

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

ORIGINAL

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SC Court of Appeals

Appeal from Anderson County

Honorable R. Scott Sprouse, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

ROYRES ANTWON PATTERSON,

APPELLANT

APPELLATE CASE NO. 2016-001084

RECORD ON APPEAL

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State of South Carolina
County of Anderson In the Court of General Sessions

State of South Carolina,)
)
) 2015-GS-04-00456 & 457
-vs-) April 25, 2016
)
Royres Antwon Patterson,) Volume 1 of 4
) Pages 1 - 204
Defendant.)
) Transcript of Record
-----)

B E F O R E:

The Honorable R. Scott Sprouse, Judge;
and a jury.

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Circuit Court Reporter

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2 For the State:

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11

12 For the Defendant:

13	Marked	Description	I.D.	Admitted
14		None offered.		

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1 (WHEREUPON, court convened with all parties
2 present and the following proceedings were had
3 commencing at approximately 9:53 a.m.)

4 THE COURT: Good morning, ladies and gentlemen.
5 I'm Judge Sprouse, one of your resident Tenth Circuit
6 judges. I'm down here in Anderson today from the big
7 city of Walhalla. Always happy to come to Anderson.
8 It's going to be my pleasure to serve with you this
9 week for a term of general sessions court.

10 Now, we have a unique situation this week in that
11 we have both general sessions court and common pleas
12 court going on at the same time. General sessions
13 means criminal court. Common pleas means civil court.
14 If you get called on a general sessions jury, you will
15 hear a criminal charge. If you get called on a common
16 pleas jury, you will hear a civil case between two
17 parties.

18 First order of business that we have this morning
19 is to ensure that everyone is in the right courthouse.
20 This is circuit court. If you have been called to
21 serve in magistrate's court, municipal court, or
22 federal court, you are in the wrong place.

23 Is there any member of the jury panel or jury pool
24 who believes that they have come to the wrong
25 courthouse? Okay. Very good.

1 This is a one-week term of court. Now, you never
2 know with cases, but ordinarily we do not have cases
3 that spill over. But I've been informed by the
4 attorneys they think they will be finished with plenty
5 of time to spare for the week, but this is a one-week
6 term of court.

7 Now, we understand the inconvenience that jury
8 service causes to you in your daily lives, but it is a
9 very, very important civic duty for our citizens. Our
10 system could not function without our citizens being
11 willing to serve as jurors. Hopefully, this will be an
12 enjoyable and educational week for you.

13 Now, Mr. Clerk, have you introduced yourself and
14 your staff to the jury panel?

15 THE CLERK: Yes, I have, your Honor.

16 THE COURT: Now, ladies and gentlemen, this
17 gathering this morning has the purpose of determining
18 your qualification and eligibility to serve as jurors.
19 As part of that process, it is necessary that you take
20 an oath.

21 Mr. Clerk, would you administer the oath to the
22 jury panel, please.

23 THE CLERK: I'd be more than happy to if it please
24 the Court.

25 THE COURT: Yes, sir.

1 (WHEREUPON, the prospective jury panel was sworn.)

2 THE COURT: The Clerk of Court will now call the
3 roll. When your name is called, please stand, and in a
4 loud, clear and audible voice provide the following
5 information: One, your occupation, if you are
6 employed. If you are self-employed, state the nature
7 of your occupation. If you are retired or disabled,
8 state your former occupation. Also, thirdly, you need
9 to state whether or not you are married, and if so,
10 what is your spouse's occupation. Finally, if your
11 spouse is retired or disabled, state their former
12 occupation or the nature of their business.

13 Mr. Clerk, please proceed with the roll call.

14 THE CLERK: Thank you, sir. Our first potential
15 juror is Number 3, Amanda B. Asher.

16 POTENTIAL JUROR: I'm a senior traffic control
17 specialist. I am married. My husband is also a senior
18 traffic control specialist.

19 THE CLERK: Thank you very much.

20 Juror Number 8, Meghan A. Bayne.

21 POTENTIAL JUROR: I'm a regulatory compliance
22 associate and I'm not married.

23 THE CLERK: Thank you.

24 Juror 14, Emily D. Boyter.

25 POTENTIAL JUROR: Human resources with Perrigo

1 Company. I am married. My husband works for Michelin
2 Corporation.

3 THE CLERK: Very quickly, as you notice, we're
4 skipping some numbers. We summon a whole list. There
5 are three ways that you can get on this list: Have a
6 South Carolina driver's license, have a South Carolina
7 identification card, be a registered voter. Once
8 you're summoned, we have some folks who are -- we
9 summon you if you are over 65 years old. You can call
10 and ask to be excused. So we have people do that. We
11 also have people that call in and say they no longer
12 live in Anderson County, and the judge will tell you in
13 a minute that you have to be a resident of Anderson
14 County. So some of our lists have a little age on them
15 where people have moved to Greenville, moved out of
16 state. Had a fella call the other day, now lives in
17 Montana. Wanted to know if we were going to arrest him
18 if he didn't show up. We told him that would be fine.
19 Enjoy Montana.

20 Juror Number 21, Amanda K. Carey.

21 POTENTIAL JUROR: Yes. I'm a general manager for
22 TGX Corporation. I'm not married.

23 THE CLERK: Thank you, ma'am.

24 Juror 23, Anthony W. Chandler.

25 POTENTIAL JUROR: Anthony Chandler. I run my own

1 plumbing business. I'm married. My wife is a planner
2 at Fuji Film.

3 THE CLERK: Thank you.

4 Juror 24, Ray E. Church.

5 POTENTIAL JUROR: Shipping clerk, Walgreens
6 Distribution Center, and I'm single.

7 THE CLERK: Thank you, sir.

8 Juror 25, Douglas D. Cohen.

9 POTENTIAL JUROR: Douglas Cohen, disabled, and I'm
10 married. My wife works at military school.

11 THE CLERK: Thank you, sir.

12 Juror 28, Charity R. Collins.

13 POTENTIAL JUROR: Insurance agent. I'm married.
14 My husband is a paint specialist.

15 THE CLERK: Thank you.

16 Juror 34, Donald L. Creamer, Sr.

17 POTENTIAL JUROR: 3M Corporation, logistics
18 coordinator. I'm married. My wife works at
19 St. Francis Hospital radiology.

20 THE CLERK: Juror 35, Russell J. Crigger.

21 POTENTIAL JUROR: I work at Electrolux. I'm not
22 married.

23 THE CLERK: Juror 38, Dareem R. Daniel.

24 POTENTIAL JUROR: Assistant operator at Claughton
25 Medical, not married.

1 THE CLERK: Juror 39, Allen S. Davis, Jr.

2 POTENTIAL JUROR: Shift supervisor, Plastic Omnium
3 Exteriors. I'm married. My wife works at AnMed Health
4 System.

5 THE CLERK: Thank you.

6 Juror 41, George W. Dean.

7 POTENTIAL JUROR: Single, not married.

8 THE CLERK: And do you have an occupation?

9 POTENTIAL JUROR: No, I'm retired.

10 THE CLERK: What are you retired from, sir?

11 POTENTIAL JUROR: Senior Solutions.

12 THE CLERK: Thank you very much.

13 Juror 43, Bryant R. Donald.

14 POTENTIAL JUROR: Yes. I'm an employee of South
15 Fork Corporation, and I'm single.

16 THE CLERK: Yes, sir.

17 Juror 44, Tasha I. Drake.

18 POTENTIAL JUROR: I'm a dental assistant. My
19 husband is the owner of Drake's Cabinet Shop.

20 THE CLERK: Thank you.

21 Juror 46, Jerry H. Dyar.

22 POTENTIAL JUROR: I'm a die setter at Champion
23 Tool. My wife is an operator out there.

24 THE CLERK: Thank you.

25 Juror 52, Joseph F. Finley, III.

1 POTENTIAL JUROR: Yes. I'm in production at
2 Walgreens Distribution Center. I'm not married.

3 THE CLERK: Thank you, sir.

4 Juror 57, Kristen N. Gault.

5 POTENTIAL JUROR: I'm the general manager at the
6 Fairfield Inn & Suites. My husband is a manager at a
7 heating and air company in Simpsonville.

8 THE CLERK: Thank you, ma'am.

9 Juror 58, Richard B. Georgina.

10 POTENTIAL JUROR: I'm a technician at Milliken.
11 My wife works at Ingles.

12 THE CLERK: Thank you, sir.

13 Juror 64, Heather B. Hardy.

14 POTENTIAL JUROR: I'm a waitress. My husband
15 works at Anderson --

16 THE CLERK: Thank you. Juror 67, Judy H. Hester.

17 POTENTIAL JUROR: I'm a pharmacy technician at
18 Kmart and I'm widowed.

19 THE CLERK: Thank you, ma'am.

20 Juror 74, Dennis M. Hutto.

21 POTENTIAL JUROR: I'm active duty military, a
22 part-time truck driver. My wife works as a secretary
23 for Wyatt Institute.

24 THE CLERK: Thank you, sir.

25 Juror 76, Robert D. Jackson, Jr.

1 POTENTIAL JUROR: I'm a service planner, and my
2 wife is a call center supervisor.

3 THE CLERK: Yes, sir.

4 Juror Number 80, Casimer J. Kaminskas.

5 POTENTIAL JUROR: It's Kaminaskas. I'm retired
6 from IBM. My wife is retired from Crayola.

7 THE CLERK: Thank you, sir. I apologize for
8 tearing up your name so bad.

9 Juror 81, Tyteania S. Keepler.

10 POTENTIAL JUROR: I work in AP, and I am not
11 married.

12 THE CLERK: Thank you.

13 Juror 84, Elizabeth M. Land.

14 POTENTIAL JUROR: I'm a customer service
15 representative. My husband is a supervisor.

16 THE CLERK: Juror 86, Beverly L. Lavier.

17 POTENTIAL JUROR: I'm an accountant for Clemson
18 University and I am single.

19 THE CLERK: Thank you.

20 That is our first page. Any questions from any of
21 the attorneys?

22 Juror 87, Ashley E. Leon.

23 POTENTIAL JUROR: I'm a stay-at-home mom and my
24 husband is a manager of a restaurant.

25 THE CLERK: Juror 88, Jessie D. Levi.

1 POTENTIAL JUROR: I'm a lineman at Duke Energy in
2 Anderson. My wife's a respiratory therapist at
3 Greenville Hospital System at Baptist Easley.

4 THE CLERK: Juror 90, Dusty C. Lindsay.

5 POTENTIAL JUROR: I'm a fabricator for GE Gas
6 Turbines. My wife is a nurse for NHC, National Health
7 Care.

8 THE CLERK: Juror 91, Ricky D. Lollis.

9 POTENTIAL JUROR: I'm self-employed, Lollis
10 Metals. My wife is a former nurse, basically a
11 volunteer now.

12 THE CLERK: Thank you, sir.

13 Juror 97, Joel A. Martin.

14 POTENTIAL JUROR: Yes. Self-employed, Martin
15 Masonry, and my wife works for AnMed.

16 THE CLERK: Thank you, sir.

17 Juror 99, Martha V. Mayfield.

18 POTENTIAL JUROR: I work for Anderson County
19 Alterative School, and my husband works for Lazer
20 Construction.

21 THE CLERK: Juror 108, Nadeshda Melnichuk.

22 POTENTIAL JUROR: I am retired from Florida
23 schools. I was an aide. And my husband is a truck
24 driver.

25 THE CLERK: Thank you very much.

1 Juror 109, Tikoya S. Freeman.

2 POTENTIAL JUROR: I'm a Bosch operator and my
3 husband is an underwater welding technician.

4 THE CLERK: Thank you.

5 Juror 111, Robert S. Miller.

6 POTENTIAL JUROR: Self-employed. I own
7 Environmental Contract Operations. I'm married. My
8 wife works for Greenville Health System.

9 THE CLERK: Thank you.

10 Juror 117, Robert G. Moore.

11 POTENTIAL JUROR: Good morning. Robert G. Moore,
12 and I'm an engineer at BMW. I am married and my wife
13 is a stay-at-home mom.

14 THE CLERK: Thank you.

15 Juror 118, David S. Morrow.

16 POTENTIAL JUROR: Engineer, Michelin Tire Company.
17 My wife is a baker and cake decorator for Bi-Lo.

18 THE CLERK: Thank you.

19 Juror 119, Amanda C. Moss.

20 POTENTIAL JUROR: I'm a registered nurse, Self
21 Regional in Greenwood and I'm married. My husband
22 works for Michelin Corporation.

23 THE CLERK: Thank you.

24 Juror 130, Christopher D. Plunk.

25 POTENTIAL JUROR: I'm unemployed, not married.

1 THE CLERK: Juror 131, Catrina S. Posey.

2 POTENTIAL JUROR: Production at Magna Exteriors,
3 and I'm separated.

4 THE CLERK: Yes, ma'am.

5 Juror 136, Tommy E. Riggins.

6 POTENTIAL JUROR: I'm retired and I work for South
7 Carolina Department of Mental Health safety. My wife
8 is an employee of the school system.

9 THE CLERK: Thank you, sir.

10 Juror 144, Joy R. Seigler.

11 POTENTIAL JUROR: Full-time grandmother. My
12 husband is a drywaller.

13 THE CLERK: Thank you, ma'am.

14 Juror 147, Steven J. Skoda.

15 POTENTIAL JUROR: Skoda. Disabled and single.

16 THE CLERK: Thank you, sir.

17 Juror 149, Martha H. Smith.

18 POTENTIAL JUROR: I'm a cook and afternoon staff
19 at Cedar Grove education care, and my husband works at
20 the Cushman plant for Milliken.

21 THE CLERK: Thank you.

22 Juror 151, Douglas S. Soccio.

23 POTENTIAL JUROR: Soccio. Department manager at
24 Orian Rugs, not married.

25 THE CLERK: Thank you, sir.

1 Juror 156, Ernest C. Trammell.

2 POTENTIAL JUROR: I'm Ernie Trammell. I'm an
3 attorney with Trammell & Mills Law Firm here in
4 Anderson. My wife is retired. She's former owner of
5 Martin Advertising.

6 THE CLERK: Thank you, sir.

7 Juror 158, Mary E. Turney.

8 POTENTIAL JUROR: I'm retired from
9 telecommunications, and my husband is retired from
10 telecommunications.

11 THE CLERK: Thank you.

12 Juror 160, Roger S. Vanduinen.

13 POTENTIAL JUROR: Vanduinen. I'm an occupational
14 therapist. I'm married. My wife is also a physical
15 therapist.

16 THE CLERK: Thank you, sir. I apologize for
17 messing up your name.

18 POTENTIAL JUROR: It's okay.

19 THE CLERK: Juror 161, Eric R. Wagner.

20 POTENTIAL JUROR: Good morning. Eric Wagner,
21 employed at the mill, never married.

22 THE CLERK: Juror 162, Casey W. Wallace.

23 POTENTIAL JUROR: Hi. I'm a self-employed medical
24 transcriptionist, married. My husband works for
25 Rockwell Automation in the Michelin plant.

1 THE CLERK: Juror 163, Bridgette N. Waters.

2 POTENTIAL JUROR: I work at Papa Johns, and I'm
3 not married.

4 THE CLERK: Thank you, ma'am.

5 Juror 164, Shirley A. Waters.

6 POTENTIAL JUROR: I'm retired from Adco Associated
7 Fuel Pump Systems, and I'm not married.

8 THE CLERK: Juror 165, Traci Weldon.

9 POTENTIAL JUROR: I work in sales at Swaselock,
10 South Carolina, and I'm not married.

11 THE CLERK: Thank you, ma'am.

12 That's our second page. Just a few more.

13 Juror Number 166, Linda M. Wheeler.

14 POTENTIAL JUROR: I'm sales lead with Belk, and
15 I'm not married.

16 THE CLERK: Thank you.

17 Juror 169, Benjamin R. Whitten.

18 POTENTIAL JUROR: Minister of music, and my wife
19 is a retired school teacher.

20 THE CLERK: Thank you.

21 Juror 170, Leonard Williams.

22 POTENTIAL JUROR: I'm a retired school
23 administrator for the school district of Pickens
24 County. My wife is a retired human resource director
25 at Oconee nuclear plant, Duke Energy.

1 THE CLERK: And Juror 172, Sherry W. Livingston.

2 POTENTIAL JUROR: I'm currently unemployed. My
3 husband is retired law enforcement, retired Air Force
4 and currently an ROTC instructor for Palmetto High
5 School.

6 THE CLERK: Thank you, ma'am.

7 Ladies and gentlemen, is there anybody's name I
8 did not call?

9 All right. Your Honor, that's 58 present and
10 accounted for.

11 THE COURT: Thank you. I now have certain
12 questions to ask you to determine your qualifications
13 as jurors in this court. These questions determine
14 your eligibility to serve. State law requires that I
15 ask these questions. If any juror needs to respond to
16 a particular question, you will need to stand, give
17 your juror number first, then your name. It is
18 absolutely essential that we have accurate information.
19 Some of these questions are very personal. If you do
20 not wish to stand and disclose the information openly
21 in the presence of your fellow jurors, I will give you
22 the opportunity to come forward at the end. Just be
23 sure to remember to come forward at the end if you do
24 not stand when a question requiring an affirmative
25 response from you is asked. Please listen very

1 carefully to these questions.

2 Is any member of the jury panel not a citizen of
3 the United States of America? If so, please stand.

4 Okay. There are none.

5 Is any member of the jury panel not a resident and
6 citizen of Anderson County, South Carolina? If so,
7 please stand.

8 Yes, ma'am. Your number?

9 POTENTIAL JUROR: Number 8, Meghan Bayne.

10 THE COURT: What county -- where's your residence
11 now?

12 POTENTIAL JUROR: I just recently moved to Pickens
13 County.

14 THE COURT: Okay, ma'am. You are exempt since
15 you're not an Anderson County resident. So Juror
16 Number 8 would be removed from the list. Thank you for
17 coming this morning.

18 Is any member of the jury panel unable to read,
19 write, speak or understand the English language? If
20 so, please stand.

21 There are none.

22 Does any member of the jury panel have less than a
23 sixth grade education or its equivalent? If so, please
24 stand.

25 There are none.

1 Is there any member of the jury panel unable,
2 because of mental or physical infirmities, to render
3 efficient jury service? Does any member of the jury
4 panel have any medical condition that would prevent you
5 from serving this week? Now, the normal response that
6 I get is that some people, because of medical
7 conditions, have trouble sitting for long periods of
8 time. The Court takes that into account, and we take
9 breaks as we go along. You will not be asked to sit
10 for more than an hour or so. Sometimes it may run a
11 little longer than that, but you will take breaks.
12 Everyone will have the opportunity to stretch their
13 legs.

14 So with that said, is any member physically or
15 mentally unable to serve on the jury?

16 Your number, please?

17 POTENTIAL JUROR: Number 25. On every week I do
18 chemo treatment, and I'm pretty well sick on
19 Wednesdays.

20 THE COURT: Okay. All right. Mr. -- you're
21 number 25. Mr. Cohen will be excused under that basis.
22 Thank you, sir. Thank you for your service.

23 There are no further.

24 Has any member of the jury panel been convicted by
25 guilty plea or trial in a state or federal court of

1 record of a crime punishable by imprisonment for more
2 than one year and your civil rights have not been
3 restored by pardon or amnesty? Punishable by more than
4 one year means that you could have received a sentence
5 of more than one year regardless of what sentence you
6 may actually have received. If so, please stand.

7 Okay. There are none.

8 Is any member of the jury panel a clerk or deputy
9 clerk of court, constable, sheriff, or other
10 commissioned law enforcement officer, probate judge,
11 county commissioner, magistrate, or other county
12 officer or is employed within the walls of any
13 courthouse? If so, please stand.

14 Okay. There are none.

15 Is there any member of the jury panel who has
16 previously served on jury duty in circuit court during
17 this calendar year? Now, remember, this does not apply
18 to municipal court, magistrate court, or federal court
19 but circuit court during 2016. If you have served in
20 circuit court, please stand. There are none.

21 Has any member of the jury panel served as a
22 member of the Anderson County Grand Jury during the
23 past several years? If so, please stand.

24 There are none.

25 We now move to jury exemptions. State law

1 provides for several exemptions for jury service. An
2 exemption does not mean that you are not qualified to
3 serve, it simply means that you have the right to say,
4 "I choose not to serve." Those of you who are 65 years
5 of age or older may be exempted from service. Those of
6 you who are 65 years of age or older represent a
7 tremendous pool of talent for jury service and we urge
8 you to serve this week if you are so inclined to do so.
9 But if you wish to be exempted, you may certainly do
10 so.

11 Is there any member of the jury panel who is 65
12 years of age or older and wishes to be exempted from
13 jury service this week? If so, please stand.

14 There are none.

15 Another exemption concerns prior jury service. No
16 person is required to serve as a juror more often than
17 once every three years, three calendar years. If any
18 member of the jury panel has served on jury duty during
19 the last three calendar years, you may be exempt from
20 service this week if you choose to be exempted. Again,
21 this does not apply if your service was in municipal
22 court, magistrate's court, or federal court. This
23 exemption only applies if it was in circuit court.

24 If this exemption applies to any of you and you
25 wish to be exempted, please stand.

1 There are none.

2 Persons who have served as Grand Jurors in the
3 last five calendar years may also be exempt from jury
4 service. If any member of the jury panel has served on
5 a Grand Jury during the last five calendar years, you
6 may be exempt from service this week if you choose to
7 be exempted. If this exemption applies to any member
8 of the jury panel and you wish to be exempted, please
9 stand.

10 There are none.

11 The next exemption deals with those of you who
12 have small children. Please listen very carefully to
13 this exemption. It has several parts, all of which
14 must apply for you to be exempted on this basis. You
15 may be exempted from jury service if, one, you have a
16 small child or children under the age of seven years;
17 two, you have legal custody of your child or children;
18 three, you have the principal care, custody and control
19 of your child or children; and, four, you are unable to
20 make arrangements for the adequate care of your child
21 or children while performing jury duty. If all of
22 these requirements apply to you, you may be exempted on
23 this basis. If this exemption applies to you and you
24 wish to be exempted, please stand.

25 Yes, ma'am.

1 POTENTIAL JUROR: Juror 87, Ashley Leon.

2 THE COURT: How old is your child?

3 POTENTIAL JUROR: She's five.

4 THE COURT: Who's caring for the child now?

5 POTENTIAL JUROR: She's in school right now, but
6 after school I won't be able to.

7 THE COURT: You don't have --

8 POTENTIAL JUROR: My husband works and I have no
9 family around here.

10 THE COURT: Okay. Statutorily, Juror Number 87
11 would be exempted.

12 Thank you, ma'am, for coming.

13 Yes, sir. Your number?

14 POTENTIAL JUROR: 46.

15 THE COURT: Yes, sir.

16 POTENTIAL JUROR: My wife, we have a five-year-old
17 daughter. She keeps her during the day and I work
18 first shift at Champion Tool. Then she comes in and
19 brings her and I take her home so there will be nobody
20 there to watch her if I'm here.

21 THE COURT: You don't have any family members that
22 can assist you?

23 POTENTIAL JUROR: None that can assist that can
24 help out right now.

25 THE COURT: Okay. All right. Number 46 will be

1 exempt statutorily.

2 Thank you, sir.

3 POTENTIAL JUROR: Thank you.

4 THE COURT: Yes, sir?

5 POTENTIAL JUROR: Number 38.

6 THE COURT: Mr. Daniel.

7 POTENTIAL JUROR: Yes, sir. I have a
8 seven-month-old and a three-year-old. As of right now
9 my mom is watching them but she works third shift, so I
10 don't really want to put that burden on her. She gets
11 off at 7:00 in the morning.

12 THE COURT: Okay. Is she watching her today?

13 POTENTIAL JUROR: She has them right now.

14 THE COURT: Okay. You don't have anyone else that
15 can watch the child?

16 POTENTIAL JUROR: No, sir. My girl goes to school
17 during the week.

18 THE COURT: Okay. All right. Mr. Daniel will be
19 exempt.

20 Thank you, sir.

21 POTENTIAL JUROR: Thank you.

22 THE COURT: The next exemption involves those of
23 you who may be attending school at this time or are
24 working in some capacity with a school. If this
25 exemption applies to you and you wish to be exempted,

1 we can transfer your service to another term of court
2 which does not conflict with school. In essence,
3 transfers you to a summer term.

4 Is there any member of the jury panel who is a
5 full-time student, school teacher, certified personnel,
6 school crossing guard, school bus driver or who serves
7 in any public or private school-related function
8 including technical colleges who is unable to serve on
9 jury duty this week as a result of that school
10 involvement? If so, please stand.

11 There are none.

12 Is there any member of the jury panel who is
13 employed with the Department of Corrections at a
14 penitentiary? If so, and you wish to be exempted,
15 please stand.

16 There are none.

17 Is there any juror who performs services for a
18 business, commercial, or agricultural enterprise which
19 are so essential to the operation of the business that
20 if you were required to perform jury duty, the
21 enterprise would have to close or stop functioning? If
22 so, and you wish to be exempted, please stand.

23 Okay. There are none.

24 Is there any juror who is the primary caretaker of
25 a severely disabled person who is unable to care for

1 himself or cannot be left unattended? If so, please
2 stand.

3 There are none.

4 Finally, is there any juror who is the primary
5 caretaker of a person aged 65 or older? If so and you
6 wish to be exempted, please stand.

7 Okay. There are none.

8 Ladies and gentlemen, that concludes the statutory
9 list of qualifications and exemptions for jury service.
10 It may be that you are qualified and no exemption
11 applies to you, but jury service this week would
12 constitute an extreme hardship on you for a particular
13 reason. I cannot permanently excuse a qualified juror
14 from jury service, but I can, under extreme or
15 compelling circumstances, transfer a juror to another
16 term of court, particularly a juror who has not been
17 previously transferred. Please understand that general
18 inconvenience is not sufficient reason to transfer you
19 to another court. To justify a transfer to another
20 term of court, service this week must constitute an
21 extreme hardship to you.

22 Now is the chance for any of you to come forward
23 and speak to me who did not want to give a public
24 response to one of the earlier questions or those of
25 you who may have a question about whether or not you're

1 qualified or exempt or who have a desire to be
2 transferred to another court.

3 Okay. I'll come forward.

4 Yes, sir. Come forward, please.

5 What's your number?

6 POTENTIAL JUROR: 23.

7 THE COURT: Number 23, Mr. Chandler. What's going
8 on?

9 POTENTIAL JUROR: Me and my wife just adopted a
10 three-year-old not that long ago and he's got special
11 needs, and he's in school. And I pick him up at 2:30,
12 and we're the only ones DSS has allowed -- he can't go
13 with no one else.

14 THE COURT: You got this child as a result of a
15 DSS case?

16 POTENTIAL JUROR: Yes, sir.

17 THE COURT: Okay. All right. Number 23 will be
18 excused under the child exemption.

19 All right. Mr. Chandler, thank you. You are
20 excused. Thank you for coming.

21 Yes, ma'am, what's your number?

22 POTENTIAL JUROR: 108.

23 THE COURT: Okay.

24 POTENTIAL JUROR: I can't handle sexual harassment
25 because it's something that happened when I was a

1 child. And English is my fourth language. Sometimes I
2 cannot understand, too.

3 THE COURT: Have you been able to understand me
4 this morning?

5 POTENTIAL JUROR: Yes, that. Yes, but --

6 THE COURT: Well --

7 POTENTIAL JUROR: Some cases, if it's --

8 THE COURT: Well, as far as you're talking about
9 sexual harassment case, this is -- I don't think that's
10 the kind of case that we have this morning. And there
11 will be specific questions asked to jurors about the
12 particular case that you would be asked to sit on. So
13 if you have a problem with that particular case, you
14 would inform the attorneys at that time. So I'm going
15 to have you stay with us right now.

16 POTENTIAL JUROR: Okay. Thank you.

17 THE COURT: Thank you, ma'am.

18 Yes, sir. What's your number?

19 POTENTIAL JUROR: 52.

20 THE COURT: Okay. Mr. Finley, what's going on?

21 POTENTIAL JUROR: I'm supposed to start a job
22 tomorrow in Greenville tomorrow morning in Greenville,
23 a job. Is there a way I can be extended?

24 THE COURT: You wouldn't qualify for an exemption.
25 Have you ever been transferred?

1 POTENTIAL JUROR: No, sir.

2 THE COURT: Okay. Do you want to be transferred
3 to another term of court?

4 POTENTIAL JUROR: Yes, sir.

5 THE COURT: I can't excuse you, but I can transfer
6 you as well.

7 POTENTIAL JUROR: Okay.

8 THE COURT: All right. Transfer Mr. Finley to
9 another term of court.

10 Okay. The clerk will be in contact with you when
11 you're called. Thank you, Mr. Finley. Good luck in
12 your job.

13 THE COURT: Yes, sir. What's your number?

14 POTENTIAL JUROR: 147.

15 THE COURT: What's going on?

16 POTENTIAL JUROR: I've got bad memories. I got
17 two herniated discs, two spots of -- I go to physical
18 therapy twice a week on top of dealing with mental
19 health issues due to something I had surgery on last
20 year. They keep telling me I have to go see a
21 counselor for a bunch of reasons.

22 THE COURT: Okay. Have you been able to
23 understand what I explained to you this morning?

24 POTENTIAL JUROR: For the most part.

25 THE COURT: What -- what were you unable to

1 understand?

2 POTENTIAL JUROR: Just my focus on certain things.

3 THE COURT: Okay. Now, you mentioned earlier that
4 you're on disability?

5 POTENTIAL JUROR: I'm fighting for it right now.

6 THE COURT: You haven't been declared disabled?

7 POTENTIAL JUROR: My doctor has but not by court.

8 THE COURT: I'm going to have you stay with us.

9 Now, I understand that you may have problems sitting
10 for a long time, and like I said, if you are called to
11 serve, we will take breaks.

12 POTENTIAL JUROR: Okay. I just wanted to make
13 sure.

14 THE COURT: Well, thank you, sir. Thank you for
15 letting us know that.

16 Yes, sir. What's your number?

17 POTENTIAL JUROR: 35.

18 THE COURT: Okay. Mr. Crigger?

19 POTENTIAL JUROR: Yes, sir.

20 THE COURT: What's going on?

21 POTENTIAL JUROR: Both of my parents are disabled,
22 and my mom used to have a caretaker, but she ended up
23 losing her insurance so no one can be at the house.
24 I'm the only other person that can be there.

25 THE COURT: Okay. Now, you indicated that you

1 work. When do you ordinarily work, Mr. Crigger?

2 POTENTIAL JUROR: I work third shift.

3 THE COURT: So you take care of your parents. How
4 old are your parents?

5 POTENTIAL JUROR: My mom is 51 -- no 52. And my
6 dad is 55, I think.

7 THE COURT: Okay. Are they both declared
8 disabled?

9 POTENTIAL JUROR: Yes. They both have a
10 disability.

11 THE COURT: Okay. All right. I'm going to exempt
12 Mr. Crigger based on the statutory exemption for
13 disability.

14 Yes, ma'am. What's your number?

15 POTENTIAL JUROR: Number 67.

16 THE COURT: Okay. You are Ms. Hester?

17 POTENTIAL JUROR: Uh-huh.

18 THE COURT: What's going on?

19 POTENTIAL JUROR: I am widowed and I have to work.
20 I mean, my company doesn't pay for this. And I have to
21 work 30 hours a week in order to have insurance, so.

22 THE COURT: Well, I can understand your plight.
23 That's not a statutory exemption.

24 POTENTIAL JUROR: Okay.

25 THE COURT: Now, have you ever been transferred?

1 Have you ever been transferred for jury service before?

2 POTENTIAL JUROR: No, sir.

3 THE COURT: Now --

4 POTENTIAL JUROR: I've never.

5 THE COURT: Now, I can transfer you, but you're
6 going to have the same issue come up. You will be
7 called again and have the same issue. So that's up to
8 you. If you haven't been transferred, I can transfer
9 you one term. It's not going to solve your underlying
10 problem.

11 POTENTIAL JUROR: No. That's fine, then.

12 THE COURT: Well, thank you, ma'am. Just have a
13 seat back there. Stay with us.

14 POTENTIAL JUROR: Okay.

15 THE COURT: Yes, sir. What's your number?

16 POTENTIAL JUROR: 97.

17 THE COURT: Okay. Mr. Martin?

18 POTENTIAL JUROR: Yes, sir.

19 THE COURT: What's going on?

20 POTENTIAL JUROR: I'm self-employed and I have
21 four workers. If I'm not there, they don't get to
22 work. I have to drive.

23 THE COURT: Okay. Did you say your business
24 closes when you're not there?

25 POTENTIAL JUROR: Yes, sir.

1 THE COURT: Okay. All right. Under the statute,
2 you are exempt. Thank you sir. Thank you for coming.

3 POTENTIAL JUROR: Yes, sir.

4 THE COURT: Yes, sir. What's your number?

5 POTENTIAL JUROR: Juror 111, Robert S. Miller.
6 I'm in environmental contract operations. Basically I
7 have to go visit facilities that require me to come by
8 there and sign off on everything, and if I don't do
9 that, they're going to be illegal. I mean, it's
10 required by the State of South Carolina that a licensed
11 operator has to go to that facility, sign off on all
12 their environmentals, and at that point they're legal.

13 THE COURT: All right. Where is your business
14 located?

15 POTENTIAL JUROR: It's in Powdersville.

16 THE COURT: Do you have to shut the doors of your
17 business?

18 POTENTIAL JUROR: No, but the other company will
19 be illegal operations.

20 THE COURT: There's no -- the way the law reads,
21 it only applies to your particular business.

22 POTENTIAL JUROR: My business, too. I'm a sole
23 guy.

24 THE COURT: Is your business closed right now?

25 POTENTIAL JUROR: It is right now because I'm

1 here.

2 THE COURT: Okay. That's what the statute
3 requires, is that the doors of your business be closed.

4 POTENTIAL JUROR: Right.

5 THE COURT: Okay. You would be exempt,
6 Mr. Miller.

7 POTENTIAL JUROR: Thank you.

8 THE COURT: Yes, ma'am. What's your number?

9 POTENTIAL JUROR: 144.

10 THE COURT: 44, Ms. Drake?

11 POTENTIAL JUROR: Seigler.

12 THE COURT: 144, okay. What's going on,
13 Ms. Seigler?

14 POTENTIAL JUROR: I have a bladder control
15 problem. I'm soakin' wet now.

16 THE COURT: Okay. Okay. I'll exempt you based on
17 medical infirmity.

18 144 is exempt.

19 Thank you, ma'am.

20 POTENTIAL JUROR: 99.

21 THE COURT: Okay. Ms. Mayfield.

22 POTENTIAL JUROR: I work at the alternative
23 school, and I'm concerned some of these people on trial
24 may be related to some people I teach.

25 THE COURT: What?

1 POTENTIAL JUROR: Just, I don't know how that
2 would go.

3 THE COURT: What happens is the Court will ask
4 questions of the jury panel regarding knowing the
5 parties or any potential witnesses. The attorneys will
6 ask the question. So that's a matter before we
7 actually select the jury.

8 POTENTIAL JUROR: I just wanted to be sure.

9 THE COURT: Okay. Thank you, ma'am.

10 Yes, ma'am. What's you're number?

11 POTENTIAL JUROR: My lawyer has advised me to let
12 you know that I have a civil lawsuit and the other
13 attorney for the opposing party is present today.

14 THE COURT: What's your number?

15 POTENTIAL JUROR: Three.

16 THE COURT: Ms. Asher?

17 POTENTIAL JUROR: Yes.

18 THE COURT: Again, that is a question that will be
19 asked of you when that particular jury will be
20 selected. So you just inform the Court of a potential
21 bias or a conflict that you may have in that case.
22 Stay with us right now.

23 POTENTIAL JUROR: Thank you, sir.

24 THE COURT: Thank you, ma'am.

25 Yes, sir.

1 POTENTIAL JUROR: 118.

2 THE COURT: Mr. Morrow?

3 POTENTIAL JUROR: I would like to see if I could
4 move my -- I don't want to be excused. I've served in
5 common pleas before. With Michelin, I'm only one of
6 two people that teach a school for five weeks. We have
7 international students at the end of the week. We have
8 to visit vendors and customers that have been scheduled
9 over a year this Friday in Virginia and Thursday,
10 Lexington. I'm not trying to get out of it. If I can
11 move it to when I'm not doing that, it would be great.

12 THE COURT: Have you ever been transferred?

13 POTENTIAL JUROR: I have not because the last time
14 they called me, there was no conflict.

15 THE COURT: All right. Transfer number 118 to
16 another term of court.

17 POTENTIAL JUROR: And do I tell them a certain
18 date? Do they call me?

19 THE COURT: The clerk will let you know. They
20 will send you another notice.

21 POTENTIAL JUROR: So I just go? Thank you.

22 MS. PRICE: Your Honor, before we step out, we
23 have a juror that may have a criminal background.

24 THE COURT: Okay.

25 MS. PRICE: It is Juror Number 43.

1 MR. BYRHOLDT: Failure to stop, I think, carries
2 three.

3 THE COURT: Let's see here.

4 Would Juror Number 43 come forward, please. Would
5 you come forward.

6 THE COURT: All right. You're Mr. Connor. Did
7 you have -- the solicitor handed me this. Do you have
8 a failure to -- let me turn to it -- failure to stop
9 for a blue light?

10 POTENTIAL JUROR: Yes, back in 2000.

11 THE COURT: Okay. That is you? You are Bryant
12 Donald?

13 POTENTIAL JUROR: Yes, I was on probation.

14 THE COURT: That's fine. You are excused because
15 of the conviction.

16 POTENTIAL JUROR: Oh, okay.

17 THE COURT: I just wanted to --

18 POTENTIAL JUROR: Thank you, sir. I thought it
19 was.

20 THE COURT: That's fine. We just wanted to
21 confirm it's you, but you're excused. Thank you for
22 coming.

23 All right. Any further?

24 All right. After conducting the statutory
25 questions, I find the jury panel qualified for this

1 term of -- these terms of circuit court here in
2 Anderson County April 25th, 2016.

3 Ladies and gentlemen, now that I have found you
4 qualified, let me give you some basic guidelines for
5 the week. You will not be allowed to use cell phones
6 in court. If you have any emergencies or have any
7 need, a need for information or issues, get with the
8 clerk of court. His staff is here to assist you in
9 getting any information or receiving emergency calls.

10 You will inevitably have this happen to you in
11 that you will run into attorneys and parties and
12 witnesses possibly in the hallways. It's unavoidable
13 coming up elevators and coming into the courthouse.
14 These attorneys are not going to talk to you. They're
15 going to ignore you when you walk around and that's not
16 because they are trying to be rude, it's because they
17 know they can't have any contact with you. So it's
18 very important that you not have any contact with
19 attorneys or the litigants to the cases or any -- or
20 the witnesses to the cases. Okay? That's very
21 important.

22 Now, it's also very important to be prompt. We
23 will give you a time that you have to appear. Be in
24 the jury room if you are selected. And it is not fair
25 for the parties to the cases, the attorneys to the

1 cases, staff and to your fellow jurors if someone is
2 late and the proceedings have to be delayed because of
3 that. And I mentioned this earlier but it's very
4 important: If an emergency or some issue arises, let
5 your clerk of court know. He's here to help you and
6 his staff are here to help you. And he also has a
7 telephone contact system. They have the number which I
8 believe you're going to give them as they leave here.

9 THE CLERK: That's correct, your Honor.

10 THE COURT: So all the framework is in place to
11 allow you to get information and receive information as
12 you need it. We will make this week as easy for you as
13 we can as far as you making your arrangements for your
14 daily lives. Are we ready to draw our first jury?

15 MS. PRICE: Yes, your Honor.

16 THE COURT: Do you have copies of the indictments?

17 MS. PRICE: Yes, sir.

18 THE COURT: All right. Ladies and gentlemen, the
19 first case that we have before us this week is the
20 state versus Royres Antwon Patterson. Mr. Byrholdt, am
21 I pronouncing your client's name correctly?

22 MR. BYRHOLDT: Yes, your Honor.

23 THE COURT: And Mr. Patterson is charged on
24 indictment 2014-GS-04-100759 with the charge of murder
25 and indictment 2014-GS-04-760 and 761, attempted murder

1 and possession of a weapon during the commission of a
2 violent crime.

3 Ladies and gentlemen, these indictments are simply
4 the documents which the cases were brought to court.
5 They are not in any sense evidence of the allegations
6 that they contain. The defendant has pled not guilty
7 to these charges. The State, therefore, has the burden
8 of proving each of the elements of the indictments
9 beyond a reasonable doubt. And it will be your duty,
10 ladies and gentlemen, to decide whether the State has
11 met their burden if you are called to serve on this
12 jury.

13 You're called here today to form a jury panel from
14 which the parties will select a jury to hear this case.
15 Now, I just asked you a whole list of statutory
16 questions, but I'm going to ask you some more. This is
17 not to pry into your personal lives, but it is to
18 ensure that each party receives a fair and impartial
19 jury in the case. Let me remind you that you are still
20 under oath. The clerk put you under oath before the
21 first round of questions.

22 First thing that I would do is have each attorney
23 introduce themselves and any attorneys that may be
24 assisting them in the case and also their clients or
25 parties.

1 MS. PRICE: Thank you, your Honor. May it please
2 the Court. My name is Lauren Davis Price. I'm the
3 assistant solicitor with the Anderson County
4 Solicitor's Office. Seated with me today is Assistant
5 Solicitor Chelsea Moore as well as Sergeant Danny
6 Barton with the Anderson County Sheriff's Office.

7 MR. BYRHOLDT: Please the Court. I'm Bruce
8 Byrholdt. I practice law here in Anderson, South
9 Carolina. I'm representing Royres Patterson. My
10 partner, Sarah Drawdy, she may be coming in sometime
11 during the pendency of this case.

12 THE COURT: Would counsel approach, please.

13 (WHEREUPON, a bench conference was held off the
14 record in the presence of the prospective jury panel,
15 but out of their hearing.)

16 THE COURT: Okay. Is any member of the jury panel
17 related by blood or marriage or has a close personal or
18 social relationship with any of the parties or one of
19 the attorneys involved in the case? If so, please
20 stand.

21 Yes, sir. Your number?

22 POTENTIAL JUROR: I'm 56.

23 THE COURT: Mr. Trammell.

24 POTENTIAL JUROR: Yes. I know Attorney Byrholdt
25 very well. I've known him for years. I has been to

1 the Supreme Court with him. He's represented my son,
2 who is a lawyer. So I just wanted to disclose that.

3 THE COURT: Okay. With that knowledge, do you
4 feel that you could be fair and impartial if called as
5 a juror?

6 POTENTIAL JUROR: Yes.

7 THE COURT: Okay. Thank you.

8 Your number?

9 POTENTIAL JUROR: I hired Bruce about three years
10 ago for a family court issue.

11 THE COURT: Is that litigation ongoing?

12 POTENTIAL JUROR: No.

13 THE COURT: With that knowledge, do you feel --
14 first of all, what's your number?

15 POTENTIAL JUROR: 160.

16 THE COURT: 160, Mr. Vanduinen; is that correct?
17 Okay. Do you feel with that knowledge that you could
18 be fair and impartial if called as a juror in the case?

19 POTENTIAL JUROR: Yes.

20 THE COURT: Okay. Thank you, sir.

21 The next question covers -- a couple of you have
22 already answered, but has any member of the jury panel
23 ever been represented by one of the attorneys involved
24 in the case or their law firms? The two that
25 previously answered don't have to answer again, but

1 Mr. Byrholdt has represented a member of their family.

2 Yes, ma'am.

3 POTENTIAL JUROR: Bruce Byrholdt was my attorney
4 in a custody case once.

5 THE COURT: What's your number, ma'am?

6 POTENTIAL JUROR: 164.

7 THE COURT: Ms. Waters?

8 POTENTIAL JUROR: Yes, sir.

9 THE COURT: With that knowledge -- how many years
10 ago was that?

11 POTENTIAL JUROR: Probably 15 years ago.

12 THE COURT: With that knowledge, do you feel you
13 could be fair and impartial if selected as a juror?

14 POTENTIAL JUROR: Yes, sir.

15 THE COURT: Thank you.

16 The following is a list of potential witnesses in
17 the case. I'm going to read down the list that the
18 parties have submitted to the Court.

19 Rayshawn Cowan; Danny Barton, Anderson County
20 Sheriff's Office; Kevin Looney, Anderson County
21 Sheriff's Office; Todd Caron, Anderson County Sheriff's
22 Office; Nikki Branch, also known as Nikki Gregory;
23 Scotty Hill; Kara Bennick, Greenville Department of
24 Public Safety; James Armstrong, Greenville Department
25 of Public Safety; Dr. Brett Woodard; James L. White,

1 Jr.; Joseph Sierra; Thomas J. Slovenski; Terennce West;
2 Carlandus Hamilton; David Bennett; Blair Hill, Oconee
3 County Sheriff's Office; Jonathan Thompson, Anderson
4 County Sheriff or is that Anderson County Detention
5 Center; Porscha Martin; Octavious Burris; Howard Tate;
6 Caroline Vickery; Anthony Patterson; Sheena Patterson;
7 Ella Burnside; Kelly, also known as Ollie Willingham;
8 Sigmund Clinkscales; Aneatha, also known as Inetha
9 Blassingame; Wilneshia Robinson; James Foster; Jesse
10 Wilson; Lauren Stickels; Chris Beusse, Anderson County
11 Sheriff's Office; Chris Wilson, Anderson County
12 Sheriff's Office; Cornelius Blassingame; Derrick Rice;
13 Dominique Willingham; Dwayne McElrath, Anderson County
14 Sheriff's Office.

15 And these next several witnesses are all from
16 Anderson County Sheriff's Office: James Lindsey; Jason
17 Hanks; Jason Price; Jeff Finley; Josh Bowen; Josh
18 Payne; Kenta Cowan. And then that ends that list from
19 the sheriff's office.

20 Next one is Latoreio Aiken; Mark Patterson,
21 Anderson County Sheriff's Office; McKindra Bibb,
22 Anderson County Sheriff's Office; Quintin Jones; Rob
23 Gebing, Anderson County Sheriff's Office; Ronald Wood,
24 Anderson County Sheriff's Office; Tanya Ishman,
25 Anderson County Detention Center; Tarshika Pickens;

1 Tommy Johnson.

2 The final witnesses are all from the Anderson
3 County Sheriff's Office: Tommy Johnson; CM Turner;
4 David Rusher; Todd Owens; Donnie Blassingame, and Kenny
5 Pigman.

6 Also: William Strobehart; Derrick Rice; Quintin
7 Jones; and Porscha Martin.

8 Is any member of the jury panel related by blood
9 or marriage or has a close personal or social
10 relationship with any of these potential witnesses? If
11 so, please stand..

12 Yes, ma'am. Your number?

13 POTENTIAL JUROR: 109.

14 THE COURT: Number 109, Ms. Freeman.

15 POTENTIAL JUROR: Yes. I used to be the neighbor
16 of Porscha Martin.

17 THE COURT: Okay. With that knowledge, do you
18 feel that you could be fair and impartial if selected
19 as a juror?

20 POTENTIAL JUROR: Yes.

21 THE COURT: Okay. Thank you, ma'am. That was
22 numb 109.

23 Yes, sir.

24 POTENTIAL JUROR: 136. I served eight years as a
25 reserve sheriff deputy for Anderson County. I know two

1 or three in here, a lot more in the department.

2 THE COURT: And, Mr. Riggins, with that knowledge,
3 do you feel that you could be fair and impartial if
4 selected as a juror?

5 POTENTIAL JUROR: Yes, sir.

6 THE COURT: Okay. Thank you sir.

7 Yes, sir.

8 POTENTIAL JUROR: I'm good friends with Dr. Brett
9 Woodard. I know he's a pathologist. His son was in my
10 son's wedding.

11 THE COURT: Mr. Trammell, I'm going to ask you
12 again: With that knowledge, do you feel that you could
13 be fair and impartial?

14 POTENTIAL JUROR: I think I could be fair.

15 THE COURT: Thank you. Okay. Any further?

16 Now, the next question also deals with
17 Dr. Woodard. Has any member of the jury panel ever
18 been treated by Dr. Woodard?

19 There are none.

20 Now, this charge -- these charges are alleged to
21 have occurred on June 7, 2014. Does any member of the
22 jury panel have any prior knowledge about the facts of
23 this case? If so, please stand.

24 There are none.

25 Is any member of the jury panel or their family

1 now or in the past employed in law enforcement, the
2 solicitor's office, or the courthouse? If you have
3 already answered, you don't need to answer again. And
4 the courthouse, I've already asked you that question in
5 qualifications, but if any member of the jury panel has
6 not previously answered and you remembered that you
7 were now employed in one of those capacities or your
8 immediate family, please stand.

9 Yes, sir. Your number?

10 POTENTIAL JUROR: 170.

11 THE COURT: Okay. Mr. Williams.

12 POTENTIAL JUROR: My son is employed by the
13 Anderson County Sheriff's Department.

14 THE COURT: Okay. And with that knowledge, do you
15 feel that you could be fair and impartial if selected
16 as a juror?

17 POTENTIAL JUROR: I can.

18 THE COURT: Thank you, sir.

19 Yes, ma'am.

20 POTENTIAL JUROR: Number 14. My father was
21 employed with Williamston City Police Department.

22 THE COURT: With that knowledge, do you feel that
23 you could be fair and impartial if selected as a juror?

24 POTENTIAL JUROR: Yes, sir.

25 THE COURT: Okay. Thank you. That's Ms. Boyter,

1 number 14.

2 Is there any member of the jury panel who does not
3 agree with the legal principle that a person charged
4 with a crime is presumed innocent and remains innocent
5 until the State proves their guilt with proof beyond a
6 reasonable doubt? Is there any member of the jury
7 panel who does not agree with that principle of law?

8 Now, is there any member of the jury panel who
9 would believe the testimony of a law enforcement
10 officer over the testimony of an ordinary citizen just
11 because they are in law enforcement?

12 Okay. No responses.

13 Is there any member of the jury panel -- has a
14 member of the jury panel or a member of your immediate
15 family ever been charged with committing a crime? If
16 so, please stand.

17 POTENTIAL JUROR: My nephew, he's in Greenville
18 County right now.

19 THE COURT: What's your number?

20 POTENTIAL JUROR: 131.

21 THE COURT: Number 131. All right, Ms. Posey.

22 And the fact that your nephew has charges, do you feel
23 that you could be fair and impartial if selected?

24 POTENTIAL JUROR: I'm sure I could be fair.

25 THE COURT: Thank you, ma'am.

1 POTENTIAL JUROR: Thank you.

2 THE COURT: Yes, sir.

3 POTENTIAL JUROR: Your Honor, in November of 2014
4 I was charged, which was subsequently dismissed.

5 THE COURT: What's your number?

6 POTENTIAL JUROR: 76.

7 THE COURT: Did you say 56?

8 POTENTIAL JUROR: 76.

9 THE COURT: Okay, Mr. Jackson. With that
10 knowledge, do you feel you could be fair and impartial
11 if selected as a juror?

12 POTENTIAL JUROR: I do, your Honor.

13 THE COURT: Okay. Thank you.

14 MS. PRICE: Your Honor, may we have a bench
15 conference?

16 THE COURT: Yes, ma'am.

17 Counsel, approach.

18 (WHEREUPON, a bench conference was held off the
19 record in the presence of the prospective jury panel,
20 but out of their hearing.)

21 THE COURT: Mr. Jackson, would you approach? Come
22 around to this side.

23 What were you charged with.

24 POTENTIAL JUROR: CDV.

25 THE COURT: It was dismissed?

1 POTENTIAL JUROR: It was.

2 THE COURT: Does that answer your question?

3 MS. PRICE: Thank you.

4 THE COURT: Thank you, sir.

5 Has any member of the jury panel or their
6 immediate family ever been the victim of a violent act
7 or crime? If so, please stand.

8 No responses.

9 Is any member of the jury panel or their family a
10 member of an organization that supports victims' rights
11 and law enforcement such as MADD, CAV, CADV, SADD,
12 South Carolina Law Enforcement Association or the
13 Fraternal Order of Police? If so, please stand.

14 No responses.

15 Is there any member of the jury panel who is
16 opposed to the possession or use of firearms? If so,
17 please stand.

18 No responses.

19 I just asked this question but I'll reiterate it.
20 Has any member of the jury panel received any
21 information about this case from media or any other
22 source?

23 No responses.

24 The victim in this case or the person who was
25 killed is identified as Brandon Willingham, also known

1 as Jugg Money, and the attempted murder of Rayshawn
2 Cowan, also known as Kujo.

3 Has any member of the jury panel read about,
4 talked about, or heard anything about the facts of this
5 case and these individuals? If so, please stand.

6 There are no responses.

7 Does any member of the jury panel know of any
8 reason why he or she could not be fair and impartial if
9 you are selected as a juror in this case?

10 Okay. There are no responses.

11 Anything further from the State?

12 MS. PRICE: Nothing from the State.

13 THE COURT: Anything further from the defense?

14 MR. BYRHOLDT: No, your Honor.

15 THE COURT: All right. Mr. Clerk, would you
16 explain to the jury panel how we're going to proceed.

17 THE CLERK: Back in the old days, we put your
18 names in little capsules and they went into like a cage
19 like for a bingo game. And we had to have somebody
20 here who was either blind or too young to understand
21 what was going on to pick out names. Now the computer
22 does it. The same computer that gave us your names
23 from the three lists I mentioned earlier are now
24 randomly picking out of the pool a list, and Ms. Morgan
25 here is going to print it out. So we have moved to the

1 electronic age and we -- we still have the bingo game
2 in the back. We can go get it if we have to. If we
3 have a power failure, we could do that, but this is
4 much better.

5 THE COURT: Ladies and gentlemen, what we do is
6 your clerk prints the list and provides that to the
7 attorneys, and then I take a few minutes' break to
8 allow the attorneys to look at the list. All these
9 questions that you have been asked and all this
10 information, the attorneys have to process that and
11 then they select a jury.

12 We're going to take a short break to give them an
13 opportunity to look over the list before we strike the
14 jury.

15 Ms. Price, Mr. Byrholdt, when y'all have looked
16 over your information and are ready to proceed.

17 MS. PRICE: State is ready to proceed.

18 MR. BYRHOLDT: Defense ready?

19 THE COURT: All right. Let's proceed.

20 THE CLERK: Ladies and gentlemen, when I call your
21 name, if you will come forward through the turnstile
22 and stand here in front of me and turn around and face
23 the audience, please.

24 Our first potential juror is Number 163, Bridgette
25 N. Waters.

1 (WHEREUPON, a white female stepped forward.)

2 THE CLERK: What say you for the State?

3 MS. PRICE: Please present the juror.

4 THE CLERK: What say you for the defense?

5 MR. BYRHOLDT: Please strike her from service on
6 this case.

7 THE CLERK: Ms. Waters, have a seat back out in
8 the audience.

9 Juror Number 84, Elizabeth M. Land.

10 (WHEREUPON, a white female stepped forward.)

11 THE CLERK: What say you for the State?

12 MS. PRICE: Please present the juror.

13 THE CLERK: What say you for the defense?

14 MR. BYRHOLDT: Please excuse her from service on
15 this case.

16 THE CLERK: Juror 21, Amanda K. Carey.

17 (WHEREUPON, a white female stepped forward.)

18 THE CLERK: What say you for the State?

19 MS. PRICE: Please present the juror.

20 THE CLERK: What say you for the defense?

21 MR. BYRHOLDT: Please swear the juror.

22 THE CLERK: Juror Number 170, Leonard A. Williams.

23 (WHEREUPON, a white male stepped forward.)

24 THE CLERK: What say you for the State?

25 MS. PRICE: Please present the juror.

1 THE CLERK: What say you for the defense?

2 MR. BYRHOLDT: Please swear the gentleman.

3 THE CLERK: Juror 91, Ricky D. Lollis.

4 (WHEREUPON, a white male stepped forward.)

5 THE CLERK: What say you for the State?

6 MS. PRICE: Please present the juror.

7 THE CLERK: What say you for the defense?

8 MR. BYRHOLDT: Please excuse him from this case.

9 THE CLERK: Juror Number 165, Traci Welborn.

10 (WHEREUPON, a white female stepped forward.)

11 THE CLERK: What say you for the State?

12 MS. PRICE: Please present the juror.

13 THE CLERK: What say you for the defense?

14 MR. BYRHOLDT: Please swear the juror.

15 THE CLERK: Juror Number 136, Tommy E. Riggins.

16 (WHEREUPON, a white male stepped forward.)

17 THE CLERK: What say you for the State?

18 MS. PRICE: Please present this juror.

19 THE CLERK: What say you for the defense?

20 MR. BYRHOLDT: Please excuse him from service on
21 this case.

22 THE CLERK: Juror Number 147, Steven J. Skoda.

23 (WHEREUPON, a white male stepped forward.)

24 THE CLERK: What say you for the State?

25 MS. PRICE: Please present the juror.

1 THE CLERK: What say you for the defense?

2 MR. BYRHOLDT: Please swear the juror.

3 THE CLERK: Juror Number 86, Beverly L. Lavier.

4 (WHEREUPON, a white female stepped forward.)

5 THE CLERK: What say you for the State?

6 MS. PRICE: Please present the juror.

7 THE CLERK: What say you for the defense?

8 MR. BYRHOLDT: Please excuse her on this case.

9 THE CLERK: Juror Number 41, George W. Dean.

10 (WHEREUPON, a black male stepped forward.)

11 THE CLERK: What say you for the State?

12 MS. PRICE: Please present the juror.

13 THE CLERK: What say you for the defense?

14 MR. BYRHOLDT: Please swear the gentleman.

15 THE CLERK: Juror Number 151, Douglas S. Soccio.

16 (WHEREUPON, a white male stepped forward.)

17 THE CLERK: What say you for the State?

18 MS. PRICE: Please present the juror.

19 THE CLERK: What say you for the defense?

20 MR. BYRHOLDT: Please swear the gentleman.

21 THE CLERK: Juror Number 14, Emily D. Boyter.

22 (WHEREUPON, a white female stepped forward.)

23 THE CLERK: What say you for the State?

24 MS. PRICE: Please present the juror.

25 THE CLERK: What say you for the defense?

1 MR. BYRHOLDT: Please swear the lady.

2 THE CLERK: Juror Number 90, Dusty C. Lindsay.

3 (WHEREUPON, a white male stepped forward.)

4 THE CLERK: What say you for the State?

5 MS. PRICE: Please present this juror.

6 THE CLERK: What say you for the defense?

7 MR. BYRHOLDT: Please excuse him from service on
8 this case.

9 THE CLERK: Juror Number 172, Sherri W.
10 Livingston.

11 (WHEREUPON, a white female stepped forward.)

12 THE CLERK: What say you for the State?

13 MS. PRICE: Please present this juror.

14 THE CLERK: What say you for the defense?

15 MR. BYRHOLDT: Please excuse her from service on
16 this case.

17 THE CLERK: Juror Number 130, Christopher D.
18 Plunk.

19 (WHEREUPON, a white male stepped forward.)

20 THE CLERK: What say you for the State?

21 MS. PRICE: Please present this juror.

22 THE CLERK: What say you for the defense?

23 MR. BYRHOLDT: Please swear the gentleman.

24 THE CLERK: Juror Number 160, Roger S. Vanduin.

25 (WHEREUPON, a white male stepped forward.)

1 THE CLERK: What say you for the State?

2 MS. PRICE: Please excuse this juror from the
3 trial of this case.

4 THE CLERK: Juror Number 108, Nadeshda Melnichuk.
5 (WHEREUPON, a white female stepped forward.)

6 THE CLERK: What say you for the State?

7 MS. PRICE: Please present the juror.

8 THE CLERK: What say you for the defense?

9 MR. BYRHOLDT: Your Honor, may we approach?

10 THE COURT: Yes, sir.

11 (WHEREUPON, a bench conference was held off the
12 record in the presence of the prospective jury, but out
13 of their hearing.)

14 MR. BYRHOLDT: Please excuse her from service on
15 this case.

16 THE CLERK: Juror Number 80, Casimer J. Kaminskas.
17 (WHEREUPON, a white male stepped forward.)

18 THE CLERK: What say you for the State?

19 MS. PRICE: Please present this juror.

20 THE CLERK: Say you for the defense?

21 MR. BYRHOLDT: Please swear the gentleman.

22 THE CLERK: Juror Number 119, Amanda C. Moss.
23 (WHEREUPON, a white female stepped forward.)

24 THE CLERK: What say you for the State?

25 MS. PRICE: Please present this juror.

1 THE CLERK: What say you for the defense?

2 MR. BYRHOLDT: Please swear the lady.

3 THE CLERK: Juror Number 74, Dennis M. Hutto.

4 (WHEREUPON, a white male stepped forward.)

5 THE CLERK: What say you for the State?

6 MS. PRICE: Please present this juror.

7 THE CLERK: What say you for the defense?

8 MR. BYRHOLDT: Please swear the gentleman.

9 THE CLERK: Juror 149, Martha H. Smith.

10 (WHEREUPON, a white female stepped forward.)

11 THE CLERK: What say you for the State?

12 MS. PRICE: Please present this juror.

13 THE CLERK: What say you for the defense?

14 MR. BYRHOLDT: Please excuse her from service on
15 this case.

16 THE CLERK: I have that as your ninth strike.

17 MR. BYRHOLDT: That is correct.

18 THE CLERK: Juror Number 67, Judy H. Hester.

19 (WHEREUPON, a white female stepped forward.)

20 THE CLERK: What say you for the State?

21 MS. PRICE: Please present the juror.

22 THE CLERK: What say you from the defense?

23 MR. BYRHOLDT: Please excuse her from service on
24 this case.

25 THE CLERK: Juror Number 3, Amanda B. Asher.

1 (WHEREUPON, a white female stepped forward.)

2 THE CLERK: What say you for the State?

3 MS. PRICE: Please present the juror.

4 THE CLERK: What say you for the defense?

5 MR. BYRHOLDT: Please swear the juror.

6 THE CLERK: Your Honor, I believe that is 12.

7 We'll move on for our alternate.

8 THE COURT: One or two alternates? Two. Okay.

9 We're going to do alternates at the request of the
10 parties.

11 THE CLERK: Juror Number 58, Richard B. Georgina.

12 (WHEREUPON, a white male stepped forward.)

13 THE CLERK: What say you for the State?

14 MS. PRICE: Please present this juror.

15 THE CLERK: What say you for the defense?

16 MR. BYRHOLDT: Please excuse the juror.

17 THE CLERK: Juror 28, Charity R. Collins.

18 (WHEREUPON, a white female stepped forward.)

19 THE CLERK: What say you for the State?

20 MS. PRICE: Please present this juror.

21 THE CLERK: What say you for the defense?

22 MR. BYRHOLDT: Please swear the lady.

23 THE CLERK: Juror 164, Shirley A. Waters.

24 (WHEREUPON, a white female stepped forward.)

25 THE CLERK: What say you for the State?

1 MS. PRICE: Please present this juror.

2 THE CLERK: What say you for the defense?

3 MR. BYRHOLDT: Please swear the lady.

4 THE CLERK: Your Honor, I believe that is 12
5 jurors and two alternates.

6 THE COURT: All right.

7 Are there any motions or exceptions to the jury
8 panel from the State?

9 MS. PRICE: Nothing from the State, sir.

10 THE COURT: Are there any motions or exceptions to
11 the jury panel from the defense?

12 MR. BYRHOLDT: No, your Honor.

13 THE COURT: All right.

14 Mr. Clerk, would you swear our jury.

15 THE CLERK: I'd be happy to.

16 (WHEREUPON, the jury was impaneled.)

17 THE COURT: Okay. Ladies and gentlemen, before we
18 start the trial, we have some preliminary matters. The
19 first thing is I'm going to give you a preliminary
20 instruction and explain our roles in this trial.

21 I am the judge of the law. You must apply the law
22 as I give it to you. You are the judges of the facts.
23 As the judges of the facts, you have the duty to
24 evaluate the evidence that is presented. Evidence is
25 sworn testimony from the witness stand or exhibits that

1 have been entered. You and you alone determine the
2 credibility of witnesses and how much weight to give
3 their testimony.

4 Each attorney will have the opportunity to make
5 statements to you in opening statements to outline
6 their positions and the evidence that he or she plans
7 to use to support their claim. The attorneys will also
8 have opportunities to make closing arguments to you at
9 the end after the testimony was concluded. Now, what
10 the attorneys say is not evidence but merely tools that
11 they use to help you understand the evidence.

12 As in any criminal case, the State has the burden
13 of proof in this trial. It must prove beyond a
14 reasonable doubt that the defendant is guilty of the
15 offenses charged. If the State fails to meet that
16 burden, then you must find the defendant not guilty.
17 On the other hand, if the State does prove its case
18 beyond a reasonable doubt, then you must find the
19 defendant guilty. The defendant is presumed innocent
20 and has no burden of proof in this trial.

21 A reasonable doubt is a doubt that would cause a
22 reasonable person to hesitate to act. I'll give you a
23 more lengthy definition later in the process, but
24 that's a preliminary definition that you would have.

25 A few more things on a preliminary basis. This is

1 not an endurance contest. Like I told you in jury
2 questioning earlier, we will take breaks as we go
3 along. If any juror gets in distress and you need to
4 take a break, let our bailiff know that and we will do
5 our best to accommodate you.

6 Now, this is very important. There is to be no
7 independent investigation of the facts of this case or
8 the law. In this era of smart phones and laptop
9 computers and iPads and other electronic devices, it's
10 very easy to do that with Internet access. You are not
11 allowed to do that. There can be no independent
12 investigation. You cannot confer with third parties
13 about the case. Okay?

14 Now, that's also very important if anyone comes up
15 to you attempting to talk to you about the case. You
16 let the bailiff know, they will let me know, and I will
17 tend to that. Like I told you before, these attorneys
18 and their witnesses and the parties, they're not going
19 to speak to you if they run into you in the hallway.
20 That's because they know they can't talk to you. It's
21 not an attempt to be rude, it's just the way that we
22 take care of things in court to ensure that each party
23 has a fair trial.

24 You also may not deliberate amongst yourselves
25 when we take breaks, and I'm getting ready to send you

1 out for your first break. Deliberations mean that you
2 can't discuss the case amongst yourselves until I
3 instruct you to do so at the conclusion of the case,
4 the conclusion of the testimony. You can talk about
5 anything you want to talk about in the jury room but
6 this case.

7 So those are the instructions. We will go along
8 in the case, and there may be times when one party
9 objects to a piece of evidence. The fact that I rule
10 one way or another should not be determined that the
11 Court favors one side or the other as the Court most
12 decidedly does not. My job as judge is to ensure that
13 each side receives a fair trial.

14 I'm going to ask you to retire to your jury
15 chamber right now, and your first order of business, to
16 elect a foreperson. This is to be the presiding juror.
17 This will be the juror who presides over your
18 deliberations at the end. This will also be the juror
19 who communicates with the Court if there are any issues
20 that arise. Communication with the Court should be in
21 the form of a written note.

22 Once you have elected a foreperson, knock on the
23 door and let the bailiff know. So, Mr. Bailiff, if you
24 would take the jury to the jury room.

25 (WHEREUPON, the jury exited open court at

1 11:31 a.m.)

2 THE COURT: Any exceptions to my preliminary
3 instruction from the State?

4 MS. PRICE: None from the State, sir.

5 THE COURT: Any exceptions to my preliminary
6 instruction from the defense?

7 MR. BYRHOLDT: No, your Honor.

8 THE COURT: We'll now go into recess. I think
9 Judge McIntosh is going to take over for common pleas.
10 We'll be in recess.

11 (WHEREUPON, a recess was taken in this matter
12 from 11:31 a.m. to 12:27 p.m.)

13 (All parties present except defendant.)

14 THE COURT: Get our jury for us, please, sir.

15 MR. BYRHOLDT: I waive his appearance for this
16 portion.

17 (WHEREUPON, the jury entered open court at
18 12:29 p.m.)

19 THE COURT: Okay. Ladies and gentlemen, I have
20 received your note, which Ms. Boyter has been elected
21 forelady. And, ma'am, you will sit in the seat where
22 you are right now when you come back in, any time you
23 come back into the courtroom, and then our two
24 alternates will sit on the end. The rest of you can
25 switch around however you deem fit. But the forelady

1 and alternates have to be in their positions.

2 We have some preliminary matters that we have to
3 deal with before the actual trial starts, so what I'm
4 going to do is send you to lunch now. I know everybody
5 is getting hungry. Be back in the jury room at 2:15.
6 Okay? So I hope everybody has a good lunch.

7 Just remember your three instructions: You can't
8 do any independent research by any means, electronic,
9 whatever; you cannot talk to third parties about the
10 case, and you cannot deliberate among yourselves about
11 the case. Hope everybody has a good lunch, and we'll
12 see you at 2:15.

13 (WHEREUPON, the jury exited open court at
14 12:31 p.m.)

15 THE COURT: Okay. Anything from the State before
16 we go in recess?

17 MS. PRICE: No, sir, nothing from the State.

18 THE COURT: Anything from the defense?

19 MR. BYRHOLDT: No, your Honor.

20 THE COURT: All right. We'll do our motions.

21 Let's meet back at 1:45. That will give us time to do
22 all that before the jury starts. We'll go into recess.

23 (WHEREUPON, lunch recess taken from 12:32 p.m.
24 to 1:53 p.m.)

25 THE COURT: We're ready to go on the record.

1 Anything from either party before we go on the
2 record?

3 MR. BYRHOLDT: May it please the Court. I would
4 ask that the witnesses or potential witnesses in this
5 case be sequestered. We want them outside so they
6 don't hear the prior witness' testimony. We'd make
7 that motion. I don't know if the State joins in.

8 MS. PRICE: I absolutely join in.

9 THE COURT: So, Ms. Price, I'm not going to read
10 all these names, the law enforcement officers. I
11 assume that y'all have instructed them ahead of time
12 that they will have to leave.

13 MS. PRICE: Your Honor, we'll make sure that we
14 are sequestered. It is primarily the lay witnesses, I
15 think, that we were both concerned about.

16 THE COURT: The lay witnesses that we have listed
17 are Rayshawn Cowan; Nikki Branch, also known as Nikki
18 Gregory; Scotty Hill; James L. White, Jr.; Joseph
19 Sierra; Thomas Slovenski; Terennce West; Corlandus
20 Hamilton; David Bennett, Porscha Martin; Octavious
21 Burris; Howard Tate; Caroline Vickery; Anthony
22 Patterson; Sheena Patterson; Ella Burnside; Kelly, also
23 known as Ollie, Willingham; Sigmund Clinkscales;
24 Ineatha also known as Ineatha Blassingame; Wilneshia
25 Robinson; James Foster; Jesse Wilson; Lauren Stickels;

1 Cornelius Blassingame; Darius Rice; Dominique
2 Willingham; Latoreo Aiken, Quintin Jones; Tarshika
3 Pickens; William Strobehardt; Derek Rice; Quintin
4 Jones; and Porscha Martin.

5 Okay. That's all our lay witnesses?

6 MS. PRICE: Yes, sir.

7 THE COURT: Each attorney make sure your witnesses
8 are outside the courtroom. If there's any of those
9 names -- any of those names that I just called, if
10 you're in the courtroom, you will need to go outside.

11 MR. BYRHOLDT: Step out. People that are here on
12 this side, there is a room at the end of the hallway.

13 MS. PRICE: Your Honor, and I would ask that they
14 be instructed not to discuss the testimony or the case
15 with each other.

16 THE COURT: The sequestered witnesses will not
17 discuss the case with anyone until such time as they
18 are excused by the Court after testifying.

19 MS. PRICE: Thank you, judge.

20 THE COURT: Okay.

21 MS. PRICE: May it please the Court. Your Honor,
22 I believe we have a juror issue.

23 THE COURT: All right. The issue is with what
24 number?

25 MS. PRICE: One moment, sir.

1 Your Honor, that was juror number 41.

2 THE COURT: Okay. Juror number 41. What is that
3 issue, for the record?

4 MS. PRICE: Your Honor, for the record, that juror
5 was seen conversing with the family of the defendant
6 during the break that we just took outside the
7 courthouse. Obviously, he was questioned by the Court
8 about whether or not he knew the defendant in this
9 case, that it would appear that he is at least familiar
10 with the family members of the defendant in this case.

11 THE COURT: All right. Mr. Byrholdt, my
12 inclination is to call that juror in and just question
13 him.

14 MR. BYRHOLDT: I agree, your Honor.

15 THE COURT: Okay. All right.

16 Mr. Hamby, would you get us Juror Number 41?

17 THE CLERK: I don't think they're back yet.

18 THE COURT: See if he's in there, Juror Number 41.

19 After we question him, we'll proceed with our
20 *Jackson v. Denno*.

21 THE CLERK: He is here.

22 THE COURT: Go ahead and get him out.

23 (Juror Number 41 entered the courtroom.)

24 THE COURT: Yes, sir. You're Mr. Dean?

25 JUROR NO. 41: Yes..

1 THE COURT: Mr. Dean, there was a report that you
2 were talking with the defendant's family during lunch.

3 JUROR NO. 41: I didn't know that. I didn't say
4 nothing no way.

5 THE COURT: Do you know the defendant?

6 JUROR NO. 41: No.

7 THE COURT: And his family?

8 JUROR NO. 41: No. I didn't even know her.

9 THE COURT: Okay. So you just --

10 JUROR NO. 41: I was just speaking to them just
11 like anybody else.

12 THE COURT: Okay. Do you feel that that
13 conversation would do anything to impair your ability
14 to be fair?

15 JUROR NO. 41: No. I wasn't talking about this
16 court, nothing.

17 THE COURT: Okay. Does that answer the State's
18 concern?

19 MS. PRICE: Yes. I have no concerns based on what
20 he's just said.

21 MR. BYRHOLDT: No concerns.

22 JUROR NO. 41: No, I didn't even know the people.

23 THE COURT: Thank you, Mr. Dean. I'm going to
24 have you return to the jury room right now. I'll be
25 with ya'll in just a minute.

1 JUROR NO. 41: Thank you. Do you want me to go
2 now?

3 THE COURT: Yes, sir. You can go back to the jury
4 room.

5 JUROR NO. 41: Thank you.

6 THE COURT: Mr. Bailiff, will you make sure he
7 gets back there.

8 JUROR NO. 41: Thank you.

9 THE COURT: Is the State ready to proceed?

10 MS. PRICE: Thank you, your Honor. If it may
11 please the Court, now we'll go forward with our *Jackson*
12 *v. Denno* hearing in this case.

13 THE COURT: Yes, ma'am.

14 MS. PRICE: The State calls Investigator now
15 Sergeant Danny Barton to the stand.

16 DANNY BARTON,

17 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

18 THE CLERK: If you would take the stand, sir.
19 Please state your name and spell your last name for the
20 record.

21 THE WITNESS: My name is Danny Barton. Last name
22 is B-a-r-t-o-n.

23 DIRECT EXAMINATION

24 Q Sergeant Barton, did you have occasion to meet
25 with the defendant in this case?

- 1 A Yes, ma'am.
- 2 Q Was he arrested and in custody when he met with
3 you?
- 4 A Yes, ma'am.
- 5 Q Okay. Where did you speak with the defendant?
- 6 A At the sheriff's office.
- 7 Q Okay. Can you describe the room where you met
8 with him?
- 9 A Yes, ma'am. It's one of our interview rooms at
10 the sheriff's office. It's got four walls, one door.
11 There is a mirrored window to one side, a desk and a
12 couple chairs.
- 13 Q How many people were present during that interview
14 process?
- 15 A Just he and I.
- 16 Q Okay. Were you in uniform at the time?
- 17 A I'm a plainclothes detective, so I was in plain
18 clothes, dress clothes.
- 19 Q Were you sporting any weapons at the time?
- 20 A No, ma'am. My firearm was locked up in a safe.
- 21 Q Was he handcuffed?
- 22 A No, ma'am, he was not.
- 23 Q At the time you spoke with him, did he appear
24 comfortable?
- 25 A Yes, ma'am.

1 Q Okay. Did he ask you for anything, a bathroom
2 break, water, any conveniences?

3 A No, ma'am.

4 Q If he had, would you have provided those to him?

5 A Yes, ma'am.

6 Q Okay. And did he appear to be comfortable when
7 you met with him?

8 A Yes, ma'am.

9 Q Okay. During that meeting, did you advise the
10 defendant of his constitutional rights pursuant to
11 Miranda?

12 A Yes, ma'am, I did.

13 Q Okay. How did you do that?

14 A A form that we have at the sheriff's office, the
15 Miranda advisement form, I read it to him.

16 Q Okay. Did you give it to him to read or did you
17 go through it with him?

18 A Once I fill out all the initial information at the
19 top of the form, I have him read the first couple of
20 lines, and that's just to show me that he can read, and
21 then I read the rest of them to him as he follows
22 along.

23 Q Investigator Barton, I'm showing you what's been
24 marked as State's Exhibit 7. Do you recognize that?

25 A Yes, ma'am.

1 Q Okay. How do you recognize it?

2 A It has my signature on it and the information that
3 I completed on the form.

4 Q Okay. And is that the form you used when going
5 over the rights with this defendant?

6 A Yes, ma'am, it is.

7 Q Okay.

8 MS. PRICE: Your Honor, at this time we'd like to
9 move State's Exhibit 7 in for the purposes of this
10 hearing only.

11 THE COURT: So admitted.

12 MR. BYRHOLDT: I haven't seen it, your Honor.

13 (Exhibit shown to Mr. Byrholdt.)

14 MR. BYRHOLDT: No objection, your Honor.

15 THE COURT: So admitted.

16 (WHEREUPON, State's Exhibit Number 7 was admitted
17 into evidence.)

18 BY MS. PRICE:

19 Q Sergeant Barton, at what time did this meeting
20 take place?

21 A On June the 13th at around 4:30 in the afternoon.

22 Q Is that time listed on the form?

23 A Yes, ma'am. It's actually 4:36 p.m.

24 Q And the form lists the rights that you advised the
25 defendant of?

1 A Yes, ma'am, it does.

2 Q You went over those rights with the defendant?

3 A Yes, ma'am.

4 Q And you made sure he understood his rights?

5 A Yes, ma'am.

6 Q Were there any markings made on that form to
7 indicate he understood his rights at that time?

8 A Yes, ma'am.

9 Q Okay. What were they?

10 A After I read him his rights, I asked him if he
11 understood. He said yes, and I told him to sign that
12 paper if he understood.

13 Q Did he seem to have any trouble understanding the
14 rights?

15 A No, ma'am.

16 Q Okay. And you determined that he could read?

17 A Yes, ma'am.

18 Q Okay. Did his answers to your questions, when you
19 went over them with him, make logical sense? Did he
20 appear to be rational and responsive?

21 A Yes, ma'am, he did.

22 Q You didn't perceive him to have any mental defect
23 at the time?

24 A No, ma'am.

25 Q His mannerisms didn't give you any cause for

1 concern that he had any issues understanding what you
2 were talking about?

3 A No, ma'am.

4 Q Okay. Were any threats or intimidations,
5 coercions used to elicit a statement from this
6 defendant?

7 A No, ma'am.

8 Q Were there any promises or hope of reward made to
9 him to get him to give a statement to you?

10 A No, ma'am.

11 Q And in your opinion, did the defendant understand
12 his rights?

13 A Yes, ma'am.

14 Q Okay. Did he sign that form?

15 A Yes, ma'am, he did.

16 Q Was his waiver of rights done freely and
17 voluntarily?

18 A Yes, ma'am, it was.

19 Q What were the rights that you informed the
20 defendant of?

21 A When I do the form, after, like I said, after I
22 complete the top of the form, I have him read the first
23 two lines out loud which are the first two rights, and
24 they are: "You have the right to remain silent," and
25 "Anything you say may be used against you in court."

1 Once he reads those out loud, that showed me he could
2 read, then I read the rest of them to him and he could
3 follow along. And I believe in this case he actually
4 started reading the third one, and I told him I would
5 read it to him and he could just follow along. And
6 those are: "You have the right to speak to a lawyer
7 for advice before you're asked any questions and have
8 him with you during questioning. If you cannot afford
9 a lawyer, one will be appointed for you before any
10 questioning if you wish. If you decide to
11 answer questions now without a lawyer present, you will
12 still have the right to stop answering questions at any
13 time. You also have the right to stop answering at any
14 time until you speak with a lawyer."

15 Q And after you went through those rights with him,
16 did he at any point change his mind and ask for an
17 attorney?

18 A No, ma'am.

19 Q Did he indicate to you that he wanted to talk to
20 you about the incident or at least make a statement?

21 A Yes, ma'am.

22 Q Okay. So he engaged in conversation with you and
23 gave you a verbal statement at that time?

24 A Yes, ma'am. We went over the waiver of rights
25 section of the form and then we talked about the

1 incident.

2 Q Okay. I'd like to show you what's been marked as
3 State's Exhibit 10. Are you familiar with this item?

4 A Yes, ma'am.

5 Q What is it?

6 A It is a copy of the interview with Royres
7 Patterson.

8 Q Okay. And how was it recorded?

9 A It's audio and video.

10 Q Audio and video?

11 A Yes, ma'am.

12 Q And is the recording a true and accurate
13 representation of the statement he gave you?

14 A Yes, ma'am.

15 Q Do you recognize the item in a particular way as
16 being something you had reviewed?

17 A I had reviewed the video and then I signed off on
18 it.

19 Q Okay. I'm showing you what's been marked as
20 State's Exhibit 11. Do you recognize this item?

21 A Yes, ma'am.

22 Q What is it?

23 A It is a transcript of the conversation that Royres
24 Patterson and I had.

25 Q Is it a true and accurate representation of the

1 statement that the defendant gave?

2 A Yes, ma'am.

3 Q Okay. And have you reviewed that?

4 A Yes, I have.

5 Q Okay.

6 MS. PRICE: Your Honor, at this time we'd like to
7 move for State's Exhibit 10 and 11 be admitted into
8 evidence for the purposes of this hearing only.

9 THE COURT: Mr. Byrholdt.

10 MR. BYRHOLDT: No objection for the purpose of
11 this hearing.

12 THE COURT: 10 and 11 will be so admitted without
13 objection.

14 (WHEREUPON, State's Exhibit Number 10 was admitted
15 into evidence.)

16 (WHEREUPON, State's Exhibit Number 11 was admitted
17 into evidence.)

18 MS. PRICE: Your Honor, at this time if the Court
19 wishes to read the transcript or hear the statement, we
20 will publish them; however, I have no further questions
21 if the Court is satisfied as to the voluntariness of
22 the statement.

23 THE COURT: Let me see Exhibit 7 and Exhibit 11.

24 (WHEREUPON, the Court reviewing the exhibits.)

25 Okay. Mr. Byrholdt, do you have any

1 cross-examination for this witness?

2 MR. BYRHOLDT: No questions.

3 THE COURT: Okay.

4 MS. PRICE: Nothing further from the State for
5 this witness.

6 THE COURT: Thank you, Officer. You can step
7 down.

8 THE CLERK: Note from the jury.

9 THE COURT: Mr. Byrholdt?

10 MR. BYRHOLDT: No, your Honor. I want the
11 statement in.

12 THE COURT: So the statement will be admissible
13 without objection from the defendant.

14 MS. PRICE: Thank you, your Honor.

15 THE COURT: Okay. All right. Do we have any
16 other matters before we bring the jury in?

17 MS. PRICE: Yes, sir. We have a Neil v. Biggers
18 hearing as well. I would say we have obviously
19 sequestered the witnesses, and two of those individuals
20 who identified this defendant in a photo lineup have
21 been kept separate from each other. So with the
22 Court's permission, we'll bring them up. There may be
23 a little bit of delay in my associates bringing them up
24 one at a time from our office. I just beg your
25 indulgence with that, but we'll move forward with the

1 Neil v. Biggers hearing at this time, and I will call
2 Investigator Danny Barton back to the stand.

3 **DANNY BARTON,**

4 **BEING PREVIOUSLY DULY SWORN, TESTIFIED AS FOLLOWS:**

5 MS. PRICE: Your Honor, with the Court's
6 permission, we'll combine the questions for
7 Investigator Barton as to both of the photo lineups
8 that he showed these two individuals that we're going
9 to proffer next.

10 MR. BYRHOLDT: I have no objection to that.

11 THE COURT: Okay.

12 **DIRECT EXAMINATION**

13 **BY MS. PRICE:**

14 Q Sergeant Barton where do you work?

15 A Anderson County Sheriff's Office.

16 Q And how long have you been in law enforcement?

17 A Sixteen years.

18 Q What sort of duties and responsibilities are
19 associated in your position as sergeant?

20 A I oversee the detective division. I have about 20
21 investigators. I monitor their daily work and that
22 sort of thing.

23 Q Did you conduct any photographic lineup displays
24 in this event -- in this case?

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

1 Q Did you put the photo lineups together?

2 A No, ma'am, I did not.

3 Q Who did?

4 A We sent a request to the South Carolina Law
5 Enforcement Division and they put them together and
6 e-mailed them to us.

7 Q How many photographs were displayed in the lineup?

8 A Six.

9 Q Was this defendant included in the lineup?

10 A Yes, ma'am, he was.

11 Q Okay. Were the other five persons all similar in
12 physical description to the defendant?

13 A Yes, ma'am, they were.

14 Q In what way?

15 A Age range, sex, gender, the race, build, physical
16 features, that sort of thing.

17 Q Who did you show the photo lineup to?

18 A I showed it to Terennce West and David Bennett.

19 Q And on what dates did you show those individuals
20 the lineups?

21 A Terennce West was on the, I believe it was June
22 the 13th, and David Bennett was on June the 11th.

23 Q And do you recall what time you showed them the
24 photo lineups?

25 A Around about 2 o'clock in the afternoon on

1 Terennce. David Bennett, I think it was around
2 lunchtime. I can't be a hundred percent on that.

3 Q Okay. And where did you show each of these
4 individuals the lineups?

5 A David Bennett was in New York. I had flown to New
6 York to meet with him. And Terennce West was in my
7 office -- or not in my office, but in the sheriff's
8 office in the interview room.

9 Q And when you say New York, what type of room in
10 New York?

11 A It was a hotel room. It was the hotel room that I
12 had rented. David Bennett met me there.

13 Q How did you present first the photo lineup to
14 Terennce West?

15 A I handed it to him and asked him if he recognized
16 anybody, anybody on it, or if they knew anyone.

17 Q Okay. And how did you present the photo lineup to
18 David Bennett?

19 A Same way. I handed it to him and asked him if he
20 recognized anyone.

21 Q Is that your standard procedure?

22 A Yes, ma'am.

23 Q What did you tell Terennce, if anything, before
24 showing him the lineup?

25 A I don't recall telling him anything other than

1 just, you know, "Do you recognize anyone?"

2 Q And what about David Bennett?

3 A Same thing.

4 Q Did you tell either of those individuals that the
5 person who --

6 MR. BYRHOLDT: Your Honor, I hate to -- the mic is
7 not working.

8 THE WITNESS: I'll slide it up a little bit. Can
9 you hear me now?

10 MR. BYRHOLDT: Just barely hear you.

11 BY MS. PRICE:

12 Q Did you tell either of those individuals that the
13 person who was the shooter was definitely in the
14 lineups that you were showing them?

15 A No, ma'am, I did not.

16 Q Did you lead either Terennce or David to believe
17 that they had to pick somebody out in these photo
18 lineups?

19 A No, ma'am, I didn't.

20 Q Did you exert any pressure on either of them to
21 pick somebody out of the lineups?

22 A No, ma'am.

23 Q Did you suggest to them what photograph to pick
24 out of the lineup?

25 A No, ma'am, I didn't.

1 Q Okay. Did you influence the witness as to which
2 photograph to select in any way at all?

3 A No, ma'am, I didn't.

4 Q And did Terennce West select a photograph of the
5 individual who committed the crime in this case?

6 A Yes, ma'am, he did.

7 Q And did David Bennett also select an individual
8 who committed the crime in this case?

9 A Yes, ma'am, he did.

10 Q Okay. Whose photograph was selected by Terennce
11 West?

12 A Royres Patterson.

13 Q And do you see that man in the courtroom today?

14 A Yes, ma'am.

15 Q Will you point him out?

16 A Gentleman here in the white shirt at the defense
17 table.

18 Q And did David Bennett select a photograph of the
19 individual who committed a crime in this case?

20 A Yes, ma'am, he did.

21 Q And who did he select?

22 A Same person, Royres Patterson.

23 Q Is he seated in the courtroom?

24 A Yes, ma'am, white shirt.

25 Q How certain or confident did Terennce seem when he

1 picked out the photograph of Royres Patterson as the
2 shooter in this case?

3 A Very certain.

4 Q Did he hesitate at all?

5 A No, ma'am. He actually -- he's a family member.

6 Q Okay. So he was confident?

7 A Yeah. He knew him.

8 Q And what about David Bennett? Did he hesitate in
9 any way in picking out the photograph of Royres
10 Patterson as the shooter?

11 A No, ma'am, he did not.

12 Q Did you ask them to make marks to indicate their
13 choices?

14 A Yes, ma'am, I did.

15 Q Okay. What marks?

16 A When they selected a photograph, I asked them to
17 circle the photograph, print, sign it, and date and
18 time.

19 Q Okay. I'm showing you what's been marked as
20 State's Exhibit 8. Are you familiar with that item?

21 A Yes, ma'am.

22 Q And how do you recognize that exhibit?

23 A This is the lineup that I requested from SLED and
24 I showed it to Terennce West.

25 Q Okay. And do you see any markings on that lineup

1 to indicate Mr. West's choice?

2 A Yes, ma'am.

3 Q And what are they?

4 A He circled Photograph Number 3 of Royres
5 Patterson. He printed his name, "West, Terennce," and
6 signed it "Terennce West," put the date 6/13/14 at
7 2:20 p.m.

8 Q And is that the date and time that you showed him
9 the lineup and he made his choice?

10 A Yes, ma'am.

11 Q Okay. I'm showing you what's been marked as
12 State's Exhibit 9. Are you familiar with that exhibit?

13 A Yes, ma'am.

14 Q Okay. How are you familiar with that exhibit?

15 A It is the lineup that I requested from SLED that I
16 showed to David Bennett on 6/11/14.

17 Q And do you see any markings indicating
18 Mr. Bennett's choice?

19 A Yes, ma'am.

20 Q What are they?

21 A He circled the picture of Number Three, Royres
22 Patterson, the date 6/11/14, time 1:28 p.m., and he
23 printed his name, "David Bennett," and signed his name
24 "David Bennett."

25 Q Are you looking at the original photo lineups that

1 you presented to the witnesses?

2 A Yes, ma'am.

3 Q And what did you do with those after they made
4 their selections?

5 A I put them in my case file.

6 Q And have they been in your custody and control
7 ever since?

8 A In the custody of the sheriff's office in the case
9 file.

10 Q Yes. And have there been any alterations to
11 either of those photo lineups?

12 A No, ma'am, there have not.

13 Q And is it in substantially the same condition as
14 when you used it on the dates you showed it to Dave
15 Bennett and Terennce West?

16 A Yes, ma'am, they are.

17 Q No changes or additions whatsoever?

18 A No, ma'am.

19 Q And, again, on each photograph, will you tell me
20 the number individual that the witnesses chose?

21 A Terennce West chose Number Three and David Bennett
22 chose Number 3.

23 Q Who is that individual?

24 A Royres Patterson.

25 Q Okay. Did either Terennce West or David Bennett

1 at any point in time pick out another individual as
2 being the person who committed the crime in this case?

3 A No, ma'am, they did not.

4 Q Okay. Did they ever select a photograph in
5 another photo lineup as being the person who committed
6 this crime?

7 A No, ma'am.

8 Q Okay. Thank you. Please answer any questions
9 that Mr. Byrholdt has for you at this time.

10 A Yes, ma'am.

11 MR. BYRHOLDT: May it please the Court.

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. BYRHOLDT:

15 Q Who put the lineups together?

16 A We sent a request off to SLED and they e-mailed it
17 to us.

18 Q Do you know why they put what you claim is
19 Mr. Patterson as Number 3 on both instead of moving the
20 numbers around?

21 A Well, it's the same lineup. We didn't request two
22 different lineups. I requested one lineup, and they
23 sent me the lineup. I just made several copies of what
24 they sent me.

25 MR. BYRHOLDT: May I approach, your Honor?

1 THE COURT: Yes, sir.

2 BY MR. BYRHOLDT:

3 Q And where were the individuals that viewed these
4 located at the time?

5 A Are you talking about when --

6 Q Was one done in New York, the one with Bennett?

7 A Yes, sir. David Bennett was done in New York.

8 Q And Mr. West?

9 A It was done here at the sheriff's office.

10 Q The day he gave a statement?

11 A Yes, sir.

12 MR. BYRHOLDT: No further questions.

13 Thank you, sir.

14 MS. PRICE: Your Honor, I have no further
15 questions for this witness.

16 THE COURT: Thank you, Officer. You can step
17 down.

18 MS. PRICE: Your Honor, at this time the State
19 calls Terennce West.

20 TERENCE WEST,

21 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

22 THE CLERK: If you will take the stand over there,
23 please, sir, and state your name and spell your last
24 name for the reporter, please.

25 THE WITNESS: I'm Terennce West, and my last name,

1 W-e-s-t.

2 DIRECT EXAMINATION

3 BY MS. PRICE:

4 Q Thank you, Mr. West. Did an incident happen where
5 you were a witness to a crime on June 7, 2014?

6 A Yes, ma'am.

7 Q Okay. Briefly, what happened to you that day?
8 What did you witness that day?

9 A A shooting.

10 Q Okay. Where?

11 A On the south side of East Market -- I mean
12 Shockley Ferry, off of Shockley Ferry Road. I'm sorry.

13 Q And did you get a chance to see or observe the
14 person who was the shooter that day?

15 A Yes, ma'am.

16 Q Okay. And what time of day did this occur?

17 A Around 10:00, 10:00ish.

18 Q Was it still light outside?

19 A It was kind of dark.

20 Q Okay. Were you still able to see the person who
21 was the shooter clearly?

22 A Yes, ma'am.

23 Q Okay. Are you very familiar with the person who
24 was the shooter?

25 A Yes, ma'am.

1 Q Okay. Are you related to the person who was the
2 shooter?

3 A Yes, ma'am.

4 Q Are you familiar with his appearance?

5 A Yes, ma'am.

6 Q Okay. Did you meet with Sergeant Barton after
7 this incident?

8 A Yes, ma'am.

9 Q Okay. When you met with Sergeant Barton, were you
10 shown a photographic lineup?

11 A Yes, ma'am.

12 Q Okay. Do you remember what day that was?

13 A It was June the 13th, I'm thinking, on a Friday.

14 Q Okay. Do you remember about what time?

15 A About 2:00.

16 Q Do you remember where?

17 A Well, he picked me up. He came and got me from
18 work.

19 Q Okay. And where did he take you?

20 A To the sheriff's office.

21 Q Okay.

22 Q Is that where he showed you the lineup?

23 A Yes, ma'am.

24 Q Okay. How many people were in the room when he
25 showed you the lineup?

1 A Just me and him.

2 Q Okay. Was anyone else shown this lineup while you
3 were with him?

4 A No, ma'am.

5 Q Okay. And what did the detective tell you when he
6 handed you the lineup?

7 A Who was the one -- just, "Pick the one that was
8 with you in the car."

9 Q Okay. And did he ask you to see if you could
10 recognize the shooter?

11 A He told me to circle and sign.

12 Q Okay. Did he tell you that you had to pick
13 somebody out?

14 A Oh, no, ma'am.

15 Q Okay. Did you feel any pressure to pick somebody
16 out?

17 A No, ma'am.

18 Q Okay. Did he tell you you had to pick this
19 person?

20 A No, ma'am.

21 Q Okay. Did he influence your decision at all as to
22 who you picked out?

23 A No, ma'am.

24 Q Okay. And you got a good enough look at the
25 shooter that night to be able to identify that person?

1 A Yes, ma'am. He was in the car with me.

2 Q Okay. And did you make a selection on the
3 photographic lineup that was given to you?

4 A Yes, ma'am.

5 Q Okay. Did you look over the lineup closely before
6 you made a selection?

7 A Yes, ma'am.

8 Q Okay. And what did you do to the lineup to
9 indicate that you had made a choice?

10 A I printed my name, signature, and circled.

11 Q Okay. Did you have any doubt about the picture
12 you were choosing?

13 A No, ma'am.

14 Q Okay. Mr. West, I'm showing you what's been
15 marked as State's Exhibit 8.

16 A Uh-huh.

17 Q Do you recognize that item?

18 A Yes, ma'am.

19 Q Okay. And how do you recognize it?

20 A I signed it. And my nephew is on the picture.

21 Q Okay. That's your signature?

22 A Yes, ma'am.

23 Q Okay. And is that the photographic lineup you
24 were shown?

25 A Yes, ma'am.

1 Q Okay. Is it in the same condition as when you saw
2 it the first time?

3 A Yes, ma'am.

4 Q Okay. Has anything changed?

5 A No, ma'am.

6 Q Okay. And will you point out on that exhibit what
7 photo you chose?

8 A Yes, ma'am.

9 Q Okay.

10 A Number three.

11 Q Okay. And what marks or initials did you make on
12 the photo lineup to show that number three was your
13 choice?

14 A I signed.

15 Q Okay.

16 A Signed it --

17 Q Signed what?

18 A -- and dated it, put the time.

19 Q Did you ever select another photograph of anybody
20 else being the shooter in this case?

21 A No, ma'am.

22 Q And were you ever shown another lineup about who
23 was the shooter in this case?

24 A What did you say now? Say that again.

25 Q Did -- I'm sorry. Did Investigator -- did

1 Detective Barton ever show you another lineup where he
2 suggested that there was a shooter on that photo lineup
3 other than the one that you're looking at?

4 A No, ma'am.

5 Q Okay. Did you ever choose anybody else other than
6 the individual, number three, as being the shooter in
7 this case?

8 A Yes, ma'am. That's it.

9 Q That's it?

10 A Yes, ma'am.

11 Q Okay. All right.

12 Please answer any questions that Mr. Byrholdt has
13 for you.

14 CROSS-EXAMINATION

15 BY MR. BYRHOLDT:

16 Q How many times did you meet with Detective Barton?

17 A Once.

18 Q Just that one day?

19 A That one day. Then he took me to the -- he took
20 me to the warrant people. After he finished
21 interrogating me, he took me to the warrant people and
22 turned me loose right there.

23 Q So that's the only time you met with him?

24 A Yes, ma'am -- yes, sir.

25 Q Did you ever tell him that you had nothing to do

1 with this?

2 A Yes, sir.

3 Q Did Detective Barton tell you what Mr. Bennett had
4 said?

5 A No, sir.

6 Q He didn't tell you anything Mr. Bennett said?

7 A I haven't seen -- I haven't seen Mr. Bennett or
8 nothing.

9 Q That's not my question. Did Detective Barton tell
10 you --

11 A Oh, no, sir.

12 Q -- what Mr. Bennett had told him?

13 A No, sir.

14 MR. BYRHOLDT: That's all the questions at this
15 time.

16 Thank you, sir.

17 MS. PRICE: Nothing further from this witness,
18 your Honor.

19 THE COURT: All right. Thank you, sir. You can
20 step down.

21 MS. PRICE: Your Honor, the State will call David
22 Bennett. We're going to -- it will take us a minute to
23 get that witness out and secured and another brought.

24 THE COURT: Just make sure the witnesses continue
25 to be sequestered.

1 While we're waiting, I did receive a note from the
2 jury that says, "May we take notes during the trial?"
3 I'm going to instruct them my policy is not to allow
4 notes.

5 MR. BYRHOLDT: Thank you.

6 MS. PRICE: Thank you.

7 THE COURT: I know some judges have a different
8 philosophy on that, but I do not allow notes and I'll
9 instruct them accordingly.

10 MS. PRICE: With the Court's permission, I'm going
11 to take the photo lineup belonging to the other
12 individual off the stand.

13 THE COURT: Yes.

14 DAVID BENNETT,

15 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

16 THE CLERK: If you would take the witness stand
17 and state your name and spell your last name for the
18 reporter, please.

19 THE WITNESS: I'm David Bennett, B-e-n-n-e-t-t.

20 DIRECT EXAMINATION

21 BY MS. PRICE:

22 Q Mr. Bennett, did an incident occur where you were
23 a witness to a crime on June 7, 2014?

24 A Yes, ma'am.

25 Q Okay. What type of crime was it?

1 A A murder case.

2 Q Okay. And did you witness the shooter that
3 evening?

4 A Yes, ma'am.

5 Q Okay.

6 MR. BYRHOLDT: Your Honor, I'm going to have to
7 ask him to speak up to hear him.

8 THE COURT: Pull that microphone closer.

9 THE WITNESS: Yes, ma'am.

10 THE COURT: Is that better?

11 MR. BYRHOLDT: Thank you, sir.

12 BY MS. PRICE:

13 Q And where did this occur?

14 A I'm not sure of the street, but they call it the
15 horseshoe.

16 Q Horseshoe?

17 A Yes, ma'am.

18 Q In Anderson County?

19 A Yes, ma'am.

20 Q Okay. What time of day was it?

21 A It was late. It had to have been almost 10:00.

22 Q Okay. Was it still light outside?

23 A No.

24 Q Okay. But were you able to see the person who was
25 the shooter clearly?

1 A Yes, ma'am.

2 Q Okay. Are you familiar with who that individual
3 was from knowing him before this incident?

4 A You say what now?

5 Q Are you -- did you know the individual that you
6 witnessed commit the crime --

7 A No.

8 Q -- before that night?

9 A No, ma'am.

10 Q Did you see that individual throughout that night
11 earlier?

12 A No, ma'am. Before it happened?

13 Q Yes.

14 A Yes.

15 Q Okay. And did you meet with Sergeant Barton --
16 did you have enough time to see that person's face to
17 be certain of who his identity was?

18 A Yes, ma'am, after he turned on the light.

19 Q Okay. So you had enough opportunity to know that
20 individual by his face?

21 A Yes, ma'am.

22 Q Okay. Did you meet with Sergeant Barton after
23 this incident?

24 A Yes, ma'am. He had came to New York City to come
25 talk to me like a week after it happened.

1 Q Okay. And when you met with him, did he show you
2 a photographic lineup?

3 A Yes, he did. He showed me three.

4 Q Okay. He showed you three. Did he show you one
5 relating to the shooter?

6 A Yes, ma'am.

7 Q Okay. And as to the photo lineup relating to the
8 shooter, where were you when he showed it to you?

9 A I was in the hotel room sitting down on the couch.

10 Q Okay. Was anyone else in the room?

11 A Another detective.

12 Q Okay. And was anyone else there who was shown a
13 lineup other than you?

14 A No, ma'am.

15 Q What did the sergeant tell you when he handed you
16 the photo lineup, do you remember?

17 A He asked me do I see the shooter on the piece of
18 paper.

19 Q Did he tell you who the shooter was?

20 A No, he did not.

21 Q Okay. Did he tell you that the person on the
22 paper definitely committed the shooting?

23 A No. He just told me take my time and look.

24 Q Okay. Did he influence your decision to choose
25 the person you chose at all?

1 A No, ma'am.

2 Q Okay. And did you make a selection?

3 A Yes, ma'am.

4 Q Okay. And did you -- do you remember doing
5 anything to indicate what selection you made when you
6 made it?

7 A Yeah. I circled it and signed my name beside it.

8 Q Okay. And did you point out to the detective who
9 the shooter was on that photograph?

10 A Yes, ma'am.

11 Q Was there any doubt at all as to your selection?

12 A No.

13 Q Okay. Mr. Bennett, I'm showing you what's been
14 marked as State's Exhibit 9. Do you recognize this?

15 A Yes, ma'am.

16 Q Okay. And how do you recognize it?

17 A That's the one I circled.

18 Q Is that your signature?

19 A Yes, ma'am.

20 Q Okay. Has that -- and is that the photo lineup
21 you were shown?

22 A Yes, ma'am.

23 Q Has it changed or been altered in any way since
24 you were shown it that day?

25 A No.

1 Q Okay. It's in the same condition?

2 A Uh-huh.

3 Q Okay. And you see the individual that you circled
4 on that paper?

5 A Yes, ma'am.

6 Q Okay. And is that the individual that you believe
7 was the shooter that night?

8 A Yes, ma'am.

9 Q Okay. Do you know who that individual was?

10 A Not by -- I never seen him until that night.

11 Q Okay. But you recognized who it was?

12 A Yes, ma'am.

13 Q Okay. Were you ever shown another photo lineup
14 pertaining to the shooter in this case?

15 A I was shown another paper with another picture.

16 Q For witnesses?

17 A Yes.

18 Q Okay. But not for a shooter?

19 A No.

20 Q Okay. Do you see the person who committed the
21 shooting and who you picked in the lineup in this
22 courtroom?

23 A Yes, ma'am.

24 Q Can you point him out for me?

25 A Right there.

1 Q All right. Please answer any questions that
2 Mr. Byrholdt has for you at this time.

3 MR. BYRHOLDT: May it please the Court.

4 THE COURT: Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. BYRHOLDT:

7 Q How many lineups were you shown by Detective
8 Barton?

9 A It was three.

10 Q All in New York?

11 A Yes, ma'am -- yes, sir.

12 Q What were the other lineups about?

13 A One was pertaining to his brother, which I didn't
14 know at the time was his brother.

15 Q Terennce?

16 A No. That's the driver.

17 Q D?

18 A That's the driver.

19 A D. Yes, I'm talking about D.

20 Q So that's one?

21 A And the other one was pertaining to the driver and
22 him. That was it.

23 Q Are you from here?

24 A No. I'm from New York City.

25 Q How long you been in South Carolina?

1 MS. PRICE: Your Honor, I think that's outside the
2 scope of this hearing.

3 MR. BYRHOLDT: I'll withdraw.

4 THE COURT: Okay.

5 MR. BYRHOLDT: Nothing further at this time.

6 THE COURT: Thank you, sir. You can -- wait a
7 minute.

8 Ms. Price, did you have any additional questions?

9 MS. PRICE: No, sir. No further questions.

10 THE COURT: Thank you, sir. You can step down.

11 MS. PRICE: Your Honor, may I ask that this
12 witness be excused for the remainder of the afternoon
13 so he can go to his work?

14 THE COURT: Any objection?

15 MS. PRICE: Mr. Bennett, wait just a moment.

16 MR. BYRHOLDT: I've got no objection.

17 THE COURT: All right. Mr. Bennett, you are
18 excused for the day. Now, you are a sequestered
19 witness which means you cannot talk about the case to
20 anyone. So you understand that?

21 THE WITNESS: Yes, sir.

22 THE COURT: You will need to reappear in court
23 tomorrow.

24 MS. PRICE: At 9:00 a.m.

25 THE COURT: At 9 o'clock.

1 THE WITNESS: Okay.

2 THE COURT: Okay. Anything -- let me see the two
3 attorneys.

4 MS. PRICE: Yes, sir.

5 (WHEREUPON, counsel approached the bench.)

6 THE COURT: Okay. All right. Anything further?

7 MS. PRICE: Nothing further with regard to the
8 Neil v. Biggers hearing, your Honor.

9 THE COURT: Mr. Byrholdt?

10 MR. BYRHOLDT: Nothing, your Honor.

11 THE COURT: Okay.

12 MS. PRICE: Your Honor, we would ask that these
13 photo lineups be admitted or at least be allowed as
14 being not unduly suggestive.

15 THE COURT: After hearing the testimony, reviewing
16 the exhibits, I find the photographs were not unduly
17 suggestive. There is no evidence of coercion or any
18 improper influence by the officers. I have also
19 reviewed the testimony of the witnesses. Each
20 indicates that they had the opportunity to view the
21 alleged shooter at the time of the crime. Each
22 exhibited a high degree of certainty as to their choice
23 and I find that the lineups were shown in a reasonable
24 time. I find these exhibits are admissible in the
25 State's case.

1 (WHEREUPON, State's Exhibit Number 8 was admitted
2 into evidence.)

3 (WHEREUPON, State's Exhibit Number 9 was admitted
4 into evidence.)

5 MS. PRICE: And, your Honor, in that event that
6 they are allowed to perform an in-court identification,
7 as they were not suggested to make an identification
8 prior.

9 THE COURT: Yes. Okay.
10 Anything further?

11 MS. PRICE: Not as to that issue, sir.

12 Your Honor, I want to make the Court aware that
13 the State intends to elicit some testimony pertaining
14 to the motive in this case. And it is not strictly
15 Lyle evidence. It doesn't come in under 404(b) because
16 it's not a prior bad act of this individual, this
17 defendant. However, essentially the defendant's
18 brother was shot the night prior to this incident by an
19 individual who looks like the victim in this case.
20 After the shooting occurred, this defendant made
21 statements essentially saying, "I got the guy that shot
22 you," among other similar statements.

23 As the investigation developed into the shooting
24 the night prior, it was determined that that individual
25 who is the person of interest in that case resembled

1 the victim in this case. While motive is not an
2 element of murder that we're required to prove, I think
3 that there are cases that say that the State can
4 introduce and establish motive as part of the chain of
5 circumstantial evidence against the accused that tends
6 to corroborate the defendant's guilt.

7 For example, State v. Smith has that. And, your
8 Honor, also malice is an element of murder, and
9 evidence of a motive goes directly to malice and shows
10 meanness, it shows forethought, it shows intent.
11 Therefore, I'm asking that the Court allow testimony
12 pertaining to the motive as it would be relevant and
13 probative to proving malice.

14 THE COURT: Let me make sure I understand.

15 MS. PRICE: Yes, sir.

16 THE COURT: What witness are you using to put this
17 alleged statement by the defendant into evidence?

18 MS. PRICE: Your Honor, as to the statement by the
19 defendant, that would come in under David Bennett, one
20 of the witnesses you just heard from who was an
21 eyewitness that evening.

22 THE COURT: So it's -- is he going to allege that
23 he was present when the defendant allegedly made that
24 statement?

25 MS. PRICE: Yes, sir. He was present at that

1 time.

2 THE COURT: Okay. All right. Who are you using
3 to put in -- well, let me back up. What is the other
4 statement that you're wishing to put in?

5 MS. PRICE: There are a few things. Your Honor,
6 the State would seek to admit through the records
7 custodian at the jail an image of the person of
8 interest who resembles the victim in this case. We'll
9 also be seeking to admit a photograph of the victim in
10 this case through a friend of his who was an eyewitness
11 to this case as well. And then we'll have both of
12 those images.

13 Further, your Honor, Investigator Barton reviewed
14 video from AnMed Hospital which shows the defendant's
15 brother at the hospital that night with his injury.
16 Investigator Barton identified him as the individual on
17 that video. And, your Honor, under 701, and, of
18 course, it depends on how Mr. Bennett answers my
19 questions, based on his -- based on his observations of
20 this defendant making statements that he had gotten
21 revenge that night and based on him having knowledge of
22 the event that happened the night before, I intend to
23 ask Mr. Bennett if he has an opinion as to who the
24 defendant was speaking about. And I'd be happy to
25 explain to the Court how I believe that comes in under

1 701.

2 THE COURT: All right. I'll be happy to hear
3 that, Ms. Price.

4 MS. PRICE: Okay. Your Honor, Rule 701 says that
5 witness testimony in the form of opinions or inference
6 is limited to those which are, (a) rationally based on
7 the perception of the witness. Your Honor, the
8 witness, David Bennett, observed the defendant's
9 brother the night of this incident, number one, talking
10 about what happened the night before and who had shot
11 him, and, number two, saw the injury to that
12 individual, saw the bandaging from his gunshot wound.
13 So he does have personal knowledge and did observe it
14 with his own eyes and senses.

15 And then (b) under 701 says it is limited to
16 things that are helpful to a clear understanding of the
17 witness' testimony or the determination of a fact in
18 issue. And the identity of the person who resembles
19 our victim who was not the target, you know, this is
20 the target, this is the individual who Mr. Patterson
21 was seeking to exact revenge on. He shot the wrong
22 person. And that goes to a fact at issue in this case.
23 It doesn't require any special knowledge, skill,
24 experience or training for him to testify to those
25 things. He perceived them himself. He has a rational,

1 personal basis for the testimony.

2 THE COURT: Thank you.

3 MS. PRICE: Yes, sir.

4 THE COURT: Mr. Byrholdt.

5 MR. BYRHOLDT: What I'm concerned about is we're
6 going to get into an incident that happened totally
7 unrelated to this incident a day before. And I'm just
8 thinking it could open up some doors. If the State
9 opens the doors, I'm going to plow through them, your
10 Honor.

11 As far as the pictures that they say resemble --
12 the witness resembles the victim, I'd ask the Court to
13 review those and see if there's any resemblance.

14 THE COURT: Is there any statement -- again, I
15 want to make sure I understand exactly what the two of
16 you are talking about.

17 Is there any statement by the defendant, other
18 than the one you alleged that he made earlier, is there
19 any statement regarding this photograph?

20 Mr. Byrholdt, are you aware of it?

21 MR. BYRHOLDT: No, sir. The only statement I got
22 is what they provided.

23 MS. PRICE: I'm sorry, any statement regarding a
24 photograph?

25 THE COURT: Now, you're wanting to put in

1 Mr. Bennett's testimony that the photograph of the --

2 MS. PRICE: No, sir. I will call a separate
3 witness who is named Corlandus Hamilton who the Court
4 has not heard from who was also present that night but
5 was on the street standing next to the victim in this
6 case. He will say that the two individuals that were
7 shot that night were targeted, that it appeared that he
8 was shooting the people who had dreadlocks and were of
9 a certain appearance.

10 The intended target under this motive has that
11 exact appearance. And that individual also can testify
12 that he knows the individual who was the intended
13 target personally and he knows the victim in this case
14 personally, and that they physically resemble each
15 other and he's familiar with their images. So I think
16 that he can testify as to those personal observations.
17 I'm not going to ask him who a target was or anything
18 like that.

19 Now, for the Court's edification, they all know
20 that that's the case, but I have been very careful with
21 what I'm going to elicit from each individual to fall
22 under the rules. Any one of my eyewitnesses would be
23 happy to testify that they heard or they know that
24 Hitman, Jarkeelas Lee, was the intended target of this
25 man that night.

1 THE COURT: Well, but you don't have any statement
2 by the defendant?

3 MS. PRICE: No, sir. What I have --

4 THE COURT: You are drawing an inference that
5 since the photographs are similar, that these people
6 believed that the defendant was after the wrong person,
7 is that what you're --

8 MS. PRICE: Under Investigator Barton, I intend to
9 elicit that a person of interest was developed in that
10 case. Now, I will not get into hearsay. I think that
11 all that Investigator Barton can say is that he
12 determined the person who had been shot the night
13 before was this defendant's brother, number one.
14 Number two, that was a person who was a person of
15 interest as the shooter in that case developed, yes.
16 That individual has not been charged, but he is the
17 person of interest in that case.

18 THE COURT: But how do you get into what the word
19 on the street was without it being hearsay?

20 MS. PRICE: Well, by only simply asking Danny
21 Barton, "Was there a person of interest in that case?"
22 "Yes." "Who was it?" The identity only.

23 THE COURT: All right. This is what I'm going to
24 do. The defendant's statement will come in.

25 MS. PRICE: Yes, sir.

1 THE COURT: It is part of the hearsay exception
2 statement against interest.

3 MS. PRICE: Yes, sir.

4 THE COURT: Mr. Bennett would be allowed to
5 testify to anything that he is a personal witness of,
6 has personal knowledge of. If he saw the wounds, he
7 certainly can testify to that. However, you're going
8 to have to lay significant foundation before I'm going
9 to allow any of the rest of that in.

10 MS. PRICE: Yes, sir.

11 THE COURT: I'm having a hard time grasping how
12 that comes in. I understand your theory, but you're
13 going to have to lay some more foundation for that.
14 Okay?

15 MS. PRICE: Yes, sir. With regard to the
16 photographs, is that --

17 THE COURT: That includes the photographs. I'm
18 not going to allow that at this point. I'm going to
19 give you the opportunity to explore that a little more
20 with foundation, but I do not see, unless you can draw
21 a direct link between the defendant and the
22 photographs, which your witness may be able to do, I
23 don't know what your witness is going to testify to
24 until they testify. And if they have an objection, you
25 may have to proffer some of that. But at this point

1 I'm not going to allow the photograph.

2 MS. PRICE: Okay.

3 THE COURT: Anything further before we bring our
4 jury in?

5 MS. PRICE: Yes, sir. Just for the record,
6 Mr. Byrholdt and I have agreed to stipulate to the
7 chain and the authentication of the fingerprint cards
8 and pulls in this case, and we are going to review that
9 and make sure that we're on the same page and get that
10 to the Court.

11 MR. BYRHOLDT: The prints were pulled off the car,
12 and that they don't match my client.

13 MS. PRICE: Yes.

14 THE COURT: So --

15 MS. PRICE: As well as the chain.

16 THE COURT: So stipulated.

17 MS. PRICE: And then, finally, I think that
18 Mr. Byrholdt intended to put something on the record.

19 MR. BYRHOLDT: Yes.

20 Your Honor, the State hired an expert of cell
21 phone -- I'll call them cell phone location alleged
22 expert on April 13th, issued a report a few days later.
23 It was given to me a little over a week and a half ago.
24 Over this weekend I was given additional information
25 that Mr. Slovenski is going to testify to. I discussed

1 that with my client. I told him we probably had a
2 right to move for a continuance to allow me time to get
3 an independent evaluation done of that evidence or
4 prospective evidence. He does not want to put this
5 off. He wants this trial to go forward, and we're
6 doing that. I just don't want it -- there is a case on
7 point that says I have a duty to have an independent
8 expert. I don't think it's going to solve anything in
9 this case because they're not using it to pinpoint
10 locations, just areas the cell phone usage occurred in.

11 MS. PRICE: General areas.

12 MR. BYRHOLDT: Right.

13 THE COURT: So you're wishing to proceed today?

14 MR. BYRHOLDT: We want to go forward today.

15 THE COURT: All right. So noted. All right.

16 Anything further before we bring our jury in?

17 MS. PRICE: Nothing from the State at this time,
18 sir -- oh, I'm sorry. There is one more stipulation.

19 Mr. Byrholdt and I have agreed that one projectile
20 which was handed to a detective by a lay witness is
21 irrelevant.

22 MR. BYRHOLDT: It was done after the fact. It
23 does not have any bearing on this case.

24 MS. PRICE: I has no bearing on this case. We'll
25 draw up something short. Now, it did happen to be

1 taken with the rest of the ballistics to be tested in
2 Greenville. I can either instruct my witnesses to
3 simply avoid bringing that up, or if Mr. Byrholdt has
4 no issue, we can just read that stipulation into the
5 record.

6 MR. BYRHOLDT: That will be fine.

7 MS. PRICE: And that way the witnesses won't get
8 confused.

9 THE COURT: Right. Let Mr. Byrholdt read it into
10 the record.

11 MS. PRICE: We'll draft it and have it read into
12 the record.

13 THE COURT: All right.

14 Get our jury for us, please, sir.

15 (WHEREUPON, the jury entered open court at
16 3:05 p.m.)

17 THE COURT: Ladies and gentlemen, we appreciate
18 your patience. I know we said we were going to start
19 at 2:15. We have had a number of issues that we had to
20 deal with, legal issues. And let me just interject at
21 this point when we have issues -- yes, sir.

22 JUROR: My hearing is not good.

23 JUROR: We can't hear at all.

24 THE CLERK: That was my fault.

25 THE COURT: They fuss at me. They say I don't

1 talk into the microphone. I'll make an effort. We had
2 trouble with the other microphone as well.

3 Whenever we have issues that are legal issues as
4 to whether something is admissible or whether something
5 can be done in court, those issues have to be taken up
6 outside of your presence. That's not to hide things
7 from you. It's just to ensure that each side receives
8 a fair trial. And so when we have these issues, we try
9 to keep you aware of when we're going to be doing
10 something in the courtroom. And hopefully we're going
11 to keep your time sitting back there to a minimum, but
12 we appreciate your patience this afternoon.

13 So is the State ready to proceed?

14 MS. PRICE: Yes, sir, we are.

15 THE COURT: Before we get started, I received a
16 question about notes. I do not allow note-taking. I
17 adhere to the traditional rule. There may be some
18 judges that do. I don't allow notes for the simple
19 reason that some people are good note-takers and some
20 people are not good note-takers. I was always one of
21 the ones that didn't take good notes in school.

22 Your deliberations at the end should not turn into
23 a contest between those who take good notes and those
24 who do not. There are also times in the trial when the
25 demeanor or the appearance of a witness can be

1 something that's important to you. And if your head is
2 buried in a notepad taking notes, you may miss
3 something in the trial that's important. So that's the
4 rationale behind it.

5 So we will proceed now with opening statements.

6 Ms. Price.

7 MS. MOORE: May it please the Court.

8 THE COURT: Or Ms. Moore.

9 MS. MOORE: On the evening of June 7, 2014,
10 Brandon Willingham and Rayshawn Cowan were hanging out
11 with a group of friends on Oliver Street. Brandon, a
12 local rap artist, was scouting locations for his next
13 music video.

14 Shortly after Brandon arrived on Oliver Street,
15 the group noticed a boxy silver vehicle pull up.
16 Inside that vehicle this defendant, Royres Patterson,
17 leaned out the window and fired a series of shots into
18 the crowd. Rayshawn Cowan was hit four times but
19 survived. Brandon was not as lucky. He died later
20 that evening from a single gunshot wound to the
21 abdomen.

22 For those actions this defendant, Royres
23 Patterson, was charged with the murder of Brandon
24 Willingham, the attempted murder of Rayshawn Cowan and
25 possession of a weapon during the commission of a

1 violent crime.

2 It's our job as prosecutors to prove that
3 Mr. Patterson is guilty of each of those three crimes
4 beyond a reasonable doubt. Now, that's a heavy burden,
5 but it is a burden that we welcome. To help us meet
6 that burden, you're going to hear live testimony.
7 You're going to hear from law enforcement officials and
8 from experts. You're going to hear from lay witnesses
9 and from eyewitnesses. But perhaps most importantly,
10 you're going to hear from two men, Terennce West and
11 David Bennett, the two men who were in the car with
12 Royres Patterson that evening when he committed these
13 crimes. Terennce West, the driver, and David Bennett,
14 the backseat passenger, will tell you exactly what they
15 remember from that evening.

16 Over the coming days, we ask that you listen
17 closely to the testimony and examine all of the
18 evidence presented to you, use common sense and judge
19 for yourself what you really think happened that
20 evening. Thank you for your patience and for your
21 time, and at the close of the evidence we feel that you
22 must find Royres Patterson guilty of all charges.
23 Thank you.

24 THE COURT: Mr. Byrholdt.

25 MR. BYRHOLDT: May it please the Court.

1 Well, I disagree with one thing the solicitor just
2 said. It's not what you think happened. Under the
3 oath you took, it's what the State proves from the
4 evidence they submit or the evidence they failed to
5 provide you.

6 I think this -- I've been practicing 36 years. I
7 think this is one of the most important cases I've seen
8 come through this courthouse. Because what's on trial
9 is not just Royres Patterson but our system of justice.
10 And whether the people charged with investigating
11 crimes do their job. This case will amaze you by the
12 time it's over.

13 The State has two eyewitnesses that they claim saw
14 Royres shoot a gun hitting one man wounding him,
15 killing another man. That night was a tragedy here in
16 Anderson. And it's happening all too frequently. You
17 took an oath to make the State prove their case, each
18 and every element, beyond a reasonable doubt.

19 You're going to hear there were gunshots fired
20 from this car but no gun powder residue tests were done
21 on the car. You're going to hear they took
22 fingerprints off the car, the car they claim
23 Mr. Patterson was in. They found 16 prints. None of
24 them match Mr. Patterson. They've got two
25 eyewitnesses. You're going to pass on what's called

1 their credibility or believability. Look them in the
2 eye, listen to them, watch them because anybody can say
3 anything. Two people could point at anybody and say he
4 did it. Eyewitness testimony is probably the most
5 unreliable testimony in the world, one, for just
6 mistakes or, two, somebody is just not telling the
7 truth. Fingerprints don't lie. Fingerprints aren't
8 identical. Gunshot residue doesn't lie. The forensic
9 evidence, if you've got an honest examiner, doesn't
10 lie.

11 That's what this case is going to be about, ladies
12 and gentlemen. We chose you jurors to be the
13 fact-finders. And all we ask you to do is pay close
14 attention, take your oath seriously and make the State
15 prove each and every element of this case beyond a
16 reasonable doubt. That's the kind of doubt that would
17 cause an ordinary person to hesitate to act. That can
18 come from lack of evidence, a lack of believable
19 evidence.

20 We're going to try to move this case along as
21 quickly as possible. No one wants to be up here, but
22 this is the most important duty you can serve other
23 than serving in the military. This is your country.
24 This is your community, and we want to make sure our
25 system of justice is done right. On behalf of Royres

1 and his family, we thank you for the close attention
2 you're going to pay to this case.

3 THE COURT: Ms. Price, call your first witness.

4 MS. PRICE: Thank you, your Honor. The State
5 calls Kevin Looney to the stand.

6 KEVIN LOONEY,

7 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

8 THE CLERK: If you would take the witness stand
9 and state your name and spell your last name for the
10 record, please.

11 THE WITNESS: Yes, sir. My name is Kevin Looney,
12 L-o-o-n-e-y.

13 DIRECT EXAMINATION

14 BY MS. MOORE:

15 Q Deputy Looney, by whom are you employed?

16 A Anderson County Sheriff's Office.

17 Q Okay. And how long have you been with the
18 sheriff's office?

19 A This present time, six months.

20 Q And what is your current position?

21 A Road deputy.

22 Q And was that your position in the sheriff's office
23 in June of 2014?

24 A I was a training officer assigned to bravo shift
25 at that present time.

1 Q Prior to working at the sheriff's office, where
2 did you work?

3 A I started in 2006 with the Belton Police
4 Department, went from there in 2008 to Anderson City
5 where I served as a corporal also on the SWAT team.
6 And 2011, moved to Anderson County Sheriff's Office to
7 2015 where I moved to Williamston as a sergeant, and
8 then came back from Williamston just this last year,
9 end of 2015, to the sheriff's office.

10 Q And is that the reason for your change in title?

11 A Yes.

12 Q What are your duties and responsibilities -- or,
13 excuse me, what were they as a corporal?

14 A As a corporal on bravo shift, I was responsible
15 for training new deputies assigned to bravo shift as a
16 road deputy/corporal. I also was on the canine
17 tracking team as a certified team and tracker.

18 Q On June 7, 2014, did you have occasion to go to
19 the area of Hall and Oliver Streets?

20 A Yes, ma'am.

21 Q Is that in Anderson County?

22 A It is.

23 Q Can you describe kind of the layout of the streets
24 in that area for me?

25 A Yes, ma'am. Hall Street and Oliver Street

1 intersect with Belton Street. Oliver Street turns off
2 of Hall and is a dead-end. Off of that runs Perry
3 Street and runs back out into Hall Street. It's
4 commonly known on the street as the horseshoe.

5 Q Okay. And who called you to the scene that night?

6 A We received a call from dispatch to respond out
7 there.

8 Q Okay. And why were you responding?

9 A Dispatch had received a call from AnMed security
10 saying they had two gunshot victims show up, and one of
11 the victims had stated that the shooting occurred near
12 the intersections of Hall and Oliver Street.

13 Q And at any point while you were on scene, were you
14 informed that one of the victims was deceased?

15 A I was.

16 Q Aside from yourself, who was present at the scene
17 when you arrived?

18 A Shortly after I arrived, Deputy Turner, Craig
19 Turner, arrived and assisted me in securing the crime
20 scene. After that was Lieutenant Payne and I believe
21 Deputy David Stykes arrived shortly after that. And
22 then after we were there, we called in investigations,
23 which Investigator Barton, Investigator Owens and
24 Investigator Hill responded.

25 Q Okay. Would anyone have come and taken in for

1 Officer Turner?

2 A Yes, ma'am. Deputy Jamie Turner from animal
3 control came and relieved him so he can get him back in
4 service to answer more calls.

5 Q Would anyone from forensics have responded at some
6 point in the night?

7 A Yes, ma'am. I believe Deputy Gregory responded,
8 Investigator Gregory, to collect everything.

9 Q And when you arrived at the horseshoe, what did
10 you do?

11 A Initially, we started looking for crime scene at
12 which point in time we did locate some items, and we
13 roped off the area and secured it to where no outside
14 traffic, foot traffic, could go through that area and
15 disturb the crime scene.

16 Q So can you kind of describe -- you described the
17 layout of the streets for me before. Can you describe
18 what areas you closed off?

19 A Yes, ma'am. If you come down Hall Street and
20 Oliver turns off to your right, we closed off from that
21 intersection to Perry Street which is pretty much all
22 of Oliver Street just to make sure that there was no --
23 it was not disturbed in any way, shape, fashion or
24 form.

25 Q Okay. And what, if anything, did you find within

1 that roped-off area?

2 A When we initially started looking, we found some
3 shell casings on the side of the road of Oliver Street
4 closer to the side of the road and what looked to be
5 blood on the pavement.

6 Q Okay. And where in the roadway did you find those
7 shell casings?

8 A They were on the side of the road coming out of
9 Oliver Street heading back towards Hall Street. They
10 were on the right-hand side of the road closer to where
11 the ditch would be.

12 Q Were they all grouped together or --

13 A No, ma'am. They were sporadic, had some distance
14 between them.

15 Q Did you collect those shell casings?

16 A I did not.

17 Q Why not?

18 A As road detectives, we do not collect evidence
19 pertaining to this type of case. We leave that to
20 investigations to call in forensics to collect those.

21 Q Okay. So what did you do with them until
22 forensics arrived?

23 A We left those in place.

24 Q Okay. Did you make sure that they were
25 undisturbed?

1 A Yes, ma'am.

2 Q Would you have pointed those shell casings out to
3 anyone later?

4 A Yes, ma'am. Investigations, when they arrived,
5 would be made aware of where they were at.

6 Q Okay. I'm going to show you some pictures.

7 Deputy, I'm showing you what's been marked as
8 State's Exhibit 5 and 6. Can you examine those,
9 please?

10 A Yes, ma'am.

11 Q Do you recognize those?

12 A Yes, ma'am.

13 Q Were you present when those photographs were
14 taken?

15 A No, ma'am.

16 Q You were not. Do the photographs fairly and
17 accurately depict the scene as you remember it?

18 A Yes, ma'am.

19 Q And do they appear to have been changed or altered
20 in any way?

21 A Not to my knowledge.

22 MS. MOORE: Your Honor, I ask that State's
23 Exhibit 5 and 6 be admitted into evidence and published
24 to the jury.

25 MR. BYRHOLDT: Without objection.

1 THE COURT: State's Exhibit Number 5 and Number 6
2 will be admitted without objection.

3 (WHEREUPON, State's Exhibit Number 5 was admitted
4 into evidence.)

5 (WHEREUPON, State's Exhibit Number 6 was admitted
6 into evidence.)

7 MS. MOORE: If you would come down here with me.

8 Q I'm just going to have you walk through these
9 pictures with me.

10 THE COURT: Richard, does this work, my screen
11 here? I can't see that.

12 MS. MOORE: These don't work right here. I don't
13 believe they have ever been in operation.

14 MR. BYRHOLDT: May it please the Court. Can I
15 have permission to stand over here?

16 THE COURT: Mr. Byrholdt, you can stand over here
17 to see.

18 MR. BYRHOLDT: I just want to be able to see.
19 Okay.

20 MS. MOORE: I apologize, Judge.

21 THE COURT: Go ahead.

22 BY MS. MOORE:

23 Q Okay. Deputy, can you tell me what this is a
24 picture of?

25 A Yes, ma'am. This is a picture of Oliver Street,

1 pictured from right there at the intersection of Hall
2 Street heading towards Perry Street.

3 Q Okay. And when you say that you roped this area
4 off, which portion did you -- when you first arrived on
5 scene, who were the two people who secured the scene?

6 A Myself and Deputy Craig Turner.

7 Q And you would have been standing where?

8 A This was taken approximately where my vehicle was
9 located.

10 Q Okay.

11 A Closest crime scene tape is where I would have put
12 it up. And in the background, I don't know if you can
13 see it on the picture.

14 Q Here?

15 A Yes, ma'am. That is where Deputy Turner's vehicle
16 is at, there on the back side where he secured that
17 side.

18 Q Okay. And in this picture, can you see where it
19 was roped off on the side?

20 A Yes, ma'am.

21 Q Okay. Is that that area?

22 A Correct. That was where the blue house was at,
23 and there was a fence that had been put down, and
24 that's why we put crime scene tape up there.

25 Q And where was -- you said you roped off the entire

1 area. Where else -- did you rope anywhere else?

2 A Yes, ma'am. In between this brick house on the
3 left and the white house there in the background, there
4 was also crime scene tape put in between the two of
5 those to secure the area.

6 Q Okay. And can you tell me what is -- what the
7 yellow markers are for?

8 A Yes, ma'am. Some of the yellow markers were that
9 of the shell casings that we located and also what
10 looked to be blood.

11 Q Okay. You can have a seat back on the stand for
12 me.

13 Deputy, did you speak with anyone not law
14 enforcement-related while you were on the scene?

15 A I did. I spoke with a Mr. Hamilton that
16 approached me during the -- while we were securing the
17 scene, he approached me.

18 Q And what was his appearance? What was his
19 demeanor?

20 A He seemed to be shocked, disturbed by something.

21 Q And did you detain him?

22 A I did not.

23 Q Did you speak with him in any way?

24 A I did. I asked him what he had seen.

25 Q Okay. Did he make any statements to you on the

1 scene?

2 A He did.

3 Q And what was that statement?

4 A He stated that he had --

5 MR. BYRHOLDT: Object, your Honor. Hearsay,
6 unless the State intends to call him as a witness.

7 MS. MOORE: Your Honor, we do intend to call
8 Mr. Hamilton as a witness; however, this leads to the
9 next step in his investigation.

10 MR. BYRHOLDT: That's fine with that
11 understanding, they're going to call him.

12 THE COURT: Okay. So is the objection withdrawn?

13 MR. BYRHOLDT: Yes, sir.

14 THE COURT: Okay. Go ahead.

15 BY MS. MOORE:

16 Q What statement did Mr. Hamilton make to you that
17 evening?

18 A Mr. Hamilton stated that he was present in the
19 area and observed a box-style silver vehicle come down
20 Oliver Street heading towards Hall Street at which
21 point in time he stated it was occupied with three
22 black males, and the front seat passenger had held the
23 gun out the window and started firing at a group of
24 black males standing on the side of the road. He
25 described it to me on scene. He said it's the style of

1 vehicle, looked like the hamster car from the
2 commercials where the hamsters are driving the box
3 vehicles. That's what he described it as.

4 Q Okay. And based on your conversation with him,
5 did you develop a suspect vehicle in this case?

6 A I did. And we BOLO'd it out.

7 Q And what did you do with Corlandus Hamilton, if
8 anything, when you were done speaking with him?

9 A I asked him if he would mind sitting in the rear
10 seat of my car, not detained, not handcuffed, to where
11 I could keep him isolated from anybody speaking to him
12 until investigations could arrive to speak with him.
13 That way his testimony wouldn't be or his actions
14 wouldn't be tainted by anybody else talking with him or
15 confusing what he might have seen.

16 Q Did you see him speak with anyone else before he
17 spoke to investigations?

18 A I did not.

19 Q What, if anything, did you do next?

20 A I remained on scene until I was relieved by
21 investigations.

22 Q Okay. And did anyone cross the scene tape while
23 you were there other than law enforcement?

24 A No not to my knowledge.

25 Q To the best of your recollection, was the scene

1 secure and untainted?

2 A Yes, ma'am.

3 Q Other than coming here to testify today, did you
4 have any other involvement in this case?

5 A I did not.

6 Q Thank you. Please answer any questions
7 Mr. Byrholdt may have for you.

8 MR. BYRHOLDT: May it please the Court.

9 CROSS-EXAMINATION

10 BY MR. BYRHOLDT:

11 Q Deputy Looney, Mr. Hamilton described a very
12 specific type of car, didn't he?

13 A He did.

14 Q The hamster commercial. Are you familiar with
15 that commercial?

16 A Yes, sir.

17 Q It's Kia Soul, right?

18 A Yes, sir.

19 Q Silver Kia Soul. And when the call came into 911,
20 that's what was described is the vehicle containing the
21 alleged gunman was a silver Kia Soul, correct?

22 A I don't know. I can't recall if they did that on
23 the 911 call, but that's what he described it as to me.

24 MR. BYRHOLDT: May I approach, your Honor?

25 THE COURT: Yes, sir.

1 BY MR. BYRHOLDT:

2 Q Hand you the case report. Look at the top
3 sentence with the call-in. If you could read that to
4 the jury.

5 A Says, "Per Robert 31, suspect vehicle, silver Kia
6 Soul occupied with three black males. Shooter is the
7 right seat passenger."

8 Q No question, silver Kia Soul. Do you, by chance,
9 know the type of the car that Mr. West was driving that
10 night allegedly?

11 A No, sir, I'm not.

12 Q Would it surprise you it's a Mitsubishi sedan?

13 A Poorly lit area, I can't speculate.

14 Q Okay. Poorly lit area. Somebody says it's a Kia
15 Soul, and then it turns into a Mitsubishi sedan.

16 That's your answer, it's a poorly lit area?

17 A I can't answer for that.

18 Q Would that surprise you?

19 A Not necessarily.

20 Q Okay. Thank you, Deputy Looney.

21 THE COURT: Anything further from this witness?

22 REDIRECT EXAMINATION

23 BY MS. MOORE:

24 Q Deputy, the witness didn't tell you the make and
25 model, did he?

1 A He did not. He described that to me as the
2 hamster car. Being familiar with that as I am, I
3 BOLO'd that out on the radio. That transcription was
4 actually from our dispatch is what I said over the
5 radio and not the initial 911 call.

6 Q So that BOLO was -- was that your guess based on
7 the description of the car?

8 A Correct.

9 Q Okay.

10 MS. MOORE: I have nothing further.

11 THE COURT: Anything further?

12 RECROSS-EXAMINATION

13 BY MR. BYRHOLDT:

14 Q It was based on what Mr. Hamilton told you and the
15 hamster car is a pretty specific commercial, right?

16 A Yes.

17 Q Kia Soul, not a Mitsubishi sedan?

18 A Correct.

19 Q Small box-like vehicle?

20 A Correct.

21 MR. BYRHOLDT: Thank you.

22 MS. MOORE: Nothing further, Judge.

23 THE COURT: Any objection to this witness being
24 excused?

25 MS. MOORE: No objection, your Honor.

1 MR. BYRHOLDT: None whatsoever.

2 THE COURT: Thank you, Officer. You are excused.

3 THE WITNESS: Thank you, your Honor.

4 MS. MOORE: State calls James L. White, Jr.

5 JAMES L. WHITE, JR.,

6 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

7 THE CLERK: If you would take the witness stand,
8 please, sir, and state your name and spell your last
9 name for the reporter, please.

10 THE WITNESS: James L. White, Jr., W-h-i-t-e.

11 DIRECT EXAMINATION

12 BY MS. MOORE:

13 Q Mr. White, what is your occupation?

14 A Human resources director for Unaflex.

15 Q And how long have you been with Unaflex?

16 A Nine years.

17 Q Can you tell me what Unaflex does?

18 A We're a manufacturing facility.

19 Q What do you manufacture?

20 A Expansion joints.

21 Q Okay. And how long have you been open?

22 A Company has been in Anderson about 12 years. They
23 have been in operation for about 50 years.

24 Q Okay. Do your duties as the human resource
25 director include any responsibility for records of

1 employee timecards?

2 A Yes, ma'am.

3 Q Are you the keeper and supervisor of those cards?

4 A Yes, ma'am.

5 Q How do Unaflex employees keep the time shown on
6 their timecards?

7 A They have timecards that they swipe a reader that
8 keeps it on the computer system.

9 Q And are those timecards kept in the regular course
10 of business?

11 A Yes.

12 Q What happens to the timecards after they're
13 prepared by the employees?

14 A Payroll is run, hours calculated, employees paid.

15 Q Does anyone check back over the timecards?

16 A Supervisor looks at the timecards each -- in the
17 computer system each day and verifies that they're
18 correct.

19 Q Okay. And for what period of time does Unaflex
20 keep those timecards?

21 A At least five years.

22 Q Okay. You were recently served with subpoena
23 requiring the production in court today of all
24 timecards for Terennce West from May 29th to June 18th
25 of 2014; is that correct?

1 A Yes, ma'am.

2 Q Okay. And what procedure did you follow in
3 responding to that subpoena?

4 A Went into the computer system and did a query and
5 run a printout for those time sheets for those three
6 weeks.

7 Q And what, if anything, did you produced?

8 A Three sheets for Mr. West and three sheets for
9 Mr. Patterson showing their times for those three
10 weeks.

11 (Cell phone interruption.)

12 THE COURT: Everyone make sure your cell phone is
13 cut off.

14 BY MS. MOORE:

15 Q Mr. White, I'm showing you what's been marked as
16 State's Exhibit 12. Can you examine that, please. Can
17 you identify this for me?

18 A Yes, ma'am. It's three time sheets. First one is
19 for the week beginning Thursday May 29, 2014, through
20 Wednesday, June 4th, 2015. Second one is the pay
21 period beginning June 5th, 2014, through Wednesday,
22 July 11th, 2014. Third one is pay period that begins
23 on June 12th, Thursday, June 12th and runs through
24 Wednesday, June 18th, 2014.

25 Q Okay. And can you tell by looking at those

1 exhibits to whom those timecards belong?

2 A Terennce West.

3 Q And since these timecards were submitted, have
4 they been changed or altered in any way?

5 A No.

6 MS. MOORE: I ask that Exhibit 12 be admitted into
7 evidence and published to the jury.

8 MR. BYRHOLDT: Without objection.

9 THE COURT: State's Exhibit 12 would be admitted
10 without objection.

11 (WHEREUPON, State's Exhibit Number 12 was admitted
12 into evidence.)

13 BY MS. MOORE:

14 Q Mr. White, you were recently served with a
15 subpoena requiring the production of all timecards for
16 Royres Patterson from May 29th to June 14, 2014?

17 A Yes, ma'am.

18 Q What procedure did you follow in responding to
19 that subpoena?

20 A I also ran a query for Mr. Patterson, ran one for
21 the week beginning May 29th through June 4th, second
22 one was from June 5th through June 11th, third one was
23 from June 12th through 18th.

24 Q What, if anything, have you produced today?

25 A Three time sheets.

1 MR. BYRHOLDT: No objection.

2 THE COURT: State's Exhibit 13 will be admitted
3 without objection.

4 (WHEREUPON, State's Exhibit Number 13 was admitted
5 into evidence.)

6 BY MS. MOORE:

7 Q I'm handing you State's Exhibit 13. And can you
8 tell by looking at that exhibit to whom it belongs?

9 A Royres Patterson.

10 Q And since the timecards were submitted, have they
11 been changed or altered in any way?

12 A No, ma'am.

13 MS. MOORE: And they have already been submitted,
14 your Honor?

15 THE COURT: Yes.

16 MS. MOORE: Okay.

17 Q Look again for me at State's Exhibit 12. Come on
18 down off the witness stand for me. Okay.

19 I'm showing you again State's Exhibit 12. Can you
20 tell me to whom those timecards belong?

21 A Terennce West.

22 Q Okay. And can you show me how you know that?

23 A See the total for the week is 48 hours for that
24 week, the second week is 46 hours.

25 Q Uh-huh.

1 A Third week is 14 and a half hours.

2 Q Okay. And where is Mr. West's name on this time
3 sheet?

4 A Here.

5 Q Okay. And on the timecard, this first one dated
6 5/29 through 6/4, how many hours did you say Terennce
7 West worked?

8 A 48.

9 Q Okay. And what days did he work that week?

10 A He worked Thursday, Friday, Saturday, Monday,
11 Tuesday and Wednesday.

12 Q Okay. And on the timecard dated 6/5 through 6/11,
13 how many days did he work that week?

14 A He worked five.

15 Q Five. And which days were those?

16 A Thursday, Friday, Monday, Tuesday and Wednesday.

17 Q Okay. And on the card dated 6/12 through 6/18,
18 how many hours did he work?

19 A 14 and a half.

20 Q Do you know why he worked so few this week?

21 A Yes.

22 Q Why?

23 A He worked a regular shift on Thursday and then
24 approximately 2:00 p.m. on the 13th he was arrested on
25 the plant property.

1 Q In relation to this case?

2 A Yes.

3 Q Okay. I'm showing you what's been marked as
4 State's Exhibit 13. Can you tell me who this timecard
5 belongs to?

6 A Belongs to Royres Patterson.

7 Q Is that how you know that?

8 A Yes.

9 Q Okay. And on the timecard dated 5/29 through 6/4,
10 how many hours did Mr. Patterson work that week?

11 A 40.

12 Q Okay. And what days did he work?

13 A Thursday, Friday, Monday, Tuesday and Wednesday.

14 Q Okay. On the timecard dated 6/5 through 6/11?

15 A He worked two days, eight hours each day, Thursday
16 and Friday, the 5th and the 6th.

17 Q Okay. Was he scheduled to work any other days
18 that week?

19 A Monday, Tuesday. Wednesday he was absent.

20 Q And how do you know, from these?

21 A Yes.

22 Q Okay. And what was the date of that Monday?

23 A June 9th.

24 Q Okay. And on the timecard from June 12th to
25 June 18th, how many hours did Mr. Patterson work?

1 A Zero.

2 Q Was he scheduled to work?

3 A Yes.

4 Q Okay. As far as you were aware, did Mr. Patterson
5 work at all beyond June 6, 2014?

6 A No, ma'am.

7 Q Okay. Thank you. You may have a seat.

8 I have no further questions for you. Please
9 answer any Mr. Byrholdt may have.

10 MR. BYRHOLDT: May it please the Court.

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. BYRHOLDT:

14 Q On State's Exhibit 13, Mr. Patterson was absent on
15 Monday, Tuesday and Wednesday, the 9th, 10th and 11th?

16 A Yes, sir.

17 Q Did you guys call and check on him?

18 A No, sir.

19 Q You don't do that, do you?

20 A No, sir.

21 Q I mean, they need to be at work, it's their
22 responsibility?

23 A Yes, sir.

24 Q All right. If you had to go to work tomorrow and
25 your house was shot up tonight and your car burned,

1 received threats, would you go to work or would you
2 maybe lay low?

3 A Possibly stay at home.

4 MR. BYRHOLDT: No further questions. Thank you,
5 sir.

6 MS. MOORE: Nothing further from the State, your
7 Honor.

8 THE COURT: Any objection to this witness being
9 excused?

10 MS. MOORE: None, your Honor.

11 MR. BYRHOLDT: Not from the defense.

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

13 MS. PRICE: Your Honor, the State calls Scotty
14 Hill to the stand.

15 **SCOTTY HILL,**

16 **BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

17 THE CLERK: If you will take the witness stand.
18 State your name and spell your last name for the
19 reporter, please.

20 THE WITNESS: My name is Scotty Hill, H-i-l-l.

21 **DIRECT EXAMINATION**

22 **BY MS. PRICE:**

23 Q Detective Hill, who do you work for?

24 A The Anderson County Sheriff's Office.

25 Q Okay. And in what capacity?

1 A I'm a detective with the criminal investigations
2 division.

3 Q What sort of duties and responsibilities are
4 associated with being a detective?

5 A My primary responsibility is property crime;
6 however, every six weeks we take on-call status, and
7 when you're on call, you take every kind of case that
8 comes in after 2 o'clock with the exception of
9 homicide. We have a separate on-call homicide unit.

10 Q Okay. And how long have you been in law
11 enforcement?

12 A Almost nine years now.

13 Q Did you respond to a call on June 7, 2014, that's
14 led you to be in court today?

15 A Yes.

16 Q What was the nature of that call?

17 A It was a shooting incident with a death involved.

18 Q And why did you respond that night?

19 A I was on call that night.

20 Q Was it initially called in as a homicide or as a
21 shooting, do you remember?

22 A I believe when I was called, it was already a
23 homicide, yes, ma'am.

24 Q And to where did you respond?

25 A The intersection of Hall Street and Oliver Street.

1 Q And what county is that located?

2 A Anderson County.

3 Q And approximately what time did you respond to
4 that scene, sir?

5 A It's about 10:30 or 11 o'clock at night.

6 Q Was anyone else on scene when you arrived from law
7 enforcement?

8 A Yes. There were several road patrol deputies,
9 primarily Corporal Looney who was the deputy I made
10 contact with when I respond -- when I arrived.

11 Q Okay. And what did you observe about the scene
12 when you arrived?

13 A The scene was secure. There was crime scene tape
14 up. It was dark outside, and there were several people
15 standing around on Hall Street, but the only people
16 inside the tape were law enforcement personnel. And I
17 did see some blood on the ground on Oliver Street.

18 Q Okay. And on what side of the street was that
19 blood, do you recall?

20 A Yes. It was closest to -- I guess if you turn
21 right onto Oliver Street from Hall Street, it would be
22 on your left-hand side.

23 Q Okay. And once you arrived, assessed the scene,
24 what did you do next?

25 A Corporal Looney first took me to his vehicle. He

1 had a witness secured in his vehicle. However, because
2 he was already isolated from everyone else, I decided
3 to canvass the area to speak with witnesses before
4 anyone started gossiping, before like they became
5 tainted or anything like that, try to speak with as
6 many people around as possible.

7 Q Okay. And did you speak with those individuals?

8 A I did. At first I tried to speak with several
9 people. They were in the driveway of Hall Street.
10 They told me they just arrived and they didn't see
11 anything. They wouldn't even give me their names or
12 anything, so I went ahead and made contact with the
13 residents of Hall Street, Howard Tate and Caroline
14 Vickery. Each of them told me they were inside but
15 they did hear about six gunshots.

16 Q Did they see anything?

17 A No, ma'am.

18 Q Only heard?

19 A Only heard, yes, ma'am.

20 Q Did you speak with anyone else?

21 A Yes. I went down to the Oliver Street and
22 spoke with Octavious Burris. He said he was also
23 inside but did hear about four gunshots, but that's all
24 he really knew. He was pretty upset. He said the
25 deceased was his cousin, so he wanted to get to the

1 hospital.

2 Q Did you speak with anybody on the scene that did
3 observe something?

4 A Yes. When I finished speaking with them, I went
5 back to Corporal Looney's vehicle and got the witness,
6 Corlandus Hamilton, and brought him back to my vehicle,
7 and we sat in my vehicle and did a recorded interview
8 with him.

9 Q Okay. So you took him from Corporal Looney's
10 vehicle to your vehicle?

11 A Right.

12 Q And recorded the interview?

13 A I did, yes, ma'am.

14 Q How did he behave? How was he acting?

15 A He was a little shaken, kind of a little nervous,
16 you know, like he just saw something.

17 Q Okay. After you spoke with him and recorded that
18 interview, what did you do next?

19 A After that, I wait for Detective Barton to arrive,
20 as he's the lead investigator, as well as forensics and
21 our on-call supervisor at the time, Sergeant Owens,
22 with the CID.

23 Q Is that standard procedure?

24 A Yes, ma'am. At that point, like I said, it was
25 Detective Barton's case so I wanted to await further

1 instruction from him.

2 Q You follow a hierarchy?

3 A Yes, ma'am.

4 Q Did you do anything else that night?

5 A I did obtain a search warrant for Hall Street.

6 Q Why?

7 A We believed the victims were in that yard when the
8 incident occurred.

9 Q Okay.

10 A And we wanted to gather evidence from that
11 property.

12 Q And what did you use as the basis for your search
13 warrant then?

14 A Based on them being in the yard as well as we did
15 observe -- observe what appeared to be a gunshot impact
16 to a door, a hole leading through the door facing
17 Oliver Street.

18 Q Did you find a projectile there?

19 A We did not find it inside, no.

20 Q Did you get the search warrant?

21 A I did, yes, ma'am.

22 Q Okay. And the judge signed it?

23 A Yes, ma'am, Judge Malone.

24 Q And did you -- were you involved at all in the
25 execution of that search warrant?

1 A I was present, but Detective Barton executed it.

2 Q Okay. And did you collect any evidence?

3 A I did not, no.

4 Q What did you do after the execution of the search
5 warrant?

6 A After that, Detective Barton and I went back to
7 the sheriff's office to kind of discuss a game plan for
8 what we were going to do later on that night, but we
9 received a call. Another incident occurred, and we had
10 to go handle that one.

11 Q So you immediately, after addressing this, had to
12 respond to another call?

13 A That's right.

14 Q About what time did you have to respond to that
15 other call, do you remember?

16 A It was probably around 5:00 in the morning. It
17 was still dark outside by the time I was in Townville,
18 so by the time we got there from Anderson, the sun had
19 started to rise, so I would say around 5:00-ish.

20 Q So this was an all-nighter?

21 A Right. Yes, ma'am.

22 Q And after that night, did you have any additional
23 involvement in this investigation?

24 A I did. Detective Barton had asked me to make
25 contact with the deceased victim's father.

1 Q Okay. Do you know his name?

2 A Kelly Willingham.

3 Q And why were you sent to speak with him?

4 A He had information pertinent to the investigation.

5 Q After speaking with him, were any leads developed
6 in this case?

7 A Yes. He gave me two names to follow up on.

8 Q What were those names?

9 A David Bennett and Rayshawn Patterson.

10 Q And what did you do with that information?

11 A I went back to Detective Barton and let him know.

12 Q Gave him that information?

13 A Right, yes.

14 Q Okay. Did you have additional involvement?

15 A Detective Barton did ask me to make contact with
16 David Bennett's grandfather to try to locate him, and
17 we did, but we weren't able to find him.

18 Q You contacted his -- you were in contact with his
19 grandfather but could not locate Mr. Bennett?

20 A David Bennett, yes.

21 Q Okay. And did you speak with anyone else?

22 A I did. I spoke with Latoreio Aiken at the
23 Anderson City Detention Center.

24 Q Yes.

25 A But he was in jail during the incident, and he

1 didn't give us anything relevant.

2 Q So that was a dead lead?

3 A Right.

4 Q Okay. Aside from coming to court today to
5 testify, did you have additional involvement other than
6 what we've gone over?

7 A No, ma'am.

8 Q Okay. Detective Hill, you're familiar with the
9 scene that evening?

10 A Yes, ma'am.

11 Q Okay. I'm showing you what's been previously
12 admitted into evidence as State's Exhibit 5 and 6.

13 A Okay.

14 Q Okay. Can you tell me, is that a true and
15 accurate representation of the scene as you remember it
16 that evening?

17 A Yes, ma'am. That's accurate.

18 Q Did you see anything in those photographs
19 specifically that you remember seeing that evening
20 pertaining to forensics?

21 A Yes. Forensics investigator marked all these
22 placards, used all these placards to mark evidence on
23 the ground.

24 Q Is there a home in any of those photographs that
25 you had any involvement in?

1 A Yeah. In fact, both of them. The brick house is
2 the Hall Street that we executed a search warrant
3 on, and then the other house is where I spoke with
4 Octavious Burris.

5 Q Would you step down and show the jury, please,
6 those two residences. And, Detective, we can use the
7 overhead.

8 A I'm sorry.

9 Q That's okay. Okay.

10 Detective, tell me again which residence you
11 executed the search warrant on.

12 A This brick house right there.

13 Q And you found a projectile or you found markings
14 of a bullet hole in a door?

15 A Right. This door right here.

16 Q And the house was searched?

17 A Yes, ma'am.

18 Q But no projectile was found?

19 A No, ma'am.

20 Q But the effort was made?

21 A Right.

22 Q And, again, you said that you spoke with another
23 individual?

24 A Right. Mr. Burris was at that house.

25 Q Okay. He didn't see anything?

1 A No, ma'am.

2 Q Okay. Did he hear something, though?

3 A Yes. He heard four gunshots, is what he said.

4 Q He said four gunshots?

5 A Yes, ma'am.

6 Q Is that the closest house to the incident
7 location?

8 A Just outside this picture right here is Hall
9 Street, which is where Mr. Tate and Ms. Vickery live.

10 Q And they also said they heard gunshots?

11 A Yes, ma'am.

12 Q All right. Please answer any questions that
13 Mr. Byrholdt may have for you at this time.

14 A Okay.

15 MR. BYRHOLDT: May it please the Court.

16 CROSS-EXAMINATION

17 BY MR. BYRHOLDT:

18 Q So you executed a search warrant at Hall
19 Street?

20 A I obtained the search warrant. Detective Barton
21 executed it, yes, sir.

22 Q You weren't with him?

23 A I was present, but he did the executing of it.

24 Q Anything found in that house?

25 A There were --

1 Q Guns?

2 A There were guns, yes, sir.

3 Q Drugs?

4 A I believe there were drugs. The drugs, I believe,
5 were found in a vehicle.

6 Q Ammunition?

7 A Yes, sir. I believe so.

8 Q .38 caliber or .40 caliber, 9mm?

9 A Yes, sir.

10 Q Whose house was it?

11 A I don't know.

12 Q You could not determine whose house it was?

13 A No, sir.

14 Q It was empty?

15 A When we were there, yes, sir, it was. Nobody was
16 home.

17 Q The hole you found in the door, is it related to
18 this case or do you even know?

19 A At the time it was believed to be.

20 Q Do you have any independent evidence that hole was
21 from any shots fired that night?

22 A I don't.

23 Q Thank you, Mr. Hill.

24 A Yes.

25 THE COURT: Anything further from this witness?

1 MS. PRICE: Nothing further, your Honor. May he
2 be excused?

3 THE COURT: Any objection to this witness being
4 excused?

5 MR. BYRHOLDT: No objection.

6 THE COURT: Thank you, Officer. You are excused.

7 Ms. Price, while you're getting your next witness,
8 we're going to take a short break.

9 MS. PRICE: Excellent, your Honor.

10 THE COURT: Mr. Bailiff, if you would take the
11 jury to the jury room, we're going to take a short
12 break.

13 (WHEREUPON, the jury exited open court at
14 3:57 p.m.)

15 THE COURT: We'll go into recess.

16 MS. PRICE: Your Honor, may we approach briefly?
17 I just want to make the Court aware of something.

18 (WHEREUPON, a bench conference was held off the
19 record in the presence of the jury, but out of the
20 hearing of the jury.)

21 (WHEREUPON, recess taken from 3:57 p.m.
22 to 4:06 p.m.)

23 THE COURT: Anything before we bring our jury back
24 in?

25 MS. PRICE: Your Honor, if I could get an exhibit

1 marked.

2 THE COURT: Okay. Mr. Byrholdt, you look at them.

3 MR. BYRHOLDT: I will, your Honor.

4 (WHEREUPON, the jury entered open court at
5 4:14 p.m.)

6 THE COURT: All right. Ms. Price, call your next
7 witness.

8 MS. PRICE: Thank you, your Honor.

9 The State calls Terennce Mandrell West.

10 MR. BYRHOLDT: Your Honor, could I step outside
11 for just a second?

12 TERENCE WEST,

13 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

14 THE CLERK: If you will take the witness stand and
15 state your name and spell your last name for the
16 reporter, please.

17 THE COURT: Hold on one second. You can go ahead
18 and have a seat.

19 MR. BYRHOLDT: I apologize, your Honor.

20 THE COURT: All right, Mr. West.

21 THE WITNESS: Terennce West, W-e-s-t. That's my
22 last name.

23 DIRECT EXAMINATION

24 BY MS. PRICE:

25 Q Mr. West, do you need some water?

1 A No, ma'am.

2 Q You okay right now?

3 A Yes, ma'am.

4 Q How old are you, sir?

5 MR. BYRHOLDT: I apologize, your Honor. All my
6 people just left. If I could have one second just to
7 check that room.

8 MS. PRICE: With the Court's permission, I'm going
9 to sit down until Mr. Byrholdt gets his folks here.

10 (Mr. Byrholdt returned to the courtroom.)

11 MR. BYRHOLDT: I apologize.

12 THE COURT: Ms. Price, proceed.

13 BY MS. PRICE:

14 Q Mr. West, how old are you?

15 A I am 40.

16 Q And what do you do for a living?

17 A I'm a machine operator.

18 Q Do you have any children?

19 A Yes, ma'am. I have three.

20 Q Okay. And how old are they?

21 A 26, four and nine months.

22 Q And please speak up so that everyone can hear you.
23 It's hard to hear in here.

24 A 26, four and nine months.

25 Q Okay. And do you know the defendant in this case,

1 Royres Patterson?

2 A Yes, ma'am.

3 Q Are you related to him?

4 A That's my nephew.

5 Q He's your nephew?

6 A Yes, ma'am.

7 Q Okay. Have you ever worked with him anywhere?

8 A Yes, ma'am.

9 Q Okay. Where did you work with him?

10 A At Unaflex.

11 Q Okay. Do you know a person by the name of David

12 Bennett?

13 A Yes, ma'am.

14 Q How do you know him?

15 A We hang out every now and then.

16 Q Okay. Do you still hang out?

17 A No, ma'am.

18 Q But you used to?

19 A Yes, ma'am.

20 Q Okay. How -- how long had you known David Bennett

21 on June 7th of 2014?

22 A A couple of months.

23 Q Okay. Not very long?

24 A Not very long. I knew him through somebody else.

25 Q But you're this defendant's uncle?

1 A Yes, ma'am.

2 Q Okay. So you have known him a good long while?

3 A Yes, ma'am.

4 Q Okay. Do you know if either this defendant or
5 David Bennett go by any nicknames?

6 A No, ma'am.

7 Q You don't?

8 A Well, I call David sometimes Red.

9 Q Okay.

10 A I call him nephew all the time.

11 Q Nephew, okay. And do you go by any names other
12 than Terennce?

13 A T West.

14 Q T West?

15 A Uh-huh.

16 Q Okay. Do you remember what you were doing in the
17 afternoon of June 7, 2014?

18 A I was at home with my daughter.

19 Q Okay.

20 A In the afternoon.

21 Q Where was your home at that time?

22 A Anderson Gardens, AG.

23 Q Watching your daughter?

24 A Yes, ma'am.

25 Q Okay. And were you there all afternoon?

- 1 A Yes, ma'am, until about 7:30, somewhere.
- 2 Q Okay. And where did you go at that time?
- 3 A I went to my family's house.
- 4 Q And where is that?
- 5 A On East Market Street.
- 6 Q Okay. Do you know the number?
- 7 A I'm thinking it's
- 8 Q Okay. Mr. West, I'm showing you what's been
- 9 marked as State's Exhibits 3 and 4.
- 10 A Yes, ma'am.
- 11 Q Do you recognize what's in that photograph?
- 12 A Yes, ma'am, the house we was at.
- 13 Q Is that the house on Market Street?
- 14 A Yes, ma'am.
- 15 Q Did it look that way the day that you were there?
- 16 A Oh, no, ma'am.
- 17 Q Okay. What's difference about it in that
- 18 photograph?
- 19 A It looked like somebody has moved out of there.
- 20 Q In that photograph?
- 21 A Yes, ma'am.
- 22 Q Okay. So the day that you were there, it was just
- 23 a normal-looking home?
- 24 A It was normal, yes, ma'am.
- 25 Q Okay. All right. Can you hand those back to me,

1 sir.

2 MS. PRICE: Your Honor, at this time the State
3 would move State's Exhibit 3 and 4 into evidence.

4 THE COURT: Any objection?

5 MR. BYRHOLDT: No, your Honor.

6 THE COURT: State's Exhibit 3 and 4 are admitted
7 without objection.

8 (WHEREUPON, State's Exhibit Number 3 was admitted
9 into evidence.)

10 (WHEREUPON, State's Exhibit Number 4 was admitted
11 into evidence.)

12 BY MS. PRICE:

13 Q Okay. Who lived at that home at the time?

14 A My niece, Sheena Patterson.

15 Q Okay. And who was there that night?

16 A It was couple of us. If I can recall, it was
17 Sheena, the kids, my other nephew D, David, and my
18 baby, if I can recall.

19 Q Any other men there that you remember?

20 A Not that I remember.

21 Q Was Mr. Patterson there that night?

22 A He wasn't there when we got there, but he came
23 after.

24 Q He came later?

25 A He came later.

1 Q On your way to that home, did you make any stops
2 anywhere?

3 A Yes. I stopped at the Plez U.

4 Q What's a Plez U?

5 A It's a convenience store.

6 Q Okay. Did you get anything at the convenience
7 store?

8 A Yeah. I sent David in to get us a couple beers,
9 get us some beers, so we can go back and sit at the
10 house.

11 Q Okay. And David was with you when you went from
12 your home to East Market Street?

13 A Yes, ma'am.

14 Q How did you get there?

15 A I drove my car.

16 Q Okay. What kind of car is that?

17 A A Mitsubishi Mirage 2014.

18 Q What color was it?

19 A Gray.

20 Q Okay. And did it belong to you?

21 A It was my girlfriend's car. It was both of ours.

22 Q Okay. And how old was the car at the time?

23 A It was practically new, brand new.

24 Q Practical new?

25 A Yeah. It had about 100 miles on it.

1 Q And is that car -- what does that car look like?

2 A It's a little four-door, little short, you know,
3 car.

4 Q Okay.

5 A Four-door car. A little small impact car --
6 compact car.

7 Q Is it boxy?

8 A Yeah, it's boxy.

9 Q Okay. I'm showing you what's been marked as
10 State's Exhibits 1 and 2.

11 A Yes, ma'am.

12 Q Are you familiar with what's in that photograph?

13 A Yes, ma'am. The car.

14 Q What car?

15 A The Mitsubishi car we was driving.

16 Q That was your car?

17 A Yes, ma'am.

18 Q And you were driving it that night?

19 A Yes, ma'am.

20 Q Okay.

21 MS. PRICE: Your Honor, at this time the State
22 would seek to admit State's Exhibit 1 and 2 into
23 evidence.

24 MR. BYRHOLDT: No objection, your Honor.

25 THE COURT: State's Number 1 and Number 2 would be

1 admitted without objection.

2 (WHEREUPON, State's Exhibit Number 1 was admitted
3 into evidence.)

4 (WHEREUPON, State's Exhibit Number 2 was admitted
5 into evidence.)

6 MS. PRICE: Your Honor, I request permission to
7 publish to the jury.

8 THE COURT: Yes, ma'am.

9 MS. PRICE: Mr. West, will you step down very
10 quickly.

11 Q This is your car or it was at the time?

12 A Yes, ma'am.

13 Q Okay. And is this another photograph of your
14 vehicle at the time?

15 A Yes, ma'am. Dent in it.

16 Q There is a dent?

17 A Yeah.

18 Q That's how you know?

19 A Yeah.

20 Q But it was pretty new at the time?

21 A Yeah.

22 Q But you had already got a dent in it?

23 A Yes, ma'am.

24 Q Okay. All right. If you will go back up on the
25 stand, sir.

1 What were you doing at the house at East Market
2 Street?

3 A We just sitting around chit-chatting, you know,
4 drinking a couple beers.

5 Q Okay. Were you doing anything else?

6 A No, ma'am. We hadn't got to that yet.

7 Q Eventually were you doing any drugs that night?

8 A We was going there. We was going to get some,
9 some weed.

10 Q All right. But you were drinking some beer?

11 A Yes, ma'am.

12 Q Okay. And did at some point in that night you run
13 into your nephew, Royres?

14 A Yes, ma'am.

15 Q Okay. And was that at the house?

16 A Yes, ma'am.

17 Q Okay. How long were you there, do you think?

18 A About two hours, hour and a half, two, if I can
19 call.

20 Q Are you positive on all of your times that night?

21 A Not really about the times.

22 Q Okay. So generally you remember?

23 A Yes, ma'am.

24 Q Okay. But you had been drinking?

25 A Yes, ma'am.

1 Q Okay. A good bit?

2 A About four beers or something at that time.

3 Q Okay. What happened after your nephew came and
4 you saw him at the house?

5 A We was going to the store and going to get some,
6 you know, weed.

7 Q Okay. Who was going to the store?

8 A Me, David, and him. But me and David was going to
9 get, you know, the weed. But he rode with us.

10 Q He rode with you?

11 A Yes, ma'am.

12 Q Okay. Did he ask you for a ride?

13 A He wanted a ride, yes, ma'am.

14 Q Okay. Did he say anything to you?

15 A He, you know, he's my nephew. He just get in the
16 car. And David got in the backseat.

17 Q Okay. And he -- who got in the backseat?

18 A David.

19 Q Okay. David got in the backseat. And where was
20 your nephew?

21 A In the passenger seat.

22 Q Okay. And where were you?

23 A I was driving.

24 Q Okay. So you were driving to get some weed?

25 A Yes, ma'am.

1 Q Okay.

2 A And the BP station to get beer.

3 Q Who wanted to get beer?

4 A Royres.

5 Q Okay. And did he ask you to go get some beer?

6 A Yeah. We was on our way up Shockley Ferry to get
7 some.

8 Q Okay. Had you already gone through all the beer
9 that you had already purchased earlier in the night?

10 A Yes, ma'am.

11 Q Okay. What happened once you got in the car?
12 You're behind the wheel and you're driving. What
13 happened next?

14 A We riding up Shockley Ferry, and they was telling
15 me to turn, you know, turn on your right to go get the
16 weed on the South Side.

17 Q Who was telling you where to turn?

18 A Royres.

19 Q Okay. This man was telling you where to go?

20 A Yes, ma'am.

21 Q He was giving you directions?

22 A Directions, yeah, where to turn because I really
23 don't know them back roads.

24 Q Did you know where you were going?

25 A No, ma'am.

1 Q Okay. He was giving you directions for where he
2 wanted you to go?

3 A Well, David knew the people we was going to see,
4 too, so you know.

5 Q So they were both directing you?

6 A Yeah.

7 Q And once you were driving --

8 A Yes, ma'am.

9 Q -- and you get to a location --

10 A Yes, ma'am.

11 Q -- where did you wind up going?

12 A I think it was Oliver and Hall Street.

13 Q Okay.

14 A Something like that.

15 Q Okay. And were you driving normal speed?

16 A Yes, ma'am, normal.

17 Q Okay. Were you talking at all in the car?

18 A We was listening to the music. You know, just
19 riding, listening to the music.

20 Q And what happened next?

21 A We pulled up. We seen the guys, you know, hanging
22 out.

23 Q You saw some guys?

24 A Yes.

25 Q Where?

1 A On the street where we turned at, there was guys
2 hanging out.

3 Q Do you remember what side of the street they were
4 on?

5 A We coming around, I'm thinking, on the right-hand
6 side.

7 Q Okay. And how many guys, do you remember?

8 A Five or six of them, if I can recall.

9 Q Did you recognize any of those people?

10 A I never seen them in my life.

11 Q Are you a little bit older than these other
12 fellas?

13 A Yes, I am.

14 Q So you don't necessarily hang out with all the
15 same crowd?

16 A Oh, no, ma'am.

17 Q So as you're pulling up and you see these guys,
18 what happens next?

19 A David was fixing to get out the car. But somehow
20 he hopped back in the car, he shut the door, and I
21 pulled off. That's when it happened.

22 Q What happened?

23 A The shooting happened.

24 Q Who was shooting?

25 A My nephew.

1 Q Okay. What exactly did you see happen?

2 A I seen him pull, turn, and start shooting back at
3 the crowd.

4 Q Where did the gun come from?

5 A From his side, his hip.

6 Q Did you see him pull it?

7 A Yes, ma'am.

8 Q Okay. What did he do with the gun?

9 A He pulled it and cocked it.

10 Q He cocked the gun?

11 A Yeah. Pulled it and cocked it.

12 Q Okay. And then what did he do with the gun?

13 A Once we -- once we got going --

14 Q You were moving?

15 A Yes, ma'am. Once we got going, he started firing
16 backward, back towards the crowd.

17 Q Back towards the crowd?

18 A The boys, yes, ma'am.

19 Q Out of what?

20 A Ma'am?

21 Q Was he firing out of the window, out of the door?

22 A Yeah, out the window.

23 Q Out the window?

24 A Yes, ma'am.

25 Q Did he ever get out of the car?

- 1 A No, ma'am.
- 2 Q Did you ever get out of the car?
- 3 A No, ma'am.
- 4 Q And David jumped back in the car?
- 5 A Yes, ma'am. Once he seen what was going on, he
- 6 got back in because he was going to get the marijuana.
- 7 Q Okay. But he jumped back in the car?
- 8 A Yes, ma'am. He didn't get a chance to.
- 9 Q So he never spoke with anybody on the scene?
- 10 A No, ma'am.
- 11 Q Did it happen quickly?
- 12 A Quickly, yes, ma'am.
- 13 Q Okay. And what did you do?
- 14 A I just pulled off.
- 15 Q Okay. Did this happen before you got to a stop
- 16 sign on that road or after?
- 17 A After we passed the stop sign.
- 18 Q Is when it started?
- 19 A Yes, ma'am.
- 20 Q Okay. Did you see what the gun looked like?
- 21 A I think it was black.
- 22 Q Okay. Did you know he had a gun when he got in
- 23 your car?
- 24 A No, ma'am.
- 25 Q Okay.

1 A I never seen it until I -- we got on that street.

2 Q Okay. Until the moment he took it out?

3 A Yes, ma'am.

4 Q Would you have let him in the car if he had a gun,
5 if you had known?

6 A No, ma'am.

7 Q Why not?

8 A Because he don't play that, you know. I can't get
9 in his with no gun, you know, or nothing like that
10 because we don't play, you know, do that.

11 Q Did he say anything to you after he fired the gun?

12 A I just pulled off. And he said, you know, "Keep
13 going." "Drive." He said, "Drive."

14 Q He said, "Drive"?

15 A Yes, ma'am.

16 Q Okay. What did you say?

17 A I just drove on, you know.

18 Q Did you say anything to him?

19 A I really didn't speak. I just, you know, rolled
20 on.

21 Q All right. Did he do anything to you, take any --

22 A Oh, yeah. He snatched my hat off. Said, "Take
23 your hat off."

24 Q You were wearing a hat?

25 A Yes, ma'am.

1 Q And he took your hat?

2 A Yes, ma'am.

3 Q And did he say anything else at all?

4 A No. We went straight back to the -- my niece's
5 house.

6 Q He told you to drive?

7 A Yes, ma'am.

8 Q Okay. And how were you feeling about what
9 happened on the ride back?

10 A Frightened, you know, scared for the people who
11 was out there, scared for all us in the car. It was a
12 mess.

13 Q Okay. Where did you go next?

14 A We went to my niece's house.

15 Q And what did you do once you got back?

16 A I got out, David got -- he got out. I went in the
17 house, got my baby, because my daughter was there, took
18 her back, put her in the car with me. And me, David
19 and her went back to Anderson Gardens.

20 Q Back to where your apartment was?

21 A Where my apartment was, yes, ma'am.

22 Q Did you do that almost immediately after getting
23 there?

24 A After I got my child and David was standing out
25 there, and, you know, I opened the back, you know, put

1 my child in.

2 Q So you went in the house to get your child, David
3 was outside still, and then y'all left?

4 A Yes, ma'am.

5 Q Okay. Did you say anything to David at that
6 point?

7 A Both of us were looking at each other like,
8 "Let's," you know, "Let's go. Let's leave here."

9 Q How did you feel about what had just happened?

10 A It had me messed up.

11 Q Were you angry?

12 A Yes, ma'am.

13 Q Okay. Did anyone -- you, David, shoot out of the
14 vehicle other than Royres?

15 A Oh, no, ma'am. We didn't have guns or nothing.

16 Q No? Okay. How was David acting after this
17 happened?

18 A He was -- he was shocked, you know, shocked and
19 afraid, I guess you would call it.

20 Q Once you got back to your apartment, what did
21 y'all do?

22 A We -- I let my baby in. I fed her, and then I lay
23 her down. And we just sat around like what we going to
24 do, you know.

25 Q You and David?

1 A Yes, ma'am.

2 Q Trying to figure out to what to do?

3 A Yes, ma'am. Both of us like shocked about it.

4 Q How long was David at your house?

5 A Well, once I laid down, he laid down on my other
6 couch.

7 Q Uh-huh.

8 A And I guess over through the night, he left, I
9 guess. You know, I fell asleep with my daughter, and
10 he was over there. And I thought he was going to spend
11 the night until the next day. But when I woke up, my
12 back door was open, cracked. I guess he just left out.

13 Q Okay. Have you spoken with David since the
14 shooting happened?

15 A Oh, no, ma'am.

16 Q Not since he left your house that night?

17 A No, ma'am.

18 Q Okay. Did you talk to your nephew after this
19 happened?

20 A No, ma'am.

21 Q Did you see him at work the next week?

22 A No, ma'am. He didn't come to work.

23 Q Okay. But you went to work?

24 A Yes, ma'am.

25 Q Okay. Even though you were scared?

1 A Yes, ma'am.

2 Q Okay. Did you ever call the police about what
3 happened?

4 A No, ma'am.

5 Q In fact, did you plead guilty recently to some
6 charges relating to this incident?

7 A Yes, ma'am, misprision of a felony.

8 Q Okay. Do you know what that means?

9 A I drove -- I left the scene. I drove and left the
10 scene instead of standing there, you know.

11 Q Okay. At the time of your plea, had you ever met
12 with me to discuss this case?

13 A No, ma'am.

14 Q Okay. At the time of your plea, did anybody
15 promise you anything in exchange for your testimony?

16 A No, ma'am.

17 Q Okay. Have you been sentenced yet?

18 A Well, I pled guilty, and I guess the judge -- I
19 think I have.

20 Q Okay.

21 A I'm pretty sure, yes, ma'am.

22 Q Okay. Do you know who could sentence you in the
23 case?

24 A The judge.

25 Q Okay. Did anybody promise you anything at all --

1 A No.

2 Q -- with regard to your plea?

3 A Nobody promised me nothing.

4 Q Okay. After you were arrested for your
5 involvement in this case for driving away when you
6 shouldn't have --

7 A Yes, ma'am.

8 Q -- did you meet with the police? Did you meet
9 with Detective Barton?

10 A Yes, ma'am, at my job.

11 Q Okay.

12 A Well, he came and got me.

13 Q Yes. They came and got you.

14 A Yes, ma'am.

15 Q Okay. And where did they take you?

16 A To the sheriff's office.

17 Q Okay.

18 A The station, office or whatever.

19 Q And when they took you there, did they read you
20 your rights?

21 A Yes, ma'am.

22 Q Did you sign a form about your rights?

23 A Yes, ma'am.

24 Q Okay. I'm showing you what's been marked as
25 State's Exhibit 14.

1 A Yes, ma'am.

2 Q Are you familiar with that?

3 A Yes, ma'am.

4 Q Okay. What is that?

5 A Your rights. You can be silent or you can talk
6 with them basically.

7 Q Okay. So did the detective go over that form with
8 you?

9 A Yes, ma'am.

10 Q Does it have your signature on it?

11 A Yes, ma'am.

12 Q Okay. And you decided after going over that form
13 that you would waive your right to be silent; is that
14 right?

15 A Yes, ma'am.

16 Q And you spoke with the detective?

17 A Yes, ma'am.

18 Q And you told him what happened?

19 A Yes, ma'am.

20 Q To the best of your recollection?

21 A Best of my recollection, yes, ma'am.

22 Q Okay. Did the detective promise you anything in
23 exchange for talking with him that day?

24 A No, ma'am.

25 Q Okay. Were you telling the truth that day?

1 A Yes, ma'am.

2 Q The day that you gave your statement?

3 A Yes, ma'am.

4 Q Are you telling the truth today?

5 A Yes, ma'am.

6 Q Okay. When you met with the detective, did he
7 also show you a photographic lineup?

8 A Yes, ma'am.

9 Q Okay. Did he tell you that the person who was the
10 shooter was in that lineup definitely?

11 A No, ma'am. He didn't say nothing. He just told
12 me to pick who was in the shooting.

13 Q Okay. He showed it to you and said what?

14 A Who -- "Pick who's in the shooting," you know.

15 Q Okay. Did he tell you that they were 100 percent
16 in that lineup?

17 A Oh, no, ma'am.

18 Q Okay. He just said, "Look at this and see if you
19 recognize the shooter"?

20 A Recognize the shooter, yes, ma'am.

21 Q Okay. Did he tell you that you had to pick
22 someone out?

23 A Oh, no, ma'am.

24 Q Okay. Did you feel any pressure to pick anyone
25 out at all?

1 A No, ma'am.

2 Q Okay. He just sat the lineup in front of you; is
3 that right?

4 A Yes, ma'am.

5 Q He didn't point to somebody and tell you to pick
6 him --

7 A No, ma'am.

8 Q -- or anything? Okay. And you were familiar with
9 the person who was the shooter, correct?

10 A Yes, ma'am.

11 Q So was there any doubt in your mind as to who the
12 shooter was?

13 A No, ma'am.

14 Q Okay. Did you see him fire shots that night?

15 A Yes, ma'am.

16 Q Okay. And who is the person that you saw that
17 night?

18 A My nephew.

19 Q Okay. And what is his name?

20 A Royres Patterson.

21 Q Okay. And is he in that photographic lineup --
22 oh, one moment.

23 I'm showing you State's Exhibit 8. Are you
24 familiar with this exhibit?

25 A Yes, ma'am.

1 Q Okay. And what is that?

2 A It's a lineup.

3 Q Okay. Is that the lineup you were shown?

4 A Yes, ma'am. And I put my signature on it. I
5 signed.

6 Q You put your signature on it?

7 A Yes, ma'am.

8 Q And did you do anything else to indicate your
9 choice of shooter, the person who was the shooter?

10 A I circled.

11 Q You circled it?

12 A Yes, ma'am.

13 Q Is it dated?

14 A Yeah. I dated it and the time.

15 Q And you put the time?

16 A Yes, ma'am.

17 Q Okay. When you made that choice, was there any
18 doubt in your mind who the shooter was?

19 A No, ma'am, was no doubts.

20 Q And are you 100 percent sure today that the person
21 that you saw shooting out of the vehicle was this
22 defendant?

23 A Yes, ma'am.

24 Q Okay.

25 MS. PRICE: Your Honor, at this time the State

1 would move to have Exhibit 8 entered into evidence.

2 MR. BYRHOLDT: Without objection.

3 THE COURT: State's Exhibit Number 8 will be
4 admitted without objection.

5 (WHEREUPON, State's Exhibit Number 8 was admitted
6 into evidence previously.)

7 MS. PRICE: Your Honor, at this time we'd also
8 seek to have the waiver, State's Exhibit No. 14,
9 admitted into evidence.

10 MR. BYRHOLDT: Without objection.

11 THE COURT: State's Exhibit 14 would be admitted
12 without objection.

13 (WHEREUPON, State's Exhibit Number 14 was admitted
14 into evidence.)

15 BY MS. PRICE:

16 Q Mr. West, were you ever shown another lineup and
17 told that somebody else might be the shooter?

18 A No, ma'am.

19 Q Okay. Do you see the man who shot out of the car
20 you were driving and into a group of people on June 7,
21 2014, in the courtroom today?

22 A Yes, ma'am.

23 Q Okay. Will you point him out for me?

24 A My nephew.

25 Q And will you describe what he's wearing for the

1 record?

2 A White and black. White shirt.

3 Q Okay.

4 Beg the Court's indulgence.

5 MS. PRICE: Mr. West, thank you so much. Please
6 answer any questions that Mr. Byrholdt has for you at
7 this time.

8 MR. BYRHOLDT: May it please the Court.

9 THE COURT: Mr. Byrholdt.

10 CROSS-EXAMINATION

11 BY MR. BYRHOLDT:

12 Q Have you seen Royres' family the last few weeks?

13 A Um --

14 Q Did you go by their house a couple weeks ago?

15 A My mother had an anniversary -- I mean a
16 retirement party.

17 Q You went by there?

18 A Yes. I went by my mother's house.

19 Q Did you see Royres' mother there, Ineatha?

20 A Yeah. She was there, my sister.

21 Q Your sister?

22 A Yes, sir.

23 Q Did you grab her by the arm and tell her that
24 Royres didn't do this?

25 A No, sir.

1 Q Okay.

2 Q Now, you gave a statement to Danny Barton?

3 A Yes, sir.

4 Q It was recorded?

5 A Yes, sir.

6 Q Were you telling the truth then?

7 A Yes, sir.

8 Q All right. Page 13.

9 What time did you leave the house? Can you read
10 that, by Mr. West.

11 A The time I left my house?

12 Q No, their house. Said around 10:00, 10:30, 11:00?

13 A Well --

14 Q 10:20?

15 A I wasn't directly with the time. I ain't really,
16 my knowledge of the time, but I know it was --

17 Q Well, was your memory better a year and a half ago
18 or is it better now?

19 A It's better now.

20 Q Better now. Is that because you met with the
21 police officers?

22 A No, sir.

23 Q Because if the man was killed at 9:30 and you
24 didn't leave until 10 o'clock, couldn't have happened
25 that way, could it?

1 A No, sir. So my time was off.

2 Q Oh, okay.

3 A But I'm pretty sure --

4 Q And if Mr. Bennett says you left at 10 o'clock,
5 too, he's going to be off, too?

6 A Yes.

7 Q Even though you got your stories together later
8 that night?

9 A He didn't get mine together. He got mine a week
10 later, my story.

11 Q But you said in direct that you and David had met
12 that night and tried to figure out what you were going
13 to say?

14 A Not -- me and David went to the house and we
15 talked about it, yes, but we didn't go around with our
16 stories. I never knew he was going to go to the police
17 or what he was going to do. I never knew because he
18 left the same night.

19 Q You're sure you saw the gun that night?

20 A Yes, sir.

21 Q This is your statement again. "I'm driving, you
22 know, straight ahead, paying none of that. I didn't
23 see him nothing because he never showed me nothing."

24 A Yeah, he never showed me the gun.

25 Q Well, how did you see the gun if he didn't show

1 you nothing?

2 A He pulled it. When he was riding off, he pulled
3 the gun, cocked it, he started firing. I never seen
4 the gun riding or none of that. But once we got to the
5 location, he pulled and I seen it.

6 Q And you were past the stop sign, right?

7 A Yes, sir.

8 Q Past the stop sign?

9 A Like the stop sign, we was up a little bit because
10 David had to get out the car, but he got back in fast,
11 you know.

12 Q David got out of the car but got back in?

13 A Stepped back in.

14 Q How many shots were fired?

15 A In my recollection, eight, nine.

16 Q Eight or nine?

17 A My recollection.

18 Q Now, you didn't clean your car after this
19 incident, did you.

20 A Never. It was already clean. Brand-new car.

21 Q And the officers came out and took your car or
22 your girlfriend's car, right?

23 A Yes, they took it.

24 Q And they fingerprinted that car?

25 A Yes, sir, I guess.

1 Q Do you know whether they checked for gun powder
2 residue or anything, shooting eight or nine --

3 MS. PRICE: Objection, your Honor. That's beyond
4 the scope of his understanding.

5 THE COURT: Overruled. You can ask the question.

6 THE WITNESS: Sir?

7 BY MR. BYRHOLDT:

8 Q Do you know whether your car was ever checked for
9 gunpowder residue if all these shots were fired from
10 your car?

11 A They took it. All I know, they took it, that's
12 all. I don't know what they did with it.

13 Q The shooting happens.

14 A Yes, sir.

15 Q You're at the stop sign.

16 A Yes, sir.

17 Q Which way do you go, left or right?

18 A Which way I went?

19 Q You're driving.

20 A Oh, yeah. I went straight, down --

21 Q You went straight?

22 A Yeah.

23 Q It's a dead end. How can you go straight?

24 A I'm not from --

25 THE COURT: Hold on, Mr. Byrholdt. We're not

1 going to have any outbursts in the courtroom.

2 THE WITNESS: I'm not familiar with --

3 THE COURT: Hold on. I'm not going to have any
4 outbursts. We're going to keep order in this
5 courtroom.

6 Now proceed.

7 THE WITNESS: Yes, sir.

8 BY MR. BYRHOLDT:

9 Q You say there is a horseshoe?

10 A Yes, sir.

11 Q Go straight, you're going to run into somebody's
12 house?

13 A Well, I'm not recognizing the neighborhood because
14 I'm not familiar with it.

15 Q Mr. West, you're driving. Where did you go?

16 A I know we got out of that area because they were
17 showing me how to get out of the area.

18 Q Tell this jury exactly where you drove.

19 A I drove to my sister's house after we left the
20 area because they was just showing me how to get out
21 the area because its was dark and I didn't know how to
22 get out the area.

23 Q Tell me what you went by.

24 A What you mean what I went by?

25 Q Stores, houses. Tell me which way you went. You

1 Q Okay. So you're unfamiliar with that area?

2 A Way unfamiliar with it.

3 Q When he's asking you to look at his picture that
4 he drew just now for the jury, are you 100 percent sure
5 about what you're telling him?

6 A Yes. The way he tell you the way the shooting
7 happened, I'm for sure with that.

8 Q You are? Okay.

9 A Yes, ma'am.

10 Q And as you came down that street, what side of the
11 car were those gentlemen on?

12 A On the passenger side, on this side.

13 Q They were on the passenger side, okay.

14 A They wasn't on my side. Like I couldn't see them.
15 They was on the other side.

16 Q They weren't on your side. They were on the
17 passenger side, okay. Do you remember making a loop at
18 all?

19 A I don't remember.

20 Q You don't remember, okay.

21 A Tell you the truth.

22 Q Is it possible you made a loop?

23 A Yes, ma'am. It's possible.

24 MR. BYRHOLDT: Object, your Honor. That's pure
25 speculation. Anything is possible.

1 THE COURT: Overruled.

2 BY MS. PRICE:

3 Q Okay. You haven't been out there since?

4 A No, ma'am.

5 Q And right as this was occurring, someone was
6 telling you how to get to that location; is that
7 correct?

8 A Yes, ma'am.

9 Q Okay. And someone told you how to get out of
10 there; is that correct?

11 A Yes, ma'am.

12 Q Okay. And you haven't gone back?

13 A No, ma'am.

14 Q Have we -- has the State or Investigator Barton
15 ever showed you pictures of that location?

16 A No, ma'am.

17 Q Have we ever tried to tell you how it happened?

18 A No, ma'am.

19 Q Okay. When this happened, tell me again how you
20 were feeling.

21 A Shocked that, you know, very, very shocked about
22 it.

23 Q Okay. And when you got out of that area, were you
24 paying attention to road signs or landmarks?

25 A No. Driving straight ahead, trying to...

1 Q Trying to get away?

2 A Trying to get him back where he's supposed to get.

3 Q Trying to get who back?

4 A Well, you know, trying to get everybody back, you
5 know.

6 Q To East Market?

7 A To the house, yes, ma'am.

8 Q Okay. And, again, you -- do you live in Anderson
9 now?

10 A No, ma'am.

11 Q Okay. So you don't spend time around here; is
12 that correct?

13 A Ever since that shooting happened, I never been
14 back. Except to come to court.

15 Q Except for coming to --

16 A Here and back.

17 Q To court. So you haven't had occasion to refresh
18 your memory as to the turns you took or anything like
19 that?

20 A No, ma'am.

21 Q The incident location?

22 A No, ma'am.

23 Q No one has colored your testimony in any way?

24 A No, ma'am.

25 Q This is just what you remember --

1 A Just what I remember.

2 Q -- from 2014?

3 A Yes, ma'am.

4 Q Okay. And nobody has coached you or told you what
5 to say?

6 A No, ma'am.

7 Q Okay. Are you telling the truth?

8 A Yes, ma'am.

9 Q To the best of your memory?

10 A To the best of my memory.

11 Q Okay.

12 MS. PRICE: No further questions.

13 THE COURT: Any recross?

14 RECROSS-EXAMINATION

15 BY MR. BYRHOLDT:

16 Q And you were telling the truth on my diagram when
17 you pointed out which way you went, right?

18 A I don't know the area, like I said. He's still
19 talking about familiar with the area.

20 Q But I'm talking about as far as the direction --

21 A On Oliver, yes.

22 Q The direction you were going?

23 A Yeah, the direction.

24 Q Thank you, Mr. West.

25 THE COURT: Anything further from this witness?

1 MS. PRICE: No, sir, nothing further.

2 THE COURT: Any objection to this witness being
3 excused?

4 MS. PRICE: None from the State.

5 MR. BYRHOLDT: No, your Honor.

6 THE COURT: Thank you, Mr. West. You are excused.
7 Counsel, approach.

8 (WHEREUPON, a bench conference was held off the
9 record in the presence of the jury, but out of the
10 hearing of the jury.)

11 THE COURT: All right. Ladies and gentlemen,
12 we've reached a natural breaking point so we'll go into
13 recess. Now, I will repeat the instructions I gave you
14 earlier: You may not discuss the case with third
15 parties. It's human nature. You're going to go home.
16 Your family is going to want to know what in the world
17 you have been doing up here all day. They're going to
18 want to know about the case. You just tell them you
19 can't talk about it. No independent investigation.
20 I'm going to ask you in the morning, so do not try to
21 get on the Internet or look up anything about the case,
22 and you can't deliberate amongst yourselves. Don't get
23 on the phone and call each other and discuss the case.
24 You cannot deliberate until I tell you you can at the
25 end. I hope everyone has a good evening. Be in the

1 jury room at 8:45 in the morning. We'll get started
2 and try to get as far into the case as we can get.
3 8:45 in the morning. Have a good evening.

4 (WHEREUPON, the jury exited open court at
5 5:00 p.m.)

6 THE COURT: Is there anything from the State
7 before we go into recess?

8 MS. PRICE: Nothing.

9 MR. BYRHOLDT: No, your Honor. This will be
10 locked and we can leave our stuff here?

11 THE COURT: Yes. See everyone in the morning
12 8:45.

13 (WHEREUPON, proceedings adjourned at 5:00 p.m.)
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I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 16, 2016

Diane L. Marcengill
Diane L. Marcengill, RPR, CRR
Circuit Court Reporter

1 State of South Carolina
2 County of Anderson In the Court of General Sessions

3
4 State of South Carolina,)
5) 2015-GS-04-00456 & 457
6 -vs-) April 26, 2016
7 Royres Antwon Patterson,) Volume 2 of 4
8 Defendant.) Pages 205 - 431
9) Transcript of Record
-----)

10

11

B E F O R E:

12

13 The Honorable R. Scott Sprouse, Judge;
and a jury.

14

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

16 Lauren Davis Price, Esquire
17 Chelsey Moore, Esquire
Attorneys for the State

18 Bruce A. Byrholdt, Esquire
19 Attorney for Defendant

20

21

22

23

Diane L. Marcengill, RPR, CRR
Circuit Court Reporter

24

25

26

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1 (WHEREUPON, court convened with all parties
2 present and the following proceedings were had
3 commencing at approximately 8:42 a.m.)

4 MS. PRICE: May it please the Court. We just got
5 our evidence up here. We had left it with the clerk of
6 court and locked up and sealed for the night in a
7 secure location, but we have not had the opportunity to
8 premark it.

9 If we may, I think it would make things run a
10 little bit more smoothly today if we can have about
11 ten, 15 minutes.

12 THE COURT: Mr. Byrholdt, you get with her and
13 look at everything, and y'all go ahead and mark your
14 exhibits.

15 MS. PRICE: Great. Thank you, sir.

16 (WHEREUPON, recess taken from 8:52 a.m.
17 to 9:08 a.m.)

18 THE COURT: All right. Are we ready to proceed?

19 MS. PRICE: Your Honor, with the exception of
20 waiting on the fingerprint cards in this case,
21 Mr. Byrholdt and I agree to stipulate to the
22 fingerprints evidence in the case. We agreed to
23 stipulate to their authentication, et cetera, and we
24 are waiting on those to arrive.

25 THE COURT: Are they coming now?

1 MS. PRICE: They're coming now. And I have
2 another witness I can begin with.

3 THE COURT: Why don't we go ahead and do that and
4 then you can --

5 MS. PRICE: We might have to take a recess after
6 just to make sure we're still straight. I apologize.

7 THE COURT: That's fine. We will go ahead and get
8 started.

9 MS. PRICE: Okay.

10 THE COURT: All right. Mr. Bailiff, if you could
11 go get our jury for us.

12 (WHEREUPON, the jury entered open court at
13 9:09 a.m.)

14 THE COURT: All right. Good morning, ladies and
15 gentlemen. You knew I was going to ask you this
16 question: Any third parties attempt to talk to you
17 about the case, did anyone deliberate, or did anyone do
18 any independent research on the case?

19 Let the record reflect that there are no positive
20 responses.

21 Very good. We're ready to get started.

22 Ms. Price, call your next witness.

23 MS. PRICE: Thank you, your Honor. May it please
24 the Court. The State calls Dr. Brett Woodard to the
25 stand.

1 **BRETT WOODARD, M.D.,**

2 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

3 THE CLERK: If you would take the witness stand,
4 please, sir and state your name and spell your last
5 name for the reporter, please.

6 THE WITNESS: Brett Houghten Woodard,
7 W-o-o-d-a-r-d.

8 DIRECT EXAMINATION

9 BY MS. PRICE:

10 Q Thank you, Dr. Woodard. And what is your
11 occupation?

12 A I'm a licensed medical doctor.

13 Q And any specific area?

14 A Yes. I'm a pathologist by special training and a
15 forensic pathologist by subspecialty training.

16 MR. BYRHOLDT: Your Honor, we'd stipulate to
17 Dr. Woodard's qualification, licensed medical doctor
18 and pathologist.

19 MS. PRICE: Lovely.

20 Q Dr. Woodard, just so the jury knows, what is a
21 forensic pathologist?

22 A A forensic pathologist is a pathologist that
23 studies injuries to the human body, how they may
24 interact with underlying diseases that the body is
25 experiencing at the time of the injuries up until the

1 point of death.

2 Q Okay. And the defense has now agreed that you are
3 an expert in this area. Was this your occupation on
4 June 9, 2014?

5 A It's part of my occupation, yes.

6 Q Okay. And did you perform an autopsy on Brandon
7 Kelly Willingham on that date?

8 A What was the date you listed? I'm sorry.

9 Q The 9th of June in 2014.

10 A Yes, I did.

11 Q Okay. And what procedure is generally followed in
12 an autopsy, Dr. Woodard?

13 A We start with the body as we receive it. Often it
14 will be in clothing. In this particular case he had
15 come to the emergency room, and they had removed his
16 clothing in an effort to better evaluate his injuries
17 and attempt to have him survive. So the clothing was
18 collected by the sheriff's department representatives.
19 So we examine the clothing. We look for any defects in
20 the clothing.

21 In this particular case, there was a projectile
22 defect in the right side of his T-shirt. We look at
23 the body itself and look for injuries on the body and
24 see if we can tell anything from the outside about the
25 activities of the body before the shooting, if there

1 had been contact between this individual and another
2 individual that may have transferred information, and
3 then we collect certain samples from the outside of the
4 body. We collect exemplar hairs, we collect blood
5 samples for toxicology, DNA studies that might be
6 necessary, and if there appears to be any kind of
7 transfer, we collect that transfer material.

8 Q And a projectile defect, is that a word for a
9 hole?

10 A That's a word for a hole that would be caused by a
11 gunshot.

12 Q And what were some general characteristics of
13 Mr. Willingham?

14 A He was 70 inches tall, 5'10", weighed
15 approximately 180 pounds. He was an African-American
16 gentleman and he had longish hair with dreadlocks. He
17 was not wearing any contact lenses. He had some
18 external evidence of medical intervention that is
19 commonly seen, endotracheal tubes, IV lines, medical
20 puncture marks where blood samples were obtained or IV
21 lines were attempted to be started.

22 Q And what did you notice about his person outside,
23 his personage?

24 A He had a single gunshot wound of entry into the
25 right side of his body into what we call the flank.

1 The flank is the area on the side approximately where a
2 seam of a man's shirt or a ladies' blouse might go
3 down, and that projectile entry wound didn't have any
4 other defects around it. It didn't have any powder
5 material or what we call stippling material about the
6 entry wound. He then also had a bruise on the opposite
7 side slightly further back or posterior then where the
8 entry wound was and essentially pretty much straight
9 across from where the entry wound was. He had some
10 scrapes, nonspecific scrapes on his body that suggested
11 contact with a roughened surface such as asphalt or
12 concrete.

13 Q And let's talk a little bit more about his
14 internal injuries. What did you observe once you went
15 further into the autopsy?

16 A The bullet that came through his right side went
17 in and struck the fatty parts that surround the bowels.
18 When we're erect, our small bowel hangs down into our
19 pelvis, and the blood vessel to that small bowel is in
20 a web of fatty tissues, so there's millions of small
21 blood vessels. The bullet went through that. It then
22 struck the aorta, which is the major blood vessel of
23 your body that would be headed towards the legs, went
24 into the muscles that are behind the intestines and
25 then ultimately came to the position where we found it

1 on the left side of the body.

2 Q Was there a single gunshot wound to
3 Mr. Willingham's body or any additional evidence --

4 A There was a second what we call gutter wound where
5 the bullet just scrapes across the tissues and makes a
6 long like your drainage-gutters-on-your-house-type of
7 wound. In this particular case, we could tell that it
8 was going from the little finger side to the thumb side
9 of what would be the front part of the arm, would
10 suggest the arm, we could align that gutter wound with
11 the entry wound in the flank by simply rotating the
12 hand to an approximately down position and slightly
13 lifting the elbow and these two wounds would connect.

14 Q So it's your opinion that that was from one single
15 bullet?

16 A That's correct.

17 Q Okay. Can you give an approximation of the
18 distance between Mr. Willingham and the shooter?

19 A Well, when the gun is held close to an individual,
20 other things than the bullet comes out of the gun. But
21 once that gun is more than 18 inches away from the
22 individual, those other things are so light and they
23 don't have enough weight that they're not carried as
24 far as the bullet and they fall away and never reach
25 the individual that's struck. So we have to say that

1 it's more than 18 inches, but it could be out to the
2 range of the firearm.

3 Q Okay. And in your expert opinion, what was the
4 cause of Mr. Willingham's death?

5 A He bled to death because he had a hole in his
6 aorta.

7 Q And would this be considered a homicide?

8 A Yes, it would.

9 Q This was not a self-inflicted gunshot wound?

10 A No, it was not.

11 Q Is this a shot from which an individual could
12 recover?

13 A It's very doubtful. It's very difficult to place
14 for certain, to isolate and control the bleeding, and
15 usually the person dies of postsurgical shock even if
16 they get them early enough that they can make a
17 surgical attempt.

18 Q So even if there had been EMS on scene, it's
19 unlikely that he would have been able to be saved?

20 A That's correct.

21 Q Would you call this a one-in-a-million shot?

22 A If it was done through skill, it was a very
23 skillful shot. If it was just done randomly, it was a
24 one in a million.

25 Q Did you recover anything from the body of

1 Mr. Willingham?

2 A Yes. I recovered a copper-clad projectile from
3 the left side of his body and placed it into evidence.
4 That evidence, along with some other things, were given
5 to the sheriff's department representative to
6 ultimately transport to a crime lab to be evaluated.

7 Q Would those have been placed in an autopsy packet?

8 A We placed them in what we call Falcon tubes --
9 they're hard plastic tubes -- then they're placed
10 secondarily into a sealed envelope that, when the seal
11 is broken, the person who breaks the seal can see
12 that's the first ones to get into this.

13 Q Dr. Woodard, I'm handing you what's been marked as
14 State's Exhibit 26. Would you open that exhibit for me
15 and look inside without showing what's inside to the
16 jury, please.

17 A All right.

18 Q Are you familiar with that object?

19 A Yes. This is one of my plastic tubes. It's my
20 custom "To" label, the outside of the plastic tube with
21 indelible marker that says where, approximately where
22 on the body, this projectile was obtained. Obviously,
23 more importantly, if there had been multiple
24 projectiles. And then on the other side of the tube,
25 we have a computer-generated sticker. When we know

1 we're going to do an autopsy, we generate a sticker
2 that has the individual's name on it, the date we're
3 doing the autopsy, their date of birth, then time,
4 responsible physician for this autopsy, and so we
5 secondarily label that.

6 Q And, Dr. Woodard, is there anything inside the
7 tube?

8 A Yes, there is a projectile.

9 Q And are you confident that that's the projectile
10 you recovered in this instance?

11 A It's consistent with what I've described, yes.

12 Q Okay. And do you see any alterations to the tube
13 whatsoever?

14 A Other than it was removed from the plastic sealed
15 wrap that I had placed it in, I see no other
16 alteration.

17 Q So the projectile, to the best of your knowledge,
18 looks in substantially the same condition as when you
19 removed it from the body?

20 A That's correct.

21 Q Okay. What kind of a death would this have been,
22 Dr. Woodard?

23 A Because your aorta is a major blood vessel, it
24 would be very difficult to maintain erect posture for
25 long because we maintain erect posture because we have

1 a closed blood system and we don't have any large holes
2 in the major tubes. If we put a large hole in the
3 major tubes, when you're erect, the perfusion to your
4 head will very rapidly go down and so you become faint,
5 if you will. The individual may attempt to get up and
6 move after this has happened. Witnesses may say,
7 "Well, they fell down and then they got up," or, "began
8 to crawl," or some such thing. It would take a few
9 minutes for the blood pressure to go low enough that
10 the person would become unconscious.

11 Q So he would have been conscious for a short period
12 of time before his death?

13 A That's correct.

14 Q Can you tell anything about the directionality of
15 the shooter based on the wound to Mr. Willingham?

16 A Relative to Mr. Willingham?

17 Q Yes, sir.

18 A The shooter was off to his right side. As far as
19 the fact that the bullet goes back a little bit, we
20 don't know if Mr. Willingham was rotating for whatever
21 reason at the time the bullet struck him so we can't be
22 really sure if he was off to the right side slightly
23 forward of Mr. Willingham or just off to the right
24 side.

25 Q Dr. Woodard, did you have an opportunity to review

1 additional medical records in this case belonging to
2 another individual who was brought to AnMed for this
3 same incident?

4 A Yes, I did.

5 Q Okay. To whom do those records belong?

6 A To Rayshawn Cowan.

7 Q Okay. How would a doctor examining Mr. Cowan on a
8 particular day understand his treatment history from
9 other visits if he were a normal patient?

10 A Every physician that deals with an individual has
11 to write what we call a history and physical. This
12 describes what they saw on the day that they examined
13 them, and then in a hospitalization, when the patient
14 is discharged and sent home, they have to do another
15 history and physical to show how progress was made
16 during the time period. Also during the hospital stay,
17 other examinations are done such as consultations with
18 other physicians, extra reports and laboratory reports.

19 Q So as a physician, would it be common, then, for
20 you to look at records from previous examinations to
21 form opinions or observations about medical conditions
22 of an individual?

23 A Yes, it would.

24 Q Okay. So then were you able, as an expert, after
25 reviewing these records, to determine the injuries

1 sustained by that individual?

2 A Yes. He received four gunshot wounds.

3 Miraculously none of them produced a life-threatening
4 injury. One gunshot wound went into his right shoulder
5 blade area, hit the rib, broke the rib, went across,
6 broke the opposite shoulder blade, and the bullet
7 lodged underneath that opposite shoulder blade. It
8 produced a bruise on the lung but it did not enter the
9 chest cavity. It did not put a hole in the lung.

10 The other three wounds were lower on the body.
11 One went into the right hip, one went into the right
12 buttocks, and one went into the left thigh. The one
13 that went into the right hip produced a fracture of his
14 right leg, and the projectile was in that general area
15 of the fracture. The one that went into his buttocks
16 crossed over to the left side and came to rest near the
17 left leg but did not produce a left leg fracture.

18 Q Did the patient make any statements pertaining to
19 the causation of his medical diagnosis?

20 MR. BYRHOLDT: Object, your Honor. Hearsay.

21 MS. PRICE: Your Honor, may it please the Court.

22 THE COURT: Counsel, approach.

23 (WHEREUPON, a bench conference was held off the
24 record in the presence of the jury, but out of the
25 hearing of the jury.)

1 THE COURT: Proceed.

2 MS. PRICE: Thank you, your Honor.

3 Q Dr. Woodard, again, did the patient make any
4 statements of causation pertaining to his medical
5 diagnosis?

6 A Yeah. He stated he was shot by an individual in
7 an automobile, and he did not name the individual to
8 the emergency room doctor.

9 Q Okay. Thank you, Dr. Woodard. Please answer any
10 questions that Mr. Byrholdt may have for you at this
11 time.

12 MR. BYRHOLDT: May it please the Court.

13 THE COURT: Yes, sir.

14 CROSS-EXAMINATION

15 BY MR. BYRHOLDT:

16 Q Good morning, Dr. Woodard.

17 A Good morning.

18 Q Just one question. Can you tell the ladies and
19 gentlemen of this jury whether Royres Patterson had
20 anything to do with this? You can't, can you?

21 A No, I cannot.

22 MR. BYRHOLDT: No questions. Thank you.

23 MS. PRICE: No redirect, your Honor.

24 THE COURT: Any objection to this witness being
25 excused?

1 MR. BYRHOLDT: Not from the defense.

2 MS. PRICE: None from the State.

3 THE COURT: Thank you, Doctor. You are excused.

4 MS. PRICE: Your Honor, may we approach?

5 THE COURT: Yes, ma'am.

6 (WHEREUPON, a bench conference was held off the
7 record in the presence of the jury, but out of the
8 hearing of the jury.)

9 THE COURT: Ladies and gentlemen, there is a
10 matter that we need to take up outside of your
11 presence. I'm going to have the bailiff take you to
12 the jury room at this point.

13 (WHEREUPON, the jury exited open court at
14 9:29 a.m.)

15 THE COURT: Okay.

16 MS. PRICE: Thank you, Judge.

17 Anthony Patterson.

18 (A man in the audience raised his hand.)

19 MS. PRICE: He's a witness in this case. I don't
20 know how long he has been in here.

21 Sheena Patterson.

22 (A woman in the audience raised her hand.)

23 THE COURT: All witnesses are sequestered.

24 Bailiffs, please escort the witnesses out. You
25 cannot hear the testimony, cannot discuss the case.

1 (Both attorneys conferring off the record.)

2 MS. PRICE: Thank you for your patience, your
3 Honor. The State is ready to proceed.

4 THE COURT: Okay.

5 Mr. Bailiff, if you will get our jury for us.

6 Are y'all going to read the stipulation or put
7 them in evidence?

8 MS. PRICE: Your Honor, I believe we will read
9 them, but we have got a few other folks to call, and I
10 think it makes logical sense to read them a little bit
11 later.

12 THE COURT: Okay. I'll leave it to the two of you
13 to decide what order you want to put them in.

14 (WHEREUPON, the jury entered open court at
15 9:50 a.m.)

16 THE COURT: Okay. State ready to proceed?

17 MS. MOORE: We are, your Honor.

18 THE COURT: Call your next witness.

19 MS. MOORE: State calls investigator Blair Hill.

20 BLAIR HILL,

21 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

22 THE CLERK: If you will take the witness stand and
23 state your name and spell your last name for the
24 reporter, please.

25 THE WITNESS: My name is Blair, B-l-a-i-r, Hill,

1 H-i-l-l.

2 DIRECT EXAMINATION

3 BY MS. MOORE:

4 Q By whom are you employed?

5 A I'm employed by the Anderson County Sheriff's
6 Office.

7 Q And how long have you been with the sheriff's
8 office?

9 A I've been with the Anderson County Sheriff's
10 Office just going on 16 years now.

11 Q And what's your current position?

12 A I'm an investigator with the forensics division.

13 Q And was that your position in June 2014?

14 A Yes, ma'am.

15 Q And prior to working at the sheriff's office, did
16 you have any other law enforcement experience?

17 A Yes, ma'am. Prior to, I was a member of the
18 United States Coast Guard on a law enforcement team.

19 Q Okay. And what are your duties and
20 responsibilities as an investigator in the forensics
21 division?

22 A They vary, but primarily when responding to
23 scenes, it's to identify, locate, collect, process and
24 analyze various forms of evidence.

25 Q Okay. And how long have you performed that

1 function for forensics?

2 A I've been with the forensics division since 2007.

3 Q Okay. Did you have any specialized training for
4 that?

5 A Yes, ma'am. I've had specialized training in
6 multi-facets across that. I've -- overall I'm a
7 specialist in impression evidence which includes tires,
8 gloves, footprints, all that type thing.

9 Q Okay. And how did you initially become involved
10 in this case against Royres Patterson?

11 A I -- the -- my involvement was I was called and I
12 responded to the autopsy at 800 North Main Street.

13 Q And what did you do when you arrived at that
14 autopsy?

15 A When I went to the autopsy, I photographed it
16 initially, I took the victim's prints, took latent
17 prints off of him, and I collected the actual autopsy
18 packet that was collected by the pathologist.

19 Q Okay. And can you explain to the jury a little
20 bit what an autopsy packet is.

21 A Autopsy packets can vary a bit. A general autopsy
22 packet would include things such as blood, hair, urine,
23 ocular fluid, and sometimes fingernails. It's some of
24 the general things. There are other things, ballistic
25 evidence, which could be projectiles or wadding or that

1 type of things that's found during an examination
2 that's often included, too, if it's present.

3 Q Okay. And do you happen to know what was in this
4 particular autopsy packet?

5 A All of the items I mentioned, but there also was
6 in this one, there was a projectile that was collected
7 during it by Dr. Woodard.

8 Q Okay. And does forensics have any kind of
9 procedure for when you collect autopsy packets, since
10 it does have such specialized things in it?

11 A Yes. Once it's collected and the chain starts
12 directly, directly from the staff there at the morgue,
13 it's directly transported in that case because of items
14 like blood and so forth, directly right there to an
15 evidence holding where all of the necessary items are
16 either refrigerated or properly packaged.

17 Q And why would an autopsy packet be refrigerated?

18 A Just to preserve certain samples, blood and urine
19 samples.

20 Q Okay. And would this autopsy packet have been
21 refrigerated?

22 A Yes, ma'am.

23 Q Do you mark the autopsy packet in any way with
24 your -- with any mark of your own?

25 A Typically, when I receive the autopsy packet, it's

1 in a tamper-proof package that's collected and done by
2 the assistant of Dr. Woodard. She typically seals it
3 up, so what I typically do with it is I bring it back.
4 There's no need to reopen -- do anything. I don't
5 tamper with that. I enter it in evidence, and then I
6 place the evidence tag of my own on the outside of it,
7 and it's refrigerated or the next step goes from there.

8 Q Okay. Is there any kind of documentation that
9 would correspond with that evidence tag that you placed
10 on the autopsy packet?

11 A Yes. Everything that goes into our evidence
12 system is called file on queue. And it tracks the
13 date, the time right down to the second that every item
14 of evidence is entered, and then it tracks every
15 transfer. If it's transferred from here to a lab to
16 transfer, every second of that time is accounted for.

17 Q Okay. And who initiates that report when you --
18 when you log a piece of evidence, is that the
19 initiation of that report?

20 A Well, the -- the initiation, the initial entry is
21 something that I would document. The second stage from
22 there, whether it be Sergeant Caron or someone else who
23 may be transferring it to a DNA lab or another lab,
24 from them they would document, they would take the next
25 step and document the chain of evidence at that point.

1 Once a lab has it, they would document having it, and
2 they would document it from there. So each entity,
3 they would have their own report and how long.

4 Q What is on -- you say you place your own evidence
5 tag on the autopsy packet. What's on the tag?

6 A The system we use, number one, it has a bar code
7 and I bar code -- it's easily scannable. It says -- it
8 has the case number on it, and it usually says -- it
9 usually just has a description of the item. They don't
10 typically say a name of any individual because when you
11 SKU this item, it's going to come up then and identify.
12 In this case, if you SKU'd it, it would say entered on
13 this date, it would say Blair Hill, and from that point
14 it also SKUs current location. If it's at a lab, it
15 says entered by Blair Hill, current location and
16 wherever refrigeration A, this, that, and the other.

17 Q Okay. I'm going to show you what's been marked as
18 State's Exhibit 15. Would you take a look at that for
19 me. Do you recognize this?

20 A Yes, ma'am. This is the log. This is the
21 evidence track log.

22 Q And how do you recognize that?

23 A Well, obviously, it shows the date, shows the
24 time, the logged-in user because each person has an
25 independent sign-on, independent password and so forth.

1 It's unique to each individual that works in that
2 division. So the logged-in user is me, Blair Hill.

3 It's logged in under me, and it shows the location and
4 the track from there.

5 Q Okay. And you say this is the original log which
6 is the original log for which item?

7 A Yes, ma'am.

8 Q For which item, though?

9 A Oh, I'm sorry.

10 Q It's okay.

11 A This original -- this is the autopsy pack with
12 projectile.

13 Q Okay. And is this record made and kept in the
14 course of regularly conducted business at P&E, at
15 property and evidence?

16 A Yes, ma'am, everything.

17 MS. MOORE: Your Honor, I'd ask that State's
18 Exhibit 15 be moved into evidence and published to the
19 jury.

20 MR. BYRHOLDT: No objection.

21 THE COURT: State's Exhibit 15 will be admitted
22 without objection.

23 (WHEREUPON, State's Exhibit Number 15 was admitted
24 into evidence.)

25 BY MS. MOORE:

1 Q Investigator Hill, if you could come down with me
2 and bring that evidence sheet.

3 Okay. You're looking at Exhibit Number 15. Can
4 you tell the jury one more time what this is?

5 A Okay. The initial first line showing 6/9/14,
6 that's the exact time I was on the system at 12:20
7 right then. I logged it in. Initially when you log
8 any item to tag it, location is yourself, meaning every
9 single item that I have to put in, I have to tag it,
10 it's going to automatically say I have it. Well, I
11 transferred it. The next line is the transfer. That's
12 where it was transferred, second line, into the intake
13 refrigerator.

14 Q And is the refrigerator a safe and secure
15 location?

16 A Yes, ma'am. No one has access to it.

17 Q Except?

18 A Well, except for personnel like myself and other
19 investigators in that -- in that division.

20 Q Okay. And did you change or alter the autopsy
21 packet at all before you put it into the refrigerator?

22 A No, ma'am. I did not alter the packet at all.

23 Q Okay. You can have a seat. Thank you.

24 Investigator Hill, other than coming here today,
25 did you have any other involvement in this case?

1 A No, ma'am, I did not.

2 MS. MOORE: One moment, your Honor.

3 Thank you. Please answer any questions

4 Mr. Byrholdt may have for you.

5 MR. BYRHOLDT: May it please the Court.

6 CROSS-EXAMINATION

7 BY MR. BYRHOLDT:

8 Q Let me hand you State's Exhibit 15. The last
9 entry on that document is what date and time?

10 A I'm sorry, the last -- are you referring to the
11 one under Belinda Lee?

12 Q The last entry on that document would be Belinda
13 Lee, right?

14 A Yes, sir.

15 Q And is that the last time that autopsy packet was
16 moved or put anywhere?

17 A Sir, I can't -- you would have to direct that to
18 the evidence custodian. This given in front of me, if
19 things are transferred to a certain lab, then they're
20 sent somewhere, the autopsy packet. As far as a
21 projectile, it would have a whole different -- it would
22 have a whole different -- I say the projectile. If
23 it's sent to the lab -- this is just strictly autopsy
24 packet. A projectile would have a whole different
25 line. So I don't have knowledge of anything went past

1 this other than being stored in a refrigerator, just
2 the autopsy packet.

3 Q Well, now, your document there says autopsy packet
4 with projectile?

5 A Yes, sir.

6 Q And the last entry is what date and time on
7 your -- on Exhibit 15?

8 A That's 6/9/14.

9 Q All right.

10 A Uh-huh.

11 Q If anything is taken out of that packet, shouldn't
12 that be logged on that chain of custody?

13 A If I did this, you're correct. I did not remove
14 it. This projectile was removed from that, but --

15 Q If any officer -- because somebody handled that
16 after you did, correct?

17 A Yes, sir.

18 Q And the last item -- if somebody else picked it up
19 after that, it should be logged on that chain of
20 custody, right, because that chain of custody goes from
21 where you pick it up to the last person that touched
22 it, correct?

23 A Yes, sir.

24 Q Under State's Exhibit 15, the last time that was
25 touched was June 9th of 2014, correct, according to

1 State's Exhibit 15?

2 A According to that, yes, sir.

3 MR. BYRHOLDT: No further questions. Thank you.

4 THE COURT: Any redirect?

5 REDIRECT EXAMINATION

6 BY MS. MOORE:

7 Q Investigator Hill, are you the supervisor of
8 evidence?

9 A No, ma'am.

10 Q No? Okay.

11 When anything is removed from an autopsy packet,
12 particularly a projectile, do you know if it gets a new
13 bar code number?

14 A Typically it does, yes, ma'am.

15 MS. MOORE: No further questions. Thank you.

16 RECROSS-EXAMINATION

17 BY MR. BYRHOLDT:

18 Q But the chain of custody, the reason you have that
19 is to maintain who has control of it, correct?

20 A Yes, sir. And it is maintained at all times.

21 Q Any piece of evidence?

22 A Yes, sir. And it is maintained at all times.

23 This is just strictly for this bar code. This only
24 represents this bar code.

25 MR. BYRHOLDT: No further questions.

1 THE COURT: Anything further from this witness?

2 MS. MOORE: Nothing further, your Honor.

3 THE COURT: Any objection to this witness being
4 excused?

5 MR. BYRHOLDT: None from the defense.

6 MS. MOORE: None, your Honor.

7 THE COURT: Thank you, Officer. You are excused.
8 Call your next witness.

9 MS. MOORE: State calls Nikki Branch.

10 RACHAEL BRANCH,

11 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

12 THE CLERK: If you will take the witness stand,
13 please, ma'am, and state your name and spell your last
14 name for the record.

15 THE WITNESS: My name is Rachael Branch,
16 B-r-a-n-c-h.

17 DIRECT EXAMINATION

18 BY MS. MOORE:

19 Q Ms. Branch, could you tell us where you were
20 working on June 7, 2014?

21 A Anderson County Sheriff's Office.

22 Q And are you still employed there?

23 A No, I'm not.

24 Q What do you do now?

25 A I am an office manager at a local business.

1 Q Okay. And why are you no longer employed with the
2 sheriff's office?

3 A It -- the contract was terminated.

4 Q Okay. Can you briefly tell us why?

5 A I was charged with a CDV.

6 Q Is that case still pending?

7 A Yes, it is.

8 Q Is it being handled by our office?

9 A No, it is not.

10 Q How long have you been employed with the sheriff's
11 office prior to being terminated?

12 A Ten years.

13 Q And what was your official title on June 7, 2014?

14 A Forensics investigator.

15 Q And what were your duties at that time?

16 A To respond to crime scenes, maintain the integrity
17 of the evidence, collect evidence, photographs, and to
18 assist with the investigators of whatever they needed
19 to be entered.

20 Q Okay. And how long have you performed that
21 function for forensics?

22 A About four years.

23 Q Okay. Did you have any kind of specialized
24 training?

25 A Yes.

1 Q What kind?

2 A It was constant training because things were, you
3 know, evolving as far as technology went. We went to
4 classes for crime scene photography, fingerprinting,
5 things like that.

6 Q Okay. And how did you initially become involved
7 in the case against Royres Patterson?

8 A I was called by dispatch to respond to the ER in
9 reference to two shooting victims.

10 Q And what did you do when you got there?

11 A I got with the investigator that was there, found
12 out where the victims are -- were. I took pictures of
13 both of them and collected evidence from them.

14 Q Okay. And what evidence, if any, did you collect
15 from the hospital?

16 A I collected both victims' clothes, some cell
17 phones. I did two gunshot residue kits on both
18 victims, and there was some money that was collected
19 from one of them.

20 Q Okay. I'm going to show you what has been marked
21 as State's Exhibit 27 and 28. Give me one second and
22 I'll get you a pair of gloves.

23 A Okay.

24 Q Okay. Can you open that, please, and without
25 showing the jury what's inside of it, just tell me what

1 you see.

2 A I see a pair of blue jeans with a belt.

3 Q Okay. Anything else?

4 A A blue shirt.

5 Q Okay. And is that the blue shirt that you
6 collected from Rayshawn Cowan at the hospital?

7 A Yes, it appears to be.

8 Q How do you know?

9 A I collected his stuff together and put it all in
10 the bag immediately and taped it up.

11 Q And what did you do with it when you collected it?

12 A I secured it in my vehicle until I could get it to
13 evidence wherein a safe, secure location.

14 Q And did you change or alter the items at all?

15 A No.

16 MS. MOORE: Your Honor, at this time I'd ask that
17 State's Exhibit 27 be admitted into evidence.

18 MR. BYRHOLDT: No objection.

19 THE COURT: Exhibit 27 of the State would be
20 admitted without objection.

21 MS. MOORE: Your Honor, we would also move 28 in.

22 MR. BYRHOLDT: No objection.

23 THE COURT: Exhibit Number 28 would be admitted
24 without objection.

25 (WHEREUPON, State's Exhibit Numbers 27 and 28

1 were admitted into evidence.)

2 BY MS. MOORE:

3 Q Okay. Ms. Branch, if you can pull out that blue
4 shirt for us. You can come down here and put it on
5 this table if that would be easier for you.

6 A Yes, ma'am.

7 Q Okay. Now, on the shirt, can you point out what's
8 on the shirt?

9 A There are blood stains on the shirt.

10 Q Okay.

11 A There was a hole that was consistent with a
12 gunshot wound to that victim on this shirt.

13 Q Okay. And what else is in that bag?

14 A His pants that also has evidence of blood stains
15 on them also.

16 Q Okay. Thank you. If you will put those back in
17 that bag for me, that would be great. And what, if
18 anything, did you do when you left the hospital?

19 A I was called to go to the crime scene.

20 Q Okay. And when you were called out to crime
21 scenes, what usually happened first?

22 A I try to find the officer or investigator in
23 charge, and we would come up with a plan of how we
24 needed to go about collecting and maintaining the
25 scene.

1 Q Okay. Is that what you did when you were out at
2 this scene?

3 A Yes.

4 Q And when we say "scene," what address is that, do
5 you remember?

6 A They told me Hall Street and Oliver Street, that
7 intersection.

8 Q And did you collect any evidence in that area?

9 A I did.

10 Q What evidence did you collect?

11 A I took photos --

12 Q Uh-huh.

13 A -- of the scene. I took some shell casings, some
14 blood swabs from the road, I believe. There was a
15 vehicle also that I took photos of, and there was what
16 was suspected to be marijuana in the center console.

17 Q Okay. And I'm now going to show you what's been
18 marked as State's Exhibit 23 A through D. Can you open
19 that, please, and without showing the jury, tell me
20 what you see inside. There's some scissors up there
21 for you if you need them.

22 A Okay. Thank you.

23 There are four smaller manila envelopes.

24 Q Envelopes, okay. Could you take those out and see
25 what you see?

1 A There is a shell casing in that one.

2 Q Do you know what caliber?

3 A It looks like a 9, but without touching it, I
4 don't know. There is a shell casing in that one. And
5 there is a shell casing in the third one. And a shell
6 casing in the fourth one.

7 Q Do you recognize those items?

8 A I do.

9 Q How are you able to recognize them?

10 A They were in the roadway on Oliver Street. I
11 marked each one of them individually, photographed
12 them, and then collected them and kept them separated
13 in their own envelopes.

14 Q And what did you do with them after you collected
15 them?

16 A Placed them in evidence.

17 Q Okay. And is evidence a safe and secure location?

18 A Yes, very.

19 Q Did you change or alter these items at all?

20 A No, I did not.

21 Q You said that you also collected some marijuana at
22 that scene?

23 A I did.

24 Q What did you do with that marijuana?

25 A I collected it and placed it in evidence.

1 Q And is that marijuana still in evidence?

2 A No, it is not.

3 Q And why is that?

4 A It was asked to be destroyed because we could not
5 place it on anyone and no one was going to be charged
6 with it, so we did have it destroyed. We couldn't
7 leave it in the car.

8 Q Okay.

9 Q I'm now going to show you what's been marked as
10 State's Exhibit 1 through 4. Do you recognize these?

11 A No, I don't recognize these pictures.

12 Q I'll show you Exhibits 5 and 6. Do you recognize
13 these photographs?

14 A Yes, I do.

15 Q What is that a picture of?

16 A That is the angle if you're standing on Hall
17 Street looking up Oliver Street with the markers that I
18 have for the shell casings and blood swabs.

19 Q Okay. And if you will come down for me and bring
20 those exhibits.

21 Okay. Can you explain to us a little bit about
22 these markers?

23 A Yes. Any time we go to a crime scene, if there's
24 something that we deem as evidentiary, as in this case
25 it's a shooting, shell casings, blood, et cetera, we

1 try to mark them with these numbered markers, and
2 that's also how we tag the evidence, with that marker
3 number on it.

4 Q Okay.

5 A 1, 2, 3, and 4, I believe, were the shell casings.

6 Q Uh-huh.

7 A And the other ones were the blood swabs, so I
8 tried get an angle of how they flowed up the street.

9 Q Okay. And when you say that they flowed up the
10 street, what do you mean exactly?

11 A They weren't in one location. Usually it means a
12 moving scene.

13 Q Okay. And so if 1, 2, 3 and 4 were shell casings,
14 what were these others?

15 A They would have been the blood swabs.

16 Q Blood swabs?

17 A Uh-huh.

18 Q Okay. You can have a seat. I'm going to show
19 you, Ms. Branch, State's Exhibits 37 through 44. Can
20 you tell me what those are? Do you recognize those?

21 A I do. They're the shell casings individually
22 marked and photographed and the blood swabs as well
23 individually marked and photographed.

24 Q Okay. Did you take those photographs or were you
25 present when they were taken?

1 A I took them.

2 Q You took them. And have they been altered in any
3 way that you can tell?

4 A No.

5 Q No.

6 MS. MOORE: Your Honor, the State moves that
7 Exhibits 37 through 44 be admitted into evidence.

8 MR. BYRHOLDT: No objection.

9 THE COURT: State's Exhibits 37 through 44 will be
10 admitted without objection.

11 (WHEREUPON, State's Exhibit Numbers 37-44 were
12 admitted into evidence.)

13 BY MS. MOORE:

14 Q Okay. And what did you do after you collected
15 evidence from the roadway?

16 A I assisted with a search warrant on the corner
17 house of Hall and Oliver Street.

18 Q Okay. And how did you assist in executing that
19 search warrant?

20 A Photographed and collected evidence inside the
21 residence.

22 Q And what evidence did you collect there?

23 A There were some live .40 caliber rounds, there was
24 a .38 revolver that had two live .38 rounds in it, and
25 I think a few other millimeter, maybe 9mm, shell

1 casings or live rounds.

2 Q I'm going to show you what's been marked as
3 State's Exhibits 34 through 36. Do you recognize
4 those?

5 A Yes, I do.

6 Q Okay. And what is it?

7 A One is the exterior of the residence that the
8 search warrant was executed. The other ones depict in
9 the living room where the .38 revolver was found.

10 Q Okay. And did you take those pictures or were you
11 present when they were taken?

12 A I took them.

13 Q And do they appear to accurately represent what
14 you photographed that night?

15 A Yes.

16 MS. MOORE: Your Honor, the State moves that
17 Exhibits Numbers 34 through 36 be admitted into
18 evidence and published to the jury.

19 MR. BYRHOLDT: No objection.

20 THE COURT: State's Exhibits 34, 35 and 36 would
21 be admitted without objection.

22 (WHEREUPON, State's Exhibit Numbers 34-36 were
23 admitted into evidence.)

24 BY MS. MOORE:

25 Q You might have to step down so you can see.

1 I'm showing you State's Exhibit 34. Can you tell
2 the jury what's in that picture?

3 A That is the residence that we did the search
4 warrant on.

5 Q Okay. And in State's Exhibit 35?

6 A That is inside the living room area where the .38
7 is on top of the entertainment center.

8 Q Okay. And in this photograph?

9 A That's the actual photograph of the .38 that I
10 collected.

11 Q And that's Exhibit 36?

12 A Uh-huh.

13 Q Okay. And both of the photographs, Exhibit 35 and
14 36, were taken inside of this home; is that correct?

15 A That's correct.

16 Q Okay. You can take a seat. Thank you.

17 Next I'm going to show you what has been marked as
18 State's Exhibit 19. Well, State's Exhibit 18. Can you
19 open that and tell me what's inside without showing it
20 to the jury?

21 A It is a .38 caliber revolver with a small manila
22 envelope in it.

23 Q Okay.

24 A The two live .38 Special rounds that were inside
25 the revolver.

1 Q And do you recognize those items?

2 A I do.

3 Q How are you able to recognize them?

4 A Because I boxed them and secured them myself.

5 Q And how did they first come into your possession?

6 A At the scene. I was told to collect it.

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

9 A Placed them in evidence.

10 Q Okay. And did you change or alter them at all?

11 A No, ma'am.

12 Q No. Now I will show you State's Exhibit 22.

13 Switch that off, would you.

14 A Okay.

15 Q Without showing it to the jury, can you open that
16 and tell me what's inside?

17 A Another small envelope. It's a live round, 9mm
18 live round.

19 Q Do you recognize this item?

20 A I do.

21 Q How are you able to recognize it?

22 A Because I collected it.

23 Q Where did you collect it?

24 A Photographed and collected it. At the residence.

25 Q Do you remember where in particular at the

1 residence?

2 A I believe above the stove in the kitchen cabinet.

3 Q Okay. And what did you do with it after you
4 collected it?

5 A Placed it in evidence.

6 Q What kind of packaging did you put it in?

7 A This.

8 Q That exact packaging?

9 A Yes.

10 Q How do you know it was that exact packaging?

11 A Because it has my initials and my computer number
12 and bar code on it.

13 Q And you do that with all of the pieces of evidence
14 you collected and put into evidence?

15 A Yes, ma'am.

16 Q I'm showing you what's been marked as State's
17 Exhibit 21. Can you open that, and without showing it
18 to the jury, tell me what you see inside?

19 A It is a Ziploc bag containing live rounds.

20 Q Okay. Do you recognize those?

21 A I do.

22 Q How are you able to recognize them?

23 A I collected them at the residence as well.

24 Q Do you remember where in the residence you found
25 them?

1 A The same place as the 9mm, above the stove.

2 Q And what did you do with it after you collected
3 it?

4 A I sealed it and placed it in evidence.

5 Q And you put your initials on it?

6 A Yes, ma'am.

7 Q Bar code as well?

8 A Yes, ma'am.

9 Q Okay. And now I'm showing you State's Exhibit 25.
10 Can you open that, please, and without showing it to
11 the jury, tell me what you see?

12 A It is a box of ammunition.

13 Q Okay. And do you recognize that?

14 A Yes.

15 Q How are you able to recognize it?

16 A I collected it from the residence.

17 Q Do you remember where in particular in the
18 residence?

19 A I don't remember exactly where.

20 Q Okay. And what did you do with it after you
21 collected it?

22 A I placed it in this bag and sealed it.

23 Q And how do you know that it's that exact bag?

24 A Because it's still got my initials on it.

25 Q Did you change it or alter it at all before you

1 placed it in the bag?

2 A Of course, no, I did not.

3 Q Other than coming here to testify, did you have
4 any other involvement in this case?

5 A No, I did not.

6 MS. MOORE: One moment, your Honor.

7 BY MS. MOORE:

8 Q Okay. And just to clarify, for the record, I'm
9 going to hand you State's Exhibit 18 one more time.
10 And tell me one more time, what's in that box.

11 A .38 revolver and two live rounds that were taken
12 from it.

13 Q And the revolver is State's Exhibit No. 19 and the
14 two rounds are State's Exhibit 20 A and B. So after
15 you collected all of this evidence, did anyone tamper
16 with it?

17 A No.

18 Q Did anyone touch it while it was in your care,
19 custody and control other than yourself?

20 A No.

21 Q And you took it directly to evidence?

22 A Yes.

23 Q And is evidence a safe and secure location?

24 A Yes, it is.

25 Q Okay. Thank you.

1 MS. MOORE: I have no further questions. Please
2 answer any Mr. Byrholdt may have for you.

3 MR. BYRHOLDT: May it please the Court.

4 CROSS-EXAMINATION

5 BY MR. BYRHOLDT:

6 Q State's Exhibit 18 and 19, the gun and two live
7 rounds, can you tell this jury what it has to do with
8 this drive-by shooting, if anything?

9 A I was told to collect it and place it in evidence,
10 and that's what I did.

11 Q Is -- do you know if it's related in any way?

12 A I do not. That was the extent of my involvement.

13 Q Okay. The photographs that you took of the house
14 at Hall Street, what do they have to do with this
15 case?

16 A It was the crime scene, as far as I was told.

17 Q Crime scene was outside, right?

18 A Uh-huh.

19 Q Was the blood splatter found opposite or
20 adjacent to it or before you got to

21 A It was right at the back part of the driveway for
22

23 Q Okay. You did gunpowder residue kits. That's to
24 check if someone had fired a gun recently?

25 A Yes.

1 Q You did it on the two victims?

2 A Yes.

3 Q Were those ever sent off to SLED?

4 A I don't know.

5 Q When did you last work at the sheriff's office?

6 A April of 2015.

7 Q All right. Whose job would it have been to send
8 that off to SLED to make sure it was checked?

9 A The lead investigator puts in the request.

10 Q All right. And you don't know if that was done in
11 this case?

12 A No, sir, I don't.

13 Q Now, you did find guns at the scene of the crime
14 inside that house?

15 A Yes, sir.

16 Q Was anybody living there?

17 A I'm not sure.

18 Q From what you observed, did it appear that anybody
19 was living there or did it look like a drug house?

20 A That's probably more accurate.

21 Q If someone were to have said there's no guns in
22 that area, that person wouldn't be telling the truth,
23 would they?

24 A No, they would not.

25 Q Nothing further. Thank you, ma'am.

1 THE COURT: Any redirect?

2 MS. MOORE: Just one, your Honor.

3 REDIRECT EXAMINATION

4 BY MS. MOORE:

5 Q Out of an abundance of caution, as a forensics
6 investigator, when you would process a scene, would you
7 process the area around the crime scene?

8 A Yes. To a certain extent, yes.

9 Q To the extent that you can?

10 A Right.

11 Q Thank you.

12 I have nothing further.

13 THE COURT: Anything further from this witness?

14 MR. BYRHOLDT: No.

15 THE COURT: Any objection to this witness being
16 excused?

17 MS. MOORE: None.

18 MR. BYRHOLDT: Not from the defense.

19 THE COURT: Thank you, ma'am. You are excused.

20 MS. PRICE: Your Honor, at this time the State
21 will publish with the Court's permission or ask the
22 Court to publish some stipulations that the defense and
23 the State have entered into pertaining to this case.

24 THE COURT: All right. I'll get one of the
25 attorneys to read those into the record.

1 Mr. Byrholdt, you agree Ms. Price can read those
2 into the record?

3 MR. BYRHOLDT: Your Honor may want to instruct the
4 jury on what a stipulation means.

5 THE COURT: Ladies and gentlemen of the jury, part
6 of what the attorneys were working out while you were
7 in the jury room are things called stipulations. These
8 are facts in the case with which they have no
9 disagreement. Sometimes attorneys stipulate to things
10 to avoid having to call witnesses to those things and
11 that saves time in the hearing. So what the attorneys
12 did is they reduced the stipulations or agreements --
13 and that's what a stipulation means, agreement -- they
14 reduced that to writing, and these are facts that they
15 are going to read into the record that they both agree
16 on.

17 So, Ms. Price.

18 MS. PRICE: Thank you, your Honor. May it please
19 the Court.

20 State's Exhibit 32 is a stipulation to chain and
21 authentication and lack of relevance of a bullet core
22 by the parties in this case. It reads: The State,
23 through Assistant Solicitor Lauren Davis Price, and the
24 defendant, through his attorney Bruce Byrholdt, hereby
25 agree and stipulate to the chain of custody testimony

1 concerning the following pieces of evidence,
2 stipulating as to the admissibility of these items and
3 stipulate that the item is not relevant to the trial of
4 this case and agree the following is to be read into
5 the record:

6 One, a bullet was handed to Investigator Jeff
7 Findlay with the Anderson County Sheriff's Office by
8 Ollie AKA Kelly Willingham on June 9, 2014.

9 Two, the bullet was placed into evidence.

10 Three, the bullet was transported to the
11 Greenville Sheriff's Office along with other evidence
12 on March 18, 2016.

13 Four, the bullet lacks sufficient microscopic
14 markings for any analysis.

15 Five, the bullet is further unrelated and
16 irrelevant to the trial of Royres Patterson as agreed
17 upon by the parties.

18 I so stipulate, signed by the State and the
19 defense.

20 State's Exhibit 33 is a stipulation to change and
21 authentication of fingerprinting by the parties. It
22 reads: The State, through Assistant Solicitor Lauren
23 Davis Price, and the defendant, through his attorney
24 Bruce Byrholdt, hereby agree and stipulate to chain of
25 custody testimony concerning the following pieces of

1 evidence, stipulate as to the admissibility of these
2 items and stipulate to the results of latent processing
3 and agree the following is to be read into the record:

4 One, a 2014 Mitsubishi Mirage was recovered on
5 June 13, 2014, by Investigator Tommy Johnson. It was
6 towed to the Anderson County Sheriff's Office armory
7 where on June 13, 2014, a search warrant was executed
8 upon the vehicle. Pursuant to that search warrant, the
9 vehicle was processed by Investigators Chris Beusse and
10 Chris Wilson.

11 Two, 19 latent prints were lifted from the vehicle
12 by Investigator Beusse and were entered into the latent
13 section of forensics for further analysis. They are
14 marked as State's Exhibit 29.

15 Three, 12 latent prints were lifted from the
16 vehicle by Investigator Wilson and were entered into
17 the latent section of forensics for further analysis.
18 They are marked as State's Exhibit 30.

19 Four, on March 18, 2016, Investigator Mark
20 Patterson compared the lifts taken by Investigators
21 Beusse and Wilson to known prints of Royres Antwon
22 Patterson.

23 Five, none of the lifts which were taken from the
24 Mitsubishi Mirage matched those of Royres Antwon
25 Patterson.

1 Six, six lifts that were AFIS quality were ran
2 with negative results by Investigator Mark Patterson.

3 Seven, AFIS is a national database of prints. No
4 prints matched individuals in that database.

5 These are the stipulations that are agreed upon by
6 the parties in this case.

7 Your Honor, at this time the State would seek to
8 move Exhibits 32 and 33 into evidence.

9 MR. BYRHOLDT: No objection.

10 THE COURT: All right. State's Exhibits 32 and 33
11 will be admitted without objection.

12 (WHEREUPON, State's Exhibit Number 32 was admitted
13 into evidence.)

14 (WHEREUPON, State's Exhibit Number 33 was admitted
15 into evidence.)

16 MS. PRICE: Your Honor, further, the State, as
17 agreed to pursuant to the stipulations, would seek to
18 move Exhibits 29 and 30 into evidence.

19 MR. BYRHOLDT: No objection.

20 THE COURT: And 29 and 30 would also be admitted
21 without objection.

22 (WHEREUPON, State's Exhibit Number 29 was admitted
23 into evidence.)

24 (WHEREUPON, State's Exhibit Number 30 was admitted
25 into evidence.)

1 MS. PRICE: Thank you, your Honor.

2 THE COURT: Call your next witness.

3 MS. MOORE: State calls Sergeant Todd Caron.

4 TODD CARON,

5 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

6 THE CLERK: If you will have a seat and state your
7 name and spell your last name for the reporter, please.

8 THE WITNESS: Todd Caron, C-a-r-o-n.

9 DIRECT EXAMINATION

10 BY MS. MOORE:

11 Q Sergeant Caron, where are you currently employed?

12 A The Oconee County Sheriff's Office.

13 Q And how long have you been with the sheriff's
14 office?

15 A Since 1996.

16 Q Okay. What's your position there?

17 A Sergeant over property and evidence.

18 Q And how long have you worked in that capacity?

19 A 2012.

20 Q So you were working in that capacity in June of
21 2014?

22 A Yes, ma'am.

23 Q Okay. And what do your duties include?

24 A Maintain property and evidence that comes in from
25 various crimes.

1 Q And when you say that you work in property and
2 evidence, what is property and evidence?

3 A Property and evidence is basically any -- any
4 evidence that comes in from a crime. It's our job over
5 in property and evidence to maintain that, to keep it
6 safe until it goes to trial or, you know, whatever the
7 investigators choose to do with it.

8 Q And is the property and evidence room a secure
9 location?

10 A Yes. The only people that can access are forensic
11 techs and evidence techs. Even if the sheriff himself
12 wants in, he's got to knock on the door.

13 Q Could you briefly explain how you store and
14 maintain property in that room?

15 A Sure. We have specific locations in the building
16 that are more secure that are just accessible to myself
17 and evidence techs that work under me. Even the
18 forensics guys can't get to it. Those rooms stay
19 locked and, again, only we have keys. We use a bar
20 code system to keep track of everything, kind of like
21 they use at a grocery store, scanning a label.

22 Q And are drugs kept in the property and evidence
23 room?

24 A Yes.

25 Q And what is a drop box?

1 A The evidence drop box would be on a weekend or
2 late at night when there's no one from evidence around,
3 if an evidence tech or road deputy needed to turn in
4 evidence, they would put it in the drop box. It's a
5 locking box. Once they put the evidence in the box,
6 it's like a locker. Once they close it, it's locked
7 from the inside. They cannot access it anymore. We
8 check those every morning when we come in.

9 Q Who has access to the lock box?

10 A Just the evidence techs and myself.

11 Q And how is evidence maintained and recognized for
12 each case? What kind of records do you keep?

13 A We keep records through the bar code system. It's
14 a system called FileOnQ, but it basically issues a bar
15 code for each piece of evidence as it's entered by the
16 forensic officers. Or if a road deputy turns it in,
17 the evidence techs will generate a bar code and we
18 track it that way.

19 Q Okay. I'm going to show you what's been marked as
20 State's Exhibit 17.

21 THE COURT: What number did you say that was?

22 MS. MOORE: 17.

23 BY MS. MOORE:

24 Q Do you recognize this?

25 A Yes. This is what we call a query list of all the

1 evidence that appears to all be from the same case.

2 Q Okay. And how would you recognize that?

3 A The case number listed here on the left, and then
4 these are the actual bar codes with the bar code
5 numbers and the property description down the middle.

6 Q Okay. And is this record made and kept in the
7 course of regularly conducted business at property and
8 evidence?

9 A Yes. Yes, ma'am.

10 MS. MOORE: Your Honor, I'd ask that State's
11 Exhibit 17 be admitted into evidence and published to
12 the jury.

13 MR. BYRHOLDT: Without objection.

14 THE COURT: State's Exhibit Number 17 would be
15 admitted without objection.

16 (WHEREUPON, State's Exhibit Number 17 was admitted
17 into evidence.)

18 BY MS. MOORE:

19 Q Did you come into contact with any evidence
20 collected in the case against this defendant, Royres
21 Patterson?

22 A Yes, ma'am.

23 Q Okay. I'm going to show you what's been marked as
24 State's Exhibit 21. Do you recognize this?

25 A Yes.

1 Q What is it?

2 A It's .40 caliber rounds. Now, I didn't collect
3 this, but it says from a kitchen cabinet.

4 Q But the bag that it's in, you recognize the bag
5 that it's in?

6 A Yes. This is pretty standard for evidence
7 collection.

8 Q And how would you have first gotten your hands on
9 it?

10 A When the crime scene investigator turns it in, she
11 would enter it into the computer which would generate a
12 bar code that I spoke about earlier, and she would put
13 it in the drop box for us to collect later, depending
14 on the time of day, of course.

15 Q Okay. And what do you do with it when you receive
16 it?

17 A We will gather all the evidence from a single
18 case, and we do file it by different types. We have to
19 keep drugs more secure and guns have to be kept more
20 secure, but we generally, if it's not a gun or drugs,
21 we put them in a large box and store them in a locked
22 area.

23 Q And is that area that they're stored secure?

24 A Yes, ma'am.

25 Q When you received this particular piece of

1 evidence, do you remember if it appeared to be tampered
2 with at all?

3 A No. I don't believe it was. The investigators
4 have to submit it to us sealed with their initials and
5 date on the back or we won't accept it.

6 Q Okay. And when you received this evidence, would
7 you have known what was inside the packaging? Would
8 you have opened it to look?

9 A No, ma'am. Just based on the label itself. We
10 don't open it to look at it. We just assume what's in
11 there is what's on the label.

12 Q How would you find out if you wanted to find out
13 what is inside?

14 A The only way really to find out, short of asking
15 the investigator who turned it in, would be to cut it
16 open and take a look at it.

17 Q Is there any kind of documentation that you could
18 look at that might show you what's connected with the
19 bar code on the packet?

20 A Yes, the query list or there is a separate form
21 that we can print, the property report.

22 Q If you will look at State's Exhibit 17 again.

23 A Uh-huh.

24 Q Can you tell me what's inside Exhibit 21 by
25 looking at that sheet?

1 A Sure. What I'd have to do is look at this bar
2 code number --

3 Q Uh-huh.

4 A -- and find it on the list, 139539. And, again,
5 on this list it says .40 caliber live rounds from
6 kitchen cabinet above stove in a Ziploc bag.

7 Q Okay. Perfect. Thank you.

8 I'm now going to show you what's been marked as
9 State's Exhibit 22. Do you recognize this?

10 A This one is not sealed, so I would have to look
11 inside. Yes.

12 Q Okay. And what is in that?

13 A This states that it is a 9mm FC Luger live round
14 taken from a kitchen drawer.

15 Q And when you received -- first of all, did you
16 receive this from an investigator?

17 A Yes, ma'am.

18 Q Okay. How do you know that this is the exact
19 thing that you received from the investigator?

20 A Again, it's got the original seal and date on it
21 from when we received it. Now, this one went -- this
22 one went for testing so it's got a second seal on it,
23 probably from Greenville County because I don't
24 recognize those initials.

25 Q When you received it, do you remember if the

1 packaging appeared to be tampered with at all?

2 A No, ma'am.

3 Q You would not have accepted it if the packaging
4 were tampered with?

5 A That's correct.

6 Q Did you change or alter that piece of evidence at
7 all?

8 A No, I did not. The only time I would have altered
9 or opened any of these was to let either investigators
10 or attorneys look at it.

11 Q Okay. And if you look at State's Exhibit 17 again
12 that summary sheet?

13 A Uh-huh.

14 Q Do you find a corresponding bar code on that list?

15 A Yes, ma'am.

16 Q And what description is next to that bar code?

17 A 9mm FC Luger live round taken from the kitchen
18 drawer.

19 Q And that is, in fact, what's inside Exhibit 22?

20 A Best of my knowledge.

21 Q I'm now going to show you what's been marked as
22 State's Exhibit 23 A through D. Do you recognize this?

23 A Yes.

24 Q And how are you able to recognize it?

25 A The bar codes.

1 Q Bar codes again?

2 A Yes, ma'am.

3 Q And what is it?

4 A According to the labels, this is a 9mm FC Luger
5 shell casing from marker 1; 9mm RP Luger shell casing,
6 marker 2; 9mm FC Luger shell casing, marker number 3;
7 and 9mm RP Luger shell casing from marker number 4.

8 Q And how did that come into your possession?

9 A It was turned in by Investigator Gregory.

10 Q And when you obtained that, did it appear to be
11 tampered with at all?

12 A No, ma'am. Again, we wouldn't take it if it was.

13 Q Did you change or alter items at all?

14 A I opened this on 3/18/16, probably to make sure
15 everything was in there to send to Greenville for
16 testing, but again, when I opened it, initialed it and
17 dated it myself.

18 Q Looking at State's Exhibit 17, do you see a
19 corresponding bar code?

20 A Four of them, yes.

21 Q Four of them?

22 A Yes, ma'am.

23 Q And do you see a description next to those?

24 A Yes, ma'am.

25 Q And what do they say?

1 A They say the same, 9mm FC Luger shell, marker 1;
2 9mm RP Luger shell, marker 2; 9mm FC Luger shell
3 casing, marker 3; and 9mm RP shell casing, marker 4.

4 Q Okay. I'm going to show you what's been marked as
5 State's Exhibit 24. Do you recognize this?

6 A Yes, ma'am.

7 Q How are you able to recognize it?

8 A Again, from the bar code.

9 Q And when did you receive it?

10 A When did we receive it?

11 Q How did you receive it? Who brought it to you?

12 A This was turned in by Investigator Jeff Findlay.

13 Q And how did it come into your possession -- I'm
14 sorry, you just answered that. Jeff Findlay brought it
15 to you.

16 A Yes, ma'am.

17 Q What did you do with it when you got it?

18 A We stored it with the other evidence in the case.

19 Q Okay. And when you received it, did it appear to
20 be tampered with at all?

21 A No, ma'am. Initialed and dated.

22 Q Okay. And did you change or alter this item at
23 all?

24 A I opened this last week.

25 Q For what purpose?

1 A To let attorneys look at it. Resealed, dated, put
2 a note on it why it was opened.

3 Q And if you look at State's Exhibit 17, can you
4 tell me what piece of evidence is inside of that
5 exhibit?

6 A Sure. Just a second. Let's find it on here. 14.
7 Just states it's a projectile.

8 Q Okay. I'm going to show you what's been marked as
9 State's Exhibit 25. Do you recognize this?

10 A Yes, ma'am.

11 Q And how are you able to recognize it?

12 A The bar code. This was turned in by Investigator
13 Tommy Johnson.

14 Q And what is it?

15 A Box of .45 caliber bullets.

16 Q How did it come into your possession?

17 A Investigator Johnson submitted it.

18 Q And what did you do with it when you got it?

19 A We stored it with all the evidence in the case.

20 Q And when you received the evidence, did the
21 packaging appear to be tampered with at all?

22 A No, ma'am.

23 Q And did you change or alter this item at all?

24 A I did open this for investigators. I did also
25 open this to go to Greenville, but again initialed and

1 dated where I resealed it both times.

2 Q Okay. And if you looked at State's Exhibit 17,
3 can you tell me if there is a corresponding bar code
4 there?

5 A 080, box of .45 caliber bullets.

6 Q Thank you. I'm now showing you what's been marked
7 as State's Exhibit 18. Do you recognize this?

8 A Yes, ma'am, from the bar codes.

9 Q Okay. And what is it?

10 A States that it's a Rock Island Armory .38 caliber
11 handgun.

12 Q Those are the things that are inside that box?

13 A Yes. Additionally, two live rounds found in the
14 .38 Rock Island gun.

15 Q Okay. And how did those come into your
16 possession?

17 A These were turned in by Investigator Gregory.

18 Q And when you received this evidence, did the
19 packaging appear to be tampered with at all?

20 A Yes. Again, initialed and dated. Did not appear
21 to be tampered with, no.

22 Q It was initialed and dated?

23 A It was.

24 Q By yourself and by Investigator --

25 A Just by Investigator Gregory. I didn't open this

1 one.

2 Q You did not open that?

3 A No, ma'am.

4 Q You only initial it if you open it?

5 A Correct.

6 Q Is that correct? Okay. When you received this
7 evidence, would you have known, other than looking at
8 the bar codes, what is inside that packaging?

9 A No.

10 Q Looking at State's Exhibit 17, can you tell me the
11 corresponding bar code?

12 A .38 Special Rock Island Armory handgun and two
13 live rounds found in the .38 Rock Island Armory
14 handgun.

15 Q I'm now showing you State's Exhibit Number 26. Do
16 you recognize this?

17 A Yes, ma'am, again from the bar code.

18 Q Okay. And how did this first come into your
19 possession?

20 A This was submitted with an autopsy packet, turned
21 in by, if I'm not mistaken, it was Investigator Blair
22 Hill.

23 Q And when you received that autopsy packet, did it
24 appear to be tampered with at all?

25 A No, ma'am. They come sealed from the coroner's

1 office.

2 Q From the coroner's office?

3 A Right. They seal them before they give them to
4 the investigator.

5 Q Is the item inside that envelope still in the
6 autopsy packet?

7 A It is not in the autopsy packet, no. It's in the
8 Falcon tubes that they provide.

9 Q Okay. And do you have any kind of protocol that
10 you follow when you remove things from an autopsy
11 packet?

12 A Yes. In this case, this projectile was requested
13 to go to Greenville for ballistic testing. What I do
14 is I open the autopsy packet, create a new bar code
15 which I labeled "projectile" from the autopsy packet.

16 Q You said earlier there are some corresponding
17 property and evidence sheets with bar codes. We have
18 been going through that. Is that the only kind of
19 document that can be generated for property and
20 evidence?

21 A Well, no. There is a handwritten evidence sheet
22 that can be, but usually our forensic techs just enter
23 it straight into the computer.

24 Q From that computer, can you get chain of custody
25 sheets?

1 A We can.

2 Q And who would initiate that report or how would
3 that report begin, a chain of custody sheet?

4 A It would begin as soon as the item was entered.

5 Q So when you take a projectile from an autopsy
6 packet, does that begin a new chain of custody?

7 A When I enter -- when I create it as a separate bar
8 code starts a new chain of custody from right then.

9 But, again, in this case, he labeled it "autopsy packet
10 with projectile," so it would also go to that bar code
11 as well to show when it first came into our possession.

12 Q So there could be two bar codes corresponding to
13 one piece of evidence; is that correct?

14 A Right, because I'm not going to alter his bar
15 code. I would make a note in the notes of the computer
16 on his that the projectile was removed, but I'm not
17 going to change his original.

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

20 A Yes. That's a chain of custody.

21 Q How are you able to recognize it?

22 A Well, it's from our system chain of custody. It
23 states at the top, it's got the bar code number for
24 this piece of evidence, for State's Evidence 26.

25 Q Okay. And is that record made and kept in the

1 regular course of business at property and evidence?

2 A Yes, ma'am.

3 Q Thank you.

4 MS. MOORE: Your Honor, I'd ask at this time that
5 State's Exhibit 16 be admitted into evidence and
6 published to the jury.

7 MR. BYRHOLDT: Without objection.

8 THE COURT: State's Exhibit Number 16 would be
9 admitted without objection.

10 (WHEREUPON, State's Exhibit Number 16 was admitted
11 into evidence.)

12 BY MS. MOORE:

13 Q Okay. Investigator Caron, does this sheet tell us
14 when you took the projectile from the autopsy packet?

15 A Yes. March 21st.

16 Q And you're looking at the autopsy?

17 A Yeah.

18 Q The sheet or the evidence packet?

19 A The sheet. And then I also, when I created the
20 new package, I dated it and initialed it and those
21 correspond.

22 Q And what did you do with it?

23 A I transported it to Greenville for ballistic
24 analysis.

25 Q When you removed the projectile from the autopsy

1 packet, did the autopsy packet itself appear to have
2 been tampered with at all?

3 A No, ma'am.

4 Q And did you change or alter the item in that
5 exhibit at all?

6 A No, ma'am.

7 Q And has any of the evidence in Exhibits 18, 21, 23
8 A through D, 24 or 25 been outside of your care,
9 custody and control other than to go to Greenville for
10 testing?

11 A No, ma'am, just to Greenville.

12 Q Just to Greenville. Okay. And when did you take
13 Exhibits 18, 21, 22, 23 A through D, 24 and 25 to
14 Greenville?

15 A I don't have the exact date with me, but it was
16 prior to this projectile going. I didn't realize that
17 all that evidence went to Greenville first, and I did
18 not realize that there was another projectile sealed in
19 the autopsy packet, so it went at a later date.

20 MS. MOORE: Beg the Court's indulgence, your
21 Honor.

22 Q Is there something that might refresh your
23 recollection as to the date that you took this to
24 evidence?

25 A Yeah. The chain of custody.

1 Q Did you write a report?

2 A Yeah. It should be in the supplemental, yes. I
3 took the evidence to Greenville on 3/18/16.

4 Q Okay. And when did you take the projectile from
5 the autopsy packet to Greenville?

6 A I'm pretty sure it went on the 21st.

7 Q And why two separate dates?

8 A Again, when I sent this other evidence, I didn't
9 realize there was a projectile sealed in the autopsy
10 packet, was made aware of that by Investigator Barton,
11 and then had to do an second submission to Greenville.

12 Q When you prepared to take this evidence to
13 Greenville, how did you transport it?

14 A Leave it packaged up, put it in a box. I have to
15 fill out an evidence pre-log for Greenville that I
16 e-mailed to them, gives them a chance to generate their
17 own bar code, which is the second bar code on here.
18 Once they tell me they're prepared for it, I drive it
19 to Greenville.

20 Q Okay.

21 A I hand-deliver it.

22 Q You bring it to Greenville, you deliver it there?

23 A Yeah. I hand-deliver it to them.

24 Q And is that a safe and secure location?

25 A Best of my knowledge.

1 Q And could any -- did anyone tamper with any of
2 this evidence between Anderson and Greenville?

3 A No, ma'am.

4 Q Was it in your care, custody, and control the
5 entire time?

6 A It was.

7 Q Okay. When did you collect this evidence back
8 from Greenville County?

9 A Last week. Wednesday. Tuesday or Wednesday.
10 Pretty sure it was Wednesday.

11 Q Would that have been April 20th?

12 A Yes.

13 Q Of 2016?

14 A I believe it would have without looking at a
15 calendar.

16 Q So you sent them all, you sent them separately.
17 Did you pick them all up together?

18 A Yes. They came back together because the analysis
19 was complete. They package everything together and
20 send it back all at once.

21 Q Did you go there to collect it or did they bring
22 it here?

23 A No. I go up there and collect it.

24 Q And between Greenville and Anderson, was it in
25 your care, custody, and control the entire time?

1 A Yes, ma'am.

2 Q Did anyone tamper with that evidence between
3 there?

4 A No, ma'am.

5 MS. MOORE: Beg the Court's indulgence, your
6 Honor.

7 Q I'm going to show you what's been marked as
8 State's Exhibit 15. Do you recognize that?

9 A This is the chain of custody for the autopsy
10 packet.

11 Q Okay. When you are at P&E and you open the
12 autopsy packet to remove the projectile --

13 A Uh-huh.

14 Q -- would that information show up on the chain of
15 custody report?

16 A No.

17 Q Why not?

18 A I don't really take it into my custody. I open it
19 right there at the refrigerator, remove the projectile
20 and give it a new bar code number right then.

21 Q And what did you do with the remainder of the
22 autopsy packet?

23 A It goes back in the fridge.

24 Q Under that same bar code?

25 A Yes, ma'am.

1 Q Other than coming here to testify today, did you
2 have any further involvement in this case?

3 A No, ma'am.

4 MS. MOORE: Thank you. Please answer any
5 questions Mr. Byrholdt may have for you.

6 THE WITNESS: Sure.

7 MR. BYRHOLDT: Please the Court.

8 CROSS-EXAMINATION

9 BY MR. BYRHOLDT:

10 Q Todd, the live 9mm round that was found at the
11 house at Gosset Street, I think that's item
12 Exhibit 22, I believe, and the shell casings that were
13 found at the crime scene, they're the same type, right,
14 FC Luger 9mm?

15 A Let's see. The one found in the kitchen?

16 Q Of the house.

17 A Uh-huh.

18 Q And the four shell casings at the scene?

19 A Two of the four were FC. The other two were RP,
20 according to this.

21 Q Well your evidence list lists them all as FC.

22 A RP, RP, FC, FC.

23 Q Let me show you my list. Now, this is from
24 Greenville. Does Greenville have the shell casings all
25 as FC?

1 A They sure do.

2 Q Well, how can that be if you got two FCs and two,
3 is it RP?

4 A Yes, sir, RP.

5 Q How can you have two FC, two RP, and then
6 Greenville has four FCs? It's impossible, isn't it?

7 A You would have to ask Greenville that question.

8 Q Well, you agree someone has made an error?

9 A I would.

10 Q But assuming there's two FC and one live FC round,
11 the live projectile from the house matches at least two
12 of the spent shells, correct?

13 A I don't get the match reports. They don't send
14 ballistic reports back to me. That goes to the
15 investigator.

16 Q How about similar type of ammunition?

17 A They're the same FC Luger, yes, sir.

18 Q Made by the same manufacturer?

19 A According to that, yes, sir.

20 Q Well, a live round inside the house couldn't have
21 come from the drive-by shooting, could it?

22 A I can't answer that.

23 Q A live round is going to come from a car and get
24 into a house, you can't answer that?

25 MS. MOORE: Your Honor, I'm sorry. I have to

1 object. He's outside the scope of the direct.

2 THE COURT: Overruled.

3 BY MR. BYRHOLDT:

4 Q If I'm driving a car --

5 A Uh-huh.

6 Q -- and I'm shooting at somebody, a live round is
7 not going to come from my car into that house, bullet
8 and projectile together, is it?

9 A Not right then.

10 Q Impossible?

11 A That's not to say it couldn't be put there later.

12 Q Physically impossible, correct?

13 A For it to happen right then.

14 MR. BYRHOLDT: Nothing further. Thank you, sir.

15 THE COURT: Any redirect?

16 REDIRECT EXAMINATION

17 BY MS. MOORE:

18 Q Could there possibly be transcription errors
19 between here and Greenville?

20 A Yes.

21 MR. BYRHOLDT: Your Honor, calls for speculation.
22 Anything is possible.

23 THE COURT: Overruled. This is in response to
24 your question.

25 BY MS. MOORE:

1 Q Do the bar code numbers correspond?

2 A I would have to look at the sheet again.

3 Q All right.

4 A Their bar codes will be different from our bar
5 codes. They have a different system. What we do is
6 they use my bar code number as their item number. So
7 on this sheet it would be listed as this number here,
8 not underneath their bar code. Okay?

9 Q Okay.

10 A So let me take a look. 43, 44, 45, and there
11 should be a second page with 46.

12 Q I'm sorry. Top line, yes.

13 A And 46. Our bar code numbers match their item
14 numbers.

15 Q So although the description may not be 100 percent
16 perfect, the bar code absolutely is?

17 A That's correct.

18 Q And do you tend to go by the description or the
19 bar code?

20 A For tracking purposes, we go by the bar code.

21 Q Perfect. Thank you so much.

22 MS. MOORE: I have nothing further, your Honor.

23 THE COURT: Anything further from this witness?

24 MR. BYRHOLDT: Nothing further.

25 THE COURT: Any objection to this witness being

1 excused?

2 MS. MOORE: None, your Honor.

3 THE COURT: Thank you, Officer. You are excused.

4 THE WITNESS: Thank you.

5 THE COURT: We're going to take a break at this
6 point. The jury has been sitting for over an hour.

7 Mr. Bailiff, would you take our jury to the jury
8 room. We're going to take a break.

9 I'd like to see counsel.

10 (WHEREUPON, the jury exited open court at
11 11:10 a.m.)

12 (WHEREUPON, a bench conference was held
13 off the record.)

14 **DAVID BENNETT,**

15 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

16 THE COURT: Mr. Bennett, come around to the
17 witness chair, please, sir.

18 Before you're questioned, Mr. Bennett, you are a
19 witness and have been sequestered in the case.

20 THE WITNESS: Yes, sir.

21 THE COURT: Now, there has been a concern by the
22 parties. There's been an allegation that you discussed
23 the case with third parties in violation of the court
24 order; is that true?

25 THE WITNESS: No, sir.

1 THE COURT: Okay. You're under oath now.

2 THE WITNESS: Yes, sir.

3 THE COURT: Okay. That satisfies the Court.

4 MR. BYRHOLDT: Yes, sir.

5 MS. PRICE: Thank you.

6 THE COURT: Let's -- we need to take him out
7 before we bring the jury in.

8 Take him out.

9 Mr. Bailiff, if you will get our jury for us,
10 please.

11 (WHEREUPON, the jury entered open court at
12 11:31 a.m.)

13 THE COURT: All right. State ready to proceed?

14 MS. PRICE: We are, your Honor.

15 THE COURT: Call your next witness.

16 MS. PRICE: Your Honor, the State calls David
17 Bennett to the stand.

18 DAVID BENNETT,

19 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

20 THE CLERK: If you would take the stand, please,
21 sir, and state your name and spell your last name for
22 the record, please.

23 THE WITNESS: David Bennett, B-e-n-n-e-t-t.

24 DIRECT EXAMINATION

25 BY MS. PRICE:

1 Q Mr. Bennett, who do you work for?

2 A I work for Sun Gro through a staffing company
3 called Phillips Staffing.

4 Q And will you speak up for me? I need to make sure
5 everybody hears you.

6 What do you do for them?

7 A I drive a forklift.

8 Q Okay. Do you know the defendant in this case,
9 Royres Patterson?

10 A I don't know Mr. Patterson as far as personal. I
11 know him just by the night of the incident.

12 Q Had you met him before?

13 A No, ma'am.

14 Q You have never met him before?

15 A No, ma'am.

16 Q You never seen him before?

17 A Just the night of the incident.

18 Q The night of the incident?

19 A Yes.

20 Q So you have seen him before?

21 A Yes, just the night of the incident.

22 Q My question was not clear. Okay. You haven't
23 seen him since that incident?

24 A Yes.

25 Q Okay. Have you spoken with him since that

1 incident?

2 A No.

3 Q Okay. Prior to the night of the incident, had you
4 ever met this man?

5 A Never.

6 Q Okay. Just that night?

7 A Just that night.

8 Q Okay. Do you know a person by the name of
9 Terennce West?

10 A I know him by T West.

11 Q Okay. Had you known him the night of the
12 incident?

13 A I know him by the same neighborhood he's staying
14 in.

15 Q So you live near him?

16 A Yes, ma'am.

17 Q Okay. And how long had you known him before the
18 night of the incident?

19 A Just a couple months, a few months.

20 Q Okay. Do you remember what you were doing the
21 afternoon of the incident?

22 A Yes, ma'am.

23 Q Okay. What were you doing the afternoon of
24 June 7, 2014?

25 A Well, I was at Anderson Gardens with a couple

1 friends. T West was one of them. A friend of mine
2 named Tez and Kenny also lived with us. They had left,
3 and me and T West, you know, we drinking and getting
4 high, and we wound up going to the Market Street, which
5 was where Royres was at and I guess his family members
6 and all that.

7 Q Okay. Before you went to Market Street, did you
8 stop anywhere?

9 A Yes, we did.

10 Q Where did you stop?

11 A We stopped on Southwood on west side to grab --

12 Q For what?

13 A To grab a drug that we was getting and then head
14 towards the Market Street.

15 Q Okay. And after you got to Market Street, what
16 were you doing there?

17 A Sitting around, drinking, being high, and there
18 was talk about an incident that happened Friday night
19 before with his brother.

20 MR. BYRHOLDT: Your Honor, object to what happened
21 prior to this incident.

22 THE COURT: Sustained.

23 BY MS. PRICE:

24 Q Okay. So y'all were all talking. Who was there
25 at Market Street?

- 1 A Me, T West, D, and Royres.
- 2 Q Who is D?
- 3 A His brother.
- 4 Q The defendant's brother?
- 5 A Yes.
- 6 Q Okay. Do you know what his actual name is?
- 7 A No, ma'am.
- 8 Q You just know him by D?
- 9 A Yes, ma'am.
- 10 Q Okay. Royres was there?
- 11 A Yes, ma'am.
- 12 Q Was anybody else there that you remember?
- 13 A It was -- it was a whole bunch of people there. I
- 14 guess they was having a cookout or something that day.
- 15 Q They were having a cookout?
- 16 A I guess there was kids running around, people at
- 17 the house, females, other adults.
- 18 Q Did you know those people personally?
- 19 A I just know him, a few people that was over there.
- 20 I know D. He was from the neighborhood I was in, and T
- 21 West is a person I knew.
- 22 Q Okay. How did you get to the house?
- 23 A T West drove.
- 24 Q Do you remember the type of car he drove?
- 25 A It was a silver Mitsubishi.

1 Q Okay. And do you remember what time you got
2 there?

3 A Yes, ma'am. It was just now getting dark. It had
4 to have been about 7:30, 8 o'clock.

5 Q You just remember it being dark?

6 A Yes, ma'am.

7 Q Okay. And did you at any point wind up leaving
8 East Market Street?

9 A Yes, we did. We left -- we was going to get some
10 more drugs. And by the time we got to the car, he was
11 already in the car.

12 Q Who is here?

13 A Royres.

14 Q Royres was in the car?

15 A Yes, ma'am.

16 Q What car?

17 A The Mitsubishi, silver Mitsubishi.

18 Q Okay. And where was he seated in the car?

19 A The front seat.

20 Q The driver's seat or the passenger seat?

21 A Passenger.

22 Q And did you get in the car?

23 A Yes, ma'am.

24 Q Where were you seated?

25 A I had to get in the back behind him.

1 Q The backseat?

2 A Yes, ma'am.

3 Q Okay. And was anybody else in the car?

4 A T West was the driver.

5 Q He was the driver?

6 A Yes, ma'am.

7 Q Okay. So did Royres say anything before you got
8 in the car?

9 A Yeah. He said he asked us where we was going to.
10 We told him we was going back over the south way to get
11 some more drugs. He was like, No. Go over here. It's
12 shorter. Y'all have been drinking and I can call
13 somebody over there to get the stuff that we was going
14 to get. We got over there, and that's when he did what
15 he did.

16 Q So he told you to go to a different place than you
17 were originally going?

18 A Yes, ma'am.

19 Q Okay. And in the car on the way to where you
20 were, you called somebody?

21 A Yes, ma'am.

22 Q Who did you call?

23 A Kujo.

24 Q Do you know his real name?

25 A No, ma'am.

1 Q Okay. And what did you call him about?

2 A To get the drugs that we was going to get.

3 Q Okay. And but it was this defendant that told you
4 to go over there?

5 A Yes.

6 Q Okay. And y'all are in the car. Do you talk
7 about anything on your way?

8 A No, ma'am.

9 Q Okay. What were you doing in the car?

10 A We was riding over there. We pulled up on, I
11 think it's horseshoe. I know it by the horseshoe. I
12 was getting ready to get out the car. I had -- my
13 right leg was on the concrete while my left side was
14 still inside the car. By the time I was getting ready
15 to jump out of the car, gunshot went out, so I jumped
16 back inside the car and sped off. T West had sped off.

17 Q Okay. So did you go around the horseshoe?

18 A Yes, ma'am, came all the way around.

19 Q Okay. And did you see some people as you were
20 coming around the horseshoe?

21 A There was several people outside.

22 Q Okay. Did you recognize any of those people?

23 A Just the person I called.

24 Q Okay. And you recognized Kujo?

25 A Yes, ma'am.

1 Q Okay. And you started to get out of the vehicle?

2 A Yes, ma'am.

3 Q To do what?

4 A To get the drugs I was going to get.

5 Q Okay. But you didn't make it all the way out of
6 the vehicle?

7 A No, ma'am.

8 Q Okay. Why not?

9 A Royres had started shooting.

10 Q Started shooting from where?

11 A The car.

12 Q Did you see the gun?

13 A No, ma'am, I didn't see the gun. I heard it.

14 Q You heard it?

15 A Yes, ma'am.

16 Q What did you do when you heard the gun?

17 A Jumped back inside the car.

18 Q Okay. And you then rode back off?

19 A Yes, ma'am.

20 Q Okay. Did you see if anybody got shot?

21 A No, ma'am.

22 Q Okay. Did Royres say anything to you?

23 A Yes, ma'am. As --

24 MR. BYRHOLDT: Object, your Honor. We're getting
25 ready to go into that issue.

1 MS. PRICE: No, we're not.

2 THE COURT: Hold on.

3 Mr. Bailiff, would you take our jury out, please.

4 (WHEREUPON, the jury exited open court at
5 11:40 a.m.)

6 THE COURT: Okay. Mr. Byrholdt, state your
7 objection.

8 MR. BYRHOLDT: I'm worried he's going to say -- if
9 he's going to make the statement that, you know, "I
10 shot the guy that shot my brother last night." We're
11 getting into that whole issue about what happened the
12 night before. Out of an abundance of caution, if he
13 wants to go ahead and answer, but I don't want --

14 THE COURT: Well, I've already ruled that he will
15 be allowed to testify as to statements made by the
16 defendant. Now, if -- is that what you're trying to
17 elicit.

18 MS. PRICE: That was my question.

19 THE COURT: The Court's prior ruling --

20 MS. PRICE: Actually, your Honor, there's some
21 things that happened between that and the statement
22 that the defendant made that Mr. Byrholdt is expressing
23 concern about. First off, this defendant says to this
24 witness, "Y'all didn't see anything. Y'all don't know
25 anything." And then they continue on in the car. Some

1 other things happen before they get to the home. But,
2 again, then he does say, "I got the guy that got you."

3 THE COURT: That's the statement that you have put
4 on the record yesterday when we had the hearing.

5 MS. PRICE: Yes, sir. You ruled, as I recall --

6 THE COURT: On that.

7 MS. PRICE: -- as to statements by the party
8 opponent, I can bring those in.

9 THE COURT: What about the other statements? Now,
10 what did you say the other statements were?

11 MS. PRICE: He says some other things to this not
12 relating to another incident but to this incident in
13 the vehicle on the way to --

14 MR. BYRHOLDT: Let her ask what statements those
15 are.

16 THE COURT: Let me hear the testimony then and
17 we'll --

18 MR. BYRHOLDT: I don't want her leading.

19 THE COURT: Okay. Go ahead.

20 VOIR DIRE EXAMINATION

21 BY MS. PRICE:

22 Q As you drove away, did this defendant say anything
23 to you?

24 A Yes, ma'am. He turned on the light. He looked at
25 me and T West and told us we didn't see nothing. We

1 don't know nothing.

2 Q Okay. Did he say anything else to you in the car?

3 A No, ma'am.

4 Q Okay. When you got back to the house, did he say
5 anything to you?

6 A As he was getting out of the car, that's when he
7 was saying, "I got the man that shot you."

8 Q Who was he saying that to?

9 A To his brother.

10 Q Okay.

11 A And then --

12 Q Did he say anything else?

13 A No, ma'am. Me and T West had left after he
14 dropped him back off at the house.

15 Q Okay.

16 MR. BYRHOLDT: That's fine, your Honor.

17 MS. PRICE: Those are the statements. I also
18 intend to ask him what he saw that -- if you want me to
19 go forward and proffer that.

20 THE COURT: Proffer that, what you're going to ask
21 him.

22 MS. PRICE: Your Honor, there's some other details
23 about the drive but that doesn't pertain to the
24 statement.

25 THE COURT: I have already ruled he can testify to

1 personal, but just out of an abundance of caution, ask
2 him about what he saw.

3 BY MS. PRICE:

4 Q He said that to his brother?

5 A Yes, ma'am.

6 Q Did you see any signs of injury to D that night?

7 A His leg was bandaged up.

8 Q Okay. Do you know why?

9 A I guess from the incident from the night before.

10 Q Okay. But you don't know why personally?

11 A They say he got shot.

12 Q Okay. And do you know who shot him?

13 A They was talking about somebody named Hitman shot
14 him.

15 Q Okay. And so do you have an opinion as to when
16 this defendant said, "I got the guy that shot you," who
17 he was talking about?

18 A Yes, ma'am.

19 Q Who would that be?

20 A I thought he was talking about Hitman.

21 Q Okay.

22 THE COURT: Mr. Byrholdt.

23 MR. BYRHOLDT: There was a lot of who are making
24 these statements. She'd have to lay a foundation,
25 whether he said it or some third party. That's my

1 concern.

2 THE COURT: All right. Ask the witness, lay some
3 foundation as to where the statements came from.

4 MS. PRICE: Okay.

5 Q Mr. Bennett, where did your understanding of D
6 being shot come from?

7 A They was talking about it that night.

8 Q Who is "they"?

9 A Everybody was talking about it out there. I was
10 just sitting around and drinking, and they was just
11 talking. I was -- I wasn't listening.

12 Q Was this defendant talking about it?

13 A He -- at the time, he wasn't -- he wasn't present.
14 I guess he was in the house.

15 Q Okay. He was not at that time. Was the brother
16 talking about it?

17 A The brother, some of these friends that was out
18 there was talking about it. He wasn't -- he wasn't
19 there at the time.

20 Q So the man who was shot was talking about it?

21 A Yes. D was talking about it.

22 THE COURT: Okay. All right. I'm going to allow
23 the statement by the defendant. I will not allow any
24 of the statements made by the third parties or any
25 opinion testimony about his conclusions that he reached

1 as a result of the hearsay statements by third parties.

2 MS. PRICE: Okay. Your Honor, may I elicit
3 testimony as to whether he saw any sign of injury on
4 the brother?

5 THE COURT: He just testified to that.

6 MS. PRICE: Well, I'm asking, yes, sir. Will you
7 allow me to ask that question?

8 THE COURT: Yes, ma'am. I've already ruled on
9 that. He can testify to personal knowledge of what he
10 saw.

11 MS. PRICE: Okay.

12 THE COURT: All right. Anything further,
13 Mr. Byrholdt?

14 MR. BYRHOLDT: No, your Honor.

15 THE COURT: All right.

16 Mr. Bailiff, get our jury back in, please, sir.

17 (WHEREUPON, the jury came into open court at
18 approximately 11:47 a.m.)

19 THE COURT: Ms. Price.

20 DIRECT EXAMINATION (Resumed)

21 BY MS. PRICE:

22 Q Mr. Bennett, as you were driving away, did this
23 defendant say anything to you?

24 A Yes, ma'am.

25 Q What did he say?

1 MR. BYRHOLDT: Now you just turned it around.

2 MS. PRICE: I did.

3 Q So is this the horseshoe?

4 A This is the horseshoe. We came off the street,
5 off the horseshoe, came off the second side of it, came
6 out the end of it.

7 Q Okay. And the shooting occurred where on --

8 A This side of the street.

9 Q Okay.

10 A This spot.

11 Q All right.

12 MR. BYRHOLDT: Can we put an X where he said the
13 shooting took place.

14 MS. PRICE: Sure.

15 Q Go ahead.

16 A (Witness complies.)

17 Q Was there a house near where the shooting took
18 place?

19 A There was a house and a stop sign like right
20 there.

21 Q There was a house and a stop sign there?

22 A Yes, ma'am.

23 Q I'm showing you what's been marked as State's
24 Exhibit 34. Can you tell me, is that the house?

25 A Yes, ma'am.

1 Q Is that the stop sign?

2 A Yes, ma'am.

3 Q If I told you that was on the opposite side of
4 what you just pointed out to me, which would you say is
5 correct?

6 A That picture right there.

7 Q Okay. Are you certain this is the house?

8 A Yes, ma'am. The house is abandoned. They were
9 like kind of behind that house.

10 Q And you're certain this is the stop sign?

11 A Yes, ma'am.

12 Q And this is an actual picture of the scene,
13 correct?

14 A Yes, ma'am.

15 Q Okay. Are you sure?

16 A Yes, ma'am.

17 Q Okay. So you would have driven up to this stop
18 sign?

19 A Yes, ma'am.

20 Q Are you sure?

21 A Yes, ma'am.

22 Q Okay.

23 A The car was already at the stop sign. The stop
24 sign was in front of us, but there was a house there
25 and a group of people behind that house like in that

1 little field behind it.

2 Q Okay. All right. So you pulled up that way?

3 A Uh-huh.

4 Q Are you sure?

5 A Yes, ma'am.

6 Q Okay. And you're sure by looking at the
7 photograph?

8 A Yes, ma'am.

9 Q Okay. After he told you that you didn't see
10 anything, you didn't know anything, did he say anything
11 else while you were on the ride to the house?

12 A No, ma'am. Pulled up at the house, dropped them
13 off, he got out the car talking to his brother.

14 Q Did he say anything to his brother as soon as he
15 got to the house?

16 A "Got the man that shot you." That's it.

17 Q He said what?

18 A He got the man that shot his bother.

19 Q To his brother he said, "I got the man that shot
20 you"?

21 A Yes. And me and T West drove off.

22 Q You and Mr. West got back in Mr. West's car?

23 A Yes, and drove off and went back to Anderson
24 Gardens.

25 Q Did you stay at that house at all after what

1 happened?

2 A No, ma'am.

3 Q Okay. Why not?

4 A For one, I was kind of shocked and kind of shook
5 about the incident that happened. I didn't know what
6 was going to happen next, so I told T West to leave, go
7 back to his house, and that's what we did.

8 Q How did you feel about what had just happened?

9 MR. BYRHOLDT: Object, your Honor. Relevancy, how
10 he felt.

11 THE COURT: Overruled.

12 BY MS. PRICE:

13 Q How did you feel about what had just happened?

14 A I was kind of scared a little bit because I didn't
15 know what was going to happen next because --

16 Q Did you know that this man was going to shoot out
17 of the car before you left that house?

18 A Not at all.

19 Q Did you know he had a gun?

20 A Not at all. He never said nothing to us.

21 Q Did either you or T West have a gun?

22 A No, ma'am.

23 Q Did anybody else shoot out of the car?

24 A No, ma'am.

25 Q Okay. You heard him fire shots?

1 A Yes, ma'am.

2 Q More than one?

3 A Yes, ma'am.

4 Q Several?

5 A I'd say between seven and eight shots, maybe nine.

6 Q Okay. Did T West say anything?

7 A Yes, ma'am.

8 Q Right when the shooting happened?

9 A After he pulled off.

10 Q Yes?

11 A Yes, ma'am. He said, um, "What the hell is wrong
12 with you? I just got this damn car."

13 Q How was he acting?

14 A He was acting like he didn't know about it either
15 because he was cursing Royres out.

16 Q Okay. And you got back to T West's house that
17 night?

18 A Uh-huh.

19 Q What did y'all do next?

20 A Went back to AG and sat there. We was still
21 drinking, still smoking. The news came on, and that's
22 when I seen Jugg was dead. And I called my
23 grandmother, let her know I was in the car last night,
24 and then that was it.

25 Q Okay. When did you leave T West's house?

1 A It was about 10 o'clock in the morning.

2 Q Okay. You left the next morning?

3 A Yes, ma'am.

4 Q So you stayed that entire night?

5 A Yes, ma'am.

6 Q Okay. Have you seen him or have you spoken with
7 him since the shooting happened?

8 A No, ma'am. I went straight to New York
9 afterwards.

10 Q You went to New York?

11 A Yes, ma'am.

12 Q Okay. So first you talked to your grandmother?

13 A Yes, ma'am.

14 Q And why did you talk to your grandmother?

15 A To get a better opinion to know what I should do
16 next. I was scared to go to the police, and I know
17 what people was going to do behind me going to the
18 police. I was also scared Jugg Money's family saying
19 something to me about it, so I just got up and left.

20 Q Okay. And did you -- other than talking to your
21 grandmother, did you talk to anybody else about what
22 happened?

23 A Yes. I had talked to the father at the Good Ol's
24 store, and I told him the same thing I told y'all today
25 in court, what happened. And that was it.

1 Q The father of who?

2 A Jugg.

3 Q The victim's father?

4 A Yes, ma'am.

5 Q You told him what happened?

6 A Yes.

7 Q Why?

8 A Because the next day people was already calling my
9 phone saying they see me in the car, so I want to get
10 my name clear that I had nothing to do with it.

11 Q Okay. So you went to New York, you said?

12 A Yes, ma'am.

13 Q When did you go to New York?

14 A The next day.

15 Q The very next day after this happened?

16 A Yes, ma'am.

17 Q Okay. Do you have family in New York?

18 A Yes, ma'am.

19 Q Did you go to stay with your family?

20 A Yes, ma'am.

21 Q When you talked to the victim's father, did he
22 offer you anything to tell your side of the story?

23 A No, ma'am.

24 Q He didn't offer you money at some point?

25 A He mentioned something about some money, but I

1 didn't -- I thought I could help him.

2 Q Did you take money from him at any time?

3 A No, ma'am.

4 Q You went to him?

5 A Yes, ma'am.

6 Q To tell him your version of the story?

7 A Yes, ma'am.

8 Q Did you ever call the police?

9 A No.

10 Q You did not?

11 A No.

12 Q Okay. Did you eventually give a statement to the
13 police?

14 A Yes. When they came to New York, I did.

15 Q They came to New York?

16 A Yes.

17 Q So they found you?

18 A Yes.

19 Q Do you know how they found you?

20 A No.

21 Q Okay. But they did. And they contacted you?

22 A Uh-huh.

23 Q And when they contacted you, did you go and meet
24 with them?

25 A Yes, I did.

1 Q Okay. So you went to them?

2 A Uh-huh.

3 Q Okay. And did you give them a statement?

4 A Yes, ma'am.

5 Q Okay. Is the statement the same thing that you
6 told us in court today?

7 A Yes, ma'am.

8 Q Okay. Were you telling them the truth then?

9 A Yes, ma'am.

10 Q Are you telling the truth today?

11 A Yes.

12 Q Okay. When you met with Sergeant Barton, the
13 detective, in New York, did he show you a photographic
14 lineup?

15 A Yes, ma'am. He showed me three photographs.

16 Q Did he show you two lineups of witnesses?

17 A Yes, ma'am.

18 Q Did he show you a lineup with Terennce?

19 A Yes, ma'am.

20 Q Did he show you a lineup with D, the defendant's
21 brother?

22 A Yes, ma'am.

23 Q And did he show you a lineup of the person who
24 shot out of the vehicle that you were riding in that
25 night?

1 A Yes, ma'am.

2 Q Okay. Did he tell you to pick somebody out on
3 that lineup?

4 A Yes.

5 Q Oh, he told you to pick somebody?

6 A He told me look over it and take my time.

7 Q Okay. Did he point somebody out on it?

8 A No.

9 Q Did he say you had to pick somebody?

10 A No.

11 Q Did he tell you the shooter was definitely in that
12 lineup?

13 A No.

14 Q Okay. When he handed you the lineup, did you make
15 a choice as to the person who shot out of the vehicle
16 that night?

17 A That's right.

18 Q And did you do anything on the lineup to indicate
19 your choice?

20 A I circled and signed it.

21 Q You circled and signed it, okay. And did you feel
22 any pressure to pick anybody out at all?

23 A No, ma'am.

24 Q Okay. Are you 100 percent sure that the person
25 you picked out is the person you -- that was shooting

1 out of the car that night?

2 A Yes.

3 Q And who is that person?

4 A This person right here.

5 Q Okay. Are you 100 percent certain?

6 A Yes, ma'am.

7 Q Okay. I'm showing you what's been marked as

8 State's Exhibit 9. Do you recognize that?

9 A Yes, ma'am, I do.

10 Q And what is it?

11 A It's the -- Royres Patterson after the shooting.

12 I put my signature right beside it.

13 Q Okay. And did you circle the photograph?

14 A Yes, ma'am.

15 Q And which one is it?

16 A The third one.

17 Q The third one, okay. And do you see any changes
18 or alterations to that lineup since the day you signed?

19 A No, ma'am.

20 Q Nothing is different about that?

21 A No.

22 MS. PRICE: Your Honor, at this time we'd seek to
23 admit State's Exhibit 9 into evidence.

24 MR. BYRHOLDT: Without objection.

25 THE COURT: State's Exhibit 9 is admitted without

1 objection.

2 (WHEREUPON, State's Exhibit Number 9 was admitted
3 into evidence.)

4 BY MS. PRICE:

5 Q Did you ever select a photograph of anybody else
6 as being the shooter in this case?

7 A No, ma'am.

8 MS. PRICE: Beg the Court's indulgence.

9 Q When you were at East Market that night, did you
10 see any injuries to the brother of this defendant?

11 A Yes. He had a bandage on his leg.

12 Q Okay. Do you know why he had a bandage on his
13 leg?

14 A I guess from the shooting they was talking about
15 the night before.

16 MS. PRICE: No further questions. Please answer
17 any questions that Mr. Byrholdt may have for you at
18 this time.

19 CROSS-EXAMINATION

20 BY MR. BYRHOLDT:

21 Q You say Terennce -- you said you made a phone
22 call?

23 A Yes.

24 Q To Kujo?

25 A Yes.

1 Q On your way?

2 A Yes.

3 Q What cell phone did you have at that time?

4 A I had a New York number at that time.

5 Q I'm sorry?

6 A I had a New York number at that time.

7 Q But you have a cell phone, right?

8 A Yes.

9 Q Did you give it to the police so they could check
10 it out?

11 A No. The police -- they already had my number.

12 Q Did they have your cell phone?

13 A Yes -- no, they didn't have my cell phone.

14 Q Did they ask for it?

15 A No. I ain't seen no police, so how would they get
16 my cell phone?

17 Q Well, you talked to the police in New York, right?

18 A Yes, I did.

19 Q Did they ask for your cell -- did you tell them
20 that you made a phone call to set up a drug buy?

21 A Yes.

22 Q And that's important, right? That's why you claim
23 you're out there at the scene?

24 A Yes.

25 Q Did the police ask for your cell phone so they

1 could check your records to see if you're telling the
2 truth?

3 A He never asked for my phone.

4 Q They never asked for your phone at all?

5 A No.

6 Q Now, the statement you gave up in New York, you
7 were telling the truth?

8 A Yes, sir.

9 Q What time did you say you left the house to go out
10 to the horseshoe; is that 10:00, 10:15, 10:20, right?

11 A Yes, sir.

12 Q Well, if you left at 10:00, 10:20 or whatever, and
13 he's killed sometime before 10 o'clock, kind of hard to
14 do, isn't it, David?

15 A I mean, it was dark. Like I said, I was high and
16 drunk.

17 Q But you told them after 10 o'clock?

18 A Yeah, somewhere around there.

19 Q You never told them 9:30?

20 A No.

21 Q That would be a lie?

22 A I never said 9:30.

23 Q I'm just saying, you never told the police 9:30?

24 A No.

25 Q If the police are saying you did, that's not true,

1 is it?

2 A Yes.

3 Q You didn't call the cops?

4 A No, sir.

5 Q Did you tell the police when you gave that
6 statement in New York that whoever was shooting the gun
7 used two clips?

8 A Yes, sir, I did. It sounded like he used two
9 clips.

10 Q Well, didn't you say you heard him change the
11 clip?

12 A Yes.

13 Q That's what you told them in your interview?

14 A Yes.

15 Q Can you explain why there's only four shells out
16 there?

17 A No.

18 Q Did you and Terennce clean out the car, destroy
19 evidence?

20 A No, ma'am -- no, sir.

21 Q Did you see any shells in the car?

22 A No.

23 Q Okay. So you might have been wrong that there was
24 two clips?

25 A No, I wasn't.

1 Q Okay. Let the first seven go,
2 do-do-do-do-do-do-do. You were clear about that?

3 A Yes, and --

4 Q You didn't stop on the road, get out and pick up
5 shells, did you?

6 A No, sir.

7 Q You said you got threats later that evening, you
8 got calls?

9 A The next day.

10 Q They said they saw you in the car?

11 A Yes, sir.

12 Q Who said that? Who did you get these calls from?
13 Can you give me names?

14 A Yes, I could give you names. My friend Tez at the
15 time was talking to Jugg's sister. I think her name is
16 Brittany, I want to say.

17 Q The victim's sister?

18 A Yes.

19 Q She wasn't at the scene, though, was she?

20 A No. I'm not sure. I don't know.

21 Q Okay. Did you know Kujo? Rayshawn Cowan?

22 A I know him by Kujo.

23 Q You dealt with him before. That's why you called
24 him?

25 A Yeah. Yes, sir.

1 Q Did you see him at the scene?

2 A That's what he told me, he was there.

3 Q No. Did you see him?

4 A No, sir. I never got a chance to see him because
5 he started shooting.

6 Q Did you ever call after you left to check on him?

7 A No.

8 Q When you -- when I was driving, right, that's what
9 you're saying, when you left the horseshoe, which way
10 did you go?

11 A Went to the left.

12 Q Then where?

13 A Dropped him off back on Market Street and we went
14 to AG.

15 Q But when you take a left, how do you get back to
16 Market Street? Did you go up toward the hospital?

17 A Market Street -- yeah, towards the hospital -- no,
18 not go towards -- we came over up --

19 Q Shockley Ferry?

20 A Off Shockley Ferry, by the cemetery, came over the
21 train tracks by IB. He went over there and made a
22 left, went around, came through the train tracks on
23 Whitner Street to AG.

24 Q Let me hand you what's marked as State's 45. And
25 that's the X you put down where the shooting took

1 place?

2 A Uh-huh.

3 Q Can you at least initial that so we know that's
4 your X just put DB, that would be great.

5 A (Witness complies.)

6 Q So you guys didn't clean up the car or anything?

7 A No.

8 Q Didn't take it to the car wash and wipe it down or
9 anything like that?

10 A No.

11 Q How many times had you been out to the horseshoe
12 before that day?

13 A I went over there several times.

14 Q Are you in any gangs? Are you a Blood?

15 MS. PRICE: Objection, your Honor. That's
16 misleading to the jury and highly prejudicial.

17 THE COURT: Counsel, approach.

18 (WHEREUPON, a bench conference was held off the
19 record in the presence of the jury, but out of the
20 hearing of the jury.)

21 THE COURT: Mr. Bailiff, would you take our jury
22 to the jury room.

23 (WHEREUPON, the jury exited open court at
24 12:10 p.m.)

25 THE COURT: All right. Mr. Byrholdt.

1 VOIR DIRE EXAMINATION

2 BY MR. BYRHOLDT:

3 Q Mr. Bennett, are you now or have you been in a
4 gang called the Bloods?

5 A Yes, sir.

6 THE REPORTER: "No, sir"? Did you say "no"?

7 THE WITNESS: I said "yes."

8 MR. BYRHOLDT: He said "yes," sir.

9 MS. PRICE: Okay.

10 BY MR. BYRHOLDT:

11 Q Is Terennce West also a member of the Bloods?

12 A No.

13 Q He's not?

14 A No.

15 Q Is Rayshawn Cowan or Kujo or Jugg Money --

16 A No.

17 Q -- a member of the Bloods?

18 A No.

19 Q Or any gang that you're aware of?

20 A No.

21 THE WITNESS: I said "no."

22 MR. BYRHOLDT: I agree

23 THE COURT: Any further testimony you wish to
24 proffer, Mr. Byrholdt?

25 MR. BYRHOLDT: Not on that issue, your Honor.

1 I've got some other questions but not on that issue.

2 THE COURT: Okay. What is the purpose of the
3 question regarding the Bloods? Are you alleging that
4 this was a gang activity? What --

5 MR. BYRHOLDT: I may reserve the right to recall
6 him.

7 THE COURT: All right. I'll grant you the right.

8 MR. BYRHOLDT: I'll do it that way.

9 THE COURT: But at this point I don't see the
10 relevance of the Blood affiliation.

11 MR. BYRHOLDT: Well, there's information in
12 reports that I've been giving about East Coast boys and
13 South Side boys, which are gangs. That's why I think
14 it's relevant. But that has not come out.

15 THE COURT: That has not been elicited from this
16 witness. You just have a question, was he a member of
17 the Bloods, and I don't see the relevance of that at
18 this point.

19 MR. BYRHOLDT: I reserve the right to call him. I
20 don't want him released from his subpoena.

21 THE COURT: He will not be released from his
22 subpoena.

23 MR. BYRHOLDT: I'll stay away from that issue for
24 now.

25 MS. PRICE: May it please the Court.

1 THE COURT: Yes, ma'am.

2 MS. PRICE: I'm sorry. If it's irrelevant, if the
3 Court is ruling that it's irrelevant and he, I assume,
4 is not then going to ask the defendant this question,
5 again, I'd like to Court to please instruct the jury to
6 disregard the last question asked by the defense.

7 THE COURT: I'll give a curative instruction.

8 MS. PRICE: Thank you, sir.

9 THE COURT: At this point. Now --

10 MS. PRICE: Yes, sir.

11 THE COURT: -- if Mr. Byrholdt obtains evidence
12 that ties this in and makes it relevant to the case,
13 then he may revisit the issue. But at this point it
14 has not been shown to be relevant.

15 MS. PRICE: Thank you, sir.

16 THE COURT: All right.

17 Mr. Bailiff, if you will get our jury for us,
18 please, sir.

19 (WHEREUPON, the jury entered open court at
20 12:14 p.m.)

21 THE COURT: All right. Mr. Byrholdt, proceed.

22 MS. PRICE: Your Honor.

23 THE COURT: Ladies and gentlemen, you will
24 disregard that last question that was asked.

25 CROSS-EXAMINATION (Resumed)

1 BY MR. BYRHOLDT:

2 Q Did you review your statement before you testified
3 this morning?

4 A Yes, ma'am -- yes, sir.

5 Q Sorry?

6 A Yes, sir.

7 Q Who provided that for you?

8 A Ms. Price.

9 Q When were you told to review it?

10 A She gave it to me sometime last week.

11 Q And that's when she told you to review it?

12 A She told me go over it before the trial come up.

13 Q And you always tell the truth, right?

14 A Yes, sir.

15 Q Sir?

16 A Yes, sir.

17 Q Have you been convicted of giving false
18 information to the police?

19 A Yes, I have.

20 Q Were you telling the truth then also?

21 A No, I wasn't.

22 Q David --

23 A To the police, false information, no. No, I
24 wasn't.

25 Q Okay. That's where you say the shooting happened

1 where your X is and your initials?

2 A Yes, I did.

3 MR. BYRHOLDT: Your Honor, I'd move 45 in if
4 they're not going to as Defendant's 1 or co-exhibit.

5 THE COURT: Any objection?

6 MS. PRICE: Without objection.

7 THE COURT: All right. Defendant's Number 1 would
8 be admitted without objection.

9 (WHEREUPON, Defendant's Exhibit Number 1 was
10 admitted into evidence.)

11 BY MR. BYRHOLDT:

12 Q Were you charged with anything?

13 A No, sir. No, sir.

14 Q When the officers came to New York was the first
15 time you talked to them, they just knocked on your door
16 or called you by phone first?

17 A They called me by phone first.

18 Q What did they talk about in that phone call or who
19 called you?

20 A The detective right here.

21 Q And how long did you talk to him?

22 A Not very long. He just told me he was on the way,
23 getting on the airplane, and gave me the hotel he was
24 going to and to come meet him and come talk to him
25 about 2:00.

1 Q Did he tell you whether or not you were going to
2 be charged with anything?

3 A Not over the phone, no. When we got to the hotel
4 room, they said I wasn't going to be charged with
5 nothing.

6 Q And he told you that before your statement, right,
7 that you weren't going to be charged?

8 A Before and during the statement.

9 Q Okay. But before you started, he told you that?

10 A Yes.

11 Q And you hadn't told them what happened yet?

12 A No, sir.

13 Q Well, can you explain if you didn't know what
14 happened, how could he make the promise you weren't
15 going to be charged?

16 A His exact words over the phone was before he came
17 to New York, if you don't comply with me, I will charge
18 you, but as of right now you're not being charged, is
19 what he said.

20 Q He told you you weren't going to be charged?

21 A Yes.

22 MR. BYRHOLDT: Thank you, David.

23 MS. PRICE: One second, your Honor.

24 REDIRECT EXAMINATION

25 BY MS. PRICE:

1 Q Mr. Bennett, you did some drugs that night,
2 correct?

3 A Yes, ma'am.

4 Q Okay. Did you look at your watch when --

5 A I didn't have a watch.

6 Q When the shooting occurred, you didn't have a
7 watch?

8 A No.

9 Q Did you look at a clock when the shooting
10 occurred?

11 A No.

12 Q Did you mark the times throughout the night when
13 these things happened?

14 A No.

15 Q Okay. So when an investigator is asking you about
16 what time, you're guessing based on what you thought
17 generally?

18 A Yes.

19 Q Okay.

20 A It was dark. It was late. Like right after we
21 dropped him off, a couple hours after that, the news
22 came on so I was going by the news.

23 Q A couple hours after that the news came on?

24 A Yes.

25 Q But, otherwise, you weren't looking at the clock

1 in the car?

2 A No.

3 Q You didn't look at a clock on your hand?

4 A No.

5 Q Okay. And when the shooting occurred, as
6 Mr. Byrholdt pointed out, you didn't collect shells,
7 you didn't count shells, you didn't do any of that,
8 correct?

9 A No.

10 Q You did hear the gun go off?

11 A Yes.

12 Q You heard it multiple times?

13 A Yes.

14 Q Okay. Are you sure?

15 A I'm positive.

16 Q Okay. And did you make all of this up just
17 because the detective told you to?

18 A No.

19 Q Okay. Did you at any point feel pressured by the
20 detective to make something up or give a statement?

21 A No.

22 Q Did you give that statement freely and
23 voluntarily?

24 A Yes.

25 Q Okay. And when you met with the detective, they

1 didn't knock on your door, did they?

2 A No.

3 Q You went to them?

4 A Yes.

5 Q Okay. And Mr. Byrholdt mentioned that you have a
6 charge of providing false information to the police?

7 A Yes.

8 Q Did that happen some time ago?

9 A I want to say last year.

10 Q And did it have anything to do with this case?

11 A No.

12 Q Okay. And were you trying to get out of some
13 trouble?

14 A Yes, ma'am.

15 Q Okay. What kind of trouble?

16 A I had a couple bench warrants and DUS third.

17 Q Okay. So you're driving under suspension?

18 A Yes, I was.

19 Q And you didn't want to get picked up?

20 A Yes.

21 Q And you provided some false information so they
22 wouldn't know who you were?

23 A Yes, ma'am.

24 Q But it didn't have anything to do with this case?

25 A No.

1 Q Okay. When I gave you your statement to review,
2 did I tell you what to say?

3 A No, ma'am.

4 Q Have you been coached?

5 A No, not at all.

6 Q Did I ask you questions about your statement?

7 A No.

8 Q Okay. Did I ask you to look at your statement?

9 A Yes.

10 Q Okay. Has anyone told you to say anything
11 different than what you said in your statement in the
12 past two years?

13 A No, ma'am.

14 Q Okay. And it has been two years since this
15 occurred, correct?

16 A Yes, ma'am.

17 Q Okay. And to the best of your recollection, the
18 things that you're telling us today are what you mean;
19 is that right?

20 A Yes, ma'am.

21 Q And you're telling the truth?

22 A Yes, ma'am.

23 Q Okay. Could it be that you remember some details
24 differently now than you remembered then?

25 A No.

1 Q No? Okay. So you're 100 percent sure that what
2 you're telling is accurate?

3 A Yes.

4 Q Okay. All right. One moment.

5 MS. PRICE: No further questions.

6 Thank you, Mr. Bennett.

7 MR. BYRHOLDT: No questions of Mr. Bennett at this
8 time.

9 THE COURT: All right. Thank you, Mr. Bennett.
10 You may step down.

11 MS. PRICE: Your Honor, he's asking if he can go
12 to his job. As long as he's available to be reached by
13 the defense, he says he'll be available by his cell
14 phone.

15 THE COURT: Mr. Bennett, you're still under
16 subpoena so just be available if he decides to call
17 you. You're still under sequester so you cannot
18 discuss your testimony with anyone.

19 THE WITNESS: Yes, sir.

20 THE COURT: Ladies and gentlemen, we're going to
21 lunch. Be back at 1:30. We have some people coming in
22 at 1:45 to testify. Be back at 1:30.

23 (WHEREUPON, the jury exited open court at
24 12:23 p.m.)

25 THE COURT: Anything from either party before we

1 go into recess?

2 MS. PRICE: Nothing from the State, your Honor.

3 MR. BYRHOLDT: No, your Honor.

4 THE COURT: We'll be in recess until 1:30.

5 (WHEREUPON, lunch recess taken from 12:23 p.m.
6 to 1:33 p.m.)

7 THE COURT: Ms. Price, Mr. Byrholdt, I received a
8 note from the forelady of the jury, and the question,
9 it says, "One juror knows a person in the audience. Is
10 this a problem?" The witnesses are sequestered so it
11 would not have been someone that they would have had
12 responded to in the voir dire questioning. I can
13 question that juror if either party would like for me
14 to.

15 MS. PRICE: I have no objection. Out of an
16 abundance of caution, if your Honor would like to, but
17 I have no concerns based on what they said.

18 THE COURT: Mr. Byrholdt, do you have any concern?

19 MR. BYRHOLDT: Not really. I mean, it might be
20 nice to know who they're talking about, whether it's a
21 family member or something. That might cause me
22 concern if it's a family member of either side.

23 THE COURT: Mr. Clerk, why don't you go find out
24 which juror it is and bring them in here and I'll just
25 question them.

1 (Juror 119 entered the courtroom.)

2 THE COURT: Let's go on the record.

3 What's your juror number?

4 JUROR: 119.

5 THE COURT: And let me see here. You're Ms. Moss?

6 JUROR: Uh-huh.

7 THE COURT: Now, I received a note from the
8 forelady --

9 JUROR: Uh-huh.

10 THE COURT: -- saying that you recognize
11 someone -- that you know a person in the audience.

12 JUROR: Yes, sir.

13 THE COURT: What's the nature of the person that
14 you know?

15 JUROR: We work together.

16 THE COURT: Okay. Does the fact that you
17 recognize a person in the audience, would that make it
18 to where you couldn't be fair and impartial?

19 JUROR: No, sir. I just wanted to disclose that
20 information.

21 THE COURT: Okay. And as I pointed out to the
22 attorneys, the people in the audience are not
23 witnesses. The witnesses are -- they come in as they
24 testify, so it would not have been a person whose name
25 would have been called when I asked that question

1 before.

2 JUROR: Okay.

3 THE COURT: Any other questions from the State?

4 MS. PRICE: None from the State.

5 THE COURT: Anything from the defense?

6 MR. BYRHOLDT: No, your Honor.

7 THE COURT: Okay. Thank you, ma'am. You can
8 return to the jury room.

9 JUROR: Thank you.

10 THE COURT: Let's make this note a Court's
11 exhibit.

12 Go ahead and get the jury.

13 (WHEREUPON, the jury entered open court at
14 1:44 p.m.)

15 THE COURT: All right. Ladies and gentlemen,
16 we're ready to resume. I hope everyone had a good
17 lunch.

18 The State ready to call their next witness?

19 MS. PRICE: Thank you, your Honor. May it please
20 the Court. State calls Kara Bennick to the stand.

21 KARA BENNICK,

22 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

23 THE CLERK: If you will take the witness stand,
24 please, ma'am, and state your name and spell your last
25 name for the reporter, please.

1 THE WITNESS: Kara Bennick, B-e-n-n-i-c-k.

2 DIRECT EXAMINATION

3 BY MS. PRICE:

4 Q Thank you, Ms. Bennick. Where do you work?

5 A Greenville County Forensics Unit.

6 Q Is that with the Department of Public Safety?

7 A It is.

8 Q What's your official title?

9 A I'm the supervisor of the unit.

10 Q You supervise all of forensics?

11 A I'm the supervisor of the property and evidence
12 unit. I'm sorry.

13 Q Just the property and evidence unit?

14 A Yes, ma'am.

15 Q And what is the property and evidence unit?

16 A We're the section that all evidence is brought in.
17 We receive all evidence to go back out for testing.
18 Basically, we're the hub for all evidence that's coming
19 into Greenville County for any reasons comes to.

20 Q So it's a safe and secure area?

21 A Yes, ma'am.

22 Q What sort of safeguards are in place?

23 A Well, besides the fact that only the five
24 technicians that work down there can enter and access
25 anywhere in that section, we also have cameras, locks,

1 and swipe card security.

2 Q And so only five individuals have access to that
3 area?

4 A Yes, ma'am, the five full-time employees down
5 there.

6 Q And can you briefly explain how you store and
7 maintain evidence?

8 A Evidence in a situation that's coming in from
9 Anderson County would be brought in during business
10 hours across the counter. We would receive it,
11 inventory it, and take it to the staging area and hold
12 it before it is taken out to the lab area.

13 Q And would it have been kept securely the entire
14 time?

15 A Yes, ma'am.

16 Q And so you answered one of my earlier questions
17 that I was going to ask you. Do other agencies bring
18 them to Greenville occasionally?

19 A Yes, multiple agencies.

20 Q Is that for testing?

21 A Yes. We have a fully functional lab at
22 Greenville, so we take in evidence for lab processing.

23 Q And when you take an item, is a report generated?

24 A Yes, it is.

25 Q And is it maintained throughout the course of your

1 custodianship of a piece of evidence?

2 A Yes, ma'am. Everything that's coming to us comes
3 in on a property and evidence sheet or a pre-log sheet,
4 as we call it, coming from an outside agency, and that
5 sheet inventories out what is coming in. And we
6 compare it and match it up and code it out, basically,
7 is what we call it, bar coding it.

8 Q Okay. I'm showing you what's been marked as
9 State's Exhibit 48. Are you familiar with this item?

10 A Yes, ma'am.

11 Q Okay. What is that?

12 A That is an inventory sheet of all the items that
13 were received in along with the chain of custody.

14 Q Is that a record that you keep in the course of
15 ordinary business?

16 A It is.

17 Q And do you recognize any of the names on that
18 document?

19 A I do.

20 Q How do you recognize them?

21 A All of the names on the document are the property
22 and evidence technicians that handle the evidence and
23 the moving process.

24 Q And you supervise all those individuals?

25 A I do.

1 MS. PRICE: Your Honor, at this time the State
2 would seek to admit Exhibit 48.

3 MR. BYRHOLDT: Without objection.

4 THE COURT: State's Exhibit 48 would be admitted
5 without objection.

6 (WHEREUPON, State's Exhibit Number 48 was admitted
7 into evidence.)

8 BY MS. PRICE:

9 Q Mrs. Bennick, do the sheets indicate what items
10 were checked in to property and evidence pertaining to
11 the case against Mr. Royres Patterson?

12 A They do.

13 Q And can you tell me a little bit about those
14 items?

15 A These items were pre-logged with us, which means
16 that paperwork came over in advance of the actual
17 evidence for us to put into our system. It's a
18 preinventory process that we do. Once the items are
19 actually received at the counter by whoever is
20 transporting them, we then compare -- they then take
21 our bar codes and place them on the items, make sure
22 they're sealed up, and take them into our custody, so
23 all that was done through our process that we can see
24 that's listed on the chain of custody.

25 Q What day was the pre-log on those items completed?

1 A March 17, 2016, a pre-log was completed.

2 Q So in anticipation of those items coming, a form
3 was prepared?

4 A Yes, a form was prepared and basically e-mailed to
5 us letting us know what was coming.

6 Q And on what date did Greenville actually receive
7 these items?

8 A The items were received on March 18th, the
9 following day.

10 Q Were all of the items received on March 18th?

11 A That's what I'm looking -- no. All but one of the
12 items were received on March 18th.

13 Q What item was not received on March 18th?

14 A Item identified as 1155894, projectile from
15 autopsy packet was pre-logged and received later.

16 Q On what date?

17 A It was pre-logged on March 21, 2016, and received
18 on March 22, 2016.

19 Q Okay. And once that item has been logged in, has
20 been received, what would one of your employees do with
21 those items?

22 A The initial items were moved to firearm staging
23 where they were going to wait for the chemist to check
24 them out. Prior to that, they will stage in that area,
25 but we obviously requested further information or

1 additional items, which is the item that later
2 followed, and it was matched up with the case pending
3 to go out to the lab.

4 Q Ms. Bennick, looking at your report, can you tell
5 me what items were brought on the 18th to Greenville?

6 A I can. They're all identified with an item
7 number, which is when they come in, were inventoried
8 with an item number. And they -- do you want me to go
9 through the item numbers?

10 Q Please.

11 A It's item 1139539, a .40 caliber live round from
12 the kitchen cabinet; 1139540, a 9mm fired cartridge,
13 Luger live round, taken from kitchen drawer; item
14 1139543, a 9mm Luger shell casing, marker number one;
15 1139544, 9mm Luger shell casing, marker number two;
16 1139545, a 9mm Luger shell casing, marker three;
17 1139546, a 9mm Luger shell casing from marker number 4;
18 1139614, a projectile; 1140080, a .45 caliber bullet;
19 1139541, .38 Special Rock Island Armory .38 caliber;
20 1139542, two live rounds found in .38 Rock Island
21 Armory; 1155894, projectile from autopsy packet.

22 Q Okay. Now, on one of those items, I believe it's
23 the .38, does it list the make or the -- any other
24 specifying information on that sheet?

25 A The .38 Special Rock Island Armory.

1 Q I'm sorry. The two live rounds that were from --

2 A Two live -- two live rounds found in .38 Rock
3 Island Armory.

4 Q That's all that's listed?

5 A That's all that's specified.

6 Q Ms. Bennick, after those items were received,
7 pre-logged, put into evidence, put in the staging area,
8 were they checked out at any time by anybody with your
9 Greenville County lab?

10 A They were. They were checked out by James
11 Armstrong.

12 Q And did they stay with James Armstrong?

13 A Yes. All items, once checked out by the chemist,
14 remain with the chemist until they're checked back in
15 by that same chemist.

16 Q Is Mr. Armstrong also a ballistics expert?

17 A He is.

18 Q And were they checked back in to the property and
19 evidence area at some point in time?

20 A Yes, ma'am. All items were checked back in.

21 Q Were all the items checked back in on the same
22 date?

23 A Yes. It appears that all were checked back in on
24 April 18th.

25 Q Okay. And once they were checked back in -- and

1 were they checked in by the same person?

2 A They were.

3 Q Who was that?

4 A Cindy Witherspoon checked them back in.

5 Q Is she an employee of yours?

6 A She is.

7 Q Once they were checked back in, did they remain in
8 Greenville?

9 A They remained in Greenville until they were picked
10 up by Anderson County.

11 Q What date were they picked up by Anderson County?

12 A April 20th Sergeant Caron picked them up.

13 Q And did you review your records before you came
14 here to confirm who brought these items to Greenville?

15 A I did.

16 Q Who brought the items to Greenville?

17 A They were brought to us by Sergeant Caron as well.

18 Q Is he with Anderson County?

19 A He is.

20 MS. PRICE: One moment, please.

21 Q Ms. Bennick, I'm going to hand you State's
22 Exhibit 18. Looking at this item, can you tell me if
23 it was transported to Greenville?

24 A I can.

25 Q And how can you tell?

1 A Based on the bar code that was on the top.

2 Q Okay. And does it correspond to something that
3 you have on your list?

4 A Yeah. The control numbers on the bar code labels
5 will coincide with the chain of custody.

6 Q Can you tell me what item that was?

7 A What item this one is?

8 Q Yes.

9 A This is the firearm, the .38 Special Rock Island
10 Armory firearm and the two live rounds found in the
11 .38.

12 Q Okay. Would you mind opening but not showing the
13 jury? Are there three items consistent with your
14 description in that box?

15 A Yes, ma'am.

16 Q And for the record, those would be State's
17 Exhibit 19, 20A and 20B.

18 Thank you, Ms. Bennick.

19 Ms. Bennick, I'm showing you what's been marked as
20 State's Exhibit 21. Is there an indicator on that
21 envelope that shows you that that item was taken to
22 Greenville?

23 A Yes, ma'am. It has one of our bar code labels on
24 it.

25 Q And can you tell me if that bar code corresponds

1 to something that's on your list and what that item
2 would be?

3 A Yes. This one is the .40 caliber live rounds from
4 the kitchen cabinet. We have a sheet that corresponds
5 with it.

6 Q The sheet corresponds?

7 A Uh-huh.

8 Q Thank you.

9 State's Exhibit 22, is there a corresponding bar
10 code for that exhibit?

11 A Yes, ma'am, there is.

12 Q And what item does it correspond to?

13 A That's the 9mm live round taken from the kitchen.

14 Q And it was also taken to Greenville?

15 A Yes, ma'am.

16 Q Same question for State's Exhibit 23A through D.
17 Are there corresponding bar codes on that envelope?

18 A There are.

19 Q And can you match those to an item or items that
20 were taken to Greenville?

21 A I can. They match. All the inventory control
22 numbers match up.

23 Q And to what items?

24 A These are the 9mm Luger shell. The marker section
25 of the label is cut off, but you have the 9mm casing

1 number two, number three, and number four.

2 Q And there's -- as to the first one, is it covered
3 by a sticker?

4 A Yeah, it's covered by the other half of the
5 sticker.

6 Q But the bar code matches up to --

7 A The inventory control number matches up to number
8 one.

9 Q Okay. And item number 24, does it have a bar code
10 that corresponds to your sheet?

11 A It does.

12 Q And would that item have been taken to Greenville?

13 A It was.

14 Q And what was that item?

15 A That one is the projectile.

16 Q Okay. Is there anything more specific with regard
17 to the projectile written down, or do you just have
18 "projectile"?

19 A It just has "projectile."

20 Q Okay. And State's Exhibit 25, was that brought to
21 Greenville as well?

22 A It was.

23 Q And does it have a corresponding bar code?

24 A It does.

25 Q And what item is that, according to the list that

1 you have?

2 A This one is the box of .45 caliber bullets.

3 Q And, finally, State's Exhibit 26. Does that have
4 a corresponding bar code?

5 A It does.

6 Q And was that brought to Greenville?

7 A It was brought to Greenville, yes.

8 Q And is that the item that was brought last to
9 Greenville?

10 A It was.

11 Q On a different day?

12 A Yes, ma'am.

13 Q And can you tell me what item that was?

14 A This one is the projectile from the autopsy
15 packet.

16 Q Okay. One moment, please.

17 Thank you so much, Ms. Bennick. Please answer any
18 questions Mr. Byrholdt has for you at this time.

19 MR. BYRHOLDT: Just a couple.

20 May it please the Court.

21 CROSS-EXAMINATION

22 BY MR. BYRHOLDT:

23 Q You have State's Exhibit 44 in front of you, your
24 log?

25 A 48.

1 Q 48. Can you explain on the four spent shells, the
2 marker items?

3 A Okay.

4 Q Can you read out to the jury what kind of shells
5 those were?

6 A 9mm FC Luger shell casings, casing from marker
7 one, two, three, and four.

8 Q All right. Let me show you State's Exhibit No. 17
9 and ask you to read out the same types of shells for
10 the four items.

11 A It's just a different report. Shell casing, fired
12 cartridge casing, 9mm FC Luger shell casing, marker
13 number one, number two, number three, and number four.

14 Q But a different type, right?

15 A This last one has a 9mm RP Luger shell casing,
16 marker number four.

17 Q Does the earlier one have an RP on that as well?

18 A Oh, I'm sorry. Yes, it does.

19 Q Can you explain to the jury how you can have two
20 different kinds of shells there?

21 A No, I can't, sir. That's -- all I can do is tell
22 you what we logged into evidence.

23 Q Well, it's got the same numbers, though, right?
24 Check the item numbers.

25 A Yeah. Yes, it does have the same item numbers.

1 Q And you can't explain how they're different in two
2 different reports?

3 A I can't because this report is not mine. I can
4 only give you what was generated to us to pre-log.

5 Q Are you saying, then -- whose report is correct?

6 A I couldn't answer that, sir.

7 Q I mean, the item number shouldn't change, should
8 it, or what the item is?

9 A No.

10 Q Is there a difference between RP and the other
11 item or do you know?

12 A That's not my area of expertise.

13 Q Mr. Armstrong might know that?

14 A He might be able to explain that, but I cannot.

15 Q Thank you very much.

16 A You're welcome.

17 REDIRECT EXAMINATION

18 BY MS. PRICE:

19 Q Ms. Bennick, both of those reports say 9mm fired
20 shell casing cartridges, correct?

21 A Yes.

22 Q And do typos happen?

23 A Yes.

24 Q Are people that work for you human?

25 A Yes.

1 Q Okay. And, ostensibly, you would assume then that
2 the people who are in Anderson may have also typed
3 something quickly and made an error in typing?

4 A Yes, without seeing the actual document that came
5 to us.

6 Q Right.

7 A For pre-log purposes, it could be a typo on either
8 end at this point.

9 Q All right. Thank you very much.

10 No further questions.

11 THE COURT: Anything further from this witness?

12 RECROSS-EXAMINATION

13 BY MR. BYRHOLDT:

14 Q But you don't know if it's a typo or not, do you?

15 A I don't, sir, not at this point, no.

16 Q That's pure speculation on your part?

17 A Without further information in the report, yes.

18 MR. BYRHOLDT: Thank you.

19 THE COURT: Anything further from this witness?

20 MS. PRICE: Nothing further.

21 THE COURT: Any objection to this witness being
22 excused?

23 MS. PRICE: None from the State.

24 MR. BYRHOLDT: None from the defense.

25 THE COURT: Thank you, ma'am. You are excused.

1 MS. PRICE: Your Honor, at this time the State
2 calls James Armstrong to the stand.

3 JAMES ARMSTRONG,

4 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

5 THE CLERK: If you would take the witness stand,
6 please, and state your name and spell your last name
7 for the reporter, please.

8 THE WITNESS: James William Armstrong,
9 A-r-m-s-t-r-o-n-g.

10 DIRECT EXAMINATION

11 BY MS. PRICE:

12 Q Mr. Armstrong, by whom are you employed?

13 A I'm employed by the Greenville County Department
14 of Public Safety Forensics Division Crime Laboratory.

15 Q And how long have you been employed with them?

16 A Just a little over 20 years.

17 Q And what sort of duties and responsibilities are
18 associated with that position?

19 A My current position, I hold two responsibilities
20 as a forensic drug chemist and a forensic firearms
21 examiner.

22 Q And what's a firearms examiner?

23 A In the firearms examiner field, I examine any
24 firearm-related evidence such as firearms, fired
25 cartridge casings, fired bullet specimens, or anything

1 that might be related to a firearm and/or tool marks
2 and we report our findings of those.

3 Q What is firearms identification?

4 A Firearms identification is mainly the field where
5 we are comparing firearms or firearm-related evidence
6 to try to make a connection to each other or each piece
7 of evidence to try to link a projectile or a casing to
8 actually a firearm or casings to each other to kind of
9 form links to different cases.

10 Q And what's your educational background?

11 A I have a bachelor of science in chemistry from
12 Erskine College. I have trained in the area of firearm
13 identification approximately two years as an
14 apprenticeship-style training under a retired firearms
15 examiner from Philadelphia PD. I have been through
16 numerous seminars and classes sponsored by the Bureau
17 of Alcohol, Tobacco and Firearms in the area of firearm
18 identification. I have toured 15 different firearm
19 manufacturing facilities to see how the firearms are
20 manufactured and assembled. I have toured four
21 different ammunition manufacturing facilities to see
22 how ammunition is manufactured and assembled, and I
23 have testified in federal and state court at least 48
24 times as an expert in the field of firearm
25 identification. And I am also a member of the

1 Association of Firearm and Tool Mark Examiners as an
2 association.

3 MS. PRICE: Your Honor, at this time, the state
4 moves that James Armstrong be declared an expert in the
5 field of firearms identification, ballistics, and as a
6 firearms examiner.

7 MR. BYRHOLDT: No objection, your Honor.

8 THE COURT: All right. This witness would be
9 admitted without objection as an expert in the field of
10 firearms identification, ballistics, and what was the
11 other?

12 MS. PRICE: As a firearms examiner.

13 THE COURT: Firearms examiner. Okay.

14 BY MS. PRICE:

15 Q Mr. Armstrong, I'm going to hand you some gloves
16 so you can handle some of these items. I'm showing you
17 what's been marked as State's Exhibit 18. Would you
18 open that for me?

19 A Yes, sir.

20 Q And inside there should be some items as well.

21 A Yes, ma'am, there is.

22 Q Mr. Armstrong, are you familiar with those items?

23 A Yes, ma'am, I am.

24 Q And how are you familiar with them?

25 A The firearm itself referenced the serial number on

1 my report. It is the same serial number which I
2 examined. The bag inside which has some cartridges
3 actually has my initials and date which I sealed and
4 opened the bags as well.

5 Q And did you review those items in this case?

6 A Yes, ma'am, I did.

7 Q I'm also going to show you now State's Exhibit 21.
8 Can you open that item, if it's not already open? It
9 may be.

10 A Yes, ma'am.

11 Q Are you familiar with that item, sir?

12 A Yes, ma'am, I am.

13 Q Or items.

14 A Yes, ma'am, I am.

15 Q And what is that?

16 A This is a bag, has the item number 1139539. Has
17 my initials right here. This is a bag containing seven
18 caliber .40 Smith & Wesson cartridges.

19 Q And did you have an opportunity to review those
20 items in this case?

21 A Yes, ma'am, I did.

22 Q And State's Exhibit 22, would you open that,
23 please, sir, and tell me if you recognize that item?

24 A Yes, ma'am, I do.

25 Q And what is that item, sir?

1 A This is a caliber 9mm Luger cartridge.

2 Q And did you have an opportunity to review that
3 item in this case?

4 A Yes, ma'am, I did.

5 Q State's Exhibit 23. I believe I have some
6 scissors here. Are you familiar with the items in that
7 envelope, sir?

8 A Yes, ma'am, I am.

9 Q What are those items?

10 A This is four fired cartridge casings of caliber
11 9mm Luger.

12 Q And did you have an opportunity to review those?

13 A Yes, ma'am, I did.

14 Q This is State's Exhibit 24. Would you open that
15 envelope, please, sir, and tell me if you recognize the
16 item?

17 A This is a -- in the bag which I had written and
18 placed it in is 1139614. This is a lead fired bullet
19 core.

20 Q And did you have an opportunity to review that
21 item?

22 A Yes, ma'am, I did.

23 Q State's Exhibit 25. Please review that item, sir.

24 A This is my item 1140080. This is an ammunition
25 box containing 28 caliber .45 auto cartridges.

1 Q Did you have an opportunity to review that item?

2 A Yes, ma'am, I did.

3 Q And finally, State's Exhibit 26. Please look at
4 that item and tell me if you're familiar with it.

5 A Yes, ma'am.

6 Q What is that?

7 A This references my item number of 115894. It is a
8 caliber .38/9mm fired bullet specimen.

9 Q And do you know from where it was recovered?

10 A I do not.

11 Q Okay. But you reviewed it?

12 A Yes, ma'am, I did.

13 Q Okay. And it was made a part of your report in
14 this case?

15 A Yes, ma'am, it was.

16 Q Okay. You recognize all of these objects?

17 A Yes, ma'am, I do.

18 Q And they were all in your possession for purposes
19 of analysis?

20 A That's correct.

21 Q Okay. And from where did you retrieve them?

22 A Retrieved them from the basement of the law
23 enforcement center in Greenville at the property and
24 evidence room.

25 Q And when did you receive these items?

1 A I received them on April 15, 2016.

2 Q And how long were they in your possession?

3 A I had them until I returned them on April 18th.

4 Q And where were they placed when you finished them?

5 A When I finished my analysis, they were returned to
6 the property and evidence room for storage.

7 MS. PRICE: Your Honor, at this time, the State
8 would like to move to have State's Exhibit 18, 19, 20A
9 and B, 21, 22, 23 A through D, 24, and 26 admitted into
10 evidence.

11 MR. BYRHOLDT: Without objection.

12 THE COURT: Okay. State's 18, 19, 20A and B, 21,
13 22, 23A through D, 24 and 26 would be admitted without
14 objection.

15 (WHEREUPON, State's Exhibit Number 18 was admitted
16 into evidence.)

17 BY MS. PRICE:

18 Q I'm going to redirect your attention to State's
19 Exhibit 19, includes the box marked State's Exhibit 18.

20 A Yes.

21 MS. PRICE: Your Honor, I move to have the box,
22 State's Exhibit 18, also admitted into evidence.

23 MR. BYRHOLDT: I have no objection to the box.

24 MS. PRICE: It's the container.

25 THE COURT: So noted.

1 BY MS. PRICE:

2 Q Can you tell us what type of gun that is?

3 A This is a Rock Island Armory Model 200 revolver,
4 .38 Special is the caliber, has a serial number of RIA
5 1366058.

6 Q And can you tell me what type of analysis you
7 performed on that gun?

8 A When I received it, I identified it by its
9 markings, and then I did a function test to make sure
10 it was operable, and then did a microscopic comparison
11 to compare the test shots collected from this firearm
12 to any firearm-related evidence.

13 Q And from your analysis, were you able to form an
14 expert opinion as to the functionality of that
15 revolver?

16 A Yes, ma'am. It was functional as designed.

17 Q So it will fire like any other gun that's working?

18 A That's correct.

19 Q Can you tell us which, if any, of the unfired
20 cartridges you reviewed would be capable of being fired
21 from this gun?

22 A There were two cartridges that were capable of
23 being fired. That is listed as your State's Exhibit
24 20. I have my item numbers were 1139542 A and B. A is
25 a .38 Special cartridge, and B is a .38 Super

1 cartridge.

2 Q Okay. And those were -- those capable of being
3 fired from the weapon that you reviewed?

4 A That's correct.

5 Q Okay. And what type of analysis did you perform
6 on those to make that determination?

7 A Just that they would actually fit and function or
8 actually fit in the cylinder of the firearm, which a
9 firearm is functional if it will fit in and the
10 cylinder rotates, then the firearm will function with
11 it.

12 Q What, if any, unfired cartridges did you review in
13 this case that would not be capable of being fired from
14 that firearm?

15 A The unfired cartridges that were not capable of
16 being fired in this firearm would be the .40 Smith &
17 Wesson cartridges, the 9mm Luger cartridge, and the .45
18 auto cartridges.

19 Q So that would be State's Exhibit 21?

20 A 21, 22 and 25.

21 Q Okay. Now, can you please explain to the jury the
22 difference between cases, bullets, and cartridges?

23 A A cartridge is a combination of the casing which
24 has the usually like copper for the most part,
25 different metals that it's made out of. It actually

1 holds the powder charge as well as a projectile. The
2 projectile is pushed inside the mouth or the opening of
3 that casing so when it is fired, it goes out the barrel
4 and that goes -- the projectile goes down the barrel.
5 The casing is what's left behind. It's what actually
6 encases the projectile to hold it together. Then the
7 cartridge, all those components together, make a
8 complete cartridge.

9 Q And what type of analysis was performed on the
10 four fired 9mm cartridge cases?

11 A I did a microscopic comparison to compare them to
12 each other as well as to the firearm itself.

13 Q And were they capable of being fired from that
14 firearm?

15 A No, ma'am.

16 Q Okay. And did you make a determination as to
17 whether they were fired from the same weapon?

18 A The -- one moment. They were not fired in the
19 revolver, but they bear similar but insufficient
20 microscopic marks to permit a positive identification
21 to each other.

22 Q So you could not make a determination based on the
23 markings as to whether or not they were fired from the
24 same gun?

25 A Correct. They were some similarities that were

1 leaning towards saying they were the same gun, but not
2 enough to say they were.

3 Q And you have to have, as an expert, a certain
4 number of sufficient similarities before you're
5 confident in rendering that opinion; is that correct?

6 A It has to be basically an overwhelmingly
7 agreement, and we did not quite have the overwhelming
8 agreement.

9 Q But there were some similarities?

10 A There were some similarities.

11 Q What type of gun would you have had to have to
12 fire those cartridges?

13 A Typically, those would be fired in a semiautomatic
14 firearm.

15 Q Is that a rapid-fire weapon?

16 A One pull of the trigger, one fire.

17 Q Okay. Now, you reviewed a fired bullet specimen,
18 correct?

19 A Yes, ma'am.

20 Q Okay. And when you reviewed it, did you make a
21 determination as to what caliber that was?

22 A It's a 38/9mm.

23 Q Why do you say slash?

24 A .38 and 9mm kind of forms an entire group. You
25 have a whole lot of varieties of calibers actually fall

1 into the .38/9mm caliber range. You have a .38
2 Special, .357 Magnum, 9mm, .38 Super. And there are a
3 few others out there like a .357 Sig. We just
4 incorporate the measurement of that projectile, the
5 diameter of it, into the .38/9mm class.

6 Q So it would have been capable of being fired from
7 a .38?

8 A That projectile, yes, ma'am.

9 Q And we are talking about State's Exhibit 26,
10 correct?

11 A Correct.

12 Q The bullet that was in a plastic container that
13 was brought to you?

14 A Yes, ma'am.

15 Q And it also would have been capable of being fired
16 from a 9mm?

17 A Correct.

18 Q Did you perform additional analysis on that fired
19 specimen to determine whether or not it was fired from
20 the weapon you were provided?

21 A I did.

22 Q And what was your expert determination?

23 A It was not fired from this firearm.

24 Q Okay. And how did you make that determination?

25 A Doing a microscopic comparison by comparing what

1 are called the lands and grooves and any striations
2 that were left from the firearm on the test specimens,
3 and they were not the same general shape, size and did
4 not have any kind of markings that were identifiable to
5 that firearm.

6 Q So an individual firearm, when it fires a bullet,
7 will leave individualized markings?

8 A Correct.

9 Q And you compared those markings from your test
10 fires --

11 A I did, yes, ma'am.

12 Q -- to the bullet that was recovered in this case?

13 A Yes, ma'am.

14 Q And they were not the same?

15 A Not the same.

16 Q And you can say that with confidence?

17 A Yes, ma'am.

18 Q Did you reach any conclusions about the fired
19 bullet core that you were provided? That would have
20 been State's Exhibit 24.

21 A Just that it is consistent with caliber .38/9mm,
22 but it was not suitable for microscopic comparison
23 purposes.

24 Q So you couldn't compare it to the weapon or
25 otherwise?

1 A No, ma'am.

2 Q Would you look at State's Exhibits 23 A through D
3 for me, please.

4 A Yes, ma'am.

5 Q And can you tell me, can you look at them
6 individually?

7 A Yes, ma'am.

8 Q Can you tell me anything more specific about those
9 other than the fact that they are simply 9mm? Can you
10 tell me a maker or --

11 A There are a variety of different manufacturers.
12 We have Remington, Federal. We have two Remingtons and
13 two Federals.

14 Q Two Remingtons and two Federals?

15 A Correct.

16 Q Does it matter who the maker of a cartridge case
17 is?

18 A No, ma'am.

19 Q Bullet fires the same either way?

20 A Yes, ma'am.

21 Q They're all 9mm?

22 A That's correct.

23 Q They would all be capable of being fired from the
24 same weapon?

25 A Correct.

1 Q One moment.

2 Thank you, Mr. Armstrong. Please answer any
3 questions that Mr. Byrholdt may have for you at this
4 time.

5 MR. BRYHOLDT: Please the Court.

6 CROSS-EXAMINATION

7 BY MR. BYRHOLDT:

8 Q How would you record whether it's a Remington on a
9 report?

10 A We don't really do that on reports anymore. Just
11 for simplicity factors, it's a fired cartridge case as
12 well as we have many people who are actually doing
13 reloading as well. So even though it may be marked as
14 Remington or Federal, we really can't say for certain
15 if that one company manufactured or actually marketed
16 that one cartridge case.

17 Q Do you have State's Exhibit 17? If you will look
18 at the items on the spent shell, the cartridge casings,
19 which is those four.

20 A Yes, sir.

21 Q How are they identified?

22 A They are --

23 Q Are they all the same shell or are they different?

24 A They are all brass. These four here, you have one
25 of them listed, says 9mm FC, which stands for Federal.

1 Then your other one is 9mm RP, stands for Remington.

2 Q Which is what you said, two of each?

3 A Yes, sir.

4 Q Let me show you Exhibit 48. And if you would tell
5 the jury, what are the four kinds of shells listed
6 there?

7 A Someone keyed in 9mm FC for all four.

8 Q Someone didn't do the right job, made a mistake?

9 A Apparently.

10 Q Do you know whose record that is? Is that
11 Anderson or Greenville?

12 A That's Greenville.

13 Q Do you know who generated that report?

14 A No, sir, do not.

15 Q Anywhere -- can you tell us -- I mean, you're the
16 one in charge of -- did you do it?

17 A No, sir. This is -- this takes place at our
18 property and evidence login section. I have no control
19 of what goes on in that section for this.

20 Q Is there any way to identify who did that?

21 A There may be. Whoever logged it into the
22 system --

23 Q Other than that? I mean, from that document we
24 can't?

25 A Not that I can tell, no, sir.

1 Q So it could be a clerical error where they hit the
2 wrong key or just keyed in one thing and put them all
3 the same?

4 A That's correct. Could be.

5 Q You would say that's not accurate?

6 A Correct.

7 Q Thank you, sir.

8 Let me ask one more.

9 Could you tell us what firearm killed
10 Mr. Willingham and injured Mr. Cowan?

11 A No, sir, cannot.

12 Q Okay. Thank you.

13 MS. PRICE: Briefly.

14 THE COURT: Yes, ma'am.

15 REDIRECT EXAMINATION

16 BY MS. PRICE:

17 Q Mr. Armstrong, what you reviewed is the same thing
18 that Anderson County had on the sheet that Mr. Byrholdt
19 just put in front of you; is that correct?

20 A Correct.

21 Q So if there was a clerical error, it was sometime
22 between the collection in Anderson and the transport to
23 Greenville?

24 A Correct.

25 Q But at the end of the road, what you reviewed is

1 exactly what Anderson County said that they collected?

2 A Correct.

3 Q Okay. And you cannot say that a particular weapon
4 is what fired the bullet that you were provided; is
5 that correct?

6 A Correct. Not without doing an actual comparison.

7 Q But you can say it was not that gun?

8 A That's correct.

9 Q Thank you.

10 MS. PRICE: No further questions.

11 MR. BYRHOLDT: Nothing further.

12 THE COURT: All right. Any objection to this
13 witness being excused?

14 MS. PRICE: None from the State, sir.

15 MR. BYRHOLDT: None from the defense.

16 THE COURT: Thank you. You are excused.

17 MS. PRICE: May we approach, your Honor?

18 THE COURT: Yes, ma'am.

19 (WHEREUPON, a bench conference was held off the
20 record in the presence of the jury, but out of the
21 hearing of the jury.)

22 THE COURT: All right. Ladies and gentlemen,
23 we're going to take a short break. Mr. Bailiff, if you
24 would take our jury to the jury room, please, sir.

25 (WHEREUPON, the jury exited open court at

1 2:27 p.m.)

2 THE COURT: We'll go into recess.

3 MS. PRICE: Thank you, sir.

4 (WHEREUPON, a recess was taken from 2:28 p.m.
5 to 2:46 p.m.)

6 (WHEREUPON, the jury entered open court at
7 2:46 p.m.)

8 THE COURT: Are we ready to resume?

9 MR. BYRHOLDT: May it please the Court. We've got
10 two more stipulations. One is stipulation of
11 fingerprinting of fired cartridge cases by the parties.

12 The State, through Assistant Solicitor Lauren
13 Davis Price, and the defendant through his attorney,
14 Bruce Byrholdt, agree to stipulate to testimony
15 concerning the following piece of evidence: State's
16 Exhibit 23A, B C, and D consist of fired 9mm shell
17 cartridges. On 3/11/16, Investigator Dwayne McElrath
18 processed State's Exhibit 23A, B, C and D by fuming to
19 see if there were any latent prints on them; three,
20 there were no usable latent ridge details found on
21 State's Exhibits 23A, B, C and D.

22 This is stipulation to chain and authentication
23 and results of fingerprint analysis.

24 The State, through Assistant Solicitor Lauren
25 Davis Price, and the defendant, through his attorney

1 Bruce Byrholdt, hereby agree and stipulate to chain of
2 custody testimony concerning the following pieces of
3 evidence, stipulate as to the admissibility of these
4 items and stipulate the item was not relevant to the
5 trial of this case and agree the following is to be
6 read into the record:

7 On June 9, 2014, a Buick LeSabre was processed for
8 latent prints by Dwayne McElrath. Seven latent prints
9 were found during the processing and placed on latent
10 print cards marked in the envelope labeled State's
11 Exhibit 31. They were later compared to known prints
12 of the defendant Royres Patterson by investigator Mark
13 Patterson. No match to the defendant was found.

14 Thank you, Judge.

15 THE COURT: All right.

16 Ms. Price, call your next witness.

17 MS. PRICE: Your Honor, following the stipulations
18 being published to the jury, we'd like to move in the
19 two stipulations as State's Exhibits 46 and 47, in
20 addition by agreement of the parties, State's
21 Exhibit 31.

22 MR. BRYHOLDT: Without objection.

23 THE COURT: Exhibits 46, 47 and 31 would be
24 admitted without objection.

25 (WHEREUPON, State's Exhibit Number 46 was admitted

1 into evidence.)

2 MS. PRICE: Thank you, your Honor. At this time
3 the State would call Sergeant Danny Barton.

4 DANNY BARTON,

5 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

6 THE CLERK: If you would take the stand, please,
7 sir, and state your name and spell your last name for
8 the record, please.

9 THE WITNESS: My name is Danny Barton,
10 B-a-r-t-o-n.

11 DIRECT EXAMINATION

12 BY MS. PRICE:

13 Q Thank you, Sergeant Barton. And who do you work
14 for?

15 A Anderson County Sheriff's Office.

16 Q In what capacity?

17 A I'm a sergeant over the criminal investigation
18 division.

19 Q And what sort of duties and responsibilities are
20 associated with your position as sergeant?

21 A I have a number of investigators that work under
22 me investigating cases. I'm over all those guys, about
23 20 of them, case management, that sort of thing.

24 Q And was that your position on June 7, 2014?

25 A No, it was not.

1 Q What was your position at that time?

2 A At that time, I was an investigator, corporal
3 assigned to criminal investigation division assigned to
4 train newly assigned investigators. I worked sex
5 crimes, crimes against children, violent crimes, and
6 homicides.

7 Q So you have been promoted since this case?

8 A Yes, ma'am.

9 Q How long have you been in law enforcement?

10 A 16 years.

11 Q And did you respond to a call on June 7, 2014,
12 that's led you to be in court today?

13 A Yes, ma'am, I did.

14 Q What was the nature of that call?

15 A I was the investigator, homicide investigator on
16 call that weekend, and the call was a homicide
17 shooting.

18 Q Was there a death?

19 A Yes, ma'am.

20 Q Okay. When did the initial call go out?

21 A The hospital first reported the call, I believe it
22 was 9:46 p.m., and the call went out at 9:51 p.m. it
23 was dispatched.

24 Q And what was the call?

25 A Two gunshot wounds arrived at the hospital, two

1 patients, and there was a large crowd outside the
2 hospital that needed containment.

3 Q And where did you respond first when you received
4 your call?

5 A I responded to AnMed, Anderson Hospital.

6 Q And what happened at AnMed?

7 A When I arrived at AnMed -- I was on the way to
8 AnMed. I contacted Investigator Scotty Hill and had
9 him respond to the scene, by the way. But I went to
10 AnMed. When I got there, I was informed that one of
11 the victims was already deceased. That would be
12 Brandon Willingham. And there was another victim there
13 that was not deceased, Rayshawn Cowan.

14 Q And did you have an opportunity to speak with
15 Rayshawn Cowan?

16 A Yes, ma'am, I did.

17 Q Did he cooperate with you?

18 A He admitted to being out on the scene, gave me a
19 description of the vehicle. But other than that, he
20 really didn't want to talk to me.

21 Q How was he acting?

22 A He was in a lot of pain. He wouldn't really
23 answer a lot of the questions. He was asking for
24 medication.

25 Q Where was he speaking with you?

1 A In the ER.

2 Q And was he being treated for his wounds at the
3 time?

4 A Yes, ma'am. The nurses were in and out of the
5 room while we were talking.

6 Q Did you observe the injuries he had?

7 A Yes, ma'am. He had -- I believe it was four
8 gunshot wounds.

9 Q And after speaking with Mr. Cowan to the limited
10 extent he would speak with you at that time, what did
11 you do next?

12 A I spoke with Mr. Cowan's mother. I gave her an
13 update right outside the ER and, of course, she didn't
14 have anything to provide on this case other than the
15 fact that Rayshawn would not cooperate with me. She
16 knew that, and I made a phone call to Sigmund
17 Clinkscates, I believe is his name.

18 Q Who is Sigmund Clinkscates?

19 A He drove the victim to the ER in his Buick
20 LeSabre.

21 Q Was he on scene at the time?

22 A No, ma'am. He wasn't. That's why I called him.
23 One of the people in the crowd out there gave me his
24 phone number, so I called him up and asked him to come
25 back to the hospital and talk to me. Of course he

1 refused.

2 Q Was the car still at the hospital?

3 A Yes, ma'am. It was roped off outside the ER.

4 Q Who roped that off?

5 A Law enforcement, the initial responding deputies.

6 Q And was a search warrant ever executed on that
7 vehicle?

8 A Yes, ma'am. It was towed back to the sheriff's
9 office from the hospital and a search warrant was
10 executed.

11 Q Was anything of evidentiary value found?

12 A No, ma'am.

13 Q Okay. So you made a phone call to
14 Mr. Clinkscales?

15 A Yes, ma'am.

16 Q And did he come meet with you?

17 A No. He refused to come meet with me, said he had
18 other things to do, I believe is what he said. And he
19 I think met with another investigator at a later time,
20 but he wouldn't meet with me that night.

21 Q So you reached out to both of those witnesses,
22 Rayshawn Cowan and Sigmund Clinkscales, and neither one
23 was cooperative initially?

24 A Yes.

25 Q You said Mr. Cowan described the vehicle?

1 A Yes.

2 Q How did he describe it?

3 A Silver box-type vehicle which is the description
4 Sigmund Clinkscales gave.

5 Q Both gave you the same description?

6 A Yes, ma'am.

7 Q What did you do after your initial response to the
8 ER, where did you go?

9 A After I left the hospital, I went out to the scene
10 and met with Scotty Hill and other deputies who were on
11 scene at Oliver and Hall Street.

12 Q So as the homicide detective on call, you sent
13 Investigator Hill out to the scene --

14 A Yes, ma'am.

15 Q -- initially?

16 A Yes, ma'am. And his job when he gets on scene is
17 to, you know, secure any witnesses that are out there
18 and go ahead and start interviews.

19 Q Had he done that?

20 A Yes, ma'am.

21 Q And where was the scene that you responded to?

22 A It was on Oliver Street just back off of Hall
23 Street, just a little bit -- almost right there at the
24 intersection.

25 Q Is there a nickname for that area?

1 A It's the horseshoe.

2 Q The horseshoe?

3 A Yes, ma'am.

4 Q When you got to the scene, when did you arrive --
5 when you got to the scene, what did you observe?

6 A When I got to the scene, I spoke with Scotty Hill
7 and Deputy Looney. Deputy Looney carried me over and
8 showed me several shell casings in the road, some
9 blood. The victim's vehicle that he drove to the scene
10 there was still parked on the property of Hall
11 Street. We did locate a bullet hole. We didn't know
12 if it was from this shooting. It's a rough area down
13 there, so they have shootings quite often. So we
14 didn't know if that bullet hole was from this shooting
15 or a previous shooting, but we did locate it. It was
16 coming from the same area.

17 Q Where was the bullet hole?

18 A In the door.

19 Q Of what?

20 A Of Hall Street.

21 Q Was that a residence?

22 A It is a residence. I'm not sure if anybody was
23 living there.

24 Q Did it look like a drug house?

25 A Oh, yes.

1 Q Nevertheless, you got a search warrant for that
2 area?

3 A Yes, ma'am.

4 Q Why did you get a search warrant for the house?

5 A Because if that bullet hole was in reference to
6 this shooting, of course we wanted that bullet.

7 Q And the search warrant was executed?

8 A Yes, ma'am.

9 Q By whom?

10 A By myself.

11 Q And did you collect the items?

12 A Yes -- or I didn't collect the items, forensics
13 collected them, but I executed the search warrant and
14 documented the items that were collected.

15 Q And you witnessed the selection of those items?

16 A Yes, ma'am.

17 Q Do you remember what was collected?

18 A It was various ammunition, a .38 caliber revolver,
19 and a bag of marijuana was collected out of the vehicle
20 that was there.

21 Q The vehicle on the scene?

22 A Yes, ma'am.

23 Q What happened to that vehicle?

24 A It was released to the owner which was Brandon
25 Willingham. I believe it was his girlfriend at the

1 time Wilneshia. She was also out on scene. He
2 released it to her because there was no reason to hold
3 it.

4 Q And the blood that you said was in the road, do
5 you remember what side of the road that was on?

6 A Yes. It was on the side of Hall Street.

7 Q What side?

8 A If you're turning off of Hall Street onto Oliver
9 Street, it would be on the left side there.

10 Q Detective Barton, Mr. Byrholdt -- I believe you
11 were present in the courtroom.

12 A Yes, ma'am.

13 Q -- drafted Defendant's Exhibit 1. Is this a
14 generally accurate representation of the layout of
15 those streets?

16 A If you're very familiar with the area, yes, it is
17 accurate. There are other roads close by that someone
18 not familiar with the area I think would need to see to
19 be able to make a correct determination.

20 Q Would you bring that with you and step down
21 briefly.

22 A Sure.

23 Q Okay. Looking at this exhibit, can you show me
24 where the shell casings and the blood were located?

25 A They were located right here. Hall Street is

1 right here on the corner, and the shell casings and
2 blood were located right in front of it.

3 Q I'm showing you what's been marked as State's
4 Exhibit 34. Are you familiar with this?

5 A Yes, ma'am.

6 Q Okay. What is that?

7 A The residence, Hall Street.

8 Q Okay. So, Investigator Barton, then this
9 residence and this stop sign are located where on this
10 exhibit?

11 A Right here at this corner.

12 Q Thank you very much. You can take the stand
13 again.

14 After executing the search warrant, did you have
15 any other involvement at the scene that night?

16 A Not at the scene. Detective Scotty Hill and I
17 both went back to the sheriff's office to discuss
18 strategy, basically where to go from there. And we had
19 another shooting that ended up coming in while we were
20 at the office that we had to go handle and investigate
21 because we were both on call.

22 Q How late were you there that night on scene?

23 A We left the scene, I want to say it was around
24 3:00 or 4 o'clock, something like that, up in the
25 morning hours.

1 Q 3:00 or 4:00 in the morning?

2 A Yes, ma'am.

3 Q And then you proceeded to the sheriff's office?

4 A Yes, ma'am.

5 Q Then another call for a shooting came in?

6 A Another call came in, I believe it was just before
7 daylight.

8 Q And you had to respond to that?

9 A Yes, ma'am.

10 Q What did you do next pertaining to this case?

11 A On that Sunday the 8th, there was no leads that
12 come in on this case, so there wasn't a lot to do. So
13 the next day I did attend the autopsy, which was on the
14 9th, of Brandon Willingham.

15 Q Is it typical for the investigator in charge to go
16 to the autopsy of the victim?

17 A Yes, ma'am.

18 Q Is that part of having a thorough investigation?

19 A It is. We want to make sure that -- obviously
20 he's been shot, but we need the pathologist to let us
21 know that's why he died. It's not as a result of
22 something else.

23 Q And you witnessed Dr. Woodard performing the
24 autopsy?

25 A Yes, ma'am.

1 Q And what did you do next with regard to this case?

2 A I believe the next thing that we did, I spoke with
3 a Kelly Willingham, who was the victim's father.

4 Q Why did you speak with him?

5 A He had information. He had someone come see him
6 and give him information, and he provided us with a
7 name of a person we wanted to talk to.

8 Q Who had come to see him?

9 A David.

10 Q David who?

11 A It was David Bennett. But at that time we didn't
12 know David Bennett. We just knew the name David.

13 Q You only had the name David?

14 A Yes, ma'am.

15 Q Did you meet personally with Kelly Willingham or
16 did you speak with him over the phone?

17 A I did not. I spoke with him over the phone. I
18 had Detective Scotty Hill, he was working second shift
19 that night, so I had him go out and meet with Kelly
20 that night. And he was able to determine it was David
21 Bennett.

22 Q So follow-up by Scotty Hill determined the last
23 name of the individual?

24 A Yes, ma'am.

25 Q And what did you do after determining that David

1 Bennett was a person of interest that you needed to
2 speak with?

3 A Well, I spoke with Scotty that night, and he told
4 me it was going to be David Bennett, and he had found
5 an address on him. So Scotty went to Gosset
6 Street, which was David Bennett's grandmother's house,
7 to talk to him and talked to, I believe, his
8 grandfather once there.

9 Q And did you respond anywhere that you may have
10 believed that David Bennett would have been?

11 A Yes. Scotty didn't locate David Bennett that
12 night, so the next morning I had received information
13 that he possibly worked at McDonald's on Clemson
14 Boulevard. So I went up there to try to locate him.

15 Q Did you get any information from the McDonald's
16 about his whereabouts?

17 A They said he was an employee there but he hadn't
18 shown up for work the past couple days.

19 Q So he had not come to work that week?

20 A No, ma'am.

21 Q Did you make a determination eventually as to
22 where David Bennett was?

23 A Yes. I went back to Gosset Street myself and
24 spoke to his grandmother, Ella, and we were informed
25 that he had gone to New York.

1 Q He had gone to New York?

2 A Yes, ma'am.

3 Q What did you do next?

4 A I left my cell phone number with his grandmother
5 and told her, you know, if she talked with him, to have
6 him call me. And also got the number from her for him,
7 and just a short time later, David called me.

8 Q So David reached out to you?

9 A Yes, ma'am.

10 Q And did you speak with him?

11 A I did.

12 Q And did you determine where he was?

13 A Yes, ma'am. He told me he went to New York.

14 Q Was he there with family?

15 A Yes. He said he had some family there that lived
16 in Upstate -- not Upstate but New York City.

17 Q Did you speak with him about returning to South
18 Carolina?

19 A Yes. And he refused to come back to South
20 Carolina out of fear of retaliation, but he would meet
21 with me if I came to New York.

22 Q He said he would meet with you but you had to come
23 to him?

24 A Yes.

25 Q And did you go?

1 A Yes.

2 Q So you flew to New York City?

3 A Yes, ma'am. The following day Tommy Johnson and I
4 flew up there. Tommy Johnson is another homicide
5 investigator at the sheriff's office or he was at the
6 time.

7 Q Is he still with the sheriff's office?

8 A No. Tommy, I believe he retired last year.

9 Q So he didn't leave under any negative
10 circumstances, he just retired after being there a
11 significant period of time?

12 A Yes, ma'am.

13 Q Did you arrange to meet with David?

14 A Yes. Tommy and I flew to New York, and I agreed
15 with David that I would call him when I landed and he
16 would come to my hotel room when I got there.

17 Q Did he do that?

18 A Yes, ma'am, he did.

19 Q So, again, he came to you?

20 A Yes, ma'am.

21 Q When you met with him, did he give you a
22 statement?

23 A Yes, ma'am. He did.

24 Q And did you show him a photo lineup when you met
25 with him?

1 A I did.

2 Q And when you conducted the photographic lineup,
3 did you put it together or did someone else put it
4 together?

5 A We sent a request off to SLED. I had one of the
6 guys back at the sheriff's office send a request to
7 SLED for a photo lineup, and they e-mailed me a copy of
8 the lineup.

9 Q Were all of the individuals in the lineup of
10 similar description?

11 A Yes, ma'am.

12 Q In what ways?

13 A Sex, race, physical features, age range, that sort
14 of thing.

15 Q And where did you show him the lineup?

16 A In the hotel room in New York City.

17 Q How did you present the lineup to him?

18 A I showed him the lineup, asked him if he
19 recognized anyone.

20 Q Did he indicate that he recognized someone?

21 A Yes, he did.

22 Q Did he recognize him as the shooter?

23 A Yes, ma'am, he did.

24 Q Did he do anything to indicate his choice?

25 A Once he selected the photograph of the shooter, I

1 had him circle his choice, print his name, sign his
2 name, put his date and time.

3 Q And whose photograph did he select?

4 A Royres Patterson.

5 Q Did you ask him to make some marks to indicate his
6 choice --

7 A Yes, ma'am.

8 Q -- of Royres? The circle and date, time,
9 initials?

10 A Yes, ma'am.

11 Q Did he hesitate at all?

12 A No, ma'am.

13 Q He appeared confident when he made that choice to
14 you?

15 A Yes, ma'am.

16 Q Did you tell him he had to make a choice?

17 A No, ma'am.

18 Q Did you influence his decision in any way
19 whatsoever?

20 A No, ma'am.

21 Q Did you tell him who the shooter was?

22 A No, ma'am.

23 Q Okay. I'm showing you State's Exhibit 9. Is it
24 the photo lineup that you showed David Bennett?

25 A Yes, ma'am, it is.

1 Q And his choice was Royres Patterson?

2 A Yes, ma'am, it is.

3 Q Has that been altered or changed in any way since
4 the day you showed it to him?

5 A No, ma'am, it has not.

6 Q Okay. Now, after you met with David Bennett, you
7 got his statement. Did you have another individual
8 that you wanted to speak with?

9 A Yes, ma'am.

10 Q Who is that individual?

11 A Terennce West.

12 Q Okay. Did you locate Terennce West?

13 A I did after we left New York and flew back to
14 Anderson the following day.

15 Q You located him the day after you came back from
16 New York?

17 A Yes. I believe we came back from New York on
18 Thursday, and that would have been, I want to say, the
19 12th and the 13th is when I located Terennce West.

20 Q Before you located Terennce, did you approach a
21 judge about this case?

22 A Yes, ma'am. We made an effort that morning, on
23 Friday morning, to locate Terennce West and Royres
24 Patterson. Couldn't locate either one of them, so I
25 did, based on the evidence we had, the statement we had

1 from David, presented the case to a judge and obtained
2 warrants for each Terennce West and Royres Patterson.

3 Q Did you determine where those individuals worked?

4 A Yes. Not long after we got the search warrant,
5 our warrants division, they had been out trying to
6 locate both of these guys, and they had called me and
7 told me that both guys worked at Unaflex in Anderson.

8 Q And did you or someone with the warrants division
9 go out to Unaflex?

10 A Yes. As a matter of fact, I went out with the
11 warrants division to Unaflex.

12 Q And you located Mr. West?

13 A Yes, ma'am.

14 Q And was he placed under arrest?

15 A Yes, he was.

16 Q What was he charged with at that time?

17 A Accessory after the fact.

18 Q For what?

19 A For attempted murder and murder.

20 Q And what were the actions when you raised his
21 charges on him?

22 A That he had driven away from the scene, aided in
23 Royres' escape from the scene for committing murder,
24 and attempted murder.

25 Q Eventually did he plead?

1 A Misprison of a felony.

2 Q When you went to Unaflex, you found Mr. West. Was
3 Mr. Patterson there?

4 A No, he was not.

5 Q Did you find out if he had been there?

6 A Yes. Our warrants division had spoken with the
7 supervision at Unaflex and found out that he hadn't
8 shown up for work since that Friday prior.

9 Q What happened with Mr. West next?

10 A I transported Mr. West to the sheriff's office and
11 interviewed him.

12 Q Okay. And did he give you a statement?

13 A Yes, he did.

14 Q Did he waive his rights?

15 A Yes, he did.

16 MS. PRICE: Beg the Court's indulgence.

17 Q I'm showing you State's Exhibit 14. Is that the
18 waiver of rights that you went over with Mr. West?

19 A Yes, ma'am, it is.

20 Q And did he waive his rights?

21 A Yes, he did.

22 Q And did he give you a statement?

23 A Yes, he did.

24 Q And did he give it freely and voluntarily?

25 A Yes, ma'am, he did.

1 Q Okay. Did his statement substantially corroborate
2 what Mr. Bennett's statement to you had been?

3 A Yes, ma'am. Other than a few details, which is
4 typical in this kind of incident, their statements
5 pretty much were mirrored.

6 Q And did you show Mr. West a photo lineup?

7 A Yes, ma'am, I did.

8 Q And did you influence his decision in any way?

9 A No, ma'am, I did not.

10 Q Was it a similar photo lineup to the photo lineup
11 that you showed Mr. Bennett?

12 A It was the same photo lineup, just another copy of
13 it.

14 Q So those photos were also gathered by SLED?

15 A Yes, ma'am.

16 Q All the individuals would have been similar?

17 A Yes, ma'am.

18 Q And when you showed the photo lineup to Mr. West,
19 did he hesitate in his choice?

20 A No, ma'am. He actually knew Royres.

21 Q He knew him personally?

22 A Yes, ma'am.

23 Q And he identified him as the shooter?

24 A Yes, ma'am.

25 Q And he did not hesitate whatsoever?

1 A No, ma'am.

2 Q Did you exert any pressure on him to make a
3 choice?

4 A No, I did not.

5 Q Did you tell him he had to choose someone?

6 A No, I did not.

7 Q This is State's Exhibit 8. Is that the photo
8 lineup that you showed Mr. West?

9 A Yes, it is.

10 Q Is it in substantially the same condition as when
11 you showed it to him?

12 A Yes, it is.

13 Q And did he make some indications for his choice?

14 A Yes, he did.

15 Q And what are those?

16 A I had him circle the picture after he selected and
17 print, sign his name with the date and time.

18 Q Okay. After Mr. West made his choice, gave you a
19 statement, what did you do with Mr. West?

20 A He was placed in the holding cell downstairs at
21 the sheriff's office to be transported to the detention
22 center.

23 Q Mr. Bennett wasn't charged?

24 A No, he was not.

25 Q Why not?

1 A At that time we didn't have any evidence that
2 Mr. Bennett had an active role in the incident other
3 than being a passenger in the car. Terennce actually
4 drove the defendant and aided in his escape, and the
5 defendant, of course, committed the actions, but we
6 didn't have anything that David had an active role.

7 Q Was Mr. Patterson eventually located, Royres?

8 A Yes, ma'am, he was.

9 Q Okay. How did he wind up under arrest?

10 A He had contacted a gentleman who works at the
11 sheriff's office who's also a family member of his and
12 told him that he would turn himself in that afternoon.

13 Q So he turned himself in or he contacted a family
14 member of his at the sheriff's office?

15 A Yes, ma'am.

16 Q And turned himself in?

17 A Yes, ma'am.

18 Q What day did he turn himself in, do you recall?

19 A It was that same day 6/13, not long after I had
20 interviewed Terennce.

21 Q And after Mr. Patterson turned himself in, did you
22 interview him?

23 A Yes, ma'am, I did.

24 Q Did he sign a waiver of rights?

25 A Yes, he did.

1 Q Okay. When you interviewed him, were you in
2 uniform?

3 A I'm a plainclothes detective, so I was in dress
4 clothes.

5 Q Similar to what you're wearing today?

6 A Yes, except for the jacket.

7 Q And did you have a weapon on you at the time?

8 A No. I lock my weapon up in the safe outside the
9 room.

10 Q Was Mr. Patterson handcuffed?

11 A No, he was not.

12 Q What room did this occur in?

13 A This is an interview room at the sheriff's office.
14 It's a room with four walls, one exit door, and a
15 mirrored window.

16 Q Did he appear to be comfortable when you were
17 talking with him?

18 A Yes, ma'am.

19 Q If he had asked for something, water, bathroom
20 break, you would have given it to him?

21 A Yes, ma'am.

22 Q Did he ask for anything?

23 A I don't believe he did.

24 Q And did you advise him of his constitutional
25 rights pursuant to Miranda?

1 A Yes, I did.

2 Q And did he indicate to you that he understood his
3 rights?

4 A Yes, he did.

5 Q And did you advise him of those rights by giving
6 him something, a form or --

7 A Yes. We have a Miranda advisement form that we go
8 over with the defendant.

9 Q And did you go over it with him?

10 A Yes, ma'am.

11 Q One moment.

12 I'm showing you State's Exhibit 7. Are you
13 familiar with this item?

14 A Yes, ma'am, I am.

15 Q And what is that?

16 A This is the advisory of rights form that Royres
17 and I went over and he signed and I signed.

18 Q And did you read the entire form to him?

19 A Not the entire form. Typically, after I get their
20 personal information up top, I have him read the first
21 two lines out loud for me, just to show me that he can
22 read, and it lets me kind of gather his state of mind
23 when I'm talking to him.

24 Q While we're talking about his state of mind, did
25 he seem coherent to you?

1 A He was very coherent.

2 Q Did he give you a reason to believe he didn't
3 understand what he was saying or doing?

4 A No.

5 Q Appeared to have no mental defect that you could
6 ascertain?

7 A No.

8 Q Okay. And what were the rights that you went over
9 with him? You can read the form out if you like.

10 A Okay. The first two are the ones that he read
11 aloud are: You have the right to remain silent and
12 anything you say may be used against you in court.
13 Once he reads those two out loud, then I read the rest
14 of them to him. In his case I think he actually
15 started reading the third one, and I told him that I
16 would read the rest to him and he could follow along.

17 Those rights are: You have the right to speak to
18 a lawyer for advice before we ask you any questions and
19 have him with you during questioning. If you cannot
20 afford a lawyer, one will be appointed for you before
21 any questioning, if you wish. If you decide to answer
22 questions now without a lawyer present, you will still
23 have the right to stop answering questions at any time.
24 You also have the right to stop answering at any time
25 until you speak with a lawyer.

1 Q And did he make any markings to indicate his
2 understanding of those rights as you read them to him?

3 A Yes.

4 Q Is there anything on that sheet that indicates
5 that you were the individual who read him his rights?

6 A I'm the witness signature.

7 Q And your signature is on that sheet?

8 A Yes, ma'am.

9 MS. PRICE: Your Honor, at this time the State
10 would seek to admit State's Exhibit 7 into evidence.

11 MR. BYRHOLDT: Without objection.

12 THE COURT: State's Exhibit 7 will be admitted
13 without objection.

14 (WHEREUPON, State's Exhibit Number 7 was admitted
15 into evidence.)

16 BY MS. PRICE:

17 Q After you went over the rights form with
18 Mr. Patterson --

19 A Yes, ma'am.

20 Q -- did he speak with you?

21 A Yes, he did.

22 Q Did he say he had any involvement in this
23 whatsoever?

24 A No. He denied any involvement, said he was at his
25 family's house pretty much all night with a couple of

1 exceptions.

2 Q So he denied that he was at East Market
3 Street?

4 A Yes.

5 Q Did he give you names of other people who were at
6 East Market Street who may be able to establish
7 that he was present at that location?

8 A Yes, ma'am, he did.

9 Q Who were those individuals?

10 A I believe it was Sheena, who is, I think, his
11 sister, Ineatha Blassingame, his mother, Anthony
12 Patterson, his brother, Cornelius Blassingame, who is a
13 friend, a William and -- I have William Hart as the
14 name. Later on it was determined it was Strobehart.
15 And he kept saying "Stro Hart," but I thought William,
16 Stro being the middle name, but I just documented
17 William Hart. And I asked him about David being there,
18 and he didn't acknowledge David being there, but he
19 didn't say he wasn't. He just said he didn't know
20 David. And then I mentioned Terennce, and he said yes,
21 Terennce was there.

22 Q So he denied that Terennce was present?

23 A Yes, ma'am.

24 Q He said they did not know David?

25 A Yes, ma'am.

1 Q Okay. Did you go interview the individuals who he
2 listed out for you?

3 A Yes, ma'am, I did.

4 Q Okay. Did they tell you that Mr. Patterson was
5 present that night?

6 A Yes. We spoke with Sheena Patterson. She did say
7 that he was at the --

8 MR. BYRHOLDT: Object to what she says as being
9 hearsay, your Honor.

10 THE COURT: Sustained.

11 THE WITNESS: Yes, we did speak with Sheena. We
12 were not able to verify the same things he told me.

13 BY MS. PRICE:

14 Q Did all of those individuals give you the same
15 story?

16 A No, ma'am, they did not.

17 Q Okay. There were inconsistencies between those
18 individuals whose names he provided to you?

19 A Yes, ma'am, there were.

20 Q But you followed up?

21 A Yes, ma'am, I did. And we actually was able to
22 get two more names of individuals.

23 Q And what were those two names?

24 A Darius Rice and Katrina Brownlee.

25 Q Did you follow up on those as well?

1 A I did. More inconsistencies.

2 Q And what?

3 A More inconsistencies. We didn't find Katrina
4 Brownlee, but we found Darius Rice.

5 Q And there were inconsistencies?

6 MR. BYRHOLDT: Your Honor, I object to counsel
7 leading. I've been very lenient.

8 THE COURT: Don't lead the witness.

9 MS. PRICE: Yes, sir.

10 Q You mentioned the name Cornelius Blassingame?

11 A Yes, ma'am.

12 Q Did you determine whether he was present that
13 night?

14 A He was not even at the party when the incident
15 supposedly happened. He came later on, and it was
16 after the incident happened at later on that
17 night.

18 Q What was this defendant's demeanor when you met
19 with him?

20 A Just very arrogant and smiley.

21 Q He was smiling when you interviewed him?

22 A Yes, ma'am.

23 Q Did he make any statements about the proof that
24 you had?

25 A Yes. He mentioned it was their word against his.

1 Q Did he say he went anywhere other than East
2 Market Street that evening?

3 A Yes, ma'am. He says that about 8 o'clock that
4 night -- the only two places he went was about
5 8:00 p.m. that night he went to the Texaco to buy beer
6 and then came back to and later on that night,
7 about 1:00 a.m., went to Spirits Bar in Belton where he
8 remained for several hours. I believe he said until
9 like 3:30 in the morning and then went home to his
10 girlfriend's house.

11 Q Did he say whether he had spoken to his girlfriend
12 that night?

13 A Yes, he did say he spoke to his girlfriend and
14 found out that his vehicle had been set on fire.

15 Q And did he give you her phone number?

16 A Yes, he did.

17 Q What was that number?

18 A Without having my notes here, it's hard to --

19 Q Is there something that would refresh your memory?

20 A A copy of my report. I want to say it was like
21 -8716 possibly.

22 Q Do you want to look at the report before I show it
23 to him?

24 MR. BYRHOLDT: I've got it.

25 BY MS. PRICE:

1 Q Would you look at your report and see if you can
2 determine whether or not Mr. Patterson gave you
3 Ms. Martin's number?

4 A Yes.

5 MS. PRICE: And, in fact, with the permission of
6 defense, I'll give him a copy of the transcript.

7 MR. BYRHOLDT: May we approach, your Honor?

8 THE COURT: Yes.

9 (WHEREUPON, a bench conference was held off the
10 record in the presence of the jury, but out of the
11 hearing of the jury.)

12 BY MS. PRICE:

13 Q Mr. Barton, I'm also handing you a copy of
14 Mr. Patterson's interview with you. It's a transcript.
15 Can you make a determination as to the phone number
16 that he gave you for Ms. Martin?

17 A The phone number that he gave me for Ms. Martin
18 was -1195.

19 Q Okay. And at the end of the interview, what
20 happened?

21 A At the conclusion of the interview, I took him
22 downstairs, the same as Terennce West, placed him in a
23 holding cell to be transported to the jail.

24 Q And was he transported to the jail?

25 A Yes, he was.

1 Q What did you do next?

2 A The -- went around to different people he had
3 given me names to, just trying to vouch for his story.

4 Q And you spoke with -- you said you spoke with
5 Sheena?

6 A Yes, ma'am.

7 Q You got two additional names, and you looked into
8 those individuals?

9 A Yes, I did.

10 Q Did you determine whether Darius Rice was in town
11 the night of the party?

12 A He was not even in town.

13 Q Was he in the state?

14 A No. He was in North Carolina.

15 Q Okay. You spoke with Porscha Martin?

16 A I did.

17 Q Was she in a relationship with this defendant?

18 A Yes. Porscha Martin is Royres' girlfriend.

19 Q And he said, this defendant said, that he spoke
20 with her that night?

21 A Yes, ma'am.

22 Q Did she also say she spoke with him that night?

23 A Yes.

24 Q By telephone?

25 A Yes. She said she called him up to tell him that

1 his car was on fire.

2 Q And did you collect a phone from Mr. Patterson
3 when he turned himself in?

4 A No, I did not.

5 Q Did you follow up with any phone number you were
6 provided by Porscha Martin at this point?

7 A Yes, ma'am. Porscha Martin had provided the phone
8 number for Royres Patterson, so we did a search warrant
9 on it.

10 Q Where did you send that search warrant to?

11 A I believe it was T-Mobile.

12 Q And what number did she give you?

13 A -8316.

14 Q And did you get a return on that search warrant?

15 A Yes, ma'am.

16 Q And were records sent to you from T-Mobile?

17 A Yes, they were.

18 Q Okay. Did you receive any anonymous tips in this
19 case, Mr. Barton?

20 A Yes, ma'am. Early in the investigation, we did
21 receive two anonymous tips.

22 Q And did you follow up on those?

23 A I did. The anonymous tips were called into our
24 desk officers. The tips were different in nature, the
25 same phone number, though, as the same person called in

1 both tips. And I followed up on it, but it didn't lead
2 anywhere.

3 Q And going back to the cell phone records that you
4 were given by T-Mobile --

5 A Yes, ma'am.

6 Q -- why did you attempt to get those records?

7 A Just trying to find out his whereabouts during the
8 time of the incident during the time of the shooting.

9 Q Okay. And did you investigate an anonymous letter
10 that was sent to the defense in this case?

11 A Yes, ma'am, I did.

12 Q And was that letter brought to you by Defense
13 Attorney Bruce Byrholdt?

14 A It was. I met Mr. Byrholdt at your office.

15 Q And did you follow up on that?

16 A I did.

17 Q Did it lead to anything?

18 A No, it did not. We printed the letter.

19 Nothing -- nothing there. I think one print was lifted
20 but we couldn't find a match to it. There were three
21 names listed in the report we should talk to, one being
22 David Bennett, who we had already spoken with, the
23 other being Jarkeelas Lee, who I had spoken with
24 briefly in the courtroom one day. And the other being
25 the victim's cousin. I tried to look for him but

1 couldn't find him.

2 Q Did you ever find a weapon that was identified as
3 the murder weapon in this case?

4 A No, ma'am. We did several search warrants in the
5 days after the arrest to try to find the weapon at
6 Royres' house at East Market, his girlfriend
7 Porscha's house at Fairview Gardens, as well as
8 Porscha's vehicle which he was driving that night of
9 the incident and didn't locate anything.

10 Q Nothing was found during any of the searches?

11 A No, ma'am.

12 Q Did you, in your investigation of this case,
13 discover a report at the sheriff's office where this
14 defendant was reportedly shot the night prior to this
15 incident?

16 A Yes, ma'am, I did.

17 Q Did you follow up on that investigation?

18 A Briefly, yes.

19 Q Okay. Did you determine that somebody been
20 treated for a gunshot wound?

21 A Yes. I had went to AnMed, and they had records of
22 Royres Patterson being treated the night before for a
23 gunshot wound. I went to review their video and
24 determined that it was not Royres Patterson who was in
25 the hospital. It was, in fact, Anthony Patterson using

1 Royres' name.

2 MR. BYRHOLDT: Your Honor, we're getting again
3 into --

4 THE COURT: Sustained. Move along.

5 BY MS. PRICE:

6 Q Okay. And --

7 MS. PRICE: Your Honor, may we approach?

8 MR. BYRHOLDT: Can they take him out for a second?

9 We can proceed without him. I apologize for doing
10 that.

11 THE COURT: They can take him out while we're
12 doing this.

13 (The defendant left the courtroom.)

14 (WHEREUPON, a bench conference was held off the
15 record in the presence of the jury, but out of the
16 hearing of the jury.)

17 (Pause in proceedings, awaiting the return
18 of the defendant.)

19 (The defendant returned to the courtroom.)

20 THE COURT: Yes, ma'am.

21 MS. PRICE: Thank you, your Honor. May it please
22 the Court.

23 Q Investigator Barton, I'm going to back up --

24 A Okay.

25 Q -- just one question. So you looked into another

1 incident where -- again, that was something where you
2 reviewed some AnMed video?

3 A Yes, ma'am. We had a report at the sheriff's
4 office of a shooting at the BP the night prior, and in
5 that report it said that Royres Patterson received a
6 gunshot wound.

7 Q And -- but Royres was not the individual who
8 received a gunshot wound?

9 A No, ma'am. When I went to the hospital and
10 checked their records, Royres Patterson had checked in
11 to the hospital for a gunshot wound to the leg. But
12 upon reviewing their video, it was not Royres. Royres
13 was at the hospital but he was not the one shot. It
14 was his brother that was receiving treatment for being
15 shot, Anthony Patterson.

16 Q Does Anthony go by any other names?

17 A D.

18 Q D. And did you develop a person of interest in
19 that case as the shooter of Anthony Patterson otherwise
20 known as D?

21 A Yes, ma'am.

22 Q Who?

23 A Jarkeelas Lee, who also goes by the name of
24 Hitman.

25 Q Okay. Did you notice, in reviewing your reports

1 that you prepared for this case, any errors in your
2 reports?

3 A Yes, ma'am, a couple.

4 Q Do you remember off the top of your head any of
5 those?

6 A The one was when I was talking with -- I believe
7 it was Royres Patterson. He had given me a list of
8 names that were there who could vouch for his
9 whereabouts. And like I said earlier, it was Cornelius
10 Blassingame, Sheena, Ineatha, D. And then I went into
11 David, and he said he didn't know David. And then
12 Terennce. And, of course, he admitted Terennce was
13 there. In my report, I listed that it was Cornelius
14 Sheena, Ineatha, D, David, and Terennce. I didn't mean
15 to put David in there. It was an oversight on my part.

16 Q An error?

17 A Yes, ma'am.

18 Q And the others?

19 A The interview was recorded. I mean, everything is
20 on audio and video. Also, I think it was when I was
21 interviewing David Bennett, David Bennett did say in
22 his report that it was around 10:00, a little bit
23 after, maybe 10:20 or so, that they had left the house.
24 In my report for some reason I put 9:30. Like I say,
25 another oversight, mistake. I'm human.

1 Q Transcriptional error?

2 A Yes, ma'am.

3 Q Was this an extensive investigation?

4 A Yes, it was.

5 Q Did you make any attempt to gather evidence in
6 this case --

7 A Yes, ma'am, I did.

8 Q -- that you thought was reasonable in light of
9 your experience as a lead investigator and now as a
10 sergeant?

11 A Yes, ma'am. I made every attempt I could to try
12 to locate the people who could vouch for his
13 whereabouts, but some just won't talk to me.

14 Q And did you charge someone in this case with the
15 shooting death of Brandon Willingham?

16 A Yes, ma'am.

17 Q Who did you charge?

18 A Royres Patterson.

19 Q And what did you charge him with?

20 A Murder, attempted murder, and possession of a
21 weapon during commission of a violent crime.

22 Q And the attempted murder of whom?

23 A Rayshawn Cowan.

24 Q Do you see the man you charged in the courtroom
25 today?

1 A Yes, ma'am, I do.

2 Q Would you point him out for me?

3 A White shirt at the defense table.

4 Q Thank you. Please answer any questions that
5 Mr. Byrholdt has for you at this time.

6 A Yes, ma'am.

7 MR. BYRHOLDT: May it please the Court.

8 CROSS-EXAMINATION

9 BY MR. BYRHOLDT:

10 Q So now you're telling the jury when you're talking
11 to Mr. Patterson's sister and put in your report that
12 you told him that both witnesses have said that he left
13 the house at 9:30, that was a clerical mistake?

14 A When I was talking to Ms. Patterson?

15 Q I can show you your incident report dated -- do
16 you remember talking to Sheena Patterson?

17 A Yes, sir, I do.

18 Q Well, let me ask you this: What time did Jugg
19 Money get killed?

20 A It was prior to 9:46.

21 Q Okay. So would you agree with me if
22 Mr. Patterson -- if Mr. Bennett and Mr. West didn't
23 leave the house until after 10 o'clock, they couldn't
24 have been involved with this shooting, correct?

25 A If they, in fact, left the house after 10 o'clock,

1 yes.

2 Q And that's what they told you?

3 A Yes.

4 Q Nobody ever told you they left at 9:30?

5 A That is true. Typically, in these kind of
6 investigations, times are not exact.

7 Q Did you also receive a tip that it was a
8 light-skinned male with a tattoo under his eye was the
9 shooter?

10 A Yes, sir.

11 Q Did you check that out?

12 A Yes, sir, I did. That was part of the tips I had
13 spoke about earlier. There were two tips by the same
14 phone number, same tipster that were different in
15 nature.

16 Q It was about some feud or potential robbery
17 because there had been a problem at that time at Club
18 Maui the night before?

19 A That's possibly one of them.

20 Q Jugg Money had performed there, made some money,
21 everybody knew he carried money, and there was a
22 robbery?

23 A I don't know about that part, but --

24 Q Did you follow that up?

25 A We followed up every tip we got.

1 Q Well, Mr. Patterson told you he left at 8 o'clock
2 to go down to the Texaco station to buy some beer?

3 A Uh-huh.

4 Q Did you go down there and follow that up? You
5 didn't, do you?

6 A 8 o'clock was before the incident time, so --

7 Q Yeah, but to see if he's telling you the truth?

8 A If he had.

9 Q Did you go pull the tape?

10 A No, we did not.

11 Q Okay. You didn't. Rayshawn Cowan, one of the
12 alleged victims --

13 A Yes, sir.

14 Q -- told you he didn't know any of the people,
15 right?

16 A Yes, sir. He was very uncooperative.

17 Q Now, David Bennett said he knew Kujo because he
18 made a call to get marijuana. That's what he testified
19 to?

20 A Yes, he testified to that.

21 Q That was nowhere in your statement, was it?

22 A Only he didn't tell me he made a phone call to
23 Kujo in the statement, if you look at the transcript.

24 Q Well, because in the statement he says Royres told
25 him to go to the horseshoe to get the drugs?

1 A Yes.

2 Q But now today he says, well, he called Kujo?

3 A Uh-huh.

4 Q Mr. Brandon also said he was unfamiliar with that
5 location. He said he was familiar with the horseshoe.
6 He had gone there to buy drugs, right?

7 A Yes, sir.

8 Q So are those the inconsistencies you're talking
9 about or are they just lies from these people?

10 A As far as what they testified to today, that
11 has -- I'm speaking about my inconsistencies in
12 documenting.

13 Q I'm talking about this is what they told you but
14 kind of left out important things, didn't they?

15 A They never told me they called Kujo.

16 Q Had they done that, what would you have done?

17 A Search warrant his phone records to verify that.

18 Q Yeah. Because that sure could have established
19 something, couldn't it?

20 A Kujo wouldn't cooperate with me.

21 Q But David was cooperating?

22 A Yes, he was.

23 Q He didn't get charged with anything?

24 A No, he didn't.

25 Q Even though you charged Mr. West with misprision,

1 isn't Bennett guilty of the same thing?

2 A I didn't charge him with misprision. I charged
3 him with accessory after the fact.

4 Q Who made the decision to reduce the charge?

5 A That was up to the solicitor's office.

6 Q Did you go along with it?

7 A If they think that's best.

8 Q So he wasn't charged with anything, and before he
9 talked to you, you told him that, right, "I'm not
10 charging you with anything"?

11 A I told him he was not charged at this time and he
12 wasn't. I didn't have a warrant on him at that time.

13 Q I know you didn't have a warrant.

14 A I was going to New York just to interview him and
15 get his side of the story.

16 Q But what he said today in court was you weren't
17 going to charge him. You disagree with that?

18 A I disagree that I wasn't going to charge him
19 overall. I told him I didn't have any warrants on him.

20 Q All right. And Mr. Patterson turned himself in
21 when you -- when he found out you guys were looking for
22 him, called his cousin and he turned himself in?

23 A Whether it was when he found out we were looking
24 for him, I don't know that, but he turned himself in
25 after we arrested Terennce West.

1 Q You said, I believe, he didn't go to work for a
2 few days when he was supposed to have?

3 A Yes, sir.

4 Q Well, had the house there on Whitner Street been
5 shot up -- or Market Street?

6 A Yes, sir, it had been.

7 Q Had his car been burned?

8 A Yes, sir, it has been.

9 Q If your house had been shot up and your car
10 burned, would you go where people know you or would you
11 maybe keep low?

12 A I could speculate on what I would do, but I've
13 never been in that situation, so.

14 Q Most people would hide, wouldn't they?

15 A I don't know what most people would do.

16 Q David didn't call the police, said he gets in the
17 car with a total stranger, Royres -- said he didn't
18 know Royres from anybody?

19 A Okay. Yes.

20 Q Did you get any information from any of the
21 alleged witnesses out at the scene that shots were
22 fired from the front seat and the backseat of the car?
23 Wasn't there one person that said that?

24 A Yes. I believe one said there was fired from the
25 front and one said he thought they were coming from the

1 back.

2 Q Can you tell this jury what happened if seven or
3 eight or ten shots were fired, two clips, or part of
4 one clip part of the another, where all the shells are?

5 A No, sir. I mean, when they're in the roadway,
6 cars coming by, they could pick them up. Various
7 things happen to shell casings when they're in the
8 middle of the road.

9 Q Wasn't that scene closed off pretty soon after the
10 shooting?

11 A It was closed off soon after, but we don't know
12 how many cars came through the area before then.

13 Q I believe you asked Mr. West if he cleaned out the
14 car, right?

15 A I may have. I don't have that transcript, but I
16 think I did.

17 Q So did you check out the problem with I think
18 there was one tip you received was a former boyfriend
19 was jealous of Jugg Money and somebody was dating
20 somebody's former girlfriend?

21 A Yes. I believe that was a Vincent at Woods
22 Insulating. I called and it didn't lead to anything.

23 Q Couldn't check that out at all or didn't lead to
24 anything?

25 A Didn't lead to anything.

1 Q Did you ask Royres for his cell phone? You
2 didn't, did you? I think you had his number but you
3 didn't ask him for his cell phone?

4 A I can't remember if I asked him for his cell phone
5 or not.

6 Q Kujo says he didn't see -- can't identify anybody?

7 A That's right. Kujo is very uncooperative with the
8 police.

9 Q How about any other people that were at the scene,
10 could they identify anybody?

11 A Not anybody in particular, no.

12 Q And when Terennce came in to be questioned, he
13 didn't turn himself in, did he?

14 A No, sir.

15 Q He was arrested?

16 A Yes, sir.

17 Q And did you pick him up?

18 A I was with the warrants division when we arrested
19 him.

20 Q And what did he tell you initially, he wasn't in
21 town, knew nothing about this?

22 A Yeah. I believe when we got in the vehicle, he
23 started saying he didn't know anything about anything
24 and all this.

25 Q Detective Barton, this is your statement dated --

1 the bottom of it is July 11th. Date on the bottom is
2 6/9. First paragraph, you're talking to Sheena
3 Patterson. And if you will read that statement there
4 "when I told her" to the jury, if you would.

5 A "When I told her that David and Terennce both said
6 they left around 9:30 p.m., she stated that, 'Well,
7 they might have.' She didn't know it because she
8 was" -- it should say "parked up the street."

9 Q All right. Or, "They was parked up the street," I
10 think it is.

11 A Yes, sir.

12 Q But the 9:30, when you put that 9:30 time, that
13 was not a truthful statement --

14 A Well --

15 Q -- or an accurate statement?

16 A If I could look at my transcript with Sheena, I
17 don't know what the transcript says on that.

18 Q I'll be happy to hand that to you.

19 A Now, when I said that they said that --

20 Q That's what's in your incident report.

21 A When I told her they said they left at 9:30, no,
22 they did not say they left at 9:30. They both we're
23 saying 10 o'clock or a little bit after 10:00.

24 Q And if they left at 10 o'clock, they didn't kill
25 Jugg Money?

1 A If they, in fact, left at 10 o'clock, sure.

2 Q Begins on page 203.

3 A I mean, I agree with what you're saying.

4 Q All right. So would it be fair to say this case
5 is based on David Bennett's and Terennce West's
6 statements?

7 A That and, I mean, we're able to corroborate some
8 other things in their statement.

9 Q So if me and my brother Bob said that Charlie did
10 it, got no prints, correct, to match Royres Patterson
11 to even being there or being in the car?

12 A Yes. We did not find any prints, but that's not
13 uncommon.

14 Q Don't have a murder weapon?

15 A No, sir.

16 Q You got a search warrant for that car to do the
17 prints?

18 A Which car are you speaking of?

19 Q Which you claim the shooting took place in, the
20 Mitsubishi.

21 A 2014 Mitsubishi, yes, sir.

22 Q Although a couple witnesses say it was the hamster
23 vehicle which is a Kia Soul?

24 A I've never seen any hamster Kia Soul, so I don't
25 know what you're talking about.

1 Q It's a good commercial.

2 Why wasn't that car, in addition to being checked
3 for prints, checked for gun powder residue, see if a
4 weapon had been fired?

5 A When we got that car, it was about a week later.

6 Q Did you even check, though?

7 A I've never checked a car for gun powder residue,
8 especially one that's been out in the elements for a
9 week.

10 Q So you're telling this jury it would have been
11 gone or you don't know?

12 A I'm telling you I've never checked a car for
13 gunshot residue.

14 Q I understand, but wouldn't that be a smart thing
15 to do?

16 A I'm not a forensic tech.

17 Q You're the lead investigator.

18 A Yes, sir.

19 Q Do you wish it would have been checked?

20 A I don't think anything would have been there.

21 Q All right. So if 7, 8, 9, 10 shots were fired,
22 the shells aren't there because cars picked them up or
23 somebody picked them up for souvenirs?

24 A I don't know.

25 Q Can you tell me if we've got the bullet that

1 killed Brandon Willingham?

2 A Can I tell you we have the bullet that killed
3 Brandon Willingham? We have the projectile.

4 Q Projectile.

5 A Yes, sir.

6 Q Can you tell us which shell casing it came from?

7 A No, sir, I cannot.

8 Q And you would agree with me that the wonderful
9 drawing that's in evidence now, your two key witnesses
10 put the shootings on different roads, different sides
11 of the street.

12 If you want to step down, I'll figure out how to
13 turn this on.

14 This is where David Bennett said the shooting
15 occurred, which is Perry Street. That's not correct,
16 is it?

17 A No, sir. It occurred over here, which is what I
18 was saying earlier. If you had the other roads, maybe
19 somebody not familiar with the area would be able to
20 tell a little better about it.

21 Q But Mr. Bennett is familiar. He's buying drugs
22 there.

23 A Okay.

24 Q And then poor Mr. West has them coming up here and
25 shooting out this side, which is totally incorrect.

1 You agree?

2 A Yes, sir.

3 Q Thank you.

4 A All right.

5 Q And but for their two statements, you wouldn't
6 have a case?

7 A Yes, sir.

8 MR. BYRHOLDT: Beg the Court's indulgence for just
9 a moment.

10 Q In Mr. West's statement, page 142, he says --

11 MS. PRICE: Page number?

12 MR. BYRHOLDT: 142, line starts with 3 through 10,
13 I guess. In his statement he says it was Royres' idea,
14 essentially, to go to the horseshoe in the statement,
15 the recorded statement you took from him. Is that
16 true?

17 MS. PRICE: That's Mr. Bennett's statement. It's
18 not Mr. West.

19 MR. BYRHOLDT: I apologize.

20 Q David Bennett, in his statement, said it was
21 Mr. Patterson's idea to go to the horseshoe. They were
22 going to West Side or South Side?

23 A Yes. Yes.

24 Q But that's not what he said in court today. He
25 said he made the call to Kujo?

1 A Actually, I believe in court today he said that
2 Patterson did recommend going to the horseshoe, and
3 then he made the call to Kujo.

4 Q How would he know Kujo's at the horseshoe?

5 A That's a question for Mr. Bennett. I don't know.
6 Today's the first I had heard that there was a phone
7 call made to Kujo.

8 Q When Ms. Price asked you about the anonymous
9 letter that I received that I turned over to Ms. Price
10 and then you --

11 A Yes, sir.

12 Q -- who did that letter identify as the shooters?

13 A I don't have the letter here, so I don't know what
14 verbatim it says. Have you got a copy of it? I would
15 gladly take a look at.

16 Q Well, I think it said Skully, Hitman, and Red were
17 involved.

18 A I believe so. Yes, sir.

19 Q Do you know whose picture that is in there?

20 A I believe that picture is Dominique Willingham.

21 Q They identify Red as being there. That's David
22 Bennett?

23 A Red being there, Hitman as being there, Jarkeelas
24 Lee, and they put the name Rashawn Clinkscales, Skully,
25 and put this picture as Skully's picture, but that's

1 not accurate. And part of the dig, this picture is
2 actually Dominique Willingham who goes by the name
3 Skully, not Rashawn Clinkscales. And Skully, Dominique
4 Willingham, is actually Brandon Willingham's cousin.

5 Q Did you ever ask David Bennett if he knew any of
6 those guys?

7 A I hadn't spoken with David Bennett until we
8 prepared for this trial.

9 Q I mean, when you got this in, you didn't call
10 David and say, "David, your name had come in with two
11 other people"?

12 A No, sir. I had already interviewed David Bennett.

13 Q You don't think that would have been important to
14 ask him if he knew him?

15 A I think it would have been important to find
16 Skully, and I tried to find him, but he's another
17 individual that won't talk to me.

18 Q Did you -- Rashawn Clinkscales, did you ever see
19 if he was in the system?

20 A No. I couldn't find anything on Rashawn
21 Clinkscales, and that's when we started digging into
22 the nickname Skully and found Dominique Willingham.

23 Q Why do all these guys have nicknames?

24 A It's the streets.

25 Q It's the streets?

1 A The streets.

2 Q And I take it David Bennett's phone would have
3 been a nice thing to have, to know about?

4 A Probably so, yes, sir.

5 MR. BYRHOLDT: Thank you, Danny.

6 THE WITNESS: All right.

7 MS. PRICE: Brief redirect, your Honor.

8 REDIRECT EXAMINATION

9 BY MS. PRICE:

10 Q Investigator Barton, you said that we -- that you
11 know that Brandon Willingham was killed before
12 9:46 p.m.?

13 A Yes, ma'am.

14 Q How do you know that?

15 A The call came in from the hospital two gunshot
16 wounds arriving at the hospital at 9:46, so unless they
17 were teleported there, it happened before 9:46.

18 Q And there would have been some time taken to load
19 the victims into the vehicle and transport them to the
20 hospital, correct?

21 A Yes, ma'am.

22 Q Dr. Woodard testified earlier, you heard him, that
23 Brandon would not have been able to move?

24 A Yes, ma'am.

25 Q So sometime before 9:46 with transport time taken

1 into account?

2 A Yes, ma'am.

3 Q Can you tell me approximately in your driving
4 experience how long it would take to get from this
5 incident location to AnMed?

6 A Driving quickly, less than ten minutes.

7 Q Okay. But so sometime maybe then, in your best
8 guess, before 9:36?

9 A Oh, yes.

10 Q Mr. Byrholdt asked you an interesting question.
11 If your house was burned and your car was shot up,
12 would you have called the police?

13 A Definitely.

14 Q Okay. Are you aware if Mr. Patterson called the
15 police?

16 A I don't know.

17 Q Okay. Do you think that someone's house would get
18 shot up or their car burned for no reason whatsoever?

19 A No, ma'am.

20 Q Do you think it's coincidental that those things
21 happened following this incident?

22 A I don't believe in coincidences.

23 Q Now, law enforcement was not on scene immediately.
24 They didn't teleport there, as you said?

25 A Yes, ma'am.

1 Q So there was time between law enforcement
2 receiving the call and between the incident, when that
3 scene was unsecured, correct?

4 A Yes.

5 Q So Mr. Byrholdt made light of this, but it could
6 be that some of those individuals out there affected
7 some of the things on the scene?

8 A Very much so.

9 Q Including what was there?

10 A Yes, ma'am.

11 Q Including and up to shell casings?

12 A Yes, ma'am.

13 Q Any of those things?

14 A Anything that was in the roadway.

15 Q Anything in the roadway, okay. And cars could
16 have come through?

17 A Which is typical for this kind of investigation.
18 If a shooting happens in the roadway, we rarely ever
19 recover all the shell casings.

20 Q In your experience -- how long have you been doing
21 this?

22 A 16 years.

23 Q And that's not atypical?

24 A No, ma'am.

25 Q Now, Mr. Byrholdt brought up the tips that you

1 received again?

2 A Yes, ma'am.

3 Q In particular he brought up the individual named
4 Vincent?

5 A Yes, ma'am.

6 Q But both of those tips you said came from the same
7 phone number?

8 A Yes, ma'am.

9 Q They provided the same phone number?

10 A Yes, ma'am.

11 Q But different versions?

12 A Different versions completely.

13 Q In your experience, what does that mean to a tip?

14 A It means somebody is trying to throw me off.

15 Q And, in fact, even though you knew that and
16 noticed that, did you look into whether a person named
17 Vincent existed?

18 A Yes, ma'am.

19 Q How did you do that?

20 A I called Woods Insulation which is what we had to
21 go on, and they couldn't corroborate anything.

22 Q No Vincent worked there?

23 A No.

24 Q So even though you had an indicator that it was a
25 red herring, as they say --

1 A Yes, ma'am.

2 Q -- you still followed up on it?

3 A Yes, ma'am, I did.

4 Q Okay. So you followed up on every lead that you
5 received?

6 A Yes, ma'am.

7 Q Regardless of your initial maybe suspicion that it
8 may or may not be related to the case?

9 A Yes, ma'am.

10 Q When Mr. West was arrested, he was where he was
11 supposed to be, right?

12 A Yes, ma'am. He was at work at Unaflex.

13 Q He was not hiding?

14 A No, he was not.

15 Q You said it's not uncommon to find fingerprints in
16 cases like this?

17 A It's not uncommon to not find fingerprints.

18 Q Okay.

19 A Fingerprints are very fragile. You know, in the
20 course of days, it's not uncommon.

21 Q Would there have been a reason to test the
22 Mitsubishi for Terennce or David's prints when they
23 admitted to being in that vehicle?

24 A No, ma'am, there wouldn't have been.

25 Q Mr. Byrholdt asked you about the drawing that he

1 made and about the testimony of the witnesses in this
2 case pertaining to that.

3 A Yes, ma'am.

4 Q But you were also present when they indicated when
5 they looked at the scene photograph which is a true and
6 accurate representation of the crime scene --

7 A Yes, ma'am.

8 Q -- that they were in a certain area --

9 A Yes, ma'am.

10 Q -- right? And is that the same area that you
11 believe the shooting took place?

12 A Yes, ma'am, the area the photograph shows.

13 Q So when they indicated on the photo where they
14 were, that is consistent with what you presented to the
15 court as far as where the crime scene took place?

16 A When they indicated?

17 Q Yes.

18 A When they --

19 Q Not on the -- when they looked at the photographs.

20 A The photograph, yes. The photograph is where it
21 happened at.

22 Q That is where it happened?

23 A Yes, ma'am.

24 Q And the witnesses acknowledged that that's where
25 it happened?

1 A Yes, ma'am.

2 Q Okay. Not on some drawing?

3 A Not on the drawing.

4 Q Okay.

5 No further questions. Thank you.

6 MR. BYRHOLDT: Just briefly.

7 RECROSS-EXAMINATION

8 BY MR. BYRHOLDT:

9 Q The drawing may not be to scale, but it's
10 accurate, right, which side Oliver Street is on, which
11 side Perry Street is on?

12 A It shows exactly the horseshoe. Like I said, it
13 doesn't show the roads. Someone not familiar with that
14 area might not know which way you're coming in from.

15 Q David Bennett was familiar with the area. He said
16 that today?

17 A Yes, sir.

18 Q And you said fingerprints you don't get? You've
19 got a fingerprint section, right? That's why you
20 checked it?

21 A Yes, sir.

22 Q And he was excluded, no prints?

23 A Of the prints we lifted, yes.

24 Q And you don't do forensics?

25 A No, sir, I do not do forensics.

1 Q So based on your personal knowledge, could the
2 Mitsubishi have been checked for gunpowder residue?

3 A I don't know.

4 Q Who would know?

5 A Forensics tech, somebody in that expertise.

6 Q Thank you, Mr. Barton.

7 A Yes, sir.

8 THE COURT: Anything further from this witness?

9 MS. PRICE: No, sir.

10 THE COURT: Thank you, Officer. You can step
11 down.

12 All right. Counsel approach.

13 (WHEREUPON, a bench conference was held off the
14 record in the presence of the jury, but out of the
15 hearing of the jury.)

16 THE COURT: Ladies and gentlemen, we've reached a
17 breaking point so I'm going to go ahead and let you go
18 home for the day. I'll give you the same instruction I
19 gave you yesterday: You can't do any independent
20 investigation, you can't talk to third parties about
21 the case, you can't do any deliberation amongst
22 yourselves. Okay?

23 So I hope everyone has a good evening, and we will
24 see you at 8:45 tomorrow.

25 Mr. Bailiff.

1 (WHEREUPON, the jury exited open court at
2 4:08 p.m.)

3 THE COURT: Anything from either side before we
4 recess?

5 MS. PRICE: Nothing from the State.

6 MR. BYRHOLDT: No, your Honor.

7 THE COURT: See everyone at 8:45 tomorrow.

8 (WHEREUPON, proceedings adjourned at 4:08 p.m.)
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Diane L. Marcengill
Diane L. Marcengill, RPR, CRR
Circuit Court Reporter

1 State of South Carolina
2 County of Anderson In the Court of General Sessions

3
4 State of South Carolina,)
5) 2015-GS-04-00456 & 457
6 -vs-) April 27, 2016
7 Royres Antwon Patterson,) Volume 3 of 4
8 Defendant.) Pages 432 - 586
9) Transcript of Record
-----)

10

11

12 B E F O R E:

13

14 The Honorable R. Scott Sprouse, Judge;
15 and a jury.

16

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

18 Lauren Davis Price, Esquire
19 Chelsey Moore, Esquire
20 Attorneys for the State21 Bruce A. Byrholdt, Esquire
22 Attorney for Defendant

23

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Diane L. Marcengill, RPR, CRR
Circuit Court Reporter

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1 E x h i b i t s

2 For the State:

3	Marked	Description	I.D.	Admitted
4	49	Photo - Jarkeelas Lee		442
	50	Photo - victim		445
5	51	Photo - victim		446
	52	Photo - victim		446
6	53	Photo - scene		462
	54	Photo - scene		462
7	55	Photo - scene		462
	56	Photo - scene		462
8	57	Photo - scene		462
	58	Photo - scene		462
9	59	Photo - scene		462
	60	Photo - scene		462
10	61	Photo - scene		462
	62	Photo - scene		462
11	63	Cell phone traffic map		
	64	Cell traffic incident location		
12	65	Distances map		
13	66	Cell towers map		
	67	Distance map - Spirits		
14	68	Order of Towers utilized		
	69	CD - T-Mobile records		480

16 For the Defendant:

17	<u>Marked</u>	<u>Description</u>	<u>I.D.</u>	<u>Admitted</u>
18		None offered.		

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1 (WHEREUPON, court convened with all parties
2 present and the following proceedings were had
3 commencing at approximately 9:16 a.m.)

4 (WHEREUPON, a note received from the jury.)

5 THE COURT: All right. We received a note from
6 the jury that says, "Please have witnesses speak into
7 the microphone. When witnesses turn their head, we can
8 hardly hear them."

9 So we'll just need to make sure that microphone is
10 turned where witnesses can talk into it.

11 Anything before we bring the jury in?

12 MS. PRICE: Nothing from the State, sir.

13 MR. BYRHOLDT: No, your Honor.

14 THE COURT: Okay.

15 THE COURT: Counsel, approach.

16 (WHEREUPON, a bench conference was held off the
17 record.)

18 (WHEREUPON, the jury entered open court at
19 9:19 a.m.)

20 THE COURT: Good morning, ladies and gentlemen.
21 Before we get started, I have to ask you my standard
22 questions: Has anyone consulted with third parties?
23 Has anyone done independent research? Has anyone
24 deliberated with another juror while you were in
25 recess? Also, has anyone in the common areas of the

1 courthouse, the elevator, parking lot, overheard any
2 conversations between third parties regarding the case?

3 Let the record reflect there are no positive
4 responses.

5 Anything further from the State?

6 MS. PRICE: Nothing from the State.

7 THE COURT: Anything from the defense?

8 MR. BYRHOLDT: May we approach?

9 THE COURT: Yes, sir.

10 (WHEREUPON, a bench conference was held off the
11 record in the presence of the jury, but out of the
12 hearing of the jury.)

13 THE COURT: Is the State ready to proceed?

14 MS. PRICE: We are, your Honor.

15 THE COURT: Call your next witness.

16 MS. PRICE: Your Honor, the State calls Jonathan
17 Thompson.

18 JONATHAN THOMPSON,

19 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

20 THE CLERK: If you will take the witness stand,
21 please, sir, and state your name and spell your last
22 name.

23 THE WITNESS: My name is Jonathan Thompson,
24 T-h-o-m-p-s-o-n.

25 DIRECT EXAMINATION

1 BY MS. PRICE:

2 Q And where do you work?

3 A Anderson County Detention Center.

4 Q If you would just speak really closely into that
5 mic, even lean into it, if you don't mind. It's
6 difficult for everyone to hear in the courtroom.

7 A Yes, ma'am.

8 Q Thank you.

9 How long have you worked there?

10 A January 2007.

11 Q Okay. And what position do you currently hold?

12 A The classification sergeant.

13 Q What sort of duties are associated with being a
14 classification sergeant?

15 A Review inmate records, court documents, anything
16 pertaining to the inmates staying in our custody or
17 getting released from our custody.

18 Q Do you supervise the records?

19 A Yes, ma'am.

20 Q For the Anderson County Detention Center?

21 A Yes, ma'am.

22 Q Do you update those records for accuracy when you
23 need to?

24 A Yes, ma'am.

25 Q Okay. And you preserved those records?

1 A Yes, ma'am.

2 Q As part of your position?

3 A Yes, ma'am.

4 Q Okay. I'm handing you what's been marked State's
5 Exhibit 49. Are you familiar with this photograph?

6 A Yes, ma'am.

7 Q Okay. And how are you familiar with it?

8 A It is a booking photo of Mr. Lee.

9 Q And do you supervise the booking photos?

10 A Yes, ma'am.

11 Q Would you have supervised that booking photo as in
12 are you the custodian of that record?

13 A Yes, ma'am.

14 Q And you supervise that record?

15 A Yes, ma'am.

16 Q Is that a certified copy of that record?

17 A Yes, ma'am.

18 Q Did you certify that copy?

19 A Yes, ma'am.

20 Q And did you pull that record yourself as the
21 supervisor?

22 A Yes, ma'am.

23 Q Okay.

24 MS. PRICE: Your Honor, the State would seek to
25 have State's Exhibit 49 admitted into evidence.

1 MR. BYRHOLDT: Your Honor, not until they can
2 establish a proper foundation on when that photograph
3 was taken, who took it. We need a time frame.

4 THE COURT: I'll sustain the objection at this
5 point.

6 Ms. Price, you may lay some more foundation.

7 MS. PRICE: Okay.

8 Q Can you tell me who took that photograph?

9 A No, ma'am.

10 Q Okay. Would it have been someone with the
11 Anderson County Detention Center?

12 MR. BYRHOLDT: Object, your Honor. That's
13 leading.

14 MS. PRICE: It's not leading.

15 THE COURT: Rephrase your question, Ms. Price.

16 BY MS. PRICE:

17 Q Who takes the booking photos?

18 A A booking officer or booking corporal.

19 Q Does anyone else ever take the booking photos?

20 A If you're talking civilians, no, ma'am. Officers
21 only take pictures.

22 Q Employees of the detention center?

23 A Yes, ma'am.

24 Q And an employee of the detention center would have
25 taken that photograph?

1 A Yes, ma'am.

2 Q Can you tell me what date that photograph was
3 taken?

4 A It was 9/4/13.

5 Q Can you tell me the individual whose photograph
6 was taken?

7 A Says Mr. Lee, first name Jarkeelas.

8 Q And any of the photographs that you supervise
9 would have been taken by an individual working for the
10 Anderson County Detention Center?

11 A Yes, ma'am.

12 Q And would have been taken on that date?

13 A Yes, ma'am.

14 MS. PRICE: Your Honor, at this time the State
15 seeks to admit State's Exhibit 49.

16 MR. BYRHOLDT: If I might ask a question going to
17 the photograph, your Honor.

18 THE COURT: All right.

19 Mr. Bailiff, would you take our jury out, please.

20 (WHEREUPON, the jury exited open court at
21 9:26 a.m.)

22 THE COURT: Okay. Mr. Byrholdt.

23 MR. BYRHOLDT: One question going to the
24 photograph.

25 VOIR DIRE EXAMINATION

1 BY MR. BYRHOLDT:

2 Q Can you tell whether on this photograph Mr. Lee
3 looked the same way in June of 2014?

4 A No, sir, I don't -- I can tell you about this
5 photograph, but I don't know.

6 Q So you don't know if Mr. Lee looked that way in
7 June of 2014?

8 A No, sir.

9 MR. BYRHOLDT: My question is whether he looked
10 that way at the time of this incident, your Honor. I
11 mean, this photograph is probably almost a year before
12 this incident happened.

13 MS. PRICE: May it please the Court. That would
14 go to the weight and the credibility of that evidence
15 to the jury.

16 THE COURT: I think Ms. Price is correct in that
17 argument, Mr. Byrholdt. I'm going to overrule your
18 objection.

19 MR. BYRHOLDT: Thank you.

20 MS. PRICE: Your Honor, do I need to ask any
21 additional questions to lay a proper foundation?

22 THE COURT: I think you have established your
23 foundation.

24 (WHEREUPON, the jury entered open court at
25 9:28 a.m.)

1 THE COURT: All right. Ms. Price.

2 BY MS. PRICE:

3 Q Is that record kept by the Anderson County
4 Detention Center in the course of ordinary business?

5 A Yes, ma'am.

6 MS. PRICE: Your Honor, at this time the State
7 would seek to move Exhibit 49 into evidence.

8 MR. BYRHOLDT: Without objection.

9 THE COURT: State's Exhibit 49 is admitted without
10 objection.

11 (WHEREUPON, State's Exhibit Number 49 was admitted
12 into evidence.)

13 MS. PRICE: Your Honor, we request permission to
14 publish.

15 THE COURT: Yes.

16 BY MS. PRICE:

17 Q If you will just come with me. Again, this is a
18 photograph of whom?

19 A Mr. Lee.

20 Q And it was taken when?

21 A 9/4/13.

22 Q Okay. Thank you very much.

23 No further questions. Please answer any questions
24 that Mr. Byrholdt has for you at this time.

25 CROSS-EXAMINATION

1 BY MR. BYRHOLDT:

2 Q Can you tell this jury today if Mr. Lee looked
3 like that on June the 7th of 2014?

4 A No, sir.

5 Q You have to speak up.

6 A No, sir. No, sir.

7 Q Okay. So you don't know how he looked on that
8 day?

9 A No, sir.

10 Q Long hair, short hair, no hair?

11 A Could not tell you.

12 Q Thank you, sir.

13 MS. PRICE: No redirect.

14 THE COURT: Any objection to this witness being
15 excused?

16 MS. PRICE: None from the State.

17 MR. BYRHOLDT: No, your Honor.

18 THE COURT: Thank you, Officer. You are excused.

19 THE WITNESS: Thank you.

20 THE COURT: Call your next witness.

21 MS. PRICE: Thank you, your Honor. The State
22 calls Carlandus Hamilton.

23 And, your Honor, may we approach?

24 (WHEREUPON, a bench conference was held off the
25 record in the presence of the jury, but out of the

1 hearing of the jury.)

2 **CARLANDUS HAMILTON,**

3 **BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:**

4 **THE CLERK:** If you would take the witness stand,
5 please, sir and state your name and spell your last
6 name for the reporter.

7 **THE WITNESS:** Carlandus Hamilton, H-a-m-i-l-t-o-n.

8 **DIRECT EXAMINATION**

9 **BY MS. PRICE:**

10 Q Thank you, Mr. Hamilton. Where do you live?

11 A Belton Street, Anderson, South Carolina.

12 Q Okay. And what do you do for a living?

13 A Unemployed.

14 Q Okay. Do you remember what you were doing the
15 evening of June 7, 2014?

16 A Yeah. I was off Hall and Oliver.

17 Q Okay. Is there a nickname for that area?

18 A Horseshoe.

19 Q Who was with you?

20 A Me, Kujo, and Brandon, and like seven more other
21 people.

22 Q And who -- do you know Brandon's last name?

23 A Yeah, Willingham.

24 Q Did he go by any nicknames?

25 A Jugg.

1 Q Okay. Were you friends with him?

2 A Yes, ma'am.

3 Q Do you remember what he looked like?

4 A Yes, ma'am.

5 Q I'm showing you what's been marked State's
6 Exhibit 50, 51 and 52. Will you look at those
7 photographs for me, sir? Are you familiar with who's
8 in those photographs?

9 A Yes, ma'am.

10 Q Whose that?

11 A Brandon Willingham.

12 Q Are you certain?

13 A I'm positive.

14 Q And is that what he looked like at the time of his
15 death?

16 A Yes, ma'am.

17 Q Okay.

18 MS. PRICE: Your Honor, at this time the State
19 would seek to move into evidence State's Exhibit 50, 51
20 and 52.

21 THE COURT: Any objection?

22 MR. BYRHOLDT: No, your Honor.

23 THE COURT: State's Exhibit 50, 51 and 52 would be
24 admitted without objection.

25 (WHEREUPON, State's Exhibit Numbers 50, 51 and 52

1 were admitted into evidence.)

2 MS. PRICE: Your Honor, I request permission to
3 publish to the jury.

4 THE COURT: Yes, ma'am.

5 MS. PRICE: Would you hand me those, sir?

6 Q And you say this is how the defendant -- the
7 victim looked at the time of his death?

8 A Yes, ma'am.

9 Q How well did you know Brandon Willingham?

10 A We're close. Friends.

11 Q And had you known him for a good time before his
12 death?

13 A Yeah, I would say.

14 Q And what had you been doing on June 7, 2014?

15 A Outside, chilling in the horseshoe.

16 Q What types of things were you doing while you were
17 chilling?

18 A Smoking weed, selling drugs, really.

19 Q Okay. Was Brandon doing anything out there?

20 A Wasn't out there when the day started.

21 Q Okay. Was he out there later in the day?

22 A Yes, ma'am.

23 Q What was he doing out there later in the day?

24 A He just had pulled up, talking about a video
25 shoot.

1 Q Talking about a video shoot?

2 A Yes, ma'am.

3 Q What was Brandon's profession? What did he do for
4 a living?

5 A I mean, he rapped.

6 Q He was a rapper?

7 A Yeah, artist.

8 Q So he was out there talking about staging a video?

9 A Yeah. Yes, ma'am.

10 Q Okay. So you had been there earlier in the day?

11 A Yeah. All day.

12 Q And then he came later in the day?

13 A Yeah. Around about 8:00.

14 Q You think about 8 o'clock?

15 A Yes, ma'am.

16 Q Okay. How long had he been there before the
17 incident in this case took place?

18 A About 30 minutes.

19 Q Okay. Not long?

20 A Not long.

21 Q Okay. Did you see something happen to your friend
22 that night?

23 A I did.

24 Q Okay. Tell me what you first saw and how
25 everything happened.

1 A All right. I was standing in the middle of Hall
2 off of Oliver.

3 Q Okay.

4 A I seen a silver car come out White Street onto
5 Hall. They turned on Perry, which I thought it was
6 some money.

7 Q What do you mean when you say you thought it was
8 money?

9 A A play, you know, drug activity.

10 Q So you thought it was somebody who was going to
11 buy drugs?

12 A Yeah. Somebody who was going to get served.

13 Q Were you selling that night?

14 A Yeah. I was the only one with something.

15 Q Okay. So you thought it was a customer?

16 A Yes, ma'am.

17 Q Okay. So you paid attention to the car?

18 A Yeah. Yes, ma'am.

19 Q Okay. And the car came?

20 A It came off of White, turned on Hall, and made a
21 right on Perry.

22 Q Okay. And then what?

23 A And went around the circle. So by that time, I
24 was walking towards -- you know, the way it was coming,
25 I stepped onto Oliver walking towards the car. So by

1 the time I got to the car, the passenger shot out the
2 window.

3 Q Okay. A passenger shot out the window?

4 A Yes, ma'am.

5 Q Do you remember what window?

6 A The right passenger window.

7 Q Front seat or backseat?

8 A Front seat.

9 Q What was it like outside?

10 A I say it was beginning to get dark.

11 Q Okay. Did you have a clear view of what happened?

12 A No. They all had hats on their faces, down on
13 their eyes.

14 Q You saw -- you thought you saw somebody wearing a
15 hat?

16 A Yeah. They all had hats on.

17 Q Okay. How close to the vehicle were you, do you
18 remember?

19 A I was really close.

20 Q Was anyone standing with you at that moment?

21 A I mean, no, I can't remember.

22 Q Okay.

23 A They was all in a crowd behind me. I walked past
24 them towards the car.

25 Q So you were in a different position than the rest

1 of the group that was there?

2 A Yes, ma'am.

3 Q Okay. And that's because you thought that the car
4 was a purchaser?

5 A Yeah.

6 Q Okay. And the crowd of people, do you remember
7 where they were standing?

8 A Yeah. Like you ain't got no picture?

9 Q Tell me what you remember.

10 A I mean, they was standing like in the middle of
11 the street beside the pole.

12 Q Okay. Beside a pole in the middle of the street?

13 A Yes, ma'am.

14 Q Okay. And what did you see -- you saw somebody in
15 the front passenger seat?

16 A No. The first person I seen was somebody laying
17 down in the backseat.

18 Q In the backseat?

19 A Yeah, behind. Like his feet was behind the
20 passenger and he was laying behind the driver.

21 Q So you saw some feet?

22 A Yeah -- no, I didn't see no feet, but that's how
23 his feet -- like he was laid down in the backseat like
24 he ain't want us to see him.

25 Q And then what did you see happen?

- 1 A I seen the gun come out the window.
- 2 Q Okay. And then what did you see happen?
- 3 A I turned around and ran.
- 4 Q You turned around and ran?
- 5 A Yeah.
- 6 Q Did you see any of the shots fired?
- 7 A I seen the first shot fired.
- 8 Q How did you see it fired?
- 9 A I seen the gun come out, and I seen the fire come
10 out the gun.
- 11 Q Okay. All right. And then you ran?
- 12 A Yes, ma'am.
- 13 Q Where did you run?
- 14 A Towards Perry Street.
- 15 Q What else, if anything, do you remember about what
16 the vehicle looked like?
- 17 A I mean, it was small, like silver, like the mice
18 be in on the commercial, you know what I'm talking
19 about?
- 20 Q I do.
- 21 A Yeah.
- 22 Q Was it that exact car or was it kind of like that
23 car?
- 24 A I was kind of like that car.
- 25 Q So you don't know for certain what type of car it

1 was?

2 A No. I just know it was silver and small like a
3 box.

4 Q All right. And do you know if the car was
5 new-looking, old-looking?

6 A It looked like it was new. It was shiny like it
7 might have been a rental.

8 Q Okay. And did you notice whether it was men or
9 women in the car?

10 A Three guys.

11 Q Okay. Do you know what race they were?

12 A They were black.

13 Q Okay. And you said you saw hats?

14 A Yes, ma'am.

15 Q Okay. Did you see their faces?

16 A I couldn't see their faces.

17 Q Okay. So you couldn't tell me who the shooter
18 was?

19 A No, ma'am. He had a hat on his face.

20 Q All right. But you did see three people?

21 A Yes, ma'am.

22 Q Okay. Did you see more than one gun?

23 A No. I just seen one gun out the passenger side.

24 Q Okay. Do you know what type of gun? Did you see
25 anything about the gun?

- 1 A No, ma'am.
- 2 Q Okay. Did you hear anything?
- 3 A I mean, yeah, the gunshots.
- 4 Q Okay. Do you remember how many shots you heard?
- 5 A Like seven or more.
- 6 Q Okay. Multiple shots?
- 7 A Yeah.
- 8 Q Okay. And you said you ran away?
- 9 A Yes, ma'am.
- 10 Q Okay. Did you hear anybody say anything at the
11 time this happened?
- 12 A I heard Kujo say he was hit.
- 13 Q Okay.
- 14 A And I ran towards -- well, ran from Belton back
15 onto Oliver, and I seen Jugg laying on the ground.
- 16 Q And do you know what Kujo's name is?
- 17 A I mean, Rayshawn.
- 18 Q Rayshawn is who Kujo is?
- 19 A Yes, ma'am.
- 20 Q That's his given name?
- 21 A Yes, ma'am.
- 22 Q You know his last name?
- 23 A Cowan.
- 24 Q Okay. So when you're talking about Kujo saying he
25 said he was hit, you're talking about Rayshawn Cowan?

1 A Yes, ma'am.

2 Q So you heard him say he's hit?

3 A Yes, ma'am.

4 Q And how did you feel at that moment?

5 A I mean, I didn't know what to do. I didn't know
6 what to do, really.

7 Q Were you scared?

8 A Yeah yes, ma'am.

9 Q Okay. So you came back?

10 A Yes, ma'am.

11 Q Okay. Why did you come back?

12 A I seen Brandon laying on the ground.

13 Q Okay. Where was he laying?

14 A Like right in front of the pole in the middle of
15 the street.

16 Q Okay. And did you go up to Brandon?

17 A Yes, ma'am.

18 Q What did you do?

19 A I ain't really want to move him, but I rolled him
20 over, try to keep him stable.

21 Q Did he say anything to you?

22 A No, ma'am.

23 Q What did he look like at that moment?

24 A I mean, his eyes was rolling, mouth full of blood.

25 Q Was he making any noises?

1 A Yeah, like dog -- like a dog might be choking on
2 something.

3 Q Did you do anything to try to help him?

4 A Yeah. I kept smacking him.

5 Q And why did you do that?

6 A Try to keep him alive.

7 Q Okay. Did you say anything to him?

8 A Yeah. I kept telling him to stay alive, stay with
9 me, you know, car coming, you know.

10 Q Okay. And did you call 911?

11 A I mean, somebody did, I guess, but by that time I
12 had picked him up and put him in the car.

13 Q Do you know whose car?

14 A Yeah, Sig.

15 Q Do you know what kind of car it was?

16 A No, ma'am.

17 Q Okay. And where did Sig take him?

18 A To the hospital.

19 Q Did he take Rayshawn, too?

20 A No. I think he rode in a separate car.

21 Q Separate car, okay. Did you see Rayshawn after
22 the shots were fired, too?

23 A Yeah, I seen him afterwards.

24 Q Where was he?

25 A He was walking in the yard hollering he was hit.

1 Q Do you remember where in the yard?

2 A Like I say, walking towards the porch.

3 Q There is a house on that corner?

4 A Yes, ma'am.

5 Q So towards the porch of that house?

6 A Yes, ma'am. It was a brick house to the right.

7 Q Okay. Did you see the direction that the silver
8 car went?

9 A Yeah. It went to the left up Hall and hit
10 Richland.

11 Q Okay. Are you sure about that?

12 A Yeah. I'm positive.

13 Q Okay. You were paying attention?

14 A Yes, ma'am.

15 Q Okay. Do you know if anyone had any reason to
16 shoot Rayshawn or Brandon?

17 A No, not that I know of.

18 Q Okay. Did anybody out there shoot back?

19 A No, ma'am.

20 Q Did this look like it was random?

21 A Looked like it was target because I was walking to
22 the car, you know.

23 Q Okay.

24 A So they could have hit me.

25 Q Okay. Is there anything similar about Brandon and

1 Rayshawn?

2 A Dreads.

3 Q They both have dreads?

4 A Yes, ma'am.

5 Q Okay. And it looks like they were targeting those
6 two?

7 A Yes, ma'am.

8 Q Okay. Did you speak with an officer that night?

9 A Yes, I did.

10 Q You stayed on scene?

11 A Yes, ma'am.

12 Q Okay. You cooperated?

13 A Yes, ma'am.

14 Q Did you tell him everything you're telling me
15 right now?

16 A Yeah.

17 Q Okay. Did you talk to anybody else before you
18 talked to the officer?

19 A No, ma'am.

20 Q Where did he put you?

21 A In the car.

22 Q Did he handcuff you or anything?

23 A No, ma'am.

24 Q Just put you in the car?

25 A Yes, ma'am.

1 Q And then you spoke with somebody right after this
2 happened?

3 A You say what? Say it again.

4 Q You spoke with the officer right after this
5 happened?

6 A Yes, ma'am.

7 Q And you told him the same thing you're telling us
8 today?

9 A Yes, ma'am.

10 Q Okay. Do you know the defendant in this case?

11 A Yes, ma'am.

12 Q Okay. Did you ever tell the officer or anyone
13 else that you definitely saw this defendant as the
14 shooter?

15 A No, ma'am.

16 Q You couldn't tell me today if the defendant was
17 the shooter, could you?

18 A No, ma'am.

19 Q Okay. You can only tell me what you saw?

20 A Yes, ma'am.

21 Q Do you have any bad blood with the defendant?

22 A No. We had altercations before but no bad blood,
23 I would say.

24 Q Again, you can't tell me who the shooter was?

25 A No, ma'am.

1 Q And you told the police everything you're telling
2 me that night?

3 A Yes, ma'am.

4 Q Okay. Mr. Hamilton, I'm going to hand you what's
5 been marked as State's Exhibit 53 through 62. Can you
6 flip through those, look at each one carefully, and
7 then let me know when you've looked at each one and
8 tell me when you're done.

9 A Yeah, I'm finished.

10 Q Okay. Are you familiar with what's depicted in
11 those photos?

12 A Yes, ma'am.

13 Q And what is that?

14 A That's the horseshoe.

15 Q That's the horseshoe?

16 A Yes, ma'am.

17 Q That's the area you were in that night?

18 A Yes, ma'am.

19 Q Okay. And is there anything different about the
20 area now than there was that night?

21 A Yeah. The houses -- the house is condemned.
22 That's about it.

23 Q That house is condemned now?

24 A Yes, ma'am.

25 MS. PRICE: Your Honor, at this time the State

1 would seek to admit State's Exhibits 53 through 62 in
2 evidence.

3 THE COURT: Could you note which picture he's
4 referring to the house being condemned because you have
5 got a number of pictures here.

6 MS. PRICE: Yes, sir.

7 THE COURT: Are they numbered separately?

8 MS. PRICE: Yes, sir.

9 Q Is it the house in State's Exhibit 53 that's
10 condemned? Can you see any portion of the house in
11 that?

12 A Yes, ma'am.

13 Q Can you see any portion of the house in State's
14 Exhibit 54?

15 A Yes, ma'am. Right here.

16 Q Okay. And can you see a portion of the house in
17 State's Exhibit 55?

18 A Yes, ma'am.

19 Q Can you see a portion of the house in State's
20 Exhibit 56?

21 A No, ma'am.

22 Q Okay. Can you see a portion of the house in
23 Exhibit 57?

24 A No, ma'am.

25 Q Can you see a portion of the house in State's

1 Exhibit 58?

2 A No, ma'am.

3 Q Can you see any portion of the house in State's
4 Exhibit 59?

5 A No, ma'am.

6 Q Can you see the house in State's Exhibit 60?

7 A Yes, ma'am.

8 Q Okay. Can you see a portion of the house in
9 State's Exhibit 61?

10 A Yes, ma'am.

11 Q And can you see a portion of the house in State's
12 Exhibit 62?

13 A Yes, ma'am.

14 Q And in each of the photos where the house or a
15 portion of the house is shown, it differs from the way
16 the house looked that night; is that correct?

17 A Yes, ma'am.

18 Q Otherwise, is the layout of the area the same as
19 it was that evening?

20 A Yes, all the same.

21 Q Okay. The streets haven't changed?

22 A No, not one bit.

23 Q The stop signs haven't changed?

24 A Not one bit.

25 Q All right. The only thing that changed was the

1 appearance of that house?

2 A Yes, ma'am.

3 Q But the structure is in the same place as it was
4 that night?

5 A Yeah.

6 Q Okay. All right.

7 MS. PRICE: Your Honor, the State would seek to
8 have admitted State's Exhibit 53 through 62 and publish
9 to the jury.

10 THE COURT: Any objection?

11 MR. BYRHOLDT: Without objection.

12 THE COURT: State's Exhibit Numbers 53 through 62
13 will be admitted without objection.

14 (WHEREUPON, State's Exhibit Numbers 53 through 62
15 were admitted into evidence.)

16 BY MS. PRICE;

17 Q Mr. Hamilton, I'm going to have you step down and
18 stand with me for a minute and have you go through
19 these photographs.

20 Mr. Hamilton, I'm going to hand you what's been
21 marked as State's Exhibit 53.

22 A Yes, ma'am.

23 Q In this photograph, can you tell me what direction
24 the car was traveling?

25 A It was coming towards the stop sign.

1 Q Towards the stop sign?

2 A Yeah.

3 Q And can you point out or is it shown in this
4 exhibit where you were standing when you saw the car?

5 A I was in the middle of the street.

6 Q And what street is that?

7 A That's Hall. Not on Oliver.

8 Q You were not on Oliver, you were in the middle of
9 Hall Street?

10 A Yeah.

11 Q So you were facing the car dead on?

12 A Yes, ma'am.

13 Q And the car, where did it stop? Can you see that
14 in this photograph?

15 A They ain't really stop. They open fire right when
16 they passed these two trees.

17 Q Okay. And is this another image showing that same
18 area?

19 A Yes, ma'am.

20 Q Okay. And can you point out the area where the
21 victim fell?

22 A Right here.

23 Q Okay. And you said that Mr. Cowan was on -- this
24 is State's Exhibit 54.

25 A Coming -- he was in the road. He was coming on to

1 the porch right here.

2 Q That's where Mr. Cowan was traveling -- running?

3 A Yes, ma'am.

4 Q Was he doing anything physically?

5 A No, he was still -- he was still -- he was hit in
6 the back so he was walking still, you know.

7 Q Okay. State's Exhibit 56. Okay. So where was he
8 again, Mr. Cowan?

9 A Right here.

10 Q Where was the rest of the folks? Can you see that
11 in this picture?

12 A Can't see it in this picture.

13 Q Can you see it in another picture I showed you
14 before?

15 A Yes, ma'am.

16 Q Where was everybody standing?

17 A Right in here. There used to be a gate right
18 here. Right outside the gate right, in there.

19 Q Where was Mr. Willingham?

20 A He was laying right here -- after the shots or
21 before?

22 Q Yes. Before and after.

23 A Right in here.

24 Q Before he was over in that area?

25 A Yeah. They was all in the crowd, all standing on

1 Hall Street, seen the car come off White, turn on Hall,
2 turn on Perry. So at that time I'm walking up in here
3 facing the car. They coming down, got past those two
4 trees and open fire.

5 Q Okay. And what street is this?

6 A It's Perry.

7 Q And did you see the car come down this street?

8 A Yeah. They went around. It's a circle.

9 Q It makes a circle?

10 A Yeah.

11 Q And they entered on Perry?

12 A Yes, ma'am.

13 Q Okay. And what's this?

14 A It's just a circle, come around onto Oliver.

15 Q The back part of the circle?

16 A Yes, ma'am.

17 Q So if you turn at that stop sign, are you then on
18 Oliver?

19 A On Oliver facing this.

20 Q That's State's Exhibit 57. And State's
21 Exhibit 58?

22 A Yeah, that's Oliver.

23 Q That's the turn onto Oliver?

24 A Yes, ma'am.

25 Q And way back there, is that where the scene

1 happened?

2 A Yeah. Way beyond there by the stop sign.

3 Q So you're saying the car traveled down this
4 street?

5 A Came towards the stop sign, went around, came
6 towards us.

7 Q And, again, is that the curve?

8 A Yes, ma'am, back side.

9 Q Okay. And this is State's Exhibit 60. Can you
10 show me exactly again where the body was?

11 A Right in here.

12 Q And the difference in the house now and then is
13 that it has been condemned since?

14 A Yeah. That's all.

15 Q And, again, the group of people were hanging out
16 to the --

17 A To the left.

18 Q Of that pole?

19 A Yes, ma'am.

20 Q Okay. And you would have been standing in this
21 general area facing --

22 A I'm right here.

23 Q You were right here?

24 A Yeah. When I first seen the car, I'm right here.

25 Q That's on State's Exhibit 62. And you saw the car

1 looking down Oliver Street?

2 A No.

3 Q Where?

4 A When they came off White, that's when I was right
5 here.

6 Q Okay.

7 A So when they turned on Perry, like I told you.

8 Q Which is why you saw them turn?

9 A Which is why I saw them turn. When I seen them
10 turn on White and they made that turn on Perry, by that
11 time I'm walking towards them. As you know, I told
12 you, I thought it was somebody pulling up to get
13 something. So they come around, I'm walking towards
14 them.

15 Q Okay. I'm going to show you one more exhibit.

16 This is Defense Exhibit 1. It's a drawing done by the
17 defense attorney in this case. So if this is Hall --

18 A Yes, ma'am.

19 Q -- you were standing where?

20 A In the middle of it.

21 Q And this is a horseshoe?

22 A Yeah, I guess.

23 Q It doesn't look exactly like it, does it?

24 A No. But this is Hall. So this is White right
25 here, right. They coming off White. This is Perry.

1 They turned around. I was walking to Oliver.

2 Q Okay. All right.

3 A When I seen the car.

4 Q Okay. Thank you. If you will take the stand
5 again.

6 Do you know someone by the name of Jarkeelas Lee?

7 A Yes, ma'am.

8 Q Does he have a nickname?

9 A Yes, ma'am.

10 Q What is that?

11 A Hitman.

12 Q Hitman?

13 A Yeah.

14 Q Are you familiar with what he looks like?

15 A Yes, ma'am.

16 Q And does he resemble anyone you can think of
17 physically that was involved in the incident that
18 night?

19 A Yeah. I'd say Brandon.

20 Q Okay. How are they similar?

21 A By their shoulders and dreads, and they used to be
22 together a lot, so.

23 Q They used to be together a lot?

24 A Yes, ma'am.

25 Q Okay. I'm showing you what's been admitted as

1 State's Exhibit 49. Are you familiar with the person
2 in that photo?

3 A Yes, ma'am.

4 Q Who is that?

5 A Hitman.

6 Q That's Hitman?

7 A Yes, ma'am.

8 Q That's Jarkeelas Lee?

9 A Yes, ma'am.

10 Q And he's the person you say resembles the victim
11 in this case?

12 A Yes, ma'am.

13 Q And you said that Rayshawn Cowan also has
14 dreadlocks?

15 A Yeah. They all do.

16 Q Okay. One moment.

17 Thank you, Mr. Hamilton. Please answer any
18 questions that Mr. Byrholdt has at this time.

19 A Yes, ma'am.

20 CROSS-EXAMINATION

21 BY MR. BYRHOLDT:

22 Q Good morning, Mr. Hamilton. When you got out at
23 the scene there and the officers got up, you told them
24 the car was like the one in the -- you said rats, like
25 the hamster commercial?

1 A Yeah. You know what I'm talking about?

2 Q Kia Soul?

3 A Yeah. Like that right there, like a box.

4 Q And you said they got there about 8 o'clock and
5 this happened within 30 minutes, right?

6 A Yeah. Around the time it was getting dark.

7 Q Did you see anybody get out of the car?

8 A No, sir.

9 Q Nobody tried to get out of that car, did they?

10 A No, sir.

11 Q Mr. Hamilton, I'm going to ask you to step down
12 here, please. I apologize for my artwork.

13 You testified that the car came off White,
14 correct?

15 A Yes, sir.

16 Q Turned up Perry?

17 A Yes, sir.

18 Q And came around?

19 A Yes, sir.

20 Q So if a witness is saying the shooting took place
21 over here on Perry Street, that's a lie, isn't it?

22 A Yeah. Yeah, that's a lie.

23 Q And if a witness says the car turned off of Hall
24 onto Oliver and the shooting happened over here, is
25 that the truth or a lie?

1 A That's a lie.

2 Q Thank you, sir. Have a seat.

3 Did Brandon carry a lot of money on him? He was
4 making money as a rapper, right?

5 A Yeah. I wouldn't know.

6 Q You wouldn't know that?

7 A No.

8 Q Kujo, Rayshawn's got dreadlocks, right?

9 A Yes, sir.

10 Q And on the seven other people that you say were
11 out there at the scene, do you know any of their names?

12 A No, I couldn't say. I don't remember.

13 Q Don't remember. Were they customers?

14 A Yeah, you could say that. It's a crowd of people
15 out there every day.

16 Q How long had you been smoking that day?

17 A How long had I been smoking? Probably all day.

18 Q How long have you been selling drugs?

19 A I got to answer that?

20 Q Yes, sir. It's not a joke, sir.

21 A Yeah, I know it ain't. What that got to do with
22 this case?

23 THE COURT: Answer the question.

24 THE WITNESS: Half my life.

25 MR. BYRHOLDT: No further questions.

1 REDIRECT EXAMINATION

2 BY MS. PRICE:

3 Q Mr. Hamilton?

4 A Yes, ma'am.

5 Q So, aside from selling drugs, sometimes you use
6 drugs?

7 A Yes, ma'am.

8 Q And when people use drugs, does it sometimes make
9 various parts of their perception fuzzy, depending on
10 the drug?

11 A I mean, I would say it depends on what you're
12 doing. I smoke weed. I'm calm, cool, and collected.

13 Q Okay. So it may or may not affect that person?

14 A No, it may not.

15 Q Okay. Have you seen it affect people?

16 A No, ma'am, not marijuana.

17 Q Okay. All right. And you're clear on what you
18 saw that night?

19 A I'm clear on it. Positive.

20 Q Okay. And you're clear on the way that you saw
21 the vehicle come --

22 A Everything happen, yes, ma'am.

23 Q Okay. Is it possible that instead of lies,
24 someone remembers something differently because they
25 were -- they just perceived it differently?

1 A I mean, they might. They could have.

2 Q If you're unfamiliar with an area, might you not
3 remember that?

4 A You ain't going to remember it. I been over there
5 my whole life so I know the area.

6 Q All right. Thank you.

7 No further questions.

8 THE COURT: Anything further from this witness?

9 MR. BYRHOLDT: No, your Honor.

10 MS. PRICE: Nothing further from the State.

11 THE COURT: Any objection to this witness being
12 excused?

13 MR. BYRHOLDT: No objection to him being excused.

14 MS. PRICE: No, sir.

15 THE COURT: Thank you, Mr. Hamilton. You are
16 excused.

17 Call your next witness.

18 MS. PRICE: Your Honor, may we take a five-minute
19 recess before we call the next witness, please?

20 THE COURT: Okay.

21 Mr. Bailiff, if you will take our jury to the jury
22 room, please, sir. We'll take a short break.

23 (WHEREUPON, the jury exited open court at
24 10:04 a.m.)

25 (WHEREUPON, recess taken from 10:04 a.m.)

1 to 10:17 a.m.)

2 THE COURT: Mr. Bailiff, get our jury for us,
3 please, sir.

4 (WHEREUPON, the jury entered open court at
5 10:17 a.m.)

6 THE COURT: Okay.

7 Ms. Price, call your next witness.

8 MS. PRICE: Thank you, your Honor. May it please
9 the Court. The State calls Joseph Sierra.

10 JOSEPH SIERRA,

11 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

12 THE CLERK: If you would take the witness stand,
13 please, and state your name and spell your last name
14 for the reporter.

15 THE WITNESS: Joseph Sierra, S-i-e-r-r-a.

16 DIRECT EXAMINATION

17 BY MS. PRICE:

18 Q Mr. Sierra, what's your occupation?

19 A I am the custodian of records for T-Mobile U.S.

20 Q Thank you. Mr. Sierra, we have some acoustical
21 issues in the courtroom, so if you could lean forward
22 when you speak, we'd appreciate it.

23 How long have you been with T-Mobile?

24 A Just under seven years.

25 Q What sort of duties and responsibilities do you

1 have with T-Mobile?

2 A I'm compliance officer as well as the custodian of
3 records. Essentially, as a compliance officer, I
4 respond to subpoenas, search warrants, and court orders
5 served upon T-Mobile. Also due to my clearance, I
6 handle national security letters served by the FBI. As
7 a custodian of records, I respond to requests to
8 actually appear in court. So I travel around the
9 United States to enter telecommunication records in as
10 evidence in trials.

11 Q And how are records retained at T-Mobile?

12 A They're retained electronically.

13 Q How can you assure or ensure that they are secure
14 and that they are, I guess, accurate?

15 A Well, with any company, the main purpose is,
16 obviously, to have a functioning business that makes a
17 profit. Our main purpose is a telecommunications
18 company, so the accuracy of our records is highly
19 important both for us as a company due to FCC
20 regulations as well as our promise to our customers.
21 It's very important.

22 On top of that, the information is captured at or
23 near the time that the incidents occur, so when a
24 person makes a known call, that information is
25 captured, and it's captured at three locations and also

1 backed up. Because each month we provide a bill to our
2 customers to let them review whether they feel the
3 information is accurate as well. And so we have to
4 capture that both at the start of the transaction, the
5 end of the transaction, as well as how it transmitted
6 through our network.

7 Q So those records, are they recorded at separate
8 locations, then?

9 A Yes. Three separate locations.

10 Q Okay. Are they backed up anywhere?

11 A Yes.

12 Q Okay. Do you have any background or training
13 pertaining to your position as a custodian of records?

14 A Yes, I do.

15 Q What would that be?

16 A Well, upon being hired at T-Mobile, we have to go
17 through six months of training. That will include,
18 basically, our compliance systems, our case management
19 systems, it would be our billing system as well as how
20 cell phones actually operate on our network and network
21 connectivity. On top of that, we have to learn how to
22 analyze and interpret our records because we are
23 custodians. So we have to have the ability to
24 understand, read, and explain these records to any
25 layperson.

1 On top of that, each year we have to go through a
2 recertification process because, as we all know,
3 technology advances at a very accelerated rate so we
4 have to review the information continually to make sure
5 that information is accurate. On top of that, besides
6 the recertification, whenever new technology is
7 instituted on our network, we need to be able to
8 understand and be taught on that information.

9 So a good example is 2013. In 2013 I had to go
10 through my annual certification. T-Mobile instituted a
11 type of 4G technology known as HSPA plus. I had to
12 learn about that technology. And then the later half
13 of 2013, I had to learn about LTE technology that was
14 being instituted on the network. So that year I had to
15 go through three trainings.

16 Q What, if anything, did you require from law
17 enforcement that has required you, then, to be in court
18 today?

19 A A duly authorized legal demand.

20 Q And were you subpoenaed for court today?

21 A Yes, I was.

22 Q Prior to that, did you comply with a request for
23 records from the sheriff's office in Anderson County?

24 A Yes, we did.

25 Q Okay. And do you recall what that request was?

1 A Yes. It was a request for subscriber information,
2 call detail records with cell site information for a
3 T-Mobile user.

4 Q And what procedure did T-Mobile follow in
5 responding to that request?

6 A Essentially, we take that legal demand and review
7 it for accuracy as well as an authoritative signature
8 basically saying does it legally comply with local
9 state or federal regulations. Then once we read
10 that -- excuse me -- once we verify that the demand is
11 actually legal, we will then take the information that
12 is within the demand and input it into our RMS, our
13 records management system. That system will basically
14 be inputted by the custodian or by the specialist who
15 is reviewing the document. So, essentially, for our
16 purposes, it's going to be a phone number and a date
17 range. You input that phone number and date range, you
18 set that case information, it goes into the system, and
19 it outputs that phone number for that date range, and
20 then we send that information to the requester.

21 Q And you followed that procedure in this case?

22 A Yes.

23 Q I'm showing you what's been marked as State's
24 Exhibit 69. Are you familiar with this exhibit?

25 A Yes, I am.

1 Q How are you familiar with it?

2 A This is a CD with T-Mobile information on it.
3 Essentially, it has subscriber information, call detail
4 records with cell site, a guide on how to read and
5 interpret the call records as well as a tower list of
6 every tower in South Carolina.

7 Q Is there also a copy of the legal demand you
8 received?

9 A Yes, there is.

10 Q Did you have an opportunity to review those
11 records?

12 A Yes, I did.

13 Q And are those the records and materials that were
14 provided by T-Mobile to the Anderson County Sheriff's
15 Office pertaining to this case?

16 A Yes, they were.

17 Q Were there any changes or alterations to these
18 records?

19 A No, there was not.

20 Q Are they true and accurate records?

21 A Yes, they are.

22 Q Were the records made at or near the time or the
23 occurrence of the cell activity?

24 A Yes, it was.

25 Q Would you say that they're reliable records?

1 A Yes, they are.

2 Q Okay. And how can you be certain that that CD
3 that you are looking at is the records that you were
4 the custodian of and reviewed for accuracy?

5 A I initialed and dated the CD.

6 MS. PRICE: Your Honor, at this time the State
7 moves to admit Exhibit 69 and we request permission to
8 publish to the jury.

9 MR. BYRHOLDT: May I look at it?

10 THE COURT: Allow Mr. Byrholdt to look at the
11 exhibit.

12 MR. BYRHOLDT: May we approach?

13 THE COURT: Yes, sir.

14 (WHEREUPON, a bench conference was held off the
15 record in the presence of the jury, but out of the
16 hearing of the jury.)

17 MR. BYRHOLDT: No objection.

18 THE COURT: All right. State's Exhibit Number 69
19 would be admitted without objection.

20 (WHEREUPON, State's Exhibit Number 69 was admitted
21 into evidence.)

22 MS. PRICE: And, your Honor, we request permission
23 to publish to the jury.

24 THE COURT: Yes, ma'am.

25 BY MS. PRICE:

1 Q Would you step down, please.

2 A Yeah.

3 Q Okay. Mr. Sierra, these are the records that you
4 reviewed?

5 A Yes, they are.

6 Q And that you provided to the State?

7 A Yes.

8 Q Okay. First off, let's look at the subscriber
9 information. Is this the subscriber information?

10 A This is actually the fax cover sheet to the
11 subscriber information. So it holds the information in
12 regarding to our case information, so who the requester
13 was, the actual case file number, et cetera. The
14 second page which you see now is actually a listing of
15 the subscriber information for the target number
16 requested.

17 Q Okay. And who is the subscriber?

18 A It's listed as end prepaid customer.

19 Q What does that mean?

20 A Essentially, it tells us that this is a prepaid
21 phone. And because it's a prepaid phone, the user
22 doesn't have to supply us with any kind of information.
23 The main reason why we collect information from a
24 subscriber is because they're requesting to seek credit
25 with the company. Essentially, it means that they're a

1 contract customer and that they pay their bill after
2 usage. In this situation, you have a customer who's
3 prepaying for usage so no kind of credit is needed,
4 thus, we do not need to verify the information. So
5 whatever information they give us is what we'll put in
6 the system.

7 Q So I could walk into T-Mobile and say, "My name is
8 Mickey Mouse and here is some money," and you would
9 give me a prepaid phone?

10 A That's correct.

11 Q And what is the mobile number for which the
12 subscriber information is displayed?

13 A So the number for this particular record is
14 -8316.

15 Q Okay. And when was this account established?

16 A The account was established November 27, 2013.

17 Q When was the last refill date on the minutes for
18 this account?

19 A May 22, 2014.

20 Q So there has not been additional minutes put on
21 this prepaid phone since the end of May 2014?

22 A That's correct, based on the date of the request.

23 Q And looking at the next document of records
24 provided by T-Mobile, what is this -- oh, I'm sorry.
25 What are we looking at, Mr. Sierra?

1 A This is going to be a copy of call detail records
2 with cell site information.

3 Q Okay. And is it a true and accurate
4 representation of the activity for the number that
5 you -- we requested the information on?

6 A Yes. The 8316 number.

7 Q What information is provided on this sheet?

8 A The information contained in this document is
9 actually a transactional log of all activity for that
10 particular target number ending in 8316. Essentially,
11 all the information you would see in your cell phone
12 bill with the addition of the towers that were utilized
13 when they made those calls. That provides us an idea
14 of location because you have to be within range of
15 those towers in order to utilize those towers.

16 Q Okay. And does this document indicate when a call
17 was placed, when they received a phone call, or when a
18 call ended?

19 A Yes. It will provide you the duration, date,
20 time, number communicated with, as well as other
21 particulars in reference to the call.

22 Q Does this include pictures and text?

23 A Yes. It will provide you a listing not of the
24 actual content, but the date and time that the picture
25 message, video message, or text message were sent.

1 Q So none of these records show the content?

2 A No.

3 Q They simply show the general area that somebody
4 was in when they had traffic?

5 MR. BYRHOLDT: Your Honor, object to leading.

6 MS. PRICE: I'm sorry.

7 THE COURT: Don't lead the witness. Rephrase your
8 question.

9 MS. PRICE: Yes, sir.

10 Q The content is not shown. Is that -- well, is
11 there content shown?

12 A No. There's no content shown.

13 Q Could you go through the columns of the air and
14 cell site document and tell me what each of those
15 columns indicate, please?

16 A Starting with column A which is going to be all
17 the way to the left, we have the MSISDN. That is the
18 technical acronym for a phone number. So in this
19 situation, it will always be the number that was
20 subpoenaed, also known as a target number. So in this
21 case, again, it's the number ending in 8316.

22 The IMSI, this is an IMSI, also stands for the
23 international mobile subscriber identifier. This is
24 kind of like your social security number on the
25 T-Mobile network. Because T-Mobile is a GSM-based

1 network, it allows you to change your phone number,
2 your SIM card, your device, and the type of account.
3 So we need one identifier that can identify you no
4 matter what you change. Like your social security
5 number. You can change your name, you can change your
6 address, you can change multiple other things, but your
7 social security number will always be your social
8 security number.

9 The IMEI, also known as the international mobile
10 equipment identifier, is the serial number for your
11 handset. If you remember what I just said previously,
12 the network is a GSM-based network so it utilizes SIM
13 cards. So you can take your SIM card out of your phone
14 and place it into any other phone you want. Because of
15 that, we also have a unique identifier on the phone so
16 we can always tell what phone you're using on the
17 network, which is why it has a unique number
18 identifier.

19 Column D is going to be the event type. This is
20 going to allow you to know what type of transaction
21 occurred. As you can see on the screen, you have two
22 examples pretty much that are shown, voice and SMS,
23 which is standard messaging service, also known as a
24 text message.

25 Another item you may see which is not presented is

1 MMS, multimedia messaging service, picture or video
2 message. Column E is going to be the start time. This
3 is going to be the date and time that the transaction
4 occurred.

5 Q And may I ask you a question? What were the start
6 date and start times for the records that were
7 requested in this case?

8 A I would have to review the legal demand in order
9 to know for sure, but I can tell you the record
10 provided.

11 Q What was the record provided?

12 A June 7, 2014, -- just need to scroll all the way
13 down -- to June 13, 2014, is what the record covers.

14 Q Okay. And next?

15 A Column F is the direction. This lets you know
16 whether it was an incoming or outgoing direction. So
17 using the first line as an example, we see that the
18 event type in column D is a voice, and column F we know
19 is an outgoing voice call. So the target number placed
20 a phone call out to the recipient, which is in the next
21 column, to find out the number they communicated with.
22 So column G is the connected to column. It's the
23 number that communicated with the target.

24 Column H, if you don't mind scrolling over.

25 Q I don't.

1 A Column H is the completion status. This just
2 allows us to know how the transaction traveled through
3 the network. Column I is the TAC number, the type
4 allocation code. This usually will let us know,
5 depending on the device, the vanity name for the
6 device. So say, for example, the IMEI, the serial
7 number of the device, was 111115. The TAC would tell
8 me that's an Apple iPhone 5. It would usually display
9 the type of device. Again, every device has certain
10 numbers that that are identified with it so it makes it
11 easier for the network to identify what it is. In the
12 event that the device is not a T-Mobile -- a T-Mobile
13 originating device, it will possibly show an N/A, which
14 is kind of what we see here throughout the record.

15 Q So we don't know what type of device this was?

16 A No. You would have to look up the actual serial
17 number. And once you look up the serial number, we can
18 find out the device.

19 Q But pursuant to these records, that cannot be
20 determined?

21 A No, it cannot.

22 Q Okay.

23 A Column J and K are actually two numbers that
24 identify one item. First is the -- sorry. The first
25 is going to be the LAC column J, which stands for the

1 location area code. And column K is going to be the
2 cell I.D., also known as the CID. These two numbers
3 are the unique identifiers for a tower.

4 To make it easier to understand, an LAC is kind of
5 like your city and ZIP code. You can have multiple
6 addresses that have the same city and ZIP code. So in
7 that same kind of thought process, the LAC can
8 replicate in our records multiple times. But when you
9 combine that with the CID, the CID, that allows me to
10 know which location.

11 So, again, for example, 11111 is Manhattan, New
12 York for an LAC, but -- excuse me. 11111 can be
13 located in New York, Florida and California. But when
14 I check the CID, that combination of 11111 and that
15 next number under the CID lets me know it's the one in
16 New York as the one to Florida or California. So those
17 two numbers in combination allow me to identify the
18 tower. And the way you can do that is we also provide
19 a cell tower key, which is also included on the disk
20 that you can look up the numbers and it will provide
21 you the address for that tower.

22 After reviewing the, I guess, burdensomeness of
23 the actual process of doing that for extensive records,
24 in 2012 we added the longitude and latitude for the
25 tower to make things easier. So column M and N is the

1 latitude and longitude for that tower. It's the actual
2 geographical location. So you can go into any mapping
3 software like Google Earth, Microsoft Streets and
4 Trips, Mapquest, whatever, and input that longitude and
5 latitude, and it will give you the exact geographical
6 location of that tower.

7 Column O, P, Q, R, and S -- and if you don't mind
8 scrolling it over -- are the same information but the
9 last tower. So T-Mobile captures the towers at the
10 start of the phone call and the end of the phone call,
11 not the towers in between. So although those columns I
12 have just spoke about are going to be the first tower,
13 the last half, the last tower, and it's identified by
14 saying last tower in front of cell I.D. or LAC.

15 Column T is going to be the market. This,
16 essentially, is a T-Mobile description. It allows us
17 to identify the market. T-Mobile makes the market
18 names, so in this case it's just Carolina for the
19 market. Column U, again, is the region. T-Mobile,
20 again, makes the landlines -- excuse me -- the laylines
21 of what that means. If you wanted New York to be
22 South, you could do that because it's our discretion.
23 But in this situation, the region is south.

24 Column V is going to be the MSC name. That's the
25 mobile switch center. Basically, a switch is your

1 routing system. Basically tells where the phone call
2 to go. In this situation, it also acts as a time zone
3 indicator. So, for example, we have an MSC name of
4 CRMSS. That lets me know it's the Carolina switch.
5 Since Carolina, both North and South, are located on
6 the Eastern Time Zone, I know that specific call record
7 is Eastern time. It just identifies that. If it were
8 to say like LAMSS, I would know that would be Los
9 Angeles, and you would need to convert the time from
10 Pacific time to Eastern time. But after reviewing
11 these records, every switch is a Carolina switch so it
12 would be all Eastern Time Zone.

13 Column X and Y are just duration, one in minutes,
14 one in seconds. Minutes to the hundredth, seconds to
15 however many seconds that number is.

16 Q Is this the demand you received?

17 A Yes. This is a copy of the legal demand that we
18 received from the Anderson County Sheriff's Office.

19 Q Okay. And it requested a date range?

20 A Yes, it did.

21 Q And a time range?

22 A Yes.

23 Q And it was for the number what?

24 A Sorry. It's a little hard for me to see. It was
25 for -8316 for June 7, 2014, through June 13,

1 2014.

2 Q Again, that matches what you provided, correct?

3 A That's correct.

4 Q And did you also provide this document?

5 A Yes.

6 Q What is this, sir?

7 A This is basically a guide. Obviously, I'm not in
8 South Carolina. I'm located in Pennsylvania. So in
9 the event that someone needs to look over the records
10 and doesn't remember anything I said, this guide
11 basically breaks down everything I just said about the
12 previous document very simply understood.

13 Q And, lastly, what is this document?

14 A This is going to be the tower list for every tower
15 in South Carolina.

16 Q And what does -- why is it helpful also to the
17 interpretation of records?

18 A Well, as I previously stated, on the cell site
19 record, when you take the LAC and CID, as you can see
20 in column E and column D, you look up those numbers, it
21 will output a longitude and latitude as seen in column
22 H and I. And then if you actually scroll it over to
23 the right, you will also get an address that can be
24 seen in column L and M. So it basically tells you
25 where the tower is located so if you want to see where

1 that tower is, you can plot it on a map.

2 Q Thank you. You may take the stand again.

3 A Thank you.

4 Q What is the maximum range of the T-Mobile towers?

5 A T-Mobile towers are not more than two and a half
6 miles with signal decay at three miles.

7 Q Does that change for areas that are populated
8 versus unpopulated areas?

9 A Yes. So, for example, again being from New York,
10 Manhattan is oriented that there is a tower every other
11 block or every two blocks. So because you don't want
12 tower overlap to be so wide, you actually have to lower
13 the range or the power output of the towers so that
14 they only cover a specific area with minor overlap. So
15 the tower range may be two and a half miles with
16 maximum output, but in a situation where you have in
17 New York, you're only looking at probably a quarter of
18 a mile coverage range on average for a densely
19 populated area.

20 Q So what about your average sort of suburban area?

21 A You're probably looking at, depending again on how
22 rural -- I'm not familiar with the area so I couldn't
23 tell you with a hundred percent certainty -- but to
24 give an example, high residential area, not like a
25 Manhattan but suburban, probably mile, mile and a half

1 to extremely rural to just farmland, more towards that
2 two and a half mile range. Anything more densely
3 populated would go to that half mile range and then
4 ultimately that quarter mile range.

5 Q Thank you so much, Mr. Sierra. Please answer any
6 questions Mr. Byrholdt has for you.

7 MR. BYRHOLDT: May it please the Court.

8 CROSS-EXAMINATION

9 BY MR. BYRHOLDT:

10 Q Can you tell the jury what the range of the cell
11 towers are here in Anderson?

12 A I couldn't tell you. You would have to have an
13 engineer tell you the specific tower range, but again,
14 maximum range would be no more than two and a half
15 miles due to signal decay.

16 Q On this information you just provided the jury,
17 can you tell who made the phone call?

18 A No, you cannot.

19 Q No further questions. Thank you, sir.

20 THE COURT: Anything further from this witness?

21 MS. PRICE: Nothing from the State.

22 THE COURT: Any objection to this witness being
23 excused?

24 MR. BYRHOLDT: No.

25 Have a safe trip back.

1 MS. PRICE: Not from the State.

2 THE COURT: Thank you, Mr. Sierra. You are
3 excused.

4 MS. PRICE: Thank you, your Honor. We're prepared
5 to call our next witness.

6 THE COURT: Yes, ma'am.

7 MS. PRICE: The State calls Thomas Slovenski to
8 the stand.

9 THOMAS SLOVENSKI,

10 BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

11 THE CLERK: If you would take the witness stand,
12 please, sir, and state your name and spell your last
13 name for the reporter.

14 THE WITNESS: Thomas J. Slovenski,
15 S-l-o-v-e-n-s-k-i.

16 DIRECT EXAMINATION

17 BY MS. PRICE:

18 Q What's your occupation?

19 A I'm a mobile forensics examiner and cell tower
20 analyst.

21 Q And by whom are you employed?

22 A I'm self-employed.

23 Q Do you have a business?

24 A Yes, ma'am. It's Cellular Forensics, LLC.

25 Q So this is what you do for a living?

1 A Yes, ma'am.

2 Q Okay. What is a cellular forensic examiner?

3 A A cellular forensic examiner is someone who will
4 take a cell phone and we will use forensic-grade
5 software to obtain any and all present and deleted
6 information from the mobile device, prepare it for the
7 court and then present it to the court.

8 Q Is that what you did in this case?

9 A No, ma'am. In this case, I was asked to examine
10 call detail records pertaining to a particular number.

11 Q Is that something that you do in the course of
12 your practice as a forensic examiner?

13 A Yes, ma'am. I have been doing that since 2009.

14 Q Do you also act as a cell tower records analyst?

15 A Yes.

16 Q Are those the same records that we're discussing?

17 A Yes, ma'am. They're called CDRs or call detail
18 records. They're more technical in nature.

19 Q Okay. Are you licensed by SLED in any way?

20 A Yes, ma'am. I do possess a license as a forensic
21 examiner through SLED. My license number is PDC2073.

22 Q And do you have any former law enforcement
23 experience?

24 A Yes, ma'am. I was a law enforcement veteran with
25 several departments. The closest would be Greenville

1 County and Simpsonville city police and Greenville city
2 police. With Greenville County, I was not only a
3 patrol officer, I was a detective. I was promoted to
4 sergeant detective over internal affairs for five major
5 departments in Greenville County.

6 Q And what is your educational background?

7 A My educational background goes as far as I do have
8 a high school diploma. I have a Bachelor of Arts
9 degree from Bob Jones University. I am certified by --
10 or in mobile forensics. I was certified by Dr. Rick
11 Nisslin of Purdue University whom I personally received
12 training and certification from there up at Purdue. I
13 am also certified as a cell tower records analyst
14 through a company called Cellular Data Resources
15 located in California. I take continual education
16 every year to stay updated with the latest records,
17 updates, performances with all major carriers.

18 Q And do you read publications pertaining to this
19 area?

20 A Yes, ma'am. I live a very boring life. I read up
21 on cell towers in my spare time. I eat, live, and
22 breathe mobile forensics.

23 Q And do you or have you instructed any courses in
24 cellular forensics?

25 A Oh, yeah.

1 MR. BYRHOLDT: Your Honor, we'd stipulate to
2 Mr. Slovenski's credentials as a cell phone record
3 review expert.

4 THE COURT: Is that the term you're seeking to --

5 MS. PRICE: Yes. Your Honor, at this time the
6 State moves that Thomas Slovenski be declared an expert
7 in the field of cellular forensics and cell tower
8 records analysis.

9 THE COURT: Expert in cellular forensics and cell
10 tower analysis.

11 MS. PRICE: Cell tower records analysis.

12 THE COURT: Cell tower records analysis.

13 And you have no objection to that?

14 MR. BYRHOLDT: No objection.

15 THE COURT: Okay. So admitted.

16 MS. PRICE: Thank you very much.

17 Q Were you asked to analyze evidence in this case?

18 A Yes, ma'am, I was.

19 Q Okay. I'm going to show you what's been marked as
20 State's Exhibit 69. Are you familiar with this
21 exhibit?

22 A Yes, ma'am, I am.

23 Q Okay. And how are you familiar with it?

24 A I reviewed all the records on this CD and found
25 them to be records that I had previously analyzed.

1 Q And you reviewed those for accuracy on that CD as
2 well?

3 A Yes, ma'am.

4 Q And those were records you had previously received
5 to review in this case?

6 A Yes, ma'am.

7 Q Did you see any changes or alterations to those?

8 A No, ma'am.

9 Q And how are you certain that that CD is the CD
10 that you reviewed?

11 A Well, because I initialed and dated it right here.

12 Q All right. Did you review the records that were
13 on that CD?

14 A Yes, ma'am.

15 Q And from where did you receive those records?

16 A From your office.

17 Q Okay. And do you know where those records came
18 from prior to arriving in our office?

19 A Yes, ma'am.

20 Q From where did they come?

21 A T-Mobile.

22 Q And when did you receive them?

23 A On or about the 12th of April of this year.

24 Q Can you tell us what type of analysis you
25 performed on those records?

1 A Yes, ma'am. Using a proprietary software, best
2 practices and industry standards, I reviewed the
3 records, analyzed them, and then plotted their data on
4 a map so as to show the towers that were utilized by
5 that particular cell number on the device during dates
6 and times that I was presented with.

7 Q Okay. And from your analysis, were you able to
8 form expert opinions as to the results of your
9 examination?

10 A Yes, ma'am.

11 Q Okay. And did you issue any reports containing
12 those results?

13 A Yes, ma'am.

14 Q Did you document your results in any demonstrative
15 exhibits to be used in court today?

16 A Yes, ma'am, I sure did.

17 Q I'm showing you State's Exhibit 63 through 68.
18 Are you familiar with those items?

19 A Yes, ma'am.

20 Q Are those -- what are they?

21 A These are the illustrations that I was able to
22 make on the tower information, the data given to me,
23 and was able to map it out for court purposes.

24 Q And does that reflect your analysis?

25 A Yes, ma'am, sure does.

1 Q Are those demonstrative aids that you prepared to
2 assist you today in court?

3 A Oh, yeah. Sure.

4 MS. PRICE: Your Honor, with the Court's
5 permission, we'll be using these demonstrative aids to
6 go through Mr. Slovenski's testimony.

7 THE COURT: Are you admitting them as exhibits?

8 MS. PRICE: No, sir.

9 THE COURT: No objection?

10 MR. BYRHOLDT: They're demonstrative.

11 THE COURT: Okay. Without objection.

12 BY MS. PRICE:

13 Q Mr. Slovenski, if you will step down, please.

14 Would you take us through the documents that you
15 prepared and explain the analysis that you performed,
16 please.

17 A Sure.

18 Q And the conclusions, obviously, that you reached.

19 A Oh, okay.

20 Q If we need to zoom in on a particular item, we
21 can.

22 A Modern technology.

23 Q Yes, sir.

24 A Okay. What this is, this is, as I noted,
25 comprehensive traffic of the mobile number