

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

J. Derham Cole, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DEXTER L. MYERS,

APPELLANT

APPELLATE CASE NO 2015-001881

RECORD ON APPEAL

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1 State of South Carolina

Court of General Sessions

2 County of Richland

3
4
5 State of South Carolina)

Transcript of Record

6 vs.)

2014-GS-40-05481

7 Dexter L. Myers,)

2014-GS-40-05482

8 Defendant.)

9
10 August 31 - September 4, 2015
11 Columbia, South Carolina

12 B E F O R E:

13 The Honorable J. Derham Cole, Judge; and a jury.
14

15
16 A P P E A R A N C E S:

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18 Meghan Walker, Assistant Solicitor

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21
22
23

24 Stacy S. Johnson, RPR
25 Circuit Court Reporter

1 (Whereupon, the following proceedings were held on
2 August 31, 2015.)

3 (State's Exhibit Numbers 1 through 196 were marked for
4 identification.)

5 **BAILIFF:** Court come to order. All rise, please.

6 **THE COURT:** All right. We're here in the matter of
7 the State versus Dexter L. Myers. Mr. Myers has been
8 indicted by the Richland County Grand Jury for the charges
9 of murder and attempted murder on indictments 2014-5482 and
10 2014-5481. Is this a jury trial?

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

12 **THE COURT:** All right. Do y'all have pre-trial
13 motions you need to have addressed?

14 **MS. PINNOCK:** Yes, Your Honor. I can hand up -- well,
15 to begin with, Your Honor, we filed notice seeking to the
16 Solicitor's Office of our intentions of going forward on an
17 immunity hearing under Section 16-11-440(c). It's our
18 position now that we're going to withdraw that request for
19 a hearing and just move forward with the trial.

20 **THE COURT:** And you've discussed that hearing with
21 Mr. Myers?

22 **MS. PINNOCK:** Yes, sir.

23 **THE COURT:** And have you had lengthy discussions about
24 the impact of such a hearing and the potential that it
25 could be granted?

1 time for one reason or another one of these twelve or two
2 may be unable to continue and in that event one or both of
3 you alternates would be called upon to take those jurors'
4 places. So we do appreciate your participation as
5 alternate jurors, just as we appreciate the participation
6 of each of the jurors who have been selected for the
7 purpose of deciding the verdicts in this particular case.

8 Now you may swear the panel.

9 **THE CLERK:** Yes, sir. Madam Forelady and ladies and
10 gentlemen of the jury, please stand and raise your right
11 hand to be sworn as to this oath. Please respond by
12 answering "I do".

13 (Whereupon, the jury panel was duly sworn by the Clerk
14 of Court.)

15 **THE CLERK:** Thank you. You may be seated.

16 **THE COURT:** Ladies and gentlemen, as you know, you
17 have been selected to decide the verdicts in the case of
18 the State versus Dexter L. Myers. As you also know,
19 Mr. Myers has been accused by the prosecution by way of
20 these indictments, which I referred to prior to your
21 selection, with having committed the crimes of murder and
22 attempted murder. The State alleges in the indictments
23 that Mr. Myers did here in Richland County on or about
24 July the 2nd of 2014, with malice aforethought, by means
25 of a gunshot, did kill Dajuan Harris and he died as a

1 proximate result of that gunshot wound. And the State also
2 alleges by way of a separate incident that Mr. Myers did
3 attempt to murder Mahogany Speech-Harris; that is he did
4 with intent to kill and with malice aforethought attempt to
5 kill Ms. Speech-Harris.

6 As I've also told you, as to those allegations and
7 as to each of those charges, the Defendant has entered a
8 plea of not guilty. A plea of not guilty places upon the
9 State the burden of proving the Defendant's guilt to your
10 satisfaction beyond a reasonable doubt. The State has
11 brought the charge. They have the burden of establishing
12 his guilt beyond a reasonable doubt.

13 The way the trial will proceed is that in a moment the
14 lawyers are going to address you in what are called opening
15 statements. There are two occasions in the trial of the
16 case where lawyers are permitted to address the jury. That
17 is at the beginning of the trial before any evidence has
18 been introduced, then again at the conclusion of the trial
19 after all of the evidence has been received. Please keep
20 in mind, however, that a lawyer's statements are not
21 evidence in the case. You're not to rely upon the lawyers'
22 statements as being any evidence upon which you will make
23 your decision of fact and ultimately your decision in the
24 case. And that's because the lawyers aren't witnesses to
25 anything, they don't know anything about this case of their

1 own personal knowledge or experience like witnesses will be
2 testifying to. The lawyers will not be placed under oath,
3 they won't take the witness stand, they won't be subjected
4 to direct and cross-examination like each of the witnesses
5 will be, and so what the lawyers tell you in their
6 statements is not to be considered by you as any evidence
7 upon which you will base your decision, but you should
8 listen to what the lawyers have to say because those
9 statements do serve a purpose. The opening statements will
10 serve to provide you with a basic understanding as to what
11 this case is about from both the perspective of the State
12 and of the defense and that's so that you'll have some
13 context in which to place the evidence that we will be
14 receiving shortly thereafter.

15 After all of the evidence has been received, you will
16 again hear from the lawyers in what are called their final
17 argument or summations. And, again, while those statements
18 are not evidence, it does afford the lawyers an opportunity
19 to discuss with you the evidence that you have seen and
20 heard during the course of the trial and through that
21 discussion each will have an opportunity to try to persuade
22 you or to convince you that the evidence in the case does
23 or does not support a particular decision. It's in between
24 those opening and closing statements that we actually
25 receive the evidence upon which you will base your

1 determination of the facts that relate to these allegations
2 and ultimately your decisions in the case.

3 As I've stated, the State will go forward first in
4 their presentation because they have the burden of proof.
5 They have to prove the Defendant to be guilty beyond a
6 reasonable doubt before he can be found guilty of any crime
7 they claim he committed. After the State has concluded
8 with their presentation, any defendant, any person accused
9 of a crime, has an opportunity to testify or to call a
10 witness or to introduce evidence, but a defendant is never
11 under any obligation to testify or to call any witness or
12 produce any evidence because the Defendant has no burden in
13 a criminal case. The Defendant is not charged with the
14 responsibility of proving that he is not guilty or to prove
15 that he is innocent because in some cases that might not be
16 possible.

17 The State is charged with the responsibility of
18 proving a defendant guilty beyond a reasonable doubt
19 because they made the accusation. In fact, in a criminal
20 trial every person accused of a crime is presumed under
21 the law to be innocent and that presumption of innocence
22 remains with every defendant as it does with this defendant
23 from the time that he is placed under arrest and throughout
24 the course of the criminal process and even throughout
25 the course of the actual trial in the case, and that

1 presumption of innocence will be with Mr. Myers even at the
2 trial's conclusion as you go back to begin your
3 deliberations in the case and that presumption of innocence
4 will be with him in that jury room and it will be with him
5 forever unless you twelve jurors determine that he's no
6 longer entitled to the presumption of innocence.

7 In other words, after you have carefully considered
8 all of the evidence in the case and from that evidence you
9 have determined the facts and after determining the facts
10 you apply the law that I will have provided you, if you
11 twelve jurors unanimously determine that his guilt as to
12 a crime has been proven beyond a reasonable doubt, then
13 he would no longer be entitled to that presumption of
14 innocence, but it is only if, unless and until you are
15 satisfied of his guilt beyond a reasonable doubt that the
16 presumption of innocence would no longer be applicable.

17 So while a defendant is presumed to be innocent and
18 the defendant does not have to testify during the course of
19 a trial or produce any evidence, he will be afforded that
20 opportunity should he see fit to do so. But if he does
21 not, that cannot be held against him in any fashion. You
22 can't consider that in any way. You simply have to base
23 your decision upon the evidence as presented during the
24 course of the trial and render a verdict based upon that
25 evidence and the law that's applicable.

1 So the last thing that the lawyers do is to give you
2 their final summations, as I've already told you, and after
3 that I will instruct you fully on the law as it relates to
4 the criminal law generally and as it relates to these
5 particular crimes specifically. Then you'll be asked to go
6 back and begin with your deliberations and through that
7 process you're simply gonna be called upon through the
8 exercise of good judgment and common sense conscientiously
9 applied to the testimony and evidence in the case to decide
10 the facts as they relate to those allegations. Once you
11 decide the facts, you apply the law that I have provided
12 you and you will determine whether or not the Defendant's
13 guilt has been proven beyond a reasonable doubt.

14 Now it's important that you keep an open mind
15 throughout the course of the trial because one of your
16 prerogatives in deciding the case and determining the facts
17 is to judge the credibility and the believability of each
18 witness that testifies during the course of the trial.
19 During the course of any trial there may be several
20 witnesses that are called to testify and sometimes that
21 testimony might be in conflict; that is, one witness may
22 testify contrary to another on the same subject matter,
23 and if that testimony relates to a material fact that has
24 to be decided by you before you can render a decision,
25 then you get to make the decision as to who's the most

1 credible evidence -- what testimony is the most credible
2 and believable, and you do that by simply evaluating a
3 witness's testimony in light of not just that witness's
4 testimony, but in light of all of the testimony and all of
5 the evidence received during the course of a trial. But
6 it's important that you pay careful attention to each
7 witness as they testify so that you will be in a proper
8 position at the trial's conclusion to evaluate that
9 witness's testimony and its credibility in light of all
10 the evidence in the case.

11 And, of course, it's important that you keep an open
12 mind throughout the course of the trial, and that simply
13 means that you're not to begin making up your mind or
14 formulating your opinions as to what you think the ultimate
15 decision ought to be in this case until all of the evidence
16 has been received, until you've been instructed on the law
17 that's applicable in the case and until you've been asked
18 to go back and begin with your deliberations at the trial's
19 conclusion. Now that is the process that has been designed
20 over the last two hundred and thirty something years to
21 ensure that you can arrive at a fair and impartial decision
22 in this case.

23 So I do want to thank you in advance for your
24 participation, as well as your careful attention. I would
25 ask that you please give the lawyers your attention now as

1 they give their opening statements.

2 Mr. Shellenberg.

3 **MR. SHELLENBERG:** Thank you, Your Honor. May it
4 please the Court? On July 2, 2014, Mahogany Speech-Harris
5 got up early to make breakfast for her family, which
6 includes the Defendant, while her husband, Dajuan Harris,
7 was asleep in bed. As she was finishing up making
8 breakfast, she took their baby and playfully put it on the
9 bed to wake him up and tell him breakfast is ready. He
10 gets up and like a dutiful husband changes the diaper and
11 comes and sits down at the table holding the baby in his
12 left hand. It's Dajuan that time that the Defendant opens
13 fire on Mahogany Speech-Harris and Dajuan Harris, hitting
14 Dajuan Harris in the head, the throat and the back killing
15 him, and hitting Mahogany Speech-Harris in the leg.

16 That is why we are here today. Because the Defendant
17 is charged with the murder of Dajuan Harris, who he killed
18 in front of his wife and his own kids, and the attempted
19 murder of Mahogany Speech-Harris, his own sister.

20 Now in the state of South Carolina murder is defined
21 as the unlawful killing of any human being with malice
22 aforethought, whether that malice is express or implied.
23 Attempted murder is, with the intent to kill, attempting to
24 kill any human being with malice aforethought, whether that
25 malice is express or implied. It's a murder and attempted

1 murder.

2 Now as in all criminal cases, as the judge said, the
3 State has the burden of proof. We have to prove our case
4 beyond a reasonable doubt and I'll tell y'all with these
5 facts we welcome that burden. Because you're gonna get to
6 hear from Ms. Mahogany Speech-Harris. She's gonna tell you
7 how her own brother killed her husband and tried to kill
8 her.. She's gonna come and she's gonna tell you how she
9 took them in. They were living -- Dexter Myers and
10 Shamaray Myers were living with the Harrises and a few
11 months prior to this incident she told them that they had
12 to move out. She's gonna tell you how she was standing at
13 the stove fixing a plate for her two young children and her
14 husband when the shots were fired, when her husband was hit
15 three times and ran and barricaded himself in the bedroom
16 where he was ultimately found dead. She's gonna tell you
17 she was standing at that same stove when she turned around
18 and her brother turned that gun on her hitting her in the
19 leg. She was able to get out, to go to the neighbor's
20 apartment, Ms. Emma Brown, and she came in and said my
21 brother shot me, and called 9-1-1. And you'll get to hear
22 that 9-1-1 call.

23 You'll also get to hear from Roshaunda Dumas, who
24 picked up the Defendant after he fled the apartment and
25 tossed the gun, and she's gonna tell you that he told her

1 he just had gotten into an argument with his old lady and
2 needed to get out of there.

3 And then you're also gonna get to hear the statements
4 the Defendant made to the police. How he originally said
5 he wasn't there, he doesn't know what happened, and you'll
6 get to hear where it goes from there.

7 Ladies and gentlemen, at the end of this trial we're
8 gonna come back before you and we're gonna ask that you
9 hold the Defendant, Dexter Myers, responsible for those
10 crimes and you find him guilty of murder and attempted
11 murder. Thank you.

12 **MR. BAILEY:** Ladies and gentlemen, my name is Rhodes
13 Bailey. Along with Tracy Pinnock and Catherine Mubarak, I
14 represent Dexter Myers. This is Dexter Myers. The State's
15 gonna point at him a lot, they're gonna tell a story, a
16 story they want you to believe. They say that Dexter Myers
17 is guilty of murder. They say that Dexter Myers is guilty
18 of attempted murder. I'm right here to tell you that
19 Dexter is not guilty.

20 This case is a case of self-defense. When Mr. Myers
21 was struggling with the deceased, Dajuan Harris, over a
22 handgun, it was Mr. Harris' handgun, Mr. Harris ended up
23 dead. How did we get here? How did we get to this
24 self-defense case? Well, one thing the State did get right
25 is that Dexter Myers was living in the apartment along with

1 his other brother, Shamaray, and Mahogany Harris lived
2 there, her husband now deceased, Dajuan Harris, lived
3 there, and their two children lived there. Mr. Myers and
4 his brother lived in the apartment for five months prior to
5 this incident.

6 What happened on the day in question is that Dajuan
7 Harris came at Dexter in a fit of rage. He surprised him,
8 he caught him off guard. Dajuan Harris wanted to show
9 Dexter who was boss. Dajuan Harris reached for a gun. It
10 was Mr. Harris' gun. A struggle ensued when Dexter tried
11 to stop him and Mr. Harris is dead. Tragically Mahogany
12 Harris was also hit as a result of the struggle, but that
13 was an accident. That was an accident in the midst of this
14 struggle over a gun in this small apartment amid all the
15 chaos.

16 And I'd like to talk about the State's case. The
17 State says that Dexter Myers is guilty of intentionally
18 killing Dajuan Harris with malice, with forethought. They
19 say he's guilty of intentionally shooting his sister,
20 Mahogany, with malice aforethought. Now this fits nicely
21 in with their story. This fits in with their picture.
22 That is what they want you to believe. When it comes to
23 their witnesses, they are going to have Ms. Harris speak.
24 Mahogany is hurt, she is in mourning, she is very upset
25 and she is looking for somebody to blame.

1 We also believe that they will probably call a man
2 named Macus Drayton. He's an interesting character.
3 Mr. Drayton is a career criminal and miraculously when
4 this case was on the radar of the State he shows up with a
5 story that helps the State's story, a story that will help
6 support the story they want you to believe, but this
7 individual, Mr. Drayton, is really helping himself. He's
8 not interested in helping the State. He's interested in
9 helping himself stay out of jail.

10 They're also gonna bring you a lot of witnesses to
11 talk about a variety of things; the crime scene, autopsy,
12 et cetera. There will be a lot of witnesses and the number
13 one goal is these witnesses dress up this case to look
14 like a simple murder, but it's not. This is a case of
15 self-defense. Now Dexter is having to defend himself
16 again. He's got to defend himself against a murder charge,
17 against an attempted murder charge. He's got to defend
18 himself from law enforcement and the Government's lawyers
19 who do not believe him and do not want to hear the truth he
20 has shared with them.

21 Now there are conflicting accounts. The Assistant
22 Solicitor brought up that at first Dexter didn't tell the
23 truth. At the time of his arrest Dexter was scared, he
24 was nervous, he was traumatized by the suddenness and the
25 violence of this situation, and the first story he gave the

1 police was not the accurate one, but Dexter quickly amended
2 that, he told the police the truth of what happened, but
3 they weren't interested in the self-defense argument. A
4 self-defense argument wasn't interesting. It's not -- it's
5 not a simple case closed kind of thing. It's nothing they
6 didn't feel good about when they prosecute and get media
7 coverage over it. The prosecution wants you to believe
8 that Dexter intentionally killed Mr. Harris, that Dexter
9 intentionally shot his sister, and that's not what
10 happened. Dexter did not intend to kill Dajuan Harris.
11 Dexter did not intend for his sister to be shot as a result
12 of this violent struggle over Dajuan Harris' gun.

13 We know that you will take all of the facts into
14 account. We know that you'll listen to everything that's
15 said, but I want you to pay attention to what's not said,
16 and I will ask that y'all ask questions. Dexter Myers
17 acted in self-defense in July of last summer when he shot
18 Dajuan Harris. He was defending himself when this
19 happened. Sadly, Mahogany Harris was also shot, but not
20 intentionally, certainly not without malice aforethought.
21 Because Dexter was acting in self-defense struggling for
22 his life, Dexter Myers is not guilty.

23 **THE COURT:** Who's gonna take the first witness?

24 **MS. WALKER:** I will, Your Honor.

25 **THE COURT:** Ms. Walker.

1 **MS. WALKER:** Your Honor, at this time the State calls
2 Ms. Emma Brown.

3 **THE CLERK:** Please raise your right hand.

4 EMMA BROWN,
5 having been duly sworn, testified as follows:

6 **THE CLERK:** Thank you. Please have a seat on the
7 witness stand and state your full name for the record.

8 **THE WITNESS:** Emma Brown.

9 DIRECT EXAMINATION

10 BY MS. WALKER:

11 Q. Hi, Ms. Brown.

12 A. Hello.

13 Q. Do you live here in Columbia?

14 A. Yes.

15 Q. And you don't have to give me your address or
16 anything, but have you lived here for quite some time?

17 A. Yes.

18 Q. Are you familiar with the Brook Pines Apartment
19 Complex?

20 A. Yes.

21 Q. And how are you familiar with that location?

22 A. I live there.

23 Q. How long have you lived at Brook Pines?

24 A. It will soon be four years.

25 Q. Okay. Just in case they're having trouble hearing you

1 in the back row here, will you keep your voice up for me,
2 Ms. Brown?

3 A. Okay.

4 Q. Thank you very much. Do you know Mahogany?

5 A. Yes, in and out, neighbor-like, hello and bye,
6 something like that.

7 Q. Are y'all's apartments close together?

8 A. Right across the hall from each other.

9 Q. And were they right across the hall from each other in
10 July of last year?

11 A. Yes.

12 Q. Did you -- were you familiar with who was living in
13 that apartment across the hall from you?

14 A. Mahogany, her husband, her two children and brothers.

15 Q. And her brothers?

16 A. Yes.

17 Q. Back in July of last year, did Mahogany show up on
18 your doorstep one morning?

19 A. Yes. I was about to head into my kitchen when I
20 heard exactly three shots. I said oh, my God, somebody's
21 shooting, and I ran to -- to my peephole and I opened my
22 door and at the same time Mahogany opened hers and ran
23 straight in my apartment. It only takes about two, three,
24 four steps to get to each other's apartment.

25 Q. Did you notice anything about Mahogany as she entered

1 her apartment?

2 A. She was screaming and hollering "My brother shot --

3 **MR. BAILEY:** Objection, Your Honor.

4 **THE COURT:** Overruled.

5 BY MS. WALKER:

6 Q. Go ahead. You can answer the question.

7 A. "My brother shot my husband".

8 Q. Once she told you that, what did you do?

9 A. I immediately shut the door trying to keep her in
10 because she was trying to get back out to go over there.
11 She said "My baby's over there, my baby's over there". You
12 know, she --

13 Q. And could you tell if she had been injured at that
14 point?

15 A. No, she just said "He shot me, too", and she was
16 bleeding and I was trying to keep her in there and not to
17 go back out, but she was trying to get back out while I was
18 talking to the 9-1-1 operator.

19 Q. Yes, ma'am. And you -- you called 9-1-1, right?

20 A. Yes, I did.

21 Q. And have you had an opportunity to -- to listen to
22 this disk in my office?

23 A. Yes, I did.

24 Q. Okay. And is this the 9-1-1 call that you made that
25 day?

1 A. Yes.

2 MS. WALKER: Your Honor, at this time the State would
3 seek to admit Number 4 in evidence.

4 MR. BAILEY: No objection, Your Honor.

5 THE COURT: It's admitted.

6 (State's Exhibit Number 4, a 9-1-1 recording, was
7 admitted into evidence.)

8 MS. WALKER: May I publish it, Your Honor?

9 THE COURT: You may.

10 MS. WALKER: Thank you.

11 (Whereupon, the 9-1-1 tape was played for the Court
12 and jury.)

13 BY MS. WALKER:

14 Q. Ma'am, were you with Mahogany until police arrived?

15 A. Yes.

16 Q. At some point did you interact with the children as
17 well?

18 A. Actually when Mahogany came out, her oldest little
19 girl was right behind her, so I had both of them in my
20 apartment.

21 Q. And after you made that 9-1-1 call, did you speak with
22 law enforcement officers when they got to your apartment?

23 A. I just -- I think I just pointed and said that it was
24 over there and that she was over here and she had been
25 shot.

1 **MS. WALKER:** Thank you for being here. I don't have
2 any further questions.

3 CROSS-EXAMINATION

4 BY MR. BAILEY:

5 Q. Hi, Ms. Brown. How are you?

6 A. I'm okay.

7 Q. Obviously you went through a lot that morning. I'm
8 sure you were very scared and you were very startled.

9 A. Yes.

10 Q. And you say you heard three gunshots; is that right?

11 A. Yes.

12 Q. Okay. And you didn't see anything that actually
13 happened inside the apartment, did you?

14 A. No.

15 Q. Okay.

16 **MR. BAILEY:** No further questions. Thank you, ma'am.

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

18 (Witness excused.)

19 **MR. SHELLENBERG:** The State calls Investigator David
20 Fairbanks.

21 DAVID FAIRBANKS,

22 having been duly sworn, testified as follows:

23 **THE CLERK:** Thank you. Please have a seat and state
24 your full name for the record.

25 **THE WITNESS:** David Fairbanks.

DIRECT EXAMINATION

BY MR. SHELLENBERG:

Q. Officer Fairbanks, in what capacity do you work for Richland County?

A. Master deputy on the patrol unit on Broad River Road.

Q. Were you working for them back in July of 2014?

A. I was.

Q. In -- in the same capacity at that point?

A. Yes.

Q. Did you respond to a call at Brook Pines?

A. Yes, sir.

Q. Do you remember what that call was in -- in regard to?

A. It was in reference to someone being shot.

Q. When you arrived out there, were you the first on-scene?

A. Yes, sir.

Q. And what do you do when you're the first officer on-scene?

A. A lot of information that's true is not given. We don't know what we're going into, so we are very cautious about who's going where and what's coming out of what room, and we were that cautious going up the stairs towards the apartment.

Q. And so when you got up the stairs, what did you do?

A. When we got to the top of the stairs, the first

1 apartment on the right, we heard a lot of commotion, a lot
2 of yelling and screaming coming out of it. When I broke
3 through the door, I witnessed one of the victims standing
4 there with another -- the lady that just testified. They
5 were very agitated, upset, crying and screaming. We were
6 able to gather that --

7 **MS. PINNOCK:** Objection, Your Honor. That's hearsay.

8 **THE COURT:** Well, I'm not sure he's gonna reference
9 any hearsay or not. I don't -- how do you know that?

10 **MS. PINNOCK:** I'm sorry?

11 **THE COURT:** How do you know that's gonna be hearsay?

12 **MS. PINNOCK:** I guess I was kind of guessing.

13 **THE COURT:** I thought he said he just gathered some
14 information, but --

15 **MS. PINNOCK:** Yes, sir.

16 **THE COURT:** Are you gonna testify to what somebody
17 else said?

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

19 **THE COURT:** Okay. That's not hearsay. What's the --
20 what's that static on the microphone? Do we know what that
21 is?

22 **MR. SHELLENBERG:** He might be a little close. Keep it
23 like that.

24 **THE COURT:** Thank you.

25 **THE WITNESS:** I was able to gather information that

1 the female had been shot in the leg, that there was a
2 victim in the house and possibly the shooter at that point.
3 We didn't know where the shooter was.

4 BY MR. SHELLENBERG:

5 Q. And did you -- were you able to get the victim's name?

6 A. Dexter Myers.

7 Q. I'm sorry. The victim's name.

8 A. The victim's name, Mahogany was the female. I don't
9 remember the male's name.

10 Q. All right. After you got that information, what did
11 you do next?

12 A. The address that came out was not the apartment we
13 were in. We walked right across the hall to the apartment
14 of the female. In a situation like this, we don't know
15 who's in the apartment, who's hiding behind couches. We
16 had our weapons out, we cleared the residence. We got --
17 me and Senior Deputy Brunson got to the last bedroom on the
18 left. The door was closed. We attempted to open it. It
19 was locked. Not knowing what was behind the door or who
20 was behind the door, we attempted to breach it by kicking
21 the door. The lock was broken on the first kick, but the
22 door would not open. There was not any active resistance
23 to the door. It wasn't somebody yelling or pushing it
24 back. It just -- we could not get in. So after a few more
25 attempts, we looked in -- we pushed enough where we could

1 look in and saw the second victim leaning up against the
2 door.

3 Q. So how many times did you kick the door?

4 A. Approximately five times.

5 Q. And you found the male victim?

6 A. The male victim, yes, sir.

7 Q. And were you able to identify in speaking with people
8 at the scene who the suspect was in this case?

9 A. The name, Dexter Myers.

10 Q. Okay. Were you able to gather an idea of what the
11 Defendant was wearing?

12 A. After the scene was made safe, other responding units
13 were en route, K-9 was en route. They were expecting a
14 description and an area that he fled. I spoke to the
15 original caller back at her apartment and was able to calm
16 her down and the information I gathered was it was a black
17 male with a blue hoody and pajama pants that she had --
18 that had gone out of Building 2 down the back staircase. I
19 put that information out to other responding deputies.

20 Q. At that point what did you do?

21 A. At that point the scene is safe and secure. We called
22 for EMS to treat the female victim. We made our calls to
23 our command staff and we started a crime scene by taping
24 off the area, the immediate area, and starting a crime
25 scene log and keeping a log of who comes in and for what

1 purpose.

2 Q. And why do y'all do that?

3 A. To keep the scene and the evidence secure and under
4 lock and key, if you will, so that nothing can be removed,
5 nothing can be added. The log says -- when someone comes
6 in, you write down the time they come in and when they
7 leave, the time they leave, and what their purpose was to
8 ensure that nobody's up to no good in a crime scene.

9 **MR. SHELLENBERG:** All right. I beg the Court's
10 indulgence.

11 Q. What time did you arrive?

12 A. It was approximately 8:24.

13 Q. And where is Brook Pines Apartments located?

14 A. It's on Broad River Road, about the 3000 block, in
15 Richland County.

16 **MR. SHELLENBERG:** Thank you. No further questions.

17 **MS. PINNOCK:** May it please the Court?

18 **THE COURT:** Ms. Pinnock.

19 CROSS-EXAMINATION

20 BY MS. PINNOCK:

21 Q. How are you doing?

22 A. Good.

23 Q. Master Deputy, how long have you been on the force at
24 Richland County?

25 A. Coming up on eight years.

1 Q. Eight years. Did you join directly with Richland
2 County or did you transfer from somewhere else?

3 A. I was with a department in Tennessee for approximately
4 a year and a half.

5 Q. A year and a half?

6 A. (Nods head.)

7 Q. And you said you were -- you arrived on-scene at
8 about 8:24. Do you remember what time you were dispatched?

9 A. We were at Region, which is on Beaty Road, 1019
10 Beaty Road, which is just down the street, and we were
11 dispatched, I believe, at 8:21 and our response time was
12 just that.

13 Q. Three minutes?

14 A. Yes.

15 Q. Okay. And you obviously weren't there before anything
16 happened. Y'all were called and you showed up?

17 A. Yes, ma'am.

18 Q. Now you have nine and a half years of law enforcement
19 involvement?

20 A. Yes, ma'am.

21 Q. You started out in the academy just like everybody
22 else?

23 A. Yes, ma'am.

24 Q. How long is the academy?

25 A. The academy I went to is nine weeks.

1 Q. Nine weeks. What's some of the stuff y'all did there?
2 You took classes, you got training?

3 A. Yes, ma'am.

4 Q. What kind of like on -- hands-on training did you get?

5 A. We had some active shooter training. Mainly just book
6 work.

7 Q. A lot of book work?

8 A. Uh-huh.

9 Q. Well, you mentioned something and -- you said when you
10 got to the apartment on July 2nd --

11 A. Yes, ma'am.

12 Q. -- before you entered the second apartment you drew
13 your weapon because you didn't know what you were walking
14 into?

15 A. Yes, ma'am.

16 Q. And that's because there could be a threat inside the
17 house?

18 A. Yes, ma'am.

19 Q. You don't know the severity of the threat?

20 A. No, ma'am.

21 Q. You don't know if it's one person, if it's five
22 people, you don't know if somebody has a gun and they're
23 pointing at you?

24 A. Right.

25 Q. So you're trained before you enter into any situation

1 that has a threat you pull your weapon?

2 A. Not any situation. A deadly force situation.

3 Q. A deadly force situation you pull your weapon?

4 A. Uh-huh.

5 Q. Now if there was a threat inside this apartment,
6 you're not automatically supposed to shoot, right? You're
7 supposed to try to diffuse it if you can?

8 A. If you can.

9 Q. But not all situations are -- you know, are you able
10 to diffuse a situation, right?

11 A. Right.

12 Q. So sometimes you are required to pull your trigger?

13 A. Yes, ma'am.

14 Q. As a last -- I mean, that's the last thing you ever
15 want to do is pull the trigger?

16 A. Yes, ma'am.

17 Q. But if you are in a deadly force situation, you said
18 it yourself, you pull your weapon and sometimes you're
19 forced to pull the trigger?

20 A. Yes, ma'am.

21 Q. And you don't just pull the trigger once. If that
22 threat is still there, you pull your trigger multiple
23 times?

24 A. Yes, ma'am.

25 Q. You pull the trigger until the threat is neutralized,

1 right?

2 A. Yes, ma'am.

3 Q. And even if that person who's posing a threat to you
4 hits the ground, you don't put your gun away and walk up
5 and see what's going on, right?

6 A. Correct.

7 Q. You hold your gun at the ready until you are
8 absolutely sure that that threat is neutralized?

9 A. Yes, ma'am.

10 **MS. PINNOCK:** I beg the Court's indulgence. Thank
11 you, Your Honor. I have no further questions.

12 **THE COURT:** You may step down.

13 (Witness excused.)

14 **THE COURT:** Do you have another witness of that
15 length?

16 **MR. SHELLENBERG:** Yes, Your Honor. Investigator Zack
17 Brunson.

18 ZACHARY BRUNSON,

19 having been duly sworn, testified as follows:

20 **THE CLERK:** Thank you. Please take a seat on the
21 stand and state your full name for the record.

22 **THE WITNESS:** Zachary Brunson.

23 DIRECT EXAMINATION

24 BY MR. SHELLENBERG:

25 Q. Investigator Brunson, who do you work for?

1 A. Richland County Sheriff's Department.

2 Q. And how long have you been with them?

3 A. Approximately five and a half years.

4 Q. Before you were an investigator, what were you doing?

5 A. I was a patrol deputy on the road.

6 Q. In July of 2014, were you on the road?

7 A. I was.

8 Q. Were you working July 2, 2014?

9 A. Yes, I was.

10 Q. Did you respond to a shooting call at Brook Pines?

11 A. I did.

12 Q. Were you second to Fairbanks when y'all arrived?

13 A. Yes.

14 Q. Okay. And if you're -- if you're the second one
15 on-scene, what you do?

16 A. You're the backup or cover officer. Basically
17 checking behind the other deputy on the scene.

18 Q. And so what did you do when you arrived at the scene?

19 And what time did you arrive at the scene, do you remember?

20 A. I believe it was 8:24.

21 Q. And so what did you do when you got there?

22 A. We went up the stairs to where the incident location
23 -- what we were given by dispatch and made contact with the
24 neighbor and a female who had been shot.

25 Q. And did you go into the incident location?

1 A. I did.

2 Q. And when you opened the door, what did you find?

3 A. When I initially opened the door, there was a small
4 child on the floor. I got the child, kind of crawled out
5 and put it behind us, until we cleared the rest of the
6 residence.

7 Q. And by clear the residence, what you did do?

8 A. I drew my weapon, moved through the house tactically
9 clearing each room, making sure there was no threat in the
10 house or the apartment.

11 Q. And did you clear that back bedroom?

12 A. I did.

13 Q. And how did y'all get in the back bedroom?

14 A. The door was locked, so we had to kick it multiple
15 times. It felt like there was something behind the door
16 possibly barricaded. When we finally got the door open,
17 cracked a little bit, we saw an unresponsive male on the
18 floor, and then I squeezed through the doorway and cleared
19 the rest of the room and made sure there was no one else
20 inside.

21 Q. Approximately how many times did y'all have to kick
22 the door?

23 A. At least I would say five to ten times.

24 **MR. SHELLENBERG:** I beg the Court's indulgence. No
25 further questions. Thank you.

1 **MS. PINNOCK:** Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MS. PINNOCK:

4 Q. Investigator Brunson?

5 A. Yes, ma'am.

6 Q. All right. You said you've been with Richland County
7 five and a half years?

8 A. Yes, ma'am.

9 Q. Were you in law enforcement at any time prior to that?

10 A. No, ma'am.

11 Q. But back in 2014 you were on the road with Master
12 Deputy Barefoot?

13 A. Correct.

14 Q. Okay. Fairbanks. I'm sorry. All right. You said
15 you were the backup cover officer?

16 A. Yes, ma'am.

17 Q. Why do you have backup cover officers? Just in case
18 there's something happening that's dangerous?

19 A. Right. If there's multiple threats or if there's
20 something the other officer doesn't see.

21 Q. And you mentioned when you went into the incident
22 location you had your weapon drawn, right?

23 A. Yes, ma'am.

24 Q. Because you didn't know what you were walking into?

25 A. Correct.

1 Q. You didn't know if there was a threat?

2 A. Correct.

3 Q. You didn't know who was inside the apartment, who
4 wasn't inside the apartment?

5 A. Yes, ma'am.

6 Q. Because that's what you're supposed to do when there's
7 a threat is to protect yourself, right?

8 A. Right.

9 Q. And if that -- protecting yourself calls for you
10 pulling your trigger multiple times -- it's the last thing
11 you ever want to do, but if you are forced to a point where
12 you have to pull your trigger on your weapon, that's what
13 you're required to do, right?

14 A. Yes, ma'am.

15 Q. Because you're trained to do that?

16 A. Correct.

17 **MS. PINNOCK:** I beg the Court's indulgence. I have
18 nothing further, Your Honor. Thank you.

19 **MR. SHELLENBERG:** Nothing, Your Honor.

20 **THE COURT:** You may step down.

21 (Witness excused.)

22 **THE COURT:** Ladies and gentlemen, we're gonna recess
23 for the afternoon. Let me caution you before you go. Now
24 that the case has begun, you're not permitted to talk
25 about the case with anybody whatsoever, in any fashion

1 State had begun with their presentation of evidence, so
2 we will continue with that presentation this morning.

3 **MR. SHELLENBERG:** The State calls R.J. Ocheltree.

4 HAROLD OCHELTRREE,

5 having been duly sworn, testified as follows:

6 **THE CLERK:** Thank you. Please have a seat in the
7 witness stand and state your full name for the record and
8 please spell your last name.

9 **THE WITNESS:** Say that one more time.

10 **THE CLERK:** State your full name for the record and
11 please spell your last name.

12 **THE WITNESS:** Harold R. Ocheltree. I go by R.J. The
13 last name is O-C-H-E-L-T-R-E-E.

14 DIRECT EXAMINATION

15 BY MR. SHELLENBERG:

16 Q. Good morning, Mr. Ocheltree. Where are you employed?

17 A. I'm employed at the Fairfield County EMS at this time.

18 Q. And how long have you been with him?

19 A. A little over a year.

20 Q. Prior to that, where you were working?

21 A. Richland County EMS.

22 Q. How long were you --

23 **THE COURT:** Let me ask you to get a little bit closer
24 to that microphone, please.

25 **THE WITNESS:** Certainly.

1 BY MR. SHELLENBERG:

2 Q. And how long were you with Richland County EMS?

3 A. A little over six years.

4 Q. On July 2, 2014, were you working for Richland County
5 EMS?

6 A. Yes.

7 Q. And did you respond to a call at Broad River Road?

8 A. Yes, I did.

9 Q. At Brook Pines Apartments?

10 A. Yes.

11 Q. Do you remember what that call was regarding?

12 A. It was regarding a gunshot, multiple victims.

13 Q. And you responded with a unit, an EMS unit?

14 A. Yes.

15 Q. And how many people are in a unit?

16 A. Two.

17 Q. And what was your responsibilities in that unit?

18 A. I was a paramedic crew chief for that truck.

19 Q. And what do those responsibilities entail?

20 A. Making advanced life support decisions, safety of the
21 crew, making sure the scene is safe, patient care of the
22 patients that we come across.

23 Q. So when you responded to the gunshot wound, what did
24 you do when you got there?

25 A. When we got there, we approached the scene with

1 caution. The scene was secured by the sheriff's
2 department, but we still proceed with caution. I was
3 instructed where to go into the house. They had multiple
4 victims, so we went to the one where the cops -- the police
5 said that was in the back room was down and we went into
6 the back room to assess the patient and found him lying up
7 against the door. And as we were trying to get in, it was
8 hard to get in because he was wedged up against the door.

9 Q. So you -- you first went to the patient that was in
10 worse condition. Is that how it works?

11 A. Yes.

12 Q. Okay. And do you remember who the patient was that
13 you found behind the door?

14 A. I'm not sure of the name exactly. If I had my report,
15 I could. It was a male.

16 Q. If I give you a copy of your report, will it help
17 refresh your memory?

18 A. Yes.

19 **MR. SHELLENBERG:** I beg the Court's indulgence. May I
20 approach, Your Honor?

21 **THE COURT:** You may.

22 BY MR. SHELLENBERG:

23 Q. And what time did you respond to that call?

24 A. It looks like we were dispatched around -- at 8:21.
25 We got en route to the call at 8:22.

1 Q. And when you made contact in that back bedroom, who
2 was laying behind that door?

3 A. Let's see. Dajuan Harris.

4 Q. And what condition was he in when you found him?

5 A. He was wedged behind the door lying prone in a pool of
6 blood with obvious -- with trauma to his face and chest
7 area.

8 Q. What kind of lifesaving techniques did you use on him,
9 if any?

10 A. I assessed his airway, breathing and circulation,
11 which he was cold and apneic with obvious facial trauma and
12 wounds. His pupils were fixed and dilated and he was
13 obviously dead.

14 Q. Apneic, what does that mean?

15 A. Apneic means not breathing.

16 Q. So he was dead at that time?

17 A. Yes.

18 Q. And what do you do if someone's found dead at the
19 scene?

20 A. We advise our dispatch we have a DOA and then they
21 call the coroner.

22 Q. After you advised dispatch, did you make contact with
23 anyone else?

24 A. After that, we went to the apartment next door where
25 Mahogany was -- where we found her and started to approach

1 her.

2 Q. And what condition was she in at that point?

3 A. She was -- she was very irritated, agitated, upset.
4 Just crying.

5 Q. And what kind of injuries did she have?

6 A. She was emotional, of course, and she had five holes
7 in her outer thigh and buttocks area.

8 Q. Can you say that again? I'm sorry.

9 A. Five holes in her -- from a gunshot wound in her outer
10 thigh and buttocks area.

11 Q. And so how did you treat those injuries?

12 A. We got her on the stretcher and we -- bleeding was
13 controlled, she wasn't like profusely bleeding from it or
14 anything like that, so like I do all patients I checked the
15 airway, breathing, circulation and I go from there and
16 treat for -- and gave her -- I know I gave her an IV in
17 case she lost blood, and just treated a -- kept rechecking
18 her, rechecked her vital signs, and took her to the
19 hospital.

20 Q. And do you know what time you got to the hospital by
21 any chance?

22 A. I got to the hospital at 8:53.

23 **MR. SHELLENBERG:** All right. I beg the Court's
24 indulgence. No further questions. Thank you.

25 **THE COURT:** Ms. Mubarak.

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1 witness stand. State your full name for the record and
2 please spell your last name.

3 **THE WITNESS:** Investigator Harold Michael Bouknight,
4 B-O-U-K-N-I-G-H-T.

5 DIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q. Investigator Bouknight, where are you employed?

8 A. Richland County Sheriff's Department Crime Scene Unit.

9 Q. And as part of the Crime Scene Unit, what do your
10 duties involve?

11 A. Processing crime scenes, which includes documentation,
12 location, processing of evidence for latent prints,
13 bloodstain evidence, firearms evidence, tool marks,
14 footwear and tire wear, and also the comparison of latent
15 prints, footwear and tire wear, bloodstain analysis, crime
16 scene reconstruction and shooting incident reconstruction.

17 Q. Can you tell the jury a little bit about your
18 education and your training as far as doing crime scene
19 analysis?

20 A. I have a two-year degree in criminal justice from
21 Midlands Technical College and I've been in the Crime
22 Scene Unit since August of 2005. During that time I've
23 completed our internal training program, which includes a
24 section on bloodstain pattern analysis, which includes
25 written examinations, as well as proficiency testing. I've

1 been to a crime scene reconstruction course in 2007, a
2 blood stain course in 2006, another bloodstain -- advanced
3 bloodstain course in 2007, advanced bloodstains in 2013
4 and crime scene reconstruction in 2012 and a bloodstain
5 analysis course in 2011, and in 2011 I was certified by
6 the International Association for Identification as a
7 bloodstain pattern examiner.

8 Q. And have you been qualified before as a crime scene
9 investigator, as an expert in that area?

10 A. As far as crime scene investigation, yes,
11 approximately ten times.

12 Q. And specifically as to bloodstain analysis, if it's
13 possible, have you been qualified in that area as well?

14 A. Yes, ma'am, approximately five times.

15 **MS. CAMPBELL:** Your Honor, at this time I'd offer him
16 as an expert in -- for a limited amount of bloodstain.

17 **THE COURT:** All right. Would you like to examine him
18 on his qualifications, Ms. Pinnock?

19 **MS. PINNOCK:** No, Your Honor. The only objection I
20 would have is what I placed on the record this morning.
21 And, Your Honor, if we could --

22 **THE COURT:** Let me see y'all just a minute.

23 (Proceedings held at the bench; not reported.)

24 **THE COURT:** All right. You may continue.

25 **MS. CAMPBELL:** Thank you, Your Honor.

1 BY MS. CAMPBELL:

2 Q. Investigator Bouknight, I'm gonna turn your attention
3 back to July the 2nd of 2014. Were you working that day?

4 A. Yes, ma'am.

5 Q. And what shift were you working, sir?

6 A. I was working the day shift.

7 Q. And the day shift, what time does that start?

8 A. Typically my shift as a supervisor runs 8:30 to 5:00,
9 Monday through Friday.

10 Q. And as a supervisor in the Crime Scene Unit, do you
11 also respond to crime scenes and such?

12 A. Yes, ma'am. Any time there's major scene or any of
13 the investigators need assistance, I respond out there to
14 help them and do what I can.

15 Q. And that morning, approximately how many crime scene
16 investigators actually responded to Brook Pines Apartments?

17 A. Three.

18 Q. And is that unusual when multiple people are shot and
19 some are dead?

20 A. No, ma'am, not at all.

21 Q. And approximately what time was it when you got there
22 that morning?

23 A. Approximately 9:25.

24 Q. When you got there, were there other police officers
25 there?

1 A. Yes, ma'am. There was a -- a crime scene rotation had
2 been set up and a crime scene log was being maintained and
3 there were other investigators and deputies searching the
4 area.

5 Q. Once you got there, were you made aware also that EMS
6 had been there?

7 A. Yes, ma'am.

8 Q. And is that unusual in a crime scene such as this?

9 A. No, ma'am.

10 Q. And is the safety or health of the victims the primary
11 focus initially before you do your crime scene?

12 A. Yes, ma'am. That's -- to render aid is one of the
13 first things.

14 Q. Tell the jury what you observed when you first got
15 there around 9:25 that morning.

16 A. Like I said, the crime scene log was being maintained
17 and the victim, who I later found out was Dajuan Harris,
18 was face down in the doorway of the left side bedroom.
19 There were some reddish brown stains that we believed to be
20 blood on the floor around him, the exterior of the bedroom
21 door and the bedroom wall next to the door.

22 Q. And as part of your training, when you first get there
23 do you do what's called a walkthrough?

24 A. Yes, ma'am. We'll -- typically whenever a supervisor
25 is called out, the initial responding investigators have

1 already kind of determined what is important evidence and
2 then we'll come through and assist them in identifying any
3 more evidence, but we're all kind of going at the same time
4 and you look around where you're stepping to make sure you
5 don't step on any possible evidence, and just identify
6 anything that jumps out at you as evidence right off and
7 then you can do a more meticulous search later.

8 Q. And in that same vein, you don't know really what may
9 or may not be relevant initially when you get there?

10 A. Correct.

11 Q. And as the investigation goes on, some things may
12 become more relevant that may not have seemed so at the
13 beginning?

14 A. Yes, ma'am.

15 Q. Once you did your walkthrough, what's the first thing
16 you do before collecting any evidence there?

17 A. Standard procedure is to photograph any evidence
18 before we move it -- or photograph it and then mark it,
19 give it some type of identification for later, whether
20 it be a number or a letter. Some type of indication.

21 Q. And as you're photographing things, who was also there
22 assisting you that morning taking photographs as well?

23 A. Investigators Oates was there taking photographs.
24 Sergeant Richards was also present.

25 Q. And did you also actually take photographs that

1 morning?

2 A. Yes, ma'am, I did.

3 Q. I'm gonna show you what's been marked as 5 through 63
4 and first ask you just to look at these photographs.

5 A. Yes, ma'am.

6 Q. Do you recognize those?

7 A. Yes, ma'am.

8 Q. And are those photographs you took that day when you
9 got there?

10 A. Yes, ma'am.

11 Q. And do those fairly and accurately depict the scene as
12 it was when you got there?

13 A. Yes, ma'am, they do.

14 **MS. CAMPBELL:** Your Honor, at this time I'd offer
15 into evidence --

16 **MS. PINNOCK:** Your Honor, we would object to Number
17 61, 62 and 63.

18 **THE COURT:** All right. Let me see them, please.

19 (Proceedings held at the bench; not reported.)

20 **THE COURT:** All right. Exhibits 61, 62 and 63 are
21 withdrawn presently. 5 through 60 are admitted without
22 objection.

23 **MS. CAMPBELL:** Thank you, Your Honor.

24 (State's Exhibit Numbers 5 through 60, photographs,
25 were admitted into evidence.)

1 **MS. CAMPBELL:** Your Honor, and for the record, we did
2 redact the one that she objected to like she wanted.

3 **THE COURT:** Okay.

4 **MS. CAMPBELL:** Your Honor, may the witness step down
5 to expedite things?

6 **THE COURT:** He may.

7 **MS. CAMPBELL:** If you will step down here.

8 (Whereupon, the witness steps down from the witness
9 stand.)

10 BY MS. CAMPBELL:

11 Q. The apartment that we're talking about, basically did
12 you just memorialize which apartment you were going into
13 that day?

14 A. Yes, ma'am.

15 Q. And when you got there, I noticed in -- State's
16 Exhibit 6, what is that a photograph of?

17 A. The front door. Just the condition of the front door
18 and the doorknob.

19 Q. And specifically when looking at the front door and
20 the doorknob, are you looking for any signs of what?

21 A. Forced entry or any kind of damage.

22 Q. Was there any kind of forced entry at this crime
23 scene?

24 A. No, ma'am.

25 Q. State's Exhibit Numbers 7 and 8, what do those show?

1 A. That's the thermostat.

2 Q. And can that be significant in the case?

3 A. It can depending on how long the body has been there
4 to determine decomposer rates.

5 Q. And in this case, that wasn't relevant or ended up
6 being?

7 A. No.

8 Q. I want to show you State's Exhibits Number 9 and 10.
9 What area of the house does this show?

10 A. The living room area.

11 Q. And is this how it appeared when you got there that
12 day?

13 A. Yes, ma'am.

14 Q. And, again, EMS and other officers had already been
15 there?

16 A. Yes, ma'am.

17 Q. And is it unusual for officers when they first get to
18 a crime scene to go in and make sure that everything's
19 safe?

20 A. That's pretty well standard in any type of violent
21 crime they're going to take a sweep.

22 Q. I'm gonna show you State's Exhibit Number 11. What
23 area of the living room does this show?

24 A. That's still the living room area.

25 Q. And what were the items that you see on the floor

1 there in the living room that were immediately apparent to
2 you?

3 A. There were pillows.

4 Q. Pillows?

5 A. Yes, ma'am.

6 Q. As well as what?

7 A. A sheet or a blanket.

8 Q. Next to the living room area is what area? State's
9 Exhibit Number 12.

10 A. This is a photo from the living room area to the
11 dining area, the dining table.

12 Q. And, in fact, in the lower part of this, what part --
13 what is that?

14 A. A couch.

15 Q. So this is just to help orient where everything is in
16 the apartment?

17 A. Yes, ma'am.

18 Q. And State's Exhibit 13, what does that show, sir?

19 A. That's the television and a crib for a small child, a
20 baby.

21 Q. And where was that located in the living room when you
22 walked in?

23 A. To the left.

24 Q. To the left?

25 A. Yes, ma'am.

- 1 Q. And, again, State's Exhibit Number 14 shows what, sir?
- 2 A. The pillows and sheets from earlier.
- 3 Q. State's Exhibits 15 and 16 show what?
- 4 A. The couch and -- a couch and love seat in the living
- 5 room.
- 6 Q. And 17 and 18 are close-ups of what and where?
- 7 A. The sheet, the blanket and the pillows in the living
- 8 room.
- 9 Q. And at the time did you know the significance of those
- 10 items?
- 11 A. No, ma'am. It's just they were in disarray in the
- 12 living room.
- 13 Q. Okay. State's Exhibit Number 19 shows two items
- 14 besides the pillows. What are those items?
- 15 A. There's a piece of jewelry and a lighter.
- 16 Q. And those are located near what piece of furniture?
- 17 A. The couch.
- 18 Q. Is that where they were found?
- 19 A. That's the way they were whenever I saw them.
- 20 Q. When you got there. State's Exhibit 20 and 21, again,
- 21 are just --
- 22 A. The remote control and a pillow.
- 23 Q. Moving on into a different part of the home, State's
- 24 Exhibit Number 22, where is this located?
- 25 A. That is in the dining area. That's next to the

1 kitchen.

2 Q. And that was actually depicted in the picture we saw
3 earlier from the living room?

4 A. From the living room into the dining area you could
5 see those next to the dining room table.

6 Q. And then over here you see another room. What is
7 that?

8 A. That's the entryway to the kitchen and the kitchen
9 cabinets.

10 Q. And I show you State's Exhibit Number 23. What area
11 of the kitchen does this show?

12 A. That's the same side of the wall as where that closet
13 was.

14 Q. All right. So that would be looking into the kitchen
15 to the left?

16 A. To the left, yes, ma'am.

17 Q. And then State's Exhibit Number 24 shows what?

18 A. It's the stove and countertop that would be on the
19 right-hand of the kitchen if you're looking into the
20 kitchen that separates the living room from the kitchen.

21 Q. And the items that are seen on the stove and the
22 countertop, what are those items?

23 A. There's food items up there; breakfast items, toast,
24 breakfast.

25 Q. State's Exhibit 26 and 27 shows what?

1 A. It's the floor of the kitchen and --

2 Q. I'm sorry?

3 A. Also the floor of the kitchen and the countertop and a
4 piece of the closet door on the floor.

5 Q. And State's Exhibit Number 28, going back, what does
6 that show?

7 A. That's from the kitchen to the dining table.

8 Q. And then on the dining table in State's Exhibit
9 Number 29, what do you see there, sir?

10 A. There's plates with food on them; breakfast items,
11 cheese grits.

12 Q. Specifically how many plates are there?

13 A. Three.

14 Q. And are they all the same size?

15 A. No, ma'am. There's one large one and two smaller
16 ones.

17 Q. As you walk through -- the bedroom where Mr. Harris
18 was found, where was it located in relation to the living
19 room and the kitchen? Can you describe it to the jury?

20 A. The living room and kitchen -- the living room, as you
21 walk in the front door, you would walk in there and then if
22 you just continued straight down the hallway -- if you
23 continued straight, you would enter the hallway and the
24 bedroom would be on the left.

25 Q. I'm gonna show you what's been marked as State's

1 Exhibit Number 30. What does this show, sir?

2 A. That's the doorway and the door into that left
3 bedroom.

4 Q. And here in the bottom, you can see part of it, what
5 is that?

6 A. That's Mr. Harris.

7 Q. And is that how he appeared when you got there after
8 the initial officers that morning?

9 A. That's how he appeared whenever I was there, yes,
10 ma'am.

11 Q. And State's Exhibit Number 31, is that a closer shot
12 of the scene?

13 A. Yes, ma'am.

14 Q. In a crime scene, is it important for you to note any
15 areas where you may see what appears to be blood?

16 A. Yes, ma'am. In any type of violent crime or
17 bloodletting incident you document things that may be blood
18 or that appear to be blood.

19 Q. I show you State's Exhibit 35 and 36. Do you
20 recognize those?

21 A. Yes, ma'am.

22 Q. Where were those photographs taken?

23 A. Those were in the doorway of that left bedroom.

24 Q. And was that close or far away from Mr. Harris?

25 A. Right near Mr. Harris.

1 Q. And near what part of Mr. Harris, do you recall?

2 A. His torso.

3 Q. Torso. And then you also mentioned that sometimes you
4 photograph with markers?

5 A. Yes, ma'am.

6 Q. And I show you State's Exhibit 32. Why do you
7 photograph with markers after photographing things
8 initially?

9 A. Because a lot of times stains may -- especially if you
10 have fired cartridge casings or anything like that, they
11 can look similar and that way you can identify each one in
12 case something that's different about it later on and you
13 can locate them within the scene later.

14 Q. And, again, 33 and 34 -- actually I have two different
15 markers, so that's two different stains; is that correct?

16 A. Yes, ma'am.

17 Q. State's Exhibit 37 and 38 are looking into what part?

18 A. That's in the bedroom.

19 Q. And at this point -- at some point was Mr. Harris'
20 body removed?

21 A. Yes, ma'am.

22 Q. And did y'all go back in and take further pictures?

23 A. Yes, ma'am. Sometimes there can be evidence under
24 the body, whether it be blood spatter evidence or actual
25 physical evidence.

1 Q. After he had been removed, I show you State's 39 and
2 40. What's are those items?

3 A. That's a plastic bag and just more bloodstains.

4 Q. And this would have been where his body was located?

5 A. Yes, ma'am.

6 Q. And that's specifically State's Exhibit Number 39?

7 A. Correct.

8 Q. Did you also note, specifically on the door in State's
9 Exhibit 43 is a close-up, and State's Exhibit 41?

10 A. There were some stains that appeared to be
11 spatter-type stains.

12 Q. Okay. And you basically documented those?

13 A. Yes, ma'am.

14 Q. Both as they initially appeared and with the marker?

15 A. Yes, ma'am.

16 Q. And State's Exhibit 42, is that also a reddish-brown
17 stain?

18 A. Yes, ma'am.

19 Q. And, again, where is this in relation to where
20 Mr. Harris' body was found?

21 A. It's the door where Mr. Harris was.

22 Q. And was this the --

23 A. He was between --

24 Q. -- outside or inside?

25 A. -- this exterior door.

1 Q. So you can see part of the door in the hallway?

2 A. Yes, ma'am. If the door was closed, it would be in
3 the hallway.

4 Q. And, again, State's Exhibit 44 and 45. In this one
5 you actually marked it with a measure?

6 A. Yes, ma'am. A scale tape and the letter marker.

7 Q. Moving on to State's Exhibit 47, once you enter the
8 bedroom were there certain stains that caught your
9 attention?

10 A. Yes, ma'am. On the wall that was next to the doorway.

11 Q. Where would the doorway be?

12 A. The doorway would be over here.

13 Q. So this is the actual casing?

14 A. Yes, ma'am.

15 Q. So this is the casing -- so this is the wall next to
16 where the door was closed?

17 A. Correct.

18 Q. And State's Exhibit 48 and 49, are those close-up
19 pictures of those?

20 A. Yes, ma'am.

21 Q. And with your training, what is it -- what can you say
22 about these stains?

23 A. They're spatter-type stains and they have some
24 directionality to them, meaning they're travelling -- the
25 tail here on these photographs points away from the area

1 of origin or towards the direction of travel, so they're
2 travelling away from the doorway.

3 Q. And is that pretty much -- how high up on the wall
4 were these stains?

5 A. They were average person height.

6 Q. To put it in proportion, is this the dresser next to
7 him?

8 A. Yes, ma'am.

9 Q. So you can see exactly how tall he was. State's
10 Exhibit Number 51 and 52, what do those show?

11 A. Those are also some reddish-brown stains on the corner
12 of the bed. Due to that type of substrate where they --
13 the stains will soak into the cloth and things like that,
14 you don't have well-formed edges where you can make too
15 much of a determination as to what type of stains they are.

16 Q. And when you're talking about different stains, can
17 you just explain to the jury how stains typically, such as
18 blood, are deposited in the areas?

19 A. It can be different ways. Any time there's a
20 bloodletting event, when the blood leaves the body. If I
21 have something that's blood soaked and it brushes across
22 something, that's called a swipe. And if I have blood on
23 an object and wipe something across it, it's called a wipe.
24 Those are irregular shaped stains. Spatter that we were
25 looking at is oval. A well-defined stain is usually

1 elliptical or possibly circular and those come -- those are
2 separate categories. Impact spatter is something impacted
3 the blood with force and it causes -- the more force, the
4 smaller the stains, and you have to look at the majority of
5 the stains. I mean, it could be -- the force that can
6 cause spatter, it can be blunt force. Somebody could have
7 an injury in their mouth and whenever they -- if they
8 breathe out very violently or cough or anything like that,
9 that's force being applied to blood and it can also create
10 spatter.

11 Q. And during the course of this crime scene, are y'all
12 also looking for any evidence of gunpowder?

13 A. Yes, ma'am. Whenever you have reports of gunfire,
14 you look for fired cartridge casings, projectiles, impact
15 points and things like that.

16 Q. And the first day that you were there, did you collect
17 any projectiles yourself?

18 A. I did not collect any, no.

19 Q. At all. So did you collect any the first day or the
20 second day?

21 A. I located one, yes, ma'am.

22 Q. And I'll show you State's Exhibit 53. Do you
23 recognize this?

24 A. Yes, ma'am. It was a projectile that was located
25 under the refrigerator in the kitchen.

1 Q. Under the refrigerator in the kitchen. So y'all
2 actually had to move the refrigerator?

3 A. Yes, ma'am.

4 Q. And which day was that you did that?

5 A. The first day.

6 Q. The first day it happened. And State's Exhibit 55,
7 which has been marked with a Number 4, is this a
8 different --

9 A. That's the same projectile.

10 Q. The same projectile, but this is with the marker?

11 A. Yes, ma'am.

12 Q. Thank you, sir.

13 (Whereupon, the witness returns to the stand.)

14 Q. That day when you were first there, did you take any
15 what's known as DNA swabs?

16 A. Yes, ma'am, I did from the two areas of those reddish
17 -brown stains marked D and E.

18 Q. I'll show you State's Exhibit Number 211. What area
19 of the house were these taken from?

20 A. These were the stains that we talked about that were
21 on the bedroom door, the exterior of the bedroom door, and
22 the bedroom wall next to the door.

23 Q. So once you photographed them, then you would go back
24 and take actual samples?

25 A. Yes, ma'am.

1 **MS. CAMPBELL:** Your Honor, at this time I'd offer
2 State's Exhibit 211 into evidence.

3 **THE COURT:** 211?

4 **MS. CAMPBELL:** Yes, sir.

5 **MS. PINNOCK:** Which one is that?

6 **MS. CAMPBELL:** It's the swabs from the bedroom.

7 **MS. PINNOCK:** D and E?

8 **MS. CAMPBELL:** D and E.

9 **MS. PINNOCK:** No objection.

10 (State's Exhibit Number 211, DNA swabs, were admitted
11 into evidence.)

12 BY MS. CAMPBELL:

13 Q. I want to move on to the 3rd of July. Did you attend
14 an autopsy on that day?

15 A. Yes, ma'am, I did.

16 Q. And approximately what time was it when you went --
17 were at the autopsy?

18 A. Approximately 9:00 the morning.

19 Q. And is it standard for y'all to go to an autopsy?

20 A. Yes, ma'am. Any time there's a violent death or
21 anything that can't be explained away, then we'll attend
22 the autopsy.

23 Q. And who was doing the autopsy that you attended?

24 A. It was -- Dr. Durso was the pathologist and she was
25 assisted by Rasaji Bay and David Burns.

1 Q. And when you got there, in your observation of the
2 victim, what was on his hands?

3 A. He had paper bags on his hands.

4 Q. And why would he have had paper bags put on his hands
5 at the scene?

6 A. To protect any trace evidence, keep it from being
7 destroyed or lost during transport from the scene to the
8 autopsy.

9 Q. Were you able to during the course of the autopsy
10 observe any injuries to Mr. Harris?

11 A. Yes, ma'am.

12 Q. And where did you observe injuries?

13 A. To the head, the left side and back of the head, the
14 lower back, and the right side of the neck.

15 Q. So there was one in the lower back?

16 A. Yes, ma'am.

17 Q. And one to the right side of the head and the back of
18 the head I believe you said?

19 A. The left side of the head and the back of the head.

20 Q. So the left side. And then one to what area?

21 A. The right lower neck area.

22 Q. The neck area?

23 A. (Nods head.)

24 Q. And during the course of that autopsy, were any what's
25 called projectiles or bullets recovered?

1 A. Yes, ma'am, there were two.

2 Q. And Dr. Durso was the one who actually recovered
3 those?

4 A. Yes, ma'am.

5 Q. And once she did recover those, were those turned over
6 to you?

7 A. Yes, ma'am, I received those on a chain of custody
8 from Dr. Durso.

9 Q. While you were there, did you also do a gunshot
10 residue kit?

11 A. Yes, ma'am.

12 Q. And what's the purpose of that?

13 A. Whenever a gun is fired, there can be particulate
14 from the gunshot residue or gun primer residue, it can be
15 deposited on the hands, and what we do is basically take
16 some sticky tabs and place them over the hands of the
17 suspect or the victim or whoever is suspected of firing a
18 weapon and then we can send that off to SLED for analysis.

19 Q. And that kit was collected by you that day at autopsy?

20 A. Yes.

21 Q. Did you also take what's called a buccal swab?

22 A. I did. That's a reference sample from a person. They
23 swab the inside of their mouth and that way we can say that
24 this swab comes from the victim or the suspect and then
25 they can be compared to the evidence samples that were

1 collected from the scene.

2 Q. And in addition to that, I believe you already
3 mentioned you collected the two projectiles that were
4 recovered during the autopsy?

5 A. Yes, ma'am.

6 Q. And, finally, did you collect any clothing?

7 A. Yes, ma'am, some jewelry, an earring and a ring, and
8 two pairs of blue shorts and a blue shirt.

9 Q. I'm gonna show you what's been marked as State's
10 Exhibit Number 210. What is that, sir?

11 A. It's the buccal swab from Dajuan Harris.

12 Q. State's Exhibit 213?

13 A. Postmortem prints.

14 Q. State's Exhibit 214?

15 A. The yellow ring and earring.

16 Q. State Exhibit 212?

17 A. The projectile -- well, both projectiles from
18 Dr. Durso.

19 Q. And, finally, State's Exhibit 203?

20 A. That's the clothing. The blue shirt and two pairs of
21 blue shorts.

22 MS. CAMPBELL: Your Honor, at this time we'd offer
23 these into evidence.

24 THE COURT: What are the numbers?

25 MS. CAMPBELL: 203, 212, 214, 213, and 210.

1 **THE COURT:** Any objection?

2 **MS. PINNOCK:** No objection.

3 **THE COURT:** They'll be admitted.

4 **MS. CAMPBELL:** Thank you, Your Honor..

5 (State's Exhibit 203, the victim's clothes, 212, a
6 swab, 213 and 214, prints, and 210, a swab, were admitted
7 into evidence.)

8 **BAILIFF:** Your Honor, can we take a break?

9 **THE COURT:** Sir?

10 **BAILIFF:** We need a break.

11 **THE COURT:** Okay. Let me ask the jury to please go to
12 your jury room. Don't talk about the case and we'll bring
13 you back after that break.

14 (Whereupon, the jury retires to the jury room at
15 10:38 AM.)

16 **THE COURT:** Ms. Campbell, do you happen to have an
17 exhibit list for my benefit and the court reporter's
18 benefit?

19 **MS. CAMPBELL:** Yes, sir.

20 **THE COURT REPORTER:** I have one. They gave me one.

21 **MS. CAMPBELL:** I'll get you a copy at the break.

22 **THE COURT:** Thank you. We'll be at ease for ten
23 minutes. The witness can step down. Don't discuss your
24 testimony during the break.

25 (Recess taken.)

1 (State's Exhibit Number 215 was marked for
2 identification.)

3 **BAILIFF:** Court come to order. Remain seated.
4 Reminder, ladies and gentlemen, no cell phones allowed in
5 the courtroom.

6 **THE COURT:** Okay.

7 **MS. CAMPBELL:** Just since I handed up the list, I did
8 mark one more photograph. It's 215.

9 **THE COURT:** 215?

10 **MS. CAMPBELL:** Yes.

11 **THE COURT:** Thank you. All right. Are we ready for
12 the jury?

13 **MS. CAMPBELL:** The State's ready.

14 **MS. PINNOCK:** Yes, sir.

15 **THE COURT:** Bring them in.

16 (Whereupon, the jury returns to the courtroom at
17 10:53 AM.)

18 **BAILIFF:** Jurors are seated, Your Honor.

19 **THE COURT:** All right. You may continue.

20 **MS. CAMPBELL:** Thank you, Your Honor.

21 BY MS. CAMPBELL:

22 Q. I'll show you State's Exhibit Number 212. Does that
23 indicate what items are in that?

24 A. Yes, ma'am, those are the projectiles.

25 Q. And where were those recovered from during autopsy,

1 does it indicate?

2 A. Yes, ma'am, abdomen and left arm.

3 Q. Abdomen and left arm. And I want to show you what's
4 been marked as State's Exhibit Number 215. Do you
5 recognize that?

6 A. Yes, ma'am. Those are the markers in front of the
7 doorway where Mr. Harris was found.

8 Q. And those are bloodstains or what appear to be?

9 A. Correct, reddish-brown stains.

10 **MS. CAMPBELL:** Your Honor, at this time we'd offer
11 State's Exhibit 215 into evidence.

12 **MS. PINNOCK:** No objection.

13 **THE COURT:** It's admitted.

14 **MS. CAMPBELL:** Thank you.

15 (State's Exhibit 215, a photograph, was admitted into
16 evidence.)

17 BY MS. CAMPBELL:

18 Q. You don't have to step down again, but, again, the
19 markers are there to denote where certain what appear to be
20 reddish-brown stains are?

21 A. Correct.

22 Q. And what doorway is this?

23 A. The left bedroom doorway.

24 Q. And that was where --

25 A. Mr. Harris was found, yes, ma'am.

1 Q. As part of your investigation, are you trying to
2 recover any evidence of any gunpowder?

3 A. Yes, ma'am.

4 Q. And I believe that day you noted you found at least
5 one or two of what's called projectiles?

6 A. Yes, ma'am.

7 Q. Explain to the jury what's the difference between a
8 projectile and a shell casing -- or a cartridge casing.

9 A. The two of them are the components of the cartridge
10 and you have the shell casing, which contains the powder
11 charge, and the projectile and the primer is also part of
12 the cartridge.

13 Q. And at this crime scene, were you able to recover any
14 cartridge casings at the scene?

15 A. No, ma'am.

16 Q. However, were you able to recover any projectiles?

17 A. Yes, ma'am.

18 Q. And is it unusual to have projectiles but no cartridge
19 casings?

20 A. Typically with an autoloader-type firearm, whenever
21 you pull the trigger, you know, it automatically loads the
22 next cartridge into the chamber, it's gonna eject the shell
23 casing. If it's a revolver, nothing ejects. Unless
24 someone reloads the revolver at the scene, there won't be
25 any shell casings.

1 Q. But in this case you were able to find two
2 projectiles?

3 A. Yes, ma'am.

4 Q. And when you go to a crime scene, even in an enclosed
5 area such as this, are you always able to find all of the
6 projectiles that may have been fired?

7 A. No, ma'am.

8 Q. Why not?

9 A. Projectiles can do -- they can ricochet off of things
10 and a lot of times the impact point that you're looking for
11 is covered up by carpet or it could be a poster on the
12 wall, clothing, anything like that can disguise an impact
13 point where you can't, you know, locate it. And the
14 projectile is there, but it's just unable to be located
15 because you don't have any further evidence to show you
16 where it was.

17 Q. At a later date did you also process some evidence in
18 this case and, specifically, a jar?

19 A. Yes, ma'am, I did.

20 Q. And when was -- was that done a couple of weeks later?

21 A. It was on the 15th of July.

22 Q. And when I say you processed this jar, what were you
23 -- when I say that, what does that mean?

24 A. Using various methods, visual examination, superglue
25 fuming, also known as cyanoacrylate fuming, various

1 powders, sometimes black powder, magnetic power, to develop
2 and visualize a latent print.

3 Q. And once you collect that evidence, is it then
4 forwarded to someone else for examination in the case?

5 A. Yes, ma'am.

6 **MS. CAMPBELL:** I beg the Court's indulgence. Thank
7 you. That's all I have at this time.

8 **MS. PINNOCK:** May it please the Court?

9 **THE COURT:** Ms. Pinnock.

10 CROSS-EXAMINATION

11 BY MS. PINNOCK:

12 Q. Good morning, Investigator.

13 A. Good morning.

14 Q. I just have a couple of questions for you. You
15 mentioned that you attended the autopsy of Mr. Harris on
16 the 3rd?

17 A. Yes, ma'am.

18 Q. And you were in charge of documenting all the
19 injuries, right?

20 A. No, ma'am. I photographed the injuries.

21 Q. That's what -- I'm sorry. That's what I meant. You
22 photographed the injuries?

23 A. Yes, ma'am.

24 Q. Ms. Campbell asked you about what injuries you
25 observed on Mr. Harris and you indicated one on the head,

1 one in the neck and one on the back?

2 A. Two on the head, one on the neck, one on the back.

3 Q. Okay. There was also -- there were other injuries on
4 Mr. Harris you took pictures of, too, right?

5 A. I believe -- may I check my report?

6 Q. Yes. Go ahead.

7 A. Okay.

8 Q. There were abrasions on the skin?

9 A. Yes, ma'am.

10 Q. Okay. There was an abrasion on the neck?

11 A. I don't see an abrasion on the neck.

12 Q. Okay. You didn't take a picture of the abrasion on
13 the neck?

14 A. I took pictures of the injury on the neck.

15 Q. Okay. But no -- no scratches on the neck?

16 A. I don't -- I don't remember seeing any and didn't
17 notate any in my report.

18 Q. Okay. What about the scratch on the upper chest?

19 A. I don't remember that one.

20 Q. Okay. What about the scratch on the upper arm?

21 A. I don't remember that one either.

22 Q. Okay. And, just briefly, you were describing the
23 splatter and -- the blood splatter that you --

24 A. Spatter, yes, ma'am.

25 Q. Spatter. I'm sorry. The spatter in the bedroom. You

1 said it was -- the way the bullet -- the way the dots were
2 with the brown substance, you said it looked like it was
3 going away from the point of origin?

4 A. Yes, ma'am.

5 Q. Okay. And then you said that there are different ways
6 that you can get drops that look like that?

7 A. Yes, ma'am.

8 Q. And it's some sort of -- what did you call it? Some
9 sort of force, impact force?

10 A. A force applied to the blood, yes, ma'am.

11 Q. Okay. So would that include somebody -- let's say if
12 I coughed and I had blood in my mouth, you said that would
13 -- that would cause the same look, that type of drop?

14 A. It could, yes, ma'am.

15 Q. Okay. Because doing (demonstrating), the air coming
16 out of my lungs is force?

17 A. Correct, yes, ma'am.

18 **MS. PINNOCK:** Begging the Court's indulgence.

19 Q. And one of the last things you said was that -- and
20 correct me if I'm wrong. You said that projectiles can
21 ricochet off of pretty much anything, right?

22 A. I wouldn't say pretty much anything. I'd say they can
23 ricochet and you don't know where they ended up.

24 **MS. PINNOCK:** Okay. Thank you.

25 **THE WITNESS:** You're welcome.

1 **THE COURT:** You may step down.

2 (Witness excused.)

3 **MS. CAMPBELL:** The State would call Investigator
4 Oates.

5 ROBERT OATES,

6 having been duly sworn, testified as follows:

7 **THE CLERK:** Thank you. Please have a seat on the
8 witness stand and state your full name for the record and
9 please spell your last name.

10 **THE WITNESS:** Robert Oates, O-A-T-E-S.

11 DIRECT EXAMINATION

12 BY MS. CAMPBELL:

13 Q. Investigator Oates, where are you employed?

14 A. Richland County Sheriff's Department.

15 Q. What do you do there, sir?

16 A. I'm a crime scene investigator.

17 Q. Can you tell the jury what your duties as a crime
18 scene investigator include?

19 A. My duties are to respond to the status crime scenes
20 of Richland County and once on arrival is to search,
21 document, collect physical evidence of a crime, and also
22 that evidence -- and also analyze that evidence for
23 fingerprints, for DNA, et cetera.

24 Q. Tell us a little bit about your -- yeah, back off that
25 a little bit.

1 **THE COURT:** Let's bend that down so it's perpendicular
2 to you. Stop, turn it down a little bit. There you go.

3 **MS. CAMPBELL:** Thank you, sir.

4 BY MS. CAMPBELL:

5 Q. Can you tell the jury a little bit about your training
6 as a crime scene investigator?

7 A. Yes. I obtained -- as far as education, I've obtained
8 an associate's degree from Florence-Darlington Technical
9 College in criminal justice, a bachelor of science degree
10 from the University of South Carolina in criminal justice,
11 then a law enforcement officer for nineteen years and a
12 crime scene investigator for eleven.

13 Q. And have you had any specialized training particularly
14 as to photographing and collecting evidence at crime
15 scenes?

16 A. Yes, I have.

17 Q. What is that?

18 A. Yes, basic evidence collection, preservation,
19 fingerprint development, photography, forensic photography,
20 advanced photography, blood spatter analysis, advanced
21 blood spatter analysis, crime scene reconstruction.

22 Q. I want to talk to you about July the 2nd of last year.
23 Did you respond to the apartment complex on Broad River
24 Road where this took place?

25 A. Yes, I did.

1 Q. And what time was it when you got there, sir?

2 A. 0920 AM.

3 Q. And when you got there, was anybody else already
4 there?

5 A. To my knowledge, I was the first there.

6 Q. The first crime scene investigator?

7 A. Yes.

8 Q. Were there other officers there?

9 A. Yes, there were.

10 Q. And when you got there, were you made aware of whether
11 or not EMS had responded and things of that nature?

12 A. Yes, ma'am, they had already responded.

13 Q. Had the crime scene already been cleared prior to you
14 getting there?

15 A. Yes.

16 Q. When I say the crime scene's been cleared, what does
17 that mean?

18 A. That means that officers have gone through the area or
19 residence making sure there's no -- searching for victims,
20 other suspects, and that the actual residence or area is
21 clear.

22 Q. Can you tell the jury what initially you did when you
23 got to the crime scene that day?

24 A. Yes, what I did initially was I pretty much entered
25 the crime scene, assessed the crime scene, and then

1 returned back to my vehicle after assessing and grabbed my
2 camera and started documenting through photographs prior to
3 any kind of collection or anything.

4 Q. And at some point after you did your initial
5 photographs, was the body actually removed?

6 A. Yes, ma'am.

7 Q. And then did you take additional photographs,
8 especially of the area where he was?

9 A. Yes.

10 Q. And why do you do that, sir?

11 A. As previously stated, when a body is moved evidence
12 could be up under that body and under the -- under the body
13 on the floor, the general area, so we always search under
14 there just to make sure and take photographs just in case
15 there's other kind of blood evidence or anything of the
16 sort we can document that.

17 Q. I want to show you a number of photographs first. Do
18 you also document just how the exterior looks as well going
19 into the area?

20 A. Yes, we always start from the beginning.

21 Q. I want to show you State's Exhibits 64 through 73
22 first and ask you do you recognize those?

23 A. Yes.

24 Q. And do those fairly and accurately depict the scene or
25 at least the exterior as it was when you got there that

1 day?

2 A. Yes, they do.

3 Q. And then I want to show you 74 through 97 and just ask
4 for you to look at those.

5 A. Yes.

6 Q. And, finally, 98 through 114. Do you recognize those?

7 A. Yes.

8 Q. And do those all fairly and accurately depict the
9 scene?

10 A. Yes, they do.

11 **MS. CAMPBELL:** Your Honor, at this time we'd offer
12 those into evidence.

13 **THE COURT:** All right. Give me those numbers again,
14 please.

15 **MS. CAMPBELL:** 66 through -- 65 -- excuse me. I
16 apologize. 64 through 73, 74 through 97 and 98 through
17 114.

18 **THE COURT:** Any objections?

19 **MS. PINNOCK:** Can we see what they are?

20 **MR. BAILEY:** We need to see them.

21 **MS. CAMPBELL:** Sure.

22 **MR. BAILEY:** Your Honor, if we could approach just
23 briefly?

24 **THE COURT:** Okay.

25 (Proceedings held at the bench; not reported.)

1 **THE COURT:** All right. 77 is withdrawn. The others
2 are in evidence.

3 (State's Exhibit Numbers 64 through 76 and 78 through
4 114, photographs, were admitted into evidence.

5 BY MS. CAMPBELL:

6 Q. For the record, these are all photographs, all of what
7 you've seen, of the crime scene as it appeared, some before
8 the body was removed and some afterwards?

9 A. Yes.

10 Q. And I want to skip ahead to expedite things. The next
11 day did you return to the scene after collecting certain
12 items and photographing those?

13 A. Yes, I did.

14 Q. And I want to show you some additional photographs
15 just while you're on the stand, State's Exhibits 115
16 through 136, and first ask you to look at those.

17 A. Yes.

18 Q. And were those all photographs that depict the scene
19 when you went back the next day?

20 A. Yes.

21 Q. And is it unusual for you to go back a second time and
22 look for additional evidence?

23 A. No, it is not.

24 Q. Why is that?

25 A. Because in the initial response sometimes you don't --

1 we don't -- a lot of times we don't know a lot, so we're
2 kind of going in blind, so we have to -- we collect what we
3 can and after autopsy we might get some more information so
4 that we go back and do a final search if we need to find
5 more evidence, and then also look for some more evidence
6 just in case.

7 **MS. CAMPBELL:** Your Honor, at this time we'd offer 115
8 through 136 in evidence.

9 **THE COURT:** Any objection?

10 **MR. BAILEY:** No, Your Honor. No objection.

11 **THE COURT:** They're admitted.

12 (State's Exhibit Numbers 115 through 136, photographs,
13 were admitted into evidence.)

14 **MS. CAMPBELL:** Your Honor, may the witness step down?
15 If you'll come down here for me.

16 (Whereupon, the witness steps down from the witness
17 stand.)

18 BY MS. CAMPBELL:

19 Q. I want to first -- State's Exhibit Numbers 64 and 65,
20 what do these show?

21 A. These are overall exterior photographs in front of the
22 actual apartment complex, Building [REDACTED]

23 Q. And is this apartment complex located here in Richland
24 County?

25 A. It is, yes.

1 Q. And, again, State's Exhibit Numbers 66 and 67?

2 A. Those are vertical angle photographs of -- overall
3 photographs of the front of the apartment, [REDACTED] the
4 entrance.

5 Q. And what's the building number?

6 A. The building number is [REDACTED]

7 Q. Which you documented?

8 A. Yes. That's the posted building number.

9 Q. As you go into this apartment complex, where is -- I'm
10 gonna show you State's Exhibit Numbers 69 and 70. Where is
11 the apartment located?

12 A. Okay. Let's see. Right up here to the -- as you walk
13 into the [REDACTED] building, it's the top apartment or middle
14 apartment there up on your left.

15 Q. So you go up the stairs?

16 A. Yes, up the stairs, yes.

17 Q. And then the apartment number is actually --

18 A. [REDACTED], yes.

19 Q. I want to show you State's Exhibit Numbers 72 and 73.
20 What do those show, sir?

21 A. That shows the front door, entrance door, the
22 apartment doorjamb and the door, to show that there's no
23 damage to it. What we're doing is to make sure there's no
24 forced entry into the actual apartment to show no damage.

25 Q. And I note here there appears to be a reddish color on

1 the knob.

2 A. Yes, that -- the door had recently been painted, so
3 that was transfer from that.

4 Q. So that was not blood?

5 A. That's right. That's correct.

6 Q. Once inside -- I'll do State's Exhibit 74. Was there
7 a room where a body was found?

8 A. Yes.

9 Q. And specifically in State's Exhibits 74 and 75, what
10 does that show?

11 A. That's the exterior bedroom doorknob.

12 Q. This is the door to the actual bedroom?

13 A. Yes.

14 Q. Where Mr. Harris was found?

15 A. Yes.

16 Q. And does State's Exhibit 76 also show that?

17 A. Yes.

18 Q. State's Exhibits 78 and 79, are these photographs that
19 were taken after the body was removed?

20 A. Yes, it is.

21 Q. And what does that show, sir?

22 A. That shows the area of the bloodstains where the
23 victim -- the position of the body, where it was in the
24 room on the carpet, the bloodstains on the carpet.

25 Q. And then State's Exhibit 81, was that looking -- that

1 was looking out into what area?

2 A. That's from inside the actual room where the victim
3 was located facing toward the door and the hallway, so
4 basically I was in the back corner of the room near the bed
5 shooting the camera back toward the front entrance to the
6 bedroom.

7 Q. And on the carpet, are those reddish-brown stains
8 which you later marked?

9 A. Yes.

10 Q. State's Exhibit 83, what does that show?

11 A. That's the bedroom partway near the -- basically near
12 the front door.

13 Q. It's pointing towards the chair up on the bed at this
14 point?

15 A. That's right, yes.

16 Q. So certain things had been moved?

17 A. That's right, yes. That's after the body had been
18 removed.

19 Q. State's Exhibits 84 and 85 show what area in the
20 bedroom?

21 A. Okay. That's -- again, that's showing after the
22 victim has been moved, the chair is up on the bed, and
23 that's a photograph toward the closet back toward the
24 entrance to the bedroom door from inside the bedroom.

25 Q. State's Exhibit 86?

1 A. Okay. That's gonna be just another vertical
2 photograph from inside the bedroom back toward the front
3 door from the opposite side of the bed.

4 Q. State's Exhibits 89 and 90?

5 A. Okay. That's gonna be basically another midrange
6 photograph into the bedroom with the chair up on the bed
7 after the victim had been removed.

8 Q. And then State's Exhibit 92 is what area?

9 A. These are items on the dresser as you walk into the
10 right of the bedroom where the victim was. That's the
11 dresser and on the top of the dresser are different items
12 -- miscellaneous items on top of it.

13 Q. State's Exhibit 95 is what?

14 A. Okay. Looking back towards the closet area where the
15 victim was located inside the bedroom. A more close-up
16 shot.

17 Q. And State's Exhibit 97 shows?

18 A. This is showing the floor area and the closet right
19 up next to where the victim was lying on the floor in the
20 bedroom.

21 Q. So that's basically a panorama of that room?

22 A. Yes.

23 Q. Pretty much all of them were?

24 A. Yes.

25 Q. Did you also photograph other rooms of the house?

1 A. I did.

2 Q. I'm gonna show you State's Exhibit Numbers 98 and 99.
3 What does that show?

4 A. That is a bedroom on the right-hand side past the
5 victim, the room where the victim was located, so it was a
6 down the hall bedroom.

7 Q. And State's Exhibit Number 100?

8 A. That's just another version of the photograph inside
9 that bedroom.

10 Q. And in this bedroom, did you find any reddish-brown
11 stains or anything of interest?

12 A. I did not.

13 Q. Moving on to State's Exhibit Number 101, was there an
14 additional bedroom in this apartment?

15 A. Yes. Directly -- as you walk into the apartment,
16 straight down the hallway at the end is a child's room, and
17 that's a picture of the entranceway to that room, to the
18 child's room.

19 Q. And then State's Exhibits 103 and 104?

20 A. That's just further into the child's room.

21 Q. State's Exhibit 105?

22 A. The closet of the child's bedroom.

23 Q. And State's Exhibit 106?

24 A. This is just another angle as you enter the bedroom,
25 the child's bedroom. The photograph, it's showing its

1 original -- what it looked like originally.

2 Q. State's Exhibit 109, is that another shot?

3 A. Yes.

4 Q. And did you find any evidence on what you collected in
5 that room as far as reddish-brown stains?

6 A. I did not.

7 Q. Did anyone else to you knowledge?

8 A. To my knowledge, no.

9 Q. State's Exhibit Number 110 is what area?

10 A. That's a hall bathroom. The entrance to the hall
11 bathroom.

12 Q. Number 111?

13 A. That's another photograph completing the whole --

14 Q. And State's Exhibits 112 and 113?

15 A. Yes, that's a picture of the toilet in its original
16 position.

17 Q. And State's Exhibit 114?

18 A. And to the shower area.

19 Q. And, again, did you find anything worthy of collecting
20 DNA such as blood?

21 A. I did not.

22 Q. And, in fact, what was the only area where you
23 collected -- or where bloodstains or fresh bloodstains were
24 found?

25 A. The entrance to the bedroom on the carpet where the

1 victim was laying.

2 Q. And did y'all check in the living room area for any
3 evidence of any brown stains or anything like that?

4 A. Yes, we did.

5 Q. And was any recovered?

6 A. No.

7 Q. And in the kitchen area, did you also check for any
8 evidence of any blood or --

9 A. Yes, we did.

10 Q. And was any found?

11 A. No.

12 Q. Okay. I want to skip ahead and talk about what you
13 collected in a minute, but going on to State's Exhibit 115,
14 the next day did you go back and look for certain items?

15 A. Yes, I did.

16 Q. And State's Exhibit 115, what area is this?

17 A. That is, again, the bedroom, the far right bedroom
18 past where the victim was located.

19 Q. The second bedroom?

20 A. The second bedroom, yes.

21 Q. And in that bedroom, did you find -- what items did
22 you later collect?

23 A. Yes, a Samsung cell phone on the nightstand, yes.

24 Q. In addition to that, in State's Exhibit Number 121, in
25 the master bedroom we'll call it --

1 A. The master bedroom, yeah. The second bedroom, yes,
2 that's another cell phone, a blue cell phone, on the
3 dresser top.

4 Q. And that's State's Exhibit 122?

5 A. Yes.

6 Q. Specifically going back into the living room area, did
7 you collect what's in State's Exhibit 123?

8 A. Yes, we did. Yes.

9 Q. And is that where that was found?

10 A. Yes.

11 Q. On which couch was that in the living room?

12 A. That is -- as you walk into the living room area,
13 that's the couch. As you're facing in from the outside of
14 the apartment, as soon as you walk in, that couch is on
15 that front wall right there as soon as you walk in.

16 Q. And State's Exhibit 124 and 125 what is that?

17 A. That's a lighter and gold-looking necklace that was on
18 the couch cushion.

19 Q. But that was originally located on the floor in
20 between the couch cushions?

21 A. Right, right. Yes.

22 Q. And State's Exhibit Number 126 and 127, what is that?

23 A. That is a rubber boot that was found behind the couch.

24 Q. Which couch was it found behind?

25 A. The same couch in the living room as you walk in.

1 Q. And 128 and 129, does that show what was actually in
2 that boot?

3 A. Yes, it does. A glass jar with a green plant-like
4 material.

5 Q. Green plant-like material?

6 A. Yes.

7 Q. That day were you also checking for what's known as an
8 impact point in the apartment?

9 A. Yes.

10 Q. And did you find any?

11 A. Yes, we did.

12 Q. And what's the significance of an impact point?

13 A. An impact point is what we call like a gunshot-type of
14 damage or a hole, like from a little bullet, into a wall,
15 and we call it an impact point where an object has impacted
16 another point, in this case sheetrock.

17 Q. I'll show you State's Exhibit 130. Is there an impact
18 point there that you explored further?

19 A. Yes, it is.

20 Q. And where's it located?

21 A. That's on the kitchen wall right in front of the
22 refrigerator.

23 Q. And is this -- is it this brownish area?

24 A. Yes, it is.

25 Q. And in your experience, what would that be consistent

1 with?

2 A. That's consistent with an impact point.

3 Q. From, say, a bullet?

4 A. From a bullet, yes, is what we're looking for here.

5 Q. In State's Exhibit 131 and 132, what steps did you
6 take to try to see if anything was actually in that wall?

7 A. Okay. After photography, then the area -- what we'll
8 do is we have an area that -- we do not damage the actual
9 impact point and we'll go in and then we'll search within
10 the wall itself to see if we can find any projectiles.

11 Q. Were you able to find a projectile in the wall when
12 you dug it out?

13 A. Not in the wall.

14 Q. However, did that -- that lead you to somewhere else?

15 A. Yes, that means that it had perforated or went right
16 through the actual interior wall into the exterior wall.

17 Q. I show you State's Exhibit Number 133 in which 134 is
18 a close-up?

19 A. That is the projectile, yes.

20 Q. And where was that located in the apartment?

21 A. In the exterior wall pane.

22 Q. In the wall pane?

23 A. Yes.

24 Q. So it would be on the other side of the kitchen wall?

25 A. It would, yes.

1 Q. State's Exhibits 135 and 136 are just close-ups of
2 that projectile?

3 A. Yes, ma'am.

4 Q. With a marker?

5 A. Yes.

6 Q. And was that collected by you?

7 A. It was.

8 Q. So based on your exploration that second day, the
9 bullet actually perforated the wall and went out into the
10 common area?

11 A. Yes, it did.

12 Q. Thank you.

13 (Whereupon, the witness returns to the witness stand.)

14 Q. Now I'm skipping around just a little, but did you
15 collect certain items that first day you were there
16 processing the scene?

17 A. Yes, I did.

18 Q. And what items did you actually collect?

19 A. I collected three swabs. The first swab was a
20 reddish-brown stain and it's from the hallway carpet
21 across from the bedroom door, Marker AA. Another cotton
22 swab of a reddish-brown stain from the bedroom entranceway
23 carpet, and that was Marker AB. Another cotton swab of a
24 reddish-brown stain from the bedroom carpet floor beside
25 the entranceway door, and that's Marker AC.

1 Q. I'm showing you what's marked as State's Exhibits 204,
2 205 and 206. Are these items that you collected either one
3 day or the other?

4 A. Yes, they are.

5 Q. And I misspoke. The actual projectile on the exterior
6 was found that first day, not the second day. That's my
7 mistake and I apologize.

8 A. That's correct.

9 Q. And those were collected by you?

10 A. Yes, they were.

11 **MS. CAMPBELL:** Your Honor, at this time I'd offer them
12 into evidence.

13 **MR. BAILEY:** No objection, Your Honor.

14 **THE COURT:** Those numbers are what?

15 **MS. CAMPBELL:** 204, 205 and 206.

16 **THE COURT:** They'll be admitted.

17 (State's Exhibit Number 204, 205 and 206, photographs,
18 were admitted into evidence.)

19 BY MS. CAMPBELL:

20 Q. And the next day you mentioned and we see photographs
21 of some phones that were collected by you?

22 A. Yes.

23 Q. And I'll show you what's been marked as State's
24 Exhibit 207. Are these the phones that were collected?

25 A. Yes.

1 Q. In addition, that second day, did you also collect
2 that glass jar that was seen in the boot?

3 A. Yes, I did.

4 Q. I'll show you State's Exhibit 208. Do you recognize
5 that?

6 A. Yes.

7 Q. And 209?

8 A. Yes.

9 Q. And were all those items collected by you?

10 A. Yes.

11 MS. CAMPBELL: Your Honor, at this time we'd offer
12 them in evidence.

13 MR. BAILEY: We'd just like to take a quick look.

14 THE COURT: All right.

15 MS. CAMPBELL: These have been shown to them before.

16 THE COURT: That's 7, 8 and 9?

17 MS. CAMPBELL: Yes, sir.

18 THE COURT: Let me clarify that. I said 7, 8 and 9.
19 It's 207, 208 and 209.

20 MR. BAILEY: No objection from us, Your Honor.

21 THE COURT: They're admitted.

22 (State's Exhibit Numbers 207, cell phones, 208, glass
23 jar, and 209, necklace, were admitted into evidence.)

24 BY MS. CAMPBELL:

25 Q. And reflected on these are the areas where they were

1 found. You're processing the scene and you found a .32
2 caliber cartridge casing in the dining room kitchen closet?

3 A. Yes.

4 Q. And you also swabbed the stains that have been
5 referred to earlier in AB, AC in those areas as well?

6 A. Yes.

7 Q. And then in 205 are the two projectiles that you
8 found?

9 A. Yes.

10 Q. One was found where?

11 A. One was found laying on the kitchen floor below the
12 refrigerator and one was found laying on an exterior cement
13 walkway.

14 Q. Which was right next to where the refrigerator was?

15 A. Yes.

16 Q. So it had gone through the wall?

17 A. It had gone through. Perforated through the wall.

18 **MS. CAMPBELL:** Thank you, Your Honor. I have no
19 further questions.

20 **MR. BAILEY:** Just a moment, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. BAILEY:

23 Q. Investigator Oates --

24 A. Yes, sir.

25 Q. -- just a couple of questions from us. You also found

1 a .32 caliber cartridge unfired in the house; is that
2 right?

3 A. That's correct.

4 Q. Okay. Inside the dining room kitchen closet?

5 A. That's correct.

6 Q. Okay. And Ms. Campbell asked you if you found any
7 blood in the kitchen and you said there was no blood in the
8 kitchen; is that right?

9 A. Yes. To my knowledge, yes.

10 **MR. BAILEY:** Thank you.

11 **THE COURT:** You may step down.

12 (Witness excused.)

13 **MS. CAMPBELL:** The State would call Investigator
14 Beeler.

15 **MICHAEL BEELER,**

16 having been duly sworn, testified as follows:

17 **THE CLERK:** Thank you. Please have a seat on the
18 witness stand and state your full name for the record and
19 spell your last name.

20 **THE WITNESS:** Investigator Michael Beeler,
21 B-E-E-L-E-R.

22 **DIRECT EXAMINATION**

23 **BY MS. CAMPBELL:**

24 Q. Investigator Beeler, where are you employed?

25 A. Richland County Sheriff's Department Crime Scene Unit.

1 Q. How long have you worked there?

2 A. I've been in the Crime Scene Division seven years and
3 been a certified officer for eighteen.

4 Q. Can you tell the jury a little bit about your
5 education and training as a crime scene investigator?

6 A. Yes, ma'am. I have an associate's in public service
7 from Midlands Technical College. I've attended several
8 training classes in shooting incident reconstruction,
9 bloodstain pattern analysis, advanced bloodstain pattern
10 analysis, ethics in forensic science, scientific protocol,
11 fire investigations, crime scene reconstruction, homicide
12 in question death scenes, footwear and tire track
13 impressions, crime scene photography, bloodstain pattern
14 analysis, and fundamentals of crime scene investigation,
15 as well as the South Carolina Criminal Justice Academy.

16 Q. Yes, sir. I want to turn your attention back to
17 July the 2nd of last year. Were you called out to the
18 Broad River Road area in reference to this case?

19 A. Yes, ma'am, I was.

20 Q. Approximately what time was it when you were called
21 out?

22 A. To the 3900 block of Road River Road, I was called out
23 at 2:35 in the afternoon.

24 Q. 2:35 in the afternoon?

25 A. Yes, ma'am.

1 Q. So did you have anything to do with the processing of
2 the initial crime scene?

3 A. Not at that time, ma'am.

4 Q. Not at that time. Where were you called out to and
5 who did you meet with specifically?

6 A. I was called out and met with Investigator -- I'm
7 sorry, Deputy Kirkland and Deputy Oliver. I met with them
8 along the actual -- on Broad River Road near the sidewalk.

9 Q. And where is this in relation to Brook Pines
10 Apartments?

11 A. It's between Brook Pines Apartments and another
12 apartment complex a little further out Broad River Road.
13 As you're coming from the city of Columbia, we refer to
14 outbound, away from the major city, so it's between the
15 city of Columbia and Irmo basically -- or the Harbison
16 area.

17 Q. And specifically once you made contact with the
18 deputies there at the scene, were there other investigators
19 there as well?

20 A. Not at the scene where they were.

21 Q. Okay.

22 A. It was just the two deputies.

23 Q. Did you -- was your attention -- was something pointed
24 out to you?

25 A. Yes, ma'am. They had located a firearm in the wooded

1 area between the two -- between Green Oaks, which is the
2 outbound, further side apartment, and Brook Pines
3 Apartments where this incident occurred.

4 Q. And once you located the item, prior to moving it, did
5 you photograph it?

6 A. Yes, ma'am. I documented where it was. I started
7 taking photographs and measurements as point of reference
8 so if we needed to go back and locate the actual area where
9 this item was found.

10 Q. As well as the photographs you took measurements
11 though?

12 A. Yes, ma'am.

13 Q. And approximately how far from the sidewalk was the
14 gun in the woods?

15 A. From the sidewalk at roughly a 90 degree angle it was
16 roughly just under 25 feet. 24.7 inches.

17 Q. 24 feet, 7 inches?

18 A. Yes, ma'am.

19 Q. And that would be -- and the area where it was found
20 was what type of area?

21 A. It was a wooded area. I'm sure people have walked
22 through it on occasion to take shortcuts, but it wasn't a
23 well-beaten path or anything like that. It was just a
24 wooded area.

25 Q. While you were there at the scene prior to collecting

1 the gun, did you also try to find some reference points
2 that you marked in order to do additional measurements?

3 A. Yes, ma'am, so we could --

4 Q. Tell the jury why you do that and what you're doing.

5 A. If we need to go back and further photograph or if
6 investigations locates -- or get information that
7 additional items were dropped through interviews or they
8 just want to go back and search the area, we typically find
9 permanent points of reference. In this case, I used a
10 utility pole that was near a fire hydrant close to the
11 apartment complex.

12 Q. And once you had done that and marked that, did you
13 also photograph those points of reference?

14 A. Yes, ma'am.

15 Q. And eventually did you collect a gun that day?

16 A. Yes, ma'am, I did.

17 Q. I want to show you what's been marked as State's
18 Exhibit Number 197 first and ask if you recognize this?

19 A. Yes, ma'am. This would be the H&R six-shot revolver
20 and the fired cartridge casings that were in it that I
21 located in the wooded area.

22 **MS. CAMPBELL:** Your Honor, at this time we'd offer
23 State's Exhibit 197 into evidence.

24 **MS. PINNOCK:** No objection, Your Honor.

25 **THE COURT:** It's admitted.

1 (State's Exhibit Number 197, a handgun, was admitted
2 into evidence.)

3 **MS. CAMPBELL:** I beg the Court's indulgence. They
4 didn't put a gun lock on this.

5 BY MS. CAMPBELL:

6 Q. You mentioned that this was a .32 caliber revolver?

7 A. Yes, ma'am.

8 Q. Are you familiar with the difference between a
9 revolver and what's called a semi-automatic handgun?

10 A. Yes, ma'am, I am.

11 Q. And what's the difference, sir, just generally?

12 A. I wouldn't touch that with your hands. There was
13 blood -- reddish-brown stains on that.

14 Q. All right. What's the difference generally?

15 A. Typically with a semi-automatic handgun there's a
16 magazine containing several projectiles under pressure of
17 the spring. Once the -- once the gun is fired, the recoil
18 of the gun will send the slide back ejecting the fired
19 cartridge casing and then letting an unfired cartridge
20 casing in. Typically, under ideal conditions, the gun will
21 continue to function as long as there's a projectile -- or
22 as long as there are unfired cartridge casings or bullets
23 in the magazine. Once that's expended, the gun stops
24 working and the slide typically locks back depending on
25 the weapon and the trigger cannot usually be pulled any

1 further.

2 Q. And in this weapon you mentioned that there were some
3 fired cartridge casings in this weapon when you found it?

4 A. Yes, ma'am.

5 Q. And where were those located?

6 A. With a revolver, there's typically a cylinder --

7 Q. Like this?

8 A. Yes, ma'am, that rotates. Depending on the type of
9 gun, it holds different -- a different number of unfired
10 cartridge casings. This is designed to hold six fully
11 loaded and with a revolver each time you pull the trigger,
12 the hammer comes back, goes forward and a round is fired.
13 When the hammer comes back and the trigger is pulled, the
14 cylinder rotates and brings an unfired cartridge back into
15 the top of the cylinder in line with the barrel and as long
16 as you pull the trigger it will continue. And with a
17 revolver you can pull it twenty times or more. It's --
18 after that six it's just gonna click.

19 Q. Okay. But as long as there's a live round in it, it
20 will expel the live round if it's in proper working order?

21 A. Yes, ma'am.

22 Q. And in this case how many rounds could this gun hold?

23 A. Six fully load.

24 Q. How many fired cartridge casings did you find in the
25 gun?

1 A. I found six, five of which were actually -- typically
2 designed for a semiautomatic. A .32 -- a firearms expert
3 would be able to get further involved in this. They will
4 fit the cylinder and under ideal conditions they will
5 actually -- the semiautomatic handgun rounds will fire from
6 this. One round was a .32 Smith & Wesson long, which is
7 typically a revolver cartridge, and it's designed to fire,
8 but that particular gun will shoot a semiautomatic round.

9 Q. Okay. And in this case you found six fired cartridge
10 casings?

11 A. Yes, ma'am.

12 Q. No unfired?

13 A. Correct.

14 Q. So the gun was basically empty as far as any live
15 ammunition?

16 A. Yes, ma'am.

17 Q. And once you found that, you collected it that day?

18 A. Yes, ma'am, I did. I used a permanent marker, a
19 Sharpie, to mark the top cylinder position. We typically
20 do that -- if there's unfired cartridges in it, you're able
21 to see, okay, this was the last one fired. With this, all
22 six were expended, so we don't know -- like I was saying
23 earlier, they could -- someone could have continued to fire
24 -- continued to pull the trigger. We don't necessarily
25 know which one was in the top position, so.

1 Q. I want to show you State's Exhibits 137 to 153 and
2 first ask you to look at those.

3 A. Yes, ma'am.

4 Q. And are those photographs you actually took out there
5 that day?

6 A. Yes, ma'am.

7 **MS. CAMPBELL:** Your Honor, at this time we'd offer
8 them into evidence.

9 **MS. PINNOCK:** No objection, Your Honor.

10 **THE COURT:** The numbers are what?

11 **MS. CAMPBELL:** Your Honor, they're 137 through 153.

12 **THE COURT:** 153?

13 **MS. CAMPBELL:** Yes, sir.

14 **THE COURT:** Thank you. They're admitted.

15 **MS. CAMPBELL:** Thank you.

16 (State's Exhibit Numbers 137 through 153, photographs,
17 were admitted into evidence.)

18 **MS. CAMPBELL:** Your Honor, may the witness step down?

19 **THE COURT:** He may.

20 (Whereupon, the witness steps down from the witness
21 stand.)

22 BY MS. CAMPBELL:

23 Q. Let me show you State's Exhibit 137 and 138. What is
24 this point of reference?

25 A. That's the utility pole that I mentioned that I got

1 one of my measurements from. It's a fixed object, so
2 typically with those we can go back ten years and usually
3 that pole will still be there versus a moveable object like
4 a car which, you know, ten minutes later it could be taken
5 away. And then this other picture is just the utility pole
6 number that I'd be able to reference back to. We could
7 actually contact the utility company and find out if for
8 some reason later on down the line it was moved and
9 replaced. That just shows the location of that pole.

10 Q. I'll show you 139. Your point of reference here, what
11 is shown on that?

12 A. That's actually a tire. Like I was just saying, we
13 -- we go by fixed objects. In this case, the tire just
14 happened to be roughly perpendicular from approximately
15 twenty-five feet down the sidewalk at a right angle to
16 where the gun was. So in a later picture you'll see a
17 marker on there. We're not using the tire as a marker. It
18 just happened to be roughly twenty-five feet down the
19 sidewalk.

20 Q. And then State's Exhibit 140 shows what area?

21 A. Just into the wood line.

22 Q. And then as you enter the wood line from approximately
23 twenty-five feet, does State's Exhibit 141 show you what
24 was found?

25 A. It's the H&R revolver we were speaking of.

1 Q. And is that how it appeared when you got there?

2 A. Yes, ma'am.

3 Q. To your knowledge had anybody moved it in any way?

4 A. No, ma'am, not to my knowledge.

5 Q. State's 142, is that a close-up?

6 A. Yes, ma'am.

7 Q. And what is that that appears to be on it?

8 A. Leaves, pine straw.

9 Q. State's Exhibit Number 147, is that another area
10 showing the sidewalk?

11 A. Yes, ma'am, just another view. I had started placing
12 markers for reference by the telephone pole.

13 Q. And closer up of that is State's Number 148?

14 A. Yes, ma'am, with our Marker Number 1.

15 Q. And then for purposes of your measurements, State's
16 149?

17 A. Yes, ma'am, Marker 2. On the tire, again, just
18 approximately -- I'm sorry, I need to look at my notes.
19 It's not twenty-five feet down the sidewalk, it was close
20 to fifty, but then that's the tire and then approximately
21 twenty-five feet into the wood line is where the gun was.

22 Q. And then to memorialize where it was on that road,
23 State's Exhibit 151?

24 A. Yes, ma'am. It shows -- that shows in proximity to
25 the sign. I believe the cross street is getting close to

1 Huffstetler Road there with Pine Grove Elementary School.

2 Q. Then, again, with markers in State's Exhibit 152 and
3 153?

4 A. It's just roughly the same pictures, again, of the gun
5 with our marker, Marker A.

6 Q. While you were there at the scene, did you also pull
7 the gun out from underneath the leaves and stop and
8 photograph it?

9 A. Yes, ma'am.

10 Q. And State's Exhibit Number 143?

11 A. Is the revolver with -- I noticed the grip had been --
12 was loose.

13 Q. And that's shown in State's Exhibit 146, I believe?

14 A. Yes, ma'am.

15 Q. And when you're talking about the grip being loose,
16 we'll get back to that in a minute, but --

17 A. Yes, ma'am.

18 Q. -- where's the grip on the picture -- the photograph?

19 A. The grip is over here where you would typically hold
20 the gun.

21 Q. And I notice that this is pushed back somehow?

22 A. Yes, ma'am.

23 Q. And that's how the gun was when you got it?

24 A. It was loose.

25 Q. It was loose?

1 A. Yes, ma'am.

2 Q. And you also noted there at the scene on State's
3 Exhibit 144 some stain on the top of the gun?

4 A. Yes, ma'am. At that point I was just taking pictures
5 of the cylinder. I believe I had already marked it with a
6 Sharpie and, yes, ma'am, I didn't get too close to analyze
7 the gun as far as stains at that point, but I was marking
8 the cylinder prior to opening it and making sure if there
9 were any live rounds I do need to transport this and due to
10 riding down the road I don't want to have anything blow up
11 or go off while it was in my possession.

12 Q. And in State's Exhibit Number 145, is this how it
13 appeared when the spent -- fired shell casings were still
14 in it?

15 A. Yes, ma'am. It shows six fired cartridge casings.

16 Q. Thank you.

17 (Whereupon, the witness returns to the witness stand.)

18 Q. And, again, now that the jury's had a chance to see
19 the markers, what were the measurements you were referring
20 to?

21 A. From Marker Number 1, which was that utility pole,
22 outbound Broad River Road along the sidewalk to roughly
23 where that tire was, which was at roughly a 90 degree
24 angle, was approximately 54 feet.

25 Q. 54 feet?

1 A. Yes, ma'am.

2 Q. And then from Marker Number 2 where the gun was
3 located to Marker A, what was the distance there?

4 A. Roughly at a 90 degree angle it was 24.7 feet from the
5 sidewalk where that tire was to where the gun was located.

6 Q. That day once you had collected the gun, where did you
7 transport it?

8 A. I transported it back to our headquarters on Two Notch
9 Road.

10 Q. Prior to submitting it into evidence, did you try to
11 collect any evidence from the gun itself?

12 A. Yes, ma'am.

13 Q. And tell the jury what you did.

14 A. Once I got back to our headquarters -- allow me to
15 find my report.

16 Q. Yes, sir.

17 A. -- at 3:45 approximately I started processing the gun,
18 which is typically I'll take more photographs if necessary.
19 We have our cyanoacrylate fuming chamber, which is
20 superglue, which will adhere to fingerprints, and also to
21 use a black powder, which is just a developer which will --
22 if there's fingerprints on it, we'll be able to develop for
23 lifting.

24 Q. Okay. And were you able to process the gun as well as
25 the cartridge casings for fingerprints?

1 A. I did not develop any on there.

2 Q. Is that unusual?

3 A. No, ma'am, it's not.

4 Q. Let me ask you this. If I walk up to something and,
5 say, I touch it, am I going to leave a fingerprint?

6 A. Not necessarily in all instances. Your skin is a very
7 flexible, pliable surface and touching something, grabbing,
8 twisting, such as a doorknob, yes, you touched it, but you
9 can also smear it. It also can depend on the perspiration.
10 We don't get fingerprints all the time.

11 Q. And in this case you didn't get any useable
12 fingerprints. What's that telling you, useable
13 fingerprints?

14 A. We just say negative for latent fingerprints.

15 Q. Okay. But there may be what's called smudges on the
16 gun?

17 A. Yes, ma'am.

18 Q. What's a smudge for the jury?

19 A. A smudge, we typically would be able to say yes,
20 there -- there was -- someone may have touched something
21 somewhere, but on firearms a lot of times we don't because
22 of the texture of the grip, when it's fired, it's producing
23 gases, or something covered in blood or reddish-brown
24 stains, so the absence of fingerprints is not uncommon.

25 Q. But in this case, you were not able to get any useable

1 fingerprints, which -- even from the cartridge cases
2 themselves?

3 A. Correct, ma'am.

4 Q. And is the size of the cartridge cases significant in
5 your ability to collect anything from them?

6 A. The more surface area where you're -- a larger surface
7 area like a window of a house, if you put your hands up
8 against it, it's a larger surface area, but if you're
9 trying to grasp something, you're gonna have less of your
10 fingers in contact with the surface, so that can affect the
11 -- your ability to get something.

12 Q. And, of course, if someone like intentionally wipes
13 something down, say, a gun, it would inhibit your ability
14 to get fingerprints?

15 A. For fingerprints, yes, ma'am.

16 Q. And the presence of blood itself can also hinder that
17 ability?

18 A. Yes, ma'am.

19 Q. And once you were able to process them for
20 fingerprints and it came up negative as far as the fired
21 cartridge cases and the gun, did you collect any swabs from
22 the gun?

23 A. Yes, ma'am, I collected swabs for submission to our
24 DNA analyst.

25 Q. And specifically where did you collect swabs?

1 A. I swabbed the fired cartridge casings. I also swabbed
2 the grip of the gun where there were reddish-brown stains
3 and also on the top strap, the top of the gun, and the
4 cylinder, there were additional bloodstains, so I swabbed
5 those areas separate in case there were -- you know, the
6 possibility of more than one -- more than one person's
7 blood on there or reddish-brown stains.

8 Q. And specifically did you also swab the fired cartridge
9 cases?

10 A. Yes, ma'am.

11 Q. Okay. I'm going to show you what's been marked as
12 State's Exhibits 154 through 162. Do you recognize
13 these?

14 A. Yes, ma'am.

15 Q. And is that the gun once you had it back at
16 headquarters and you were processing it?

17 A. Yes, ma'am, close up pictures of the gun.

18 **MS. CAMPBELL:** Your Honor, at this time we'd offer
19 these into evidence.

20 **THE COURT:** The numbers?

21 **MS. PINNOCK:** No objection, Your Honor.

22 **THE COURT:** The numbers?

23 **MS. CAMPBELL:** 154 through 162.

24 **THE COURT:** They're admitted.

25 **MS. CAMPBELL:** Thank you.

1 (State's Exhibit Numbers 154 through 162, photographs,
2 were admitted into evidence.)

3 BY MS. CAMPBELL:

4 Q. I'm gonna look at the top of the gun in State's
5 Exhibits 154 and 155. You don't have to get down. What do
6 those show?

7 A. It shows one side of the gun and the hammer at the top
8 of the gun.

9 Q. And were those significant to you as far as collecting
10 evidence in those areas?

11 A. Yes, ma'am. I notated the reddish-brown stains on the
12 -- on the cylinder, the top strap and the hammer of the
13 gun.

14 Q. And you also mentioned that you collected DNA from
15 another area of the gun. I'll show you 156 and 157.

16 A. Yes, ma'am. That's the grip of the gun and up
17 underneath the actual -- where the frame of the gun is.

18 Q. And specifically underneath here it appears to be?

19 A. Reddish-brown stains, possibly blood.

20 Q. 161 and 160, again, show?

21 A. The top strap sight area. And what was the other one
22 there? I'm sorry. Again, the side of the cylinder.

23 Q. And that was the area where you swabbed the top of the
24 gun, right?

25 A. The top of the cylinder and the top strap, yes, ma'am,

1 or the cylinder and the top strap.

2 Q. And once you collect the swabs, are measures taken to
3 make sure they're not cross-contaminated, things of that
4 nature?

5 A. Correct, and they're all stored individually in boxes
6 and packages and submitted to our evidence division and
7 forwarded to -- our evidence and property division to be
8 forwarded to our DNA analysts.

9 Q. I'm gonna show you State's Exhibit 198. Are these the
10 swabs you actually took?

11 A. Yes, ma'am. The swab of the gun, the grip and the
12 trigger area, the swab of the stains at the top strap and
13 the cylinder, and then the swab of fired cartridge casings.

14 **MS. CAMPBELL:** Your Honor, at this time we'd offer
15 Number 198.

16 **MS. PINNOCK:** No objection.

17 **THE COURT:** It's admitted.

18 (State's Exhibit Number 198, swabs, was admitted into
19 evidence.)

20 BY MS. CAMPBELL:

21 Q. And, again, you don't do any further testing on these
22 items you collect. You just forward them on for -- there
23 are other people in your department who do DNA testing and
24 things of that nature?

25 A. Yes, ma'am.

1 Q. Ballistics and all that?

2 A. Correct.

3 **MS. CAMPBELL:** Thank you. I have nothing further.

4 **MS. PINNOCK:** May it please the Court, Your Honor?

5 **THE COURT:** Ms. Pinnock.

6 CROSS-EXAMINATION

7 BY MS. PINNOCK:

8 Q. Good morning, Investigator.

9 A. Howdy, ma'am.

10 Q. Just --

11 A. Yes, use gloves.

12 Q. The area that you said you swabbed on the gun, just so
13 you can see it --

14 A. Uh-huh.

15 Q. I'm not very good at this time. Okay. So the top
16 cylinder is where?

17 A. This is the top strap and then this is the cylinder of
18 the gun.

19 Q. Okay. And the other swab you said was of the grip?

20 A. Typically -- in this case, I -- this gun is unloaded,
21 but I'm still not going to point it at anybody. I swabbed
22 the areas where someone that would hold the gun would
23 typically be in contact with, which would be the trigger,
24 the grip, the hammer. That's typically what you're gonna
25 touch if you're gonna fire a weapon. With the actual fired

1 cartridge casings, sometimes guns are stolen, sometimes
2 guns are loaded by other people and given to people to go
3 do whatever they do, so that's why I swabbed that area
4 separate. And then the blood that -- the reddish-brown
5 stains that I saw on the cylinder and the top of the gun,
6 that could have been from a victim, it could have been from
7 anybody that's bleeding, but with swabbing these three
8 areas there's possibility of more than one person having
9 contact with it. So I swabbed the operating components of
10 someone who was going to shoot the gun, someone who may
11 have loaded the gun and also the possibility that a victim
12 or other suspect could have been bleeding at the top area.

13 Q. Okay. So this area, this area and this area?

14 A. The top strap --

15 Q. Uh-huh.

16 A. -- and then the cylinder and then the gun grip area to
17 include the hammer --

18 Q. That's this area?

19 A. Yes, ma'am, and the trigger.

20 Q. Okay. And you said you kept them separate just
21 because you might be looking for multiple people's DNA or,
22 you know, whatnot on the -- on the gun itself?

23 A. Yes, ma'am. It's just typical that more than one
24 person could have come in contact with the weapon during
25 this incident or even before.

1 Q. Okay. And what caliber gun is it?

2 A. It's a .32 revolver typically designed to -- pardon me
3 while I find my notes so I get the information that was on
4 it. The caliber that the gun was designed to use was the
5 .32 Smith & Wesson long caliber, which is the --

6 Q. Let me stop you. Just the caliber -- I guess the make
7 of the gun. It was a .32 revolver?

8 A. The manufacturer of the gun is H&R, the caliber is
9 .32, but there's two different calibers that were -- of the
10 cartridge cases.

11 Q. Right. Just a .32 revolver?

12 A. Yes, ma'am. Of the gun, yes, ma'am.

13 Q. Okay. And you were talking about the bullets. You
14 said there were five that were the same and one was
15 different?

16 A. Correct, ma'am.

17 Q. The five that were the same, what brand were they?

18 A. Those were RP .32 auto.

19 Q. So five RP .32 auto?

20 A. Yes, ma'am.

21 Q. And one was?

22 A. FC, the .32 Smith & Wesson long. A firearms examiner
23 with more knowledge may be able to identify the brand names
24 of those, but I just go with what's on the head stamp that
25 was on it.

1 **MS. PINNOCK:** I beg the Court's indulgence.

2 **Q.** And were you -- a last question for you. Were you
3 with Investigator Oates when he located the .32 caliber
4 unfired cartridge in the apartment the next day?

5 **A.** No, ma'am. I went back out there just to assist in
6 searching the scene for any other projectiles, but I wasn't
7 involved when they were collecting or locating anything
8 else. I was just trying to assist before I got called to
9 another incident.

10 **MS. PINNOCK:** Okay. Thank you.

11 **MS. CAMPBELL:** One question on redirect.

12 REDIRECT EXAMINATION

13 **BY MS. CAMPBELL:**

14 **Q.** I want to just show you -- the gun that she was
15 showing the jury today, that's been swabbed and it looks
16 different and that's why you photographed it, right?

17 **A.** Yes, ma'am.

18 **Q.** And just to clarify, in State's Exhibit 157, this was
19 -- how did that appear, that stain?

20 **A.** That was -- it was a reddish-brown stain, it was in
21 the grip area. Again, the grip on the left-hand side of
22 the gun was loose, so it moved.

23 **Q.** But, again, this is on this part, this silver part,
24 right?

25 **A.** Yes, ma'am, still under the same -- the same swab of

1 the grip.

2 **MS. CAMPBELL:** Thank you.

3 **MS. PINNOCK:** I don't have anything else, Judge.

4 **THE COURT:** You may step down.

5 (Witness excused.)

6 **MS. WALKER:** Your Honor, the State calls Investigator
7 Kristen Polis.

8 KRISTEN POLIS,

9 having been duly sworn, testified as follows:

10 **THE CLERK:** Thank you. Please have a seat on the
11 witness stand and state your full name for the record.

12 **THE WITNESS:** My name is Kristen Polis, P-O-L-I-S.

13 DIRECT EXAMINATION

14 BY MS. WALKER:

15 Q. Investigator Polis, where are you currently employed?

16 A. With the Richland County Sheriff's Department in their
17 Crime Scene Unit.

18 Q. And how long have you been with the sheriff's
19 department?

20 A. I've been with the sheriff's department since 2002,
21 just shy of thirteen years, and with crime scene almost
22 nine.

23 Q. And can you tell the jury a little bit about your
24 duties as a member of the Crime Scene Unit?

25 A. Yes, ma'am. In the Crime Scene Unit you basically

1 handle the physical evidence related to various incidents
2 that occur in the county. As you've heard from everybody
3 else, we'll respond out to a scene, photograph, document,
4 search for, collect physical evidence, and then we also
5 have various methods that we use to process those items to
6 try to further the investigation in different ways.

7 Q. Okay. And the case that we're here for this week, did
8 you have occasion to become involved in this investigation?

9 A. Yes, ma'am, I did.

10 Q. Can you tell me how you initially became involved?

11 A. On July the 2nd, I got a request from Captain McDonald
12 to come over and meet with him. He had Mr. Myers in an
13 office in our Criminal Investigative Division and he
14 requested that I photograph some injuries and also to
15 collect a gunshot residue kit from him.

16 Q. And what's the purpose of photographing the suspect at
17 that point in time?

18 A. Generally, you know, you get an idea just of how they
19 look when we are with them at that point, but also here
20 there were specific injuries that they wanted to have
21 documented with photographs.

22 Q. I want to show you what's been marked as State's
23 Exhibits 179 through 191. Take a look at those and tell me
24 if you recognize them.

25 A. Yes, ma'am.

1 Q. Are these the photographs you took that day?

2 A. They are.

3 MS. WALKER: Your Honor, at this point the State seeks
4 to move State's Exhibits 179 to 191 into evidence.

5 THE COURT: What's the numbers?

6 MS. WALKER: Your Honor, 179 through 191.

7 THE COURT: Any objection?

8 MS. MUBARAK: No, Your Honor.

9 THE COURT: They're admitted.

10 MS. WALKER: Thank you, Your Honor.

11 (State's Exhibit Numbers 179 through 191, photographs,
12 were admitted into evidence.)

13 MS. WALKER: May the witness step down, Your Honor?

14 THE COURT: She may.

15 (Whereupon, the witness steps down from the witness
16 stand.)

17 BY MS. WALKER:

18 Q. Starting with Picture Number 179, is this how the
19 Defendant looked that day?

20 A. Yes, ma'am. Just a shot of his face.

21 Q. What were you trying to document?

22 A. Basically at this point you're just gonna show --
23 there's going to be series of photographs. Basically the
24 face, the clothing, and then if there's anything up close
25 that needs to be documented, we'll do that in the pictures

1 that follow.

2 Q. And you have full-length shots of what the Defendant
3 looked like at that day as well?

4 A. Correct.

5 Q. And you do that with the front and the back of the
6 Defendant?

7 A. Yes, ma'am. It can vary depending, you know, on
8 exactly what we're trying to do, but generally we all have
9 different ways that we capture them and this is typically
10 how we do it.

11 Q. And the clothing in this picture, did you go on to
12 collect that clothing as well?

13 A. It was collected by Investigator Truluck and turned
14 over to me.

15 Q. And I guess then you went on to document the actual
16 injuries that the Defendant sustained?

17 A. That's correct.

18 Q. Those were injuries to his hand?

19 A. Both hands and at the base of the thumb, that meaty
20 portion.

21 Q. And were these the only injuries you were able to
22 document on him that day?

23 A. Yes, ma'am. That's all I'm aware of.

24 Q. Now you took those, I guess, with a scale as well?

25 A. That's correct.

1 Q. And what's the purpose of using a scale to document
2 the injuries as well?

3 A. It just gives you a reference of size.

4 Q. Thank you. You can return to the stand.

5 (Whereupon, the witness returns to the witness stand.)

6 Q. You said you collected a GSR kit as well --

7 A. Yes.

8 Q. -- at that point in time?

9 A. Yes.

10 Q. In terms of collecting a GSR kit, can you tell the
11 jury how you do -- the protocol for doing that?

12 A. Sure. Our kits are purchased through vendors, so all
13 the supplies are put together ahead of time. They come
14 with little vials. The vials are covered with a plastic
15 top. When you take the top off, there's a piece of
16 adhesive that's there; just a little tab of adhesive, and
17 what you do is literally just go over the surface of the
18 hand, so what you're trying to get is any type of trace
19 evidence that might be left behind on the skin. So there
20 is separate tab that is for each palm and a separate tab
21 that's for the back of each hand. After you collect from
22 each area, you cover those and then they're packaged and
23 they're submitted to our evidence and property section and
24 then a request can be made for those to be analyzed.

25 Q. And in addition to that, you said there were a number

1 of clothing items that you got from Investigator Truluck?

2 A. That's correct.

3 Q. I'm going to show you what's been marked as State's
4 Exhibit Number 201 and ask if you recognize that?

5 A. This is my packaging for the clothing. A teal, gray
6 and black polo-style shirt, one pair of Sacred Crown brand
7 jeans and one pair of blue loafers, Highland brand.

8 Q. Those are the clothing depicted in this these
9 photographs?

10 A. Yes, ma'am.

11 **MS. WALKER:** Your Honor, at this point the State would
12 move 201 into evidence.

13 **MS. MUBARAK:** No objection.

14 **THE COURT:** It's admitted.

15 (State's Exhibit Number 201, clothing, was admitted
16 into evidence.)

17 BY MS. WALKER:

18 Q. Was that the extent of your involvement in this
19 investigation?

20 A. Yes, ma'am.

21 **MS. WALKER:** Thank you. I don't have any further
22 questions.

23 CROSS-EXAMINATION

24 BY MS. MUBARAK:

25 Q. Good afternoon, Investigator Polis.

1 A. Good afternoon.

2 Q. You said that Captain McDonald requested for you to
3 collect the gunshot residue kit from Mr. Myers?

4 A. Yes, ma'am, that's correct.

5 Q. Okay. And you were given a consent form that was
6 signed by Dexter to collect gunshot residue?

7 A. I was. That was obtained by Investigator Truluck and
8 provided to me.

9 Q. Okay. So with Dexter's consent you performed the
10 gunshot residue kit on his hands?

11 A. That's correct.

12 Q. All right. And after you performed the GSR kit you
13 submitted it for testing?

14 A. I submitted it to our evidence section, yes, ma'am,
15 and completed a request form. Those would be forwarded to
16 SLED. That analysis was done at SLED.

17 Q. Okay. So you also submitted the Gunshot Residue
18 Analysis Information Form?

19 A. Yes, ma'am.

20 Q. Okay.

21 **MS. MUBARAK:** I beg the Court's indulgence. No
22 further questions. Thank you, Investigator Police.

23 **MS. WALKER:** Nothing, Your Honor.

24 **THE COURT:** You may step down.

25 (Witness excused.)

1 **BAILIFF:** Your Honor, we need a break.

2 **THE COURT:** All right. We'll take a short break. Do
3 not discuss the case while you're in the jury room. We'll
4 bring you back after the break.

5 (Whereupon, the jury retires to the jury room at
6 12:12 PM.)

7 **THE COURT:** We'll be at ease for ten minutes.
8 (Recess taken.)

9 **THE COURT:** All right. Are we ready for the jury?

10 **MS. CAMPBELL:** The State's ready.

11 **THE COURT:** Bring them in.

12 (Whereupon, the jury returns to the courtroom at
13 12:25 PM.)

14 **BAILIFF:** The jury is seated, Your Honor.

15 **THE COURT:** All right. You may continue.

16 **MS. CAMPBELL:** Thank you, Your Honor. The State calls
17 Lieutenant Cavanagh.

18 ANNA CAVANAGH,
19 having been duly sworn, testified as follows:

20 **THE CLERK:** Thank you. Please have a seat on the
21 witness stand. State your full name for the record and
22 please spell your last name.

23 **THE WITNESS:** Anna Elsie Cavanagh, C-A-V-A-N-A-G-H.

24 DIRECT EXAMINATION

25 BY MS. CAMPBELL:

1 Q. Lieutenant Cavanagh, where are you employed?

2 A. The Richland County Sheriff's Department.

3 Q. What do you do there, ma'am?

4 A. I'm a lieutenant over the Crime Scene Unit and also
5 one of two assistant lab directors for the laboratory.

6 Q. Can you tell the jury a little bit about what your
7 duties include?

8 A. My responsibilities now are mainly administrative;
9 scheduling, ordering supplies, reviewing reports that go
10 out of the laboratory, writing and implementing policies
11 and procedures and maintaining our standards for
12 accreditation.

13 Q. And you mentioned that your lab is accredited?

14 A. Yes, ma'am.

15 Q. And who is your lab accredited by?

16 A. We are accredited through ASCLD. ASCLD is a
17 non-profit corporation that comes in and assesses
18 laboratories. They'll look at personnel, management,
19 quality systems, the facilities, policies and procedures
20 that are in place. There's over 150 standards that have
21 to be met. They actually come on-site and review our
22 management system, interview personnel and review our
23 training programs.

24 Q. And the accreditation, does it ensure the quality of
25 your work?

1 A. It does. There's 395 laboratories that are accredited
2 throughout the United States and in thirteen other
3 countries. The Richland County Sheriff's Department
4 through their international program was the fifteenth lab
5 to be accredited and was the first international lab to be
6 accredited.

7 Q. You have also some training in crime scene
8 investigation itself?

9 A. I do.

10 Q. And what kind of training do you have, ma'am?

11 A. I have in-house training in addition to external
12 courses involving crime scene processing, latent print
13 processing, crime scene reconstruction and advanced crime
14 scene reconstruction, bloodstain pattern analysis, advanced
15 bloodstain pattern analysis, shooting reconstruction. I'm
16 certified through the IAI as a crime scene investigator.

17 Q. I want to turn your attention back to July the 2nd.
18 You mentioned that mainly now your duties are
19 administrative, but you occasionally still participate in
20 crime scene investigation?

21 A. I do. I'm still on the on-call rotation for
22 supervisors to respond to scenes.

23 Q. I want to turn your attention back to July the 2nd of
24 last year. Did you get called out to a crime scene -- or a
25 scene involved in this case, not a crime scene?

1 A. I did.

2 Q. And where did you go, ma'am?

3 A. I responded to [REDACTED] [REDACTED] [REDACTED].

4 Q. [REDACTED] [REDACTED] [REDACTED]?

5 A. Correct. That's near the Columbia College area.

6 Q. And are you familiar with Brook Pines Apartments and
7 where that's located?

8 A. I am.

9 Q. And in what part of town is Brook Pines Apartment
10 Complex located?

11 A. They're in a completely different areas of town. One
12 is off of Broad River Road, this one is near the Colonial
13 Drive area.

14 Q. Near Columbia College?

15 A. Yes.

16 Q. That area?

17 A. Correct.

18 Q. And this was [REDACTED] [REDACTED] [REDACTED]

19 A. Yes.

20 Q. And what time was it that were you asked to go out
21 there and what time did you arrive?

22 A. I arrived at 12:45.

23 Q. 12:45?

24 A. Correct.

25 Q. And when you got there, were there other officers

1 already there?

2 A. There was. Investigator Cavanagh, Investigator Hals
3 and Lieutenant Hoover.

4 Q. Were you aware that the Defendant was in custody at
5 that point?

6 A. I was advised that he was, but he was not on-scene
7 when I got there.

8 Q. So you didn't do any photographing of the Defendant?

9 A. I did not.

10 Q. Once you got there what, if anything, were you asked
11 to do?

12 A. I was advised there were items of evidence located in
13 the living room area of this residence that they wanted
14 documented, so I did.

15 Q. Prior to entering the residence itself, did y'all get
16 consent or anything?

17 A. I was advised that consent was obtained from the
18 homeowner.

19 Q. Once inside what, if anything, did you observe?

20 A. I photographed the exterior prior to entering and then
21 the area of interest was the living room just inside the
22 front door. There was a sofa and several tables in that
23 area.

24 Q. And, again, this is around 12:45 when you got there?

25 A. Correct.

1 Q. And that's in the afternoon?

2 A. That's correct.

3 Q. Okay. I want to show you a series of photographs and
4 -- State's Exhibits 163 through 171. Do you recognize
5 those?

6 A. I do. These are the photographs I took at [REDACTED]

7 [REDACTED] [REDACTED]

8 Q. And then some later were after you got back to
9 headquarters?

10 A. To headquarters, right.

11 **MS. CAMPBELL:** Your Honor, at this time I'd offer 163
12 through 171.

13 **MS. PINNOCK:** No objection, Your Honor.

14 **THE COURT:** They're admitted.

15 (State's Exhibit Numbers 163 through 171, photographs,
16 were admitted into evidence.)

17 BY MS. CAMPBELL:

18 Q. I don't think you need to come down. Basically
19 State's Exhibit 163, what does that show?

20 A. That's the exterior of residence.

21 Q. And this is the area over in the Columbia College
22 area?

23 A. Correct.

24 Q. And this was about 12:45 when you get there that day?

25 A. Yes, ma'am.

1 Q. I want to show you State's Exhibit 164 and then 165.

2 What do those show, ma'am?

3 A. That's the living room area. You can see there are
4 two items of evidence that were pointed out to me; a black
5 and white shirt on the table and --

6 Q. Point.

7 A. Right here.

8 Q. That's the black and white shirt?

9 A. Right.

10 Q. And was that how it was when you got there?

11 A. Yes, ma'am.

12 Q. And then additionally there was another piece of
13 evidence that was significant to you?

14 A. There was a tissue, a paper towel, on the coffee table
15 here that had reddish-brown stains on it believed to be
16 blood.

17 Q. Once you photographed those items in the residence --
18 and State's Exhibit 167 is just a close-up?

19 A. That's a close-up of Marker 1, which was the tissue on
20 the coffee table.

21 Q. And 166 is a close-up of?

22 A. Of the shirt, closer in range.

23 Q. Once you had photographed those items, did you then
24 collect them?

25 A. I did.

1 Q. And the next day at the laboratory, did you photograph
2 those items prior to submitting them into evidence or was
3 it that same day? I'm sorry.

4 A. It was the same day.

5 Q. Okay.

6 A. When I got back to the laboratory starting at 1:46,
7 I photographed those items and then submitted them to
8 evidence.

9 Q. And 170 and 171 was once you got back to the lab?

10 A. Yes.

11 Q. And then 169?

12 A. Is the tissue.

13 Q. While these items were in your possession, did you
14 alter them or tamper with them in any way?

15 A. I did not.

16 Q. And were they submitted into evidence?

17 A. They were.

18 Q. And if any DNA testing was done on these items, would
19 it be done by somebody else in your department?

20 A. That's correct.

21 **MS. CAMPBELL:** I don't have anything further. Thank
22 you.

23 **MS. PINNOCK:** I don't have any questions, Your Honor.

24 **THE COURT:** You may step down.

25 (Witness excused.)

1 **MR. SHELLENBERG:** The State calls Roshaunda Dumas.

2 ROSHAUNDA DUMAS,

3 having been duly sworn, testified as follows:

4 **THE CLERK:** Thank you. Have a seat on the witness
5 stand and state your full name for the record and spell
6 your first name.

7 **THE WITNESS:** Roshaunda Dumas. Spell my last name?

8 **THE CLERK:** Your first name.

9 **THE WITNESS:** R-O-S-H-A-U-N-D-A.

10 DIRECT EXAMINATION

11 BY MR. SHELLENBERG:

12 Q. Good afternoon, Ms. Dumas.

13 A. Good afternoon.

14 Q. Where are you employed?

15 A. I'm employed at Amazon Fulfillment Center.

16 Q. Where do you live? You don't need to give me the
17 exact address.

18 A. At Brook Pines.

19 Q. Okay. And were you living in Brook Pines back in July
20 of 2014?

21 A. Yes, sir.

22 Q. And let me direct your attention back to July 2, 2014.
23 Did you have a chance to have an encounter that morning?

24 A. Yes, I did.

25 Q. Can you describe that encounter?

1 A. That morning I was walking out my house and I noticed
2 my neighbor was outside talking to a young man and he was
3 asking for a ride and she told him no, but I might would be
4 able to take him, and at that point he asked me would I
5 take him somewhere that morning.

6 Q. Do you know approximately what time that was by any
7 chance?

8 A. I don't.

9 Q. No?

10 A. Unh-unh.

11 Q. And did you end up giving him a ride?

12 A. I did, yes, sir.

13 Q. Did you just let him straight into your car?

14 A. Of course not. We asked him for his ID and we also
15 patted him down.

16 Q. Did he have any identification?

17 A. Yes, he showed me his ID.

18 Q. And who was the identification?

19 A. I just wanted to look at it, I couldn't remember, but
20 I remember his face.

21 Q. So you patted him down also?

22 A. Yes, sir.

23 Q. And then once you got in and started heading out of
24 the complex, let me -- first of all, what building did you
25 live in?

1 A. At that time I was in Building 6, which is right in
2 front of the rent office.

3 Q. Okay. Approximately how far I guess in feet would it
4 be from Building 2 to Building 6?

5 A. Don't make me lie. I wouldn't know. I'm not sure. I
6 just know it's up in the front.

7 Q. Okay. It's way in the front and Building 6 is in the
8 back?

9 A. In the back, yes, uh-huh.

10 Q. Okay. So once y'all got in the car and were headed
11 out, what did you encounter on the way out?

12 A. On the way out -- well, actually when I met him, he
13 was wanting to go to the store and he offered to give me
14 \$20 and a pack of cigarettes before we even got in the car,
15 so I told him that was fine, and on our way out I noticed
16 that there was officers out with guns and caution tape over
17 to Building 2 and so I briefly spoke on that. Like I hope
18 everything was all right, I hope no one did anything crazy,
19 and he was just -- I asked him I hope you ain't in no
20 trouble because he told me he got into a fight with his
21 girlfriend and he just wanted to get away, and I asked him
22 was he in any serious trouble and he said no, weren't
23 nobody looking for him. So on the way out I noticed the
24 officers and guns and tape. I also noticed another guy
25 that was walking that he was talking to looking for his

1 brother. He kept saying he wanted to make sure his brother
2 was okay or wasn't in any trouble or nothing like that. I
3 talked to the guy --

4 Q. So he told you he hadn't done anything?

5 A. Yeah, he said they wasn't looking for him, that he was
6 just trying to --

7 Q. What was his appearance like? Did he have any blood
8 on him?

9 A. No, he just had a -- I did notice a cut in between
10 his thumb and his finger. It wasn't nothing really, you
11 know --

12 Q. Just like right there?

13 A. Uh-huh, just a little. It wasn't nothing alarming or
14 nothing. He said he was in a tussle, so he had been
15 sweating and that was it, but nothing out of the normal.

16 Q. Okay. Is the person you gave a ride to in the
17 courtroom?

18 A. Yes, sir.

19 Q. Can you point him out, please?

20 A. Yes, sir. He's right there.

21 Q. And what is he wearing?

22 A. Long-sleeved blue shirt, tie.

23 **MR. SHELLENBERG:** Your Honor, could we let the record
24 reflect that she's identified the Defendant?

25 **THE COURT:** It shall.

1 **MR. SHELLENBERG:** I beg the Court's indulgence.

2 BY MR. SHELLENBERG:

3 Q. He said he was in a tussle. Did he tell you who he
4 was in a tussle with?

5 **MR. BAILEY:** Objection, Your Honor. Leading.

6 **THE COURT:** Overruled.

7 A. His girlfriend.

8 Q. And did the police show you a lineup at some point?

9 A. Yes, sir.

10 Q. Were you able to identify the person in the lineup?

11 A. Yes, sir.

12 Q. And who did you identify?

13 A. Dexter Myers.

14 Q. I'm gonna show you what's marked as State's 192. Do
15 you recognize that?

16 A. Yes, sir.

17 Q. And whose signature is that at the bottom?

18 A. My signature.

19 Q. And whose initials are on Photo Number 2?

20 A. My initials.

21 Q. And who is that a picture of?

22 A. Dexter Myers.

23 **MR. SHELLENBERG:** Your Honor, at this time we move to
24 admit 192 into evidence.

25 **MR. BAILEY:** No objection, Your Honor.

1 **THE COURT:** It's admitted.

2 (State's Exhibit Number 192, a photo lineup, was
3 admitted into evidence.)

4 **MR. SHELLENBERG:** Thank you. No further questions.

5 **MR. BAILEY:** Thank you. May it please the Court?

6 **THE COURT:** Mr. Bailey.

7 CROSS-EXAMINATION

8 BY MR. BAILEY:

9 Q. Good afternoon, Ms. Dumas.

10 A. Good afternoon.

11 Q. Did I say "Dumas" right?

12 A. You said it correctly, uh-huh.

13 Q. Ms. Dumas, you testified that Dexter was asking about
14 his brother; is that right?

15 A. Yes, sir.

16 Q. Okay. You testified that he was looking for his
17 brother?

18 A. Yes, sir.

19 Q. Okay. And I believe you also testified that he had an
20 injury right -- right about here?

21 A. Yes, sir.

22 Q. And I'm -- just for the record, I'm -- I'm referring
23 to skin between the thumb and the forefinger.

24 A. Uh-huh.

25 **MR. BAILEY:** Thank you. Court's indulgence. No

1 further questions. Thank you, ma'am.

2 **THE WITNESS:** Thank you.

3 **THE COURT:** You may step down.

4 (Witness excused.)

5 **THE COURT:** Do you have a fifteen minute witness?

6 **MS. CAMPBELL:** The next one is longer.

7 **THE COURT:** Okay. We'll break for lunch. We'll
8 resume this afternoon at 2:15. Keep in mind my cautions
9 previously given. No discussions about the case, no
10 research, no investigation, no media exposure and no
11 discussions amongst yourself. Y'all have a good lunch.
12 Please report to the jury room at 2:15, 2:15, this
13 afternoon.

14 **BAILIFF:** Remain seated.

15 (Whereupon, the jury retires to the jury room at
16 12:40 PM.)

17 **THE COURT:** Court is in recess until 2:15.

18 (Whereupon, a luncheon recess was taken.)

19 (State's Exhibit Numbers 216 through 220 were marked
20 for identification.)

21 **BAILIFF:** All rise. No cell phones. If I find a
22 cell phone, you will be in contempt of court. You may be
23 seated.

24 **THE COURT:** Did everyone understand what the bailiff
25 said about the cell phone? You can't have a -- I don't

1 care if it's on or off, it can't be in the courtroom. It's
2 got to be in your car or somewhere else and you're subject
3 to being searched if you're in the courtroom. And if you
4 are and the cell phone is retrieved, then that's contempt
5 of court. Not only will be you subject to a sanction, but
6 your telephone will be subject to destruction.

7 Let me address one other matter for the benefit of the
8 spectators. As you come and go from the courthouse, you
9 may see people who are in the courtroom involved in the
10 case. You might even see a juror or two going to lunch and
11 the like. Under no circumstance is anyone to have any
12 contact in any fashion whatsoever with any juror. You
13 shouldn't even be saying good morning and good afternoon.
14 There should be no conversation, not contact, no statement
15 made to any person serving as a juror. They might
16 interpret that as something else and if they do and they
17 tell me about, that person once identified is gonna be
18 subject to sanctions also. So no contact in any fashion
19 with any juror.

20 All right. Any other matters we need to address
21 before the jury is brought in?

22 **MS. CAMPBELL:** Your Honor, the only other thing for
23 the record, during the break it was brought up the fact
24 that there was a self-serving statement given by the
25 Defendant after all the other statements he made and it's

1 our understanding that that would not be admissible and
2 will not be referred to by either side pursuant to Terry
3 and the other cases.

4 **THE COURT:** Is that true, Ms. Pinnock?

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

6 **MS. CAMPBELL:** Until, of course, if he testifies.

7 **THE COURT:** Sure.

8 All right. Bring the jury in, please.

9 (Whereupon, the jury returns to the courtroom at
10 2:45 PM.)

11 **BAILIFF:** Jurors are seated, Your Honor.

12 **THE COURT:** Good afternoon, ladies and gentlemen. As
13 you know, we've been involved in the State's presentation,
14 so we'll continue with that now.

15 **MS. WALKER:** May it please the Court, Your Honor?

16 **THE COURT:** Ms. Walker.

17 **MS. WALKER:** The State calls Mahogany Harris.

18 MAHOGANY SPEECH-HARRIS,

19 having been duly sworn, testified as follows:

20 **THE CLERK:** Please have a seat on the witness stand
21 and state your full name for the record.

22 **THE WITNESS:** Mahogany Speech-Harris.

23 DIRECT EXAMINATION

24 BY MS. WALKER:

25 Q. Ms. Harris, we'll ask you to keep your voice up for

1 me, okay?

2 A. Uh-huh.

3 Q. Where do you currently live?

4 A. In Gaston. Well, yeah, in Gaston, Dixiana.

5 Q. Is that South Carolina?

6 A. Uh-huh.

7 Q. And you've got to say yes or no because --

8 A. Yes, ma'am.

9 Q. -- the court reporter is gonna type down everything
10 you say, okay?

11 A. Uh-huh.

12 Q. I want to talk to you about Dajuan Harris. How long
13 had you known Dajuan before he was murdered?

14 A. Almost seven and a half years.

15 Q. And what was y'all's relationship?

16 A. He was my husband.

17 Q. And how long had y'all been married?

18 A. Almost three years.

19 Q. And how long did y'all date before you got married?

20 A. Like four. Almost four.

21 Q. Did y'all have children?

22 A. Yes, ma'am.

23 Q. How many children did y'all have?

24 A. Two.

25 Q. How old are -- how old were they when he was killed?

1 A. One and four.

2 Q. Where did your family live in July of 2014?

3 A. In Brook Pines.

4 Q. And who all lived in your apartment?

5 A. My, me babies, my husband and my brothers.

6 Q. What are your brothers' names?

7 A. Shamaray and Dexter.

8 Q. And are y'all full brothers and sister or do y'all
9 share --

10 A. We share a mother.

11 Q. Okay. Y'all have the same mother?

12 A. Uh-huh.

13 Q. And how did it come about that Shamaray and Dexter --
14 that you took them into your home?

15 A. About maybe two and a half, almost three years ago my
16 mom's arm got messed up or whatever at work and basically
17 she did not keep her house, so they came and lived with me
18 when I moved. When I moved out, they came to live with me.

19 Q. And before July of 2014, how long had they lived with
20 you?

21 A. On and off almost the whole time I stayed there.

22 Q. And how long did you stay there?

23 A. Almost three years.

24 Q. At some point, and you don't need to tell me the
25 specifics of the conversation, but did you make it clear

1 to your brothers that they were gonna have to move out?

2 A. Yes, ma'am.

3 Q. Do you remember when that was?

4 A. It was like around March.

5 Q. Of 2014?

6 A. Yes, ma'am.

7 Q. I want to talk to you about the morning of July 2nd.
8 Who all was in your home that morning?

9 A. Everybody. Like me, my husband, my kids and my
10 brothers.

11 Q. Where did everyone sleep?

12 A. I slept in my room, my girls slept in their room and
13 they slept in the living room.

14 Q. When you say "they" slept in the living room, who
15 slept in the living room?

16 A. My brothers.

17 Q. Dexter and Shamaray?

18 A. Yes, ma'am.

19 Q. I want to show you State's Exhibit Number 15. That
20 morning when you woke up, what was the first thing that you
21 did?

22 A. When I woke up, the first thing I did I told Dajuan to
23 go get the baby because I heard her crying.

24 Q. Let me -- I'm having a little trouble hearing you, so
25 speak as loudly as you can.

1 A. When I first woke up, I told Dajuan to go get the baby
2 because she was crying. He got her and brought her in the
3 room, but she wouldn't go to sleep, so I jumped up and said
4 I might as well cook breakfast, and I went to go cook, and
5 I took Milan with me. And when I went to go cook and after
6 I finished cooking --

7 Q. Let me slow you down. When you went to go cook, did
8 you see your brothers in the apartment at that point?

9 A. Yes, ma'am.

10 Q. I want to show you State's Exhibit Number 15. Where
11 -- where were they sleeping?

12 A. Dexter was there and Shamaray was there.

13 Q. So Dexter was on this couch?

14 A. Uh-huh.

15 Q. And then Shamaray was on the floor?

16 A. Uh-huh.

17 Q. Okay. What, if anything, were they doing?

18 A. They were talking.

19 Q. And did you speak to them that morning?

20 A. No, I don't remember saying anything.

21 Q. Okay. I'm gonna keep on asking you to your voice,
22 elevated, okay?

23 A. I don't remember saying anything.

24 Q. Did you know what they were talking about?

25 A. No, they -- I mean, they were always talking. I mean,

1 I wasn't paying attention.

2 Q. And what did you do once you got into the kitchen?

3 A. I started cooking.

4 Q. And you made breakfast for your family?

5 A. Yes, ma'am.

6 Q. Who all were you cooking for that morning?

7 A. Everybody. I always cooked for everybody.

8 Q. Including your brothers?

9 A. Yes, ma'am.

10 Q. State's Exhibit Number 24 and 25, is this what you
11 were cooking?

12 A. Yes, ma'am.

13 Q. Okay. Tell me what happened as you're fixing
14 breakfast.

15 A. Nothing really happened. I was fixing breakfast.
16 When I got finished cooking, I was -- I left out of the
17 kitchen and I went to go wake up Mazari and get Milan and
18 then I saw Mazari coming in.

19 Q. Is that your other daughter?

20 A. Yes, ma'am. That's my oldest daughter.

21 Q. That's your oldest daughter?

22 A. Uh-huh.

23 Q. Okay. And once you went and got your oldest daughter
24 out of bed, what did you do?

25 A. I fixed their food and I started feeding Milan and

1 that's when I went dang, girl, your daddy still ain't got
2 up yet, and then I said come on, let's go get him. And
3 then I walked in my room and put Milan on his head and I
4 said, you know, come on and eat, and she needs to be
5 changed, too.

6 Q. Okay. Did he -- did Dajuan eventually come to
7 breakfast?

8 A. Uh-huh. Yes, ma'am.

9 Q. And did you -- had you prepared breakfast for him as
10 well?

11 A. I hadn't started -- well, I was fixing it while he was
12 in the room and when he came out, I said "Do you want some
13 jelly on your toast?".

14 Q. And did you give him a plate of food?

15 A. Yes, ma'am.

16 Q. I want to show you State's Exhibit Number 29. Was
17 this where your family was sitting down that morning?

18 A. Yes, ma'am.

19 Q. And where was Dajuan sitting?

20 A. Right here.

21 Q. Is that where my finger is?

22 A. Uh-huh. Well, that's the chair.

23 Q. In the chair right here?

24 A. Un-huh.

25 Q. And who was sitting here?

1 A. Mazari.

2 Q. Is that your oldest daughter?

3 A. Yes, ma'am.

4 **THE COURT:** And, ma'am, excuse me. You're gonna have
5 to speak up loudly because we're having a hard time hearing
6 you.

7 A. It was -- well, Mazari was sitting here, Milan and
8 Dajuan was sitting here.

9 Q. And where was your youngest daughter?

10 A. She was on his lap.

11 Q. Okay. So the largest plate of food was your
12 husband's?

13 A. Yes, ma'am.

14 Q. And he was feeding your youngest daughter?

15 A. Yes, ma'am.

16 Q. And then the other plate of food belonged to your
17 oldest daughter?

18 A. Yes, ma'am.

19 Q. You said that you asked him if he wanted jelly on his
20 toast?

21 A. Uh-huh.

22 Q. Did he answer you?

23 A. Yes, ma'am, and I gave him the jelly.

24 Q. Okay. After you gave him the toast, what happened?

25 A. I started back fixing my food and then I heard

1 something go pow, pow and I was like --

2 Q. Slow down. What did you hear?

3 A. I heard something go pow, pow.

4 Q. Pow, pow? Was it loud or was it soft like you're
5 speaking here?

6 A. It was like firecrackers. I was saying like "Why
7 would people be shooting firecrackers this early?", and
8 then I heard my brother saying "No, Dexter, no", and then
9 I looked up and when I looked up I saw the gun.

10 Q. You have to speak -- I know it's very hard, but you
11 have to speak loudly so the people in the very, very back
12 can hear you, okay?

13 Once you thought they were firecrackers --

14 A. Uh-huh.

15 Q. -- what's the next thing you said you heard?

16 A. I heard my brother say "No, Dexter, no."

17 **MS. PINNOCK:** Objection, Your Honor. Hearsay.

18 **THE COURT:** Overruled.

19 BY MS. WALKER:

20 Q. Go ahead.

21 A. I heard him say "No, Dexter, no", and I looked up and
22 when I looked up I saw the gun.

23 Q. When you said your brother said "No, Dexter, no",
24 which brother said that?

25 A. Shamaray.

1 Q. Go ahead.

2 A. And when I looked up, I seen him pointing the gun at
3 me and I fell back.

4 Q. When you say you saw "him" pointing the gun at you,
5 who is the person that you saw pointing the gun at you at
6 that point?

7 A. Dexter.

8 **THE COURT:** Ma'am, let me ask you not to breathe into
9 the microphone. That's what's causing that static.

10 Q. Once you saw Dexter point the gun at you, what
11 happened?

12 A. I fell back.

13 Q. What did you fall into?

14 A. On the floor. It was right there.

15 Q. And where were you standing at this point?

16 A. I was standing in front of the stove.

17 Q. So you were in this area --

18 A. Uh-huh.

19 Q. -- on State's Exhibit Number 26? And where was Dexter
20 standing?

21 A. Like in front of the kitchen. Like in the entryway of
22 the kitchen.

23 Q. Did you know -- could you see your husband at that
24 point?

25 A. I never did. I don't even remember seeing anything.

1 I only seen -- was him. He just kept shooting is all I
2 seen.

3 Q. You just saw Dexter keep shooting?

4 A. Yeah, and then I jumped up. I don't even remember
5 seeing anything when I jumped up.

6 Q. Before the shots were fired, were you and your brother
7 arguing?

8 A. No, ma'am.

9 Q. Did you hear your brother and --

10 **MS. PINNOCK:** Objection, Your Honor. She's leading.

11 **THE COURT:** Overruled.

12 BY MS. WALKER:

13 Q. Did you hear your brother arguing with anyone in the
14 house?

15 A. No, ma'am.

16 Q. Mahogany, when you jumped up, where did you go?

17 A. I ran to Ms. Emma's house across the hall.

18 Q. And why did you go over there?

19 A. Because that was the closest place.

20 Q. When you got to Ms. Emma's house, did y'all call
21 9-1-1?

22 A. Yes, ma'am. I told her to call 9-1-1.

23 Q. Did you see where Shamaray was at that point while the
24 shooting was going on?

25 A. No, ma'am. When I ran, I -- I don't remember even

1 seeing anything. I just ran.

2 Q. Were you injured during this shooting?

3 A. Yes, ma'am.

4 Q. Tell me about at that.

5 A. What do you mean tell you about it?

6 Q. Where were you -- how were you injured?

7 A. I was shot in my leg. I have two in and outs and one
8 bullet that's in and I have a scrape across my stomach.

9 Q. And you have a what?

10 A. A scrape.

11 Q. Across your stomach?

12 A. Uh-huh.

13 Q. Did you go to the -- did you go to the hospital for
14 those injuries?

15 A. Yes, ma'am.

16 Q. I don't want you to tell me the -- the contents of the
17 conversation, but at some point were you aware that there
18 was a gun in your home?

19 A. No, ma'am.

20 Q. Was there a concern by either you or your husband that
21 there was a gun in your home?

22 A. I -- okay. When -- after all this happened, I was
23 going through my text messages and I seen that he sent me a
24 text message and I turned that in.

25 Q. You turned that over to law enforcement?

1 A. Uh-huh.

2 Q. When you say "he" sent you a text message, who was
3 that?

4 A. My husband.

5 Q. Before the gun was pointed at you that morning, did
6 you see it --

7 A. No, ma'am.

8 Q. -- before then? I want to talk to you about the --
9 the closet that's off of the living room and kitchen area.
10 Who primarily used that closet?

11 A. My brothers.

12 Q. Both of them?

13 A. Yes, ma'am.

14 Q. Were you able to hear the 9-1-1 call that was played
15 yesterday?

16 A. Yes, ma'am.

17 Q. Did you try to go back and get your girls out of the
18 apartment?

19 A. Yes, ma'am.

20 Q. And why didn't you go back?

21 A. She wouldn't let me out.

22 Q. Since this day have you seen your brother Shamaray?

23 A. Yes, ma'am, a couple of times.

24 **MS. WALKER:** I beg the Court's indulgence.

25 Q. When the gun was pointed at you, were you involved in

1 some sort of fight or physical altercation with Dexter?

2 A. No, ma'am.

3 Q. Was your husband involved with a fight or physical
4 altercation with Dexter?

5 A. No, ma'am.

6 Q. Before that did you hear or see any sort of fight or
7 physical altercation between anyone in that house and
8 Dexter Myers?

9 A. No, ma'am.

10 Q. The man who pointed the gun at you and shot you on
11 that morning, do you see him in this courtroom?

12 A. Yes, ma'am.

13 Q. Can you point him out for me?

14 A. He's over there.

15 Q. What does he have on?

16 A. Blue.

17 **MS. WALKER:** Thank you. I don't have any other
18 questions.

19 **MS. PINNOCK:** May it please the Court?

20 **THE COURT:** Ms. Pinnock.

21 **MS. PINNOCK:** I beg the Court's indulgence.

22 CROSS-EXAMINATION

23 BY MS. PINNOCK:

24 Q. All right. Ms. Harris, in State's 26 you said you
25 were standing where?

1 A. Here in front of the stove.

2 Q. Right here in front of the stove?

3 A. Uh-huh.

4 Q. Okay. And you described kind of bending down?

5 A. Uh-huh.

6 Q. Do you remember what you were doing?

7 A. I was fixing my food.

8 Q. You were fixing your plate?

9 A. Uh-huh.

10 Q. Were you in the stove or were you just bending down?

11 A. I was just bending over just fixing the food.

12 Q. Just bending over looking at it?

13 A. No, like bending over. I guess bending down, leaning
14 over.

15 Q. And which -- I couldn't see what Ms. Walker was
16 referring to. Which chair did you say that Dajuan was
17 sitting down in?

18 A. It's the one on the left that's his.

19 Q. In State's 28, can you point it out for me?

20 A. This chair.

21 Q. This one?

22 A. Yes, ma'am.

23 Q. Okay.

24 A. Wait a minute. That's the corner of the stove. If
25 you're looking at the stove, my daughter was sitting here

1 and Dajuan was sitting here.

2 Q. Okay. Make sure you keep your voice up, okay? So
3 Dajuan was sitting down in this one right here on the end?

4 A. Uh-huh.

5 Q. So it's the one on the end here and you're standing at
6 the stove?

7 A. Uh-huh.

8 Q. Hold up.

9 **THE COURT:** Ma'am, you need to answer yes or no rather
10 than shaking your head.

11 A. Yes.

12 Q. And what time was it, do you remember?

13 A. When I got up, it was seven something.

14 Q. All right. I'm gonna come back to that in just a
15 second. Growing up, you, Dajuan, Dexter, Shamaray,
16 everybody lived with your mom at some point, right?

17 A. Yes.

18 Q. And that was, what, seven, eight years?

19 A. Uh-huh.

20 Q. Okay. So everybody lived with -- as a family in one
21 house?

22 A. Until I moved out, yeah.

23 Q. And you said that Dexter and Shamaray kind of lived
24 with you throughout the year ever since you moved out kind
25 off -- on and off throughout the year?

1 A. Yes, ma'am.

2 Q. Okay. And you said it was in March that you had told
3 them it was pretty much time to go, y'all were tired of
4 them being there?

5 A. Yes, ma'am.

6 Q. And you told them they had to be gone by July?

7 A. Yes, ma'am.

8 Q. Okay. On the night of July 1st, I guess July 2nd
9 early morning, y'all had -- you had gotten home you, Dajuan
10 and your girls, y'all had gotten home very early in the
11 morning?

12 A. What do you mean very early in the morning? On
13 July 1st?

14 Q. Well, just the night of July 1st into the morning of
15 July 2nd.

16 A. Yeah, I came home at -- I work late.

17 Q. Okay. Do you remember what time you got home?

18 A. It had to be around one or something maybe, 1:30,
19 2:00. I don't know, but it was late.

20 Q. Okay. And you said you work late. What time do you
21 get off work?

22 A. I was working at Steam Care then, so it should have
23 been around eleven.

24 Q. What time did you go in?

25 A. At three, I believe.

1 Q. So you worked a 3:00 PM to 11:00 PM shift?

2 A. Yes, ma'am.

3 Q. Okay. And y'all got home very early in the morning
4 or very late at night, and Dexter, when you got home, was
5 sleeping on the couch?

6 A. Yes, ma'am.

7 Q. And Shamaray was sleeping on the floor?

8 A. Yes, ma'am.

9 Q. So you got the kids ready for bed or just put them in
10 bed and then y'all went to bed?

11 A. They were already asleep by the time we had got there.

12 Q. And then you said the baby woke up about seven
13 something?

14 A. Yes, ma'am.

15 Q. And that's when you started your day?

16 A. Yes, ma'am.

17 Q. Now when you're standing -- you say you're standing at
18 the stove, you're making everybody's plates. Dajuan sits
19 down and then you say you looked down or bend over and you
20 hear a pop, right?

21 A. Yes, ma'am.

22 Q. A loud bang?

23 A. Yeah, it was a couple of them. It wasn't just one.

24 Q. But Dajuan wasn't at the table at that point?

25 A. Yes, he was at the table.

1 Q. He was?

2 A. When I heard it, yes, ma'am.

3 Q. Do you remember giving a statement to investigators
4 back in July of 2014?

5 A. Uh-huh.

6 Q. Do you remember telling them that when you heard the
7 sound you looked up and Dajuan was not sitting at the
8 table?

9 A. No, I did not say that. When I looked up and I heard
10 the pow, pow, I said I know those kids aren't shooting
11 firecrackers right now and I looked over and I heard him
12 say (demonstrating), like that, and at the same time I
13 heard Dajuan say (demonstrating), like that, I heard
14 Shamaray say "No, Dexter, no" and that made me look up.

15 Q. And that's what you told the investigators?

16 A. Yeah.

17 **MS. PINNOCK:** Your Honor, may I approach the witness?

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

19 BY MS. PINNOCK:

20 Q. Do you recognize that?

21 A. Uh-huh.

22 Q. What is that?

23 A. That's my statement.

24 Q. That's your statement that you signed on July -- on
25 July 7th, 2014?

1 A. Uh-huh.

2 Q. Okay. And you had met with Investigator Truluck?

3 **THE COURT:** Please let the witness be able to see the
4 statement.

5 **MS. PINNOCK:** Oh, I'm sorry.

6 BY MS. PINNOCK:

7 Q. You met with Investigator Truluck and Investigator
8 Carwell?

9 A. Uh-huh.

10 Q. And where was that, at headquarters?

11 A. On Two Notch.

12 Q. Uh-huh.

13 A. Yes, ma'am.

14 Q. Did you drive down there or did they come get you?

15 A. I drove down there.

16 **MS. PINNOCK:** Begging the Court's indulgence. I do
17 apologize. I can't seem to find what I'm looking for.

18 One second, Your Honor. I'm sorry.

19 BY MS. PINNOCK:

20 Q. While my co-counsel helps me find that, how long --
21 I'm sorry. I'm not gonna -- when you say you fell, where
22 did you fall at?

23 A. I fell in the kitchen.

24 Q. Into the kitchen?

25 A. Uh-huh. I mean, yes, ma'am.

1 Q. You just fell on the floor? Did you hit something?
2 What happened?

3 A. I just fell back.

4 Q. You fell back?

5 A. I didn't hit --

6 Q. And then you jumped up --

7 A. I didn't hit anything.

8 Q. You didn't hit anything?

9 A. No.

10 Q. So then you jumped up and you said you ran out?

11 A. Yes, ma'am.

12 Q. Do you have -- where was your four-year-old?

13 A. She was sitting at the dining room table.

14 Q. She was still sitting at the table?

15 A. I don't know if she was still sitting at the table.

16 because when I jumped up, I didn't -- I didn't remember

17 seeing anything. I just ran. Literally I just ran.

18 Q. Where was Shamaray?

19 A. When I ran? I don't know because I didn't know where

20 he was sitting or anything. I just ran out the door.

21 Q. You didn't see Dajuan?

22 A. No, ma'am, I did not. I just ran out the door.

23 Q. And while you were standing at the stove fixing your
24 plate, that's when you say you heard the first shot?

25 A. Well, the first couple of shots. It was fast. It was

1 like pow, pow.

2 Q. Very fast?

3 A. Yeah.

4 Q. In fact, all of this was happening very fast?

5 A. Yes, ma'am.

6 **MS. PINNOCK:** One more second, Judge. Your Honor, I
7 actually have no further questions. Thank you.

8 **MS. WALKER:** Briefly, Your Honor?

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

10 **MS. WALKER:** Thank you.

11 REDIRECT EXAMINATION

12 BY MS. WALKER:

13 Q. On State's Exhibit Number 26, this piece of wood right
14 here, what is that to?

15 A. That's a door to the closet that's in the dining area
16 I guess you would call it.

17 Q. And who kept their stuff in that closet?

18 A. My brothers.

19 Q. And was this door on the ground --

20 **MS. PINNOCK:** Your Honor, objection. That's outside
21 the scope.

22 **THE COURT:** Overruled.

23 BY MS. WALKER:

24 Q. Was this door on the ground while you were cooking?

25 **THE COURT:** Excuse me just a minute. I've got

1 something going on in the back and I've just about had
2 enough of that.

3 Excuse me.

4 **MS. WALKER:** May it please the Court, Your Honor?

5 **THE COURT:** You may continue, Ms. Walker.

6 **MS. WALKER:** Thank you.

7 BY MS. WALKER:

8 Q. Was this like that when you were cooking breakfast?

9 A. No, ma'am.

10 Q. That door, was it broken before this day?

11 A. It wasn't in the best of shape I'm gonna say. No, it
12 was not put up right.

13 **MS. WALKER:** Thank you. I don't have any other
14 questions.

15 **MS. PINNOCK:** Nothing, Judge.

16 **THE COURT:** You may step down.

17 (Witness excused.)

18 **MS. CAMPBELL:** Judge, can I see if my witness stepped
19 outside?

20 **THE COURT:** Sure.

21 Ms. Campbell, can I see you and Ms. Pinnock?

22 (Proceedings held at the bench; not reported.)

23 **MS. CAMPBELL:** Your Honor the State calls Tyler
24 Sturkie.

25 TYLER STURKIE,

1 having been duly sworn, testified as follows:

2 **THE CLERK:** Thank you. Please have a seat on the
3 witness stand and state your full name for the record.

4 **THE WITNESS:** Tyler Sturkie, S-T-U-R-K-I-E.

5 DIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q. Agent Sturkie, where are you employed?

8 A. I'm employed by the South Carolina Law Enforcement
9 Division, commonly known as SLED.

10 Q. What do you do there, sir?

11 A. I work in the trace evidence department of the
12 forensic services.

13 Q. Can you tell the jury what you do in the trace
14 evidence department?

15 A. In the trace evidence department at SLED, we analyze
16 the type of physical evidence that is not often seen by
17 the naked eye. We often use a type of magnification or
18 analytical technique in order to characterize the evidence.
19 We analyze evidence such as gunshot residue, fire debris,
20 glass, paints, fibers and general chemical unknowns.

21 Q. Can you tell this jury a little bit about your
22 education and your training in the field of trace evidence?

23 A. I graduated from Newberry College with a bachelor of
24 science degree in chemistry. When I was hired by SLED, I
25 was assigned to the trace evidence department. I then

1 began a gunshot residue analysis training, about a ten
2 month to twelve month program. During this time I took
3 written and practical examinations on the theory and
4 practice of gunshot residue. I was given -- I was assigned
5 a training officer in which I worked casework with. At the
6 end of my training, I performed a mock trial in which I
7 defended my results. When I passed it, I was deemed
8 competent to perform gunshot residue analysis. I also
9 performed -- I also took classes in outside training
10 facilities such as the Hook College of Applied Sciences
11 where I took classes titled Gunshot Residue Identification,
12 Scanning Electron Microscopy and X-Ray Microanalysis.

13 Q. And during the course of your employment at SLED, have
14 you performed actual analysis on gunshot residue cases?

15 A. Yes, I have. I have in my training performed close to
16 over a hundred cases with my training officer and by myself
17 close to fifty.

18 Q. And SLED's laboratory, is it also accredited?

19 A. Yes, ma'am, it is.

20 Q. And so there are certain standards in place to ensure
21 the quality of your work?

22 A. Correct.

23 Q. And before issuing any report in any case, is it
24 common that your work is peer reviewed? In other words,
25 someone else is checking up on you?

1 A. Yes, ma'am. After every final report given before it
2 is finalized it must be technically and administratively
3 reviewed by another court-qualified analyst.

4 Q. And the procedures and policies that are in place at
5 SLED, were those all followed in this case?

6 A. Yes, ma'am, they were.

7 **MS. CAMPBELL:** Your Honor, at this time we'd offer him
8 as an expert in gunshot residue analysis.

9 **MS. PINNOCK:** No objection, Judge.

10 **THE COURT:** He's so qualified.

11 BY MS. CAMPBELL:

12 Q. Sir, I'd like to turn your attention to the evidence
13 that you actually received in this case, and specifically,
14 we'll be talking about the gunshot residue that was
15 submitted for analysis by you. I want to show you what's
16 been marked as State's Exhibits 217 and 218.

17 **MS. CAMPBELL:** Your Honor, I do not believe these are
18 on your list.

19 **THE COURT:** Okay.

20 BY MS. CAMPBELL:

21 Q. Do you recognize these two items, sir?

22 A. Yes, I do.

23 Q. And are those the two pieces of evidence that were
24 actually submitted to you for your analysis in this case?

25 A. Yes, ma'am. These two envelopes were the -- contained

1 the GSR kits that were submitted by the police department.

2 **MS. CAMPBELL:** Your Honor, at this time we'd offer
3 these into evidence, I believe, without objection.

4 **MS. PINNOCK:** No objection.

5 **THE COURT:** They're admitted.

6 **MS. CAMPBELL:** Thank you.

7 (State's Exhibit Numbers 217 and 218, GSR kits, were
8 admitted into evidence.)

9 BY MS. CAMPBELL:

10 Q. Taking them -- first, in this case, can you name the
11 two people that gunshot residue kits were taken from in
12 this case?

13 A. Yes, ma'am. May I refer to my notes, please?

14 Q. Sure.

15 A. The two people I received GSR kits were from a Dexter
16 Myers and a Dajuan Harris.

17 Q. And let me ask you this. Explain to the jury when
18 gunshot residue kits are performed on someone, what type of
19 evidence are you looking for and what kind of information
20 can it give you and what kind of information can it not
21 give you?

22 A. Sure. When a gunshot residue kit is performed, we
23 have these very small sticky tabs, much like a roofing
24 nail, and at the top of this is a double-sided carbon tape
25 and the officer who is collecting this kit will dab the

1 hands of the victim or suspect and that is what is
2 submitted to us. When we analyze it, we put it underneath
3 a scanning electron microscope. This microscope magnifies
4 to a very high magnification in order to view these
5 particles. When we view these particles, we're looking for
6 two things, their shape and their elemental composition.
7 In order to be characterized as gunshot residue, the shape
8 of these particles must be round or molten and they must
9 contain the elements of lead, barium and antimony.

10 Q. And how typically is gunshot residue -- how does it
11 get on someone's, say, in this case hand typically?

12 A. When a firearm is discharged, burned and unburned
13 particles containing several elements can be emitted from
14 the gun. These particles can come from the projectile, the
15 propellant and the primer of the firearm. The way that it
16 can get on a person's clothing or hand is one of three
17 ways. Either that person fired -- they discharged the
18 firearm, they were in the vicinity of the discharge of the
19 firearm or they became in contact with something that
20 previously had gunshot residue on it.

21 Q. So that's called -- what you're talking about is the
22 transfer?

23 A. Yes, ma'am.

24 Q. And typically you said that it can get on someone's
25 hands when someone fires a gun?

1 A. Correct.

2 Q. And then another way is to be around a gun when a gun
3 is fired?

4 A. That's correct.

5 Q. And, in fact, when the gases come out of the gun, and
6 we're talking about a handgun, typically how does it spread
7 out really? Explain that to me.

8 A. Sure. Depending on the firearm, the majority of the
9 gunshot residue will be produced out of the muzzle or the
10 barrel end of the gun. Depending on the type of gun will
11 give different openings of gunshot residue. Wherever
12 there's an opening in the weapon, gunshot residue can
13 become discharged. For a semiautomatic, the muzzle end
14 and also the ejector point. For a revolver, the muzzle
15 end, as well as any cylinder gaps that may be present in
16 that revolver.

17 Q. Once gunshot residue gets deposited, say -- and
18 typically in a lot of the cases you handle people get
19 gunshot residue kits done of their hands?

20 A. That's correct.

21 Q. And that's the most typical way you receive it; is
22 that correct?

23 A. Yes, ma'am.

24 Q. And when that's done, once the gunshot residue -- say,
25 if I'm near a gun or fired a gun and I get gunshot residue

1 on my hands, is it gonna stay there forever?

2 A. No, ma'am. Gunshot residue is very fragile. On a
3 living person, we have a window of four to six hours in
4 which we will typically see the gunshot residue start to
5 dissipate. On a living person's hands, you have sweat
6 that can wash away the gunshot residue, any environmental
7 factors such as wind, rain, that can also have an effect on
8 the gunshot residue. Wiping of the hands. Blood on your
9 hands can change the shape and morphology of the gunshot
10 residue.

11 Q. So as more time passes -- and you said there's a
12 six-hour window in which it has any bearing?

13 A. Yes, ma'am. When we receive gunshot residue kits,
14 there's a collection information form. On this form it has
15 a collection time and a shooting time. If those times are
16 over six hours, we do not perform the gunshot residue
17 analysis test because we expect to not find any gunshot
18 residue.

19 Q. That would be pertinent to the time of the shooting?

20 A. Correct.

21 Q. And you mentioned that that's true for living persons,
22 you need to collect it within six hours. What about
23 someone who has been killed, say, at a crime scene?

24 A. On deceased victims there's no time limit.

25 Q. And why is that?

1 A. Because their bodily functions have ceased. For a
2 living person, I mentioned the sweating of the hands can
3 potentially remove any GSR. On a deceased victim, they
4 will no longer be sweating, but you also have environmental
5 factors that can lead to the removal of GSR potentially.

6 Q. And, again, as more time passes leading up to that six
7 hours, would you expect, even if the person doesn't move
8 and holds their hands out and are living, the powder to
9 dissipate?

10 A. Yes, ma'am.

11 Q. To become less, I guess?

12 A. Yes.

13 Q. And in some cases when a person is killed at a scene
14 prior to being transported for autopsy, is it common that
15 the hands may even get bagged around them to help preserve
16 any possible evidence?

17 A. It is common by the police officers to bag the hands;
18 however, we normally do not recommend if possible because
19 bagging the hands will create the hands to be very sweaty
20 inside the bag and potentially remove any GSR that may be
21 on there.

22 Q. But that is typical of what a lot of police
23 departments do?

24 A. I can't say for all police departments, but I have
25 seen it.

1 Q. And, again, transporting a body, say, in a body bag,
2 this can also affect that as well?

3 A. (Nods head.)

4 Q. If person is within several feet of the end of a gun
5 that's fired, like I'm receiving the bullet, say, to my
6 head or my throat, would it be unusual to find gunshot
7 residue on that person or even that person's hands?

8 A. Of the person being shot?

9 Q. Being shot.

10 A. No, ma'am. With a victim of a gunshot wound, we
11 expect to find particles of gunshot residue or particles
12 consistent and associated with gunshot residue.

13 Q. You would expect to find it?

14 A. Yes, ma'am.

15 Q. In this case, taking the evidence in whatever order,
16 one gunshot residue kit at the time, can you tell the jury
17 what you analyzed and what your results were?

18 A. Sure. For our Lab Number L14-08297, Item 7 was the
19 GSR kit collected from Dexter Myers, and the results were
20 with -- on the right hand, one particle of gunshot residue
21 was found; on the left hand, one particle of gunshot
22 residue was found.

23 Q. In what areas of the -- and typically when gunshot
24 residue kits are collected, are the backs and the fronts
25 done separately?

1 A. Yes, ma'am. With a GSR collection kit, they have four
2 stubs. Your right palm, your right back, your left palm
3 and your left back. Those would be the areas that will be
4 collected from. When we generate a final report, we will
5 give the information based off of the right hand and the
6 left hand.

7 Q. Okay. And in this area on the right hand, you
8 indicated that you found gunshot residue or particles
9 consistent with?

10 A. For Dexter Myers on the right hand.

11 Q. On the right hand what did you find?

12 A. I find one particle of gunshot residue.

13 Q. One particle of gunshot residue. Do you remember if
14 that was on the right front or the back?

15 A. On the right back --

16 Q. On the right back?

17 A. -- was the one particle of gunshot residue.

18 Q. And as far as -- did you also test the two tabs from
19 the left hand?

20 A. Yes, ma'am.

21 Q. And what were the results for Dexter Myers on the left
22 hand?

23 A. The left hand was one particle of gunshot residue
24 which was found on the left back.

25 Q. On the left back, so on the back. And would that be

1 consistent with someone shooting the gun as well as it
2 could be consistent with the other ways you've talked
3 about?

4 A. Correct. The gunshot residue can be placed by
5 discharging a firearm, being in the vicinity or touching
6 something that previously had GSR on it.

7 Q. In this case, how many hours had elapsed approximately
8 between the time of the shooting and the time that the kit
9 was collected?

10 A. According to the Gunshot Residue Analysis Information
11 Form, I have a shooting time of 8:15 and a collection time
12 of 12:00, so roughly four hours.

13 Q. Right at four hours?

14 A. (Nods head.)

15 Q. And that would be within your six-hour period?

16 A. Yes, ma'am.

17 Q. And I believe at autopsy the next day a gunshot
18 residue kit was collected from the victim in this case?

19 A. Dajuan Harris.

20 Q. Dajuan Harris. Okay. And what were your findings
21 when you analyzed the gunshot residue kits collected from
22 his hands?

23 A. Our Item 8 was one GSR kit from Dajuan Harris. On the
24 right hand round particles consistent with gunshot residue
25 were found and on the left hand round particles associated

1 with gunshot residue were found.

2 Q. And that's a little bit different terminology you're
3 using than you did when describing what you found on
4 Mr. Myers' hands. On Mr. Myers' hands you found gunshot
5 residue?

6 A. Yes, ma'am.

7 Q. But in this you found round particles consistent?

8 A. Correct.

9 Q. Or what was the other term?

10 A. Associated.

11 Q. Associated. And what does that mean? What's the
12 difference there? I don't understand.

13 A. With consistent and associated it differs a little bit
14 from gunshot residue. With gunshot residue we can consider
15 that characteristic and that contains your three elements,
16 lead, barium and antimony. The next on the list would be
17 consistent. Consistent particles contain normally two of
18 those three elements, so they can contain lead and barium
19 or barium and antimony. Associated is the next step down
20 and that usually contains one of those three elements. The
21 reason for the consistent and associated terms is because
22 since consistent and associated do not have all three
23 elements, we cannot consider them GSR, but because they
24 contain elements that have been associated and consistent
25 with GSR, they must be included.

1 Q. And in this case, the items that you found consistent
2 with or associated with on the victim's hands, were those
3 found on his hands?

4 A. On the right hand, particles consistent with GSR
5 were found on the right palm, and for the left hand the
6 particles associated were found on the left back.

7 Q. And, again, in your training and your experience, is
8 it unusual for a victim of a shooting such as multiple
9 gunshots to have some gunshot residue on their hands?

10 A. It is not unusual.

11 Q. And, in fact, the policy at SLED is to not submit them
12 anymore or --

13 A. That is not the policy. It is in process of hoping
14 to get away from submitting victim kits because of the
15 expectation that there is gunshot residue.

16 Q. Okay. But y'all still accept them now?

17 A. Yes, ma'am.

18 Q. Okay. And if someone is bleeding and/or wiping their
19 hands after discharging a weapon, what would that do to the
20 amount of gunshot residue you might find on their hands?

21 A. It has the potential to remove any gunshot residue
22 present.

23 Q. So if they're taking like some type of cloth or a
24 Kleenex or a towel and wiping their hands or if there's
25 blood being wiped off, that could affect your findings as

1 well?

2 A. Yes, ma'am.

3 Q. But in this case you still found gunshot residue on
4 Dexter Myers' hands?

5 A. Correct, I found one particle on each hand.

6 **MS. CAMPBELL:** Thank you, sir. I have nothing
7 further.

8 **MS. PINNOCK:** May it please the Court, Your Honor?

9 **THE COURT:** Ms. Pinnock.

10 CROSS-EXAMINATION

11 BY MS. PINNOCK:

12 Q. Agent Sturkie, right?

13 A. Yes, ma'am.

14 Q. You mentioned something about the type of gun that is
15 involved and, you know, where powder and things can come
16 out of that gun?

17 A. (Nods head.)

18 Q. Pretty much any opening?

19 A. Sure. Yes, ma'am.

20 Q. And you mentioned with revolvers it's called the
21 cartridge gap?

22 A. Cylinder gap.

23 Q. Cylinder gap. Okay. And that's the area between --

24 A. Yes, ma'am.

25 Q. -- that allows this to rotate?

1 A. Correct.

2 Q. Okay. And a little bit of how -- just the mechanics
3 of the gun. So a revolver, when you fire it, the barrel
4 rotates, right?

5 A. Yes.

6 Q. And it does that so the next round can come into the
7 chamber?

8 A. Yes, ma'am. I am no firearms expert, but being around
9 weapons and seeing a revolver operate, that is correct.

10 Q. And technically because the thing has to rotate, that
11 has to have that gap there for it to move. If it was solid
12 it couldn't move.

13 A. Which gap?

14 Q. The cylinder gap. I mean, the barrel gap.

15 A. I'm trying to -- I'm sorry, I'm trying to follow that.

16 Q. The gaps between this part and this -- the solid part
17 of the gun --

18 A. Yes, ma'am.

19 Q. -- that has to be there so it can move?

20 A. Correct.

21 Q. And that's what allows, like you said, the powder to
22 come out of that area?

23 A. The gunshot residue, yes.

24 Q. Okay. And you mentioned -- well, your report mentions
25 primer residue.

1 A. Yes, ma'am.

2 Q. What's primer residue?

3 A. Primer -- with gunshot residue, you can have -- your
4 particles can be found from the primer, the propellant or
5 the projectile. The propellant, the majority of the time,
6 is gunpowder. We say gun primer residue because the gun
7 primer contains those three elements of lead, barium and
8 antimony. We put the gun primer as gunshot residue in our
9 report to clarify that we are looking for those three
10 elements.

11 Q. And the primer is the part of the bullet that the
12 hammer hits, right?

13 A. Yes, ma'am.

14 Q. So that's the part that faces backwards?

15 A. When the --

16 Q. If you're holding the gun, the primer part of the
17 bullet would be facing the person holding the gun?

18 A. The primer is in the --

19 Q. The part the hammer hits.

20 A. -- the bottom end of your bullet.

21 Q. Okay.

22 A. When the primer gets ignited, it then ignites the
23 propellant or your gunpowder and that explodes in order to
24 produce the projectile to go forward.

25 Q. And when all of that explodes inside the gun to

1 produce the projectile to go forward, that's where the
2 powder exits everywhere it can?

3 A. Yeah, any residue from that firearm can be exited from
4 any opening of the firearm.

5 Q. All right. And you didn't collect the evidence that
6 you tested, right?

7 A. No, ma'am, I didn't.

8 Q. Where did you get that from?

9 A. I received it from our evidence log-in.

10 Q. Do you know who made the request for testing?

11 A. The Richland County Sheriff's Office.

12 Q. Do you know if it comes from the lead investigator or
13 supporting investigators? Do you know who actually made
14 the request to you?

15 A. I have on my submission forms as the investigating
16 officer of Kristen Polis.

17 Q. Okay.

18 A. I do not have -- I have a signature of the submitter,
19 but I cannot read the signature.

20 Q. Okay. But Ms. -- Investigator Polis made the request
21 -- the paper request for you to test it?

22 A. According to my submission form, yes.

23 Q. And the only things you received to test were the two
24 GSR kits, right?

25 A. Yes, ma'am.

1 Q. All right. And that was SLED ID -- your SLED
2 Identification Number 7 and 8?

3 A. Correct.

4 Q. And you went through this, but each kit had four
5 samples?

6 A. Yes, ma'am.

7 Q. Two palms, two backs?

8 A. Correct.

9 Q. So there are two -- there are four pieces to each kit?

10 A. Yes.

11 Q. Four from Dexter, four from Dajuan?

12 A. Yes, ma'am.

13 Q. And you do the testing separately because it's such a
14 fragile thing to work with. GSR can be destroyed very
15 quickly?

16 A. Potentially, yes, ma'am.

17 Q. And you said a whole bunch of things come into effect.
18 Timing, environmental conditions, you know, if somebody is
19 sweaty, if they wipe their hands, they wash their hands,
20 all those things can come into effect?

21 A. Yes, ma'am. Once the GSR has been -- is placed on
22 those sticky tabs, the lifetime studies have shown as
23 unlimited. Once the GSR is on the stubs or any particles
24 for that matter, they cannot be removed unless physically
25 removed by an outside source.

1 Q. And you did the testing obviously and you said that
2 GSR was found on the back of Dexter's right hand and on the
3 back of Dexter's left hand?

4 A. Yes, ma'am.

5 Q. And that's because all three elements, lead --
6 an-tim-ony, is that how you pronounce it?

7 A. An-ti-mony.

8 Q. -- antimony and barium, were all found?

9 A. Yes, ma'am.

10 Q. All three of those elements were found on that
11 particle?

12 A. On that particle, those three elements were found, as
13 well as the shape, which was molten or rounded in shape.

14 Q. Now it's not uncommon for somebody who, let's say,
15 admits to holding and shooting a gun to have GSR on the
16 backs of their hands, right?

17 A. It is not uncommon if -- if someone admitted to
18 holding a firearm, that is not unexpected to find GSR on
19 their hands, whether it be the right back or right palm,
20 left back or left palm.

21 Q. And it's also very common to find it on the back of
22 somebody's hand if their palm is not exposed because
23 they're holding the weapon?

24 A. With the report-writing we have gone from -- we used
25 to report right palm, right back, left palm, left back.

1 Because we cannot tell whether or not GSR was received on
2 the left palm -- or, excuse me, the palm or the back of the
3 hand, we have moved to only right hand and left hand.

4 Q. Okay. Now you mentioned a couple of different ways
5 that GSR can be found on something --

6 A. Yes, ma'am.

7 Q. -- or reason to explain why GSR is found.

8 A. (Nods head.)

9 Q. Either you shoot the weapon, you're in the vicinity of
10 the weapon being shot, or transfer, you touch something
11 that already has it on there.

12 A. Correct.

13 Q. Now when you say in the vicinity, if I'm standing back
14 here or running away from you and you shoot a gun from
15 there, am I gonna have GSR on me?

16 A. Being a victim of a gunshot wound, we expect to find
17 gunshot residue.

18 Q. How far does it travel?

19 A. It depends on the type of weapon, the caliber of the
20 bullet. There's really no set determination, set distance
21 that we can say. Gunshot residue can go three feet,
22 five feet, fifteen feet. Gunshot residue is likely to
23 follow the bullet; however, studies show on average between
24 three and eight feet is usually a good distance in which
25 we can find gunshot residue. However, that is not

1 definitive because in order to test that you'd have to test
2 all calibers with all types of weapons.

3 Q. All right. So this one was not tested. As far as you
4 know, was that one tested or do you know?

5 A. We do not do distance determination.

6 Q. Okay. So all three elements were found on the
7 particle found on Dexter?

8 A. Yes, ma'am.

9 Q. How many particles were found on the left hand of
10 Dajuan Harris?

11 A. On the left hand, two particles associated with
12 gunshot residue were found.

13 Q. What are those two particles?

14 A. I would need to look in my notes.

15 Q. Go ahead.

16 A. It was the left back of Dajuan Harris. The two
17 particles found were one round antimony particle and one
18 round lead particle with a trace amount of antimony.

19 Q. Okay. And those are the symbol -- let's see, lead is
20 "Pb", right?

21 A. Yes, ma'am.

22 Q. And the antimony is "Sb"?

23 A. Correct.

24 Q. And that's what's listed in your report as the two
25 particles found on his back left?

1 A. Yes.

2 Q. What particles are listed as being found on the right
3 palm?

4 A. Of Dajuan Harris?

5 Q. Yes, sir.

6 A. Two particles of -- two round particles containing
7 barium and aluminum.

8 Q. Okay. So he has two on the left and two on the right?

9 A. Yes, ma'am.

10 Q. And in order to say that it's absolutely GSR, you have
11 to have all three?

12 A. Correct.

13 Q. But he had two out of the three on each hand?

14 A. Yes, ma'am, which is why they were consistent.

15 Q. Okay. Having GSR on your hands you said -- well, let
16 me ask you this. If you grab a gun that's being fired, you
17 would expect to find GSR on your hands, right?

18 A. Yes, ma'am.

19 **MS. PINNOCK:** I beg the Court's indulgence.

20 Q. You said the only thing submitted to you for testing
21 were the two GSR kits?

22 A. Yes, ma'am.

23 Q. And GSR is microscopic. You can't see it with the
24 naked eye?

25 A. Correct.

1 Q. You can find GSR on somebody's clothing, right?

2 A. You can.

3 Q. But nobody gave you any clothing to test?

4 A. When we are to test for clothing, the item of clothing
5 will be sent to us and then we will take those particle
6 lifts that I mentioned earlier and physically test the
7 clothing for that. We will dab the clothing depending on
8 where it needs to be collected from and that particle lift
9 will be analyzed.

10 Q. Did anybody give you any clothing to test in this
11 case?

12 A. No, ma'am.

13 **MS. PINNOCK:** Thank you.

14 **MS. CAMPBELL:** Just a couple of questions.

15 REDIRECT EXAMINATION

16 BY MS. CAMPBELL:

17 Q. And if someone is shooting a gun, just like it ends up
18 on their hands, you would expect it to be there on their
19 clothes?

20 A. If that clothing -- if that item of clothing was in
21 the vicinity of the discharge of the firearm, yes.

22 Q. And if someone is being shot three times, it ends up
23 not only on their hands, but on their clothes?

24 A. It could very well, yes.

25 **MS. CAMPBELL:** That's all I have, Your Honor.

1 **THE COURT:** You may step down. Do you have another
2 question?

3 **MS. PINNOCK:** Begging the Court's indulgence.

4 **THE COURT:** Wait just a minute, please.

5 **MS. PINNOCK:** Very briefly. Thank you, Judge.

6 RE CROSS EXAMINATION

7 BY MS. PINNOCK:

8 Q. So if the victim is shot three times with the gun, you
9 just said that you would find GSR on their clothing?

10 A. Potentially.

11 Q. You would think you would expect to find GSR on their
12 clothes?

13 A. Potentially, yes, ma'am.

14 Q. Nobody gave you any clothes?

15 A. No, ma'am.

16 **MS. PINNOCK:** Thank you.

17 **THE COURT:** You may step down.

18 (Witness excused.)

19 **THE COURT:** Does the jury need a break? Okay.

20 **MS. CAMPBELL:** The State calls Shamaray Myers.

21 SHAMARAY MYERS,

22 having been duly sworn, testified as follows:

23 **THE CLERK:** Thank you. Please have a seat on the
24 witness stand and state your full name for the record and
25 please spell your first name.

1 **THE WITNESS:** Shamaray Myers.

2 **THE CLERK:** Spell your first name, please.

3 **THE WITNESS:** Ma'am?

4 **THE CLERK:** Spell your first name, please.

5 **THE WITNESS:** S-H-A-M-A-R-A-Y.

6 **THE COURT:** You don't have to eat the microphone.

7 Just speak loudly.

8 **THE WITNESS:** Yes, sir.

9 DIRECT EXAMINATION

10 BY MS. CAMPBELL:

11 Q. Okay. If you could talk from back there for a minute,
12 we'll see how it works, okay?

13 Shamaray, how old are you?

14 A. Nineteen, ma'am. Nineteen, ma'am.

15 Q. And where do you live?

16 A. [REDACTED]

17 **THE COURT:** Mr. Myers, let's do this. When you sat
18 back and then when you came up, I want you to get in the
19 middle of those two ranges that you just have given us,
20 okay?

21 **THE WITNESS:** Yes, sir.

22 **THE COURT:** Don't -- don't get that close. Don't get
23 that close and don't lay it all the way back.

24 **THE WITNESS:** Okay. How do I put --

25 **MS. CAMPBELL:** Right there. Perfect.

1 BY MS. CAMPBELL:

2 Q. Shamaray, have you and I ever met?

3 A. I don't think so. No, ma'am.

4 **THE COURT:** Don't lean into -- Mr. Myers, don't lean
5 into the microphone. Just speak loudly.

6 A. No, ma'am.

7 Q. Good.

8 A. I thought y'all can't hear me.

9 Q. Okay. We can hear you, okay? Just speak up for me.

10 And you live at what street?

11 A. [REDACTED]

12 Q. Seminole Way?

13 A. Yes, ma'am.

14 Q. Who all lives there with you now?

15 A. My stepmother, my father and my stepsister and me.

16 Q. Okay. And what's your stepmother's name?

17 A. Sheri Cain.

18 Q. Sheri Cain Myers?

19 A. Yes, ma'am.

20 Q. And do you know Dexter Myers?

21 A. Yes, ma'am. That's my brother.

22 Q. And do you know Mahogany?

23 A. Yes, ma'am. That's my sister.

24 Q. When you were little, where were y'all living, you and
25 Dexter and Mahogany?

- 1 A. When we were real little?
- 2 Q. Uh-huh.
- 3 A. With my mother.
- 4 Q. With your mother?
- 5 A. Yes, ma'am.
- 6 Q. And how long did y'all live with her mother?
- 7 A. All the way until I was, what, sixteen.
- 8 Q. Until you were sixteen?
- 9 A. Yes, ma'am.
- 10 Q. And then you had to move out, didn't you?
- 11 A. Move out? No, ma'am.
- 12 Q. Okay. What happened?
- 13 A. My mother had a bad injury -- got injured and lost her
- 14 job later on and the bank took over the house and we was
- 15 out on the street.
- 16 Q. Okay. Did you know Dajuan?
- 17 A. Yes, ma'am.
- 18 Q. How did you know Dajuan?
- 19 A. Through my sister and he stayed with us since he was
- 20 fourteen.
- 21 Q. And he was with your sister?
- 22 A. Yes, ma'am.
- 23 Q. Okay. And for the three years before all this
- 24 happened, where were you living?
- 25 A. Three years before all this happened?

1 Q. Uh-huh.

2 A. I apologize. Three years before this happened, we was
3 on the street, in and out of motels, this and that, you
4 know how it is.

5 Q. Do you remember living with Mahogany a lot of that
6 time?

7 A. Yes, ma'am.

8 Q. And she was living with Dajuan at the time, right?

9 A. Yes, ma'am.

10 Q. And did Mahogany and Dajuan have any children?

11 A. Yes, ma'am.

12 Q. Did they have big children or small children? Were
13 they old or young?

14 A. They young.

15 Q. Do you remember when they were living on Brook Pines?

16 A. Yes, ma'am.

17 Q. And at some point did you and your brother Dexter move
18 in with her?

19 A. Yes, ma'am.

20 Q. And do you remember about when that was? If you
21 don't, that's fine.

22 A. No.

23 Q. Okay. But had y'all been living with them for a
24 while?

25 A. Yes, ma'am.

1 Q. And were y'all getting along okay that summer of 2014?

2 A. Yes, ma'am.

3 Q. Do you remember what -- you know what we're here about
4 today?

5 A. Yeah.

6 Q. Okay. You and Dexter, were y'all working that summer?

7 A. Working that summer?

8 Q. Working. Did you have jobs?

9 A. Naw. No, ma'am.

10 Q. Okay. So y'all were living with Mahogany and Dajuan?

11 A. Yes, ma'am.

12 Q. And do you remember that morning when all of this
13 happened, Shamaray?

14 A. No, ma'am.

15 Q. You don't remember any of it?

16 A. No, ma'am.

17 Q. Have you forgotten it since it happened?

18 A. Yes, ma'am.

19 Q. And by the way, you're under subpoena here today,
20 right? You got a piece of paper from us saying you had to
21 come to court?

22 A. Yes, ma'am.

23 Q. You don't want to be here, do you?

24 A. No, ma'am.

25 Q. And that's your brother?

1 A. Yes, ma'am.

2 Q. Do you remember talking to the police back on July the
3 2nd?

4 A. No, ma'am. I don't remember nothing, any word of what
5 I had said.

6 Q. Okay. You're saying you don't remember that, but let
7 me -- I've just got to ask you some preliminary questions.
8 Do you remember talking to the police back on July the 2nd
9 right after this happened, that same day?

10 A. Yeah, I remember talking to them.

11 Q. Okay. And do you remember talking to a Sergeant Chris
12 Lindler?

13 A. Chris Lindler?

14 Q. Uh-huh. I think he saw you and you actually got in a
15 car with him and then I think y'all went to the police
16 headquarters, didn't you?

17 A. Yeah, after they done threw me on the ground and drug
18 me there.

19 Q. Okay. That's your testimony here today. Okay. When
20 you got down to headquarters, do you remember talking to
21 Sergeant Lindler?

22 A. Yeah, I remember we were talking, but I don't remember
23 what we were talking about.

24 Q. Do you remember giving him a statement?

25 A. Naw, I don't remember writing anything.

1 Q. Do you remember signing it?

2 A. No.

3 Q. Okay. Do you want me to show you this? Is that your
4 signature?

5 A. Where at?

6 Q. Down at the bottom.

7 **THE COURT:** Don't blow into that microphone, please.

8 A. Where's my signature? Right here?

9 Q. It says Shamaray right there.

10 A. Yes, ma'am.

11 Q. That's your signature?

12 A. Okay.

13 Q. And do you remember giving him a statement?

14 A. No, ma'am, I don't remember writing that or giving
15 anything.

16 Q. Okay. Well, let me ask you this. Did you tell them
17 "All of a sudden my sister started screaming and her
18 boyfriend was screaming that he was shot"?

19 A. No, ma'am.

20 Q. Did you tell them "The next thing I knew she ran
21 across --

22 **MS. PINNOCK:** Objection, Your Honor. Can we approach?

23 **THE COURT:** Sure.

24 (Proceedings held at the bench; not reported.)

25 BY MS. CAMPBELL:

1 Q. Okay. Mr. Myers, do you want to read your statement
2 and see if it refreshes your memory?

3 A. Refreshes my memory? I don't remember nothing I said.

4 Q. Well, do you want to read it and see if it helps?

5 **THE COURT:** Just read it to yourself and then she'll
6 ask you some questions about it.

7 A. No, ma'am.

8 **MS. CAMPBELL:** Your Honor, under 613 may I proceed?

9 **THE COURT:** You've read the statement?

10 **THE WITNESS:** Yes, sir.

11 **THE COURT:** Okay.

12 **MS. CAMPBELL:** Thank you.

13 BY MS. CAMPBELL:

14 Q. Do you remember giving this to Investigator Lindler at
15 the headquarters?

16 A. Investigator Lindler?

17 Q. Okay. Do you remember being at police headquarters
18 and giving a statement?

19 A. Yeah, I remember being there.

20 Q. That was on July the 2nd around 11:00 in the morning.

21 A. 11:00 that morning?

22 Q. Uh-huh. After all this happened.

23 A. Oh, okay.

24 **MS. PINNOCK:** Your Honor, I'm gonna have to object and
25 ask to approach again.

1 **THE COURT:** Okay.

2 (Proceedings held at the bench; not reported.)

3 **THE COURT:** All right. I note your objection. You
4 may proceed.

5 **MS. CAMPBELL:** Thank you, Your Honor.

6 BY MS. CAMPBELL:

7 Q. For the foundation, we're talking about all these
8 statements were made at the same time I've already told you
9 about on July the 2nd at 11:00, okay?

10 A. Yes, ma'am.

11 Q. And do you remember when they asked you did you see
12 your brother Dexter with a gun, did you tell them "Yes"?

13 A. I don't remember saying yes to anything.

14 Q. Did you tell them that?

15 A. I don't remember saying yes. No, ma'am.

16 Q. Did you tell them he was looking at --

17 **THE COURT:** Excuse me just a minute. You've got to
18 put your hand down so we can hear what you're saying.

19 A. No, ma'am.

20 Q. You didn't say that? Okay. Did you tell them he was
21 looking at the gun?

22 A. Ma'am?

23 Q. Did you tell the police he was looking at the gun?

24 A. No, ma'am.

25 Q. Did you tell them it was cocked back from yesterday?

1 A. No, ma'am.

2 Q. Did you tell them that then the gun just goes off?

3 A. No, ma'am.

4 Q. Did you tell them that he starts yelling and was
5 walking like he didn't know what happened when you were
6 talking about Dexter?

7 A. No, ma'am.

8 Q. Did you tell them he said he didn't mean to shoot it,
9 it was cocked back, it was the gun?

10 A. No. No, ma'am.

11 Q. Did you tell them that he dropped the gun on the floor
12 and it goes off some more?

13 A. No, ma'am.

14 Q. Did you then tell them that it was the boyfriend's gun
15 and that he was, excuse my language, F'ing with the gun
16 yesterday? Did you tell them that?

17 A. No, ma'am.

18 Q. Did you tell them that your brother took it from him,
19 meaning Dajuan, but yesterday because he was about to hurt
20 himself with it?

21 A. No, ma'am.

22 Q. And did you tell them that the gun was silver and
23 black, a small automatic?

24 A. No, I don't remember.

25 Q. And, finally, did you tell them you don't think he had

1 the pistol on him when he left?

2 A. No, ma'am.

3 Q. Did you tell them that you saw she ran across the
4 breezeway after the shooting?

5 A. Naw. No, ma'am.

6 Q. Did you say that her kid ran behind her and I picked
7 her up?

8 A. No, ma'am.

9 Q. Did you tell the police you didn't know happened,
10 you thought someone had come in and killed your whole
11 family?

12 A. Yes, ma'am.

13 Q. You did tell them that part?

14 A. (Nods head.)

15 Q. And did you also tell them my sister's boyfriend ran
16 to the back room and he said he was okay at first and then
17 I didn't hear anything?

18 A. Naw. No, ma'am.

19 Q. And Dexter's your brother?

20 A. Yes, ma'am.

21 Q. And you don't want to be here at all?

22 A. No, ma'am.

23 **MS. CAMPBELL:** Thank you. I appreciate it.

24 **MS. PINNOCK:** May it please the Court, Your Honor?

25 **THE COURT:** Ms. Pinnock.

CROSS-EXAMINATION

1
2 BY MS. PINNOCK:

3 Q. Shamaray, have you ever talked to me before?

4 A. No, ma'am.

5 Q. You don't read too well, do you?

6 A. Read too well?

7 Q. Yeah. Are you a good reader?

8 A. Yeah.

9 Q. You're okay?

10 A. Yes, ma'am.

11 Q. Have you been diagnosed with -- what have you been
12 diagnosed with? Do you have a mental health diagnosis?

13 A. Yes, ma'am.

14 Q. What do you have? What have you been diagnosed with?

15 A. What I'm like -- what they say my problem is?

16 Q. Uh-huh.

17 A. They say bipolar and schizophrenia.

18 Q. Bipolar and schizophrenic?

19 A. Uh-huh.

20 Q. Do you take medication?

21 A. Yes, ma'am.

22 Q. You don't remember a whole bunch of stuff all the
23 time, right?

24 A. No, ma'am.

25 MS. PINNOCK: Thank you.

1 he told the officers during the interrogation or during the
2 making of the statement, so Ms. Campbell asked him about
3 various portions of it and most of it he said he did not
4 remember, some of it he said he did remember. So I think
5 it was appropriate under the circumstances, but I note your
6 exception.

7 **MS. PINNOCK:** Thank you, Your Honor.

8 **THE COURT:** All right. Bring the jury in please.

9 (Whereupon, the jury returns to the courtroom at
10 4:25 PM.)

11 **BAILIFF:** The jury's seated, Your Honor.

12 **THE COURT:** All right. You may proceed.

13 **MS. WALKER:** Thank you, Your Honor. The State calls
14 Dr. Gary Hals.

15 GARY HALS,

16 having been duly sworn, testified as follows:

17 **THE CLERK:** Thank you. Please have a seat on the
18 witness stand and state your full name for the record.

19 **THE WITNESS:** My name is Gary Hals.

20 DIRECT EXAMINATION

21 BY MS. WALKER:

22 Q. Doctor, where are you currently employed?

23 A. At the Richland Hospital.

24 Q. Where is that located?

25 A. In Columbia, South Carolina.

1 Q. And in what area of the hospital do you work?

2 A. I work in the emergency room.

3 Q. Are you, in fact, an emergency physician?

4 A. Yeah, I'm one of the attendings in the hospital there.

5 Q. And how long have you been at that particular
6 hospital?

7 A. Since 1997. About eighteen years.

8 Q. And can you tell this jury a little bit about your
9 education and training.

10 A. I went to college in Columbus, Ohio for four years and
11 then moved to Texas for medical school in Dallas for four
12 years and a residency back in Cincinnati for another four
13 years and then here since.

14 Q. And over the course of your -- of your career, have
15 you been in emergency medicine the entire time?

16 A. The entire time.

17 Q. And you said, what, eighteen years?

18 A. Eighteen years at Richland and another four years in
19 residency in Cincinnati.

20 Q. Where did you get your medical degree?

21 A. In Texas. Dallas, Texas.

22 **MS. WALKER:** Your Honor, at this point the State would
23 offer this witness as an expert in emergency medicine.

24 **THE COURT:** Any objection?

25 **MR. BAILEY:** No objection.

1 **THE COURT:** He is so qualified.

2 **MS. WALKER:** Thank you, Your Honor.

3 BY MS. WALKER:

4 Q. I want to take your attention back to July of last
5 year. Did a patient by the name of Mahogany Speech-Harris
6 come to the emergency room?

7 A. Yes.

8 Q. And do you remember how she presented to you in the
9 emergency room?

10 A. She came in by an ambulance after a shooting.

11 Q. And did you examine her?

12 A. Yes.

13 Q. And once you, I guess, did the physical examination of
14 her, can you tell the jury what you found then?

15 A. She had two to three gunshot wounds in her leg on the
16 right side. One of those was fairly high, close to the
17 hip, and another one was down near her calf and then there
18 was another wound that we weren't sure if it was part of
19 one of the other wounds or not, but two to three gunshot
20 wounds in her right leg.

21 Q. And they were all in the -- in the right leg?

22 A. Yeah, one near the top, one kind of near the calf
23 below the knee.

24 Q. And as part of your examination, are you looking for
25 the actual bullets or projectiles while you're doing the

1 physical examination of a patient?

2 A. Well, initially we're looking for anything that could
3 be life-threatening, but in the process of doing a more
4 thorough examination after those issues have been
5 addressed, sometimes we do find bullets and we would in
6 certain situations need to address their presence due to
7 the damage they may be causing like near the spine or
8 something.

9 Q. You said your initial thought process though was to
10 look for life-threatening injuries?

11 A. Correct.

12 Q. And on this particular patient, on Mahogany, were
13 there life-threatening issues -- injuries?

14 A. Well, her vital signs were good when she came in, but
15 one of the bullet wounds was close up to the -- where the
16 hip joins in the pelvis and there are large blood vessels
17 there that could cause life-threatening bleeding.

18 Q. In terms of actual bullets or projectiles found inside
19 the patient, were those located?

20 A. There was one fragment, yes.

21 Q. And where -- which one was that?

22 A. That was the one up near her hip.

23 Q. And did you remove that fragment?

24 A. We didn't in the emergency room, no.

25 Q. And why was that determination made?

1 A. I think that initially that would have taken place in
2 the operating room if it was gonna be done and so we were
3 doing the initial survey to look for things that needed to
4 be addressed at that moment.

5 Q. On a more urgent basis?

6 A. Right. In other words, is she breathing okay, is she
7 bleeding somewhere in her chest or abdomen, is there
8 something that needs to be addressed immediately versus is
9 there time to go up to the operating room if that's the
10 decision.

11 **MS. WALKER:** I beg the Court's indulgence, Your Honor.

12 Q. In terms of treating her for these injuries, what
13 treatment did she undergo while under your care?

14 A. Well, she had an IV started and fluids given. I
15 checked her breathing. I looked for, like I said, if she
16 had life-threatening injuries in the head, neck, chest,
17 abdomen, all the usual situations, and then she was turned
18 over to the trauma service and they took her upstairs.
19 From there, there were probably -- and we did x-rays of her
20 leg to look for broken bones, that kind of thing.

21 Q. In your experience, Doctor, can any gunshot wound be
22 life-threatening?

23 A. Not all of them. For example, you can be shot in your
24 foot and it's not gonna, you know, be life-threatening, but
25 the wound, the closer it is to major vessels the more risky

1 it can be.

2 Q. In this specific case, was there a life-threatening
3 gunshot injury?

4 A. Right. The one near the hip or near the pelvis would
5 have definitely been life-threatening. There's a large
6 blood vessel that travels into your leg, it's about the
7 size of my thumb, and if a bullet hits that, you usually
8 don't make it to the emergency department. You bleed to
9 death at the scene.

10 **MS. WALKER:** Thank you, Doctor. I don't have any
11 further questions.

12 **MR. BAILEY:** No questions from us, Your Honor.

13 **THE COURT:** Thank you. You may step down.

14 (Witness excused.)

15 **MS. CAMPBELL:** May it please the court?

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

17 **MS. CAMPBELL:** The State calls Rachel Grant.

18 RACHEL GRANT,

19 having been duly sworn, testified as follows:

20 **THE CLERK:** Thank you. Please have a seat on the
21 witness stand and state your full name for the record.

22 **THE WITNESS:** Rachel Grant.

23 DIRECT EXAMINATION

24 BY MS. CAMPBELL:

25 Q. Ma'am, where are you employed?

1 A. I am employed at the Richland County Sheriff's
2 Department.

3 Q. And what do you do there?

4 A. I am a DNA analyst. I work in the DNA laboratory.

5 Q. As a DNA analyst, can you tell the jury typically what
6 you do?

7 A. In the DNA laboratory, our job is to perform an
8 analysis called forensic serology, which is the
9 identification of body fluids, and also to develop DNA
10 profiles from biological material left behind at crime
11 scenes.

12 Q. Can you tell the jury a little bit about your
13 education and your training in the field of DNA analysis?

14 A. I have a bachelor's degree in biology with a chemistry
15 minor from Winthrop University. I have a master's degree
16 in forensic serology and DNA from the University of
17 Florida. Since my employment with RCSD, I've undergone
18 extensive forensic serology and DNA training. I assist
19 with the validation of new chemistries within the
20 laboratory, I assist with the quality control in the
21 laboratory. I also act as an alternate course
22 administrator and during that tenure I'm competent -- I've
23 successfully completed competencies set forth by the DNA
24 advisory board and the FBI.

25 Q. And how long have you been actually performing DNA

1 analysis?

2 A. Over seven years.

3 Q. Is your lab accredited in any way?

4 A. Yes, it is.

5 Q. And do you follow the policies and procedures set
6 forth to ensure the quality of your work?

7 A. Yes, we do.

8 Q. And have you been qualified before as an expert in DNA
9 analysis?

10 A. Yes, I have.

11 Q. And approximately how many times, do you know?

12 A. This is my eleventh time.

13 **MS. CAMPBELL:** Your Honor, at this time we'd offer her
14 as an expert in DNA analysis.

15 **MS. PINNOCK:** No objection.

16 **THE COURT:** All right. She is so qualified.

17 **THE COURT:** You may continue.

18 **MS. CAMPBELL:** Thank you, sir.

19 BY MS. CAMPBELL:

20 Q. I want to talk a little bit -- there's been evidence
21 to collecting what's known as a buccal swab in this case.
22 What's a buccal swab and why is that necessary to do DNA
23 analysis?

24 A. A buccal swab is also known as a known standard from
25 an individual and basically what that entails is a Q-tip is

1 rubbed on the inside of the mouth to collect saliva. Body
2 fluids are an excellent source of DNA, so a known buccal
3 swab is collected from an individual. That profile or DNA
4 type is developed and then can be compared to any DNA
5 profile that's collected from biological material found at
6 the scene and so it's important because if you develop a
7 profile from a scene we don't know who it is unless we have
8 a known standard DNA type or profile to compare it to.

9 Q. When you get evidence from a scene, be it clothing,
10 blood swab, things of that nature, can you tell how long
11 that DNA has been there?

12 A. No, we cannot.

13 Q. And there's also been reference to different types of
14 DNA: There's touch DNA versus DNA found in body fluids. Is
15 there a difference in the testing or the mechanism or is it
16 just how it's deposited?

17 A. Correct, there is no difference between. There are
18 other techniques out there that some laboratories do use,
19 but in our analysis it's basically the same thing; however,
20 since body fluids are an excellent source of the DNA, the
21 chances of us getting a higher concentration of DNA and a
22 better DNA profile are more likely than getting touch DNA.

23 Q. When we're talking about body fluids, you're talking
24 about crime scenes or wherever, just like when you get the
25 buccal swab, which is the known standard to use to compare

1 to, that's not part of your testing, its part of the
2 forensic part?

3 A. Correct.

4 Q. Blood, saliva, semen, all of those are good sources?

5 A. Yes, and sweat as well.

6 Q. And sweat as well. But with touch DNA, if I walk up
7 and I touch something, am I necessarily going to leave DNA
8 there just by touching?

9 A. You may or may not. It depends on several factors.
10 If you're sweating, if you're a shedder, and that just
11 basically means if you shed your epithelial cells more
12 frequently than other individuals. Also how an object is
13 handled. If it's, you know, aggressively touched or
14 touched several times versus being passively touched. And
15 then also other factors such as heat or outside, the rain,
16 moisture, all of that will affect the amount of DNA that's
17 collected.

18 Q. Okay. So that can affect your findings if you have
19 any?

20 A. Yes.

21 Q. And typically when you run DNA analysis, is it unusual
22 for you to find more than one person's DNA on a certain
23 item such as a shirt?

24 A. That's very common and what we classify those are --
25 it's called a mixture and that just means that there's more

1 than one person's DNA present in that sample.

2 Q. Okay. I want to turn your attention to this case.

3 You got known samples of buccal swabs from three different
4 sources; is that correct? Three individuals?

5 A. That is correct.

6 Q. And who were the individuals that you were actually
7 able to get known DNA samples from?

8 A. Referring to my report, I have a buccal swab from
9 Dajuan Harris, a buccal swab from Dexter Myers and a buccal
10 swab from Mahogany Speech-Harris.

11 Q. And in the submission to you for your testing, I
12 believe there were some clothing as well as a number of
13 swabs and even a piece of toilet paper?

14 A. That is correct.

15 Q. And I want to talk first about the swabs that were
16 submitted to you for your testing if we can.

17 A. Sure.

18 Q. Were there -- two swabs that were taken, I believe you
19 refer to them as Items 33 and 34?

20 A. Yes.

21 Q. Were those two swabs that were taken from a gun that
22 was in this case?

23 A. Correct. Based on the descriptions that were given,
24 yes.

25 Q. Okay. And, specifically, did it say where those two

1 swabs were from in what was submitted to you?

2 A. The only description that I have access to is in
3 Item 33 the description was swab from gun and then Item 34
4 is swab from stains from on top of gun slash cylinder.

5 Q. Okay. So one indicates it's from the top of the gun
6 and the other is from the gun?

7 A. Uh-huh.

8 Q. And in analyzing those two standards, were you able to
9 develop DNA?

10 A. You mean from those two items?

11 Q. From those two items. I'm sorry.

12 A. Yes, I was.

13 Q. And did you do any testing for the presence of blood
14 in this case?

15 A. In this case -- actually we have a technician in our
16 laboratory who does our processing and then forwards the
17 samples on to us and in this case she initially did not
18 screen Item 33, which is a swab from a gun, and how we
19 determine that is based on a visual examination. Based on
20 her notes, she documented that there was a black
21 powder-like stain on the swab. Well, under a visual
22 examination she did not screen for blood because she most
23 likely did not see it because it was masked by this black
24 powder-like stain, so initially she did not screen Item 33.
25 Item 34 was a swab with stains of the tops under glass and

1 that item she did screen for blood. So in this particular
2 case, they both were and then -- I apologize. Let me go
3 back. Once the analysis was complete and I obtained that
4 DNA profile from Item 33, and because the concentration was
5 so high, we decided to go back and screen that item for
6 blood, which is just the serology part of it to see if
7 there was any blood there, and it was positive. So
8 ultimately they both were screened presumptively for human
9 blood and they both were positive.

10 Q. And when you got those DNA samples, were you able to
11 compare them to the known samples you have?

12 A. That is correct, yes.

13 Q. And what were the results of those two items, 33 and
14 34, the two swabs from the gun?

15 A. Item 33 was a mixture, but the major contributor of
16 that mixture -- and, like I said, you can have more than
17 one person, but the main contributor, the person that had
18 the highest concentration, matched Dajuan Harris, and then
19 Item 34 matched Dexter Myers.

20 Q. Okay. And you mentioned that Item 33 was a mixture?

21 A. That is correct.

22 Q. And were you able to eliminate either Dexter Myers or
23 Ms. Harris from those as possible contributors to that
24 mixture?

25 A. Yes. Dexter Myers and Mahogany Speech-Harris were

1 excluded as contributors to that mixture.

2 Q. So in that case, there was also a third person's DNA
3 there or a second person's DNA that you were not able to
4 match to the three samples you had?

5 A. That's correct.

6 Q. Is that unusual in things that are handled on an every
7 day basis?

8 A. No, there's mixtures -- depending on how often it's
9 touched and, you know, just the time between it being
10 collected and being touched, it's not common. It's not
11 uncommon at all.

12 Q. And just to clarify, too, in this case there are many
13 people that are related that are involved in this case. Is
14 every person's DNA unique even if it's, say, brothers?

15 A. Yes. Everyone has a unique DNA with the exception
16 of identical twins; however, so -- but if you do have
17 siblings, you have what's called allele sharing and
18 basically everyone gets half of their DNA from their mom
19 and half from their dad, so siblings are gonna have a
20 combination of those same parents, so you're gonna have
21 some alleles possibly in common. So when you have a scene
22 where there's relatives involved, sometimes it's a little
23 bit hard to discern who's contributing at the time.

24 Q. But in this case, and we'll talk about it at any point
25 if you have problems with it, in this case even though

1 there were siblings involved, the DNA was unique and
2 specific to those people?

3 A. That is correct, yes.

4 Q. So there was no problem here in this case?

5 A. Correct.

6 Q. Did you also get a swab, Item Number 35, from a fired
7 cartridge casing?

8 A. Item 35?

9 Q. Uh-huh.

10 A. No DNA was extracted from that item and that's not
11 untypical as well. It just means that we tried our process
12 and nothing was there.

13 Q. Okay. So those were the three swabs you got from the
14 actual ballistics in this case. I want to move on to
15 Items 36, 37 and 38, and those were swabs from some carpet
16 areas that were marked AA, AB and AC?

17 A. Yes.

18 Q. And, again, when all this evidence is submitted to you
19 or to your department for testing, it's packaged properly
20 and everything is ensured to make sure it's done correctly?

21 A. Yes.

22 Q. And there's no evidence of tampering in the chain in
23 this case?

24 A. No.

25 Q. Okay. Moving on to those three items where there were

1 swabs taken from the crime scene from Markers AA, AB and
2 AC, what were the results of those?

3 A. So the DNA result from Items 36, 37, those are
4 mixtures. The major contributor comes back to Dajuan
5 Harris. Would you like the statistics as well?

6 Q. We can get back to those in a minute.

7 A. Okay. And then Item 38 is mixture as well and the
8 major comes back as Dajuan Harris.

9 Q. And in those were you able to make any determinations
10 as far as -- when you say major contributor versus minor
11 contributor, can you tell this jury what we're talking
12 about?

13 A. Basically in DNA analysis if you have what's called a
14 discernable mixture, which means that you can see the
15 specific contributors that are in that mixture, and that's
16 based on peak height ratio. So basically if it has a
17 discernable mixture, I can pull out a person's DNA type or
18 profile based on how strong those peaks are. If a mixture
19 is indistinguishable, it means that I can't really tell at
20 that point, then it's hard to pull out a major or minor,
21 but I can still make an inclusion or exclusion of who's in
22 that mixture or not, but I may not be able to tell who the
23 major or the minor is.

24 Q. And when we're talking about major and minor
25 contributors, it doesn't mean that one's more important,

1 it just means that both their DNA is present, just one in
2 a higher ratio?

3 A. Yes, the concentration is higher.

4 Q. Okay. The concentration. And, again, on the blood
5 from the carpets, AA, AB and AC, what were your results,
6 the major contributor on all three of those?

7 A. Yes, they matched Dajuan Harris.

8 Q. And were you able to rule in or out the other two
9 known samples you have, Dexter Myers or Ms. Speech-Harris?

10 A. Items 36 and 37, Dexter Myers and Mahogany
11 Speech-Harris are excluded. In Item 38, which is still a
12 mixture, the major still matches Dajuan Harris. The minor
13 contributor was too weak for match purposes. And that's
14 not uncommon either. It just means that there's just not
15 enough there to make a call.

16 Q. So you can see the presence of someone else's DNA,
17 just not enough to make a match?

18 A. Right.

19 Q. And you also mentioned something about the statistical
20 probabilities you assign to all of these and in this case
21 when we're taking about major contributors or matches, the
22 statistics are excluding anyone else pretty much on earth?

23 A. That is correct, yes.

24 Q. And they're numbers like one in two hundred and
25 seventy nonillion, septillion, things of that nature?

1 A. That's correct.

2 Q. So when we're talking about matches as far as major
3 contributors here, they are extremely strong?

4 A. Yes, they are.

5 Q. And would exclude -- in your opinion would match that
6 person?

7 A. Yes, it would.

8 Q. Okay. And that's gonna apply for the rest of our
9 testimony?

10 A. Yes.

11 Q. Okay. I want to go on to the clothing that you
12 actually received in this case. Did you receive, in
13 addition, Items 1, 2, 3 and 4 and 5?

14 A. Our technician did, correct.

15 Q. Your technician did. I'm sorry. And of those were
16 all those tested?

17 A. I believe so, yes.

18 Q. And starting with the piece of toilet paper, which is
19 Item Number 4 --

20 A. Yes.

21 Q. And in talking about these items, are we gonna be
22 talking about 4.1, 4.2 and subsets of this actual item --
23 or cuttings that actually were taken?

24 A. Yes. Item 4 is the piece of toilet paper and a lot
25 of times if we have something that has stains, we'll

1 take a representative sampling from that item and make
2 sub-cuttings, so 4.1, 4.2 and 4.3 are cuttings from Item 4,
3 which is the toilet paper.

4 Q. That's what I needed you to explain to them. So they
5 aren't different pieces of evidence. It's all from the
6 same piece of evidence, but different areas, say, on this
7 napkin or whatever it was; is that correct?

8 A. That's correct.

9 Q. What were the results -- taking Item Number 4 first,
10 the results of your testing as far as whether or not it was
11 blood and then whether or not you got any DNA results.

12 A. The presumptive test for blood was positive for all
13 three cuttings and Items 4.2 and 4.3 matched Dexter Myers.
14 Item 4.1 is a mixture, but the major contributor also
15 matches Dexter Myers.

16 Q. The major contributor is Dexter Myers?

17 A. That is correct.

18 Q. And so in all your items on 4.1, 4.2 and 4.3, two were
19 an absolute match to Dexter Myers alone and then the other
20 was a mixture that the major contributor was Dexter Myers?

21 A. That is correct.

22 Q. And then Item 4.1 was -- were you able to determine a
23 -- who matched the minor contributor?

24 A. No, the minor contributor was too weak for match
25 purposes.

1 Q. So all of those items matched or were a mixture
2 matching Dexter Myers?

3 A. That is correct.

4 Q. And then I believe moving on to Items 3 and 5, which
5 were some shoes and a second shirt, those were not tested,
6 were they?

7 A. They -- the Item Number 3 was for blue loafers. They
8 were screened for blood and they were negative.

9 Q. Negative. So no testing was done?

10 A. No DNA testing was done.

11 Q. Okay. And then Item Number 5, which was a blue shirt?

12 A. It was a shirt.

13 Q. A shirt. Excuse me.

14 A. And it was also screened presumptively for human blood
15 and it was negative.

16 Q. Okay. And then the last two items that were submitted
17 for your testing were two other pieces of clothing; is that
18 correct?

19 A. Yes, I believe so.

20 Q. And those were Items 1 and 2?

21 A. Yes.

22 Q. And what items were those, ma'am?

23 A. Item 1 was a polo shirt and Item 2 was a pair of
24 jeans.

25 Q. I'm gonna show you what's been marked as State's

1 Exhibit Number 219 and 220. Do you recognize those?

2 A. I do.

3 Q. And what are those?

4 A. Those -- these appear to be photographs from my case
5 jacket of the items that we processed for DNA.

6 MS. CAMPBELL: Your Honor, I'd offer them into
7 evidence.

8 MS. PINNOCK: No objection.

9 THE COURT: What were the numbers?

10 MS. CAMPBELL: I'm sorry, Your Honor. These are 219
11 and 220. They aren't on your list.

12 THE COURT: They're admitted.

13 MS. CAMPBELL: Thank you.

14 (State's Exhibit Numbers 219 and 220, photographs,
15 were admitted into evidence.)

16 BY MS. CAMPBELL:

17 Q. And, again, with clothing is it not unusual -- is it
18 unusual to actually take cuttings from different areas that
19 appear to have blood?

20 A. It's not unusual and that's how we process things.
21 If we have an item that has several different stains on it,
22 we will screen those items and take several cuttings and
23 based on how saturated the item is will determine how many
24 samples we take.

25 Q. And prior to doing any cuttings, do you do any testing

1 for the presumption of blood?

2 A. Yes, if it's positive -- or presumptive positive for
3 blood, then we'll go ahead and cut it and run it for DNA
4 analysis.

5 Q. And, just for the record, any testing you do for the
6 presence of blood, does that in any way interfere with your
7 ability to get a DNA result?

8 A. It does not.

9 Q. Can it change the DNA to look like somebody else's?

10 A. No.

11 Q. Okay. I want to show you State's Exhibit Number 219.

12 **MS. CAMPBELL:** Your Honor, may the witness step down?

13 **THE COURT:** She may.

14 (Whereupon, the witness steps down from the witness
15 stand.)

16 BY MS. CAMPBELL:

17 Q. Showing 219, and this is a series of four photographs,
18 what area of the Defendant's clothing is this showing?

19 A. This is the front outside of the shirt. As you can
20 see, it's just laid flat. It's got several stains on it
21 but we took three cuttings from the front, having 1.1,
22 1.2 and 1.3, and all three of those were positive for a
23 presumptive test for blood.

24 Q. And moving on to -- then I note that you then do the
25 back of the shirt; is that correct?

1 A. That is correct. So this is a photograph of the back
2 outside. The same kind of thing. We take a cutting from
3 up top, 1.4 and 1.5.

4 Q. And once you've determined that, that's your
5 examination of the exterior of the shirt?

6 A. Correct.

7 Q. And then is the interior of the shirt once they've
8 been cut out also looked at?

9 A. Yes, we look at everything inside out, pockets and
10 everything.

11 Q. Why is that done? Why do you look on the inside and
12 the outside?

13 A. Just because there could be evidence on the inside as
14 well.

15 Q. And in this case did you find additional areas that
16 you didn't notice on the front?

17 A. Correct. This is the front inside out. So this is
18 inside out of the front. 1.6 we took from right here.
19 That's all for that one.

20 Q. And then finally the back inside out?

21 A. The back inside out, we took a cutting right here,
22 1.7, and since there were several stains we take a
23 representative sampling. Basically we take some from the
24 front, some from the back and some from the inside as well.

25 Q. And those are the cuttings that y'all made in this

1 case?

2 A. That's correct.

3 Q. And the cuttings will actually be on the evidence
4 that's submitted?

5 A. Yes.

6 Q. Okay. And I want to move on to State's Exhibit
7 Number 220. Again, what does this show?

8 A. This is the same kind of thing with the pair of jeans,
9 so this is the front outside. So we did the cuttings. So
10 it's Item 2, so sub-cuttings is 2.1 and 2.2 and then we
11 also took a cutting 2.3, 2.4. And there's a note there
12 that says inside the pocket, so those were actually inside
13 we took the cuttings from.

14 Q. This 2.3 and 2.4 were actually on the inside of the
15 pocket?

16 A. Correct.

17 Q. And then looking at the back --

18 A. The back outside and we took a cutting, 2.5.

19 Q. And, again, the inside out front?

20 A. Inside out front, yes, which is 2.6.

21 Q. Okay. And those were the pockets?

22 A. That's correct. And the reason we didn't take a
23 picture of the inside back is because there was nothing
24 there, so we were taking photographs of things that we
25 actually see in order to take the cuttings from.

1 Q. So all of these were presumptive for blood?

2 A. Correct.

3 Q. Okay.

4 (Whereupon, the witness returns to the witness stand.)

5 Q. Once you did your testing, taking it in whatever order
6 suits you, were you able to make any determination as to
7 whose blood this was?

8 A. Yes.

9 Q. Can you tell the jury your results?

10 A. The DNA results from Items 1.5 -- I'm sorry, 1.1, 1.5,
11 2.1, 2.4 and 2.5 match Dexter Myers.

12 Q. Uh-huh. And that means that there's no mixture
13 involved. It's just his DNA and no one else's?

14 A. That's correct, his DNA alone. The DNA results from
15 items 1.2, 1.3, 1.4, 2.2, 2.3, 2.6, those are mixtures.
16 The major contributor of these mixtures match Dexter Myers.

17 Q. And what were you able to determine as to the minor
18 contributor, if anything?

19 A. The minor was too weak for match purposes.

20 Q. Okay. And, finally, Item 1.6, I believe?

21 A. Yes. Well, I'm sorry. There is a 1.7.

22 Q. I'm sorry.

23 A. DNA results from Item 1.7 is a mixture. The major is
24 also Dexter Myers.

25 Q. And were you able to make a determination as to the

1 minor?

2 A. Yes, I did. Dajuan Harris and Mahogany Speech-Harris
3 are excluded contributors to this mixture.

4 Q. So both the other samples from Mr. Harris and
5 Ms. Harris were excluded?

6 A. Correct.

7 Q. And, finally, on Item 1.6?

8 A. Item 1.6 the major contributor matches Dajuan Harris.

9 Q. And were you able to make a determination -- was it a
10 mixture?

11 A. It was a mixture.

12 Q. And were you able to make a determination as to the
13 minor contributor there?

14 A. Dexter Myers and Mahogany Speech-Harris were excluded
15 as contributors to the mixture.

16 Q. And Item 1.6 I would note from State's Exhibit 219,
17 where was that located?

18 A. That was on the inside front. So if you were to turn
19 the shirt inside out, kind of like this area.

20 Q. And how would you describe that?

21 A. It was positive for human blood, but it was very
22 faint.

23 Q. And it was on the actual inside of the shirt?

24 A. That's correct.

25 Q. And, again, can you tell how long blood or any other

1 body fluid has been there when you're doing your testing?

2 A. I cannot.

3 Q. And the white paper towel and the shirt, Number 5,
4 were two of the items that were submitted for your testing?
5 You didn't -- you didn't test them?

6 A. She was the one who processed them, but, you know, I
7 was in there. I did assist.

8 Q. You assisted?

9 A. Yes.

10 **MS. CAMPBELL:** Your Honor, at this time we'd offer 216
11 and 200 into evidence.

12 **MS. PINNOCK:** No objection, Your Honor.

13 **THE COURT:** They're admitted.

14 (State's Exhibit Number 200, a black shirt, and
15 State's Exhibit Number 216, a paper towel, were admitted
16 into evidence.)

17 **MS. CAMPBELL:** Thank you, ma'am. I don't have
18 anything further.

19 **MS. PINNOCK:** May it please the Court?

20 CROSS-EXAMINATION

21 BY MS. PINNOCK:

22 Q. Is it Dr. Grant?

23 A. Unh-unh.

24 Q. I'm sorry.

25 A. It's investigator.

1 Q. Investigator Grant.

2 A. For DNA.

3 Q. I don't have too much for you. Just a couple of
4 questions. You did say that blood was indicated on
5 Item 34?

6 A. That is correct.

7 Q. And Item 34 on -- with the description that you got,
8 was what?

9 A. It's swab from stains on top of gun slash cylinder.

10 Q. And whose profile did you develop from that?

11 A. Item 34 was Dexter Myers.

12 Q. Okay. So Dexter Myers' profile is on the top gun
13 slash cylinder swab?

14 A. Yes.

15 Q. Item 33 is -- also had blood indicated on it?

16 A. That is correct.

17 Q. And that one, the description that you got, was just
18 swab from the gun?

19 A. That's correct.

20 Q. Do you know what -- you don't know where the swab
21 actually came from on the gun?

22 A. Unh-unh.

23 Q. Nobody told you?

24 A. That's just the description.

25 Q. But Item 33, whose profile did you get off that?

1 A. Item 33 is a mixture and the major matches Dajuan
2 Harris.

3 Q. Dajuan Harris?

4 A. Uh-huh.

5 Q. So his profile is on Item 33?

6 A. That is correct.

7 Q. Now some of the minor profiles Ms. Campbell talked to
8 you about, you said obviously there's somebody there, you
9 can't say who?

10 A. Exactly.

11 Q. There's not enough to determine whether that profile
12 matches one person or the other?

13 A. Correct. And sometimes we can make an exclusion, but
14 it's still too weak for match purposes.

15 Q. Okay. But you know that somebody else was there?

16 A. That's correct.

17 Q. And you said Item 1.6 was a cutting from which shirt?

18 A. It was from the polo shirt, which is Item 1.

19 Q. It's the striped, black, gray, white and blue striped
20 shirt?

21 A. Yes.

22 Q. That is in State's 219?

23 A. Uh-huh. Yes.

24 Q. Do you know who that shirt belonged to?

25 A. I believe it was Dexter Myers' shirt.

1 Q. Yes. And is it rare for Dexter Myers' DNA to be all
2 over Dexter Myers' shirt?

3 A. No, that's --

4 Q. That's pretty common?

5 A. Yes.

6 Q. And if somebody's hand is cut badly and bleeding and
7 they're wiping it with a paper towel, is it rare to have
8 their DNA on that paper towel?

9 A. No, that would not be unusual.

10 Q. But there is one cutting that you took from Dexter's
11 shirt, Item 1.6 --

12 A. That's correct.

13 Q. -- and that was Dajuan Harris' DNA?

14 A. That is correct.

15 **MS. PINNOCK:** The beg the Court's indulgence. Thank
16 you, Your Honor. I have nothing further. Thank you.

17 **REDIRECT EXAMINATION**

18 **BY MS. CAMPBELL:**

19 Q. You did to the testing on the white piece of paper,
20 the cuttings from the white piece of paper, Item Number 1?

21 A. The toilet paper?

22 Q. Yes.

23 A. Yes.

24 **MS. CAMPBELL:** Thank you. Nothing further.

25 **THE COURT:** All right. You may step down.

1 gentlemen. As you know when we recessed yesterday, the
2 State was still in the midst of their presentation and so
3 we are going to continue with that presentation this
4 morning.

5 Ms. Walker.

6 **MS. WALKER:** Thank you, Your Honor. The State calls
7 Captain Scott McDonald.

8 SCOTT McDONALD,
9 having been duly sworn, testified as follows:

10 **THE CLERK:** Thank you. Please have a seat on the
11 witness stand and state your full name for the record.

12 **THE WITNESS:** Scott McDonald.

13 DIRECT EXAMINATION

14 BY MS. WALKER:

15 Q. Good morning, Captain.

16 A. Good morning.

17 Q. Can you tell me where you're currently employed?

18 A. Richland County Sheriff's Department.

19 Q. And how long have you been at the sheriff's
20 department?

21 A. A little over twenty-seven years now.

22 Q. And what area, I guess, of the sheriff's department
23 are you currently working in?

24 A. I'm a captain over the Major Crimes Unit.

25 Q. And as a captain over the Major Crimes Unit, can

1 you tell the jury a little bit about your duties and
2 responsibilities?

3 A. I'm taxed with the supervision and help to investigate
4 all major crimes, which we classify as robberies, assaults,
5 homicides, suicides, those types of crimes.

6 Q. In your capacity -- in that capacity, excuse me, did
7 you respond to the scene that we are here for this week?

8 A. Yes, I did.

9 Q. Can you tell the jury how you became involved with
10 this investigation?

11 A. On July 2nd of last year, I was notified somewhere
12 around 8:30, 8:25 by the desk sergeant that there was a
13 shooting on Broad River Road at the Brook Pines Apartments
14 and there were two down is the word I got, which meant two
15 subjects had been shot. As I waited for further word to
16 come in, we got investigators en route to the scene and
17 one en route to the hospital. We'd gotten word that one
18 person was being transported. A few minutes later I got
19 confirmation that one of the subjects was deceased at the
20 scene. At that time myself and Sergeant Lindler departed
21 headquarters and responded to the scene.

22 Q. And when you arrived on-scene -- do you remember what
23 time you got to the scene?

24 A. I believe it was right around 9:00.

25 Q. And when you arrived on-scene, what did you observe?

1 A. I observed crime scene tape up. Investigator Dauway
2 was there. I met with him and got briefed from him on
3 the information he had at this point. The only real
4 information he had was there were two small children
5 being attended to by a neighbor that had come from this
6 apartment. I think I had Sergeant Lindler contact our
7 victims assistance advocates to respond to the scene to
8 help with the children.

9 Q. And the -- the small children had come from the crime
10 scene?

11 A. The children had, yeah, come from the crime scene.

12 Q. Okay. At that point in time, were the victims on the
13 scene?

14 A. There was one victim in the crime scene at this point
15 and there was one at the hospital.

16 Q. And the victim that was in the crime scene, were you
17 aware of whether or not he was living or dead?

18 A. He was deceased.

19 Q. As you're -- I guess tell me what happened next.

20 A. As I was there, I was getting updates. Investigator
21 Gallegos, who I sent to the hospital, updated me that he
22 had spoken to the female that had been transported,
23 Mahogany Speech-Harris, and she relayed information to him
24 implicating who our shooter in this incident was.

25 Q. And at that point in time were the shooters -- or was

1 the shooter at the crime scene?

2 A. The shooter had departed along with his brother at
3 this point.

4 Q. Okay. And with that information did y'all begin to
5 look for certain individuals?

6 A. We began to look for Shamaray and his brother, Dexter
7 Myers, yes. There was a crime scene obviously set up.
8 There was also a perimeter being established by line units
9 and other investigators to help search for these -- these
10 two.

11 Q. After, I guess, getting the identity of the suspects,
12 what did you do next?

13 A. Realizing that the shooter in this case, Dexter Myers,
14 lived at this location, I contacted Major Smith back at
15 headquarters, told him I was gonna need a search warrant
16 for the residence, since this was his residence as well, in
17 order for us to search and process the scene. Major Smith
18 constructed the search warrant based on the information I
19 provided him. He then e-mailed that to Judge Maurer's
20 office on Broad River Road and I had Investigator Dauway
21 respond to the judge's office and meet with him and get the
22 warrant signed.

23 Q. At the point in time while, I guess, trying to make
24 the search warrant, were y'all still trying to locate the
25 suspect?

1 A. Correct. There was a perimeter that had been set up,
2 there were K-9's in the area trying to track, trying to get
3 a scent and track. We were looking for Shamaray and also
4 his brother.

5 Q. At that -- I guess you said there were K-9 units?

6 A. Yes.

7 Q. If someone is -- I guess how do the K-9's track at
8 that point?

9 A. By scent. So my understanding -- and this may have
10 been done before I got there. When I got there, the
11 perimeter had already been set up and the tracking had
12 already begun.

13 **MS. PINNOCK:** Objection, Your Honor. Calls for
14 speculation.

15 **THE COURT:** Overruled.

16 A. Typically they bring the K-9 to the -- to the scene or
17 just outside the scene and try to pick up any fresh scents
18 and then track from there.

19 Q. And were the K-9's able to pick up a scent in this
20 case?

21 A. Not that I'm aware of.

22 Q. Okay. After attempting to track the Myers brothers by
23 K-9s, what did y'all do?

24 A. While we were still gathering information awaiting the
25 search warrant to arrive, word went out on the radio that a

1 suspect was -- or a subject was fleeing on foot that had
2 been apprehended by some deputies. Sergeant Lindler
3 responded over to Green Oaks Apartments where this subject
4 was because at that time we didn't know if it was Dexter
5 Myers or Shamaray Myers. We would later learn this was
6 Shamaray Myers. Shamaray was escorted back over to the
7 area we were in. We talked with him a little bit and he
8 was agreeable to going with Sergeant Lindler to give a
9 written statement.

10 Q. Was Shamaray Myers placed under arrest?

11 A. No.

12 Q. At that point did you -- were you the investigator who
13 interviewed Shamaray Myers?

14 A. No, that was Sergeant Lindler.

15 Q. And what were you doing while Shamaray Myers was being
16 interviewed?

17 A. I was still at the scene trying to help coordinate
18 investigators and kind of keep up with the flow of
19 information as it was coming in fast and furious and
20 awaiting Investigator Dauway's arrival with the search
21 warrant. I would get notification from him a little bit
22 later that he had signed the search warrant at the judge's
23 office and was en route to the scene. I then notified the
24 CSI folks on-scene, Sergeant Richards, that the warrant had
25 been signed and they could go ahead and start processing

1 the scene and the warrant would be there momentarily.

2 Q. Did you stay there while the scene was being
3 processed?

4 A. No, once Dauway arrived with the signed search
5 warrant, I then departed and went back to headquarters.

6 Q. What was the purpose of going back to headquarters at
7 that point?

8 A. To gather further information, background information,
9 things like that, on Dexter Myers to see if he had
10 telephones and any other residences in the area, family,
11 anything like that, to try to get a little background.

12 Q. On that day were y'all able to actually locate Dexter
13 Myers?

14 A. Yes. Shortly after I arrived back at headquarters, I
15 was notified around 11:35 that Mr. Myers was in custody.
16 Investigator Truluck was with the fugitive team when he was
17 apprehended and he relayed to me that he was en route to
18 headquarters with Mr. Myers.

19 Q. And did you, in fact, speak with Mr. Myers that day?

20 A. I did. When Investigator Truluck arrived at
21 headquarters, he brought Mr. Myers to my office and I
22 assisted him with the interview of Mr. Myers.

23 Q. Can you describe for the jury how these interviews
24 take place?

25 A. He was -- Investigator Truluck brought Mr. Myers

1 into my office. My desk is there, there's a chair that I
2 sit in with a computer in front of me. Next to my desk
3 is another chair where we usually put whoever were gonna
4 interview and then another chair was brought into the
5 office for Investigator Truluck to sit in. I think in
6 this particular case Investigator Truluck sat at my chair
7 and I got into another chair. He was gonna take the
8 written statement when it got to that point. The first
9 thing we do is bring out the written advice of rights,
10 Miranda rights, and we go over that with the subject and
11 make sure he fully understands these rights before we
12 proceeded with any questions.

13 Q. I'd like to show you what's been marked as State's
14 Exhibit Number 1 and ask you if you recognize this?

15 A. Yes, I do. This is our -- Richland County Sheriff's
16 Department form, interrogation, Advisement of Rights form,
17 and it also has the Waiver of Rights at the bottom of it.

18 **MS. WALKER:** Your Honor, at this point the State seeks
19 to move Exhibit Number 1 into evidence.

20 **MS. PINNOCK:** No objection, Your Honor.

21 **THE COURT:** It's admitted.

22 (State's Exhibit Number 1, Advisement of Rights Form,
23 was admitted into evidence.)

24 **MS. WALKER:** Permission to publish, Your Honor?

25 **THE COURT:** You may.

1 BY MS. WALKER:

2 Q. Can you tell the jury the purpose of the Advice of
3 Rights and then read that Advise of Rights Form to them.

4 A. The purpose of the advice of rights is to make sure
5 that the defendant or the person we're gonna question
6 understands his rights and knows that he doesn't have to
7 talk to us and that anything he says to us can be used
8 against him in a court of law. We make that abundantly
9 clear before we begin. Some of the qualifiers, while we're
10 talking to a subject, we want to understand his educational
11 background as well, and as is indicated on the form here,
12 we learned that Mr. Myers had an Eau Clair High School
13 twelfth grade education or GED equivalent and he could read
14 and write. Sometimes we come across people who can't read
15 or write and don't understand due to a limited educational
16 background. So once we established that he had, you know,
17 an educational background where he could understand us, he
18 could read and write, we then proceeded to go forth reading
19 him the advice of rights on this form.

20 Q. And what are those rights?

21 A. Before we ask you any questions, you must understand
22 your rights. You have the right to remain silent.
23 Anything you say can be used against you in court. You
24 have the right to talk to a lawyer for advice before we ask
25 you any questions and to have a lawyer with you during any

1 questioning. If you cannot afford a lawyer, one will be
2 appointed for you before any questioning if you wish. If
3 you decide to answer questions now without a lawyer
4 present, you still have the right to stop answering at any
5 time. You also have the right to stop answering at any
6 time until you talk to a lawyer.

7 Q. And did he waive those rights and agree to speak to
8 you?

9 A. He did he. He then signed on this form right here
10 acknowledging.

11 Q. Acknowledging that he understood?

12 A. Yes.

13 Q. And then waiving those rights?

14 A. That's correct.

15 Q. When you were speaking with the Defendant, did you
16 have any concerns about his ability to understand what was
17 going on?

18 A. None whatsoever.

19 Q. Did you have any concerns about his ability to -- to
20 waive his rights to speak with you?

21 A. No.

22 Q. Did you threaten him in any way?

23 A. No.

24 Q. Did you deny him food or water?

25 A. No.

1 Q. Did you allow him to use the bathroom if he wanted to?

2 A. Yes.

3 Q. And after going over that advice of rights, did he
4 begin to, I guess, tell you all the different stories about
5 what happened that day?

6 A. Right. He initially started off totally denying any
7 involvement, any knowledge, even being present at the -- at
8 the scene. This went on for some time. He just repeated
9 over and over and over. He didn't know what we were
10 talking about. Totally denied any involvement.

11 Q. Well, let me ask you this. Before he denied even
12 being there, had y'all given him any information that y'all
13 knew about the case?

14 A. Not at this point. We sat down with him and after the
15 advice of rights, you know, we explained to him we'd like
16 to get his side of the story about what happened that
17 morning in the apartment where he was staying and that's
18 where he just went into the I don't know what you're
19 talking about, I wasn't there, I'm not involved, I didn't
20 do anything. Just repeated that over and over.

21 Q. Tell us about how y'all's conversation progressed from
22 there.

23 A. Eventually we did relay some of the facts of the
24 case to him that we knew at the time after I talked to
25 Investigator Gallegos who had talked to Mahogany

1 Speech-Harris, who was the person that was shot, at the
2 hospital. Obviously she was an eyewitness to this event.
3 She had indicated to us she was making breakfast when she
4 heard a gunshot and looked and saw Dexter with a gun in his
5 hand and then he shot her. We confronted him with this
6 fact and still he denied involvement saying he was there
7 that morning, but he had gotten up when he smelled the
8 breakfast or heard the breakfast being cooked and he left
9 the residence to go by some weed, had not returned, and
10 still didn't know anything about the shooting. That was
11 his second story he told us to us.

12 Q. Okay. And as the -- I guess as y'all's conversation
13 progressed, were y'all given more information by Mr. Myers?

14 A. Eventually he would change his story once again to
15 okay, yes, I was at the store -- I was at the apartment, I
16 was asleep in the living room, I was awakened and there was
17 a gun that was on the living room floor. He described it
18 as a dangerous gun, the hammer was cocked back and it was
19 very dangerous to handle and when it was picked up, it just
20 went off and struck Dajuan Harris and as he had it in his
21 hand it kept going off and struck Mahogany.

22 Q. How long did this conversation last?

23 A. The stories up to this part or --

24 Q. Yeah, up until that point do you know how long you had
25 been speaking to him?

1 A. We'd probably been close to an hour by this point I
2 would think.

3 Q. And is it -- I guess in your experience, is it
4 uncommon for suspects to initially deny any involvement?

5 A. No, that's very common in these cases.

6 Q. I think the last thing you said was that the gun went
7 off by itself. Was that the --

8 A. That's what he relayed to us. He said the gun would
9 just go off again and again rapidly by itself. He blamed
10 the gun for being a dangerous gun. It was very delicate
11 to handle and there was some malfunction with it where it
12 would just go off.

13 Q. Would he eventually make a request of y'all?

14 A. He did. After, you know, we continued to talk to him
15 about his statement, how it didn't make sense and trying
16 to, you know, get further information, he at one point
17 asked, you know, look, I'd like to talk to my brother to
18 make sure he's okay and if y'all will allow me to do
19 this, I'll take you to where the gun is. He had gotten
20 rid of the gun close to the crime scene and we were very
21 interested in recovering that gun, so we made those
22 arrangements.

23 Q. And did you accompany the Defendant to retrieve the
24 gun?

25 A. No, I had other matters to attend to at the time and

1 Investigator Gallegos, who was involved in the case as
2 well, went with Investigator Truluck and took him back to
3 the area and talked with his brother and he did produce --
4 showed the deputies where the gun had been tossed.

5 Q. After doing that, would they return back to
6 headquarters?

7 A. They would return. I believe they got him something
8 to eat and returned to headquarters. I was notified. I
9 met back up with Investigator Truluck a little after 3:00,
10 I believe it was, and we sat down and we talked some more
11 about, you know, trying to get to the truth of the matter
12 here and, once again, he gave us a little bit different
13 version of events at this point.

14 Q. Was this version reduced to writing?

15 A. It was.

16 Q. I want to show you what's been marked as State's
17 Exhibit Number 2 and ask if you recognize this document?

18 A. Yes, this is the statement that Investigate Truluck
19 typed up and I was a witness to.

20 **MS. WALKER:** Your Honor, the State would seek to admit
21 Number 2 into evidence.

22 **MS. PINNOCK:** No objection.

23 **THE COURT:** It's admitted.

24 (State's Exhibit Number 2, a statement, was admitted
25 into evidence.)

1 **MS. WALKER:** Permission to publish, Your Honor?

2 **THE COURT:** You may.

3 BY MS. WALKER:

4 Q. Would you please publish this version to the jury.

5 A. This statement is in question and answer format.

6 Question: Investigator Chris Truluck. Answer: Dexter L.
7 Myers.

8 Question: Do you know where you are right now?

9 Answer: Some business with the sheriff's department.

10 Question: What did you eat prior to this interview?

11 Answer: Arby's. A roast beef sandwich, curly fries
12 and a Sprite.

13 Question: How are you feeling and do you know what
14 you are doing?

15 Answer: I feel scared and nervous. Yeah, I know what
16 I'm doing.

17 Question: Please explain what occurred this morning
18 in the apartment at Brook Pines.

19 Answer: I first woke up and the gun was on the living
20 room floor. The gun is always kept on the floor when
21 someone is home or under the couch -- or is under the couch
22 when no one is there. They have the gun for protection.
23 White Boy, parentheses, Dajuan Harris, picked the gun up
24 off the floor because he thought one of the kids might get
25 it. That's what I am figuring. He never said it. When

1 he picked it up, I told him to be careful because the
2 hammer was cocked back on it. The gun is either broke or
3 something because the hammer is always back. When I told
4 him to be careful and he knew to be -- and he knew to be
5 and said yeah, yeah, right, and then put the gun back in my
6 hand. I had already gotten up and was standing up in the
7 living room. White Boy then put the gun back in my right
8 hand and as soon as it hit my hand and before he could turn
9 completely around, it went off. All I heard was White Boy
10 yell ahh, ahh and put his hands up by his head. The gun
11 then went off a few more times and my sister was hit and I
12 saw her fall to the counter -- fall onto the counter and
13 then to the ground. My brother then put his arms around
14 me and the gun fell on the floor. I don't know where Bro
15 went, but my sister was yelling. My brother started
16 yelling that I had fucked my life up. The babies were
17 crying and screaming and now everyone was screaming. I
18 then panicked and my brother picked the gun up off the
19 floor and was gonna put it in his pocket. I told him to
20 give it to me and I knew I had to get rid of it. Everyone
21 is still screaming and my brother was still freaking out.
22 I then left with the gun and was walking down Broad River
23 when I saw a CPD car coming. Once the CPD car passed me
24 and turned into Brook Pines, it dropped out of my hands, so
25 I just left it there. I then walked back to the back of

1 Brook Pines and got a girl, Shaunda, to give me a ride.
2 She was driving a black Jeep and we left and went to El
3 Cheapo's. Shaunda then drove me to [REDACTED] [REDACTED] [REDACTED] and
4 dropped me off. I bought her a pack of cigarettes for the
5 ride. As we were leaving the apartment complex, she asked
6 "What the fuck was going on?".

7 Question: Can you describe the gun that was used in
8 this incident?

9 Answer: It was black and the hammer was cocked back.
10 It was a revolver.

11 Question: Did you have an argument with White Boy or
12 your sister this morning?

13 Answer: No, sir.

14 Question: Did you intentionally shoot White Boy or
15 your sister?

16 Answer: No. All I remember, once he was shot he was
17 running all into stuff in the apartment.

18 Question: Why did you run from the scene and not call
19 for help?

20 Answer: Because I watch First 48 and I know I cannot
21 get around this. Nobody will listen to me that this was an
22 accident. I'm not playing the racist card, but I'm black.

23 Question: Was the clothing you had on when you were
24 arrested the same as you were wearing when this incident
25 occurred?

1 Answer: Yes.

2 Question: There was a blue shirt and paper towel with
3 blood on it found at Charles Street. Was that yours?

4 Answer: I used the blue shirt and the paper towel to
5 clean up the blood from the cut on my left hand. I cut my
6 hand from running through the woods.

7 Question: What were you thinking after White Boy and
8 your sister were shot?

9 Answer: I was scared. I was thinking this gun has
10 fucked my life up. I was thinking I had a career. I
11 didn't even know they were dead. I even said to God "What
12 he got me into?".

13 Question: What do you think you should happen to you
14 for this?

15 Answer: I don't think I should get off for this. My
16 family has always been dysfunctional and this gun has
17 fucked up -- has fucked my life up.

18 Question: Is there anything else you would like to
19 add to your statement?

20 Answer: That it was an accident. I don't -- I did
21 not mean to do this. I know the judge is gonna burn me.

22 Q. Was that the -- after typing up this statement, what
23 did y'all do?

24 A. I believe Investigator Truluck read it back to him to
25 make sure it was accurate before it was printed and we had

1 him sign it and we witnessed it. He was allowed to make
2 any additions or deletions at this time. He was given a
3 chance to read over it himself as well. Once he was
4 satisfied with the statement, he signed it and we witnessed
5 it.

6 Q. In addition to being involved in taking this
7 statement, was there -- were there additional tasks you
8 were asked to do as part of this investigation?

9 A. Some time after this incident I was asked to download
10 a phone that Mahogany Speech-Harris had brought into
11 headquarters. Investigator Truluck provided me the phone
12 and I downloaded it for him and provided him the
13 information from the phone.

14 Q. I want to show you State's Exhibit Number 221 and ask
15 you if you recognize that?

16 A. This is part of the phone download and it's the text
17 message portion of the download.

18 **MS. WALKER:** Your Honor, the State at this point seeks
19 to admit Exhibit Number 221 into evidence.

20 **MS. PINNOCK:** Your Honor, may we approach?

21 **THE COURT:** Yes.

22 (Proceedings held at the bench; not reported.)

23 **MS. WALKER:** State's 221 for identification purposes
24 only. I beg the Court's indulgence, Your Honor.

25 BY MS. WALKER:

1 Q. The person you talked to on July 2nd of last year who
2 gave you the versions of events that you went over with us
3 today, do you see him here in the courtroom?

4 A. I do.

5 Q. Could you point him out, please?

6 A. He's sitting between the defense attorneys over there
7 with like a light lavender shirt on.

8 **MS. WALKER:** Thank you, Your Honor. May the record
9 reflect that he's identified the Defendant?

10 **THE COURT:** It shall. Ms. Pinnock.

11 **MS. PINNOCK:** May it please the Court, Your Honor?

12 CROSS-EXAMINATION

13 BY MS. PINNOCK:

14 Q. Good morning.

15 A. Good morning.

16 Q. We have established that Dexter Myers lied to you,
17 right?

18 A. He gave several different versions, yes.

19 Q. Okay. And those were not the truth, they were lies?

20 A. Yes.

21 Q. Now when did you say you got involved in this case?
22 You got to the scene about 9:00?

23 A. I got there about 9:00 that morning.

24 Q. Okay. You requested the search warrant be obtained
25 before crime scene entered?

1 A. Correct.

2 Q. And you did not go into the scene?

3 A. No.

4 Q. At that point you did not speak to Ms. Speech-Harris?

5 A. No. I had Investigator Gallegos respond to the
6 hospital to speak with her.

7 Q. Do you know what time the arrest warrant was taken
8 out?

9 A. It had been -- it will be some time later that
10 afternoon after this last statement was taken.

11 Q. That's when it was requested?

12 A. You're talking about the search warrant or the arrest
13 warrant?

14 Q. No, the arrest warrant.

15 A. The arrest warrant would have been later that
16 afternoon after this last statement.

17 Q. Did you request it or did another investigator request
18 it?

19 A. I think Investigator Truluck. Once we were done
20 publishing this, we put Mr. Myers in the detention cell.
21 At some point after that while we were discussing the case,
22 he would have typed the warrant worksheet up.

23 Q. Okay. And you said other -- no. Again, we've
24 established that Dexter was telling you a number of
25 different things, but you asked him to consent to GSR,

1 right?

2 A. I did.

3 Q. And he consented?

4 A. Right. Upon his arrival at headquarters, one of the
5 first things we did was I summoned Investigator Polis from
6 crime scene to do a GSR, went over the GSR consent and
7 search form with him, he understood, and was cooperative
8 and agreed to it.

9 Q. Okay. He consented to DNA?

10 A. He did.

11 Q. He showed y'all where the gun was?

12 A. He did.

13 Q. He allowed you to look in his phone?

14 A. He did.

15 Q. He told you he got a ride from Roshaunda?

16 A. Right.

17 Q. And when y'all were talking to him, he told you that
18 he was scared?

19 A. He was scared and nervous, yes.

20 Q. Okay. And you've been in law enforcement
21 twenty-seven years?

22 A. That's correct.

23 Q. How long have you been with Richland County Sheriff's
24 Department?

25 A. The entire time.

1 Q. The entire time. You started out in the South
2 Carolina Criminal Justice Academy?

3 A. Yes, ma'am.

4 Q. Like everybody else who is a law enforcement officer
5 in Richland County --

6 A. Right.

7 Q. -- or in the state?

8 A. Right.

9 Q. You go through training?

10 A. Yes.

11 Q. You go through classes?

12 A. Right.

13 Q. You started out on the street?

14 A. Right.

15 Q. And then you worked your way up to investigator and
16 now you're captain?

17 A. That's correct.

18 Q. You were in charge of everybody else?

19 A. That's correct.

20 Q. Part of your training to be a law enforcement officer
21 in this state is that when you enter into a scene --

22 A. Uh-huh.

23 Q. -- or when you're in any situation, you're always
24 aware of what's going on around you, right?

25 A. Try to be aware of what's going on as best we can,

1 yeah.

2 Q. If you go somewhere and you feel as though that area
3 is not safe, you're taught that you draw your weapon. If
4 you feel threatened, you draw your weapon?

5 A. Just because I'm in a possibly unsafe area I would
6 draw my weapon?

7 Q. No. If somebody is threatening -- if you feel
8 threatened, you are obligated to pull your weapon?

9 A. If it requires lethal force. It doesn't always
10 require lethal force. You may feel threatened by someone
11 approaching you with words. You don't automatically bring
12 your gun out and draw down on some.

13 Q. Right.

14 A. If someone were to approach you with a weapon, you
15 felt your life was in danger or a citizen nearby was in
16 danger, then certainly.

17 Q. Okay. So if you feel like your life is in danger,
18 somebody else's life is in danger, you pull your weapon?

19 A. I would, yes.

20 Q. And if you are so convinced that that threat to
21 somebody's life or your own life is true and real, if you
22 are forced to pull your trigger, that's what you're
23 supposed to do to protect people's lives?

24 A. To protect either my life or that of a citizen, yes.

25 **MS. PINNOCK:** Begging the Court's indulgence. Thank

1 you, Your Honor. I have nothing further.

2 **MS. WALKER:** Thank you, Your Honor.

3 REDIRECT EXAMINATION

4 BY MS. WALKER:

5 Q. Ms. Pinnock asked you a number of questions about what
6 you do when you feel that your life has been threatened.

7 If you had to take someone's life if they were threatening
8 you, would you flee the scene?

9 A. No.

10 Q. Would you call to get them help?

11 A. Yes.

12 Q. Would you get rid of --

13 **MS. PINNOCK:** Objection. She's leading.

14 **THE COURT:** Overruled.

15 BY MS. WALKER:

16 Q. Would you get rid of the weapon you used?

17 A. No, I would -- after -- after I eliminated the threat,
18 I would stand by, request EMS, supervisors, other people to
19 come to the scene to begin the investigation as to why this
20 had happened.

21 Q. And when law enforcement asked you what happened,
22 would you tell them that you weren't there?

23 A. No.

24 **MS. WALKER:** I don't have any further questions.

25 **MS. PINNOCK:** Just briefly, Judge.

RECROSS EXAMINATION

BY MS. PINNOCK:

Q. And you -- you just said you would call other officers, other supervisors to get the investigation started, right?

A. Right. Typically another agency or -- currently our agency would investigate our own. If it was a police-involved shooting, we would begin an investigation into that aspect totally separate from the incident we were there for. It would be a completely different investigation as to what had happened. I would summon the necessary people and stay there and provide statements and cooperate any way I could.

Q. Because you're law enforcement. That's what you're supposed to do if something happens. Call somebody else in for them to investigate that?

A. Well, I would hope anyone would do that, but if law enforcement especially, yes.

MS. PINNOCK: Thank you.

THE COURT: You may step down.

(Witness excused.)

MS. CAMPBELL: May it please the Court?

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

MS. CAMPBELL: The State calls Sergeant Lindler.

CHRIS LINDLER,

1 having been duly sworn, testified as follows:

2 **THE CLERK:** Thank you. Please have a seat on the
3 witness stand and state your full name for the record.

4 **THE WITNESS:** Chris Lindler.

5 DIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q. Sergeant Lindler, where are you employed?

8 A. I'm employed at the Richland County Sheriff's
9 Department.

10 Q. What do you do there, sir?

11 A. I'm the -- one of the sergeants in the Major Crimes
12 Unit and I handle the assault portion of the Major Crimes
13 Unit, any assaults, simple assaults or criminal domestic
14 violence cases we may get.

15 Q. And how long have you been in law enforcement?

16 A. Just a little over seventeen years.

17 Q. As a sergeant in the Major Crimes Unit, what do your
18 duties include?

19 A. I assign reports. I have about seven investigators
20 that I assign assault reports to in the mornings. We
21 investigate those assaults, whether they be shootings or
22 stabbings or some type of beating, simple assault or any
23 type of case involving a husband and wife on a domestic
24 violence case. I also assist in supervising on some of
25 our murder investigations as well.

1 Q. Okay. And that's what I was getting to. You also
2 participate in some of the murder investigations?

3 A. I do.

4 Q. I'm gonna turn your attention back to July the 2nd.
5 Did you become involved in this case to some extent?

6 A. I did. I went with Captain McDonald out to the scene
7 there at Brook Pines once we were summoned.

8 Q. And when you got to the scene at Brook Pines, what did
9 you observe or what did you do?

10 A. Once we got out there, Captain McDonald would call
11 Major Smith and ask for a search warrant to be done for the
12 apartment where the incident took place. I would make
13 contact -- because of the kids that were involved, I would
14 make contact with our Victims Assistance Unit to come out
15 and help out and assist with those.

16 Q. And why is it that you needed to call someone out to
17 assist. Were these young children?

18 A. They were young children, yes.

19 Q. Why did you need to call someone out to assist with
20 the children?

21 A. Because they needed to be taken care of. They were
22 in the care of a neighbor at that point in time and they
23 needed to be taken care of.

24 Q. And did y'all take measures to make sure that the
25 children were taken care of that day?

1 A. We did.

2 Q. Were was the children's mother at this point?

3 A. She was at the hospital.

4 Q. And where was the children's father?

5 A. I believe he was deceased inside the apartment.

6 Q. What did you do next?

7 A. I assisted on the perimeter some. We were around. We
8 were -- it was an active search for the two boys that had
9 left the apartment.

10 Q. Without saying what people said to you, were y'all
11 looking for two different people?

12 A. We were looking for two different people, yes.

13 Q. And who were you looking for at that point based on
14 the information you were provided?

15 A. Dexter and Shamaray.

16 Q. And were you aware of their relation to the victims in
17 the case?

18 A. Yeah, they were brothers of the lady that was at the
19 hospital.

20 Q. What, if anything, did you do next?

21 A. I continued to assist on the perimeter. It wasn't
22 long after we were there we got the call that they had one
23 of the suspects detained at the front building to Brook
24 Pines. I happened to be close by at that point in time and
25 went around to the front of the building where they had him

1 just a few seconds after they had him detained.

2 Q. And where was this?

3 A. The front building at Brook Pines Apartments. It
4 would be right in front of the breezeway. As you turn into
5 Brook Pines Apartments, the front building faces Broad
6 River Road. In other words, the front of the building is
7 parallel to Broad River Road.

8 Q. And is this the same building where the actual murder
9 took place?

10 A. No, ma'am.

11 Q. Okay. That building is further back in the complex?

12 A. It is.

13 Q. And you said you got there within seconds of him being
14 detained?

15 A. Correct.

16 Q. And what did you observe?

17 A. He was emotional. He was wanting to know what was
18 going on. I had given -- Investigator Warren Cavanagh from
19 our fugitive team had him and I'd given him my handcuffs so
20 I could walk him back over to where we were stationed at,
21 where our vehicles were at.

22 Q. At any time when you were out there, did he get
23 tackled or dragged to the ground?

24 A. Not in front of me, no, ma'am.

25 Q. And did anyone assault him in any way?

1 A. Not that I know of.

2 Q. Law enforcement or otherwise?

3 A. Not that I know of.

4 Q. In fact, what was he doing when you first walked up?

5 A. He -- he was emotional, he was crying, and he and I
6 were actually standing face to face, we were eye to eye,
7 and I had him by the arm. I was trying to tell him to calm
8 down, we were gonna walk back over here and we were gonna
9 talk about what went on, and I asked him if he knew where
10 Dexter was at.

11 Q. Before we get to that, you mentioned that you had him
12 handcuffed at that point?

13 A. Correct.

14 Q. At that point, was his involvement or non-involvement
15 in this crime clear?

16 A. It was not clear at that point and he was handcuffed
17 for our safety as well as his.

18 Q. And how long after the actual events took place was
19 this approximately?

20 A. I'd say maybe an hour, hour and fifteen minutes maybe.

21 Q. Maybe?

22 A. (Nods head.)

23 Q. And his demeanor and his condition, was he -- how did
24 you describe him?

25 A. He was emotional. He was crying.

1 Q. And you mentioned the first thing you asked him was
2 what?

3 A. If he knew where Dexter was at.

4 Q. And what happened next?

5 A. We carried him back around from the building he was
6 at, walked him back around the back side to where our
7 vehicles were parked, which was in front of the actual
8 crime scene, outside of the crime scene. We got back over
9 there and we sat him down on the curb. He was removed from
10 his handcuffs and he was still emotionally distraught at
11 that point in time. And we had moved him back over there
12 on the curb because the TV cameras and stuff had already
13 shown up out there at this point and we didn't want him in
14 front of the TV cameras.

15 Q. Okay. And was he still upset?

16 A. He was.

17 Q. Was he still emotional?

18 A. He was.

19 Q. And what, if anything, happened?

20 A. He said "Why did my brother do this?".

21 Q. Did he say anything else?

22 A. I remember him saying "Why did my brother do this?".

23 Q. What happened next with Shamaray?

24 A. He was placed in my vehicle and then we took him back
25 over to the Region 4 Substation, which was just a -- not

1 very far from where the incident location was. We took
2 him over there to be interviewed and when we got back in
3 over there, I interviewed him in Sergeant Zalewska's
4 office. All the sergeants and lieutenants and captains of
5 the substations have their own computers and stuff with all
6 of our statement forms on them and we sat down and talked
7 once we got back over there.

8 Q. And during the course of the -- once you got him back
9 there, did anyone threaten him in any way?

10 A. No.

11 Q. Or promise him anything to make him talk?

12 A. No.

13 Q. We was he being cooperative with you at that point?

14 A. He was.

15 Q. And were you able to actually take a statement from
16 him that day?

17 A. I was.

18 Q. And tell the jury exactly how you kind of went through
19 taking the statement from Shamaray that day.

20 A. I told him we needed to know what happened, that we
21 understood that he wasn't directly involved, but he was
22 there, we needed to know his version of what happened, what
23 he saw, and that's the way we approached that statement.
24 That we needed to know exactly what went on, what he saw,
25 and what had happened during the course of the morning that

1 morning.

2 Q. And how was the statement -- was it reduced to any
3 kind of writing or how did that work?

4 A. It was typewritten on a -- on the computer and then
5 it was printed out and then it was read back to him for him
6 to sign once he agreed that everything was in there that
7 needed to be in there.

8 Q. And who actually did the typing that day?

9 A. I did.

10 Q. And who actually printed it out and read it back to
11 him?

12 A. I did.

13 Q. During the time you were with him, did he appear to
14 understand what was going on?

15 A. He did.

16 Q. Did he appear to -- was he responsive or coherent when
17 you asked him questions?

18 A. He was.

19 Q. And was he able to give you his version of what had
20 happened in the apartment that day?

21 A. He did.

22 Q. I want to show you what's been marked as State's
23 Exhibit Number 222. Do you recognize that?

24 A. I do. That's the statement I took from Shamaray.

25 Q. And that was taken on what day?

1 A. It was taken on July the 2nd, 2014, at 11 AM.

2 MS. CAMPBELL: Your Honor, at this time we'd offer
3 State's Exhibit 222 into evidence.

4 MR. BAILEY: We're gonna object, Your Honor.

5 THE COURT: Let me see y'all just a minute.

6 (Proceedings held at the bench; not reported.)

7 THE COURT: All right. Ladies and gentlemen, I've got
8 one issue I need to address outside of your presence, so
9 I'll ask you to please go to your jury room. Don't talk
10 about the case. I'll bring you back out after your break.

11 (Whereupon, the jury retires to the jury room at
12 10:28 AM.)

13 THE COURT: Ms. Pinnock, are y'all familiar with the
14 cases that Ms. Campbell has handed up?

15 MS. PINNOCK: No, Your Honor.

16 THE COURT: Would you like a few minutes to read them?

17 MS. PINNOCK: Yes, sir.

18 THE COURT: All right. We'll take a break. We'll
19 take ten minutes.

20 MS. PINNOCK: Thank you.

21 (Recess taken.)

22 BAILIFF: Remain seated. Come to order. Again, no
23 cell phones in the courtroom.

24 THE COURT: All right, Ms. Campbell.

25 MS. CAMPBELL: May it please the Court, Your Honor?

1 **BAILIFF:** The jury is seated, Your Honor.

2 **THE COURT:** Okay. All right. You may proceed.

3 **MS. CAMPBELL:** Thank you, Your Honor.

4 BY MS. CAMPBELL:

5 Q. Sergeant Lindler, you mentioned that you had reduced
6 a statement. I'm gonna show you a copy of that statement
7 redacted. Do you recognize that?

8 A. I do.

9 Q. And is that a copy of the statement you took that day
10 of Mr. Shamaray Myers?

11 A. It is.

12 Q. And once you had typed it up, did you actually read it
13 back to him?

14 A. I did..

15 Q. And was he allowed to make any changes if he wanted
16 to?

17 A. He was.

18 Q. Did he appear to understand what was going on?

19 A. He did.

20 Q. And did he agree that that's what his statement was?

21 A. Yes.

22 Q. And did he memorialize that in any way?

23 A. He did. He signed it.

24 Q. And that's his signature down here?

25 A. Yes.

1 Q. And is this your signature over here --

2 A. That is.

3 Q. -- that you witnessed it?

4 A. Yes.

5 Q. Was this person, Mr. Shamaray Myers, ever advised of
6 his rights?

7 A. No, he was not.

8 Q. Why was that, sir?

9 A. Because he was being treated as a witness.

10 Q. And ultimately is that what he ended up being?

11 A. Ultimately that is what he ended up being was a
12 witness in this case.

13 **MS. CAMPBELL:** Your Honor, at this time I'd offer
14 State's Exhibit Number 222.

15 **MR. BAILEY:** Just our previous objections.

16 **THE COURT:** All right. It's admitted over objection.

17 **MS. CAMPBELL:** Thank you, Your Honor.

18 (State's Exhibit Number 222, a statement, was admitted
19 into evidence.)

20 **MS. CAMPBELL:** Do I have permission to publish?

21 **THE COURT:** You may. I'm gonna ask you to get just a
22 little bit closer to that microphone. Not so close that it
23 distorts it, but close enough to help.

24 **THE WITNESS:** Okay. You just want to me read it from
25 the statement?

1 BY MS. CAMPBELL:

2 Q. Yes, sir.

3 A. Okay. I asked him what had happened, what happened
4 this morning in your apartment. His answer: I was asleep
5 on the floor of the apartment in the living room. I got up
6 and smelled my sister making breakfast. What happened was
7 I don't know. All of a sudden my sister started screaming
8 and her boyfriend was screaming that he was shot. The next
9 thing I know she ran across the breezeway, her kid ran
10 behind her, I picked her up. My sister's boyfriend ran to
11 the back room and he said he was okay at first and then I
12 didn't hear anything else.

13 I then asked him: Did you see your brother Dexter
14 with the gun? Yes. What happened when he had the gun? He
15 says he was looking at the gun, it was cocked back from
16 yesterday when her boyfriend was looking at it. The gun
17 just goes off. He starts yelling and was walking like he
18 didn't know what happened. He says he didn't mean to shoot
19 it. He says he didn't mean to shoot, it was cocked back,
20 it was the gun. It went off another time and he dropped
21 the gun on the floor and it goes off some more. He was
22 asking if they are all right. He looked at me and said I
23 didn't mean to do it. It was jammed. Her boyfriend was
24 fucking with the gun yesterday.

25 And then I asked him, I said whose gun is it or whose

1 gun was it? It was her boyfriend's. My brother took it
2 from him yesterday because he was about to hurt himself
3 with it. I asked him what did the gun look like. He says
4 it was silver and black, a small automatic. I then asked
5 him is there anything else that I need to know and he said
6 I don't think he had the pistol on him when he left.

7 And that was the end of his statement, which he
8 signed.

9 Q. Once he had the opportunity to review the statement
10 and had signed off that that was his story, what happened
11 with Mr. Shamaray Myers?

12 A. He was released back to family members.

13 Q. And once -- he was not detained any further?

14 A. He was not.

15 **MS. CAMPBELL:** Thank you. I don't have anything
16 further.

17 **MR. BAILEY:** May it please the Court, Your Honor?

18 **THE COURT:** Mr. Bailey.

19 CROSS-EXAMINATION

20 BY MR. BAILEY:

21 Q. Sergeant Lindler; is that right?

22 A. Yes, sir.

23 Q. Sergeant Lindler, you typed up the statement; is that
24 right?

25 A. Yes, sir.

1 Q. Okay. Did -- did Shamaray initially write out a
2 statement or did he give one orally?

3 A. He gave -- we sat and talked for a little bit and he
4 kind of told me what happened and then we put it down on
5 paper and --

6 Q. And so -- I'm sorry. Continue.

7 A. Yeah, and which I asked him just the same questions
8 over again and we get it down in typewritten form, and
9 that's just the way I like to do a statement. I like to
10 get it orally and then we go back and put it down on paper.

11 Q. Okay. So it was an oral statement --

12 A. Correct.

13 Q. -- that you typed down?

14 A. (Nods head.)

15 Q. And -- and Shamaray, he was really cooperative, he was
16 really nice?

17 A. (Nods head.) Fairly.

18 Q. A pretty nice young man?

19 A. I mean, he was still emotional.

20 Q. Right. Would it surprise you to know that he's not a
21 very strong reader?

22 A. No.

23 Q. Okay. At the time did you know that he had any mental
24 health history, problems?

25 A. I did not know that he had any mental health history.

1 Q. Okay. You talked about Shamaray being emotional.
2 That's not unheard of after a traumatic event, right?

3 A. Correct.

4 Q. Okay. And I'm not just talking about Shamaray. In
5 your experience -- how many years of experience?

6 A. A little over seventeen.

7 Q. Okay. In your seventeen years of experience, after
8 traumatic events people are nervous; is that right?

9 A. (Nods head.) Yes, and somewhat upset.

10 Q. And upset and scared sometimes?

11 A. Yes.

12 Q. And in your experience, are people that have been
13 through a traumatic event sometimes nervous when they speak
14 with police officers?

15 A. I would say so probably.

16 Q. Okay. Would you say sometimes people in lower income
17 areas or people of low income and low education are nervous
18 when they speak with police officers?

19 A. Are you asking me my opinion on that?

20 Q. Would you say -- well, first of all, you agree that
21 people are nervous talking to police officers?

22 A. I think that anybody in a traumatic experience would
23 be nervous speaking whether -- no matter what socioeconomic
24 background they come from.

25 **MR. BAILEY:** All right. Thank you. No further

1 questions right now.

2 **MS. CAMPBELL:** Just a couple of questions.

3 REDIRECT EXAMINATION

4 BY MS. CAMPBELL:

5 Q. You mentioned that people who see a traumatic event
6 they could be nervous talking to police?

7 A. Correct.

8 Q. Does that inhibit their ability to tell the truth?

9 A. It does not.

10 **MS. CAMPBELL:** Thank you.

11 **THE COURT:** You may step down.

12 **MR. BAILEY:** Actually -- I'm sorry, Your Honor. Could
13 I have a quick recross?

14 **THE COURT:** All right. Have a seat and we'll get one
15 more question from Mr. Bailey.

16 RECROSS EXAMINATION

17 BY MR. BAILEY:

18 Q. Investigator Lindler, Ms. Campbell asked you if
19 nervous people -- if their truth-telling ability is changed
20 by being nervous.

21 A. Correct.

22 Q. Are you a human lie detector machine?

23 A. I am not.

24 **MR. BAILEY:** No further questions.

25 **THE COURT:** Step down.

1 (Witness excused.)

2 **MS. WALKER:** Thank you, Your Honor. The State calls
3 Amanda Metz.

4 **AMANDA METZ,**

5 having been duly sworn, testified as follows:

6 **THE CLERK:** Thank you. Please have a seat on the
7 witness stand and state your full name for the record.

8 **THE WITNESS:** Amanda Metz, M-E-T-Z.

9 **DIRECT EXAMINATION**

10 **BY MS. WALKER:**

11 Q. Hello.

12 A. Hi.

13 Q. Can you tell the jury where you're currently employed?

14 A. I work at the Richland County Sheriff's Department in
15 the forensic sciences laboratory with the firearm and tool
16 mark section.

17 Q. Can you tell the jury what the firearm and tool mark
18 section is?

19 A. What we do in the firearm and tool mark section is
20 examine firearms and the ammunition components, as well as
21 other tools and their tool marks, and look for forensic
22 evidence and then report our findings in a report.

23 Q. And when you say tool marks, what are tool marks?

24 A. Tool marks -- the premise is that a harder object will
25 impart its mark on a softer object and so that softer

1 object with those marks, those marks are referred to as
2 tool marks.

3 Q. And can you tell the jury a little bit about your
4 training and background and education that helps -- that
5 aids you in doing your job?

6 A. Yes, I have a bachelor of arts in art history and
7 anthropology from Oakland University and a master's of
8 science in forensic archeology and international crime
9 scene investigation from Bournemouth University. In July
10 of 2011, I -- after a year and a half on the road as a
11 deputy sheriff, I was moved up to the forensic sciences
12 laboratory. At that time I began an extensive three-year
13 training program specifically for firearm and tool mark
14 identification. At that time I completed the Bureau of
15 Alcohol, Tobacco, Firearms and Explosives' National Firearm
16 Examiner Academy. I've also completed around 415 cases
17 under the direct supervision of a qualified firearm and
18 tool mark examiner and received competency in firearm
19 examination, serial number restoration and muzzle to
20 target distance determination. I am also a member of our
21 professional organization, the Association of Firearm and
22 Tool Mark Examiners, and as of August of 2014 I became a
23 qualified firearm and tool mark examiner for the State of
24 South Carolina courts, and since that time I've completed
25 66 cases as a qualified firearm and tool mark examiner.

1 Q. Have you testified as an expert before?

2 A. Yes.

3 Q. In what area have you testified as an expert?

4 A. In firearm and tool mark identification, distance
5 determination. I think that's the two areas.

6 **MS. WALKER:** Your Honor, at this point the State
7 offers this witness as an expert in firearm and tool mark
8 examination.

9 **THE COURT:** Any objection?

10 **MS. PINNOCK:** No, Your Honor.

11 **THE COURT:** She is so qualified.

12 BY MS. WALKER:

13 Q. I think you started telling the jury a little bit
14 about firearm and tool mark examination. Can you kind of
15 give them an overview of what you do in your lab?

16 A. Sure. Firearm identification is a discipline of
17 forensic science that primarily focuses on determining
18 whether a bullet, cartridge case or other ammunition
19 component was fired by a particular firearm. This
20 includes bullet to bullet examination, bullet to firearm
21 examination, cartridge case to cartridge case examination,
22 cartridge case to firearm examination, as well as we often
23 perform serial number restoration and muzzle to target
24 distance determination.

25 Q. You mentioned a couple of different things. I kind

1 of want to slow that down a little bit.. In terms of the
2 weapons that you examined, are those guns?

3 A. Firearms, yes.

4 Q. Firearms. What type of firearms do you usually come
5 into contact with?

6 A. Generally we have a lot of handguns come in that
7 incorporate both revolvers and semiautomatic pistols.

8 Q. Can you explain for the jury the difference between a
9 revolver and a semiautomatic?

10 A. A revolver would be like what you see in Old West
11 movies. They're comprised of the barrel and a cylinder
12 with multiple chambers where the chamber and the barrel
13 are separate from one another and as the trigger is pulled,
14 the cylinder will rotate and put a new unfired cartridge
15 in line with the barrel to be fired. The cartridge cases
16 from a revolver must be manually extracted and ejected,
17 which is different from a semiautomatic pistol, which is
18 what you're generally gonna see nowadays in video games
19 and movies. With a semiautomatic pistol the barrel and
20 chamber are one and with each -- it has a magazine or
21 outside ammunition source that's usually located in the
22 grip, and during cycling an unfired cartridge is place into
23 the chamber, fired and the gun extracts and ejects the
24 cartridge cases and then loads a new unfired cartridge.

25 Q. And in this case, specifically what type of firearm

1 are you dealing with?

2 A. We have a revolver.

3 Q. I want to show you what's been marked as State's
4 Exhibit 197. And it is secured. Is this the firearm that
5 you examined in this case?

6 A. Yes.

7 Q. Okay. And you said that's a revolver?

8 A. Correct.

9 Q. And you said that there are different comparisons you
10 do between bullets and that fire -- that firearm?

11 A. Correct, yes.

12 Q. Can you explain to the jury how you go about doing
13 those comparisons?

14 A. So when we receive a firearm into the lab, I will take
15 it and use our lab ammunition that is similar to the type
16 of ammunition from the case, and if it's a safe combination
17 take the firearm out to a water tank and test fire our
18 firearm into a water tank. What the tank does is it
19 allows me to receive standards for bullets and cartridge
20 cases to compare back to evidence bullets and cartridge
21 cases. The water tank allows the bullet to be captured
22 without imparting any other marks on it. From there I will
23 take my known standards and put them under a comparison
24 microscope, which is two microscopes combined by an ocular
25 bridge, so it allows me to view two separate items under

1 the same lighting and magnification sort of side by side.

2 Q. When you say cartridge cases and bullets, can you tell
3 the jury the difference between a cartridge case and a
4 bullet?

5 A. Sure. So ammunition, better known as a cartridge,
6 is unfired and it's the complete cartridge and it has
7 the cartridge case, the bullet, the projectile. The
8 propellant is housed inside the cartridge case, and then
9 it also has a primer, and those are what make up the
10 unfired cartridge. What she's displayed for you is known
11 as the cartridge case, which occurs after firing the
12 bullet, and the cartridge case becomes separated.

13 Q. So is the bullet ejected from the gun and the
14 cartridge case remains in the gun with a revolver?

15 A. With a revolver, yes, it will remain in the cylinder,
16 which is this part of the firearm. And so during firing
17 the -- the cartridge has a primer, which during firing when
18 the firing pin strikes the primer it will ignite -- or it
19 will combust and ignite the propellant, the gunpowder,
20 which will combust and turn from a solid into a gas, which
21 takes up far more room than the solid does and expands at
22 such a large rate that that gas has to go somewhere, so
23 that forces the bullet down the barrel and out the muzzle
24 of the firearm while also expanding the cartridge case,
25 which in this case will remain inside the firearm.

1 Q. And how many, I guess, bullets does this firearm hold?

2 A. Cartridges, unfired cartridges, it holds six. There
3 are six chambers in this cylinder.

4 Q. And how many cartridge casings did you examine?

5 A. Well, I visually examined six cartridge cases;
6 however, I did not do a microscopic comparison of them due
7 to that they were extracted from the firearm by, I believe,
8 one of our crime scene techs, so we don't do microscopic
9 comparisons for revolvers when the cartridge cases are
10 found inside the firearm.

11 Q. Because you know where they came from?

12 A. Correct.

13 Q. What comparisons did you do in this case?

14 A. I did bullet to firearm microscopic examinations.

15 Q. And, I guess, the bullet is the part that's ejected?

16 A. Correct. Yes.

17 Q. And what were your findings in doing the bullet to
18 firearm comparison?

19 A. So my Item Numbers 39, 42 and 43 -- or, I'm sorry, 39,
20 40, 42 and 43, all ID'd back to this firearm, your State's
21 Item 197.

22 Q. And how were you able to ID different bullets back to
23 this firearm?

24 A. When a firearm is manufactured, it goes through a
25 series of manufacturing processes that leave microscopic

1 imperfections in the form of nicks, burrs and cuts.
2 These, in the case of bullets, are when the firearm is
3 manufactured the barrel is manufactured with what's known
4 as rifling. It's cuts and grooves that go in a spiral
5 pattern. It sort of resembles -- puts a spin on a bullet
6 like when a football player throws a football, and so that
7 improves the accuracy much like a quarterback when he
8 throws the football, he imparts a spin on it. This rifling
9 is made by the manufacturer and in that process of either
10 being formed or cut into the barrel the microscopic
11 imperfections are imparted into that barrel as well as
12 normal use and abuse impart their own microscopic
13 imperfections. So when I test fire this firearm and I get
14 my known standards, meaning I get my bullets from this gun
15 that I know come from this firearm, I will then take our
16 evidence bullets and our known standards and put them under
17 microscopic comparison and I'm looking for those
18 microscopic imperfections that in the rifling form
19 striations or scratches and they have a pattern that's
20 unique to this firearm sort of like a fingerprint and
21 that's how I do my comparison.

22 Q. And which items numbers did you say you were able to
23 match to that revolver?

24 A. Items 39, 40, 42 and 43.

25 Q. And are these those items?

1 A. Do you have scissors and gloves, please?

2 Q. Yes.

3 A. Yes, these are Items 39, 40, 42 and 43.

4 Q. And when you receive those items, do you know where
5 they've come from? Is there a way to label -- that the
6 sheriff's department labels those?

7 A. They come in with -- so our system labels them and
8 that's how whoever turned them in had labeled them. So
9 Item 42 and 43 are labeled projectile abdomen and 43 is
10 labeled projectile left arm and Item 39 and 40 are labeled
11 -- 39 is projectile exterior second floor and Item 40 is
12 labeled projectile kitchen floor.

13 Q. Thank you. Did you test the gun to see if it was
14 working properly?

15 A. I did, yes.

16 Q. And how did you do that?

17 A. Every firearm we get we test to make sure that it
18 functions properly for a record and obviously for our
19 safety. So when we get it, we check for safety devices, we
20 check that it's functioning as we would expect it before
21 even putting unfired ammunition in it. We will then take
22 it out -- when we take it out to our water tank, we test
23 fire it and during that time we're also trying to see if it
24 functions properly as far as when I pull the trigger. Does
25 it fire and does it fire the way I would expect it to? Do

1 I have any misfires? Do I have any unexplained occurrences
2 during tests fires?

3 Q. And what were the results of test firing that gun to
4 see if it's working properly?

5 A. Well, in this case when the correct ammunition was
6 used -- because in this case five of the six cartridges
7 were the incorrect caliber for this firearm. So this
8 firearm is a .32 Smith & Wesson long caliber revolver and
9 what was used were five .32 auto caliber cartridges and one
10 correct .32 Smith & Wesson long caliber cartridge. When
11 the correct ammunition is used, it fires as designed and
12 functions as designed. When you use the incorrect caliber,
13 I had one misfire, meaning I pulled the trigger and the gun
14 went "click" instead of "bang".

15 Q. Okay. At any point when you were just holding the
16 gun, did it just start shooting?

17 A. No.

18 Q. So when you say a misfire, I guess for my
19 clarification, is the gun more likely if you pull the
20 trigger to not -- to not shoot or eject a bullet?

21 A. So, yes. When I talk about a misfire, it means I
22 fully depressed the trigger and the hammer has moved
23 forward, the firing pin has also moved forward, but it
24 strikes either nothing or it's a light firing pin strike
25 on the primer and so the primer is not detonated.

1 Q. And in addition to the shell casings, the projectiles
2 and the gun, were there additional items submitted to you
3 for testing?

4 A. There were. And I also received one blue shirt.

5 Q. And did you know whose shirt that was?

6 A. I believe it was the victim's shirt.

7 Q. Okay.

8 A. I'd have to check my notes. Actually, I'm sorry. I
9 don't know whose shirt it was. It just says one men's
10 extra large dark blue shirt, 100 percent cotton, Midlands
11 Technical College.

12 Q. Okay. Did you have an item number for that?

13 A. I do it's. Item 57.

14 Q. Okay. And it's a blue shirt that says what?

15 A. Midlands Technical College.

16 Q. And what did you do in order to examine that shirt?

17 A. We sometimes receive clothing for muzzle to target
18 distance testing. The request in this case, I believe, was
19 to check for stippling or burns. I believe their question
20 was whether or not the projectile defect was at close
21 range.

22 Q. When you say stippling or burns, can you tell the jury
23 what those two items mean and their possible condition?

24 A. When a firearm is fired and the bullet goes out the
25 muzzle of the firearm, that's not the only thing that

1 comes out. The burning gunpowder and partially burned
2 and unburned gunpowder that's being converted into gas
3 also is expelled from the muzzle of the firearm and it
4 kind of creates this tear-shaped cloud. When the target
5 is very close to the firearm, you get stippling, which is
6 that unburned or partially burned gunpowder which embeds
7 itself into the target. So if it was, for instance, skin,
8 you're gonna get what looks like little black dots on your
9 skin. When you talk about burns, that gas is very hot,
10 it's burning at an enormous rate and it's very hot, and so
11 when the target is clothing what we mean by burns is we're
12 looking for like sort of a melting of the fabric depending
13 on what sort of fabric it is.

14 Q. In determining whether or not stippling is present on
15 an item of clothing or not, what does that tell you about
16 that?

17 A. Well, stippling is technically talking about --
18 again, what I would be looking for on clothing is gonna be
19 what we call stellate tearing, sort of in the shape of a
20 star, so if it's on fabric it tears the hole instead of
21 making a nice neat hole. We're also looking for burning
22 and singeing of fibers, and that's specifically for
23 clothing. We're also looking for sooting and bullet wipe
24 which all come from the firing process.

25 Q. And it was a blue Midlands Technical College T-shirt?

1 A. Yes.

2 Q. Okay. And what did you find on this shirt?

3 A. I found one defect that was located on the back of the
4 shirt approximately twelve inches up from the bottom of the
5 seam and approximately ten inches in from the right side
6 fold.

7 Q. And this is the back of the shirt?

8 A. Yes.

9 Q. Okay. And what information did you have about -- or
10 what were you able to determine about that defect?

11 A. This particular defect -- since I was asked to look
12 for burning and stippling, I was able to determine that --
13 that the defect was not visually consistent with contact or
14 near contact wound shot, meaning it wasn't pressed in, it
15 wasn't loosely contacting it, nor was it within a half inch
16 of that.

17 Q. When you say "it" wasn't pressed in, what do you mean?

18 A. The firearm.

19 Q. When that defect was made?

20 A. Correct, yes.

21 Q. Are you familiar with the term "hair trigger"?

22 A. Yes.

23 Q. What is a hair trigger?

24 A. A hair trigger is what's termed as a very light
25 trigger pull, meaning that it can go off with a very light

1 touch. I'm not really quite sure where the term comes
2 from, but it essentially means that the trigger is so light
3 that you can barely touch it and the firearm will fire.

4 Q. And did this gun have a hair trigger?

5 A. It did not.

6 Q. What is trigger pull?

7 A. Trigger pull is the amount of force it takes to fully
8 depress the trigger rearward. So, for instance, if you
9 were to hold a firearm straight up and take a string and
10 hang a bag of -- a pound of sugar off there, you would have
11 to keep adding a pound of sugar, a pound of sugar, a pound
12 of sugar until it fully depresses the trigger and the
13 hammer falls forward.

14 Q. Were you able to determine the trigger pull of this
15 weapon?

16 A. I was. This firearm actually functions in two
17 different functions. It's single action and double action.
18 Single action means that when the -- the trigger only has
19 one function, which is to release the hammer and the hammer
20 falls forward. That requires the shooter to pull the
21 hammer rearward and the trigger only does one action, which
22 is to release the hammer. This one also has double action
23 where the trigger pull has two actions, which is to move
24 the hammer rearward as well as release it and move it
25 forward, and so I have to test the trigger pull in both of

1 those actions.

2 Q. And was the trigger pull normal, I guess?

3 A. Yes, they were both within normal manufacturing range.

4 Q. In terms of safeties on a gun to ensure that they
5 don't fire accidentally, how does the safety on this gun
6 work?

7 A. There are actually two safeties on this firearm. One
8 of the safeties is this little notch back here, which is
9 known as a trigger safety. That means that until that
10 safety is depressed by the trigger, the movement of the
11 trigger fully rearward, that the trigger and the hammer are
12 not connected, the trigger is not connected to the sear,
13 which is what releases the hammer to move forward. Another
14 safety in here is this little shiny piece of metal, which
15 is known as a transfer bar. What the transfer bar does in
16 this situation is that unless the transfer bar is here --

17 Q. Will you hold it up just a little bit so that
18 everybody on the jury can see?

19 A. (Witness complies.)

20 Q. Which one is the transfer bar?

21 A. This silver part in here is the transfer bar, so what
22 this does is -- actually that's what strikes the firing
23 pin. If this transfer bar was not here, the firearm cannot
24 fire. The hammer does not fall and hit the firing pin.
25 The hammer falls, hits the transfer bar, which hits the

1 firing pin. So in this case you'd have to fully move your
2 trigger rearward, depress the trigger safety, which would
3 move the hammer forward, which would have to hit the
4 transfer bar, which then strikes the firing pin, which
5 would then fire your unfired cartridge.

6 Q. Even if there is incorrect ammunition in that gun,
7 will the mechanism still work and fire that projectile?

8 A. Regardless of ammunition, this firearm will function
9 as long as all the pieces are in here; however, with
10 incorrect ammunition, this incorrect ammunition, the .32
11 auto, there's differences in ammunition that -- that allow
12 -- the .32 auto actually sits a little more into the
13 chamber and further away from the firing pin which is what
14 happened with -- more than likely what happened when I was
15 doing my test firing and received a misfire. It was too
16 far away from the firing pin for the firing pin to fully
17 strike the primer and fire the cartridge.

18 Q. But you were able to shoot?

19 A. Yes. Yes, this firearm functions as designed. The
20 trigger safety works properly, the transfer bar works
21 properly.

22 Q. And you talked about the pounds of sugar in terms of
23 the trigger pull?

24 A. Yes.

25 Q. What is the -- okay. What's the trigger pull on this

1 gun?

2 A. So I did twelve tests both in single action and twelve
3 tests in double action. I got a minimum of four and a half
4 pounds and a maximum -- I'm sorry, a minimum of four and a
5 quarter pounds and a maximum of four and a half for single
6 action, which, again, is within the manufacturing range for
7 a normal single action trigger pull, and for double action
8 it takes fifteen and a half pounds at a minimum to sixteen
9 and three-quarter pounds for the double action trigger
10 pull, which, again, is within manufacturing range.

11 Q. And I'm sorry to jump around, but I have one more
12 question about the blue shirt that you examined. Was there
13 any gunpowder on the shirt at all?

14 A. There was not.

15 Q. And, finally, you said the gun was in good working
16 order?

17 A. Correct, yes.

18 Q. If the gun, let's say, falls on the floor, will it
19 just shoot by itself more rounds?

20 A. When I did a function test on this firearm, I did
21 what's normally known as a hammer push off, so I will cock
22 the firearm, move the fire -- or the hammer rearward and
23 try to push it as hard as I can forward. All that's
24 holding the hammer rearward is a notch called a sear. If
25 anything was wrong functionally with this firearm, if that

1 sear was more me pushing it, would move that hammer forward
2 and I would know that there was something wrong with it.
3 To determine whether or not it would fire when dropped, I'd
4 have to do a drop test, which was not requested, so I did
5 not do that testing. But the testing I did this firearm
6 functions as designed and there are no defects with it
7 other than the grips are loose.

8 Q. The grips are loose, but other than that there were no
9 defects found?

10 A. Correct.

11 **MS. WALKER:** I beg the Court's indulgence, Your Honor.

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

13 BY MS. WALKER:

14 Q. In terms of -- in what position must the trigger on
15 this gun be in order for the gun to fire?

16 A. In order for this gun to fire, you must fully depress
17 the trigger fully rearward because it has to engage that
18 trigger safety which would then also release the sear of
19 the hammer and the hammer would fall forward.

20 Q. And would that gun fire the automatic ammunition that
21 was found inside the gun?

22 A. It will fire it, but, like I said, I had an issue with
23 that. I had one misfire when firing the .32 auto.

24 Q. And by misfire, that means that you pulled the trigger
25 and nothing happened?

1 A. Correct. Well, no. I'm sorry. Not nothing happened.
2 The hammer fell and it struck the transfer bar, which hit
3 the firing pin. So the firing pin went forward. It just
4 didn't strike the primer hard enough to fire that
5 cartridge.

6 Q. I guess, when you pulled it, there's -- no bullet came
7 out of the gun?

8 A. Right. It went "click", instead of "bang".

9 MS. WALKER: Okay. Thank you no further questions.

10 THE COURT: Ms. Pinnock.

11 MS. PINNOCK: May it please the Court, Your Honor?

12 CROSS-EXAMINATION

13 BY MS. PINNOCK:

14 Q. When you pulled the trigger, you said it went "click"
15 instead of "bang"?

16 A. Yes.

17 Q. But the gun could have gone "bang"?

18 A. Yes, it can and it did. I did three .32 auto. Two of
19 them fired fine, one went "click".

20 Q. Okay.

21 A. Within my distance testing, we, I think, had two
22 misfires with the .32 auto where it went "click", not
23 "bang".

24 Q. But there's nothing stopping this gun from firing?

25 A. The correct ammunition, yes.

1 Q. There was -- you mentioned a hair trigger. You said
2 hair triggers -- you don't know where the name came, but
3 pretty much for somebody who's not a gun expert you touch
4 it and it goes off?

5 A. Well --

6 Q. Or you can like barely touch it and the gun is firing?

7 A. Yes.

8 Q. A very, very, very light touch?

9 A. Correct.

10 Q. Okay. Do you know what is, I guess, the amount of
11 pressure necessary or how law enforcement guns are
12 designed? What's the amount of pressure needed to --

13 A. Well, that's gonna be a completely different firearm
14 than what we have here. That's actually gonna be a
15 semiautomatic pistol and that's -- and all of these
16 firearms are designed by the manufacturer to have a certain
17 trigger pull lead, so I would have to test a certain
18 firearm and that's not what I -- the information I have.

19 Q. How do you test it? Are you hanging things on it?

20 A. Yes. We have trigger weights. We have a trigger
21 weight set that is essentially like what I described to you
22 minus the sugar. They're actually calibrated weights --
23 or, I'm sorry, they're not calibrated, they're just weights
24 that are specific weights. I hold the gun pointing toward
25 the sky and I put the weight on there and I slowly lift the

1 firearm towards the sky, towards the ceiling. I keep
2 adding weights until it clicks. I will then continue to
3 try that certain weight to see if it will continue to click
4 or if I need to add more weight, less weight to get my
5 trigger pull range.

6 Q. But the range on this gun is within what you would
7 expect for the make and model?

8 A. Yes. We have a database that gives us -- if we put
9 in a certain manufacturer model and caliber, it will give
10 us the manufacturer range or the -- what other qualified
11 firearm and tool mark examiners have determined to be the
12 range for this firearm.

13 Q. And the range -- even on the higher end of the range,
14 it doesn't mean that this gun is created to stop somebody
15 from shooting it. You can pull the trigger on this gun,
16 correct?

17 A. Yes. Yes, the idea is to -- for the person who owns
18 it to be able to shoot it.

19 Q. Okay.

20 A. (Handing.)

21 Q. Thank you. Now you -- again, this is a revolver?

22 A. Correct. Yes.

23 **THE COURT:** Even though we know it's not loaded,
24 please don't point the firearm at a juror.

25 **MS. PINNOCK:** Your Honor, I am so sorry.

1 A. I had the trigger -- I had the hammer rearward, so if
2 you just touched the trigger -- or it wasn't fully rearward
3 actually because there's a zip tie in the way, so it was
4 not --

5 Q. I'm sorry.

6 A. That was me trying to show them the transfer bar, so I
7 didn't have it uncocked for you.

8 Q. All right. Well, what I was going to ask, this is a
9 revolver so there is a barrel?

10 A. Yes, the barrel is -

11 Q. This part?

12 A. No, that's the cylinder.

13 Q. I'm sorry, the cylinder.

14 A. Yes.

15 Q. Bullets go in here?

16 A. A cartridge.

17 Q. Cartridge. There is a distance -- there's a spacing
18 between the barrel and the rest of the gun?

19 A. Correct, yes. So every firearm manufacturer has to
20 make their firearm with a certain head space, which means
21 it's gonna be the distance between -- in this case, it's
22 gonna be the distance between the breech face of the gun
23 where the firing pin comes out and the cylinder. That
24 allows you to be able to close the cylinder fully, but also
25 still allow for the firing pin to strike the primer on the

1 unfired cartridges.

2 Q. And it also gives it room to rotate?

3 A. That's what the cylinder gap is for, yes.

4 Q. And the gap -- I mean, that's just empty space. And
5 you mentioned when -- when the hammer hits the primer of
6 the bullet -- cartridge --

7 A. When the firing pin strikes the primer. It's okay.
8 That's why it was a three-year training program.

9 Q. When that makes contact, there is some sort of -- I
10 guess we'll call it mini explosion.

11 A. It ignites, like a fire, yes. It ignites the solid
12 which turns into a gas.

13 Q. And that gas expands in the area and it has to be
14 expelled somewhere. It's going to go?

15 A. Correct. Yes.

16 Q. Okay. And that's when the projectile goes out of the
17 barrel?

18 A. Yes, down and out of the barrel.

19 Q. The powder and gas go wherever they can?

20 A. Yes. So the gunpowder and the gases that are burning,
21 they come out of, in this case, the muzzle as well as some
22 will come out the cylinder gap.

23 Q. Some will come out the cylinder gap?

24 A. Correct.

25 Q. Okay. Now I didn't know much about any of this or,

1 you know, revolvers at all because you don't see them
2 often.

3 A. Yes.

4 Q. So it's not the case that you can't fire this weapon
5 without pulling the hammer back?

6 A. You cannot -- you cannot fire this weapon without
7 fully depressing the trigger.

8 Q. And that's pulling?

9 A. Correct. Yes. You can fire it without you having to
10 pull the hammer back because it's also -- it's a double
11 action as well as a single action, but to do that you have
12 to fully depress the trigger all the way to the rear.

13 Q. Okay. And also not knowing anything about revolvers,
14 you said there's safeties on it?

15 A. Yes. There are two safeties.

16 Q. Two safeties?

17 A. Correct.

18 Q. Somebody who has no knowledge or no education in guns
19 wouldn't even know there were safeties on the gun; is that
20 fair?

21 A. Yes. Correct.

22 **MS. PINNOCK:** Begging the Court's indulgence. Thank
23 you. I have no further questions. Thank you.

24 **MS. WALKER:** Nothing from the State, Your Honor.

25 **THE COURT:** You may step down.

1 (Witness excused.)

2 **THE COURT:** Ms. Walker.

3 **MS. WALKER:** Your Honor, the State calls Mahogany
4 Harris to the stand.

5 **MS. PINNOCK:** Your Honor, we have a matter of law --
6 or if we could approach.

7 **THE COURT:** Okay.

8 (Proceedings held at the bench; not reported.)

9 **MS. WALKER:** Ms. Harris.

10 **THE COURT:** Ms. Harris, you've previously been placed
11 under oath. You're still under oath for the purposes of
12 these questions.

13 MAHOGANY SPEECH-HARRIS,
14 having been previously sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. WALKER:

17 Q. Ms. Harris, some point after July 2nd of 2014 did you
18 go through your cell phone?

19 A. Yes, ma'am.

20 Q. And after going through your cell phone, what did you
21 do?

22 A. I called the detective.

23 Q. Okay. Was there a particular text message that caught
24 your attention?

25 A. Yes, ma'am.

1 Q. I want to show you what's marked as State's Exhibit
2 Number 223 and ask if you recognize that?

3 A. Yes, ma'am.

4 Q. Was this text message sent to your phone?

5 A. Yes, ma'am.

6 Q. And from whom did you receive this message?

7 A. From Dajuan.

8 Q. Dajuan Harris?

9 A. Yes, ma'am.

10 **MS. WALKER:** Your Honor, at this point the State would
11 seek to move Exhibit Number 223 into evidence.

12 **MS. PINNOCK:** Your Honor, we would object.

13 **THE COURT:** Overruled.

14 (State's Exhibit Number 223, a text message, was
15 admitted into evidence.)

16 **MS. WALKER:** Permission to publish, Your Honor?

17 **THE COURT:** You may.

18 BY MS. WALKER:

19 Q. And what did your husband tell you in that text
20 message?

21 A. I have to read it?

22 Q. Yes.

23 A. Where you at? Your brothers around there talking a
24 whole lot of shit. Like they said they going to burn me
25 and the kids. I think they trying to buy a gun because I

1 heard them talking about it. And good luck.

2 Q. This is the text message you pointed out to law
3 enforcement?

4 A. Yes, ma'am.

5 **MS. WALKER:** Thank you. I don't have any further
6 questions.

7 **MS. PINNOCK:** May it please the court, Your Honor?

8 CROSS-EXAMINATION

9 BY MS. PINNOCK:

10 Q. Ms. Harris, what's the date on this text message?

11 A. March 21st.

12 Q. March 21, 2014?

13 A. Uh-huh.

14 Q. You did not call the police on March 21, 2014, to talk
15 about a gun in your house, right?

16 A. No, I didn't.

17 Q. You didn't call anybody --

18 **MS. WALKER:** Your Honor, objection. We have a matter
19 of law.

20 **THE COURT:** Y'all come up.

21 (Proceedings held at the bench; not reported.)

22 **THE COURT:** You may continue.

23 **MS. PINNOCK:** Thank you, Your Honor.

24 BY MS. PINNOCK:

25 Q. March 2014 you didn't call anybody saying there was a

1 gun in your house?

2 A. No, but I confronted him as soon as I got home because
3 I was -- I was at an interview. That's why he told me good
4 luck and --

5 Q. Good luck. Right. And what did you say?

6 **MS. WALKER:** Your Honor, she --

7 A. When I got home, I confront him.

8 Q. When you got home you confronted him?

9 A. Uh-huh.

10 Q. And that was the end of it, right?

11 A. Yeah, because -- yeah, that was the end of it.

12 Q. Okay. That was the end of it.

13 A. I went crazy pretty much and I started throwing their
14 stuff and said you had to go. They told me they didn't
15 have any money to move, so I told them they had until July.

16 Q. Okay. So you confronted them, you started throwing
17 their stuff around and you told them they --

18 A. Told them they had to go, yes.

19 Q. And that started in March?

20 A. Uh-huh.

21 **MS. PINNOCK:** All right. Thank you.

22 **MS. WALKER:** I don't have any questions, Your Honor.

23 **THE COURT:** You may step down.

24 (Witness excused.)

25 **MS. CAMPBELL:** May it please the Court? The State

1 calls Investigator Justin Britt.

2 JUSTIN BRITT,

3 having been duly sworn, testified as follows:

4 **THE CLERK:** Thank you. Please have a seat on the
5 witness stand and state your full name for the record.

6 **THE WITNESS:** My name is Justin Britt.

7 DIRECT EXAMINATION

8 BY MS. CAMPBELL:

9 Q. Investor Britt, where are you employed?

10 A. Richland County Sheriff's Department.

11 Q. And what do you do there, sir?

12 A. I'm an investigator on the Fugitive Task Force.

13 Q. As an investigator on the Fugitive Task Force, what do
14 your duties include?

15 A. To locate and apprehend suspects who's on the run.

16 Q. Okay. I want to turn your attention back to July
17 the 2nd of 2014. Did you end up getting called out and
18 ended up at a residence on Charles Street?

19 A. Yes, ma'am.

20 Q. And how did you end up at that residence? You can't
21 say what was said to you, but was it in response to
22 information that was provided to you?

23 A. Yes, ma'am.

24 Q. And when you got to the residence on Charles Street,
25 did you meet up with any other investigators?

1 A. The Fugitive Task Force was there, Investigator
2 Truluck. We -- we went to the house.

3 Q. Okay. And this was, I believe, at [REDACTED]
4 [REDACTED]?

5 A. That's correct.

6 Q. And when you got there, did you make contact with a
7 person -- you can't say what he said, but who claimed to
8 have knowledge as far as Dexter Myers was concerned?

9 A. That's accurate.

10 Q. Once you had talked to that person, what, if anything,
11 did y'all do at the [REDACTED] [REDACTED] [REDACTED] address?

12 A. Well, first we -- we surrounded the house and
13 attempted to make contact, knocked on the door. A few
14 seconds after knocking on the door, the door was opened
15 and then slammed shut in my face.

16 Q. Okay.

17 A. So -- so then I knocked again, told them this is
18 Richland County Sheriff's Department, and a male subject
19 opened the door and when he opened the door I could see the
20 Defendant in the living room, which was the target that we
21 were looking for.

22 Q. Okay. Did you notice anything about the Defendant's
23 appearance when you saw him?

24 A. Yes, ma'am. He -- I could -- I could visually see
25 what I believed to be blood on his clothing from, you

1 know, seeing him just in the living room from the door.

2 Q. And at that point was Mr. Dexter Myers taken into
3 custody?

4 A. He was.

5 Q. And was that uneventful as far as --

6 A. Yes, ma'am.

7 Q. And once he was taken into custody, was he then
8 transported down anywhere?

9 A. He was -- he was transported to Richland County
10 Sheriff's Department.

11 Q. And who all transported Mr. Myers?

12 A. Myself and Investigator Truluck.

13 Q. How -- in what mode was he transported to
14 headquarters?

15 A. He was transported in the front seat of Investigator's
16 Truluck's vehicle and for officer safety purposes, I sat in
17 the back seat behind him.

18 Q. And were you present -- after he was placed in the
19 car and y'all started to go towards headquarters, were you
20 present when he was actually advised of his rights?

21 A. I was.

22 Q. And who was actually advising Mr. Myers of his rights
23 that day?

24 A. Investigator Truluck.

25 Q. Did the Defendant seem to understand his rights?

1 A. He did.

2 Q. Did he agree to talk to y'all at that time?

3 A. He did.

4 Q. Were you also present -- you can't say what
5 Investigator Truluck said, but did he explain some of the
6 information and evidence that he had at that point?

7 A. He did.

8 Q. And in response that, did Dexter Myers say anything?

9 A. Yes. He said that he didn't know what -- he didn't
10 know what Investigator Truluck was talking about, he didn't
11 know -- he didn't know anything about it, he wasn't there,
12 and then Investigator Truluck said, you know, are you gonna
13 make this right with your family, by your family, they're
14 owed explanation, and he said "I don't have any love for
15 Mahogany" and "I am God".

16 Q. And did he stick to his story while you were with him
17 as far as whether or not he knew -- that he was not there
18 and that he didn't know what they were talking about?

19 A. Yes, ma'am.

20 Q. Once y'all got to headquarters, what happened with
21 Mr. Dexter Myers?

22 A. He went inside with Investigator Truluck and one of my
23 team members came and picked me up.

24 Q. And was that the extent of your involvement as far as
25 Mr. Dexter Myers is concerned?

1 A. Yes, ma'am.

2 MS. CAMPBELL: Thank you, sir. I don't have anything
3 further.

4 MS. MUBARAK: May it please the Court, Your Honor?

5 THE COURT: Ms. Mubarak.

6 CROSS-EXAMINATION

7 BY MS. MUBARAK:

8 Q. Good afternoon, Investigator Britt.

9 A. Good afternoon.

10 Q. So when you got to [REDACTED] [REDACTED] [REDACTED] Dexter Myers
11 was there, correct?

12 A. Yes, ma'am.

13 Q. And when you saw him in the living room, he didn't
14 hide?

15 A. No, ma'am.

16 Q. He didn't run out the back door?

17 A. When we came in the door, there was a little bit of
18 apprehension as to, you know --

19 Q. But he didn't run?

20 A. No, ma'am.

21 Q. Okay. And you said his being placed into custody was
22 uneventful --

23 A. Considering --

24 Q. -- is that correct?

25 A. -- the circumstances, yes, ma'am.

1 Q. It was uneventful?

2 A. Yeah.

3 Q. So he was taken into custody, transported to
4 headquarters, uneventful?

5 A. That's right.

6 Q. Okay.

7 **MS. MUBARAK:** I beg the Court's indulgence.

8 Q. I believe you said you noticed he had blood on part of
9 him. Did you notice he had a cut and blood on his hands?

10 A. After he was -- after he was in custody, at that point
11 I did, but not when I scanned him when I first came in
12 there.

13 Q. But you did notice that he had blood on his hands?

14 A. After he was in custody.

15 Q. After he was in custody.

16 **MS. MUBARAK:** Thank you. No further questions.

17 **MS. CAMPBELL:** Nothing further.

18 **THE COURT:** Step down.

19 (Witness excused.)

20 **BAILIFF:** Your Honor, the jury needs a break.

21 **THE COURT:** All right. We need to take a short break,
22 so we'll do that and then we'll come back. Don't talk
23 about the case.

24 (Whereupon, the jury retires to the jury room at
25 12:09 PM.)

1 **THE COURT:** We'll be in recess for ten minutes.

2 (Recess taken.)

3 **BAILIFF:** Remain seated. Come to order.

4 **THE COURT:** Who's the next witness?

5 **MS. WALKER:** Dr. Amy Durso, the pathologist.

6 **THE COURT:** All right. Are you ready for the jury?

7 **MS. PINNOCK:** Yes.

8 **THE COURT:** Bring them in.

9 (Whereupon, the jury returns to the courtroom at
10 12:20 PM.)

11 **BAILIFF:** The jury's seated, Your Honor.

12 **THE COURT:** All right. The jury is present. You may
13 proceed.

14 **MS. WALKER:** Thank you, Your Honor. The State calls
15 Dr. Amy Durso.

16 AMY DURSO, M.D.,

17 having been duly sworn, testified as follows:

18 **THE CLERK:** Thank you. Have a seat on the witness
19 stand and state your full name for the record.

20 **THE WITNESS:** Amy Durso, D-U-R-S-O.

21 DIRECT EXAMINATION

22 BY MS. WALKER:

23 Q. Ma'am, where are you currently employed?

24 A. I'm employed at Professional Pathology Services as a
25 forensic pathologist.

1 Q. What is Professional Pathology Services?

2 A. It's a private group of pathologists that provide
3 pathology services in the Columbia area.

4 Q. Can you tell the jury what a pathologist does?

5 A. In general, pathologists do anything from autopsies,
6 which is an examination of a body after death, to also
7 looking at PAP smears under microscope, looking at surgical
8 specimens, anything that's removed from the body in a
9 biopsy, as well as, you know, overseeing the blood bank and
10 the labs in the hospital.

11 Q. And how long have you been a pathologist?

12 A. I finished my final year of training a little over
13 five years ago.

14 Q. Can you tell the jury a little bit about your
15 background and education?

16 A. Sure. So I went to Emory University, where I got a
17 bachelor's degree in psychology. After college, I went to
18 the University of North Carolina in Chapel Hill where I got
19 my four-year medical degree and after that I went to Wake
20 Forest Baptist Medical Center up in Winton-Salem and I
21 spent four years doing a residency training in the field of
22 pathology and I stayed there for an additional year to do a
23 fellowship specifically in the area of forensic pathology.

24 Q. And what exactly is forensic pathology?

25 A. So forensic pathology is the area of pathology that

1 really focuses on doing autopsies and looking at bodies
2 after death.

3 Q. And how long did you do your -- how long were you in
4 that training program for forensic pathology?

5 A. It's one-year fellowship after four years of training
6 in general pathology that also includes doing autopsies, so
7 five years total training after medical school.

8 Q. And have you been qualified as an expert in court
9 before in the field of forensic pathology?

10 A. Yes, I have.

11 Q. How many times?

12 A. At least ten by now.

13 **MS. WALKER:** Your Honor, the State would like to offer
14 this witness as an expert in forensic pathology.

15 **THE COURT:** Any objection?

16 **MR. BAILEY:** None from us, Your Honor.

17 **THE COURT:** She is so qualified.

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

19 BY MS. WALKER:

20 Q. When you talk about autopsies, can you explain to the
21 jury kind of how an autopsy goes? What do you do during an
22 autopsy?

23 A. Sure. So we start out looking at the outside of the
24 body, so we start by weighing the body, measuring the
25 length of the body and then we start looking at the

1 outside. We write down any tattoos, scars. We document
2 any injury. We document everything from hair color to
3 eye color and just document everything we see. After we
4 finish the external examination, we start with the internal
5 examination and so we start by making kind of a Y-shaped
6 incision that goes from both shoulders down to the sternum
7 and then down where we can reflect back the skin and we
8 then remove the front of the ribcage and at that point we
9 can see pretty much every major organ in the body. Again,
10 we kind of look for collections of fluids such as blood and
11 document any abnormal findings and then we actually remove
12 the organs one by one, weigh them and then dissect them to
13 look for any other abnormalities. We also look at the
14 brain and to do that we remove the top of the skull and
15 remove the brain and weigh and dissect the brain as well.

16 Q. And is that the course that you followed in performing
17 the autopsy that we're here about today?

18 A. Yes.

19 Q. And who -- whose body were you examining at that
20 point?

21 A. Mr. Dajuan Harris.

22 Q. And how old was he?

23 A. He was twenty-three years old.

24 Q. Okay. And were you able to get a height and weight
25 from him?

1 A. Yes, he was seventy-one inches tall, so 5'11, and
2 164 pounds.

3 Q. Okay. And I guess -- did you say the first thing you
4 do is the external examination?

5 A. Yes.

6 Q. And what, if anything, did you find on the body of
7 Mr. Harris at that point?

8 A. The major thing we found at that point there were
9 several gunshot wounds.

10 Q. Okay. And were you able to document those gunshot
11 wounds?

12 A. Yes.

13 **MS. WALKER:** Your Honor, may the witness step down?

14 **THE COURT:** She may.

15 (Whereupon, the witness steps down from the witness
16 stand.)

17 **BY MS. WALKER:**

18 Q. I want to show you what's been marked as State's
19 Exhibit Numbers 225, 226, 227, and ask if you recognize
20 these?

21 A. I do.

22 Q. Will they help you in explaining your testimony to the
23 jury?

24 A. Yes.

25 **MS. WALKER:** Your Honor, at this time the State would

1 move Exhibit 225, 226 and 227 into evidence.

2 **MR. BAILEY:** No objections.

3 **THE COURT:** They're admitted.

4 (State's Exhibit Numbers 225, 226 and 227, blown-up
5 photographs, were admitted into evidence.)

6 BY MS. WALKER:

7 Q. Starting with Exhibit Number 225 -- I'm sorry, 226,
8 can you explain what this is to the jury?

9 A. Yes. So we use these -- it starts out as a blank
10 diagram, and we use them for all of our cases and then
11 we just put our findings there, so I drew in where the
12 gunshot wounds were located. So there was a gunshot wound
13 entrance wound here on the left side of his head. There
14 was another gunshot wound here on the right side of his
15 neck. There was another gunshot entrance here on the right
16 lower back. Also we found an exit wound on the right back
17 of the head and then we could actually feel a projectile
18 just underneath the skin here on the left abdomen. And
19 this I wrote in after I did the autopsy, but we found
20 another projectile. The other bullet was actually up here
21 in his left arm.

22 Q. When you talk about entrance wounds versus exit
23 wounds, can you explain that to the jury?

24 A. Right. So when the bullet goes into the skin for a
25 very split second it actually pushes the skin in for a

1 second and kind of flubs it so it causes what we call an
2 abrasion collar around the entrance wound so you'll
3 actually see the circle and right around it a littler
4 collar of abrasion around it and so that's pretty much
5 classic for an entrance wound.

6 Q. Did you -- were photographs taken to document entrance
7 wounds?

8 A. Yeah.

9 Q. I want to show you what has been marked as State's
10 Exhibit 172, 174 and 178, and ask you if you recognize
11 these?

12 A. Yes, these are pictures taken at the time of autopsy.

13 MS. WALKER: Your Honor, at this point the State would
14 submit Exhibit Numbers 172, 174 and 178 into evidence.

15 THE COURT: 172, 174 and 178?

16 MS. WALKER: Yes, Your Honor.

17 MR. BAILEY: No objections, Your Honor.

18 THE COURT: They're admitted.

19 (State's Exhibit Numbers 172, 174 and 178,
20 photographs, were admitted into evidence.)

21 BY MS. WALKER:

22 Q. I think you mentioned an abrasion collar?

23 A. Yes.

24 Q. Are there examples of what you're talking about on
25 these pictures?

1 A. Yes.

2 Q. Starting with whichever one you want to start with.

3 A. I'll probably start with this. So this is --

4 Q. That's State's Exhibit Number 174.

5 A. So this is a picture of the decedent's back at the
6 time of autopsy. All that red discoloration is lividity,
7 it's a postmortem change, but here on the right lower back
8 you can see this hole here and that's a gunshot wound
9 entrance wound and you can see there's a central little
10 hole there and right around it, that pink ring, that's the
11 abrasion collar. So this is a gunshot wound entrance on
12 his left lower back -- I'm sorry, right lower back.

13 Q. And on Exhibit Number, I guess, 178, which area is
14 that?

15 A. So this is here on the left side of his head, so right
16 by the hairline right here on the left side of his head.
17 And there's another gunshot wound entrance. This one looks
18 a little different. The other gunshot wound was almost
19 going straight in, but when a gunshot -- when the bullet
20 goes at a steep angle, it's obviously not gonna make a
21 round hole, but it makes a more elliptical hole, but
22 there's still a little bit of abrasion around it, so that's
23 another entrance wound.

24 Q. And where did -- let me show you, I'm sorry, State's
25 Exhibit Number 172. Which area is this?

1 A. Right. So this is this wound right here on the right
2 side of the neck. You can see -- this is actually facial
3 hair, this part, so it's kind of right around here on him.
4 And, again, this is another gunshot entrance. It's not
5 the best lighting in the photo, it just looks like a dark
6 hole, but, again, it's kind of elliptical because it's kind
7 of going in at more of an angle, it's not so round as it is
8 oval, but, again, it has an abrasion around it and that is
9 classic for a gunshot wound entrance.

10 Q. And in of terms where these gunshot wounds enter, are
11 you able to establish kind of a path that they travelled
12 through the body?

13 A. Right. So we kind of -- you know, we document the
14 wounds we see on the external examination, but as soon as
15 we open up the body cavity after we remove the rib cage, we
16 actually are able to take a probe and we actually trace the
17 wound through the body. So do you want me to go ahead and
18 go through those?

19 Q. Sure. Let's start with the top wound.

20 A. This one. Okay.

21 Q. And what path did that take through the body?

22 A. So this one -- actually it goes in through the skin
23 here and it went in at a very steep angle so it's going
24 from -- let's see. It's going from front to back and
25 slightly from left to right, so it's going in here. And

1 actually because it went at such an angle, it wasn't able
2 to penetrate into the skull, it never enters the skull
3 cavity, it never hits the brain. It actually takes the
4 path of least resistance, which is to stay placed
5 underneath skin and actually travelled around his head
6 and came out the back right side of his head over here.

7 Q. And were you able to document that exit wound?

8 A. Yes.

9 Q. I want to show you what's been marked as State's
10 Exhibit Number 177 and ask if you recognize that?

11 A. I do. This is a picture taken at autopsy of the
12 decedent's head.

13 **MS. WALKER:** Your Honor, at this point the State seeks
14 to move Exhibit Number 177 into evidence.

15 **MR. BAILEY:** No objection.

16 **THE COURT:** It's admitted.

17 (State's Exhibit Number 177, a photograph, was
18 admitted into evidence.)

19 BY MS. WALKER:

20 Q. And this, of course, is the corresponding exit
21 wound?

22 A. This is -- so this is kind of the back right side of
23 his head on the back and you can see it looks --

24 Q. I'll hold that for you.

25 A. This is the back right side of his head and you can

1 see this exit wound here and you can see how different it
2 looks. It's not like an oval or a round hole. It's kind
3 of just a split in the skin because the bullet just kind
4 of bursts through, it doesn't have the abrasion collar or
5 anything like that, but this is a pretty typical exit
6 wound on the scalp.

7 Q. And which side of the head did this come from?

8 A. It entered on the left side, but it actually exited
9 on the right. And, again, we pulled back the scalp and it
10 was very clear the bullet never went into the brain or the
11 skull. It really was a nonlethal injury. The gunshot
12 would not have killed him. It would have hurt a little
13 bit, but other than that this was a survivable gunshot
14 wound.

15 Q. I guess now the next one if we keep continuing on
16 down.

17 A. Sure. So this one in the right neck enters --

18 Q. Sorry.

19 A. -- right here on the right side of the neck. It then
20 travels through the soft tissues of the neck and then it
21 actually hits the airway, the trachea, so here that's the
22 kind of cartilaginous tube that the air goes through. You
23 breathe in through there and it goes into your lungs. It
24 actually perforated through his airway there. It then
25 comes over here and it actually perforates a pretty major

1 artery, the subclavian artery, on the left side of the
2 chest. This artery is probably about as thick as my pinky
3 and so it carries quite a bit of blood and so it perforated
4 through that vessel and then also perforated the left upper
5 lobe of the lung, so it went through part of the lung, and
6 then actually left the chest cavity and it travelled
7 through the soft tissue over here, and the bullet actually
8 was recovered here within the left arm just within the soft
9 tissue there.

10 Q. So with the bullet being recovered inside the body,
11 would there be a corresponding exit wound for this entry
12 wound?

13 A. No. So it's going, again, from right to left slightly
14 from front to back and it's going a little bit downwards as
15 well.

16 Q. And in terms of how long the victim would have been
17 able to survive this particular gunshot wound?

18 A. This is a fatal wound. Again, once it hits the airway
19 he's gonna be in immediate distress. Every time he takes a
20 breath he's gonna be inhaling blood and we found this when
21 we dissected his lungs. We could see that he had inhaled a
22 bit of blood into his airway so he kind of had that kind of
23 air hunger like every time he takes a breath and when he
24 coughs or speaks there's blood coming out of his mouth and
25 out of his nose. He's also bleeding internally. I think

1 we found -- how much was it? About a liter and a half of
2 blood within this left chest cavity from where it hit that
3 major blood vessel, so a little -- you know, a liter or so
4 or a little bit less than that. So he's also bleeding very
5 heavily internally, as well as not being able to breathe
6 very well, so he would have been in immediate stress, and
7 this is the fatal wound in this case.

8 Q. And where's the final gunshot wound?

9 A. The final gunshot wound here enters in the right back
10 and this one goes through some of the musculature back here
11 and hits the small bowel twice, so it goes through the
12 small intestine twice, and then it stops right here and we
13 were able to recover the bullet from just underneath the
14 skin just left of the midline of the abdomen.

15 Q. And did you take -- were there x-rays taken?

16 A. Yeah, we always take x-rays on gunshot wound cases
17 because that helps us identify if there are any bullets
18 left in the body and where they are so we can find them.

19 Q. I want to show you State's Exhibit Number 173 and 175
20 and ask you if you recognize those?

21 A. I do. These are photographs of x-rays taken at
22 autopsy.

23 **MS. WALKER:** Your Honor, at this point the State seeks
24 to move Exhibit Number 173 and 175 into evidence.

25 **MR. BAILEY:** No objections.

1 **THE COURT:** They're admitted.

2 (State's Exhibit Numbers 173 and 175, photographs,
3 were admitted into evidence.)

4 BY MS. WALKER:

5 Q. So in terms of the projectiles recovered from the
6 body, Number 173 --

7 A. Yes. So this is where the bullet was up here in the
8 left arm and, again, that was the bullet that entered here
9 in the right side of the neck and the one that perforated
10 the airway, the lung and that vessel up here and then
11 actually came to rest right here in the left arm.

12 Q. And State's Exhibit 175?

13 A. Right. And this is the one that we found here just
14 underneath the skin. This is the one that entered in the
15 right lower back, hit the small bowel and then came to rest
16 right here underneath the skin, so that's the projectile
17 that we recovered at autopsy.

18 Q. And did y'all, in fact, take pictures of the
19 projectiles that were recovered?

20 A. Yes.

21 Q. I want to show you State's Exhibit Number 176 and ask
22 you to identify that.

23 A. Those were the projectiles recovered at autopsy.

24 **MS. WALKER:** Your Honor, at this point the State seeks
25 to move Exhibit Number 176 into evidence.

1 **MR. BAILEY:** No objection.

2 **THE COURT:** What number was it?

3 **MS. WALKER:** 176.

4 **THE COURT:** It's admitted.

5 (State's Exhibit Number 176, a photograph, was
6 admitted into evidence.)

7 BY MS. WALKER:

8 Q. And these were the projectiles recovered from the
9 victim's body?

10 A. Yes.

11 Q. And in terms of -- how many fatal wounds out of these
12 three gunshot wounds were there?

13 A. With proper medical attention, the only one that
14 would be fatal is this one right here. This one that goes
15 through the small bowel, you can definitely die from
16 puncturing or perforating your small bowel, but if he had
17 gotten proper medical attention he would have had a good
18 shot of surviving that. More than likely he would have
19 survived. And that one wouldn't -- even without medical
20 attention wouldn't have caused more much than some minor
21 bleeding.

22 Q. This one, the fatal wound, how long did Mr. Harris
23 have before, I guess, that wound would have taken his life?

24 A. Within minutes he would be dead. Like I said,
25 immediately in distress. Probably within a minute or so.

1 he would have hit the ground, you know, been unconscious.

2 Q. And in that minute that he had, would he have been
3 able to move around?

4 A. Yes.

5 Q. But what would have been happening?

6 A. He probably would have been clutching his neck, trying
7 to breathe. Like I said, he would have been in distress.

8 Q. In addition to the gunshot wounds on Exhibit
9 Number 225, did you note other injuries or abrasions on
10 him?

11 A. I did. So this is all the findings I had on external
12 examination and, let's see, he had an abrasion right here
13 on his left chest, but actually I found after I did the
14 autopsy the bullet that goes from the right neck into the
15 left arm actually travels pretty superficially under the
16 skin here and as the bullet travelled it's very likely the
17 skin could have flared out and caused an abrasion. There
18 also was a laceration on his lip here. There were some
19 kind of almost linear red abrasions here on the left side
20 of the neck and there were some very superficial abrasions
21 here on the left upper arm. And one of them looked very
22 dried in appearance, which is usually something that kind
23 of happened after death or after his heart stopped beating.
24 Because once you stop blood flow, it doesn't really have
25 the same look as a wound that happened before that, so.

1 And I think those were all of the injuries I found.

2 Q. And what is this?

3 A. Those are scars.

4 Q. Okay. And can you tell what caused the injuries that
5 you were able to find?

6 A. The injuries up here, these are very typical,
7 especially the lip laceration, that when someone dies or
8 loses consciousness they're gonna fall pretty hard and
9 these are very typical of someone having fallen, you know,
10 on something linear, a chair or something, and hit then
11 something, some hard surface, as they were falling.

12 Q. And you said those were the ones from the neck up?

13 A. Yes.

14 Q. Okay. Let me ask you this. If someone falls and they
15 hit those areas, they can cause those abrasions?

16 A. Yes.

17 Q. What if they're hit with something or something
18 impacts them?

19 A. It's possible that could also cause a bloody lip, but
20 -- it's very possible.

21 Q. And in terms of defensive wounds, what are defensive
22 wounds?

23 A. Defensive wounds are wounds that we look for where
24 someone obviously is trying to defend themselves. You
25 know, if you're in a fight or someone's stabbing at you,

1 you tend to put your hands up in the air, so we look for
2 wounds primarily on the hands and the lower portions of the
3 arms.

4 Q. And did you see those wounds in this case?

5 A. No.

6 Q. State's Exhibit Number 227, what is this?

7 A. This is a separate diagram I did just of the head
8 since you can't really see the side of the head in the
9 other diagram. So on the left side of his head, again, you
10 have the gunshot wound entrance here, but there were also
11 several just really minor abrasions, pretty superficial.
12 Like I said, not enough to have caused death or anything,
13 but could have been consistent with a terminal fall, you
14 know, when he fell down as he died, but other no real
15 pattern to it.

16 Q. Okay. And do you guys take samples and send those out
17 to toxicology?

18 A. Yes, at autopsy it's routine for us to take samples
19 from the body to look for -- to do a drug screen to look
20 for any foreign substances in the body.

21 Q. And were there foreign substances in the body in this
22 case?

23 A. No.

24 Q. When you say a drug screen, is that alcohol?

25 A. Alcohol and drugs of abuse, medications like

1 narcotics, things like that.

2 Q. That was all negative?

3 A. All negative.

4 Q. Dr. Durso, to a degree of -- reasonable degree of
5 medical certainty, what caused Mr. Dajuan Harris' death?

6 A. The gunshot wound involving his neck and chest.

7 Q. I want to talk to you about soot and stippling.

8 A. Yes.

9 Q. Can you tell the jury what those terms mean?

10 A. All right. So on any gunshot wound case we look at
11 the skin carefully for soot and stippling because we're
12 trying to determine how far away the gun was when the
13 person was shot. So if it's really close, you're gonna get
14 debris from the end of the gun that causes sooting, so
15 there would be black soot on the skin or within the tissues
16 if it's a contact wound. That's usually up to around six
17 inches or so. And then stippling is actually the gunpowder
18 that's on -- it actually scrapes the skin, so looks like
19 these little dots or abrasions, teeny tiny little dots
20 around the wound, and that's called stippling, and that's
21 up to around eighteen inches, but after that you really
22 can't tell the difference between a gunshot wound that was
23 more than eighteen inches -- if it was, you know, two feet
24 away or if it was twenty feet away, there's no way to tell
25 the difference. In this case we did not see soot or

1 stippling on any of these wounds, so I can't really
2 determine how far away the gun was when he was shot.

3 Q. But if there had been soot or stippling, that would
4 have meant what?

5 A. Within, you know, roughly eighteen inches.

6 Q. So in terms of determining the distance, were you
7 able to determine the distance of how far away the victim
8 was from the gun when it was fired in this case?

9 A. No.

10 Q. But due to the lack of stippling, further than
11 eighteen inches?

12 A. In most cases, yes. There have been cases if the
13 person is wearing very thick clothing or if the bullet
14 travelled through something else first. You know, if
15 there was a window here and the person was shot, it would
16 actually block the soot coming from the gun and the
17 stippling. So if there was something in the way between
18 the gun and the person, it could also alter that, so.

19 Q. And you said if they're wearing very thick clothes?

20 A. Very thick, yes.

21 Q. What did the victim have on at that point?

22 A. I do not recall.

23 Q. Okay. Did they recover items of clothing from you --
24 did the sheriff's department recover items of clothing from
25 you?

1 A. I believe they did, yes.

2 Q. And what were those items of clothing?

3 A. A blue shirt --

4 **MR. BAILEY:** Objection, Your Honor.

5 **THE COURT:** What's the objection?

6 **MR. BAILEY:** I mean, I think we at least -- she said
7 she didn't recall.

8 **THE COURT:** All right. Lay a foundation.

9 **MS. WALKER:** Can I have the other pictures from the
10 autopsy?

11 **MR. BAILEY:** Your Honor, if we could approach real
12 quick.

13 **THE COURT:** Okay.

14 (Proceedings held at the bench; not reported.)

15 **THE COURT:** Mark them for identification.

16 (State's Exhibit Numbers 230 and 231 were marked for
17 identification.)

18 BY MS. WALKER:

19 Q. I want to show you State's Exhibit 230 and 231 for
20 identification purposes only and ask if you recognize this?

21 A. Yes. These are pictures of the decedent taken in the
22 morgue.

23 Q. And do they reflect what he had on?

24 A. Yes.

25 Q. And what did he have on?

1 A. It looks like a blue T-shirt and blue shorts and it
2 looks like he might have blue underwear on as well.

3 Q. This T-shirt and these shorts, would they have been
4 thick enough to distort stippling or soot in this case?

5 A. No.

6 **MS. WALKER:** Thank you, Dr. Durso. I don't have any
7 further questions.

8 **MR. BAILEY:** May it please the Court, Your Honor?

9 **THE COURT:** Mr. Bailey.

10 CROSS-EXAMINATION

11 BY MR. BAILEY:

12 Q. Dr. Durso, I've got to move some things around here,
13 but first I want to rearrange something you just said a
14 few moments ago to Ms. Walker. You said that you cannot
15 determine how far Dajuan Harris was away from Mr. Myers
16 when he was shot; is that right?

17 A. That's right.

18 Q. So this cannot be determined by you?

19 A. Correct.

20 Q. Okay. She came up with some other questions, but that
21 doesn't change that you can't determine how far away he
22 was?

23 A. I cannot determine.

24 Q. And on the subject of stippling, burning, soot, a
25 number of things can affect stippling or burning or soot on

1 a body; is that correct?

2 A. Yes.

3 Q. Clothing could affect it, but so can if the body is
4 wiped?

5 A. Well, that wouldn't wipe away stippling.

6 Q. Okay. You're saying that if a body is brushed or
7 wiped by something it couldn't take stippling off?

8 A. It could not, no. It's in the skin. It actually
9 scrapes the skin. It's not the gunpowder itself, it's the
10 actual injury to the skin from the gunpowder.

11 Q. Okay. Well, we had a conversation last week. Do you
12 remember that?

13 A. I do.

14 Q. Okay. And you told me that there were -- you said
15 there were a few things that could affect or disturb
16 stippling.

17 A. Right.

18 Q. It can be disturbed; is that correct?

19 A. No, I said it would prevent stippling if it went
20 through an object like thick clothing.

21 Q. Okay. I should rephrase it. Again, I didn't go to
22 medical school. So there are things that can prevent
23 stiffling {sic} from happening, I should say?

24 A. Yes.

25 Q. That can explain the absence of stiffling. Thank you

1 for correcting me [^]on that.

2 A. Stippling.

3 Q. Stippling. Exactly. Again, no medical degree. Thank
4 you. Stippling.

5 **MR. BAILEY:** I beg the Court's indulgence just for a
6 second.

7 (Defendant's Exhibit Numbers 1 through 3 were marked
8 for identification.)

9 **MR. BAILEY:** Your Honor, may I approach the witness?

10 **THE COURT:** You may.

11 BY MR. BAILEY:

12 Q. Dr. Durso, I am going to show you a couple of
13 blown-up charts. A few of these you've already seen, but
14 these are sort of my versions of them. I'm gonna hand you
15 Defendant's Number 1, Defendant's Exhibit 2 and Defendant's
16 Exhibit 3. Do you recognize these items?

17 A. Yes.

18 Q. Okay.

19 A. I recognize that one. What are the other ones?

20 Q. I'll show you. I have two diagrams.

21 A. Okay.

22 Q. This is -- this is from your report. Do you recognize
23 that?

24 A. Yes.

25 Q. I can -- I can find out which page it is, but you

1 recognize that?

2 A. Yes.

3 **MR. BAILEY:** It's at Page 4. It's page 4 of the
4 report.

5 **MS. WALKER:** You're seeking to put her report in
6 evidence?

7 **MR. BAILEY:** I'm just -- I want the little part right
8 here.

9 **MS. WALKER:** Then just put the whole thing in.

10 **MR. BAILEY:** Well, I'm just using this for
11 demonstrative purposes right now. You know what, I'll
12 hold off on that if you guys -- if that's too complicated
13 for y'all. We'll just start with -- I'd like to submit
14 Defendant's -- I'd like to submit Defendant's 1 and 2 in
15 evidence, and maybe Number 3 later, right now just for
16 demonstrative purposes, if that's all right, Your Honor.

17 **THE COURT:** Well, that's not a demonstrative purpose.
18 You're introducing some -- some document that's generated
19 by this witness?

20 **MR. BAILEY:** Your Honor, I'm just trying to underscore
21 a portion of her report just so the jury can see it.

22 **THE COURT:** Let's take that down -- let's take that
23 down until it's admitted.

24 **MR. BAILEY:** Okay. Yes, sir.

25 **THE COURT:** All right. You have Defendant's 1, 2 and

1 3 and you've shown those to Ms. Walker?

2 **MS. WALKER:** Your Honor, we have no objection. I
3 think they're actually already in evidence.

4 **THE COURT:** Oh, they are?

5 **MR. BAILEY:** They are.

6 **THE COURT:** Oh, I'm sorry. Okay.

7 **MR. BAILEY:** I figured they wanted to keep theirs
8 unmarked.

9 **THE COURT:** No, that's fine. I didn't know they were
10 in evidence.

11 **MS. WALKER:** Wait. You altered them?

12 **MR. BAILEY:** No. No, I did not alter them.

13 **MS. WALKER:** Okay. But you're moving those, 1 and 2,
14 in evidence?

15 **MR. BAILEY:** I'm submitting 1 and 2. You know what,
16 I will maybe submit them into evidence later.

17 **THE COURT:** Well, these are blow-ups of documents that
18 are in evidence?

19 **MR. BAILEY:** Yes, sir. These are my own copies and
20 they are blown up.

21 **THE COURT:** I know, but they're blow-ups of a document
22 that has been introduced into evidence?

23 **MR. BAILEY:** Yes, sir. In fact, the documents that
24 are in evidence are already blown up, too. Those were the
25 State's.

1 **THE COURT:** Well, then you don't need to introduce
2 those, do you?

3 **MR. BAILEY:** I have my reasons if you'd like me to
4 explain it.

5 **THE COURT:** No, you don't need to. If you want to
6 introduce them, go right ahead.

7 **MR. BAILEY:** All right. I -- I'm not gonna -- I'm not
8 needing to introduce them at this time. I've got them
9 here.

10 **THE COURT:** Well, if you're gonna show them to the
11 jury, they've got to be introduced.

12 **MR. BAILEY:** All right. Then I'll introduce them,
13 Your Honor.

14 **THE COURT:** Okay.

15 (Defendant's Exhibit Numbers 1 and 2, blown-up
16 diagrams, were admitted into evidence.)

17 BY MR. BAILEY:

18 Q. I might talk kind of fast, Dr. Durso. I apologize.
19 I've been sitting down all day and I'm kind of itching to
20 get on my feet.

21 All right. Dr. Durso, you told this jury about the
22 large amount of training you've had?

23 A. Yes.

24 Q. Okay. And you've written a lot of autopsy reports; is
25 that right?

1 A. Yes.

2 Q. Okay. And you've handled not just regular autopsies,
3 but you've handled a lot of autopsies for homicides; is
4 that correct?

5 A. Yes.

6 Q. Okay. And it's important when you write these
7 reports, and you've done plenty of them, that you are
8 detailed; is that correct?

9 A. I try to be, yes.

10 Q. And it's important that you're accurate?

11 A. I try to be, yes.

12 Q. And it's important that you're thorough with every one
13 of these reports?

14 A. I try to be, yes.

15 Q. Okay. You're a physician?

16 A. I am.

17 Q. Can we say you're a woman of science?

18 A. If you want to.

19 Q. Okay. So it's important as a physician to make sure
20 that every important detail is in this report; is that
21 right?

22 A. I try to put all the details that I can recollect into
23 the report, yes.

24 Q. And it's also important for different reasons in a
25 homicide investigation, right?

1 A. I like I said, I try to be thorough in every autopsy,
2 not just homicides, in documenting everything that's there
3 to the best of my ability, yes.

4 Q. Oh, sure. But in a homicide investigation there's
5 also potentially an investigation, an on-going
6 investigation, into the reason of death, right?

7 A. Yes.

8 Q. Okay. So every detail counts or is important in this
9 case because it's a homicide investigation?

10 A. If -- I mean, there's some details like eye color that
11 might not be important in the end. I don't really know
12 what you're getting at.

13 Q. Okay. I will certainly agree with you maybe eye color
14 isn't important. So when you are looking at a body, you
15 evaluate injuries that are related to death, right?

16 A. Yes.

17 Q. Okay. And then you also look at the injuries that are
18 not related to death?

19 A. Yes.

20 Q. And it's important that you separate injuries related
21 to death from injuries that aren't related to death?

22 A. Yes.

23 Q. Okay. Because that could have an impact on -- on your
24 results in the end?

25 A. Yes.

1 Q. Now you wrote your report on July 3, 2014; is that
2 right?

3 A. Yes.

4 Q. Okay. And that was the day after the death of Dajuan
5 Harris; is that correct?

6 A. Yes.

7 Q. Okay. So the body had only been dead for about a day.
8 Mr. Harris had been deceased for about a day?

9 A. Yes.

10 Q. Okay. And you do most autopsies, or when you can,
11 shortly after death as soon as you can, right?

12 A. Usually the following day.

13 Q. Okay. You wouldn't just keep somebody sitting down
14 and -- you do it quickly?

15 A. Right, we try to be considerate of the family wanting
16 their loved one released to the funeral home, yes.

17 Q. Also you get your most accurate results if you do the
18 autopsy soon after death; is that correct?

19 A. I mean, as long as the body is kept cold it usually
20 won't make that much of a difference, you know, a few days,
21 no.

22 Q. Okay. If the body is -- if the body is properly
23 preserved, it's the most similar it was at the time of
24 death; is that right?

25 A. I'm sorry?

1 Q. Okay. I'm sorry. If the proper measures are taken,
2 the body is well-preserved before your autopsy?

3 A. We keep -- there's a cooler in the morgue where the
4 bodies are kept, yes.

5 Q. You want the body to be pretty similar to how it was
6 at the time of death. Does that sound, right?

7 A. Similar in what way?

8 Q. You want it to be the close -- you want it to be
9 similar enough so that you are looking at the body at the
10 time of death. You don't want it altered in any way.

11 A. I'm not at the scene at the time. I guess I'm not
12 quite understanding.

13 Q. That's fine. Either way, you do autopsies --

14 A. I'm confused.

15 Q. You do autopsies quickly?

16 A. Yes, to try to be efficient and so we can release the
17 bodies, yes, to the families.

18 Q. Now earlier you talked about the gunshot wounds.

19 A. Yes.

20 Q. You also inspected the body for non-gunshot-related
21 wounds; is that right?

22 A. Yes.

23 Q. Okay. And there were some abrasions?

24 A. Yes.

25 Q. Okay. Abrasion, that's like a scrape in laymen's

1 terms?

2 A. Yes, where something rubs the skin, yes.

3 Q. And there was maybe a laceration. It's kind of like a
4 cut?

5 A. Yeah, a laceration isn't a cut. A laceration is
6 actually the skin splitting from something hitting it with
7 force.

8 Q. Okay. What -- help me out. What word -- what kind
9 of laymen's word works best for abrasion? What kind of
10 laymen's word works best for laceration?

11 A. I'm so used to using medical terms. I guess a
12 scrape would be the best term for an abrasion, but, you
13 know, if you fall really hard and you bang your knee and
14 it splits open, I guess that's what a laceration would be.
15 You know, if you hit anyone hard enough or anything hits
16 the body hard enough to tear the skin. It's not being
17 cut. That's a different kind of wound that has different
18 characteristics, so if something hits the skin hard enough
19 to split it open, that's a laceration.

20 Q. That's correct. That's very helpful. I appreciate
21 it. Because I don't want to put words in your mouth when
22 it comes to, you know, abrasion, laceration, scrape,
23 et cetera.

24 **MR. BAILEY:** Your Honor, could the witness step down?

25 **THE COURT:** Sure.

1 (Whereupon, the witness steps down from the witness
2 stand.)

3 MS. WALKER: Is that in evidence?

4 MR. BAILEY: Yes, I did move them in. You're fine
5 with that?

6 MS. WALKER: Yes. We have no objection to Defendant's
7 Number 1 being admitted.

8 THE COURT: Okay. It's admitted.

9 MR. BAILEY: All right. Let's see I think I'm gonna
10 move this for a second, too.

11 BY MR. BAILEY

12 Q. All right. Dr. Durso, so we talked about these a
13 little bit. Would it be possible for you to, when I name
14 an injury, could I get you to put kind of a sticky piece on
15 it?

16 A. Sure.

17 Q. And if it's a little big, we can just tear a little
18 piece. Is that okay?

19 A. Okay.

20 Q. All right. So I will give you the pad. All right.
21 So in your report you mentioned an abrasion on the left
22 scalp superior to the left ear, 1.8 centimeters. Can you
23 kind of point or put a sticky on that?

24 A. Sure.

25 Q. And, again, it's a scrape, but I'm saying abrasion.

1 Okay. And then you also mentioned an abrasion on the left
2 scalp slightly posterior to the left ear which measured
3 2.5 centimeters; is that right?

4 A. Sure.

5 Q. Okay. Also you mentioned an abrasion on the left
6 scalp near the ear and that measurement was -- posterior to
7 the left ear, and that was .8 by .4. Does that sound about
8 right?

9 A. (Nods head.)

10 Q. I'm actually surprised this is working the size they
11 were. We'll cover the whole picture in those things soon.
12 Okay. Next you wrote -- and we're under non-gunshot
13 wounds, non-death-related wounds. You wrote two
14 superficial red linear abrasions on the left neck. Can
15 you show me on -- which one of these?

16 A. (Indicating.)

17 Q. Can we put a sticky right there? A sticky marker.

18 A. (Witness complies.)

19 Q. Okay. And then there's an abrasion on the upper chest
20 near the axilla?

21 A. Yes, the armpit.

22 Q. The armpit. Thank you.

23 A. (Witness complies.)

24 Q. Okay. And then an abrasion on the left arm -- upper
25 left arm.

1 A. (Witness complies.)

2 Q. Okay. So the first one, left scalp, 1.8, we've got a
3 scrape up here, we've got another scrape; is that right?

4 A. Yes.

5 Q. So we've got about three scrapes like on the -- on the
6 left side of the scalp. Does that sound right?

7 A. Right.

8 Q. Okay. Unrelated to the gunshots?

9 A. As far as I can -- I mean, like I said, I -- my best
10 guess, not being at the scene when he died, obviously I was
11 not there, is a lot of times you get nonspecific scrapes
12 and stuff from when people fall after a gunshot wound and
13 they collapse.

14 Q. Right. And that's why you put it in the other
15 injuries category?

16 A. Yes. It's not actually a gunshot wound, yes.

17 Q. And then there was a laceration on the -- I can't
18 believe we forgot to label that one. Can you label that
19 one for me?

20 A. Sure.

21 Q. And there was a laceration on the upper lip of
22 Mr. Harris; is that right?

23 A. Yes.

24 Q. Okay. And that's like a busted lip, isn't it?

25 A. Yes.

1 Q. Kind of like, you know, if you got in a fight with
2 somebody you get a busted lip. That's a busted lip?

3 A. Sure.

4 Q. And then we have the upper -- upper chest near the
5 axilla. That's the armpit we were talking about, right?

6 A. That's the one I said the bullet travelled just
7 underneath, so it could be related to that.

8 Q. Okay. We'll rule that one out. Let's go ahead and
9 take that one out. So we think that armpit one might be
10 bullet-related, right?

11 A. Yes.

12 Q. Okay. And then, of course, we have the abrasion on
13 the left arm.

14 A. Yes.

15 Q. Okay. Now today you mentioned to Ms. Walker that you
16 thought these injuries might have happened after his death.
17 They might have been postmortem?

18 A. At least one of them that had that dried appearance.
19 I think I mentioned that specifically on the one on the
20 left arm. Like, you know, if you're moving the body around
21 after death, something could scrape the skin, but it has a
22 different appearance to it.

23 Q. Okay. So it's your testimony that the upper left arm,
24 this one right here, is postmortem?

25 A. That was one of them that might be -- that appears

1 postmortem, yes.

2 Q. And in your report you wrote that that was a
3 postmortem, after death, injury, right?

4 A. Yes.

5 Q. Okay. Now these -- now these other injuries in your
6 report, you didn't write that they were postmortem; is that
7 right?

8 A. Right.

9 Q. Okay. So at the time of the report these scrapes,
10 this busted lip, this -- I forgot what we've got here, a
11 neck -- neck scratches, you -- you did not classify those
12 as postmortem injuries; is that right?

13 A. Correct.

14 Q. Okay. Ms. Walker asked you about defensive wounds.
15 Defensive wounds can happen on your hands, right?

16 A. Yes.

17 Q. Okay. People can also scratch people when they're in
18 a defensive situation; is that right?

19 A. Yes.

20 Q. Okay. So you can't say that -- you can't say for sure
21 these aren't defensive wounds?

22 A. Well, they wouldn't be official defense -- I mean,
23 if someone scratched you on the neck, you don't get that
24 because you're trying to defend yourself, so that's a
25 different --

1 Q. Well, how about this? You know what, defensive wound
2 is probably more of a clinical classification. Let's say
3 we're talking about a struggle. If you're in a struggle
4 with somebody, somebody can very easily get scratched up,
5 right?

6 A. Yes.

7 Q. Okay. So you can get scratches just like this when
8 you're in a fight with somebody?

9 A. Are you talking about somebody else scratching them
10 like with fingernails or what are you --

11 Q. All sorts of things.

12 A. Usually fingernails kind of have a pattern because you
13 see the parallel things from all four nails coming down --

14 Q. Well --

15 A. -- so it didn't have that look to it.

16 **MS. WALKER:** Your Honor, if she could finish her
17 answer before he interrupts.

18 **THE COURT:** Yeah, let her finish before -- let her
19 finish before you ask the next question.

20 A. I was just saying that typically there's a pattern
21 when somebody scrapes someone with fingernails. You would
22 have four linear scratch marks, you know, from the nails
23 raking down on the face.

24 Q. But if people get in fights, they can get hit or
25 bumped or scraped in other ways, too, right?

1 A. Sure.

2 Q. That don't involve fingernails?

3 A. Sure.

4 Q. Okay. So if someone was in a fight and there were
5 injuries on the body, you can't say that these aren't
6 related to a struggle that Mr. Harris was in, can you?

7 A. Like I said, just the pattern of them makes me think
8 that they happened when he fell down, but they could have
9 happened from any number of other things like a struggle
10 or a fall an hour before he died. I can't tell that.

11 Q. But you didn't write in your report that they could
12 have happened after he died, did you?

13 A. No, not after he died. It's after he fell. After he
14 fell. He was still alive when he fell.

15 Q. Okay. So you think that this --

16 A. He still has a heartbeat.

17 Q. So -- so -- but you cannot rule these out as injuries
18 that occurred as a result of a struggle, can you?

19 A. Not entirely, no.

20 Q. Okay. And clearly the prosecution wants you to say
21 that these weren't defensive wounds, right?

22 A. Well, like I said, defensive wounds mean something
23 different.

24 Q. I'm sorry. Clearly the prosecution doesn't want
25 you -- doesn't want it to look like things that happened

1 as a result of a struggle.

2 A. I have no idea what the argument is whatsoever. I
3 don't care what they want me to think. This is just my
4 professional opinion.

5 Q. Okay. Well, why don't you -- you can take the stand
6 again.

7 (Whereupon, the witness returns to the witness stand.)

8 Q. But you do meet with the prosecutors, don't you?

9 A. Typically before. And I talked with you guys as well,
10 yeah.

11 Q. Yeah, that's right. So you meet with the solicitors
12 and you talk about the case?

13 A. Yes.

14 Q. Okay.

15 A. And they did not -- I don't think we even talked about
16 these scrapes more than there were other abrasions, too,
17 and I said yes, and that was all that they had asked me.

18 Q. Okay. Getting back to Mr. Harris, we talked about how
19 -- you said that after Mr. Harris was shot through the
20 neck, coming out in the chest, that -- that he -- that he
21 would be alive for a little longer, he may be alive for a
22 minute. I don't remember exactly what you said.

23 A. I said at most he would be alive for a few minutes,
24 but I said, you know, probably within a minute he would
25 have lost consciousness just from inhaling all the blood

1 and he's no longer breathing oxygen and he's bleeding very
2 quickly. There's only so long his heart is gonna keep
3 going and there's only so long blood is still getting to
4 his brain, and if he's not getting enough oxygen and blood
5 flow to his brain, he's gonna fall and gonna collapse onto
6 the ground.

7 Q. All right. You don't have -- you don't have an
8 opinion on which one of these shots happened first, do you?

9 A. I cannot tell, no.

10 Q. So you can't tell whether the head shot happened first
11 or second or third?

12 A. I do not know.

13 Q. Okay. You can't tell whether the neck shot, the fatal
14 shot, happened first, third or second?

15 A. I cannot tell.

16 Q. Okay. And you can't tell if the back shot happened
17 second, last, you can't tell?

18 A. I cannot tell which order the gunshot wounds came in.

19 Q. Okay. So when Ms. Walker keeps referring to it as the
20 fatal shot, that doesn't necessarily mean the last shot?

21 A. No, it does not necessarily mean the last shot. I
22 just described them in an arbitrary order, but there's no
23 scientific way for me to tell which gunshot came first.

24 Q. So the fatal shot just means the one of the three that
25 killed him?

1 A. Yes.

2 Q. And that could happen in any order?

3 A. In any order. I do not know which order.

4 Q. Okay. One more thing. When -- when people are shot
5 in the chest, they still are alive and they still may move
6 much like you talked about earlier?

7 A. Yes.

8 Q. And they -- they can run, you know, short distances,
9 right?

10 A. On occasion, yes, they do.

11 Q. Okay. Do you maybe even get some adrenaline pumped
12 into your system if you're shot in the chest or the neck?

13 A. Some people do definitely.

14 Q. Okay. So it's not uncommon at all for somebody to
15 walk or run into another room after they've already been
16 dealt a fatal shot?

17 A. It's possible.

18 Q. Okay.

19 **MR. BAILEY:** No further questions. Thank you so much,
20 Dr. Durso.

21 **THE WITNESS:** Uh-huh.

22 **MS. WALKER:** Thank you, Your Honor.

23 **THE COURT:** Ms. Walker.

24 **MS. WALKER:** You can leave those up.

25 **MR. BAILEY:** I can leave them up? That's all right.

1 I'll -- I'm just gonna put them over here.

2 **MS. WALKER:** Don't forget your other sticky.

3 **MR. BAILEY:** Thank you.

4 REDIRECT EXAMINATION

5 BY MS. WALKER:

6 Q. Did you meet with both sides in this case?

7 A. Yes.

8 Q. And did we in any way try to influence the outcome of
9 your autopsy in this case?

10 A. No.

11 Q. Okay. Did you depend on our hopes or wishes or the
12 science involved in this autopsy?

13 A. I do my business based on science. I don't feel it's
14 my duty to take sides. I just say what the findings were
15 and what they mean scientifically. That's my goal.

16 Q. I think he removed the stickies that he had placed on
17 their exhibit. On Defense Exhibit Number 1, I think he put
18 stickies in this area?

19 A. Yes.

20 Q. And in your expert opinion what could have caused
21 those injuries?

22 A. My best estimate is that when he fell he struck
23 something on the way down. Like I said, they're
24 nonspecific findings, they certainly didn't kill him. And
25 we see them very typically when someone falls face down.

1 We see lacerated lips, we see scrapes on the side of the
2 head when they go down if they scrape something. We see
3 those even in natural deaths where they don't die from
4 gunshot wounds, but from a sudden heart attack, so it's
5 just a pattern that I've seen several times before. And I
6 can't say with a hundred percent certainty that's what
7 happened, but that's my best estimate based on what I know.

8 Q. I think there was another one placed on Defense
9 Exhibit Number 2, this area.

10 A. Yes.

11 Q. And in your expert area, what could have caused those
12 abrasions or scrapes?

13 A. I think they most likely happened when he fell.

14 Q. I think there's some confusion between wounds that
15 happened after he fell and wounds that happened after he
16 died.

17 **MR. BAILEY:** Objection, Your Honor. Is that a
18 question for our witness?

19 **MS. WALKER:** Well, I was trying to, but I was
20 interrupted.

21 **THE COURT:** Is that an objection?

22 **MR. BAILEY:** I would just like the question -- it's
23 leading.

24 **THE COURT:** All right. Overruled. If you're
25 objecting, it's overruled. Go ahead.

1 BY MS. WALKER:

2 Q. Can you describe for the jury the difference between
3 something that happened -- something that happened after
4 he fell and something that happened after he died?

5 A. Yes. So he would have fallen from lack of blood
6 flow, like I said, lack of oxygen to the head, you lose
7 consciousness, you collapse. His heart could have still
8 been beating and as long as you have even a little bit of
9 blood flow, when you scrape you would still have -- like
10 you would see if you scraped your skin right now, you would
11 have kind of a little reaction to it where it would ooze
12 blood. But after death, again, if you get scraped, there's
13 no longer any blood flow and it has a really dry appearance
14 to it and sometimes even has like a yellow discoloration
15 instead of a red discoloration because it's happened after
16 there's a complete cessation of blood flow, the heart is
17 no longer beating at all. So when he collapsed, his heart
18 would have still been beating some and then he would have
19 died after he collapsed.

20 Q. And in terms of the distance testing, you said you
21 cannot, I guess, specifically say how far away he was from
22 the gun when he was killed -- or when he was shot?

23 A. Right, I cannot tell how far.

24 Q. But the lack of soot and stippling tell you what?

25 A. That it's most likely greater than eighteen inches

1 unless there are circumstances that put something between
2 the gun and the person. And since I was not at the scene,
3 I cannot say if there was thick clothing that was removed
4 or if there was a wall or a door or anything in between
5 the gun and him when he was shot, so that's why I say
6 indeterminant.

7 Q. Okay. But once you go greater than eighteen inches,
8 you can't tell?

9 A. I cannot tell.

10 **MS. WALKER:** Thank you, Your Honor. No further
11 questions.

12 **THE COURT:** You may step down.

13 **MR. BAILEY:** No, Your Honor, I'd like a recross,
14 please, sir.

15 **THE COURT:** On something new that she brought up?

16 **MR. BAILEY:** Exactly. In answer to what she crossed
17 her on. In answer to her recross, sir.

18 **THE COURT:** Okay. Well, let me hear your question.

19 **MR. BAILEY:** All right. Thank you, Your Honor.

20 **THE COURT:** But you know it's lunchtime for us and the
21 jurors.

22 **MR. BAILEY:** Yes, Your Honor. I was hoping to do this
23 after lunch, too.

24 **THE COURT:** Well, we're doing it after lunch, but
25 we're gonna break for lunch.

1 **MR. BAILEY:** All right. Thank you, Your Honor.

2 RE CROSS EXAMINATION

3 BY MR. BAILEY:

4 Q. Dr. Durso, you can't say for sure at all that these
5 injuries happened from a fall -- a fall, can you?

6 A. I said they most likely based on the patterns that
7 I've seen, but I can't say with a hundred percent
8 certainty.

9 Q. Okay. And --

10 **THE COURT:** That -- that has already been covered, so
11 let's go to something that's not been covered, something
12 new.

13 Q. Okay. This -- you can't say that these injuries
14 didn't happen before he was shot, can you?

15 A. I cannot.

16 **MR. BAILEY:** Thank you. No further questions.

17 **THE COURT:** You may step down.

18 (Witness excused.)

19 **THE COURT:** We'll break for lunch. Remember my
20 cautions. No discussions with anybody, no research, no
21 investigation, no media exposure. Do have a good lunch.
22 Please report to your jury room at 2:45. 2:45, that's a
23 quarter till three, this afternoon.

24 (Whereupon, the jury retires to the jury room at
25 1:17 PM.)

1 **THE COURT:** Court's in recess until 2:45.

2 (Whereupon, a luncheon recess was taken at 1:18 PM.)

3 **BAILIFF:** All rise, please. No cell phones in the
4 courtroom. If you have a cell phone, take it out.

5 **THE COURT:** Are we ready for the jury?

6 **MS. CAMPBELL:** Yes, sir.

7 **MS. PINNOCK:** Your Honor, I have one matter I'd like
8 to put on the record.

9 **THE COURT:** Okay.

10 **MS. PINNOCK:** Your Honor, respectfully, when the
11 State recalled Ms. Harris to the stand and introduced the
12 text message, we objected. Your Honor overruled our
13 objection. For the record, my objection is that the text
14 message itself is hearsay. There is nobody that we can
15 cross-examine regarding the making of that statement. I
16 can see no other purpose that text message was introduced
17 into evidence other than to be introduced as the truth of
18 it. There is no exception to the hearsay rule that would
19 apply to that text message, which is the reason we objected
20 to it.

21 So that is my objection, Your Honor. Our objection
22 is hearsay and there are no exceptions to the rule, of
23 801, that would allow that text message to be introduced
24 in evidence.

25 **THE COURT:** Well, Ms. Walker is gonna tell you which

1 exception that applies. Ms. Walker.

2 **MS. WALKER:** Your Honor, the State's position is that
3 was a present sense impression of the sender of the text
4 message and the text message was authenticated by the
5 witness and it was from her husband.

6 **THE COURT:** Okay. Anything else?

7 **MS. PINNOCK:** Yes, Your Honor. If I could, I just --
8 I would take language out of State versus Parvin, Your
9 Honor. It's a court of appeals case that came out in 2015.
10 Ms. Mubarak just went to get a copy of it. It addresses
11 present sense impressions. It says the exception allows
12 for the admission of a statement describing or explaining
13 an event or condition made while the declarant was
14 perceiving the event or condition, or immediately
15 thereafter. The Court then goes out to lay three -- three
16 requirements or three elements for the foundation of the
17 admission of that statement. The first being the statement
18 must describe or explain an event or condition, the
19 statement must be contemporaneous with the event and,
20 third, the declarant must have personally perceived the
21 event. None of those elements were presented to the Court
22 and -- and the text messages were -- we don't know when
23 this alleged conversation between Dexter and his brother
24 occurred, we don't know what time, we don't know if was the
25 same day. All we know is that on March 21, 2014, a text

1 message was sent to Mahogany Harris. Your Honor, I don't
2 believe that it would fall under the definition or the
3 court's explanation of what that exception is for. So,
4 again, we would object and put our reasonings on the record
5 of why we don't believe it should have been introduced into
6 evidence.

7 **THE COURT:** Okay. Thank you.

8 All right. Bring the jury in, please, sir.

9 (Whereupon, the jury enters the courtroom at
10 2:46 PM.)

11 **BAILIFF:** The jury is seated, Your Honor.

12 **THE COURT:** Good afternoon, ladies and gentlemen.
13 We're gonna continue with the State's presentation.

14 **MS. CAMPBELL:** May it please the Court?

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

16 **MS. CAMPBELL:** The State calls Investigator Chris
17 Truluck.

18 CHRIS TRULUCK,

19 having been duly sworn, testified as follows:

20 **THE CLERK:** Thank you. Please have a seat on the
21 witness stand and state your full name for the record.

22 **THE WITNESS:** Chris Truluck.

23 DIRECT EXAMINATION

24 BY MS. CAMPBELL:

25 Q. Investigator Truluck, where are you employed?

1 A. Richland County Sheriff's Department.

2 Q. What you do do?

3 A. I am an investigator.

4 Q. How long have you been in law enforcement?

5 A. Twenty-one years.

6 Q. And how long have you actually been at the Richland
7 County Sheriff's Department?

8 A. I've been there for five and a half years. The first
9 two years there at Richland County I worked the road. I
10 would be transferred to the investigation's division where
11 I began working burglaries, then went to assaults,
12 aggravated assaults, and now I'm assigned to the robbery
13 unit, and I'm also a lead homicide investigator.

14 Q. And prior to coming to the Richland County Sheriff's
15 Department, where were you in law enforcement?

16 A. Bradenton Police Department in Florida.

17 Q. I want to turn your attention to last year on July
18 the 2nd of 2014. Can you tell the jury when and how you
19 became involved in this case?

20 A. Yes, sir -- yes, ma'am. I'm sorry. I had gotten to
21 work that morning. My actual office was in Pineview. It
22 was actually Pineview and Garners Ferry Road. The call had
23 went out about shots being fired and there was possibly a
24 victim that had been hit, including a child. I monitored
25 the radio a bit and then myself and Investigator Gallegos

1 decided that we were gonna go and assist. We would both
2 respond there. I believe I arrived at the scene at 8:40
3 that morning.

4 Q. Around 8:40 that morning?

5 A. Yes, ma'am.

6 Q. And prior to you getting to the scene, had other
7 officers already been there?

8 A. Yes. Patrol deputies had been there, you know, I
9 believe, and Investigator Dauway had also been there prior
10 to my arrival.

11 Q. Once you got there, were you able to make contact with
12 Mahogany Harris in this case?

13 A. No, ma'am. I didn't speak to her. When I did arrive
14 though, she was being loaded up in the ambulance to be
15 transported to the hospital.

16 Q. And there at the scene were provisions made for her to
17 take care of her children?

18 A. Yes, ma'am.

19 Q. While you were there at the scene, did you make
20 contact with any neighbors that might have information in
21 this case?

22 A. Yes, I did. Myself and Investigator Dauway went and
23 spoke to Ms. Emma Brown, who was Mahogany's neighbor at the
24 time. When we arrived, when we went inside there, the two
25 children were there. There were children present. We

1 briefly spoke to her. From what she could tell us --

2 Q. You can't say what she said.

3 A. Correct.

4 Q. You can say what you did as a result. That's fine.

5 A. She was visibly upset about it. We made arrangements
6 that we would come back and talk to her later on as things
7 came to a rest.

8 Q. And you did make arrangements at a later time to come
9 interview her?

10 A. Yes, ma'am.

11 Q. Did anyone go to the hospital to speak with the
12 surviving victim in this case, Ms. Harris?

13 A. Yes, Investigator Gallegos would go to the hospital to
14 speak to Ms. Harris.

15 Q. After Investigator Gallegos was able to speak to
16 Ms. Harris and get some information, were warrants obtained
17 in this case?

18 A. Yes, ma'am, there were.

19 Q. And, specifically, did you also get a search warrant
20 for the apartment where this took place?

21 A. Yes, ma'am, we did.

22 Q. Is that standard?

23 A. Yes.

24 Q. Because by that time had you also learned that --

25 **MS. PINNOCK:** Objection. She's leading, Your Honor.

1 **THE COURT:** Wait for her question.

2 BY MS. CAMPBELL:

3 Q. What, if any, information did y'all develop that y'all
4 were acting upon?

5 A. Investigator Gallegos related to us at the scene that
6 he had spoken to Mahogany at the hospital and she --

7 **MS. PINNOCK:** Objection, Your Honor. That's hearsay.

8 **MS. CAMPBELL:** I'll be glad to rephrase it.

9 BY MS. CAMPBELL:

10 Q. As a result of speaking to Investigator Gallegos,
11 warrants were obtained for whom?

12 A. For Dexter Myers.

13 Q. And at that point -- you can't say what was told to
14 you, but based on the information you garnered during the
15 course of your investigation, were you also looking for an
16 additional witness that was inside that day?

17 A. Yes, we were looking for Dexter's brother, Shamaray
18 Myers.

19 Q. You also mentioned that there were two children
20 present there at the scene that day. Were those children
21 ever interviewed? Or how old were they?

22 A. No, ma'am. They were four and one.

23 Q. And as far as the events and the condition of those
24 children, were they also traumaticized?

25 **MS. PINNOCK:** Objection, Your Honor.

1 **THE COURT:** Sustained.

2 BY MS. CAMPBELL:

3 Q. Were the children there and can you describe their
4 demeanor?

5 A. They were very solemn, quiet. I believe one of them
6 was crying to the best of my recollection. It -- it was a
7 situation that I wouldn't want to interview the child about
8 what had just taken place.

9 Q. At that point did you call in any other units to
10 assist you in trying to find Dexter Myers?

11 A. Yes. Actually, by that time there was numerous units
12 within the department that were there. From what I recall,
13 the helicopter was even there assisting. The fugitive team
14 was there, tracking units were there. That much radio
15 traffic had gotten out about what was going on and that we
16 possibly had a suspect on the loose in the general area, so
17 there was a good bit of assistance in the area including
18 the fugitive team as I had mentioned.

19 Q. Now the two individuals you were searching for at
20 that point, who did you come upon first and how did that
21 happen?

22 A. There was radio transmission that Shamaray Myers
23 had been apprehended in -- I believe it was one of the
24 buildings at Brook Pines. He was found sitting on one of
25 the steps to the breezeway and that he was being brought

1 back over to the scene.

2 Q. And who actually escorted him back to the scene?

3 A. When I finally saw him, Sergeant Lindler had him and
4 was escorting him back over.

5 Q. And, again, can you -- when you had him back -- when
6 you say at the scene, did you put him back inside the
7 apartment?

8 A. No, ma'am. It was actually the parking lot of the
9 apartment where this incident occurred. Sergeant Lindler
10 was there with him. Shamaray was visibly upset, he was
11 crying, he was sweating. He was kind of a little bit in
12 hysterics. I did my best to calm him down. I even had him
13 sit on the curb, you know, trying to calm him down.

14 Q. And as you were trying to calm him down, what, if
15 anything, did he say?

16 A. He spontaneously stated to me "Why did my brother do
17 this?" That he just F'd his life up.

18 Q. And at that point was Shamaray Myers taken anywhere?

19 A. Yes. At that point I didn't want to discuss it or
20 have it discussed anymore there on the scene, so he was
21 taken to the Region 4 headquarters where he could be
22 interviewed and Sergeant Lindler would go with him and
23 conduct that interview.

24 Q. Were you present when the crime scene investigative
25 unit was able to enter and do their processing?

1 A. Yes, ma'am.

2 Q. And at some point after they had done some of their
3 processing, were you able to enter the actual scene where
4 the murder occurred?

5 A. Yes, ma'am, I did.

6 Q. And what were your observations as you did a
7 walkthrough?

8 A. Once the crime scene -- the search warrant was there,
9 crime scene, normally the first protocol what they will do
10 is photograph the scene and take as many pictures as they
11 need. Once all the photographs are taken, Sergeant
12 Richards would come back and advise me that I could come
13 in. Then at that point I went inside the apartment. My
14 reasoning because I -- if I'm the lead investigator, I want
15 to get a view of what happened there or what I could see,
16 you know, for later on in the investigation. It's not my
17 job to stay in there very long because they would still
18 have to process that, but I did need a mental picture of
19 what had took place.

20 When I first went in there, the first thing I noticed
21 is you could still smell burnt food. I don't what it was,
22 but it was even smokey in there from whatever was on the
23 stove had burned. I then began to notice the kitchen
24 table. I would see that there was two plates of food
25 there. One appeared to be a child's plate, the other

1 appeared to be maybe an adult's plate that the food was
2 there and hadn't even been touched, it hadn't even started
3 to be eaten on. I would eventually go to the back room
4 where Dajuan Harris was found. I would notice the door
5 going into the bedroom. One of the first things I noticed
6 was blood that would be on the door as you go in and the
7 doorknob had been kicked in. Once I went in the room, I
8 would see the deceased, Dajuan Harris, laying there on the
9 floor with his head up against the -- the door, where the
10 door would have been. By now it had been opened.

11 Q. When you observed him, was he face up or face down?

12 A. When I observed him, he appeared to be face down. And
13 I noticed blood all around his facial area and at that time
14 there was -- I believe there was radio transmission that
15 came across that he had been shot in the head.

16 Q. You can't say what anybody else said, okay? Sorry.
17 That's hearsay. At that point did you then exit the scene
18 and make contact with another investigator in this case?

19 A. Yes, I did. At that point I left the scene and made
20 contact with Investigator Justin Britt. He had been
21 following up on some leads that he had gotten regarding
22 some potential people who had seen Dexter. We would get
23 together and then travel towards the back of the apartment
24 complex where we met an individual who had told us that
25 Dexter had probably left in a vehicle. As this was going

1 on, we would also receive information again that Dexter had
2 been taken from the scene to Charles Street. At the time
3 we didn't have exact numerics to where it was on Charles
4 Street. I was given a location to meet a female who
5 remained anonymous on this and once I got to the area of
6 Colonial Drive, I met this female who got in the car with
7 me. I would then take her to -- down Charles Street and
8 she would point out the house that Dexter was believed to
9 be in. At that point it was identified to be [REDACTED]
10 [REDACTED] and I would pass that on to the fugitive team and
11 other units who were in the area.

12 Q. And once you got this information, did y'all make any
13 attempts to find out if Mr. Myers was, in fact, in the
14 house?

15 A. Yes. I would first drop this young lady I had with
16 me, drop her back at the location where I picked her up
17 at, and return back to the scene. At that time units were
18 surrounding the house. I would also stand off just a
19 little bit from the house but observe Investigator Britt
20 go to the door and knock on the door. Someone would
21 eventually open the door and immediately slam it back
22 closed. Once that occurred, everyone was actually kind of
23 on high alert with this because we didn't know what was
24 going on or the fact if he was still in there armed.
25 Another knock was at the door and the door would be open.

1 Investigator Britt and the fugitive team guys would enter
2 the home and eventually exit with Dexter Myers.

3 Q. When you first came in contact with Mr. Myers, did you
4 notice anything about his person?

5 A. Yes, he was -- once he was brought out of the scene,
6 he was in handcuffs. I noticed blood on his shirt. We
7 also emptied his pockets and then when we emptied his
8 pockets I noticed that there was blood on the inside of his
9 pockets and on his pants.

10 Q. Once Mr. Myers was taken into custody, at that point
11 what, if anything, did you do with him?

12 A. I began to take him to headquarters with me. I had
13 Investigator Justin Britt ride with me. Dexter Myers
14 would be put in the front seat, front passenger seat, and
15 Investigator Britt would be in the back seat. We began
16 en route to headquarters for him to be interviewed. Before
17 I asked him any questions, I would read him his Miranda
18 rights. He would tell me he understood his rights and
19 would talk to me. I didn't ask him any questions; however,
20 I did make several statements to him that we had already
21 talked to Mahogany and Shamaray.

22 Q. Let me slow you down. When you say you gave him his
23 Miranda rights, some people may know what those are, but
24 what rights did you advise him he had?

25 A. His Miranda rights that were read earlier. Would you

1 like for me to read them to you?

2 Q. Uh-huh.

3 A. His rights would be: You have the right to remain
4 silent. Anything you say can be used against you in a
5 court of law. You have the right to talk to an attorney
6 and have an attorney with you -- or present with you during
7 any questioning, if you wish. If you cannot afford an
8 attorney, one will be appointed for you before any
9 questioning. If you decide to answer these questions now
10 without a lawyer present, you will still have the right to
11 stop answering at any time. You also have the right to
12 stop answering at any time until you talk to an attorney.
13 I would secure that by asking him if he understands his
14 rights and he said he did.

15 Q. He did?

16 A. Yes.

17 Q. And at that point you said that you started giving him
18 -- advising him of some information you already had?

19 A. Yes, ma'am, I did. I explained to him that we had
20 already talked to Mahogany and Shamaray about what had
21 happened and that he needed to make things right by his
22 family. He would tell me that he didn't know what I was
23 talking about and he wasn't there.

24 Q. Did he mention specifically anything about Mahogany?

25 A. Yeah, he said he didn't care what Mahogany and

1 Shamaray had told me, that he wasn't there.

2 Q. And specifically about Mahogany, what did he say?

3 A. He said he didn't have any love for her.

4 Q. And was this pretty much the gist of what he was
5 saying as you were transporting him to headquarters?

6 A. Yes, ma'am.

7 Q. Once you got to headquarters, what happened?

8 A. Myself and Captain McDonald would take him in Captain
9 McDonald's office where he would be read his Miranda rights
10 again verbatim with what I -- I just quoted you; however,
11 it would now be from an Advisement of Rights form that I
12 would read to him and that he would eventually sign. When
13 I do this, I would also check each one of those rights that
14 I read to him and, again, I would secure it with a waiver
15 and in that waiver where he said he would talk to me. I
16 would also ask him about his education level and if he
17 could read and write and document it on the Advisement of
18 Rights form.

19 Q. And I'll show you State's Exhibit Number 1. Do you
20 recognize that?

21 A. Yes, ma'am.

22 Q. Is that the Advisement of Rights form that you used
23 that day once you got to headquarters to make sure he
24 understood what his rights were?

25 A. Yes, ma'am, it is.

1 Q. In the second half of that, there's two signatures on
2 there for Mr. Myers; is that correct?

3 A. Yes, ma'am.

4 Q. In the first one he's acknowledging what?

5 A. He's acknowledging that he understands his rights.

6 Q. And in the second part, in that little paragraph
7 above, what is that?

8 A. That is called his waiver of rights, and at that point
9 under waiver of rights, it says: I've read the statement
10 of my rights and I understand what my rights are. I'm
11 willing to talk and answer questions. I understand and
12 know what I'm doing. No promises have been made to me. No
13 pressure or coercion of any kind has been used against me.
14 And as a practice or a policy to myself, I always secure
15 that, again, by making sure they understand what coercion
16 means and a lot of times will they say they do understand
17 that and some won't, and I will explain coercion would be
18 I am not forcing you to do anything against your will. I
19 don't have a gun at you, I don't have any kind of weapon
20 to make you say anything that didn't occur.

21 Q. Once he had been advised of his rights and waived him
22 by signing that form, did y'all continue to talk to him?

23 A. Yes, ma'am, we did.

24 Q. And, again, at first what was he saying?

25 A. He would, again, tell us that he wasn't there and he

1 did not know what we were talking about. Eventually he
2 would change his story to a second version where he did
3 wake up that morning and when he woke up Mahogany was
4 cooking breakfast, he could actually smell the breakfast
5 cooking. He left the residence to go buy some marijuana
6 and he never returned. We would continue interviewing
7 him more and at which point he would now say that he was
8 present when the shooting occurred and he would explain
9 the events that he woke up that morning and they have a
10 gun that he claimed was a family gun and that it would
11 be laying in the middle of the floor with the hammer
12 back and he described the gun would be messed up or
13 dysfunctional where the hammer would have to stay back.
14 He says he picked the gun up and when he picked it up, the
15 gun just went off and shot Dajuan by accident, but it would
16 continue to go off and that was when Mahogany was shot.

17 Q. At that point did y'all continue to talk to him about
18 his story?

19 A. Yes. We would tell him that basically the story
20 that he was saying didn't make any sense and that's just
21 basically from our general knowledge of firearms. The way
22 he explained it is practically impossible for a gun to
23 shoot like he was telling us, especially being it was a
24 revolver. We would continue to interview him more and he
25 would tell me that he wanted to talk to his brother,

1 Shamaray.

2 Q. Let me stop you there. At that point he was telling
3 you that the gun was just going off?

4 A. Yes, ma'am.

5 Q. And when he picked it up, it went off and continued to
6 go off?

7 A. Yes.

8 Q. Did he demonstrate to you how he picked up the gun at
9 that point?

10 A. On his second version of the interview he did.

11 Q. Later on?

12 A. Yes, ma'am.

13 Q. Okay. At that point did he request anything of y'all?

14 A. Yes, he wanted to see his brother Shamaray and talk to
15 him and I told him I didn't have a problem with him doing
16 that; however, I needed him to take us to the gun. He had
17 already told us that he had thrown the gun away somewhere
18 and didn't know where it was. We needed the gun and I was
19 willing to help him if he was willing to provide us with
20 the gun, and he agreed to do so.

21 Q. And the gun being somewhere in the community, is that
22 a concern?

23 A. Yes, ma'am.

24 Q. What happened next?

25 A. We would take him to -- back to the area. He was

1 gonna show us where the gun would be located at and when
2 I got back to the area of Brook Pines, I pulled in through
3 the Brook Pines subdivision and we would see Shamaray
4 walking through the parking lot of the actual building
5 where the incident took place. He began walking up the
6 stairs back into the incident location. There was a deputy
7 that was there on-scene maintaining the crime scene and had
8 stopped him. I would get out and talk to him and we would
9 make arrangements for another patrol unit to come by and
10 pick him up and take him to headquarters. While this was
11 going on, Dexter would still be in the front seat of my
12 car. The Region 4 unit would arrive there and as we're
13 putting Shamaray in the car to bring him to headquarters
14 they would make eye with each other and Dexter would put
15 his finger up to Shamaray as to not say a word.

16 **MS. PINNOCK:** Objection, Your Honor.

17 Q. If you can describe what you saw, okay?

18 A. At that point he would put his finger up to his mouth
19 at Shamaray.

20 Q. And that was Dexter that did that?

21 A. Yes, ma'am.

22 Q. And why was Shamaray going back to headquarters?

23 A. Because we wanted to obligate what we had told him.
24 He wanted to talk to his brother, so we wanted to take him
25 there in a controlled environment so they could talk.

1 Q. So Shamaray was transported back and at that point
2 did Mr. Myers help you locate gun?

3 A. Yes, he did.

4 Q. Tell me what happened.

5 A. I'm sorry?

6 Q. Just tell the jury what happened there.

7 A. We would pull back out on Broad River Road and then
8 turn right as you were going out towards the Irmo area. We
9 would just pass the Green Oaks Apartment Complex that is
10 adjacent to Brook Pines and right to a wooded area off the
11 sidewalk. Dexter had told us that he was walking through
12 the woods right after the shooting and when he got to the
13 sidewalk he saw a Columbia Police Department vehicle coming
14 down the road with its lights and sirens on, so he had just
15 dropped the pistol right there at the sidewalk, but, of
16 course, we were there looking for it in the general area
17 that he kept directing us to. We walked the sidewalk and
18 didn't see anything there close to the sidewalk. I then
19 called for an additional unit to come help us search.
20 Investigator Gallegos would stay with Dexter at the car.
21 Eventually one of the deputies would find the pistol in the
22 wooded area right adjacent to this same sidewalk.

23 Q. And then at that point was a crime scene unit called
24 out to photograph and collect it?

25 A. Yes, ma'am. I made contact with Sergeant Richards who

1 made arrangements for -- I believe Investigator Beeler came
2 out and recovered the pistol.

3 Q. Once you had arranged with crime scene to come and
4 recover the pistol, what, if anything, did you do?

5 A. Once it was recovered, we brought Dexter back to
6 headquarters; however, he stated that he was hungry. I
7 asked him where he would like to eat and he suggested
8 Arby's, so we took him to Arby's and I got him what he
9 requested and then we would return back to headquarters to
10 discuss the case.

11 Q. All right. Did he, in fact -- you actually ordered
12 food for him?

13 A. Yes, ma'am, I did.

14 Q. And was he given an opportunity to eat the food?

15 A. Yes. He actually ate the food on the way back to
16 headquarters.

17 Q. I'll show you what's been marked as State's Exhibit
18 224.

19 **MS. CAMPBELL:** Do you have that one? It's the Arby's
20 receipt.

21 **THE COURT REPORTER:** I don't have it.

22 **MS. CAMPBELL:** Okay.

23 **BY MS. CAMPBELL:**

24 Q. Do you recognize this?

25 A. Yes, ma'am, I do.

1 Q. And what is that?

2 A. It is a copy of a receipt from Arby's.

3 Q. And the date is what and at what time at the bottom?

4 A. It would be July the 2nd at 14:26, which is military
5 time. It would be 2:26 PM.

6 MS. CAMPBELL: Your Honor, at this time we'd offer it
7 into evidence.

8 MS. PINNOCK: No objection, Your Honor.

9 THE COURT: It's admitted.

10 (State's Exhibit Number 224, an Arby's receipt, was
11 admitted into evidence.)

12 BY MS. CAMPBELL:

13 Q. After getting the food, where did you go?

14 A. We'd go back to headquarters and me and Captain
15 McDonald, again, would interview Dexter more because, as I
16 stated before, if we took him to the gun and let him speak
17 to Shamaray, you know, he would also tell us what happened.

18 Q. Was he given the opportunity to speak to Shamaray?

19 A. Yes, he was.

20 Q. Where did that take place?

21 A. He did. I was present for this. They -- during there
22 conversation the both of them were crying. Dexter would
23 tell Shamaray not to be getting into any trouble out there
24 and he would also apologize to him several times, if not
25 numerous times.

1 Q. At some point does Shamaray leave the room?

2 A. Yes, ma'am.

3 Q. And this is taking place at headquarters?

4 A. Yes, ma'am. Again, in Captain McDonald's office.

5 Q. During this whole interview process, was he deprived
6 of any creature comforts or his rights as far as safety,
7 things of that nature?

8 A. No, ma'am. We had already gotten him something to eat
9 and if he had requested to use the restroom or if he wanted
10 anything to drink, we would have obliged him with that.

11 Q. Once Shamaray left, what happened next?

12 A. We began interviewing him again and Dexter told myself
13 and Captain McDonald, who was present, that he was gonna
14 tell us what really happened. He began to explain to us
15 that he has an uncle, Larry Myers, and that they had a
16 past between the two and Larry had threatened to come do
17 something at their apartment and he insinuated to me well,
18 you know who Larry is, and he also would insinuate that
19 Larry would come back and rob them. So he said they had
20 gotten a family gun for protection and this morning or that
21 night they had this gun laying on the floor, again, with
22 the hammer cocked back because it was a dysfunctional gun,
23 and Dajuan would get up that morning -- he would also
24 explain that Mahogany was in -- again, in the kitchen
25 cooking. Dajuan would get up that morning and he would go

1 over to the pistol and pick the pistol up and Dexter
2 explained that he figured Dajuan he did this because the
3 kids were up now moving around in the house and didn't want
4 them hurt. He said that Dajuan picked the pistol up and at
5 that time now Dexter gets up off the couch and they're face
6 to face with each other and they have words regarding the
7 pistol being dysfunctional. At that point Dajuan has the
8 pistol in his hand and Dexter says he has his hand held out
9 and as soon as Dajuan puts the gun in his hand, the gun
10 just starts firing.

11 Now during this time Dexter is emotional with it,
12 dramatic with it, and he said the gun's just laying there
13 and it's just shooting and he's jerking his body as he's
14 doing this and he has this look of surprise on his face
15 that this gun just keeps firing. He also stated that at
16 that point Mahogany was in the kitchen and now she's
17 standing at the end of the counter and as the gun is
18 continuously firing, she's struck with the firearm -- with
19 the bullets. He would go on to say that once the incident
20 was over that Shamaray, who was still present, again, had
21 told him that he had just, quote, fucked his life up. You
22 know, he says the gun fell to the floor and Shamaray would
23 pick the gun up and go to put it in his pocket; however,
24 Dexter said he didn't want Shamaray to take the gun, that
25 he would take care of it. Soon after that they both left

1 and I think they fled together, but eventually went in
2 different directions.

3 Q. And when you were just demonstrating for the jury, how
4 did he say the gun was in his hand and how was his hand
5 held when he said it started going off?

6 A. The way he described it, as an open hand. He never
7 said anything about closing the hand. He said basically
8 that as soon as Dajuan put it in his hand it would just
9 start firing and, like I said and I'm doing, he would
10 demonstrate by jerking his arm like this.

11 Q. At any point was his hand anything but flat like the
12 gun was on it?

13 A. No, ma'am.

14 Q. At that point did he tell you -- he's gotten to the
15 point he took the gun away from Shamaray. Did he indicate
16 again what he had done with the gun?

17 A. Well, as I stated previous, he stated he had thrown
18 the gun away. And also then he would come back and say a
19 second time that after they had fled the scene, he was
20 running through the woods and had cut his hand in the
21 woods and, again, when he saw the Columbia Police
22 Department car coming his way, he dropped it. At that
23 point he said he doubled back to the back of the apartment
24 complex where he met up with Roshaunda. First he would
25 ask one of Roshaunda's neighbors, who I was never able to

1 get identified, if they would give him a ride, and
2 eventually Roshaunda would agree to give him a ride and he
3 told her he would -- he would give her \$20 and buy her a
4 pack of cigarettes. At that point Roshaunda -- they
5 stopped by the store to get the cigarettes and then she
6 would take him on to [REDACTED] [REDACTED] [REDACTED]

7 Q. And at that point after he told you what happened,
8 did you try to get further information about the family
9 dynamics?

10 A. Yes. I would talk to him about his relationship with
11 his family and then he would claim that, you know, his
12 family was dysfunctional. He would say he didn't have any
13 love for Mahogany, that Mahogany was only letting them,
14 him and his brother Shamaray, live there for his SSI check
15 and that she was using them as much as they were using her
16 to stay at her residence. He stated that both him and
17 Mahogany know how their relationship is, you know, as I
18 just described and it was just kind of understood between
19 the two of them. And, again, he would express that there
20 was no love for her.

21 Q. Did he also express his feelings about Dajuan?

22 A. Yes. He would also consider Dajuan, that he would
23 call White Boy basically because he was light-skinned, and
24 would refer to him as being soft.

25 Q. Did you ever inquire as to whether or not there was

1 any type of argument going on?

2 A. I did. Of course, we're trying to find out why this
3 occurred and so, of course, I asked him did they have an
4 argument and he stated they didn't. They didn't have an
5 argument prior to, nor was there any argument that morning.
6 I had been made aware about her wanting them to move out
7 and he said that was brought up maybe a month or so prior,
8 but it was never an issue and, you know, he was -- they
9 were supposed to move out in July. There was never
10 anything recent that would spur this according to his
11 statement.

12 Q. Did he tell you anything else prior to reducing it to
13 a written statement?

14 A. I believe that would be all.

15 Q. And State's Exhibit Number 2 Captain McDonald referred
16 to earlier, is that the written statement from the
17 Defendant in this case?

18 A. Yes, ma'am, it is.

19 Q. And was that what was reduced to writing and that he
20 signed off on?

21 A. Yes, it was.

22 Q. At any time in the time period you were talking with
23 him, did anyone promise him anything to make him talk to
24 you?

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

1 Q. Did anyone threaten him in any way?

2 A. No, ma'am.

3 Q. And eventually he did sign that statement; is that
4 correct?

5 A. Yes, he did. He also signed that he received a copy
6 of it. There's two places on the statement where you sign
7 your statement, and one that you receive a copy of your
8 statement, so he was given the opportunity to read it prior
9 to and even during the statement he changed a couple of
10 things as to -- at one point I believe he wanted to change
11 as to how many times the gun actually fired. I believe one
12 other point was how he held his hand to where he stated
13 that he wanted his hand -- this is the way he held his
14 hand, so there were a few things that after he read his
15 statement that we did change for him.

16 Q. That day did you also get a crime scene investigator
17 to come by and get certain items from him?

18 A. Yes. Investigator Kristen Polis would come to the
19 office and she would take photographs of his injuries on
20 his hand and we would collect his clothing.

21 Q. On July the 7th, 2014, did you then go and interview
22 Mahogany yourself?

23 A. No, she would come to headquarters and -- and give a
24 statement.

25 Q. You can't say what she said, but she did give you a

1 statement at that point?

2 A. Yes, ma'am.

3 Q. Did you also make contact with a woman that you were
4 able to identify as Roshaunda?

5 A. Yes, ma'am, I did.

6 Q. And later that month did you also take a statement
7 from her?

8 A. Yes, ma'am, I did.

9 Q. When you came in contact with the Defendant, did you
10 also collect a phone?

11 A. Yes, ma'am.

12 Q. Let me show you State's Exhibit 199.

13 A. Correct. This was taken from him at the Charles
14 Street location.

15 **MS. CAMPBELL:** Your Honor, at this time I'd offer
16 State's 199 into evidence.

17 **MS. PINNOCK:** No objection, Your Honor.

18 **THE COURT:** It's admitted.

19 (State's Exhibit Number 199, a cell phone, was
20 admitted into evidence.)

21 BY MS. CAMPBELL:

22 Q. Did you attempt to get any information off this?

23 A. Yes, ma'am. I turned the phone over to Captain
24 McDonald who has the equipment to download contents from a
25 cell phone; however, there was nothing downloadable. That

1 phone cannot be downloaded.

2 Q. In this case were there also what's known as buccal
3 swabs or known DNA samples collected from Mahogany
4 Speech-Harris and Dexter Myers?

5 A. Yes, ma'am. There were.

6 Q. I show you State's Exhibits 228 and 229. Were those
7 the known standards?

8 A. Yes, it is.

9 **MS. CAMPBELL:** Your Honor, at this time we'd offer 228
10 and 229 into evidence.

11 **MS. PINNOCK:** No objection.

12 **THE COURT:** They're admitted.

13 (State's Exhibit Numbers 228 and 229, buccal swabs,
14 were admitted into evidence.)

15 BY MS. CAMPBELL:

16 Q. Do you know how old Dexter Myers was when this
17 happened?

18 A. I do not recall.

19 Q. I want to show you State's Exhibits 194 and 195 and
20 first ask you are these aerials of some of the areas we
21 talked about?

22 A. Yes, ma'am, it is.

23 **MS. CAMPBELL:** Your Honor, at this time we'd offer
24 194 and 195 into evidence.

25 **MS. PINNOCK:** The aerials? No objection.

1 **THE COURT:** They're admitted.

2 (State's Exhibit Numbers 194 and 195, blown-up aerial
3 photographs, were admitted into evidence.)

4 **MS. CAMPBELL:** Your Honor, may the witness step down?

5 **THE COURT:** Yes.

6 (Whereupon, the witness steps down from the witness
7 stand.)

8 BY MS. CAMPBELL:

9 Q. I'm going to show you first 194, and in reference to
10 the two apartment complexes right next to each other, as
11 well as the wooded area where the gun was found, are those
12 areas shown on this one?

13 A. Yes, ma'am.

14 Q. Will you point out where the Brook Pines Apartment
15 Complex is?

16 A. This would be all of Brook Pines here. All of this
17 area. This is Brook Pines Drive, if you would, and there's
18 also -- as you can see, there's buildings on both sides of
19 this road all the way up to here, so -- I'm sorry, this
20 little wood line right here. These are all the apartments.

21 Q. And where is Broad River Road on this?

22 A. Broad River Road would be right here.

23 Q. And where is the first building that's been referenced
24 here that faces the actual road?

25 A. Of Brook Pines? None of them actually face Broad

1 River Road, but this -- are you trying to point out the
2 incident location?

3 Q. Where's the incident location?

4 A. This is the incident location right here, would be
5 this building, and it faces Brook Pines Drive.

6 Q. Okay. And where did Ms. Roshaunda Dumas live?

7 A. She would live all the way back here. I believe right
8 there by the office. This would be the office. I'm sorry.

9 Q. Okay. There's also another apartment complex that's
10 been referenced here. Green something?

11 A. Green Oaks Apartment Complex would be the apartments
12 right here.

13 Q. So it's much smaller?

14 A. Yes.

15 Q. And then the wooded area where the gun was found that
16 he dropped, where was that?

17 A. It would be right in this general area here.

18 Q. Okay. I'll take that. The Charles Street address is
19 indicated over here near what area of town?

20 A. This would be downtown Columbia. The Colonial Drive
21 area.

22 Q. Okay. And then is [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 A. Yes, ma'am.

24 Q. Okay. And on this, where's the area -- if this is the
25 20 interchange, this would be what road? This road is

1 St. Andrews?

2 A. Yes.

3 Q. And then this would be what road?

4 A. I believe that would be Harbison.

5 Q. Or Piney Grove?

6 A. Yes. Let me see here. As a matter of fact, I believe
7 that's gonna be Piney Grove.

8 Q. So would the apartment complex be located between
9 those two?

10 A. Yes. It's gonna be right here in this general area.

11 Q. Thank you.

12 (Whereupon, the witness returns to the witness stand.)

13 Q. And this apartment complex is here in Richland County?

14 A. Yes, ma'am, it is.

15 Q. The person that you interviewed that said the gun went
16 off in his hand, do you see him in the courtroom?

17 A. Yes, ma'am, I do.

18 Q. Can you identify him for the jury?

19 A. He would be in between the two counselors there
20 wearing a lavender shirt with a tie.

21 **MS. CAMPBELL:** Your Honor, can the record reflect he
22 identified the Defendant?

23 **THE COURT:** It shall.

24 **MS. CAMPBELL:** Thank you. That's all I have.

25 **MS. PINNOCK:** May it please the Court, Your Honor?

1 **THE COURT:** Ms. Pinnock.

2 CROSS-EXAMINATION

3 BY MS. PINNOCK:

4 Q. How are you doing?

5 A. Good.

6 Q. All right. Investigator Truluck, we have established
7 that Dexter ran away from the apartment?

8 A. (Nods head.)

9 Q. Right?

10 A. Yes.

11 Q. That's him sitting over there?

12 A. Yes.

13 Q. When you interviewed him, he lied about the gun
14 shooting by itself?

15 A. That's correct.

16 Q. He showed you where the gun was and the area that the
17 gun was in?

18 A. That's correct.

19 Q. He told you he got a ride from Roshaunda?

20 A. Yes, ma'am.

21 Q. He consented to DNA?

22 A. Yes, ma'am.

23 Q. He consented to GSR?

24 A. Yes, ma'am.

25 Q. He was arrested with no issue?

1 A. Yes, ma'am.

2 Q. So all of those things, that's what -- that's what we
3 know?

4 A. Yes, ma'am.

5 Q. All right. Now you said that you took out the arrest
6 warrants on Dexter after you had gained information coming
7 from Mahogany Harris, correct?

8 A. The arrest warrants were actually -- the information
9 was funneled back through Investigator Gallegos who would
10 additionally give that to Major Stan Smith who would type
11 out the arrest warrants.

12 Q. So after you got information from Mahogany Harris, you
13 took out arrest warrants?

14 A. Yes.

15 Q. Okay. So that's when you contacted Major Smith, he
16 typed them and he took them over to the magistrate to sign?

17 A. Yes.

18 Q. And Dexter was not in custody at that point, correct?

19 A. No, not when the warrants were issued he was not.

20 Q. Okay. You hadn't talked to -- nobody has talked to
21 Shamaray at that point?

22 A. Yes.

23 Q. You had?

24 A. I believe we have.

25 Q. Okay.

1 **MS. CAMPBELL:** Your Honor, we have a matter. Can we
2 approach? I apologize.

3 **THE COURT:** That's fine.

4 (Proceedings held at the bench; not reported.)

5 **MS. CAMPBELL:** Thank you, Your Honor.

6 **THE COURT:** You may continue.

7 **MS. PINNOCK:** Thank you, Judge.

8 BY MS. PINNOCK:

9 Q. Dexter was arrested on -- at Charles Street?

10 A. Yes, ma'am.

11 Q. You said you noticed some -- you noticed his clothes,
12 he had blood on his clothes?

13 A. Yes.

14 Q. You also noticed the injury on his hand?

15 A. Yes.

16 Q. And this was not a small cut, right? It was bleeding?

17 A. It wasn't anything significant. It was the webbing
18 between his thumb and his hand.

19 Q. It wasn't significant?

20 A. No, ma'am. I didn't consider it as being anything
21 majorly significant.

22 **MR. BAILEY:** Your Honor, may I approach to help sort
23 the photos?

24 **THE COURT:** May you approach the bench?

25 **MR. BAILEY:** No, her.

1 **THE COURT:** Sure.

2 BY MS. PINNOCK:

3 Q. All right. State's Exhibits 191 and 189, those are
4 the injuries on his hand, right?

5 A. Yes, ma'am.

6 Q. Okay. And you noticed those when you arrested him?

7 A. I noticed he was cut and the actual --

8 Q. And he was bleeding?

9 A. Yes.

10 Q. Okay.

11 A. And actually it had -- it was mostly dried up blood at
12 that point. It wasn't like his hand was cut and he was
13 still dripping blood. He had actually had his hand wrapped
14 up prior to us even taking him into custody.

15 Q. So he had cuts on his hand?

16 A. Yes.

17 Q. You noticed blood on his shirt?

18 A. Yes.

19 Q. Blood on his pants?

20 A. Yes.

21 Q. And then you, Dexter and Investigator Britt drove back
22 to headquarters?

23 A. Yes, ma'am.

24 Q. Okay. What time did you, Dexter and Investigator
25 Gallegos leave headquarters to go back to Brook Pines?

1 A. I don't have the exact time. I believe we were --
2 and I'm just speculating, maybe an hour into his first
3 interview as to when we left. I can only, again, guess
4 between the time he was read his Miranda and between the
5 time that he was -- the receipt from Arbys.

6 Q. Fair enough.

7 A. We can put that in that time frame.

8 Q. Now before -- before y'all ended up going back, I'm
9 gonna jump around on you a little bit. I apologize.

10 A. That's okay.

11 Q. When you went into the apartment the first time, you
12 said some of the things that you noticed were two plates
13 of food on the table that looked like they hadn't been
14 touched?

15 A. No, ma'am.

16 Q. No?

17 A. One -- one appeared to be half eaten, which was the
18 child's plate, and one appeared not to have been eaten.

19 Q. A child's plate or adult plate?

20 A. I believe it was a child's plate.

21 Q. Okay. Was there an adult plate on the table?

22 A. Yes.

23 Q. Okay. Also not touched?

24 A. That's correct.

25 Q. Okay. There were cups on the table?

1 A. I don't recall, but I would assume there was.

2 Q. There were chairs at the table so you can sit there?

3 A. Yes.

4 Q. Did you look into the -- how many bedrooms was it?

5 Two or three?

6 A. Two bedrooms.

7 Q. Did you look into the other bedroom?

8 A. I did.

9 Q. And then you looked into the master bedroom where
10 Mr. Harris was?

11 A. Yes.

12 Q. Did you look into the bathroom?

13 A. In the bathroom?

14 Q. Uh-huh.

15 A. I don't recall paying too much attention to the
16 bathroom.

17 Q. Okay. But you walked through as you said as the lead
18 investigator so you can see what the scene looked like so
19 you know what your case is gonna be about?

20 A. Yes, ma'am.

21 Q. All right. When you were talking to Dexter, you said
22 that he told you about -- he told you about having some
23 issues with an uncle?

24 A. Yes.

25 Q. All right. Not going into detail, but he told you

1 there was a problem?

2 A. Yes.

3 Q. Also learned that from other people in this case, too,
4 right?

5 A. No, I learned that from Dexter.

6 Q. Did anybody else know?

7 A. Not about a problem between Dexter and -- it was his
8 uncle he was referring to, but I don't recall anybody else
9 telling me that there was an issue, a known issue.

10 Q. Okay.

11 **MS. PINNOCK:** Begging the Court's indulgence.

12 Q. Can you turn to Page -- do you have your report with
13 you?

14 A. My follow-up or --

15 Q. Yes.

16 A. Let me ask you this. Would it be my follow-up or are
17 we gonna refer to a statement?

18 Q. No, your follow-up report.

19 A. Okay. Yes, ma'am, I do.

20 Q. It's eight pages, right?

21 A. Yes.

22 Q. Could you turn to Page 7? Have you got it?

23 A. Yes, ma'am.

24 Q. The first full paragraph --

25 A. Uh-huh.

1 Q. -- one, two, three, four, five, six, seven, eight --
2 about eight lines down towards the end of the line,
3 Mahogany was aware of an incident between Dexter and his
4 uncle.

5 A. That's correct, and I stand -- I stand corrected on
6 that. Mahogany did say she was aware of an incident
7 between Dexter and his uncle regarding a package of
8 marijuana.

9 Q. Okay. So she knew about a problem that had come up?

10 A. Yes.

11 **MS. PINNOCK:** All right. Thank you. I have nothing
12 further.

13 **MS. CAMPBELL:** Nothing further.

14 **THE COURT:** You may step down.

15 (Witness excused.)

16 **MS. WALKER:** Your Honor, the State has no further
17 witnesses.

18 **THE COURT:** All right. Ladies and gentlemen, that is
19 all the testimony and evidence to be offered by the State,
20 at least in their case-in-chief. Before we go further,
21 I've got some matters I'll need to address with the
22 lawyers; so I'll ask you to please go to your jury room.
23 Do not yet begin any discussions of the case. I'll bring
24 you back shortly to continue.

25 (Whereupon, the jury retires to the jury room at

1 3:37 PM.)

2 **THE COURT:** All right. Motions or other matters?

3 **MS. PINNOCK:** Yes, Your Honor. May it please the
4 Court? First, before I make my legal motion, Ms. Trish
5 Odom was kind enough to respond to my subpoena today. I
6 meant to release her from subpoena before we started for
7 the afternoon, but she has been sitting here, so for the
8 record I would release her so she can get back to what she
9 needs to do.

10 **THE COURT:** Okay. Is she needed by the State?

11 **MS. CAMPBELL:** Not at this time.

12 **THE COURT:** All right. She may be excused. Thank
13 you.

14 **MS. PINNOCK:** And, Your Honor, at this time the
15 defense would renew all previous motions and objections.
16 Specifically, Your Honor, I would point out our objection
17 to the introduction of the text message. We believe that
18 should not have come in under exceptions to the hearsay
19 rule, but we would renew all motions and objections at this
20 time that we've made previously on the record.

21 And, Your Honor, we also moved at this time for
22 directed verdict on both charges. Viewing the evidence in
23 the light most favorable to the State, I don't believe that
24 Your Honor's heard any testimony that would satisfy all the
25 elements of both offenses. Murder is the unlawful killing

1 of another with malice aforethought. Murder is a specific
2 intent crime. You have to -- it's intentional. You have
3 to prove intent. You also have to prove malice. I don't
4 believe that the State has produced any evidence that at
5 the time the shots were fired there was malice or the
6 intent to kill. As far as Mahogany Harris, Your Honor, I
7 don't believe that the State, again, has proven any -- any
8 -- they have not proven that there was the intent, the
9 specific intent, in that charge either to kill Mahogany
10 Harris. At the time of the shots, that is what -- that is
11 what is important with trying to figure out what intent is,
12 and through all the testimony, all the evidence, all the
13 exhibits that have been introduced, all the tangible
14 evidence, there's nothing that would support a specific
15 intent to kill. So, Your Honor, I think at this point it
16 would be improper to pass those two charges on to the jury
17 for deliberation, so at this time we'd like to ask for a
18 directed verdict on those grounds.

19 **THE COURT:** All right. Who wants to handle that?
20 Ms. Campbell.

21 **MS. CAMPBELL:** May it please the Court, Your Honor, I
22 don't believe it gets much more malicious than this. The
23 two people that were shot were shot multiple times. One
24 was shot once in the back, once in the head and once
25 through the throat causing his death. The other one was

1 shot multiple times, including in the pelvis area, which
2 the doctor described could be life-threatening -- or were
3 life-threatening. In addition to that, Your Honor, this
4 happened in their own home. It was unprovoked by all
5 accounts and basically even by the Defendant's own version
6 there was no animosity going on, nothing to mitigate this
7 from anything but a malicious killing. I don't think it
8 gets much more malicious than this. According to the
9 testimony before the Court and, of course, in the light
10 most favorable to the State, these people were -- it was an
11 unprovoked shooting, multiple times, in their own home as
12 they were holding their children trying to eat breakfast.

13 **THE COURT:** All right. Motions for directed verdict
14 are denied. What else?

15 **MS. PINNOCK:** Your Honor, at this time we don't have
16 any more motions.

17 **THE COURT:** Okay. Have you talked with your client
18 about his right to testify or not?

19 **MS. PINNOCK:** I have, Your Honor.

20 **THE COURT:** You have?

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

22 **THE COURT:** And what does he indicate to you he wishes
23 to do?

24 **MS. PINNOCK:** He has indicated that he would like to
25 testify in his own defense.

1 DEXTER LAMONS MYERS,
2 having been duly sworn, testified as follows:

3 **THE CLERK:** Please state your full name for the
4 record. State your full name.

5 **THE WITNESS:** Dexter Lamons Myers.

6 DIRECT EXAMINATION

7 BY MS. PINNOCK:

8 Q. Dexter, on July 2, 2014, did you purposely,
9 intentionally point that gun at Dajuan Harris shooting him,
10 intending to kill him?

11 A. No, ma'am.

12 Q. On that same day, did you purposely, intentionally
13 point that gun at Mahogany Harris trying to kill her?

14 A. No, ma'am.

15 Q. Did you wake up that morning and decide that you were
16 going to kill your brother-in-law?

17 A. No, ma'am.

18 Q. Did you wake up that morning and decide that you were
19 gonna shoot --

20 **MS. WALKER:** Object to the leading, Your Honor.

21 **THE COURT:** Sustained.

22 BY MS. PINNOCK:

23 Q. How old are you, Dexter?

24 A. Twenty-one.

25 Q. Are you from here?

1 A. Yes, ma'am.

2 Q. Where did you grow up?

3 A. Columbia.

4 Q. You grew up in Columbia?

5 A. Yes, ma'am.

6 Q. One second. Let me move this a little bit closer to
7 you. You grew up in Columbia?

8 A. Yes, ma'am.

9 Q. Is your whole family from here?

10 A. Yes, ma'am.

11 Q. Where did you go to high school?

12 A. Eau Claire High School.

13 Q. You went to Eau Claire?

14 A. Yes, ma'am.

15 Q. Did you graduate?

16 A. No, ma'am.

17 Q. Were you working anywhere?

18 A. No, ma'am, but I did attend Job Corps, ma'am.

19 Q. What's Job Corps?

20 A. It's like a facility for basically schooling and for
21 like job criteria.

22 Q. So you get job training?

23 A. Yes, ma'am.

24 Q. How long were you there?

25 A. For approximately six months.

1 Q. And you said your whole family is here. You're
2 related to Mahogany?

3 A. Yes, ma'am.

4 Q. What's your relation to her?

5 A. That's my sister.

6 Q. And you knew Dajuan?

7 A. Yes, ma'am.

8 Q. How did you know Dajuan?

9 A. Through the relationship of my sister.

10 Q. So he was dating and later married your sister?

11 A. Yes, ma'am.

12 Q. How long had you known Dajuan Harris?

13 A. Ever since I was eleven years old.

14 Q. When you were eleven?

15 A. Yes, ma'am.

16 Q. At some point everybody lived together?

17 A. Yes, ma'am.

18 Q. How long did y'all live together?

19 A. Up until -- well, together with my mother?

20 Q. Yes.

21 A. Up until eighteen years old.

22 Q. So y'all lived together from when you were eleven up
23 until you were around eighteen?

24 A. Yes, ma'am.

25 Q. And that's you, Shamaray, Mahogany, Dajuan and your

1 mom?

2 A. Yes, ma'am.

3 Q. You said you were at Job Corps for six months or
4 thereabouts?

5 A. Yes, ma'am.

6 Q. What were your plans when you came back?

7 A. My plans were to come back, go to college or -- well,
8 go to college and attend for either business management or
9 go for like another trade, like HVAC, or come back and get
10 my CDL.

11 Q. So that was your plan when you left Job Corps?

12 A. Yes, ma'am.

13 Q. Now at some time when you came back, where did you go?
14 Where did you live?

15 A. I went to my sister's house.

16 Q. That's Mahogany?

17 A. Yes, ma'am.

18 Q. When did you move in with Mahogany and Dajuan?

19 A. Barely like the middle of February, beginning of
20 February.

21 Q. Of 2014?

22 A. Of 2014.

23 Q. Do you remember how many bedrooms the apartment had?

24 A. Probably two or three.

25 Q. Where did you sleep?

1 A. In the living room, ma'am.

2 Q. Where in the living room?

3 A. On the couch.

4 Q. And Shamaray lived there, too, right?

5 A. Yes, ma'am.

6 Q. Where did he sleep?

7 A. Occasionally on the floor.

8 Q. So is it safe to say that -- you agree with me that
9 Dajuan and Mahogany had their room?

10 A. Yes, ma'am.

11 Q. The kids had their room?

12 A. Yes, ma'am.

13 Q. And you and Shamaray slept in the living room?

14 A. Yes, ma'am.

15 Q. And you said you lived there from February of '14 to
16 July of '14? July 2014.

17 A. Yes, ma'am.

18 Q. Okay. Now I want to talk to you about July 2, 2014.
19 Do you remember that day?

20 A. Yes, ma'am.

21 Q. What's the first thing that you remember about that
22 day?

23 A. Well, I remember being woken by loud noises.

24 Q. What do you mean by loud noises?

25 A. Like such as moving and slamming of things.

1 Q. And when you say you were woken, you were sleeping?

2 A. Yes, ma'am.

3 Q. Was it early in the morning or is it late?

4 A. To my knowledge, it was pretty early.

5 Q. What's the next thing after you got woken up by the
6 noises that you remember?

7 A. At that moment I still didn't know what was going on,
8 so I kind of peaked my head from under the covers, but the
9 sun was still in my eyes and I just remember a figure going
10 to the back of the house.

11 Q. Okay. At that point when you saw that figure going to
12 the back of the house, did you know who it was?

13 A. No, ma'am.

14 Q. What happened next?

15 A. I then got on my phone and looked at the time.

16 Q. Okay. Do you remember what time it was exactly?

17 A. No, ma'am. Not to be exact, no, ma'am.

18 Q. But you do remember checking the phone?

19 A. Yes, ma'am.

20 Q. And what happened after that?

21 A. I got on a social website.

22 Q. Do you remember which one?

23 A. No, ma'am.

24 Q. Now after you checked the phone, what do you remember
25 happening next?

1 A. Like I remember the door being slammed in the back of
2 the house area.

3 Q. And then what?

4 A. Like a couple of minutes afterwards, the door being
5 slammed, and I remember my sister come rushing out the
6 room.

7 Q. When you say rushing, you don't mean running, right?

8 A. No, ma'am, not running.

9 Q. Kind of walking fast?

10 A. Walking fast.

11 Q. And after you see your sister come out of the back,
12 what do you see next?

13 A. I see Dajuan Harris come behind her.

14 Q. Now when you see your sister -- I'm gonna show you --
15 when you see her come out of the back of the room, I'm
16 gonna show you what's in evidence as State's Exhibit 12.
17 Where -- point on this picture where she kind of goes.

18 A. In this area right there. This area.

19 Q. Kind of in this area where the chair is?

20 A. Yes, ma'am.

21 Q. And where were you?

22 A. I was still on the couch.

23 Q. You were still on the couch?

24 A. Yes, ma'am.

25 Q. And when you say you saw Dajuan Harris come out, where

1 does he go?

2 A. He was right here.

3 Q. Kind of in between the chair and the couch?

4 A. In between the chair and the couch.

5 Q. So he's standing in this area?

6 A. Yes, ma'am.

7 Q. And what's the next thing you remember?

8 A. Well, I really wasn't paying attention to them because
9 I was still on my phone. I just came -- looked up and saw
10 them coming out, but then what made me pay attention was
11 because of the way his tone was and like the way his --
12 just like the aggression he had in his tone.

13 Q. When he had aggression in his own tone, who was he
14 talking to?

15 A. On that occasion I think it was my sister.

16 Q. So you're messing around on your phone and then what
17 draws your attention you said to what was going on was the
18 tone?

19 A. Yes, ma'am.

20 Q. And the aggression toward your sister?

21 A. Yes, ma'am.

22 Q. What happened after that?

23 A. Then after that I kind of like looked up toward him
24 because of the aggression in his tone, like the way he was
25 coming off.

1 Q. Okay. And after you started looking at him, what
2 happened?

3 A. He looked at me then and then as he looked at me, he
4 asked me "What the "H" are you looking at?".

5 Q. He asked you what the "H" you were looking at?

6 A. Yes, ma'am.

7 Q. What did you say? Did you say something?

8 A. I kind of like -- was like man, I shoosed him off.
9 Like, man, like get the "F" away, shoosing him off, and
10 then --

11 Q. Was that the end of it or what happened next?

12 A. No, ma'am. Afterwards he was like who the "F", am I
13 talking to afterwards.

14 Q. What was going through your mind at this point?

15 A. I was surprised. I was still stunned because it was
16 very early in the morning. I wasn't -- it was just -- I
17 really didn't, like, see that coming.

18 Q. You said this was first thing in the morning?

19 A. Yes, ma'am, first thing.

20 Q. So when he asked you "What the "F" you're looking
21 at?", what happened next?

22 A. I was still like caught, like, in the moment still
23 that he was, like, "Man, what -- nigger, what you want to
24 do", but as he was saying this he was jumping for this gun
25 that was sitting down on the floor.

1 Q. He said "N", what you gonna do?

2 A. Yes, ma'am.

3 Q. And you say he -- what do you mean he jumps for the
4 gun?

5 A. Like jumps.

6 Q. He went for it?

7 A. Yes, ma'am.

8 Q. What was going through your mind at that point?

9 A. I was surprised, but I was afraid.

10 Q. Why were you afraid?

11 A. Because of the aggression that he had in his tone, the
12 confrontational -- the way he came at me. Confrontational.

13 Q. So what did you do when you saw him move for the gun?

14 A. I proceeded to go for the gun.

15 Q. Why did you do that?

16 A. Because of I didn't know at that moment what would
17 happen or what was gonna happen if he got the gun.

18 Q. Do you remember who grabbed the gun first?

19 A. Dajuan did, ma'am.

20 Q. Did you also grab the gun?

21 A. Yes, ma'am.

22 Q. Tell me about what happened when both of y'all had
23 your hands on the gun.

24 A. It -- it became a struggle and we begin to fight.

25 Q. What do you mean a struggle?

1 A. Like a struggle. Like shoving and pulling and
2 punching. Basically a struggle over the weapon.

3 Q. And what happened?

4 A. At that moment I just remember the gun going off.

5 Q. The gunshot?

6 A. Yes, ma'am.

7 Q. What happened after the gunshot?

8 A. And then Dajuan Harris was like "Man, mother-fucker,
9 you shot me".

10 Q. And at that point did the fight stop?

11 A. No, ma'am.

12 Q. Did he run -- did he run away?

13 A. No, ma'am.

14 Q. Did he fall to the ground?

15 A. No, ma'am.

16 Q. Did you say "Hey, man, that's enough"?

17 A. No, ma'am.

18 Q. What happened?

19 A. He kept coming at me. That's when he came more
20 aggressively.

21 Q. He kept coming at you?

22 A. Yes, ma'am.

23 Q. So y'all were still fighting?

24 A. Yes, ma'am.

25 Q. And tell the jury what happened after that first shot

1 went off and the fighting continued.

2 A. At that moment I didn't still know, like, what was
3 going on because, like, it was still, like, a struggle over
4 the gun and then while there was a struggle over the gun, I
5 just remember loud screams and everybody was in a frantic
6 moment.

7 Q. Okay. Did everything stop at that point?

8 A. No, ma'am.

9 Q. All right. Tell me what happened next.

10 A. We -- we continued to keep struggling and fighting
11 over the gun. It was still, like, a frantic situation,
12 between, like, whatever was going on with all of us and
13 then I just saw at that moment a figure.

14 Q. You saw a figure?

15 A. Yes, ma'am.

16 Q. What was that figure doing?

17 A. Like it was coming towards us, toward the situation.

18 Q. So you saw somebody coming towards you?

19 A. Yes, ma'am.

20 Q. Were you still engaged with Dajuan at that point?

21 A. Yes, ma'am.

22 Q. And when you saw the figure coming towards you, what
23 happened?

24 A. Well, I really don't know what happened to the figure,
25 but I just know that me and Dajuan was still struggling.

1 Q. Did more shots go off?

2 A. Yes, ma'am.

3 Q. And that figure you saw, that was Mahogany, right?

4 A. Yes, ma'am.

5 Q. Did you know it was her?

6 A. No, ma'am, not at that moment.

7 Q. Did you intentionally shoot her?

8 A. No, ma'am.

9 Q. Did you point the gun at her --

10 A. No, ma'am.

11 Q. -- and try to kill her?

12 A. No, ma'am.

13 Q. After the other shots go off, Dexter, what happened?

14 A. I still just remember screaming and, therefore, like
15 we were still, like, struggling and I still didn't
16 remember, like, what's -- like where -- who -- at that
17 moment who had got shot or what -- who had been shot at
18 that moment.

19 Q. How long were you fighting?

20 A. It seemed like forever.

21 Q. You don't know exactly how long?

22 A. No, ma'am, but it felt fairly long.

23 Q. But at some point the fighting did stop?

24 A. Yes, ma'am.

25 Q. At that point was everybody standing in the living

1 room trying to figure out what was going on or what was
2 happening?

3 A. No, ma'am.

4 Q. Where was everybody?

5 A. I don't know.

6 Q. You didn't see Dajuan standing there?

7 A. No, ma'am.

8 Q. You didn't see Mahogany standing there?

9 A. No, ma'am.

10 Q. Did you go looking for anybody?

11 A. No, ma'am.

12 Q. You didn't go down the hallway and look in the
13 bedroom?

14 A. No, ma'am.

15 Q. You didn't leave the apartment looking for anybody?

16 A. No, ma'am.

17 Q. Because everybody was gone?

18 A. Yes, ma'am.

19 Q. What did you do when you -- when everybody was gone,
20 the fight's over, what did you do?

21 A. I was still stunned. Like still -- like I didn't
22 know, like, what was going on and then, like, the weapon
23 dropped out of my hand and I was still like -- and I was
24 trying to go get my shoes. Well, I did get my shoes and I
25 put them on and I left.

1 Q. You left the apartment?

2 A. Yes, ma'am.

3 Q. You didn't call 9-1-1?

4 A. No, ma'am.

5 Q. You didn't stick around?

6 A. No, ma'am.

7 Q. Why did you leave?

8 A. Because I was in fear of what the police might have
9 done knowing that it was a shooting that occurred with me
10 and the person that was shooting and I just didn't know
11 what was -- what would happen.

12 Q. So you left?

13 A. Yes, ma'am. And I was nervous.

14 Q. Where did you go?

15 A. I left the apartment complex.

16 Q. You left the entire complex?

17 A. Yes, ma'am.

18 Q. Where did you ultimately end up?

19 A. I ended up on [REDACTED] [REDACTED] [REDACTED]

20 Q. Whose house is that?

21 A. A friend's mother and a friend I know.

22 Q. And was he home?

23 A. Yes, ma'am.

24 Q. Now, Dexter, I want to ask you a little bit about this
25 gun. Whose gun was it in the house?

1 A. It was Dajuan Harris' gun, ma'am.

2 Q. Do you know why there was a gun in the house?

3 A. For protection.

4 Q. Protection from what?

5 A. From an altercation I had gotten in with my uncle.

6 Q. With your uncle?

7 A. Yes, ma'am.

8 Q. Why did you need protecting from your uncle?

9 A. Because there were threats made.

10 Q. Who were those threats made to?

11 A. My sister and her kids.

12 Q. Did she know about the threats?

13 A. Yes, ma'am.

14 Q. Did Dajuan know about the threats?

15 A. Yes, ma'am.

16 Q. Who else knew about the threats?

17 A. My mother did. My mother was the one that told
18 Mahogany about it and Mahogany came to me and asked me
19 about it and I told her about it.

20 Q. So y'all talked about it?

21 A. Yes, ma'am.

22 Q. And that's your understanding of why that gun was in
23 the house?

24 A. Yes, ma'am.

25 Q. Now, Dexter, moving forward, when you were at Charles

1 Street, that's where Richland County Sheriff's Department
2 arrested you, right?

3 A. Yes, ma'am.

4 Q. And you remember riding back to headquarters with
5 Investigator Truluck, right?

6 A. Yes, ma'am.

7 Q. There was another investigator in the car, but you
8 don't remember his name?

9 A. I don't remember his name.

10 Q. Do you remember you had a lot of conversations with
11 Investigator Truluck and other investigators with Richland
12 County?

13 A. Yes, ma'am.

14 Q. You were with them for pretty much the entire day?

15 A. Yes, ma'am.

16 Q. When they -- when they arrested you, some of the
17 things that happened was they tested your hands for GSR,
18 right?

19 A. Yes, ma'am.

20 Q. Did you agree to do that?

21 A. Yes, ma'am.

22 Q. Did you agree to DNA?

23 A. Yes, ma'am.

24 Q. The gun was found in this case. How did they know
25 where the gun was?

- 1 A. Because I took them and gave them the gun.
- 2 Q. You showed them the area it was in?
- 3 A. Yes, ma'am.
- 4 Q. Did you tell them how you got to Charles Street?
- 5 A. Yes, ma'am.
- 6 Q. Did you turn over your clothes to them?
- 7 A. Yes, ma'am.
- 8 Q. Did you let them take pictures of you?
- 9 A. Yes, ma'am.
- 10 Q. And some of the pictures that they took of you they
- 11 were of your hands; is that right?
- 12 A. Yes, ma'am.
- 13 Q. What was wrong with your hands?
- 14 A. I had cuts all over my hands and arms area.
- 15 Q. You had what?
- 16 A. Cuts and I had a wound or a big gash between my thumb
- 17 and index finger.
- 18 Q. Dexter, I'm going to show you what the State marked as
- 19 191 and 189. Are those pictures of the injuries of your
- 20 hand -- both hands?
- 21 A. Yes, ma'am.
- 22 Q. Are those the pictures that were taken by one of the
- 23 investigators with Richland County?
- 24 A. Yes, ma'am.
- 25 Q. That larger -- what you call the wound, did you have

1 to get treated for that?

2 A. Yes, ma'am. I had -- I received stitches for it.

3 Q. They had to stitch it closed?

4 A. Yes, ma'am.

5 Q. Now, Dexter, when you were at headquarters, you spoke
6 to Investigator Truluck. You remember doing that, right?

7 A. Yes, ma'am.

8 Q. And the last time -- well, when you were at
9 headquarters, were you honest with them?

10 A. No, ma'am.

11 Q. When you were in the car, were you honest with the
12 investigators?

13 A. No, ma'am.

14 Q. You lied to them?

15 A. Yes, ma'am.

16 Q. Did you tell them you lied?

17 A. Yes, ma'am.

18 Q. Why did you lie?

19 A. Because I figured they wasn't gonna believe me anyway.

20 Q. You didn't think they'd believe you?

21 A. No, ma'am.

22 Q. Did you talk to Investigator Truluck again at
23 headquarters?

24 A. Yes, ma'am.

25 Q. Did you give him another written statement?

1 A. Yes, ma'am.

2 (Defendant's Exhibit Number 4 was marked for
3 identification.)

4 BY MS. PINNOCK:

5 Q. All right. Dexter, I'm gonna show you what I've
6 marked as Defense Exhibit 4. Do you recognize that?

7 A. Yes, ma'am.

8 Q. What is this?

9 A. It's the statement that I give.

10 Q. The statement that you gave to who? Investigator
11 Isenhoward and Carwell?

12 A. Yes, ma'am.

13 Q. What's the date?

14 A. July 2, 2014. 1900.

15 Q. So July 2, 2014, 1900 hours?

16 A. Yes, ma'am.

17 Q. And you spoke with them at headquarters?

18 A. Yes, ma'am.

19 Q. And you gave them another written statement?

20 A. Yes, ma'am.

21 Q. And in that statement, did you tell them you lied?

22 A. Yes, ma'am.

23 Q. Did you tell them why you lied?

24 A. Yes, ma'am.

25 Q. And why did you lie?

1 A. Because I was in fear of the fact that they wouldn't
2 believe me.

3 Q. And what did you tell them that afternoon -- or that
4 evening?

5 A. I told them the same thing I just told the jury.

6 Q. You told them that you were fighting over the gun?

7 **MS. WALKER:** Objection to leading, Your Honor.

8 **THE COURT:** Don't lead.

9 **MS. PINNOCK:** I'm sorry?

10 **THE COURT:** Don't lead.

11 **MS. PINNOCK:** Yes, sir.

12 BY MS. PINNOCK:

13 Q. What did you tell them happened in the house?

14 A. I told them exactly everything I told the jury.

15 Q. And that was on July 2, 2014?

16 A. Yes, ma'am.

17 Q. And what happened after you gave them that statement?

18 A. I was then given my warrants and I was then taken down
19 to Alvin S. Glenn and basically arrested.

20 Q. So after you told them what happened they brought you
21 to the jailhouse?

22 A. Yes, ma'am.

23 Q. Dajuan -- Dexter, when you left the house, when you
24 left the apartment after everything had happened, did you
25 know where -- what happened to everybody?

1 A. No, ma'am.

2 Q. Did you know that Dajuan was dead?

3 A. No, ma'am.

4 Q. How did you find out?

5 A. I found out through the investigators, ma'am.

6 Q. They told you?

7 A. Yes, ma'am.

8 Q. Did you know that your sister had been shot three
9 times?

10 A. No, ma'am.

11 Q. How did find that out?

12 A. Through the investigators.

13 Q. What went through your mind when you found out your
14 brother-in-law was dead?

15 A. At that moment it was unbelievable because I didn't
16 know and then I was upset, and if I could take it back, I
17 would.

18 Q. Did you mean to shoot Dajuan Harris?

19 A. No, ma'am.

20 Q. Did you mean to shoot Mahogany Harris?

21 A. No, ma'am.

22 Q. Were you trying to kill anybody?

23 A. No, ma'am.

24 **MS. PINNOCK:** I beg the Court's indulgence. Thank
25 you, Your Honor. Dexter, answer any questions they have

1 for you, okay?

2 **THE WITNESS:** (Nods head.)

3 CROSS-EXAMINATION

4 BY MS. WALKER:

5 Q. So you're actually the victim in this case?

6 A. Can you say that again?

7 Q. You're actually the victim in this case?

8 A. Yes, ma'am.

9 Q. You're sleeping?

10 A. Yes, ma'am.

11 Q. You're awakened by loud noises?

12 A. Yes, ma'am.

13 Q. And you still have the covers up over your head,
14 right?

15 A. Yes, ma'am.

16 Q. And then for no reason -- how long had you known
17 Dajuan Harris?

18 A. Eleven years old.

19 Q. Since you were eleven?

20 A. Yes, ma'am.

21 Q. This morning he comes out and immediately becomes
22 aggressive with you?

23 A. Yes, ma'am.

24 Q. Okay. And because of altercations there's a gun on
25 the living room floor?

1 A. Yes, ma'am.

2 Q. And at that point after becoming aggressive with you
3 for no reason he jumps for that gun?

4 A. Yes, ma'am.

5 Q. And you begin to fight for your life?

6 A. Yes, ma'am.

7 Q. Y'all are struggling?

8 A. Yes, ma'am.

9 Q. What part of the living room were you in?

10 A. I can't remember that one.

11 Q. Were you in the kitchen area?

12 A. (Nods head.)

13 Q. You have to say yes or no so the court reporter can
14 take it down.

15 A. (Shrugs shoulders.)

16 Q. She can't take down the hand gestures, so yes or no.
17 Or if you don't remember, say I don't remember. That's
18 fine.

19 A. I don't remember.

20 Q. Okay. Did you fall down at any point during this
21 struggle for your life?

22 A. I don't remember.

23 Q. How close was he when he's trying to kill you?

24 A. Fairly. Fairly.

25 Q. Was he as close as I am to you right now?

- 1 A. If you want to, say, like, come closer on me.
- 2 Q. Tell me when to stop.
- 3 A. Stop.
- 4 Q. Okay. And where's the gun?
- 5 A. I don't remember.
- 6 Q. Who had the gun?
- 7 A. Dajuan did now, ma'am.
- 8 Q. How did you get the gun from Dajuan?
- 9 A. I don't remember.
- 10 Q. But you get it at some point?
- 11 A. Yes, ma'am.
- 12 Q. And how close are you to him the first time you shoot
- 13 him?
- 14 A. I don't remember.
- 15 Q. Are y'all still struggling over it?
- 16 A. Yes, ma'am.
- 17 Q. So y'all are close enough to touch each other?
- 18 A. Fairly. Fairly, yes, ma'am.
- 19 Q. So y'all are close enough to touch each other because
- 20 y'all both have the gun?
- 21 A. Yes, ma'am.
- 22 Q. So about as close as I am to you right now?
- 23 A. I don't remember.
- 24 Q. Where's Shamaray?
- 25 A. I don't remember.

1 Q. Did he come to help you? I mean, his brother is under
2 attack. Is he coming to your aid? There's a madman with a
3 gun. Is he helping you?

4 A. I don't remember, but can I say this?

5 Q. You can say whatever you want to. I don't want to
6 stop you from saying anything.

7 A. I wouldn't think if something like that was occurring
8 anybody of the right or wrong nature of mind would want to
9 get in that situation, so I don't remember.

10 Q. So you're saying that if your brother is in the
11 process of being killed, another -- the other brother
12 wouldn't want to get involved in that?

13 A. (Shakes head.) No.

14 Q. And at some point there's another figure that starts
15 moving, right?

16 A. Yes, ma'am.

17 Q. And y'all are still close to each other. Y'all are
18 still in this fight for your life?

19 A. Yes, ma'am.

20 Q. Is he clawing your face?

21 A. At that moment I could say, like, it was just --

22 **THE COURT:** Please don't get between the witness and
23 the jury.

24 **MS. WALKER:** I'm sorry, Your Honor.

25 **BY MS. WALKER:**

- 1 Q. Is he clawing your face?
- 2 A. At that moment I can just say we were -- we was just
- 3 fighting. Fighting.
- 4 Q. I mean, describe what's happening. This is --
- 5 A. Oh, shoving, swinging.
- 6 Q. So he's punching you?
- 7 A. Yes, ma'am.
- 8 Q. Okay. Where is he punching you?
- 9 A. I don't quite remember.
- 10 Q. Do you know if you got hit in the head?
- 11 A. No, ma'am.
- 12 Q. You did not get hit in the head or you don't remember?
- 13 A. I don't remember.
- 14 Q. Okay. Do you remember if you got hit in the face?
- 15 A. Yes, ma'am.
- 16 Q. You did get hit in the face?
- 17 A. Yes, ma'am.
- 18 Q. Where in the face did you get hit?
- 19 A. In the face area.
- 20 Q. Like in the eyes? In the nose? In the mouth?
- 21 A. The face area.
- 22 Q. The whole face area he's hitting you?
- 23 A. Yes, ma'am.
- 24 Q. Okay. So he has the gun, I guess, with one hand and
- 25 then he's punching you with the other hand and you're

1 trying to push back on him?

2 A. I don't remember.

3 Q. Okay. And you don't remember what part of the living
4 room you were in?

5 A. No, ma'am.

6 Q. And you don't remember if you were even in the
7 kitchen?

8 A. No, ma'am.

9 Q. Which area did the other figure come from?

~~10 A. I don't remember.~~

11 Q. Do you have a -- do you have memory problems?

12 A. I'm not gonna say memory problems, but --

13 Q. But what?

14 A. But I am diagnosed.

15 Q. With having memory problems?

16 A. With a lot of things.

17 Q. Okay. Let's talk about your relationship with your
18 family.

19 A. Yes, ma'am.

20 Q. Had you and your sister before that point had any --
21 had a bad relationship?

22 A. No, ma'am.

23 Q. One of the officers said you described your family as
24 being dysfunctional.

25 A. Yes, ma'am.

1 Q. What did you mean by that?

2 A. Family-wise that's in general.

3 Q. And I'm asking what you mean by that.

4 A. Like we -- it's very -- you can say that my mother
5 raised Dajuan ever since he came to my house. He never
6 lived with his other mother. He was at my mother's home,
7 so whatever my mother did for him, she did for us also.
8 And other people in my family, they was never -- it was
9 really my mother doing it, I mean, so it was never like --
10 people always was around us that's around now.

11 Q. So how would you, I guess, describe the dynamics of
12 your family?

13 A. Pretty typical.

14 Q. A typical family?

15 A. A typical family.

16 Q. Did you ever live with your -- with your father?

17 A. No, ma'am.

18 Q. What about your -- do you have a stepmother?

19 A. Yes, ma'am.

20 Q. Did you -- do you have a close relationship with her?

21 A. Yes, ma'am.

22 Q. Very close?

23 A. If you want to say that.

24 Q. Well, do y'all still keep in contact?

25 A. Yes, ma'am.

1 Q. Do you call her on the phone?

2 A. Yes, ma'am.

3 Q. Do you send her e-mails?

4 A. Yes, ma'am.

5 Q. And you would -- how would you describe your
6 relationship?

7 A. Close.

8 Q. I'll come back to that, okay? Back to this -- this --
9 this struggle. You said it felt like forever?

10 A. Yes, ma'am.

11 Q. Because you're fighting for your life, right?

12 A. Yes, ma'am.

13 Q. And your brother and your sister, they won't help you?

14 A. I can't really say how you're trying to say it. Like
15 won't help me.

16 Q. Don't let me put words in your mouth. If I say
17 something differently than the way you would say, you tell
18 the jury how you would say it.

19 A. Well, I would say -- I don't think they wanted -- I
20 don't think -- I'm not gonna say "they". They. I'm gonna
21 say my brother. I don't think he wanted any part of it
22 because of the issue of probably being a gun there or
23 whatever. I don't got their mindset. I don't know.

24 Q. I understand. And when did you realize that your
25 brother had -- I guess everyone disappeared, right?

1 A. Yes, ma'am.

2 Q. What about the kids?

3 A. At that moment -- you said towards -- like at the end,
4 right?

5 Q. At any point. Where are the kids while y'all were in
6 this gunfight?

7 A. I don't know.

8 Q. Or not a gunfight. A fight over a gun.

9 A. I don't know.

10 Q. Did you see them at all that morning?

11 A. No. No, ma'am.

12 Q. You never saw the kids that morning?

13 A. No, ma'am.

14 Q. Did you know that breakfast was being cooked?

15 A. I smelled it, but I didn't see it, visually see it.

16 Q. And you said that you were -- you were upset when you
17 found out that your brother-in-law was dead?

18 A. Yes, ma'am.

19 Q. Because y'all had, I guess, a good relationship up
20 until this day?

21 A. Well, we always had a good relationship. It wasn't
22 not even up until that day. We always had a good
23 relationship.

24 Q. Well, he died that day, so y'all's relationship ended.

25 A. Oh, yes, ma'am. Yeah.

1 Q. But there was some good that came out of this, right?

2 You got, I guess, a certain level of credibility in your
3 community from this killing, right? From this murder?

4 A. What do you mean?

5 Q. Do you know that the -- the phone calls you make from
6 the jail are recorded?

7 A. Oh, yes, ma'am.

8 Q. And you were happy that what you did that day would
9 get you some credibility, right?

10 A. No, ma'am.

11 Q. Do you remember on a July 4th phone call when you were
12 talking to someone saying "You don't have to say that you
13 kill this and that, you don't have to say that no more.
14 Our name is patent now." Do you remember saying that?

15 A. No, ma'am.

16 Q. You didn't say that?

17 A. I don't remember it.

18 Q. Do you remember saying "Y'all don't have to prove
19 y'all are about that" -- and excuse my language, but these
20 were your words -- "niggers done seen me on TV and shit
21 now." Do you remember saying that?

22 A. No, ma'am.

23 Q. Did you say it?

24 A. I don't remember.

25 Q. You don't remember saying it. Do you remember saying

1 "Catching that body" -- what does it mean to catch a body?

2 A. I don't -- for one, can I ask you who -- who are you
3 saying I'm saying that to?

4 Q. Well, I'm gonna ask the questions and then you answer,
5 okay?

6 A. Uh-huh.

7 Q. Do you know what it means to "catch a body"?

8 A. No, ma'am.

9 Q. Do you remember saying "Catching that body, that shit
10 don't mean nothing."?

11 A. No, ma'am.

12 Q. Do you remember saying "When I come out, we don't have
13 to do that shit no more. I done caught a body, nigger.
14 Niggers are not fixing to play with us no more, Bro."?

15 A. No, ma'am.

16 Q. You don't remember saying any of this?

17 A. No, ma'am.

18 Q. So is July kind of a hazy memory period for you, July
19 2014?

20 A. Yes, ma'am.

21 Q. So just kind of that whole month is kind of unclear?

22 A. No, it's been -- you've got to think from now all the
23 way to July. Probably fourteen months.

24 Q. Right. So your memory is unclear?

25 A. Yes, ma'am, my memory's unclear.

1 Q. Do you remember, again, on July 4th saying "What about
2 that, Bro? Fuck that, I slumped that nigger. Fuck that,
3 you know what I mean."?

4 A. No, ma'am.

5 Q. You don't remember any of this?

6 A. No, ma'am.

7 Q. Going back to that -- that struggle, do you know how
8 many times the gun went off?

9 A. No, ma'am.

10 Q. Do you know if it was empty when you left the
11 apartment with it?

12 A. No, ma'am.

13 Q. Once you looked around and you didn't see -- what did
14 you sleep in that night?

15 A. I slept in the same clothes I was arrested in.

16 Q. So you slept in jeans and a polo shirt?

17 A. Yes, ma'am.

18 Q. And once the fight was over and everyone had
19 disappeared, how were you feeling at that point?

20 A. At that moment, I was still like -- how do I want to
21 say this? Stunned, confused because I really couldn't get
22 the fact of what happened in my mind right.

23 Q. Were you concerned that Shamaray had possibly been
24 shot?

25 A. At that moment, I really didn't know who was shot.

1 Q. So you were concerned that it could have possibly been
2 your brother?

3 A. How would you want me to answer that?

4 Q. I want you to answer it truthfully.

5 A. Really, I don't know. I don't know.

6 Q. You don't -- you don't remember how you felt at that
7 point about Shamaray?

8 A. Yeah.

9 Q. Those concerns?

10 A. Yeah, right, about Shamaray.

11 Q. And you have nieces, right?

12 A. Yes, ma'am.

13 Q. And they lived in the house with you?

14 A. Yes, ma'am.

15 Q. Were you concerned that they possibly had gotten hit
16 when their father just started attacking people in the
17 house that day?

18 A. Yes, ma'am.

19 Q. So you were concerned about them?

20 A. Yes, ma'am.

21 Q. Did you see them?

22 A. Yes, ma'am, after.

23 Q. So you did see -- so everybody hadn't disappeared.
24 You saw your nieces?

25 A. Yes, ma'am.

1 Q. You said you never saw them -- maybe two minutes ago
2 you said you never saw them that morning.

3 A. I never saw them until prior to what you said. Before
4 then, I never saw them.

5 Q. But at some point you do see your nieces?

6 A. Yes, ma'am.

7 Q. And where are they?

8 A. My niece. I never saw my nieces. I saw my niece.
9 That's my four-year-old niece.

10 Q. Okay. And where was she?

11 A. She was up on me. She was asking me "Uncle, are you
12 all right? What happened? What happened, uncle? Are you
13 all right?".

14 Q. So your niece came to you?

15 A. Yeah.

16 Q. Everybody in the house has disappeared?

17 A. Fairly. I know at that moment afterward my sister and
18 I think Dajuan had disappeared.

19 Q. Okay. Your four-year-old niece, she's worried about
20 you because she's -- she's also seen her father attack you,
21 right?

22 A. I think so. Yes, ma'am.

23 Q. And so what did you do with your niece?

24 A. At that moment I was just, like, you know, still
25 stunned, but, you know, I was, like, letting her know,

1 like, yeah, I really don't know, but are you all right, and
2 she's like uncle -- she just kept asking uncle, what
3 happened? Uncle, are you okay?

4 Q. So you have some time before all the shots are fired
5 and everyone disappears before you actually leave the
6 house?

7 A. I don't know. On my own?

8 Q. Well, you have time to have a conversation with your
9 niece.

10 A. No, it wasn't no conversation.

11 Q. You have time to talk to your niece?

12 A. Talk words you're saying?

13 Q. Okay. I'm sorry. Maybe I'm using a different
14 definition of conversation.

15 A. Yeah. Talking it out, yeah.

16 Q. Okay. So y'all have an opportunity to talk to each
17 other?

18 A. Word exchanges, ma'am.

19 Q. And when do you make the decision to leave the house?

20 A. After.

21 Q. After that?

22 A. After the -- yeah, the whole situation.

23 Q. Okay. And you put on some shoes?

24 A. Yes, ma'am.

25 Q. Where did you get the shoes from?

1 A. Right by the closet area.

2 Q. Which closet is that?

3 A. The closet -- if you show me the picture, I can show
4 you.

5 Q. Is it the one by the -- in the kitchen area near where
6 you eat?

7 A. Yes, ma'am.

8 Q. Okay. Because that's where y'all kept all your
9 belongings, right?

10 A. Not -- if you want to say that.

11 Q. I don't want to say it. I'm asking you a question.
12 Is that where y'all kept your belongings?

13 A. No, ma'am.

14 Q. Where did you keep your belongings?

15 A. Around -- around the house. It was in my niece's room
16 and in that -- in that closet, but it wasn't just --

17 Q. Okay. So in that closet was one of the areas you kept
18 your belongings?

19 A. Yes, ma'am.

20 Q. And then you also kept them also in your nieces' room?

21 A. Yes, ma'am.

22 Q. So you had to go to the closet to get your shoes?

23 A. Not to the closet. They were on the outside of the
24 closet.

25 Q. Did you walk towards the closet?

1 A. Not really. It was like right there.

2 Q. When you say right there, where are you talking about?

3 A. If you can give me a picture, I can show you.

4 Q. Okay. Before I get to that, I want to show you

5 State's Exhibit Number 27. I guess is this the bottom of

6 that closet area leading towards the kitchen?

7 A. Yes, ma'am.

8 Q. Okay. So where were the shoes?

9 A. They wasn't know where there.

10 Q. So that picture of the closet doesn't show where the
11 shoes were?

12 A. No, ma'am.

13 Q. Let's see if we can find another one. How much time
14 has elapsed at this point?

15 A. (Shakes head.)

16 **THE COURT:** You need to answer out loud.

17 A. I don't know.

18 Q. You don't know how much time had elapsed?

19 A. No, ma'am.

20 Q. Once you're going to get your shoes, on State's
21 Exhibit Number 22, will that show you where the shoes were?

22 A. No, ma'am.

23 Q. This is the closet though, right?

24 A. Yes, ma'am.

25 Q. And the shoes were by the closet?

1 A. If you -- not really, but, like I told you, they was
2 around the closet area. That closet area is not -- you
3 can't say that's not the closet and you cannot say that's
4 the closet are. You can say right when you walk into the
5 kitchen, like the last picture that Ms. Tracy Pinnock
6 showed, you could say that area was basically the closet
7 area.

8 Q. So the picture with the closet in it is not the closet
9 area?

10 A. You basically -- you're making it seem like the closet
11 area is like oh, you've got a walk-in -- like it's a
12 walk-in closet.

13 Q. No, no, no. I don't want to make it seem like it's a
14 walk-in closet. I just want to know if this is a picture
15 of the closet.

16 A. Yes, ma'am, that's a picture of the closet.

17 Q. And the shoes were near the closet?

18 A. They wasn't just near the closet.

19 Q. Okay. So you get your shoes, you get the gun and
20 where do you go?

21 A. I leave.

22 Q. You leave?

23 A. Yes, ma'am.

24 Q. You've got to get out of there, right?

25 A. Yes, ma'am.

1 Q. And at that point you start walking around Brook
2 Pines, right?

3 A. Not Brook Pines. I left Brook Pines.

4 Q. But you had to catch a ride.

5 A. That's what you say.

6 Q. Did you catch a ride?

7 A. Yes, ma'am.

8 Q. Where were you when you caught a ride?

9 A. In Brook Pines.

10 Q. So you left Brook Pines, but before you left you had
11 to find a ride?

12 A. Yes, ma'am.

13 Q. Now am I putting towards in words in your mouth right
14 now or is that what happened?

15 A. You're kind of putting words in my mouth, but that's
16 what happened.

17 Q. Well, clear it up.

18 A. Well, I left -- I left the incident where it happened.
19 I left the place where the incident happened, then I left
20 out of the apartment area, then the gun dropped where it
21 was at and then I came back to Brook Pines, then I got a
22 ride.

23 Q. Okay. So you ditched the gun and then you went back
24 to Brook Pines?

25 A. Not ditched. I didn't ditch no gun.

- 1 Q. You didn't put it in the woods?
- 2 A. It dropped.
- 3 Q. So it just fell out?
- 4 A. Yes, ma'am. It dropped.
- 5 Q. Did you want to pick it up in case somebody else
- 6 stumbles upon it and gets hurt?
- 7 A. That moment, no.
- 8 Q. That's not your problem?
- 9 A. No, I'm not saying that's not my problem. At that
- 10 moment like I dropped the gun. It wasn't in my mindset.
- 11 Q. But you were walking through the woods?
- 12 A. Yes, ma'am.
- 13 Q. Okay. And then the gun just kind of magically slips
- 14 from your hand?
- 15 A. It dropped.
- 16 Q. It dropped?
- 17 A. Yes, ma'am.
- 18 Q. And then you go back to Brook Pines, right?
- 19 A. Yes, ma'am.
- 20 Q. And you meet up -- how did you know Roshaunda before
- 21 this?
- 22 A. I didn't know Roshaunda.
- 23 Q. But you need a ride, right?
- 24 A. Yes, ma'am.
- 25 Q. Because you got to get out of that area?

1 A. Yes, ma'am.

2 Q. And once you're fleeing the scene, y'all made a stop
3 before you got to Charles Street?

4 A. Yes, ma'am.

5 Q. And you told -- at that point you're safe, right?
6 You're away from your brother-in-law?

7 A. Do -- am I safe?

8 Q. Yeah. You're with Roshaunda. She's not threat to
9 you, is she?

10 A. At that moment I can't really say she is a threat.

11 Q. Okay. So you're safe?

12 A. Yes, ma'am. Yes.

13 Q. And Roshaunda asks you what happened and you told her
14 you got into a fight with your girlfriend?

15 A. No, ma'am.

16 Q. That didn't happen?

17 A. No, ma'am.

18 Q. Okay. But she needs to take you to Charles Street,
19 right?

20 A. Yes, ma'am.

21 Q. And whose house is that?

22 A. That's my friend.

23 Q. Who's your friend?

24 A. Weslie.

25 Q. I'm sorry?

- 1 A. Weslie.
- 2 Q. Weslie?
- 3 A. Yes, ma'am.
- 4 Q. Okay.
- 5 A. The person who called and gave them permission to
- 6 check the house.
- 7 Q. I'm sorry?
- 8 A. The person they called and he gave them permission to
- 9 check the house.
- 10 Q. Okay. You go to his house?
- 11 A. Yes, ma'am.
- 12 Q. At that point do you have your phone on you? You
- 13 still have your phone?
- 14 A. At that moment I didn't know it, but, yes, ma'am,
- 15 y'all caught it on me.
- 16 Q. Did you decide to call 9-1-1?
- 17 A. No, ma'am.
- 18 Q. But you've been attacked, right?
- 19 A. Yes, ma'am.
- 20 Q. And you have to fight for your life to get outside of
- 21 this apartment?
- 22 A. Yes, ma'am.
- 23 Q. You, I guess, abandoned your four-year-old niece
- 24 that's in the apartment because you didn't take her with
- 25 you?

1 A. Yes, ma'am.

2 Q. And you didn't know where her parents were?

3 A. No, ma'am.

4 Q. Or if they were even alive?

5 A. No, ma'am.

6 Q. But you didn't feel the need to tell someone hey, get
7 to this apartment --

8 A. No, ma'am.

9 Q. -- there's a four-year-old in there unattended and
10 there's a madman who's been trying to kill everybody?

11 A. Can you say that again?

12 Q. You didn't call the police to tell that there was a
13 four-year-old unattended in the apartment and that there
14 was a crazy man in there trying to kill people?

15 A. Oh, no, ma'am.

16 Q. And at some point law enforcement officers come to the
17 Charles Street location?

18 A. Yes, ma'am.

19 Q. And they arrest -- they take you in custody?

20 A. Yes, ma'am.

21 Q. And they ask you about what happened, right?

22 A. Basically they were telling me -- yeah, if you want to
23 say -- asking me, but, yeah, telling me I did, but if you
24 want to say that's asking, that's asking.

25 Q. Did they read you your rights?

1 A. No, ma'am.

2 Q. No one ever read you your rights?

3 A. No, ma'am. They gave me a paper with my rights on it.

4 Q. So did you know your rights?

5 A. No, ma'am.

6 Q. Did you read the paper with the rights on it?

7 A. Yes, ma'am, after.

8 Q. Okay. But the first thing you tell them is that you
9 weren't even there that morning?

10 A. I don't remember that.

11 Q. You didn't tell them that?

12 A. I don't remember it.

13 Q. Did you tell them that you don't remember if you told
14 them that or you don't remember if you were there that
15 morning?

16 A. I don't remember that at all. I just remember what I
17 wrote on the statement, but I don't remember that.

18 Q. You don't remember telling them that you weren't
19 there?

20 A. No, ma'am.

21 Q. Do you remember telling them that you were there, but
22 that you left to buy weed, so you don't know what happened
23 after that?

24 A. No, ma'am. I don't remember it.

25 Q. Do you remember telling them about the magic gun that

1 kind of goes off when you hold it?

2 A. The magic gun?

3 Q. Yeah. If you put it on your hand, it just goes off.

4 A. I remember telling them about it going off, but I
5 don't think, you know, how you say the magic gun --

6 Q. Do you remember telling them that you weren't even
7 pulling the trigger, that you were holding the gun in the
8 palm of your hand and it just started going off?

9 A. Yes, ma'am.

10 Q. But that wasn't true?

11 A. It wasn't true, but it was because it did go off and
12 it wasn't my intention to pull the gun. It wasn't my
13 intention to kill nobody.

14 Q. I understand what you're saying now. I'm asking about
15 what you said then.

16 A. Yes, ma'am.

17 Q. Did you tell -- did you show them how you were just
18 holding this gun in your hand and the gun was just going
19 off to your surprise?

20 A. How you're trying to put it, no..

21 Q. You didn't tell them that?

22 A. No, I told them, but you're saying -- you're trying to
23 make it like going -- just going off. It was going off,
24 but you're like making it seem like -- yes, I told them.

25 Q. And they fed you before you gave this written

1 statement, right?

2 A. No, ma'am.

3 Q. They didn't give you Arbys?

4 A. They got the first statement and then that's when they
5 proceeded to go get the gun.

6 Q. In this first written statement --

7 A. Yes, ma'am.

8 Q. -- they ask you what did you eat prior to this
9 interview and you said Arbys, a roast beef sandwich, curly
10 fries and a Sprite.

11 A. Yes, ma'am.

12 Q. So they did feed you prior to giving the statement?

13 A. Yes, ma'am, but that's not like -- you're saying like
14 feed me -- like fed me, then -- no, it was all in the same
15 -- the same thing.

16 Q. I have no idea what you mean by that.

17 A. I still had the food.

18 Q. You were eating it while you were giving the
19 statement?

20 A. Yes, ma'am.

21 Q. Okay. But at that point you say that -- why did you
22 call him White Boy?

23 A. Only because that's his nickname.

24 Q. How did he get that nickname?

25 A. We gave him the nickname.

1 Q. Who's "we"?

2 A. We, whoever he messes with, such as me.

3 Q. So how did he get that nickname?

4 A. I don't know. He just -- he's had it. That's what
5 they call him.

6 Q. Okay. But you say in that statement that he picked up
7 the gun, right?

8 A. Yes, ma'am.

9 Q. And that you told him to be careful because the hammer
10 was cocked back on it?

11 A. Yes, ma'am. The hammer was cocked back on it.

12 Q. So did any of this happen? Did he pick up the gun and
13 you told him to be careful?

14 A. Are you talking about the first thing? I told you
15 what I told them, and what I told the jury, that all was a
16 lie.

17 Q. Okay. But in that statement you said that he handed
18 the gun to you and as soon as it hit your hand it went off
19 and that part was a lie, too, right?

20 A. Yes, ma'am.

21 Q. You told him that you had -- you knew you had to get
22 out of there with the gun because you knew you had to get
23 rid of it?

24 A. Say that again.

25 Q. You told them that you had to get out of the apartment

- 1 with the gun because you knew you had to get rid of it?
- 2 A. You're saying did I say that?
- 3 Q. Yes.
- 4 A. Did I tell them that?
- 5 Q. Yes.
- 6 A. Yeah, but I told you that was a lie.
- 7 Q. So even that part's a lie?
- 8 A. The whole statement. That first statement.
- 9 Q. Well, there are parts of the first statement that you
- 10 were telling me are correct, right? Like when you met up
- 11 with Roshaunda and that she gave you a ride and y'all went
- 12 to Charles Street.
- 13 A. Oh, yes, ma'am.
- 14 Q. So that part's true?
- 15 A. Yes, ma'am.
- 16 Q. So there are parts that are a lie and there are parts
- 17 that are true?
- 18 A. Yes, ma'am. A paradox.
- 19 Q. I'm sorry, what did you say?
- 20 A. A paradox.
- 21 Q. It's a paradox?
- 22 A. (Nods head.)
- 23 Q. And they said did you have an argument with White Boy
- 24 or your sister that morning and you said no?
- 25 A. I didn't argue. I don't -- arguing I consider is me

1 and you going back and forth with each other. That's what
2 I consider an argument. I'm right, right? A argument,
3 right?

4 Q. I'm asking you if you told them that you had an
5 argument with your sister and Dajuan?

6 A. You're asking did I -- did I or did I not? Did I say
7 it or did I not say it?

8 Q. Right.

9 A. That I had an argument?

10 Q. Did you say that?

11 A. No, ma'am, I said we didn't have an argument.

12 Q. Okay. And that at that point you were scared because
13 this gun has just messed your life up?

14 A. Yes, ma'am.

15 Q. And you wanted to know what God had gotten you into?

16 A. Yes, ma'am.

17 Q. But that you understood that you didn't need to get
18 off for this, right?

19 A. Say that again.

20 Q. You understood that you didn't need to get off for
21 this?

22 A. What you mean "get off"?

23 Q. You said it. What did you mean?

24 A. Like get off like -- can you ask me the question
25 again? Can you tell me what --

1 Q. The question was: What do you think should happen to
2 you for this? And you said I don't think I should get off
3 for this.

4 A. Oh, yeah, at that moment because -- yeah, like, I was
5 upset and I know, like, what happened, like, okay, somebody
6 -- that happened and somebody died like.

7 Q. But then there's a second statement?

8 A. Yes, ma'am.

9 Q. And you said that everything that's in that second
10 statement is exactly what you told the jury?

11 A. Yes, ma'am.

12 Q. But you said that your sister -- that you didn't even
13 realize you'd shot her?

14 A. Oh, no, ma'am.

15 Q. And that was just an accident?

16 A. Yes, ma'am.

17 Q. But in that second statement, didn't you say you
18 purposely shot her because she was coming at you?

19 A. No, I never said purposely.

20 Q. You said you shot her because she was coming at you?

21 A. Yes, ma'am.

22 Q. So it wasn't an accident?

23 A. It was an accident. I never said I pointed the gun
24 and purposely shot at my sister. I said I shot her because
25 I thought she was coming at me just like I just -- just

1 like I just told the jury.

2 Q. I don't understand. Your sister at some point starts
3 to attack you, too, right?

4 A. If you want to say attack me, but in my mind I didn't
5 know what was going on at that moment.

6 Q. But she was coming at you?

7 A. Yes, ma'am.

8 Q. What do you mean by coming at you?

9 A. Like if you were in that situation and I was just
10 coming at you, it would just be like on a level like coming
11 at you -- (demonstrating). My fault. Coming at you.

12 Q. So like right now am I coming at you?

13 A. Yes, ma'am.

14 Q. Okay. So then she was walking towards you?

15 A. No, I don't really know if she was walking or
16 whatever.

17 Q. Was she running towards you?

18 A. I don't know.

19 Q. Was she being aggressive?

20 A. I don't really know.

21 Q. But you'll agree with me that what you said in that
22 second statement when they said why did you shoot your
23 sister and you said she was coming at me after I shot her
24 husband?

25 A. Yes, ma'am.

1 Q. Now you said you didn't remember where this struggle
2 happened, right?

3 A. No, ma'am. Not the area that you're saying. I don't
4 remember like exact area.

5 Q. Okay. But do you remember telling them that the --
6 your brother-in-law, he got you on the couch and he was on
7 top of you?

8 A. Yes, ma'am.

9 Q. So did it happen on the couch?

10 A. At that moment how you -- what you're saying -- what
11 you're saying a struggle like where we -- how you're
12 trying to make it sound like were we struggling -- we were
13 struggling like I told you the struggle lasted forever. It
14 was episodes. It was not just like oh, we're struggling.
15 How you're trying to make it seem.

16 Q. I'm just wanting to know if part of this struggle
17 happened on the couch like you say in your statement?

18 A. Yes, ma'am.

19 Q. Okay. So you remember that now?

20 A. Yes, ma'am.

21 Q. Okay. So part of the struggle's on the couch and he's
22 on top of you?

23 A. Yes, ma'am.

24 Q. Okay. And at some point you were able to get from
25 under him, right?

1 A. Yes, ma'am.

2 Q. And then you shot him again?

3 A. No, not shot him again.

4 Q. Do you have the statement with you?

5 A. No, ma'am.

6 Q. Okay. Let me show you your statement.

7 **MS. WALKER:** Did you leave that exhibit up here,
8 Ms. Pinnock?

9 **MS. PINNOCK:** I thought I did. It should be.

10 **MS. WALKER:** All right.. Page 2 of your statement,
11 okay?

12 **THE COURT:** Please refer to the exhibit number.

13 **MS. WALKER:** I'm sorry, Your Honor. This is -- for
14 identification purposes at this point this is State's
15 Exhibit Number 3.

16 BY MS. WALKER:

17 Q. Page 2 of this.

18 A. Uh-huh.

19 Q. Okay. Do you see that first paragraph at the top?

20 A. Yes, ma'am.

21 Q. Okay. You say that he has you on the couch?

22 A. Yes, ma'am.

23 Q. And you are able to get from up under him because that
24 first time you shoot him he's on top of you?

25 A. No, I never said the first time I shot him that --

1 you're saying like he was on top of me. It never says
2 that.

3 Q. Well, you say "I was able to get from under him.".

4 A. Yes, ma'am.

5 Q. And get off the couch?

6 A. And I got off the couch.

7 Q. But at that point in time while you're on the couch,
8 he's on top of you?

9 A. Yes, ma'am.

10 Q. Okay. So he's on top of you during the first shot
11 according to this statement?

12 A. According -- according to the statement, yes, ma'am.

13 Q. According to the statement. Okay. So he's on top of
14 you on the couch. Does that kind of -- does that refresh
15 your memory as to where part of the struggle happened?

16 A. Yes, ma'am.

17 Q. Okay. He's on top of you on the couch and you shoot
18 him the first time?

19 A. No, I don't just shoot him. I ain't --

20 Q. You say he was reaching for it, you grabbed it, you
21 put the finger through the [REDACTED] and his hand was on the
22 nose of the gun, right?

23 A. Yes, ma'am.

24 Q. That's when the first shot was fired? That's when the
25 gun went off?

1 A. Yes, ma'am.

2 Q. So that's what happened?

3 A. Yes, ma'am.

4 Q. Okay. So this hand -- when you say you put your hand
5 through the loop of the gun, that's right here, right?

6 A. Yes, ma'am.

7 Q. And his hand is here on the nose of the gun?

8 A. Like not just on the nose, the nose area. That's not
9 just the nose.

10 Q. What's the nose area?

11 A. The whole thing.

12 Q. So he's like this?

13 A. Yes, ma'am.

14 Q. He's holding the gun like this and your hand is here?

15 A. Yes, ma'am.

16 Q. And that's the first time it goes off?

17 A. Yes, ma'am. Not -- not back here.

18 Q. Okay. So at that point you're able to get him off of
19 you?

20 A. Not get him off of me, but --

21 Q. You were able to get from up under him?

22 A. Yes, ma'am.

23 Q. Because you had been on the couch at that point in
24 time, right?

25 A. Yes, ma'am.

1 Q. And then you shot him again?

2 A. No, not shooting.

3 Q. "I was able to get from under him and when I got off
4 the couch, I shot him again."

5 A. Yeah, but how you trying to put it like I
6 intentionally shoot him, no, he's just -- it's the fact of
7 what was going on, the situation.

8 Q. You accidentally shot him again?

9 A. Yes, ma'am.

10 Q. Okay. So this is -- so it's not like -- you're not
11 defending yourself. These are accidents when the gun's
12 going off?

13 A. You said I'm not defending myself?

14 Q. It's an accident.

15 A. Yes, ma'am. But, yes, I'm defending myself.

16 Q. So you're purposely shooting the gun to defend
17 yourself?

18 A. No, I'm not purposely shooting the gun.

19 Q. Okay. You're accidentally shooting the gun to defend
20 yourself?

21 A. No. How you're trying to make it seem like I'm
22 shooting this man, like I'm shooting him.

23 Q. Uh-huh.

24 A. At that moment you did not take in everything I was
25 saying. You -- you just basically putting up like okay,

1 I basically got from under him and then shot him.

2 Q. I'm just reading your statement.

3 A. Yeah, you're reading the statement, but you're not
4 getting, like, the clarity of it.

5 Q. Clear it up then.

6 A. Okay. The clarity of it, when you get under someone
7 and you're still under there, you get from underneath him.

8 Q. Uh-huh.

9 A. So, therefore, I'm smaller than him. So when I mean
10 get from under, I mean like get from under. Not got from
11 under there and got up away from there and shot him.

12 That's what I mean.

13 Q. So explain what happened.

14 A. Well, I got from under him like -- basically like when
15 he went around and grabbed me, I got from under him, like
16 got loose.

17 Q. And then in your statement you said -- you say "I shot
18 him again".

19 A. Yes, ma'am.

20 Q. So you -- after you get from up under him or get
21 loose, you shoot him again?

22 A. Yes, ma'am.

23 Q. That's the only thing I'm trying to say.

24 A. Uh-huh.

25 Q. Okay. And then that's when your sister came at you

1 and she got shot, too?

2 A. Yes, ma'am.

3 Q. And she got shot because she was coming at you?

4 A. Yes, ma'am.

5 Q. And up until that day you say you and Dajuan had never
6 had any problems, right?

7 A. No, ma'am, never had any problems. Not -- not to my
8 knowledge. Not to my knowledge.

9 Q. And this statement is -- is the one that you're saying
10 is the truth?

11 A. Yes, ma'am.

12 Q. You put your hand through the loop, he covers the
13 other end and that's when the first shot goes off?

14 A. Yes, ma'am.

15 Q. And at that point in time, he's -- he's on you and
16 you're on the couch and you have to struggle to get from up
17 under him, right?

18 A. Yes, ma'am.

19 Q. And then you shot him again?

20 A. Yes, ma'am.

21 Q. And then your sister starts coming at you, so you
22 shoot her, too?

23 A. Not like how you're trying to make it sound. She's
24 coming and I seen her and like I shot her. No, no. She
25 was coming at me and in the sense of me going through this

1 and I thought like whatever was -- whatever she had --
2 whatever she had going on, I shot. But you -- no, not
3 just --

4 Q. Well, when you say she got shot, somebody pulled the
5 trigger.

6 A. Yes.

7 Q. Who pulled the trigger?

8 A. Me.

9 Q. That's the only thing I'm saying.

10 A. Yeah.

11 Q. Do you remember telling law enforcement that you
12 didn't have any love for your sister Mahogany?

13 A. No, ma'am.

14 Q. Do you remember telling them that Dajuan was soft?

15 A. No, ma'am.

16 Q. So you never made those statements?

17 A. No, ma'am.

18 Q. And you say that you didn't think that anyone would
19 believe you?

20 A. Oh, yes, ma'am. I did say that.

21 Q. But not just law enforcement. You didn't think
22 Roshaunda who gave you a ride that day would believe you
23 either, right?

24 A. Not that she wouldn't believe me, but who -- who --
25 who you know that does something like that would tell

1 somebody they don't know?

2 Q. So you didn't think she would believe you?

3 A. Not didn't believe me. Just she didn't --

4 Q. You just wanted to keep it to yourself. It was none
5 of her business?

6 A. It was -- yeah, it was none of her business.

7 Q. Okay. You just needed her to help you flee the scene?

8 A. Not help me flee. I just needed to go.

9 Q. To get away?

10 A. Yes, ma'am.

11 Q. Okay. And at that point in time, you -- the first
12 time you talked to law enforcement you didn't think they
13 would believe you?

14 A. The first time doing the whole -- never did thought
15 they would believe me, no.

16 Q. Why didn't you think they would believe you?

17 A. Because knowing that a shooting have occurred,
18 somebody died, somebody had done been shot, y'all had got
19 my name, y'all were gonna pretty much -- how you're trying
20 to paint me. How you're trying to paint me now. I'm the
21 bad person.

22 Q. So you didn't think anybody would believe you because
23 everyone would assume you are a bad person?

24 A. Yes, ma'am.

25 **MS. WALKER:** I beg the Court's indulgence, Your Honor.

1 Q. Do you remember on those same jail phone calls that
2 you and I have talked about before where you said that you
3 -- you wouldn't do a lot of time, but you were willing to
4 do ten to fifteen years for it?

5 A. Yes, ma'am.

6 Q. So you do remember that part of the telephone call?

7 A. Yeah, because that was recently. That was recently,
8 too.

9 Q. No, I'm talking about from the same day.

10 A. No, ma'am.

11 Q. So you don't remember it from that -- from that date,
12 but you remember saying that recently?

13 A. Yes, ma'am.

14 Q. Do you remember asking if your family was mad at you
15 for what you did?

16 A. Are you saying back then?

17 Q. Yeah, back on July 4th of 2014.

18 A. Oh, no, ma'am. No.

19 Q. We talked a little bit about your family being
20 dysfunctional.

21 A. Yes, ma'am.

22 Q. You and Mahogany didn't have a dysfunctional
23 relationship.

24 A. Yes, ma'am, to a certain extent. To a certain extent.

25 Q. Well, explain to me what you mean by that.

1 A. Like Mahogany -- like you want basically what our
2 relationship's like, our scenario?

3 Q. You said dysfunctional. Just explain what you meant
4 by dysfunctional.

5 A. Oh, dysfunctional like basically all our life my momma
6 always put like Mahogany as the pedestal, but me, me, I've
7 been a problem child. But, you know, like coming up I've
8 always been there for my mom. You know, whenever I seen
9 her -- I was there when people put their hands on her when
10 she got in trouble with her male whatever you want to call
11 him, but any time it was either getting in trouble or
12 discipline-wise it was Mahogany was always in the right.
13 And, like I said, Mahogany was -- had a male in our house
14 at the age of fourteen. Me, I couldn't have females in the
15 house. She was in the house having sex and this and that
16 at the age of fourteen and my mother knew it. So,
17 therefore, we -- that mother's son being in my mother's
18 house never did took care of his mother, but was being
19 taken care of my mother, being fed and clothed by my
20 mother, that's dysfunctional. But me, I can't have no --
21 I -- I think it's okay at the age of fourteen or whatever.
22 I probably would have kids and probably would have gotten
23 married at a younger age, but that wasn't for me because it
24 was never allowed. And dysfunctional, yeah, because who --
25 what brother you know at a young age like that sees stuff

1 like that and knows that's going on?

2 Q. So you're saying it was because she was allowed to
3 have --

4 A. No, I'm not just saying that. There's a lot of
5 occasions, but you just wanted me to go in and --

6 Q. No, but -- what? I don't want to cut you off.

7 A. Oh, no. I'm just saying what more can I say?

8 Q. Okay. So part of it was because she was allowed to
9 have a relationship and you said you weren't allowed to
10 have those relationships?

11 A. No, it's not just that.

12 Q. No, I said a part of it was that.

13 A. No, not just a part of it. You just -- you said --
14 you said basically give a dysfunctional reason. I was
15 giving a reason, a scenario.

16 Q. So that was how you and Mahogany were dysfunctional?

17 A. Not just that. It just was because -- no, like it
18 ain't like we never coming up got into it, but as far as me
19 hurting her, no, no. Like she be quick just to pull out
20 something and stab me, but as far as me hurting her, no.

21 **MS. WALKER:** Your Honor, we have a matter of law that
22 we need to take up.

23 **THE COURT:** All right.

24 (Proceedings held at the bench; not reported.)

25 **BY MS. WALKER:**

1 Q. I'm sorry. Go ahead. What were you saying?

2 A. Yeah.

3 Q. You said in terms of being physical, it was always her
4 towards you?

5 A. Yeah.

6 Q. Did you ever threaten her?

7 A. Not -- not truth-wise. When I mean truth-wise, yeah,
8 you would say I threatened you because you know what you
9 did to me, yeah, truth-wise.

10 Q. I have no idea what truth-wise means.

11 A. Truth-wise, basically if you want to be truthful, no,
12 I have never threatened her, but if it was being -- if you
13 want to be the victim and you want to be the person that's
14 assaulting you, yeah, you'll say I did it, but you'll know
15 that you were in the wrong.

16 Q. So you never threatened your sister?

17 A. No. No, never. Not truth-wise. For word of mouth,
18 yeah, but, no.

19 Q. So out of your mouth there's never been threats made
20 against your sister?

21 A. No. No.

22 Q. Have you ever made threats against her children?

23 A. No, ma'am.

24 Q. Before they were born?

25 A. No, ma'am.

1 **MS. WALKER:** Your Honor, may I proceed?

2 **THE COURT:** Let me see y'all.

3 (Proceedings held at the bench; not reported.)

4 BY MS. WALKER:

5 Q. So I guess in this entire relationship you've kind of
6 been victimized by your sister. She's threatened you?

7 A. Well, she told you on the stand what she did. She
8 came home going crazy, right? That's what she said when
9 she got on the stand, right? She came home -- she came
10 home going crazy throwing my stuff out, right?

11 Q. You were living in her apartment, right?

12 A. Yeah, but --

13 Q. What -- what rent were you paying?

14 A. But what she told, it's not -- it's not -- it's
15 confusing how you trying put it, but what she told you
16 prior to her doing it, she had hearsay that we was buying
17 a gun, right? That's hearsay. That's like I tell you
18 somebody just said that about you, but you're gonna slap
19 that person because I told you that? Now you're in jail
20 because of what you heard or you got an assault charge
21 because of what you heard.

22 Q. You were living in her apartment, right?

23 A. Yeah.

24 Q. Were you paying rent?

25 A. Occasionally she asked for rent. She asked for rent.

1 She asked for rent.

2 Q. And you would pay rent?

3 A. No, I ain't -- I ain't give her nothing. I ain't give
4 her nothing.

5 Q. Right.

6 A. Yeah.

7 Q. And so at some point she wanted you to get out?

8 A. No, that's what she say out of her mouth. Today I
9 heard that out of her mouth.

10 Q. So that day when she was putting your clothes outside,
11 she didn't want you to leave?

12 A. No, she did not do that. She say she start putting
13 clothes -- it never -- it never -- your clothes out the --
14 for you to put someone out, you need a thirty day notice if
15 their name's on the lease. That's how Investigator Truluck
16 say he knew that I stayed there because my name was on the
17 lease. So for you to put someone out, you've got to give
18 them thirty days, right?

19 Q. So your testimony now is that your name was on the
20 lease of that apartment.

21 A. That's what he said.

22 Q. I'm asking you if your name was on the lease of that
23 apartment?

24 A. I don't know.

25 Q. Did you go sign a lease?

1 A. No, ma'am, I never signed a lease. I never mess with
2 anything dealing with that.

3 Q. Okay. And at some point it was just -- you understood
4 it to be your sister's apartment, right?

5 A. Yes, ma'am.

6 Q. She was the one paying the bills?

7 A. If you want to -- if you want to say that.

8 Q. Were you paying the bills?

9 A. No, ma'am.

10 Q. Okay. And at some point she asked you to leave?

11 A. Not leave. That's what I'm saying she said out of her
12 mouth. She never said Dexter, you're gonna leave.

13 Q. So in none of your statements to police would you say
14 that she asked you to leave?

15 A. Can you find that statement?

16 Q. I'm asking you.

17 A. No, ma'am.

18 Q. What about when they said were you asked to move out
19 recently by your sister and you said no, not recently, that
20 shit happened in April? So she did ask you to leave?

21 A. No, she didn't ask me to leave.

22 Q. Okay. So you never got asked to leave the apartment?

23 A. No.

24 Q. And you've never made any threats toward your sister?

25 A. No.

1 Q. She's threatened you before?

2 A. Yeah.

3 Q. And on this morning you were the victim of an attack
4 and you had to fight for your life --

5 A. Yes, ma'am.

6 Q. -- to make it out alive from that apartment?

7 A. Yes, ma'am.

8 **MS. WALKER:** I don't have any further questions.

9 **THE COURT:** Ms. Pinnock.

10 **MS. PINNOCK:** Just briefly, Your Honor.

11 REDIRECT EXAMINATION

12 BY MS. PINNOCK:

13 Q. Dexter, Ms. Walker asked you about Dajuan coming into
14 the living room and being immediately aggressive with you.

15 A. Yes, ma'am.

16 Q. What drew your attention to what was happening in the
17 living room?

18 A. Because of the aggression in -- in his voice.

19 Basically the confrontational way he was speaking.

20 Q. And who was he talking to?

21 A. At that moment I think he was talking to my sister,
22 but --

23 Q. A big deal was made about a dysfunctional
24 relationship. Your family wasn't perfect, right?

25 A. No. No, ma'am.

1 Q. Y'all were on the other side of that. You have
2 typical family issues?

3 A. Yes, ma'am.

4 Q. So being dysfunctional is just a way of describing not
5 being the perfect --

6 A. Not being perfect.

7 Q. Okay. She asked you -- and I just want to clear this
8 up with you. She said when you -- when you described how
9 when Dajuan grabbed the gun, you grabbed the gun, she was
10 trying to get you to describe --

11 **MS. WALKER:** Objection to the leading, Your Honor.

12 **MS. PINNOCK:** I haven't asked the question yet, Judge.

13 **THE COURT:** Go ahead.

14 BY MS. PINNOCK:

15 Q. She was trying to get you to describe how you grabbed
16 it, how he grabbed it. I think she had her hand something
17 like this and your hand was somewhere around here, right?

18 A. Yes, ma'am.

19 Q. When that gun went off, do you know exactly how you
20 were holding the gun or exactly how Dajuan was holding the
21 gun? Can you give us a time stamp, play by play of what
22 was going on?

23 A. Like -- you mean like --

24 Q. Where your hands were, where his hands were, where you
25 were standing, what your body was doing.

1 A. No, ma'am.

2 Q. And why was that?

3 A. Because of the situation. Like when you're
4 struggling, it's not like you know exactly what's going on
5 or stuffs over, what's happened. You just know.

6 Q. You just know you're involved with somebody?

7 A. Yes, ma'am.

8 Q. You're engaged?

9 A. Yes, ma'am.

10 Q. Now she asked you -- I want to talk about the second
11 statement. She brought up, you know, everything you told
12 the jury's in that statement.

13 A. Yes, ma'am.

14 Q. You told the investigators at that point what you
15 testified about struggling with Dajuan?

16 A. Yes, ma'am.

17 Q. Was there an audio -- was there a recorder in the room
18 with you?

19 A. No, ma'am, I don't think so. Not to my --

20 Q. How long were you -- huh?

21 A. Not to my knowledge.

22 Q. How long were you talking with the investigators?

23 A. During the statement?

24 Q. Yeah.

25 A. I can't really --

1 Q. You don't remember?

2 A. Yeah, I can't.

3 Q. Was it five minutes, ten minutes? Were you in there
4 for hours?

5 A. I was there all day, for hours, but I can't really say
6 like --

7 Q. You don't know what time you started the second one?

8 A. No, ma'am.

9 Q. Was there a video camera in there?

10 A. No, ma'am.

11 Q. So you're sitting at -- I'm guessing in an office with
12 two investigators in the room with you?

13 A. Yeah.

14 Q. And y'all are talking?

15 A. Yes, ma'am.

16 Q. And then --

17 A. Well, basically they asked questions.

18 Q. They're asking questions?

19 A. Yes, ma'am.

20 Q. At some point they started typing things on the
21 computer?

22 A. Yes, ma'am.

23 Q. Do you have your statement in front of you?

24 A. (Nods head.)

25 Q. Every last thing that you spoke about with these

1 investigators is in this four-page statement?

2 **MS. WALKER:** Objection to the leading, Your Honor.

3 Q. Does that four-page statement reflect everything y'all
4 talked about?

5 A. No, ma'am.

6 Q. It's four pages long, right?

7 A. Yes, ma'am.

8 **MS. PINNOCK:** Begging the Court's indulgence. Thank
9 you, Dexter. Thank you, Judge.

10 **THE COURT:** All right. That's enough. We're gonna
11 recess for the afternoon. Let me caution the jury not to
12 talk about the case. No media exposure, no research, no
13 investigation. Do have a good evening. Please report to
14 your jury room at 9:30 in the morning. 9:30 in the
15 morning. Have a good evening. Someone from the sheriff's
16 department will escort you to the garage.

17 (Whereupon, the jury retires to the jury room at
18 5:21 PM.)

19 **THE COURT:** Okay. You can step down.

20 (Witness excused.)

21 **THE COURT:** Does the defense have any other witnesses
22 you're gonna call?

23 **MS. PINNOCK:** No, Your Honor.

24 **THE COURT:** You do not?

25 **MS. PINNOCK:** No, sir.

1 **THE COURT:** Okay. Do y'all have a request for
2 instructions?

3 **MS. CAMPBELL:** Your Honor, they were being typed
4 upstairs.

5 **THE COURT:** Do y'all have any requests for
6 instructions?

7 **MS. PINNOCK:** Yes, sir, we do. They're also
8 downstairs. We were working on them yesterday.

9 **THE COURT:** Do y'all want to get them and bring them
10 back up and give them to me so I can review them during the
11 overnight recess?

12 **MS. PINNOCK:** Yes, sir.

13 **MS. CAMPBELL:** Judge, we have a reply witness.

14 **THE COURT:** Okay.

15 **MS. CAMPBELL:** It should be brief.

16 **THE COURT:** That's fine. I just want to look at the
17 jury instructions overnight if y'all have them.

18 We'll recess for the afternoon. Let me talk to the
19 lawyers in chambers and we'll have a brief charge
20 conference.

21 (Whereupon, the proceedings were concluded at
22 5:23 PM.)

23 (Whereupon, the following proceedings were held on
24 September 3, 2015.)

25 (State's Exhibit Number 232 was marked for

1 identification.)

2 **BAILIFF:** Court come to order. All rise, please.
3 Reminder, no cell phones in the courtroom. You may be
4 seated.

5 **THE COURT:** All right. Are we ready for the jury?

6 **MS. CAMPBELL:** Yes.

7 **MS. PINNOCK:** Yes.

8 **THE COURT:** All right bring them in, please.

9 (Whereupon, the jury enters the courtroom at 9:53 AM.)

10 **BAILIFF:** The jury is seated, Your Honor.

11 **THE COURT:** Good morning, ladies and gentlemen. As
12 you know, when we recessed yesterday the defense had
13 begun with their presentation, so we'll continue with any
14 additional this morning. Ms. Pinnock.

15 **MS. PINNOCK:** Your Honor, at this time the defense
16 would rest and we would renew all our previous objections
17 and motions.

18 **THE COURT:** Okay. That's all of the testimony or
19 evidence to be offered by the defense, so we'll now proceed
20 with any additional reply testimony to be offered by the
21 State.

22 **MS. CAMPBELL:** May it please the Court? We call
23 Investigator Carwell.

24 JOHN CARWELL,

25 having been duly sworn, testified as follows:

1 **THE CLERK:** Thank you. Please have a seat on the
2 witness stand and state your full name for the record.

3 **THE WITNESS:** John Carwell.

4 DIRECT EXAMINATION

5 BY MS. CAMPBELL:

6 Q. Investigator Carwell, where are you employed?

7 A. With Richland County Sheriff's Department.

8 Q. What do you do there, sir?

9 A. I'm a sergeant over the burglary unit at this time.

10 Q. And how long have you been in law enforcement?

11 A. I started back in October of 2003, which is almost
12 twelve years now.

13 Q. I want to turn your attention back to July the 2nd of
14 last year. Were you working that day?

15 A. I was.

16 Q. What shift were you actually working?

17 A. I was actually on-call, which means the evening shift.
18 I would come in and work the after-hours, like from late
19 afternoon until midnight and on-call for remainder of the
20 evening in case something did happen.

21 Q. And once you got to the sheriff's department that
22 afternoon, did you become aware of an ongoing
23 investigation?

24 A. I did.

25 Q. And what was going on when you got there?

1 A. When I first arrived and I was just walking to my
2 cubical, my desk area, I saw that Investigator Truluck and
3 Captain McDonald were in his office interviewing someone at
4 that point in reference to the -- the shooting, the murder,
5 that happened earlier that day.

6 Q. And at some point did you become aware that the
7 suspect in the case, the Defendant, had been placed into
8 what's called a holding cell?

9 A. Yes. He was placed in the holding cell, which means
10 he's ready to be transported to the jail by our paddy
11 wagon, so I was asked to keep an eye on him until the paddy
12 wagon arrived to transport him. You want to keep an eye on
13 him to make sure he's not harming himself or in case he
14 needs something, I'm there. I'm there after-hours, so I
15 was there to watch him.

16 Q. And after he had been in that cell for approximately
17 thirty minutes --

18 **MS. PINNOCK:** Objection, Your Honor. She's leading.

19 **THE COURT:** Overruled.

20 BY MS. CAMPBELL:

21 Q. After he had been in that cell for approximately
22 thirty minutes or so, what, if anything, happened?

23 A. When I went to check on him one time, I heard him
24 knocking on the window. There's a window that looks out to
25 the hallway area and he was knocking on it and wanted my

1 attention and wanted to ask me a question.

2 Q. And at that point what did you do?

3 A. I went and spoke to him and wanted to know what his
4 problem was or if he needed anything. He acknowledged that
5 something was wrong with his statement. He had a statement
6 in there with him that he had been reading that he'd
7 provided to Captain McDonald and Investigator Truluck and
8 he said there were some things that were not correct he
9 thought.

10 Q. Okay. And I'll show you State's Exhibit 2, which is
11 the statement from McDonald and Truluck. Did he have a
12 copy of that statement?

13 A. Yes, he did.

14 Q. And at that point he was indicating what to you?

15 A. There were some details in one of the paragraphs that
16 was -- he felt was not correct or he told Truluck something
17 else and it was typed incorrectly he thought.

18 Q. And so what did you do at that point?

19 A. Investigator Truluck actually was still in the office
20 and he came and walked up to me and I told him that
21 Mr. Dexter had a problem with his statement and Truluck
22 then told me they'd already gone back and forth about that
23 detail and, in fact, that statement or the detail was
24 correct and that's what Dexter Myers wanted in that
25 statement. I didn't know the full details because I was

1 just coming in on it, but Investigator Truluck had told me
2 that they'd already gone back and forth and that's what
3 Dexter Myers wanted in the statement when he signed it.

4 Q. And you can't say what he said, but at that point did
5 you and Investigator Truluck, was he filling you in on the
6 developments of the case at that point?

7 A. That's correct, he was giving me more details.

8 Q. And was a decision made to interview -- to interview
9 Mr. Myers again?

10 A. It was.

11 Q. And was that as in response to Mr. Myers initiating
12 contact with you about wanting to change his statement?

13 A. He wanted to talk to us again.

14 Q. Okay. And were you made aware that he had already
15 been advised of his rights?

16 A. Yes, I was.

17 Q. And that he had waived those rights?

18 A. That's correct.

19 Q. And where did y'all take Dexter Myers at that point?

20 A. We didn't take him back to my desk because it's kind
21 of an open environment. I wanted to take him where there
22 was a door so it could be a little more private, so we took
23 him to Sergeant Robinson's office where we could shut the
24 door and it could be quiet.

25 Q. And initially who was in the room?

1 A. First it was myself, Investigator Truluck and Dexter
2 Myers.

3 Q. And at that point was he giving you any information?

4 A. Yeah, it was kind of the same details from the
5 statement he already provided. He was just going over
6 those at first.

7 Q. At some point did Investigator Truluck leave?

8 A. He did. Investigator Truluck left the interview.

9 Q. And why was he leaving the interview at that point?

10 A. To go follow up on some other details involving the
11 case. He also spoke to Leonard Bradley with the coroner's
12 office who responded to the scene and he relayed some of
13 that information back to me as I was still in the office
14 with Dexter Myers.

15 Q. As you continued to talk to Dexter Myers, what, if
16 any, information was he giving you at that point?

17 A. I was relayed that the victims had been shot more than
18 once.

19 **MS. PINNOCK:** Objection, Your Honor. Hearsay.

20 **MS. CAMPBELL:** It just shows why he went -- the course
21 he did with his questions.

22 **THE COURT:** This is not something he's telling to the
23 Defendant. This is something that was told to the witness?

24 **MS. CAMPBELL:** This is something that he -- that he
25 was informed of and then he followed up on that on a result

1 of it.

2 **THE COURT:** All right. Well, don't testify as to the
3 hearsay, but you can testify if you had a conversation with
4 someone what you did as a result.

5 BY MS. CAMPBELL:

6 Q. Was certain information relayed to you about the
7 shooting?

8 A. Yes. I would then confront Dexter Myers with the
9 details that the -- the victims had been shot more than
10 once.

11 **MS. PINNOCK:** Objection, Your Honor. That's hearsay.

12 **MS. CAMPBELL:** He was told.

13 **THE COURT:** Well, he can testify as to what he told
14 the Defendant. He just can't testify as to what was told
15 to him. Overruled.

16 **MS. CAMPBELL:** Thank you.

17 BY MS. CAMPBELL:

18 Q. Go ahead. I'm sorry.

19 A. I would confront Dexter Myers again with the -- the
20 victims being shot multiples times and knowing that a
21 revolver was used, and I'm not a gun expert, but I know
22 that --

23 **MS. PINNOCK:** Objection, Your Honor. Speculation.

24 **THE COURT:** Well, sustained if it requires expertise
25 since he just testified he's not an expert.

1 BY MS. CAMPBELL:

2 Q. You aren't an expert, but are you familiar with
3 weapons?

4 A. Yes, I'm familiar with weapons.

5 Q. Are you familiar with revolvers?

6 A. I am.

7 Q. And based on your own personal familiarity with
8 revolvers, what did you do?

9 A. I knew that the gun couldn't actually go off to two
10 three times or more.

11 Q. What happened next?

12 A. We would go on and continue the interview. Dexter
13 Myers would continue to kind of distance himself, bringing
14 up the Larry Myers incident, telling me that the gun was
15 kind of a household gun used for protection, that everybody
16 knew about it. Just trying to distance himself from the
17 situation we were in.

18 Q. Did he specifically tell you any specifics about
19 shooting his sister?

20 A. Yes, he would go through the details of waking up that
21 morning. He was going to buy a moped actually that morning
22 and he heard his sister in the kitchen cooking breakfast
23 and he had the covers over his face like he said. Then he
24 saw his sister go into the bedroom to speak to Mr. Harris
25 again and then eventually come back out, put the plates on

1 the table. Mr. Harris would come out and there wasn't
2 really words, but they -- there was mumbling between the
3 two and he then tells me that Mr. Harris would come at him
4 and that's when he grabbed for the gun and his finger would
5 go through the loop. He described the -- the loop around
6 the trigger, that his finger went in there, and Mr. Harris
7 grabbed the gun on the nose part and there was a struggle
8 and that's when the first shot came. Then he would
9 describe that his sister he felt was coming at him and
10 that's when she was shot.

11 Q. Did he indicate where that the struggle was occurring?

12 A. He described to me that it was in the living room near
13 the couch.

14 Q. Did anyone else become a part of this interview
15 process at the sheriff's department?

16 A. Yes, Sergeant Isenhoward would join me.

17 Q. And was he witnessing as well as you what was being
18 said by this Defendant?

19 A. He was.

20 Q. In talking to him, did he have a specific name for the
21 victim in the case, the decedent?

22 A. Yes, he called him White Boy.

23 Q. At any time did you inquire about any possible
24 animosity or problems between the members of this
25 household?

1 A. Yes, I was trying to get if there was an altercation
2 that morning, but Mr. Myers said there was no kind of
3 altercation that morning at all.

4 Q. And specifically referring to your follow-up on the
5 first page, as far as the sister being shot, halfway down,
6 did he tell you anything specifically about how he shot his
7 sister? Starting there.

8 A. He would eventually tell me that he shot his sister,
9 but it only happened because she was there and he felt that
10 she was coming at him after he had shot her husband.

11 Q. In fact, the words were "she was right there"?

12 A. Correct.

13 Q. And this is when the struggle was going on in the
14 living room at the couch?

15 A. That's correct.

16 Q. And were there additional details that were eventually
17 put into the actual written statement in this case?

18 A. Yes.

19 Q. And tell the jury basically how you go about taking a
20 statement from a defendant or a witness or anyone.

21 A. This would be another written statement. I would pull
22 it up on our computer. Again, you would put Dexter Myers'
23 information at the top of the statement with his name, date
24 of birth, the address, and there's the date and time.

25 Who's present at the time, it would have been Sergeant

1 Isenhoward and myself, and then the first part of the
2 statement has the Advisement of Rights again. You put
3 Dexter Myers' name in stating that he understand it, he's
4 been advised of his rights and he's waived them, and then
5 just kind of start the question and answer part of the
6 statement.

7 Q. And who is actually typing the statement in this case?

8 A. I am this time.

9 Q. And as far as the questions, who poses the questions?

10 A. I did.

11 Q. And whose answers are these?

12 A. These are Dexter Myers' answers.

13 Q. And during this time frame, did anyone threaten or
14 promise him anything to make him talk?

15 A. No.

16 Q. Did he ever invoke any of his rights or ask to stop
17 talking?

18 A. No, he didn't.

19 Q. And, in fact, was he wanting to get this new version
20 of events to you?

21 A. Yes.

22 Q. I show you State's Exhibit Number 3. Do you recognize
23 that?

24 A. I do.

25 Q. And is that the final written statement that was taken

1 from him that day?

2 A. It is.

3 Q. And I believe it was witnessed by you, Kevin
4 Isenhoward, and Investigator Truluck actually witnessed the
5 actual signing of this statement?

6 A. That's correct.

7 **MS. CAMPBELL:** Your Honor, at this time I'd offer
8 State's Exhibit 3 into evidence.

9 **MS. PINNOCK:** No objection, I don't think. No
10 objection, Your Honor.

11 **THE COURT:** It's admitted.

12 (State's Exhibit Number 3, a statement, was admitted
13 into evidence.)

14 **MS. CAMPBELL:** Permission to publish?

15 **THE COURT:** You may.

16 BY MS. CAMPBELL:

17 Q. Again, this is the statement that was taken from him.
18 And what time of day was this?

19 A. 1900 hours, which is 7:00.

20 Q. And this is after he had initiated contact with you
21 wanting to change the statement.

22 A. All right. The first question I would ask is: Did
23 you tell the full truth during the first statement you
24 provided? Dexter Myers' answer is no. The second question
25 is: What happened this morning inside the apartment? I

1 was asleep and I woke up. When I woke up, I was getting my
2 day started. I was going to get my moped. I was laying on
3 the couch and still had the cover over my head. I could
4 hear my sister in the kitchen slamming cabinet doors and
5 drawers and I knew she was mad. I took the white covers
6 off my head when she walked in the room. When she came
7 back out of the room, she started slamming plates on the
8 kitchen table. That's when White Boy came out of the room
9 and he said "Yeah" and he looked at her and then looked at
10 me. I said "Man", to him, meaning get the fuck on. When I
11 said this -- this is him stating. When I said this, man,
12 this nigger said what's up and was coming at me or was
13 going to -- for the shit, meaning the gun. When he was
14 reaching for it, I grabbed it and my finger went through
15 the loop and his hand was on the nose. That's when the gun
16 went off. I saw him hold his face and he was still coming
17 at me. I was able to get from under him and when I got off
18 the couch, I shot him again and that's when my sister came
19 at me and she got shot, too.

20 I followed the next question with: Why did you shoot
21 your sister? She was coming at me after I shot her
22 husband. Why did you shoot White Boy, Dajuan Harris, the
23 second time? He said -- he responds with "That nigger had
24 been on me". Do you think he was on you because he was
25 already shot? No, he was still talking to me. He was mad

1 still. He was mad when he came out of the room. Were you
2 asked to move out recently by your sister? He responded
3 with "No, not recently. That shit happened in April". The
4 next question would be: Do you feel that White Boy and
5 your sister were mad that you were going to buy the moped?
6 He responded with "Yeah, the moped, and there's more shit".
7 Have you had any other altercations with White Boy? No,
8 I've known him since I was -- since we were young. Excuse
9 me. The next question would be: You have never had any
10 problems with White Boy? No, we have never had any
11 problems. There are only problems when my sister Mahogany
12 is mad. If she is mad, everyone is mad. How long have you
13 lived with your sister and White Boy? Ever since February.
14 That's when I came home from Job Corps. Is she the only
15 family member that will allow you to live with her? She
16 took us in because of my brother's SSI check. Have you had
17 any problems with your sister recently? No, I don't put my
18 hands on my sister. Why were you not truthful in your
19 first statement? Because I felt as if y'all weren't going
20 to believe me. What would you like to say to White Boy and
21 your sister? I'm very sorry. What happened was not my
22 intention. When did you get the gun? It had not been in
23 the house more than a week. What kind of gun was it? It
24 was a revolver. I don't know the caliber it was. It was
25 black with the hammer already back on it. Why did you run

1 from the apartment? My thought process was it was gonna be
2 looked at wrong. I was living in these people's house.
3 Did you talk to your brother after you left the apartment?
4 He responded "No". Did your brother witness this incident?
5 He caught the ending of it. He was asleep on the floor in
6 the living room. The living room was where this incident
7 occurred, correct? He responded "Yeah, the living room".
8 And then the last two questions: Is there anything you
9 would like to add to your statement? And Mr. Dexter
10 responded "My intentions were not to kill nobody". And
11 then I asked him: Is this statement true to your
12 knowledge? He said "Yeah, this is the real one". And then
13 he signed it, I notarized it, Sergeant Isenhoward witnessed
14 it and Investigator Truluck also witnessed it.

15 Q. And just to recap, when you first made contact with
16 him and brought him in, the first story he told you was
17 that the gun was in his hand going off?

18 A. That's correct.

19 Q. By itself?

20 A. Yes.

21 Q. And then he changed it to this eventually?

22 A. That's correct.

23 Q. And why did you ask him if he had talked to his
24 brother after this occurred?

25 A. I felt that they had --

1 **MS. PINNOCK:** Objection, Your Honor. He's
2 speculating.

3 **MS. CAMPBELL:** It's what he thinks.

4 **THE COURT:** Well, it's why he asked. Overruled.

5 **MS. CAMPBELL:** Thank you.

6 A. I thought they had come up with a story.

7 Q. So you were aware of what Shamaray's story was?

8 A. That's correct.

9 Q. And was it more similar to the first story or the
10 second story the Defendant told you?

11 A. The first story, the gun actually going off.

12 Q. Have you had an opportunity to review some of the
13 crime scene photos?

14 A. I did.

15 Q. I want to show you State's Exhibit 232. And is this a
16 photograph of the interior of the apartment?

17 A. It is.

18 **MS. CAMPBELL:** Your Honor, at this time we'd offer
19 State's Exhibit 232 into evidence.

20 **MS. PINNOCK:** No objection.

21 **THE COURT:** It's admitted.

22 (State's Exhibit Number 232, a photograph, was
23 admitted into evidence.)

24 BY MS. CAMPBELL:

25 Q. And are you familiar -- when you walk in the front

1 door of this apartment, where is the living room?

2 A. You walk into the living room. That's the first room
3 you walk into.

4 Q. And is there a wall on the right as you walk in?

5 A. There's a wall that separates the living room from the
6 kitchen.

7 Q. And then you're also familiar with the eating area?

8 A. Correct.

9 Q. And then the kitchen is behind that?

10 A. Yes.

11 Q. And that's what's shown in State's Exhibit 232?

12 A. Yes.

13 Q. And where did the Defendant at that time tell you his
14 brother was?

15 A. The living room floor.

16 Q. During the entire incident?

17 A. Sleeping.

18 Q. And then where did he tell you the actual shooting
19 took place?

20 A. In the final statement, he described that it was on
21 the couch.

22 Q. The person that you took the statement from, do you
23 see him here in the courtroom?

24 A. I do.

25 Q. Can you point him out to the jury?

1 A. He's sitting at the table in the middle with the
2 yellow shirt with a blue and gray tie.

3 Q. Over here?

4 A. Yes.

5 **MS. CAMPBELL:** Your Honor, may the record reflect he
6 identified the Defendant?

7 **THE COURT:** It shall.

8 **MS. CAMPBELL:** That's all I have.

9 **MS. PINNOCK:** May it please the Court?

10 **THE COURT:** Ms. Pinnock.

11 CROSS-EXAMINATION

12 BY MS. PINNOCK:

13 Q. Good morning.

14 A. Morning.

15 Q. All right. Investigator Carwell, we established
16 Dexter lied in his first statement, correct?

17 A. Right.

18 Q. When you started talking to him, he lied to you
19 because he was telling you the same thing he had said in
20 his first statement?

21 A. Correct.

22 Q. Okay. So we all know that happened?

23 A. Yes.

24 Q. What time was it when you said Dexter was knocking on
25 the door?

1 A. I don't know the exact time, but it was -- he was
2 placed in there late afternoon. I don't know the exact
3 time.

4 Q. You don't know how long he was sitting there before
5 you spoke to him?

6 A. It wasn't -- it wasn't that long of a time. He had
7 just finished his statement, was placed in there and he was
8 still reading it, so. I mean, normally you read it -- he
9 wasn't sitting there. He was still reading the statement,
10 so it wasn't that long.

11 Q. Okay. And when you took him out, you said you took
12 him to whose office?

13 A. Sergeant Robinson's.

14 Q. And you're in there and Investigator Truluck is in
15 there at first?

16 A. Correct.

17 Q. And then he leaves and then Sergeant Isenhoward comes?

18 A. That's correct.

19 Q. Okay. How many words do you type a minute?

20 A. They did that back in high school. I'm not sure now.

21 Q. Do you record your interviews with people?

22 A. We do not.

23 Q. Why is that?

24 A. It's sheriff's department policy.

25 Q. Who made that policy?

1 A. The policy writer. The sheriff approves it.

2 Q. How long has that been the policy?

3 A. Ever since I've been there. It's been twelve years.

4 Q. Do you take videos?

5 A. We do not.

6 Q. Because of the same policy?

7 A. Sheriff's department policy.

8 Q. And the statement that you took's only four pages,
9 correct?

10 A. That's correct.

11 Q. Okay. Did it start -- did you start typing at seven
12 or did you start talking to Dexter at seven?

13 A. No. Like I described before, we kind of -- we have
14 our interview with Dexter Myers first and we talk about it
15 because it kind of interrupts the flow of interview if
16 you're writing and taking notes. You kind of just talk to
17 them and go through what eventually will be reduced to
18 paper for him to sign.

19 Q. Who makes the decision on what to reduce and put on
20 paper?

21 A. The investigator as well as the defendant. Like I
22 said, the second to the last statement is -- I mean, the
23 question is would you like to add anything to your
24 statement and that gives them an opportunity after they've
25 read their statement and they can add whatever they want.

1 Q. How long were you talking to him?

2 A. I have no idea exactly how long I was talking to him.

3 Q. Okay. When was he transported out of the sheriff's
4 department? When did he leave?

5 A. You'd have to look at the booking time from the jail.

6 Q. But you spoke to him long enough to go through the
7 entire -- the entire series of events, narrow it down to
8 what you're gonna put on the paper, type out question, ask
9 question, get the answer and then type out the answer,
10 right?

11 A. Correct.

12 Q. And then go back through it?

13 A. Correct.

14 Q. And then signatures and witnessing, right?

15 A. This is what your client wanted to do to.

16 Q. No, I'm asking.

17 A. Right.

18 Q. Signature, witnessing?

19 A. Yes.

20 Q. And we have four pages?

21 A. And a follow-up.

22 Q. I'm sorry?

23 A. And my follow-up.

24 Q. Oh, your report. Your memorandum of what happened?

25 A. Yes, during that interview.

1 Q. Do you have the statement up there?

2 A. I do.

3 Q. Oh, real quick, this nickname, White Boy, did you ever
4 have a nickname?

5 A. Me, no.

6 Q. You never had a nickname growing up?

7 A. No.

8 Q. I call my kids "Bub". They're nicknames, right?

9 A. Uh-huh.

10 Q. Some people use "Peanut"?

11 A. Correct.

12 Q. "DJ". "Will" is a shorter name for William, right?

13 A. Uh-huh. Yes.

14 Q. So White Boy's a nickname?

15 A. That's what Dexter Myers called Dajuan Harris.

16 Q. Okay. And do you have the statement up there?

17 A. Yes.

18 Q. Okay. If you don't mind --

19 A. There it is.

20 Q. I'm sorry. You said you -- you just published this,
21 but you said -- you asked Dexter "You have never had any
22 problems with White Boy" and he answered "No, we've never
23 had any problems. There were only problems when my sister
24 Mahogany is mad because when she's mad, everybody's mad".
25 That's what you asked and he answered, right?

1 A. It is.

2 Q. When you asked him why he was not truthful, he told
3 you because he didn't think y'all were gonna believe him,
4 right?

5 A. That's what he said.

6 Q. And when you asked him if he -- if there was anything
7 he'd like to say to White Boy and your sister he said "I'm
8 very sorry, what happened was not my intention", right?

9 A. That's what he said.

10 Q. And he told he didn't intend to kill anybody?

11 A. That's what he said.

12 Q. Right. And after you took this you transported him to
13 the jail?

14 A. I didn't, but the paddy wagon did.

15 **MS. PINNOCK:** Begging the Court's indulgence. Thank
16 you, Your Honor. I have nothing further.

17 **THE COURT:** Anything else?

18 **MS. CAMPBELL:** I beg the Court's indulgence. Nothing
19 else from this witness, Your Honor.

20 **THE COURT:** You may step down.

21 **THE WITNESS:** Thank you.

22 (Witness excused.)

23 **THE COURT:** Any other reply?

24 **MS. CAMPBELL:** Your Honor, may we approach?

25 (Proceedings held at the bench; not reported.)

1 **MS. PINNOCK:** I just got a copy of it, Your Honor.

2 **THE COURT:** Okay.

3 **MS. PINNOCK:** Your Honor, I don't have any objection
4 to this. And, also, I'd like to make -- I have a full copy
5 of our requests to charge just for the record.

6 **THE COURT:** Okay. All right. Are we ready for the
7 jury?

8 **MS. CAMPBELL:** Yes, Your Honor. We will not have any
9 further witnesses.

10 **THE COURT:** Okay.

11 **MS. PINNOCK:** And, Your Honor, so we don't have to
12 send the jury back out again, I would like to renew all of
13 our motions and objections now that all the evidence is
14 complete. I would renew our directed verdict motion. I
15 still don't believe that the State has proved there's
16 sufficient evidence to take murder and attempted murder to
17 the jury. In viewing in the light most favorable to them,
18 Your Honor, I don't believe that they have met their burden
19 to submit these charges to the jury, so I want to renew all
20 motions and objections previously ruled on and our directed
21 verdict.

22 **THE COURT:** All right. Those motions are, again,
23 denied. All right. Bring the jury in, please.

24 (Court's Exhibit Number 3, Defendant's Request to
25 Charge, was marked for identification.)

1 (Whereupon, the jury returns to the courtroom at
2 10:55 AM.)

3 **BAILIFF:** The jury is seated, Your Honor.

4 **THE COURT:** All right. Any other reply?

5 **MS. CAMPBELL:** Nothing else, Your Honor.

6 **THE COURT:** All right. Ladies and gentlemen, that's
7 all the evidence to be received. You're now gonna hear the
8 final summations of the lawyers, after which I'll instruct
9 you on the law, and then you'll be able to begin with your
10 deliberations in the case.

11 The State has the burden of proof. They'll go forward
12 first in their final presentation, followed by the defense,
13 and then the State is permitted to make a reply argument.
14 So please give the lawyers your attention as they give you
15 their final summations.

16 **MS. CAMPBELL:** May it please the Court?

17 **THE COURT:** Ms. Campbell.

18 **MS. CAMPBELL:** Good morning. The first thing I would
19 like to do on behalf of the State of South Carolina, the
20 citizens of Richland County and the victims and the
21 victims' family in this case, is to thank you for your
22 service this week. I know that when you showed up for jury
23 duty on Monday morning you might have wondered what kind of
24 case you might be sitting on and, unfortunately, we're here
25 today because of the actions of Dexter Myers back on

1 July the 2nd of last year. You've been asked to look at
2 photos and hear testimony about the brutal, senseless,
3 malicious killing that occurred a little over a year ago
4 as we have watched each of you pay attention and I think
5 that you have understood it's very important in this case.

6 Now as the judge has told you, I'm gonna have an
7 opportunity to talk to you a little bit about the law in
8 this case and then the defense is gonna get up here and
9 she's going to talk about the facts and the law or whatever
10 she thinks is pertinent and then finally Ms. Walker is
11 gonna get up here and talk to you a little bit more about
12 what the evidence, the physical evidence, and the credible
13 testimony in this case show.

14 The first thing I want to do is apologize on behalf of
15 the State, Ms. Walker, Mr. Shellenberg and myself, if we've
16 done anything to offend anyone. At times our questions
17 have been sloppy. There's been legal arguments. We've had
18 to approach the bench, you've been sent out back to your
19 jury room. Evidence that may not be admissible at one
20 point becomes admissible later. Please don't hold that
21 against the State or against Mahogany or against Dajuan.
22 It was not intentional on our part.

23 Now you have heard all of the evidence that you can
24 consider in this case, and as the judge has told you, you
25 must base your verdict on the evidence in the case, the

1 testimony and the physical evidence that you will have
2 back there. And the expert testimony in this case is very
3 important, but listen carefully because the judge will
4 tell you, you aren't to base your verdict on innuendo,
5 speculation, conjecture or just plain wishful thinking.
6 You must base it on the credible, believable evidence that
7 is corroborated by the physical evidence in this case in
8 order to reach a verdict.

9 The roles in this room are defined and there's a
10 reason for that. The role of the State is to present all
11 of the relevant, admissible evidence that can come before
12 you. The defense's role is to defend their client to the
13 best of their ability. The judge's role is to determine
14 what evidence is actually admissible and, ultimately, after
15 you hear from all of us, he will charge you or tell you
16 what the law is that you have to apply in this case. But,
17 ultimately, ladies and gentlemen, the most important role
18 in this courtroom is yours. Each of you individually and,
19 ultimately, the twelve of you once you get back in there,
20 must reach a verdict, a unanimous verdict. All of you must
21 agree. If it's guilty or it's not guilty, you must agree
22 on that verdict. So your role is to determine what
23 happened back on July the 2nd of 2014 in that apartment
24 while a one-year-old and a four-year-old were eating their
25 breakfast.

1 In criminal cases it's somewhat unique. As you have
2 noticed, we've called witnesses before you. There's been
3 live testimony. You've heard references to reports done
4 by the pathologists, by the DNA expert, by other people in
5 this case, but they are required in criminal cases to come
6 before you because the Defendant has the absolute right to
7 confront each and every witness because it's important that
8 you, as jurors, each of you, are able to determine the
9 credibility or believability of each expert, be it a lay
10 witness, say, an eyewitness or expert witness, say, the
11 pathologist, and that's why you've heard that, you've heard
12 references. Only in certain situations such as when the
13 Defendant gives a statement does the actual written
14 statement actually come before you and there are reasons
15 for that.

16 Now as I talk to you, I want to talk to you a little
17 bit about the law. The burden of proof in this case, and
18 in every criminal case, is that the State has the burden to
19 prove this Defendant guilty beyond a reasonable doubt. And
20 I submit, ladies and gentlemen, in this courtroom, with
21 this evidence, that is a burden the State welcomes. What
22 is proof beyond a reasonable doubt? The law has defined
23 it, and perhaps the easiest way, traditionally in the law
24 as it's been defined is it's proof that makes a reasonable
25 person hesitate to act, but our courts have gonna little

1 further in defining proof beyond a reasonable doubt. Very
2 simply, proof beyond a reasonable doubt is proof that
3 leaves you firmly convinced of the Defendant's guilt.
4 There are very few things in this world that we know with
5 absolute certainty and in criminal cases the law does not
6 require proof that overcomes every possible doubt. If
7 based on your consideration of the evidence you are firmly
8 convinced that the Defendant is guilty of the crime charge,
9 you must find him guilty. If, on the other hand, you think
10 there is a real possibility that he is not guilty, you must
11 give him the benefit of the doubt and find him not guilty.
12 Proof that leaves you firmly convinced of the Defendant's
13 guilt. That is what -- this document recognizes that
14 everybody can doubt anything. It's just proof that leaves
15 you firmly convinced.

16 Now in this case, as you were told in the beginning,
17 there are two indictments. One is for murder, that's for
18 Dajuan Harris, and the second is for the attempted murder,
19 and that's of Mahogany Speech-Harris. But very often when
20 criminal acts occur there can be more than one victim, more
21 than one criminal act, so that's why the two are joined and
22 they're able to come before you with these things. And I'm
23 gonna talk a little bit about the law in the case on the
24 two separate charges, murder versus attempted murder,
25 because the definitions are a little different. Some of

1 the areas I'm gonna talk about are gonna overlap and it's
2 confusing. In criminal cases as well, when someone is
3 charged, say, with murder or with attempted murder, there
4 are lesser includeds that the judge will charge that are
5 included within that, so that if you have a doubt as to
6 whether or not the original crime has been done, you can
7 consider lesser crimes. So as I talk about this, I'm gonna
8 talk about a lot of different legal aspects that will be
9 charged to you and different levels of homicide or
10 attempted homicide in our laws, in our Code of Laws.

11 The first charge I want to talk about is murder and
12 to be the most heinous crime that's pretty much committed,
13 it has probably the shortest definition. In the state of
14 South Carolina, we don't have first degree, second degree
15 and all that, we have murder. And what is murder? It's
16 the killing -- unlawful killing of another with malice
17 aforethought, either express or implied. And the judge
18 will talk to you a little bit about that. What is it?
19 It's the unlawful killing of another with malice
20 aforethought, either express or implied.

21 And the first term I want to talk to you a little bit
22 about is the term what is malice. How do we prove the
23 Defendant was acting with malice? And, ladies and
24 gentlemen, I submit in this case, with these facts, this
25 case reeks of malice. The law has defined, and listen

1 carefully -- and if I say anything different from what the
2 judge tells you, it's not intentional. Take the law as the
3 judge tells it to you. And in that same vein, if either
4 side mischaracterizes the facts as you remember them, you
5 are the sole finders of the facts. You must determine the
6 credibility of the witnesses, who is believable and who is
7 not, and this case illustrates it more than anything
8 because you have heard from two people that were there --
9 three people that were there three different stories. You
10 must determine which one has bias, prejudice, a reason to
11 lie. You must determine which one's actions belie the
12 truth.

13 Malice has been defined as hatred, ill will or
14 hostility towards another person. An intentional doing of
15 a wrongful act without just cause or excuse and with intent
16 to inflict an injury or under circumstances that the law
17 will infer an evil intent. It may be inferred from contact
18 -- conduct showing a total disregard for human life. And I
19 submit, ladies and gentlemen, when you get a gun and start
20 shooting at people, that's a total disregard for human
21 life. The law goes a little bit further because in its
22 popular sense the term malice conveys the meaning of
23 hatred, ill will or hostility towards another. In its
24 legal sense, however, it doesn't necessarily mean ill
25 will -- ill will towards the individual injured, but

1 signifies a general malignant recklessness of the lives
2 and safety of others or a condition of the mind which shows
3 a heart regardless of social duty and fatally bent on
4 mischief. In other words, a malicious killing where the
5 act is done without legal justification or excuse. It's
6 the intentional doing of a wrongful act towards another
7 without legal justification.

8 You heard the terms it must show malice existed, be
9 it express or implied or inferred, that's just kind of an
10 interchangeable word, and what does that mean? Malice, it's
11 not that it's a different kind of malice. It's how it can
12 be expressed or inferred from the facts and circumstances.
13 Express malice, they don't mean different kinds of malice,
14 but merely the manner in which malice may be shown to
15 exist, either by direct evidence or inference from facts
16 and circumstances where proved. Express malice is shown
17 when a person speaks words which express hatred or ill will
18 for another or when the person prepared beforehand to do
19 the act which was later accomplished. For example, lying
20 in wait. Very simply, ladies and gentlemen, the people
21 that defined murder understood that necessarily if someone
22 comes up to another person and pulls out a gun and points
23 it at them, they are not necessarily gonna say "I am going
24 to kill you now". That's express malice. But the facts
25 and circumstances, when they shoot that bullet or that