

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS
)
COUNTY OF CHARLESTON) CASE NO.: 2017-GS-10-4160, 4161,
) 4162, 4163 (Wilson);
) 2017-GS-10-4161, 4165,
) 4166, 4167 (Bryan)

STATE OF SOUTH CAROLINA)
)
 v.) TRANSCRIPT OF RECORD
)
) BENCH CONFERENCE REVIEW
)
JUSTIN MARTEL WILSON AND)
MARVIN DONTE BRYAN)
_____)

ORIGINAL

Monday, June 19 , 2017 - Friday, June 23, 2017

COMMENCING AT:
Charleston County Courthouse
Charleston, South Carolina
Before The Honorable Deadra L. Jefferson, Judge

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INDEX OF BENCH CONFERENCES

Monday, June 19, 2017

BC at 12:21 p.m.	3
BC at 2:52 p.m.	3
BC at 3:32 p.m.	3
BC at 4:46 p.m.	4
BC at 4:48 p.m.	6
BC at 5:08 p.m.	6

Tuesday, June 20, 2017

BC at 10:33 a.m.	7
BC at 11:12 a.m.	8
BC at 11:24 a.m.	8
BC at 12:20 p.m.	9
BC at 2:37 p.m.	10
BC at 4:42 p.m.	10

Wednesday, June 21, 2017

BC at 10:02 a.m.	11
BC at 10:05 a.m.	12
BC at 10:22 a.m.	14
BC at 4:19 p.m.	20
BC at 4:49 p.m.	22
BC at 5:18 p.m.	22
BC at 5:19 p.m.	23
BC at 5:41	24
BC at 5:47 p.m.	26
BC at 5:51 p.m.	28

Thursday, June 22, 2017

BC at 9:45 a.m.	29
BC at 9:58 a.m.	30
BC at 10:02 a.m.	30
BC at 10:27 a.m.	32
BC at 11:30 a.m.	32
BC at 3:32 p.m.	35
Certificate	37

1 **Monday, June 19, 2017 Bench Conferences:**

2 12:21 p.m., Page 39 of Transcript:

3 The audio for this bench conference was unintelligible.

4

5 2:52 p.m., Page 90 of Transcript:

6 THE COURT: (Unintelligible) -- then why did you say
7 you want to take it up in-camera? (Unintelligible) -- thank
8 you.

9

10 3:32 p.m., Pg. 122 of Transcript

11 AST. SOL. KIDD: I just argue that -- that it's not
12 offered for the truth, that it's offered to show what they
13 did next.

14 THE COURT: Well, he can say what they did next. He
15 was there. He didn't have to say -- (unintelligible).

16 AST. SOL. KIDD: But it's ---

17 THE COURT: They have the right to cross-examine
18 anybody else in his testimony -- listening. It is within
19 the scope of what happened. It's offered for it's truth.
20 You want the jury to believe that's what happened, they
21 acted on it. He can only say what one of his two defendants
22 said. Those are admissions against interest. He said what
23 he did was a result of the conversation but he can't repeat
24 anybody else's words.

25 AST. SOL. KIDD: I understand.

1 MR. PEPER: (Unintelligible)-- testimony was during the
2 in-camera hearing compared to what it is now which is
3 complete opposite -- you want to hear that as a matter of
4 law.

5 THE COURT: Which is the complete opposite?

6 MR. PEPER: The first question of the hearing was, "Did
7 you hear the phone call?" And he says, "Yes I heard ---

8 THE COURT: Well, you never asked him -- you never
9 asked that -- (unintelligible). You never asked him if he
10 heard -- you led him through the conversation. You never
11 asked him ---

12 MR. PEPER: I was -- it was leeway.

13 THE COURT: You never asked him -- Yeah. You never
14 asked him if it's what he heard. But I gave him the
15 instructions that he can only repeat what he heard and not
16 what he assumed based on who the phone call ---

17 MR. PEPER: Well, I don't -- okay. It's good enough
18 for us. I don't know that it's good enough for him. I
19 don't know that the witness understood that.

20 THE COURT: (Unintelligible) direct question --
21 (unintelligible) -- you never asked him if he ever heard ---

22 MR. PEPER: Okay. Thank you.

23 THE COURT: You're welcome.

24

25 4:46 p.m., Page 165 of Transcript

1 MR. PRICE: My understanding is that once he takes that
2 stand and he waives the ---

3 THE COURT: He cannot waive privilege with his lawyer.
4 Not unless it's a deal we're not aware of and then you would
5 ask that direct question. Don't beat around the bush. I'm
6 not -- if anything is privileged. What he says to his
7 lawyer is privileged.

8 MR. PRICE: I understand. I was asking how many times
9 he met with her.

10 THE COURT: You need to get to the point. If you think
11 there's something that's going to impact his credibility, if
12 there's some deal that was promised to him in her presence,
13 otherwise ---

14 MR. PRICE: That's what I'm getting to.

15 THE COURT: Well, then you need to ask that question
16 directly but don't answer your own questions.

17 MR. PEPER: Is it privileged if there's others in the
18 room?

19 THE COURT: I don't know. He hasn't established that.
20 That's his -- he has to create that foundation. But right
21 now he's telling me is that the two of them were in a room
22 together talking and that's privileged.

23 MR. PEPER: I gotcha.

24 MR. PRICE: I understand.

25

1 4:48 p.m., Page 166 of Transcript

2 THE COURT: You can't -- (unintelligible) -- or Mr.
3 Kidd -- the witness. You need to be more specific if there
4 is a promise tendered -- (unintelligible) -- do not make her
5 a witness. I don't know what she said. I didn't hear it.
6 But I was -- (unintelligible) -- your client you need to
7 cooperate --

8 MR. PRICE: That's correct.

9 THE COURT: --- about the truthfulness --
10 (unintelligible). That's not among us.

11 MR. PRICE: That's correct. But he has indicated that.

12 THE COURT: But you need to rephrase your questions
13 along that -- (unintelligible)-- do not make her a witness
14 because then she'll be disqualified as representing her
15 client ---

16 MR. PRICE: But I can ask him -- I can ask him if she
17 indicated ---

18 THE COURT: You need to inquire as to his credibility
19 or his believability or any motivation he would have not to
20 be forthright. There's a way to ask those questions without
21 making these other parties -- (unintelligible).

22 MR. PRICE: I understand.

23

24 5:08 p.m., Page 181 of Transcript

25 MR. PEPER: I think I made my point. I can move on.

1 THE COURT: The problem with making them a witness is
2 (unintelligible) -- It's Problematic.

3 MR. PEPER: But we would then be able to cross with the
4 audio of it though, right?

5 THE COURT: Huh?

6 MR. PEPER: We would be able to cross with the audio of
7 it though, right?

8 THE COURT: (Unintelligible) -- not unless he answers
9 inconsistently then you can let him listen to it to refresh
10 his memory.

11 MR. PEPER: Okay.

12 THE COURT: Only then if he answers inconsistently can
13 you use the audio.

14 MR. PEPER: I'm -- I think I'll move on.

15 THE COURT: You need to ask exact question that he was
16 asked.

17 MR. PEPER: Yes, ma'am. Thank you.

18

19 **Tuesday, June 20, 2017 Bench Conferences**

20 10:33 a.m., Page 253 of Transcript

21 MR. PEPER: My client has waived it, but I was in the
22 restroom this morning and I represented Detective Martin's
23 son in a disciplinary hearing before the school board years
24 ago. I told my client about it. He's good with it. He
25 doesn't care. I don't see where there's a conflict but I

1 wanted to bring it to your attention in case -- put on the
2 record it has nothing to do with . . .

3 THE COURT: I would assume -- (unintelligible) --
4 written notice and have them deliberate.

5 MR. PEPER: I didn't realize it until in the bathroom
6 this morning.

7 THE COURT: Well, then you might wan them --
8 (unintelligible) -- for your own protection --
9 (unintelligible).

10 MR. PEPER: I'm with you. Thank you.

11 THE COURT: Or I can put it on the record at the break.

12 MR. PEPER: During the break?

13 THE COURT: Yeah, I'll do it at the break.

14 MR. PEPER: Okay. Thank you.

15

16 11:12 a.m., Page 271 of Transcript

17 MR. PRICE: I thought you meant -- (unintelligible) --
18 do it over the break.

19 THE COURT: (unintelligible) -- I want to finish this
20 witness first.

21 MR. PRICE: Yes, ma'am.

22

23 11:24 a.m., Page 283 of Transcript

24 THE COURT: -- lay foundation -- (unintelligible) --
25 otherwise it's speculative.

1 MR. PEPER: Well, he opened the door by asking him why
2 do you have it on? He said they were new.

3 THE COURT: (Unintelligible).

4 MR. PEPER: Can I ask ---

5 THE COURT: (Unintelligible) -- unless you can
6 establish a foundation -- (unintelligible).

7 MR. PEPER: Well, I'll just ask him why he's asking him
8 that: Do you know why?

9 THE COURT: That's not -- you have to establish the
10 foundation that he knows that.

11 MR. PEPER: Okay.

12 THE COURT: Not based on what he heard ---

13 MR. PEPER: Okay. I gotcha.

14 THE COURT: (Unintelligible).

15 MR. PEPER: Yeah. Okay. Thank you, Judge.

16

17 12:20 p.m., Page 314 of Transcript

18 THE COURT: Who is your next witness?

19 AST. SOL. KIDD: I would just publish the 911 call ---

20 THE COURT: How long is it?

21 AST. SOL. KIDD: About 20 minutes.

22 THE COURT: That's too long -- (unintelligible).

23 AST. SOL. KIDD: Yes, ma'am.

24 MR. PEPER: (Unintelligible).

25

1 2:37 p.m., Page 327 of Transcript

2 AST. SOL. KIDD: Can I ask for five minutes? I've got
3 a lot of evidence that I need to bring up, like the physical
4 evidence for the next witness.

5 THE COURT: Who is your next witness?

6 AST. SOL. KIDD: Tiffany Adams, my crime scene tech.
7 She's going to be a long witness. If I can get organized
8 with the physical evidence up front it might go a little bit
9 quicker.

10 THE COURT: Okay.

11

12 4:42, Page 384 of Transcript

13 AST. SOL. KIDD: I apologize. We left one item or two
14 items of evidence in our office and my investigator should
15 be back any second.

16 THE COURT: Uh-huh. What are those?

17 AST. SOL. KIDD: They are the black beanie hat and the
18 Nike shoe.

19 THE COURT: (Unintelligible) -- you haven't marked them
20 yet?

21 AST. SOL. KIDD: I haven't marked them yet. And then
22 we'll be done with this witness.

23 THE COURT: (Unintelligible).

24 MR. PEPPER: I can't remember -- (unintelligible) -- but
25 I think about 50 minutes.

1 THE COURT: (Unintelligible).

2 MR. PEPER: (Unintelligible).

3 THE COURT: (Unintelligible) -- debate whether we do it
4 tomorrow -- (unintelligible).

5 MR. PEPER: (Unintelligible).

6 THE COURT: (Unintelligible).

7 AST. SOL. KIDD: It shouldn't take more than 2 minutes.
8 I just don't know --

9 THE COURT: Do you have any other questions to ask the
10 witness?

11 AST. SOL. KIDD: I'm done with her at this point.

12 THE COURT: Mr. Peper?

13 MR. PEPER: Oh, I'm sorry.

14 THE COURT: That's okay. Do you have any objection --
15 (unintelligible) -- introduce ---

16 MR. PEPER: It's the beanie and what?

17 AST. SOL. KIDD: And the shoe.

18 THE COURT: The beanie and the shoe.

19 MR. PEPER: No. Thank you.

20

21 **Wednesday, June 21, 2017**

22 10:02 a.m., Page 415 of Transcript

23 THE COURT: (Unintelligible).

24 AST. SOL. KIDD: Yes, ma'am.

25 THE COURT: Was it -- (unintelligible).

1 AST. SOL. KIDD: Yes. It's a recorded interview. It's
2 pretty long. I'm not trying to get much out of her really
3 other than she wasn't with the defendant the night of the
4 shooting.

5 MR. PEPER: (Unintelligible).

6 THE COURT: Yeah. I mean -- (unintelligible) -- that
7 was a long time ago. I'm going to give you some latitude.
8 Not on anything that's --

9 AST. SOL. KIDD: I'm not going any further than that.

10 THE COURT: Uh-huh.

11

12 10:05 a.m., Page 418 of Transcript

13 AST. SOL. KIDD: He wants to put on Justin told her the
14 car was stolen. It's inadmissible hearsay.

15 THE COURT: It is hearsay.

16 MR. PEPER: Well, she told the cops her car was stolen.
17 Can I ask her did you -- didn't you ---

18 THE COURT: --- have her elicit that, that she said
19 that without implying -- (unintelligible).

20 MR. PEPER: Can I just ask her what she told the cops?

21 THE COURT: It's hearsay.

22 MR. PEPER: What she told the cops?

23 THE COURT: You're going to establish that she knows
24 that of her own knowledge not that someone told her that
25 because he has to be able to cross-examine that person. And

1 your client has the right against self-incrimination and he
2 has the right to remain silent and doesn't have to testify.

3 MR. PEPER: Right.

4 THE COURT: (Unintelligible).

5 MR. PEPER: I understand.

6 THE COURT: (Unintelligible).

7 MR. PEPER: May I seek some guidance?

8 THE COURT: Uh-huh.

9 MR. PEPER: Can I ask her what happened to her rental
10 car? Why she didn't have it anymore?

11 THE COURT: If it's of her own personal knowledge and
12 it's not based on what someone told her. She would of had
13 to have been there and rationally received it. In other
14 words, if she were -- (unintelligible) -- she can't say what
15 someone told her. Because I don't have any ability to
16 cross-examine the veracity of that statement.

17 MR. PEPER: So I can't ask her anything that Justin
18 told her?

19 THE COURT: (Unintelligible). It's hearsay.

20 MR. PEPER: Right.

21 THE COURT: And it's bolstering. And you really have
22 to know -- (unintelligible) to elicit that --
23 (unintelligible).

24 MR. PEPER: Right.

25 THE COURT: Sticky. (Unintelligible) -- her own

1 knowledge and you can establish foundation not what someone
2 is telling her.

3 MR. PEPER: Okay.

4 THE COURT: You can ask that question but otherwise
5 it's speculative.

6 MR. PEPER: Okay.

7 THE COURT: It's hearsay.

8 MR. PEPER: All right. Okay. Thank you, Judge.

9 THE COURT: You're welcome.

10

11 10:22 a.m., Page 429 of Transcript

12 THE COURT: (Unintelligible) -- him as an expert
13 because -- qualify him -- to object to.

14 AST. SOL. KIDD: I could qualify him. I'm not sure ---

15 THE COURT: It takes specialized knowledge to do what
16 he's doing. (Unintelligible). Are you going to object --
17 (unintelligible).

18 MR. PEPER: The whole thing. I mean, what's relevant
19 to -- what's relevant to this case. I mean, I didn't
20 anticipate -- put the whole thing in. I was waiting on ---

21 THE COURT: What are seeking to introduce with this
22 witness?

23 AST. SOL. KIDD: There's a number of photographs, text
24 messages, call logs.

25 THE COURT: Why don't you isolate those ---

1 AST. SOL. KIDD: I do have them isolated if the Court
2 would prefer me to enter them that way.

3 THE COURT: (Unintelligible) -- the whole disc. The
4 disc comes in, the jury -- (unintelligible).

5 AST. SOL. KIDD: I mean, I think the whole phone is
6 relevant. It's in the car.

7 THE COURT: Not everything that's in it. Every phone
8 call on my phone is not relevant to what I did today. It
9 might be relevant ten years ago but it might not be relevant
10 to today. It might be prejudicial.

11 AST. SOL. KIDD: There is -- well, the phone calls I
12 think are definitely relevant because we had witnesses ---

13 THE COURT: Well, we'll have to take them up each at a
14 time. But you're not going to put a whole disc in if I
15 don't know what's on it if he's going to consent to it. He
16 might've had conversations with his mother. It's not
17 relevant to this case. He might've had a conversation with
18 his -- (unintelligible). Not relevant to this case.

19 AST. SOL. KIDD: All right. How about I just enter the
20 print outs from the disc that are relevant to me or I mean
21 relevant to the case?

22 THE COURT: Are you trying -- (unintelligible). I
23 assume this is his client's phone?

24 AST. SOL. KIDD: Yes, ma'am.

25 THE COURT: And are you going to object to this witness

1 -- (unintelligible)?

2 MR. PEPER: I would assume so. I mean, I don't -- I've
3 never known him to be anything but just a detective, they
4 guy that does ---

5 THE COURT: He says he has extensive experience. He
6 works for the Secret Service Task Force. Apparently, he's
7 trained in the software.

8 MR. PEPER: I mean, I don't want to do it in-camera.
9 You know, well ---

10 THE COURT: Either you -- how many times has he
11 testified as an expert?

12 MR. PEPER: I mean, are you going to offer him?

13 AST. SOL. KIDD: Testified three weeks ago as an expert
14 in the same thing.

15 MR. PEPER: That's fine. I mean ---

16 THE COURT: He's gonna need to qualify him as an expert
17 to render opinions.

18 MR. PEPER: Right.

19 THE COURT: As to the software.

20 MR. PEPER: I mean, he can't render an opinion as to
21 what he thinks something means. I mean, you know . . .

22 THE COURT: No. But in terms of him extracting stuff
23 from a phone ---

24 MR. PEPER: Right.

25 THE COURT: That takes expertise ---

1 MR. PEPER: I agree. Yes, ma'am. I agree. If it's
2 for the limited purpose of being able to expertly extract
3 something, then, you know ---

4 AST. SOL. KIDD: And I'm not going to ask him to
5 interpret any of the information.

6 MR. PEPER: Okay.

7 AST. SOL. KIDD: I just, you know ---

8 THE COURT: Pictures and call logs and
9 --(unintelligible). But have you shown him what it is
10 you're seeking to introduce from that disc?

11 AST. SOL. KIDD: I believe I have in passing, probably
12 not specifically.

13 THE COURT: What is it that you want off the disc?

14 AST. SOL. KIDD: This is just -- this is the wrong one.
15 Excuse me. This is a picture before he searched the phone
16 with the search number. This is his call log relevant to me
17 because of, one, we heard the 911 call from the Ford Edge,
18 this phone is blue-toothed to the Ford Edge. And you have
19 the 911 calls going --

20 THE COURT: Why don't you just ask -- the one call?
21 What other calls are on it?

22 AST. SOL. KIDD: Well, there's a lot of other calls
23 that are pertinent. Specifically the calls that were
24 testified to by Daquan Gilliard in the -- when they're
25 sitting behind the house on Tripe Street and then again in

1 the driveway of Admiral being this 0404 number which we've
2 identified as Stewy.

3 THE COURT: Okay.

4 AST. SOL. KIDD: And then additionally, also police
5 researched this 8650 number which is a common number found
6 on Keith Evans' phone which is important.

7 THE COURT: Common number found on what?

8 AST. SOL. KIDD: In another phone we're going to get
9 into later which a witness is going to testify that when
10 they're at the Admiral Street address, Mr. Wilson then uses
11 Mr. Evans' phone to make some additional phone call. And
12 the common numbers between both the numbers removed from
13 Mr. Wilson's phone and Mr. Evans' phone I think is
14 especially germane, especially since when you look at the
15 call log of Mr. Wilson, he has a history of calling those
16 numbers. And when you look at the call log of Mr. Evans,
17 those numbers have never been dialed before that night.

18 THE COURT: (Unintelligible) -- subpoena?

19 AST. SOL. KIDD: As to the text messages on the night
20 of the murder, there's a three text-message exchange through
21 a number. It says -- from Mr. Wilson's phone, it says "WYD"
22 which is "What are you doing?" The response is, "Who is
23 this?" And then he sends out Bubby, which identifies him as
24 Justin Wilson. And that text message is sent at 1:52 a.m.
25 which indicates this phone is in his possession at 1:52

1 which is 12 or 13 minutes before the shooting. This phone
2 is found in the defendant's car at the scene.

3 THE COURT: I need to know what else you're seeking to
4 introduce.

5 AST. SOL. KIDD: Photographs on the phone of him with
6 firearms.

7 THE COURT: Is that the gun that -- (unintelligible)?

8 AST. SOL. KIDD: No, ma'am. But I think ---

9 THE COURT: Why is it relevant?

10 AST. SOL. KIDD: Because it shows the phone was his.
11 These are photographs of him in his phone.

12 THE COURT: Yeah. And then you'll have to redact that
13 gun out. I don't think -- are they contesting this is his
14 phone?

15 AST. SOL. KIDD: I mean, I don't think they're going to
16 admit it's his phone. They might.

17 THE COURT: (Unintelligible).

18 AST. SOL. KIDD: Even if they do admit it, I still have
19 to prove my case the way I have to prove my case.

20 THE COURT: I understand that. But you're not going to
21 prove it with a picture of a gun -- (unintelligible).

22 AST. SOL. KIDD: Right. That photograph as well.

23 THE COURT: -- identify it.

24 AST. SOL. KIDD: And an additional photograph of him.
25 You know, also a bud (ph) history search from the phone

1 where he is going to -- Brown Ale's (ph) which is a firearms
2 dealer website buying ---

3 THE COURT: Can you prove he bought the --
4 (unintelligible).

5 AST. SOL. KIDD: I can prove not that -- but I think
6 it's circumstantial evidence this is ---

7 THE COURT: (Unintelligible) -- unless you can prove --
8 (unintelligible). Are you going to consent to any of these
9 -- (unintelligible) -- or do I need to hear --
10 (unintelligible) -- outside the jury's presence?

11 MR. PEPPER: We need to do it one by one just as far as
12 what's he going to introduce. My position would be ---

13 THE COURT: Y'all can stand back. Take all your stuff
14 with you. Thank you.

15

16 4:19 p.m., Page 597 of Transcript

17 AST. SOL. KIDD: This is the photo that they've
18 objected to that came off of Keith's phone. It's the
19 screenshot between the conversation of Keith ---

20 THE COURT: You need to establish --
21 (unintelligible) -- and you need to establish why it's
22 relevant. For what purpose are you seeking to admit?

23 AST. SOL. KIDD: There's a number of purposes. One,
24 the date, which I will get through him, is the day he's
25 released from hospital after being shot. I think it goes to

1 the length of their relationship and how close they are in
2 that, you know, he's checking on him minute one after being
3 shot. He's here testifying against him and I think that
4 goes a long way towards his credibility. But I also think
5 it establishes motive. He is now testified very succinctly
6 that they're looking for the person who shot Bubby. This is
7 very distinct evidence of Bubby being shot, which at this
8 time is the motive for this crime.

9 THE COURT: You object to the picture?

10 MR. PEPER: I object.

11 THE COURT: What's the basis of your objection?

12 MR. PEPER: I don't understand what the relevance is.

13 THE COURT: Well, he has a point about --

14 (unintelligible) -- based on -- his corroboration and -- not
15 knowing ---

16 MR. PEPER: What does that have to do with anything?

17 THE COURT: Because -- (unintelligible) -- connect the
18 dots -- (unintelligible) ---

19 MR. PEPER: Assuming he does.

20 THE COURT: (Unintelligible).

21 MR. PEPER: Right. Assuming he does connect the dots
22 that will go towards the prejudicial of the jury now knowing
23 he got shot.

24 THE COURT: (Unintelligible) -- shot all the time.
25 Innocent guy -- (unintelligible). I don't think really

1 matters why he was shot at this moment -- (unintelligible)
2 -- if it's being offered for his credibility --
3 (unintelligible).

4 MR. PEPER: I agree. Yeah.

5

6 4:49 p.m., Page 613 of Transcript

7 THE COURT: How long do you think you're going to be in
8 your examination of the -- (unintelligible).

9 AST. SOL. KIDD: I've got a lot to go through.

10 THE COURT: (Unintelligible).

11 AST. SOL. KIDD: Hour and a half; hour.

12 THE COURT: (Unintelligible).

13 AST. SOL. KIDD: We've got a lot to go through.

14 THE COURT: How much longer -- (unintelligible).

15 MR. PRICE: He's going to go first -- (unintelligible)
16 -- what he does -- what I'll do.

17 THE COURT: I'm going to -- (unintelligible). Give the
18 jury a chance to make phones calls -- (unintelligible).

19 We're probably going to go to about five-ish --

20 (unintelligible).

21

22 5:18 p.m., Page 619 of Transcript.

23 MR. PEPER: I'm going to ask that since this is on
24 direct and this is a recorded video, if they play the entire
25 video. Just press play. Now if he were to stop and ask

1 questions, that's understandable. But to date, he's played
2 at least twice about three times just the Mitsubishi. Just
3 play the whole thing.

4 THE COURT: You can play the whole thing if you want --
5 (unintelligible). But videos speak for themselves. They
6 don't need to be -- (unintelligible). You need somebody to
7 identify -- (unintelligible).

8 MR. PEPER: Thank you.

9
10 5:19 p.m., Page 620 of Transcript

11 MR. PEPER: Maybe I misunderstood your ruling, but I
12 thought he was going to play the whole thing.

13 THE COURT: (Unintelligible).

14 MR. PEPER: It's my understanding --
15 (unintelligible) -- if it's a recorded statement, it's got
16 to come in on direct. I can't --

17 THE COURT: This isn't a recorded statement. This is
18 dash cam. You can make a motion for completeness as ---

19 MR. PEPER: Right. I understand.

20 THE COURT: (Unintelligible) -- but you don't annotate
21 a video -- (unintelligible) -- if you want to replay the
22 whole thing on your cross-examination --

23 MR. PEPER: It's already in -- (unintelligible).

24 AST. SOL. KIDD: The whole thing is in. I'm just
25 trying to get through it ---

1 THE COURT: Just like ---

2 AST. SOL. KIDD: Just trying to save us time.

3 THE COURT: (Unintelligible).

4 MR. PEPER: (Unintelligible).

5 THE COURT: Which they probably will.

6 MR. PEPER: Yeah. Thank you.

7 THE COURT: (Unintelligible) -- we'll deal with that
8 later.

9

10 5:41 p.m., Page 632 of Transcript

11 THE COURT: Is this the -- (unintelligible).

12 AST. SOL. KIDD: It's his Facebook page and then a
13 picture of him.

14 THE COURT: (Unintelligible).

15 AST. SOL. KIDD: One, to identify it which is actually
16 his Facebook page.

17 THE COURT: (Unintelligible).

18 AST. SOL. KIDD: Uh-huh. So that's a photo of Jason
19 Dubois who is Stewy.

20 THE COURT: Yeah. It says it's a -- (unintelligible).

21 AST. SOL. KIDD: Right.

22 THE COURT: (Unintelligible).

23 MR. PEPER: Well, what's it being submitted for? For
24 identification purposes?

25 THE COURT: -- Stewy is a regular -- (unintelligible).

1 MR. PEPPER: I mean, is there any relevance to --
2 (unintelligible) -- show picture of Stewy --
3 (unintelligible).

4 AST. SOL. KIDD: So the relevance will be through
5 another witness, but the relevance is --

6 THE COURT: That's not what he's asking. He's asking
7 why do you need a Facebook picture to show who Stewy is ---

8 AST. SOL. KIDD: Because it identifies Stewy's Facebook
9 who is now also be connected with Justin and Tater or Marvin
10 through Facebook.

11 THE COURT: (Unintelligible).

12 AST. SOL. KIDD: Through being Facebook friends with
13 those two individuals. It shows the connection.

14 THE COURT: You don't have anything to show that the
15 documents -- (unintelligible).

16 AST. SOL. KIDD: Because we have access to their
17 Facebook accounts and you can see -- people who have done
18 that investigation who can testify they've gone at that page
19 and they've looked at who is friends with who's ---

20 THE COURT: --- but have you seen -- (unintelligible)
21 -- unless they agree to it. I guess I'm trying to figure
22 out what's the basis of the objection.

23 MR. PEPPER: Authentication. (Unintelligible) -- for
24 ID purposes.

25 THE COURT: (Unintelligible). They'll be marked for ID

1 only right now. We'll take it up later when we have time.
2 ID Only.

3 AST. SOL. KIDD: This is not a bad time to take a break
4 if you want to. It's 5:45.

5 THE COURT: (Unintelligible).

6

7 5:47 p.m., Page 635 of Transcript

8 MR. PEPER: For what purpose -- (unintelligible).

9 AST. SOL. KIDD: For a few purposes. The first being
10 identifying names and nicknames.

11 THE COURT: (Unintelligible).

12 AST. SOL. KIDD: The future purpose would be to
13 establish other Facebook posts and things like that that
14 have been pulled from their accounts by other individuals.
15 So the first is to lay the foundation that these are in fact
16 these individual Facebook accounts so I can authenticate
17 future documents through other witnesses.

18 THE COURT: (Unintelligible) -- it might be his child.
19 I'm not sure.

20 MR. PEPER: What I heard was what are these and they're
21 his Facebook account -- (unintelligible). I just don't know
22 how he's authenticating through ---

23 THE COURT: (Unintelligible).

24 MR. PEPER: Okay. So has he had ---

25 THE COURT: That's the last post. And they were

1 printed on 21st at 9:42; 9:41, 9:42.

2 MR. PRICE: (Unintelligible).

3 MR. PEPER: Are you doing this for nickname purposes?

4 THE COURT: I assume for corroboration on his
5 nicknames. What other purpose would you be offering --
6 (unintelligible).

7 AST. SOL. KIDD: That's the first purpose. And the
8 second purpose would be for future witnesses who have pulled
9 other documents, other photos, and other relevant
10 information from their Facebook accounts. So this is to
11 link ---

12 THE COURT: Whose Facebook accounts?

13 AST. SOL. KIDD: Both Marvin Bryan's and Justin
14 Wilson's.

15 THE COURT: What is it you're offering to show?

16 AST. SOL. KIDD: Well, those photographs are offered to
17 show ---

18 THE COURT: No, not this. I'm talking about other ones
19 that you claim you're going link to these.

20 AST. SOL. KIDD: The other ones will show motive. The
21 other ones will show ---

22 THE COURT: (Unintelligible).

23 AST. SOL. KIDD: I mean, they're making statements,
24 affiliations with specifically as to -- I'm going to get you
25 the documents if you would like to see it.

1 THE COURT: Yeah, that would be nice. I can see them
2 in advance. I'm going to take it under advisement. For now
3 they'll be marked for ID only.

4
5 5:51 p.m., Page 636 of Transcript

6 MR. PRICE: I'm not sure who it was. I think they,
7 they being Justin and -- (unintelligible) -- be part of West
8 Cash. He has no way -- (unintelligible) ---

9 THE COURT: He has a long standing relationship with
10 him. And he sees him -- (unintelligible).

11 MR. PRICE: My client doesn't -- my client doesn't
12 believe he's a part of anything. Just because he's in
13 Ashleyville doesn't mean he's a part of West Cash.

14 THE COURT: He says with his own personal knowledge --
15 I don't know what his answer is going to be. He certainly
16 has the foundation -- (unintelligible). He's been around it
17 enough. He says he's -- (unintelligible).

18 MR. PRICE: Okay. I'll cross him on it.

19 MR. PEPPER: (Unintelligible).

20 THE COURT: He doesn't call it a gang. Where he lives
21 or what purposes -- (unintelligible).

22 AST. SOL. KIDD: I think ultimately what we will prove
23 is that there is a back and forth retaliation going on
24 between -- I'm not never going to refer to him as a gang --
25 but with Ashleyville and this North Charleston Runway group.

1 MR. PEPER: (Unintelligible).

2 THE COURT: I haven't heard anything that ties all that
3 together yet. (Unintelligible) -- he doesn't have any
4 personal knowledge of -- and what somebody told him and what
5 he heard, that's not -- (unintelligible). It's not
6 admissible -- (unintelligible). So for now, for now, for
7 this moment, until I can think -- (unintelligible) -- next
8 set of questions. It's under advisement.

9

10 **Thursday, June 22, 2017**

11 (*Thursday proceedings were transcribed by a different court
12 reporter, therefore page numbers are not provided.)

13

14 9:45 a.m.

15 AST. SOL. KIDD: I don't have anymore questions for
16 this witness. My only concern is the outstanding issue ---

17 THE COURT: (Unintelligible).

18 AST. SOL. KIDD: Okay.

19 THE COURT: (Unintelligible).

20 AST. SOL. KIDD: Yes, ma'am.

21 THE COURT: I don't think he has any additional
22 questions to ask -- (unintelligible).

23 AST. SOL. KIDD: I think I've laid the foundation.

24

25

1 9:58 a.m.

2 THE COURT: (Unintelligible) -- be very careful of the
3 characterization -- (unintelligible).

4 MR. PEPER: Yes, ma'am.

5 THE COURT: Characterizing his as something -- I think
6 there's just a different way to ask the question.

7 MR. PEPER: I agree. I agree.

8 THE COURT: (Unintelligible) -- veracity.

9 MR. PEPER: I would just ask -- it's cross-examination,
10 but I ---

11 THE COURT: You have wide latitude. You still --
12 (unintelligible), you know, you got caught up in the drama.

13 MR. PEPER: Okay. Thank you.

14 THE COURT: You're welcome.

15

16 10:02 a.m.

17 MR. PEPER: When I was crossing ---

18 THE COURT: (Unintelligible).

19 MR. PEPER: (Unintelligible) -- sticking ---

20 THE COURT: --- when you ask questions in that way, he
21 has the right to rehabilitate his witness --
22 (unintelligible) -- to say what he said -- (unintelligible).

23 MR. PEPER: Okay.

24 THE COURT: There is a proper way to ask the question.
25 (Unintelligible)-- his motives, his credibility --

1 (unintelligible). You're going to make --
2 (unintelligible) -- a witness -- (unintelligible) -- he has
3 to rehabilitate himself.

4 MR. PEPER: Yeah. I know, I know.

5 THE COURT: (Unintelligible).

6 MR. PEPER: When we were talking about this with
7 Daquan, Judge, you basically told me the same thing but you
8 said make sure if you're going to ask him that ---

9 THE COURT: (Unintelligible) -- to rehabilitate. And
10 that's just, you know -- what the jury is going to do.

11 MR. PEPER: Okay.

12 THE COURT: (Unintelligible).

13 MR. PEPER: Maybe I'm missing -- I thought you told me
14 if you're going to ask him that make sure you ask him the
15 exact ---

16 THE COURT: (Unintelligible). You need to --
17 (unintelligible) -- phrase it other than --
18 (unintelligible) -- Mr. Kidd -- (unintelligible) and his
19 credibility.

20 MR. PEPER: I gotcha.

21 THE COURT: (Unintelligible).

22 MR. PEPER: That's not what I'm trying to do, yeah.

23 THE COURT: (Unintelligible) -- rehabilitate himself.
24 (Unintelligible).

25 MR. PEPER: I gotcha.

1 THE COURT: See if you can rephrase it, please.

2 MR. PEPER: All right. Thank you.

3 THE COURT: You're welcome.

4

5 10:27 a.m.

6 AST. SOL. KIDD: In Mr. Peper's cross-examination of
7 him I think he opened the door to a lot of things especially
8 when he starts questioning him about the incident at the
9 club where an individual named CB got a bottle broken over
10 his head by Creep. That's the exact stuff you told me to
11 stay away from. He's opened the door to the back and forth
12 between the West Cash and the Runway Group. I've just
13 called a handful of officers who can come in here and
14 testify to the exact incidents we're talking about. And
15 he's now opened the door to them.

16 THE COURT: I'm gonna have to think about that. Stand
17 back for me.

18

19 11:30 a.m.

20 THE COURT: Yes, sir.

21 AST. SOL. KIDD: My next witness will be Mr. Cheney
22 regarding the Facebook stuff which I know ---

23 THE COURT: That's your only other witness?

24 AST. SOL. KIDD: No, ma'am.

25 THE COURT: (Unintelligible) -- so I can send the jury

1 out for lunch.

2 AST. SOL. KIDD: Well, not that I ---

3 THE COURT: (Unintelligible).

4 AST. SOL. KIDD: Not that I can call before Mr. Cheney.

5 THE COURT: How many other -- you don't plan to call
6 Mr. Allen?

7 AST. SOL. KIDD: I think -- no, ma'am.

8 THE COURT: Mr. Williams?

9 AST. SOL. KIDD: No, ma'am. Adrian Williams? No,
10 ma'am.

11 THE COURT: Detective Butler will be last I assume?

12 AST. SOL. KIDD: Yes, ma'am.

13 THE COURT: Niblock?

14 AST. SOL. KIDD: I don't believe I need to call her at
15 this point.

16 THE COURT: Tammy Greene?

17 AST. SOL. KIDD: Through rebuttal if necessary.

18 THE COURT: Marcus Green.

19 AST. SOL. KIDD: Same.

20 THE COURT: Bailey?

21 AST. SOL. KIDD: Yeah. No, ma'am. I really don't have
22 many witnesses ---

23 THE COURT: Desheers?

24 AST. SOL. KIDD: Dependent on what happens with
25 Mr. Cheney.

1 THE COURT: Gerten?

2 AST. SOL. KIDD: Dependent on Mr. Cheney.

3 THE COURT: Manigault?

4 AST. SOL. KIDD: I'm not going to call him.

5 THE COURT: Blake?

6 AST. SOL. KIDD: I'm not going to call him.

7 THE COURT: Kosarko?

8 AST. SOL. KIDD: Dependent on Mr. Cheney.

9 THE COURT: Ambrose?

10 AST. SOL. KIDD: Dependent on Mr. Cheney.

11 THE COURT: Alex Gray?

12 AST. SOL. KIDD: I'm not going to call Mr. Gray.

13 THE COURT: Kubicsko?

14 AST. SOL. KIDD: No, ma'am.

15 THE COURT: Alana Keith?

16 AST. SOL. KIDD: Dependent on Mr. Cheney.

17 THE COURT: Sergeant Andrew Coker.

18 AST. SOL. KIDD: I'm not going to call Mr. Coker.

19 THE COURT: Thailando King?

20 AST. SOL. KIDD: I can't find him.

21 THE COURT: Now, why aren't you calling the other
22 witness? How are you going to establish their relationship?

23 AST. SOL. KIDD: I believe I have established.

24 THE COURT: You can't find him? Is that --

25 (unintelligible).

1 AST. SOL. KIDD: I've got a warrant out for Mr. Allen.
2 Mr. Capers is testifying. I believe I had the EMS testify
3 about Mr. Williams injuries.

4 THE COURT: Where is Mr. Williams?

5 AST. SOL. KIDD: That's a good question.

6 THE COURT: All right. Stand back for me, please.

7

8 3:32 p.m.

9 MR. PRICE: I'm not going to ask her what someone said.
10 I'm going to ask her that through her investigation, did a
11 witness indicate that they could have picked the defendant
12 out of a photo lineup.

13 THE COURT: That's hearsay. It's a roundabout way of
14 having her say what somebody told her. She can say what she
15 did as a result of that.

16 MR. PRICE: I know.

17 THE COURT: But she can't say that she spoke to
18 somebody in -- (unintelligible).

19 MR. PEPPER: (Unintelligible) -- then she ran --
20 (unintelligible).

21 THE COURT: She can say what she did as a result. But
22 she can't say what somebody told her.

23 MR. PEPPER: As result, she can -- (unintelligible) --
24 right?

25 THE COURT: She can say through her investigation what

1 she did.

2 MR. PRICE: Correct. Okay.

3 THE COURT: Just can't say what somebody said.

4 MR. PRICE: I got it.

5 - - - - -

6 (End of Bench Conferences.)

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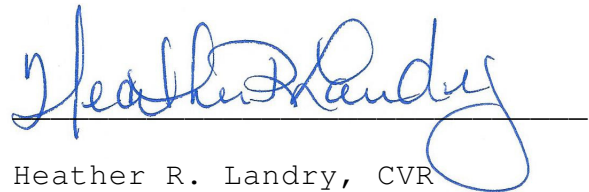
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STATE OF SOUTH CAROLINA)
) CERTIFICATE OF REPORTER
COUNTY OF CHARLESTON)

I, HEATHER R. LANDRY, at the time of this trial, Official Court Reporter for the Judicial Department of the State of South Carolina, do hereby certify that the foregoing transcript has been produced using digital recordings of the bench conference proceedings had in the trial of the captioned case, in the Court of General Sessions for Charleston County, South Carolina, on the 19th-23rd day(s) of June 2017.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

October 1, 2018



Heather R. Landry, CVR
Court Reporter