed
19 attempted murder, you must then determine whether the State
20 has proved beyond a reasonable doubt that the Defendant
21 committed the lesser included offense of assault and battery
22 in the first degree. To prove assault and battery in the
23 first degree, the State must prove beyond a reasonable doubt
24 that the Defendant offered or attempted to injure another
25 person with the present ability to do so. And the act was

1 accomplished by means likely to produce death or great
2 bodily injury.

3 All right. That is the corrected reading of that
4 offense, okay.

5 Now, I'm going to let y'all go back into the jury room.
6 As soon as we can gather up the evidence and make sure we've
7 got it all together, the evidence and the verdict forms are
8 coming back to you. And as soon as they get there, Madam
9 Forelady, you can begin your deliberations.

10 Now, I understand that the lunches have not gotten
11 here. So y'all can deliberate for a little while until
12 lunch gets here. When lunch gets here, you stop your
13 deliberations and then after you finish eating, you can
14 begin starting them again, okay? All right.

15 Y'all can go back -- the alternates can stay for a
16 second. Well, let me make sure -- put the alternates in a
17 separate place. I've got to ask the attorneys a couple of
18 things first. Okay? Sorry.

19 (Jury out at 12:48 p.m.)

20 (Alternate jurors separated from
21 jury at 12:48 p.m.)

22 THE COURT: All right. Anything from the State?

23 MR. SCOTT: No, Your Honor.

24 THE COURT: Anything from the Defense?

25 MR. GIPSON: No, sir.

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1 THE COURT: All right. I'm going to have the
2 alternates excused. And then we will now wait and see what
3 happens, okay.

4 (Alternate jurors excused at 12:49
5 p.m.)

6 MR. SCOTT: Gather up the evidence --

7 THE COURT: Yeah. If y'all don't mind double-
8 check and make sure we've got everything.

9 (Evidence to the jury at 12:52
10 p.m.)

11 (Jury deliberating at 12:52 p.m.)

12 THE COURT: All right. I want to thank all the
13 attorneys. I appreciate it. It was a well-tried case.
14 Thank y'all.

15 MR. GIPSON: Thank you, Your Honor.

16 THE COURT: Thank you, I appreciate it.

17 (Court in recess awaiting verdict
18 at 12:55 p.m.)

19 (Court in session at 3:03 p.m.)

20 THE COURT: All right. We're back on the record.
21 Ms. Jamison, you mind telling me what's going on? What do
22 you know about this?

23 THE BAILIFF: Your Honor, Madam Foreperson came to
24 the door and request another verdict slip on Hogges Minus.

25 THE COURT: Okay. Okay. Did she tell you

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1 anything or just needed another one.

2 THE BAILIFF: I asked the question could she use
3 the same form and she replied no.

4 THE COURT: Okay. All right. Now, what I have
5 done is I have just prepared another verdict form Ms. Elise
6 Hogges Minus. And I wanted to let y'all know that. And is
7 there any objection from the State with me sending a new
8 verdict form back?

9 MR. SCOTT: No, Your Honor.

10 THE COURT: Any objection from the Defense?

11 MR. GIPSON: No objection.

12 THE COURT: Okay. What I'll do is for you to
13 bring out -- when you exchange, bring out the old verdict
14 form and I'm going to mark that as Court's Exhibit 2 when it
15 comes out, okay?

16 THE BAILIFF: Yes, Your Honor.

17 THE COURT: Here's the new verdict form.

18 THE BAILIFF: Yes, Your Honor.

19 THE COURT: Okay. Thank you, ma'am.

20 THE BAILIFF: You're welcome.

21 (Bailiff delivers new verdict form
22 for Elise Hogges Minus to jury at 3:05 p.m.)

23 THE BAILIFF: May I approach?

24 THE COURT: Yes, ma'am. Thank you, ma'am.

25 THE BAILIFF: You're welcome.

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1 (Bailiff delivers old verdict form
2 for Elise Hogges Minus to the Court at 3:05 p.m.)

3 (Court's Exhibit No. 2, verdict
4 form, marked.)

5 THE COURT: Okay. We'll just stand down for a
6 little while longer.

7 MR. GIPSON: Thank you, Your Honor.

8 (Court in recess awaiting verdict
9 at 3:05 p.m.)

10 (Court in session for verdict at
11 3:23 p.m.)

12 THE COURT: I understand there's a verdict?

13 THE CLERK: Yes, Your Honor.

14 THE COURT: All right. Is the State ready?

15 MR. SCOTT: Yes, Your Honor.

16 THE COURT: Is the Defense ready?

17 MR. GIPSON: Yes, sir.

18 THE COURT: All right. Would you bring the jury
19 on in?

20 THE BAILIFF: Yes, Your Honor.

21 THE COURT: Okay. Ms. V, you going to do the
22 verdict?

23 THE CLERK: Yes, sir.

24 THE COURT: Okay. Good. All right. Thank you,
25 ma'am.

State v Green

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1 (Jury in at 3:23 p.m.)

2 THE COURT: Madam Forelady, has the jury reached a
3 verdict?

4 MADAM FORELADY: Yes, sir.

5 THE COURT: Is the verdict unanimous?

6 MADAM FORELADY: Yes, sir.

7 THE COURT: Okay. Would you mind giving the
8 verdict forms to the bailiff?

9 MADAM FORELADY: (Complies)

10 THE BAILIFF: Your Honor, may I approach?

11 THE COURT: Yes, ma'am.

12 THE BAILIFF: (Hands verdict to the Court)

13 THE COURT: Thank you, ma'am. Madam Clerk, would
14 you publish the verdict?

15 THE CLERK: I bring the Court's attention to:

16 The State of South Carolina versus Johnathan Green,
17 indictment number 2016-GS-38-0223. We, the jury,
18 unanimously find the Defendant, as to the charge of
19 attempted murder of Elise Hogges Minus, guilty;

20 Indictment number 2016-GS-38-0224. We, the jury,
21 unanimously find the Defendant, as to the charge of
22 attempted murder on Kendwan Minus, guilty;

23 Indictment number 2016-GS-38-1244. We, the jury,
24 unanimously find the Defendant, as to the charge of
25 discharging a firearm into a dwelling, guilty.

State v Green

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1 And all three verdict forms are signed by the Jury
2 Foreperson, Ms. Cynthia Bowman, on this -- 10/27/2016.

3 THE COURT: All right. Anything from the State?

4 MR. SCOTT: No, Your Honor.

5 THE COURT: Anything from the Defense?

6 MR. GIPSON: I'd like to poll the jury, Your
7 Honor.

8 THE COURT: You may.

9 MR. GIPSON: Thank you.

10 THE COURT: All right. Would you mind polling the
11 jury or do you want me to?

12 THE CLERK: That's okay.

13 THE COURT: Okay. If you wouldn't mind. Ladies
14 and gentlemen, they have requested that the jury be polled
15 regarding the verdict. The clerk is going to ask you some
16 questions about your verdict. Okay.

17 (The jury was polled and the verdict
18 stands.)

19 THE COURT: Anything else from the Defense?

20 MR. GIPSON: No, sir.

21 THE COURT: All right.

22 Ladies and gentlemen, thank y'all for paying attention
23 during this week. One of the hardest and most important
24 jobs you can do as a citizen is serve on a jury. I want to
25 tell you how much I appreciate your service, the way y'all

1 paid attention and listened during the trial is important to
2 me and to the parties that were involved. And I just want
3 to thank you for your service. I hope y'all enjoyed serving
4 on a jury, okay? And y'all are now excused. Thank you very
5 much.

6 (Jury out at 3:24 p.m)

7 THE COURT: Mr. Scott?

8 MR. SCOTT: If we could have one second. We need
9 to prepare some sentencing sheets.

10 THE COURT: Okay.

11 MR. SCOTT: I mean, we can begin without them, but

12 --

13 THE COURT: No, no. You go ahead and do that and

14 --

15 MR. SCOTT: I want to talk to my victims and see
16 whether or not they wish to address the Court.

17 THE COURT: Okay. All right.

18 And, Mr. Gipson, that'll give you some time to gather
19 some mitigation.

20 MR. GIPSON: Yes, sir.

21 THE COURT: If you'd like to do that.

22 MR. GIPSON: Yes, sir.

23 THE COURT: Okay. Thank you, sir. All right.

24 I'm going to step back in chambers. We'll go into recess
25 for a short break.

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1 MR. GIPSON: Thank you, Your Honor.

2 (Court in recess at 3:26 p.m.)

3 (Court in session for sentencing at
4 3:38 p.m.)

5 THE COURT: Ma'am, I know it's emotional. I can't
6 have any outburst in the courtroom. But if you can stay as
7 calm as you can, I'd appreciate it. But if you don't think
8 you can do that, I would ask you to leave, if you don't
9 mind. Okay? You think you're going to be able?

10 UNIDENTIFIED SPEAKER: I'm trying.

11 THE COURT: Okay. All right. Thank you, ma'am.
12 All right. Mr. Scott.

13 MR. SCOTT: May it please the Court, Your Honor.

14 THE COURT: Yes, sir.

15 MR. SCOTT: Your Honor, I have spoken with Kendwan
16 Minus, Elise Minus, Keyuana and Delphine Gavin. They don't
17 care to address Your Honor. I think you know their
18 sentiments in this case.

19 THE COURT: Yes, sir.

20 MR. SCOTT: You know, I'd also point out that
21 there were several victims of this case, younger children,
22 that were not here this week. I went to Omega Court, I
23 guess, Saturday, this past Saturday to meet with Braniah
24 and, you know, I got to see the younger children that were
25 in that house that we did not bring up to court this week.

1 You know, toddlers. And, you know, this act that the
2 Defendant committed is -- he showed absolutely total
3 disregard for human life that night. And the situation
4 could have been much worse. You know, these are shots that
5 he fired directly into the dwelling of the house. You know,
6 we're not talking about shots that went into the
7 underpinning. He didn't fire shots in the air to scare
8 people. He fired those shots into the dwelling for one
9 reason. I think the jury's verdict shows that. They
10 discounted -- the jury's verdict found malice. And I would
11 ask for Your Honor to take that into consideration. Mr.
12 Edwards, Your Honor, is going to present the Defendant's
13 prior record.

14 THE COURT: Okay.

15 MR. SCOTT: As well as a few other items.

16 THE COURT: All right. Mr. Edwards.

17 MR. EDWARDS: Thank you, Your Honor. From 2003 he
18 has a conviction for disturbing schools; from 2006, he has a
19 conviction for possession of marijuana; from 2006, he has
20 two convictions for simple assault; from 2009, he has a
21 conviction for possession with intent to distribute cocaine.
22 And just to note -- I'm sorry. It's possession with intent
23 to distribute marijuana, Judge. I'm sorry.

24 THE COURT: All right.

25 MR. EDWARDS: And just to note, this is the first

State v Green

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1 case that I've worked on that we've relied on jail calls and
2 we were prepared to use jail calls in our case in chief and
3 decided not to. And I did not listen to every call, but
4 between Mr. Scott, myself and members of our staff we
5 listened to a huge number of jail calls over the past year
6 and there's evidence of witness coaching, witness tampering,
7 but the thing that stood out to me the most was a complete
8 and total lack of remorse. Mr. Green's only concern for the
9 past year has been how to beat trial.

10 Thank you.

11 THE COURT: All right. Thank you, Mr. Edwards.

12 All right. Mr. Gipson.

13 MR. GIPSON: Thank you, sir. May it please the
14 Court. As it relates to sentencing and mitigation, at this
15 point I will offer post trial motions later.

16 THE COURT: Okay.

17 MR. GIPSON: But in terms of sentencing and
18 mitigation, Your Honor, although I may disagree with the
19 jury verdict I respect that verdict and that's one of the
20 reasons -- having done this almost twenty years -- I
21 understand the jury has its province. I understand they've
22 listened to the facts of the case and they've come back with
23 a verdict which, again, although I may see it differently
24 based on my study of the case that's something we accept at
25 this point.

1 Judge, I'll ask -- if you'd like to know first about
2 Mr. Green, he's thirty years old, Judge. He's got three
3 children. He's got an older son. He's got a daughter who
4 he and Ms. Minus have, and then the youngest child was just
5 born a little over a month ago, Judge.

6 As the Court knows, he's been in jail since December 17
7 of last year, so he's never even touched that child, held
8 that child or anything along those lines.

9 I'm aware -- Judge, he's a trained mechanic. He went
10 back to OC Tech back in 2011 or so and received a degree and
11 certificate essentially in automotive work and he's been
12 working ever since.

13 He does have a prior record, Judge, which has been
14 discussed. The felony out of that prior record would be the
15 distribution of marijuana. There was mentioned a disturbing
16 schools when he was much younger. Simple possession of
17 marijuana, Judge, and a couple of simple assaults. In
18 meeting with Mr. Green it's my understanding in 2011 that's
19 when he decided, look, I need to do a little bit better.
20 That's when he went to school and received his training and
21 received, like I said, a certificate -- well, a diploma for
22 being an auto tech. He's been doing work in that field ever
23 since.

24 Judge, he's got a lot of family in the courtroom today.
25 Obviously, the Court has met his mother. He's got aunts and

State v Green

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1 family who are here who love him dearly. Who are with him
2 and stand by -- who will stand by him and help to take care
3 of his children who will be behind while he is meeting
4 whatever sentence the Court feels is necessary.

5 I'd say to the Court he's been found guilty of two
6 charges of attempted murder. I understand what the
7 sentencing range is there, anywhere from zero to thirty
8 years, Your Honor. I understand, as well, with shooting
9 into a dwelling. I understand there is a ten year cap on
10 that one.

11 First I'd ask that any sentence that the Court puts out
12 would be concurrent.. I'd ask secondarily, Judge, that you'd
13 consider something in the ten year range, Judge. Ten years
14 is a long time and it is a sentence that can meet the need
15 as the Court would see it, to punish but also to give an
16 opportunity reflection, an opportunity for -- to understand
17 the charges that are here -- essentially reflection, self-
18 reflection and still give him an opportunity at forty or so
19 to give him an opportunity to come out to work and to take
20 care of that family that he'll be leaving behind.

21 There is also a point where the punishment with the
22 Minus family and the Gavin family and the other members who
23 are in this courtroom can see that he can have to be away
24 from his family. There is a punishment, but they would see
25 as well. That could give them a chance to consider just

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1 these actions that the jury has found him guilty of and to
2 just come back a stronger man who is able to do the things
3 he needs to do for his family. They still have a child
4 together, Your Honor, and I think that nexus is just
5 something that you hate to see that type of bond broken,
6 specially with a father and a daughter, a father and a son.
7 That type of bond can be broken if the sentence exceeds
8 fifteen to twenty years. The child will be grown and maybe
9 out of his life forever. I think there are considerations
10 that can meet the punishment aspect and some type of
11 merciful aspect that's in your hands. I'd ask that you
12 consider that portion and at least allow him to serve his
13 time and come back and be a better member of this community,
14 Judge. He made some positive steps, but this jury has
15 determined that he did these things.

16 THE COURT: All right. Thank you, sir.

17 MR. GIPSON: Yes, sir.

18 THE COURT: Y'all can sit for a second. I'm going
19 back and try to --

20 MR. GIPSON: Yes, sir.

21 (Pause)

22 MR. GIPSON: May we approach, Your Honor?

23 THE COURT: You may.

24 (Off the record bench conference.)

25 COURT'S SENTENCE

State v Green

10/27/16

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1 THE COURT: All right. Mr. Green, the jury has
2 found you guilty of shooting into a dwelling filled with
3 people, most of those people were children. They also find
4 you guilty of two counts of attempted murder. You fired at
5 least nine shots into that dwelling. To the Court it's just
6 an act of total disregard for human safety and life. As a
7 result, Mr. Green, on the attempted murder charges the
8 sentence of this Court on each one of these is you are
9 committed to the State Department of Corrections for a
10 period of thirty years. On discharging firearm into a
11 dwelling, the sentence of this Court is you are sentenced to
12 the State Department of Corrections for a period of ten
13 years. These sentences are concurrent and I'll give you
14 credit for the time you've served since December 17, 2015.

15 All right. Mr. Gipson, I understand you have post-
16 trial motions. I'm going to give you ten days to do those
17 motions.

18 MR. GIPSON: Thank Your Honor.

19 THE COURT: And I'll give you an opportunity to
20 talk about anything that you need to take up.

21 MR. GIPSON: Yes, sir.

22 THE COURT: All right. Thank y'all.

23 MR. GIPSON: Thank Your Honor.

24 MR. SCOTT: Thank Your Honor.

25 THE COURT: Thank you.

State v Green

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(This proceeding was concluded.)

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State v Green

10/27/16

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C-E-R-T-I-F-I-C-A-T-E

I, THE UNDERSIGNED HILDA M. JORDAN, CVR-M, OFFICIAL COURT REPORTER FOR THE FIRST JUDICIAL CIRCUIT OF THE STATE OF SOUTH CAROLINA, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDING IN THE ABOVE CAPTIONED CAUSE, IN THE COURT OF GENERAL SESSIONS FOR ORANGEBURG COUNTY, SOUTH CAROLINA, ON THE 25 THROUGH THE 27 DAY OF OCTOBER, 2016.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.

Hilda M. Jordan, CVR-M

April 17, 2017

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

ARREST WARRANT NUMBER
2016ORB40

Arrested: December 21, 2015

ACTION OF GRAND JURY
TRUE BILL

Edward H. Green
Date **AUG 17 2016**

Foreperson of Grand Jury
Date: August 17, 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS38-1244

The State of South Carolina

County of **ORANGEBURG**

COURT OF GENERAL SESSIONS

August 22, 2016 TERM

THE STATE
vs.

Johnathan Robert Green

Indictment for

DISCHARGING FIREARMS INTO A
DWELLING

SC Code: 16-23-440(A)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person
and plead guilty to the within indictment
or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

TRUE COPY

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-1244

At a Court of General Sessions, convened on August 17, 2016 the Grand Jurors of Orangeburg County present upon their oath:

DISCHARGING FIREARMS INTO A DWELLING

That in Orangeburg County, South Carolina, on or about December 13, 2015, the Defendant, Johnathan Robert Green, did unlawfully discharge, or cause to be discharged, a firearm into the dwelling, building or enclosure regularly occupied by persons, belonging to Delphine Gavin. This offense in violation of Section 16-23-440 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

TL 3. Dec. III

Thomas B Scott, III, Solicitor

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

2015009703

ARREST WARRANT NUMBER
2015A3810700879

Arrested: December 21, 2015

ACTION OF GRAND JURY

Edward H. Green
Date: APR 13 2016

Foreperson of Grand Jury
Date: April 13, 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS38-0215

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 18, 2016 TERM

THE STATE
vs.

Johnathan Robert Green

Indictment for
ATTEMPTED MURDER

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
MAR 13 2016
CLERK OF COURT
ORANGEBURG, SC
CLERK OF COURT
ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-0215

At a Court of General Sessions, convened on April 13, 2016 the Grand Jurors of Orangeburg County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Johnathan Robert Green, did in Orangeburg County on or about December 13, 2015 did with the intent to kill, attempt to kill one Myasia^B with malice aforethought by shooting into a residence while the victim was inside, this offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Th. B. Scott, III

Thomas B Scott, III, Solicitor

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

2015009703

ARREST WARRANT NUMBER

2015A3810700880

Arrested: December 21, 2015

ACTION OF GRAND JURY

TRUE BILL

Edward Stevens

Foreperson of Grand Jury
Date: April 13, 2016

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2016GS38-0216

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 18, 2016 TERM

THE STATE
vs.

Johnathan Robert Green

Indictment for
ATTEMPTED MURDER

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
WHITTEN B. CLARK
JUN 13 13 A 12 06
CLERK OF COURT
ORANGEBURG, SC

Whitt B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-0216

At a Court of General Sessions, convened on April 13, 2016 the Grand Jurors of Orangeburg County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Johnathan Robert Green, did in Orangeburg County on or about December 13, 2015 did with the intent to kill, attempt to kill one Brianah S. with malice aforethought by shooting into a residence while the victim was inside, this offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Th. B. Scott, III
Thomas B Scott, III, Solicitor

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

2015009703

ARREST WARRANT NUMBER
2015A3810700881

Arrested: December 21, 2015

ACTION OF GRAND JURY
TRUE BILL

Edward Steven

Date APR 13 2016

Foreperson of Grand Jury

Date: April 13, 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS38-0217

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 18, 2016 TERM

THE STATE
vs.

Johnathan Robert Green

Indictment for
ATTEMPTED MURDER

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
WANDA R. CLARK
CLERK OF COURT
ORANGEBURG, SC
APR 13 4 12 PM '16

CLERK OF COURT
ORANGEBURG COUNTY

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-0217

At a Court of General Sessions, convened on April 13, 2016 the Grand Jurors of
Orangenburg County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Johnathan Robert Green, did in Orangenburg County
on or about December 13, 2015 did with the intent to kill, attempt to kill one
Michael Brown with malice aforethought by shooting into a residence while the
victim was inside, this offense being in violation of Section 16-3-29 of the South
Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in
such case made and provided.

TL 3. Sec. 1A

Thomas B Scott, III, Solicitor

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

2015009703

ARREST WARRANT NUMBER
2015A3810700882

Arrested: December 21, 2015

ACTION OF GRAND JURY
TRUE BILL

Edward H. Green

APR 13 2016

Date

Foreperson of Grand Jury

Date: April 13, 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 20160330-0210

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 18, 2016 TERM

THE STATE
vs.

Johnathan Robert Green

Indictment for
ATTEMPTED MURDER

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
JUL 13 A 12:06
CLERK OF COURT
ORANGEBURG COUNTY

CLERK OF COURT

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-0218

At a Court of General Sessions, convened on April 13, 2016 the Grand Jurors of Orangeburg County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Johnathan Robert Green, did in Orangeburg County on or about December 13, 2015 did with the intent to kill, attempt to kill one Candice Shuler with malice aforethought by shooting into a residence while the victim was inside, this offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Th 3. Scott, III

Thomas B Scott, III, Solicitor

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

2015009703

ARREST WARRANT NUMBER
2015A3810700883

Arrested: December 21, 2015

TRUE BILL
ACTION OF GRAND JURY

Edward A. Green

Date APR 13 2016

Foreperson of Grand Jury

Date: April 13, 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS38-0219

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 18, 2016 TERM

THE STATE
vs.

Johnathan Robert Green

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
MAY 13 2016
CLERK OF COURT
ORANGEBURG COUNTY, SC
J. P. Green
CLERK OF COURT
ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-0219

At a Court of General Sessions, convened on April 13, 2016 the Grand Jurors of Orangeburg County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Johnathan Robert Green, did in Orangeburg County on or about December 13, 2015 did with the intent to kill, attempt to kill one Keyvana Thomas with malice aforethought by shooting into a residence while the victim was inside, this offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Th 3. Sec. III

Thomas B Scott, III, Solicitor

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

2015009703

ARREST WARRANT NUMBER

2015A3810700884

Arrested: December 21, 2015

ACTION OF GRAND JURY

Edward J. Stevens

Date **APR 13 2016**

Foreperson of Grand Jury

Date: April 13, 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016SS36-0220

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 18, 2016 TERM

**THE STATE
vs.**

Johnathan Robert Green

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS AND G.S.

FILED FOR RECORD
JULIA S. CLARK
APR 13 4 12:06
CLERK OF COURT
ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-0220

At a Court of General Sessions, convened on April 13, 2016 the Grand Jurors of Orangeburg County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Johnathan Robert Green, did in Orangeburg County on or about December 13, 2015 did with the intent to kill, attempt to kill one Keasia R. with malice aforethought by shooting into a residence while the victim was inside, this offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Ths. Scott, III

Thomas B Scott, III, Solicitor

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

201500703

ARREST WARRANT NUMBER

2015A3810700885

Arrested: December 21, 2015

ACTION OF GRAND JURY

Edward J. Green

Date APR 13 2016

Foreperson of Grand Jury

Date: April 13, 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS38-0221

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 18, 2016 TERM

THE STATE

vs.

Johnathan Robert Green

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
VINNIE B. CLARK
2016 APR 13 A 12:01
CLERK OF COURT
ORANGEBURG SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-0221

At a Court of General Sessions, convened on April 13, 2016 the Grand Jurors of Orangeburg County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Johnathan Robert Green, did in Orangeburg County on or about December 13, 2015 did with the intent to kill, attempt to kill one Syriq Riley with malice aforethought by shooting into a residence while the victim was inside, this offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Th 3. Sec. III

Thomas B Scott, III, Solicitor

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

2015009703

ARREST WARRANT NUMBER

2015A3810700886

Arrested: December 21, 2015

ACTION OF GRAND JURY

Edward J. Harris

Date APR 13 2016

Foreperson of Grand Jury

Date: April 13, 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016GS38-0222

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 18, 2016 TERM

THE STATE

vs.

Johnathan Robert Green

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
 2016 APR 13 A 12:07
 CLERK OF COURT
 ORANGEBURG, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-0222

At a Court of General Sessions, convened on April 13, 2016 the Grand Jurors of Orangeburg County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Johnathan Robert Green, did in Orangeburg County on or about December 13, 2015 did with the intent to kill, attempt to kill one Quatrana A. with malice aforethought by shooting into a residence while the victim was inside, this offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Th. B. Scott, III

Thomas B Scott, III, Solicitor

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

2015009703

ARREST WARRANT NUMBER

2015A3810700887

Arrested: December 21, 2015

ACTION OF GRAND JURY

[Signature]

APR 13 2016

Date

Foreperson of Grand Jury

Date: April 13, 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016G550-0223

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 18, 2016 TERM

**THE STATE
vs.**

Johnathan Robert Green

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
CLERK OF COURT
ORANGEBURG, SC
APR 13 2016
CLERK OF COURT
ORANGEBURG, SC

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-0223

At a Court of General Sessions, convened on April 13, 2016 the Grand Jurors of Orangeburg County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Johnathan Robert Green, did in Orangeburg County on or about December 13, 2015 did with the intent to kill, attempt to kill one Elise Hogges with malice aforethought by shooting into a residence while the victim was inside, this offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Th. B. Scott III
Thomas B Scott, III, Solicitor

WITNESSES

Marty Carrigg

Orangeburg County Sheriff

2015009703

ARREST WARRANT NUMBER

2015A3810700888

Arrested: December 21, 2015

ACTION OF GRAND JURY
TRUE BILL

Edward Newman

APR 13 2016

Date

Foreperson of Grand Jury

Date: April 13, 2016

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 20150330-0224

The State of South Carolina

County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 18, 2016 TERM

THE STATE
vs.

Johnathan Robert Green

Indictment for
ATTEMPTED MURDER

SC Code: 16-3-29

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
hereby appear in my own proper person
and plead guilty to the within indictment
or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

FILED FOR RECORD
APR 13 4 13 06
CLERK OF COURT
ORANGEBURG COUNTY

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

INDICTMENT
2016GS38-0224

At a Court of General Sessions, convened on April 13, 2016 the Grand Jurors of Orangeburg County present upon their oath:

ATTEMPTED MURDER

In that the defendant, Johnathan Robert Green, did in Orangeburg County on or about December 13, 2015 did with the intent to kill, attempt to kill one Kendwan Minus with malice aforethought by shooting into a residence while the victim was inside, this offense being in violation of Section 16-3-29 of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

TL3. Lett, III

Thomas B Scott, III, Solicitor

STATE OF SOUTH CAROLINA

498
COUNTY OF
STATE

Orangeburg

VS.

Johnathan Robert Green

AKA:

Race: BLACK Sex: M Age: 30

DOB: -1985 SS#

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Discharging Firearms into a Dwelling

IN THE COURT OF GENERAL SESSIONS

0-10

INDICTMENT/CASE#: 2016GS38-1244

A/W#: 2016ORB40

Date of Offense: 12/13/2015

S.C. Code §: 16-23-440(A)

CDR Code #: 0052

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-23-440(A) of the S.C. Code of Laws, bearing CDR Code # 0052

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Th 3 Scott III 15001

Scott, III, Thomas B

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10/27/16☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 12/17/15☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waiver Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca
3% to County (if paid in installments)	\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge

Judge Code: 2153

Sentence Date:

10/27/16

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

499/

COUNTY OF Orangeburg
STATE VS.Johnathan Robert Green

AKA:

Race: BLACK Sex: M Age: 30DOB: 1985 SS#: Address: Five Chop RoadCity, State, Zip: Orangeburg, SC 29115DL#: SID#: *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Attempted MurderINDICTMENT/CASE#: 2016GS38-0223A/W#: 2015A3810700887Date of Offense: 12/13/2015S.C. Code § : 16-3-29CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSIn violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: 7.3 8/14/16 15881

Scott, III, Thomas B

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed — years
and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or paymentof \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for —months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 10/27/16 24-13-40 to be calculated and applied
by the State Department of Corrections. 12/17/15☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ — plus 20% fee: \$ —Payment Terms: —☐ Set by SCDPPPS —Recipient: —

*Fine:	\$	
§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ <u>25.00</u>
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/en	\$
3% to County (if paid in installments)	\$	\$ <u>3.75</u>

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter: Inda Jordan

SCCA/217 (07/2016)

Presiding Judge EdithJudge Code: 2153Sentence Date: 10/27/16— days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. —May serve W/E beginning —Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ — beginning —\$ — paid to Public Defender FundOther: —☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Orangeburg

VS.

Johnathan Robert Green

AKA:

Race: BLACK Sex: M Age: 30

DOB: -1985 SS#

Address: Five Chop Road

City, State, Zip: Orangeburg, SC 29115

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Attempted Murder

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS38-0224

A/W#: 2015A3810700888

Date of Offense: 12/13/2015

S.C. Code §: 16-3-29

CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

In violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Scott H. Thomas II

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10/27/16☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 12/17/15☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 61.6 (Public Def/Probation)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL

\$ 128.75

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (07/2016)

V. Glenn

Hilda Jordan

PTUP

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel,
Proviso 61.6 requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.

Presiding Judge

Judge Code: 2153

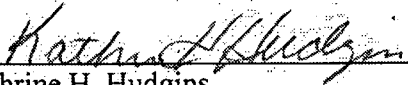
Sentence Date:

10/27/16

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,


Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 3rd day of April, 2018.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,


Kathrine H. Hudgins
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 3rd day of April, 2018.

RECEIVED

APR 03 2018

SC Court of Appeals